



Planning and Strategy Committee of the Whole

AGENDA

10 July 2019

Commencing at 5.30pm

**Council Chambers
253 Crawford St, Queanbeyan**

On-site Inspections - Nil

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

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

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

1 OPENING

Acknowledgement of Country.

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LIST OF ATTACHMENTS –

(Copies available from CEO/General Manager's Office on request)

Open Attachments

- Item 5.1 Development Application 96-2019 - Service Station (7-Eleven) and Associated Signage - 2 Ferdinand Lane, Jerrabomberra
- Attachment 1 DA 96-2019 - Section 4.15 Table - Service Station - 2 Ferdinand Lane, Jerrabomberra (Under Separate Cover)*
- Attachment 2 DA 96-2019 - Architectural Plans - Service Station - 2 Ferdinand Lane, Jerrabomberra (Under Separate Cover)*
- Attachment 3 DA 96-2019 - Civil Plans - Service Station - 2 Ferdinand Lane, Jerrabomberra (Under Separate Cover)*
- Attachment 4 DA 96-2019 - Draft Conditions - Service Station - 2 Ferdinand Lane, Jerrabomberra (Under Separate Cover)*
- Item 5.2 Development Application 72-2019 - Advertising Sign - 300 Lanyon Drive, Jerrabomberra
- Attachment 1 DA 72-2019 - Section 4.15 Matters for Consideration Report - Advertising Sign - 300 Lanyon Drive (Under Separate Cover)*
- Attachment 2 DA 72-2019 - Plans - Advertising Sign - 300 Lanyon Drive - (Under Separate Cover)*
- Attachment 3 DA 72-2019 - Draft Condiitons of Consent - Advertising Sign - 300 Lanyon Drive (Under Separate Cover)*
- Item 5.3 Draft Voluntary Planning Agreement - 18 Mecca Lane, Bungendore
- Attachment 1 Draft Voluntary Planning Agreement - 18 Mecca Lane, Bungendore - 12 April 2019 (Under Separate Cover)*

Closed Attachments

Nil

ITEM 3 DECLARATION OF CONFLICTS/PECUNIARY INTERESTS

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

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

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

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

Recommendation

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

5.1 **Development Application 96-2019 - Service Station (7-Eleven) and Associated Signage - 2 Ferdinand Lane, Jerrabomberra (Ref: ; Author: Thompson/Glouftsis)**

Summary

Reason for Referral to Council

This application has been referred to Council as the Portfolio General Manager Natural and Built Character has determined it is in the public interest to have the matter considered by Council.

Proposal:	Service Station & Associated Signage (7-Eleven)
Applicant/Owner:	Knight Frank Town Planning/ Poplars Developments Pty Ltd.
Subject Property:	Proposed Lot 1 DP 1246134, 2 Ferdinand Lane Jerrabomberra (Lodged under Lot 2 DP 1243031, No. 31 Tomsitt Drive)
Zoning and Permissibility:	B1 Neighbourhood Centre under Queanbeyan Local Environmental Plan (Poplars) 2013/Permissible with consent in the zone.
Public Submissions:	Nil.
Issues Discussed:	Planning Requirements/Driveway & Access
Disclosure of Political Donations and Gifts:	Applicant Declared no Donations or Gifts to any Councillor or Staff have been made.

Recommendation

That the CEO be granted delegated authority to determine Development Application 96-2019 for a Service Station & Associated Signage on Lot 1 DP 1246134, 2 Ferdinand Lane Jerrabomberra, subject to:

- a) The formal creation of the title for the proposed allotment; and**
 - b) Submission of amended architectural and civil plans (including revised vehicle swept paths) that include a secondary heavy vehicle crossing on Henry Place to accommodate delivery vehicles egressing the site.**
-

Background

Proposed Development

The proposed development is for a Service Station and associated signage. Specifically the application includes:

- In Ground Works
 - Excavation & installation of three refuelling pumps.
 - Stormwater detention tank.
- Vehicular Access, Forecourt & Fuel Canopy
 - Construction of driveways and car parking space for thirteen cars & associated external lighting & line marking.

5.1 Development Application 96-2019 - Service Station (7-Eleven) and Associated Signage - 2 Ferdinand Lane, Jerrabomberra (Ref: ; Author: Thompson/Glouftsis) (Continued)

- Building and Associated Structures
 - Single storey building (maximum height of 8.2m) (gross floor area 203m²)
 - Business identification signs (of various height and sizes) & two pylon signs (6m and 4m in height).
- Landscaping
 - Landscaping with a mix of three tree species, shrubs, & ground covers.

The following hours for operation and deliveries have been proposed:

- Trading 24 hours a day, 7 days a week.
- Deliveries including fuel and store goods during the hours of 7am and 8pm daily;
- One daily fresh delivery of consumable goods between the hours of 10pm and 5am by a 12 metre ridged Pantech truck. Maximum delivery time will be 15 minutes; and
- Collection of waste between the hours of 7am and 8pm.



Figure 1: Site Plan (Source: Munns Sly Moore Architects)

5.1 Development Application 96-2019 - Service Station (7-Eleven) and Associated Signage - 2 Ferdinand Lane, Jerrabomberra (Ref: ; Author: Thompson/Glouftsis) (Continued)

