



Planning and Strategy Committee of the Whole

8 November 2017

**UNDER SEPARATE COVER
ATTACHMENTS**

Items 4.1 – 4.4

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

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QUEANBEYAN-PALERANG REGIONAL COUNCIL

Planning and Strategy Committee of the Whole Meeting Attachment

8 NOVEMBER 2017

ITEM 4.1	DEVELOPMENT APPLICATION 345-2017 - 17 FEAGAN STREET - ERECTION OF A SINGLE STOREY DWELLING HOUSE
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ATTACHMENT 1	DA 345-2017 - SECTION 79C(1) TABLE - MATTERS FOR CONSIDERATION - 17 FEAGAN STREET, GOOGONG
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ATTACHMENT - SECTION 79C(1) TABLE – Matters For Consideration

This application has been assessed under Section 79C(1) of the *Environmental Planning and Assessment Act 1979* and the following matters are of relevance to **Development Application No 345-2017**

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>	
<p>The site is located within Neighbourhood 1B of the new town of Googong. A preliminary investigation of the Googong urban release area was carried out by Coffey Geosciences Pty Ltd. It identified 12 areas of environmental concern (AEC) which are included in Appendix 2 of Googong Development Control Plan.</p> <p>A Site Audit Statement (Report No.R238A) prepared by accredited Site Auditor Ron Harwood issued for Neighbourhood 1B, Googong Township development states that the site is suitable for:</p> <p>a) Residential with accessible soil, including garden (minimal home-grown produce contributing less than 10% fruit and vegetable intake), excluding poultry; and</p> <p>b) Day care centre, preschool, primary school.</p> <p>The site is not an AEC concern and there is no reason to suspect that this land is contaminated. Additionally the site is suitable for the proposed residential development as per the Site Audit Statement above. It is considered that the relevant provisions of SEPP 55 have been satisfied.</p>	Yes
<i>State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004</i>	
<p>The proposed dwelling is a “BASIX affected building”. The applicant has submitted a BASIX certificate and shown the required information on the plans. The application will be conditioned to comply with the commitments made in the BASIX Certificate.</p>	Yes
<i>State Environmental Planning Policy (Infrastructure) 2007</i>	
<p>The relevant provisions have been considered and the development does not require any external referrals to agencies to comply with the provisions of the SEPP</p>	Yes

Local Environmental Plans

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

QUEANBEYAN LOCAL ENVIRONMENTAL PLAN 2012 COMMENTS	COMPLIES (Yes/No)
Part 1 Preliminary	
Clause 1.4 Definitions	
The proposal is defined as a “dwelling house” as identified within the Dictionary of the LEP.	Yes
Clause 1.9A Suspension of Covenants, Agreements and Instruments	
The development of a dwelling as permitted under QLEP 2012 is not prohibited under the covenants applying to the land.	Yes
Part 2 Permitted or Prohibited Development	
Clause 2.1 Land Use Zones	
The site is zoned Zone R1 General Residential. The proposed development is permissible in the zone with consent and it is compatible with the zone objectives.	Yes
Clause 2.3 Zone Objectives and Land Use Tables	
<p>The zone objectives are as follows:</p> <ul style="list-style-type: none"> • To provide for the housing needs of the community. • To provide for a variety of housing types and densities. • To enable other land uses that provide facilities or services to meet the day to day needs of residents. • To ensure that buildings with non-residential uses have a bulk and scale that is compatible with the zone’s predominantly residential character. • To promote walkable neighbourhoods and a sense of community. • To ensure that where possible, development maintains existing bushland. • To encourage medium to high density housing located in close proximity to the town and village centres. <p>The proposal provides an additional dwelling to the growing Googong Township. As such it meets the objectives of the zone.</p>	Yes
Part 4 Principal Development Standards	
Clause 4.3 Height of buildings	
The height of the building is under the maximum building height of 8.5m as shown on the Height of Buildings Map. The proposed height is 4.7 metres.	Yes
Part 5 Miscellaneous Provisions	
Clause 5.10 Heritage conservation	
The site is not located in the vicinity of any item listed in Schedule 5 of the Queanbeyan Local Environmental Plan. The site is not identified in a heritage conservation area on the Heritage Map.	NA
Part 6 Urban Release Areas	
Clause 6.2 Public Utility Infrastructure	
The water recycling plant that will provide treatment of sewer and recycled water has been constructed and commissioned and adequate arrangements are in place for servicing.	Yes
Clause 6.3 Development Control Plan	
Googong DCP commenced 10 November 2010. Refer to DCP assessment.	Yes

QUEANBEYAN LOCAL ENVIRONMENTAL PLAN 2012 COMMENTS	COMPLIES (Yes/No)
Clause 6.5 Development Near Googong Dam Foreshore	
The site is not identified as "Googong Foreshore Buffer Area" on the Googong Map.	Yes
Part 7 Additional Local Provisions	
Clause 7.1 Earthworks	
The site has undergone earthworks during subdivision construction. There are minor ancillary earthworks associated with the erection of the dwelling house. The relevant matters have been considered and conditions to mitigate impacts will be included on any consent issued.	Yes
Clause 7.2 Flood Planning	
The site is not identified as a 'flood planning area' on the Flood Planning Map and it is not known to be at or below the 'flood planning level'.	NA
Clause 7.3 Terrestrial biodiversity	
The site is not identified as 'Biodiversity' on the Terrestrial Biodiversity Map.	NA
Clause 7.4 Riparian land and watercourses	
The site is not identified as watercourse on the Riparian Lands and Watercourse Map and is not within 40m of the top bank of a watercourse.	NA
Clause 7.5 Scenic protection	
The site is not identified as 'Scenic Protection Area' on the Scenic Protection Map.	NA
Clause 7.6 Airspace operations	
<p>This clause states that if a development application is received and the consent authority is satisfied that the proposed development will penetrate the Limitation or Operations Surface, the consent authority must not grant development consent unless it has consulted with the relevant Commonwealth body about the application.</p> <p>The proposed development penetrates the 720.00AHD level on the Obstacle Limitations Surface Map for the Canberra Airport. This is because the existing ground level of the majority of land within Googong Township is above 720.00AHD. The Commonwealth Department of Infrastructure and Regional Development (DIRD) has issued Controlled Activity approvals for the construction of dwellings in Neighbourhood 1A and 1B of the Googong Township. The approvals are subject to structures not exceeding a maximum height of 822m AHD or 20m AGL inclusive of vents, chimneys, aerial, antennas (of whatever type) lightning rods etc. Separate approval must be sought for any crane operations or other structures within this Googong site which will exceed the height of 822 metres AHD or 20 metres AGL.</p> <p>The proposed dwelling will not exceed the height of 822 metres AHD or 20m actual ground level. No further approvals or consultation is required for this proposal.</p>	Yes
Clause 7.7 Development in areas subject to aircraft noise	
The development is not located in an ANEF contour of 20 or greater.	NA
Clause 7.8 Active street frontages	

QUEANBEYAN LOCAL ENVIRONMENTAL PLAN 2012 COMMENTS	COMPLIES (Yes/No)
This clause does not apply as the land is not identified as “active street frontage” on the Active Street Frontages Map.	NA
Clause 7.9 Essential services	
Water, electricity, disposal and management of sewage, stormwater drainage and suitable vehicle access have been provided to the allotment.	Yes
Clause 7.10 Development near Cooma Road Quarry	
The site is not located within the “Buffer Area” on the Quarry Buffer Area Map.	NA
Clause 7.11 Development near HMAS Harman	
This clause does not apply as the land is not within 2km of HMAS Harman or within Zone IN1 General Industrial or Zone IN2 Light Industrial.	NA

Development Control Plan

The proposed development has been assessed in accordance with the requirements of the **Googong Development Control Plan (DCP)** and a summary of the relevant provisions is provided in the following table.

GOOGONG DCP COMMENTS	COMPLIES (Yes/No)
Part 1 About This Development Control Plan	
1.8 Relationship to Other Planning Instruments and Policies	
<i>The following provisions of the Queanbeyan DCP 2012 are adopted by the Googong DCP Part 1 Section 1.8</i>	
<i>Part 2 Sections 2.1, 2.2, 2.3, 2.4, 2.5, 2.6, 2.7 and 2.9</i>	
<i>y</i>	
1.8 Public Notification of a Development Application	
<ul style="list-style-type: none"> <i>Notification to be undertaken in accordance with requirements of Table 1.8.1</i> <p>The proposed development was notified. No submissions were received.</p>	Yes
Part 2 All Zones	
2.2 Car Parking	
Two car parking spaces provided – See further discussion in Section 6.9 of this report.	Yes
2.3 Environmental Management	
A BASIX certificate has been submitted. The proposed development will not generate any significant noise and is located in a residential area clear of any significant noise sources.	Yes
2.4 Contaminated Land Management	
	Yes

GOOGONG DCP COMMENTS		COMPLIES (Yes/No)
The development is not marked in the map nor are there any other known sites of land contamination within the vicinity. The development will not be detrimentally impacted by contaminated land. Refer to SEPP 55 assessment		
2.5 Flood Management	The site is not identified as a 'Flood planning area' on the Flood Planning Map. Refer to LEP assessment.	NA
2.6 Landscaping	A landscape plan has been provided – See further discussion in Section 6.8 of this report.	Yes
2.7 Soil, Water and Vegetation Management Plan (SWVM Plans)	A condition of consent will be imposed to control any potential soil erosion during construction.	Yes
2.9 Safe Design	The proposed development presents a safe and low risk environment which will reduce the potential for accidents and criminal activity. The dwelling is exposed and clearly visible from the main access and property boundaries. It is also clear of close and dense vegetation between the dwelling and street which would otherwise reduce natural surveillance.	Yes
2.11 Height of Buildings	Refer to LEP assessment (Clause 4.3).	Yes
Part 6 Single dwellings, alterations, additions and studio apartments		
6.2 Streetscape		
<i>Building setbacks, walls on boundary and garage door widths to comply with requirements of Table 1.</i>	Refer Table 1 below for detailed assessment of these matters	
<i>Define private/public space by use of elements such as fences, hedges, landscaping and level changes while still maintaining casual surveillance of the street.</i>	The submitted landscape plan defines the public/private space with hedging.	
<i>A mixture of compatible materials to be incorporated into the design to create attractive and cohesive streetscape</i>	The frontage of the proposed dwelling incorporates a mix of face brick and panelling to create an attractive and cohesive streetscape.	
<i>Corner block residences maintain sight lines and strong character on both street frontages.</i>	This is not a corner lot.	
<i>Where rear laneway provided vehicular access to front of dwelling to be denied</i>	No rear lane provide to the site	
<i>Retaining walls forward of building line to be no greater than 1.0m high</i>	Retaining walls are not proposed.	

6.3 Streetscape – Public and Private Laneways	
Dwelling and garage setback from laneways to comply with requirements of Table 1	<i>No rear lane provided to the site</i>
Rear fences to laneways shall be constructed to contain a minimum 50% transparent materials	<i>No rear lane provided to the site</i>
Articulation of building and fencing shall be interspersed with drought resistant soft landscape with an area provided on each laneway to plant one medium sized tree. Landscaping treatment with pavers, gravel or similar hardstand material is not acceptable	<i>No rear lane provided to the site</i>
6.4 Building Form and Design	
Articulation zones to comply with requirements of Table 1	<i>Refer Table 1 for detailed assessment of this matter</i>
Development is to exhibit high degree of design quality and provided attractive streetscape by ensuring main element addressing street, modulated building forms with articulated facades	<i>The proposed dwelling adequately addresses the streetscape with modulated building forms and articulated facades.</i>
Façade of dwelling on corner lots to address both streets and to contain appropriate articulation	<i>This is not a corner lot.</i>
Building to be designed to allow adequate level of sunlight to POS of neighbouring properties	<i>The proposed dwelling has been designed to allow adequate levels of sunlight to neighbouring POS.</i>
6.5 Height and Site Coverage	
Maximum site coverage and building height to comply with requirements of Table 1	<i>Refer Table 1 for detailed assessment of this matter</i>
6.6 Privacy and View Sharing	
Windows of upper-level habitable rooms and balconies to be designed to avoid overlooking of private open space of neighbouring properties. Where overlooking is an issue permanent, fixed and durable screening to be provided	<i>The proposed single storey dwelling does not have an excessive high floor level in the habitable rooms or proposed balconies that would potentially impact the POS of neighbouring properties.</i>
Development to be designed to minimise loss of views from neighbouring properties and significant views such as the hilltops, Googong Common and surrounding farmlands	<i>The proposed single storey dwelling-house will not reduce views from neighbouring properties or impact on significant views. It is below the permissible height limit and complies with the required building setbacks.</i>
Noise sources such as air conditioners, exhaust fans and like shall be sound insulated or located clear of bedrooms and the like	<i>The proposed plans do not identify the location of air conditioners exhaust fans and the like. Based on the design, there is adequate space on site to locate such items clear of bedrooms and the like. The installation of such items would need to comply with the State Environmental Planning Policy (Exempt and Complying Developments Codes) 2008.</i>

6.7 Safety and Security	
Building and landscaping to be designed in accordance with Section 2.9 of the Queanbeyan Development Control Plan 2012 – Safe Design	<i>See Part 1 of this DCP assessment Table</i>
6.8 Private Open Space and Landscape Design	
Landscaping and private open space to comply with requirements of Table 1	<i>Refer Table 1 for detailed assessment of these matters</i>
Landscape plan to be provided.	<i>Landscape plan provided</i>
Rear yards to accommodate an 8-15m high tree for lots larger than 900m ² .	<i>Not applicable lot less than 900m²</i>
Front yards to incorporate 2 'small' trees. Rear yard to be capable of accommodating grassed areas, or open space with other soft, permeable ground cover, with good solar access	<i>Landscape plan identifies 2 'small' trees within front yard and areas within the rear yard capable of accommodating grassed areas or other soft permeable ground covers</i>
6.9 Carparking and Garages	
On site parking, garage setback and garage door widths to comply with requirements of Table 1	<i>Refer Table 1 for detailed assessment of these matters</i>
Garage, carport or covered car parking spaces to be designed to complement dwelling design and have a maximum width of 55% of the total width of dwelling	<i>The garage width is 6.020 metres and the dwelling width is 12.92 metres. That is, the garage is 46% of the width of the dwelling.</i>
Off street parking to comply with AS/NZS 2890.1-2004; Single garages minimum: 3.0m wide, 5.5m in length and the garage door opening of 2.4m. Double garage minimum: 5.4m wide, 5.5m in length and the garage door opening of 4.8m. Minimum clear height of 2.2m.	<i>The double garage is 6.480 metres in length and 6.020 metres wide. The door opening is 4.8 metres wide and there is a height clearance of 2.2 metres.</i>
Maximum width of driveway at property boundary to be 4.5m	<i>The driveway has been assessed by the development engineer and deemed satisfactory.</i>
Any car parking space located within front or rear setback is to remain uncovered and have minimum length of 5.5m	<i>There are no car parking spaces proposed forward of the building line.</i>
6.10 Thermal Performance	
BASIX Certificate to accompany all applications for dwelling houses	<i>The applicant has submitted a BASIX certificate and shown the required information on the plans. The application will be conditioned to comply with the commitments made in the BASIX Certificate.</i>

