



Ordinary Meeting of Council

28 June 2023

**UNDER SEPARATE COVER
ATTACHMENTS**

ITEM 9.1

Item 9.1 DA.2022.1616 - 139 Wickerslack Lane Googong - Construction of Storage Shed

Attachment 1 DA.2022.1616 - S4.15 Matters for Consideration - Assessment Report - 139 Wickerslack Lane Googong2

Attachment 2 DA.2022.1616 - Plans - 139 Wickerslack Lane Googong.....34

Attachment 3 DA.2022.1616 - Supporting Document - 139 Wickerslack Lane Googong.....40

Attachment 4 DA.2022.1616 - Draft Conditions of Consent - 139 Wickerslack Lane Googong42

Attachment 5 DA.2022.1616 - Redacted Submission - 139 Wickerslack Lane googong.....49

QUEANBEYAN-PALERANG REGIONAL COUNCIL

Council Meeting Attachment

28 JUNE 2023

ITEM 9.1 DA.2022.1616 - 139 WICKERSLACK LANE GOOGONG -
CONSTRUCTION OF STORAGE SHED

ATTACHMENT 1 DA.2022.1616 - S4.15 MATTERS FOR CONSIDERATION -
ASSESSMENT REPORT - 139 WICKERSLACK LANE
GOOGONG



DELEGATED REPORT - DA.2022.1616

SUMMARY

Proposal:	Construction of a storage shed
Address:	139 Wickerslack Lane GOOGONG NSW 2620
Property description:	Lot 3 DP 1268832
Applicant:	Janaka Blackley Pty Limited
Owner:	Janaka Blackley Pty Limited
Date of lodgement:	14/11/2022
Notification period:	29/11/2022 to 15/12/2022
Submissions received:	16
Assessment officer:	Mary Kunang
Estimated cost of works:	\$73150.00
Zoning:	C4 Environmental Living under Queanbeyan-Palerang Regional LEP 2022
Heritage:	No Yes the land is partially identified as flood prone land
Flood affected:	(small portion towards the rear) however the proposed development site is located outside the mapped area
Bushfire prone:	Yes
Canberra Airport OLS:	No
Recommendation of officer:	Approval subject to conditions of consent

EXECUTIVE SUMMARY

The application seeks Council approval for the construction of a storage shed.

The proposal was required to be notified in accordance with QPRC's Community Engagement & Participation Plan and 16 submissions were received by Council objecting to the proposal. The issues raised were discussed below and mostly related to the compliance issues currently dealt with by Council's Compliance Unit.

Subject to the imposition of conditions of consent (if granted), the proposal generally satisfies the relevant aims, objectives and specific requirements of the Queanbeyan-Palerang Regional Local Environmental Plan 2022 and Queanbeyan Development Control Plan 2012. Developments of this type are typical for the area.

There were no principal issues with the proposed development and it is recommended for approval with recommended conditions of consent.

BACKGROUND

- The site was created as part of the rural residential subdivision approved on 19/2/1963 under Subdivision No. 2/1963. Further boundary adjustment of Lot 2 DP218721 and Lot 3 DP1258758 was registered on 3/6/2021 (Subdivision certificate No. SC.2021.1000) to create the subject site.
- BA159/79 – Commercial bakery and BA242/89 – Bakery Extension. The bakery is now located at No. 137 Wickerslack Lane.
- DA No.D173/89 – Bakery Extension was approved subject to conditions on 21/9/1990. As mentioned above, the bakery is now located at No. 137 Wickerslack Lane.
- BA787/64 – Dwelling at 139 Wickerslack Lane approved with conditions on 7/11/1964.
- BA254/84 – Dwelling at 139 Wickerslack Lane approved on 18/9/84 to replace the above dwelling. This is the dwelling currently exist on site.

A further search of Council's records indicated that there are a number of compliance issues related to this premises as stated below. It is noted that these compliance issues are currently dealt with by Council's Compliance Unit, separate from the subject application for the storage shed.

Search of Council records show that complaints were received regarding the unauthorised use of the premises as a home-based childcare, truck depot and office associated with the truck deport business, which were investigated by Council's Compliance Unit. The site inspection carried out by the Compliance Officer revealed that the premises was used as a truck depot and ancillary office and the existing dwelling located on the site is currently sublet and is being used as a home-based childcare.

Council's Compliance Unit have served an order on the owners of the property to:

1. *Cease using the premises as a transport depot or truck depot.*
2. *Cease parking trucks, truck and trailer combinations, earthmoving machinery.*
3. *Cease using the sub floor area of the dwelling as an office /commercial premises for or in connection with Black Earthmoving Pty Ltd.*

Council records also indicated that on 28 October 2022 Council's authorised officer carried out an inspection at the subject premises and discovered that most of the premises had been cleared of vegetation and earthworks have been undertaken without approval, leading to the likelihood that erosion would lead to sediment leaving the premises and entering the Queanbeyan River. Therefore, on 21 April 2023, a caution notice was issued to the owner regarding the matter. The caution notice required the owner to employ a specialist to develop a Soil and Water Management Plan (SWMP) for the premises. The SWMP to be submitted to Council for approval and upon approval by Council the recommendations in the SWMP to be implemented. On 10 May 2023 a document titled SWMP 139 Wickerslack Lane was submitted to Council however the document appears to be inadequate as it was not prepared by a specialist as required in the caution notice and would not effectively mitigate the likelihood that ongoing water pollution from the premises.

On 23 May 2023, Council issued a clean-up Notice under Section 91 of the Protection of the Environment Operations Act 1997 to:

1. *Employ a specialist to develop a Soil and Water Management Plan (SWMP) (14 days from the date of the notice). This SWMP is to include a plan for remediation of vegetation on the premises.*
2. *Submit the SWMP to Council for approval (21 days from the date of the notice).*
3. *Once Council has approved the SWMP, implement the actions recommended in the SWMP (35 days from the date of the notice).*
4. *Once the SWMP actions have been implemented advise Council so an inspection of the SWMP work can be undertaken by Council (42 days from the date of the notice).*

Council also becomes aware of clearing works undertaken by the owner on the land between his property and the Queanbeyan River. Based on the Compliance Officer's advice, actions are underway in regard to this clearing works.

DESCRIPTION OF THE SITE AND LOCALITY

Test	Assessment
Legal Description	Lot 3 DP 1268832
Address	139 Wickerslack Lane GOOGONG
Location in Relation to Street	The site is located on the eastern side of Wickerslack Lane
Area	1.911ha
Site Slope	Slopes downwards west to east from the front property line to the rear property line.
Vegetation	Vegetation on the site consists primarily of modified grassland on the eastern side, managed landscaping on the western side near the existing dwelling house with a few scattered trees/ shrubs and highly disturbed area throughout the site.
Access	Vehicular access is provided to the site via an existing driveway from Wickerslack Lane.
Existing Development on the Site	Existing development on the site comprises a dwelling house, detached outbuildings and water tank.
Existing Development Within the Locality	Existing development within the locality consists of rural residential, sheds, bakery, animal boarding or training establishment, farmland etc.

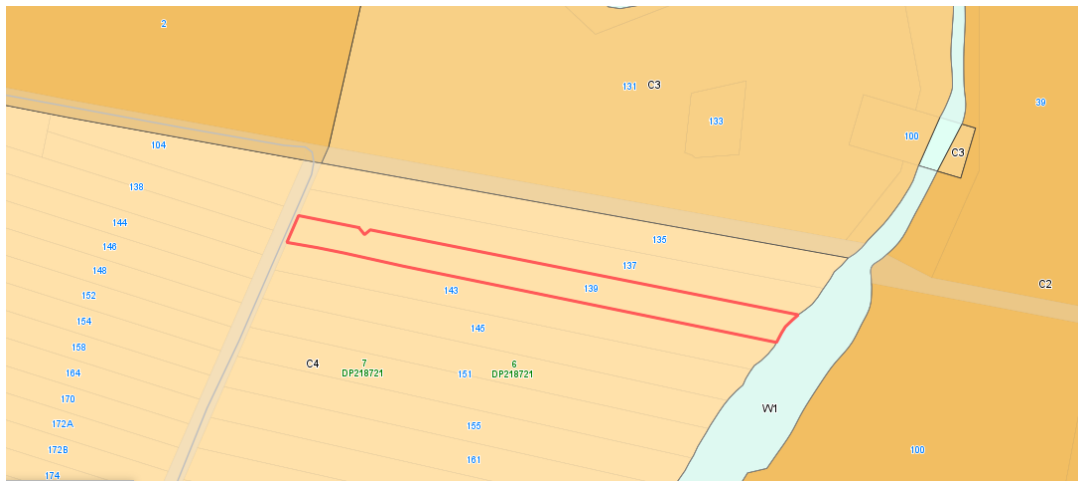


Figure 1: Locality plan



Figure 2: Aerial view of the subject property



Proposed shed site



Shipping containers and trucks on site



View to the south – 143 Wickerslack lane



Proposed shed location



View to the east – dwelling house on site



Front view of dwelling house

Internal driveway and view to the north



Rear view of dwelling house



Existing driveway off Wickerslack Lane



View to the rear property

Figure 3: Site photos

PROPERTY BURDENS AND CONSTRAINTS

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

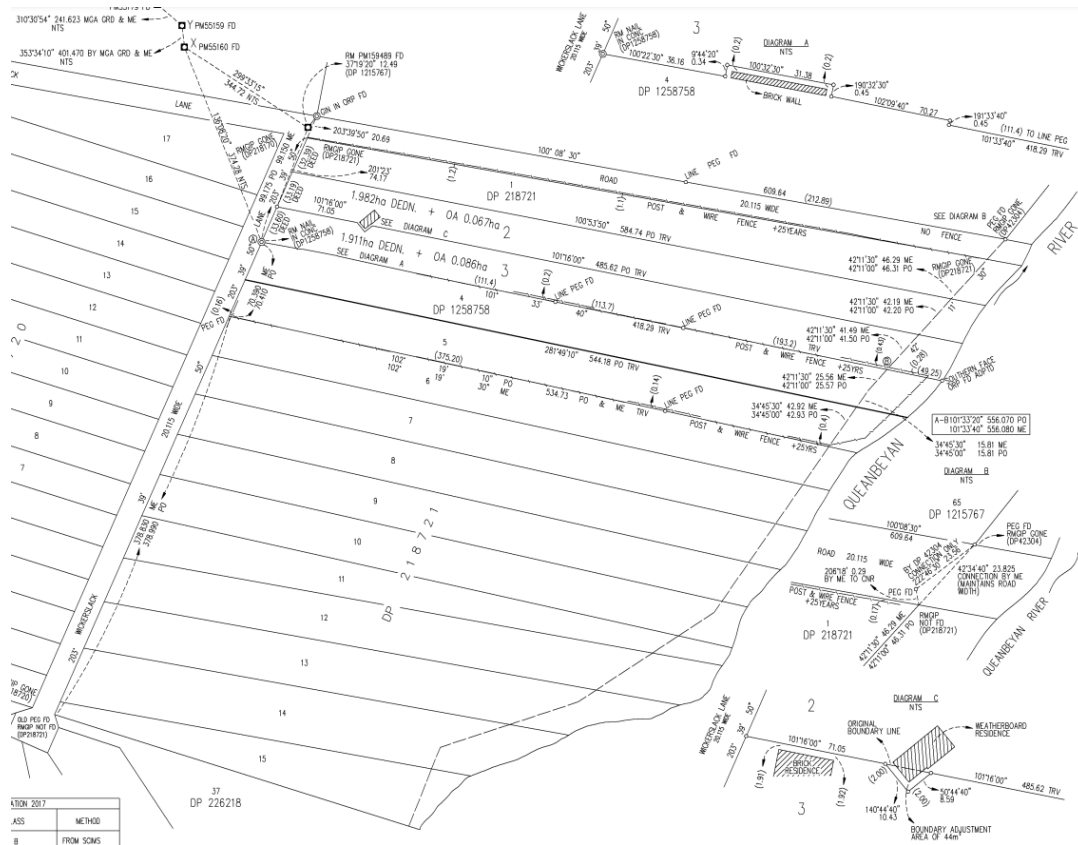


Figure 4: Deposited Plan

DESCRIPTION OF THE PROPOSED DEVELOPMENT

The application seeks Council approval for the construction of a shed to be used as storage.

The specific elements of the proposal are:

- The shed has a total floor area of 240m² (24m long x 10m wide) with a maximum height of 7.02m.
- The roof has a 22° pitch and will be constructed of Colorbond Monument materials.
- Based on the submitted SEE and supporting document, the proposed shed will be used for storage to store caravan, a small boat, lawn mowers and miscellaneous equipment. No amenities are proposed within the shed and it will not be used for habitable/residential purposes. A recommended condition will be imposed (if granted) to ensure the shed will be ancillary to the residential use of the site and will not be used for commercial/industrial purposes.

Site inspection revealed that the site has been cleared and earthwork has been carried out prior to the lodgement of this application. The illegal site clearing and earthworks are currently and separately dealt with by Council's Compliance Team. Council has served a clean-up Notice under the Protection of the Environment Operations Act to the owner to remediate the vegetation on site.

Based on the submitted plan, approx. 800mm cut and fill is proposed to level the site for the proposed shed.

No removal of vegetation is required to accommodate the building pad or clearance around the shed as the site has been cleared as mentioned above.

The site inspection also revealed that there is an existing shed on site. Based on the submitted plan, the total floor area of the existing shed is 42.25m² (6.5m x 6.5m).

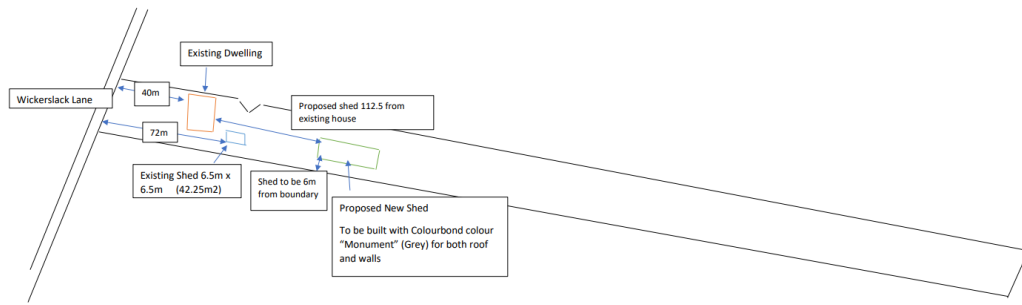


Figure 5: Site plan

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 and the following approvals are not required:

Fisheries Management Act 1994	No	Heritage Act 1977	No
Mine Subsidence Compensation Act 1961	No	National Parks & Wildlife Act 1974	No
Protection of the Environment Operations Act 1997	No	Roads Act 1993	No
Rural Fires Act 1997	No	Water Management Act 2000	No

REFERRALS

INTERNAL REFERRALS

Engineering Comments

“Being a shed on a rural residential block with no services there was no need for an engineering report.”

Council’s Development Engineer has reviewed the application and has offered no objections to the proposal, subject to the imposition of recommended conditions of consent.

Compliance Officer Comments

Council’s Compliance Officer has commented on the compliance issues related to the site as follows:

“Council’s Compliance Unit have served an order on the owners of the property to:

- a) Cease using the premises as a transport depot or truck depot.
- b) Cease parking trucks, truck and trailer combinations, earthmoving machinery.
- c) Cease using the sub floor area of the dwelling as an office /commercial premises for or in connection with Black Earthmoving Pty Ltd.

The existing dwelling located on the site is currently sub let and is being used as a family day care centre.

Council has also served a clean-up Notice under the Protection of the Environment Operations Act to:

- a) a specialist to develop a Soil and Water Management Plan (SWMP) for the premises. This SWMP is to include a plan for remediation of vegetation on the premises.
- b) Submit the SWMP to council for approval.
- c) Once Council has approved the SWMP, implement the actions recommended in the SWMP.

The owner has also undertaken clearing works on the land between his property and the river. Actions are underway in regard to the works.”

SECTION 1.7 – APPLICATION OF PART 7 OF BIODIVERSITY CONSERVATION ACT 2016 AND PART 7A OF FISHERIES MANAGEMENT ACT 1994 – EP&A ACT 1979

Section 7.2

Section 1.7 of the EP&A Act requires consideration of Part 7 of the Biodiversity Conservation Act 2016 (BC Act). Part 7 of the BC Act relates to an obligation to determine whether a proposal is likely to significantly affect threatened species. A development is not considered to result in a significant impact in the following assessed circumstances:

Section 7.2 of the Biodiversity Conservation Act 2016

Test	Assessment										
(a) it is likely to significantly affect threatened species or ecological communities, or their habitats, according to the test in section 7.3, or	The proposed development is unlikely to significantly affect threatened species or ecological communities, or their habitats.										
(b) the development exceeds the biodiversity offsets scheme threshold if the biodiversity offsets scheme applies to the impacts of the development on biodiversity values, or <table border="1" data-bbox="325 1346 855 1496"> <thead> <tr> <th>Minimum lot size associated with the property</th> <th>Threshold for clearing, above which the BAM and offsets scheme apply</th> </tr> </thead> <tbody> <tr> <td>Less than 1 ha</td> <td>0.25 ha or more</td> </tr> <tr> <td>1 ha to less than 40 ha</td> <td>0.5 ha or more</td> </tr> <tr> <td>40 ha to less than 1000 ha</td> <td>1 ha or more</td> </tr> <tr> <td>1,000 ha or more</td> <td>2 ha or more</td> </tr> </tbody> </table>	Minimum lot size associated with the property	Threshold for clearing, above which the BAM and offsets scheme apply	Less than 1 ha	0.25 ha or more	1 ha to less than 40 ha	0.5 ha or more	40 ha to less than 1000 ha	1 ha or more	1,000 ha or more	2 ha or more	As the minimum lot size applying to the site is 5 hectares, the relevant clearing threshold for the clearing of native vegetation is 0.5 hectares. The proposal does not involve tree removal, and therefore the biodiversity offset scheme does not apply.
Minimum lot size associated with the property	Threshold for clearing, above which the BAM and offsets scheme apply										
Less than 1 ha	0.25 ha or more										
1 ha to less than 40 ha	0.5 ha or more										
40 ha to less than 1000 ha	1 ha or more										
1,000 ha or more	2 ha or more										
(c) it is carried out in a declared area of outstanding biodiversity value	The site is not a declared area of outstanding biodiversity value.										

The subject site is located within rural residential area which has been modified and altered over time throughout the residential and illegal commercial uses of the land which are currently dealt with by Council’s Compliance Team.

On the basis of the above, the development is not considered likely to significantly affect threatened species and therefore a Biodiversity Development Assessment Report is not required to accompany the application for development consent.

Section 7.3

A five-part test was not required to be undertaken as the proposed development will not significantly affect any threatened species, population, or ecological community, or their habitat.

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 2019'.

The subject site is identified as being a bush fire prone land.

The proposal is a class 10a structure and located more than 6m away from the dwelling. Also, it is not proposed to be used for habitable purpose. Therefore no bushfire protection measures are required for this development.

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	Relevant?	Comment
SEPP (Biodiversity & Conservation) 2021	Yes	The application does not involve any vegetation clearing. The proposal will not adversely impact koala habitat. The subject site is not located within a drinking water catchment.
SEPP (Building Sustainability Index) 2004	No	The application does not propose the construction of a new dwelling, residential alterations and additions valued over \$50,000 or a swimming pool with a volume greater than 40,000L.
SEPP (Housing) 2021	No	The application does not propose any housing defined under the SEPP.
SEPP (Resilience and Hazards) 2021	Yes	The subject site is not located within a coastal management area. Council holds no record of the site having previously been used for

		potentially contaminating activities. The site inspection did not reveal evidence of potential contamination on the site and no records have been found to indicate potential for contamination. The site is considered suitable for the proposed development.
SEPP (Resources and Energy) 2021	No	The application does not propose an industry.
SEPP (Transport and Infrastructure) 2021	Yes	<p>The proposed development will not adversely impact any existing infrastructure or the provision of any infrastructure.</p> <p>The site is not located in or adjacent to road corridor nor does it have a frontage to a classified road. The site is not located within or immediately adjacent to an easement for electricity purposes or immediately adjacent to an electricity substation. No ground penetrating work is proposed within 2m of any underground electricity services and the proposed development is not located within 5m of an overhead powerline, therefore the proposal was not required to be referred to Essential Energy or TfNSW for comment.</p>
SEPP (Industry and Employment) 2021	No	<p>The proposal is not located within the Western Sydney Employment Area.</p> <p>The application does not propose any signage.</p>

QUEANBEYAN-PALERANG REGIONAL LOCAL ENVIRONMENTAL PLAN (QPRLEP) 2022

PART 1 - PRELIMINARY

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

Cl.	Aims	Complies
1.2(2)		
(aa)	<i>to protect and promote the use and development of land for arts and cultural activity, including music and other performance arts,</i>	N/A
(a)	<i>to protect and improve the economic, environmental, social and cultural resources and prospects of the community,</i>	Yes
(b)	<i>to facilitate the orderly and economic use and development of land having regard to ecological sustainability principles,</i>	Yes

(c)	to provide for a diversity of housing to meet the needs of the community into the future,	N/A
(d)	to provide for a hierarchy of retail, commercial and industrial land uses that encourage economic and business development that caters for the retail, commercial and service needs of the community,	N/A
(e)	to keep and protect important natural habitat and biodiversity,	Yes
(f)	to protect water quality, aquifers and waterways,	Yes
(g)	to keep, protect and encourage sustainable primary industry and associated commerce in rural areas,	N/A
(h)	to identify and protect the cultural heritage of the area, including the built heritage and the Aboriginal heritage,	Yes
(i)	to protect important scenic quality, views and vistas,	Yes
(j)	to facilitate the orderly growth of urban release areas,	N/A
(k)	to ensure development does not unreasonably increase the demand for public services or public facilities,	Yes
(l)	to identify, protect and provide areas for community health and recreational activities.	N/A

Comments: It is considered that the proposed storage shed generally satisfies the aims of the QPRLEP 2022. The proposed development is unlikely to adversely impact the economic, environmental, social, or cultural resources and prospects of the community. The proposal is considered to facilitate the orderly and economic use and development of land with regard to ecological sustainability principles. The proposal will not adversely impact important natural habitat or biodiversity. The proposal will not adversely impact water quality, aquifers, or waterways. The proposal will not adversely impact the cultural heritage of the area. The proposal will not adversely impact scenic quality, views, or vistas in the area. The proposal will not increase the demand for public services or facilities.