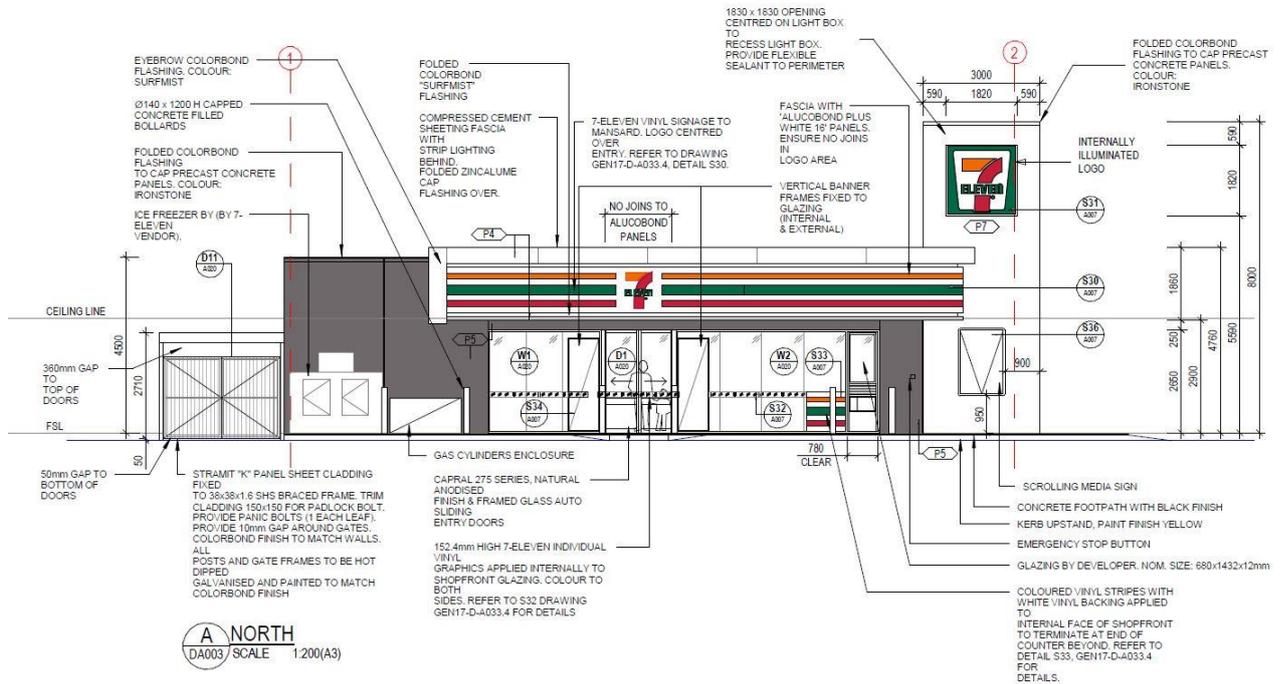


Figure 2: North Elevation (Source: Munns Sly Moore Architects)

Subject Property

The subject site is legally described as Lot 2 DP 1243031 and is commonly known as 31 Tompsitt Drive. The subject site was subdivided as part of DA 192-2016. DA 192-2016 was determined in June 2017 and approved the demolition of an existing dwelling house and outbuildings, subdivision of land to create 6 x Torrens Title lots, construction of two public roads and associated works at 300 Lanyon Drive.

The lots within this subdivision are yet to be registered and the subject site will be known as Lot 1 DP 1246134 and will be commonly known as 2 Ferdinand Lane, Jerrabomberra once registered. The site has a total area of 3,319m². There is no existing development on the site. Vehicular access is provided to the site via a newly created driveway from Ferdinand Lane.

5.1 Development Application 96-2019 - Service Station (7-Eleven) and Associated Signage - 2 Ferdinand Lane, Jerrabomberra (Ref: ; Author: Thompson/Glouftsis) (Continued)

A locality plan is shown in Figure 3 below.



Figure 3: Subject Site

Planning Requirements

Assessment of the application has been undertaken in accordance with Section 4.15 of the *Environmental Planning and Assessment Act (EP&AA) 1979*, as amended. The matters that are of relevance under Section 4.15 are summarised in the attached *Section 4.15 Table – Matters for Consideration*.

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

1. State Environmental Planning Policy No. 64 - Advertising and Signage
2. State Environmental Planning Policy No. 33 – Hazardous and Offensive Development
3. State Environmental Planning Policy No. 55 – Remediation of Land
4. Queanbeyan Local Environmental Plan (Poplars) 2013 (QLEP Poplars 2013).
5. Queanbeyan Development Control Plan 2012 (QDCP 2012)
6. South Jerrabomberra Development Control Plan (SJDGP)

The development generally satisfies the requirements and achieves the objectives of these planning instruments, with the exception of issues discussed regarding access and service vehicle manoeuvrability. A detailed assessment of the key issues of the application are provided below.

(a) State Environmental Planning Policy No. 64 – Advertising and Signage (SEPP 64)

A detailed assessment against SEPP 64 is provided within the attached Section 4.15 Table – Matters for Consideration. The signage proposed is classified as business identification and way finding signage and includes:

5.1 Development Application 96-2019 - Service Station (7-Eleven) and Associated Signage - 2 Ferdinand Lane, Jerrabomberra (Ref: ; Author: Thompson/Glouftsis) (Continued)

- Two pylon signs (1 x 6m (originally 7m) & 1 x 4m) both with fuel pricing and Mobil brand identification.
- Two wall signs (tower light box signs as per Figure 6 (S31) 1.82 x1.82m).
- One building/awning fascia detail sign on building.
- Canopy Signage (x4) on canopy over refuelling area, and;
- Directional signage.

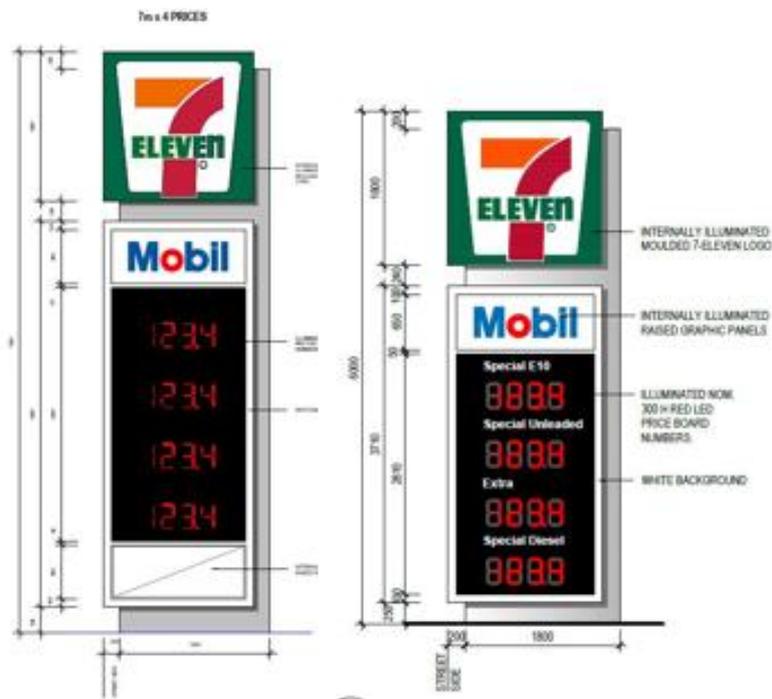


Figure 4: Original Pylon Sign (left) and Revised Pylon Sign (right) (Facing Tomsitt Drive)

Figure 4 shows the 7m high pylon sign originally submitted with the application. The pylon sign has been redesigned to a height of 6m as seen in Figure 4 above on the right. This pylon sign is located on the corner of Henry Place and Tomsitt Drive. The reduction in height will allow the pylon sign to be consistent with the proposed pylon signage for the adjoining lots (proposed McDonalds and KFC Takeaway Food and Drink Premises), which each have a 6m high pylon sign facing Tomsitt Drive. The revised design has also removed an additional advertising panel at the bottom of the sign that would have allowed further advertising signage, which would result in further clutter and unsightliness.