6.11 Solar Access	
Building to be sited and designed to maximise sunlight to north facing windows and private open space. Living areas should generally have a northern orientation	<i>The building has been sited to maximise sunlight to north facing windows and private open space (POS). The kitchen has a northern orientation.</i>
Windows are to be protected from direct summer sun with appropriate shading devices	<i>The dwelling contains eaves which aid in limiting the amount of direct sunlight to windows.</i>
Building should take advantage of energy saving technology such as solar panels	<i>The applicant has submitted a BASIX certificate which identifies various energy saving measures to be incorporated within the building</i>
6.12 Energy and Natural Ventilation	
Buildings shall be designed and orientated to take advantage of passive solar access and prevailing breezes	<i>The building is designed to take into account a northerly aspect and is designed to access prevailing breezes.</i>
6.13 Waste Management	
A storage area capable of accommodating a minimum three waste bins is to be provided behind the building line.	<i>An area capable of accommodating three waste bins has been provided behind the building</i>
6.14 Water Conservation	
Dwelling to be connected to Googong reticulated alternate water supply system, with this system to be connected to all toilets and topping up the rainwater tank	<i>The proposed dwelling appears capable of being connected to the Googong reticulated alternative water supply system. Ensuring the system is connected to the appropriate fixtures will form part of the water plumbing inspection</i>
Water storage tank and water conservation measures to be incorporated into development	<i>The applicant has submitted a BASIX certificate which identifies a water storage tank and various water conservation measures to be incorporated within the building</i>
6.15 Soil and Salinity	
Sediment and erosion controls to be installed prior to work commencing and be maintained throughout the course of construction	<i>A condition of consent will be imposed to control any potential soil erosion during construction</i>
6.16 Excavation and Fill	
Excavation and fill on site not to exceed 1.5m, with batters being limited to a maximum gradient of 1:4	<i>Refer Table 1 for detailed assessment of these matters. A condition of consent will be imposed to control the gradient of any batter</i>
Retaining walls shall not exceed 1.5m in height with any terrace walls having a minimum distance of 0.5m between steps	<i>Retaining walls are not proposed.</i>

6.17 Stormwater Management and Flooding	
All stormwater to discharge to Council stormwater system	<i>Council's Development Engineer has assessed the proposed application and imposed a condition of consent to control the discharge of stormwater to Council system</i>
6.18 Bushfire Management	
Bushfire prone land is identified on Queanbeyan City Council Bushfire Prone Land Map. A Bushfire assessment report, identifying the vegetation type, distance to vegetation and slope under hazard is to be submitted with all development applications on bushfire prone land.	<i>The land is not identified as bushfire prone land under the QCC bushfire prone land map. The proposed development will be undertaken within an approved residential subdivision, which contains minimal existing vegetation. No significant vegetation is proposed as part of this development application.</i>
6.19 Aboriginal Heritage	
Areas of potential aboriginal heritage are shown on the Archaeological (Indigenous & European) Map in Appendix 2.	<i>The development is not marked on the map nor are there any other known sites of heritage interest within the vicinity. The development will not have any detrimental impacts on Aboriginal heritage.</i>
6.20 European Archaeological Heritage	
Areas of potential European Archaeological Heritage are shown on Archaeological (Indigenous & European) Map in Appendix 2.	<i>The development is not marked on the map nor are there any other known sites of heritage interest within the vicinity. The development will not have any detrimental impacts on European heritage.</i>
6.21 Tree Retention and Biodiversity	
Clearing can only be approved in conjunction with dwelling or auxiliary development. Existing significant trees to be retained wherever possible. Temporary tree/vegetation protection measure to be in place prior to clearing.	<i>No significant vegetation contained on site</i>
Where development is located within or close to know biodiversity corridor, fencing is to be sympathetic to the passage of native fauna	<i>The proposed allotment is not located within or close to a biodiversity corridor</i>
.22 Land Contamination Management	
Areas of environmental concern are shown on the Area of Environmental Concern Map in Appendix 2. Contaminated land must be managed in accordance with Council's Policy – Management of Contaminated Lands.	<i>The development is not marked in the map nor are there any other known sites of land contamination within the vicinity. The development will not be detrimentally impacted by contaminated land. Refer to SEPP 55 assessment</i>

6.23 Odour	
Applications for residential land within 250m of the sewer treatment plant must be accompanied by a Level 3 Odour Impact Assessment if it has not been addressed in the Neighbourhood Structure Plan.	<i>The proposed development is not located within 250m of a sewer treatment plant. No assessment is required.</i>
6.24 Development near Googong Dam Foreshores	
The development has appropriate management of stormwater, bushfire, vegetation and landscaping with indigenous species.	<i>The proposed development is not within the Googong Dam Foreshore. There are no additional requirements.</i>

Googong Development Control Plan – Table 1

Lot Size	330<450m²	Comments
Lot width (min)	10m	<i>14 metres</i>
Site coverage (max)	60%	<i>46%</i>
Building height (max)	8.5m (QLEP 2012)	<i>Complies – 4.5 metres</i>
Front setback min (excluding garages and carports) (min)	4.0m	<i>Complies – 4 metres</i>
Corner Lot -Secondary Setback (excluding garages and carports) (min)	2.0m	<i>NA</i>
Garage setback to front boundary (min)	1.0m behind the front façade and a minimum of 5.5m from front boundary	<i>Complies – Garage is 1.52 metres behind front façade and has a 5.520 metre front setback.</i>
Corner Lot -Secondary Setback for garages and carports (min)	1.0m behind the front façade and a minimum of 5.5m from front boundary	<i>NA</i>
Articulation zone (max)	Measured from the minimum setback of the lot, 1.5m encroachment for 45% of the width of the dwelling on the side at which the articulation zone is proposed.	<i>Complies – The front verandah encroaches the front setback by 1.5 metres up to the posts for 37% of the width of the dwelling.</i>
Side setback (min)	0.9m (0m for zero lot line)	<i>Complies – 0.180 metres for zero lot line on one side</i>
Zero Lot line requirements (max)	The length of the ground floor zero lot line can only extend 60% of the lot length. The extension of the zero lot line for the 2 nd storey will be assessed on merit.	<i>Complies – The length of the ground floor zero lot line extends for 26%.</i>
Rear setback (min) where there is no rear laneway for building wall height up to 4.5m	3.0m for building height up to 4.5m	<i>Complies – 3 metres</i>

Lot Size	330<450m²	Comments
Rear setback (min) where there is no rear laneway for building wall height greater than 4.5m	4.0m	NA
Rear setback (min) to private or public laneway for a garage or carport	0m	NA
Corner Lot – Rear/Side setbacks (min)	0.9m (0m for zero lot line wall on one side – single storey only) 4.0m for any two storey portions	NA
Landscaped area (min) (Permeable area, grasses, trees, etc)	15% of the area of the lot must be landscaped with a minimum width of 1.5m. 25% of the area forward of the building line to the primary road must be landscaped 50% of the landscaped area must be located behind the building line of the primary road.	<i>Complies –</i> <i>38% of the area of the lot is proposed to be landscaped and 83% of this is located behind the building line.</i> <i>40 % forward of the building line is landscaped.</i>
Private open space (min)	24m ² (min width of 3m)	24m ² of POS has been provided.
Private open space (POS) requirements	Private open space to be; <ul style="list-style-type: none"> • Located behind building line to main street • Directly accessible from, and adjacent to, a habitable room, other than a bedroom • Located to have a northerly aspect, where practical. 	<i>The POS is accessible from the kitchen, has a northern orientation and is located behind the building line.</i>
Number of car spaces (min)	1 space required per dwelling with 1 permissible forward of the building line. If a space is to be provided forward of the building line it is to remain uncovered and not enclosed.	<i>Complies – 2 spaces have been provided in the proposed double garage.</i>
Garage to house frontage (front façade only)	Total width of all the door openings must not exceed <ul style="list-style-type: none"> • 3.2m on lots 8m to 12m wide measured at the building line, or • 6m if the lot is 12m wide measured at the building line. 	<i>Complies – 4.8 metres</i>
Underground parking	Not permitted	N/A
Earthworks	1.5m maximum cut and fill	<i>Minimal excavation is proposed and fill of 400mm is proposed. Complies</i>
Privacy Considerations	Privacy considerations must be determined by merit. As a guide windows in habitable rooms, other than bedrooms, that the floor level is more than 1m above ground level and less than 3m from the side or rear	<i>No habitable room windows subject to this control. Refer to further comments under Part 6.6 Privacy and View Sharing. Complies</i>

Lot Size	330<450m ²	Comments
	boundary may require privacy screens.	
Fences and retaining walls	<p>Forward of the building line – Be no more than 1.2m above ground level (existing) and be open style for at least 50% of the upper 2/3 of the area of the fence.</p> <p>Behind the building line – Be no more than 1.8m above ground level (existing).</p> <p>For sloping sites – at each step - 1.6m above ground level forward of the building line and 2.2m above ground level in any other case.</p>	<i>Complies – 1.8 metre high fencing is proposed behind the building line.</i>
Clothes drying	An area capable of accommodating an open air clothes drying area screened from public street	<i>An area behind the building line for accommodating a clothes drying area is available in the rear yard screened from public view. Complies</i>
Garbage area	Located behind building line and capable of accommodating a minimum 3 waste bins	<i>An area behind the building line is capable of storing the necessary bins. Complies</i>

The provisions of any planning agreement or draft planning agreement:

The Googong Urban Development Local Planning Agreement applies to this application. The Planning Agreement requires all new dwellings to achieve minimum water savings of 50% and energy savings of 40% which exceeds the BASIX Certificate's requirements. The proposed dwelling meets the water and energy saving requirements. The other commitments in the planning agreement relevant to the land have been met at subdivision stage.

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>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) Clause 94A Fire Safety Considerations (temporary structures) <i>These clauses are not applicable to this application.</i></p>	Yes
<i>The Likely Impacts of the Development</i>	
	Yes

MATTERS FOR CONSIDERATION	COMPLIES (Yes/No)
<i>Context and Setting</i> - The development will have a minimal impact on the scenic qualities and features of the landscape including views and vistas and is compatible with the surrounding residential character and amenity of the locality. There will be minimal impact on adjacent properties in relation to overshadowing and privacy.	
<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 able to be serviced with water, sewer, electricity and telecommunication services.	Yes
<i>Heritage</i> - The site is not located in the vicinity of any item listed in Schedule 5 of the Queanbeyan Local Environmental Plan. The site is not identified in a heritage conservation area on the Heritage Map.	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 has been submitted with the proposal.	Yes

MATTERS FOR CONSIDERATION	COMPLIES (Yes/No)
<i>Noise and Vibration</i> - The proposed development is not likely to cause any adverse ongoing impact from noise or vibration.	Yes
<i>Natural Hazards</i> – Bushfire management has been addressed under Part 6 of the GDCP 2012.	Yes
<i>Technological Hazards</i> - No technological hazards are known to affect the site.	Yes
<i>Safety, Security and Crime Prevention</i> - The proposed development complies with the relevant section of the QDCP 2012 on crime prevention through environmental design.	Yes
<i>Social Impact in the Locality</i> - The social impacts of the proposal are anticipated to be minimal.	Yes
<i>Economic Impact in the Locality</i> - The economic impacts of the proposal are anticipated to be minimal.	Yes
<i>Site Design and Internal Design</i> - The site design and internal design of the development has been assessed under the GDCP. 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

MATTERS FOR CONSIDERATION	COMPLIES (Yes/No)
<i>Submissions from Public Authorities</i> - No referrals to public authorities were required for the subject application.	Yes
<i>The Public Interest</i>	
It is considered that the public interest will not be adversely affected by the proposed development. Standard conditions will be imposed to ensure minimal impacts to surrounding properties.	Yes
<i>Government and Community Interests</i>	
It is considered that government and community interests will not be adversely affected by the proposed development.	Yes
<i>Section 94 Development Contributions</i>	
<i>Section 94 & 64 Contributions</i> Not applicable.	NA

QUEANBEYAN-PALERANG REGIONAL COUNCIL

Planning and Strategy Committee of the Whole Meeting Attachment

8 NOVEMBER 2017

- ITEM 4.1 DEVELOPMENT APPLICATION 345-2017 - 17 FEAGAN
STREET - ERECTION OF A SINGLE STOREY DWELLING
HOUSE
- ATTACHMENT 3 DA 345-2017 - DRAFT CONDITIONS - 17 FEAGAN STREET,
GOOGONG

PRIOR TO COMMENCEMENT

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

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

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

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

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

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

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

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

SITE MANAGEMENT DURING DEMOLITION AND CONSTRUCTION

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

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

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

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

7. HOURS OF OPERATION FOR WORKS
All works associated with the construction of this development must be carried out between the following hours:

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

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

8. WORK ON ADJOINING LAND IS LIMITED
The verge and other adjoining lands must not be used for storage of materials or disturbed by construction activities except for:
- (a) Installation of a temporary, stabilised construction access across the verge.**
 - (b) Installation of services.**
 - (c) Construction of an approved permanent verge crossing.**

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

9. REPAIR DAMAGED PUBLIC PROPERTY

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

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

10. TEMPORARY VEHICLE ACCESS

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

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

GENERAL CONDITIONS

11. IN ACCORDANCE WITH THE APPROVED PLANS

The development must be carried out generally in accordance with all of the documents accompanying the development application and with the plans bearing the Council approval stamp, and any amended plans approved under subsequent modification(s) to the development consent, except where varied by notations made in red ink by Council or conditions of approval.

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

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

BUILDING

12. COMPLY WITH THE BUILDING CODE OF AUSTRALIA

All building work must be carried out in accordance with the requirements of the Building Code of Australia.

