



# **Planning and Strategy Committee of the Whole**

## **AGENDA**

**9 May 2018**

**Commencing at 5:30pm**

**Council Chambers  
253 Crawford St, Queanbeyan**



## On-site Inspections

Tuesday 8 May 2018

4.00pm – DA - 2A Meredith Street, Queanbeyan

5.00pm – DA - 5 McMahon Drive, Bungendore

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

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

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

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**Confidential - Not for Publication**

**8 REPORTS FOR CLOSED SESSION**

**8.1 Progress Report Cannchar Pty Ltd V QPRC**

*"Item 8.1 is confidential in accordance with s10(A) (c) (g) of the Local Government Act 1993 because it contains information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business; AND advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege and discussion of the matter in an open meeting would be, on balance, contrary to the public interest.*

**LIST OF ATTACHMENTS –**

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

**Open Attachments**

- |          |   |
|----------|---|
| Item 4.1 | Development Application - DA.2017.286 - Child Care Centre - 5 McMahon Drive, Bungendore   |
|          | <i>Attachment 1 79C Matters for Consideration - DA.2017.286 - Child Care Centre - 5 McMahon Drive, Bungendore (Under Separate Cover)</i>            |
|          | <i>Attachment 2 Plans - DA.2017.286 - Child Care Centre - 5 McMahon Drive, Bungendore (Under Separate Cover)</i>                                    |
|          | <i>Attachment 3 Submissions - DA.2017.286 - Child Care Centre - 5 McMahon Drive, Bungendore (Under Separate Cover)</i>                              |
|          | <i>Attachment 4 Draft Conditions - DA.2017.286 - Child Care Centre - 5 McMahon Drive, Bungendore (Under Separate Cover)</i>                         |
| Item 4.2 | Development Application - DA 31-2018 - Rooftop Garden - 2A Meredith Street, Queanbeyan  |
|          | <i>Attachment 1 Section 4.15 Matters for Consideration - 2A Meredith Street - Rooftop Garden - DA 31-2018 (Under Separate Cover)</i>                |
|          | <i>Attachment 2 Architectural Plans - 2A Meredith Street - Rooftop Garden - DA 31-2018 (Under Separate Cover)</i>                                   |
| Item 4.3 | Development Application - DA 2-2018 - Variation to the Building Envelope - 7 Staunton Place, Googong  |
|          | <i>Attachment 1 Section 79C(1) Matters For Consideration - DA 2-2018 - Variation to Building Envelope - 7 Staunton Place (Under Separate Cover)</i> |
|          | <i>Attachment 2 Submitted Plans - DA 2-2018 - Variation to Building Envelope - 7 Staunton Place. (Under Separate Cover)</i>                         |
|          | <i>Attachment 3 Submissions - DA 2-2018 - Variation to Building Envelope - 7 Staunton Place (Under Separate Cover)</i>                              |
|          | <i>Attachment 4 Draft Conditions of Consent - DA 2-2018 - Variation to Building Envelope - 7 Staunton Place (Under Separate Cover)</i>              |
| Item 4.4 | Development Application - DA.2017.170 - Dwelling - 6906 Araluen Road, Reidsdale   |
|          | <i>Attachment 1 DA.2017.170 - 6906 Araluen Road Reidsdale - 79C Assessment (Under Separate Cover)</i>   |

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

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- Attachment 2*     *DA.2017.170 - 6906 Araluen Road, Reidsdale - Site Plan and Elevations (Under Separate Cover)*
- Attachment 3*     *DA.2017.170 - 6906 Araluen Road Reidsdale - Submission (Under Separate Cover)*
- Item 4.5     Modification of Development Consent 109-2014 - Queanbeyan Bus Interchange - 64-66 Morisset Street Queanbeyan
- Attachment 1*     *Section 4.15 Matters for Consideration - DA 109-2014/B - 64-66 Morisset St - Passenger Transport Facility (Under Separate Cover)*
- Attachment 2*     *Plan - DA 109-2014/B - Queanbeyan Bus Interchange - 64-66 Morisset Street (Under Separate Cover)*
- Item 4.6     Review of Environmental Factors - Part 5 Assessment of Infrastructure Services - Intersection at Old Cooma Road and Googong Road
- Attachment 1*     *Review of Environmental Factors - Construction of Intersection - Googong and Old Cooma Roads (Under Separate Cover)*
- Attachment 2*     *Conditions - REF - Googong and Old Cooma Road Intersection (Under Separate Cover)*
- Item 5.1     Strategies for Review Part 2
- Attachment 1*     *Plan of Management - Seiffert Oval 2016 (Under Separate Cover)*
- Attachment 2*     *Business Paper report - Plan of Management - Seiffert Oval 2016 (Under Separate Cover)*
- Attachment 3*     *Business Paper report - Captains Flat Floodplain Risk Management Study and Plan 2016 (Under Separate Cover)*
- Attachment 4*     *Business Paper report - Queanbeyan Sewer Treatment Master Plan (Under Separate Cover)*
- Attachment 5*     *Business Paper report - Asset Management Strategy 2017-2027 (Under Separate Cover)*

**Closed Attachments**

- Item 4.2     Development Application - DA 31-2018 - Rooftop Garden - 2A Meredith Street, Queanbeyan
- Attachment 3*     *Submissions - 2A Meredith Street - Rooftop Garden - DA 31-2018 (Under Separate Cover)*

**ITEM 3     DECLARATION OF CONFLICTS/PECUNIARY INTERESTS**

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

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

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

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

**Recommendation**

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



**4.1 Development Application - DA.2017.286 - Child Care Centre - 5 McMahon Drive, Bungendore (Ref: C1856352; Author: Thompson/Perkins)**

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**Summary**

This application has been referred to Council as more than six submissions have been lodged in relation to the development.

Proposal:	152 Space Child Care Centre
Applicant/Owner:	Fraish Consulting / Elmslea Land Developments Pty Ltd /Queanbeyan-Palerang Regional Council
Subject Property:	Lot 1362 DP 1154538 and Lot 1338 DP 1112117, 5 McMahon Drive, Bungendore
Zoning and Permissibility:	R2 Low Density Residential and RE1 – Public Recreation under Palerang Local Environmental Plan 2014
Public Submissions:	Nine (9) submissions including one (1) in support
Issues Discussed:	Planning Requirements; Parking; Traffic; Flooding; and Noise
Disclosure of Political Donations and Gifts:	Applicant Declared no Donations or Gifts to any Councillor or Staff have been made

**Recommendation**

**That:**

- 1. Development application DA.2017.286 for the construction a Child Care Centre upon Lot 1362 DP 1154538 and Lot 1338 DP 1112117, 5 McMahon Drive, Bungendore be granted conditional approval.**
  - 2. Those persons who lodged a submission(s) on the application be advised in writing of the determination of the application.**
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**Background**

***Proposed Development***

The subject application seeks Council approval for the construction of a child care centre and an at-grade off-street car parking area.

The specific elements of the proposal are:

***Child Care Centre***

- Construction of single storey child care centre consisting of the following:
  - Six (6) children's rooms and associated sanitary facilities;
  - Cot room;



**4.1 Development Application - DA.2017.286 - Child Care Centre - 5 McMahon Drive, Bungendore (Ref: C1856352; Author: Thompson/Perkins) (Continued)**

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- Foyer and reception;
  - Staff room;
  - Office;
  - Laundry;
  - Kitchen;
  - Four (4) store rooms;
  - Piazza;
  - Two (2) external storage sheds;
  - Outdoor play area;
  - Ornamental garden (outdoor staff area); and
  - Bin storage area;
- Operation of the centre as follows:
  - Operation between 6:30am and 6:30pm Monday to Friday with no weekend operations;
  - 152 children ranging from 0-5 years in age;
  - 20 staff members.

***Carpark***

- Earthworks to raise the existing ground level 700mm so as to mitigate flood risk;
- Construction of a carpark comprising (40) spaces including one (1) accessible space.
- Flood mitigation works including the filling of the proposed carpark
- While the proposed carpark is intended to service the childcare centre, the carpark is located upon Council owned land and is to be dedicated to Council as a Council asset following the completion of construction works.

*Note:* Conditions of consent are recommended limiting child numbers to a maximum of 144 and core hours of operation to between 7:00am and 7:00pm. These matters are discussed in detail throughout the assessment of this proposal.

***Subject Property***

The subject site is legally described as Lot 1338 of DP 1112117 commonly known as 3 McMahon Drive, Bungendore and Lot 1362 of DP 1154538 commonly known as 5 McMahon Drive, Bungendore.

5 McMahon Drive is located on the south-western corner of the intersection of McMahon Drive and McCusker Drive, has an area of 2422m<sup>2</sup> and is currently vacant. 3 McMahon Drive is an irregular shaped allotment with frontages to both McMahon Drive and McCusker Drive, has an area of 6410m<sup>2</sup> and contains the Bungendore skate park and associated facilities and a gravel parking area accessed from McCusker Drive (See Figure 1).

#### 4.1 Development Application - DA.2017.286 - Child Care Centre - 5 McMahon Drive, Bungendore (Ref: C1856352; Author: Thompson/Perkins) (Continued)



**Figure 1: Locality plan (site boundaries shown in yellow)**

As a result of previous earthworks 5 McMahon Drive is predominantly flat with a steep batter along the site's southern boundary down to the existing gravel carpark with an approximate 1.8m difference in height between the sites (See Figure 2).

The land to the north and east of the subject site contain single storey dwelling houses, while the land to the south and west site is a Council owned public reserve.



**Figure 2: Looking north-west across subject site from the proposed vehicular access point.**

#### **Site History**

##### *Previous Applications*

The subject site was created as part of a 297 lot subdivision approved by Council under 2002/DA-113.

**4.1 Development Application - DA.2017.286 - Child Care Centre - 5 McMahon Drive, Bungendore (Ref: C1856352; Author: Thompson/Perkins) (Continued)**

2002/DA-113 included conditions of consent required significant site regrading works as to ensure that ground levels were above the 1 in 100 year flood level and that suitable freeboard were provided to all future development upon allotments.

*Pre-lodgement*

A draft version of the subject application was referred to Council's Development Coordination and Review Panel (DCR) on 15 June 2017 including the proposed use of adjoining Council owned land to accommodate for a shortfall in off-street parking upon the site. The applicant was advised that the consent of Council would be required for the lodgement of any such application and that a request for the use of Council land should be made prior to any such application proposal progressing any further.

At its meeting of 9 August 2017 Council considered a request to allow for the use of Council's community land on Lot 1338 DP 1112117, commonly known as 3 McMahon Drive, Bungendore, for the purposes of a shared carpark for childcare purposes and community uses. In considering this request Council resolved as follows:

1. *That Council agree in principle to Council's community land on Lot 1338 DP1112117, 3 McMahon Drive, Bungendore being used for the purposes of shared carpark for child care purposes and community use subject to the following:*
  - a) *Any such carpark to be constructed at the full cost of the proponent.*
  - b) *The carpark to be constructed to standards as determined by Council.*
  - c) *On completion the carpark to be handed to Council as a Council asset.*
  - d) *The applicant to enter into an agreement with Council for the shared use of the carpark: such agreement to include provision for a contribution to future maintenance of the carpark based on rejuvenation of the asphalt surface in 15-20 years.*
2. *That the General Manager be authorised to enter into negotiations with the proponent based on the above, including investigating whether Council would benefit from contributing additional Council funds to boost the overall numbers of carparking spaces available in the area.*

Based upon this resolution a revised draft version of the subject application was referred to Council's Development Coordination and Review Panel (DCR) on 5 October 2017. Throughout this meeting Council staff raised concerns in relation to, potential acoustic impacts of the development, the relationship with the proposed car parking arrangements and Council's recreational facility, the compatibility of the development with the flood risk to the site, a need for additional details in relation to how essential services are to be provided to the development and the compliance of the development with the recently gazetted State Environmental Planning Policy (Educational Establishments and Child Care Facilities) 2017.

The development application as lodged includes a number of amendments from that presented to the DCR and was accompanied by additional information to resolve the issues raised by the DCR.

***Planning Requirements***

Assessment of the application has been undertaken in accordance with Section 79C(1) of the Environmental Planning and Assessment Act (EPAA) 1979, as amended. The matters that are of relevance under Section 79C(1) are summarised in the attached *Section 79C(1) Table – Matters for Consideration*.

**Note:** *the subject application was lodged prior to the recent amendments to the Environmental Planning and Assessment act 1979 which came into force on 1 March 2018 and as such is subject to savings provision requiring the application to be assessed as if the amendments never came into force.*

**4.1 Development Application - DA.2017.286 - Child Care Centre - 5 McMahon Drive, Bungendore (Ref: C1856352; Author: Thompson/Perkins) (Continued)**

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

1. State Environmental Planning Policy No.55 Remediation of Land
2. State Environmental Planning Policy (Educational Establishments and Child Care Facilities) 2017
3. State Environmental Planning Policy (Infrastructure) 2007
4. Palerang Local Environmental Plan 2014 (LEP).
5. Palerang Development Control Plan 2015 (DCP)

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

**(a) Compliance with State Environmental Planning Policy No.55 Remediation of Land**

The subject application was accompanied by a report prepared by Arcadis Australia Pacific Pty Ltd which identifies the subject site as being suitable in its current state for the purposes of the proposed development. As such, the proposed development satisfies the relevant provisions of the SEPP.

**(b) Compliance with State Environmental Planning Policy (Educational Establishments and Child Care Facilities) 2017**

SEPP (Educational Establishments and Child Care Facilities) and the associated planning guidelines establish a number of development standards for child care centres such as the subject application. An assessment of the proposed development against the relevant standards (See attached 79C assessment report) found the proposed development to satisfy the relevant provisions of the SEPP subject to conditions of consent in relation to student numbers, boundary fencing and landscaping measures.

Clause 22 and 25(b) of State Environmental Planning Policy (Educational Establishments and Child Care Facilities) 2017 require a minimum of 7m<sup>2</sup> of unencumbered outdoor space be provided per child. The subject application provides only 6.65m<sup>2</sup> per child. To resolve this non-compliance a condition of consent is recommended limiting child numbers to a maximum of 144 children as to provide compliant unencumbered outdoor space.

Section 3.7 of the NSW Department of Planning and Environment's Child Care Planning Guideline establishes that where child care centres are located adjacent to residential development hours of operation should be limited to between 7:00am to 7:00pm Monday to Friday with no operations on weekends. The subject application proposes operation between 6:30am to 6:30pm Monday to Friday; however, in recognition of the proximity of the development to residential development a condition of consent is recommended to bring the development into line with the Child Care Planning Guidelines.

**(c) Compliance with State Environmental Planning Policy (Infrastructure) 2007**

Under Clause 65(3)(a)(i) of SEPP (Infrastructure) development on behalf of a public authority for the purposes of a carpark on land zoned RE1 Public Recreation zone such as is proposed under the subject application is permitted without consent.

**(d) Compliance with LEP**

The subject site is zoned Part R2 Low Density Residential zone and Part RE1 Public Recreation zone under the Palerang Local Environmental 2014. Development for the purposes of child care centre is permissible with consent within the R2 Low Density

**4.1 Development Application - DA.2017.286 - Child Care Centre - 5 McMahon Drive, Bungendore (Ref: C1856352; Author: Thompson/Perkins) (Continued)**

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Residential zone. While development for the purposes of a car park is prohibited within the RE1 Public Recreation zone, the provisions of SEPP Infrastructure (2007) prevail over the PLEP 2014 and as such the proposed car park is permissible without consent.

**(e) Compliance with DCP**

An assessment of the proposed development against the relevant provisions of the Palerang Development Control Plan 2015 found the proposed development to be compliant with the relevant development controls of the DCP (See attached 79C assessment report).

**(f) Other Matters**

*Noise* - In recognition of the proposed development's close proximity to surrounding residences and in accordance with the requirements of the NSW Department of Planning and Environment's Child Care Planning Guideline the subject application was accompanied by an Acoustic Report prepared by SLR Consulting Pty Ltd identifying that with the implementation of attenuation measures the proposed development is capable of complying with the relevant emission criteria at surrounding sensitive receivers. As such, the proposed development is considered unlikely to result in any significant acoustic impacts upon surrounding residents.

*Traffic* - In recognition of the additional traffic volumes generated by the proposed development the subject application was accompanied by a Traffic Impact and Parking Assessment Report prepared by Sketch Consulting on behalf of Fraish Consulting. This report identifies the proposed development as resulting in 122 additional vehicle movements in the AM peak. In considering the impact of such additional traffic movements upon the surrounding road network the report finds that an acceptable level of service will be retained and as such concludes that the proposed development will have minimal impact on the overall performance of the surrounding road network.

*Flooding* - The subject site is identified upon Council's Flood Prone Land Mapping as being entirely below the predicted maximum flood level, however through prior earthworks undertaken on the site as a part of the subdivision the entirety of Lot 1362 DP1154538 containing the proposed Child Care Centre was raised approximately 1.5m to be above the predicted maximum flood level. As such there are no flood impacts on the Child Care Centre.

Nonetheless, the entirety of the proposed carpark site is currently below the Flood Planning Level. In recognition of the flood risk to the carpark the applicant has submitted a Flood Assessment identifying that with the implementation of certain mitigation measures including the raising of the carpark by approximately 700mm above existing ground level the proposed development is compatible with the flood hazard on the site and that the proposed development would not result in any significant adverse effects upon flood water behaviour within the locality as to increase flood risk to surrounding properties.

*Streetscape* - Existing development within the streetscape includes single storey dwellings treated with face brick, painted render, and colorbond in a range of neutral colours. Fencing consists of predominantly 1.8m high sheet metal fencing though timber paling and masonry fencing elements are present in the broader streetscape. While the proposed structure being single storey and finished in timber look cladding, stained timber, render and metal cladding in a pallet of neutral colours suitably integrates with existing development within the streetscape the proposed western boundary fence presents a large blank span and the proposed oversized eastern eave encroaches approximately 1.3m into the road reserve as a result of the sites curved boundary. To



**4.1 Development Application - DA.2017.286 - Child Care Centre - 5 McMahon Drive, Bungendore (Ref: C1856352; Author: Thompson/Perkins) (Continued)**

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resolve these issues a condition of consent is recommended requiring the western boundary fence be treated in the same manner as the proposed northern boundary fence to provide improved connectivity to the adjoining recreation area and requiring that the eastern eave be reduced in width as to be located entirely within the bounds of the site.

*Accessibility* - In its current form the proposed car park fails to provide pedestrian connectivity to the adjoining park facilities and is physically separated by a retaining wall topped by a timber paling fence. Conditions of consent are recommended to replace the proposed paling fence with an open steel safety barrier style fence and requiring that a pedestrian access ramp and footpath be provided from the western end of the new path adjoining the proposed car park to the existing amenities building in the adjoining public recreation area.

**Other Comments:** The subject application was referred to several internal officers for comment. A summary of the responses received to these referrals follows:

**(a) Building Surveyor's Comments**

No objection subject to implementation of recommendations contained within the Acoustic Report prepared by SLR Consulting Pty Ltd and the inclusion of recommended conditions of consent.

**(b) Development Engineer's Comments**

No objection subject to conditions of consent including the provision of appropriate lighting within the proposed car park.

**(c) Environmental Health Comments**

No objection subject to conditions of consent regarding the implementation and validation of proposed acoustic mitigation measures.

**Engagement**

The proposal required notification under Part E of the Palerang Development Control Plan 2015. Nine (9) submissions were received including one (1) in support of the application. The relevant issues raised are as follows:

***Issue:*** Flooding

Concern was raised that the proposed development is not compatible with the flood risk to the site and may result in adverse impacts upon surrounding residences.

*Comment:* The Child Care site was filled during construction of the subdivision and is no longer affected by flooding. However, the carpark site is flood affected so the applicant has submitted a Flood Assessment identifying that with the implementation of certain mitigation measures the proposed development is compatible with the flood hazard on the site and that the proposed development would not result in any significant adverse effects upon flood water behaviour within the locality as to increase flood risk to surrounding properties

***Issue:*** Traffic

Concern was raised that the proposed development would result in traffic congestion upon the surrounding road network.

*Comment:* While the proposed development will result in additional traffic movements within the local road network, the proposed development was found to retain an acceptable level of service. As such the proposed development will have minimal impact on the overall performance of the surrounding road network.

**4.1 Development Application - DA.2017.286 - Child Care Centre - 5 McMahon Drive, Bungendore (Ref: C1856352; Author: Thompson/Perkins) (Continued)**

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**Issue:** Parking

Concern was raised that the proposed (40) spaces are insufficient for the purposes of the proposed development particularly during peak pick up/ drop off periods.

*Comment:* The proposed development providing 40 off street car parking spaces exceeds the minimum 38 spaces required for the development under the NSW RTA Guide to Traffic Generating Development. As such, the proposed development is considered to provide sufficient parking for the purposes of the proposed development. Further, the street frontages adjoining the site are signposted “no parking” and as such will not allow for additional congestion as a result of on street parking.

**Issue:** Streetscape

Concern was raised that the proposed structure was incompatible with the existing streetscape which consists predominantly of single storey dwellings and public open space.

*Comment:* The proposed development is comprised of a single storey structure featuring several skillion roof forms with a maximum building height of 5.46m. It is proposed that the structure be finished in timber look cladding, stained timber, render and metal cladding in a pallet of neutral colours. The proposed built form is considered to suitably integrate with existing development within the streetscape which includes single storey dwellings treated with face brick, painted render, and colorbond in a range of neutral colours.

**Issue:** Loss of views

Concern was raised over the loss of views from surrounding residences as a result of the proposed development.

*Comment:* The subject site is located adjacent to existing public recreation structures in an urbanised residential area. As such, the proposed development does not obstruct any significant view corridor or landmark and is of consistent height with surrounding development. Accordingly, the proposed development is not considered to result in any significant loss of views.

**Issue:** Skate Park

Concern was raised over the compatibility of the proposed use of the site as a Child Care Centre with the adjoining skate park.

*Comment:* The proposed development involves no actions considered to be incompatible with the use of the adjoining site for recreational purposes. Further, the proposed development provides additional opportunities for passive surveillance of the adjoining skate park as to deter potential for antisocial behaviour.

**Conclusion**

The subject application seeks development consent for the construction of a Child Care Centre upon Lot 1362 DP 1154538 and Lot 1338 DP 1112117, 5 McMahon Drive, Bungendore. The proposal was notified to adjoining owner/occupiers and nine (9) submissions were received including one (1) in support of the application.

The proposal has been assessed under Section 79C *Environmental Planning & Assessment Act 1979* including the relevant provisions of Palerang *Local Environmental Plan 2014* and Palerang Development Control Plan 2015.

The development satisfies the requirements and achieves the objectives of these instruments.

**4.1 Development Application - DA.2017.286 - Child Care Centre - 5 McMahon Drive, Bungendore (Ref: C1856352; Author: Thompson/Perkins) (Continued)**

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The proposed development is considered suitable for the site, is compatible with the neighbourhood and can be conditioned to mitigate any potential impacts. As such, it is recommended that DA.2018.286 be approved subject to conditions of consent.

**Attachments**

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|--------------|---|
| Attachment 1 | 79C Matters for Consideration - DA.2017.286 - Child Care Centre - 5 McMahon Drive, Bungendore ( <i>Under Separate Cover</i> ) |
| Attachment 2 | Plans - DA.2017.286 - Child Care Centre - 5 McMahon Drive, Bungendore ( <i>Under Separate Cover</i> )                         |
| Attachment 3 | Submissions - DA.2017.286 - Child Care Centre - 5 McMahon Drive, Bungendore ( <i>Under Separate Cover</i> )                   |
| Attachment 4 | Draft Conditions - DA.2017.286 - Child Care Centre - 5 McMahon Drive, Bungendore ( <i>Under Separate Cover</i> )              |





4.2 Development Application - DA 31-2018 - Rooftop Garden - 2A Meredith Street,  
Queanbeyan (Ref: C1848843; Author: Thompson/Dixon)

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**Summary**

***Reason for Referral to Council***

This application has been referred to Council because written submissions have been made to Council resulting from the notification process and valid concerns have been raised which cannot be overcome with a condition of consent and where plans cannot or will not be amended to overcome such concerns and because the application involves significant variations to requirements in a development control plan and those variations would have a significant environmental impact. The application is recommended for refusal.

