



Planning and Strategy Committee of the Whole

8 August 2018

**UNDER SEPARATE COVER
ATTACHMENTS**

ITEM 4.1

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

ATTACHMENTS – 8 August 2018 Page i

Item 4.1	Development Applications 197-2017 (Lot 2) and 302-2017 (Lot 3) - 13 Meredith Street, QUEANBEYAN - Raised Dwellings	
	<i>Attachment 1</i>	<i>DA 197-2017 & 302-2017 - S4.15 Matters for Consideration - Lots 2 & 3 DP743011 13 Meredith Street.....2</i>
	<i>Attachment 5</i>	<i>DA 197-2017 & 302-2017 - Draft Conditions of Consent - Lots 2 & 3 DP743011 13 Meredith Street.....28</i>

QUEANBEYAN-PALERANG REGIONAL COUNCIL

Planning and Strategy Committee of the Whole Meeting Attachment

8 AUGUST 2018

ITEM 4.1	DEVELOPMENT APPLICATIONS 197-2017 (LOT 2) AND 302-2017 (LOT 3) - 13 MEREDITH STREET, QUEANBEYAN - RAISED DWELLINGS
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ATTACHMENT 1	DA 197-2017 & 302-2017 - S4.15 MATTERS FOR CONSIDERATION - LOTS 2 & 3 DP743011 13 MEREDITH STREET
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ATTACHMENT - SECTION 4.15 TABLE – Matters For Consideration

This application has been assessed under Section 4.15 of the *Environmental Planning and Assessment Act 1979* and the following matters are of relevance to **Development Applications No 197-2017 and 302-2017**. The two development applications relate the same address being 13 Meredith Street. The proposal is for two dwelling houses on separate lots within the title being Lot 2 and Lot 3 as identified in the below Figure.

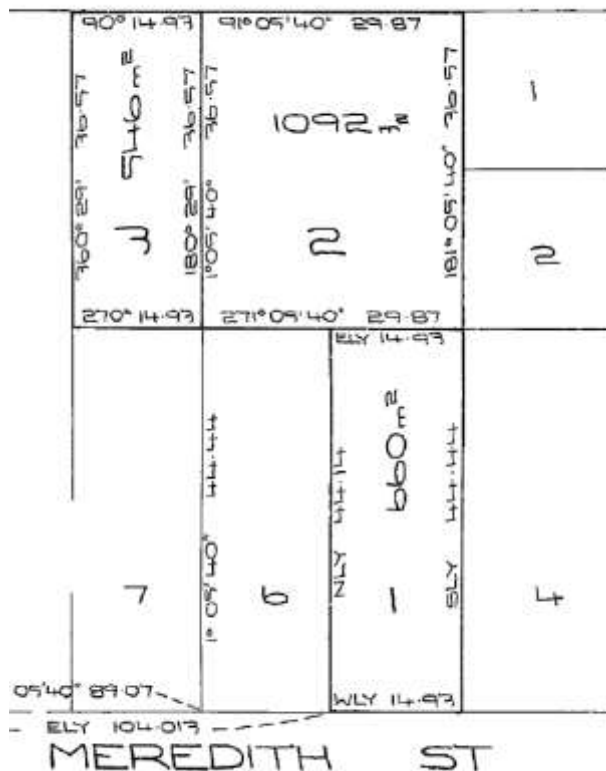


Figure 1: Identification of lots 2 and 3

State Environmental Planning Policies

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

SEPP COMMENTS	COMPLIES (Yes/No)
State Environmental Planning Policy No 55 - Remediation of Land	
<p>Clause 7(1) prescribes that a consent authority must not consent to the carrying out of any development on land unless it has considered whether the land is contaminated. There are no records of the site being previously used for any potentially contaminating purposes.</p> <p>A submission was received with a comment that the site previously contained landfill. Council's records do not show a record of this but the site did historically have a small creek flowing through it and a seedling house (Nursery). As per the SEPP 55 guidelines, horticulture uses are potentially contaminating as such, a condition of consent will be imposed requiring the applicant to have the lot tested for contamination before issue of a construction certificate. If the soil is found to be contaminated remediation action will be required.</p>	<p>Yes – Condition</p>

SEPP COMMENTS	COMPLIES (Yes/No)

State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004	
<p>Under this policy, a BASIX certificate must be obtained, and this certificate must be consistent with the plans submitted. BASIX Certificates were submitted that include measures that will achieve the required energy and water efficiency targets. The information provided within the submitted certificate and the plans are consistent, therefore, compliance with this SEPP has been achieved.</p> <p>Note: The certificates currently in with Council do not reflect the current window design. However, this is not an item that will hold up the processing of this DA. The existing certificates do not form part of the plans to be approved however the consent has still been conditioned with their numbers. The certificates will be submitted to Council prior to the meeting.</p>	Yes
State Environmental Planning Policy (Infrastructure) 2007	
<p>The provisions of this Policy have been considered in the assessment of the application. The site is not located in or adjacent to road corridor nor does it have a frontage to a classified road. The site is not located within or immediately adjacent to an easement for electricity purposes or immediately adjacent to an electricity substation. No development is proposed within 5m of an overhead powerline and no ground penetrating work is proposed within 2m of any underground electricity services.</p>	Yes

Local Environmental Plans

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

QUEANBEYAN LOCAL ENVIRONMENTAL PLAN 2012 COMMENTS	COMPLIES (Yes/No)
Part 1 Preliminary	
Clause 1.2 Aims of Plan	
<p>The relevant aims of the Plan to the proposed development are as follows:</p> <ul style="list-style-type: none"> a) <i>to facilitate the orderly and economic use and development of land in Queanbeyan based on ecological sustainability principles;</i> b) <i>to provide for a diversity of housing throughout Queanbeyan;</i> c) <i>to provide for a hierarchy of retail, commercial and industrial land uses that encourage economic and business development catering for the retail, commercial and service needs of the community;</i> d) <i>to recognise and protect Queanbeyan's natural, cultural and built heritage including environmentally sensitive areas such as Queanbeyan's native grasslands, the Queanbeyan River and Jerrabomberra Creek;</i> e) <i>to protect the scenic quality, views and vistas from main roads and other vantage points within Queanbeyan of the escarpment and Mount Jerrabomberra; and</i> f) <i>to maintain the unique identity and country character of Queanbeyan.</i> <p>The proposed development is considered to be generally consistent with the relevant aims of the QLEP 2012. Specifically, as it maintains the heritage value of the streetscape through the design.</p>	Yes