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

13. HOME BUILDING ACT REQUIRMENTS

Residential building work within the meaning of the Home Building Act 1989 must not be carried out unless the Principal Certifying Authority for the development to which the work relates (not being the council) has given Council written notice of the following information:

- (a) In the case of work for which a principal contractor is required to be appointed:
 - (i) The name and licence number of the principal contractor.**
 - (ii) The name of the insurer by which the work is insured under Part 6 of that Act.****
- (b) In the case of work to be done by an owner-builder:
 - (i) The name of the owner-builder.**
 - (ii) If the owner-builder is required to hold an owner-builder permit under that Act, the number of the owner-builder permit.****

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

14. PROTECT NEIGHBOURS FROM DAMAGE DUE TO EXCAVATION

When any excavation involved in this development extends below the level of the base of the footings of a building on adjoining land, the person having the benefit of this development consent must, at the person's own expense;

- (a) Protect and support the adjoining premises from possible damage from the excavation.**
- (b) Where necessary, underpin the adjoining premises to prevent such damage.**

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

15. SUBMIT SURVEY PLAN SHOWING BOUNDARY SETBACKS

The building must be set out by a Registered Surveyor in accordance with the datum shown on the approved plans. A survey plan that identifies the location of the building in relation to the allotment boundaries must be prepared upon completion of the base course brickwork and then be submitted to the Principal Certifying Authority.

REASON: To ensure building has been sited in accordance with the approved plans. **(60.08)**

16. RETAINING WALL/S

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

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

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

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

CARPARKING AND ACCESS

17. DRIVEWAY REQUIREMENTS IN GOOGONG

The development must include the construction of a residential type driveway over Council's footway at the location shown on the approved plans. The driveway must be:

- (a) Constructed by a Council approved contractor, at no cost to the Council.**
- (b) Constructed using plain concrete.**
- (c) Constructed with a 2% grade falling to the gutter.**
- (d) At minimum distance of one metre away from any electrical, Telstra, post box installation, other service or tree within the footway area.**
- (e) Constructed to the width of the existing Vehicle Kerb Crossing.**

REASON: To ensure the construction of the driveway on public lands meets Council's requirements. (66.09)

18. DRIVEWAY APPLICATION FORM

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

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

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

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

SAFER BY DESIGN

20. STREET NUMBERING
The property must be clearly identified by a street number. The property address is 17 Feagan Street.

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

LANDSCAPING

21. LANDSCAPING REQUIREMENTS IN GOOGONG
Landscaping must be extended to include the levelling, topsoiling and turfing or grass seeded hydro mulching of the footway between the property boundary and the street kerb and gutter.

Landscaping between the dwelling house and the street boundary is to be completed in accordance with the approved landscape plan.

REASON: To ensure that areas to the street frontage provide an attractive urban landscape. **(73.11)**

PRIOR TO ISSUE OF OCCUPATION CERTIFICATE

22. 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)**

23. COMPLY WITH BASIX CERTIFICATE
The development must be constructed in compliance with the NSW BASIX Certificate issued on 18 September 2017 and numbered 838908S_02.

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

24. **INSTALLATION OF WATER METERS - GOOGONG**

Prior to the issue of any Occupation Certificate the 20mm potable and recycled water meters issued to the property shall be installed at no cost to the Council and the completed installation inspected and approved by Council as the Water and Sewer Authority.

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

REASON: To ensure that an appropriate metered water supply is available for the development and to ensure that meters can be easily read and maintained by Council. **(78.24)**

PLUMBING AND DRAINAGE

25. **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)**

26. **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)**

27. **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)**

28. 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)**

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

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

30. STORMWATER DISPOSAL REQUIREMENTS IN GOOGONG
Overflow from the rainwater tank and all other stormwater generated within the property must be trapped and piped to the stormwater tie in the lot.

REASON: To provide a satisfactory standard of stormwater disposal. **(80.21)**

QUEANBEYAN-PALERANG REGIONAL COUNCIL

Planning and Strategy Committee of the Whole Meeting Attachment

8 NOVEMBER 2017

ITEM 4.2 DEVELOPMENT APPLICATION DA.2016.192 - PROPOSED
ECO-TOURIST FACILITY - LOT 39 AND 40 DP754886 GUMMS
ROAD, HAROLDS CROSS

ATTACHMENT 1 DA.2016.192 - GUMMS ROAD HAROLDS CROSS - SECTION
79C(1) TABLE - MATTERS FOR CONSIDERATION

ATTACHMENT (1) - SECTION 79C(1) TABLE – Matters For Consideration

The following provides an assessment of the proposed development against the provisions of Section 79C(1) of the Environmental Planning and Assessment Act 1979

Section 79C(1)(a)(i) the provisions of any environmental planning instrument;

State Environmental Planning Policies (SEPP)

An assessment of the subject application against the relevant SEPPs follows:

SEPP (Building Sustainability Index (BASIX) 2004

SEPP (BASIX) establishes requirements for all new housing in NSW to meet certain designated targets for energy and water reduction.

A valid BASIX certificate, No 753365S , issued on 18 August 2016 , was lodged with this application identifying the proposed development as satisfying the relevant minimum standards of the BASIX scheme.

SEPP No. 55 - Remediation of Land

SEPP 55 requires consideration to be given to the suitability of the site in its current or remediated state for the purposes of the proposed development.

A search of Council records identified the subject site as having historically been utilised for broad scale agricultural grazing and plantation forestry purposes as part of a larger rural holding. There is no evidence of the presence of potentially contaminated agricultural activities such as sheep dips upon the site and the proposed development involves no significant earthworks. As such, the subject site is considered to be suitable in its current state for the purposes of the proposed development.

SEPP (Rural Lands) 2008

Clause 10 of SEPP (Rural Lands) requires consideration be given to the likely impacts of development upon existing and preferred land uses within the locality. In recognition of relatively small scale of the proposed development it is considered unlikely that the proposed development would significantly impact upon surrounding extensive agricultural land uses being the predominate and desired land uses within the locality.

SEPP (Sydney Drinking Water Catchment) 2011

Clause 10 of SEPP (Sydney Drinking Water Catchment) requires consent not be granted to development within the Sydney Drinking Water Catchment unless the development is found to result in a neutral or beneficial impacts upon water quality within the catchment. An assessment of the proposed development utilising the Water NSW NorBE tool found the proposed development to result in a neutral impact upon water quality. As such, the proposed development satisfies the relevant provisions of SEPP (Sydney Drinking Water Catchment).

Local Environmental Plans

Palerang Local Environmental Plan (PLEP) 2014

The subject site is zoned RU1 Primary Production under the PLEP 2014. The objectives of the RU1 Primary Production zone are as follows:

Zone RU1 Primary Production

1 Objectives of zone

- *To encourage sustainable primary industry production by maintaining and enhancing the natural resource base.*
- *To encourage diversity in primary industry enterprises and systems appropriate for the area.*
- *To minimise the fragmentation and alienation of resource lands.*
- *To minimise conflict between land uses within this zone and land uses within adjoining zones.*
- *To minimise the impact of any development on the natural environment.*
- *To ensure that development does not unreasonably increase the demand for public services or facilities.*

The proposed development involves no actions likely to limit generate unreasonable demand for public services or limit the potential for the use of the site and surrounding properties for primary industry purposes. As such the proposed development is not considered to be contrary to the above objectives of the RU1 Primary Production zone.

The proposed use of the site as an eco-tourist facility and dwelling are permissible with consent within the RU1 primary production zone subject to compliance with the relevant development standards being as follows:

Clause 4.2A of the PLEP 2014 provides requirements for the erection of dwellings on rural, residential, and environment protection zones including the RU1 Primary Production zone. The subject site consisting of two (2) original portions with an area of 32.08Ha fails to satisfy the minimum allotment size of 40Ha applicable to the subject site and is not an allotment created as part of a Council approved subdivision upon which a dwelling could be constructed. Further a search Council records identified that the subject site does not constitute the entirety of an existing holding. As the proposed development has not satisfied any of the relevant provisions of Clause 4.2A of the PLEP 2014 the subject site does not pose a dwelling entitlement under the PLEP 2014 and Council is unable to grant consent to development for the purposes of a dwelling house upon the subject site.

Clause 4.3 of the PLEP 2014 provides requirements for the maximum height of buildings. The proposed development having a maximum height of 7.4m satisfies the maximum building height of 10m applicable to the subject site.

Clause 5.13 of the PLEP 2014 establishes a number for development standards for development for the purposes of eco-tourist facilities being as follows:

The consent authority must not grant consent under this Plan to carry out development for the purposes of an eco-tourist facility unless the consent authority is satisfied that:

- (a) there is a demonstrated connection between the development and the ecological, environmental and cultural values of the site or area, and*
- (b) the development will be located, constructed, managed and maintained so as to minimise any impact on, and to conserve, the natural environment, and*
- (c) the development will enhance an appreciation of the environmental and cultural values of the site or area, and*
- (d) the development will promote positive environmental outcomes and any impact on watercourses, soil quality, heritage and native flora and fauna will be minimal, and*
- (e) the site will be maintained (or regenerated where necessary) to ensure the continued protection of natural resources and enhancement of the natural environment, and*
- (f) waste generation during construction and operation will be avoided and that any waste will be appropriately removed, and*
- (g) the development will be located to avoid visibility above ridgelines and against escarpments and from watercourses and that any visual intrusion will be minimised through the choice of design, colours, materials and landscaping with local native flora, and*

- (h) any infrastructure services to the site will be provided without significant modification to the environment, and*
- (i) any power and water to the site will, where possible, be provided through the use of passive heating and cooling, renewable energy sources and water efficient design, and*
- (j) the development will not adversely affect the agricultural productivity of adjoining land, and*
- (k) the following matters are addressed or provided for in a management strategy for minimising any impact on the natural environment:*
 - (i) measures to remove any threat of serious or irreversible environmental damage,*
 - (ii) the maintenance (or regeneration where necessary) of habitats,*
 - (iii) efficient and minimal energy and water use and waste output,*
 - (iv) mechanisms for monitoring and reviewing the effect of the development on the natural environment,*
 - (v) maintaining improvements on an on-going basis in accordance with relevant ISO 14000 standards relating to management and quality control.*

The subject application was accompanied by insufficient information to suitably establish the proposed development as satisfying the above matters. It is unclear as to how a direct connection exists between the development and ecological, environmental and cultural values of the site or area, how the development promotes positive environmental impacts, and how the site will be protected to ensure the continued protection of natural resources. Further, the subject application was not accompanied by a management strategy for minimising and impact on the natural environment. As the proposed development has not satisfactorily addressed the matters outlined within Clause 5.13 of the PLEP 2014 Council is unable to grant consent to the proposed development.

Additional Local Provisions

Clause 6.3 of the PLEP 2014 makes for provision for developments that impact on terrestrial biodiversity. The subject site is identified as containing areas of terrestrial biodiversity, however the subject application as accompanied by a flora and fauna report giving consideration to the likely impacts of the proposed development upon native flora and fauna species likely to be present upon the site. This report concludes that as the proposed development involves only the removal of coppiced Narrow-leaved peppermints (*Eucalyptus radiata*), which were planted as part of previous plantation operations upon the site, the proposed development will not result in any significant impacts upon threatened flora or fauna species likely to be present upon the site.

Clause 6.4 of the PLEP 2014 makes provision for developments within a drinking water catchment. An assessment of the proposed development utilising the Water NSW NorBE tool found the proposed development to result in a neutral impact upon water quality.

Clause 6.11 of the PLEP 2014 requires satisfactory arrangements to be made for water supply, stormwater drainage, solid domestic waste, sewage, and the treatment and disposal of effluent. Along with the supply of electricity and suitable vehicle access. The subject site features direct vehicular access from Gumms Road. The applicant proposes the use of rainwater tanks, solar electricity and two (2) new OSMS to service the proposed development. This is considered to be satisfactory for the purposes of the proposed development.

Section 79C(1)(a)(ii) Any draft environmental planning instrument that is or has been placed on public exhibition, details of which have been notified to the consent authority;

No draft instrument to be considered.

Section 79C(1)(a)(iii) Any development control plan;

Palerang Development Control Plan 2015

Part B General Provisions

B4 Bush fire Prone Land: The subject site is identified as entirely bushfire prone land. General terms of approval were provided by the NSW Rural Fire Service on 17 August 2017 identifying the proposed development being acceptable for the bushfire risk upon the site subject to conditions of consent.

B7 Engineering Requirements: Council's Development Engineer raised no objection to the proposed development subject to the construction of new vehicular access points from Gumms Road and internal access roads to Council's standard.

B8 Erosion and sediment control: In the event of the approval of the subject application a condition of consent is recommended requiring the preparation and implementation of sediment and erosion control measures throughout the construction process.

B10 Heritage – European (non-Indigenous), Aboriginal (Indigenous) and Natural: A basic search of the NSW Aboriginal Heritage Inventory Management System database identified no known sites of Aboriginal cultural heritage significance within 200m of the subject site. The proposed development is located within existing clearings away from any significant topographical features. Council holds no records suggesting the presence of items upon the site. As such, in accordance with the NSW Office of Environment and Heritage due diligence processes it is considered unlikely that any items of Aboriginal cultural heritage significance would be impacted upon as a result of the proposed development.

BB13 On-site System of Sewage Management (OSSM): The proposed development was accompanied by an On-site Sewage Management System Report prepared by Andrew Cassim identifying the subject site as being suitable for on-site sewage disposal.

B17 Rainwater tanks: The applicant proposes each dwelling to be serviced with separate rainwater tanks the volume of which could be conditioned in the event of the approval of the subject application.

C2.1.3 Dwelling articulation: The proposed dwelling is suitably articulated through the use of balcony elements and dormer windows.

C2.1.4 Dwelling exteriors: The proposed stone and corrugated iron dwelling will be low reflective and suitably integrate in its environment

C2.1.6 Driveways, entrances, access, parking and utilities: The proposed development seeks to establish new vehicular access points from Gumms Road.

C2.1.7 Energy and water efficiency: The subject application was accompanied by a BASIX certificate identifying the development as satisfying energy efficiency targets.

C2.1.11 Overshadowing: In recognition of the rural nature of the site the proposed dwelling will not result in any adverse overshadowing impacts.

C2.1.12 Solar access: In recognition of the rural nature of the site the proposed dwelling will not result in any adverse solar access impacts to any adjoining property.

C2.1.13 Siting and orientation: The proposed dwelling is considered to be appropriately sited and orientated to minimise impacts upon adjoining properties while optimising solar access.

C2.1.14 Roof form (shape): While the proposed dwelling features a pitch greater than 32 degrees to accommodate for the proposed second storey, given the rural nature of the site the proposed the proposed structure results in no bulk, scale or streetscape impacts and is therefore considered to be acceptable.

