



Planning and Strategy Committee of the Whole

14 June 2017

**UNDER SEPARATE COVER
ATTACHMENTS**

Item 4.1
Item 4.2

**QUEANBEYAN-PALERANG REGIONAL COUNCIL
PLANNING AND STRATEGY COMMITTEE OF THE WHOLE**

ATTACHMENTS – 14 June 2017 Page i

Item 4.1 Development Application 2016.203 - Six Lot Subdivision - 8360 Monaro Highway, Royalla	
Attachment 1 DA.2016.203 - 8360 Monaro Highway - Sec 79C Matters for Consideration	2
Attachment 2 DA.2016.203 - 8360 Monaro Hwy, Royalla - 6 Lot Subdivision - Amended Plan of Subdivision	34
Attachment 3 DA.2016.203 - 8360 Royalla Drive - Submissions - Redacted - First Notification	36
Attachment 4 DA.2016.203 - 8360 Monaro Highway - Submissions - redacted - Second Notification	46
Attachment 5 DA.2016.203 - 8360 Monaro Highway - Draft Conditions of Consent	57
Attachment 6 DA.2016.203 - 8360 Monaro Highway - Detail Survey dated 19 May 2017 - Lot 29 DP 1015516 (002)	80
Item 4.2 Development Application 14-2017 - Commercial Alterations and Additions to the Tourist Hotel - 31 Monaro Street, Queanbeyan	
Attachment 1 DA 14-2017 - Section 79C Matters for Consideration - 31 Monaro Street	82
Attachment 2 DA 14-2017 - Architectural Plans - 31 Monaro Street - Tourist Hotel	109
Attachment 3 DA 14-2017 - Traffic and Parking Statement - 31 Monaro Street	115
Attachment 4 DA 17-2017 - Draft Conditions of Consent 31 Monaro Street	126

QUEANBEYAN-PALERANG REGIONAL COUNCIL

Planning and Strategy Committee of the Whole Meeting Attachment

14 JUNE 2017

ITEM 4.1 DEVELOPMENT APPLICATION 2016.203 - SIX LOT
SUBDIVISION - 8360 MONARO HIGHWAY, ROYALLA

ATTACHMENT 1 DA.2016.203 - 8360 MONARO HIGHWAY - SEC 79C MATTERS
FOR CONSIDERATION

4.1 Development Application 2016.203 - Six Lot Subdivision - 8360 Monaro Highway, Royalla

Attachment 1 - DA.2016.203 - 8360 Monaro Highway - Sec 79C Matters for Consideration (Continued)

Development Application 2016-203 – Six lot subdivision and road at 8360 Monaro Highway, Royalla.

ATTACHMENT – SECTION 5A and SECTION 79C(1) TABLE – Matters For Consideration

The application has been assessed under Section 5A EP&A Act 1979 – Significant effect on threatened species, populations or ecological communities, or their habitats of the *Environmental Planning & Assessment Act 1979*.

Three ecological studies and assessments have been undertaken over the site and locality:

- *Geoff Butler & Associates* prepared a Flora and Fauna Assessment in 2008
- *Ecological Australia* prepared an updated Flora and Fauna Assessment of the site 31 August 2016
- A further Flora & Fauna Survey Assessment prepared by *Biosis* was submitted on 19 April 2017. Their assessment reviewed both the *Ecological Australia* and *Geoff Butler & Associates* assessments and conclusions together with their own assessments.
- *Ecological Australia* also reviewed the following material:
 - NSW BioNet, Atlas of NSW Wildlife database search (20km and IBRA subregion), assessed 7 July 2016
 - EPBC Protected Matters Search tool (20km), accessed 7 July 2016 (Environment Australia 2016)
 - Geoff Butler & Associates (2008) report into environmental matters across the broader property during previous considerations
 - NSW Vegetation Information System (VIS –C) analysis of likely vegetation communities, accessed 13 July 2016 (OEH 2016b)
 - Vegetation mapping for the Monaro Region (Walter & Schelling 20014)

Pursuant to 5A (2) of the Act the following matters must be taken into consideration by Council in deciding whether there is likely to be significant effect from the development on any threatened species, populations or ecological communities, or their habitats.

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

- (a) in the case of a threatened species, whether the 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,*
 - (b) 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,*
 - (c) in the case of an endangered ecological community or critically endangered ecological community, whether the action proposed:*
 - (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,*
 - (d) in relation to the habitat of a threatened species, population or ecological community:*
 - (i) the extent to which habitat is likely to be removed or modified as a result of the action proposed,*
- and*

4.1 Development Application 2016.203 - Six Lot Subdivision - 8360 Monaro Highway, Royalla
Attachment 1 - DA.2016.203 - 8360 Monaro Highway - Sec 79C Matters for Consideration (Continued)

- (ii) *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*
(iii) *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,*
(e) *whether the action proposed is likely to have an adverse effect on critical habitat (either directly or indirectly),*
(f) *whether the action proposed is consistent with the objectives or actions of a recovery plan or threat abatement plan,*
(g) *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.*

The ecologist, *Ecological Australia* has undertaken a number of Assessments of Significance as per the considerations above under the following legislation namely:

NSW Threatened Species Conservation Act 1995

Flora

- a) Tablelands Snow Gum, Black Sallee, Candlebark and Ribbon Gum Grassy Woodland in the South Eastern Highlands, Sydney Basin, South Eastern Corner and NSW South Western Slopes Bioregions.
Conclusion: The condition of this remnant is very strongly compromised by the lack of canopy and the intensive history of grazing. The impact to a derived grassland form of the community is unlikely to significantly impact the EEC.
- b) White Yellow Box – Blakely's Red Gum Woodland (NSW TSC listing)
Conclusion: An area of derived native grassland form of the Box-Gum Grassy Woodland is affected by the subdivision. It was recommended further survey/assessment be carried out.
- c) Swainsona recta (endangered), Small Purple Pea, Mountain Swainson-pea
Conclusion: It was recommended that further survey/assessment be carried out.
- d) Swainsona sericea (Vulnerable) Silky Swainson-pea
Conclusion: It was recommended that further survey/assessment be carried out.

Fauna

- e) Hieraaetus morphnoides (Vulnerable) Little Eagle
Conclusion: The proposal is unlikely to constitute a significant impact on Little Eagle given that the subdivision would constitute a minor disturbance given the amount of foraging habitat within the small lot subdivision area (16.27ha of foraging habitat only); the subdivision would not disturb any canopy trees; large areas of suitable foraging habitat are present within the surrounding landscape and the proposal would not isolate any fragment any currently connecting areas of habitat in terms of use by this highly mobile species. Based on this it is unlikely the subdivision would constitute a significant impact on the Little Eagle.
- f) Suta flagellum (Vulnerable) Little Whip Snake

4.1 Development Application 2016.203 - Six Lot Subdivision - 8360 Monaro Highway, Royalla

Attachment 1 - DA.2016.203 - 8360 Monaro Highway - Sec 79C Matters for Consideration (Continued)

Conclusion: The impact of the subdivision on the Little Whip Snake, as determined by the 7- part test, is not considered to be significant.

- g) *Stagonopleura guttata* (Vulnerable) Diamond Firetail

Conclusion: The impact of this proposal on the Diamond Firetail as determined through the above 7- part test, is not considered to be significant.

In addition consideration of endangered flora and fauna species identified under Commonwealth legislation was assessed by the *Ecological Australia* as follows:

Commonwealth Environment Protection and Biodiversity Conservation Act 1999 (EPBC Act)

Flora

- h) White Box-Yellow Box-Blakely's Red Gum Woodland and Derived Native Grasslands
- i) *Swainsona recta*
- j) *Leucochrysum albicans* var. *tricolor* (Endangered) Hoary Sunray.

Fauna

- k) *Ardea ibis* (Cattle Egret)

A further Flora and Fauna Assessment was prepared by **Biosis** (ecologists) dated 19 April 2017. The report advised:

The *Ecological* flora and fauna conclusions in their assessment were inconsistent with the preliminary ecological assessments undertaken by *Geoff Butler and Associates* 2008. Further inconsistency relates to the addition of a northern tributary traversing the study area which does not feature in the NSW Land & Property Information, Hydro Line dataset (LPI 2012) in the *Ecological Australia* report which on site was found to be located approximately 100m from the nearest drainage line.

The objective of the further ecological report was to identify the vegetation communities occurring within the study area and address inconsistencies between the flora and fauna assessments by *Geoff Butler and Associates* and *Ecological Australia*.

The revised study identified five vegetation communities:

- Box Gum Woodland- Derived Grassland (EPBC Act and TSC Act)
- Box Gum Woodland (TSC Act)
- Tablelands Dry Shrubby Box Forest
- Native Pasture
- Exotic Pasture

A constraints analysis of the study area was prepared showing the location of low, medium and high constraints to development. The report recommends a number of measures to minimise or mitigate impacts associated with the proposal. These mitigation measures can be incorporated within the conditions of consent for compliance by the applicants when carrying out subdivision works.

4.1 Development Application 2016.203 - Six Lot Subdivision - 8360 Monaro Highway, Royalla

Attachment 1 - DA.2016.203 - 8360 Monaro Highway - Sec 79C Matters for Consideration (Continued)

The *Biosis* report concludes no flora, fauna species or endangered populations listed under the TSC Act, EPBC Act or Fisheries Management Act (FM Act) were recorded during their investigations. The report identified the following ecological values within the study area:

- Box Gum Woodlands – Derived Grassland CEEC (EPBC Act)
- Box Gum Woodlands EEC (TSC Act)
- Moderate quality habitat for Small purple-pea
- Moderate quality foraging habitat for little eagle and moderate quality foraging for, dispersal and limited nesting habitat for 8 bird species listed under the TSC Act
- Two unnamed ephemeral tributaries
- Fauna habitat features including:
 - Five hollow bearing trees
 - Numerous granitic boulders and rocky outcrops.

The potential impacts to Box Gum Woodland – Derived Grassland (EPBC Act and TSC Act) and removal and modification of Box Gum Woodland (TSC Act) were assessed. The assessment concluded the potential removal or modification of these communities will not affect their continued existence in the locality. **The ecologists advises the entire patch of (2.42ha) of Box Gum Woodland – Derived Grassland (EPBC Act and TSC Act) will be fenced off and managed in an unmarked environmental exclusion zone to ensure its protection.** Fencing of this area will form part of the recommended conditions.

The report further advises native vegetation designated for potential removal or modification does not form an EEC and requires no further assessment. **The ecologist however recommends 5 hollow hollow bearing trees should be retained to conserve potential breeding habitat for non - threatened avifauna in addition to arboreal and aerial mammals within the locality.** These trees have been identified on the ecologists plan.

The assessment of the application has revealed that the proposed works will not involve the removal of any hollow trees on site. A condition is recommended that none of the five (5) existing hollow trees are to be retained and protected during site works.

The potential indirect impacts to the Small Purple-pea moderate quality habitat and potential removal and/or modification to Little Eagle and Threatened Woodland bird habitat, required further assessment under Part 5A EP&A Act 1979. An assessment of significance was prepared for each of these species, and a SIC for Small Purple-pea, concluded that no adverse impacts to these species will result from the proposal (Appendix 5 & 6 of the report).

The proposed building envelopes shown on the subdivision plan reflect the recommendations of the flora and fauna assessments and recommendations.

Having regard to the provisions of Section 5A of the EP&A Act 1979 the ecologist (*Biosis*) assessments conclude there will no significant effect from the development on any threatened species, populations or ecological communities, or their habitats.

The ecologist (*Biosis*) further concludes the subdivision and associated works is unlikely to have a significant impact on the threatened species listed under the EPBC Act and referral to the Australian Government Department of Environment and Energy is not required.

4.1 Development Application 2016.203 - Six Lot Subdivision - 8360 Monaro Highway, Royalla

Attachment 1 - DA.2016.203 - 8360 Monaro Highway - Sec 79C Matters for Consideration (Continued)

The Box Gum Woodland – Derived Grassland area including rocky outcrops will be protected with fencing within proposed Lot 5.

No further ecological assessments or a Species Impact Statement for the proposal are therefore required.

This application has also 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 DA.2016.203**.

State Environmental Planning Policies

The following State Environmental Planning Policies (SEPPs) apply to the development:

State Environmental Planning Policy No 55 – Remediation of Land

The policy requires Council to consider the following:

7. Contamination and remediation to be considered in determining development application

(1) A consent authority must not consent to the carrying out of any development on land unless:

(a) it has considered whether the land is contaminated, and

(b) if the land is contaminated, it is satisfied that the land is suitable in its contaminated state (or will be suitable, after remediation) for the purpose for which the development is proposed to be carried out, and

(c) if the land requires remediation to be made suitable for the purpose for which the development is proposed to be carried out, it is satisfied that the land will be remediated before the land is used for that purpose.

Comment: The landowner has advised that to his knowledge owning the property for 30 years there has never been a sheep dip or any other potential contamination activities carried out on the site. Based on this information and Council records no remediation works are required under the SEPP.

State Environmental Planning Policy (Rural Lands) 2008

The matters in clause 10 are similar to Council's general controls that are considered in the assessment below. It is considered there will be no land use conflicts with adjoining land as a result of the proposal. Refer to the following provisions and comments.

7. Rural Planning Principles

The Rural Planning Principles are as follows:

(a) the promotion and protection of opportunities for current and potential productive and sustainable economic activities in rural areas,

(b) recognition of the importance of rural lands and agriculture and the changing nature of agriculture and of trends, demands and issues in agriculture in the area, region or State,

(c) recognition of the significance of rural land uses to the State and rural communities, including the social and economic benefits of rural land use and development,

(d) in planning for rural lands, to balance the social, economic and environmental interests of the community,

4.1 Development Application 2016.203 - Six Lot Subdivision - 8360 Monaro Highway, Royalla

Attachment 1 - DA.2016.203 - 8360 Monaro Highway - Sec 79C Matters for Consideration (Continued)

- (e) the identification and protection of natural resources, having regard to maintaining biodiversity, the protection of native vegetation, the importance of water resources and avoiding constrained land,
- (f) the provision of opportunities for rural lifestyle, settlement and housing that contribute to the social and economic welfare of rural communities,
- (g) the consideration of impacts on services and infrastructure and appropriate location when providing for rural housing,
- (h) ensuring consistency with any applicable regional strategy of the Department of Planning or any applicable local strategy endorsed by the Director-General.

Comment: The development satisfies the rural planning principles as it maintains opportunities for continued rural use of the property (the residue lot), it recognises the importance of rural lands and agriculture in the area and region, it protects environmental resources identified on the land and adjoining and considers impacts on infrastructure to serve the development.

8. Rural Subdivision Principles

The Rural Subdivision Principles are as follows:

- (a) the minimisation of rural land fragmentation,
- (b) the minimisation of rural land use conflicts, particularly between residential land uses and other rural land uses,
- (c) the consideration of the nature of existing agricultural holdings and the existing and planned future supply of rural residential land when considering lot sizes for rural lands,
- (d) the consideration of the natural and physical constraints and opportunities of land,
- (e) ensuring that planning for dwelling opportunities takes account of those constraints.

Comment: The proposal minimises rural land fragmentation. The majority of the original rural holding will remain intact to enable continued use for farming/grazing activities. The subdivision takes into account the physical constraints and opportunities over the property and future housing sites. There are not expected to be any conflicts between future housing on the lots and adjoining and nearby rural and rural residential lifestyle properties. The lot sizes are considered appropriate for rural lifestyle living.

10. Matters to be considered in determining development applications for rural subdivisions or rural dwellings

- (1) This clause applies to land in a rural zone, a rural residential zone or an environment protection zone.
- (2) A consent authority must take into account the matters specified in sub clause (3) when considering whether to grant consent to development on land to which this clause applies for any of the following purposes:
 - (a) subdivision of land proposed to be used for the purposes of a dwelling,
 - (b) erection of a dwelling.
- (3) The following matters are to be taken into account:
 - (a) the existing uses and approved uses of land in the vicinity of the development,
 - (b) whether or not the development is likely to have a significant impact on land uses that, in the opinion of the consent authority, are likely to be preferred and the predominant land uses in the vicinity of the development,
 - (c) whether or not the development is likely to be incompatible with a use referred to in paragraph (a) or (b),

4.1 Development Application 2016.203 - Six Lot Subdivision - 8360 Monaro Highway, Royalla

Attachment 1 - DA.2016.203 - 8360 Monaro Highway - Sec 79C Matters for Consideration (Continued)

- (d) if the land is not situated within a rural residential zone, whether or not the development is likely to be incompatible with a use on land within an adjoining rural residential zone,
- (e) any measures proposed by the applicant to avoid or minimise any incompatibility referred to in paragraph (c) or (d).

Comment: The development is not expected to have any significant impact on rural land uses in the vicinity. The proposed smaller lots are not considered incompatible with other rural occupations in the locality.

State Environmental Planning Policy (Infrastructure) 2007.

Electricity Transmission or distribution

Clause 45 applies to a development application that involves penetration of the ground within 2m of an electricity distribution pole or adjacent to a substation or within 5m of an exposed overhead electricity power line. Where these thresholds are met, a written notice must be provided to the electricity supply authority for comments about potential safety risks. The applicant will be required to consult with the Electricity Authority regarding supply of electricity to the site.

Essential Energy have advised:

The site is affected by a high voltage electricity transmission line. Essential Energy reviewed the application and advised it has no objection to the subdivision proposal provided:

- 1. If the proposal changes Essential Energy would need to be informed for further comment;*
- 2. No structure is built within the easement or within safety clearances of the existing and any new powerline;*
- 3. Any existing encumbrances in favour of Essential Energy (or its predecessors) noted on the title of the above property are complied with;*
- 4. Council ensures that a Notification of Arrangement (confirming satisfactory arrangements have been made for the provision of power) is issued by Essential Energy with respect to all proposed lots which will form part of the subdivision, prior to Council releasing the Subdivision Certificate. It is the applicants responsibility to make the appropriate application with Essential Energy for the supply of electricity to the subdivision, which may include the payment of fees and contributions.*

Essential Energy records indicate there is electricity infrastructure located within close proximity to the property. Any activities within this location must be undertaken in accordance with the latest industry guideline currently known as ISSC 20 Guideline for the Management of Activities within Electricity Easements and Close to Infrastructure.

Prior to carrying out any works, a "Dial Before You Dig" enquiry must be undertaken in accordance with the requirements of Part 5E (Protection of Underground Electricity power Lines) of the Electricity Supply Act 1995 (NSW).

Given there is electricity infrastructure in the area, it is the responsibility of the person/s completing any works around power lines to understand their safety responsibilities. SafeWork NSW www.safework.nsw.gov.au has publications that provide guidance when working close to electricity infrastructure. These include the Code of Practice – Work near Overhead Power Lines and Underground Assets.

Comment:

The above requirements will form part of the recommended conditions of any consent granted.

4.1 Development Application 2016.203 - Six Lot Subdivision - 8360 Monaro Highway, Royalla
Attachment 1 - DA.2016.203 - 8360 Monaro Highway - Sec 79C Matters for Consideration
(Continued)

Rail corridors

The land adjoins the Bombala to Goulburn rail line.

85 Development immediately adjacent to rail corridors

(1) This clause applies to development on land that is in or immediately adjacent to a rail corridor, if the development:

- (a) is likely to have an adverse effect on rail safety, or
- (b) involves the placing of a metal finish on a structure and the rail corridor concerned is used by electric trains, or
- (c) involves the use of a crane in air space above any rail corridor.

Comment: The rail line is currently not used. The development is unlikely to have any impact on the rail safety and will not involve any crane in air space above the rail corridor.

(2) Before determining a development application for development to which this clause applies, the consent authority must:

- (a) within 7 days after the application is made, give written notice of the application to the chief executive officer of the rail authority for the rail corridor, and
- (b) take into consideration:
 - (i) any response to the notice that is received within 21 days after the notice is given, and
 - (ii) any guidelines that are issued by the Secretary for the purposes of this clause and published in the Gazette.

Comment: The property adjoins a railway line. The adjoining railway line is no longer in use although may be used at some time in the future. The proposed building envelopes on proposed Lots 1&2 are setback 25m or more from the rail line to ensure minimal impact on any future use of the rail.

John Holland Rail were contacted and advised:

The subject land is owned by NSW Governments Transport for NSW being part of the Country Regional Network (CRN) rail lines across NSW. As of 15 January 2012, John Holland Rail Pty Ltd (JHR) has been appointed to manage the CRN. As such JHR is responsible for reviewing development applications adjoining the rail corridor.

JHR note the proposal adjoins the Goulburn – Bombala railway corridor, and that the proposed building envelopes are 25 to 41 metres from the railway boundary. While an acoustic assessment is not considered necessary for rail noise, it is recommended that Council consider whether noise mitigation measures are required to address road noise associated with the Monaro Highway.

Council may also wish to consider the imposition of a Section 88B Instrument (s88B) which stipulates the building envelope and/or notes that the property may be affected by rail/road noise and vibration, and that noise mitigation measures may be required in building construction. This can ensure future occupants are aware of the potential noise issues, and aware of required construction in the future.

It is also recommended that Council address stormwater and fencing as follows:

4.1 Development Application 2016.203 - Six Lot Subdivision - 8360 Monaro Highway, Royalla

Attachment 1 - DA.2016.203 - 8360 Monaro Highway - Sec 79C Matters for Consideration (Continued)

Fencing *The security of fencing along the rail corridor is essential to prevent unauthorised entry. JHR requests that Council impose a condition on any consent requiring a 1.8m chain wire fence or similar to prevent access, if relevant.*

Stormwater *It is requested that Council ensure that no additional stormwater flows towards the rail corridor.*

Further comment:

JHR suggested requirements for noise mitigation measures are considered reasonable and are recommended to be imposed as a condition imposing a s88B on the titles of all Lots 1-5 stipulating the building envelopes may be affected by rail/road noise and vibration and that noise mitigation measures may be required in building construction.

In relation to a 1.8m high chain wire fence request by JHR to prohibit access to the rail corridor an alternative option could be to request a rural fence as a barrier complying with Councils DCP requirements. At the request of JHR a 1.8m high chain wire fence is recommended as a condition of consent. Either style fence will prevent access to the rail corridor.

A notation will be placed on any recommended consent advising the applicant that no additional stormwater is the flow towards the rail corridor.

Road and traffic

Clauses 100-101 relate to development adjoining or with frontage to a classified road. The site adjoins the Monaro Highway being a classified road. No access is proposed from the highway to serve the proposed subdivision.

100 Development on proposed classified road

(1) Consent for development for any of the following purposes on land reserved for the purposes of a classified road (but before the land is declared to be a classified road) may be granted only with the concurrence of the chief executive officer of RMS:

- (a) subdivision that results in the creation of an additional lot with dwelling entitlements,
- (b) development with a capital investment value greater than \$150,000,
- (c) development for the purpose of dwellings that are, or any other building that is, to be held under strata title.

(2) Before determining a development application (or an application for modification of a consent) for development to which this clause applies, the consent authority must:

- (a) give written notice of the application to the chief executive officer of RMS within 7 days after the application is made, and
 - (b) take into consideration any response to the notice that is received within 21 days after the notice is given.
- (3) In deciding whether to grant concurrence to proposed development under this clause, the chief executive officer of RMS must take the following matters into consideration:

- (a) the need to carry out development for the purposes of a classified road or a proposed classified road,
 - (b) the imminence of acquisition of the land by RMS,
 - (c) the likely additional cost to RMS resulting from the carrying out of the proposed development.
- (4) The consent authority must give RMS a copy of the determination of the application within 7 days after the determination is made.

4.1 Development Application 2016.203 - Six Lot Subdivision - 8360 Monaro Highway, Royalla

Attachment 1 - DA.2016.203 - 8360 Monaro Highway - Sec 79C Matters for Consideration (Continued)

(5) The consent authority may grant consent to development to which this clause applies without the concurrence of the chief executive officer of RMS if:

- (a) the consent authority has given the chief executive officer notice of the development application, and
- (b) 21 days have passed since giving the notice and the chief executive officer has not granted or refused to grant the concurrence.

Comment: NSW Transport - Roads and Maritime Services were consulted regarding the development. Refer to their comments below.

101 Development with frontage to classified road

(1) The objectives of this clause are:

- (a) to ensure that new development does not compromise the effective and ongoing operation and function of classified roads, and
- (b) to prevent or reduce the potential impact of traffic noise and vehicle emission on development adjacent to classified roads.

(2) The consent authority must not grant consent to development on land that has a frontage to a classified road unless it is satisfied that:

- (a) where practicable, vehicular access to the land is provided by a road other than the classified road, and
- (b) the safety, efficiency and ongoing operation of the classified road will not be adversely affected by the development as a result of:
 - (i) the design of the vehicular access to the land, or
 - (ii) the emission of smoke or dust from the development, or
 - (iii) the nature, volume or frequency of vehicles using the classified road to gain access to the land, and
- (c) the development is of a type that is not sensitive to traffic noise or vehicle emissions, or is appropriately located and designed, or includes measures, to ameliorate potential traffic noise or vehicle emissions within the site of the development arising from the adjacent classified road.

Comment: NSW Transport - Roads and Maritime Services advised they have no objection to the development provided a Restriction on Use is made that prohibits access to the land from the Monaro Highway. A condition of consent is recommended in this regard.

The following SEPPs have been considered and do not apply to the development

State Environmental Planning Policy No 1—Development Standards

State Environmental Planning Policy No 21—Caravan Parks

State Environmental Planning Policy No 30—Intensive Agriculture

State Environmental Planning Policy No 33—Hazardous and Offensive Development

State Environmental Planning Policy No 36—Manufactured Home Estates

State Environmental Planning Policy No 44—Koala Habitat Protection

State Environmental Planning Policy No 50—Canal Estate Development

State Environmental Planning Policy No 62—Sustainable Aquaculture

State Environmental Planning Policy No. 64 - Advertising Signage

State Environmental Planning Policy No 65—Design Quality of Residential Apartment Development

State Environmental Planning Policy No 70—Affordable Housing (Revised Schemes)

State Environmental Planning Policy (Affordable Rental Housing) 2009

State Environmental Planning Policy (Exempt and Complying Development Codes) 2008

State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004

4.1 Development Application 2016.203 - Six Lot Subdivision - 8360 Monaro Highway, Royalla

Attachment 1 - DA.2016.203 - 8360 Monaro Highway - Sec 79C Matters for Consideration (Continued)

State Environmental Planning Policy (Integration and Repeals) 2016
State Environmental Planning Policy (Mining, Petroleum Production and Extractive Industries) 2007
State Environmental Planning Policy (Miscellaneous Consent Provisions) 2007
State Environmental Planning Policy (State and Regional Development) 2011
State Environmental Planning Policy (State Significant Precincts) 2005
State Environmental Planning Policy (Urban Renewal) 2010
State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004

There are no draft SEPPs applying to the land or to the proposal.

