



SOUTHERN REGIONAL PLANNING PANEL ASSESSMENT REPORT

Panel Reference	PPSSTH-115
DA Number	DA.2020.1351
LGA	Queanbeyan-Palerang Regional Council
Proposed Development	<p>Construct Recreation Facilities including:</p> <ul style="list-style-type: none">• a multipurpose sports stadium;• a major sports pavilion between hockey and soccer fields;• a minor sports pavilion between hockey and soccer fields;• a minor sports pavilion between soccer fields;• removal of the Environa stone façade amenity building and the materials to be reused; and• reconstruction of the stone façade building as a bus stop shelter.
Street Address	360A Lanyon Drive TRALEE NSW 2620
Applicant/Owner	Queanbeyan-Palerang Regional Council
Date of DA lodgement	24/07/2020
Number of Submissions	One (1) – submission withdrawn on
Recommendation	Approval subject to conditions
Regional Development Criteria (Schedule 7 of the SEPP (State and Regional Development) 2011	Private infrastructure and community facilities over \$5 million
List of all relevant s4.15(1)(a) matters	<ul style="list-style-type: none">• State Environmental Planning Policy No. 55 Contaminated Land Management• State Environmental Planning Policy (State and Regional Development) 2011• State Environmental Planning Policy (Infrastructure) 2007• Queanbeyan Local Environmental Plan (West Jerrabomberra) 2012• South Jerrabomberra Development Control Plan 2015
List all documents submitted with this report for the Panel's consideration	<ul style="list-style-type: none">• Attachment 1 - Conditions of consent• Amended summary plans
Clause 4.6 requests	N/A
Summary of key submissions	<ul style="list-style-type: none">• Community need• Relationship between DA and REF• Contamination• Building height

	<ul style="list-style-type: none"> • Heritage • Flood planning
Report prepared by	Andrew Connor <small>RPIA</small> Capital Region Planning Philip Bull <small>MPIA</small> Civic Assessments
Report date	7 March 2022 for Determination on 23 March 2022

Summary of s4.15 matters

Have all recommendations in relation to relevant s4.15 matters been summarised in the Executive Summary of the assessment report? Yes

Legislative clauses requiring consent authority satisfaction

Have relevant clauses in all applicable environmental planning instruments where the consent authority must be satisfied about a particular matter been listed, and relevant recommendations summarized, in the Executive Summary of the assessment report? Yes

e.g. Clause 7 of SEPP 55 - Remediation of Land, Clause 4.6(4) of the relevant LEP

Clause 4.6 Exceptions to development standards

If a written request for a contravention to a development standard (clause 4.6 of the LEP) has been received, has it been attached to the assessment report? Not Applicable

Special Infrastructure Contributions

Does the DA require Special Infrastructure Contributions conditions (S7.24)? Not Applicable

Note: Certain DAs in the Western Sydney Growth Areas Special Contributions Area may require specific Special Infrastructure Contributions (SIC) conditions

Conditions

Have draft conditions been provided to the applicant for comment? Yes

Note: in order to reduce delays in determinations, the Panel prefer that draft conditions, notwithstanding Council's recommendation, be provided to the applicant to enable any comments to be considered as part of the assessment report

Appendices**Appendix 1 – Conditions of Consent**

1.0 EXECUTIVE SUMMARY

This development application (the DA) seeks approval for construction of recreation facilities (outdoor and indoor) as defined under the QLEP (West Jerrabomberra) 2013 including:

- a multipurpose sports stadium;
- a major sports pavilion between hockey and soccer fields;
- a minor sports pavilion between hockey and soccer fields;
- a minor sports pavilion between soccer fields;
- removal of the Environa stone façade amenity building and the materials to be reused;
- reconstruction of the stone façade building as a bus stop shelter; and
- landscaping works around buildings, car parking and playing fields.

The DA is also accompanied by a Review of Environmental Factors (the REF) that provides associated works that do not require consent that are:

- Bulk earthworks across the site
- Construction of:
 - four (4) soccer fields
 - two (2) hockey pitches
 - multiple northern playing fields
 - car parking
 - a main access road & internal roads and paths
 - stormwater infrastructure
 - a storage/maintenance shed.
- Installation of:
 - public lighting, including sports field flood lighting
 - utilities
 - fencing
 - irrigation
 - signage.
- Initial landscaping
- Creek remediation.

The REF was adopted by QPRC Council on the 22 September 2021. The REF works were approved/endorsed by Council at its meeting of 22/09/2021 and then again on 09/02/2022, where it was made clear the REF works did not need an EIS and included all works as listed above.

The above works are for a community purpose.

The DA is Regionally Significant Development, over \$5 million (Council owner and applicant) *under the* State Environmental Planning Policy (State and Regional Development). The consent authority is the Southern Regional Planning Panel (The Panel).

The works are located on land zoned RU2 Rural Landscape and IN2 Light Industrial under a July 2020 amendment to the Queanbeyan Local Environmental Plan (West Jerrabomberra) 2013 (the LEP). A portion of the site is zoned E2 Environmental Conservation and environmental protection works are proposed in this location as part of the REF.

A previous Briefing Report was considered by the Southern Regional Planning Panel at a briefing on the 23/11/2021 where the Panel sought legal advice on the relationship of this DA to the REF works, details of the rebuilding of the heritage item on the site, adequacy of landscaping and consideration of flooding.

In this regard an amended DA has been lodged on the 15 February 2022 that:

- Provides advice on the relationship between the REF and DA works, including greater detail on contamination works completed.
- Plans to rebuild the Heritage Item.
- Revised Plans and revised Statement of Environmental Effects.

This report provides for an assessment of the 15/02/2022 Amended DA.

The use and works would be characterized as a Recreation Facility which in the case of each zone is a permissible and desirable form of development in terms of the zone objectives. The surrounding locality is identified for additional housing and the proposed facilities will address the needs created by this new population.

There is an existing Heritage Item (Item Number I1) on the site which is a stone-faced brick structure that will be rebuilt as a bus shelter (plans provided with the amended DA). Councils Heritage Advisory Committee and Councils Heritage Advice has reviewed the proposal and supports the proposed works to the local heritage item.

The proposal is acceptable in terms of other key LEP controls such as building height, floor space, bush fire hazard and ecological risk.

The proposal is acceptable in terms of the relevant DCP controls in respect to parking, landscaping and the visual presentation of the subject buildings and associated works.

In terms of site contamination, the REF ground works were approved and began late 2021 and further information on the progress of that work was provided with the amended DA. In particulars certificates stating the site has been remediated have been provided.

The application was advertised in on Council's website from 3 August to 31 August 20202 in accordance with the QPRC Community Engagement and Participation Plan. During this period one (1) submission was received. The objection raised concerns regarding infrastructure works which formed part of the REF works. The objection has been resolved between QPRC and the land owner, the objection has been formally withdrawn.

An assessment under Section 4.15 of the Environmental Planning and Assessment Act 1979 has been undertaken and the application is recommended for approval subject to conditions-

2.0 INTRODUCTION

2.1 THE SITE AND ITS LOCALITY

The subject land in the area known as North Tralee, NSW – see site plan below.

