



Planning and Strategy Committee of the Whole

13 November 2019

**UNDER SEPARATE COVER
ATTACHMENTS**

ITEMS 6.1 TO 6.5

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

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QUEANBEYAN-PALERANG REGIONAL COUNCIL

Planning and Strategy Committee of the Whole Meeting Attachment

13 NOVEMBER 2019

ITEM 6.1 MODIFICATION APPLICATION 298-2016.A - QUEANBEYAN
DISTANCE EDUCATION CENTRE - 42 SURVEYOR
STREET, CRESTWOOD -

ATTACHMENT 1 DA 298-2016.A - S4.55 MATTERS FOR CONSIDERATION - 42
SUREVYOR STREET

SUMMARY

Proposal:	Erection of an Educational Establishment (Distance Education Facility) 3 Storey. Modification: External Changes (Reduction of Vertical Blades on Southern Elevation from 13 to 5).
Address:	42 Surveyor Street, CRESTWOOD, NSW 2620. Lot 12 Sec 16 DP 1892, Lot 13 Sec 16 DP 1892, Lot 1 DP 121434, Lot 1 DP 36588, Lot 2 DP 36588, Lot 3 DP 36588, Lot 4 DP 36588, Lot 5 DP 36588, Lot 6 DP 36588, Lot 7 DP 36588, Lot 8 DP 36588, Lot 91 DP 14341, Lot 92 DP 14341, Lot 93 DP 14341, Lot 94 DP 14341, Lot 95 DP 14341, Lot 96 DP 14341.
Property description:	
Applicant:	NSW Department of Public Works
Owner:	NSW Department of Education
Date of lodgement:	31/07/2019
Notification period:	21/08/2019 to 04/09/2019
Submissions received:	1
Assessment officer:	Alex Glouftsis
Estimated cost of works:	\$11290.00
Zoning:	R2 Low Density Residential
Heritage:	N/A
Flood affected:	N/A
Bushfire prone:	N/A
Recommendation of officer:	Approval – Subject to Amended Conditions

EXECUTIVE SUMMARY

The proposal is for a modification to the Finigan School of Distance Education at Queanbeyan High School, which is an existing three storey building comprising of offices, teaching spaces and amenities. The building accommodates up to 105 staff and 40 students and includes associated car parking and landscaping. Development Application 298-2016 for the Distance Education Building was approved by the Southern Joint Regional Planning Panel (JRPP) as a Crown Development with a capital investment of more than \$5 million. Specifically, the modification includes a reduction of the number of external vertical blades on the southern elevation from a total of 13 to 5.

The proposal was notified from 21/08/2019 to 04/09/2019 with one submission received against the development. The submission raised concerns with overlooking and bulk and scale, with a number of other issues also highlighted. A response to the submission is provided in the assessment report and it is considered that issues raised in relation to the proposed modification can be dealt with through conditions of consent. Additionally, Council also received a submission from the NSW Department of Education in support of the modification and against the imposition of any additional privacy screening to be imposed on the ground floor of the building. The submission included comments from 67 staff members of the Finigan Distance Education School.

The proposed modification is recommended for approval subject to the recommended revision to Condition 4 of DA 298-2016 to include either 1.8m or 1.2m opaque screening on the ground floor southern elevation windows. The revised condition is required to be approved by the NSW Department of Education, granted no support for the amended condition is received, Council will submit the matter to the NSW Minister for Planning seeking support for the determination decided by Council.

BACKGROUND

DA 298-2016 – Erection of and Educational Establishment (Distance Education Facility) 3 Storey

DESCRIPTION OF THE SITE AND LOCALITY

The subject site comprises a number of lots and is legally described as lot 12-13, 1-8, 91-96 & 26, Section 16, DP 1892, 365881, 13341, 1042890 and is commonly known as 42 Surveyor Street, Crestwood. The subject site contains buildings and structures, which are used as part of the existing Queanbeyan High School. The Distance Education School is located on the south eastern boundary of the site with access from Agnes Avenue.

The school includes a number of buildings, predominantly located on the eastern side of the site and open space and fields to the western side. The area where the Distance Education School is located slopes up from south to north with the building sitting higher than existing dwellings located along Early Street and the southern end of Agnes Avenue.

The locality is predominantly characterised by residential uses, including single detached dwellings with a mix of single and two storey buildings throughout the adjoining streets. The surrounding land is primarily zoned R2 low density residential.



Figure 1: Subject Site

PROPERTY BURDENS AND CONSTRAINTS

There are no easements or burdens on the land which could affect, or be affected by, the proposed development.

DESCRIPTION OF THE PROPOSED DEVELOPMENT

The modification application relates to a reduction in the number of external vertical blades on the southern façade of the building from a total of 13 to 5. Council should note that the building was not constructed as approved. Only 5 of the approved 13 blades were installed at the completion of the building. This the modification has been lodged to rectify the non-compliance with the approved plans.

CONSENT AUTHORITY

In accordance with the *Environmental Planning and Assessment Act 1979* (EP&A Act) the proposal is considered to be local development and Council is the Consent Authority.

SECTION 4.10 DESIGNATED DEVELOPMENT – EP&A Act, 1979

The proposed modification is not designated development.

SECTION 4.47 INTEGRATED DEVELOPMENT – EP&A Act, 1979

The proposed modification is not integrated development.

REFERRALS

INTERNAL REFERRALS

Nil.

SECTION 4.55 MODIFICATIONS – GENERALLY EP&A ACT, 1979

4.55(1A) Modifications involving minimal environmental impact

A consent authority may, on application being made by the applicant or any other person entitled to act on a consent granted by the consent authority and subject to and in accordance with the regulations, modify the consent if:

- (a) it is satisfied that the proposed modification is of minimal environmental impact, and
- (b) it is satisfied that the development to which the consent as modified relates is substantially the same development as the development for which the consent was originally granted and before that consent as originally granted was modified (if at all), and
- (c) it has notified the application in accordance with: (i) the regulations, if the regulations so require, or (ii) a development control plan, if the consent authority is a council that has made a development control plan that requires the notification or advertising of applications for modification of a development consent, and
- (d) it has considered any submissions made concerning the proposed modification within any period prescribed by the regulations or provided by the development control plan, as the case may be. Subsections (1), and (2) do not apply to such a modification.”

Comment:

In regards subclause ‘a’, it is considered that the modification sought as part of this application is of minimal environmental impact, noting that there are issues relating to overlooking and privacy, but these are not exclusively created through the proposed modification and relate more to the existing situation and approval of the building. Despite this overlooking and privacy is a major consideration of the modification assessment, with further comments provided within the assessment under the Queanbeyan Development Control Plan 2012.

In regards to subclause ‘b’, Council is satisfied that the development to which the consent as modified relates is substantially the same development for which consent was originally granted. In answering this threshold question, a comparative analysis of the approved development as modified has been undertaken.

With regards subclause ‘c’ and ‘d’, the application was required to be notified in accordance with Part 1 of the Queanbeyan DCP 2012. Two submissions were received. One submission was against the development and one was in support of. The application in support of the modification was received from the NSW Department of Education and contained comments from 67 staff opposing any additional privacy screening installed on the ground floor. The issues raised in submissions are discussed in more detail within the engagement section of this report.

SECTION 4.15 CONSIDERATIONS – EP&A Act, 1979

In determining a development application, the consent authority is to take into consideration the following matters of consideration contained within section 4.15 of the Environmental Planning and Assessment Act, 1979 as relevant to the development application:

4.15(1)(a) the provisions of:

(i) any environmental planning instrument

State Environmental Planning Policy (Educational Establishments and Childcare Facilities) 2017

Part 4 of the SEPP outlines specified development controls for schools. Development for the purpose of a school is permissible in a prescribed zone (including R2 low density residential) under Part 4, clause 33 and 35. The proposed development does not contravene any of the controls contained within Part 4 of the SEPP.

State Environmental Planning Policy No.55 – Remediation of Land

The proposed modification is not affected by any potentially contaminating uses of the site based on previous and current use.

Compliance with the Queanbeyan LEP 2012

Zoning and Permissibility

The subject site is zoned R2 Low Density Residential under the *Queanbeyan Local Environmental Plan 2012*. Permissibility for the purposes of a school is established under the *State Environmental Planning Policy (Educational Establishments and Childcare Facilities) 2017*.

Building Height

The proposed modification to reduce the number of vertical blades on the southern façade/elevation of the existing building does not result in a change to the height of the building.

4.15(1)(a)(ii) any draft environmental planning instruments

There are no applicable draft planning instruments that are or have been placed on public exhibition, to consider as part of this assessment.

4.15(1)(a)(iii) any development control plan

Queanbeyan DCP 2012

Part 1 – About this Development Control Plan

The proposed modification was notified for a period of 14 days. One submission against the modification was received during this period. Issues raised in the submission and a response is provided under the engagement section of this report.

Part 2 - All Zones

Section 2.2 – Car Parking

There are no changes to the existing car parking layout as a result of the modification.

Section 2.3 – Environmental Management

The proposed changes to the vertical blade architectural feature will not result in any negative impacts in regards to this section of the DCP. Visual privacy and overlooking are assessed against Part 3A of the Queanbeyan Development Control Plan below.

Section 2.6 – Landscaping

The proposed modification does not include any changes to the existing landscaping.

Section 2.9 – Safe Design

The vertical blades do not create any inconsistencies with the provisions of safe design. Adequate passive surveillance is retained to and from the site and entry and access points to the premises are still legible.

Section 2.13 – Preservation of Trees and Vegetation

The proposed modification does not result in any changes to landscaping and existing vegetation.

Part 3A – Urban Residential Development

The subject site is located within a residential zone and as such is subject to Part 3A of the DCP. The part does not contain controls specific to non-residential uses within residential zones, therefore the application has been assessed on its merits. The main points of consideration for the proposed modification includes privacy and overlooking to the adjoining residential properties located on Early Street.

An excerpt taken from the report to the JRPP for DA 298-2016, regarding views, shadowing and privacy is provided below:

Views, Shadowing and Privacy

Whilst the proposed building will be visually prominent it will not impact on any significant views from adjoining properties.

The applicant has submitted shadow diagrams which indicate that the building will retain a minimum 3 hours sunlight to private open space of adjoining dwellings on 21 June. This is considered to be acceptable.

*There is concern that the proposed building could result in adverse overlooking to sensitive areas of private open space to dwellings directly adjoining the site to the south. Of particular concern are No's 9, 11, 13 and 15 Early Street. It is acknowledged that the building is setback a minimum 15m from the boundary and that screen planting is proposed. The eucalypt chosen to be planted along the rear boundary *Eucalyptus Mannifera* is typically slow growing and may take ten years or more to reach its mature height. Vertical blade features on the windows will prevent some cross views, however given the significant difference in height between the proposed finished floor levels of the building, which for the third storey is over 11m, some direct overlooking of the adjoining private open space to the south is inevitable. It is recommended that to reduce the impact of overlooking to these properties that a condition be placed on the consent requiring fixed screening to glazing on the second and third storeys on the southern elevation.*

Assessing Officer's Comments - It is considered that the vertical blades on the southern elevation do not provide any significant benefit to privacy of adjoining residential properties, providing only a minor obstruction of cross views as noted in the JRPP report above. The Development Consent (DA 298-2016) included a condition for obscure glazing to a height of 1.8 metres on the second and third levels of the southern elevation, which is considered a far more effective solution in regards to privacy for adjoining residential properties on Early Street.

The installation of glazing was imposed through Condition 4 of (DA 298-2016) and has been installed. It is not considered that an adverse outcome would be created through the reduction of the number of vertical blades in regards to views from the second and third floor as the opaque glazing of these windows already eliminates overlooking.

The recommendation is that the modification to reduce the vertical blades is supported, however Council needs to consider whether or not the imposition of obscure glazing needs to be added to the ground floor as a result of the removal of the vertical blades. In Council's view the removal of the additional blades does warrant additional privacy measures being put in place on the first floor. While the blades do not result in a significant reduction in overlooking it is considered that opaque glazing would make up for the loss of privacy which does occur.

As a result Council foreshadowed that it would require an amendment to Condition 4 of the consent requiring 1.8m high opaque glazing to be installed in the lower floor windows.

Pursuant to Division 4.6, Clause 4.33 (1)(b) of the EP&A Act 1979 Council requires approval from the Applicant or Minister for the imposition of conditions to a Crown Development. The revised condition was forwarded to the Department of Education for their concurrence. The Department advised that it does not support amending Condition 4 of DA 298-2016 to include opaque screening of any type or height on the ground floor windows of the southern elevation.

In support of that view the School Principal provided a submission from 67 staff working in the building objecting to the installation of opaque glazing because of the impact it has on restricting natural light and views from the building. This issue is discussed in the submissions are explored in more detail within the engagement section of this report below.

This leaves Council in the difficult situation of requiring a condition that is not supported by the applicant. Council is unable to refuse the application as this cannot be done without the concurrence of the Department or the Minister for Planning.

The options available to Council are:

1. Support the reduction in vertical blades on the southern elevation from 13 to 5 with no additional screening required on the ground floor i.e. approve the application as submitted.
2. Support the reduction in vertical blades on the southern elevation from 13 to 5 seeking the Minister for Planning's concurrence to impose a condition requiring the addition of obscure glazing to a height of 1.8 metres on the southern elevation windows of the ground floor.
3. Support the reduction in vertical blades on the southern elevation from 13 to 5 seeking the Minister for Planning's concurrence to impose a condition requiring the addition of obscure glazing to a height of 1.2 metres on the southern elevation windows of the ground floor.

Option 1 would mean Council approves the application.

Option 2 has been rejected by the Department of Education so if Council wanted to pursue this option it would need to take the matter to the Minister for Planning.

Option 3 is similar to Option 2 but provides a compromise that the Department might find more acceptable. From Figure 11 above it can be seen that the normal position of workstations in this area is 2-3 metres from the window. In a sitting position it would be difficult to see into the yard of nearby houses at all. If standing near desks a 1.2m opaque glazing would ensure that occupants of the building would still have distant views and additional natural light (as opposed to a 1.8m high screen) but would not be able to look down into nearby houses.

As such it is recommended that Option 3 be pursued. The revised condition of consent (amendments shown italicised blue) would read as follows:

4. SCREENING OF WINDOWS

Glazing to the **first**, second, and third stories of the southern elevation of the building to be fitted with opaque glass or opaque film to a height of:

- *1.2 metres in the case of the first storey; and*
- *1.8 metres in the case of the second and third storeys;*

above floor level to the inside of the glazing, to mitigate overlooking to adjoining neighbours on Early Street. ~~Details to be submitted to and endorsed by Council prior to certification of the Crown Building Work.~~

4.15(1)(a)(iia) any planning agreement or draft planning agreement

No planning agreement has been entered into under section 7.4 of the *Environmental Planning and Assessment Act 1979*.

4.15(1)(a)(iv) matters prescribed by the regulations

Clause 92 of the *Environmental Planning and Assessment (EP&A) Regulation 2000* requires Council to take into consideration Australian Standard *AS2601–1991: The Demolition of Structures*, in the determination of a development application.

Having regard to this prescribed matters, the proposed development does not involve the demolition of a building for the purposes of *AS 2601 – 1991: The Demolition of Structures*.

Should this application be approved, appropriate conditions of consent are included within the recommended to ensure compliance with any relevant regulations.

4.15(1)(a)(v) any coastal zone management plan

Council is not subject to a coastal zone management plan.

4.15(1)(b) the likely impacts of the development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality

The proposed modification will not have any significant negative social, environmental or economic impact.

4.15(1)(c) the suitability of the site for the development

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

4.15(1)(d) any submissions made in accordance with this Act or the regulations

The proposal required notification under Part 1 of the Queanbeyan DCP 2012. One submission was received against the proposed modification. The NSW Department of Education also submitted comments from staff with 67 comments in support of the modification in its current form without the imposition of additional screening to the ground floor windows of the southern elevation. The relevant issues raised are as follows:

Issues (Against): The submission against the modification raised objection to the proposed modification as a result of issues with bulk and scale, overlooking, overshadowing and car parking.

Issues (In Support of): The submission received from the NSW Department of Education incorporated 67 comments from staff at the Finigan Distance Education School in support of the modification to reduce the number of vertical blades from 13 to 5 without the imposition of

additional screening. The main issues raised include access to natural light and views, well-being and mental health.

Assessing Officers Comment: It is noted that a number of the issues raised in the not supporting submission such as car parking, overshadowing and the height of the building are related to the outcome of the original development application (DA 298-2016) and are not impacted by the proposed modification. As a result only those issues relating to the modification are considered within this assessment and this response to the submission.

In this instance the modification to reduce the vertical blades from 13 to 5 requires direct consideration in regard to overlooking, privacy and bulk and scale. In regards to privacy it is considered that overlooking on the second and third levels of the building have been adequately dealt with through Condition 4 of the original development consent, which required these levels to include obscure glazing up to 1.8 metres in height. This is seen as a sufficient with the vertical blades that have been removed not having any further impact on overlooking from these windows.

However, the first level does not include the provision of obscure glazing. While the reduction of the vertical blades is not considered to create any substantial additional overlooking impacts, it is recommended that condition 4 of the consent be modified to include the provision of obscure glazing up to a height of 1.8 metres in line with levels 2 and 3 or at a lower rate of 1.2 metres as a compromise. This is considered a much more effective means of addressing privacy to adjoining residential properties.

In regards to bulk and scale it is considered that the introduction of additional building elements would not have any significant impact in reducing bulk and scale and that the buildings bulk is created out of its height, the slope of the land and overall size.

The applicant also provided the following response to the submission in relation to bulk and scale:

The volume of the building comes directly from the building's briefed floor area and the restricted site. The rectangular plan shape was dictated by the briefed arrangement and layout of the interior. It is three stories to accommodate the required floor area. These factors result in a "bulky" building. The steep slope of the ground results in the building being cut deeply into the site at the north western corner and being well above ground at the south eastern corner. The ground continues to slope away to the south increasing the perceived height of the building. Additional trees have been added the full length of the building along the southern boundary. It is this dense screen planting that will reduce the visual impact of the building on the residences to the south rather than the number of vertical blades on the southern facade.

It is noted that the Department of Education need to approve any changes to conditions and that the Department of Education do not support the proposed change to Condition 4 to include obscure glazing to a height of 1.8m. As such if Council wishes to pursue opaque glazing at either 1.8m or at the compromise height of 1.2m it will need to seek the approval of the Minister for Planning.

4.15(1)(e) the public interest

The public interest is served through the detailed assessment of this development application under the relevant local planning controls and legislation and consideration of any submissions received relating to it by Council. The proposed development is not considered to be contrary to the public interest.

SECTION 64 CONTRIBUTIONS

Section 64 of the *Local Government Act 1993* allows contributions to be levied towards the provision of water, sewerage and stormwater infrastructure.

Section 64 Contributions are not applicable to the proposed development.

SECTION 7.11 CONTRIBUTIONS

Section 7.11 of the *Environmental Planning & Assessment Act 1979* permits councils to require as a condition of development consent, the reasonable dedication of land or the payment of monies, or both, for development that is likely to require the provision of, or increase the demand for public amenities and public services within the area.

Section 7.11 Contributions are not applicable to the proposed development.

CONCLUSION

The application has been assessed having regard to Section 4.55(1A) of the *Environmental Planning and Assessment Act 1979*, and is considered to be satisfactory for approval subject to the recommended conditions of consent.

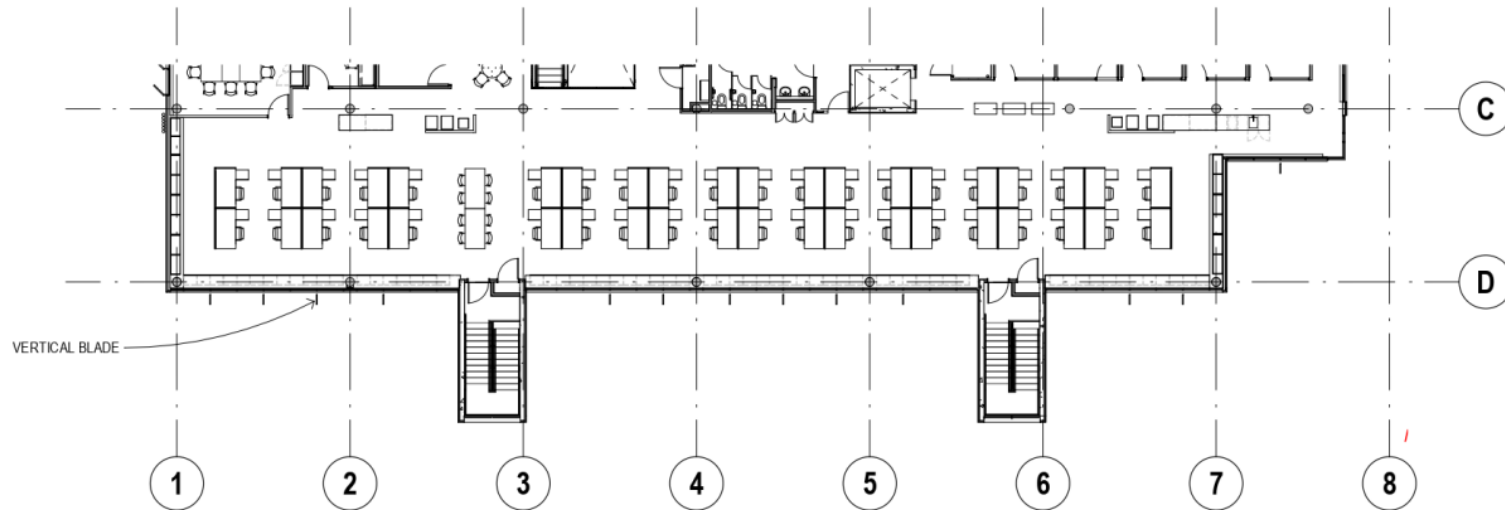
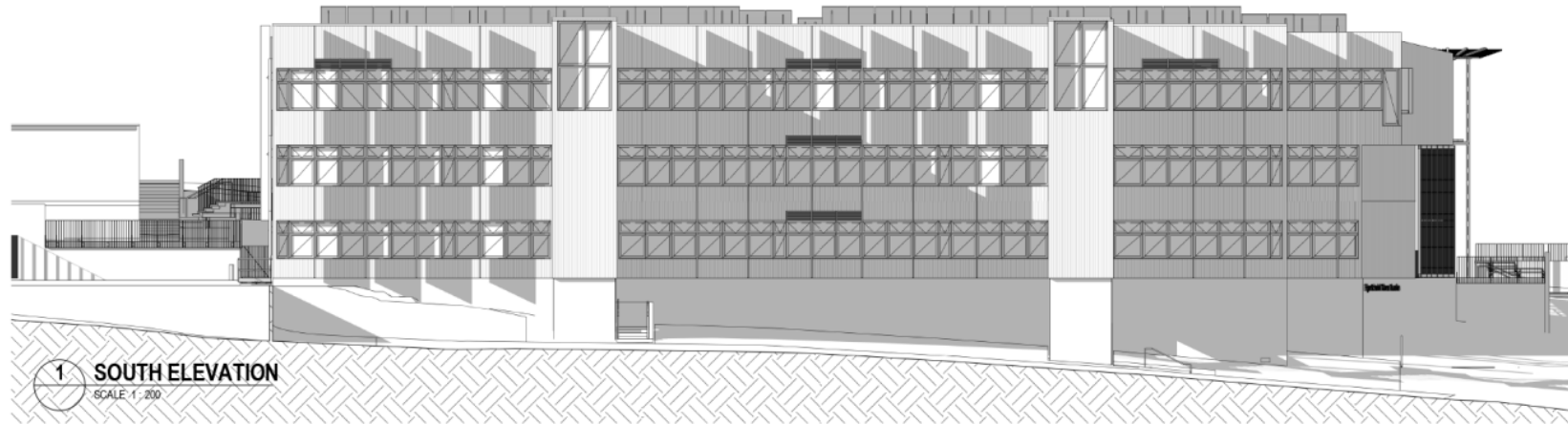
QUEANBEYAN-PALERANG REGIONAL COUNCIL

Planning and Strategy Committee of the Whole Meeting Attachment

13 NOVEMBER 2019

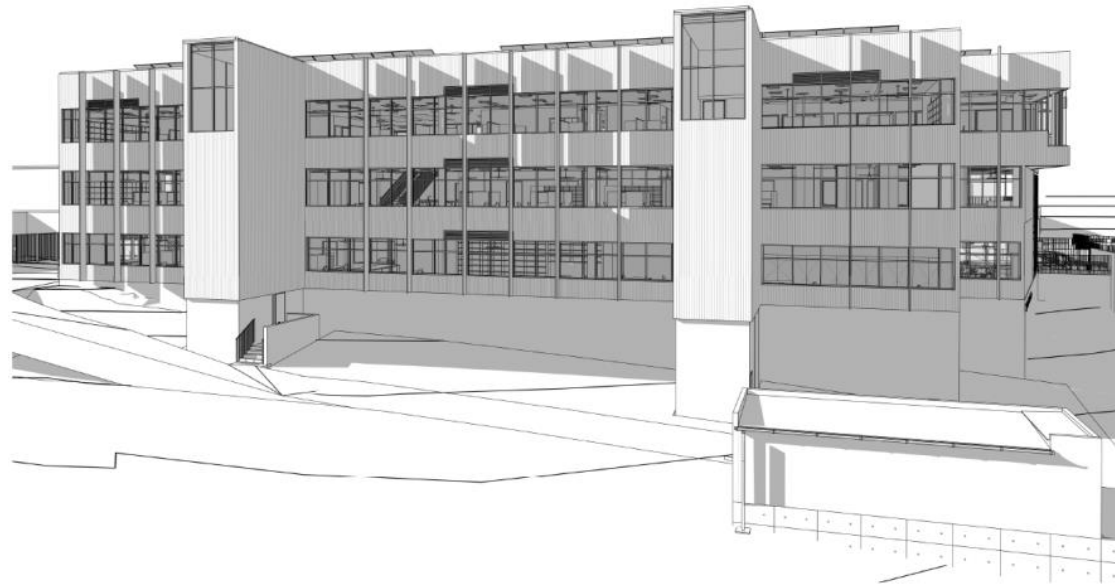
ITEM 6.1 MODIFICATION APPLICATION 298-2016.A - QUEANBEYAN
DISTANCE EDUCATION CENTRE - 42 SURVEYOR
STREET, CRESTWOOD -