Suspension of Covenants, Agreements and Instruments

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


PART 2—PERMITTED OR PROHIBITED DEVELOPMENT		
Clause	Relevant	Comment
2.1 Land use Zones <ul style="list-style-type: none"> The QPRLEP 2022 designates land by zone. Zones then have specific development outcomes and development types permitted with consent, or prohibited. 	Yes	The proposed development is on land zoned C4 Environmental Living zone.
2.3 Zone objective and Land use Table: <ul style="list-style-type: none"> The assessment must have regard for the objectives of the zones. The land use tables specify development assessment streams including with consent or prohibited. Zone C4 Environmental Living Objectives of zone <ul style="list-style-type: none"> To provide for low-impact residential development in areas with special ecological, scientific or aesthetic values. 	Yes	Development for the purposes of a shed ancillary to a dwelling house such as proposed is permitted with consent within the C4 Environmental Living zone. Subject to the imposition of recommended conditions of consent (if granted), the proposed development generally satisfies the objectives of the zone. The proposed use as storage shed ancillary to the existing dwelling on site would have minimal impact on adjoining properties

<ul style="list-style-type: none"> To ensure that residential development does not have an adverse effect on those values. To encourage development that is visually compatible with the landscape. To minimise the impact of development on the natural environment. To ensure development does not unreasonably increase the demand for public services or public facilities. 		and residential development in the locality. Condition will be imposed (if granted) to ensure the storage shed will be ancillary to the residential use of the site and will not be used for commercial/industrial purposes. Given the distance (163m) from the front boundary, proposed dark grey (Monument) Colorbond material and its location being screened by the existing shed and dwelling house on site, it is not considered that the shed will be a dominant feature from the street view. Additionally the proposed shed utilises the slope of the land which falls away from the Wickerslack Lane. This will minimise visual impact on the existing natural environment and landscape features. It is not considered that the proposed storage shed would unreasonably increase the demand for public services or public facilities. No bathroom or electricity is proposed within the shed.
2.5 Additional permitted uses for particular land <ul style="list-style-type: none"> The LEP includes some unique provisions which override the Land Use Table. 	No	There are no additional permitted uses for the subject site and the proposed development is permissible in the subject zone with consent.
2.7 Demolition requires development consent	No	The proposal does not involve demolition of existing structures on site.

PART 4—PRINCIPAL DEVELOPMENT STANDARDS		
Clause	Relevant?	Comment
4.1 Minimum lot size for subdivision: <ul style="list-style-type: none"> The assessment must ensure the proposed development meets the relevant Objectives. 	No	The application does not propose subdivision.
Minimum lot size for: 4.1E Subdivision of certain lands in Zones C3 and C4	No	The application does not propose subdivision.
4.2A Erection of dwelling houses on land in certain rural, residential, mixed use and conservation zones	No	The application does not propose a new dwelling.

<p>4.3 Height of Buildings:</p> <ul style="list-style-type: none"> QPRLEP 2022 designates the height of a building that the consent authority can approve. 	Yes	The proposed height of 7.02m complies with the QPRLEP 2022 height limit of 9m.
<p>4.4 Floor space ratio</p> <ul style="list-style-type: none"> QPRLEP 2022 designates the maximum building area to site area (floor space ratio) that the consent authority can approve on some land. Floor space ratio is defined and excludes some areas of a building. 	No	The subject site is not captured in the QPRLEP 2022 FSR map.
<p>4.5 Calculation of floor space ratio and site area</p>	No	The subject site is not captured in the QPRLEP 2022 FSR map.
<p>4.6 Exceptions to development standards:</p> <ul style="list-style-type: none"> Council can consider varying a development standard in Part 4 (except some subdivision) of the QPRLEP 2022 at the written request of the applicant. Applicant to demonstrate that compliance is unreasonable, unnecessary and there are sufficient environmental planning grounds to justify the contravention. 	No	The application does not propose a clause 4.6 variation.


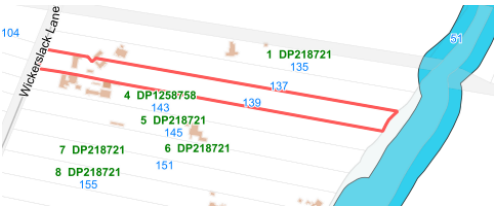
PART 5—MISCELLANEOUS PROVISIONS		
Clause	Relevant?	Comment
<p>5.3 Development near zone boundaries:</p> <ul style="list-style-type: none"> This Clause allows Council to use the objectives of an adjoining zone and permitted uses from the land use table of that adjoining zone to permit a use on the subject site that is currently prohibited. Adjoining zone being relied upon must be within 20m of the subject site. 	No	The application does not seek development consent for a land use that is permissible in an adjoining land use zone. The proposed development is permissible in the subject zone with consent.
<p>5.4 Controls relating to miscellaneous permissible uses:</p> <ul style="list-style-type: none"> Specific additional controls for some uses. These are statutory controls that cannot be varied and must be complied with or the use is prohibited. 	No	The application does not seek development consent for a miscellaneous permissible use.
<p>5.5 Controls relating to secondary dwellings on land in a rural zone:</p> <ul style="list-style-type: none"> Clause limits the internal floor area of a secondary dwelling. If exceeded, the proposed development cannot be approved. 	No	The application does not seek development consent for a secondary dwelling.
<p>5.9 Dwelling house or secondary dwelling affected by natural disaster:</p>	No	The application does not seek development consent to repair or


<ul style="list-style-type: none"> Clause provides for the repair or replacement of a lawfully erected dwelling or secondary dwelling damaged or destroyed by a natural disaster. 		replace a dwelling that was damaged or destroyed by a natural disaster.
<p>5.10 Heritage conservation:</p>	No	The subject site does not contain a heritage item, is not located in a heritage conservation area and is not located adjacent to a heritage item or conservation area.
<p>5.11 Bush fire hazard reduction:</p> <ul style="list-style-type: none"> Bush fire hazard reduction work authorised by the Rural Fires Act 1997 may be carried out on any land without development consent. 	No	The application does not propose bushfire hazard reduction works.
<p>5.13 Eco-tourist facilities:</p> <ul style="list-style-type: none"> Clause applies to development for an eco-tourist facility. Facility must have a demonstrated connection with the ecological, environmental, and cultural values of the area which will be enhanced by the proposal. 	No	The application does not propose an eco-tourist facility.
<p>5.16 Subdivision of, or dwellings on, land in certain rural, residential or conservation zones:</p> <ul style="list-style-type: none"> Clause seeks to minimise potential land use conflicts. Clause requires consideration of adjoining land uses or existing or approved uses of land in the vicinity of the development. Clause applies to residential subdivision or for a dwelling. 	No	The application does not seek development consent for subdivision or a dwelling.
<p>5.18 Intensive livestock agriculture:</p>	No	The application does not seek development consent for intensive livestock agriculture.
<p>5.19 Pond-based, tank-based and oyster aquaculture:</p>	No	The application does not seek development consent for pond-based, tank-based, or oyster aquaculture.
<p>5.21 Flood planning:</p> 	Yes	<p>Only rear portion of the subject site is identified as being flood prone land. The proposed site for the shed is located outside the mapped area.</p> <p>The proposed shed is considered compatible with the flood function and behaviour on the land. It is not considered that the proposal will affect the safe occupation</p>

		and efficient evacuation of people in the event of a flood.
--	--	-------------------------------------------------------------

PART 6—URBAN RELEASE AREAS		
Clause	Relevant?	Comment
6.1 Concurrence of Planning Secretary: <ul style="list-style-type: none"> Clause seeks to ensure state public infrastructure is sufficient to provide for urban release area growth. Applies to subdivision of land in Googong or South Jerrabomberra or other urban release area and lots proposed are smaller than the minimum lot size. 	No	The subject site is not located in an urban release area.
6.2 Public utility infrastructure: <ul style="list-style-type: none"> Clause seeks to ensure public utility infrastructure (water, electricity, management of sewage) is available to service the proposed development in urban release area. 		
6.3 Development control plan: <ul style="list-style-type: none"> Clause requires development in an urban release area to be consistent with the relevant DCP and staging plan. DCP to be prepared prior to development consent in an urban release area. 		
6.4 Development near Googong Dam foreshores: Clause applies to development in Googong in the area mapped as being in the Googong Foreshore Buffer.		

PART 7—ADDITIONAL LOCAL PROVISIONS		
Clause	Relevant?	Comment
7.1 Earthworks: <ul style="list-style-type: none"> Clause applies to earthworks that is not exempt. Earthworks assessable for a heritage item or in a heritage conservation area except wholly in the back yard). 	Yes	Initial bulk earthworks have been carried out on site without approval. The application proposes minor earthworks to accommodate the proposed shed. 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.
7.2 Terrestrial biodiversity:	Yes	The subject site is identified as being located within terrestrial

<ul style="list-style-type: none"> This clause primarily seeks to protect native flora and fauna. 		<p>biodiversity land. The proposed development is located at an area of the site with no vegetation. No additional vegetation clearing is proposed as part of this application as the site has been cleared and initial earthworks have been carried out prior to the lodgement of this application. It is unlikely that the proposed development will result in any impact on native flora, fauna, their ecosystem or habitats or corridors.</p> <p>Additionally, the subject site is not a declared area of outstanding biodiversity value.</p>
<p>7.3 Drinking water catchments:</p> <ul style="list-style-type: none"> This clause primarily seeks to protect drinking water supplies by maintaining water quality. 	No	The subject site is not located within a drinking water catchment.
<p>7.4 Riparian land and watercourses:</p> <ul style="list-style-type: none"> This clause primarily seeks to protect and maintain water quality in waterways, the stability of beds & banks and aquatic & riparian habitats. 	No	The subject site is not located within riparian and watercourses land.
<p>7.5 Salinity:</p> <ul style="list-style-type: none"> This clause seeks to ensure land that is impacted by salinity or where the site is prone to erosion is managed. 	No	The subject site does not contain salinity.
<p>7.6 Highly erodible soils:</p> <ul style="list-style-type: none"> This clause seeks to protect highly erodible soils. 	No	The subject site does not contain highly erodible soils.
<p>7.7 Slopes over 18 degrees:</p> <ul style="list-style-type: none"> This clause seeks to manage the impact of development on steep slopes. 	No	The subject site does not contain slopes over 18 degrees.
<p>7.8 Airspace operations:</p> <ul style="list-style-type: none"> This clause seeks to manage the potential impact of development that penetrates the Airport Obstacle Limitation Surface. 	No	<p>The subject site is captured in the Canberra Airport OLS Map, however, the proposed development will not penetrate the OLS.</p> <p>Airport OLS: 720m Shed: 640m + 7.02 = 647.02m</p>

<ul style="list-style-type: none"> The clause may be triggered by the existing height of the land or the height of the land plus the height of the building. 		
<p>7.9 Development in areas subject to aircraft noise:</p> <ul style="list-style-type: none"> The clause seeks to prevent the impact of noise from the airport or under flight paths. 	No	The subject site is not located in an area subject to aircraft noise.
<p>7.10 Aircraft noise—development in the South Jerrabomberra Urban Release Area:</p> <ul style="list-style-type: none"> This clause applies to noise sensitive development (residential or community use) in South Jerrabomberra Urban Release Area. 	No	The subject site is not located in South Jerrabomberra.
<p>7.11 Development in areas adjoining national parks and nature reserves:</p> <ul style="list-style-type: none"> This clause seeks to protect values of national parks and nature reserves. It applies to land adjoining a national park or nature reserve. 	No	The subject site does not adjoin a national park or nature reserve.
<p>7.12 Essential services:</p> <ul style="list-style-type: none"> This clause seeks to ensure all relevant essential services are available to the development. 	Yes	Council's Development Engineer has assessed the proposed development and confirmed that the site does have suitable vehicle access and adequate services are available.
<p>7.13 Location of sex services premises:</p> <ul style="list-style-type: none"> This clause seeks to minimise potential land use conflicts associated with sex services premises. 	No	The application does not propose a sex services premises.
<p>7.14 Scenic protection:</p> <ul style="list-style-type: none"> This clause seeks to protect scenic amenity and ensure development does not impact on it. 	Yes	The subject site is located within a scenic protection area. However the development site where the shed will be located is located outside the mapped area. The proposed shed utilises the slope of the land which falls away from the Wickerslack Lane. The proposed shed is not visible from Wickerslack Lane as it screened by the existing shed and dwelling on site. Additionally, it will be constructed of non-reflective Colorbond Monument materials to minimise the visual impact on the natural environment and scenic amenity of the land.
<p>7.15 Active street frontages:</p>	No	The subject site does not have an active street frontage.

<ul style="list-style-type: none"> This clause applies to development mapped on land as an active street frontage in the B3 Commercial Core. It seeks to promote uses that attract pedestrian traffic to ground floor street frontages. Clause applies to new buildings and change of use applications. 		
7.16 Development Near Cooma Road Quarry	No	The subject site is not located near Cooma Road Quarry.
7.17 Development Near HMAS Harman	No	The subject site is not located near HMAS Harman.
7.18 Development Near Arterial Roads	No	The subject site is not located near Arterial Roads.
7.19 Development Near Hume Industrial Area and Goulburn to Bombala Railway Line	No	The subject site is not located near Hume Industrial Area, or the Goulburn to Bombala Railway Line
7.20 Animal Boarding or Training Establishments	No	The application does not propose an animal boarding or training establishment.
7.21 Restaurants, Cafes, or Function Centres in Zone C4	No	The application does not propose a restaurant or café.
7.22 Erection of Rural Workers' Dwellings on Land in Zones RU1 and C3	No	The application does not propose a rural workers' dwelling.
7.23 Replacement of Lawfully Erected Dwelling Houses in Zones E1 and E4	No	The subject site is not zoned E1 or E4, and the application does not propose the replacement of a dwelling.
7.24 Development at 202 Goolabri Drive, Sutton	No	The subject site is not 202 Goolabri Drive, Sutton.
7.25 Development on Certain Land at Braidwood, Bungendore and Googong	No	The application does not propose subdivision.
7.26 Development on Certain Land at South Jerrabomberra	No	The subject site is not located at South Jerrabomberra.

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 2 – ALL ZONES		
2.2	<p>Car Parking Existing car parking spaces on site will remain. Additional car parking was not required for the proposed development.</p> <p>The application has been referred to Councils Development Engineer who has found the existing parking arrangements including access and manoeuvring areas to be satisfactory in this instance.</p>	Complies

2.3	<p>Environmental Management</p> <p>A BASIX certificate was not required to be submitted as the application does not propose a new dwelling, dwelling alterations valued over \$50,000, or a swimming pool with a volume of 40,000L.</p> <p>It is not considered that the proposed storage shed would generate significant amount of waste or excessive noise and vibration. A recommended condition of consent will be imposed (if granted) to ensure the shed will be ancillary to the residential use of the site and will not be used for commercial/industrial purposes.</p>	Complies
2.4	<p>Contaminated Land Management</p> <p>The proposal is considered generally satisfactory with respect to State Environmental Planning (Resilience and Hazards) 2021 and therefore also with respect to DCP clause 2.4. The land is not known to have been used for potentially contaminating activities.</p>	Complies
2.5	<p>Flood Management</p> <p>Only rear portion of the subject site is identified as being flood prone land. The proposed site for the shed is located outside the mapped area.</p> <p>The proposed shed is considered compatible with the flood function and behaviour on the land. It is not considered that the proposal will affect the safe occupation and efficient evacuation of people in the event of a flood.</p>	Complies
2.6	<p>Landscaping</p> <p>A landscaping plan was not required to be submitted with the application. Existing landscaping on site is well maintained.</p>	Complies
2.7	<p>Erosion and Sediment Control</p> <p>Standard conditions relating to site management will be imposed should development consent be granted.</p>	Complies / condition
2.8	<p>Guidelines for Bushfire Prone Areas</p> <p>The subject site is bushfire prone land. However, the proposed development is not located within 6m of the existing development. As such, a bushfire assessment is not required.</p>	Complies
2.9	<p>Safe Design</p> <p>The proposed development generally satisfies the relevant provisions of this clause. Existing boundary fencing will remain to ensure a safer environment.</p>	Complies
2.10	<p>Subdivision</p> <p>The proposed development does not include subdivision.</p>	N/A
2.11	<p>Airspace Operations and Airport Noise</p> <p>The proposed development complies with the requirements prescribed for the site in Clause 7.8 Airspace Operations and 7.9 Development in areas subject to Airport Noise of the QPRLEP 2022. The proposed development will not penetrate the Obstacle Limitations Surface Map for the Canberra Airport.</p>	Complies
2.12	<p>Preservation of Trees and Vegetation</p> <p>The proposed development does not require the removal of any existing vegetation.</p>	

PART 5 – RURAL AND ENVIRONMENTAL ZONES

5.2	<p>Subdivision</p> <p>The proposal does not involve subdivision.</p>	N/A
5.2.2	<p>On-Site Effluent Disposal</p>	Complies

	On-site effluent disposal and an effluent report were not required as the proposal does not include the creation of any new bedrooms. No bathroom/toilet is proposed within the shed.																					
5.2.3	<p>Management of Flora and Fauna</p> <p>A flora and fauna report was not required to be submitted. No native vegetation clearing is proposed with the proposal.</p>	Complies																				
5.2.4	<p>Aboriginal Heritage</p> <p>A basic AHIMS search was carried out and no recorded or declared Aboriginal sites were found in or near the subject site. There are not any 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.</p>	Complies																				
5.2.5	<p>Bushfire Management</p> <p>A bushfire assessment was not required to be undertaken as the proposed shed was not located within 6m of a dwelling. The shed will not be used for habitable/residential purposes.</p>	Complies																				
5.2.6	<p>Areas Visible from Arterial Roads</p> <p>The proposed development is not visible from an arterial road and does not involve subdivision.</p>	Complies																				
5.3	<p>Design Principles for Subdivision</p> <p>The proposed development does not involve subdivision.</p>	N/A																				
5.4	<p>Building Setbacks and Fencing</p> <p>Controls</p> <p>a) <i>Setbacks which are prescribed as part of a building envelope prevail over any other controls set out below.</i></p> <p>b) <i>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..</i></p> <p>c) <i>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:</i></p> <table border="1" data-bbox="422 1429 1114 1659"> <thead> <tr> <th>Setback</th> <th>Required</th> <th>Proposed</th> <th>Compliance</th> </tr> </thead> <tbody> <tr> <td>Front</td> <td>50m</td> <td>163m</td> <td>Complies</td> </tr> <tr> <td>Side - northern</td> <td>6m</td> <td>20m</td> <td>Complies</td> </tr> <tr> <td>Side - southern</td> <td>6m</td> <td>6m</td> <td>Complies</td> </tr> <tr> <td>Rear</td> <td>6m</td> <td>391m</td> <td>Complies</td> </tr> </tbody> </table> <p>The site does not contain a building envelope. The proposal meets the setback requirements.</p>	Setback	Required	Proposed	Compliance	Front	50m	163m	Complies	Side - northern	6m	20m	Complies	Side - southern	6m	6m	Complies	Rear	6m	391m	Complies	Complies
Setback	Required	Proposed	Compliance																			
Front	50m	163m	Complies																			
Side - northern	6m	20m	Complies																			
Side - southern	6m	6m	Complies																			
Rear	6m	391m	Complies																			
5.5	<p>Height</p> <p>a) <i>On any land not identified on the Height of Buildings Map in the Queanbeyan Local Environmental Plan (QLEP)</i></p>	Complies																				

	<p>2012 the maximum height of any building shall not exceed 8.5m.</p> <p>Note: Building Height is measured according to the definition within the QLEP 2012.</p> <p>b) Buildings shall be designed and constructed to be consistent with the surrounding height and character of the area.</p> <p>The proposed height of 7.02m complies with the QPRLEP 2022 height limit of 9m.</p>	
5.6	<p>Material and Appearance</p> <p>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.</p> <p>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> <p>The proposal is generally considered to be compatible with the rural character of the locality. The proposed shed will be constructed of non-reflective Colourbond Monument material and is well screened from the public road. A condition of consent will be implemented to ensure the proposal is finished in colours and materials that incorporate muted, natural colours that will blend with, rather than stand out from, the landscape.</p>	Complies
5.7	<p>Erosion and Sediment Control on Building Sites</p> <p>Conditions of consent will be imposed to ensure adequate erosion and sedimental control measures are implemented.</p>	Complies
5.8	<p>Water Supply</p> <p>Additional water supply is not required as the proposal does not involve the construction of a new dwelling.</p>	Complies
5.9	<p>Waste Management</p> <p>a) An average household produces about one tonne of solid waste per year. Approximately one half to two thirds of domestic waste by weight is organic. Another one third is potentially recyclable. Council encourages the minimisation of waste and composting/use of worm farms to reduce the amount of household and commercial waste going into landfill. Items for recycling may be taken to the recycling areas of Council's Waste Resource Recovery facility. On site waste disposal is not permitted in the rural and environmental zones.</p>	Complies

