



Planning and Strategy Committee of the Whole

AGENDA

10 May 2017

Commencing at 5.30pm

**Council Chambers
253 Crawford St, Queanbeyan**

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

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On-site Inspection

Tuesday 9 May 2017, 4.30pm – 8360 Monaro Highway, Royalla

Council at its meeting of 23 November 2016 resolved (M/N 295/16) as follows:

The Planning and Strategy Committee of the Whole be delegated authority in accordance with Section 377 of the Local Government Act 1993 to determine matters pursuant to the:

- Environmental Planning and Assessment Act 1979
- Local Government Act 1993
- Swimming Pools Act 1992.
- Roads Act 1993
- Public Health Act 2010
- Heritage Act 1977
- Protection of the Environment Operations Act 1997

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LIST OF ATTACHMENTS –

(Copies available from General Manager’s Office on request)

Open Attachments

Item 4.1 Development Application 2016.203 - 8360 Monaro Hwy, Royalla - 6 Lot Subdivision

Attachment 1 DA.2016.203 - 8360 Monaro Hwy, Royalla - 6 Lot Subdivision -Section 79C Matters for Consideration (Under Separate Cover)

Attachment 2 DA.2016.203 - 8360 Monaro Hwy, Royalla - 6 Lot Subdivision - Plan of Subdivision (Under Separate Cover)

Attachment 3 DA.2016.203 - 8360 Monaro Hwy, Royalla - 6 Lot Subdivision - RMS comments (Under Separate Cover)

Attachment 4 DA.2016.203 - 8360 Monaro Hwy, Royalla - 6 Lot Subdivision - RFS comments (Under Separate Cover)

Attachment 5 DA.2016.203 - 8360 Monaro Highway - Submissions - Redacted (Under Separate Cover)

Attachment 6 DA.2016.203 - 8360 Monaro Hwy - Royalla - Draft Conditions of Consent (Under Separate Cover)

Item 4.2 Development Application 128-2016 - Stage 3 of Northern Entry Road Providing Access To South Tralee Urban Release Area

Attachment 1 DA128-2016 - Stage 3 Northern Entry Road - 79C Matters for Consideration (Under Separate Cover)

Attachment 2 DA128-2016 - Stage 3 Northern Entry Road - General Arrangement Civil Drawings - As amended by Council (Under Separate Cover)

Attachment 3 DA128-2016 - Stage 3 Northern Entry Road - Proposed Plan of Subdivision - As amended by Council (Under Separate Cover)

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- Attachment 4* DA128-2016 - Stage 3 Northern Entry Road - Draft Conditions (Under Separate Cover)
- Attachment 5* DA128-2016 - Stage 3 Northern Entry Road - NSW Government Agency submissions (Under Separate Cover)
- Item 4.3 Development Application 519-2016 - Dual Occupancy - 14 Arthur Street, Crestwood
- Attachment 1* DA 519-2016 - 14 Arthur Street - Dual Occupancy and Strata Subdivision - Section 79C (Under Separate Cover)
- Attachment 3* DA 519-2016 - 14 Arthur Street - Dual Occupancy and Strata Subdivision - Draft Conditions (Under Separate Cover)
- Item 4.4 Development Application 5-2017 - Erection of a Garage at 52 Ross Road Queanbeyan
- Attachment 1* DA 5-2017 - 52 Ross Road - Erection of a Garage - Section 79C (Under Separate Cover)
- Attachment 2* DA 5-2017 - 52 Ross Road, - Erection of a Garage - Plans (Under Separate Cover)
- Attachment 3* DA 5-2017 - 52 Ross Road, - Erection of a Garage - Draft Conditions (Under Separate Cover)
- Item 4.5 Proposal for Naming of Several Parks and Reserves - Googong
- Attachment 1* 10 May 2017 - Googong Place Names Map (Under Separate Cover)
- Attachment 2* 10 May 2017 - Proposed Aboriginal Place Names - Googong (Under Separate Cover)
- Attachment 3* 10 May 2017 - Feedback from Your Voice Survey Page (Under Separate Cover)
- Item 4.6 Request for In Principle Support to Create Right of Carriageway for Access to Carpark at Rear of Lot 2 DP 1051859, 35 Ellendon Street, Bungendore
- Attachment 1* 10 May 2017 - Letter re Proposed ROC - 35 Ellendon Street (Under Separate Cover)
- Item 5.1 New Public Toilet Block at Araluen Recreation Ground Reserve
- Attachment 1* Araluen Area s.355 Committee's minutes of meeting held on 14 April 2017 (Under Separate Cover)

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Item 6.1 QPRC Digital Economy and Smart Community Strategy

*Attachment 1 ACT Government Digital Strategy - 2016 - 2019
(Under Separate Cover)*

*Attachment 2 Canberra Digital Action Plan 2014 - 2018 (Under
Separate Cover)*

Item 6.2 New Cemetary Planning Update

*Attachment 1 Southern Investigation Area (Under Separate
Cover)*

*Attachment 2 Proposed Future Memorial Park Site (Under
Separate Cover)*

Closed Attachments

*Attachment 2 DA 519-2016 - 14 Arthur Street - Dual Occupancy
and Strata Subdivision - Final Set of Plans (Under
Separate Cover)*

ITEM 3 DECLARATION OF CONFLICTS/PECUNIARY INTERESTS

The provisions of Chapter 14 of the Local Government Act, 1993 regulate the way in which Councillors and nominated staff of Council conduct themselves to ensure that there is no conflict between their private interests and their public trust.

The Act prescribes that where a member of Council (or a Committee of Council) has a direct or indirect financial (pecuniary) interest in a matter to be considered at a meeting of the Council (or Committee), that interest must be disclosed as soon as practicable after the start of the meeting and the reasons for declaring such interest.

As members are aware, the provisions of the Local Government Act restrict any member who has declared a pecuniary interest in any matter from participating in the discussions, voting on that matter, and require that member to vacate the Chamber.

Council's Code of Conduct provides that if members have a non-pecuniary conflict of interest, the nature of the conflict must be disclosed. The Code also provides for a number of ways in which a member may manage non pecuniary conflicts of interest

Recommendation

That the Administrator disclose any interests and reasons for declaring such interest in the matters under consideration by Council at this meeting.

4.1 Development Application 2016.203 - 8360 Monaro Hwy, Royalla - 6 Lot Subdivision
(Ref: C1763466; Author: Thompson/Gibbons)

Summary

Reason for Referral to Council

This application has been referred to Council as Council has a direct interest as the owner of land being Lot 29 DP 1015516 identified as operational land where the applicant proposes to extend Booth Road to provide public road access to their proposed subdivision site.

Proposal:	Six (6) lot subdivision and roads. Integrated development under section 91 Environmental Planning & Assessment Act 1979 and requiring approval under section 100B of Rural Fires Act 1997.
Applicant/Owner:	Fraish Consulting/ Vernon J Drew
Subject Property:	8360 Monaro Highway, Royalla being Lots 1 & 2 DP 456367, Lot 1 DP 1067259 and Lot 2 DP 131294. Part of Council owned land Lot 29 DP 1015516 being also included in the development as a public road.
Zoning and Permissibility:	Zone RU1 Primary Production & Zone E4 Environmental Living under Palerang Local Environmental Plan 2014 (PLEP2014). The adjoining Council land being former public reserve land to be used for a public road to serve the subdivision is zoned E2 Environmental Conservation under PLEP2014.
Public Submissions:	Five written submissions
Issues Discussed:	<ul style="list-style-type: none">• Written submissions• Road access/Operational land• Environmental
Disclosure of Political Donations and Gifts:	Applicant Declared no Donations or Gifts to any Councillor or Staff have been made

Recommendation

1. That Council agree to the use of Council owned land being part of Lot 29 DP 1015516 classified as operational land for construction and use as a road to serve the proposed subdivision.
 2. That the applicant pay Council the market value of the land required for the road over Council's land being part Lot 29 DP 1015516 and the agreed costs being paid prior the release of the Subdivision Certificate.
 3. That Council accept the road over part of Lot 29 DP 1015516 as a public road by dedication on registration of the Subdivision Certificate for the 6 lot subdivision with legal, surveying, registration and any other ancillary costs associated with the dedication being met by the applicant.
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**4.1 Development Application 2016.203 - 8360 Monaro Hwy, Royalla - 6 Lot Subdivision
(Ref: C1763466; Author: Thompson/Gibbons) (Continued)**

4. That determination of development application 2016.203 for a six (6) lot subdivision on Lots 1 & 2 DP 456367, Lot 2 DP 131294, Lot 1 DP 1067259 and road on part Lot 29 DP 1015516, No. 8360 Monaro Highway, Royalla be delegated to the General Manager subject to receiving feedback from Essential Energy and John Holland Rail.
 5. That those persons who lodged a submission(s) on the application be advised in writing of the determination of the application.
-

Background***Proposed Development***

The development application is for:

- a. Six (6) lot subdivision
 - Lot 1 – 6.014ha
 - Lot 2 – 7.57ha
 - Lot 3 – 8.21ha
 - Lot 4 – 3.501ha
 - Lot 5 – 4.92ha
 - Lot 6 (Residue) - 152ha
- b. Building envelopes are identified on the smaller Lots 1 to 5. The larger residue lot 6 will permit with consent a future dwelling house. No further subdivision is permitted over this land.
- c. It is proposed to extend Booth Road to provide public road access to the proposed subdivided lots.
- d. The proposed road will have a road reserve width of 20m, sealed pavement width of 7.2m and formation width 9.2m.
- e. Part of the road is proposed over part of Council land formerly public reserve land (now classified as operational land) being part of lot 29 DP 1015516.
- f. The proposed road extension of Booth Road and within the subdivision site is to be dedicated as a public road.
- g. A secondary road is proposed off the principal subdivision road 1. The road will only serve the residual Lot 6 which has potential for a dwelling house. The access is unable to attach to the lot as an access handle as it does not comply with the minimum subdivision lot size for the zone. Whilst the road has no public benefit other than for the owner of Lot 6 the applicant proposes to construct the road to the same formation as the Road 1 however without the bitumen sealing. The road will be dedicated as a public road.

Note: Council's Development Engineer recommends that a notation on the Section 88B Instrument advise any future owner of Lot 6 that Council will not maintain the road and it will be the responsibility of the owner to maintain.

**4.1 Development Application 2016.203 - 8360 Monaro Hwy, Royalla - 6 Lot Subdivision
(Ref: C1763466; Author: Thompson/Gibbons) (Continued)**

Reclassification of Part of the Public Reserve to Operational Land

As previously advised part of the proposed road will extend from Booth Road to serve the development. The land between Booth Road and the subject land is operational land with an area of 5.11ha dedicated to Council in 2000 as part of the Royalla subdivision comprising 28 small rural lots. The reserve land has a 20m frontage to Booth Road.

The public reserve land is zoned E2 Environmental Conservation under the PLEP 2014. Roads are permitted in this zone with Council's consent.

The public reserve land adjoining Booth Road was classified as operational land in preparation of the draft PLEP2014.

An Extraordinary Meeting (public hearing) was held by Council on 27 February 2014 to consider a significant number of submissions relating the draft PLEP2014.

One submission was received from property owners of Lots 1 & 2 DP456367, Lot 2 DP 131294 and Lot 1 DP1067259 (being the land the subject of this application). Staff advised in their report to the hearing that the owners of this land were seeking to undertake rural residential subdivision of this land for over a decade.

Staff commented in the report to the public hearing that if the area zoned E4 Environmental Living in the draft PLEP is to be developed, the most appropriate road access was for Booth Road to be extended. This would require a section of public reserve (Lot 29 DP 1015516) to be reclassified to operational land under the NSW Local Government Act 1993. The reclassification process was commenced by including part of Lot 29 DP 1015516 in Schedule 4 of the draft PLEP.

The draft PLEP proposed to zone part of Lots 1&2 DP 456367, Lot 2 DP 131294 and Lot 1 DP 1067259 to E4 Environmental Living with a minimum lot size of 6ha (consistent with the Royalla rural residential area to the north and east) and the minimum lot size for RU1 being 80ha.

A number of submissions were also received by residents objecting to the reclassification of part of the public reserve Lot 29 DP 1015516 for reasons of amenity, traffic safety and conflict from any future road. These submissions were reported on to Council's Extraordinary Meeting (public hearing).

The recommendation by staff to the Council Meeting included a meeting with Booth Road residents in March 2014 to explain the draft plan provisions in relation to:

- *The reclassification of part of Lot 29 DP 1015516*
- *Subdivision and dwelling provisions in relation to Lots 1 & 2 DP 45636, Lot 2 DP 131294 and Lot 1 DP 1067259*
- *The development application requirements in relation to the above land*

The recommendation of all submissions from the public hearing was:

- *That the recommendations from the Extraordinary Meeting (public hearing) be addressed in final amendments to the draft PLEP 2013*
- *That Council submit the draft PLEP 2013 (with amendments) and report to the Council meeting of 27 February 2014 to the Director General of NSW Department of Planning and Infrastructure as required under section 68(4) of the Environmental Planning and assessment Act 1979 for the making of the plan.*

The section 68 submission to the Director General included the reclassification of part Lot 29 DP 1015516 to Operational land under the NSW Local Government Act 1913.

4.1 Development Application 2016.203 - 8360 Monaro Hwy, Royalla - 6 Lot Subdivision (Ref: C1763466; Author: Thompson/Gibbons) (Continued)

The reclassification was subsequently included in Schedule 4 *Classification and reclassification of public land*, in the Palerang Local Environmental Plan 2014 which commenced operation 31 October 2014. The land ceased to be public reserve on the making of the PLEP 2014.

There is no Plan of Management prepared by Council for the public reserve. The requirement for a Plan of Management over the reclassified section of operational land is not required.

A Plan of Management is required to be prepared at some time over the remainder of the public reserve land.

Subject Property

The property has an area of 165.7ha and is located immediately east of the NSW-ACT border along the Monaro Highway and the Bombala - Goulburn Railway Line and south of Queanbeyan and Canberra. The land extends south of Booth Road within the Royalla Estate.

There are no dwellings located on the property. A small stable and shed are located on the property. Old sheep yards are also located on the land.

An easement for electricity supply 42.75m wide is located over the land in a north south direction.

The landform is broad, shallow open depression, ranging from 767m to 820m and forming the upper headwaters of an unnamed tributary to Guises Creek, a tributary of the upper Murrumbidgee River.

The small lot subdivision site contains grasslands on the lower slopes which has been generally cleared and used for agriculture purposes for many years. An artificial wetland surrounds the dam on the property. Downstream of this there is natural wetland characterised by a dominance of native tussock sedge.

The hill country to the east and south east is hilly and has good cover of Box-Gum Grassy Woodland (refer to Section 79C Table report for details of all vegetation types).

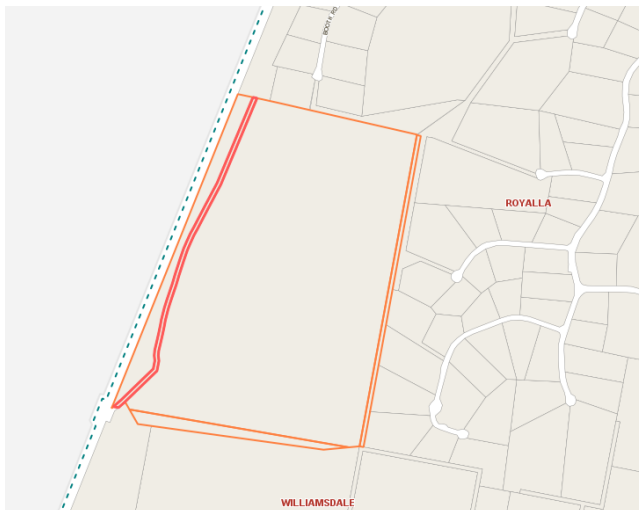


Figure 1 – Development Site

**4.1 Development Application 2016.203 - 8360 Monaro Hwy, Royalla - 6 Lot Subdivision
(Ref: C1763466; Author: Thompson/Gibbons) (Continued)**

Planning Requirements

Assessment of the application has been undertaken in accordance with Section 5A, Section 79C(1) of the Environmental Planning and Assessment Act (EPAA) 1979, as amended. The matters that are of relevance under Section 79C(1) are summarised in the attached *Section 79C(1) Table – Matters for Consideration*.

The following planning instruments have been considered in the planning assessment of the subject development application:

1. State Environmental Planning Policies:
 - a. State Environmental Planning Policy No 55 – Remediation of Land
 - b. State Environmental Planning Policy (Infrastructure 2007)
 - c. State Environmental Planning Policy (Rural lands) 2008
2. Palerang Local Environmental Plan 2014 (PLEP2014).
3. Palerang Development Control Plan 2015 (PDCP2015)

The development generally satisfies the requirements and achieves the objectives of these planning instruments. The significant issues relating to the proposal for the Council's consideration are:

- Written submissions
- Environmental
- Road access/Operational land

Comment on the public submissions is made below.

The environmental constraints applying to the land have been considered in the section 79C report attached. Appropriate mitigation conditions of consent will apply regarding these constraints should approval be granted.

Road access and Operational land matters are discussed in this report including the Development Engineer's comments and within the attached section 79C report.

(a) Compliance with relevant State Environmental Planning Policies

The development proposal complies with the SEPPs that are applicable to the site. For a detailed assessment of the SEPPs see the attached section 79C (1) *Table – Matters for Consideration*.

(b) Compliance with Palerang LEP 2014

The development proposal complies with the Palerang Local Environmental Plan 2014. For a detailed assessment of the PLEP 2014 see the attached section 79C (1) *Table – Matters for Consideration*.

**4.1 Development Application 2016.203 - 8360 Monaro Hwy, Royalla - 6 Lot Subdivision
(Ref: C1763466; Author: Thompson/Gibbons) (Continued)**

(c) Compliance with PDCP 2015

The development proposal complies with the Palerang Development Plan 2015. For a detailed assessment of the PDCP 2015 see the attached section 79C (1) *Table – Matters for Consideration*.

(d) Other Matters

Referrals were received from:

- Rural Fire Service (RFS)
- Essential Energy
- NSW Transport - Roads and Maritime Services (RMS)
- John Holland Rail Pty Ltd

Council has received feedback from the RMS and RFS and recommended conditions of consent will be added should consent be granted.

Council has not received feedback from Essential Energy or John Holland Rail at the time of preparing this report. Given all other matters have been assessed by Council the lack of feedback from these organisations does not prevent the application from being determined, however, it is considered prudent to not issue any development consent until any feedback has received or Council is satisfied that no response will be forthcoming. As such it is recommended that the General Manager be given delegation to determine the application following the receipt of feedback from these organisations and subject to imposing any conditions they may recommend. Should the feedback require substantive amendments to the current lot layout or road design, amended plans will be brought back to Council for approval.

(e) Building Surveyor's Comments

Council's Building Surveyor advises the effluent disposal management plan submitted with the application is satisfactory.

(f) Development Engineer's Comments:

Council's Development Engineer has assessed the proposed development and is satisfied that conditional approval is able to be provided, subject to Council receiving advice from Essential Energy regarding the high voltage electrical easement that crosses the development site. Proposed Roads 1 and 2 traverse the electrical easement, as do the property boundaries between Lots 3 & 4 and Lots 4 & 6. There is a possibility that Essential Energy may require the relocation of the proposed Roads 1 & 2 and/or the relocation of the property boundaries of Lots 3, 4 and 6 so as to minimise impact on the electrical easement. This in turn would require changes to the proposed plan of subdivision and thus a re-assessment of the proposed development.