Local Environmental Plans

The proposed development has been assessed in accordance with the relevant requirements of the *Palerang Local Environmental Plan 2014* with no relevant draft LEPs apply to the land. A summary is provided as follows:

PALERANG LOCAL ENVIRONMENTAL PLAN 2014 COMMENTS		COMPLIES (Yes/No)
Part 1 Preliminary		
Clause 1.2 Aims of Plan		
<p>(2) <i>The particular aims of this Plan are as follows:</i></p> <p>(a) <i>to protect and improve the economic, environmental, social and cultural resources and prospects of the Palerang community,</i></p> <p>(b) <i>to encourage development that supports the long-term economic sustainability of the local community, by ensuring that development does not unreasonably increase the demand for public services or public facilities,</i></p> <p>(c) <i>to retain, protect and encourage sustainable primary industry and commerce,</i></p> <p>(d) <i>to ensure the orderly, innovative and appropriate use of resources in Palerang through the effective application of the principles of ecologically sustainable development,</i></p> <p>(e) <i>to retain and protect wetlands, watercourses and water quality and enhance biodiversity and habitat corridors by encouraging the linking of fragmented core habitat areas within Palerang,</i></p> <p>(f) <i>to identify, protect and provide areas used for community health and recreational activities,</i></p> <p>(g) <i>to ensure that innovative environmental design is encouraged in residential development.</i></p> <p><i>Comment:</i> The development is considered to be consistent with the aims of the PLEP 2014. The proposal will not unreasonably increase the demand for public services or facilities. Section 94 contributions will need to be paid by the applicant towards increased demand on local infrastructure. The design and siting of the development protects and encourages sustainable primary industry on the residue lot. The development will not compromise any environmental, economic, social or cultural prospects of the community. The development is supported by environmental studies to ensure the appropriate use of resources and minimal</p>		Yes

4.1 Development Application 2016.203 - Six Lot Subdivision - 8360 Monaro Highway, Royalla

Attachment 1 - DA.2016.203 - 8360 Monaro Highway - Sec 79C Matters for Consideration (Continued)

PALERANG LOCAL ENVIRONMENTAL PLAN 2014 COMMENTS	COMPLIES (Yes/No)
<p>environmental impact occurs. The subdivision design does not adversely impact on watercourses, water quality, biodiversity and habitat corridors. There are no known threats or serious or irreversible environmental impacts likely to occur, the health, diversity and productivity of the environment will be maintained for future generations and the subdivision is designed to protect biological diversity and the ecological integrity of the site.</p>	
Clause 1.4 Definitions	
<p>The development is a subdivision as defined under 4B Environmental Planning & Assessment Act 1979. The development also involves subdivision & roadworks.</p> <p>For the purposes of Section 4B of the Act, subdivision of land means the division of land into two or more parts that, after the division, would be obviously adapted for separate occupation and use. The application is for the purposes of a subdivision into 6 lots.</p> <p>A road is defined under the PLEP 2014 as:</p> <p><i>road</i> means a public road or a private road within the meaning of the Roads Act 1993, and includes a classified road.</p>	Yes
Part 2 Permitted or Prohibited Development	
Clause 2.1 Land Use Zones	
The site is zoned RU1 Primary Production and E4 Environmental Living	Yes
Clause 2.3 Zone Objectives and Land Use Tables	
<p>The objectives of the RU1 Primary Production zone are as follows:</p> <ul style="list-style-type: none"> • <i>To encourage sustainable primary industry production by maintaining and enhancing the natural resource base.</i> • <i>To encourage diversity in primary industry enterprises and systems appropriate for the area.</i> • <i>To minimise the fragmentation and alienation of resource lands.</i> • <i>To minimise conflict between land uses within this zone and land uses within adjoining zones.</i> • <i>To minimise the impact of any development on the natural environment.</i> • <i>To ensure that development does not unreasonably increase the demand for public services or facilities.</i> <p><i>Comment:</i> That part of the development being Lot 6 having an area of 152ha is considered to be consistent with the above objectives. Primary industry production will be maintained; it minimises fragmentation of rural land; it minimises conflict between</p>	Yes

4.1 Development Application 2016.203 - Six Lot Subdivision - 8360 Monaro Highway, Royalla

Attachment 1 - DA.2016.203 - 8360 Monaro Highway - Sec 79C Matters for Consideration (Continued)

PALERANG LOCAL ENVIRONMENTAL PLAN 2014 COMMENTS	COMPLIES (Yes/No)
<p>rural land uses; it minimises impact on the natural environment and it does not unreasonably increase the demand for public services and facilities.</p> <p>The objectives of the E4 Environmental Living zone are as follows:</p> <ul style="list-style-type: none"> • <i>To provide for low-impact residential development in areas with special ecological, scientific or aesthetic values.</i> • <i>To ensure that residential development does not have an adverse effect on those values.</i> • <i>To encourage development that is visually compatible with the landscape.</i> • <i>To minimise the impact of any development on the natural environment.</i> • <i>To ensure that development does not unreasonably increase the demand for public services or facilities.</i> • <i>To minimise conflict between land uses within the zone and land uses within adjoining zones.</i> <p><i>Comment:</i> That part of the development being Lots 1-5 satisfies the E4 zone objectives as it provides for low impact residential development in an area of ecological and aesthetic value; the development does not have an adverse impact on these values and it minimises the impact on the natural environment. The majority of the land holding the residue lot (152ha) will remain in its present state and condition.</p> <p><i>The objectives of Zone E2 Environmental Conservation are as follows:</i></p> <p>1 Objectives of zone</p> <ul style="list-style-type: none"> • <i>To protect, manage and restore areas of high ecological, scientific, cultural or aesthetic values.</i> • <i>To prevent development that could destroy, damage or otherwise have an adverse effect on those values.</i> • <i>To minimise the impact of any development on the natural environment.</i> • <i>To encourage rehabilitation and regeneration of ecosystems.</i> • <i>To provide for a very limited range of ecologically sustainable development and land use activities that provide for small scale and low impact recreation and amenities</i> <p><i>Comment:</i> Part of the proposed road will be sited within an area of Operational land which is zoned E2. The road will not impact on any high ecological values or have any adverse impact on those values and it minimises the impact on the natural environment.</p> <p>The development is permissible with Councils consent in zone RU1 and E2.</p>	
Clause 2.6 Subdivision - Consent requirements	
The land may only be subdivided with consent. The development application seeks Councils consent.	Yes
Part 4 Principal development Standards	

4.1 Development Application 2016.203 - Six Lot Subdivision - 8360 Monaro Highway, Royalla

Attachment 1 - DA.2016.203 - 8360 Monaro Highway - Sec 79C Matters for Consideration (Continued)

PALERANG LOCAL ENVIRONMENTAL PLAN 2014 COMMENTS	COMPLIES (Yes/No)
Clause 4.1 Minimum subdivision lot size	
<p>Clause 4.1 Minimum subdivision lot size</p> <p>The minimum lot size shown on the <u>Lot Size Map</u> is 6ha in the E4 zone and 80ha for RU1 zone. The objectives of this clause is to minimise any likely impact of subdivision and development on the neighbouring properties, to ensure that lot sizes are appropriate having regard to the objectives of the plan and relevant zone and that the lot sizes and dimensions allow dwellings to be sited to protect significant natural or cultural features. The subdivision design, lot sizes and their siting satisfy the clause objectives.</p> <p>Clause 4.1B Lot averaging subdivision of land in Zone E4</p> <p>Clause 4.1B (1) objective states:</p> <ul style="list-style-type: none"> • To enable appropriate subdivision design having regard to topographical constraints, agriculture productivity, biodiversity values and environmental impacts. • Clause applies to Zone E4 Environmental Living <p>Despite Clause 4.1 development consent may be granted to subdivide land if:</p> <ul style="list-style-type: none"> • If the averaging of lots created by the subdivision will not be less than the minimum size shown on the <u>Lot Size Map</u> • None of the lots created will be less than 2 ha <p><i>Comment:</i></p> <p>The minimum lot size shown on the <u>Lot Size Map</u> is 6ha.</p> <p>The proposed subdivision proposes 5 lots averaging 6ha with the minimum lot size being 3.501ha.</p> <p>The residue lot has an area of 152ha. The minimum required being 80ha.</p> <p>The subdivision therefore complies with the clause provisions. The lot cannot be further subdivided however.</p> <p>Clause 4.2A Erection of dwelling houses in certain rural and environmental protection zones</p> <p>Subclause (3) enables with consent the erection of a dwelling house on the proposed lots 1-6 should approval be granted ie will satisfy the minimum lot shown on the <u>Lot Size Map</u> and is a lot created under 4.1B</p>	Yes
Part 5 Miscellaneous Provisions	
Clause 5.2 Classification and reclassification of public land	
<p>The proposed road shown over Councils public reserve is identified within this clause.</p> <p>Part of Lot 29, DP 1015516 is identified as Operational Land under the Local Government Act 1995. Refer to more details in the Council report.</p>	
Clause 5.9 Preservation of Trees or Vegetation	
<p>The objective of clause 5.9 is to preserve the amenity of the area, including biodiversity values through the preservation of trees and other vegetation.</p> <p>The ecological consultant advises the presence of five (5) vegetation communities within the small lot development site. The area was identified by the ecologist as</p>	Yes

4.1 Development Application 2016.203 - Six Lot Subdivision - 8360 Monaro Highway, Royalla

Attachment 1 - DA.2016.203 - 8360 Monaro Highway - Sec 79C Matters for Consideration (Continued)

PALERANG LOCAL ENVIRONMENTAL PLAN 2014 COMMENTS	COMPLIES (Yes/No)
<p>generally compromising a modified environment resulting from previous disturbances, associated with grazing, cropping, road and power line installation.</p> <p>The proposed subdivision road has been sited to avoid removal of scattered and hollow trees over the site and adjoining public reserve land. Some smaller vegetation however may be removed for road and drainage works. Any tree removal will not be significant.</p> <p>Additionally the proposed building envelopes have been chosen to minimise removal of woodland trees or native pasture. The biodiversity values of the land will generally be retained through the retention of trees with the subdivision design.</p> <p>A number of native vegetation communities are located on the slopes of the residue Lot 6. These areas will not be impacted by small lots, roads or building envelopes.</p> <p>It is considered that any removal of vegetation will be limited and not have a detrimental impact on the horticultural, heritage or biodiversity values of the site.</p> <p>The Box Gum Woodland and rock outcrops area over Lot 5 will be fenced to protect this area. The area should also be deleted from the identified building envelope within the lot. A recommended condition will be imposed in this regard.</p> <p><i>Clause 5.9AA Trees or vegetation not prescribed by development control plan</i> Minimal vegetation is proposed to be removed as a result of the development. Some grassland vegetation will be removed. This grassland comprises both native and introduced grass species in an area previously used for grazing and some cropping.</p> <p>Refer to comments on flora and fauna under Clause 6.3 Terrestrial Biodiversity below.</p>	
Clause 5.10 Heritage Conservation – Aboriginal and European	
<p>The site is not affected by any heritage item or known Aboriginal objects. Should any Aboriginal sites or relics be uncovered during construction works all work must cease and NSW Office of Environment & Heritage immediately notified. A condition of consent will apply in this regard.</p>	Yes
Part 6 Additional Local Provisions	
Clause 6.1 Earthworks	
<p>The objective of this clause is to ensure that any earthworks will not have a detrimental impact on environmental functions and processes, neighbouring uses or heritage items and features of the surrounding land.</p> <p>6.1 Earthworks (1) The objective of this clause is to ensure that earthworks for which development consent is required will not have a detrimental impact on environmental functions</p>	Yes Conditioned

4.1 Development Application 2016.203 - Six Lot Subdivision - 8360 Monaro Highway, Royalla

Attachment 1 - DA.2016.203 - 8360 Monaro Highway - Sec 79C Matters for Consideration (Continued)

PALERANG LOCAL ENVIRONMENTAL PLAN 2014 COMMENTS	COMPLIES (Yes/No)
<p>and processes, neighbouring uses, cultural or heritage items or features of the surrounding land.</p> <p><i>Comment: The proposed earthworks involved with the road and associated works is not expected to have a detrimental impact on the environment, neighbouring uses, or any known cultural or heritage items.</i></p> <p>(2) Development consent is required for earthworks unless:</p> <p>(a) the earthworks are exempt development under this Plan or another applicable environmental planning instrument, or</p> <p>(b) the earthworks are ancillary to development that is permitted without consent under this Plan or to development for which development consent has been given.</p> <p><i>Comment: The earthworks are not exempt development</i></p> <p>(3) In deciding whether to grant development consent for earthworks (or for development involving ancillary earthworks), the consent authority must consider the following matters:</p> <p>(a) the likely disruption of, or any detrimental effect on, drainage patterns and soil stability in the locality of the development,</p> <p><i>Comment: A Soil and Water Management Plan will be required to be submitted by way of condition with any approval granted. The applicant will be required to carry out mitigation measures as specified in the plan.</i></p> <p>(b) the effect of the development on the likely future use or redevelopment of the land,</p> <p><i>Comment: The earthworks and associated works is not expected to adversely impact on the future use of the land for small lot holdings or agriculture production.</i></p> <p>(c) the quality of the fill or the soil to be excavated, or both,</p> <p><i>Comment: The soil to be excavated or any fill material imported will require need to satisfy civil engineering requirements in the road construction. Any fill material imported will need to be certified as clean uncontaminated fill.</i></p> <p>(d) the effect of the development on the existing and likely amenity of adjoining properties,</p> <p><i>Comment: The earthworks is not expected to give rise to any adverse impact on any adjoining properties. Soil and sedimentation works will ensure downstream water quality is maintained.</i></p> <p>(e) the source of any fill material and the destination of any excavated material,</p> <p><i>Comment: A condition will apply to consent issued requiring only clean uncontaminated fill enter the property and from an approved excavation site.</i></p> <p>(f) the likelihood of disturbing relics,</p> <p><i>Comment: A condition will apply that work cease and NSW Office of Environment and Heritage be immediately advised should any relics be uncovered.</i></p> <p>(g) the proximity to, and potential for adverse impacts on, any waterway, drinking water catchment or environmentally sensitive area,</p> <p><i>Comment: The land is not identified in any drinking water catchment under the PLEP 2014.</i></p> <p>(h) any appropriate measures proposed to avoid, minimise or mitigate the impacts of the development.</p> <p><i>Comment: The consent to be conditioned as outlined above.</i></p>	

4.1 Development Application 2016.203 - Six Lot Subdivision - 8360 Monaro Highway, Royalla

Attachment 1 - DA.2016.203 - 8360 Monaro Highway - Sec 79C Matters for Consideration (Continued)

PALERANG LOCAL ENVIRONMENTAL PLAN 2014 COMMENTS	COMPLIES (Yes/No)
Provided appropriate conditions are imposed on the consent the proposed earthworks are not considered to result in any significant adverse impacts on the environment and surrounding neighbour occupations.	
Clause 6.2 Flood planning	
<p>The objectives of this clause are as follows:</p> <p>(a) to minimise the flood risk to life and property associated with the use of land,</p> <p>(b) to allow development on land that is compatible with the land's flood hazard, taking into account projected changes as a result of climate change,</p> <p>(c) to avoid significant adverse impacts on flood behaviour and the environment.</p> <p><i>Comment:</i></p> <p>The site is not identified on the <u>Flood Planning Map</u> of the PLEP2014. Localised flooding from storm events along existing watercourses is likely to occur however this will not impact on the proposed lots and their building envelopes. The building envelopes have been chosen to avoid local drainage systems as well as provide environmentally sound options for siting future dwellings and structures.</p>	Yes
Claus 6.3 Terrestrial biodiversity	
<p>The subdivision site is identified as within a biodiversity area as identified under the PLEP 2014.</p> <p>The ecological consultant advises the presence of five (5) vegetation communities within the small lot development site. The area was identified by the ecologist as generally compromising a modified environment resulting from previous disturbances, associated with grazing, cropping, road and power line installation. A significant area of the small lot study area consists of secondary grasslands with a high proportion of exotic component present in areas on the flats and foot slopes.</p> <p>An artificial wetland surrounds the dam in the southern end of the property, but downstream of this also has natural wetland characteristics with a dominance of native tussock sedge. The ecologist advises the community is too degraded to consider as part of a listed community. About 2.87ha of this wetland and saturated grassland community are present in the study area. The building envelopes are positioned to avoid this wetland area.</p> <p>The vegetation upslope of the smaller lot subdivision area comprises <i>White Box, Yellow Box, Blakelys Red Gum Woodland Critically Endangered Ecological Community (CEEC)</i> or of <i>Tablelands Snow Gum, Black Sallee, Candlebark and Ribbon Gum Grassy Woodland in the South Eastern Highlands, Sydney Basin, South East Corner and NSW South Western Slopes Bioregions Endangered Ecological Community(ECC)</i> listed under NSW legislation.</p> <p>The potential impacts to Box Gum Woodland – Derived Grassland (EPBC Act and TSC Act) and removal and modification of Box Gum Woodland (TSC Act) were assessed. The assessment concluded the potential removal or modification of these communities will not affect their continued existence in the locality. The ecologists advises the entire patch of (2.42ha) of Box Gum Woodland – Derived Grassland(EPBC Act and TSC Act) will be fenced off and managed in an</p>	Yes Conditioned

4.1 Development Application 2016.203 - Six Lot Subdivision - 8360 Monaro Highway, Royalla

Attachment 1 - DA.2016.203 - 8360 Monaro Highway - Sec 79C Matters for Consideration (Continued)

PALERANG LOCAL ENVIRONMENTAL PLAN 2014 COMMENTS	COMPLIES (Yes/No)
<p>unmarked environmental exclusion zone to ensure it protection. Fencing of this area will form part of the recommended conditions.</p> <p>The report further advises native vegetation designated for potential removal or modification does not form an EEC and requires no further assessment. The ecologist however recommends the 5 hollow bearing trees should be retained to conserve potential breeding habitat for non - threatened avifauna in addition to arboreal and aerial mammals within the locality. As advised above these hollow trees will not require removal during road and site works and will be located outside the building envelopes. Protection of these trees will form part of the recommended conditions.</p> <p>The potential indirect impacts to the Small Purple-pea moderate quality habitat and potential removal and/or modification to Little Eagle and Threatened woodland bird habitat, required further assessment under Part 5A EP&A Act 1979. An assessment of significance was prepared for each of these species, and a SIC for Small Purple-pea, concluded that no adverse impacts to these species will result from the proposal (Appendix 5 & 6 of the report).</p> <p>Clause 6.3 Terrestrial biodiversity</p> <p>(1) The objective of this clause is to maintain terrestrial biodiversity by:</p> <p>(a) protecting native fauna and flora, and</p> <p>(b) protecting the ecological processes necessary for their continued existence, and</p> <p>(c) encouraging the conservation and recovery of native fauna and flora and their habitats.</p> <p><i>Comment:</i></p> <p>(2) This clause applies to land identified as "Biodiversity" on the Terrestrial Biodiversity Map.</p> <p>(3) In deciding whether to grant development consent for development on land to which this clause applies, the consent authority must consider:</p> <p>(a) whether the development is likely to have:</p> <p>(i) any adverse impact on the condition, ecological value and significance of the fauna and flora on the land, and</p> <p><i>Comment: The ecologist report concludes there will be no adverse impact on the condition, ecological value and significance of the fauna and flora on the land. Mitigation measures to protect the vegetation are recommended and will form part of the conditions of consent should approval be granted.</i></p> <p>(ii) any adverse impact on the importance of the vegetation on the land to the habitat and survival of native fauna, and</p> <p><i>Comment: The ecologist concludes the siting of the building envelopes are positioned on the lots to avoid removal of any significant vegetation</i></p> <p>(iii) any potential to fragment, disturb or diminish the biodiversity structure, function and composition of the land, and</p> <p><i>Comment: The ecologist is satisfied that the biodiversity structure, function and composition of the land will not be diminished by the development with recommended mitigation measures which form part of the recommended conditions of consent.</i></p>	

4.1 Development Application 2016.203 - Six Lot Subdivision - 8360 Monaro Highway, Royalla

Attachment 1 - DA.2016.203 - 8360 Monaro Highway - Sec 79C Matters for Consideration (Continued)

PALERANG LOCAL ENVIRONMENTAL PLAN 2014 COMMENTS	COMPLIES (Yes/No)
<p>(iv) any adverse impact on the habitat elements providing connectivity on the land, and <i>Comment: No adverse impacts are expected.</i></p> <p>(b) any appropriate measures proposed to avoid, minimise or mitigate the impacts of the development. <i>Comment: Refer to the ecologist report conclusions and recommended mitigation measures outlined above.</i></p> <p>(4) Development consent must not be granted to development on land to which this clause applies unless the consent authority is satisfied that:</p> <p>(a) the development is designed, sited and will be managed to avoid any significant adverse environmental impact, or <i>Comment: The development is designed and sited to avoid or minimise any adverse environmental impacts</i></p> <p>(b) if that impact cannot be reasonably avoided by adopting feasible alternatives—the development is designed, sited and will be managed to minimise that impact, or <i>Comment: All potential environmental impacts have been avoided or minimised as much as possible. Mitigation measures are recommended under Table 4 Ecological Values, Impacts and Recommendations of The Biosis report. These measures will form part of the recommended conditions to Council that the applicant will need to adhere to.</i></p> <p>(c) if that impact cannot be minimised—the development will be managed to mitigate that impact. <i>Comment: The environmental impacts have been minimised in the subdivision design and through recommended conditions.</i></p>	
Clause 6.4 Drinking water catchments	
The subdivision site is not located within an identified drinking water catchment under the PLEP 2014.	Yes
Clause 6.5 Riparian land and watercourses	
<p>The land is not identified within land identified as riparian land or watercourses identified under the PLEP 2014. The local drainage systems on the land have been avoided in siting of the building envelopes.</p> <p>The unnamed tributaries identified on Councils mapping system over the site are located more than 40m from the proposed road and do not require referral to DPI-Water for a Controlled Activity Permit under the Water Management act 2000..</p>	Yes
Clause 6.6 Salinity	
The land is not identified as affected by salinity constraints identified under the PLEP 2014.	Yes
Clause 6.7 Highly erodible soils	

4.1 Development Application 2016.203 - Six Lot Subdivision - 8360 Monaro Highway, Royalla

Attachment 1 - DA.2016.203 - 8360 Monaro Highway - Sec 79C Matters for Consideration (Continued)

PALERANG LOCAL ENVIRONMENTAL PLAN 2014 COMMENTS	COMPLIES (Yes/No)
Part of the land is identified as subject to highly erodible soils over the residue Lot 6. These areas do not impact on the smaller lots to be created or on any future dwelling site on proposed Lot 6.	Yes
Clause 6.7A Slopes over 18 degrees	
Part of the land is identified as having slopes over 18 degrees over the residue Lot 6. These slopes do not impact on the proposed smaller lots or any future dwelling site on Lot 6.	Yes
Clause 6.8 Airspace operations	
The development will not involve penetration of the Limitation or Operations Surface (LOS) to impact on the ongoing operations of the Canberra Airport.	Yes
Clause 6.9 Development in areas subject to aircraft noise	
The land is not located near the Canberra airport and its identified flight paths. The clause provisions only apply to development near the Canberra Airport and where it is in an ANEF contour of 20 or greater and where the development is likely to be adversely affected by aircraft noise. The clause provisions do not apply to the development.	Yes
Clause 6.10 Development in areas near national parks and nature reserves	
The land is not located near any national park or nature reserve. The clause provisions therefore do not apply.	Yes
Clause 6.11 Essential services	
<p>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:</p> <ul style="list-style-type: none"> a) the supply of water, b) the supply of electricity, c) the disposal and management of sewage, d) stormwater drainage or on-site conservation, e) suitable vehicular access. <p>An assessment has been made of the proposed development and adequate services being electricity supply, telecommunications and vehicle access are available or can be made available to the proposed development. A consultant's report on on-site effluent disposal prepared by Fraish Consulting, Civil and Structural Engineers. The report identifies effluent disposal areas on each proposed lot. These areas coincide with the proposed building envelopes shown for each lot which is a requirement under PDGP 2015.</p> <p>The report concludes the NSW Health accredited systems for irrigation of effluent are suitable on the lots ie irrigation of effluent treated to a secondary standard defined in AS1547:2000 as BODS less than 20mg/L and TSS less than 30mg/l. For surface irrigation disinfection must achieve a thermo- tolerant coliform median</p>	Yes Conditioned

4.1 Development Application 2016.203 - Six Lot Subdivision - 8360 Monaro Highway, Royalla

Attachment 1 - DA.2016.203 - 8360 Monaro Highway - Sec 79C Matters for Consideration (Continued)

PALERANG LOCAL ENVIRONMENTAL PLAN 2014 COMMENTS	COMPLIES (Yes/No)
<p>value 10/100ml, and where applicable total chlorine concentration greater than .5mmg/l after a 30min disinfection time. If effluent is not disinfected, as for wet composting closet systems, effluent has to be disposed of subsurface.</p> <p>All of the building envelopes of Lots 1-5 are in excess of 4000m2 which will enable the erection of dwellings and ancillary buildings as well as siting of onsite effluent disposal areas.</p> <p>The recommended conditions of consent will require that effluent disposal areas be sited at least 40m from the on- site drainage depressions to comply with relevant health and environmental standards.</p> <p>Internal access to each lot has been addressed by Councils Development Engineer and conditioned.</p>	

Development Control Plan

The Palerang Development Control Plan (DCP) 2015 applies to the development and a summary of the relevant provisions is provided in the following table.

PALERANG DCP 2015 COMMENTS	COMPLIES (Yes/No)
Part A Preliminary Information	
<p>Part A of the DCP outlines the legislative requirements and purpose of the DCP. The purposes of the DCP are similar to the aims of the PLEP 2014, which was addressed above.</p> <p>(2) The particular aims of this Plan are as follows:</p> <p>(a) to protect and improve the economic, environmental, social and cultural resources and prospects of the Palerang community,</p> <p>(b) to encourage development that supports the long-term economic sustainability of the local community, by ensuring that development does not unreasonably increase the demand for public services or public facilities,</p> <p>(c) to retain, protect and encourage sustainable primary industry and commerce,</p> <p>(d) to ensure the orderly, innovative and appropriate use of resources in Palerang through the effective application of the principles of ecologically sustainable development,</p> <p>(e) to retain and protect wetlands, watercourses and water quality and enhance biodiversity and habitat corridors by encouraging the linking of fragmented core habitat areas within Palerang,</p> <p>(f) to identify, protect and provide areas used for community health and recreational activities,</p> <p>(g) to ensure that innovative environmental design is encouraged in residential development.</p> <p><i>Comment:</i></p>	Yes

4.1 Development Application 2016.203 - Six Lot Subdivision - 8360 Monaro Highway, Royalla

Attachment 1 - DA.2016.203 - 8360 Monaro Highway - Sec 79C Matters for Consideration (Continued)

PALERANG DCP 2015 COMMENTS	COMPLIES (Yes/No)
<p>The development design protects as much as possible environmental and cultural resources of Palerang; the development does not unreasonably increase the demand for public services or public facilities; it retains the bulk of the land for continued primary industry; it generally ensures orderly and appropriate use of resources through the application of ecological sustainable development principles and it retains and protects watercourses, water quality and habitat corridors through satisfactory siting of road, proposed lots and building envelopes.</p>	
Part B General Provisions	
<p>B1 Site Analysis B1 outlines the requirements for the lodgement of a development application and to ensure the site attributes and constraints are carefully considered in the site planning and assessment process. The development has been accompanied with adequate information to enable Council to undertake a satisfactory assessment of the application.</p>	Yes
<p>B2 Accessible Design Does not apply to the development</p>	Yes
<p>B3 Flora, Fauna, Soil and Watercourses B3 are similar to the provisions within the PLEP 2014 referred to above. As identified above the development does not contain any identified riparian areas. The local drainage systems will be unaffected by the proposed road and the proposed building envelopes avoid these drainage areas. A Soil and Water Management Plan will be required to be prepared and implemented by the applicant. Refer to previous comments on flora and fauna.</p>	Yes Conditioned
<p>B4 Bushfire Prone Land</p> <p>The development site is identified as Category 1 and 2 bushfire hazard under the PLEP 2014.</p> <p>The development is integrated development (section 91 Environmental Planning & Assessment Act 1979) requiring an approval from NSW Rural Fire Service under section 100B Rural Fires Act 1997. The application has been accompanied by a consultant's bush fire report.</p> <p>The NSW Rural Service issued a bush fire safety authority on 10 March 2017 subject to the following conditions:</p> <ol style="list-style-type: none"> 1. The development proposal is to comply with the subdivision layout identified on the drawing prepared by Fraish Consulting numbered C100 Rev C sheet1, dated 31 October 2016. <p>Water and Utilities The intent of measures is to provide adequate service 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</p>	Yes Conditioned

4.1 Development Application 2016.203 - Six Lot Subdivision - 8360 Monaro Highway, Royalla

Attachment 1 - DA.2016.203 - 8360 Monaro Highway - Sec 79C Matters for Consideration (Continued)

PALERANG DCP 2015 COMMENTS	COMPLIES (Yes/No)
<p>building. To achieve this the following conditions shall apply:</p> <p>2. Water, electricity and gas are to comply with section 4.1.3 of "Planning for Bush Fire Protection 2006"</p> <p>Access</p> <p>The intent of measures for public roads is to provide safe operational access to structures and water supply for emergency services, while residents are seeking to evacuate from an area. To achieve this, the following conditions shall apply:</p> <p>3. Public access shall comply with section 4.1.3(1) of "Planning for Bush Fire Protection 2006".</p> <p>The intent of measures for internal roads is to provide safe operational access for emergency services personnel in suppressing a bush fire, while residents are accessing or egressing an area. To achieve this, the following conditions shall, apply:</p> <p>4. Internal roads shall comply with section 4.2.7 of "Planning for Bush Fire Protection 2006"</p> <p>The above requirements will form part of the recommended conditions of consent.</p>	
<p>B5 Crime Prevention through Environmental Design</p> <p>This section outlines the relevant requirements for safe design. The development meets the relevant objectives as discussed below.</p> <p>Objective</p> <p>a) <i>To ensure the incorporation of crime prevention strategies in new development</i></p> <p>b) <i>To promote active, pedestrian and cyclist orientated environments where developments are designed to integrate into the public domain</i></p> <p>c) <i>To maximise opportunities for natural surveillance of public spaces, buildings, site entrances and internal spaces</i></p> <p>Comment:</p> <p>The subdivision design ensures public and private areas are clearly defined, future building entries associated with the proposed lots and building envelopes will be clearly visible and identifiable from the road and the future siting of dwellings will enable residents to observe vehicles approaching. Future erection of dwellings will provide a sense of community within the subdivision that should assist in deterring any potential criminal activities.</p>	Yes
<p>B6 Development on Ridges and Prominent Hills and within 200m of a Classified Road</p> <p>The small lot subdivision, future dwelling and road works are located on the lower lying parts of the property to minimise visual impact from the Monaro Highway and surrounding higher elevated areas. Any future siting of a dwelling on the residue Lot 6 will need to be sited on the lower slopes to minimise visual impact.</p>	
<p>B7 Engineering Requirements</p>	Yes Conditioned

4.1 Development Application 2016.203 - Six Lot Subdivision - 8360 Monaro Highway, Royalla

Attachment 1 - DA.2016.203 - 8360 Monaro Highway - Sec 79C Matters for Consideration (Continued)

PALERANG DCP 2015 COMMENTS	COMPLIES (Yes/No)
An assessment was undertaken by Council's Development Engineer, comments are provided in the Planning Report to Council. Recommended engineering conditions form part of the attached recommended conditions of consent.	
B8 Erosion and Sediment Controls Conditions are recommended to ensure a Soil and Water Management Plan is prepared in accordance with B8 and installed as shown in the plan prior to construction works commencing. The measures will be required to be maintained as long as necessary after works are completed to ensure satisfactory rehabilitation.	Yes Conditioned
B9 Flood Planning The development is not affected by the Flood Planning Map. Localised flooding is likely within the local watercourses however it is not a constraint to the development. The building envelopes are located outside any potential areas likely to experience any short term localised flooding.	Yes
B10 Heritage – Aboriginal and European The applicant submitted a Cultural Heritage Report for the site prepared by Alister Bowen dated June 2016. The report identifies three European sites namely sheep holding yards, a horse stable and corrugated iron shed. The stable and shed are not of a period old enough to be called "historical" or "relics" (ie produced before approximately 1960). They are not of local or State historical significance. The sheep yards are severely dilapidated and could not be considered of local or State historical heritage significance. The consultant advises during the field survey, no Aboriginal cultural heritage sites or areas of potential archaeological deposit were identified. The consultant advises an intensive visual inspection for Aboriginal objects was made with no results. The consultant advises should any Aboriginal relic or site be found during construction works all work will need to cease and the NSW Office of Environment and Heritage (OEH) notified. This requirement will be a recommended condition of consent. There are no heritage items listed under the PLEP 2014 in the vicinity of the subdivision site that will be impacted by the development.	Yes Conditioned
B11 Social and Economic Impact Assessment The development is of a size, scale and type that does not justify the preparation of a social and economic impact assessment.	Yes
B12 Landscaping Landscaping works are not required for the development.	Yes
B13 On- Site System of Sewage Management Refer to previous comments above.	Yes Conditioned
B14 Potentially contaminated land	Yes

4.1 Development Application 2016.203 - Six Lot Subdivision - 8360 Monaro Highway, Royalla

Attachment 1 - DA.2016.203 - 8360 Monaro Highway - Sec 79C Matters for Consideration (Continued)

PALERANG DCP 2015 COMMENTS	COMPLIES (Yes/No)
The applicants Cultural Heritage Report refers to old sheep yards, stable and shed on the land. The landowner has advised to his knowledge there is no former sheep dip sites located on the land or any other potential contaminating activities carried out on the land.	
B15 Waste Management B15 outlines the relevant provisions relating to waste management generated by a new development. Conditions are considered to be appropriate to address the waste that is likely to be generated by the development, throughout the construction period and the ongoing operations.	Yes Conditioned
B16 Greywater use Not applicable to the subdivision	Yes
B17 Rainwater tanks Not applicable to the subdivision	Yes
B18 Solid fuel heaters Not applicable to the subdivision	Yes
Part C Site Specific Provisions	
C1 Subdivision This section applies to <ul style="list-style-type: none"> • RU1 Primary Production zone, and • E4 Environmental Living C1.1 Subdivision RU1 Primary Production. The submitted subdivision design is responsive to the natural environmental constraints. The building envelopes present opportunities that maximises energy efficiency for future siting of dwellings. The subdivision layout is sympathetic to the character of existing environmental living, subdivision, road layouts and lot design adjoining and in the Royalla estate area in general. The subdivision is designed having regard to the established hierarchical network of roads in Royalla estate. <i>Building envelopes.</i> The proposed building envelopes reflect the findings of the environmental assessments undertaken over the land. The building envelopes are in excess of 4000m ² (Lots 1,2, 3, 4 & 5). Lots 1-5 all comprise slopes less than 15% to satisfy the DCP. The building envelope setbacks comply with Table 12. ie more than 50m from the road and 25m to the side and rear setbacks. The building envelopes are sited away from the drainage lines. The Box Gum Woodland – Derived Grassland and rock outcrop area will need fencing by the applicant and taken out of the building envelope for proposed Lot 5. Potable water and stormwater requirements will be addressed at DA stage for future dwellings. The on - site sewerage systems will be subject to compliance with the on- site sewage management report prepared by Fraish Consulting Civil	Yes Conditions. The effluent disposal areas within each building envelope will need to be sited a minimum 40m from any nearby drainage line. The Box Gum Woodland – Derived Grassland will need to be fenced and deleted from within the building envelope for proposed Lot 5.

