



Ordinary Meeting of Council

28 July 2021

**UNDER SEPARATE COVER
ATTACHMENTS**

ITEMS 9.1 AND 9.2

**QUEANBEYAN-PALERANG REGIONAL COUNCIL
ORDINARY MEETING OF COUNCIL**

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QUEANBEYAN-PALERANG REGIONAL COUNCIL

Council Meeting Attachment

28 JULY 2021

ITEM 9.1 DEVELOPMENT APPLICATION DA.2020.1427 - SIX LOT
TORRENS TITLE SUBDIVISION - POPLARS INNOVATION
PRECINCT - 300 LANYON DRIVE, JERRABOMBERRA

ATTACHMENT 1 DA.2020.1427 - SECTION 4.15 ASSESSMENT REPORT -
POPLARS INNOVATION PRECINCT - 300 LANYON
DRIVE JERRABOMBERRA



DA.2020.1427

Section 4.15 Table – Matters for Consideration

EXECUTIVE SUMMARY

The proposal seeks development consent for the subdivision of land to create six (6) Torrens title lots, comprising of five (5) development lots and one (1) residual lot. The construction of a road, which will connect to the Northern Entry Road 'Environa Drive' (which is currently under construction), and associated subdivision construction and civil works, and landscaping.

The proposal initially incorporated a total of nine (9), then twelve (12) proposed lots. However, the development has been revised to six lots with amended plans prepared and submitted by the proponent. Due to subsequent redesign the application has been notified three times.

The proposal was notified for a period of 14 days from the 10.09.2020 to the 28.09.2020, the 27.05.2021 to the 14.06.2021 and the 02.07.2021 to the 20.07.2021 in accordance with the QPRC Community Engagement and Participation Plan. Three submissions in total were received (incorporating all three notification periods). Contents of submissions were related to no objection received from Crown Roads and John Holland Rail, and issues relating to electricity supply. These issues have been addressed through the submission of additional information and conditions of consent.

The proposed development is considered generally consistent with the objectives, development standards, and controls of the relevant planning instruments and development control plan. The proposed development is recommended for approval subject to the imposition of the recommended conditions of consent.

BACKGROUND

The subject land was rezoned with the adoption of the QLEP (Poplars) 2012. This LEP was replaced with the QLEP (West Jerrabomberra) 2013. The B7 Business Park zoning relevant to the subject site remained consistent. The intent of the rezoning was to convert the land from agricultural use to development for employment purposes and light industry.

DESCRIPTION OF THE SITE AND LOCALITY

The subject site is legally described as Lot 1 DP 1263364 and is commonly known as 300 Lanyon Drive, Jerrabomberra. The site is located on the southern side of Tomsitt Drive and has an area of 65.65 Ha. The site sits to the western side of the Northern Entry Road 'Environa Drive', which is currently under construction.

The topography of the subject site is variable. The land falls from Tomsitt Drive towards the south east portion of the lot and rises to the north west. There is no existing development on the site. However, it contains an existing dam and vegetation. Historically, the site has been used for agriculture and grazing purposes.

Vehicular access will be provided to the site via the Northern Entry Road (Environa Drive), which provides a connection through to the South Jerrabomberra Urban Release Area. The Northern Entry Road has been designed with an access road stub incorporated to facilitate the road proposed under this proposal.

Existing development within the locality consists of the Poplars Retail Precinct to the north east. The retail precinct contains shops, takeaway food and drink premises, and a service station. Further east of the development site is the existing Jerrabomberra residential estate. The land to

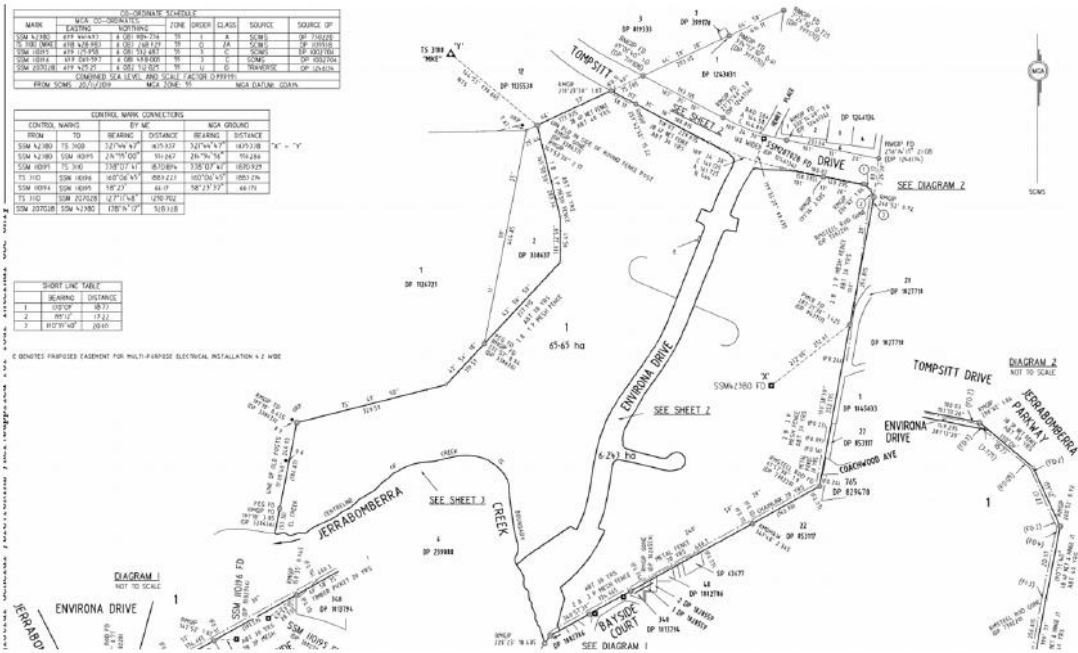
the north, south and west is undeveloped land consisting of grassland, shrubs, and some trees, which is likely to have been historically used for agricultural purposes.



Figure 1: Subject Site and Locality

PROPERTY BURDENS AND CONSTRAINTS

There are no easements or burdens on the land which could affect, or be affected by, the proposed development. An excerpt of the Deposited Plan is provided below.



DESCRIPTION OF THE PROPOSED DEVELOPMENT

The proposal seeks development consent for the subdivision of land to create six (6) Torrens title lots, comprising of five (5) development lots and one (1) residual lot. The construction of a road, which will connect to the Northern Entry Road 'Environa Drive' (which is currently under construction), and associated subdivision construction and civil works, and landscaping. The proposal also incorporates the removal of 12 trees, earthworks, and removal of an existing dam.

The proposed lot configuration is detailed in the table below:

| Lot | Area |
|-----------------------------|----------------------|
| Lot 1 (Residual Lot) | |
| Lot 2 | 1.030 Ha |
| Lot 3 | 9,000 m ² |
| Lot 4 | 2.467 Ha |
| Lot 5 | 8,057 m ² |
| Lot 6 | 4.058 Ha |



Figure 2: Subject Site and Locality



Figure 3: Detailed Site Plan

CONSENT AUTHORITY

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

SECTION 4.10 DESIGNATED DEVELOPMENT – EP&A Act, 1979

The proposal is not designated development.

SECTION 4.47 INTEGRATED DEVELOPMENT – EP&A Act, 1979

The proposal is not integrated development.

REFERRALS

INTERNAL REFERRALS

Development Engineering Comments

The site now has been reduced to a 6-lot development. Road configuration has been amended in relation to Council's comments

One lot will be dedicated as an electricity easement for a substation.

Water:

- The development is proposed to be serviced by a 150mm PVC main along the southern side of Road 1. The last section of the main runs beneath the cul-de-sac head and terminates with a hydrant and then a property service to proposed lot C. This should be revised such that the main curves around the verge of the cul-de-sac head and connects back on itself rather than cross the pavement to a dead end.
- A Hydraulic assessment of the development will need to be undertake at CC to determine the demands for the specific types of developments proposed can be adequately serviced due to their high-water consumption.

- QPRC Design Specification D11 states "Reticulation mains shall be looped to eliminate dead ends unless permitted otherwise by the Water Authority. All permitted dead ends shall terminate with a flushing point as per Water Authority's requirements." The proposed main is terminated with a hydrant suitable for flushing, though it should not be accepted in lieu of a looped main.
- Water service sizes have not been determined at this stage. Presumably, this is to do with uncertainty regarding future uses. However, considering the uncertainty, these services should be installed as 40mm (minimum) ties in accordance with QPRC Design Specification D11 Table 1. As many of these lots are considerable in size, they will likely need secondary connections for firefighting. However, these will be assessed with individual DAs for the resultant lots and can be provided later.
- Five hydrants are proposed along the 260m of Road 1 and maintain less than 60m spacing.
- The tie to proposed lot H (battle axe lot) is 75m long. This is three times the maximum length of a single service as specified by QPRC Design Specification D11.06.6. Consideration should be given to replacing this tie with a 100mm main in a 3m wide easement which terminates in a hydrant (for flushing) and property connection at the end of the battle axe handle. A stop valve should be provided on the 100mm side of the tee.
- No stop valves are proposed, though at least three should be provided. One at the location of connection to existing water infrastructure, a second at a mid-way location on Road 1 clear of driveways and a third as per point above regarding lot H.

Sewer:

- The proposed network appears to be a satisfactory arrangement in regard to its ability to service the development.
- All sewer mains located in private property will need to be located in minimum 3m width easement in accordance with the requirements of QPRC Design Specification D12.07.3. This appears to be satisfactory from the draft DP.
- It appears that service ties are generally provided to the low side of proposed lots. This should be able to meet the requirements of QPRC Design Specification D12.05.2. (min. 90% or lot serviced)
- The sewer alignment within the Tompsitt Drive road reserve has an unusual dog-leg. The reason for this is likely clearance to other services but should be queried. Fundamentally, this is unlikely to cause operational issues, though if it can be avoided, a manhole may be deleted.
- Within the subdivision, the sewer alignment is beneath the footpath which is acceptable.
- A summary table of the sewer main size determination has been included and concludes that both sewer mains will need to be 225mm.
- Individual property ties will be assessed at CC stage but are anticipated to be at least 150mm diameter.
- Grades of sewer (and requirements for trench stops) will be assessed at CC stage.
- There is a minor curve to the sewer at the beginning of Road 1. This is likely too minor to be of concern and the actual radius can be assessed for suitability during CC stage.
- Maximum manhole spacing is about 95m which is acceptable.
- As the site to be developed is greenfield, the sewer system designed should be an RISS (Reduced infiltration Sewerage System).

Storm Water:

- The stormwater design for the subdivision has utilised the South Jerrabomberra Design Specification (explicitly). This will not be permitted as the South Jerrabomberra Design Specification has been superseded and only remains on QPRC's website as a reference until Tralee Stage 1A has been completed. References should be changes to Council's current specification.
- Plan 503 Rev B notes that each lot will be required to implement on-site detention in accordance with D5 (this will need to reference QPRC D5 not SJ D5). However, it should be noted that the subdivision as a whole needs to implement OSD to account for the increase in hardstand created by roads, footpaths etc. The plan (503 Rev B) does not

specifically address this and it is unclear how much consideration has been given to OSD for whole of site. This will need to be clarified with the applicant.

- It is noted that a number of property connections are skewed across the verge. This would only be permitted in exceptional circumstances and should really require the layout redesign of the stormwater network to accommodate service connections perpendicular to the road.
- Plan 504 Rev B (Water Cycle Management Plan) addresses the water quality requirements specified by QPRC Design Specification D7 in regards to TSS, TN and TP. 100m² of bioretention garden beds are provided in the road reserve to address the reduction of these pollutants. From the summary of MUSIC modelling provided, it appears that the results are satisfactorily in accordance with specification requirements. It is noted that bioretention garden beds typically also have detention properties. The applicant is required to confirm that post-development flow rates are either equal to or less than pre-development flow rates. A summary of calculations and/or modelling should be provided to demonstrate.

Access and Parking:

- The lot configuration now show adequate access to each lot into the development.
- Vehicle crossovers should be provided with the development. Swept path analyses should be completed at CC demonstrating the capacity of the road width and the lot accesses to accommodate suitable service vehicles.
- The road design has resolved the on-street parking to now be adequate for the site.
- Roads:
- QPRC Design Specification D1.08.7 states:
- "The road network should ensure that no road links with another road which is more than two levels higher or lower in the hierarchy. In exceptional circumstances roads may link with others that are more than two levels apart, however, no access street or local street should have access to an access-controlled arterial road".
- While the collector road does not meet the entire specification for most parts it exceeded. The cul-de-sac requirements on distance can now be overlooked considering the better road amenity being provided.
- Note that the maximum cul-de-sac length has been exceeded but is countered, to a degree, by the lack of residential function. Further justification for this is found in the Bushfire Protection Assessment but it is noted that there is a discrepancy in the maximum cul-de-sac length between the NSW RFS Planning for Bushfire Protection Document (PBP) and D1 specification (200m vs 150m respectively). Ultimately, this control has evolved from a safe access/egress perspective and as such, it is intended to adopt the advice provided by RFS in this regard.
- Swept path analyses should be provided at CC demonstrating suitable service vehicle amenity to each lot.

Environmental Health Comments

No objection to the development was received subject to the imposition of the recommended conditions of consent.

CONSIDERATION OF 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.

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 BDAR states:

The subject land has been substantially modified by its current and past land use, which has primarily been grazing (sheep and cattle). Approximately 96% of the original woody vegetation (canopy, midstorey, and shrubstorey) has been historically cleared across the subject land to promote the pastoral productivity of the land. The areas which retain some of the original canopy occur as isolated paddock trees or small, scattered patches of vegetation. Much of the subject land has been historically pasture improved and is dominated by exotic pasture grasses (especially Phalaris Phalaris aquatica) and a variety of weeds.

Approximately 51% the groundstorey across the subject land has a dominance of native grasses and forbs. However, the prolonged period of stock grazing combined with historic pasture improvement has greatly depleted the native species diversity in the groundstorey across these areas.

The vegetation in the subject land is therefore characterised by an absent or low-density canopy of mature remnant eucalypts, an absent midstorey and shrubstorey, and a low diversity groundstorey dominated by disturbance tolerant native species or exotic grasses and weeds.

As detailed in Table 1 to Table 3 and shown in Figure 1, PCT1334 was determined to comprise the following three discernible vegetation zones⁴.

- PCT1334 Zone 3 – mature canopy, regeneration, exotic dominant understorey with low diversity (Biodiversity Conservation Act 2016 [BC Act] Box-Gum Woodland);
- PCT1334 Zone 4 – no canopy, native dominant understorey with low diversity (BC Act Box-Gum Woodland); and
- PCT1334 Zone 5 – no canopy, exotic dominant understorey with low diversity.

PCT1334 Zone 3 and Zone 4 meet the definition of BC Act 'native vegetation'. PCT1334 Zone 5 does not meet the definition of BC Act 'native vegetation' as it supports a groundstorey clearly dominated by exotic grasses and forbs (i.e. > 65% perennial exotic) and does not contain a cover of native trees and/or shrubs. As per Chapter 5 of the BAM, PCT1334 Zone 5 does not require assessment to determine a vegetation integrity score unless it is determined to be threatened species habitat. As detailed in Table 21 and Section 2.3.4.2 of Capital Ecology (2020a), PCT1334 Zone 5 is not identified as habitat for threatened species and therefore does not require assessment to determine a vegetation integrity score.

As such, PCT1334 Zone 3 and Zone 4 are assessed herein to determine vegetation integrity scores and the impact associated with the proposed development.

The proposed development will result in the clearance of:

- 0.32 ha of PCT1334 Zone 3 – mature canopy, regeneration, exotic dominant understorey with low diversity (BC Act Native Vegetation, BC Act Box-Gum Woodland);
- 4.58 ha of PCT1334 Zone 4 – low diversity native pasture (BC Act native vegetation, BC Act Box-Gum Woodland); and
- 4.58 ha of Golden Sun Moth habitat (EPBC Act critically endangered, BC Act endangered), located in PCT1334 Zone 4; and
- 13 remnant trees located in PCT1334 Zone 3, four of which contain at least one functional hollow.
- In total, the proposed development will result in the clearance of 4.90 ha of BC Act native vegetation, all of which meets the criteria of BC Act Box-Gum Woodland and 4.58 ha of which supports Golden Sun Moth habitat. The proposed development will not result in any other direct impacts on native vegetation or habitat.
- The proposed development will also result in the clearance of:

- 3.92 ha of PCT1334 Zone 5 – low diversity exotic pasture.
- The 3.92 ha of PCT1334 Zone 5 is clearly dominated by exotic grasses and forbs, does not meet the definition of BC Act native vegetation, and is not identified as habitat for threatened species.
- As detailed in *Capital Ecology (2020a)*, the proposed development:
- will not result in any other direct impacts on native vegetation or threatened species habitat;
- will not result in a prescribed biodiversity impact; and
- is unlikely to result in any indirect impacts.

As mentioned previously, as the extent and condition of BC Act Box-Gum Woodland and Golden Sun Moth habitat in the subject land have not changed as a result of the 2021 reassessment of vegetation, the Serious and Irreversible Impact (SII) assessments in *Capital Ecology (2020a)* remain valid.

A five-part test was undertaken as to determine whether the proposed development would significantly affect any threatened species, population, or ecological community, or its habitat. From the assessment below the clearing is of native vegetation and considered a key threatening process.

(a) in the case of a threatened species, whether the proposed development or activity is likely to have an adverse effect on the life cycle of the species such that a viable local population of the species is likely to be placed at risk of extinction,

(b) in the case of an endangered ecological community or critically endangered ecological community, whether the proposed development or activity:

- (i) is likely to have an adverse effect on the extent of the ecological community such that its local occurrence is likely to be placed at risk of extinction, or
- (ii) is likely to substantially and adversely modify the composition of the ecological community such that its local occurrence is likely to be placed at risk of extinction,

(c) in relation to the habitat of a threatened species or ecological community:

- (i) the extent to which habitat is likely to be removed or modified as a result of the proposed development or activity, and
- (ii) whether an area of habitat is likely to become fragmented or isolated from other areas of habitat as a result of the proposed development or activity, and
- (iii) the importance of the habitat to be removed, modified, fragmented or isolated to the long-term survival of the species or ecological community in the locality,

(d) whether the proposed development or activity is likely to have an adverse effect on any declared area of outstanding biodiversity value (either directly or indirectly),

(e) whether the proposed development or activity is or is part of a key threatening process or is likely to increase the impact of a key threatening process.

The proposed removal of the vegetation in this application is considered the removal of native vegetation and is therefore an activity as defined under *the Biodiversity Conservation Act 2016*. The development is anticipated to have an irreversible impact. As a result, the developer will be required to pay credits pursuant the *Biodiversity Conservation Act 2016* and as per the requirements set out in the submitted BDAR. This will be enforced through relevant conditions of consent. The BDAR and subsequent Addendum will form a part of the approval documents. The credit tables contained within the BDAR Addendum are provided below.

Table 6. Ecosystem credit requirements.

| PCT & Vegetation Zone | Vegetation Integrity Score | Proposed Clearance Area (ha) | Credits Required |
|-----------------------|----------------------------|------------------------------|------------------|
| PCT1334 Zone 3 | 29.5 | 0.32 | 5 |
| PCT1334 Zone 4 | 9.9 | 4.58 | 0 |

Species credit requirements

The subject land supports habitat of potential significance to the Golden Sun Moth, which is species credit species. Accordingly, as detailed in Table 7, the proposed development generates a species credit obligation (as determined by the BAM Calculator on 8 February 2021).

Table 7. Species credit requirements.

| Species | PCT & Vegetation Zone | Habitat Condition (Vegetation Integrity) Loss | Proposed Clearance Area (ha) | Credits Required |
|---|-----------------------|---|------------------------------|------------------|
| <i>Synemon plana</i> Golden Sun Moth | PCT1334 Zone 4 | 9.9 | 4.58 | 34 |

Differences in the calculated credit obligation between Capital Ecology (2020a) and this addendum

The ecosystem credit requirements detailed in Capital Ecology (2020a) and this addendum are the same (i.e. 5 ecosystem credit species for PCT1334 Zone 3 and 0 ecosystem credits for PCT1334 Zone 4). This is because:

- the vegetation integrity score did not change substantially for PCT1334 Zone 3; and
- while the vegetation integrity score did increase for PCT1334 Zone 4, it was still insufficient for its clearance to result in generation of ecosystem credits.

In comparison, the species credit requirements increased from 29 Golden Sun Moth credits in Capital Ecology (2020a) to 34 Golden Sun Moth credits in this addendum. This is because the habitat condition (i.e. vegetation integrity) increased for PCT1334 Zone 4 from 8.3 in Capital Ecology (2020a) to 9.9 in this addendum. As a result, the clearance of 4.58 ha of Golden Sun Moth habitat in PCT1334 Zone 4 with a vegetation integrity of 9.9 produced an additional 5 Golden Sun Moth species credits.

SECTION 4.14 CONSULTATION AND DEVELOPMENT CONSENT – CERTAIN BUSHFIRE PRONE LAND – EP&A ACT, 1979

Section 4.14 of the EP&A Act requires an assessment to be made of the proposal against the requirements of the Rural Fire Service document 'Planning for Bushfire Protection 2006'. The Act allows this assessment to be made by the Council or the RFS. Assessments under Section 4.14 against the PBP 2006 need to be made for most development on bushfire prone land which does not require an approval under the Rural Fires Act 1997 as integrated development.

The subject site is wholly bushfire prone. As the intended use of each proposed lot is not for residential purposes. No requirement for referral to the NSW RFS pursuant section 100b of the *Rural Fires Act 1997* was required. A Bushfire Assessment Report was submitted in support of the development application. The bushfire assessment report will form a part of the approval documents with recommendations to be adopted accordingly.

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 NO. 55 - REMEDIATION OF LAND

Under SEPP No. 55 Council is required to consider whether or not the land to which the development relates is contaminated. A Phase 1 – Preliminary Land Contamination Study was prepared by Coffey and submitted with the application. The development site is located outside of the mapped areas of concern identified in the Phase 1 Report and a detailed investigation will be required for this specific site, due to the proximity of one AEC (enforced via a condition).

STATE ENVIRONMENTAL PLANNING POLICY (INFRASTRUCTURE) 2007

The proposed development is not located within 5 metres of overhead powerlines. The site is not located on a classified road. No referral to Essential Energy or Transport for NSW was required. Relevant clauses of SEPP Infrastructure have been considered within this assessment.

STATE ENVIRONMENTAL PLANNING POLICY NO.44 – KOALA HABITAT PROTECTION

The submitted BDAR addressed the relevant requirements of SEPP No.44. “Regarding the application of the Koala SEPP for the proposed development of the subject land, the following points are noted regarding SEPP No.44:

1. *The subject land is located within the Queanbeyan-Palerang Local Government Area (LGA), an LGA which is listed in Schedule 1 of the Koala Habitat Protection SEPP, however:*
2. *There is no approved Koala Plan of Management which includes the subject land, and:*
 - a) *while no part of the subject land or wider study area is identified on the Koala Development Application Map, a small proportion of the canopy across the Poplars North Bio Banking Site is;*
 - and*
 - b) *the subject land, which is under the same ownership as the Poplars North Site, has an area of greater than 1 hectare.*

As demonstrated by the above assessment, the development control provisions of the Koala Habitat Protection SEPP apply to the proposed development.

However, as detailed in this BDAR, “The Poplars” is in an isolated peri-urban location that has largely been cleared of its natural woody vegetation. No Koalas or signs of Koala presence were detected during the surveys conducted for this BDAR or by previous ecological surveys of The Poplars, and no Koalas have been recorded within 2.5 km in the past 18 years (the nearest record is over 6 km to the west and separated by large expanses of urban development). As such, “The Poplars” does not support Koala habitat and is therefore unlikely to constitute important or occupied Koala habitat now or in the future.

As such, the application of the Koala SEPP should not constrain the proposed development of the subject land.”

QUEANBEYAN LOCAL ENVIRONMENTAL PLAN (WEST JERRABOMBERRA) 2013

An assessment of the proposal against the general aims of QLEP (West Jerrabomberra) 2013 is included below:

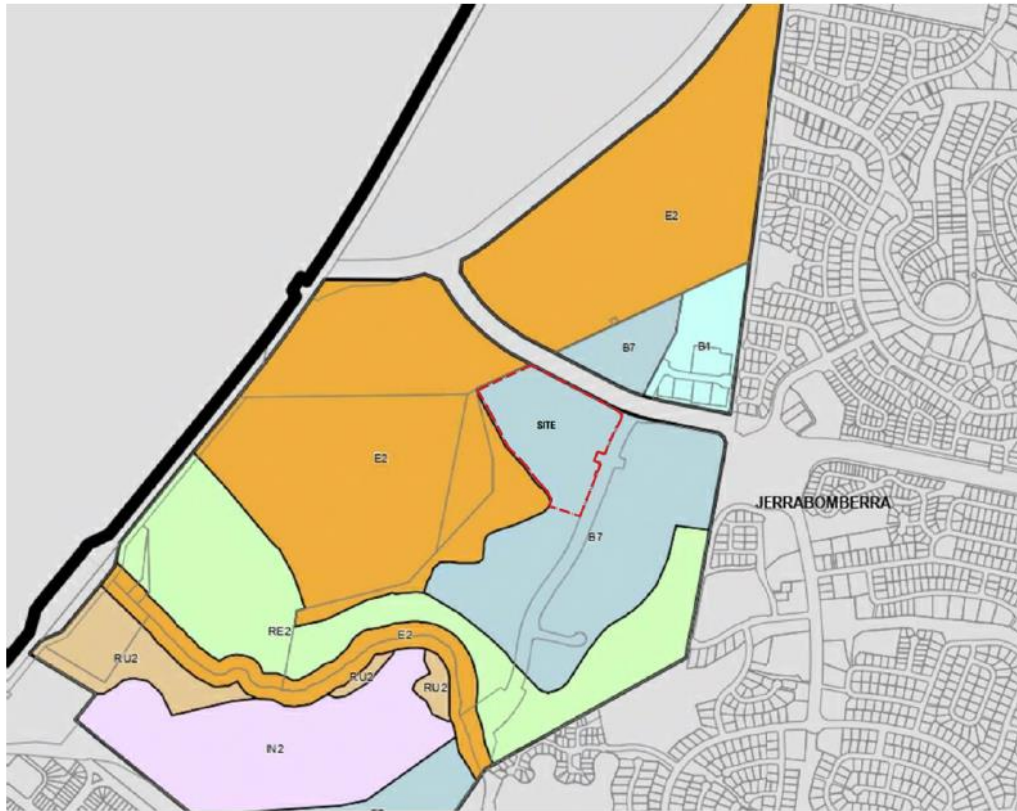
| Cl. 1.2(2) | Aims | Complies |
|-----------------------|--|-----------------|
| (a) | <i>to rezone certain land at West Jerrabomberra to achieve economically, environmentally, and socially sustainable urban development that complements and provides a range of facilities for the benefit of the adjoining Jerrabomberra community.</i> | Yes |
| (b) | <i>to facilitate the orderly growth of the West Jerrabomberra urban release area in a staged manner that promotes a high level of amenity for workers and the timely provision of physical and social infrastructure through appropriate phasing of the development of land.</i> | Yes |
| (c) | <i>to identify, protect and manage environmentally and culturally sensitive areas within West Jerrabomberra, including but not limited to waterways and riparian corridors, habitat corridors, native vegetation and associated buffers, and heritage items.</i> | Yes |
| (d) | <i>to provide appropriate employment and community land use opportunities consistent with the environmental capacity of the land.</i> | Yes |
| (e) | <i>to provide appropriate controls for future development to minimise any adverse impact on the adjoining Jerrabomberra community.</i> | Yes |

Comments: The proposal is consistent with the aims of the QLEP (West Jerrabomberra) 2013.

Permissibility

The subject site is Zoned B7 Business Park zone under *Queanbeyan Local Environmental Plan (West Jerrabomberra) 2013*.

Development for the purposes of a subdivision as is proposed is permissible within the B7 Business Park zone pursuant to clause 2.6 of the QLEP (West Jerrabomberra) 2013.



Zone Objectives

An assessment of the proposal against the objectives of the B7 Business Park zone is included below:

| Objectives | Complies |
|---|----------|
| ➤ To provide a range of office and light industrial uses. | Yes |
| ➤ To encourage employment opportunities. | Yes |
| ➤ To enable other land uses that provide facilities or services to meet the day to day needs of workers in the area. | Yes |
| ➤ To provide for a well-designed business park development that appropriately responds to site constraints and adjoining residential development. | Yes |

Comments: The proposed development is consistent with the objectives of the zone. The potential development opportunities on each lot will lead to encouraging employment opportunities and provide for a well-designed business park development that responds to site constraints and existing adjoining residential development.

Demolition

Under Clause 2.7 of the QLEP (West Jerrabomberra) 2013, the proposal does not involve demolition of an existing structure.

Part 4: Principal development standards

An assessment of the proposal against the relevant provisions contained within Part 4 of the QLEP (West Jerrabomberra) 2013 is provided below.

Minimum subdivision lot size

| Cl. | Standard | Controls | Proposed | Complies |
|------------|-------------------------------------|--------------------|--|-----------------|
| 4.1 | Minimum subdivision lot size | 4000m ² | 8,057m ² (smallest proposed lot) | Yes |

Part 5: Miscellaneous Provisions

The relevant provisions contained within Part 5 of the QLEP (West Jerrabomberra) 2013 are addressed below as part of this assessment:

5.11 Bush fire hazard reduction

The application **does** involve any bush fire hazard reduction works in accordance with the approved bushfire assessment report.

Part 6: Additional Local Provisions

The relevant provisions contained within Part 7 of the QLEP (West Jerrabomberra) 2013 are addressed below as part of this assessment:

6.1 Earthworks

Clause 7.1 of the QLEP (WJ) 2013 establishes several matters requiring consideration for development involving earthworks. Earthworks associated with the development are proposed and form part of this application. The proposed earthworks will not have a detrimental impact on drainage patterns and soil stability or the existing and likely amenity of adjoining properties. The development application will be condition to mitigate the potential impact of soil erosion and the like during construction.

6.3 Airspace Operations

Clause 6.3 of the QLEP (WJ) 2013 makes provisions for developments located in areas that are affected by airspace operations and aircraft noise. The proposed development will not penetrate the Obstacle Limitations Surface Map for the Canberra Airport. Therefore, the application was not required to be referred to the relevant Commonwealth body for comment. Further assessment may be required during assessment of future applications for buildings.

6.4 Development in areas subject to aircraft noise

Clause 6.4 of the QLEP (WJ) 2013 makes provisions for developments subject to aircraft noise. This clause **is** considered relevant to the proposed development as the site **is** located near the Canberra Airport or within an ANEF contour of 20 or greater. However, the proposal is not for residential development, and therefore will not have any specific requirements relating to airport noise.

6.6 Essential services

Clause 7.9 of the QLEP (WJ) 2013 requires satisfactory arrangements to be made for water supply, stormwater drainage, solid domestic waste, sewage, and the treatment and disposal of effluent. Along with the supply of electricity and suitable vehicle access.

Development consent must not be granted to development unless the consent authority is satisfied that any of the following services that are essential for the development are available or that adequate arrangements have been made to make them available when required:

- (a) *the supply of water,*
- (b) *the supply of electricity,*
- (c) *the disposal and management of sewage,*
- (d) *stormwater drainage or on-site conservation,*
- (e) *suitable vehicular access.*

Council's Development Engineer has assessed the proposed development and confirmed that the site **does** have suitable vehicle access and adequate services are available.

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

The draft comprehensive Queanbeyan-Palerang Local Environmental Plan applies to the development. The draft LEP does not contain any changes to permissibility of development standards that would result in a material change to the proposed development.