**4.1 Development Application 2016.203 - 8360 Monaro Hwy, Royalla - 6 Lot Subdivision
(Ref: C1763466; Author: Thompson/Gibbons) (Continued)**

The following items were noted during the engineering assessment and have been addressed through appropriate conditions:

- The extension of Booth Road into the development site is proposed to be accessed over the existing Council owned Public Reserve (Lot 29 DP 1015516). The part of the Public Reserve over which the road is proposed has been re-classified as Operational Land and as such the construction of a road is permissible. Whilst this is the case, the land is owned by Council. To allow for the applicant to construct the road over this land, it should first be subdivided from the Public Reserve and purchased by the applicant at market value. All costs associated with the subdivision, sale of the land and public road dedication should be covered by the applicant at no expense to Council.
- The alignment of Booth Road through the operational land portion of the existing public reserve is such that the access to the public reserve will be lost unless a new vehicular access is provided. It has been conditioned that an access and gated entrance shall be provided to the Council Reserve on the northern side of the proposed Lot 5. The access shall be designed in accordance with the Standard Drawing PAL-SD-101.
- A stormwater drainage culvert is proposed under Road 1 that discharges into the road reserve adjacent to 54 Booth Road (Lot 24 DP1015516). It has been conditioned that details shall be provided that indicate that the direct concentration of flows onto this allotment will not have a detrimental impact on the property nor flood the adjacent dwelling or structures.
- There are a number of new property accesses proposed as part of this development. It has been conditioned that the entrance gates to each of the new allotments shall be consistent with those of the surrounding Royalla area. The end of Road 2 (at the property boundary) shall be fenced and provided with the same gated entrance as the other property accesses in the development. The reason being to ensure that all property boundaries are appropriately fenced and are consistent with the surrounding development area.
- The proposed Road 2 only serves the residual Lot 6 which has potential for a dwelling house. The access is unable to be attached to the lot as an access handle as it does not comply with the minimum subdivision lot size for the zone. Whilst the road has no public benefit other than for the owner of Lot 6, the applicant proposes to construct the road to the same formation as the Road 1 however without the bitumen sealing. The road will be dedicated as a public road. As Road 2 will have no benefit to the broader community it has been conditioned that a notation be placed on the Subdivision 88B instrument that states that Road 2 is an unmaintained Council Road and that all ongoing maintenance of Road 2 shall be the responsibility of the property owner of Lot 6. The reason for this is to ensure that the future maintenance of Road 2 does not become the responsibility of Council.
- The NSW Roads and Maritime Services have advised that the proposed Lots 1 and 2 are not to be provided with access to the Monaro Highway. As such it has been conditioned that a "Restriction to User" shall be placed on the Subdivision 88B instrument stating that Lots 1 and 2 are not able to access the Monaro Highway for egress to and from their properties.

4.1 Development Application 2016.203 - 8360 Monaro Hwy, Royalla - 6 Lot Subdivision (Ref: C1763466; Author: Thompson/Gibbons) (Continued)

- The proposed road design for the extension of Booth Road incorporated the existing cul-de-sac as a roundabout treatment. Due to the geometry of the proposal and the sight distance implications for the existing properties in this location, this was not seen as a suitable option. As such it has been conditioned that the existing cul-de-sac at the end of Booth Road is to be removed and revegetated. Road 1 shall be designed such that it continues on a straight alignment from Booth Road without the need for any roundabout configuration. The existing accesses at this location are to be designed such that they join Booth Road at a perpendicular angle (or as close as possible) in accordance with the Standard Drawing SD-PAL-101 as specified in Palerang Council Development Control Plan 2015 (PDCP).

Financial Implications

There will be no financial implications to Council should approval be granted to subdivision. Upgrading of Council's infrastructure to serve the development will be at the applicant's cost. The operational land to be used for public road purposes will be fully constructed and dedicated at the applicant's cost. The applicant will also be responsible for paying the market value of the land required for road purposes. Section 94 contributions will be levied against the development.

Engagement

The proposal required notification as integrated development and was exhibited from 15 November to 1 December 2016. A total of 5 written submissions were received. The submissions raised the following relevant issues and are provided in Attachment 3:

Issue: No legal access to the site, development application doesn't include the road over the public reserve and the application should be renotified

Comment: The development application includes Lot 29 DP1015516 which will accommodate part of the new road. The application which includes the road over Lot 29 has been signed by the Public Officer of Council to allow Council consideration of the construction of the proposed road and its subsequent dedication as a public road. The proposed road if consented to by Council will provide legal and public access to the subdivision as well as the adjoining public reserve land Lot 29 DP 1015516.

The application has shown the proposed road over the public reserve land. The road forms part of the development application for which the applicant seeks consent.

Further notification of the development application is not necessary or required as the application has been properly completed including all relevant properties and signed by all respective owners.

Issue: The development application should be assessed independently

Comment: The need for independent assessment of the application is not necessary. The reclassification of this land to operational land to permit the use of the land for non- public reserve purposes has previously gone through a public consultation process required under the Act.

Following Council's decision to reclassify the land a meeting was held with residents to outline the effect of the reclassification and the subsequent development application process.

**4.1 Development Application 2016.203 - 8360 Monaro Hwy, Royalla - 6 Lot Subdivision
(Ref: C1763466; Author: Thompson/Gibbons) (Continued)**

Issue: Entry gates, swamp area, purpose of Lot 6 and distraction to motorists on Monaro Highway

Comment: The proposed entry gates will be conditioned as per Clause 30.2 of the PDCP 2015.

The proposed building envelopes and on site effluent disposal areas will be situated outside the wetland/swamp area.

Lot 6 the residue lot cannot be further subdivided however can accommodate a future dwelling house subject to Council's further consent.

The proposed building envelopes are sited well back from the Monaro Highway and unlikely to distract motorists.

Issue: Doesn't comply with Lot Averaging provisions, applicant should get ACT government to reassess access from Monaro Highway, under the flight path and Royalla Estate subdivision didn't allow for road access off Booth Road

Comment: The subdivision does comply with the Lot Averaging Map. The smaller lots average 6ha and the minimum lot size of 2ha is complied with.

NSW Traffic Roads and Maritime Services raised no objection to the development and have requested that Council's consent prohibit access to the Monaro Highway.

The development is not located under an identified flight path under the PLEP 2014.

Whilst the Royalla subdivision did not provide a road corridor/reserve at the end of Booth Road the land is suitable for such purpose and has been reclassified for operational purposes allowing for the road. The proposed road retains access to the public reserve for Booth Road residents and other surrounding residents.

Issue: Funding of new road, reclassification by Palerang Council and request for meeting

Comment: The applicant will construct the road and all road construction costs will be met by the applicant and not Council.

The reclassification process undertaken by Palerang Council complied with relevant statutory processes under the Environmental Planning and Assessment Act 1979 and EP&A Regulation 2000.

The reclassification was determined by Council at a public hearing after considering public submissions. The reclassification was carried out through the making of the PLEP 2014. An onsite meeting subsequently took place between staff and residents to explain the process and implications of reclassification and the development application process.

An onsite meeting is requested prior to Council's determination of the development application.

**4.1 Development Application 2016.203 - 8360 Monaro Hwy, Royalla - 6 Lot Subdivision
(Ref: C1763466; Author: Thompson/Gibbons) (Continued)**

Issue: Fencing in poor condition and requires maintenance, weed control required over the land, cultural report ignores significance of early road formation crossing Lots 1& 2, can Lot 6 be further subdivided and section 94 contributions required.

Comment: A condition will require that all existing boundary fencing be upgraded to prevent stock access to adjoining public reserve lands.

Council's weed control officers undertake routine inspections of both Council owned land and privately owned land. The matter is not a development application consideration.

The Cultural Heritage Report prepared by Alister Bowen dated June 2016 makes no recommendation for the need to identify the early road formation crossing over Lots 1&2 and therefore should not be pursued further with the development application. The submitter may need to explore other appropriate avenues regarding this matter.

The proposed residue Lot 6 will be unable to be further subdivided under the PLEP 2014. It will permit with consent a dwelling house.

Section 94 contributions will be required for road upgrading and upgrading of public reserves/community facilities should the subdivision be approved.

Compliance or Policy Implications

The application has been assessed under the requirements of the Environmental Planning and Assessment Act 1979, related Acts, Regulations and Council policies. Refer to the attached section 79C Attachment.

Conclusion

The proposal is integrated development and has been assessed under Section 79C *Environmental Planning & Assessment Act 1979* including the relevant provisions of *Palerang Local Environmental Plan 2014* and *Palerang Development Control Plan 2015*.

The development satisfies the requirements and achieves the objectives of these instruments.

The use of Council land, part Lot 29 DP 1015516, for road access and extension of Booth Road is permitted with Council's approval as the land is classified as operational land under the Local Government Act 1993. The recommendation includes the granting of Council approval over this land and the acceptance of the road on completion as a public dedicated road.

The road over Council land will maintain access to the public reserve from the Booth Road extension.

A bushfire authority has been issued by NSW Rural Fire Service under section 100B Rural Fires Act 1997.

The applicant's ecological consultant has concluded under Section 5A of the Environmental Planning and Assessment Act 1979 that it is unlikely there will be any significant effect on threatened species, populations or ecological communities, or their habitats as a result of the development.

The ecologist report further concludes the subdivision and associated works is unlikely to have a significant impact on relevant threatened species listed under the Commonwealth Environment Protection and Biodiversity Act 1999 and referral to the Australian Government Department of Environment and Energy is not required.

**4.1 Development Application 2016.203 - 8360 Monaro Hwy, Royalla - 6 Lot Subdivision
(Ref: C1763466; Author: Thompson/Gibbons) (Continued)**

The ecologist recommendations to protect certain vegetation and rock outcrop areas and trees on the site are included as recommended conditions of consent.

The applicant's Cultural Heritage consultant has concluded that the development will not impact on any known Aboriginal or European cultural heritage matters.

The public submissions received have been considered. The concerns raised have been addressed in the design or conditions can be applied to mitigate against these concerns. The issues raised do not warrant rejection of the application or any redesign of the application.

The site is considered suitable for the proposed subdivision, in keeping with the character and density of adjoining environmental living properties and can be appropriately conditioned to mitigate against any potential environmental harm.

Attachments

- Attachment 1 DA.2016.203 - 8360 Monaro Hwy, Royalla - 6 Lot Subdivision -Section 79C Matters for Consideration (*Under Separate Cover*)
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- Attachment 3 DA.2016.203 - 8360 Monaro Hwy, Royalla - 6 Lot Subdivision - RMS comments (*Under Separate Cover*)
- Attachment 4 DA.2016.203 - 8360 Monaro Hwy, Royalla - 6 Lot Subdivision - RFS comments (*Under Separate Cover*)
- Attachment 5 DA.2016.203 - 8360 Monaro Highway - Submissions - Redacted (*Under Separate Cover*)
- Attachment 6 DA.2016.203 - 8360 Monaro Hwy - Royalla - Draft Conditions of Consent (*Under Separate Cover*)

4.2 Development Application 128-2016 - Stage 3 of Northern Entry Road Providing Access To South Tralee Urban Release Area (Ref: C1758637; Author: Thompson/Scroope)

Summary

Reason for Referral to Council

This report is referred to Council as the General Manager – Natural and Built Character has determined it is in the public interest to have the matter considered by Council due to a number of significant planning and environmental issues relating to the development.

Proposal:	<p>This development proposal involves the construction of Stage 3 of the Northern Entry Road providing access to the South Tralee Urban Release Area. The Stage 3 roadworks extend from the Jerrabomberra Creek crossing (Stage 1) to the northern edge of the Poplars Estate, connecting to the existing Tomsitt Drive at a signalised intersection.</p> <p>The development also proposes the subdivision of the land into three (3) lots together with the dedication of the proposed road corridor as public road.</p>
Applicant/Owner:	<p>Canberra Estates Consortium No 4, Robin Pty Limited & Queanbeyan - Palerang Regional Council (Tomsitt Drive road reserve)</p>
Subject Property:	<p>Lot 6 DP 719108 fronting Tomsitt Drive, South Jerrabomberra. It includes part of the Tomsitt Drive road reserve fronting the site and the frontage of land to the north known as Lot 5 DP 719108.</p>
Zoning and Permissibility:	<p>The site is zoned B7 Business Park, RE2 Private Recreation and E2 Environmental Conservation under Queanbeyan Local Environmental Plan 2013 and SP2 Infrastructure Queanbeyan Local Environmental Plan 2012.</p> <p>The proposed development the road and subdivision are permissible in the above zones with Council's consent.</p>
Public Submissions:	<p>No submissions were received.</p>
Issues Discussed:	<ul style="list-style-type: none">• Planning Requirements• Environmental Matters• NSW Government Referrals
Disclosure of Political Donations and Gifts:	<p>Applicant Declared no Donations or Gifts to any Councillor or Staff have been made.</p>
Additional Information:	<p>Larger scaled drawings, the Statement of Environmental Effects and Appendices and various supporting consultant reports are available in the Councillors room for perusal.</p>

4.2 Development Application 128-2016 - Stage 3 of Northern Entry Road Providing Access To South Tralee Urban Release Area (Ref: C1758637; Author: Thompson/Scroope) (Continued)

Recommendation

- 1. That development application 128-2016 for the construction and dedication of a public road including pedestrian pathway, cycle lane, landscaping, temporary access track, associated works including a signalised intersection at Tomsitt Drive (identified as the Stage 3 works in the Northern Entry Road Staged (Concept) Proposal DA 175-2013) be granted conditional approval, except the proposed three (3) lot subdivision of Lot 6 DP 719108, Tomsitt Drive, South Jerrabomberra which is excluded from the consent in accordance with Section 80(4)(b) of the Environmental Planning & Assessment Act.**
 - 2. That relevant government agencies including NSW Police and Roads and Maritime Services be forwarded a copy of Councils Notice of Determination.**
 - 3. That Council note that consent for any water and sewer infrastructure and other utility services will be subject of a separate approval process under Part 5 of the Environmental Planning & Assessment Act 1979 or a subsequent development application.**
-

Background

Development Application No 175-2013 for the concept design of a road to link Tomsitt Drive to Territory Parade near the urban release area of South Tralee was considered and approved by Council on 22 October 2014. The proposed road is to commence at a new signalised intersection with Tomsitt Drive, head south towards South Tralee and end at the southern end of Territory Parade. The concept DA approval (175-2013) allowed for a two lane road of approximately 3200m in length. It included a bridge over Jerrabomberra Creek, a noise mound, drainage work, street lighting and associated footpaths and cycle paths. It was nominated by the applicants as a staged development application in accordance with the section 83B *Environmental Planning and Assessment Act, 1979*.

The staged development application allowed for an overall concept or masterplan to be approved for the development and then subsequent detailed development applications (DAs) lodged for each stage or component of the project. In this case, the concept is the alignment of the route for the Northern Entry Road (NER) with further applications being lodged for three construction stages listed below. The NER route and intersection with Tomsitt Drive is expected to influence the siting and staging of employment land developments and the proposed regional sports facility.

A total of four development applications have now been lodged for approval and completion of the construction of the road as follows:

DA 1 – Concept for the entire road including bridge – DA 175-2013.

This application was approved by council on 22 October 2014 including that the acoustic mound increase from 1.5m to 2m height.

DA 2 – Stage 1 DA 117-2014

Construction from 40m either side of the Jerrabomberra Creek and bridge together with associated works. Approved by Council on 9 December 2016.

4.2 Development Application 128-2016 - Stage 3 of Northern Entry Road Providing Access To South Tralee Urban Release Area (Ref: C1758637; Author: Thompson/Scroope) (Continued)

DA 3 – Stage 2 DA393-2014

Construction of the road from the southern side of the bridge to the southern point which intersects with Territory Parade. Approved by Council on 9 December 2016.

DA 4 – Stage 3 DA128-2016

Construction of the road from the northern side of the bridge to the intersection with Tomsitt Drive being the subject of this application.

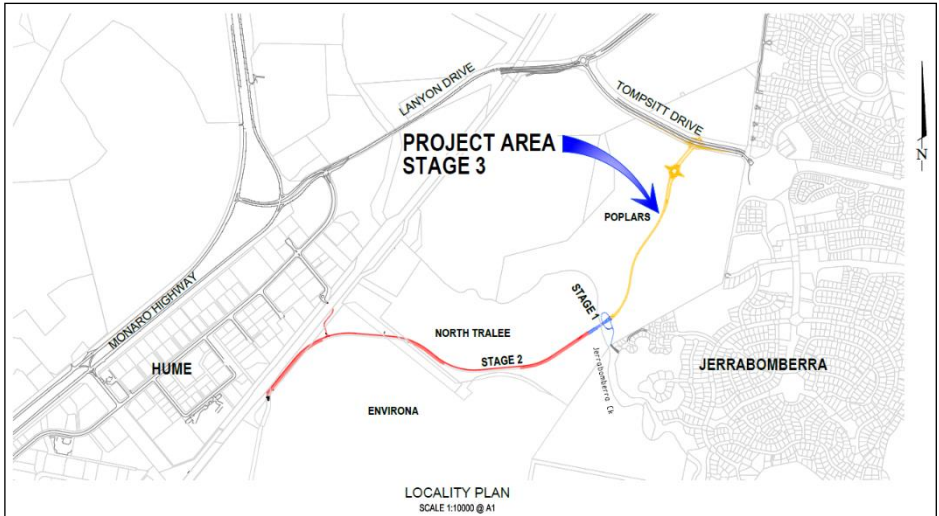


Figure 1 – Location of the Stage 3 Northern Entry Road

Council should be aware that the small length of road that will form the connection of the road from Territory Parade to South Tralee, was proposed under a separate staged development application (DA 263-2013) for the subdivision of land. The subdivision development application that included this small section of road was recently refused by the Southern Joint Regional Planning Panel.

Proposed Development

1. The road represents Stage 3 of the Northern Entry Road (NER) which will connect the existing Tomsitt Drive with the bridge and approaches over Jerrabomberra Creek (Stage 1 - DA 117-2014 approved by Council on 9 December 2015).
2. The proposal for Stage 3 is consistent with the overall concept and staging plan as described within the NER Staged Concept DA 175 -2013 approved by Council on 22 October 2014, except for the proposed three lot subdivision.

4.2 Development Application 128-2016 - Stage 3 of Northern Entry Road Providing Access To South Tralee Urban Release Area (Ref: C1758637; Author: Thompson/Scroope) (Continued)

- 3. The general arrangement for the road and associated works are shown in Figures 2 and 3. More detailed drawings are shown as attachments.