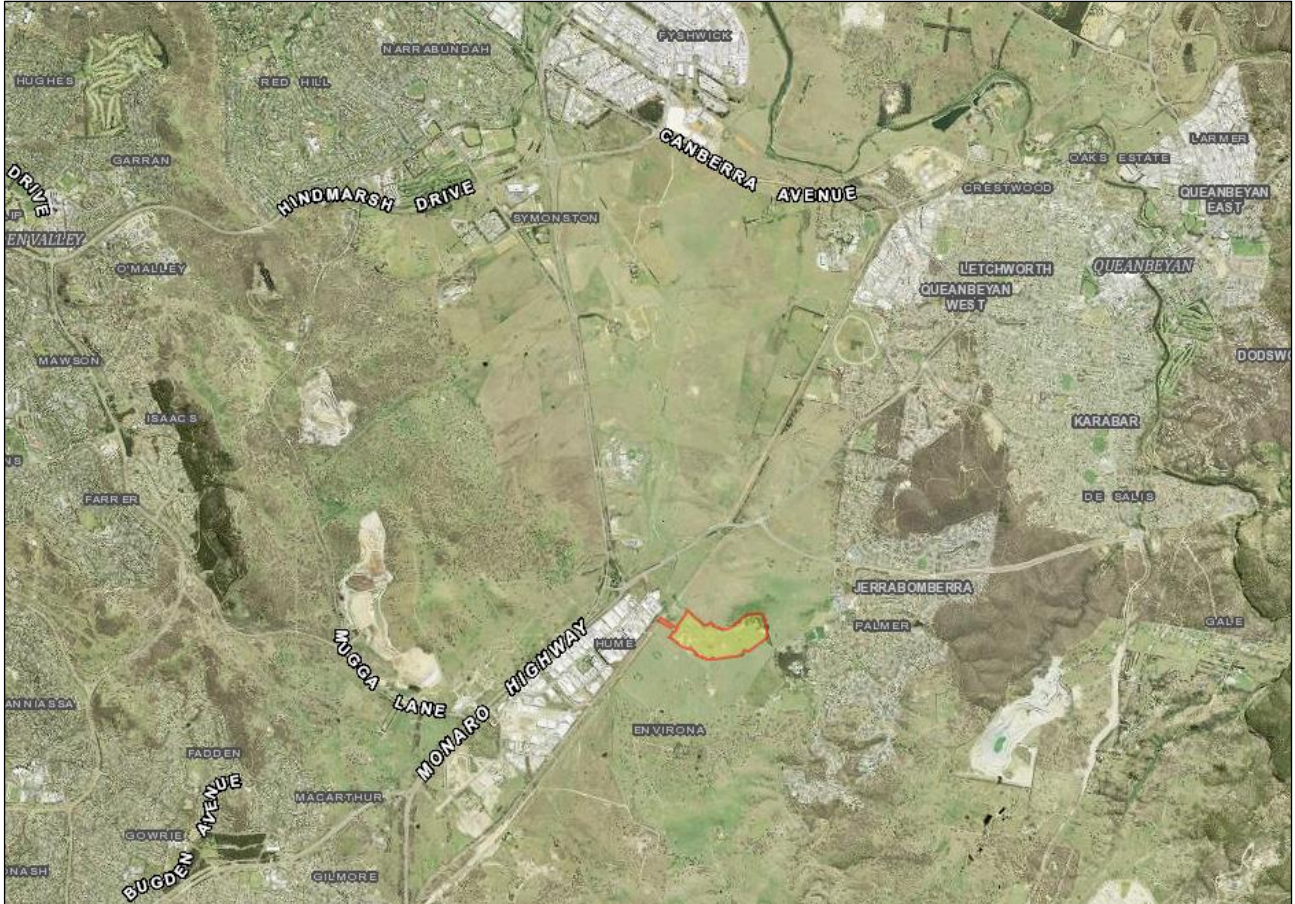


Figure 1: Regional Site Plan, 6maps

The site is to the east of Canberra and to its west is the ACT and NSW Border and Bombala Rail Line.

The works will be located on Lot 1 DP 1271857 also known as 360A Alderson Place, Tralee. The site is primarily undeveloped land and comprises of mounding related to the former Tralee Speedway/Fraser Park Raceway and ½ Mile Speedway.

The site is irregularly shaped and has an area of approximately 17ha. On the northern boundary of the site is the Jerrabomberra Creek – see site plan overleaf.

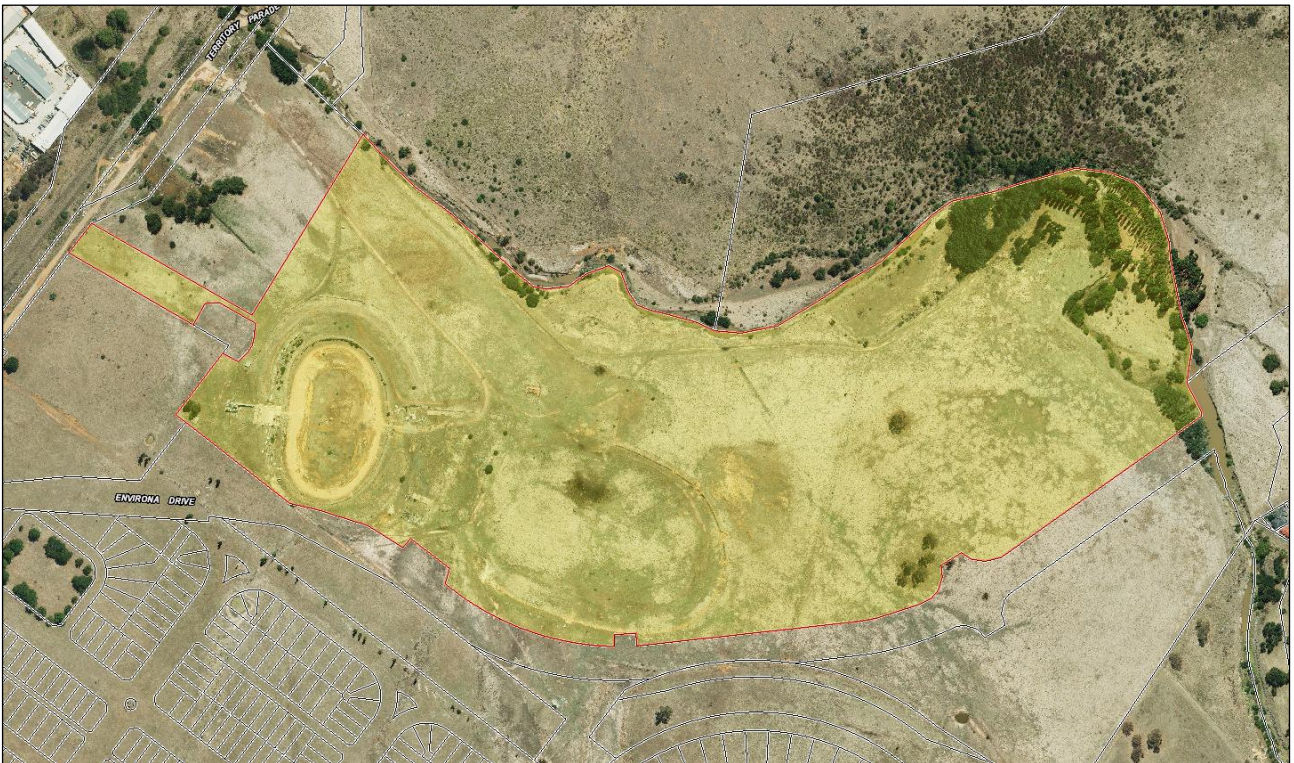


Figure 2: Site Plan, 6maps (Cardno SEE)

Works under the REF have progressed and include removal of all structures from the site, with the exception of the dilapidated stone-faced brick heritage listed building built as a toilet facility in 1928.

Access to the site is provided by Environa Drive, which is currently constructed as a two-lane road (one in either direction).

The site is located approximately 7.5 km south of the Canberra International Airport. It is within the 20-25 Australian Noise Exposure Forecast (ANEF) contour.

2.2 DESCRIPTION OF PROPOSAL

This development application (the DA) seeks approval for construction of recreation facilities (outdoor and indoor) as defined under the QLEP (West Jerrabomberra) 2013 including:

- a multipurpose sports stadium;
- a major sports pavilion between hockey and soccer fields;
- a minor sports pavilion between hockey and soccer fields;
- a minor sports pavilion between soccer fields;
- removal of the Environa stone façade amenity building and the materials to be reused;
- reconstruction of the stone façade building as a bus stop shelter; and
- landscaping works around buildings, car parking and playing fields.

Summary images of proposed buildings are below. See site plan below for siting of the 4 buildings sought.