Proposal:	Rooftop Garden
Applicant/Owner:	JS Architects/ Mr Wasfy Iskander Moussa and Mrs Renei Theresa Moussa
Subject Property:	Lot A DP 164541, No. 2A Meredith Street, Queanbeyan
Zoning and Permissibility:	R2 Low Density Residential under Queanbeyan Local Environmental Plan 2012
Public Submissions:	Two
Issues Discussed:	<ul style="list-style-type: none"><li>• Planning Requirements</li><li>• Non-compliance with several sections of the QLEP2012</li><li>• Impact on Heritage Conservation Area</li><li>• Impact on streetscape</li><li>• Privacy</li><li>• Overshadowing</li><li>• Noise</li><li>• Visual design</li></ul>
Disclosure of Political Donations and Gifts:	Applicant Declared no Donations or Gifts to any Councillor or Staff have been made.

**4.2 Development Application - DA 31-2018 - Rooftop Garden - 2A Meredith Street, Queanbeyan (Ref: C1848843; Author: Thompson/Dixon) (Continued)**

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**Recommendation**

That:

1. Development application 31-2018 for a rooftop garden at Lot A DP 164541, No. 2A Meredith Street, Queanbeyan be refused for the following reasons.

Reasons for Refusal:

- (a) The proposal does not comply with the Queanbeyan Local Environmental Plan 2012 in the specific areas:
    - (i) Clause 1.2 – Aims of Plan;
    - (ii) Clause 2.2 – Zone Objectives and Land Use;
    - (iii) Clause 4.3 – Height of buildings; and,
    - (iv) Clause 5.10 – Heritage Conservation.
  - (b) The proposed development does not comply with the following parts of the Queanbeyan Development Control Plan 2012:
    - (i) Part 2 – All Zones  
Clause 2.3.6 – Noise;
    - (ii) Part 3a - Urban Residential Development  
Clause 3.2.1 - External Materials, Patterns, Textures and Decorative Elements;  
3.2.2 - Siting and Building; and,  
3.5 - Consideration of Views, Shadowing.
    - (iii) Part 4 - Heritage and Conservation  
4.4.2 – Garages;  
4.4.6 – Decks and patios;  
4.5.1 – Character;  
4.5.2 – Siting and orientation;  
4.5.3 – Form;  
4.5.4 – Scale, height and bulk;  
4.5.5 – Setbacks;  
4.5.7 – Building materials; and  
4.8.8 – Roofs.
2. Council commence enforcement action to require the existing garage roof to be restored to its prior condition before the unlawful demolition works occurred.
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**Background*****Proposed Development***

The development application is for a second storey rooftop garden on top of an existing garage to the rear of the property. It was lodged on the 2 February 2018 after a number of complaints were received about an illegal structure being constructed on top of the existing garage. The area of the proposal is approximately 26m<sup>2</sup>. The structure incorporates planter boxes, brickwork and privacy screening using neutral colours. Part of the structure has already been constructed including the stairs and concrete slab.

## 4.2 Development Application - DA 31-2018 - Rooftop Garden - 2A Meredith Street, Queanbeyan (Ref: C1848843; Author: Thompson/Dixon) (Continued)

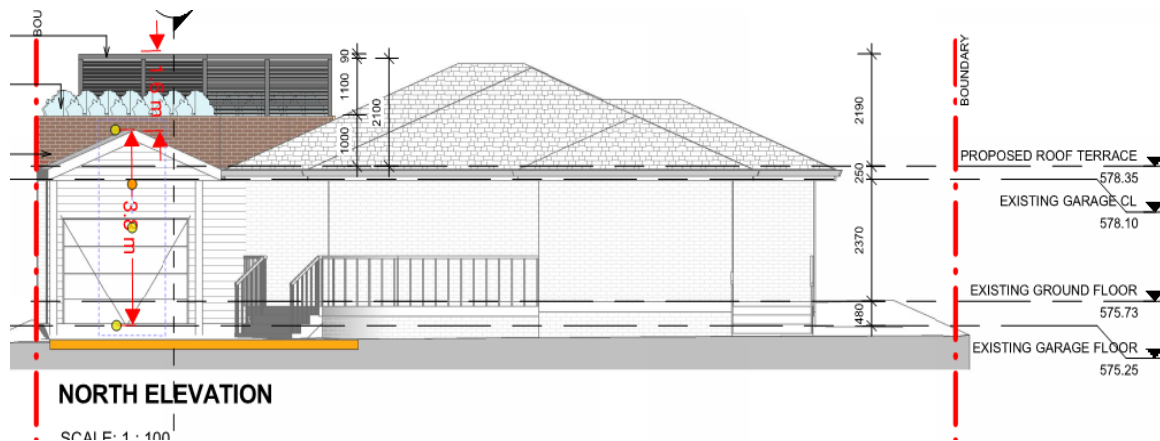
### Subject Property

The subject site has an area of 607.03m<sup>2</sup> and contains a dwelling house, carport and garage. The site is within the heritage conservation area and Queanbeyan's Designated Flood area. The dwelling and garage were constructed in 1959 and the carport in 2014.

The rooftop garden was identified when it was illegally constructed in June last year. A dog which resides at the subject site made its way up the stairs to the garden and was able to walk onto the neighbour's roof at 63 Campbell Street. Further to this, the owner of 67 Campbell Street experienced privacy impacts from the residents at the subject site when they used this rooftop area.

Compliance action was taken on the 8 August 2017 over concerns that the garage was being used for habitable purposes. Council's compliance officer identified the illegal structure and the applicant then submitted this development application.

Council has given advice to the owner of the subject site previously stating this use is highly unlikely to be supported due to privacy impacts on adjoining owners and the visual impact on the heritage conservation area. The applicant was given the opportunity to withdraw the proposal, which was declined. Figure 1 depicts the front façade elevation of the proposal:



**Figure 1: Front Façade of Proposed Rooftop Garden**

### Planning Requirements

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

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

- State Environmental Planning Policy No 55 – Remediation of Land and State Environmental Planning Policy (Infrastructure) 2007
- Queanbeyan Local Environmental Plan 2012 (LEP)
- Queanbeyan Development Control Plan 2012 (DCP)

The development does not satisfy the LEP or the DCP. It does not meet the requirements or achieve the objectives of these planning instruments. The significant issues relating to the proposal for Council's consideration are:

**4.2 Development Application - DA 31-2018 - Rooftop Garden - 2A Meredith Street, Queanbeyan (Ref: C1848843; Author: Thompson/Dixon) (Continued)**

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**(a) Non-Compliance with Queanbeyan Local Environmental Plan 2012****Clause 1.2 Aims of Plan**

The relevant aims of the Plan that the proposal does not meet are as follows:

- a) *to facilitate the orderly and economic use and development of land in Queanbeyan based on ecological sustainability principles;*
- b) *to provide for a diversity of housing throughout Queanbeyan;*
- d) *to recognise and protect Queanbeyan's natural, cultural and built heritage including environmentally sensitive areas such as Queanbeyan's native grasslands, the Queanbeyan River and Jerrabomberra Creek.*

The proposed rooftop garden is out of character with the heritage conservation area meaning it is not orderly development of land within Queanbeyan. It is a second storey element on a site with a single storey dwelling and ancillary structures. Furthermore, the streetscape is dominated by single storey dwellings. If the garden were to proceed it would dominate the streetscape of Meredith Street and compromise the character of the heritage conservation area.

The character of this area is required to be maintained through respectful design and development, and throughout this assessment this design does not achieve this. This proposal does not recognise or protect the built heritage of the conservation area through its two storey design and bulky appearance on the streetscape. It is a box type design with no articulation and is also unroofed which is not a common feature through the heritage conservation area or Meredith Street. The proposed rooftop garden has been designed as a modern two storey structure and therefore does not meet the requirements of this Clause.

**2.3 Zone Objectives and Land Use Tables**

The subject site is located in the R2 Low Density Residential Zone. The objectives of the zone are specified below. It is considered that the proposed development does not satisfy the objectives of the zone:

- *To provide for the housing needs of the community within a low density residential environment.*
- *To enable other land uses that provide facilities or services to meet the day to day needs of residents.*
- *To encourage development that considers the low density amenity of existing and future residents.*

It is assumed the proposal will be used as private open space for the residents to enjoy. However, this does not benefit surrounding neighbours specifically 63 and 67 Campbell Street. Private open space areas are generally used for outdoor entertaining and outdoor activities that generate noise. The rooftop garden is located on the zero lot line of 63 Campbell Street and 321 millimetres from 67 Campbell Street. It is directly adjoining these properties ground level private open space areas. Furthermore, only 1 metre of solid wall is provided around the perimeter of the structure with aluminium screening placed on top of this to a height of 1.1 metres.

Although the brick wall is a good example of privacy screening, the height of this is not sufficient to protect neighbours. Further, if the height of the brick were to be increased it would worsen the impact onto the heritage conservation area as it would be much bulkier. The proposal therefore does not meet the needs of the surrounding community and does not satisfy this objective.

#### 4.2 Development Application - DA 31-2018 - Rooftop Garden - 2A Meredith Street, Queanbeyan (Ref: C1848843; Author: Thompson/Dixon) (Continued)

The need for a rooftop garden is assumed to be for private open space for the residents to enjoy. The existing dwelling already contains a sufficient amount of private open space to the rear and side of the dwelling house and equates to an area of approximately 130m<sup>2</sup> and contains a pergola area. The space proposed on the rooftop garden would be additional and is not necessarily considered to be a housing need. As such the proposal does not satisfy this objective.

The addition of this structure it is not considered low density due to the impacts on privacy and disturbance from noise which will affect the amenity of the area. Low density development generally generates little noise and activity and due to the height of the proposal and the very close proximity to the boundaries, noise and privacy impacts will be enhanced more so then it would at a single storey level. As such the proposal does not meet this objective.

#### 4.3 Height of Buildings

The maximum building height permitted on the subject site is 8.5 metres. The existing dwelling is approximately 4.9 metres in height and the existing garage 3.9 metres. The proposal is 5.3 metres in height. Although the proposal meets the numerical control, it does not meet the objectives of this Clause.

(1) *The objectives of this clause are as follows:*

- (a) *to ensure that the height of buildings complement the streetscape or the historic character of the area in which the buildings are located,*
- (b) *to protect the heritage character of Queanbeyan and the significance of heritage buildings and heritage items,*
- (c) *to nominate heights that will provide a transition in built form between varying land use intensities.*

The rooftop garden will be positioned behind an approved carport which has an approximate height of 3.8 metres. The proposal will have a total height of 5.3 metres meaning it will protrude above the carport by 1.5 metres. This protrusion will comprise bulky brickwork and modern style aluminium slats. This type of proposal is not consistent with the heritage character of the area and will not complement the streetscape, but actually detract from it. This is shown in Figure 2 below:

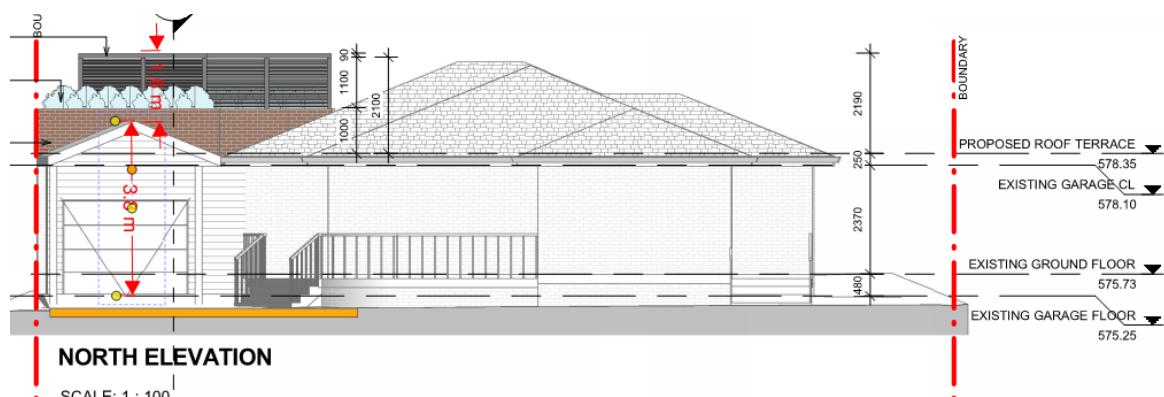


Figure 2: North Elevation (Street view) of the Proposal

As seen in Figure 2 above, the height creates a bulky appearance which does not conform to the style of the dwelling house. It is a flat structure next to a dwelling with pitched roofing and the eye is drawn to it and not the dwelling.

The neighbouring dwellings on this façade also have gable and pitched roofing. Figure 3 depicts the unapproved removal of the garage roof on the subject site next to the neighbouring dwellings which proves how out of character the design is:

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*Figure 3: Unapproved works shown in aerial image taken from Google Street View*

The proposal will be out of character of not only the dwelling, but neighbouring properties and the streetscape of Meredith Street as a result of the major height difference in this two storey design. The proposal therefore does not meet the objectives of this Clause.

**5.10 Heritage Conservation**

Under Clause 5.10, Council must consider the effect of the proposed development on the heritage conservation area.

The objectives of this clause are as follows:

- (a) *to conserve the environmental heritage of Queanbeyan,*
- (b) *to conserve the heritage significance of heritage items and heritage conservation areas, including associated fabric, settings and views,*
- (c) *to conserve archaeological sites,*
- (d) *to conserve Aboriginal objects and Aboriginal places of heritage significance.*

Part of this assessment has taken into account that the roof of the existing garage has been removed. This roof formed part of the heritage dwelling and therefore its original fabric. The garage was erected at the same time as the dwelling house in the late 1950s and formed part of the significant heritage fabric of the subject site. This demolition was undertaken without Council consent and had no evidence of deterioration. As such the environmental heritage has not been conserved and the proposal does not meet this objective.

As mentioned previously, the proposal does not conserve the heritage value of the dwelling itself or the heritage conservation area. The adjoining dwellings and the dwelling itself are all single storey in design. The proposed roof top garden can be easily seen from Campbell and Meredith Street and approximately 2.1 metres worth of brickwork and privacy screening can be viewed. There are no other second storey rooftop gardens within the heritage conservation area making this a dominant structure within the streetscape. It draws attention away from the heritage cottages and brings focus to this modern style structure. Council's Heritage Advisor has provided the following objections against the proposal:



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*Previous heritage advice was provided on this proposal in September 2017. Since then a revised design has been submitted. It should be noted that the roof of the former garage has already been removed and replaced with a thick concrete slab, reinforced concrete stairs and a very substantial steel railing.*

*Controls in the Queanbeyan Development Control Plan 2012 state:*

*4.4.2(a) An existing "period" garage is generally considered to be part of the site's historic fabric to be conserved.*

*4.4.2(b) Demolition is only appropriate where the garage has decayed to the extent that its conservation is no longer prudent or feasible.*

*It is understood that the former garage was consistent with the period of the house and therefore should have been conserved under clause 4.4.2(a). The garage had not decayed and therefore demolition was not appropriate under clause 4.4.2(b).*



*Figure 4: Deck and railing as seen from the neighbour's property 22 February 2018.*

*The revised retrospective DA proposes a brick wall one metre high on three sides of the concrete slab. Inside this would be a planter box and then an aluminium privacy screen 2.1 metres high. There are a number of concerns with this proposal.*

- The brick wall and aluminium screen structure will be out of character with the primary dwelling, the local built form and the streetscape. The dominant local built form comprises single-storey dwellings with hipped and tiled roofs, whereas the proposal is more likely to have the appearance of an industrial-scaled air conditioning system.*
- In spite of claims by the proponent and their consultants, the structure will be taller and more visible than it is at present and will be clearly visible from Meredith Street, Campbell Street, the Park, the adjacent neighbour's property and from other places within the conservation area, especially during winter when there is minimal leaf cover.*
- The proposed perimeter planter box will be very difficult to maintain and it is more than likely that proposed screen planting will die due to the very challenging growing and maintenance environment that would result from the design.*



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- *The proposed metal screen would be to three sides only of the garage roof. The western side would be fully open. As can be seen in the photo above part of the neighbour's future house and most of their rear yard would be fully visible from the deck, resulting in an almost total loss of privacy.*
- *The proposed structure is a second storey development and as such is not consistent with the goals of the DCP (see DCP clause 4.5.4.e). There is a real concern that if approved the height of the structure will be increased at a future stage to support some form of sun-shading device.*
- *There is a very real concern that this proposal, if approved, would create a precedent for similar structures to be built throughout the conservation area. It should be noted that there is already constant pressure to allow two-storey buildings in the area. Many others have told the heritage advisor that one of their reasons for buying in the conservation area was the surety of knowing that a two-storey dwelling would not be constructed adjacent to them.*

*In summary, this proposal is not consistent with the Heritage and Conservation DCP, would impinge on the neighbour's privacy and would set an undesirable precedent. As such it is likely to have an adverse impact on the heritage character of the conservation area.*

There are no known archaeological or Aboriginal objects known to effect the site. The proposal is not an appropriate design or structure for the heritage conservation area. The general objective of this Clause is to conserve existing buildings and materials and that any new work is to conform to this. The design is modern and attempts to incorporate a second storey addition in a single storey dominated locality. The proposal therefore does not meet any of the objectives of this Clause.

**(b) Non-Compliance with DCP**

The proposal does not meet a large number of clauses within the Queanbeyan Development Control Plan. Please refer to the *Section 4.15 Table – Matters for Consideration* for a detailed assessment on the non-compliances. These have been summarised as follows:

**Part 2 All Zones****Summary of Non-complaint clauses - 2.3.6 Noise****Relevant Objectives**

- 1) *To ensure development provides for effective management of noise and vibration through effective siting, building design, materials and layout, construction and engineering techniques, operational management.*
- 2) *Where a proposed development includes an activity which may generate unreasonable noise or which may be affected by an existing noise source, an acoustic study is to be undertaken to establish noise levels and provide a mitigation strategy demonstrating the measures to be taken to effectively mitigate noise.*

The siting of the rooftop garden has been proposed on top of the existing garage in the rear of the site. This structure will be 321 millimetres from the private open space of 67 Campbell Street and on the zero lot line of the private open space of 63 Campbell Street. The materials proposed on both of these sides is 2.1 metre high aluminium privacy screen which have gaps depicted in the submitted elevations. In front of this screen is a 1 metre high double brick wall meaning that 1.1 metres of the privacy screen will be subject to allowing noise through it. This proposal has not been designed to account for noise

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generation from this area onto the adjoining properties at 63 and 67 Campbell Street given the extremely close proximity of the structure and what it would be used for on a regular basis. Noise measures have not been addressed as part of this proposal by the applicant. Given the above, the proposal does not satisfy the relevant objectives of this Clause.

**Relevant Controls**

- a) *Development should be designed to minimise the potential for offensive noise.*
- b) *Noise buffering should not be provided by high fences, garages or blank walls to public streets. Where screening by these or similar methods is the only practical solution, the screen should be no greater than 50% of the street frontage. Such screening should have visual interest and retain some surveillance from the building behind the screen's entries, windows or balconies when practical.*

The proposal is assumed to be used as an additional private open space area for the dwelling house. This would mean that residents would be able to entertain guests, spend leisure time or use the space for outdoor dining etc. This noise would not necessarily be offensive however would create an impact that the existing ground level private open space does not. This is due to the choice in privacy screening with gaps, which will allow the projection of noise. The existing private open space is protected by solid sheet metal fencing which acts as a barrier for the neighbouring properties. The existing private open space already provides the residents with a space to undertake outdoor activities and is protected by a solid sheet metal fence. The general assessment of noise for this proposal shows that there would be an impact as a result of this structure to adjoining neighbours that would be avoided if the proposal were not to proceed and the garage use and its roof returned to its original state.

**Part 3a Urban Residential Development****3.2.1 External Materials, Patterns, Textures and Decorative Elements****Objective**

- 1) *To ensure high amenity and continuity of design and character in residential areas.*

The design is not in keeping with the character of the heritage conservation area, the dwelling on Meredith Street and Campbell Street. The existing dwelling is constructed of brick which is incorporated into the design of this structure, however aluminum slats are a modern form of building material and are not visibly present in Meredith Street. The material would be extremely noticeable and garish on the streetscape. As such the proposal does not meet this objective.

**Relevant Controls**

- a) *Residential development shall be compatible with existing development with regard to external materials, patterns, textures and decorative elements.*

As noted above, the design is not in keeping with the existing dwelling. This is because:

- It is a two storey structure on a site where a single storey dwelling exists;
- It incorporates modern materials such as aluminium slats;
- It will be highly visible from the streetscape especially in winter when the surrounding landscaping does not have growth; and,
- It has replaced a pitched roof structure, which was illegally removed, that held heritage significance and appropriate design for the site.

As such the proposal does not meet the relevant control.

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### 3.2.2 Siting and Building Setbacks

#### Objective

- 1) *To ensure quality residential development by preventing overdevelopment and respecting the amenity of neighbours.*

The rooftop garden is proposed in very close proximity to the adjoining neighbours with the closest setback being a zero lot line and the largest being 321 millimetres. There are concerns on privacy into the private open space and living areas of 67 Campbell Street and bedrooms and private open space of 63 Campbell Street. It is argued that due to this the amenity of the neighbouring properties would be affected by the closeness of this structure to their habitable and high activity areas. As such the proposal does not meet this objective.

#### Relevant Controls

- a) *The minimum building setbacks to comply with Table 1.*
- c) *Setback to side boundaries are subject to consideration of impact on privacy, view and solar access of adjoining properties as mentioned in Clause 3.5 and the BCA.*

Table 1

	Front Boundary		Rear Boundary
	Major Frontage	Minor Frontage	
Dwelling			
Single Storey *	6.0m	4.0m	4.0m
Two or more Storeys *	7.5m	4.0m	4.0m
Free standing garage/ carport	6.0m	5.5m	Nil
Swimming pool or similar	6.0m	4.0m	Nil
Corner Allotments with Long Curved Frontages	5.0m	5.0m	4.0m (see Fig. 1)

Rear setback required: 4 metres

Setback proposed: 321 millimetres

The proposed rear boundary does not comply with this control as it proposes a 321 millimetre rear setback. Based on the merit assessment of the side setback, a zero lot line in this case is also not appropriate given impacts on privacy which is further discussed under Clause 3.5 of this section of the report. The proposal does not comply with these controls.

### 3.5 Consideration of Views, Shadowing and Privacy

#### Objective

- 1) *To ensure quality residential development by considering any impacts on views, shadowing and privacy of residents and neighbours.*

The proposal fails to protect neighbours from privacy impacts and overshadowing. This is discussed in the controls below in detail but generally this is because the proposal is a two storey design within very close proximity to neighbouring private open space and living areas. The closeness of the design impacts neighbouring properties by means of overshadowing between 9am – 3pm during the winter solstice. As such the proposal does not comply with the objective of this clause.

#### Controls

The proposal adjoins three neighboring lots being 2 Meredith Street to the west of the lot and 63 Campbell Street to the east and 67 Campbell Street to the south. This assessment will be based on the impacts on 63 and 67 Campbell Street only as they are impacted by both overshadowing and privacy.

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- a) *New dwellings should be designed to safeguard privacy and minimise the extent of impact on the outlook of existing or potential dwellings in the proximity.*
- b) *Direct overlooking of internal living areas of neighbouring dwellings is to be minimised by building layout, location and design of windows and balconies, provision of screening devices and landscaping.*
- c) *Two storey dwellings will include design features to minimise potential impacts on privacy and loss of natural light to existing adjoining development*
- d) *Shadow diagrams will be required for all two storey development showing its impact at 9am, 12 noon and 3pm on 21 June (winter solstice). A minimum of 3 hours of natural light to the private open space and north facing living room windows of adjoining properties is required to be maintained between these hours.*
- e) *The proximity of dwellings to each other and the design of dwellings in terms of their layout, bulk, height and position of openings may have an impact on amenity. Privacy considerations are to be addressed through the careful layout of buildings and the activity which occurs in and around them, e.g. windows/decks to be elevated living areas may cause overlooking and be a source of noise nuisance.*
- f) *Where two storey development creates a privacy intrusion on adjoining single storey development, appropriate measures must be installed to minimise the impact. The measures can include obscured glazing or screening, but there are alternative options.*

*Impacts on 63 Campbell Street*

The proposed roof top garden will be located approximately 4.6 metres away from 63 Campbell Street's primary private open space. The estimated natural ground level of 63 Campbell Street is 576 metres (AHD) and the proposed finished floor level of the rooftop garden is 578.35 metres (AHD). This means the finished floor level of the proposal is 2.5 metres higher than the neighbouring lot. The brick wall is 1 metre in height and the aluminium slats 1.1 metres in height. Normally, aluminium slats would be an appropriate form of screening however, given the extremely close proximity to 63 Campbell Street it is highly unlikely that these slats will provide any privacy protection to the owners as they still allow people to see through them from the subject site. The screening would be part brick and part aluminium slats giving the occupants of the subject site direct views into 63 Campbell Street's private open space. Figure 5 below depicts what the occupants of 63 Campbell Street current view:

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*Figure 5: View of structure from 63 Campbell Street*

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*Impacts on 67 Campbell Street*

The proposal has the largest privacy impact on 67 Campbell Street. The rooftop garden will look over 67 Campbell Street's private open space, alfresco and kitchen areas. Figure 6, 7 and 8 show the view from 67 Campbell Street's kitchen and alfresco area to visualise this:



*Figure 6: View from kitchen*



*Figure 7: View from alfresco*



*Figure 8: View from POS*

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Figure 8 currently shows 1 metre square balustrades. These are not proposed to be changed meaning that the rooftop area will have direct overlooking into 67 Campbell Street's private open space. This design does not meet control c) in that the proposal has not been designed to be sympathetic to the privacy of the adjoining neighbours on Campbell Street. The use a material with gaps in it and the very close proximity of the structure to these private open space and habitable areas do not meet any of the controls listed above.