QUEANBEYAN LOCAL ENVIRONMENTAL PLAN 2012 COMMENTS	COMPLIES (Yes/No)
Clause 1.4 Definitions	
The proposed development is defined as a dwelling house . A dwelling house means a building containing only one dwelling.	Yes
Clause 1.9A Suspension of Covenants, Agreements and Instruments	
No covenants, agreements and instruments restricting the development have been identified. A right of carriageway exists over the driveway which is proposed to be retained as part of this application. This will give access to lots 2 and 3.	Yes
Part 2 Permitted or Prohibited Development	
Clause 2.1 Land Use Zones	
The subject site is zoned R2 Low Density Residential. A dwelling house is permitted with consent in this zone.	Yes
Clause 2.3 Zone Objectives and Land Use Tables	
<p>The objectives of the zone are:</p> <ul style="list-style-type: none"> • <i>To provide for the housing needs of the community within a low density residential environment.</i> • <i>To enable other land uses that provide facilities or services to meet the day to day needs of residents.</i> • <i>To encourage development that considers the low density amenity of existing and future residents.</i> • <i>To encourage development that is designed to recognise the bushland character of the locality where appropriate and to minimize the impact of urban development, particularly on the edge of the urban area.</i> <p>It is considered that the proposed development generally satisfies the objectives of the zone; specifically, as the proposal is providing housing needs to residents while maintaining the low density and heritage character of the area.</p>	Yes
Part 4 Principal Development Standards	
Clause 4.3 Height of buildings	
The maximum building height permitted on the subject site is 6.5 metres. The proposed maximum height for Lot 2 is 7.525 metres and 6.807 metres for lot 3.	Yes
Part 5 Miscellaneous Provisions	
Clause 5.10 Heritage conservation	
<p>Under Clause 5.10, Council must consider the effect of the proposed development on the heritage significance of the heritage conservation area.</p> <p>The site is within the heritage conservation area. The proposal was sent to Council's Heritage Advisor by following the Heritage Assessment Flow Chart who initially provided the following comments:</p> <p><u>Proposed dwelling on Lot 2</u></p> <p><i>The bulk and scale of this building is not consistent with the intent of the DCP nor with general character of historic buildings elsewhere in the conservation area. With a ridge line of nearly 8.5 metres above ground level it occupies the same bulk as a two-storey building, which again is not supported by the DCP.</i></p>	Yes

QUEANBEYAN LOCAL ENVIRONMENTAL PLAN 2012 COMMENTS	COMPLIES (Yes/No)
<p><i>It is appreciated that the building's overall height had to be increased by approximately 1.8 metres to address flood issues and that it does not front directly onto the road, however it is likely to be very visible from many parts of the conservation area and behind dwellings in both Meredith and Albert Streets. The excessive bulk seems to arise from the north wall and part of the west wall height being 3.5 metres above floor level to the fascia.</i></p> <p><i>To meet the heritage guidelines more sympathetically and to improve the overall proportions and appearance of the building it is recommended the pitching point of 2550 be consistent around the whole building. Increased north light could be achieved by use of a gable on the north elevation.</i></p> <p><i>It is recommend the proposal be resubmitted with a revised lower profile roof line.</i></p> <p><u>Proposed dwelling Lot 3</u></p> <p><i>Although this building is not quite as high as the one on Lot 2 it is suggested its scale also be reduced by modification to the roof line. This could be achieved fairly easily by reducing the width of the gable over the north living /dining room to cover just those rooms. The roof over the north western deck could then be done as a gable off the main roof.</i></p> <p><i>The southern elevation shows brickwork from the ground to the ceiling level in front of the WIR and ensuite. This reads as an awkward proportion and it is recommended that the colour of brickwork be changed at approximately floor level.</i></p> <p>These comments were provided to the applicant who amended the design as per the above requests. The second statement from the Heritage Advisor was in support of the dwellings as follows:</p> <p><i>The revised plans are much better in terms of scale and appearance and are an acceptable solution given the challenges presented by the flood-clearance requirements.</i></p> <p>The development is not identified as containing any Aboriginal object or being an Aboriginal place of heritage significance</p> <p>It is important to note that conflicting constraints being heritage and flooding create difficult circumstance for applicants to develop on sites such as this one. The height of the dwelling is acknowledged as being higher than normal for this area; however, through the implementation of heritage features and the fact that the site is a battle-axe block the most that will be viewed from the streetscape is partial walls and the ridgeline of the rooftops. It is highly unlikely that these dwellings will be presented as bulky or out of character with the heritage conservation area and as such are recommended to be supported in this instance.</p> <p>Under subclause (5) it was determined a heritage management document was needed through Council's Heritage Assessment Flowchart.</p>	
Part 7 Additional Local Provisions	
Clause 7.1 Earthworks	
<p>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.</p>	Yes
Clause 7.2 Flood Planning	
<p>The subject site is identified as being within the flood planning level of the Queanbeyan River and is also recorded as being a high hazard site with the <i>Queanbeyan Development Control Plan 2012</i>. This fact is important to note as Lot 1 of Meredith Street is located in the low hazard area.</p>	Yes

QUEANBEYAN LOCAL ENVIRONMENTAL PLAN 2012 COMMENTS	COMPLIES (Yes/No)
<p>The flood planning level is calculated to be 576.5 metres (AHD). The proposed dwelling has a finished floor level of 576.5 metres (AHD), i.e. it is at the flood planning level. The proposed garage is at the existing natural ground level being 574.724 metres (AHD) but is considered acceptable as it is a non-habitable structure.</p> <p>The subject site is also within a heritage conservation area. As previously mentioned, the two site constraints of heritage and flooding have historically proven to be conflicting in terms of building height, bulk and scale. The applicant has designed the dwelling to conform to both site constraints as best as possible.</p> <p>It is recommended that the proposal be granted consent as it is generally compatible with the flood hazard of the land, due to the design of the base containing gaps and the floor level being raised at the flood level which will allow any potential flood waters to pass through. It is not likely to adversely affect potential flood behaviour, or to significantly affect the environment or cause avoidable erosion, siltation, destruction of riparian vegetation or a reduction in the stability of river banks or watercourses, and is not likely to result in unsustainable social and economic costs to the community as a consequence of flooding.</p>	
<p>Clause 7.3 Terrestrial biodiversity</p>	
<p>This clause is not considered relevant to the proposed development as the site is not identified as "Biodiversity" on the Terrestrial Biodiversity Map.</p>	<p>Not Applicable</p>
<p>Clause 7.4 Riparian land and watercourses</p>	
<p>This clause is not considered relevant to the proposed development as the site is not identified as "Watercourse" on the Riparian Land and Watercourses Map".</p>	<p>Not Applicable</p>
<p>Clause 7.5 Scenic protection</p>	
<p>This clause is not considered relevant to the proposed development as the site is not identified as "Scenic Protection Area" on the Scenic Protection Map.</p>	<p>Not Applicable</p>
<p>Clause 7.6 Airspace operations</p>	
<p>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.</p>	<p>Not Applicable</p>
<p>Clause 7.7 Development in areas subject to aircraft noise</p>	
<p>This clause is not considered relevant to the proposed development as the site is not located near the Canberra Airport or within an ANEF contour of 20 or greater.</p>	<p>Not Applicable</p>
<p>Clause 7.8 Active street frontages</p>	
<p>This clause is not considered relevant to the proposed development as the site is not identified as "Active street frontage" on the Active Street Frontages Map".</p>	<p>Not Applicable</p>
<p>Clause 7.9 Essential services</p>	
<p>Development consent must not be granted to development unless the consent authority is satisfied that any of the following services that are essential for the development are available or that adequate arrangements have been made to make them available when required:</p> <ul style="list-style-type: none"> (a) the supply of water, (b) the supply of electricity, (c) the disposal and management of sewage, (d) stormwater drainage or on-site conservation, (e) suitable vehicular access. 	