C2.5 Dwellings in RU1 Primary Production and E3 Environmental Management and E4 Environmental Living land use zones

C2.5.1 Setbacks: Compliance with the setback controls is outlined in the following table:

	Permitted	Proposed	Compliant
Front Boundary	50 m	>60 m	Yes
Rear Boundary	25 m	>30 m	Yes
Side Setback	25 m	>30 m	Yes

C2.5.2 Potable water supply: The volume of water proposed to service the proposed dwelling is unclear, however, in the event of the approval of the subject application a suitable condition of consent could be imposed requiring a minimum 90,000l rainwater tank.

Part E Notification of Development Applications: The application was initially notified and advertised from the 21 December 2016 to 18 January 2017 and then subsequently renotified from 17 February 2017 to 3 March 2017 following amendments to the proposal. Three (3) submissions were received during the initial notification period and a further one (1) submission during the second notification period. The matters raised within these submissions are discussed in detail later within this report.

Based upon the above assessment, the proposal is considered to be consistent with the relevant provisions of the PDCP 2015.

Section 79C(1)(a)(iia) The provisions of any planning agreement that has been entered into under section 93F, or any draft planning agreement that a developer has offered to enter into under section 93F of the EP&A Act;

There are no planning agreements applying to the subject site.

Section 79C(1)(a)(iv) The provisions of any matters prescribed by the regulations;

There are no matters prescribed by the regulations which apply to the proposed development.

Section 79C (1)(b) The likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality;

It is likely that the proposed development being for the purposes of an eco-tourist facility and manager's residence is capable of being accommodated for upon the subject site without resulting in any significant environmental impacts; however insufficient information accompanied the proposed development to definitively determine the likely impacts of the development.

Section 79C(1)(c) The Suitability of the site for the development;

Insufficient information accompanied the subject application to determine the suitability of the site for the purposes of the proposed eco-tourist facility as insufficient justification has been provided to establish a direct nexus between ecological/environmental values upon the site or within the area and the proposed use.

Section 79C(1)(d) Any submissions made in accordance with this Act or the Regulations;

Submissions

The application was initially notified and advertised from the 21 December 2016 to 18 January 2017 and then subsequently renotified from 17 February 2017 to 3 March 2017 following amendments to the proposal. Three (3) submissions were received during the initial notification period and a further one (1) submission during the second notification period. The relevant issues raised are as follows:

Issue: *The proposed development will increase traffic movements upon Gumms Road resulting in degradation of the road surface and risk to stock as the road is not fenced and gates may be left open.*

Comment: Council's development engineer has reviewed the proposal and identified the road as being suitable in its current state for the purposes of the proposed development. Gumms Road is a public road is required to provide free access. Fencing of stock from the road way is the responsibility of the land owners.

Issue: *Loss of amenity to adjoining properties*

Comment: Given the relatively small scale of the proposed development and setbacks to property boundaries, the proposed development is considered unlikely to result in any significant loss of amenity to adjoining properties.

Issue: *Increased risk of damage to adjoining properties.*

Comment: *The proposed development seeks the use of the site for short term and permanent residential purposes in the form of an eco-tourist facility and a dwelling house. Such activities are unlikely to result in damage to adjoining properties. Further, any damage to personal property or trespass is a civil matter that should be raised with the NSW Police.*

Issue: *Increased risk of damage to adjoining properties.*

Comment: *While the Applicant proposes the use of the site as an eco-tourist facility may attract people currently utilising the Tallaganda State forest for recreational purposes, approval of the proposed development would not permit any additional recreational activities upon the site (i.e hunting and bike riding) beyond those that could currently be undertaken upon the site.*

Issue: *The proposed development may result in undesirable environmental impacts.*

Comment: As previously discussed, the subject application was accompanied by insufficient information to determine the environmental impacts of the proposed development.

Development Engineer

Council's Development Engineer raised no objection to the proposed development subject to the construction to Council's standards of new vehicular access points and internal access roads from Gumms Road to the two (2) proposed development areas upon the site.

Health and Building

Council's Building Surveyor raised no objection to the proposal subject to compliance with the recommendations contained within the On-site Sewage Management System Report prepared by Andrew Cassim.

Rural Fire Service

The proposed development is classified as a "special fire protection purpose" under Section 100b of the Rural Fires Act 1997. As such the proposed development is defined as integrated development under Clause 91 of the Environmental Planning and Assessment Act 1979 and requires the concurrence of the NSW Rural Fire Service. General Terms of Approval were received from the NSW Rural Fire Service for the proposed development on 17 August 2017.

Section 79C(1) (e) The public interest;

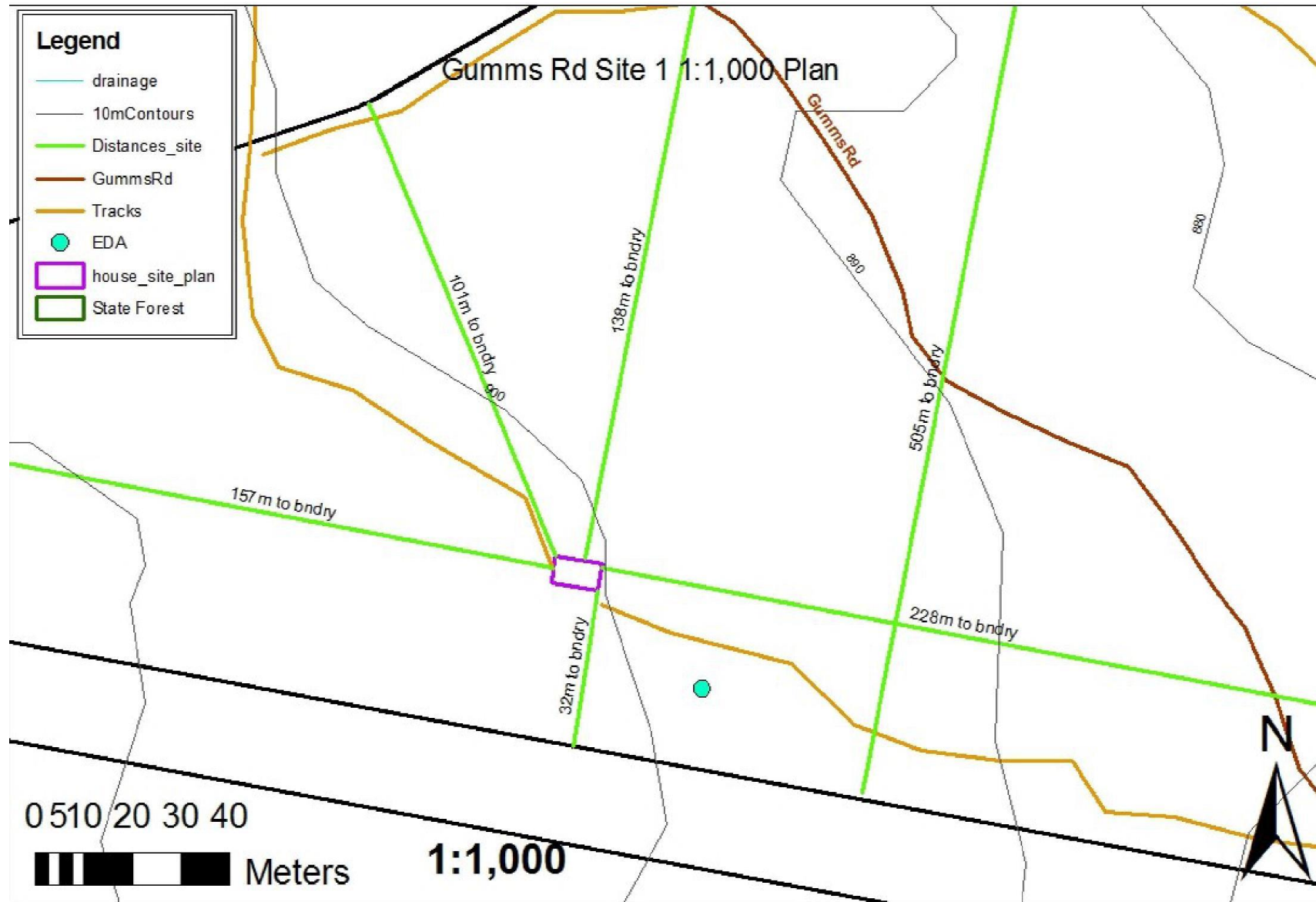
The public interest is considered to be best served through the consistent application of State and Local Planning controls through detailed assessment and consideration of any submissions received relating to it by Council. In giving weight to these matters the proposed development failing to satisfy the requirements of Clauses 4.2A and 5.13 of the Palerang Local Environmental Plan 2014 is considered to be contrary to the public interest.

QUEANBEYAN-PALERANG REGIONAL COUNCIL

Planning and Strategy Committee of the Whole Meeting Attachment

8 NOVEMBER 2017

- | | |
|--------------|--|
| ITEM 4.2 | DEVELOPMENT APPLICATION DA.2016.192 - PROPOSED
ECO-TOURIST FACILITY - LOT 39 AND 40 DP754886 GUMMS
ROAD, HAROLDS CROSS |
| ATTACHMENT 2 | DA.2016.192 - GUMMS ROAD HAROLDS CROSS - SITE PLAN
(DWELLING) |

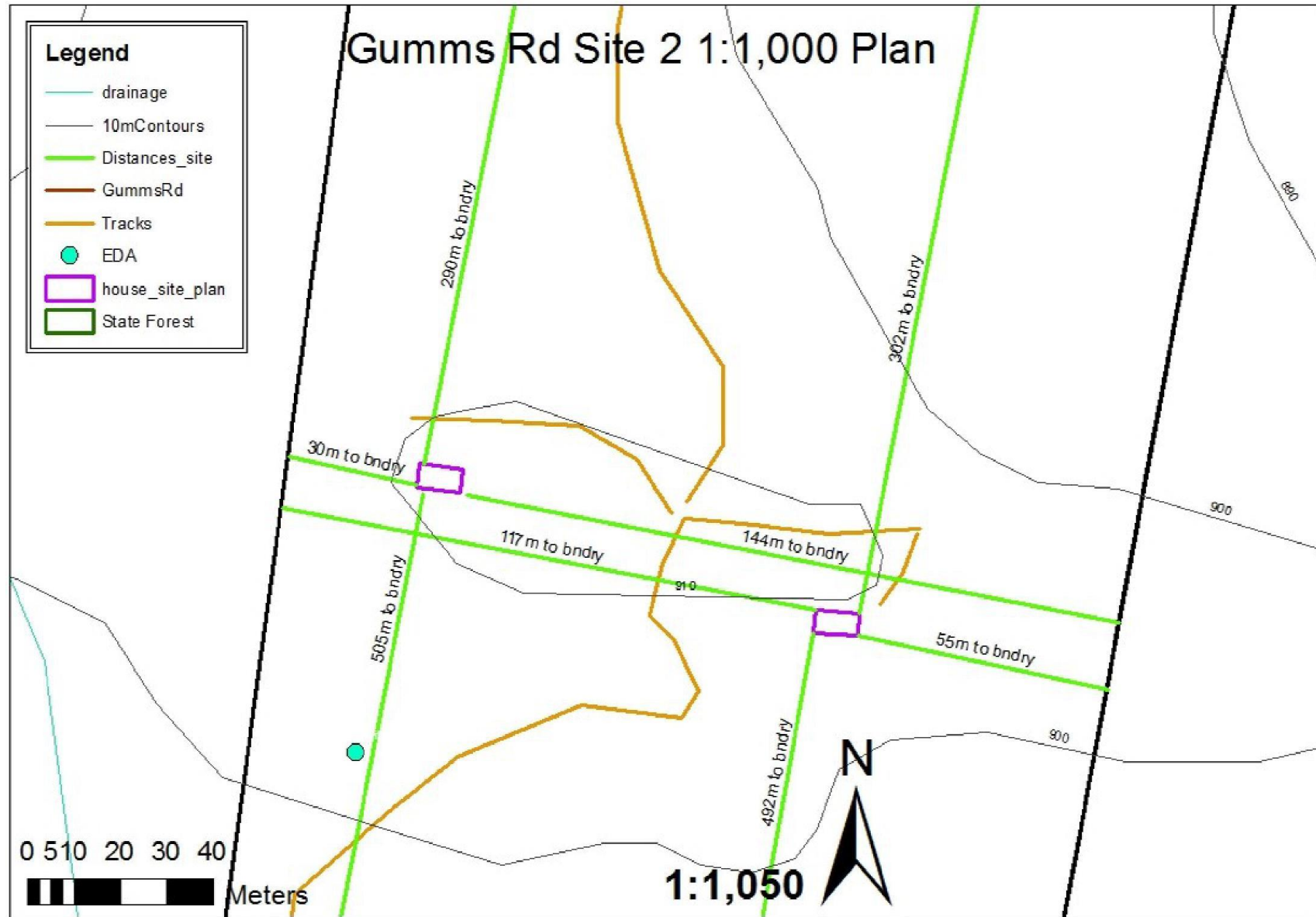


QUEANBEYAN-PALERANG REGIONAL COUNCIL

Planning and Strategy Committee of the Whole Meeting Attachment

8 NOVEMBER 2017

- | | |
|--------------|--|
| ITEM 4.2 | DEVELOPMENT APPLICATION DA.2016.192 - PROPOSED
ECO-TOURIST FACILITY - LOT 39 AND 40 DP754886 GUMMS
ROAD, HAROLDS CROSS |
| ATTACHMENT 4 | DA.2016.192 - GUMMS ROAD HAROLDS CROSS SITE PLAN
(CABINS) |



QUEANBEYAN-PALERANG REGIONAL COUNCIL

Planning and Strategy Committee of the Whole Meeting Attachment

8 NOVEMBER 2017

ITEM 4.2 DEVELOPMENT APPLICATION DA.2016.192 - PROPOSED
ECO-TOURIST FACILITY - LOT 39 AND 40 DP754886 GUMMS
ROAD, HAROLDS CROSS

ATTACHMENT 6 DA.2016.192 - SUBMISSIONS

From: [REDACTED]
Sent: 12 Jan 2017 06:45:12 +0000
To: Records
Subject: Development Proposal DA.2016.192

Attention Kylie Coe,

We require further information on the use of the development as we are concerned with fire risk and noise but we are unaware of the proposed usage at this stage. We are concerned the property could then be sold and developed further.

