



Planning and Strategy Committee of the Whole

AGENDA

12 August 2020

Commencing at 5.30pm

In light of the COVID-19, this meeting will be held remotely. Presentations can either be made in writing or by attending a Zoom meeting: see Public Involvement at Meetings on Council's website.

On-site Inspections - Nil

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

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

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

| | | |
|----------|--|----------|
| 1 | OPENING | |
| 2 | ACKNOWLEDGEMENT OF COUNTRY | |
| 3 | DISCLOSURES OF INTERESTS | 1 |
| 4 | ADJOURNMENT FOR PUBLIC FORUM | |
| 5 | MAYORAL MINUTE | |
| 6 | NOTICES OF MOTIONS OF RESCISSION | |
| 7 | REPORTS TO COUNCIL - ITEMS FOR DETERMINATION | |
| 7.1 | Development Application DA.2019.1199 - Demolition of Dwelling and Secondary Dwelling; Construction of Multi Dwelling Housing – Three Dwellings and Strata Subdivision - 5 Ross Road, Crestwood | 3 |
| 7.2 | Development Application DA.2020.1135 - 37 Lot Torrens Subdivision, Construction of 36 Dwelling Houses and a Multi-Dwelling Housing Development Comprising 17 dwellings and Associated Strata Subdivision - Super Lot AK - 360A Lanyon Drive, Tralee..... | 15 |
| 7.3 | Development Application DA.2020.1103 - Construction of a Dwelling and Attached Garage Requiring a Building Envelope Variation - 51 Widgiewa Road, Carwoola | 29 |
| 7.4 | Modification Application 82/96.A - Modification of Eight Lot Torrens Title Subdivision - 536 Duckfield Road, Boro | 37 |
| 7.5 | Modification Application 83/96.A - Modification of Ten Lot Torrens Title Subdivision - 536 Duckfield Road, Boro | 55 |
| 7.6 | Modification Application DA.2018.077.A - Minor changes to Dwelling and Removal of Contributions for Dual Occupancy - 6 Reardon Place, Bungendore. | 73 |
| 7.7 | Sutton Planning Proposal Lot 3 DP 1074706 No.202 Goolabri Drive - Outcome of Negotiation to Protect Vegetation | 81 |
| 7.8 | Review of State Strategic Plan – A Vision for Crown Land | 85 |
| 7.9 | Street Naming Proposal - Cavan Rise - Googong NH1 - Stage 4D | 89 |
| 7.10 | Naming of New Parks, Reserves and Sportsgrounds - Googong | 91 |
| 7.11 | Review of Alcohol Restricted Areas..... | 99 |

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

BUSINESS PAPER AGENDA – 12 August 2020 Page ii

| | | |
|-----------|---|------------|
| 7.12 | Queanbeyan CBD Place Plan | 101 |
| 7.13 | Policy Harmonisation..... | 105 |
| 7.14 | Local Government NSW Annual Conference 2020..... | 109 |
| 8 | REPORTS TO COUNCIL - ITEMS FOR INFORMATION | |
| 8.1 | Update on Transfer of Responsibilities under the Crown Lands Management Act 2016..... | 111 |
| 8.2 | Food Surveillance Activity Report 2019-20..... | 113 |
| 8.3 | Update on Renewable Energy and Energy Efficiency Project Savings - Case Study Projects | 117 |
| 9 | REPORTS OF COMMITTEES | |
| 9.1 | Minutes of the Braidwood and Curtilage Heritage Advisory Committee held 9 July 2020..... | 123 |
| 9.2 | Minutes of the QPRC Heritage Advisory Committee Meeting held 16 July 2020..... | 125 |
| 9.3 | Minutes of the Environment and Sustainability Advisory Committee held on 6 May 2020 | 127 |
| 9.4 | Minutes of the Environment and Sustainability Advisory Committee Meeting of 15 July 2020..... | 129 |
| 10 | NOTICES OF MOTIONS | |
| 11 | NOTICE OF INTENTION TO DEAL WITH MATTERS IN CLOSED SESSION | 130 |
| 12 | REPORTS FOR CLOSED SESSION | |
| 13 | CONCLUSION OF THE MEETING | |

LIST OF ATTACHMENTS –

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

Open Attachments

- Item 7.1 Development Application DA.2019.1199 - Demolition of Dwelling and Secondary Dwelling; Construction of Multi Dwelling Housing – Three Dwellings and Strata Subdivision - 5 Ross Road, Crestwood
- Attachment 1 DA.2019.1199 - 4.15 Assessment Report - 5 Ross Road, Crestwood (Under Separate Cover)*
- Attachment 2 DA.2020.1199 - Plans for Approval - 5 Ross Road, Crestwood (Under Separate Cover)*
- Attachment 3 DA.2019.1199 - Draft Conditions of Consent - 5 Ross Road, Crestwood (Under Separate Cover)*
- Item 7.2 Development Application DA.2020.1135 - 37 Lot Torrens Subdivision, Construction of 36 Dwelling Houses and a Multi-Dwelling Housing Development Comprising 17 dwellings and Associated Strata Subdivision - Super Lot AK - 360A Lanyon Drive, Tralee
- Attachment 1 DA.2020.1135 - Sec 4.15 Matters for Consideration - 360A Lanyon Drive, Tralee (Under Separate Cover)*
- Attachment 2 DA.2020.1135 - Plans - 360A Lanyon Drive, Tralee (Under Separate Cover)*
- Attachment 3 DA.2020.1135 - Draft Conditions of Consent - 360A Lanyon*

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

BUSINESS PAPER AGENDA – 12 August 2020 Page iii

- Drive, Tralee (Under Separate Cover)*
- Item 7.3 Development Application DA.2020.1103 - Construction of a Dwelling and Attached Garage Requiring a Building Envelope Variation - 51 Widgiewa Road, Carwoola
- Attachment 1 DA.2020.1103 - Sec 4.15 Matters for Consideration - 51 Widgiewa Road, Carwoola (Under Separate Cover)*
- Attachment 2 DA.2020.1103 - Plans - 51 Widgiewa Road, Carwoola (Under Separate Cover)*
- Attachment 3 DA.2020.1103 - Submissions (redacted) - 51 Widgiewa Road, Carwoola (Under Separate Cover)*
- Attachment 4 DA.2020.1103 - Draft Conditions of Consent - 51 Widgiewa Road, Carwoola (Under Separate Cover)*
- Item 7.4 Modification Application 82/96.A - Modification of Eight Lot Torrens Title Subdivision - 536 Duckfield Road, Boro
- Attachment 1 DA 82/96.A - Sec 96(2) Assessment - 536 Duckfield Road, Boro (Under Separate Cover)*
- Attachment 2 DA 82/96.A - Modified Lot Configuration Plan - 536 Duckfield Road, Boro (Under Separate Cover)*
- Attachment 3 DA 82/96.A - Submission - 536 Duckfield Road, Boro (Under Separate Cover)*
- Attachment 4 DA 82/96.A - 82/96 Notice of Determination and Approved Plan - 536 Duckfield Road, Boro (Under Separate Cover)*
- Attachment 5 DA 82/96.A - Previous Council Report - 536 Duckfield Road, Boro (Under Separate Cover)*
- Item 7.5 Modification Application 83/96.A - Modification of Ten Lot Torrens Title Subdivision - 536 Duckfield Road, Boro
- Attachment 1 DA 83/96.A - 96(2) Assessment - 536 Duckfield Road (Under Separate Cover)*
- Attachment 2 DA 83/96.A - Modified Lot Configuration Plan - 536 Duckfield Road (Under Separate Cover)*
- Attachment 3 DA 83/96.A - Submission - 536 Duckfield Road (Under Separate Cover)*
- Attachment 4 DA 83/96.A - Notice of Determination and Approved Plans - 536 Duckfield Road (Under Separate Cover)*
- Item 7.6 Modification Application DA.2018.077.A - Minor changes to Dwelling and Removal of Contributions for Dual Occupancy - 6 Reardon Place, Bungendore
- Attachment 1 DA.2018.077.A - Submission from Applicant - 6 Reardon Place, Bungendore (Under Separate Cover)*
- Attachment 2 DA.2018.077.A - Amended Floor Plans - 6 Reardon Place, Bungendore (Under Separate Cover)*
- Item 7.10 Naming of New Parks, Reserves and Sportsgrounds - Googong
- Attachment 1 GTPL's Proposals for Naming New Open Spaces at Googong (Under Separate Cover)*
- Attachment 2 QCC Park, Reserves and Sports Facilities Naming Policy (Under Separate Cover)*
- Item 7.11 Review of Alcohol Restricted Areas
- Attachment 1 List of Proposed Alcohol Restricted Areas (Under Separate Cover)*
- Item 7.12 Queanbeyan CBD Place Plan
- Attachment 1 Queanbeyan CBD Place Plan - Community Engagement Report (Under Separate Cover)*

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

BUSINESS PAPER AGENDA – 12 August 2020 Page iv

- Item 7.13 Policy Harmonisation
- Attachment 1 Property Policy (Under Separate Cover)*
 - Attachment 2 Property Strategy (Under Separate Cover)*
 - Attachment 3 Compliance and Enforcement Policy (Under Separate Cover)*
 - Attachment 4 Privacy Policy and Plan (Under Separate Cover)*
 - Attachment 5 Councillor and Staff Interaction Policy (Under Separate Cover)*
 - Attachment 6 Donations Policy (Under Separate Cover)*
 - Attachment 7 Summary of amendments to Donations Policy (Under Separate Cover)*
 - Attachment 8 Risk Management Policy (Under Separate Cover)*
 - Attachment 9 Section 355 Committee Guidelines (Under Separate Cover)*
 - Attachment 10 Potable and Recycled Water Supply Policy (Under Separate Cover)*
- Item 8.1 Update on Transfer of Responsibilities under the Crown Lands Management Act 2016
- Attachment 1 Classification of Crown Reserves (Under Separate Cover)*
- Item 9.1 Minutes of the Braidwood and Curtilage Heritage Advisory Committee held 9 July 2020
- Attachment 1 Minutes of the Braidwood and Curtilage Heritage Advisory Committee Meeting Held 9 July 2020 (Under Separate Cover)*
- Item 9.2 Minutes of the QPRC Heritage Advisory Committee Meeting held 16 July 2020
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- Item 9.4 Minutes of the Environment and Sustainability Advisory Committee Meeting of 15 July 2020
- Attachment 1 Minutes of the Environment and Sustainability Advisory Committee Meeting held 15 July 2020 (Under Separate Cover)*

Closed Attachments

- Item 7.4 Modification Application 82/96.A - Modification of Eight Lot Torrens Title Subdivision - 536 Duckfield Road, Boro
- Attachment 6 DA 82/96.A - Legal Advice from Minter Ellison - 536 Duckfield Road, Boro (Under Separate Cover)*

ITEM 3 DECLARATION OF CONFLICTS/PECUNIARY INTERESTS

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

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

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

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

Recommendation

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

7.1 Development Application DA.2019.1199 - Demolition of Dwelling and Secondary Dwelling; Construction of Multi Dwelling Housing – Three Dwellings and Strata Subdivision - 5 Ross Road, Crestwood (Ref: ; Author: Thompson/O'Halloran)

File reference: DA.2019.1199

Summary

Reason for Referral to Council

This application has been referred to Council as the application requests a number of variations to controls in the Queanbeyan Development Control Plan. As such the Portfolio General Manager Natural and Built Character has determined it is in the public interest to have the matter considered by Council.

| | |
|--|---|
| Proposal: | Demolition of dwelling and secondary dwelling; construction of multi dwelling housing – three dwellings, and strata subdivision |
| Applicant/Owner: | Peter Overton Architecture / Uptime Services Pty Ltd |
| Subject Property: | Lot 3 DP 12593, No.5 Ross Road, Crestwood |
| Zoning and Permissibility: | R4 High Density Residential under <i>Queanbeyan Local Environmental Plan 2012</i> |
| Public Submissions: | Nil |
| Issues Discussed: | Variations to <i>Queanbeyan Development Control Plan 2012</i> |
| Disclosure of Political Donations and Gifts: | Applicant Declared no Donations or Gifts to any Councillor or Staff have been made |

Recommendation

That:

- 1. Approval be granted to a variation to Part 3C of Queanbeyan Development Control Plan 2012 for controls relating to minimum lot width, side setbacks, solar access and primary private open space forward of the building line for the following reasons:**
 - (a) The proposed multi unit development has been designed to accommodate the site width and is not considered to result in an over development of the site.**
 - (b) Side setback encroachments are unlikely to result in any significant impact upon the streetscape or cause privacy issues to adjoining lots.**
 - (c) The variation to solar access to private open space of the adjoining lot is considered to be of minimal impact. The adjoining development will retain a useable portion of private open space which receives solar access on 21 June.**
 - (d) The variation to the front setback for private open space forward of the building line is considered to be acceptable due to the proposed landscaping treatment.**
-

**7.1 Development Application DA.2019.1199 - Demolition of Dwelling and Secondary Dwelling; Construction of Multi Dwelling Housing – Three Dwellings and Strata Subdivision - 5 Ross Road, Crestwood (Ref: ; Author: Thompson/O'Halloran)
(Continued)**

- 2. Development application DA.2019.1199 for a demolition of dwelling and secondary dwelling; construction of multi dwelling housing – three dwellings, and strata subdivision on Lot 3 DP 12593, No.5 Ross Road, Crestwood be granted conditional approval.**
-

Background

Proposed Development

The specific elements of the proposal are:

- Demolition of an existing single storey dwelling, detached secondary dwelling and ancillary shed;
- Construction of a three unit multi dwelling development. Units 1 and 2 are semi-detached with a common garage wall while Unit 3 is a detached unit. All units are two storey;
- Each unit has ground floor private open space and attached single garages with an internal car stacker lift. There are two visitor car parks located at the rear of the lot;
- Strata subdivision to create three allotments and associated common area.



Figure 1 - Northeast elevation (facing Ross Road)

7.1 Development Application DA.2019.1199 - Demolition of Dwelling and Secondary Dwelling; Construction of Multi Dwelling Housing – Three Dwellings and Strata Subdivision - 5 Ross Road, Crestwood (Ref: ; Author: Thompson/O'Halloran) (Continued)



Figure 2 - Southwest Elevation



Figure 3 North elevation

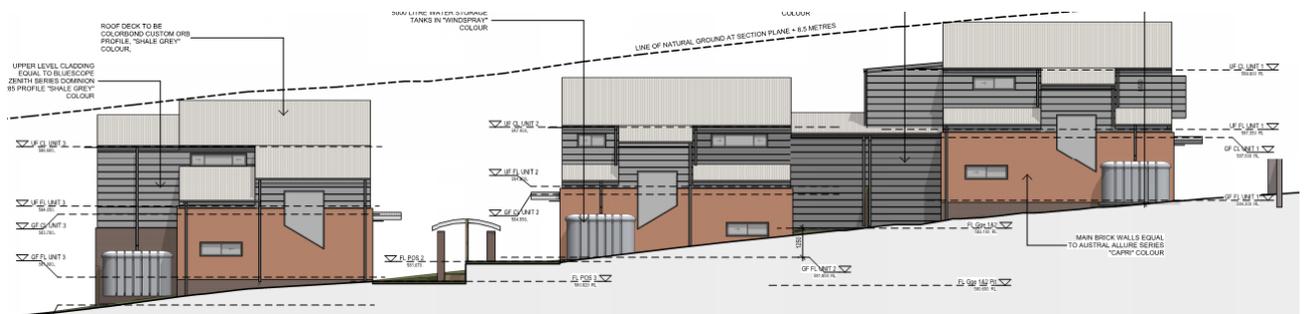


Figure 4 South elevation

7.1 Development Application DA.2019.1199 - Demolition of Dwelling and Secondary Dwelling; Construction of Multi Dwelling Housing – Three Dwellings and Strata Subdivision - 5 Ross Road, Crestwood (Ref: ; Author: Thompson/O'Halloran) (Continued)

Subject Property

The subject site is legally described as Lot 3 DP 12593 and is commonly known as 5 Ross Road, Crestwood. The site is located on the west side of Ross Road and has an area of 1,030m².

The subject site is rectangular in shape and contains a gentle slope which falls from the front boundary to the rear boundary. Existing development on the site comprises a dwelling and secondary dwelling. Vehicular access is provided to the site via a proposed driveway from Ross Road.

Existing development within the locality consists of mix of low and high density development. The site is located within the vicinity of Queanbeyan Railway Station and Railway Park.



Figure 5 - Locality plan (subject lot outlined in red)

7.1 Development Application DA.2019.1199 - Demolition of Dwelling and Secondary Dwelling; Construction of Multi Dwelling Housing – Three Dwellings and Strata Subdivision - 5 Ross Road, Crestwood (Ref: ; Author: Thompson/O'Halloran) (Continued)

Planning Requirements

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

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

1. *State Environmental Planning Policy No 55 – Remediation of Land*
2. *State Environmental Planning Policy (Building and Sustainability Index: BASIX) 2004*
3. *Queanbeyan Local Environmental Plan 2012 (LEP)*
4. *Queanbeyan Development Control Plan 2012 (DCP)*

The development generally satisfies the requirements and achieves the objectives of these planning instruments. The significant issues relating to the proposal for the Council's consideration are relating to the proposed variations to the *Queanbeyan Development Control Plan 2012*.

(a) Compliance with LEP

The proposed development is consistent with the aims of the QLEP 2012 and satisfies the relevant development standards (refer to attached Section 4.15 – Matters for Consideration for a detailed assessment). **(b) Compliance with DCP**

The *Queanbeyan Development Control Plan 2012* is applicable to the proposal. The proposed development is generally consistent with the objectives and controls of the QDCP, with the exception of the following variations:

- Variation to minimum lot width;
- Variation to south side setback;
- Variation to solar access to adjoining development; and
- Variation to primary private open space setback.

Each of these variations is discussed in more detail below.

3C.5.2 – Variation to Site Size and Density

The proposed development incorporates a variation to the minimum lot width requirements for multi dwelling housing. The relevant controls are:

| Dwelling Type | Minimum Width at Building Line | Minimum Area (as per QLEP 2012) |
|----------------------------|--------------------------------|---------------------------------|
| Multi Dwelling Housing | 18 metres | 750m ² |
| Residential Flat Buildings | 24 metres | 1000m ² |

The site has a width of 17.2m which is inconsistent with the QDCP requirement of 18m. The subject application seeks a 4% variation to the QDCP. The variation is considered to be acceptable as it will not result in any unreasonable non-compliance with the QDCP.

7.1 Development Application DA.2019.1199 - Demolition of Dwelling and Secondary Dwelling; Construction of Multi Dwelling Housing – Three Dwellings and Strata Subdivision - 5 Ross Road, Crestwood (Ref: ; Author: Thompson/O'Halloran) (Continued)

3C.5.3 – Variation to Side Setbacks

The development proposes a variation to the minimum side setback on the southern side boundary. The relevant controls in the QDCP are as follows:

| Number of Storeys (height in metres) | Minimum Setback from Side and Rear Boundaries |
|---|--|
| 1 (6m) | 3.0m |
| 2 (8.5m) | 3.5m |
| 3 (11m) | 4.0m |
| 4 (14m) | 5.0m |

The side setback on the southern boundary varies from 2.97m for unit one and 2.04m for unit three.

The applicant has submitted the following justification for the variation:

Side Setback to the southern boundary is varied for all three units in order to allow for the change to the access driveway being positioned on the north of the site in lieu of the south, as was the case with the version shown in the original submission. At the lower level, Unit 1 and Unit 2 are set back by 2880mm from the south boundary, which is 120mm less than the mandatory 3000mm setback for side boundaries at a lower level. Unit 3 is set back by 2040mm from the southern boundary. The overshadowing from Unit 1 is mitigated by a relative set-down between the adjacent courtyard level and Unit 1 floor level of 400mm.

Despite the smaller setback, Unit 3 does not have any significant overshadowing effect on the adjacent developments private open space due to the large relative set-down of Unit 3 floor level with respect to the adjacent private open space areas – 2.1 metres. None of the building mass casts a greater shadow than the southern fence-line for either Unit 2 or Unit 3 between 11am and 3pm. Refer to DA15 and DA16 in the architectural drawings for pertinent cross sections picking up the proposed development to the south (54 Derrima Road).

Side setbacks at the upper level are encroached by 523mm in horizontal distance from the southern boundary on Units 1 and 2, thus leaving a side setback of 2977mm. This only occurs at the staircase enclosure in both cases where the raking roof continues down to intersect with the lower level wall line. The main upper wall lines are set back at a horizontal distance of 4142mm, which exceeds the stipulated minimum (3500mm) by 642mm.

Unit 3 upper setback is 3143mm at the line of the staircase wall and 4552mm for the remainder of the wall line. As mentioned above, the relatively low ground floor levels for Units 2 and 3 overcome any problem of overshadowing to the south from Units 2 and 3. Shadow analysis will be covered in the next Section.

Comment - The proposed variation is considered to be consistent with the performance criterion identified in section 3C.5.3 of the QDCP. The development is a lower scale multi dwelling development and the encroachment on the south side setback will enhance the design. The design of the southern elevation is well articulated to minimise the impact of the variation, and will not result in privacy or overlooking issues. Additionally, the setbacks are transitional which will reduce the bulk and scale of the southern elevation. Having considered that above justification, the variation is acceptable.

7.1 Development Application DA.2019.1199 - Demolition of Dwelling and Secondary Dwelling; Construction of Multi Dwelling Housing – Three Dwellings and Strata Subdivision - 5 Ross Road, Crestwood (Ref: ; Author: Thompson/O'Halloran) (Continued)

3C.5.5 – Variation to Solar Access Requirements

Due to the lot width and subsequent side setback variation, the proposed development seeks to vary the solar access provision relating to solar access to private open space of the adjoining development to the south. The relevant QDCP Controls are:

Unless site conditions dictate, buildings adjacent to existing residential development should be designed to allow at least three hours of sunshine to the primary private open space required for adjacent dwellings between 9.00am and 3.00pm on 21 June (winter solstice).

The applicant has provided the following justification for this variation:

The current revision to the original scheme submitted in September 2019 was discussed at length with Council planning staff and has, as its main objective, the re-configuration of the units in order to lessen the impact of the adjacent existing unit development on 3 Ross Rd, which has (northern) boundary walls at ground level and upper level walls set back by approx. 1.9 metres from the boundary, and running for the majority of the length of the subject site boundary.

Given this situation, it was impossible to meet the performance and prescriptive measures concerning solar access to the private open spaces of the subject site. The revised design locates the access drive to the northern zone of the site, leaving some spaces formed by driveway articulation as planted buffer areas to the houses. By locating the principal private open spaces centrally to units 2 and 3, they can be set back sufficiently to overcome the overshadowing problem generated by the units on 3 Ross Road, while still having a minimal impact on the proposed private open spaces in the development at 54 Derrima Road [to the south].

The horizontal and vertical shadow diagrams, shown on architectural drawings DA26, DA27 and DA28, demonstrate that the prescriptive measures (b), (c), (e) and (f) are met with the current design. Note that the central fence between Units 2 and 3 is made from obscure glass panels and can transfer light and heat through to the shaded side of the panels. All the PPOS areas satisfy the requirement to provide min. 50% of the prescribed area (12.5 sq.m.) with direct sunlight for 3 hours with the stated time range.

The floor plates of all proposed ground level units and their corresponding POS courtyards are shown for 54 Derrima Road. Note that a 1.8 metre high fence is assumed to run along the boundary and that this steps with the adjustment in height of the courtyard levels. The shadow diagrams demonstrate that direct sunshine is admitted to these spaces from 12pm to 3pm with most of the shadowing being due to the fence line rather than the buildings on the subject site, with the exception of the eastern-most Unit 1, which is more directly affected by Unit 1 on the subject site. This is due to the smaller level difference in floors between these two units, however, the intent of prescriptive measure (b) is still met.

In addition to this, each unit has been designed to incorporate 10 large format photovoltaic panels which can provide between 3kW and 4kW peak power as zero emissions production. This output could easily be lifted higher because more roof space is available for this use on all units and is totally unaffected by any overshadowing from the adjacent buildings (refer to shadow diagrams.)

7.1 Development Application DA.2019.1199 - Demolition of Dwelling and Secondary Dwelling; Construction of Multi Dwelling Housing – Three Dwellings and Strata Subdivision - 5 Ross Road, Crestwood (Ref: ; Author: Thompson/O'Halloran) (Continued)

This potential for generation of emissions-free power to each unit can be used to provide very low emissions back-up space heating (electric heat-pump space heating and hydronic floor heating has been specified for the new units) and water heating (electric heat pump to all units).

Comment - The proposed development will allow solar access to private open space of the adjoining development to the south (approved, but yet to be constructed), however the solar access is provided to a limited portion of the POS for four hours of the day on 21 June. The submitted shadow diagrams demonstrate that POS on the adjoining development will receive a minimum of 7.7m² and a maximum of 16.3m² of solar access.

The proposed variation is considered to be acceptable as the adjoining development will receive solar access to the POS. Additionally, it is considered that the portion of POS with solar access is the usable portion attached to the living spaces. Having considered the above justification and proposed design of the development, the variation is considered to be acceptable.

3C.5.7 Primary Private Open Space

The subject application seeks to vary the setback for private open space forward of the building. The relevant QDCP controls are:

Primary Private Open Space is permitted in front of new multi-unit developments subject to:

- i. A 7m building setback for the development allowing for a 3m landscaped wall setback and 4m width courtyard behind the wall.*
- ii. The wall is integrated into the design of the existing building using similar materials and is staggered and provided with open elements for surveillance i.e. at least 50% of the area of the wall face. Open style palisade fencing between brick pillars is encouraged.*
- iii. That the living area directly opens onto a courtyard.*
- iv. That the courtyard does not encroach within designated common open space areas.*
- v. That the courtyard has a northerly aspect.*

Comment - The front boundary of the subject lot is not perpendicular to the street, and is angled inward to the northwest of the lot. Additionally, the subject site is constrained with a drainage easement to the rear of the lot. As such, the application seeks to vary the required 3m setback. The proposed POS from unit one will be located forward of the building line with a varying setback from the front boundary of 1.4m to 2m. The proposed variation is considered to be acceptable as the landscaping plan provides for a vegetation buffer between the POS fence and street frontage. Additionally, it is considered that the variation to front setback will not result in a loss of privacy for residents or negatively impact upon the streetscape.

(a) Building Surveyor's Comments

No objection subject to the imposition of standard conditions.

(b) Development Engineer's Comments

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

Water - Civil Plans supporting the application indicate that a new potable water connection 32mm in size is required for the development. The plans do not specifically mention whom may undertake the connection and installation of the water meter, though it should

7.1 Development Application DA.2019.1199 - Demolition of Dwelling and Secondary Dwelling; Construction of Multi Dwelling Housing – Three Dwellings and Strata Subdivision - 5 Ross Road, Crestwood (Ref: ; Author: Thompson/O'Halloran) (Continued)

be noted/amended on the plan that the connection and meter is to be installed by Council at no cost to Council as the Water and Sewer Authority.

Sewer - A sewer main traverses the rear portion of the site. It is not parallel to the rear boundary and services the lot. The land over the sewer main is to remain clear with only parking spaces (uncovered) and landscaping over the section of main. A tree is proposed in the vicinity of the main, the tree should be compatible with Council's development adjacent to water, sewer and stormwater main policy. The garage of Unit 3 is proposed to be built adjacent to the theoretical sewer easement which will need to be created upon registering of the subdivision thus footings for the southern and western facades of the garage structure will need to be extended below the invert level of the sewer main RL577.2m AHD.

Storm Water - The applicant does not propose any stormwater detention on site as the development claims to have no increase in development flows from the pre-development state. The applicant had been asked to provide their calculations confirming this which was provided with additional information re-designing the unit layout. The calculations were provided by DRAINS file, which Council staff were able to examine. Upon review it was observed that;

- Older rainfall values were used which should be updated to current ARR
- The post development site areas were inconsistent with the overall site area; presumably in error
- There is no water flow exiting final IAD pit in the model in both the 20% and 1% rainfall events which seems odd and suggest the model has some sort of error.

Council staff undertook a basic modelling exercise in order to examine the need for On Site Detention on the site and using the program DRAINS. The Council developed model suggested that an OSD volume of 8.6kL was required with 103mm orifice plate. Thus, despite the applicant having provided signed and certified drawing for stormwater management a condition requiring On Site detention design certified by an appropriately qualified engineer to be submitted to Council prior to Construction Certificate has been included in the draft conditions of consent.

Access and Parking - The original proposal for the development comprised 3 x conventional double garages, however due to a number of the site constraints including lot width and service easements for both stormwater and sewer, site manoeuvrability was not adequate. The alternative proposal provided by the applicant moved from conventional double garages to a car stacker style garage that achieves two parking spaces per unit by stacking vehicles on top of each other, with one vehicle effectively underground. It is advised the system occupies the same footprint as one parking space giving greater tolerance to improve and satisfy manoeuvring requirements. The configuration of the carparks is shown in Figure 6 below.

7.1 Development Application DA.2019.1199 - Demolition of Dwelling and Secondary Dwelling; Construction of Multi Dwelling Housing – Three Dwellings and Strata Subdivision - 5 Ross Road, Crestwood (Ref: ; Author: Thompson/O'Halloran) (Continued)

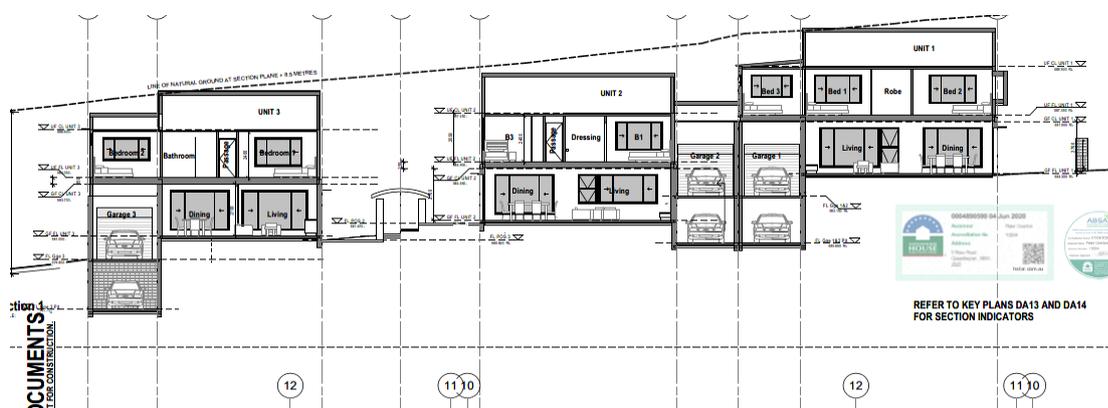


Figure 6 – Configuration of Car Stackers in Units

This is the first occasion where such devices have been proposed in the QPRC area. As such, Council does not have any particular specifications or guidelines with regard to the application and use of car stackers in residential development.

In this particular circumstance the stacker will become the unit owners responsibility to maintain, rather than an Owners Corporation. Councils with requirements around car stacking systems were limited to a few densely populated LGAs in Sydney and Melbourne. The majority of the requirements around the stacker systems researched focused on noise generation and fire safety of hydraulic system. The main engineering requirement which should be ensured is the stacker is able to accommodate ideally a B99 vehicle but as a minimum a B85 vehicle to ensure a practical parking space is provided. The details of the stacker have not been provided.

The first set of stacked parking plans initially failed to comply with minimum garage size requirements set out in AS2890. Revised plans DA03 & DA04a provided on Monday 27 July comply with the internal manoeuvrability requirements.

Traffic -The traffic generation from the proposed development will significantly increase over the existing single dwelling that occupies the lot. The estimated trip generation currently is 10 vehicles per day and would increase to approximately 18-21 vehicles per day based on RMS traffic generating development guideline. Despite the increase in traffic generation, Ross Road is considered to be adequate for the proposal. Construction traffic generation is typically a greater and localised traffic/parking generator which can lead to poor safety behaviour and compliance to road rules. Prior to commencing construction work, a traffic management plan should be submitted to Council for approval.

