



Ordinary Meeting of Council

12 November 2025

**UNDER SEPARATE COVER
ATTACHMENTS**

ITEM 9.1

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

ATTACHMENTS – 12 November 2025 Page i

Item 9.1 DA.2025.0211 - 38A Forster Street Bungendore - Construction of a Dwelling House - Two Storey

<i>Attachment 1</i>	<i>Section 4.15 Assessment Report - DA.2025.0211 - 38A Forster Street, Bungendore.....</i>	<i>2</i>
<i>Attachment 2</i>	<i>Plans - DA.2025.0211 - 38A Forster Street, Bungendore.....</i>	<i>41</i>
<i>Attachment 3</i>	<i>Draft Conditions of Consent - DA.2025.0211 - 38A Forster Street, Bungendore.....</i>	<i>51</i>
<i>Attachment 4</i>	<i>3D Views - DA.2025.0211 - 38A Forster Street, Bungendore..</i>	<i>64</i>
<i>Attachment 5</i>	<i>DCP Variation Request - DA.2025.0211 - 38A Forster Street, Bungendore</i>	<i>66</i>
<i>Attachment 6</i>	<i>SEE with Heritage Impact Statement - DA.2025.0211 - 38A Forster Street, Bungendore.....</i>	<i>70</i>
<i>Attachment 7</i>	<i>Submissions - DA.2025.0211 - 38A Forster Street, Bungendore</i>	<i>76</i>
<i>Attachment 8</i>	<i>Hertiage Advice - 38A Forster Street, Bungendore</i>	<i>87</i>

QUEANBEYAN-PALERANG REGIONAL COUNCIL

Council Meeting Attachment

12 NOVEMBER 2025

ITEM 9.1 DA.2025.0211 - 38A FORSTER STREET BUNGENDORE -
CONSTRUCTION OF A DWELLING HOUSE - TWO
STOREY

ATTACHMENT 1 SECTION 4.15 ASSESSMENT REPORT - DA.2025.0211 - 38A
FORSTER STREET, BUNGENDORE

QPRC

ASSESSMENT REPORT – DA.2025.0211

☑ SUMMARY

Proposal:	Construction of a dwelling house – two storey
Address:	38A Forster Street BUNGENDORE NSW 2621
Property description:	Lot 102 DP 1294115
Applicant:	Mcdonald Jones Homes Pty Ltd
Owner:	Robert Alexander Bruce & April Bruce
Date of lodgment:	23/05/2025
Notification period:	03/06/2025 to 23/06/2025
Submissions received:	Four
Assessment officer:	Ugyen Tenzin
Estimated cost of works:	\$858,993
Zoning:	R2 - Low Density Residential (QPRLEP 2022)
Heritage:	I180 Weatherboard cottage - Local Significance Note: The heritage item is not located on the subject lot but on the parent lot from which it was created via subdivision development application DA.2020.1488 dated 29 March 2021.
Flood affected:	Not applicable.
Bushfire prone:	Not applicable.
Airport operations:	Not applicable.
Recommendation of officer:	Approval subject to conditions

☑ EXECUTIVE SUMMARY

Proposal:	The application seeks Council approval for the construction of a two-storey dwelling house.
Notification:	The proposal was notified from 03/06/2025 to 23/06/2025. Four submissions were received.
Principal Issues:	a) Concerns raised in the submissions are discussed under section 4.15(1)(d) and are considered to be adequately addressed. b) The application requests variation to clause C2.2.2(1) and C6.3(1) of the Palerang Development Control Plan 2015. The request is found reasonable and justified considering the site conditions and merits of the application, and is supported.
Recommendation:	The application is recommended for approval subject to conditions of consent.

BACKGROUND

The lot is currently vacant, and it has no DA history. It was created as part of 2 lot Torrens title subdivision DA.2020.1488 dated 29 March 2021.

DESCRIPTION OF THE SITE AND LOCALITY

Legal Description	Lot 102 DP 1294115
Address	38A Forster Street BUNGENDORE NSW 2621
Location in Relation to Street	Northern side of Forster Street
Area	967.30m ²
Site Slope	The site has a slope of around 1.9% from its eastern to western boundary.
Vegetation	The lot consists of managed land with groups of exotic and native vegetation
Access	Provided via an existing driveway from Forster Street.
Existing Development on the Site	The lot is currently vacant.
Existing Development Within the Locality	Existing developments within the locality consists of dwelling houses and ancillary developments.

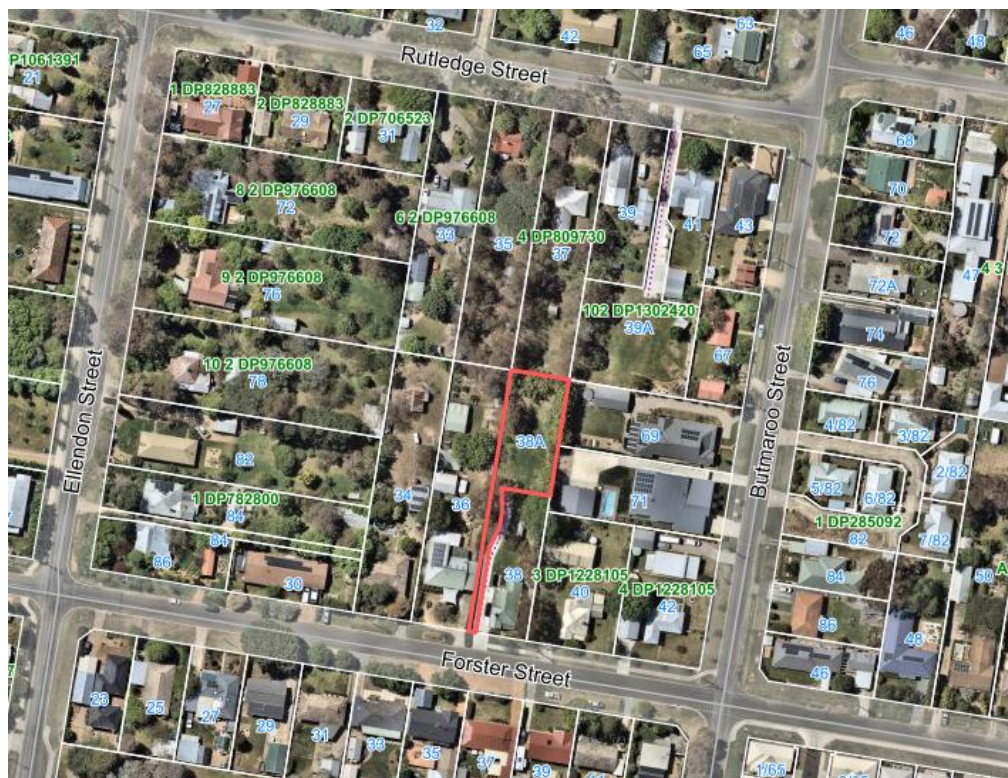


Figure 1: Locality Plan



Figure 2: Site photo – Access to the battle-axe lot with a heritage item to the right



Figure 3: Site photo – Southern aspect



Figure 4: Site photo – Western aspect



Figure 5: Site photo – Northern aspect



Figure 6: Site photo – Eastern aspect (North)



Figure 7: Site photo – Eastern aspect (South)

□ PROPERTY BURDENS AND CONSTRAINTS

The subject lot has a 3m wide easement to drain sewage and a right of carriageway of variable width. The proposed development is located away from this easement and ROW and will not affect or be affected by the proposed development.

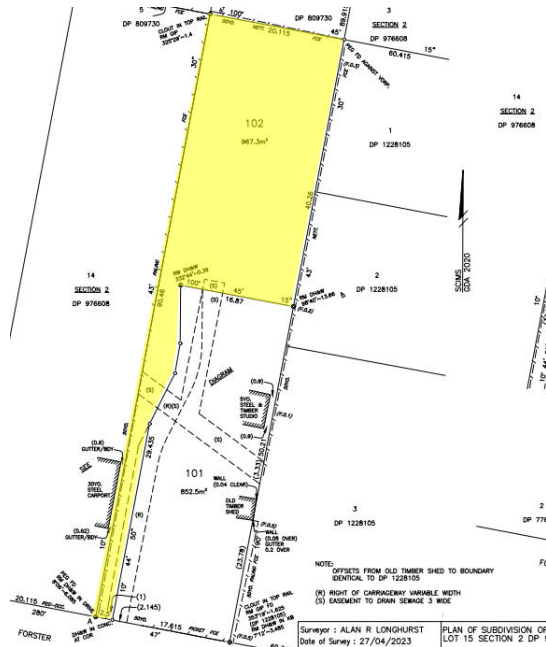


Figure 2: Extract from the DP of the lot

☒ DESCRIPTION OF THE PROPOSED DEVELOPMENT

The application seeks approval for construction of a two-storey dwelling house.

The specific elements of the proposal are:

- The dwelling is proposed with the following setbacks: Front = 6m, Side 1 (east) = 1.7m, Side 2 (west) = 5.025m and Rear = 13.214m.
- Ground floor – 2 guest beds, ensuite and walk-in-robe to guest bed, powder room, family/living, dining, kitchen, butler's pantry, walk-in-linen and laundry.
- First floor – 4 bedrooms, ensuite and walk-in-robe to master suite, powder room, bathroom and balcony.
- Attached garage, alfresco and patio.
- Installation of solar panels, gas heater and 22900L above ground water tank and outdoor clothesline.
- Removal of 9 trees and minor earthworks.

☒ CONSENT AUTHORITY

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

SECTION 4.10 DESIGNATED DEVELOPMENT—EP&A ACT, 1979

The proposal is not a designated development.

SECTION 4.47 INTEGRATED DEVELOPMENT—EP&A ACT, 1979

The proposal is not an integrated development.

REFERRALS

INTERNAL REFERRALS

ENGINEERING COMMENTS

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

Sewer Available:	Yes	Driveway:	Yes (existing Battle Axe Handle)
Water Available:	Yes	Kerb and Gutter:	Yes (Modified Lay Back Kerb)
Flood Category:	N/A	Footway Width:	5m (no path)
Natural Water Course:	No	Footway Grade:	2 – 4%
Drainage Easements:	☐ existing easement over adjoining land ☐ easement required over property or adjoining land		
Hydraulics:	☐ attached	☐ unavailable at time of assessment	☐ irrelevant
Is Construction Certificate – Subdivision required:	☐ Yes ☒ No		





Figure 1 & 2 – Development Site.

Water:

Potable water service is provided to the lot and is clearly marked on site.

There are no Water service easements affected by this development.

Sewer:

A sewer tie is provided to this lot and is clearly marked on site.

There are no Sewer service easements affected by this development.

Stormwater:

A stormwater tie marker is provided to this lot, however, will need to be confirmed on site.

There are no Stormwater service easements affected by this development.



Figure 3 – Existing Service Markers

Traffic and Parking:

A double garage is shown on the provided plans with clear opening width in excess of 4.8m and 0.3m side clearances and depth in excess of 5.5m within the garage. The plan area complies with requirements of AS.2890.1

Access:

Driveway alignment over Council verge is existing and is in accordance with Council's Design Specification D.13 for Palerang.

Driveway is existing Battle Axe Handle and complies with requirements of AS.2890.1 and Council's Design Specification D.13 (Vehicular Access Design Specification).

Contributions:

Nil applicable.

Flooding:

N/A.

Any other Engineering comments:

Nil.

ENGINEERING CONDITIONS

The following conditions may apply to the development:		✓ Which is applicable
<u>Residential</u> <u>Dwelling</u>	(DA.05.24), (DA.05.25), (DA.09.20), (DA.10.17), (DA.10.95), (DA.10.127), (DA.10.143), (DA.12.09)	✓

BUILDING SURVEY COMMENTS

Site Investigation Report for the site prepared by STS Geotechnics Pty Ltd dated 12 August 2024 identifies the site to be Class P and the development application was referred to the Council's building surveyor. The applicant was advised to submit an interim hydraulic plan for the sewer and stormwater disposal. The engineering design and plans submitted were found acceptable (confirmed by the Council's Building Surveyor via email communication dated 25/09/2025). Relevant conditions of consent are also recommended.

TREE OFFICER'S COMMENTS

Please refer discussions and comments under Section 3.5.5 of the Palerang Development Control Plan 2015 below.

HERITAGE ADVISOR COMMENTS

The subject lot was created via subdivision development application DA.2020.1488 dated 29 March 2021. Council's IntraMaps shows the lot as containing a heritage item of local significance (I180), though the heritage item is located on the adjacent (parent) lot. This is noted to be an error in the Council's mapping system, and it has been reported to and acknowledged by the Strategic Planning Division for its update.

Section 5.10 of the Queanbeyan-Palerang Local Environmental Plan 2022 and Section B10 of the Palerang Development Control Plan 2015 apply to the proposed development and the development application was referred to the Council's heritage advisor. The heritage advisor's

report received on 17 August advised that the proposal 'owing to its two storey format, the mass/articulation of the dwelling, the integrated design of the double garage and the proposed colour scheme' would not be sympathetic with the adjacent heritage item. The Heritage Advisor's full report is attached as Appendix 1 to this report.

It is noted that there is a difference of interpretation of the relevant controls between the Heritage Advisor's report and Council's own assessment. The proposed development is found compliant with the relevant controls. Even if it had adverse impact, which is unlikely in this instance, control B10.1.6(5) of the DCP states as below which anticipates and enables such developments:

- 5) New buildings shall be set back or further away from the significant building if it is likely to have an adverse impact on a heritage building by virtue of scale, location or appearance.

The proposed development is not on the same street frontage as the heritage listed item. It is located on the adjacent lot (behind), at a considerable distance (56m) from the front street and mostly behind the heritage item and existing vegetation on the lots. Design considerations are observed in the proposal and appropriate conditions of consent are recommended to ensure that the external finish and colours are sympathetic to the existing heritage item.

Full assessment of the relevant DCP controls is carried out under clause B10.1.6 of the Palerang Development Control Plan 2015 below.

☒ EXTERNAL REFERRALS

No external referral was required for this application.

☒ SECTION 1.7—APPLCIATION OF PART 7 OF BIODIVERSITY CONSERVATION ACT 2016 AND PART 7A OF FISHERIES MANAGEMENT ACT 1994—EP&A ACT, 1979

Section 1.7 of the EP&A Act requires consideration of Part 7 of the Biodiversity Conservation Act 2016 (BC Act). Part 7 of the BC Act relates to an obligation to determine whether a proposal is likely to significantly affect threatened species.

Section 7.2 of the Biodiversity Conservation Act 2016

Test	Assessment
(a) it is likely to significantly affect threatened species or ecological communities, or their habitats, according to the test in section 7.3, or	The proposal is unlikely to significantly affect threatened species as the subject site is part of an approved residential subdivision.
(b) the development exceeds the biodiversity offsets scheme threshold if the biodiversity offsets scheme applies to the impacts of the development on biodiversity values, or	The area of the proposed site (967.30m ²) is under the biodiversity clearing threshold maximum of 2500m ² .
(c) it is carried out in a declared area of outstanding biodiversity value	The site is not a declared area of outstanding biodiversity value.

Comment: Not applicable, the subject lot is not identified on the Biodiversity Values Map.

SECTION 4.14—CONSULTATION AND DEVELOPMENT CONSENT—CERTAIN BUSHFIRE PRONE LAND—EP&A ACT

Section 4.14 of the EP&A Act requires an assessment to be made of the proposal against the requirements of the Rural Fire Service document 'Planning for Bushfire Protection 2019'.

Comment: Not applicable, the subject lot is not a bushfire prone land.

SECTION 4.15—MATTERS FOR CONSIDERATION—EP&A ACT, 1979

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

STATE ENVIRONMENTAL PLANNING POLICIES

State Environmental Planning Policy	Relevant?	Comment
SEPP (Biodiversity & Conservation) 2021	Yes	The application does not involve any substantial native vegetation clearing and the proposal will not adversely impact koala habitat. The subject site is not located within a drinking water catchment.
SEPP (Building Sustainability Index) 2004	Yes	A valid BASIX certificate No. 1771300S_03 dated 22 May 2025 has been submitted for the proposal and the relevant commitments are shown on the plans.
SEPP (Housing) 2021	N/A	The application does not propose any housing listed in the SEPP.
SEPP (Resilience and Hazards) 2021	N/A	The subject site is not located within a coastal management area. The subject lot was created as part of a recent 2 lot Torrens tile subdivision and any contamination aspect would have been considered as part of the subdivision.
SEPP (Resources and Energy) 2021	N/A	The application does not propose an industry.
SEPP (Transport and Infrastructure) 2021	N/A	The proposed development will not adversely impact any existing infrastructure or the provision of any infrastructure.
SEPP (Industry and Employment) 2021	N/A	The proposal is not located within the Western Sydney Employment Area. The application does not propose signage.

QUEANBEYAN-PALERANG REGIONAL LOCAL ENVIRONMENTAL PLAN 2022
PART 1—PRELIMINARY

An assessment of the proposal against the general aims of Queanbeyan-Palerang Regional Local Environmental Plan 2022 is included below:

Cl. 1.2(2)	Aims	Complies
(aa)	• to protect and promote the use and development of land for arts and cultural activity, including music and other performance arts,	N/A
(a)	• to protect and improve the economic, environmental, social and cultural resources and prospects of the community,	Yes
(b)	• to facilitate the orderly and economic use and development of land having regard to ecological sustainability principles,	Yes
(c)	• to provide for a diversity of housing to meet the needs of the community into the future,	Yes
(d)	• to provide for a hierarchy of retail, commercial and industrial land uses that encourage economic and business development that caters for the retail, commercial and service needs of the community,	N/A
(e)	• to keep and protect important natural habitat and biodiversity,	Yes
(f)	• to protect water quality, aquifers and waterways,	Yes
(g)	• to keep, protect and encourage sustainable primary industry and associated commerce in rural areas,	N/A
(h)	• to identify and protect the cultural heritage of the area, including the built heritage and the Aboriginal heritage,	Yes
(i)	• to protect important scenic quality, views and vistas,	Yes
(j)	• to facilitate the orderly growth of urban release areas,	Yes
(k)	• to ensure development does not unreasonably increase the demand for public services or public facilities,	Yes
(l)	• to identify, protect and provide areas for community health and recreational activities.	N/A

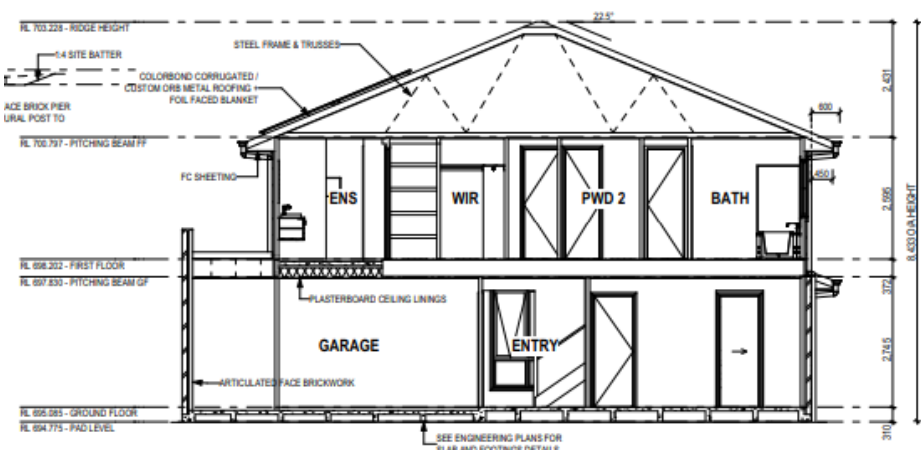
Comments: The proposed development is considered to be consistent with the aims of the QPRLEP 2022.

Clause	Relevance	Comment
1.9A Suspension of Covenants, Agreements and Instruments	Yes	No covenants, agreements and instruments restricting the development have been identified.

PART 2—PERMITTED OR PROHIBITED DEVELOPMENT		
Clause	Relevance	Comment
2.1 Land use Zones • The QPLEP designates land by zone. Zones then have specific development outcomes and development types permitted with consent, or prohibited.	Yes	The proposed development is on land zoned R2 - Low Density Residential.
2.2 Zoning of land to which Plan applies:	Yes	For the purposes of this Plan, land is within the zones shown on the Land Zoning Map.

2.3 Zone objective and Land use Table: The assessment must have regard for the objectives of the zones. The land use tables specify development assessment streams including with consent or prohibited. R2 Low Density Residential	Yes	The proposed use (dwelling house) is permitted with consent and not prohibited.
2.5 Additional permitted uses for particular land The LEP includes some unique provisions which override the Land Use Table.	Yes	There are no specific provisions for the subject site that override the land use table.
2.7 Demolition requires development consent	N/A	The proposal does not include any demolition.

PART 4—PRINCIPAL DEVELOPMENT STANDARDS

Clause	Relevance	Comment
4.1 Minimum lot size for subdivision: The assessment must ensure the proposed development meets the relevant Objectives.	N/A	The application does not propose subdivision.
Minimum lot size for: Choose an item.	N/A	The application does not propose subdivision.
4.2A Erection of dwelling houses on land in certain rural, residential, mixed use and conservation zones	Yes	The lot has a dwelling entitlement as it has an area of 967.30m ² and meets the required minimum lot size of 850m ² .
4.3 Height of Buildings: QPLEP designates the height of a building that the consent authority can approve.	Yes	The proposed height of 8.433m complies with the QPLEP 2022 height limit of 8.5m.
 SECTION A-A		
4.4 Floor space ratio QPLEP designates the maximum building area to site area (floor	N/A	The subject site is not captured in the QPRLEP 2022 floor space ratio map.

space ratio) that the consent authority can approve on some land. Floor space ratio is defined and excludes some areas of a building.		
4.5 Calculation of floor space ratio and site area	N/A	The subject site is not captured in the QPRLEP 2022 floor space ratio map.
4.6 Exceptions to development standards: - Council can consider varying a development standard in Part 4 (except some subdivision) of the QPLEP at the written request of the applicant. - Applicant to demonstrate that compliance is unreasonable, unnecessary and there are sufficient environmental planning grounds to justify the contravention.	N/A	The application does not propose a clause 4.6 variation.