QUEANBEYAN LOCAL ENVIRONMENTAL PLAN 2012 COMMENTS	COMPLIES (Yes/No)
<p>Council's Development Engineer has assessed the proposed development and found that services are not currently provided to the site.</p> <p>Lot 1 of the DP 743011 is burdened with a right of way (ROW) which benefits Lots 2 and 3 with both access and an easement for essential services which are available on the fronting Meredith Street. Access is proposed via an existing vehicle crossing and will require the ROW to be upgraded from an unsealed pavement to a sealed (Concrete) pavement as it will be serving multiple lots. This will be imposed as a condition of consent. The access to the lots does not meet Council's requirements for access/egress in flood prone areas, which is discussed under flood management.</p> <p>Individual water services and meters will be required for each lot and shall be installed to the front of the ROW/Service Easement. This will be imposed as a condition of consent. The applicant will be responsible for the installing individual water services for each lot from the front of the easement.</p> <p>Electricity servicing is available on Meredith Street and arrangement with electricity utility provider is to be sought and evidence of servicing will be required prior to occupation of the lots. This will be imposed as a condition of consent.</p> <p>Sewage services are available on Meredith Street. Site levels and the existing sewer main level has been assessed to enable Council's servicing to be extended to the end of the ROW/Service easement. This will require the construction of a new sewer manhole over the existing main to create a branch off the main and a new sewer manhole at the end of the easement. Individual ties from the upper manhole will be provided to each lot. The sewer design and construction works shall be constructed by Council at no cost to Council will be dedicated to Council. This will be imposed as a condition of consent. The individual lots are likely to have internal sewer drainage at a lower level than the ties provided to the lots, thus will require private sewer pumps owned and maintained by each dwelling to allow effluent discharge to the manhole constructed at the end of the Service Easement. This will be imposed as a condition of consent. This not considered an ideal effluent disposal solution however given the site constraints due to the location and levels of existing services, flood planning and heritage constraints, individual effluent pumps are considered a satisfactory compromise to facilitate development of the lots.</p> <p>Like effluent disposal previously discussed, stormwater disposal from the lots may only be facilitated via privately owned and maintained pumps. However, due to the relative level of stormwater servicing on Meredith Street, a gravity main cannot be constructed beyond approximately 10m within the ROW/Service Easement, approx. short 35m to lots 2 and 3. Therefore, individual pumps or a "communal" pump system within the ROW/Service Easement will be required to discharge stormwater to Council's service on Meredith Street. This will be imposed as a condition of consent. Again, the use of pumps to discharge stormwater to the stormwater network is not considered an ideal stormwater disposal solution but due to the site constraints is considered a satisfactory compromise to facilitate development of the lots, particularly as stormwater pump outs become increasingly used and accepted. On site detention to limit post development flows from the site in accordance with the Queanbeyan Stormwater Design Specification D5 will be required and imposed as a condition of consent.</p>	
<p>Clause 7.10 Development near Cooma Road Quarry</p>	
<p>This clause is not considered relevant to the proposed development as the site is not identified as "Buffer Area" on the Quarry Buffer Area Map".</p>	<p>Not Applicable</p>
<p>Clause 7.11 Development near HMAS Harman</p>	
<p>This clause is not considered relevant to the proposed development as the site is not located within 2 kilometres of HMAS Harman or within Zone IN1 General Industrial or Zone IN2 Light Industrial.</p>	<p>Not Applicable</p>




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)
Part 1 About This Development Control Plan	
<p>1.8 Public Notification Of A Development Application The development application was notified to adjoining owners and 1 submission was received. Refer to the community consultation section of the Staff Report for consideration of the relevant issues raised in the submissions.</p>	Yes
Part 2 All Zones	
<p>2.2 Car Parking A total of two 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 as two parking spaces have been provided in a proposed double garage.</p>	Yes
<p>2.3 Environmental Management 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.</p>	Yes
<p>2.4 Contaminated Land Management As discussed in the SEPP 55 assessment a condition of consent will be imposed requiring the applicant to provide investigation reports to ensure the soil is not contaminated. The condition will ensure that if contaminated soil is found, the site must be remediated before the consent is active.</p>	Yes
<p>2.5 Flood Management The subject site is identified as being within the Designated Flood Area of the Queanbeyan River and has been identified as a high hazard area. The flood planning level is calculated to be 576.5 metres (AHD). The proposed dwellings have a finished floor level of 576.5 metres (AHD), meaning they will be constructed at the flood planning level. This will be achieved by raising the dwellings instead of bringing in additional fill. This is as fill can adversely affect flood behavior. As such the dwellings have been proposed to be raised off the natural ground level by 1.9 metres. The proposed access is proposed 1.9 metres below the flood planning level which does not meet the requirements of this Clause. As such a variation has been applied for.</p> <p>Objective To ensure development is compatible with the flood risk of the area The proposal generally satisfies this objective.</p> <p>Relevant Controls a) <i>All development shall be subject to the following conditions:</i> i) <i>Stream Flow Forces - A certificate from a suitably qualified Engineer will be required to show that all piers and other portions of the structure which are subject to the force of flowing water or debris has been designed to resist the stresses thereby induced.</i></p>	Yes – Variation – Conditions

QUEANBEYAN DCP 2012 COMMENTS	COMPLIES (Yes/No)
<p>ii) <i>Foundations - A certificate from a suitably qualified Engineer will be required to show that forces transmitted by supports to the ground can be adequately withstood by the foundations and ground conditions existing on the site.</i></p> <p>iii) <i>Hydraulic Effects - A certificate from a suitably qualified Engineer will be required to show that the structure as designed will have virtually no effect on the flood levels at or upstream from the site of the subject development</i></p> <p>The above will be imposed as a condition of consent.</p> <p>d) <i>Dangerous Substances - The following items and products are extremely vulnerable to flood conditions. Their use in quantities, other than for isolated or occasional household use, is prohibited from a designated flood area. Industrial, storage or retailing business dealing with these products shall not be permitted within the designated flood area:</i></p> <ul style="list-style-type: none"> • <i>Acetone; Celluloid; Magnesium; Ammonia; Chlorine; Nitric Acid; Benzine; Petrol; Phosphorus; Sodium; Sulphur; Potassium; Carbon; Disulfide; Hydrochloric Acid</i> <p>A condition of consent will be imposed to ensure no dangerous chemicals meet the criteria of this control.</p> <p>c) <i>Residential including Motels</i></p> <p>i) <i>Flood Levels - All residential units shall be constructed so that their floor levels are at or above the flood planning level.</i></p> <p>ii) <i>Access - All residential units shall be provided with an access at a level no lower than 800mm below the flood planning level to firm ground at the same level at a place where rising ground access is available to flood free areas. In the event that a raised path is provided, a guide rail or handrail shall be provided thereto.</i></p> <p><u>Variation</u></p> <p>The proposed dwelling will be built at the flood level which complies with control a.</p> <p>The access is proposed to be below the flood planning level at the existing natural ground level which varies between 574.4 metres - 575.4 metres (AHD) and is therefore 1.1 metres - 2.1 metres below the flood level.</p> <p>To comply with Clause ii) access would need to be provided to lot 1 at a level of 575.7 metres (AHD) which is 800mm below the flood level. This would also mean providing pedestrian access which would vary in height between 1.3 – 300mm from Lot 1 to Lots 2 and 3.</p> <p>Assessing Officer's Recommendation</p> <p>If access were to be provided at 575.7 metres fill would be required across the site of 1.3 metres. As explained later in this report, the proposal has varying concerns on privacy and overshadowing. If an additional amount of fill to this height were imposed the impact onto privacy and overshadowing would be adverse as it would raise the dwellings to 577.8 metres which is approximately 3.8 metres higher than the finished floor level of the neighbouring lots.</p> <p>This increase in height would also impact onto the streetscape of the heritage conservation area. The current design will allow the gable rooftops to be seen from Meredith Street and part of the front entry of the proposed lot 2 dwelling which conform to the characteristics of the area, however if the height were to increase the dwellings would appear double storey which is not supported as per the development application 31-2018 which was refused at Council on the 9 may 2018 for its two storey design.</p> <p>This style of battle-axe block was approved at the historic subdivision stage without appropriate access. The issue is existing and with modern controls applied to an older subdivision makes it extremely difficult for the applicant to provide this higher form of access.</p> <p>The applicant has designed the dwelling to provide sufficient safety measures that if a flood were to occur the dwelling would keep themselves safe and those surrounding. The site is within a heritage</p>	