Preliminary assessment has been undertaken for overshadowing onto neighbouring properties as shadow diagrams were not submitted. This brief assessment has indicated that overshadowing will occur between 9am, 12pm and 3pm on both 67 Campbell Street's kitchen and private open space and between 9am until 12pm on 63 Campbell Street. The proposal therefore does not meet this control. The current screening proposed has gaps between each slat allowing direct overlooking into the private open space and habitable areas on the Campbell Street properties. If the applicant were to propose a solid material around the entire perimeter of the structure this would further intensify the heritage impacts that are discussed in Clause 5.10 of the QLEP2012 and further in this report in Part 4.

Due to the combination of the location, height and proposed materials of the structure it is clear that it will have adverse impacts on the privacy of the adjoining neighbours. It is concluded that the proposal does not meet any objectives or controls within this clause and is not a suitable proposal for the site.

**Part 4 Heritage and Conservation Area****Summary of Non-Complaint Clauses**

The applicant has submitted a heritage report written by Eric Martin and Associates which addresses some of these clauses. As such Council will consider the points raised in this report. The report does not comment on this objective however.

**4.4.2 Garages****Objective**

- 1) *To encourage garages to be designed and located so that they harmonise with the historic building and/or streetscape.*

The rooftop garden is proposed on top of a garage. The garage roof was illegally demolished which did not harmonise with the surrounding heritage conservation area. Hipped and pitched roofs are the dominant roof form in the area and this was removed from the site. For a garage a flat roof is not supported and a deck on top of a garage is largely out of character for the area. The proposal therefore does not comply with this objective.

**Relevant Controls**

- a) *An existing "period" garage is generally considered to be part of the site's historic fabric to be conserved.*
- b) *Demolition is only appropriate where the garage has decayed to the extent that its conservation is no longer prudent or feasible.*
- c) *Existing and reconstructed garages may be extended by constructing a skillion off the side, or by constructing a carport in front that has the same roof pitch as the existing garage.*

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As mentioned throughout this report, the garage roof formed part of the dwellings historic fabric, but was removed without Council consent or the Heritage Advisor's support. There was no evidence of the garage roof being decayed and as such the roof would not have been supported to be removed.

The proposal does not comply with this control as it is a modern structure that does not form part of the site's historic fabric and no effort has been made to conserve the existing garage roof. A carport exists in front of the garage and it has a pitched gable roof. The proposal will protrude above this carport structure by 1.5 metres giving visual interest to the rooftop garden, not the carport or further, the dwelling. This control seeks to ensure garages are complementary to the existing dwelling and streetscape and with the proposal this is not achieved. Council's Heritage Advisor has also provided the following comments on this control:

*It is understood that the former garage was consistent with the period of the house and therefore should have been conserved under clause 4.4.2a. The garage had not decayed and therefore demolition was not appropriate under clause 4.4.2b.*

**4.4.6 Decks and patios****Objective**

- 1) *To ensure that the design and location of decks and patios is sympathetic to heritage values.*

The design and location of this proposed rooftop garden is not sympathetic to heritage values. Second storey structures are discouraged in the area as it is dominated by single storey cottages and outbuildings. The structure will also create impacts onto adjoining properties through privacy and overshadowing as previously mentioned in this report. All properties surrounding the subject site contain single storey design only. As such the proposal does not meet this objective.

**Relevant Controls**

- a) *All proposed decks and patios on listed items, and in the Conservation Area if not located in the rear yard, should have minimal adverse visual impact on the place's heritage values or those of the streetscape.*
- b) *New decks and patios, including handrails etc should be in a style and material that is sympathetic to the building. For example, welded steel decks on timber cottages are unlikely to be supported.*
- d) *Large or elevated decks and patios should be located at the rear of the dwelling or where they are not readily visible from the public realm.*

The applicant's report notes that the rooftop garden will not be readily seen from the streetscape. An inspection was undertaken on the property to assess this as there is already an illegal structure on top of this garage which is similar in height to the proposed. Through this assessment there is a visual impact onto both Meredith and Campbell Street and from the Queanbeyan Park on Campbell Street. Figures 9, 10 and 11 depict the structure:



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*Figure 9: Unapproved structure from Queanbeyan Park*



*Figure 10: View across the road on Meredith Street*

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*Figure 11: View from verge on Meredith Street*

From these images it is clear that there is an impact on the streetscape and surrounding dwellings due to the second storey nature of the proposal and as such it does not meet this control. Council's Heritage Advisor has also provided the following comments on the dominance of the structure:

*In spite of claims by the proponent and their consultants, the structure will be taller and more visible than it is at present and will be clearly visible from Meredith Street, Campbell Street, the park, the adjacent neighbour's property and from other places within the conservation area, especially during winter when there is minimal leaf cover.*

The aluminium steel is unsympathetic to the character of the area and does not comply with the control. Council's Heritage Advisor has commented on the chosen materials:

*The brick wall and aluminium screen structure will be out of character with the primary dwelling, the local built form and the streetscape. The dominant local built form comprises single-storey dwellings with hipped and tiled roofs, whereas the proposal is more likely to have the appearance of an industrial-scaled air conditioning system.*

The proposal shows that the garage is no longer recognised by its approved use with the removal of the roof and does not meet this Clause.

#### **4.5.1 Character**

##### **Objectives**

- 1) *To ensure the overall heritage characteristics of a place are not compromised as a result of alterations and additions.*
- 2) *To ensure that new alterations and additions respect the architectural character and style of the building and area concerned.*

**4.2 Development Application - DA 31-2018 - Rooftop Garden - 2A Meredith Street, Queanbeyan (Ref: C1848843; Author: Thompson/Dixon) (Continued)**

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- 3) *To maintain and enhance the existing character of the street and the surrounding locality.*

The characteristics of the dwelling are recognised through the existing dwelling which was constructed in 1959. The features of this house include red brick external wall and a red tiled pitched roof. It is also very well-articulated. The proposal would not contribute to the character to this dwelling as it is an unroofed structure which is also two storey in design. It would not conform to the heritage design of the site as it uses aluminium screening and elevated bulky brick walls. The proposal therefore does not meet the objectives.

**Controls**

- a) *Alterations and additions shall have a style and character similar to the existing. This shall include materials, proportions and details.*
- b) *Aspects of work that are not consistent with prevailing character should be confined to parts of the building that are not significant or will not have an impact on the appearance of the place when viewed from the public realm.*
- c) *Building additions that have a different character from the existing shall be done as a separate "pavilion" that may be "linked" or sensitively connected to the significant structure.*
- d) *Verandah's on the primary face of the building or visible from the public domain shall not be enclosed.*
- e) *Alterations and additions should not require the destruction of important elements such as chimneys, windows and gables. Demolition of such elements may not meet the objectives of these guidelines.*
- f) *Distinctive elements that contribute to a place's character shall be retained.*

The existing dwelling is well articulated and contains a single storey dominant level. It contains a large amount of vegetation and red brick work and tiles. The proposed vegetation on the rooftop garden looks to be used to soften the proposal however, concern over how this is managed is raised. A tap is proposed on the structure but it difficult to envisage how one would reach over the 2.1 metre high brick wall and aluminum wall to water these plants. Council's Heritage Advisor has also raised the following concerns:

*The proposed perimeter planter box will be very difficult to maintain and it is more than likely that proposed screen planting will die due to the very challenging growing and maintenance environment that would result from the design.*

Vegetation also does not thrive all year. It would be likely that during the season of winter the vegetation would not sustain. The proposed vegetation is *Abelia grandiflora* hedging which also requires a large amount of pruning due to its fast growth. Again, doing this over a 2.1 metre high wall would be near impossible. The red brick will match the existing dwelling, however due to the box like shape and dominant bulkiness, this does not match the overall structure of the dwelling which is well articulated.

The proposal will compromise the character not only of the dwelling but also of Campbell and Meredith Street. A two storey rooftop garden comprised of modern materials and a bulky design is not in keeping with the heritage conservation and would be more appropriate in an urban residential area and setback from boundaries by much greater distances. The proposal does not comply with these controls.

**4.5.2 Siting and orientation****Objective**

**4.2 Development Application - DA 31-2018 - Rooftop Garden - 2A Meredith Street, Queanbeyan (Ref: C1848843; Author: Thompson/Dixon) (Continued)**

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- 1) *To retain traditional streetscape patterns and ensure that alterations and additions to individual items do not detract from their initial designed character.*

The siting of this proposal will alter the traditional streetscape and will be a detraction from surrounding cottages and the dwelling on the subject site. This is done through the proposal's height, bulkiness and shape. This is evident throughout this assessment and as such the proposal does not meet this objective.

**Relevant Control**

- a) *Additions and alterations should be sited and orientated in a manner that is consistent with the original. For most historic structures in Queanbeyan this will mean additions and new structures should be aligned orthogonally (ie using straight lines and right angles rather than oblique angles and curves).*

The original dwelling is single storey and the site contains a detached carport and garage which are also at ground level. The structure is not hidden behind any of the existing approved structures and also protrudes above the carport's ridgeline as seen in Figure 2. The proposal is not consistent with what is approved on site and does not meet this control.

**4.5.3 Form****Objectives**

- 1) *To ensure that the form of the original building is not lost, subsumed or compromised by new additions.*
- 2) *To ensure that the form of additions is sympathetic to the form of the original.*

The proposal will subsume, lose and compromise the original dwelling due to its dominant design. This has been done through its height, bulkiness and unroofed design. Visually, one's eye will be drawn to the rooftop structure as it will be the highest element on the subject site and within the locality. The proposal does not meet the objectives.

**Controls**

- a) *The form of the original building should remain evident or "legible" after the additions have been completed.*
- b) *New work should have similar overall proportions and a similar roof pitch to the original. For example, new windows in a building that has vertical sashes should also have vertical sashes, and extensions to a dwelling with a 25 degree roof pitch should be designed with the same pitch.*
- c) *The form of additions should draw on that of the parent structure so that the new work is in harmony with the original.*
- d) *Where the form of the addition is not similar to the original, it shall be designed as a separate entity that is linked back to the heritage building.*

## 4.2 Development Application - DA 31-2018 - Rooftop Garden - 2A Meredith Street, Queanbeyan (Ref: C1848843; Author: Thompson/Dixon) (Continued)



Figure 12: East Elevation of Proposal

The assessment has already concluded that the proposal does not create an evident or legible form from the front façade as shown in Figure 2. The side of the dwelling will also be comprised as shown in Figure 12 and does not meet the requirements of control a). The height and the fact that the structure is unroofed creates an adverse visual impact and does not comply with this control. The proposal is not consistent with the prevailing character of the area and will be highly visible from Meredith and Campbell Street.

### 4.5.4 Scale, height and bulk

#### Objective

- 1) *To reduce adverse visual impacts on scale, bulk and character that may arise from alterations and additions.*

The second storey addition proposes brickwork and has a bulky appearance. It will be seen from the streetscape and is a roofless structure making it an uncommon structure for the heritage conservation area. Its dominance detracts from existing dwelling and as such it does not meet this objective.

#### Controls

- a) *The ridgeline of new development shall generally be no higher than existing.*
- b) *Minor increases in ridge height (to a maximum of 750mm) may be acceptable if designed to harmonise with the main roof and not have an adverse impact on the building's aesthetic proportions when viewed from the street (Figure 13).*
- c) *Proposed additions with roof heights higher than the existing should be designed as a separate structure that may be linked to the parent building (Figure 13).*
- d) *New work that may increase the apparent scale or bulk of the building or component elements shall be "broken up" and articulated through the use of varied materials, change of colour and tone, use of string-courses, rebates and the like. This is especially important where new work connects to the existing building.*
- e) *Second storey additions or freestanding pavilions will generally not meet the objectives of these guidelines. Undercrofts on sloping land may be acceptable if other planning conditions can be met. Materials and colours of undercroft walls shall vary from the wall above to reduce apparent scale.*

The wall is 1.5 metres higher than the car port in front of it and 90mm above the existing dwelling. This is as it is a two storey structure and the applicant has attempted to provide screening to limit privacy impacts onto adjoining neighbours which has not been achieved. The proposal has not been designed to harmonise with the roof of the dwelling as it does not have one. The bulkiness, two storey nature and roofless structure will have an adverse

## 4.2 Development Application - DA 31-2018 - Rooftop Garden - 2A Meredith Street, Queanbeyan (Ref: C1848843; Author: Thompson/Dixon) (Continued)

impact onto the buildings building's aesthetic proportions when viewed from the street.

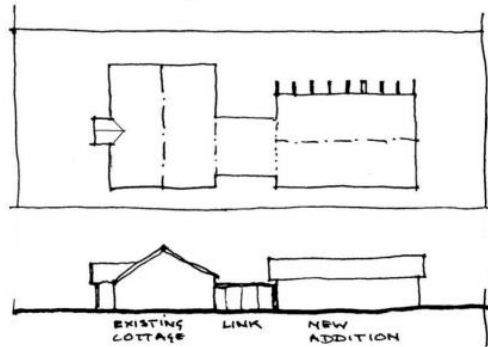


Figure 13: Appropriate linking of roof forms

The structure has not been linked to a parent building in any way. It has been placed where an existing garage roof was. This is not an appropriate method to replace a roof as there is not one. The roof space is being used as a private open space area and does not meet this control. This is a second storey proposal and has not met the controls of this clause. Second storey additions are generally not supported without a rational reason such as meeting flood controls for a habitable space. This is not for habitable purposes but for private open space that has not been required. The proposal does not meet the clause.

### 4.5.5 Setbacks

#### Side Setbacks

#### **Objective**

- 1) *To reduce the visual impact of building extensions on the proportions of a building and on the streetscape generally.*

The siting of this proposal will alter the traditional streetscape and will be a detraction from surrounding cottages, the streetscape and the dwelling on the subject site. This is done through the proposals height, bulkiness and shape. This is evident throughout this assessment and as such the proposal does not meet this objective.

#### **Controls**

- a) *Additions to the sides of buildings should be set back from the front façade so that it remains the primary face of the building.*
- b) *As a general guide new walls should be set back 900mm or more behind the adjacent front wall and sit behind a line drawn at 45 degrees from the front corner of the dwelling (not including the verandah) (Figure 14).*

#### 4.2 Development Application - DA 31-2018 - Rooftop Garden - 2A Meredith Street, Queanbeyan (Ref: C1848843; Author: Thompson/Dixon) (Continued)

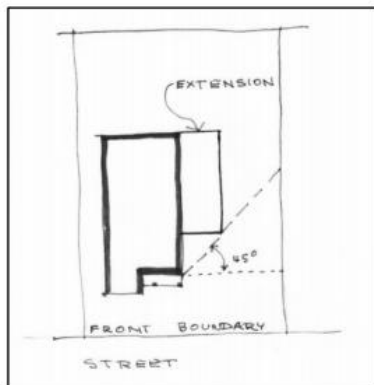


Figure 14: Guide for side setbacks

The proposal does not meet either control. It has a zero lot line side setback. As the space will be used as POS this is going to create privacy, noise and overshadowing impacts onto the adjoining neighbor. The structure will be seen from the neighboring POS area as depicted in Figure 5 also compromising the heritage character of the dwelling at 63 Campbell Street. The proposal does not comply with this Clause.

#### Setbacks and Street Pattern

##### **Objective**

- 1) *To ensure that historic streetscape patterns are maintained.*

The proposal will not retain the historic streetscape pattern. There are no surrounding two storey dwellings or additions in the near locality. The proposal does not meet this objective.

##### **Control**

- a) *Front and side setbacks should be consistent with the predominant street pattern (Figure 15).*

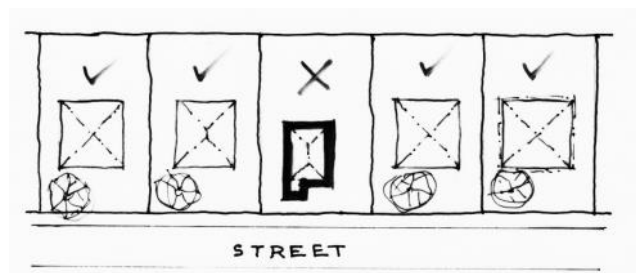


Figure 15: Desired Street Pattern

The proposal will create an unusual structure in Meredith Street therefore disrupting the historic pattern of the streetscape due to its close proximity to the side and rear setbacks. The proposal does not meet this Clause.

#### **4.5.7 Building materials**

##### **Objectives**

- 1) *To encourage the conservation of significant fabric.*

**4.2 Development Application - DA 31-2018 - Rooftop Garden - 2A Meredith Street, Queanbeyan (Ref: C1848843; Author: Thompson/Dixon) (Continued)**

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- 2) *To ensure that new materials are appropriate to the building, bearing in mind the time in which it was built, its style and its details.*

The fabric was compromised when the roof of the existing garage was illegally removed. The replacement proposal for this roof is not in keeping with the heritage conservation area as it is two storey in design and un-roofed. As such these objectives have not been met.

**Relevant Controls**

- a) *Significant fabric should be retained or restored wherever feasible.*
- b) *Materials used for alterations should be very similar to the existing. Where materials have been changed over time, new materials should be consistent with what was likely to have been used historically.*
- c) *Materials should be chosen so that alterations blend seamlessly with the original. For example, decayed timber windows should be replaced with new timber windows, not aluminium. Similarly, asbestos fibro sheeting should be replaced with modern fibre cement sheeting, also with battens over the joints if previously existing.*
- d) *False brick, "hardiplank" and metal or vinyl weatherboards are unlikely to be original fabric and can be removed and replaced with more sympathetic materials that compliment the heritage values. Note that some versions of false brick are bonded onto an asbestos-rich substrate and should only be removed in an approved manner.*

The aluminium slats are not consistent with materials currently on site or within the heritage conservation area. They are a modern material with a contemporary visual impact and are not supported. The applicant has proposed to use plantings to soften this material however, vegetation does not thrive all year. It would be likely that during the season of winter the vegetation would not sustain. The existing tiled garage roof is proposed to be replaced with an unroofed structure which uses modern materials that will not blend with the existing dwelling or streetscape. Even if more sympathetic materials were chosen, the fact that the proposal as a two storey aspect is the major reasoning for it being out of character. As such the proposal does not comply with this clause.

**4.5.8 Roofs****Objective**

- 1) *To ensure that new roofs and gutters maintain the building's character.*

In most instances a building's roof is a major part of its appearance and is a strong indicator of a place's age, style, design intent etc. The profile of gutters and downpipes can also be an important part of a building's character. The roof of the garage was illegally removed and as such the historic fabric of the site has been comprised and drastically altered. As such the proposal does not meet this objective.

**Relevant Controls**

- a) *New roofs should match the original in profile, material, pitch and details.*

As previously mentioned in this report, there is no proposed roof. The structure will be unroofed while the dwelling contains a pitched, hip style roof. It is highly recommended that this proposal be refused and that a replacement roof be erected where the original once stood. This would be undertaken through compliance action.



**4.2 Development Application - DA 31-2018 - Rooftop Garden - 2A Meredith Street, Queanbeyan (Ref: C1848843; Author: Thompson/Dixon) (Continued)**

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**(c) Other Matters**

*Context and Setting* – The subject site is located within the heritage conservation area which is dominated by single detached dwelling-houses. The proposed development is not in context with the residential locality. The nature of the proposal has the opportunity to impact on adjoining neighbours private open space areas and habitable rooms, the design is not in keeping with the character of the subject site or heritage conservation area.

*Public Domain* – The public domain refers to public spaces. The proposal can be viewed from the streetscape and from Queanbeyan Park and as such it will have a visual impact on these spaces.

*Heritage* – The subject site is within the heritage conservation area. This assessment has taken into account different aspects of this and includes the removed roof and new proposal. The roof of the existing garage has been removed without consent. This roof matched the dwelling and therefore its original fabric. This demolition was undertaken without Council consent and there was no evidence of deterioration which is the only way Council would support demolition of heritage structures.

*Noise and Vibration* - The siting of the rooftop garden has been proposed on top of the existing garage in the rear of the site. This structure will be 321 millimetres from the private open space of 67 Campbell Street and on the lot line of the private open space of 63 Campbell Street. The materials proposed on both of these sides is 2.1 metre high aluminium privacy screen which have gaps depicted in the submitted elevations. In front of this screen is a 1 metre high double brick wall meaning that 1.1 metres of the privacy screen will be subject to allowing noise through it. This proposal has not been designed to account for noise generation from this area onto the adjoining properties at 63 and 67 Campbell Street.

**(a) Building Surveyor's Comments**

An assessment report has been completed and all relevant conditions. Please note:

1. Council can issue a Construction Certificate for the works that have not being constructed but will need to provide structural engineering plans signed and dated by a structural engineer.
2. The roof top garden has already been constructed so Council cannot issue a Construction Certificate for that part of the building. To obtain an approval for the roof top garden, an application for a Building Information Certificate will need to be submitted to Council along with a surveyor's report showing all buildings on the allotment.

**(b) Development Engineer's Comments**

No engineering objections have been raised.

**Engagement**

The proposal required notification under Queanbeyan DCP 2012. One written submission (attached) and one verbal submissions were received. The relevant issues raised are as follows:

**Issue:** Privacy and overshadowing

**Comment:** There is an adverse impact onto the adjoining neighbours located at 63 and 67 Campbell Street in regards manly to privacy. This has been assessed under Part 3a, Clause

**4.2 Development Application - DA 31-2018 - Rooftop Garden - 2A Meredith Street, Queanbeyan (Ref: C1848843; Author: Thompson/Dixon) (Continued)**

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3.5 of this assessment. Generally, the combination of the location and height of the structure will create privacy impacts.

***Issue:*** Heritage Impacts

*Comment:* The proposal will have an adverse impact visually on the heritage conservation area. This has been assessed under Clause 5.10 of the QLEP 2012 and Part 4 of the QDCP 2012.

**Compliance or Policy Implications**

All legal and compliance considerations have been satisfactorily addressed within the report.

If Council refuses this application it is recommended that enforcement action be taken to reinstate the garage roof which was demolished without consent.

**Conclusion**

The submitted proposal for a rooftop garden on Lot A DP 164541, No.2A Meredith Street, Queanbeyan is supported by a Statement of Environmental Effects. The proposal was notified to adjoining owner/occupiers and two submissions were received.

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

The development does not satisfy the requirements or achieve the objectives of these instruments.

The main issues relate to:

- Impact on the heritage conservation area through bulkiness, height and materials of the design;
- Privacy, noise and overshadowing onto adjoining neighbours; and,
- Inconsistent proposed height and setbacks of the two storey addition.

The proposed development is not considered suitable for the site, and is recommended for refusal.

**Attachments**

Attachment 1	Section 4.15 Matters for Consideration - 2A Meredith Street - Rooftop Garden - DA 31-2018 ( <i>Under Separate Cover</i> )
Attachment 2	Architectural Plans - 2A Meredith Street - Rooftop Garden - DA 31-2018 ( <i>Under Separate Cover</i> )
Attachment 3	Submissions - 2A Meredith Street - Rooftop Garden - DA 31-2018 ( <i>Under Separate Cover</i> ) - <b>CONFIDENTIAL</b>



**4.3 Development Application - DA 2-2018 - Variation to the Building Envelope - 7  
Staunton Place, Googong (Ref: C1851445; Author: Thompson/Cheung)**

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**Summary**

***Reason for Referral to Council***

This application has been referred to Council because written submissions have been made to Council resulting from the notification process and valid concerns have been raised which cannot be overcome with a condition of consent and where plans cannot or will not be amended to overcome such concerns.