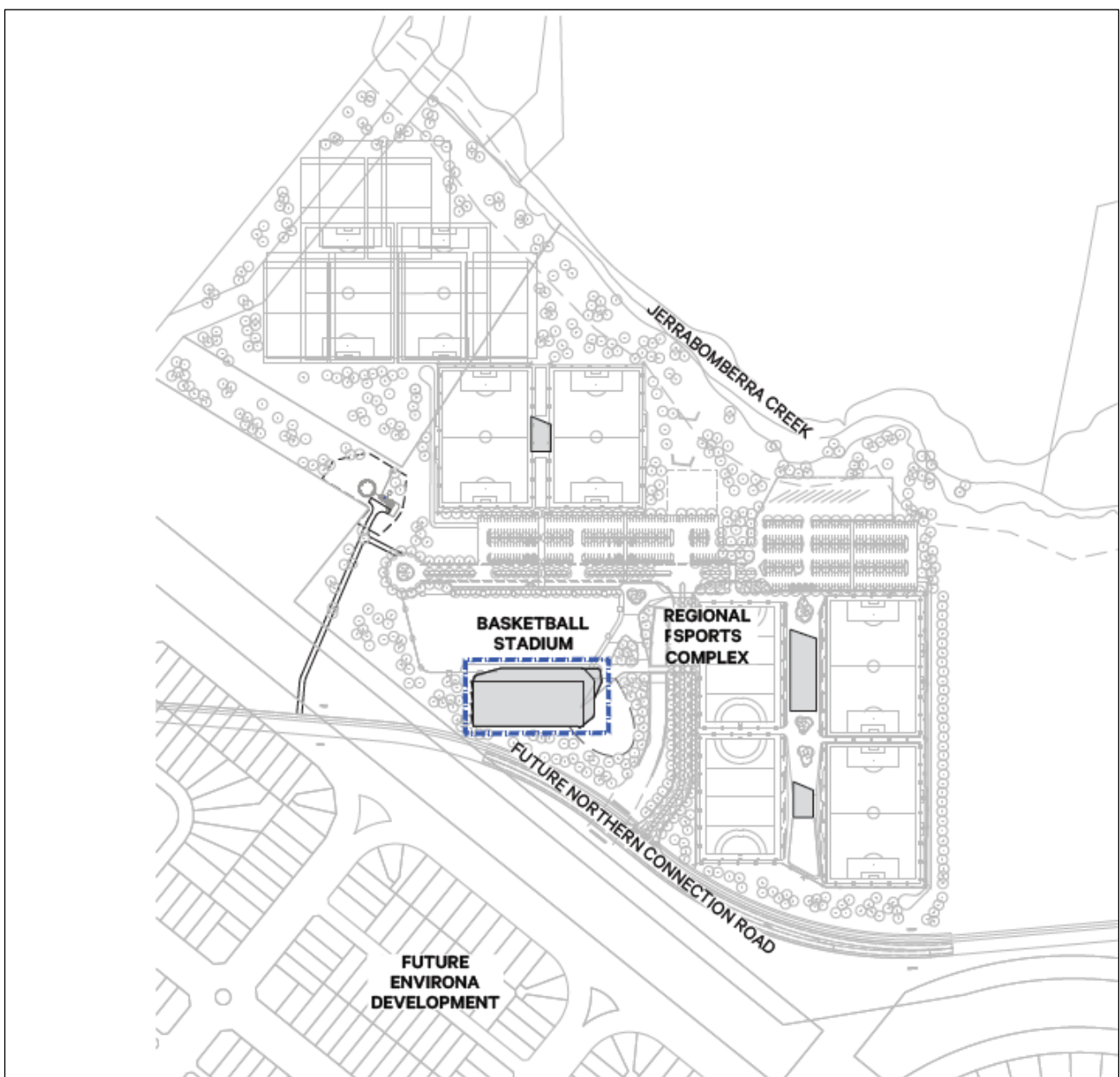


Figure 3: Site Plan, Oxygen architectural plans DA.2020.1351 submission

Submitted imagery or the main pavilion and basketball stadium sought is provided below and overleaf.

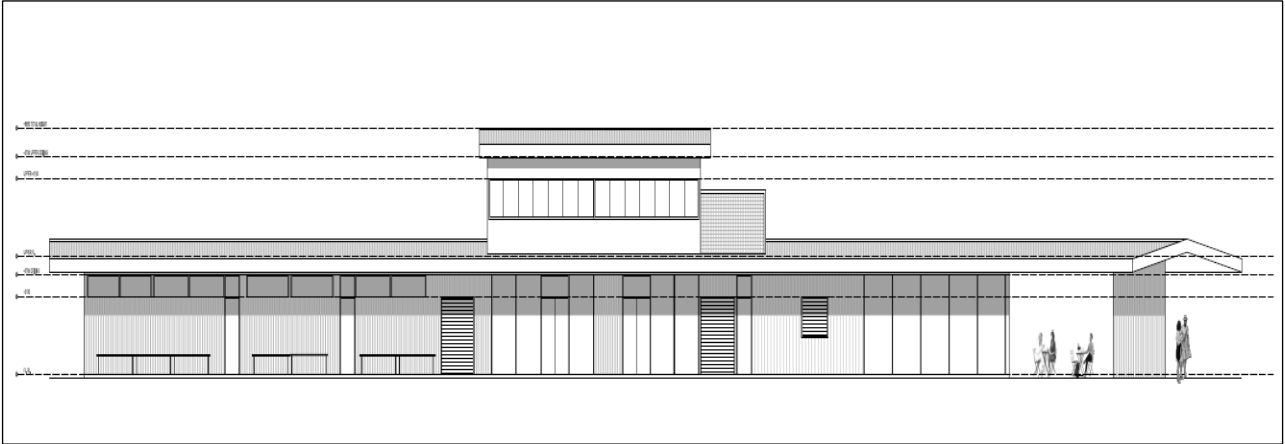


Figure 4: The Main Pavilion, PWA Surveying plans DA.2020.1351 amended submission



Figure 5: The Basketball Stadium, Oxigen architectural plans DA.2020.1351 submission



Figure 6: Imagery of reconstructed Heritage Item as a bus shelter.

The REF works that were approved by Council at its meeting of 22/09/2021 and confirmed in the meeting of 09/02/2022, in effect provide the curtilage to the proposed buildings. These works are as illustrated in an early Concept Plan for the site provided below (proposed buildings shown as white).

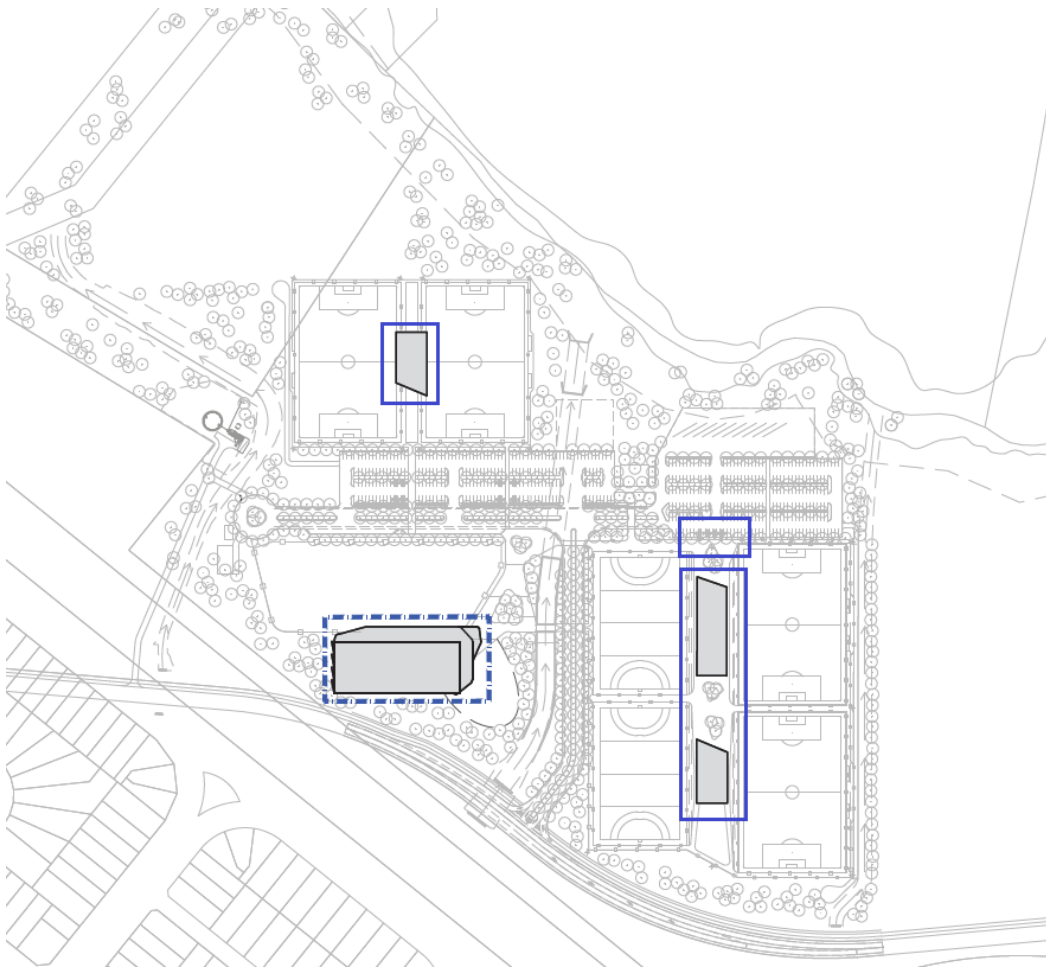


Figure 7: Concept Plan, Queanbeyan-Palerang Regional Council (Oxygen Drawing Set)

2.3 BACKGROUND

The former Queanbeyan Council resolved in 2012 to undertake detailed planning for a new sports complex in the Jerrabomberra area. A Master Plan for this purpose was completed for the site in 2019.