PART 5—MISCELLANEOUS PROVISIONS		
Clause	Relevance	Comment
5.3 Development near zone boundaries: This Clause allows Council to use the objectives of an adjoining zone and permitted uses from the land use table of that adjoining zone to permit a use on the subject site that is currently prohibited. Adjoining zone being relied upon must be within 20m of the subject site.	N/A	No prohibited used is proposed.
5.4 Controls relating to miscellaneous permissible uses: Specific additional controls for some uses. These are statutory controls that cannot be varied and must be complied with or the use is prohibited. Choose an item.	No	The application does not seek approval for a miscellaneous permissible use.
5.5 Controls relating to secondary dwellings on land in a rural zone: Clause limits the internal floor area of a secondary dwelling. If exceeded, the proposed development cannot be approved.	No	The application does not seek approval for a secondary dwelling.
5.9 Dwelling house or secondary dwelling affected by natural disaster: Clause provides for the repair or replacement of a lawfully erected dwelling or secondary dwelling damaged or destroyed by a natural disaster.	No	The application does not seek approval to repair or replace a dwelling damaged or destroyed by a natural disaster.
5.10 Heritage conservation:	Yes	Please see discussions under the heritage advisor's comments above

		and assessment under Clause B10.1.6 of Palerang DCP 2015.
5.11 Bush fire hazard reduction: Bush fire hazard reduction work authorised by the Rural Fires Act 1997 may be carried out on any land without development consent.	N/A	No bushfire hazard reduction work is proposed.
5.13 Eco-tourist facilities: Clause applies to development for an eco-tourist facility. Facility must have a demonstrated connection with the ecological, environmental, and cultural values of the area which will be enhanced by the proposal.	No	The application does not propose an eco-tourist facility.
5.16 Subdivision of, or dwellings on, land in certain rural, residential or conservation zones: - Clause seeks to minimise potential land use conflicts. - Clause requires consideration of adjoining land uses or existing or approved uses of land in the vicinity of the development. - Clause applies to residential subdivision or for a dwelling.	N/A	Not applicable as the clause is not listed as being applicable to R2 zone.
5.18 Intensive livestock agriculture:	No	The application does not propose intensive livestock agriculture.
5.19 Pond-based, tank-based and oyster aquaculture:	No	The application does not propose pond-based, tank-based, or oyster aquaculture.
5.21 Flood planning:	N/A	Not applicable

PART 6—URBAN RELEASE AREAS		
Clause	Relevance	Comment
6.1 Concurrence of Planning Secretary: - Clause seeks to ensure state public infrastructure is sufficient to provide for urban release area growth. - Applies to subdivision of land in Googong or South Jerrabomberra or other urban release area and lots proposed are smaller than the minimum lot size.	No	The application does not propose creation of lots.
6.2 Public utility infrastructure: Clause seeks to ensure public utility infrastructure (water, electricity, management of sewage) is available to service the proposed development in urban release area.	Yes	Council's Development Engineer has commented that public utility infrastructure are provided to the property.
6.3 Development control plan: Clause requires development in an urban release area to be consistent with the relevant DCP and staging plan. DCP	Yes	The proposed development is required to comply with the Palerang Development Control Plan 2015.

to be prepared prior to development consent in an urban release area.		
6.4 Development near Googong Dam foreshores: Clause applies to development in Googong in the area mapped as being in the Googong Foreshore Buffer.	No	The lot is not identified as being located near Googong Dam Foreshores.

PART 7—ADDITIONAL LOCAL PROVISIONS		
Clause	Relevance	Comment
7.1 Earthworks: - Clause applies to earthworks that is not exempt. - Earthworks assessable for a heritage item or in a heritage conservation area except wholly in the back yard).	Yes	The application proposes earthworks to accommodate the proposed dwelling which are considered satisfactory and are unlikely to disrupt or detrimentally impact drainage patterns and soil stability in the locality of the development or adversely impact the likely future use or redevelopment of the land.
7.2 Terrestrial biodiversity: This clause primarily seeks to protect native flora and fauna.	No	The subject site is not identified as being located within a terrestrial biodiversity area.
7.3 Drinking water catchments: This clause primarily seeks to protect drinking water supplies by maintaining water quality.	No	The subject site is not identified as being located within a drinking water catchment.
7.4 Riparian land and watercourses: This clause primarily seeks to protect and maintain water quality in waterways, the stability of beds & banks and aquatic & riparian habitats.	No	The subject site is not identified as being located within riparian and watercourses land.
7.5 Salinity: This clause seeks to ensure land that is impacted by salinity or where the site is prone to erosion is managed.	No	The subject site is not identified as being impacted by salinity.
7.6 Highly erodible soils: This clause seeks to protect highly erodible soils.	No	The subject site is not identified as containing highly erodible soils.
7.7 Slopes over 18 degrees: This clause seeks to manage the impact of development on steep slopes.	No	The subject site is not identified as containing slopes over 18 degrees.
7.8 Airspace operations: - This clause seeks to manage the potential impact of development that penetrates the Airport Obstacle Limitation Surface. - The clause may be triggered by the existing height of the land or the height of the land plus the height of the building.	No	The subject site is not captured within the Canberra Airport Obstacle Limitation Surface.
7.9 Development in areas subject to aircraft noise:	No	The subject site is not identified as being impacted by aircraft noise.

The clause seeks to prevent the impact of noise from the airport or under flight paths.		
7.10 Aircraft noise—development in the South Jerrabomberra Urban Release Area: This clause applies to noise sensitive development (residential or community use) in South Jerrabomberra Urban Release Area.	No	The subject site is not located in South Jerrabomberra.
7.11 Development in areas adjoining national parks and nature reserves: - This clause seeks to protect values of national parks and nature reserves. - It applies to land adjoining a national park or nature reserve.	No	The subject site does not adjoin a national park or nature reserve.
7.12 Essential services: This clause seeks to ensure all relevant essential services are available to the development.	Yes	Council's Development Engineer has commented that relevant essential services are available in the subject lot.
7.13 Location of sex services premises: This clause seeks to minimise potential land use conflicts associated with sex services premises.	No	The application does not propose a sex services premises.
7.14 Scenic protection: This clause seeks to protect scenic amenity and ensure development does not impact on it.	No	The subject site is not identified as being located within a scenic protection area.
7.15 Active street frontages: This clause applies to development mapped on land as an active street frontage in the B3 Commercial Core. It seeks to promote uses that attract pedestrian traffic to ground floor street frontages. Clause applies to new buildings and change of use applications.	No	The subject site is not identified as having an active street frontage.
Development near:Please select	No	The subject site is not identified as being located near Cooma Road Quarry, HMAS Harman, Arterial Roads or Hume Industrial Area.

☒ PALERANG DEVELOPMENT CONTROL PLAN 2015

Section	Controls	Compliance/ Conditions
PART B – GENERAL PROVISIONS		
B1	Site analysis The application was accompanied by a site plan which included details including access, contours and distances from lot boundaries.	Yes
B2	Accessible design Not applicable to the proposed development.	N/A
B3	Terrestrial biodiversity See Biodiversity Conservation Act 2016 assessment above. Soil It is not considered that the site preparation and earthworks will have an adverse impact on soil stability. Watercourses The site is not located within 40 metres of any watercourses. Habitat corridors The development is considered unlikely to have any adverse impacts on threatened species, population, ecological communities or their habitat. 3.5 Tree and Vegetation Management B3.5.5 Controls Land Zoned Residential (R1, R2, R3, R4 and RU5), Business (B1, B2, B3, B4, B5, B6, B7 and B8, Industrial (IN1and IN2), Special Use (SP1 and SP2) and RE1 Public Recreation i) No permit is required for the removal of any vegetation set out under the listed exemptions at 3.5.4 of this section. Comment: Not applicable. ii) A permit is required for the removal, ringbarking, lopping, topping, poisoning, pruning or relocation of all existing trees, both native or exotic, having: i. height of 6 metres or greater, or ii. a canopy spread of 3 metres or greater. Comment: The development application includes proposal to remove eight cypress trees and one eucalyptus tree, and it was referred to the Council's vegetation compliance officer. The removal of the eight cypress trees is recommended for approval while the eucalyptus has been approved for crown reduction and dead wooding and pruning as below:	Yes



Tree 9: - Eucalyptus (H15) – This designated tree is located in the north direction of the property – Approved for crown reduction and deadwooding pruning. Approved for the removal of the branch that the removal does not compromise the structural integrity of the tree. The tree is in fair to poor health, fair structure, medium life expectancy, and medium retention value. Install root protection barriers around the rear left of the foundation of the house and utility lines to prevent potential damage that may be caused by the tree roots in the future. Set up the TPZ before commencing work, with approval for encroachment of up to 14% of the TPZ. A condition report for the eucalyptus prepared by an arborist level 5 must be provided upon completion of the work.

- iii) A permit is also required for all works affecting a “significant” tree. All trees identified as “Significant” by Council, and nominated or registered as such on Council’s significant tree register, regardless of height, canopy or location, must be retained, preserved, protected and maintained. Special requirements apply for the removal or pruning of “significant” trees. For further information on these requirements, please contact Council’s Urban Landscapes Section.

Comment: Not applicable.

- iv) Any proposed removal of a tree that is a poor specimen and is in a state of decline that is prolonged and irreversible, may need to be supported by relevant evidence from a suitably qualified person (for example a report from an Arborist).

Comment: Not applicable.

	v) Any proposed removal of trees that have caused or are likely to cause significant structural damage may need to be supported by relevant evidence from a suitably qualified person (for example a report from a Structural Engineer). Comment: <i>Not applicable.</i> vi) For every tree removed from a site for construction of a building it should be replaced with either a tree of similar species, or an indigenous plant species which is better suited to the changed circumstances of the site. The tree is to be replaced within the property boundary of the site it was removed from unless otherwise specified by Council. Comment: <i>Planting of replacement trees is not considered necessary in this instance because of the following reasons:</i> • <i>Removal of trees has been approved to accommodate the dwelling and enable optimal use of the lot.</i> • <i>There are number of trees retained at the site.</i> • <i>The subject lot is a battle-axe lot and there is no direct impact on the streetscape.</i> • <i>A landscape plan was submitted which shows that hedging is proposed along parts of northern and eastern boundaries.</i> vii) The removal or pruning of trees or other vegetation proposed to facilitate solar access for the tree owner or their neighbours is not generally supported. Comment: <i>Not applicable.</i>	
B4	Bushfire prone land The site is not identified as a bushfire prone land and therefore no bushfire protection measures are required to be prescribed.	Not applicable.
B5	Crime prevention through environmental design The proposed development generally satisfies the relevant provisions of this clause. Though the proposed dwelling does not front the main street, entry and exit points to the site are clear and legible.	Yes
B7	Engineering requirements The proposed driveway and parking arrangement were assessed by Development Engineer. No objections were raised.	Yes
B8	Erosion and sediment control Relevant conditions of consent are recommended to that adequate erosion and sediment control measures are in place during the construction phase.	Yes
B10	Heritage	Yes
B10.1.6	New development in the vicinity of heritage items	

1. Buildings shall be appropriate to the character of the streetscape or context.

Comment: *Complies. The proposed dwelling is located on a battle-axe lot and at a distance of around 56m from the front street. The design also incorporates cladding at the upper floor level and pitched roof of corrugated metal sheeting similar to the heritage item.*

The streetscape in this area of Forster St has a mix of dwelling types, with an individually heritage listed item adjacent to the site, and dwellings on the opposite side of Forster St being modern brick homes.

There are two heritage items that the site is in the vicinity of – the first is 38 Forster St, which the development is set back 34m from this item, and 35 Rutledge St which adjoins the site at the rear. Due to existing vegetation, the proposal will not be visible from 35 Rutledge St.

Photo below is opposite the site.



Photo below shows 36 Forster St, which has no heritage value



Photo below shows the street view of 35 Rutledge St.



2. New buildings shall be of a similar height or less than surrounding buildings.

Comment: Though the proposed dwelling is two-storeyed, it is located a distance of around 34.5m (28.5m + 6m) from the heritage item. The proposed height of 8.433m is below the maximum permissible height of 8.5m in the zone. The proposed dwelling will not negatively impact on adjoining properties due to the existing vegetation on the site and the setback from the street.

3. New buildings shall not obstruct views (including oblique views along the street) of significant buildings.

Comment: Not applicable as the proposed dwelling is located at a considerable distance behind the heritage item, at the rear and on a separate lot.

4. New buildings shall not visually dominate the streetscape or roofscape of the surrounding area.

Comment: Not applicable as the proposed dwelling is located on a battle-axe lot and does not have a street frontage.

5. New buildings shall be set back or further away from the significant building if it is likely to have an adverse impact on a heritage building by virtue of scale, location or appearance.

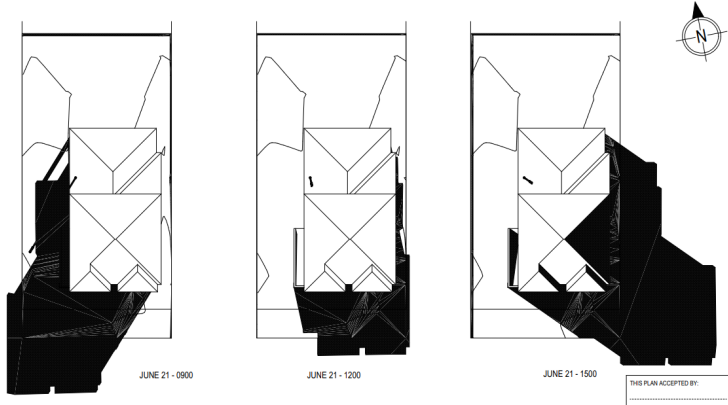
Comment: Complies.

6. New buildings with visible side elevations shall be articulated if greater than 15 metres in length. The articulation can take the form of a rebate in the wall, possibly in combination with a full height change of wall material.

Comment: Complies. The side elevation is articulated and there is existing vegetation. In any case, the side elevations will not be fully visible from the street.

	7. New development may "borrow" architectural language or design from early historic or contributory architectural buildings, such as roof pitch, corrugated iron roofing or weatherboard walls. Comment: <i>Complies. The design incorporates horizontal weatherboard cladding at the upper floor level and pitched roof with corrugated metal sheeting similar to the heritage item.</i> 8. New development may interpret traditional design concepts in a modern way, and do not have to copy existing buildings. Comment: <i>Complies.</i> 9. Where larger scale new developments are proposed a building and streetscape character analysis, streetscape elevation, and definition of suitable envelope, is to be prepared and discussed with the heritage advisor prior to undertaking detailed design. Comment: <i>The development application was referred to the Council's heritage advisor and the advice received was considered in the Council's assessment of the proposal.</i> 10. Where a structure is unable to achieve a suitable design standard, for example because of its utilitarian or specific nature, it is to be lower, set back from adjacent structures and incorporate suitable screening. Comment: <i>Not applicable.</i> B10.1.7 Garages in the vicinity of heritage items 1. Attached garages to new dwellings should be set back a minimum of 1m from the front face of the dwelling. Comment: <i>This control is considered not relevant to the proposed development as it does not have a direct street frontage but is located on a battle-axe lot at distance of 56m from the street.</i> 2. The roof form of a garage attached to a new dwelling should not be a continuation of the main roof, but rather be articulated to reduce its scale and bulk. Comment: <i>Complies. The garage is located on the ground and has an articulated mass and roof form.</i>	
B13	On-site System of Sewage Management (OSSM) The site is connected to Council sewer services.	Not applicable.
B15	Waste management The consent will contain a condition for waste management to ensure that adequate measures are in place during the construction phase.	Yes – Condition
B17	Rainwater tanks A 22,900L water tank is proposed to be installed (22.5KL required).	Yes

PART C2 – RESIDENTIAL DEVELOPMENT		
C2.1	Objectives and controls applicable to all land use zones and dwelling types Subject to the recommended conditions of consent, it is considered that the proposed development is consistent with the objectives and generally consistent with the controls of the DCP. The development is consistent with the residential character of the locality, and it is considered that the proposal will not detract from the existing built and landscape environment or the existing amenity of the area.	Yes
C2.1.1	Acoustic privacy It is considered that the proposed development will not result in any adverse impacts on the acoustic privacy of the dwelling or adjoining owners.	Yes
C2.1.2	Visual Privacy The visual privacy of the proposed development is considered satisfactory as the proposed dwelling will not overlook into any habitable spaces of adjoining dwellings and surrounding development will not overlook into the habitable spaces of the proposed dwelling. The eastern elevation of the balcony at the first-floor which has potential for privacy concerns has been provided with 1.8m high privacy screen and is considered to be adequately addressed. A condition of consent is recommended requiring provision of a permanent privacy screen (such as solid translucent screen, perforated panels, angled louvres or trellises or other suitable alternative means) on this elevation of the balcony.	Yes
C2.1.3	Dwelling Articulation The proposed dwelling is considered to be reasonably articulated and will not have an adverse impact on the streetscape. Dwelling facades include a mix of materials and massing to reduce bulk. In addition, the proposed dwelling is located on a battle-axe lot and does not have a street frontage.	Yes
C2.1.4	Dwelling Exteriors It is considered that the proposed development will not detract from the future and existing character of the locality, being residential. The consent will contain a condition that all structures are to be finished in materials that have low reflectivity.	Yes
C2.1.5	Development of a Heritage Item or in the Vicinity of a Heritage Item Please see assessment and discussion under clause B10.1.6 above.	Yes
C2.1.6	Driveways, Entrances, Access, Parking and Utilities Council's Development Engineer has reviewed the application and raised no objections.	Yes
C2.1.7	Energy and water efficiency	Yes

	A BASIX Certificate was submitted as part of the proposal to ensure the new dwelling meets the minimum energy efficiency standards.	
C2.1.8	Gates and Fencing See the assessment under C29.2.	Yes
C2.1.9	Height The proposed height of 8.433m complies with the QPLEP 2022 height limit of 8.5m.	Yes
C2.1.10	Landscaping A landscape plan was submitted though not required.	N/A
C2.1.11	Overshadowing Shadow diagrams have been submitted for the proposed development which show that there will be no undue overshadowing impacts and the developments on the adjoining properties will have access to at least 3 hours of sunlight. 	Yes
C2.1.12	Solar Access It is considered that the development will not result in any adverse impact on the solar access of the site.	Yes
C2.1.13	Siting and orientation The proposed dwelling is considered to satisfy this control. The dwelling is orientated to face the internal driveway.	Yes
C2.1.14	Roof form (shape) The proposed dwelling has a roof pitch of 22.5° and complies with the maximum permissible roof pitch of 32°.	Yes
C2.1.15	Street frontage The subject site is a battle-axe lot and does not have a direct street frontage. However, the lot has adequate area and dimensions that enable provision of adequate solar access, outdoor spaces, privacy, vehicle access and vegetation.	Yes

C2.1.16	Streetscape The subject site does not have a direct street frontage. It is a battle axe lot located at a distance of around 56m from the street frontage.	N/A
C2.1.19	Potable Water and Sewage Disposal The development application has been assessed to be satisfactory in these regards by the Council's development engineer.	Yes
PART C2.2 – DWELLING HOUSES, SECONDARY DWELLINGS, SEMI-DETACHED DWELLINGS AND DUAL OCCUPANCIES IN RESIDENTIAL (R1, R2 AND R5), BUSINESS (B4) AND RU5 VILLAGE LAND USE ZONES		
C2.2.1	Maximum Gross Floor Area 1) The gross floor area will be no greater than 40% of the area of the lot. <i>Comment: The gross floor area comprises 29.69% (287.2m2) of the area of the lot (967.30m2).</i> 2) The gross floor area (including the principal dwelling) of secondary dwellings, semi-detached dwellings and dual occupancies will be no greater than 40% of the area of the lot <i>Comment: Not applicable.</i>	Yes

	The NSW Land and Environment Court has consistently supported a flexible, merit-based approach to development controls where the objectives of the control are met, even if numerical compliance is not achieved. Key cases include; Wehbe v Pittwater Council [2007] NSWLEC 827 - Established that strict numerical compliance is not necessary if the objectives of the control are satisfied. Four2Five Pty Ltd v Ashfield Council [2015] NSWCA 248 - Reinforced that merit-based assessment is appropriate and that context and design quality can justify a variation. Gunnammatta Bay Holdings Pty Ltd v Sutherland Shire Council [2025] NSWLEC 1230 - Confirmed that where a development meets the intent of the planning control and results in no adverse impacts, a variation can be supported. These decisions provide a strong legal foundation for Council to exercise discretion in favour of the proposal, given that the objectives of Clause C2.2.2(1) are clearly met. Comments: The DCP control variation request is found reasonable considering the site conditions and supported for approval in this instance because of the following reasons: - The dwelling is located on a battle-axe lot and does not have a street frontage. - The dwelling has a setback of 6m from its boundary and is located 28.5m from the rearmost part of the heritage listed item. - There are mature vegetation/trees between the proposed dwelling and the existing house on the adjacent lot in front. - The variation does not result in any adverse impact on the streetscape, amenity, privacy or solar access of the adjoining lots or itself.	
PART C6 - SHEDS, GARAGES, CARPORTS AND ANIMAL HOUSING IN RESIDENTIAL AND RU5 LAND USE ZONES		
C6.1	Height The height of the proposed garage is 3.117m and complies with maximum height of 8.5m as per QPR LEP 2022.	Yes
C6.3	Garage frontage 1) Where garages form part of the dwelling they shall not exceed 40% of the total width of the dwelling frontage. Variation request: The garage width works out to 48.39% of the dwelling width (6.48m of 13.39m) and a variation to the control has been requested below: Clause C6.3(1) of the Palerang Development Control Plan (DCP) 2015 requires that garages forming part of a dwelling shall not exceed 40% of the total width of the dwelling frontage. In this case, the proposed garage comprises ~ 48.39% of the total width of the dwelling frontage. While this exceeds the numerical control, the site is a battle-axe allotment, and the dwelling is located over 60 m from the street, meaning the garage is not visible from the public domain and has no impact on the streetscape. The garage is also architecturally integrated into a two-storey built form, with articulation, material variation, and upper-level massing that visually balances the overall façade. If the garage-to-dwelling ratio were assessed based on total façade area rather than width alone, the proposal would present as compliant in scale and proportion.	Yes

	The NSW Land and Environment Court has consistently supported a merit-based and flexible approach to development controls where the objectives of the control are met, even if numerical compliance is not achieved. Key cases include; • Initial Action Pty Ltd v Woollahra Council [2018] NSWLEC 118 - The Court accepted a variation to a numerical control, finding that the design quality and absence of adverse impacts justified the departure. • RebelMH Neutral Bay Pty Ltd v North Sydney Council [2019] NSWCA 130 - The Court held that planning controls should not be applied rigidly, and that context and planning outcomes are critical considerations. • Construction Development Management Services Pty Ltd v City of Sydney [2023] NSWLEC 1620 - The Court approved a development that did not meet the numerical solar access criteria, finding that the qualitative objectives were met through good design. These decisions support the view that compliance with the objectives of a control can justify a variation, particularly where there is no adverse environmental or amenity impact and the design outcome is of high quality. Comments: The variation request is found reasonable and supported in this instance because of the following reasons: - The dwelling and the garage attached to it are located on a battle-axe lot and do not have a street frontage. Consequently, the garage does not have any physical or visual impact on the street and streetscape. - The garage would be only partially visible from the street. - Due to the articulation and massing of the front façade and the dwelling being only partially visible from the street, this variation would not be fully visible from the street.	
PART C29 – GATES AND FENCING		
C29.2	R1 General Residential, R2 Low Density Residential, R5 Large Lot Residential and RU5 Village land use zones 1) Front fencing forward of the building line is to be a maximum height of 1.2 metres and behind the building line 1.8 metres in height. Comment: N/A. No fencing is proposed as part of this application. 2) Side and rear boundary fencing is to be to a maximum height of 1.8 metres behind the building line. Comment: N/A. No fencing is proposed as part of this application. 3) Fencing of the street frontage and the side boundary between the front of a building and a street is optional, but shall be no higher than 0.9m. Comment: N/A. No fencing is proposed as part of this application. 4) Fencing materials should be in sympathy with the materials used in the dwelling and the surrounding area. Comment: N/A. No fencing is proposed as part of this application. 5) Where the lot is below the flood planning level, Council should be consulted prior to the erection of the fence. Comment: Not applicable. The subject lot is not affected by flood. 6) Rural type boundary fencing not incorporating barbed wire is acceptable for side and rear fences in the existing village area.	Yes

	Comment: N/A. No fencing is proposed as part of this application. 7) Gates are to open inwards. Comment: N/A. No gate is proposed as part of this application. 8) Zincalume or other reflective materials, electrified or barbed fencing is not permitted and solid steel fences are not permitted forward of the front building line. Comment: N/A. No fencing is proposed as part of this application.	
--	--	--

☒ **4.15(1)(a)(iiia) MATTERS PRESCRIBED BY THE REGULATIONS**

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

☒ **4.15(1)(a)(iv) MATTERS PRESCRIBED BY THE REGULATIONS**

There are no matters prescribed by the regulations that are a consideration for this proposal.