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

Queanbeyan Development Control Plan 2012

Part 2 - All Zones

2.3 – Environmental Management

2.7 – Erosion and Sediment Control

Erosion and sediment control and construction waste to be managed through conditions of consent.

| South Jerrabomberra Development Control Plan | COMPLIES (Yes/No) |
|--|----------------------|
| Part 3 – The Master Plan | |
| <p>Master Plan, Staging Plan, and Neighbourhood Structure Plan</p> <p>The Master Plan outlines general objectives and controls for Neighbourhood Structure Plans. These Plans provide for the orderly and sequential development of South Jerrabomberra by establishing a Staging Plan and the broad structure of each area of land within the context of the Master Plan.</p> <p>Development is to be generally in accordance with the Master Plan, Staging Plan, and relevant Neighbourhood Structure Plan.</p> <p><u>Master Plan</u></p> <p>The Master Plan identifies five key development areas of South Jerrabomberra, which include: Poplars, Environa, North Tralee, South Tralee, and the area of land further south of South Tralee. The subject site to which this modification relates is Poplars.</p> <p><u>Desired Future Character - Poplars</u></p> <ul style="list-style-type: none"> The desired future character of the Poplars will be a mix of office, light industrial, small scale retail, business and community uses that serve the needs of the people who live or work in the locality in a high quality urban designed setting. The Poplars Neighbourhood Centre precinct is an area of approximately 7 ha located north of Tomsitt Drive. It generally supports business, office and retail premises but does not include uses like bulky goods. This precinct has a high-quality urban design that is vibrant and attractive. The Business Park precinct is an area of approximately 30ha located south of Tomsitt Drive primarily used to accommodate a business park, environmental conservation, and private recreation. It will support a diverse range of business, office and light industrial uses in a high-quality built form and landscaped setting showcased through best practice site planning and urban design provisions with staff and customers in mind. Development should limit any impacts on surrounding neighbourhoods. Buildings are to be designed to respect the topography and landscape | Yes |

| | |
|--|-----|
| <p>features.</p> <p>The proposal incorporates lot sizes and a layout, which will result in providing a sufficient land to accommodate light industrial and high technology uses. Future development for buildings will need to ensure the mitigation of impacts on surrounding land uses and will need to consider topography and landscape features.</p> <p><u>Neighbourhood Structure Plan</u></p> <p>The proposal does not create any inconsistency with the Neighbourhood Structure Plan contained within Appendix 3 of the South Jerrabomberra Development Control Plan.</p> | |
| Part 4 – Subdivision | |
| <p>4.1 – Introduction</p> <p>Part 4 and 5 of the SJDCP set out the relevant criteria for subdivision design. A comprehensive assessment against this part is provided below. The proposed development is considered generally satisfactory regarding objectives and controls of this part.</p> | Yes |
| <p>4.2 – Lot Size and Design</p> <p>Controls:</p> <p><i>a) The density of allotments should maintain and promote the residential character of the area for infill subdivisions.</i></p> <p>The subject site and proposed subdivision are not proposed for residential purposes. Control not applicable.</p> <p><i>b) Lot sizes should be compatible with the character of the surrounding area and are to comply with the applicable Local Environmental Planning Instrument.</i></p> <p>The existing locality is largely comprised of expansive open space / land previously used for agriculture and grazing. The Poplars Retail Precinct is located to the north east with larger lot sizes. Future development to east and south is anticipated to be similar to the proposal due to the intended uses under the zoning and the neighbourhood structure plan. It is not anticipated that lot sizes under this proposal will be inconsistent with future development and is consistent with the current character.</p> <p><i>c) Lot sizes and lot layouts in urban release areas should take account of the environmental constraints of the area and be designed to conserve agricultural productive land (where applicable) and the retention of any significant natural features of the site.</i></p> <p>The development site has been rezoned for its intended purpose as proposed under this DA. The site responds to constraints accordingly. Most of the existing vegetation is modified grassland.</p> <p><i>d) Lot sizes and lot layouts in urban release areas which increase potential residential density shall be sited in close proximity to public transport nodes and to commercial/community facilities.</i></p> <p>Not applicable. No residential lots are proposed.</p> <p><i>e) Lot size and lot layouts should reflect the servicing capacity of the area.</i></p> <p>Proposed lot sizing and layouts will not impact on the capacity to serve the area. Lots comply with the minimum lot size requirement under the relevant LEP and the lot width dimensions contained within this Development Control Plan.</p> | Yes |

| | |
|---|------------|
| <p>4.3 – Lot Orientation</p> <p>Lot Orientation and Dimension Objectives:</p> <p><i>1) Lot orientation, size and dimensions should enable dwellings to be generally sited either on an N-S or E-W orientation. Where other amenities such as views over open space are available or the topography prevents solar orientated design then alternative lot orientations can be considered.</i></p> <p>The proposed lots have an orientation of north to south or east to west.</p> <p><i>2) Allowances are to be made for different lot depths and widths, depending on orientation, which may also result in increased variety to the streetscape frontage pattern.</i></p> <p>The lot arrangement and sizing responds to the intended uses of the site under the B7 Business Park Zone.</p> <p><i>3) Lot orientation and dimensions should support the provision of future dwellings having living areas with a northerly orientation as well as a private open space area with a northerly orientation that is located to the rear or side of the dwelling.</i></p> <p>Proposed lots are not intended for residential use. Not applicable.</p> <p><i>4) E-W oriented lots should be wider to allow for a long-axis.</i></p> <p>N/A</p> <p><i>5) N-S orientated lots with north to the front should be wider and/or deeper.</i></p> <p>N/A</p> <p><i>6) N-S oriented lots with north to the rear can be narrower and less deep. These lots are generally well suited to two storey development and small lot housing.</i></p> <p>N/A</p> <p>4.4 – Lot Size and Layout</p> <p>Controls</p> <p><i>a) Minimum lot size is to be in accordance with the appropriate LEP.</i></p> <p>The development complies. Please refer to LEP assessment for specific assessment.</p> <p><i>b) Residential lot size must be capable of accommodating a dwelling, private open space and at least one under cover car parking space.</i></p> <p>The proposed subdivision is not intended for residential use. Not applicable.</p> <p><i>c) Lot size and layout are to take into account the slope of the land, any environmental constraints and any significant natural features to create a legible and permeable neighbourhood pattern.</i></p> <p>It is noted that the land does not have significant slope that would result in any significant impacts on the development of the land.</p> <p><i>d) Lots should be generally rectangular in shape and orientated to allow future dwellings to gain access off streets and where possible, public open spaces.</i></p> <p>All proposed lots are rectangular in shape. Complies.</p> | <p>Yes</p> |
|---|------------|

e) No more than two battle axe shaped allotments should adjoin each other. The access corridor is that part of a battle axe shaped allotment which provides private access between the main part of the allotment and the public road.

Council's requirements for access corridors are as follows (refer Figure 2):

- Maximum length: 60m
- Minimum width: 4.0m
- Minimum width of Shared Access Corridor: 6.0m
- No more than two allotments should be served by a shared access corridor

The access corridor of a battle axe allotment is not included in the calculation of the minimum allotment area.

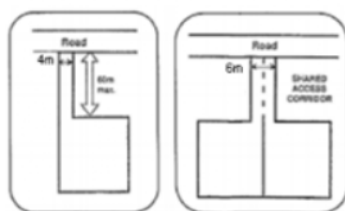


Figure 2: Access Corridors

An 'Exceptions to minimum lot size clause' in the LEP permits a variation to the minimum lot size in order to provide opportunities for affordable medium density housing in appropriate locations. Despite the minimum lot shown on the Lot Size Map, land may be subdivided into lots of 170m² minimum if the land is located within 200m of the B4 Mixed Use zoned land.

The proposed development applications must comprise a minimum four lots and include dwelling designs for each lot.

One battle axe allotment is proposed. It complies with the relevant requirements listed above. Access point width and length of the shared handle meet the relevant requirements.

4.6 – Additional Controls for Subdivision in a Buffer Area Controls:

The development site is not located within the buffer area.

Part 5 – Roads and Public Places

5.2 – Street Network

a) Streets are to be designed in accordance with the Master Plan, Council's adopted Engineering Design Specifications and any applicable legislative requirements.

The proposed road is not inconsistent with the master plan, Council's engineering requirements or legislative requirements.

b) A development application must demonstrate that the proposed streets are appropriate for their role in the street network.

Noted. Refer to Development Engineer's comments for further assessment.

c) Subdivisions shall be designed so that allotments along a main arterial road have access from a local or secondary road.

Not applicable.

Yes

Yes

| | |
|---|-----|
| <p><i>d) All new streets are to comply with the design and engineering requirements applicable to roads and streets, crossings, footpaths, cycle ways, bus shelters and the like in Queanbeyan-Palerang Regional Council's Engineering Design Specification for South Jerrabomberra.</i></p> <p>Refer to Development Engineering Comments provided within the referral section of this report.</p> <p><i>e) Streets are to include a stormwater drainage facility as required. WSUD controls should be provided where and incorporated into the design at appropriate locations.</i></p> <p>Please refer to the Development Engineers comments.</p> <p><i>f) Subdivisions are to be designed to provide adequate safety for pedestrians using the street verge.</i></p> <p>Sufficient width in the verge and proposed footpaths will provide sufficient pedestrian safety.</p> <p><i>g) Applications for subdivision shall be accompanied by a traffic engineering assessment that includes traffic volumes and movements, cross-sections through typical street types demonstrating that road reserve widths can adequately accommodate electricity, gas, telecommunications, water and waste water infrastructure, street trees, footpaths, shared paths, on-street parking, road pavement widths and where appropriate on-street cycling.</i></p> <p>Traffic engineering details have been provided with the DA and assessed by the referral Development Engineer.</p> | |
| <p>Street Network</p> <p>5.3 – Local Sub-Arterial Road 5.4 – Collector Road 5.5 – Local Streets 5.6 – Access Street 5.7 – Edge Street – Adjacent to Major Open Space Areas</p> <p>Refer to the assessment provided by the Development Engineer in the referrals section of this report.</p> | Yes |
| Part 8 – Environmental Management | |
| <p>The clauses in this part that are relevant to the proposed development are listed below:</p> <ul style="list-style-type: none"> • 8.2 Soils and Salinity; • 8.3 Cut and Fill; • 8.6 Bushfire Management • 8.7 Aboriginal Heritage; • 8.8 European Archaeological Heritage; • 8.9 Development in Areas Subject to Aircraft Noise; • 8.10 Airspace Operations; • 8.13 Tree Retention and Biodiversity; • 8.14 Flora and Fauna; • 8.15 Land Contamination Management; • 8.17 Construction Waste; • 8.18 Landfill / Earthworks; and • 8.19 Additional Controls for Subdivision in a Buffer Area. <p>It must be noted that the majority of the above clauses simply reference compliance with related LEP clauses, or the controls reflect requirements contained in the LEP and SEPPs.</p> | Yes |

| | |
|--|-----|
| 8.2 – Soils and Salinity 8.3 – Cut and Fill Relevant conditions of consent to control erosion and sediment and cut and fill will be placed on the consent. | Yes |
| 8.6 – Bushfire Management The development was not integrated. The development will be conditioned to comply with the recommendation of the submitted bushfire assessment report. | Yes |
| 8.7 – Aboriginal Heritage No items are identified on the development site. | Yes |
| 8.8 – European Archaeological Heritage The subject land to which the application relates does not currently contain any items of European Heritage significance. | Yes |
| 8.9 – Development in Areas Subject to Aircraft Noise No residential development is proposed. | N/A |
| 8.10 – Airspace Operations The development does not penetrate the OLS. | Yes |
| 8.12 – Land Adjoining Hume Industrial Area and Goulburn/Bombala Railway The development area does not adjoin the railway. | N/A |
| 8.13 – Tree Retention and Biodiversity 8.14 – Flora and Fauna The proposed development generally satisfies the relevant objectives and controls in these clauses. Please refer to the assessment under the consideration of threatened species of this report. | Yes |
| 8.15 – Land Contamination Management Please refer to assessment against SEPP No.55 – Remediation of Land. | Yes |
| 8.16 – Construction Waste Construction waste management is to be managed through conditions of consent. | Yes |
| 8.18 – Landfill / Earthworks Please refer to the assessment under clause 7.1 of the LEP for detailed comments. | 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 these 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 development is not anticipated to have any significant environmental or social impacts. The development including anticipated future development on each lot created under this subdivision are anticipated to generate economic development and employment in the region with a net positive benefit from construction to ongoing use of each lots/future premises.

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

The subject site is relatively unconstrained and is considered 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 application was notified in accordance with the QPRC Community Engagement and Participation Plan for a period of 14 days from the 10.09.2020 to the 28.09.2020, the 27.05.2021 to the 14.06.2021 and the 02.07.2021, with 3 submissions received. A summary of the contents of the submissions is provided below with a response.

Assessing officer's comments:

Submission from Crown Lands

Crown lands put in a submission as an adjoining landowner stating they had no objection to the proposal.

Submission from Transport for NSW (John Holland Rail - JHR)

Transport for NSW (JHR) put in a submission as an adjoining landowner stating they had no objection to the proposal.

Submission 3

This submission raised concerns regarding electricity supply. It is noted that the five development lots proposed under this subdivision would be able to be serviced by electricity. However, the concerns with electricity supply relate to potential future development. One lot has been reserved for a substation in consideration of this issue. It is noted potential future electricity supply needs to be addressed by the developer but is not a reason to refuse the subdivision in its current state.

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 applicable to the proposed development as follows:

| Item | No of Units | ETs per Unit | ETs |
|---------------------------------|-------------|--------------|-------|
| Water | | | |
| New Lots | 9 (9.23ha) | 15/ha | 138.5 |
| Allow for existing lot/dwelling | 1 | 0 | 1 |
| TOTAL | | | 137.5 |

| Item | No of Units | ETs per Unit | ETs |
|---------------------------------|-------------|--------------|-------|
| Sewer | | | |
| New Lots | 9 (9.23ha) | 15/ha | 138.5 |
| Allow for existing lot/dwelling | 1 | 0 | 1 |
| TOTAL | | | 137.5 |

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 under the South Jerrabomberra Contribution Plan are applicable to the proposed development as follows (subject site is located within the South Poplars Catchment):

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 development area is 9.255 Ha. Total contribution equals \$265,380.64 (Subject to CPI increases since the adoption of the Plan).

CONCLUSION

The application has been assessed having regard to Section 4.15 of the *Environmental Planning and Assessment Act 1979* and is considered satisfactory for approval subject to the imposition of the recommended conditions of consent.

QUEANBEYAN-PALERANG REGIONAL COUNCIL

Council Meeting Attachment

28 JULY 2021

- | | |
|--------------|--|
| ITEM 9.1 | DEVELOPMENT APPLICATION DA.2020.1427 - SIX LOT TORRENS TITLE SUBDIVISION - POPLARS INNOVATION PRECINCT - 300 LANYON DRIVE, JERRABOMBERRA |
| ATTACHMENT 2 | DA.2020.1427 - PLANS - POPLARS INNOVATION PRECINCT SUBDIVISION - 300 LANYON DRIVE, JERRABOMBERRA, NSW. |

POPLARS INNOVATION PRECINCT

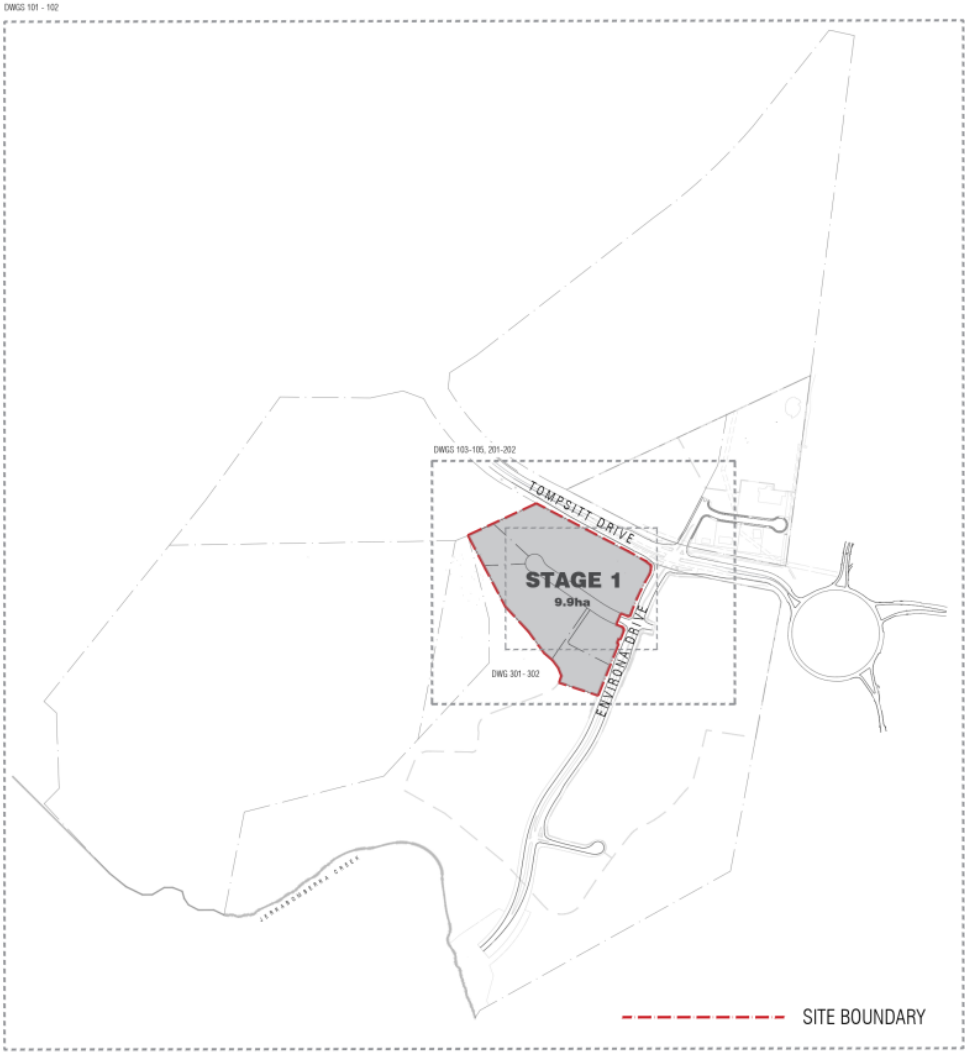
JERRABOMBERRA, NSW

STAGE 1 SUBDIVISION WORKS

DEVELOPMENT APPLICATION AMENDMENT DRAWINGS

DRAWING SCHEDULE

| DRAWING NUMBER | DRAWING NAME | REVISION | DATE |
|----------------|--|----------|------------|
| S1SW_DA_000 | COVER SHEET | D | 29/06/2021 |
| - | DRAFT PLAN OF SUBDIVISION (SHEETS 1 - 3) | A | 13/08/2020 |
| S1SW_DA_101 | CONTOUR PLAN | C | 29/06/2021 |
| S1SW_DA_102 | LAND ZONING PLAN | C | 29/06/2021 |
| S1SW_DA_103 | AERIAL PLAN | C | 29/06/2021 |
| S1SW_DA_104 | LOT LAYOUT | C | 29/06/2021 |
| S1SW_DA_105 | INDICATIVE BUILDING ENVELOPES PLAN | C | 29/06/2021 |
| S1SW_DA_201 | DEMOLITION PLAN | C | 29/06/2021 |
| S1SW_DA_202 | PROPOSED CONTOURS PLAN | C | 29/06/2021 |
| S1SW_DA_301 | LANDSCAPE PLAN | C | 29/06/2021 |
| S1SW_DA_302 | PLANTING PLAN | D | 29/06/2021 |
| S1SW_DA_401 | TYPICAL SECTION SHEET 1 OF 2 | C | 29/06/2021 |
| 7486_DA_001 | SITE PLAN | E | 29/06/2021 |
| 7486_DA_002 | PHASE A SERVICING PLAN | B | 29/06/2021 |
| 7486_DA_501 | CONCEPT SEWER LAYOUT PLAN | E | 29/06/2021 |
| 7486_DA_502 | CONCEPT WATER LAYOUT PLAN | E | 29/06/2021 |
| 7486_DA_503 | CONCEPT STORMWATER LAYOUT PLAN | E | 29/06/2021 |
| 7486_DA_504 | WATER CYCLE MANAGEMENT PLAN | E | 29/06/2021 |
| 7486_DA_505 | CONCEPT UTILITY LAYOUT PLAN | D | 29/06/2021 |
| 7486_DA_600 | ROAD LONG SECTION | D | 29/06/2021 |
| 7486_DA_601 | TYPICAL SECTION SHEET 2 OF 2 | D | 29/06/2021 |
| 7486_DA_605 | BULK EARTHWORKS PLAN | D | 29/06/2021 |
| 7486_DA_606 | SITE SECTIONS | D | 29/06/2021 |



PROJECT

Poplars Innovation Precinct
[1000] Stage 1
Subdivision Works

REVISION

| | | | |
|---|----------------------|----|----|
| A | ISSUED FOR APPROVAL | 01 | 01 |
| B | DRAWINGS SET UPDATED | 04 | 01 |
| C | REVISED FOR DA | 06 | 01 |
| D | REVISED FOR DA | 08 | 01 |

KEY PLAN

DESIGN

MD SK

DATE: 29-06-21

SCALE: 1:5000 @A1
1:10,000 @A3

NOTES

1. All dimensions are to be confirmed by the client and the design team. All dimensions are to be confirmed by the client and the design team. All dimensions are to be confirmed by the client and the design team.

CLIENT

POPLARS

DESIGNER

INDESCO

PLACE LOGIC

Place Logic | Landscape Architecture
30/01/2020 STREET DESIGN ACT 2012
www.place-logic.com.au
ABN 63 613 175 110

PL PLACE LOGIC

JOB

DEVELOPMENT APPLICATION

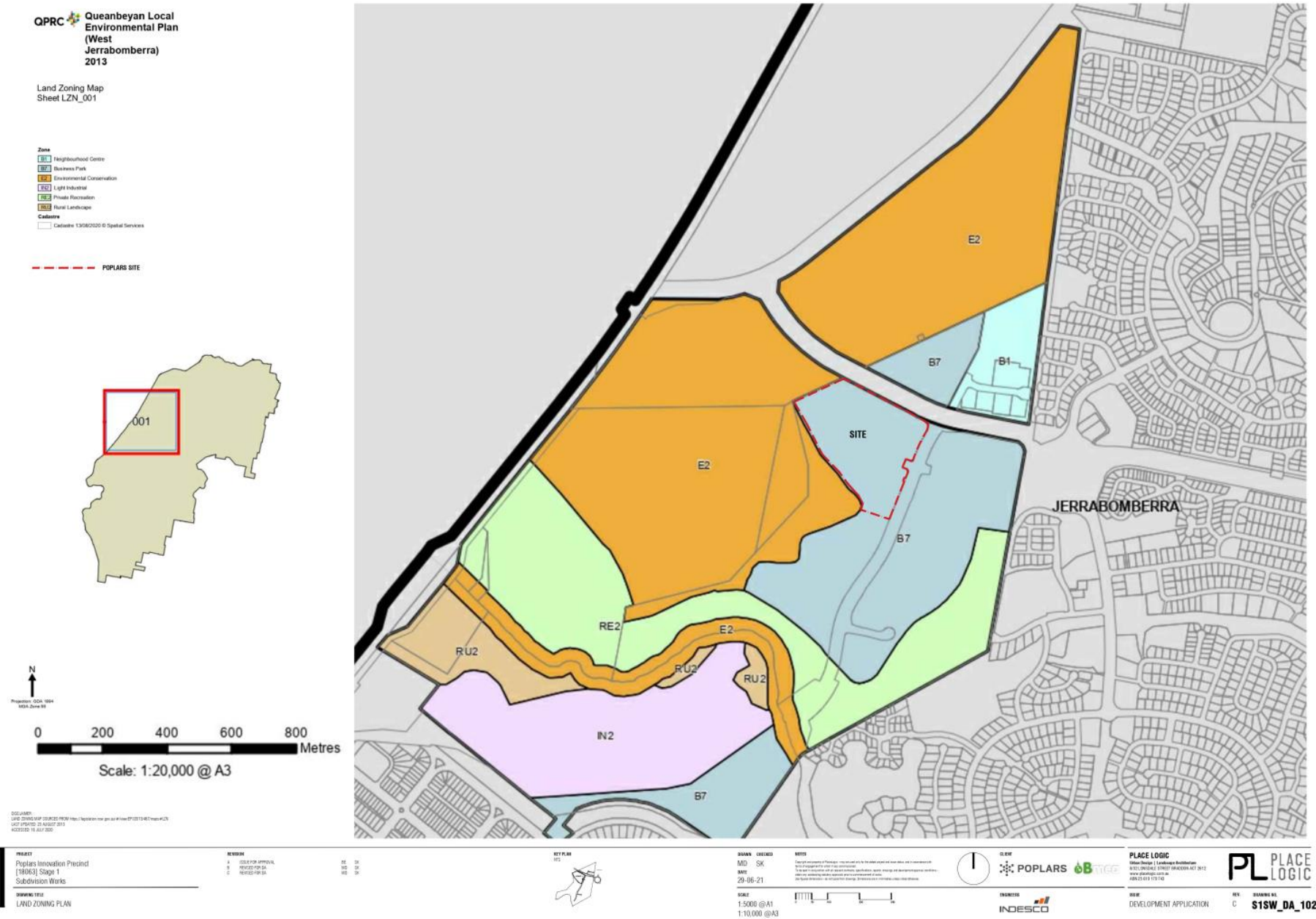
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DRAWING NO

S1SW_DA_000









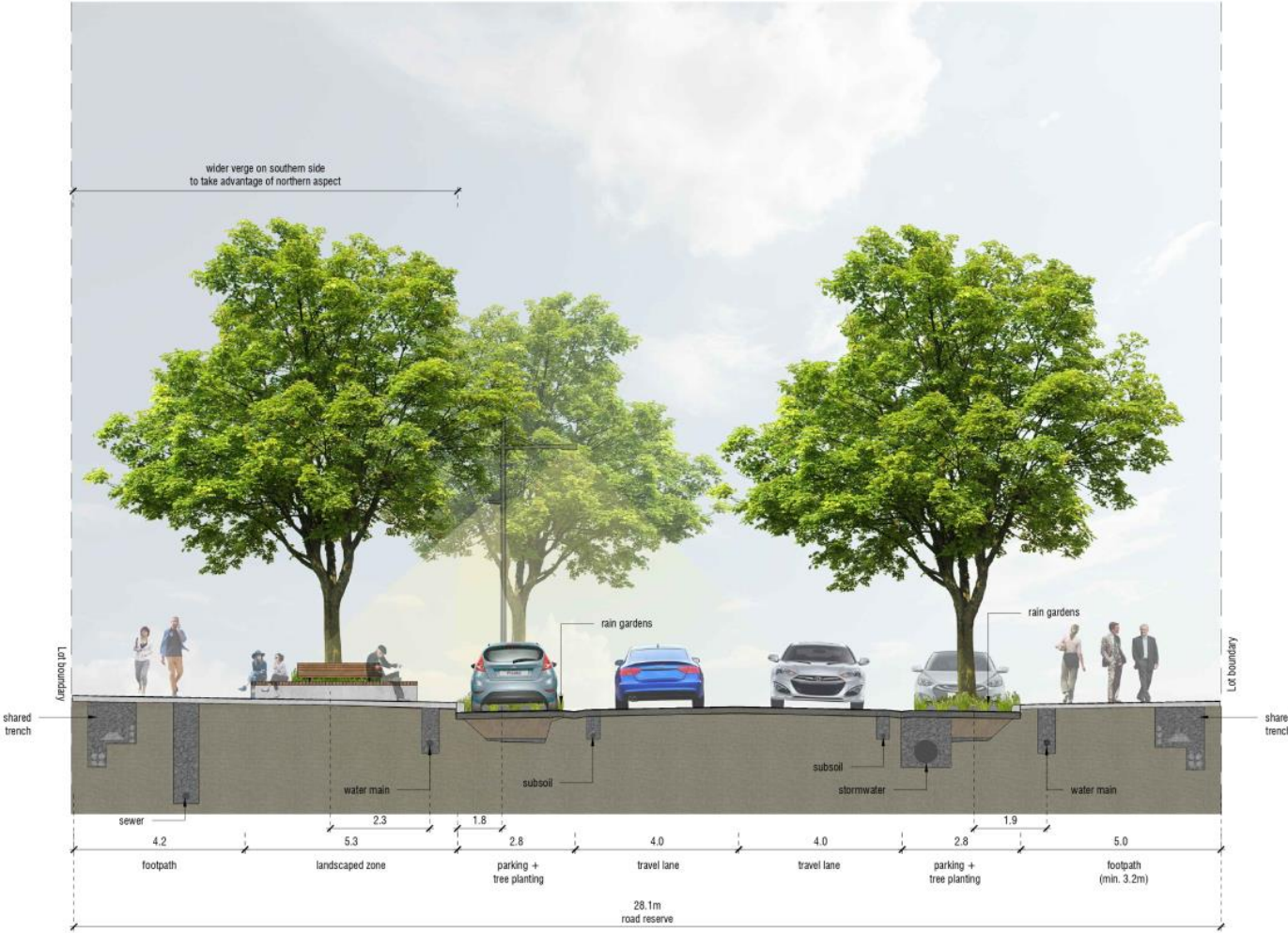












TYPICAL SECTION
1:50 @ A1
100 @ A3

PROJECT
Poplars Innovation Precinct
[1000] Stage 1
Subdivision Works

REVISIONS

| | | | |
|---|---------------------|----|----|
| A | ISSUED FOR APPROVAL | MS | DA |
| B | REVISED FOR DA | MS | DA |
| C | REVISED FOR DA | MS | DA |

DISCIPLINE
TYPICAL SECTION

KEY PLAN
1:50

DESIGN
MD SK
DATE: 29-06-21

SCALE
1:50 @A1
1:100 @A3

NOTES
1. All dimensions are to be confirmed by the client and the design team. All dimensions are to be confirmed by the client and the design team. All dimensions are to be confirmed by the client and the design team.

CLIENT
POPLARS

DESIGNER
INDESCO

PLACE LOGIC
Place Logic | Landscape Architecture
30/30 PRINCIPAL STREET WARRIMOO ACT 2673
www.placelogic.com.au
ABN25 613 173 110

PL PLACE LOGIC

REV
C

DISCIPLINE
S1SW_DA_401

QUEANBEYAN-PALERANG REGIONAL COUNCIL

Council Meeting Attachment

28 JULY 2021

ITEM 9.1 DEVELOPMENT APPLICATION DA.2020.1427 - SIX LOT
 TORRENS TITLE SUBDIVISION - POPLARS INNOVATION
 PRECINCT - 300 LANYON DRIVE, JERRABOMBERRA

ATTACHMENT 3 DA.2020.1427 - SUBMISSION 1 - 300 LANYON DRIVE
 JERRABOMBERRA



Planning,
Industry &
Environment

CM9 Ref: 11/06556#44

Queanbeyan-Palerang Regional Council
PO Box 90
Queanbeyan NSW 2620

Email: council@qprc.nsw.gov.au

Dear Sir/Madam

Proposed Development: DA2020.1427

Applicant: Capital Region Planning
Location: 300 Lanyon Drive, JERRABOMBERRA

I refer to Council's letter dated 27 May 2021 requesting comments for the above development proposal.

The Department of Planning Industry & Environment - Crown Lands (the department), as adjoining landowner has reviewed the development application in accordance with the principles of Crown land management (s.1.4 *Crown Lands Management Act 2016*), and offers no objections to the proposed development as no impact to Crown land has been identified.

Should the development be modified in any manner that impacts the adjoining Crown land, e.g. by amendment to the development proposal or draft conditions of consent, the department requests an opportunity to further review the application prior to determination.

Should you require any further information, please do not hesitate to contact Sue Shallis at the Goulburn Crown Lands Office by phone on 4824 3761 or email sue.shallis@crowmland.nsw.gov.au

Yours sincerely

A handwritten signature in black ink, appearing to read "Cliff Lloyd".

Cliff Lloyd
Group Leader - Goulburn
Department of Planning Industry & Environment - Crown Lands



Date: 15 June 2021

9.1 Development Application DA.2020.1427 - Six Lot Torrens Title Subdivision - Poplars Innovation Precinct - 300 Lanyon Drive, Jerrabomberra
Attachment 4 - DA.2020.1427 - Submission 2 - 300 Lanyon Drive, Jerrabomberra (Continued)

DA.2020.1427 - Property_1DP1263364_300 Lanyon Drive Jerrabomberra 2619

 Michael Irons <Mlrons@ARTC.com.au>
To: Council Mail

 Reply  Reply All  Forward 
Mon 12/07/2021 1:35 PM

 Stella
 20210712_Property_1DP1263364_300 Lanyon Drive Jerrabomberra 2619.pdf
.pdf File

[EXTERNAL] This email originated from outside of the organisation. Please do not click links or open attachments unless you recognise the sender and know that the content is safe.