QUEANBEYAN DCP 2012 COMMENTS	COMPLIES (Yes/No)
<p>conservation area and with the flood constraints was proving difficult to 100% satisfy both flooding and heritage requirements which is a common occurrence for this area.</p> <p>The objective of this clause states that any new residential buildings are to be designed to meet the flood risk of the area. As the site is on the edge of the flood area it would be unlikely that flood waters of a high velocity would reach the area. In saying this, the applicant has still designed the dwelling for this scenario and meets the objective of this clause.</p> <p>It is recommended that the proposed access be allowed to be constructed at the existing natural ground level. The applicant has designed the dwelling as best as possible to satisfy flood and heritage constraints with an older subdivision block.</p> <p>The variation is recommended to be supported for the following reasons:</p> <ul style="list-style-type: none"> • The subject site is in an area which has not previously experienced high velocity flows. As such a floor level for access that is below 1:100 Flood level is acceptable in this case. • The subdivision is historic and normally appropriate access would be provided at this stage. The current access services and existing dwelling, this lot and another proposed lot. If fill were to be added to raise the access privacy and overshadowing impacts would arise impacting adjoining neighbours. • Additional fill in a flood prone area has potential to cause upstream or downstream flood level/flow increases and is not supported. • Increasing the height of the natural ground level would have a negative impact on the heritage conservation area by making walls of the dwellings visible onto the streetscape. 	
<p>2.6 Landscaping A landscaping plan was required to be submitted with the application. The applicant has proposed grassed lawns, Silver Sheen trees, Kay Parris shrubs and four Chinese elms.</p>	Yes
<p>2.7 Soil, Water and Vegetation Management Plan (SWVM Plans) Standard conditions relating to site management will be imposed should development consent be granted.</p>	Yes
<p>2.9 Safe Design The proposed development generally satisfies the relevant provisions of this clause. The subject site is a battle-axe block. Lot 1 will be partially visible form the streetscape providing safety to the proposed dwelling and lessens the opportunity for criminal activity to occur.</p>	Yes
<p>2.11 Height of Buildings Refer to LEP assessment (Clause 4.3).</p>	Yes

Part 3A Urban Residential Development	
<p>3.2.1 External materials, patters, textures and decorative elements</p> <p>Objective 1) <i>To ensure high amenity and continuity of design and character in residential areas.</i></p> <p>The proposal generally satisfies this objective.</p> <p>Control a) <i>Residential development shall be compatible with existing development with regard to external materials, patterns, textures and decorative elements.</i></p> <p>The walls of the proposed dwelling are to be constructed of scyon cladding in the colour surfmist (See below).</p> <p>Scyon Cladding – Surfmist</p>  <p>The roofing is proposed to be Colorbond™ in the colour shale grey (See below).</p>  <p>Base brickwork is also proposed to accommodate the raised portion of the dwelling. This provides colour to the building being Sydney blue.</p>  <p>The proposed colours and materials are acceptable for the proposed dwelling house.</p>	<p>Yes</p>

3.2.2 Siting and building setbacks

Objective

- 1) *To ensure quality residential development by preventing overdevelopment and respecting the amenity of neighbours.*

The proposal generally satisfies this objective.

Relevant Controls

- a) *The minimum building setback for single storey development shall be 6.0m to the principal road frontage and 4.0m to the secondary road frontage.*
- c) *Setbacks to side boundaries are subject to consideration of impact on privacy, private open space and solar access of adjoining properties & BCA*

The subject site is a battle-axe block and as such front setbacks do not apply. The minimum side setback is proposed to Lot 2 and is 3 metres. The rear setback is proposed to be 9 metres to the Albert Street dwellings.

The proposed setbacks given the size of the block are acceptable in this case and do not aid in direct overlooking.

Table1

Dwelling	Front Boundary		Rear Boundary
	Major Frontage	Minor Frontage	
Single Storey *	6.0m	4.0m	4.0m
Two or more Storeys *	7.5m	4.0m	4.0m
Free standing garage/ carport/ swimming pool or similar	6.0m	4.0m	Nil
Corner Allotments with Long Curved Frontages	5.0m	5.0m	

Lot 2 Setbacks

Side – 22.267 metres (To lot 3) and 2.4 metres (To 10 and 11 Lenane Street)

Rear – 9.019 metres (To Albert Street)

Front – NA

Lot 3 Setbacks

Side – 0.917 metres (To lot 2) and 1.688 metres (To 19 Meredith Street)

Rear – 6.734 metres (To Albert Street)

Front – NA

All parts of this proposal comply with the controls of this clause.

Yes

3.3.1 Topography

Objectives

- 1) *New development is to be designed to take advantage of the positive attributes of the site which are often related to slope, aspect, trees and existing buildings.*
- 2) *To design dwellings that sit into the landscape whilst avoiding excessive under-building and retaining walls.*

The proposal generally satisfies these objectives.

Relevant Controls

- a) *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.*
- b) *Cut and fill shall be limited to a maximum of 1.5m*
- c) *Finished batters of cut and fill are limited to a maximum of 1 vertical 4 horizontal.*
- d) *Greater depths maybe considered provided they are not highly visible from the street*

Yes

<p>The proposal will require minimal excavation. The garage is proposed be at the existing natural ground level and the dwelling will be raised 1.9 metres above the natural ground level but will be on footings not by fill.</p>	
<p>3.3.2 Vehicular access and car parking</p> <p>Objective</p> <p>1) <i>To ensure adequate car parking and access arrangements appropriate for residential development.</i></p> <p>The proposal generally satisfies this objective.</p> <p>Relevant Controls</p> <p>b) <i>Driveways are to be set back sufficiently from side boundaries to allow for effective screen planting along the boundary.</i></p> <p>c) <i>The driveway width itself is to be at least 2.5m wide, with adequate turning area provided to allow for ease of access to garages.</i></p> <p>d) <i>Driveways may need to be splayed, depending on volume and speed of traffic and footpath width. The grade of a driveway is not to exceed 1:5 within the property boundary, with a suitable transition provided to the public road.</i></p> <p>The driveway on the subject site is existing and contains a right of carriageway to provide access to the subject site. Council's Development Engineer has assessed this and deemed it acceptable in this case given the existing and proposed driveways are sealed.</p>	<p>Yes</p>
<p>3.5</p> <p>Consideration of views, shadowing and privacy</p> <p>Objective</p> <p>1) <i>To ensure quality residential development by considering any impacts on views, shadowing and privacy of residents and neighbours.</i></p> <p>The proposed proposals generally satisfy this objective.</p> <p>Controls for privacy and noise</p> <p>a) <i>New dwellings should be designed to safeguard privacy and minimise the extent of impact on the outlook of existing or potential dwellings in the proximity.</i></p> <p>b) <i>Direct overlooking of internal living areas of neighbouring dwellings is to be minimised by building layout, location and design of windows and balconies, provision of screening devices and landscaping.</i></p> <p>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>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>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>Yes – Conditions on privacy screening</p>

Impacts from Lot 2

Lot 2 adjoins nine existing dwellings being;

12-18 Albert Street to the rear

10-11 Lenane Street 11 Meredith Street on the eastern boundary

11, 15 and 17 Meredith Street

Lot 1 (13 Meredith Street) on the southern boundary

Lot 3 of 13 Meredith Street is assessed as part of this Clause for privacy.