4.1 Development Application 2016.203 - Six Lot Subdivision - 8360 Monaro Highway, Royalla
Attachment 1 - DA.2016.203 - 8360 Monaro Highway - Sec 79C Matters for Consideration
(Continued)

PALERANG DCP 2015 COMMENTS	COMPLIES (Yes/No)
<p>and structural Engineers. Future effluent disposal areas will need to be at least 40m from the on site drainage lines.</p> <p>The applicant will be responsible for supply of electricity and telecommunications to the boundary of the additional lots. Written evidence from the electricity supply body that electricity infrastructure is satisfactory will be required prior to release of the subdivision certificate.</p> <p>The subdivision design provides for protection and management of natural resources, heritage and landscape character.</p> <p>The building envelopes are located to provide rural views and will not to impact on significant views and vistas.</p> <p><u>Clause 1.3.1 Specific RU1 Primary Production requirements:</u> The development does not conflict with the objectives of this clause. The development retains the function and character of the existing rural area, it encourages continued use of agricultural lands, the subdivision responds to the topographical and site constraints and residue Lot 6 has appropriate areas for the siting and construction of a future dwelling and regard to solar orientation. The proposed subdivision maintains the rural character, the subdivision retains the residue lot for primary production. Future entry to the property will be via the proposed road off Booth Road and not the Monaro Highway.</p> <p><u>Clause 1.3.2 E3 Environmental Management</u> The subdivision protects cultural and aesthetic values of the land, retains the character of the existing landscape and responds to the topography and site constraints. The lots have satisfactory areas and dimensions for siting of building envelopes and construction of future dwellings without adversely impact on the biodiversity values of the land.</p> <p>The lots maintain a lot average size identified on the <u>Lot Averaging Map</u>. Each lot will have at least 8ha.</p> <p>The lots are designed to be free of major environmental and servicing constraints; it does not fragment significant woodland tree species over the property and the building envelopes are sited on areas that will cause minimal disruption to existing rural occupations</p> <p>The subdivision responds to the environmental studies undertaken for the development, it does not involve fragmentation of significant environmental areas, the design follows natural features where appropriate and the lots are located that enables the primary residue lot (152ha) to continue with primary production namely grazing.</p> <p><u>Clause C1.3.3 E4 Environmental Living</u> The subdivision design is based on the <u>Lot Averaging Map</u> – the lots average 6ha and the minimum lot size is more than 2ha.</p> <p>C30 Gates and Fencing</p>	

4.1 Development Application 2016.203 - Six Lot Subdivision - 8360 Monaro Highway, Royalla

Attachment 1 - DA.2016.203 - 8360 Monaro Highway - Sec 79C Matters for Consideration (Continued)

PALERANG DCP 2015 COMMENTS	COMPLIES (Yes/No)
The objectives of this clause are to ensure stock proof fencing is provided in non urban land use zones. All road frontages in RU1 and E4 zones and the Box Gum Woodland –Derived Grassland area are to be fenced and gated in accordance with the provisions of CI 30.1 of PDCP 2015. A standard condition will apply in this regard.	
Part E Notification of Development Application	
Public Notification Of A Development Application The development application was notified from 15 November 2016 to 1 December 2016. A total of five (5) submissions were received. Refer to the community consultation section of the Staff Report for consideration of the relevant issues raised in the submissions.	Yes

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	
<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> <i>Clause 92 - Australian Standard AS 2601-1991 (Demolition of Structures). Clause 93 - Fire Safety Considerations (change of use of an existing building). Clause 94 - Fire Safety Considerations (rebuilding/altering/enlarging/extending existing building).</i> These provisions do not apply to the subdivision.	Yes
The Likely Impacts of the Development	
<i>Context and Setting</i> – The proposed subdivision is suitably located within the context and setting of the existing Royalla rural estate. It adjoins existing environmental living properties/occupations and compliments the existing semi-rural character of the locality. The access road via Booth Road is a suitable access and encroaches over minimal former public reserve land. The road will maintain a pedestrian access to the public reserve for Booth Road residents.	Yes
<i>Access, Transport and Traffic</i> – Access, transport and traffic was commented on by Council's Development Engineer. Conditions of consent have been recommended for roads and associated works.	Yes. Conditioned

4.1 Development Application 2016.203 - Six Lot Subdivision - 8360 Monaro Highway, Royalla

Attachment 1 - DA.2016.203 - 8360 Monaro Highway - Sec 79C Matters for Consideration (Continued)

MATTERS FOR CONSIDERATION	COMPLIES (Yes/No)
<i>Public Domain</i> – The development is not expected to adversely impact on the public domain. The proposed road will encroach over a very small of the area of the reserve land being 5.11ha in area. The land is now classified as Operational land and is no longer public reserve land. The road will provide continued access to the reserve.	Yes
<i>Utilities</i> – The development will be connected to essential utilities.	Yes. Conditioned
<i>Heritage</i> – There are no heritage issues associated with the development.	Yes
<i>Other Land Resources</i> - The proposed development will not adversely impact on any valuable land resources for productive agriculture land and any known mineral and extractive resources.	Yes
<i>Water</i> – The development will not adversely impact on water supply catchments.	Yes
<i>Soils</i> - The proposed development is considered unlikely to result in any adverse impact to soils in the immediate locality. The highly erodible soils are identified on the residue lot which will not to disturbed.	Yes
<i>Air and Microclimate</i> - The construction stage of the proposed development will likely cause the emission of some dust. This can be addressed via the imposition of standard site management conditions.	Yes
<i>Flora and Fauna</i> - There will be no significant impacts to flora and fauna as a result of the proposed development. Some mitigation measures will need to be implemented by the applicant during construction. Refer to previous comments above.	Yes. Conditioned
<i>Waste</i> - The imposition of standard conditions will manage the disposal of waste generated during the construction of the development.	Yes. Conditioned
<i>Noise and Vibration</i> – Construction of the development will be required to be undertaken at appropriate times throughout the day. However, the proposed use of the site does not present any likely detrimental impacts from noise and vibration on to adjoining properties. A standard condition will limit hours of operation for works.	Yes. Conditioned
<i>Natural Hazards</i> – As identified above, the development design is considered to be appropriate having considered natural hazards of bush fires, steep slopes and high erosion.	Yes
<i>Technological Hazards</i> - There are no known technological hazards affecting the site.	Yes
<i>Safety, Security and Crime Prevention</i> – As identified above the development is considered to be appropriate having regard to these matters.	Yes

4.1 Development Application 2016.203 - Six Lot Subdivision - 8360 Monaro Highway, Royalla

Attachment 1 - DA.2016.203 - 8360 Monaro Highway - Sec 79C Matters for Consideration (Continued)

MATTERS FOR CONSIDERATION	COMPLIES (Yes/No)
<p><i>Social and Economic Impact in the Locality</i> - The proposed development is not expected to pose any negative social or economic impacts to the locality. The lots are similar in scale/size with adjoining and surrounding lots in the locality and allow for continued enjoyment of the existing local amenity currently enjoyed by existing residents. The scale of the development complements existing surrounding development that can take advantage of existing services and infrastructure located within the locality. The applicant will need to meet section 94 contribution charges towards the provision of these services and infrastructure.</p>	<p>Yes. Conditioned</p>
<p><i>Site Design and Internal Design</i> – The subdivision layout, associated with the proposed development is similar in character with adjoining and surrounding environmental living lifestyle lots. The subdivision layout and building envelopes are designed and positioned so as to minimise impacts having regard to the environmental constraints over the land.</p>	<p>Yes</p>
<p><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 impacts, dust and the like. These conditions are standard Council conditions of development consent.</p>	<p>Yes. Conditioned</p>
<p><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 that with adherence to recommended conditions of consent that the proposal will not give rise to any adverse significant cumulative impacts.</p>	<p>Yes</p>
<p><i>The Suitability of the Site for the Development</i></p>	
<p><i>Does the proposal fit in the locality?</i> - The proposed development fits the current and future desired character of the locality. The development is of a low density development scale and similar in character to the adjoining environmental/rural lifestyle lots and occupations. Refer also to comment on the zone objectives.</p>	<p>Yes</p>
<p><i>Are the site attributes conducive to development?</i> – The site physical attributes relating to slopes, topography, flora and fauna, access, bushfires and current land use are considered suitable for the development. The proposed lots and building envelopes have proper regard to these physical constraints.</p>	<p>Yes</p>
<p><i>Have any submissions been made in accordance with the Act or the Regulations?</i></p>	

4.1 Development Application 2016.203 - Six Lot Subdivision - 8360 Monaro Highway, Royalla

Attachment 1 - DA.2016.203 - 8360 Monaro Highway - Sec 79C Matters for Consideration (Continued)

MATTERS FOR CONSIDERATION	COMPLIES (Yes/No)
<p><i>Public Submissions - Public Submissions</i> – Five (5) written submissions were received during the period of public notification and have been addressed in the separate Council report.</p> <p>The proposal was notified a second time after feedback that residents may have been confused about the location of the site. Submissions from this notification period have been addressed in the separate report to Council.</p>	Yes
<p><i>Submissions from Public Authorities</i> – NSW Rural Fire Service and NSW Transport Roads and Maritime Services were consulted as required pursuant to Section 91 Environmental Planning & Assessment Act 1979 being integrated development.</p> <p>NSW Rural fire Services issued a conditional deemed bush fire safety authority as required under section 100B of the Rural Fires Act 1997.</p> <p>NSW Transport Roads and Maritime Services advised they have no objection to the subdivision subject a condition being imposed on the consent that no future vehicle access be permitted from the Monaro Highway.</p> <p>Essential Energy and John Holland Rail requirements have been included as recommended conditions of consent where relevant.</p>	Yes. Conditioned
<i>The Public Interest</i>	
<p>Having regard to the relevant planning provisions outlined in this report the proposed development is considered to be designed in an acceptable manner and is not expected to conflict with the public interest. Many of the conditions are designed to minimise environmental impacts over the land and to protect the local community amenity.</p>	Yes
<i>Government and Community Interests</i>	
<p>It is considered that government and community interests will not be adversely affected by the proposed development. All agency comments concerning the development have been considered and conditions imposed where relevant.</p>	Yes
<i>Section 94 Development Contributions</i>	
<p><i>Section 94 Contributions</i></p> <p>As discussed in the planning report, additional section 94 contributions are required and specified in the recommended conditions of consent.</p>	Yes. Conditioned

**4.1 Development Application 2016.203 - Six Lot Subdivision - 8360 Monaro Highway,
Royalla**
**Attachment 1 - DA.2016.203 - 8360 Monaro Highway - Sec 79C Matters for Consideration
(Continued)**

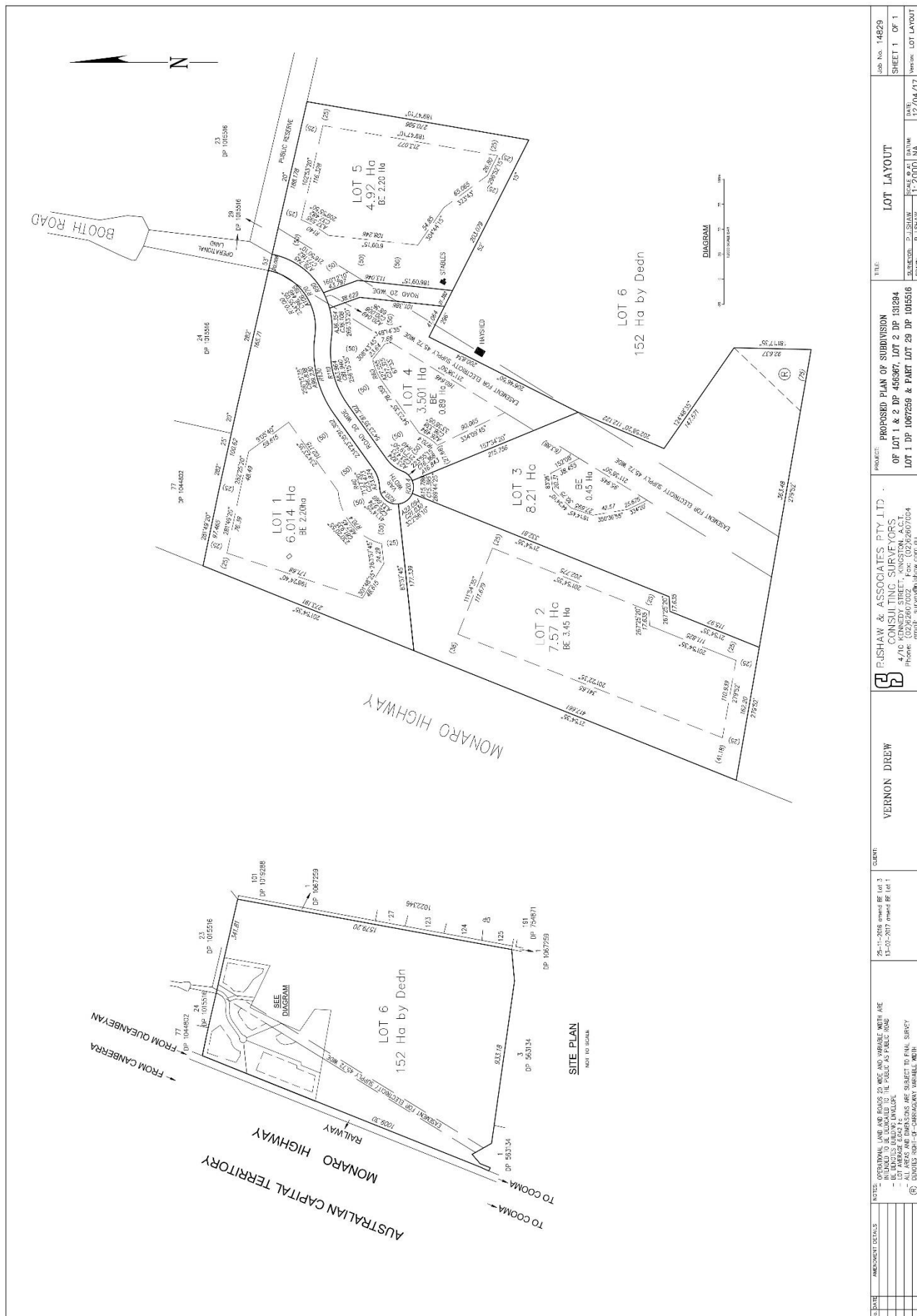
QUEANBEYAN-PALERANG REGIONAL COUNCIL

Planning and Strategy Committee of the Whole Meeting Attachment

14 JUNE 2017

ITEM 4.1 DEVELOPMENT APPLICATION 2016.203 - SIX LOT
SUBDIVISION - 8360 MONARO HIGHWAY, ROYALLA

ATTACHMENT 2 DA.2016.203 - 8360 MONARO HWY, ROYALLA - 6 LOT
SUBDIVISION - AMENDED PLAN OF SUBDIVISION



QUEANBEYAN-PALERANG REGIONAL COUNCIL

Planning and Strategy Committee of the Whole Meeting Attachment

14 JUNE 2017

ITEM 4.1 DEVELOPMENT APPLICATION 2016.203 - SIX LOT
 SUBDIVISION - 8360 MONARO HIGHWAY, ROYALLA

ATTACHMENT 3 DA.2016.203 - 8360 ROYALLA DRIVE - SUBMISSIONS -
 REDACTED - FIRST NOTIFICATION

From: [REDACTED]
To: [Records](#)
Subject: submission - DA. 2016.203
Date: Thursday, 24 November 2016 11:09:21 PM
Attachments: [image001.gif](#)

Attention Haydon Murdoch

Dear Sir,

DA. 2016.203
Six Lot Subdivision
8360 Monaro Highway Royalla

As an adjoining land owner and a member of the Royalla Landcare Group I wish to make the following submission regarding the above DA. While I do not object to the proposed subdivision I do have concerns about the content of the DA application and the need for conditions to be placed on the approval of the DA. The following are my concerns:

1. Fencing of the proposed subdivision site.

The fencing on the proposed subdivision site especially the north and east sides of proposed lot 6 is in poor condition and appears to not have been maintained for some time. One section of fence on the eastern side is flat on the ground for many meters. Goats and sheep coming from the proposed development site often roamed the adjacent public reserve land and entered lots adjacent to the reserve land. The goats and sheep have damages and destroyed many of the trees recently planted by Landcare and by me on our lot.

The fencing drawing in the DA application does not show any new or upgraded fencing on the north and east of lot 6. This shortcoming must be rectified before the DA is approved by the following:

- The property boundary lines on the existing block of land be fenced in accordance with standard shown in detail on the fencing drawing included with the DA application and the DA approval condition should require ongoing maintenance of the boundary fencing.
- The current owner of the land be required to replace or compensate for the tree planting that has been damaged or destroyed on adjacent land by sheep and goats coming from this block as a condition of the DA approval.

2. There is no indication that any weed control has been carried out on the existing block. Significant areas of weed, St Johns Wort in particular, are evident on the block. Because there has been no weed control on the block Weeds are spreading to the adjacent public reserve land and adjacent lots. This situation must be rectified before the DA is approved by the following:

- Eradication of the weeds on the existing block must be carried out and this eradication must extend to the adjacent public land and adjacent lots where the weeds have spread to before DA is approved.
- Keeping the lots to be developed including lot 6 free of weeds must be a condition of the DA approval.

3. Heritage Elements.

The cultural heritage report by Bowen Heritage Management appears to ignore the significance of the early road formation crossing lots 1 and 2 which is part of the early Monaro Highway and part of the early track from Queanbeyan to the Michelago Plain referred to on page 15 of the report. The report also refers to this 'track' being part of a natural passage way that formed a significant Aboriginal access route leading directly to the beginning section of the Monaro Highway straight past the site. If this is the case should this formation through the site be given some significance? The flora and fauna study by Ecological Australia refers to the easement and includes a photo of the formation. Surely this formation/route needs to be acknowledged in some form as a possible pre-European and post European settlement element of significance and be recorded, mapped and/or preserved in some form.

I also have concern about the lack of information regarding possible subdivision of Lot 6. It appears unusual to have a road, Road 2, leading to a single lot. If further subdivision is planned for this lot surely there should be a master plan included with the DA application.

There is no mention in the DA application of the need for Section 94 contributions. Will this subdivision not be required to pay Section 94 contributions for community facilities and amenities like all other Royalla lots have had to in the past?

Thank you for providing the opportunity to make a submission on this DA application.

Kind regards

A black rectangular redaction box covering the signature of the submitter.

Palerang Council



DA.2016.203

Request for subdivision objection

Dear sir/madam

Whilst this submission is an objection to the proposed subdivision adjoining my property, I actually support the subdivision.

I also wish to subdivide my property and have sought preliminary assessment of such a proposal. Council has listed one impediment to my application, as being the resultant block size would be too small.

This is where the objection comes in. Some years back council approached both the applicant and myself to see who was interested in acquiring an area between the two properties that was marked as a 'road' on the map. I duly submitted my interest and later found out that the land had been awarded to the applicant. I think this decision should be the subject of an external enquiry in the first instance and before this application is considered further to determine if any impropriety occurred. Had the 'road' been allocated in some other proportion, I may now have enough land to overcome that impediment in my request for subdivision.

Another issue requiring action is the state of the adjoining fence. The current fence allows feral sheep, goats and pigs along with rabbits and hares to easily pass through. This causes serious environmental damage to my property. Stipulating quality animal fencing as part of the subdivision would overcome this problem.

Yours sincerely





25 November 2016

Your ref: DA.2016.203

QPRC
PO Box 348
Bungendore NSW 2621

RESPONSE TO DEVELOPMENT APPLICATION 2016.203

Thank you for opportunity to respond to the DA.2016.203

Based on the information provided I am requesting additional information on the following points.

1. What is the purpose of Lot 6? It has been advertised in local media as a residual lot. What does this mean?
2. What benefit to our community will these new blocks bring?
3. The proposed development is visible from the Monaro Highway what plans are in place to prevent the development being a distraction to motorist? Will there be advanced screening in place, similar to the Swainsona Reserve in Stage 1.
4. How will the swamp area be addressed and developed? Namely Lot 1 and part of Lot 4
5. How will the excessive run off of water from Lot 6 be managed? Will any diversion work have an ecological impact?
6. Has a study been conducted on the impact of this development to the local wildlife?
7. Why have survey pegs been placed in the middle of Lot 29 DP1015516 and 5 meters along the boundary of 54 Booth Road Royalla? Does Council plan to take part of land owned by 54 Booth Road to make way for the road extension?
8. Will the entrances (gates and fencing) to each lot be consistent with what is in Royalla already?

Based on the information provide I am objecting to the development application on the following points:

1. The residual Lot 6 could potentially allow for future expansion of the 1 and 2 DP 456367, Lot 2 DP 131294 and Lot 1 DP 1067259.

2. Object to Lot 4 as it breaches the LEP 2014 Part 4 4.1B Lot averaging subdivisions of land in Zone E4
 - (3) *Despite clause 4.1, development consent may be granted to subdivide land to which this clause applies, other than under the [Community Land Development Act 1989](#), if:*
 - *the average size of all the lots created by the subdivision will not be less than the minimum size shown on the [Lot Size Map](#) in relation to that land,*

Going by the Lot Size Map (LSZ_002) the blocks are in E4 which states the minimum block sizes is 6ha (AA2) , therefore Lot 4 breaches the LEP at 3.5ha and so does Lot 5 at 5.3ha. As of this date Lot 4 and 5 are under offer.

3. The Land owner previously applied to ACT Government to use the existing driveway at 8360 Monaro Highway. The rejection was based on a development of 30+ houses. I request the developer to reapproach ACT Government and have it reassess based on 5 houses. For 20 years the land owner has had safe access to the above mentioned lots via his front entrance at 8360 Monaro Highway Royalla NSW 2620.
4. The increase of traffic entering and leaving Royalla will only cause further traffic indents. To date there have been 8 report vehicle accidents either at the entrance of Royalla. The rural infilling is impacting on road users.
5. There is no financial benefit to Royalla from this development. The development creates unreasonable demands on the minimal resources and amenities afforded to Royalla.
6. The development is in the flight path and with the increase of aircraft due to the upgrade to international status this will cause issue to any new landowners. There already issues voiced on social media about the noise from aircraft above Royalla.
7. The original developers of Royalla Estate and in conjunction with the then Yarrowlumla Shire Council did not design or identify Booth Road for extension as they did on plans submitted and approved for extension of Settlers Road into Stage 4 and Royalla Drive into Stage 5. The road layout, design and construction did not allow for any further extension of Booth Road, any plans to extend should be forfeited and the Developer to revisit upgrading the existing entrance at 8360 Monaro Highway.
8. The DA cannot be viewed as a whole as Council has not provided the residents with any information on right of way. I cannot make an informed opinion on the DA without Council provide me with information on how it proposed to connect the development to Booth Road.

Further to my objections to the DA, I also object to the extension of Booth Road to service this development. I request the new QPRC Administrator to review the reclassification process and meet with the residents of Booth Road.

The process used by the former Palerang Councillors was unethical and misleading. The council used their position to fast track the reclassification to financially benefit the landowner. This can be proven by a report released by Palerang Council after the gazettal of the LEP and conversation held during public meetings.

I also request the Administrator to review the independent consultant's report. The former councillor's and current staff choose to ignore recommendations from the consultant.

I look forward to having an opportunity to discuss this matter.

Regards



Sent: Friday, 25 November 2016 12:00 AM
To: Tim Overall <Tim.Overall@qprc.nsw.gov.au><mailto:Tim.Overall@qprc.nsw.gov.au>>
Subject: Booth Rd Royalla Proposed DA 2016-203

Hello Mt Overall

I am writing to you in response to a recent DA notice (DA 2016-203) from council regarding a proposed for a subdivision at the end of Booth rd Royalla

I do not want to write a long " war and peace " email on the history of this DA.

But In brief the residents have been battling Palerang council for several years re this subdivision and rezoning of reserve land.

We attend numerous meeting , lots of emails, letters , one on one discussions with Palerang councillors , sent in submissions to council and provided independent consultants reports but all to no prevail.

In brief this DA has been a long journey.

Mr Vern Drew (ex Palerang councillor) the owner of land has been perusing council to provide road access to subdivide some his land , as he was unable to gain approval for road access from the Monaro Hwy.

Finally under the guise of new amended LEP, Palerang council reclassified a small strip of reserve land at the end of Booth Rd to be rezoned operational land which would allow road access so that Mr Drew he could subdivide some of his land.

Interesting no other reserve land in the amended LEP was rezoned operational land.

The argument from the Palerang Mayor was that it was councils obligation to ensure efficient use of land to benefit all residents of Palerang, and that was why council supported the rezoning , Interesting that council did not apply the same argument to any other reserve land.

One of the concerns we have based on argument above where is the value and return to council and wider community.

The current proposed development is for 6 lots each with an average value of \$540,000'

Loss of reserve land for no payment.

Major road works for Booth rd (currently single lane rd) and creation of a new road extension which we assume is funded by council.

At this stage only return to council 6 times rates (aprox \$18000 per year).

Considering that one the major factors for the council amalgamation of Queanbeyan and Palerang was improve its financial position not sure what the benefit to council and the community is , we do see a good a financial outcome for Mr Drew.

As I said above there is a lot of history attached to this current DA and would appreciate a chance for some residents (there is only 6 families in the street) to meet with you either in your office or at Booth Rd or at least can you review this DA on our behalf.

The residents will again provide submission against the DA.

Thank you for reading my email and look forward to your response

Regards

2 December 2016
[REDACTED]

The General Manager
Queanbeyan-Palerang Regional Council
PO Box 348
Bungendore NSW 2621

By email: records@palerang.nsw.gov.au

Dear Sir,

**RE: SUBMISSION IN RESPONSE TO THE PUBLIC EXHIBITION OF
DEVELOPMENT APPLICATION DA.2016.203
8360 MONARO HIGHWAY, ROYALLA**

[REDACTED] has been commissioned by [REDACTED], owners of No. [REDACTED] to review the abovementioned development application (DA) and to make a submission to Queanbeyan-Palerang Regional Council (Council) as appropriate.

Based on our review of the notification letter sent to our Client and the limited information available from Council's website, we are of the opinion that the DA cannot be approved in its current form as the proposed lots do not have a legal right of access to a public road.

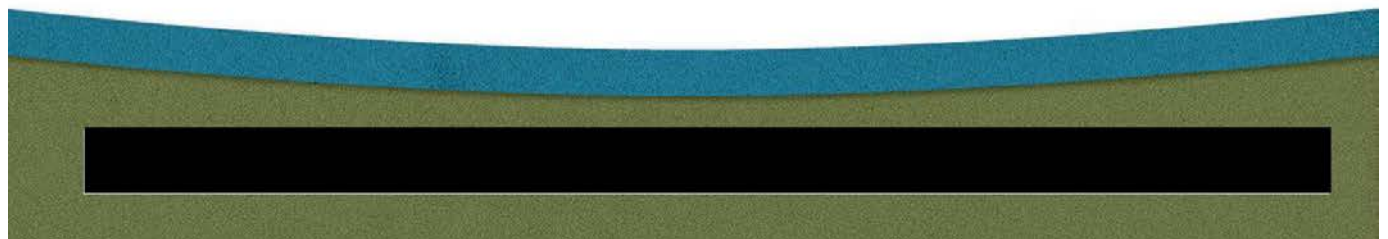
Council's notification letter to our Client dated 8 November 2016 and Council's online DA tracking facility indicate that the DA relates to 8360 Monaro Highway, legally described as Lots 1 and 2 in DP 456367 and Lot 2 in DP 131294.

Based on the Proposed Plan of Subdivision, all six of the proposed lots are intended to have road access over the Council-owned public reserve to the north, legally described as Lot 29 DP 1015516. However, this lot does not form part of the DA, no works within the public reserve are included in the DA and to our knowledge, there is no right-of-carriageway (ROW) over Lot 29 benefitting the land subject to the DA.

Accordingly, the proposed lots do not have a legal right of access to a public road, does not satisfy s79C of the EP&A Act or subclause 6.11(e) of Palerang LEP 2014 (i.e. "suitable vehicular access") and therefore, cannot be approved in its current form.

At a minimum, the DA requires a ROW over the Council-owned public reserve and physical works to form a road within the reserve, both of which require the consent of Council as owner of the land. To our knowledge, there is no ROW over the land and land owner's consent for Lot 29 has not been provided as part of the DA.

Alternatively, Council would be required to form a Public Road through the reserve via the *Roads Act 1993*, which to our knowledge has not occurred.



[REDACTED]

[REDACTED]

Should Council provide owner's consent for access over the public reserve and formalising of this access via a ROW or a Public Road, and should the DA be amended to include physical works within the public reserve, the DA should be renotified and then assessed by an independent planning consultant as Council would have a conflict of interest as a land owner of part of the land subject to that amended DA.

Alternatively, the DA could be amended to provide for an alternate road access (i.e. not over Lot 29) with the requisite construction details and environmental assessments for the alignment of that alternate road.

We kindly request that we be notified of any amended details or any further developments relating to this DA.

Yours faithfully

[REDACTED]

[REDACTED]

[REDACTED]

PARTNER

[REDACTED]

Reviewed:

[REDACTED]

QUEANBEYAN-PALERANG REGIONAL COUNCIL

Planning and Strategy Committee of the Whole Meeting Attachment

14 JUNE 2017

ITEM 4.1 DEVELOPMENT APPLICATION 2016.203 - SIX LOT
 SUBDIVISION - 8360 MONARO HIGHWAY, ROYALLA

ATTACHMENT 4 DA.2016.203 - 8360 MONARO HIGHWAY - SUBMISSIONS -
 REDACTED - SECOND NOTIFICATION

From: Cindy Erland on behalf of Council Mailuser
Sent: 1 Jun 2017 21:38:06 +0000
To: Records
Subject: FW: Submissions: DA.2016.203
Attachments: Submissions (McDonalds).pdf

From: [REDACTED]
Sent: Thursday, 1 June 2017 4:32 PM
To: Council Mailuser <Council.Mailuser@qprc.nsw.gov.au>
Subject: Submissions: DA.2016.203

Dear Sirs,

We refer to the above matter.

Please see the attached Submissions.

Regards,

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

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[REDACTED]

Our Ref: LB 215 180
Your Ref: DA.2016.203

1 June 2017

Queanbeyan-Palerang Regional Council
PO Box 348
BUNGENDORE NSW 2621

Dear Sirs,

RE: DA.2016.203

We refer to the above matter and advise that we act for [REDACTED] the proprietors and residents of [REDACTED] being located at [REDACTED] Williamsdale NSW 2620.