The 4 metre high pylon sign shown in Figure 5 below is located on the corner of Henry Place and Ferdinand Lane. The sign is considered acceptable in its proposed configuration.

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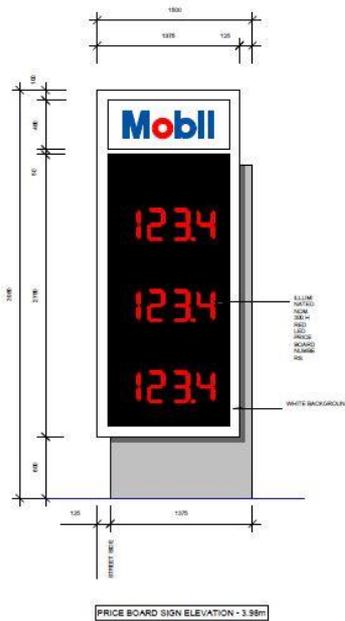


Figure 5: 4 Metre Pylon Sign (Facing Henry Place)

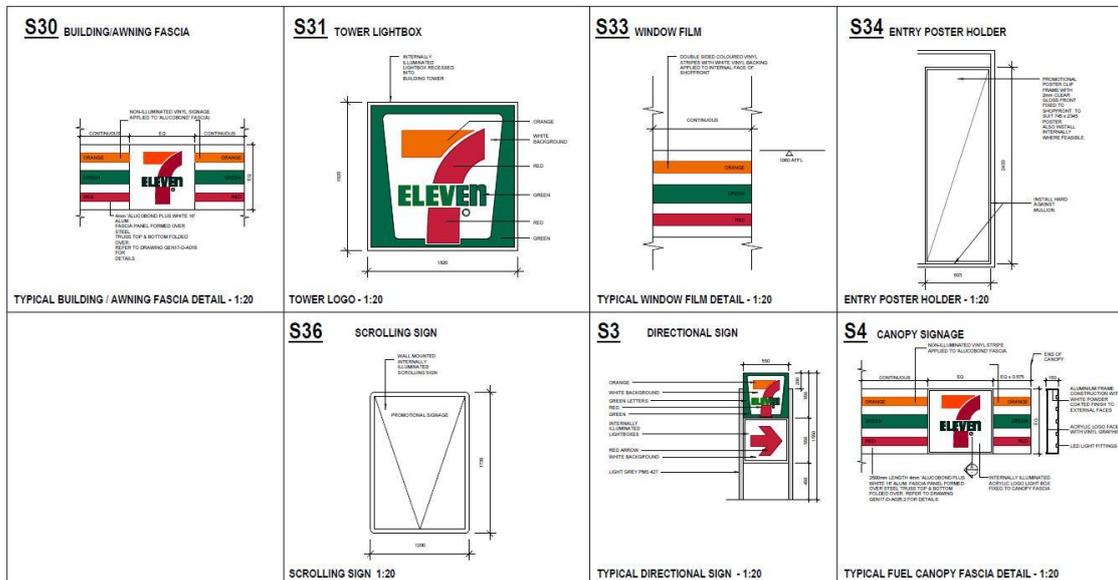


Figure 6: Other Proposed Signage (Source: Munns Sly Moore Architects)

The tower light box signage shown in S31 of Figure 6 is incorporated into the building design and sits above the roof line of the proposed building. A representation of this can be seen in Image 1 below. The image is from the existing 7-Eleven Service Station located at Karabar on Cooma Street. It shows a similar tower light box circled in red. At the Poplars site the tower light box is incorporated in the northern facade of the building when viewed from Ferdinand Lane. Given its incorporation within the structure of the building and its location

5.1 Development Application 96-2019 - Service Station (7-Eleven) and Associated Signage - 2 Ferdinand Lane, Jerrabomberra (Ref: ; Author: Thompson/Glouftsis) (Continued)

facing Ferdinand Lane it is considered that this sign will not have a significant adverse impact.



Image 1: Karabar 7-Eleven Showing Canopy & Building Signage

Item S36 shown in Figure 6 above is affixed to the base of the tower light box. The scrolling sign appears to be intended to be used for advertising, which would add clutter and unsightliness. It is considered there are already sufficient signs on this building and it is recommended this additional scrolling screen not be approved. A red amendment on the attached architectural plans removes this aspect.

The signage has been assessed against the relevant criteria listed within Schedule 1 of SEPP 64 and is generally compliant. The signage (as amended) will not impact on surrounding properties, views and vistas, and is conducive to the scale and architectural design of the building.

(b) State Environmental Planning Policy No. 33 – Hazardous and Offensive Development (SEPP 33)

Under SEPP 33 a 'potentially hazardous industry' or 'potentially offensive industry' are required to be assessed under the relevant matters for consideration by a consent authority. A detailed assessment against the relevant requirements of SEPP 33 is provided within the attached Section 4.15 Table – Matters for Consideration. A preliminary hazard assessment was prepared by Advitech and submitted with the application. The proposed development is considered to meet the relevant requirements of SEPP 33.

(c) State Environmental Planning Policy No. 55 – Remediation of Land (SEPP 55)

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.

5.1 Development Application 96-2019 - Service Station (7-Eleven) and Associated Signage - 2 Ferdinand Lane, Jerrabomberra (Ref: ; Author: Thompson/Glouftsis) (Continued)

This matter was considered under the subdivision application (DA 192-2016). A phase 2 Environmental Site Assessment (Coffey Environments Australia Pty Ltd (Ref: ENAUBRAD01138AA) and dated 23 November 2011) was submitted which identified several areas of environmental concern and recommended that a Remedial Action Plan (RAP) be prepared for the land and remediation carried out.