Hi

I refer to the attached development application received by ARTC.

The rail corridor adjoining the DA at Queanbeyan is on the Queanbeyan to Cooma railway line forms part of the Country Regional Network (CRN).

The CRN is owned by Transport for NSW and is operated and maintained by their rail infrastructure manager, John Holland Rail under a 10 year contract that commenced in January 2012. More details can be found at <https://www.transport.nsw.gov.au/projects/current-projects/country-regional-network-crn>.

ARTC previously managed the CRN from September 2004 to January 2012.

Enquiries can be made directly to John Holland Rail CRN via their website <http://jhrcm.com.au/> or email cm.enquiry@jhq.com.au or phone 1300 661 390.

Cheers,
Michael

Michael Irons
Property Manager Wagga Wagga
Interstate Network

ARTC



12 June 2021

Queanbeyan-Palerang Regional Council
PO Box 90
Queanbeyan NSW 2620
Attention: Alex Glouftsis - Town Planner

Dear Alex

RE: Submission DA.2020.1427

Thank you for the opportunity to comment on DA.2020.1427. Being a DA for Subdivision - twelve lot Torrens title subdivision and construction of new road at 300 Lanyon Drive, Jerrabomberra NSW 2619.

Our comments are limited to the electrical infrastructure related elements and are summarised below:

There is limited information in regard to electricity infrastructure. We would have expected some discussion regarding the limited availability of electricity supply and how the development will be serviced in the near and longer terms. We understand that power supply to the area is limited and what is available has been allocated. How is council intending to ensure that development of these lots does not use up more than it allocated amount.

There is no evidence of consultation with Essential Energy presented. The question marks in the shared trench element might be taken to suggest there hasn't been any (extract below).

1.10 SHARED TRENCHING

1.10.1 Parameters

Table 18. Parameters for Shared trenching

| Element | Design Criteria | Adopted Parameter |
|---------------------------|--|-------------------|
| Shared trench composition | 2 x ICON 2 x NBN 2 x Telstra 1 x Gas ?? x Electrical | |

We understand the current intent is to locate a new zone substation within the proposed development area, however this is not considered within the DA. It may be too early to include this, however the 132kV easement will need to transverse the sewer/stormwater easement and there may need to be acknowledgement of that within the DA.

92 Hoskins Street
Mitchell ACT 2911
Australia

P 02 6241 6844
F 02 6241 6677
E info@villagebuilding.com.au
villagebuilding.com.au



It is unclear how Lots H, G2 and A2 will be serviced with electricity noting the following:

- The approval of the Gas main along Environa Drive was contingent on the expectation that no LV services would be provided to lots along Environa Drive from Environa Drive. This may constrain supply options to Lots H and G2.
- Given the allowable floor ration under cl 4.4 Floor Space Ratio it is conceivable the electrical demand for these lot will require a substation to be located on the site. It is unclear how this will be achieved given there are no links from the estate to the lots from the cul-de-sac.

The shared trench arrangement presented does not comply with current Essential Energy practice to direct bury cables.

Thank you for your consideration.

Kind regards

A handwritten signature in blue ink, appearing to read 'Toby Tames', enclosed within a circular scribble.

Toby Tames
GM NSW and Engineering

92 Hoskins Street
Mitchell ACT 2911
Australia

P 02 6241 6844
F 02 6241 6677
E info@villagebuilding.com.au
villagebuilding.com.au

QUEANBEYAN-PALERANG REGIONAL COUNCIL

Council Meeting Attachment

28 JULY 2021

ITEM 9.1 DEVELOPMENT APPLICATION DA.2020.1427 - SIX LOT
TORRENS TITLE SUBDIVISION - POPLARS INNOVATION
PRECINCT - 300 LANYON DRIVE, JERRABOMBERRA

ATTACHMENT 6 DA.2020.1427 - DRAFT CONDITIONS OF CONSENT (POPLARS
INNOVATION STAGE 1) - 300 LANYON DRIVE,
JERRABOMBERRA

DRAFT CONDITIONS OF CONSENT
DA.2020.1427

APPROVED DEVELOPMENT AND PLANS

1. Approved Development and Plans

The development referred to in the application is to be carried out in accordance with the approved plans and documents including the following:

| Title / Description | Prepared by | Issue/Revision & Date | Date received by Council |
|---|----------------------|-------------------------|--------------------------|
| Plans | Place Logic | 29.06.2021 & 13.08.2020 | 29.06.2021 |
| Biodiversity Development Assessment Report (BDAR) | Capital Ecology | 01.08.2020 | 31.08.2020 |
| BDAR Addendum | Capital Ecology | 12.02.2021 | |
| Bushfire Assessment Report | Ecological Australia | 13.05.2020 | 31.08.2020 |
| Draft Deposited Plan | David Ambrose Stone | 01.12.2021 | 01.12.2021 |

Except as modified by any of the following conditions of consent.

Reason: Development is undertaken in accordance with this consent & is used for the approved purpose only.

SPECIAL CONDITIONS

2. Unexpected Finds Protocol

Prior to release of any Subdivision Works Certificate an unexpected finds protocol must be submitted to, and endorsed by, Council. The unexpected finds protocol must address the recommendations made in *Additional Phase 2 Environmental Site Assessment - South Poplars Development, Jerrabomberra, NSW* by Coffey Services Australia, dated 3 December 2018 (ref. no. 754-CBREN223644_R01).

The endorsed unexpected finds protocol must be implemented during the development of the site.

Reason: To ensure that all recommendations made in contaminated land assessments are implemented

3. Species Credit Retirement

Prior to issue of Subdivision Certificate, the class and number of species credits in Table 1 must be retired to offset the residual biodiversity impacts of the development.

Reason: To comply with Biodiversity Conservation Act 2016.

4. Payment of Credits

The requirement to retire credits outlined may be satisfied by payment to the Biodiversity Conservation Fund of an amount equivalent to the class and number of species credits, as calculated by the Biodiversity Offsets Payment Calculator.

Reason: To comply with Biodiversity Conservation Act 2016.

5. Evidence of Retirement of Credits

Evidence of the retirement of credits or payment to the Biodiversity Conservation Fund in satisfaction of Table 1 requirements must be provided to the consent authority prior to issue of Subdivision Certificate.

Reason: To comply with Biodiversity Conservation Act 2016.

Table 1 – Ecosystem and Species Credits Required to be Retired

| Impacted Species | Species/Credit | Number of Species Credits | PCT & Vegetation Zone |
|----------------------------------|----------------|---------------------------|-----------------------|
| Box-Gum Woodland | | 5 | PCT1334 Zone 3 |
| Box-Gum Woodland | | 0 | PCT1334 Zone 4 |
| Synemon plana Golden Sun Moth | | 34 | PCT1334 Zone 4 |

6. Biodiversity Management Plan

Prior to issue of Subdivision Certificate, a Biodiversity Management Plan must be prepared to the satisfaction of the consent authority. Biodiversity Management Plan must identify the development site as per the Biodiversity Development Assessment Report. Impacts must be restricted to the development site and must not encroach into areas of retained native vegetation and habitat.

Reason: To comply with Biodiversity Conservation Act 2016.

Note: The Biodiversity Management Plan must identify all measures proposed in the Biodiversity Development Assessment Report to mitigate and manage impacts on biodiversity as outlined in Table 8.1 Mitigation measures of the Biodiversity Development Assessment Report in the approved documents

GENERAL CONDITIONS

7. Copy to Owner

A copy of this consent is to be provided to the owner.

Reason: To ensure the owner is aware of the requirements imposed under the consent.

8. Batters

No batter is to have a gradient greater than 1:4. Batters greater than 1:4 must be retained.

Reason: Prevent soil erosion, water pollution and the discharge of loose sediment on surrounding land.

9. Imported Fill

All fill delivered to site has to be certified Virgin Excavated Natural Material (VENM).

Reason: Only clean and non-contaminated fill is used on site.

10. Inspection of Hollow Bearing Trees

Any hollow sections of the tree should be inspected for native fauna prior to work commencing and animals removed by a suitably qualified wildlife handler, when practical and safe to do so. Any hollow sections of the tree should be removed and lowered to the ground with care to be inspected by a suitably qualified wildlife handler. Any native fauna found should be appropriately relocated under supervision of a suitably qualified wildlife handler.

Reason: the tree may have hollows that contain native fauna, including threatened species recorded as occurring in the surrounding region.

11. Work on Adjoining Land is Limited

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

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

Reason: To minimise interference with the verge and its accessibility by pedestrians.

CONDITIONS TO BE SATISFIED PRIOR TO ISSUE OF SUBDIVISION WORKS CERTIFICATE

12. Water & Sewer Compliance Certificate - Design

Prior to the release of a Section 68 application for development works or a Subdivision Works Certificate a certificate of compliance in accordance with the *Water Management Act 2000* must be obtained from Council.

A water and sewer compliance certificate is to be applied for in conjunction with a Section 68 application or Subdivision Works Certificate.

Reason: To ensure that the hydraulic design is in accordance with the relevant Design and Construction specifications.

13. Subdivision Works Certificate

The Subdivision Works Certificate or Section 68 Development Works Application and accompanying engineering design plans and Certification Report must be submitted to Council prior to the commencement of any works for a subdivision stage.

The engineering plans must comply with the requirements of Council's Design and Construction Specifications and include the following where applicable to a subdivision stage

- a) A Certification Report in accordance with Council's DQS Quality Assurance Design Specification, Clause DQS.04:
- b) This general note - All work must be constructed in accordance with the requirements of Council's QPRC Design and Construction Specifications
- c) Detailed Pavement design conforming to the procedures set out in Council's Design and Construction Specifications and/or relevant RMS specifications.

Reason: To provide design certification of the subdivision works.

14. Submit a Construction Management Plan

Prior to release of any Construction Certificate (Building) a Construction Management Plan for the management of soil, water, vegetation, waste, noise, vibration, dust, hazards and risk for the construction works must be submitted to, and endorsed by, Council. The plan must:

- a) describe the proposed construction works and construction program and,
- b) set standards and performance criteria to be met by the construction works and,
- c) describe the procedures to be implemented to ensure that the works comply with the standards and performance criteria and,
- d) identify procedures to receive, register, report and respond to complaints and,
- e) nominate and provide contact details for the persons responsible for implementing and monitoring compliance with the plans

Reason: To ensure that satisfactory measures are in place to provide for environmental management of the construction works.

CONDITIONS TO BE SATISFIED PRIOR TO COMMENCEMENT OF WORKS

15. Site Identification

The site where building work, subdivision work, or demolition work are proposed to be carried out shall be identified by a sign sited in a visually prominent position containing the following information:

- the development application number,
- name, address, and telephone number of the principal certifying authority,
- name of the principal contractor (if any) and 24-hour contact telephone number, and
- a statement that "unauthorised entry to the work site is prohibited".

Reason: To satisfy the provisions of Clause 136B and 227A of the Environmental Planning and Assessment Regulation 2000.

16. Traffic Management

Prior to undertaking any works within a public road reserve or affecting the road reserve, a traffic management plan is to be submitted to and approved by Queanbeyan-Palerang Regional Council under Section 138 of the *Roads Act 1993*. Where occupancy of the road reserve is required, a Section 138 application shall accompany the Traffic Management Plan for Local Roads or an approved ROL from the RMS for State Roads.

Reason: To ensure that works carried out comply with the Roads Act.

17. Sediment and Erosion Control Plan

A Sediment and Erosion Control Plan (S&ECP) for all site works, including road works and access, is to be approved by the principal certifying authority prior to work commencing. The plan is to cover all measures to control erosion and sediment transport in accordance with the NSW Landcom publication *Managing Urban Stormwater -Soils and Construction* (4th Edition 2004- "Blue Book").

Erosion and sediment controls are to be in place before the disturbance of any soils on the site, and are to be maintained during the works and for as long as necessary after the completion to prevent sediment and dirty water leaving the site and/or entering the surface water system outside of the site.

Reason: To minimise environmental impact associated with any works & to prevent soil erosion/water pollution.

18. Sediment and Erosion Controls

Install and maintain sediment and erosion controls, prior to and during construction activities, in accordance with the approved Erosion and Sediment Control Plan, to prevent soil erosion, water pollution or the discharge of loose sediment on surrounding land, as follows:

- (a) divert uncontaminated run-off around cleared or disturbed areas,
- (b) erect a silt fence to prevent debris escaping into drainage systems or waterways,
- (c) prevent tracking of sediment by vehicles on roads, and
- (d) stockpile topsoil, excavated material, construction and landscaping supplies and debris within the site.

Reason: To minimise environmental impact associated with any works & to prevent soil erosion/water pollution.

19. Submit Notice of Commencement of Subdivision Work

A notice to Commence Subdivision Works must be submitted to Council at least two days prior to commencing any subdivision works and nominating Council as the Principal Certifying Authority for the subdivision works.

CONDITIONS TO BE SATISFIED DURING WORKS

20. Hours of Operation for Works

All works associated with the construction and/or demolition of this development must be carried out between the following hours unless Queanbeyan-Palerang Regional Council agrees in writing. A written application shall be made to Queanbeyan-Palerang Regional Council if a variation of hours is required.

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

Reason: To reduce the chance of offensive noise being created and to minimise the impacts of the development in its locality.

21. Approval Documents

Keep a copy of all stamped approved plans, specifications, and documents on site while work is being undertaken.

Reason: Relevant documentation is available for perusal on site by a council officer, for compliance check.

22. Construction Facilities

Toilet facilities are to be provided at or in the close vicinity of the work site on which work involved in the erection or demolition of a building is being carried out.

Reason: To provide adequate facilities to the work site.

23. Unexpected Finds

The development is to proceed with caution. If any Aboriginal objects are found, works should stop and DECCW notified. If human remains are found work is to stop, the site is to be secured and the NSW Police and NSW Office of Environment and Heritage are to be notified.

Reason: To ensure objects discovered during construction are protected and notified in accordance with the Due Diligence Code of Practice for the Protection of Aboriginal Objects in New South Wales.

24. All Works to Be Confined to the Site

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

- a) Be carried out entirely within the allotment boundaries unless otherwise approved by Council.
- b) Comply with the requirements of AS 2601-2001 - The demolition of structures.
- c) If within one metre of the verge, the site must be protected by a hoarding which must be erected prior to the commencement of the demolition works.
- d) Be kept clear of stormwater, sewer manholes and service easements on the site.

- e) Any gates must be installed so they do not open onto any footpath or adjoining land.

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

25. Construction Waste Management

All waste materials generated on-site during construction are to be stored in enclosed containers and deposited in an approved landfill at regular periods.

Reason: To ensure adequate waste management practices are in place during the construction phase.

26. Maintenance of Erosion Control Measures

All measures to control erosion and sediment transport are to be maintained during the works in accordance with the NSW Landcom publication *Managing Urban Stormwater - Soils and Construction* (4th Edition 2004- "Blue Book") and for as long as necessary after the completion to prevent sediment and dirty water leaving the site and/or entering the surface water system outside of the site.

Reason: To minimise environmental impact associated with any works & to prevent soil erosion/water pollution.

27. Works Sites to be Fenced

A hoarding or fence must be erected between the development site and public places before commencement of any other work.

Reason: To ensure that an effective barrier is provided to preserve the safety of people and property in public places.

28. Temporary Vehicle Access

Temporary vehicle access to the site must be stabilised to prevent the tracking of sediment onto the roads and footpath. Soil, earth, mud, or similar materials must be removed from the roadway by sweeping, shovelling, or a means other than washing, on a daily basis or as required. Soil washings from wheels must be collected and disposed of in a manner that does not pollute waters.

Reason: To minimise transfer of soil from the site onto the road pavement.

29. Protection of Works on Public Roads

Lighting, fencing, traffic control advanced warning signs must be provided for the protection of works and for the safety and convenience of the public, in accordance with Council's Queanbeyan Design and Construction Specifications (Version 3.2, dated January 2013) / Googong Design and Construction Specifications (Version 1, dated June 2011).

Traffic movement in both directions on public roads and vehicular access to private properties must be maintained at all times, during the currency of the works.

Reason: To ensure an adequate level of public safety and convenience during construction.

CONDITIONS TO BE SATISFIED PRIOR TO ISSUE OF A SUBDIVISION CERTIFICATE

30. Development Contributions

Prior to the issue of a Subdivision Certificate the contribution charges specified in Schedule 1 of this consent must be paid to Council under the provisions of Section 7.11 of the Environmental Planning and Assessment Act 1979, Section 64 of the Local Government Act 1993 and Division 5 of Part 2 of Chapter 6 of the Water Management Act 2000.

Reason: To provide for the funding of augmentation and provision of services and community facilities.

31. Compliance with Local Voluntary Planning Agreement

Provision of contributions in accordance with the Jerrabomberra Innovation Precinct Infrastructure Planning Agreement executed on 5 June 2020 as amended by any subsequent Deed of Variation.

Reason: To ensure developer agreed obligations are met.

32. Stormwater Disposal Requirements

All stormwater from the site must be trapped and piped to stormwater pits to limit the discharge from the site to the pre-development rate in accordance with Council's D5 Development Design Specification.

Reason: To provide satisfactory stormwater disposal.

33. Driveway Requirements

The development must include the construction of a commercial type driveway over Council's footway at the location shown on the approved plans. The driveway must be:

- a) Constructed using plain concrete.
- b) Constructed with a 2% grade falling to the gutter.
- c) At minimum distance of one metre away from any electrical, Telstra, post box installation, other service or tree within the footway area.
- d) Constructed to the width of the existing Vehicle Kerb Crossing.
- e) On a modified layback kerb the driveway shall be a minimum of 3.0m for a single car garage or up to 6m for a double garage.
- f) In accordance with Council's Development Design Specification D13.

Reason: To ensure the construction of the driveway on public lands meets Council's requirements.

34. Driveway Location from Water Meter

The driveway within the property must maintain a clearance not less than half a metre from the water service or the water service must be relocated by Council at no cost to Council.

Reason: To ensure such service is not damaged by vehicle movements.

35. Repair Damaged Public Property

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

Reason: To ensure that all public property in the vicinity of the development is maintained in its pre-development condition.

36. Street Numbering

Prior to lodgement of a Subdivision Certificate, apply to Queanbeyan-Palerang Regional Council to determine the street addressing of each lot and display the approved street number in accordance with Council's requirements.

Reason: Adequate property identification for the public and for emergency services.

37. Landscaping Works Completed by an Accredited Contractor

All landscaping must be completed by a Council accredited Category 1 landscape contractor in accordance with approved landscape plan bearing the Council approval stamp.

Reason: To help ensure a high standard of landscape works.

38. Statement of Completed Landscape Works

A "Statement of Completed Landscaped Works" form signed by the landscape plan designer and the landscape contractor must be submitted to Council prior to the issue of the Final Occupation Certificate.

Reason: To help ensure a high standard of landscape works.

39. Application and Final Survey

An application to obtain a Subdivision Certificate must be made to Council. This must be accompanied by the following documentation:

- a) A final Survey Plan of Subdivision
- b) Any s88B instruments required by these conditions of consent
- c) A letter outlining how compliance with each condition of this development consent has been achieved; and
- d) Engineering Construction Certificate Report in accordance with specifications.

Reason: To enable registration of the subdivision and to ensure compliance with conditions of consent. To provide sufficient signed copies of the subdivision plan for Council, the applicant and the NSW Land and Property Information.

40. Statement from Surveyor

Upon the completion of subdivision works and prior to the issue of any Subdivision Certificate a statement prepared by a registered surveyor, must be submitted to the Principal Certifying Authority stating that all water, sewer and stormwater pipelines are completely located within their easements.

Reason: To ensure works are completed in accordance with Council's requirements.

41. Water and Sewer Compliance Certificate - Service

Prior to the release of a Subdivision Certificate, a certificate of compliance in accordance with the Water Management Act 2000 must be obtained from Council.

Reason: To ensure compliance with Section 6.14 of the Environmental Planning and Assessment Act 1979.

Note: This certificate is required regardless of any other water and sewer compliance certificate previously obtained, and regardless of whether the development involved alterations to Council's infrastructure.

42. Electricity Supply

Prior to Council issuing a subdivision certificate, a Notice of Arrangement (NOA) shall be requested from the electricity authority which states that satisfactory supply arrangements have been made for the provision of electricity to the proposed development.

Reason: Ensures that satisfactory supply arrangements have been made and that all of the lots in the subdivision are suitably serviced.

43. Subdivision Works Defects Liability Period - Bond

The completed subdivision works are subject to a six-month defects liability from the date of the issue of the relevant Subdivision Certificate.

The Subdivider must:

- a) Lodge a cash bond with Council with regard to the defects liability period in an amount as calculated from fees set by Council's Management Plan and current at the time of issue of the Subdivision Certificate; and
- b) Submit written authorisation that in the event of any defect not being rectified to the standards specified in Council's Design and Construction Specifications (Version 3.2, dated January 2013) / Googong Design and Construction Specifications (Version 1, dated June 2011), Council may enter the subject land and undertake rectification work and deduct the cost thereof from such Bond monies held by Council and to refund the balance, if any, to the Subdivider.

During the defects liability period the Subdivider will be liable for any part of the subdivision works which fail to perform in the manner outlined in Council's Design and Construction Specifications (or as would reasonably be expected under the design conditions).

Reason: To ensure works are completed in accordance with Council's requirements.

44. Separate Connections & Services

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

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

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

Reason: To provide access to services for each allotment.

45. Inspections - Water & Sewer Authority

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

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

Council's Environment, Planning and Development section must be given 24-hours notice of the need for these inspections.

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

Reason: To ensure that hydraulic services are constructed in accordance with Council requirements.

46. Power Supply

Easements for electricity supply shall be created on the final plan of subdivision in favour of Essential Energy. Such easements shall be 20 m wide (or such other width as agreed to by Essential Energy) shall be centred on:

- (a) all existing power lines which cross the subdivision and where that part of a subdivision will involve freshly surveyed boundaries; and
- (b) all proposed power lines that will be constructed to provide electricity to the lots within the subdivision; and
- (c) all proposed power lines within the subdivision for which the developer is not required to make a capital contribution, but which would be required to be constructed in the future to provide power to the boundary of each lot.

Reason: To ensure power supply to the proposed lots.

47. Submission from Service Authority

Prior to the issue of any Subdivision Certificate written evidence from the relevant service authority or a suitably accredited person that satisfactory arrangements have been made for the supply of reticulated electricity and telephone services to each lot must be submitted to Council.

Reason: To satisfy relevant utility authority requirements.

48. Covenant on the Land

Apply covenants under section 88B of the *Conveyancing Act 1919* to the new lots incorporating the restrictions listed below. Queanbeyan-Palerang Regional Council shall be nominated as the sole party with the power to vary or remove the required covenants.

- a) All requisite sewerage easements.
- b) Drainage easements shall be created over all existing and proposed drainage lines including inter-allotment drainage.
- c) All easements specified below and contained in the subdivision must benefit Council as well as affected lots:
 - i. easements to drain water,
 - ii. easements to drain sewer,
 - iii. easements for water supply,
 - iv. easements which Council may require to provide or maintain other services and
- d) Nominating Council as the name of the person/authority empowered to release, vary or modify restriction or positive covenant numbered in the plan.

Reason: To ensure public utility services, access and restrictions are legalised over the land.

49. Dedication to Council

All drainage reserves, roads, reservoir sites, reserves, sewerage pump station sites must be dedicated to Council and shown as such on the Subdivision Survey Plan.

Reason: To permit Council to adequately manage reserves, drainage, and utility services, and to provide legal access to lots.

50. Subdivision PCA Inspections

The applicant shall engage the services of a suitably qualified Superintendent to supervise the construction of the Subdivision in accordance with Councils CQS - Contract Quality System Requirements Specification.

The following inspections and/or Hold Points (in accordance with the Council's referenced Construction Specification) shall be undertaken and released by Council (as the Principal Certifying Authority) during the construction of the Subdivision. Works shall not proceed beyond the inspection indicated until Council is satisfied that the requirements of the relevant specification have been met:

Reason: To ensure that all subdivision infrastructure is constructed in accordance with Councils Construction Specifications.

51. Battle Axe Lots - Driveway Construction

A commercial concrete driveway allowing the passing of two vehicles (6m wide) must be constructed between the front boundary of the site and the main body of the proposed battle axe lot within the battle-axe handle, and including its construction over the adjacent Council footway. A design for this must be supplied at subdivision works certificate stage.

Reason: To provide adequate vehicular access for each allotment.

52. Work in Accordance with Engineering Specifications

All construction and restoration work must be carried out strictly in accordance with the approved drawings and Council's Design and Construction Specifications.

Reason: To ensure construction and restoration work is in accordance with Council's requirements.

53. Submission of Traffic Control Devices Plan

A Traffic Control Devices Plan (TCD) must be submitted to Council for approval by the Local Traffic Committee prior to the installation of any traffic control devices. It must include line-marking and signposting.

Reason: To authorise traffic control devices.

QUEANBEYAN-PALERANG REGIONAL COUNCIL

Council Meeting Attachment

28 JULY 2021

ITEM 9.2 DEVELOPMENT APPLICATION DA.2021.1060 - ERECTION OF
A LARGE FARM SHED - 159 FERNLEIGH DRIVE,
GOOGONG

ATTACHMENT 1 DA.2021.1060 - SECTION 4.15 MATTERS FOR
CONSIDERATION - 159 FERNLEIGH DRIVE, GOOGONG



DELEGATED REPORT - DA.2021.1060

SUMMARY

| | |
|-----------------------------------|---|
| Proposal: | Construction of a farm building |
| Address: | 159 Fernleigh Drive GOOGONG NSW 2620 |
| Property description: | Lot 30 DP 747879 |
| Applicant: | Jarron Paul Walker |
| Owner: | Jarron Paul Walker & Leah Simone Walker |
| Date of lodgement: | 17/02/2021 |
| Notification period: | 21 April 2021 to 7 May 2021 |
| Submissions received: | 5 |
| Assessment officer: | Sam Burns |
| Estimated cost of works: | \$146220.00 |
| Zoning: | E4 – Environmental Living |
| Heritage: | N/A |
| Flood affected: | N/A |
| Bushfire prone: | Yes |
| Recommendation of officer: | Refusal |

EXECUTIVE SUMMARY

Approval is sought for a farm building (shed) to be constructed on at 159 Fernleigh Drive, Googong (Lot 30 DP747879). The shed is proposed to be 30 metres in length and 18 metres in width, with a maximum height of 6.59 metres at the ridgeline. The total area of the shed is proposed to be 540m².

The application was notified in accordance with the Queanbeyan Development Control Plan. Five (5) submissions were received raising the following points relevant to the development application:

- The proposed location of the shed and associated earthworks will render the shed highly visible from Fernleigh Drive and neighbouring properties.
- The proposed size of the shed (540 sqm) is excessive for the locality, zoning, lot size despite the DCP Variation.
- The excessive earthworks associated with the levelling of the proposed siting of the shed.
- An internal access road, that is not part of the application, connecting the proposed shed to the established driveway running along the southwestern boundary of the site, impacting neighbours with noise and dust impacts.
- Sediment associated with the proposed works being washed into neighbouring farm dams and the environmentally significant Jerrabomberra Creek.

Key issues involved in the proposed development are the extent of the DCP Variation and the amount of unapproved earthworks associated with the shed.

The proposal is recommended for refusal on the basis of the size of the proposed shed. The size variation is not minor and does not meet the objectives of the DCP. Additionally, the proposal contravenes a number of controls relating to sheds in environmental zones.

BACKGROUND

The site currently contains a dwelling with attached garage, horse stables (with a footprint of approximately 150m²).

Large quantities of imported fill and earthworks activities occurring across the subject site have been reported to council. Some of the fill and earthworks have occurred within the area the shed is proposed to be located. For clarity sake, only immediate area surrounding the proposed shed has been assessed in regard to unapproved work.

DESCRIPTION OF THE SITE AND LOCALITY

The subject site is legally described as Lot 30 DP 747879 and is commonly known as 159 Fernleigh Drive, Googong. The site is located on the eastern side of Fernleigh Drive and has an area of 13.7 ha.

The site is irregular in shape and has a highpoint of approximately 800m, sloping downward from the east toward Fernleigh Drive to approximately 750m. the site is largely clear of significant vegetation and is made up of grasslands with scattered established trees.

Existing development on the site comprises a dwelling and horse stables. Vehicular access is provided to the site via an existing driveway from Fernleigh Drive.

Existing development within the locality consists of dwellings and associated outbuildings.

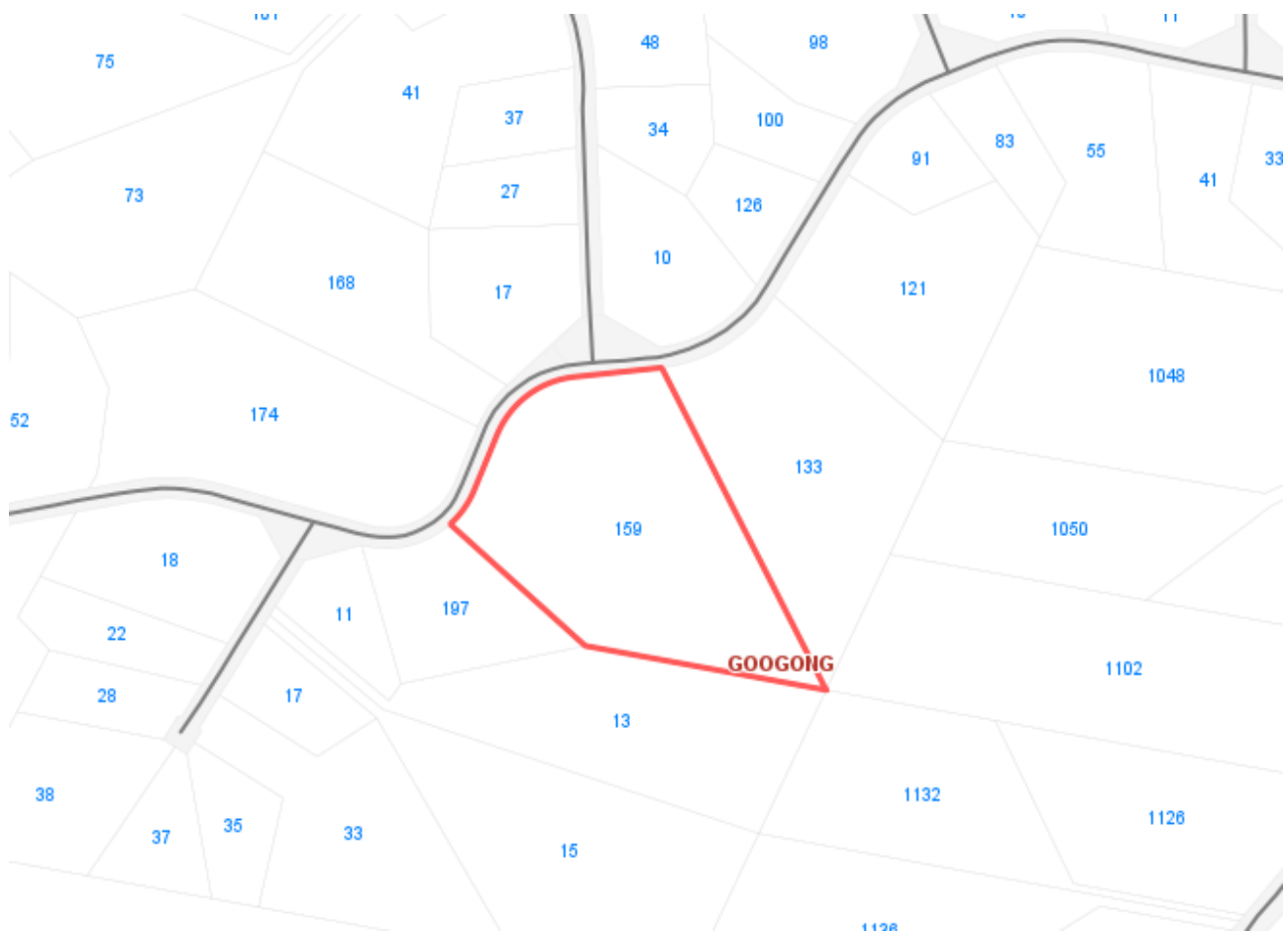


Figure 1: Locality plan



Figure 2: 159 Fernleigh Drive as of 18 May 2021

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 application seeks Council approval for a farm building (shed).

