



# **Planning and Strategy Committee of the Whole**

**12 July 2017**

**UNDER SEPARATE COVER  
ATTACHMENTS**



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

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# QUEANBEYAN-PALERANG REGIONAL COUNCIL

## Planning and Strategy Committee of the Whole Meeting Attachment

12 JULY 2017

ITEM 4.1            DEVELOPMENT APPLICATION 82-2017 - DWELLING ADDITION -  
20 DELMAR CRESCENT, KARABAR

ATTACHMENT 1 79C(1) ATTACHMENT - 20 DELMAR CRESCENT - DA-82-2017

**4.1 Development Application 82-2017 - Dwelling Addition - 20 Delmar Crescent, Karabar  
Attachment 1 - 79C(1) 20 Delmar Crescent - DA-82-2017 (Continued)**

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

This application has been assessed under Section 79C(1) of the *Environmental Planning and Assessment Act 1979* and the following matters are of relevance to **Development Application No 82-2017**.

***State Environmental Planning Policies***

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

<b>SEPP COMMENTS</b>	<b>COMPLIES (Yes/No)</b>
<b><i>State Environmental Planning Policy No 55 - Remediation of Land</i></b>	
Clause 7(1) prescribes that a consent authority must not consent to the carrying out of any development on land unless it has considered whether the land is contaminated. There are no records of the site being previously used for any potentially contaminating purposes.	Yes
<b><i>State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004</i></b>	
Under this policy, a BASIX certificate must be obtained, and this certificate must be consistent with the plans submitted. A BASIX Certificate was submitted that includes measures that will achieve the required energy and water efficiency targets. The information provided within the submitted certificate and the plans are consistent, therefore, compliance with this SEPP has been achieved.	Yes
<b><i>State Environmental Planning Policy (Infrastructure) 2007</i></b>	
The provisions of this Policy have been considered in the assessment of the application. The site is not located in or adjacent to road corridor nor does it have a frontage to a classified road. The site is not located within or immediately adjacent to an easement for electricity purposes or immediately adjacent to an electricity substation. No development is proposed within 5m of an overhead powerline and no ground penetrating work is proposed within 2m of any underground electricity services.	Yes

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**Local Environmental Plans**

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

QUEANBEYAN LOCAL ENVIRONMENTAL PLAN 2012 COMMENTS	COMPLIES (Yes/No)
<b>Part 1 Preliminary</b>	
<b>Clause 1.2 Aims of Plan</b>	
<p>The relevant aims of the Plan to the proposed development are as follows:</p> <ul style="list-style-type: none"> <li>a) <i>to facilitate the orderly and economic use and development of land in Queanbeyan based on ecological sustainability principles;</i></li> <li>b) <i>to provide for a diversity of housing throughout Queanbeyan;</i></li> <li>c) <i>to provide for a hierarchy of retail, commercial and industrial land uses that encourage economic and business development catering for the retail, commercial and service needs of the community;</i></li> <li>d) <i>to recognise and protect Queanbeyan's natural, cultural and built heritage including environmentally sensitive areas such as Queanbeyan's native grasslands, the Queanbeyan River and Jerrabomberra Creek;</i></li> <li>e) <i>to protect the scenic quality, views and vistas from main roads and other vantage points within Queanbeyan of the escarpment and Mount Jerrabomberra; and</i></li> <li>f) <i>to maintain the unique identity and country character of Queanbeyan.</i></li> </ul> <p>The proposed development is considered to be generally consistent with the relevant aims of the QLEP 2012, specifically through providing a diversity of housing throughout Queanbeyan.</p>	Yes
<b>Clause 1.4 Definitions</b>	
<p>The proposed development is defined as dwelling additions to a <b>dwelling house</b>.</p> <p>The proposed second kitchen has the potential to create a secondary dwelling on the ground floor. A <b>secondary dwelling</b> means a self-contained dwelling that:</p> <ul style="list-style-type: none"> <li>a) <i>is established in conjunction with another dwelling (the principal dwelling), and</i></li> <li>b) <i>is on the same lot of land as the principal dwelling, and</i></li> <li>c) <i>is located within, or is attached to, or is separate from, the principal dwelling.</i></li> </ul> <p>To restrict the proposed development becoming a secondary dwelling, the proposed ground floor kitchen has been removed from the application and the plans have been red amended to reflect such.</p>	Yes
<b>Clause 1.9A Suspension of Covenants, Agreements and Instruments</b>	