☐ **4.15(1)(a)(v) ANY COASTAL ZONE MANAGEMENT PLAN**

Council is not subject to a coastal zone management plan.

☒ **4.15(b) THE LIKELY IMPACTS OF THE DEVELOPMENT, INCLUDING ENVIRONMENTAL IMPACTS ON BOTH THE NATURAL AND BUILT ENVIRONMENTS, AND SOCIAL AND ECONOMIC IMPACTS IN THE LOCALITY**

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

☒ **4.15(1)(c) THE SUITABILITY OF THE SITE FOR THE DEVELOPMENT**

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

☒ **4.15(1)(d) ANY SUBMISSIONS MADE IN ACCORDANCE WITH THIS ACT OR THE REGULATIONS**

The development application was notified from 03/06/2025 to 23/06/2025 in accordance with Part E of the PDCP 2015. Four submissions were received raising concerns on various topics which are highlighted and considered adequately addressed as discussed under the assessing officer's comments below a) through d):

a) Submission 1

Hello I live to the west of this development and have not been contacted. Has there been a solar study undertaken for adjacent property's? The design height is well above a standard 2 story height and would impact surrounding properties. Additionally, does the property have any Heritage and or Neighbourhood Character overlays. The heights of the building and destruction of the trees at the location would impact both overlays. I find it inappropriate that a building of this height is allowed to be constructed without contacting surrounding property owners. Additionally, there would also be concerns about privacy.

- i) I live to the west of this development and have not been contacted.

Comments: The submitter's address is 34 Forster Street and does not adjoin the subject lot. The Council's Community Engagement and Participation Plan requires only the owners of the adjoining properties to be notified of the application in writing. Further, as required the application was notified through the Council's website.

- ii) Has there been a solar study undertaken for adjacent property's?

Comments: Shadow diagrams of the proposed development were submitted which showed its shadow impacts and solar access in mid-winter. It is noted that the shadow impacts are reasonable, and the adjoining lots would receive at least three hours of sunlight. This complies with the Land and Environment Court Planning Principle for overshadowing.

- iii) The design height is well above a standard 2 story height and would impact surrounding properties.

Comments: The proposed development is a two-storey dwelling, compared to the predominantly single storey structures in the area. However, the proposed height of the dwelling (8.433m) is compliant with the maximum permissible height of 8.5m in the zone and the dwelling is adequately setback from the lot boundaries and adjoining dwellings.

- iv) Does the property have any Heritage and or Neighbourhood Character overlays? The heights of the building and destruction of the trees at the location would impact both overlays.

Comments: Council's IntraMaps shows that the subject lot contains a heritage item, which in fact is located on the adjacent (parent) lot from which this lot was created through subdivision application number DA.2020.1488 dated 29 March 2021. This is noted to be an error in mapping and has been reported to and acknowledged by the Council's Strategic Planning division for its update.

However, the proximity of the proposed development to the heritage items in its vicinity has been considered and it has assessed against Section 5.10 of the Queanbeyan-Palerang Local Environmental Plan 2022 and Section B10 of the Palerang Development Control Plan 2015 which pertain to heritage considerations and is found to be compliant.

Height of dwelling – Please refer comments above under (iii).

Destruction of trees – The application proposed removal of 9 trees which included one gum tree located on the western side of the lot and was referred to the Council's tree management officer. The removal of the eight exotic (cypress) trees has been approved while the eucalyptus has been only approved for crown reduction and dead wooding and pruning.

- v) I find it inappropriate that a building of this height is allowed to be constructed without contacting surrounding property owners.

Comments: The public and the adjoining owners have been notified as per the Council's Community Engagement and Participation Plan. Further, the height of the proposed development at 8.433m is within the permissible limit of 8.5m prescribed by the Queanbeyan-Palerang LEP 2022.

- vi) There would also be concerns about privacy.

Comments: *The proposed development does not raise any privacy concerns. It has maintained adequate setbacks and the habitable rooms at the upper level all comprises of bedrooms. None of these bedrooms have windows facing the side boundaries. The eastern elevation of the balcony at the upper floor level which may have potential privacy issue is proposed to be provided with a privacy screen to a height of 1.8m from the FFL. A condition of consent is also recommended to ensure that this privacy screen is provided during the construction stage.*

b) Submission 2

Objection to Development Application – 38A Forster Street, Bungendore NSW 2621

I am writing to object to aspects of the proposed development at 38A Forster Street, Bungendore, particularly relating to the building height, architectural style, tree removal, and impact on neighbouring properties.

1. Building Height and Dominance

The proposed height of 8.5 metres exceeds the height of my recently approved shed at 65 Butmaroo Street by approximately 2 metres. During that approval process, height and setback were subject to detailed scrutiny. Given the elevated scale of the proposed dwelling, similar scrutiny should apply. The height and bulk of the design will dominate adjacent properties at 69 and 71 Butmaroo Street and will be highly visible from both Butmaroo and Forster Streets. In the context of old Bungendore, the proposal appears out of scale with its surroundings and not sympathetic to the existing building styles and heritage.

Objection to Development Application – 38A Forster Street, Bungendore NSW 2621

I am writing to object to aspects of the proposed development at 38A Forster Street, Bungendore, particularly relating to the building height, architectural style, tree removal, and impact on neighbouring properties.

1. Building Height and Dominance

The proposed height of 8.5 metres exceeds the height of my recently approved shed at 65 Butmaroo Street by approximately 2 metres. During that approval process, height and setback were subject to detailed scrutiny. Given the elevated scale of the proposed dwelling, similar scrutiny should apply. The height and bulk of the design will dominate adjacent properties at 69 and 71 Butmaroo Street and will be highly visible from both Butmaroo and Forster Streets. In the context of old Bungendore, the proposal appears out of scale with its surroundings and not sympathetic to the existing building styles and heritage.

2. Architectural Compatibility

The proposed modern architectural style does not reflect the established character of the neighbourhood. In contrast, the dwelling at 69 Butmaroo Street represents a more appropriate example of sympathetic infill development—one that aligns with past council guidance and community expectations. A revised design that respects the architectural language of the area would be more appropriate.

3. Tree Removal and Privacy Impacts

The removal of nine trees, as shown on the site plan, will significantly reduce the privacy currently enjoyed by neighbouring properties. These trees provide natural screening and contribute to the amenity and character of the area. Their removal would expose adjoining properties and exacerbate the visual impact of the proposed building. The extent of tree removal is excessive and should be reconsidered. The building should be able to be built by a skilled team without removing the trees. We have not removed the trees at our development at 65 Butmaroo St.

4. Landscaping and Boundary Screening

Should approval be granted, retention of the boundary trees—or the inclusion of landscaping and screening treatments of equivalent effectiveness—should be a condition of approval. These measures should not be left to assumption but must be specified in the consent to protect privacy and amenity.

5. Impact on Rutledge Street and Adjacent Lots

The proposal should be assessed not only in isolation but also in terms of its cumulative impact on neighbouring properties, particularly within the Rutledge Street battle-axe lots. A built form that dominates its surroundings, both in scale and massing, risks undermining the overall balance and character of the area and will set a precedence for construction infill that is not sympathetic to the area.

6. Front Balcony and Overlooking

The proposed front balcony should be redesigned to mitigate potential overlooking of adjacent properties to the east and west and dominance to the south. The current design lacks appropriate screening and fails to provide adequate privacy for neighbouring residences.

7. Overshadowing

The proposed development will cast substantial shadow over 71 Butmaroo Street. This impact could be mitigated by reducing the height of the building to no more than 6.67 metres—consistent with nearby buildings—and by favouring skylights over upper-storey windows on the eastern and western elevation.

Conclusion

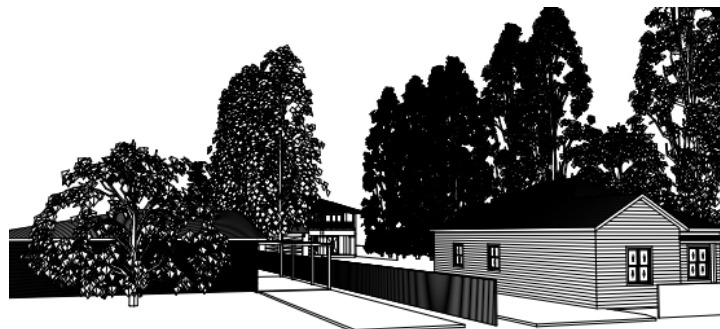
This objection is not anti-development but seeks to ensure that new proposals respect the character, scale, and amenity of the surrounding area. A more modest building height, retention of boundary trees, and a sympathetic architectural design would improve the compatibility of the proposal with its context. I urge Council to carefully consider these points in its assessment.

- i) **Building Height and Dominance** - The proposed height of 8.5 metres exceeds the height of my recently approved shed at 65 Butmaroo Street by approximately 2 metres. During that approval process, height and setback were subject to detailed scrutiny. Given the elevated scale of the proposed dwelling, similar scrutiny should apply. The height and bulk of the design will dominate adjacent properties at 69 and 71 Butmaroo Street and will be highly

visible from both Butmaroo and Forster Streets. In the context of old Bungendore, the proposal appears out of scale with its surroundings and not sympathetic to the existing building styles and heritage.

Comments: The proposed development height of 8.433m is compliant with the control of 8.5m as per the QPR LEP 2022. Each development application is assessed on its own merit, and this application was assessed against the relevant legislations, policies and controls that are applicable within zone and on the subject lot. Further, the development is located on a battle-axe lot located at a considerable distance from the street frontages. Therefore, its impact on the heritage item and developments on the adjoining lots are considered to be reasonable and not excessive.

Renders of the proposed development demonstrate that whilst the building is two storey, due to the setback from the street and the existing vegetation, the impact to surrounding properties and the streetscape is minimal.



FRONT LEFT



FRONT RIGHT



FRONT CENTRE

- ii) Architectural Compatibility - The proposed modern architectural style does not reflect the established character of the neighbourhood. In contrast, the dwelling at 69 Butmaroo Street represents a more appropriate example of sympathetic infill development—one that aligns with past council guidance and community expectations. A revised design that respects the architectural language of the area would be more appropriate.

Comments: *The development is considered to be sympathetic to the architecture of the heritage item located on the adjacent lot to its front with its horizontal weatherboard cladding and pitched roof with corrugated metal sheeting. While relevant, it would be unreasonable to compare this development to the one on 69 Butmaroo Street as it does not front the primary street as 69 Butmaroo does. Further, it is located at a considerable distance from the street frontage.*

- iii) Tree Removal and Privacy Impacts - The removal of nine trees, as shown on the site plan, will significantly reduce the privacy currently enjoyed by neighbouring properties. These trees provide natural screening and contribute to the amenity and character of the area. Their removal would expose adjoining properties and exacerbate the visual impact of the proposed building. The extent of tree removal is excessive and should be reconsidered. The building should be able to be built by a skilled team without removing the trees. We have not removed the trees at our development at 65 Butmaroo St.

Comments: *The proposed site plan enables the development without having to remove any native tree. While eight cypress trees are approved for removal, most of the existing trees that do not impact on the development are retained. The only gum tree proposed for removal has not been approved. Further, the removal of the trees does not have any adverse impact on the privacy of the adjoining properties. Please refer assessment under no. (vi) of the Submission 1 above for discussion on privacy concerns.*

- iv) Landscaping and Boundary Screening - Should approval be granted, retention of the boundary trees—or the inclusion of landscaping and screening treatments of equivalent effectiveness—should be a condition of approval. These measures should not be left to assumption but must be specified in the consent to protect privacy and amenity.

Comments: *As stated above while eight trees are approved for removal to accommodate the dwelling, all other trees will be retained. Though there is no requirement, a landscape plan which shows that there will be hedging along parts of its southern and eastern boundaries. Further, as stated above there is no privacy or amenity issues arising from the proposed development.*

- v) Impact on Rutledge Street and Adjacent Lots - The proposal should be assessed not only in isolation but also in terms of its cumulative impact on neighbouring properties, particularly within the Rutledge Street battle-axe lots. A built form that dominates its surroundings, both in scale and massing, risks undermining the overall balance and character of the area and will set a precedence for construction infill that is not sympathetic to the area.

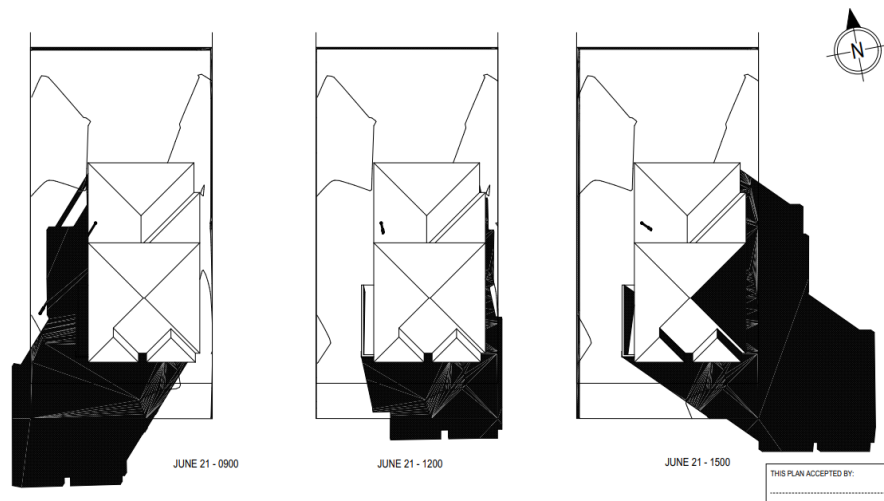
Comments: *A comprehensive assessment has been carried out in accordance with the Council's established practices and policies. The nearest street to the proposed development is Forster Street and the development would also be most visible from this street. However, considering its location on a deep battle-axe lot, the visual impact and massing are considered acceptable. The rear boundary of the lot is located 90m from Rutledge St.*

- vi) Front Balcony and Overlooking - The proposed front balcony should be redesigned to mitigate potential overlooking of adjacent properties to the east and west and dominance to the south. The current design lacks appropriate screening and fails to provide adequate privacy for neighbouring residences.

Comments: Please refer assessment under no. (vi) of the Submission 1 above for discussion on privacy concerns.

- vii) Overshadowing - The proposed development will cast substantial shadow over 71 Butmaroo Street. This impact could be mitigated by reducing the height of the building to no more than 6.67 metres—consistent with nearby buildings—and by favouring skylights over upper-storey windows on the eastern and western elevation.

Comments: Shadow diagrams have been submitted for the proposed development which show that there will be no excessive overshadowing impacts and the developments on the adjoining properties will have access to at least 3 hours of sunlight. The boundary of the property is approximately 26m from the rear wall of the dwelling at 71 Butmaroo St.



c) Submission 3

We believe that a two-storey dwelling is out of place and does not fit in with the character of the older residential sections of Bungendore. A single-storey dwelling would be a much better fit, particularly regarding privacy, as the proposed dwelling has boundaries to at least four existing dwellings' backyards.

Comments: The height of the proposed development at 8.433m is within the permissible limit of 8.5m prescribed by the Queanbeyan-Palerang LEP 2022. The relevant control specifies only the numerical height and not in terms of the number of storeys. Further, it does not have direct street frontage and is significantly setback from the street with the nearest one being 56m away. Therefore, visual impact would be adequately moderated by the distance from the street and the existing vegetation around it.

d) Submission 4

My wife and I, as co-owner occupiers of 69 Butmaroo Street Bungendore, share a common boundary with the proposed development site at 38A Forster Street Bungendore (DA.2025.0211).

- We provide objections to aspects of the development which include:
1. Objection to the boundary as defined in the development application
 2. Objection to proposed tree removal
 3. Objection to proposed height of development
 4. Heritage considerations.

Objections are outlined in the attached report and submitted together with the donations and gift declaration.

The submitter attached a 6-page report detailing out his concerns on the four issues noted above with proposed resolution to each and summarized final comments as below:

- i) Objection 1 – The submitted application needs to be supported by a survey that confirms property boundary lines.

Comments: A survey plan clearly showing the lot boundaries was submitted as part of the development application. The plans also show the existing fence around the lot which is proposed to be retained. Therefore, additional survey plan or consideration in this regard is not considered necessary.

- ii) Objection 2 – The proposed removal of trees is unnecessary and, for a variety of reasons, would be detrimental to the area immediately surrounding the proposed development site.

Comments: Please refer discussion under number (iii) of Submission 2 above.

- iii) Objection 3 - The proposed height of the development is excessive.

Comments: Please refer discussion under number (iii) of Submission 1 above.

- iv) Objection 4 – A heritage impact statement should be submitted with the development application.

Comments: Although the lot does not contain any heritage item, a heritage impact statement was submitted and assessed considering its proximity to heritage item in the area.

☒ PUBLIC INTEREST

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

☒ CONTRIBUTIONS

☒ Section 64 contributions

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

Section 64 Contributions are not applicable to the proposed development.

☒ Section 7.11 contributions

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

Section 7.11 Contributions are not applicable to the proposed development. The Council's development engineer commented as below:

Section 7.11 Contributions

Not Applicable for the proposed development.

Car Parking contributions for Elm Grove Stage 2A under Bungendore Section 7.11 Plan No. 11 has been paid at the Subdivision Stage (SC.2023.0020) dated 11 August 2023.

☒ Section 7.12 contributions

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

Section 7.12 Contributions are not applicable to the proposed development as the land is not in the mapped area where the 7.12 contributions plan applies.

☒ CONCLUSION

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

Appendix 1

Queanbeyan-Palerang Regional Council - Heritage Advisory Service	
The Queanbeyan-Palerang Regional Council (QPRC) Heritage Advisory Service is provided by Philip Leeson Architects for the QPRC, to assist QPRC and owners of heritage properties and places within the council area. Advice provided by the service does not constitute formal approval of works, which would require Council planning approval. Further enquiries in relation to heritage matters can be made to the QPRC Land Use Planning Team on (02) 6285 6276 or emailing landuseadmin@qprc.nsw.gov.au.	
Date	10 July 2025, updated on 17 September 2025 based on amended plans
Property Address	38A Forster Street, Bungendore
Lot/Section	Lot 102
Deposited Plan (DP)	DP1294115
Contact	Name: Ugyen Tenzin Ugyen.Tenzin@qprc.nsw.gov.au
Heritage Status	Parent lot is of local significance (1180 Weatherboard cottage)
Nature of Advice	Development Application – New dwelling (two storey)
Advisor	Katrina Keller

Background

The subject lot was created via the subdivision of 38 Forster Street which is understood to have been approved in 2021. The front portion of 38 Forester Street contains a single storey weatherboard cottage which is individually listed as a heritage item of local significance in [Schedule 5](#) of the [QPRC Local Environment Plan \(LEP\)](#). It is noted that the site adjoining 38 Forster Street (no. 40) also contains a locally significant heritage item. A previous heritage study identified nos 38 and 40 as a pair of cottages dating from circa 1927 with no. 38 retaining good historic integrity. A block diagonally to the rear of 38A Forster Street (35 Rutledge Street) is also a locally significant heritage item.

Assessment

The site is subject to the provisions of the [Section 5.10 of the LEP – Heritage Conservation](#), and the Development Control Plan (DCP) for Palerang, particularly Section B10 – Heritage. Relevant objectives and controls of the DCP are referenced below.

It is noted that the proposal is for a large house when compared to the existing cottage which subsequently has the potential to overwhelm the modest timber building fronting Forester Street, though it is acknowledged that the proposed residence would be set back a considerable distance from the street. The current design of the proposed new residence would not be sympathetic with the character of the heritage item at 38 Forester Street owing to its two storey format, the mass/articulation of the dwelling, the integrated design of the double garage and the proposed colour scheme (assuming the latter has not been amended).