	Additional waste management is not required as the proposal is not residential. Additionally, the proposal does not propose additional onsite waste disposal.	
5.10	<p>Internal Driveways</p> <p>The proposal does not involve the creation of any new internal driveways. Council's development engineer has reviewed the proposal and has found the existing access to be satisfactory.</p>	Complies
5.12	<p>Sheds</p> <p><i>a) Sheds shall be designed and constructed so as to not be visually prominent or intrude into the skyline.</i></p> <p>The proposed shed is under the height limit of 9m and will not be visually prominent or intrude into the skyline. It is screened by the existing structures on site and located in the middle section of the property.</p> <p><i>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.</i></p> <p>The proposed shed location avoids the removal of vegetation. No new driveway or other works is proposed to service the shed. Earthworks to level the site have been carried out prior to the lodgement of the DA without development consent and is currently under investigation by Council's Compliance Team.</p> <p><i>c) Sheds shall be sited to involve minimal disturbance to native vegetation.</i></p> <p>The proposed shed location avoids the removal of native vegetation.</p> <p><i>d) Sheds shall be designed and constructed to be consistent with the surrounding height and character of the area.</i></p> <p>The proposed shed is generally considered to be consistent with the surrounding height and character of the area.</p> <p><i>e) Sheds shall be located within the property's registered building 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.</i></p> <p>The site does not contain any building envelope. The proposed shed is located within the location that meets the setbacks requirements.</p> <p><i>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</i></p>	Complies

	<p><i>Statement for the Association in the case of community title subdivision.</i></p> <p>The shed is located behind the existing dwelling house and is located approximately 163m from the front boundary.</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 proposal meets the side and rear setbacks requirements. Refer to table above.</p> <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>The application proposes only minor amounts of cut and fill (approx. 800mm as shown on the plan) as the initial illegal earthwork has been carried out prior to the lodgement of this DA.</p>	
<p>5.12.1</p>	<p>Size of Sheds</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>The lot has a size of 1.911ha therefore the total cumulative floor area of all sheds shall not exceed 300m². Based on the submitted plan, the existing shed has an area of 42.25m² and the proposed shed has an area of 240m². The total cumulative floor area of both sheds is 282.25m². Complies.</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 application does not propose the construction of a shed greater than 300m² and the lot is not larger than 16 Ha.</p>	<p>Complies</p>
<p>5.12.2</p>	<p>Use of Sheds</p> <p>a) Sheds may only be erected on rural and environmental zoned land and R5 Large Lot residential land where:</p> <p>i. A dwelling house is approved and under construction;</p>	<p>Complies</p>

	<p>ii. A dwelling house is existing; or</p> <p>iii. On vacant land where the shed is demonstrated to be used for rural/agriculture purposes.</p> <p>Note: The following uses do not require Council's Consent:</p> <p>a) 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</p> <p>b) 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.</p> <p>Note: The following uses will require Council's Consent:</p> <p>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 QPRLEP 2022).</p> <p>ii. The use of a shed for industry (as defined under the QPRLEP 2022) is prohibited.</p> <p>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 QPRLEP 2022) are only permitted with Council's consent in the RU2 Rural Landscape Zone, the R5 Large Lot Residential Zone and the C4 Zone Environmental Living under the QPRLEP 2022.</p> <p>iv. The use of a shed and its curtilage for a resource recovery facility (as defined under the QPRLEP 2022) is prohibited in Rural and Environmental Zones.</p> <p>v. The use of a shed for an animal boarding or training establishment (as defined under the QPRLEP 2022) is only permitted with Council consent in certain Rural and Environmental Zones. Refer to the QPRLEP 2022 for details.</p> <p>A dwelling house is existing and will remain. As per the submitted supporting document, the storage shed will be used to store caravan, a small boat, lawn mowers and miscellaneous equipment. A recommended condition will be imposed (if granted) to ensure the storage shed will be ancillary to the residential use of the site and will not be used for commercial/industrial purposes.</p>	
<p>5.12.3</p>	<p>Shipping Containers</p> <p>The proposal does not involve the installation of a shipping container. Site inspection revealed that there are 2 existing shipping containers on site. The submitted supporting document stated that the shipping containers will be removed from the site once the shed is approved and constructed. Condition will be imposed (if granted) to ensure the shipping containers are removed after the Occupation Certificate for the shed is issued.</p>	<p>Complies</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 within 50m of the subject sites. There are not any 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. A condition of consent has been included requiring that the development proceed with caution and that if any Aboriginal objects are found then work should stop and the appropriate authority be notified of the find.

Subject to the conditions of consent, the proposed development is considered acceptable as it will not result in any significant impacts on the natural or built environments and will not result in any social or economic impacts on the locality.

AHIMS Web Service search for the following area at Lot : 3, DP:DP1268832, Section : - with a Buffer of 50 meters, conducted by Mary Kunang on 17 May 2023.

The context area of your search is shown in the map below. Please note that the map does not accurately display the exact boundaries of the search as defined in the paragraph above. The map is to be used for general reference purposes only.



A search of Heritage NSW AHIMS Web Services (Aboriginal Heritage Information Management System) has shown that:

0	Aboriginal sites are recorded in or near the above location.
0	Aboriginal places have been declared in or near the above location. *

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

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

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

In accordance with QPRC Community Engagement and Participation Plan 2019, the development application was notified to adjoining owners from **29/11/2022 to 15/12/2022**, with **16** submissions received, raising the following concerns:

1. *Illegal use of the property as a truck depot for commercial purposes and/or home business which is prohibited in the zone.*

Assessing officer's comments: The above compliance issues are dealt with separately by Council's Compliance Unit. Compliance Unit have served an order on the owners of the property to:

- a) Cease using the premises as a transport depot or truck depot.
 - b) Cease parking trucks, truck and trailer combinations, earthmoving machinery.
 - c) Cease using the sub floor area of the dwelling as an office /commercial premises for or in connection with Black Earthmoving Pty Ltd.
2. *Concerns were raised that the proposed shed, due to the size and scale, will be used as a truck depot/ storage of heavy machinery and plant for commercial purposes or vehicle body repair workshop which are not permissible and inconsistent with C4 – Environmental Living zone objectives.*

Assessing officer's comments: In accordance with Clause 5.12.2 – Use of Sheds of Part 5 of Queanbeyan DCP, the following uses for the shed on rural and environmental zoned land and R5 Large Lot Residential do not require Council's Consent:

- a) *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*
- b) *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.*

Based on submitted SEE and supporting document, the proposed shed will be used for storage to store caravan, a small boat, lawn mowers and miscellaneous equipment. No amenities are proposed within the shed and it will not be used for habitable/residential purposes. A recommended condition will be imposed (if granted) to ensure the shed will be ancillary to the residential use of the site and will not be used for any commercial/industrial purposes including truck depot/ storage of heavy machinery and plant for commercial purposes or vehicle body repair workshop. Any non-compliance with the conditions of consent would be investigated by Council's Compliance Unit as a compliance matter.

3. *The 240m² shed with 7m height is not compatible and would become a significant feature of the area.*

Assessing officer's comments: There is no size restriction under the QPRLEP 2022. The proposed shed meet the 9m height restriction under the QPRLEP 2022. In accordance with Clause 5.12.1 – Size of Sheds of part 5 of the Queanbeyan DCP, the total cumulative floor area of all sheds on the property with an area of 16ha or less is 300m². Based on the submitted plan, the existing shed has an area of 42.25m² and the proposed shed has an area of 240m². The total cumulative floor area of both sheds is 282.25m². The proposed shed utilises the slope of the land which falls away from the Wickerslack Lane. The proposed is not visible from the street. It is located at the rear of the existing shed and also screened by an existing dwelling and is located approximately 163m from the front boundary. It is not considered that the shed will be a dominant feature from the street view.

4. *Illegal extensive vegetation clearing and earthwork to accommodate the proposed shed, yet to be approved which cause erosion issues and ongoing environmental damage. No erosion and sedimentation control in place. How will on-site erosion be controlled?*

Assessing officer's comments: The above compliance issues are dealt with separately by Council's Compliance Unit. On 23 May 2023, Council issued a clean-up Notice under Section 91 of the Protection of the Environment Operations Act 1997 to:

- a) Employ a specialist to develop a Soil and Water Management Plan (SWMP) (14 days from the date of the notice). This SWMP is to include a plan for remediation of vegetation on the premises.
- b) Submit the SWMP to Council for approval (21 days from the date of the notice).
- c) Once Council has approved the SWMP, implement the actions recommended in the SWMP (35 days from the date of the notice).
- d) Once the SWMP actions have been implemented advise Council so an inspection of the SWMP work can be undertaken by Council (42 days from the date of the notice).

Council also becomes aware of clearing works undertaken by the owner on the land between his property and the Queanbeyan River. Based on the Compliance Officer's advice, actions are underway in regard to this clearing works.

5. *Concerns were raised that there will be an increase in the amount of pollutants entering the Queanbeyan River and dust pollution as a result of the illegal earthworks.*

Assessing officer's comments: This issue is dealt with separately by Council's Compliance Unit and Health Section. See Point 4 above.

6. *Notable increase in the number of dead fauna since the operation of truck depot.*

Assessing officer's comments: The existence of native animals in the locality is acknowledged. As mentioned under Point 1, Council's Compliance Unit have served an order on the owners of the property to cease using the premises as a transport depot or truck depot including ancillary activities associated with the truck depot.

7. *Noise impact from frequent trucks movement and reversing alarms results in amenity impact and sleep disruption. Trucks leaving early in the morning (5.30am onwards) and retuning in the afternoon (between 4pm – 6pm) including weekend. The drivers of the trucks arrive earlier in the morning and park their vehicles at the back of the property. A number of trucks arrive and depart the property throughout the day.*

Assessing officer's comments: Please refer to Point 1 above. A recommended condition will be imposed (if granted) to ensure the shed will be ancillary to the residential use of the site and will not be used for any commercial/industrial purposes including truck depot/ storage of heavy machinery and plant for commercial purposes or vehicle body repair workshop. Any non-compliance with the conditions of consent would be investigated by Council's Compliance Unit as a compliance matter.

8. *Noise generated from the storage of machinery and plant.*

Assessing officer's comments: Please refer to Point 1 above. A recommended condition will be imposed (if granted) to ensure the shed will be ancillary to the residential use of the site and will not be used for any commercial/industrial purposes including truck depot/ storage of heavy machinery and plant for commercial purposes or vehicle body repair workshop. Any non-compliance with the conditions of consent would be investigated by Council's Compliance Unit as a compliance matter.

9. *Frequent truck movements from/to the property have impact on the state of the road such as potholes and degradation of the bitumen and safety of road users. The edges of the road have started to crumble forcing drivers in motor vehicles to cross into the opposite lane to avoid slipping as a result of the degradation of the edges. Pedestrians (including residents trying to walk prams and with small children) are required to move off the road to avoid oncoming trucks.*

Assessing officer's comments: Please refer to Point 1 above. Any breach of the Order would be investigated by Council's Compliance Unit.

10. *Local traffic impacts as a result of the increasing number of trucks entering and exiting the property throughout the day associated with the truck depot business. The Wickerslack Lane is not capable to cater for frequent number of heavy trucks and machinery movements.*

Assessing officer's comments: Please refer to Point 1 above. Any breach of the Order would be investigated by Council's Compliance Unit.

11. *The use and storage of oil and fuel on the property is a concern as the property is located in a Fire Danger Area. Also those chemicals/fuel will have impact on environment and waterways.*

Assessing officer's comments: Condition will be imposed (if granted) to ensure no storage of fuel or chemical permitted on the site.

12. *The site is within bushfire prone land. The applicant is required to complete the Bushfire Prone land kit.*

Assessing officer's comments: It is unsure if the "Bushfire Prone land Kit" mentioned above is in fact the "Single Dwelling Application Kit". Given that the proposal is for a Class 10a structure, located more than 6m of the existing dwelling and is not used for habitable purpose, no bushfire protection measures are required for this development. The "Single Dwelling Application Kit" is not required.

13. *A home base childcare business is being conducted on the property without approval.*

Assessing officer's comments: This is a compliance matter and is currently dealt with by Council's Compliance Unit.

14. *A business is carried out from the ground floor of the dwelling and the back of the property associated with the truck depot.*

Assessing officer's comments: This is a compliance matter and is currently dealt with by Council's Compliance Unit. An Order has been served. See Point 1 above.

15. *The use of property for a commercial purpose would increase effluent that would need to be disposed of and the property does not have sewer and stormwater mains.*

Assessing officer's comments: The proposed shed does not contain any toilet or bathroom. A recommended condition will be imposed (if granted) to ensure the shed will be ancillary to the residential use of the site and will not be used for any commercial/industrial purposes including truck depot/ storage of heavy machinery and plant for commercial purposes or vehicle body repair workshop. Any non-compliance with the conditions of consent would be investigated by Council's Compliance Unit as a compliance matter. Council's Development Engineer has reviewed the application and has recommended conditions to be imposed (if granted) to ensure all stormwater from buildings, hardstand areas and the driveway on the site to be disposed of by a connection to an absorption trench and surface water is not directed onto adjoining private lands.

16. *Lack of details associated with the current and future business conducted on site in regards to the number of employees and equipment to be stored on site, how often customers will be coming to the site and hours of operation etc.*

Assessing officer's comments: As mentioned throughout this report, the proposal is for a storage shed and a recommended condition will be imposed (if granted) to ensure the shed will be ancillary to the residential use of the site and will not be used for any commercial/industrial purposes including truck depot/ storage of heavy machinery and plant for commercial purposes or vehicle body repair workshop. All compliance matters associated with the illegal use as truck depot are dealt with separately by Council's Compliance Unit and an Order has been served on the owners of the property. See Point 1 above.

17. *Concerns were raised that Council may be unable to refuse any future applications to convert the existing dwelling to office space and the land into an industrial storage facility given the funds already expended by the owner on the earthworks or shed construction.*

Assessing officer's comments: These concerns are acknowledged. However, each future application is assessed on its own merit having regard to the particulars of each application and its permissibility under the current legislation.

18. *The development application does not sufficiently address the environmental effects. The construction of the shed will involve earthworks potentially including erosion in proximity of the Queanbeyan River.*

Assessing officer's comments: The development application for the proposed shed will be condition (if granted) to mitigate the potential impact of soil erosion and the like during construction.

19. *Heavy construction equipment entering and leaving property at No. 137 Wickerslack Lane. Whilst it is not mentioned in the DA, it is being used as an entry and exit point for equipment.*

Assessing officer's comments: Any illegal business or industrial uses conducted on any properties including No. 137 Wickerslack Lane will be dealt with separately by Council's Compliance Unit, subject to complaints received.

20. *Concerns were raised regarding the use of the shed. If the shed will be used for storage, will Council monitor the use of the shed and its relation to the heavy construction equipment?*

Assessing officer's comments: Based on submitted SEE and supporting document, the proposed shed will be used for storage to store caravan, a small boat, lawn mowers and miscellaneous equipment. No amenities are proposed within the shed and it will not be used for habitable/residential purposes. A recommended condition will be imposed (if granted) to ensure the shed will be ancillary to the residential use of the site and will not be used for any commercial/industrial purposes including truck depot/ storage of heavy machinery and plant for commercial purposes or vehicle body repair workshop. Any non-compliance with the conditions of consent would be investigated by Council's Compliance Unit as a compliance matter.

4.15(1)(e) the public interest

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

SECTION 64 CONTRIBUTIONS

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

Section 64 Contributions are not applicable to the proposed development.

SECTION 7.11 CONTRIBUTIONS

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

Section 7.11 Contributions are not applicable to the proposed development.

SECTION 7.12 CONTRIBUTIONS

Section 7.12 of the Environmental Planning & Assessment Act 1979 permits councils to require as a condition of development consent the payment of monies to be applied towards the provision, extension or augmentation of public amenities or public services (or towards recouping the cost of their provision, extension or augmentation).

Section 7.12 Contributions are not applicable to the proposed development as the cost of work is valued under \$100,000.

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 satisfactory for approval, subject to the recommended conditions of consent.

CONDITIONS OF CONSENT OR REASONS FOR REFUSAL



OFFICES
144 Wallace St, Braidwood
10 Majara St, Bungendore
256 Crawford St, Queanbeyan

POSTAL
PO Box 348, Bungendore NSW 2621
PO Box 90, Queanbeyan NSW 2620

PHONE/FAX
Bungendore/Braidwood
P: 02 6238 8111
Queanbeyan
P: 02 6285 6000 F: 02 6285 6666

EMAIL/WEB
W: www.qprc.nsw.gov.au
E: council@qprc.nsw.gov.au
ABN 95 933 070 982

QUEANBEYAN-PALERANG REGIONAL COUNCIL

Council Meeting Attachment

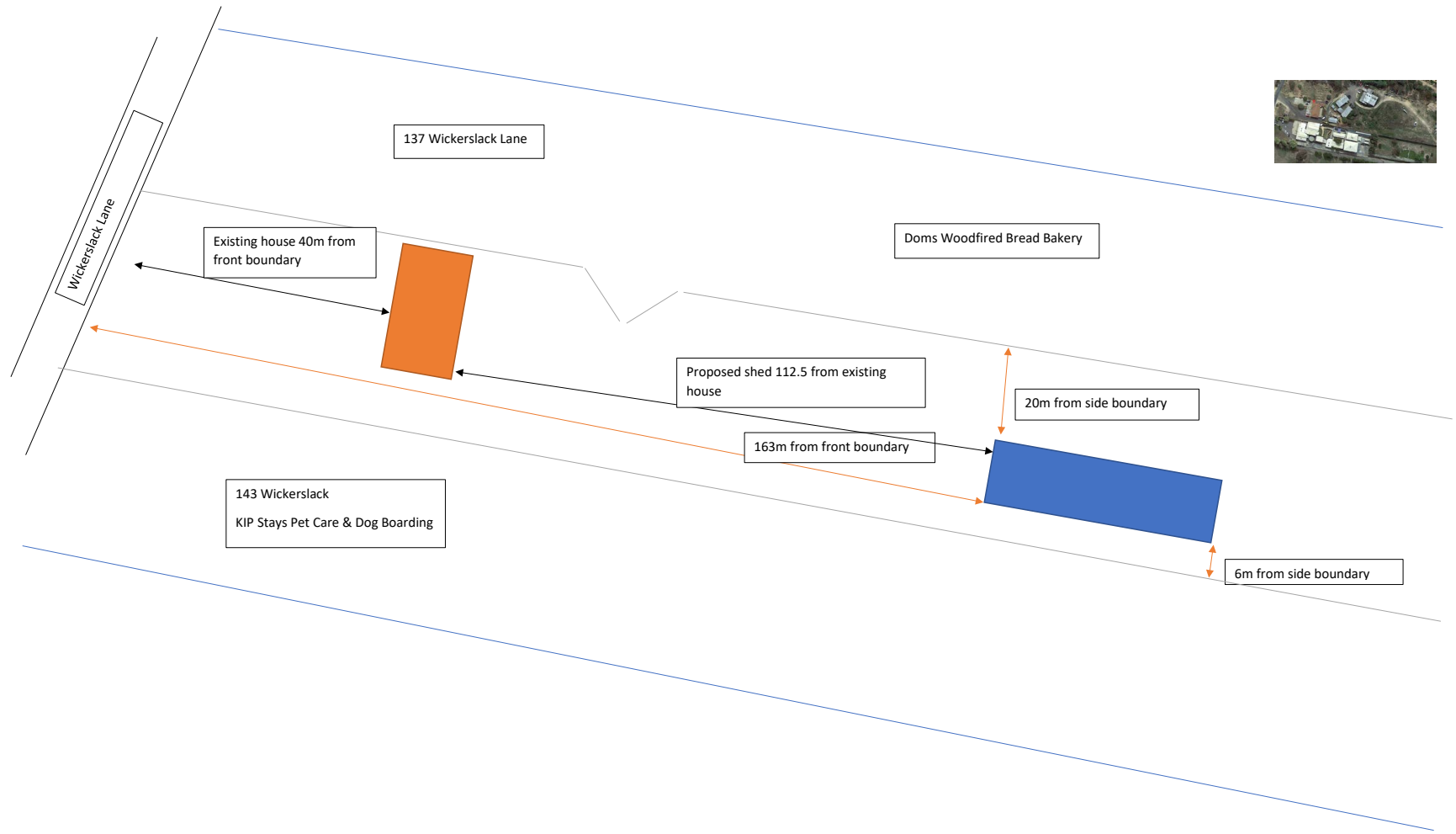
28 JUNE 2023

ITEM 9.1 DA.2022.1616 - 139 WICKERSLACK LANE GOOGONG -
CONSTRUCTION OF STORAGE SHED

ATTACHMENT 2 DA.2022.1616 - PLANS - 139 WICKERSLACK LANE GOOGONG



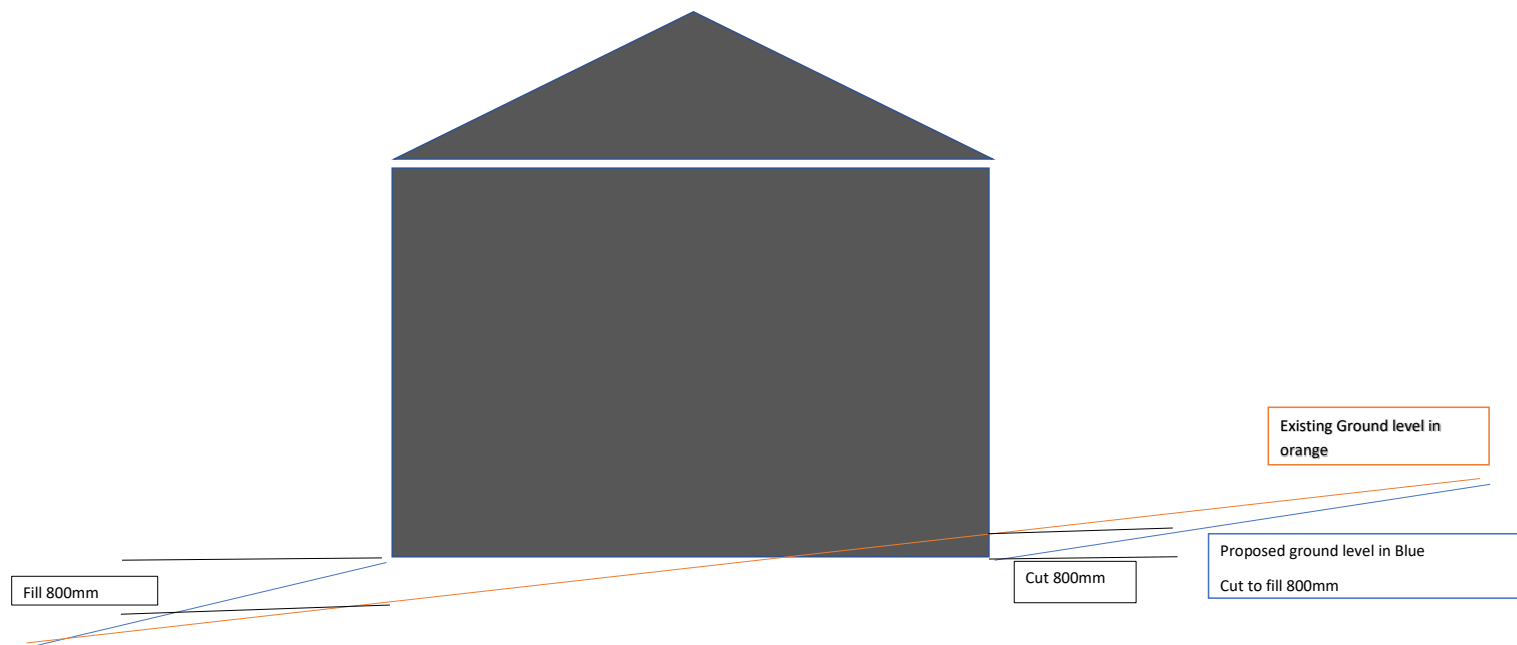
139 Wickerslack Lane, Googong
Proposed New Storage Shed
10m x 24m 240m ² total area
Revision: 4A DA Stage
DWG Number A01R2
Shed Colour to be "Monument" On walls and Roof