ATTACHMENT 2 DA 298-2016.A - ARCHITECTURAL PLANS - 42 SURVEYOR
STREET CRESTWOOD



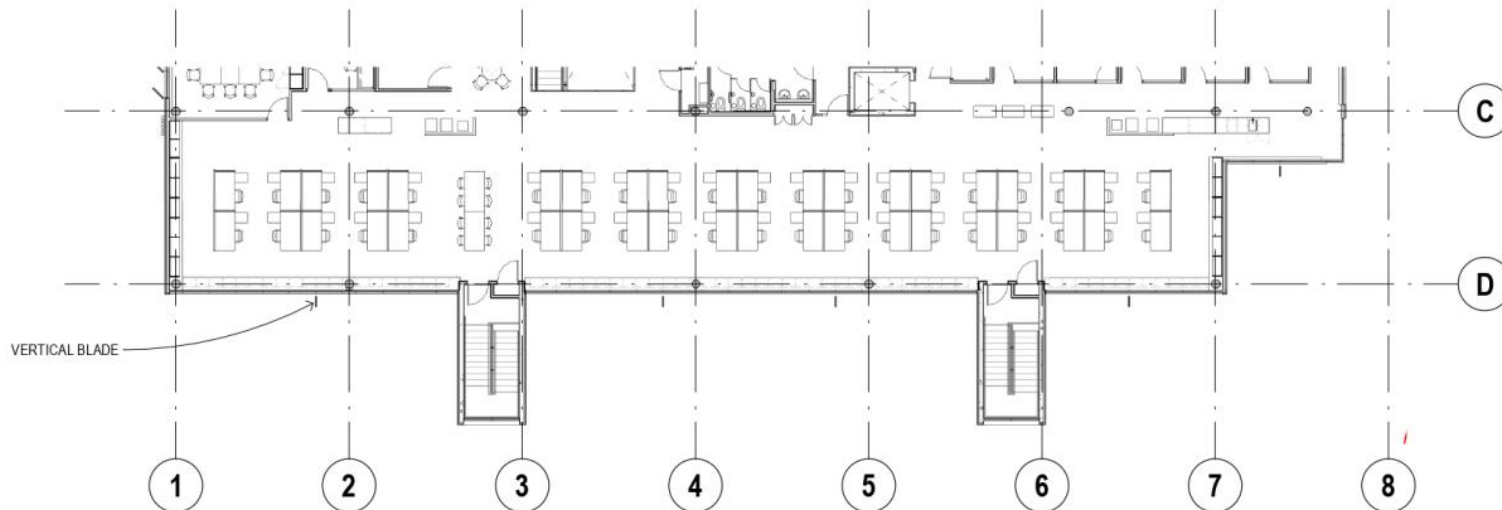
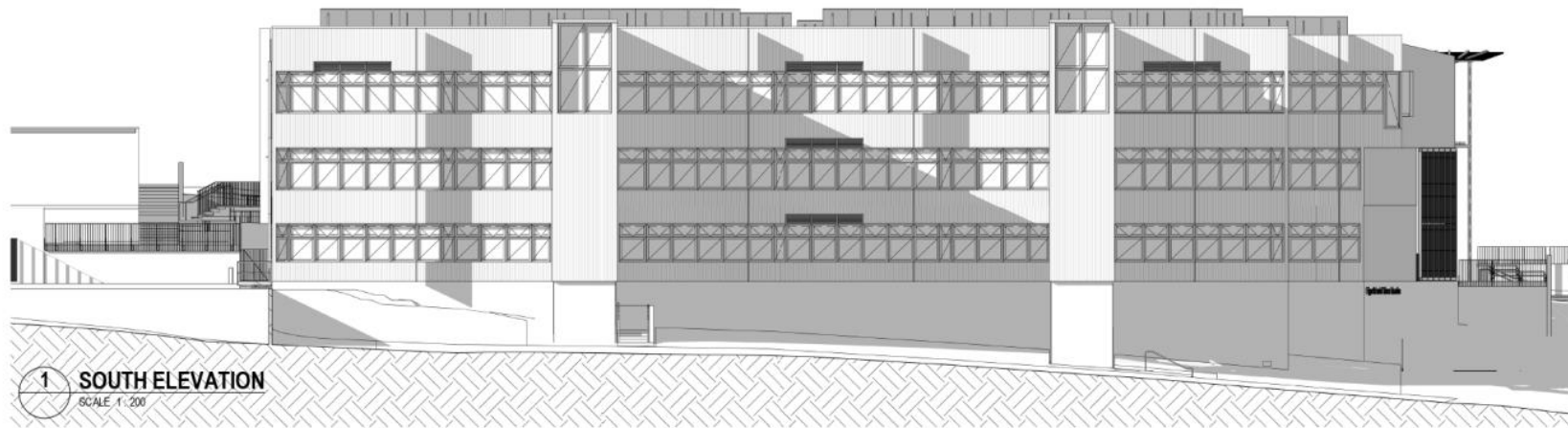
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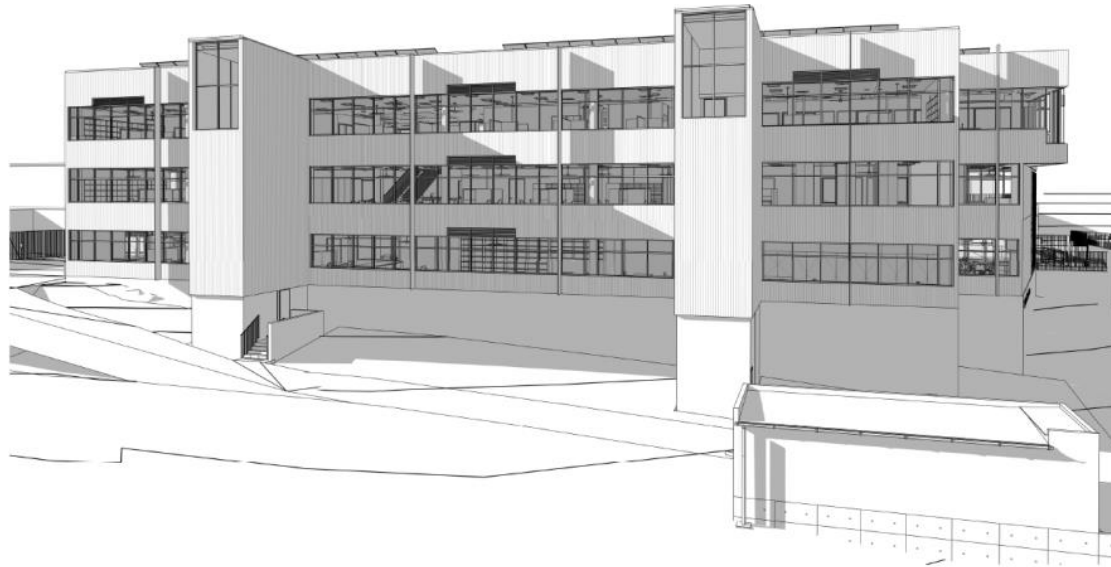
13 VERTICAL BLADES AS PER DA - 04/06/2019



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13 VERTICAL BLADES AS PER DA - 04/06/2019





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PROPOSED 5 VERTICAL BLADES - 04/06/2019

QUEANBEYAN-PALERANG REGIONAL COUNCIL

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13 NOVEMBER 2019

ITEM 6.1 MODIFICATION APPLICATION 298-2016.A - QUEANBEYAN
DISTANCE EDUCATION CENTRE - 42 SURVEYOR
STREET, CRESTWOOD -

ATTACHMENT 3 DA 298-2016.A - SUBMISSION AGAINST DEVELOPMENT - 42
SURVEYOR STREET

6 September 2019

Queanbeyan-Palerang Regional Council
Natural and Built Character Section
Development Application Number: 298-2016.A

Development Modification No: 298-2016.A

Attention: Alex Glouftsis
Assessing Officer

Dear Mr Glouftsis

I am representing my

Firstly, thank you for providing the actual address (77 Agnes Avenue) of the project development site in question and also a site plan clearly illustrating its location. If only.....

This submission is to strongly object to the proposed reduction of the number of Vertical Blade Features to the southern side of the Finigan School of Distance Education (FSDE) building (from the approved DA's 13 down to 5).

I note that:

- no specific reason has been provided for the reduction in blades.
- Council received the Modification Request in early June yet the Notice of Application is dated 20 August and was received by my mother on 27 August.
- the 5 blades in question have already been installed. The installation commenced on approx 15 July (more than a month prior to the Notice of Application date) and was completed on approx 27 July.

Also noted is that a stipulation placed upon the FSDE project was for all required approved DA works to be complete prior to any Occupation Certificate being issued. This condition was unambiguous. An Interim Occupation Certificate was issued on 15 March 2019 and here we are in September, just now dealing with a Modification Request. This is not the only work which is yet to be completed. FSDE is operating under an illegitimately issued Interim Occupation Certificate. Council was made aware both prior to and following the issuing of that Certificate.

1

I will directly address each point made by Mr Thorne, of THORNE ARCHITECTURE and on behalf of Designinc Sydney, in his supporting report, dated 4 June 2019.

'The reduction will have no impact on the bulk or scale of the School'

--- taken literally this statement is obviously factually correct. However, as it is patently not possible to impact the 'actual' bulk or scale, I assume it was not meant that way but rather to the 'visual' bulk or scale of the School. If that is the case then this statement is a contradiction of the JRPP Report No: 2016STH019, under the heading 'Bulk and Scale' - "The design includes several measures in an attempt to reduce the visual bulk and scale of the building. Blade walls are further employed to provide a visual focus and break up the horizontal plane." Also, on page 26 - "The bulk and scale of the proposed building generally exceeds that of similar buildings on the subject site and surrounding residential development. However, it is considered that the measures employed to reduce the visual bulk of the building are sufficient in this instance and will assist the building to integrate with its surroundings."

'The reduction will have no impact on the view from the southern windows'

--- on page 26 of the JRPP Report - "Vertical blade features on the windows will prevent some cross views".

'The reduction will have no impact on the School's functionality.'

--- can't argue with that.

'This modification does not affect the matters previously considered by the Joint Regional Planning Panel; that is the provision of parking and overlooking of adjacent residences.'

--- can't argue with the parking point but as to the overlooking of adjacent residences, again, on page 26 of the JRPP Report - "Vertical blade features on the windows will prevent some cross views".

'The five blades maintain the design intention of providing the facade with visual articulation by expressing the building grid on the facade.'

--- reducing the number of blades by 61% overall and 70% for the two main sections must have a significant effect on the above. To claim otherwise is being disingenuous. My view is that the reduction of blades from 13 to only 5 provides a vastly different facade to that which was submitted for and granted approval. The current 5 blade facade has a sparse and not completed appearance.

'The reduction has the practical benefit of reducing the number of penetrations through the cladding thereby reducing the risk of water penetration.'

--- I submit that this one is really grasping at straws:

- ~ there are many state of the art waterproofing innovations available.
- ~ I assume that the NSW Government engaged top notch Architects and Engineers. That being the case, surely they would not have proposed the use of the blades at all if it was felt they would cause problems.
- ~ is Mr Thorne implying that, when using this type of cladding, nothing should be attached for fear of the risk of water penetration?
- ~ I find it intriguing that the blade anchoring mounts installation work was not carried out at the appropriate time during the construction of the building. That process, rather than a later add-on, generally saves time and money and provides the best quality of finish, including waterproofing.

I take the crux of Mr Thorne's report to be that JRPP were incorrect in their judgements. It therefore appears to be a choice between accepting Mr Thorne's view or the JRPP judgement. If Council accept Mr Thorne's assertion then I would expect to be granted the same opportunity to present the inaccurate judgements I believe have been made by JRPP, and approved by Council, with a view to also having them amended.

I also present this take on the Modification Request. Apart from the supposed 'risk of water penetration', I believe that all other matters raised by Mr Thorne in his supporting report had been dealt with in JRPP Report No 2016STH019. That Report was accepted by Department of Works/Department of Education and signed off on 18 August 2017. The Report forms part of the approved DA No: 298-2016. To now, approximately 2 years later, be disputing matters already agreed to is tantamount to lodging an appeal. I'm pretty sure that ship has sailed and there is no avenue for an appeal.

I respectfully submit that this point alone is reason to reject the Modification Request.

Further to the above I also put forward the following:

The FSDE building is, at 15.8 metres, almost double the sites allowed maximum height of 8.5 metres. It follows that the building is also almost double in bulk and capacity. This was approved by Council using JRPP justifications which do not stand up to scrutiny. But that's a separate matter.

JRPP allowed the construction of the building, in its vastly oversized form, to proceed if certain privacy and parking requirements were met. A significant number of those necessary requirements were then removed yet approval still followed.

--- it was stated that the overlooking impacts to Early Street properties could be suitably mitigated through screening to south facing glazing. In stages, this was reduced to just the inadequate, screening to a height of 1.8m from the floor on levels 1 and 2 with no screening at all on the ground floor.

--- car parking requirements were initially: 30 on-site on the north side, 10 on-site on the south side and indented parking along Agnes Avenue. These were reduced to just the inadequate 30 on-site. FSDE has approximately 110 full-time equivalent teaching staff and possibly a number of non-teaching personnel.

The point I am making is that if the number of Vertical Blade Features is allowed to be reduced from the approved DA amount of 13 to only 5, it will be one more requirement being removed. A justified question could be, "what was the point of the JRPP?"

The JRPP made many decisions based on the submitted 13 blade external southern facade. If the Vertical Blade Features number was initially presented as only 5 then it is quite feasible that other requirements would have been viewed differently. For example, it could well be that the privacy screening requirement would not have been downgraded from all of the south facing glazing to its final inadequate form. Should the Modification Request be granted then those decisions should also be revisited.

Mr Thorne continues a common thread in essentially projecting what is acceptable for local residents. That common thread is that the people making these judgements will in no way be affected by them. is heavily impacted by the whole project but relevant here is the southern side/facade of the FSDE building. The property is situated only a short distance away and very near the centre of that building.

This is relevant because in disregarding the allowed maximum height for the site and approving the vastly oversized structure, and now considering approval of the removal of bulk and scale softening measures, Council has committed my mother to an overbearing and depressing presence whenever she ventures, or even views, into her rear yard. I invite, and strongly recommend, that those involved in making this decision take the time to come and have a cup of tea with my mother and take a first hand view of the outlook she now has, all day and every day, from the rear of her home. The attached photos, although not the same as a personal experience, provide a reasonable 2D portrayal.

Should Council approve this Modification Request and therefore accept that JRPP justifications were not correct, it will be only fair and reasonable to have all other JRPP justifications re-evaluated by an independent body.

My summarised grounds for objection, supported by the above, are:

--- stated outcomes based on the reduction of blade numbers (from the approved DA's 13 to only 5) presented in Mr Thorne's supporting report, do not correspond with JRPP findings.

--- Mr Thorne's supporting report is tantamount to lodging an appeal against JRPP judgements, which is now not possible.

--- a significant number of those requirements deemed necessary for the project to receive approval in its vastly oversized form were subsequently removed. Another 'approved DA' requirement should not be allowed to follow.

--- JRPP used the originally submitted 13 blade southern facade in making numerous other significant judgements on the Project as a whole. Had the original submission featured only 5 blades it is conceivable that a different outcome to other significant requirements could have resulted.

--- this vastly oversized eyesore has been forced upon my mother. The installed 5 blades have provided a not complete appearance. JRPP deemed that the 13 blades would help to reduce the visual bulk and scale of the building and also prevent some cross views. In their accepting of JRPP conditions, Department of Works/Department of Education also accepted that finding.

Attached are:

- 1) concept drawing taken from JRPP Report (page 25)
- 2) photo taken from _____ on 31 August, 2019
- 3) same photo as (2) with the rest of the approved DA blades added (albeit in an amateur manner)
- 4) Donation Declaration

Yours Sincerely

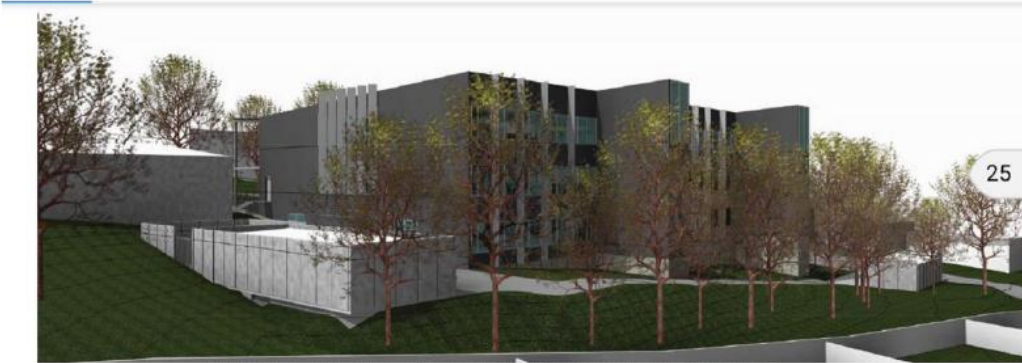


Figure 13 – View to southern elevation of the proposed building



QUEANBEYAN-PALERANG REGIONAL COUNCIL

Planning and Strategy Committee of the Whole Meeting Attachment

13 NOVEMBER 2019

ITEM 6.1 MODIFICATION APPLICATION 298-2016.A - QUEANBEYAN
DISTANCE EDUCATION CENTRE - 42 SURVEYOR
STREET, CRESTWOOD -

ATTACHMENT 4 DA 2016-298.A - SUBMISSION FOR DEVELOPMENT - FROM
STAFF - 42 SURVEYOR STREET

Finigan School of Distance Education

Staff Comments Regarding Window Film

November 2019

None, but I also have the advantage of working outside occasionally.	
The window film blocks the view of the sky and hills making the work space feel closed in.	
The window film has a very oppressive feeling. I think it is a Work Health issue. Staff members have commented to me the negative impact on them.	
You feel like you are in a box and it is great benefit to mental health to be able to look out a window and see the world.	
The film makes me feel claustrophobic and frustrated that I can't see a bit more skyline and the tops of hills. If it could be slightly lowered, I am sure I would feel much happier in my workspace.	
The coating on the glass separates us from the outside, making it feel like 4 walls instead of 3 walls and a window. Although the light filters through, seeing the trees and world outside my small cubicle revives me. As it is, it can feel a bit claustrophobic. Also we work so consistently throughout the day, I can't imagine any of us standing and gazing out of the windows and from our desks we see very little. The only thing I can see is the top of a tree.	
It would be very disappointing to have window film, it would be like working in a windowless room with artificial lighting, or as if it were a permanently cloudy day. It creates a feeling of being trapped or closed.	
Being able to glance up from your desk, and see the trees, breaks up the landscape of the office and creates a positive work environment and encourages wellbeing and mental health.	
The window film is not pleasant to look at. It is very oppressive and has a negative impact on the work environment. Looking at a computer screen all day, it is nice to look out the window and see the hills and beyond. We do not actually look out into the neighbours yards. Having natural light will help with the energy flow of the office and our mental health and well-being.	
I think the window film is detrimental to work place wellbeing. Natural light and being able to see the sky and hills outside is not only good for mental health but overall happiness in our work space.	
I am on the ground floor and appreciate being able to see the hills and skyline in the distance. This enables me to not feel enclosed. I believe being able to view the natural environment assists in my morale and general wellbeing and that this would also assist staff morale across the board if they were able to view the natural environment.	
I would love to see the hills and sky. The blackout on the windows is a very disappointing aspect of the top floor. It gives a sense of claustrophobia.	
It reduces the light on that side of the building and reduced the view	
I find it very damaging to my eyes not being able to look into the distance from my desk. I work online all day as I am a distance education teacher and have to spend long periods looking at the screen. From research "When you look near, as when staring at a computer screen, you unknowingly strain your eyes. The ciliary muscles contract, and this changes the shape	

<p>of your lens from flat to round. When you look into the distance, however, the ciliary muscles relax and the suspensory ligaments keep the lens flat, and more flexible, which is necessary to improve eyesight and for good eye health."</p> <p>It is also quite depressing as the film creates a 'closed in' raining day feeling in the workplace. I lose the sense of time passing. It is like being an animal in a cage. It is important to be able to see natural scenery such as mountains and trees in the distance. The film is too high so we just see a tiny bit of sky. It is like a gaol.</p> <p>refer also to https://www.ncbi.nlm.nih.gov/pmc/articles/PMC6020759/ ; https://journals.sagepub.com/doi/10.1177/001391659803000601 https://journalistsresource.org/studies/society/public-health/daylight-windows-productivity-stress-health-depression/</p>	
<p>I feel hemmed in on the top floor when looking South. A lowering of the film would be an improvement and still maintain privacy for the neighbours.</p>	
<p>It is depressing to only be able to see a white film and a little strip of sky rather than the hills. I am not at all interested in looking down at people's backyards. There is a magnificent view of the landscape and hills in the background if only we were allowed to see it. A lower level for the film would let us see the hills and still protect neighbours' privacy.</p>	
<p>I can't look out at the beautiful bush and mountains into the distance, which would rest my eyes from the computer and fosters well being. The last thing I want to do is look into peoples' back yards as I am not interested.</p>	
<p>It makes it depressing and is having serious implications on my well being. It feels closed in. It feels depressing.</p>	
<p>The window film makes the office space feel uncomfortably enclosed and it reminds me of the frosted glass in some old 1950s toilets! It is unpleasant compared the rest of our working environment.</p>	
<p>I feel window film on our on my work place will impact my mental well being. As we are required to be inside for the majority of our work day being able to look outside enables me to see nature and clear my mind of some of the stresses that can be created by my work environment. If were are unable to do this it will cause feelings of being caged in and claustrophobic. I feel that this will also impact my co workers in the same manner and may cause an increase in sick and stress leave.</p>	
<p>I would very Claustrophobic and enclosed. My anxiety would be heightened. The view of the hills help to calm me.</p>	
<p>The film makes the works space feel claustrophobic and enclosed, which in turn has a negative effect on general well being. Lowering the film to allow more of a view of the hills and landscape would help to improve the overall feeling of inside our workplace and not impact neighbours privacy. Not only that but I have no desire to look at the neighbours backyards anyway as the view of the hills and surrounds is much more inviting.</p>	
<p>Gives the feeling of being trapped in. Limits natural sunlight and makes the work space feel sterile, dark and depressing.</p>	
<p>Having a central office I find it difficult not being able to see outside. During my break times I will walk via the windows to optically stretch. Having a view helps to reignite my work ethic. If a film was placed on the windows then it would convey a depressive environment.</p> <p>I have notice that the staff on the floors that have the film seem to be withdrawn more than those staff in areas with clear windows.</p>	
<p>The high film on the window makes me feel very claustrophobic because I can see only a narrow band of skyline. I do not see any randomness of the natural environment</p>	

such as a wider band skyline and hilltops. The visual impact makes me feel like I am trapped and slightly stressed. This causes mild headache and if it gets prolonged it sometimes can lead to nausea.	
It was extremely disappointing when we first began working here to only see a small strip of sky and be confronted with the rest of the window covered in an opaque film. The opaque windows create a sense of imprisonment as we have knowledge of the hills and more sky on the other side of the blocked out view. I respect people's privacy but feel neighbour's should respect our need to at least see the beautiful vista of the Queanbeyan hills without looking into their backyards.	
Awful, it's pointless having windows as it is. If we could at least see the distant view it would be much better.	
It's difficult to enjoy the view at all	
I feel like I have less contact with the world around me and it impacts my wellbeing. The feeling is disorienting. Because I spend 6 hours of my day, I would like to have a better connection with the view outside; it would be great to be able to see the mountains outside, but I can't even see them when I'm standing. The sky is the only thing visible, but not in my general vision either. I am working on the third floor, so I can only see the outdoors during my break. I feel like it has an impact on the way I feel when I'm at work.	
The window film prevents the connection between workplace and the outdoors environment. As such, it impacts on personal wellbeing and a connection to the location. The film currently used also creates a sensation of claustrophobia or of being 'closed in', as longer distances and the beautiful views cannot be seen or enjoyed.	
It is off-putting to not be able to view the trees and sky. It also feels claustrophobic to look at opaque glass. A shorter film could still block the downward view into people's houses but allow some access to natural scenery which would be more aesthetically appealing.	
We are confined in a box with no view of the sky or trees. It would be lovely to not have the film on the windows at all. We are too busy at work to be looking in people's backyards.	
The space feels enclosed, with no natural light filtering through the window film. The windows might as well not be there as it feels no different to being in a windowless box. It would be nice to see some natural skyline at least, even better a glimpse of the mountains, from the office. As an outdoors person, it has been a hard adjustment working in a building with no connection to the outside.	
I feel that I am in a cage when I am doing work at my desk. I love nature - the landscape, plants, blue sky, clouds etc but I can't see any of these except a pot plant on the left of me and the driveway ramp to the upper section of the Finigan car park on my right. Our eyes need to focus on close objects as well as distant objects to get the exercise to remain healthy. However, I am not able to do so while working at my desk and feel a lot of strain in my eyes. It would be so much better if the height of the film is lowered to allow us to see the top of the mountains and some more of the sky it would be so much better.	
It looks like a very humid confined bathroom space. I prefer dry climate, as if we are in a prison and we are not allowed to look outside. It also assumes that we have nothing else to do than to look out of the window, which is offensive.	
i cannot see out	
The film on the windows give us an unnatural feel to the building. We have no idea of the real weather outside and the passing of time. This is a negative for work mental health.	

<p>There are many studies that support the need for natural light and views from windows as this correlates to increase work productivity and helps to support positive mental health of the employees. These findings are even more important for a workplace that is computer based/digitally driven as looking out a window to a view can encourage the production of serotonin - this relates to our sense of well-being and positive mind-set. Other benefits including relaxing eye strain and tiredness which can be a result of a closed office space. It is a shame that the local neighbourhood does not respect the work of Finigan teachers as professional. The staff do not have time to be "watching" the neighbours and would much prefer to gaze outward for some much needed replenishing of mental energy. https://hbr.org/2018/09/the-1-office-perk-natural-light https://journals.lww.com/jbisrir/Fulltext/2010/08161/The_effects_of_exposure_to_natural_light_in_the.5.aspx?WT.mc_id=HPxADx20100319xMP https://www.nrel.gov/docs/fy02osti/30769.pdf</p>	
<p>It is very important for my well being that I could see the hills and landscape view through.</p>	
<p>The film makes the building seem very closed in. I hope the film can be as minimal as possible since it really does impact detrimentally on the feeling of the working environment.</p>	
<p>limits light and view of the outside resulting in an feeling boxed in and isolated from the outside world</p>	
<p>It is claustrophobic and depressing.</p>	
<p>Where possible, all workers should be entitled to access the view of the natural environment: sky, clouds, rain, birds. While this is obviously not possible in all work environments, where it is possible it is an OH&S issue. Peter Breen</p>	
<p>I hate it, you can't see the sky much and it makes you feel like you are working in a building with no windows. If I manage to get a break and go outside, I have a sense of relief just by being able to see the sky and feel connected to the world again.</p>	
<p>I would prefer that we did not have the film on the ground floor southern side windows as it is nice to be able to look out at the hills, trees and sky while sitting at my desk with the natural light coming into our office. It makes for a more pleasant work environment and I feel that the film will make us feel more closed in and detrimental to our morale and mental health. We do not get any sun in our part of the building and it will make our workplace even colder then it already is. The majority of the work day, we are seated at our desks and cannot see into the neighbours backyards anyway and have no interest in doing so.</p>	
<p>I would be very happy to see the window film on the top floor where I work reduced. I don't spend my work hours staring out the windows at the neighbours but would like to see more of the view of the surrounding area than I do currently .</p>	
<p>The window film on the top floor of my work space makes me feel completely closed in. There is absolutely no view of anything outside. We cannot see any hills or landscape and it is extremely claustrophobic. Lowering the film on the top floor will help give the level an openness, without being able to see the neighbours.</p>	
<p>I find that not being able to see outside I feel very closed in. Being able to see the outside the sky and hills is better for ones well being.</p>	
<p>It would make our work area feel enclosed. Not as much light would come through as we are on the south side. It is quite calming being able to see the trees out of the windows, from our desks, whilst we are busy working.</p>	
<p>I don't want the window film put on the windows. We don't have time in our work day to stand at the windows gazing into the neighbours yards, nor do we have the interest. We're administration workers so the greater part of our day is sitting at our desks</p>	

<p>which means we actually look over the roofs of the neighbours anyway and not into their yards. If I could attach a photo to show you what I see I would. Our hours of operation mean that most of us are gone by 3 or 4, the latest staff member usually leaves around 4.30 and we aren't open on the weekends, so we aren't open for operation at the time that most people would be home from work and relaxing anyway. Not to mention that for 12 weeks of the year we're actually closed and on holidays! I like to be able to look outside though and see what the day is like. I feel that if the film is put on the windows it will have a detrimental effect on moral and our mental health and feel like we're boxed in. The only thing missing to make it feel more like a prison would be the bars.</p>	
<p>claustrophobic feeling, miss the calming impact of being able to see more of the outside environment</p>	
<p>The film on the windows impacts my work ability to feel connected to the outside world. It in closes the area around my desk and I feel more boxed in.</p>	
<p>I find it quite demoralising with the constant complaints we hear about our workplace. We, the staff of Finigan did not choose this location but we are made to feel like we do not belong here. Being able to see trees is calming and lets us see the outside world. At my seat I do not see backyards which seems to be the main complaint we hear.</p>	
<p>The film blocks the natural sunlight as well as the view of the mountains. It has an isolating claustrophobic feeling when surrounded by artificial surfaces. A workbench runs below the window which does not allow for a line of sight angle to the houses below.</p>	
<p>It could be better to be able to see the mountains from time to time. A lower film would allow more light into the building. Thanks.</p>	
<p>Reduces the natural light and prevents being able to see sky and trees. This makes me feel "enclosed"</p>	
<p>It hasn't been enjoyable having a film so high up the window in my workspace as you greatly miss the views of the local environment. It also creates a dull effect as natural light struggles to get through the film. It is common knowledge that weather affects mood so some days, the dull effect of the natural light can have a negative impact on my mental wellbeing. A lowered film would help greatly.</p>	
<p>On Level 2 the existing window film restricts my view (when seated) to looking up (angle of 40 degrees) at the sky. When standing (I'm 184 cm tall) my view is restricted to distant hills. Below the windows on Level 2 there are storage benches (60 cm depth) which prevent staff standing close to the windows and directing their gaze downwards. A reduction in height of the window film would allow for an improved outlook without encroaching on the privacy of nearby neighbours.</p>	
<p>Considering we only look at the hills and not the houses below, I think the space would feel confined. It is nice to be able to look outside now and then, rather than sitting in front of the computers all day.</p>	
<p>As the window film is on the south side of the building it does impact the natural light into our working space.</p> <p>The well being of the staff is important and the window film makes the work space feel totally enclosed.</p> <p>To protect the privacy of the neighbours on Early Street, there is no need to have the film so 'thick' or so high.</p> <p>The shelving under the windows are deep enough so that no staff would be close enough to a window to see the houses.</p>	
<p>The film creates a wall like barrier with the outside world which is demoralising, inhibiting to the staff. The majority of the staff are constrained to their desks for the entirety of the working day which means that many are deprived of the relief of a</p>	

<p>distant view of a further horizon during the day. These factors contribute a very negative factor on the psychology of the staff affecting both their effectiveness in their function as educators and the individual health of the teachers.</p> <p>It is worthy of note that the FSDE is only populated during the hours of 07:00 till 17:30 and consequently has minimal invasive impact on normal domestic behaviour. It is also notable that the view afforded at the lower level is the same as that which existed to the Queanbeyan students in the playground prior to the building of FSDE.</p>	
<p>Placing film on the windows will have a dramatic impact on staff well being and morale. It will feel as though we are trapped in the building with no concept of the environment around us. If we have an emergency situation such as a nearby fire, we would have no idea of the danger that we would be in as we simply would not be able to see outside. It's a serious safety concern.</p>	
<p>The amount and timing of light exposure (including the ability to see the view) is important for physical and mental health. Research indicates links between light exposure in workplaces and workers' productivity and performance, and workers' mental and physical well-being.</p> <p>Study Impact: Office workers with more light exposure at the workplace tended to have longer sleep duration, better sleep quality, more physical activity, and better quality of life compared to office workers with less light exposure at the workplace. Office workers' physical and mental well-being is improved with increased emphasis on light exposure and an outside aspect in the design of offices. (Journal of Clinical Medicine).</p> <p>Hence the proposal would negatively impact on overall mental well-being, with negative effects of depression, feelings of isolation (immediate) and stress greatly increased.</p>	
<p>The current level of window film does detract from the workplace environment. Removal or a reducing the height of the film would definitely assist in providing a more pleasant work environment.</p>	
<p>The film restricts the longer view of the mountains and sky making the space feel enclosed.</p>	
<p>It will have a direct effect on my working environment. The light would be drastically reduced. As we are on the south side of the building it is the only natural light coming in. The reduction of this could affect my work morale and mental health, making my work area depressing. Most of the time I am sitting at my desk and cannot see into the neighbours yards. The film on the windows would make me feel closed in and could potentially make the room colder. We are already having issues with the coldness because we are on the south side of the building.</p>	
<p>Impacts on the natural light coming in the building. Important for computer workers to be able to access greenery and natural light during downtimes for WHS reasons. Studies have shown the impact of greenery and natural light helps with headaches and other maladies, after being on a screen too long.</p>	
<p>Light exposure and being able to see outside is important for physical and mental health. I feel that not being able to see out of the windows will have a negative effect of the well being of staff</p>	

QUEANBEYAN-PALERANG REGIONAL COUNCIL

Planning and Strategy Committee of the Whole Meeting Attachment

13 NOVEMBER 2019

ITEM 6.1 MODIFICATION APPLICATION 298-2016.A - QUEANBEYAN
DISTANCE EDUCATION CENTRE - 42 SURVEYOR
STREET, CRESTWOOD -

ATTACHMENT 5 DA 298-2016.A - RESPONSE TO SUBMISSION FROM
APPLICANT - 42 SURVEYOR STREET

T H O R N E A R C H I T E C T U R E

Ms Nicole Bailey
Public Works Advisory
Department of Finance, Services and Innovation
Level 1, 11 Farrer Place, Queanbeyan 2620

24 September 2019

Dear Nicole,

Finigan School of Distance Education
RE: Submission - 42 Surveyor Street – 298-2016.A

In response to received community claims,

The volume of the building comes directly from the building's briefed floor area and the restricted site. The rectangular plan shape was dictated by the briefed arrangement and layout of the interior. It is three stories to accommodate the required floor area. These factors result in a "bulky" building.