DCP Controls	Heritage Commentary
B10.1.6 New development in the vicinity of heritage items	
1) Buildings shall be appropriate to the character of the streetscape or context.	The proposed residence is unlikely to be appropriate fit with the character of the weatherboard cottage at 38 Forster Street due to its scale and height as well as the incorporation of the integrated double garage which is located level with the front of the new dwelling. Whilst the amended design of the garage roof is an improvement (it now has a hipped roof), the design of the garage, which is largely located below the first floor, would not be sympathetic to the adjacent listed heritage item.
2) Buildings shall be of a similar height or less than surrounding buildings.	As a two storey dwelling, the proposed dwelling will be higher than the single storey cottage fronting 38 Forster Street. The

DCP Controls	Heritage Commentary
4) New building shall not visually dominate the streetscape or roovescape of the surrounding area. 5) New buildings shall be set back or further away from the significant building if it is likely to have an adverse heritage impact on heritage building by virtue of scale, location or appearance.	3D street views provided suggest that both the two storey part incorporating the garage and the double storey porch (noted as a patio and balcony) will be evident in street views. This, combined with the substantial size of the hipped roof to the front (which would be over 14 metres wide compared with the more articulated roof of the heritage item which is about 10m wide), is likely to result in a negative visual impact on the heritage item. Whilst it is acknowledged that the building would be set back a considerable distance behind the rear of the heritage item, this would not fully mitigate impacts associated with the scale and appearance of the proposal.
6) New building with visible side elevations shall be articulated if greater than 15 metres in length. The articulation can take the form of a rebate in the wall, possibly in combination with a full height change of the wall material.	A section of the east elevation at ground level would be slightly longer than 15 metres, but is unlikely to have a heritage impact due to the differing roof treatment above and the considerable setback from the street.
1) New development may 'borrow' architectural language or design from early historic or contributory architectural buildings, such as roof pitch, corrugated iron roofing or weatherboard walls.	A pitched roof clad in corrugated metal sheeting is likely to be an acceptable response, though it is noted that the width of and height of the main hipped roof would be considerably larger than that of the heritage item (refer to commentary above).
2) New development may interpret traditional design concepts in a modern way, and do not have to copy existing buildings.	Face brick and horizontal weatherboard cladding would also be sympathetic. An amended external palette was not provided for review and subsequently the commentary on colours relates to the details previously provided. The combination of the dark colours of the Colorbond basalt roofing and garage door, together with the very dark grey bricks, would not be sympathetic with the heritage item at 38 Forster Street which has light coloured timber walls. At a minimum, the colour of the brickwork and the garage door should be lightened.
3) Where larger scale new developments are proposed a building and streetscape character analysis, streetscape elevation, and definition of suitable envelope is to be prepared and discussed with the heritage advisor prior to undertaking detailed design.	The most visible part of the proposed dwelling is likely to be the double garage and associated first floor section (master suite). The character of this portion would not be sympathetic with the timber cottage due to the two storey height at the front and the integrated design of the garage which has a double garage door and is located mostly within the form of the dwelling.
B10.1.7 Garages in the vicinity of heritage items	
1) Attached garages to new dwelling should be set back a minimum of 1 metre from the front face of the dwelling.	The proposed garage would be located roughly in line with the piers to the front porch of the new dwelling. Any garage should be set back a minimum of 1 metre from the front face of the dwelling to reduce its visual impact.
2) The roof form of a garage attached to a new dwelling should not be a continuation of the main roof, but rather be articulated to reduce its scale and bulk.	The garage should also have a separately articulated roof so that the dwelling has a character that is more sympathetic to the heritage item.

QUEANBEYAN-PALERANG REGIONAL COUNCIL

Council Meeting Attachment

12 NOVEMBER 2025

ITEM 9.1 DA.2025.0211 - 38A FORSTER STREET BUNGENDORE -
CONSTRUCTION OF A DWELLING HOUSE - TWO
STOREY

ATTACHMENT 2 PLANS - DA.2025.0211 - 38A FORSTER STREET,
BUNGENDORE

DA

QUEANBEYAN-PALERANG
REGIONAL COUNCIL

SHEET INDEX

Table with 2 columns: Sheet Number, Sheet Description. Includes Cover Sheet, Existing Conditions, Overall Site Plan, Site Plan, 3D Street Views, Water Management Plan (GF), Water Management Plan (FF), Ground Floor Plan, First Floor Plan, Roof Plan, Window & Door Schedules, Elevations / Section, Kitchen Details, Butler's Pantry Details, Bathroom Details, Ensuite / WC Details, Powder Room 2 Details, Ensuite 2 Details, Powder Room Details, Laundry Details, Floor Coverings (GF), Floor Coverings (FF), Shadow Diagrams - June 21, Slab Plan, Drainage Plan.

BASIX AREAS

Table with 2 columns: Area, Value. Includes Conditioned (237.87), Unconditioned (16.71).

TOTAL FLOOR AREAS

Table with 2 columns: Area, Value. Includes Alfresco (14.04), Balcony (15.69), Garage (49.47), Living (114.02), Living (Ground Floor) (165.99), Patio (15.38), Stair Void (5.68), Stairs (6.09), Total (386.36 m²).

COMPLIANCE AREAS

Table with 2 columns: Area, Value. Includes Site Coverage Area (250.97).

SUSTAINABILITY COMMITMENTS

WATER COMMITMENTS

- 3 STAR (> 7.5 BUT <= 9L/MIN) SHOWER HEADS
4 STAR TOILET SUITES
4 STAR KITCHEN TAPS
5 STAR BATHROOM TAPS

- 288.78 m² TOTAL ROOF AREA
22900 L WATER TANK(S) MINIMUM CAPACITY
166.89 m² MINIMUM ROOF AREA TO TANK(S)

- RAINWATER TANK(S) TO BE CONNECTED TO:
- AT LEAST ONE OUTDOOR TAP
- ALL TOILETS
- WASHING MACHINE

- NO RETICULATED RECYCLED WATER SUPPLY
500 m² GARDEN/LAWN AREA

ENERGY COMMITMENTS

- HOT WATER SYSTEM
- GAS CONTINUOUS FLOW - 6 STAR

- HEATING SYSTEM
- 3-PHASE REVERSE CYCLE AIR CONDITIONING
EER 3.5 - 4.0

- COOLING SYSTEM
- 3-PHASE REVERSE CYCLE AIR CONDITIONING
EER 3.0 - 3.5

- VENTILATION (EXHAUST FANS)
- AT LEAST ONE BATHROOM:
DUCTED TO OUTSIDE AIR, INTERLOCKED TO LIGHT
- KITCHEN RANGEHOOD:
DUCTED TO OUTSIDE AIR, MANUAL SWITCH ON/OFF
- NO MECHANICAL VENTILATION TO LAUNDRY

- PRIMARY FLUORESCENT/LED LIGHTING INCLUDING COVER
- N/A

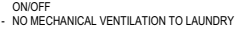
- NATURAL LIGHTING TO
- KITCHEN
- 3 BATHROOM/TOILET

- ALTERNATIVE ENERGY
- PHOTOVOLTAIC SYSTEM - MINIMUM 10.12KW PEAK

- OTHER
- GAS COOKTOP, ELECTRIC OVEN
- FIXED OUTDOOR CLOTHESLINE BY OWNER

BASIX CERTIFICATE:

1771300S (02 MAY 2025)



AS & NCC COMPLIANCE

ALL CONSTRUCTION TO BE IN ACCORDANCE WITH NCC 2022 & APPLICABLE AUSTRALIAN STANDARDS AT TIME OF APPROVAL.

- SLAB IN ACCORDANCE WITH AS 2870. REFER TO ENGINEERS DETAIL FOR ALL SLAB DETAILS.

- BRICK CONTROL JOINTS PROVIDED IN ACCORDANCE WITH NCC 2022.

- ALL STEEL FRAMING TO BE DESIGNED TO AS 4100-2020 OR AS/NZS 4600-2018.

- INSULATION TO BE INSTALLED IN ACCORDANCE WITH NCC 2022 AND ALL APPLICABLE AUSTRALIAN STANDARDS.

- TERMITE PROTECTION IN ACCORDANCE WITH AS 3660 AND NCC 2022.

- GLAZING IN ACCORDANCE WITH AS1288 AND N.C.C. 2022

- SMOKE ALARMS IN ACCORDANCE WITH AS3786 AND N.C.C.

- INTERNAL WATERPROOFING IN ACCORDANCE WITH NCC 2022 HOUSING PROVISIONS PART 10.2.

- EXTERNAL WATERPROOFING IN ACCORDANCE WITH AS 3740 AND AS 4654.

- WET AREA FLOORS TO FALL TO FLOOR WASTES AT MIN 1:80 AND MAX 1:50 GRADE (IF APPLICABLE)

- CONDENSATION MANAGEMENT IN ACCORDANCE WITH NCC 2022 HOUSING PROVISIONS PART 10.8.

- BUILDING SEALING IN ACCORDANCE WITH NCC 2022.

- SERVICES IN ACCORDANCE WITH NCC 2022.

- EARTHWORKS IN ACCORDANCE WITH AS 3798-2007

- EXTERNAL WALL WRAP (SARKING) IN ACCORDANCE WITH N.C.C. (IF APPLICABLE)

- EXHAUST FANS DUCTED TO OUTSIDE ARE (IF APPLICABLE)

BUILDING INFORMATION

- GROUND FLOOR PITCHING HEIGHT(S): 2745mm

- FIRST FLOOR PITCHING HEIGHT(S): 2595mm

- FRAMES AND TRUSSES: TREATED TIMBER

- ROOF PITCH (U.N.O.): 22.5°, 20°, 3°

- ELECTRICITY SUPPLY: 3-PHASE

- GAS SUPPLY: RETICULATED SUPPLY

- ROOF MATERIAL: SHEET METAL

- ROOF COLOUR: DARK

- WIND DRIVEN ROOF VENTILATORS: 2

- EAVE VENTS: 8

- WALL MATERIAL: BRICK VENEER, CLADDING, HEBEL

- WALL COLOUR: N/A

INSULATION

- INSULATION TO BE INSTALLED IN ACCORDANCE WITH N.C.C. AND RELEVANT AUSTRALIAN STANDARDS

- MIN. 80mm FOIL FACED BLANKET UNDER ROOFING

- CEILING: R7.0 BATTS (EXCL. GARAGE)

- EXTERIOR WALLS: R2.2 BATTS (EXCL. GARAGE)

- WALL WRAP TO ENTIRE HOUSE

- INTERIOR WALLS: R2.2 BATTS (ALL INT. WALLS)

- R4.1 TO FF SUB-FLOOR

SITE & ENGINEERING INFORMATION

- DESIGN WIND CLASSIFICATION: N2

- SITE CLASSIFICATION: P-M

- SLAB CLASSIFICATION: M



NOTE TO OWNER

THESE PLANS FEATURE WORKS REQUIRED BY THE OWNER THAT MAY BE EXCLUDED FROM THE SCOPE OF THE CONTRACT WITH THE BUILDER, BUT HAVE BEEN INCLUDED IN THESE DRAWINGS TO ASSIST IN THE OVERALL PLANNING AND ASSESSMENT. SOME REGULARLY EXCLUDED WORKS INCLUDE DRIVEWAYS, RETAINING WALLS AND SITE DRAINAGE. PLEASE REFER TO YOUR CONTRACT TENDER AND COLOUR SELECTIONS DOCUMENTATION FOR DETAILS.

ROOF CONDENSATION MANAGEMENT

- VENT SPECIFICATIONS

- ROOF VENTILATORS - MIN 70.385mm2 FREE OPEN SPACE PER VENT

- ROOF VENTILATORS TO BE PROVIDED EVENLY ALONG THE HIGHEST RIDGE OF APPLICABLE ROOF

- EAVE VENTS = MIN 25.300mm2 FREE OPEN SPACE PER VENT

- EAVE VENTS TO BE PROVIDED EVENLY AROUND THE PERIMETER OF ROOF

CALCULATIONS

MAIN ROOF

- LONGEST HORIZONTAL ROOF LENGTH: 13.2M

- ROOF PITCH: 22.5°

- VENTILATION REQUIRED AT HIGH LEVEL: 66,000MM2 (5000 X13.2)

- NO. ROOF VENTS REQUIRED: 1 (66,000 / 70,385) =0.94

- VENTILATION REQUIRED AT LOW LEVEL: 92,400 (7000 X 13.2)

- NO. OF EAVE VENTS REQUIRED: 4 (218,050 / 25,300) = 3.66

GROUND FLOOR

- LONGEST HORIZONTAL ROOF LENGTH: 12.35M

- ROOF PITCH: 20°

- VENTILATION REQUIRED AT HIGH LEVEL: 61,750(5000 X 12.35)

- NO. ROOF VENTS REQUIRED: 1 (66,000 / 70,385) =0.87

- VENTILATION REQUIRED AT LOW LEVEL: 86,450 (7000 X 12.35)

- NO. OF EAVE VENTS REQUIRED: 4 (218,050 / 25,300) = 3.42

TOTALS

- TOTAL NO. ROOF VENTS REQUIRED: 2

- TOTAL NO. EAVE VENTS REQUIRED: 8



SUBJECT TO NCC 2022
(1 OCT 2023 + 7 STARS)
WATERPROOFING & PLUMBING
CONDENSATION MANAGEMENT
ENERGY EFFICIENCY

PRELIMINARY
CONSTRUCTION
DRAWING
DATE:
05/06/2026
DRAFTING OFFICE:
CANBERRA

© 2025 McDONALD JONES HOMES PTY LTD (ABN 82 005 687 232). THIS DRAWING IS AN ORIGINAL ARTISTIC WORK WITHIN THE MEANING OF THE COPYRIGHT ACT 1968 (CTH). McDONALD JONES HOMES PTY LTD IS THE OWNER OF COPYRIGHT IN THIS DRAWING. YOU HEREBY AGREE AND UNDERTAKE THAT YOU WILL NOT IN ANY WAY REPRODUCE, COPY, MODIFY, USE OR TAKE ADVANTAGE OF THE DRAWING TO BUILD A HOUSE BASED ON THIS PLAN (WHETHER IN WHOLE OR IN PART) WITHOUT THE PRIOR WRITTEN CONSENT OF McDONALD JONES HOMES PTY LTD.



Table with 2 columns: Specification, Value. Includes Two Storey, Copyright: © 2025.

Table with 3 columns: Revision, Drawn, Date. Includes PCV015 - STRUCT, PRELIM CONSTRUCTION PLANS, NEIGHBOURING DWELLINGS, ROOF TO GARAGE - SKETCH, PCV018 - STRUCT.

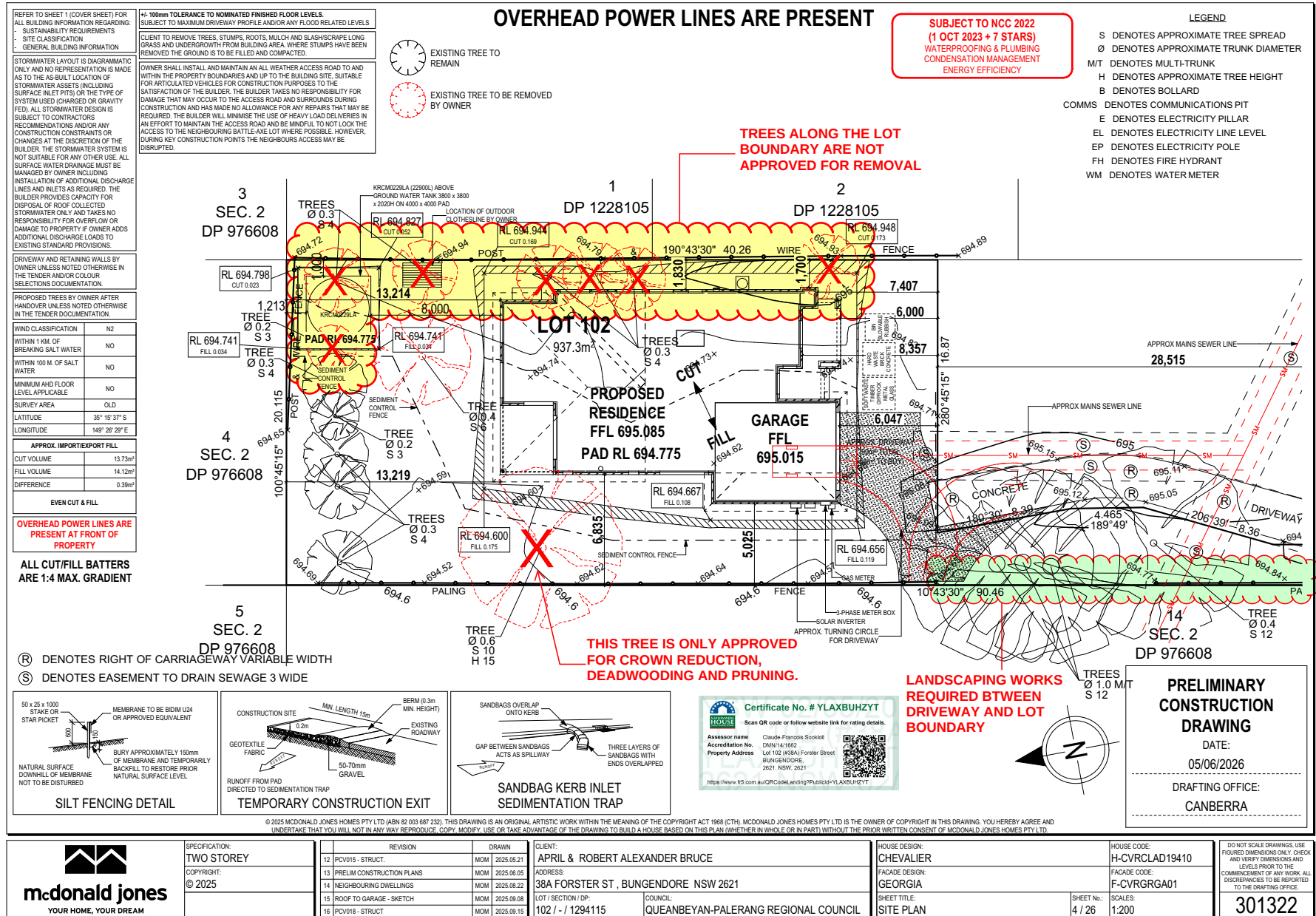
Table with 2 columns: Client, Value. Includes April & Robert Alexander Bruce, Address: 38A Forster St, Bungendore NSW 2621, Lot / Section / DP: 102 / - / 1294115, Council: Queanbeyan-Palerang Regional Council.

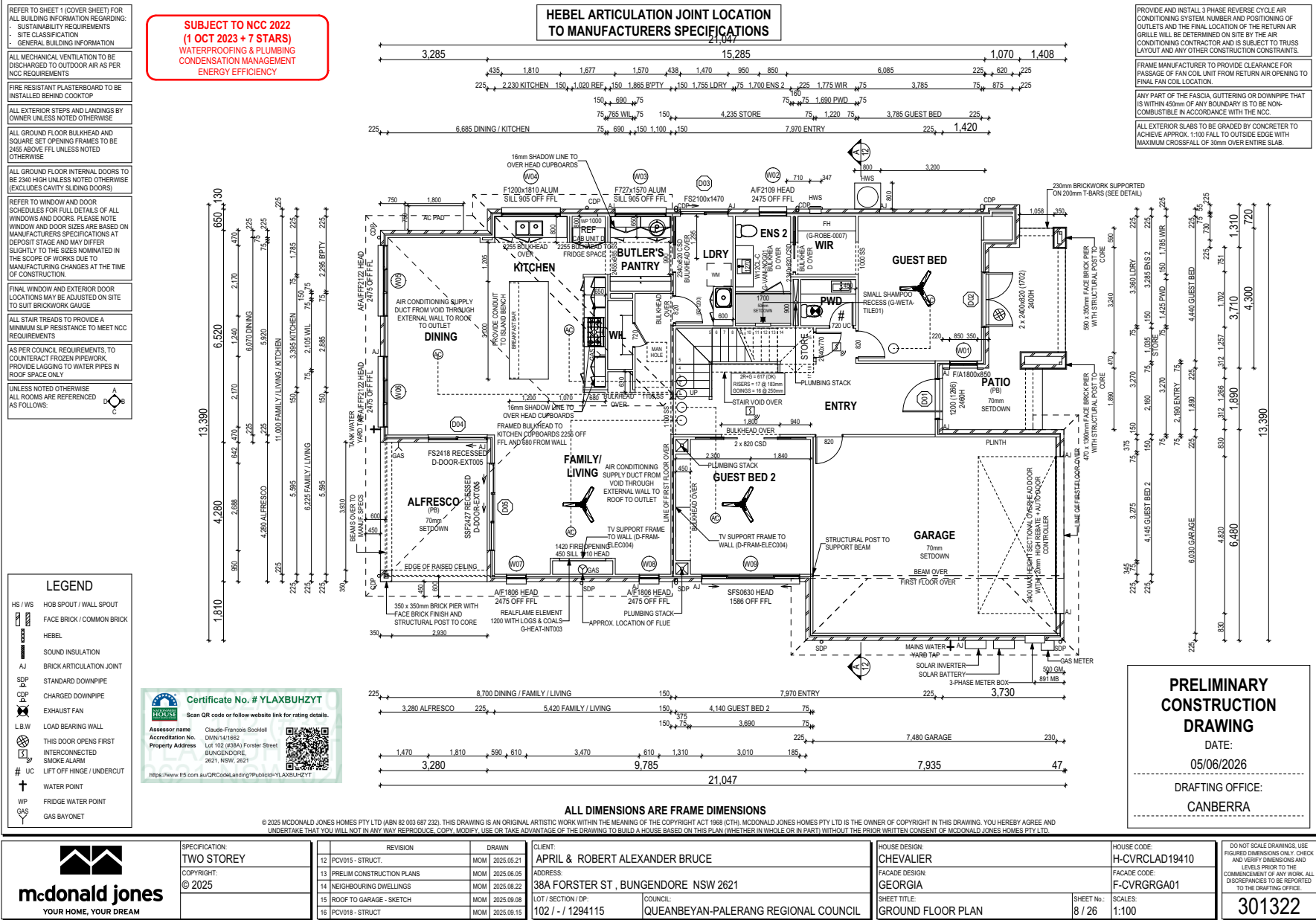
Table with 2 columns: House Design, Value. Includes Chevalier, Facade Design: Georgia, Sheet Title: Cover Sheet.

Table with 2 columns: House Code, Value. Includes H-CVRLCLAD19410, Facade Code: F-CVGRGA01, Sheet No.: 1 / 26.

