

DETERMINATION AND STATEMENT OF REASONS
SOUTHERN REGIONAL PLANNING PANEL

DATE OF DETERMINATION	Thursday 2 August 2018
PANEL MEMBERS	Alison McCabe, Renata Brooks, Peter Brennan, Pete Harrison, Lorena Blacklock
APOLOGIES	Pam Allan
DECLARATIONS OF INTEREST	<p>Peter Brennan declared an insignificant, non-pecuniary interest in that he was previously employed by the company who prepared the Statement of Environmental Effects.</p> <p>Mr Brennan confirmed that his employment with the company (Elton Consulting) ceased approximately two years ago, and that during his time with the company, he took no part in any work related to this particular project.</p>

Public meeting held at Queanbeyan-Palerang Regional Council Chambers, 256 Crawford St on 2 August 2018, opened at 1:05 pm and closed at 2.45pm.

MATTER DETERMINED

2017STH036 – Queanbeyan-Palerang - DA395-2017 - 360A and 360B Lanyon Drive, TRALEE NSW 2620
Stage 1 Subdivision of South Tralee - Subdivision for 318 residential lots, 10 superlots and residue land for open spaces, drainage and public roads

PANEL CONSIDERATION AND DECISION

The Panel considered: the matters listed at item 6, the material listed at item 7 and the material presented at meetings and the matters observed at site inspections listed at item 8 in Schedule 1.

The Panel adjourned during the meeting at 1.56pm to deliberate on the matter and formulate a resolution.

The Panel returned from adjournment at 2.37pm and determined to approve the development application pursuant to section 4.16 (previously section 80) of the *Environmental Planning and Assessment Act 1979* subject to the conditions in the Council report and amended as outlined below.

The unanimous decision was proposed by Alison McCabe and seconded by Peter Brennan.

CONDITIONS

The development application was approved subject to the conditions in the Council Assessment Report, with the following amendments and new conditions added, to ensure all issues raised in the meeting were adequately addressed.

- **NEW CONDITION relating to Timber from felled native trees to be retained on site** - Timber from the approved felling of any native trees during the course of the development of South Tralee is to be salvaged and moved to land in South Tralee zoned E2 – Environmental Conservation.

Details about how timber from the felling of any native trees is to be salvaged and moved must be submitted to, and endorsed by, Queanbeyan-Palerang Regional Council prior to issue of Construction Certificate.

REASON: To provide habitat for native fauna as recommended by the NSW Office of Environment and Heritage. **(56.01)**

- **NEW CONDITION relating to surrender of previous consent**

That development application DA 263-2013, approved by the JRPP on 18 May 2015, known as the concept development, must be surrendered prior to issue of the Subdivision Construction Certificate.

REASON: DA 263-2013 is no longer relevant to the subject land.

- **NEW CONDITION relating to tree retention**

The tree identified as No. 23 on plan 17001472.1 DA042 shall be retained. This will require the regrading of the block bounded by roads 26, 1, 4 and 12. Prior to the issue of the subdivision construction certificate, details of cut and fill of this block shall be provided demonstrating that the tree can be retained. Details of barriers placed around the tree to protect it during construction will be required.

Prior to the issue of Subdivision Construction Certificate, an amended site layout and regrading plan of proposed lots 243, 244, and 245 shall be provided to council showing the tree identified as No. 75 on plan 17001472.1 DA043 retained in a single allotment of sufficient size to allow retention of the tree and construction of a future dwelling.

REASON: To retain trees of significance as recommended by the NSW Office of Environment and Heritage.

- **NEW CONDITION relating to site fill**

Prior to the issue of any Subdivision Construction Certificate, any fill on the site not assessed in the preliminary site assessment by SMEC in December 2013 shall be validated or evidence provided that the fill material is not contaminated.

REASON: To ensure all fill on the site is clean and suitable for residential development.

- **NEW CONDITION relating to the protection of easements**

Prior to the issue of a construction certificate; in respect of any land in the vicinity of the easement benefiting other property owners, the developer must demonstrate that there will be no interference with the easements and use of them, or that an agreement has been entered into with the relevant owners benefiting from the easement for the interference or for the relocation or extinguishment of the easement.

REASON: To ensure easements for adjoining property owners are maintained or re negotiated.

- **NEW CONDITION relating to future infrastructure easements**

Prior to the issue of a subdivision certificate, easements benefiting owners of adjoining land sufficient to permit the construction and use for road water, waste water, and power infrastructure for future stages of development consistent with the South Jerrabomberra staging plan in the South Jerrabomberra DCP must be registered on Title.

REASON: To ensure easements for adjoining properties are maintained for future infrastructure purposes.

AMENDMENTS TO EXISTING CONDITIONS:

- **AMENDMENT to Condition 5:**

- g) incorporate protection measures to ensure the woolshed and shearer's quarters are not damaged during construction, and
- h) maintain safe private vehicle access to adjacent lots during construction.