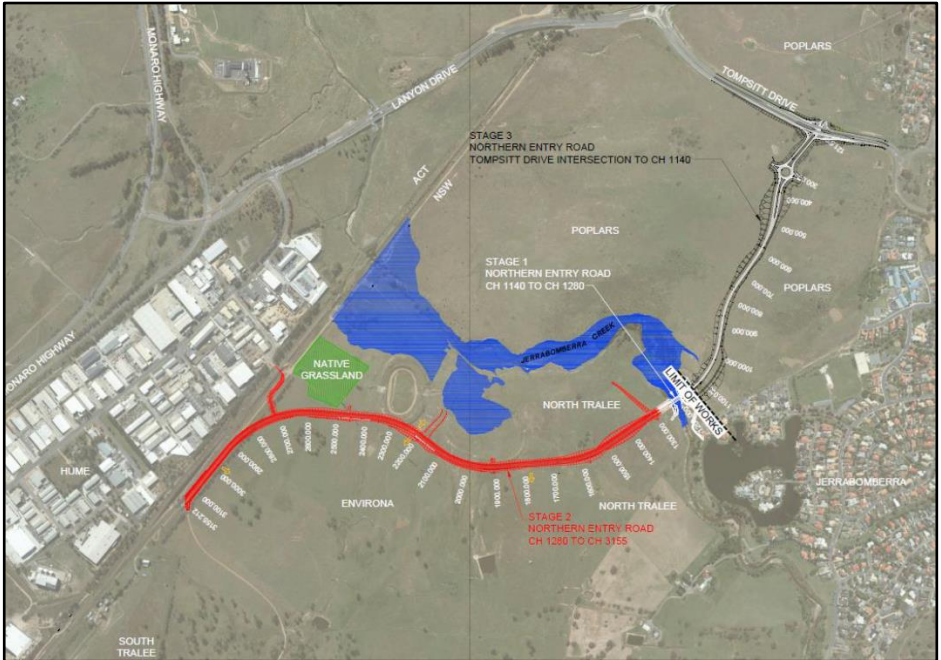


Figure 2 – General Layout of the Stage 3 Northern Entry Road

4.2 Development Application 128-2016 - Stage 3 of Northern Entry Road Providing Access To South Tralee Urban Release Area (Ref: C1758637; Author: Thompson/Scroope) (Continued)

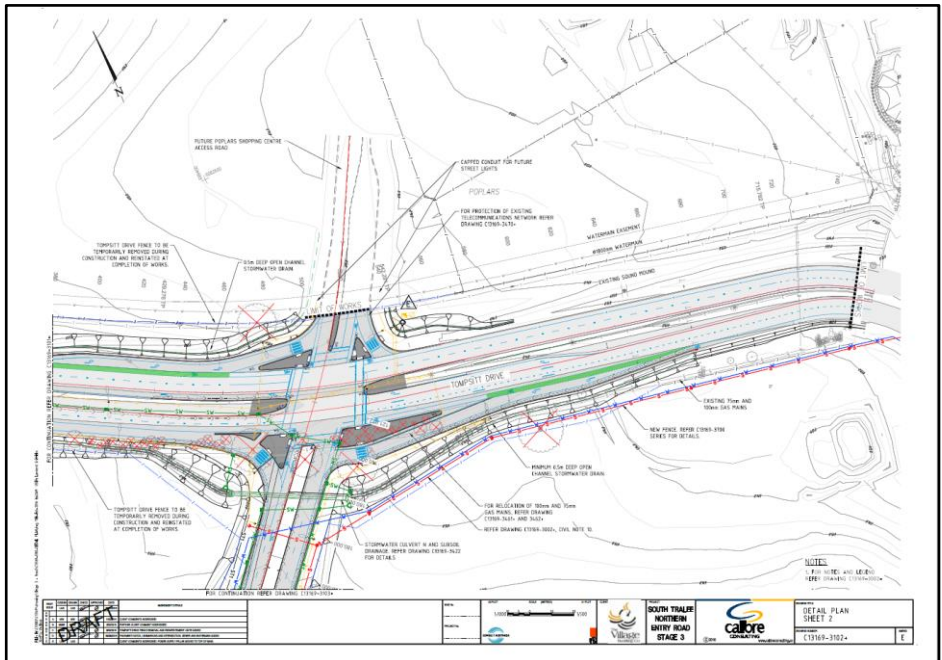


Figure 3 – Proposed Intersection with Tomsitt Drive

The development application seeking approval for the design and construction of the Stage 3 NER road and associated works is summarised as follows:

- a) Construction of a 17.6m wide, four lane two way dual carriageway between CH10 and CH260.
- b) Construction of a 10.6m wide, two lane, two way carriageway (inclusive of on-road cycle lanes) between CH520 and CH960 – 1 lane in each direction with a 1.5m wide verge along the southern frontage of the carriageway and a 6.5m wide verge along the northern frontage.
- c) The northern side of the road contains a 2.5m wide corridor for a future shared footpath for the entire length of the road.
- d) The road has been designed to an 80km/hour design speed.
- e) A roundabout with dual lanes for the north-south movement and a single lane for the east-west movement through the roundabout between CH260 and CH360.
- f) Construction of a 2m high noise barrier earth mound between CH980 and CH1140.
- g) A new signalised intersection of the NER with Tomsitt Drive. This will include road construction to the property boundary to the north of Tomsitt Drive for future access to the proposed Poplars shopping area over Lot 5 DP 719108.

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- h) Stormwater drainage works including open rock-lined channels, box culverts and tail out drains.
- i) A 1.8m wide on-road cycle lane in both directions with safety barriers located along the culvert headwalls.
- j) Landscape plantings along the new road and shared pathways together with rehabilitation of all disturbed areas. Landscape species include native trees, shrubs and grasses.
- k) Underground services, adjustment to existing services, subsurface drainage, street lighting, sign posting, line marking and road furniture.
- l) Construction of a temporary access road, site works compound and stock proof fencing along the road carriage way and shared pathways.
- m) Access to the construction site will be primarily be via Arnott Street railway underpass (as proposed for Stages 1 and 2 of the NER) and along the proposed entry road alignment of the NER. It will avoid any potential impacts on adjacent areas. Minor grading will occur and topsoil stripped along the track to allow placement of a 150mm all weather gravel surface.
- n) A Three (3) lot subdivision.
- o) Dedication to Council of the road corridor as public road, part of which will include a pedestrian linkage to Jerrabomberra Lake Reserve.

A 2m high noise mound is proposed near residential housing in Jerrabomberra to minimise potential noise impacts. This mound will be landscaped with suitable native shrub and tree plantings.

A number of previously prepared and updated environmental impact assessments supporting the development application have been submitted namely:

- a) Engineering and construction drawings, electrical and lighting drawings and landscape drawings
- b) Cultural heritage surveys and assessments
- c) Ecological assessment
- d) Geotechnical investigation
- e) Contamination assessment
- f) Bushfire assessment
- g) Acoustic assessment
- h) Traffic Management and Access
- i) Visual and landscape assessment
- j) Pollution control plans including sediment & erosion controls, dust and waste management controls.

These impacts were also considered by Council on 22 October 2014 as part of the assessment and determination of DA 175-2013 Staged Concept Plan for the NER. The applicant at that time submitted various environmental impact assessments with the DA.

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The applicant advises having regard to the findings of these assessments, the proposed NER Stage 3 design has sought to avoid where possible, existing known environmental constraints such as native trees and grasslands and Aboriginal and European cultural heritage sites. The road design and location best addresses the identified constraints and opportunities identified by the above studies and assessments.

A number of responsive design and mitigation measures by the applicant are identified in the application and will be implemented to protect the existing environmental features of the land as well as minimise impacts on adjoining residential land uses.

Subject Property

The proposed road and associated works are located within the Poplars Estate land located between Jerrabomberra Creek and Tomsitt Drive. The road design and construction also involves intersection works with Tomsitt Drive.

The NER will extend from Tomsitt Drive to South Tralee in the south. It will extend over future urban release areas referred to as South Jerrabomberra. South Jerrabomberra lies between Jerrabomberra residential area to the east and the Australian Capital Territory (ACT) including the Hume Industrial estate to the west.

The road is located over one lot being Lot 6, DP 719108 being part of the Poplars Estate and also within the Tomsitt Drive road reserve under Council's control. This land is predominantly rural land used for occasional grazing which has been pasture improved over many years. It is undeveloped and comprises some native grass and scattered mature trees and shrubs. Limited grazing will continue to take place over the land until it is developed for urban purposes. Stockproof fencing of the road will permit continued grazing. There will be no formal crossing for stock across the new road when it is fenced.

The topography is generally low lying around Jerrabomberra Creek and rises in elevation towards Tomsitt Drive.

There are few naturally occurring features requiring conservation or protection. The applicant's ecological consultant has advised any scattered native trees and grasses are not significant. Trees that will be removed will be predominantly replaced with native indigenous tree and shrub species and some exotic species.

There are no man made or built structures over the land.

Planning Requirements

Assessment of the application has been undertaken in accordance with Section 79C(1) and Section 80(4)(b) of the Environmental Planning and Assessment Act (EPAA) 1979, as amended. The matters that are of relevance under Section 79C(1) are summarised in the attached *Section 79C(1) Table – Matters for Consideration*.

Assessment has been undertaken under Section 5A of the EPAA 1979 requiring consideration of whether the development is likely to have a significant effect on threatened species, populations or ecological communities, or their habitats. A number of ecological assessments by Kevin Mills & Associates have been previously submitted for the staged concept DA and subsequent Staged DAs for the NER. Further ecological assessment by Kevin Mills & Associates for the Stage 3 DA road works has also been undertaken.

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These assessments conclude the development of the proposed access road and bridge is not likely to have a significant effect on any threatened species, populations or communities under the *Threatened Species Conservation Act 1995* and the *Fisheries Management Act 1994*, or their habitats. A Species Impact Statement (SIS) is not therefore required.

The development is not Integrated Development pursuant to the provisions of Section 91 EPAA 1979.

The following planning instruments and strategic/structure plans have been considered in the planning assessment of the subject development application:

1. State Environmental Planning Policy No 55 – Remediation of Land
2. State Environmental Planning Policy (Infrastructure) 2007
3. State Environmental Planning Policy (Rural Lands) 2008
4. State Environmental Planning Policy (State and Regional Development) 2011
5. State Environmental Planning Policy (Exempt & Complying Development Codes) 2008.
6. Queanbeyan Local Environmental Plan (Poplars) 2013 (Poplars LEP 2013)
7. Queanbeyan Local Environmental Plan 2012. Affecting the Tomsitt Drive road reserve.
8. South Jerrabomberra DCP.
9. Queanbeyan Development Control Plan 2012. Affecting the Tomsitt Drive road reserve.
10. The Sydney – Canberra Corridor Regional Strategy 2006-2031.
11. The Queanbeyan Residential and Economic Strategy 2031.
12. The South Jerrabomberra Structure Plan 2013.

a) Compliance with the State Environmental Planning Policies

The development satisfies the relevant provisions of the above SEPPs. These provisions are elaborated on in the attached *Section 79(c) (1) Table – Matters for consideration*.

b) Compliance with the various LEPs

The proposed development is defined as a road and subdivision and is permitted with consent in all zones under the abovementioned LEPs. The proposed development complies with the provisions of the two LEPs that apply to the various parts of the land. A full assessment under each zone is shown on in the attached Section 79(c) (1) Table – Matters for consideration.

c) Compliance with the South Jerrabomberra DCP

The proposal complies with the relevant provisions of the South Jerrabomberra DCP. Refer to attached Section 79(c) (1) Table – Matters for consideration.

4.2 Development Application 128-2016 - Stage 3 of Northern Entry Road Providing Access To South Tralee Urban Release Area (Ref: C1758637; Author: Thompson/Scroope) (Continued)

d) Relevant Strategic/Structure Plans

The development is in keeping with:

- i. The Sydney – Canberra Corridor Regional Strategy 2006-2031 prepared by the NSW Government Department of Planning & Infrastructure which identifies future urban releases areas in South Jerrabomberra.
- ii. The Queanbeyan Residential and Economic Strategy 2031 adapted by Council in 2007 and an addendum report endorsed by NSW Department of Planning & Infrastructure 2008. This plan deals with a 25 years residential and employment lands strategy for Queanbeyan including structure plan for the future release of land in South Jerrabomberra.
- iii. The South Jerrabomberra Structure Plan updated by Council in 2013 and endorsed by NSW Planning & Environment in 2014. The proposed development is consistent with the future infrastructure works required to support the future urban development lands for South Jerrabomberra. It will facilitate future vehicle access to a number of release areas including Poplars, Environa and North Tralee employment and residential areas.

e) Other matters - Other relevant planning matters include:***Aboriginal and European Cultural Heritage***

A cultural heritage assessment of both indigenous and non - indigenous heritage was undertaken and completed by Navin Officer Consultants Pty Ltd in March 2014 and submitted as part of the Staged Concept DA for the NER. An addendum statement dated April 2016 was further prepared by the consultant in relation to the Stage 3 DA for the Northern Entry Road.

The addendum report concludes no Aboriginal or historical sites or archaeological potential sites will be directly or indirectly impacted by the Stage 3 construction of the NER (refer to Drawing No. 13169-3801 Appendix 3). It is noted however that Aboriginal deposits PPS5, PPS7 PIF3, PIF4 and PPS8 are within close proximity but not affected by proposed Stage 3 works (refer to Figure 5.1, Heritage Report, Appendix 6).

The addendum assessment dated April 2016 lists recommendations and protocols to follow if Aboriginal objects or historical relics are encountered and where no AHIP has been approved. These recommendations and protocols will form part of any recommended conditions of consent.

Flora and Fauna

An ecological assessment of the proposed NER was previously undertaken by Kevin Mills & Associates, as part of the Concept DA proposal. The purpose of the report was to assess the potential impact on the biological environment of constructing an access road to the South Tralee land. The investigation was largely undertaken to confirm the results of other previous ecological assessments previously undertaken over the land in preparing the LEP.

An updated report by Kevin Mills & Associates was completed in December 2015 to include specific assessments in relation to the route of Stage 3 NER. The purpose of the report to again investigate and assess the potential impact on the biological environment of constructing Stage 3 road works.

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The report concludes the NER primarily traverses land that supports exotic grassland. There are a few significant natural features within the road route that require special consideration. The features identified in the northern part of the road route are a few native trees and some native grassland. The report concludes these features are not significant as previously concluded when the land was assessed for rezoning.

The flora and fauna report goes on to recommend:

- a. If practical the *Eucalyptus melliodora* tree (no. 4) containing hollows with habitat breeding value be retained. The tree appears however to be on the edge of the new road.
- b. The plantings of native trees removed from Tomsitt Drive be replaced where appropriate and that plantings be extended along the new road.

The applicants SEE advises the location of tree no.4 Yellow Box *E.melliodora* is unable to be retained due to the road works. The approved Concept DA also required removal of this tree.

The applicant's Statement of Environmental Effects advises tree no.4 will be removed and placed within E2 lands to the south of the development site to provide continued habitat for native fauna.

Native eucalyptus trees will be replaced where appropriate as shown in Stage 3 NER Landscape Plans (refer to plans L-000 to L-801 in Appendix 5) in particular along the proposed road corridor and Tomsitt Drive corridor. Appropriate conditions of consent are recommended in regards to these matters.

The 2015 report also advises the loss of Tree no 4 (removal of trees with habitat hollows is a key threatening process) has been assessed under the *NSW Threatened Species Conservation Act (TSC Act) 1995 and Amendment Act 2002*. The consultant concludes the construction of Stage 3 Northern Access Road is not likely to have a significant effect on any threatened species, populations or communities listed under the *TSC Act 1995 and Amended Act 2002* or their habitats, and the preparation of a Species Impact Statement is therefore not warranted. The consultants also advise the development is not likely to have a significant impact on matters of national environmental significance listed under the *Environment & Protection and Biodiversity Conservation Act 1999*. The consultants advise referral to the Commonwealth Minister for the Environment for assessment and approval is therefore not warranted. The consultant also advises the *NSW Native Vegetation Act 2003* does not apply.

Site Contamination

A contamination investigation was carried out by SMEC along the route of the NER in August 2013 to identify any potential sources of soil or groundwater contamination. The report identified Area of Environmental Concern 2 (AEC2) located along the northern route of the NER. AEC2 was identified as a sheep yard, defined by sheep yard fencing. No other AECs were identified as being in close proximity to Stage 3 NER works.

SMEC Consultants prepared an assessment of AEC2 in which 5 test pits and soil sampling were carried out to determine potential Contaminants of Potential Concern (CoPC). The sampling was assessed against the criteria applicable to the land use as a road reserve. All results were below the Limit of Reporting (LOR) and/or adopted assessment criteria. No CoPC's were identified. SMEC Consultants concluded the site is no longer considered an Area of Environmental Concern.

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Traffic Impact

Background:

A Council workshop was held on 1 October 2014 to consider the review of the Googong & Tralee Traffic Study 2013. Arising from the workshop and a previous report to Council on 24 September 2014 Council at its meeting on 8 October 2014 resolved in part:

(c) That Council not require the intersection of Tomsitt Drive and the Northern Access Road to be moved further west subject to:

- i. RMS approval for the proposed layout and signals being obtained once design of the intersection is available*
- ii. The detailed design of the intersection demonstrating that queuing does not affect the current Jerrabomberra Roundabout*
- iii. The detailed designs being approved prior to the release of the Stage 3 DA for the construction of this section of road*

Council further resolved to note that the applicant should incorporate into their design the provision of a service corridor for the NER to be a minimum of 50m wide where it passes through land under their control including the extension of the NER along Territory Parade through the proposed South Tralee urban release area to its junction with the future Dunns Creek Road.

Cardno Traffic Consultants were engaged by the applicants to assess the traffic impact of the proposed development at South Jerrabomberra with their final report dated 14 December 2015. The aim of the assessment was to provide details describing the warrants for the signalised intersection of Tomsitt Drive with the Northern Access Road to be constructed prior to operation of the early stages of development at South Tralee. This was required to satisfy Condition 20 of Council's approval for the Staged Concept DA175-2013 dated 22 October 2014, as below:

20. Prior to the lodgement of any development application for Stage 3 the applicant shall:

- a) Seek roads and Maritime Services approval for the proposed layout and signalisation of the entry road/Tomsitt Drive intersection once a detailed design of the intersection is available.*
- b) Design the intersection so that it demonstrates that a Level of Service (LOS D) or better is provided*
- c) Design the intersection so that queuing does not affect the current LOS of the Jerrabomberra Roundabout at Jerrabomberra Parkway or the Tomsitt Drive/Lanyon Drive roundabout.*

Reason: To ensure that the location and design of the intersection is resolved prior to the determination of the Stage 3 development application.

In addition to this assessment a further Traffic Assessment for Stage 3 NER was undertaken by ARUP Traffic Consultants dated April 2016.

This report focused on five scenarios. For each scenario an assessment of the link capacity and the intersection capacity of the surrounding road network was completed. The link capacity was based on the RTA Guide to Traffic Generating Developments. The intersection capacity assessment was completed using SIDRA Intersection software.

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The assessments focused on the following road links:

- a. Jerrabomberra Link Road (NER)
- b. Tomsitt Drive (from Jerrabomberra Link Road to Lanyon Drive)
- c. Lanyon Drive (from Tomsitt Drive to the Monaro Highway)
- d. Monaro Highway (from Isabella Drive to the Prison Access)
- e. Sheppard Street

The link assessment found that a two-lane Jerrabomberra link road would be sufficient to accommodate the initial stages of South Jerrabomberra development due to be completed by 2024. However, if other residential and industrial development in the area proceeds without a second connection to South Jerrabomberra, the Jerrabomberra Link Road would need to be widened to four lanes by 2025. Widening of Tomsitt Drive and Lanyon Drive to six lanes would be required at around the same time.