We note that the Council has invited residents to comment on the proposed DA and that our clients were granted an extension to file their submissions up until and including Friday, 2 June 2017.

We advise that our clients would like to make the following submissions:

Submissions

1. Any DA approval should reflect the importance of sheep grazing and farming operations within the Palerang district.

Sheep grazing not only has important historic and social value but also has significant economic value.

Super fine wool (as produced by our clients) produced in Palerang is globally renowned and provides significant economic and social benefits to the Palerang district.

2. Our clients request that the proposed development footprint provide for an adequate distance between our clients' and the Applicants' common

[REDACTED]



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boundary to ensure that there is no disturbance to our client's important farming and grazing operations.

3. Our clients also submit that strict animal control procedures (especially dogs) be appended to any approval as a strict condition to consent.

As advised above and what is common knowledge within the Palerang district, our clients are producers of award winning super fine wool.

The merino sheep that our clients nurture and attend to are quite sensitive and prone to attack by dogs.

Our clients demand that any consent to build a property ensures that no dogs are allowed to roam the property freely or are restricted to ensure that they not come near the common boundary.

Should our client suffer any financial loss due to any animals either killing any of our clients award winning merino sheep, cause any loss whatsoever and/or disturb our client's grazing and farming practices, our clients reserve their rights.

4. Proper road traffic planning and controls needs to be put in place in relation to access to the property from the Monaro Highway.

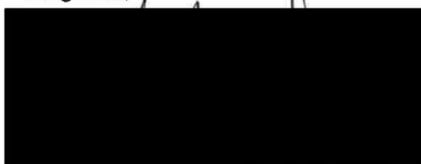
Our clients are quite concerned about potential vehicle congestion on the Monaro Highway as a result of the subdivision and the impact it will have on safety.

Proper planning needs to be put in place to allow possible several entry points to the anticipated subdivided lots to ensure that vehicles do not "group together" and try and enter the property from the Monaro Highway.

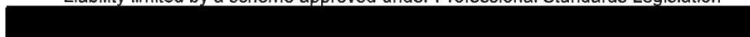
Our clients reserve their rights to make further submissions in regards to the above DA..

Should you have any questions or queries, please do not hesitate to contact us.

Regards,



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From: [REDACTED]
Sent: 31 May 2017 05:10:03 +0000
To: Records
Cc: council@qcc.nsw.gov.au
Subject: DA.2016.203 [SEC=UNOFFICIAL]
Attachments: DA.2016.203 31May2017 - Objections.pdf

UNOFFICIAL

Please find attached my comments relating to DA.2016.203.

Regards

[REDACTED]

UNOFFICIAL

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[REDACTED]

Document Set ID: 653695
Version: 1, Version Date: 31/05/2017



31May2017

QPRC

COMMENTS AGAINST DA.2016.203 – 6 LOT SUBDIVISION BOOTH ROAD ROYALLA

Thank you for the opportunity to response to the DA.2016.203.

It is difficult to make objections to a DA when the plans keep changing. To date I have seen 3 versions of plans for this subdivision and not sure which one Council will be viewing to make it's final decision. To base my objections, I am using the plan located in the Council Planning and Strategy Committee of the Whole, attachment 2 dated 10May17.

1. I wish Council to reconsider the size and location of road 2. Requesting either a reduction in width (closing in the boundary fences which will increase the sizes of Lot 5 and Lot 3) to reduce the protentional for the land owner submitting another rezoning application and subdivide the residual Lot 6 further down the line.

Why does residual Lot 6 need a 20 meter wide road as a drive way access, opposed to a battle-axe sized driveway which would be 4-5 meters wide? The Council document 4.1 Attachment 6 on page 57 states "A notation shall be placed on the Subdivision 88B instrument that states Road 2 is an un-maintained Council Road and that all ongoing maintenance of Road 2 shall be the responsibility of the property owner of Lot 6.

Reason: To ensure that the future maintenance of Road 2 does not become the responsibility of Council."

This road will NOT be in keeping with the rest of Royalla Estate and will NOT be consistent with the surrounding development area. This road will run the risk of becoming unsightly due to lack of maintenance and with the potential of truck transporting livestock through our street. Therefore, I ask Council to reconsider it's standing on Lot 6 using the original driveway at 8360 Monaro Highway.

The preferred option would be to remove road 2 all together and the land owner to continue using the existing entrance at 8360 Monaro Highway as he has done for the past 30 years. Council's wording with regards to the entrance 8360 Monaro Highway has been inconsistent throughout the document.

I ask Council to use the advice staff have documented in Item 4.1 Attachment 6 page 58 Reason: To provide safe entry and exit to lots from the road. A "Restriction to User" shall be placed on the Subdivision 88B instrument **stating that Lots 1 and 2 are not able to access the Monaro Highway for egress to and from their properties.**

Council is indicating here it wouldn't prevent Lot 6 from using the access to the Monaro Highway. This will keep livestock trucks and farm machinery from using the local road and give the land owner a more direct route onto the Highway. Otherwise all Council would be doing is moving the entrance to the Monaro Highway for his primary production property 500 meters up the road. Which is already congested during peak times and the sight of numerous vehicle collisions.

As we have had previous dealings with the land owner it appears he is planning to develop the residual Lot 6 in the future giving the planned width of Road 2. I appreciate Council's comments that it won't be able to be developed. We have seen how the land owner has badgered the former Palerang Council for many years to get this subdivision. We suspect not this Council but ones in the future will receive the same so that residual Lot 6 can be further developed.

The former Palerang Council has proven to the residents of Booth Road that any plan or policy can be amended to benefit a land owner.

2. Item 4.1 Attachment 1 page 6: "The landowner has advised that to his knowledge owning the property for 30 years there has never been a sheep dip or any other potential contamination activities carried out on the site. Based on this information and Council records no remediation works are required under the SEPP."

Not sure if the former arsenic sheep dip next to the proposed Lot 1 (just inside the boundary fence DP10144802 Swainsona Reserve) was used by the land owner or if any leaking occurred. But there has been a sheep dip in very close proximity to the land owner's property.

I know, my dog fell in it around 2001. The dip was filled in by Chinchilla around 2001/2002.

3. The land owner is quoted in 2009 saying "he originally purchased the land for sheep and cattle grazing, but sheep grazing has not been feasible due to numerous dog attacks since the adjoining land was subdivided for rural residential development" See attachment 1.

Item 4.1 attachment 1 page 6/7 under comments is states: "The development satisfies the rural planning principles as it maintains opportunities for continued rural use of the property (the residue lot), it recognises the importance of rural lands and agriculture in the area and region, it protects environmental resources identified on the land and adjoining and considers impacts on infrastructure to serve the development."

Item 4.1 attachment 1 page 7 "....The majority of the original rural holding will remain intact to enable continued use for farming/grazing activities...."

Item 4.1 attachment 1 page 12, "The design and siting of the development protects and encourages sustainable primary industry on the residue lot. "

Why will 5 more properties adjoining residual Lot 6 reduce the risk of any further attacks on live stock? Why keep residual Lot 6 for farming purposes?

Will Council be placing a caveat on the remaining lots prohibiting the ownership of dogs and cats? Thus, preventing any further loss of sheep grazing in the adjoining residual Lot 6?

4. I object to the straightening of the cul-de-sac thus removing the round-a-bout at the end of Booth Rd, Attachment 6 page 57. The former Palerang Council advised us they were intending to leave the round-a-bout in place as a form of 'Slow Down' point. If this development goes ahead and QPRC continues with the straight alignment of Booth Road, then Council has giving all vehicles a one kilometre race track. Booth road is a mini habit for local wildlife who graze on and around Booth road.

Royalla is already experiencing anti-social behaviour with vehicle driving at excessive speed on the local roads. More speeding cars will only see an increase in animal deaths. I ask Council to reconsider and leave the round-a-bout in place for the safety of the existing residents.

5. Can Council clarify that the developer will only have access to purchase the reclassified area of 0.4 ha of operational land. And that the developer will not have access to the remaining reserve as a

part of the development? Attachment 1 page 28 "...The proposed road will encroach over a very small of the area of the reserve land **being 5.11ha** in area. The land is now classified as Operational land and is no longer public reserve land. The road will provide continued access to the reserve." The plans Councils forwarded to me dated 12May2017 have the whole reserve shaded and this is concerning.

6. With respect to Council and comment made in the Agenda document dated 10May17 page 11 with regards to the development is not located under an identified flight path under the Palerang LEP 2014. This LEP was out of date at the time of Gazettal (19Sept14). First international flight landed in Canberra 21 September 2014. Since that date there has been an increase in planes flying over Booth Rd. See attachment 2.

As I write this letter, at 0954hrs 31May17 an aircraft has just flown over my house. Again, I ask Council to consider the noise pollution this new subdivision will incur. Suggesting including double glazing as a minimum design requirement for future housing. 1037hrs 31May17 another aircraft flew over my house.

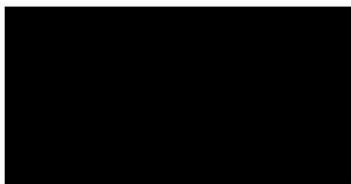
To summarise my objections:

I object to residual Lot 6 in its current state. However, if it were just the 5 lot subdivision adjoining but not including the RU1 land, then there would be no further objections.

I object to road 2 in its current size. A battle-axe style driveway of approx 3-4m wide which is in keeping with the remaining estate and mitigate any opportunity for future development. Alternately Council permit the land owner of residual Lot 6 to continue using the original entrance onto the Monaro Highway for the purpose of RU1 and removing road 2 from the DA.

Again, thank you for taking the time to hear my concerns. I look forward to hearing from Council with regards to this DA.

Regards



ATTACHMENT ONE

Ordinary Report

03 September 2009

Item 9.c.2 YLEP amendment – clustered rural residential

SUBJECT	Proposed amendment of Yarrowlumla Local Environmental Plan 2002 – to allow clustered rural residential development on Lots 1 & 2, DP 456367, Lot 2, DP 131294 and Lot 1, DP 1067259, 8360 Monaro Highway, Royalla	
FILE NO.	P40453	Planning and Environmental Services

Attachments

1. Planning Proposal

Synopsis

A planning proposal to amend the Yarrowlumla LEP 2002 to allow a cluster housing rural residential development on a parcel of land located adjacent to the Royalla rural residential area. The proposal includes the reclassification of a small area of public land from Community to Operational Land. This is necessary to allow the construction of an access road from Booth Road to the subject land.

Recommendation

Recommended that Council forward to the NSW Minister for Planning for a gateway determination in accordance with section 56 of the *Environmental Planning and Assessment Act 1979*, the planning proposal to amend the Yarrowlumla Local Environmental Plan 2002 such that cluster housing is permissible with development consent on Lots 1 & 2, DP 456367, Lot 2, DP 131294 and Lot 1, DP 1067259, 8360 Monaro Highway, Royalla.

Report

The land holding comprising Lots 1 & 2, DP 456367, Lot 2, DP 131294 and Lot 1, DP 1067259, 8360 Monaro Highway, Royalla has an area of 183.55 ha and is zoned 1(a) General Rural under the YLEP 2002. It is located adjacent to the Royalla rural residential area on the Monaro Highway, 20 km south of Queanbeyan (Figure 1). The majority of the land is steep timbered country with high conservation value, but there is a previously disturbed area of about 30 ha located in the north western corner of the land that is suitable for development.

Background

The land owner, [REDACTED] has owned the property for about 25 years. [REDACTED] has advised that he originally purchased the land for sheep and cattle grazing, but sheep grazing has not been feasible due to numerous dog attacks since the adjoining land was subdivided for rural residential development.

[REDACTED] has been seeking LEP amendments to allow clustered rural residential development of this land since 2001. The proposal was considered by Yarrowlumla Council at a number of Committee meetings, Council meetings and workshops in March and April 2001. At that time Yarrowlumla Council considered the proposal to be a logical extension to the Royalla rural residential area to the east and north. It was acknowledged that the land had additional constraints compared with Royalla due to slope and visual impact on the Monaro Highway, and this was to be addressed by careful siting of a number

Page 248

ATTACHMENT TWO



From: [REDACTED]
Sent: 31 May 2017 16:45:20 +1000
To: Records;council@qprc.nsw.gov.au
Subject: DA:2016.203

Hi Patrick,

I am writing this submission of my concerns that the boundary fence between our property lot 1, 8154 Monaro Highway Williamsdale NSW and the proposed development of 8360 Monaro Highway Royalla NSW.

The fence is not in the correct position, this will impact us greatly with the proposed fire trail now going into a horse yard that is currently fenced as our property.

The fence is in poor condition, now with the development of the adjoining land we ask that the fence be moved to the correct boundary position as we are concerned that this could impact us greatly regarding the sale of our property.

We are also concerned with the fence being in such poor condition that this will affect our security and safety with additional people and animals moving into the area.

Regards,

[REDACTED]

QUEANBEYAN-PALERANG REGIONAL COUNCIL

Planning and Strategy Committee of the Whole Meeting Attachment

14 JUNE 2017

ITEM 4.1 DEVELOPMENT APPLICATION 2016.203 - SIX LOT
SUBDIVISION - 8360 MONARO HIGHWAY, ROYALLA

ATTACHMENT 5 DA.2016.203 - 8360 MONARO HIGHWAY - DRAFT CONDITIONS
OF CONSENT

SCHEDULE OF CONDITIONS

Development Consent DA.2016.203

Approved development and plans

- 1.1 The development referred to in the application is to be carried out in accordance with the approved plans and documents including the following:
- Plan of subdivision for 6 lots and designated building envelopes prepared by PJ Shaw Pty Ltd. Consulting Surveyors dated 12 April 2017.
 - Statement of Environmental Effects prepared by Fraish Consulting, Civil and Structural Engineers dated October 2016
 - Cultural Heritage Report for the site, Archaeological Cultural Heritage Assessment prepared by Alister Bowen June 2016
 - Bushfire Protection Assessment for the site prepared by ecological Australia dated 5 October 2016.
 - Flora and Fauna Assessments Ecological Australia dated 31 August 2016 and Biosis Flora and Fauna report dated 13 April 2017.
 - Site and Soil Assessment for On Site Effluent Disposal prepared by Fraish Civil and Structural Engineers at Lots 1&2, DP 456367 and Lot 2 DP 131294 undated.
- except as modified by any of the following conditions of consent.
- 1.2 Consent for the subdivision is granted pursuant to Clause 4.1 subclause (1) to (3) [proposed Lot 6] and Clause 4.1B subclauses(1) to (3) [proposed Lots 1 to 5] pursuant to the Palerang Local Environmental Plan 2014.

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

Building Envelopes & Restrictions

- 2.1 Proposed envelopes on Lots 1, 2, 3, 4 and 5 must have minimum side and rear setbacks of 25m and 50m setback to the proposed roads.
- 2.2 The Box Gum Woodland- Derived Grassland and rock outcrop area identified on plan referred to in *Figure 1 Ecological Values of the Study Area* in the Biosis, Flora and Fauna Report dated 19 April 2017 is to be deleted from within the building envelope in proposed Lot 5.
- 2.3 Pursuant to 88B of the Conveyancing Act 1919 restrictions as to use shall be created to achieve the following purposes:
- Prohibiting construction of buildings outside identified building envelopes shown on plan drawn by P J Shaw and Associates Consulting Surveyors received 20 April 2017.
 - Effluent disposal areas are to be located within each building envelope and sited at least 40m from any adjoining drainage system.
 - Compliance with the recommendations of the Site and Soil assessment for On Site Effluent Disposal Lots 1&2 DP 456367 & Lot 2 DP 131294 prepared by Fraish Civil & Structural Engineers received by Council 19 April 2017.

- Compliance with the recommendations of the Bushfire Protection Assessment for the site prepared by ecological Australia dated 5 October 2016 together with the requirements of NSW Rural Fire Service dated 10 March 2017.
- Compliance with the following recommendations of the Flora and Fauna Assessment by Biosis:
 - Protection in perpetuity and the management of the fenced patch of (2.42ha) of Box Gum Woodland – Derived Grassland on proposed Lot 5 (Refer to Condition 13.1).
- That future owners of all lots be made aware that their properties may be affected by rail/road (Goulburn to Bombala Rail and Monaro Highway) noise and vibration and that noise mitigation measures may be required in building construction design.
- A “Restriction as to User” is to be placed on the title of proposed Lot 6 prohibiting the further subdivision of the land into two or more lots.
- A “Restriction to User” shall be placed on the Subdivision 88B Instrument stating that proposed Lots 1, 2 and 6 are not able to access the Monaro Highway for egress to and from their properties.

Queanbeyan-Palerang Regional Council shall be nominated as the sole party with the power to vary or remove the required restrictions

Reason: To ensure safe entry and exit to lots from the road, advise future owners of potential noise and vibration from adjoining transport corridors, comply with the recommendations of the ecologist, soil and bushfire consultant reports, ensure buildings are restricted to the approved building envelopes and prohibit further subdivision of the residue lot.

Plans to be kept on site

3. Keep a copy of all stamped approved plans, specifications and documents on site while work is being undertaken.

Reason: Relevant documentation is available for perusal on site by a council officer, for compliance check.

Site identification

4. The site where building work, subdivision work, or demolition work are proposed to be carried out shall be identified by a sign sited in a visually prominent position containing the following information;
 - the development application number,
 - name, address and telephone number of the principal certifying authority,
 - name of the principal contractor (if any) and 24 hour contact telephone number, and
 - a statement that “unauthorised entry to the work site is prohibited”.

Reason: The site is managed in a safe manner.

Aboriginal objects

5. The development is to proceed with caution. If any Aboriginal objects are found, works should stop and NSW Office of Environment & Heritage (OEH) notified. If human remains are found work is to stop, the site is to be secured and the NSW Police and NSW Office of Environment & Heritage are to be notified.

Reason: To ensure objects discovered during construction are protected and notified in accordance with the Due Diligence Code of Practice for the Protection of Aboriginal Objects in New South Wales.

Waste Management

6. All waste materials generated on-site during construction are to be stored in enclosed containers and deposited in an approved landfill at regular periods.

Reason: To ensure adequate waste management practices are in place during the construction phase.

Essential Energy Requirements

7. The site is affected by a high voltage electricity transmission line. Essential Energy reviewed the application and advised it has no objection to the subdivision proposal provided:

- a) If the proposal changes Essential Energy would need to be informed for further comment;
- b) No structure is built within the easement or within safety clearances of the existing and any new powerline;
- c) Any existing encumbrances in favour of Essential Energy (or its predecessors) noted on the title of the above property are complied with;

Note:

It is the applicant's responsibility to make the appropriate application with Essential Energy for the supply of electricity to the subdivision, which may include the payment of fees and contributions.

Essential Energy records indicate there is electricity infrastructure located within close proximity to the property. Any activities within this location must be undertaken in accordance with the latest industry guideline currently known as ISSC 20 Guideline for the Management of Activities within Electricity Easements and Close to Infrastructure.

Prior to carrying out any works, a "Dial Before You Dig" enquiry must be undertaken in accordance with the requirements of Part 5E (Protection of Underground Electricity power Lines) of the Electricity Supply Act 1995 (NSW).

Given there is electricity infrastructure in the area, it is the responsibility of the person/s completing any works around power lines to understand their safety responsibilities. SafeWork NSW www.safework.nsw.gov.au has publications that provide guidance when working close to electricity infrastructure. These include the Code of Practice – Work near Overhead Power Lines and Underground Assets.

Reason: To ensure relevant agency requirements are met.

Construction Activities

8. Construction work shall only be undertaken between the hours of 7 am and 6 pm Mondays to Fridays and between the hours of 7.00 am and 2.00 pm Saturdays. No construction work shall take place on Sundays or Public Holidays unless Queanbeyan-Palerang Regional Council agrees in writing. A written application shall be made to Queanbeyan-Palerang Regional Council if a variation of hours is required.

Reason: To ensure that noise impacts do not result from construction work.

Rural Addressing

9. In accordance with *Clause 60(c)* of the *Surveying and Spatial Information Regulation* a schedule of recorded street/rural addresses on Plan Form 6A shall be submitted to Council prior to the release of the Subdivision Certificate.

Advice: Convey with Queanbeyan-Palerang Regional Council to determine the street numbering/rural addressing for newly created allotments in accordance with Council's requirements.

Reason: To ensure compliance with the Surveying and Spatial Information Regulation.

Subdivision certificate

10. The Subdivision Certificate will not be released until all relevant conditions of consent have been complied with including payment by the applicant of an agreed market value cost of the road over part Lot 29 DP 1015516. Lodge a subdivision certificate application with Queanbeyan-Palerang Regional Council on the appropriate form. The subdivision certificate application is to be accompanied by the correct application fee and written evidence that all conditions of consent have been complied with.

Lodge the original of the subdivision plan and two copies with the subdivision certificate application. The subdivision plan must be suitable for registration with the NSW Land and Property Information Division.

Lodge any s.88B instruments required by these conditions of consent with the subdivision certificate application. The final allotment boundaries and building envelopes are to be determined at the time of survey and shown on the subdivision plan to Queanbeyan-Palerang Regional Council's satisfaction.

Reason: To enable registration of the subdivision. To allow for minor variations to the subdivision layout that may result from the survey. To provide sufficient signed copies of the subdivision plan for Council, the applicant and the NSW Land and Property Information.

NSW Rural fire Service Requirements

11. The NSW Rural Service issued a bush fire safety authority on 10 March 2017 subject to the following conditions:

1. The development proposal is to comply with the subdivision layout identified on the drawing prepared by Fraish Consulting numbered C100 Rev C sheet 1, dated 31 October 2016.

Water and Utilities

The intent of measures is to provide adequate service 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. To achieve this the following conditions shall apply:

2. Water, electricity and gas are to comply with section 4.1.3 of "Planning for Bush Fire Protection 2006"

Access

The intent of measures for public roads is to provide safe operational access to structures and water supply for emergency services, while residents are seeking to evacuate from an area. To achieve this, the following conditions shall apply:

3. Public access shall comply with section 4.1.3(1) of "Planning for Bush Fire Protection 2006".

The intent of measures for internal roads is to provide safe operational access for emergency services personnel in suppressing a bush fire, while residents are accessing or egressing an area. To achieve this, the following conditions shall apply:

4. Internal roads shall comply with section 4.2.7 of "Planning for Bush Fire Protection 2006"

Reason: To satisfy the bushfire authority issued by NSW Rural Fire Service.

Public road

- 12.1 The proposed road/s is/are to be dedicated to Queanbeyan-Palerang Regional Council as a public road.

- 12.2 If it is determined by survey that the public road encroaches on the land which is to be subdivided, the affected land is to be dedicated as public road.

Reason: To ensure compliance with the Roads Act 1993 and the Conveyancing Act 1919.

- 12.3 Align proposed road boundaries so that legal and physical access to the allotments will coincide.

Reason: To ensure that roads have appropriate legal status.

- 12.4 Prior to making application for the construction certificate provide a name for the new road for Queanbeyan-Palerang Regional Council approval.

- 12.5 The approved road name is to be shown on the plan of subdivision. The applicant is to contribute the full cost for the supply and erection of a sign prior to the issue of a subdivision certificate.

Reason: To ensure compliance with the provisions of the Local Government Act 1993.

- 12.6 All unused Crown road reserves are to be closed and consolidated into the subject land at no cost to Queanbeyan-Palerang Regional Council.

Reason: To restrict access to newly created lots to an approved road network.

Vegetation and Habitat Protection

- 13.1 The entire patch of (2.42ha) of Box Gum Woodland – Derived Grassland (EPBC Act and TSC Act) identified in the Biosis Flora and Fauna Assessment Report, Figure 1 is to be fenced off and managed in an unmarked environmental exclusion zone to ensure its protection in perpetuity. The fencing is to be completed in accordance with Councils fencing standards specified under the Palerang Development Control Plan 2015 prior to the release of the Subdivision Certificate.

Reason: To protect significant Box Gum Woodland - Grassland

- 13.2 The five (5) hollow bearing trees identified in the Biosis, Flora and Fauna Report, Figure 1, dated 19 April 2017 are to be preserved and protected on site to conserve potential breeding habitat for non - threatened avifauna in addition to arboreal and aerial mammals within the locality.

Reason: To protect potential habitat and habitat trees.

Importation of Fill Material

14. Any fill material imported onto the site must be free of contaminants and be from an approved extraction source. Details in writing (certification) must be provided to Council of compliance with these requirements prior to commencement of construction works.

Reason: To ensure only clean uncontaminated fill material from an approved source is

Public Liability Insurance.

15. Immediately on the issue of the Construction Certificate for civil works through to the proposed road dedication (by plan registration) over Lot 29 DP 1015516 the applicant is to ensure they and their contractors are indemnified from public liability claims to the amount of \$20,000,000. The applicant is to ensure that written evidence of the indemnity insurance being in place by themselves and their contractors is provided to Council prior to any construction works over Councils land.

Reason: To protect Councils interest as the land owner until dedication of the road.

Overland Stormwater Flows

16. In the final engineering design plans the applicant is to ensure that no additional overland stormwater flows from the subdivision occur over the adjoining rail land or other private lands.

Reason: To protect adjoining owner's infrastructure.

ENGINEERING REQUIREMENTS

Design requirements

Realignment of Road Over Council's Operational Land

- 17A. Prior to the release of the construction certificate (subdivision) the applicant shall submit to Council an amended subdivision layout and road alignment across Council's operational land to take into account every effort to preserve as much of the existing landscape planting to the west of the proposed road alignment as possible.

Reason: To ensure that existing landscape works screening the adjoining property to the west are preserved to the greatest extent possible.

Design standard:

17. Civil works are to be designed and constructed to Aus-Spec #1 Development Specification Series as amended by Council, which includes Council's Specification for the Construction of Private Access Roads and Entrances, Austroads Road Design Guides (including RTA supplements) and relevant Australian Standards. Design work is to be done by appropriately accredited engineering designers. Engineering drawings are to include a note that "All work is to be constructed in accordance with AUS-SPEC#1 Development Specification Series as amended by Palerang Council, and the terms of the Development Consent."

Reason: To ensure that works are designed to cater for the demands generated by the development in accordance with Council's standards.

Design drawings – civil works

18. Provide engineering design drawings, and supporting information, to standards in AUS-SPEC #1 as amended by Palerang Council, for all civil works for approval by the principal certifying authority prior to issue of any construction certificate.

Advice: If Queanbeyan - Palerang Regional Council is nominated principal certifying authority, engineering drawings shall:

- Be prepared by a suitably qualified civil engineer or registered surveyor as set out in AUS-SPEC#1 Development Specification Series Clause DQS.06(1).
- Be signed by a suitably qualified civil engineer or registered surveyor as set out in AUS-SPEC#1 Development Specification Series Clause DQS.06(1).
- Include a note that "All work to be constructed in accordance with AUS-SPEC#1 Development Specification Series, as amended by Palerang Council, and the terms of the Development Consent".
- Show consent requirements such as construction hours.
- Include, as a minimum where relevant:
 - A site plan showing relevant locations and details of all existing infrastructure/services and details of proposed construction works.
 - A site plan showing the access road centreline, vegetation to be removed and drainage structures. Permanent and ephemeral streams shall be shown where they cross the road centreline.
 - Road Plan and Long. Sections – illustrating road geometry and control lines and extending a minimum of 50m beyond the development's frontage;
 - Typical and Road Cross Sections including locations of underground services (including subsoil drains) and illustrating typical street furniture and tree reservations within the verges.

- Hydraulics Plans and Long. Sections – including existing services appropriately annotated with critical invert levels at points of connection and property ties. Conflict points are to be shown and details of separations provided.
New works are preferred to be colour coded line types such as:
 - ❖ Sewer – Red
 - ❖ Water – Blue
 - ❖ Stormwater – Green
 - ❖ Electricity – Magenta
 - ❖ Telecommunications – Orange
 - ❖ Gas – Yellow
 - ❖ Common Trench and Conduit Plans.
- Stormwater Long. Sections – illustrating invert levels, surface levels, any services conflicts and hydraulic grade line and be numbered to link it to the hydraulics plan view drawing;
- Traffic Control Devices – illustrating new pavement markings and signs and/or removal/eradication of existing lines and signs.
- Streetscape landscaping plan.
- A SWMP including drawings and supporting report, as appropriate.

Drawings are to be provided in A3 sheets in (2 copies) and AutoCAD file. Design drawings, and supporting information to AUS-SPEC #1 standards as amended by Council are required for all proposed engineering works. These drawings shall include proposed lot boundaries and road widening where needed, and are to be approved by the appointed Certifier before a construction certificate will be issued.

Reason: To ensure that works are designed to cater for the demands generated by the development in accordance with Council's standards.

Public Road Reserves

19. The proposed roads within Crown or Council Road Reserves are to be dedicated to Queanbeyan - Palerang Regional Council as a public road.
If it is determined by survey that the public road encroaches on the land which is to be subdivided, the affected land is to be dedicated as public road. Alternatively, the road may be realigned to the road reserve and the disused roadway restored as far as practicable, to that pre-existing the road works. Align proposed road boundaries so that legal and physical access coincide.

Reason: To ensure that roads have appropriate legal status.

Ongoing Maintenance of Road 2:

20. A notation shall be placed on the Subdivision 88B instrument that states Road 2 is an un-maintained Council Road and that all ongoing maintenance of Road 2 shall be the responsibility of the property owner of Lot 6.

Reason: To ensure that the future maintenance of Road 2 does not become the responsibility of Council.

Rural Roads:

21. Design the external road and drainage structures between the end of the existing Booth Road and the end of the proposed Road 1 to the standard of a Type RS1 as specified in Palerang Council Development Control Plan 2015 (PDCP).

Reason: To ensure that the roads created are of a standard to safely cater for the traffic generated by the development.

The existing Booth Road carriageway is to be widened to the standard of a road Type RS1 as specified in Palerang Council Development Control Plan 2015 (PDCP).

Reason: To ensure that the roads created are of a standard to safely cater for the traffic generated by the development.

The existing cul-de-sac at the end of Booth Road is to be removed and revegetated. Road 1 shall be designed such that it continues on a straight alignment from Booth Road (as conditioned above) without the need for any roundabout configuration. The existing accesses at this location are to be designed such that they join Booth Road at a perpendicular angle (or as close as possible) in accordance with the Standard Drawing SD-PAL-101 as specified in Palerang Council Development Control Plan 2015 (PDCP).

Reason: To ensure that the roads created are of a standard to safely cater for the traffic generated by the development.

Pavement design

22. The applicant is to provide Council with a detailed pavement design which conforms to AUSTROADS Pavement Design Manual, including results of subgrade CBR tests. The pavement design must be approved by Council, prior to placement of pavement materials.

Reason: To ensure that roads are designed to cater for the traffic generated by the development.

Road Signage and Traffic Control Devices

23. Design roads and intersections with road signage and traffic control devices to Austroads (and RMS supplements) and RMS requirements. Submit traffic control details to the principal certifying authority prior to issue of a construction certificate.