Section 64 - Section 64 water and sewer contributions are applicable to this development.

Engagement

The proposal required notification under the Community Engagement Participation Plan. No submissions were received.

**7.1 Development Application DA.2019.1199 - Demolition of Dwelling and Secondary Dwelling; Construction of Multi Dwelling Housing – Three Dwellings and Strata Subdivision - 5 Ross Road, Crestwood (Ref: ; Author: Thompson/O'Halloran)
(Continued)**

Conclusion

The submitted proposal for the demolition of a dwelling and secondary dwelling; construction of three multi dwelling units and strata subdivision on Lot 3 DP 12593, No. 5 Ross Road, Crestwood is a local development and is supported by a Statement of Environmental Effects. The proposal was notified to adjoining owner/occupiers and no submissions were received.

The proposal has been assessed under Section 4.15 *Environmental Planning & Assessment Act 1979* including the relevant provisions of *Queanbeyan Local Environmental Plan 2012* and *Queanbeyan Development Control Plan 2012*.

The development generally satisfies the requirements and achieves the objectives of these instruments except for the following where the applicant has sought variations to the QDCP requirements.

- Variation to minimum lot width for multi dwelling housing
- Variation to side setback on southern boundary
- Variation to solar access for private open space of adjoining development
- Variation to setback for private open space forward of the building line

The assessment of the application supports these variations as they are either mitigated through the development design, considered to be of a minor nature with no significant environmental impact or are due to site constraints.

As such, the application is recommended for conditional approval.

Attachments

- | | |
|--------------|---|
| Attachment 1 | DA.2019.1199 - 4.15 Assessment Report - 5 Ross Road, Crestwood  (Under Separate Cover) |
| Attachment 2 | DA.2020.1199 - Plans for Approval - 5 Ross Road, Crestwood (Under  Separate Cover) |
| Attachment 3 | DA.2019.1199 - Draft Conditions of Consent - 5 Ross Road, Crestwood  (Under Separate Cover) |

7.2 Development Application DA.2020.1135 - 37 Lot Torrens Subdivision, Construction of 36 Dwelling Houses and a Multi-Dwelling Housing Development Comprising 17 dwellings and Associated Strata Subdivision - Super Lot AK - 360A Lanyon Drive, Tralee (Ref: ; Author: Thompson/Perkins)

File Reference: DA.2020.1135

Summary

The subject application seeks approval for the Torrens title subdivision of proposed super lot AK at the South Jerrabomberra urban release area into 37 allotments, the construction of 36 single dwellings and a multi dwelling housing development comprised of 17 dwellings and associated strata subdivision.

The subject application was publically notified from 24 April 2020 to 8 May 2020. No submissions were received in this period.

The subject site is irregular in shape and is subject to split zoning under the *Queanbeyan Local Environmental Plan (South Jerrabomberra) 2012*. This has resulted in several minor variations to development controls under the *South Jerrabomberra Development Control Plan 2015* in relation to setbacks, built form, garage width, fencing and location of private open space. These variations are considered to be well founded and as such are supported.

This application has been referred to Council because it is for a major development exceeding \$5 million in value.

| | |
|--|---|
| Proposal: | 37 Lot Torrens subdivision, construction of 36 dwelling houses and a multi-dwelling housing development comprising 17 dwellings and associated strata subdivision |
| Applicant/Owner: | Canberra Estates Consortium 69 Pty Ltd / The Village Building Co. Limited |
| Subject Property: | Lot 4 DP 1007339, No. 360A Lanyon Drive, Tralee – Proposed Super lot AK |
| Zoning and Permissibility: | Part B4 Mixed Use zone and R2 Low Density Residential zone under Queanbeyan Local Environmental Plan South Jerrabomberra 2012 |
| Public Submissions: | Nil |
| Issues Discussed: | Planning Requirements Engineering |
| Disclosure of Political Donations and Gifts: | Applicant Declared no Donations or Gifts to any Councillor or Staff have been made |

Recommendation

That Development application DA.2020.1135 for a 37 Lot Torrens subdivision, construction of 36 dwelling houses and a multi-dwelling housing development comprising 17 dwellings and associated strata subdivision on Lot 4 DP 1007339, No. 360A Lanyon Drive Tralee – Proposed Super Lot AK be granted conditional approval.

7.2 Development Application DA.2020.1135 - 37 Lot Torrens Subdivision, Construction of 36 Dwelling Houses and a Multi-Dwelling Housing Development Comprising 17 dwellings and Associated Strata Subdivision - Super Lot AK - 360A Lanyon Drive, Tralee (Ref: ; Author: Thompson/Perkins) (Continued)

Background

The subject site was created as part of DA 395/2017 forming stage 1 of the South Jerrabomberra urban release area and was approved by the Southern Regional Planning Panel on 2 August 2018. That approval allowed for the subdivision of 318 residential lots, 10 super lots (9 super lots for future residential development and 1 super lot for a future neighbourhood centre) and 6 residue lots for open space, drainage and public roads.

DA 395/2017 has subsequently been modified by Council under DA 395/2017.A and DA 395/2017.B. A further modification application DA 395/2017.C is presently being assessed by Council. Construction works in relation to DA 395/2017 are well underway. However, as the works have not been completed, the subject allotment is yet to be registered and is referred to as proposed super lot AK.

Proposed Development

The application seeks Council approval for Torrens title subdivision of proposed super lot AK into 37 allotments, the construction of 36 single dwellings and a multi dwelling housing development comprising 17 dwellings and associated strata subdivision.

The specific elements of the proposal are:

- Torrens title subdivision of proposed super lot AK into 38 Torrens title lots as follows:
 - one multi dwelling housing lot approximately 3,840m²
 - 37 lots, ranging in size from 150m² to 410m²
 - The subdivision will also create a new road (laneway) that will be dedicated to Council.
- Multi dwelling Housing (17 dwellings) comprised of the following:
 - One building containing eight 3-storey, 3-bedroom townhouses;
 - One building containing seven 3-storey, 3-bedroom townhouses;
 - Two detached single storey 3-bedroom townhouses, both of which will be adaptable units; and
 - Strata title of the multi dwelling housing development including 17 strata title allotments and an area of community property.
- Small lot Housing
 - Construction of 37 single dwellings as follows:

| Lot | Storeys | Bedrooms | Parking Arrangements |
|-----------------------------------|---------|----------|----------------------|
| Detached Single Dwellings: | | | |
| C | 1 | 3 | Double Garage |
| D | 1 | 3 | Double Garage |
| AG | 2 | 3 | Tandem Garage |
| Six Attached Dwellings: | | | |
| AA | 2 | 3 | Double Garage |
| AB | 2 | 3 | Double Garage |
| AC | 2 | 3 | Double Garage |
| AD | 2 | 3 | Double Garage |
| AE | 2 | 3 | Double Garage |
| AF | 2 | 3 | Double Garage |

**7.2 Development Application DA.2020.1135 - 37 Lot Torrens Subdivision,
Construction of 36 Dwelling Houses and a Multi-Dwelling Housing Development
Comprising 17 dwellings and Associated Strata Subdivision - Super Lot AK -
360A Lanyon Drive, Tralee (Ref: ; Author: Thompson/Perkins) (Continued)**

| Six Attached Dwellings: | | | |
|-----------------------------------|---|---|-----------------------------------|
| AH | 2 | 3 | Double Garage |
| AI | 2 | 3 | Double Garage |
| AJ | 2 | 3 | Double Garage |
| AK | 2 | 3 | Double Garage |
| AL | 2 | 3 | Double Garage |
| AM | 2 | 3 | Double Garage |
| Ten Attached Dwellings: | | | |
| E | 2 | 3 | Single garage and hard stand area |
| F | 2 | 3 | Single garage and hard stand area |
| G | 2 | 3 | Single garage and hard stand area |
| H | 2 | 3 | Single garage and hard stand area |
| I | 2 | 2 | Single garage and hard stand area |
| J | 2 | 2 | Single garage and hard stand area |
| K | 2 | 3 | Single garage and hard stand area |
| L | 2 | 3 | Single garage and hard stand area |
| M | 2 | 3 | Single garage and hard stand area |
| N | 2 | 3 | Single garage and hard stand area |
| Twelve Attached Dwellings: | | | |
| O | 2 | 3 | Single garage and hard stand area |
| P | 2 | 3 | Single garage and hard stand area |
| Q | 2 | 3 | Single garage and hard stand area |
| R | 2 | 3 | Single garage and hard stand area |
| S | 2 | 2 | Single garage and hard stand area |
| T | 2 | 2 | Single garage and hard stand area |
| U | 2 | 2 | Single garage and hard stand area |
| V | 2 | 2 | Single garage and hard stand area |
| W | 2 | 3 | Single garage and hard stand area |
| X | 2 | 3 | Single garage and hard stand area |
| Y | 2 | 3 | Single garage and hard stand area |
| Z | 2 | 3 | Single garage and hard stand area |

A hardcopy of plans will be available in the Councillors room in Queanbeyan should Councillors wish to peruse the plans in more detail.

Subject Property

The subject site is legally described as Lot 4 DP 1007339 and is commonly known as 360A Lanyon Drive, Tralee. The sites are located to the east of Hume Industrial Estate (ACT) and access to the sites is currently available from an unsealed track from Hume in the ACT (see Figure 1).

Existing development on the site comprises a Woolshed and Cook House which is to be demolished and ongoing infrastructure works associated with the approved subdivision.

**7.2 Development Application DA.2020.1135 - 37 Lot Torrens Subdivision,
Construction of 36 Dwelling Houses and a Multi-Dwelling Housing Development
Comprising 17 dwellings and Associated Strata Subdivision - Super Lot AK -
360A Lanyon Drive, Tralee (Ref: ; Author: Thompson/Perkins) (Continued)**



Figure 2: Site of Proposed super lot AK relative to approved subdivision boundaries

Planning Requirements

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

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

1. *State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004*
2. *State Environmental Planning Policy No 55 – Remediation of Land*
3. *Queanbeyan Local Environmental Plan (South Jerrabomberra) 2012 (SJLEP)*
4. *Draft Queanbeyan-Palerang Comprehensive Local Environmental Plan 2020*
5. *South Jerrabomberra Development Control Plan 2015 (SJDGP)*

Despite seeking several variations to the SJDGP 2015 the development generally achieves the objectives of these planning instruments. The significant issues relating to the proposal for the Council's consideration are summarised below.

(a) Compliance with SJLEP

The subject site is zoned part B4 Mixed Use zone and part R2 Low Density Residential zone under *Queanbeyan Local Environmental Plan (South Jerrabomberra) 2012*.

Development for the purposes of multi dwelling housing is permissible within the B4 Mixed Use zone with consent and is defined under SJLEP as follows:

“multi dwelling housing means 3 or more dwellings (whether attached or detached) on one lot of land, each with access at ground level, but does not include a residential flat building.”

While dwelling houses and attached dwellings are prohibited within the B4 Mixed Use zone, the proposal seeks to rely upon the provisions of *Section 5.3 Development Near Zone Boundaries* for permissibility (discussed in detail below).

7.2 Development Application DA.2020.1135 - 37 Lot Torrens Subdivision, Construction of 36 Dwelling Houses and a Multi-Dwelling Housing Development Comprising 17 dwellings and Associated Strata Subdivision - Super Lot AK - 360A Lanyon Drive, Tralee (Ref: ; Author: Thompson/Perkins) (Continued)

Development for the purposes of both dwelling houses and attached dwellings is permissible within the R2 Low Density Residential zone with consent and is defined under SJLEP as follows:

- “dwelling house means a building containing only one dwelling.”*
- “attached dwelling means a building containing 3 or more dwellings, where—*
 - (a) each dwelling is attached to another dwelling by a common wall, and*
 - (b) each of the dwellings is on its own lot of land, and*
 - (c) none of the dwellings is located above any part of another dwelling.”*

Clause 5.3 Development Near Zone Boundaries

Clause 5.3 of the SJLEP allows for some flexibility to be applied to development within 20m of zone boundaries subject to the development satisfying the objectives of both zones. The subject application seeks to utilise the provisions of Section 5.3 to allow for the construction of dwelling houses and attached dwellings within the B4 Mixed Use zone portions of Lots C, D, AM, AL, AK, L, M, N, O, P, Q, R and S. Given the irregular shape and split zoning of the subject site it is considered appropriate that the provision of Clause 5.3 be utilised to allow for the logical development of the site. The proposed arrangement involves no actions considered to be contrary to the above objectives of either the B4 Mixed Use or R2 Low Density Residential zones and as such is supported.

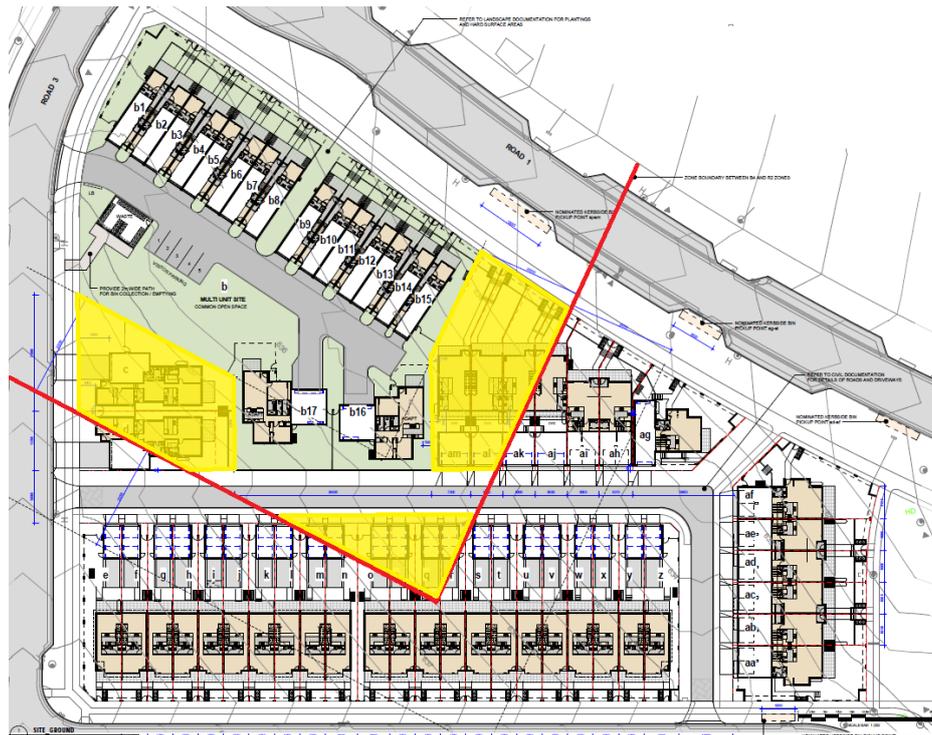


Figure 3: Proposed Zone Boundary Encroachment (zone boundary shown in red and areas subject to encroachment shown in yellow).

(b) Compliance with SJDCP

While including a number of requests for variations to development controls the development is considered to be generally consistent with the objectives of the SJDCP. A detailed assessment of the proposal against the relevant provisions of the SJDCP is provided in the attached 4.15(1) assessment report (Attachment 1). The proposed variations are discussed below.

**7.2 Development Application DA.2020.1135 - 37 Lot Torrens Subdivision,
Construction of 36 Dwelling Houses and a Multi-Dwelling Housing Development
Comprising 17 dwellings and Associated Strata Subdivision - Super Lot AK -
360A Lanyon Drive, Tralee (Ref: ; Author: Thompson/Perkins) (Continued)**

Variation – Front setback

Table 6.3 of Part 6 of the SJDCP 2015 requires that dwellings on allotments greater than 330m² but less than 450m² in area be provided with a minimum 4m front set back. Proposed Dwelling C includes a proposed 3m front setback and as such fails to satisfy this requirement. The Applicant has sought to justify the proposed variation on the grounds that the proposal is in keeping with the development on the adjoining allotment to the south (which includes a 3m setback in accordance with Part 7 of the SJDCP) and provides an appropriate transition from the multi dwelling development to the north. This is generally supported and the proposed variation is considered unlikely to result in any significant impacts.

Variation – Landscaped Area

Section 7.11 of Part 7 of the SJDCP requires that 10% of the area of the lot be permeable landscaped area and that 50% of such landscaping be located behind the building line of the primary road as principal private open space. Lots AA to AF provide compliant landscaped area however, the entirety of the landscaped area is forward of the building line as a result of the rear laneway access arrangement and relatively shallow depth of the allotments. The proposal utilises landscaping features and setback front fencing to provide an appropriate level of privacy to the courtyards while provide a single consolidated landscaped area including significant plantings which obtain suitable solar access. As such, the proposed variation is considered acceptable and is supported.

Lots AG to AM provide a significant area of the front setback as landscaping and as such the area to the rear fails to equate to 50% of the total landscaped area. Nonetheless, as more than 5% of the site area is provided as permeable landscaping behind the building line the intent of the control is considered to be satisfied.

Variation – Garage/ Lot Width

Section 7.12 of Part 7 of the SJDCP requires that for the provision of a double garage lots be a minimum of 12.5m in width at the building line.

Proposed Lots AA to AM and D feature lot widths of less than 12.5m and include double garages. Proposed Lot D features an 11.2m lot width with the proposed garage appropriately recessed behind the building line. As such, a double garage is considered unlikely to result in any significant streetscape implications. Proposed Lots AA to AM range from 6m to 6.3m in width and feature double garages access from the proposed rear laneway with dwelling components on the first floor providing opportunities for passive surveillance of the laneway. A compliant configuration would require the provision of a tandem style garage which would compromise the functionality of the dwelling on the allotment. As such, the proposed variation is supported.

Variation – Side Boundary Fencing

Section 7.2(k) of Part 7 of the SJDCP requires that side boundary fencing forward of the building line be a maximum of 1.2m in height. The proposal includes the provision of 1.6m high horizontal timber slat fencing between lots within the front setbacks reducing to 1.2m at the front boundary interface. Such fencing provides an aspect of privacy to the front court yards while retaining solar permeability and a sense of passive surveillance. Given the visually permeable nature of the proposed fencing, the proposed variation is considered unlikely to result in any greater impacts than that of a compliant scheme and as such is supported.

**7.2 Development Application DA.2020.1135 - 37 Lot Torrens Subdivision,
Construction of 36 Dwelling Houses and a Multi-Dwelling Housing Development
Comprising 17 dwellings and Associated Strata Subdivision - Super Lot AK -
360A Lanyon Drive, Tralee (Ref: ; Author: Thompson/Perkins) (Continued)**

Variation – Garbage area

Section 7.16 of Part 7 of the SJDCP requires that a bin storage area be provided for each dwelling so as not to be visible from public view and behind the building line. The proposal includes the provision of brick bin storage areas incorporated within the letter box structure at the front boundary. Given the relatively small scale of the proposed allotments it is considered impractical to provide a storage area behind the building line other than within the proposed garages. As collection will be from the street frontage such an arrangement would not be desirable. The proposed arrangements screen the bins from the public domain while accommodating functional kerbside collection. As such, the proposed variation is supported.

Variation – Side Setback

Table 2 of Part 7 of the SJDCP requires that for multi dwelling housing a minimum side setback of 3m be provided and that this setback be increased to 3.5m at the second floor. While the proposed side setback is predominantly greater than 3m and up to 5.24m at points, as a result of the sites curved secondary frontage the proposal results in a minimum 2.72m side setback for less than 10% of the frontage. Given the relatively minor portion of the structure that encroaches and the increased setback provided along the remainder of the frontage the proposed variation is considered unlikely to result in any significant streetscape implications and is supported.

Variation – Rear Setback

Table 2 of Part 7 of the SJDCP requires that for multi dwelling housing a minimum rear setback of 4m be provided. The proposal includes minimum 2m setback to the rear of unit B16 to the proposed public laneway. The proposed setback provides a transition from the proposed zero lot line setback to the adjoining small lot housing while providing an active street frontage along the proposed laneway. As such, the proposed variation is considered to be acceptable.

Variation – Building Separation

Table 2 of Part 7 of the SJDCP requires that for multi dwelling housing minimum separation of 6m be provided between buildings. The proposal includes minimum 3.9m setback between the proposed buildings. The applicant proposes that all windows on this interface be either highlight windows or frosted glazing. Such measures are included within the recommended conditions of consent.

(c) Other Matters

Traffic - While the proposed development will ultimately result in the creation of 53 dwellings and will generate additional traffic movements upon the local road network, the proposed development yield is consistent with that envisaged under DA 395/2017 for the super lot. As such, traffic generated by the proposed development is considered to be compatible with the surrounding road network. Further, the subject application was accompanied by a civil engineering report prepared by Spire Pty Ltd. This report gives consideration to the likely impacts of the development upon the efficiency of the surrounding road network and finds the surrounding road network is capable of accommodating the proposed development without any significant impacts upon the efficiency of the road network.

Noise - The subject site adjoins a sub-arterial road and is affected by aircraft noise. As such, the subject application was accompanied by a Noise Assessment prepared by SLR Consulting Australia Pty Ltd giving consideration to the compatibility of the proposed development with these noise sources. The report finds that subject to upgrades to glazing elements on some building facades the proposed development will satisfy the relevant internal design noise

7.2 Development Application DA.2020.1135 - 37 Lot Torrens Subdivision, Construction of 36 Dwelling Houses and a Multi-Dwelling Housing Development Comprising 17 dwellings and Associated Strata Subdivision - Super Lot AK - 360A Lanyon Drive, Tralee (Ref: ; Author: Thompson/Perkins) (Continued)

objectives for both road and aircraft noise. A condition of consent is recommended requiring the implementation of the recommendation contained within the Noise Assessment.

Other Comments(a) Building Comments

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

(b) Environmental Health Comments

Council's Environmental Health Team offered no objections to the proposal, subject to the implementation of recommended noise attenuation measures contained within the Noise Assessment prepared by SLR Consulting Australia Pty Ltd to mitigate potential impacts of road and aircraft noise. A condition of consent requiring the implementation of such measures is included within the recommended conditions of consent.

(c) Waste Comments

While Council's Waste Officer raised initial concerns in relation to the adequacy of the access arrangements to the bin storage structure the proposal was subsequently amended to include a separate access path to service the structure. Concerns were also raised in relation the proposed collection arrangements on Roads 1 and 3 as the waste collection vehicle would be required to stop on a sub-arterial road and within close proximity to the intersection of Road 1 and 3. While consideration was given to the provision of dedicated waste collection vehicle bays along these roads, given the frequency of use this was considered to be excessive. As such, the applicant has proposed that sign posted restrictions be applied to the parking bays adjoining the proposed collection pads to ensure a safe pull off area for the waste collection vehicle. This concept was supported and is reflected in the recommended conditions of consent.

(d) Development Engineer's Comments

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

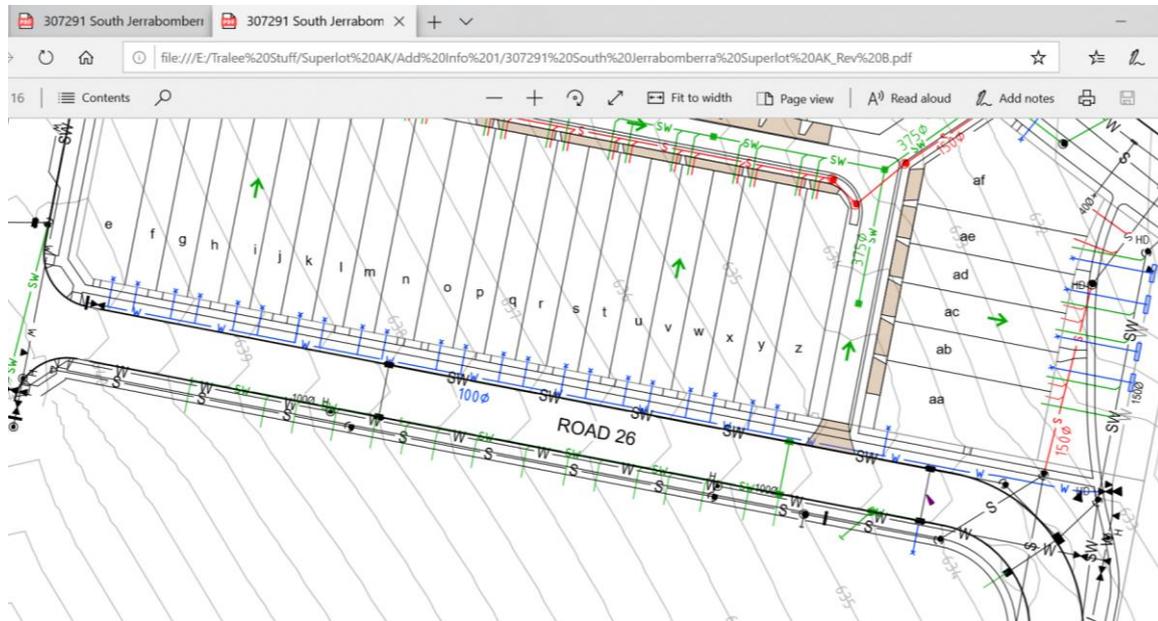
Water - The proposed multi-unit and Torrens title small lot housing subdivisions will connect to infrastructure which is currently being constructed for the Stage 1A subdivision and Integrated Water Cycle (IWC) works which connect the subdivision to Council's existing infrastructure on Tomsitt Drive. Part of these works is being constructed by Council and part by the developer. Thus it is assumed the works servicing the Tralee development and this particular super lot will be completed prior to release of subdivision certificate for the lots. A standard condition of consent requiring a Water & Sewer Compliance certificate prior to issue of a Subdivision Certificate is to be applied, this will ensure either the lots are serviced or arrangements for lots to be serviced are in place prior to lots being registered.

The overall loading of this particular development was considered during the Stage 1 overall subdivision development application 395-2017 and subsequent IWC REF applications. The development proposal has not substantially changed from the initial hence, water servicing requirements should be adequate as re-iterated by the applicants engineering consultant Spire in their supporting engineering report dated February 2020.

A new water main along the frontage of the super lot facing Road 26 is proposed. It is assumed the main is proposed to eliminate numerous road crossings from the opposite of the road to service individual small lots. The main is shown to extend from an existing water main on the northern side of Road 26 where the new line will "tee" into and run south to the

7.2 Development Application DA.2020.1135 - 37 Lot Torrens Subdivision, Construction of 36 Dwelling Houses and a Multi-Dwelling Housing Development Comprising 17 dwellings and Associated Strata Subdivision - Super Lot AK - 360A Lanyon Drive, Tralee (Ref: ; Author: Thompson/Perkins) (Continued)

intersection of Road 26 and Road 3. The dead end at Road 3 presents a low flow, risk and should be red amended to reticulate into existing mains on Road 3.



Sewer - As with water infrastructure, the sewer servicing for the multiunit and Torrens title subdivisions of the super lot AK will connect to sewer mains currently being constructed as part of the Stage 1 subdivision and IWC REF works. Again, the IWC Sewer works are partially being constructed by the developer and partially by Council with aspects of the works yet to be approved. As with water infrastructure there is an inherent risk that sewer servicing may not be completed and available at the time of release of subdivision certificate, hence a water and sewer compliance certificate is to be conditioned prior to subdivision certificate to ensure lots are either serviced or adequate arrangements are in place for the servicing of the lots.

New sewer infrastructure is to be constructed in order to service a portion of the small lots proposed via the proposed laneway and “service corridor” in between Road 26 and Road 1 which connects into existing/currently under construction sewer main on Road 1. Sewer and stormwater ties for individual lots is proposed via garages

Stormwater - The majority of the created lots will be serviced by new stormwater infrastructure, the exception being the lots front the “service corridor” between Road 26 and Road 1 which tie into an existing stormwater main currently under construction as part of the Stage 1A subdivision. A new stormwater main is proposed beneath the trafficable pavement of the laneway to service the lots fronting Road 3 and 26. An additional new stormwater main is proposed under the footpath of Road 1 to service the lots fronting Road 1 and the multiunit site. Stormwater mains will need to be either Class 4 RCP or sewer grade twin wall polyethylene (stormpro or similar) with particular attention to the main beneath the trafficable pavement to be assessed as part of the Construction Certificate application (occurring concurrently).

The overall performance of the site’s stormwater quantity and quality should have been appropriately addressed within the overall Stage 1 subdivision development application DA 395-2017 which includes the construction of three detention & water quality ponds at the northern extent of the overall subdivision. It is therefore assumed the broad quantity & quality objectives for the site are satisfactory though no controls specific to this application are

7.2 Development Application DA.2020.1135 - 37 Lot Torrens Subdivision, Construction of 36 Dwelling Houses and a Multi-Dwelling Housing Development Comprising 17 dwellings and Associated Strata Subdivision - Super Lot AK - 360A Lanyon Drive, Tralee (Ref: ; Author: Thompson/Perkins) (Continued)

proposed with the exception of an on-site detention (OSD) tank to be provided for the multi-unit site. Details of this system are to be provided prior to issue of Construction Certificate (Condition 06.14).

Stormwater overland flow analysis has been provided for the AK Laneway and Service corridor. Prior to CC AR&R 2016 calculations should be provided to verify the robustness of the proposed designed.

Parking & Access - Small lot housing blocks fronting Road 1 and the utility easement are serviced by a combination of tandem and stacked garages. Conventional double garages are noted on architectural drawings as having internal dimensions of 5.7m by 6.0m whilst stacked parking garages are noted to have internal dimensions of 3.6m by 12.5m, both complying with AS2890 minimum requirements.

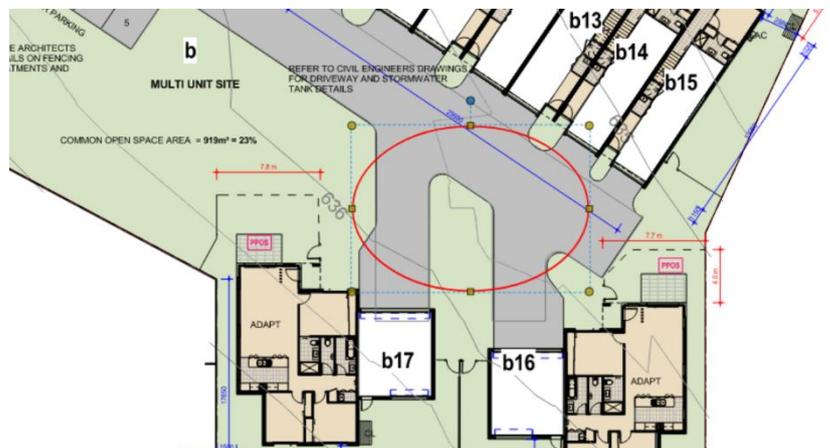
Small lots fronting Road 26 are serviced by a single garage and outside parking space. The single garages are generally 3.4m by 6m exceeding minimum AS2890 requirements whilst the parking space in the back yard of the lots is 2.5m by 5.4m which does not comply with the minimum length requirements of AS2890.

While the layout of a parking space being accessed via a drive through garage in the “yard area” of the house is not considered to be a positive outcome, especially for greenfield development it is understood the proposal is permitted in the DCP and parking in between the laneway and garage was discouraged. The proposal is unlikely to achieve the outcome of provided two parking spaces per unit as the area is likely to be used as a courtyard/private open space with little in the way for Council to undertake compliance action against individual land owners, unless a restriction is incorporated into the title on the lot that still would not overcome the means of surveillance for compliance. While development engineering does not support the layout it is our understanding the proposal technically complies with DCP requirements.

Standard lot houses fronting Road 3 have standard double garages 5.5m by 6.0m with store meeting Australian Standard requirements. The multiunit site comprises small lot style dwellings with double stacked garages with internal dimensions of 3m by 11m. Two adaptable units comprise conventional double garages with internal dimensions of 6.5m by 6.4m, which were advised had been amended following additional information request though revised plans have not been submitted, thus existing plans should be red amended to this effect.

There are 5 visitor parking sites provided at the rate of 1 space per 4 units which meets DCP requirements. There is an opportunity to provide additional visitor parking spaces as there are not any area constraints should the developer be amenable. Though not required it will assist with on-site parking which generally becomes problematic with stacked parking.