[REDACTED]

Sent from [Mail](#) for Windows 10

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

Queanbeyan Palerang Regional Council
Planning Department
Attention Kylie Coe

Re DA 2016.192

Dear Ms Coe

We wish to make a submission regarding the development application for Lot 38 DP 754886 for an agricultural tourism enterprise at the same address. We own a beef cattle property that borders the development area and we have a number of concerns in relation to the development. They are:

1. Potential increase in traffic has implications on relatively low use rural roads
2. Potential disturbance of a very quiet rural residential area as a result of the potential numbers of hunters and trail bike riders mentioned in the development application using the facility and roads immediately adjoining us
3. Potential disturbance that an increased number of hunters and trail bike riders may have on our beef cattle herd
4. Proximity of the proposed manager's cottage to our boundary, given the potential space (40 acres) available for the manager's cottage to be constructed on it makes no sense to place this dwelling a mere 32 meters from our boundary. There is considerable acreage for the developer to place the managers cottage on that would be a reasonable distance from our boundary fence
5. Location of the effluent disposal area due to the proposed location of the manager's cottage appears to be located where an effluent plume could potentially travel onto our land. This could have major implications for the well-being of our beef cattle herd

We would be happy to discuss the above points in further detail if required.

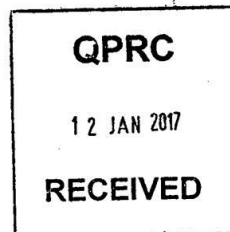
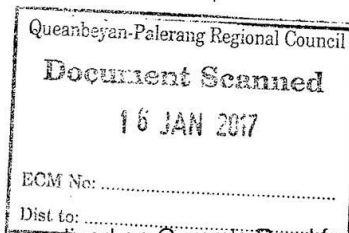
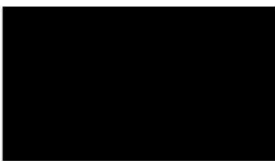
Regards

[REDACTED]
[REDACTED]

DA.2016.192

Submission re DA.2016.192 Ecotourism Facility

From:



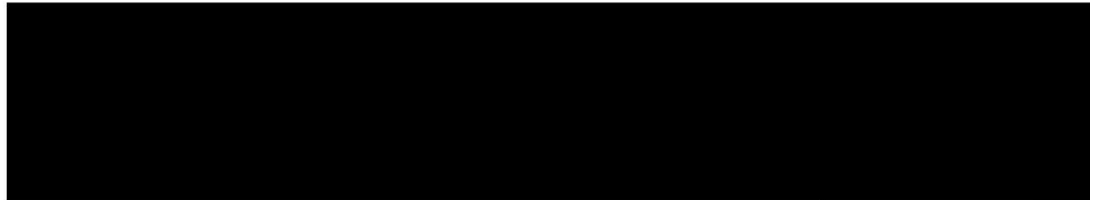
We are a retired couple who have lived on Gumm's Road for seventeen years. Our property [redacted] lies a couple of kilometres east of the site in question. We value its peace and seclusion and wealth of native flora and fauna. We wish to object to this Development Application. Our main concerns relate to general disturbance (traffic, shooting, noise, vandalism); danger to residents, stock and wildlife; increased fire risk in the area; and consequently its potential threat to property values.

The particular assets of this neighbourhood are its farm land, its pockets of high biodiversity, especially along the creeks, and its views of hills and valleys. Gumm's Road is a narrow, largely unfenced track that links five properties all but one of which are permanently occupied. They include two private working farms with stocked paddocks. It passes through six closed gates that control stock. Through-traffic is infrequent but we know that non-residents sometimes leave gates open or fail to fasten them properly. We are concerned that stock, local people as well as native wildlife will be at risk from an increase in drivers unused to this kind of road - who will themselves be at risk from the rocks, trees and branches that frequently obstruct it. The road itself receives little maintenance and is usually eroded. We are concerned that Gumm's Road would deteriorate further under additional pressure.

We have inspected the application document and note that the applicant hopes to attract horse-riders and trail-bike riders to the proposed 'eco-tourism' facility. We suggest that these groups would be inappropriate users of such a facility as their activities can and often do damage the environment. We doubt that a facility with Mordek cabins used by trail-bikers would appeal to genuine eco-tourists wanting hospitable, attractive accommodation in close contact with unspoilt nature. Apart from the Lowden Water Wheel there is only private land or logged forest in the near vicinity of the property.

As the applicant states, the state forest pine plantation attracts trail-bike riders at weekends. The most popular parking place is adjacent to the forestry shed on Rossi Road, near the junction with Lowden Road and Coxes Creek Road. The northern Harolds Cross area is currently sheltered from the noise of these activities by distance; the proposed development threatens to bring a substantial number of trail bike riders right into the community, with consequent noise pollution, damage to roads, stock and wildlife, and erosion of property values.

To make a properly informed response to the DA we would need much more detailed information: what does the applicant mean by 'eco-tourism facility' and how does he intend to reconcile the aims implied by such a label with the ecological damage and disturbance caused by trail bikes and, to some extent, by horse-riders? Would he allow hunting from his property? What are his detailed proposals for access, rubbish disposal, prevention of vandalism, and management of fire risk?



From: [REDACTED]
[REDACTED] JaG0y7G6:J4GJ5+:4+RRGeJJ::
To: cordnsD
Subject: uvlp1DD1d7Grd7ron717tGPA.6:J9.Ji6GKGm2oyDoGyr 7dC2ostoGnoro1m,GIWG
qmpGJaG0y7vynW
Attachment : ury7GJ4.fmot

Dear Sir/Madam

My family has owned [REDACTED] for 40 years.

Our experience of this area over the past 40 years or so can be summarised:

- Quiet and scenic rural amenity
- Community of farmers and retirees / conservation nature lovers
- Minority of absentee landlords

To our knowledge the applicant, an absentee landlord, has made no attempt to discuss his plans with any of his neighbours and has lodged an application with insufficient detail for community members to gauge his full intentions. Our concerns with the DA as far as the applicant's intentions can be gleaned can be summarised as follows:

- The applicant claims that the DA is for eco (ie 'not harming the environment') tourism, yet the very mention of trail bikes contradicts that claim
- Increased noise from trail bike riders (There is a facility for such people on the other side of the mountain in Tallaganda State Forest, they do not need to intrude into, and be based within, a harmonious rural community)
- Gates left open (by people who do not understand why farm gates are shut)
- Untrammelled access through farm paddocks that, given they have gates on their roads, do not currently have fenced roadways
- Wear and tear on dirt roads (that, due to their composition and local weather, already require frequent maintenance despite careful use by local residents)

- Potential for hunters (with firearms or cross-bows) to use the so-called eco-facility as a base to kill both wildlife and stock within our community, and personal risk to farmers from having such persons hunting on their land without prior permission
- Increased potential for vandalism and general neglect (including littering) from people who do not form part of the stable community
- Spread of weeds from people who do not understand the need to protect the biodiversity of the environment
- Loss of amenity and negative affect on land values with the intrusion of a tourism facility into a farming and retirement area.

We were surprised to see this proposal in a Tallaganda Times issued shortly before Christmas, given that the applicant did not advise us of his intentions. We object to the DA 2016/192 proposal.

Yours sincerely



QUEANBEYAN-PALERANG REGIONAL COUNCIL

Planning and Strategy Committee of the Whole Meeting Attachment

8 NOVEMBER 2017

ITEM 4.3 DEVELOPMENT APPLICATION DA.2017.050 - NEW DWELLING
 - 867 BUTMAROO ROAD, MULLOON

ATTACHMENT 1 DA.2017.050 - 867 BUTMAROO ROAD, MULLOON - SECTION
 79C(1) TABLE - MATTERS FOR CONSIDERATION

ATTACHMENT (1) - SECTION 79C(1) TABLE – Matters For Consideration

The following provides an assessment of the proposed development against the provisions of Section 79C(1) of the Environmental Planning and Assessment Act 1979

Section 79C(1)(a)(i) the provisions of any environmental planning instrument;

State Environmental Planning Policies (SEPP)

An assessment of the subject application against the relevant SEPPs follows:

SEPP (Building Sustainability Index (BASIX) 2004

SEPP (BASIX) establishes requirements for all new housing in NSW to meet certain designated targets for energy and water reduction.

A valid BASIX certificate, No 844534S, issued on 31 July 2017, was lodged with this application identifying the proposed development as satisfying the relevant minimum standards of the BASIX scheme.

SEPP (Rural Lands) 2008

Clause 10 of SEPP (Rural Lands) requires consideration be given to the likely impacts of development upon existing and preferred land uses within the locality. In recognition of relatively small scale of the proposed development it is considered unlikely that the proposed development would significantly impact upon surrounding extensive agricultural land uses being the predominate and desired land uses within the locality.

SEPP (Sydney Drinking Water Catchment) 2011

Clause 10 of SEPP (Sydney Drinking Water Catchment) requires consent not be granted to development within the Sydney Drinking Water Catchment unless the development is found to result in a neutral or beneficial impacts upon water quality within the catchment. An assessment of the proposed development utilising the Water NSW NorBE tool found the proposed development to result in a neutral impact upon water quality. As such, the proposed development satisfies the relevant provisions of SEPP (Sydney Drinking Water Catchment).

Local Environmental Plans

Palerang Local Environmental Plan (PLEP) 2014

The subject site is zoned RU1 Primary Production under the PLEP 2014. The objectives of the RU1 Primary Production zone are as follows:

RU1 Objectives

- *To encourage sustainable primary industry production by maintaining and enhancing the natural resource base.*
- *To encourage diversity in primary industry enterprises and systems appropriate for the area.*
- *To minimise the fragmentation and alienation of resource lands.*

- *To minimise conflict between land uses within this zone and land uses within adjoining zones.*
- *To minimise the impact of any development on the natural environment.*
- *To ensure that development does not unreasonably increase the demand for public services or facilities.*

The proposal providing for the ongoing use of the site for extensive agricultural practices, resulting in no significant environmental impacts and generating no significant demand for public infrastructure is considered to be consistent with the objectives of the RU1 Primary Production Zone.

The proposed dwelling house and secondary dwelling are identified as being a uses permitted with consent with the RU1 Zone.

Clause 4.2A of the PLEP 2014 provides requirements for the erection of dwellings on rural land. The subject site having an area of 940.6Ha satisfies the 40 Ha minimum allotment size applicable to the site. As such, the subject site satisfies the requirements of Clause 4.2A(3)(a) of the PLEP 2014 and the proposed dwelling is permissible with consent upon the site.

Clause 4.3 of the PLEP 2014 provides requirements for the height of buildings. The proposed dwelling having a height of 11.57m exceeds the 10m maximum permissible height for the site established under Clause 4.3 – Height of buildings of the PLEP 2014. In recognition of this noncompliance the subject application was accompanied by a written request to vary the development standard prepared in accordance with Clause 4.6 of the PLEP 2014 (See Clause 4.6 below).

Clause 4.6 of the PLEP 2014 allows the consent authority to vary a development standard where that variation would achieve a better outcome.

As previously discussed, the proposed development fails to comply with the maximum building height development standard permitted under Clause 4.3 of the PLEP 2014. The area of non-compliance relates to a non-habitable portion of the roof structure.

Clause 4.6(3) of the SLEP 2012 states the following:

“Development consent must not be granted for development that contravenes a development standard unless the consent authority has considered a written request from the applicant that seeks to justify the contravention of the development standard by demonstrating:

(a) that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case; and

(b) that there are sufficient environmental planning grounds to justify contravening the development standard.”

The applicant has provided a written request that seeks to justify the proposed contravention of the maximum building height development standard on the following grounds:

- The additional building height accommodates for the proposed basement structure that removes the need for an expanded building footprint while accommodating for the operational needs of the existing agricultural practices undertaken upon the site;

- Strict compliance with the development standard serves no practical planning purpose as the impacts of the dwelling are no greater than that of a compliant structure; and
- *The proposed building is appropriately sited below ridge lines as to minimise visual prominence within the visual catchment of surrounding dwelling houses which are located more than 2.8km from the proposed dwelling site.*

Clause 4.6(4) of the SLEP 2012 states the following:

•
“Development consent must not be granted for a development that contravenes a development standard unless:

(a) *the consent authority is satisfied that:*

(i) *the applicant’s written request has adequately addressed the matters required to be demonstrated by subclause (3)*

•
The applicant’s written request to justify the contravention of the building height standard adequately addresses the matters required to be demonstrated in subclause 4.6(3), specifically, that compliance with the standard is unnecessary or unreasonable in the circumstances of the case, and that there are sufficient environmental planning grounds to justify contravening the development standard. The written request is considered to provide sufficient substantive information on the environmental planning grounds relating to achieving the operational needs of the existing agricultural practices undertaken upon the site without resulting in any negative impact upon the amenity, views, solar access and privacy of surrounding dwellings.

(ii) *the proposed development will be in the public interest because it is consistent with the objectives of the particular standard and the objectives for development within the zone in which the development is proposed to be carried out.*

The proposal is considered to be consistent with the objectives of the development standard which seek to enhance the natural character of the landscape, protect residential amenity, and manage visual impact in that:

- The proposed dwelling is appropriately sited below prominent ridge lines as to minimise visual impacts;
- The proposed development results in no loss of residential amenity to any surrounding property; and
- The proposed dwelling results in no greater visual impacts than that of a compliant scheme.

The site is Zoned RU1 Primary Production under PLEP 2014 wherein development for the purposes of a dwelling house is permissible with consent. The proposal is generally consistent with the objectives of the RU1 Primary Production Zone in that:

- The proposed development relates to the existing use of the site for extensive agricultural activities;
- The proposed additional building height results in no greater impacts upon the natural environment than that of a compliant scheme; and
- The proposed additional building height results in no impacts likely to result in conflict within surrounding land uses.

(b) *the concurrence of the Secretary has been obtained.”*

Council may assume the concurrence of the Director-General under the Planning Circular PS 08-003 issued in May 2008.

In conclusion, the applicant's written request to justify the contravention of the maximum building height development standard is considered to be well founded in that the applicant has satisfactorily demonstrated that compliance with the standard is unnecessary or unreasonable in the circumstances of the case, and that there are sufficient environmental planning grounds to justify contravening the development standard.

Clause 5.4 of the PLEP 2014 relates to certain miscellaneous permissible uses. Clause 5.4(9) requires the gross floor area of a secondary dwelling not exceed the greater of 60m² or 33% of the gross floor area of the principal dwelling. The proposed secondary dwelling having a gross floor area of 60m² satisfies the provisions of Clause 5.4(9) of the PLEP 2014.