139 Wickerslack Lane
Lot 3 DP 1268832

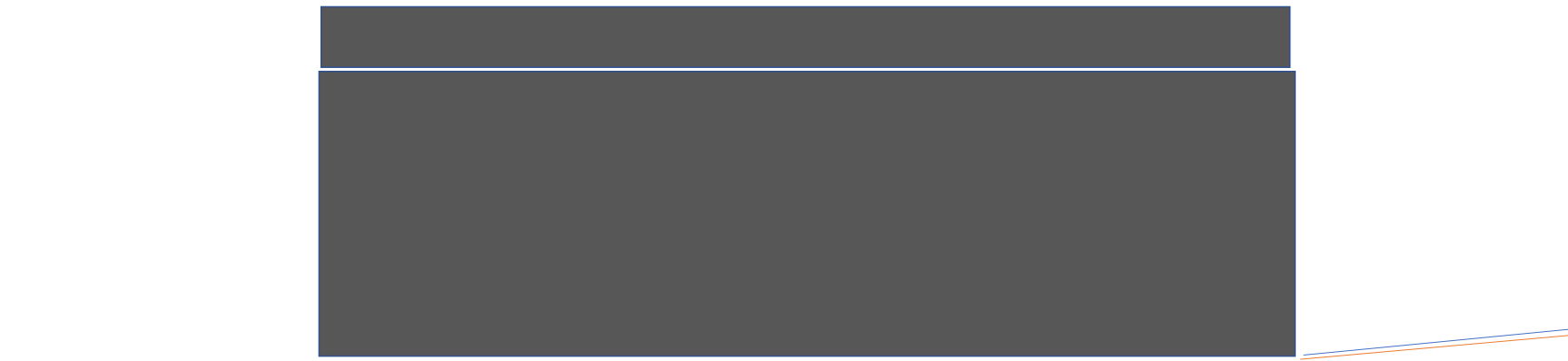
Site Locality Plan
Revision 2

Dwg No. A05
01-11-2022



East west elevation

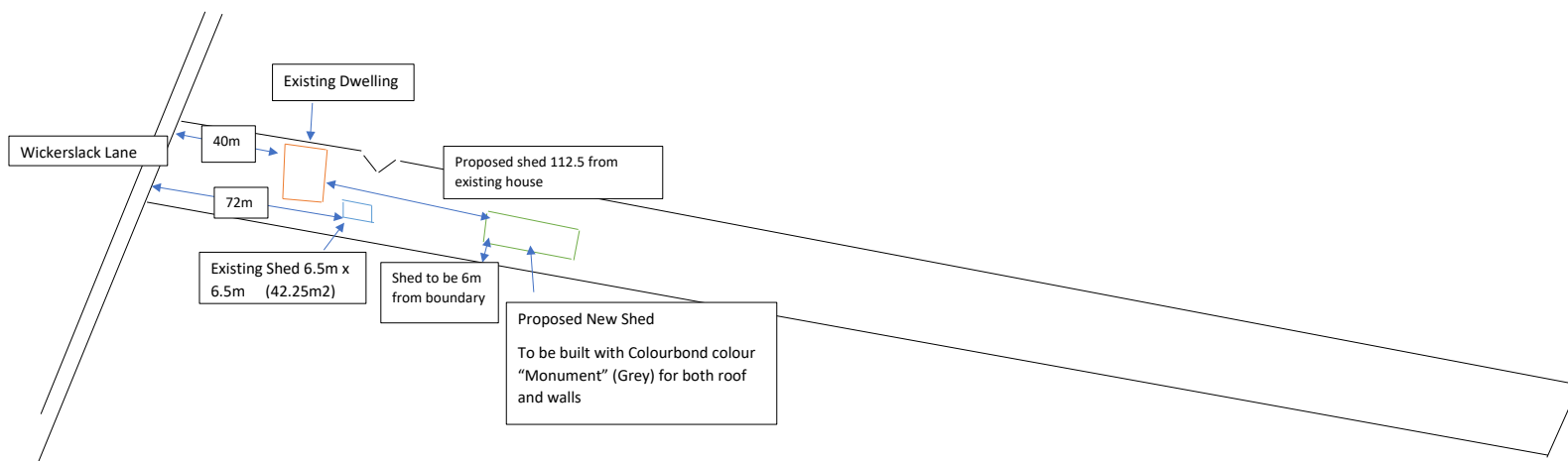
DWG Number A03



No Change in levels

North – South Elevation

DWG Number A04R2



139 Wickerslack Lane

Site Locality Plan

Dwg No. A06R2

QUEANBEYAN-PALERANG REGIONAL COUNCIL

Council Meeting Attachment

28 JUNE 2023

ITEM 9.1 DA.2022.1616 - 139 WICKERSLACK LANE GOOGONG -
CONSTRUCTION OF STORAGE SHED

ATTACHMENT 3 DA.2022.1616 - SUPPORTING DOCUMENT - 139
WICKERSLACK LANE GOOGONG

Application No: DA.2022.1616

Additional information Provided

06/06/2023

Dear Ruth Ormella

In regards to :

Development Application No. DA.2022.1616

For land/premises at

LOT 3 DP 1268832, 139 WICKERSLACK LANE GOOGONG NSW 2620

To answer your questions in your request for more information:

1. I have attached an amended site plan which includes The whole site including the rear of the property, and all structures and the existing shed is 6.5m x 6.5m
2. Materials are shown as colourbond colour: Monument (Dark Grey)
3. The shed will be predominately storing my Caravan, a small boat , mowers and miscellaneous gear to be on shelving.
I will have 1 truck on the property which might be stored in there sometimes.
4. The side boundary setback has been changed to 6m to comply with requirements
5. The existing Shed on the property is 6.5m x 6.5m (42.25m²) so the maximum of 300m² of shed space will not be exceeded
6. There are currently 2 x shipping containers on site, once the shed is installed and shelving moved in the containers will be removed
7. The land is owned by my company Trust, Janaka Blackley Pty Ltd ATF the Blackley Family Trust, Attached is a letter that gives consent for me to act on behalf of the trust

Please do not hesitate to contact me if you have any questions,

Thank you for your consideration,

Your Faithfully,

Janaka Shane Blackley

0415 247 704

QUEANBEYAN-PALERANG REGIONAL COUNCIL

Council Meeting Attachment

28 JUNE 2023

ITEM 9.1 DA.2022.1616 - 139 WICKERSLACK LANE GOOGONG -
CONSTRUCTION OF STORAGE SHED

ATTACHMENT 4 DA.2022.1616 - DRAFT CONDITIONS OF CONSENT - 139
WICKERSLACK LANE GOOGONG

DRAFT CONDITIONS OF CONSENT
DA.2022.1616

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
Dwg No. A06R2 - Site locality Plan	Unknown	Unknown	14/6/2023
Dwg No. A05 - Site plan	Unknown	Revision 2 / 1/11/2022	14/6/2023
Dwg No. A01R2 - Shed floor plan and elevations and colours	Unknown	Unknown	14/6/2023
Dwg No. A03 – East-west elevations	Unknown	Unknown	14/6/2023
Dwg No. A04R2 - North – south elevations	Unknown	Unknown	14/6/2023

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.

GENERAL CONDITIONS

2. Obtain Construction Certificate

Obtain a construction certificate from Queanbeyan-Palerang Regional Council or an appropriately accredited private certifier before undertaking any work. Forward a copy of any construction certificate issued by a private certifier to Queanbeyan-Palerang Regional Council at least 2 days before undertaking any work in accordance with that construction certificate.

Reason: Work is undertaken in accordance this consent & relevant construction standards.

3. Obtain Occupation Certificate

Do not occupy or use the premises until an occupation certificate has been issued by Queanbeyan-Palerang Regional Council or an appropriately accredited private certifier. Provide a copy of any occupation certificate, issued by a private certifier, to Queanbeyan-Palerang Regional Council no later than 2 days after the occupation certificate is issued.

Reason: Ensure that the building complies with relevant standards.

4. Comply with the Building Code of Australia

All work is to comply with the current edition of the Building Code of Australia.

Reason: All building work is carried out in accordance with relevant construction standards.

5. 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.

6. Retaining Walls

Any retaining wall greater than 1000 mm is to be designed and constructed to structural engineer's details. Prior to issue of any construction certificate provide a certified copy of the design to Queanbeyan-Palerang Regional Council.

Reason: Retaining walls are structurally strong enough to bear the loads put on them.

7. Siting of retaining wall/s

Retaining walls for 'cut' sites are to be located such that the entire retaining wall, associated footings and drainage materials are located wholly within the boundary of the 'cut' allotment. The backfilled side of the retaining wall shall be no closer than 500mm to the property boundary.

Where filling is proposed or required, retaining walls are to be located such that the exposed side of the wall, any associated footings and drainage materials are located wholly within the boundary of the filled allotment. The exposed side of the retaining wall shall be no closer than 900mm to the property boundary.

Reason: To ensure that there is clarity over the ownership of retaining walls and adequate provision is made for the construction of dividing fences.

8. 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.

9. 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.

CONDITIONS TO BE SATISFIED PRIOR TO COMMENCEMENT OF WORKS

10. Appoint PCA (Building)

Appoint a principal certifying authority before any work is undertaken. Provide details of the appointed principal certifying authority (if not Queanbeyan-Palerang Regional Council) to Queanbeyan-Palerang Regional Council at least 2 days prior to any work being undertaken.

Reason: To provide for supervision of the subdivision works.

11. 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.

12. 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 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.

CONDITIONS TO BE SATISFIED DURING DEMOLITION AND/OR BUILDING WORKS

13. 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.

14. 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.

15. 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.

16. 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.

17. 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.

18. 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.

19. Protection of Adjoining Structures

If any excavation associated with the erection or demolition of a building extends below the level of the base of the footings of a building on adjoining land, the person causing the excavation to be made:

- (a) must preserve and protect the building from damage, and
- (b) if necessary, must underpin and support the building in an appropriate manner, and
- (c) must, at least seven days before excavating, give notice of intention to do so to the owner of the adjoining and furnish particulars of the excavation to the owner of the building being erected or demolished, and

(d) satisfy the requirements of SafeWork.

The owner of the adjoining land is not to be liable for any part of the cost of work carried out for the purposes of this clause, whether carried out on the allotment of land being excavated or on the adjoining allotment of land.

Reason: Excavations relating to building work do not pose a hazard to adjoining properties.

20. Excavation and Backfilling

All excavations and backfilling associated with the erection or demolition of a building must be executed in accordance with the requirements of SafeWork.

Reason: To ensure excavation does not impact on adjoining property and compliance with SafeWork requirements.

21. 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.

CONDITIONS TO BE SATISFIED PRIOR TO ISSUE OF OCCUPATION CERTIFICATE

22. Occupation Certificate

The occupation certificate must not be issued until all conditions of consent have been satisfactorily complied with and all mandatory stage/required plumbing inspections undertaken. Plumbing and drainage must be inspected by Queanbeyan-Palerang Regional Council at the relevant stages of construction in accordance with the attached inspection schedule and a final plumbing certificate obtained prior to issue of any occupation certificate.

Reason: Development is safe & appropriate for occupation, and is completed in accordance with the consent.

23. Colours and Material Finishes

The building is to be finished in materials that have a low reflectivity. Colours are to incorporate the use of muted, natural colours that will blend with, rather than stand out from, the landscape for major features such as walls, roof and fencing.

Reason: The building is not visually intrusive in the landscape and does not cause glare.

24. Stormwater Disposal Requirements

All stormwater from buildings, hardstand areas and the driveway on the site must be disposed of by a connection to an absorption trench.

Reason: To provide a satisfactory standard of stormwater disposal.

25. Disturbed areas to be stabilised

All disturbed areas must be stabilised by the application of grass seeding, turf or hydro-grass mulching or other surface treatment approved by Council prior to the issue of the final

occupation/completion certificate. Do not use species that are listed under the *Noxious Weeds Act 1993*.

Reason: Prevent soil erosion, water pollution and the discharge of loose sediment on surrounding land and to ensure that disturbed areas are rehabilitated.

CONDITIONS TO BE SATISFIED DURING THE ONGOING USE OF THE PREMISES

26. Use of Building/Structure

Do not use the shed for commercial or industrial activities, or as a dwelling or habitable rooms. The storage shed shall be ancillary to the residential use of the site.

Reason: Development is undertaken in accordance with this consent & is used for the approved purpose only, and to comply with the Building Code of Australia.

27. Surface Water

Do not re-direct surface water onto adjoining private land. Alterations to the surface contours must not impede or divert natural surface water run-off, so as to cause a nuisance to adjoining property owners or create an erosion or sediment problem.

Reason: Stormwater disposal does not impact on the building or neighbouring properties.

Please Note:

Dial Before You Dig

Underground assets may exist in the area that is subject to your application. In the interests of health and safety and in order to protect damage to third party assets please contact Dial before you dig at www.1100.com.au or telephone on 1100 before excavating or erecting structures (This is the law in NSW). If alterations are required to the configuration, size, form or design of the development upon contacting the Dial before You Dig service, an amendment to the development consent (or a new development application) may be necessary. Individuals owe asset owners a duty of care that must be observed when working in the vicinity of plant or assets. It is the individual's responsibility to anticipate and request the nominal location of plant or assets on the relevant property via contacting the Dial before you dig service in advance of any construction or planning activities.

Telecommunications Act 1997 (Commonwealth)

Telstra (and its authorized contractors) are the only companies that are permitted to conduct works on Telstra's network and assets. Any person interfering with a facility or installation owned by Telstra is committing an offence under the Criminal Code Act 1995 (Cth) and is liable for prosecution. Furthermore, damage to Telstra's infrastructure may result in interruption to the provision of essential services and significant costs. If you are aware of any works or proposed works which may affect or impact on Telstra's assets in any way, you are required to contact: Telstra's Network Integrity Team on Phone Number 1800810443.

QUEANBEYAN-PALERANG REGIONAL COUNCIL

Council Meeting Attachment

28 JUNE 2023

ITEM 9.1 DA.2022.1616 - 139 WICKERSLACK LANE GOOGONG -
CONSTRUCTION OF STORAGE SHED

ATTACHMENT 5 DA.2022.1616 - REDACTED SUBMISSION - 139
WICKERSLACK LANE GOOGONG

Submission

Application ID: DA.2022.1616

We wish to make an objection in regards to the above mentioned Application for the erection of a shed at 139 Wickerslack Lane, Googong, NSW 2620 as it will be used to support land use which is already contrary to the Queanbeyan-Palerang Regional Local Environmental Plan 2022 for zone C4 – Environmental Living. Due to the size and scale of the proposed structure, it can be concluded that the intended purpose is the storage of heavy machinery and plant and therefore for commercial purposes. As the proposed structure is to be used for a Home Business or Industry, there are several questions under Section I of the application which have not been addressed, nor has the applicant taken into account the impact of the noise generated from the storage of machinery and plant in the proposed structure on other residents of Wickerslack Lane.

Section B: Neighbourhood impact

The proposed building for storage of equipment will impact on the noise in the local area. There is increased noise already from the property due to the use of heavy machinery operating from before 5:30 am until after 8:00pm Monday to Sunday. The noise includes, but is not limited to: reversing alarms (these are audible inside our premises), increased truck noise and heavy acceleration and braking as they enter and leave the property and drive up and down the steep inclines. This will increase more as the proposed shed is intended to store further machinery plant. In addition, there are safety concerns for the children who utilise the bus service to get to and from school and need to walk on the road to the bus stop at the start of Wickerslack Lane (there are no footpaths) as the number of heavy vehicles and other vehicles entering and leaving the property will significantly increase due to the storage of the machinery plant in the proposed shed.

Section E: Waste and servicing

There are no sewer mains to the property for effluent disposal. This is an issue as the premises is being used for a commercial purpose there would be increased effluent that would need to be disposed of.

There are no street gutters or storm water mains for the removal of storm water.

Section I:

The area occupied by the activity being less than 10% of the floor area seems incompatible with the activity for which the shed is being erected (ie storage).

The number of employees stated on the application seems incompatible with the amount of noise generated currently and potentially in the future if the proposed structure is erected. Based on the applicants own advertising, it the owner of the premises appears to have staff of over 45 people and over 70 pieces of plant equipment. The land appears to be currently used for heavy vehicle storage and with the application for a storage shed, we are concerned that the significant number of employees and equipment will be used and stored onsite at 139 Wickerslack Lane. This also impacts traffic on the lane.

The proposed hours of operation have not been disclosed, however, the business is currently operating based on our observations:

Monday to Friday 5:30am to 8:00pm

Saturday: 5:30am to 8:00pm

Sunday and Public Holidays: 5:30am to 8:00pm

These hours of operation do not fit within a residential area and are significantly impacting the local residents.

There is currently delivery of machinery and other items to the premises, with the erection of the proposed shed, it would be expected that this would increase.

The noise generated already from the increased machinery and plant going to and from the dwelling and operating on the site is already generating substantial noise, however, with the proposed shed and increased storage of more plant, it would most likely increase.

As the shed is to be used for the storage of plant and machinery, potential servicing of the machinery will occur onsite generating non-domestic waste such as oils. There is no disposal method proposed in the application and as the site is adjacent to the Queanbeyan River, the potential for runoff to occur and contamination of the river is high.

Regards,



Submission

Re DA 2022.1616

I strongly object to the proposal before Council for a large shed and associated parking for trucks and machinery and the associated business activities at 139 Wickerslack Lane, Googong. Lot 3 DP1268832

The Land is Zoned C4 Environmental Living and prohibits Industries being carried out on the site under NSW legislation and the Queanbeyan-Palerang Regional Local Environmental Plan 2022.

The application by Janaka Blackley Pty Limited states the following:-

SECTIONS A, B AND C

That the proposal fits in with the locality, and that there will be no neighbourhood impact and no noise impact.

I oppose the applicant's statements.

The land is zoned is for Environmental living. The adjacent land either side is used for Boarding Kennels (YAP YAP YAP} and Commercial Bakery which were built illegally. There is no justification for worsening the environmental effects by allowing yet another development.

There has already been impact on us with machinery noise and the BEEP BEEP BEEP of reversing vehicles on the site of the proposed shed and levelled off platforms. This noise has added to the excessive barking from the kennels. The use of Wickerslack Lane as access is dominant impact on the environment.

SECTION D

Access along the residential Lane is inadequate for large numbers of large trucks and machinery.

SECTION E

There are no sewer or stormwater mains as stated.

SECTION F

Large amounts of fill have already been brought onto site and vegetation removed.

SECTION G

The site is classified as bushfire prone.

SECTION I

The site is zoned for dwellings and Home Industries.

Employees will be needed to drive the trucks.

Hours of operation would be early morning BEEP BEEP BEEP – no hours have been stated.

Car spaces for truck drivers not stated.

There are too many Environmental question unanswered.

I seriously oppose approval of the application.

[REDACTED]

[REDACTED] **objection to DA 2022.1616** Construction of a very large shed at 139 Wickerslack Lane.

Wickerslack lane was built as a narrow country lane servicing rural residential houses when the subdivision was made. There are several hillocks along the lane, traffic is hidden in the hollows, and it has become much more dangerous to drive. Many vehicles straddle illegally the centreline which has in places become obliterated. The lane was not designed to carry heavy commercial vehicles.

A very large number of large vehicles, trucks, trailers and diggers, are now being stored at 139 Wickerslack lane and the block has already been greatly modified with earthworks to create terraces.

It seems to have become an industrial storage depot. It is not listed in the activities that are permitted with consent in a C4 environmental living zone (Point 3 in the Regional Local Environment Plan 2022).

It is a storage and distribution centre of heavy commercial construction vehicles and is **Prohibited** (see point 4) in C4 Environmental Living zone, namely Wickerslack.

Why does Janaka Blackley Pty Ltd want to build such a large storage shed? Is it to store some of the many vehicles they have on their block? I have included some photos taken at 6.45 pm on November 27th 2022 of the vehicles and the current open air storage space at 139 Wickerslack Lane.

The crown land adjacent to Wickerslack lane is now First Nation land and has been fenced and is unavailable to the public. So, pedestrians exercise along the lane on the road because there is no footpath. Children have to walk on the roadway of the lane to Old Cooma Road to catch the school bus because it no longer comes down the lane.