- **AMENDMENT to Condition 12:**

- h) Detailed landscape plans showing a Plant Schedule, plant numbers and species types and their location within road reserves and public spaces where road construction occurs, street tree planting and public recreation areas that comply with the principles of Appendix 5 of "Planning for Bush Fire Protection 2006".
- j) Detailed cross-sections of Road 1, adjacent to the woolshed, showing proposed services/utility trenches, culverts, existing site levels and design levels of the road, and 10m to the east of the roads, to ensure that road construction works do not adversely impact on the existing woolshed.

- **AMENDMENT to Condition 42:**

Lodge a cash bond, bank guarantee or insurance bond with Council with regard to the defects liability period in an amount as calculated from fees set by Council's Management Plan and current at the time of issue of the Subdivision Certificate; and




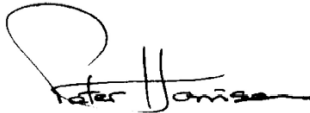

- **AMENDMENT to Condition 46:**

Works associated with the development must comply with recommendations of the Geotechnical Report prepared by Douglas Partners dated 10 July 2015, the Salinity Investigation and Management Plan prepared by Douglas Partners dated 30 June 2015 and a geotechnical report that details the method of treating the impact of the spring and described in Condition 12(i).

REASON: To ensure works are undertaken in accordance with geotechnical recommendations.
(76.01)

ADVISORY NOTE - Recommendations from NSW Police

- Public areas including car parking and sporting fields facilities shall be positioned to have high natural surveillance.
- A landscaping maintenance policy should be established for the development.
- Public car parking areas should not be obscured by landscaping.
- Street trees should not be placed directly under street lighting because when they mature they can block areas of light, creating shadows and dark spaces.
- Entries of all parks and recreation areas should be clearly signposted. Signs should clearly indicate the use of the site both within the site and at entry points. *****(81.01)

PANEL MEMBERS	
 Alison McCabe (Chair)	 Renata Brooks
 Peter Brennan	 Pete Harrison
 Lorena Blacklock	

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	2017STH036 – Queanbeyan -Palerang - DA395-2017
2	PROPOSED DEVELOPMENT	Subdivision of Stage 1 of South Tralee urban release area – creating: 318 residential lots; 9 super-lots for future residential development; 1 super-lot for the future neighbourhood centre; 6 residue lots (open spaces, drainage, road corridor); and public roads.
3	STREET ADDRESS	360A and 360B Lanyon Road, Tralee NSW 2620, 508 Lanyon Drive, Jerrabomberra NSW 2619 and part of Territory Parade and Boundary Road.
4	APPLICANT/OWNER	Village Building Company / Village Building Company and Queanbeyan-Palerang Regional Council
5	TYPE OF REGIONAL DEVELOPMENT	General development > \$20 million, lodged before 1 March 2018
6	RELEVANT MANDATORY CONSIDERATIONS	<ul style="list-style-type: none"> Environmental planning instruments: <ul style="list-style-type: none"> State Environmental Planning Policy No 55 – Remediation of Land State Environmental Planning Policy (Infrastructure) 2007 State Environmental Planning Policy (State and Regional Development) 2011 State Environmental Planning Policy (Rural lands) 2008 Queanbeyan Local Environmental Plan (South Tralee) 2012 (as amended) Queanbeyan Local Environment Plan 1998 (as amended) Draft environmental planning instruments: Nil Development control plans: <ul style="list-style-type: none"> Queanbeyan Development Control Plan 2012 South Jerrabomberra Development Control Plan Planning agreements: State Planning Agreement; and Local Planning Agreement – South Tralee Essential Infrastructure Planning Agreement – executed 19 June 2018 Provisions of the Environmental Planning and Assessment Regulation 2000: Nil Coastal zone management plan: Nil The likely impacts of the development, including environmental impacts on the natural and built environment and social and economic impacts in the locality The suitability of the site for the development Any submissions made in accordance with the Environmental Planning and Assessment Act 1979 or regulations The public interest, including the principles of ecologically sustainable development
7	MATERIAL CONSIDERED BY THE PANEL	<ul style="list-style-type: none"> Council assessment report: 29 June 2017 Written submissions during public exhibition: None Written submission received from Maddocks Lawyers on behalf of Ms Walsh. Verbal submissions at the public meeting: <ul style="list-style-type: none"> Support – Clare Gilligan (Project Director) – Village Building Co
8	MEETINGS AND SITE INSPECTIONS BY THE PANEL	<ul style="list-style-type: none"> Site inspection 2 August 2018 Final briefing meeting to discuss council's recommendation, 2 August at 11:45 pm. Attendees: <ul style="list-style-type: none"> Panel members: Alison McCabe, Renata Brooks, Peter Brennan, Pete Harrison, Lorena Blacklock Council assessment staff: Jacinta Tonner, Charbel Sleiman, Dirk Jol, Mike Thompson
9	COUNCIL RECOMMENDATION	Approval
10	DRAFT CONDITIONS	Attached to the council assessment report