Proposal:	Enlargement of Building Envelope
Applicant/Owner:	Mr Trevor Martin Hennock / Mr Trevor Martin Hennock and Mrs Kylie Roseanne Hennock
Subject Property:	Lot 32 DP 270301, No. 7 Staunton Place, Googong
Zoning and Permissibility:	E4 Environmental Living under Queanbeyan Local Environmental Plan 2012
Public Submissions:	2 submissions received
Issues Discussed:	Planning Requirements Suspension of Covenants, Agreements and Instruments
Disclosure of Political Donations and Gifts:	Applicant Declared no Donations or Gifts to any Councillor or Staff have been made

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**Recommendation**

**That:**

- 1. Development application 2-2018 for the enlargement of a building envelope on Lot 32 DP 270301, No. 7 Staunton Place, Googong be granted conditional approval.**
  - 2. Those persons who lodged a submission(s) on the application be advised in writing of the determination of the application.**
  - 3. The Mount Campbell Community Association be advised in writing of the determination of the application and Council's consent in changing the building envelope in the Community Management Statement (CMS). In doing so Council notes that this decision does not affect the Community Association's decision to refuse the proposed variation to the building envelope but Council will not be party to any legal action should the Community Association pursue the matter.**
  - 4. The applicant be advised that should any additional structures be constructed on the site regardless of their location with the building envelope, Council may commence enforcement action to have the structure demolished, issue a fine for the unauthorised works or both.**
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**Background**

Council received advice that a garage was erected outside the building envelope and without consent. Upon further investigation, a number of structures have been identified to be also

**4.3 Development Application - DA 2-2018 - Variation to the Building Envelope - 7  
Staunton Place, Googong (Ref: C1851445; Author: Thompson/Cheung)  
(Continued)**

outside the building envelope and had not received consent. Most were minor structures (except for a garage) which may well have been exempt development but for the fact that they were located outside of the approved building envelope. Rather than demolish the structures the owner is seeking to expand the building envelope to include the structures, thereby allowing a Building Information Certificate to be lodged which, if issued, would allow the structures to remain in place provided they are structurally sound.

***Proposed Development***

The development application is for the expansion of the building envelope in order to include the following structures that are currently located outside the building envelope.

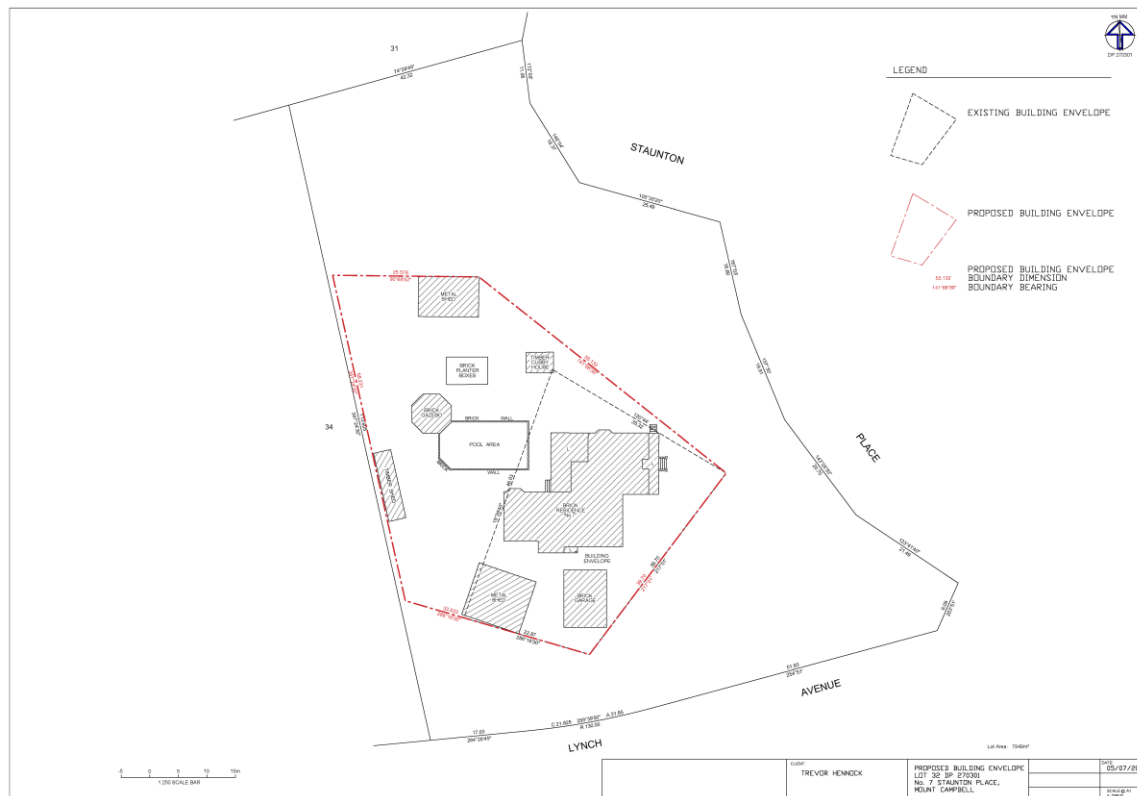


**Figure 1 – Site showing buildings to be encompassed by expanded building envelope.**

<b>1. Garage</b>	<b>2. Greenhouse</b>	<b>3. Cubby House</b>	<b>4. Gazebo</b>	<b>5. Small Timber Shed</b>
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### 4.3 Development Application - DA 2-2018 - Variation to the Building Envelope - 7 Staunton Place, Googong (Ref: C1851445; Author: Thompson/Cheung) (Continued)

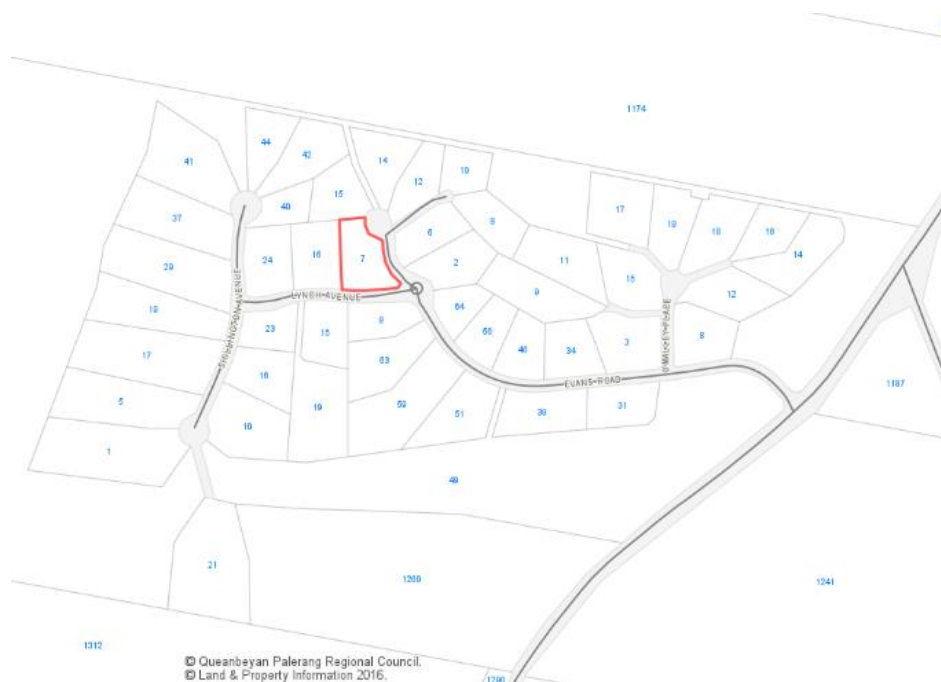
Figure 2 below shows the existing and proposed building envelopes.



**Figure 2 – Existing and Proposed Building envelopes.**

### Subject Property

The location of the subject property is shown outlined in red below.



**Figure 3 – Site location of proposed development**



**4.3 Development Application - DA 2-2018 - Variation to the Building Envelope - 7 Staunton Place, Googong (Ref: C1851445; Author: Thompson/Cheung) (Continued)**

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The property is known as Lot 32 DP 270301, No. 7 Staunton Place, Googong. It is situated within Mount Campbell Estate on the corner of Staunton Place and Evans Road.

***Planning Requirements***

The development application was lodged on 8 January 2018, which is prior to the commencement of the amendment of the Environmental Planning and Assessment Act (EPAA) 1979, as amended. Therefore references are made to the historical version of EPAA for 1 January 2018 to 28 February 2018. The amendment made to EPAA on 1 March 2018 did not result in any substantive change to the assessment.

Assessment of the application has been undertaken in accordance with Section 79C(1) of the EPAA. The matters that are of relevance under Section 79C(1) are summarised in the attached *Section 79C(1) Table – Matters for Consideration*.

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

1. State Environmental Planning Policy No 55 – Remediation of Land
2. State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017
3. State Environmental Planning Policy (Infrastructure) 2007
4. Queanbeyan Local Environmental Plan 2012 (LEP).
5. Queanbeyan Development Control Plan 2012 (DCP)

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

***(a) Ability for the Development Application to be lodged and assessed***

Clause 51 of the EPAA set out the requirements for Council to reject a development application at lodgement, which include:

1. the application is illegible or unclear as to the development consent sought
2. the application does not contain information required by Schedule 1, Part 1 of the *Environmental Planning and Assessment Regulation 2000* (the Regs)
3. the application is for a Designated Development and does not contain an Environmental Impact Statement (EIS).

The information provided on the proposed change to the building envelope is clear. In addition, it is not a designated development, thus an EIS is not required.

The property is part of a community title subdivision known as Mount Campbell Estate. It is normal practice for a development application to receive consent from the Community Association when it is lodged with Council. However, in this circumstance the Community Association refuse to give consent citing the lost motion in the 2016 AGM. While Council has encouraged the applicant to negotiate with the Community Association to obtain its consent, ultimately the development application was lodged without such consent being obtained.

Part 1 of Schedule 1 of the Regulations lists the required information that must be contained in a development application such as the name and address of the applicant, a description of the development and evidence that the owner of the land has given consent. Council records show the property is privately owned and the Community

**4.3 Development Application - DA 2-2018 - Variation to the Building Envelope - 7  
Staunton Place, Googong (Ref: C1851445; Author: Thompson/Cheung)  
(Continued)**

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Association is not an owner of the land, therefore their consent is not required by the Regulations.

There is nothing in the Regulations to hinder the lodgement and assessment of the development application by Council. The Community Association is entitled to submit a written objection, but it does not have the ability to prevent the lodgement and assessment of a DA that is contrary to the Community Management Statement (CMS).

**(b) Compliance with LEP**

The property is zoned E4 Environmental Living under the *Queanbeyan Local Environmental Plan 2012* (QLEP 2012) and the proposed changes to the building envelope complies with the relevant objectives and controls of QLEP 2012.

*Suspension of Covenants, Agreements and Instruments*

The property is located within the Mount Campbell estate and subject to the Mount Campbell Community Management, which specifies the building envelope for each lot and, under By-Law 5.4, the building envelope can be varied only with the consent of Council and unanimous consent of the Association.

With a few exceptions such as Council imposed covenants, Clause 1.9A of QLEP 2012 allows Council to suspend any agreement, covenant or other similar instrument that restricts the carrying out of that development for the purpose of enabling development on land to be carried out in accordance with the LEP or with a development consent.

The CMS is created under the *Community Land Development Act 1989* and *Community Land Management Act 1989*, and managed by the Mount Campbell Community Association; therefore it is an agreement, covenant or other similar instrument that can be suspended by this Clause to allow Council to grant development consent.

The purpose of this clause is to provide Council the ability to assess the development application on the grounds set out in the EPAA rather than impositions imposed by developers or corporate bodies. Disputes relating to covenants, agreements and instruments should be resolved through civil disputes.

**(c) Compliance with DCP**

The proposed enlargement of the building envelope largely complies with the Queanbeyan Development Control Plan 2012 (QDCP 2012). While there are some controls relating to the establishment of building envelopes under this section, these are not applicable as they are intended for lots that are at least 2ha (this lot has an area of 0.7ha). The western boundary of the building envelope is approximately 1m from the lot boundary to include a timber shed that has been there since January 2010.

It should also be noted that some exempt development under the State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 (the Codes SEPP) allow for some structures such as garden shed and greenhouses to have a setback of 900mm from the boundary.

It is concluded that the proposed enlargement of the building envelope will allow for these minor structures to stay and will not result in any detrimental impact on the rural character of the locality.



**4.3 Development Application - DA 2-2018 - Variation to the Building Envelope - 7  
Staunton Place, Googong (Ref: C1851445; Author: Thompson/Cheung)  
(Continued)**

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**(d) Other Matters**

The enlargement of the building envelope will allow some of the unauthorised Class 10A structures to be exempt development and/or allow Council to issue a Building Information Certificate. These structures are considered minor and have negligible impacts.

An application for a Building Certificate for the unauthorised structures was lodged in conjunction with this DA. Should Council allow the expansion of the building envelope, the Building Certificate is likely to be approved.

While Council has the option to issue a Penalty Infringement Notice for the unauthorised structures; the matter is considered minor and the owner has co-operated with Council throughout the investigation, therefore a PIN or any further enforcement action from Council is not recommended.

**Other Comments**

**(a) Building Surveyor's Comments**

Council's building surveyor has no objections other than requiring any unauthorised structures to obtain a Building Information Certificate.

**Engagement**

The proposal required notification under Queanbeyan DCP 2012. Two submissions were received (attached). The relevant issues raised are as follows:

**Issue:** The applicant's motion to amend the building envelope in the CMS at the Mount Campbell Annual General Meeting was lost as it failed to obtain the unanimous consent from the Community Association.

**Comment:** Under QLEP 2012, Council has the ability to suspend covenants including the CMS and this is detailed above. If Council issues the development consent, it gives Council's consent under By-law 5.4. This decision does not change the building envelope in the CMS as it also requires support from the Community Association. There is nothing in the By-Laws that specify the sequence of whether Council or the Association issues their consent first.

There is nothing to prevent the applicant seeking consent from the Community Association to change the Building Envelope at a later date.

In addition, Council has no objection to issuing a Building Information Certificate on the existing unauthorised structures because they are outside the building envelope. Notwithstanding this the issue of a Building Information Certificate for the existing unauthorised structures may still be refused on other grounds.

**Issue:** The applicant does not have the right to lodge a development application with Council because the parcel is land is under a community title and the applicant failed to get support from the Community Association.

**Comment:** There is nothing in the Regulations that prevents the lodgement of the DA. This is detailed in the assessment above.

**Issue:** The applicant did not abide by the rules of the CMS when the unauthorised structures were erected.

**Comment:** The Community Association, not Council, is responsible for enforcing the CMS. Council's decision does not prevent the Community Association undertaking its own civil action to enforce the provisions of the CMS.

**4.3 Development Application - DA 2-2018 - Variation to the Building Envelope - 7 Staunton Place, Googong (Ref: C1851445; Author: Thompson/Cheung)  
(Continued)**

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Under the EPAA, Council can accept unauthorised use/structures that are minor in nature by issuing a development consent for its continued use and/or a Building Information Certificate (formally known as a Building Certificate) on the structure.

Council has no objection to issuing the Building Information Certificate on the unauthorised structures, but since they are outside of the building envelope, this DA was lodged and assessed to consider the any impacts the change in the building envelope may have.

Matters relating to unauthorised structures are an enforcement and compliance matter and do not impede the DA process, which is assessed on planning grounds. Should Council approve the change in the building envelope and issue the Building Information Certificate, a penalty notice may still be issued for the unauthorised structures.

Other than raising issues of process none of the submissions raise any matters relating to potential adverse environmental impacts resulting from the expansion of the building envelope. From a planning perspective there are no significant environmental impacts that would warrant refusal of the application.

**Compliance or Policy Implications**

The assessment of this Development Application complies with relevant legislation and Council policies.

**Conclusion**

The submitted proposal to change the building envelope on Lot 32 DP 270301, No.7 Staunton Place, Googong is supported by a Statement of Environmental Effects. The proposal was notified to adjoining owner/occupiers and two submissions were received.

The proposal has been assessed under Section 79C *Environmental Planning & Assessment Act 1979* including the relevant provisions of *Queanbeyan Local Environmental Plan 2012* and *Queanbeyan Development Control Plan 2012*.

Based on the merits of the application there is no significant environmental impact that would warrant refusal of the application. The development satisfies the requirements and achieves the objectives of these instruments.

**Attachments**

- |              |  |
|--------------|--|
| Attachment 1 | Section 79C(1) Matters For Consideration - DA 2-2018 - Variation to Building Envelope - 7 Staunton Place ( <i>Under Separate Cover</i> ) |
| Attachment 2 | Submitted Plans - DA 2-2018 - Variation to Building Envelope - 7 Staunton Place. ( <i>Under Separate Cover</i> )                         |
| Attachment 3 | Submissions - DA 2-2018 - Variation to Building Envelope - 7 Staunton Place ( <i>Under Separate Cover</i> )                              |
| Attachment 4 | Draft Conditions of Consent - DA 2-2018 - Variation to Building Envelope - 7 Staunton Place ( <i>Under Separate Cover</i> )              |



**4.4 Development Application - DA.2017.170 - Dwelling - 6906 Araluen Road,  
Reidsdale (Ref: C1856259; Author: Thompson/Perkins)**

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**Summary**

This application has been referred to Council because the assessment has shown that valid concerns have been raised which cannot be overcome with a condition of consent and where plans and additional information have not been amended or provided to overcome such concerns. The application is recommended for refusal.

Proposal:	Dwelling house
Applicant/Owner:	David Dexter / David Dexter
Subject Property:	Lot 5 DP 11258440, No. 6906 Araluen Road, Reidsdale
Zoning and Permissibility:	RU1 Primary Production under Palerang Local Environmental Plan 2014
Public Submissions:	One submission
Issues Discussed:	Planning Requirements Riparian land Bushfire Access
Disclosure of Political Donations and Gifts:	Applicant Declared no Donations or Gifts to any Councillor or Staff have been made

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**Recommendation**

- 1. That development application DA.2017.170 for a dwelling on Lot 5 DP 1125840 No. 6906 Araluen Road, Reidsdale be refused for the following reasons.**

**Reasons for Refusal:**

- (a) The proposed application is integrated development under section 91 of the Environmental Planning and Assessment Act 1979. Concurrence is required by NSW Rural Fire Service under the Rural Fires Act 2000. Insufficient information has been provided to RFS to date and as such, a determination could not be made (Section 91(1) of the Environmental Planning and Assessment Act 1979).**
  - (b) The proposed application is integrated development under section 91 of the Environmental Planning and Assessment Act 1979. Concurrence is required by Department of Primary Industries – Water under the Water Management Act 2000. Insufficient information has been provided to DPI - Water to date and as such, a determination could not be made (Section 91(1) of the Environmental Planning and Assessment Act 1979).**
  - (c) The proposed application is integrated development under section 91 of the Environmental Planning and Assessment Act 1979. Concurrence is required by Department of Primary Industries - Fisheries under the Fisheries Management Act 1994. Insufficient information has been provided to DPI –**
-

**4.4 Development Application - DA.2017.170 - Dwelling - 6906 Araluen Road, Reidsdale (Ref: C1856259; Author: Thompson/Perkins) (Continued)**

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Fisheries to date and as such, a determination could not be made (Section 91(1) of the Environmental Planning and Assessment Act 1979).

- (d) The subject application was accompanied by insufficient information to determine the likely impacts of the development upon the natural and built environment (Section 79C(1)(b) of the Environmental Planning and Assessment Act 1979).
  - (e) The subject application was accompanied by insufficient information to determine the suitability of the site for the development (Section 79C(1)(c) of the Environmental Planning and Assessment Act 1979).
  - (f) The proposed development contravening development standards as established under the Palerang Local Environmental Plan 2014 is contrary to the public interest (Section 79C(1)(e) of the Environmental Planning and Assessment Act 1979).
  - (g) The proposed application was accompanied by insufficient information to satisfactorily determine compliance with the requirements of Clause 6.1 Earthworks of the Palerang Local Environmental Plan 2014. As such, Council is unable to determine the extent of the excavation works of the proposed development (Section 79C(1)(a)(i) of the Environmental Planning and Assessment Act 1979).
  - (h) The proposed application fails to comply the requirements of Clause 6.3 Terrestrial Biodiversity of the Palerang Environmental Control Plan 2014 (Section 79C(1)(a)(i) of the Environmental Planning and Assessment Act 1979).
  - (i) The proposed application fails to comply with the requirements of Clause 6.5 Riparian Land and Watercourses of the Palerang Local Environmental Plan 2014 (Section 79C(1)(a)(i) of the Environmental Planning and Assessment Act 1979).
  - (j) The proposed application was accompanied by insufficient information to adequately determine compliance with B4 Bushfire Prone Land of the Palerang Development Control Plan 2015 (Section 79C(1)(a)(iii) of the Environmental Planning and Assessment Act 1979).
  - (k) The proposed application was accompanied by insufficient information to adequately determine compliance with B7 Engineering Requirements of the Palerang Development Control Plan 2015 (Section 79C(1)(a)(iii) of the Environmental Planning and Assessment Act 1979).
  - (l) The proposed application was accompanied by insufficient information to adequately determine compliance with B13 On-site System of Sewage Management of the Palerang Development Control Plan 2015 (Section 79C(1)(a)(iii) of the Environmental Planning and Assessment Act 1979).
  - (m) The proposed application was accompanied by insufficient information to adequately determine compliance with C2.1.6 Driveways, entrances, access, parking and utilities of the Palerang Development Control Plan 2015 (Section 79C(1)(a)(iii) of the Environmental Planning and Assessment Act 1979).
-

**4.4 Development Application - DA.2017.170 - Dwelling - 6906 Araluen Road, Reidsdale (Ref: C1856259; Author: Thompson/Perkins) (Continued)**

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**Background*****Proposed Development***

The subject application seeks Council approval for the construction of a two storey, three bedroom dwelling. The specific elements of the proposal are as follows:

- Three (3) bedrooms, with loft capable of being a fourth (4) bedroom;
- Living area;
- Dining area;
- Kitchen;
- Bathroom; and
- Laundry

***Application History***

The development application was lodged on 9 August 2017. An initial site inspection was undertaken as part of the development assessment process, where concern about the proposed dwelling location was raised. On 30 August 2017, correspondence was provided to the applicant raising concerns about the dwelling being located within a riparian zone and a response was received on 12 October 2017.

An additional site inspection was carried out with the applicant to assist in achieving a resolution to the dwelling location, which was unsuccessful. A request for additional information regarding access, bushfire requirements, dwelling impacts and the on-site sewage management system, was sent on 17 October 2017. On 1 November 2017 the applicant was advised to provide outstanding information or withdraw the application within 14 days.

As the application was not withdrawn, it was referred to NSW Rural Fire Service, Department Primary Industries – Water and Department of Primary Industries – Fisheries for concurrence. Each referral agency requested further information, which was requested from the applicant on 1 February 2018. A follow up request for outstanding information was sent to the applicant on 22 March 2018. Outstanding information has not been submitted to Council to date, as such, the referral agencies are unable to make a determination.