In 2017 a Planning Proposal was initiated to rezone the site to facilitate the planned sports complex. That Planning Proposal was gazetted on 14 July 2021 as an amendment to the Queanbeyan Local Environmental Plan (West Jerrabomberra) 2013 (the LEP). These changes allowed for the current zoning pattern and associated controls for the site and this LEP amendment was made without a Saving Provisions; therefore, it applied to current DAs such as the subject application.

The effect of the 14 July 2021 amendment to the LEP was to provide a zoning pattern consistent with the urban fringe location where there are numerous existing and new urban housing precincts planned and underway. The amendments to the LEP did not incorporate savings provision and accordingly the LEP zoning is deemed to apply to the site and DA.

The REF works were considered by Council at its meeting of 22/09/2021 and it resolved that:

“9.9 Review of Environmental Factors - Regional Sports Complex - Environa

RESOLVED (Biscotti/Schweikert)

That pursuant to Division 12 of SEPP (Infrastructure) 2007 and Section 5.5 of the Environmental Planning and Assessment Act 1979, Council adopt the Review of Environmental Factors for the Regional Sports Complex for the completion of bulk earthworks,

stormwater infrastructure and below ground services and endorse all of the mitigation measures recommended therein. The resolution was carried unanimously.”

(MINUTES - ORDINARY MEETING OF COUNCIL 22 SEPTEMBER 2021)

On 10 December 2021 Council received legal advice regarding the relationship between the Part 5 REF approval and the Part 4 Development Application. This advice has been reviewed with Council Staff and the assessment report has been amended to address the commentary in the legal advice.

To assist the SRPP members make its determination the following legal advice was provided:

General Advice

The proposal to develop the RCS using a combination of Part 4 and Part 5 of the EPA Act is similar to the approach taken by many councils in carrying out significant infrastructure projects. The fact that some work may be taken under Part 5 of the Act does not, however, mean that the impacts of such works do not also need to be considered as part of assessing the likely impacts of the development under s.4.15 of the Environmental Planning and Assessment Act 1979 (EPA Act). And

...as the REF works are exempt from the need for consent and have already been considered under Part 5, they do not form part of the DA and will not therefore be works included in any consent given by the Panel under Part 4 of the EPA Act. However, for the reasons explained in the Court of Appeal's decision in Hoxton Park, the Part 5 works may still be a relevant consideration in the assessment of a development application under Part 4 of the Act if the impact of the works can fairly be said to be a 'likely impact of the development' under consideration.

Is there a temporal relationship between when the REF and the DA are approved?

- (a) Must the REF works be completed before the DA can be considered?**
- (b) Is there any impediment to the works under the REF and DA being carried out concurrently?**

There is no necessary temporal relationship between the works being carried out pursuant to the REF compared to those being undertaken pursuant to any consent given to the DA. If the works under the REF can be undertaken by the Council pursuant to the Infrastructure SEPP it is, of course, able to commence those works. There is also no requirement that the REF works must be completed before the DA can be considered and there is no reason why the works under the REF and DA may not be carried out concurrently.

Can the Panel rely on certification from a certified contaminated land consultant where Category 2 remediation works have been undertaken and remediation does not trigger Category 1 remediation works for compliance under SEPP 55?

To meet the requirements of SEPP 55 in this case, the Panel is required to be satisfied that one of the circumstances listed in cl. 7(1) of SEPP 55 are met and consider a report which specifies the findings of a preliminary investigation (PSI) for the land under cl.7(2). We anticipate that certification from a contaminated land consultant, in addition to the findings of the PSI, would reasonably satisfy the Panel as to compliance with SEPP 55.

.. a preliminary investigation report was commissioned by the Council which recommended that category 2 remediation works be undertaken. Development consent for category 2 remediation works is not required, and the likely impacts of the proposed works were therefore considered in the initial review of environmental factors. We are instructed that these works have now been completed and that a certificate which verifies that the site is now suitable for recreational use has been issued .

The manner and extent to which the SEPP 55 matters must be considered is not prescribed. However, provided that the Panel has considered the findings of the PSI and formed the requisite state of satisfaction under cl. 7(1), then the requirements of the SEPP will be met. It would be open to the Panel to rely on a certification letter prepared by an appropriate qualified person as part of that process.

To this extent and to avoid any confusion, it is recommended that a condition of consent requires a Site Audit Statement (SAS) and Site Audit Report (SAR) must be prepared by an accredited site auditor and be submitted to Council stating unequivocally that the site has been remediated and validated to allow it to be used for its designated land use.

The 22/09/2021 resolution in terms of the REF was considered vague and the works were again reported to Council and 09/02/2022 resolved that:

“9.6 Determination Report - Review of Environmental Factors - QPRC Regional Sports Complex - Envirodrive Drive 058/22

RESOLVED (Taskovski/Biscotti)

That Council:

- 1. Is satisfied that, as recommended in the REF, the project does not require the preparation of an environmental impact statement.*
- 2. Grant approval for the Queanbeyan- Palerang Regional Sports Complex on Lot 6 DP 239080, Lot 1 DP 313299 and Lot 1 DP 213249 subject to the mitigation measures detailed in the Review of Environmental Factors prepared by Cardno dated 7 September 2021 and the additional conditions 1 to 8 detailed in this report.*
- 3. Note that the following works at the Queanbeyan-Palerang Regional Sports Complex are covered by this determination report:*
 - Bulk earthworks across the site*
 - Construction of:*
 - four (4) soccer fields*
 - two (2) hockey pitches*
 - multiple northern playing fields*
 - car parking*
 - a main access road & internal roads and paths*
 - stormwater infrastructure*
 - a storage/maintenance shed.*
 - Installation of:*
 - public lighting, including sports field flood lighting*
 - utilities*
 - fencing*
 - irrigation*
 - signage.*
 - Initial landscaping*
 - Creek remediation.*

The resolution was carried unanimously.)”

(MINUTES - ORDINARY MEETING OF COUNCIL 9 FEBRUARY 2022)

The Ref Works are approved and described previously. These works form the curtilage to the proposed buildings and provide for playing fields, car parking, access roads (internal and main access), stormwater, bulk earth works, utilities, fencing, landscaping, Creek remediation and site remediation in terms of site contamination.

On 15 February 2022 the applicant submitted an Amended DA which included additional information, new and amended plans. This submission for the basis of the assessment report.

3.0 Consent Authority

In accordance with the Environmental Planning and Assessment Act 1979 (The Act) the proposal is Regionally Significant Development, and the Southern Regional Planning Panel is the Consent Authority.

4.0 REGULATORY EVALUATION

4.1 SECTION 4.10 DESIGNATED DEVELOPMENT – EP&A Act, 1979

The proposal is not designated development.

4.2 SECTION 4.47 INTEGRATED DEVELOPMENT – EP&A Act, 1979

The proposal is not integrated development, noting the below Acts.

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

The REF works, that are approved, deal with new roads and work near the Jerrabomberra Creek

4.3 Referrals

INTERNAL REFERRALS

Engineering Comments

Council's Development Engineer provided below the below comments. It is noted that Council's Development Engineers commented on the entire suite of proposed works which encompasses the REF and DA submission:

"Proposal"

Construction of a sports complex adjacent to the new release of Stage 1A of Tralee on Lot 6 DP 239080, Lot 1 DP 213249 and Lot 1 DP 313299. The proposed Queanbeyan-Palerang Regional Sports Complex (QPRSC) is to deliver a high quality and cohesive sporting precinct, including a basketball stadium, major sports pavilion, two minor sports pavilions, hockey and soccer sports fields, new shared pathways, vehicle connections and internal movement, car parking, built form and supporting amenities.

The proposed sports fields and courts proposed for the QPRSC precinct are;

- 4 Basketball courts,
- 2 Hockey fields,
- 4 Soccer fields, and
- 6 Rugby League/Union fields.