The development consent required additional works including preparation of a Remedial Action Plan and subsequent validation activities (validation report) of the site prior to the commencement of any development works on the site.

No conditions will be required for this application in regards to contamination and remediation of land, as all relevant works have been completed in accordance with the requirements of DA 192-2016 upon release of the subdivision certificate. The site is considered appropriate for this type of development.

(d) Compliance with LEP

The proposed development has been assessed in accordance with the *Queanbeyan Local Environmental Plan (Poplars) 2013*. The proposed development is consistent with the aims and objectives of the plan. The proposed development is defined as a Service Station, which is defined as a building or place used for the sale by retail of fuels and lubricants for motor vehicles, whether or not the building or place is also used for any one or more of the following:

- a. The ancillary sale by retail of spare parts and accessories for motor vehicles,
- b. The cleaning of motor vehicles,
- c. installation of accessories,
- d. inspecting, repairing and servicing of motor vehicles (other than body building, panel beating, spray painting, or chassis restoration),
- e. The ancillary retail selling or hiring of general merchandise or services or both

The subject site is within the B1 Neighbourhood Centre Zone and a Service Station is permissible with consent in the zone.

The proposed development is also consistent with the requirements of the development standards contained within Part 4 of the QLEP (Poplars) 2013. Notably, it meets both the building height and floor space ratio controls detailed under clause 4.3 and 4.4 respectively.

(e) Compliance with DCP

The proposed development has also been assessed against the relevant sections of the Queanbeyan Development Control Plan 2012 and South Jerrabomberra Development Control Plan, with a detailed assessment provided with the Section 4.15 – Table – Matters for Consideration and an overview provided below:

Queanbeyan Development Control Plan 2012*Part 2 – All Zones – Section 2.2 Car Parking*

Service stations are required to provide the following car parking rate:

5.1 Development Application 96-2019 - Service Station (7-Eleven) and Associated Signage - 2 Ferdinand Lane, Jerrabomberra (Ref: ; Author: Thompson/Glouftsis) (Continued)

- 6 spaces per work bay, 5 spaces per 100m² of GFA (if restaurant is present, then greater of: 15 spaces per 100m² of GFA, or 1 space per 3 seats).

The proposed development does not contain any work bays or a restaurant. The proposed building has a floor area of 203m². Therefore it is considered the development is required to provide a minimum of 10 car parking spaces. A total of 13 parking spaces have been provided on site. The development complies with this clause.

Manoeuvrability for service vehicles exiting the premises has been marked as an issue as the heavy vehicle servicing the site will be required to cut across a turning lane in the opposite direction when exiting the premises. It is considered appropriate that a secondary access be implemented on Henry Place on the basis of allowing better service vehicle manoeuvring and to allow a clear means of exit for cars utilising the service station to refuel. The recommendation to Council will incorporate that this issue is dealt with prior to the CEO approving the development application with amended architectural and civil plans submitted to Council’s satisfaction. Please refer to the Development Engineer’s comments for further discussion of parking and manoeuvring.

Section 2.3 Environmental Management

Noise & Waste Collection

The proposed development was supported by a noise assessment report. The development will need to comply with the recommendations of this report. Additionally, the following hours will be conditioned:

Function	Hours Proposed by Applicant	Hours Proposed by Council
Trading Hours	24 Hours (7 days a week)	24 Hours (7 days a week)
Delivery Hours	Fuel – 7am to 8pm daily Consumable Goods (Once per day) – 10pm to 5am	All Deliveries 7am to 10pm (Mon to Sat) 8am to 10pm (Sun/Pub Hols)
Waste Collection	7am to 8pm Daily	7am to 10pm (Mon to Sat) 8am to 10pm (Sun/Pub Hols)

The operational/trading hours are consistent with the hours proposed by the applicant, which is for 24 hours a day 7 days a week.

The delivery and waste collection hours have been amended to align with conditions placed on other business in the same locality.

However, the applicant proposed an additional delivery period of 10pm to 5am for a limited number of deliveries of fresh consumables. This timeframe for deliveries is not supported at this stage due to the proximity to residential dwellings and to be consistent with other uses at the Poplars Neighbourhood Centre. Council may amend delivery hours to extend into the night time period with further noise assessment following operation/occupation of the site after at least a 3 month time period and on submission of a modification application under Section 4.55 of the EP&A Act.

The development will be conditioned to provide a waste management plan for operation prior to occupation of the premises.

5.1 Development Application 96-2019 - Service Station (7-Eleven) and Associated Signage - 2 Ferdinand Lane, Jerrabomberra (Ref: ; Author: Thompson/Glouftsis) (Continued)

Section 2.6 – Landscaping

The development application was accompanied by a Landscape Plan prepared by a Category One Landscape Consultant on Council’s Register of Landscape Consultants. The proposed landscaping incorporates three medium tree species, ground covers, grasses and shrubs. The landscaping is not anticipated to have a negative impact on passive and natural surveillance to and from the street. The landscaping will contribute to embellishing the site and streetscape.