Additional Local Provisions

Clause 6.1 of the PLEP 2014 provides requirements for earthworks. The proposal development involves excavation for the proposed basement storey, however within the implementation of erosion and sediment control measures the proposed earthworks are considered unlikely to result in any significant impacts. Conditions of consent are recommended requiring the implementation of such measures throughout the construction process.

Clause 6.3 of the PLEP 2014 makes for provision for developments that impact on terrestrial biodiversity. While the subject site is identified as containing areas of terrestrial biodiversity, the proposed development involves no works within these areas.

Clause 6.4 of the PLEP 2014 makes provision for developments within a drinking water catchment. An assessment of the proposed development utilising the Water NSW NorBE tool found the proposed development to result in a neutral impact upon water quality.

Clause 6.6 of the PLEP 2014 makes provisions for developments located in areas of salinity, as shown on the Landscape Map. While the subject site contains areas identified as salinity prone land, the proposed development involves no works within these areas.

Clause 6.11 of the PLEP 2014 requires satisfactory arrangements to be made for water supply, stormwater drainage, solid domestic waste, sewage, and the treatment and disposal of effluent. Along with the supply of electricity and suitable vehicle access. The subject site features access via a series of rights of carriageway to Mulloon Road which is considered to be suitable for the purposes of the proposed development subject to upgrade works. The applicant proposes to service the proposed dwelling by means of a solar power system, rainwater tanks and a new onsite sewage management system. Such measures are considered to be suitable for the purposes of the proposed development.

Section 79C(1)(a)(ii) Any draft environmental planning instrument that is or has been placed on public exhibition, details of which have been notified to the consent authority;

No draft instrument to be considered.

Section 79C(1)(a)(iii) Any development control plan;

Palerang Development Control Plan 2015

Part B General Provisions

B4 Bush fire Prone Land: The proposed dwelling site is identified upon Council's Bushfire Prone Lands map as bushfire prone. An assessment of the proposed development against the relevant provisions of Planning for Bushfire Protection 2006 found the proposed development to satisfy the relevant provisions subject to construction to BAL 12.5 and the provision of a secondary access for emergency access purposes. Conditions of consent

requiring the implementation of such measures are included within the recommended conditions.

B7 Engineering Requirements: The subject application was referred to Council's Development Engineer who raised no objection to the proposal subject to conditions of consent including the upgrade of the existing right of carriageways and internal access roads to comply with Council's standards.

B8 Erosion and sediment control: A condition of consent is recommended requiring the submissions of an erosion and sediment control plan which is to be implemented throughout all construction works.

B10 Heritage – European (non-Indigenous), Aboriginal (Indigenous) and Natural: A basic search of the NSW Aboriginal Heritage Inventory Management System database identified no known sites of Aboriginal cultural heritage significance within 200m of the subject site. The proposed development is located within existing clearings away from any significant topographical features. Council holds no records suggesting the presence of items upon the site. As such, in accordance with the NSW Office of Environment and Heritage due diligence processes it is considered unlikely that any items of Aboriginal cultural heritage significance would be impacted upon as a result of the proposed development.

B13 On-site System of Sewage Management (OSSM): The proposed development involves the installation of a new OSSM. The subject application was accompanied by an On-site Sewage Management System Report identifying the site as being suitable for the purposes of the proposed development.

B17 Rainwater tanks: The proposed development includes the installation of 33,000l rainwater tank. A condition of consent is recommended requiring that f

B19 Sydney, Googong and Captains Flat drinking water catchments: An assessment of the proposed development utilising the Water NSW NorBE tool found the proposed development to result in a neutral impact upon water quality.

C2 Residential Development

C2.1 Objectives and controls applicable to all land use zones and dwelling types:

Subject to the recommended conditions of consent, it is considered that the proposed development is consistent with the objectives and controls of the DCP. The development is consistent with the rural character of the locality and it is considered that the proposal will not detract from the existing natural and built character or the existing amenity of the area.

C2.1.2 Visual privacy: The proposed dwelling is sited significantly away from any dwelling upon adjoining properties and is below prominent ridgelines. As such, the proposed development is considered unlikely to result in any significant visual impacts.

C2.1.3 Dwelling articulation: The proposed dwelling is suitably articulated in recognition of the site's rural nature.

C2.1.6 Driveways, entrances, access, parking and utilities: The existing right of carriageway and internal access road are to be upgraded to comply with Council's construction standard. Suitable conditions are included within the recommended conditions of consent.

C2.1.7 Energy and water efficiency: The subject application was accompanied by a BASIX Certificate identifying the proposed development as achieving minimum legislated energy and water efficiency standards.

C2.1.11 Overshadowing: In recognition of the site's rural context the proposed development results in no significant overshadowing impacts.

C2.1.12 Solar access: In recognition of the site's rural context the proposed development results in no significant solar access impacts.

C2.1.13 Siting and orientation: The proposed dwelling is suitably sited and orientated to optimise solar access.

C2.1.14 Roof form (shape): The proposed development incorporates a maximum roof pitch of 30 degrees.

C2.5 Dwellings in RU1 Primary Production and E3 Environmental Management and E4 Environmental Living land use zones

C2.5.1 Setbacks: Compliance with the setback controls is outlined in the following table:

	Permitted	Proposed	Compliant
Front Boundary	50m	>500m	Yes
Rear Boundary	50m	>500m	Yes
Side Setback	50m	>500m	Yes

Part E Notification of Development Applications: In accordance with the requirements of Part E of the PDCP 2015 the subject modification application was notified from 30 August 2017 July 2017 to 13 September 2017. No submissions were received within this period

Subject to the conditions of consent, the proposal is considered to be consistent with all requirements of the DCP.

Section 79C(1)(a)(iii) The provisions of any planning agreement that has been entered into under section 93F, or any draft planning agreement that a developer has offered to enter into under section 93F of the EP&A Act;

There are no planning agreements applying to the subject site.

Section 79C(1)(a)(iv) The provisions of any matters prescribed by the regulations;

There are no matters prescribed by the regulations which apply to the proposed development.

Section 79C (1)(b) The likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality;

The proposed development involves no actions considered likely to result in any significant impacts upon the natural or built environment.

Section 79C(1)(c) The Suitability of the site for the development;

The subject site is relatively unconstrained and is considered to be suitable in its current state for the purposes of the proposed development.

Section 79C(1)(d) Any submissions made in accordance with this Act or the Regulations;

Submissions

In accordance with the requirements of Part E of the PDCP 2015 the subject modification application was notified from 30 August 2017 July 2017 to 13 September 2017. No submissions were received within this period

Development Engineer

Council's Building Surveyor raised no objection to the proposal subject to the provisions of laundry facilities within the secondary dwelling (housekeeper's residence). This matter is to be address via condition of consent.

Health and Building

Council's Development Engineer raised no objection to the proposed development subject to conditions of relating to the payment of Section 94 contributions and the upgrading of the existing rights of carriageway and internal access roads to comply with Council's standards.

Section 79C(1 (e) The public interest;

The public interest is considered to be best served through the consistent application of State and Local Planning controls through detailed assessment and consideration of any submissions received relating to it by Council. The proposed development being generally consistent with the relevant development controls and suitably justifying any departures is no considered to be contrary to the public interest.

QUEANBEYAN-PALERANG REGIONAL COUNCIL

Planning and Strategy Committee of the Whole Meeting Attachment

8 NOVEMBER 2017

ITEM 4.3 DEVELOPMENT APPLICATION DA.2017.050 - NEW DWELLING
- 867 BUTMAROO ROAD, MULLOON

ATTACHMENT 3 DA.2017.050 - 867 BUTMAROO ROAD, MULLOON -
CONDITIONS OF CONSENT

SCHEDULE OF CONDITIONS*

Development Consent DA.2017.050

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:
- Location Plan, Project No. A, Page A, issue A, prepared by MJC Design.
 - Basement Floor Plan, Project No. A, Page 2, issue A, prepared by MJC Design.
 - Ground Floor Plan, Project No. 3, Page A, issue A, prepared by MJC Design.
 - Upper Floor Plan, Project No. A, Page 4, issue A, prepared by MJC Design.
 - Attic Floor Plan, Project No. A, Page 5, issue A, prepared by MJC Design.
 - Elevation 1, Project No. A, Page 6, issue A, prepared by MJC Design.
 - Elevation 2, Project No. A, Page 7, issue A, prepared by MJC Design.
 - Elevation 3, Project No. A, Page 8, issue A, prepared by MJC Design.
 - Elevation 4, Project No. A, Page 9, issue A, prepared by MJC Design.
 - Section A-A, Project No. A, Page 10, issue A, prepared by MJC Design.
 - Erosion & Sediment Plan, Project No. A, Page 12, issue A, prepared by MJC Design.
 - BASIX Certificate No. 844534S, prepared by MJC Design, dated 31 July 2017
 - On-site Sewage Management System Report, prepared by Andrew Cassim, dated 11 August 2017
- except as modified by any of the following conditions of consent.
- 1.4 Do not use the attic level or basement storage areas for habitable purposes.
Reason: Development is undertaken in accordance with this consent & is used for the approved purpose only.

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.

BASIX

4. Comply with all commitments listed on BASIX Certificate No. 844534S before occupying the premises.
Reason: Reduction in water & energy use.

Construction certificate & occupation certificate

- 5.1 Obtain a construction certificate from Queanbeyan-Palerang Regional Council or an appropriately accredited private certifier before undertaking any work. Forward a copy of any construction certificate issued by a private certifier to Queanbeyan-Palerang Regional Council at least 2 days before undertaking any work in accordance with that construction certificate.
- 5.2 Appoint a principal certifying authority before any work is undertaken. Provide details of the appointed principal certifying authority (if not Queanbeyan-Palerang Regional Council) to Queanbeyan-Palerang Regional Council at least 2 days prior to any work being undertaken.
Reason: Work is undertaken in accordance this consent & relevant construction standards.
- 5.3 Do not occupy or use the premises until an occupation certificate has been issued by Queanbeyan-Palerang Regional Council or an appropriately accredited private certifier. Provide a copy of any

occupation certificate, issued by a private certifier, to Queanbeyan-Palerang Regional Council no later than 2 days after the occupation certificate is issued.

- 5.4 The final occupation certificate must not be issued until all conditions of consent have been satisfactorily complied with and all mandatory stage/required plumbing inspections undertaken. Plumbing and drainage must be inspected by Queanbeyan-Palerang Regional Council at the relevant stages of construction in accordance with the attached inspection schedule and a final plumbing certificate obtained prior to issue of any occupation certificate.

Home warranty insurance

7. Comply with the requirements of Part 6 of the *Home Building Act 1989* before undertaking any work and provide the following to Queanbeyan-Palerang Regional Council and the principal certifying authority (if not Queanbeyan-Palerang Regional Council) at least 2 days before undertaking any work;
- the name and licence number of the builder who has contracted to do the work and a copy of the certificate of currency for the home warranty insurance, or
 - a copy of the owner builder permit.

Reason: Works are properly insured.

Site identification

8. 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.

Construction standard

- . All work is to comply with the current edition of the Building Code of Australia.

Reason: All building work is carried out in accordance with relevant construction standards.

Aboriginal objects

- . The development is to proceed with caution. If any Aboriginal objects are found, works should stop and DECCW notified. If human remains are found work is to stop, the site is to be secured and the NSW Police and DECCW 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.

Building materials and finishes

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

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

Stormwater

- 10.4 Convey all roof water to a water tank. Divert the overflow of any water tank a minimum of 3 m from any building.

Reason: Stormwater disposal does not impact on the building.

Water tanks

12.4 The dwelling is to be provided with a rain water tank(s) of a minimum 90,000l capacity.

Reason: Support Queanbeyan-Palerang Regional Council's ability to supply town water, in accordance with Council's adopted water supply strategy.

Construction Activities

Construction work shall only be undertaken between the hours of 7 am and 6 pm Mondays to Fridays and between the hours of 8.00 am and 1.00 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.

All excavations and backfilling associated with the erection or demolition of a building must be executed in accordance with the requirements of WorkCover.

Reason: To ensure excavation does not impact on adjoining property and compliance with WorkCover requirements.

The owner of the adjoining land is not to be liable for any part of the cost of work carried out for the purposes of this development, whether carried out on the allotment of land being excavated or on the adjoining allotment of land.

Reason: Excavations relating to building work do not pose a hazard to adjoining properties.

Toilet facilities are to be provided at or in the close vicinity of the work site on which work involved in the erection or demolition of a building is being carried out.

Reason: To provide adequate facilities to the work site.

No building materials are to be stored or construction activities undertaken on public or adjoining land.

Reason: To prevent unnecessary disturbance to public land.

Waste Management

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.

Erosion Control - Building

Install sediment and erosion controls, prior to any construction activity, to prevent soil erosion, water pollution or the discharge of loose sediment on surrounding land, as follows,

- (a) divert uncontaminated run-off around cleared or disturbed areas,
- (b) erect a silt fence to prevent debris escaping into drainage systems or waterways,
- (c) prevent tracking of sediment by vehicles on roads, and
- (d) stockpile topsoil, excavated material, construction and landscaping supplies and debris within the site.

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

Maintain erosion and sedimentation controls for as long as necessary after completion of works to prevent soil erosion, water pollution or the discharge of loose sediment on surrounding land. The controls are to remain in place until all disturbed ground surfaces are rehabilitated/revegetated and stabilised to prevent erosion or sediment loss.

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

A Sediment and Erosion Control Plan (S&ECP) 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 erosion and sediment transport in accordance with the NSW Landcom publication *Managing Urban Stormwater - Soils and Construction* (4th Edition 2004- "Blue Book").

Erosion and sediment controls are to be in place before the disturbance of any soils on the site, and are to be maintained during the works and for as long as necessary after the completion to prevent sediment and dirty water leaving the site and/or entering the surface water system outside of the site.

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

Rehabilitation grass mix is to be applied to all disturbed surfaces at the recommended rate of dispersal prior to the issue of the final occupation. Do not use species that are listed under the *Noxious Weeds Act 1993*.

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

Bushfire Requirements

Asset Protection Zones - Rural

At the commencement of building works and in perpetuity the property around the building shall be managed as follows as outlined within section 4.1.3 and Appendix 5 of *Planning for Bush Fire Protection 2006* and the NSW Rural Fire Service's document *Standards for asset protection zones*:

- North for a distance of **22** metres as an asset protection zone;
- South for a distance of **22** metres as an asset protection zone;
- East for a distance of **22** metres as an asset protection zone; and
- West for a distance of **19** metres as an asset protection zone (APZ).