Lot 3 – 13 Meredith Street

The proposed dwelling has its garage and alfresco adjoining lot 3. As the garage is a non-habitable structure it will not create privacy issues onto this future dwelling house. The alfresco is proposed to have a 1.5 metre high privacy screen.

Lot 1 – Meredith Street

This is an existing dwelling. The garage on lot 1 would act as a privacy barrier between the two properties (See figure 2 Below).



Figure 2: Shed blocking overlooking opportunities

12 Albert Street

12 Albert Street is on an angle to the proposed dwelling on the rear boundary. The proposed study is on this side but the window for this is centred and over 9 metres away from the sites private open space. By using the Planning Principal of Mereton vs. Sydney City Council the minimum distance for direct overlooking is 9 metres. As the study window and proposed dwelling are over 9 metres away from the private open space, and the fact that the window is not directly in line with any POS or living areas, it is highly unlikely that direct overlooking would be achieved.



Figure 3: 12 Albert Street

16 Albert Street



Figure 4: 16 Albert Street

16 Albert Street is located directly behind the proposed dwelling. The proposed dwelling house on this side has a living area window with obscure glazing up to height of 1.4 metres which is set high above the finished floor level and would therefore be unlikely to look directly into 16 Albert Street's POS.

An alfresco is also proposed on this side. Given the dwelling has had to be raised to 576.5 metres (AHD) due to flood and given the neighbouring properties level being 574.6 metres (AHD) (1.9 metres above the neighbouring POS privacy screening is required to a height of 1.5 metres to protect neighbouring privacy in addition to it being setback 9 metres.

18 Albert Street

A submission has been received from this neighbour with regards to privacy impacts. Like 12 Albert Street, this site is on an angle to the proposed dwelling on the rear boundary. However, only a small portion of the dwelling will be aligned with the boundary. This portion of the building is also the alfresco and as mentioned in the assessment for 16 Albert Street, privacy screening will be used to protect neighbouring POS. The alfresco is also over 9 metres away from this lot and as mentioned previously using the Planning Principal of Mereton vs. Sydney City Council the minimum distance for direct overlooking is 9 metres. As such direct overlooking into this property from the dwelling on lot 2 is highly unlikely.



Figure 5: 18 Albert Street

10 and 11 Lenane Street



Figure 6: 10 and 11 Lenane Street

The proposal has bedrooms and bathrooms proposed on this side. 10 Lenane Street has one small frosted highlight window on this side and as such there will not be direct overlooking into any living areas.

The proposed window on the one of the bathrooms would look into the bathroom at 11 Lenane Street and as such there will not be direct overlooking into any living areas or either bathroom as frosted treatment will be applied.

11 Meredith Street

A large shed is in the rear yard of 11 Meredith Street and acts as a privacy barrier between the two properties and as such overlooking is not possible from Lot 2 onto 11 Meredith Street.



Figure 7: 11 Meredith Street

15 Meredith Street

The garage for the dwelling house will partially adjoin this lot. As such it is highly unlikely there will be direct overlooking.

Overshadowing

- d) *Shadow diagrams will be required for all two storey development 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.*

Impacts from Lot 3

The site adjoins seven existing dwellings being;

- 15-19 Meredith Street
- 18-20 Albert Street
- 13 Meredith Street – Lot 2

Lot 2 – 13 Meredith Street

The proposed dwelling has its living area and two bedrooms on this side. The living area has no proposed windows on this side and the two bedrooms will be facing a garage and as such direct overlooking into POS and living areas will not be achieved from the eastern elevation.

18 Albert Street

A submission has been received from this neighbour with regards to privacy impacts. There are two proposed windows off the living room and part of the alfresco facing into the POS of 18 Albert Street. To address privacy impacts the applicant has proposed these windows to be completely obscurely glazed and the alfresco to have a 1.6 metre high privacy screen on this side. This is highly likely to reduce any overlooking into the POS of 18 Albert Street. The plans have been slightly amended to allow the windows to have some part unglazed. The note specifies that up to 1.6 metres in height must be obscurely glazed which would allow approximately 600mm of unglazed window into the living and dining area of lot 3. This has been done as these windows are north facing and will receive the most sunlight during the day to encourage passive design while still protecting the neighbouring privacy.



Figure 8: 18 Albert Street

20 Albert Street



Figure 9: 20 Albert Street

20 Albert Street is on an angle to the proposed dwelling on the rear boundary. The proposed alfresco and dining area face this side. However, due to the angle direct overlooking from Lot 3 is not possible. Additionally, privacy treatments to these features have been implemented due to the impacts onto 18 Albert Street and as such is it highly unlikely direct overlooking will occur.

15 Meredith Street



Figure 10: 15 Meredith Street

15 Meredith Street is on an angle to the proposed dwelling on the front boundary and as such direct overlooking is not possible. Additionally, not habitable rooms are proposed on this side including the garage, a walk in robe and bathroom. The bathroom windows are also proposed to be frosted.

17 Meredith Street



Figure 11: 17 Meredith Street

As mentioned about for the privacy assessment on 15 Meredith Street non habitable rooms are proposed on this side including the garage, a walk in robe and bathroom. The bathroom windows are also proposed to be frosted. As such the proposal meets the controls in that habitable rooms are not looking directly into neighbouring POS or habitable rooms.

19 Meredith Street



Figure 12: 19 Meredith Street

<p>The alfresco and deck are raised on this side facing into the POS of 19 Meredith Street. As such a 1.7 metre high privacy screen is to be implemented on this side which is red amended on the plans. Direct overlooking will therefore be unlikely.</p> <p>Overshadowing</p> <p>Shadow diagrams have been provided for lots 2 & 3 and this assessment combines both. Shadows are casted in the direction of 15 and 17 Meredith Street. The other adjoining lots mentioned above will not be impacted. A shadow does hit 17 Meredith Street at each point between 9am – 3pm on the winter solstice however, it does not hit the POS area but a shed. As such the proposal complies with this Clause.</p>	
Part 4 Heritage and Conservation	
<p>4.4.2 Garages</p> <p>Objectives</p> <p>1) <i>To encourage garages to be designed and located so that they harmonise with the historic building and/or streetscape.</i></p> <p>The proposal generally complies with this control.</p> <p>Relevant Controls for New Garages</p> <p>a) <i>New garages should be freestanding and set back behind the rear wall of the building.</i></p> <p>The garages are not freestanding but are setback behind the rear wall of the dwelling. This is appropriate in this case as the subject site is a battle-axe block and the dwelling will not be viewed from the streetscape.</p> <p>d) <i>The pitch of a new garage roof should match or be close to that of the house. The pitch of double garage roofs may be shallower to reduce overall height. Note that roof pitches of 11 degrees are usually not appropriate.</i></p> <p>The proposed dwelling is also new as such the garage rooves have been integrated to match this. The roof will be gable style to complement the surrounding heritage dwellings.</p> <p>e) <i>The colour of the garage shall be appropriate for its heritage context. The use of blue, purple or similar body colours is generally not appropriate. If using Colorbond™, different colours are to be chosen for the roof, wall and trim.</i></p> <p>The proposed colours are shades of grey and neutral. They are appropriate for the conservation area. The proposed roof will be Colorbond™.</p> <p>Although attached, the garages have been designed to include heritage style characteristics such as the gable roof. Furthermore it will not be able to be viewed from Meredith or Albert Street protecting the appearance of the Heritage Conservation Area.</p>	Yes
<p>4.4.6 Decks and patios</p> <p>Objectives</p> <p>1) <i>To ensure that the design and location of decks and patios is sympathetic to heritage values.</i></p> <p>The proposal generally complies with this control.</p> <p>Relevant Controls</p> <p>a) <i>All proposed decks and patios on listed items, and in the Conservation Area if not located in the rear yard, should have minimal adverse visual impact on the place's heritage values or those of the streetscape.</i></p> <p>The alfresco's are proposed in the rear yards and on the side of the dwellings. They will not be viewed from the streetscape.</p>	Yes