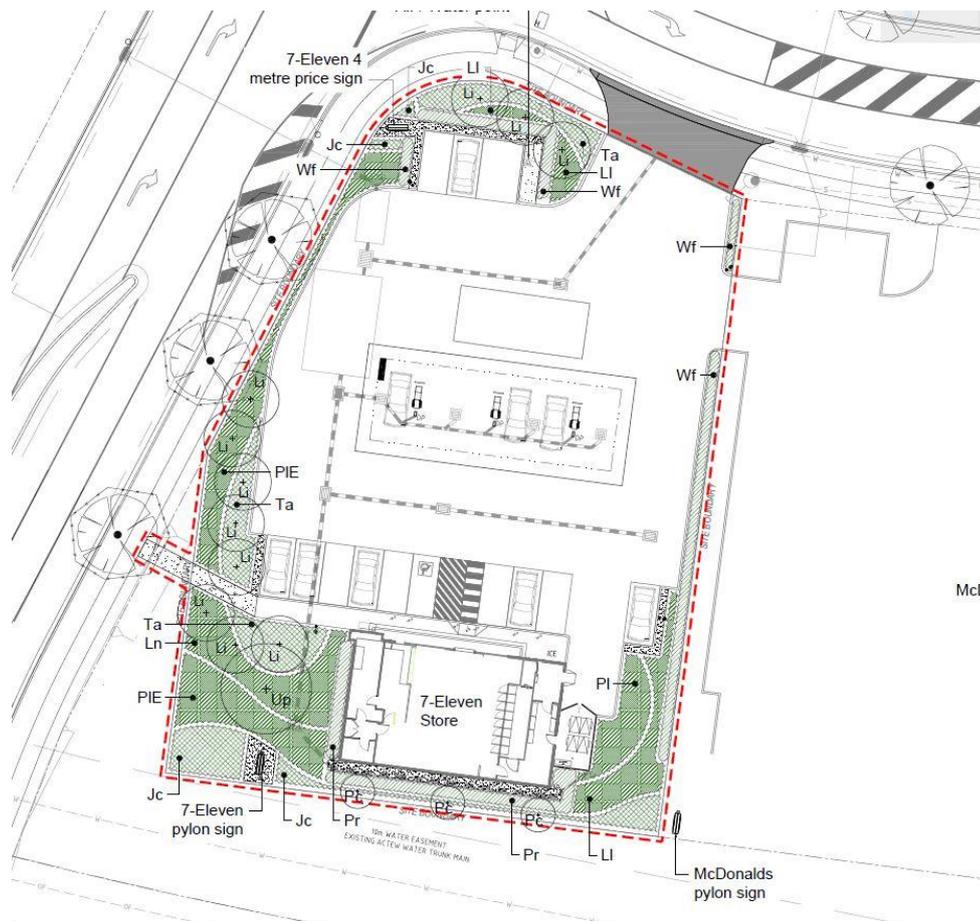


Figure 7: Landscaping Plan (Source: Spiire)

Section 2.9 – Safe Design

The proposed development allows for adequate passive and natural surveillance to and from the building and into the internal driveway and car parking area. Landscaping is adequate so as to not provide areas on entrapment for intruders to hide. The entry and exit points to the building are clearly defined. The proposed development meets the requirements of this section.

South Jerrabomberra Development Control Plan

The assessment against the South Jerrabomberra Development Control Plan found the proposed development to generally comply with the objectives and controls listed under Part 10 ‘Neighbourhood Centre Controls and Principles’. A detailed assessment is provided within the attached Section 4.15 Table – Matters for Consideration.

5.1 Development Application 96-2019 - Service Station (7-Eleven) and Associated Signage - 2 Ferdinand Lane, Jerrabomberra (Ref: ; Author: Thompson/Glouftsis) (Continued)

(a) Building Surveyor's Comments

No objection to the proposed development subject to the recommended conditions of consent. The development will need to comply with the Building Code of Australia.

(b) Development Engineer's Comments*Traffic and Parking*

The traffic effects of the subdivision have been previously examined during the development application for the subdivision, which this lot forms part of (DA 192-2016). Since development applications for the use of the lots have been received and further development earmarked for the southern side of Tomsitt Drive, traffic modelling has been re-analysed for consideration into the proposed 4 way intersection on Tomsitt Drive. All of this development will inevitably reduce the level of service of Tomsitt Drive but is not specific to this application.

The Queanbeyan Development Control Plan 2012 outlines that Service Stations are required to have 6 parking spaces per work bay, 5 spaces per 100m² of GFA and 15 spaces per 100m² if a restaurant is present. The proposed does not have a restaurant or work bays, thus only the GFA rate will apply. The Gross Floor Area is measured to be approximately 200m², thus requiring a total of 10 parking spaces, which is provided, with the inclusion of a disabled space.

Access

The check vehicle for access to the lot is an articulated heavy vehicle used for delivery of fuel products. The provided documentation indicates that fuel deliveries will need to be made by left turn into the site only. This requires the heavy vehicle to travel to the cul-de-sac and undertake a U-turn and return to the service station. The principle issue with this approach is that the heavy vehicle requires a clear cul-de-sac and approach to the cul-de-sac to complete a single point U-turn as it uses all of the cul-de-sac head to complete the manoeuvre. The manner in which this instruction is communicated to the each driver cannot be guaranteed. These circumstances are outside of the site's control but is reliant on for the safe delivery of fuel to the site.

Notwithstanding the above the principle issue for manoeuvring on the site is the egress of the delivery vehicle from the premises. Regardless of which way the vehicle enters the site, when the vehicle comes to exit onto Ferdinand Lane it will cross into the oncoming turning lane (see Revision Plans D and F in the attached civil plans). This is not considered desirable especially given that the developer of the commercial subdivision is the applicant for this particular application. As such it would be reasonable to expect that the developer should have had the means to ensure the lot earmarked for the service station would have street access sufficiently wide enough to facilitate entry and exit of service vehicles.

There are two potential solutions to improving vehicle egress from the site. The first would be to widen the driveway to provide greater manoeuvrability. However, the proposed driveway is already at its maximum width given its proximity to the corner of Henry Lane.

As such Council requested that the second solution of installing a second egress driveway onto Henry Place would be preferred. However, the applicant advised that in pre-lodgement meeting(s) that Council staff were not particularly supportive of the notion, though Council's written record of pre-lodgement meetings does not indicate the same.

A second driveway would improve circulation through the development and could be located approximately 50m from the intersection of Henry Place and Tomsitt Drive, which is considered to be sufficient. Concerns of light vehicles utilising the exit to bypass

5.1 Development Application 96-2019 - Service Station (7-Eleven) and Associated Signage - 2 Ferdinand Lane, Jerrabomberra (Ref: ; Author: Thompson/Glouftsis) (Continued)

traffic, or queuing across the left turn lane could be addressed by making the exit a gated, delivery vehicle only egress, if the applicant wishes.

Thus the Development Engineering Team does not support the development unless alterations are made to make access work with the installation of a second egress driveway off Henry Place. This may be undertaken as a condition of approval.

(c) Environmental Health Comments

No objection to the proposed development subject to the recommended conditions of consent.

Financial Implications

Section 7.11 contributions are applicable to the development. The subject site is located within the North Poplars contribution zone for non-residential development. The contribution rate is \$150,311.46 per hectare (note: this rate was calculated during adoption of the contribution plan and does not reflect subsequent CPI increases).