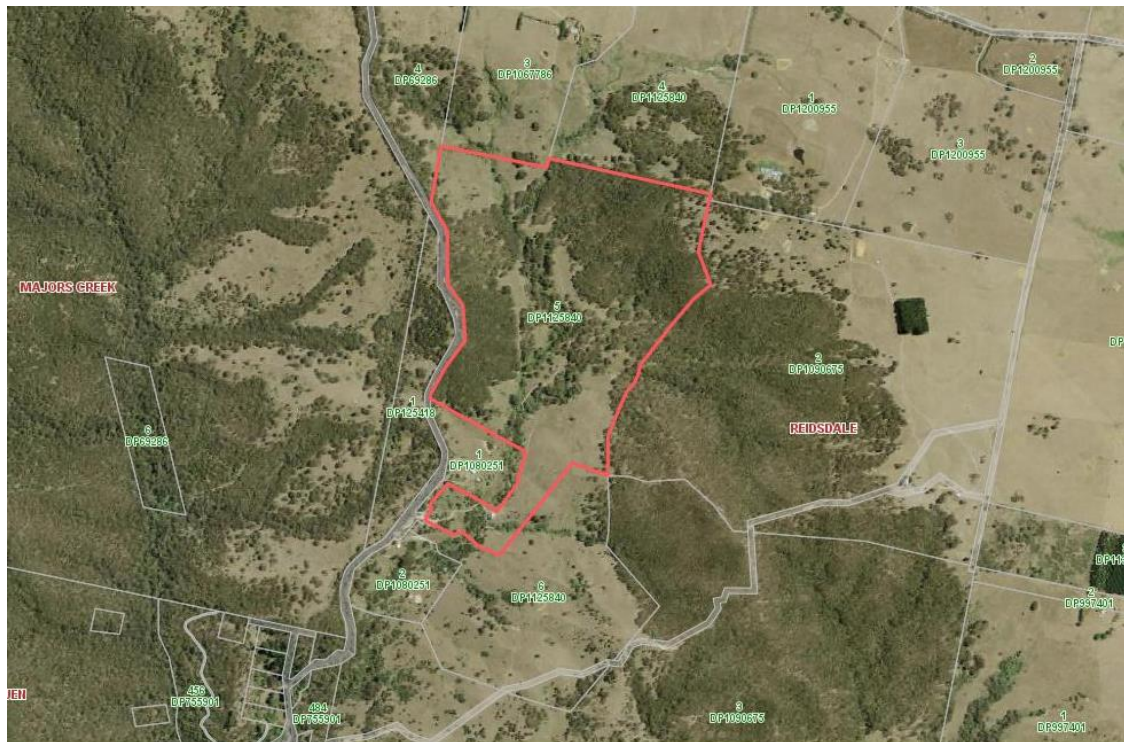
***Subject Property***

The subject site is legally described as Lot 5 DP 1125840 commonly known as 6906 Araluen Road, Reidsdale. The subject site has an area of 81.83ha and contains slopes predominately of 5-15, with some slopes over 18 degrees. The slope falls from the east and west boundaries to meet in the centre of the lot, where a creek runs through. The site contains a riparian zone from east to west, which connects with a larger riparian zone which runs from north to south of the lot. The subject lot contains dense vegetation on the slopes and in riparian zones, and improved pastures on the northeast and southwest corners. Additionally, the site contains a 20m wide easement for overhead power lines, which is located adjacent to the creek.



4.4 Development Application - DA.2017.170 - Dwelling - 6906 Araluen Road,  
Reidsdale (Ref: C1856259; Author: Thompson/Perkins) (Continued)

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*Figure 1 Locality plan (subject lot outlined in red)*



*Figure 2 Looking south-west across subject site*

**4.4 Development Application - DA.2017.170 - Dwelling - 6906 Araluen Road, Reidsdale (Ref: C1856259; Author: Thompson/Perkins) (Continued)**

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***Site History***

The site was created as part of the subdivision of Lot 1 DP 1090675 on 4 March 2008 under 2006/DEV-00178. Surrounding development is of a similar nature comprising dwellings on large rural lots for agricultural purposes.

***Planning Requirements***

Assessment of the application has been undertaken in accordance with Section 79C(1) of the Environmental Planning and Assessment Act (EPAA) 1979, as amended. The matters that are of relevance under Section 79C(1) are summarised in the attached *Section 79C(1) Table – Matters for Consideration*.

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

1. State Environmental Planning Policy (Building Sustainability Index BASIX)) 2004
2. State Environmental Planning Policy (Rural Lands) 2008
3. Palerang Local Environmental Plan 2014 (LEP).
4. Palerang Development Control Plan 2015 (DCP)

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

***(a) Compliance with SEPP (BASIX)***

The subject application is accompanied by a BASIX Certificate (839325S) identifying the proposed dwelling as satisfying the relevant provisions of the BASIX scheme.

***(b) Compliance with SEPP (Rural Lands)***

The proposed development results in no significant impacts upon surrounding land uses and satisfies the relevant development standards of SEPP (Rural Lands). See attached *Section 79C(1) Table – Matters for Consideration* (Attachment 1) for detailed assessment.

***(c) Compliance with PLEP***

The subject site is zoned RU1 Primary Production zone under the PLEP 2014. The use of the site for the purposes of a dwelling is permissible within this zone, subject to Clause 6.1, Clause 6.3 and Clause 6.5. Insufficient information has been provided to establish compliance with Clause 6.1 of the PLEP 2014 relating to earthworks requirements. The proposed development fails to satisfy the development standards of Clause 6.3 of the PLEP 2014 relating to developments that impact on terrestrial biodiversity. The proposed development fails to satisfy the development standards of Clause 6.5 of the PLEP relating to developments impacting on riparian lands and watercourses. As such, Council is unable to grant consent to the proposed dwelling house. See attached *Section 79C(1) Table – Matters for Consideration*.

***(d) Compliance with DCP***

The proposed development has provided insufficient information to establish compliance with B4 of the PDCP 2015 relating to development within Bushfire Prone Land. Insufficient information has been provided to establish compliance with B7 of the PDCP 2015 relating to Engineering Requirements. Insufficient information has been provided to establish compliance with B13 of the PDCP 2015 relating to On-site System of Sewage Management. Insufficient information has been provided to establish compliance with C2.1.6 of the PDCP 2015 relating to Driveways, Entrances, Access, Parking and Utilities. As such, Council is unable to grant consent to the proposed development. See attached *Section 79C(1) Table – Matters for Consideration*.



**4.4 Development Application - DA.2017.170 - Dwelling - 6906 Araluen Road, Reidsdale (Ref: C1856259; Author: Thompson/Perkins) (Continued)**

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**(e) Other Matters**

The proposed dwelling is considered to be contrary to public interest, due to the potential impacts upon a fourth order stream, as well as the flora and fauna which the stream supports.

**Other Comments****(a) NSW Rural Fire Service**

The proposed application was referred to NSW Rural Fire Service as the proposed access did not comply with Planning for Bushfire Protection. NSW RFS responded to the referral with a request for further information. Insufficient information was provided by the applicant and RFS were not able to provide a determination.

**(b) Department of Primary Industries - Water**

The proposed application was referred to DPI – Water for a controlled activity approval. DPI – Water responded to the referral with a request for further information. Insufficient information was provided by the applicant and DPI – Water were not able to provide a determination.

**(c) Department of Primary Industries - Fisheries**

The proposed application was referred to DPI – Fisheries for a co-approval under the *Fisheries Management Act 1994*. DPI – Fisheries responded to the referral with a request for further information. Insufficient information was provided by the applicant and DPI – Water were not able to provide a determination.

**Engagement**

The proposal required notification under Palerang DCP 2015. One (1) submission was received. The relevant issues raised are as follows:

***Issue:*** Flooding

*Comment* -The subject site has not been identified as flood prone land.

**Compliance or Policy Implications**

Approval of the dwelling in the proposed location would establish an undesirable precedent under the Palerang Local Environmental Plan 2014. As such, approval of the proposed dwelling should not be supported.

**Conclusion**

The submitted proposal is for a dwelling. The proposal has been assessed under Section 79C *Environmental Planning & Assessment Act 1979* including the relevant provisions of *Palerang Local Environmental Plan 2014* and Palerang Development Control Plan 2015.

The development does not satisfy the requirements of these instruments in that the proposal fails to satisfy clauses 6.1, 6.3 and 6.5 of the PLEP, and sections B4, B7, B13 and C2.1.6 of the PDCP.

The proposed development is not considered suitable for the site, and is recommended for refusal.

**4.4 Development Application - DA.2017.170 - Dwelling - 6906 Araluen Road, Reidsdale (Ref: C1856259; Author: Thompson/Perkins) (Continued)**

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**Attachments**

- |              |   |
|--------------|---|
| Attachment 1 | DA.2017.170 - 6906 Araluen Road Reidsdale - 79C Assessment ( <i>Under Separate Cover</i> )            |
| Attachment 2 | DA.2017.170 - 6906 Araluen Road, Reidsdale - Site Plan and Elevations ( <i>Under Separate Cover</i> ) |
| Attachment 3 | DA.2017.170 - 6906 Araluen Road Reidsdale - Submission ( <i>Under Separate Cover</i> )                |



**4.5 Modification of Development Consent 109-2014 - Queanbeyan Bus Interchange - 64-66 Morisset Street Queanbeyan (Ref: C1855663; Author: Thompson/Kunang)**

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**Summary**

***Reason for Referral to Council***

This application has been referred to Council because Council is the applicant for development application and the owner of the land, and the Portfolio General Manager of the Natural and Built Character section has determined it is in the public interest to have the matter considered by Council.

Proposal:	Modification of Development Consent 109-2014 for bus interchange
Applicant/Owner:	Queanbeyan-Palerang Regional Council/ Queanbeyan-Palerang Regional Council
Subject Property:	Lot 2 DP 1062268 & Lot 11 DP 1211402, No. 64 - 66 Morisset Street, Queanbeyan
Zoning and Permissibility:	B3 Commercial Core under Queanbeyan Local Environmental Plan 2012
Public Submissions:	Nil
Issues Discussed:	Planning Requirements
Disclosure of Political Donations and Gifts:	Applicant Declared no Donations or Gifts to any Councillor or Staff have been made

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**Recommendation**

- 1. That modified development application 109-2014/B for a Passenger Transport Facility and Associated Works on Lot 2 DP 1062268 & Lot 11 DP 1211402, No.64-66 Morisset Street, Queanbeyan be approved subject to modification of the following existing conditions of consent:**

**Amend condition 7 as follows:**

- 7. The development must be carried out generally in accordance with all of the documents accompanying the development application and with the plans bearing the Council approval stamp, and any amended plans approved under subsequent modification(s) to the development consent, except where varied by notations made in red ink by Council or conditions of approval.**

**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: To ensure the development is completed in accordance with the approved plans and the development consent. (22.01)**

**4.5 Modification of Development Consent 109-2014 - Queanbeyan Bus Interchange - 64-66 Morisset Street Queanbeyan (Ref: C1855663; Author: Thompson/Kunang) (Continued)**

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**Amend condition 7A as follows:**

**7A. Bus bays 6, 7 and 10 shall only be used between 8.00am and 4.30pm and are to be signposted as such.**

**REASON:** To further minimise potential noise impacts on occupants of adjoining residences.

**Impose condition 26A as follows:**

**WORK IN ACCORDANCE WITH ENGINEERING SPECIFICATIONS**

**26A. All construction and restoration work must be carried out strictly in accordance with the approved drawings and Council's *Queanbeyan Design and Construction Specifications*.**

**REASON:** To ensure construction and restoration work is in accordance with Council's requirements. (67.05)

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**Background**

The original development application 109-2014 was lodged with Council on 30 April 2014 for a Passenger Transport Facility and associated works involving the construction of 10 bus parking spaces, additional bus shelters, taxi rank, lockable bicycle storage, toilet facility, additional street lighting, fencing and landscaping, removal of 58 existing car parking spaces as part of the reconfiguration of the existing car park and road works.

The original DA 109-2014 was deferred by Council at its meeting held on 23 July 2014 so that issues raised by submitters could be discussed further at a Council Workshop.

At the Council Workshop on 6 August the following concerns were raised by the community and Council:

1. Use of the bus bays numbered 6, 7 & 8 were in close proximity to No.58 and 64 Collett St.
2. Additional noise from school students and busses may affect houses at No.58 & 64 Collett St.
3. Effect of additional traffic on the Collett/Morisset St roundabout.
4. Ability of buses turning right when exiting the carpark to do so safely.

To address to above concerns, the applicant agreed to remove bay 8 from the plan and restrict the use of bays 6 and 7 to between 8.00am to 4.30pm only. Also the applicant agreed to construct a 2.5m lapped and capped timber fence between the subject site and residential properties at No.58, 64 and 66 Collett Street as recommended by the submitted Operational Noise Impact Assessment.

At a meeting held on 13 August 2014, Council conditionally approved DA 109-2014 with the abovementioned changes.

On 12 January 2015, an application to modify the development consent was lodged with Council (109-2014/A). That application fell within the "minimal environmental impact" group (Section 4.55(1A) formerly known as Section 96(1A)). The modification involved minor changes to the public toilet design. The modification application was approved on 19 January 2015 subject to condition 7 being modified.

#### 4.5 Modification of Development Consent 109-2014 - Queanbeyan Bus Interchange - 64-66 Morisset Street Queanbeyan (Ref: C1855663; Author: Thompson/Kunang) (Continued)

##### ***Proposed Modified Development***

On 6 February 2018 Council received an application to modify development consent 109-2014/A for the Passenger Transport Facility and Associated Works on Lot 2 DP 1062268 & Lot 11 DP 1211402, No. 64 – 66 Morisset Street, Queanbeyan. The proposed modification is for line-marking to provide an extra bus parking space (identified as Bay 10 on the plan) adjoining existing bays 6 and 7.

##### ***Subject Property***

The subject land includes an existing approved carpark on Lot 2 DP 1062268 and Lot 11 DP 1211402 (part of former Lots 3 and 4 DP 1062268). Lot 11 has frontage to Morisset Street and is currently occupied by an approved taxi bay, toilet facility and lockable bicycle storage. The nine existing approved bays and bus shelters are located on Lot 2.

The development sites are bounded by Collett Street and Morisset Street with vehicular access off those streets. Existing landscaping, street lighting and boundary fences are well maintained. The proposed modified development does not involve any changes to the existing car parking or trees on site.

The land is zoned B3 Commercial Core and there is a heritage item at No.72 Collett Street which is located opposite the north-western corner of the carpark. The site is relatively flat and has also been identified as flood prone.

The locality contains a mixture of dwelling houses, residential flat buildings, commercial premises, a caravan park, parks and parking areas.



*Figure 1 – Subject site*

**4.5 Modification of Development Consent 109-2014 - Queanbeyan Bus Interchange - 64-66 Morisset Street Queanbeyan (Ref: C1855663; Author: Thompson/Kunang) (Continued)**

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***Planning Requirements***

Under Section 4.55 (formerly Section 96) applications to modify the development consent are grouped according to whether they involve:

- i) Minor error, misdescription or miscalculation; or
- ii) Minimal environment impact; or
- iii) Other modifications.

This proposed modification falls within the “Other modifications” group which is dealt with under Section 4.55(2). The following provides an assessment of the proposal under the relevant provisions of Section 4.55.

***Section 4.55(2) Other Modifications***

This subclause specifies requirements that must be satisfied and/or carried out. The first is whether the proposal will result in the development being substantially the same development originally consented to. In this instance, the modification proposed will result in a development which is substantially the same as the development originally approved. There are no changes proposed to the number of car parking spaces, taxi bay, approved buildings, landscaping, access/exit points, acoustic fencing. The proposal involves line-marking to add an extra bus parking space adjoining existing bays 6 and 7.

The second and third requirements are that the modification application be referred to relevant public authority or approval body and be notified in accordance with a DCP, in this instance Clause 1.8.5 – Notification Requirements for Modifications of the Queanbeyan Development Control Plan 2012. Given the nature of the proposed modified development, the application was not required to be referred to the NSW Police and Roads and Maritime Services for comment. The application was notified to adjoining property owners and occupiers and no submissions were received.

The matters that are of relevance under Section 4.15 of the *Environmental Planning and Assessment Act (EPAA) 1979* have been taken into consideration and are summarised in the attached *Section 4.15 Table – Matters for Consideration*.

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

1. State Environmental Planning Policy No 55 - Remediation of Land
2. State Environmental Planning Policy No 64 – Advertising and Signage
3. State Environmental Planning Policy (Infrastructure) 2007
4. Queanbeyan Local Environmental Plan 2012 (QLEP).
5. Queanbeyan Development Control Plan 2012 (DCP)

The modified development generally satisfies the requirements and achieves the objectives of these planning instruments. The significant issues from the original application relating to traffic impact, noise issue, air quality, waste management, graffiti and vandalism have been reconsidered and are not impacted on by the proposed modified development. Council's Development Engineer and Building Surveyor have assessed the proposed modified development and have raised no objections.



**4.5 Modification of Development Consent 109-2014 - Queanbeyan Bus Interchange - 64-66 Morisset Street Queanbeyan (Ref: C1855663; Author: Thompson/Kunang) (Continued)**

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**Implications*****Strategic***

The proposed modified development generally satisfies the relevant provisions of the Queanbeyan Local Environmental Plan 2012 as discussed in detail in the attached Section 4.15 Table.

The proposed modified development generally satisfies the other relevant planning matters for consideration under section 4.15 of the *Environmental Planning and Assessment Act 1979* as discussed in detail in the attached Section 4.15 Table.

The proposed modified development generally satisfies the relevant provisions of the Queanbeyan Development Control Plan 2012 as discussed in detail in the attached Section 4.15 Table

***Engagement***

The proposal required notification under Queanbeyan DCP 2012. No submissions were received.

***(a) Building Surveyor's Comments***

Council's Building Surveyor has assessed the proposed modified development and has raised no objections. No changes to, or additional, building conditions are required.

***(b) Development Engineer's Comments***

Council's Development Engineer has assessed the proposed modified development and has raised no objections. The Development Engineer's comments are as follows:

*Traffic and Parking* - The extension of the bus zones 6 and 7 should not pose any operational or functionality issue to the passenger transport facility.

The works and line marking will be required to be undertaken in such a manner that a TCP (Traffic Control Plan) is in place and that a TCD (Traffic Control Devices) plan is prepared.

Lighting should be provided to the extended areas in accordance with AS 2890 - Off Street Parking AS1158 – Lighting for public spaces

**Conclusion**

The submitted proposal for modification of development consent 109-2014 for a Passenger Transport Facility and Associated Works on Lot 2 DP 1062268 & Lot 11 DP 1211402, No.64 – 66 Morisset Street, Queanbeyan is a s4.55(2) Other Modification.

The proposal was notified to adjoining owner/occupiers and no submissions were received.

The proposal has been assessed under Section 4.55 and Section 4.15 of the *Environmental Planning & Assessment Act 1979* including the relevant provisions of *Queanbeyan Local Environmental Plan 2012* and *Queanbeyan Development Control Plan 2012*.

The proposed modified development satisfies the requirements and achieves the objectives of these instruments. The proposed modified development is considered to remain suitable for the site and compatible with the neighbourhood. Conditions imposed on the original development consent to mitigate any potential impacts will remain. Alterations to existing conditions of consent are recommended as follows:



**4.5 Modification of Development Consent 109-2014 - Queanbeyan Bus Interchange - 64-66 Morisset Street Queanbeyan (Ref: C1855663; Author: Thompson/Kunang) (Continued)**

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- a) Amend conditions 7 and 7A to minimise noise impacts on adjoining residents.
- b) Impose condition 26A to ensure construction and restoration work is in accordance with Council's requirements.

**Attachments**

- |              |   |
|--------------|---|
| Attachment 1 | Section 4.15 Matters for Consideration - DA 109-2014/B - 64-66 Morisset St - Passenger Transport Facility ( <i>Under Separate Cover</i> ) |
| Attachment 2 | Plan - DA 109-2014/B - Queanbeyan Bus Interchange - 64-66 Morisset Street ( <i>Under Separate Cover</i> )                                 |

**4.6 Review of Environmental Factors - Part 5 Assessment of Infrastructure Services  
- Intersection at Old Cooma Road and Googong Road (Ref: C1856323; Author:  
Thompson/Tonner)**

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**Summary**

Queanbeyan-Palerang Regional Council (QPRC) is both the proponent and determining authority for the proposed upgrade works to the intersection at Googong Road and Old Cooma Road and therefore under Part 5 of the EP&A Act a Review of Environmental Factors (REF) has been prepared.

The REF concludes *"This REF has addressed the matters that are required to be considered under Part 5 of the EP&A Act, with the conclusion that if the 'activity' is carried out as described, it is not likely to have a significant effect on the environment (including critical habitat) or threatened species, populations, ecological communities or their habitats. Accordingly, an EIS or SIS is not required"*. Assessing staff agree with the conclusion and have included conditions that will apply to the determination as a result of the assessment.

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**Recommendation**

**That approval be granted to upgrade works to the intersection of Googong Road and Old Cooma Road subject to the mitigation measures contained in the Review of Environmental Factors prepared by Elton Consulting dated 16 February 2018 being applied as conditions with the amendments and additional conditions detailed in Attachment 2.**

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**1. Background**

A Review of Environmental Factors (REF) under Part 5 of the Environmental Planning and Assessment Act 1979 (EP&A Act) has been prepared on behalf of Council's Community Connections Portfolio by Elton Consulting. The REF has supporting documentation submitted by various consultants in which the design, construction and potential environmental impacts arising from the road design have been considered. A copy of the REF is attached for information. A hard copy of the REF and it's appendices are available in hard copy in the Councillor's Room in Queanbeyan.

The REF was publicly exhibited from 20 February to 13 March 2018. This report outlines the findings of the assessment and issues raised during the public exhibition and makes a final determination on whether the proposal should proceed based on environmental impacts.

The REF was submitted to the Council's Development Assessment Branch for determination. Assessing staff concur with the conclusion of the REF that the proposed works are unlikely to have a significant environmental impact and that the preparation of an Environmental Impact Statement (EIS) or Species impact Statement (SIS) is not considered necessary, on the basis of the supporting information provided and that the mitigation measures identified in the REF are adopted and included in the conditions of consent.

**4.6 Review of Environmental Factors - Part 5 Assessment of Infrastructure Services  
- Intersection at Old Cooma Road and Googong Road (Ref: C1856323; Author:  
Thompson/Tonner) (Continued)**

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**2. Proposed Development**

The proposed development is for upgrade works to the intersection of Googong Road and Old Cooma Road. These works are intended to support the ongoing development of Googong Township with the capacity to service approximately 18,000 persons. The works will be contracted by Googong Township Pty Ltd (GTPL) and the asset will be transferred to Queanbeyan–Palerang Regional Council upon completion. The works will be totally funded by State Government grants.

The proposed works are permitted without consent under the SEPP (Infrastructure) but the activity is subject to an assessment under Part 5 of the Environmental Planning and Assessment Act 1979. Council is the determining authority. The REF prepared for the proposed works has been reviewed and this assessment report provides a summary of the findings of that review.

The following works are proposed to be undertaken:

- Earthworks and vegetation clearing;
- Installation of traffic lights at the intersection at Googong Road and Old Cooma Road;
- Googong Road widened at the intersection to provide two right turn lanes to Old Cooma Road;
- Creation of a turn left lane to Old Cooma Road;
- Old Cooma Road widened to provide two lanes in each direction through the intersection plus on road cycle facilities;
- Landscaping works within the road median and verge.

The works associated with the signalisation will be approximately 610m in length on Old Cooma Road and approximately 150m in length on Googong Road. The works will be designed to match the existing carriageway to the north and south of the intersection of Old Cooma Road.

The signalised intersection of Old Cooma Road and Googong Road will allow for continued access for residents to the Googong Township and ties into the future designs of Googong Neighbourhood 2 and Old Cooma Road Stage 2. This access will also service future development on the north side of Googong Road that is not associated with Googong Township.