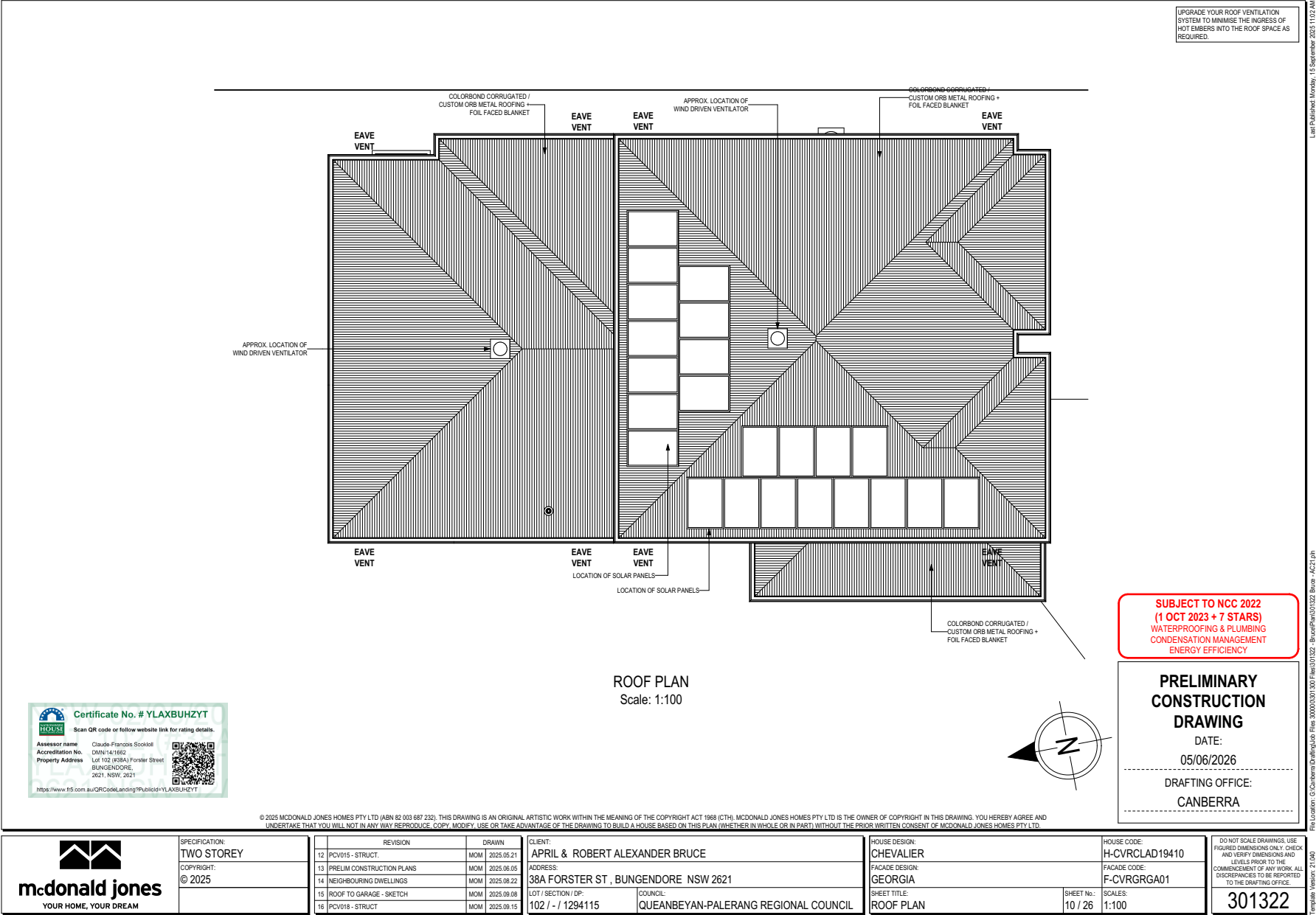
Table with 2 columns: Do Not Scale Drawings, Value. Includes 301322.







[illegible]



WINDOW SCHEDULE													
N.B. 1 ASSUME LOOKING FROM OUTSIDE													
ID	CODE*	ROOM	HEIGHT	WIDTH	PERIMETER	AREA (m²)	FRAME TYPE	BAL RATING	SILL TYPE	ORIENT.	GLAZING AREA (m²)	GLAZING TYPE	ADDITIONAL INFORMATION¹
W01	F/A1800x850	GUEST BED	1,800	850	5,300	1.53	ALUMINIUM	N/A	SNAP HEADER	W	1.18	CLEAR, DOUBLE GLAZED, LOW-E	BP 1300, GLAZING BARS, DOUBLE LOW-E GLAZING
W02	AF2109	ENS 2	2,060	850	5,820	1.75	ALUMINIUM	N/A	ANGLED	E	1.37	CLEAR, DOUBLE GLAZED, TOUGHENED, LOW-E	BP 600, DOUBLE LOW-E GLAZING
W03	F727x1570	BUTLER'S PANTRY	727	1,570	4,594	1.14	ALUMINIUM	N/A	ANGLED	E	0.98	CLEAR, DOUBLE GLAZED, TOUGHENED, LOW-E	DOUBLE LOW-E GLAZING
W04	F1200x1810	KITCHEN	1,200	1,810	6,020	2.17	ALUMINIUM	N/A	ANGLED	E	1.96	CLEAR, DOUBLE GLAZED, TOUGHENED, LOW-E	DOUBLE LOW-E GLAZING
W05	AFA/FF2122	DINING	2,060	2,170	8,460	4.47	ALUMINIUM	N/A	ANGLED	N	3.53	CLEAR, DOUBLE GLAZED, LOW-E	BP 600, MP 723-723/723-723, DOUBLE LOW-E GLAZING
W06	AFA/FF2122	DINING	2,060	2,170	8,460	4.47	ALUMINIUM	N/A	ANGLED	N	3.53	CLEAR, DOUBLE GLAZED, LOW-E	BP 600, MP 723-723/723-723, DOUBLE LOW-E GLAZING
W07	AF1806	FAMILY / LIVING	1,800	610	4,820	1.10	ALUMINIUM	N/A	ANGLED	W	0.80	CLEAR, DOUBLE GLAZED, LOW-E	BP 600, DOUBLE LOW-E GLAZING
W08	AF1806	FAMILY / LIVING	1,800	610	4,820	1.10	ALUMINIUM	N/A	ANGLED	W	0.80	CLEAR, DOUBLE GLAZED, LOW-E	BP 600, DOUBLE LOW-E GLAZING
W09	SFS0630	GUEST BED 2	600	3,010	7,220	1.81	ALUMINIUM	N/A	ANGLED	W	1.51	CLEAR, DOUBLE GLAZED, LOW-E	DOUBLE LOW-E GLAZING
W10	FFIAA1618	MASTER SUITE	1,545	1,810	6,710	2.80	ALUMINIUM	N/A	NONE	S	2.14	CLEAR, DOUBLE GLAZED, LOW-E	BP 1030, MP 905/905, DOUBLE LOW-E GLAZING
W11	F/A1609	HALL 1	1,545	850	4,790	1.31	ALUMINIUM	N/A	NONE	S	1.00	CLEAR, DOUBLE GLAZED, LOW-E	BP 1030, DOUBLE LOW-E GLAZING
W12	SF1216	BATH	1,200	1,570	5,540	1.88	ALUMINIUM	N/A	NONE	E	1.64	CLEAR, DOUBLE GLAZED, TOUGHENED, LOW-E	DOUBLE LOW-E GLAZING
W13	AFA0924	BED 3	860	2,410	6,540	2.07	ALUMINIUM	N/A	NONE	N	1.57	CLEAR, DOUBLE GLAZED, LOW-E	MP 803-803, DOUBLE LOW-E GLAZING
W14	AFA0924	BED 4	860	2,410	6,540	2.07	ALUMINIUM	N/A	NONE	N	1.57	CLEAR, DOUBLE GLAZED, LOW-E	MP 803-803, DOUBLE LOW-E GLAZING
W15	A1209	ENS	1,200	850	4,100	1.02	ALUMINIUM	N/A	NONE	W	0.78	CLEAR, DOUBLE GLAZED, TOUGHENED, LOW-E	DOUBLE LOW-E GLAZING
						30.69							24.36

EXTERIOR DOOR SCHEDULE

N.B. 1 ASSUME LOOKING FROM OUTSIDE

ID	CODE*	ROOM	HEIGHT	WIDTH	AREA (m²)	FRAME TYPE	BAL RATING	SILL TYPE	ORIENT.	GLAZING TYPE	DOOR TYPE	ADDITIONAL INFORMATION¹
D01	1200	ENTRY	2,460	1,266	3.11	TIMBER	N/A	SNAP HEADER	S	DOOR(S): OBSCURE - SIDELIGHT(S): N/A	PIVOT	LEAF SIZE: 2394 x 1200mm
D02	2 x 2400x820	GUEST BED	2,400	1,702	4.08	ALUMINIUM	N/A	SNAP HEADER	S	CLEAR, DOUBLE GLAZED, LOW-E	SWINGING	DOUBLE LOW-E GLAZING
D03	FS2100x1470	LDRY	2,100	1,470	3.09	ALUMINIUM	N/A	SNAP HEADER	E	CLEAR, DOUBLE GLAZED, TOUGHENED, LOW-E	SLIDING	DOUBLE LOW-E GLAZING
D04	FS2418	DINING	2,400	1,810	4.34	ALUMINIUM	N/A	SNAP HEADER	W	CLEAR, DOUBLE GLAZED, TOUGHENED, LOW-E	SLIDING	DOUBLE LOW-E GLAZING
D05	SSF2427	FAMILY / LIVING	2,400	2,688	6.45	ALUMINIUM	N/A	SNAP HEADER	N	CLEAR, DOUBLE GLAZED, TOUGHENED, LOW-E	STACKER	DOUBLE LOW-E GLAZING
D06	FS2100x1470	MASTER SUITE	2,100	1,470	3.09	ALUMINIUM	N/A	SNAP HEADER	E	CLEAR, DOUBLE GLAZED, TOUGHENED, LOW-E	SLIDING	DOUBLE LOW-E GLAZING
D07	SSF2123	BED 2	2,100	2,328	4.89	ALUMINIUM	N/A	SNAP HEADER	S	CLEAR, DOUBLE GLAZED, TOUGHENED, LOW-E	STACKER	DOUBLE LOW-E GLAZING
						29.05 m²						

INTERIOR DOOR SCHEDULE

QTY	CODE	TYPE	HEIGHT	WIDTH	GLAZING	ADDITIONAL INFORMATION
3	1000 SS	SQUARE SET OPENING	2,455	1,000	N/A	
2	1100 SS	SQUARE SET OPENING	2,455	1,100	N/A	
1	2 x 820 CSD	CAVITY SLIDING	2,340	1,640	N/A	
1	2040x770	SWINGING	2,040	770	N/A	
3	2340x820 CSD	CAVITY SLIDING	2,340	820	N/A	
1	2455x985 SS	SQUARE SET OPENING	2,455	985	N/A	
1	3 x 520	SWINGING	2,340	1,594	N/A	
2	3 x 620	SWINGING	2,340	1,894	N/A	
1	720	SWINGING	2,340	720	N/A	
3	720 UC	SWINGING	2,340	720	N/A	20mm UNDERCUT, LIFT-OFF HINGES
6	770	SWINGING	2,340	770	N/A	
3	820	SWINGING	2,340	820	N/A	

PICTURE/TV RECESS & SQUARE SET WINDOW SCHEDULE

QTY	TYPE	HEIGHT	WIDTH	AREA (m²)
1	SS WINDOW OPENING	660	1.42	0.94

SUBJECT TO NCC 2022 (1 OCT 2023 + 7 STARS) WATERPROOFING & PLUMBING CONDENSATION MANAGEMENT ENERGY EFFICIENCY

REFER TO SHEET 1 (COVER SHEET) FOR ALL BUILDING INFORMATION REGARDING:
• SUSTAINABILITY REQUIREMENTS
• SITE CLASSIFICATION
• GENERAL BUILDING INFORMATION

PRELIMINARY CONSTRUCTION DRAWING

DATE:
05/06/2026

DRAFTING OFFICE:
CANBERRA

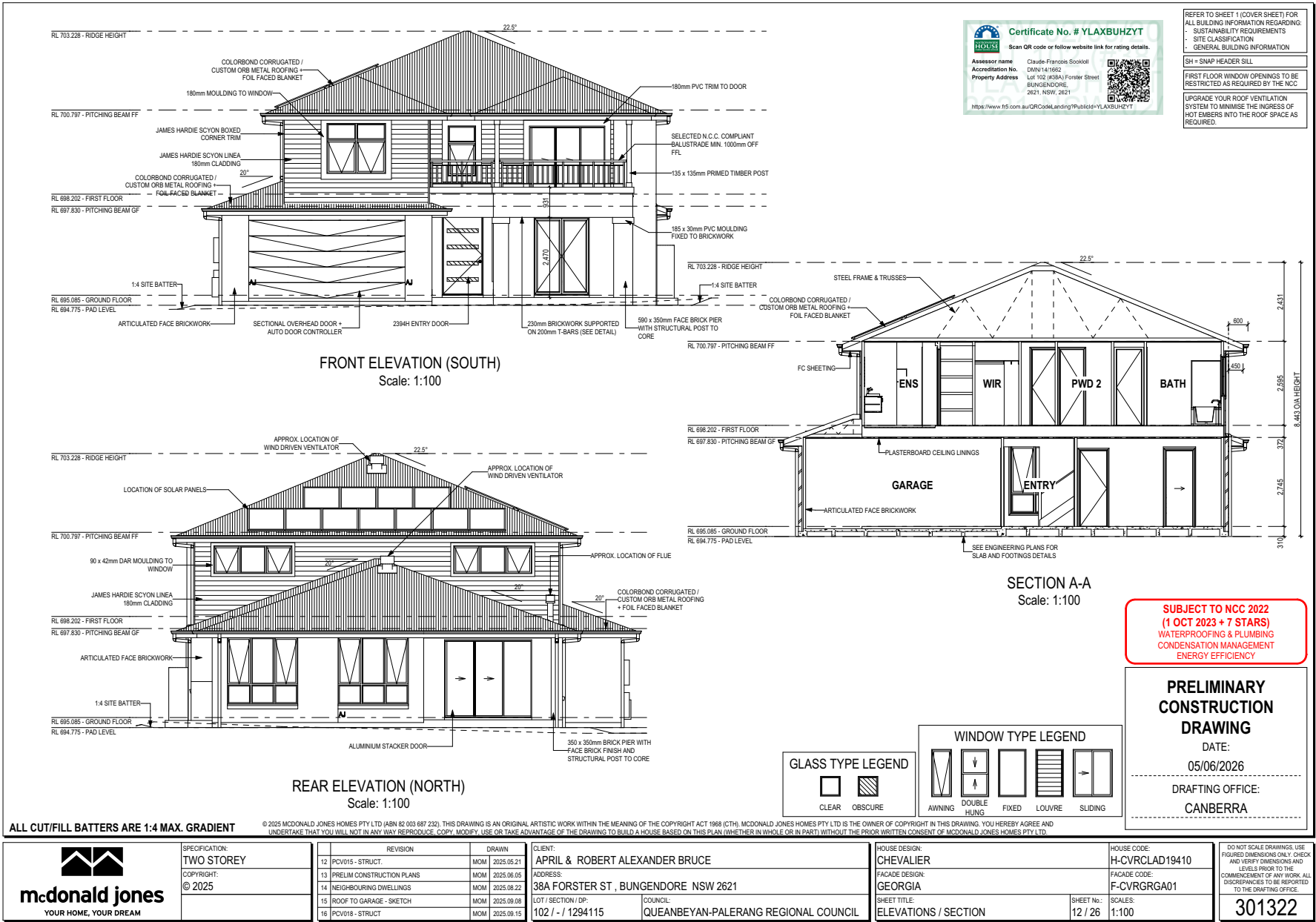
Certificate No. # YLAXBHJZYT

Scan QR code or follow website link for rating details.

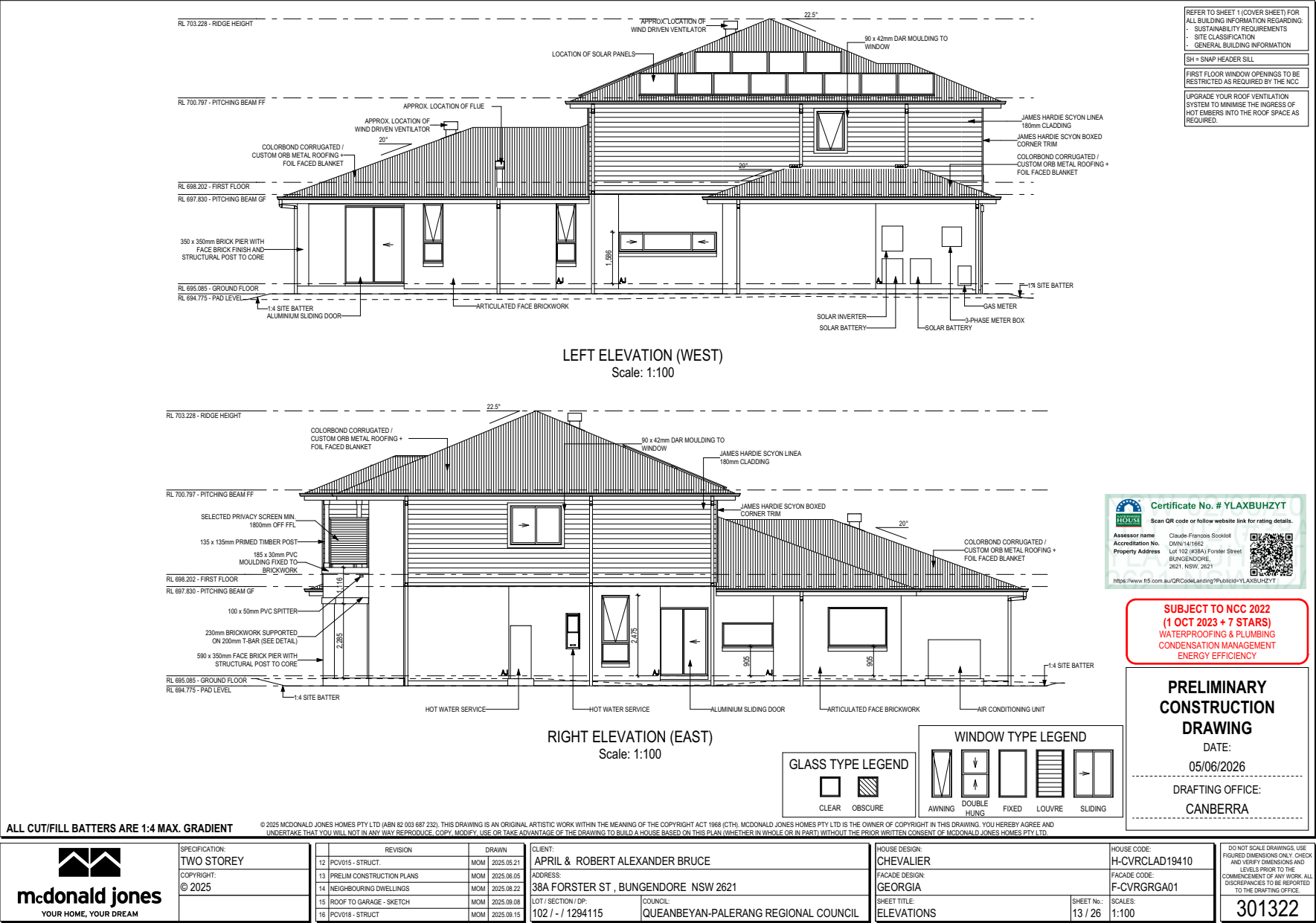
Assessor name: Claude Francois Scottell
Accreditation No: OMV141662
Property Address: Lot 102 (438A) Forster Street, BUNGENDORE, 2621 NSW, 2621
https://www.n5.com.au/QRCodeLanding?PublicId=YLAXBHJZYT

© 2025 McDONALD JONES HOMES PTY LTD (ABN 82 003 687 232). THIS DRAWING IS AN ORIGINAL ARTISTIC WORK WITHIN THE MEANING OF THE COPYRIGHT ACT 1968 (CTH). McDONALD JONES HOMES PTY LTD IS THE OWNER OF COPYRIGHT IN THIS DRAWING. YOU HEREBY AGREE AND UNDERTAKE THAT YOU WILL NOT IN ANY WAY REPRODUCE, COPY, MODIFY, USE OR TAKE ADVANTAGE OF THE DRAWING TO BUILD A HOUSE BASED ON THIS PLAN (WHETHER IN WHOLE OR IN PART) WITHOUT THE PRIOR WRITTEN CONSENT OF McDONALD JONES HOMES PTY LTD.

SPECIFICATION: TWO STOREY		REVISION		DRAWN		CLIENT: APRIL & ROBERT ALEXANDER BRUCE		HOUSE DESIGN: CHEVALIER		HOUSE CODE: H-CVRCLAD19410		DO NOT SCALE DRAWINGS. USE FIGURED DIMENSIONS ONLY. CHECK AND VERIFY DIMENSIONS AND LEVELS PRIOR TO THE COMMENCEMENT OF ANY WORK. ALL DISCREPANCIES TO BE REPORTED TO THE DRAFTING OFFICE.	
COPYRIGHT: © 2025		12. PCV015 - STRUCT.		MOM 2025.05.21		ADDRESS: 38A FORSTER ST., BUNGENDORE NSW 2621		FACADE DESIGN: GEORGIA		FACADE CODE: F-CVRGRGA01			
		13. PRELIM CONSTRUCTION PLANS		MOM 2025.06.05		LOT / SECTION / DP: 102 / - / 1294115		SHEET TITLE: WINDOW & DOOR SCHEDULES		SHEET No.: 11 / 26			
		14. NEIGHBOURING DWELLINGS		MOM 2025.08.22		COUNCIL: QUEANBEYAN-PALERANG REGIONAL COUNCIL							
		15. ROOF TO GARAGE - SKETCH		MOM 2025.09.08									
		16. PCV018 - STRUCT		MOM 2025.09.15								301322	



9.1 DA.2025.0211 - 38A Forster Street Bungendore - Construction of a Dwelling House - Two Storey
Attachment 2 - Plans - DA.2025.0211 - 38A Forster Street, Bungendore (Continued)



QUEANBEYAN-PALERANG REGIONAL COUNCIL

Council Meeting Attachment

12 NOVEMBER 2025

ITEM 9.1 DA.2025.0211 - 38A FORSTER STREET BUNGENDORE -
CONSTRUCTION OF A DWELLING HOUSE - TWO
STOREY

ATTACHMENT 3 DRAFT CONDITIONS OF CONSENT - DA.2025.0211 - 38A
FORSTER STREET, BUNGENDORE

Draft Terms and Reasons for Conditions

Under section 88(1)(c) of the EP&A Regulation, the consent authority must provide the terms of all conditions and reasons for imposing the conditions other than the conditions prescribed under section 4.17(11) of the EP&A Act. The terms of the conditions and reasons are set out below.