Apron widths for access to garages generally comply with AS2890 requirements and turn path demonstrations reinforce this. It is noted the access for units 16 and 17 have space to be widened as at present the proposal would require occupants to reverse out of garages a long distance before being able to turn around to exit. There is further opportunity to create a cul de sac head or similar which enables vehicles to turn



7.2 Development Application DA.2020.1135 - 37 Lot Torrens Subdivision, Construction of 36 Dwelling Houses and a Multi-Dwelling Housing Development Comprising 17 dwellings and Associated Strata Subdivision - Super Lot AK - 360A Lanyon Drive, Tralee (Ref: ; Author: Thompson/Perkins) (Continued)

around without the need for three point turns, thus the pavement design should be re-visited. Further, comments were provided asking for the entry and exit paths for the service vehicle into and out of the laneway to be provided demonstrating the service vehicle can manoeuvre with parked vehicles on the road as the service vehicle is shown to cross the centre line when manoeuvring in and out of the laneway.

The multi-unit site's entry comprises the letter boxes for the complex as well as bin enclosure. Given the area will generate pedestrian movement, the pavement width should be widened greater than the minimum 5.5m width which is provided for two way vehicle movement to allow safe pedestrian movement. Amendments to the design should be provided prior to CC.

Roads & Traffic - The development proposal creates four vehicle accesses on to Road 3, which is classified as a Collector Road in Council's hierarchy and as approved comprises a 7m pavement with 2.1m wide parking bays. The vehicle crossings present in the parking bay is visually conflicting to drivers and would likely result in additional enforcement action, thus Council staff advised removal of the parking bays from the road to create a 11.2m traffic pavement would provide the most suitable solution.

The combined small lot and multi-unit developments traffic generation were considered as part of the original development consent DA 395-2017. The supporting engineering report for the application indicates the lot yield has changed from previous; namely a reduction in small lots and an increase in residential lots. Despite an overall reduction in lot yield, the increase in number of residential lots results in an increase in traffic generation of the overall Stage 1 development.

Overall, the proposal should not pose an issue to the surrounding road networks capacity. The exception remains, as noted in the original Development Application DA 395-2017, that Road 1, despite being classified a sub-arterial road, generates almost arterial road vehicle movements and does not comply with Council's requirement for a divided road for traffic generation exceeding 9,000 vpd on the basis of a previous (2014 Concept Approval) determination which has been since surrendered.

The application proposes a new public laneway to be handed over to Council as public infrastructure. The laneway generally conforms to Council's requirements for a laneway to be accepted as a public asset, with the exception of the maximum permissible traffic generation. Council's D1 Specification calls for a maximum of 100 vpd generation for laneways, where this development produces in the order of 450 vpd on the laneway. Whilst, the traffic generation drastically exceeds Council's specification requirement, there is little that can be done to achieve Council's requirement and attention to future applications should be made to the super lot yields to prevent excessively large super lots being created that will never meet specification requirements in the future.

However, in support of the proposal, the one way direction of the laneway, ensures traffic travels from the major to the minor street and the converse. It also allows for a reasonable (1.2m wide) pedestrian path to ensure pedestrians have a means to travel without walking on the pavement, though the positioning of the pedestrian path should be reviewed. It can be seen from the excerpt below that the pedestrian path has been located generally behind lot garages, where positioning on the opposite side of the road would reduce the number of garages the path is adjacent too. It is assumed this has been pursued in order to allow more space for landscaping, though road safety from an engineering perspective should take precedence and positioning of the path should be amended within the CC documentation.

7.2 Development Application DA.2020.1135 - 37 Lot Torrens Subdivision, Construction of 36 Dwelling Houses and a Multi-Dwelling Housing Development Comprising 17 dwellings and Associated Strata Subdivision - Super Lot AK - 360A Lanyon Drive, Tralee (Ref: ; Author: Thompson/Perkins) (Continued)



The proposal builds additional footpath on Road 26 which improves pedestrian connectivity shown in yellow above.

Engagement

The application was notified in accordance with Council's Community Engagement and Participation Plan from 24 April 2020 to 8 May 2020. No submissions were received in this period.

Conclusion

The submitted proposal for a 37 Lot Torrens subdivision, construction of 36 dwelling houses and a multi-dwelling housing development comprising 17 dwellings and associated Strata Subdivision on Lot 4 DP 1007339, No.360A Lanyon Drive, Tralee (Proposed super lot AK) has been assessed under Section 4.15 of the *Environmental Planning & Assessment Act 1979* including the relevant provisions of *Queanbeyan Local Environmental Plan (South Jerrabomberra) 2012* and *South Jerrabomberra Development Control Plan 2015*.

The subject application was publically notified from 24 April 2020 to 8 May 2020. No submissions were received in this period.

The proposal includes several minor variations to development controls under the *South Jerrabomberra Development Control Plan 2015* in relation to setbacks, built form, garage width, fencing and location of private open space. These variations are considered to be well founded and as such are supported.

The proposed development is considered to be consistent with the strategic vision for the locality and is considered unlikely to result in any significant impacts. As such, it is recommended that DA.2020.1135 be approved subject to conditions of consent.

Attachments

- | | |
|--------------|---|
| Attachment 1 | DA.2020.1135 - Sec 4.15 Matters for Consideration - 360A Lanyon Drive, Tralee (<i>Under Separate Cover</i>) |
| Attachment 2 | DA.2020.1135 - Plans - 360A Lanyon Drive, Tralee (<i>Under Separate Cover</i>) |
| Attachment 3 | DA.2020.1135 - Draft Conditions of Consent - 360A Lanyon Drive, Tralee (<i>Under Separate Cover</i>) |

7.3 Development Application DA.2020.1103 - Construction of a Dwelling and Attached Garage Requiring a Building Envelope Variation - 51 Widgiewa Road, Carwoola (Ref: ; Author: Thompson/Williams)

File reference: DA.2020.1103

Summary

Reason for Referral to Council

This application has been referred to Council as the application involves a variation to the existing building envelope that has generated interest in several submissions. As such the Portfolio General Manager has determined that it is in the public interest to have the matter determined by Council.

| | |
|--|--|
| Proposal: | Construction of dwelling with attached garage |
| Applicant/Owner: | Darren John Margules / Darren John Margules, Danielle Tara Margules |
| Subject Property: | Lot 2 DP 1184200 51 Widgiewa Road, Carwoola |
| Zoning and Permissibility: | E4 - Environmental Living under Palerang Local Environmental Plan 2014 |
| Public Submissions: | Four |
| Issues Discussed: | 1. Privacy/overlooking 2. Erosion and sediment impacts 3. Encroachment of the building envelope 4. Environmental Impact |
| Disclosure of Political Donations and Gifts: | Applicant Declared no Donations or Gifts to any Councillor or Staff have been made |

Recommendation

That:

- 1. Pursuant to clause 1.9A of the *Palerang Local Environmental Plan 2014*, Council approve a variation to the existing building envelope on Lot 2 DP 1184200, 51 Widgiewa Road as detailed on Survey Plan 1531 prepared by TSD Surveying dated 28 February 2020 for the following reasons:**
 - (a) The variation will allow the applicant to utilise the existing pad, improve the northern aspect of the dwelling whilst maximising the view and create additional separation from the northern boundary.**
 - (b) The variation is considered minor and has minimal impacts on adjoining lots and the environment.**
 - (c) Council will require the extended building envelope to be registered on the land title to encompass the structure only.**
 - (d) The proposal is consistent with the objectives of the Palerang Local Environmental Plan 2014 - E4 - Environmental Living Zone.**
-

7.3 Development Application DA.2020.1103 - Construction of a Dwelling and Attached Garage Requiring a Building Envelope Variation - 51 Widgiewa Road, Carwoola (Ref: ; Author: Thompson/Williams) (Continued)

(e) The proposed construction of the dwelling with attached garage is consistent with the objectives of the Palerang Development Control Plan 2015.

- 2. Development application DA.2020.1103 for the construction of a dwelling with attached garage and building envelope extension on Lot 2 DP 1184200, 51 Widgiewa Road, Carwoola be granted conditional approval.**
-

Background

Proposed Development

The proposed development is seeking approval for a five-bedroom dwelling with attached garage located partially outside the building envelope.

The dwelling is to be located towards the southern portion of the building envelope encroaching 6.37m to the eastern side to utilise an existing cut on the site and to distance the development away from the northern boundary.

Subject Property

The subject site is legally described as Lot 2 DP 1184200 and is commonly known as 51 Widgiewa Road, Carwoola. The site is located on the east side of Widgiewa Road and has an area of 10.62ha (see Figure 1 below).

The site is an irregular shape with a slope of 5-10 degrees from southwest to northeast towards the small creek line through the property. The site contains maintained grassland vegetation with an existing dwelling/shed approved under DA.2013.274, which is currently occupied. An existing site cut has been carried out on the site in preparation for the dwelling. The site cut was carried out without consent which was investigated by Council's compliance team in December 2019, resulting in a warning letter supplied to the owner to stop works until development consent was obtained. The DA before Council in this report was subsequently submitted for consideration. Council records indicate no works above the exempt provisions have been undertaken since the letter in December.

Vehicular access is provided to the site via an existing driveway from Widgiewa Road which forms a Right of Carriageway (ROC) for 49 Widgiewa Road.

Existing development within the locality consists of similar sized lots containing dwellings, associated structures and small hobby agriculture or equine activities.

7.3 Development Application DA.2020.1103 - Construction of a Dwelling and Attached Garage Requiring a Building Envelope Variation - 51 Widgiewa Road, Carwoola (Ref: ; Author: Thompson/Williams) (Continued)



Figure 1 - Locality Plan (subject site outlined in red)

7.3 Development Application DA.2020.1103 - Construction of a Dwelling and Attached Garage Requiring a Building Envelope Variation - 51 Widgiewa Road, Carwoola (Ref: ; Author: Thompson/Williams) (Continued)



Figure 2 - Subject site looking north. Noting the closest dwelling over 200m away with young native vegetation growing along the fence line

Planning Requirements

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

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

1. State Environmental Planning Policy (Building Sustainability Index: Basix) 2004
2. Palerang Local Environmental Plan 2014 (LEP)
3. Palerang Development Control Plan 2015 (DCP)

The development satisfies the requirements and achieves the objectives of these planning instruments. The significant issues relating to the proposal for the Council's consideration are summarised below.

(a) Compliance with LEP

The development is generally compliant with the provisions of the Palerang LEP 2014. However, the applicant has sought a variation to the building envelope restriction under clause 1.9A of the PLEP 2014.

7.3 Development Application DA.2020.1103 - Construction of a Dwelling and Attached Garage Requiring a Building Envelope Variation - 51 Widgiewa Road, Carwoola (Ref: ; Author: Thompson/Williams) (Continued)

The proposed dwelling will extend outside of the existing building envelope for a variable distance no greater than 6.37m along the 19.7m length of the south eastern wall (see Figure 3 below). This is not permitted with the current restriction. The applicant has therefore requested a variation to the building envelope to utilise the northern aspect and view on the property while distancing the dwelling from the north boundary.

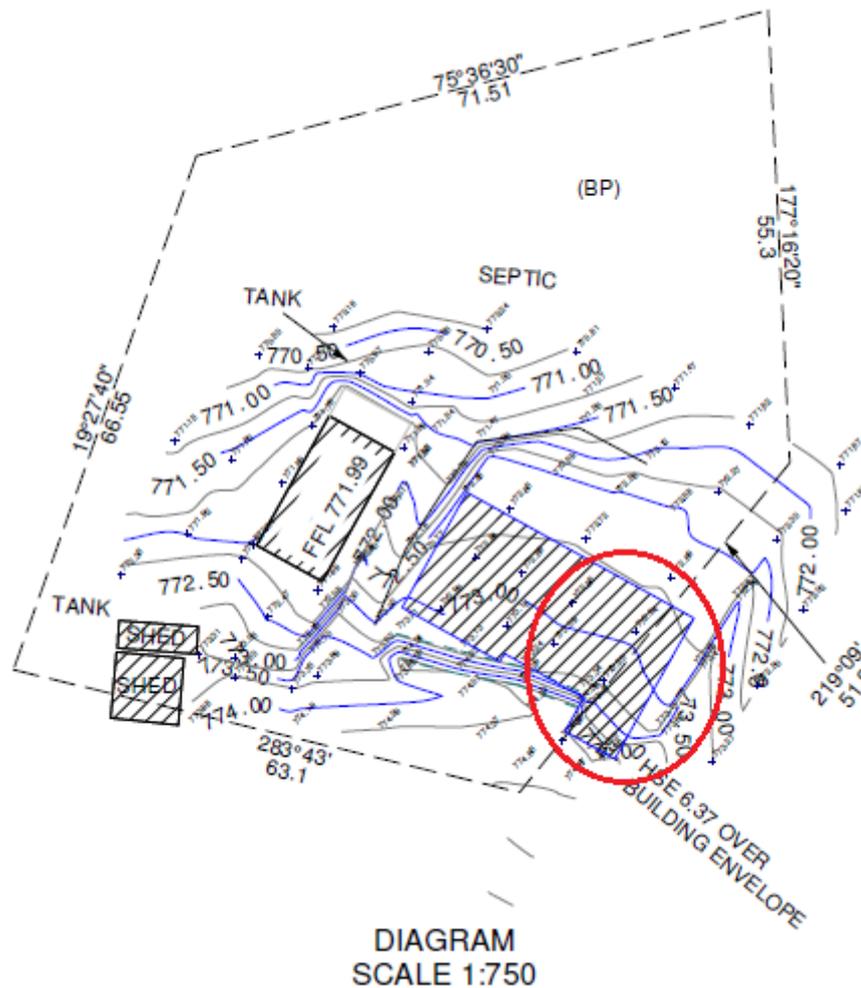


Figure 3- Snip of survey plan showing location of building envelope and encroachment.

The variation is considered minor and is supported as it will have minimal environmental impacts and is consistent with surrounding development and Council controls. If approved this variation will be subject to a condition requiring the applicant to amend the Deposited Plan to incorporate the encroachment into the existing building envelope through the 13RVM process.

(b) Compliance with DCP

The development is compliant with the Palerang DCP 2015. Full assessment enclosed within the attached 4.15 Report.

7.3 Development Application DA.2020.1103 - Construction of a Dwelling and Attached Garage Requiring a Building Envelope Variation - 51 Widgiewa Road, Carwoola (Ref: ; Author: Thompson/Williams) (Continued)

Engagement

The application was notified in accordance with the QPRC engagement and participation plan from 7 to 24 April 2020 with four submissions received. The main issues raised in submissions are discussed below.

Issue 1 - Development outside the Building Envelope - Submissions raised concerns over the encroachment of the proposed new dwelling outside of the designated building envelope.

Comment - The development proposes a 6.37m encroachment to the southeast boundary of the building envelope to accommodate the dwelling. Under clause 1.9A of the Palerang Local Environmental Plan, Council can vary a restriction to title imposed by Council.

The applicant has sought to justify the variation because it will allow them to utilise the existing pad, utilise the northern aspect whilst maximising the view on the property and create additional separation from the northern boundary.

The variation is considered minor and has minimal impacts on adjoining lots and the environment. The proposed development will require the building envelope to be extended through a 13RVM process to encompass the structure only.

Issue 2 - Environmental Impact - Submissions have raised concern over the environmental impact of the development caused by extending the Building envelope.

Comments - The building envelope was assessed during the subdivision that created this Lot, through a report by Rodger Good dated December 2011. The report outlines "The proposed building precinct is located in an open Phalaris dominated grassland area and as such any development of and construction on the site will have no impact on any threatened native flora or fauna."

It's considered that the encroachment of 6.37m is of minor impact and is consistent with the objectives of the zone. To ensure this encroachment remains minimal impact and cannot be utilised for other development, the envelope extension will be conditioned to encompass the dwelling structure only.

Issue 3 - Erosion and Sediment Control - Submissions have raised concern over sediment and silt impacts to surrounding drainage systems.

Comments – This a legitimate concern for all construction sites. The consent includes conditions to submit an erosion and sediment control plan which will need to be installed and maintained during the construction of the development.

Issue 4 - Privacy/overlooking - Submissions have raised concern over neighbour privacy.

Comments - The opportunity for privacy impacts is minimal given the closest visible dwelling is roughly 220m, as shown in Figure 2. This neighbouring dwelling also has mature vegetation around the dwelling shielding any visual impact with the applicant having native trees planted along the northern boundary which, when fully grown, will provide further visual buffers.

Issue 5 - Existing dwelling - Submissions have raised concern over the use of the existing shed/dwelling.

Comments - The existing shed/dwelling on the site was approved under DA.2013.274. The application for the new dwelling will contain a condition of consent to decommission the existing dwelling under DA.2013.274, as the applicant did not apply for dual occupancy. The existing dwelling component is to be decommissioned within three months of a final occupation certificate to a class 10a. Alternatively the applicant could seek separate development consent for a dual occupancy use of the site.

7.3 Development Application DA.2020.1103 - Construction of a Dwelling and Attached Garage Requiring a Building Envelope Variation - 51 Widgiewa Road, Carwoola (Ref: ; Author: Thompson/Williams) (Continued)

Conclusion

The submitted proposal for construction of dwelling with attached garage and building envelope extension at 51 Widgiewa Road, Carwoola is a development compliant with the relevant planning legislation/policy and consistent with the development in the area.

The proposal has been assessed under Section 4.15 of the *Environmental Planning & Assessment Act 1979* including the relevant provisions of *Palerang Local Environmental Plan 2014* and the *Palerang Development Control Plan 2015*.

Other than the request to vary the building envelope the proposal for this single storey dwelling is unremarkable and typical of many housing developments in the area. The development presents no major issues and is generally compliant with the Palerang LEP 2014, meets the objectives of the Palerang DCP 2015 and is consistent with development in the Carwoola area.

The proposal was notified to adjoining owner/occupiers and four submissions were received. The submissions raised concerns over privacy/overlooking, environmental impact, erosion and sediment impacts, encroachment of the building envelope and the use of the existing shed. Council is satisfied that the matters raised can be dealt with by conditions of consent or have minimal environmental impact.

The proposed development is considered a suitable outcome for the site, is compatible with the neighbourhood, is consistent with the character of the area, has more than suitable setbacks from adjoining lots/dwellings and can be conditioned to mitigate any potential environmental impacts to adjoining lots.

Attachments

- | | |
|--------------|--|
| Attachment 1 | DA.2020.1103 - Sec 4.15 Matters for Consideration - 51 Widgiewa Road, Carwoola (<i>Under Separate Cover</i>) |
| Attachment 2 | DA.2020.1103 - Plans - 51 Widgiewa Road, Carwoola (<i>Under Separate Cover</i>) |
| Attachment 3 | DA.2020.1103 - Submissions (redacted) - 51 Widgiewa Road, Carwoola (<i>Under Separate Cover</i>) |
| Attachment 4 | DA.2020.1103 - Draft Conditions of Consent - 51 Widgiewa Road, Carwoola (<i>Under Separate Cover</i>) |

7.4 Modification Application 82/96.A - Modification of Eight Lot Torrens Title
Subdivision - 536 Duckfield Road, Boro (Ref: ; Author: Thompson/Perkins)

File Reference: 82/96.A

Summary

The subject modification application was lodged under Section 96(2) of the *Environmental Planning and Assessment Act 1979* and seeks to modify development consent 82/96 for an eight lot subdivision of the site to reconfigure the approved lot boundaries and to change the required road construction standard.

The subject development while being a standalone application has historically been treated as one of three (3) stages of a subdivision along Duckfield Road being undertaken by the same developer including DA 80/96 and DA 83/96. The subdivisions result in a total of 25 allotments along Duckfield Road. A modification application in relation to DA 83/96 (83/96.A) is also being considered by Council at this meeting.

It should be noted that the subject modification application was lodged on 8 January 2004 and is required to be assessed in accordance with the relevant legislation as of that date. It is unclear why the application has not been determined sooner, however the applicant's desire to finalise the development has brought the applications to the fore.

The subject application was notified from 18 March 2020 to 1 April 2020. One (1) submission was received raising concerns in relation to road alignment, traffic impacts, adequacy of fencing and erosion and sediment control.

The principle issues in relation to the proposed modification include the adequacy of the proposed road standard.

While not specific to the subject modification, a number of matters are discussed throughout this report in relation to the adequacy of works undertaken to date and the required works to complete the development. This is intended to provide both direction to the developer and some peace of mind to the objector who has expressed frustration on numerous occasions that these matters have not been recognised by Council staff.

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

| | |
|---|---|
| Proposal: | Modification to Eight Lot Torrens Title Subdivision - Reconfiguration of lot layout and changes to road standard |
| Applicant/Owner: | D.Oldfield/ D.Domaschenz |
| Subject Property: | Lot 27, 114, 115, 120 and 121 DP 754867 No.536 Duckfield Road, Boro |
| Zoning and Permissibility: | 1(a) General Rural Zone under Tallaganda Local Environmental Plan 1991 |
| Public Submissions: | One |
| Issues Discussed: | Planning Requirements Variation to Development Control |
| Disclosure of Political Donations and Gifts: | Applicant Declared no Donations or Gifts to any Councillor or Staff have been made |

7.4 Modification Application 82/96.A - Modification of Eight Lot Torrens Title Subdivision - 536 Duckfield Road, Boro (Ref: ; Author: Thompson/Perkins)
(Continued)

Recommendation

That:

1. Modification application 82/96.A for a modification of DA 82/96 for an eight lot Torrens title subdivision of Lot 27 DP 754867, Lot 114 DP 754867, Lot 115 DP 754867, Lot 120 DP 754867, Lot 121 DP 754867, No.536 Duckfield Road Boro, to reconfigure the lot layout and change the required road standard be granted partial approval noting that the proposed modification to condition 5 relating to the road construction standard is not supported and with the following amendments to the conditions of consent:

- a) Replace condition 1 as follows:

1 Modified Plans

The development referred to in the application is to be carried out in accordance with the original approved plans except as modified by the plans numbered 82/96.A and in accordance with this schedule of conditions.

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

- b) Insert new conditions 11 and 12 as follows:

11 Special Condition – Lot 5

Prior to the issue of a Subdivision Certificate the boundaries of Lot 5 are to be amended to achieve a minimum lot size of 40ha excluding road reserves within the allotment. Plans demonstrating such changes are to be submitted to Council with the Subdivision Certificate Application.

Reason: To ensure all allotments exceed minimum legislative lot sizes.

12 Covenant on the Land

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

- a) Creation of effluent disposal envelopes upon Lots 1, 2 and 3 as shown within the Site and Soil Assessment for On-site Effluent Disposal prepared by Peter Fogarty and dated September 2006 noting that all wastewater upon these allotments is to also be treated to a secondary standard and disposed of within the envelope;
- b) Creation of effluent disposal envelopes upon Lot 3 as shown within the Site and Soil Assessment for On-site Effluent Disposal prepared by Peter Fogarty and dated September 2006 noting that all wastewater upon this allotment is to be treated using an amended soil mound; and disposed of within the envelope.

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

2. Those persons who lodged a submission(s) on the application be advised in writing of the determination of the application.
-

7.4 Modification Application 82/96.A - Modification of Eight Lot Torrens Title Subdivision - 536 Duckfield Road, Boro (Ref: ; Author: Thompson/Perkins) (Continued)

Background

Development Application 82/96

DA 82/96 was approved by the former Tallaganda Council at its meeting of 21 October 1996 for an 8 lot subdivision (see Figure 1). The approved lot configuration was linear and gave little consideration to the topography of the site and as such construction was later found to be impractical.

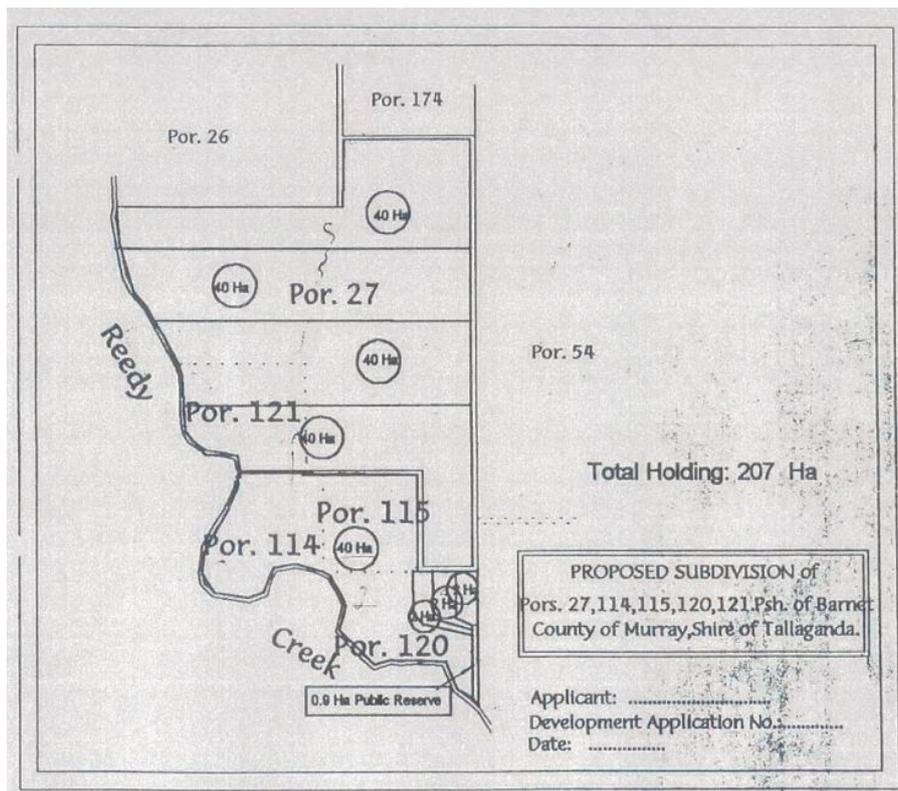


Figure 1: Approved lot configuration under 82/96

7.4 Modification Application 82/96.A - Modification of Eight Lot Torrens Title Subdivision - 536 Duckfield Road, Boro (Ref: ; Author: Thompson/Perkins) (Continued)

A review of Council records indicates that road works in relation to DA 82/96 had commenced to some extent in 1997. However, Council hold no records of any approved civil design at this time, nor had a Construction Certificate been issued for the subdivision works. Subsequently, Council was contacted in June 2000 by the applicant's project engineer who advised that the approved road configuration was unviable due to the nature of the terrain.

A Construction Certificate (CC) was eventually issued on 14 May 2002 for road works. The works approved in the CC in no way reflected the road location approved under DA 82/96 but also made no reference to a modified lot configuration. It was subsequently identified that while the Construction Certificate documentation referenced only DA 82/96, the approved plans including the land area captured by DA 83/96 as well. The approved Construction Certificate plans do not show any detailed design and contain little more than a centre line without any details of the existing or proposed formation or even what works are to be carried out.

Council inspection records note that the plans that were approved under the Construction Certificate fall far below the standard that would be required for normal engineering works. There have been a number of factors contributing to this, mainly a lack of due process being followed by the developer, the significant number of consultants who have been engaged to prepare plans and undertake the works, and a lack of proactive compliance and enforcement on Council's behalf. There has also been no proper documented process in relation to any of the inspections relating to the engineering approvals. A significant number of works have been undertaken in relation to each of the applications based upon undocumented verbal advice contrary to the approval documents and conditions of consent.

A plan demonstrating the amended lot configuration was not provided to Council until 17 June 2003 which resulted in the lodgement of the subject modification. It appears that in this interim period between June 2000 and June 2003 a significant quantity of works had been undertaken by the developer reflecting the amended design despite a lack of any formal approval.

Modified DA 82/96.A - Chronology

The subject modification application was lodged on 8 January 2004 in conjunction with a separate modification application relating to DA 83/96 seeking similar modifications. These applications have a long a convoluted history. The following provides a brief chronology of the significant events that have occurred since the lodgement of the subject modification application.

8 January 2004 – Subject modification application lodged.

16 February 2004 - Council report considered by the former Tallaganda Council. The recommendation was that the altered lot configuration be approved but that the request to remove the requirement for sealing be refused. The application was not determined by Council and was deferred for further consideration (copy of report attached).

29 April 2004 – Amended report considered by the Eastern Capital City Regional Council. The recommendation was that the altered lot configuration be approved but that the request to remove the requirement for sealing be refused. The application was not determined by Council and was deferred for further consideration (copy of report attached). In reviewing Council's record it is unclear as to why no further consideration was given to the subject modification application after this date, but it never returned to Council for consideration.

April 2004 – December 2005 – Subsequent inspections of works undertaken by Council Engineers which appear to be based upon construction of roadways to a gravel standard.

7.4 Modification Application 82/96.A - Modification of Eight Lot Torrens Title Subdivision - 536 Duckfield Road, Boro (Ref: ; Author: Thompson/Perkins) (Continued)

May - July 2006 – Meetings held between the current applicant, Diana Oldfield, and Council staff members to establish the required works to finalise DA 82/96 and DA 83/96 at which point it was identified that both the subject modification application and DA 83/96.A both remained undetermined. As a result of these meetings the assessment of the modifications was recommenced.

November 2006 – April 2009 – Further meetings held and correspondence exchanged between the developer and Council staff regarding outstanding works and debating Council's ability to require further upgrades works to the portion of Duckfield Road between the intersection of Duckfield Road and Goulburn Road and the land included within DA 80/96.

2009 - 2018 – Council records indicate limited interaction between the applicant and Council staff during this time. Council's Development Engineering team was subsequently contacted to undertake an inspection of works undertaken to finalise the development. At this time it was identified that the subject modification application and DA 83/96.A remained undetermined.

3 July 2019 – Meeting held between the assessing officer, Council's Development Engineer the applicant and the applicant's surveyor regarding information required as to allow for assessment the subject application to progress.

November 2019 – Current modification package received by Council and current assessment process commenced.

Other Applications

The same developer has undertaken several developments along Duckfield Road including the subject development (see Figure 2 below). Details of these applications are provided below.

The concurrent assessment, determination and construction of these applications has resulted in the applications being treated as stages of a single development rather than standalone applications by both the developer and Council. This is further complicated by the fact that the conditions of consent for each of the applications were near identical and appear to envisage that the three approvals would run concurrently.

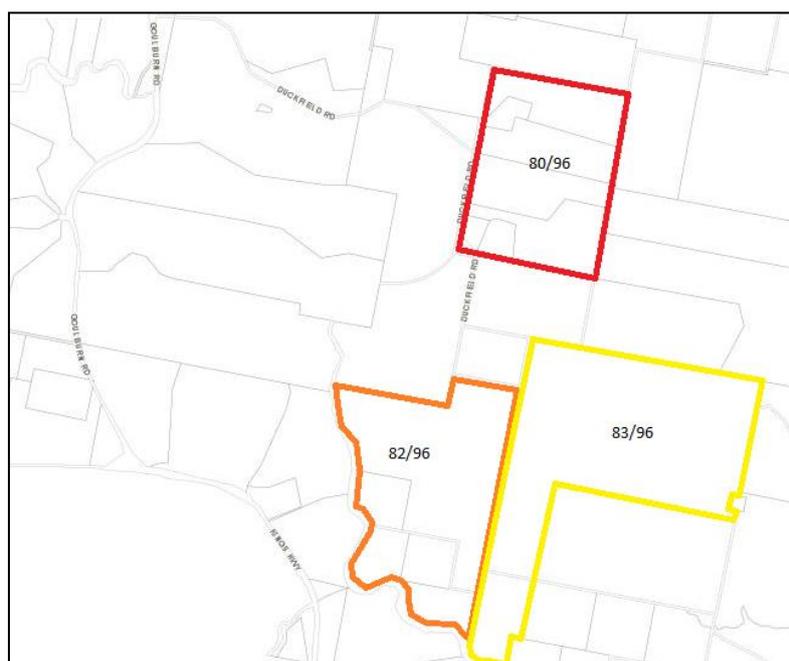


Figure 2: Development Application Land Areas

7.4 Modification Application 82/96.A - Modification of Eight Lot Torrens Title Subdivision - 536 Duckfield Road, Boro (Ref: ; Author: Thompson/Perkins) (Continued)

Development Application 80/96

This application was approved by the former Tallaganda Council on 21 October 1996 for a seven lot subdivision. The subdivision certificate for DA 80/96 (the equivalent of a final certificate for a subdivision) was issued on 26 October 2001 and the lots subsequently registered under DP1036931. Subsequent review of the works completed under DA 80/93 found that these works failed to satisfy a number of conditions including the provision of fencing along the length of Duckfield Road from its intersection with Goulburn Road to the development site. Further, it is noted that a portion of the constructed road deviates from the road reserve (see Figure 3 below).