Table 3 - Non Residential Contribution Rates per Hectare

- North Poplars = \$150,311.46/ha
- Subject site area of 3,319m² = 0.3319ha
- 0.3319 x \$150,311.46 = \$49,888.37

*this figure has not been indexed and will be subject to previous and future CPI increases.

Section 64 contribution charges are also applicable to the proposed development. 2.6 Water ETs and 4.4 Sewer ETs are applicable to the development.

- Total Water Charge = \$23,884.97
- Total Sewer Charge = \$6,502.43

An invoice detailing Section 7.11 and Section 64 charges will be provided with the issued development consent.

Engagement

The proposal required notification under the Queanbeyan DCP 2012 and was advertised from 30 April 2019 to 14 May 2019. No submissions were received although the development was mentioned in some submissions received for other development in the precinct.

Conclusion

The submitted proposal for a Service Station and associated signage on proposed Lot 1 DP 1246134, 2 Ferdinand Lane Jerrabomberra, is supported by a Statement of Environmental Effects. The proposal was notified to adjoining owner/occupiers and no submissions were received.

The proposal has been assessed under Section 4.15 of the *Environmental Planning & Assessment Act 1979*, including the relevant provisions of the *Queanbeyan Local Environmental Plan (Poplars) 2013*, the *Queanbeyan Development Control Plan 2012* and the *South Jerrabomberra Development Control Plan*. The development satisfies the requirements and achieves the objectives of these instruments, with the exception of issues surrounding vehicle manoeuvrability discussed in this report. The proposed development is considered satisfactory for approval subject to the recommended conditions of consent and subject to the amendment of plans with the implementation of a secondary vehicle crossover.

5.1 Development Application 96-2019 - Service Station (7-Eleven) and Associated Signage - 2 Ferdinand Lane, Jerrabomberra (Ref: ; Author: Thompson/Glouftsis) (Continued)

The proposed lot on which the proposed development is to be erected does not formally exist. As such, the application is unable to be given final approval until the proposed lot is formally created and registered with the NSW Land Titles Office. For this reason approval should be withheld and the CEO given delegated authority to determine the application once the land title is formally registered.

Attachments

- Attachment 1 DA 96-2019 - Section 4.15 Table - Service Station - 2 Ferdinand Lane, Jerrabomberra (*Under Separate Cover*)
- Attachment 2 DA 96-2019 - Architectural Plans - Service Station - 2 Ferdinand Lane, Jerrabomberra (*Under Separate Cover*)
- Attachment 3 DA 96-2019 - Civil Plans - Service Station - 2 Ferdinand Lane, Jerrabomberra (*Under Separate Cover*)
- Attachment 4 DA 96-2019 - Draft Conditions - Service Station - 2 Ferdinand Lane, Jerrabomberra (*Under Separate Cover*)

5.2 Development Application 72-2019 - Advertising Sign - 300 Lanyon Drive,
Jerrabomberra (Ref: ; Author: Thompson/Rousell)

Summary

Reason for Referral to Council

This application has been referred to Council as the Portfolio General Manager Natural and Built Character has determined it is in the public interest to have the matter considered by Council.

Proposal:	Advertising Sign
Applicant/Owner:	Knight Frank Town Planning/Robin Pty Ltd
Subject Property:	Lot 6 DP 719108, Lot 3 DP 819333, Lot 2 DP 338637, Lot 1 DP 1126721 & Lot 12 DP 1135538, No. 300 Lanyon Drive, Jerrabomberra
Zoning and Permissibility:	RE2 Private Recreation, E2 Environmental Conservation and B7 Business Park under Queanbeyan Local Environmental Plan (Poplars) 2013
Public Submissions:	Nil. Application did not require notification.
Issues Discussed:	Planning Requirements Signage
Disclosure of Political Donations and Gifts:	Applicant Declared no Donations or Gifts to any Councillor or Staff have been made.

Recommendation

That Development Application 72-2019 for an advertising sign on Lot 6 DP 719108, No. 300 Lanyon Drive, Jerrabomberra be granted conditional approval.

Background

Proposed Development

The development application is seeking approval for the installation of a temporary advertising sign on 300 Lanyon Drive. The subject property is legally described as Lot 6 DP 719108, Lot 3 DP 819333, Lot 2 DP 338637, Lot 1 DP 1126721 and Lot 12 DP 1135538, and is commonly known as 300 Lanyon Drive. The proposed sign is located solely on Lot 6 DP 719108.

Lot 6 is located on the southern side of Tompsitt Drive and has an area of 72.12ha. The subject site forms part of the Poplars area that is intended to be a Business Park precinct as identified in the South Jerrabomberra Master Plan (Part 3 of South Jerrabomberra Development Control Plan 2015). The sign and associated structure is proposed for a period of two (2) years and will be located in the most north-west portion of Lot 6 DP 719108. Lot 6 is currently vacant land which is predominately used for rural purposes such as grazing but has been rezoned for the purpose of a Business Park. The proposed signage and structure will not impact upon existing vegetation on the site.

The proposal is to be located in the north-west portion of the subject site adjacent to the sites frontage to Tompsitt Drive. The sign will be visible to vehicles driving into

5.2 Development Application 72-2019 - Advertising Sign - 300 Lanyon Drive, Jerrabomberra (Ref: ; Author: Thompson/Rousell) (Continued)

Jerrabomberra from Lanyon Drive. The proposal is located 17.4m from the existing Tomsitt Drive lane edge. Figure 1 below shows the proposed location of the sign.



Figure 1 – Approximate Location of Sign (Source – Knight Frank Town Planning)

The specifics of the structure and sign are:

- Four (4) steel posts 2.4m high and 7.2m in length;
- 2.4m x 7.2m sign (elevated 2.4m above ground level); and
- Six (6) solar powered LED lights to illuminate the sign.

Graphics depicted on the sign are shown below.



Figure 2 – Proposed signage (Source: Knight Frank Town Planning)

Planning Requirements

Assessment of the application has been undertaken in accordance with Section 4.15(1) of the *Environmental Planning and Assessment Act (EPAA) 1979*, as amended. The matters that are of relevance under Section 4.15(1) are summarised in the attached *Section 4.15(1) Table – Matters for Consideration*.