The many trucks that are now using the lane are not only causing great danger to the residents but are also causing the deterioration of the road surface which was renewed in 2022. (See photos included.)

There has, over the years, been an increase in non-local traffic because of the Council's retrospective approval of the illegally built dog kennels.

I do not want Council to approve any more commercial developments in Wickerslack which is zoned as E4 - environmental living.

I believe building the storage shed is part of an illegal industrial development and ask Council not to approve the DA and put a stop to the illegal activities which are occurring at Lot 3, 139 Wickerslack Lane, and not retrospectively approve what has happened in the last few months.

Signed on 12th December 2022 by:



Looking West (from Kennal Block Lot 4) at Trucks on built up platform on Lot 3, 139 Wickerslack Lane
Photo Taken: 27/11/2022



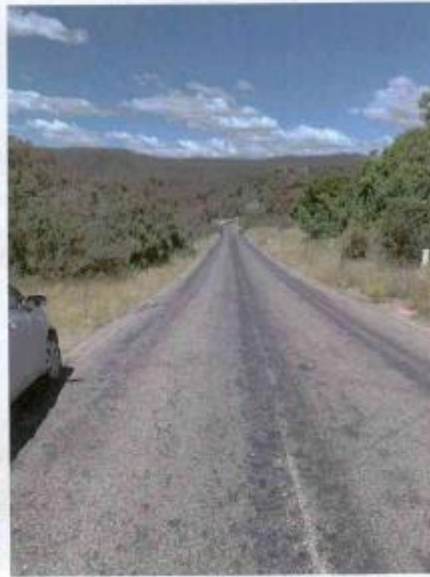
Looking East at stored Trucks on built up platform Photo Taken: 27/11/2022



Wickerslack lane resealed 2022. Photos taken: 25/11/2022



Looking West - Note Centre line obliterated



Looking East towards corner of lane

Industrial Storage Site at 139 Wickerslack Lane. Photo Taken: 27/11/2022



Submission

We strongly object to this development

1 The traffic on the lane is unreasonable with large truck and earth moving equipment on large low loaders coming up the narrow road uphill etc. at whatever time suit the development applicant with no concern as to the noise.

2 The road is not suitable for a school bus {too narrow! and unsafe} so how come bulldozers and excavators can be carried up the same road and it's not a safety hazard?

3 The area is not zoned as industrial even though some other residents disregard this and the council seems to turn a blind eye to all the sheds etc. being constructed. We are under the understanding that Wickerslack Lane is zoned "Rural Residential" with only cottage industry allowed.

4 The amount of daily large vehicle traffic has increased so much since this industrial development has been in operation its dangerous and the newly surfaced road is decorating all ready.

In conclusion if we wanted to live in an industrial area we would not have moved here and if this keeps up the people with animals and children will be forced to relocate.

Added to the above the risk of pollution of the Queanbeyan river was once a priority in the area. This is increased by the fact that it flows into Lake Burley Griffin and with what is being ask for the risk is huge in relation to run off.

Submission

To whom it may concern

We as residents of Wickerslack Lane like to register our opposition to the development application DA 2022.1616 related to 139 Wickerslack Lane, Googong NSW.

We have reviewed the plans and documents and have put together the following concerns as the primary drivers of our opposition:

- The proposed development does not fit with the established character of the area. Construction of a large 240 square meter industrial shed for storage of heavy machinery is consistent with an industrial estate like Fyshwick or Hume and not in character with the small land holdings in a quite environmentally fragile area like Wickerslack Lane.
- The proposed development is considered out of context for the locality. Wickerslack Lane is zoned "Conservation Environment Living 4-C4" **with the purpose of CA living to provide for low-impact residential development in areas with special ecological, scientific or aesthetic values.** There has been a noticeable increase in noise since the owners of 139 Wickerslack Lane purchased the property and commenced storing equipment on site with trucks leaving the property as early as 5.20 AM. The development will increase noise and environmental pollution as there will be more heavy equipment being moved in and out of the property.
- The impact of the development on local traffic. The purpose of the development given in the application is for "storage" of heavy machinery. This storage of heavy machinery will have a number of impacts on the local traffic as the equipment being stored is moved in and out of Wickerslack Lane including:
 - increased traffic. There has already been a noticeable increase in traffic since the owners of 139 Wickerslack Lane purchased the property and commenced storing equipment on site. The increased traffic is significant because the road is narrow, there are many dips and blind spots, and there is no footpath for residents to walk or ride. In particular we are concerned about the potential impact for school children who walk to catch the bus at the end of the street with large trucks passing by them on the narrow road.
 - significant damage on the road. We did not object to the council decision to stop the movement of school buses into the lane due to the significant damage the buses were causing to the road. The damage caused by heavy machinery and trucks as they move equipment into 139 Wickerslack Lane will be greater than the bus. In the last few months there has been noticeable damage to the road due to the combination of heavy rain and heavy equipment. Unfortunately, the damage to the road is further increased noise pollution as the trucks driving along hit the pot holes.
- The development application does not sufficiently address the environmental effects. The construction will involve earth works potentially including erosion in proximity of the Queanbeyan River.

We understand that there are a number of us long term residents that are concerned about future of our little lane. We love where we live and would hate our bit of heaven to be changed into an industrial truck storage depot.

Regards

[Redacted Signature]

Submission

Dear QPRC,

Attention QPRC Development and Environment Section, M J Thompson and Mary Kunang,

We [REDACTED] would like to formally object / oppose the proposed development application DA.2022.1616.

We strongly object to the proposed development on the following grounds:

1. The size and scale of the proposed "Shed" is massive and inconsistent with the zoning of the land C4 - Environmental Living.

The proposed shed is 240 square Meters in total area, has 5 bays that are 4.8 Meters wide, 10 Meters long and 7.2 Meters high at the highest point. The design of the shed submitted in the DA indicates it is likely intended for commercial / industrial use.

2. Evidence of the large volume of heavy vehicles, trucks and machinery operating on a daily basis from the property indicates that it is already being used as a trucking / heavy machinery yard.

We believe the current activities undertaken on the property already warrant investigation from council inspectors, the definitions under C4 Zoning do not allow for the operations which are impacting all residents on the lane with the noise and additional heavy vehicle trafficking the lane.

Allowing an industrial scale shed would further encourage the operations and enable even more large trucks and industrial vehicles to be stored and transported by the operators.

3. We have already observed from our land across the river the massive environmental changes performed prior to DA approval with the removal of trees and vegetation from the property as it has been flattened and terraced to enable the storage of more vehicles.

Particularly concerning to us is the proximity to the Queanbeyan River to the proposed DA where fuel, oils and liquids from the site would be able to runoff into the river

4. We noticed in the DA *Section F - Environmental Impacts* that the question "Does the proposal include removal of vegetation or native habitat?" the option "No" was selected.

If you notice the attached photo compared to the photos submitted on the DA, the removal of vegetation has already been conducted prior to DA approval.

5. Additional minor points are the incorrect options chosen in the DA under the following sections:

Section B - Neighbourhood Impact

Question "Will the proposal result in an increase noise?"

The applicant selected No, however the shed used for the purposes of operating a

commercial business will increase the noise to the area. Additionally the noise already experienced by the large trucks operating from this property as they drive down the hills of Wickerslack lane using engine braking has already been the source of complaints from neighbours.

Section E - Waste and servicing

Question "How will effluent be disposed"

The applicant selected Sewer Mains. There are no sewer mains in Wickerslack Lane.

Question "How will stormwater be disposed"

The application selected Street Gutter and Storm Water Mains.

There are no storm water drains on Wickerslack Lane, additionally 139 Wickerslack like most other properties on the lane do not have a street gutter.

In conclusion we strongly oppose the proposed DA and welcome council to further investigate the activities which we agree indicate the operation of a commercial venture by stealth without appropriate approvals especially for Zone C4 Environmental Living.

Please find attached the signed and scanned declaration and imagery of the works undertaken on the property

Kind Regards,

████████████████████

Submission

Good Morning

We, [REDACTED] and would like to oppose the development application no. DA.2022.1616 at 139 Wickerslack Lane, Googong NSW for the construction of a 240 square metre storage shed on the property. Copy of the application is attached and also the Declaration of Political Donations and Gifts for Submitters form.

Although we are not located directly near this property, we have been affected by the purchase of 139 Wickerslack Lane, Googong NSW by Janaka Blackley Pty Limited. We have lived at Wickerslack Lane, Googong for almost 20 years and have enjoyed the quiet street which is why we purchased the 5-acre property. Since this company purchased the above noted property, we now have a number of large trucks travelling up and down the street as they are using the property to store their large machinery and trucks. These trucks are moving in and out during the day, sometimes as early as 5.20am from Monday to Sunday. The constant movement of heavy machinery up and down the Lane is having a significant effect on the state of the road and is extremely dangerous for our local road users. This constant activity is causing noise and pollution that the residence of Wickerslack Lane have to endure, which is not why we all decided to live in this area.

Wickerslack Lane is in an area zoned "Conservation Environment Living 4 - C4" and the purpose of C4 living is to provide for low-impact residential development in areas with special ecological, scientific or aesthetic values and to ensure that residential development does not have an adverse effect on those values. The construction of the proposed 240 square metre shed does not meet the Council's own zoning regulations and therefore should not be allowed.

We hope that you take into consideration the reasons stated above and do not approve this application as it would be to the detriment of all the Residents in our Lane.

Kind Regards
[REDACTED]

Submission

To whom it may concern, I am writing to object to this development application as I do not believe that it complies with the guidelines of development on a C4 block (i.e. the classification that Wickerslack Lane is under) as well as that it is being completed by a non-home owner (e.g. a non-resident / someone who does not qualify for the use of the land for home business) based on the following points:

- the size of the shed is excessive for someone seeking to run a home business
- the applicant does not (to my awareness) reside at the property / they are renting out the property which is being run as a separate business (a home childcare) used by the tenant
- from observation of the count and type of extremely large vehicles being moved in and out of the lane and along the road, this appears to be a commercial construction business of some sort that is seeking to move to this residential location
- from basic investigation of the individual involved, they appear to have been in the construction industry for a significant time, and appear to be looking to store commercial equipment at this residential location

Noting that many of the responses (e.g. around the storm water, sewer mains, and neighbourhood impact) provided by the applicant are (at best) incorrect, and most likely wilfully deceptive to the council, I ask that you perform a full inspection both of the application, the works already completed to date ahead of the DA being approved, as well as any related business activities (e.g. if they have already moved part of their business onto the property) ahead of DAs being submitted and approved. I also strongly disagree with the assertions made in regards to the noise and note the impact already being realised from the (apparently) commercial vehicles that are being housed on this residential block

Please note that as I am currently interstate, I have not been able to provide a written / signed copy of the political donations and gifts statement, however I would ask if possible, if I can please email this through on my return on Monday, and note that I have never made a political donation or gift.

Submission

15 December 2022

Attention: M J Thompson – Director, Development and Environment, Queanbeyan Palerang Regional Council

It has come to our attention that there is currently a DA.2022.1616 under review for the construction of a shed at 139 Wickerslack Lane. This has come to light from numerous neighbours that are concerned with previous, current and ongoing events at the address mentioned.

We have grown concerned over the past 6 months with the continued “business operations” we have noticed with the owners of the address mentioned and due to this we oppose DA.2022.1616 in full for the following reasons:

We have observed large trucks towing heavy earth moving machinery, going in and out of the lane from early mornings to late evenings every day of the week. So much so, we believe that the owner of 139 Wickerslack Lane is operating a transport distribution centre at their residence.

We note that currently, the residence has been rented out to a family day care centre and the owners are currently not living on the premises. Therefore, the operations would not constitute a “home business”

The proposed development outlined in DA.2022.1616 is to be constructed on land zoned as C4 Environmental Living and it is assumed the applicant will store construction machinery equipment on site.

Under the Queanbeyan-Palerang Regional Local Environmental Plan 2022 (NSW), the objectives of Zone C4 Environmental Living are to provide for low-impact residential development in areas with special ecological, scientific or aesthetic values and to ensure that residential development does not have an adverse effect on those values.

Under the Queanbeyan-Palerang Regional Local Environmental Plan 2022 (NSW), the development of a local distribution centre is prohibited in Zone C4 Environmental Living.

Under the Queanbeyan-Palerang Regional Local Environmental Plan 2022 (NSW), the proposed development of the shed will have an adverse effect on the amenity of surrounding land use. The movement of the construction equipment into and out of the proposed development has already caused significant damage to the road, and will continue to, as well as the unique flora and fauna of the area.

The owner of 139 Wickerslack Lane is operating a business from the property and the construction of a shed for storage of heavy machinery is in direct contradiction of the Queanbeyan-Palerang Regional Local Environmental Plan 2022 (NSW) regulations.

The recently-cleared land at the rear of 139 Wickerslack Lane and the proposed construction of the shed will have detrimental effects on the local environment, including the Queanbeyan river in which this lot directly flows into. Any chemicals, fuels and other volatiles stored on site will have an adverse effect to the surrounding environment and waterways. See attached images for comparison of before and current and see google maps of the property, illustrating the proximity to the river.

Furthermore, the extensive earth clearing and the proximity to Queanbeyan river would constitute a breach of section 7.6 of the Queanbeyan-Palerang Regional Local Environmental Plan 2022 entitled "Highly Erodible Soils". See attached image of now exposed soil within a few hundred meters of Queanbeyan River. Attachment entitled "Current land 139 Wickerslack Lane".

The proposed location of the shed is within a designated bushfire prone area. If the contents of the shed were to house machinery containing oil and flammable substances, the effects could be catastrophic to neighbouring properties. At the very least, fires would cause chemicals, fuel and other volatiles to leach into the environment and into waterways.

General safety concerns for the residence of Wickerslack lane. There are no designated footpaths or bike paths as well as vegetation obstructions and a narrow rural road. With this in mind, elderly residents go for daily walks and bike rides, and children walk to the top of the lane every weekday to take the bus to school.

Having oversized vehicles constantly cross the double line whilst travelling down the lane, as well as the other points raised above, significantly increases the risk of a resident or child being struck by a truck or heavy machinery. A residential vehicle can easily swerve or break a lot faster than a large truck transporting heavy machinery.

There has been significant damage to the road due to the increase in heavy traffic as mentioned above. This will have ongoing costs for the council moving forward into the future.

We write this submission in the hope that the council will consider all the risks and liabilities listed above and put the residents' wellbeing, health and safety of the lane above a business which is operating against the council's own zoning laws. The flow-on effects not only to residents of the lane, but the broader community, with the run-off into our waterways and other environmental considerations, could be halted if the council opposes the application of 139 Wickerslack Lane.

The construction of a 240 square metre shed in an area zoned as Conversation Environmental Living will also encourage further damage by heavy duty vehicles and machinery travelling up and down an already fragile rural lane, as well as disrupt and frustrate residents who live and travel on the degrading road, land and surrounding environment.

Final note - as per the above, please see the recent All Homes add for the property in question here - <https://www.allhomes.com.au/139-wickerslack-lane-googong-nsw-2620>

Note the numerous images of the land prior to the extensive earthworks undertaken.

Kind regards,



Submission

Good morning

I am writing to follow up on my original email of 14 October, subsequent communications and most recent email of 8 December regarding possible zoning violations at 139 Wickerslack Lane, Googong.

Attached to this correspondence is a recent photo taken from the neighbouring property which shows that land clearing is still taking place as well as preparations for the construction of a yet to be approved 240 square metre storage shed. You can also see the creation of thoroughfares for use by trucks and heavy machinery.

I would like to reiterate my deep concerns about work that is being undertaken on this property and the ongoing environmental damage that is being caused as a result.

Kind regards

██████████



On Thu, 8 Dec 2022 at 16:14 [REDACTED] wrote:
Good afternoon

I am writing to follow up on my original email of 14 October and subsequent phone calls regarding the clearing of land and storage of heavy industrial vehicles at 139 Wickerslack Lane.

I have recently become aware of a development application for a 240 square metre shed at the property (DA.2022.1616). Despite the application having not been approved, the owner is continuing to clear land in preparation for the shed. Please see the attached photos taken on 3 December.

I implore council to place a stop work order on what is happening at 139 Wickerslack Lane. It is gut wrenching to see the environmental damage being undertaken through the clearing of native vegetation and terracing of land directly next to the Queanbeyan River.

Kind regards



On Thu, 3 Nov 2022 at 16:52 [REDACTED] wrote:



Good afternoon

Further to my previous correspondence which I understand was forwarded to the compliance team for review, most grateful if you could please also forward the attached photos which have been taken over the period of two weeks and which demonstrate the type of vehicles and machinery being transported into and out of 139 Wickerslack Lane.

Kind regards

■









On Fri, 14 Oct 2022 at 14:18, [REDACTED] wrote:
Good Afternoon

I am writing regarding a possible zoning violation at [139 Wickerslack Lane, Googong](#) which is having a significant impact on the local community, environment and roads. The owners of

the property appear to be operating a transport depot in an area that is zoned C4 Environmental Living.

Since the property sold in May 2022, the new owners have moved in several pieces of heavy machinery, including heavy rig trucks with trailers and construction equipment creating a transport depot. In addition, they appear to be operating a business from the ground floor of the property and at the back of the property. Each morning between 5:30 – 7:00 am, multiple heavy rig trucks leave the property and return between 4:00-6:00 pm. The drivers of the trucks arrive earlier in the morning and park their vehicles at the back of the property. A number of trucks arrive and depart the property throughout the day.

There has been a noticeable impact on the state of the roads (which were only resealed in May). The edges of the road have started to crumble forcing drivers in motor vehicles to cross into the opposite lane to avoid slipping as a result of the degradation of the edges. The location of the drive way at [139 Wickerslack Lane](#) is on a blind ridge which means cars travelling up Wickerslack Lane are required to brake quickly as the trucks exit the drive way. Pedestrians (including residents trying to walk prams and with small children) are required to move off the road to avoid oncoming trucks.

The new owners of [139 Wickerslack Lane](#) have undertaken significant earth works at the rear of the property including the terracing of land and the creation of a road to the Queanbeyan River. It appears this has been done as there is an intention to increase the number of vehicles on the site (see attached photo). Residents have concerns that there will be an increase in the amount of pollutants entering the Queanbeyan River as a result of the earth works. There has also been notable increase in the number of dead fauna since the transport depot commenced operating.

Trucks will usually start moving off-site from as early as 5:30am. As a result of this noise and the disruption to the personal enjoyment of our property, we are in the process of installing double glazed windows to reduce the associated noise with the heavy vehicles travelling in and out of the transport depot.

Whilst I am aware the owner of [139 Wickerslack Lane](#) is not the only owner of heavy construction equipment on the Lane which is parked at their residence, what is concerning is the number of trucks entering and exiting the property throughout the day and the damage this is having on the roads, local fauna and the disruption the associated noise and traffic is having to residents of Wickerslack Lane.

This letter has been drafted in consultation with a number of members of the local community who are also seeking a resolution to this issue.

Kind regards

■

■



14 December 2022

MJ Thompson
Director
Development and Environment
QPRC
via email: council@qprc.nsw.gov.au

**SUBMISSION TO QPRC ON DEVELOPMENT APPLICATION NUMBER
DA.2022.1616**

Proposal: Construction of a 240m² shed at the rear of the property
Address: 139 Wickerslack Lane GOOGONG NSW 2620
Property Description: Lot 3 DP 1268832
Applicant: Janaka Blackley Pty Ltd
Notification Period: 29 Nov 2022 to 15 Dec 2022
Assessment Officer: Mary Kunang

Dear Mr Thompson,

We write to lodge our objection to the subject development on the grounds it will be used to support land use which is already significantly degrading the amenity of Wickerslack Lane (hereafter referred to as 'the lane') and is prohibited by the *Queanbeyan-Palerang Regional Local Environmental Plan 2022* for Zone C4 – Environmental Living. We are aware that other residents of the lane will make submissions on environmental grounds noting the recent wholesale clearing and extensive earthworks on the block (which have apparently occurred with no consent) and its proximity to the Queanbeyan River. Whilst we do not address that issue in this submission, we wish to echo and lend our support to those concerns raised by others.

The basis of our objection is that 139 Wickerslack Lane (leveraging access through 137 Wickerslack Lane) is being used as either a depot¹ or a heavy industrial storage

¹ QPRC LEP 2022 page 117 defines a depot as a, '...place used for the storage (but not sale or hire) of plant, machinery or other goods [...] when not required for use.'

establishment² for the storage of heavy construction and earthmoving plant, generating significant noise and dust pollution. As these land uses are listed in neither Item 2 – *Permitted without Consent*, nor Item 3 – *Permitted with Consent* of the summary of the Zone C4 Environmental Living Land Use Table, it is our assumption they are prohibited under Item 4 – *Prohibited*, ‘...any other development not specified in item 2 or 3.’³ It is our assertion that a shed of the dimensions outlined in the DA will be used to support such a storage establishment and should, therefore, not be permitted.

A search of the Australian Securities & Investments Commission database shows that the applicant listed in this DA, Janaka Blackley Pty Ltd (ACN 166 740 183), shares a common director (Mr Janaka Shane Blackley) and registered address with BASE Contractors Pty Ltd (ACN 135 410 543), a company which, in a testimonial on a partner’s web page⁴ boasts a staff of over 45 and a fleet of over 70 items of plant equipment. It is our belief that BASE Contractors Pty Ltd’s equipment is being moved onto and stored at 139 Wickerslack Lane and that the proposed shed will be used to house high-value equipment.