The steep slope of the ground results in the building being cut deeply into the site at the north western corner and being well above ground at the south eastern corner. The ground continues to slope away to the south increasing the perceived height of the building.

Additional trees have been added the full length of the building along the southern boundary. It is this dense screen planting that will reduce the visual impact of the building on the residences to the south rather than the number of vertical blades on the southern facade.

Yours sincerely,



Karl Schlimbach
On behalf of DesignInc Sydney

QPRC



4.15 Assessment - DA.2019.006

In determining a development application, the consent authority is to take into consideration the following matters of consideration contained within section 4.15 of the Environmental Planning and Assessment Act, 1979 as relevant to the development application:

4.15(1)(a) the provisions of:

(i) any environmental planning instrument

PALERANG LOCAL ENVIRONMENTAL PLAN (PLEP) 2014

An assessment of the proposal against the general aims of PLEP 2014 is included below:

Cl. 1.2(2)	Aims	Complies
(a)	to protect and improve the economic, environmental, social and cultural resources and prospects of the Palerang community,	Yes
(b)	to encourage development that supports the long-term economic sustainability of the local community, by ensuring that development does not unreasonably increase the demand for public services or public facilities,	Yes
(c)	to retain, protect and encourage sustainable primary industry and commerce,	Yes
(d)	to ensure the orderly, innovative and appropriate use of resources in Palerang through the effective application of the principles of ecologically sustainable development,	Yes
(e)	to retain and protect wetlands, watercourses and water quality and enhance biodiversity and habitat corridors by encouraging the linking of fragmented core habitat areas within Palerang,	Yes
(f)	to identify, protect and provide areas used for community health and recreational activities,	Yes
(g)	to ensure that innovative environmental design is encouraged in residential development.	Yes

Permissibility

The subject site is Zoned E4 Environmental Living zone under Palerang Local Environmental Plan 2014.

Zone Objectives

An assessment of the proposal against the objectives of the E4 Environmental Living zone is included below:

Objectives	Complies
➤ To provide for low-impact residential development in areas with	No

special ecological, scientific or aesthetic values.	
➤ To ensure that residential development does not have an adverse effect on those values.	Yes
➤ To encourage development that is visually compatible with the landscape.	Yes
➤ To minimise the impact of any development on the natural environment.	No
➤ To ensure that development does not unreasonably increase the demand for public services or facilities.	Yes
➤ To minimise conflict between land uses within the zone and land uses within adjoining zones.	Yes

Comment: The subject application fails to identify areas upon proposed Lot 31 and 32 that do not conflict with environmental constraints upon the site. As such, the proposed development is considered to fail to satisfy the objectives of the E4 Environmental Living Zone as outlined above.

Development for the purposes of subdivision is permissible with consent under Clause 2.6 of the PLEP 2014.

Part 4: Principal development standards

An assessment of the proposal against the relevant provisions contained within Part 4 of the PLEP 2014 is provided below.

Lot averaging subdivision of certain land in Zone E4

<i>Cl.</i>	<i>Standard</i>	<i>Controls</i>	<i>Proposed</i>	<i>Complies</i>
<i>4.1B</i>	<i>Average Lot size</i>	6Ha	3.28Ha	No
	<i>Minimum subdivision lot size</i>	1Ha	1.36Ha	Yes
	<i>Resulting Lot?</i>		Yes	No

Comment: Clause 4.1B(5) of the *Palerang Local Environmental Plan 2014* establishes that Council is unable to grant development consent for the purposes of a subdivision of a resulting lot for the purposes of residential accommodation. The subject lot was created under 1999/DA077 which was approved by Council at its meeting of 8 June 2004 under Clause 20 of the former *Yarrowlumla Local Environmental Plan 2002* for a 29 Lot Community title subdivision. Further, residential accommodation was permissible upon the allotment. As such, the subject lot forms a resulting lot as defined under Clause 4.1B(6) of the *Palerang Local Environmental Plan 2014*. While the applicant proposes not use for proposed Lots 31 and 32, Lot 4 is currently and would remain to be utilised for residential purposes. As such, Council has no ability to grant consent to the subdivision of the site as proposed.

Clause 4.6 Exceptions to Development Standards

Under Clause 4.6 of the PLEP 2014, the consent authority may consider a variation, where that variation would achieve a better outcome.

It should be noted that the subject application despite the failure to satisfy the minimum lot size was not accompanied by a Clause 4.6 variation request. Accordingly Council has no power to vary the development standard and therefore is unable to approve the subject application.

Part 6: Local Provisions

The relevant provisions contained within Part 6 of the PLEP 2014 are addressed below as part of this assessment:

6.1 Earthworks

Clause 6.1 of the PLEP 2014 establishes a number of matters requiring consideration for development involving earthworks. The proposed development would require earthworks for the purposes of the proposed vehicular access points and internal access roads. Such works are minor in nature and with the use of appropriate erosion and sediment control measures would be unlikely to result in any significant impacts. As such, in the event of approval of the subject application a condition of consent would be recommended requiring the use of such measures throughout construction.

6.3 Terrestrial biodiversity

Clause 6.3 of the PLEP 2014 makes for provision for developments that impact on terrestrial biodiversity. The subject site is identified upon Council's mapping as containing areas of terrestrial biodiversity. Previous environmental studies undertaken for the subject site have identified the subject site as containing areas of remanent Yellow Box grassy woodland and Derived Native Grassland. The applicant poses that the subject application should not require consideration of future development upon such vegetation and that any such impact would be considered through the assessment of future development applications. Council officers do not support this premise and note that given the environmentally constrained nature of the subject site consideration of potential impacts of future development is required. This matter is discussed in more detail within the likely impacts section of this report.

6.4 Drinking Water Catchments

Clause 6.4 of the PLEP 2014 makes provision for developments within a drinking water catchment. The subject site is identified upon Council's mapping as being located within the Googong Drinking Water Catchment. The subject application was not accompanied by sufficient information to determine the potential impacts of the proposed development upon water quality within the catchment.

4.15(1)(a)(ii) any draft environmental planning instruments

There are no applicable draft planning instruments that are or have been placed on public exhibition, to consider as part of this assessment.

4.15(1)(a)(iii) any development control plan

PALERANG DEVELOPMENT CONTROL PLAN (PDCP) 2015

Section 1.2 of the *Palerang Development Control Plan 2015* establishes a number of development controls relevant to the subject application. An assessment of the subject application against the provisions of Section 1 of the PDCP 2015 follows.

PALERANG DCP 2015 COMMENTS		
Section	Controls	Comment
C1.2 Subdivision for purposes other than primary production – general controls		
1.2.3	Subdivision pattern The proposed lots do not exceed the maximum depth to width	Yes

	ratio of 4:1 and do not include any frontages to water courses.	
1.3.3	<p>E4 Environmental Living</p> <p>The proposed lot configuration would not result in the fragmentation of any significant environmental areas. Proposed battle axe handles comply with prescribed dimensions.</p>	Yes

4.15(1)(a)(iiia) any planning agreement or draft planning agreement

No planning agreement has been entered into under section 7.4 of the *Environmental Planning and Assessment Act 1979*.

4.15(1)(a)(iv) matters prescribed by the regulations

Clause 92 of the *Environmental Planning and Assessment (EP&A) Regulation 2000* requires Council to take into consideration Australian Standard *AS2601–1991: The Demolition of Structures*, in the determination of a development application.

Having regard to this prescribed matters, the proposed development does not involve the demolition of a building for the purposes of *AS 2601 – 1991: The Demolition of Structures*.

4.15(1)(a)(v) any coastal zone management plan

Council is not subject to a coastal zone management plan.

4.15(1)(b) the likely impacts of the development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality

Likely Future Uses

The subject application was lodged upon the premise that the future uses of proposed Lots 31 and 32 would be considered at a later date under subsequent application and that no consideration was required of the potential impacts of such development throughout the subdivision process. The NSW Land and Environment Court in *Parrott v Kiama [2004] NSWLEC 77* has established a planning principle for the consideration of future structures/ uses throughout the assessment subdivisions that is applicable to the subject application. Senior Commissioner Roseth established that “a subdivision application should provide constraints on future buildings when the proposed allotments are smaller than usual, or environmentally sensitive or where significant impacts on neighbours is likely and needs careful design to minimise them”. The subject site is considered to contain environmentally sensitive land as information that accompanied previous development applications upon the subject site identified significant environmental constraints upon the site including the topography of the site, the presence of drainage lines, the presence of endangered ecological communities (White Box Yellow Box Blakely’s Red Gum Woodland) and pink-tailed worm-lizard habitat upon the site. In recognition of these constraints it is appropriate that consideration be given to the suitability of the site for likely future uses. In recognition of the predominant surrounding land uses comprising rural dwellings, hobby farms and some extensive agriculture practices it is considered to be reasonable that the future use of lots 31 and 32 would include residential land uses. The subject site is burdened by a number of constraints including undulating topography, rock outcrops, drainage lines and threatened species habitat that are considered to make Proposed Lots 31 and 32 unsuitable for such uses.

4.15(1)(c) the suitability of the site for the development

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

4.15(1)(d) any submissions made in accordance with this Act or the regulations

The proposal required notification under Part E of the Palerang DCP 2015. Seven (7) submissions were received. The relevant issues raised are as follows:

1. Impacts upon common property and community water supply

Concern was raised over the potential impacts of the development upon the existing community water supply benefitting the subject lot.

Assessing officer's comments: In accordance with the existing Neighbourhood Management Statement each lot created under DP285984 is entitled to 870,000 litres of non-potable water per annum. As such, the proposed subdivision would see this entitlement divided by three (3) and would not result in any additional entitlement to draw water from the community supply beyond the existing entitlement.

2. Minimum lot size

Concern was raised that the proposed lot sizes fail to meet the minimum lot sizes for the site as established under the Palerang Local Environmental Plan 2014.

Assessing officer's comments: This matter has been discussed in detail previously throughout this report.

3. Increased Residential Density

Concern was raised over the increased residential density represented by the proposed development.

Assessing officer's comments: The proposed development resulting in lots below the average lot size established under Clause 4.1B of the Palerang Local Environmental Plan 2014 would allow development beyond the planned residential density as established under the PLEP 2014.

4. Bushfire

Concern was raised over the additional bushfire risk posed by the proposed development and impact upon communal firefighting resources.

Assessing officer's comments: The subject application requires the concurrence of the NSW Rural fire Service under Section 100b of the Rural Fires Act 1997. The RFS declined to grant concurrence to the subject application.

5. Precedent

Concern was raised that the proposed development, involving a variation to the average lot size provisions of the Palerang Local Environmental Plan 2014, may establish an undesirable precedent for further development within the locality.

Assessing officer's comments: Any future development application for the purposes of subdivision would be required to be considered upon its own merit.

6. Traffic

Concerns was raised over potential impacts of additional traffic movements generated as a result of future development upon the proposed allotments.

Assessing officer's comments: potential future residential uses of the proposed allotments while being likely to generate some additional traffic movements are considered unlikely to result in any significant impacts upon the efficient operation of the existing road network.

7. *Water Quality*

Concern was raised regarding potential impacts of the proposed development upon water quality within the locality.

Assessing officer's comments: As previously noted throughout this report, the subject application was accompanied by insufficient information to determine the impact of future development upon the site upon water quality within the Googong Drinking Water Catchment.

8. *Relationship to current Neighbourhood Management Statement*

Concern was raised over the potential impacts of the development upon the existing Neighbourhood Management Statement for DP285984.

Assessing officer's comments: The relationship of the proposed development and Neighbourhood Management Scheme is a matter for the members of the scheme and is beyond the scope of this assessment.

4.15(1)(e) the public interest

The public interest is served through the detailed assessment of this development application under the relevant local planning controls and legislation and consideration of any submissions received relating to it by Council. As such, in recognition of the proposed development's failure to comply with the relevant provisions of the *Palerang Local environmental Plan 2014* and the valid concerns raised within public submissions the proposed development is considered to be contrary to the public interest.

SECTION 64 CONTRIBUTIONS

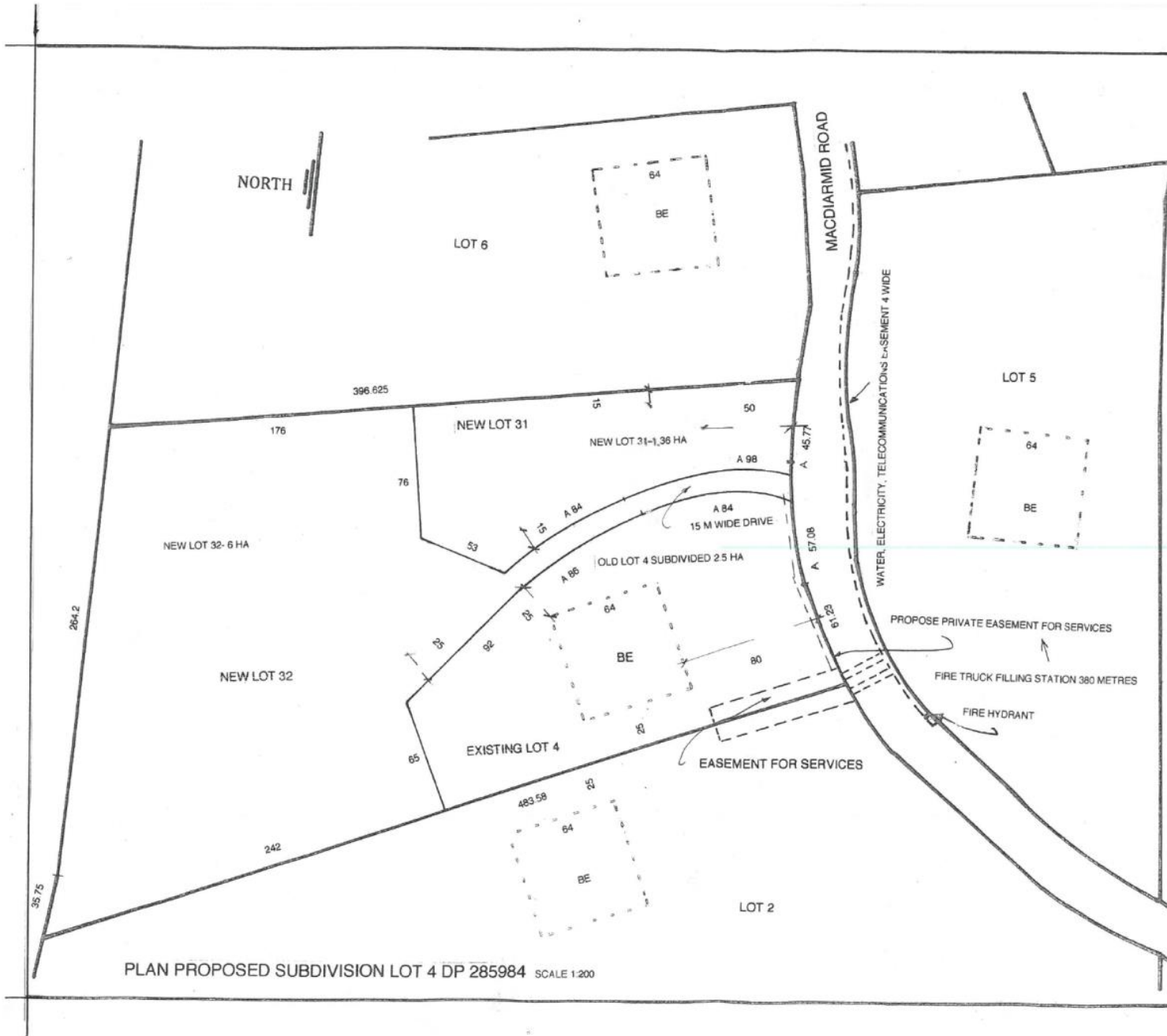
Section 64 of the Local Government Act 1993 allows contributions to be levied towards the provision of water, sewerage and stormwater infrastructure.

Section 64 Contributions are applicable to the proposed development; however they have not been calculated as the subject application is recommended for refusal.

SECTION 7.11 CONTRIBUTIONS

Section 7.11 of the *Environmental Planning & Assessment Act 1979* permits councils to require as a condition of development consent, the reasonable dedication of land or the payment of monies, or both, for development that is likely to require the provision of, or increase the demand for public amenities and public services within the area.

Section 7.11 Contributions are applicable to the proposed development; however they have not been calculated as the subject application is recommended for refusal.



PLAN PROPOSED SUBDIVISION LOT 4 DP 285984 SCALE 1:200

**AMENDMENTS
PLANS**

GLENN ROBERTS
 ABN 77 316 456 446
 71 Macdiarmid Road, Burra Creek 2620 NSW
 Mobile: 0406068856
 Email: glenn.roberts.build@gmail.com
DESIGN, CONSTRUCT, PROJECT MANAGEMENT

DRAWN : Glenn A Roberts B Build FBE UNSW
 ACT BUILDERS LICENCE NO 20081139
 COPYRIGHT © ALL RIGHTS RESERVED

SCALE 1: SITE PLAN 1
 DRAWN : GR DRAWING NO 1
 DATE : January 16, 2019

USE DIMENSIONS ONLY
 DO NOT SCALE ON SITE

SUBDIVISION

at

**71 MACDIARMID ROAD,
 BURRA STATION ESTATE
 BURRA CREEK
 NSW 2620**

**LOT 4 DP 285984
 NEIGHBOURHOOD PLAN**

for

GRAMM PROPERTY PTY LTD
 ABN 57149360350

From: Council Mailuser
Sent: 26 Feb 2019 14:58:16 +1100
To: Records
Subject: FW: Submission against DA.2019.006

From [REDACTED]
Sent: Tuesday, February 26, 2019 2:51 PM
To: Council Mailuser
Subject: Submission against DA.2019.006

Classification: UNOFFICIAL

Hello,

As the land owners of [REDACTED] we would like to **register our objection to the proposed Three Lot Subdivision at 71 MacDiarmid Road Burra – as detailed in DA.2019.006.**

We previously wrote to the Council to object to DA.2018.121 – a three lot subdivision of the same block of land – which was rejected by the Council on 23 January 2019.

While slightly different in block sizes, this new application for subdivision has many of the same problems as DA.2018.121:

�. the resulting block sizes are below the minimum Lot sizes as established under the Palerang Local Environmental Plan 2014 and the Council does not have the power to vary the development standard as defined in the Palerang Local Environmental Plan 2014;

�. we note that in this DA, Lot 32 is larger and neither Lot 31 or 32 have building envelopes on the diagram – however, any new land owner will expect to be able to build on their Lot and we don't believe the Council should be able to grant this subdivision knowing it will then be under pressure from two new land owners to allow building to go ahead in the future;

�. the increased density of future housing on the existing Lot 4 will exceed that established under Clause 4.1B of the PLEP 2014;

�. under section 4.15(1)(d) of the Environmental Planning and Assessment Act 1979 consideration must be given to the suitability of the site for the purposes of the proposed development. In this case, the site is unsuitable for increased use due to drainage issues, undulating topography, threatened species habitat status and does not contain enough room for the future development of houses and associated infrastructure such as septic systems.

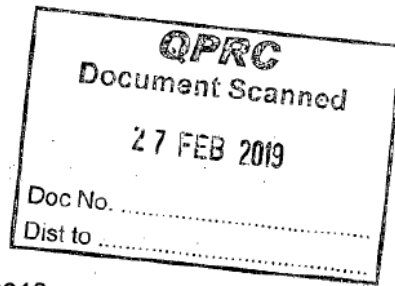
�. there are also existing issues with noise and the supply of non-potable water which the Burra Station Estate Neighbour Association have been dealing with and adding two new Lots to the Estate was voted against by two thirds of residents at an extraordinary general meeting in 2018. This feeling from the community has not changed over time.

Thank you for allowing us to have a say in this matter, please do not hesitate to contact me if you have any questions.

Regards,

[REDACTED]

Classification: UNOFFICIAL



20 February 2019

Luke Perkins
Planning Team Leader – East
QPRC.

Dear Sir,

**OBJECTION TO DEVELOPMENT PROPOSAL – INTEGRATED DEVELOPMENT
S 4.46 Environmental Planning and Assessment Act 1979**

We refer to your letter of 06 February 2019, Council ref: DA.2019.006, informing us of an application for a development proposal at 71 Macdiarmid Rd, Burra, Lot 4 DP 285984 in the Burra Station Estate.

This proposal does not appear to be any different to the proposal outlined in your letter dated 03 July 2018 ref: DA.2018.121 and subsequently rejected by the council.

Consequently our objections remain largely the same except to further emphasise that the proposal is contrary to the spirit and intent of the community title of the Burra Station Estate which is where the proposed development would occur.

We object to the proposal on the grounds that it is inconsistent with the objectives of the Palerang Local Environment Plan 2014. This plan sets out certain standards which are benefits for living in the Burra area.

Particular objections to the proposed subdivision are:

1. There is considerable public benefit in maintaining the current lot size standards and requirements. Reducing lot sizes would have significant impact on the amenity of neighbouring properties as it would change the rural nature of the area.
 - a. Even though Council would no doubt consider further applications on a case by case basis, the granting of the above proposal sets a precedent that could be used as leverage by other lot holders. This could mark the beginning of a subdivision trend that would completely change the rural feel of the area and also have a significant impact on the ecology of the environment.
2. The proposed subdivision will have significant impact on the local environment.

- a. Organisations, such as the Molonglo Catchment Group and Landcare, have noted the importance of semi-rural and hobby farm areas like Burra, in providing an important environmental buffer between urban areas and the broader countryside.
 - b. The proposed subdivision includes some steep terrain, this was grounds for objection to the original subdivision proposal of Burra Station. The lots were subsequently re-aligned and kept to an average size to minimise the impact of erosion. The changes proposed in the above proposal would negate the benefits of these changes.
 - c. Water availability in the Burra area is a constant concern and further subdivision in the area would put further strain on the existing bore and dam provided to the community title holders in the Burra Station Estate. Increased demand on bore water would impact the water table of the broader Burra area and the Molonglo Catchment.
3. The proposed subdivision raises a significant public safety issue generated by the limited access to Macdiarmid Rd.
- a. One access point is via the one-way culvert at the intersection of Williamsdale and Burra Rds. This T-intersection has limited visibility and the proposed subdivision, with the associated increase in traffic, raises the potential for accidents at this access point.
 - b. Similarly, in times of heavy rain, the culvert is cut off and the only access point to Macdiarmid Rd is via Williamsdale Rd leading to the Monaro Highway. The dirt sections of Williamsdale Rd quickly become impassable and this will be exacerbated by the traffic flows generated by any further subdivisions.
4. The Palerang Environmental Plan 2014, talks about the importance of proposed subdivisions:
- a. On the amenity of neighbouring properties
 - b. Ensuring community title schemes are not fragmented by subdivisions that would create additional dwelling entitlements
 - c. The public benefit of maintaining the development standard.

We believe the proposed does not warrant an exception to the Palerang Local Environmental Plan 2014 as it contravenes many of the objectives set out in that plan.



From: Council Mailuser
Sent: 28 Feb 2019 08:12:42 +1100
To: Records
Subject: FW: SUBMISSION REGARDING DEVELOPMENT APPLICATION DA 2019:006 (LOT 4 DP 285984-71 MACDIARMID ROAD, BURRA)
Attachments: Sub Division Submission - [REDACTED].docx, Political Donations and Gifts Disclosure Statement - [REDACTED]....pdf

From: [REDACTED]
Sent: Wednesday, February 27, 2019 4:56 PM
To: Council Mailuser
Subject: SUBMISSION REGARDING DEVELOPMENT APPLICATION DA 2019:006 (LOT 4 DP 285984-71 MACDIARMID ROAD, BURRA)
Hello,
Please find attached a submission regarding
DEVELOPMENT APPLICATION DA 2019:006(LOT 4 DP 285984-71 MACDIARMID ROAD, BURRA)
Including a Political Donations and Gifts Disclosure Statement.
Could you please confirm receipt of this submission.
Your sincerely
[REDACTED]

27 February 2019



The General Manager
Queanbeyan-Palerang Regional Council
PO Box 90
QUEANBEYAN NSW 2620

To whom it may concern,

OBJECTION TO DEVELOPMENT APPLICATION DA 2019:006(LOT 4 DP 285984-71 MACDIARMID ROAD, BURRA)

We are writing this submission to you to object to the subject development on the following grounds

1. This application for subdivision goes against the essence of our community at Burra Station Estate, in that it will introduce additional small lots that were not part of the original development. This is something that is important to us as we gave a great deal of consideration when we moved to the estate regarding the number of properties and the proximity of houses as we wanted to ensure we would be in an area that maintained a rural lifestyle and by buying into a set development felt assured this would not change. This subdivision will result in a cluster of houses at the entrance to our estate that will in no way fit with that rural lifestyle.
2. Another point of concern is that additional houses will result in additional traffic.
3. A particularly important technical objection is in relation to the non-potable water supply currently in place at Burra Station Estate.
 - (a) While the Burra Station Estate water supply was designed for the current 29 Lots, we have found that in times of high demand the current system is inadequate for the existing 29 lots both from a storage volume as well as from a flow point of view and the addition of 2 more lots can only exacerbate this situation.
 - (b) As the propose new lots would become part of the existing neighbourhood association, which stipulates that each lot receives an specified allocation of water, this could result in each existing lot having to reduce their water allocation, which is untenable.
 - (c) Also, in practice we have found that the performance of the water system suffers at its furthest points and of note Lot 4 (the subject of the subdivision DA) had issues with achieving adequate water flow, and while remedial action rectified this issue, it is unknown if the water system would even be able to service the addition of two lots, which are at a higher elevation and greater distance from the water tank. No clarification was provided in the DA as to how any of these issues might be addressed and these issues should not be burdened on the other lots or the association.