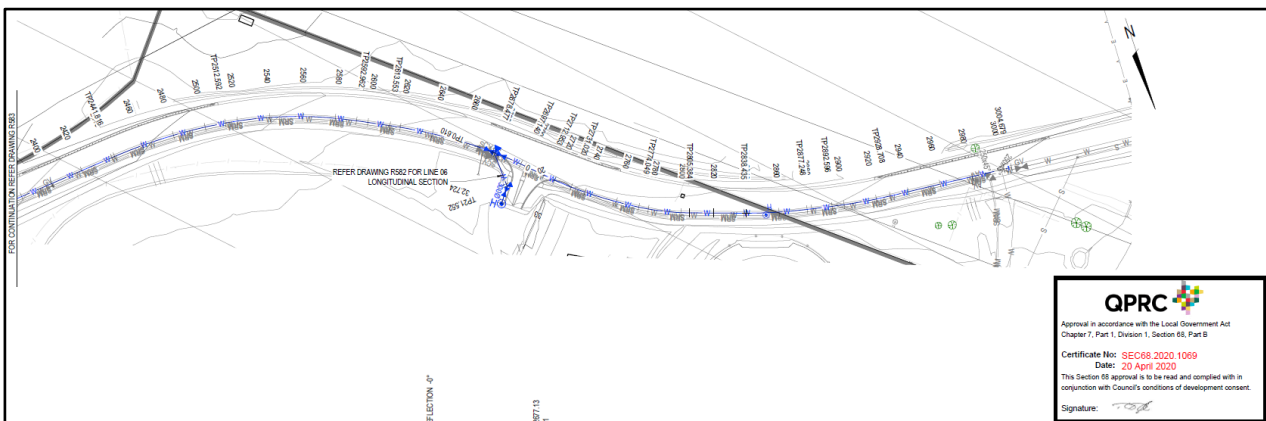
Water

The development site is not currently serviced by any connection to the South Jerrabomberra water network.

A new local water supply 300mmØ DICL water main will be located adjacently to the south within the Northern Entry Road reserve corridor, which will run parallel with the 225mmØ potable water main to the reservoir. A future 300mmØ DICL connection is provided and reference as Line 06 terminating at a hydrant. In addition, there is a proposal for connection to a new recycled water main installed as separate infrastructure. The design of the new irrigation system will be coordinated with Council representatives overseeing the design of the new recycled water treatment plant and distribution system.

The size of the new 300mmØ DICL and hydrant water main, connecting water service required for the basketball stadium, major sports pavilion, two minor sports pavilions and recycled water system for playing field irrigation is to be calculated by a specialist hydraulic consultant specifying the required service size suitable for functionality.

The local 300mmØ DICL water main and connection locations can be identified on the SEC68.2020.1069 approval plan by Calibre Local Water Supply Plan 17-001472 Sheet 5 of 5 R584 Issue B.



Proposed Water Utilities Plan – 360A Lanyon Drive, Tralee

Sewer

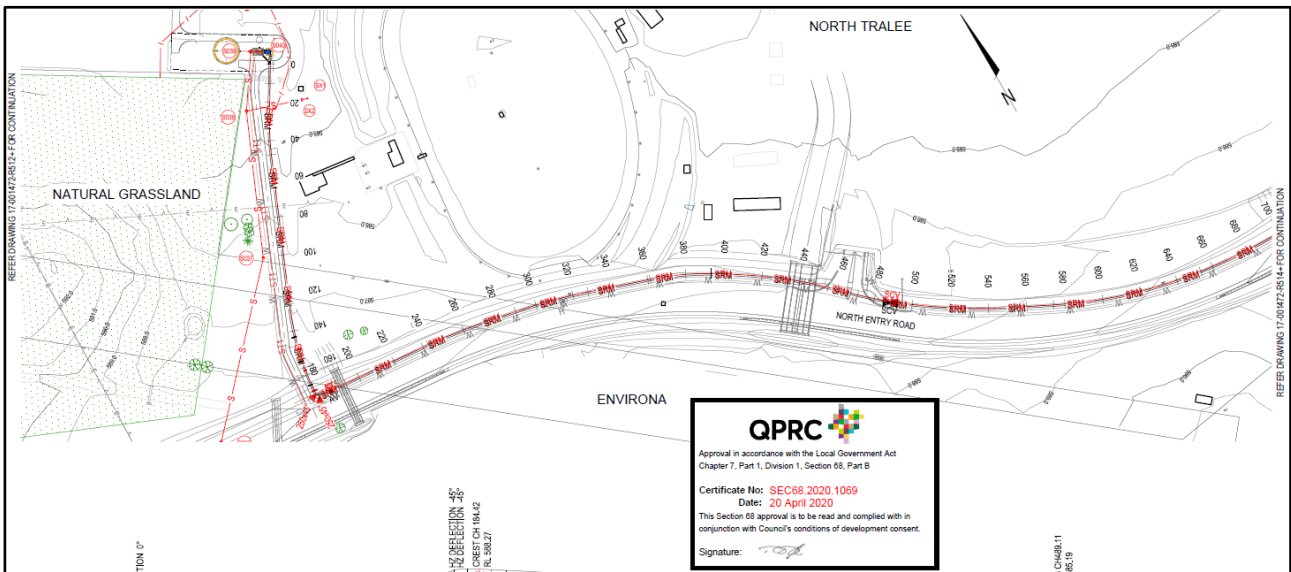
The development site is not currently serviced by any connection to the Queanbeyan West sewer network.

A new sewer pumping station located adjacently to the west is proposed to service the QPRSC, discharging to new 250mmØ sewer rising main and infrastructure within the Northern Entry Road reserve corridor.

The sewer pump station and rising main locations can be identified on the SEC68.2020.1069 approval plan by Calibre Sewer Plan And Profile 180Ø Temp & 250Ø Ultimate Rising Main 17-001472 Sheet 1 of 4 R513 Issue H.

In accordance with Water Services Association Australia Sewerage Pumping Station Code WSA 04-2005 any new rising mains up to and including 100mmØ shall be uPVC material pipe.

The QPRSC site will be serviced a new gravity sewer main and connection to the new pumping station.



Proposed Sewer Utilities Plan – 360A Lanyon Drive, Tralee

Storm Water

The proposed development of the site is likely to increase runoff, thus a stormwater management plan demonstrating the proposed development can maintain pre-development runoff flow for both 20% and 1% storm events is required in accordance with Council's D5 Stormwater Drainage Design specification, and provision for onsite stormwater detention (OSD) and water quality in accordance with Council's D7 Erosion Control and Stormwater Management Design specification and corresponding computer modelling.

Referring to Section 4.4 of the Statement of Environment Effects as prepared by Cardno Pty Ltd dated 24 July 2020, the following methodologies have been implemented to capture and filter stormwater runoff prior to being mechanically filtered and treated before being stored onsite for re-use;

- Car park pavements are generally drained to landscape buffer zones for filtering before being piped to retention tanks,
- Road pavements are picked up at the kerbs with minimal filtration offered,
- Roof runoff shall be collected and piped to the retention tanks. Consideration shall be given to providing separate piped systems to convey the clean roof water to the retention tanks as they will require significantly less filtering and treatment,
- Stormwater runoff from the fields shall be collected in the subsoil system and perimeter drains before being collected in the retention tanks.

Three trunk drainage channels are located within the QPRSC site to convey stormwater runoff from the South Tralee Development through the site to Jerrabomberra Creek.

Erosion and Sediment Control

An Erosion and Sediment Control Plan (ESCP) will be required for any works causing surface cover disturbance. An ESCP will be required to be submitted with the construction certificate. A Soil and Water Management Plan (SWMP) will be required to be implemented by the property owner for any works causing surface cover disturbance. This requirement applies for all stages of development.

Referring to Section 4.5 of the Statement of Environment Effects as prepared by Cardno Pty Ltd dated 24 July 2020, recommends stormwater diversion channels be formed in the early stage of the construction phase due to the large extent of the earthworks.

Traffic and Parking

The site shall meet the requirements of AS/NZS 2890.1-2004 Parking Facilities Off-Street Car Parking, AS/NZS 2890.6-2009 Off-Street Parking for People with Disabilities, and Queanbeyan DCP 2012 Clause 2.2. All parking spaces must meet the functionality of the Australian Standard as a minimum.

Referring to Section 4.2 of the Statement of Environment Effects as prepared by Cardno Pty Ltd dated 24 July 2020 and Traffic and Parking Assessment as prepared by TTW in May 2020 the parking requirements for the QPRSC have been assessed based provisions of similar facilities within the QPRC Local Government Area and the ACT. The Traffic and Parking Assessment Based states that upon completion of the QPRSC development, 328 car spaces would be required based on the following parking provisions;

- Basketball - 7 car spaces per court (4 courts = 28 car spaces),
- Hockey - 20 car spaces per field (2 fields = 40 car spaces),
- Soccer - 20 car spaces per field, (4 fields = 80 car spaces) and
- Rugby League/Union – 30 car spaces per field (6 fields = 180 car spaces).