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<b>QUEANBEYAN LOCAL ENVIRONMENTAL PLAN 2012 COMMENTS</b>	<b>COMPLIES (Yes/No)</b>
No covenants, agreements and instruments restricting the development have been identified.	Yes
<b>Part 2 Permitted or Prohibited Development</b>	
<b>Clause 2.1 Land Use Zones</b>	
The subject site is zoned R2 Low Density Residential. Dwelling houses are permitted with consent in this zone and therefore dwelling additions are also permitted with consent.	Yes
<b>Clause 2.3 Zone Objectives and Land Use Tables</b>	
<p>The objectives of the zone are:</p> <ul style="list-style-type: none"> <li>• <i>To provide for the housing needs of the community within a low density residential environment.</i></li> <li>• <i>To enable other land uses that provide facilities or services to meet the day to day needs of residents.</i></li> <li>• <i>To encourage development that considers the low density amenity of existing and future residents.</i></li> <li>• <i>To encourage development that is designed to recognise the bushland character of the locality where appropriate and to minimize the impact of urban development, particularly on the edge of the urban area</i></li> </ul> <p>It is considered that the proposed development generally satisfies the objectives of the zone specifically through providing a low density residential environment.</p>	Yes
<b>Clause 2.7 Demolition requires development consent</b>	
The proposal does involve demolition of an existing structure. The existing dwelling was damaged by fire and parts of the dwelling house are proposed to be dismantled and removed off site. A condition has been imposed to ensure demolition is to comply with Australian Standard AS 2601-2001.	Yes



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<b>Part 4 Principal Development Standards</b>	
<b>Clause 4.3 Height of buildings</b>	
<p>The maximum building height permitted on the subject site is 5.5m. The proposed maximum height is 8.4m. The applicant submitted a Clause 4.6 variation to Clause 4.3 of the Queanbeyan Local Environmental Plan 2012 (QLEP 2012)</p> <p><b><u>Applicants Justification:</u></b></p> <p>The two-storey dwelling house was approved and built in 1988. The lower level is of double brick construction and the upper level was of brick veneer construction. The existing dwelling house has an approximate cut of 3m, retained by masonry retaining walls. The major cut of the site was to incorporate a split level design that intended to follow the natural ground level of the site. The house fire occurred in November 2015 and the upper floor was deemed unliveable. Due to the double brick construction of the lower floor, it was deemed satisfactory and acceptable to continue its use. The upper floor has been demolished.</p> <p>Due to the heavy cut located on site a single story would result in a poor design outcome and have a negative impact on the streetscape as neighbouring properties are two-storey dwelling houses. If the dwelling house was to be reconstructed a s single storey development, the site would have to be restored to its 1988 natural ground level which would result in the demolition of a number of structurally sound structures at great cost.</p> <p>The proposed dwelling addition does not increase upon the building height and envelope of the original dwelling approved in 1988. The proposed dwelling additions have been designed utilising best practice standards of solar orientation, overlooking, buildability, and wellbeing of the occupants. If a single storey design was to be adopted it would result in the occupants visual amenity being adversely impacted.</p> <p>The proposed development will be in keeping with the character of the locality. Neighbouring properties are two-storey developments that are cut into the ground similar to the proposed development. It is believed that a single storey design would be detrimental to the streetscape and occupants of the proposed development.</p> <p><b><u>Assessing Officer's Comments:</u></b></p> <p>Clause 4.6 Subclause (2) states that development consent can be granted despite the development contravening a development standard, given that the development standard is not expressly excluded from the operation of this clause. Clause 5.4, Clause 6.1 and Clause 6.2 are expressly excluded from the operation of Clause 4.6, therefore Clause 4.6 can be used to contravene Clause 4.3 of the QLEP 2012. Pursuant to Clause 4.6 Subclause (3) (a) and (b) of the QLEP 2012, it is considered that compliance with this development standard is unnecessary in the circumstances of the case, and there are</p>	<p>No – Variation to Development Standard</p>

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sufficient environmental planning grounds to justify contravening the development standard.