The specific elements of the proposal are:

- The shed is to have dimensions of 30m x 18m with a height of 6.59m (overall footprint of 540m²)

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 proposal is not designated development.

SECTION 4.47 INTEGRATED DEVELOPMENT – EP&A Act, 1979

The proposal is not integrated development.

REFERRALS

INTERNAL REFERRALS

Engineering Comments

Council's Development Engineer has commented on the proposal as follows:

Water:

The council water services are not available in this area, so the proposed development need to rely on alternative existing source of water.

Storm Water:

Roof water that is not connected to a rain water storage tank, any overflow from any storage tank and hard stand area must be discharged into an absorption trench or through a stormwater outlet device with scour protection into an overland flow path, at least 3 metres clear of any building and the boundaries of the site.

Traffic and Parking:

The proposed shed is for parking truck and vehicles, farm building for storing hay, machinery required for property maintenance and animal related equipment etc hence AS 2890 will not imply.

Access:

The driveway is constructed from the edge of the roadway to the property boundary. The driveway is a bitumen sealed road and has an existing 375mm diameter Class 4 reinforced concrete pipe culvert with stone pitched headwalls under the driveway which complies to the Council's D13 Specification (Vehicle Access Driveway)."

Health & Building Comments

Council's Building Officer offered no objections to the proposal, subject to the imposition of recommended conditions of consent.

EXTERNAL REFERRALS

No external referrals were required.

CONSIDERATION OF 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 modified native vegetation under Council's predictive native vegetation mapping.

An inspection of the site noted that it was predominantly grassland with scattered established trees.

A five part test was undertaken as to determine whether the proposed development would significantly affect any threatened species, population, or ecological community, or its habitat. From the assessment below the clearing is of native vegetation and considered a key threatening process. However given the vegetation type, scale of removal and existing vegetation that will remain it is considered that there will be a minimal impact, not significant, on the threatened species, population, ecological community and/or its habitat.

(a) in the case of a threatened species, whether the proposed development or activity is likely to have an adverse effect on the life cycle of the species such that a viable local population of the species is likely to be placed at risk of extinction,

The impact of the proposed development on species likely to be put at risk of extinction is unclear.

(b) in the case of an endangered ecological community or critically endangered ecological community, whether the proposed development or activity:

- (i) is likely to have an adverse effect on the extent of the ecological community such that its local occurrence is likely to be placed at risk of extinction, or**
- (ii) is likely to substantially and adversely modify the composition of the ecological community such that its local occurrence is likely to be placed at risk of extinction,**

The risk of extinction to ecological communities is unclear.

(c) in relation to the habitat of a threatened species or ecological community:

- (i) the extent to which habitat is likely to be removed or modified as a result of the proposed development or activity, and**
- (ii) whether an area of habitat is likely to become fragmented or isolated from other areas of habitat as a result of the proposed development or activity, and**
- (iii) the importance of the habitat to be removed, modified, fragmented or isolated to the long-term survival of the species or ecological community in the locality,**

An unnamed intermittent watercourse is present on site. this watercourse flows from the subject site into neighbouring farm dams and onward to the Jerrabomberra Creek. The Jerrabomberra Creek is identified as having outstanding biodiversity value. As the subject site is contained within the catchment area of the Jerrabomberra Creek, development on the site has the potential to impact the Jerrabomberra creek ecosystem through sediment or contaminants entering overland flows.

(d) whether the proposed development or activity is likely to have an adverse effect on any declared area of outstanding biodiversity value (either directly or indirectly),

As mentioned above, the Jerrabomberra Creek is identified as having outstanding biodiversity value. The subject site is located within the catchment area of the Jerrabomberra Creek. Development on the site has the potential to adversely impact the Jerrabomberra creek ecosystem.

(e) whether the proposed development or activity is or is part of a key threatening process or is likely to increase the impact of a key threatening process.

The proposal involves the construction of a shed, and is not consider to be a key threatening process, any associated works, if not conducted properly, may increase the impact of key threatening processes.

The proposed development does not involve the removal of the vegetation. Impacts to threatened species, the ecological communities and their habitats are unlikely if the development is to be managed correctly. However, there is potential to have impact on mapped areas outstanding biodiversity value.

SECTION 4.14 CONSULTATION AND DEVELOPMENT CONSENT – CERTAIN BUSHFIRE PRONE LAND – EP&A ACT, 1979

Section 4.14 of the EP&A Act requires an assessment to be made of the proposal against the requirements of the Rural Fire Service document 'Planning for Bushfire Protection 2006'. The Act allows this assessment to be made by the Council or the RFS. Assessments under Section 4.14 against the PBP 2006 need to be made for most development on bushfire prone land which does not require an approval under the Rural Fires Act 1997 as integrated development.

Bushfire prone land on the subject site covers the entirety of the site.

The shed is located more than 6 metres from the dwelling, and therefore does not require a bushfire assessment under the Planning for Bushfire 2019 Guidelines.

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 (EXEMPT AND COMPLYING DEVELOPMENT CODES) 2008

State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 (Codes SEPP) limits exempt cut and fill to be no more than 600mm below or above ground level (existing).

The application does not indicate any proposed cut or fill, therefore any associated earthworks would be assumed to be limited to and must comply with the provisions of the (Codes SEPP).

A site inspection was conducted on 2 March 2021, evidence was present that earthworks associated with levelling the site for the shed exceeded 600 mm. Therefore, the earthworks associated with the shed would require approval to be sought.



Figure 3: Fill Used to Level the Proposed Siting of The Farm Building

STATE ENVIRONMENTAL PLANNING POLICY NO. 55 - REMEDIATION OF LAND

In determining the proposed development, Council is required to consider the contamination potential for the site.

In considering the possible contamination of the site, Council holds no records of the site having previously been used for any potentially contaminating activities. However, given that extensive amounts fill have been imported to the site to form the building platform and that neither the presence of the fill or evidence of its origin have been documented as part of the application Council cannot be satisfied as to whether the land is contaminated.

QUEANBEYAN LOCAL ENVIRONMENTAL PLAN (QLEP) 2012

An assessment of the proposal against the general aims of QLEP 2012 is included below:

| Cl. 1.2(2) | Aims | Complies |
|-----------------------|--|-----------------|
| (a) | <i>To facilitate the orderly and economic use and development of land in Queanbeyan based on ecological sustainability principles.</i> | Yes |
| (b) | <i>To provide for a diversity of housing throughout Queanbeyan.</i> | N/A |
| (c) | <i>To provide for a hierarchy of retail, commercial and industrial land uses that encourage economic and business development catering for the retail, commercial and service needs of the community.</i> | N/A |
| (d) | <i>To recognise and protect Queanbeyan's natural, cultural and built heritage including environmentally sensitive areas such as Queanbeyan's native grasslands, the Queanbeyan River and Jerrabomberra Creek.</i> | Yes |
| (e) | <i>To protect the scenic quality, views and vistas from main roads and other vantage points within Queanbeyan of the escarpment and Mount Jerrabomberra.</i> | No |
| (f) | <i>To maintain the unique identity and country character of Queanbeyan.</i> | Yes |
| (g) | <i>To facilitate the orderly growth of the urban release area in Googong in a staged manner that promotes a high level of residential amenity and the timely provision of physical and social infrastructure through appropriate phasing of the development of land.</i> | N/A |

Comments: The proposed development is somewhat compliant with the relevant aims of the Queanbeyan Local Environmental Plan.

Suspension of Covenants, Agreements and Instruments

Under Clause 1.9A, no covenants, agreements and instruments restricting the development have been identified.

Permissibility

The subject site is Zoned E4 Environmental Living zone under Queanbeyan Local Environmental Plan 2012.

Development for the purposes of a farm building such as is proposed is permissible within the E4 Environmental Living zone with consent and is defined under QLEP 2012 as follows:

“farm building means a structure the use of which is ancillary to an agricultural use of the landholding on which it is situated and includes a hay shed, stock holding yard, machinery shed, shearing shed, silo, storage tank, outbuilding or the like, but does not include a dwelling.”

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. | No |
| ➤ To encourage development that is designed to recognise the bushland character of the locality where appropriate and to minimise the impact of urban development, particularly on the edge of the urban area. | No |
| ➤ To ensure that rural residential development provides for integrated rural residential communities in its design. | No |

Comments: The proposed development is not considered to meet the objectives of the E4 zone.

Demolition

Under Clause 2.7 of the QLEP 2012, the proposal does not involve demolition of an existing structure.

Part 4: Principal development standards

An assessment of the proposal against the relevant provisions contained within Part 4 of the QLEP 2012 is provided below.

Height of building

| Cl. | Standard | Controls | Proposed | Complies |
|------------|---------------------------|-----------------|-----------------|-----------------|
| 4.3 | <i>Height of building</i> | N/A | 6.59m | N/A |

Comments: There is not building height limit applicable to that land

Part 7: Local Provisions

The relevant provisions contained within Part 7 of the QLEP 2012 are addressed below as part of this assessment:

7.1 Earthworks

Clause 7.1 of the QLEP 2012 establishes a number of matters requiring consideration for development involving earthworks.

- (3) *Before granting development consent for earthworks (or for development involving ancillary earthworks), the consent authority must consider the following matters—*
- (a) *the likely disruption of, or any detrimental effect on, drainage patterns and soil stability in the locality of the development,*
 - (b) *the effect of the development on the likely future use or redevelopment of the land,*
 - (c) *the quality of the fill or the soil to be excavated, or both,*
 - (d) *the effect of the development on the existing and likely amenity of adjoining properties,*
 - (e) *the source of any fill material and the destination of any excavated material,*
 - (f) *the likelihood of disturbing relics,*
 - (g) *the proximity to, and potential for adverse impacts on, any waterway, drinking water catchment or environmentally sensitive area,*
 - (h) *any appropriate measures proposed to avoid, minimise or mitigate the impacts of the development,*
 - (i) *the proximity to and potential for adverse impacts on any heritage item, archaeological site, or heritage conservation area.*

As mentioned above, the level of fill exceeds the amount outlined in the Codes SEPP. No earthworks have been indicated as part application.

The extensive unapproved earthworks associated with the proposed shed have been conducted with disregard to environmental functions and processes and neighbouring uses.

No regard has been given to the effect of the development on the existing and likely amenity of adjoining properties, the proximity to and potential for adverse impacts on, any waterway, drinking water catchment or environmentally sensitive area, or any appropriate measures proposed to avoid, minimise or mitigate the impacts of the development.

7.2 Flood planning

Clause 7.2 of the QLEP 2012 makes provision for developments within the flood planning area. The site **is not** identified as “flood planning area” on the Flood Planning Map, and **is not** at or below the flood planning level.

7.3 Terrestrial biodiversity

Clause 7.3 of the QLEP 2012 makes for provision for developments that impact on terrestrial biodiversity. This clause **is** considered relevant to the proposed development as the site **is** identified as “Biodiversity” on the Terrestrial Biodiversity Map.

- (3) *Before determining a development application for development on land to which this clause applies, the consent authority must consider:*
- (a) *whether the development is likely to have:*
- (i) *any adverse impact on the condition, ecological value and significance of the fauna and flora on the land, and*
 - (ii) *any adverse impact on the importance of the vegetation on the land to the habitat and survival of native fauna, and*
 - (iii) *any potential to fragment, disturb or diminish the biodiversity structure, function and composition of the land, and*
 - (iv) *any adverse impact on the habitat elements providing connectivity on the land, and*
- (b) *any appropriate measures proposed to avoid, minimise or mitigate the impacts of the development.*

As the site wholly contains areas of mapped biodiversity, consideration should be given to the potential impacts to such identified areas and the potential impacts to flora and fauna. No consideration has been given as part of the application. Additionally, an internal access road has been constructed as an alternative access option to reach the proposed farm building. This access road crosses a mapped watercourse and mapped riparian land located on the site.

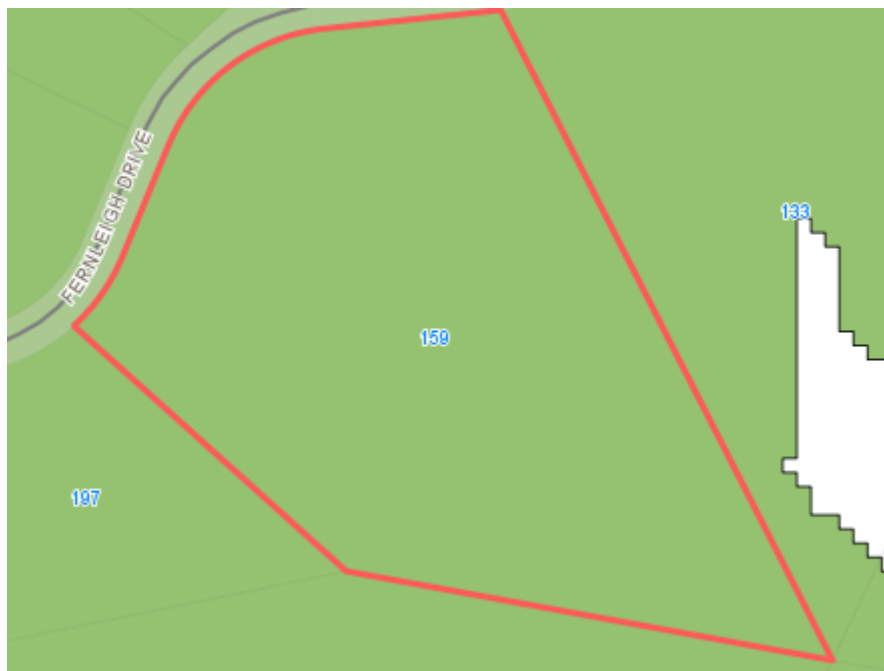


Figure 4: Terrestrial Biodiversity

7.4 Riparian land and watercourses

Clause 7.4 of the QLEP 2012 makes provision for developments within riparian land and watercourses. This clause **is** considered relevant to the proposed development as the site is identified as containing a "Watercourse" on the Riparian Land and Watercourses Map".

(3) *Before determining a development application for development on land to which this clause applies, the consent authority must consider—*

(a) *whether or not the development is likely to have any adverse impact on the following—*

- (i) *the water quality and flows within the watercourse,*
- (ii) *aquatic and riparian species, habitats and ecosystems of the watercourse,*
- (iii) *the stability of the bed and banks of the watercourse,*
- (iv) *the free passage of fish and other aquatic organisms within or along the watercourse,*
- (v) *any future rehabilitation of the watercourse and riparian areas, and*

(b) *whether or not the development is likely to increase water extraction from the watercourse, and*

(c) *any appropriate measures proposed to avoid, minimise or mitigate the impacts of the development.*

The proposed shed is located outside of mapped watercourses and riparian land. However, unapproved work involving an internal access road has commenced on the site with no evidence of mitigation measures employed to minimise impacts to the mapped watercourses and riparian land.

No consideration has been made by the applicant for the impacts to the water quality and flows within the watercourse, aquatic and riparian species, habitats and ecosystems of the watercourse, the stability of the bed and banks of the watercourse, or the implementation of any appropriate measures proposed to avoid, minimise or mitigate the impacts of the development.

General Terms of Approval are required for this type of development under Clauses 4.46 and 4.47 of the Environmental Planning and Assessment Act 1979 No 203 and Clause 91 of the Water Management Act 2000 No 92. As this work did not form part of the application, no referral was sent to the appropriate state government agency (National Resource Access Regulator).

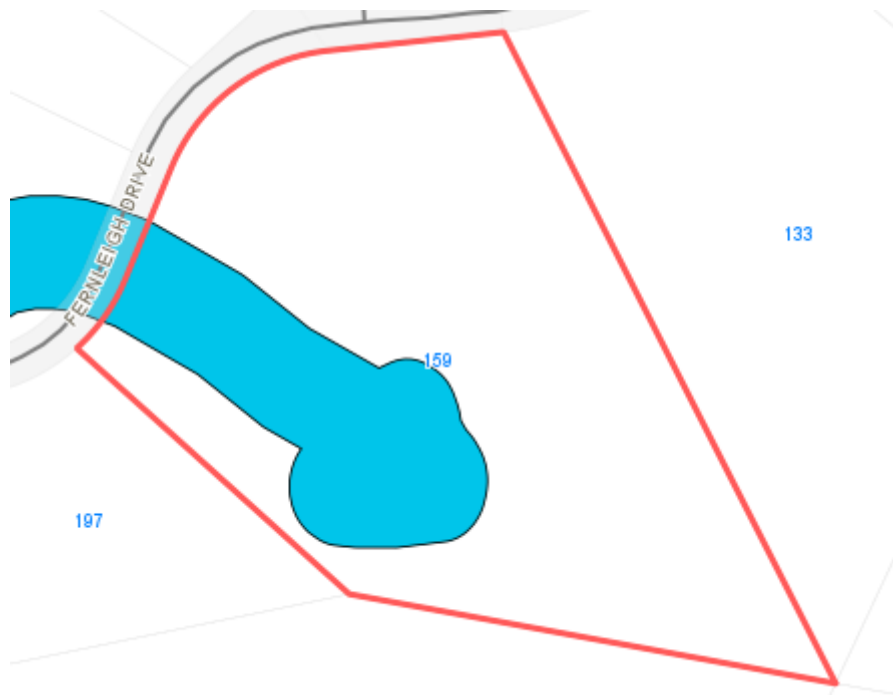


Figure 5: Riparian Land and Watercourses

7.5 Scenic protection

Clause 7.5 of the QLEP 2012 makes provisions for developments impacting on scenic protection land. This clause **is not** relevant to the proposed development as the site **is not** identified as "Scenic Protection Area" on the Scenic Protection Map.

7.6 Airspace operations

Clause 7.6 of the QLEP 2012 makes provisions for developments located in areas that are affected by airspace operations and aircraft noise. The proposed development **will** penetrate the Obstacle Limitations Surface Map for the Canberra Airport. Therefore, the application **was** required to be referred to the relevant Commonwealth body for comment.

7.7 Development in areas subject to aircraft noise

Clause 7.7 of the QLEP 2012 makes provisions for developments subject to aircraft noise. This clause **is not** considered relevant to the proposed development as the site **is** located near the Canberra Airport or within an ANEF contour of 20 or greater.

7.8 Active street frontage

This clause **is not** considered relevant to the proposed development as the site **is not** identified as “Active street frontage” on the Active Street Frontages Map”.

7.9 Essential services

Clause 7.9 of the QLEP 2012 requires satisfactory arrangements to be made for water supply, stormwater drainage, solid domestic waste, sewage, and the treatment and disposal of effluent. Along with the supply of electricity and suitable vehicle access.

Development consent must not be granted to development unless the consent authority is satisfied that any of the following services that are essential for the development are available or that adequate arrangements have been made to make them available when required:

- (a) *the supply of water,*
- (b) *the supply of electricity,*
- (c) *the disposal and management of sewage,*
- (d) *stormwater drainage or on-site conservation,*
- (e) *suitable vehicular access.*

Council's Development Engineer has assessed the proposed development and confirmed that the site **does** have suitable vehicle access and adequate services are available.

7.10 Development near Cooma Road Quarry

This clause **is not** considered relevant to the proposed development as the site **is not** identified as “Buffer Area” on the Quarry Buffer Area Map”.

7.11 Development near HMAS Harman

This clause **is not** considered relevant to the proposed development as the site **is not** located within 2 kilometres of HMAS Harman or within Zone IN1 General Industrial or Zone IN2 Light Industrial.


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 COMMENTS | | |
|---|--|---|
| Section | Controls | Compliance / Conditions |
| PART 1 – ABOUT THIS DEVELOPMENT CONTROL PLAN | | |
| 1.8 | Public Notification Of A Development Application The development application was notified to adjoining owners and five (5) submissions were received. | Complies |
| PART 2 – ALL ZONES | | |
| 2.2 | Car Parking The application has been referred to Councils Development Engineer who has found the parking arrangements including access and manoeuvring areas to be satisfactory in this instance. | Complies |
| 2.3 | Environmental Management A BASIX certificate was not required to be submitted | Complies |
| 2.4 | Contaminated Land Management The proposal is considered generally satisfactory with respect to State Environmental Planning Policy 55 – Remediation of Land (SEPP 55) and therefore also with respect to DCP clause 2.4. The land is not known to have been used for potentially contaminating activities. | Complies |
| 2.5 | Flood Management The subject site is not within a flood prone area. | Complies |
| 2.6 | Landscaping A landscaping plan was not required to be submitted with the application. | Complies |
| 2.7 | Erosion and Sediment Control Standard conditions relating to site management would be imposed should development consent be granted. No Erosion and Sediment Controls have been implemented in association with the unapproved earthworks undertaken have not been | Does not Comply |
| 2.8 | Guidelines for Bushfire Prone Areas The site is identified as bushfire prone land. The proposal involves a class 10(a) structure located further than 6 metres from a dwelling, | Complies |
| 2.9 | Safe Design The proposed development generally satisfies the relevant provisions of this clause. | Complies |
| 2.10 | Subdivision The proposed development does not includes subdivision. | Complies |
| 2.11 | Airspace Operations and Airport Noise The proposed development would penetrate the Obstacle Limitation Surface as the existing ground level already exceeds the limit under Clause 7.6 Airspace Operations of the QLEP 2012. The proposed development complies with Clause 7.7 Development in areas subject to Airport Noise of the QLEP 2012. See previous discussion in this assessment. | Does not Comply with Clause 7.6 Complies with Clause 7.7 |
| 2.12 | Preservation of Trees and Vegetation The proposed development does not require the removal of any existing vegetation. | Complies |

| QUEANBEYAN DCP 2012 COMMENTS | | | | | | | | | | | | | | | | | | | | | | | | | | | |
|--|--|-------------------------|---------------|---------------|----|---------------|-----|----------------------|-----|-------------------|-----|--|----------------|---------------|---------------|-----------------|--|--|--|---------------|------|-----|-----|---------------------|------|-----|-----|
| Section | Controls | Compliance / Conditions | | | | | | | | | | | | | | | | | | | | | | | | | |
| PART 5 – RURAL AND ENVIRONMENTAL ZONES | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 5.4 | Building Setbacks and Fencing Objectives 1) To provide setback guidelines for dwellings that protect the character and amenity of the locality. 2) To provide specific provisions in respect of Greenleigh Estate, to ensure that adequate buffers are provided between build form to maintain the bushland character of the area and to ensure that fencing is rural in type. | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | Controls a) Setbacks which are prescribed as part of a building envelope prevail over any other controls set out below. No building envelope applies to the site. b) Building setbacks from the front boundary setback shall be a minimum of 50m. Where this cannot be achieved due to the physical dimensions or constraints of any property, the front setbacks shall be assessed on merit and having regard to the objectives of this clause. The proposed siting of the farm building meets the front setback requirements. The proposed front setback is approximately 330 metres. c) Building setbacks from the side and rear boundaries shall have careful regard to the impact of proposed structures on adjoining landowners, and be consistent with the minimum setbacks set out below: Table 1 – Minimum Setback Requirements (not including Greenleigh Estate) <table><tr><td>Lot Size</td><td>Setback</td></tr><tr><td>Less than 2ha</td><td>6m</td></tr><tr><td>Less than 4ha</td><td>15m</td></tr><tr><td>Between 4ha and 80ha</td><td>25m</td></tr><tr><td>Greater than 80ha</td><td>50m</td></tr></table> The site has an area of 13.7 ha, therefore the minimum side and rear setback applicable is 25m. The proposed rear setback is 150 metres while the side setback is 16 metres, therefore not complying with the DCP. d) Within Greenleigh Estate the following minimum setback requirements apply: Table 2 – Minimum Setback Requirements for Greenleigh Estate <table><tr><td></td><td>Front Boundary</td><td>Rear Boundary</td><td>Side Boundary</td></tr><tr><td>Dwelling</td><td></td><td></td><td></td></tr><tr><td>Single storey</td><td>6.0m</td><td>10m</td><td>10m</td></tr><tr><td>Two or more storeys</td><td>7.5m</td><td>10m</td><td>10m</td></tr></table> Not Applicable e) Fences within Greenleigh Estate are to be rural in nature i.e. post and wire. Barbed wire or chain mesh is not permitted within this Estate. Not Applicable | Lot Size | Setback | Less than 2ha | 6m | Less than 4ha | 15m | Between 4ha and 80ha | 25m | Greater than 80ha | 50m | | Front Boundary | Rear Boundary | Side Boundary | Dwelling | | | | Single storey | 6.0m | 10m | 10m | Two or more storeys | 7.5m | 10m | 10m |
| Lot Size | Setback | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Less than 2ha | 6m | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Less than 4ha | 15m | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Between 4ha and 80ha | 25m | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Greater than 80ha | 50m | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | Front Boundary | Rear Boundary | Side Boundary | | | | | | | | | | | | | | | | | | | | | | | | |
| Dwelling | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Single storey | 6.0m | 10m | 10m | | | | | | | | | | | | | | | | | | | | | | | | |
| Two or more storeys | 7.5m | 10m | 10m | | | | | | | | | | | | | | | | | | | | | | | | |

| | | |
|-------------------|---|--|
| <p>5.5</p> | <p>Height</p> <p>Objectives</p> <ol style="list-style-type: none"> 1) To ensure that the height of buildings complement the character of the area in which buildings are located. 2) To ensure the scenic and landscape qualities of the area are not compromised by visually intrusive structures. <p>Controls</p> <ol style="list-style-type: none"> a) On any land not identified on the Height of Buildings Map in the Queanbeyan Local Environmental Plan (QLEP) 2012 the maximum height of any building shall not exceed 8.5m. Note: Building Height is measured according to the definition within the QLEP 2012. <p>No building Height limit applies to the site.</p> <ol style="list-style-type: none"> b) Buildings shall be designed and constructed to be consistent with the surrounding height and character of the area. <p>The proposed height of the farm shed is 6.59m from floor to roof pitch. No details regarding fill used to level the site has been received by council.</p> <p>A site inspection on 2 March 2021 showed that fill had been used to level the site to such an extent that the finished floor level would be at a similar height to the pitch of the existing dwelling.</p>  <p><i>Figure 6: Approximate Finished Floor Level of the Farm Building, Far Exceeding the Height of The Existing Dwelling.</i></p> | <p>Existing levels and proposed finished floor levels were requested by Council and were not received.</p> <p>The building height is not considered to comply with the controls of section 5.5 due to the proposed shed being located in a prominent position and is inconsistent with the surrounding height and character of the area.</p> |
| <p>5.6</p> | <p>Material and Appearance</p> <p>Objectives</p> <ol style="list-style-type: none"> 1) To ensure the design of dwellings is of a high architectural standard that responds to and reinforces the positive aspects of the local environment and built form. <p>Controls</p> <ol style="list-style-type: none"> a) All structures should be designed so as to be compatible with the rural character and landscape of the locality. In this regard, particular attention should be given to building location, form, colour and materials used on construction. Council may require the use of certain colours or materials, if in Council's opinion their usage will provide the development with an appearance compatible with the landscape. Metal clad structures (including roof) shall not be highly-reflective unless well screened from view or in an appropriate location. The use of recycled materials is encouraged by Council. Applicants should use materials that are structurally sound and appropriate to the locality of the development. | <p>Colours and materials proposed are considered to comply with section 5.6.</p> |

| | | |
|------|--|---|
| | The proposed materials used for roofing and wall cladding is metal sheeting in "PaleEucalypt" colour. | |
| 5.7 | Erosion and Sediment Control on Building Sites To ensure adequate erosion and sedimentation controls during construction applicants need to meet the requirements specified in Part 2.7 of this DCP. | |
| 5.10 | Internal Driveways Objectives <ol style="list-style-type: none"> 1) To ensure internal driveways comply with the Queanbeyan Palerang Regional Council Engineering Design Specifications and Queanbeyan Palerang Regional Council Construction Specifications. Controls <ol style="list-style-type: none"> a) Internal driveways shall be constructed in accordance with the Queanbeyan Palerang Regional Council Engineering Design Specifications and the Queanbeyan Palerang Regional Council Engineering Construction Specifications. A maximum grade of 1 in 10 (10 per cent) applies from the intersection with the access road to the lot boundary. Development approval is required for constructed access tracks other than access tracks on holdings having an area of 80 ha or more. Approval for the internal access should be sought at the dwelling house development application stage, unless the access was approved when the lot was created. Council's Sustainability and Better Living Section should be consulted prior to any construction commencing on site. <p>Aerial imagery indicates that an internal road has been constructed (Figure 2) that provides an alternate path to the proposed shed. The lot area is below 80 ha and therefore access roads require approval. Additionally, the constructed road crosses a mapped watercourse.</p> | An unapproved internal access road associated with the proposed farm building has been constructed and does not comply with section 5.10. |
| 5.12 | Sheds A shed does not include garage or carport structures attached to and under the same roof as the dwelling house, but includes all other outbuildings including stables and other sheds used for the housing of animals or pets and machinery and other materials but excludes shipping containers . Objectives <ol style="list-style-type: none"> 1) To enable the erection of sheds on rural properties within the Queanbeyan Palerang Regional Council area in a manner which complements the rural and residential scale of the landscape and has minimal impact on the scenic qualities of the area. 2) To provide design principles for the erection of sheds in Rural and Environmental Zones. Controls <ol style="list-style-type: none"> a) Sheds shall be designed and constructed so as to not be visually prominent or intrude into the skyline. The proposed shed is located in a visually prominent area of the site that has been elevated with imported fill (Figure 4). b) Sheds shall be sited to minimise unnecessary disturbance to the natural environment. This includes any driveway or other works required to service the shed. The shed is sited with access to an existing driveway. However, an additional driveway has been constructed that crosses a mapped watercourse and mapped riparian lands. The additional driveway has potential to cause unnecessary disturbance. c) Sheds shall be sited to involve minimal disturbance to native vegetation. The shed is sited in a previously disturbed area of the site. d) Sheds shall be designed and constructed to be consistent with the surrounding height and character of the area. The proposed site of the shed has been elevated using fill, thus increasing the height of the building (from existing ground to the highest point). This increase puts the shed substantially higher than the existing dwelling. Outbuildings such as shed are common for the character of the area, however, the excessive size of the proposed shed contradicts this established character. e) Sheds shall be located within the property's registered building | The proposed shed largely does not comply with the controls of section 5.12. |

| | | |
|---------------|--|---------------------------|
| | <p>envelope or in a location permitted by a Community Management Statement for the Association in the case of community title subdivision i.e. Mt Campbell Estate, Little Burra Estate.</p> <p>No building envelope is applied to the site. Nor is the site located within a community title subdivision.</p> <p>f) Sheds shall be located no closer to the road than the existing dwelling house on the property unless it is demonstrated this cannot be achieved due to topography or otherwise. Where no dwelling or building envelope exists the setback shall be a minimum of 50m or located in accordance with an approved Community Management Statement for the Association in the case of community title subdivision.</p> <p>The proposed shed is located to the rear of the existing dwelling.</p> <p>g) Where no building envelope or Community Management Statement for the Association under the Community Title exists the side and rear boundary setbacks shall be assessed on merit taking into account impacts on adjoining properties, topography and landscape setting.</p> <p>The proposed siting of the shed exceeds the outlined setbacks in Section 5.4 of the Queanbeyan DCP.</p> <p>The shed setbacks may be assessed on merit;</p> <ul style="list-style-type: none"> – The proposed 10 metre setback is considered unreasonable due to the large scale of the proposed shed. <p>h) Cut and fill shall be kept to a minimum. Maximum cut is 1.5m and maximum fill is 1m. Under no circumstances is cut and fill to take place without prior approval of Council. Such work will be considered for approval as part of the consent for the shed.</p> <p>As indicated in Figure 3, large amounts of fill have been imported onto the site. Further information was requested to determine the depth of the fill within the proposed shed site but have not been supplied.</p> | |
| 5.12.1 | Size of Sheds | |
| | <p>Objectives</p> <ol style="list-style-type: none"> 1) To control the number and size of sheds so as to minimise their visual dominance and bulk in the landscape. 2) The size of sheds will reflect the rural or rural residential use of land and the size of the property. | |
| | <p>Controls</p> <p>a) On lots with an area of 16ha or less) sheds shall have a maximum total floor area of 300m² - i.e. the total cumulative floor area of all sheds on any one property shall not exceed 300m². For the purposes of this clause the floor area is to be measured under the outside perimeter of the roof.</p> <p>A variation to the size of the shed has been formally submitted. The variation seeks approval for a 540m² shed.</p> <p>The control outlines that the cumulative area of all sheds within the property to not exceed 300m². An existing stable with an area of approximately 150m² is located on the site. The proposed shed would increase the total floor area of sheds located on the site to 690m², 230% greater than the control allows.</p> <p>Justification provided for the variation states that <i>“the area of the proposed shed will not cause any visual disturbance to other property owners nor the public road as it is situated behind the home in rear paddock area”, “the shed will take up less than 1% of the site”, and “the shed will not be a visual dominance as it is being erected behind the current dwelling”</i>. As outlined above, these matters are not considered to be factual and therefore, the proposal is not considered to meet the objectives of the control.</p> <p>b) Larger sheds may be permitted on lots that are greater than 16ha, provided the applicant can substantiate the rural use of the shed having regard for the size of the land and its agricultural use as well as measures taken to minimise the impact on neighbours and the locality.</p> <p>The subject site has an area of less than 16 ha.</p> | Variation – not supported |

| | | |
|--------|--|---|
| 5.12.2 | Use of Sheds | |
| | Objectives 1) The commercial use of sheds is only permitted subject to Council's approval in accordance with the QLEP 2012. | |
| | Controls a) Sheds may only be erected on rural and environmental zoned land and R5 Large Lot residential land where: i. A dwelling house is approved and under construction; ii. A dwelling house is existing; or iii. On vacant land where the shed is demonstrated to be used for rural/agriculture purposes. The proposed shed is located on an allotment that has an existing dwelling. Note: The following uses do not require Council's Consent: b) For ancillary purposes used in conjunction with the rural or rural residential use of the property i.e. farming equipment, farm storage or similar; and The proposed uses of the shed include storage of hay and machinery and shearing facilities. c) Garaging of plant or trucks which involves the storage and maintenance of up to two pieces of plant or trucks (e.g. truck and trailer, two trucks or similar but not two trucks and one or more trailers or the like) other than agricultural machinery, on a property where operated only by the occupier/s of the property, but does not include a truck depot. The proposed use for the shed includes the storage of a john deer tractor with attachments, a tow truck, a number of personal vehicles (11 motorbikes, 8 cars, two boats on trailers) Note: The following uses will require Council's Consent: i. A truck depot means a building or place used for the servicing and parking of trucks, earthmoving machinery and the like (as defined under the QLEP 2012). The proposed use of the shed includes the storage of a tow truck used as part of a private business. It is unclear as to what capacity the proposed shed would be used in conjunction with the operation of the private business. ii. The use of a shed for industry (as defined under the QLEP 2012) is prohibited. No industry uses are proposed. iii. The use of sheds for rural industries is only permitted with Council's consent in the RU2 Rural Landscape Zone. Rural home industries (as defined under the QLEP 2012) are only permitted with Council's consent in the RU2 Rural Landscape Zone, the R5 Large Lot Residential Zone and the E4 Zone Environmental Living under the QLEP 2012. No rural industry uses are proposed. iv. The use of a shed and its curtilage for a resource recovery facility (as defined under the QLEP 2012) is prohibited in Rural and Environmental Zones. No resource recovery facility is proposed. v. The use of a shed for an animal boarding or training establishment (as defined under the QLEP 2012) is only permitted with Council consent in the RU2 Rural Landscape Zone. An animal boarding establishment is prohibited in all other Rural and Environmental Zones. Animal boarding or training is not proposed as a use. | <p>The proposed uses of the shed largely meet the controls of section 5.12.2.</p> <p>The application is unclear whether there is intended to be a commercial aspect to the proposal. The property owners operate a tow truck business, with evidence suggesting that damaged vehicles are stored at the property. This insinuates that the shed would likely be intended to be used in some capacity as part of the tow truck business.</p> |

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 Aboriginal Cultural Heritage Due Diligence process was followed as part of the assessment. A basic AHIMS search was carried out and no recorded or declared Aboriginal sites were found in or near the subject site. There are no other sources of information of which a person is already aware and the landscape does not contain features which are likely to indicate the presence of Aboriginal objects.