Yours sincerely



RECEIVED IN Records Queanbeyan-Palerang Regional Council	
- 4 MAR 2019	
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File No.	
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26th February 2019

Queanbeyan Palerang Regional Council
PO Box 90, Queanbeyan 2620

To Whom it May Concern,

We are writing in regard to the proposal for Lot 4 DP 285984, a.k.a. 71 MacDiarmid Road, BURRA, NSW, 2620, application number DA.2019.006, to be divided into a three lot subdivision.

We hereby give notice of our objection to the proposed subdivision on the grounds that it breaches the minimum lot size requirement for the area, is not in keeping with the nature of the Burra Station Estate, and there are already a wealth of smaller rural lots available in the area.

Lot 4 is already a resulting lot from the subdivision which resulted in the lots comprising the Burra Station Estate development, and division of an already divided block is against council regulations, specifically Clause 4.1B(5) of the Palerang Local Environmental Plan 2014.

The Palerang Local Environmental Plan 2014 gives comprehensive maps of lot sizes appropriate for the areas of Palerang Council. Lot Size Map - Sheet LSZ_002 covers the Burra valley and gives a minimum lot size of 6 hectares per lot. Given that Lot 4 DP 285984 is 9.8 hectares, it cannot be divided into three, or even two, smaller lots and still meet the minimum subdivision lot size required in the plan. The proposed subdivision will result in 2 or more lots of less than the minimum area specified for such lots by a development standard, in contravention of Clauses 4.1 and 4.6 (a) of the Palerang Local Environmental Plan 2014. It should be noted that the size of the other lots within the Estate are not admissible when calculating the average lot size as this is a new subdivision involving Lot 4 only.

These additional lots would put additional strain on the local electricity supply and phone exchange – which are both known to be currently at capacity – requiring the local infrastructure to be upgraded, and will increase the density of housing which would not constitute low-impact residential development. Of concern also is the additional demand that these extra lots would place on the non-potable water supply that was part of the original Burra Station Estate development. Additionally, there appears to be no provision for an internal road, raising concerns around additional traffic and erosion due to rainwater runoff.

Applicable excerpt from plan:

Palerang Local Environmental Plan 2014

4.1 Minimum subdivision lot size.

(1) The objective of this clause is as follows

(a) To minimise the likely impact of subdivision and development on the amenity of neighbouring properties

(b) To ensure that lot sizes and dimensions are appropriate having regard to the objectives of this Plan and the relevant zone and the likely future use of the land.

(2) This clause applies to a subdivision of any land shown on the Lot Size Map that requires development consent and that is carried out after the commencement of this Plan.

(3) The size of any lot resulting from a subdivision of land to which this clause applies is not to be less than the minimum size shown on the Lot Size Map in relation to that land.

4.6 Exceptions to development standards

(6) Consent must not be granted under this clause for a subdivision of land in Zone RU1 Primary Production, Zone RU2 Rural Landscape, Zone RU3 Forestry, Zone RU4 Rural Small Holdings, Zone RU6 Transition, Zone R5 Large Lot Residential, Zone E2 Environmental Conservation, Zone E3 Environmental Management or Zone E4 Environmental Living if:

- (a) the subdivision will result in 2 or more lots of less than the minimum area specified for such lots by a development standard

End of Excerpt.

The Burra Station Estate is zoned E4 Environmental Living and is a community of small to medium properties or 'hobby farms', with an average lot size of 6 hectares. The lots of this proposed subdivision are significantly smaller, and not in keeping with the amenity of the Burra Station Estate, or the aesthetic values of the valley, which is a rural area. There are plenty of new lots around the 2-4 hectare range available in the Mount Pleasant and Mount Burra developments, and more established blocks of that size in the Fernleigh and Mount Campbell Estates. There is also currently a 2 hectare lot for sale on Burra road, so any need for such blocks is already well supplied.

In addition, the township of Googong is located within fifteen minutes of the Estate with a wealth of suburban residential blocks available, so there is no benefit to the community from creating additional smaller blocks and no benefit to the valley from additional residential development, particularly at the expense of the rural potential of the block. Such development is not in the public interest as it changes the character of the valley and the Burra Station Estate, departing from the intended purpose of Environmental Living lots as stated in the Palerang Local Environmental Plan 2014.

The proposed subdivision of Lot 4 DP 285984 into three smaller lots is in breach of the Palerang Local Environmental Plan's minimum lot size, the regulations regarding further division of divided blocks, will not benefit the community in any way and will have a detrimental effect on the amenity of the Burra Station Estate, within which the lot is located. Therefore we object to it and state that the Clause 4.6 Exception to development standards should not be granted.

Yours Sincerely

A large black rectangular redaction box covering the signature and name of the person who wrote the letter.

From: [REDACTED]
Sent: 5 Mar 2019 14:40:12 +1100
To: Council Mailuser
Cc: [REDACTED]
Subject: FW: Submission against DA.2018.121 / DA.2019.006 [SEC=UNOFFICIAL]
Attachments: NOL3DMFD1_2018-08-10_14-20-06-454.pdf, NOL3DMFD3_2018-08-10_15-44-32-918.pdf

Dear Council,

I understand that this DA has been revised and resubmitted as DA.2019.006. I have attached my letter from August, which sets out my concerns with this application. My concerns still stand and I ask you to consider them in your deliberation of the new application.

Regards,

[REDACTED]

From: [REDACTED]
Sent: Friday, 10 August 2018 3:48 PM
To: council@qprc.new.gov.au
Cc: [REDACTED]
Subject: Submission against DA.2018.121 [SEC=UNOFFICIAL]

Dear Council,

Please find attached a submission against DS.2018.121 and a completed political donations form.

Regards,

[REDACTED]

Annette Neuendorf

[REDACTED]



Queanbeyan Palerang Regional Council
By email to council@qprc.nsw.gov.au

Dear Sir/Madam,

Re: Development Application DA.2018.121

I am writing to express our opposition to the Development Application for 71 Macdiarmid Rd, Burra which relates to one of the lots in Burra Station Estate, of which my household are residents.

I object to the proposed sub-division for several reasons:

Housing density The original subdivision had a strict average size limit for the individual blocks. This has kept the overall ambience of the Estate that of decidedly rural living. If this DA were approved, not only would that mean an increase in the number of premises in the Estate, but would set a precedent for any other resident wishing to sub-divide.

Extra traffic on road The traffic on Burra Rd has noticeably increased in the time we have lived there. Further development would mean extra vehicles on the already fragile road, including using the Williamsdale Rd causeway which is not in great repair.

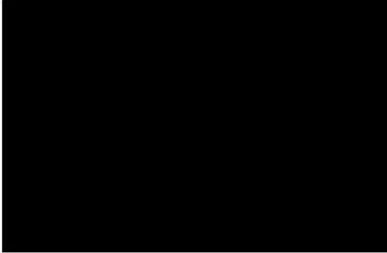
Division of water and other rights with respect to Neighbourhood Association scheme Each property in the Estate has a defined relationship with the Neighbourhood Association, including a defined water allocation. The proposed division of one property will require careful consideration of how the neighbourhood rights and responsibilities may be accrued across the new properties. I do not believe this has been adequately considered by the developer, and is likely to cause undue effort to resolve on the part of the Neighbourhood Association. Further, the non-potable water infrastructure was designed for the original number of properties and may not be able to cope with an increase in demand.

Visual impact I believe the original development of the Estate required houses to be of only one storey, and situated in building envelopes that were defined so as to minimise the visual impact on the Estate on the surrounding community. Fitting several more building envelopes onto the existing property through the additional sub-division cannot but increase the visual impact of the additional housing, which would be exacerbated if other members of the Estate followed this precedent.

Environment This particular property drains into the Neighbourhood dam, which feeds the Neighbourhood garden water supply. Additional houses on this space would increase the nutrient and pollution load flowing into this supply.

I am happy to discuss my concerns with a council representative if you would like to call me on my mobile [REDACTED] during working hours.

Yours sincerely,

A large black rectangular redaction box covering the signature area.

From: [REDACTED]
Sent: 12 Mar 2019 12:37:17 +1100
To: Council Mailuser
Cc: [REDACTED]
Subject: Objection to DA.2019.006
Attachments: RE: Attention Luke Perkins - DA.2019.006, D.A.2019.006 Objection letter.docx

Classification: UNOFFICIAL

Hello,
Please find attached an objection to DA.2019.006 – in the former Palerang local government area. Submissions were originally due by 6 March, however Luke Perkins granted us an extension until 14 March (Luke’s email is attached).
If you have any questions, please let me know,

[REDACTED]

Classification: UNOFFICIAL

If you have received this transmission in error please notify us immediately by return e-mail and delete all copies. If this e-mail or any attachments have been sent to you in error, that error does not constitute waiver of any confidentiality, privilege or copyright in respect of information in the e-mail or attachments.

From: Luke Perkins
Sent: 27 Feb 2019 11:38:56 +1100
To: [REDACTED]
Subject: RE: Attention Luke Perkins - DA.2019.006

Hi [REDACTED]
Thank you for your email.
Council is able to provide a 7 day extension for the receipt of your submission.
Regards,
Luke Perkins
Planning Team Leader
Queanbeyan-Palerang Regional Council
Tel: 02 6238 8111
Office: 10 Majara Street, Bungendore
Web: www.qprc.nsw.gov.au
Mail: PO Box 90, Queanbeyan NSW 2620



From: [REDACTED]
Sent: Wednesday, 27 February 2019 10:59 AM
To: Records <Records@qprc.nsw.gov.au>
Subject: Attention Luke Perkins - DA.2019.006

Classification: UNOFFICIAL

Hello,
As the Neighbourhood Association for the Burra Station Estate we would like to ask for an extension to the 6 March deadline to lodge an objection to the proposed Three Lot Subdivision at 71 MacDiarmid Road Burra - as detailed in DA.2019.006.
The lawyer who is helping write our response has asked for a few extra days so if you could allow maybe an extra week or 2 we would really appreciate it.
Thanks,

[REDACTED]

Classification: UNOFFICIAL

If you have received this transmission in error please notify us immediately by return e-mail and delete all copies. If

08 March 2019

The General Manager
Queanbeyan-Palerang Regional Council
PO Box 90
QUEANBEYAN NSW 2620

Dear Sir,

**DEVELOPMENT APPLICATION BY [REDACTED] - DA.2019.006
-THREE (3) LOT SUBDIVISION
LOT 4 DP 285984 - 71 MACDIARMID ROAD, BURRA**

I represent the Burra Station Estate Neighbourhood Association (DP 285984) ('the Association').

The Association objects to the above Development Application. Please also note that the Association has not consented to the application being made and no change to the By-laws or Section 88B is currently contemplated by the Association so as to accommodate the development. Therefore, the consent, if granted, would become unworkable with the current community scheme.

We comment specifically on the application as follows:

1. The original community development is based upon planning requirements associated with a non-potable water supply and conservation of natural temperate grassland with accordant building envelopes. These matters were enshrined within the Section 88B Instrument and the Neighbourhood Management Statement. Moreover, the By-Laws relating to vegetation management, natural temperate grasslands, dams, bores and water supply cannot be altered without both the consent of Council and by a special resolution of the proprietors forming the neighbourhood association. The current application does not address these matters.
2. We note that the only discernible differences between the current application and that rejected by Council on 23 January 2019 (DA.2018.121) are the removal of building envelopes from the proposed new Lots 31 and 32 and some modification to the access for Lot 31. While the new Lot 32 is 6ha, Lots 4 and 31 are still both under the 6ha average Lot size required by Clause 4.1(b)(4)(a) of the Palerang Local Environmental Plan 2014 (4.15(1)(a)(i) *Environmental Planning and Assessment Act 1979*). There is no further information as to the contemplated use of the new Lots. However, it seems reasonable to assume that any purchasers of these Lots will apply to Council for permission to build a dwelling. As detailed in the previous Council Determination on DA.2018.121 these Lots have been deemed unsuitable for such development and any such use or development by individual owners may result in adverse environmental impacts.

The General Manager
Queanbeyan-Palerang Regional Council

08 March 2019

Page 2

Yours faithfully

[Redacted signature block]



QRPC

Council ref: DA2019.006

To Whom it may concern (QRPC)

We wish to submit an opposal to the: **DEVELOPMENT PROPOSAL- INTEGRATE DEVELOPMENT**
s. 4.46 Environmental Planning and Assesment Act 1979.
71 Macdiarmid Road Burra NSW 2620
Lot 4 DP 285984
DA. 2019.006

Inhabitants of Madiarmid Road have expressed concerns previously over the development of the above lot 4 Macdiarmid Road as the estate has already been subdivided into the existing blocks now occupied and that the development to the said Lot 4 will be in breach of block sizing

If this development is allowed to go ahead it opens a precedent for others to apply for subdivision sadly turning Macdiarmid Road into possibly a suburb and not the space everyone bought for our families .

We would sincerely like the council to take into consideration that a lot of people have paid a lot of money for the privilege of living in open spaces out here in Burra and we quite firmly believe the occupants of Lot 4 have no intentions of staying in Burra Station Estate once their blocks have been over inhabited.

Sincerely Yours



From: [REDACTED]
Sent: 16 May 2019 08:31:52 +1000
To: Records
Cc: [REDACTED]
Subject: [REDACTED]
Attachments: [REDACTED]

UNCLASSIFIED

[REDACTED]
[REDACTED]
[REDACTED]

QRPC
Council ref: DA2019.006

To whom it May Concern,

We wish to submit an opposal to the: DEVELOPMENT PROPOSAL – INTEGRATE DEVELOPMENT
s.4.46 Environmental Planning and Assessment act 1979.
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DA. 2019.006

Please find attached our previous submission and new donations and gift form.

Apart from going over what has already been said ie: the estate has already been subdivided.
Breaching land size for subdivision.
Fear of becoming more like suburbia than
rural.
The expense people have incurred to build in
this rural area.
That we had extra water restrictions because
of long summer.
That inhabitants at Lot 4 will over populate
and then relocate elsewhere.
In closing we would like to state since this proposal began we have had new young families move into
Burra station Estate who thought they also were
buying into a rural area.

Kind regards



QRPC

Council ref: DA2019.006

To Whom it may concern (QRPC)

We wish to submit an opposal to the: **DEVELOPMENT PROPOSAL- INTEGRATE DEVELOPMENT**
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Sincerely Yours

A black rectangular redaction box covering the signature of the sender.

QPRC



4.15 Assessment – DA.2019.065

SECTION 4.15 CONSIDERATIONS – EP&A Act, 1979

In determining a development application, the consent authority is to take into consideration the following matters of consideration contained within section 4.15 of the *Environmental Planning and Assessment Act 1979* as relevant to the development application:

4.15(1)(a) the provisions of:

(i) any environmental planning instrument

PALERANG LOCAL ENVIRONMENTAL PLAN (PLEP) 2014

An assessment of the proposal against the general aims of PLEP 2014 is included below:

Cl. 1.2(2) Aims	Complies
(a) to protect and improve the economic, environmental, social and cultural resources and prospects of the Palerang community,	Yes
(b) to encourage development that supports the long-term economic sustainability of the local community, by ensuring that development does not unreasonably increase the demand for public services or public facilities,	Yes
(c) to retain, protect and encourage sustainable primary industry and commerce,	Yes
(d) to ensure the orderly, innovative and appropriate use of resources in Palerang through the effective application of the principles of ecologically sustainable development,	Yes
(e) to retain and protect wetlands, watercourses and water quality and enhance biodiversity and habitat corridors by encouraging the linking of fragmented core habitat areas within Palerang,	Yes
(f) to identify, protect and provide areas used for community health and recreational activities,	Yes
(g) to ensure that innovative environmental design is encouraged in residential development.	Yes

Permissibility

The subject site is Zoned E4 Environmental Living zone under *Palerang Local Environmental Plan 2014*.

Zone Objectives

An assessment of the proposal against the objectives of the E4 Environmental Living zone is included below:

Objectives	Complies
➤ To provide for low-impact residential development in areas with special ecological, scientific or aesthetic values.	No
➤ To ensure that residential development does not have an adverse effect on those values.	Yes
➤ To encourage development that is visually compatible with the landscape.	Yes
➤ To minimise the impact of any development on the natural environment.	No
➤ To ensure that development does not unreasonably increase the demand for public services or facilities.	Yes
➤ To minimise conflict between land uses within the zone and land uses within adjoining zones.	Yes

Comment: The subject application fails to identify areas upon proposed Lot 31 and 32 that do not conflict with environmental constraints upon the site. As such, the proposed development is considered to fail to satisfy the objectives of the E4 Environmental Living Zone as outlined above.

Development for the purposes of subdivision is permissible with consent under Clause 2.6 of the PLEP 2014.

Part 4: Principal development standards

An assessment of the proposal against the relevant provisions contained within Part 4 of the PLEP 2014 is provided below.

Lot averaging subdivision of certain land in Zone E4

Cl.	Standard	Controls	Proposed	Complies
4.1B	<i>Average Lot size</i>	6Ha	3.28Ha	No
	<i>Minimum subdivision lot size</i>	1Ha	1.36Ha	Yes
	<i>Resulting Lot?</i>		Yes	No

Comment: Clause 4.1B(5) of the *Palerang Local Environmental Plan 2014* establishes that Council is unable to grant development consent for the purposes of a subdivision of a resulting lot for the purposes of residential accommodation. The subject lot was created under 1999/DA077 which was approved by Council at its meeting of 8 June 2004 under Clause 20 of the former *Yarrowlumla Local Environmental Plan 2002* for a 29 Lot Community title subdivision. Further, residential accommodation was permissible upon the allotment. As such, the subject lot forms a resulting lot as defined under Clause 4.1B(6) of the *Palerang Local Environmental Plan 2014* and Council has no ability to approved the subject application.

Clause 4.6 Exceptions to Development Standards

Under Clause 4.6 of the PLEP 2014, the consent authority may consider a variation, where that variation would achieve a better outcome.

It should be noted that the subject application despite the failure to satisfy the minimum lot size was not accompanied by a Clause 4.6 variation request. Accordingly Council has no power to vary the development standard and therefore is unable to approve the subject application.

Part 6: Local Provisions

The relevant provisions contained within Part 6 of the PLEP 2014 are addressed below as part of this assessment:

6.1 Earthworks

Clause 6.1 of the PLEP 2014 establishes a number of matters requiring consideration for development involving earthworks. The proposed development would require earthworks for the purposes of the proposed vehicular access points and internal access roads. Such works are minor in nature and with the use of appropriate erosion and sediment control measures would be unlikely to result in any significant impacts. As such, in the event of approval of the subject application a condition of consent would be recommended requiring the use of such measures throughout construction.

6.3 Terrestrial biodiversity

Clause 6.3 of the PLEP 2014 makes for provision for developments that impact on terrestrial biodiversity. The subject site is identified upon Council's mapping as containing areas of terrestrial biodiversity. The subject application was accompanied by a Biodiversity Development Assessment Report prepared by Ecological Australia Pty Ltd identifying the subject site as containing areas of remanent Yellow Box grassy woodland and Derived Native Grassland. The report found that the proposed development was unlikely to result in any significant impacts upon any threatened flora or fauna species subject to the implementation of certain management and mitigation measures, however, species offsetting is required for Pink-tailed worm lizard (*Aprazia parapulchella*).

6.4 Drinking Water Catchments

Clause 6.4 of the PLEP 2014 makes provision for developments within a drinking water catchment. The subject site is identified upon Council's mapping as being located within the Googong Drinking Water Catchment. The subject application was accompanied by a Land Capability Assessment prepared by Franklin Consulting Australia Pty Limited. This assessment while concluding that the subject site is suitable for the purpose of the proposed development subject to the use of secondary treatment methods, however the report also finds that a minimum area of 1,300m² is required for the purposes of effluent disposal upon each of the proposed allotments. When excluding the constrained areas identified within the report there is insufficient area within the proposed building envelopes to accommodate for effluent disposal upon proposed lots 31 and 32. As such the subject application fails to satisfy the requirements of Clause 6.4 of the PLEP 2014.

4.15(1)(a)(ii) any draft environmental planning instruments

There are no applicable draft planning instruments that are or have been placed on public exhibition, to consider as part of this assessment.

4.15(1)(a)(iii) any development control plan

Palerang Development Control Plan 2015

Section 1 of the *Palerang Development Control Plan 2015* establishes a number of development controls relevant to the subject application. An assessment of the subject application against the provisions of Section 1 of the PDCP 2015 follows.

PALERANG DCP 2015 COMMENTS		
Section	Controls	Comment
C1.2 Subdivision for purposes other than primary production – general controls		
1.2.3	Subdivision pattern The proposed lots do not exceed the maximum depth to width ratio of 4:1 and do not include any frontages to water courses.	Yes
1.2.5	Building Envelopes Building envelopes proposed with minimum areas of 4000m ² however the Land Suitability Assessment prepared by Franklin Consulting Australia Pty Limited identifies significant constraints within the proposed building envelopes including 1 st order riparian corridors, areas of seasonal waterlogging and steep rocky areas. When excluding these areas the proposed building envelope upon Proposed Lot 32 fails to meet the minimum 4000m ² area required by the control. Further the proposed building envelope upon proposed Lot 31 also contains areas identified as being unsuitable for the purposes of dwellings though when excluding these areas the envelope still exceeds minimum areas requirements. As such, the proposed building envelopes are not considered to be suitable for the purposes of the proposed development.	No
1.2.7	Sewerage While the subject application was accompanied by a Land Suitability Assessment prepared by Franklin Consulting Australia Pty Limited. This assessment identifies significant constraints within the proposed building envelopes limiting potential for onsite effluent disposal including 1 st order riparian corridors and buffers, areas of seasonal waterlogging and steep rocky areas. The assessment identifies that 1,300m ² is required for effluent disposal. When excluding constrained areas identified within the report there is insufficient area within the proposed building envelopes to accommodate for effluent disposal upon proposed lots 31 and 32.	No
1.2.9	Electricity In the event of the approval of the subject application a condition of consent is recommended requiring the submission of a notice of arrangement from the electricity supply authority verifying the adequacy of the proposed electricity supply arrangements.	Yes
1.3.3	E4 Environmental Living The proposed lot configuration would not result in the fragmentation of any significant environmental areas. Proposed battle axe handles comply with prescribed	Yes

	dimensions.	
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4.15(1)(a)(iia) any planning agreement or draft planning agreement

No planning agreement has been entered into under section 7.4 of the *Environmental Planning and Assessment Act 1979*.

4.15(1)(a)(iv) matters prescribed by the regulations

Clause 92 of the *Environmental Planning and Assessment (EP&A) Regulation 2000* requires Council to take into consideration Australian Standard AS2601–1991: *The Demolition of Structures*, in the determination of a development application.

Having regard to this prescribed matters, the proposed development does not involve the demolition of a building for the purposes of AS 2601 – 1991: *The Demolition of Structures*.

Should this application be approved, appropriate conditions of consent are to be included within the recommended conditions as to ensure compliance with any relevant regulations.

4.15(1)(a)(v) any coastal zone management plan

Council is not subject to a coastal zone management plan.

4.15(1)(b) the likely impacts of the development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality

Aboriginal Cultural Heritage

The NSW Department of Environment and Heritage’s Due Diligence Code of Practice for the Protection of Aboriginal Objects in New South Wales establishes a due diligence process that requires consideration for all development involving physical works. The code identifies that where previous investigations meeting the requirements of the code have been undertaken and the proposal will not cause or permit harm to an Aboriginal place or an Aboriginal object works may proceed with caution. A previous Aboriginal Archaeological study undertaken by L.J Thompson identifies low probability of the presence of any items of Aboriginal Cultural Heritage Significance upon the subject site. As such, the proposed development satisfies the requirements of the Due Diligence Code of Practice and may proceed with caution.

Threatened Species

Council is required under Section 4.15 of *the Environmental Planning and Assessment Act 1979* to make an assessment of whether the proposed development will have a significant impact on any threatened species, populations, or ecological communities, or their habitats. Such threatened species in NSW may be protected under the NSW Biodiversity Conservation Act 2016 or under the *Commonwealth Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act). The assessment process under the EPBC Act can occur outside the NSW planning system and requires input from the Federal Department of Environment. Any EPBC Act requirements associated with this proposal are discussed later in this section.

Section 7.3 of the *Biodiversity Conservation Act 2016* sets out what must be considered in determining whether a proposed development will have a significant impact. Section 7.3 requires the consideration of the following:

- any assessment guidelines applicable to the species, population, or ecological communities, or their habitats, and
- the application of the ‘seven-part test’ described in the Section.

The site is predicted to contain areas of modified natural temperate grassland and a small patch of low quality Yellow Box - Blakelys Red Gum grassy woodland on the tablelands, South Eastern Highlands Bioregion under Council’s predictive native vegetation mapping.

The subject application was accompanied by a Biodiversity Development Assessment Report prepared by Ecological Australia Pty Ltd identifying the subject site as containing areas of remanent Yellow Box grassy woodland and Derived Native Grassland. The report found that the proposed development was unlikely to result in any significant impacts upon any threatened flora or fauna species subject to the implementation of certain management and mitigation measures, however, species offsetting is required for Pink-tailed worm lizard (*Aprazia parapulchella*).

4.15(1)(c) the suitability of the site for the development

The subject site is subject of a number of constraints including undulating topography, rock outcrops, drainage lines and threatened species habitat. As a result of these constraints the proposed lots include insufficient area to accommodate for future residential development and associated infrastructure. As such, the proposed development is considered to represent an over development of the site and accordingly the subject site is considered to be unsuitable for the purposes of the proposed development.

4.15(1)(d) any submissions made in accordance with this Act or the regulations

The application was notified in accordance with Part E of the PDCP 2015 from 1 May 2019 to 15 May 2019, with **Three (3)** submissions received, raising the following concerns:

1. Impacts upon community water supply

Concern was raised over the potential impacts of the development upon the existing community water supply benefitting the subject lot.

Assessing officer’s comments: In accordance with the existing Neighbourhood Management Statement each lot created under DP285984 is entitled to 870,000 litres of non-potable water per annum. As such, the proposed subdivision would see this entitlement divided by three (3) and would not result in any additional entitlement to draw water from the community supply beyond the existing entitlement.

2. Minimum lot size

Concern was raised that the proposed lot sizes fail to meet the minimum lot sizes for the site as established under the *Palerang Local Environmental Plan 2014*.

Assessing officer’s comments: This matter has been discussed in detail previously throughout this report.

3. Increased Residential Density

Concern was raised over the increased residential density represented by the proposed development.

Assessing officer's comments: The proposed development resulting in lots below the average lot size established under Clause 4.1B of the *Palerang Local Environmental Plan 2014* would allow development beyond the planned residential density as established under the PLEP 2014.

4. Traffic

Concerns was raised over potential impacts of additional traffic movements generated as a result of future development upon the proposed allotments.

Assessing officer's comments: potential future residential uses of the proposed allotments while being likely to generate some additional traffic movements are considered unlikely to result in any significant impacts upon the efficient operation of the existing road network.

5. Visual Impacts

Concern was raised over potential visual impacts of future development within the proposed building envelopes.

Assessing officer's comments: The proposed building envelopes are compliant with the setback provisions established under Section C1.2.5 of the PDCP 2015. Nonetheless, future development upon the site would require consideration of visual compatibility with surrounding development.

6. Relationship to current Neighbourhood Management Statement

Concern was raised over the potential impacts of the development upon the existing Neighbourhood Management Statement for DP285984.