Anecdotally, based on ‘off the record’ disclosures by BASE Contractors Pty Ltd staff, it is a commonly held belief in the district that the company intends to convert part of the existing home at 139 Wickerslack Lane into office space for the business whilst renting out the remainder of the building to a home-based childcare facility⁵. This facility is already operating and listed on the Family Day Care website as registered with QPRC.⁶

Given the historical instances of ‘development by stealth’ in the lane we are concerned that, once the shed is built, it will be difficult for QPRC to refuse any formal request to convert the house to office space and the land to an industrial storage facility given the funds already expended by the owner on earthworks and shed construction. This was the specific reasoning given in Council’s decision regarding unauthorised extensions to the animal boarding establishment next door.⁷

Since Janaka Blackley Pty Ltd purchased the property in early 2022 there has been a steady stream of extremely large vehicles moving in and out of the property. Vehicle movements commence before 5:30am and end after 8:00pm seven days a week. The noise; dust; safety concerns regarding such enormous equipment traveling on so narrow and well trafficked a cul-de-sac; and damage to the lane itself are affecting all residents of the lane. The photographs in Enclosure 1 illustrate the size of equipment in question and the damage they are already doing to the road surface. The first two were taken from a recent press release from a company which partners with BASE Contractors Pty Ltd and the third and fourth show the same equipment being transported on Wickerslack Lane. The fifth is of damage to the road

² QPRC LEP 2022 page 123 defines a heavy industrial storage establishment, including offensive storage establishments, as one which emits a polluting discharge with a specific example of noise provided as a source of polluting discharge.

³ QPRC LEP 2022 page 24.

⁴ <https://www.cjd.com.au/about/testimonials/construction/base-contractors/>.

⁵ NSW Government Department of Planning and Environment Home-based enterprises: Rules for exempt and complying development ©2022 page 3 defines home-based childcare.

⁶ <https://www.familydaycare.com.au/find-child-care>.

⁷ QPRC Reference PF040652 dated 16 Nov 2005 Item 6 – Canberra Pet Care – 143 Wickerslack Lane page 130.

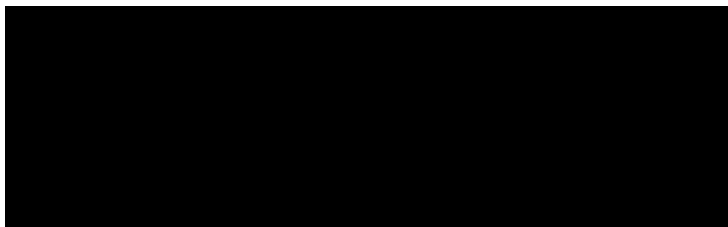
surface caused by the BASE Construction Pty Ltd trucks torquing the aggregate out of the bitumen as they negotiate the bend.

Should Council deem our argument above invalid, we would like to highlight the following responses the applicant has provided in the DA and associated Statement of Environmental Effects (SoEE) which we consider erroneous, inaccurate, or misleading. Council may wish to seek clarification from the applicant before making its decision:

- The DA details for staff/employees on site, loading bays, parking spaces and new roads have all been left blank. Earthworks, parking & loading bays, and new roads (cut across both 139 and 137 Wickerslack Lane) are clearly visible in recent, publicly available aerial photography and from neighbouring properties. We are aware photographic evidence has been included in other submissions so will not duplicate it here.
- The DA response to tree removal and/or pruning work proposed is No. This is misleading as work to denude the block of all vegetation with the exception of a few mature trees has been undertaken over the past few months.
- The SoEE states that the shed will fit in with the locality as there are sheds on neighbouring properties. This is misleading in that the sheds referenced are generally significantly smaller and not associated with an industrial storage establishment. The only sheds of a similar size are associated with the animal boarding establishment next door, itself the subject of historical community objections and negative council findings.
- The SoEE states the proposal will not change the area's noise environment. Again, this is misleading as the property is already generating significant noise pollution caused by heavy machinery movements from before 5:30am until after 8:00pm seven days a week. Having been present during the day in two nearby properties whilst the machinery was operating, we can positively assert that the local noise environment has most certainly changed since Janaka Blackley Pty Ltd took possession of the property. We witnessed the noise as being extremely intrusive compared to normal daytime ambient noise. We imagine it is significantly worse in the pre-dawn silence.
- The SoEE states onsite effluent disposal is via sewer mains. There is no sewerage main in the lane. This may be a moot point if the applicant does not intend to install toilet or wash facilities, but the plans included in the DA contain insufficient detail to determine if this is the case.
- The SoEE states stormwater will be disposed of via street guttering and stormwater main. Neither exist in the lane. Given the location of the existing earthworks and proposed shed, all storm water from the site will drain directly into the Queanbeyan River.
- The SoEE again states that the proposal does not include removal of vegetation or native habitat. We refer to our response above.
- The SoEE states the site is not bushfire prone. The NSW Government ePlanning Spatial Viewer designates the property as Bushfire Prone Land – Vegetation Category 3.

We strongly object to this proposal and any expansion of the development at 139 Wickerslack Lane as we consider it diametrically opposed to the objectives of Zone C4 as defined in the land use tables of the QPRC LEP 2022. We encourage Council to reject it on the grounds that it supports land use implicitly prohibited by the LEP.

Yours sincerely,



Enclosures:

1. Illustrations in support of claims made in submission
2. Extract from ASIC database – Janaka Blackley Pty Ltd
3. Extract from ASIC database – BASE Constructions Pty Ltd

Enclosure 1
to Submission to QPRC on DA.2022.1616
dated 14 Dec 2022

Illustrations in support of claims made in submission



Figure 1 – From CJD Equipment’s testimonial showing size and extent of BASE Construction Pty Ltd plant



Figure 2 – From CJD Equipment’s testimonial showing BASE Construction branding on specific equipment sighted in Wickerslack Lane



Figure 3 – BASE Construction Pty Ltd plant being transported along Wickerslack Lane



Figure 4 – BASE Construction Pty Ltd plant turning out of Wickerslack Lane



Figure 5 – Damage to Wickerslack Lane road surface



ASIC
Australian Securities & Investments Commission

Enclosure 2
to Submission to QPRC on DA.2022.1616
dated 14 Dec 2022

Current & Historical Company Extract

Name: JANAKA BLACKLEY PTY LTD
ACN: 166 740 183

Date/Time: 08 December 2022 AEST 02:49:32 PM

This extract contains information derived from the Australian Securities and Investments Commission's (ASIC) database under section 1274A of the Corporations Act 2001.

Please advise ASIC of any error or omission which you may identify.

EXTRACT

Current & Historical Company Extract

JANAKA BLACKLEY PTY LTD
ACN 166 740 183

Organisation Details	Document Number
Current Organisation Details	
Name: JANAKA BLACKLEY PTY LTD	1E9968939
ACN: 166 740 183	
ABN: 65166740183	
Registered in: Australian Capital Territory	
Registration date: 13/11/2013	
Next review date: 13/11/2023	
Name start date: 13/11/2013	
Status: Registered	
Company type: Australian Proprietary Company	
Class: Limited By Shares	
Subclass: Proprietary Company	

Address Details	Document Number
Current	
Registered address: 'The Ridgeway', 1 Highland Close, QUEANBEYAN NSW 2620	2E1089142
Start date: 17/10/2014	
Principal Place Of Business address: 'The Ridgeway', 1 Highland Close, QUEANBEYAN NSW 2620	2E1089142
Start date: 22/09/2014	
Historical	
Registered address: 4 Kathleen Street, QUEANBEYAN NSW 2620	1E9968939
Start date: 13/11/2013	
Cease date: 16/10/2014	
Principal Place Of Business address: 4 Kathleen Street, QUEANBEYAN NSW 2620	1E9968939
Start date: 13/11/2013	
Cease date: 21/09/2014	

Contact Address	
Section 146A of the Corporations Act 2001 states 'A contact address is the address to which communications and notices are sent from ASIC to the company'.	
Current	
Address: PO BOX 6035, QUEANBEYAN EAST NSW 2620	
Start date: 04/02/2016	
Historical	
Address: PO BOX 216, DEAKIN WEST ACT 2600	
Start date: 03/07/2014	
Cease date: 04/02/2016	
Address: PO BOX 1334, FYSHWICK ACT 2609	
Start date: 14/02/2014	
Cease date: 03/07/2014	

Current & Historical Company Extract

JANAKA BLACKLEY PTY LTD
 ACN 166 740 183

Officeholders and Other Roles	Document Number
Director	
Name: JANAKA JAMES BLACKLEY	2E1089142
Address: 'The Ridgeway', 1 Highland Close, QUEANBEYAN NSW 2620	
Born: 16/07/1983, SYDNEY, NSW	
Appointment date: 13/11/2013	
Secretary	
Name: JANAKA JAMES BLACKLEY	2E1089142
Address: 'The Ridgeway', 1 Highland Close, QUEANBEYAN NSW 2620	
Born: 16/07/1983, SYDNEY, NSW	
Appointment date: 13/11/2013	

Share Information					
Share Structure					
Class	Description	Number issued	Total amount paid	Total amount unpaid	Document number
ORD	ORD	2	2.00	0.00	1E9968939
Members					
<p>Note: For each class of shares issued by a proprietary company, ASIC records the details of the top twenty members of the class (based on shareholdings). The details of any other members holding the same number of shares as the twentieth ranked member will also be recorded by ASIC on the database. Where available, historical records show that a member has ceased to be ranked amongst the top twenty members. This may, but does not necessarily mean, that they have ceased to be a member of the company.</p>					
<p>Name: STEPHANIE LOUISE TUNNECLIFFE Address: 4 Kathleen Street, QUEANBEYAN NSW 2620</p>					
Class	Number held	Beneficially held	Paid	Document number	
ORD	1	yes	FULLY	1E9968939	
<p>Name: JANAKA JAMES BLACKLEY Address: 'The Ridgeway', 1 Highland Close, QUEANBEYAN NSW 2620</p>					
Class	Number held	Beneficially held	Paid	Document number	
ORD	1	yes	FULLY	2E1089142	

Documents
Note: Where no Date Processed is shown, the document in question has not been processed. In these

Current & Historical Company Extract

JANAKA BLACKLEY PTY LTD
ACN 166 740 183

instances care should be taken in using information that may be updated by the document when it is processed. Where the Date Processed is shown but there is a zero under No Pages, the document has been processed but a copy is not yet available.

Date received	Form type	Date processed	Number of pages	Effective date	Document number
13/11/2013	201C Application For Registration As A Proprietary Company	13/11/2013	3	13/11/2013	1E9968939
10/10/2014	484 Change To Company Details 484B Change Of Registered Address 484C Change Of Principal Place Of Business (Address) 484A1 Change Officeholder Name Or Address 484A2 Change Member Name Or Address	10/10/2014	2	25/09/2014	2E1089142

End of Extract of 3 Pages



ASIC
Australian Securities & Investments Commission

Enclosure 3
to Submission to QPRC on DA.2022.1616
dated 14 Dec 2022

Current & Historical Company Extract

Name: BASE CONTRACTORS PTY LTD
ACN: 135 410 543

Date/Time: 08 December 2022 AEST 08:36:05 PM

This extract contains information derived from the Australian Securities and Investments Commission's (ASIC) database under section 1274A of the Corporations Act 2001.

Please advise ASIC of any error or omission which you may identify.

EXTRACT

Current & Historical Company Extract

BASE CONTRACTORS PTY LTD
ACN 135 410 543

Organisation Details	Document Number
Current Organisation Details	
Name: BASE CONTRACTORS PTY LTD	1E5186069
ACN: 135 410 543	
ABN: 66135410543	
Registered in: New South Wales	
Registration date: 16/02/2009	
Next review date: 16/02/2023	
Name start date: 16/02/2009	
Status: Registered	
Company type: Australian Proprietary Company	
Class: Limited By Shares	
Subclass: Proprietary Company	

Address Details	Document Number
Current	
Registered address: 'The Ridgeway', 1 Highland Close, QUEANBEYAN NSW 2620	2E1089143
Start date: 17/10/2014	
Principal Place Of Business address: 'The Ridgeway', 1 Highland Close, QUEANBEYAN NSW 2620	2E1089143
Start date: 22/09/2014	
Historical	
Registered address: 4 Kathleen Street, QUEANBEYAN NSW 2620	1E5186069
Start date: 16/02/2009	
Cease date: 16/10/2014	
Principal Place Of Business address: 4 Kathleen Street, QUEANBEYAN NSW 2620	1E5186069
Start date: 16/02/2009	
Cease date: 21/09/2014	

Contact Address	
Section 146A of the Corporations Act 2001 states 'A contact address is the address to which communications and notices are sent from ASIC to the company'.	
Current	
Address: PO BOX 6035, QUEANBEYAN EAST NSW 2620	
Start date: 04/02/2016	
Historical	
Address: PO BOX 216, DEAKIN WEST ACT 2600	
Start date: 09/07/2014	
Cease date: 04/02/2016	
Address: PO BOX 1334, FYSHWICK ACT 2609	
Start date: 17/02/2009	
Cease date: 09/07/2014	

Current & Historical Company Extract

BASE CONTRACTORS PTY LTD
ACN 135 410 543

Officeholders and Other Roles	Document Number
Director	
Name: PHILIP CHARLES SMITH Address: 4 Crofts Crescent, SPENCE ACT 2615 Born: 25/04/1979, CANBERRA, ACT Appointment date: 16/02/2009	2E0234437
Name: JANAKA SHANE BLACKLEY Address: 'The Ridgeway', 1 Highland Close, QUEANBEYAN NSW 2620 Born: 16/07/1983, SYDNEY, NSW Appointment date: 16/02/2009	2E1089143
Secretary	
Name: PHILIP CHARLES SMITH Address: 4 Crofts Crescent, SPENCE ACT 2615 Born: 25/04/1979, CANBERRA, ACT Appointment date: 16/02/2009	2E0234437
Name: JANAKA SHANE BLACKLEY Address: 'The Ridgeway', 1 Highland Close, QUEANBEYAN NSW 2620 Born: 16/07/1983, SYDNEY, NSW Appointment date: 16/02/2009	2E1089143

Share Information					
Share Structure					
Class	Description	Number issued	Total amount paid	Total amount unpaid	Document number
ORD	ORD SHARE	20	20.00	0.00	1E5186069
Members					
<p>Note: For each class of shares issued by a proprietary company, ASIC records the details of the top twenty members of the class (based on shareholdings). The details of any other members holding the same number of shares as the twentieth ranked member will also be recorded by ASIC on the database. Where available, historical records show that a member has ceased to be ranked amongst the top twenty members. This may, but does not necessarily mean, that they have ceased to be a member of the company.</p>					
<p>Name: PHILIP CHARLES SMITH Address: 4 Crofts Crescent, SPENCE ACT 2615</p>					
Class	Number held	Beneficially held	Paid	Document number	
ORD	10	yes	FULLY	2E0234437	
<p>Name: JANAKA SHANE BLACKLEY Address: 'The Ridgeway', 1 Highland Close, QUEANBEYAN NSW 2620</p>					

Current & Historical Company Extract

BASE CONTRACTORS PTY LTD
 ACN 135 410 543

Class	Number held	Beneficially held	Paid	Document number
ORD	10	yes	FULLY	2E1089143

Documents

Note: Where no Date Processed is shown, the document in question has not been processed. In these instances care should be taken in using information that may be updated by the document when it is processed. Where the Date Processed is shown but there is a zero under No Pages, the document has been processed but a copy is not yet available.

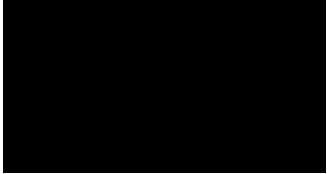
Date received	Form type	Date processed	Number of pages	Effective date	Document number
16/02/2009	201C Application For Registration As A Proprietary Company	16/02/2009	3	16/02/2009	1E5186069
09/03/2010	309A Notification Of Details Of A Charge	10/03/2010	10	15/02/2010	026417593
06/09/2010	309A Notification Of Details Of A Charge	06/09/2010	20	20/08/2010	7E3152877
08/07/2011	309A Notification Of Details Of A Charge	11/07/2011	10	24/06/2011	027633590
16/08/2011	309A Notification Of Details Of A Charge	16/08/2011	19	09/08/2011	7E3884320
16/08/2011	309A Notification Of Details Of A Charge	16/08/2011	20	09/08/2011	7E3884340
23/08/2011	309A Notification Of Details Of A Charge	23/08/2011	15	12/08/2011	7E3898598
07/09/2011	309A Notification Of Details Of A Charge	07/09/2011	16	30/08/2011	7E3934017
14/02/2014	484 Change To Company Details 484A1 Change Officeholder Name Or Address 484A2 Change Member Name Or Address	14/02/2014	2	14/02/2014	2E0234437
10/10/2014	484 Change To Company Details 484B Change Of Registered Address 484C Change Of Principal Place Of Business (Address) 484A1 Change Officeholder Name Or Address 484A2 Change	10/10/2014	2	25/09/2014	2E1089143

Current & Historical Company Extract

BASE CONTRACTORS PTY LTD
ACN 135 410 543

	Member Name Or Address				
10/07/2017	519G Notification Of Application To Wind Up Company Under S. 459p, 462 Or 464	11/07/2017	3	06/07/2017	030084565
18/08/2017	519C Notification Of Dismissal Of Application For Winding Up Order	21/08/2017	3	18/08/2017	030115233

*****End of Extract of 4 Pages*****



15 December, 2022

MJ Thompson
Director
Development and Environment
QPRC
via email: council@qprc.nsw.gov.au

**SUBMISSION TO QPRC ON DEVELOPMENT APPLICATION NUMBER
DA.2022.1616**

Proposal: Construction of a 240m² shed at the rear of the property
Address: 139 Wickerslack Lane GOOGONG NSW 2620
Property Description: Lot 3 DP 1268832
Applicant: Janaka Blackley Pty Ltd
Notification Period: 29 Nov 2022 to 15 Dec 2022
Assessment Officer: Mary Kunang

Dear Mr Thompson,

I am a long-time resident (more than 25 years) of [REDACTED], owning a home only 45m from the proposed development, and now reside at [REDACTED], with direct site line to the development from both properties.

I write to lodge my strenuous objection to the subject development on the grounds it will be used to support land use prohibited by the *Queanbeyan-Palerang Regional Local Environmental Plan 2022* for Zone C4 – Environmental Living, and activities which are already significantly degrading the amenity of Wickerslack Lane, and to my home, its safety, security, value and my quality of life in particular.

I am aware that other residents of the lane are making submissions on environmental grounds noting the comprehensive clearing and extensive earthworks on the block conducted without consent, and the impact of its proximity to the Queanbeyan River. I use some of the other residents' language and documentation in this letter, with permission, and note that all of the shared observations of other residents of the lane have been independently verified by me. For avoidance of

doubt, I incorporate (and reiterate) some of the text and photographic submissions of my fellow concerned residents in this submission.

As a professional biologist for more than 45 years, who has had substantial positive interactions with NSW Fisheries and water authorities, I am profoundly worried about the impacts of any proposed development of this or other commercial activities on the riparian system health. The clearing that has been undertaken has been massive resulting in almost all ground cover removed from the block. What grows back will be weeds, a persistent problem on the lane, including for my orchard, 40m away.

The formal basis of my objection is that 139 Wickerslack Lane is being used as either a depot and/or a heavy industrial storage establishment for the storage of heavy construction and earthmoving plant, generating significant noise and dust pollution, as well as safety of residents and their children who must walk along the Lane for school bus access, and the profound risk to the environment and health of the Queanbeyan River.

Additionally, it seems that this is being undertaken in cooperation with the owners of 137 (the Carbone Bakery) as many of us on the Lane have observed heavy industrial earthmoving equipment entering 139 and exiting 137. One would assume that the owner/resident of 137 Wickerslack has submitted a DA and been approved to conduct the extensive roadworks and grading that has already been done at 137 to facilitate heavy vehicles that are currently being based there, as well as those of Janaka Blackley Pty. Ltd. However, I have been unable to find any such DA submission, nor as owner of [REDACTED] have I been informed of such an application.

As these land uses are listed in neither Item 2 – Permitted without Consent nor Item 3 – Permitted with Consent of the summary of the Zone C4 Environmental Living Land Use Table, I assume they are prohibited under Item 4 – Prohibited, ‘...any other development not specified in item 2 or 3.’¹

It is my assertion that a shed of the dimensions outlined in the DA – with five bays 4.8 wide and up to 7.2m high will be used to support such a storage establishment and should, therefore, not be permitted. As well, the activities done to date, compromising environmental integrity, creating excessive noise and loss of amenities, without permission or even consultation with neighbours should be treated as a serious breach of the intent and letter of the zoning regulations.

The ASIC database shows that the applicant listed in this DA, Janaka Blackley Pty Ltd (ACN 166 740 183), shares a common director (Mr Janaka ‘Shane’ Blackley) and registered address with BASE Contractors Pty Ltd (ACN 135 410 543), a company which, in a testimonial on a partner’s web page² boasts a staff of over 45 and a fleet of over 70 items of plant equipment. It is our belief that BASE Contractors Pty Ltd’s

¹ QPRC LEP 2022 page 24.

² <https://www.cjd.com.au/about/testimonials/construction/base-contractors/>

equipment is being moved onto and stored at 139 Wickerslack Lane and that the proposed shed will be used to house high-value equipment.

Anecdotally, based on 'off the record' disclosures by BASE Contractors Pty Ltd staff, it is a commonly held belief in the district that the company intends to convert part of the existing home at 139 Wickerslack Lane into office space for the business whilst renting out the remainder of the building to a home-based childcare facility³. This facility is already operating and listed on the Family Day Care website as registered with QPRC⁴, though I nor others have seen the DA for such a 'home occupation' to be conducted, which to be eligible as 'exempt' would have the permanent resident responsible for that occupation. The resident of 139 is **not** the owner. Heavy construction vehicles sharing premises with a child care facility? This is beyond absurd and such a set of commercial activities coexisting on a residential block in 'Environmental Living' seems an egregious insult to QPRC's oversight responsibility.

Given the historical instances of 'development by stealth' aka 'better to ask for forgiveness than permission', in the lane I am deeply concerned that, once the shed is built, it will be difficult for QPRC to refuse any formal request to convert the house to office space and the land to an industrial storage facility given the funds already expended by the owner on the earthworks and shed construction. This was the specific reasoning given in Council's decision regarding unauthorised extensions to the animal boarding establishment next door.⁵ Which parenthetically is much louder than before it was sold to a non-resident owner, and is itself under almost 1500m² of roof.