5.2 Development Application 72-2019 - Advertising Sign - 300 Lanyon Drive, Jerrabomberra (Ref: ; Author: Thompson/Rousell) (Continued)

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

1. State Environmental Planning Policy No 55 – Remediation of Land
2. State Environmental Planning Policy No 64 – Advertising and Signage
3. State Environmental Planning Policy (Infrastructure) 2007
4. Queanbeyan Local Environmental Plan (Poplars) 2013 (LEP)
5. South Jerrabomberra Development Control Plan (SJDCP) 2015
6. Queanbeyan Development Control Plan (QDCP) 2012.

The development generally satisfies the requirements and achieves the objectives of these planning instruments. The significant issue relating to the proposal for the Council's consideration is the appropriateness of signage on Tomsitt Drive.

(a) State Environmental Planning Policy No. 64 – Advertising and Signage

A detailed assessment against *SEPP 64* is provided within the attached *Section 4.15 Table – Matters for Consideration*. The proposal is for an advertising sign (business identification sign) and associated structure 4.8m high. The proposed signage is to be illuminated by six (6) solar LED downlights. The applicant has confirmed that the lights have the ability to be dimmed. The proposed signage has been assessed against *SEPP 64* and is considered acceptable. It is considered that the proposal does not inappropriately detract from any heritage items, waterways or residential areas given its small scale and location.

As mentioned, the proposed sign is located in the north-west portion of the site and will be visible for drivers heading from Lanyon Drive to Jerrabomberra. The sign will be obscured to drivers heading from Jerrabomberra to Lanyon Drive as well as the nearby Jerrabomberra residential area due to existing vegetation on site and the newly created Poplars subdivision on the northern side of Tomsitt Drive.

The sign is proposed to be illuminated and is therefore considered to have the potential to impact on the amenity of the locality given it is currently a vacant open space area adjoining residential development. Potential impacts on the area have been mitigated through the siting of the sign and imposition of conditions of consent.

If consent is granted, a condition will be imposed requiring the illuminated sign to comply with Australian Standard AS 2482-2019 – Control of the Obtrusive Effects of Outdoor Lighting. A condition of consent has been recommended requiring the illuminated sign to be turned off from 12am until dawn the following day. It is considered the imposition of such conditions of consent in combination with the proposed sign being over 600m from the nearest residential development, ensure that the proposal does not have a significant adverse impact on the locality. Additionally, the sign is proposed to be temporary seeking approval for a period of two (2) years.

The subject site has been historically used for agricultural practices such as grazing and can be viewed as a rural landscape. As such, any development on this site is going to have a level of impact on the landscape. Despite this, it is considered that the proposal will not have a significant adverse impact on the site and is consistent with the intended future uses of the land (employment lands as identified in the South Jerrabomberra Master Plan).

The sign will only be visible to drivers heading east towards Jerrabomberra coming from Lanyon Drive due to existing vegetation on the site. Additionally, any potential impacts arising from illumination of the sign have been mitigated as outlined above. The proposal is unlikely to obscure or compromise important views and vistas, and will not dominate the skyline. The proposed sign has a total height of 4.8m and is significantly lower than the development within the Poplars subdivision on the northern side of Tomsitt Drive

5.2 Development Application 72-2019 - Advertising Sign - 300 Lanyon Drive, Jerrabomberra (Ref: ; Author: Thompson/Rousell) (Continued)

which will act as a form of screening from the adjacent residential development in addition to existing vegetation.

For the above reasoning, it is considered that the proposed signage is consistent with the criteria in Schedule 1 of *SEPP 64* and is suitable for approval subject to the imposition of recommended conditions of consent.

(b) Compliance with LEP

The subject site to which the application applies is zoned B7 Business Park under the QLEP (Poplars) 2013. Signage is permissible with consent in the zone. The proposed development is considered to be generally consistent with the aims of the plan and the objectives of the zone, and satisfies relevant development standards (refer to *Section 4.15 Table – Matters for Consideration* for detailed assessment).

(c) Compliance with DCP

The proposed development generally satisfies the requirements and objectives of the Queanbeyan Development Control Plan 2012 and the South Jerrabomberra Development Control Plan. To view a detailed assessment of the Development Control Plans, see attached Section 4.15 Table – Matters for Consideration.

Queanbeyan Development Control Plan 2012***Part 1.8 Public Notification of a Development Application***

The subject application was not notified as it did not meet the notification requirements listed in the table within Part 1.8.1 of QDCP 2012. For the purposes of notification, the proposal is considered to be commercial development. Major commercial development that is not generally in keeping with the established scale and character of surrounding development is required to be notified to adjoining owners and a notice put in the local paper. The proposal was not considered to be major given that it will be consistent with the development at the Poplars subdivision on the northern side of Tomsitt Drive, that it was more than 600m to the nearest non-commercial neighbour and will be temporary in nature. Therefore it was considered that the proposal did not require notification.

South Jerrabomberra Development Control Plan 2015

The subject site is located within the designated employment and potential employment lands as outlined in the South Jerrabomberra Master Plan (Part 3 SJDCP 2015). As such, the SJDCP 2015 applies to the proposal. The primary purpose of the business park precinct is to support a diverse range of business, office and light industrial uses in a high quality built form. It is considered that the proposed signage is consistent with the intended development of the precinct.

Part 9 Signage

The proposed signage is not inconsistent with the assessment criteria within schedule 1 of *SEPP 64*. It is noted that Part 9.2 of the SJDCP 2015 states that billboard signs are prohibited in the areas covered by the plan. As detailed above, *signage* is permissible with consent under the QLEP (Poplars) 2013 and takes precedence over the SJDCP 2015. Potential impacts of the proposal have been discussed above in accordance with *SEPP 64*. The proposal has the potential to impact on the locality given the rural landscape of the subject site and its visual amenity. Despite this, it is considered that the proposal includes a number of mitigation measures to ensure the potential impacts are not to be significant or adverse noting that the rural character of this location is transitioning to a business park. The illuminated sign will be need to comply with the

5.2 Development Application 72-2019 - Advertising Sign - 300 Lanyon Drive, Jerrabomberra (Ref: ; Author: Thompson/Rousell) (Continued)

relevant Australian Standards for outdoor lighting and a condition of consent has been imposed to require the lighting to be turned off at 12am (midnight) until dawn the following day. In regards to streetscape and visual amenity from Tomsitt Drive, the proposal will only be visible to motorists travelling from Lanyon Drive to Jerrabomberra. The sign will be obscured by existing vegetation to motorists travelling in a westerly direction from Jerrabomberra to Lanyon Drive.