APPROVED DEVELOPMENT AND PLANS

1. Plans and documents

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

Title / Description	Prepared by	Issue/Revision & Date	Date received by Council
Cover Sheet	McDonald Jones	Rev-16 Sheet 1/26 / 15.09.2025	16/09/2025
Overall Site Plan	McDonald Jones	Rev-16 Sheet 3/26 / 15.09.2025	16/09/2025
Site Plan	McDonald Jones	Rev-16 Sheet 4/26 / 15.09.2025	16/09/2025
Ground Floor Plan	McDonald Jones	Rev-16 Sheet 8/26 / 15.09.2025	16/09/2025
First Floor Plan	McDonald Jones	Rev-16 Sheet 9/26 / 15.09.2025	16/09/2025
Roof Plan	McDonald Jones	Rev-16 Sheet 10/26 / 15.09.2025	16/09/2025
Window & Door Schedules	McDonald Jones	Rev-16 Sheet 11/26 / 15.09.2025	16/09/2025
Elevation/ Section	McDonald Jones	Rev-16 Sheet 12/26 / 15.09.2025	16/09/2025
Elevations	McDonald Jones	Rev-16 Sheet 13/26 / 15.09.2025	16/09/2025
BASIX Certificate	Energy Advance	1771300S_03 dated 22.05.2025	16/09/2025
NatHERS Certificate	Energy Advance	YLXBUHYZT-01 dated 21.05.2025	16/09/2025
Performance Solution - Pipe Articulation Design for Reactive Soils	Residential Engineering Pty Ltd	Rev-1 MJ8892 / 28/08/2025	16/09/2025

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

In the event of any inconsistency between conditions of this consent and the drawings / documents referred to above, the conditions of this consent prevail.

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

SPECIAL CONDITIONS

2. Tree removal

Existing trees along the lot boundary to east and north are not approved for removal and must be retained.

Reason: To mitigate the visual impact of the proposed dwelling on the existing landscape and the heritage listed items in the vicinity.

3. Landscaping

Landscaping shall be provided between the driveway and the lot boundary to west.

Reason: To mitigate the visual impact of the proposed dwelling on the street view.

4. Installation of gate

A solid gate that complies with standards specified under clause C29.2 of the Palerang Development Control Plan 2015 shall be installed at the front of the property.

Reason: To mitigate the visual impact of the proposed dwelling on the street view.

5. Tree pruning

The eucalyptus tree (H15) located in northwest direction of the property is only approved for crown reduction, deadwooding and pruning.

A tree protection zone (TPZ) must be set up before commencing work. An encroachment up to 14% of the TPZ is approved to enable work around the tree.

Root protection barriers must be installed around the north-west corner of the foundation of the house and utility lines to prevent potential damage that may be caused by the tree roots.

A condition report for the eucalyptus tree prepared by an arborist level 5 must be submitted to the Council upon completion of the work.

Reason: To ensure adequate protection of the tree at the site.

6. Bathroom window to be obscured

The bathroom window on the eastern elevation on the first floor is to be wholly obscured or fitted with permanent privacy screen.

Reason: To ensure adequate privacy protection for dwelling on adjoining property.

7. Privacy Screening for Balcony

The eastern elevation of the balcony on the first floor is to be fitted with a minimum of 1.7m high permanent privacy screen (such as solid translucent screen or perforated panels or trellises or other suitable alternative means) measured from the finished floor level of the deck.

Reason: To ensure adequate privacy protection for dwelling on adjoining property.

GENERAL CONDITIONS

8. Obtain Construction Certificate (Building)

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

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

9. Obtain Occupation Certificate

Do not occupy or use the premises until an occupation certificate has been issued by Queanbeyan-Palerang Regional Council or an appropriately accredited private certifier.

Provide a copy of any occupation certificate, issued by a private certifier, to Queanbeyan-Palerang Regional Council no later than 2 days after the occupation certificate is issued.

Reason: Ensure that the building complies with relevant standards.

10. Comply with the Building Code of Australia

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

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

11. Construction within Boundaries

The development including but not limited to footings, walls, roof barges and guttering must be constructed wholly within the boundary of the premises. No portion of the proposed structure shall encroach onto the adjoining properties. Gates must be installed so they do not open onto any footpath or adjoining land.

Reason: Approved works are to be contained wholly within the subject site.

12. Imported Fill

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

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

13. Unauthorised Use of Public Land

No building materials are to be stored or construction activities undertaken on public or adjoining land without prior written approval from Council.

Reason: To prevent unnecessary disturbance to public land.

14. Work on Adjoining Land Is Limited

The verge and other adjoining lands must not be used for storage of materials, trade/construction vehicle parking or disturbed by construction activities with the exception of;

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

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

CONDITIONS TO BE SATISFIED PRIOR TO THE ISSUE OF CONSTRUCTION CERTIFICATE

15. Submit Detailed Hydraulic Report and Drainage Plan

The site has reactive soil and is classified as Class P as per the Site Investigation Report No. 24/2300 prepared by STS Geotechnics Pty Ltd dated 12 August 2024.

A hydraulic report and drainage plan designed in accordance with AS 3500 and certified by a suitably qualified hydraulic engineer is required to be submitted to Council as the water and sewer authority, for approval prior to the issue of a Construction Certificate.

The plan must include/address the following:

- a) Detailed drainage design including the layout, pipe sizes, grades, invert levels and articulation specifications/ flexible joints.
- b) The design must demonstrate how the system will accommodate or minimize damage from soil movement.

Reason: To ensure the plumbing and drainage system is appropriately designed to suit the site conditions and installed to withstand the anticipated soil movement and to prevent damage to the system.

CONDITIONS TO BE SATISFIED PRIOR TO COMMENCEMENT OF WORKS

16. Appoint PCA (Building)

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

Reason: To provide for supervision of the building works.

17. Site Identification

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

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

Reason: To satisfy the provisions of Clause 70 of the Environmental Planning and Assessment Regulation 2021.

18. Home Building Act Requirements

Residential building work within the meaning of the *Home Building Act 1989* must not be carried out unless the Principal Certifying Authority for the development to which the work relates (not being the council) has given Council written notice of the following information:

- (a) In the case of work for which a principal contractor is required to be appointed:
 - (i) The name and licence number of the principal contractor.
 - (ii) The name of the insurer by which the work is insured under Part 6 of that Act.
- (b) In the case of work to be done by an owner-builder:
 - (i) The name of the owner-builder.
 - (ii) If the owner-builder is required to hold an owner-builder permit under that Act, the number of the owner-builder permit.

Reason: This is a prescribed condition under the provisions of clause 71 of the Environmental Planning and Assessment Regulation 2021.

19. Sediment and Erosion Control Plan

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

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

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

CONDITIONS TO BE SATISFIED DURING DEMOLITION AND/OR BUILDING WORKS

20. Hours of Operation for Works

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

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

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

21. Approval Documents

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

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

22. Construction Facilities

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

Reason: To provide adequate facilities to the work site.

23. Unexpected Finds

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

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

24. All Works to Be Confined to the Site

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

- a) Be carried out entirely within the allotment boundaries unless otherwise approved by Council.
- b) Comply with the requirements of AS 2601-2001 - The demolition of structures.
- c) If within one metre of the verge, the site must be protected by a hoarding which must be erected prior to the commencement of the demolition works.
- d) Be kept clear of stormwater, sewer manholes and service easements on the site.
- e) Any gates must be installed so they do not open onto any footpath or adjoining land.

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

25. Construction Waste Management

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

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

26. Protection of Adjoining Structures

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

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

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

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

27. Excavation and Backfilling

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

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

28. Maintenance of Erosion Control Measures

All measures to control erosion and sediment transport are to be maintained during the works in accordance with the NSW Landcom publication *Managing Urban Stormwater - Soils and Construction* (4th Edition 2004- "Blue Book") and for as long as necessary after the

completion to prevent sediment and dirty water leaving the site and/or entering the surface water system outside of the site.

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

29. Works Sites to Be Fenced

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

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

30. Temporary Vehicle Access

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

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

31. Submit Survey Plan Showing Boundary Setbacks and Floor Levels

The building must be set out by a Registered Surveyor in accordance with the datum shown on the approved plans. A survey plan that identifies the height of the finished ground and upper floor must be prepared by a Registered Surveyor upon completion of the ground and upper floor and then submitted to the Principal Certifying Authority.

The height of building must not exceed 8.5m measured from natural ground level to the highest point of the building.

Reason: To ensure the building is constructed in accordance with the approved plans and does not exceed the maximum height under the Local Environmental Plan.

32. Dust Management

Immediately undertake all measures as appropriate, and/or respond to any Council direction to provide dust suppression on roads leading to, adjacent to and within the site in the event that weather conditions, construction activities and associated traffic to and from the site are giving rise to abnormal generation of dust.

Reason: To ensure that local residents and activities are not disadvantaged by dust during hours of operation.

CONDITIONS TO BE SATISFIED PRIOR TO ISSUE OF OCCUPATION/COMPLETION CERTIFICATE

33. Occupation Certificate

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

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

34. BASIX Commitments

Comply with all commitments listed on BASIX Certificate No. 1771300S_03 issued on 22 May 2025, or any subsequent modifications, before occupying the premises.

Reason: To ensure compliance with the requirements of the NSW BASIX certification process.

35. Colours and Material Finishes

External building materials and colour scheme are to match the existing heritage listed item on the adjacent lot to the front.

Reason: Building work is harmonious with the existing heritage listed item.

36. Stormwater Disposal Requirements

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

Reason: To provide a satisfactory standard of stormwater disposal.

37. Power Supply

The building shall be connected to a suitable power supply.

Reason: To allow for a power supply to be available.

38. Driveway Location from Water Meter, Sewer and Stormwater Connections

The driveway within the property must maintain a clearance not less than one metre (1.0m) from the water meter.

The driveway verge cross-over is not permitted to be constructed over the water service, sewer tie point connection or stormwater tie point connection.

Reason: To ensure such service is not damaged by vehicle movements or difficult to access.

39. Repair Damaged Public and Private Property

All damage caused to public and private property during the construction operations and associated activities must be repaired or reinstated prior to Council accepting any Certificate of Completion.

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

40. Street Numbering

The property must be clearly identified by a street number. The property address is 38A Forster Street, Bungendore.

Reason: To ensure that buildings are clearly identified.

41. Tree Removal

The felling and removal of trees shall be carried out by a person who is appropriately qualified and who holds appropriate and current insurance.

Reason: To ensure a professional result and to provide protection to residents against liability for damage or harm to person(s) or property.

42. Installation of Water Meters

Prior to the issue of any Occupation Certificate the 20mm water meter issued to the property shall be installed at no cost to the Council and the completed installation inspected and approved by Council as the Water and Sewer Authority.

The meter must be located in an easily accessible position at or near the property boundary, or other accessible position approved by Council.

Reason: To ensure that an appropriate metered water supply is available for the development and to ensure that the meter can be easily read and maintained by Council.

43. Fibre-Ready Facilities

Prior to the issue of any Occupation Certificate satisfactory arrangements are to be made for the provision of fibre-ready facilities to enable fibre to be readily connected to the premises.

Reason: To satisfy relevant utility authority requirements.

Note: Under the Telecommunications Act 1997 fibre-ready facilities for an individual premise includes ducting from the street pit to the proposed location at the premises of the network termination device.

CONDITIONS TO BE SATISFIED DURING THE ONGOING USE OF THE PREMISES

44. Surface Water

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

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

ACTIVITY APPROVAL - SECTION 68 OF LOCAL GOVERNMENT ACT 1993

45. Plumbing and Drainage Installation Regulations

Plumbing and drainage work must be carried out in accordance with the requirements of the Local Government (General) Regulation 2021, the Plumbing and Drainage Act 2011 and Regulations under that Act and with the Plumbing Code of Australia. Such work must be carried out by a person licensed by the NSW Department of Fair Trading.

Reason: This is a mandatory condition under the provisions of the Local Government (General) Regulation 2021.

46. Inspection of Plumbing and Drainage

Plumbing and Drainage must be inspected by Council at the relevant stages of construction in accordance with Council's inspection schedule.

Reason: To ensure compliance with the inspection requirements of Plumbing and Drainage Regulation 2017 and Council's inspection schedule below.

47. Floor Level to Be 150mm Above Yard Gully

The floor level of areas with fixtures connected to sewer must be at least 150mm above overflow level of the yard gully and surface water must be prevented from entering the yard

gully.

Reason: To ensure any sewage surcharges occur outside the building and to prevent surface water from entering the sewerage system.

48. Heated Water Not To Exceed 50 Degrees C

All new heated water installations must deliver hot water at the outlet of all sanitary fixtures used primarily for personal hygiene purposes at a temperature not exceeding 50° Celsius.

Reason: To prevent accidental scalding.

49. Insulate Heated and Cold Water Service Pipes

Heated and cold water service pipes installed in the following areas of the building must be insulated in accordance with the requirements of AS 3500: Plumbing and Drainage:

- a) unheated roof spaces
- b) locations near windows, ventilators and external doors where cold draughts are likely to occur
- c) locations in contact with cold surfaces such as metal roof and external metal cladding materials.

Reason: To prevent the water service being damaged by water freezing within the pipes due to local climatic conditions.

50. Required Council Inspections

Council is the sole approval authority for water plumbing, sanitary plumbing and drainage and on-site sewerage management systems. Should a private sector accredited certifier be used for the building Council will require inspections in accordance with the schedule below:

- a) External sanitary drainage lines prior to backfilling with bedding materials in place
- b) Internal sanitary drainage prior to backfilling
- c) Water plumbing prior to sheeting walls
- d) Sanitary plumbing prior to sheeting walls
- e) At the completion of works and prior to occupation of use of the building

Reason: To ensure compliance with the inspection requirements of Plumbing and Drainage Regulation 2017 and Council's inspection schedule.

Council requires a minimum of 48 hours' notice for inspections.

To book inspections please contact Council on 1300 735 025.

WHEN BOOKING INSPECTIONS PLEASE QUOTE YOUR ADDRESS AND APPLICATION NUMBER.

General advisory notes

This consent contains the conditions imposed by the consent authority which are to be complied with when carrying out the approved development. However, this consent is not an exhaustive list of all obligations which may relate to the carrying out of the development under

the EP&A Act, EP&A Regulation and other legislation. Some of these additional obligations are set out in the [Conditions of development consent: advisory notes](#). The consent should be read together with the Conditions of development consent: advisory notes to ensure the development is carried out lawfully.

The approved development must be carried out in accordance with the conditions of this consent. It is an offence under the EP&A Act to carry out development that is not in accordance with this consent.

Building work or subdivision work must not be carried out until a construction certificate or subdivision works certificate, respectively, has been issued and a principal certifier has been appointed.

A document referred to in this consent is taken to be a reference to the version of that document which applies at the date the consent is issued, unless otherwise stated in the conditions of this consent.

Dial Before You Dig

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

Telecommunications Act 1997 (Commonwealth)

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

Dictionary

The following terms have the following meanings for the purpose of this determination (except where the context clearly indicates otherwise):

Approved plans and documents means the plans and documents endorsed by the consent authority, a copy of which is included in this notice of determination.

AS means Australian Standard published by Standards Australia International Limited and means the current standard which applies at the time the consent is issued.

Building work means any physical activity involved in the erection of a building.

Certifier means a council or a person that is registered to carry out certification work under the Building and Development Certifiers Act 2018.

Construction certificate means a certificate to the effect that building work completed in accordance with specified plans and specifications or standards will comply with the requirements of the EP&A Regulation and Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021.

Council means Queanbeyan-Palerang Regional Council.

Court means the Land and Environment Court of NSW.

EPA means the NSW Environment Protection Authority.

EP&A Act means the Environmental Planning and Assessment Act 1979.

EP&A Regulation means the Environmental Planning and Assessment Regulation 2021.

Independent Planning Commission means Independent Planning Commission of New South Wales constituted by section 2.7 of the EP&A Act.

Local planning panel Nil for Queanbeyan-Palerang Regional Council.

Occupation certificate means a certificate that authorises the occupation and use of a new building or a change of building use for an existing building in accordance with this consent.

Principal certifier means the certifier appointed as the principal certifier for building work or subdivision work under section 6.6(1) or 6.12(1) of the EP&A Act respectively.

Site work means any work that is physically carried out on the land to which the development the subject of this development consent is to be carried out, including but not limited to building work, subdivision work, demolition work, clearing of vegetation or remediation work.

Stormwater drainage system means all works and facilities relating to:

the collection of stormwater,

the reuse of stormwater,

the detention of stormwater,

the controlled release of stormwater, and

connections to easements and public stormwater systems.

Strata certificate means a certificate in the approved form issued under Part 4 of the Strata Schemes Development Act 2015 that authorises the registration of a strata plan, strata plan of subdivision or notice of conversion.

Subdivision certificate means a certificate that authorises the registration of a plan of subdivision under Part 23 of the Conveyancing Act 1919.

Subdivision works certificate means a certificate to the effect that subdivision work completed in accordance with specified plans and specifications will comply with the requirements of the EP&A Regulation.

Sydney district or regional planning panel means Southern Regional Planning Panel (SRRP)

QUEANBEYAN-PALERANG REGIONAL COUNCIL

Council Meeting Attachment

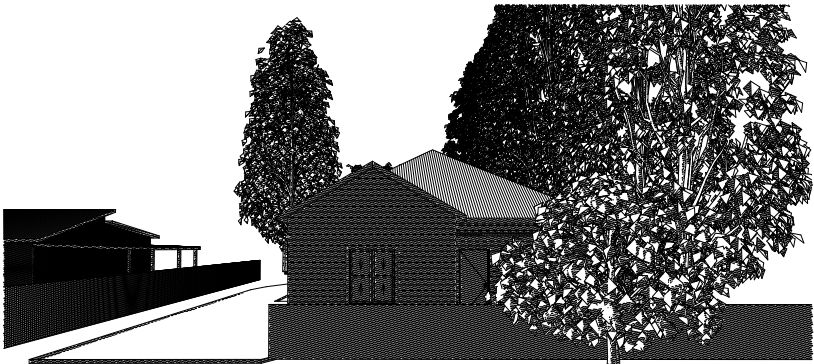
12 NOVEMBER 2025

ITEM 9.1 DA.2025.0211 - 38A FORSTER STREET BUNGENDORE -
CONSTRUCTION OF A DWELLING HOUSE - TWO
STOREY

ATTACHMENT 4 3D VIEWS - DA.2025.0211 - 38A FORSTER STREET,
BUNGENDORE



FRONT LEFT



FRONT CENTRE



RIGHT



LEFT

© 2025 McDONALD JONES HOMES PTY LTD (ABN 82 005 687 232). THIS DRAWING IS AN ORIGINAL ARTISTIC WORK WITHIN THE MEANING OF THE COPYRIGHT ACT 1968 (CTH). McDONALD JONES HOMES PTY LTD IS THE OWNER OF COPYRIGHT IN THIS DRAWING. YOU HEREBY AGREE AND UNDERTAKE THAT YOU WILL NOT IN ANY WAY REPRODUCE, COPY, MODIFY, USE OR TAKE ADVANTAGE OF THE DRAWING TO BUILD A HOUSE BASED ON THIS PLAN (WHETHER IN WHOLE OR IN PART) WITHOUT THE PRIOR WRITTEN CONSENT OF McDONALD JONES HOMES PTY LTD.

 mcdonald jones YOUR HOME, YOUR DREAM	SPECIFICATION: TWO STOREY	<table><tr><th colspan="2">REVISION</th><th>DRAWN</th></tr><tr><td>12</td><td>PCV015 - STRUCT.</td><td>MOM 2025.05.21</td></tr><tr><td>13</td><td>PRELIM CONSTRUCTION PLANS</td><td>MOM 2025.06.05</td></tr><tr><td>14</td><td>NEIGHBOURING DWELLINGS</td><td>MOM 2025.08.22</td></tr><tr><td>15</td><td>ROOF TO GARAGE - SKETCH</td><td>MOM 2025.09.08</td></tr><tr><td>16</td><td>PCV018 - STRUCT</td><td>MOM 2025.09.15</td></tr></table>	REVISION		DRAWN	12	PCV015 - STRUCT.	MOM 2025.05.21	13	PRELIM CONSTRUCTION PLANS	MOM 2025.06.05	14	NEIGHBOURING DWELLINGS	MOM 2025.08.22	15	ROOF TO GARAGE - SKETCH	MOM 2025.09.08	16	PCV018 - STRUCT	MOM 2025.09.15	CLIENT: APRIL & ROBERT ALEXANDER BRUCE	HOUSE DESIGN: CHEVALIER	HOUSE CODE: H-CVRCLAD19410	DO NOT SCALE DRAWINGS. USE FIGURED DIMENSIONS ONLY. CHECK AND VERIFY DIMENSIONS AND LEVELS PRIOR TO THE COMMENCEMENT OF ANY WORK. ALL DISCREPANCIES TO BE REPORTED TO THE DRAFTING OFFICE.
	REVISION		DRAWN																					
	12	PCV015 - STRUCT.	MOM 2025.05.21																					
	13	PRELIM CONSTRUCTION PLANS	MOM 2025.06.05																					
	14	NEIGHBOURING DWELLINGS	MOM 2025.08.22																					
15	ROOF TO GARAGE - SKETCH	MOM 2025.09.08																						
16	PCV018 - STRUCT	MOM 2025.09.15																						
COPYRIGHT: © 2025	ADDRESS: 38A FORSTER ST , BUNGENDORE NSW 2621	FACADE DESIGN: GEORGIA	FACADE CODE: F-CVRGRGA01																					
	LOT / SECTION / DP: 102 / - / 1294115	COUNCIL: QUEANBEYAN-PALERANG REGIONAL COUNCIL	SHEET No.: 5 / 26	SCALES:																				
		SHEET TITLE: 3D STREET VIEWS																						

301322

QUEANBEYAN-PALERANG REGIONAL COUNCIL

Council Meeting Attachment

12 NOVEMBER 2025

ITEM 9.1 DA.2025.0211 - 38A FORSTER STREET BUNGENDORE -
CONSTRUCTION OF A DWELLING HOUSE - TWO
STOREY

ATTACHMENT 5 DCP VARIATION REQUEST - DA.2025.0211 - 38A FORSTER
STREET, BUNGENDORE

APPLICATION TO VARY THE DEVELOPMENT CONTROL PLAN

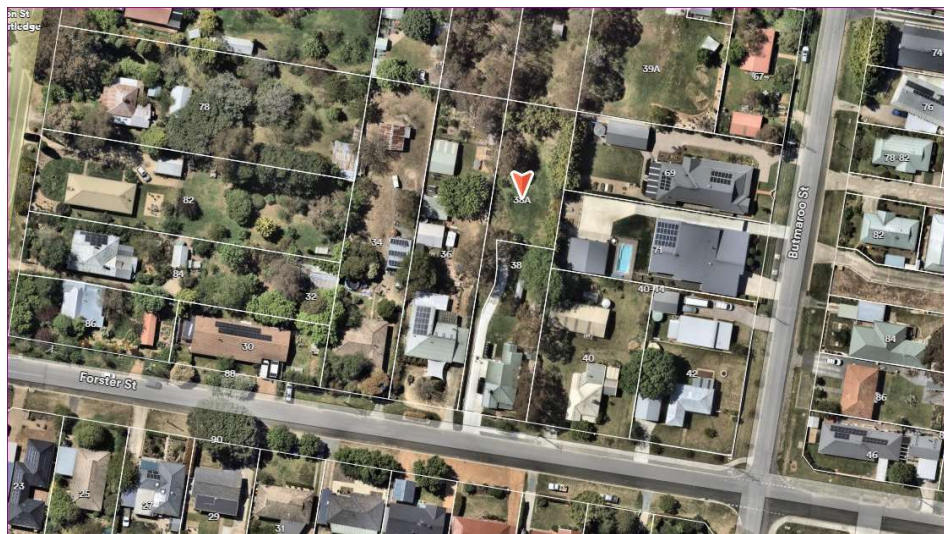
Development Application DA.2025.0211

Subject Site 38A Forster Street, Bungendore NSW 2621

FRONT SETBACK VARIATION JUSTIFICATION – CLAUSE C2.2.2(1)

PLANNING CONTROL CONTEXT

Under Clause C2.2.2(1) of the **Palerang Development Control Plan (DCP) 2015**, dwellings within the R2 - Low Density Residential Zone are required to provide a minimum front setback of 7.0 m, or the average of the setbacks of adjoining dwellings, whichever is less. Alternatively, where adjacent to a historic structure, the setback must be at least 3.0 m greater than that of the historic building.