The intersection assessment indicated that the key intersections in the area would require upgrades to accommodate the increasing South Tralee traffic between 2014 and 2024:

- a. Lanyon Drive/ Tomsitt Drive – would need to be upgraded from a roundabout to a signalised intersection 2019; and
- b. Monaro Highway southbound/ Lanyon Drive – would need to be upgraded to provide a short east bound through lane based on current traffic volumes. A signalised double left turn from the north would need to be provided in 2019; and
- c. Tomsitt Drive/Jerrabomberra Road intersection – the right turn lane should be extended to 160m by 2024.

The consultants advise that further upgrades would be required once other parts of South Jerrabomberra are developed, with the exact requirements depending on the provision of external road links.

The consultants then further advise if no other road links to South Jerrabomberra are provided (i.e. Jerrabomberra Link Road remains the sole connection) then all the intersections from South Jerrabomberra to the Monaro Highway would require upgrades as detailed in Section 6.2.3 of the ARUP traffic report. As such, it was considered that the provision of a second connection to South Jerrabomberra would be a suitable scenario.

The proposed NER and signalised intersection with Tomsitt Drive has been appropriately sized to cater for the initial stages of the South Tralee Development as outlined above.

The Cardno traffic assessment concluded that:

- a) *A priority controlled intersection will be insufficient due to high delays for eastbound vehicles turning into the development and northbound vehicles leaving the development, even when considering the first year of development at South Tralee only.*
- b) *A signalised intersection will instead be necessary for the first stage of the South Jerrabomberra development in order to manage delays incurred by turning traffic. The provision of the 2031 layout is proposed to minimise traffic impacts and disturbance during construction.*
- c) *The assessed traffic volumes for the 2031 planning horizon and at full build - out have been agreed with QCC and are considered conservative*

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- d) *The requirements of RMS regarding the provision of the pedestrian crossing facilities on all four arms of the intersection and the avoidance of split phasing have been adopted*
- e) *The proposed signalised intersection will not impact the safety of Tomsitt Drive based on the intended configuration when assessed against key criteria from Austroads Part 4a, subject to detailed design.*
- f) *The signalisation of the Jerrabomberra roundabout is being progressed by QCC*
- g) *The provision of a signalised intersection at the proposed location of the NER will not impact on the operation of either adjacent intersection in terms of Level of Service (LOS).*
- h) *Queuing associated with the proposed signalised intersection will not block back to adjacent intersections based on the assumptions made by QCC and contained within the Traffic Impact Assessment prepared by ARUP consultants. Further, the operation of the signals will provide a LOS of D or better, and*
- i) *The above should be considered by RMS and QCC prior to the undertaking of a detailed design, as specified in Condition 20, as a first step in discharging the condition in order to agree to the principles of such a design.*

Based on the above, the Consultants advise that parts (b) and (c) of Condition 20 have been satisfied.

Following consultation with RMS by the applicant, RMS by letter dated 19 January 2016 advised the applicants of an in principle acceptance of the proposed traffic signal layout as provided by the Consultants Concept Design. RMS therefore raised no objection to the discharging of Condition 20 of the approved Concept DA175/2013, which required RMS approval of the proposed signalised intersection layout.

Further referral to RMS:

On receipt of the application, the proposed signalised intersection design was forwarded to RMS by Council for their final consideration. The RMS responded by requiring the applicant to make a number of changes to the design and phasing of the project. The applicant has successfully made these changes and the RMS have provided the following conditions to be included as part of the development consent:

- a) *Prior to any works commencing, the developer must enter into a Works Authorisation Deed (WAD) with Roads and Maritime Services (RMS) for all works in the vicinity of Tomsitt Drive and its junction with the Northern Entry Road;*
- b) *The developer must upgrade the junction of Tomsitt Drive and the Northern Entry Road to be traffic signals in accordance with Austroads Guide to Road Design Part 4a: Unsignalised and signalised intersections, Austroads Guide To Traffic Management Part 6: Intersections, Interchanges and Crossings (2007) and the RTA's Traffic Signal Design (2008);*
- c) *The developer must detail in the design documentation submitted and provide in the associated construction, the appropriate underground cabling for a future second right turn lane at the proposed Northern Entry Road leg of the intersection;*
- d) *Where required the developer must upgrade/ provide lighting in accordance with Australian Standard AS/NZS1158;*

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- e) *Any new services or modifications to existing services associated with this development application that involve works on, over or under Tomsitt Drive (as defined the area from kerb to kerb) must be in be incorporated into, and managed under, the Works Authorisation Deed for the project. Note: It is the developer's responsibility to identify these works to RMS project manager,*
- f) *The developer must mitigate any increased road traffic noise associated with the traffic signals on nearby residents (and other sensitive receivers) in accordance with the Department of Environment, Climate Change and Water's Environmental Criteria for Road Traffic Noise. It should be noted that this will require pre construction noise monitoring and may require post construction noise monitoring;*
- g) *All roadworks, traffic control facilities and other works associated with this development, including any modifications required to meet RMS standards, will be at no cost to RMS;*
- h) *All roadworks and traffic control facilities must be undertaken by a pre-qualified contractor. Traffic signals must be constructed by a pre-qualified contractor. A copy of pre-qualified contractors can be found on the RMS website at: <http://www.rta.nsw.gov.au/doingbusinesswithus/tenderscontracts/prequalifiedcontractors.html>*
- i) *RMS will be exercising its powers under Section 64 of the Roads Act, 1993 to become the roads authority for works on Tomsitt Drive. Given this, Section 138 consent under the Roads Act, 1993 must be obtained from the RMS prior to commencement of construction works within the road reserve (i.e. both Tomsitt Drive and the Northern Entry Road).*

The applicant, as well as complying with Condition 20 of consent for DA 175-2013, has satisfied the requirements of Councils resolution of 22 October 2014.

Visual Impact

A visual impact and landscape character assessment of the proposed road and bridge structure was undertaken by Peter Andrews and Associates in 2013.

The report concluded:

Construction

- a) *Minimise the width of the corridor required for clearing during construction*
- b) *Ensure stockpiles and compounds are located away from existing residential areas*
- c) *Ensure compounds are kept tidy*

Road Design

- a) *Stabilise road verges with appropriate plant, shrub and tree species*
- b) *Plant the acoustic mounds with appropriate screen plantings*

The applicant has generally reflected the above measures in the engineering and design plans including landscape plans by the applicant.

4.2 Development Application 128-2016 - Stage 3 of Northern Entry Road Providing Access To South Tralee Urban Release Area (Ref: C1758637; Author: Thompson/Scroope) (Continued)

Flooding

Calibre Consulting has previously undertaken a flood study for Jerrabomberra Creek. The study advised that for a 100ARI storm, the flood level for Jerrabomberra Creek is expected to be 588.64m AHD at the bridge.

The flood study reviewed previous investigations and assessments and determined the current flooding situation for the 100 and 500 year average recurrence interval (ARI) storm events and the Probable Maximum Flood (PMF) and determined the limitations due to flooding.

The consultants concluded Stage 3 of the Northern Entry Road design avoids the 100 ARI storm line and is not considered to be an impact on Stage 3 road.

Acoustic

Acoustic consultants Wilkinson Murray Pty Limited have previously conducted a traffic noise assessment for the proposed Stage 2 of NER (dated 22 August 2016). It related to projected future traffic flows from all road stages and focused on the impact of the road and associated movements upon those residences closest to the road and bridge.

A further noise review by Wilkinson Murray Pty Ltd dated 14 January 2016 was undertaken by the applicant including updated traffic road assessment with particular reference to Stage 3 which includes a mound/barrier at the southern end of Stage 3. The mound is proposed to be located between CH980 and CH1140.

Council at its meeting on 22 October resolved the mound be increased from 1.5m to 2m height with the consent for the Staged Concept DA. The mound/barrier has since been increased to 2m height in the final engineering design plans for Stages 2 & 3.

The Wilkinson Murray Consultants report of 14 January 2016 advises when the noise mound is in place there will be no acoustic concerns to the adjoining residential areas located approximately 140m away with the construction of Stage 3 of the NER.

The predicted future noise levels at Residences – *LAeq,period - dBA* (Table 1 Revised Acoustic Report by Wilkinson Murray Appendix 11) are provided as follows:

Period	Traffic Noise Levels	Noise Criteria	Exceedance
Daytime (7am to 10pm)	53.8	55	0
Night (10pm to 7am)	46.7	50	0

4.2 Development Application 128-2016 - Stage 3 of Northern Entry Road Providing Access To South Tralee Urban Release Area (Ref: C1758637; Author: Thompson/Scroope) (Continued)

Geotechnical investigations

In July 2013 a preliminary geotechnical investigation was carried out by Douglas Partners for the proposed NER. The report recommended certain design subgrade values be adopted as well as temporary batter slopes for the road.

A revised geotechnical assessment report dated July 2015 was completed following variations to the road alignment and further design work. The report provides additional information to the previously submitted information for the Staged Concept DA.

The report provides comments and recommendations with regards to the subsurface conditions, site preparation and earthworks procedures and pavement design in relation to the NER. These recommendations have informed the applicant's design and proposed construction methods of the NER as provided by their documentation and detailed plans.

Bushfire hazard

The Queanbeyan Bushfire Prone Land Map identifies that the land is listed as being Bushfire Prone. The land contains grassland vegetation.

If the land is not managed for bushfire hazard there will be a risk to the users of the road corridor, should a fire occur in the adjoining grassland vegetation. Current management practices over the land have reduced available fuel loads through continued grazing activities.

The applicant's bushfire consultant advises the road reserve width varies between 36.6m up to 125m. They advise to mitigate the bushfire risk the full width of the road corridor should be maintained in a reduced fuel state particularly during the annual bushfire danger period of 1 October to 31 March.

This management practice should continue until the land adjoining the road corridor is developed and the bushfire risk is removed.

Landscaping

The principles for the landscape treatment of the entry road are based on complementing the existing rural character. The intention is to plant native eucalypts informally within the road corridor. The species chosen include *Eucalyptus blakelyi*, *Eucalyptus melliodora* and *Eucalyptus polyanthemos*. These are all local species and feature within the area. These species complement the remnant tree group at the northern end of the site which is predominantly *E melliodora* and *E blakelyi*. Supplementary native tree planting is also nominated for the Tomsitt Drive verges to the extent of the works.

Formal deciduous trees and shrubs are proposed in the median strip and verges along the split entry carriageway off Tomsitt Drive. A decorative landscape treatment is proposed within the round a bout.

All disturbed areas will be topsoiled with a sandy loam and seeded with a dryland grass mix.

A selection of native shrubs and trees are proposed on the sound mound to the north east of the proposed bridge. The native plant species for the mound have generally been selected from the *Jerrabomberra Creek, Local Indigenous Planting List*, and will complement other stages of the entry road works.

4.2 Development Application 128-2016 - Stage 3 of Northern Entry Road Providing Access To South Tralee Urban Release Area (Ref: C1758637; Author: Thompson/Scroope) (Continued)

Stormwater & Earthworks

The following earthworks and stormwater works are proposed for the development:

Stormwater - Road drainage design is carried out in accordance with:

- a. AUSTRROADS Guide to Road Design part 5 (2008): Drainage Design (to ensure satisfactory water quality leaving the site)
- b. RTA Supplement to AUSTRROADS Guide to Road Design Part 5.
- c. QCC Handbook of Drainage Design – South Jerrabomberra

The drainage system has been designed to accommodate the following ARIs:

- a. Minor drainage system has been designed for a 20 year ARI
- b. Major drainage system has been designed for a 100 year ARI

The design has given consideration to the following:

- a. Impact on existing overland flow paths
- b. Multiple catch drains (swales) located within the verges of the NER to direct flows to stormwater culverts
- c. Subsurface drains or deep table drains
- d. Maximising overland flow width without any impact on traffic lanes.

Earthworks - The geotechnical report indicates that the maximum grade of the cut and fill slopes is 3H:1V. To comply Council's requirements batter slopes have been designed to 4H:1V. The applicant advises no retaining walls will be required for the road works. Where batter slopes are greater than 1:4 erosion protection measures (rock fill) are proposed.

The calculated amount of imported material required for the project is 31,000m³. A condition of consent will be recommended that this fill material is contaminant free and from an approved site.

The horizontal and vertical geometry design of the NER ultimately dictate the road formation and extent of cut and fill operation required to achieve the desired levels. As a result earthworks on the western side of the NER is shown to spill beyond the proposed road corridor fencing into Poplars for the full length of works. On the eastern side only a section between CH140-CH500 is to extend beyond the proposed road corridor fencing into Poplars land.

NSW Police

NSW Police advised on 16 May 2016 that they have assessed the application under Crime Prevention Through Environmental Design (CPTED) principles and strategies. CPTED is a crime prevention strategy that focuses on planning, design and structure of urban areas. It diminishes opportunities for crime by using design principles that reduce the likelihood of crime. CPTED employs four key strategies being: surveillance, access control, territorial reinforcement and space activity management.

4.2 Development Application 128-2016 - Stage 3 of Northern Entry Road Providing Access To South Tralee Urban Release Area (Ref: C1758637; Author: Thompson/Scroope) (Continued)

The NSW Police Safer by Design Evaluation Process is based on Australia and New Zealand Risk Management Standard ISO 31000:2009. After conducting this process for the application the rating for Stage 3 development has been identified as a Low - crime risk. The CPTED treatments for the development have been assessed as follows:

- a. Surveillance – *Nil requirements.*
- b. Landscaping – *The landscape plans allow for cleared space on either side of pathways and bicycle routes. Vegetation is stepped back in height to maximise sight lines. Low groundcover vegetation is proposed used along pathways.*
- c. Lighting – *All lighting is designed to the Australian and New Zealand Lighting Standards. ASNZ 1158.1- Pedestrian.*
- d. Territorial Reinforcement – *The boundaries of the development are well defined and signage will indicate the correct use of pedestrian pathways and bicycle lanes.*

Concept Approval DA 175-2013

This application was approved by council on 22 October 2014 including that the acoustic mound be increased from 1.5m to 2m height.

This application for the Stage 3 NER works generally complies with the conditions of the concept approval (DA175-2013), excluding the proposed three (3) lot subdivision.

Condition 14 of the concept approval is as follows:

14. 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 Queanbeyan City 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 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)*

The documentation submitted with the concept approval allowed for the dedication of the proposed road corridor as public road, but specifically excluded any subdivision of the existing Lot 6, DP 719108. As such, the proposed 3 lot subdivision is not considered to be in accordance with the concept approval and if an approval is granted it will be on the basis that the subdivision of the land is excluded.

4.2 Development Application 128-2016 - Stage 3 of Northern Entry Road Providing Access To South Tralee Urban Release Area (Ref: C1758637; Author: Thompson/Scroope) (Continued)

Development Engineer's Comments

The Development Engineer has assessed the proposal and is satisfied that the development (excluding the above mentioned three lot subdivision), subject to conditions, is able to meet the engineering requirements of Council and the NSW Roads and Maritime Services.

The Development Engineer identified that the proposed three lot subdivision is not consistent with the Staged Concept Approval for the Northern Entry Road (DA175-2013) in that no subdivision was included in the approval. As such the Development Engineer has recommended that the proposed three lot subdivision be excluded from any approval for this development.

Environmental Health Officer Comments

The Environmental Health Officer raised concerns regarding the removal of a tree that was identified for retention (if practical) in the applicants Ecological Assessment. Unfortunately the proposed alignment of the intersection with Tomsitt Drive does not allow for the practical retention of this tree and as such it has been marked for removal. Offset planting is proposed along the length of the Northern Entry Road to compensate for the removal of this and other trees during the construction of the road.

Building Surveyors Comments

The proposed road works do not involve any building work as defined in the EP&A Act and as such, no objections to the proposal were raised from the Building Surveyor.

Consultation

DA 175-2013 for the Concept Plan of the Northern Entry Road was advertised in the local newspaper and extensively notified to local residents prior to Councils determination of the application on 22 October 2014. In addition notice of the proposal was placed on the noticeboard in the Jerrabomberra Shopping Centre.

A total of three submissions were received to the DA for the Concept Plan. The concerns raised in the submissions related to traffic impacts, assumptions made on traffic analysis, impacts from construction, cycle path infrastructure, future development impacts and water quality impacts. The submissions were considered by Council together with Council staff responses prior to Council's determination of the DA on 22 October 2014. The matters raised were subsequently addressed by the applicants in the various consultant reports, recommendations and development design plans for Stages 1, 2 and 3 of the NER.

The current development proposal DA 128-2016 Stage 3 NER was advertised until 16 May 2016.

No written submissions were received during the exhibition period for Stage 3 development.

Compliance or Policy Implications:

There are no compliance or policy implications which would prevent the recommendation being carried out. All relevant legislative and policy requirements have been addressed in this report.

4.2 Development Application 128-2016 - Stage 3 of Northern Entry Road Providing Access To South Tralee Urban Release Area (Ref: C1758637; Author: Thompson/Scroope) (Continued)

Conclusion

The development application is seeking consent for the design and construction of the proposed Stage 3 of the NER, comprising the northern section of road and subdivision.

The proposed road alignment is generally consistent with the Council approved Staged (Concept) DA for the NER in terms of its location, alignment and design. The road design provides for the future widening of the road, should it be required in the future to accommodate future urban and employment lands.

The proposed 3 lot subdivision is not considered to be in accordance with the Council approved Staged (Concept) DA for the NER as subdivision of the existing Lot 6, DP 719108 was specifically excluded in the approval. Therefore it is recommended that under Section 80(4)(b) of the Environmental Planning & Assessment Act 1979 the subdivision, being an aspect of the development, is excluded from the development consent.

The road will be of significant benefit in that it will provide the primary means of access to the existing zoned South Tralee release areas. It will also benefit and facilitate the future release and development of other precincts in South Jerrabomberra, including the employment precincts of Poplars, North Tralee and Environs.

A number of environmental assessments have been undertaken by the applicant to support the application.

The applicant through the submitted consultant reports and the road design has sought to minimise any adverse environmental impact upon the route of the new road corridor and adjacent areas.

The proposal was notified to adjoining owner/occupiers and in the local newspaper with nil submissions being received and considered within this report.

The proposal has been assessed under Section 5A, Section 79C and Section 80(4)(b) of the *Environmental Planning & Assessment Act 1979* including the relevant provisions of Queanbeyan Local Environmental Plan 2012 (as amended), Queanbeyan Local Environmental Plan (Poplars) 2013, South Jerrabomberra DCP and Queanbeyan DCP 2012.

The development satisfies the requirements and achieves the objectives of these instruments and local planning policies.

The development satisfies the requirements of NSW Police and Roads and Maritime Services through appropriate recommended conditions of consent.

The proposed development is considered suitable for the site and can be conditioned to mitigate any potential impacts.

4.2 Development Application 128-2016 - Stage 3 of Northern Entry Road Providing Access To South Tralee Urban Release Area (Ref: C1758637; Author: Thompson/Scroope) (Continued)

Attachments

- Attachment 1 DA128-2016 - Stage 3 Northern Entry Road - 79C Matters for Consideration (*Under Separate Cover*)
- Attachment 2 DA128-2016 - Stage 3 Northern Entry Road - General Arrangement Civil Drawings - As amended by Council (*Under Separate Cover*)
- Attachment 3 DA128-2016 - Stage 3 Northern Entry Road - Proposed Plan of Subdivision - As amended by Council (*Under Separate Cover*)
- Attachment 4 DA128-2016 - Stage 3 Northern Entry Road - Draft Conditions (*Under Separate Cover*)
- Attachment 5 DA128-2016 - Stage 3 Northern Entry Road - NSW Government Agency submissions (*Under Separate Cover*)

**4.3 Development Application 519-2016 - Dual Occupancy - 14 Arthur Street, Crestwood
(Ref: C1714383; Author: Thompson/Glouftsis)**

Summary

Reason for Referral to Council

This application has been referred to Council because the application involves a significant variation to a requirement in a development control plan.