In summary, for the reasons above, the proposed signage is considered to be consistent with the objectives of Part 9 of the SJDCP 2015. It is noted that there are potential impacts arising from the proposal, however, suitable mitigation measures have been implemented to ensure this impact is not significant or adverse.

(d) Other Matters**i. Building Surveyor's Comments**

Council's Building Surveyor offered no objections to the proposed development.

ii. Development Engineer's Comments

Council's Development Engineer offered no objections to the proposed development.

Financial Implications

There are no financial implications associated with this proposal.

Engagement

The proposal did not require notification under Queanbeyan DCP 2012 and as such no submissions were received.

Compliance or Policy Implications

There are no compliance or policy implications associated with this proposal.

Conclusion

The submitted proposal for an advertising sign and associated structure on Lot 6 DP 719108, Lot 3 DP 819333, Lot 2 DP 338637, Lot 1 DP 1126721 & Lot 12 DP 1135538, No. 300 Lanyon Drive, Jerrabomberra is a local development and is supported by a Statement of Environmental Effects. The proposal was not required to be notified.

The proposal has been assessed under Section 4.15 *Environmental Planning & Assessment Act 1979* including the relevant provisions of *Queanbeyan Local Environmental Plan (Poplars) 2013*, *Queanbeyan Development Control Plan 2012* and *South Jerrabomberra Development Control Plan 2015*. The development satisfies the requirements and achieves the objectives of these instruments.

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

Attachments

- | | |
|--------------|--|
| Attachment 1 | DA 72-2019 - Section 4.15 Matters for Consideration Report - Advertising Sign - 300 Lanyon Drive (<i>Under Separate Cover</i>) |
| Attachment 2 | DA 72-2019 - Plans - Advertising Sign - 300 Lanyon Drive - (<i>Under Separate Cover</i>) |
| Attachment 3 | DA 72-2019 - Draft Conditions of Consent - Advertising Sign - 300 Lanyon Drive (<i>Under Separate Cover</i>) |

5.3 Draft Voluntary Planning Agreement - 18 Mecca Lane, Bungendore (Ref: C1942791; Author: Thompson/Carswell)

Summary

This matter was last reported to Council's Planning and Strategy Committee meeting of 8 May 2019 (Item No. 5.4). Following Council's resolution the draft Voluntary Planning Agreement was exhibited for community comment between 28 May and 25 June 2019 - no comments were received. Consequently the draft Voluntary Planning Agreement has reached the stage where it can now be executed.

Recommendation

That the Mayor and the Chief Executive Officer be authorised to execute the 18 Mecca Lane, Bungendore Planning Agreement.

Background

This report relates to the exhibition period for the draft Voluntary Planning Agreement (draft VPA) for 18 Mecca Lane, Bungendore. Exhibition followed Council's resolution of 8 May (PLA 048/19) which was:

1. *Exhibit the draft Voluntary Planning Agreement in accordance with section 7.5 of the Environmental Planning and Assessment Act 1979 for a minimum of 28 days.*
2. *Following the exhibition of the draft Voluntary Planning Agreement, consider a report on the results of the exhibition.*

The draft VPA was exhibited between 28 May and 25 June 2019 and no submissions were received.

The draft VPA is a result of a development approval given for the erection of a dwelling and garage on Lot 2 DP 1079627, 18 Mecca Lane, Bungendore on 30 March 2016 (DA 2015.182). Figure 1 on the following page shows the location of Lot 2.

A condition of consent (see below) required that a Voluntary Planning Agreement (VPA) under section 7.4 of the *Environmental Planning and Assessment Act 1979* be entered into between the owners of Lot 2 and Council for the payment of water and sewer headworks. The condition of consent arises from the proposed dwelling (now constructed) being connected to Council's reticulated water and sewer system and the lot on which the dwelling is sited (Lot 2 DP 1079627) not being within the area covered by the water and sewer contributions plans.

The Council report (24 March 2016) discussed this situation as well as proposing Condition No.85 to deal with this and the need for the planning agreement to be voluntary.

5.3 Draft Voluntary Planning Agreement - 18 Mecca Lane, Bungendore (Ref: C1942791; Author: Thompson/Carswell) (Continued)



Figure 1 Lot 2 DP 1079627, 18 Mecca Lane

5.3 Draft Voluntary Planning Agreement - 18 Mecca Lane, Bungendore (Ref: C1942791; Author: Thompson/Carswell) (Continued)

Implications***Legal***

Voluntary Planning Agreements are instituted under section 7.4 of the *Environmental Planning and Assessment Act 1979*. The draft VPA has complied with the requirements of the Act. The process has reached the stage where the exhibition period has occurred and is being reported on here. The next stage is for Council to decide whether it wishes to execute (sign) the draft VPA. If the VPA is signed by Council and the owners of Lot 2 agree, a copy must be provided to the Minister. Once the VPA has been finalised, the water and sewer headworks monies can be paid and the occupation certificate for the dwelling progressed

Policy

As reported above, the report to the meeting of Council on 24 March 2016 stated that it was not possible under Council's water and sewer contributions policy to levy section 64 contributions. The VPA provides a mechanism for Council to collect water and sewer headworks monies.

Engagement

The required minimum engagement period of 28 days was undertaken between 28 May to 25 June 2019 and no submissions were received.

Financial

The owners of Lot 2 DP 1079627 have paid for the first draft of the VPA. Council has paid for further amendments to progress the finalisation of the VPA.

Conclusion

Whilst the use of a VPA for the collection of water and sewer headworks monies for a single dwelling is unusual, in this instance it was viewed as the only reasonable option which would allow Council to collect headworks monies and for the dwelling connected to reticulated water and sewer services. It is recommended that the draft VPA between Paul Gerard Niven and Alice Elizabeth Niven and Queanbeyan-Palerang Regional Council (Attachment 2) be executed by Council.

Attachments

Attachment 1 Draft Voluntary Planning Agreement - 18 Mecca Lane, Bungendore - 12 April 2019 (*Under Separate Cover*)

6 NOTICE OF INTENTION TO DEAL WITH MATTERS IN CLOSED SESSION

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

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