<p>b) <i>New decks and patios, including handrails etc should be in a style and material that is sympathetic to the building. For example, welded steel decks on timber cottages are unlikely to be supported.</i></p> <p>The proposed alfrescos are timber to complement surrounding dwellings.</p> <p>d) <i>Large or elevated decks and patios should be located at the rear of the dwelling or where they are not readily visible from the public realm.</i></p> <p>The alfrescos will not be able to be viewed from the public realm.</p>	
<p>4.6.1 New Buildings in Heritage Conservation</p> <p>Objectives</p> <p>1) <i>To ensure that a new building fits seamlessly into its streetscape and is designed to complement the predominant character of the local built environment.</i></p> <p>2) <i>To achieve an architectural style, character, scale and bulk of new design that harmonises with that of the Conservation Area.</i></p> <p>The proposals generally satisfies the above objectives.</p> <p>Relevant Controls</p> <p>a) <i>The design of a new building in the Conservation Area shall have due regard to its context and shall be sympathetic in terms of character, scale, height, form, siting, materials, colour and detailing. Design shall be preceded by detailed analysis of context, and Development Applications shall include street elevations of adjacent properties to demonstrate how the proposal fits with its context.</i></p> <p>The proposed dwelling houses have been designed to retain the heritage character of the streetscape. This has been done through the design which incorporates a pitched gable roof, brick features and a large amount of open space surrounding the dwellings. Due to the sites being a battle-axe block the roof pitches and parts of Lot 2's wall will be the only visible structures from Meredith Street ensuring the impact isn't adverse.</p> <p>c) <i>Where a new building is on vacant land, or replaces a non-significant building, then two approaches may be adopted in the design:</i></p> <p>i. <i>The building style and appearance may draw strongly on its neighbours so that it fits seamlessly into its context and is not readily obvious as recent or modern development, or</i></p> <p>ii. <i>The building may adopt a modern style but in a manner that compliments its neighbours. Typically such buildings adopt a form, scale and roof pitch that is similar to its neighbours, but may interpret and detail these in a more contemporary manner. With this approach buildings will usually need to be specifically designed for their allotment. As a consequence, most project and kit homes fail to meet this control.</i></p> <p>The dwelling houses have been designed to a modern standard but has adopted features similar to the neighbouring properties. This includes the use materials including scyon cladding (which looks like weatherboard), a brick features and a Colobond™ roof.</p> <p>e) <i>Siting and set back are to be consistent with the predominant patterns in the street.</i></p> <p>The subject site is a battle-axe block. The dwellings have been setback to respect the boundaries of neighbouring properties.</p>	<p>Yes</p>

<p>f) <i>Windows and doors visible from the street shall be constructed from timber, but may be painted.</i></p> <p>The dwellings will not be wholly visible from the street. The door of Lot 2 will be viewed from Meredith Street and has been deemed acceptable by Council's Heritage Advisor in this case.</p>	
<p>4.6.3 Scale, proportion and bulk of new buildings</p> <p><i>The height, scale and bulk of a new building has the potential to impact on a heritage item/Conservation Area within its vicinity. The impacts can apply not only to individual buildings but also to significant parks and open spaces.</i></p> <p>Objectives</p> <p>1) <i>To ensure that the scale and bulk of new buildings does not adversely impact on a heritage item, park, open space or Conservation Area.</i></p> <p>The proposals generally satisfies the above objective.</p> <p>Relevant Controls</p> <p>c) <i>New external brick walls shall show an appropriate change or banding at ground floor and first floor level, or alternatively at approximately window sill height, to assist in reducing the apparent scale of a proposal. Similar changes may be necessary for other surface materials.</i></p> <p>The proposed materials include brick and scyon cladding. The change in materials assist in reducing the scale of the proposal.</p>	<p>Yes</p>
<p>4.6.4 Setbacks of new buildings</p> <p>Objectives</p> <p>1) <i>Ensure the heritage item/s remain the predominant building in the streetscape.</i></p> <p>2) <i>Ensure the height, scale or bulk of new buildings does not dominate a heritage item.</i></p> <p>3) <i>Retain historic and consistent setback patterns where relevant, such as in certain commercial areas.</i></p> <p>The proposals generally satisfies the above objectives.</p> <p>Controls</p> <p>a) <i>New buildings shall not obstruct important views or vistas to buildings and places of historic and aesthetic significance.</i></p> <p>b) <i>In residential areas the front setback of the new building should be greater than the adjacent heritage building so that the heritage building remains prominent within the streetscape.</i></p> <p>c) <i>Side, front and rear setbacks of new buildings shall be increased where new development is higher than the heritage place or likely to have an adverse impact on its character, amenity or setting by virtue of its height, scale or bulk.</i></p> <p>The proposed dwellings will not obstruct views or vistas to buildings and places of historic and aesthetic significance. The front setback is more than the surrounding dwellings and the side and rear setbacks proposed respect the neighbouring dwellings.</p>	<p>Yes</p>

Additional Planning Considerations

The following additional planning matters apply to the development:

<i>The Likely Impacts of the Development</i>
<i>Context and Setting</i> - The development will have a minimal impact on the scenic qualities and features of the landscape including views and vistas and is compatible with the 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.
<i>Public Domain</i> - The proposed development will not adversely impact on public recreational opportunities, pedestrian links or access to public space.
<i>Utilities</i> - The site is proposed to be serviced with water, sewer, electricity and telecommunication services.
<i>Heritage</i> - The proposed development will have a minimal impact in relation to heritage. The site is not heritage listed and is not adjacent to a heritage item. It is located within a Heritage Conservation Area and this has been assessed under Clause 5.10 of the QLEP2012 and Part 4 of the QDCP2012.
<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.
<i>Water</i> – The proposed development will have minimal impact on the conservation of water resources and the water cycle.
<i>Soils</i> – The proposed development will have minimal adverse impact on soil conservation. The soils are suitable for the development.
<i>Air and microclimate</i> – The proposed development will have minimal impact on air quality and microclimatic conditions and will be conditions to prevent air pollution such as dust where required.
<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.
<i>Waste</i> - adequate waste facilities are available for the proposed development.
<i>Energy</i> – a BASIX certificate has been submitted with the proposal.
<i>Noise and Vibration</i> - The proposed development is not likely to cause any adverse ongoing impact from noise or vibration.
<i>Natural Hazards</i> – Flood management has been addressed under Part 2 of the QDCP 2012.
<i>Technological Hazards</i> - No technological hazards are known to affect the site.
<i>Safety, Security and Crime Prevention</i> - The proposed development complies with the relevant section of the QDCP 2012 on crime prevention through environmental design.
<i>Social Impact in the Locality</i> - The social impacts of the proposal are anticipated to be minimal.
<i>Economic Impact in the Locality</i> - The economic impacts of the proposal are anticipated to be minimal.
<i>Site Design and Internal Design</i> - <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.</i>

Construction - 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.