Figure 3: Road Deviation (constructed road shown red and road reserve in yellow)

Development Application 83/96

DA 83/96 was approved by the former Tallaganda Council on 21 October 1996 for a ten lot subdivision. A modification application in relation to DA 83/96 (83/96.A) is also being considered by Council at this meeting requesting reconfiguration of the approved lot boundaries and to change the required road construction standard.

Proposed Development

Modification application 82/96.A seeks Council approval to modify the eight lot configuration of the subject site and amend Condition 5 relating to the road construction standard.

The proposed lot configuration is shown in Figure 4 below. The attached plans erroneously show the area of proposed Lot 5 as 39.69ha when the crown road reserves within the lot are removed. This results in the lot being under the applicable minimum 40ha lot size. A small adjustment to lot boundaries would ensure the size of Lot 5 meets the minimum lot size. The applicant's surveyor has been advised that the lot should be 40ha and an appropriate condition of consent is recommend requiring the minimum area of Lot 5 to be 40ha.

7.4 Modification Application 82/96.A - Modification of Eight Lot Torrens Title Subdivision - 536 Duckfield Road, Boro (Ref: ; Author: Thompson/Perkins) (Continued)

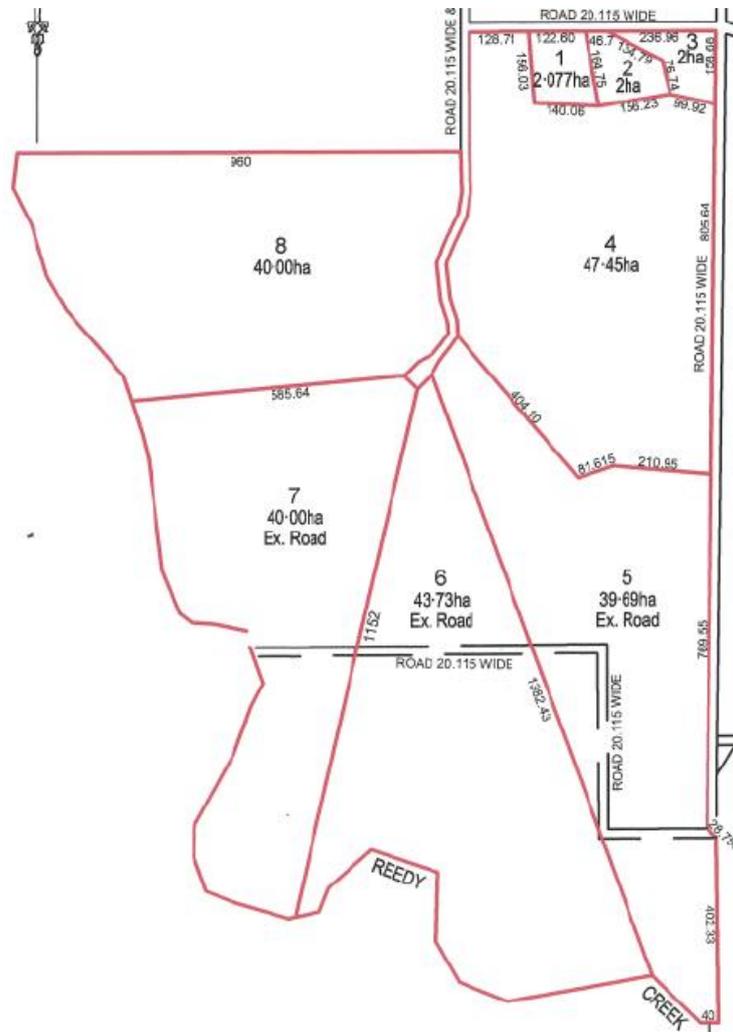


Figure 4: Proposed Lot Configuration

Condition 5 of the development consent for the existing DA 82/96 currently reads as follows:

5. *Access to and within the subdivision shall be constructed within a dedicated road reserve from MR79. Such access shall be constructed at the applicant's' full cost, prior to the release of the linen plan in accordance with Council's standards and as follows:*
 - a) *Provision of concrete pipe culverts, end walls and guide posts. Pipe sizes in accordance with Talbot's formula.*
 - b) *Provision of table drains and cutting/ fill batters to the satisfaction of the Director of Works.*
 - c) *Fencing of all road reserve boundaries from MR79 to the satisfaction of the Director of Works.*
 - d) *Arrangement for the supervision of works by the Director of Works or his nominee.*
 - e) *A turning circle at the end of each "No through" road to allow for easy turning of emergency vehicles.*

Plans are to be prepared by a suitably qualified person and approved by the Director of Works. Construction shall be to Council's standards for 8 lots of more with Plans and Specifications to the Satisfaction of the Director of Works submitted prior to the commencement of any works.

7.4 Modification Application 82/96.A - Modification of Eight Lot Torrens Title Subdivision - 536 Duckfield Road, Boro (Ref: ; Author: Thompson/Perkins) (Continued)

The applicant proposes to clarify the required road standard by modifying Condition 5 of DA 82/96 to read as follows:

5. Access to and within the subdivision shall be constructed within a dedicated road reserve from MR79. Such access shall be constructed at the applicant's full cost, prior to the release of the linen plan in accordance with Council's standards and as follows:
 - a) Provision of concrete pipe culverts, end walls and guide posts. Pipe sizes in accordance with Talbot's formula.
 - b) Provision of table drains and cutting/ fill batters to the satisfaction of the Director of Works.
 - c) Fencing of all road reserve boundaries from MR79 to the satisfaction of the Director of Works.
 - d) Arrangement for the supervision of works by the Director of Works or his nominee.
 - e) A turning circle at the end of each "No through" road to allow for easy turning of emergency vehicles.

Plans are to be prepared by a suitably qualified person and approved by the Director of Works. Construction shall be to Council's standards **for a gravel road** with Plans and Specifications to the Satisfaction of the Director of Works submitted prior to the commencement of any works.

i.e. the applicant seeks to remove the requirement for the access roads to be sealed.

Subject Property

The subject site is legally described as Lots 27, 114, 115, 120, 121 of DP 754867 and is commonly known as 536 Duckfield Road, Boro. The site is located at the southernmost end of Duckfield Road and has an area of 211.05ha.

The subject site is currently vacant. The site slopes heavily from the southern end of Duckfield Road towards Reedy Creek which bounds the southern and western boundaries of the site.

The subject site was at the time of approval of the parent consent accessed by a series of Crown road reserves from the end of Duckfield Road. The ownership of these road reserves has subsequently been transferred to Council.

7.4 Modification Application 82/96.A - Modification of Eight Lot Torrens Title Subdivision - 536 Duckfield Road, Boro (Ref: ; Author: Thompson/Perkins) (Continued)



Figure 5: Locality Plan

7.4 Modification Application 82/96.A - Modification of Eight Lot Torrens Title Subdivision - 536 Duckfield Road, Boro (Ref: ; Author: Thompson/Perkins) (Continued)

Planning Requirements

Assessment of the application has been undertaken in accordance with Section 96(2) of the *Environmental Planning and Assessment Act* (EPAA) 1979, as amended. The matters that are of relevance under Section 96(2) are summarised in the attached *Section 96(2) Table – Matters for Consideration*.

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

1. *Tallaganda Local Environmental Plan 1991* (LEP).
2. *Tallaganda Development Control Plan No.4 – Rural 1A* (DCP)

The significant issues relating to the proposal for the Council's consideration are:

(a) Compliance with LEP

Tallaganda Local Environmental Plan 1991 (TLEP 1991)

The subject site is zoned 1(a) General Rural zone under the TLEP 1991. The proposed modifications retain five allotments greater than 40ha in area and three concessional allotments greater than 2ha in area. As such the modification involves no changes to the compliance of the development with the relevant provisions of the TLEP 1991 from that of the parent development.

(b) Compliance with DCP

Tallaganda Development Control Plan No.4 – Rural 1(A)

While repealed, the *Tallaganda Development Control Plan (TDCP) No.4 – Rural 1(A)* is the applicable development control plan for the purposes of the subject modification application. While the proposed allotments configuration as modified is generally consistent with the relevant provisions of the TDCP No.4, the proposed road standard being a gravel formation would result in a variation to the minimum road construction standard for the purposes of subdivision as established under Section 2.19 of the TDCP No.4.

Figure 6 below provides a diagrammatic summary of the requirements of Section 2.19 of the TDCP No.4. Importantly it should be noted that subdivisions involving 8 or more lots, such as the subject development, requires the construction of an 8m wide road formation including a minimum 5.6m wide sealed carriageway.

Despite condition 5 of DA 80/92 requiring road upgrade works to Council's standard for 8 or more lots, as DA 80/92 resulted in only seven lots it should not have triggered the requirement for the sealing of Duckfield Road. However, DA 82/96 and DA 83/96 resulted in eight and ten lots respectively and would require sealing of the length of Duckfield Road from its intersection with MR79 (Goulburn Road) to each of the proposed allotments.

7.4 Modification Application 82/96.A - Modification of Eight Lot Torrens Title Subdivision - 536 Duckfield Road, Boro (Ref: ; Author: Thompson/Perkins) (Continued)

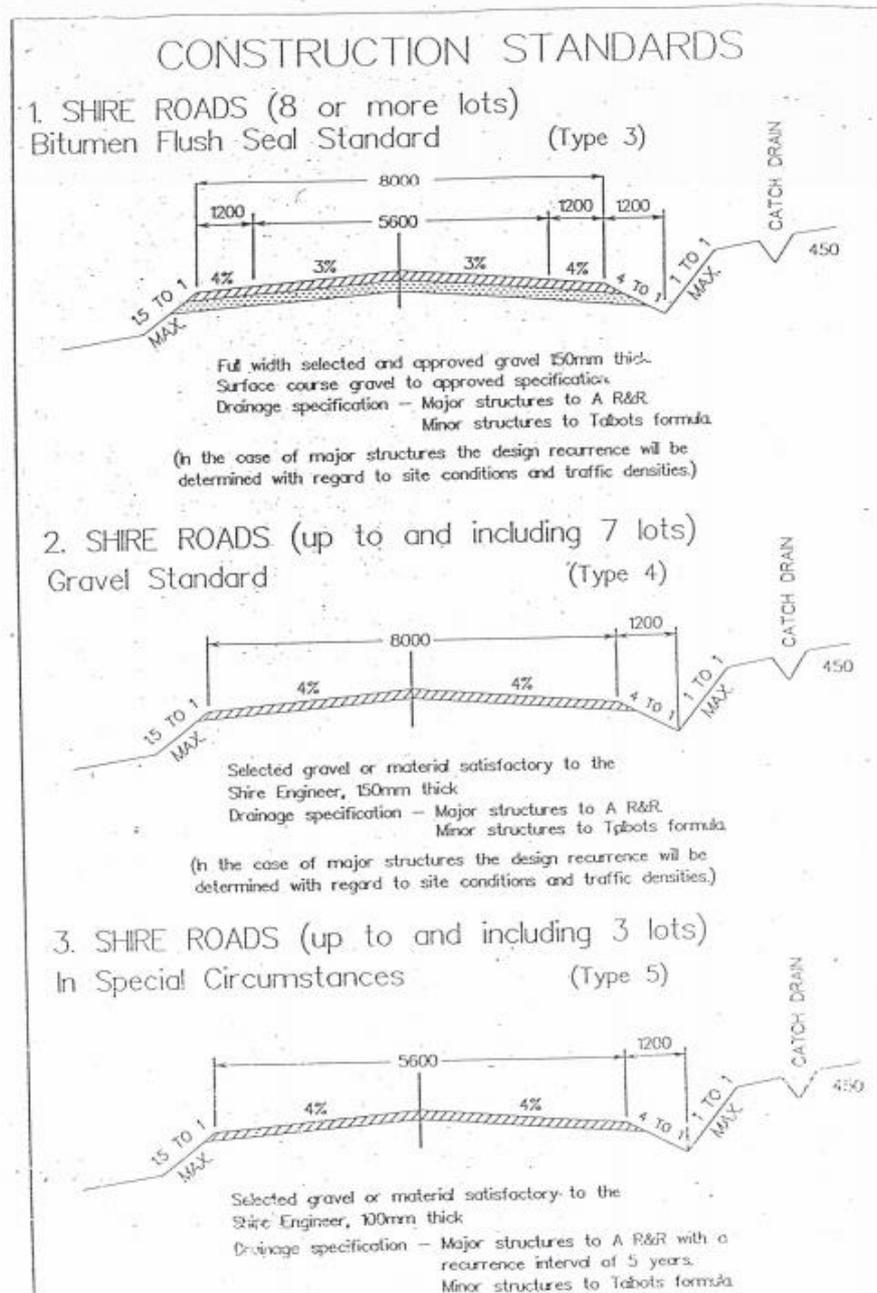


Figure 6: TDCP No.4 Road Standards

In the interest of comparison, if current construction standards were applied to the proposal a minimum 9.2m wide road formation including a 7.2m wide sealed carriageway would be required under Council's Development Design Specification D1 – Geometric Road Design (Urban and Rural).

7.4 Modification Application 82/96.A - Modification of Eight Lot Torrens Title Subdivision - 536 Duckfield Road, Boro (Ref: ; Author: Thompson/Perkins) (Continued)

The Applicant has sought to justify the proposed variation to the road construction standard on the following grounds:

- *The Council approved plans and issued Construction Certificate, regardless of their presentation, do not call up sealing of roads within the subdivision. Enquiries of Former Council Employee Ron Trevallion in fact revealed that “he was working toward the roads being gravelled only”. He seemed unaware of the need for bitumen sealing of the roads and added that at no stage was bitumen sealing of the roads raised with the applicants. On that basis the applicants proceeded through a number of consultants to design and construct the roads to a gravel standard.*
- *Despite the fact that consultant Brian Burge wrote to Council seeking clarification regarding the construction standards including whether bitumen sealing was not required, Council’s reply on the issue was silent leading the applicant to believe that based upon previous discussion with Council officers a gravel standard was only required.*
- *Stage 1 road works under Development Consent TSC/80/1996/DA that included the construction of Duckfield Road from the Tarago Road to a gravel only standard and accepted on behalf of Council by former Engineer Manager Ron Trevallion as meeting the conditions of the Development Consent upon completion. The issue of bitumen sealing was not considered or raised at the time.*
- *Discussion with the applicants and their original surveyor reveal they were led to believe that graveling of the roads was all that was required. At no stage was bitumen sealing of the roads discussed with them.*
- *It is acknowledged that due to a succession of a number of technical advisors/consultants engaged upon this project that the management of the issues is not what it should have been. However it does not alleviate the fact that work has been undertaken with the advice and support of Council officers at the time that has resulted in the road works being constructed to a gravel standard.*

While it is undeniable that if strictly applied Condition 5 of DA 82/96 would require bitumen sealing for the length of Duckfield Road, Council has not helped itself in that the requirements of the development standard have not been clearly enforced throughout the construction certificate process and the matter has been drawn out over the last 20 years without the matter being resolved despite construction works continuing during this period. This is further complicated by the fact that on several instances Council staff have taken it upon themselves, despite the road standard remaining unresolved, to issue written notice of satisfactory completion of works.

In considering the subject modification Council is faced with several options:

1. Enforce Condition 5 of DA 82/96 which would require the length of Duckfield Road to be sealed at the developers cost. Council’s Development Engineer has advised that to retrospectively require the developer to seal the approximately 7km length of Duckfield Road would cost approximately \$840,000. Council has previously received legal advice which advised that despite the events to date Council is still in a position to lawfully require compliance with Condition 5 of DA 82/96 and the sealing of Duckfield Road;
2. Council accept a reduced construction standard which would result in an 8m wide unsealed gravel carriageway. It is worth noting that in its current state a number of areas of the Duckfield Road measure between 6m to 7m and require widening; or

7.4 Modification Application 82/96.A - Modification of Eight Lot Torrens Title Subdivision - 536 Duckfield Road, Boro (Ref: ; Author: Thompson/Perkins) (Continued)

3. A compromise would be to allow for construction to an 8m wide unsealed gravel carriageway with bitumen sealing of any portion of the road for a minimum of 100m where the near road shoulder (not the centreline) is located 50m from the extremity of an existing dwelling or where the shallow nature of allotments promotes construction of dwellings close to the road such as proposed Lots 1, 2 and 3. This would limit potential impacts of dust upon existing and likely future dwellings along the roadway.

In considering this matter it is important to consider the cumulative impact of the subject application with the other development along Duckfield Road which will result in an additional 25 lots along Duckfield Road which is a significant increase in traffic volumes along the roadway (approximately 175 additional vehicle movements per day). As such, it is considered appropriate that the sealing of the road way be enforced.

Nonetheless, if Council is of a mind to reduce the construction standard it is recommended that option 3 partial sealing be implemented so as to minimise the impacts of additional traffic movements upon surrounding residences.

(c) Other Matters

Future Development of Allotments

In general the proposed modification improves the capacity for the allotments to accommodate future residential development by providing lot boundaries that are more considerate of the topographical constraints of the land. However, given the age of both the parent consent and the subject modification which predate current legislative requirements in relation to bushfire and threatened species, any future application for the purposes of a dwelling will need to consider compatibility of the dwelling site with the bushfire risk and flora and fauna present upon the site.

Outstanding Works

In considering the subject modification application, it has been identified that while despite written notice having previously been issued to the developer advising that the required works have satisfactorily been completed a number of conditions have not been satisfied including the fencing along the length of Duckfield Road, construction of a minimum 8m wide carriageway, and realignment of the Duckfield Road road reserve to capture the constructed carriageway (see Figure 3 above). Further, a significant period of time has passed since the works were completed resulting in the deterioration of those works.

Road Carriageway

Regardless of the road finish the minimum required carriageway width under TDCP No.4 for Duckfield Road is 8m. When measured at random intervals the existing carriageway width varies from 6m to 8.2m with the carriageway failing to achieve the required 8m width in numerous instances. As such, regardless of the outcome of the subject modification further upgrade works would be required to satisfy Condition 5 of DA 82/96.

**7.4 Modification Application 82/96.A - Modification of Eight Lot Torrens Title Subdivision - 536 Duckfield Road, Boro (Ref: ; Author: Thompson/Perkins)
(Continued)**

Fencing

In considering the adequacy of fencing Section 2.32 of the TDCP No.4 establishes a minimum standard for fencing as follows:

- 2.32 *Fencing of the road reserve boundaries along all lots created by a subdivision is to be constructed to a minimum construction standard of 5 Plan wires and 1 barbed wire at top; strainer posts and assemblies at appropriate interval and a steel post every 4 metres. Minimum height of fences to be 1.5m at all times.*

When inspecting the fencing works undertaken to date along the length of Duckfield Road it was noted that some areas of the existing Duckfield Road road reserve adjoining vegetated areas of 350 Goulburn Road were unfenced in areas while in other areas fencing comprised wires stapled to coppers logs. In other areas fencing had not been appropriately anchored to corner posts and had been rested upon top stays or star pickets without being threaded through the pickets. A complicating factor to this matter is that individual land owners along Duckfield Road have undertaken maintenance works to the boundary fencing since the completion of the initial works and as such Council is unlikely to be in a position to require the developer to undertake further upgrade works to this fencing other than ensuring that the length of the road reserve is fenced.

Road Alignment

As previously noted throughout this report, an area of the carriageway of Duckfield Road was constructed outside of the road reserve upon 260 Duckfield Road. Anecdotal evidence on the Council file suggests that this deviation was undertaken as a private agreement between the developer and the land owner to increase the separation from the carriageway to the existing dwelling on the property.

The situation appears to have deteriorated between the parties to a point whereby each party believes it is the responsibility of the other to undertake the required survey work to realign the road reserve to capture the carriageway. While Council is a signatory to the dedication of land to Council for the purposes of a public road reserve the costs of undertaking the survey work and preparation and execution of the required administrative documentation should be at the cost of the developer. Any agreement to share or offset these costs between the developer and the landowner is a private matter in which Council has no involvement. Nonetheless, the Subdivision Certificate for DA 82/96 will not be issued until such time as the alignment has been executed so as to ensure that the physical carriageway is located within a Council owned road reserve.

7.4 Modification Application 82/96.A - Modification of Eight Lot Torrens Title Subdivision - 536 Duckfield Road, Boro (Ref: ; Author: Thompson/Perkins) (Continued)

Internal Referrals

Development Engineering Comments

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

After reviewing the extensive information and documentation within the Tallaganda Shire Council development files for the Domaschenz staged subdivision TSC/82/1996 and TSC/83/1996, a number of critical documents were found and are referred to as follows;

- Tallaganda Council report dated 29 April 2004.
- Letter from Palerang Council to Domaschenz dated 22 December 2005.
- Council internal memo from Keith Davies to Director Community Development dated 30 May 2006.
- Letter from Council's solicitor, MinterEllison Lawyers dated 9 November 2006.
- Letter from Domaschenz's solicitor, Bilinski & Co Solicitors dated 20 March 2007.
- Letter from Palerang Council to Domaschenz dated 22 July 2008.

Throughout the development files there are ongoing contradictions and conflicting advice from various Council staff. Although a similar development in 2020 would be stringently condition the subdivider to bitumen seal the full length of Duckfield Road, the conditions of consent as they stand in TSC/82/1996 and TSC/83/1996 clearly do not include that requirement. There are several documents from former development staff from both Tallaganda and Palerang councils accepting the completed road works on Duckfield Road.

Given the above there is no certainty that enforcing the requirement to seal Duckfield Road would be successful in the future.

With regard to the modification for DA 82/96.A and DA 83/96.A concerning Duckfield Road, Council is best to implement the gravel road policy requirement to bitumen seal a section of an unsealed gravel road for a minimum of 100m where the near road shoulder (not the centreline) is located 50m from the extremity of an existing dwelling, or proposed new building envelope.

External Referrals

Water NSW Comments:

The subject site is located entirely within the Sydney Drinking Water Catchment. Despite State Environmental Planning Policy (Sydney Drinking Water Catchment) 2011 not being in force at the time of lodgement of the subject modification, the application was referred to Water NSW for consideration of the modified lot designs capacity to accommodate for effluent disposal associated with future dwellings upon the allotments.

While initial concerns were raised in relation to the ability to provide onsite effluent disposal upon proposed Lot 3 with sufficient setbacks from a drainage line that traverses the allotment, the lot boundaries were subsequently amended to resolve this issue. Water NSW subsequently provided recommended conditions of consent requiring the registration of effluent disposal envelopes upon Lots 1, 2 and 3 given their relatively small size. These conditions of been included in the recommended modified conditions of consent.

**7.4 Modification Application 82/96.A - Modification of Eight Lot Torrens Title Subdivision - 536 Duckfield Road, Boro (Ref: ; Author: Thompson/Perkins)
(Continued)**

Financial Implications

If Council was to accept the proposed reduction in road construction standard it would be inheriting a substandard asset resulting in increased demand for road maintenance at Council's cost.

Engagement

The application was notified in accordance with Council's Community Engagement and Participation Plan from 18 March 2020 to 1 April 2020 with one submission received. That submission raised the following concerns:

1. *Road alignment* - Concern was raised that the physical carriageway of Duckfield Road falls outside of the road reserve.

Assessing officer's comments: This matter has been discussed in detail previously throughout this report. In brief this is a private matter between the landowner and developer, however a subdivision certificate will not be issued until such time as the alignment has been rectified so as to ensure the carriageway is located entirely within a legal road reserve.

2. *Adequacy of fencing* - Concern was raised over the adequacy of fencing works undertaken by the applicant along the length of Duckfield Road.

Assessing officer's comments: Council records indicate that ongoing concerns have been raised over the adequacy of the fencing works and the manner in which they were undertaken by the developer. This is a long standing and complex matter as works have been undertaken since 1997, being over 23 years ago. As such works have aged and private land owners have undertaken their own maintenance works. This makes it difficult for Council to impose further maintenance requirements upon the developer. Nonetheless, to satisfy the requirements of conditions 5 it is appropriate that the developer fence the areas of Duckfield Road where fencing has not been completed.

3. *Erosion control* - Concern was raised over the adequacy of erosion control measures put in place throughout the development and potential ongoing erosion impacts including the ongoing siltation of an adjoining dam.

Assessing officer's comments: No works are currently being undertaken in relation to the subject application. As such, it is not possible to provide comment on the adequacy of such measures. Any future works will require the implementation and maintenance of appropriate erosion and sediment control measures until stabilisation is achieved.

The dam in question captures water from a culvert under Duckfield Road and partially encroaches within the road reserve. Upgrade works to the road as a result of the proposed development have caused the carriageway to occupy more of the road reserve which has brought the carriageway closer to the dam. Inherently an unsealed gravel road will generate dust and given the proximity of the dam to the carriageway it is unlikely that processes of siltation can be avoided without the carriageway being sealed.

4. *Traffic* – Concern was raised that the proposed development would result in increased traffic volumes upon Duckfield Road and potential increase risk to pedestrians in the area.

Assessing officer's comments: The subject modification seeks to alter the approved lot configuration and does not change the total number of lots. As such, the proposed modification is not considered likely to increase traffic volumes from those of the parent development.

7.4 Modification Application 82/96.A - Modification of Eight Lot Torrens Title Subdivision - 536 Duckfield Road, Boro (Ref: ; Author: Thompson/Perkins) (Continued)

5. *Livestock Safety* - Concern was raised that the introduction of additional domestic pets associated with future dwellings upon the allotments would pose a risk to livestock.

Assessing officer's comments: The subject modification seeks to alter the approved lot configuration and does not change the total number of lots. As such, the proposed modification will not increase the number of likely future dwellings within the locality. Nonetheless, all domestic animal owners have legal obligations regarding the keeping of such animals.

Conclusion

The subject modification application, 82/96.A, was lodged under Section 96(2) of the *Environmental Planning and Assessment Act 1979* and seeks to modify DA 82/96 for an eight lot Torrens title subdivision of Lot 27 DP 754867, Lot 114 DP 754867, Lot 115 DP 754867, Lot 120 DP 754867, Lot 121 DP 754867, No.536 Duckfield Road, Boro to reconfigure the lot layout and change the required road standard.

The proposed lot reconfiguration is considerate of the topography and constraints upon the site and as such is considered to be a more logical and appropriate configuration from that approved under the parent consent and is therefore supported.

The proposed change in road standard by way of removing the requirement to seal the length of Duckfield Road, is a variation to Section 2.19 of the *Tallaganda Development Control Plan No.4 – Rural 1(A)*. The proposed development in conjunction with other associated development along Duckfield Road will significantly increase future traffic volumes upon the road. It is considered that the carriageway should be sealed at the developer's expense. Accordingly, this aspect of the modification is not supported.

Attachments

| | |
|---|--|
| Attachment 1  | DA 82/96.A - Sec 96(2) Assessment - 536 Duckfield Road, Boro (<i>Under Separate Cover</i>) |
| Attachment 2  | DA 82/96.A - Modified Lot Configuration Plan - 536 Duckfield Road, Boro (<i>Under Separate Cover</i>) |
| Attachment 3  | DA 82/96.A - Submission - 536 Duckfield Road, Boro (<i>Under Separate Cover</i>) |
| Attachment 4  | DA 82/96.A - 82/96 Notice of Determination and Approved Plan - 536 Duckfield Road, Boro (<i>Under Separate Cover</i>) |
| Attachment 5  | DA 82/96.A - Previous Council Report - 536 Duckfield Road, Boro (<i>Under Separate Cover</i>) |
| Attachment 6 | DA 82/96.A - Legal Advice from Minter Ellison - 536 Duckfield Road, Boro (<i>Under Separate Cover</i>) - CONFIDENTIAL |

7.5 Modification Application 83/96.A - Modification of Ten Lot Torrens Title
Subdivision - 536 Duckfield Road, Boro (Ref: ; Author: Thompson/Perkins)

File Reference:

Summary

The subject modification application was lodged under Section 96(2) of the *Environmental Planning and Assessment Act 1979* and seeks to modify DA 83/96 for a ten lot subdivision of the site to reconfigure the approved lot boundaries and to change the required road construction standard.

The subject development while being a standalone application has historically been treated as one of three (3) stages of a subdivision along Duckfield Road being undertaken by the same developer including DA 80/96 and DA 82/96. This has resulted in a total of 25 allotments along Duckfield Road. A modification application in relation to DA 82/96 (82/96.A) is also being considered by Council at this meeting.

It should be noted that the subject modification application was lodged on 8 January 2004 and is required to be assessed in accordance with the relevant legislation as of that date. It is unclear why the application has not been determined sooner, however the applicant's desire to finalise the development has brought the application to the fore.

The subject application was notified from 18 March 2020 to 1 April 2020. One submission was received raising concerns in relation to road alignment, traffic impacts, adequacy of fencing and erosion and sediment control.

The principles issues in relation to the proposed modification include the adequacy of the proposed road standard.

While not specific to the subject modification, a number of matters are discussed throughout this report in relation to the adequacy of works undertaken to date and required works to complete the development. This is intended to provide both direction to the developer and some peace of mind to the objector who has expressed frustration on numerous instances that these matters have not been recognised by Council staff.

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

| | |
|--|--|
| Proposal: | Ten Lot Torrens Title Subdivision – Modification: reconfiguration of lot layout and changes to road standard |
| Applicant/Owner: | D.Oldfield/ D.Domaschenz |
| Subject Property: | Lot 54 DP 754867, No.536 Duckfield Road, Boro |
| Zoning and Permissibility: | 1(a) General Rural Zone under Tallaganda Local Environmental Plan 1991 |
| Public Submissions: | One |
| Issues Discussed: | Planning Requirements Variation to development control |
| Disclosure of Political Donations and Gifts: | Applicant Declared no Donations or Gifts to any Councillor or Staff have been made |

7.5 Modification Application 83/96.A - Modification of Ten Lot Torrens Title Subdivision - 536 Duckfield Road, Boro (Ref: ; Author: Thompson/Perkins)
(Continued)

Recommendation

That:

- 1) Modification application 83/96.A for a modification of DA 83/96 for a ten lot Torrens title subdivision of Lot 54 DP 754867, No. 536 Duckfield Road Boro, to reconfigure the lot layout and change the required road standard be granted partial approval noting the proposed modification to condition 5 relating to the road construction standard is not supported and with the following amendments to the conditions of consent:

- a) Replace condition 1 as follows:

1 Modified Plans

The development referred to in the application is to be carried out in accordance with the original approved plans except as modified by the plans numbered 83/96.A and in accordance with this schedule of conditions.

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

- b) Insert new conditions 10 and 11 as follows:

10 Special Condition – Lot 105

Prior to the issue of a Subdivision Certificate the boundaries of Lot 105 are to be amended to achieve a minimum lot size of 40ha excluding road reserves within the allotment. Plans demonstrating such changes are to be submitted to Council with the Subdivision Certificate Application.

Reason: To ensure all allotments exceed minimum legislative lot sizes.

11 Covenant on the Land

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

- a) Creation of effluent disposal envelopes upon Lots 106, 107 and 108 as shown within the Site and Soil Assessment for On-site Effluent Disposal prepared by Peter Fogarty and dated September 2006 noting that all wastewater upon these allotments is to also be treated to a secondary standard and disposed of within the envelope;
- b) Creation of a Right of Access 20m wide in favour of proposed Lot 110 over proposed Lot 105,
- c) Prohibiting construction of buildings outside of the building envelope upon Lot 106 shown on Plan No. 21400-DA83/96 - 20190920 prepared by CPC Land Development Consultants Pty Ltd;

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

- 2) Those persons who lodged a submission(s) on the application be advised in writing of the determination of the application.
-

7.5 Modification Application 83/96.A - Modification of Ten Lot Torrens Title Subdivision - 536 Duckfield Road, Boro (Ref: ; Author: Thompson/Perkins) (Continued)

Background

Development Application 83/96

Development application 83/96 was approved by the former Tallaganda Council at its meeting of 21 October 1996 for a ten lot subdivision (see Figure 1). The approved lot configuration was linear and gave little consideration to the topography of the site and as such construction was later found to be impractical.