Assessing officer's comments: The relationship of the proposed development and Neighbourhood Management Scheme is a matter for the members of the scheme and is beyond the scope of this assessment.

4.15(1)(e) the public interest

The public interest is served through the detailed assessment of this development application under the relevant local planning controls and legislation and consideration of any submissions received relating to it by Council. The proposed development is not considered to be contrary to the public interest.

SECTION 64 CONTRIBUTIONS

Section 64 of the *Local Government Act 1993* allows contributions to be levied towards the provision of water, sewerage and stormwater infrastructure.

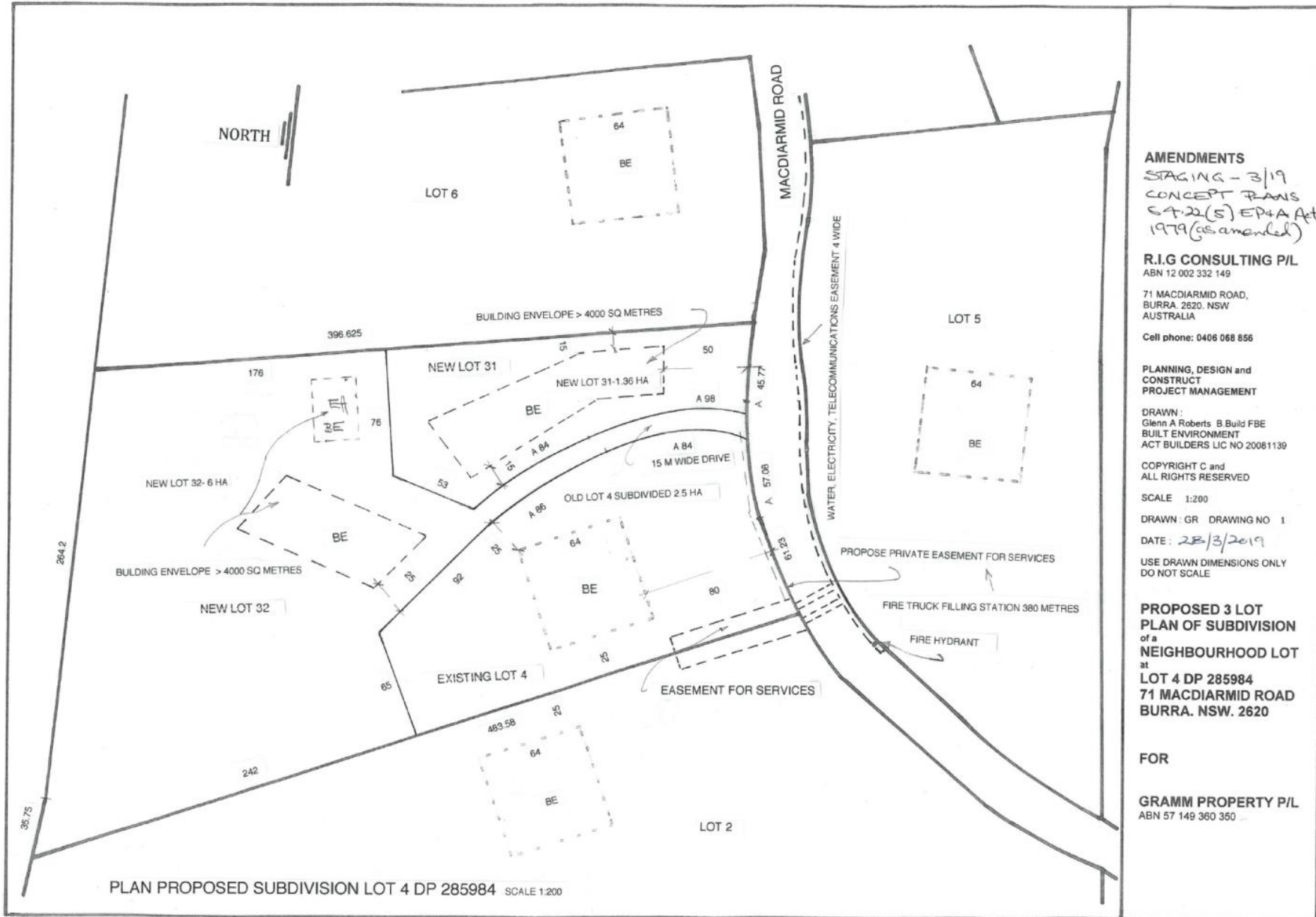
Section 64 Contributions are not applicable to the proposed development as the subject site is outside of reticulated water and waste water service areas.

SECTION 7.11 CONTRIBUTIONS

Section 7.11 of the *Environmental Planning & Assessment Act 1979* permits councils to require as a condition of development consent, the reasonable dedication of land or the

payment of monies, or both, for development that is likely to require the provision of, or increase the demand for public amenities and public services within the area.

While Section 7.11 Contributions are applicable to the proposed development, as the subject application is recommended for refusal calculations are not included within this report.



AMENDMENTS
 STAGING - 3/19
 CONCEPT PLANS
 S 4.22 (5) EP4A Act
 1979 (as amended)

R.I.G CONSULTING P/L
 ABN 12 002 332 149

71 MACDIARMID ROAD,
 BURRA, 2620, NSW
 AUSTRALIA

Cell phone: 0406 068 856

**PLANNING, DESIGN and
 CONSTRUCT
 PROJECT MANAGEMENT**

DRAWN:
 Glenn A Roberts B. Build FBE
 BUILT ENVIRONMENT
 ACT BUILDERS LIC NO 20081139

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 ALL RIGHTS RESERVED

SCALE 1:200

DRAWN: GR DRAWING NO 1

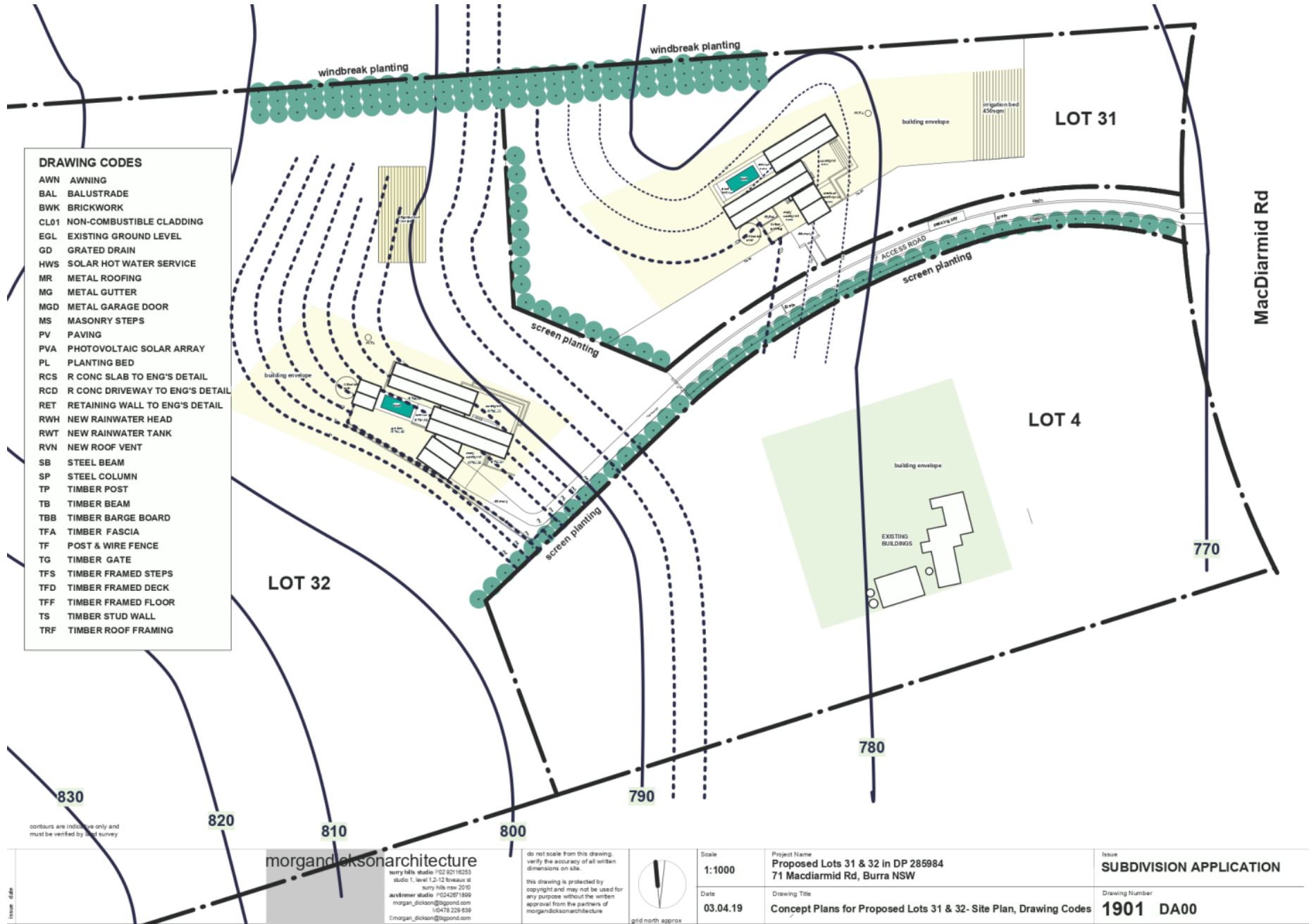
DATE: 28/3/2019

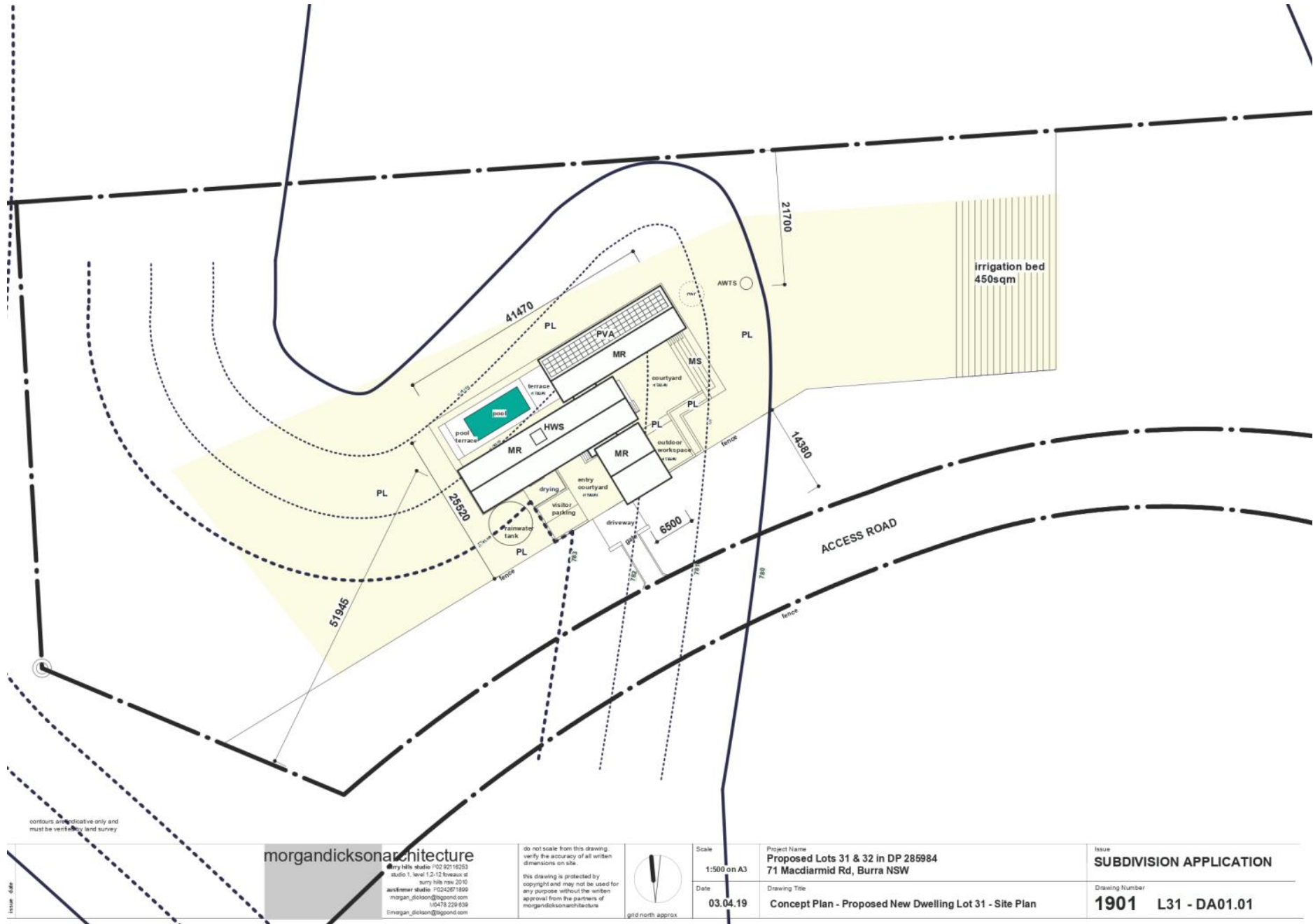
USE DRAWN DIMENSIONS ONLY
 DO NOT SCALE

**PROPOSED 3 LOT
 PLAN OF SUBDIVISION
 of a
 NEIGHBOURHOOD LOT
 at
 LOT 4 DP 285984
 71 MACDIARMID ROAD
 BURRA, NSW. 2620**

FOR

GRAMM PROPERTY P/L
 ABN 57 149 360 350





contours are indicative only and must be verified by land survey

morgandicksonarchitecture

any hills studio 102 921 10253
 studio 1 level 1.2-12 bureau st
 sunny hills nsw 2010
 customer studio 10242071899
 morgandickson@bigpond.com
 10473 229 839
 Emorgan_dickson@bigpond.com

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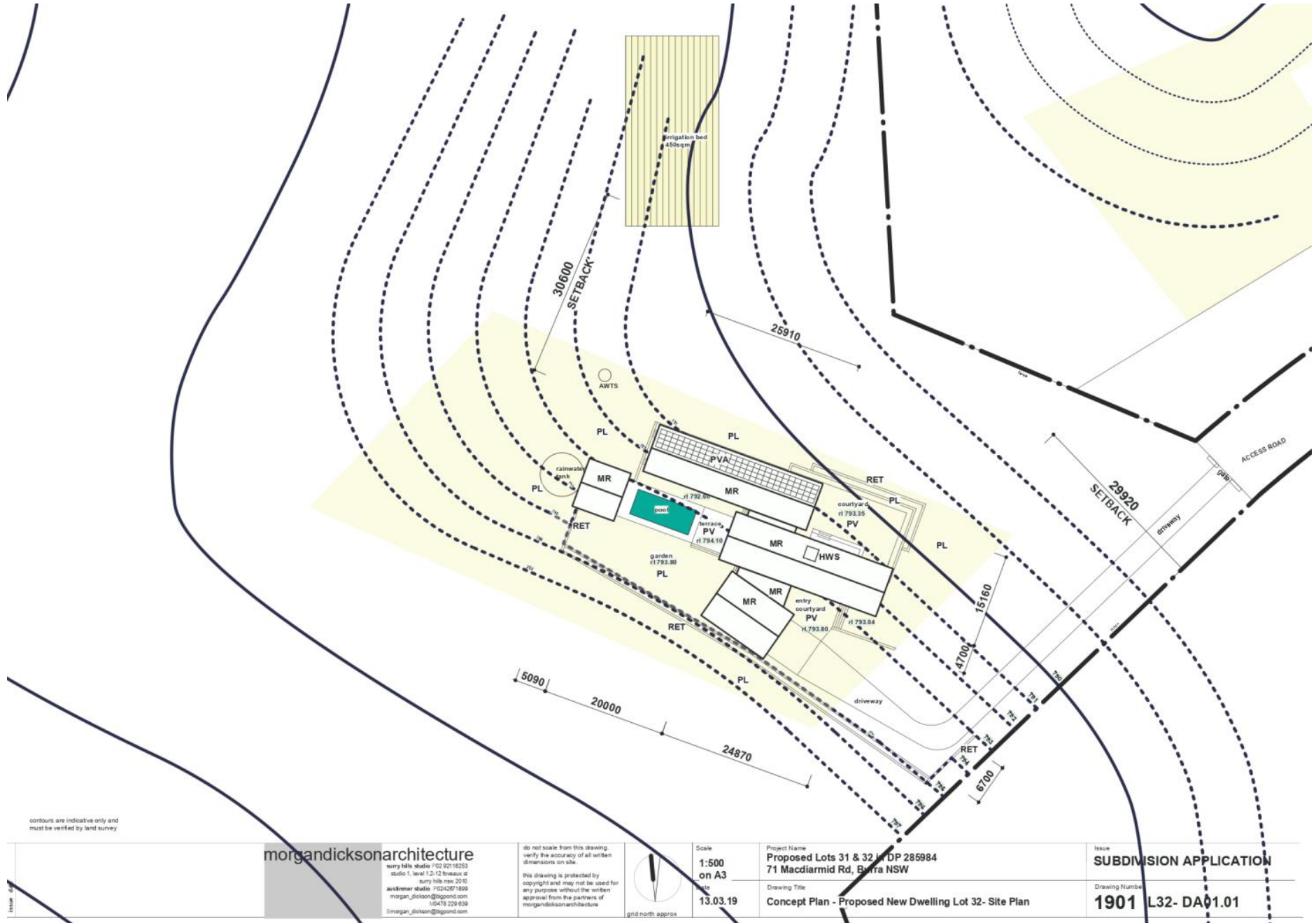
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 Date
 03.04.19

Project Name
 Proposed Lots 31 & 32 in DP 285984
 71 Macdiarmid Rd, Burra NSW

Drawing Title
 Concept Plan - Proposed New Dwelling Lot 31 - Site Plan

Issue
 SUBDIVISION APPLICATION

Drawing Number
 1901 L31 - DA01.01



contours are indicative only and must be verified by land survey

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 sunny hills studio T 02 92110253
 studio 1 level 1.2-12 boreau rd
 sunny hills nsw 2010
 auslander studio T 02 42071869
 morgandickson@bigpond.com
 00475 229 859
 Emorgan_dickson@bigpond.com

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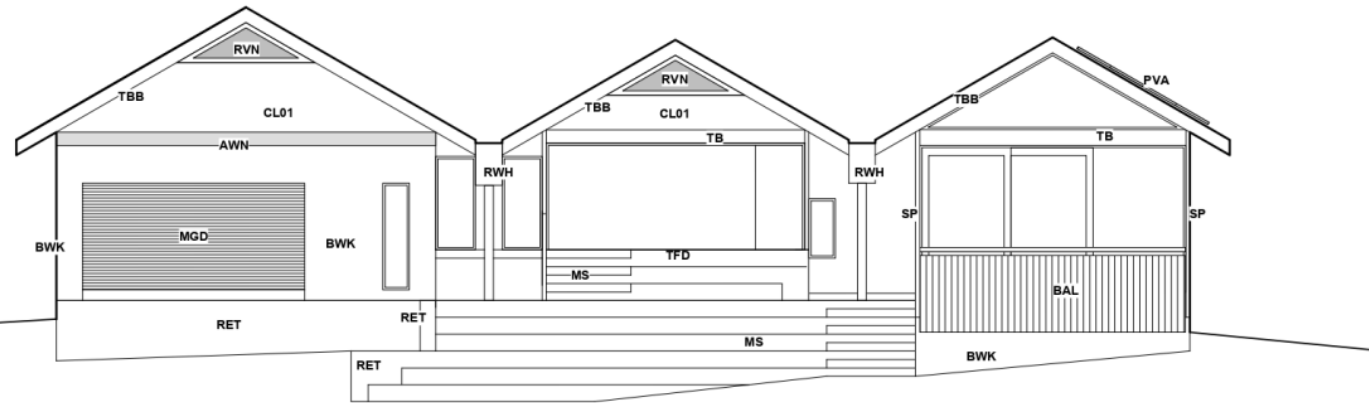


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13.03.19

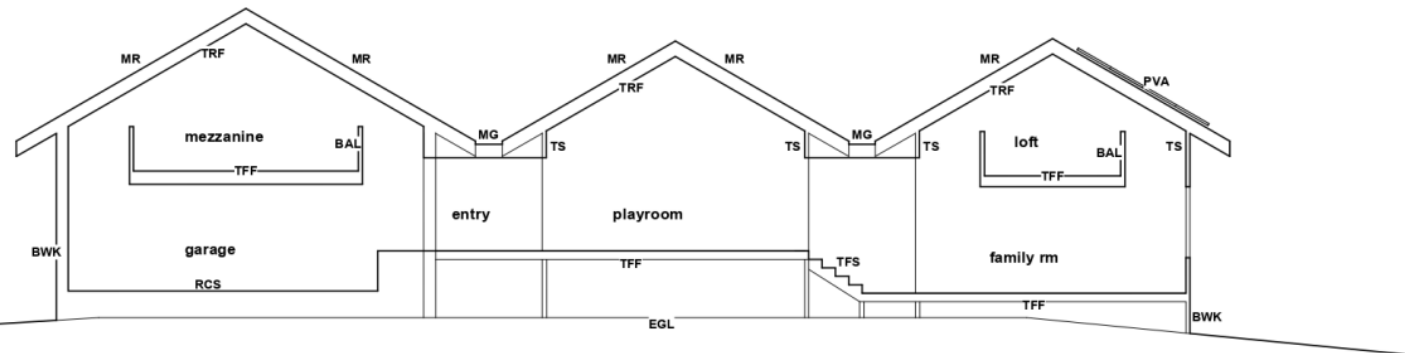
Project Name
Proposed Lots 31 & 32 DP 285984
71 Macdiarmid Rd, Burra NSW
 Drawing Title
Concept Plan - Proposed New Dwelling Lot 32- Site Plan

Issue
SUBDIVISION APPLICATION
 Drawing Number
1901 L32- DA01.01

External Finishes



Proposed New Dwelling Lot 31 - East Elevation to Macdiarmid Rd



Proposed New Dwelling Lot 31 - Section

contours are indicative only and must be verified by land survey

Issue Date	morgandicksonarchitecture surry hills studio t:02 92116253 studio 1 level 1.2-12 foreaux at surry hills nsw 2010 auskinner studio f:0242671899 morgandickson@bigpond.com 0478 229 839 E:morgan_dickson@bigpond.com		do not scale from this drawing. verify the accuracy of all written dimensions on site. this drawing is protected by copyright and may not be used for any purpose without the written approval from the partners of morgandicksonarchitecture	<p>grid north approx</p>	Scale 1:100 on A3	Project Name Proposed Lots 31 & 32 in DP 285984 71 Macdiarmid Rd, Burra NSW	Issue SUBDIVISION APPLICATION
				Date 03.04.19	Drawing Title Concept Plan - Proposed New Dwelling Lot 31 - Elevation & Section	Drawing Number 1901 L31 - DA01.03	

QUEANBEYAN-PALERANG REGIONAL COUNCIL

Planning and Strategy Committee of the Whole Meeting Attachment

13 NOVEMBER 2019

ITEM 6.3 DA.2019.065 - 71 MACDIARMID ROAD, BURRA - CONCEPT
 PROPOSAL - THREE LOT COMMUNITY TITLE
 SUBDIVISION AND TWO (2) SINGLE DWELLINGS

ATTACHMENT 3 DA.2019.065 - 71 MACDIARMID ROAD, BURRA -
 ATTACHMENT 3 - SUBMISSIONS

Luke Perkins

From: Council Mailuser
Sent: Monday, May 13, 2019 8:18 AM
To: Records
Subject: FW: Objection to DA.2019.065 - Attention Luke Perkins

From: [REDACTED]
Sent: Sunday, May 12, 2019 12:27 PM
To: Council Mailuser <Council.Mailuser@qprc.nsw.gov.au>
Subject: Objection to DA.2019.065 - Attention Luke Perkins

Good morning,

I am writing to note our objection to a Development Application currently being considered by Council - DA.2019.065 lodged by R.I.G. Consulting Pty Ltd for a Three Lot Subdivision of Lot 4 DP 285984 (71 MacDiarmid Road Burra).

As the owners of [REDACTED] and do not agree that the subdivision of Lot 4 should go ahead. This is the third time we have objected to the subdivision of Lot 4 and note that the plans detailed in DA.2019.065 do not address the issues of average Lot size, environmental impacts or the use/destruction of remnant native grassland currently on Lot 4.

We also feel that the subdivision and resulting increased number of residences on Lot 4 will negatively impact our residence and is not in keeping with the nature of the Burra Station Estate as designed and approved by Council under DP 285984.

I note as part of this submission that neither myself nor [REDACTED] have made Political Donations - as required under section 147(3) of the *Environmental Planning and Assessment Act 1979*.

If you require any further information, please do not hesitate to contact us.

Regards,

[REDACTED]

Luke Perkins

From: Council Mailuser
Sent: Monday, May 13, 2019 8:19 AM
To: Records
Subject: FW: Burra Station Estate - Objection to DA. 2019.065 - attention Luke Perkins
Attachments: IMG20190512173805.jpg

From: [REDACTED]
Sent: Sunday, May 12, 2019 9:41 PM
To: Council Mailuser <Council.Mailuser@qprc.nsw.gov.au>
Subject: Burra Station Estate - Objection to DA. 2019.065 - attention Luke Perkins

Dear Sir,

DEVELOPMENT APPLICATION BY R.I.G. CONSULTING PTY LTD, DA.2019.065 - THREE LOT SUBDIVISION
LOT 4 DP 285984 - 71 MACDIARMID ROAD BURRA

I represent the Burra Station Estate Neighbourhood Association DP 285984 (the Association).

The Association objects to DA.2019.065. Please note also that the Association has not consented to the application being made and that no changes to the By-laws or Section 88B is currently contemplated by the Association so as to accommodate the development. Therefore, the consent, if granted, would become unworkable with the current community scheme.

We comment specifically on the application as follows:

The original community development is based upon planning requirements associated with a non-potable water supply and conservation of natural temperate grassland with accordant building envelopes. These matters were enshrined within the Section 88B Instrument and the Neighbourhood Management Statement. Moreover, the By-laws relating to vegetation management, natural temperate grasslands, dams, bores and water supply cannot be altered without both the consent of Council and by a special resolution of the proprietors forming the neighbourhood association. The current application does not address these matters.

We note this is the third application for a three Lot subdivision made on Lot 4 since mid-2018. DA.2018.121 was rejected by Council on 23 January 2019 while DA.2019.006 has not been finalised by Council at this time. It should be noted the applicant (Glenn Roberts / R.I.G. Consulting) has made no effort to contact the Association since mid-2018 and the majority of proprietors remain opposed to the subdivision.

The current Development Application shows only minor discernible differences from the previously rejected DA.2018.121.

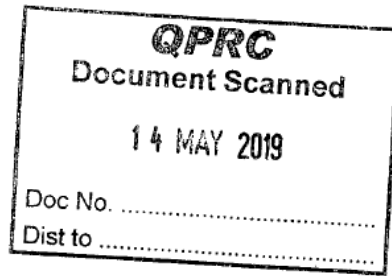
While on this newest DA Lot 32 is 6ha, Lots 4 and 31 remain under the 6ha average Lot size required by Clause 4.1 (b)(4)(a) of the Palarang Local Environmental Plan 2014 (4.15(1)(a)(i) *Environmental Planning and Assessment Act 1979*). As detailed in the previous Council Determination on DA.2018.121 these Lots have been

deemed unsuitable for development and any development or use by individual owners may result in adverse environmental impacts.

As part of this submission please also note that the Burra Station Estate Neighbourhood Association hereby declares it has not made any political donations (as per section 147(3) of the *Environmental Planning and Assessment Act 1979*).

Yours faithfully,





Burra NSW 2620

8 May 2019

Luke Perkins
Planning Team Leader – East
QPRC.

Dear Sir,

**OBJECTION TO DEVELOPMENT PROPOSAL – INTEGRATED DEVELOPMENT
S 4.46 Environmental Planning and Assessment Act 1979**

We refer to your letter of 23 April 2019, Council ref: **DA.2019.065**, informing us of an application for a development proposal at 71 Macdiarmid Rd, Burra, Lot 4 DP 285984 in the Burra Station Estate.

Noting that there is the addition of building envelope in New Lot 32, there does not seem to be any real difference between this proposal and earlier proposals of 03 July 2018 ref: DA.2018.121, subsequently rejected by the council, and 06 February 2019, Council ref: **DA.2019.006**.