Proposal:	Dual Occupancy and Strata Subdivision
Applicant/Owner:	Ace Simonovski Design Studio/Antonio Sergi & Antonella Sergi
Subject Property:	Lot 13, Section D, DP 14288 known as 14 Arthur Street, Crestwood
Zoning and Permissibility:	R3 Medium Density Residential under Queanbeyan Local Environmental Plan 2012. A Dual Occupancy is permissible with consent in the zone.
Public Submissions:	Nil
Issues Discussed:	<ul style="list-style-type: none">• Variation to vehicle manoeuvrability, location of parking spaces and provision of visitor parking spaces.• Variation to allow a courtyard forward of the building line.• Variation to a side boundary setback.• Variation to the amount of private open space provided.
Disclosure of Political Donations and Gifts:	Applicant Declared no Donations or Gifts to any Councillor or Staff have been made

Recommendation

- 1. That approval be granted to a variation to Part 3C, clause 3.6.10 d) of Queanbeyan Development Control Plan 2012 to allow vehicles to exit the existing dwelling in reverse for the following reasons:**
 - (a) To retain the existing dwelling on the subject site and maintain the character and amenity of the streetscape.**
 - (b) To allow vehicle manoeuvrability that is consistent with the existing condition of the existing single storey dwelling located at the front of the subject site.**
 - 2. That approval be granted to a variation to Part 3C, clause 3.6.15.2 f) of Queanbeyan Development Control Plan 2012 to allow a courtyard in the front building setback of the existing dwelling for the following reasons:**
 - (a) To allow the retention of the existing dwelling on the subject site.**
 - (b) To contribute to an increase in private open space of the existing dwelling, to contribute to further articulation of the front façade and to increase natural surveillance towards the street.**
-

4.3 Development Application 519-2016 - Dual Occupancy - 14 Arthur Street, Crestwood (Ref: C1714383; Author: Thompson/Glouftsis) (Continued)

3. That approval be granted to a variation to Part 3C, clause 3.6.10 j) of Queanbeyan Development Control Plan 2012 to allow parking spaces between the building and the street alignment for the following reasons:
 - (a) To allow the retention of the existing dwelling located on the subject site.
 - (b) The encroachment is minor.
 - (c) To increase the overall private open space of the existing dwelling (Residence A), to reduce the amount of hardstand/driveway space and contribute to increased permeable space on the site.

 4. That approval be granted to a variation to Part 3C, clause 3.6.3 b) of Queanbeyan Development Control Plan 2012 to allow a side boundary setback within 3 metres of the eastern boundary for the following reasons:
 - (a) To allow consistency between the existing approved dwelling at the front of the site and the proposed dwelling towards the rear of the site, in consideration that the proposed setback for Residence B will not have any adverse impact on overshadowing or overlooking on adjoining properties.

 5. That approval be granted to a variation to Part 3C, clause 3.6.15.2 b) of Queanbeyan Development Control Plan 2012 to allow for the provision of less than 80m² of private open space for the existing dwelling for the following reasons:
 - (a) To retain the existing dwelling on the site and not resort to demolition.
 - (b) To allow the provision of additional private open space located within the front building setback within a courtyard and a deck which increases the total POS available in excess of 80m².

 6. That approval be granted to a variation to Part 3C, clause 3.6.10 i) of Queanbeyan Development Control Plan 2012 to waive the requirement for visitor parking spaces for the following reasons:
 - (a) To retain the existing dwelling located on the subject site.
 - (b) To allow for an overall increase in private open space for the existing dwelling (Residence A), a reduction in hardstand/driveway space and allow for an increase in permeable space.

 7. That development application 519-2016 for a Dual Occupancy and Strata Subdivision on Lot 13, Section 13, DP14288 No. 14 Arthur Street, Crestwood be granted conditional approval.
-

**4.3 Development Application 519-2016 - Dual Occupancy - 14 Arthur Street, Crestwood
(Ref: C1714383; Author: Thompson/Glouftsis) (Continued)**

Background

Proposed Development

The proposal is for a detached dual occupancy, proposing two single storey dwellings and strata subdivision comprising two lots and common area.

The development application proposes the retention and refurbishment of the existing single storey dwelling at the front of the subject site (Residence A) as a two bedroom dwelling. A new two bedroom single storey dwelling is proposed to be erected at the rear of the site (Residence B), along with associated private open space and vehicle parking. Residence A will be reduced from three bedrooms to two with a new garage. Each dwelling is provided with two parking spaces, with Residence B containing an on-site visitor parking space and Residence A nominating a visitor parking space off-site on the street.

The maximum height proposed for the development is 5.8 metres for the existing dwelling (Residence A) and 4.5 metres for the proposed dwelling (Residence B). Both dwellings incorporate materials and colours, which will increase the overall amenity of the site and are complementary to the existing streetscape. This includes the use of Canberra Red Brick, charcoal concrete roof tiles, timber cladding and aluminium frames.

Figure 1 below shows the proposed layout of the development and Figure 2 shows the proposed subdivision layout.

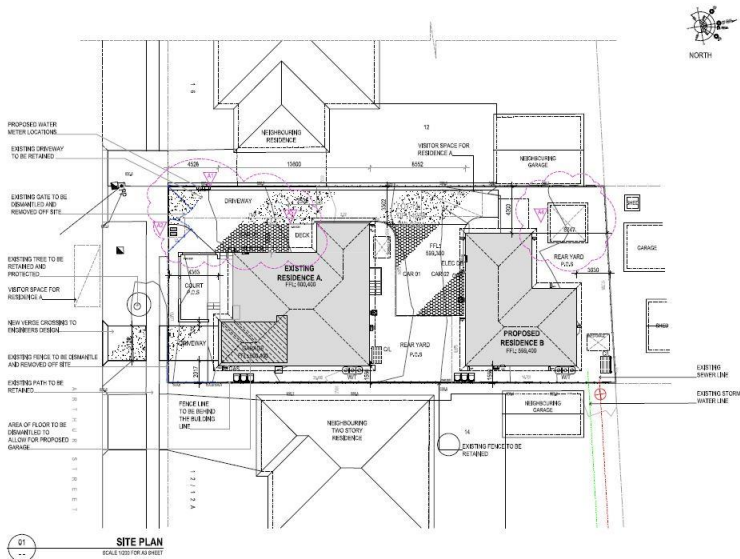


Figure 1: Site Plan (Source: Ace Simonovski Design Studio)

4.3 Development Application 519-2016 - Dual Occupancy - 14 Arthur Street, Crestwood
 (Ref: C1714383; Author: Thompson/Glouftsis) (Continued)

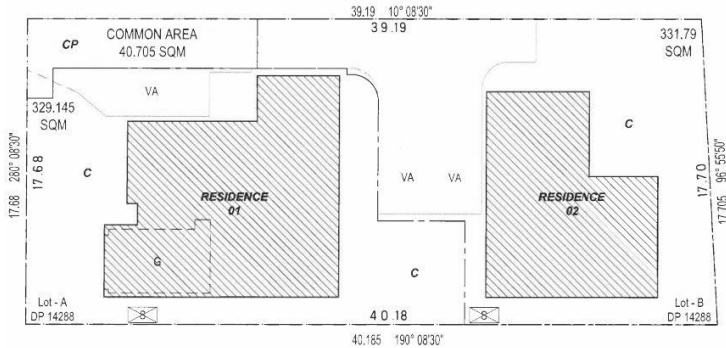


Figure 2: Strata Subdivision Plan (Source: Ace Simonovski Design Studio)

Subject Site and Locality

The subject site located at 14 Arthur Street, Crestwood (Lot 13, Section D, DP 14288) and is a 701m² rectangular shaped block that currently contains an existing single storey dwelling. The immediate locality is characterised by development that is similar architecturally, with large two storey and single storey dwellings common in the street and within the immediate locality. Additionally, there are also other existing multi-unit sites present within Arthur Street. Garages facing the front street are common, with the adjacent dwellings located across the road containing double garages at the front of the dwelling. Open front yards forward of the building line are also typical for the street and locality, with some properties containing low level fences.

Figure 3 below provides an overview of the subject site and surrounding locality.

4.3 Development Application 519-2016 - Dual Occupancy - 14 Arthur Street, Crestwood
 (Ref: C1714383; Author: Thompson/Glouftsis) (Continued)

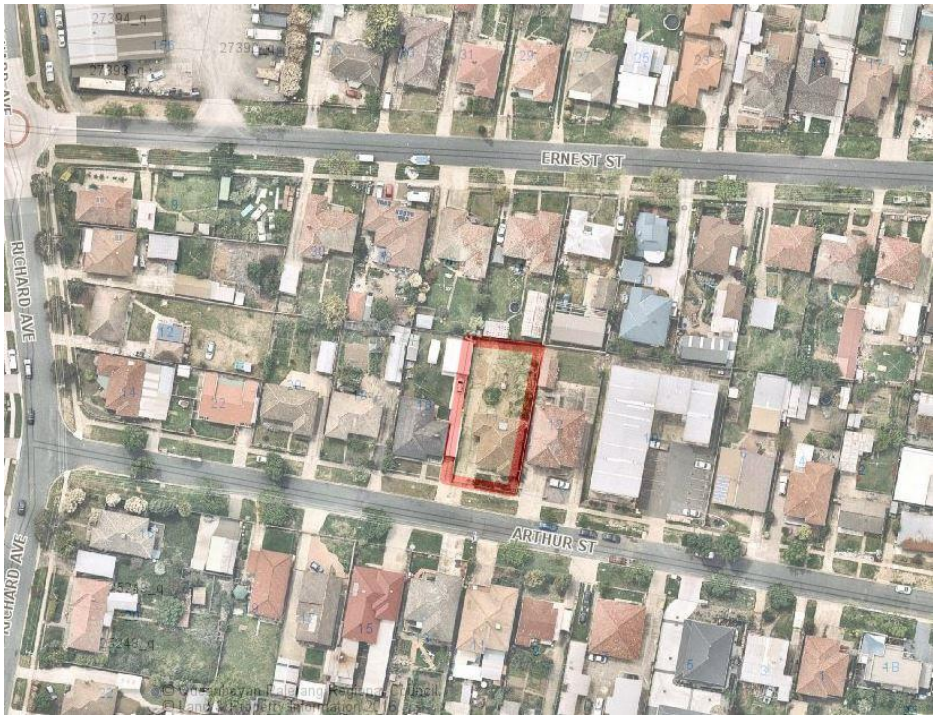


Figure 3: Subject Site and Locality (Source: Intramaps)

Planning Requirements

Assessment of the application has been undertaken in accordance with Section 79C(1) of the Environmental Planning and Assessment Act (EPAA) 1979, as amended. The matters that are of relevance under Section 79C(1) are summarised in the attached *Section 79C(1) Table – Matters for Consideration*.

The following planning instruments have been considered in the planning assessment of the subject development application:

1. State Environmental Planning Policy No 55 – Remediation of Land
2. State Environmental Planning Policy – Building Sustainability Index (BASIX) 2004;
3. State Environmental Planning Policy – (Infrastructure 2007);
4. Queanbeyan Local Environmental Plan 2012 (LEP).
5. Queanbeyan Development Control Plan 2012 (DCP)

4.3 Development Application 519-2016 - Dual Occupancy - 14 Arthur Street, Crestwood (Ref: C1714383; Author: Thompson/Glouftsis) (Continued)

The development generally satisfies the requirements and achieves the objectives of these planning instruments. The significant issues relating to the proposal for the Council's consideration are:

- compliance with the Queanbeyan Development Control Plan 2012 in regards to major variations to on-site car parking requirements
- side boundary setbacks
- a proposed front courtyard
- private open space; and
- vehicle manoeuvrability.

(a) Compliance with LEP

The proposed development is consistent with the requirements of the Queanbeyan Local Environmental Plan 2012. For an assessment of the Queanbeyan Local Environmental Plan 2012 see the attached *Section 79C(1) Table-Matters for consideration*.

(b) Compliance with DCP

The application has been assessed against the relevant parts of the Queanbeyan Development Control Plan 2012. To view the detailed assessment of the DCP see the attached *Section 79C(1) Table-Matters for Consideration*.

The application proposes a number of variations / non-compliances to the controls contained within *Part 3C Dual Occupancy, Multi dwelling Housing and Residential Flat Building*. Some of the variations have been supported by Council previously for dual occupancy development on other sites.

Variation 1 - To Part 3C, clause 3.6.10 d) of Queanbeyan Development Control Plan 2012 to allow vehicles to exit the existing dwelling in reverse.

Applicant's Justification – The applicant has provided a number of reasons to justify the variation. A summary of these is provided below:

- a) The primary reason for the request for variation is the retention of the existing dwelling (Residence A). The proposal aims to maintain local character, bulk and scale of the street appeal by retaining the existing residence. The retention of the dwelling will maintain local history.
- b) Proposed Residence B is generally consistent with the controls of Part 3C, the proposed vehicle movement of Residence A is not dissimilar to the existing condition.
- c) Residence A maintains the existing condition on site, both neighbours are single residential development and have the same type of movement.
- d) The private open space of Residence A will be increased as a result of the variation.

4.3 Development Application 519-2016 - Dual Occupancy - 14 Arthur Street, Crestwood (Ref: C1714383; Author: Thompson/Glouftsis) (Continued)

Assessing Officer's Comments – The proposal seeks to retain the existing single storey dwelling located on the lot, with both vehicle parking spaces for the dwelling to be provided at the front of the property. One space is provided by a new garage, with a new crossover and driveway to be constructed. The second vehicle parking space is an uncovered space to be provided on the opposite (western) side adjacent the dwelling.

The applicant's justification concludes that the vehicle manoeuvrability for the existing single storey residence will not be dissimilar to the existing condition on the site. The proposed variation is supported and is considered from the perspective that the existing single storey dwelling will retain virtually the same function as it had prior to the proposed dual occupancy development. The proposed dwelling (Residence B) at the rear will allow for vehicle entry and exit in a forward direction.

Variation 2 - To Part 3C, clause 3.6.15.2 f) of Queanbeyan Development Control Plan 2012 to allow a courtyard in the front building setback of the existing dwelling.

Applicant's Justification - The applicant has provided a number of reasons to justify the variation. A summary of these is provided below:

- a) The primary reason for the request of variation is the retention of the existing dwelling (Residence A), the control is unnecessary as it would adversely impact the overall site design.
- b) The proposed courtyard wall construction will match the existing residence and have a timber in fill with a 50% visual transparency. Landscaping will also reduce the impact of the wall.
- c) Allowing the variation will maintain the streetscape and character, visual interest will be maintained and natural surveillance of the street will increase neighbourhood safety.

Assessing Officer's Comments – Under Clause 3.6.15.2 f) of Part 3C of the DCP, courtyards in the front building setback are not permitted for existing dwellings. For new development courtyards may be erected forward of the building where the wall is staggered and constructed of brick or is rendered with open elements for surveillance. Brick pillar and open style palisade fencing may also be permitted. The wall should be setback from the front boundary a minimum distance of 3 metres with landscaping included on the street side. Figure 4 below shows the proposed courtyard in more detail.

4.3 Development Application 519-2016 - Dual Occupancy - 14 Arthur Street, Crestwood
 (Ref: C1714383; Author: Thompson/Glouftsis) (Continued)

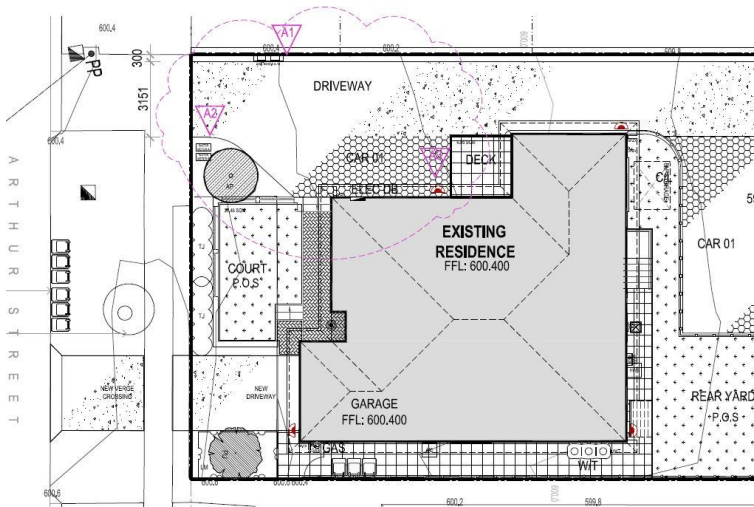


Figure 4: Proposed Front Courtyard

If the requirement for courtyards for a new dwelling were to be applied the proposal for a courtyard forward of the building line in the front yard of the existing dwelling (Residence A) would still be non-compliant with the DCP because the proposed setback is only 1 metre, presenting a 2 metre encroachment into the allowable 3 metre setback for a front courtyard. The encroachment runs for 48% of the width of the dwelling.

The major justification to allow a courtyard in the front setback is to retain the existing dwelling on site, if the proposal was to comply with the control, the existing dwelling would need to be demolished. The proposed courtyard will contribute to adding additional private open space to the dwelling, as well as contributing to increased natural surveillance of the street. The proposed courtyard walls incorporate the same red brick material as the dwelling and a timber infill with 50% transparency, which is compliant with the DCP. Landscaping is proposed between the courtyard wall and the property boundary, which will soften the impact of the proposed courtyard wall. The removal of the courtyard will result in a loss of 27.45m² of private open space for the dwelling and will reduce the level of articulation presented on the primary frontage of the dwelling. Surrounding sites incorporate open yards forward of the dwelling. As such the variation is supported.

4.3 Development Application 519-2016 - Dual Occupancy - 14 Arthur Street, Crestwood (Ref: C1714383; Author: Thompson/Glouftsis) (Continued)

Variation 3 - To Part 3C, clause 3.6.10 j) of Queanbeyan Development Control Plan 2012 to allow parking spaces between the building and the street alignment.

Applicant's Justification - The applicant has provided a number of reasons to justify the variation. A summary of these is provided below:

- a) The primary reason for the request of variation is the retention of the existing dwelling (Residence A), the control is unnecessary as it would adversely impact the overall site design.
- b) If parking was to be adapted on site to the rear, loss of amenity to the existing building would be severe. The proposal would require the demolition of the existing residence. This loss would be to the detriment of the streetscape and local area.
- c) Existing dwelling (Residence A) has been reduced from 3 bedrooms to 2 bedrooms to accommodate parking requirements.
- d) The private open space of the existing dwelling (Residence A) will be increased as a result of the variation being supported.

Assessing Officer's Comments – The proposal incorporates a minor encroachment of the parking spaces within the front setback of the existing dwelling (Residence A). This includes a parking space within a proposed garage on the eastern side of the existing dwelling and an uncovered parking space on the western side, directly adjacent the dwelling. Encroachments are less than 1.0m.