**Clause 4.3 – Height of Buildings**

The objectives of *Clause 4.3 – Height of Buildings*, are as follows:

- (a) *to ensure that the height of buildings complement the streetscape or the historic character of the area in which the buildings are located,*
- (b) *to protect the heritage character of Queanbeyan and the significance of heritage buildings and heritage items,*
- (c) *to nominate heights that will provide a transition in built form between varying land use intensities.*

The proposal has been assessed against the objectives of Clause 4.3 as being satisfactory. Due regard has been given to the streetscape and character of the area as well as the built form and land use. The subject site has a 5.5m height limit as prescribed by the heights of buildings maps in the Queanbeyan LEP 2012. The approved two-storey dwelling was damaged by fire and the proposed development is restricted to 5.5m under the current environmental planning instrument. The expectation that the proposed development is to comply with this height limit is considered unreasonable for a number of differing reasons; originally approved building height, circumstances requiring proposed development, impacts on adjoining properties, impacts on streetscape, reduced bulk and scale of proposed development, consistency with the locality, and the topography of the site.

The height limit originates from Development Control Plan No. 22A Lands above Delmar Crescent. This DCP was adopted by Council in 1986 and restricted development of eight lots to single storey development. This requirement was incorporated into QLEP 2012 as a 5.5m height control. Of the eight lots affected by the development standard, six contain approved two-storey dwellings, one single storey development, and one lot is not developed.

Original Approval & Circumstances

The two-storey dwelling was approved in 1988 with a permissible building height of 8.1m. If the dwelling was not damaged by fire then this development would not be required, and it is considered reasonable that the dwelling is reinstated. Additionally, the proposed dwelling has a height of 8.3m which is consistent with a number of dwelling houses on Delmar Crescent.

Adjoining Properties

It is considered that the proposed development will have a minimal impact on the adjoining properties in relation to overshadowing.

An overshadowing assessment was undertaken by the primary and secondary assessing officer. The assessment showed that the proposed development would result in partial overshadowing of development at 22 Delmar Crescent. It was concluded that the impact of this overshadowing is considered reasonable and acceptable as the two single-storey detached dwellings located at 22 Delmar Crescent will receive a minimum of three hours of sunlight to private open space and north facing windows. Impact on adjoining properties in regards to bulk and scale of the development is considered acceptable. The

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<p>proposed development does not result in a smaller setback to neighbouring properties, therefore the bulk and scale of the dwelling house does not increase as a result of the development.</p> <p><u>Streetscape &amp; Character of the Locality</u> It is considered that the proposed development does not have a negative impact on the streetscape and is consistent with the locality and character of the area. The proposed development incorporates a number of materials and colours such as face brickwork, rendered masonry and colorbond to create a more attractive streetscape. The proposed development incorporates a balustrade and handrail, a number of windows to create articulation which in turn complements the streetscape. The proposed development is considered to be consistent with the character and locality of the area.</p> <p><u>Topography</u> The subject site has a steep gradient falling from the rear of the site towards the front boundary. The rear of the dwelling is approximately 2.5m higher than the front of the dwelling (635m rear compared to 632.5m front). The topography of the site means that a substantial cut to the rear of the site would need to be made to allow for a single-storey dwelling. It is believed that a substantial cut combined with a single-storey dwelling would be detrimental to the streetscape as the second-storey acts as a screen to the cut by blending it into the design of the dwelling.</p> <p><u>Conclusion</u> Taking into consideration the above assessment against Clause 4.6 of QLEP 2012, the applicant's submission to contravene the development standard Clause 4.3 of the QLEP 2012 is supported based on compliance with the development standard being unreasonable in the circumstances of this case. The circumstances of this case are considered unforeseeable as the approved dwelling was damaged by fire. If these circumstances were not apparent, the development application would not be required. As assessed above, contravention of this development standard will have minimal impact on adjoining properties and streetscape, will result in a development that is consistent with surrounding residential development and the locality, and maintains the objectives of the QLEP 2012, the objectives of Clause 4.3 of the QLEP 2012, and the objectives of R2 Low Density Residential Zone.</p>	
<b>Clause 4.4 Floor space ratio</b>	
A floor space ratio does not apply to the site.	Yes