Aerial Photograph of the site (Courtesy - NearMap)

In this instance, the subject site is a battle-axe allotment, which presents a unique planning context. Due to the configuration of the lot and its significant separation from the street frontage, calculating an average front setback based on adjoining dwellings is impractical and not meaningful. The dwelling is located well behind the primary building line of surrounding properties and as such, does not contribute to the immediate streetscape in the same way a conventional lot would.

The proposed development provides a 7.407 m setback to the main building line, and 6.0 m to the articulation zone, which includes architectural projections. This design outcome is considered appropriate given the site's context and the absence of any direct visual or amenity impact on neighbouring properties.

ASSESSMENT AGAINST OBJECTIVES OF THE CONTROL

The proposal has been assessed against the objectives of Clause C2.2.2(1), as follows:

- (a) **To establish the front building line to create consistent proportions of the street**
The dwelling is located deep within the site and is not readily visible from the public domain. As such, it does not disrupt the established rhythm or proportions of the street frontage.
- (b) **To maintain or enhance streetscape character through the continuity of street façades**
Given the battle-axe configuration and substantial separation from the street, the proposed setback has no adverse impact on the streetscape character. The dwelling is visually screened and does not interrupt the continuity of street-facing façades.
- (c) **To enhance the setting for buildings through deep soil zones and landscaping**
The proposal maintains generous deep soil areas around the dwelling, particularly within the front setback area, allowing for meaningful landscaping that will enhance the setting and contribute positively to the site's presentation.

(d) **To ensure visual privacy for residents**

The dwelling is well separated from neighbouring properties, with no overlooking or privacy impacts. The orientation and siting of the building ensure that visual privacy is preserved for both the subject site and adjoining lots.

RELEVANT LEGAL PRECEDENTS

The NSW Land and Environment Court has consistently supported a flexible, merit-based approach to development controls where the objectives of the control are met, even if numerical compliance is not achieved. Key cases include;

Wehbe v Pittwater Council [2007] NSWLEC 827 - Established that strict numerical compliance is not necessary if the objectives of the control are satisfied.

Four2Five Pty Ltd v Ashfield Council [2015] NSWCA 248 - Reinforced that merit-based assessment is appropriate and that context and design quality can justify a variation.

Gunnamatta Bay Holdings Pty Ltd v Sutherland Shire Council [2025] NSWLEC 1230 - Confirmed that where a development meets the intent of the planning control and results in no adverse impacts, a variation can be supported.

These decisions provide a strong legal foundation for Council to exercise discretion in favour of the proposal, given that the objectives of Clause C2.2.2(1) are clearly met.

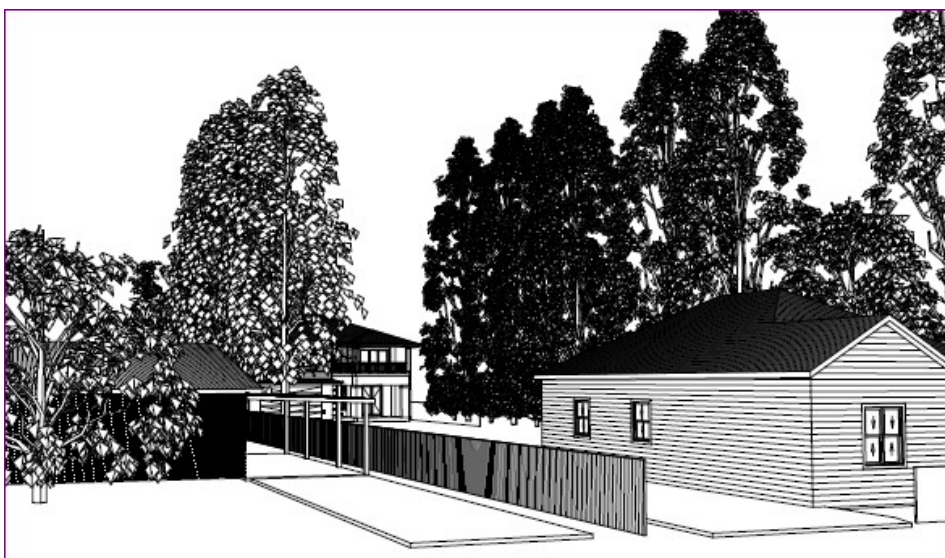
GARAGE WIDTH VARIATION JUSTIFICATION – CLAUSE C6.3(1)

PLANNING CONTROL CONTEXT

Clause C6.3(1) of the **Palerang Development Control Plan (DCP) 2015** requires that garages forming part of a dwelling shall not exceed 40% of the total width of the dwelling frontage.

In this case, the proposed garage comprises ~ 48.39% of the total width of the dwelling frontage. While this exceeds the numerical control, the site is a battle-axe allotment, and the dwelling is located over 60 m from the street, meaning the garage is not visible from the public domain and has no impact on the streetscape.

The garage is also architecturally integrated into a two-storey built form, with articulation, material variation, and upper-level massing that visually balances the overall façade. If the garage-to-dwelling ratio were assessed based on total façade area rather than width alone, the proposal would present as compliant in scale and proportion.



3D Streetview of the proposed dwelling (Courtesy – McDonald Jones Homes)

ASSESSMENT AGAINST OBJECTIVES OF THE CONTROL

(a) To ensure garages do not dominate the streetscape or dwelling façade

The garage is not visible from the street and does not dominate the façade due to its integration into the overall built form. The visual impact is negligible.

(b) To maintain an attractive and pedestrian-friendly streetscape

The battle-axe configuration ensures the garage has no presence in the public domain, preserving the visual character and pedestrian amenity of the street.

(c) To encourage design solutions that integrate garages into the overall built form

The garage is well integrated into the dwelling, with consistent materials, articulation, and upper-level massing that reduce visual bulk and enhance architectural quality.

RELEVANT LEGAL PRECEDENTS

The NSW Land and Environment Court has consistently supported a merit-based and flexible approach to development controls where the objectives of the control are met, even if numerical compliance is not achieved. Key cases include;

- **Initial Action Pty Ltd v Woollahra Council [2018] NSWLEC 118** - The Court accepted a variation to a numerical control, finding that the design quality and absence of adverse impacts justified the departure.
- **RebelMH Neutral Bay Pty Ltd v North Sydney Council [2019] NSWCA 130** - The Court held that planning controls should not be applied rigidly, and that context and planning outcomes are critical considerations.
- **Construction Development Management Services Pty Ltd v City of Sydney [2023] NSWLEC 1620** - The Court approved a development that did not meet the numerical solar access criteria, finding that the qualitative objectives were met through good design.

These decisions support the view that compliance with the objectives of a control can justify a variation, particularly where there is no adverse environmental or amenity impact and the design outcome is of high quality.

CONCLUSION

The proposed variation to the front setback control is considered minor in nature and justified on planning merit. The design responds appropriately to the site's constraints and context, particularly the battle-axe configuration, and achieves the underlying objectives of the DCP control. The proposal does not result in any adverse impacts to the streetscape, amenity, privacy, or solar access of adjoining properties. Accordingly, it is requested that Council support the proposed variation based on the merits of the design and the absence of any detrimental environmental or amenity impacts.

Although the garage width exceeds the 40% control numerically, the ~48.39% width is considered minor in context and justified on planning merit. The garage is not visible from the street, is architecturally integrated, and does not result in any adverse environmental or amenity impacts. The proposal achieves the intent and objectives of Clause C6.3(1) and responds appropriately to the site's unique configuration. Accordingly, it is requested that Council support the proposed variation based on the merits of the design and the absence of any detrimental impacts.

We have attempted to provide information in this DCP variation request to be as accurate as possible. However, we make no claims, guarantees or promises about the accuracy, currency, or completeness of the information provided and are not responsible for any errors or omissions, or for results obtained from the use of the information. Every possible effort is made to keep the content of this document accurate and current, but that may not always be the case.

QUEANBEYAN-PALERANG REGIONAL COUNCIL

Council Meeting Attachment

12 NOVEMBER 2025

ITEM 9.1 DA.2025.0211 - 38A FORSTER STREET BUNGENDORE -
CONSTRUCTION OF A DWELLING HOUSE - TWO
STOREY

ATTACHMENT 6 SEE WITH HERITAGE IMPACT STATEMENT - DA.2025.0211 -
38A FORSTER STREET, BUNGENDORE



STATEMENT OF ENVIRONMENTAL EFFECTS

May 26, 2025

SITE: 38A Forster St, Bungendore
PROPOSAL: Double storey 6 Bedroom Dwelling

INTRODUCTION

This Statement of Environmental Effects is provided to support the development application for the construction of a two storey residential dwelling at the above address. It is intended to elaborate where necessary on aspects covered in the drawings as well as to provide additional information where required.

SITE SUITABILITY, SCALE & HEIGHT

This vacant site is a battleaxe block accessed from Forster St and comprises a total area of 937.3m².



The dwelling has been designed with a modern architectural style to be compatible with existing development in the immediate vicinity and complies with Council's requirement regarding front and side boundary setbacks.

Newcastle Office

9B Huntingdale Drive, Thornton NSW 2322
PO Box 340, East Maitland NSW 2323
P 02 4918 2200
F 02 4028 6345
DX 21627 Maitland

South Coast Office

142 Lake Entrance Road,
PO Box 275, Oak Flats 2529
P 02 4230 6800
F 02 4257 9652
DX 5153 Wollongong

Sydney Office

Suite 1, 62 Norwest Boulevard,
PO Box 7994, Baulkham Hills NSW 2153
P 02 8848 6000
F 02 9634 5511
DX 9964 Norwest

ACT Office

AXS Business Centre Building
2, Level 1 Cnr Gladstone & Tennant Streets
PO Box 1224, Fyshwick ACT 2609
P 02 6143 2000

Newcastle Quality Constructions Pty Ltd ABN 82 003 687 232 Trading as McDonald Jones Homes BLN 41628. McDonald Jones Homes Pty Ltd ABN 59 089 524 050, McDonald Jones Homes Pty Ltd (South Coast) ABN 47 131 091 980.
McDonald Jones Homes Pty Ltd (Sydney) ABN 65 135 576 680, McDonald Jones Homes Pty Ltd (Canberra) ABN 64 150 533 298, McDonald Jones Architects NSW Pty Ltd. ABN 98 143 792 205.
Registration No: 4234. Nominated Architect: Stephen John Rose



ZONING

This proposal is located on land that is zoned Zone R2 Low Density Residential under the Queanbeyan-Palerang Regional Local Environmental Plan 2022.

The proposal is a two storey residential dwelling. The dwelling will be similar to existing surrounding development and will be used for residential purposes providing for the housing needs of the community and it will be compatible with the character and impact positively on the amenity of the surrounding neighbourhood.

This proposed new residence is considered to provide an efficient use of the residential zoned land with minimal impact on surrounding properties.

This proposal is permissible with consent as it is defined in the Planning Certificate.

HERITAGE IMPACT STATEMENT

Clause 5.10 in the LEP ---

The subject site is neither heritage listed nor in close proximity to any heritage item. Although it is located within the close proximity to heritage items;



Bungendore - Weatherboard cottage 38 Forster Street - Lot 15, Section 2, DP 976608 Local I180

Bungendore - Weatherboard cottage 40 Forster Street - Lot 3, DP 1228105 Local I18

The design and siting of the proposed dwelling have been carefully considered to respect the area's significance. Consequently, the development is not expected to have any detrimental impact and therefore, a heritage impact statement has not been prepared.

Additionally, a search of the NSW Aboriginal Heritage Information Management System (AHIMS) Web Services indicates that there are no recorded Aboriginal sites or declared Aboriginal places in or near the specified location. Given the site's history of disturbance and its status as a fully developed urban area, it is unlikely that the proposed development will significantly impact the cultural places, values, customs, beliefs and traditional knowledge of Aboriginal people.

Newcastle Office

9B Huntingdale Drive, Thornton NSW 2322
PO Box 340, East Maitland NSW 2323
P 02 4918 2200
F 02 4028 6345
DX 21627 Maitland

South Coast Office

142 Lake Entrance Road,
PO Box 275, Oak Flats 2529
P 02 4230 6800
F 02 4257 9652
DX 5153 Wollongong

Sydney Office

Suite 1, 62 Norwest Boulevard,
PO Box 7994, Baulkham Hills NSW 2153
P 02 8848 6000
F 02 9634 5511
DX 9964 Norwest

ACT Office

AXS Business Centre Building
2, Level 1 Cnr Gladstone & Tennant Streets
PO Box 1224, Fyshwick ACT 2609
P 02 6143 2000



COMPLIANCE WITH PALERANG DCP 2015

BUILDING MATERIALS

The proposed colours for this dwelling are non-reflective and sympathetic with the local environment as well as dwellings within the vicinity. A copy of the external colour palette is included with this Development Application.

FRONT SETBACKS

The proposed front setback is 6m.

SIDE SETBACKS

Proposed side setbacks for this proposed dwelling are as follows:

- RHS setback 1.7m
- LHS setback 5.025m

REAR SETBACKS

The rear setback of the proposed dwelling is 13.214m.

BUILDING HEIGHT

This proposed dwelling will be double storey. The overall height is approximately 8.433m and is within the guidelines of the DCP.

We assume the property owner will provide landscaping and fencing which will assist with privacy.

GARAGING & DRIVEWAYS

The garage for this proposed dwelling will be set back behind the front façade of the dwelling therefore will not be a dominant feature of the home.

ENVIRONMENT

The proposed dwelling is not expected to have a significant adverse environmental impact on:

Any significant vegetation community
Habitat of threatened species, populations or ecological communities
Rare species of flora
Watercourse
Or any significant natural features

The site does not contain any significant constraints that would affect the proposal such as slope, instability or threatened species and is not located with a direct proximity to any watercourse.

9 Trees have been marked for removal to allow construction of this dwelling.

Newcastle Office

9B Huntingdale Drive, Thornton NSW 2322
PO Box 340, East Maitland NSW 2323
P 02 4918 2200
F 02 4028 6345
DX 21627 Maitland

South Coast Office

142 Lake Entrance Road,
PO Box 275, Oak Flats 2529
P 02 4230 6800
F 02 4257 9652
DX 5153 Wollongong

Sydney Office

Suite 1, 62 Norwest Boulevard,
PO Box 7994, Baulkham Hills NSW 2153
P 02 8848 6000
F 02 9634 5511
DX 9964 Norwest

ACT Office

AXS Business Centre Building
2, Level 1 Cnr Gladstone & Tennant Streets
PO Box 1224, Fyshwick ACT 2609
P 02 6143 2000



COMMUNICATIONS & HOUSEHOLD SERVICES

The site is serviced with water, sewer, electricity and telecommunications and is in reasonable proximity to a wide range of community services including health, schools and shopping facilities.

ACCESS & TRAFFIC

The site has access from Forster St to a double garage and no significant increase in traffic will be generated from the development.

AIR & NOISE

The dwelling is intended for residential purposes and as such it is envisaged noise will be within normal domestic limits and there will be no adverse effect on air quality during or after construction.

SOIL & WATER

It is proposed to divert the majority of the roof stormwater to a 22,900 litre stormwater tank located on the rear. The collected water will be recycled for use in the laundry, toilets and external yard to comply with Basix and as indicated on the recycled water plans. Any overflow from the tank plus the residual roof stormwater will be conveyed to street kerb drainage.

Sediment control barriers of geotextile fabric will be installed and maintained until completion of construction to ensure any sediment is contained within the property boundaries.

HERITAGE

There are no known heritage issues for the site.

ENERGY

Basix Certificate 1771300S_03 has been issued and a copy attached confirming the dwellings compliance with water target of 40% (40% actual) and energy target of 63% (91% actual).

WASTE

During construction waste will be separated on site and contained as indicated on the attached site plan. Hard waste will be removed by appropriate subcontractors for recycling. Soft waste will be disposed of through appropriate waste management facilities.

After occupation it is proposed that domestic household waste will be stored in Council provided bins and collected as part of Council's weekly rubbish and fortnightly recycled material collection services. Pending collection, the bins will be stored on the site away from public view.

Newcastle Office

9B Huntingdale Drive, Thornton NSW 2322
PO Box 340, East Maitland NSW 2323
P 02 4918 2200
F 02 4028 6345
DX 21627 Maitland

South Coast Office

142 Lake Entrance Road,
PO Box 275, Oak Flats 2529
P 02 4230 6800
F 02 4257 9652
DX 5153 Wollongong

Sydney Office

Suite 1, 62 Norwest Boulevard,
PO Box 7994, Baulkham Hills NSW 2153
P 02 8848 6000
F 02 9634 5511
DX 9964 Norwest

ACT Office

AXS Business Centre Building
2, Level 1 Cnr Gladstone & Tennant Streets
PO Box 1224, Fyshwick ACT 2609
P 02 6143 2000



BUSHFIRE ASSESSMENT

According to the Planning Certificate, there is not any Bushfire Risk noted for this property.

CONCLUSION

We believe the development complies with Council's standards and policies and therefore should be approved.

Newcastle Office

9B Huntingdale Drive, Thornton NSW 2322
PO Box 340, East Maitland NSW 2323
P 02 4918 2200
F 02 4028 6345
DX 21627 Maitland

South Coast Office

142 Lake Entrance Road,
PO Box 275, Oak Flats 2529
P 02 4230 6800
F 02 4257 9652
DX 5153 Wollongong

Sydney Office

Suite 1, 62 Norwest Boulevard,
PO Box 7994, Baulkham Hills NSW 2153
P 02 8848 6000
F 02 9634 5511
DX 9964 Norwest

ACT Office

AXS Business Centre Building
2, Level 1 Cnr Gladstone & Tennant Streets
PO Box 1224, Fyshwick ACT 2609
P 02 6143 2000

Newcastle Quality Constructions Pty Ltd ABN 82 003 687 232 Trading as McDonald Jones Homes BLN 41628. McDonald Jones Homes Pty Ltd ABN 59 089 524 050, McDonald Jones Homes Pty Ltd (South Coast) ABN 47 131 091 980.
McDonald Jones Homes Pty Ltd (Sydney) ABN 65 135 576 680, McDonald Jones Homes Pty Ltd (Canberra) ABN 64 150 533 298, McDonald Jones Architects NSW Pty Ltd. ABN 98 143 792 205.
Registration No: 4234. Nominated Architect: Stephen John Rose

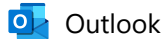
QUEANBEYAN-PALERANG REGIONAL COUNCIL

Council Meeting Attachment

12 NOVEMBER 2025

ITEM 9.1 DA.2025.0211 - 38A FORSTER STREET BUNGENDORE -
CONSTRUCTION OF A DWELLING HOUSE - TWO
STOREY

ATTACHMENT 7 SUBMISSIONS - DA.2025.0211 - 38A FORSTER STREET,
BUNGENDORE



Comment on application DA.2025.0211

From [REDACTED]

Date Tue 10/06/2025 3:52 PM

To Council Mail <Council.Mail@qprc.nsw.gov.au>

Some people who received this message don't often get email from contact@planningalerts.org.au. [Learn why this is important](#)

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

For the attention of the General Manager / Planning Manager / Planning Department

Application: DA.2025.0211
Address: 38A Forster Street Bungendore NSW 2621
Description: Construction of a dwelling house - two storey
Name of commenter: [REDACTED]
Address of commenter: [REDACTED]
Email of commenter: [REDACTED]

Comment

Hello I live to the [REDACTED] of this development and have not been contacted. Has there been a solar study undertaken for adjacent property's? The design height is well above a standard 2 story height and would impact surrounding properties. Additionally, does the property have any Heritage and or Neighbourhood Character overlays. The heights of the building and destruction of the trees at the location would impact both overlays. I find it inappropriate that a building of this height is allowed to be constructed without contacting surrounding property owners. Additionally, there would also be concerns about privacy.