Reason: To ensure that roads have appropriate signage and traffic control devices.

Rural Access/Entrance

24. Property access to the public road (existing or proposed), shall be located to provide safe intersection sight distance as determined by reference to Austroads "Guide to Road Design Part 4A Unsignalised and Signalised Intersections", including RTA Supplements.

Design the access to each of the proposed lots, to the standard of a sealed Pavement Type A as illustrated in Standard Drawing PAL-SD-101.dwg, Palerang Council Development Control Plan 2015. An access and gated entrance shall also be provided to the Council Reserve on the northern side of the proposed Lot 5. The access shall be designed in accordance with the Standard Drawing PAL-SD-101.

Reason: To provide safe entry and exit to lots from the road.

Internal Roadways (Rural):

- 25.1 Design the internal road and drainage structures between the new property access and the building envelope on each of the proposed allotments, to the standard of a **Type RP1 Road** as specified in Palerang Council Development Control Plan 2015. See Table 4 for a summary of the standards required. Any drainage structures required for these internal roads are to be designed to cater for a minimum 1 in 2 Year ARI rainfall event.

When designing these roads give particular attention to erosion and sediment control in drains and at culverts. Base course gravel where unsealed is to be erosion-resistant and conform to the specification for unsealed road pavements. Detailed construction drawings are not required for this class of road, however road location(s), longitudinal grades and stream crossings are to be shown as a minimum.

Bitumen seal the pavement of a Type RP 1, 2, 3 road 14/7 double / double, where grades of erosion-resistant gravels exceed 15%, or within 50 metres of the near edge of any existing building envelopes / dwelling facades on adjacent properties.

- 25.2 The internal road/s to be constructed are to comply and must be maintained in perpetuity to provide the performance criteria and acceptable solutions as set out in Rural Fire Service NSW document, Planning for Bushfire Protection, December 2006, Clause 4.1.3 Access [2], particularly in respect of minimum carriageway pavement width (4 metres), passing bays, minimum vertical clearance of 4 metres to overhanging obstructions, minimum curve radii and maximum gradients.

Reason: Roads created allow for environmental protection and requirements for bushfire planning.

Stormwater Design

26. All stormwater design is to comply with the requirements Palerang Council Development Control Plan 2015. Provide detailed design and drawings of the proposed stormwater drainage systems with supporting calculations, which shall be undertaken by a Hydraulics Engineer or other suitably qualified person experienced in hydrologic and hydraulic design. The design must be approved by Council (as PCA), prior to the issue of a construction certificate for these works.

For public road and recreation reserves, Class 4 reinforced concrete spigot and socket rubber ring jointed (RRJ) pipes shall be specified for pipe sizes from Ø375mm to Ø900mm. Smaller pipes in other locations must be approved RRJ pipes of RCP, uPVC or FRC materials.

Details shall be provided (prepared by a Hydraulics Engineer or other suitably qualified person experienced in hydrologic and hydraulic design) that confirm that the concentration of flows from the proposed culvert located directly upstream of the dwelling located at 54 Booth Road will not have a detrimental impact on the property nor flood the adjacent dwelling or structures. If this is not able to be satisfied, the culvert shall be relocated to a more suitable location and/or stormwater flows diverted elsewhere.

Reason: Stormwater disposal does not impact on the building, verge or neighbouring properties.

Fencing Road & Stock Grids

- 27.1 All public roads boundaries, the boundaries shown on the DA Submission Drawing titled "*Fencing Plan*" – Drawing No. C265, prepared by FRAISH Consulting, and the northern most boundary of proposed Lot 5 and 6 adjoining Lot 29 DP 1015516; the eastern boundary of proposed Lot 6 adjoining Lot 101 DP 1019288 and the Box Gum Woodland- Derived Grassland and rock outcrop area identified on plan (Proposed Lot 5) referred to in *Figure 1 Ecological Values of the Study Area* in the Biosis, Flora and Fauna Report dated 19 April 2017 shall be fenced in accordance with Clause C30.1 RU1 Primary Production, E3 Environmental Management and E4 Environmental Living land use zones of the Palerang Development Control 2015.
- 27.2 Erect a 1.8m high chain wire fence along the boundary of proposed Lots 1, 2 & 6 adjoining the Goulburn-Bombala rail line.
- 27.3 The entrance gates to each of the new allotments shall be consistent with those of the surrounding Royalla area. The end of Road 2 (at the property boundary) shall be fenced and provided with the same gated entrance as the other property accesses in the development.

Reason: To ensure that all property boundaries are appropriately fenced and are consistent with the surrounding development area.

Utilities

- 28.1 Satisfactory arrangements shall be made with relevant service authorities or their agents for the supply of electricity and telephone services to each proposed lots.
- 28.2 Provide a drawing showing utility locations as part of the construction certificate application. The common/shared trench shall be located 1.0m offset from the road reserve boundary.
- 28.3 At locations where utilities cross other services, such as stormwater mains, sewers or water mains, each service is to be shown on a detail or cross section demonstrating sufficient clearances between each pipeline, cable, etc.

Reason: To provide adequate utility servicing to the development.

Approved development and drawings

29. The development referred to in the application is to be carried out in accordance with the Construction Certificate approved drawings except as modified by any conditions of consent.

Reason: Subdivision works are undertaken in accordance with development conditions of consent and Council standards.

Drawings to be Kept on Site

30. Keep a copy of all stamped approved drawings, specifications and documents on site while work is being undertaken.

Reason: Relevant documentation is available for perusal on site by a council officer, for compliance check.

Pre-construction requirements

Construction certificate – Subdivision Works

31. Obtain a civil works construction certificate from Queanbeyan - Palerang Regional Council before undertaking any subdivision works.

Reason: To ensure compliance with Section 81A(4) of the Environmental Planning and Assessment Act 1979.

Security Deposit – for Construction Certificate applications

32. Pay the following Security Deposit/s, Security Deposit for damage to Public Assets (payable on lodgement of construction certificate),

Construction Activity	GST Applicable	Fee 2016/17 \$
as per E1.43 of the current Fees and Charges Pricing Policy		
Rural areas - developments involving delivery of construction materials or machine excavation	No	500.00

When paying security deposit please quote account code **GLBondRdWks** or for the inspection fee **GLDevinspect**.

Deposit may be released on acceptance of all works within a public road reserve, following an acceptable inspection by a Queanbeyan - Palerang Regional Council Officer and issue of a Subdivision Certificate/Occupation or Completion Certificate.

Reason: To cover Queanbeyan - Palerang Regional Council's costs of repair of any damage that is not properly rectified by the applicant.

Superintendent of Works

33. Appoint a Superintendent of Works, prior to commencing subdivision civil construction works. The Superintendent of Works shall be a Civil Engineer or suitably experienced and accredited Registered Surveyor as set out in AusSpec#1. The Superintendent of Works must undertake sufficient day to day inspections, provide supervision of the works and all materials used, to be able to provide a Certification Report to Council for all subdivision works, following practical completion and prior to issue of Subdivision Certificate.

Reason: To ensure works are undertaken in compliance with the Development Consent and Council standards.

Principal certifying authority – Subdivision Works

34. Appoint Council as Principal Certifying Authority to inspect subdivision works as required and certify the works on completion.

Advice: To engage Queanbeyan - Palerang Regional Council as the nominated principal certifying authority, complete the attached quote and arrange for payment of the relevant fees when lodging the “**Notice to Commence Building or Subdivision Work and Appointment of a Principal Certifying Authority**”.

Reason: To ensure compliance with Section 81A(4) of the Environmental Planning and Assessment Act 1979.

Section 138 consent (s.138)

35. The Contractor **MUST** obtain consent under section 138 of the Roads Act 1993 from Queanbeyan - Palerang Regional Council before any work is undertaken within public road reserves. A Security Bond as identified in the Security Deposit section (below), is to be lodged with the s.138 Application. Contractors or others proposing to carry out works on a public road shall be experienced and pre-qualified to Council's accreditation requirements.

Reason: To ensure that works carried out comply with the Roads Act.

Security Deposit - Section 138 Works

36. Pay the following Security Bond, with the s.138 Application and prior to works commencement:

Section 138 Works being undertaken within a public road reserve	GST Applicable	Fee 2016/17 \$
Rural areas	No	1000.00

Erosion Control

37. A Soil and Water Management Plan (SWMP) for all site works, including road works and access, is to be approved by the principal certifying authority prior to any works commencing. The plan is to cover all measures to control erosion and sediment transport in accordance with the NSW Landcom publication Managing Urban Stormwater -Soils and Construction (4th Edition 2004- "Blue Book"). A SWMP should be prepared and site-managed by a Certified Professional in Erosion and Sediment Control (CPESC). The SWMP shall include both drawings and commentary which clearly sets out the installation, maintenance requirements and inspection schedules for all control measures.
The SWMP should provide for at least 3 work stages, e.g., bulk earthworks, construction phase of all works elements and a final control stage at works completion.

Reason: To minimise environmental impact associated with any works & to prevent soil erosion/water pollution.

Trees and Vegetation

38. No trees or existing vegetation shall be removed, or earthworks commenced, within 40 m of any watercourse or 20 m of any land having a slope greater than 1 in 5 without prior consent from Queanbeyan - Palerang Regional Council.
No trees over 3 m in height, fallen or dead trees, shrubs or vegetative cover on the property, or on crown or public road reserves, shall be removed or disturbed without prior consent from Queanbeyan - Palerang Regional Council.

Reason: To ensure compliance with Department of Infrastructure Planning and Natural Resources and Council's roadside vegetation management policy.

Construction Management

39. A Construction Management Plan (CMP) for all site works, including road works and access, is to be approved by the principal certifying authority prior to work commencing. The plan is to cover all measures to control construction activities and temporary traffic management in accordance with Roads and Maritime Services requirements.

Reason: To minimise risk to road users and to ensure public safety.

Arborist Report – tree assessment and tree management plan.

40. The applicant is to submit a Tree Assessment and Tree Management Report for the existing trees located adjacent to the area of works. This plan is to be prepared by a qualified Arborist with a minimum Australian Qualification Framework (AQF) Level 5 in Arboriculture.

Council approval of the Tree Assessment and Tree Management Plan must be issued prior to works commencing. All tree management procedures within the report are to be in accordance with the Australian Standard AS4970 - 2009 Protection of trees on development sites. The Arborist report must contain the following information:

- An appraisal of the health and vigour of, including stage of growth, predicted gross morphology, crown framework and extent of root system;
- Tree site plan of suitable scale to proposed development layout plans indicating all required Tree Protection Zones (TPZ) and Structural Root Zones (SRZ) for the immediately adjacent to the proposed area of works;
- Details of all proposed vegetation works (including proposed clearing or retention works) to ensure: The survival, ongoing health and vigour of retained vegetation (given proximity to buildings and areas where works are to be undertaken) including any necessary reductions (crown, thinning, root truncations) to accommodate footings and foundations, and protective devices (protective fences, root curtains/barriers) to minimise construction impacts.

Reason: To maintain and enhance the Palerang local government area's biodiversity.

Civil works construction requirements

Damage to any Infrastructure:

41. Any infrastructure (public or private) that is damaged during construction within the road reserve is the responsibility of the applicant to correct and repair or replace as necessary, to bring the damaged infrastructure back to the condition or better, existing prior to any damage. The Applicant/Contractor is to determine the locations of all services, prior to works commencement.

Reason: To ensure existing infrastructure is protected.

Construction of Engineering Works

42. All civil works relating to the Civil Construction Certificate and/or the Section 138 works are to be completed in accordance with all Development Approval Conditions of Consent, and Construction Certificate approved drawings and specifications, prior to the release of plan of subdivision.

Reason: To ensure the development is serviced to Council's standards.

Construction Standard and Contractors

43. Civil works are to be constructed to Aus-Spec #1 Part B2 Development Specification Series, Construction as amended by Council, Austroads Road Design Guides (including RTA supplements), Water Services Association of Australia Sewer and Water Codes (WSA-02 & WSA-03), and relevant Australian Standards and/or as amended by these conditions of Consent.

Construction work is to be carried out by contractors who are experienced in civil construction works to Council's approval, have quality management systems in place and hold business insurance policies covering workers compensation, and public liability. Additional insurance may be required under Section 138 of the Roads Act to work on a public road.

Reason: To ensure the development is undertaken to comply with Council's standards.

Site Revegetation

44. Rehabilitation grass mix is to be applied to all disturbed surfaces as soon as practicable at the completion of each component of work. The mix is to be applied at the recommended rate of dispersal. Do not use species that are listed under the Noxious Weeds Act 1993.

Reason: Prevent soil erosion, water pollution and the discharge of sediment on surrounding land.

Dust Suppression

45. Undertake measures as appropriate, and/or respond to any Council direction to provide dust suppression on roads leading to, adjacent to and within the worksite in the event that weather conditions and construction traffic are giving rise to abnormal generation of dust.

Reason: To ensure that local residents and activities are not disadvantaged by dust during construction.

Rural Public Road – Booth Road and Road 1

- 46.1 Roads shall be constructed to the specifications as set out in AusSPEC # 1 Technical Specifications for Subdivisions –Part B2, as amended by Palerang Council. The layout is to be generally as proposed on Dwg. No. C006 – REV B (31-10-16).
- 46.2 The verge area between the sealed pavement and the property boundary shall be adjusted, as necessary, by cut or fill to comply with verge tracks as per PDGP and left in a neat and evenly graded condition after being topsoiled and seeded with appropriate dry land grass mix.
- 46.3 Liaise with Council and pay fees as set out in Council's Schedule of Fees and Charges for adjustments to any road, water supply, sewer or stormwater infrastructure, which may be required to meet designed finished surface levels to match new construction.

Reason: To ensure that road and pedestrian facilities meet the requirements of the traffic generated by the development and meets current accessibility requirements.

Roadwork – Connection to Neighbouring Street Construction

47. Construct as necessary all elements of the external road and the proposed Road, to provide for a seamless and integrated connection of both roads.

Reason: To ensure that the road networks are properly interlinked.

Property Access to Road

48. Construct/upgrade as necessary the entrances to the proposed allotments, to the standard of a Pavement Type A as specified in Palerang Council Development Control Plan 2015. An access and gated entrance shall also be provided to the Council Reserve on the northern side of the proposed Lot 5. The access shall be designed in accordance with the Standard Drawing PAL-SD-101.

Where required to manage table drains flows, cross drainage culvert pipes at each access shall be minimum diameter of 375mm, set back 6m from the edge of the through lane, length to suit the site (minimum of 7.32m), and fitted with standard concrete headwalls and aprons. Permanent erosion protection and re-vegetation shall be provided upstream and downstream of the culvert and in adjacent table drains and batters as required to control erosion. Guide posts shall be provided at culvert pipes and on the road shoulder each side of the access. The adjacent road reserve and table drains, diverted as necessary and shaped both sides to 1:4 batters, shall be left in a clean and tidy condition after topsoiling and re-vegetation.

Reason: Safe entry and exit to lots from the road.

Traffic Control Devices

49. Install appropriate traffic control devices for all streets as required, in accordance with AS1742 and RMS Supplements, as approved by the Construction Certificate.

Reason: To provide a safe and legible street network and suitable driver instruction within the street network.

Redundant Gateways / Secondary Access / Secondary Crossovers

50. Close and fence off redundant gateways and existing unauthorized access or entry points to the public road. Remove any embankment material, fill in any cuttings, remove pavement or pipes located within the road reserve and restore the site to a natural state.

Reason: Only one access to each lot allowed.

Internal Roadways (Rural):

- 51.1 Construct/upgrade as necessary the internal road and drainage structures between the new property access and the building envelope on each of the proposed allotments, to the standard of a **Type RP1 Road** as specified in Palerang Council Development Control Plan 2015. See Table 4 for a summary of the standards required. Any drainage structures required for these internal roads are to be designed and constructed to cater for a minimum 1 in 2 Year ARI rainfall event.

When constructing these roads give particular attention to erosion and sediment control in drains and at culverts. Base course gravel where unsealed is to be erosion-resistant and conform to the specification for unsealed road pavements. Detailed construction drawings are not required for this class of road, however road location(s), longitudinal grades and stream crossings are to be shown as a minimum.

Bitumen seal the pavement of a Type RP 1, 2, 3 road 14/7 double / double, where grades of erosion-resistant gravels exceed 15%, or within 50 metres of the near edge of any existing building envelopes / dwelling facades on adjacent properties.

- 51.2 The internal road/s to be constructed are to comply and must be maintained in perpetuity to provide the performance criteria and acceptable solutions as set out in Rural Fire Service NSW document, Planning for Bushfire Protection, December 2006, Clause 4.1.3 Access [2], particularly in respect of minimum carriageway pavement width (4 metres), passing bays, minimum vertical clearance of 4 metres to overhanging obstructions, minimum curve radii and maximum gradients.

Reason: Roads created allow for environmental protection and requirements for bushfire planning.

Fencing Road & Stock Grids

52. All public roads boundaries, the boundaries shown on the DA Submission Drawing titled "Fencing Plan" – Drawing No. C265 and the northern most boundary of Lot 5 shall be enc'd in accordance with *Clause C30.1 RU1 Primary Production, E3 Environmental Management and E4 Environmental Living land use zones of the Palerang Development Control 2015.*

The entrance gates to each of the new allotments shall be consistent with those of the surrounding Royalla area. The end of Road 2 (at the property boundary) shall be fenced and provided with the same gated entrance as the other property accesses in the development.

Reason: To ensure that all property boundaries are appropriately fenced and are consistent with the surrounding development area.

Prevent Stormwater Discharge to Public Road

53. Provide permanent drainage measures as appropriate (such as cross drainage pipes, swales and level spreaders) on internal roads and in the vicinity of each property access, to divert stormwater away from driveways and control stormwater and sediments flowing onto the public road via the driveway.

Reason: Gravel and silt is not washed from the property to the road surface and road table drains.

Stormwater

54. Class 4 Spigot and socket rubber ring jointed pipes shall be used for all stormwater drainage pipe within road or drainage reserves.

Reason: Stormwater drainage pipe will withstand all traffic loading imposed by the development..

Stormwater Quality

55. Construct an approved gross pollutant trap (GPT) within the stormwater drainage network as approved by the construction certificate and to the manufacturer's recommendations.

Reason: To ensure that runoff from the site is appropriately treated.

Utilities

56. Where appropriate, services shall be co-located in shared utility trenches. Shared utility trenches shall be designed in accordance with utility provider and Council requirements.
Satisfactory arrangements shall be made with relevant service authorities or their agents for the supply of underground electricity, telephone and gas services to each proposed lot. Written documentation from each service provider, stating that satisfactory supply arrangements have been made for each lot, is to be provided prior to issue of a Subdivision Certificate.

Reason: To provide adequate utility servicing to the development and reduce the impact by utilities.

Streetscape/Landscaping

57. Undertake streetscape plantings as approved by the construction certificate and the PDCP Part B12.

Reason: To ensure that landscaping does not lead to future maintenance and service provision problems.

Inspection and Test Plans:

58. The Project Quality Plan shall include inspection and test plans detailing witness points covering at least the following aspects of the works. Witness points (as appropriate), shall be signed off by the **Superintendent of Works** or other qualified person nominated to do so in the Project Quality Plan and submitted to the PCA.

Typical witness points are:

- installation of erosion and sediment control devices
- preservation measures installed for trees and vegetation
- site clearing, filling or regrading works
- culvert location and installation including preparation of base, bedding and backfill
- stormwater infrastructure
- earthworks, formation and subgrade preparation, prior to placement of sub-base pavement
- sub-base prior to kerb and gutter construction

- pre-pour inspection of any concrete works
- pavement construction and preparation prior to bitumen sealing
- bitumen sealing/asphalt works
- fencing, signs, guideposts and markings installation
- final inspection of completed works

Advice: When Queanbeyan - Palerang Regional Council is nominated as principal certifying authority for the works, include as a minimum the following hold points, when relevant, for inspection and release by the principal certifying authority in addition to the Superintendent of Works inspections:

- Soil and Water Management Plan (SWMP) controls in place
- water main construction, including thrust blocks prior to concrete placement
- sewer construction, including sewer ties
- culvert/drainage line location and bedding
- subgrade preparation prior to placement of pavement materials
- sub-base prior to kerb and gutter construction
- pre-pour inspection of any concrete works within the road reserve
- pavement and construction prior to bitumen sealing/asphalt works
- final inspection of completed works

Advice: Release of the above hold points prior to commencement of the next stage of the works will require that the work be acceptable on the basis of visual inspection by the Principal Certifying Authority and satisfactory test results supplied by the applicant's Superintendent of Works. Successful and completed inspections are mandatory prior to issue of subdivision certificate.

Reason: To ensure that the works are carried in accordance with quality assurance principles.

Certification of completed works

59. At the completion of works the Superintendent of Works shall present to Queanbeyan - Palerang Regional Council a Certification Report for civil works and is to include copies of any approvals outlined in this development consent and report on the current status of environmental restoration and revegetation. All project plans, inspection test plans, and results are to be included in the report. The Superintendent of Works shall be a Civil Engineer or suitably experienced and accredited Registered Surveyor as set out in AusSpec#1. Each drawing to be certified by the Superintendent of Works or other authorized person.

Reason: To ensure compliance of the works with the terms of the development consent and quality control requirements.

Works as - executed Drawings:

60. Provide one A3 copy, one electronic PDF copy and one electronic copy in AutoCAD format (dwg/dxf (MGA) to GDA94 UTM Zone 55), of all works as-executed drawings to Queanbeyan - Palerang Regional Council, clearly recording any variations from the approved designs. The works as-executed drawings are to be prepared in accordance with the requirements set out in Aus-Spec #1 as amended by Council.

Utilities are to be shown as colour coded and differing line types:

- ❖ Sewer – Red
- ❖ Water – Blue

- ❖ Stormwater – Green
- ❖ Electricity – Magenta
- ❖ Telecommunications – Orange
- ❖ Gas – Yellow

Reason: To verify all infrastructure has been constructed to standard and as approved by the Construction Certificate. To provide an infrastructure record for future technical reference.

Defects Liability Bonds

Defects Liability Roads (only if works undertaken in the public road reserve)

61. A defects liability period of 6 months will apply from the date of practical completion of all subdivision works on public roads (including, but not limited to, pavement, entrances, stormwater drainage, re-vegetation and effective erosion control). The date of practical completion shall commence from the date when all the following conditions have been met, if applicable:

- All subdivision works have been accepted by Queanbeyan - Palerang Regional Council as being at Practical Completion stage;
- The subdivision certificate has been endorsed by Queanbeyan - Palerang Regional Council;
- Roads are physically open to the public;
- Road reserves have been transferred to Council;
- Or, as otherwise identified in writing by Queanbeyan - Palerang Regional Council.

Lodge a \$10,403.00 bond with Queanbeyan - Palerang Regional Council for the works to provide for repair of defective or inadequate work. When paying this bond please quote account code GLBondRdWks.

Lodge a bond with Queanbeyan - Palerang Regional Council at the current adopted rate per kilometre of road/street for the works to provide for repair of defective or inadequate work.

When paying this bond please quote account code **GLBondRdWks**.

Note: Rate shown is applicable for the current financial year and subject to change as per Council's adopted Fees & Charges schedule at the beginning of each financial year.

Reason: To cover Queanbeyan - Palerang Regional Council's costs of repair any defects that are not repaired by the applicant.

Defects liability Hydraulics

62. A defects liability period of 6 months will apply from the certified date of practical completion of all works relating to water supply, sewerage or stormwater works.

The date of practical completion shall commence from the date when all the following conditions have been met:

- All subdivision works have been accepted by Queanbeyan - Palerang Regional Council as being at Practical Completion stage;
- The subdivision certificate has been endorsed by Queanbeyan - Palerang Regional Council;

- Positive Test Certifications of all hydraulics works have been received by Council ;
- Or, as otherwise identified in writing by Queanbeyan - Palerang Regional Council.

The applicant shall lodge with Council a bond valued at **15% of the relevant values in the Bill of Quantities in the Contract** (or as otherwise agreed by Council), to provide for repair of defective or inadequate work. The applicant is to provide an extract of the works quotation to demonstrate the calculation of the bond. When paying this bond quote account code **GLBondRdWks**.

Reason: To cover Queanbeyan - Palerang Regional Council's costs of repair any defects that are not repaired by the applicant.

Contributions

Section 94 Contributions – Roads (YSC)

63. Pay Queanbeyan - Palerang Regional Council \$20,525.00 towards the upgrade of roads leading to the development, in accordance with *Yarrowlumla Section 94 Plan No. 2*. The amount payable is subject to annual amendment on 1 July in accordance with the NSW Roads and Traffic Authority's Road Cost Index (Country Operations Roads). This Contributions Plan may be inspected at Council's administrative offices (10 Majara Street, Bungendore and 144 Wallace Street, Braidwood) during normal office hours.

Contributions are required to be paid prior to issue of subdivision certificate.

Reason: Appropriate upgrade of the roads affected by the increase in traffic resulting from this development.

Section 94 Contributions – Community Facilities

64. Pay Queanbeyan - Palerang Regional Council \$5,010.00 towards the provision of community facilities, in accordance with *Yarrowlumla 94 Plan No.3*. The amount payable is subject to annual amendment on 1 July in keeping with the Consumer Price Index. This Contributions Plan may be inspected at Council's administrative offices (10 Majara Street, Bungendore and 144 Wallace Street, Braidwood) during normal office hours.

Contributions are required to be paid prior to issue of subdivision certificate.

Reason: Appropriate provision of community facilities for the population resulting from this development.

Notation: The applicant is to ensure in the final subdivision design and during construction works that no additional surface drainage is to impact from the development site onto the adjoining Goulburn – Bombala rail line.

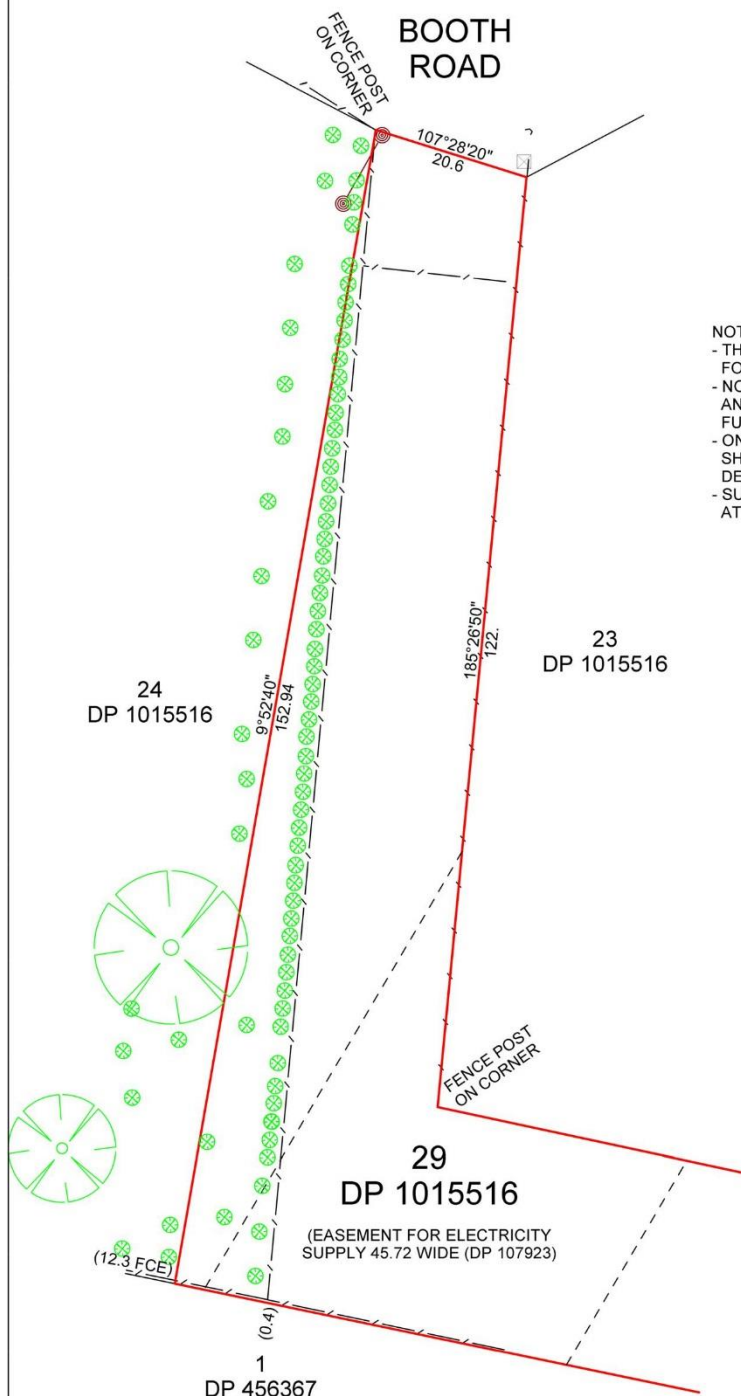
QUEANBEYAN-PALERANG REGIONAL COUNCIL

Planning and Strategy Committee of the Whole Meeting Attachment

14 JUNE 2017

ITEM 4.1 DEVELOPMENT APPLICATION 2016.203 - SIX LOT
 SUBDIVISION - 8360 MONARO HIGHWAY, ROYALLA

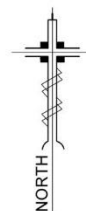
ATTACHMENT 6 DA.2016.203 - 8360 MONARO HIGHWAY - DETAIL SURVEY
 DATED 19 MAY 2017 - LOT 29 DP 1015516 (002)



- TREE
- ELECTRICITY PILLAR
- POWER POLE

NOTES

- THIS PLAN HAS BEEN PREPARED FOR DETAIL PURPOSES FOR EXCLUSIVE USE BY THE CLIENT IN THIS MATTER ONLY.
- NOT TO BE USED FOR BOUNDARY DEFINITION. FURTHER SURVEY AND BOUNDARY MARKING MAY BE NECESSARY PRIOR TO ANY FUTURE DEVELOPMENT
- ONLY SERVICES VISIBLE AT THE TIME OF SURVEY HAVE BEEN SHOWN. RELEVANT AUTHORITIES SHOULD BE CONTACTED FOR DETAILED LOCATION OF UNDERGROUND SERVICES
- SURVEY DATA SHOWN ON THIS PLAN IS CORRECT AT DATE OF SURVEY



PROJECT

PLAN OF PART LOT 29 DP 1015516
 BOOTH ROAD, ROYALLA

CLIENT

QUEANBEYAN-PALERANG REGIONAL COUNCIL

LGA: QUEANBEYAN-PALERANG REGIONAL
 PARISH: BURRA
 COUNTY: MURRAY

SCALE: 1:600 (A3)
 PLAN REF: 571
 DATE: 19th MAY 2017

THOMAS DARMODY
 REGISTERED SURVEYOR
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QUEANBEYAN-PALERANG REGIONAL COUNCIL