This latest application still appears contrary to the intent of the current zoning of the area and the community title estate on which the proposed sub-development is planned. Consequently, our objections remain largely the same.

We object to the proposal on the grounds that it is inconsistent with the objectives of the Palerang Local Environment Plan 2014. This plan sets out certain standards which are benefits for living in the Burra area.

Particular objections to the proposed subdivision are:

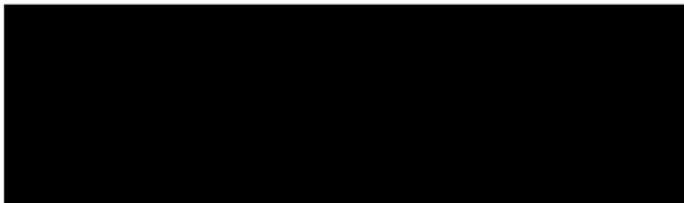
1. There is considerable public benefit in maintaining the current lot size standards and requirements. Reducing lot sizes would have significant impact on the amenity of neighbouring properties as it would change the rural nature of the area.
 - a. Even though Council would no doubt consider further applications on a case by case basis, the granting of the above proposal sets a precedent that could be used as leverage by other lot holders. This could mark the beginning of a subdivision trend that would completely change the rural feel of the area and have a significant impact on the ecology of the environment.

2. The proposed subdivision will have significant impact on the local environment.
 - a. Organisations, such as the Molonglo Catchment Group and Landcare, have noted the importance of semi-rural and hobby farm areas like Burra, in providing an important environmental buffer between urban areas and the broader countryside.
 - b. The proposed subdivision includes some steep terrain, this was grounds for objection to the original subdivision proposal of Burra Station. The lots were subsequently re-aligned and kept to an average size to minimise the impact of erosion. The changes proposed in the above proposal would negate the benefits of these changes.
 - c. Water availability in the Burra area is a constant concern and further subdivision in the area would put further strain on the existing bore and dam provided to the community title holders in the Burra Station Estate. Increased demand on bore water would impact the water table of the broader Burra area and the Molonglo Catchment.

3. The proposed subdivision raises a significant public safety issue generated by the limited access to Macdiarmid Rd.
 - a. One access point is via the one-way culvert at the intersection of Williamsdale and Burra Rds. This T-intersection has limited visibility and the proposed subdivision, with the associated increase in traffic, raises the potential for accidents at this access point.
 - b. Similarly, in times of heavy rain, the culvert is cut off and the only access point to Macdiarmid Rd is via Williamsdale Rd leading to the Monaro Highway. The dirt sections of Williamsdale Rd quickly become impassable and this will be exacerbated by the traffic flows generated by any further subdivisions.

4. The Palerang Environmental Plan 2014, talks about the importance of proposed subdivisions:
 - a. On the amenity of neighbouring properties
 - b. Ensuring community title schemes are not fragmented by subdivisions that would create additional dwelling entitlements
 - c. The public benefit of maintaining the development standard.

We believe the proposed does not warrant an exception to the Palerang Local Environmental Plan 2014 as it contravenes many of the objectives set out in that plan.



QUEANBEYAN-PALERANG REGIONAL COUNCIL

Planning and Strategy Committee of the Whole Meeting
Attachment

13 NOVEMBER 2019

ITEM 6.5 AMENDMENTS TO SOUTH JERRABOMBERRA LOCAL
INFRASTRUCTURE CONTRIBUTIONS PLAN 2018

ATTACHMENT 1 DRAFT SOUTH JERRABOMBERRA LOCAL CONTRIBUTIONS
PLAN 2018

Offices: Council Headquarters – 256 Crawford St
Bungendore Office – 10 Majara St
Braidwood Office – 144 Wallace St

Contact: **Queanbeyan:**
Ph: 02 6285 6000
Fax: 02 6285 6666
Bungendore/Braidwood:
Ph: 02 6238 8111
Fax: 02 6238 1290
E: council@qprc.nsw.gov.au
W: www.qprc.nsw.gov.au

List of Amendments

Adopted by Queanbeyan Palerang Regional Council on 26 April 2018 and came into effect on 15 May 2018, as amended by Council on the following dates:

Amendment	Amendment Summary	Adopted by Council	Notified
1.	<p>Plan amended, including;</p> <ul style="list-style-type: none">• to reflect the 2018 monies received through the Growing Local Economies Grant,• to update land areas and embellishment costs for open space,• to update scope and costs for community facilities,• to update net developable area (NDA) figures for proposed commercial and light industrial development, and• to update the works schedule with appropriate CPI/PPI Indexes to reflect current costs at time of amendment.		

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Executive Summary

This plan has been prepared under Section 7.11 the NSW *Environmental Planning and Assessment Act, 1979*, and provides for Queanbeyan-Palerang Regional Council ('Council') to collect contributions from development at South Jerrabomberra to fund local infrastructure that will service the urban release area into the future. These contributions can take the form of money, land (or both) depending on the circumstances.

The plan describes:

- where contributions are required,
- what development contributions apply to,
- how the contribution rates have been determined,
- what infrastructure the contributions will fund, and
- how to calculate and pay the relevant contributions where required.

The key steps applicants need to follow in using this plan are summarised both below and at Figure 1.

Demand for local infrastructure

The South Jerrabomberra urban release area is expected to have 1,500 new dwellings constructed to house 4,275 residents between 2018 and 2038. There will also be approximately 1,204 jobs created from the identified employment lands in the area.

Significant new infrastructure will be needed to support this anticipated population and it is appropriate that developments accommodating these new residents and workforce contribute to the costs associated with providing this new infrastructure.

If Council does not invest in new and upgraded local infrastructure to meet the needs of the people who live and work in the area, the infrastructure service levels for both the existing and future population will decline into the future.

Where this plan applies

This plan applies to certain land within the South Jerrabomberra urban release area, as shown at Figure 2 (page 12).

The total area comprises seven (7) precincts, reflecting the different ownership, development patterns and subsequent demands for infrastructure. However, the plan only applies to six of the precincts – Walsh, Forrest/Morrison, South Tralee, North Tralee, South Poplars and North Poplars. The plan applies to all precincts once they are rezoned for urban development.

The Environa precinct is not included as the land is not expected to be developed within the 20-year timeframe of the plan.

Development to which plan applies

This plan applies to new development that generates an increase in the demand for local infrastructure, including:

- Residential development (including subdivision) that would result in a net increase in resident population on the site once the land is developed and occupied, and
- Retail, commercial and other non-residential development (including subdivision of land), where that development would create a net increase in demand for the public amenities and services to be provided under this plan.

This plan applies to new development requiring consent from Council and complying development approved by accredited certifiers. Section 1.4 of this plan identifies development that is excluded from making contributions under this plan.

The contributions that have been determined in respect of residential development are set out below.

Residential Contribution Rates Per Lot

	South Tralee	Forrest Morrison	Walsh
Dwelling Type 1 > 400m2 Larger Detached Housing	\$31,393.06	\$38,466.50	\$38,466.50
Dwelling Type 2 < 400m2 Smaller Detached Housing, Multi-Unit Developments and Residential Flat Buildings	\$23,840.53	\$29,212.24	\$29,212.24
Average All Dwellings	\$25,825.42	\$31,803.43	\$31,803.43

The contributions that have been determined in respect of non-residential development are set out below.

Non Residential Contribution Rates Per Hectare

South Tralee	North Poplars	South Poplars	North Tralee
\$37,343.12	\$83,931.42	\$28,674.30	\$37,560.61

Non-monetary contributions

Contributions may also be settled if Council agrees to works-in-kind or a dedication of land to deliver infrastructure in the works schedule which either fully or partly satisfies a condition of consent to pay contributions.

Details on the conditions of non-monetary contribution arrangements are set out in section 2.4.

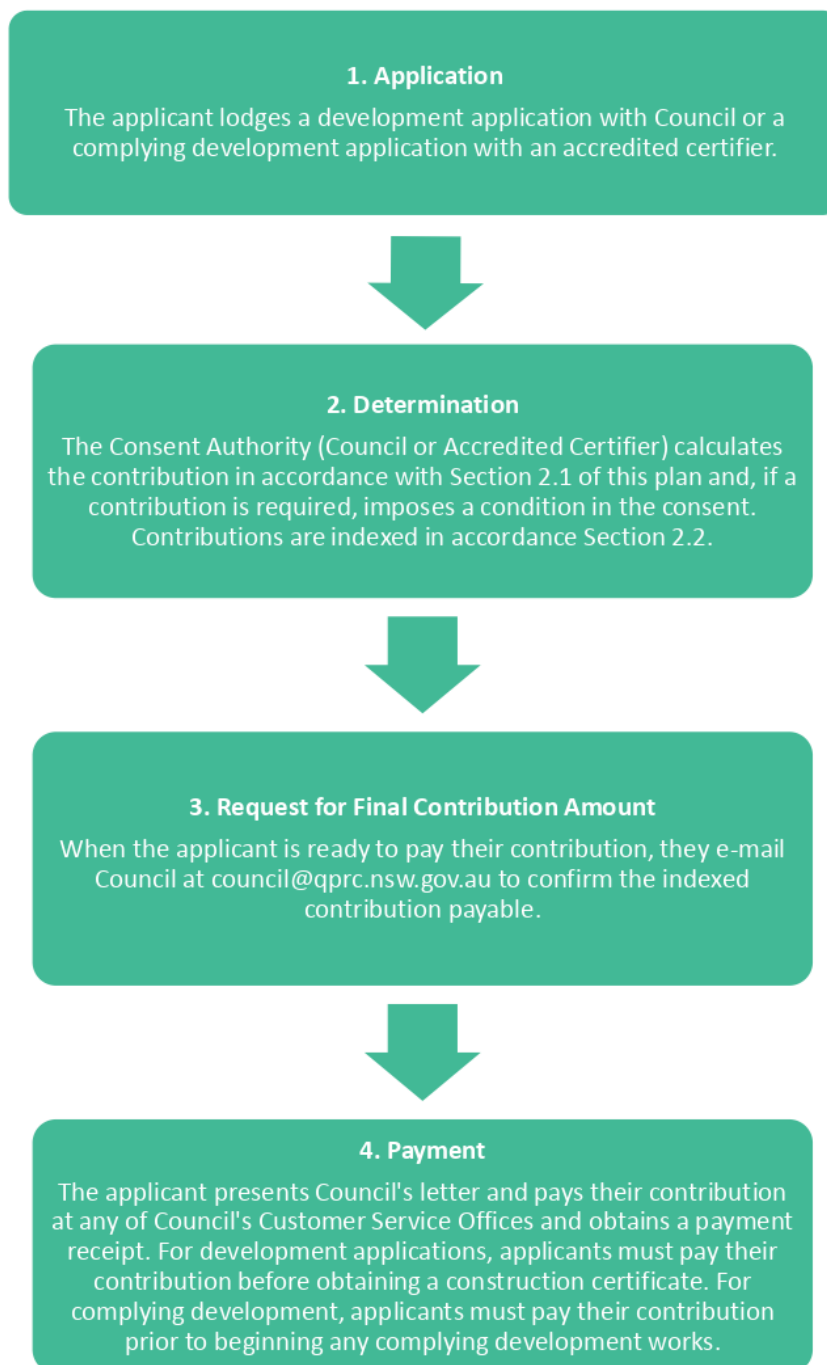
Calculating the contribution

Consent authorities, including Council and accredited certifiers, are responsible for determining any contribution in accordance with this plan. The consent authority will calculate the contribution using the following formula:

<i>Residential development contribution equals:</i>	<i>The net population increase of residents <u>multiplied by</u> the contribution rate per resident</i>
<i>Where the net population increase equals:</i>	<i>The proposed residential population <u>minus</u> the previous residential development population</i>
<i>Non-residential development contribution equals:</i>	<i>The contribution payable per hectare multiplied by the net developable area (NDA) of the proposed development.</i>

For residential development contributions, the consent authority will determine the populations using the occupancy rates set out in Table 6 (see Section 2.1).

Figure 1: Key Steps in determining and paying the contribution



Requiring the contribution

If a contribution is payable, the consent authority will include a requirement to pay the contribution amount as a condition of consent in the approval for the development.

Contributions will generally be levied when the land is subdivided for its intended purpose.

Council will determine the contribution rates in this plan to address the effects of inflation at the time of consent and again at the time of payment using quarterly updates to the Consumer Price Index (All Groups Index) for Sydney.

Paying the contribution

Further advice in respect of the procedures for paying any relevant contribution is set out in Section 2.4 of this plan.

Complying development

Accredited certifiers must ensure any relevant contribution is included as a condition of consent in any complying development certificate that is issued.

Accredited certifiers must notify Council of any determination within two (2) days of making that determination, in accordance with section 130(4) of the *Environmental Planning and Assessment Regulation 2000*. Applicants must then ensure they pay their contribution before commencing the complying development works.

1. Background

South Jerrabomberra contains a number of parcels of land in separate ownership that have recently been rezoned, or are in the process of being rezoned for urban purposes. The area consists of both North and South Poplars, North Tralee, South Tralee, Forrest/Morrison, Walsh and Environa (see Figure 2). The plan applies to all precincts except Environa, as it is anticipated this area will not be developed within the 20-year timeframe of the plan.

Ultimately, both the dwelling yield and the number of workers/jobs created by the employment lands are limited by the capacity of both the Lanyon Drive/Tompsett Drive intersection and the proposed Northern Entry Road servicing the area. Traffic modelling has indicated the capacity of this road (and therefore development at South Jerrabomberra) is limited. Accordingly this plan has been prepared to provide for a maximum of 1,500 dwellings and 1,204 workers/jobs over 20 years at South Jerrabomberra.

Table 1 below sets out the anticipated development yield for the site and forecast population over the life of this plan.

Table 1: Projected Development Yield and Population Growth

Year No.	Total Dwellings	Dwellings/year	Total Population
1	425	75	214
2		75	428
3		75	642
4		100	927
5		100	1,212
6	1,025	120	1,554
7		120	1,896
8		120	2,238
9		120	2,580
10		120	2,922
11	1,375	100	3,207
12		100	3,492
13		50	3,635
14		50	3,778
15		50	3,921
16	1,500	25	3,992
17		25	4,063
18		25	4,134
19		25	4,205
20		25	4,275
Total	1,500	1,500	4,275

It is unlikely that the full extent of the employment lands will be developed within the timeframe of this plan and therefore the anticipated employment development over the next 20 years has been used for the purposes of calculating reasonable contributions and

providing facilities in a reasonable timeframe. It is assumed that the residential development will take place well within this timeframe and the employment land take up will be approximately 1.5ha per year.

This section describes the plan's purpose, where it applies, the development it applies to, how Council will use the contributions, how Council proposes to ensure accountability of the plan, and when the plan will be reviewed.

1.1 Name of Plan

This plan shall be referred to as the *Queanbeyan-Palerang Regional Council South Jerrabomberra Local Infrastructure Contributions Plan 2018* ('the plan'). The plan has been prepared by the Queanbeyan and Palerang Regional Council ('the Council') under section 7.11 of the *Environmental Planning and Assessment Act 1979* ('the Act') and the *Environmental Planning and Assessment Regulation 2000 (EP&A Regulations)*.

The plan has been prepared having regard to relevant Ministerial directions, the Department of Planning and Environment's practice notes and planning circulars relating to the NSW development contribution system.

1.2 Purpose of this plan

The plan's primary purpose is to authorise the Council (or an accredited certifier) to require a contribution be made towards the provision, extension or augmentation of local infrastructure required as a consequence of development at South Jerrabomberra.

The contributions that have been determined in respect of residential development are set out below in Table 2:

Table 2 – Residential Contribution Rates Per Lot

	South Tralee	Forrest Morrison	Walsh
Dwelling Type 1 > 400m2 Larger Detached Housing	\$31,393.06	\$38,466.50	\$38,466.50
Dwelling Type 2 < 400m2 Smaller Detached Housing, Multi-Unit Developments and Residential Flat Buildings	\$23,840.53	\$29,212.24	\$29,212.24
Average All Dwellings	\$25,825.42	\$31,803.43	\$31,803.43

The contributions that have been determined in respect of non-residential development are set out below in Table 3:

Table 3 – Non Residential Contribution Rates Per Hectare

South Tralee	North Poplars	South Poplars	North Tralee
\$37,343.12	\$83,931.42	\$28,674.30	\$37,560.61

The plan provides the framework for the efficient and equitable determination, collection and management of development contributions for the area.

The development requires a range of local infrastructure to service the future population including open space, recreation facilities, community facilities and roadworks.

The plan authorises these bodies to require a contribution in the following circumstances:

- a) The Council, when granting consent to an application to carry out development to which this plan applies;
- b) An accredited certifier, when issuing a complying development certificate for development to which this plan applies.

The plan's other purposes are to:

- a) Provide a framework for the efficient and equitable determination, collection and management of contributions towards local infrastructure;
- b) Ensure developers make a reasonable contribution toward the provision of local infrastructure required for development anticipated to occur up to 2038;
- c) Ensure the existing community is not unreasonably burdened by the provision of local infrastructure required either partly or fully as a result of development in the area; and
- d) Ensure Council's management of local infrastructure contributions complies with relevant legislation and practice notes.

1.3 Where this plan applies

This plan applies to certain land at South Jerrabomberra within the Queanbeyan-Palerang Regional Council local government area.

The South Jerrabomberra Urban Release Area covers seven precincts, as shown in Figure 2 over – North Poplars, South Poplars, North Tralee, South Tralee, Forrest Morrison, Walsh and Environa. The different precincts recognise the varying development types and infrastructure demands across the release area, which are reflected in the contributions specific to each precinct.

However, the plan only applies to six of the precincts – ie, Walsh, Forrest/Morrison, South Tralee, North Tralee, South Poplars and North Poplars. The plan applies to those precincts once they are rezoned for urban development.

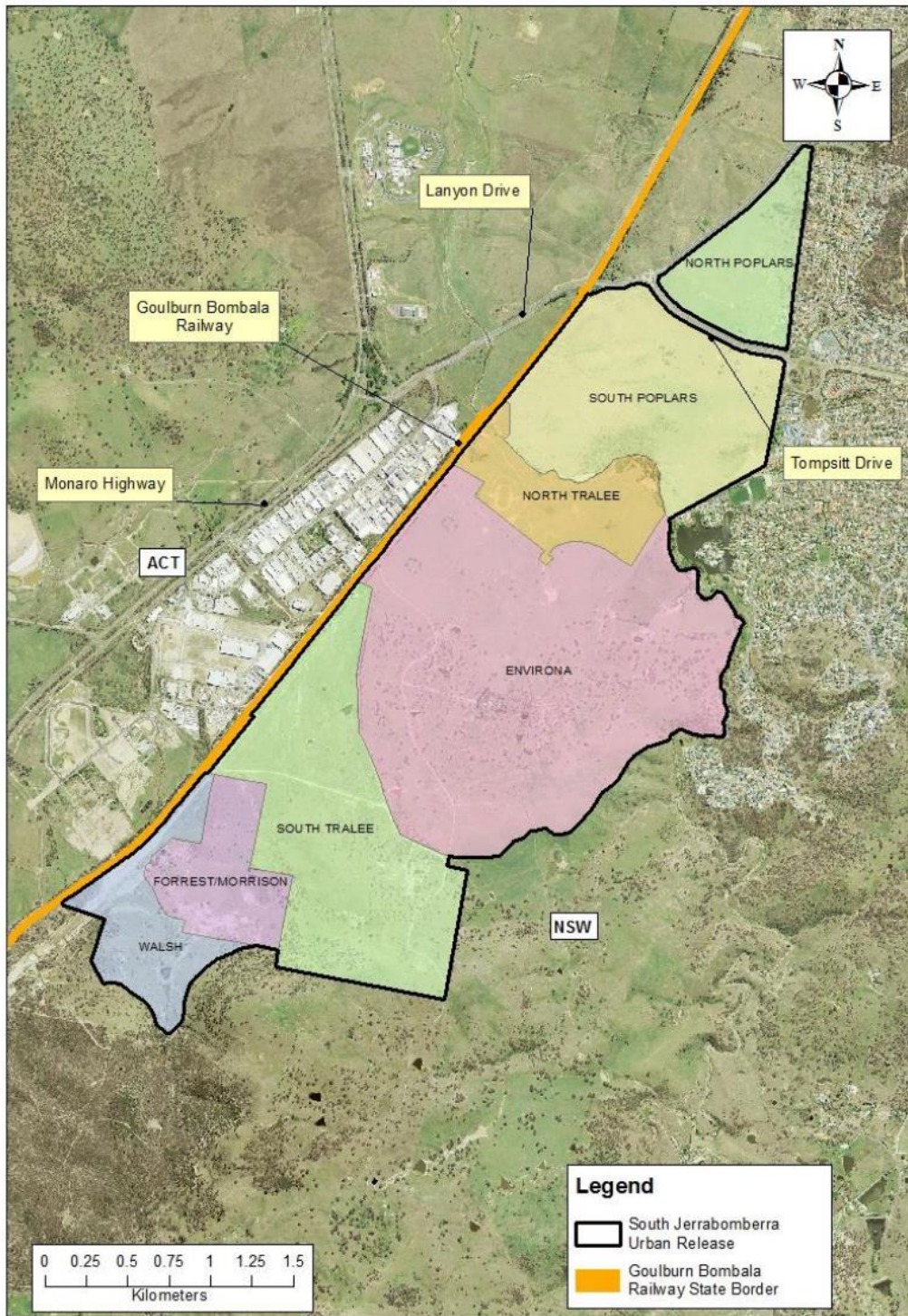
The Environa precinct is not included as the land is not expected to be developed within the 20-year timeframe of the plan.

The development of proposed employment lands at Environa are considered unlikely to occur within the timeframe of this plan and the Environa land has been excluded from the plan. Development of these lands will however trigger contributions under other contribution plans applying to Queanbeyan-Palerang in the future.

1.4 Development this plan applies to

Applicable development - This plan applies to development requiring consent including complying development and Crown development. All development that results in a net population increase in accordance with section 2.1 must pay a contribution (with the exception of exempt development).

Figure 2: South Jerrabomberra Urban Release Area



Development that is exempt - Development exempt from the need to pay a contribution is listed below in Table 4. Applicants must demonstrate how their development is consistent with the relevant exemption in their development application. If Council is satisfied the development is consistent with the relevant exemption, it will not levy a contribution as a condition of consent. In the case of complying development, Council must first verify any exemptions in writing to the accredited certifier.

Table 4: Development exempt from the need to pay a contribution¹

1. Subdivision of land that does not involve building work, including the creation of residue lots or super lots, where the final demand for public amenities or public services will be generated after a further subdivision of land.
2. Development where a contribution has previously been paid for the same development at the subdivision stage under a predecessor plan.
3. Alterations and additions to an existing attached dwelling, dual occupancy or dwelling house.
4. Places of public worship and child care centres by or on behalf of a charity or not-for-profit organisation².
5. Emergency services facilities.
6. Affordable housing or social housing by a social housing provider³.
7. Government schools⁴.
8. Development undertaken by or on behalf of Council, including works listed in the works program in Appendix C of this plan.
9. Development exempted from local contributions by a Ministerial direction made under the *Environmental Planning and Assessment Act 1979*⁵.
10. Any other development that in the opinion of Council does not increase the demand for the categories of public amenities or public services addressed by this plan.

1.5 Complying development

As noted, this plan applies to all development, including complying development. Accredited certifiers who issue complying development certificates are responsible for calculating the contribution in accordance with this plan and, if a contribution is required, imposing a condition requiring the contribution. Applicants must pay their contribution before commencing any complying development works approved by the certifier.

1.6 Establishment of a General Nexus

Under the *Environmental Planning & Assessment Regulation 2000* the “relationship between the expected types of development in the area to which the plan applies and the demand for additional public amenities and services to meet that development”, must be articulated in the plan. This is the establishment of “nexus” or relationship of the development to the demand for that infrastructure.

¹ All land use terms in this document have the same meanings as in the *Standard Instrument (Local Environmental Plans) Order 2006*.

² As registered with the Australian Charities and Not-for-profits Commission.

³ Affordable housing has the same meaning as the *Environmental Planning & Assessment Act 1979*. Social housing provider has the same meaning as in *State Environmental Planning Policy (Affordable Rental Housing) 2009*. If the development is mixed-use, only the affordable/social housing component will be excluded.

⁴ Established under the *Education Act 1990* by the Minister for Education.

⁵ Ministerial directions are available on the Department’s website.

The establishment of “nexus” (or link/relationship) is a fundamental premise of local contribution plans and includes:

- *Causal Nexus* – the development subject to a contribution must create an additional demand for the public amenity or service for which a contribution is being levied;
- *Physical Nexus* – the facility or service must be near enough in geographical terms to provide benefit to the development; and
- *Temporal Nexus* – the facility or service must be provided within a “reasonable” time.

Council has determined that there is a clear nexus between the proposed development of land at South Jerrabomberra and the proposed infrastructure set out in the works schedule shown at Appendix C. The proposed infrastructure is considered necessary to ensure the social, economic and environmental well-being of the future community. Further information in respect of the proposed development, and the infrastructure identified to support its future population, is set out in the appendices to this plan.

1.7 Cap on Monetary Local Infrastructure Contributions for Residential Development

On 28 July 2017, the Minister for Planning issued *The Environmental Planning and Assessment (Local Infrastructure Contributions) Amendment Direction 2017* which carried forward a \$20,000 cap on local infrastructure contributions for residential development.

Council has since been advised that that direction was amended on 18 January 2019 to list South Jerrabomberra as an urban release area in order to allow local infrastructure contributions of up to \$30,000 to now be collected for residential development⁶.

Any contribution amounts of over \$30,000 can only be collected if the Independent Pricing and Regulatory Tribunal (IPART) has formally reviewed the plan and the Minister agrees the contribution amounts are reasonable in the circumstances.

1.8 Administration

- a) Relationship to previous plans – As of this plan’s commencement date, all other local infrastructure contributions plans applying to the land (‘the predecessor plans’) are repealed to the extent they apply to the land covered by this plan. This plan does not affect any conditions of consent that were granted under a predecessor plan
- b) Transitional arrangements – If a development application has been made before the commencement of this plan in relation to land to which this plan applies and the application has not been finally determined before that commencement, that development application will be subject to the provisions of this plan. Applications to modify a development consent made before this plan’s commencement date, will be determined against the provisions of the plan that applied at the date the original application was submitted. Development applications made on or after this plan’s commencement date will be determined under the provisions of this plan.
- c) Use of contributions - Council will allocate contributions to local infrastructure in accordance with the works program in Appendix C. Contributions will generally be proportionately allocated and held against the various infrastructure items identified in Appendix C. Council may ‘pool’ contributions so it can deliver the works in an orderly and timely manner. Council will generally use development contributions

⁶ Schedule 2 of the 2012 Ministerial Direction identified greenfield release areas where the \$30,000 per dwelling/lot cap would automatically apply but councils can also apply to the Minister to approve the \$30,000 cap in other greenfield release areas.

- received under repealed plans for the same infrastructure purpose for which they were collected.
- d) Accountability and public access to information - Council is required to comply with a range of financial accountability and public access requirements. These include:
- i. maintenance of, and public access to, a contributions register,
 - ii. maintenance of, and public access to, accounting records for contributions receipts and expenditure, and
 - iii. annual financial reporting of contributions, and public access to contributions plans and supporting documents.
- e) The life of this plan - This plan is based on forecast population growth at South Jerrabomberra from 2018 until 2038. Council will operate this plan until either:
- i. 30 June 2038,
 - ii. Council has collected contributions for all works items in the works program in Appendix C, or
 - iii. Council repeals the plan.
- f) Review of this plan - Council will generally review this plan every five years or as required to ensure it addresses community needs, Council priorities and relevant legislation.
- g) Plan Administration Costs - Costs borne by Council in administering this plan have been included as an item in the relevant works schedule. This has been determined at 1.5% of the total value of the works set out under the plan.

2. How contributions will be calculated and levied

This section describes how to calculate and pay any relevant contribution. This includes how to index the contribution (to allow for inflation) and when it needs to be paid. It also outlines Council's policy where developers offer works-in-kind instead of a monetary contribution.

2.1 Calculating the residential development contribution

The consent authority (either the Council or an accredited certifier) will calculate the contribution by multiplying the per person contributions rate in Table 5 by the relevant occupancy rate in Table 6.

Where there is an existing dwelling or dwellings on the site, this contribution will be reduced to reflect the existing demand for local infrastructure. The contribution amount will be calculated by multiplying the net increase in each Type 1 and Type 2 dwelling by the respective contribution rate for these dwelling types in Table 5.