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<b>Part 5 Miscellaneous Provisions</b>	
<b>Clause 5.9 Preservation of trees or vegetation</b>	
This clause requires that development consent is obtained for the removal of trees and/or vegetation as prescribed in the Queanbeyan Development Control Plan (QDCP) 2012. The proposed development does not require the removal of any vegetation.	Yes
<b>Clause 5.10 Heritage conservation</b>	
Under Clause 5.10, Council must consider the effect of the proposed development on the heritage significance of the heritage item. The proposed development is not adjacent to or in the vicinity of a heritage item, nor is it within a heritage conservation area.	Yes
<b>Clause 5.11 Bush fire hazard reduction</b>	
The application does not involve any bush fire hazard reduction works.	Yes
<b>Part 7 Additional Local Provisions</b>	
<b>Clause 7.1 Earthworks</b>	
Earthworks associated with the development are proposed and form part of this application. The proposed earthworks will not have a detrimental impact on drainage patterns and soil stability or the existing and likely amenity of adjoining properties. The development application will be condition to mitigate the potential impact of soil erosion and the like during construction.	Yes - Condition
<b>Clause 7.2 Flood Planning</b>	
The site is not identified as a 'flood planning area'.	Yes
<b>Clause 7.3 Terrestrial biodiversity</b>	
This clause is relevant to the proposed development as the site is identified as "Biodiversity" on the Terrestrial Biodiversity Map. The development is sited and designed to avoid any significant adverse environmental impact. The development includes the reinstatement of a dwelling that was damaged by fire. The proposed dwelling additions will not be constructed outside the footprint of the originally approved dwelling, and no vegetation is proposed to be removed, therefore will have a minimal impact on terrestrial biodiversity.	Yes
<b>Clause 7.4 Riparian land and watercourses</b>	
This clause is not relevant to the proposed development as the site is not identified as "Watercourse" on the Riparian Land and Watercourses Map".	Yes
<b>Clause 7.5 Scenic protection</b>	
This clause is not relevant to the proposed development as the site is not identified as "Scenic Protection Area" on the Scenic Protection Map.	Yes

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<b>Clause 7.6 Airspace operations</b>	
The proposed development will not penetrate the Obstacle Limitations Surface Map for the Canberra Airport. Therefore the application was not required to be referred to the relevant Commonwealth body for comment.	Yes
<b>Clause 7.7 Development in areas subject to aircraft noise</b>	
This clause is not relevant to the proposed development as the site is not located near the Canberra Airport or within an ANEF contour of 20 or greater.	Yes
<b>Clause 7.8 Active street frontages</b>	
This clause is not relevant to the proposed development as the site is not identified as "Active street frontage" on the Active Street Frontages Map".	Yes
<b>Clause 7.9 Essential services</b>	
<p>Development consent must not be granted to development unless the consent authority is satisfied that any of the following services that are essential for the development are available or that adequate arrangements have been made to make them available when required:</p> <p>(a) the supply of water,  (b) the supply of electricity,  (c) the disposal and management of sewage,  (d) stormwater drainage or on-site conservation,  (e) suitable vehicular access.</p> <p>Council's Development Engineer has assessed the proposed development and confirmed that adequate services are available or can be made available to the proposed development.</p>	Yes
<b>Clause 7.10 Development near Cooma Road Quarry</b>	
This clause is not relevant to the proposed development as the site is not identified as "Buffer Area" on the Quarry Buffer Area Map".	Yes
<b>Clause 7.11 Development near HMAS Harman</b>	
This clause is not relevant to the proposed development as the site is not located within 2 kilometres of HMAS Harman or within Zone IN1 General Industrial or Zone IN2 Light Industrial.	Yes

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***Development Control Plan***