Subsequently, the proposed QPRSC development provides a total of 300 car parking spaces for Phase 1 of the DA which does not include the Basketball courts. However, the ultimate development which includes an Aquatic Centre (not part of this DA) provides 448 car parking spaces, 19 DDA complaint car parking spaces and 7 buses, making provision for a further 100 car parking spaces or 9 buses to the north of soccer fields.

There are five (5) disabled car parking spaces provided throughout QPRSC car parks located adjacent to the main sports pavilion.

Entrance and Access

In accordance with the Queanbeyan DCP 2012 Clause 2.2 Parking, specifically the access to the various QPRSC car parks must demonstrate two way or separate access and egress allowing all vehicles to enter and leave in a forward direction.

The internal roads and access from the Northern Entry Road appears to have been designed based on passenger vehicle manoeuvrability and car park functionality for B99 vehicle and coaches with separate access and egress allowing all vehicles to enter and leave the QPRSC in a forward direction.

Referring to Section 4.2 of the Statement of Environment Effects as prepared by Cardno Pty Ltd dated 24 July 2020 and Traffic and Parking Assessment as prepared by TTW in May 2020 indicates a maximum average peak weekend volume of 240 vehicles per hour (478.68 AADT) where all junior and senior sports are played, and the Northern Entry Road intersection geometry as developed with QPRC, Calibre/Spiire, VBC and TTW is deemed compliant for this development.

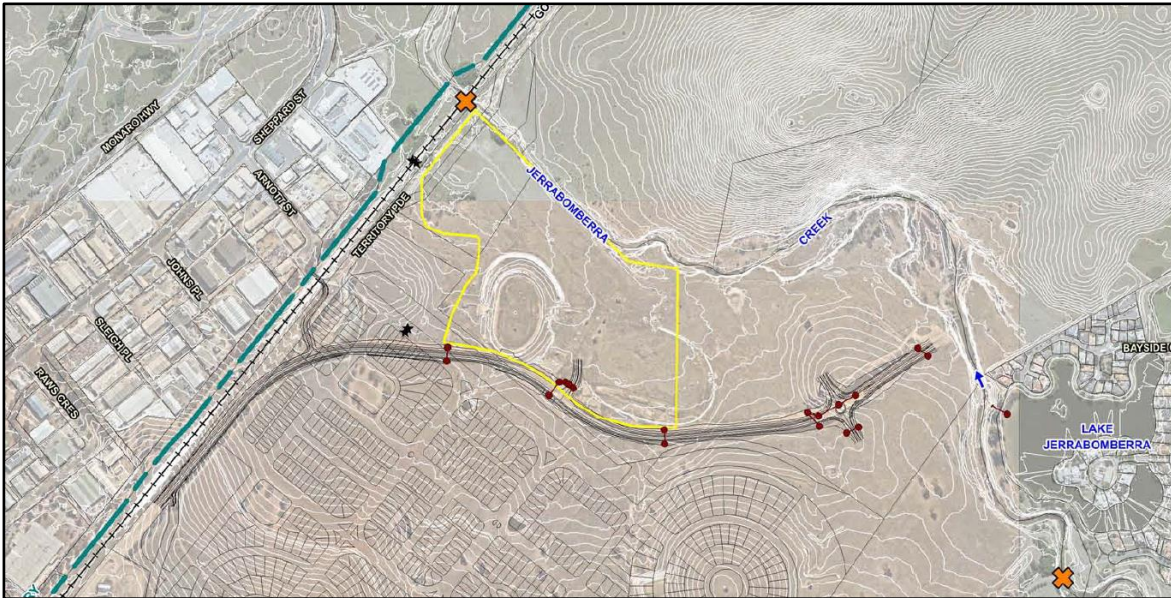
Flooding

The QPRSC development is within the 1% AEP Flood Area. The submitted Statement of Environment Effects as prepared by Cardno Pty Ltd dated 24 May 2020 and Flood Impact Assessment as prepared by Lyall & Associates (L&A) dated March 2020 states the greater site is located adjacent to Jerrabomberra Creek and is subject to flooding.

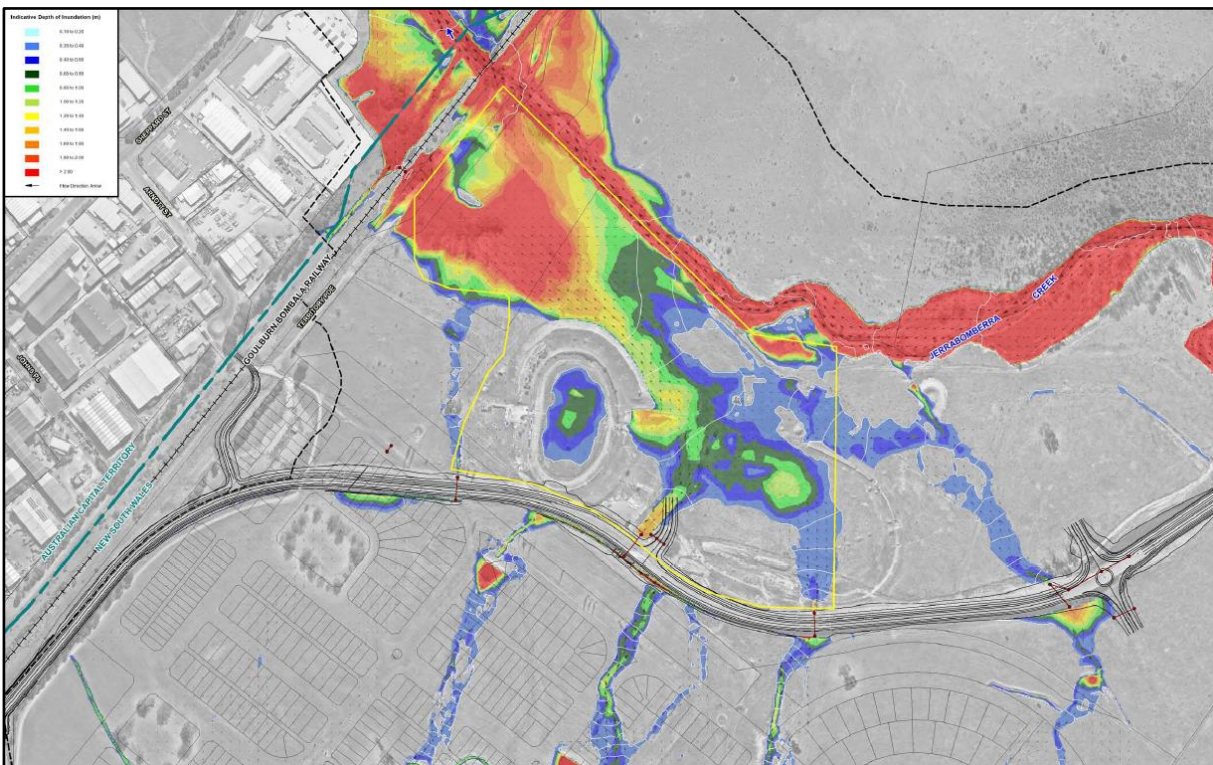
L&A has used the existing flood information for the area to develop a layout, drainage network and respective levels of the complex that protects the synthetic fields, car parking, basketball stadium and high-quality turfs fields from inundation during flood events up to the 1% AEP storm by allowing the lower quality fields to the north of the site to flood in larger storm events.

The proposed basketball stadium and major and minor pavilions are not impacted by flooding from a 1% AEP storm event.