Planning and Strategy Committee of the Whole Meeting Attachment

14 JUNE 2017

ITEM 4.2 DEVELOPMENT APPLICATION 14-2017 - COMMERCIAL
ALTERATIONS AND ADDITIONS TO THE TOURIST HOTEL - 31
MONARO STREET, QUEANBEYAN

ATTACHMENT 1 DA 14-2017 - SECTION 79C MATTERS FOR CONSIDERATION -
31 MONARO STREET

4.2 Development Application 14-2017 - Commercial Alterations and Additions to the Tourist Hotel - 31 Monaro Street, Queanbeyan
Attachment 1 - DA 14-2017 - Section 79C Matters for Consideration - 31 Monaro Street
(Continued)

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 14-2017**

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)
<i>State Environmental Planning Policy No 55 - Remediation of Land</i>	
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.	Yes
<i>State Environmental Planning Policy (Infrastructure) 2007</i>	
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, however, it does have a frontage to a classified road. Due to the fact that the alterations are at the rear of the property and no impact is anticipated. 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.	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)
<i>Part 1 Preliminary</i>	
<i>Clause 1.2 Aims of Plan</i>	

4.2 Development Application 14-2017 - Commercial Alterations and Additions to the Tourist Hotel - 31 Monaro Street, Queanbeyan
Attachment 1 - DA 14-2017 - Section 79C Matters for Consideration - 31 Monaro Street
(Continued)

QUEANBEYAN LOCAL ENVIRONMENTAL PLAN 2012 COMMENTS	COMPLIES (Yes/No)
<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 considered to be generally consistent with the relevant aims of the QLEP 2012. Specifically, it adds to the orderly and economic use of land and encourages economic and business development.</p>	Yes
Clause 1.4 Definitions	
<p>The proposed development is defined as a food and drink premises, which means a premises that is used for the preparation and retail sale of food or drink (or both) for immediate consumption on or off the premises, and includes any of the following:</p> <ul style="list-style-type: none"> (a) <i>a restaurant or cafe,</i> (b) <i>take away food and drink premises,</i> (c) <i>a pub,</i> (d) <i>a small bar.</i> <p>A food and drink premises is a type of retail premises, which is a type of commercial premises. A commercial premises is permitted with consent in the zone.</p> <p>The associated alterations and additions to the accommodation rooms, kitchen and gaming rooms is considered ancillary development to an existing commercial premises and hotel or motel accommodation. A commercial premises means any of the following:</p> <ul style="list-style-type: none"> (a) business premises, (b) office premises, (c) retail premises 	Yes
Clause 1.9A Suspension of Covenants, Agreements and Instruments	
No covenants, agreements and instruments restricting the development have been identified.	Yes
Part 2 Permitted or Prohibited Development	

4.2 Development Application 14-2017 - Commercial Alterations and Additions to the Tourist Hotel - 31 Monaro Street, Queanbeyan
Attachment 1 - DA 14-2017 - Section 79C Matters for Consideration - 31 Monaro Street
(Continued)

QUEANBEYAN LOCAL ENVIRONMENTAL PLAN 2012 COMMENTS	COMPLIES (Yes/No)
Clause 2.1 Land Use Zones	
The subject site is zoned B3 Commercial Core 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"> To provide a wide range of retail, business, office, entertainment, community and other suitable land uses that serve the needs of the local and wider community. To encourage appropriate employment opportunities in accessible locations. To maximise public transport patronage and encourage walking and cycling. To recognise the Queanbeyan central business district as the main commercial and retail centre of Queanbeyan and to reinforce its commercial and retail primacy in Queanbeyan. To encourage some high density residential uses in conjunction with retail or employment uses where appropriate. <p>It is considered that the proposed development generally satisfies the objectives of the zone. Specifically, it contributes to providing a wide range of retail and entertainment uses to serve the needs of the local and wider community.</p>	Yes
Clause 2.7 Demolition requires development consent	
The proposal involves demolition of existing internal walls of bathrooms and accommodation rooms and within the kitchen to allow for the expansion of the gaming room. The proposed internal demolition is seen as acceptable and no concerns in regards to heritage have been raised by Council's Heritage Advisor. Additionally, Council's Building Surveyor has no objections to the proposed internal alterations.	Yes
Part 4 Principal Development Standards	
Clause 4.3 Height of buildings	
The maximum building height permitted on the subject site is 30m partially and 25m partially. The proposed development does not propose any changes to the maximum height of the building. Additionally, the existing garage to be converted to a café/function room is within the specified height limits.	Yes
Clause 4.4 Floor space ratio	
A maximum Floor Space Ratio of 3:1 applies to the subject site. The proposed development does not significantly increase the floor space ratio. The Floor space Ratio of the entire development is 0.92. Complies.	Yes
Part 5 Miscellaneous Provisions	

4.2 Development Application 14-2017 - Commercial Alterations and Additions to the Tourist Hotel - 31 Monaro Street, Queanbeyan
Attachment 1 - DA 14-2017 - Section 79C Matters for Consideration - 31 Monaro Street
(Continued)

QUEANBEYAN LOCAL ENVIRONMENTAL PLAN 2012 COMMENTS		COMPLIES (Yes/No)
Clause 5.9 Preservation of trees or vegetation		
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 not require the removal of any vegetation.		N/A
Clause 5.10 Heritage conservation		
Under Clause 5.10, Council must consider the effect of the proposed development on the heritage significance of the heritage item. The subject site of the proposed development contains a local heritage item, that being the Tourist Hotel. The Heritage advisor's comments are outlined as follows: "The proposed changes are relatively minor from a heritage perspective. The cantilevered awning in the laneway will have minimal heritage impact, and the adaptation of the rear garage is an appropriate example of adaptive re use. Removal of window to laneway is unfortunate but is accepted as necessary to enable the building to operate as planned. The lift and skillion addition to rear will not impact on the building's significant elevations. The Heritage Impact Statement is acceptable and overall the proposed alterations are supported from a heritage perspective".		Yes
Clause 5.11 Bush fire hazard reduction		
The application does not involve any bush fire hazard reduction works, the proposed development is not within bushfire prone land.		N/A
Part 7 Additional Local Provisions		
Clause 7.1 Earthworks		
Earthworks associated with the development are proposed and form part of this application. The proposed earthworks will not have a detrimental impact on drainage patterns and soil stability or the existing and likely amenity of adjoining properties. The development application will be conditioned to mitigate the potential impact of soil erosion and the like during construction.		Yes - Condition
Clause 7.2 Flood Planning		
The subject site is within the flood planning area. Relevant conditions in regards to flooding have been applied to the proposed development.		Yes – Condition
Clause 7.3 Terrestrial biodiversity		
This clause is not considered relevant to the proposed development as the site is not identified as "Biodiversity" on the Terrestrial Biodiversity Map.		N/A
Clause 7.4 Riparian land and watercourses		
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".		N/A
Clause 7.5 Scenic protection		

4.2 Development Application 14-2017 - Commercial Alterations and Additions to the Tourist Hotel - 31 Monaro Street, Queanbeyan
Attachment 1 - DA 14-2017 - Section 79C Matters for Consideration - 31 Monaro Street
(Continued)

QUEANBEYAN LOCAL ENVIRONMENTAL PLAN 2012 COMMENTS	COMPLIES (Yes/No)
This clause is not considered relevant to the proposed development as the site is not identified as "Scenic Protection Area" on the Scenic Protection Map.	N/A
Clause 7.6 <i>Airspace operations</i>	
The proposed development will not penetrate the Obstacle Limitations Surface Map for the Canberra Airport. Therefore the application was not required to be referred to the relevant Commonwealth body for comment.	N/A
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	N/A
Clause 7.8 <i>Active street frontages</i>	
The proposed development as the site is identified as "Active street frontage" on the Active Street Frontages Map". The proposed development does not propose any changes to the frontage of the existing premises and therefore there will be no adverse impacts in regards to active street frontages.	N/A
Clause 7.9 <i>Essential services</i>	
<p>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:</p> <p>(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> <p>Council's Development Engineer has assessed the proposed development and confirmed that adequate services are available or can be made available to the proposed development.</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".	N/A
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.	N/A

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.

4.2 Development Application 14-2017 - Commercial Alterations and Additions to the Tourist Hotel - 31 Monaro Street, Queanbeyan
Attachment 1 - DA 14-2017 - Section 79C Matters for Consideration - 31 Monaro Street
(Continued)

QUEANBEYAN DCP 2012 COMMENTS		COMPLIES (Yes/No)
Part 1 About This Development Control Plan		
1.8 Public Notification Of A Development Application The development application was notified to adjoining owners and no submissions were received.		Yes
Part 2 All Zones		
2.2 Car Parking The application proposes a major variation/area of non-compliance to the controls within Part 2 of the QDCP 2012. The variation has been supported in the past for similar sites located within the Queanbeyan Central Business District. Variation to Part 2 clause 2.2.6 of Queanbeyan Development Control Plan 2012 to allow the requirements of vehicle parking for the site to be waived. Under the control the function room or café use proposed will require a rate of min. 15 spaces per 100m ² or a space per 3 seats. Based on an additional 46m ² of kitchen area and 135m ² of café/function space and 15m ² of gaming area, it is envisaged the proposed function/café development would require of the order of 25 parking spaces (based on floor area) or 32 seats based on number of seats (33 indoor seats and 48 terrace seats). Additionally, the site is in deficit of 5 car parking spaces as a part of a condition of a past approval. The total number of parking spaces required is 30. Applicants Justification – the applicant has provided a number of reasons to justify the variation. A summary of these is provided below: <ul style="list-style-type: none"> a) The time of use for the café will be during business hours and is more likely to attract patrons from pedestrian traffic who are already in the city. b) The time of use for functions will be outside business hours and as a result parking provided in surrounding areas should be sufficient to accommodate vehicles. c) The proposed development will increase the amenity of the Queanbeyan CBD d) The proposed development is not viable with the number of parking spaces required or the inclusion of a parking levy/contributions. Assessing Officer's Comments –The applicant has provided justification for why it would be unreasonable for the development to provide the required car parking. The justification includes operating hours and the use of the site. As a café during the day, it is more likely to generate patronage through pedestrian traffic. Meanwhile the site will only operate as a function centre outside of business hours when more public parking will be available within the vicinity of the proposed development.		Yes – Variation

4.2 Development Application 14-2017 - Commercial Alterations and Additions to the Tourist Hotel - 31 Monaro Street, Queanbeyan
Attachment 1 - DA 14-2017 - Section 79C Matters for Consideration - 31 Monaro Street
(Continued)

QUEANBEYAN DCP 2012 COMMENTS	COMPLIES (Yes/No)
<p>Under Part 2 of the Queanbeyan Development Control Plan 2012 clause 2.2.4 provides alternative options for the provision of car parking where the general standards cannot be met on the site. Under the clause requests for variation must be supported by information and data to substantiate that an alternative standard is appropriate. A Traffic Impact Statement has been provided by the applicant in accordance with the clause. A detailed assessment of the car parking requirements is provided within the Development Engineer's comments within the referral and includes an analysis of the Traffic Impact Statement. It is accepted that parking spaces will not be able to be provided on-site, however, the provision of parking contributions is payable. Council can determine whether or not contributions are waived. The applicant has provided the argument that the payment of contributions will make the development unfeasible.</p>	
<p>2.3 Environmental Management The applicant will have to submit a Section J report prior to the issue of a construction certificate to comply with the Building Code of Australia.</p>	Yes
<p>2.4 Contaminated Land Management The proposed development will be conditioned to provide a waste receptacle to manage the storage and disposal of waste in regards to demolition, construction and operation.</p>	Yes - Condition
<p>2.5 Flood Management The subject site is within a flood prone area. Standard conditions to mitigate the impacts of flooding have been applied to the development. There is adequate access as a means of escape from the proposed café/function centre.</p>	Yes - Condition
<p>2.6 Landscaping A landscaping plan was not required to be submitted as a part of the proposal.</p>	N/A
<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.</p>	Yes – Condition
<p>2.8 Guidelines for Bushfire Prone Areas The site is not identified as bushfire prone land</p>	N/A
<p>2.9 Safe Design Commercial/Retail/Industrial Development and Community Facilities</p> <p>Siting and Building Layout</p> <p>Relevant Controls</p> <p><i>a) Provide entries which are clearly visible from the street.</i></p>	Yes - Condition

4.2 Development Application 14-2017 - Commercial Alterations and Additions to the Tourist Hotel - 31 Monaro Street, Queanbeyan
Attachment 1 - DA 14-2017 - Section 79C Matters for Consideration - 31 Monaro Street
(Continued)

QUEANBEYAN DCP 2012 COMMENTS	COMPLIES (Yes/No)
<p><i>b) Maximise the access and visibility of facilities – particularly toilets and parent's room.</i></p> <p><i>c) Facilities should be designed to encourage use. Locate main entrances / exits at the front of the site and in view of the street;</i></p> <p><i>d) If staff entrances must be separated from the main entrance, they should maximise opportunities for natural surveillance from the street.</i></p> <p><i>e) Avoid blank walls fronting the street</i></p> <p><i>g) Locate toilets and parents' rooms close to areas of active use or regularly staffed areas e.g. reception desks / entry ways etc.</i></p> <p><i>h) Long corridors and blind corners should be avoided; and</i></p> <p><i>i) Corridors should be well lit and if blind corridors are unavoidable, mirrors should be installed to allow users to see ahead.</i></p> <p><i>j) Facilities should be clean and well maintained with vandal resistant fittings and lights.</i></p> <p>The entry into the new café will be visible from the right of way and car park behind the allotment. Toilets are located next to staffed areas of the proposed café. Additionally, the provision of a café/function centre at the rear of the site will allow for increased activity facing an off-street car park, which will increase passive surveillance to both the car park and the existing laneway/right of carriageway that traverses the eastern boundary of the allotment.</p> <p>Building Material</p> <p>Relevant Controls</p> <p><i>a) Use building materials which reduce the opportunity for intruder access.</i></p> <p><i>b) Use toughened or laminated glass at ground floor level</i></p> <p>The existing garage includes building materials which will reduce the opportunity for intruder access, including solid brick.</p> <p>Hours of Operation</p> <p>Relevant Controls</p> <p><i>a) Provide adequate security to buildings with extended hours of operation.</i></p> <p><i>b) Allocate security guards to patrol the surrounding hours of the building when necessary – advise patrons of this service.</i></p>	

4.2 Development Application 14-2017 - Commercial Alterations and Additions to the Tourist Hotel - 31 Monaro Street, Queanbeyan
Attachment 1 - DA 14-2017 - Section 79C Matters for Consideration - 31 Monaro Street
(Continued)

QUEANBEYAN DCP 2012 COMMENTS	COMPLIES (Yes/No)
<p>Adequate security will need to be provided for after-hours functions in the new café/function centre. The proposal will be conditioned in regards to any extended hours of operation and security. The café will function during business hours. Nominated hours of business for the function centre are 6pm – 12am, Monday-Friday, 12 noon to midnight (as required) Saturday and 12 noon to 10pm (as required) on Sunday. The proposal is within proximity to a residential flat building and hours of operation will be minimised through a condition. Monday-Friday hours will be conditioned to be within 6pm – 10pm as opposed to 12am as nominated by the applicant.</p>	
<p>2.11 Height of Buildings Refer to LEP assessment (Clause 4.3).</p>	Yes
<p>2.13 Preservation of Trees and Vegetation The proposed development does not require the removal of any existing vegetation.</p>	N/A
<p>Part 4 Heritage and Conservation</p>	
<p>4.4.6 Decks and Patios</p> <p>Relevant Controls</p> <p><i>a) All proposed decks and patios on listed items, and in the Conservation Area if not located in the rear yard, should have minimal adverse visual impact on the place's heritage values or those of the streetscape.</i></p> <p><i>b) New decks and patios, including handrails etc. should be in a style and material that is sympathetic to the building. For example, welded steel decks on timber cottages are unlikely to be supported.</i></p> <p>The proposed deck to adjoin the proposed café/function room is located at the rear of the property and will have minimal visual impact on the heritage values of the site. The proposed deck will be constructed from timber and will be sympathetic to the existing building.</p>	Yes
<p>ALTERATIONS AND ADDITIONS TO HERITAGE ITEMS AND IN THE HERITAGE CONSERVATION AREA</p> <p>4.5.1 Character</p> <p>Relevant Controls</p> <p><i>a) Alterations and additions shall have a style and character similar to the existing. This shall include materials, proportions and details.</i></p>	Yes

4.2 Development Application 14-2017 - Commercial Alterations and Additions to the Tourist Hotel - 31 Monaro Street, Queanbeyan
Attachment 1 - DA 14-2017 - Section 79C Matters for Consideration - 31 Monaro Street
(Continued)

QUEANBEYAN DCP 2012 COMMENTS	COMPLIES (Yes/No)
<p><i>b) Aspects of work that are not consistent with prevailing character should be confined to parts of the building that are not significant or will not have an impact on the appearance of the place when viewed from the public realm.</i></p> <p><i>c) Building additions that have a different character from the existing shall be done as a separate "pavilion" that may be "linked" or sensitively connected to the significant structure.</i></p> <p><i>d) Verandah's on the primary face of the building or visible from the public domain shall not be enclosed.</i></p> <p><i>e) Alterations and additions should not require the destruction of important elements such as chimneys, windows and gables. Demolition of such elements may not meet the objectives of these guidelines.</i></p> <p><i>f) Distinctive elements that contribute to a place's character shall be retained.</i></p> <p>The proposed conversion of the existing garage into a new café/function room is considered acceptable to retaining the character of the building. Additions include new windows and doors, with the retention of one existing door. The materials include a clear acrylic roof/awning over the deck, with a charcoal steel frame. The materials and colours of the existing garage will be retained as practicable.</p>	
<p>4.5.2 Siting and orientation</p> <p>Relevant Controls</p> <p><i>a) Additions and alterations should be sited and orientated in a manner that is consistent with the original. For most historic structures in Queanbeyan this will mean additions and new structures should be aligned orthogonally (ie using straight lines and right angles rather than oblique angles and curves).</i></p> <p><i>b) Extensions should not be made to the front of heritage items.</i></p> <p>The proposed alterations and additions have no impact on the existing orientation of the building and garage. Additionally, the extension to garage is at the rear of the property, no changes to the front of the existing building are proposed. Complies.</p>	Yes
<p>4.5.3 Form</p> <p>Relevant Controls</p> <p><i>a) The form of the original building should remain evident or "legible" after the additions have been completed (</i></p> <p><i>b) New work should have similar overall proportions and a similar roof pitch to the original. For example, new windows in a building that has vertical sashes should</i></p>	Yes

4.2 Development Application 14-2017 - Commercial Alterations and Additions to the Tourist Hotel - 31 Monaro Street, Queanbeyan
Attachment 1 - DA 14-2017 - Section 79C Matters for Consideration - 31 Monaro Street
(Continued)

QUEANBEYAN DCP 2012 COMMENTS	COMPLIES (Yes/No)
<p><i>also have vertical sashes, and extensions to a dwelling with a 25 degree roof pitch should be designed with the same pitch.</i></p> <p><i>c) The form of additions should draw on that of the parent structure so that the new work is in harmony with the original.</i></p> <p>The form of the original building will remain the same, the extension and alterations to the garage will not have any impact on changing the overall structure of the existing building. The proposed development is in harmony with the existing building. The replacement of windows and doors will match the existing windows and doors, with the exception of the proposed bi-fold doors for the deck</p>	
<p>4.5.4 Scale Height and Bulk</p> <p>Relevant Controls</p> <p><i>a) The ridgeline of new development shall generally be no higher than existing.</i></p> <p><i>The proposed development of the deck and awning will not have a ridge height higher than the existing garage building.</i></p> <p><i>d) New work that may increase the apparent scale or bulk of the building or component elements shall be "broken up" and articulated through the use of varied materials, change of colour and tone, use of string-courses, rebates and the like. This is especially important where new work connects to the existing building.</i></p> <p>The increased scale and bulk of the existing garage at the rear of the property will be articulated through the use of materials such as timber and through retaining the colours and materials of the existing garage.</p>	Yes
<p>4.5.5 Setbacks</p> <p>Relevant Controls</p> <p><i>a) Additions shall not be made to the front of individually listed heritage items and/or contributory buildings whether or not in a Conservation Area, other than in exceptional circumstances such as the reinstatement of the building's original form (Figure 15).</i></p> <p>The proposed development does not seek to make any changes to the front of the existing building.</p> <p>Side Setbacks</p> <p><i>a) Additions to the sides of buildings should be set back from the front façade so that it remains the primary face of the building.</i></p> <p>The proposed development does not seek to make any changes to the side setbacks.</p>	Yes

4.2 Development Application 14-2017 - Commercial Alterations and Additions to the Tourist Hotel - 31 Monaro Street, Queanbeyan
Attachment 1 - DA 14-2017 - Section 79C Matters for Consideration - 31 Monaro Street
(Continued)

QUEANBEYAN DCP 2012 COMMENTS	COMPLIES (Yes/No)
<p>Setbacks and Street Pattern <i>a) Front and side setbacks should be consistent with the predominant street pattern</i></p> <p>The proposed development does not propose any changes to the front and side setbacks.</p>	
<p>4.5.6 Site Coverage</p> <p>Relevant Controls</p> <p><i>a) The built area should not cover more than 50% of the site area for allotments that are 1,000 square metres or less, and 33% for allotments over 1,000 square metres.</i></p> <p><i>b) Hard paving between the dwelling and front boundary shall be limited to a pedestrian path and a driveway. The front garden area shall not be hard-surfaced for any purpose including car parking, vehicle turning, etc.</i></p> <p>The site is over 1000m² which means a total site coverage of the allotment of 33% is allowed. However, the site already contains over 50% site coverage due to the size of historic buildings built prior to the current QDCP 2012. The deck is an open structure with fold down blinds and therefore is not considered in the site coverage calculation as per the definition in the QLEP 2012 which states: <i>site coverage means the proportion of a site area covered by buildings. However, the following are not included for the purpose of calculating site coverage: (d) unenclosed balconies, decks, pergolas and the like.</i> Due to the garage being an existing structure its change in use to a café/function centre does not increase the overall site coverage.</p>	Yes
<p>4.5.7 Building Materials</p> <p>Relevant Controls</p> <p><i>a) Significant fabric should be retained or restored wherever feasible.</i></p> <p><i>b) Materials used for alterations should be very similar to the existing. Where materials have been changed over time, new materials should be consistent with what was likely to have been used historically.</i></p> <p><i>c) Materials should be chosen so that alterations blend seamlessly with the original. For example, decayed timber windows should be replaced with new timber windows, not aluminium. Similarly, asbestos fibro sheeting should be replaced with modern fibre cement sheeting, also with battens over the joints if previously existing.</i></p> <p><i>d) False brick, "hardiplank" and metal or vinyl weatherboards are unlikely to be original fabric and can be removed and replaced with more sympathetic materials that complement the heritage values. Note that some versions of false brick are</i></p>	Yes

4.2 Development Application 14-2017 - Commercial Alterations and Additions to the Tourist Hotel - 31 Monaro Street, Queanbeyan
Attachment 1 - DA 14-2017 - Section 79C Matters for Consideration - 31 Monaro Street
(Continued)

QUEANBEYAN DCP 2012 COMMENTS	COMPLIES (Yes/No)
<p><i>bonded onto an asbestos-rich substrate and should only be removed in an approved manner.</i></p> <p><i>e) In the case of linked additions there is more latitude in the selection of new materials although they should be sympathetic to building materials used in the original building or those typically used on the same type of structure (for example a weatherboard extension to an existing brick house can be considered appropriate).</i></p> <p><i>f) Full brick extensions to timber-framed cottages are unlikely to be considered "sympathetic" to the original and are unlikely to meet the objectives of these guidelines unless built as a "linked pavilion" not readily visible from the public realm.</i></p> <p><i>g) Materials should not be altered unnecessarily. For example, historic face brick walls should not be rendered with cement.</i></p> <p>The proposed development does not present any changes to the front façade of the existing building. Proposed changes to the existing building are generally internal, with the exception of the awning and the store room at the rear of the building, which are minor additions with no adverse impact on the heritage significance of the building.</p> <p>The proposed café/function centre seeks to largely retain existing elements of the garage building, with a majority of doors and windows to be retained. The proposed deck extension to the garage is a linked addition as per subclause e). The covered deck includes modern materials which are sympathetic to the existing heritage building. It includes a clear acrylic roof, a charcoal steel frame and timber deck with plastic drop down screens.</p>	
<p>4.5.9 Windows and Doors</p> <p>Relevant Controls</p> <p><i>a) Where relevant, timber windows should be replaced with new timber windows of similar proportions and design. Cottages that have timber windows in need of replacement shall use new timber windows on the front and publically visible sides of the house.</i></p> <p><i>b) Where visible from the street, the original window and door arrangements within the wall should be retained or reinstated, especially on the front elevation. There is more latitude for variation further back on side elevations.</i></p> <p><i>c) On prominent historic elevations where additional windows are desired to obtain extra light in a room, two windows of the original proportion should be installed rather than one large window of modern proportion.</i></p>	

4.2 Development Application 14-2017 - Commercial Alterations and Additions to the Tourist Hotel - 31 Monaro Street, Queanbeyan
Attachment 1 - DA 14-2017 - Section 79C Matters for Consideration - 31 Monaro Street
(Continued)

QUEANBEYAN DCP 2012 COMMENTS	COMPLIES (Yes/No)
<p><i>d) Windows and doors on extensions should reflect the same proportion and relationship to the wall as the original and be appropriate to the style of the house.</i></p> <p><i>e) Windows and doors on linked pavilions may be in a contemporary style if otherwise compatible.</i></p> <p><i>f) Contemporary materials such as aluminium framing to windows are not appropriate for heritage items unless in a contemporary styled extension, and preferably to the rear of the listed dwelling.</i></p> <p>Contemporary materials are used as a part of the linked extension to the existing garage to be converted to café/function centre. The materials are sympathetic to the existing structure. The extension is not visible from the street and is located at the rear of the lot. A majority of windows and doors will be retained with other removed or infilled as required to complete the conversion of the existing structure into a café/function centre. The eastern elevation of the existing building (Tourist Hotel) also incorporates the demolition of an existing window, which is to be replaced with a louver. This elevation does not face the street and no anticipated impact on the streetscape or heritage value of the building is anticipated.</p>	
<p>4.5.10 Paint and Colour</p> <p>Relevant Controls</p> <p><i>a) External colour schemes must be sympathetic to the heritage characteristics of the building. This includes both the colours chosen and the parts of the building to which they are applied. Owners may develop their own sympathetic colour scheme or use one based on established literature such as Colour Schemes for Old Australian Houses by Evans Lucas Stapleton, or The Californian Bungalow in Australia by Graeme Butler.</i></p> <p><i>b) Previously painted fabric may be repainted in a colour that is appropriate to the period of the building. Painting options include: i. Repaint the building based on its original colour scheme following investigation, analysis of paint scapes and historic photos etc., ii. Repaint the building based on a colour scheme that was typical of the period, iii. Repaint the building in a colour scheme that harmonises with its context and is consistent with its character.</i></p> <p><i>c) The use of highly reflective, overly bright colour schemes is inappropriate on a historic building and within the Conservation Area.</i></p> <p><i>d) On commercial buildings the use of corporate colour schemes needs to be sensitively tailored to the architectural character of the building. Broad-scaled application of bright or corporate colours is not appropriate above the awning or on the parapet and is unlikely to meet the objectives of these guidelines.</i></p>	Yes

4.2 Development Application 14-2017 - Commercial Alterations and Additions to the Tourist Hotel - 31 Monaro Street, Queanbeyan
Attachment 1 - DA 14-2017 - Section 79C Matters for Consideration - 31 Monaro Street
(Continued)

QUEANBEYAN DCP 2012 COMMENTS	COMPLIES (Yes/No)
<p><i>e) Historic building fabric that has not previously been painted should not be painted. Face brick and stone, in particular, should not be painted. Timber that has been oiled and/or shellacked should be treated with a clear finish.</i></p> <p>The external colour scheme will remain consistent with the current building, only the new covered deck extension will incorporate modernised new materials, however, these are appropriate and sympathetic to the existing structure and heritage item.</p>	
<p>4.5.11 Controls on Commercial Heritage Buildings</p> <p>Relevant Controls</p> <p><i>a) Significant elements of commercial facades shall be retained and conserved. Where relevant, this will include the awning and façade above the awning up to the top of the parapet. In some instances the side elevations have retained their historic integrity and are also to be conserved.</i></p> <p>No changes to the front façade of the heritage listed commercial building is to be changed as a part of the proposal.</p>	Yes
<p>Part 7 Central Business District and Other Business Zones</p>	
<p>7.2.1 Site Design and Sense of Place</p> <p>Relevant Controls</p> <ul style="list-style-type: none"> <i>a) Buildings are appropriately designed to respond to their site and surroundings.</i> <i>b) New development in nearby locations is to contribute to the creation of a civic precinct centred around the Council administrative centre in Crawford Street and the Queanbeyan Performing Arts Centre.</i> <i>c) 'Gateway' development is provided at nominated locations at the entry points to Queanbeyan from the north, east, and west.</i> <i>d) Landmark development is encouraged at key or prominent locations, including south-east corner of Lowe and Monaro Streets; north-west corner of Morisset and Collett Streets; Collett Street frontage to Rutledge Street Car Park.</i> <i>e) Vehicular routes, movements, and speeds (especially heavy vehicles) are managed to support high pedestrian amenity, particularly on Crawford, Monaro, and Morisset Streets.</i> <i>f) New development contributes to upgrades and updating of existing civic spaces.</i> <i>g) Crawford Street (between Morisset and Monaro) and Collett Street, in addition to Monaro Street become a key focus of town activity.</i> <p>The proposed development seeks to increase town activity on Monaro Street, the addition of a café/function centre will contribute to increasing activity and patronage.</p>	Yes

4.2 Development Application 14-2017 - Commercial Alterations and Additions to the Tourist Hotel - 31 Monaro Street, Queanbeyan
Attachment 1 - DA 14-2017 - Section 79C Matters for Consideration - 31 Monaro Street
(Continued)