***Subject Property***

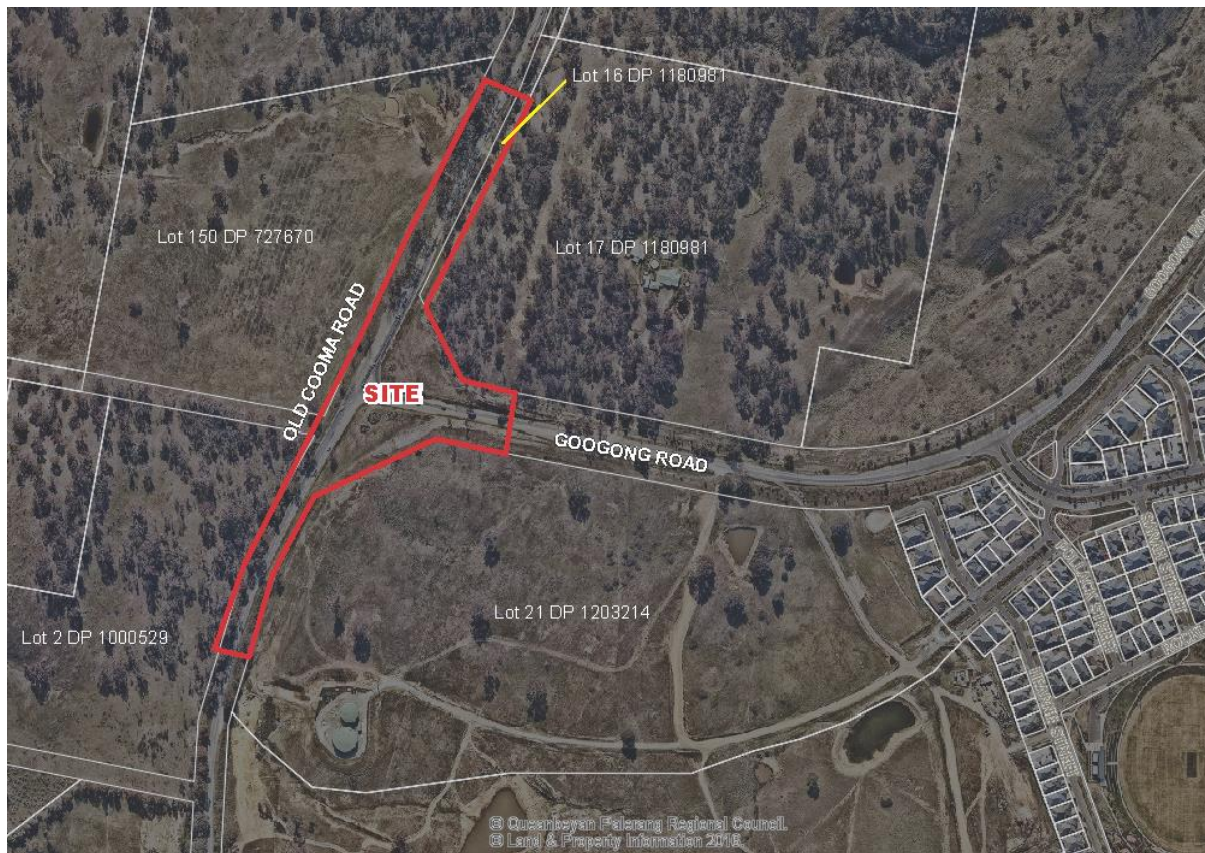
The site is at the intersection of Googong Road and Old Cooma Road and presently serves as the main entry to Googong Township located approximately seven kilometres south of Queanbeyan.

The road reserve comprises vegetation that is proposed to be cleared. The REF incorporates a tree assessment report and provides advice on details of the vegetation in the road reserve and its condition, type and size. . At the intersection of Old Cooma Road and Googong Road the topography of the land varies and will require a series of stepped terraces to stabilise cut and fill.

The extent of the proposed work is shown in Figure 1 below.

**4.6 Review of Environmental Factors - Part 5 Assessment of Infrastructure Services  
- Intersection at Old Cooma Road and Googong Road (Ref: C1856323; Author:  
Thompson/Tonner) (Continued)**

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***Figure 1 – Location of proposed works outlined in red***

Under the Roads Act 1993 Old Cooma Road is a classified Regional Road and owned by RMS but is the responsibility of Councils to fund, determine priority and carry out works. Regional roads are capitalised as a Council asset.

Googong Road is a local unclassified road. Lot 16 DP 1180981 (see Figure 2 below) is land owned by Council, zoned E4 Environmental Living and has been acquired for road widening purposes.

#### 4.6 Review of Environmental Factors - Part 5 Assessment of Infrastructure Services - Intersection at Old Cooma Road and Googong Road (Ref: C1856323; Author: Thompson/Tonner) (Continued)

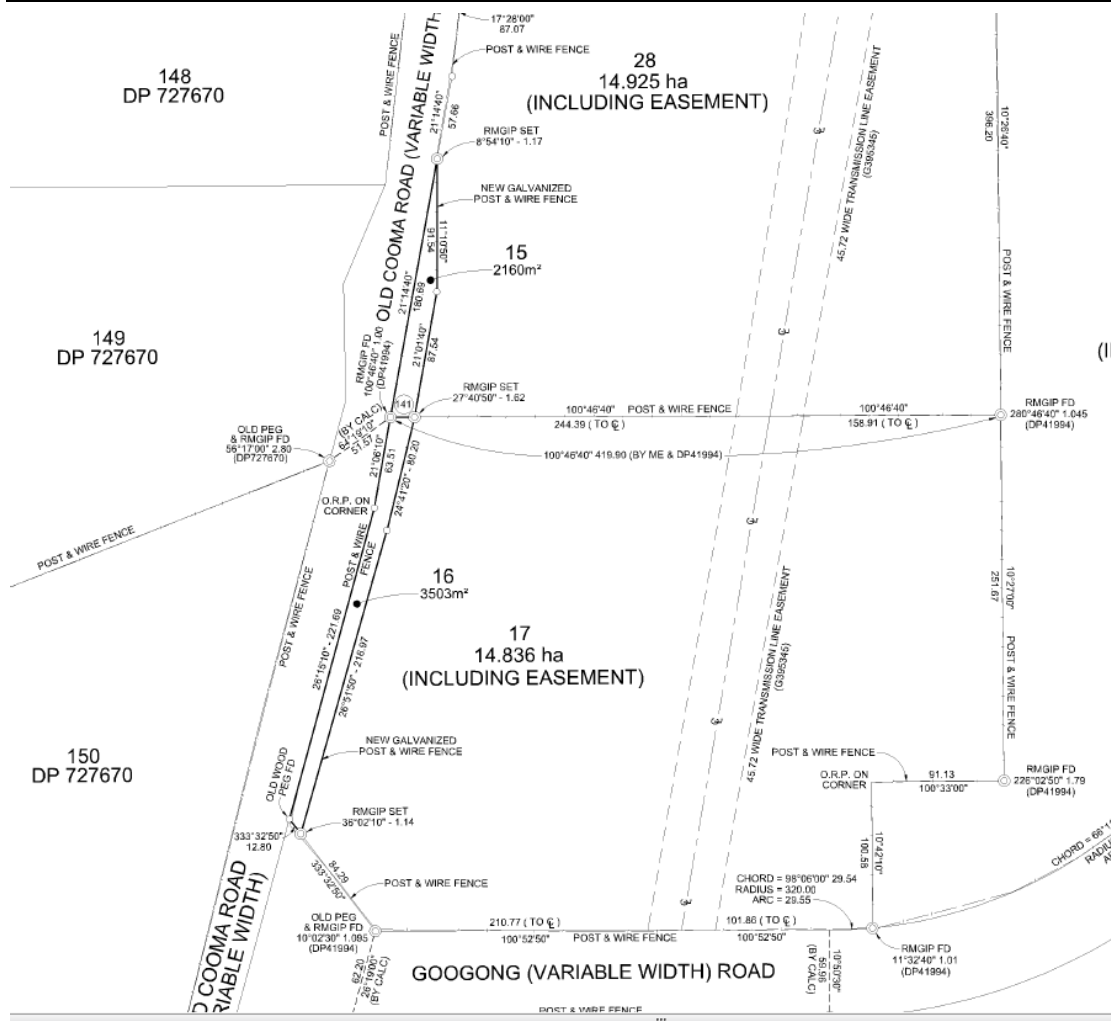


Figure 2 – Lot 16 DP 1180981 for road widening but outside road reserve

### 3. Legislative Context

#### *Environmental Planning and Assessment Act 1979 (EP&A Act)*

While development consent may be not needed under Part 4 of the EP&A Act an environmental assessment of the proposed activities (known as a Review of Environmental Factors) is required to be undertaken and determined under Part 5 of the EP&A Act. Council is the applicant and the determining authority for the proposal.

Section 4.1 of the EP&A Act notes that if an environmental planning instrument provides that specified development may be carried out without the need for development consent an environmental assessment of the development may be required. Specifically, Section 111 EP&A Act (Duty to consider environmental impact) prescribes that a determining authority must examine and take into account to the fullest extent possible all matters affecting or likely to affect the environment by reason of a proposed activity that is assessed under Part 5.

The matters specified in Section 112 EP&A Act (Decision of determining authority in relation to certain activities) states that a determining authority shall not carry out an activity or grant an approval in relation to an activity that is likely to significantly affect the environment unless the EIS or SIS has been examined and considered.

**4.6 Review of Environmental Factors - Part 5 Assessment of Infrastructure Services  
- Intersection at Old Cooma Road and Googong Road (Ref: C1856323; Author:  
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The REF states that matters that are required to be considered by Part 5 of the EP&A Act have been considered and concluded that the activity is not likely to have a significant effect on the environment (including critical habitat) or threatened species, populations, ecological communities or their habitats and as such an EIS and an SIS is not required.

***Roads Act 1993***

Section 138 outlines consent requirements for works and structures on classified roads. Section 87 outlines consent requirements for traffic control facilities. Under these sections consent and concurrence of RMS for the proposed works is required before construction works commence. In the meantime Council can issue an activity approval under Part 5 of the Act subject to the condition that consent is required under the Roads Act 1993 before construction works commence.

***Local Government Act 1993***

Separate approval is not required under the Local Government Act 1993 for the proposed works.

***State Environmental Planning Policy (Infrastructure) 2007***

Under Clause 94 (1) “development for the purpose of road infrastructure facilities may be carried out by or on behalf of a public authority without consent on any land.” As the proposed works are carried out by a public authority, that is Council, the proposed development is permitted without consent under State Environmental Planning Policy (Infrastructure) 2007.

Under Clause 94(2)(c) road infrastructure facilities include “alterations or additions to an existing road (such as widening, duplication or reconstruction of lanes, changing the alignment or strengthening of the road)”. The proposed works satisfy this clause.

Clauses 13-17 of the SEPP (Infrastructure) sets out consultation requirements for councils and other Public Authorities. Clause 17 sets out exceptions to consultation requirements. Specifically 17(1)(a) consultation requirements do not apply to development to the extent that “they would require notice of the intention to carry out the development to be given to a council or public authority from whom an approval is required in order for the development to be carried out lawfully, ...”. In this regard it is considered that as consent is required from RMS for the works and traffic signals and Council is the proponent consultation requirements do not apply.

Clause 16 requires consultation with public authorities other than councils (except where exempt). As discussed above as RMS consent is required for traffic signals and works under the Roads Act consultation with public authority is exempt.

***Queanbeyan Local Environmental Plan 2012 (QLEP 2012)***

The proposed works are located on land zoned SP2 Infrastructure and E4 Environmental Living under the QLEP 2012. The works are defined as “roads” including ordinarily incidental or ancillary development for that purpose and therefore is permitted with consent.

Part of the road widening is located over Lot 16 DP 1180981 (owned by Council) zoned E4 – Environmental Living. Roads are also permitted with consent in this zone.

Notwithstanding the above, SEPP (Infrastructure) 2007 prevails over QLEP 2012 and in this case the proposed works are permitted without consent and the development can be assessed under Part 5 of the EP&A Act 1979.

#### 4.6 Review of Environmental Factors - Part 5 Assessment of Infrastructure Services - Intersection at Old Cooma Road and Googong Road (Ref: C1856323; Author: Thompson/Tonner) (Continued)

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Mapping accompanying QLEP 2012 indicates that the location of the proposed works are not affected by riparian land and watercourses, flooding or heritage but is affected by bushfire, biodiversity and scenic protection. These latter issues are addressed further in the report.

##### **Other**

Other legislation that applies to the proposed works is the *Biodiversity Conservation Act 2016 (BC Act)*, *Threatened Species Conservation Act 1995 (TSC Act)*, *National Parks and Wildlife Act 1974*, *Heritage Act 1997*, and the *Commonwealth Environment Protection, Biodiversity Conservation Act 1999 (EPBC Act)* and the *Protection of the Environment Operations Act 1997*. The implications of these pieces of legislation have been considered throughout the REF and in this assessment report.

Consideration of the biodiversity impacts has taken into account the Threatened Species Conservation Act 1995 (TSC Act 1995). Two listed ecological communities occur on the site:

1. White Box-Yellow Box-Blakey's Red Gum Woodland
2. Tablelands Snow Gum -Black Sallee,- Candlebark and Ribbon Gum Grassy Woodland

The proposed development will result in the clearance of 0.38ha of highly modified Box-Gum Woodland and approximately 0.22ha of the Tablelands Snow Gum, Black Sallee, Candlebark and Ribbon Gum Grassy Woodland, (total of 0.6 ha). The REF prepared by Elton Consulting concludes that the amount of clearing is a small proportion of the local extent of the communities and will occur entirely within the Old Cooma Road reserve and is unlikely to significantly affect threatened species, population or ecological communities and therefore an SIS is not required.

#### **4. Environmental Impacts**

##### ***Biodiversity***

To enable the proposed development clearing of native vegetation is required and would usually require an assessment under the new Biodiversity Conservation Act 2016 (BC Act 2016).

The BC Act 2016 commenced on the 25 August 2017 and replaced the Threatened Species Conservation Act 1995 and other legislation. Transitional arrangements were established for certain development or approvals that were underway including Part 5 development. In this case GTPL submit the following:

*Regarding transition arrangements in respect of part 5 development (of which the REF relates), Part 7 of Biodiversity Conservation (Savings and Transitional) Regulation 2017 makes provision for the following:*

- *Part 5 authorities can continue with their own Part 5 activities under the previous legislation if they had consulted with the Environment Minister or been granted concurrence by the Office of Environment and Heritage Chief Executive before 25 August 2017;*
- *Where a Part 5 authority had started assessment of their Part 5 activity before 25 August 2017 but has not consulted with the Environment Minister or been granted concurrence, they have until 24 February 2019 to finish their assessment under the previous legislation and commence the activity;*



**4.6 Review of Environmental Factors - Part 5 Assessment of Infrastructure Services - Intersection at Old Cooma Road and Googong Road (Ref: C1856323; Author: Thompson/Tonner) (Continued)**

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*• Part 5 activities by proponents (who are not Part 5 authorities) (of which GTPL is) can be assessed and approved under the previous legislation until 24 February 2019 if the environmental impact assessment commenced before 25 August 2017*

*Therefore, based on the above, the project can be assessed and approved under the previous legislation until 24 February 2019 given the environmental assessment commenced prior to the 25 August 2017.*

This interpretation of the Transitional arrangements is supported. In this case the content of the REF is relied on for assessment of biodiversity impacts. An Ecological Impact Assessment was undertaken by Capital Ecology to determine the likely impacts of the proposed works on flora and fauna. This Assessment was supported by a Tree Assessment Report prepared by SpaceLab Consultants.

*Flora assessment* – A tree assessment identified the removal of 168 trees within the proposed site area. These trees generally fall within 3 plant community types (PCT). The value of each PCT was assessed with the following ratings:

- Exceptional Value
- High Significance
- Medium Quality
- Poor Quality
- Dead
- Missing/Insignificant.

Trees less than Medium Quality were assessed as not contributing to the surrounding landscape. There were no trees identified of Exceptional Value. Eight of the 168 trees were rated as High Significance with mature and healthy trees but due to the proposed work only three of these trees will be retained. An extract from Elton's REF shows three trees to be retained. Trees 2837 *Eucalyptus melliodora* (Yellow Box) ((note the correction from Apple Box)), and 2853 *Eucalyptus bridgesiana* (Apple Box) are located at the transition between a proposed cut and fill embankment. It may be possible to retain these trees and will be subject to a formal Tree Management Plan to determine whether these trees can be retained.

The Tree Management Plan shall be extended to include tree 42 *Eucalyptus rubida* (Ribbon Gum) and tree 44 *Eucalyptus melliodora* (Yellow Box). The tree assessment report comments that these trees are of high value and are grand remnant trees. The REF states that these trees are technically outside limit of works but considered a roadside hazard and therefore not proposed to be retained. There are many trees along roadsides that are retained in the vicinity of the proposed intersection. To date there is inadequate justification in supporting documentation that specifies a "safe distance" for trees from roadsides. Street lighting poles are located substantially closer to the road edge and cause a similar "hazard". Traffic is generally moving slower as vehicles move near or move away from the traffic signals and the removal of trees outside the works is not well justified.



#### 4.6 Review of Environmental Factors - Part 5 Assessment of Infrastructure Services - Intersection at Old Cooma Road and Googong Road (Ref: C1856323; Author: Thompson/Tonner) (Continued)

Table 9 Trees of high value

High value trees	Proposed work
42 – <i>Eucalyptus rubida</i> (River Gum)	Technically outside limit of works but considered a roadside hazard.
44 – <i>Eucalyptus melliodora</i> (Yellow Box)	Technically outside limit of works but considered a roadside hazard.
65 – <i>Eucalyptus bridgesiana</i> (Apple Box)	Removed – within the road pavement
991 – <i>Eucalyptus melliodora</i> (Yellow Box)	To be retained
2837 – <i>Eucalyptus melliodora</i> (Apple Box)	Tree is at the location of change from cut to fill.
2853 – <i>Eucalyptus bridgesiana</i> (Apple Box)	Tree is at the location of change from cut to fill.
2858 – <i>Eucalyptus bridgesiana</i> (Apple Box)	To be retained
2864 – <i>Eucalyptus melliodora</i> (Apple Box)	To be retained

Figure 3: Extract from Elton Consulting REF - Table 9

A threatened flora species, Hoary Sunray *Leucochrysum albicans* var. *tricolor* will be removed within the road reserve. This flora species is said to be common throughout the locality particularly along much of the road reserve of Old Cooma Road north from Googong. Elton Consulting states that these plants comprise less than 1% of the plants present within a 1km radius of the site and the loss of such a small proportion of the population would unlikely have any significant impact on this species. As these plants can be propagated from seeds or cuttings it is recommended that they be considered as massed planting to replace the exotic plants selected within the terraces. This reduces the need for irrigation to the landscape terraces.

GTPL propose to plant the area out with exotic bulbs and roses and argue the following:

- Bulb planting represents no greater maintenance than grass areas and it is arguable given the local climatic conditions they in fact represent very little or no maintenance compared to grass areas and tree planting;
- At worst the maintenance required is to simply mow the area when flowering has finished;
- It is not intended that the bulb planting will be maintained as it would be in a domestic or show garden, rather they would have to survive and thrive with little or no maintenance;
- We note bulb planting has been very successful at the intersection of Googong Road and Beltana Avenue and has represented no cost for QPRC in terms of installation and maintenance;
- We are prepared to use the same approach as has been taken and is working at the Googong Road and Beltana Avenue intersection which represents no cost to QPRC.

These arguments are not supported by the assessment. It is recommended that the planting schedule is reviewed and masses of exotic plantings be reconsidered and a revised landscape plan incorporating native species be submitted for endorsement before the construction plans are approved.

**4.6 Review of Environmental Factors - Part 5 Assessment of Infrastructure Services  
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**Figure 4: Hoary Sunray *Leucochrysum albicans* var. *tricolor***

*Fauna assessment* – The Assessment undertaken by Capital Ecology found that some threatened and migratory bird species may visit the site on a transient basis but is unlikely to be a site that provides for important breeding or foraging habitat.

The site does not support pink tailed worm lizard habitat or other threatened reptile species listed as vulnerable under the EPBC Act and TSC Act such as the Rosenberg Goanna. The trees to be removed are unlikely to be of significant value for hollow-dependent fauna. The vegetation within the road reserve does provide a movement corridor for fauna within a local biolink connecting to a regional biolink as identified in the Queanbeyan Biodiversity Study 2008, despite it being noted that it is a highly fragmented landscape. As noted in the Elton Consulting REF it is recommended that revegetation planting is undertaken to mitigate the impact of the removed trees. In this regard the plantings schedule for the intersection shall be revised and appropriate native plantings shall replace the exotic species selected to accommodate fauna movement.

The planting schedules for the intersection show a mix of native *Eucalyptus melliodora* (Yellow Box) and dryland grasses with a mix of exotic trees comprising Liquidambar, Oriental Plane with tree heights of 30m and 12m in close proximity to the road side and further along Googong Road. The plant schedules also indicates planting of 8000 bulbs in the intersection treatment closest to the Googong Township and Nandina and Rose carpet on the north east corner opposite Googong Township with village green turf. The plant schedule's treatment within the intersection shall be reconsidered to a mix of native plantings that is local to the rural landscape context in which it sits. The intersection will become a Council asset on Council land. The land should not be used as an entry statement for Googong Township. The Township has more appropriate locations to mark its entrance being Beltana Avenue along Googong Road and the future entrance at Googong Neighbourhood 2.

**4.6 Review of Environmental Factors - Part 5 Assessment of Infrastructure Services  
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***Natural Hazards******Flooding***

The development site of the proposed works is not mapped as being flood-prone and therefore is not a relevant consideration.

***Bushfire***

The development site is mapped as being bush fire prone land but as the works are not for residential or rural residential purposes or developed for a special fire protection purpose a bush fire safety authority is not required to be issued. The deemed-to-satisfy provisions of *Planning for Bushfire Protection 2009* and *AS3959-2009* do not apply to the proposed works, however it is critical that the proposed works enable emergency access at all times and vegetation does not contribute to high fuel loads.

***Soils and landscapes***

Preliminary contamination investigations have determined that there are no areas of environmental concern in the project area. The mitigation measures proposed in the REF are adequate to address any contamination that is uncovered.

During construction works there will be soil disturbance due to excavation. Soil and Water Management strategies will be developed as part of the next state of works approval. Sediment and erosion control measures would be established and the approval will be conditioned accordingly, including stabilisation of disturbed areas.

***Noise and vibration***

Noise will result during pre-construction and construction stage of the works due to use of machinery. Hours of operation to restrict construction hours will reduce adverse impact to the surrounding receivers during the construction phase. Once construction is complete the intersection upgrade will not generate noise. However it is expected that a higher traffic volume will travel through the intersection as Googong Township grows.

The assessment of noise and vibration impacts and management measures proposed in the mitigation measures are considered satisfactory subject to the imposition of conditions as recommended.

***Traffic and access***

The intersection is designed to manage increased vehicle numbers and facilitate the safe movement of vehicles using this intersection. Continued use of this intersection will be maintained during construction.

A Traffic Management Plan will be prepared prior to construction works commencing.

The assessment of traffic and access in the assessment is considered satisfactory subject to the imposition of conditions as recommended.

***Water quality and hydrology***

The assessment of impacts on water quality and hydrology and mitigation measures are considered satisfactory subject to the imposition of conditions as recommended.

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*Air quality*

Impacts in terms of air quality would only occur during the construction stage particularly from dust but would be short term and localised. Suitable mitigation measures will assist in reducing air quality impacts during construction. Any long terms impacts on air quality would be associated with the increase usage of the vehicles using the intersection as a result of further growth of Googong Township and other development in the locality.

The assessment of air quality impacts and mitigation measures are considered satisfactory subject to the imposition of conditions as recommended.

*Waste management*

During construction the type of waste likely to be generated include:

- Construction material – concrete, metals and other damaged or excess materials
- Green Waste – vegetation
- General Waste – paper, aluminium cans, food wrapping, etc generated by site employees.

The proposed waste management measures include segregation of material for reuse, recycling and/or disposal. A construction management plan covering waste management will be prepared prior to commencement of works.

The mitigation measures outlined in the REF are considered satisfactory.

*Hazards and risks*

The intersection design and associated works have been designed in accordance with design standards and specifications to ensure safety measures have been integrated. The mitigation measures outlined in the REF require compliance with WorkCover NSW, Work Health and Safety Act 2011 and Work Health and Safety Regulations 2011. These are considered satisfactory. Further a Work Health Safety Management (WHSM) Plan will also be prepared.

*Environmental Risks.*

The overall environmental risks are considered minimal and as such the proposed works are considered satisfactory and the management measures outlined in the REF are considered adequate.

**5. Social / Cultural*****Visual amenity***

The proposed intersection upgrade is not considered to result in any adverse visual impact except that the removal of trees will change the appearance of the locality at the intersection area. The land is mapped as scenic protection area under the QLEP 2012. The intersection does not penetrate the skyline and will not impact the scenic value in this location as the intersection will not be visible from other major access roads or vantage points. In this regard the proposal is acceptable.

The proposed landscaping and associated revegetation however, within the detailed designs should be reconsidered. The planting schedule proposes 36 new native trees and 46 new exotic trees. The planting schedule should be reconsidered to reflect the vegetation that is being removed. This will provide some context with the landscape features in the vicinity of the intersection. It is inappropriate to change the landscape context to predominantly exotic species. Key landscape features are:

- New landform modelling to create a series of stepped grass terraces;

**4.6 Review of Environmental Factors - Part 5 Assessment of Infrastructure Services  
- Intersection at Old Cooma Road and Googong Road (Ref: C1856323; Author:  
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- New tree planting consisting of native and exotic species to create an entry statement;
- Low groundcover planting
- New areas of turf with bulb massing
- And dryland grass seeding to batters and other disturbed areas.