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

QUEANBEYAN DCP 2012 COMMENTS	COMPLIES (Yes/No)
<b>Part 1 About This Development Control Plan</b>	
<b>1.8 Public Notification Of A Development Application</b> The development application was notified to adjoining owners and advertised and no submissions were received.	Yes
<b>Part 2 All Zones</b>	
<b>2.2 Car Parking</b> A total of 3 car parking spaces have been provided in accordance with the requirements of section 2.2.  The application has been referred to Councils Development Engineer who has found the parking arrangements including access and manoeuvring areas to be satisfactory in this instance. The lower level of the dwelling is to be retained comprising of a double garage and a carport.	Yes
<b>2.3 Environmental Management</b> A BASIX certificate has been submitted and the relevant commitments shown on the submitted plans. The proposed development will not result in any significant environmental impacts and is not located within the vicinity of arterial roads, entertainment venues or the like.	Yes – Condition
<b>2.4 Contaminated Land Management</b> Refer to SEPP 55 assessment.	Yes
<b>2.5 Flood Management</b> The subject site is not within a flood prone area.	NA
<b>2.6 Landscaping</b> A landscaping plan was not required to be submitted with the application.	NA
<b>2.7 Soil, Water and Vegetation Management Plan (SWVM Plans)</b> Standard conditions relating to site management will be imposed should development consent be granted.	Yes – Condition
<b>2.8 Guidelines for Bushfire Prone Areas</b> The site is identified as bushfire prone land. A Council building surveyor has completed a bushfire assessment and concluded the site has a rating of BAL 19. Conditions relating to bush fire have been included.	Yes - Condition
<b>2.9 Safe Design</b>	Yes

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<b>QUEANBEYAN DCP 2012 COMMENTS</b>	<b>COMPLIES (Yes/No)</b>
The proposed development generally satisfies the relevant provisions of this clause.	
<b>2.11 Height of Buildings</b> Refer to LEP assessment (Clause 4.3).	No – See Clause 4.3 Assessment
<b>2.13 Preservation of Trees and Vegetation</b> The proposed development does not require the removal of any existing vegetation.	Yes
<b>Part 3A Urban Residential Development</b>	
<b>3.2.1 External Materials</b> a) <i>Residential development shall be compatible with existing development with regard to external materials, patterns, textures and decorative elements.</i>  The proposed development is compatible with existing development in regards to external materials, textures and decorative elements. The ground level of the dwelling is to retain existing brickwork and the proposed upper level is to be constructed of face brickwork and rendered masonry. These materials are considered to be compatible with existing residential development and consistent with the locality.	Yes
<b>3.2.4 Siting of Dwellings and Outbuildings</b> Table 1 states that a dwelling with two or more storeys must have a front boundary setback of 7.5m and a rear boundary setback of 4m. The proposed development has a front boundary setback of 7.48m and a rear boundary setback of 15.97m. The 7.48m front setback is considered appropriate as it is a minor encroachment of the 7.5m setback. No variation is required in this circumstance as the structure is existing.	Yes
<b>3.3.1 Topography</b> a) <i>Buildings are to be designed to relate to the existing contours of the site, with minimal excavation or fill and with the height of foundations kept to a minimum.</i> b) <i>Cut and fill shall be limited to a maximum of 1.5m</i> c) <i>Finished batters of cut and fill are limited to a maximum of 1 vertical 4 horizontal.</i> d) <i>Greater depths maybe considered provided they are not highly visible from the street</i>  The existing dwelling was damaged by fire and as a result of this the upper floor was demolished. The proposed development includes constructing a new upper floor. Because the ground floor is existing, there are no earthworks associated with the development.	Yes
<b>3.3.2 Vehicle Access and Car Parking</b>	Yes

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QUEANBEYAN DCP 2012 COMMENTS	COMPLIES (Yes/No)
<p>a) <i>Where an existing allotment has vehicular access to a public lane, additional vehicular access from the lane will be considered where there is no adverse impact.</i></p> <p>The existing allotment does not have vehicular access to a public lane.</p> <p>b) <i>Driveways are to be set back sufficiently from side boundaries to allow for effective screen planting along the boundary.</i></p> <p>c) <i>The driveway width itself is to be at least 2.5m wide, with adequate turning area provided to allow for ease of access to garages.</i></p> <p>d) <i>Driveways may need to be splayed, depending on volume and speed of traffic and footpath width. The grade of a driveway is not to exceed 1:5 within the property boundary, with a suitable transition provided to the public road.</i></p> <p>Vehicle access and car parking has been assessed by Council's Development Engineer and have been deemed satisfactory. The existing vehicle kerb crossing is to be retained. The existing driveway is set back sufficiently from side boundaries, has a minimum width of 2.5m and does not exceed the 1:5 gradient.</p> <p><b>Note:</b> <i>The design of driveways shall comply with the Queanbeyan City Council Engineering standards and specifications.</i></p>	
<p><b>3.5 Consideration of Views, Shadowing and Privacy</b></p> <p>a) <i>New dwellings should be designed to safeguard privacy and minimise the extent of impact on the outlook of existing or potential dwellings in the proximity.</i></p> <p>The proposed development will not have an impact on the outlook of existing or potential dwellings in the proximity due to the layout and siting of the additions. Additionally, the proposed development is not proposed to extend outside of the footprint of the approved existing dwelling that was damaged by fire.</p> <p>b) <i>Direct overlooking of internal living areas of neighbouring dwellings is to be minimised by building layout, location and design of windows and balconies, provision of screening devices and landscaping.</i></p> <p>c) <i>Two storey dwellings will include design features to minimise potential impacts on privacy and loss of natural light to existing adjoining development</i></p> <p>Windows located on the north western side of the upper floor level have the potential to overlook into the neighbouring dwelling. The two proposed living room windows do not pose a privacy threat, there is not a direct line of sight into the adjoining properties three bathroom windows as they are obscurely glazed. The proposed kitchen window does not have a direct line of sight to the bedroom windows of the adjoining property as it is offset from both windows. Additionally, it</p>	Yes