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

The subject site is constrained in terms of mapped riparian land, watercourse, and terrestrial biodiversity. Site topography also contributes to the constraints of the site. The site is considered to be unsuitable 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 application was notified in accordance with Part E of the PDCA 2015 from **21 April 2021 to 7 May 2021**, with **5** submissions received, raising the following concerns:

1. The proposed location of the shed and associated earthworks will render the shed highly visible from Fernleigh Drive and neighbouring properties.

Assessing officer's comments:

Council is of the opinion that the shed will be highly visible from Fernleigh Road and neighbouring properties due to the size and location of the shed. Upon Council's site inspection on 2 March 2021, the site had begun to be prepared for the construction of the shed without approval. The level that the site was at that date would render the shed to be at an elevation higher than the existing dwelling and clearly visible from not just neighbouring properties but properties further afield.

2. The proposed size of the shed (540 sqm) is excessive for the locality, zoning, lot size despite the DCP Variation.

Assessing officer's comments:

The DCP allows for up to 300m² of cumulative floor area for sheds on properties smaller than 16 ha. Not only does the proposed shed itself exceed this limit but 240m², the site has an existing stable with an area of approximately 150m², thus exceeding the cumulative total floor area for sheds by 390m². This variation is not considered to be minor and is therefore not supported by Council.

3. The earthworks associated with the levelling of the proposed siting of the shed are excessive.

Assessing officer's comments:

Details relating to the amount of fill used in the preparation of the proposed shed site were requested by Council but were not received. The site visit on 2 March 2021 indicated high levels of fill being used in the preparation of the site. It is estimated that more than 1 metre of fill has been used (Figure 3).

4. An internal access road, that is not part of the application, connecting the proposed shed to the established driveway running along the southwestern boundary of the site, impacting neighbours with noise and dust impacts, crossing watercourse.

Assessing officer's comments:

Under the Queanbeyan LEP, roads require approval in the E4 zone. The internal access road that has been constructed without approval has the potential to increase nuisance to neighbouring properties through dust and noise generation. Without the correct assessment process the condition of the road may be not be sufficient for the intended use.

Additionally, the road crosses a mapped watercourse, which has potential to cause adverse impacts to the water quality and flows within the watercourse and connected ecosystems, such as Jerrabomberra Creek.

5. Sediment associated with the proposed works being washed into neighbouring farm dams and the environmentally significant Jerrabomberra Creek.

Assessing officer's comments:

Insufficient sediment and erosion controls have been put in place prior to extensive earthworks being conducted on site. The works have potential to have adverse impacts on the water quality and flows within the watercourse. Special consideration should be noted that the mapped watercourse being impacted is a tributary of Jerrabomberra Creek, protected riparian land.

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 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 follows:

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 as follows:

CONCLUSION

The application has been assessed having regard to Section 4.15 of the *Environmental Planning and Assessment Act 1979*, and is considered to be unsatisfactory for approval for the following reasons:

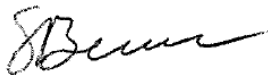
- (a) The proposal contravenes the zone objectives of the E4 Environmental Living zone under Queanbeyan LEP.
- (b) No consideration to Clauses 7.1, 7.3 and 7.4 Queanbeyan LEP have been made by the applicant.
- (c) The proposal contravenes the relevant objectives and controls of the Queanbeyan DCP.
- (d) The submitted variation provided insufficient justification and is not considered to be minor.
- (e) The proposed farm building alone is 180% in excess of the total floor area permissible within the E4 zone under Clause 5.12.1 of the Queanbeyan DCP.
- (f) The proposed farm building combined with the existing shed located on site would increase the total floor area to 230% in excess of the permissible area under Clause 5.12.1 the Queanbeyan DCP.
- (g) The unapproved earthworks within the proposed siting of the farm building elevate the building to a prominent location within the locality and would be highly visible from Fernleigh Road and surrounding properties and as such is inconsistent with Clause 5.12 of the Queanbeyan DCP.
- (h) The application fails to provide sufficient evidence for Council to satisfy itself that the imported fill forming the building platform for the proposed development is free from contamination as required by clause 7 of *State Environmental Planning Policy No.55 – Remediation of Land*.

CONDITIONS OF CONSENT OR REASONS FOR REFUSAL

The proposed farm building (shed) is recommended for refusal on the grounds that the proposal contravenes the relevant objectives and controls of the Queanbeyan DCP. The submitted variation provided insufficient justification and is not considered to be minor.

The proposed farm building alone is 180% of the total floor area permissible within the E4 zone under Section 5.12.1 of the Queanbeyan DCP. The proposed farm building combined with the existing shed located on site would increase in total floor area to be 230% of the permissible area under the Queanbeyan DCP.

Additionally, the proposed location of the farm building with the unapproved associated earthworks promotes the building to a prominent location within the locality and would be highly visible from Fernleigh Road and surrounding properties.



Signed: _____

Date: 07/07/2021

Assessing Officer: Sam Burns

Determination: DA.2021.1060 be **Refused** under delegated authority pursuant to Section 4.16(1) of the Environmental Planning and Assessment Act 1979.

Signed: _____

Date: <insent date>

Delegated Authority: <insent name>

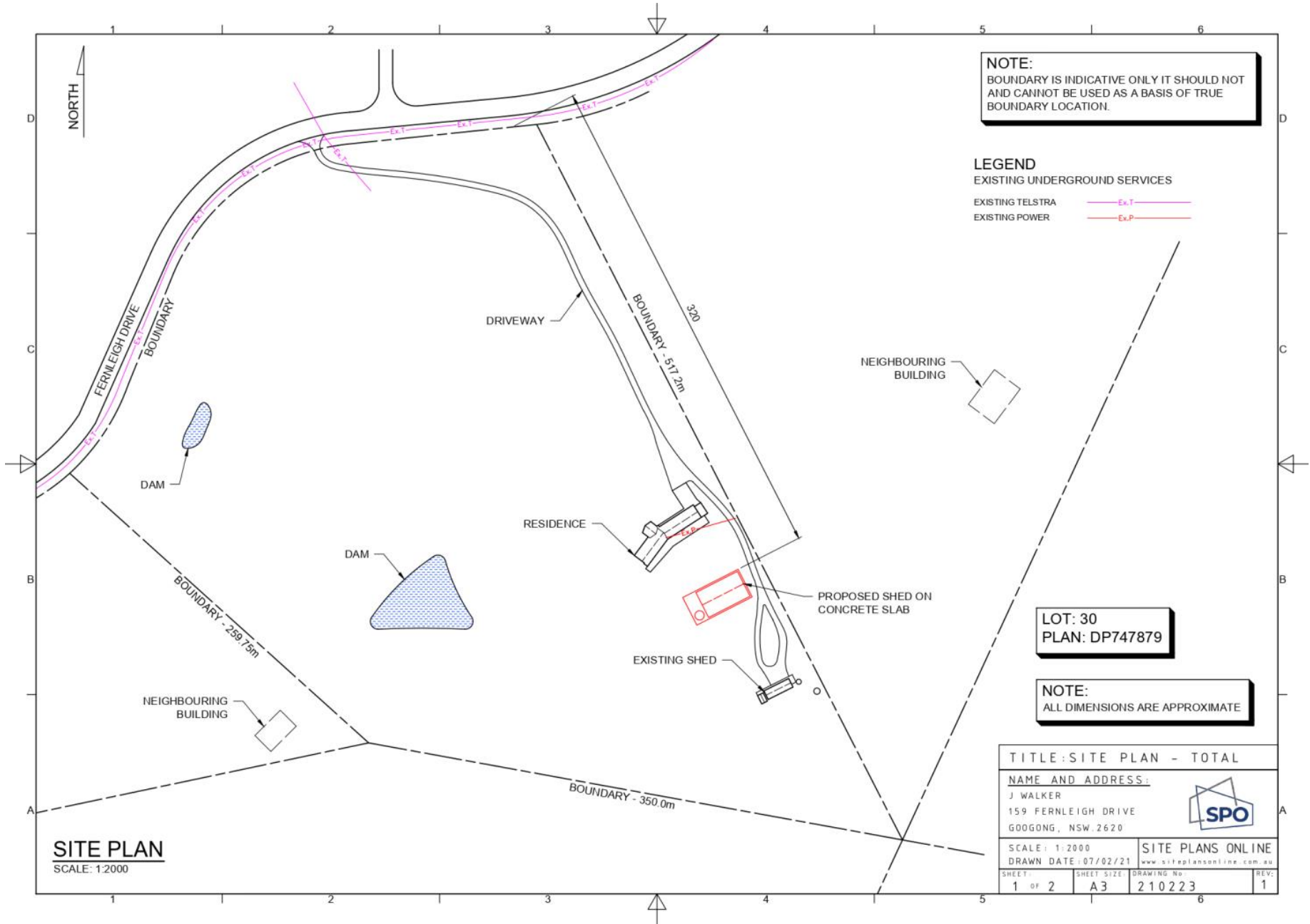
QUEANBEYAN-PALERANG REGIONAL COUNCIL

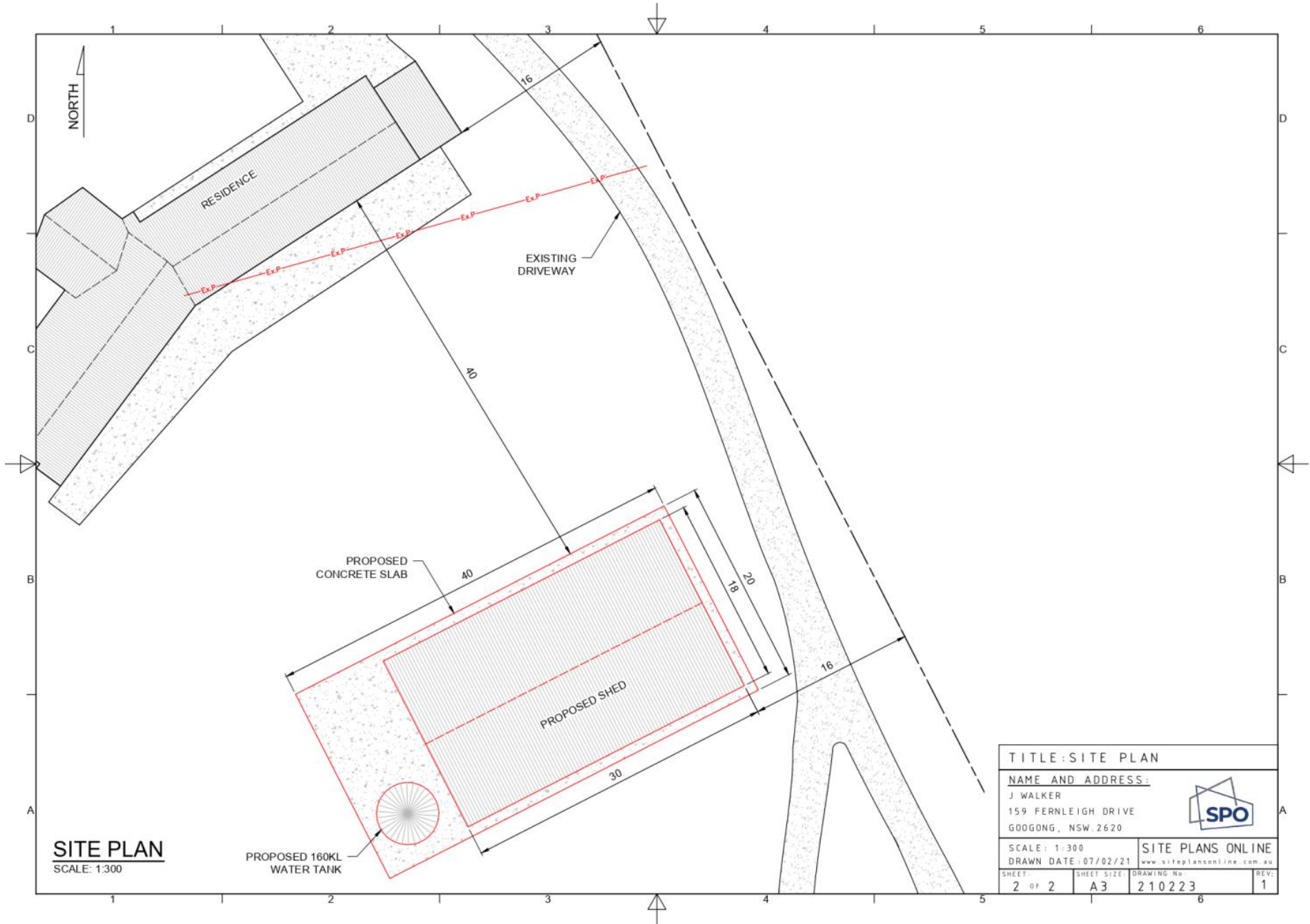
Council Meeting Attachment

28 JULY 2021

ITEM 9.2 DEVELOPMENT APPLICATION DA.2021.1060 - ERECTION OF
A LARGE FARM SHED - 159 FERNLEIGH DRIVE,
GOOGONG

ATTACHMENT 2 DA.2021.1060 - PLANS - 159 FERNLEIGH DRIVE, GOOGONG





GENERAL NOTES

These documents show the general arrangement of the building and include some items not supplied (refer to the quotation for nomination of all items to be provided). All items not nominated therein shall be supplied and installed by others.

The plans provided here are the latest at the time of print. Earlier plans provided may have become outdated due to engineering changes and should not be used. The plans and drawings are extensive and give all the information needed for a competent person to erect the building. The building is not designed to stand up by itself when it is partially complete. Consequently, construction bracing is critical during erection.

The owner has been requested to check off the BOM after the building delivery. You should check that you are able to locate all materials nominated in the BOM. You should also confirm that the length and size (including thickness), nominated in the BOM is what has been provided. Any missing items are the responsibility of the client once correct delivery has been confirmed as per Terms and Conditions of Sale.

DESIGN CRITERIA

These building plans have been prepared to comply with the standards nominated in the engineer's letter. All plans are not to Scale.

ADDITIONAL DOCUMENTATION TO BE SUPPLIED BY PURCHASER/OWNER

The Purchaser/Owner is responsible for:

*Provision of Soils Report for the site and in the building area on which the building is to be erected

*Site/Drainage Plans

*Any other plans not covered by these engineering plans requested by the local Council or the authority

BUILDING CONSTRUCTION REQUIREMENTS

The Purchaser/Owner is to be ensured that all building construction is carried out in accordance with the Plans, the Construction Manual and the Bill of Materials (BOM).

SLAB DETAILS - GENERAL

* The minimum size of Piers under the columns and End Wall Mullions are nominated on the Material Specifications Plan. When the slab and piers are poured as one pour, the depth of the pier is to the bottom of the slab.

* Pier Reinforcement: for any piers over 1100mm, deformed bar to within 100mm of base and minimum 75mm top cover. Minimum side cover 75mm, maximum 100mm. Rod to be caged horizontally at least twice and at a maximum of 300mm spacing. Tie with a minimum of 6mm diameter cage tie. Where pier diameter is less than 450mm diameter, use 4 N12. For diameters equal to and over 450mm, use 4 N16.

Concrete Slab

* Footings and slabs, including internal and edge beams, must be founded on natural soil with a minimum allowable bearing capacity of 100kPa. Design covers soil classifications of A, S, M, H1 or H2 for a class 10 building.

* The footing designs have been calculated with adhesion values of 0kPa, 25kPa and 50kPa for clay soils and dense sand soils only.

* A site specific geotechnical investigation has not been performed. The builder will need to verify the soil type and conditions.

* Site conditions different to those specified require a modified design.

* Sub grade shall be excavated and compacted to a minimum of 100% standard dry density ratio and within 2% of the OMC to comply with AS2159.

* Designs are in accordance with AS 3600:2018

* All concrete to be in accordance with AS 3600:2018. Minimum 25 Mpa, with 80mm slump.

* Concrete should be cured for 7 days before commencing construction of the building.

* Refer to connection details.

* Saw construction joints to be 25mm deep x 5mm wide. Saw cuttings shall take place no later than 24 hours after pouring. Saw construction joints to be placed at a maximum spacing of 6.3m (in both the length and the span). Care should be taken to avoid construction cuts intersecting where any fixing to the slab is to be made.

* Column supports for mezzanine bearer internal support columns are not shown and should be of the same size and spacing as the end wall mullion piers.

* Where columns or end wall mullions have been removed, piers are not required.

* End wall mullion spacing may move due to location of openings or doors. Check layout and component position plan, and relocate piers as required.

* The Slab Plan indicates those parts of the slab which are 50mm below main slab/piers.

For Class A, S or M Sites

* Slab thickness to be a minimum of 100mm with SL 82 mesh and 40mm top cover.

* Concrete piers under Roller Door Jambes and Mezzanine Mid posts to be a minimum size as below:

C25024 - 450mm dia x 650mm deep, centered to the C Section

Where heavy traffic is to go through the roller door, it is recommended that the slab edge should be thickened to 200mm deep by 300mm wide for the length between the mullions. Place an additional section of SL 82 mesh, 50mm from the base in all thickenings.

For Class H1 or H2 Sites

* Slab thickness to be a minimum of 100mm with SL 92 mesh and 40mm top cover.

* Perimeter beams 400mm deep x 300mm wide with Y12 3 bar Trench Mesh to the perimeter of the building.

* Internal beams 400mm deep by 300mm wide with Y12 3 bar Trench Mesh at a max spacing of 6.2m.

* Concrete piers under Roller Door Jambes and Mezzanine Mid posts to be a minimum size as below:

C25024 - 450mm dia x 850mm deep, centered to the C Section

BRACING NOTES

* Refer to Connection Details.

* Knee bracing clearance from FFL is X = Main Building: 3.867m.

* All Cross Bracing is achieved with 1.2mm Strap G450.

* Cross bracing is to be fixed taut and secured with 14.20 x 22 frame screws at each end, quantity as per connection details.

* Fly bracing to be fixed to the purlins/girts on all mid portal rafters, columns and end wall mullions. Fly bracing is to be fitted to every second purlin/girt, or, on every one, where the spacing between fly braces would exceed the maximum specified below for the relevant column/rafter size:

- C150 - maximum 1800mm spacing
- C200, C250 - maximum 2200mm spacing
- C300 - maximum 2800mm spacing
- C350 - maximum 2800mm spacing
- C400 - maximum 2800mm spacing

Initial measurement is from the haunch of the column/rafter, and from the rafter for any end wall mullions.

* All bracing strap ends to be located as close as practical to structural member's (columns, rafters, mullions) centerline.

BOLTS

* Unless otherwise nominated, all bolts are grade 4.6

* All tensioned bolts shall be tensioned using the part turn method (refer to AS4100). For the erector, full details are in the construction manual.

Roller Doors

All comments regarding roller doors are based from inside the building looking out.


OTHER MATERIALS NOTES

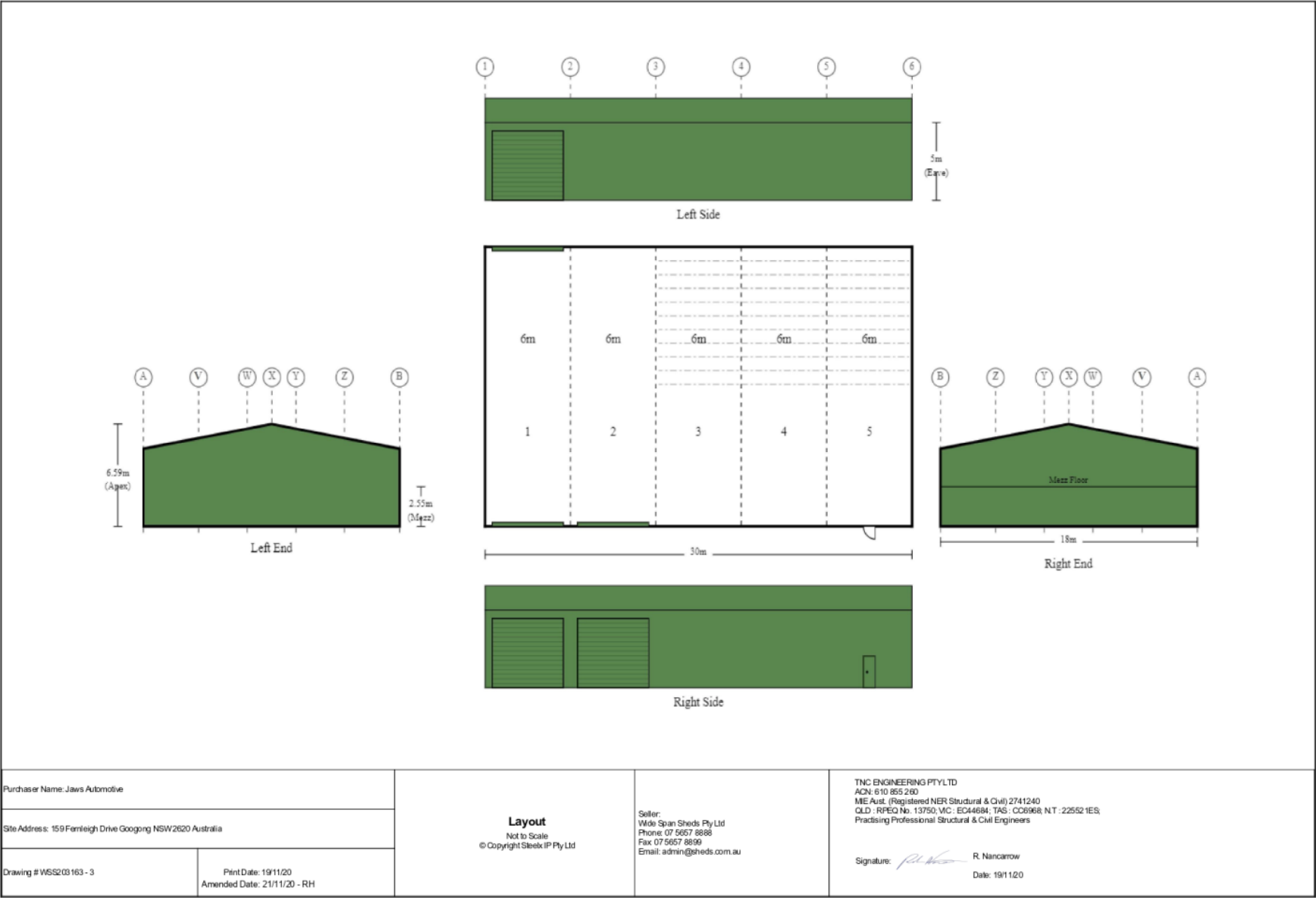
* All Sheet piling, Flashing and framing screws are Climaseal 4.

* All purlin material has Z350 zinc coating with minimum strength of 450MPa.

MEZZANINE FLOOR

Allowable floor load is 3.0kPa uniformly distributed. (Suitable for an office for general use or General storage up to 1.2m high - No concentrated loads).

| | | | | | | | |
|----------|------|---------|--|------------------------|--|---|---|
| Revision | Date | Initial | Purchaser Name: Jaws Automotive | | General Notes | Seller: Name: Wide Span Sheds Pty Ltd Phone: 07 5657 8888 Fax: 07 5657 8899 Email: admin@sheds.com.au | TNC ENGINEERING PTY LTD ACN: 610 855 260 MIE Aust. (Registered NER Structural & Civil) 2741240 QLD : RPEQ No. 13750; VIC : EC44684, TAS : CC6968; N.T. : 225521ES; Practising Professional Structural & Civil Engineers |
| | | | Site Address: 159 Fernleigh Drive Googong NSW 2620 Australia | | | | |
| | | | Drawing # WSS203163 - 2 | Print Date: 19/11/2020 | | | |
| | | | | | | | |
| | | | | | Page 1 of 1 ©Copyright Steelix IP Pty Ltd | | Signature:  R. Nancarrow Date: 19/11/20 |



9.2 Development Application DA.2021.1060 - Erection of a Large Farm Shed - 159 Fernleigh Drive, Googong
Attachment 2 - DA.2021.1060 - Plans - 159 Fernleigh Drive, Googong (Continued)


MATERIAL SPECIFICATIONS

For further information regarding the tabulated values shown, refer to the General Notes

| Building Dimensions | | | | | | |
|---------------------|------|--------|-------|--------|---------|-----------|
| Categories | Span | Length | Pitch | Height | Grid(s) | Portal(s) |
| Main Building | 18 | 30 | 10 | 5 | A - B | 1 - 6 |

| Portal Frame Elements | | | | | | | |
|-----------------------|----------|--------|---------------|---------------|---------------|---------------|--------|
| Grid / Portal Number | | 1 | 2 | 3 | 4 | 5 | 6 |
| Columns | A | C30024 | C35030 | C35030 | C35030 | C35030 | C30024 |
| | B | C30024 | C35030 | C35030 | C35030 | C35030 | C30024 |
| Rafters | A - Apex | C30024 | C30024 | C30024 | C30024 | C30024 | C30024 |
| | Apex - B | C30024 | C30024 | C30024 | C30024 | C30024 | C30024 |
| End Wall Mullions | W | C25024 | - | - | - | - | C15019 |
| | X | C25024 | - | - | - | - | C15019 |
| | Y | C25024 | - | - | - | - | C15019 |
| | Z | C25024 | - | - | - | - | C15019 |
| Apex Braces | Apex | - | C30024 @ 5.4m | C30024 @ 5.4m | C30024 @ 5.4m | C30024 @ 5.4m | - |
| Knee Braces | A - Apex | - | C30024 @ 2.1m | C30024 @ 2.1m | C30024 @ 2.1m | C30024 @ 2.1m | - |
| | Apex - B | - | C30024 @ 2.1m | C30024 @ 2.1m | C30024 @ 2.1m | C30024 @ 2.1m | - |
| Mezz Bearers | A - X | - | - | C25024 | C30030 | C30030 | C25024 |
| Mezz Bearer Support | A | - | - | C35030 | C35030 | C35030 | - |
| | V | - | - | C25024 | C30030 | C30030 | C25024 |
| | W | - | - | C25024 | C30030 | C30030 | C25024 |
| | X | - | - | 2C25024 | C30030 | C30030 | C25024 |
| | - | - | - | - | - | - | - |
| | B | - | - | - | - | - | - |

| Bay Section Elements | | | | | | |
|--|----------|---------|---------|---------|---------|---------|
| Grid / Bay Number | | 1 | 2 | 3 | 4 | 5 |
| Bay Widths | | 6 | 6 | 6 | 6 | 6 |
| Roof Purlins (refer to Purlin And Girt Plan) | | Z150 | Z150 | Z150 | Z150 | Z150 |
| Roof Purlin Bridging (Rows) | A - Apex | YES (1) | YES (1) | YES (1) | YES (1) | YES (1) |
| | Apex - B | YES (1) | YES (1) | YES (1) | YES (1) | YES (1) |
| Roof Purlin Spacing (End) | A - Apex | 1.4 | 1.4 | 1.4 | 1.4 | 1.400 |
| | Apex - B | 1.4 | 1.4 | 1.4 | 1.4 | 1.400 |
| Roof Purlin Spacing (Internal Spans) | A - Apex | 1.54 | 1.54 | 1.54 | 1.54 | 1.550 |
| | Apex - B | 1.54 | 1.54 | 1.54 | 1.54 | 1.550 |
| Eave Purlin | A | XC15015 | XC15012 | XC15012 | XC15012 | XC15015 |
| | B | XC15024 | XC15012 | XC15012 | XC15012 | XC15024 |
| Side Girts (refer to Purlin And Girt Plan) | | Z150 | Z150 | Z150 | Z150 | Z150 |
| Side Girt Bridging (Rows) | A | - | YES (1) | YES (1) | YES (1) | YES (1) |
| | B | - | - | YES (1) | YES (1) | YES (1) |
| Side Girts Spacing (End) | A | 1.59 | 1.59 | 1.59 | 1.59 | 1.700 |
| | B | 1.59 | 1.59 | 1.59 | 1.59 | 1.700 |
| Side Girts Spacing (Internal) | A | 1.59 | 1.59 | 1.59 | 1.59 | 1.700 |
| | B | 1.59 | 1.59 | 1.59 | 1.59 | 1.700 |
| Mezz Floor Joists | A - X | - | - | Z25024 | Z25024 | Z25024 |
| Roller Door Header | A | C15012 | - | - | - | - |
| | B | C15012 | C15012 | - | - | - |
| Roller Door Jamb | A | C25024 | - | - | - | - |
| | B | C25024 | C25024 | - | - | - |
| PA Door Header | B | - | - | - | - | C10010 |
| PA Door Jamb | B | - | - | - | - | C10012 |

| | | | | | | | |
|--------------------|----------|---------|--|--|---------------------|---|--|
| Revision | Date | Initial | Purchaser Name: Jaws Automotive | | Specification Sheet | Seller: Name: Wide Span Sheds Pty Ltd Phone: 07 5657 8888 Fax: 07 5657 8899 Email: admin@sheds.com.au | TNC ENGINEERING PTY LTD ACN: 610 855 260 MIE Aust. (Registered NER Structural & Civil) 2741240 QLD : RPEQ No. 13750; VIC : EC44684; TAS : CC6968; N.T. : 225521ES; Practising Professional Structural & Civil Engineers Signature:  R. Nancarrow Date: 19/11/20 |
| Half Bay Mezzanine | 23/11/20 | RH | Site Address: 159 Fernleigh Drive Googong NSW 2620 Australia | | | | |
| | | | Drawing # WSS203163 - 4 | | | | |
| | | | Print Date: 19/11/2020 | | | | |