The parking arrangements made for the existing dwelling for the uncovered space provide similar manoeuvrability in regards to what existed prior to the proposal. The new proposed garage is consistent with other dwellings in the street, which have garages at the front of the dwelling and will provide similar manoeuvrability, which is seen as acceptable. To retain the existing dwelling on the site and maximise the amount of private open space it is seen as acceptable that the existing dwelling at the front of the property have its parking spaces incorporated within the front building setback and this variation is supported. Additionally, the current proposal reduces hard stand space and the dominance of driveways, increasing private open space, permeable space and increasing overall site amenity. The variation is supported.

Variation 4 - To Part 3C, clause 3.6.3 b) of Queanbeyan Development Control Plan 2012 to allow a side boundary setback within 3 metres of the boundary

Applicant's Justification – The applicant has provided a number of reasons to justify the variation. A summary of these is provided below:

- a) The primary reason for the request of variation is the retention of the existing dwelling (Residence A). In addition site conditions and orientation have played a role in the request for variation.
- b) The proposed development is consistent with the desired character and building type of the local area.
- c) The placement of Residence B is in direct response to the current location of Residence A and site analysis undertaken at the preliminary design stage. Careful consideration has been made to allow for sufficient separation and adequate amenity for both existing and proposed residences.

4.3 Development Application 519-2016 - Dual Occupancy - 14 Arthur Street, Crestwood (Ref: C1714383; Author: Thompson/Glouftsis) (Continued)

- d) The proposal achieves the desired design objectives as the proposal has a low impact due to its single level design, the design does not overlook or overshadow neighbouring sites and is sympathetic to the existing Residence A.

Assessing Officer's Comments – The proposed eastern side boundary setback of Residence B is 1.5 metres, which is identical to the eastern side boundary setback of the existing dwelling located on the site (Residence A). The proposed dwelling at the rear maintains adequate separation between the existing dwelling (8.6m provided, 6m required) and the side setback is consistent with what was pre-approved on the site and is compliant with the BCA. There are no concerns in regard to overlooking and overshadowing as the proposed dwelling is single storey in height. The side setback is consistent with adjoining lots and is consistent with the character of the area. An existing garage is located adjacent the eastern setback on the adjoining property. As a result there are no immediate privacy concerns and the windows of proposed Residence B are located below the fence line. The variation is supported.

Variation 5 - To Part 3C, clause 3.6.15.2 b) of Queanbeyan Development Control Plan 2012 to allow for the provision of less than 80m² of private open space for the existing dwelling

Applicant's Justification - The applicant has provided a number of reasons to justify the variation. A summary of these is provided below:

- a) The primary reason for the request of variation is the retention of the existing dwelling (Residence A). To meet this control demolition of the existing residence would be required. This approach would be inconsistent with waste, recycling reduction EPA guidelines.
- b) The existing Residence A has been retained and reduced in size from three bedrooms to two. The key reason for this reduction was a direct response to the reduction of direct access to private open space. Private open space is proposed to the front deck and rear yard totalling 81.20m². By dividing each space we have given the existing residence, sufficient amenity and space in which a residence can utilise for differing purposes.

Assessing Officer's Comments – The proposal provides adequate private open space (POS) for the proposed dwelling at the rear of the lot (Residence B). However, the existing dwelling (Residence A) proposes a mix of areas to make up its requirement of 80m² for private open space. The rear yard provides 46.90m² of POS, with additional POS located on a deck (6.85m²) and courtyard (27.45m²) forward of the building line. In total 81.2m² of POS is provided for existing dwelling (Residence A). As POS needs to be provided behind the building line and POS is provided forward of the building line, the proposed overall POS is seen as non-compliant and is considered a variation to the requirement.

The POS provided within the rear yard, which is directly accessible from a habitable room is seen as reasonably sufficient to meet the needs of future residents, which will be ample for recreational purpose and other uses. Additionally, the current POS requirements of the Queanbeyan DCP are under review as a part of a review of the entire Queanbeyan DCP, with the minimum requirement of 80m² of POS for a two-three bedroom dwellings likely to be reduced. Front yards are common within the streetscape and the POS to be provided in the front yard is supported.

**4.3 Development Application 519-2016 - Dual Occupancy - 14 Arthur Street, Crestwood
(Ref: C1714383; Author: Thompson/Glouftsis) (Continued)**

Variation 6 - To Part 3C, clause 3.6.10 i) of Queanbeyan Development Control Plan 2012 to allow variation to the provision of visitor parking spaces

Applicant's Justification - In support of the variation the applicant has provided a number of reasons to justify the variation. A summary of these is provided below:

- a) The primary reason for the request of variation is the retention of the existing dwelling (Residence A). The proposal aims to maintain local character and bulk and scale of the street.
- b) If visitor parking is adapted on site the loss of amenity to the existing building would be severe, the proposal would require the demolition of the existing residence. The loss would be to the detriment of the streetscape and local area.
- c) Two visitor parking spaces have been nominated and documented for consideration by Council; the existing (Residence A) visitor can be sited on the street, the second (Residence B) visitor space could be located behind the two residence parking spaces.
- d) The variation will result in a reduction of hard stand space and driveway surface areas.
- e) The private open space of Residence A will increase as a result of the approval of the variation.

Assessing Officer's Comments – The proposal seeks to provide two nominated parking spaces for each dwelling, with a designated visitor parking space for proposed Residence B at the end of the driveway, which is not supported as it will temporarily block vehicle entry and exit out of the designated parking spaces of Residence B and will set a precedence for other future development. The existing dwelling (Residence A) does not contain a designated on-site visitor car parking space. The applicant has nominated the visitor car parking space off-site as an on street car park, which is also not supported.

The justification to allow the existing dwelling (Residence A) and Residence B to waiver visitor parking is seen as acceptable due to a number of reasons, including retaining the existing dwelling on the site, increasing the amount of private open space and reducing the overall amount of hardstand space. The designated visitor parking spaces present a poor planning outcome and neither are supported. However, due to the reasons listed above and in consideration that the draft Queanbeyan DCP currently proposes to remove the requirement for visitor parking for dual occupancy development, the variation is seen as acceptable and is supported.

(a) Building Surveyor's Comments

An assessment has been completed. All complies with the NCC.

**4.3 Development Application 519-2016 - Dual Occupancy - 14 Arthur Street, Crestwood
(Ref: C1714383; Author: Thompson/Glouftsis) (Continued)**

(b) Development Engineer's Comments

Water - Individual water meters required for sub-division.

Sewer - Sewer to connect to existing tie, with a 3m sewer easement to be included in strata subdivision plans. Rear of proposed residence B to be pierced below invert level of the sewer main along the rear boundary.

Stormwater - Stormwater runoff calculations were provided by email (dated 31/03/2017), plan C401. A 5kL on site detention tank is indicated to maintain stormwater flows to the pre-development discharge rates.

Due to the slope of the site falling to the rear, landscaping and/or garden beds are required in between the rear boundary and the on site detention pit to assist with dissipation of overflows from the tank. The terrain should locally direct flow to the Inter Allotment Drainage ("IAD") pit, which should comprise a grated cover.

Traffic & Parking - The required primary parking for each of the dwellings has been provided (2/dwelling). A variation to the DCP has been submitted requesting the visitor parking to be allocated for the front dwelling on the street and across the two primary spaces for the rear dwelling. Having visitor parking on the street for a dual occupancy has been approved in the past and is seen as an agreeable departure from the DCP. The parking space across two parking spaces impacts on manoeuvring, but only for the rear dwelling and considering it is the visitor space for the rear dwelling, it is found to be acceptable.

Access - Additional plans showing the vehicle swept path movements for entry into parking spaces for the development were provided by email dated 30/03/2017 and 24/04/2017, plan A101. The most recent provided plan indicate manoeuvring into the parking spaces for the proposed residence B can be undertaken in a single movement and hence satisfactory. However, multiple movements are required for the second parking space for proposed residence A, (adjacent to the new proposed driveway entry). Manipulation to the driveway entry/letter box configuration and positioning of the proposed deck adjacent to the kitchen of proposed Residence A has been undertaken to improve manoeuvring of this space to a satisfactory level.

(c) Essential Energy Comments

Based on the documents submitted, Essential Energy has no objection to the development at this time, provided:

1. If the proposal changes, Essential Energy would need to be informed for further comment;
2. Any existing encumbrances in favour of Essential Energy (or its predecessors) noted on the title of the above property are complied with,
3. Minimum clearance requirements are maintained for the proposed driveway access to Residence B. Such access will pass under Essential Energy's existing powerlines to the property. Refer Essential Energy's policy *Minimum Clearance Requirements for NSW (CEOM7106.25) and ISSC 20 Guideline for the Management of Activities within Electricity Easements and Close to Infrastructure*, and

4.3 Development Application 519-2016 - Dual Occupancy - 14 Arthur Street, Crestwood (Ref: C1714383; Author: Thompson/Glouftsis) (Continued)

4. Council ensures that a Notification of Arrangement (confirming satisfactory arrangement have been made for the provision of power) is issued by Essential Energy with respect to all proposed lots which will form part of the subdivision, prior to Council releasing the Subdivision Certificate. It is the applicant's responsibility to make the appropriate application with Essential Energy for the supply of electricity to the subdivision, which may include the payment of fees and contributions.

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

Financial Implications

Section 64 contributions are applicable to the proposed development.

Section 94 contributions are applicable to the proposed development.

Engagement

The proposal required notification under Queanbeyan DCP 2012. No submissions were received.

Conclusion

The submitted proposal for a Dual Occupancy and Strata Subdivision on Lot 13, Section D, DP 14288, No. 14 Arthur Street, Crestwood is supported by a Statement of Environmental Effects. The proposal was notified to adjoining owner/occupiers and no submissions were received.

The proposal has been assessed under Section 79C *Environmental Planning & Assessment Act 1979* including the relevant provisions of *Queanbeyan Local Environmental Plan 2012* and *Queanbeyan Development Control Plan 2012*.

The development satisfies the requirements and achieves the objectives of these instruments, however several departures from Council's DCP controls have been proposed.

The main issues relate to:

- The provision of vehicle parking for the existing dwelling at the front of the lot that doesn't allow for forward entry and exit.
- The proposed courtyard within the front setback of the existing dwelling with a setback from the front boundary of 1 metre.
- Vehicle parking spaces for the existing dwelling provided within the front setback.
- A 1.5 metre side boundary setback for the proposed dwelling at the rear of the lot, where 3 metres is required.
- The provision of no visitor parking space for the existing dwelling on site (Residence A) and proposed Residence B with the visitor space for this dwelling nominated as on street parking as a part of the proposal is not supported and is to be deleted.

The proposed development is considered suitable for the site, is compatible with the neighbourhood and can be conditioned to mitigate any potential impacts.

**4.3 Development Application 519-2016 - Dual Occupancy - 14 Arthur Street, Crestwood
(Ref: C1714383; Author: Thompson/Glouftsis) (Continued)**

Attachments

- Attachment 1 DA 519-2016 - 14 Arthur Street - Dual Occupancy and Strata Subdivision - Section 79C (*Under Separate Cover*)
- Attachment 2 DA 519-2016 - 14 Arthur Street - Dual Occupancy and Strata Subdivision - Final Set of Plans (*Under Separate Cover*)
- Attachment 3 DA 519-2016 - 14 Arthur Street - Dual Occupancy and Strata Subdivision - Draft Conditions (*Under Separate Cover*)

4.4 Development Application 5-2017 - Erection of a Garage at 52 Ross Road Queanbeyan (Ref: C1756693; Author: Thompson/Glouftsis)

Summary

Reason for Referral to Council

This application has been referred to Council because the application involves a significant variation to a requirement in a development control plan.

Proposal:	Erection of a Garage
Applicant/Owner:	George & Annette Christou / George & Annette Christou
Subject Property:	Lot 23, Section B, DP 13427, 52 Ross Road, Queanbeyan, NSW, 2620.
Zoning and Permissibility:	R2 low density residential under Queanbeyan Local Environmental Plan 2012. Ancillary structure to a dwelling house, which is permissible in the zone.
Public Submissions:	Nil
Issues Discussed:	<ul style="list-style-type: none">• Variation to wall height.• Variation roof pitch.• Variation to roller door width.• Variation to colours.
Disclosure of Political Donations and Gifts:	Applicant Declared no Donations or Gifts to any Councillor or Staff have been made

Recommendation

- 1. That approval be granted to a variation to Part 4 – Heritage, New Garages, Clause 4.4.2 d) of Queanbeyan Development Control Plan 2012 to allow for a roof pitch of 11⁰ for the following reasons:**
 - (a) The roof pitch will result in a more low scale and less bulky development, which given the site coverage and height variation is seen as desirable.**
 - (b) The roof pitch is not overtly inconsistent with the pitch of the existing dwelling on site.**
 - (c) 11⁰ roof pitches have been supported for garages and carports on heritage items and within the heritage conservation area in the past.**
 - 2. That approval be granted to a variation to Part 4 – Heritage, New Garages, Clause 4.4.2 e) of Queanbeyan Development Control Plan 2012 to allow for the use of one colour for the doors and trim and one colour for the roof and walls for the following reasons:**
 - (a) The proposed colours are considered appropriate for the garage.**
 - (b) The use of one colour for the doors and trim and another colour for the roof and walls will provide sufficient articulation.**
-

4.4 Development Application 5-2017 - Erection of a Garage at 52 Ross Road Queanbeyan (Ref: C1756693; Author: Thompson/Glouftsis) (Continued)

- (c) Other garages within the locality have utilised colours consistent with the colours chosen for the proposed garage.
3. That approval be granted to a variation to Part 4 – Heritage, Metal Garages – Specific Controls, Clause 4.4.2 i) of Queanbeyan Development Control Plan 2012 to allow the approval of two roller doors 20mm wider than the required 2.7 metres for the following reasons:
- (a) The variation is of a minor nature and will have a negligible impact on the overall bulk and scale of the development.
 - (b) The roller doors will not be directly visible from the street.
4. That approval be granted to a variation to Part 4 Heritage, Metal Garages – Specific Controls, Clause 4.4.2 k) of Queanbeyan Development Control Plan 2012 to allow a wall height of 3 metres for the following reasons:
- (a) That the proposed garage is located at least 26 metres from the front boundary towards the rear of the property and as a result will have minimal impact on the streetscape and amenity of the locality. Additionally, the garage will not be directly visible from the street.
 - (b) The wall height of other approved garages in the locality have been varied above the 2.4 metre height limit.
5. That development application 5-2017 for the erection of a garage on Lot 23, Section B, DP13427, No. 52 Ross Road, Queanbeyan be granted conditional approval.
-

Background***Proposed Development***

The development application is for the erection of a garage at the rear of the subject site, which is setback 26 metres from the front boundary. The proposed garage is 84m² in size with a wall height of 3 metres. The proposed development incorporates Colorbond steel, with smooth cream roof and wall colour and mist green door and trim colour. The proposed metal garage replaces an existing garage located in a similar location, which has since been demolished after being determined to be unsafe.

Subject Site and Locality

The subject site is located within Queanbeyan, with its primary frontage facing Ross Road. The subject site contains an existing single storey dwelling, with a red brick façade and brown tiled roof. The immediate locality is characterised by similar low density residential development, with garages and other ancillary structures common on numerous properties. The subject site is also located within the heritage conservation area, although the dwelling is not listed as either a local or state heritage item.

4.4 Development Application 5-2017 - Erection of a Garage at 52 Ross Road Queanbeyan (Ref: C1756693; Author: Thompson/Glouftsis) (Continued)



Figure 1: Subject Site and Locality

Planning Requirements

Assessment of the application has been undertaken in accordance with Section 79C(1) of the Environmental Planning and Assessment Act (EPAA) 1979, as amended. The matters that are of relevance under Section 79C(1) are summarised in the attached *Section 79C(1) Table – Matters for Consideration*.

The following planning instruments have been considered in the planning assessment of the subject development application:

1. State Environmental Planning Policy No 55 – Remediation of Land;
2. State Environmental Planning Policy – (Infrastructure (2007);
3. Queanbeyan Local Environmental Plan 2012 (LEP);
4. Queanbeyan Development Control Plan 2012 (DCP).

4.4 Development Application 5-2017 - Erection of a Garage at 52 Ross Road Queanbeyan (Ref: C1756693; Author: Thompson/Glouftsis) (Continued)

The development generally satisfies the requirements and achieves the objectives of these planning instruments. The significant issues relating to the proposal for the Council's consideration relate to compliance with Part 4 – Heritage of the Queanbeyan Development Control 2012 and specifically to allow a wall height substantially higher than the required 2.4 metres. Additionally, minor variations to the length of the garage doors, the roof pitch and the number of chosen colours have been considered.

(a) Compliance with LEP

The proposed development is consistent with the requirements of the Queanbeyan Local Environmental Plan 2012. For an assessment of the Queanbeyan Local Environmental Plan 2012 see the attached *Section 79C(1) Table – Matters for Consideration*. **(b) Compliance with DCP**

The application has been assessed against the relevant parts of the Queanbeyan Development Control Plan. To view a detailed assessment of the DCP see the attached *Section 79C(1) Table – Matters for Consideration*.

The application proposes several variations / non-compliance to the controls contained within Part 4 – Heritage of the DCP. Some of the variations are considered to be minor. However, the variation to wall height, from the required 2.4 metres to 3 metres is considered to be a significant variation, in context with the overall size of the proposed garage.

Variation 1- Roof Pitch

The proposed development proposes a roof pitch of 11° which is generally not supported under *Part 4 – Heritage, New Garages, Clause 4.4.2 d) of the DCP*.

Applicant's justification - The applicant has put forth their reasons to support the variation.

- The roof pitch has been kept to a minimum to reduce the overall height of the proposed garage,
- The roof pitch is not drastically inconsistent with the existing dwelling on the site,
- The roof pitch won't have any negative impact visually on the street or surrounding properties.

4.4 Development Application 5-2017 - Erection of a Garage at 52 Ross Road Queanbeyan (Ref: C1756693; Author: Thompson/Glouftsis) (Continued)

Assessing Officer's Comments – The applicant's justification for the variation to the roof pitch is supported. Through keeping the roof to a lower pitch the overall bulk and scale of the proposed garage is minimised, in consideration of the variation to the wall height. Additionally, the roof pitch is not drastically inconsistent with that of the existing dwelling. In the past garages and carports with a 11^o roof pitch have been approved on sites containing a heritage item or within the heritage conservation area.

Variation 2 - Number of Chosen Colours

If using Colorbond, different colours are to be chosen for the roof, wall and trim under *Part 4 – Heritage, New Garages, Clause 4.4.2 e) of the DCP*. The proposal incorporates two colours, with the roof and walls 'smooth cream' and the doors and trim 'mist green'.

Applicant's justification – In support of the proposed variation the applicant has stated that the two colours chosen are sufficient given the proposed garage will not be overly visible from the street and will have a minimal impact on the surrounding amenity and streetscape.

Assessing Officer's Comments – The applicant's justification for the variation is supported, due to the setback and minimal impact on the streetscape, including limited visibility of the proposed garage. There is no anticipated negative impact from allowing only two colours to be used. Additionally, the use of the mist green colour on the trim and doors will allow for sufficient break up of colour/articulation. The proposed colours are consistent with other approved garages in Ross Road, which incorporate a single colour for the doors and trim and a single colour for the roof and walls.

Variation 3 - Size of Roller Doors

Garage doors should not exceed 2.7 metres wide under *Part 4 – Heritage, Metal Garages – Specific Controls, Clause 4.4.2 i) of the DCP*. The two proposed roller doors are 20mm wider than the requirement.