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QUEANBEYAN DCP 2012 COMMENTS	COMPLIES (Yes/No)
<p>is considered that a bedroom is not a main habitable area and a kitchen is not a habitable room, therefore no privacy mitigation measures are required.</p> <p>d) <i>Shadow diagrams will be required for all two storey development when necessary showing its impact at 9am, 12 noon and 3pm on 21 June (winter solstice). A minimum of 3 hours of natural light to the private open space and north facing living room windows of adjoining properties is required to be maintained between these hours.</i></p> <p>A shadow diagram is considered unnecessary for this application as the upper level will not extend outside of the footprint of the originally approved dwelling. The proposed dwelling addition will not be higher than the previously approved dwelling and therefore there will be no additional impact in relation to solar access. An overshadowing assessment was undertaken by the assessing officer. Whilst there is partial overshadowing of 22 Delmar Crescent, on June 21 (winter solstice), neighbouring properties will receive a minimum 3 hours of natural light to private open space and north facing living areas. This is considered to be a reasonable and acceptable impact.</p> <p>e) <i>The proximity of dwellings to each other and the design of dwellings in terms of their layout, bulk, height and position of openings may have an impact on amenity. Privacy considerations are to be addressed through the careful layout of buildings and the activity which occurs in and around them, e.g. windows/decks to be elevated living areas may cause overlooking and be a source of noise nuisance.</i></p> <p>The proposed elevated terrace is setback approximately 3m from the property boundary and is positioned to avoid overlooking into neighbours dwelling and private open space. The windows located on the southern side of the deck pose no privacy threat as they are located approximately 10m from the property boundary.</p> <p>f) <i>Where two storey development creates a privacy intrusion on adjoining single storey development, appropriate measures must be installed to minimise the impact. The measures can include obscured glazing or screening, but there are unlimited options.</i></p> <p>The proposed two storey development does not create a privacy intrusion on the two single storey developments at the adjoining property 22 Delmar Crescent. The proposed development does not look into the adjoining properties private open space because the open space is located on the opposite side of the site, and the proposed development will not overlook directly into living areas of the adjoining property because the units located at 22 Delmar Crescent are sited on an angle, and are appropriately screened.</p>	

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QUEANBEYAN DCP 2012 COMMENTS	COMPLIES (Yes/No)
<b>Part 5 Local Area Provisions</b>	
<b>5.4 Lands above Delmar Crescent</b>	
<p>a) <i>Except with the written consent of Council, no lot shall be cleared unless such clearing does not exceed an area to be occupied by an approved building, plus an area extending 7 metres from each side of the building.</i></p> <p>b) <i>No lot or boundary of a lot shall be cleared for the purpose of fencing unless the clearing is a width of 1 metre or less.</i></p> <p>c) <i>All external surfaces of all built form are to be dark in tone and non-reflective in nature.</i></p> <p>The subject lot is already cleared as the proposed development includes dwelling additions. The proposed development will not result in further clearing of the lot. No fencing is proposed as part of this application. All proposed external surfaces are dark in tone and non-reflective in nature.</p>	Yes

**Additional Planning Considerations**

The following additional planning matters apply to the development:

MATTERS FOR CONSIDERATION	COMPLIES (Yes/No)
<b>Environmental Planning and Assessment Act Regulation 2000</b>	
<p><i>The provisions of any matters prescribed by the Regulations, which apply to the land to which the development application relates, must be considered.</i></p> <p><b>Clause 92 - Australian Standard AS 2601-1991 (Demolition of Structures).</b> Demolition to comply with Australian Standard AS 2601-2001</p> <p><b>Clause 93 - Fire Safety Considerations (change of use of an existing building).</b> NA</p> <p><b>Clause 94 Fire Safety Considerations (rebuilding/altering/enlarging/extending existing building).</b> NA</p> <p><b>Clause 94A Fire Safety Considerations (temporary structures).</b> NA</p>	Yes
<b>The Likely Impacts of the Development</b>	
<p><i>Context and Setting</i> - The development will have a minimal impact on the scenic qualities and features of the landscape including views and vistas and is</p>	Yes

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<b>MATTERS FOR CONSIDERATION</b>	<b>COMPLIES (Yes/No)</b>
compatible with the established character of the locality. There will be minimal impact on adjacent properties in relation to overshadowing and privacy.	
<i>Access, Transport and Traffic</i> - The proposed development's impact in relation to access, transport and traffic is considered to be acceptable. The matters relating to parking and access have been previously addressed under Part 2 of the QDCP 2012.	Yes
<i>Public Domain</i> - The proposed development will not adversely impact on public recreational opportunities, pedestrian links or access to public space.	Yes
<i>Utilities</i> - The site is serviced with water, sewer, electricity and telecommunication services.	Yes
<i>Heritage</i> - The proposed development will have a minimal impact in relation to heritage. The site is not heritage listed, is not adjacent to a heritage item and is not located within a Heritage Conservation Area.	Yes
<i>Other Land Resources</i> - The proposed development will not affect the future use or conservation of valuable land resources such as: productive agricultural land; mineral and extractive resources; and water supply catchments.	Yes
<i>Water</i> - The proposed development will have minimal impact on the conservation of water resources and the water cycle.	Yes
<i>Soils</i> - The proposed development will have minimal adverse impact on soil conservation. The soils are suitable for the development.	Yes
<i>Air and Microclimate</i> - The proposed development will have minimal impact on air quality and microclimatic conditions and will be conditions to prevent air pollution such as dust where required.	Yes
<i>Flora and Fauna</i> - (8 point test from Threatened Species Act to be completed where relevant) The proposed development will have a minimal impact in relation to the maintenance of biodiversity in the area. There are no known listings of critical habitat, threatened or endangered species, populations, ecological communities or their habitats on or in close proximity to the site.	Yes
<i>Waste</i> – adequate waste facilities are available for the proposed development.	Yes
<i>Energy</i> - a BASIX report has been submitted with the proposal.	Yes
<i>Noise and Vibration</i> - The proposed development is not likely to cause any adverse ongoing impact from noise or vibration.	Yes
<i>Natural Hazards</i> – The subject site is not identified as flood prone land. The site is identified as bushfire prone land and conditions relation to bushfire have been imposed.	Yes - Condition

**4.1 Development Application 82-2017 - Dwelling Addition - 20 Delmar Crescent, Karabar  
Attachment 1 - 79C(1) 20 Delmar Crescent - DA-82-2017 (Continued)**

<b>MATTERS FOR CONSIDERATION</b>	<b>COMPLIES (Yes/No)</b>
<i>Technological Hazards</i> - No technological hazards are known to affect the site.	Yes
<i>Safety, Security and Crime Prevention</i> - The proposed development complies with the relevant section of the QDCP 2012 on crime prevention through environmental design.	Yes
<i>Social Impact in the Locality</i> - The social impacts of the proposal are anticipated to be minimal.	Yes
<i>Economic Impact in the Locality</i> - The economic impacts of the proposal are anticipated to be minimal.	Yes
<i>Site Design and Internal Design</i> - The site design and internal design of the development has been assessed under the QDCP 2012. The proposed design is considered to be satisfactory.	Yes
<i>Construction</i> - The construction stage of the proposed development will have the potential to impact on adjoining properties and the environment for a short period of time. Any approval will be conditioned to ensure construction activities do not unreasonably impact on the adjoining properties and their occupants and the environment by way of noise, erosion and the like. These conditions are standard Council conditions of development consent.	Yes - Condition
<i>Cumulative Impacts</i> - Cumulative impacts relate to the small impacts of developments in an area that when considered in unison can result in detrimental impact on the natural or built environment. It is considered unlikely that the proposed development will result in adverse cumulative impact.	Yes