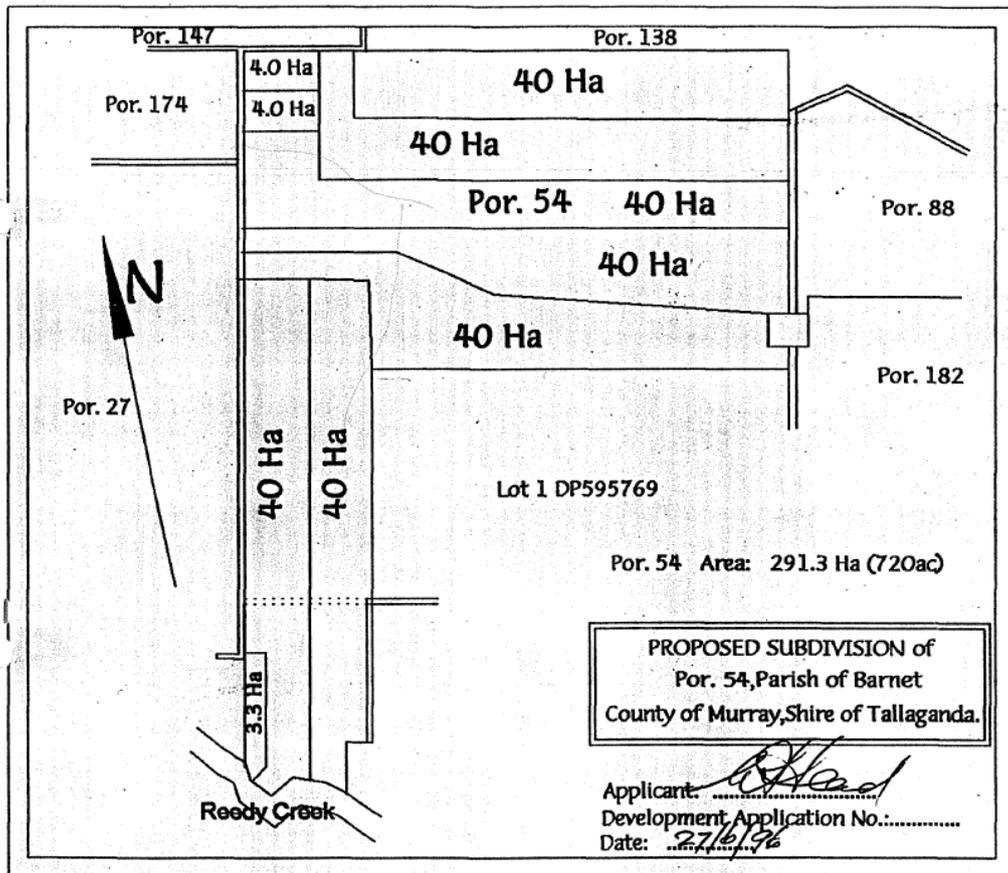


Figure 1: Approved lot configuration under 83/96

7.5 Modification Application 83/96.A - Modification of Ten Lot Torrens Title Subdivision - 536 Duckfield Road, Boro (Ref: ; Author: Thompson/Perkins) (Continued)

A review of Council records indicates that road works in relation to 83/96 had commenced to some extent in 1997, however Council held no records of any approved civil design at that time, nor had a Construction Certificate been issued for the works. Subsequently, Council was contacted in June 2000 by the applicant's project engineer who advised that the approved road configuration was unviable due to the nature of the terrain.

A Construction Certificate was issued in relation to DA 82/96 on 14 May 2002. It was subsequently identified that while the Construction Certificate documentation referenced only DA 82/96, the approved plans including the land area captured by DA 83/96. The approved Construction Certificate plans do not show any detailed design and contain little more than a centre line without any details of the existing or proposed formation or even what works are to be carried out.

Council inspection records note that the plans that were approved under the Construction Certificate fall far below the standard that would be required for normal engineering works. There have been a number of factors contributing to this, mainly a lack of due process being followed by the developer, the significant number of consultants who have been engaged to prepare plans and undertake the works, and a lack of proactive compliance and enforcement on Council's behalf. There has also been no proper documented process in relation to any of the inspections relating to the engineering approvals. A significant number of works have been undertaken in relation to each of the applications based upon undocumented verbal advice contrary to the approval documents and conditions of consent.

A plan demonstrating the amended lot configuration was only provided to Council on 17 June 2003 which resulted in the lodgement of the subject modification. It appears that in this interim period between June 2000 and June 2003 a significant quantity of works had been undertaken by the developer reflecting the amended design despite a lack of any formal approval.

Modification Application - 83/96.A Chronology

The subject modification application was lodged on 8 January 2004 in conjunction with a separate modification application relating to DA 82/96 seeking similar modifications. These applications have a long a convoluted history. The following provides a brief chronology of the significant events that have occurred since the lodgement of the subject modification application.

8 January 2004 – Subject modification application lodged.

16 February 2004 - Council report considered by the former Tallaganda Council with a recommendation that the altered lot configuration be approved but that the request to remove the requirement for sealing be refused. The application was not determined by Council and was deferred for further consideration.

29 April 2004 – Amended report considered by the Eastern Capital City Regional Council. The recommendation was that the altered lot configuration be approved but that the request to remove the requirement for sealing be refused. The application was not determined by Council and was deferred for further consideration. In reviewing Council's record it is unclear as to why no further consideration was given to the subject modification application after this date, but it never returned to Council for consideration.

April 2004 – December 2005 – Subsequent inspections of works undertaken by Council Engineers which appear to be based upon construction of roadways to a gravel standard.

7.5 Modification Application 83/96.A - Modification of Ten Lot Torrens Title Subdivision - 536 Duckfield Road, Boro (Ref: ; Author: Thompson/Perkins) (Continued)

May - July 2006 – Meetings held between the current applicant, Diana Oldfield, and Council staff members as to establish the required works to finalise DA 82/96 and DA 83/96 at which point it was identified that subject modification application and DA 82/96.A both remained undetermined. As a result of these meetings the assessment of the modifications was recommenced.

November 2006 – April 2009 – Further meetings held and correspondence exchanged between the developer and Council staff regarding outstanding works and debating Council's ability to require further upgrades works to the portion of Duckfield Road between the intersection of Duckfield Road and Goulburn Road and the land included within DA 80/96.

2009 - 2018 – Council records indicate limited interaction between the applicant and Council staff at this time. Council's Development Engineering team was subsequently contacted to undertake an inspection of works undertaken to finalise the development. At this time it was identified that the subject modification application and DA 82/96.A remained undetermined.

3 July 2019 – Meeting held between the assessing officer, Council's Development Engineer the applicant and the applicant's surveyor regarding information required as to allow for assessment the subject application to progress.

November 2019 – Current modification package received by Council and current assessment process commenced.

Other applications

The same developer has undertaken several developments along Duckfield Road including the subject development (see Figure 2 below). Details of these applications are provided below.

The concurrent assessment, determination and construction of these applications has resulted in the applications being treated as stages of a single development rather than standalone applications by both the developer and Council. This is further complicated by the fact that the conditions of consent for each of the application were near identical and appear to envisage that the three approvals would run concurrently.



Figure 2: Development Application land areas

**7.5 Modification Application 83/96.A - Modification of Ten Lot Torrens Title Subdivision - 536 Duckfield Road, Boro (Ref: ; Author: Thompson/Perkins)
(Continued)**

Development Application 80/96

This application was approved by the former Tallaganda Council on 21 October 1996 for a seven lot subdivision. The subdivision Certificate for DA 80/96 (the equivalent of a final certificate for a subdivision) was issued on 26 October 2001 and the lots subsequently registered under DP1036931. Subsequent review of the works completed under DA 80/93 found that these works failed to satisfy a number of conditions including the provision of fencing along the length of Duckfield Road from its intersection with Goulburn Road to the development site. Further, it is noted that a portion of the constructed road deviates from the road reserve (see Figure 3 below).



Figure 3: Road deviation (physical road in red and road reserve in yellow)

Development Application 82/96

82/96 was approved by the former Tallaganda Council on 21 October 1996 for an eight lot subdivision. A modification application in relation to 82/96 (82/96.A) is also being considered by Council at this meeting requesting to reconfigure the approved lot boundaries and to change the required road construction standard.

Proposed Development

Modification DA 83/96.A seeks Council approval to modify the ten lot configuration of the subject site amend Condition 5 relating to the road construction standard.

The proposed lot configuration is shown in Figure 4 below. The attached plans erroneously show the area of proposed Lot 105 as 39.88ha as the area from the right of carriageway has been removed from the lot in error. This results in the lot being under the applicable minimum lot size of 40ha. A small adjustment to lot boundaries would ensure the size of Lot 105 meets the minimum lot size. The applicant's surveyor has been advised that the lot should be 40ha and an appropriate condition of consent is recommend requiring the minimum area of Lot 105 to be 40ha.

7.5 Modification Application 83/96.A - Modification of Ten Lot Torrens Title Subdivision - 536 Duckfield Road, Boro (Ref: ; Author: Thompson/Perkins) (Continued)

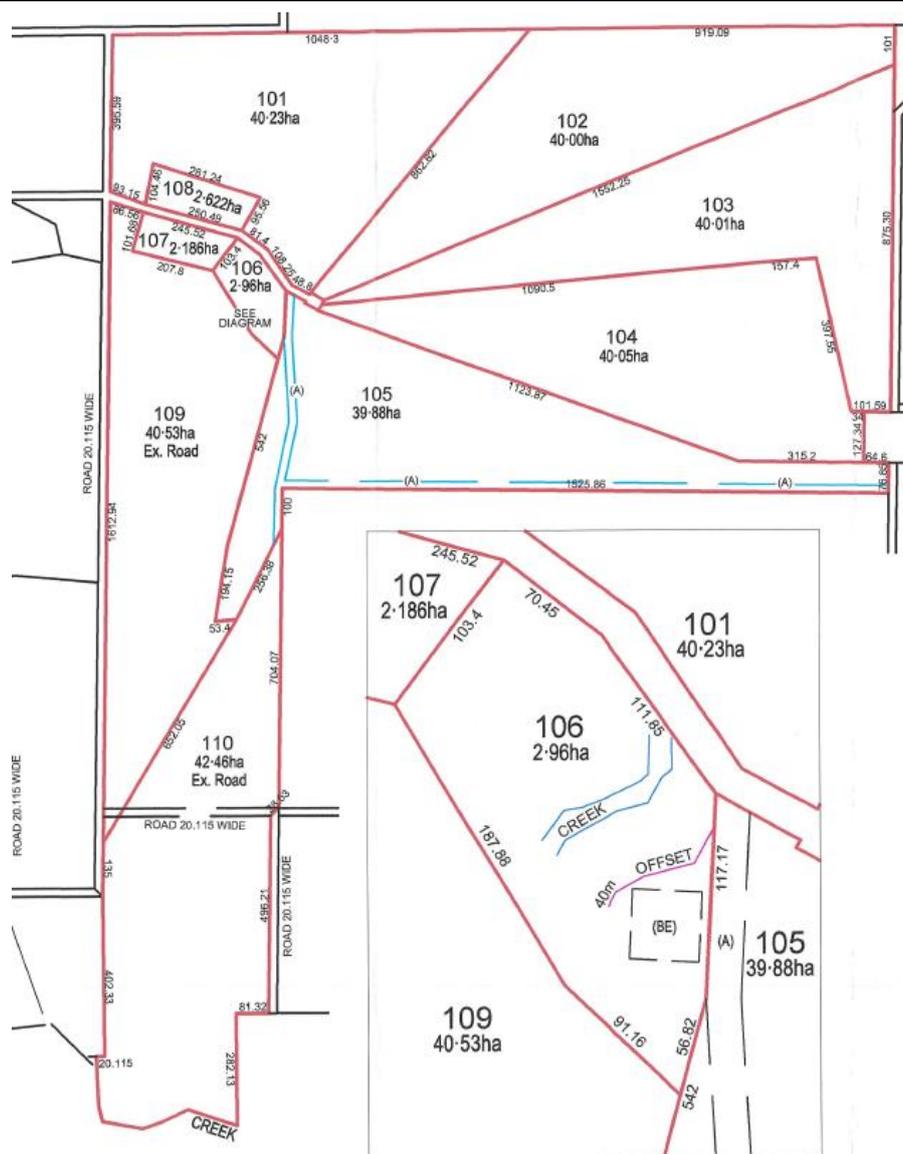


Figure 4: Proposed Lot Configuration

Condition 5 of 83/96 currently reads as follows:

5. Access to and within the subdivision shall be constructed within a dedicated road reserve from MR79. Such access shall be constructed at the applicant's full cost, prior to the release of the linen plan in accordance with Council's standards and as follows:
 - a) Provision of concrete pipe culverts, end walls and guide posts. Pipe sizes in accordance with Talbot's formula.
 - b) Provision of table drains and cutting/ fill batters to the satisfaction of the Director of Works.
 - c) Fencing of all road reserve boundaries from MR79 to the satisfaction of the Director of Works.
 - d) Arrangement for the supervision of works by the Director of Works or his nominee.
 - e) A turning circle at the end of each "No through" road to allow for easy turning of emergency vehicles.

Plans are to be prepared by a suitably qualified person and approved by the Director of Works. Construction shall be to Council's standards for 8 lots of more with Plans and Specifications to the Satisfaction of the Director of Works submitted prior to the commencement of any works.

7.5 Modification Application 83/96.A - Modification of Ten Lot Torrens Title Subdivision - 536 Duckfield Road, Boro (Ref: ; Author: Thompson/Perkins) (Continued)

The applicant proposes to clarify the required road standard by modifying Condition 5 of 83/96 to read as follows:

5. Access to and within the subdivision shall be constructed within a dedicated road reserve from MR79. Such access shall be constructed at the applicant's full cost, prior to the release of the linen plan in accordance with Council's standards and as follows:
 - a) Provision of concrete pipe culverts, end walls and guide posts. Pipe sizes in accordance with Talbot's formula.
 - b) Provision of table drains and cutting/ fill batters to the satisfaction of the Director of Works.
 - c) Fencing of all road reserve boundaries from MR79 to the satisfaction of the Director of Works.
 - d) Arrangement for the supervision of works by the Director of Works or his nominee.
 - e) A turning circle at the end of each "No through" road to allow for easy turning of emergency vehicles.

Plans are to be prepared by a suitably qualified person and approved by the Director of Works. Construction shall be to Council's standards **for a gravel road** with Plans and Specifications to the Satisfaction of the Director of Works submitted prior to the commencement of any works.

i.e. the applicant seeks to remove the requirement for the access roads to be sealed.

Subject Property

The subject site is legally described as Lot 54 of DP 754867 and is commonly known as 536 Duckfield Road, Boro. The site is located on the southern side of Greys Road and has an area of 268.5ha.

The subject site is currently vacant. The site is undulating with flatter areas being located along Greys Road. The subject site was at the time of approval of the parent consent access by a series of Crown road reserves from the end of Duckfield Road. The ownership of these road reserves has subsequently been transferred to Council.

7.5 Modification Application 83/96.A - Modification of Ten Lot Torrens Title Subdivision - 536 Duckfield Road, Boro (Ref: ; Author: Thompson/Perkins) (Continued)



Figure 5: Locality Plan

7.5 Modification Application 83/96.A - Modification of Ten Lot Torrens Title Subdivision - 536 Duckfield Road, Boro (Ref: ; Author: Thompson/Perkins) (Continued)

Planning Requirements

Assessment of the application has been undertaken in accordance with Section 96(2) of the *Environmental Planning and Assessment Act* (EPAA) 1979, as amended. The matters that are of relevance under Section 96(2) are summarised in the attached *Section 96(2) Table – Matters for Consideration*.

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

1. *Tallaganda Local Environmental Plan 1991* (LEP).
2. *Tallaganda Development Control Plan No.4 – Rural 1A* (DCP)

The significant issues relating to the proposal for the Committee's consideration are:

(a) Compliance with LEP

Tallaganda Local Environmental Plan 1991

The subject site is zoned 1(a) General Rural zone under the TLEP 1991. The proposed modifications retain seven allotments greater than 40ha in area and three concessional allotments being greater than 2ha in area. As such the modification involves no changes to the compliance of the development with the relevant provisions of the TLEP 1991 from that of the parent development.

(b) Compliance with DCP

Tallaganda Development Control Plan No.4 – Rural 1(A)

While repealed, the *Tallaganda Development Control Plan (TDCP) No.4 – Rural 1(A)* is the applicable development control plan for the purposes of the subject modification application. While the proposed allotments configuration as modified is generally consistent with the relevant provisions of the TDCP No.4, the proposed road standard being a gravel formation would result in a variation to the minimum road construction standard for the purposes of subdivision as established under Section 2.19 of the TDCP No.4.

Figure 6 below provides a diagrammatic summary of the requirements of Section 2.19 of the TDCP No.4. Importantly it should be noted that subdivisions involving 8 or more lots, such as the subject development, requires the construction of an 8m wide road formation including a minimum 5.6m wide sealed carriageway.

Despite condition 5 of DA 80/92 requiring road upgrade works to Council's standard for 8 or more lots, as DA 80/92 resulted in only seven lots it would not have triggered the requirement for the sealing of Duckfield Road. However, both DA 82/96 and DA 83/96 resulting eight and ten lots respectively would require sealing of the length of Duckfield road from its intersection with MR79 (Goulburn Road) to each of the proposed allotments.

7.5 Modification Application 83/96.A - Modification of Ten Lot Torrens Title Subdivision - 536 Duckfield Road, Boro (Ref: ; Author: Thompson/Perkins) (Continued)

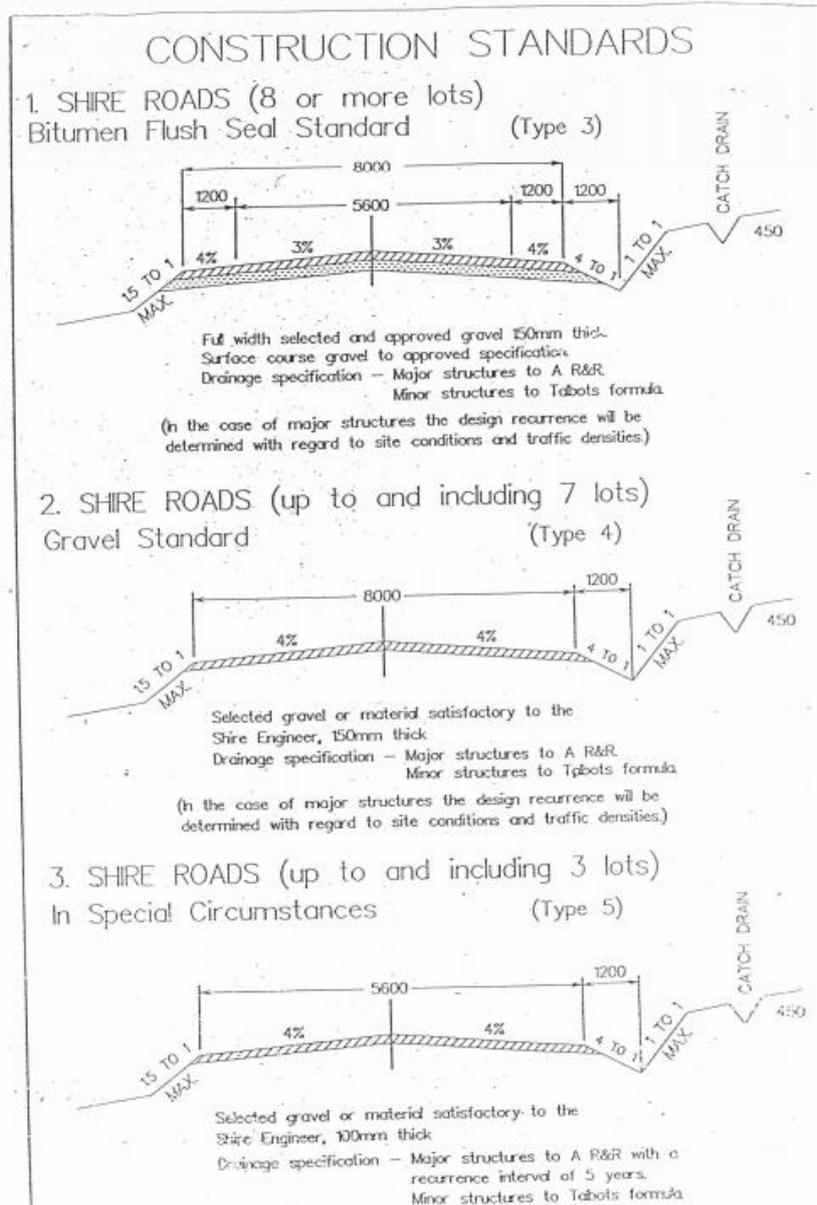


Figure 6: TDCP No.4 Road Standards

In the interest of comparison, if current construction standards were applied to the proposal a minimum 9.2m wide road formation including a 7.2m wide sealed carriageway would be required under Council’s Development Design Specification D1 – Geometric Road Design (Urban and Rural).

7.5 Modification Application 83/96.A - Modification of Ten Lot Torrens Title Subdivision - 536 Duckfield Road, Boro (Ref: ; Author: Thompson/Perkins) (Continued)

The Applicant has sought to justify the proposed variation to the road construction standard on the following grounds:

- *The Council approved plans and issued Construction Certificate, regardless of their presentation, do not call up sealing of roads within the subdivision. Enquiries of Former Council Employee Ron Trevallion in fact revealed that “he was working toward the roads being gravelled only”. He seemed unaware of the need for bitumen sealing of the roads and added that at no stage was bitumen sealing of the roads raised with the applicants. On that basis the applicants proceeded through a number of consultants to design and construct the roads to a gravel standard.*
- *Despite the fact that consultant Brian Burge wrote to Council seeking clarification regarding the construction standards including whether bitumen sealing was not required, Council’s reply on the issue was silent leading the applicant to believe that based upon previous discussion with Council officers a gravel standard was only required.*
- *Stage 1 road works under Development Consent TSC/80/1996/DA that included the construction of Duckfield Road from the Tarago Road to a gravel only standard and accepted on behalf of Council by former Engineer Manager Ron Trevallion as meeting the conditions of the Development Consent upon completion. The issue of bitumen sealing was not considered or raised at the time.*
- *Discussion with the applicants and their original surveyor reveal they were led to believe that graveling of the roads was all that was required. At no stage was bitumen sealing of the roads discussed with them.*
- *It is acknowledged that due to a succession of a number of technical advisors/consultants engaged upon this project that the management of the issues is not what it should have been. However it does not alleviate the fact that work has been undertaken with the advice and support of Council officers at the time that has resulted in the road works being constructed to a gravel standard.*

While it is undeniable that if strictly applied Condition 5 of DA 83/96 would require bitumen sealing for the length of Duckfield Road, Council has not helped itself in that the requirements of the development standard have not been clearly enforced throughout the construction certificate process and the matter has been drawn out over the last 20 years without the matter being resolved despite construction works continuing during this period. This is further complicated by the fact that on several instances Council staff have taken it upon themselves, despite the road standard remaining unresolved, to issue written notice of satisfactory completion of works.

In considering the subject modification Council is faced with several options:

1. Enforce Condition 5 of DA 83/96 which would require the length of Duckfield Road to be sealed at the developers cost. Council’s Development Engineer has advised that to retrospectively require the developer to seal the approximately 7km length of Duckfield Road would cost approximately \$840,000. Council has previously received legal advice which advised that despite the events to date Council is still in a position to lawfully require the compliance with Condition 5 of 83/96 and the sealing of Duckfield Road;
2. Council accept a reduced construction standard which would result in an 8m wide unsealed gravel carriageway. It is worth noting that in its current state a number of areas of the Duckfield Road measure between 6m to 7m and require widening; or

7.5 Modification Application 83/96.A - Modification of Ten Lot Torrens Title Subdivision - 536 Duckfield Road, Boro (Ref: ; Author: Thompson/Perkins) (Continued)

3. A compromise would be to allow for construction to an 8m wide unsealed gravel carriageway with bitumen sealing of any portion of the road for a minimum of 100m where the near road shoulder (not the centreline) is located 50m from the extremity of an existing dwelling or where the shallow nature of allotments promotes construction of dwellings close to the road such as proposed Lots 106, 107 and 108. This would limit potential impacts of dust upon existing and likely future dwellings along the roadway.

In considering this matter it is important to consider the cumulative impact of the subject application with the other development along Duckfield Road which will result in an additional 25 lots along Duckfield Road which is a significant increase in traffic volumes along the roadway (approximately 175 additional vehicle movements per day). As such, it is considered appropriate that the sealing of the road way be enforced.

Nonetheless, if Council is of a mind to reduce the construction standard it is recommended that option 3 partial sealing be implemented as to minimise the impacts of additional traffic movements upon surrounding residences.

(c) Other Matters

Future Development of Allotments

In general the proposed modification improves the capacity for the allotments to accommodate for future residential development by providing lot boundaries that are more considerate of the topographical constraints of the land. However, given the age of both the parent consent and the subject modification which predate current legislative requirements in relation to bushfire and threatened species any future application for the purposes of a dwelling will need to consider compatibility of the dwelling site with the bushfire risk and flora and fauna present upon the site.

Outstanding Works

In considering the subject modification application, it has been identified that while despite written notice having previously been issued to the developer advising that the required works have satisfactorily been completed a number of conditions have not been satisfied including the fencing along the length of Duckfield Road, construction of a minimum 8m wide carriageway, and realignment of the Duckfield Road road reserve to capture the constructed carriageway (see Figure 3 above). Further, a significant period of time has passed since the works were completed resulting in the deterioration of the works.

Road Carriageway

Regardless of the road finish the minimum required carriageway width under TDCP No.4 for Duckfield Road is 8m. When measured at random intervals the existing carriageway width varies from 6m to 8.2m with the carriageway failing to achieve the required 8m width in numerous instances. As such, regardless of the outcome of the subject modification further upgrade works would be required to satisfy Condition 5 of DA 83/96.

7.5 Modification Application 83/96.A - Modification of Ten Lot Torrens Title Subdivision - 536 Duckfield Road, Boro (Ref: ; Author: Thompson/Perkins) (Continued)

Fencing

In considering the adequacy of fencing Section 2.32 of the TDCP No.4 establishes minimum standard for fencing being as follows:

- 2.32 *Fencing of the road reserve boundaries along all lots created by a subdivision is to be constructed to a minimum construction standard of 5 Plan wires and 1 barbed wire at top; strainer posts and assemblies at appropriate interval and a steel post every 4 metres. Minimum height of fences to be 1.5m at all times.*

When inspecting the fencing works undertaken to date along the length of Duckfield Road it was noted that some areas of the existing Duckfield Road road reserve adjoining vegetated areas of 350 Goulburn Road were unfenced in areas while in other areas fencing comprised wires stapled to coppers logs, in areas fencing had not been appropriately anchored to corner posts and in others fencing had been rested upon top stays or star pickets without being threaded through the pickets. A complicating factor to this matter is that individual land owners along Duckfield Road have undertaken maintenance works to the boundary fencing since the completion of the initial works and as such Council is unlikely to be in a position to require the developer to undertake further upgrade works to this fencing other than ensuring that the length of the road reserve is fenced.

Road alignment

As previously noted throughout this report, an area of the carriageway of Duckfield Road was constructed outside of the road reserve upon 260 Duckfield Road. Anecdotal evidence on the Council file suggests that this deviation was undertaken as a private agreement between the developer and the land owner to increase the separation from the carriageway to the existing dwelling on the property.

The situation appears to have deteriorated between the parties to a point whereby each party believes it is the responsibility of the other to undertake the required survey work to realign the road reserve to capture the carriageway. While Council is a signatory to the dedication of land to Council for the purposes of a public road reserve, the costs of undertaking the survey work and preparation and execution of the required administrative documentation should be at the cost of the developer. Any agreement to share or offset these costs between the developer and the landowner is a private matter in which Council has no involvement. Nonetheless, the Subdivision Certificate for DA 83/96 will not be issued until such time as the alignment has been executed so as to ensure that the physical carriageway is located within a Council owner road reserve.

7.5 Modification Application 83/96.A - Modification of Ten Lot Torrens Title Subdivision - 536 Duckfield Road, Boro (Ref: ; Author: Thompson/Perkins) (Continued)

Internal Referrals

Development Engineering Comments

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

After reviewing the extensive information and documentation within the Tallaganda Shire Council development files for the Domaschenz staged subdivision TSC/82/1996 and TSC/83/1996, a number of critical documents were found and are referred to as follows;

- Tallaganda Council report dated 29 April 2004.
- Letter from Palerang Council to Domaschenz dated 22 December 2005.
- Council internal memo from Keith Davies to Director Community Development dated 30 May 2006.
- Letter from Council's solicitor, MinterEllison Lawyers dated 9 November 2006.
- Letter from Domaschenz's solicitor, Bilinski & Co Solicitors dated 20 March 2007.
- Letter from Palerang Council to Domaschenz dated 22 July 2008.

Throughout the development files there are ongoing contradictions and conflicting from various staff. Although a similar development in 2020 would be stringently condition the subdivider to bitumen seal the full length of Duckfield Road, the conditions of consent as they stand in TSC/82/1996 and TSC/83/1996 clearly do not include that requirement. There are several documents from former development staff from both Tallaganda and Palerang councils accepting the completed road works on Duckfield Road.

Given the above there is no certainty that enforcing the requirement to seal Duckfield Road would be successful in the future.

With regard to the modification for DA 82/96.A and DA 83/96.A concerning Duckfield Road, Council is best to implement the gravel road policy requirement to bitumen seal a section of an unsealed gravel road for a minimum of 100m where the near road shoulder (not the centreline) is located 50m from the extremity of an existing dwelling, or proposed new building envelope.

External Referrals

Water NSW Comments:

The subject site is located entirely within the Sydney Drinking Water Catchment. Despite State Environmental Planning Policy (Sydney Drinking Water Catchment) 2011 not being in force at the time of lodgement of the subject modification, the application was referred to Water NSW for consideration of the modified lot designs capacity to accommodate for effluent disposal associated with future dwellings upon the allotments.

While initial concerns were raised in relation to the ability to provide onsite effluent disposal upon proposed Lot 106 with sufficient setbacks from a creek line that traverses the allotment, the lot boundaries were subsequently amended to resolve this issue. Water NSW subsequently provided recommended conditions of consent requiring the registration of effluent disposal envelopes upon Lots 106, 107 and 108 and a building envelope upon Lot 106. These conditions of been included in the recommended modified conditions of consent.

**7.5 Modification Application 83/96.A - Modification of Ten Lot Torrens Title Subdivision - 536 Duckfield Road, Boro (Ref: ; Author: Thompson/Perkins)
(Continued)**

Financial Implications

If Council was to accept the proposed reduction in road construction standard it would be inheriting a substandard asset resulting in increased demand for road maintenance at Council's cost.

Engagement

The application was notified in accordance with Council's Community Engagement and Participation Plan 18 March 2020 to 1 April 2020 with One submission received, raising the following concerns:

1. *Road alignment* - Concern was raised that the physical carriageway of Duckfield Road falls outside of the road reserve.

Assessing officer's comments: This matter has been discussed in detail previously throughout this report. In brief this is a private matter between the landowner and developer, however a subdivision certificate will not be issued until such time as the alignment has been rectified so as to ensure the carriageway is located entirely within a legal road reserve.

2. *Adequacy of fencing* - Concern was raised over the adequacy of fencing works undertaken by the applicant along the length of Duckfield Road.