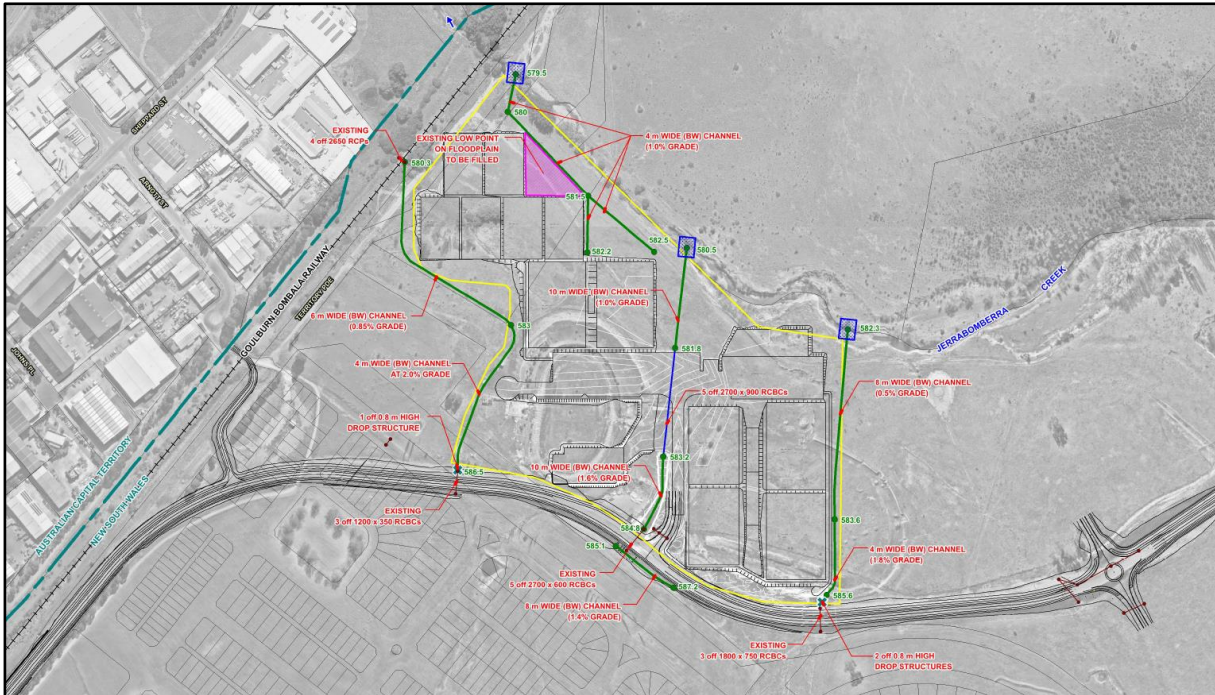
- Main Sports Pavilion FFL RL585.65m,
- Minor Sports Pavilion FFL RL586.25m,
- Minor Sports Pavilion FFL RL583.65m,
- Basketball Stadium FFL RL585.65m.



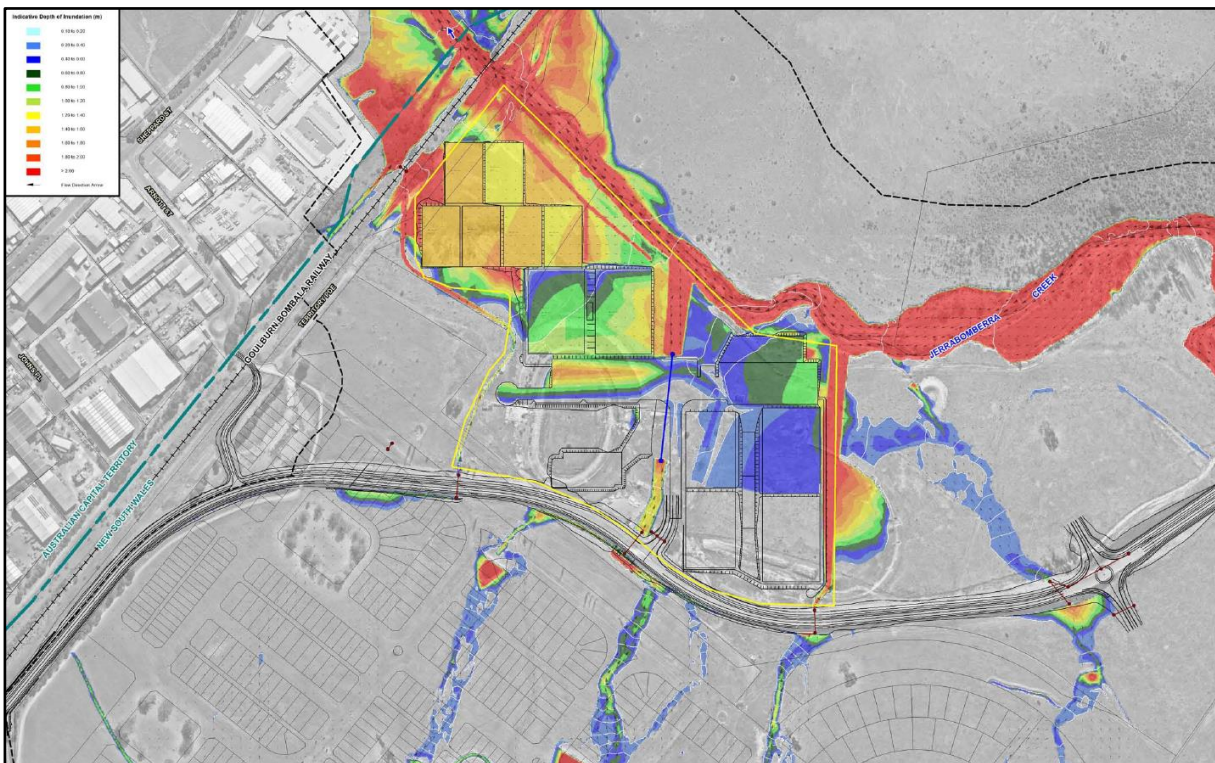
Natural Water Course – 360A Lanyon Drive, Tralee



1% AEP Flood Area and Depth of Inundation (pre-development) – 360A Lanyon Drive, Tralee



Stormwater Drainage Strategy – 360A Lanyon Drive, Tralee



1% AEP Flood Area and Depth of Inundation (post-development) – 360A Lanyon Drive, Tralee

DEVELOPMENT CONTRIBUTIONS SEC.7.11

Section 7.11 contributions do not apply to this public facility and community development.

ENGINEERING CONDITIONS

The following conditions may apply to the Queanbeyan-Palerang Recreational Sports Complex (QPRSC) basketball stadium, major and minor pavilions, hockey and soccer fields, shared

pathways, vehicle connections and internal movement access, car parking, built form and supporting amenities:

		Which is applicable
<u>Specialised Development</u>	Project cost is \$30,000,000*. Specialised development applications that have an itemised cost estimate exceeding \$5,000,000 are to be referred to the Southern Region Planning Panel.	✓
<u>Queanbeyan-Palerang Recreational Sports Complex Development</u>	DA.05.02, DA.05.13, DA.06.01, DA.06.03, DA.06.13, DA.06.15, DA.08.01, DA.08.02, DA.08.04, DA.09.01, DA.09.02, DA.09.16, DA.09.19, DA.09.20, DA.09.28, DA.09.29, DA.09.31, DA.09.32, DA.10.17, DA.10.89, DA.10.010, DA.10.011, DA.10.102, DA.10.124, DA.10.125, DA.10.128, DA.10.130, DA.11.03, DA.11.15, DA.11.24, DA.11.54, DA.12.01, DA.12.03, DA.12.04, DA.12.09.	✓

“

The conditions recommended by Council' engineer have been reviewed, considered appropriate and imposed in the recommended conditions of consent.

Heritage

The proposal was considered at Council's Heritage Advisory committee on the 20/12/2020 and they advised:

Resolved (Loft/ Riley)

QPRC HAC 05/20 That the Committee support the option to re-purpose the old amenity block into an interpretation hub and gathering space on site as outlined in the Cultural Heritage Interpretation Plan.

Council's Heritage Advisor has reviewed the proposed design of the reconstructed heritage listed amenities building as a bus shelter and supports the proposed design stating:

“The former Tralee amenities building had fallen into ruined condition in the decades since its active phase.

However it retained some interesting characteristics in the surviving walls that included early use of Canberra red brick that was faced on the outside with a particularly attractive field stone. The walls included distinctive arched openings, and on the corners the brick and stone laminated wall had been angled outwards to form a buttress that added both visual and structural strength to the relatively small building.

The building's structural failure was probably due to multiple factors including its weight relative the bearing capacity of the ground, and overall the structure was assessed as beyond feasible salvage.

The conservation strategy has been to utilise the salvaged stone and some of the key design elements of the former amenities building to create a new structure that will continue to serve the next generation of sporting fans. This can be seen in the internal redbrick facing, the salvaged stone on the exterior of the wall, the inclusion of arched openings and the use of angled buttresses at the corners.

The proposed shelter is a very good example of the way in which key attributes of a redundant and problematic heritage structure can be reinterpreted in a modern and sympathetic way."