MATERIAL SPECIFICATIONS

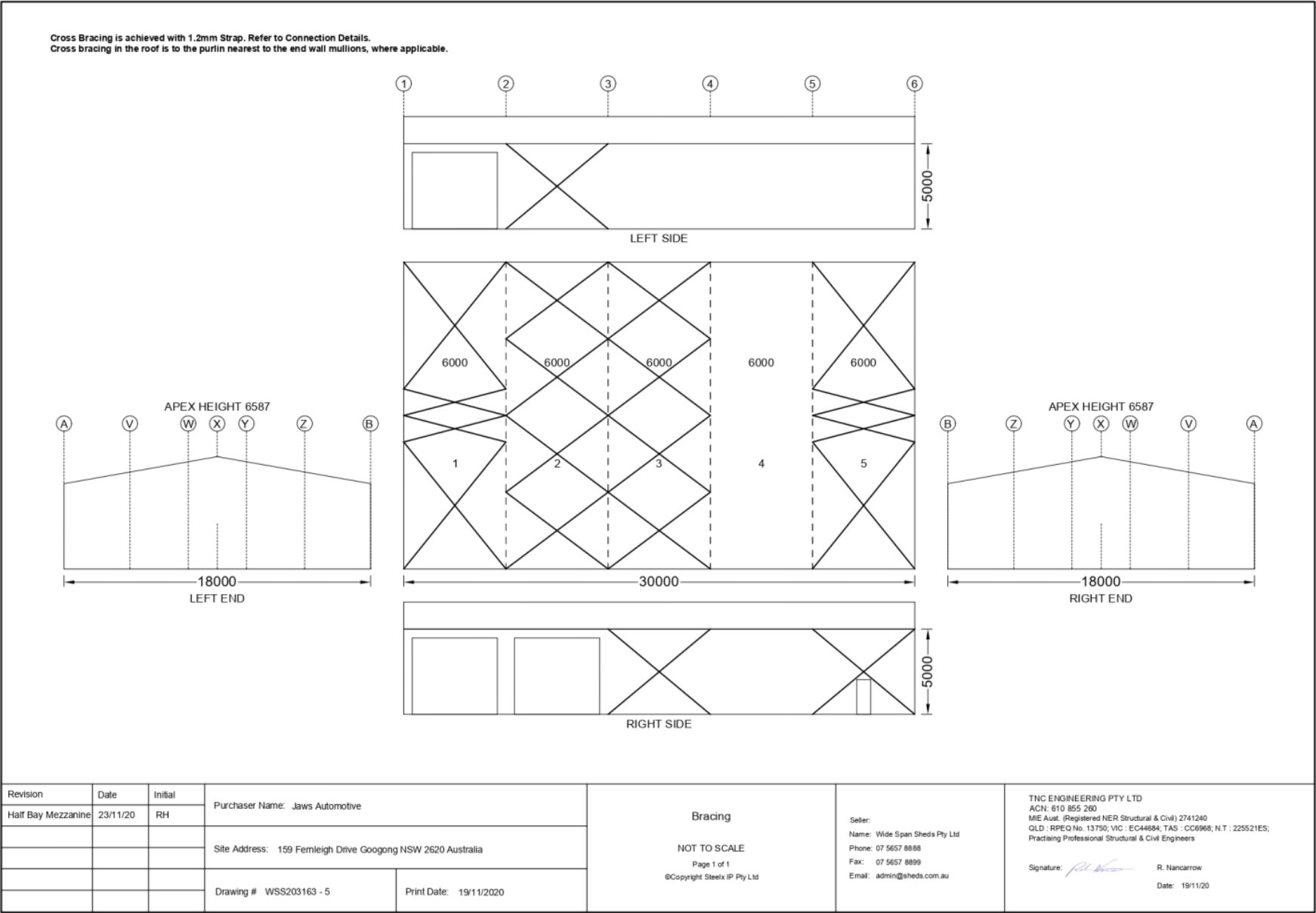
For further information regarding the tabulated values shown, refer to the General Notes

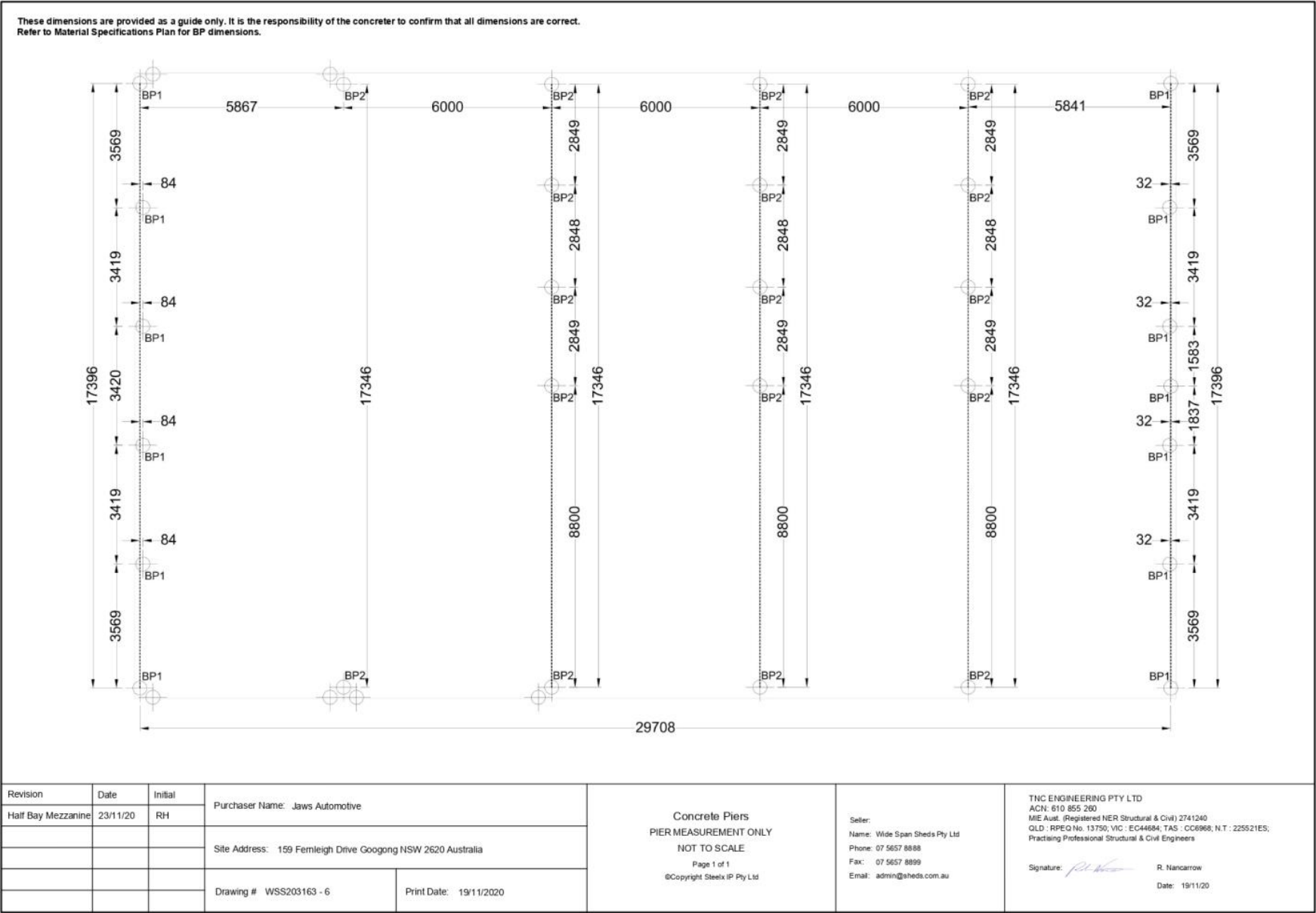
| End Bay Section Elements | | | | |
|---|-------|------|------|---------|
| Grid / Portal Number | | 1 | 6 | Maximum |
| End Girts (refer to Purlin And Girt Plan) | | Z100 | Z100 | |
| End Girts Spacing (End) | A - V | 1.59 | 1.59 | 1.700 |
| | V - W | 1.59 | 1.59 | 1.700 |
| | W - Y | 1.59 | 1.59 | 1.700 |
| | Y - Z | 1.59 | 1.59 | 1.700 |
| | Z - B | 1.59 | 1.59 | 1.700 |
| End Girts Spacing (Internal) | A - V | 1.59 | 1.59 | 1.700 |
| | V - W | 1.59 | 1.59 | 1.700 |
| | W - Y | 1.59 | 1.59 | 1.700 |
| | Y - Z | 1.59 | 1.59 | 1.700 |
| | Z - B | 1.59 | 1.59 | 1.700 |

| Cladding Elements | | |
|-------------------|------------------|------------------------------|
| Category | Colour | Product |
| Roof Sheeting | PaleEucalypt | TRIMCLAD® 0.42 BMT (0.47TCT) |
| Roof Flashings | COLORBOND® steel | BlueScope 0.55 BMT |
| Wall Sheeting | PaleEucalypt | TRIMCLAD® 0.42 BMT (0.47TCT) |
| Wall Flashing | COLORBOND® steel | BlueScope 0.55 BMT |

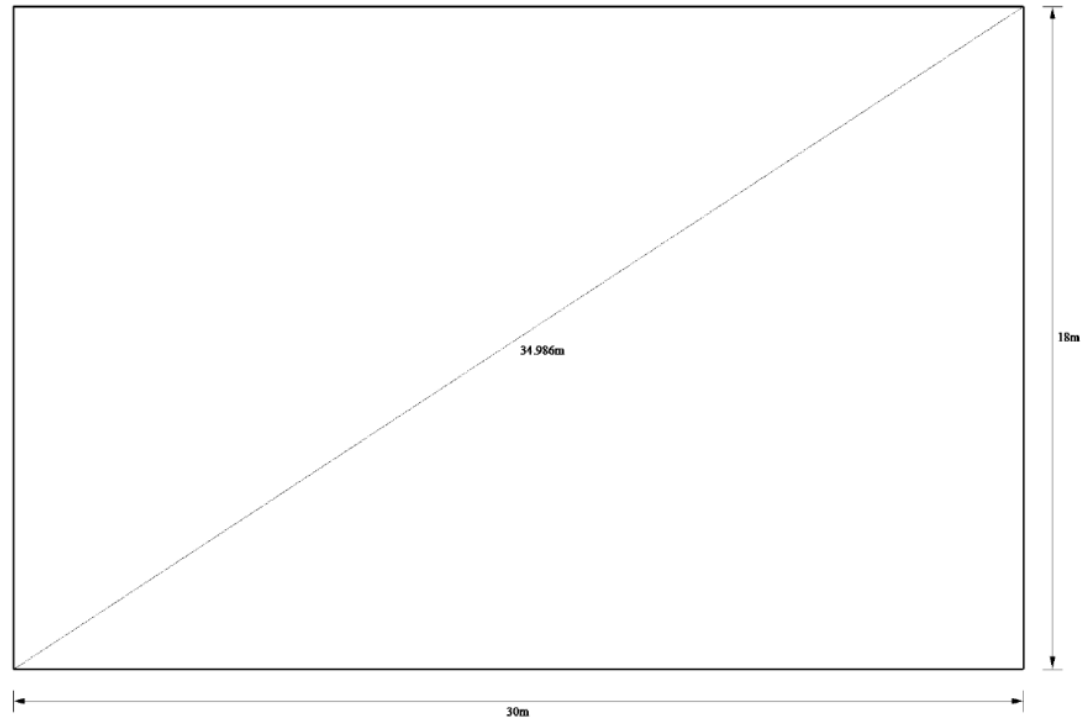
| Pier Sizes | | | | |
|----------------|--------------------------|---------------|-------------------|----------|
| Adhesion (kPa) | Soil Description | Diameter (mm) | Depth - with Slab | |
| | | | BP1 (mm) | BP2 (mm) |
| 0 | Sandy Soil | 300 | - | - |
| | | 450 | - | - |
| | | 600 | 700 | 800 |
| 25 | Soft to Firm Clay | 300 | - | - |
| | | 450 | - | - |
| | | 600 | 700 | 800 |
| 50 | Stiff to Very Stiff Clay | 300 | - | - |
| | | 450 | - | - |
| | | 600 | 700 | 800 |

| | | | | | | | |
|--------------------|----------|---------|--|--|--|---|---|
| Revision | Date | Initial | Purchaser Name: Jaws Automotive | | Specification Sheet | Seller: Name: Wide Span Sheds Pty Ltd Phone: 07 5657 8888 Fax: 07 5657 8899 Email: admin@sheds.com.au | TNC ENGINEERING PTY LTD ACN: 610 855 260 MIE Aust. (Registered NER Structural & Civil) 2741240 QLD : RPEQ No. 13750; VIC : EC44684; TAS : CC6968; N.T. : 225521ES; Practising Professional Structural & Civil Engineers |
| Half Bay Mezzanine | 23/11/20 | RH | Site Address: 159 Fernleigh Drive Googong NSW 2620 Australia | | | | |
| | | | Drawing # WSS203163 - 4 | | | | |
| | | | Print Date: 19/11/2020 | | | | |
| | | | | | Page 2 of 2 ©Copyright Steelix IP Pty Ltd | | Signature:  R. Nancarrow Date: 19/11/20 |

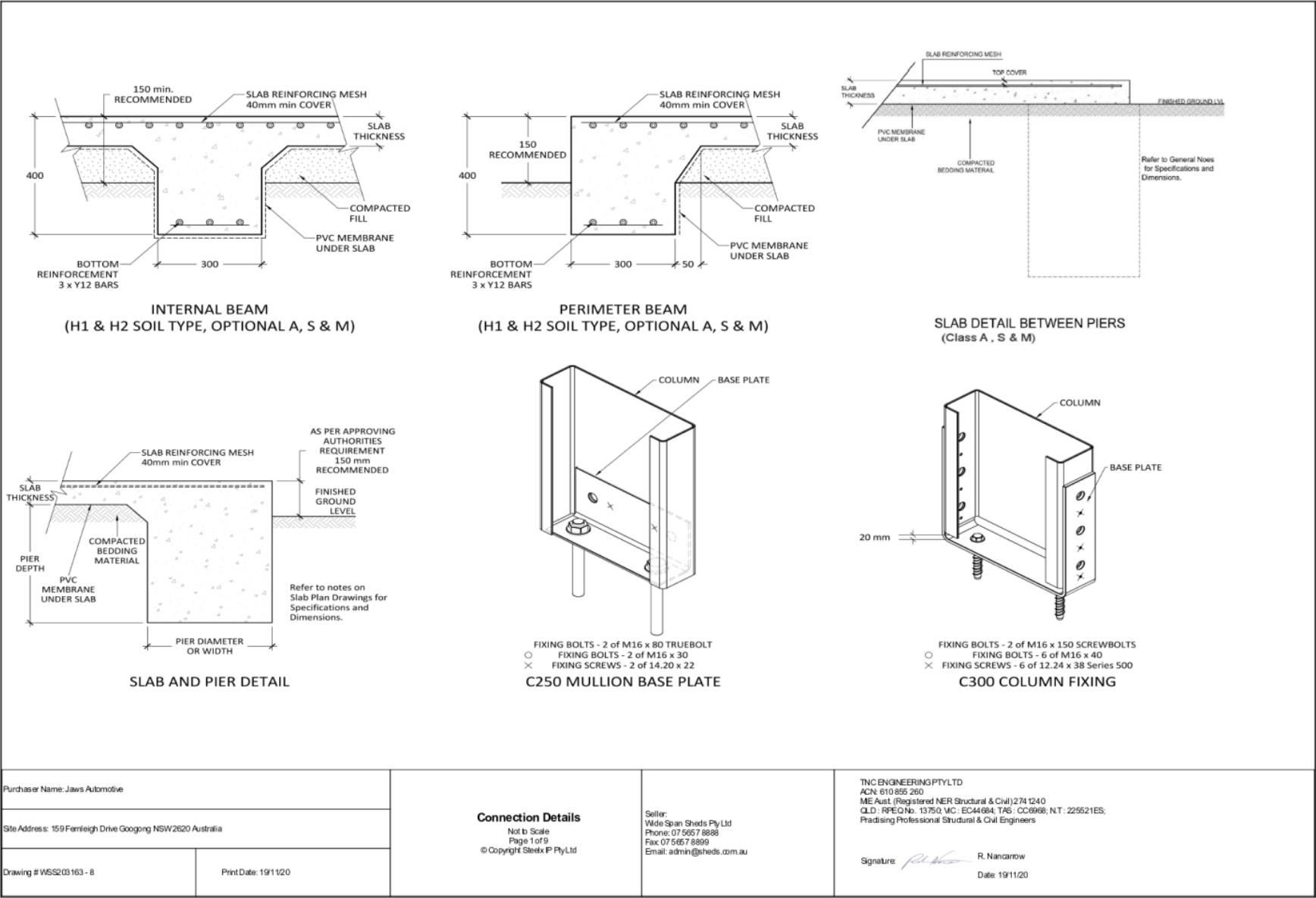


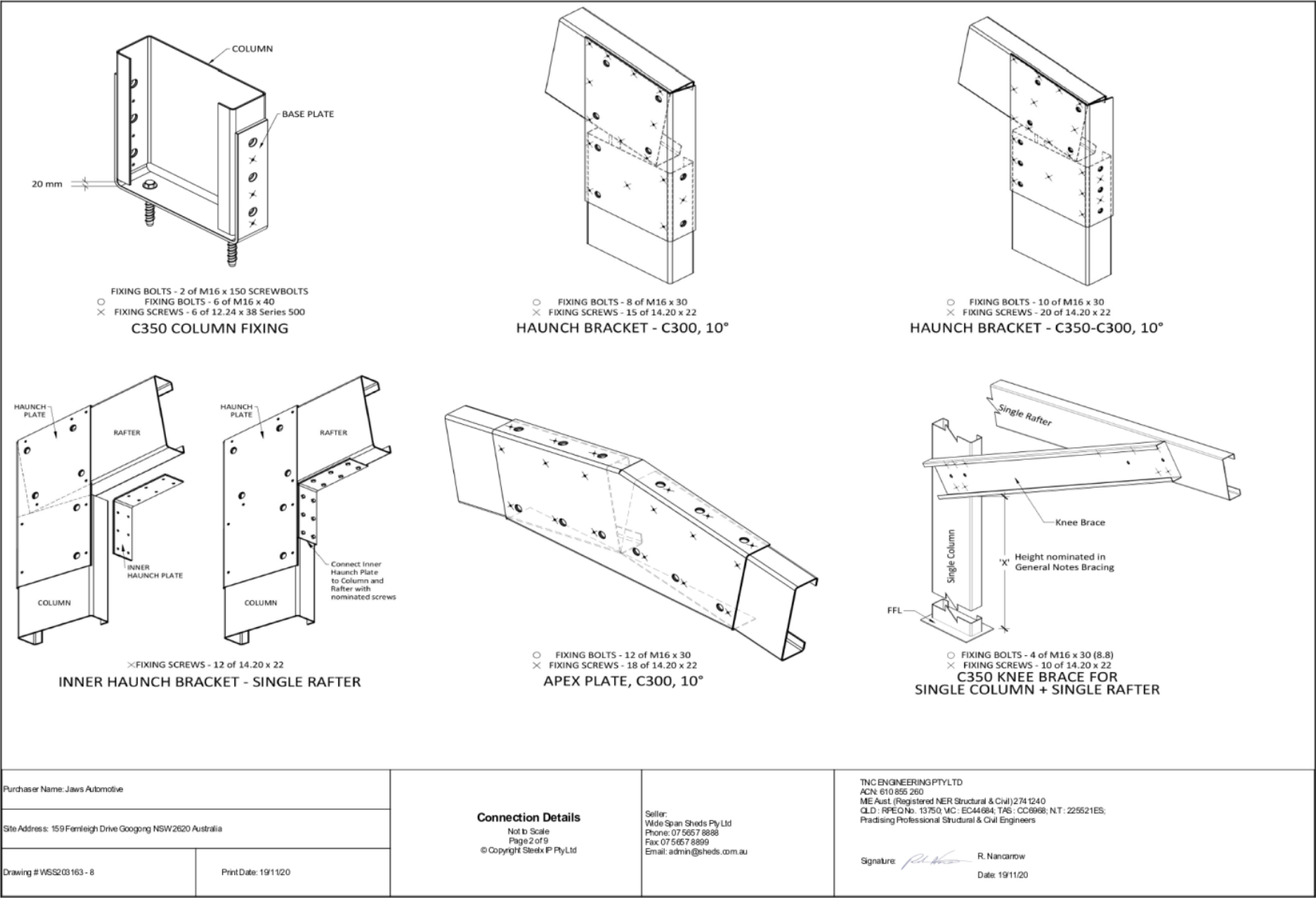


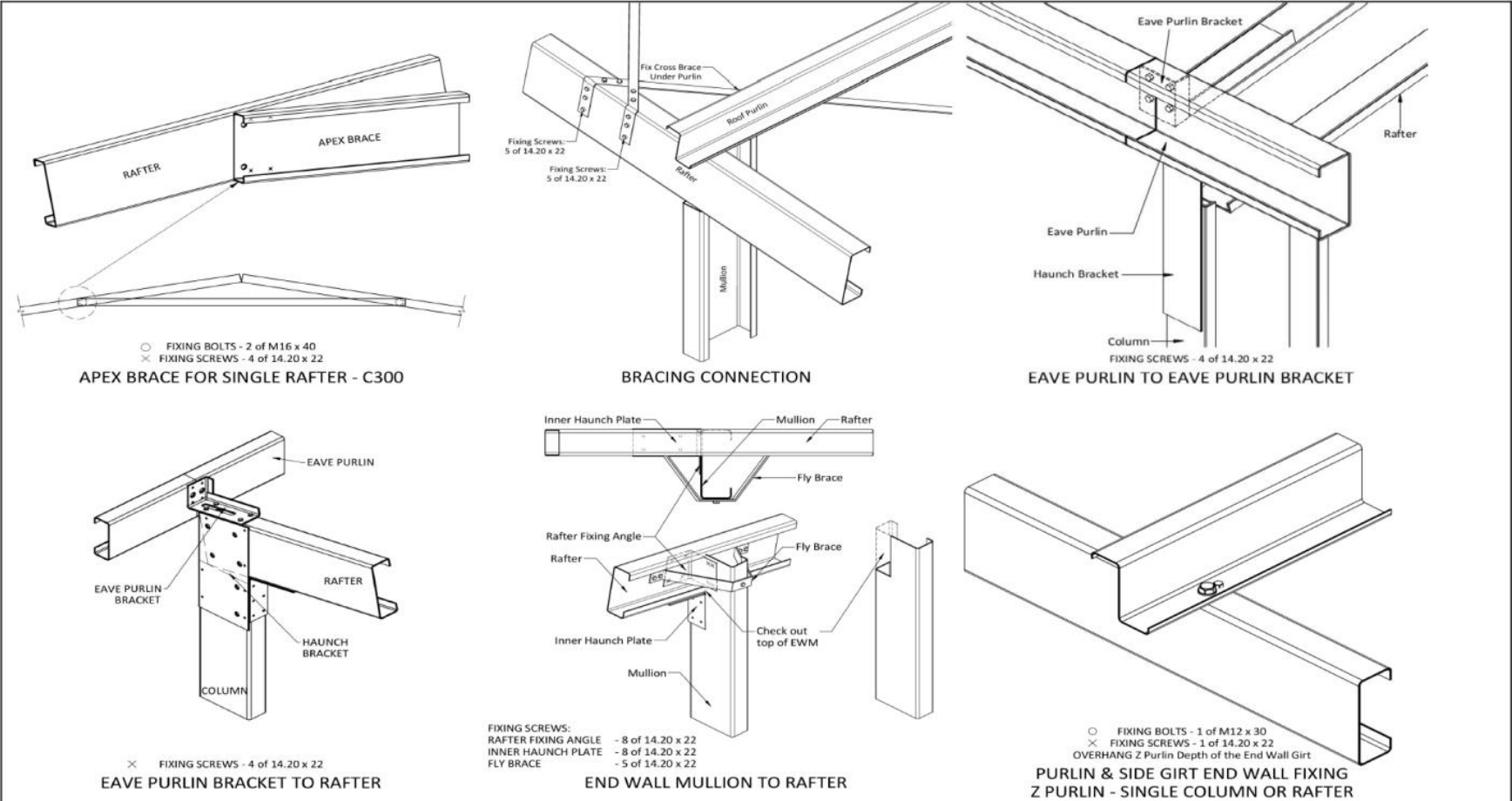
These dimensions are provided as a guide only. It is the responsibility of the concreter to confirm that all dimensions are correct.



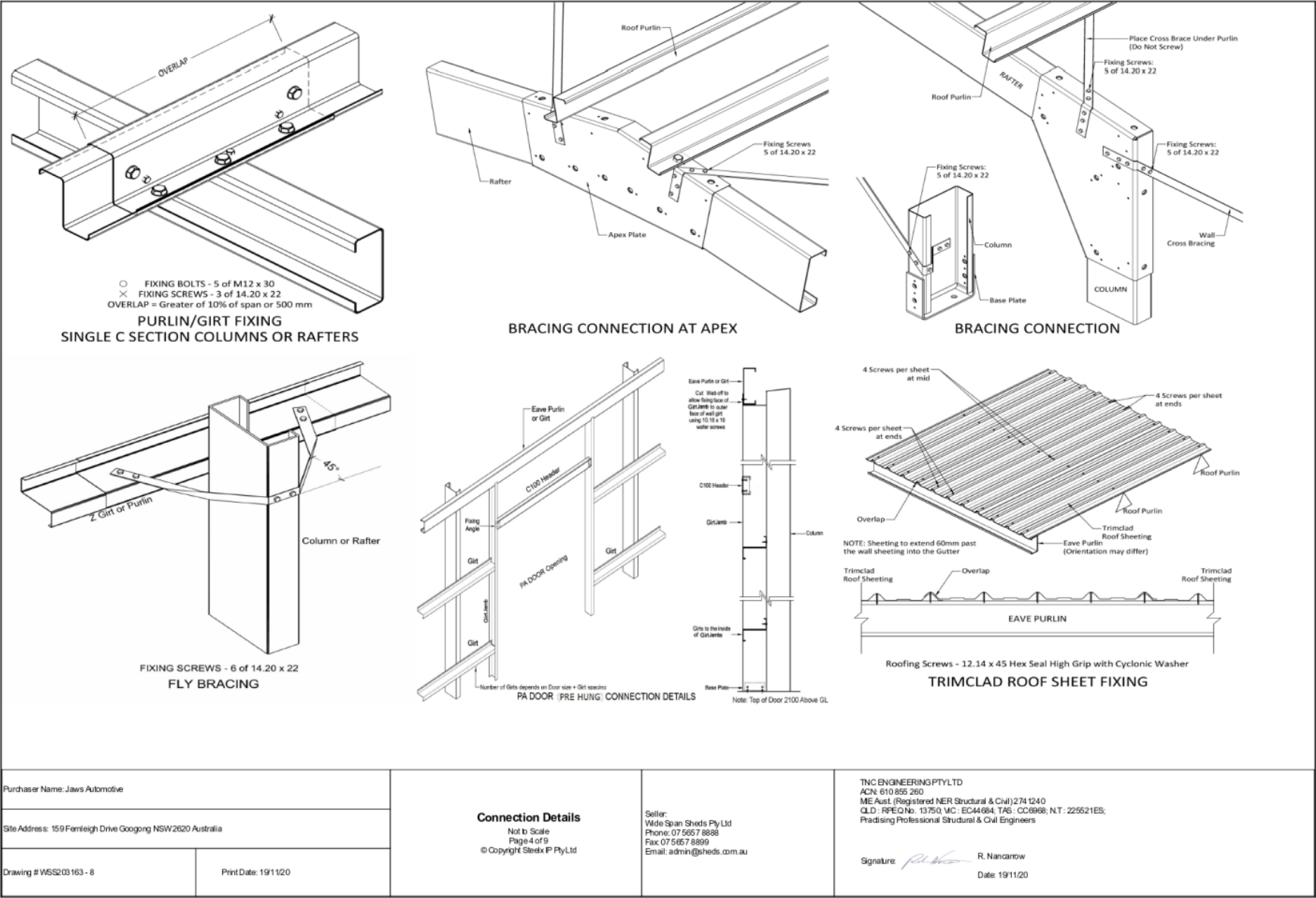
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| Purchaser Name: Jaws Automotive | | <div>Slab Dimensions</div> <div>Also refer to Concrete Piers Plan</div> <div>Not to Scale</div> <div>© Copyright SteelxIP Pty Ltd</div> | <div>Seller:</div> <div>Wide Span Sheds Pty Ltd</div> <div>Phone: 07 5657 8888</div> <div>Fax: 07 5657 8899</div> <div>Email: admin@sheds.com.au</div> | <div>TNC ENGINEERING PTY LTD</div> <div>ACN: 610 855 260</div> <div>ME Aust. (Registered NER Structural & Civil) 2741240</div> <div>QLD : RPEQ No. 13750, VIC : EC44684, TAS : CC6968, N.T. : 22552 1ES,</div> <div>Practising Professional Structural & Civil Engineers</div> |
| Site Address: 159 Fernleigh Drive Googong NSW 2620 Australia | | | | |
| Drawing # WSS203163 - 7 | Print Date: 19/11/20 | | | |
| | | | <div>Signature: </div> <div>R. Nancarrow</div> <div>Date: 19/11/20</div> | |