This will assist in softening the visual amenity. As a comment the proposed turf and bulb planting should be reconsidered as the natural state of the landscape will change to an artificial landscape from a natural rural setting.

GTPL argue the following:

- Googong is a township that will be home to approximately 18,000 people – making it a significant proportion of the developed urban areas of the Queanbeyan-Palerang Council areas town and not a rural area;
- That notwithstanding, many small and large rural towns have used and still use tree planting, generally of exotic species, on the approaches to towns or at significant landmarks within those towns to locate the town, define the entries to a town or indeed the arrival at those towns. The use of exotic trees is preferred because of the contrast they provide to the rural and native landscape;
- We believe that the treatment of major intersections on Old Cooma Road to the Googong development should be considered as safety elements within the landscape as they will have the effect of alerting drivers to the change in road conditions and warn of a potential conflict points for drivers. The importance of these signals to drivers cannot and should not be underestimated within the landscape;
- We note that QPRC have utilised exotic trees, namely Pyrus, to define new entry signage at Queanbeyan, as does Bungendore and Braidwood and also along major entry roads into Queanbeyan we can only assume to denote the arrival at the more developed and urban areas of the Queanbeyan-Palerang Regional Council area. In similar fashion to QPRC, it is the intention of the GTPL to denote the arrival at the more developed and urban areas of Googong;
- Given the above we believe it is appropriate to retain the proposed intersection landscape design as a matter of public safety and to denote the arrival at a significant urban area of QPRC.

The assessing officer is of the view that the creation of an entry statement for Googong Township is inappropriate at this intersection. This intersection is a Council asset and is an intersection for managing traffic to access Googong Township, Googong Dam, Bunyip land and future development to the north of Googong Road, as well as facilitating traffic travelling southwards. Recommended conditions of consent shall remove any reference to this intersection “creating an entry statement” and the intersection shall be treated as a standard intersection set within a rural context. Council’s Development Engineer supports this position and states, “Directional signage at the intersection will be more than satisfactory to announce the development and direct traffic into the various development areas.

*Heritage – Aboriginal and European Heritage*

The proposed development does not involve an item or place listed on the NSW Heritage Register or on Schedule 5 of the QLEP 2012 and no approvals for the proposed works are required.

The REF states that there are no Aboriginal sites or areas of Archaeological potential within the site and no landscape features, which indicate the presence of Aboriginal objects. In this

#### **4.6 Review of Environmental Factors - Part 5 Assessment of Infrastructure Services - Intersection at Old Cooma Road and Googong Road (Ref: C1856323; Author: Thompson/Tonner) (Continued)**

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regard no permit is required under the National Parks and Wildlife Act 1974 and no further archaeological assessment is required.

The REF notes that two sites, located within the Travelling Stock Route paddock, Googong TSR1 and TSR2 are within 6m of the proposed intersection upgrade area of work. These sites should be fenced during construction activities. The mitigation measures contained in the REF are considered adequate.

### **6. Other Matters Considered**

#### *Economic Impacts*

The proposed works are intended to facilitate the continued development of Googong Township. This brings economic benefits associated with the construction of dwellings and commercial facilities and the ongoing provision of housing and employment for future inhabitants.

The proposed infrastructure on completion will become a Council asset.

#### *Financial Implications*

There are no financial implications that arise from the proposed works. Development Contributions are not required for this proposal.

#### *Resources (including staff)*

There are no resourcing implications that arise from the proposed works.

### **7. Engagement**

The REF was publicly exhibited from 20 February to 13 March 2018 on Council's website and in the Queanbeyan Age. The majority of issues raised during the exhibition period related to technical aspects of the design and had no bearing on the environmental impacts of the development. Council's Community Connection Portfolio deals with the technical design issues.

This report responds to those issues raised in submissions that do have environmental impacts and include:

- Hours of Construction
- Impact on Googong community
- Pollution impacts from additional traffic stopping and starting
- Concern raised about the number of trees to be removed
- Concern raised about the removal of the Hoary Sunray

#### ***Issue 1: Hours of operation***

*Concern has been raised that construction hours will impact traffic movement to and from Googong Township and commuters further south of the intersection. It is suggested that hours of operation be changed to take account of this traffic.*

*Comment* - The standard construction hours shall be enforced as a condition of consent. Prior to demolition works commencing a Traffic Management Plan for the works must be submitted to, and approved by, Council under the provisions of Section 138 of the Roads Act 1993, including hours of operation. This shall take into account all traffic movements in this location and peak traffic flow.

**4.6 Review of Environmental Factors - Part 5 Assessment of Infrastructure Services  
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***Issue 2: Environmental Impact on community***

*The submitter is concerned that the environmental impacts fail to consider the wider Googong community and those living in Fernleigh Park.*

*Comment:* Calibre Consulting prepared a traffic analysis based on traffic predictions made by TDG. It was determined that the intersection of Old Cooma Road and Googong Road was required to be upgraded in order to cope with increased traffic volumes. The signalised intersection of Old Cooma Road and Googong Road will allow for continued access for residents to the Googong Township and future designs of Old Cooma Road Stage 2 Project and Googong Neighbourhood 2.

***Issue 3: Increased pollution due to cars stopping and starting***

*The report does not take into account additional pollution likely to result from the impact of the traffic lights and vehicles stopping and starting.*

*Comment:* The same number of vehicles will use the intersection despite its design. The intersection is designed in such a way to get the most efficient flow through traffic and remove the need for all vehicles to stop and start if they are not turning into and out of Googong Road. This should have the reverse effect and reduce additional pollution impact on the surrounding locality.

***Issue 4: Tree Removal***

*The submission raises concern over the removal of the number of trees and the impact it may have.*

*Comment:* The trees to be removed are within a road reserve and the will involve the clearing of an area of 0.67 ha. The condition of the vegetation is stated to be moderately to highly modified and will impact a small proportion of the listed ecological communities. It is recommended that with the mitigation measures outlined in the REF and the reconsideration of the removal of 4 highly significant trees more can be retained. Further it is recommended that the 80% of exotic tree species are replaced with native tree species and that exotic bulb plantings and rose plantings are 100% replaced by cool climate native species.

***Issue 5: Removal of Hoary Sunray***

*The submissions raises concern over the removal of the Hoary Sunray, a listed endangered species.*

*Comment:* This is discussed in the assessment of the REF. The REF states that the proposed works will not result in the clearance of the population of the Hoary Sunray from the location and the loss of a small proportion of the population will not have a significant impact on this species. Despite this it is recommended that amended plant schedules include plantings of the Hoary Sunray in the terraced area to offset the populations that are removed from the proposed site.

**8. Conclusion**

The proposed development is for upgrade works to the intersection of Googong Road and Old Cooma Road. The works are permitted without consent and are subject to an assessment under Part 5 of the EP&A Act 1979. Queanbeyan-Palerang Regional Council is the determining authority.

The review of the REF prepared by Elton Consulting concluded that if the 'activity' is carried out as described, it is not likely to have a significant effect on the environment (including critical



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habitat) or threatened species, populations, ecological communities or their habitats. Accordingly, an EIS or SIS is not required.

The assessing officer concludes that providing appropriate environmental safeguards are implemented during both the construction phase, and the mitigation measures specified in the REF are actively complied with, the proposed works are unlikely to have a significant environmental impact and meets the requirements of Clause 111 of the EP&A Act

In addition the assessment has indicated the following additional matters need to be covered by conditions. These relate to the following issues:

- Submission of a Tree Management Plan that requires the retention of trees: 42, 44, 2837 and 2853
- A revised landscaping plan showing a planting schedule that shows the replacement of exotic tree species with predominantly native tree species
- The mass plantings of bulbs and roses in the terraces are replaced by cool climate natives including the Hoary Sunray
- Identification of exclusion zones surrounding the aboriginal sites Googong TSR 1 and Googong TSR 2 on construction plans
- The intersection is not to become an 'entry statement' for Googong Township.

The proposed development is considered suitable for the site, is compatible with the neighbourhood and can be conditioned to mitigate any potential impacts.

**Attachments**

Attachment 1	Review of Environmental Factors - Construction of Intersection - Googong and Old Cooma Roads ( <i>Under Separate Cover</i> )
Attachment 2	Conditions - REF - Googong and Old Cooma Road Intersection ( <i>Under Separate Cover</i> )



5.1 Strategies for Review Part 2 (Ref: C1855497; Author: Tegart/Ferguson)

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**Summary**

A number of strategies and plans were adopted during the period of administration following the amalgamation of the former Queanbeyan City and Palerang Councils. Council considered a report on this matter at its meeting on 14 March 2018 and resolved that all strategies and plans be progressively presented for review. This report presents four strategies and plans within the QPRC strategic themes of Character and Connection as Part 2 of the review.

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**Recommendation**

**That Council consider whether to review the following QPRC strategies and plans within the strategic themes of Character and Connection that were adopted during the period of administration:**

- 1. Plan of Management – Seiffert Oval 2016**
  - 2. Captains Flat Floodplain Risk Management Study and Plan 2016**
  - 3. Queanbeyan Sewer Treatment Plant – Master Plan**
  - 4. Asset Management Strategy 2017 - 2027**
- 

**Background**

At its Planning and Strategy Committee of the Whole meeting held on 14 March 2018, Council resolved as follows:

**PLA027/18** That all plans and strategies adopted during the period of administration be reviewed by a report to Council.

Council agreed that the strategies and plans would be presented in several stages within the QPRC strategic themes of Community, Choice, Character, Connection and Capability. Part 1 of the review, comprising the strategies and plans adopted under the strategic themes of Community and Choice, was presented to the Planning and Strategy Committee meeting held on 11 April 2018.

This report presents Part 2 of the review, comprising those adopted in the third and fourth themes of Character and Connection. The Executive Summary for each is included below.

The previous business paper reports, together with links to the documents themselves, presented to Council at the time of adoption, are attached to this report.

1. **Plan of Management – Seiffert Oval 2016**

This plan is at **Attachment 1** and the business paper report from 24 May 2017 is at **Attachment 2**.

**Executive Summary**

Seiffert Oval is a complex of buildings and a playing field on Crown Reserve R85019. Management of the Oval had been handed over to the former Queanbeyan City Council in 2010. It is administered by QPRC as the Seiffert Oval Corporate Trust Manager.

**5.1 Strategies for Review Part 2 (Ref: C1855497; Author: Tegart/Ferguson)  
(Continued)**

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QPRC has prime responsibility for the maintenance and management of Seiffert Oval. Under the *Crown Lands Act 1989*, plans of management must be prepared for Crown lands under the care, control and management of local government councils.

This Seiffert Oval Plan of Management assists QPRC in providing direction and continuity of maintenance, resource management, ongoing operational requirements, programming, and for future planning endeavours of the Seiffert Oval precinct of buildings and playing field.

In recent years, the playing surface, player and spectator amenities, grandstand and lighting has been upgraded with the assistance of council funding, grants and club efforts. A number of NRL and Super Rugby trials have been held. Further improvement works are proposed to progress towards hosting a NRL premiership game in the future, noting lighting and broadcasting requirements will require bringing in temporary facilities. Integration of Seiffert and QISC facilities in the precinct may be explored.

**2. Captains Flat Floodplain Risk Management Study and Plan 2016**

This plan is on Council's website at <https://www.qprc.nsw.gov.au/Resources-Documents/Strategies-and-Plans> and the business paper report from 23 November 2016 is at **Attachment 3**.

**Executive Summary**

Captains Flat was founded as a mining settlement in the late 19<sup>th</sup> century and experienced rapid, relatively uncontrolled development during the mining boom of the early to mid-20<sup>th</sup> century. As a result of this development, residences and businesses were established in areas of the town that are subject to flooding from the local watercourses.

Four drainage systems converge at the village. Flooding can pose a hazard to residents and properties near creeks and overland flow-paths. There have been a number of major flood events including those in 1945, 1978, 1988, 1991, 2010 and 2012. According to local residents, the worst of these was in December 2010.

The NSW Government developed a Flood Prone Land Policy, the Floodplain Risk Management Process and the Floodplain Development Manual to guide management of floodplains. The aim of these documents is to safely manage existing communities at risk of flooding through the implementation of appropriate controls and emergency management activities while allowing appropriate development of new land within floodplains.

The consultants, Cardno, were commissioned by QPRC to undertake the Floodplain Risk Management Study and Plan for the Captains Flat Township. The purpose of this study is to identify and examine options for the management of flooding within the study area.

**3. Queanbeyan Sewer Treatment Plant – Master Plan**

This plan is on Council's website at <https://www.qprc.nsw.gov.au/major-works-projects/queanbeyan-stp-upgrade> and the business paper report from 8 March 2017 is at **Attachment 4**.

**5.1 Strategies for Review Part 2 (Ref: C1855497; Author: Tegart/Ferguson)  
(Continued)**

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Executive Summary

The Queanbeyan Sewage Treatment Plant (STP), constructed in the mid-1930s, treats effluent from the Queanbeyan Local Government Area (LGA), prior to discharge into the Molonglo River. While maintenance works are regularly undertaken on the STP, the plant is no longer fit-for-purpose. A significant works program is required to address issues including structural failure, equipment obsolescence, maintenance issues and work health and safety issues, as well as refining the process train.

This upgrade project has been instigated as a result of the following drivers for the site:

- Capacity required for current and future population growth
- Much of the existing infrastructure at or approaching end of asset life
- Operability and reliability issues of the STP
- Providing a level of service that conforms to industry best practice for the protection of public health and the environment
- A facility that meets regulator/stakeholder concerns/requirements
- Optimisation of STP design to achieve Infrastructure Sustainability Council of Australia (ISCA) rating of 'Excellent' or 'Leading'.

This Masterplan sets out the design basis for proceeding with the upgrade of the STP. A 60,000 EP STP is recommended to be constructed on the current site. For future upgrades and additions to the treatment facility, further investigation will be required in accordance with the Road Map.

A 'Best for Region' approach to construct a 90,000 EP STP to take flows from Fyshwick ACT under an arrangement with Icon Water will also be explored, where it demonstrates best value (technically, environmentally and financially) to the parties.

**4. Asset Management Strategy 2017 - 2027**

This strategy is on Council's website at

<https://www.qprc.nsw.gov.au/Resources-Documents/Strategies-and-Plans> and the business paper report from 26 July 2017 is at **Attachment 5**.

Executive Summary

The Asset Management Strategy has been prepared following engagement with our community on Council's service delivery practices, financial sustainability indicators, asset management maturity and the objectives identified in the Community Strategic Plan. The Strategy also includes an asset management improvement plan, which details a program of tasks and nominated resources required as part of our commitment to the continuous improvement of the organisation. It has been guided by the independent analysis and recommendations of Percy Allan and Associates and GHD.

The Asset Strategy has several key purposes:

- Economic

**5.1 Strategies for Review Part 2 (Ref: C1855497; Author: Tegart/Ferguson)  
(Continued)**

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- Commuter, freight, tourism and emergency connections with the roads and bridges network
  - Presentation and reputation of towns through quality of arterial roads and main streets
  - Accommodating population growth and business through security of water and energy
  - Promoting health and tourism through strategically sited and scaled regional/district recreation facilities
- •Social
  - Supporting recreational and retail activities providing accessible, clean and well located public amenities
  - Connecting people in green corridors and place making by well designed and placed public domain
  - Connecting people and business through secure telecoms and broadband
- •Environmental
  - Supporting safe clean waterways and public places with well designed and functional sewer and waste infrastructure
- •Financial
  - Manage infrastructure assets renewal, replacement and acquisition through sound planning, design and scheduling, supported by property divestment and redevelopment, and borrowings; and matched or leveraged to grant and development contributions

Council's Asset Strategy considers:

- Infrastructure condition, renewal and capacity needs,
- Rationalising and optimising existing assets,
- Properly size, site and schedule new assets,
- Prioritise assets on the basis of:
  - Asset condition, age, load, local geography,
  - Risks such as climate change, and
  - Demographic changes
- Asset backlog

Assets should be renewed at appropriate schedules to preserve their utilisation and ability to support agreed service levels, and to minimise the larger capital cost to replace those assets. Asset Management Plans (AMP) will be prepared per class of asset to guide scheduling of operational and capital works.

**5.1 Strategies for Review Part 2 (Ref: C1855497; Author: Tegart/Ferguson)  
(Continued)**

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**Implications*****Strategic***

A number of the strategies and plans refer to the longer-term direction that Council has embarked upon, some of which have informed the Community Strategic Plan and Resourcing Strategy for example, and that Council has considered since the election. Any review should take into account the work already underway and the contracts that may have been let.

***Engagement***

Depending on the degree of revision, some of the documents may require further community engagement.

***Resources (including staff)***

There may need to be appropriate funding allocated for staff time and community engagement for the strategies or plans for which Council wishes to undertake a full revision.

**Conclusion**

Four strategies and plans within the strategic themes of Character and Connection, that were adopted by the Administrator following the amalgamation of the former Queanbeyan City and Palerang Councils are now re-presented as Part 2 of the review by Council.

**Attachments**

Attachment 1	Plan of Management - Seiffert Oval 2016 ( <i>Under Separate Cover</i> )
Attachment 2	Business Paper report - Plan of Management - Seiffert Oval 2016 ( <i>Under Separate Cover</i> )
Attachment 3	Business Paper report - Captains Flat Floodplain Risk Management Study and Plan 2016 ( <i>Under Separate Cover</i> )
Attachment 4	Business Paper report - Queanbeyan Sewer Treatment Master Plan ( <i>Under Separate Cover</i> )
Attachment 5	Business Paper report - Asset Management Strategy 2017-2027 ( <i>Under Separate Cover</i> )





**6.1 Land-Use Planning Projects / Activities - Status Report (Ref: C1810979); Author: Thompson/Carswell**

**Report**

This report focuses mainly on the current status of land-use planning projects of the Branch. Prior to this report four status reports for various land-use (strategic) planning projects and activities have been considered at the Council meetings of 19 May 2016 (Minute No. 012/16), 22 June 2016 (Minute No. 077/16), 9 November 2016 (Minute No. 282/16) and 9 August 2017 (PLA09/17).

***Queanbeyan-Palerang Regional Council Comprehensive Local Environmental Plan***

As confirmed by Council at its meeting of 28 February 2018 this is a priority project for the Branch (Minute No. 057/18).

Following this resolution a Council workshop was held on 28 March to consider a number of dwelling eligibility applications.

Other work on this project since last reported includes the preparation of an issues paper, the preparation of a draft local environmental plan (LEP), research into issues, the preparation of major background papers and the holding of two other workshops with Councillors.

At this time four reports have been prepared and considered by Council. These include a report recommending progression of the project (8 November 2017), a report on rezoning eligibility requests (13 December 2017), a report on the review of E4 zoning – Bywong and Wamboin (13 December 2017) and a report in regard to requests for spot rezonings (28 February 2018).

Further reports will be coming to Council shortly in regard to further rezoning/ dwelling eligibility requests. In addition Council has now received advice from the Department of Planning on how to progress with the review of the E4 zoning – Bywong and Wamboin. A separate report will be submitted to Council on this matter in the near future.

***Other Planning Proposals and Associated Work***

***1. South Jerrabomberra Planning Proposal (LEP)***

The purpose of this project is to rezone the balance of South Jerrabomberra to specific zones including residential, recreational and environmental uses.

As previously reported this Planning Proposal and associated material had reached the stage where it was ready for notification and so was forwarded to NSW Planning and Environment with a request for the draft local environmental plan to be finalised and notified. A draft planning instrument has been prepared by that Department, reviewed by Council and comments forwarded. The reason for the delay in finalising the Proposal has been the necessity to undertake further traffic work in relation to having a single Northern Entry Road access and egress which has also involved a series of meetings with the Department and the NSW Roads and Maritime Service.

This work is now completed and supports a total dwelling number of 1,500 for the whole of South Jerrabomberra on the basis that only a single egress/access will be provided via Tomsitt Drive. A report seeking a fresh Gateway determination for the project will be made to Council in the near future.

***2. West Jerrabomberra (North Tralee) Planning Proposal (LEP)***

This project was last reported to Council's meeting of 14 December 2016 (Minute No. 311/16) where it was resolved:

*That Council endorse the amended Planning Proposal and that all necessary steps be taken to progress and finalise the Planning Proposal for the rezoning of the land at North Tralee.*

Its primary purpose is to rezone the area known as North Tralee to specific zones with these generally being suitable for employment type land uses.

The necessary documentation was forwarded to NSW Planning and Environment. Subsequently a Gateway determination was issued by the Department on 10 May 2017 subject to the following changes being made to the planning proposal prior to community consultation:

- A statement that the proposal will be implemented by an amendment to Queanbeyan Local Environmental Plan (Poplars) 2013. (In other words the proposed North Tralee Local Environmental Plan will become part of Queanbeyan Local Environmental Plan (Poplars) 2013).
- Outlining the permissible and prohibited land uses within the proposed zones.
- Applying an appropriate minimum lot size (Lot Size Map) that minimises the subdivision potential of land proposed to be zoned RU2 Rural Landscape Zone.
- Outlining the decision by Council on listing the former canteen at Fraser Park Speedway as a local heritage item.
- Including any additional information Council may receive on land contamination in accordance with the response to State Environmental Planning Policy 55 Remediation of Land outlined in Attachment 1 of the Planning Proposal.
- Including all of the relevant LEP Maps.

Following receipt of the Gateway determination further work was identified as being necessary on the heritage and contamination issues outlined above as well as on the LEP maps.

Since last reporting to Council North Tralee has been identified as the alternative site for a Regional Sports Facility and a series of meetings have been held with key stakeholders on this. This reflects the Sports Facilities Strategic Plan adopted by Council. In addition a site on the Poplars has been identified as a possible school or expanded school site and again a number of discussions have been held with key stakeholders on this. If these proposals come to fruition they will further change the planning proposal. As such no further work is being progressed on this planning proposal until more surety around the area is obtained.

### *3. Jumping Creek Planning Proposal (LEP)*

The original purpose of this Planning Proposal was to rezone the two deferred areas of Jumping Creek to enable residential development on them with the majority of the site being rezoned as part of *Queanbeyan Local Environmental Plan 2012*. It was last reported to Council's meeting of 24 August 2016 where the Administrator resolved (Minute No. 162/16):

*...that Council forward the draft planning proposal for Jumping Creek to the NSW Department of Planning & Environment requesting a Gateway determination be issued in order to progress the draft plan.*

Following this resolution, NSW Planning and Environment were requested to issue a Gateway determination. This was issued on 10 November 2016 and required consultation with 12 public authorities prior to community consultation. This was done and as a result further work became necessary. Consequently it became apparent that a second exit from the site as required by the Rural Fire Service couldn't be practically and feasibly provided.

As a result and after a number of meetings it was decided to amend this Planning Proposal so that the previous proposal to zone the deferred areas as residential would no longer be pursued. These deferred areas will now be zoned for environmental or recreational purposes. This was reported to the Planning and Strategy meeting of 14 February 2018 where it was

resolved (PLA 007/18) to amend the planning proposal and seek a revised Gateway determination.

**4. Planning Proposal for 239 Old Cooma Road**

This project has been in train for a number of years and has included a change in ownership. Since last reporting there have been a number of meetings with the proponents as well as internal meetings which have resulted in refinement of their proposal. This has reached the stage where it was reported to the Planning and Strategy meeting of 11 October 2017 where it was resolved (PLA 284/17):

*That Council:*

- 1. Request the applicant prepare detailed studies undertaken by suitably qualified consultants in respect of both the traffic and amenity impacts associated with the preparation of a planning proposal at 239 Cooma Street, Karabar.*
- 2. Note negotiations on the potential acquisition and use of Council's site for a park and ride facility and associated uses.*

Since this time staff have met with the proponents to discuss progressing this project.

**5. Planning Proposal to amend Queanbeyan Local Environmental Plan 2012**

The purpose of this Planning Proposal was to amend *Queanbeyan Local Environmental Plan 2012* in regard to corrections to property descriptions and other amendments in Schedule 1 Additional Permitted Uses and in Schedule 5 Heritage Conservation, amending the Flood Planning Map and including an additional item in Schedule 2 Exempt Development.

The Gateway determination was issued on 22 June 2017 and amongst other things required consultation with three public authorities. Consultation was subsequently carried out.