Reason: To provide sufficient space and maintain reduced fuel loads so as to ensure radiant heat levels of buildings are below critical limits and to prevent direct flame contact with a building.

Advice: The asset protection zone should provide a tree canopy cover of less than 30% and should have understorey managed (grass mown below 100mm) to treat all shrubs and grasses on an annual basis in advance of the fire season (usually September).

Water and Utilities

Water, electricity and gas are to comply with the following requirements of section 4.1.3 of *Planning for Bush Fire Protection 2006*:

- A dedicated water supply of 20,000 litres for firefighting purposes for each occupied building excluding drenching systems, is provided in accordance with Table 4.2.
- A suitable connection for firefighting purposes is made available and located within the IPA and away from the structure. A 65mm Storz outlet with a Gate or Ball valve is provided.
- Gate or Ball valve and pipes are adequate for water flow and are metal rather than plastic.
- Underground tanks have an access hole of 200mm to allow tankers to refill direct from the tank. A hardened ground surface for truck access is supplied within 4 metres of the access hole.
- Above ground tanks are manufactured of concrete or metal and raised tanks have their stands protected. Plastic tanks are not used. Tanks on the hazard side of a building are provided with adequate shielding for the protection of fire fighters.
- All above ground water pipes external to the building are metal including and up to any taps. Pumps are shielded.
- Where practicable, electrical transmission lines are underground.

- Where overhead electrical transmission lines are proposed:
 - lines are installed with short pole spacing (30 metres), unless crossing gullies, gorges or riparian areas; and
 - no part of a tree is closer to a power line than the distance set out in accordance with the specifications in 'Vegetation Safety Clearances' issued by Energy Australia (NS179, April 2002).
- Reticulated or bottled gas is installed and maintained in accordance with AS 1596 and the requirements of relevant authorities. Metal piping is to be used.
- All fixed gas cylinders are kept clear of all flammable materials to a distance of 10 metres and shielded on the hazard side of the installation.
- If gas cylinders need to be kept close to the building, the release valves are directed away from the building and at least 2 metres away from any combustible material, so that they do not act as a catalyst to combustion. Connections to and from gas cylinders are metal.
- Polymer sheathed flexible gas supply lines to gas meters adjacent to buildings are not used.

Reason: To provide adequate services of water for the protection of buildings during and after the passage of a bush fire, and to locate gas and electricity so as not to contribute to the risk of fire to a building.

Access

Property access roads shall comply with section 4.1.3(2) of *Planning for Bush Fire Protection 2006*.

Reason: To provide safe access to/from the public road system for fire fighters providing property protection during a bush fire and for occupants faced with evacuation.

Design and Construction

(BAL 12.5)

New construction shall comply with section 5 (BAL 12.5) Australian Standard AS3959-2009 "Construction of buildings in bush fire-prone areas" and section A3.7 Addendum Appendix 3 of "Planning for Bush fire Protection".

Reason: To ensure that buildings are designed and constructed to withstand the potential impacts of bush fire attack.

Landscaping

Landscaping to the site is to comply with the principles of Appendix 5 of *Planning for Bush Fire Protection 2006*.

Reason: To minimise the potential for bushfire attack on the building.

Advice: The following measures should be implemented when landscaping the site:

- Suitable impervious areas being provided immediately surrounding the building such as courtyards, paths and driveways;
- Grassed areas/mowed lawns/ or ground cover plantings being provided in close proximity to the building;
- Restrict planting in the immediate vicinity of the building which may over time and if not properly maintained come in contact with the building;
- Maximum tree cover should be less than 30%, and maximum shrub cover less than 20%;
- Planting should not provide a continuous canopy to the building (i.e. trees or shrubs should be isolated or located in small clusters);
- When considering landscape species consideration needs to be given to estimated size of the plant at maturity;

- Avoid species with rough fibrous bark, or which retain/shed bark in long strips or retain dead material in their canopies;
- Use smooth bark species of trees species which generally do not carry a fire up the bark into the crown;
- Avoid planting of deciduous species that may increase fuel at surface/ ground level (i.e. leaf litter);
- Avoid climbing species to walls and pergolas;
- Locate combustible materials such as woodchips/mulch, flammable fuel stores away from the building;
- Locate combustible structures such as garden sheds, pergolas and materials such timber garden furniture way from the building; and
- Use of low flammability vegetation species.

Retaining walls & batters

- . Any retaining wall greater than 600 mm is to be designed and constructed to structural engineer's details. Prior to issue of any construction certificate provide a certified copy of the design to Queanbeyan-Palerang Regional Council.

Reason: Retaining walls are structurally strong enough to bear the loads put on them.

- . No batter is to have a gradient greater than 1:4. Batters greater than 1:4 must be retained.

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

Rural address

- . Prior to occupation certificate obtain a rural address from Queanbeyan-Palerang Regional Council and display the number in accordance with Queanbeyan-Palerang Regional Council's requirements.

Reason: To enable identification of Rural Address for lots not already numbered.

- . Prior to the issue of a Subdivision Certificate pay Queanbeyan-Palerang Regional Council \$149.00 plus \$80.00 for each other lot for a Rural Address for the new lots in accordance with Council's 2017/18 *Fees & Charges Pricing Policy Pricing Principles*. The amount payable is subject to amendment on 1 July in keeping with CPI adjustments.

Vehicle access

- . Prior to the issue of an occupation certificate the right of carriageways from the property boundary to lot boundary are to be constructed to a Type RP2 road as specified in Table 4 of the *Palerang Development Control Plan 2015*.

Reason: Access to the dwelling is available at all times and in all weather conditions.

- . Prior to the issue of an occupation certificate the internal access from the property boundary to the dwelling site is to be constructed to a Type RP1 road as specified in Table 4 of the *Palerang Development Control Plan 2015*.

Reason: Access to the dwelling is available at all times and in all weather conditions.

ENGINEERING REQUIREMENTS

Construction Certificate

- . Obtain a construction certificate from Queanbeyan-Palerang Regional Council before undertaking any civil work.

Reason: Work is undertaken in accordance this consent & relevant construction standards.

Principal Certifying Authority – Civil Works

- . Appoint a principal certifying authority to inspect civil works as required and certify the works on completion.

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

Section 138 Consent

- . Obtain consent under Section 138 of the *Roads Act 1993* from Queanbeyan-Palerang Regional Council before any work is undertaken in the public road reserve.

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

Design and Construction Standard:

- . Design and construct civil works to AUS-SPEC #1 Development Specification Series as amended by Queanbeyan-Palerang Regional Council.

Reason: Roads and other works are of a standard to safely cater for the traffic generated by the development.

Design Drawings – Civil Works

- . Provide engineering design drawings, and supporting information, to standards in AUS-SPEC #1 as amended by Queanbeyan-Palerang Regional 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 are not to be hand drawn, must include a note that “All work is to be constructed in accordance with AUS-SPEC#1 Development Specification Series, as amended by Queanbeyan-Palerang Regional Council, and the terms of the Development Consent” and are to be signed by a qualified engineer. Consent requirements such as construction hours must be included on the drawings. For work in Bungendore and Braidwood villages submit design drawings in one of the following formats and projections:

- **ESRI Shapefiles (GDA94 UTM Zone 55)**
- **MAPINFO TAB (GDA94 UTM Zone 55)**
- **AUTOCAD dwg/dxf (MGA)**

Reason: Works are designed to cater for the demands generated by the development.

Erosion Control

- . A Sediment and Erosion Control Plan (S&ECP) 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 erosion and sediment transport in accordance with the NSW Landcom publication *Managing Urban Stormwater - Soils and Construction* (4th Edition 2004- "Blue Book").

Erosion and sediment controls are to be in place before the disturbance of any soils on the site, and are to be maintained during the works and for as long as necessary after the completion to prevent sediment and dirty water leaving the site and/or entering the surface water system outside of the site.

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

Rural Entrance

- . Construct/upgrade as necessary the entrance to the property, to the standard of Type C in accordance with Standard Drawing PAL-SD-101 as illustrated in Appendix B of *Palerang Development Control Plan 2015* and *Queanbeyan-Palerang Regional Council's Specification for Construction of Private Access Roads and Entrances*. Longitudinal grading is to ensure ground clearance for standard cars in accordance with AUS-SPEC #1 as amended by Queanbeyan-Palerang Regional Council.

See Palerang DCP Appendix B; Drawings PAL-SD-101 and PAL-SD-111 for construction details.

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

Certification of Completed Works

- . 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 AUS-SPEC #1.

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

Local approval – on-site sewage management system

- . The wastewater management system is to be designed, installed and maintained in accordance with the principles of 'On-site Sewage Management for Single Households', AS/NZS 1547-2012 'On-site Domestic Wastewater Management' and the site report prepared by Andrew Cassim (dated 11 August 2017) except with the following amendments;

Reason: To ensure that the on-site effluent management system will have a neutral or beneficial effect on water quality, that it will be sustainable over the long term and will not have detrimental impacts on the health of occupants of the land.

- . All effluent is to be assimilated within the boundaries of the property.
 - . No effluent management areas are to be located within 100 m of any creek, watercourse or bore whether perennial or intermittent, or within 40 m of a drainage depression.
 - . All stormwater collected from roofs and other hard surface areas is to be diverted away from any effluent management area, with provision for energy dissipation at the outlet to prevent scouring or erosion.
- Reason: To ensure that the on-site effluent management system will have a neutral or beneficial effect on water quality and that it will be sustainable over the long term.*
- . Fence off the effluent management area prior to any construction work commencing and maintain in fencing in perpetuity to prevent human, vehicle and stock access.
 - .. No water supply or any source of water supply to be used for drinking, domestic purposes or for stock is to be polluted or rendered unwholesome by the land application of the effluent from the proposed on-site sewage system.

Reason: Compliance with AS1547-2012 On-site Domestic Wastewater Management.

Aerated water treatment system

- . All irrigation pipe work and fittings must comply with AS 2698 *Plastic pipes and fittings for irrigation and rural applications*, and
 - standard household hose fittings must not be used,
 - the irrigation system must not be capable of being connected to the mains water supply.
- . If the land application is by spray irrigation, the land application area should not be used for passive or active recreational purposes.
- . The land application area must not be used to grow vegetables or fruit for human consumption.
- . Within the effluent irrigation area there must be at least two warning signs that comply with AS 1319 and have:
 - a green background
 - 20 mm high capital lettering in black or white, and
 - the words 'RECLAIMED EFFLUENT – NOT FOR DRINKING – AVOID CONTACT'.
- . The AWTS unit shall be maintained and inspected by an approved service agent every 3 months. An application for the renewal of the approval to operate shall be made at least 3 months prior to the end of the period of the approval.

Reason: To ensure compliance with AS1547-2012 On-site Domestic Wastewater Management.

Local Approval - Solid Fuel Heater

1. Location of the solid fuel heater must comply with the provisions of AS2918 – *Domestic Solid Fuel Burning Appliances – Installation* and the manufacturer's specifications.
Reason: To ensure the safety of the occupants of the building.
2. Notification of completion of installation from the installer must be given to Council at least 48 hours before firing appliance and arrangements made for access and inspection by Council.
Reason: To ensure the appliance has been correctly installed for the safety of the occupants and for compliance with the legislation.
3. The Solid Fuel Heater must be installed by an appropriately licenced installer and a compliance certificate provided to Council prior to the issuing of the completion certificate for the heater.
Reason: To ensure the safety of the occupants of the building.

Section 94 Contributions – Roads

- . Pay Queanbeyan-Palerang Regional Council \$19,494.00 towards the upgrade of roads leading to the development, in accordance with *Tallaganda Section 94 Contributions Plan No.3 – Roadworks*, prior to occupation of the building. The amount payable is subject to annual amendment on 1 July in keeping with the CPI. This Contributions Plan may be inspected at Council's administrative offices during normal office hours.
Reason: Appropriate upgrade of the roads affected by the increase in traffic resulting from this development.

Section 94 Contributions – Bushfire Braidwood

- . Pay Queanbeyan-Palerang Regional Council \$506.00 towards the provision and use of bush fire fighting assets, in accordance with *Tallaganda Council's Section 94 Contributions Plan No.4 - Bushfire Control and Suppression*, prior to occupation of the building. The amount payable is subject to amendment on 1 July in keeping with the CPI. This Contributions Plan may be inspected at Council's administrative offices during normal office hours.
Reason: Appropriate provision of bush fire fighting services required by the development.

QUEANBEYAN-PALERANG REGIONAL COUNCIL

Planning and Strategy Committee of the Whole Meeting Attachment

8 NOVEMBER 2017

ITEM 4.4 MODIFICATION APPLICATION - MOD.2017.064 - RELOCATION
OF RECEPTION BUILDING AND CARPARK - CARRINGTON
INN - 55-59 ELLENDON STREET, BUNGENDORE

ATTACHMENT 1 MOD.2017.064 - MODIFICATION OF DA.2016.163 - 55-59
ELLENDON STREET BUNGENDORE - SECTION 79C(1) TABLE
- MATTERS FOR CONSIDERATION

ATTACHMENT (1) - 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 Modification Application MOD.2017.064.

Section 79C(1)(a)(i) the provisions of any environmental planning instrument;

State Environmental Planning Policies (SEPP)

There are no SEPPs applying to the proposal as modified.

Local Environmental Plans

Palerang Local Environmental Plan 2014 – R1 (General Residential Zone)

The subject modification application does not change the compliance of the development with the relevant objectives and development standards of the Palerang Local Environmental Plan 2014 from that of the parent development as approved under DA.2016.163.

Section 79C(1)(a)(ii) Any draft environmental planning instrument that is or has been placed on public exhibition, details of which have been notified to the consent authority;

No draft instrument to be considered.

Section 79C(1)(a)(iii) Any development control plan;

Palerang Development Control Plan 2015

An assessment of the proposed development as modified against the relevant provisions of the PDCP 2015 follows:

Part B General Provisions

B7 Engineering Requirements:

Section B7.1 of the PDCP 2015 establishes a number of development controls relating to parking. Of particular relevance to the subject modification application is B7.1(5) which requires off-street parking areas to be surfaced with an appropriate wearing course with pavement designs conforming to AUSSPEC #1 Specification series as amended by Council.