<i>Residential development contribution equals:</i>	<i>The net population increase of residents <u>multiplied by</u> the contribution rate per resident</i>
<i>Where the net population increase equals:</i>	<i>The proposed residential population <u>minus</u> the previous residential development population</i>

Table 5: Residential contribution rates

	South Tralee	Forrest Morrison	Walsh
Per person	\$9,099.44	\$11,149.71	\$11,149.71
Dwelling Type 1 > 400m2 Larger Detached Housing	\$31,393.06	\$38,466.50	\$38,466.50
Dwelling Type 2 < 400m2 Smaller Detached Housing, Multi-Unit Developments and Residential Flat Buildings	\$23,840.53	\$29,212.24	\$29,212.24
Average All Dwellings	\$25,825.42	\$31,803.43	\$31,803.43

Table 6: Residential occupancy rates – residential accommodation ^{7 8 9}

This includes all dwellings, dual occupancy, secondary dwellings and shop top housing.	Type 1 - Dwelling on a lot > 400m ²	3.45 residents/dwelling
	Type 2 - Dwelling on a lot < 400m ² , multi- unit dwellings and residential flat buildings.	2.62 residents/dwelling

2.2 Calculating the non-residential development contribution

The consent authority (either the Council or an accredited certifier) will calculate the

⁷ Land use terms have the same meaning as in *Queanbeyan Local Environmental Plan 2012*.

⁸ Residential occupancy rates derived from recent developments in Gunghalin in the ACT

⁹ Includes studios and bedsits.

non-residential development contribution by multiplying the contributions rate in Table 7 by the Net Developable Area (NDA) of the development. (See definition in Appendix E).

<i>Non-residential development contribution equals:</i>	<i>The contribution payable per hectare multiplied by the net developable area (NDA) of the proposed development.</i>
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Table 7: Non-residential contribution rates per hectare, as at December 2018¹⁰

South Tralee	North Poplars	South Poplars	North Tralee
\$37,343.12	\$83,931.42	\$28,674.30	\$37,560.61

2.3 Imposing the contribution

If the consent authority determines a contribution is required, the consent authority will impose a condition in the consent or complying development certificate requiring the contribution. The condition must specify the contribution amount payable and how the contribution amount will be indexed.

Indexation - The consent authority will index the contribution rates and any contribution imposed under this plan for inflation at the time of consent and again at the time of payment using the following formulas:

$C_{\text{consent}} = C_{\text{plan}} \times (CPI_{\text{consent}} \div 115.2)$	
<i>Where:</i>	
C_{consent}	= Contribution at time of consent
C_{plan}	= Contribution calculated using the rates in Table 3 of this Plan
CPI_{consent}	= Consumer Price Index (All Groups Index) for Sydney at the time of calculation
115.2	= The December 2018 value of the Consumer Price Index (All Groups Index) for Sydney

And:

$C_{\text{payment}} = C_{\text{consent}} \times (CPI_{\text{payment}} \div CPI_{\text{consent}})$	
<i>Where:</i>	

¹⁰ The consent authority will index the contribution rates and associated contribution at the time of the consent and again at the time of payment using quarterly updates to the Consumer Price Index (All Groups Index) for Sydney in accordance with Section 2.3.

<i>Cpayment</i>	=	<i>Contribution at time of payment</i>
<i>Cconsent</i>	=	<i>Contribution at time of consent, as calculated above</i>
<i>CPIpayment</i>	=	<i>Consumer Price Index (All Groups Index) for Sydney at the time of payment</i>
<i>CPIconsent</i>	=	<i>Consumer Price Index (All Groups Index) for Sydney at the time of calculation for the consent, as above.</i>

Modifying consents - if a consent authority grants consent to a modification application under Section 4.55 of the Act and the applicant has already paid the original contribution, Council will only index the contribution required for the modified part of the development. If the original contribution has not been paid, Council will index the contribution for the whole development (including the modification)¹¹.

2.4 Paying the contribution

When to pay - In the case of an approved development application for subdivision, applicants must pay their contribution on the release of the subdivision certificate for the residential lots.

In the case of other development where no subdivision is proposed, the contributions must be paid prior to obtaining a construction certificate. If a development requires multiple construction certificates, Council will require payment prior to the release of the first construction certificate that relates to the development consent on which the contributions were levied.

In the case of development that is complying development, applicants must pay their contribution before commencing the complying development works. Payments cannot be deferred.

How to pay - When applicants are required to pay their contribution, they should email Council at council@qprc.nsw.gov.au to confirm the indexed contribution. The confirmed indexed contribution will be valid until the next quarterly update to the Consumer Price Index. If applicants don't pay their contribution by this date, they will need to again confirm the indexed contribution amount with Council.

The applicant can then pay their contribution at any of Council's Customer Service Offices, located at Queanbeyan, Bungendore and Braidwood. Acceptable payment methods are EFTPOS (debit card only), cash or a bank cheque made payable to Queanbeyan Palerang Regional Council. Personal or company cheques are not accepted.

Council will provide a receipt confirming receipt of payment. In the case of a development application, applicants can provide a copy of the receipt to their accredited certifier to assist with obtaining a construction certificate.

2.5 Alternatives to monetary contributions

Applicants can offer to provide an alternative to a monetary contribution under this plan.

¹¹ Any application to amend a consent that will alter the contribution payable will be taken to authorise an amendment to the condition(s) relating to the development contribution.

Specifically, applicants can offer to dedicate land free of cost, provide works in kind or provide another material public benefit, or any combination of these, to be used for or applied towards a public purpose in full or partial satisfaction of a monetary contribution under this plan.

Council may choose to accept any such offer but is not obliged to do so. Applicants considering alternatives to monetary contributions should discuss this with Council as early as possible, and before lodging a development application.

2.6 Offers and agreements generally

A person may make an offer to the Council to carry out works or provide another kind of material public benefit or dedicate land, in part or full satisfaction of a local infrastructure contribution required by a condition of consent imposed under this plan.

Each party to an agreement will be responsible for their own legal costs in the preparation and implementation of any formalised agreement.

Any offer for works in kind or other material public benefit shall be made in writing to the Council prior to the commencement of any works proposed as part of that offer. Retrospective works in kind agreements will not be accepted.

In assessing any developer offer, Council will consider the following matters as a minimum:

- The standard and timing of delivery of, and security arrangements applying to, the works the subject of the offer are to Council's satisfaction;
- The conditions applying to the transfer of the asset are to Council's satisfaction; and
- The provision of the material public benefit will not unduly prejudice the timing or the manner of the provision of the public facilities included in the infrastructure schedule and program.

2.7 Works in kind and other material public benefits

If a developer wishes to deliver infrastructure that is included in this Plan instead of the Council delivering that infrastructure, then the developer can approach this in either one of two ways.

The developer may offer to enter into a Planning Agreement to undertake works, make monetary contributions, dedicate land, or provide some other material public benefit. Planning Agreements are the most appropriate mechanism for offers made prior to the issue of a Development Consent for the development.

If the developer has already received a Development Consent containing a condition requiring a local infrastructure contribution, the developer may offer to undertake works in kind through a works in kind agreement, or offer to dedicate land through a land dedication agreement.

The value of any land or works in kind offered by a developer will be determined by a process agreed to between the Council and the developer. This will be undertaken prior to the entering of any agreement or the commencement of any works included in the offer. Council will usually require the developer to provide evidence that an independent quantity surveyor supports the valuation of work.

Whilst Council is under no obligation to accept Works-in-Kind proposals, the benefits to the Council and to the community should be assessed. Due consideration will be given to:

- a) The Works-in-Kind being facilities which are already included in the contributions plan.
- b) The impending need to construct the works for which the contributions are to be offset.
- c) The value of the Works-in-Kind to be determined in accordance with the provisions of the contributions plan.
- d) The impact on provision of other facilities in a timely and orderly manner.
- e) The extent to which the works satisfies the purpose for which the contribution was sought.

If the proposal is accepted, the following conditions are to be satisfied:

- a) Proposed works must be in accordance with Council's designs, functional brief, specifications, standards or intentions for the works/facilities.
- b) Submission of relevant applications and plans prior to works commencing, for approval by Council.
- c) Submission of a suitable bank guarantee, the amount of which to be determined by Council. If the works are not completed to the satisfaction of Council, the Bank Guarantee will be called up by Council.
- d) The quality of the works to be of a standard acceptable to Council verified by regular inspection by Council Officers.
- e) Payment of a suitable supervision fee for inspections (note that Council accepts no supervisory construction role or responsibility in this regard).
- f) Dedication of the facility to Council after satisfactory completion and/or agreed handover period.
- g) Entry into a deed of agreement outlining the terms of acceptance of the proposed facility.

2.8 Provision of land and works in excess of contribution requirements

Variations between the estimated cost of any infrastructure item contained in the contributions plan and the actual construction cost of that infrastructure item are to be entirely the developer's responsibility.

Where the cost of any works in kind is more than the value of the required contribution for that infrastructure item set out in this plan, the developer is required to wholly meet any difference in those costs.

Where a developer constructs an infrastructure item as a works in kind, and it can be demonstrated that infrastructure item provides a benefit to other land to which this plan applies in addition to the developer's land, Council may (but is not obliged to) enter into a Planning Agreement to reimburse the developer constructing the infrastructure item up to the value of that infrastructure item as set out in the works schedule (Appendix C).

As noted, applicants considering alternatives to monetary contributions should discuss this with Council as early as possible, and before lodging a development application.

2.9 Planning agreements

As set out at section 7.4 of the *Environmental Planning & Assessment Act, 1979*, a Planning Agreement is a voluntary agreement or arrangement between a planning authority and a developer under which the developer agrees to make contributions towards a public purpose.

Council may also choose to enter into a Planning Agreement with a developer to dedicate land free of cost, pay a monetary contribution, or provide any other material public benefit, or any combination of them, to be used for or applied towards a public purpose. Council is under no obligation to enter into a Planning Agreement.

Council will only consider contributions to alternative public facilities not identified under this Plan as part of a Planning Agreement where it can be demonstrated there is clear public benefit in respect of service provision and cost.

The provisions of Sections 7.4 to 7.10 of the *Environmental Planning & Assessment Act, 1979* and accompanying Regulation prescribe the contents, form, subject matter and procedures for making planning agreements. Prior to entering into any agreement Council will consider the potential planning benefits and how the proposal would address the demands created by development for new public infrastructure, amenities and services.

APPENDICES

The following appendices describe how the contribution rates set out under this plan have been determined and what infrastructure Council will provide using the collected contributions. A summary of each appendix is provided below.

Appendix A: Anticipated development

Appendix A describes the forecast new population from anticipated development in South Jerrabomberra from 2018 until 2038¹². This includes forecast changes to the population (residents and workers), age, household sizes and dwelling occupancy rates.

Appendix B: Infrastructure strategies

Appendix B describes the overarching approach to providing for the four key categories of local infrastructure set out in this plan. The categories are:

1. open space and recreation,
2. community facilities,
3. road network, and
4. community services.

For each category, the appendices set out:

1. the new population's demand for the infrastructure
2. what infrastructure Council will provide to address the new population's demand, and
3. how much the infrastructure will cost and how much of the cost Council will fund using contributions.

The appendices also show how the contribution rates were calculated.

As noted, contribution rates are calculated using the following formula:

<i>Contribution rates (\$/equivalent resident)</i>	=	<i>Cost of works attributed to new population</i> <i>New population from 2018 – 2038</i>
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Appendix C: Works Schedule

Appendix C contains the relevant works program for South Jerrabomberra showing the identified works this plan partially or fully apportsions to the new population, and, that Council will partially or fully fund using collected contributions.

This plan apportsions approximately \$46.7 million of infrastructure works and land to the new population.

The cost apportioned in each infrastructure category is approximately:

- \$10.09 million for open space and recreation,
- \$2.71 million for community facilities,
- \$32.53 million for roads,
- \$0.67 million for community services, and
- \$0.69 million for plan administration.

Appendix D: Local Infrastructure Map

This map identifies the various on-site infrastructure identified under the plan.

¹² In this plan, 'new population' refers to forecast residents from 2018 to 2038 as shown in Table 10 Appendix A.

Appendix E: Definitions Under This Plan

Sets out definitions for the various terms used in this document.

Appendix A – Anticipated Development

This appendix describes the forecast changes to population, age, household sizes and household occupancy rates expected at South Jerrabomberra into the future. These affect how much and what type of local infrastructure the new population will demand in the area.

Forecast population

Council has engaged demographer id Forecast to prepare population forecasts for the local government area. However, the id Forecast information was calculated using higher than anticipated dwelling yields for South Jerrabomberra area and doesn't accurately reflect the reduced **dwelling yield of 1,500 dwellings** that has now been determined.

Ultimately, both the dwelling yield and the number of workers/jobs created by the employment lands are limited by the capacity of the proposed design of the intersection of Tompsitt Drive and Lanyon Drive. Traffic modelling undertaken by Roads and Maritime Services and Council's engineers has indicated the intersection's capacity (and therefore development at South Jerrabomberra) is limited. Accordingly, this plan provides for a **maximum of 1,500 dwellings and 1,204 workers/jobs**.

In regards to the future demographics of the population at South Jerrabomberra, it is considered appropriate to apply an occupancy rate similar to that for similar developments in the ACT where smaller lot housing has been undertaken. Accordingly, the average occupancy rate in Gungahlin has been adopted, representing **2.85 persons per dwelling**. Given there are more separate dwellings and attached and terraced housing proposed at South Jerrabomberra (and some residential flat buildings) compared to Gungahlin, this occupancy rate is considered to be generally conservative.

Table 8 : Projected Population Growth

Year	Total Dwellings	Dwellings/year	Total Population
1	425	75	214
2		75	428
3		75	642
4		100	927
5		100	1212
6	1,025	120	1554
7		120	1896
8		120	2238
9		120	2580
10		120	2922
11	1,375	100	3207
12		100	3492
13		50	3635
14		50	3778
15		50	3921
16		25	3992
17		25	4063

South Jerrabomberra Local Infrastructure Contributions Plan 2018

18		25	4134
19		25	4205
20	1,500	25	4276
Total	1,500	1500	4275

Table 9 : Anticipated housing mix for South Jerrabomberra

Year	Number	Percent
Dwelling Type 1 – Detached Housing Conventional lot >400m ²	418	27.9
Dwelling Type 2 – Smaller detached housing including terrace townhouse/multi-unit /residential flat building<400m ²	1,082	72.1

As a result, the anticipated population in South Jerrabomberra will be (1,500 dwellings x 2.85 occupancy) which results in **4,275 new residents**. For modelling purposes, it has been assumed that 1,500 dwellings will be delivered at the average rate of 100-150 dwellings per year over approximately 10-12 years (subject to market conditions).

Population forecasts have been based on the indicative housing yield and mix discussed with the main developer for South Tralee, and although indicative, the following assumptions can be made:

- Larger lots over 400m² are more likely to be occupied by established families with children than by single people, while the opposite situation applies to studios, apartments and multi-unit dwellings (i.e., more single persons in the smaller dwellings).
- An area's age structure changes over time. Initial residents in South Jerrabomberra are likely to include single persons, couples and couples with young families who will grow older over time.

External factors affect the average number of people occupying each dwelling such as the cost of housing, the supply of housing demanded in a geographical area, and the age and household structure of the area.

With these assumptions it is likely that the residential population will increase mainly in the younger age groups reflecting that of a new greenfield development. As such household sizes and dwelling occupancy rates are likely to be relatively high as it is not unreasonable to anticipate that young people will share dwellings in response to the lack of affordable housing in the wider region.

Table 10 : Projected Number of Residents In South Jerrabomberra

	South Tralee	Forrest Morrison	Walsh	Total	Average Household size ¹³	Population
Dwelling Type 1 > 400m²	210	140	70	420	3.45	1447
Dwelling Type 2 <400m² and multi-unit and residential flat buildings	540	360	180	1080	2.62	2828
Total	750	500	250	1500	2.85 (4275 residents / 1500 dwellings)	4275

¹³ Residential occupancy rates derived from recent developments in Gungahlin in the ACT (ABS 2016).

Forecast number of workers

The South Jerrabomberra urban release area includes employment lands at the Poplars, North Tralee and South Tralee.

Environa will be rezoned in future years but has been discounted for the purposes of this contributions plan which has assumed a life of 20 years to 2038.

The take-up of employment lands has been calculated at 1.5ha per year.¹⁴

Out of the 84.66ha of employment lands included at the Poplars, North Tralee and South Tralee it is reasonable to estimate that at 1.5ha per year, or about 30ha of the land will be taken up to 2038.

As per Table 11 the number of jobs per hectare for the B7 Business Park land has been calculated at 32 job per hectare and 20 jobs per hectare for the IN2 Light Industrial land¹⁵.

The assumptions below will be reviewed after 5 years to ensure they accurately reflect the development of employment lands.

Table 11 : Projected number of workers in South Jerrabomberra

Year	Expected jobs	Notes / comment
South Tralee		
2018 – 2038	40 jobs in zoned B1 and B4 areas 15 jobs child care centre	B1 Neighbourhood Centre B4 Mixed Use Additional Development Area
North Tralee		
2018 – 2038	10ha @ 20 jobs per ha = 200 jobs	IN2 Light Industrial zone
2018 – 2038	0ha @ 32 jobs per ha = 0 jobs	B7 Business Park zone
North Poplars		
2018 – 2038	7,000m2 @1 job per 100m2 = 70 jobs	B1 Neighbourhood Centre zone commercial floor space
2018 – 2038	6ha @ 32 jobs per ha = 192 jobs	B1 Neighbourhood Centre zone
2018 – 2038	4.9ha @ 32 jobs per ha = 157 jobs	B7 Business Park
South Poplars		
2018 – 2038	15ha @ 32 jobs per ha = 480 jobs 50 jobs school	B7 Business Park zone
Total	1,204 jobs	

¹⁴ This has been calculated from the number of jobs per hectare in the industrial land at West Queanbeyan.

¹⁵ Indicative Land Release at South Jerrabomberra @ 1.5ha of employment land / year (SD 2).

Appendix B - Infrastructure Strategies

This appendix describes how Council will use the contributions collected under this plan to address the new population's demand for community facilities, open space and recreation, roads and other infrastructure.

Both the open space/recreation and community facilities have been informed by the South Tralee Strategic Social Plan¹⁶ prepared by GHD/Heather Nesbitt in August 2013. This report was prepared at the time with dwelling yields at South Tralee of 1,348 and the southern area (Forrest Morrison and Walsh) of 1,400.

Since this time, the dwelling yields for the whole of South Jerrabomberra have been reduced largely as a result of both the capacity of the Northern Entry Road (NER) into the urban release area, and to address advice from Roads and Maritime Services in respect of the design of the intersection of Tomsitt Drive and Lanyon Drive. Accordingly, the infrastructure set out in the works schedule has been amended to reflect the reduction in dwellings since that original study.

Using an average dwelling occupancy number of 2.85 persons per dwelling the resulting population of South Jerrabomberra will be approximately 4,275 persons.

Open Space and Recreation

As noted, the demand for open space and recreational facilities has still been determined having regard to both the GHD/Heather Nesbitt Study (subsequently adjusted to reflect the reduced dwellings yields), and Council's benchmark for open space and recreation provision which is based on the provision of other similar LGA's and good practice guidelines (NSW Department of Planning 2010). The costs of providing these parks have been calculated using actual Council costs for comparable parks (where possible) or, if actual costs are unavailable, the *Local Infrastructure Benchmark Costs* produced by the Independent Pricing and Regulatory Tribunal Report 2014 have been used.

The costs for open space and recreation facilities have only been apportioned to the proposed residential development set out under this plan. Proposed commercial and industrial development makes no contribution to these facilities as they are considered unlikely to use them on a regular basis.

Open space provides opportunities for physical activities and is desirable for the health and wellbeing of the community. An equitable distribution of appropriate and quality open space is required for South Jerrabomberra and it is appropriate that the new population who will use this open space, contribute to the demand for its use. There is a large elevated area totalling 79.07ha zoned E2 Environmental Conservation which can provide for passive recreation by way of walking tracks.

Council has established a benchmark of 2.83 hectares of active open space per 1,000 persons. Accordingly, a total of approximately 12 hectares of open space would normally be required to service the South Jerrabomberra urban release area. The open space provision

¹⁶ South Tralee Strategic Social Plan August 2013 (SD 3)

is less than this standard (8ha) but it is considered acceptable having regard to existing open space provision in Queanbeyan, Canberra and Sydney.

The key thresholds for facilities set out in the document are reproduced below:

- Playgrounds – Every dwelling within 400m walk or 1:1,500 persons.
- Neighbourhood Park (Local Parks 1, 2, 3 @ 1ha each) – 1:1,500 persons
- Local Parks – (Local Park 4 @ 2ha) – 1:3,625 persons.
- District Parks – N/A.
- Sports Fields – (2 Sports Fields Totalling 7ha) – 1 per 2,450 persons
- Courts – Multi- purpose courts (2 located in Local Park 4) 1:2,450 persons
- Courts – Tennis 1:2,450 persons (2 located in Local Park 4).

This Plan apportions approximately \$10.09 million of open space provision to the new population. Council will encourage the main developer to dedicate land to Council and embellish the acquired land to Councils standards. Council will acquire 8ha of land and its cost and embellishment will be apportioned 100% to the new population from 2018 – 2038.

Community Facilities

New facilities required

The key thresholds for facilities as set out in the South Tralee Strategic Social Plan document are reproduced below:

- Local Neighbourhood Centre – 1:3,500 – 6000 (0.3164m² – 2.25m² land per additional person.

To accommodate a 500m² local neighbourhood centre an area of 2500m² is required to house the centre and to provide appropriate landscaping and parking. The local neighbourhood centre will require to be located in or close to the neighbourhood centre in South Tralee.

- Multi-Purpose Centre – The reduction in population in the South Jerrabomberra land release area has meant that the multi- purpose centre identified in the Social Plan is no longer required.

Existing “Regional” facilities

In accordance with the City wide Local Infrastructure Contributions Plan for Queanbeyan there is a contribution levied on all new residential development across the former Queanbeyan City Council local government area for facilities that cater for more than ‘a local population’. Such facilities include the Queanbeyan City Cultural centre (The Q) and the Queanbeyan Library.

The Queanbeyan Cultural centre (The Q) requires the cost of the facility to be recouped to Council as it has already been constructed. This has been calculated by deducting grant monies and income which has already been received to date under previous contributions plans and the monies committed to the project under the Local Planning Agreement for Googong. The contribution has been calculated by apportioning the remaining costs of the facility to new population at South Jerrabomberra as a percentage the existing population in the former Queanbeyan City Council area¹⁷.

¹⁷ Calculation for the Q Cultural Centre (SD 5)

The new Queanbeyan library equally serves all residents in the Queanbeyan area. Again, the contribution has been calculated by apportioning the remaining costs of the facility to new population at South Jerrabomberra as a percentage the existing population in the former Queanbeyan City Council area¹⁸.

For both these regional items it could be argued that the benefit population spreads beyond the former Queanbeyan Local Government area into the former Palerang area but at present no contributions plans in Palerang collect for these items.

The costs for community facilities have only been apportioned to the proposed residential development set out under this plan. Proposed commercial and industrial development makes no contribution to these facilities as they are considered unlikely to use them on a regular basis.

Road and Traffic Facilities

Traffic and transport facilities include pedestrian, cycling and traffic calming (PCTC) works, intersection upgrades, traffic lights, and proposed new roads. The new population will walk, cycle, use public transport and drive, and therefore contribute to the demand for traffic and transport facilities that enable travel by these modes.

As more people walk, cycle, use public transport and drive, competition between the various modes of travel increases as road space is limited. This increases demand for infrastructure works to better manage transport needs including:

- Traffic lights and intersection upgrades – to reduce conflicts and improve reliability and safety; and
- New roads – to increase connectivity of the road network.

If Council does not adequately cater for the new population's transport needs, amenity and accessibility levels will decline for both the existing and new population.

Council needs developers to pay a reasonable share of the cost to provide new and upgraded Council traffic and transport facilities relevant to the proposed population and workforce at South Jerrabomberra. The costs for both on-site and off-site roads are to be apportioned to all development at South Jerrabomberra, including commercial and industrial.

Off-site Roads

The demand for off-site road and traffic facilities has been determined having regard to the *South Jerrabomberra and Queanbeyan Traffic Analysis 2014* prepared by TDG with particular regard to "Part 4 Selected Road Network Improvements Contributions Analysis Report" updated in June 2015¹⁹. This traffic analysis was based on the *Googong and Tralee Traffic Study 2031* carried out by Gabites Porter in 2010.

Part 4 of the report details the tracking of modelled traffic on roads within the Queanbeyan and ACT system enabling Council to determine what percentage of traffic each South Jerrabomberra sub catchment contributes to each improvement project.

¹⁸ Calculations for both the Q and Library with CPI adjustment (SD 6)

¹⁹ Part 4 Selected Road Network Improvements Contributions Analysis Report" June 2015 (SD 7)

In March 2016 this was revised to reflect a smaller development in the South Jerrabomberra area, reduced to 2221 dwellings with 24ha of employment lands with a take up spread over 20 years. It also assumed a link to Sheppard Street as opposed to Isabella Drive. This formed the basis of a roads costing spreadsheet which lists each off-site road's total cost spread across all development fronts in the former Queanbeyan local government area.

More recently (March 2018) the dwelling numbers at South Jerrabomberra have been reduced again to 1,500 dwellings as a result of the capacity of the intersection upgrade required for this new release area at Tomsitt/Lanyon Drive. The consequences of this reduced dwelling number now mean that the apportionments for the off-site roads across this development have again changed.

Council has now updated the traffic model to take account of the reduced number of dwellings at South Jerrabomberra²⁰. This has resulted in updated apportionments for the various road infrastructure across the commercial areas, South Tralee, Forrest Morrison and Walsh.

Council cannot use contributions to provide new and upgraded State roads provided by State authorities; therefore monies will not go towards the intersection upgrade of Lanyon and Tomsitt Drive.

On-site roads

The on-site roads are those located within the development area that are required to provide access to the proposed dwellings and employment lands. These include the main access road into the South Jerrabomberra area otherwise known as the Northern Entry Road (NER).

The road construction has been split into stages as follows and, as shown in Appendix D – Location Infrastructure Map:

- a) NER Stage 1 – The bridge over Jerrabomberra Creek,
- b) NER Stage 2 – Jerrabomberra Creek bridge through North Tralee to the start of South Tralee,
- c) NER Stage 3A – Tomsitt Drive to Jerrabomberra Creek bridge,
- d) NER Stage 4 – Through extent of South Tralee, and
- e) NER Stage 5 – South Tralee through the Forrest Morrison property to Walsh access

As a consequence of grant funding received from the State Government in December 2018 under the 'Growing Local Economies Fund', Council now intends to wholly fund Stage 3A of the NER. Accordingly any costs associated with this work item have now been removed from the plan.

The on-site road costs have been apportioned on the basis of 'equivalent dwellings', assuming each residential dwelling will contribute 10 traffic movements per day, and that commercial/industrial development will contribute 2 movements per day per job.

The developer of South Tralee which is the first area to be subdivided for residential development will likely be constructing components the NER road on behalf of Council (ie, those parts of the NER road not proposed to be funded by public grants).

²⁰ South Jerrabomberra and Queanbeyan Traffic Analysis 2018 (SD 9)

It will be necessary for all the developers at South Jerrabomberra to contribute their identified share of the road and land costs.