This project was last considered by Council on the 8 November 2017 at the Planning and Strategy meeting, following public exhibition. Council resolved (PLA 352/17) to finalise the Plan which was notified (gazetted) on 16 February 2018.

This project is now complete.

**6. Planning Proposal for Proposed Memorial Park**

This was reported to Council's meeting of 28 June 2017 (Minute No. 171/17) and as a result, amongst other things, the Administrator resolved:

*That in order to progress the planning and assessment, stakeholder and community engagement processes for a proposed memorial park on the corner of Old Cooma Road and Burra Road, Council:*

- a. Prepare a Planning Proposal for Lot 2 DP 112382 and Lot 126 DP 754881 to amend the Queanbeyan Local Environmental Plan 2012 to provide for additional permitted uses, being that of a 'cemetery' and 'crematorium', in Schedule 1 Additional Permitted Uses, for this site.*
- b. Request the Minister to make the final determination on whether the Planning Proposal should proceed (to ensure the independence of the process).*

The necessary documentation was prepared and submitted to the Department of Planning and Environment requesting a Gateway determination. This was issued on 25 August 2017 and required undertaking seven background studies. These are currently being undertaken.

**7. Bungendore East (Lot 1 DP 747767 and others) Planning Proposal**

This planning proposal seeks to amend the *Palerang Local Environmental Plan 2014* to allow approximately 760 low and medium density residential lots, a high school, community hub,

open space and active recreation areas. At the December 2015 meeting of the former Palerang Council it was resolved to forward the planning proposal to the Minister of Planning for a Gateway determination. The Planning Proposal was forwarded to the Department of Planning and Environment.

The Department of Planning and Environment would not issue a Gateway determination requiring the resolution of two outstanding matters before proceeding to Gateway. These issues were:

- Certainty over the ability to supply water to the new subdivision.
- Completion of the Bungendore Structure Plan.

Since last reporting a meeting was held in November 2017 with the Department of Planning and Environment and the proponents and an amended letter issued setting out the Department's position which has not materially altered from the above.

The major considerations in both the Bungendore East proposal and the following North Bungendore proposal remains the requirement for additional potable water. To expand beyond the existing town boundaries, Council and state government agencies will need to be satisfied that additional groundwater is available within the system. Progress on finding suitable water sources is covered in the IWC section of this report.

#### *8. North Bungendore (part Lot 1 DP 798111) Planning Proposal*

This proposal would potentially allow the creation of approximately 300 residential lots on the northern edge of Bungendore (adjacent to Tarago Road in the area known as Elmslea). A Gateway determination was issued by the Minister for Planning's delegate on 27 April 2015 and this requires consultation with 13 government agencies, community consultation and numerous studies (identified in the planning proposal) to be undertaken.

A consultant planner was engaged by Council (at the expense of the developer) to prepare the briefs for the studies, manage the consultants, prepare a report (amended planning proposal) which will collate the studies and make recommendations and to assist with the community and government agency consultation. The following studies have been completed:

- Aboriginal cultural heritage
- bushfire
- water (network analysis)
- sewer (network analysis)
- transport and traffic
- stormwater
- soil capability
- contaminated lands.

The flora and fauna assessment for the subject site was previously undertaken.

This site is constrained by its proximity to the former Bungendore Landfill. Council has finalised a closure plan and risk assessment for gas generation and migration from the landfill. To progress the planning proposal, a conservative buffer of 500m around the landfill has been applied and all land within the buffer has been excluded from the planning proposal.

The amended planning proposal has been finalised and is currently with the government agencies for their input. However, finalising this project will not occur until an alternative water supply as indicated above is located and approved for use.

*9. Amendment of Schedule 1 to allow the subdivision of Lot 3 DP 1074706, Sutton to create residential lots*

This Planning Proposal seeks to amend Schedule 1 to allow a subdivision application for Lot 3 DP 1074706 into six residential lots varying in lot size from 4-8 hectares and one residual lot which will include an existing tourist/convention centre. The lot is zoned E4 Environmental Living. The Planning Proposal was referred to government agencies for comment and has received a Gateway determination. A revised bushfire, flora and fauna and Aboriginal cultural report are required.

The flora and fauna report has been finalised and the draft bushfire and Aboriginal cultural heritage report are currently being considered by Council staff. Once these have been finalised the Planning Proposal will be amended to reflect the reports. Following this, the amended Planning Proposal will be forwarded to government agencies for comment.

*10. Expanding exempt and complying development in E4, RU5 and RU1 zones*

This Planning Proposal will be considered as part of the preparation of the comprehensive local environmental plan.

*11. Lot 3 DP 1195030 (now part Lot 47 DP1229434), rezoning from IN2 Light Industrial to R2 Low Density Residential*

A Planning Proposal for the rezoning of part Lot 47 DP 1229434 (formerly Lot 3 DP 11930) in Majara Street, Bungendore from IN2 Light Industrial to R2 Low Density Residential was supported by Council at its meeting on 25 January 2017.

A Gateway determination was issued with Council subsequently requiring an acoustic assessment to be undertaken. At the meeting of Council on 28 February 2018, Council resolved to progress the Planning Proposal to gazettal. The local environmental plan maps associated with draft notification (gazettal) are currently being prepared by Council staff.

*12. The inclusion of a dwelling on Lot 6 Section 1 DP 758183, 7 Turallo Terrace, Bungendore as a local heritage item in the Palerang Local Environmental Plan 2014*

Council received a Planning Proposal from the former owner of 7 Turallo Terrace, Bungendore requesting that the original dwelling be listed as a local item in the environmental heritage schedule of the *Palerang Local Environmental Plan 2014*.

At its meeting of 23 August 2017 Council supported the proposal. A Gateway determination was issued in September 2017 and the Planning Proposal was advertised during October. At its meeting of 22 November 2017 Council resolved to list the cottage as a local heritage item.

The draft local environmental plan is currently with the Department of Planning and Environmental for notification (gazettal). The local environmental plan maps are being amended by Council staff to allow for this to occur.

*13. Abbeyfield Planning Proposal*

In relation to this project three Council reports have been considered at meetings of 26 July 2017 (Minute No. 189/17), the 23 August 2017 (Minute No. 222/17) and 14 March 2018 (PLA 023/18). On the last occasion it was resolved:

*That Council take all actions to progress a planning proposal to amend Schedule 1 (Additional Permitted Uses) of Palerang Local Environmental Plan 2014, to allow for Seniors Housing as a permissible use with consent at 4-6 Majara Street Bungendore (Lot 13 DP 1139067 & Lot 14 DP 1139067).*

At the time of reporting a draft Planning Proposal has been prepared and forwarded to the Department of Planning and Environment for a Gateway determination.

**14. *Securing Additional Water for Council's Reticulated Water Scheme in Bungendore and the Integrated Water Cycle Management Strategy (IWCM)***

The existing potable water supply for Bungendore is provided by a Council managed reticulated water scheme. The water is sourced from a number of groundwater bores situated around the town. Council has a current groundwater allocation of 472ML per annum, with 272ML available per annum from the Turallo bore field and 200ML per annum from Butmaroo bore field. Utilities staff have discussed the requirement for more potable water and range of options with the NSW Department of Primary Industries, Water.

The next step is for these options to be considered at the next Integrated Water Cycle Management Strategy (see below), Project Reference Group meeting.

The IWCM is a thirty year strategy which incorporates a total asset management plan and financial plan for Council's water and sewerage businesses. New government guidelines require this process to be reviewed on a four-yearly program with each second review to be a major IWCM review, and each alternate to be a more moderate review of the strategic business plan. The project is being managed by the Utilities Branch.

The former Palerang Council was one of the first local water utilities in the state to embark on this recently revised IWCM process. An issues paper has been prepared and discussed by the project Reference Group which has met once. The Reference Group includes community members, government agency and Council staff.

The Project Reference Group fulfil the following roles:

- Provide input on all existing and potential issues that affect the community relating to provision of the urban water service over the next thirty years.
- Help identify suitable options for managing these issues.
- Evaluate and compare scenarios built from mixes of options on the basis of their social, environmental and economic impacts.
- Review the evaluation and comparison of scenarios in the IWCM Strategy to determine the preferred scenario to recommend for adoption and implementation by the water utility.

An initial meeting of the Project Reference Group has been held. Also an Issues Paper has been finalised and will be discussed at the next Project Reference Group meeting.

Until the options for water supply have been considered and a preferred option adopted (likely to be sourcing additional water from additional fractured rock bores) new urban release areas at Bungendore are unlikely to progress.

***Future Planning Proposals***

**1. *Amendment of clause 4.6 of the Palerang LEP***

As previously reported the former Palerang Council resolved at its meeting of 28 April 2016 that:

*Council prepare a planning proposal to amend the Palerang Local Environmental Plan 2014 to prevent the use of clause 4.6 Exceptions to development standards in relation to clause 4.2A (3) (a) Erection of dwelling houses on land in certain rural, residential and environment protection zones, where the allotment area is less than 90% of the minimum area specified in the development standard.*

This Planning Proposal has not yet been prepared. This matter will be considered as part of the preparation of the comprehensive local environmental plan.



*2. Amendment of Schedule 5 Environmental Heritage*

There are numerous amendments required to Schedule 5 Environmental Heritage and the associated maps. This matter is being addressed as part of the preparation of the comprehensive local environmental plan.

*3. Terrestrial Biodiversity and Landscape maps and associated text*

The revised native vegetation Geographic Information System (GIS) layer is nearing completion. The *Palerang Local Environmental Plan 2014* terrestrial biodiversity map will be amended to reflect the new layer as part of the preparation of the comprehensive local environmental plan.

Additionally, as the current terrestrial biodiversity map contains karst areas these will be removed and included in the landscape map. A clause will need to be inserted in to the comprehensive local environmental plan requiring the consideration of karst areas.

*4. Animal boarding or training establishments*

The former Palerang Council had discussed the land use 'animal boarding or training establishments' several times and had requested that a report be prepared concerning the appropriateness of the land use in each of the rural land use zones and the potential separation of the two via a planning proposal. This matter will be considered as part of the preparation of the comprehensive local environmental plan.

*5. Capital Country Holiday Village*

Staff will continue to work with the business Capital Country Holiday Village to address the permissibility of some aspects of that development.

*6. Braidwood Health Service Facility Planning Proposal*

A number of preliminary meetings were held with representatives of the NSW Ministry of Health and an application lodged to enable a health services facility to be approved with consent at Monkittie Street, Braidwood. This was subsequently withdrawn as such development was made permissible in the applicable zone after *SEPP (Infrastructure) 2007* was amended in December 2017, No further action is required on this project.

***Palerang Rural Lands Study***

A twenty year strategic direction for rural, rural residential and environmental land in the former Palerang local government area was adopted by Council on 22 February 2017 (Minute No. 046/17). The resolution was multipart and included certain changes to the study which have been done. It also included the application of its assessment methodology to rezoning / dwelling eligibility requests which is currently being applied.

The strategy does not include the villages, towns and land managed by State Government agencies such as the National Parks and Wildlife Service and Forestry Corporation of NSW.

This project has now been completed.

***Development Control Plans***

*1. Palerang and Braidwood and it's setting Development Control Plans*

As the Palerang DCP has been in effect for over two years it is necessary to review some of its provisions and correct typographical errors. The provisions requiring review include laneways and sheds in the land use zones outside of the towns and villages.

A draft Braidwood DCP was exhibited in early 2015. The draft has been discussed with the NSW Heritage Council and provisions agreed on. The submissions from the exhibition require

consideration by Council, subsequent amendment if required followed by adoption by Council. As part of this process, discussions with the legal section of the NSW Office of Environment and Heritage need to continue regarding the status of the DCP and whether a new gazettal notice including the new DCP needs to occur.

Following the approval of the Braidwood DCP, the engineering requirements for new development and major maintenance work (pertaining to both Council and the community) for the conservation area need to be revised to include heritage provisions such as the material to be used for kerb and gutter. This work needs to be undertaken in association with NSW Roads and Maritime Services, the Heritage Division and internal stakeholders as well as considering other work currently being done.

#### *2. Amendment of Queanbeyan Development Control Plan 2012*

A report on this amendment was considered at the 14 June 2017 Planning and Strategy meeting whereby the Administrator resolved:

- 1. That Council place the proposed draft amendments to the Queanbeyan Development Control Plan 2012 on public exhibition for a period of 28 days.*
- 2. That the Oaks Estate Progress Association be advised in regard to the draft DCP.*
- 3. That following receipt of submissions, a report on the Draft DCP be submitted to the Council for determination (PLA063/17).*

The amended DCP was subsequently advertised and a report was considered at the Planning and Strategy meeting of 8 November 2017 (Item No. 5.3). As a result the amended development control plan was adopted by Council and notification of its adoption given. This project is now completed.

#### *3. South Jerrabomberra Development Control Plan 2015*

Since last reporting a number of amendments have been made to this development control plan. These included putting into the plan new Structure Plans for South Jerrabomberra.

The amended development control plan was reported to the Planning and Strategy meeting of 8 November 2017 (Item No. 6.10) where amongst other things it was resolved to place it on exhibition. This was done and a further report prepared and considered at Council's meeting of 28 February 2018 (Minute No. 049/18). Amongst other things it was adopted with a number of minor changes and actions to be undertaken. This project has now been completed.

#### *4. Googong Development Control Plan 2018*

Council has received an application to amend the DCP by incorporating a new structure plan for the Sunset subdivision in the hamlet section of Googong to the north of Googong Road. Staff are presently assessing the application before reporting to Council.

### **Development Contributions Plans and Planning Agreements**

#### *1. South Tralee Essential Infrastructure Agreement*

In May 2017 Council received an amended draft Local Planning Agreement (LPA) but it only included contributions for water and sewer whereas the previous version covered a wide range of contribution types. This is proposed to be an agreement between Council, Canberra Estates No 4 Pty Limited and Village Building Company Pty Limited.

This latest LPA has been the subject of legal advice, internal meetings as well as meetings with Village Building Company and has been recently exhibited for community comment.

Following the exhibition period Council considered the matter further at its meeting of 26 April (Item No. 12.2) where Council resolved to execute the agreement.

#### *2. Googong Local Planning Agreement Review*

Provisions of this local planning agreement need to be upgraded. Since October 2017 discussions have been ongoing and staff have met with representatives of GTPL to discuss variations to the local planning agreement and have discussed these internally. A letter summarising these discussions is being drafted and will be sent to GTPL. Once these discussions are finalised a report to Council will be submitted.

**3. *Local Infrastructure Contributions Plan No 11 for the Provision of Public Off-Street Car Parking at Bungendore***

Prior to reporting to Council a number of minor changes were made to this contributions plan both to update it and to alter the date of review that the 50% exemption for car parking contributions must again be reviewed.

The amended contributions plan was reported to the Planning and Strategy meeting of 8 November 2017 (Item No. 5.5) where amongst other things it was resolved to place it on exhibition for a minimum of 28 days. This was done and a further report prepared and considered at the Planning and Strategy meeting of 14 March 2018 (Item No. 4.2). Here it was adopted and has since been notified. This project is now completed.

**4. *South Jerrabomberra Local Infrastructure 2018 Contribution Plan***

Since last reporting work on this project has recommenced. This has involved considerable preliminary work including but not limited to producing a revised brief and re-engaging the consultant, meeting with the consultant, commissioning fresh valuations, holding a series of internal meetings, working through various issues and other actions. Up until recently this has been unable to be finished for the same reasons as indicated under the section of the report on the South Jerrabomberra Planning Proposal i.e. the necessity to undertake further traffic work in relation to having a single Northern Entry Road access and egress.

Of late considerable work has been done on this project and it was reported to Council's meeting of 28 February 2018 where it was resolved (Minute No. 050/18) to place the Plan on exhibition.

The Plan was advertised for community input the outcomes of which were reported to Council's meeting of 26 April 2018 (Item No. 12.1) where it was adopted with a number of changes. This project has now been completed.

**5. *Queanbeyan Fixed Local Infrastructure Contributions Plan***

This project is intended for the commercial and industrial areas of Queanbeyan. Preliminary work has commenced on this although no further action has been taken since last reporting.

***Review of Bungendore Structure Plan***

A detailed report to the Extraordinary Meeting of the Queanbeyan-Palerang Regional Council held 19 May 2016 provides a detailed background to the development of the Bungendore Structure Plan.

As this work is reliant on a significant amount of in-house knowledge and data, the work is being undertaken by Council staff. An early draft of the structure plan technical report was completed and discussed at a former Palerang Council workshop in November 2015.

Once a final draft of the structure plan has been completed, it will be exhibited. Funds for this work have been allocated in the 2017/18 financial year budget. Work will include an analysis of stormwater in the southern area of Bungendore, the consideration of commercial and industrial opportunities and the development of a recreation plan to include pedestrian/bike paths, playing fields and a swimming pool. Recent decisions of Council to explore sites for the proposed bypass and ambulance station will also be considered.

Other actions include background research into economic, heritage and other matters and the development of a draft Structure Plan discussion paper which is well underway. In addition work had been done on organising Council workshop(s) and one workshop has recently been held with another to be organised.

### ***Community Plans of Management under the NSW Local Government Act 1993***

Under Division 2 of the *NSW Local Government Act 1993*, Council is required to have a management plan in place for all community land in the local government area and to manage the land in accordance with the applicable plan.

Moreover this area of work is likely to increase when the *Crown Land Management Act 2016* takes effect later this year and Council becomes responsible for certain types of Crown lands.

Currently, there are few areas of community land in the former Palerang local government area that have a site specific management plan that would comply with the legislation, although generic plans that apply to most reserves were prepared in the past. The plans would detail management strategies such as the timing of slashing and any burning. The following areas of community land have been identified as being most in need of a specialist management plan:

- The Swainsona reserve at Royalla
- Captains Flat cemetery
- Majors Creek cemetery
- Days Hill Reserve
- Bowen Park.

A draft management plan for the Captains Flat cemetery is being completed and it is anticipated that it would be exhibited in late 2018. The cemetery contains both marked and unmarked graves. However, there have not been any burials for at least the last ten years. The vegetation in the cemetery is predominantly native including two listed species within the cemetery area, *Prasophyllum petilum* (Tarengo Leek Orchid), which is classified as endangered under both NSW and Commonwealth legislation. The second listed species is *Eucalyptus aggregate* (Black Gum) which is listed as vulnerable under NSW legislation. The cemetery is listed as a heritage item under the *Palerang Local Environmental Plan 2014*.

### ***Reclassification of Council Land***

Under clause 25 of the *NSW Local Government Act 1993*, all Council land must be classified either community or operational land.

The asset management process and the making of the *Palerang Local Environmental Plan 2014* identified land owned by Council that is incorrectly classified. For instance land that contains Council infrastructure should be classified operational but several sites are classified as community land as this is the default classification. It is intended that an assessment of Council land is undertaken to determine its classification and any amendments would be made to the local environmental plan.

### ***Maintenance of the Heritage database***

The aim of the heritage database of the Office of Environment and Heritage is to hold detailed information on all the items listed in the *Queanbeyan Local Environmental Plan 2012* (179 items) and *Palerang Local Environmental Plan 2014* (over 300 items).

In the case of the *Queanbeyan Local Environmental Plan 2012* the database is updated periodically as new information comes in. The database for the eastern part (former Palerang) of the local government area requires substantial updating. This will be undertaken following the completion of the Bungendore heritage review project and the preparation of the comprehensive local environmental plan.

### ***Special Heritage Fund***

This is a special heritage grant fund that applies to “public type buildings” which are listed as heritage items in the local environmental plans.

Since last reporting a number of actions have occurred. These include reporting to Council's meeting of 22 November 2017 where it was resolved (Minute No. 370/17):

*That in relation to grants for works to be funded from the Special Heritage Fund, Council:*

- 1 Amend the Special Heritage Fund Guidelines to allow for the use of a small proportion of a grant for professional services involving the preparation of a statement of heritage significance or the like by a suitably qualified and experienced person.*
- 2 Advertise for applications following Council's consideration of this report.*

The guidelines and application form have been reviewed and altered.

This year work has included preparing and exhibiting a notice inviting applications, assessing these, reporting them to Council's meeting of 28 February 2018 (Item No. 12.13) with recommendations on funding as well as advising successful applicants and monitoring the work for each project funded.

### ***Local Places Heritage Grants***

Applications are called for local places heritage grants annually and like special heritage grants involve preparing and exhibiting notices inviting applications, assessing these, reporting to Council with recommendations on funding as well as advising successful applicants and monitoring the work.

At its meeting of 22 November 2017 (Item No. 6.9) Council considered and awarded grants to a number of applicants. Works associated with these grants need to be finalised before the end of the financial year.

### ***Heritage Advisors***

The Branch continues to manage two heritage advisors one for the western part of the LGA and one for the eastern part including the State listed Braidwood. An information report on the two Heritage Advisors' annual reports and reappointment was considered at Council's meeting of 28 June 2017 (Item No. 9.3).

### ***Administration of Committees***

The Branch provides administrative support to two committees – the Queanbeyan Palerang Heritage Advisory Committee and the Braidwood and Curtilage Heritage Advisory Committee (Palerang) and previously it provided support to three committees.

Regular meetings of the committees are now taking place.

### ***Bungendore Heritage Review***

The review is the first for thirty years in Bungendore and the draft is almost complete. It is anticipated that it will be exhibited in mid to late 2018.

### ***Braidwood Archaeological Study***

Work on this project during the period included the development of a project plan, the formation of an internal committee, the procurement of a consultant commenced and refinement of the project method and plan. Discussions have been held with the NSW Heritage Branch on the best way to proceed due to there being insufficient funds to prepare a Management Plan in accordance with the NSW Heritage Branch requirements. Instead the Plan will be undertaken in stages as funding permits.

***Participation in Regional Land Use Forums***

Attendance at these by staff is ongoing. Currently the branch regularly attends meetings of the ACT Commercial Advisory Committee, the ACT Residential Advisory Committee and the Canberra Airport Community Consultative Group as well as the group which fed into the Regional Plan. Since last reporting staff have attended meetings of these forums/groups.

Land-Use Planning staff are also periodically involved in discussions with DPE and CBRJO to activate recommendations of the South East and Tablelands (SET) Regional Plan which was released in July 2017.

***Input into Other Portfolio/Branches Projects***

At the current time the Branch's input into other Portfolio/Branch's projects include:

- A legal case involving Curtis Estate
- The review of certain strategies and proposals involving the promotion and development of the Queanbeyan CBD
- The upgrade of Wallace Street and environs in Braidwood
- Oaks Estate Sewerage Treatment Works upgrade.

In addition, support and assistance (along with other Portfolios of Council) is provided for the Queanbeyan Excellence Awards. These have been running for many years and are now run by Southern Region and Canberra BEC.

***Submissions on Discussion Papers***

Submissions during the period include one on the government's proposed changes to Voluntary Planning Agreements. This was detailed in an information report to Council's meeting of 25 January 2017 (Item No. 9.2) and the governments reforms to these are still to be finalised.

Following a report to Council on 22 March 2017 a submission was also prepared in relation to the government's proposal to update the *Environmental Planning and Assessment Act 1979*.

In addition a report on the proposed *State Environmental Planning Policy (Primary Production and Rural Production)* was considered at 13 December 2017 Council meeting (Item No. 12.7). As a result it was resolved that Council make a submission which has been done.

Since the last reporting period submissions were also made in regard to the following development proposals in the ACT:

- The proposed Hume Liquid Waste Facility and Depot at 27-31 Sawmill Circuit, Hume (DA201833347) (11 April 2018).

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**Recommendation**

**That the report be received for information.**

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**Attachments**

Nil

**7 NOTICE OF INTENTION TO DEAL WITH MATTERS IN CLOSED SESSION**

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It is necessary for the Council to adopt a resolution to formalise its intention to deal with certain matters in Confidential Session. The reports are incorporated in the “confidential” business paper which has been circulated to Councillors.

The *Local Government Act, 1993* requires the General Manager to identify those matters listed on the business paper which may be categorised as confidential in terms of Section 10A of the Local Government Act, 1993.

**Recommendation**

**That pursuant to Section 10A of the Local Government Act, 1993 the following items on the agenda for the Ordinary Council meeting be dealt with in Closed Session for the reasons specified below:**

**Item 8.1 Progress Report Cannchar Pty Ltd V QPRC**

*"Item 8.1 is confidential in accordance with s10(A) (c) (g) of the Local Government Act 1993 because it contains information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business; AND advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege and discussion of the matter in an open meeting would be, on balance, contrary to the public interest.*