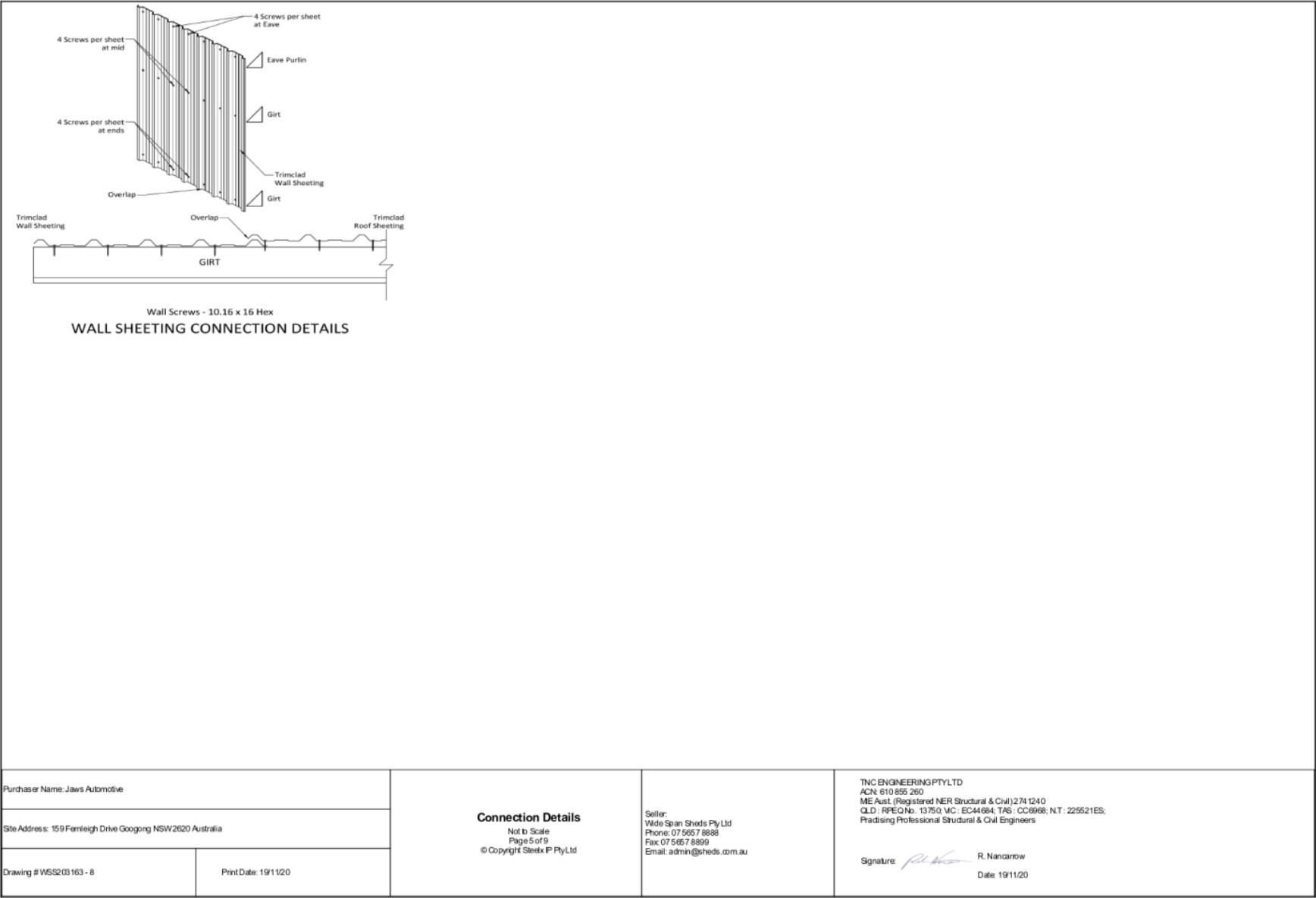


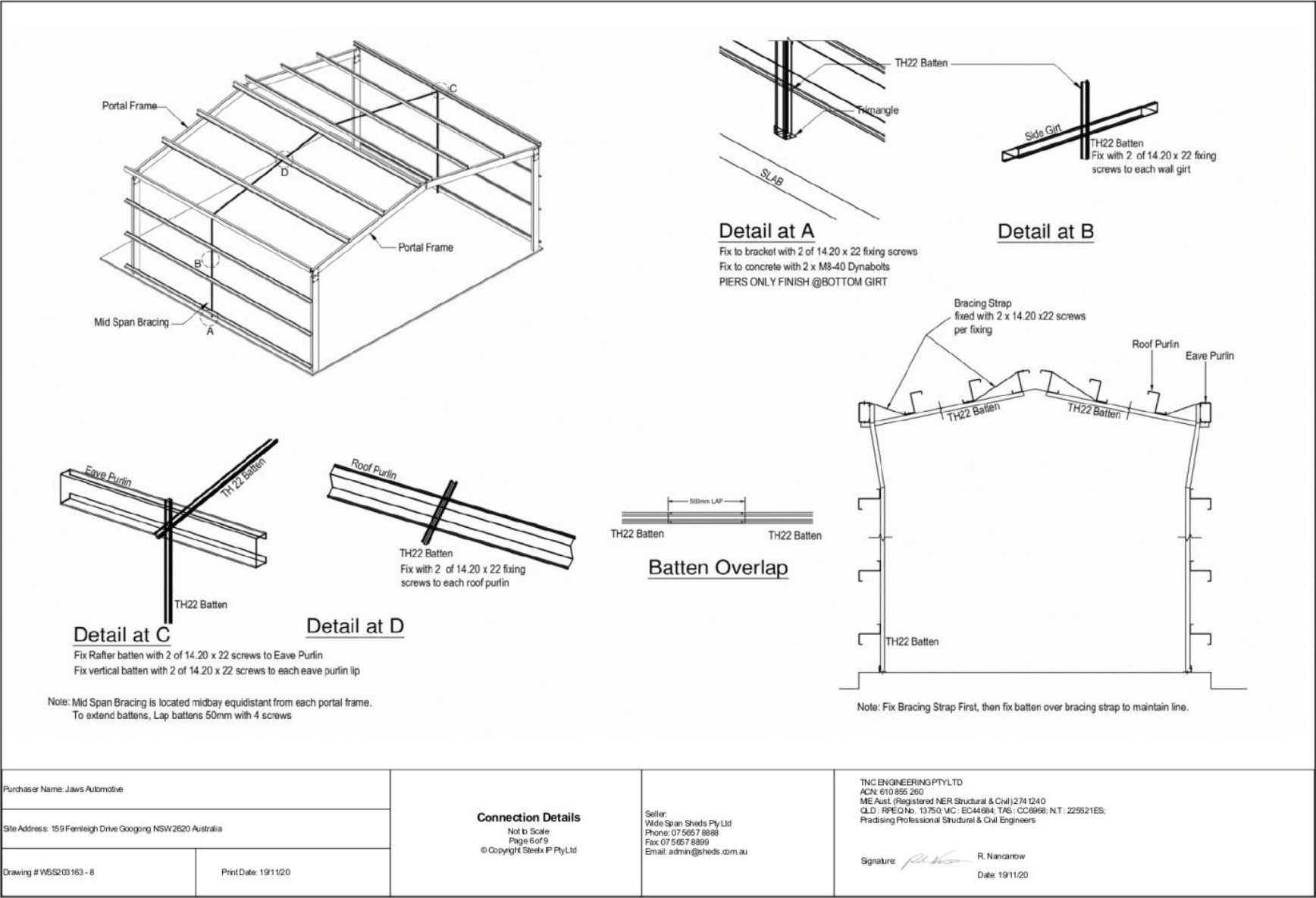


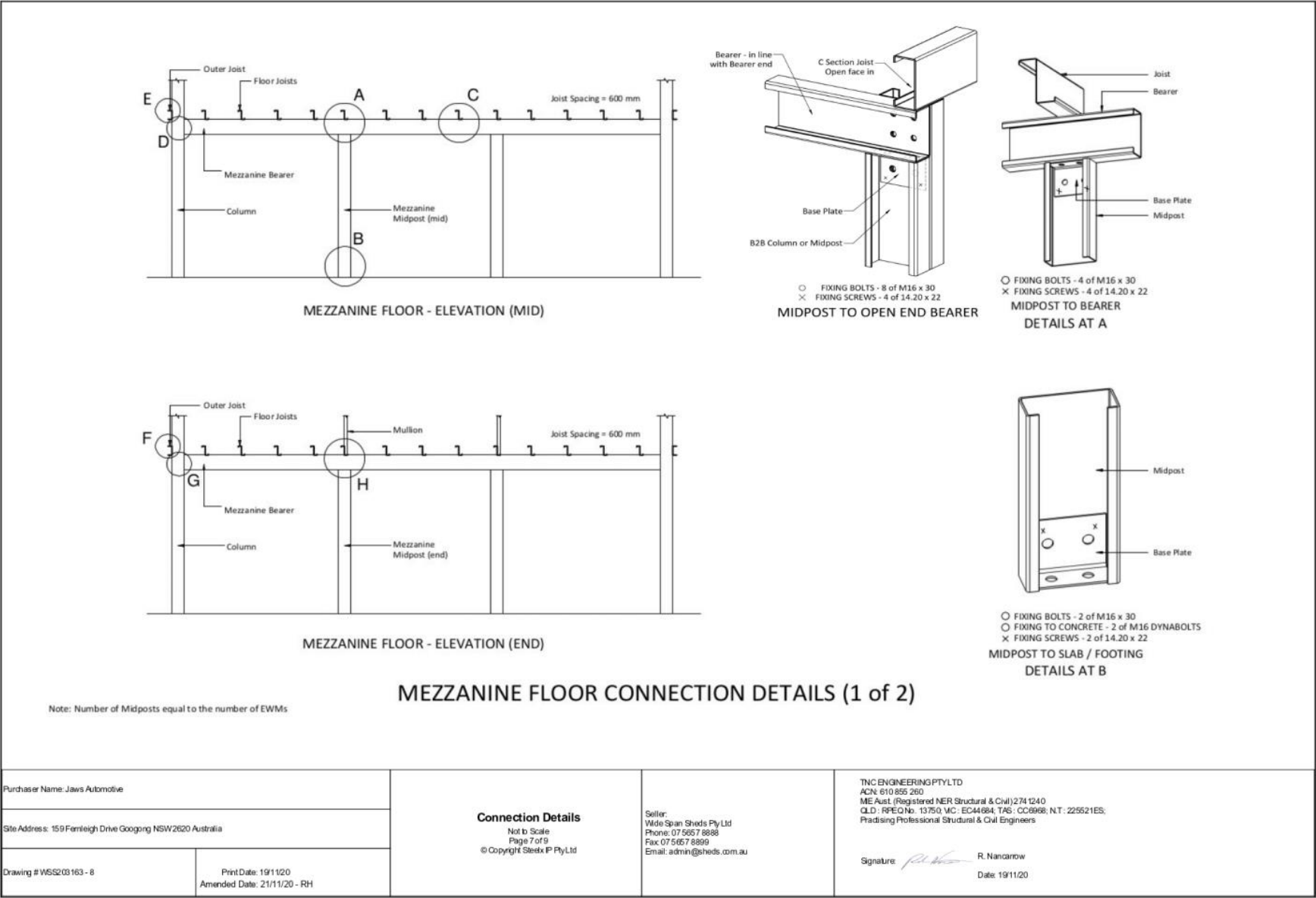
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| Purchaser Name: Jaws Automotive | | Connection Details Not to Scale Page 3 of 9 © Copyright Steels P Pty Ltd | Seller: Wide Span Sheds Pty Ltd Phone: 07 5657 8888 Fax: 07 5657 8899 Email: admin@sheds.com.au | TNC ENGINEERING PTY LTD ACN: 610 855 260 ME Aust. (Registered NER Structural & Civil) 274 1240 QLD : RPEQ No. 13750, VIC: EC44684, TAS : CC6968, N.T. : 225521ES; Practising Professional Structural & Civil Engineers |
| Site Address: 159 Fernleigh Drive Googong NSW 2620 Australia | | | | |
| Drawing # WSS203163 - 8 | Print Date: 19/11/20 | | | |
| | | Signature:  R. Nancarrow Date: 19/11/20 | | |

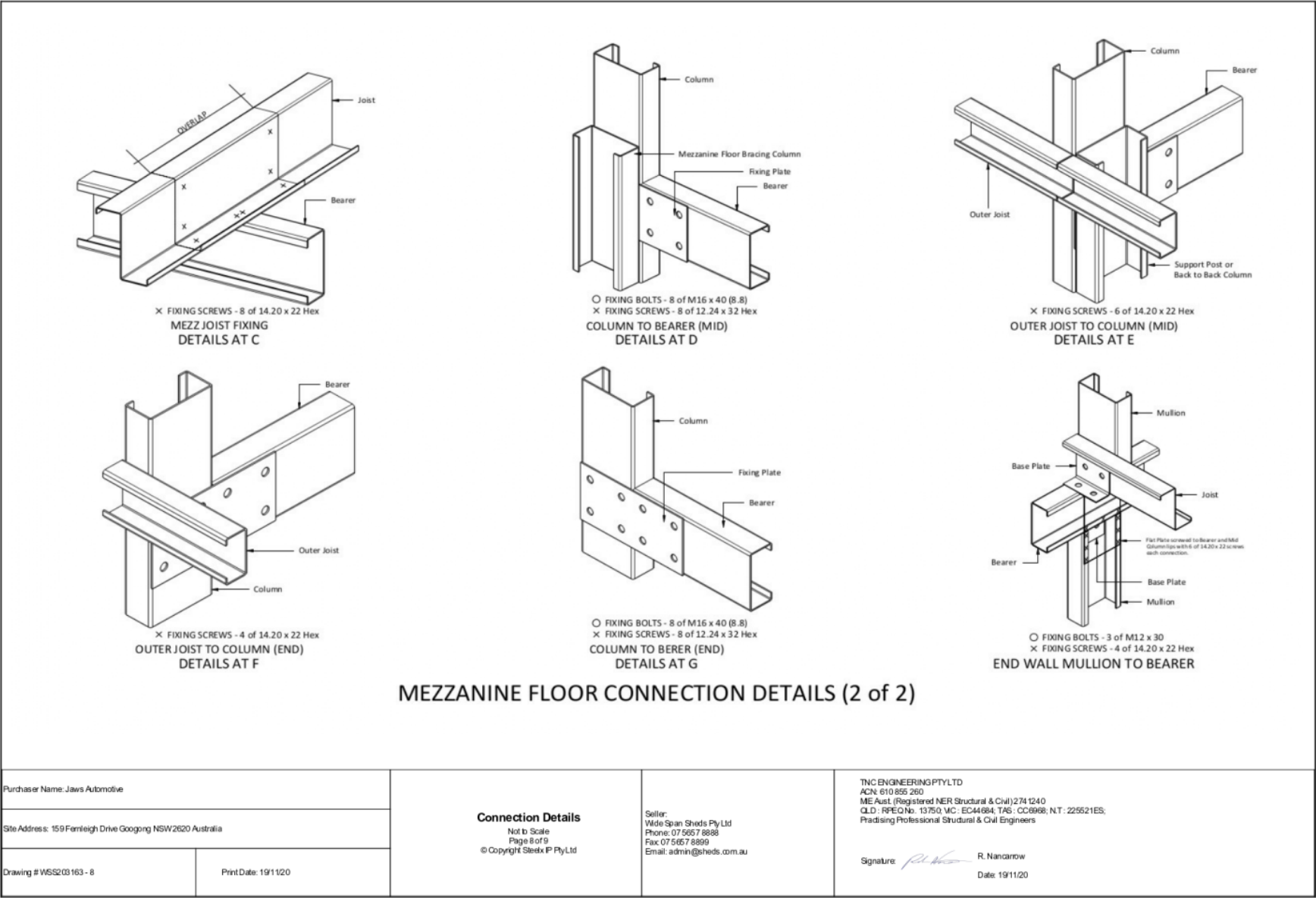


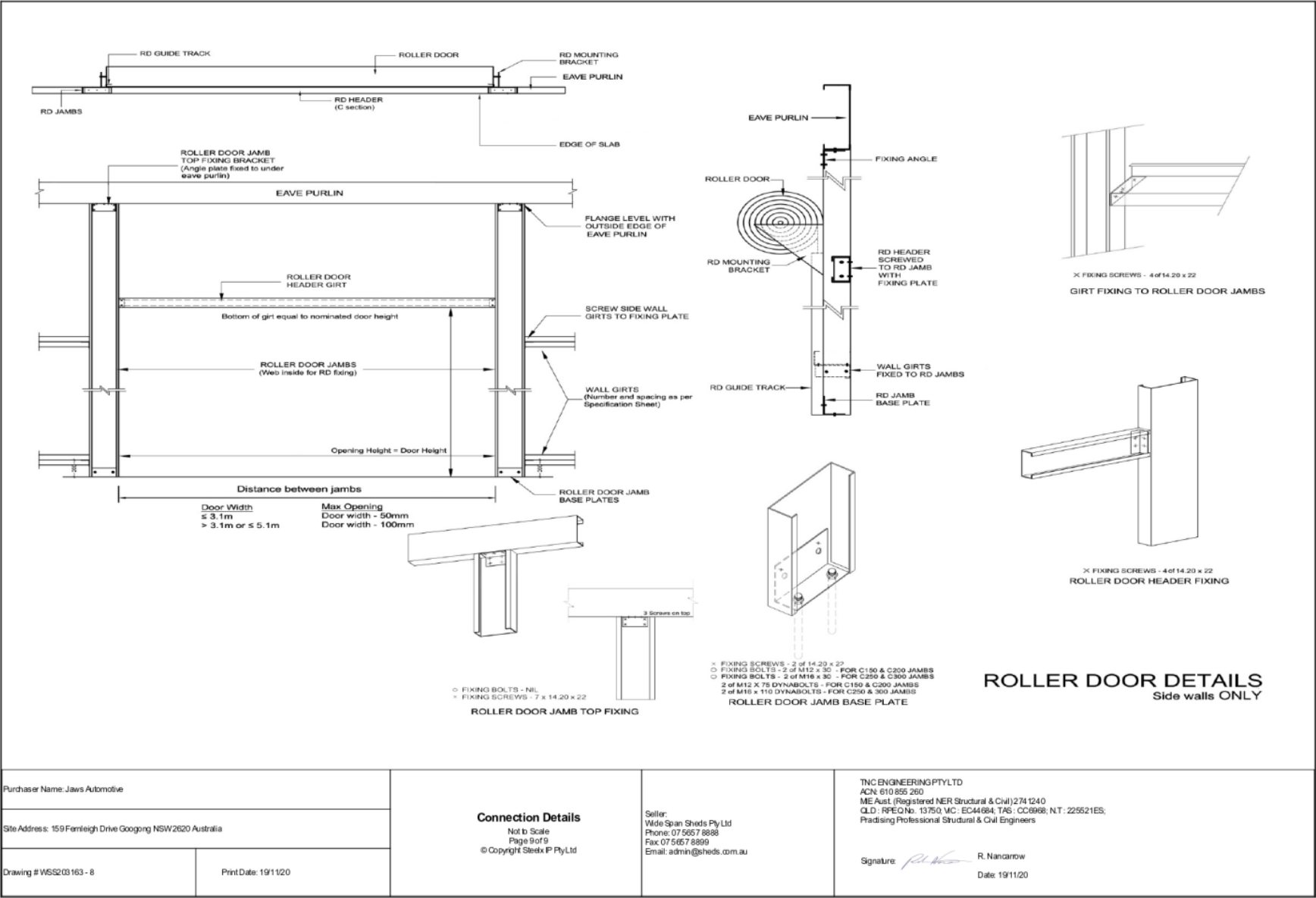
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| Purchaser Name: Jaws Automotive | | Connection Details Not to Scale Page 4 of 9 © Copyright Steels P Pty Ltd | Seller: Wide Span Sheds Pty Ltd Phone: 07 5657 8888 Fax: 07 5657 8899 Email: admin@sheds.com.au | TNC ENGINEERING PTY LTD ACN: 610 855 260 ME Aust. (Registered NER Structural & Civil) 274 1240 QLD : RPEQ No. 13750, VIC: EC44684, TAS : CC6968, NT: 225521ES; Practising Professional Structural & Civil Engineers |
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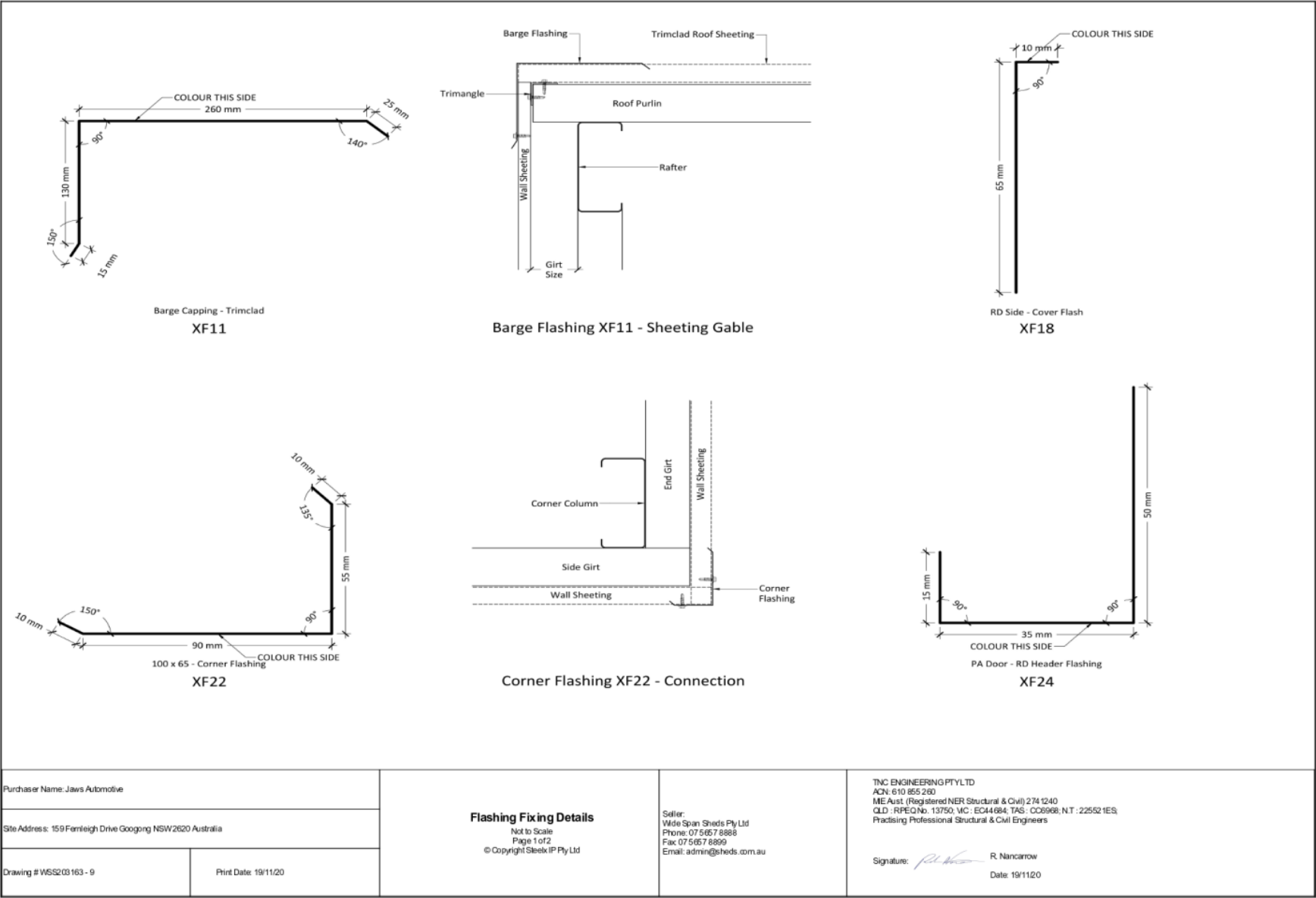