QUEANBEYAN DCP 2012 COMMENTS	COMPLIES (Yes/No)
<p>7.2.2 Building Height Limits and Setbacks Design For</p> <p>Relevant Controls</p> <ul style="list-style-type: none"> a) <i>Building heights shall comply with the Height of Buildings Map – Sheet HOB_005 of Queanbeyan Local Environmental Plan 2012 as well as the following.</i> b) <i>Ground and first floor levels (floor to ceilings) have a minimum height of 3.3m for potential future changes in use.</i> c) <i>All other levels have minimum floor to ceiling heights of 2.7m.</i> d) <i>Buildings in the CBD (Monaro Street and Crawford Street) maintain a visual perception of 2 storey development along the street frontages with defined podiums no higher than 2 storeys (allowing for additional roofline articulation).</i> e) <i>Height and setback limits for specific areas are summarised in Table 1 and in Figures 1 to 4 below. A development site fronting two or more specified areas will be limited in height and the maximum podium level to the lesser numerical standard applying between the areas.</i> f) <i>Higher structures should be set well back to avoid overshadowing and impression of bulk.</i> <p>The proposed development does not seek to increase the overall height of the existing building or garage. Both the existing building and garage are within the height limit under the QLEP 2012. There are no issues of overshadowing or impression of bulk as a result of the proposed development.</p>	<p>Yes</p>
<p>7.2.3 Architectural Character</p> <p>Relevant Controls</p> <ul style="list-style-type: none"> a) <i>New or infill development is modern and contemporary, but respects and reflects the established streetscape and built form, matching the prevailing scale, colours, materials, and proportions of these buildings.</i> b) <i>New buildings in the Central Business District should provide for a continuous building façade which blends into the streetscape.</i> c) <i>Visual interest is provided through articulation of the façade. Such architectural treatment may be provided through stepping built form, emphasised entries, separation of the façade into separate sections by means of vertical elements, or other similar architectural treatments.</i> d) <i>Facades should be designed with an appropriate scale, rhythm and proportion which responds to the building's use and the designed contextual character.</i> e) <i>Horizontal elements are incorporated into the design of each level to give a sense of legible scale to the building.</i> f) <i>Openings such as windows are recessed rather than being on the same plane as the main façade. This provides depth and shadowing that adds to visual interest.</i> g) <i>Maximise glazing for retail uses, but break glazing into sections to avoid large expanses of glass.</i> 	<p>Yes</p>

4.2 Development Application 14-2017 - Commercial Alterations and Additions to the Tourist Hotel - 31 Monaro Street, Queanbeyan
Attachment 1 - DA 14-2017 - Section 79C Matters for Consideration - 31 Monaro Street
(Continued)

QUEANBEYAN DCP 2012 COMMENTS	COMPLIES (Yes/No)
<p><i>h) Materials, texture, vertical and horizontal elements, and colour are also used to complement the articulated façade.</i></p> <p><i>i) Roofs are an integral part of the building design and do not appear as an 'ad hoc' addition to the overall façade. Visual interest and variation through architectural articulation is provided to parapets or rooftops and may include sloping roofs.</i></p> <p><i>j) Sloping roofs where visible should be profiled metal, painted non-reflective. Double storey verandahs should match the existing verandahs in Monaro Street.</i></p> <p><i>k) Plant equipment or other rooftop necessities are disguised within the rooftop structure and or are not visible from the street.</i></p> <p><i>l) Rooftop treatments are encouraged where they are visible from nearby buildings. Such treatments may include gravel artwork and designs or green roofs.</i></p> <p><i>m) Adaptive reuse of existing buildings is encouraged.</i></p> <p><i>n) Building mass and bulk is appropriate to its context.</i></p> <p><i>o) Blank or opaque walls of greater than 10m or 30% of the site frontage, whichever is the lesser, are not acceptable in retail streets.</i></p> <p><i>p) Unsightly streetscape elements such as garage doors and other service infrastructure should generally not be visible from the street/footpath.</i></p> <p><i>q) External walls should be constructed of high quality and durable materials and finishes with 'self cleaning' attributes, such as face brickwork, rendered brickwork, stone, concrete and glass.</i></p> <p><i>r) Finishes with high maintenance costs, those susceptible to degradation or finishes that result in unacceptable amenity impacts, such as reflective glass, are to be avoided.</i></p> <p><i>s) Expanses of any single material is to be avoided to assist articulation and visual interest.</i></p> <p><i>t) Highly reflective finishes and curtain wall glazing are not permitted above ground floor level.</i></p> <p>Adaptive reuse of existing buildings is encouraged. The proposed development of the café/function centre from the existing garage is a prime example of adaptive re-use. Additionally, the proposed development has no impact on the streetscape due to being at the rear of the allotment. Architectural finishes will be consistent with the existing heritage listing, with the extension presenting high quality modern architectural materials that are sympathetic to the existing structure. Additionally, the proposal also incorporates a disabled lift with access to the upper floor. As this is proposed at the rear of the site it is not anticipated to have any impact on the heritage value of the existing building.</p>	
<p>7.2.5 Floor Space</p> <p>Relevant Controls</p> <p><i>a) Floor space ratios of development need to comply with clause 4.4 and Floor Space Ratio Map – FSR_005 of Queanbeyan Local Environmental Plan 2012.</i></p>	<p>Yes</p>

4.2 Development Application 14-2017 - Commercial Alterations and Additions to the Tourist Hotel - 31 Monaro Street, Queanbeyan
Attachment 1 - DA 14-2017 - Section 79C Matters for Consideration - 31 Monaro Street
(Continued)

QUEANBEYAN DCP 2012 COMMENTS	COMPLIES (Yes/No)
<p><i>b) A maximum Floor Space Ratio of 3:1 is permitted for the mixed use buildings in Zone B3 Commercial core which applies to the Central Business District.</i></p> <p>The floor space ratio of the proposed development has been assessed against the QLEP 2012. The proposed development complies with the applied floor space ratio.</p>	
<p>7.2.6 Robust Building Design</p> <p>Relevant Controls</p> <p><i>a) Buildings are suited to their purpose, but are designed so as to accommodate a variety of different uses over time, particularly at ground and first levels.</i></p> <p><i>b) Adaptive re-use of buildings is encouraged.</i></p> <p><i>c) A proportion of residential dwellings have layout and access that adapts to changing needs of residents over time.</i></p> <p>The proposed re-use of the garage into a café/function centre is a prime example of adaptive re-use of an existing structure. Through the conversion, the building will be suited to its intended purpose.</p>	Yes
<p>7.2.8 Awnings and Verandahs</p> <p>Relevant Controls</p> <p><i>a) Continuous street frontage awnings are to be provided for all new developments.</i></p> <p><i>b) Awnings (or overhangs or verandahs) are provided to shape the pedestrian space on the street and to provide for all weather cover.</i></p> <p><i>c) Awnings are consistent in height to adjoining existing awnings, and of a complementary design, colour, or material.</i></p> <p><i>d) As an indicative standard, where no awning line has yet been established, awnings should be a minimum of 3.3m above ground level (consistent with minimum ground floor height) and minimum setback of 600mm from the curbline. They should match the existing proportions of the existing verandahs in Monaro Street.</i></p> <p><i>e) Two storey verandahs are appropriate where suitable to the proposed building use and location.</i></p> <p><i>f) Posts used to support the lightweight elements are not dominant, and may consist of profiled metal or timber. Other materials may be acceptable where they appear as lightweight features within the overall streetscape. The second storey balcony/verandah may not be permanently or fully enclosed, except by temporary and transparent materials if required for weather protection.</i></p> <p><i>g) Provide under awning lighting in a consistent manner and/or overall scheme to facilitate night use and to improve public safety recessed into the soffit of the awning or wall mounted into the building.</i></p>	Yes

4.2 Development Application 14-2017 - Commercial Alterations and Additions to the Tourist Hotel - 31 Monaro Street, Queanbeyan
Attachment 1 - DA 14-2017 - Section 79C Matters for Consideration - 31 Monaro Street
(Continued)

QUEANBEYAN DCP 2012 COMMENTS	COMPLIES (Yes/No)
<p>The proposal incorporates two awnings, one is located over the existing laneway on the side boundary over the entrance into the existing hotel building. The second awning is proposed to be over the entrance to the proposed café/function centre. Awnings to be wall mounted to buildings. Awnings are consistent with the height of the existing buildings and are located behind the building line.</p>	
<p>7.2.12 Colour and Materials</p> <p>Relevant Controls</p> <ul style="list-style-type: none"> a) <i>Use colours and materials already found in the streetscape.</i> b) <i>Favoured materials and colours: render lighter neutral colours, darker reveals, strong accents. Further detail on colour is given in the Queanbeyan Main Street Study (Colin Stewart Urban Design 1993) report which may be taken as advisory.</i> c) <i>Strong primary colours should be limited to accent and highlight.</i> d) <i>Avoid sombre brown/beige colours.</i> e) <i>Materials not favoured include: metal siding, heavy timber frame, exposed concrete, manganese and klinker brick.</i> <p>Proposed materials are either consistent with the existing building, with the exception of the proposed deck extension to the existing garage. The extension incorporates complimentary materials and colours, including clear acrylic roof and charcoal steel frame, with the deck made from timber.</p>	Yes
<p>7.2.16 Heritage Sites</p> <p>Relevant Controls</p> <ul style="list-style-type: none"> a) <i>Compliance with the requirements of clause 5.10 of Queanbeyan Local Environmental Plan 2012.</i> b) <i>Buildings that are listed as items of environmental heritage are to be protected.</i> c) <i>New architecture should be of good quality contemporary design, but should reflect old elements where possible such as scale, parapet and roof shapes or detail.</i> d) <i>In the case of redevelopment, the significant fabric (e.g. façade, window awnings) should be retained and sympathetically incorporated into the new development.</i> e) <i>Important landscapes should also be protected.</i> f) <i>Preserve the "Tree of Knowledge" and incorporate into streetscape enhancement in that area.</i> g) <i>Heritage Assessment to be submitted with a Development Application for demolition or partial demolition where buildings are built prior to 1960. Information sheets detail the requirements for this type of development and are available at: http://www.qcc.nsw.gov.au/Building-and-Planning/Information-Sheet</i> 	Yes

4.2 Development Application 14-2017 - Commercial Alterations and Additions to the Tourist Hotel - 31 Monaro Street, Queanbeyan
Attachment 1 - DA 14-2017 - Section 79C Matters for Consideration - 31 Monaro Street
(Continued)

QUEANBEYAN DCP 2012 COMMENTS	COMPLIES (Yes/No)
<p><i>h) New development should respect the scale and architectural themes of nearby or adjacent heritage buildings, while still being modern and contemporary.</i></p> <p><i>i) The traditional grid pattern of Queanbeyan streets is to be maintained in the urban pattern and maintained for connectivity, whether vehicular, pedestrian, or combined.</i></p> <p><i>j) Views to Queens Bridge are to be maintained or facilitated wherever possible.</i></p> <p><i>k) Local monuments and statues are to be retained in locations that maximise their relevance to the public (whether resident or visitor). New development should not adversely affect their significance, whether by impeding views, causing overshadowing, or other amenity impacts such as increased noise.</i></p> <p>The proposed development is compliant with clause 5.10 of the QLEP 2012, the heritage adviser's comments are detailed within this section of the report. Additionally, the proposed development has no impact on the streetscape and works are only proposed behind the building line. The extension to the existing garage at the rear of the lot incorporates sympathetic materials to the existing development.</p>	
<p>7.2.17 Connectivity</p> <p>Relevant Controls</p> <p><i>a) 24 hour access is preferred but lockable arcades etc are better than no links.</i></p> <p><i>b) Links should "look" as public as possible.</i></p> <p><i>c) Desirable, direct, mid-block connections are to be provided and are to be maintained to achieve permeability and 24 hour public access between key landmarks and civic spaces or buildings within Queanbeyan, including the Q, the Showgrounds, the River, and Queanbeyan Park.</i></p> <p><i>d) New mid-block connections are to have a minimum width of 3m, have active frontages, and are to be designed for safe and secure usage.</i></p> <p><i>e) New mid-block connections are particularly encouraged east-west between Lowe and Collett Streets.</i></p> <p><i>f) All existing connections and pathways through sites are to be maintained or replaced.</i></p> <p><i>g) Activity along the links is welcome to add interest, generate pedestrian numbers, (a reason to be there) and provide safety.</i></p> <p><i>h) Clear lines of sight, active frontage, access to natural light and short length.</i></p> <p><i>i) Allow for surveillance from public places, through well lit, sheltered and the use of other devices to discourage anti-social and/or criminal behaviour.</i></p> <p><i>j) Boulevard planting encourages pedestrian movement towards and along the River and is to be pursued on sites where this is appropriate.</i></p>	Yes

4.2 Development Application 14-2017 - Commercial Alterations and Additions to the Tourist Hotel - 31 Monaro Street, Queanbeyan
Attachment 1 - DA 14-2017 - Section 79C Matters for Consideration - 31 Monaro Street
(Continued)

QUEANBEYAN DCP 2012 COMMENTS	COMPLIES (Yes/No)
<p>The proposed conversion of the garage into a café/function centre will act to increase activity along the right of carriageway laneway link through from Monaro Street to the Morrisett Street Carpark. Increased activity is seen as desirable to add interest, generate pedestrian numbers and provide safety. A clear line of sight will be maintained through the laneway.</p>	
<p>7.2.18 Safety and Security</p> <p>Relevant Controls</p> <p>a) <i>Compliance with the applicable provisions of clause 2.9 of this DCP.</i></p> <p>Please refer to the assessment against provisions of clause 2.9 of the QDCP 2012. Additionally, comments against clause 7.2.17 above.</p>	Yes
<p>7.2.19 Buildings Near Public Places</p> <p>Relevant Controls</p> <p>a) <i>As the main off-street car parks are major pedestrian generators, there should be active uses fronting these areas where possible, but not at the expense of primary frontage to the main street.</i></p> <p>b) <i>Service areas delivery and entering/storage including waste service areas should be screened from public view.</i></p> <p>c) <i>Buildings and open spaces are designed to face or have views to the Queanbeyan River, Queanbeyan Park, or distant mountain ranges, where achievable. In particular, development on Collett Street and Morrisett Street maximises its relationship to the River including the use of terraces and open plazas.</i></p> <p>d) <i>Buildings adjoining or facing public open space are stepped in height to transition between the land uses.</i></p> <p>e) <i>Sunlight access to public spaces is protected and enhanced.</i></p> <p>As per subclause a) the proposed café/function centre will create an active use fronting an off-street car park at the rear of the allotment. This will not be at the expense of the primary frontage to the main street. Service areas are screened from public view. There are no sunlight access impacts in regards to public spaces as a result of the proposed development.</p>	Yes
<p>7.2.22 Acoustic and Visual Amenity</p> <p>Relevant Controls</p> <p>a) <i>Provide adequate building separation to maximise acoustic and visual privacy between buildings on site and adjacent buildings.</i></p> <p>b) <i>Design building and internal layout to reduce noise within and between dwellings;</i></p> <p>c) <i>Locate windows and walls away from noise sources or use buffers where separation cannot be achieved;</i></p>	Yes

4.2 Development Application 14-2017 - Commercial Alterations and Additions to the Tourist Hotel - 31 Monaro Street, Queanbeyan
Attachment 1 - DA 14-2017 - Section 79C Matters for Consideration - 31 Monaro Street
(Continued)

QUEANBEYAN DCP 2012 COMMENTS	COMPLIES (Yes/No)
<p>d) <i>Locate windows to avoid direct or close views into the windows, balconies or private open space of adjoining dwellings.</i></p> <p>e) <i>Provide suitable screening structures or plantings to minimise overlooking from proposed dwellings to the windows, balconies or private open space of adjacent dwellings or those within the same development.</i></p> <p>f) <i>Provide visual separation between non-residential use and dwellings.</i></p> <p>g) <i>Arrange dwellings within a development to minimise noise transmission between units.</i></p> <p>h) <i>Development fronting Monaro or Crawford Street must incorporate noise mitigation measures in accordance with Environment Protection authority – Environmental Criteria for Road Traffic Noise 1999.</i></p> <p>i) <i>Building design mitigates acoustic issues where possible through strategic location of nonhabitable spaces, unless habitable rooms are desirable in that location due to overriding considerations such as casual surveillance, amenity, views and outlook.</i></p> <p>j) <i>Where building design cannot mitigate acoustic impacts, soundproofing is provided in accordance with the Building Code of Australia, and may include double glazing and insulation.</i></p> <p>k) <i>New residential development is not to have a adverse amenity effect upon existing non-residential uses. For example, new residential development should not occur nearby to existing high noise-generating uses unless sufficient evidence is provided to demonstrate that the new residential building can sufficiently mitigate noise impacts.</i></p> <p>l) <i>New non-residential uses with longer operating hours (i.e. café or restaurant) establishing near residential development shall incorporate acoustic measures to ensure no adverse impact upon residential amenity. An acoustic report may be required to be provided to document and prove this mitigation as part of the development application.</i></p> <p>The proposed development does not adjoin residential development and is surrounded by similar uses, such as other hotels, cafes and restaurants. The closest residential use is a residential flat building which is at least 85m away from the proposed development. The proposed café/function centre at the rear of the allotment presents a continuation of a similar use to the existing building. The proposed development will face an off-street car park and hard stand space to the west and an existing building to the east. Adverse impacts from noise are not anticipated due to the location of the proposal and no visual amenity impacts are anticipated either.</p>	
<p>7.3 Car Parking, Access and Servicing</p> <p>7.3.1 Required on site car parking</p> <p>Relevant Controls</p> <p>a) <i>Compliance with the relevant controls in clause 2.2 of this DCP.</i></p>	Yes

4.2 Development Application 14-2017 - Commercial Alterations and Additions to the Tourist Hotel - 31 Monaro Street, Queanbeyan
Attachment 1 - DA 14-2017 - Section 79C Matters for Consideration - 31 Monaro Street
(Continued)

QUEANBEYAN DCP 2012 COMMENTS	COMPLIES (Yes/No)
Please refer to assessment against Part 2 Clause 2.2 of this report. A variation to the required car parking on site has been requested.	
<p>7.3.5 Site Facilities and Services</p> <p>d) <i>Location requirements for Waste Storage Areas and Access</i></p> <p>i) <i>Where waste volumes require a common collection, storage and handling area, this is to be located:</i></p> <ul style="list-style-type: none"> • <i>For residential flat buildings, enclosed within a basement or enclosed car park;</i> • <i>For commercial, retail and other development, on site in basements or at ground within discrete service areas not visible from main street frontages;</i> • <i>Where above ground garbage collection is prohibitive or impractical due to limited street frontage, or would create an unsafe environment, an on-site basement storage area must be provided; and</i> • <i>Where a waste vehicle is required to enter the site, the access and circulation area shall be designed to accommodate a vehicle with the following dimensions:</i> <p>Storage and waste facilities are provided at the rear of the existing hotel building and not visible from the main street frontage.</p>	Yes

Additional Planning Considerations

The following additional planning matters apply to the development:

MATTERS FOR CONSIDERATION	COMPLIES (Yes/No)
<i>Environmental Planning and Assessment Act Regulation 2000</i>	
<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
<i>The Likely Impacts of the Development</i>	
<p><i>Context and Setting - The development will have a minimal impact on the scenic qualities and features of the landscape including views and vistas and is</i></p>	Yes

4.2 Development Application 14-2017 - Commercial Alterations and Additions to the Tourist Hotel - 31 Monaro Street, Queanbeyan
Attachment 1 - DA 14-2017 - Section 79C Matters for Consideration - 31 Monaro Street
(Continued)

MATTERS FOR CONSIDERATION	COMPLIES (Yes/No)
compatible with the established character of the locality. There will be minimal impact on adjacent properties in relation to overshadowing and privacy.	
<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.	Yes
<i>Public Domain</i> - The proposed development will not adversely impact on public recreational opportunities, pedestrian links or access to public space.	Yes
<i>Utilities</i> - The site is serviced with water, sewer, electricity and telecommunication services.	Yes
<i>Heritage</i> - The proposed development will have a minimal impact in relation to heritage. The site is heritage listed, is adjacent to a heritage item, but is not located within a Heritage Conservation Area.	Yes
<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.	Yes
<i>Water</i> - The proposed development will have minimal impact on the conservation of water resources and the water cycle.	Yes
<i>Soils</i> - The proposed development will have minimal adverse impact on soil conservation. The soils are suitable for the development.	Yes
<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 is not required for this proposal.	N/A
<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> - Flood management has been addressed under Part 2 of the QDCP 2012.	Yes
	N/A

4.2 Development Application 14-2017 - Commercial Alterations and Additions to the Tourist Hotel - 31 Monaro Street, Queanbeyan
Attachment 1 - DA 14-2017 - Section 79C Matters for Consideration - 31 Monaro Street
(Continued)

MATTERS FOR CONSIDERATION	COMPLIES (Yes/No)
<i>Technological Hazards</i> - No technological hazards are known to affect the site.	
<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
<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> – The application was referred to NSW Police who provided comment on the proposed application. The proposal was stated to be a moderate risk. The main concerns regarded the laneway and	Yes

4.2 Development Application 14-2017 - Commercial Alterations and Additions to the Tourist Hotel - 31 Monaro Street, Queanbeyan
Attachment 1 - DA 14-2017 - Section 79C Matters for Consideration - 31 Monaro Street
(Continued)

MATTERS FOR CONSIDERATION	COMPLIES (Yes/No)
patrons from the proposed café function centre. The other issue highlighted was lighting.	
<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 Contributions are applicable.</i> <i>Section 64 Contributions are applicable.</i>	Yes

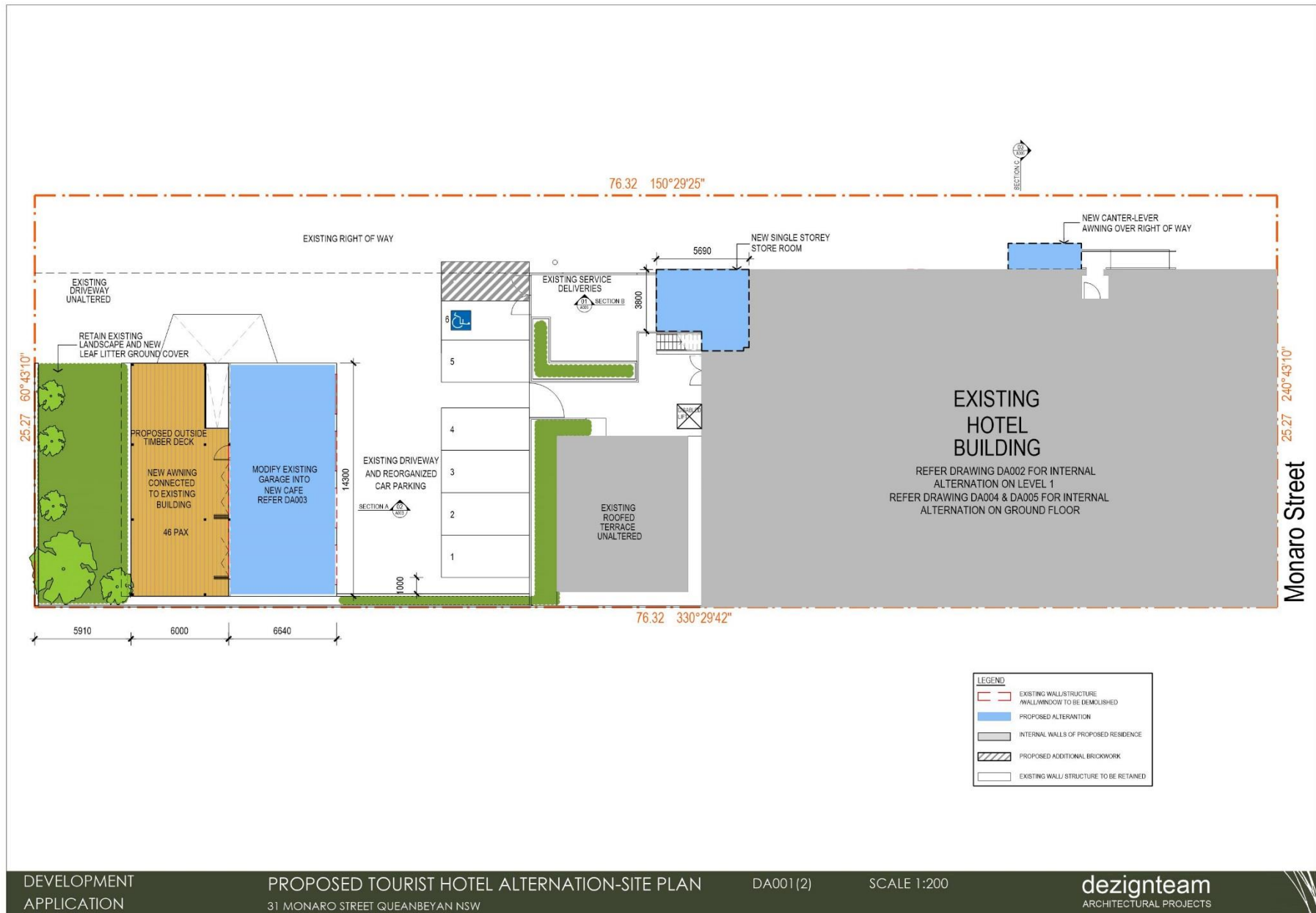
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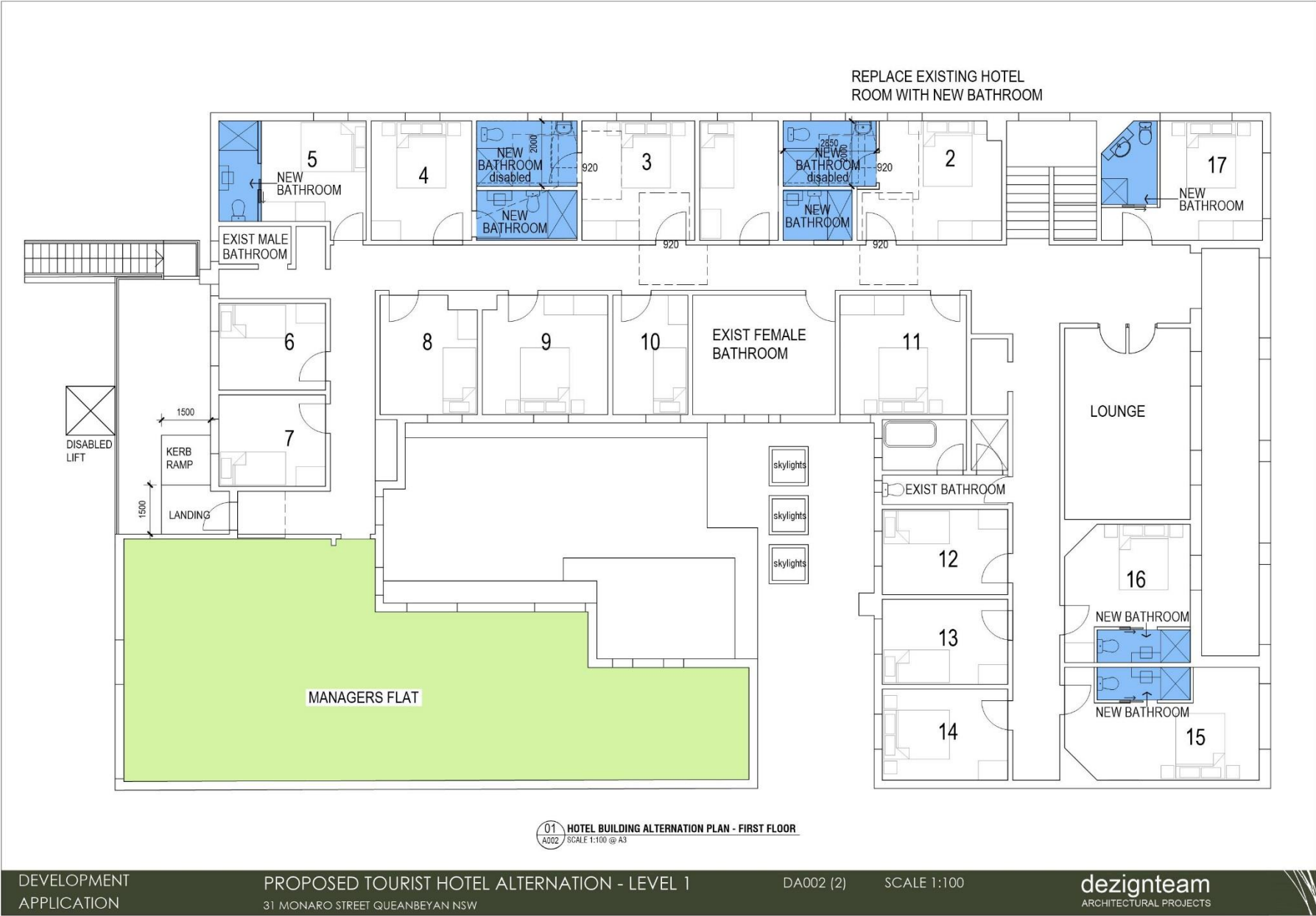
Planning and Strategy Committee of the Whole Meeting Attachment