Assessing officer's comments: Council records indicate that ongoing concerns have been raised over the adequacy of the fencing works and the manner in which they were undertaken by the developer. This is a long standing and complex matter as works have been undertaken since 1997, being over 23 years ago. As such works have aged and private land owners have undertaken their own maintenance works. This makes it difficult for Council to impose further maintenance requirements upon the developer. Nonetheless, to satisfy the requirements of conditions 5 it is appropriate that the developer fence the areas of Duckfield Road where fencing has not been completed.

3. *Erosion control* - Concern was raised over the adequacy of erosion control measures put in place throughout the development and potential ongoing erosion impacts including the ongoing siltation of an adjoining dam.

Assessing officer's comments: No works are currently being undertaken in relation to the subject application. As such, it is not possible to provide comment on the adequacy of such measures. Any future works will require the implementation and maintenance of appropriate erosion and sediment control measures until stabilisation is achieved.

The dam in question captures water from a culvert under Duckfield Road and partially encroaches within the road reserve. Upgrade works to the road as a result of the proposed development have caused the carriageway to occupy more of the road reserve which has brought the carriageway closer to the dam. Inherently an unsealed gravel road will generate dust and given the proximity of the dam to the carriageway it is unlikely that processes of siltation can be avoided without the carriageway being sealed.

4. *Traffic* – Concern was raised that the proposed development would result in increased traffic volumes upon Duckfield Road and potential increase risk to pedestrians in the area.

Assessing officer's comments: The subject modification seeks to alter the approved lot configuration and does not change the total number of lots. As such, the proposed modification is not considered likely to increase traffic volumes from those of the parent development.

7.5 Modification Application 83/96.A - Modification of Ten Lot Torrens Title Subdivision - 536 Duckfield Road, Boro (Ref: ; Author: Thompson/Perkins) (Continued)

5. *Livestock Safety* - Concern was raised that the introduction of additional domestic pets associated with future dwellings upon the allotments would pose a risk to livestock.

Assessing officer's comments: The subject modification seeks to alter the approved lot configuration and does not change the total number of lots. As such, the proposed modification will not increase the number of likely future dwellings within the locality. Nonetheless, all domestic animal owners have legal obligations regarding the keeping of such animals.

Conclusion

The subject modification application, 83/96.A, was lodged under Section 96(2) of the *Environmental Planning and Assessment Act 1979* and seeks to modify DA 83/96 for a ten lot Torrens title subdivision of Lot 54 DP 754867, No.536 Duckfield Road Boro, to reconfigure the lot layout and change the required road standard.

The proposed lot reconfiguration is considerate of the topography and constraints upon the site and as such is considered to be a more logical and appropriate configuration from that approved under the parent consent and is therefore supported.

The proposed change in road standard by way of removing the requirement to seal the length of Duckfield Road, is a variation to Section 2.19 of the *Tallaganda Development Control Plan No.4 – Rural 1(A)*. The proposed development in conjunction with other associated development along Duckfield Road will significantly increase future traffic volumes upon the road. It is considered to be appropriate that the carriageway be sealed at the developer's expense. Accordingly, this aspect of the modification is not supported.

Attachments

- | | |
|---|--|
| Attachment 1  | DA 83/96.A - 96(2) Assessment - 536 Duckfield Road (<i>Under Separate Cover</i>) |
| Attachment 2  | DA 83/96.A - Modified Lot Configuration Plan - 536 Duckfield Road (<i>Under Separate Cover</i>) |
| Attachment 3  | DA 83/96.A - Submission - 536 Duckfield Road (<i>Under Separate Cover</i>) |
| Attachment 4  | DA 83/96.A - Notice of Determination and Approved Plans - 536 Duckfield Road (<i>Under Separate Cover</i>) |

7.6 **Modification Application DA.2018.077.A - Minor changes to Dwelling and Removal of Contributions for Dual Occupancy - 6 Reardon Place, Bungendore (Ref: ; Author: Thompson/McManus)**

File reference: DA.2018.077.A

Summary

The modification is for the removal of conditions 49, 50, 51, 52, 53 and 54 which relate to Section 7.11 Contributions and Section 64 Contributions and for minor changes to the floor plan of the dwellings.

The applicant has requested the removal of Section 7.11 Contributions and Section 64 Contributions on the basis of personal circumstances and that the additional dwelling has not increased the population of Bungendore by its occupancy.

The modification also includes the addition of two laundry tubs; one tub to be used for laundry facilities within the garage of the existing dwelling as the development application approved the conversion of the existing laundry in a linen room (and removal of the laundry fixtures). The second laundry tub is to be located within the new dwelling. It however, will not have any washing facilities as the dwelling has a laundry room within the building.

This application has been referred to Council as the applicant is requesting removal of development contributions.

| | |
|--|---|
| Proposal: | Section 4.55 Modification of DA.2018.077 for minor changes to dwelling and removal of contributions for dual occupancy. |
| Applicant/Owner: | Willem Wouter Zondervan & Pamela Jean Zondervan (Simon Zondervan) |
| Subject Property: | Lot 15 DP 800095 6 Reardon Place, Bungendore |
| Zoning and Permissibility: | R5 - Large Lot Residential under the Palerang LEP 2014 |
| Public Submissions: | Notification not required |
| Issues Discussed: | Planning requirements and Contribution Plans |
| Disclosure of Political Donations and Gifts: | Applicant Declared no Donations or Gifts to any Councillor or Staff have been made |

Recommendation

That modification application DA.2018.077.A for a modification to a Dual Occupancy – Dwelling on Lot 15 DP 800095 No. 6 Reardon Place, Bungendore be approved subject to amending the following conditions of consent:

a) Conditions to be amended:

Condition 1 to be amended to reflect amended floor plans.

b) Conditions to be deleted:

Conditions 49, 50, 51, 52, 53 and 54 to be deleted on the grounds of personal hardship.

7.6 Modification Application DA.2018.077.A - Minor changes to Dwelling and Removal of Contributions for Dual Occupancy - 6 Reardon Place, Bungendore (Ref: ; Author: Thompson/McManus) (Continued)

Background

Previous Applications

| <i>Reference:</i> | <i>Description:</i> |
|-------------------|--|
| 182/92 | Construction of a single storey dwelling |
| 1999/CA-069 | Construction of garage |
| DA.2018.077 | Construction of a single storey dwelling - attached dual occupancy |

Subject Property

The subject site has an area of 1.09ha and is located at 6 Reardon Place, Bungendore (Lot 15 DP 800095). The site has two attached dwellings and garage. The site is primarily flat with minimal vegetation (mainly landscaped vegetation/grass). Access is provided to the site via an existing entrance on Reardon Place and surrounding development is of a residential nature comprising residential dwellings and associated outbuildings.



Figure 1 – Locality Plan

7.6 Modification Application DA.2018.077.A - Minor changes to Dwelling and Removal of Contributions for Dual Occupancy - 6 Reardon Place, Bungendore (Ref: ; Author: Thompson/McManus) (Continued)

Planning Requirements

Assessment of the application has been undertaken in accordance with Section 4.55(1A) of the *Environmental Planning and Assessment Act (EPAA) 1979*, as amended. The matters that are of relevance under Section 4.55(1A) are summarised below.

Section 4.55(1A) Modifications involving minimal environmental impact

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

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

In regard to subclause a) it is considered that the modification sought is of minimal environmental impact as the proposal retains predominantly the approved dual occupancy.

In regard to subclause b) Council is satisfied that the development to which the consent as modified relates is substantially the same development for which consent was originally granted as the proposed remains to be a dual occupancy.

With regard to subclause c) and d) the application was not required to be notified in accordance with the Community Engagement and Participation Plan.

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

Assessment of Modification Proposal

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

1. *State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004*
2. *Palerang Local Environmental Plan 2014*
3. *Palerang Development Control Plan 2015*
4. Section 7.11 Contribution Plans - Yarrowlumla Section 94 Plan No. 1 - Public Services and Amenities, Palerang Section 94 Plan No. 7 - Recreation Facilities Bungendore, Palerang Section 94 Plan No. 8, Pathway Network Bungendore and Palerang Section 94 Plan No. 9, Street Upgrading Bungendore
5. Section 64 Contributions – Water Supply Head works and Sewerage Head works.

The significant issues relating to the modification proposal for the Council's consideration are as follows.

7.6 Modification Application DA.2018.077.A - Minor changes to Dwelling and Removal of Contributions for Dual Occupancy - 6 Reardon Place, Bungendore (Ref: ; Author: Thompson/McManus) (Continued)

(a) Compliance with SEPP

State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004

The proposed development as modified involves no change to the compliance of the development with the requirements of *State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004*.

(b) Compliance with LEP

Palerang Local Environmental Plan 2014

The proposed development as modified involves no change to the compliance of the development with the requirements of *Palerang Local Environmental Plan 2014*.

Compliance with DCP

Palerang Development Control Plan 2015

The proposed development as modified involves no change to the compliance of the development with the requirements of the *Palerang Development Control Plan 2015*.

(d) Other Matters

Section 7.11 Contributions (Section 94) and Section 64 Contributions

The proposal seeks to remove conditions 49, 50, 51, 52, 53 and 54 which relate to Section 7.11 Contributions and Section 64 Contributions totalling \$32,799.00 (listed below).

7.6 Modification Application DA.2018.077.A - Minor changes to Dwelling and Removal of Contributions for Dual Occupancy - 6 Reardon Place, Bungendore (Ref: ; Author: Thompson/McManus) (Continued)

49. Section 7.11 Contributions – Public Services and Amenities

Pay Queanbeyan-Palerang Regional Council \$3,232.00 towards the provision of public services and amenities, in accordance with *Yarrowlumla Section 94 Plan No. 1*, prior to release of the occupation certificate. The amount payable is subject to annual amendment on 1 July in keeping with the Consumer Price Index. This Contributions Plan may be inspected at Council's administrative offices during normal office hours.

Reason: Appropriate provision of public services and amenities for the population resulting from this development.

50. Section 7.11 - Recreation Facilities Bungendore

Pay Queanbeyan-Palerang Regional Council \$2,937.00 towards the provision of recreation facilities in Bungendore, in accordance with *Palerang Section 94 Plan No. 7*, prior to release of the occupation certificate. The amount payable is subject to quarterly adjustment in keeping with the CPI. This Contributions Plan may be inspected at Council's administrative offices during normal office hours.

Reason: Appropriate provision of recreation facilities for the population resulting from this development.

51. Section 7.11 Contributions – Pathway Network Bungendore

Pay Queanbeyan-Palerang Regional Council \$1,144.00 towards the provision of a pathway network in Bungendore, in accordance with *Palerang Section 94 Plan No. 8*, prior to release of the occupation certificate. The amount payable is subject to quarterly adjustment in keeping with the CPI. This Contributions Plan may be inspected at Council's administrative offices during normal office hours.

Reason: Appropriate provision & upgrade of pathways affected by the increase in use resulting from this development.

52. Section 7.11 Contributions – Street Upgrading Bungendore

Pay Queanbeyan-Palerang Regional Council \$3,156.00 towards the provision of street upgrading in Bungendore, in accordance with *Palerang Section 94 Plan No. 9*, prior to release of the occupation certificate. The amount payable is subject to quarterly adjustment in keeping with the CPI. This Contributions Plan may be inspected at Council's administrative offices during normal office hours.

Reason: Appropriate upgrade of the roads affected by the increase in traffic resulting from this development.

53. Section 64 Contributions – Water Supply Head works

Pay Queanbeyan-Palerang Regional Council \$10,150.00 towards water supply provision at Bungendore, pursuant to Section 64 of the *Local Government Act 1993*, prior to release of the occupation certificate. The amount payable is subject to annual amendment on 1 July in keeping with CPI adjustments. This Contributions Plan may be inspected at Council's administrative offices during normal office hours.

Reason: Appropriate provision and upgrade of reticulated water supply.

54. Section 64 Contributions – Sewerage Head works

Pay Queanbeyan-Palerang Regional Council \$12,180.00 towards sewerage provision at Bungendore, Pursuant to Section 64 of the *Local Government Act 1993* prior to release of the occupation certificate. The amount payable is subject to annual amendment on 1 July in keeping with CPI adjustments. This Contributions Plan may be inspected at Council's administrative offices during normal office hours.

Reason: Appropriate provision and upgrade of sewerage infrastructure.

7.6 Modification Application DA.2018.077.A - Minor changes to Dwelling and Removal of Contributions for Dual Occupancy - 6 Reardon Place, Bungendore (Ref: ; Author: Thompson/McManus) (Continued)

The applicant has requested the removal of Section 7.11 Contributions and Section 64 Contributions on the grounds of personal hardship and that the additional dwelling has not increased the population of Bungendore by its occupancy.

As the applicant's submission contains personal information a copy has been provided as a confidential attachment to this report for the information of Councillors.

The applicant initially had conversations with Council as to the permissibility of a second dwelling at his parents' property due to his health circumstances and was provided with options for either a secondary dwelling or dual occupancy both of which were permissible on the subject site under the *Palerang Local Environmental Plan 2014* (PLEP).

The secondary dwelling option was explored in detail as this development type does not attract contributions under the current plans. The PLEP however has a restriction to the size of a secondary dwelling which can only be 60m² or 33% of the total floor area of the principal dwelling (whichever is the greater). As explained in his submission this was found to not be suitable option for the applicant as a dwelling of this size would not meet the requirements for his personal circumstances. The applicant had also explored adaptable housing within the Bungendore area but found that none were available.

A number of Council's Section 7.11 contribution plans state that *'Council may consider exempting developments, or components of developments from the requirement for a contribution. These would include nursing homes and non-residential developments that do not cause a demand on the public facility for which the contribution has been set'*.

While the development is for an additional dwelling the attached dual occupancy provides the applicant with independent living whilst still allowing for his current and future careers to be in close proximity to him.

The number of occupants at the subject site has not increased with the additional dwelling and is under the average occupancy for the development type referred to in the contribution plan for Public Services and Amenities (Yarrowlumla Section 94 Plan No. 1). The plan discusses the potential increases in population for existing/potential development within the Bungendore village. These calculations have been based on an occupancy rate per dwelling of 3 persons and for medium density 2.5 persons. The current living arrangements for both the existing dwelling and new dwelling do not exceed these occupancy rate.

Council is satisfied that the circumstances submitted by the applicant warrant support for the removal of section 7.11 and section 64 contributions on the basis of personal hardship.

Financial Implications

In granting an exemption from the payment of developer contributions on the grounds of personal hardship Council will be foregoing an amount of approximately \$32,800.

Engagement

The proposed modification was not required to be notified in accordance with the Community Engagement and Participation Plan.

Conclusion

Changes to the floor plans are considered to be minor and satisfy the requirements and objectives of the instruments. In relation to the imposition of developer contributions it is considered that the applicant has made a strong case for exemption from paying the fees on the grounds of personal hardship.

7.6 Modification Application DA.2018.077.A - Minor changes to Dwelling and Removal of Contributions for Dual Occupancy - 6 Reardon Place, Bungendore (Ref: ; Author: Thompson/McManus) (Continued)

Attachments

- Attachment 1  DA.2018.077.A - Submission from Applicant - 6 Reardon Place, Bungendore (*Under Separate Cover*)
- Attachment 2  DA.2018.077.A - Amended Floor Plans - 6 Reardon Place, Bungendore (*Under Separate Cover*)

7.7 Sutton Planning Proposal Lot 3 DP 1074706 No.202 Goolabri Drive - Outcome of Negotiation to Protect Vegetation (Ref: ; Author: Thompson/Hogg)

File Reference: PJT0061

Summary

The purpose of this report on the Sutton Planning Proposal is twofold. The first is to advise Council on the outcome of the negotiations with the property owner of Lot 3 DP 1074706, 202 Goolabri Drive, Sutton, to protect important vegetated areas identified by the Department of Planning, Industry and Environment – Biodiversity and Conservation. The second is to seek Council's endorsement to proceed with the Planning Proposal and to make the Plan now that these negotiations have been completed.

Recommendation

That Council:

1. Adopt the amendment to the Sutton Planning Proposal (DPIE reference: PP_2016_QPREG_002_03) Lot 3 DP 1074706 at 202 Goolabri Drive, Sutton), to rezone part of the site from E4 Environmental Living to E2 Environmental Conservation.
 2. As the local plan-making authority under s3.36 *Environmental Planning & Assessment Act 1979*, take all actions to make the Plan which will amend the *Palerang Local Environmental Plan 2014* to allow subdivision of Lot 3 DP 1074706 at 202 Goolabri Drive, Sutton into no more than six lots and to rezone part of the lot from E4 Environmental Living to E2 Environmental Conservation.
 3. Request the Department of Planning, Industry and Environment to notify (gazette) the Plan.
-

Background

At the Planning and Strategy Meeting on 8 April 2020, Council resolved (Minute No. PLA029/20):

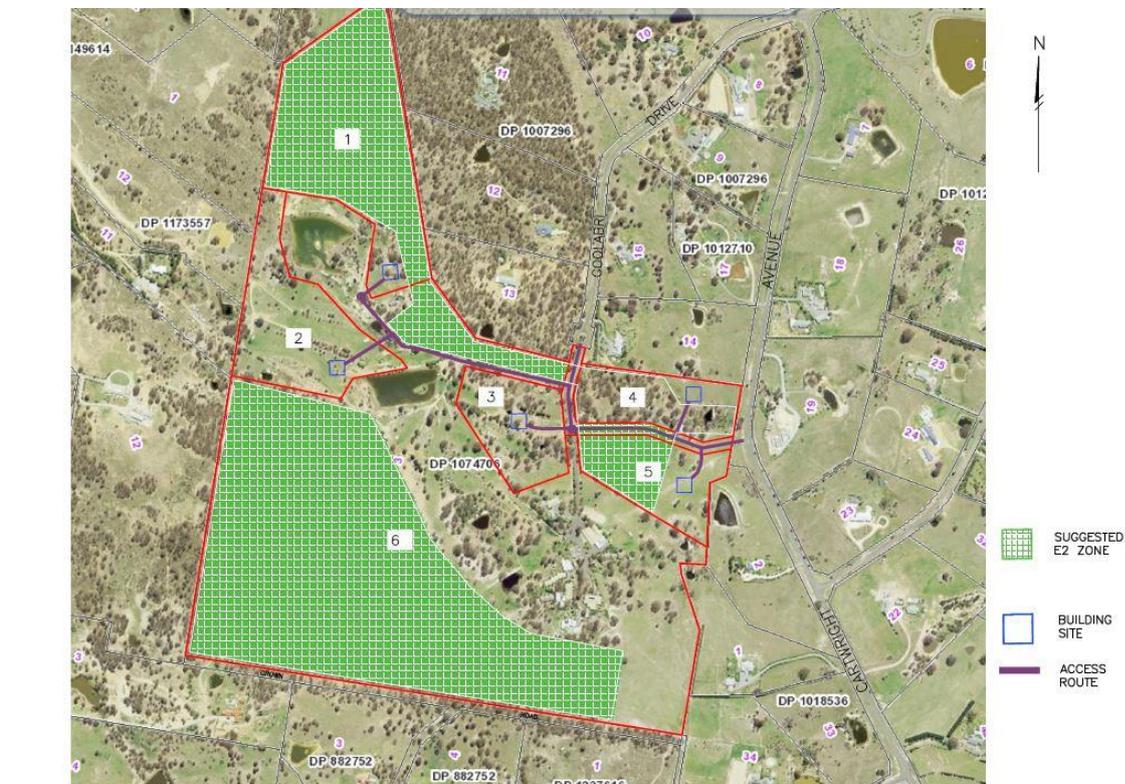
1. *That Council progress the planning proposal for Lot 3 DP 1074706, Goolabri Drive, Sutton by negotiating a solution with the property owner to identify and protect the vegetated areas included in the conservation areas identified by the Department of Planning, Industry and Environment – Biodiversity and Conservation.*
2. *Where the planning proposal for Lot 3 DP 1074706, Goolabri Drive, Sutton requires significant amendment as a result of the negotiated solution in recommendation 1 above, then a report be prepared for Council, prior to further progressing the planning proposal.*

In accordance with the above resolution, Council staff commenced negotiations to protect the vegetated areas included in the conservation areas identified by the Department of Planning, Industry and Environment – Biodiversity and Conservation (BC). During these negotiations, a number of solutions were considered, including the use of a positive covenant, application of a voluntary planning agreement covering vegetation (VPA) and rezoning of part of the site to E2 Environmental Conservation.

The use of a positive covenant was not supported by BC, and the use of a VPA was not supported by the proponent on the grounds of being a costly and time-consuming process. Ultimately, the option preferred by both the property owner and BC is the option to rezone the

7.7 Sutton Planning Proposal Lot 3 DP 1074706 No.202 Goolabri Drive - Outcome of Negotiation to Protect Vegetation (Ref: ; Author: Thompson/Hogg) (Continued)

areas as identified in the diagram below to E2 Environmental Conservation. In order to achieve this the Planning Proposal will need to be amended.



Map 1 - Indicative layout for a 6 lot subdivision with areas of proposed E2 Environmental Conservation.

The preferred option benefits Council in that there are no on-going administration costs that would be required if other options had been pursued. Through the zoning, this option also provides a clear indication of the environmental value of the land for current and future property owners. In addition, the benefit of rezoning the land to E2 Environmental Conservation versus the alternative options is that it is the most cost and time effective solution for the property owner.

The Department of Planning, Industry and Environment was consulted during the process regarding the implications on the planning proposal process of various options being considered and have advised that the part 1 (Intended Outcomes) and 2 (Explanation of provisions) of planning proposal will need to be amended to include rezoning of part of the site to E2 Environmental Conservation. The amended planning proposal will be forwarded to the Department, Industry and Environment.

7.7 Sutton Planning Proposal Lot 3 DP 1074706 No.202 Goolabri Drive - Outcome of Negotiation to Protect Vegetation (Ref: ; Author: Thompson/Hogg) (Continued)

Implications***Legal***

The amended planning proposal will be forwarded to the Department of Planning, Industry and Environment in accordance with section 3.35(2) of the *Environmental Planning and Assessment Act 1979*.

Environmental

The Department of Planning, Industry and Environment – Biodiversity and Conservation (BC) requested that a formal mechanism to protect the identified vegetation be implemented as part of the planning proposal process. The preferred option agreed to by the property owner and BC is to rezone that part of the site containing the identified vegetation from E4 Environmental living to E2 Environmental Conservation.

Strategic

The proposed amendment is consistent with and supports Goal 2 of the *South East and Tablelands Regional Plan 2036*, which seeks to ensure the region retains a diverse environment interconnected by biodiversity corridors.

Engagement

The Planning Proposal was placed on public exhibition from 22 January 2020 to 24 February 2020. During the exhibition period a total of five submissions were received. Three submissions were from the general public and two submissions from state agencies, including a further submission from the Department of Planning, Industry and Environment – Biodiversity and Conservation (BC).

The issues raised by the general public included access concerns, loss of biodiversity, building envelopes and setbacks, fire, flooding and provision of services. As discussed in the report on submissions to the 8 April 2020 Planning and Strategy meeting, the majority of these issues will be addressed during the assessment of a development application for subdivision. These are also generally addressed by the preferred option.

That report also noted that in addition to the public submissions BC advised that the subject site is mapped as High Environmental Value (HEV) land in the *South East and Tableland Regional Plan 2036* and requested formal protection of areas containing Endangered Ecological Communities (EEC's). Council officers have subsequently liaised with the proponent and relevant state agencies and the E2 Environmental Conservation zoning of the vegetation is the agreed solution.

Resources (including staff)

Resources have involved staff liaising with the state agencies and the proponent to negotiate an outcome acceptable to all parties.

Integrated Plan

The management of the planning proposal process falls within the program area of the Land-Use Planning Branch which sits within the strategic pillar of Character in the Community Strategic Plan.

7.7 Sutton Planning Proposal Lot 3 DP 1074706 No.202 Goolabri Drive - Outcome of Negotiation to Protect Vegetation (Ref: ; Author: Thompson/Hogg) (Continued)

Conclusion

The Sutton Planning Proposal (DPIE reference: PP_2016_QPREG_002_03) for Lot 3 DP 1074706 at 202 Goolabri Drive, Sutton has been amended to rezone part of the site from E4 Environmental Living to E2 Environmental Conservation.

This change is the agreed outcome from the negotiations with the property owner to protect the important vegetated areas that were identified by the Department of Planning, Industry and Environment – Biodiversity and Conservation. A number of options to protect the identified vegetation were considered, however, the preferred option to rezone part of the site to E2 Environmental Conservation provided the benefit of being the most cost and time effective solution, which is important for the land owner, while also ensuring the protection of the vegetated land.

It is therefore recommended that the amendment to the Planning Proposal be adopted and the necessary action be taken by Council as a local plan-making authority under s 3.36 *Environmental Planning and Assessment Act 1979* to make the Plan to amend the *Palerang Local Environmental Plan 2014*.

Attachments

Nil

7.8 Review of State Strategic Plan – A Vision for Crown Land (Ref: ; Author: Thompson/Duncan)

File Reference: 26.2.2-01

Summary

The Department of Planning, Industry and Environment (DPIE) has released a 'State Strategic Plan – A Vision for Crown Land' for comment (the plan). The plan is a proposed vision and strategy for management of Crown land in NSW. Feedback is to be provided by 20 August, 2020.

On internal review, it is encouraging that DPIE is taking a more proactive and engaged approach to management of Crown land. However, with few solutions to address the resource issues, the management of ecological communities and how the Crown will manage its own land, a submission stating Council's views is suggested.

Recommendation

That Council lodge a submission to the NSW Department of Planning, Industry and Environment on the State Strategic Plan – A Vision for Crown Land based on the issues raised in this report.

Background

Crown Lands, a part of the Department of Planning, Industry and Environment NSW (DPIE) is generally responsible for the management of Crown land in NSW, as specified in the *Crown Land Management Act 2016* (CLM Act).

The CLM Act requires the State Government to create a State Strategic Plan to set the vision, priorities and overarching strategy for the management of Crown land in NSW, including the outcomes that are expected to be achieved by implementation of the plan, and the timeframe for achieving those outcomes.

The CLM Act allows councils to manage Crown land under the provisions of the *Local Government Act 1993* (LG Act) for public land. Council currently manages over 260 lots of Crown land across the local government area. These lots are categorised into 'Operational', 'Community' or 'Devolved'. These categories determine how Council is to use and manage each lot.

As a Crown land manager, Council will be guided by the plan with the management and use of Crown land to meet the current and future needs and priorities of the government and our community. A shift in focus to optimising public land for multiple benefits that deliver outcomes for the economy, the environment and the social wellbeing of the community as proposed by the plan, are likely to have flow on effects on the management of QPRC Crown land.

The plan is the first such plan for Crown land and provides the community with an opportunity to change the way Crown land is managed for the benefit of communities of NSW.

The plan focuses on the following five priorities:

- enable jobs growth, commercial opportunities and sustainable economic progress in regional and rural NSW,
- expand green space, sustainable quality of life and climate change resilience,
- strengthen and support evolving community connections,
- work with Aboriginal communities to realise the potential of their land rights, and

7.8 Review of State Strategic Plan – A Vision for Crown Land (Ref: ; Author: Thompson/Duncan) (Continued)

- enabling initiatives that will support delivery of the plan.

The issues proposed to be commented on include: resourcing for adequate management of Crown land, firmer commitment to safeguard ecological communities, resolution of contradictory outcomes, prolonged Aboriginal land claims and a partnership approach for engagement.

Implications***Legal***

The CLM Act requires that identified Crown land be managed by Council. As part of this Council has a responsibility to manage Crown land in a sustainable manner. This includes meeting biosecurity obligations.

Under Section 8A Guiding principles for councils of the LG Act, Council is required to exercise its functions in relation to a set of general principles. One of these principles is:

(f) Councils should manage lands and other assets so that current and future local community needs can be met in an affordable way.

Additionally, clause 8A(2) of the LG Act sets out decision making criteria, two of these are criteria are applicable in relation to the management of Crown land:

(c) Councils should consider the long term and cumulative effects of actions on future generations.

(d) Councils should consider the principles of ecologically sustainable development.

Policy

Under the LG Act, Council is required to develop and adopt Plans of Management (PoMs) for all community land appointed to Council to manage by Crown land. Council has compliant PoMs under the former Queanbeyan City Council. Staff are currently preparing new PoMs for all QPRC community land. New PoMs are also likely to be influenced by the final state plan, and the lands proposed to be vested by Crown to Council.

Environmental

A number of Crown land lots across Council have significant environmental values (predominantly natural resource or heritage) on them and need to be managed accordingly. At this time there are no allocated funds to manage these lots and they are unlikely to attract funding.

Asset

This new approach to managing Crown land could see funds becoming available to Council to expand and upgrade amenities and improve community-based facilities within Crown land reserves.

Social / Cultural

The plan contains ideas for how the Crown can better support communities such as through custodians of racecourses, showgrounds, youth groups and clubs. One proposal suggested is improving security and duration of tenure over Crown land, so that the organisations have a stable base to improve.

7.8 Review of State Strategic Plan – A Vision for Crown Land (Ref: ; Author: Thompson/Duncan) (Continued)

Economic

One key proposal of the plan is to identify opportunities involving Crown lands to create jobs and economic opportunities for regional communities.

Strategic

Being able to provide feedback on the management of Crown land and understanding the vision for Crown land management, will assist Council with the management of Crown land that it is responsible for.

Engagement

The State Strategic Plan – A Vision for Crown Land' is currently open for public consultation. During the consultation phase, Crown Lands has provided online information sessions on the draft Crown Land State Strategic Plan. Interested parties can provide feedback to Crown Land before 20 August, 2020.

As Council is the manager of a significant number of Crown land reserves, it is in Council's interest to lodge a submission covering the issues of resourcing, biodiversity conservation, Aboriginal land claims, contradictory outcomes and other matters as appropriate.

Financial

There is no budget for the management of Crown land other than that currently being managed by Council. Council has received \$35,197 for the preparation of PoMs as previously reported (Item No. 7.3 Planning and Strategy Committee Meeting – 12 June 2019).

Resources (including staff)

As stated above there are no additional funds or staff for the management of Crown land or to review the plan and PoMs.

Integrated Plan

Crown land and PoMs are covered in the Community Strategic Plan Pillar 3 – Character and specifically identified in the Delivery Plan Outputs: 26.2.2 Crown Land - Development of management plans for Crown Land and 23.6.2 Crown Land - Management and maintenance for Council controlled Crown lands.

The PoMs are important documents providing clear guidelines for the future management of land in the care and control of Council. The PoMs will be linked to Council's Operational Plan, Community Engagement Plan and the Local Strategic Planning Statement, as well Council's asset plans. The delivery outcomes of PoMs will be influenced by the final plan, particularly in regard to funding opportunities.

Conclusion

The Department of Planning, Industry and Environment's 'State Strategic Plan – A Vision for Crown Land' is currently out for Council and community comment until 20 August 2020. Whilst there is a substantial amount of work in strategically managing Council managed Crown land, the new State Strategic plan (and approach) does present the opportunity for new management methods which are a benefit to Council and the community in regard to enhancing recreation, amenity and to a lesser degree biodiversity.

Staff will migrate newly vested Crown lands (separate report) into existing or specific PoMs.

Submission

It is suggested a submission be made covering the issues of:

7.8 Review of State Strategic Plan – A Vision for Crown Land (Ref: ; Author: Thompson/Duncan) (Continued)

- resourcing for adequate management of Crown land, and upgrade of facilities
- firmer commitment to safeguard ecological communities,
- resourcing for management of weeds on vacant crown land
- resolving contradictory outcomes, and prolonged Aboriginal land claims
- a partnership approach for engagement.

Attachments

Nil

7.9 Street Naming Proposal - Cavan Rise - Googong NH1 - Stage 4D (Ref: ;
Author: Thompson/Knight)

File Reference: 26.4.1-04

Summary

GTPL have lodged a request for the naming of one new road being created within Googong Neighbourhood 1 Stage 4D. The proposed name is Cavan Rise. This report considers the name proposed and recommends endorsement for public exhibition.

Recommendation

That Council:

1. **Adopt in principle the name 'Cavan Rise' as the proposed name for the new road identified within Googong Neighbourhood 1, Stage 4D.**
 2. **Advertise the name for public comment for 28 days.**
 3. **Publish a notice in the NSW Government Gazette if no objections are received.**
-

Background

The applicant has requested consideration of one new road name within Googong Neighbourhood 1 Stage 4D.