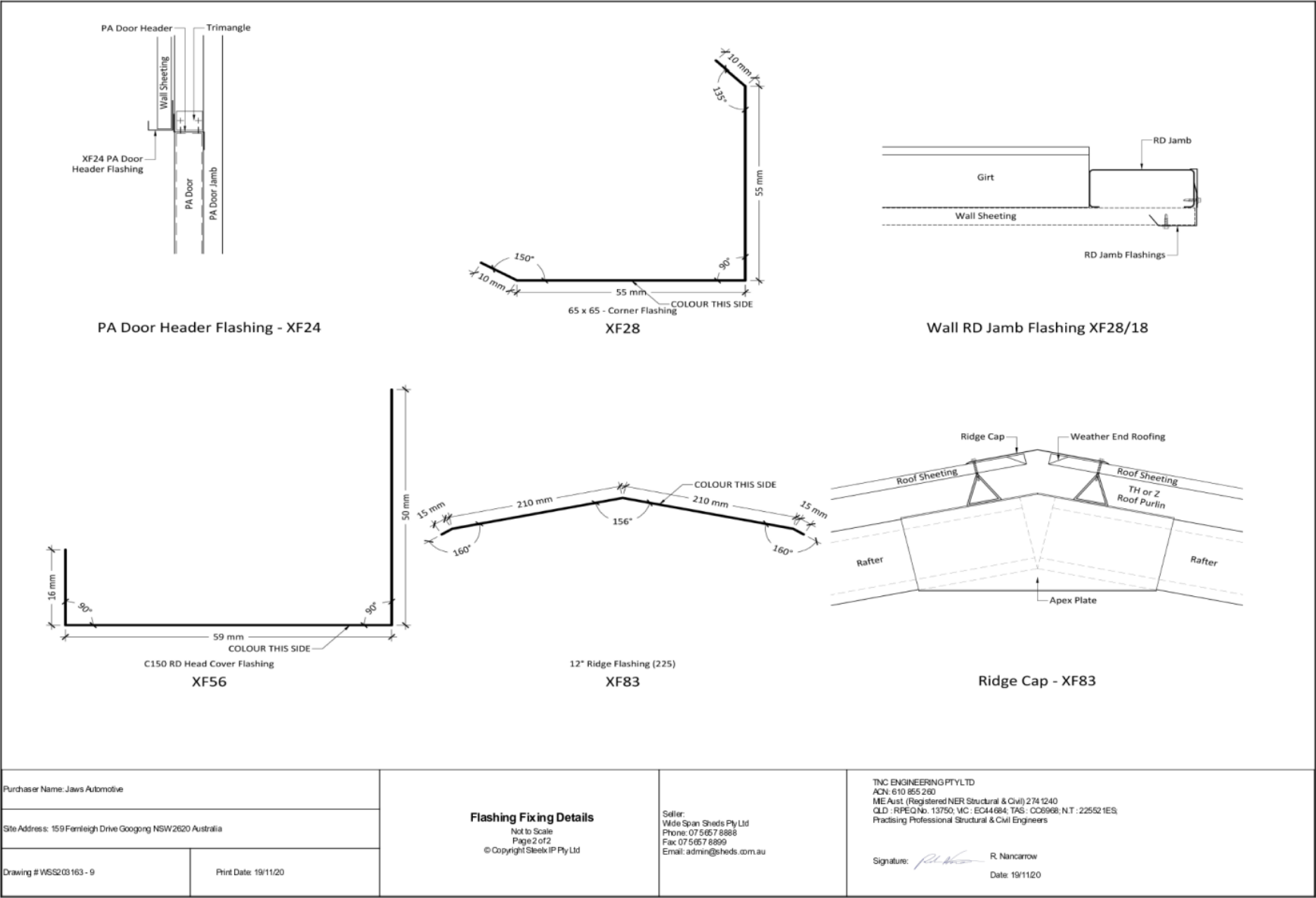


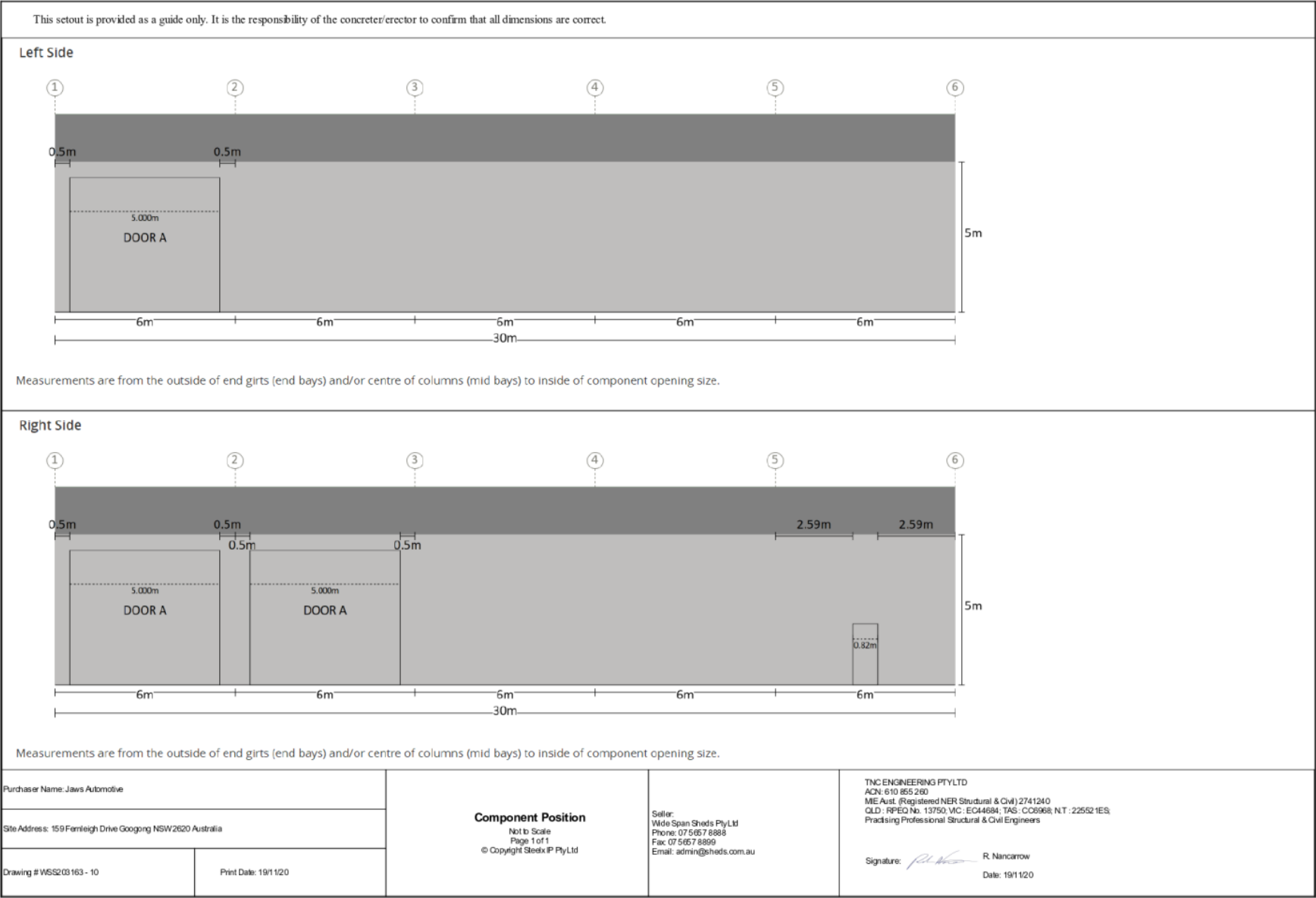




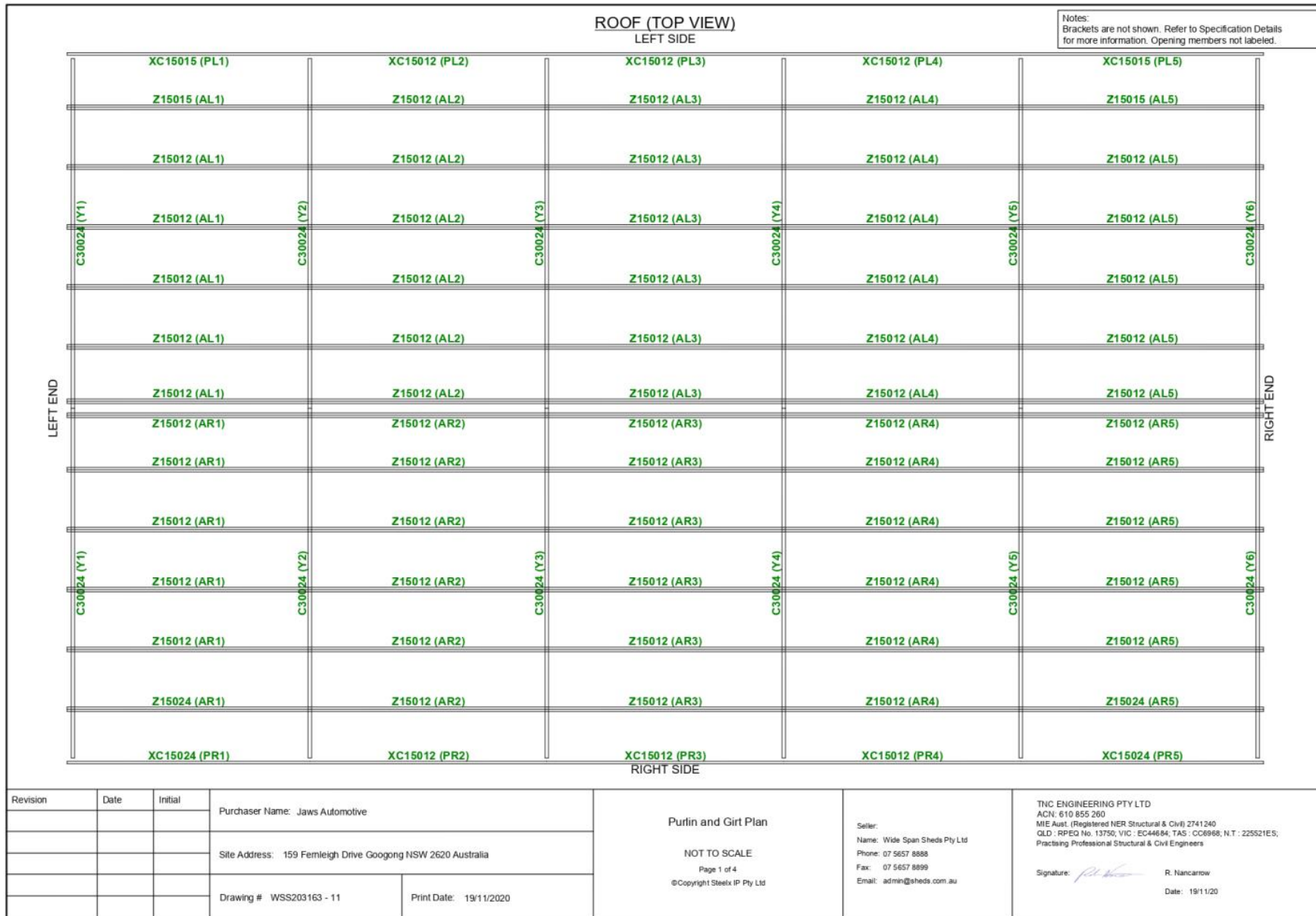


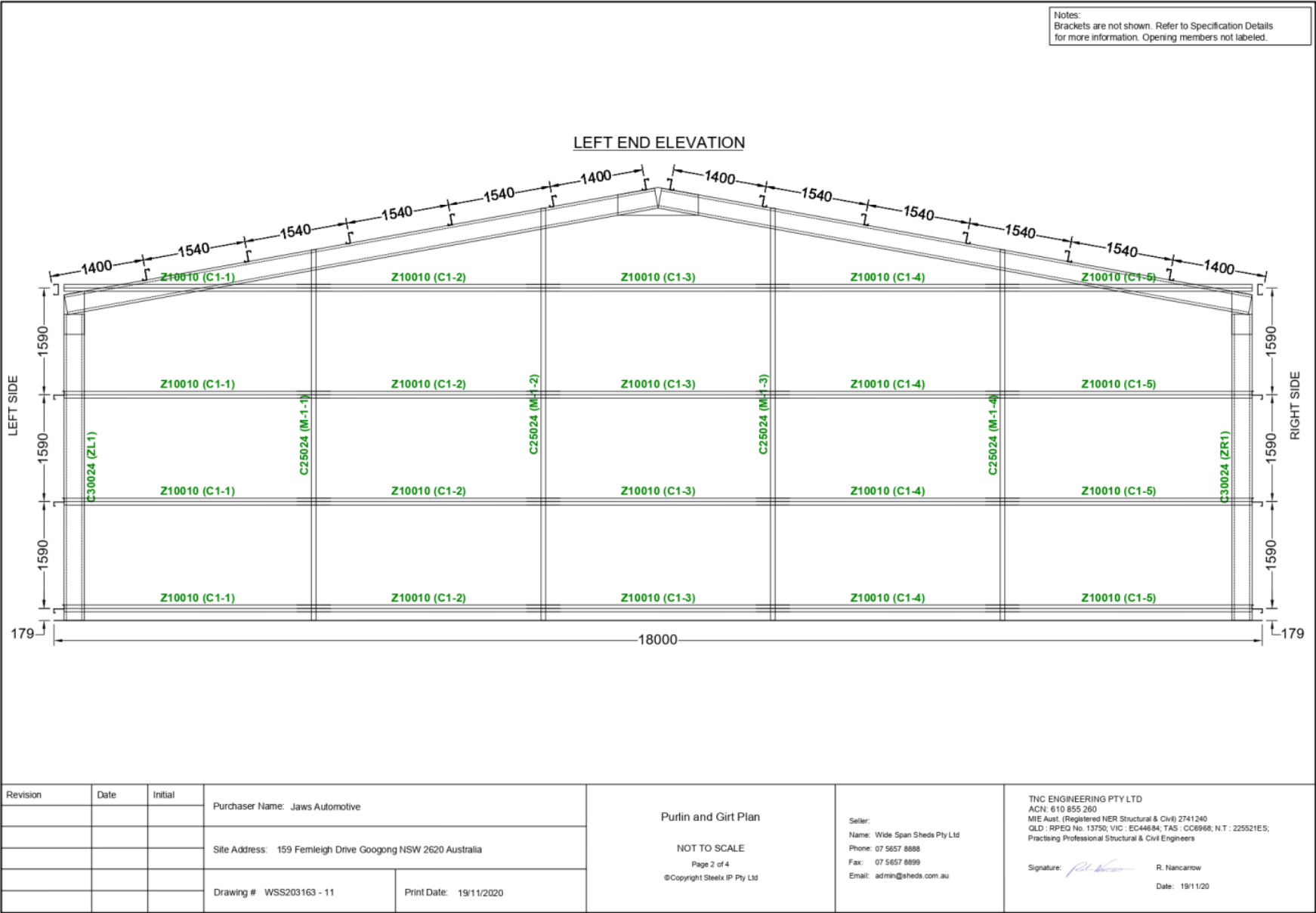


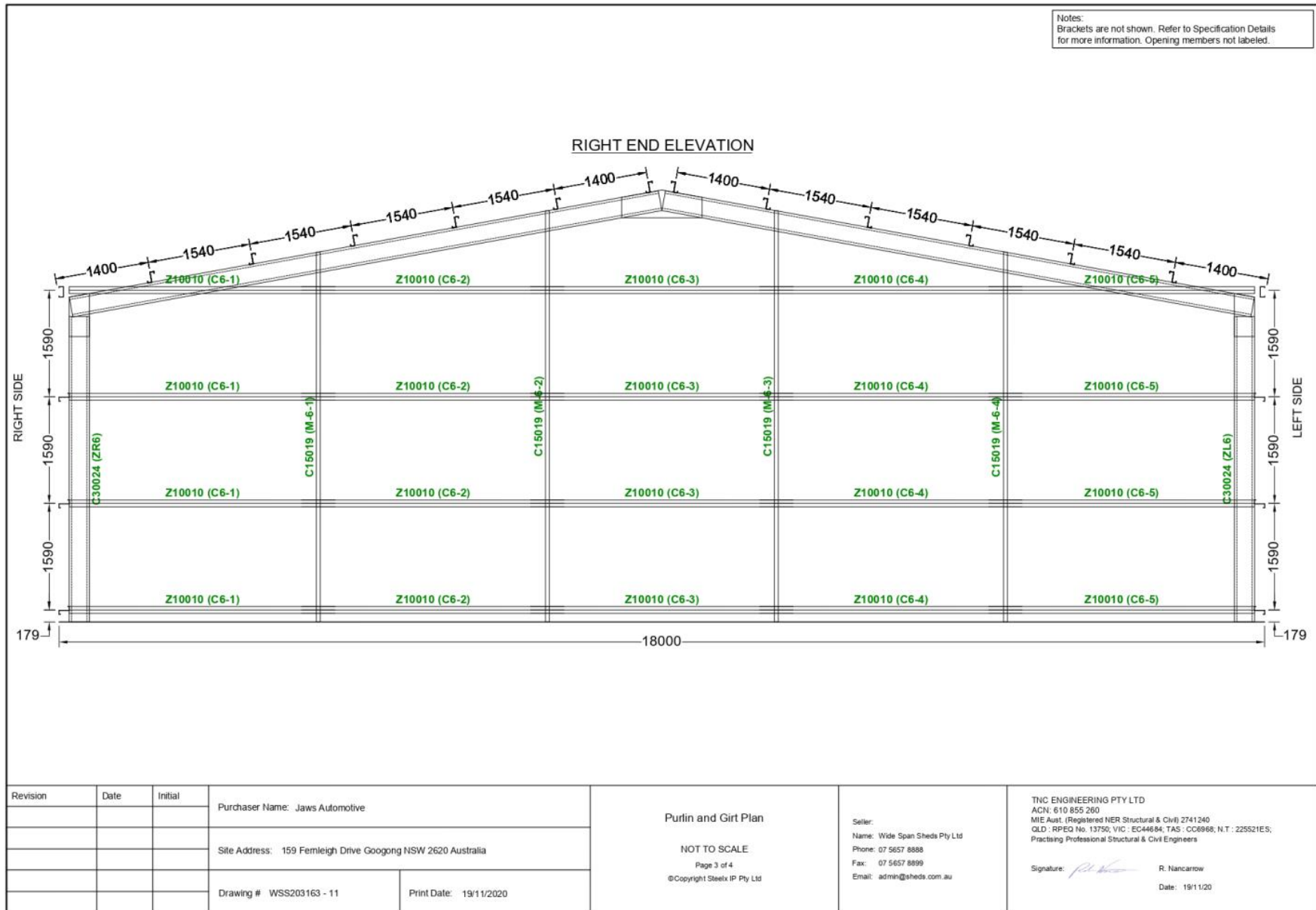




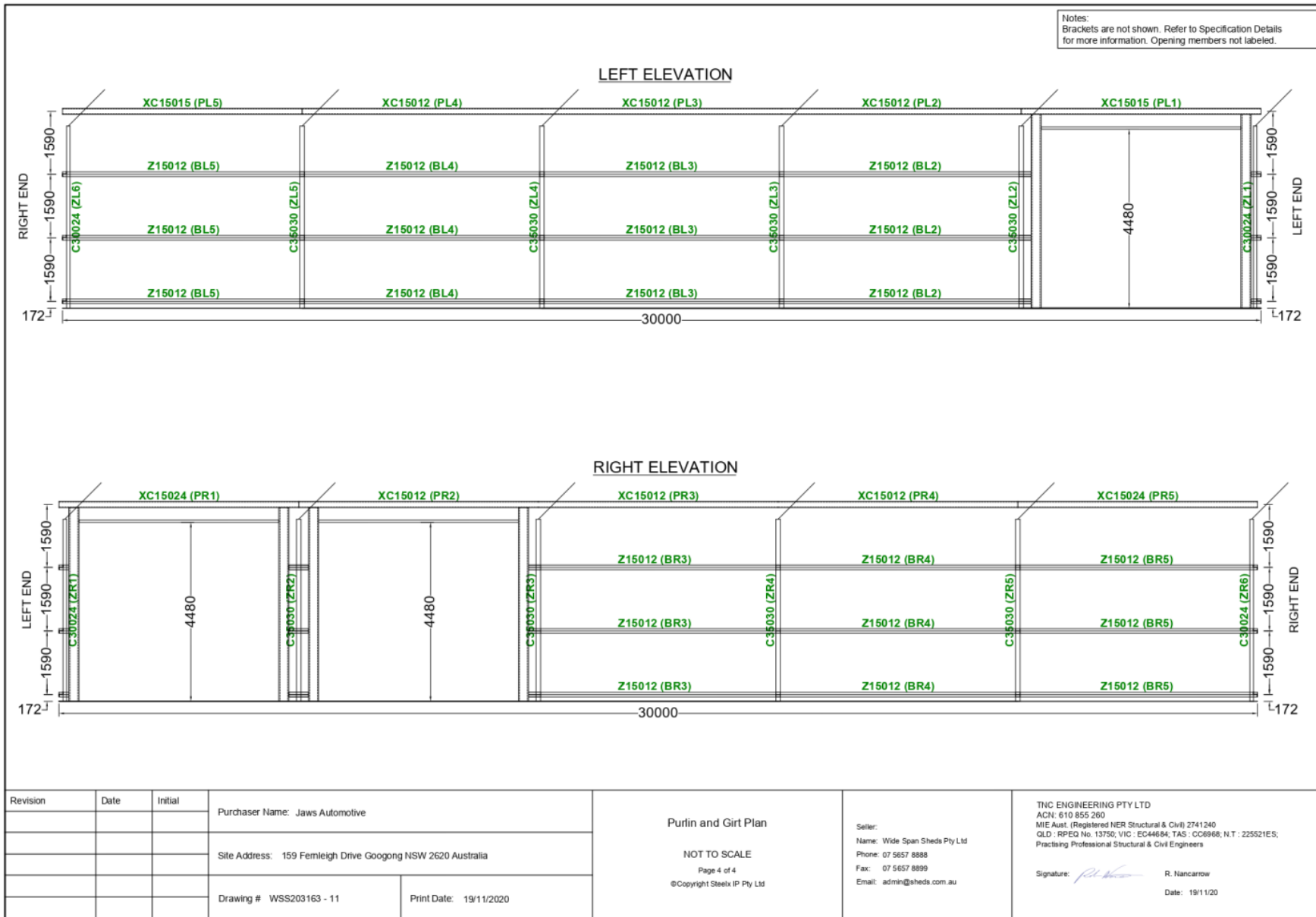
9.2 Development Application DA.2021.1060 - Erection of a Large Farm Shed - 159 Fernleigh Drive, Googong
Attachment 2 - DA.2021.1060 - Plans - 159 Fernleigh Drive, Googong (Continued)







9.2 Development Application DA.2021.1060 - Erection of a Large Farm Shed - 159 Fernleigh Drive, Googong
Attachment 2 - DA.2021.1060 - Plans - 159 Fernleigh Drive, Googong (Continued)



QUEANBEYAN-PALERANG REGIONAL COUNCIL

Council Meeting Attachment

28 JULY 2021

ITEM 9.2 DEVELOPMENT APPLICATION DA.2021.1060 - ERECTION OF
 A LARGE FARM SHED - 159 FERNLEIGH DRIVE,
 GOOGONG

ATTACHMENT 3 DA.2021.1060 - SUBMISSIONS (REDACTED) - 159 FERNLEIGH
 DRIVE, GOOGONG

Submission DA 2021.1060: 159 Fernleigh Drive, Googong NSW 2620

Overview

I object to the size of the proposed new farm building, which substantially exceeds the Queanbeyan Development Control Plan 2012. Specific objections are described below.

Objection to erection of farm building is submitted for the following reasons:

1. Statement of environmental effects dwellings (including alterations & additions, outbuildings and home activities)
 - a. Section B: Neighbourhood impact:
 - i. "It [machinery shed] is being built on rural property on 38 acres".

Objection: The property is only 13.71 ha (approx), or 33.8 acres (Appendix 1: Real estate brochure January 2020)

- b. Section D: Access:
 - i. Application: 'Is access going to be retained? Response **YES**

Objection: A second access has already been established within the last five months. QPRC has already resurfaced the road once at the second access; the road needs to be resurfaced again at this access (Appendix 2a)

Objection: A new driveway (within the property boundary) leads to the proposed new farm building. (Appendix 2b: prior to new driveway access)

2. Application to vary the Development Control Plan, Section A: Part 5, Section 5.12.1, Control A (appendix 2)

Objection: The property is 13.71ha approximately (Appendix 1). The concrete pad for the proposed farm building alone is 30m x 18m, ie 540m², (ref site plan page 2; drawing #WSS203163-7), exceeding the maximum floor area for properties less than 16 ha by 240m² (Appendix 3: Queanbeyan Development Control Plan 2012: 5.12.1 Size of sheds)

Submission DA 2021.1060: 159 Fernleigh Drive, Googong NSW 2620

Appendix 1: Sale brochure 159 Fernleigh Drive Googong (realestate.com.au January 2020)



159 Fernleigh Drive, Googong, NSW 2620

5 3 4 13.71 ha House

Sold on 28 May 2020

159 FERNLEIGH DRIVE, GOOGONG

To book an inspection please contact [REDACTED]

Capturing a picturesque bushland outlook, this lifestyle acreage on over 13.71 hectares represents an indulgent sanctuary fit for the family. It enjoys a light filled northerly aspect in a peaceful rural location, just a short drive away from the CBD.

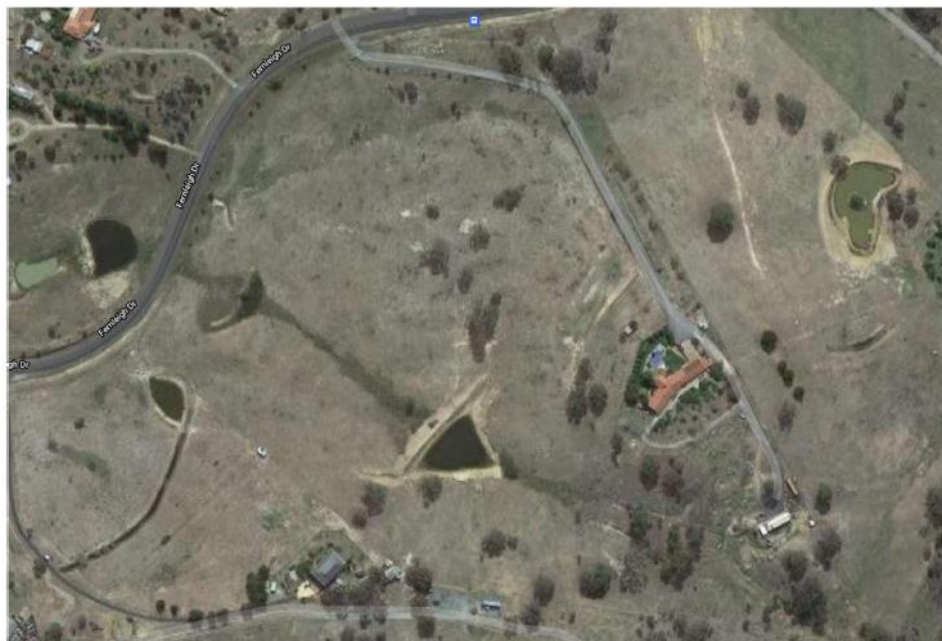
- Generous layout provides formal lounge with fireplace and bar
- Open plan living/dining includes a slow combustion fireplace
- Alfresco deck with barbecue area overlooking pool and spa
- Large granite gas kitchen equipped with Miele appliances
- Five bedrooms, each are well appointed with built-in robes
- Master suite with ensuite and dual vanity
- Opulent main bathroom fitted with freestanding tub and shower
- CCTV, solid timber floorboards, updated tiles and carpets
- Dual living in granny flat with bathroom and new kitchenette
- Irrigated gardens, horse stables, double garage plus carport
- Please contact the agent to arrange a private inspection

Submission DA 2021.1060: 159 Fernleigh Drive, Googong NSW 2620

Appendix 2: A: Road access to 159 Fernleigh Drive prior to second driveway (Google maps 2020)



Appendix 2B: Satellite photo prior to new driveway access (Google maps 2020)



Submission DA 2021.1060: 159 Fernleigh Drive, Googong NSW 2620

Appendix 3: Queanbeyan development control plan 2012

5.12.1 Size of sheds

Objectives

- 1) To control the number and size of sheds so as to minimise their visual dominance and bulk in the landscape.
- 2) The size of sheds will reflect the rural or rural residential use of land and the size of the property.

Controls

- a) On lots with an area of 16ha or less) sheds shall have a maximum total floor area of 300m² - i.e. the total cumulative floor area of all sheds on any one property shall not exceed 300m². For the purposes of this clause the floor area is to be measured under the outside perimeter of the roof.
- b) Larger sheds may be permitted on lots that are greater than 16ha, provided the applicant can substantiate the rural use of the shed having regard for the size of the land and its agricultural use as well as measures taken to minimise the impact on neighbours and the locality.

Submission to: DA.2021.1060

This application describes a farm building structure, it mentions earth works to fill to level the area.

However there is already significant earth works at the property both at the front of the property (not in the proposed application) and at the proposed farm building construction site with large volume of dumped earth raising the height of the land at the farm building construction site. This means that the farm building at 6.59 m will be higher than the existing house. Has this been taken into account? The fill at the site visible from neighbouring properties already exceeds 1m, elevating the land. The variation of the development control plan stipulates that there is no visual disturbance, this will not be the case given the current earthwork elevation, such that the shed will be visually prominent in the skyline from the road and surrounding properties. Photograph attached.

The earth works already carried out have included construction of an access road/driveway that is not on the development application. It starts at the earth works at the front of the property, connecting the front driveway of the property, to the proposed building site at the back of the property, running around the edge of the property close to the property boundary [REDACTED] [REDACTED] We would like reassurance that this is not planned to be used as access to the shed. On the application to vary the development control plan it stipulates a tow-truck will be housed here which is on a police call out roster and a large number of motorised vehicles. On the environmental statement section D there is no information regarding the additional access, and there is a statement indicating there will be no increased noise. This new access track/driveway is in direct line of site [REDACTED] and would cause disturbance [REDACTED] The movement of vehicles on this track during ongoing building works is already causing noise and dust disturbance [REDACTED] ... Photograph attached.

The earth works include the dumping of large volumes of soil over the last 5 months, and there is direct drainage into neighbouring dams and the Jerrabomberra creek. There is no evidence of an environmental impact survey statement or solid testing having been carried out on the large volume of soil which has come from out of area. Section F 'environmental impacts' of the form has not been completed.

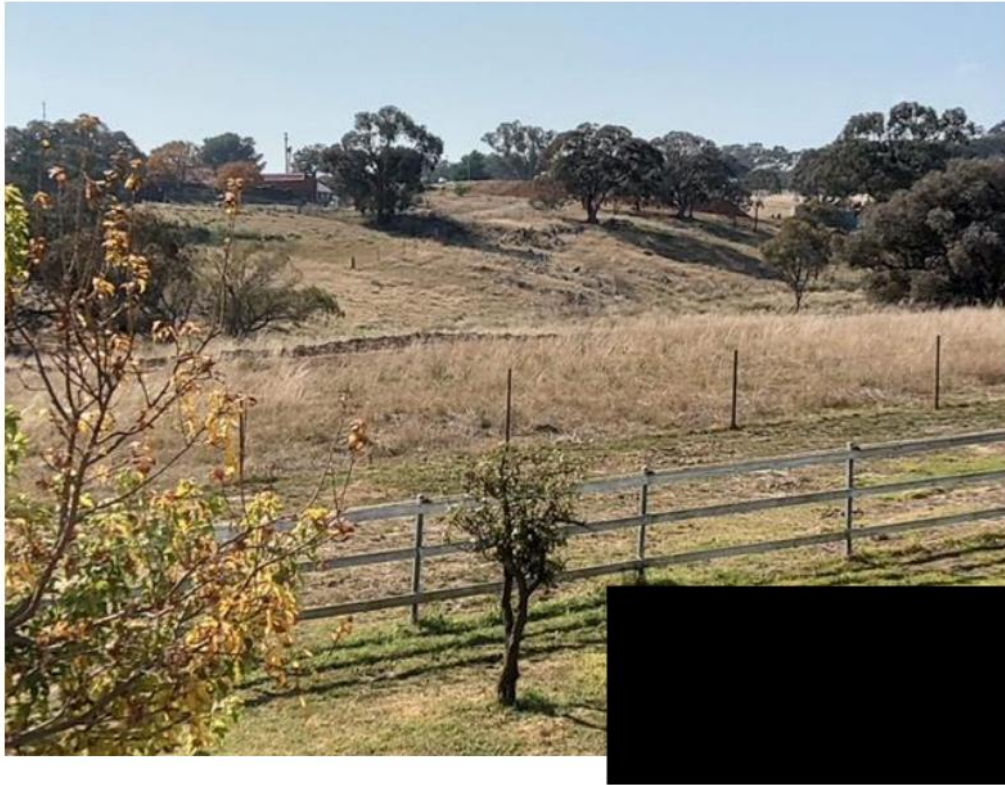
The total area in the application is 800sqm, which is a significant variant to section 5.12.1 of the development control plan which states a maximum of 300m² for lots less than 16 hectares. How does the related concurrent earth works affect this size?

In summary [REDACTED] we object to the current application.

[REDACTED]

06/05/2021





To Compliance Section

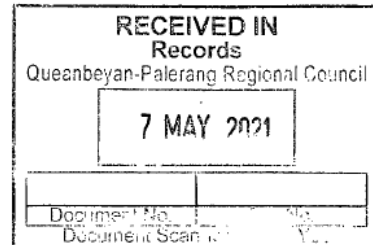
QPRC

PO Box 90

QUEANBEYAN NSW 2620

Re: Development Application No. DA.20211060

159 Fernleigh Drive, Googong NSW



We wish to make comment on the proposed farm building Mr Jarron Walker is seeking to be construct at the above address.

Firstly, we are confused as to where the building will be built as the plans show it to be behind the existing house, but we have observed massive earthworks being prepared at the front of the property.

Secondly, the size of this new "farm Building" is huge. If constructed, this would be the largest single building in all of Fernleigh Park. The existing community centre and RFS Shed could fit easily inside the proposed construction, with space to spare. This brings into question the intended use of the building. We understand that the applicant operates a motor vehicle repair and transport business and are concerned that this building may be part of a planned commercial operation from the Fernleigh site. The size of the structure is completely out of context for the community.

Thirdly, the number of trucks that have been accessing the site for the past few months to provide the land fill at the front of the block have been operating without supervision and have caused near misses with cars travelling along Fernleigh Drive. This lack of concern for safety of others displayed by Mr Walker would indicate that his proposed "farm building" could be being built for any number of reasons that have not been disclosed.

We are making this submission anonymously [redacted]
[redacted]
[redacted]

He needs to fully disclose to the Fernleigh community what is planned in total to his block before council approves any activity because [redacted] fear is the plans are bigger than stated and once he has one section approved he will use that as leverage to complete his presently unknown plans.

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GOOGONG, NSW

2620

QPRC

Mayor Mr T Overall

Natural Built General Manager Mr M J Thompson

Contaminated Dam – 174 Fernleigh Drive Googong

Reference:

- a. QPRC DA.2021.160 dated 21 April 2021
- b. [REDACTED] Submission DA2021.1060 dated 5 May 2021

I am seeking a meeting to discuss the serious implication and outcomes caused by the owner of 159 Fernleigh drive, Googong (Ref a). I am now a [REDACTED] victim that will have serious social, financial and possible resale valuation of [REDACTED] property. I need transparency of the forward planning path of possible outcomes by Council in this complex issue, [REDACTED] can make decisions to move on with confidence.

Background

[REDACTED] (Fernleigh Park), NSW [REDACTED] Life on small acreage has been leisure living with a community spirit. Infrastructure on the property includes two dams that has provided water for animal stock, provision of water for household gardens and primary fire plan support for over [REDACTED] years.

[REDACTED] plan to sell the property soon and downsize.

Situation

The illegal compliance activities at 159 Fernleigh Drive in importing land fill at the front of the property in a natural water course and with the current rainfall in the past weeks has contaminated/polluted [REDACTED] dams with mud. Apart from the muddy water it is not known if there are any EPA issues.

■■■ horses grazing on ■■■ have now been removed by the owners for health reasons. Animal stock will not be able to return ■■■ have confidence that there is good clean quality water.

The proposed Farm shed, Ref a, which is subject to a current DA has been under construction for the past 2 weeks including pouring of the slab and the framework construction is near completion over this weekend. Has this DA been approved?

Current History Activity

Discussion commenced with council on the 29th of Mar 2021 with the continued importation of land fill into 159 Fernleigh drive and rising land fill level above 1 metre + on the natural watercourse. Information from council was that they were aware and dealing with the owner and that the owner was ignoring council directions of non-compliance. Numerous conversations have taken place with council officers since that date. I was advised not to talk to the owner ■■■

The Development Application No DA.2021.16060, dated 21 April 2021 requested comment by adjoining landholders for a large farm shed construction. ■■■ comment submitted to council on 5 May 2021 (Ref b) also raised major issue of the land fill being washed ■■■ with serious contamination to ■■■ dams.

I approached council on Friday 18th June 2021 and raised the pollution of the dam with Simon Upward (EPA office) and was advised that council was aware of.

- The risks associate with disturbance of the land fill soil being washed down, through ■■■ dam and natural water course to the creek.
- The owner had been directed to install a water filtration system at his boundary and this has not been done.
- The owner has ignored council direction to stop importing land fill.
- There have been legal discussions in council over the noncompliance by the owner.
- Was advised not contact the owner.

Further discussion with Simon Upward was that I could put water filtration on my land to reduce mud, however, would not filter heavy intense down pour of rain we experience from time to time. It was discussed that this could be a high financial burden (restoration of the dam and/reduced sale valuation).

Simon Upward has forwarded my recent emails within council and asked the Roads dept if they could help as the water flows under Fernleigh drive road ■■■

Council collected land fill soil samples from 159 Fernleigh drive, however, do not know the results of the testing.

I indicated to Simon Underwood and in emails that issue (pollution of the dam) will not go away until the land fill issue has been resolved and rectified.

I am adding an ■■■ concern of continued activities of 159 Fernleigh drive owner and defiance against council directions and notes the continued construction of the "farm shed", a new road along ■■■ fence line and concern of ■■■ contaminated dams because of landfill, along with possible EPA ramifications of a watercourse.

Summary

This summary also provides meeting agenda items for discussion.

- [REDACTED] dam cannot be used until the land fill issue has been resolved and can be guaranteed quality water flow.
- I cannot pump any dam water through my external water pipe infrastructure for garden purposes and more seriously is the primary water supply for emergency fire situations. Further this piping is also used for bearing water reticulation.
- I need transparency information with council to allow me to socially move forward given the serious issues with the noncompliance of the land fill.
- A prolonged legal issue by council with the owner is not satisfactory as my life expectancy is short as a [REDACTED] and I need to sell without a devaluation loss and move on.
- Sale of my property whilst under a legal battle of noncompliance by the owner of 159 Fernleigh drive will not be conducive to a prospective buyer (assumption that a buyer will not find the property attractive if there is no quality water available for stock i.e., social horse lovers).
- I have asked a [REDACTED] Real estate company to provide me with a worse case devaluation of the property if the dams cannot unusable
- I should not have to bear financial cost to restore [REDACTED] dam /or proceed with prolonged expensive legal services.

Council staff, [REDACTED] that I have spoken to have been concerned, helpful and co-operative with me in this matter.

Looking forward to meaningful discussions. [REDACTED]

Yours Faithfully

[REDACTED]

Attachments:

1. Ref a [REDACTED] Submission DA2021.1060 dated 5 May 2021.
2. Photographs of polluted dam

Attachment 1 to
Contaminated Dam

GOOGONG NSW
2620

QPRC

Submission to DA No 2021.1060

Comments regarding DA for 159 Fernleigh Drive, GOOGONG, NSW is based on the DA application, however, find there is insufficient information and therefore some assumptions will be made subject to clarity.

Comments will be based on the proposed building and other undeclared ongoing earth works that may be associated with the DA No 2021.1060.

Farm Shed

The proposed farm shed location behind the principal dwelling does not show the relative based site elevation in respect to the principal dwelling. Noted is the recent importation of earth fill raising the proposed base site of the farm shed to the same level height of the apex of the principal dwelling.

The proposed farm shed with a height of 6.59 metres and a length of 30 metres will be totally visible by all residents adjoining properties and on the northern side of Fernleigh drive and passing traffic regardless of the colour.

This is out of character within the Fernleigh Park properties (E4: Environmental Living) and will look like an industrial building and ascetically changes the landscape within the area.

Road

A second road is underway from associated earthworks near the front gate along the front boundary fence then parallel to the western side boundary fence to the proposed Farm shed. There is an existing perfectly good road on the eastern side boundary that leads to the principle dwelling and proposed farm shed. Is this road linked to the current DA activity?

Earth Works

There is currently extensive importation of earth fill in a water course gully near the front boundary and gate and understand is an outstanding item with QPRC. Is this linked to the current DA activity?

I have grave concerns that this will impact [REDACTED] dam, as all water from 159 Fernleigh Drive property is diverted under the road onto my property to the dam then discharges into Jerrabomberra creek [REDACTED] This dam was part of the original development as purchased in 1990.

Heavy rain fall will transfer the loose fill in 159 Fernleigh Drive and cause serious silting of the dam with resultant reduce capacity, increased water temperature and evaporation

The dam is the principal core [REDACTED] Fire plan for water during summer months for protection of the house and property. The dam was deepened some 20 years ago to overcome serious evaporation over the summer months and has been successful.

Action is required to address this before it is too late. Restoration of the dam to restore this asset would be at considerable cost.



5 May 2021

Attachment 2 to
Contaminated Dam

PHOTOGRAPHS



Polluted dam

Left dam -opposite neighbour Right dam – [REDACTED] after 3 days of rain.



Imported Land fill on 159 Fernleigh Drive, Googong



Land fill- left top quadrant, water path to ■ dam via under road ducting



Natural water path via my dam

GOOGONG NSW
2620

QPRC

Submission to DA No 2021.1060

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Heavy rain fall will transfer the loose fill in 159 Fernleigh Drive and cause serious silting of the dam with resultant reduce capacity, increased water temperature and evaporation

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Action is required to address this before it is too late. Restoration of the dam to restore this asset would be at considerable cost.



5 May 2021