Since Janaka Blackley Pty Ltd purchased the property in early 2022 there has been a steady stream of extremely large vehicles moving in and out of the property. Vehicle movements commence before 5:30am and end after 8:00pm seven days a week. The noise; dust; safety concerns regarding such enormous equipment traveling on so narrow and well trafficked a thoroughfare; and damage to the lane itself are affecting all residents of the lane. The photographs in Enclosure 1 illustrate the size of equipment in question and the damage they are already doing to the road surface.

The first two photos were taken from a recent press release from a company which partners with BASE Contractors Pty Ltd and the third and fourth show the same equipment being transported on Wickerslack Lane. The fifth is of damage to the road surface caused by the BASE Construction Pty Ltd trucks torquing the aggregate out of the bitumen as they negotiate the bend.

The most extreme damage to the road is immediately next to my driveway at 133 Wickerslack Lane, where torque damage from heavy vehicles has littered the side of the Lane with gravel torn from the admixture, and created a small '[La Brea Tar Pits](#)' soup of unbound loose bitumen from which, alas, it is unlikely that a mastodon or

³ NSW Government Department of Planning and Environment Home-based enterprises: Rules for exempt and complying development ©2022 page 3 defines home-based childcare.

⁴ <https://www.familydaycare.com.au/find-child-care>

⁵ QPRC Reference PF040652 dated 16 Nov 2005 Item 6 – Canberra Pet Care – 143 Wickerslack Lane page 130

sabertooth tiger will emerge, but which coats my and other resident's cars and feet with sticky glop. And the now loose gravel will doubtless break windscreens.

As well, I draw attention to the following responses the applicant has provided in the DA and associated Statement of Environmental Effects (SoEE) which I consider erroneous, inaccurate, or misleading, ie. wrong.

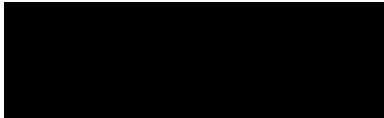
The DA details for staff/employees on site, loading bays, parking spaces and new roads have all been left blank. Earthworks, parking and loading bays and new roads (cut across both 139 and 137 Wickerslack Lane) are clearly visible in recent, publicly available aerial photography and from neighbouring properties. I am aware photographic evidence has been included in other submissions so will not duplicate it here, although some of the more egregious evidence is included.

- The DA response to tree removal and/or pruning work proposed is No. This is misleading as the work to clear the block of all but a few trees has already been completed.
- The SoEE states that the shed will fit in with the locality as there are sheds on neighbouring properties. This is incorrect, as the sheds referenced are generally significantly smaller and not associated with an industrial storage establishment. The only sheds of a similar size are associated with the animal boarding establishment next door, itself the subject of decades of community objections and negative council findings, followed by slaps on the wrist and continued abuse of the neighbourhood.
- The SoEE states the proposal will not change the area's noise environment. Again, this is way beyond misleading as the property is already generating significant noise pollution caused by heavy machinery movements from just after 5:00am until after 8:00pm seven days a week. From my own properties, whilst the machinery was operating, I can plainly state that the local noise environment has changed for the worse since Janaka Blackley Pty Ltd took possession of the property. The noise was intrusive compared to normal daytime ambient noise. It is significantly worse in the pre-dawn silence. The back-up warning beeps travel great distances and disturb sleep and peace of myself and my family; the low frequency diesels are a constant aggravation. We moved here for true 'Environmental Living', and this is an insult to the intent of the zoning.
- The SoEE states onsite effluent disposal is via sewer mains. There is no sewerage main in the lane. Plans included in the DA contain insufficient detail to determine if they intend to have toilets. I suppose the drivers and maintainers of the vehicles being stored in the massive shed could ask the child care facility to use their toilet, but that would likely violate additional guidelines and regulations.
- The SoEE states stormwater will be disposed of via street guttering and storm water main. Neither exist in the lane. Given the siting of the existing earthworks and proposed shed, all storm water from the site will drain directly into the Queanbeyan River, including any oil, hydraulic fluid, diesel or other materials that could be leaking or spilling from the equipment.

- The SoEE again states that the proposal does not include removal of vegetation or native habitat. We refer to our response above. 'Forgiveness, not Permission'?
- The SoEE states the site is not bushfire prone. The NSW Government ePlanning Spatial Viewer designates the property as Bushfire Prone Land – Vegetation Category 3.

I strongly object to this proposal and any expansion of the development at 139 Wickerslack Lane as I consider it completely incompatible with the objectives of Zone C4 as defined in the land use tables of the QPRC LEP 2022. I encourage Council to reject it on the grounds that it supports land use implicitly prohibited by the LEP. It is both the responsibility and the opportunity for Council to support the well-being of the residents of the area through ensuring compliance with environmental and zoning regulations.

Yours sincerely



Enclosure:

1. Illustrations in support of claims made in submission

Enclosure 1
to Submission to QPRC on DA.2022.1616
dated 15 Dec 2022

Illustrations in support of claims made in submission



Figure 1 – From CJD Equipment’s testimonial showing size and extent of BASE Construction Pty Ltd plant



Figure 2 – From CJD Equipment’s testimonial showing BASE Construction branding on specific equipment sighted in Wickerslack Lane



Figure 3 – BASE Construction Pty Ltd plant being transported along Wickerslack Lane



Figure 4 – BASE Construction Pty Ltd plant turning out of Wickerslack Lane



Figure 5 – Damage to Wickerslack Lane road surface, birth of the new La Brea Tar Pits. In the center of the photo is the entrance to my property at 133 Wickerslack.



14 December 2022

SUBMISSION TO QPRC FOR DEVELOPMENT APPLICATION #2022.1616
139 WICKERSLACK LANE, GOOGONG NSW 2620 (C4 zone – environmental living)

Proposal: Construction of 240sqm shed at the rear of the property for storage
Applicant: Janaka Blackley Pty Ltd
Assessment officer: Mary Kunang

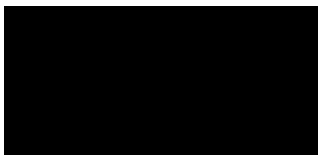
As rate paying residents of Wickerslack Lane we are writing to voice our **strong objection** to the development of the 240sqm shed anywhere on the above named property. We object to the development of the shed for the following reasons:

- The development application would appear to be part of an attempted “development by stealth” on behalf of the applicant. We are concerned that if the shed is approved, the applicant will then be able to increase their business/industry activities that are already evident in the Lane. There are a number of large, noisy and potentially dangerous vehicles traversing the Lane as early as 5AM right through to the evening 7 days per week. The vehicles are loud, and the development of the Lane has situated dwellings close to the roadway – so the trucks are causing a constant disturbance and negatively affecting the amenity of the Lane.
- The road surface has been damaged significantly since the arrival of the trucks, and after the recent repairs were made to the road only earlier in 2022. The road is subject to animals (most recently this includes deer) and drivers are already at risk without adding to the danger by including an increase in potholes, degradation of the bitumen and very wide loads coming in the opposite direction.
- Legitimate road users and residents of the Lane – especially school aged children, who have recently been forced to use the road to walk to the newly created bus stop at the end of the Lane (near Old Cooma Road) – are at great risk of being hit by an oversized vehicle. A young provisional driver was “pushed” off the road by a truck travelling west out of the Lane only today.
- The application states that the purpose of the shed is for a business purpose, although these details have been omitted in the application, the nature of the business has not been outlined but the activities witnessed at the residence in the last few months would indicate that they are not compliant with the relevant C4 – environmental living zoning of the properties of the Lane.

- The development application has not been completed fully or accurately, there are many omissions and mistruths and potentially false responses to questions posed, including:
 - o Sections E and F of the Statement of Environmental Effects documentation has been completed incorrectly, there is no sewer mains for the disposal of effluent, there is no street gutter or storm water mains for the disposal of stormwater and the site has been recently been cleared of all vegetation. The applicant has responded falsely to these questions.
 - o Section G, states that the site is not bushfire prone. This is false. The site is within bushfire prone land – category 2, and the applicant is required to complete the Bushfire Prone Land kit.
 - o Section I, notes the proposed activity as “storage”. This is not in keeping with the activity that has been undertaken at the residence in the last 6 months. The residence has been transformed into a trucking yard for the purposes of parking trucks, trailers and earth moving machinery. The application also cites that of the available 240sqm less than 10% will be used for the activity (being storage) the development application fails to identify what the remaining 216sqm will be used for. The application lacks significant detail in order that neighbouring residents could be adequately informed of the activity proposed for the shed or make any submission in the positive.
 - o Section I, does not provide any of the details required for this section. The applicant has not completed the details outlining the operations of the proposed business/activity. The legitimate residents of Wickerslack Lane have a right to know what the proposed operations will likely involve eg operating hours, how often customers will be coming to the residence etc.
- The applicant is a propriety limited business, and therefore it is reasonable to assume that the shed is not for a “home business” or “home industry” or residential use.
- The dimensions of the shed are beyond what might be reasonably required for “storage”, the shed dimensions appear to be more suited to parking large trucks and machinery as already evident at the residence.
- The applicant has stated in their application that they are the resident when in fact they do not reside at the premises, the dwelling has been rented out.

We ask that QPRC reject the development application on the grounds that a 240sqm shed does not serve to improve the amenity of the Lane, is a clear attempt at “development by stealth” leading to increased non compliant activity (being the trucking yard), and these actions will only serve to negatively affect the residents and users of the Lane, and they are not permissible within the allowable use of the land according to the C4 zoning.

Regards,



13 December 2022

**Attention: Mary Kunang – Assessing Officer, Development and Environment, Queanbeyan
Palerang Regional Council**

I am writing to submit a notice of objection for DA.2022.1616 as per correspondence received from Queanbeyan Palerang Regional Council on 30 November 2022. My objections to the construction of a shed on 139 Wickerslack Lane are for the following reasons:

- It has become apparent that the owner of 139 Wickerslack Lane is operating a distribution centre at their residence. Heavy machinery moves in and out of the property from 5:30 am to 7:00 pm most days of the week (including on weekends).
- The proposed development of a large shed is to be constructed on land zoned as C4 Environmental Living and it is assumed the applicant will store construction machinery equipment on site as part of their commercial enterprise (BASE Construction).
- Under the Queanbeyan-Palerang Regional Local Environmental Plan 2022 (NSW), the objectives of Zone C4 Environmental Living are to provide for *low-impact residential development in areas with special ecological, scientific or aesthetic values and to ensure that residential development does not have an adverse effect on those values.*
- Under the Queanbeyan-Palerang Regional Local Environmental Plan 2022 (NSW), the development of a local distribution centre is prohibited in Zone C4 Environmental Living. The proposed development of a large shed to store construction machinery for a commercial enterprise is considered a local distribution centre.
- The owner of 139 Wickerslack Lane is operating a business from the property and the construction of a shed for storage of heavy machinery is in direct contradiction of the Queanbeyan-Palerang Regional Local Environmental Plan 2022 (NSW) regulations.
- Under the Queanbeyan-Palerang Regional Local Environmental Plan 2022 (NSW), the proposed development of the shed will have an adverse effect on the amenity of surrounding land use. The movement of the construction equipment into and out of the proposed development will cause significant damage to the road and the unique flora and fauna of the area.
- The clearing of land at the rear of 139 Wickerslack Lane, in preparation for the construction of the shed is development by stealth. The clearing of all vegetation will have a detrimental effect on the local environment. Run off from diesel trucks and machinery will wash down directly into the Queanbeyan River. This will have an adverse effect on the water quality in the river.
- The proposed location of the shed is within a designated bush fire prone area. If the contents of the shed were to house machinery containing oil and flammable substances, the effects could be catastrophic to neighbouring properties.
- The Development Application states that the shed will be connected to sewage. There is no sewage available on Wickerslack Lane.
- Access to the proposed shed is via a driveway that is placed on a blind corner and between a child care centre and dog kennels.

Council have an early opportunity to prevent the above issues at 139 Wickerslack Lane from becoming a major problem in the future. The construction of a 240 square metre shed in an area zoned as Conversation Environmental Living will provide support to a business that is operating outside of Council's own zoning rules. Heavy duty trucks and machinery travelling up and down an already fragile rural lane will continue to cause frustration for residents and will see constant degradation of the road.

Kind regards



15 December 2022

Attn Queanbeyan Council – Assessing Officer for
DA.2022.1616 for 139 Wickerslack Lane Googong.

Submission by [REDACTED]

I write to you to object to the proposed shed at DA.2022.1616. I have read through the relevant paperwork for the DA and documents and object for several reasons:

- Heavy Trucks and machinery are moving along this small community residential road at all hours of the day from 5:30 am to past 7 pm, 7 days. It is clear this property is acting as a distribution centre of some sort. It is dangerous to children and locals that enjoy the area and the road is not designed to act as a commercial road for such heavy equipment over such sustained use – remember there is no footpath and children have to walk along the road from the bus! Due to size and nature of the road, the trucks drive in the centre of it because the road is not designed for trucks travelling at speed. Several times already I and my partner have had to pull over to the side of the road out of fear of being hit.
- I challenge these aspects of the Statement of Environmental Effects document completed for the DA:
 - Does the proposal fit the locality? No it clearly doesn't. Under the QPRC Regional Local Environmental Plan 2022 the objectives of Zone C4 Environmental Living are to provide for 'Low Impact residential development in areas with special ecological, scientific or aesthetic values and to ensure that residential development does not have an adverse effect on those values.' This proposed shed is up to 7 metres tall – 240m² in total, which would become a significant feature of the area – essentially an eyesore. With the volume of trucks from that property it is not clear what the purpose of the shed is but it will have significant impact on the local aesthetics and with the volume of traffic, produce substantial damage to a road.
 - Section B. Will it result in an increase in noise? The document indicates no. I live on the road with my house close to the road. I can tell you now this is factually incorrect. There has been a substantial increase in truck noise and a substantial increase in truck speed on a road that is simply not designed to take trucks in a continual commercial way. It is simply unsafe for this to take such a volume. Noise at 5:30am through to quite late is unacceptable to an area in this Zone.
 - Section E indicates effluent will be by mains sewer and stormwater via stormwater mains. There is no sewer and storm water mains. This application doesn't seem to understand the capabilities of the area.
 - Section F indicates that no native habitat or vegetation has been removed/will be removed. I ask Council to investigate this because from what local residents have observed has been substantial removal of vegetation and habitat already – Did they have approval for this? As it is close to the river system I am concerned about the amount of erosion and soil runoff that will occur into the Queanbeyan River. There seems to have been clearing of land by stealth that will damage our local ecology. What will the flow effects be because of a significant number of trucks being allowed in that area? Will diesel runoff occur into Queanbeyan river? Will water be pumped from the river to wash and clean vehicles that will ultimately end up back in

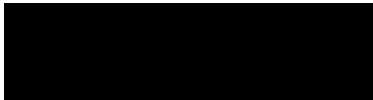
the river? I assume there will be substantial hard standing concrete/compacted ground? This will result in significant impacts right next to the river. This needs to be investigated.

- The document indicates the area is not fire-prone. The shed location is in a designated bushfire area. If the shed is to have anything to do with construction (the business) and/or a significant amount of vehicles at the premises there will be a substantial amount of additional fuel and danger for fire – fuel in terms of stored construction material as well as diesel fuels and vehicle oils.

The Statement of Environmental Facts has virtually been falsified and should be considered an affront to Council and the local community. The applicants have disregarded any sense of understanding of the area and have not examined the impacts of Zone C4. I am asking Council to address this please and to consider not just the shed itself but also the intended use of it and the wider impacts of heavy vehicles etc in the Zoned area. Towns such as ours have well-planned and designated commercial areas for such business activities and Queanbeyan has plenty of areas designated for such use. Wickerslack Lane is not designed and not zoned for the intended use of this shed nor the physical eyesore of such a building.

Trucks pose a real threat to not only families and small children but also other road users and local wildlife. I am very concerned a young child will be struck walking along the verge of the road due to the lack of paths. This is a quiet semi-rural community area that enjoys the C4 living and counts ourselves lucky to be in this beautiful part of Queanbeyan. If this proposal is approved, it will significantly degrade the area and pose several dangers to the community. I ask Council to please consider these issues with due care and also investigate what has already occurred at the property.

Kind regards





14th December 2022

QPRC
PO Box 90
Queanbeyan NSW 2620

To whom it may concern:

Re: Development Application No. DA.2022.1616
139 Wickerslack Lane Googong NSW 2620

This submission is in response to the application to construct a shed at the above address.

My family and I wish to raise our concerns relating to this development:

- The potential impact of the increase heavy vehicle traffic to the road surface;
- The potential impact of heavy vehicle traffic on existing residents;
- The potential impact of the development on the environment;
- The shed size is not in keeping with the surrounding property;
- Potential of property becoming light industrial.

We have already noticed that the road surface is being affected by the movement of the heavy vehicles owned by the applicant, particularly as our property was allowed to be constructed closer to the road, the movements of the trucks has a greater impact on our quality of life.

Several of the residents are older, including my parents, I am concerned the presence of heavy vehicles, which take up a large part of the road, can create a safety hazard for other drivers. The increased presence of these vehicle may directly affect people's choice in leaving their properties, affecting their quality of life, as they may be hesitant to leave their properties due to the increased presence of heavy vehicles.



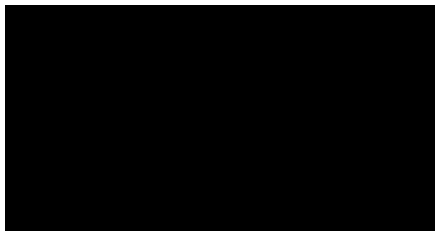
The applicant has already made significant changes to the property by removing the existing trees and levelling the block, they are also already storing several heavy vehicles and equipment on the property. We are concerned about any potential environmental impact as the property directly backs onto the Queanbeyan River, particularly in relation to the current changes to the property, and the of storage of heavy vehicles and equipment. We are very concerned if the applicant store products in relation to maintaining these vehicles and equipment, eg fuel, lubricants, used tyres, etc, on the property and the direct impact on the river and the surrounding bushland if there is a spill or incorrect storage.

We believe the shed dimensions, 24m long by 10m wide by 7.02m high, is not in keeping with the surrounding properties and we have concerns, due to the fact they are already storing several heavy vehicles and equipment on the property, that the applicant will use the shed for storage and/or servicing of heavy vehicles and equipment, changing the nature of the property from rural residential to light industrial. Although the applicant has commercial enterprises on both boundaries, a bakery and a pet kennel, these existing businesses do not impact the residents in the manner the applicant will if they use this property for storage and/or maintenance of heavy vehicles and equipment.

We do not believe this development is in keeping with the other properties on Wickerslack Lane and due to the size of the shed and the applicant already using the property to store a number of heavy vehicles and equipment, the impact of these vehicles on the road surface and other users of the road we do not believe this is an appropriate development for this location.

Please contact me on  if you wish to discuss my submission.

Regards





12 December 2022

Mr Kenrick Winchester
Mayor QPRC
PO Box 90
QUEANBEYAN NSW 2620

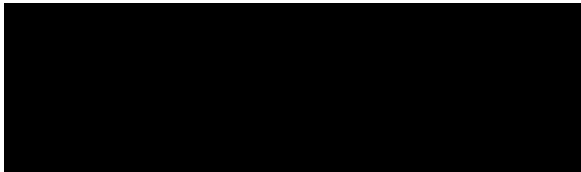
RECEIVED IN Records	
Queanbeyan-Palerang Regional Council	
19 DEC 2022	
Document No.	File No.
Document Scanned? <input type="checkbox"/> Yes	

Dear Kenrick,

For your information please find copies enclosed of our objections to a Development Application which has been submitted to QPRC.

We wanted to make sure you are aware of this application as you are aware of the problems encountered in Wickerslack Lane and the amount of trucks travelling the lane.

Regards





12 December 2022

Ms Mary Kunang
Development & Environment Section
Queanbeyan Palerang Regional Council
PO Box 90
QUEANBEYAN NSW 2620

Dear Ms Kunang,

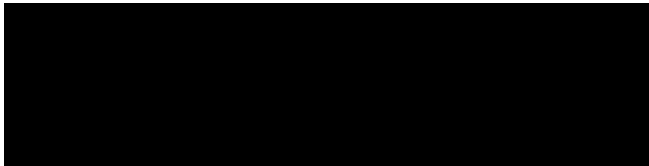
Re: Development Application No. – DA.2022.1616
Applicant: Janaka Blackley Pty Limited
Description of 139 Wickerslack Lane GOOGONG NSW 2620
Land: LOT 3 DP 1268832
Description of
Development: Construction of a shed

We would like to submit our opposition to the above Development Application on the grounds that it does not comply with the zoning of the Wickerslack Lane area – “Conservation Environment Living 4 – C4” and the purpose of C4 Living is to provide for low-impact residential development in areas with special ecological, scientific or aesthetic values and to ensure that residential development does not have an adverse effect on these values. The construction of a 240 square metre shed does not meet the Councils own zoning regulations.

The owners of the above property are in the process of relocating trucks and heavy earthmoving equipment onto the property as a depot for the equipment used in the conduction of their commercial enterprise. This is not compliant with the use of sheds in a C4 Zone Environment Living area. “Queanbeyan Development Plan 2022 – 5.12.2 – Use of Sheds.

We are requesting our objection be considered when Council is making a determination of the proposed development.

Yours sincerely





Check if you're in bush fire prone land

Your Property



Your search result

You have conducted a search of the online bush fire prone land tool for the land in the map above. This search result is valid for the date the search was conducted. If you have any questions about the Bush Fire Prone Land Tool please contact bushfireprone@mason.gov.au

The parcel of land you have selected is within a designated bush fire prone area.

Make sure you have completed the four simple steps to prepare for bush fire

In a bush or grass fire, minutes can matter. You need to take action now. Getting ready for a bush fire is easier than you think. By taking 20 minutes with your family to discuss what you'll do during a fire, you could save their lives, as well as your home.