Cumulative Impacts - 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.

The Suitability of the Site for the Development

Does the proposal fit in the locality? – The proposal is considered to be compatible with its site and general locality.

Are the site attributes conducive to development? – Site attributes such as configuration, size and slope, are considered to be generally conducive to the proposed development.

Have any submissions been made in accordance with the Act or the Regulations?

Public Submissions – The application was required to be notified. One submission was received from a property on Albert Street during the notification period.

The proposal required notification under Queanbeyan DCP 2012. 1 submission was received. The relevant issues raised are as follows:

Privacy

Given the close proximity the proposal will impact our privacy and enjoyment and other homes in Albert Street.

Response

Lot 2

The submitters lot is on an angle to the proposed dwelling on the rear boundary. A small portion of the dwelling will be aligned with the boundary. This portion of the building is the alfresco and privacy screening to a height of 1.5 metres will be used to protect neighbouring POS. The alfresco is also over 9 metres away from this lot and as mentioned previously using the Planning Principal of Mereton vs. Sydney City Council the minimum distance for direct overlooking is 9 metres. As such direct overlooking into this property from the dwelling on lot 2 is highly unlikely.

Lot 3

There are two proposed windows and part of the alfresco facing into the POS of the submitters lot. To address privacy impacts the applicant has proposed these windows be completely obscurely glazed and the alfresco to have a 1.6 metre high privacy screen on this side. This is highly likely to reduce any overlooking into the POS of the submitters lot. The plans have been slightly amended to allow the windows to have some part unglazed. The note specifies that up to 1.6 metres in height must be obscurely glazed which would allow approximately 600mm of unglazed window into the living and dining area of lot 3. This has been done as these windows are north facing and will receive the most sunlight during the day to encourage passive design while still protecting the neighbouring privacy.

Contamination concerns

Council records show that the proposed dwelling is to be constructed on landfill.

Response

Council's records do not show a record of this but the site did historically have a small creek flowing through it and a seedling house (nursery). A condition of consent will be imposed requiring the applicant to have the lot tested for contamination before construction commences. If the lot is found to be contaminated further action will be taken.

Previous Proposals

Historic proposals were rejected and the reasons for this should still apply as none of the past concerns have been addressed within this application specifically privacy.

Response

The reasons for previous proposals not being supported by Council have been rectified with this development application. The applicant has demonstrated privacy of neighbouring lots will be protected through the use of screening and obscure glazing. Other concern raised within previous applications have also been rectified including servicing to the lot.

Submissions from Public Authorities – No referrals to public authorities were required for the subject application.

The Public Interest

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.

Government and Community Interests

It is considered that government and community interests will not be adversely affected by the proposed development.

QUEANBEYAN-PALERANG REGIONAL COUNCIL

Planning and Strategy Committee of the Whole Meeting Attachment

8 AUGUST 2018

- | | |
|--------------|--|
| ITEM 4.1 | DEVELOPMENT APPLICATIONS 197-2017 (LOT 2) AND 302-2017 (LOT 3) - 13 MEREDITH STREET, QUEANBEYAN - RAISED DWELLINGS |
| ATTACHMENT 5 | DA 197-2017 & 302-2017 - DRAFT CONDITIONS OF CONSENT - LOTS 2 & 3 DP743011 13 MEREDITH STREET |

Draft Conditions for Development Applications 197-2017 and 302-2017

PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE (BUILDING)

1. SUBMIT FLOOD ENGINEER'S CERTIFICATE
Prior to the issue of any Construction Certificate (Building) a certificate from a practising structural engineer must be submitted to the Principal Certifying Authority to certify that:
 - (a) for a design criteria of 48 hours, ground saturation forces transmitted by the structure to the ground can be withstood by the foundations and ground conditions existing during a flood event and,
 - (b) the design of the proposed works is structurally sound to withstand all flood events up to a least a 1 in 100 year flood.

REASON: To ensure the structural stability of the building during a flood event. **(56.02)**

2. CONTAMINATION
Prior to the issue of a Construction Certificate a site investigation report is to be prepared by a suitably qualified environmental consultant detailing whether any contamination is present on the site as a result of a potentially contaminating activity (nursery) that was once established on the subject site.

If the site is free from contamination the report should include an unequivocal statement that the site is suitable for residential development. Any recommendations specified in that report shall be complied with as part of this consent.

If the site is found to be impacted by any areas of environmental concern a Remediation Action Plan (RAP) shall be submitted to Council for approval. All works specified in the RAP are to be carried out and on completion of works a Validation Report is to be issued confirming that the site has been remediated and containing an unequivocal statement that the site is suitable for residential development. Any recommendations specified in the Validation Report shall be complied with as part of this consent. The Validation Report must be received and endorsed by Council prior to the issue of a Construction Certificate.

REASON: To ensure residential development is suitable for the land which has the potential to have been contaminated by the previous use of the site as a nursery. **(56.01)**

2A. GEOTECHNICAL REPORT

Council has evidence that all or part of the site may have been subject to filling. Prior to the issue of a Construction Certificate a geotechnical report shall be prepared by a suitably qualified engineering consultant and submitted to the certifier confirming the soil classification of the site including any recommendations for the design of footings for the proposed buildings. This report may be prepared in conjunction with the flood certification required by Condition 1 of this consent.

REASON: To ensure that the footing design takes into account the likely presence of fill on the site. **(56.05)**

3. WATER & SEWER COMPLIANCE CERTIFICATE - DESIGN

Prior to the release of a Construction Certificate (Building) a certificate of compliance in accordance with the *Water Management Act 2000* must be obtained from Council.

The application for the certificate of compliance must be accompanied by four copies of the Civil Engineering plans for the design of the water reticulation and sewerage systems, drawn in accordance with Council's *Queanbeyan Development Specifications (Version 1, dated January 2013)*.

REASON: To ensure that the hydraulic design is in accordance with the relevant Design and Construction specifications. **(56.05)**

Note: *This water and sewer compliance certificate is only required if the development involves alterations to Council's existing water and/or sewer infrastructure but involves no subdivision.*

PRIOR TO COMMENCEMENT

4. SUBMIT A SECTION 68 ACTIVITY APPLICATION FOR SEWER AND STORMWATER WORKS

Prior to work commencing, a Section 68 Activity Application for construction of Sewer and Stormwater works is to be submitted to, approved by, Queanbeyan Palerang Regional Council under provisions of the Local Government Act 1993.

REASON: To ensure Council infrastructure is constructed to Council's standards. **(57.01)**

5. 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)**

6. ERECT A SIGN FOR ANY DEVELOPMENT WORKS
A sign must be erected and maintained in a prominent position on any site on which building, subdivision or demolition 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)**

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

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

SITE MANAGEMENT DURING DEMOLITION AND CONSTRUCTION

8. 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)**

9. 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)**

10. HOURS OF OPERATION FOR WORKS
All works associated with the demolition and/or construction of this development must be carried out between the following hours:

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

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

11. 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)**

12. 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

13. 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

14. 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)**

15. 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.**

4.1 Development Applications 197-2017 (Lot 2) and 302-2017 (Lot 3) - 13 Meredith Street, QUEANBEYAN -
Raised Dwellings
Attachment 5 - DA 197-2017 & 302-2017 - Draft Conditions of Consent - Lots 2 & 3 DP743011 13 Meredith Street
(Continued)

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

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

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

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

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

FLOODING RISKS

18. **STORAGE OF DANGEROUS SUBSTANCES IS PROHIBITED**
The storage of the following substances in quantities, other than for isolated or occasional household purposes, is prohibited for this development:

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

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

19. **ELECTRICAL SERVICES IN NEW BUILDINGS**
All electrical power connections, switch boards and transformers must be installed at a level above RL 576.5 metres (AHD).