Each development front has been named as a precinct and six precincts exist as follows:

- Precinct 1 – South Tralee
- Precinct 2 – Forrest/Morrison
- Precinct 3 – Walsh
- Precinct 4 – North Tralee
- Precinct 5 – South Poplars
- Precinct 6 – North Poplars

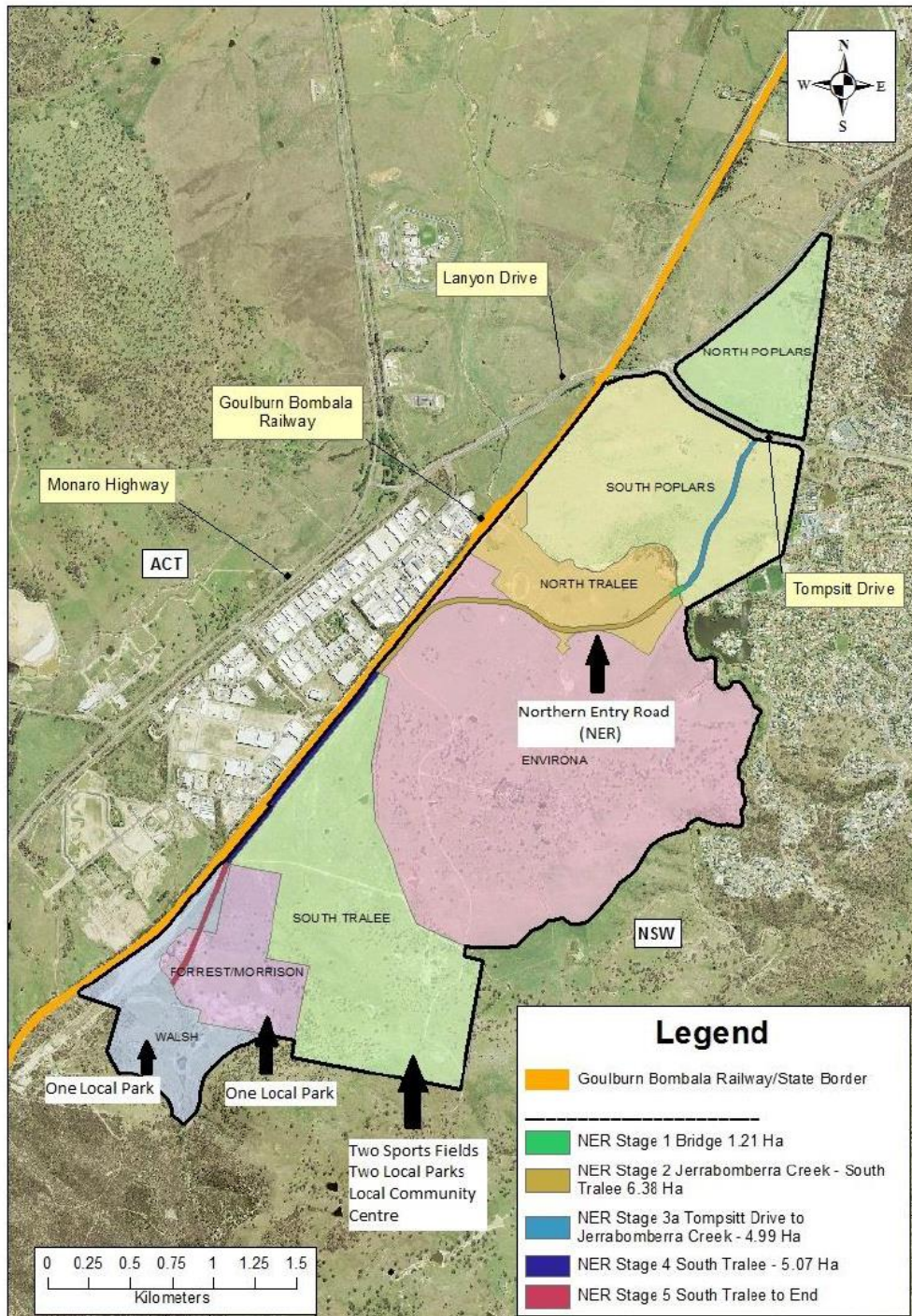
The contributions amounts for each precinct can be seen in the Works Schedule at Appendix C.

Council will collect the contribution from on-site roads from each developer and recoup the amount back to this lead developer.

Appendix C - Works Schedule

Located separately on the web.

Appendix D - Local Infrastructure Map



Appendix E – Definitions Under This Plan

"Applicant" means the person, company or organisation submitting a development application.

"Apportionment" means the adjustment of a contribution (usually a percentage) to ensure the contributing population only pays for its share of the total demand for the facility.

"Community facility" means a building or place owned or controlled by the Council or a body of persons which may provide for the physical, social, cultural or intellectual development or welfare of the local community, but does not include a building or place elsewhere defined in this section.

"Complying development" means development that can be approved by an accredited certifier.

"Contribution" means the dedication of land, the making of a monetary contribution or the provision of a material public benefit, as referred to in the EP&A Act.

"Contributions Plan" means a contributions plan referred to in the EP&A Act.

"Council" means the Queanbeyan-Palerang Regional Council.

"Development contribution" means the payment of a monetary contribution or the dedication of land free of cost.

"DPE" means the NSW Department of Planning and Environment (or its predecessor or subsequent bodies).

"EP&A Act" means the *Environmental Planning & Assessment Act, 1979*, as amended.

"EP&A Regulations" means the *Environmental Planning & Assessment Regulation 2000*, as amended.

"Equivalent Dwelling" means a single allotment or equivalent demand being a 3-bedroom dwelling.

"LEP" means a local environmental plan made by the Minister under the EP&A Act.

"LGA" means the Queanbeyan-Palerang local government area.

"Net Developable Area" means the total area of any land the subject of a development consent (including any land the development consent authorises, or requires, to be used as a road, or reserved or dedicated as a public road) but excludes:

- (a) existing roads to be used as part of the proposed road network
- (b) any part of the land that is below the level of a 1:100 ARI flood event, if that part of the land is unsuitable for development by virtue of it being at or below that level
- (c) any land to be reserved, dedicated or otherwise set aside as, or for the purpose of, any of the following:
 - (i) a government school (within the meaning of the *Education Act 1990*)
 - (ii) a tertiary institution, including a university or TAFE establishment, that provides formal education and is constituted by or under an Act
 - (iii) an emergency services facility
 - (iv) a health services facility owned and operated by a public authority
 - (v) a golf course
 - (vi) a passenger transport facility
 - (vii) a public reserve or a drainage reserve (within the meaning of the *Local Government Act 1993*)

- (viii) an easement for an above-ground electricity transmission line
- (ix) a public transport corridor (other than a road corridor)
- (x) a public utility undertaking
- (xi) roads or other public amenities or public services, in connection with which development contributions have been imposed under the relevant contributions sections of the Act or may be imposed in accordance with a contributions plan approved under the EP&A Act roads or other infrastructure in connection with which SICs have been, or may be, imposed in accordance with those particular sections of the EP&A Act.

"Precinct" is the geographic or other defined area that the infrastructure is deemed to service as an apportioned cost.

"Public facilities" means any public amenity or public service, as referred to in the EP&A Act, including a "community facility" and a "recreation facility", the need for which has increased or been created by development.

"Works in kind" are a kind of "material public benefit" as referred to in the EP&A Act and means the undertaking of any work associated with the provision of a public facility included in this plan.

"Works schedule" means the schedule of the specific public facilities for which contributions may be required, and the likely timing of provision of those public facilities based on projected rates of development, the collection of development contributions and the availability of funds from supplementary sources.

QUEANBEYAN-PALERANG REGIONAL COUNCIL

Planning and Strategy Committee of the Whole Meeting
Attachment

13 NOVEMBER 2019

ITEM 6.5 AMENDMENTS TO SOUTH JERRABOMBERRA LOCAL
INFRASTRUCTURE CONTRIBUTIONS PLAN 2018

ATTACHMENT 2 WORKS SCHEDULE APPENDIX C SOUTH JERRABOMBERRA
7.11 PLAN 2018

6.5 Amendments to South Jerrabomberra Local Infrastructure Contributions Plan 2018
 Attachment 2 - Works Schedule Appendix C South Jerrabomberra 7.11 Plan 2018 (Continued)

South Jerrabomberra Local Infrastructure Contributions Plan 2018											
Works Schedule											
1. Open Space & Recreation											
Category	Item	Description	Threshold	\$(CPI adjusted) (December 2018)	Supporting Document (SD) Number / notes	South Tralee Precinct 1	Forrest Morrison Precinct 2	Walsh Precinct 3	N Poplars Precinct 6	S Poplars Precinct 5	N Tralee Precinct 4
Land Dedication	Local Park 1	5000sqm (small local park)	Land to be dedicated upon completion of embellishment works (if undertaken by developer) OR relevant subdivision approval (if undertaken by council).	\$53,681	SD 11 '5th Tralee land valuation report (C1522718) (Feb 2015)	\$26,841	\$17,894	\$8,947	N/A	N/A	N/A
	Local Park 2	5000sqm (small local park)		\$53,681		\$26,841	\$17,894	\$8,947	N/A	N/A	N/A
	District Park 1	2ha (district park)		\$214,725		\$107,363	\$71,575	\$35,788	N/A	N/A	N/A
	Sports Fields 1 & 2	5ha	Calculated at 2.83ha per 1,000 person	\$536,813		\$268,406	\$178,938	\$89,469	N/A	N/A	N/A
	TOTAL LAND DEDICATION COSTS					\$858,900	\$429,450	\$286,300	\$143,150	\$0.00	\$0.00
Embellishment	Local Park 1	5000sqm (small local park)	To be delivered upon subdivision approval of lot accommodating dwelling 521	\$389,289	Indicative VBC engineering costings - applicable cost rates from Redbox (1 April 2016) with reference to Googong (Bellara Park) cost rates & other benchmarks	\$194,645	\$129,763	\$64,882	N/A	N/A	N/A
	Local Park 2	5000sqm (small local park)	Works to be commenced upon approval of stage containing lot accommodating dwelling 1042	\$389,289		\$194,645	\$129,763	\$64,882	N/A	N/A	N/A
	District Park 1	2ha (district park)	Works to be commenced upon approval of stage containing lot accommodating dwelling 850	\$2,057,671		\$1,028,835	\$685,890	\$342,945	N/A	N/A	N/A
	Sports Fields 1 & 2	5ha	Works to be commenced upon approval of stage containing lot accommodating dwelling 850	\$6,395,463		\$3,197,732	\$2,131,821	\$1,065,911	N/A	N/A	N/A
	TOTAL EMBELLISHMENT COSTS					\$9,231,712	\$4,615,856	\$3,077,237	\$1,538,619	\$0.00	\$0.00
TOTAL				\$10,090,612	\$5,045,306	\$3,363,537	\$1,681,769	\$0.00	\$0.00	\$0.00	
2. Community Facilities (only Land is Essential Works)											
Category	Item	Description	Threshold	\$(CPI adjusted) (March 2017-Sydney)	notes	South Tralee Precinct 1	Forrest Morrison Precinct 2	Walsh Precinct 3	N Poplars Precinct 6	S Poplars Precinct 5	N Tralee Precinct 4
Land Dedication	Local Neighbourhood Community Centre	2500sqm	Land to be dedicated upon completion of embellishment works (if undertaken by developer) OR relevant subdivision approval (if works are to be undertaken by council)	\$26,841	SD 11 '5th Tralee land valuation report (C1522718) (Feb 2015)	\$13,420	\$8,947	\$4,473	N/A	N/A	N/A
Embellishment	Local Neighbourhood Community Centre	500sqm	Works to be commenced upon approval of stage containing lot accommodating dwelling 1215	\$2,685,418	SD 13. WTP 'Googong Neighbourhood Centre' value (April 2016) (C1661324)	\$1,342,709	\$895,139	\$447,570	N/A	N/A	N/A
TOTAL				\$2,712,259		\$1,356,129	\$904,086	\$452,043	\$0.00	\$0.00	\$0.00

6.5 Amendments to South Jerrabomberra Local Infrastructure Contributions Plan 2018
Attachment 2 - Works Schedule Appendix C South Jerrabomberra 7.11 Plan 2018 (Continued)

3. Road Network											
Category	Item	Description	Threshold	\$(CPI adjusted) (March 2017-Sydney)	notes	South Tralee Precinct 1	Forrest Morrison Precinct 2	Walsh Precinct 3	N Poplars Precinct 6	S Poplars Precinct 5	N Tralee Precinct 4
Land Dedication	Northern Entry Road	Bridge Over Jerrabomberra Creek (1)	As required to facilitate development. Contribution required upon each subdivision approval	\$89,530	SD 14. NER land valuation report (July 2016) (C16125099)	\$43,928	\$28,862	\$14,431	\$0	\$0	\$2,309
		Jerrabomberra Creek to South Tralee (2)		\$1,374,783		\$674,539	\$443,192	\$221,596	\$0	\$35,455	
		Through the extent of South Tralee		\$883,826		\$445,130	\$292,464	\$146,232	\$0	\$0	
		Through the extent of Forrest Morrison		\$301,565		\$0	\$207,043	\$100,522	\$0	\$0	
	TOTAL			\$2,649,704		\$1,163,597	\$965,562	\$482,781	\$0	\$0	\$37,764
Roadworks	Northern Entry Road	Bridge Over Jerrabomberra Creek (1)	As required to facilitate development. Contribution required upon each subdivision approval	\$6,531,597	SD 15. Indicative VBC engineering costings (March 2016) (C1658083). Apportionments generated using updated traffic model (C1837342).	\$3,204,736	\$2,105,608	\$1,052,804	\$0	\$0	\$168,449
		Jerrabomberra Creek to South Tralee (2)		\$8,828,464		\$4,233,566	\$2,761,581	\$1,390,791	\$0	\$222,526	
		Through the extent of South Tralee		\$6,523,766		\$3,285,629	\$2,158,758	\$1,079,379	\$0	\$0	
		Through the extent of Forrest Morrison		\$3,911,283		\$0	\$2,607,522	\$1,303,760	\$0	\$0	
		TOTAL		\$25,595,111		\$10,723,932	\$9,653,469	\$4,826,733	\$0	\$0	\$390,975
		Edwin Land Parkway (9.30%)		\$518,105		\$39,554	\$26,369	\$13,185	\$167,688	\$196,970	\$74,339
		Edwin Parkway Loan Costs (9.30%)		\$223,200		\$17,040	\$11,360	\$5,680	\$72,240	\$84,855	\$32,025
		Elerton Drive Extension (1.09%)		\$399,912		\$18,345	\$0	\$0	\$190,784	\$138,509	\$52,275
		Elerton Drive Extension Loan Costs (1.09%)		\$174,400		\$8,000	\$0	\$0	\$83,200	\$60,403	\$22,797
		Lanyon Drive/Canberra Avenue (1.64%)		\$2,932,262		\$639,541	\$548,662	\$274,341	\$498,807	\$704,867	\$266,024
		Yass Road/Hinckman Street (0.96%)									
				\$41,635.56	\$5,638	\$7,517	\$3,759	\$8,240	\$11,965	\$4,516	
	TOTAL			\$4,289,514	\$728,118	\$593,928	\$296,964	\$1,020,959	\$1,197,570	\$451,975	
	TOTAL			\$32,534,329	\$12,615,847	\$11,212,960	\$5,691,478	\$1,020,959	\$1,197,870	\$880,715	

4. Community Services (Non Essential Works)											
Category	Item	Description	Threshold	\$(CPI adjusted) (March 2017-Sydney)	notes	South Tralee Precinct 1	Forrest Morrison Precinct 2	Walsh Precinct 3	N Poplars Precinct 6	S Poplars Precinct 5	N Tralee Precinct 4
Community Services	Queanbeyan Cultural Centre	Per lot contribution.	New infrastructure. Contribution required upon each subdivision approval	\$577,659	SD 5. Contribution rate updated version of former QCC s94 plan rate. (C17109084)	\$288,830	\$192,553	\$96,277	N/A	N/A	N/A
				\$91,110		\$45,555	\$30,370	\$15,185	N/A	N/A	N/A
	Queanbeyan Library	Per lot contribution.		\$668,770	\$334,385	\$222,923	\$111,462	\$0	\$0	\$0	
	TOTAL										

5. Plan Administration											
Category	Item	Description	Threshold	\$(CPI adjusted) (September 2017-Sydney)	notes	South Tralee Precinct 1	Forrest Morrison Precinct 2	Walsh Precinct 3	N Poplars Precinct 6	S Poplars Precinct 5	N Tralee Precinct 4
Administration and Community Services	Plan Administration	Per lot contribution calculated at 1.5% of total value of works.	Contribution required upon each subdivision approval	\$690,089.56	SD 12. TPART Local Infrastructure Benchmark Costs (April 2014) (C1834905)	\$301,676	\$198,210	\$99,105	\$33,220	\$42,021	\$15,857
	TOTAL			\$690,090	TOTAL \$	\$301,676	\$198,210	\$99,106	\$33,220	\$42,021	\$15,857

6.5 Amendments to South Jerrabomberra Local Infrastructure Contributions Plan 2018
Attachment 2 - Works Schedule Appendix C South Jerrabomberra 7.11 Plan 2018 (Continued)

								Total
Occ rate = 2.85	Dwellings	750	500	250	N/A	N/A	N/A	1500
	Jobs	55	0	0	419	530	200	1204
10 movements/ dwelling 2 movements/ job	Equivalent dwellings (apportionment of NER stages 1, 2 & 3a)	761	500	250	84	106	40	1741

% open space and community facilities	50.0000	33.3333	16.6667	0.0000	0.0000	0.0000	100.0000
% NER (Intersection)	43.7155	28.7224	14.3612	4.8139	6.0892	2.2978	100.0000
% NER (Stages 3a Road Through 5th Postals)	45.9264	30.1750	15.0875	0.0000	6.3971	2.4140	100.0000
% NER (Stages 1 Bridge and 2 Creek to 5th Tralee)	49.0651	32.2373	16.1186	0.0000	0.0000	2.5790	100.0000
% NER (5th Tralee)	50.3640	33.0907	16.5453	0.0000	0.0000	0.0000	100.0000
% NER (Forrest/Morrison)	0.0000	66.6667	33.3333	0.0000	0.0000	0.0000	100.0000

\$ (inc admin)	\$19,653,144	\$15,901,717	\$7,950,857	\$1,054,179	\$1,239,590	\$896,572	\$46,696,058
\$ PER LOT (inc admin)	\$26,222	\$32,200	\$32,200	\$12,976	\$12,091	\$22,811	\$31,130.71

Residential development contribution rates (per person)				
	South Tralee Precinct 1	Forrest/ Morrison Precinct 2	Walsh 3	Precinct 3
Open space per person	\$2,358.39	\$2,358.39	\$2,358.39	\$2,358.39
Community facilities per person	\$633.91	\$633.91	\$633.91	\$633.91
Transport per person	\$5,811.85	\$7,862.12	\$7,862.12	\$7,862.12
Community services per person	\$156.31	\$156.31	\$156.31	\$156.31
Admin per person	\$138.98	\$138.98	\$138.98	\$138.98
Total	\$9,099.44	\$11,149.71	\$11,149.71	\$11,149.71

Residential Contribution Rates Per Dwelling				
	South Tralee Precinct 1	Forrest/ Morrison Precinct 2	Walsh 3	Precinct 3
Dwelling Type 1 > 400m2	\$31,393.06	\$38,466.50	\$38,466.49	\$38,466.49
Dwelling Type 2 < 400m2 and multi-unit and residential flat buildings	\$23,840.53	\$29,212.24	\$29,212.24	\$29,212.24
Average All Dwellings	\$25,825.42	\$31,803.43	\$31,803.43	\$31,803.43

Essential works only - Residential development contribution rates (per person)				
	South Tralee Precinct 1	Forrest/ Morrison Precinct 2	Walsh 3	Precinct 3
Open space per person	\$2,358	\$2,358	\$2,358	\$2,358
Community facilities per person	\$0	\$0	\$0	\$0
Transport per person	\$5,812	\$7,862	\$7,862	\$7,862
Community services per person	\$0	\$0	\$0	\$0
Admin per person	\$127	\$127	\$127	\$127
Total	\$8,297	\$10,348	\$10,348	\$10,348

Essential works only - Residential Contribution Rates Per Dwelling				
	South Tralee Precinct 1	Forrest/ Morrison Precinct 2	Walsh 3	Precinct 3
Dwelling Type 1 > 400m2	\$28,626	\$35,700	\$35,700	\$35,700
Dwelling Type 2 < 400m2 and multi-unit and residential flat buildings	\$21,739	\$27,111	\$27,111	\$27,111
Average All Dwellings	\$23,571	\$29,516	\$29,516	\$29,516

Non residential development contribution rates (per hectare)							
	South Tralee Precinct 1	Forrest/ Morrison Precinct 2	Walsh 3	Precinct 3	N Poplars Precinct 6	S Poplars Precinct 5	N Tralee Precinct 4
Transport per hectare	\$36,470.99	NA	NA	NA	\$81,286.51	\$27,702.28	\$36,896.31
Admin per hectare	\$87.13	NA	NA	NA	\$2,644.91	\$972.02	\$664.30
Total	\$37,343.12				\$83,931.42	\$28,674.30	\$37,560.61

NDA (hectares) for CP							
	South Tralee Precinct 1	Forrest/ Morrison Precinct 2	Walsh 3	Precinct 3	N Poplars Precinct 6	S Poplars Precinct 5	N Tralee Precinct 4
B1	3.20				7.63		10.83
B4	1.80						1.80
B7					4.93	43.23	57.78
IN2							14.25
Total NDA	5.00	0.00	0.00	0.00	12.56	43.23	84.66

QUEANBEYAN-PALERANG REGIONAL COUNCIL

Planning and Strategy Committee of the Whole Meeting
Attachment

13 NOVEMBER 2019

ITEM 6.5 AMENDMENTS TO SOUTH JERRABOMBERRA LOCAL
INFRASTRUCTURE CONTRIBUTIONS PLAN 2018

ATTACHMENT 3 VILLAGE BUILDING COMPANY SUBMISSION 1 OCTOBER
2019



Mr Peter Taggart
General Manager
Queanbeyan-Palerang Regional Council
PO Box 90
QUEANBEYAN NSW 2620

Dear Sir,

Submission on the Public Exhibition - Amendments to South Jerrabomberra Local Infrastructure Contributions Plan 2018

Thank you for the opportunity to comment on the Amendments to South Jerrabomberra Local Infrastructure Contributions Plan 2018, currently on exhibition.

VBC appreciates the intent of the plan prepared under Section 7.11 of the NSW *Environmental Planning and Assessment Act 1979* to enable Council to collect contributions from development at South Jerrabomberra to fund local infrastructure that will service this important urban release area into the future.

VBC **supports** the following key aspects of the Plan that have been amended:

- Removing costs associated with the acquisition of land for, and construction of, Stage 3A of the Northern Entry Road (NER) through South Poplars
- Removing costs associated with the construction of the intersection for the NER and Tompsitt Drive
- Reducing land dedication costs for Stage 2 of the NER to update an incorrect land valuation attributed to the length of the road
- Amending embellishment costs per square metre for both 'passive' and 'active' local open space to reflect updated cost estimates
- Reducing the requirement for Local Parks from three to two to better reflect the servicing needs of the new population
- Reducing the area of the two remaining Local Parks from 1 hectare each to 0.5 hectares each as these are considered more appropriate sizes for the Local Parks
- Amending embellishment costs per square metre for the District Park to reflect updated cost estimates
- Reducing the contribution amount for both the Q Theatre and Queanbeyan Library to better reflect the new population's likely use of those facilities as a percentage of the broader population
- Updating Net Developer Area (NDA) figures for commercial/industrial zones to reflect existing zoned land and current planning proposals applying to the site
- Updating all costs in the plan to be consistent with CPI as at December 2018.

VBC provides the following **comments** regarding other aspects of the Plan:

1. Local Infrastructure Contributions Cap

- a. The contribution amount of \$38,466.50 (resulting in an average per dwelling cost of \$31,803.43) (Table 5 p16) for *Dwelling Type 1 > 400m2 Larger Detached Housing* applicable to Forrest Morrison is not agreed as the contribution amount exceeds the Local Infrastructure Contributions Direction 2012, as amended in February 2018.
- b. The Direction caps the local infrastructure contributions for residential development that the council can levy at \$30,000 per lot or dwelling for greenfield release areas and was introduced in 2010 to help reduce development costs in the wake of the global financial

Canberra – Head Office
Argyle Corner, 92 Hoskins Street
Mitchell ACT 2911

P 02 6241 6844
E info@villagebuilding.com.au
villagebuilding.com.au



crisis and to support housing supply (*Department of Planning and Environment – Planning Circular PS 18-002 29 January 2018*).

- c. In accordance with the Direction and to assist in the delivery of housing supply Council is requested to review the draft plan to ensure contribution amounts do not exceed the cap. An IPART review of the contributions plan would then not be required.

2. Sports Fields 1 and 2

- a. It is considered that the 5 hectare land dedication for Sports Fields 1 and 2, at a cost of \$536,813, is excessive. A land dedication area of 3 hectares has been previously requested by VBC. This is based on the provision of land for such facilities in the region, particularly having reference to ACT standards (2.1 hectares for a Basic Sports Unit [two soccer fields incorporating an AFL field] plus space for associated car parking). If the sports fields are to be located within South Jerrabomberra they will be provided near the local centre and community centre. These facilities will be able to provide additional overflow car parking for the sports fields and ensure residential streets aren't used for this purpose. As such, 3 hectares is appropriate to accommodate the required sports fields and associated car parking in this location. A review of the total land area requirement for the sports fields is requested.
- b. Notwithstanding this, should Council retain the proposed 5 hectare land requirement for the sports fields the embellishment rates should be re-evaluated. The costs would differ depending on the use of the site e.g. the cost to provide the actual sports fields (2.1 hectares) would be higher than the surrounding passive open space. It is also expected, given the likely siting of the sports fields near the local centre and community centre, that a proportion of the car parking provision could be shared with these facilities, thus reducing the overall provision and the costs associated with the sports fields.
- c. Recent discussions with Council staff have indicated that Sports Fields 1 and 2 may not need to be provided within South Jerrabomberra. This is due to the proximity of the proposed Regional Sports Complex and the potential for this facility to meet the local sporting needs of South Jerrabomberra residents. This approach would assist Council in maintenance costs by eliminating duplicated infrastructure, reduce potential negative impact on nearby residents associated with traffic and noise, improve accessibility and facilitate improved usage of the sports facility. It would also result in economies of scale during construction. Such an approach is logical and would be supported by VBC subject to the following:
 - i. Amend page 1 of the exhibited works schedule regarding Sports Fields 1 and 2 to state that it is Council's intention to incorporate the sports fields within the proposed Regional Sports Complex. This would be required to enable Council to apply any monetary contributions collected for Sports Fields 1 and 2 under the contributions plan to the Regional Sports Complex
 - ii. Amend page 1 of the exhibited works schedule regarding Sports Fields 1 and 2 to reference the dedication of 23 hectares of land for the Regional Sports Complex by VBC, which is the subject of a separate Local Planning Agreement currently being prepared. Based on the Council valuation report dated 27 July 2016, and the proposed land use zones under the West Jerrabomberra Planning Proposal, the land value is estimated at \$5.46 million. VBC request the value of this land dedication (or a proportion of it – see next paragraph for discussion) be offset against the land acquisition and embellishment costs under the exhibited s7.11 plan (\$6,395,463), as Sports Fields 1 and 2 will be incorporated within the Regional Sports Complex.

23 hectares of land is being dedicated for the Regional Sports Complex. This is VBC's contribution towards securing the State Government Growing Local

Canberra – Head Office
Argyle Corner, 92 Hoskins Street
Mitchell ACT 2911

P 02 6241 6844
E info@villagebuilding.com.au
villagebuilding.com.au



Economies Grant for the construction of the Northern Entry Road Stage 3. The value of VBC's contribution should be equivalent to that of Poplars Developments for the Innovation Hub and Intermodal Rail Facility. Based on the Council valuation report dated 27 July 2016, and the proposed land use zones under the West Jerrabomberra Planning Proposal, the land value of the Poplars Developments contributions is estimated at approximately \$1.5 million. As such, any value of VBC's land dedication above \$1.5 million (estimated to be approximately \$4 million) should be identified as a credit and offset against the provision of Sports Fields 1 and 2 in the exhibited s7.11 plan.

- iii. Given the economies of scale in providing a larger facility like the Regional Sports Centre (as opposed to a smaller facility in South Jerrabomberra) reduce the land requirement (land dedication cost) and embellishment rate accordingly. On this basis an area of 3 hectares and an embellishment rate of \$96/sqm is considered appropriate given the economies of scale of a larger facility.
- d. In the unlikely event that Sports Fields 1 and 2 are not incorporated within the Regional Sports Complex, and are to be provided within South Jerrabomberra, we seek a proportion of the land value for dedication of 23 hectares for the Regional Sports Facility (as detailed in item c.ii. above) be offset against the required contribution towards Sports Fields 1 and 2.

Should you have any enquiries regarding any matters raised please contact the undersigned on 02 6129 7060 or squayle@villagebuilding.com.au.

Yours sincerely,

A handwritten signature in blue ink, appearing to read "Stacey Quayle".

Stacey Quayle

Senior Development Manager

1/10/19

Canberra – Head Office
Argyle Corner, 92 Hoskins Street
Mitchell ACT 2911

P 02 6241 6844
E info@villagebuilding.com.au
villagebuilding.com.au