There are four simple steps to get ready for a bush fire:



STEP 1: DISCUSS

Discuss what to do if a bush fire threatens your home



STEP 2: PREPARE

Prepare your home and get it ready for bush fire season.



STEP 3: KNOW

Know the bush fire alert levels



STEP 4: KEEP

Keep all the bush fire information numbers, websites and the smartphone app.

Download our guide to making a bush fire survival plan <https://www.rfs.nsw.gov.au/plan-and-prepare/bush-fire-survival-plan> and start your discussion today.

- As your property is bush fire prone you should consider reviewing your household insurance to check you are covered for the cost of complying with the necessary bush fire protection measures.
- You should also look at upgrading the protection of your property from bush fire, especially if the dwelling has not been constructed with bush fire protection measures incorporated into its design. To check what you could do to improve your property, download the [Building Best Practice Guide](https://www.rfs.nsw.gov.au/data/assets/pdf_file/0015/4305/Building-Best-Practice-Guide.pdf) https://www.rfs.nsw.gov.au/data/assets/pdf_file/0015/4305/Building-Best-Practice-Guide.pdf.

It's a fact: if you and your home are well prepared, you stand a better chance of surviving a bush fire. For more information on preparing your home visit our [Plan and prepare](#) section.



12 December 2022

Ms Ruth Ormella
Director Development & Environment
Queanbeyan Palerang Regional Council
PO Box 90
QUEANBEYAN NSW 2620

Dear Ms Ormella,

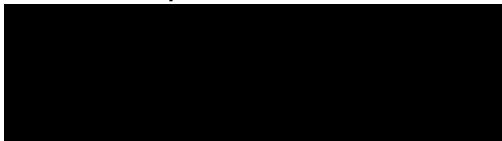
Re: Development Application No. – DA.2022.1616
Applicant: Janaka Blackley Pty Limited
Description of 139 Wickerslack Lane GOOGONG NSW 2620
Land: LOT 3 DP 1268832
Description of
Development: Construction of a shed

We would like to express our concerns regarding the above Development Application and the impact on the surrounding environment.

1. The property has been cleared of all vegetation apart from a couple of mature trees and erosion of soil into the Queanbeyan River is a possibility as there appears to be no erosion and sedimentation control.
2. The property appears to be used as a Trucking Yard for trucks and heavy earth moving equipment used in the conduction of the owner's business.
3. The impaction of soil due to the constant comings and goings of the above equipment (the larger vehicles are being carried on a load loader) and as a turning point for the trucks.
4. The trucks are leaving the property from early morning – anywhere from 5.30 am onwards – and returning in the afternoon. The noise impact in the early morning s having an adverse effect on our sleep.
5. The property is in a Fire Danger Area and the issue of oil and fuel on the property is a concern
6. The area is zoned "Conservation Environment Living 4 – C4 and the purpose of C4 living is to provide for low-impact residential development in areas with special ecological, scientific or aesthetic values and to ensure that residential development does not have an adverse effect on those values.
7. A Home Base Child Care business is being conducted on the property and it appears there has not been a Development Application submitted to Council for this business.

We look forward to hearing from you.

Yours sincerely





8th December 2022

Submission to QPRC on Development Application Number:
DA.2022.1616

Proposal: Construction of 240m2 Shed at the rear of the property

Address: 139 Wickerslack Lane GOOGONG NSW 2620

Property Description: Lot 3 DP 1268832

Applicant: Janaka Blackley Pty Ltd

Notification Period: 29 November 2022 to 15 December 2022

Assessment Officer: Mary Kunang

Dear Madam,

We are long term residents of Wickerslack Lane and Tempe Cres. - since 1977. We have lived at [REDACTED] since 1984 and we have worked hard to plant local and some exotic species to encourage the return of native birds and wildlife. We understand not everyone is as passionate about our flora and fauna and improving the amenity of their land/home but we have a long history of people in Wickerslack Lane undertaking land clearing and land use that is not in accordance with the QPRC LEP and the Council's obligations as the local regulator under the EPA ACT to protect the local waterways, in particular the Queanbeyan River.

I would like to explain that while this DA relates only to No. 139 Wickerslack Lane, we have already observed heavy construction equipment entering and leaving from number 137 so while it is not mentioned in the DA, it is being used as an entry and exit point for equipment. The applicant might assert that this shed has no relation to the construction equipment that is coming in and out of Nos. 137 and 139 and if this is the case well and good, but QPRC staff must then investigate why so much heavy, noisy construction equipment is being parked at these properties and causing residents to commence discussing how we could address this issue well before some property owners received a letter of notification in regard to the Development Application.

Our basis for complaint is that present activities taking place on this property and the adjacent property, No. 137, do not comply with the permissible home businesses for this zoning and the land clearing is not in accordance with the QPRC LEP for Zone C4

Environmental Living and probably Zone W1 Natural Waterways. In fact, the clearing of the land makes a mockery of laws preventing this type of wholesale clearing especially adjacent to the Queanbeyan River. There seems to be strong evidence that the owner is planning to use the block for more than just a home/property storage shed as the owner does not reside at the property. The home on No. 139 is rented out and a Family Day Care business is operating from the site as indicated on the QPRC list of Family Day Care businesses in the area (1.). I would like to suggest that the present activity of moving large construction machinery into the rear of this property is incompatible with a day care centre and perhaps is why the machinery is being moved in and out either very early in the morning (from 5.25am) and quite late in the evening (8.25pm) so as not to disturb the children but disturbing the residents of the Lane instead. There is also machinery being moved on the weekend, including Sundays.

There are now 4, possibly 5 businesses operating in Wickerslack Lane that involve the movement of heavy machinery, cars and gravel-type trucks into the lane. Some of these businesses do not fit the objectives of the Zone C4 Environmental Living under the QPRC Local Environmental Plan 2022 (NSW) which is “to provide for low-impact residential development in areas with special ecological, scientific or aesthetic values and to ensure that residential development does not have an adverse effect on those values.” This large shed is part of “development by stealth” – already heavy machinery is being stored and moved on number 137 and number 139 that impacts the amenity of residents in the lane and is causing significant damage to the road as well as endangering the lives of residents using the lane to enter and exit their place of residence or to exercise their pets and themselves.

We would firstly like to address the Applicant’s Statement of Environmental Effects in regard to this development application.

Does the proposal fit in with the locality? The applicant ticked the **Yes** box but the applicant is not being completely correct. Yes, there are plenty of other sheds like this in Wickerslack Lane, but they are not a depot for a construction company (Base Constructions) that according to its own publicity “...now employs 45 staff members (including four diesel fitters to keep up with repairs and servicing), and maintains a fleet made up of over 70 pieces of plant equipment.” (2). Construction equipment has been entering and leaving the properties of Nos. 137 and 139 Wickerslack Lane for the past 6 months at least. The noise, danger to other road users and damage to the bitumen surface of the road are evidence this proposal ‘does not fit in with the locality’.

Will the proposal impact on privacy on neighbouring dwellings? The applicant states that his shed will be next to ‘a shed that houses Dogs for short stays so they won’t be impacted. I agree there is a dog boarding facility next door and the applicant doesn’t think they will be impacted. He is incorrect – since the large machinery have been coming and going the noise of barking dogs has increased – my property is on a rise some distance away from the kennels but the sound from within the valley travels to our house distinctly. We experience the sound of our neighbours and their activities far more than neighbours living at lower levels. Workers at the kennels have said the noise of the machinery does cause some of the dogs to get agitated & bark at the sound.

His negative response to the effect on the Bakery is biased and there is a residence at No. 137 that is very close to the well-worn (from aerial photos available on the internet through various aerial mapping services) travel routes of the heavy machinery travelling in and out of the properties now.

The applicant answered **No** to the question: **Will the proposal result in an increase in noise?** How does he not think the noise of a float hauling a heavy bulldozer out of the Lane at 5.30am will not disturb the residents in properties opposite and adjacent the exits of Nos. 137 and 139. The sound of the float labouring up the hills out of the Lane travels across to our residence and impacts every resident on the way out. Likewise, the sound of the air brakes as the heavy equipment travels down the hills on entering and leaving the Lane is considerable. These vehicles are sometimes returning to Nos. 137/139 at 8.30pm in the evening and are moving equipment on Sundays as well.

Section D. Access

Is access going to be retained? Nowhere has the applicant indicated that access is via No. 137, not no. 139. If the access on No. 139 is going to be retained then these heavy vehicles will be passing between the building where the childcare centre is located and the dog boarding facility, neither of which would be satisfactory as the road surface is not sealed for dust. Residents are already experiencing higher levels of barking noise from the kennels since Kip took over so we can only assume heavy vehicles and reversing beepers would only exacerbate the situation.

Section E. Waste and servicing

How will effluent be disposed? The applicant has said **Yes to Sewer Mains**. There is no sewer connected in Wickerslack Lane!

How will stormwater be disposed? The applicant answered **Yes to Street gutter and Storm water mains**. Neither of these exist in Wickerslack Lane apart from gutters at the entry and end of the Lane. All storm water flows directly to the Queanbeyan River.

Section F. Environmental impacts

How will on-site erosion be controlled? The applicant answered silt fencing and bunding if needed. The whole block has already been cleared of all grass/weeds/ground cover as per photo taken by the landowner across the Queanbeyan River 2. Yet no erosion controls have been constructed. There are large fines for sediment polluting the Queanbeyan River during storm events. In respect of the **"removal of vegetation or native habitat?"** The applicant answered **NO**. We beg to differ considering the evidence from photo 3 **3**.

Section I. Home Businesses and Industries

This shed may be for storage but is this storage related to the construction equipment that is being stored near the proposed shed site now? Will the diesel mechanics be using this shed to store and repair equipment? If storage is the stated use will QPRC employees monitor the use of the shed and its relationship to the heavy construction equipment currently being stored on Nos. 137 and 139?

Will there be any noise generated from the activity (E.g. machinery)? This question was left empty but residents of the Lane are presently experiencing quite considerable noise from the comings and goings of heavy construction equipment. There is conjecture that the movement of noisy machinery & the reversing beepers is also causing the dogs at the

adjacent boarding kennels to bark more as many residents including us have commented on increased barking from the kennels. Will this noise cease after the shed is constructed?

The above are many of the questions with and without answers that have us perplexed and confused as to what the applicant really intends the shed to be used for on No. 139.

Sincerely,

[Redacted Signature]

Sources

1. https://www.familydaycare.com.au/about/family-day-care-ga?gclid=EAalQobChMluq2bs63n-wlVWqaWCh2k7QaREAAAYASAAEg!jCfD_Bwe
2. [https://www.cjd.com.au/about/.testimonials/construction/base-contractors/.](https://www.cjd.com.au/about/.testimonials/construction/base-contractors/)

The photos below are from various sources and are used to support statements in the submission.



Photo 1. above is from the DA submitted by the applicant and shows some ground cover (date unknown); no vehicle tracks running directly from the entrance to no. 139 to the rear of the property.



Photo no. 2 was taken on Friday 15th July 2022 from an online aerial photo source. Note the extensive establishment of gravelled parking areas on nos. 137 and 139, but there is still reasonable ground cover in place.



Photo no. 3 was taken by the landowner on 2nd Dec. 2022 and the extent of the unauthorised clearing of no. 139 is quite devastating, especially in terms of run-off into the Queanbeyan River.



8th December 2022

Submission to QPRC on Development Application Number:
DA.2022.1616

Proposal: Construction of 240m2 Shed at the rear of the property

Address: 139 Wickerslack Lane GOOGONG NSW 2620

Property Description: Lot 3 DP 1268832

Applicant: Janaka Blackley Pty Ltd

Notification Period: 29 November 2022 to 15 December 2022

Assessment Officer: Mary Kunang

Dear Madam,

We are long term residents of Wickerslack Lane and Tempe Cres. - since 1977. We have lived at [REDACTED] since 1984 and we have worked hard to plant local and some exotic species to encourage the return of native birds and wildlife. We understand not everyone is as passionate about our flora and fauna and improving the amenity of their land/home but we have a long history of people in Wickerslack Lane undertaking land clearing and land use that is not in accordance with the QPRC LEP and the Council's obligations as the local regulator under the EPA ACT to protect the local waterways, in particular the Queanbeyan River.

I would like to explain that while this DA relates only to No. 139 Wickerslack Lane, we have already observed heavy construction equipment entering and leaving from number 137 so while it is not mentioned in the DA, it is being used as an entry and exit point for equipment. The applicant might assert that this shed has no relation to the construction equipment that is coming in and out of Nos. 137 and 139 and if this is the case well and good, but QPRC staff must then investigate why so much heavy, noisy construction equipment is being parked at these properties and causing residents to commence discussing how we could address this issue well before some property owners received a letter of notification in regard to the Development Application.

Our basis for complaint is that present activities taking place on this property and the adjacent property, No. 137, do not comply with the permissible home businesses for this zoning and the land clearing is not in accordance with the QPRC LEP for Zone C4

Environmental Living and probably Zone W1 Natural Waterways. In fact, the clearing of the land makes a mockery of laws preventing this type of wholesale clearing especially adjacent to the Queanbeyan River. There seems to be strong evidence that the owner is planning to use the block for more than just a home/property storage shed as the owner does not reside at the property. The home on No. 139 is rented out and a Family Day Care business is operating from the site as indicated on the QPRC list of Family Day Care businesses in the area (1.). I would like to suggest that the present activity of moving large construction machinery into the rear of this property is incompatible with a day care centre and perhaps is why the machinery is being moved in and out either very early in the morning (from 5.25am) and quite late in the evening (8.25pm) so as not to disturb the children but disturbing the residents of the Lane instead. There is also machinery being moved on the weekend, including Sundays.

There are now 4, possibly 5 businesses operating in Wickerslack Lane that involve the movement of heavy machinery, cars and gravel-type trucks into the lane. Some of these businesses do not fit the objectives of the Zone C4 Environmental Living under the QPRC Local Environmental Plan 2022 (NSW) which is “to provide for low-impact residential development in areas with special ecological, scientific or aesthetic values and to ensure that residential development does not have an adverse effect on those values.” This large shed is part of “development by stealth” – already heavy machinery is being stored and moved on number 137 and number 139 that impacts the amenity of residents in the lane and is causing significant damage to the road as well as endangering the lives of residents using the lane to enter and exit their place of residence or to exercise their pets and themselves.

We would firstly like to address the Applicant’s Statement of Environmental Effects in regard to this development application.

Does the proposal fit in with the locality? The applicant ticked the **Yes** box but the applicant is not being completely correct. Yes, there are plenty of other sheds like this in Wickerslack Lane, but they are not a depot for a construction company (Base Constructions) that according to its own publicity “...now employs 45 staff members (including four diesel fitters to keep up with repairs and servicing), and maintains a fleet made up of over 70 pieces of plant equipment.” (2). Construction equipment has been entering and leaving the properties of Nos. 137 and 139 Wickerslack Lane for the past 6 months at least. The noise, danger to other road users and damage to the bitumen surface of the road are evidence this proposal ‘does not fit in with the locality’.

Will the proposal impact on privacy on neighbouring dwellings? The applicant states that his shed will be next to ‘a shed that houses Dogs for short stays so they won’t be impacted. I agree there is a dog boarding facility next door and the applicant doesn’t think they will be impacted. He is incorrect – since the large machinery have been coming and going the noise of barking dogs has increased – my property is on a rise some distance away from the kennels but the sound from within the valley travels to our house distinctly. We experience the sound of our neighbours and their activities far more than neighbours living at lower levels. Workers at the kennels have said the noise of the machinery does cause some of the dogs to get agitated & bark at the sound.

His negative response to the effect on the Bakery is biased and there is a residence at No. 137 that is very close to the well-worn (from aerial photos available on the internet through various aerial mapping services) travel routes of the heavy machinery travelling in and out of the properties now.

The applicant answered **No** to the question: **Will the proposal result in an increase in noise?** How does he not think the noise of a float hauling a heavy bulldozer out of the Lane at 5.30am will not disturb the residents in properties opposite and adjacent the exits of Nos. 137 and 139. The sound of the float labouring up the hills out of the Lane travels across to our residence and impacts every resident on the way out. Likewise, the sound of the air brakes as the heavy equipment travels down the hills on entering and leaving the Lane is considerable. These vehicles are sometimes returning to Nos. 137/139 at 8.30pm in the evening and are moving equipment on Sundays as well.

Section D. Access

Is access going to be retained? Nowhere has the applicant indicated that access is via No. 137, not no. 139. If the access on No. 139 is going to be retained then these heavy vehicles will be passing between the building where the childcare centre is located and the dog boarding facility, neither of which would be satisfactory as the road surface is not sealed for dust. Residents are already experiencing higher levels of barking noise from the kennels since Kip took over so we can only assume heavy vehicles and reversing beepers would only exacerbate the situation.

Section E. Waste and servicing

How will effluent be disposed? The applicant has said **Yes to Sewer Mains**. There is no sewer connected in Wickerslack Lane!

How will stormwater be disposed? The applicant answered **Yes to Street gutter and Storm water mains**. Neither of these exist in Wickerslack Lane apart from gutters at the entry and end of the Lane. All storm water flows directly to the Queanbeyan River.

Section F. Environmental impacts

How will on-site erosion be controlled? The applicant answered silt fencing and bunding if needed. The whole block has already been cleared of all grass/weeds/ground cover as per photo taken by the landowner across the Queanbeyan River 2. Yet no erosion controls have been constructed. There are large fines for sediment polluting the Queanbeyan River during storm events. In respect of the **"removal of vegetation or native habitat?"** The applicant answered **NO**. We beg to differ considering the evidence from photo 3 3.

Section I. Home Businesses and Industries

This shed may be for storage but is this storage related to the construction equipment that is being stored near the proposed shed site now? Will the diesel mechanics be using this shed to store and repair equipment? If storage is the stated use will QPRC employees monitor the use of the shed and its relationship to the heavy construction equipment currently being stored on Nos. 137 and 139?

Will there be any noise generated from the activity (E.g. machinery)? This question was left empty but residents of the Lane are presently experiencing quite considerable noise from the comings and goings of heavy construction equipment. There is conjecture that the movement of noisy machinery & the reversing beepers is also causing the dogs at the

adjacent boarding kennels to bark more as many residents including us have commented on increased barking from the kennels. Will this noise cease after the shed is constructed?

The above are many of the questions with and without answers that have us perplexed and confused as to what the applicant really intends the shed to be used for on No. 139.

Sincerely,
Alison & Glen Crawley

Sources

1. https://www.familydaycare.com.au/about/family-day-care-ga?gclid=EAalQobChMluq2bs63n-wlVWqaWCh2k7QaREAAAYASAAEg!jCfD_Bwe
2. [https://www.cjd.com.au/about/.testimonials/construction/base-contractors/.](https://www.cjd.com.au/about/.testimonials/construction/base-contractors/)

The photos below are from various sources and are used to support statements in the submission.



Photo 1. above is from the DA submitted by the applicant and shows some ground cover (date unknown); no vehicle tracks running directly from the entrance to no. 139 to the rear of the property.



Photo no. 2 was taken on Friday 15th July 2022 from an online aerial photo source. Note the extensive establishment of gravelled parking areas on nos. 137 and 139, but there is still reasonable ground cover in place.



Photo no. 3 was taken by the landowner on 2nd Dec. 2022 and the extent of the unauthorised clearing of no. 139 is quite devastating, especially in terms of run-off into the Queanbeyan River.

December 11, 2022
QPRC
council@gprc.nsw.gov.au

To Whom it May Concern,

We are writing this letter to strongly oppose the development application # DA.2022.1616 for a shed at 139 Wickerslack Lane, Googong, NSW 2620. Please also see attached a completed copy of the Council's form "Declaration of Political Donations and Gifts for Submitters" as required for submitters.

For over 22 years, our family has enjoyed a peaceful and quiet life on Wickerslack Lane, away from the noise and development of a more urban area, however, for the last six months or so, we have suffered a tremendous and egregious loss of amenity due to the deafening noise of construction and development in the early mornings and throughout the days that originates at and around 139 Wickerslack Lane.

We believe this to be another step towards a development by stealth, and it cannot be allowed to continue in this manner. The site is close enough to not only the boundary line but to our house so that we have been relentlessly disturbed and affected by the continuous sounds of construction equipment and earth moving, often early in the morning and stretching long into the day. As with so many others we often work from home, and there have been many days when it was simply impossible to focus or conduct meetings, due to the amount of noise and development already coming from the proposed development site.

Considering that that we live in a "Conservation Environment living 4-C4" zone which by definition provides for "low-impact residential development in areas with special ecological, scientific or aesthetic values and to ensure that residential development does not have an adverse effect on those values", we would argue that the DA.2022.1616 far and away oversteps these parameters and we are already seeing a tremendous impact on our quality of life, and the quality of the actual road. We are extremely concerned about the impacts to the environment as a result of the land clearing that has already taken place and what will happen if the shed is allowed to be constructed. The applicant states on their application that the shed will be connected to sewage. There are no sewage services on Wickerslack Lane. To access the shed, the business owner will be driving large trucks between a kennel and a childcare center – this is dangerous and irresponsible.

The applicant is already storing their trucks and heavy machinery on the property. They appear to be operating a commercial business and are attempting to establish an industrial distribution center with their heavy machinery and equipment. This is despite regulations clearly stating such businesses are not permitted to operate in C4 zones. If council approves the construction of a 240 square meter shed, for the storage of heavy machinery and equipment, it sets a dangerous precedent for other properties across its jurisdiction that are zoned C4

environmental living. Despite the application being submitted in November, the applicant is continuing to move ahead with clearing an area in preparation for the construction of the shed. Again, this is another step closer to development by stealth and council has an obligation to prevent this from happening.

It will only get worse. With the proposed development, there will come more and more commercial trucks and earth moving equipment, driving up and down the lane and making loud noises at all hours, further ruining our road, and utterly destroying our quality of life. As residents who reside less than 50 meters from the proposed shed, we will be directly impacted by the construction of this shed and what the business owner plans on moving in and out of the shed. We urge you to stop this development.

Thank you,