Council has worked with the applicant's consultant and the Geographical Names Board (GNB) to arrive at a name which differs from those elsewhere in the local government area and meets the criteria for road naming set down by the GNB.

The location of the new road is shown in Figure 1 below.

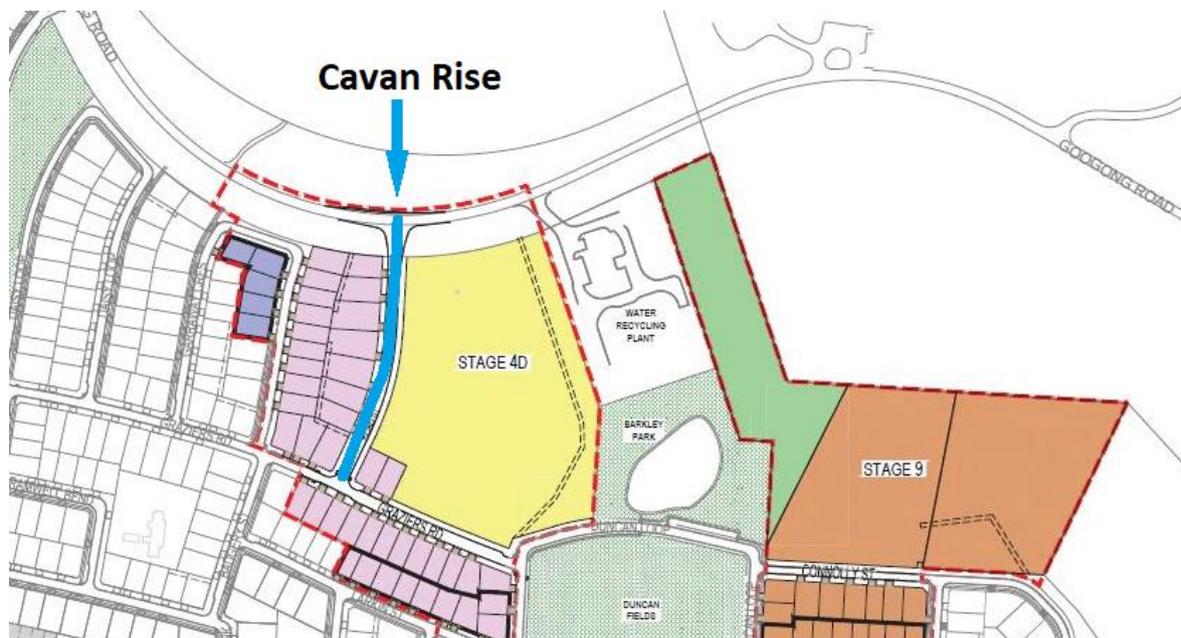


Figure 1 - Location of Cavan Rise, Googong

7.9 Street Naming Proposal - Cavan Rise - Googong NH1 - Stage 4D (Ref: ; Author: Thompson/Knight) (Continued)

Citation - John McCawley (1849 -1899) arrived in Australia from County **CAVAN** (Ireland) in 1856. John, a grazier, married Sarah Brown in 1876 and their wedding was the first wedding to have been recorded at St Stephen's Church, Queanbeyan. He established the homestead known as "Sunset" in the locality of Googong and was the Trustee of the Burra Church Stipend Fund in 1892. Both John and Sarah are interred in the historic Queanbeyan Riverside Cemetery.

The proposed road is located in close proximity to the old "Sunset" homestead. The name selected is generally unambiguous and easy to spell and pronounce. It is recommended for public exhibition.

Policy

The Code of Practice for addressing premises requires the recommended road names to be reported to Council and then advertised for public comment. If supported by Council and the Geographical Names Board and there are no objections received from the public exhibition then the notice will be published in the NSW Government Gazette. If any objections are received then a further report will be put to Council.

Consultation

The proposed name will be exhibited for 28 days for public comment.

Financial

All costs associated with advertising of the road name and supply of road name plates are to be borne by the applicant in accordance with Council's adopted fees and charges and the conditions of the development consent issued for the subdivision.

Conclusion

The name chosen is a unique and interesting name appropriate to the local area concerned. The name have been selected in accordance with Council's Code of Practice for the Naming of Roads and the Geographical Names Board guidelines for the naming of roads.

Attachments

Nil

7.10 Naming of New Parks, Reserves and Sportsgrounds - Googong (Ref: ; Author: Geyer/Thompson)

File Reference: 26.4.1-04

Summary

Council has received a proposal from the developers of the Googong urban release area to name several new parks, reserves and sportsgrounds in Googong. This report considers the proposals and recommends names for the new open spaces.

Recommendation

That Council:

1. Endorse the following names for exhibition for a period of 21 days:

Parks

- Bunyip Park
- McFarlane Park
- Brewer Gardens

Sporting Facilities

- Googong Indoor Pool and Sports Centre
- Googong Netball Courts
- Glenrock Tennis Centre

2. Notify GTPL that these names have been accepted if no objections are received.
 3. Advise GTPL that it has no objection to the naming of the proposed off-lead dog area by them coordinating nominations from the community and seeking Council's endorsement of any selected name.
 4. Advise GTPL that that their proposed names for sports grounds are not suitable and that a further report come before Council recommending names selected from members of Queanbeyan's Sporting Gallery who are deceased.
 5. Endorse the Naming of Parks, Reserves and Sports Facilities policy.
-

Background

Googong Township Pty Ltd has lodged a proposal to name the following open spaces in Googong:

- Four parks;
- Three sporting facilities; and
- Three individual sport grounds.

The proposal is provided in Attachment 1. This includes a map showing the locations of the various open spaces to be named.

The former QCC had a policy for the Naming of Parks, Reserves and Sports Facilities. This is provided in Attachment 2 for Councillors information. In essence the Policy suggests that names should be selected based on a significant connection with the Park, Reserve or Sports Facility, or to acknowledge, honour or commemorate a person important to the community.

7.10 Naming of New Parks, Reserves and Sportsgrounds - Googong (Ref: ; Author: Geyer/Thompson) (Continued)

It is proposed this policy be endorsed by Council noting it is to be formatted into the contemporary template, and modified to be clear roads cannot be dual-named as per advice from GNB.

Many parks are named after significant community members, locations or landmarks, eg Queanbeyan Park (location), Moore Park (fallen Soldier), Wright Park (former Mayor) or Mt Jerrabomberra Reserve (Landmark). Additionally, a large park or sports facility may consist of multiple features or venues which may be separately named; e.g. Taylor Park also incorporates Campese Oval and Heather McKay Indoor Sports Centre.

Assessment of Proposed Names

In regard to the proposal by GTPL, the view of staff is as follows:

i) Parks

The GTPL proposal recommends the following names. These are shown in Figures 1 and 2 below.

| Current Name | Proposed Name | Background / Why Chosen |
|--|----------------------|---|
| Main Entrance Pond / Park / Playground | Bunyip Park | Recognising the history of the Bunyip Property that was originally located in Googong North, 200m from this park. |
| Local Park 7 | McFarlane Park | Adjacent to McFarlane Avenue. |
| Local Park 8 / NH2 Community Garden | Brewer Lane Gardens | Brewer Lane encircles the park. |
| Local Park 9 / NH2 Off-leash Dog Park | TBA | The off-leash dog park in NH1A was voted on by the community and we would like to do the same here when the surrounding stage is nearing completion (circa 2023). |

7.10 Naming of New Parks, Reserves and Sportsgrounds - Googong (Ref: ; Author: Geyer/Thompson) (Continued)



Figure 1 – Showing Location of McFarlane Park, Brewer Lane Gardens and Bunyip Park as Proposed by GTPL

7.10 Naming of New Parks, Reserves and Sportsgrounds - Googong (Ref: ; Author: Geyer/Thompson) (Continued)

McFarlane Park and Brewer Gardens are appropriate, taking their names from the adjacent streets. The only proposed change is the removal of the word “Lane” from “Brewer Lane Gardens”. The “Lane” adds no value to the name.

While Bunyip Park does reflect a significant former property within Googong it could cause confusion due to Bunyip Drive being located a significant distance to the south: i.e. the Park is not in Bunyip Drive. However, it is an iconic name and is very close to the location of the former Bunyip homestead. As one of the main parks In Googong the park deserves an iconic name and for that reason, on balance, it is considered a suitable name.



Figure 2 – Showing Location of Future Off Leash Dog Park

There is no objection to the dog off leash area being named by the community as occurred for Barkley Park to the south of the Water Treatment Plant at Googong. GTPL can carry out the necessary consultation and seek Council’s endorsement of the name selected by the community.

ii) Sporting Facilities

The GTPL proposal recommends the following names. These are shown in Figures 3 and 4 below.

| Current Name | Proposed Name | Background / Why Chosen |
|----------------|---------------------------------------|--|
| Netball Courts | Googong Netball Courts | A generic name is proposed given the only facility of its kind at Googong. |
| Tennis Hub | Googong Tennis Centre | A generic name is proposed given the only facility of its kind at Googong. |
| Indoor Pool | Googong Indoor Pool and Sports Centre | A generic name is proposed given the only facility of its kind at Googong. |

7.10 Naming of New Parks, Reserves and Sportsgrounds - Googong (Ref: ; Author: Geyer/Thompson) (Continued)

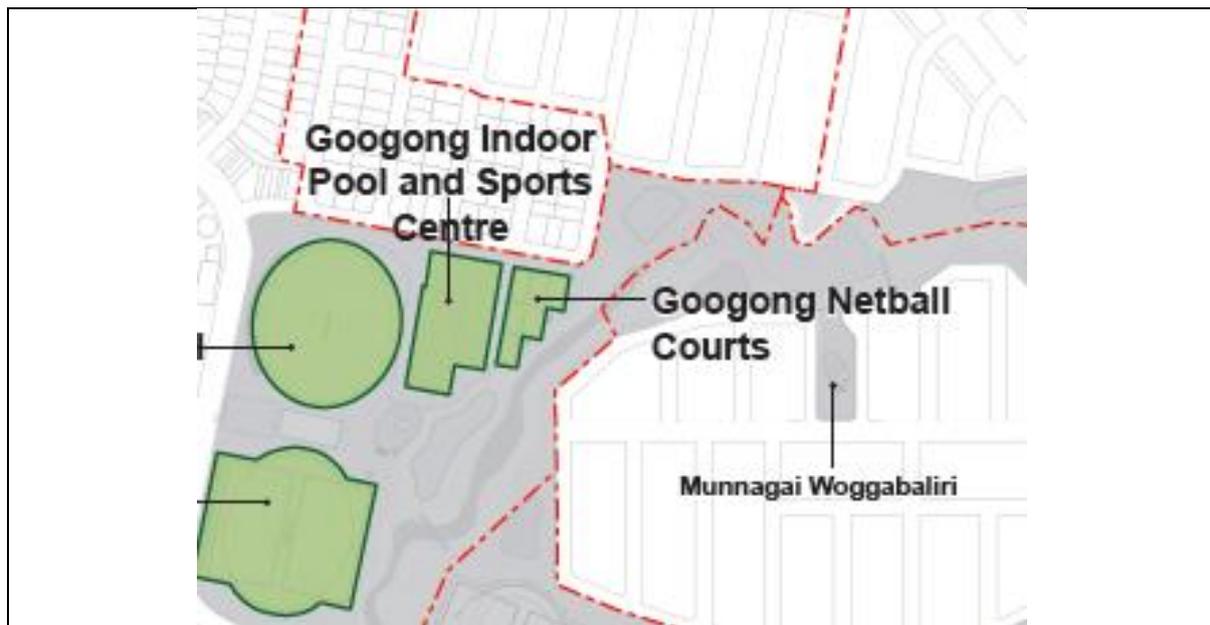


Figure 3 - Showing Location of Googong Indoor Pool and Sports Centre and Googong Netball Courts as Proposed by GTPL

The Googong Netball Courts and Googong Indoor Pool and Sports Centre are supported. They reflect the name of their use in the suburb of Googong.



Figure 4 - Showing Location of Googong Tennis Centre Proposed by GTPL

The Googong Tennis Centre is not supported. Contrary to the advice provided by GTPL other tennis courts are already in existence in Googong within Beltana Park. It is recommended that the Tennis Courts be named “Glenrock Tennis Centre” for the adjacent street name.

7.10 Naming of New Parks, Reserves and Sportsgrounds - Googong (Ref: ; Author: Geyer/Thompson) (Continued)

iii) Sports Grounds

The GTPL proposal recommends the following names. These are shown in Figure 5 below.

| Current Name | Proposed Name | Background / Why Chosen |
|----------------------|--------------------------|--|
| Sports Field 3 | Brooks Oval | Paying homage to the first teacher (Elizabeth Brook) to be employed at the 'Googongs' school from 1883 – 1885. |
| Sports Field 4 | Alexander Playing Fields | Alexander McDonald was engaged as the outstation's manager; a stone cottage was built for him in 1845. McDonald named the cottage 'The Googongs' and continued to occupy it until his death in 1875. |
| Sports Field 5 and 6 | James Brown Sporting Hub | Named after the neighbouring land owner who not only took a leading role in securing a school for the Googongs but constructed the original building in 1883. John Brown later (1889) renovated the building so schooling could continue |

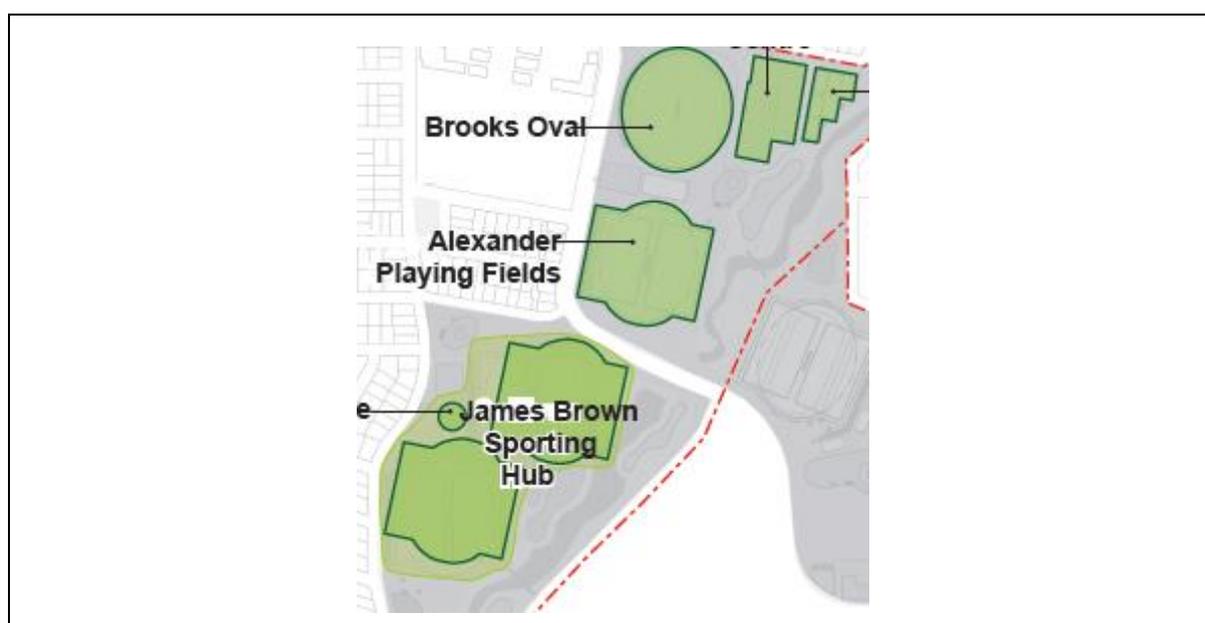


Figure 5 - Showing Location of Playing Fields as Proposed by GTPL

7.10 Naming of New Parks, Reserves and Sportsgrounds - Googong (Ref: ; Author: Geyer/Thompson) (Continued)

The names chosen by GTPL have their origin associated with local education in the Googong area. It can only be assumed this is a nod to the new high school which will be built nearby. These names are not supported by staff.

Sports fields in Queanbeyan are invariably named after former mayors or local sporting identities. There are only two deceased Queanbeyan Mayors who have not had either a park, reserve or road named in their honour. They are Henry Hungerford (1904-1905) and Frederick Woodward (1920-21). Alternatively, names could be selected from members of The Queanbeyan Sporting Gallery who are deceased.

It is recommended that GTPL be advised that their nominated names are not suitable for the sports fields and that a further report come before Council recommending names selected from members of the Queanbeyan Sporting Gallery who are deceased.

Implications***Legal/Policy***

There is no formal legal requirement for the process to name parks, reserves and sports grounds. However, Council has developed the Naming of Parks, Reserves and Sports Facilities policy to assist in guiding Council. A copy is provided in Attachment 2.

Asset

All the parks, reserves, sports facilities and playing fields will be dedicated to Council following completion of works.

Social / Cultural

The naming of open spaces is an important part of creating a sense of place and history, particularly for new communities. It can also provide a way to recognise those members of the community that have contributed in some way to the social and cultural fabric of the local community.

Engagement

Council's policy provides that the community should be consulted in regard to the naming of open space facilities. As such, any proposed names endorsed by Council should be exhibited for 21 days seeking community feedback. Submissions called for and received from community and sporting groups and or individuals will be brought back before Council for consideration if there are any significant objections.

Financial

There are no financial implications to Council in carrying out the naming process other than costs associated with the exhibition of the names.

Conclusion

Naming of new open space facilities at Googong is an important part of creating a sense of place. As such, GTPL have proposed a number of names for various new parks, sporting facilities and playing fields.

An assessment of the proposals recommends that the following actions be taken:

- Council endorse the following names for exhibition:

Parks

- Bunyip Park
- McFalane Park

7.10 Naming of New Parks, Reserves and Sportsgrounds - Googong (Ref: ; Author: Geyer/Thompson) (Continued)

- Brewer Gardens

Sporting Facilities

- Googong Indoor Pool and Sports Centre
 - Googong Netball Courts
 - Glenrock Tennis Centre
- That GTPL be advised Council has no objection to the naming of the proposed off-lead dog area by them seeking nominations from the community and seeking Council's endorsement of any selected name.
 - That GTPL be advised that their nominated names are not suitable for the sports fields and that a further report come before Council recommending names selected from members of Queanbeyan's Sporting Gallery who are deceased.

Attachments

- | | |
|---|--|
| Attachment 1  | GTPL's Proposals for Naming New Open Spaces at Googong (<i>Under Separate Cover</i>) |
| Attachment 2  | QCC Park, Reserves and Sports Facilities Naming Policy (<i>Under Separate Cover</i>) |

7.11 Review of Alcohol Restricted Areas (Ref: ; Author: Thompson/Abbott)

File Reference: 23.3

Summary

A number of alcohol-free zones have historically been established within Queanbeyan. Such zones have a limited life and a review of previous approvals indicates that many are now out of date. It is proposed that Council review the areas where restrictions apply and re-exhibit the endorsed locations for community feedback. This report details the sites to be included in the exhibition.

Recommendation

That:

- 1. Council place the proposed Alcohol Free Zones (AFZs) and proposed Alcohol Prohibited Areas (APAs) as specified in Attachment 1 on public exhibition for a period of 28 days and seek stakeholder comments as required in the Ministerial Guidelines.**
 - 2. Following exhibition and stakeholder consultation, a report be prepared for Council's consideration detailing the submissions and suggested outcomes of the exhibition period.**
-

Background

Under the processes set out in the *Local Government Act 1993*, councils may establish Alcohol-Free Zones (AFZs) for roads and public car parks and Alcohol Prohibited Areas (APAs) for other public places such as parks.

The statutory period for an AFZ or APA is four years. If there is a desire to extend the period of its operation, it is then subject to a re-establishment process in accordance with the Ministerial Guidelines. Input from the community and stakeholders is an important step in the decision making process.

Declaring such areas make it unlawful to consume alcohol at any time within the areas signposted as AFZ's and APA's, except where a licensed premises exists within the AFZ or APA, as the responsibility for ensuring the lawful behaviour of patrons on these premises rests with the holder of the liquor license. Any person observed to be drinking in an alcohol-free zone may have the alcohol in their possession immediately seized and tipped out or otherwise disposed of by the police.

Any person living or working within an area, the local police or a local community group may ask a council to establish an alcohol-free zone or a council itself may decide to do so. A proposal to establish an alcohol-free zone must in all cases be supported by evidence that the public's use of those roads, footpaths or public carparks has been compromised by street drinkers. For example, there could be instances of malicious damage to property, littering, offensive behaviour or other crimes.

The list of locations proposed to be exhibited for community feedback is shown in Attachment 1.

**7.11 Review of Alcohol Restricted Areas (Ref: ; Author: Thompson/Abbott)
(Continued)**

Implications***Legal***

Ministerial Guidelines provide councils with detailed procedures to be followed when considering the establishment of alcohol-free zones and alcohol prohibited areas.

Social / Cultural - Alcohol-Free Zones and Alfresco Dining

In some circumstances an alcohol-free zone may be proposed for an area that includes footpath alfresco dining areas for cafés and restaurants which fall within the zone. When a council issues an approval for the use of public footpaths for such dining use in an alcohol-free zone, it should impose conditions on the licensee (e.g. restaurant operator) about the requirements of the zone, including clear delineation and control of the licensed area from the alcohol-free zone.

Engagement

In preparing a proposal to establish an alcohol-free zone or alcohol prohibited area, a council must consult with the relevant Police Local Area Commander, liquor licensees, registered clubs whose premises border on or adjacent a proposed area, NSW Anti-Discrimination Board, identifiable Aboriginal or culturally linguistically diverse groups within the local area and invite representations about the appropriate number and location of alcohol-free zones or alcohol prohibited areas.

A council is to give proper consideration to any representations, submissions or objections received and as a result may amend or withdraw a proposal to establish an alcohol-free zone or alcohol prohibited area. However, any amendment that extends the location of the proposed alcohol-free zone must be supported by reasons.

Conclusion

After complying with the procedures a council may, by resolution, adopt a proposal to establish an alcohol-free zone and alcohol prohibited areas. The resolution itself will establish the zones.

After resolution, a council's usual administrative processes would apply in informing interested parties including any submitters, the Anti-Discrimination Board (if applicable), the relevant police Local Area Commander and officer in charge of the local police station (if different), affected liquor licensees and club secretaries and other organisations advised of the original proposal.

Attachments

Attachment 1 List of Proposed Alcohol Restricted Areas (*Under Separate Cover*)



File Reference: Doc Set ID: 11.1.8-02

Summary

The Queanbeyan CBD Place Plan sets out a detailed analysis, critique and recommendations to inform a series of staged Place-led tactile interventions across seven priority locations within the Queanbeyan CBD. This report provides the result of the community consultation across the 28 day engagement period.

Recommendation

That Council:

- 1. Note and receive the Community Engagement Report.**
 - 2. Adopt the Queanbeyan Place Plan.**
-

Background

At its meeting of 24 July 2019, Council endorsed the commissioning of a Place Plan to complement the CBD Spatial Master Plan. In October 2019, Roberts Day agency was engaged to complete the Queanbeyan CBD Place Plan.

The Plan augments findings and recommendations from other recent Council plans to develop Queanbeyan's character, identity, liveability and attractiveness. It makes detailed recommendations for seven priority sites that are directly related to the stages of development in the CBD Spatial Master Plan.

The Draft Queanbeyan CBD Place Plan was released to the community for consultation and feedback from 16 June to 15 July. A report on consultation activity and submissions is attached – a summary is included in the Engagement section of this report. Overall, the feedback received was positive.

Implications

Policy

The Queanbeyan CBD Place Plan, outlines proposals and provides discussion points for Council to consider in 'future proofing' the CBD. Planning and development opportunities in the CBD should assist in the delivery of public realm improvements that add value to the development and to the CBD.

The Plan outlines several issues to be explored by Council, QPRC staff and other stakeholders including:

- Short term land use planning flexibility
- Development incentivisation
- Activated frontages

These proposals could be implemented through various instruments including the Local Environmental Plan, Development Control Plan and Contribution Plans.

Environmental

The Plan provides comment on the current lack of green space across the CBD. It outlines a strategy to encourage people to walk and to spend time outside via a connected green grid. The activation of the river frontage also contributes to a quality public realm that connects people to their environment, streetscapes parklands and river, a major priority for the community.

Social / Cultural

Support for the CBD Spatial Masterplan and the CBD Place Plan highlights the social and cultural value that the community sees being delivered through urban renewal. Using tactical interventions across the seven priority locations, the Plan contributes to delivering on the community priorities of:

- An identifiable heart
- A significant cultural civic precinct
- Creating an identity through curated Place Making
- A CBD with a point of difference and clear character
- Creating a sense of pride

Economic

The Plan provides a direct response, in a tactical way, to the many challenges that the Queanbeyan CBD faces, including creating points of a difference for the city to drive visitation and support innovation. The Plan is a guide to a more robust and resilient economic future.

Engagement

The latest community engagement of the Queanbeyan CBD Place Plan was conducted within the confines of the current Covid 19 restrictions and included the following:

1. Exhibition on the QPRC Your Voice online portal from 16 June -15 July 2020 resulting in six submissions received. See attachment for all submissions.
2. Development and release of a short video highlighting visual concepts across four of the place plans priority locations available on QPRC Your Voice online portal and www.investqueanbeyanpalerang.com.au
3. A business focus group feedback information and feedback session with representatives from four CBD located businesses.
4. Two social media posts reaching a total of 16,876 people.

Your Voice Online Portal

Statistics below summarise the engagement for the Queanbeyan CBD Place Plan via the Your Voice online portal for the consultation period June 16 – July 15. All engagements are listed below.

| | |
|--|-----|
| Total visits to the Your Voice website portal to view the plan | 424 |
| New registrations to the portal | 4 |
| Video views | 125 |
| Document downloads | 139 |
| Submissions | 6 |

Social Media Posts

A total of 16,876 people were reached with social media posts about the CBD Place Plan being available for community comment.

Queanbeyan CBD Focus Group

This group was taken through all aspects of the plan with an in depth look at all seven priority locations. The group provided positive comments, feedback and any concerns.

Queanbeyan CBD Focus Group Comments

- Needs to be a focus on getting local businesses to engage with the new QCCP. If businesses are there, the community will support them. This could be in the form of food trucks etc. supporting large scale events at The Q and Bicentennial Hall.
- Need for high quality office/commercial spaces within the CBD. It was confirmed that the new HQ building will provide an area for co-working which may be run by a specialist firm. There is an intention that this may provide opportunities for QBN-based workers to work from the city rather than commuting.
- A question was raised relating to the height of the new HQ building and compliance with DCP set-back restrictions, it was confirmed that the design is compliant.
- Whilst the Ellerton Drive Extension is a positive approach, additional actions are required to re-direct traffic away from Monaro Street.
- Zoning restrictions in the CBD (and elsewhere in the city) made it hard for people to change the use of a property.
- It is difficult to speak directly to Councillors and feel that they are being heard. There is a concern that the Place Plan may not have the influence it should have.

Engagement Summary

Across the six submissions the majority of comments were of a positive nature. There were some concerns raised relating to:

- future car parking across the CBD
- the budget to implement the interventions outlined in the Plan ie capacity to deliver
- the staging of the interventions.

A number of comments were also made that were outside the parameters of the Place Plan. These comments have been noted in the report.

Financial

Implementation of the interventions across the seven priority locations will be in line with the staged redevelopment projects of the Queanbeyan CBD Spatial Masterplan. Funding for other related activations will be subject to grant funding and future Place Management budgets.

Resources (including staff)

Placemaking staff, in collaboration with other QPRC disciplines, will manage aspects of implementing the CBD Place Plan.

Integrated Plan

The CBD Place Plan provides a clear direction to deliver the key goals of QPRC's Strategic Pillar 2 – Choice:

2.1 – A diverse, resilient and smart economy that creates choice and job opportunities

7.12 Queanbeyan CBD Place Plan (Ref: ; Author: Richards/Lamont) (Continued)

2.1.1- Continue the ongoing revitalisation of the Queanbeyan CBD, suburban centres and rural villages

2.1.2 – Promote Queanbeyan-Palerang’s identity and the growth of our economy, including tourism, as a destination of choice

Conclusion

The draft Queanbeyan CBD Place Plan has recently undergone community consultation returning a highly positive response. This report asks Council to formally adopt the Queanbeyan CBD Place Plan.

Attachments

Attachment 1  Queanbeyan CBD Place Plan - Community Engagement Report (*Under Separate Cover*)

7.13 Policy Harmonisation (Ref: ; Author: Tegart/Ferguson)

File Reference: 52.5.4

Summary

The program to review and harmonise the former Queanbeyan City and Palerang Councils' policies, plans, strategies and guidelines is continuing. A number of policies have been reviewed and updated and are included in this tranche for adoption. The Donations Policy is also re-presented for adoption following a recent workshop.

Recommendation

That Council:

1. Adopt the following revised documents as per the attachments:

- **Property Policy**
- **Property Strategy**
- **Compliance and Enforcement Policy**
- **Privacy Policy and Plan**
- **Councillor and Staff Interaction Policy**
- **Donations Policy**
- **Risk Management Policy**
- **Section 355 Committee Guidelines**
- **Potable and Recycled Water Supply Policy**

2. Rescind previous versions of these documents.

3. Rescind the QPRC Public Forum Policy Guidelines 2017.

Background

Both Queanbeyan City and Palerang Councils had in place a large number of policies prior to the proclamation of Queanbeyan-Palerang Regional Council (QPRC) in 2016. An Interim Policy was adopted by QPRC in October 2016 to cater for the management of the former councils' policies until full harmonisation could be achieved.

The pre-merger policies of the former councils are being harmonised to become QPRC policies. Other policies, strategies, plans and guidelines that were adopted during the first two years after the merger in May 2016 are also being revised and reformatted.

The Donations Policy is re-presented for adoption, together with a summary of the revised amendments to that policy.

The latest tranche of the harmonised and reviewed policies consists of:

- **Property Policy**
Sets out how Council will handle its property portfolio (**Attachment 1**)
- **Property Strategy**
Sets out the ambitions and purpose of the Property portfolio (**Attachment 2**)
- **Compliance and Enforcement Policy**
Provides guidance on dealing with unlawful activity (**Attachment 3**)
- **Privacy Policy and Plan**
Based on the NSW Ombudsman's Model Policy and Plan. (**Attachment 4**)

7.13 Policy Harmonisation (Ref: ; Author: Tegart/Ferguson) (Continued)

- **Councillor and Staff Interaction Policy**
Sets out obligations of Councillors and staff in line with the Code **(Attachment 5)**
- **Donations Policy**
Provides categories and criteria for the receipt of Council donations. **(Attachment 6)**
- Summary of amendments to Donations Policy **(Attachment 7)**
- **Risk Management Policy**
Describes the management of risk in the QPRC LGA **(Attachment 8)**
- **Section 355 Committee Guidelines**
Provides guidance for Council's s.355 committees to fulfill their obligations on Council's behalf. **(Attachment 9)**
- **Potable and Recycled Water Supply Policy**
Sets out Council's commitment to the responsible use of water **(Attachment 10)**

The QPRC Public Forum Policy Guidelines adopted on 8 June 2016 needs to be rescinded as these guidelines have been incorporated into the updated Code of Meeting Practice 2019.

Implications***Policy***

Council is undertaking a program of policy harmonisation as set out in its Transition Plan to ensure that QPRC's policies are relevant, up-to-date and consistently formatted.

Strategic

The policy harmonisation program aligns with the following key goals of the Queanbeyan-Palerang Community Strategic Plan 2018 – 2028:

- Goal 5.1
Our Council is highly professional in delivering services to the community
- Goal 5.3
Our council has in place systems to provide quality services to its customers
- Goal 5.8
Our Council's activities work to achieve the Community's Vision and aspirations.

Conclusion

As part of the merger process, Council is required to review and harmonise the policies of the two former councils as per Actions 1.1.4.33 and 1.1.4.34 of Council's Transition Plan 2016-2019. The Department of Premier and Cabinet envisaged that this harmonisation process could take several years to achieve. Other policies, plans, strategies and guidelines that were adopted in the two years following the merger are also being updated and reformatted. This report presents the latest tranche of policies for adoption and the concomitant rescission of the former councils' policies.