Applicant's justification - In support of the proposed variation the applicant has put forth their reasons to support the variation, which include:

- *The width of the garage doors is only just over the requirement and will have a negligible impact.*
- *There will be no negative impact on the streetscape or surrounding properties.*

Assessing Officer's Comments – The applicant's justification for the variation is supported. The variation is minimal and will have a minor impact on the overall bulk and scale of the proposed garage. Additionally, only one roller door will be partially visible from the street. Impacts on surrounding amenity and the streetscape as a result of the variation are anticipated to be negligible.

4.4 Development Application 5-2017 - Erection of a Garage at 52 Ross Road Queanbeyan (Ref: C1756693; Author: Thompson/Glouftsis) (Continued)

Variation 4 - Height

The proposed development has a wall height of 3 metres. The requirement for garages in the heritage conservation area is a maximum wall height of 2.4 metres, under *Part 4 – Heritage, Metal Garages – Specific Controls, Clause 4.4.2 k) of the DCP*.

Applicant's justification – In support of the proposed variation the applicant has put forth their reasons to support the variation, which include:

- The large setback distance from the front boundary,
- The visual impact on the surrounding area, which is minimal as a result of the setback and the location of the garage at the rear of the property.
- The house is not a heritage item.

Assessing Officer's Comments – The applicant's justification for the variation to the height is generally supported. The proposed garage is setback at least 26 metres from the front boundary and only a portion would be visible from the street. As a result there would be minimal impact on the streetscape and character of the surrounding area. Additionally, variations to the height limit in the heritage conservation area have been supported in the past. There are examples of garages within the surrounding streets of the proposed development which have a wall height over the maximum 2.4 metres, with the most common variation being 2.7 metres or a 300mm variation.

(a) Building Surveyor's Comments

I have completed my assessment and raise no objections. I note that the proposal appears to be located over a sewer main. Please advise me if the Engineers require any changes as a result of this.

(b) Development Engineer's Comments

The property is serviced by a sewer connection, the sewer location depicted on the services plan is not accurate.

The applicant is to ensure that the proposed garage does not direct a load onto the sewer main at the front of the garage, the applicant is to provide structural engineering details showing piercing, distributing the load clear of the main.

The additional structural engineering drawings will need to be provided at the construction certificate stage of the development.

(c) Heritage Advisor's Comments

The proposed garage is relatively large and not particularly in character with the conservation area. It fails to meet a number of the guidelines for Metal Garages - Specific Controls at 4.2.2 of Queanbeyan Heritage and Conservation Development Control Plan. However, the garage will be set fairly well back on the block and because of the narrow driveway will not be overly visible from Ross Road.

4.4 Development Application 5-2017 - Erection of a Garage at 52 Ross Road Queanbeyan (Ref: C1756693; Author: Thompson/Glouftsis) (Continued)

In spite of this there is concern that because of its height and bulk the garage will be visible from other localities and dwellings within the conservation area. The guidelines in the DCP specifically state that (k) Garage walls shall be no higher than 2.4 m above ground level. It is therefore recommended that the height of the walls be reduced or that its height above ground be reduced by excavating it into the ground.

From my recollection this block drops away at the rear and there is a possibility that the structure will sit high above the ground at its eastern end. The plans fail to show any heights of either the ground or the finished floor plate. This needs to be addressed so that a clear idea of the full impact of the building can be assessed.

Assessing Officer's Comments –The impact on the locality and surrounding properties from the rear of the site will not be dissimilar to existing approved garages, where variations to the height limit have been allowed. Due to the location of the proposed garage at the rear, the impact on the streetscape is minimal. Under Clause 4.4.2 of Part 4 of the Queanbeyan DCP the primary objective is to encourage garages to be designed and located so that they harmonise with the streetscape. Additionally, the DCP states that the trend for larger double garages close to the street is not appropriate for the heritage conservation area. Although the proposed variation to height is inconsistent with a specific control, the proposal is still consistent with the objectives of the Queanbeyan DCP for garages in the heritage conservation area. As a result, the variation to height and the location of the proposed garage at the rear of the site is supported.

Financial Implications

There will be no financial implications from the proposed development. Development Contributions are not required for this proposal.

Engagement

The proposal required notification under the Queanbeyan DCP 2012. No submissions were received.

Compliance or Policy Implications

The application has been assessed in accordance with the requirements of the Environmental Planning and Assessment Act, Regulations and Council's policies. Refer to *Section 79C(1) Table – Matters for Consideration*.

Conclusion

The submitted proposal for the erection of a garage on Lot 23, Section B, DP13427, No. 52 Ross Road Queanbeyan is supported by a Statement of Environmental Effects. The proposal was notified to adjoining owner/occupiers and no submissions were received.

The proposal has been assessed under Section 79C *Environmental Planning & Assessment Act* 1979 including the relevant provisions of *Queanbeyan Local Environmental Plan 2012* and *Queanbeyan Development Control Plan 2012*.

4.4 Development Application 5-2017 - Erection of a Garage at 52 Ross Road Queanbeyan (Ref: C1756693; Author: Thompson/Glouftsis) (Continued)

The development satisfies the requirements and achieves the objectives of these instruments, with the exception of four variations to development controls within the Queanbeyan DCP, which are supported as outlined in this report and assessed in detail in the attached *Section 79C(1) Table – Matters for Consideration*.

The main issues relate to:

- The wall height of the proposed garage, which is 600mm higher than what is required under Part 4 of the DCP for properties located within the heritage conservation area,
- The roof pitch of 11° which is generally not supported in the heritage conservation area,
- The length of the roller doors on the proposed garage, which are 20mm longer than the required 2.7 metres and;
- The choice of only two colours, with the requirement of three colours, comprising of an individual colour for the walls, roof and trim.

The proposed development is considered suitable for the site, is compatible with the neighbourhood and can be conditioned to mitigate any potential impacts. Despite the height, bulk and scale of the proposed development, the impact on the streetscape will be minimal due to its setback from the street. The impact on surrounding properties from the rear of the site will not be dissimilar to existing garage and shed development within the area where variations have been allowed. Attachments

Attachment 1	DA 5-2017 - 52 Ross Road - Erection of a Garage - Section 79C (<i>Under Separate Cover</i>)
Attachment 2	DA 5-2017 - 52 Ross Road, - Erection of a Garage - Plans (<i>Under Separate Cover</i>)
Attachment 3	DA 5-2017 - 52 Ross Road, - Erection of a Garage - Draft Conditions (<i>Under Separate Cover</i>)

4.5 **Proposal for Naming of Several Parks and Reserves - Googong (Ref: C1762918;
Author: Thompson/Thompson)**

Summary

At its meeting of 8 February 2017 Council resolved to place the proposed names for several parks at Googong on public exhibition. The exhibition period has now closed and this reports details the outcome of the exhibition period.

Recommendation

That Council adopt the following names for parks and reserves in Googong as indicated below:

- **Googong Common - Bunburung Thina**
 - **Hill 800 - Nangi Pimble**
 - **Playground area adjacent to the second display village within NH1B - Yerradhang Nguru**
 - **Open Space at Montgomery Rise - Munnagai Woggabaliri**
-

Background

Googong Township Pty Ltd (GTPL), the company responsible for the development of the new Googong Township, submitted a series of documents for Council's consideration with respect to the naming of a number of open spaces and playgrounds at Googong within NH1B, NH2 and the Googong Common. It is GTPL's intention that 3 of the 4 open spaces to be named adopt an Aboriginal name with the fourth adopting a European name that is supported by an Aboriginal name and associated story.

Council resolved to exhibit the names as follows:

1. *That Council endorse the following proposed names for parks and reserves in Googong for the purposes of public exhibition for a period of 28 days.*
 - *Googong Common - Bunburung Thina*
 - *Hill 800 - Nangi Pimble*
 - *Playground area adjacent to the second display village within NH1B - Yerradhang Nguru*
 - *Open Space at Montgomery Rise - Munnagai Woggabaliri*

The exhibition period has now closed and the outcomes are discussed in the engagement section below.

**4.5 Proposal for Naming of Several Parks and Reserves - Googong (Ref: C1762918;
Author: Thompson/Thompson) (Continued)**

Implications***Policy***

In preparing the proposal GTPL had regard to Council's Parks, Reserves and Sports Facilities Naming Policy and the Geographical Names Board (GNB) – Guidelines for Determining Public Place Names.

In regard to Council's policy it provides that "*Names should be selected based on a significant connection with the Park, Reserve or Sports Facility, or to acknowledge honour or commemorate a person important to the community.*" In addition the policy supports dual naming of open spaces that are geographical features or cultural sites.

Nothing in the proposal by GTPL is inconsistent with the Policy.

In addition the GNB's Guidelines provide that "*Names of Aboriginal origin or with a historical background are preferred.*"

Nothing in the proposal by GTPL is inconsistent with the GNB's Guidelines.

Social / Cultural

GTPL worked with the Aboriginal Consultancy Group, Thunderstone, over the last 12 months to develop the proposed names and story lines for the open spaces at Googong. GTPL advise that the proposed names have been approved for use by the Ngunawal elders.

The four open spaces involved are shown in the map in Attachment 1. In summary GTPL have provided the following information on the four open spaces and the associated names they are proposing to use:

Googong Common - Bunburung Thina - pronounced *boon-boo-roong thin-a*. The English interpretation is Small Lizards Track. The proposal is to assign the European name "Googong Common" to the overall Common with the Aboriginal name and associated story being the background to the Aboriginal Cultural heritage of this extensive and diverse open space. The Aboriginal name and associated story behind the place will feature on future Googong Common signage.

Nangi Pimble - pronounced *nungi bimba*. The English interpretation is See/Look at the District. It is proposed to assign this name to the open space commonly referred to currently as "Hill 800" in current planning. In working with Thunderstone this was identified as a significant Aboriginal cultural landmark within an important historical travel corridor of the Aboriginal people and therefore GTPL believe it is appropriate for it to utilise an Aboriginal name.

4.5 Proposal for Naming of Several Parks and Reserves - Googong (Ref: C1762918; Author: Thompson/Thompson) (Continued)

Yerradhang Nguru - pronounced *yirra-dung ngooru*. The English interpretation is Gum Tree Camp/Place. It is proposed to assign this name to the playground area adjacent to the second display village proposed within NH1B at the north-eastern end of Googong Common. In working with Thunderstone this was identified as a significant Aboriginal cultural landmark within the Montgomery Creek corridor and therefore GPL believe it is appropriate for it to utilise an Aboriginal name. The playground itself has been designed to reinforce the story of this place as a gum tree camp with lookout play equipment and extensive Eucalypt planting.

Munnagai Woggabaliri - pronounced *munna-guy wogga-bal-erri*. The English interpretation is Come & Play. This name has been proposed for use at the open space within the NH1B precinct of Montgomery Rise to show that play was also an important part of Aboriginal culture.

GPL have provided a more detailed assessment of the name selection that has been prepared by their Aboriginal consultants, Thunderstone. This information is provided in Attachment 2.

Engagement

Council's Policy provides that "*The community should be consulted with regards naming of Parks Reserves or Sports facilities. Submissions called for and received from community and sporting groups and or individuals are put before Council for consideration. The Local Aboriginal Land Council should be requested to submit names or comment on proposed names for Parks, Reserves, Sports Facilities or other public places, including dual naming options for existing facilities.*"

The names were exhibited from 22 March to 21 April 2017 in the Queanbeyan Age and on Council's website. Two submissions were received via Council's Your Voice web page and are provided in Attachment 3 for information.

One comment noted that "*after reading the names, I would recommend that the name Googong Common remain with any signage to include the words "Small Lizards Track" rather the long and at times unpronounceable local tribal name.*" The comment relates to the name *Bunburung Thina* - pronounced *boon-boo-roong thin-a* - which will be applied as a dual name to the Common. The aboriginal name is not considered to be unpronounceable and given that both names will be placed on the sign there can be little objection to the names use.

The other comment recorded was not relevant to the exhibition of the park names.

A letter was also forwarded to the local Aboriginal Land Council seeking their comments and no submission was received.

Conclusion

GPL see this submission as an important milestone in the development of Googong and the inclusive nature of the local community. Given that there are no substantive objections to the naming proposal there appears to be no reason why the names should not be adopted by Council for use.

4.5 Proposal for Naming of Several Parks and Reserves - Googong (Ref: C1762918;
Author: Thompson/Thompson) (Continued)

Attachments

- Attachment 1 10 May 2017 - Googong Place Names Map (*Under Separate Cover*)
- Attachment 2 10 May 2017 - Proposed Aboriginal Place Names - Googong (*Under Separate Cover*)
- Attachment 3 10 May 2017 - Feedback from Your Voice Survey Page (*Under Separate Cover*)

4.6 Request for In Principle Support to Create Right of Carriageway for Access to Carpark at Rear of Lot 2 DP 1051859, 35 Ellendon Street, Bungendore (Ref: C1762947; Author: Thompson/Thompson)

Summary

Council has received a letter from the consultant acting on behalf of the developer of a proposed development at Lot 2 DP 1051859, No.35 Ellendon Street, Bungendore requesting Council allow access to the development's proposed carpark via Council land.

Recommendation

- 1. That Council support the creation of a right of carriageway (ROC) over Lot 5 DP 1204393 to permit rear access to the proposed carpark on Lot 2 DP 1051859, 35 Ellendon Street, Bungendore subject to the costs of creating the ROC being borne by the owner of Lot 2. The final location of the ROC to be determined in discussions between Council and the applicant.**
 - 2. That Council, as owner of Lot 5 DP 1204393, countersign the development application for 35 Ellendon Street to allow the proposed creation of a right of carriageway over Council's land to be considered as part of the development application.**
 - 3. That Council agree in principle to acquiring that portion of Lot 2 DP 1051859 zoned SP2 car parking through dedication by the owner of that land subject to further discussions with the owner of Lot 2 on possible partial offsets against section 94 car parking contributions and costs associated with the construction of the car park and subdivision and dedication of the land.**
-

Background

The owners of 35 Ellendon Street, Bungendore have had preliminary discussions with Council regarding a proposed commercial development on the site. In order to make the most efficient use of the site the car parking for the proposed development is to be relocated at the rear of the allotment. This area of the allotment has previously been zoned SP2 Special Uses (car parking) by Council specifically for this purpose and is supported by staff.

As can be seen from Figure 1 below the land to the rear of the proposed development (Lot 5 DP 1204393) is also zoned for car parking (shaded yellow) and is owned by Council. It has always been Council's intention that this area be created as a public carpark as surrounding development contributes Section 94 funds to its construction.

4.6 Request for In Principle Support to Create Right of Carriageway for Access to Carpark at Rear of Lot 2 DP 1051859, 35 Ellendon Street, Bungendore (Ref: C1762947; Author: Thompson/Thompson) (Continued)

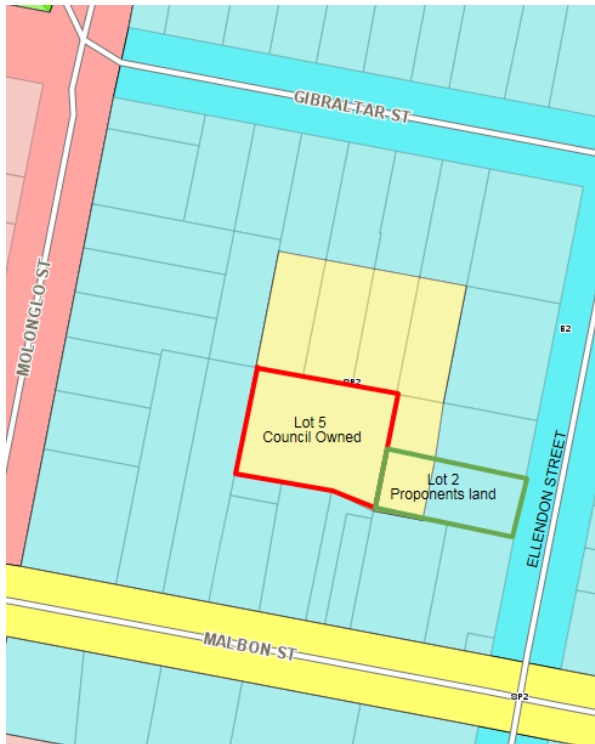


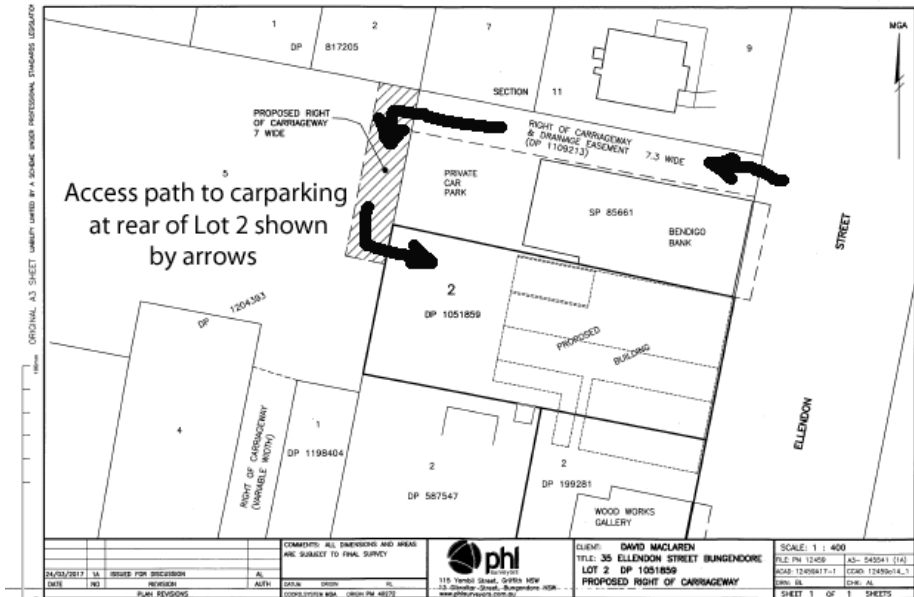
Figure 1 – Area Zoned Car Parking Shown Yellow

While the land to the rear of 35 Ellendon is Council owned and proposed for a public carpark, it is in effect, still private land. As such, in order for the car park on 35 Ellendon Street to have legal access Council would have to provide a right of way (ROW) over its carpark.

The consultant acting on behalf of the owners have therefore submitted a letter to Council seeking Council's support to allow the creation of a right of way so they can lodge their development application with a reasonable prospect that access to the rear of their land will be supported (Attachment 1). If Council does not support the creation of a right of way then the applicant will need to significantly redesign their proposal to allow access from Ellendon Street. This does not make the best use of the site.

4.6 Request for In Principle Support to Create Right of Carriageway for Access to Carpark at Rear of Lot 2 DP 1051859, 35 Ellendon Street, Bungendore (Ref: C1762947; Author: Thompson/Thompson) (Continued)

The plan in Figure 2 below shows a right of carriageway 7m wide which could be created over Council's carpark to create a secure access in case the public carpark does not proceed or another land use is permitted on the land. If Council were to permit the ROW then the applicant would be responsible for constructing that section of the carpark on Council's land if it proceeds before Council has been able to construct the carpark.



The location of the ROW in the plan above is indicative only. The concept plans in Figure 3 below show that the area immediately adjacent to the rear boundary would be better used for car parking spaces, with the ROW actually following the aisle between parking ranks. Council needs to ensure that the location of the ROW does not compromise the efficient layout of the parking area. Accordingly while Council could agree with creating the ROW the final location should be the subject of further discussions between the applicant and staff.