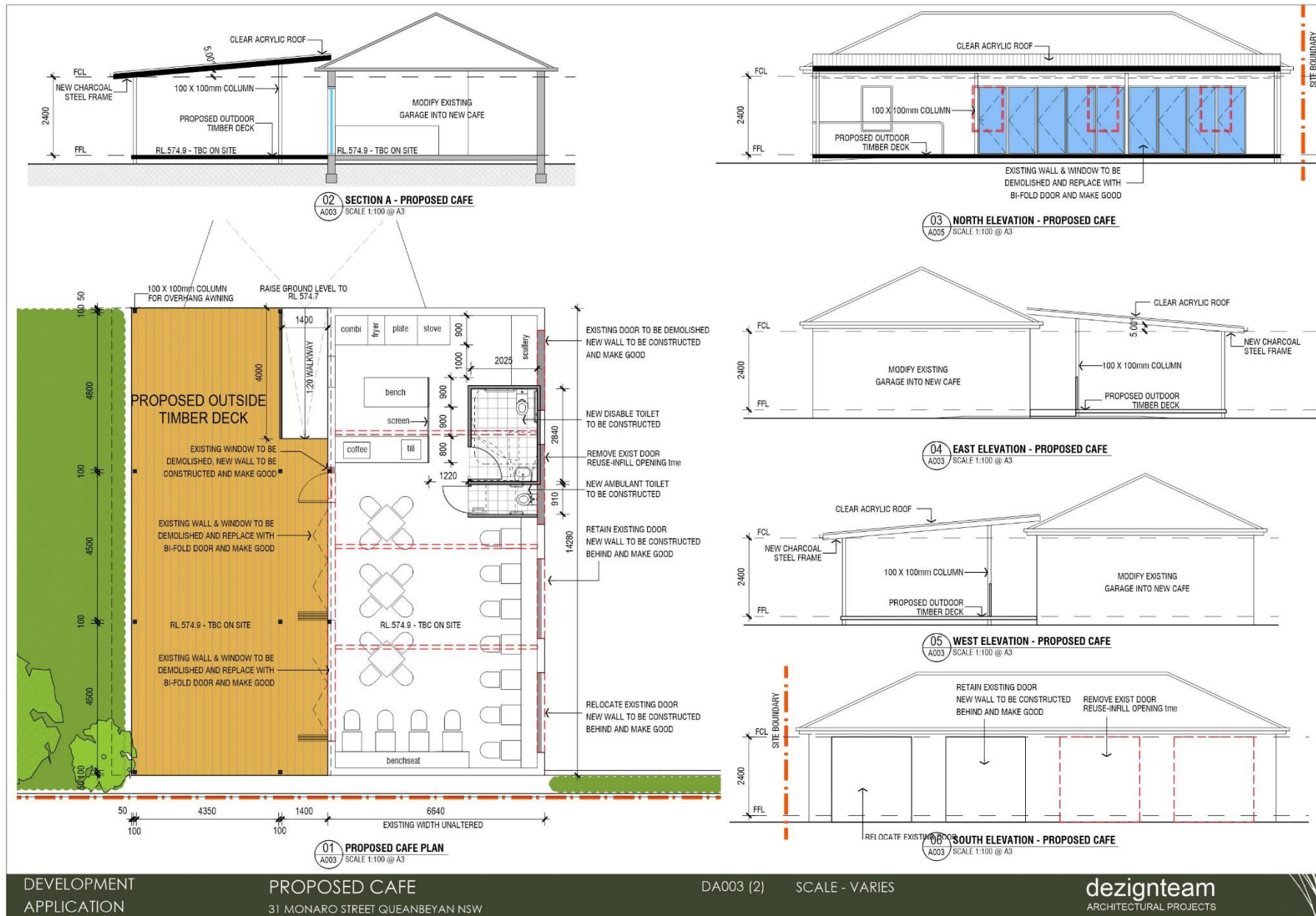
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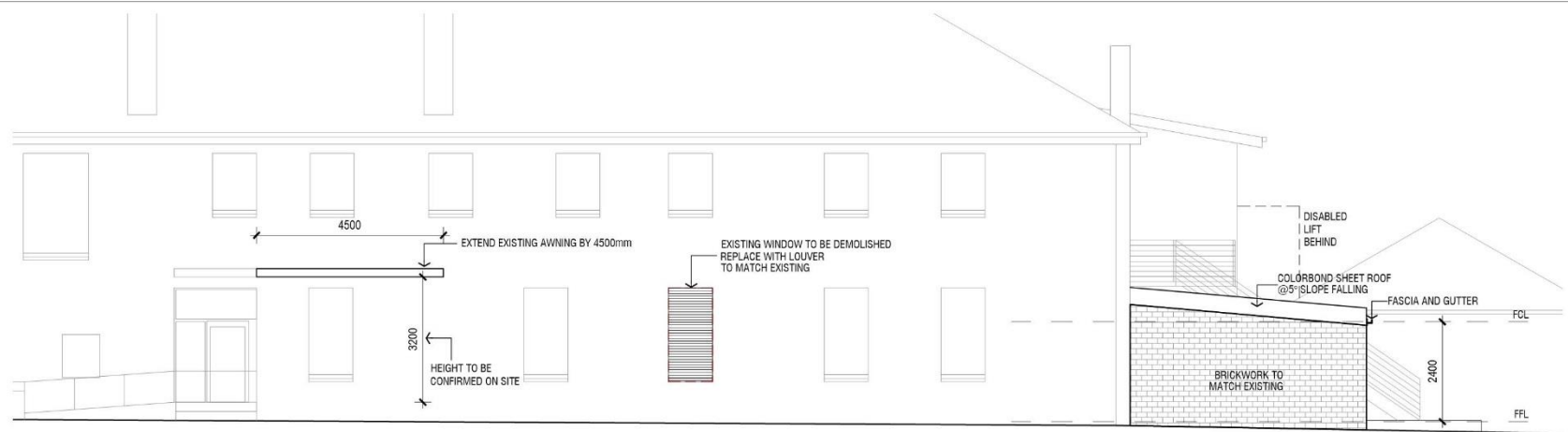
ITEM 4.2 DEVELOPMENT APPLICATION 14-2017 - COMMERCIAL
ALTERATIONS AND ADDITIONS TO THE TOURIST HOTEL - 31
MONARO STREET, QUEANBEYAN

ATTACHMENT 2 DA 14-2017 - ARCHITECTURAL PLANS - 31 MONARO STREET -
TOURIST HOTEL - ATTACHMENT

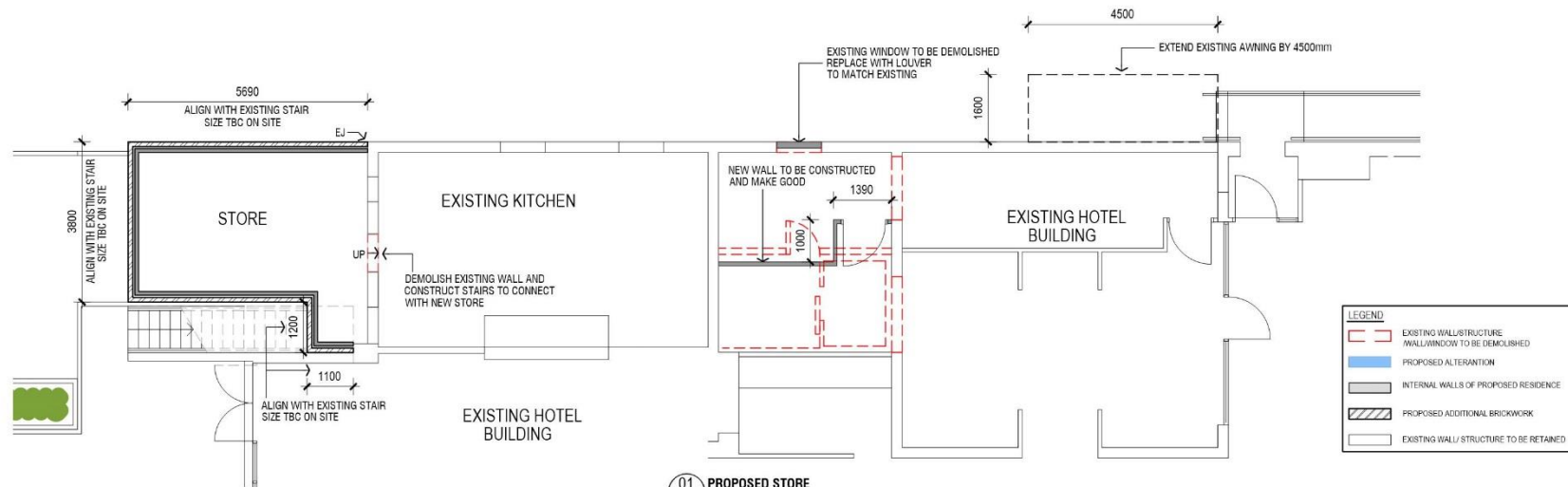








02 EAST ELEVATION - HOTEL
A004 SCALE 1:100 @ A3



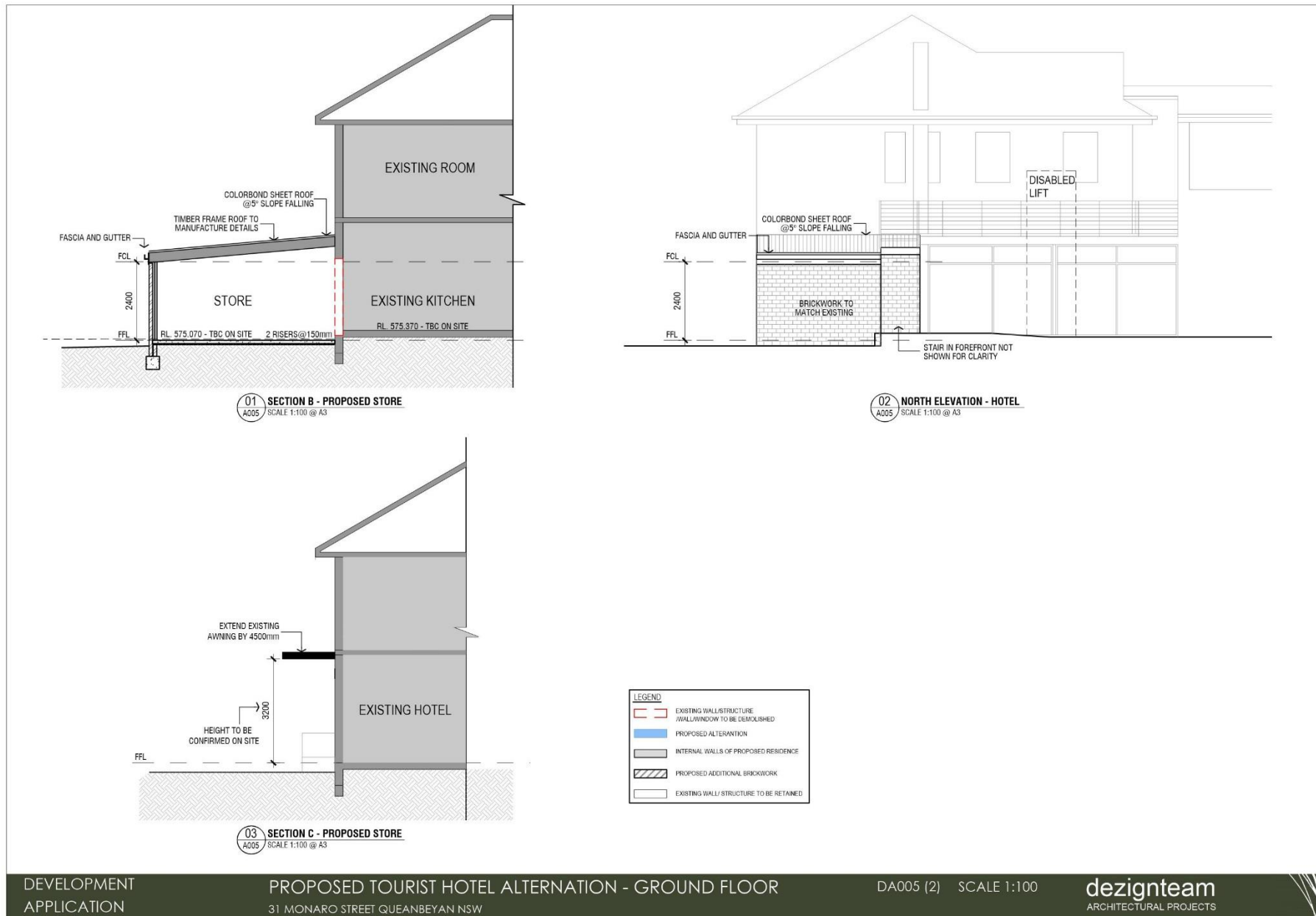
01 PROPOSED STORE
A004 SCALE 1:100 @ A3

DEVELOPMENT
APPLICATION

PROPOSED TOURIST HOTEL ALTERNATION - GROUND FLOOR
31 MONARO STREET QUEANBEYAN NSW

DA004 (2) SCALE 1:100

dezignteam
ARCHITECTURAL PROJECTS



QUEANBEYAN-PALERANG REGIONAL COUNCIL

Planning and Strategy Committee of the Whole Meeting Attachment

14 JUNE 2017

ITEM 4.2 DEVELOPMENT APPLICATION 14-2017 - COMMERCIAL
ALTERATIONS AND ADDITIONS TO THE TOURIST HOTEL –
31 MONARO STREET, QUEANBEYAN

ATTACHMENT 3 DA 14-2017 - TRAFFIC AND PARKING STATEMENT –
31 MONARO STREET

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TOURIST HOTEL QUEANBEYAN – 31 MONARO STREET TRAFFIC AND PARKING STATEMENT

1.0 PURPOSE

The purpose of this statement is to respond to the request for further information from Queanbeyan-Palerang Regional Council (Ref: 382-2016) dated 15 December 2016.

2.0 PROPOSED DEVELOPMENT

The precise details of the proposed works are set out below:

- Extend gaming room by 16m² but retain only 15 machines
- Extend kitchen by 20m² to accommodate cool rooms
- Change use of existing heritage garages to food and beverage hotel. This creates additional customer service area of 50m²
- New outdoor area of 80m² adjacent to garages
- Install 8 x ensuites in Level 1 hotel rooms. This has the effect of removing 2 accommodation rooms. Also 1 x room is to be used as a guest kitchen.

“The proposed development is for the change of use of an existing hotel garage and an additional outdoor area of 80m² to function centre/cafe with no off-street parking spaces provided on site to cater for the increased demand brought about by the proposed development.”

3.0 CONTEXT OF THE DEVELOPMENT APPLICATION

The Tourist Hotel currently has unused and derelict garages that is the subject of the application for approval of change of use and has previous approvals for a bar and bistro which have peak activity and parking demand out of business hours. The Tourist Hotel is at 31 Monaro Street in Queanbeyan and is located mid-block between Lowe Street and Crawford Street and the public council-owned Morisset Street car park with capacity of 274 car parking spaces lies behind (within the centre of the commercial block).

There are two additional privately-owned car parks adjacent to the public parking area and these are the Harris Scarf Car Park with 31 spaces and

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the Morissett House car park with 30 spaces and the businesses that own these car parking areas are not generally open for business during evenings. Access to the internal car parking areas is from Morissett Street and from Lowe Street.

4.0 CONTEXT OF THE PLANNING CONTROLS FOR THE CBD

The Local Environmental Plan classifies the block bounded by Monaro St, Lowe St, Morissett St and Crawford St as Commercial Core Zoning and the zone objectives are set out to be:

- To provide a wide range of retail, business, office, entertainment, community and other suitable land uses that serves the needs of the local and wider community,
- To encourage appropriate employment opportunities in accessible locations
- To maximise public transport patronage and encourage walking and cycling
- To recognise the Queanbeyan Central Business District as the main commercial and retail centre of Queanbeyan and reinforce its commercial and retail primacy in Queanbeyan
- To encourage some high density residential uses in conjunction with retail or employment uses where appropriate

The Development Control Plan (DCP) sets out objectives which are applicable in the Central Business District and these objectives generally relate to the preservation and enhancement of heritage buildings, maintain existing streetscape qualities and to implement key planning and urban design guidelines outlined in the Queanbeyan CBD Master Plan. The DCP Part 2 All Zones includes in Section 2.2 specific objectives and controls relating to car parking and service delivery facilities.

Of particular relevance for this Development Application are Clauses 2.2.2 Objectives for Car Parking, 2.2.3 General Principles, 2.3.5 Existing Premises and 2.2.6 Controls for Car Parking which includes Table 1 : Required Car Parking. It is further noted that Section 7.3 and in particular Clause 7.3.3 Changes of Use sets out Objectives and Controls

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for re-use of commercial premises within the CBD. Clause 7.3.3 of the DCP 2012 specifies that change of use of existing buildings is encouraged in the CBD. Hence, the DCP does not require additional parking for a change to Food and Drink premises if the building is lawful and does not increase the size of the building. Parking is not required for footpath cafes.

The Queanbeyan CBD Master Plan sets out the objectives and opportunities for the CBD for the future. Section 2.8 Transport and Traffic presents a summary of access and parking arrangements in the CBD and a detailed analysis and report prepared by ARUP is included in Appendix 2. Additional information is presented in the diagrams presented in 5.8 Transport, 5.9 Traffic Volumes, 5.10 Movement Network and 5.11 Carpark Network.

5.0 PARKING DEMAND OF EXISTING/PROPOSED LAND USE

The DCP Section 2.2.6 Table 1 presents a table of required car parking for various land uses, however the table includes a general rate of 1 space per 60 m² for premises including commercial premises, office premises, retail premises, shop, takeaway food and drink premises, child care centres, entertainment facilities, recreation facilities, registered clubs, health services facilities and hotel or motel accommodation within the CBD. Relevant extracts from Table 1 are set out below.

Queanbeyan DCP 2012	Car Parks	Per
Registered Club	1	60m2
Hotel and Motel Accommodation	1	60m2
Food and Beverage	1	6.66m2
Food and Beverage	1	3 seats
Retail	1	60m2
Tourist Accommodation	1	3 beds

The most appropriate land use category into which the proposed works should be grouped with respect to determination of parking requirements is unclear, however the general rate for clubs, shops, hotel and motel

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accommodation of 1 x parking space per 60m² of service area is considered to be applicable in this case.

Reference to RTA Guide to Traffic Generating Developments Section 5 Parking Rates for Specific Land Uses does not offer more specific parking requirements for function centres, however Clause 5.2.1 presents guidance with respect to adaptive use of an historic building and the need to consider peak hours and days of the week with respect to peak parking accumulation and demand.

With respect to the proposed works at the hotel, the following table sets out the current and proposed uses together with an estimate of car parking spaces using the parking requirements in DCP 2012 (before the application of Clause 7.3.3 of DCP 2012).

	Deemed existing use car parks	Proposed usage requirements	Additional Car parks required
Nº accommodation rooms	20	17	-3
Old Garage	0	2	2
Outdoor Terrace		80m ²	1
Gaming Room	15	15	0
Additional Kitchen Area	0	0	0
TOTAL			0

The parking demand for the previously approved land uses is during evenings and generally not in conflict with commercial and retail business operating times. Similarly, it is considered that the general operation of a function centre will be during evenings for peak attendance and that the times of peak parking demand will be similar to those of hotel accommodation.

It is however noted that the DCP Table 1 would suggest a similar parking provision rate of 1 space per 60 m² would be applicable each of these land uses during the process of assessment against the requirements of the DCP and times of peak parking demand would be similar. It is suggested that if either of the Food and Beverage rates are applied (1

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spaces per 6.66m² or 1 space per 3 seats) then 12 car spaces are required for 48 seats. If this rate is applied to the garages then 8 car park spaces are required for 33 seats however this is inconsistent with the general rate of 1 space per 60m². which applies to hotel, club and retail.

On balance, it is recommended that the Hotel and Motel Accommodation rates are most appropriate and should be applied in this case as this is the rate most closely aligned to the activity actually being conducted on the site (being similar to the Club or Retail land uses).

The council-owned Morisset Street car park has a capacity of 274 spaces and is heavily used during normal office hours 9am to 4 pm on weekdays. The customers for the Tourist Hotel business are:

- 1 People working in the area already for day time trade; and
- 2 People travelling to the venue as a destination for events and functions (normally evening and weekend activities).

Consideration of the temporal parking demand of current car park use and the proposed development suggests that the existing car parking supply is sufficient to meet the demands of the development.

It is suggested that the terms of Clause 7.3.3. of DCP 2012 be applied to the proposed change of use of the garages to eliminate any further consideration of any requirement for additional car parking spaces to be provided.

6.0 TRAFFIC GENERATION OF EXISTING/PROPOSED LAND USE

Reference to the RTA Guide to Traffic Generating Developments Clause 3.4.2 does not provide any specific guidance for the estimation of traffic generation which is expected to result from land uses such as Hotel Accommodation, Café or Function Centres. It will therefore be more appropriate to consider the time of day and number of patrons for each land use in order to estimate traffic generation for the comparison of past and future activities on the site.

It is noted that traffic generation from Motel Accommodation is estimated to of the order of 3 vehicle trips per day per unit and 0.4 trips per hour

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per unit during the evening commuter peak period, however this rate was not recommended for Hotel due to a number of variable factors. In the absence of more specific information this rate shall be used as a guide for the purposes of comparison.

The function centre land use would be expected to reach an accumulation peak generally after 6.00pm on any particular day of the week when it was operating, with peak attendance expected on Friday and Saturday nights. It is estimated that the range of peak vehicle trips would be related to the number of car spaces required and would be expected to be between 1 and 2 trips per 100 m² per hour if all car spaces were to be filled during the hour of opening (say between 6 and 7pm) and again if all car spaces were to be vacated during the hour of closing (say between 12 and 1am). Outside these peak activity times it is expected that the number of vehicle trips would be significantly lower than these rates.

The function centre land use would be expected to have activity sessions throughout the day on weekdays (say between 9am and 5pm) and after 6pm for evening meals and functions.

Although there would be a level of vehicle trips generated during the commuter peak periods, this would be expected to be a relatively small proportion of the total capacity which would be experienced during peak arrival and departure times. When compared with the peak hotel accommodation arrival and departure times, it is expected that there would be a higher proportion of hotel arrivals between 5 and 6pm and departures between 8 and 9 am.

7.0 POTENTIAL IMPACTS ON PARKING AND TRAFFIC

The critical issue in consideration of the proposed change in land use to function centre is to identify the potential for any significant increase in vehicle trips resulting from the development during the times of peak activity on the surrounding road network. It is estimated that the highest peak period traffic generation for each of the land uses under consideration would be for the hotel accommodation as these trips would be expected to be related to morning departure for business and evening return to secure accommodation after business during the weekday.

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The other land uses would be expected to generate minimal trips during the morning commuter traffic peak period and increased traffic after the evening commuter traffic peak period.

The parking demand for hotel accommodation would be expected to peak overnight between arrival after 5.30pm and departure before 8.30am on weekdays and at weekends. The parking demand for the Function Centre/Cafe would be expected to be only during the evening/night time when the Function Centre/Cafe was open for business (say 7pm to midnight). It is considered that these land uses would have minimal parking demand outside of these hours. The function centre would generally be expected to have its peak occupancy during evenings on weekdays and at weekends, however it is possible that there could be functions conducted during the day (particularly on weekends).

It is suggested that both the historic/approved uses and the proposed land use will generate parking demand during the times when the adjacent car park has reduced occupancy outside of normal business and trading hours.

The impact would be expected to be relatively low due to the higher number of vacant spaces (expected to be not less than 130 car spaces if 50% occupied during these times). It is suggested that the on street car parking spaces along Monaro Street and Crawford Street would not be required to accommodate parking demand during peak activity times for these out of business hours land uses.

The location of access driveways to/from Morisset Street and Lowe Street from the adjoining car park are considered to be safe and lead to the relatively minor streets with lower traffic volumes.

Monaro Street is currently carrying over 20,000 vehicles per day, Crawford Street is carrying almost 9,000 vehicles per day and the relatively minor streets in the road network Morisset Street and Lowe Street are each carrying almost 8,000 vehicles per day. It is suggested that the total traffic generated by the Tourist Hotel site during the

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evening peak traffic period is less than 50 vehicles per hour entering the car park (generally in a contra-flow direction to the peak flow direction leaving the car park access points) and that the roads serving the car park are each carrying the order of 800 vehicles per hour. The differential traffic volumes estimated between the various land uses would be expected to be an increase of not more than 10 vehicles per hour for the function centre over the alternative land uses and this possible increase in vehicle trips is not expected to result in any discernible impact on traffic operations or safety along streets or at intersections.

8.0 OTHER CONSIDERATIONS

Impact on pedestrians is an important consideration for any development along the main street within a CBD urban area. It is noted that the primary parking supply for patrons of the Tourist Hotel is in the Morisset Street carpark behind the hotel itself. There is a supply of on street car spaces along Monaro Street. However the on street car spaces show a high level of occupancy between 7am and 10pm and during these times there are higher levels of vacancy in the Morisset Street car park. As a result, the majority of pedestrians leaving the function centre are expected to walk to the rear of the hotel to the off street car park.

The critical consideration for the safety of pedestrians during darkness hours is for adequate lighting along any pedestrian pathway or verge pavement. The proposed change in land use is not expected to have any discernible impact on pedestrians walking to/from the off street car park or walking along the footpaths along Monaro Street and Crawford Street.

The principles of Austroads publication Guide to Road Safety Part 6: Road Safety Audit have been considered in the assessment of safety implications for all road users which may be affected by the proposed change to the land use of the garages of the Tourist Hotel to function centre.

The warrants for a full Road Safety Audit have not been met as this "project" is not an infrastructure project or new building project with

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changes to access, circulation or road systems. The proposed land use changes are expected to result in a minor change in the nature and times of activity within the existing building and these are expected to result in slight changes to the quantum of peak period parking demand and times of peak parking demand and a parallel marginal change in traffic generation and times of peak vehicle trip generation in the vicinity of the adjacent off street car park and the adjacent street network. The changes in the traffic volumes and turning movements at nearby intersections are not expected to be significant or likely to have any adverse impacts on road safety or traffic operations for road users.

The traffic conditions in the car park have been reviewed and there do not appear to be any restrictions to sight lines within the carpark or access driveways and visibility to pedestrians is considered to be adequate at conflicts between vehicle routes and pedestrian / cyclist footpaths. Vehicle speeds are considered to be low and appropriate for the prevailing conditions and there is no evidence of a high incidence of crashes at potential points of conflict.

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9.0 CONCLUSIONS AND RECOMMENDATIONS

I am of the opinion that the proposed minor capital works and change in land use to function centre/cafe will have a marginal effect of parking demand in the Morisset Street car park (outside of normal business hours when occupancy has been observed to be lower than during weekday business hours). Application of the provisions of Clause 7.3.3 of DCP 2012 will eliminate any requirement for additional car parking spaces to be provided.

The traffic which is expected to be generated as a result of the proposed change in land use is expected to be minimal and negligible during commuter peak periods. The impact on operating conditions and road safety on the road network in the vicinity of the site is expected to be minimal and no off site works are required to mitigate against adverse impacts. I recommend that the proposed Development Application be approved with respect to traffic and parking.

Graeme Shoobridge

8 March 2017

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QUEANBEYAN-PALERANG REGIONAL COUNCIL

Planning and Strategy Committee of the Whole Meeting Attachment

14 JUNE 2017

ITEM 4.2 DEVELOPMENT APPLICATION 14-2017 - COMMERCIAL
ALTERATIONS AND ADDITIONS TO THE TOURIST HOTEL - 31
MONARO STREET, QUEANBEYAN

ATTACHMENT 4 DA 17-2017 - DRAFT CONDITIONS OF CONSENT 31 MONARO
STREET

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. **CONTRIBUTIONS TO BE PAID**

This development and a deficit of parking from previous developments have been assessed as generating an additional 30 car parking spaces. As these car parking spaces cannot be provided on site a developer contribution to car parking in the CBD shall be paid in lieu of the provision of the spaces on site.

Prior to the lodgement of the Notice to Commence Building Work and Appointment of a Principal Certifying Authority the contributions specified in Schedule 1 of this consent must be paid to Council under the provisions of Section 94 of the Environmental Planning and Assessment Act 1979, Section 64 of the Local Government Act 1993 and Division 5 of Part 2 of Chapter 6 of the Water Management Act 2000.

REASON: To provide for the funding of augmentation and provision of services and community facilities. **(57.02)**

3. **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)**

4. **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)**

SITE MANAGEMENT DURING DEMOLITION AND CONSTRUCTION

5. 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)**

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. 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)**

GENERAL CONDITIONS

8. HOURS OF OPERATION FOR FUNCTIONS AT CAFÉ/FUNCTION CENTRE

All activity associated with this development must be carried out between the following hours:

Monday-Thursday:	6.00pm to 10.00pm
Friday and Saturday:	12.00 midday to 12.00 midnight
Sundays	12.00 midday to 10.00pm

REASON: To reduce the chance of offensive noise being created and to minimise the impacts of the development in its locality. **(59.01)**

BUILDING

9. 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)**

10. ALL WORKS TO BE CONFINED TO THE SITE

All demolition, construction and other activities associated with the development must:-

- (a) Be carried out entirely within the allotment boundaries unless otherwise approved by Council.**
- (b) Comply with the requirements of AS 2601-2001 – The demolition of structures.**
- (c) Be kept clear of stormwater, sewer manholes and service easements on the site.**

REASON: To ensure that all development activity associated with the development does not pose a hazard to life or property and that the effectiveness of public services is not impaired. **(60.05)**

FIRE SAFETY MEASURES

11. SUBMIT FINAL FIRE SAFETY CERTIFICATE

At the completion of works, a Final Fire Safety Certificate detailing each essential fire safety measure provided in the building must be issued by the owner and must be submitted to Council. Copies the certificate must also be given to the Fire Commissioner and be prominently displayed in the building.

REASON: To ensure compliance with the Environmental Planning and Assessment Regulation 2000. **(61.02)**

12. SUBMIT ANNUAL FIRE SAFETY STATEMENT

Each year, the owner of the building must submit to Council an Annual Fire Safety Statement for the building. The Annual Fire Safety Statement must address each Essential Fire Safety Measure in the building.

REASON: To ensure compliance with the Environmental Planning and Assessment Regulation 2000. **(61.03)**

FLOODING RISKS

13. STORAGE OF DANGEROUS SUBSTANCES IS PROHIBITED

The storage of the following substances in quantities, other than for isolated or occasional household purposes, is prohibited for this development:

Acetone	Celluloid	Magnesium
Ammonia	Chlorine	Nitric Acid
Benzine	Petrol	Phosphorus
Sodium	Sulphur	Potassium
Carbon Disulfide	Hydrochloric Acid	

REASON: To ensure that substances that are extremely vulnerable to flood conditions are not stored in quantities that will cause adverse impacts in the event of a flood as the land is located within a “designated flood” area as defined in Section 2.5 “Flood Management” of Queanbeyan Development Control Plan 2012.
(65.03)

14. ELECTRICAL SERVICES IN BUILDINGS

All electrical power connections, switch boards and transformers must be installed at a level above RL 575.89mAHD in new buildings and where ever practically possible in renovated parts of the existing building.

Electrical wiring installed below this level must be suitable for continuous underwater immersion and must contain no fibrous components. Earth leakage circuit breakers (core balance relays) and submersible type splices must be used and all conduits must be so installed that they will be self-draining if subjected to flood inundation.

REASON: To ensure the development is compatible with the flood risk of the area and to minimise damage to property that may occur in the event of flooding.
(65.04)

15. EQUIPMENT STORAGE BELOW FLOOD PLANNING LEVEL

All electrical and mechanical services and equipment that have to be installed below RL 575.89mAHD must conform to the following:

Equipment

All electrical and mechanical equipment must be capable of disconnection by a single plug and socket assembly.

Services

A sign, advising that electrical and mechanical services must be thoroughly cleaned or replaced and be checked by a qualified electrical contractor before commencement of reuse, must be installed in close proximity to those services.

REASON: To ensure the development is compatible with the flood risk of the area and to minimise damage to property that may occur in the event of flooding.
(65.06)

FOOD

16. CONSTRUCTION AND FITOUT REQUIREMENTS

Food preparation, sale and storage areas must be constructed and fitted out to comply with the requirements of the:

- (a) Food Act 2003;
- (b) Food Regulations 2015;
- (c) Australia New Zealand Food Standards Code; and
- (d) AS1668.2 – The use of ventilation and air conditioning in buildings – Part 2: Ventilation design for indoor air contaminant control

REASON: To ensure safe and hygienic food preparation/storage and compliance with Food Act 2003 and Regulations 2015, Food Standards Code and relevant Australian Standards. (75.02)

PRIOR TO ISSUE OF OCCUPATION CERTIFICATE

17. 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)

18. SUBMIT FLOOD MANAGEMENT PLAN

Prior to the issue of the any Occupation Certificate a detailed Flood Management Plan, incorporating flood protection measures for goods and equipment must be submitted to, and endorsed by, Council.

REASON: To protect goods and equipment in the event of a flood. (78.09)

PLUMBING AND DRAINAGE

19. 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)**

20. 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)**

21. 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)**

22. 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.

All heated water installation for any accessible facility must deliver hot water at a temperature not exceeding 45° Celsius.

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

SUBMIT AN APPLICATION FOR TRADE WASTE (C4)

Prior to the commencement of any building work a Trade Waste Application (C4) for the enhancement of any on-site waste management devices and disposal of trade waste into sewer must be submitted to, and approved by, Council.

REASON: To ensure compliance with Section 68 of the Local Government Act, 1993, Council's Policy for Discharge of Liquid Trade Waste into Council's Sewer 2004/05 and to protect Council's Sewerage System. **(57.10)**