Thanks [REDACTED]

This comment was submitted via PlanningAlerts, a free service run by the charity [the OpenAustralia Foundation](#) for the public good. [View this application on PlanningAlerts](#)

Important Privacy Notice - Please Read

The email address and street address are provided to Queanbeyan-Palerang Regional Council only so you can contact, identify and verify [REDACTED] in response to DA.2025.0211, and not for any other purpose.

You, Queanbeyan-Palerang Regional Council do NOT have permission to publish, nor share with anyone outside Queanbeyan-Palerang Regional Council the email address and street address without express written permission from [REDACTED]

We specifically confirm that any consent given in any form (including pursuant to your privacy policy) to disclose personal information to third parties is withdrawn.



Make a submission on a Development Application

Any person may make a written submission on a development application during the notification period. If your submission is an objection to the proposal, the grounds of the objection must be stated. Please note that all submissions will be publicly available, may be included in Council reports, published on Council's website or discussed at meetings. Council will not suppress the identity of submitters. All submissions must include a [Political Donations and Gifts Disclosure Statement](#) as required under s. 147(5) of the Environmental Planning and Assessment Act, 1979.

Development Application Number *

DA.2025.0211

Your full name *

Email Address *

Contact number

Submission

Objection to Development Application – 38A Forster Street, Bungendore NSW 2621

I am writing to object to aspects of the proposed development at 38A Forster Street, Bungendore, particularly relating to the building height, architectural style, tree removal, and impact on neighbouring properties.

1. Building Height and Dominance

The proposed height of 8.5 metres exceeds the height of my recently approved shed at [REDACTED] by approximately 2 metres. During that approval process, height and setback were subject to detailed scrutiny. Given the elevated scale of the proposed dwelling, similar scrutiny should apply. The height and bulk of the design will dominate adjacent properties at 69 and 71 Butmaroo Street and will be highly visible from both Butmaroo and Forster Streets. In the context of old Bungendore, the proposal appears out of scale with its surroundings and not sympathetic to the existing building styles and heritage.

2. Architectural Compatibility

The proposed modern architectural style does not reflect the established character of the neighbourhood. In contrast, the dwelling at 69 Butmaroo Street represents a more appropriate example of sympathetic infill development—one that aligns with past council guidance and community expectations. A revised design that respects the architectural language of the area would be more appropriate.

3. Tree Removal and Privacy Impacts

The removal of nine trees, as shown on the site plan, will significantly reduce the privacy currently enjoyed by neighbouring properties. These trees provide natural screening and contribute to the amenity and character of the area. Their removal would expose adjoining properties and exacerbate the visual impact of the proposed building. The extent of tree removal is excessive and should be reconsidered. The building should be able to be built by a skilled team without removing the trees. We have not removed the trees at our development at [REDACTED]

4. Landscaping and Boundary Screening

Should approval be granted, retention of the boundary trees—or the inclusion of landscaping and screening treatments of equivalent effectiveness—should be a condition of approval. These measures should not be left to assumption but must be specified in the consent to protect privacy and amenity.

5. Impact on Rutledge Street and Adjacent Lots

The proposal should be assessed not only in isolation but also in terms of its cumulative impact on neighbouring properties, particularly within the Rutledge Street battle-axe lots. A built form that dominates its surroundings, both in scale and massing, risks undermining the overall balance and character of the area and will set a precedence for construction infill that is not sympathetic to the area.

6. Front Balcony and Overlooking

The proposed front balcony should be redesigned to mitigate potential overlooking of adjacent properties to the east and west and dominance to the south. The current design lacks appropriate screening and fails to provide adequate privacy for neighbouring residences.

7. Overshadowing

The proposed development will cast substantial shadow over 71 Butmaroo Street. This impact could be mitigated by reducing the height of the building to no more than 6.67 metres—consistent with nearby buildings—and by favouring skylights over upper-storey windows on the eastern and western elevation.

Conclusion

This objection is not anti-development but seeks to ensure that new proposals respect the character, scale, and amenity of the surrounding area. A more modest building height, retention of boundary trees, and a sympathetic architectural design would improve the compatibility of the proposal with its context. I urge Council to carefully consider these points in its assessment.

You can expand the size of the submission box by clicking and dragging the triangle at the bottom right of the box.

Attach your submission

Browse

Attach your Political Donations and Gifts Disclosure Statement

Browse



Make a submission on a Development Application

Any person may make a written submission on a development application during the notification period. If your submission is an objection to the proposal, the grounds of the objection must be stated. Please note that all submissions will be publicly available, may be included in Council reports, published on Council's website or discussed at meetings. Council will not suppress the identity of submitters. All submissions must include a [Political Donations and Gifts Disclosure Statement](#) as required under s. 147(5) of the Environmental Planning and Assessment Act, 1979.

Development Application Number *

DA.2025.0211

Your full name *

[REDACTED]

Email Address *

[REDACTED]

Contact number

[REDACTED]

Submission

We believe that a two-storey dwelling is out of place and does not fit in with the character of the older residential sections of Bungendore. A single-storey dwelling would be a much better fit, particularly regarding privacy, as the proposed dwelling has boundaries to at least four existing dwellings' backyards.

You can expand the size of the submission box by clicking and dragging the triangle at the bottom right of the box.

Attach your submission

Browse

Attach your Political Donations and Gifts Disclosure Statement

DECLARATION OF POLITICAL DONATIONS AND GIFTS FOR SUBMITTERS

Use this form to declare whether you have made a Political Donation to any elected member of Council or gift to an elected member of Council or Council staff.

Has the person lodging this written submission made political donation or gift to the value of \$1000 or more to any elected member of Council or staff of Queanbeyan-Palerang Regional Council?

NO ☒ YES ☐

Signature of Submitter: [REDACTED]

Name: [REDACTED]

Address: [REDACTED]

Development Application Number: 38A FORSTER STREET BUNGENDORE

Property Address: [REDACTED]

If yes, you must also complete and return with your submission the form entitled 'Political Donations and Gifts Disclosure Statement to Council' available on Council's website at www.qprc.nsw.gov.au. A hard copy of this form can also be obtained from Council's Customer Service team at the Queanbeyan, Bungendore, or Bradwood offices.

Further details are available from the NSW Government Department of Planning website at www.planning.nsw.gov.au/donations

IMPORTANT
You must complete and attach this form to your written submission to Council

DEVELOPMENT OBJECTIONS TO DA.2025.0211 38A FORSTER STREET, BUNGENDORE

The common boundary is delineated by a line of 8 mature pine trees of 8-10 metres height, visible in image 2 and shown below at image 3. **These trees constitute the boundary between properties** as reflected at image 2 above.



Image 3 – view of [REDACTED] western boundary, looking west

Objection 1 – Definition of boundary between properties

The plans submitted do not accurately reflect the boundaries between properties. The submitted plans carry the following disclaimer (p11) that reinforce our concern and suggest a site survey to confirm boundary lines has not been conducted:

*"TITLE BOUNDARIES ARE FROM PLAN DIMENSIONS ONLY AND WERE NOT MARKED OR DETERMINED AS PART OF THIS SURVEY. ONLY SERVICES VISIBLE AT THE TIME OF THIS SURVEY ARE SHOWN ON THIS PLAN. * * ALL TREES LESS THAN 12 METRES HIGH ARE SHOWN WITH NO HEIGHT."* (DA.2025.0211, p11 of 92).

The trees constitute the boundary between properties, which is not reflected in the submitted plans. This fundamentally changes the nature of the current planning application, including the proposal to remove trees along common boundaries.

Proposed resolution:

We request that a survey is conducted to determine boundary delineation between all properties sharing a common boundary with the proposed development site.

Objection 2 – Proposed tree removal

The submitted plans propose the removal of *"9 trees with an approximate canopy area of 150 square metres"*. This includes the 8 mature pines spanning our rear boundary (image 3), not the five that are depicted in the plans.

These trees are a signature characteristic of the area and are clearly visible from the streets surrounding the properties, as well as the houses in the immediate vicinity. They add to the overall amenity of the area and are a defining feature of the heritage zone's mature foliage cover. The character they provide almost certainly contributed to the inclusion of [REDACTED] in the 2019

DEVELOPMENT OBJECTIONS TO DA.2025.0211 38A FORSTER STREET, BUNGENDORE

Bungendore Heritage Study as one of 9 properties in Bungendore considered “an exemplar of sympathetic in-fill development”¹.

Additionally, they provide an excellent natural screen and enhance privacy for the four properties that share a corner boundary and directly benefit from their presence. They are an irreplaceable natural temperature regulator, certainly during the warmer months, and they are an incidental (albeit convenient) home to several species of local wildlife including birds and possums.

If tree removal is approved, in addition to losing a mature natural screen and visual privacy between blocks, the loss of the trees will adversely impact natural shade in the summer months (and associated temperature regulation benefits), it will impact the amenity and character of the surrounding area and it will remove a known shelter for local wildlife and fauna.

We note that the submitted plans contain a foliage replacement schedule comprising the following plants:

- 15 x Lily Pilly with a **mature height of 0.6-1m**, and
- 10 x Rock Daisy with a mature height of **0.3m**

NATIVE PLANT SCHEDULE:					
CODE	BOTANICAL NAME	COMMON NAME	No.	POT SIZE	MATURE HEIGHT
SHURBS					
AS	<i>Acmena smithii</i> 'Sublime'	Lily Pilly	15	250mm	0.6-1.0m
GROUND COVERS & GRASSES					
BMB	<i>Brachyscome multifida</i> 'Break of day'	Rock Daisy	10	140mm	0.3m
TURF	<i>Stenotaphrum secundatum</i> 'Sir Walter'	Sir Walter Buffalo Turf	-	-	-

Image 4 - Exert of Foliage replacement schedule (DA.2025.0211, p17 of 92)

In other words, no replacement is offered for the loss of 150 square metres of mature canopy coverage. And visual screening will comprise timber paling fence to a height of 1.8m.

Proposed resolution to Objection 2:

1. We request that the tress constituting the western boundary of 69 Butmaroo Street (detailed at image 3) are preserved as the property boundary, they are retained as a natural screen to enhance privacy and as a home to local wildlife; and the heritage amenity of the local area (consistent with the 2019 Bungendore Heritage Study) is protected.
2. We further request that the plans include a more comprehensive foliage replacement concept for any additional trees that are approved for removal under a DCP-compliant permit.

¹ SF170490 Letter: Council Resolution on the Draft Bungendore Heritage Study, signed by David Carswell on 28 March 2019

DEVELOPMENT OBJECTIONS TO DA.2025.0211 38A FORSTER STREET, BUNGENDORE

Objection 3 - The height of the proposed development

The submitted plans outline a roof height of 8.43m for the proposed development, which we acknowledge falls within the area limit of 8.5m as detailed in the QPRC Development Control Plan.

However, in consideration of the Bungendore Structure Plan 2048 and the Bungendore Heritage Study 2019, the proposed height of the dwelling is **excessive** for the immediate area.

Notwithstanding the significant privacy implications for residents of **69 and 71 Butmaroo Street** (enhanced by the removal of any trees along our rear boundaries), the proposed development accounts for a doctrinal three storey building, 2 full storeys of living space with a roof occupying the space of a third storey. The surrounding properties - all single storey dwellings – will be dominated by the imposing presence of the proposed development. There is no doubt that the proposed development will be an imposing structure regardless of where it is built, let alone in a heritage-sensitive area.

The inconsistencies in the submitted plans regarding the number of storeys to be built are noted (pre-lodgement application vs submitted plans).

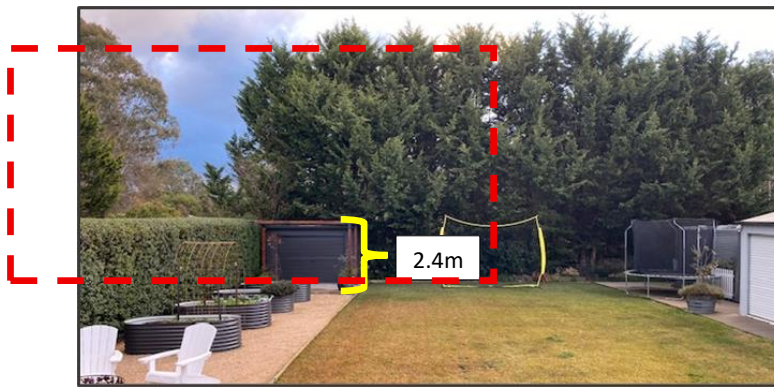


Image 5 – showing shed height of 2.4m in contrast to existing trees. The proposed development would occupy the space represented by the red dotted line and all the trees will be removed and replaced by a timber paling fence at 1.8m height.

and I both agree that new development in Bungendore, including in-fill development, is essential to the town's future. But new developments **must be sympathetic** to their surroundings, especially in more sensitive parts of the town featuring heritage infrastructure and old-town character, as is the case in the area immediately contiguous to the proposed development. Heritage character **must** be preserved wherever possible and not compromised by modern structures that propose to dominate the available space.

The Bungendore Heritage Study exists to define sympathetic in-fill development offering development options and examples that allow for necessary development within constraints that preserve the character of old-town Bungendore. These considerations are also outlined in the Bungendore Structure Plan 2048 (p20, Character).

I would offer the on-going development of the shed at **65 Butmaroo Street** as one example where sympathetic design has matched functionality to achieve a spacious two-storey development that retains the character of surrounding infrastructure (including the main residence) and a roofline that

DEVELOPMENT OBJECTIONS TO DA.2025.0211 38A FORSTER STREET, BUNGENDORE

– at approx. 6m – is not excessive for the area. It is also consistent with the intent of the Bungendore Heritage Study.

The development at 65 Butmaroo Street demonstrates the utility and achievability of a town planning strategy that respects heritage planning considerations to preserve the character and amenity of “old Bungendore”.

We are not opposed to the development of 38A Forster Street. We are opposed to the removal of trees that are area-defining and the development of a property that is unnecessarily imposing; one that would perhaps unintentionally alter the heritage feel of the area.

Proposed resolution to objection 3:

Approval of the proposed development be contingent on consideration of a more modest design considering height implications and consistency with ‘*sympathetic in-fill development*’ recommendations outlined in the Bungendore Heritage Study and the Bungendore Structure Plan 2048.

Objection 4 – Heritage Considerations

The plans identify that a heritage impact statement has not been prepared.

The DCP requires a Built Heritage Impact Statement to be provided with a development application where a proposed development is ‘*in the vicinity of*’ or ‘*has the potential to impact upon*’ a heritage item.

The properties at 38 Forster Street and 40 Forster Street are listed in the Bungendore Heritage Study as heritage items. The development application should contain a Heritage Impact Statement.

Proposed resolution to objection 4:

A Heritage Impact Statement should be prepared as part of the Development Application.

Final comments

and I wish to reinforce that we are supportive of development in Bungendore including where in-fill opportunities exist on some of the larger, older blocks. But we also believe that sympathetic design is a cost associated with choosing to develop in a heritage-sensitive area. Our commitment to this is evident in the design of our own property.

The submitted application needs to be supported by a survey that confirms property boundary lines;

The proposed removal of trees is unnecessary and, for a variety of reasons, would be detrimental to the area immediately surrounding the proposed development site;

The proposed height of the development is excessive; and

A heritage impact statement should be submitted with the development application.

My wife and I are more than willing to assist in working with the developers to resolve these issues. We invite interested parties to visit our property and observe the terrain layout for themselves if that

DEVELOPMENT OBJECTIONS TO DA.2025.0211 38A FORSTER STREET, BUNGENDORE

will assist decision making that is in the best interest of all parties. And we sincerely hope that the developers can achieve an outcome that meets their needs within the boundaries of reason and community expectation for sympathetic in-fill development in a heritage-sensitive area of old Bungendore.

In closing, I would also like to point out that our neighbours on both sides of [REDACTED] (to the north and south) are in a period of ownership transition. The absence of a response by either owner should not constitute a lack of objection or perceptions of consent to the proposed plans. Rather, in both circumstances, I would offer that the incoming owners of both properties, if they were aware of the proposed plans, would do so. I cannot speculate on their behalf, but the submitted plans present privacy implications to both parties that I am confident would illicit a response under different circumstances.

QUEANBEYAN-PALERANG REGIONAL COUNCIL

Council Meeting Attachment

12 NOVEMBER 2025

ITEM 9.1 DA.2025.0211 - 38A FORSTER STREET BUNGENDORE -
CONSTRUCTION OF A DWELLING HOUSE - TWO
STOREY

ATTACHMENT 8 HERTIAGE ADVICE - 38A FORSTER STREET, BUNGENDORE

Queanbeyan-Palerang Regional Council - Heritage Advisory Service

The Queanbeyan-Palerang Regional Council (QPRC) Heritage Advisory Service is provided by Philip Leeson Architects for the QPRC, to assist QPRC and owners of heritage properties and places within the council area.

Advice provided by the service does not constitute formal approval of works, which would require Council planning approval. Further enquiries in relation to heritage matters can be made to the QPRC Land Use Planning Team on (02) 6285 6276 or emailing landuseadmin@qprc.nsw.gov.au.

Date	10 July 2025, updated on 17 September 2025 based on amended plans	
Property Address	38A Forster Street, Bungendore	
Lot/Section	Lot 102	
Deposited Plan (DP)	DP1294115	
Contact	Name: Ugyen Tenzin	Ugyen.Tenzin@qprc.nsw.gov.au
Heritage Status	Parent lot is of local significance (1180 Weatherboard cottage)	
Nature of Advice	Development Application – New dwelling (two storey)	
Advisor	Katrina Keller	

Background

The subject lot was created via the subdivision of 38 Forster Street which is understood to have been approved in 2021. The front portion of 38 Forester Street contains a single storey weatherboard cottage which is individually listed as a heritage item of local significance in [Schedule 5](#) of the [QPRC Local Environment Plan](#) (LEP). It is noted that the site adjoining 38 Forster Street (no. 40) also contains a locally significant heritage item. A previous heritage study identified nos 38 and 40 as a pair of cottages dating from circa 1927 with no. 38 retaining good historic integrity. A block diagonally to the rear of 38A Forster Street (35 Rutledge Street) is also a locally significant heritage item.

Assessment

The site is subject to the provisions of the [Section 5.10 of the LEP – Heritage Conservation](#), and the Development Control Plan (DCP) for Palerang, particularly Section B10 – Heritage. Relevant objectives and controls of the DCP are referenced below.

It is noted that the proposal is for a large house when compared to the existing cottage which subsequently has the potential to overwhelm the modest timber building fronting Forester Street, though it is acknowledged that the proposed residence would be set back a considerable distance from the street. The current design of the proposed new residence would not be sympathetic with the character of the heritage item at 38 Forester Street owing to its two storey format, the mass/articulation of the dwelling, the integrated design of the double garage and the proposed colour scheme (assuming the latter has not been amended).

DCP Controls	Heritage Commentary
B10.1.6 New development in the vicinity of heritage items	
1) Buildings shall be appropriate to the character of the streetscape or context.	The proposed residence is unlikely to be appropriate fit with the character of the weatherboard cottage at 38 Forster Street due to its scale and height as well as the incorporation of the integrated double garage which is located level with the front of the new dwelling. Whilst the amended design of the garage roof is an improvement (it now has a hipped roof), the design of the garage, which is largely located below the first floor, would not be sympathetic to the adjacent listed heritage item.
2) Buildings shall be of a similar height or less than surrounding buildings.	As a two storey dwelling, the proposed dwelling will be higher than the single storey cottage fronting 38 Forster Street. The

DCP Controls	Heritage Commentary
4) New building shall not visually dominate the streetscape or roofscape of the surrounding area. 5) New buildings shall be set back or further away from the significant building if it is likely to have an adverse heritage impact on heritage building by virtue of scale, location or appearance.	3D street views provided suggest that both the two storey part incorporating the garage and the double storey porch (noted as a patio and balcony) will be evident in street views. This, combined with the substantial size of the hipped roof to the front (which would be over 14 metres wide compared with the more articulated roof of the heritage item which is about 10m wide), is likely to result in a negative visual impact on the heritage item. Whilst it is acknowledged that the building would be set back a considerable distance behind the rear of the heritage item, this would not fully mitigate impacts associated with the scale and appearance of the proposal.
6) New building with visible side elevations shall be articulated if greater than 15 metres in length. The articulation can take the form of a rebate in the wall, possibly in combination with a full height change of the wall material.	A section of the east elevation at ground level would be slightly longer than 15 metres, but is unlikely to have a heritage impact due to the differing roof treatment above and the considerable setback from the street.
1) New development may 'borrow' architectural language or design from early historic or contributory architectural buildings, such as roof pitch, corrugated iron roofing or weatherboard walls. 2) New development may interpret traditional design concepts in a modern way, and do not have to copy existing buildings.	A pitched roof clad in corrugated metal sheeting is likely to be an acceptable response, though it is noted that the width of and height of the main hipped roof would be considerably larger than that of the heritage item (refer to commentary above). Face brick and horizontal weatherboard cladding would also be sympathetic. An amended external palette was not provided for review and subsequently the commentary on colours relates to the details previously provided. The combination of the dark colours of the Colorbond basalt roofing and garage door, together with the very dark grey bricks, would not be sympathetic with the heritage item at 38 Forster Street which has light coloured timber walls. At a minimum, the colour of the brickwork and the garage door should be lightened.
3) Where larger scale new developments are proposed a building and streetscape character analysis, streetscape elevation, and definition of suitable envelope is to be prepared and discussed with the heritage advisor prior to undertaking detailed design.	The most visible part of the proposed dwelling is likely to be the double garage and associated first floor section (master suite). The character of this portion would not be sympathetic with the timber cottage due to the two storey height at the front and the integrated design of the garage which has a double garage door and is located mostly within the form of the dwelling.
B10.1.7 Garages in the vicinity of heritage items	
1) Attached garages to new dwelling should be set back a minimum of 1 metre from the front face of the dwelling.	The proposed garage would be located roughly in line with the piers to the front porch of the new dwelling. Any garage should be set back a minimum of 1 metre from the front face of the dwelling to reduce its visual impact.
2) The roof form of a garage attached to a new dwelling should not be a continuation of the main roof, but rather be articulated to reduce its scale and bulk.	The garage should also have a separately articulated roof so that the dwelling has a character that is more sympathetic to the heritage item.