**4.1 Development Application 82-2017 - Dwelling Addition - 20 Delmar Crescent, Karabar  
Attachment 1 - 79C(1) 20 Delmar Crescent - DA-82-2017 (Continued)**

<b><i>The Suitability of the Site for the Development</i></b>	
<i>Does the proposal fit in the locality?</i> - The proposal is considered to be compatible with its site and general locality. The locality is dominated by residential development. Specifically, Delmar Crescent has a number of two-storey dwelling houses.	Yes
<i>Are the site attributes conducive to development?</i> – Site attributes such as configuration, size and slope, are considered to be generally conducive to the proposed development.	Yes
<b><i>Have any submissions been made in accordance with the Act or the Regulations?</i></b>	
<i>Public Submissions</i> - The application was required to be notified. No submissions were received during the notification period.	Yes
<i>Submissions from Public Authorities</i> - No referrals to public authorities were required for the subject application.	Yes
<b><i>The Public Interest</i></b>	
It is considered that the public interest will not be adversely affected by the proposed development. Standard conditions will be imposed to ensure minimal impacts to surrounding properties.	Yes
<b><i>Government and Community Interests</i></b>	
It is considered that government and community interests will not be adversely affected by the proposed development.	Yes
<b><i>Section 94 Development Contributions</i></b>	
<i>Section 94 Contributions</i> Section 94 contributions are not required for the proposed development.  <i>Section 64 Contributions</i> Section 64 contributions are not applicable to the re-construction of an existing dwelling.	Yes

# QUEANBEYAN-PALERANG REGIONAL COUNCIL

## Planning and Strategy Committee of the Whole Meeting Attachment

12 JULY 2017

ITEM 4.1            DEVELOPMENT APPLICATION 82-2017 - DWELLING ADDITION -  
20 DELMAR CRESCENT, KARABAR

ATTACHMENT 3 DRAFT CONDITIONS - 20 DELMAR CRESCENT - DA-82-2017

## **PRIOR TO COMMENCEMENT**

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

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

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

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

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

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

## **SITE MANAGEMENT DURING DEMOLITION AND CONSTRUCTION**

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

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

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

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

6. HOURS OF OPERATION FOR WORKS

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

<b>Weekdays:</b>	<b>7.00am to 6.00pm</b>
<b>Saturdays:</b>	<b>8.00am to 4.00pm</b>
<b>Sundays and Public Holidays:</b>	<b>NIL</b>

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

7. WORK ON ADJOINING LAND IS LIMITED

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

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

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

8. REPAIR DAMAGED PUBLIC PROPERTY

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

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

**GENERAL CONDITIONS**

9. IN ACCORDANCE WITH THE APPROVED PLANS

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

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

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



## BUILDING

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

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

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

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

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

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

13. BUSHFIRE CONSTRUCTION REQUIREMENTS  
**New construction must comply with the following:**
- (a) Section 3 and 6 (BAL 19) Australian Standard 3959 - 2009 "Construction of Buildings in Bush Fire Prone Areas" and section A3.7 Addendum Appendix 3 of "Planning for Bush Fire Protection and,**
  - (b) Guttering and roof valleys must be screened to prevent the build up of flammable material. Screening materials must be non-combustible.**

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

14. RETAINING WALL/S

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

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

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

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

15. ALL WORKS TO BE CONFINED TO THE SITE

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

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

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

## **LANDSCAPING**

16. BUSHFIRE LANDSCAPING REQUIREMENTS

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

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

## **PRIOR TO ISSUE OF OCCUPATION CERTIFICATE**

17. OBTAIN OCCUPATION CERTIFICATE BEFORE OCCUPATION

**Occupation or use of whole or part of the building must not commence unless an Occupation Certificate has been issued in relation to the building or part.**

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

18. COMPLY WITH BASIX CERTIFICATE  
**The development must be constructed in compliance with the NSW BASIX Certificate issued on 24 February 2017 and numbered A273796.**

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

#### **PLUMBING AND DRAINAGE**

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

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

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

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

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

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

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

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

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

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