4.6 Request for In Principle Support to Create Right of Carriageway for Access to Carpark at Rear of Lot 2 DP 1051859, 35 Ellendon Street, Bungendore (Ref: C1762947; Author: Thompson/Thompson) (Continued)

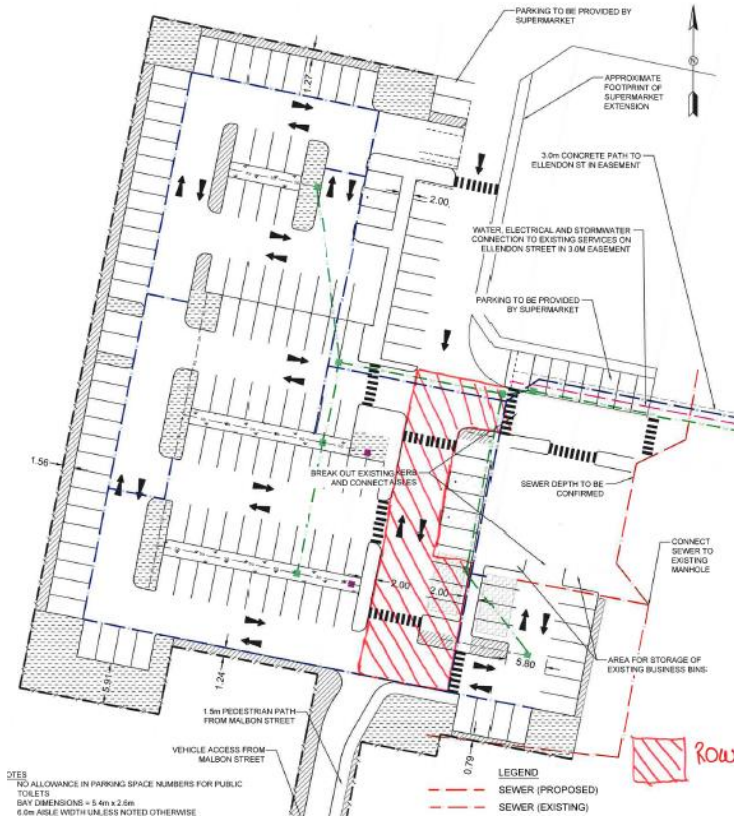


Figure 3 - Bungendore Off-Street Carpark General Arrangement Plan Approved by Council in December 2014 – Potential ROW Shown Hatched in Red

While the creation of a ROW over Council's carpark does create an impediment on Lot 5 it is consistent with Council's intent of providing a centralised car parking area in the middle of the block and should be supported in principle.

4.6 Request for In Principle Support to Create Right of Carriageway for Access to Carpark at Rear of Lot 2 DP 1051859, 35 Ellendon Street, Bungendore (Ref: C1762947; Author: Thompson/Thompson) (Continued)

The letter goes further to suggest an additional option. The consultant states that *“It is our strong belief that this land should become public car park and be constructed by Council following dedication by the owner/developer. Although the car park behind the Bendigo Bank building is private, other SP2 land should be held in public ownership as it becomes available. The dedication of land should be offset against Section 94 contributions.”*

The consultant is suggesting that the portion of Lot 2 zoned for car parking and presently owned by them could be subdivided off the rear of the block and dedicated to Council for consolidation into Council's land at the rear. This would increase the size of Council's carpark. If a similar principle were to be applied to other private land adjoining the Council car park Council could eventually secure the whole of the centrally zoned area as a public carpark.

While the proposed development on the site is not contingent on this latter proposal it would potentially benefit the community to have the parking area in Council's ownership in the long term. While accepting dedication of the land in lieu of a portion of car parking contributions could be supported, Council would not support the construction of the carpark on the excised portion of Lot 2 at its cost. If Council accepts the dedication of the land it should be on the basis that the car parking for the development is already constructed at the applicant's cost.

Implications***Legal/Financial***

Costs associated with the creation of the ROW should be borne by the applicant. As the development on 35 Ellendon Street would be dependent on gaining access via Council's property Council would need to be a signatory to the development application.

In terms of the possible excision of the rear of Lot 2 for dedication to Council and incorporation into the public car park, the costs associated with the subdivision/consolidation and dedication of the land should be borne by the applicant.

Asset

If Council agrees to allow access to the rear of Lot 2 via a ROW it will place an impediment on Council's land. However, the proposal is not inconsistent with the use of the land and supports Council's long term aim for a central carpark.

In terms of the possible excision of the rear of Lot 2 for dedication to Council and incorporation into the public car park, Council would acquire an additional asset which would require on-going maintenance.

Strategic

Creating a car park at the rear of Lot 2 to allow for development of 35 Ellendon Street is consistent with Council's desire to have a central car parking area constructed in this vicinity. The land has been zoned for this purpose and the developers proposed layout is consistent with this desire. To access the rear carpark a right of carriageway will be required.

4.6 Request for In Principle Support to Create Right of Carriageway for Access to Carpark at Rear of Lot 2 DP 1051859, 35 Ellendon Street, Bungendore (Ref: C1762947; Author: Thompson/Thompson) (Continued)

Engagement

None required.

Conclusion

A proposed commercial development at 35 Ellendon Street, Bungendore is intended to have car parking located in the rear of the site on land zoned specifically for that purpose. To ensure the efficient and most beneficial use of the land it would be best if the proposed car parking could be accessed via Council's proposed public carpark at the rear of the site. As a result the applicant has requested the creation of a right of carriageway over Council land to allow for secure access to the rear of Lot 2. Staff agree that this provides the most efficient use of the land and although it places an impediment on Council's future car park, it is consistent with Council's future desire for a central carpark and is supported.

The applicant has also suggested that Council may be interested in accepting the private carpark as a land dedication in lieu of some section 94 contributions. While this request is not required to progress the DA, the idea of increasing the amount of land available for public car parking in this central parking area is consistent with Council's long term plans for the area and should be explored further.

Attachments

Attachment 1 10 May 2017 - Letter re Proposed ROC - 35 Ellendon Street (*Under Separate Cover*)

**5.1 New Public Toilet Block at Araluen Recreation Ground Reserve (Ref: C1761544;
Author: Tegart/Ferguson)**

Summary

Council is requested to approve the establishment of a working party to manage the construction of a new public toilet block on the Araluen Recreation Ground Reserve, funded in full by a Stronger Communities Fund grant; and that the grant funds be placed into the Araluen Recreation Ground Reserve Trust's bank account.

Recommendation

1. That Council approve the establishment of a working group to manage the construction of a new public toilet block on the Araluen Recreation Ground Reserve, comprising the following members:
 - a. Paul Cockram (Araluen Area s.355 Committee and Local Representation Committee member)
 - b. Sally Matthews (Araluen Area s.355 Committee)
 - c. Robin Cavalier (Araluen Area s.355 Committee)
 - d. Ron Bateman (Araluen Area s.355 Committee)
 - e. Penny Hayman (Araluen Area s.355 Committee)
 - f. Cath Harrison (Araluen Recreation Ground Trustee)
 - g. Laurann Yen (Araluen Recreation Ground Trustee)
 - h. Mick Pritzler (Araluen Recreation Ground Trustee)
 - i. David Harrison (Araluen Recreation Ground Trustee)
 - j. Jimmy Dawes (Araluen Recreation Ground Trustee)
 2. That Council approve the Stronger Communities Fund grant of \$65,000 be placed in the Araluen Recreation Ground Reserve Trust's bank account.
 3. That Council note reporting and acquittal of the grant will be provided though the Committee
-

Background

The Araluen Area s.355 Committee lodged an application for \$50,000 under the first \$1m round of the Stronger Communities Fund (SCF) for the construction of a new public toilet block at the Araluen Recreation Ground Reserve. Council approved this application for \$50,000, noting that the total cost of the project was \$65,000 and indicating to the Committee that the balance would be submitted for consideration in the second \$9m round.

**5.1 New Public Toilet Block at Araluen Recreation Ground Reserve (Ref: C1761544;
Author: Tegart/Ferguson) (Continued)**

The balance of \$15,000 was considered and approved by Council under the second round.

The Araluen Recreation Ground Reserve is managed by a Trust comprising members of the Araluen Area s.355 Committee, the Araluen Progress Association and community representatives.

The Reserve Trust has a bank account, whereas the s.355 Committee does not. The latter held a meeting on 14 April 2017 (see **Attachment 1**), and recommended that Council approve the establishment of the working party and the deposit of grant funds into the Reserve Trust's bank account.

Implications***Statutory***

While the Araluen Area s.355 Committee was the successful applicant for grant funding under the SCF, it has formally recommended that the funds be placed in the Araluen Recreation Ground Reserve Trust's bank account, to enable the project to commence immediately.

Conclusion

It is recommended that Council approve the establishment of the working party and the deposit of the SCF funds into the Araluen Recreation Ground Reserve Trust's bank account so that the public toilet block project can commence immediately.

Attachments

Attachment 1 Araluen Area s.355 Committee's minutes of meeting held on 14 April 2017
(Under Separate Cover)

5.2 Captains Flat Area s.355 Committee (Ref: C1761755; Author: Tegart/Ferguson)

Summary

Council is requested to approve the appointment of a new community member on the Captains Flat Area s.355 Committee.

Recommendation

That Council approve the appointment of Mr Levi John Symington as a community member of the Captains Flat Area s.355 Committee.

Background

The Captains Flat Area s.355 Committee was established in June 2011, and is responsible for the care, control and management of the area incorporating Wilkins Memorial Park, Molonglo Park and Winchester Oval, the War Memorial and the Community Hall in Captains Flat.

The full membership comprises:

- one Councillor
- Council's General Manager (or nominee)
- six community members

Mr Paul Cockram is currently Council's representative on the Committee.

Mr Symington has expressed an interest in joining the Committee to fill one of the community member vacancies. His main areas of interest are the Captains Flat War Memorial and local military commemorations.

Conclusion

It is recommended that Council approve the appointment of Mr Levi John Symington as a community member on the Captains Flat Area s.355 Committee.

Attachments

Nil

6.1 QPRC Digital Economy and Smart Community Strategy (Ref: C1762365; Author: Fulton/Darcy)

Summary

The preparation of a Digital Economy and Smart Community Strategy is proposed drawing on the ACT Digital Strategy and responding to the Federal Government's Smart Cities Program. The ACT Government has recently released its Digital Strategy to shape the future of innovation in Canberra and grow the digital economy.

Recommendation

That Council:

- 1. endorse the ACT Digital Strategy.**
 - 2. note the development of the QPRC Digital Economy and Smart Community Strategy drawing on the ACT Digital Strategy and responding to the Federal Government's Smart Cities Program.**
-

Background

Councils are encouraged to develop a Digital Economy Strategy (external focus) and Digital Workplace Strategy (internal) – both aimed at a “digital by default” approach to business relationships and workplace productivity. Since then the Federal Government announced the Smart City Program to which the ACT and Council are framing a City Deal. It is proposed to endorse the ACT Digital Strategy as its principles applies to the Canberra Region.

The ACT Government Digital Strategy 2016-2019 aims to facilitate digital readiness to make Canberra one of the world's smartest, most liveable and most innovative cities.

The strategy and plan aim to build Canberra's reputation for being Australia's most connected city and facilitate new projects, programs and initiatives to grow the digital economy and enable digital innovation. This same criteria applies to the Canberra region.

The ACT Digital Strategy focuses on three key digital priorities:

- Growing the digital economy – focusing on how the ACT Government will support the growth of local business both as a customer and sponsor.
- Delivering digital services – ensuring an innovative approach and efficient service delivery for citizens, community groups and business.
- Building digital foundations – to have cost-effective digital platforms and services.

The Canberra Digital Action Plan 2014-2018 principles and priorities include:

6.1 QPRC Digital Economy and Smart Community Strategy (Ref: C1762365; Author: Fulton/Darcy) (Continued)

Principles

1. **Partnership** – collaborate with small business and community to provide a test site for pilot digital programs.
2. **Promotion** – advocacy and communication of the benefits of a digital economy to small business and non-profit organisations.
3. **Networked** – build ICT capacity to accelerate economic transformation, boost exports and optimise the use of digital economy tools. Facilitate collaboration and connect people and organisations outside sector silos.
4. **Leadership** – be an exemplar in the use of technology to facilitate open government, encourage demand driven engagement and embrace new engagement models - such as the use of video and crowd sourcing.
5. **Open Data** – to better connect and inform citizens, businesses and organisations, create transparency to harness the economic potential of big data, including increased efficiency and convenience, new offerings and better products for consumers.
6. **Social Inclusion** – work to address the digital divide by providing regular and effective access to digital technology, training and learning spaces. Provide and facilitate a range of personalised mobile and digital channels for service delivery including health and disability care.
7. **Innovation** – promote the establishment of new entrepreneurial digital start-ups and improve how ACT Government does business.
8. **Performance** – measure and track the growth in the ACT's digital economy and change in digital usage over the four years of the Action Plan, to help drive innovation and growth.

Priorities

9. **Smart City** – enhancing our sense of place and access via free public Wi-Fi, digital arts, a vibrant CBD and digital spaces.
10. **Digital Economy** – accelerating use of the digital economy to strengthen the workforce, boost productivity, build ICT capacity and facilitate collaboration.
11. **Connected Community** – new ways of engaging with democracy and participating in civil society through social media, more flexible working arrangements and social inclusion.
12. **Open Government** – unleashing the economic power of big data, transforming health and education services, delivering information how people want it.
13. **Digital Services** – faster more efficient digital services, delivered to citizens as they live, work, learn and play, improving agency efficiency and creating a digital government.

It is proposed Council prepare its own Digital Economy and Smart Community Strategy using a similar approach adopted by the ACT government. This will provide a strategic plan to facilitate growth in digital services, development of smart city infrastructure, access to a better connected community and promotion of innovative and entrepreneurial practices.

6.1 QPRC Digital Economy and Smart Community Strategy (Ref: C1762365; Author: Fulton/Darcy) (Continued)

The proposed Digital Economy and Smart Community Plan will form part of the Queanbeyan CBD Transformation Strategy and Economic Development Strategy. It will also recognise and enhance the linkages and relationship between Queanbeyan and the ACT Government via the Integrated Transport Strategy and the City Deal program.

Implications***Social / Cultural***

A Digital Economy and Smart Community Strategy will seek to improve social inclusion and connection of the community through improved access to digital channels. It will also look to enable effective delivery of information how the community want it delivered.

Economic

A Digital Economy and Smart Community Strategy will identify ways to accelerate ways to build ICT capacity and facilitate collaboration and establishment of entrepreneurial ecosystem through a digital start up environment and enable access to wi-fi in the Queanbeyan CBD leading to increased opportunity for e-commerce and marketing.

Engagement

The development of a Digital Economy and Smart Community Strategy will include community consultation workshops to be delivered in May/June 2017.

Integrated Plan

A Digital Economy and Smart Community Strategy supports the Queanbeyan-Palerang Regional Council Strategic Directions of:

- A diverse, resilient and smart economy that creates choice and job opportunities
- A well connected community with good infrastructure enhancing quality of life.

Conclusion

The ACT Government has developed both the ACT Government Digital Strategy 2016-2019 and the Canberra Digital Action Plan 2014-2018 to foster and develop the digital economy in Canberra and region. Queanbeyan-Palerang Regional Council will use a similar strategic approach in its development of a Digital Economy and Smart Community Strategy in 2017 which will form an influential part of the Queanbeyan CBD Transformation Strategy and Economic Development Strategy.

Attachments

- | | |
|--------------|---|
| Attachment 1 | ACT Government Digital Strategy - 2016 - 2019 (<i>Under Separate Cover</i>) |
| Attachment 2 | Canberra Digital Action Plan 2014 - 2018 (<i>Under Separate Cover</i>) |

6.2 New Cemetery Planning Update (Ref: C1764927; Author: Hansen/Geyer)

Report

Over the past 8 years, the former Queanbeyan City Council has been reviewing the need for a new Cemetery to replace the existing Lanyon Dr Cemetery. In 2013, after community consultation, QCC included the project in its 2013-2017 Delivery Plan, with the following citation:

“With a rising population comes a need for new infrastructure – and one of those is the development of a new cemetery. Council currently manages two cemeteries consisting of the Riverside and Lanyon Dr Lawn cemeteries. Riverside is the original historic cemetery for the Queanbeyan region and is recognised for its historic and heritage values. It is no longer used for burials.

Lanyon Dr is the city’s main active cemetery, but has only five years of capacity left within its current boundaries. With the city’s population to hit 50,000+, Council needs to commence addressing the issue of the interment of its deceased. The development of a new cemetery and also the examination of different interment options requires a great deal of planning and associated approvals.

Over the next couple of years Council will be undertaking work to identify possible sites within the region for a new lawn cemetery as well as looking at different options for interment so that members of the community can decide the best way they can intern their loved ones. This work will also involve the examination of such things as eco-friendly cemeteries, cremation and double-interment to save on burial plots etc. As the creation of a new cemetery will require rezoning of land it is important that investigative work commences so that alternatives can be in place before the Lanyon Dr cemetery reaches its capacity”

The above mentioned investigations were carried out during 2014-2015 and two potential localities were identified in the Royalla and Carwoola Areas. The Royalla location was considered superior, due to its easy access for a large proportion of the Queanbeyan, Jerrabomberra and Googong populations and future residential investigation lands to the south, attachment 1. Following a workshop with councillors in July 2015 closer investigations were commenced to reduce the search area to specific sites. With large areas of the region subject to Yellow Box woodland remnant vegetation and hard rock, an area of land was found that met the selection criteria. Initial environmental assessment and geotechnical investigation found the land had potential for a cemetery site.

Community consultation for a new cemetery is very important and can evoke emotion. The community were advised each year, through the renewal of the Delivery Plan, that Council was investigating cemetery sites. However, it was premature to go public with specific potential sites, to avoid unnecessary emotion and the risk of a developer gazumping council.

A site has been selected at 1187-1241 Old Cooma Rd Royalla (attached map), comprising 36 ha of which 20ha will be developed as a memorial park, the balance will consist of riparian and habitat restoration or boundary buffer and screen plantings. Now council has secured a potential site, full community engagement can commence.

6.2 New Cemetary Planning Update (Ref: C1764927; Author: Hansen/Geyer) (Continued)

The next phase of the process is to prepare a planning proposal which will propose the additional use of cemetery on the land and to proceed with the initial steps of a council resolution and Gateway determination with the latter being issued by the State Government. The planning proposal may require the preparation of background investigation studies and concept plans. Subject to the planning proposal being notified (gazetted) Council can then prepare a development application. Both of these processes will require community consultation. It is expected the process will take four to five years.

Recommendation

That the report be received for information.

Attachments

- Attachment 1 Southern Investigation Area (*Under Separate Cover*)
- Attachment 2 Proposed Future Memorial Park Site (*Under Separate Cover*)

7 NOTICE OF INTENTION TO DEAL WITH MATTERS IN CLOSED SESSION

It is necessary for the Council to adopt a resolution to formalise its intention to deal with certain matters in Confidential Session. The reports are incorporated in the “confidential” business paper which has been circulated to Councillors.

The Local Government Act, 1993 requires the General Manager to identify those matters listed on the business paper which may be categorised as confidential in terms of Section 10A of the Local Government Act, 1993.