Attachments

- | | |
|--|---|
| Attachment 1 | Property Policy <i>(Under Separate Cover)</i> |
|  Attachment 2 | Property Strategy <i>(Under Separate Cover)</i> |
|  Attachment 3 | Compliance and Enforcement Policy <i>(Under Separate Cover)</i> |
|  Attachment 4 | Privacy Policy and Plan <i>(Under Separate Cover)</i> |
|  Attachment 5 | Councillor and Staff Interaction Policy <i>(Under Separate Cover)</i> |

7.13 Policy Harmonisation (Ref: ; Author: Tegart/Ferguson) (Continued)

- Attachment 6 Donations Policy (*Under Separate Cover*)

- Attachment 7 Summary of amendments to Donations Policy (*Under Separate Cover*)

- Attachment 8 Risk Management Policy (*Under Separate Cover*)

- Attachment 9 Section 355 Committee Guidelines (*Under Separate Cover*)

- Attachment 10 Potable and Recycled Water Supply Policy (*Under Separate Cover*)


7.14 Local Government NSW Annual Conference 2020 (Ref: ; Author:
Tegart/Ferguson)

File Reference: 52.5.2-02

Summary

The Local Government NSW Annual Conference 2020 will be held at Lovedale in the Hunter Valley from Sunday to Tuesday, 22 – 24 November 2020. Council is invited to nominate its four voting delegates and consider whether it wishes to propose one or more motions for the Conference. Should COVID-19 requirements restrict attendance of delegates, LGNSW would make other arrangements for the conduct of the conference.

Recommendation

That Council:

- 1. Nominate three Councillors, in addition to the Mayor, to register and be voting delegates for motions at the LGNSW Annual Conference to be held 22 – 24 November 2020 in Lovedale NSW.**
 - 2. Consider whether it wishes to submit one or more motions for the 2020 Conference.**
-

Background

The Local Government NSW (LGNSW) Annual Conference is being held from Sunday to Tuesday, 22 – 24 November 2020 at the Crowne Plaza Hunter Valley, 430 Wine Country Drive, Lovedale. Details about the Conference are available from the LGNSW website at <https://lgnsw.org.au/events-training/local-government-nsw-annual-conference-2020>

Under the LGNSW rules, QPRC is entitled to have four voting delegates who must be elected members and who must also be registered to attend the Conference.

Council resolved (PLA036/18) at its Planning and Strategy Committee meeting on 11 April 2018 that the Mayor be authorised to attend the national and state local government conferences as Council's voting delegate. Council should now nominate three other Councillors to fill QPRC's voting entitlement at the LGNSW Annual Conference.

Registration of delegates opened on 17 July and closes at 12 midnight on Friday, 20 September 2019.

Motions

All members can put forward motions to be considered at the Conference. Motions should be submitted by 12 midnight on Monday, 28 September, however they will continue to be accepted up until 12 midnight Sunday, 25 October 2020.

Full business papers for the Conference will be forwarded to members approximately two weeks prior to the Conference.

**7.14 Local Government NSW Annual Conference 2020 (Ref: ; Author:
Tegart/Ferguson) (Continued)**

Implications***Financial***

Council's budget includes provision for the attendance of Council's delegates at the LGNSW Annual Conference.

Conclusion

The LGNSW Annual Conference is being held in Lovedale NSW from Sunday – Tuesday, 22 – 24 November 2020. QPRC is entitled to four voting delegates for motions and is asked to nominate those four (one of whom is the Mayor). Council is also invited to submit one or motions to the Conference.

Attachments

Nil

8.1 Update on Transfer of Responsibilities under the Crown Lands Management Act 2016 (Ref: ; Author: Thompson/Duncan)

File Reference: 26.2.2-02

Report

At the Council meeting on 27 March 2019, Council was provided with a report (Item 12.2) regarding the transfer of the management of Crown land to local government under the new *Crown Land Management Act 2016* (CLM Act). Crown land provided a schedule of lots (246) proposed to divest for Council to review and consider as potential Crown land manager. Land may be managed as operational, community or devolved. The attachment summarised those lands to be vested to Council, as outlined below.

Further to a workshop, a review was undertaken and following Council's recommendation, a letter was sent on 16 May 2019 which included a request for the Minister to classify 34 Crown reserves as 'operational land' under section 3.22 of the *Crown Land Management Act 2016*.

In making the decision, the Crown considered justification by Council so as to satisfy the Minister that the land:

- a) *Does not fall within any of the categories for community land under the LG Act, or*
- b) *Could not continue to be used and dealt with as it currently can if it were required to be used and dealt with as community land.*

Crown reviewed the information and advised Council on 11 October 2019, that Council is approved to manage nine Crown reserves as operational land under the *Local Government Act 1993* (LG Act) (see Attachment 1).

A further 7 Crown reserves that Council requested as operational land were not supported and the land is to be dealt with as community land.

A total of 17 Crown reserves are 'devolved land' and are to be managed in accordance with section 48 of the *Local Government Act 1993* (see Attachment 1). Therefore Council is not able to manage these reserves as if they were public land. Devolved land is land for which Council has no management responsibility but Council can conduct maintenance to improve aesthetics of these reserves.

The final Crown reserve for re-categorisation is Crown reserve R95678. This reserve is a stockpile site (Lot 701 DP1020619, McKeller Street Braidwood) currently used by the Braidwood Depot and the Utilities section of Council. Crown Lands required further time to investigate the lot before they could determine the categorisation of the reserve. This remains the case.

As a result Council has not received all information back from Crown regarding the review and re-classification process, and all Crown land that Council is the Crown land manager has not been categorised as Operational or Community as per legislation.

A delay in the determination process may delay Council seeking consent from the Minister for changes to the initial categories of Crown land or require proceeding with incomplete information, and therefore ultimately impacting on the completion of the Plans of Management for Crown lands which is required by 30 June 2021.

Staff has followed up with Crown Lands regarding the delay in the determination, but is yet to receive a response. Staff will continue to follow up until an outcome is received.

8.1 Update on Transfer of Responsibilities under the Crown Lands Management Act 2016 (Ref: ; Author: Thompson/Duncan) (Continued)

The Council's report to the Council meeting of 27 March 2019 also identified a number of other views of Council. These included the identification of Crown Land:

- Not maintained by QPRC, which QPRC is unwilling to become Crown land manager for (despite being devolved) and which are on the DPI list.
- Not maintained by QPRC, which QPRC is unwilling to become Crown land manager for and which are on the DPI list.
- That QPRC wishes to be appointed Crown land manager but are not included on the DPI list.

These matters are also outstanding and are being followed up but will not impact on the Plans of Management for Crown Lands.

Recommendation

That the report be received for information.

Attachments

Attachment 1 Classification of Crown Reserves (*Under Separate Cover*)



8.2 Food Surveillance Activity Report 2019-20 (Ref: ; Author: Thompson/Abbott)

File Reference: 12.1.6

Report

As part of the Food Regulation Partnership between the NSW Food Authority and local councils, an annual enforcement activity report must be submitted to the NSW Food Authority each year. The information contained in the Report also provides a useful overview of Council's food safety and education activities.

Reporting requires completion of a standard set of questions regarding enforcement activities undertaken by Council in the last financial year. The contents of the annual report have been compiled by Council's Environmental Health Team and a summary of the QPRC Food Inspection Program for 2019/2020 is provided below.

It should be noted that the 2019-20 NSW bushfires and ongoing COVID-19 pandemic has greatly impacted the local food businesses especially those relying on tourist trade such as those in the Braidwood area. A number of food business have closed and others have elected to not recommence trading since the COVID outbreak.

Food Business Profile

| | |
|---------------------------------------|-----|
| Number of high risk food businesses | 14 |
| Number of medium risk food businesses | 160 |
| Number of low risk food businesses | 32 |

High Risk typically means businesses which:

- handled and served ready-to-eat foods that may contain pathogenic microorganisms and support their growth, and
- also had known risk-increasing factors such as:
 - potential for inadequate/incorrect temperature control (reheated or hot-held food),
 - larger scale of operations (employed more than 10 people),
 - large catering operations (different preparation and serving location), and/or
 - supplied directly to at-risk customers (child care centres; nursing home caterers).

Medium risk typically means businesses which:

- handled (incl. cooked, thawed) foods that may contain pathogenic microorganisms and support their growth
- served ready-to-eat foods that may contain pathogenic microorganisms but not generally support growth, or unlikely to contain pathogenic microorganisms but may support growth if present
- served high-and medium-risk, ready-to-eat foods only portioned before receipt by the customer
- were small or medium scale of operations (less than 10 people), and/or
- wee small or medium scale catering

Low risk typically means businesses which:

- served foods unlikely to contain pathogenic microorganisms and unlikely to support growth if present
- served pre-packed food only, or
- supplied foods that are not ready-to-eat.

8.2 Food Surveillance Activity Report 2019-20 (Ref: ; Author: Thompson/Abbott)
(Continued)

Retail Sector Requirements

| | |
|---|-----|
| Number of food businesses requiring a Food Safety Supervisor | 145 |
| Number of these businesses that have a current Food Safety Supervisor | 103 |

The *Food Act 2003* (NSW) requires certain food businesses in the NSW hospitality and retail food service sector to have at least one trained Food Safety Supervisor (FSS). The FSS needs to have gained specific units of competency under the national Vocational Education Training system plus additional egg safety components unique to NSW.

The NSW Food Authority's FSS program was established to help reduce foodborne illness in the hospitality and retail food service sectors in NSW by improving food handler skills and knowledge.

Due to Council's close proximity to the ACT, many of the food business have gained food safety supervisor training certificates from ACT based training organisations. The NSW *Food Act 2003* only accepts food safety certificates provided by a NSW Food Authority approved training organisation thereby creating an administrative issue based on training locations. Where this is the case Council officers are monitoring the food business for food safety non-compliances and requiring additional NSW based training when/if required. There are only a small number of food business without any training and Council is taking appropriate enforcement action in these cases.

Resources Profile

| | |
|--|-----|
| Number of authorised officers/contractors engaged in food regulatory work over the 12 month reporting period | 3 |
| Number of FTE authorised officers/contractors engaged in food regulatory work over the 12 month reporting period | 0.8 |

Regulation Inspection Profile of High and Medium Risk Businesses

| | |
|---|-----|
| Number of primary inspections conducted for fixed food premises | 174 |
| Number of high and medium risk food premises inspected | 174 |
| Number of fixed food premises requiring re-inspections | 12 |
| Number of these re-inspected premises that required additional re-inspections | 0 |

Primary inspection means any planned, programmed or routine inspection but does not include re-inspection or complaint inspection. A satisfactory inspection is one where no re-inspection was warranted to close out any breaches and where no enforcement activity was undertaken. Possible outcomes of an inspection include: satisfactory letter, warning letter, improvement notice (fee), prohibition order, penalty notice (fine and 12 months public online notification), prosecution (possible fine and 12 months online notification).

Food Business Inspection Scored Outcomes

| | |
|-----------------------------|----|
| 5 Star rating (0-3 points) | 86 |
| 4 Star rating (4-8 points) | 43 |
| 3 Star rating (9-15 points) | 32 |
| 0 Star rating (16+ points) | 13 |

As part of the NSW Food Authorities 'Scores on Doors' program each council must record a food safety rating score, regardless of the business' participation in the program, dictated by the standardised Food Premises Assessment Report.

8.2 Food Surveillance Activity Report 2019-20 (Ref: ; Author: Thompson/Abbott) (Continued)

Food complaint profile

| | |
|--|----|
| Hygiene and handling | 4 |
| Foreign matter | 1 |
| Food quality including deterioration | 1 |
| Labelling and advertising | 1 |
| Single-incident Food borne illness | 2 |
| Other | 4 |
| Total number of food complaints investigated | 13 |

All food related complaints were investigated by Council officers and involved onsite inspections. All complaints were related to single events with no evidence found to substantiate further in-depth investigations. The number of food related complaints received by Council is less than last year and this is most likely due to the COVID restrictions on food businesses for much of 2020.

Enforcement action

| | |
|---|----|
| Number of Warnings issued | 57 |
| Number of Improvement Notices issued | 13 |
| Number of Penalty Notices issued | 1 |
| Number of Seizure Notices issued | 0 |
| Number of Prohibition Orders served | 0 |
| Number of Prosecutions determined relating to Food Act breaches | 0 |

Enforcement action listed above is the accumulation of all inspections (primary and re-inspections) conducted during the 2019-20 financial year. Enforcement activity includes the issuing of warning letters, improvement notices, penalty notices, prohibition orders or prosecution.

Value-added services

Council has a maturing and improving relationship with food businesses in line with its Enforcement Strategy and continue to work with them to improve the food safety standard of the premises. Further information was provided in the report on the following matters.

Participation in the 'Scores on Doors' - The 'Scores on Doors' program is not being embraced by food business as it is believed they are influenced by what is occurring in Canberra (no scoring program). Most food businesses have stated that they will participate once Canberra food business utilise some form of scores on doors program. Food businesses in Bungendore and Braidwood are more willing to participate in the program as they are not as influenced by the Canberra food industry.

Technical advice provided to food businesses - Free advice is provided to current food business owners and their staff whenever requested to encourage a positive food safety environment. Advice is also given during inspections to help improve food safety and prevent/rectify future breaches of the food standards code.

Information (factsheets, website, newsletter etc.) provided to food businesses - Council offers a large selection of factsheets, website information, and sends out a quarterly newsletter to all food businesses containing helpful tips and advice.

Food handler training organised or facilitated - Council utilises the "I'm Alert" online training and recommends that all food businesses have their food handlers complete the free training course.

**8.2 Food Surveillance Activity Report 2019-20 (Ref: ; Author: Thompson/Abbott)
(Continued)**

Other services provided or participated in? - Council participates in food related surveys when received. Council also participates in the Food Authority run workshops and in regional meetings of EHO's involved in the monitoring of food premises.

COVID-19 Inspections - The Minister for Local Government called upon NSW Council Environmental Health Officers to undertake COVID safety inspections of all cafes and restaurants to ensure compliance with the Public Health Order. Council supported this and has dedicated staff to carrying out the inspections. To date 57 of the 88 premises identified as requiring inspections have been completed.

Recommendation

That the report be received for information.

Attachments

Nil

8.3 Update on Renewable Energy and Energy Efficiency Project Savings - Case Study Projects (Ref: ; Author: Thompson/Pensini)

File Reference: 25.3.1-01

Report

Since 2010 Council has utilised the 'Azility- Smarter Energy Management' software to monitor operational energy, fuel, and water usage and to provide internal utilities expense management. The software provides numerous benefits to Council, including:

- individual asset monitoring
- emissions tracking
- utility bill verification and management
- automatic and real time data upload
- detailed analysis and report generation
- data sharing opportunities across portfolios
- identification of underperforming assets
- asset maintenance alerts
- Identification of cost saving opportunities.

Importantly however, the software enables Council staff the opportunity to accurately track, measure and verify cost, energy and greenhouse gas savings resulting from projects. Projects may include renewable energy installations, energy efficiency upgrades or waterwise improvements.

For the purpose of this report four recent projects have been analysed to show the value of the 'Azility- Smarter Energy Management' software as well as to highlight the significant cost, energy and greenhouse gas savings that result from renewable energy and energy efficiency projects.

A ten year savings timeframe has been chosen as this represents the minimum warranty period for the solar inverters (a solar systems likely lifespan is 15-25 years), likewise the average lifespan of LED bulbs is roughly 10 years.

Please note the following assumptions have also been included in the below calculations:

- There has been minimal to no change in energy consumption and pattern at the assets - energy efficiency project calculations only.
- Solar energy consumption is 80% of total generation - renewable energy installations only.
- There is a linear output decline of 0.7% annually - renewable energy installations only.

8.3 Update on Renewable Energy and Energy Efficiency Project Savings - Case Study Projects (Ref: ; Author: Thompson/Pensini) (Continued)

Karabar Shopping Centre Carpark Lighting Upgrade

About the project - The project was first identified through the Azility software as a result of continuously high electricity bills. The project involved upgrading the existing inefficient lighting to LEDs and installing a dimming control system. This allowed the lights to dim down to 30% of the lighting output when the carpark was not in use. The total cost of the project was \$6,185.

Cost and energy savings - Following completion of the project in November 2017, an energy saving of 22,808kWh has so far been achieved, this corresponds to a \$6,861 cost saving to Council. If projected energy savings continue to be achieved this will result in a 10-year saving to Council of \$25,785 which equates to a \$19,600 saving once capital costs are included.

Greenhouse gas savings - The project has so far achieved a significant emissions reduction of 18,702kg CO₂e.

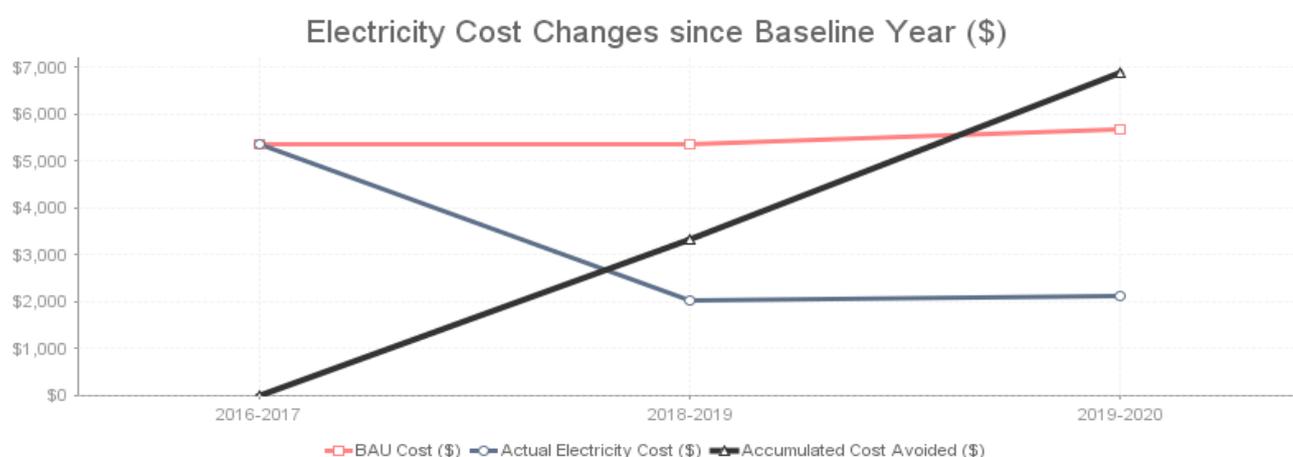


Figure 1: Line Graph - Karabar Shopping Centre Carpark Lighting Upgrade, Cost Saving (Azility)

In Figure 1 above the red line represents the business as usual (BAU) cost i.e. if no upgrades were undertaken. The blue line highlights the actual electricity cost after the upgrade has taken place and the black line signifies the accumulated cost savings.

Queanbeyan Works Depot Solar Installation

About the project - The project was carried out due to its potential to significantly reduce electricity usage and associated cost at the Queanbeyan Works Depot. Prior to commencement of the project electricity bills often exceeded \$4,000 a month. The project involved installing a 61kW rooftop solar system at a cost of \$46,250.

Cost and energy savings - In the 22 months post completion (September 2018) the system has generated 158,000kWh. From this 126,400kWh has been consumed by the depot with the remaining being exported to the grid. This equates to a \$30,336 cost saving to Council. If projected energy savings continue to be achieved this will result in a 10 year saving to Council of \$157,640 which equates to a \$111,390 saving once capital costs are included.

Greenhouse gas savings - The project has so far achieved a significant emissions reduction of 128,700kg CO₂e.

8.3 Update on Renewable Energy and Energy Efficiency Project Savings - Case Study Projects (Ref: ; Author: Thompson/Pensini) (Continued)

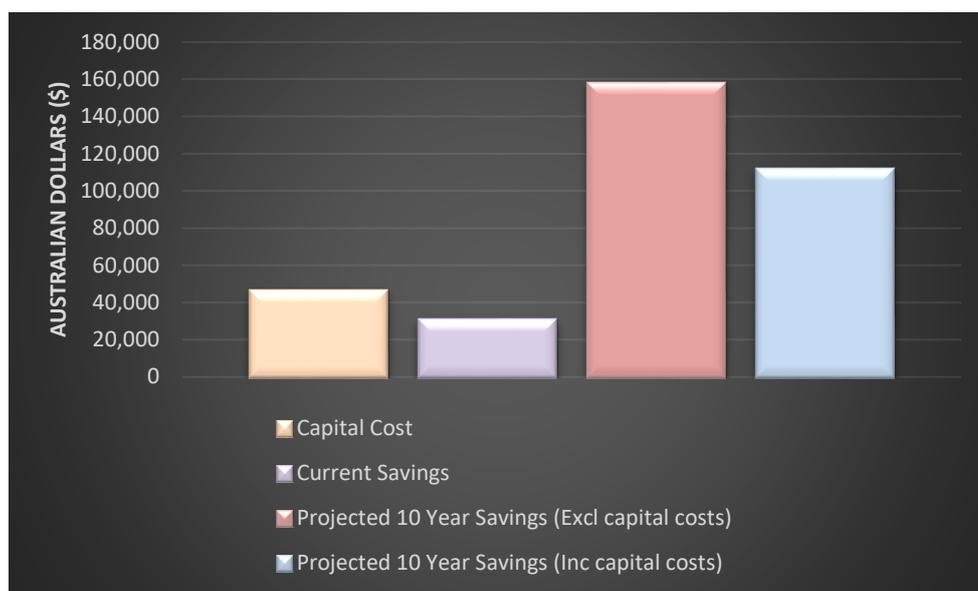


Figure 2: Bar Graph- Queanbeyan Works Depot Solar Installation, capital cost and cost savings.

Bungendore Office Solar Installation

About the project - Over the past several years over 46kW of rooftop solar has been installed at the Bungendore Office. This includes a 31.5kW system and 15kW system. Initially, the solar systems were recommended through an energy audit of the building due to their potential to significantly reduce electricity usage and associated cost. The combined capital cost of both systems was valued at \$77,279.

Cost and energy savings - So far the systems have generated 422,00kWh. From this 337,600kWh has been consumed by the building with the remaining being exported to the grid. In this regard the systems have so far saved Council approximately \$83,000. If projected energy savings continue to be achieved this will result in a 10 year saving to Council of \$127,191 which equates to a \$49,912 saving once capital costs are included.

Greenhouse gas savings - The project has so far achieved a significant emissions reduction of 358,700kg CO₂e.

8.3 Update on Renewable Energy and Energy Efficiency Project Savings - Case Study Projects (Ref: ; Author: Thompson/Pensini) (Continued)

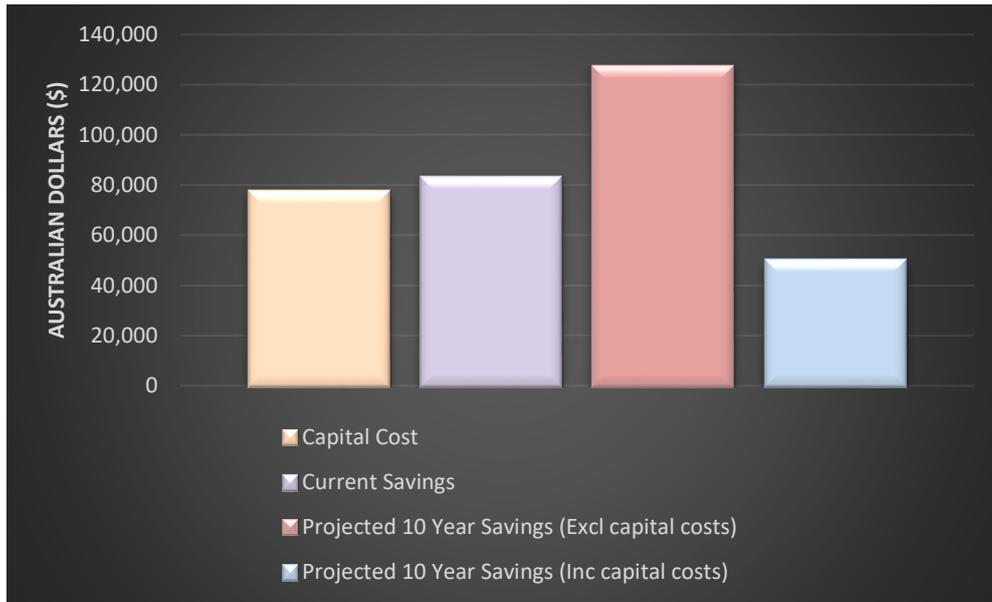


Figure 3: Bar Graph- Bungendore Office Solar Installation, capital cost and cost savings

Queanbeyan Bicentennial Hall Solar Installation and Lighting Upgrade

About the project - In late 2015 a 25.15kW rooftop solar system was installed at the Bicentennial Hall as a direct result of identified potential energy and associated cost savings through the ‘Azility’ software. In addition to this in May 2017 a LED lighting upgrade took place to improve the buildings efficiency and amenity. A lighting dimming control system was also installed. The combined capital cost of both projects was \$75,260.

Cost and energy savings - Since 2015 a substantial energy saving of 206,383kWh has been achieved. This has resulted in a \$62,932 cost saving to Council. If projected energy savings continue to be achieved the 10 year combined project saving is estimated to be \$154,958 which equates to a \$79,698 saving once capital costs are included.

Greenhouse gas savings - The project has so far achieved a significant emissions reduction of 231,805kg CO₂e.

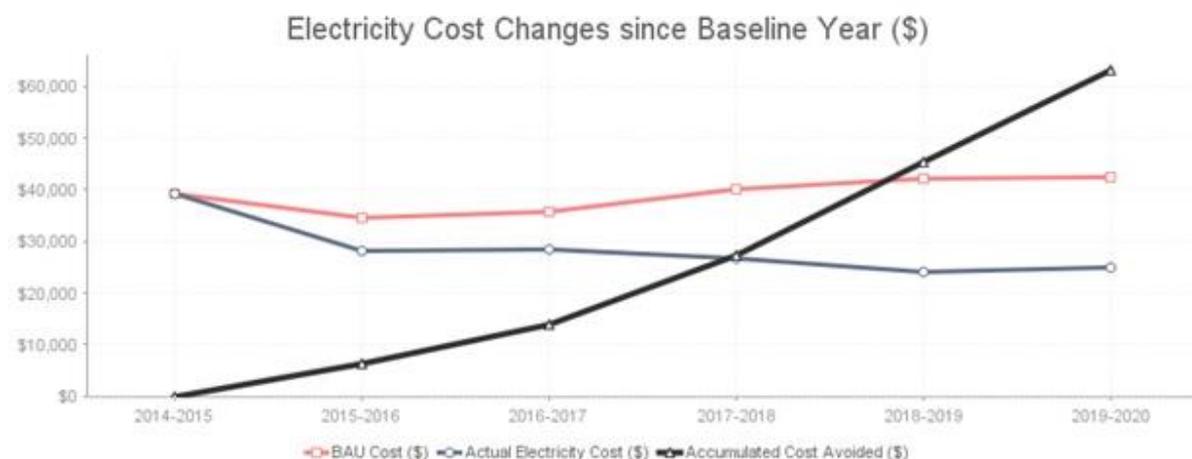


Figure 4: Line Graph- Bicentennial Hall, Cost Saving (Azility)

In Figure 4 above the **red line** represents the business as usual (BAU) cost i.e. if no upgrades were undertaken. The **blue line** highlights the actual electricity cost after the upgrade has taken place and the **black line** signifies the accumulated cost savings.

8.3 Update on Renewable Energy and Energy Efficiency Project Savings - Case Study Projects (Ref: ; Author: Thompson/Pensini) (Continued)

Further to the above Council has undertaken numerous energy efficiency upgrades (mostly lighting) and has an additional 15 operational rooftop and ground mounted solar PV systems.

The systems are located at:

- Braidwood and Queanbeyan Libraries
- Captains Flat, Currandooley and Braidwood Water Treatment Plants
- Braidwood and Captains Flat Sewage Treatment Plants
- Bungendore Community Centre
- The Q Performing Arts Centre
- Captains Flat Health Centre
- Queanbeyan Riverside Tourist Park
- Letchworth Community Centre
- Braidwood Recreation Grounds
- QEII Park
- RB Smith Building, Queanbeyan.

These upgrades and solar systems will result in further substantial energy, cost and greenhouse gas savings to Council. However, accurate savings calculations are unable to be determined for some of the systems due to a lack of or appropriate monitoring devices or inability to track down historic records.

In summary the above report demonstrates the value of installing renewable energy systems and undertaking energy efficiency upgrades through energy, cost and greenhouse gas savings.

The recently adopted '*QPRC Council Operations Climate Change Action Plan*' identifies a number of renewable energy and energy efficiency opportunities Council could undertake in the next 10 years which will result in further savings.

Recommendation

That the report be received for information.

Attachments

Nil

9.1 Minutes of the Braidwood and Curtilage Heritage Advisory Committee held 9 July 2020 (Ref: ; Author: Thompson/McCauley)

File Reference: 26.5.1-07

Summary

The Minutes of the Braidwood and Curtilage Heritage Advisory Committee held on 9 July 2020 are presented to Council for its consideration.

Recommendation

That Council note the Minutes of Braidwood and Curtilage Heritage Advisory Committee held on 9 July 2020 including recommendation B&C HAC 01/20 as follows:

B&C HAC 01/20 The Committee recommends that if the subdivision is to be approved, the buffer to the cemetery is to be increased by at least 10m and dense tree planting to be provided to screen the cemetery.

Attachments

Attachment 1  Minutes of the Braidwood and Curtilage Heritage Advisory Committee Meeting Held 9 July 2020 (*Under Separate Cover*)

9.2 Minutes of the QPRC Heritage Advisory Committee Meeting held 16 July 2020
(Ref: ; Author: Thompson/McCauley)

File Reference: 26.5.1-08

Summary

The Minutes of the QPRC Heritage Advisory Committee of 16 July 2020 are presented to Council for consideration.

Recommendation

That Council note the Minutes of QPRC Heritage Advisory Committee held on 16 July 2020 including recommendation QPRC HAC 02/21 as follows:

| | |
|-----------------------|---|
| QPRC HAC 02/21 | That the Committee has no objection to the proposal subject to the building design including articulation of the front façade (which could include a front verandah and front door) and some open timber cladding underneath the building on the front façade of the supporting columns. |
|-----------------------|---|

Attachments

| | |
|---|---|
| Attachment 1  | Minutes of the QPRC Heritage Advisory Committee Meeting Held 16 July 2020 (<i>Under Separate Cover</i>) |
|---|---|

9.3 Minutes of the Environment and Sustainability Advisory Committee held on 6 May 2020 (Ref: ; Author: Thompson/Abbott)

File Reference: 24.2.1-03

Summary

The Minutes of the Environment and Sustainability Advisory Committee of 6 May 2020 are presented to Council for consideration.

Recommendation

That Council note the minutes of Environment and Sustainability Advisory Committee held on 6 May 2020 and in particular note recommendation QPRC ESAC 01/20 as follows:

QPRC ESAC 01/20 That Council invest additional resources in weed management of biosecurity weeds not under control in LGA.

Attachments

Attachment 1  Minutes of the Environment and Sustainability Advisory Committee 6 May 2020 (*Under Separate Cover*)

9.4 Minutes of the Environment and Sustainability Advisory Committee Meeting of
15 July 2020 (Ref: ; Author: Thompson/Abbott)

File Reference: 24.2.1-03

Summary

The Minutes of the Environment and Sustainability Advisory Committee of 15 July 2020 are presented to Council for consideration.

Recommendation

That Council note the minutes of Environment and Sustainability Advisory Committee held on 15 July 2020.

Attachments

Attachment 1  Minutes of the Environment and Sustainability Advisory Committee Meeting held 15 July 2020 (*Under Separate Cover*)

11 NOTICE OF INTENTION TO DEAL WITH MATTERS IN CLOSED SESSION

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

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