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

20. **EQUIPMENT STORAGE BELOW FLOOD PLANNING LEVEL**
All electrical and mechanical services and equipment that have to be installed below RL 576.5 metres (AHD) must conform to the following:

Equipment

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

Services

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

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

21. **FLOOR LEVEL ABOVE THE 100YR FLOOD LEVEL**
Floor levels of the proposed dwelling must be set out by a registered surveyor to ensure the finished floor level is set at or above the 1 in 100 year flood level. Upon completion of the floor a survey plan confirming the height of the finished ground floor must be prepared by a Registered Surveyor and submitted to the Principal Certifying Authority prior to commencement of framing works.

REASON: To ensure that the floor level of the building is set at or above the 100 year flood level so as to minimise the risk of flood damage to the building and its occupants. **(65.07)**

CARPARKING AND ACCESS

22. **DRIVEWAY CONSTRUCTED OVER THE VERGE**

The development must include the construction of a driveway over the verge at the location shown on the approved plans.

This driveway vehicle kerb crossing must be constructed by a Council approved contractor at no cost to the Council.

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

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

CONSTRUCTION OF INFRASTRUCTURE

23. **SEPARATE CONNECTIONS & SERVICES**

A separate sewer connection, stormwater drainage connection, water service, electricity supply and communication service must be provided to each allotment within the subdivision at the developers expense.

REASON: To provide access to services for each allotment. **(67.02)**

Note: The Subdivider may, at their own expense, provide a gas connection to such allotment within the subdivision subject to its availability.

Note: The Subdivider is responsible for all public utilities and services in the area of work and as such must notify all relevant Authorities and bear all costs associated with any repairs and/or adjustments as those Authorities deem necessary.

24. INSPECTIONS – WATER & SEWER AUTHORITY

Inspections must be performed by the Water and Sewer Authority (Council) when works reach the following stages:

- (a) immediately prior to connection of new sewer pipes to the existing sewerage system,**
- (b) immediately prior to connection of new water pipes to the existing water reticulation,**
- (c) immediately prior to the backfilling of sewer drainage trenches, and**
- (d) immediately after installation of any on-site stormwater management system.**

Council's Natural and Built Character section must be given 24 hours notice of the need for these inspections.

REASON: To ensure that hydraulic services are constructed in accordance with Council requirements. **(67.03)**

Note: Any inspections carried out by Council do not imply Council approval or acceptance of the works, and do not relieve the Developer from the requirements to provide an Engineering Construction Certificate Report in accordance with Council's Design and Construction Specifications.

25. BATTLE AXE LOTS – DRIVEWAY CONSTRUCTION

A 3 metre wide concrete driveway must be constructed between the front boundary of the site and the main body of the Lots within the battleaxe handle, and including its construction over the adjacent Council footway.

REASON: To provide adequate vehicular access for each allotment. **(67.04)**

26. WORK IN ACCORDANCE WITH ENGINEERING SPECIFICATIONS

All construction and restoration work must be carried out strictly in accordance with the approved drawings and Council's *Queanbeyan Design and Construction Specifications* (Version 3.2, dated January 2013).

REASON: To ensure construction and restoration work is in accordance with Council's requirements. **(67.05)**

27. DEDICATION TO COUNCIL

Gravity Sewer and Stormwater mains and manholes/pit within the service easement must be dedicated to Council and shown as such on the approved Water & Sewer Compliance drawings.

REASON: To permit Council to adequately drainage and utility services, and to provide legal access to lots. **(70.04)**

SAFER BY DESIGN

28. STREET NUMBERING

The property must be clearly identified by a street number. The property address is:

Lot	Address
2	2/13 Meredith Street
3	3/13 Meredith Street

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

PRIOR TO ISSUE OF OCCUPATION CERTIFICATE

29. PRIVACY MEASURES

An occupation certificate must not be issued if privacy measures shown on the approved plans have not been implemented. This includes obscure glazing to nominated windows and privacy screening on nominated sides of the alfresco areas.

REASON: To ensure direct overlooking into neighbouring properties is avoided. **(78.01)**

30. SUBMISSION FROM SERVICE AUTHORITY

Prior to issue of occupation certificate written evidence from the relevant service authority(s) or a suitably accredited person that satisfactory arrangements have been made for the supply of reticulated electricity, telephone services and natural gas to the lot must be submitted to Queanbeyan Palerang Regional Council.

REASON: To satisfy relevant utility authority requirements. **(78.01)**

31. **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)**

32. **WATER & SEWER COMPLIANCE CERTIFICATE - CONSTRUCTION**
Prior to the issue of any Occupation Certificate a certificate of compliance in accordance with the *Water Management Act 2000* must be obtained from Council.

REASON: To ensure the constructed infrastructure and services have been completed to Council's specifications. **(78.03)**

33. **COMPLY WITH BASIX CERTIFICATE**
The development must be constructed in compliance with the NSW BASIX Certificates or any of the subsequent modifications.

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

34. **INSTALLATION OF WATER METERS**
Prior to the issue of any Occupation Certificate the 20mm water meter issued to the property shall be installed at no cost to the Council and the completed installation inspected and approved by Council as the Water and Sewer Authority.
The meter must be located in an easily accessible position at or near the property boundary, or other accessible position approved by Council.

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

35. **PRIVATE SERVICES**
Internal private (charged/pumped) services that are established as part of this development must be maintained by the owners of lots 2 and 3. This is to be established by a legal instrument prior to the issue of an occupation certificate and submitted to Council.

REASON: To ensure the pump out services are maintained by the lot owner's **(78.01)**

PLUMBING AND DRAINAGE

36. 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)**

37. 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)**

38. FLOOR LEVEL TO BE 150mm ABOVE YARD GULLY
The floor level of areas with fixtures connected to sewer must be at least 150mm above overflow level of the yard gully and surface water must be prevented from entering the yard gully.

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

39. 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)**

40. STORMWATER DISPOSAL REQUIREMENTS
All stormwater from the site must be trapped and piped to the street gutter/stormwater pit/other via an on-site detention system to limit the discharge from the site to the pre-development rate for a 1 in 5 year recurrence interval storm event.

REASON: To provide satisfactory stormwater disposal. **(80.08)**

41. **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)**

42. **PROVIDE WATER SERVICE AND WATER METER**
A new main water meter and water service shall be installed by Council at no cost to the Council. The size of the meter and service shall be determined by a suitably qualified hydraulic consultant at no cost to Council.

The main meter shall be installed in an easily accessible position in the common property at the front of the site, or other accessible position approved by Council.

A 20mm electronic water meter (sub-meter) shall be installed at the front of each unit, or other accessible position approved by Council, at no cost to Council.

Each sub-meter and all irrigation and fixtures for the common property must be serviced by the main meter.

REASON: To ensure that the development is appropriately water metered. **(80.14)**