In support of their request to allow for a reduced construction standard the Applicant has provided a written statement seeking to justify the proposed surface treatments as being appropriate for the development based upon the following factors:

- The proposed 2% stabilised decomposed granite surface is considered to be an appropriate wearing course as the development is not increasing traffic to the site;
- The proposal (referencing the parent development) will not increase traffic to the site, rather it is an internal reconfiguration of the site and it is therefore considered unreasonable to increase the standard of surface and therefore dramatically increase the cost of relocating the carpark;
- The additional cost of sealing the carpark makes the project non-viable;
- The proposed carpark surface treatment better suits the heritage nature of the site and rural flavour of Bungendore Village;

- Other carparks within the vicinity are all of decomposed granite;
- The owner of the site has recently purchased 14 Rutledge Street, Bungendore (1 of 4 properties adjoining the southern boundary of the site) therefore reducing the effect of the development on immediately adjoining properties;
- The proposed surface treatment allows for reuse of existing decomposed granite material present upon the site; and
- A search of Council records has revealed there have been no complaints received regarding noise/dust generated by the existing Carrington Inn carpark.

While it noted that the approved development does not generate additional traffic movements upon the site, in determining the suitability of the surface treatment it is considered appropriate that weight be given to the proximity of car parking and associated circulation spaces to adjoining dwelling houses. It is noted that the parent development (DA.2016.163) relocates the existing car parking upon the site from a central location with separation from adjoining boundaries not related to the subject site to a location immediately adjoining the boundaries of a number of residences. The proposed use of a cement stabilised decomposed granite surface fails to provide adequate structural capacity to cope with screwing forces commonly generated by low speed vehicle manoeuvring such as regularly occur within car parking areas. As such, the proposed surface treatment is likely to be the subject of accelerated wear resulting in degradation of the surface course and generation of unacceptable dust emissions within close proximity to adjoining residential properties and having the potential to contribute to the sedimentation of stormwater exiting the site. It is further noted that the subject site is not affected by any heritage listing and Council has recently required the construction of a number of private carparks to the standard imposed under the parent consent. As such, any suggestion that a lower construction standard should be imposed to retain a "rural character" is considered to be unfounded. Accordingly, the proposed cement stabilised decomposed granite surface is not considered to be an appropriate wearing course and therefore fails to satisfy the requirements of Section B7.1(5) of the PDCP 2015. It should be noted that this viewpoint was reaffirmed by Council's Development Engineer who is strongly opposed to any reduction in construction standard in recognition of proximity of development to residences and the consistent application of Council's construction standard within the Bungendore township.

Part E Notification of Development Applications: Part E of the PDCP 2015 establishes requirements for the public notification of certain types of development. The subject modification application was notified from 7 July 2017 to 21 July 2017. One (1) written submission was received. The matters raised within this submissions are discussed in detail later within this report.

Based upon the above assessment the development as modified fails to satisfy the provisions of Section B7.1(5) of the PDCP 2015 and as such is recommended for refusal.

Section 79C(1)(a)(iii) The provisions of any planning agreement that has been entered into under section 93F, or any draft planning agreement that a developer has offered to enter into under section 93F of the EP&A Act;

There are no planning agreements applying to the subject site.

Section 79C(1)(a)(iv) The provisions of any matters prescribed by the regulations;

The proposed modification application does not involve any changes to the performance of the development against clauses 92, 93, 94, and 94A of the Environmental Planning and Assessment Regulation 2000 from that of the parent consent.

Section 79C (1)(b) The likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality;

As previously discussed, the proposed modification has the potential to result in additional dust emissions from the site impacting upon adjoining residences and a reduction in the quality of stormwater leaving the site. As such, the subject modification application is not supported.

Section 79C(1)(c) The Suitability of the site for the development;

The development as modified has impacts upon the suitability of the site for the purposes of the proposed development.

Section 79C(1)(d) Any submissions made in accordance with this Act or the Regulations;

Submissions

In accordance with the requirements of Part E of the PDCP 2015 the subject modification application was notified from 7 July 2017 to 21 July 2017. One (1) written submission was received. The relevant issues raised are as follows:

Issue: No public consultation prior to lodgement by Applicant

Comment: There is no legislative requirement that public consultation be undertaken by the Applicant prior to the lodgement of the subject modification application. Nonetheless, the subject application was notified for a period of 14 days from 7 July 2017 to 21 July 2017 in accordance with Part E of the Palerang Development Control Plan 2015.

Issue: Scale of proposed modification being major not minor.

Comment: The subject application was lodged under Section 96(1A) of the Environmental Planning and Assessment Act 1979. Section 96(1A) establishes no threshold requiring the scale of modifications to be minor.

Issue: Impacts of reduced construction standard of vehicle circulation and parking areas upon stormwater emitted from the site.

Comment: The proposed use of a stabilised decomposed granite finish to the onsite car parking, internal roadway and forecourt areas, having a reduced life span, has the potential to result in a reduction in the quality of stormwater emitted from the site as a result of increased particulate levels. As such, the use of such measures are considered to be inappropriate and are not supported.

Issue: The Applicant has inappropriately has identified that they have purchased 14 Rutledge Street, Bungendore and in turn suggested potential impacts have been offset.

Comment: The Applicant's purchase of 14 Rutledge Street, Bungendore, which is one (1) of four (4) properties adjoining the southern boundary of the subject site, is not considered to be a matter relevant to the assessment of the modification application.

Issue: The submitter has requested a right of access be provided upon the subject site to allow for the cleaning of dust generated by the development from structures adjoining the site's southern boundary.

Comment: The subject modification application creates no direct nexus for the provision of such an easement. As such, Council is unable to impose such a condition. A more appropriate outcome is that the development be appropriately designed and implemented as to ensure that no such emissions are generated in the first place. It is noted that this does not prohibit the Applicant and adjoining owners from establishing such an easement outside of the Council assessment process.

Development Engineer

The development was referred to Council's Development Engineer, who provided the following comments:

"Firstly, Lots 5-10 Sec 24 758183 are zoned R1 General Residential, with no heritage listing. Any suggestion that the applicant is maintaining a heritage village theme by not sealing the car park is not to be considered. Similar car parks adjacent to residential area, namely at Mick Sherd Oval (zoned RE1 and General Heritage), IGA supermarket (zoned B2 and partial General Heritage), Lake George Hotel (zoned B2 and B4) and QPRC (zoned SP2) all have asphalt surfacing.

Regarding the Carrington Hotel, their proposal for relocation of the car park to Lots 5 and 6 will place the car park in close proximity to additional residential dwellings in Rutledge and Ellendon Streets. The proponent has again pushed their initial, and unsatisfactory, proposal for the car park to be cement stabilised gravel with decomposed granite which is not suitable for the close proximity to residential dwellings and dust generation. In addition, clear delineation and accessible parking is also not reliably possible with a decomposed granite surface gravel car park. Castellated kerbing in car parks is not recommended due to the high trip/fall risk to users.

Subsequently, the car park and forecourt are to be constructed with an asphalt or reinforced concrete wearing surface and associated signage and pavement marking as per the DA.2016.163 consent conditions and in line with similar development car parks with asphalt surfacing as previously mentioned."

Section 79C(1 (e) The public interest;

The public interest is considered to be best served through the consistent application of State and Local Planning controls through detailed assessment and consideration of any submissions received relating to it by Council. In giving weight to these matters the proposed development as modified seeking a departure from a consistency applied construction standard established under the Palerang Development Control Plan 2015 is considered to be contrary to the public interest.

QUEANBEYAN-PALERANG REGIONAL COUNCIL

Planning and Strategy Committee of the Whole Meeting Attachment

8 NOVEMBER 2017

ITEM 4.4 MODIFICATION APPLICATION - MOD.2017.064 - RELOCATION
OF RECEPTION BUILDING AND CARPARK - CARRINGTON
INN - 55-59 ELLENDON STREET, BUNGENDORE

ATTACHMENT 3 MOD.2017.064 - SUBMISSION CARRINGTON DEVELOPMENT

20 July 2017

Queanbeyan – Palerang Regional Council

PO Box 348

BUNGENDORE NSW 2621

Attention: General Manager

DEVELOPMENT PROPOSAL – LOCAL DEVELOPMENT

OBJECTION TO MODIFICATION REQUEST FOR DA.2017.064 and DA.2016.163

**59 ELLENDEN STREET BUNGENDORE
RELOCATION OF CARPARK AND CONSTRUCTION OF GAZEBO**

We are the owners of the adjoining property known as [REDACTED] and we wish to object to the Modification Request with respect to Consent Conditions numbered 41, 43, 44, 45, 53, 54, 56, 80, 81, 82 and 91.

We would like to object in the strongest possible terms, especially to the statement of a minor variation. This DA modification is requesting **major not minor** changes to the DA 2016.163 approved by council. We wish to urge Council to hold firm on the current Consent Conditions of DA 2016.163.

The environmental impact on this major commercial site should not be underestimated. The direct impact on my private property from the initial DA and most importantly the requested modifications to the initial DA on adjoining neighbours will be significant.

We would also like to direct Council's attention to the fact that under no circumstances have any affected neighbours ever been consulted in relation to the development proposals in the original DA nor this current DA modification request before Council.

The grounds for our objection are as follows:

A Consent Conditions 41, 43, 44 & 45 relate to the Car Park, Internal Road and Forecourt

We support the intention of the consent conditions to ensure the construction of a sealed car park in accordance with the provisions of Australian Standard AS2890.1 and AS2890.6.

The sealed car park would ensure that the stormwater drainage from the car park would be clean (not turbid with a silt load) and that this stormwater runoff would not subsequently contaminate the watercourses downstream from the site.

The sealed surface of the carpark would allow line marking in accordance with AS1742 and this would permit the car park to operate at a high level of efficiency, rather than the less formal and inefficient parking which occurs in a gravel car park.

The requirement for barrier kerb and gutter to be constructed will ensure that cars park within the formal parking area, vehicles will not overhang or park on pedestrian pathways and stormwater will be channelled to appropriate inlet sumps and pipes.

The pavement design standard is considered to be appropriate as it ensures that the pavement structure will have an adequate operating life without deflection and failure due to potholing, etc with the resultant erosion and turbid stormwater runoff.

The bitumen or asphaltic pavement surfacing will ensure that the pavement structure is protected through clearance of surface rainfall to the kerb channels, stormwater sumps, detention tanks and overflow pipe system during rainfall events and this will minimise infiltration into the pavement structure and softening of the pavement layers and subgrade which is the inevitable result of ponding of surface stormwater.

The contemplated downgrading of the pavement to have a gravel surface (100mm decomposed granite gravel upper layer cement stabilised with 2% by volume) is not considered to be adequate to protect the surface integrity through the pavement design life for various reasons including the following:

- a) The gravel surface will need to be constructed with a higher surface crossfall to ensure that stormwater runoff flows from the pavement and does not pond in surface irregularities and lead to softening of the pavement layers and subgrade
- b) The gravel surface will be subject to erosion due to the effects of vehicle wheel movements and this will result in dust during dry weather (borne by wind) and siltation of stormwater runoff during wet weather (carried from the site by water)
- c) I do not accept the Applicant's assertion that " *The insitu pavement was constructed many years ago and has no visible signs of erosion and sedimentation or failure. ...*". The existing granite gravel pavement shows uneven surface and it is obvious that following rainfall, there are uneven sections that retain water following the cessation of rain events. The runoff that flows along the swale drain in the verge adjoining the property appears to have a cloudy appearance which indicates silt in the runoff
- d) The deletion of the bitumen surfacing purely on the basis of capital cost savings are not justified as the lifetime maintenance cost of an asphaltic surface road pavement is significantly lower than a granite gravel surfaced pavement (irrespective to the strengthening provided through the cement stabilisation).
- e) The developer has confirmed the recent purchase of No 14 Rutledge Street at considerable cost of approximately \$600,000 (approx. current market value). The developer specifically confirms the motivation was in order to reduce the direct impact (of dust arising from the gravel carpark) on adjoining neighbours. This statement alone shows the developer Richard Graham has considerable resources at his disposal and that these financial resources are available to reduce the impact of objections to the development proposal. The DA modification further misleads Council due to the fact that No 10 Rutledge Street is directly affected by the staff car park arrangements to a far greater degree than No 14.
- f) Quality developments with sealed car parks have recently been constructed in Bungendore (eg car parks and access roads for playing fields and IGA development)

We urge Council to confirm the requirements of each of the Consent Conditions 41 to 47 and 80 to 84 inclusive as being appropriate for the proposed car park, internal road and forecourt construction.

B Consent Conditions 53, 54, 56 & 91 relate to management of Stormwater

We support the intention of the consent conditions to ensure that stormwater management is provided in accordance with best practice Water Sensitive Urban Design principles and that on site water detention tanks for non-potable water re-use are provided to ensure that water conservation principles apply to the use of potable water within the site in accordance with the water management plan.

The contemplated deletion of the OSD tank is not considered to be appropriate as the stormwater pipe system would then discharge water directly from the site into the verge swale drains and is not supported for reasons including the following:

- a) The argument presented that “ *OSD detention does not apply ...*” is invalid as the cement stabilised surface layer will reduce the porosity of the pavement and increase the runoff during storm events when compared with a granite gravel pavement layer (without stabilisation).
- b) The Applicant has not provided any evidence or calculations in support of the assertion that “ *the pre and post discharges from the total site will be neutral*” on the basis that the proposed works are “ *Not increasing impervious areas – just relocating the carpark within the existing development*”

We urge Council to confirm the requirements of each of the Consent Conditions 51 to 56 and 89 to 92 inclusive as being appropriate for the proposed management of stormwater on the site in accordance with WSUD principles.

C Additional Requirements if Council Approves Deletion of Consent Conditions

We request, in the event of Council approving deletion of Consent Condition 45 (which requires bitumen sealing of the car park surface), that an additional Condition be imposed. The purpose of this condition would be to allow access to the land adjoining our property from time to time as required for the purpose of cleaning the garage roof, gutters and solar panels (particularly of mud/silt build-up as a result of dust) so as to prevent contamination of our roof runoff water (which is retained for re-use on our site).

D Summary of our Submission

We recommend that Council refuse the Modification Request for DA.2016.163 which is the subject of DA 2017.064 which seeks deletion of various Consent Conditions relating to the car park and stormwater management. We further request the addition of the very minor alteration of right to access for maintenance of the existing garage building on our site as and when required.

We would also like to make a final mention that we have always had a very open and good working relationship with Council in relation to our site [REDACTED] development over the past 8 years. We have set a high standard of urban design and construction materials for the Bungendore precinct with properties of Heritage

significance around us within which we reside. We submit that the modern country look and feel that we have created from our own development has been overwhelmingly successful. The huge amount of positive feedback from neighbours, the community and visitors to Bungendore has been very humbling. We urge Council to hold firm on all the current DA requirements ensuring that the bar is raised to a higher level of quality, not the current status quo of the lowest common denominator that seems to be being pushed by some business owners.