Accordingly, the proposed development is supported on heritage grounds.

EXTERNAL REFERRALS

Essential Energy

No comment.

NSW Heritage – Integrated development

The proposal was referred to the NSW Heritage office and the below comment received on the 11 August 2021:

"Thank you for referring the above integrated development application (IDA) to our office. We understand that Council is seeking our general terms of approval (GTAs) pursuant to s4.46 of the Environmental Planning and Assessment Act 1979 (EP&A Act).

Heritage NSW previously issued two requests for additional information on 17 September 2020 and 25 January 2021. The requests related to requiring the results of test excavations to adequately assess the impact of the development.

On 11 August 2021, Heritage NSW received additional information via the Concurrence and Referral (CNR) planning portal in response to our requests. We have reviewed this additional information and note the archaeological investigations have not identified any Aboriginal objects within the area proposed for impact by the development.

It is stated in s.4.46(2)(a) of the EP&A Act that development is not integrated development in respect of an Aboriginal Heritage Impact Permit under Part 6 of the National Parks and Wildlife Act 1974 (NPW Act) unless an Aboriginal object is known, immediately before the development application is made, to exist on the land to which the development application applies.

Accordingly, based on the additional information now provided, our understanding is that since there are now no known Aboriginal objects proposed to be impacted by the development, the development is not integrated for the purposes of the NPW Act and so we cannot provide GTAs.

We remind Council and the applicant that all Aboriginal objects are protected under the NPW Act and it is an offence to harm any object without a valid defence. If harm to Aboriginal objects cannot be avoided, an Aboriginal Heritage Impact Permit (AHIP) will need to be approved by Heritage NSW before work may proceed.

Should Council provide approval for the development, we suggest the following conditions of consent to ensure compliance with legislation is in place to protect Aboriginal sites and objects

and ensure that no additional harm is caused should Aboriginal cultural heritage values be encountered:

Recommended Conditions of Consent for Aboriginal cultural heritage:

- *No Aboriginal objects may be harmed without an approval from Heritage NSW.*
- *If any Aboriginal object(s) is discovered and/or harmed in, or under the land, while undertaking the proposed development activities, the proponent must:*
 - o *Not further harm the object*
 - o *Immediately cease all work at the particular location*
 - o *Secure the area so as to avoid further harm to the Aboriginal object*
 - o *Notify Heritage NSW as soon as practical on 131 555 or emailing info@environment.nsw.gov.au, providing any details of the Aboriginal object and its location*
 - o *Not recommence any work at the particular location unless authorised in writing by Heritage NSW.*
- *If harm to Aboriginal objects cannot be avoided, an application for an Aboriginal Heritage Impact Permit (AHIP) must be prepared and submitted to Heritage NSW before work may continue.*
- *In the event that skeletal remains are unexpectedly encountered during the activity, work must stop immediately, the area secured to prevent unauthorised access and NSW Police and Heritage NSW contacted.”*

The above comments are noted, and the conditions recommended included in the proposal's recommendation.

The Heritage NSW Office also issued an Aboriginal Heritage Impact Permit (see AHIP number: 4791) in respect to the proposal that is referenced in the recommended conditions to consent.

NSW Police

The proposal was referred to the NSW Police and the below comment received on the 18 August 2021:

“3. Crime risks and identified issues

3.1. The current/trending crimes that are impacting the local area and that should be considered within this development application process are steal from motor vehicles, break and enters and malicious damage. It should be noted that the incidents of these offences are not higher than the average of the Monaro Police District, only that they are occurring and should be taken into consideration.

3.2. Crimes that the current proposed development application will introduce or facilitate within this space are only those crimes that are already occurring and as stipulated above in

3.3. Other identified issues that could occur are traffic flow problems when there is a big sporting events at the location and noise complaints.

4.Recommendations

Due to the nature of the development, identified crime risks and issues, we recommend the following:

- *I note that there is a site security plan that outlines placement of CCTV cameras. This itself is very beneficial to preventing crime, I would like to suggest however, to add further cameras within the carpark, from experience car parks are a common location for steal from motor vehicles offences to occur, having a CCTV camera at this location (as well as all the other places stipulated) will offer a strong deterrence for would-be offenders.*
- *I note that the Planning Application and Statement of Environmental Effects covers off such topics as site security, natural surveillance, management and maintenance, lighting, parking, pedestrian movement, vehicle movement,*
- *I note that the Statement of Environmental Effects states that graffiti resistant paint or materials be used and that Queanbeyan Palerang Regional Council has been nominated as the responsible body to maintain the sporting complex.*
- *There should be consideration of a back to base alarm encompassing motion sensors inside the buildings (if not already considered).*
- *I note that the Statement of Environmental Effects states that no landscaping is proposed as part of this development application. However I would like to state that if landscaping is considered at a later date it should be noted and to be taken into consideration that although landscaping can be used to enhance the appearance of the development and assist in reducing opportunities for vandalism. Landscaping can also provide concealment or entrapment areas for people involved in criminal behaviour and also restrict natural surveillance. Some predatory and opportunistic offenders seek pockets and enclosures created by vegetation/landscaping. When selecting and maintaining vegetation, consideration should be given to the possibility of areas becoming entrapment sites in the future. A safety convention for vegetation is: lower tree limbs should be above average head height, and shrubs should not provide easy concealment (I.E keep under 70cm of height)."*

Comment

General conditions seeking additional CCTV cameras, particularly in the car park, and back to base alarm encompassing motion sensors inside the buildings are agreed and conditions to this effect are recommended. The concern raised about landscaping is also addressed in the separate REF approvals.

Transport for NSW

The proposal was referred to Transport for NSW and the below comment received on 26 August 2020:

Transport for NSW (TfNSW, formally Roads and Maritime Services) refers to your correspondence dated 10 August 2020 regarding the subject development application.

TfNSW has completed an assessment of the development, based on the information provided and focusing on the impact to the state road network. For this development, the key state road is Lanyon Drive.

From a state road perspective, TfNSW does not believe the development will have a significant impact on the state road network and supports the proposed shared path along the Future Norther Connection Road. On the basis, TfNSW does not object to the development from a state road perspective.

Please be advised that additional comments will be provided in accordance with the relevant rail provisions under the ISEPP."

As indicated previous the REF approvals include traffic, car parking and vehicular access to the site. It is noted that TfNSW does not raise concerns regarding these matters. Furthermore, the ISEPP matter relates to the REF approvals.

4.4 SECTION 4.14 Consultation and development consent – certain bushfire prone land – EP&A Act, 1979

Section 4.14 of the EP&A Act requires an assessment to be made of the proposal against the requirements of the Rural Fire Service document 'Planning for Bushfire Protection 2019'. The Act allows this assessment to be made by the Council or the RFS. Assessments under Section 4.14 against the PBP 2006 need to be made for most development on bushfire prone land which does not require an approval under the Rural Fires Act 1997 as integrated development.

Bushfire prone land is located along the northern boundary adjacent to the Jerrabomberra Creek. The land is identified as vegetation buffer. However, the basketball stadium and major and minor pavilions are not located on land which is identified as bushfire prone.

ROADS ACT 1993

The new entry will require connection to adjoining local roads and an approval for this work is required from the relevant road authority in this instance the Queanbeyan-Palerang Regional Council. This application is for buildings only.

5.0 SECTION 4.15 CONSIDERATIONS – EP&A Act, 1979

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

4.15(1)(a) the provisions of:

(I) any environmental planning instruments

5.1 State Environmental Planning Policy No.55 – Remediation of Land

Potential for land to be contaminated (Clause 7(1)).

A consent authority must not consent to the carrying out of any development on land unless it has considered whether the land is contaminated.

A detailed site investigation for the contamination report is provided with the REF that has identified the following contamination on the site:

"The AECs were identified on the basis of the available site information, site inspection and limited subsurface investigation. Based on the findings of the assessment, including limited sampling and testing to date, the potential for gross contamination to be present within the site is considered to be low, with localised areas of more elevated contamination potential.

It is recommended that prior to the commencement of construction activities, further intrusive-based investigation be carried out to further characterise each of the identified AECs. The recommendations for further works are summarised in Table 16 below. The further works aim to confirm the suitability of the site for the proposed end-uses (commercial/industrial and recreational).¹"

This was the same investigation used for the REF works. Additional documentation has been provided by the applicant which indicates that the decontamination works have been completed on the site. Conditions regarding contaminated land are recommended in Appendix 1 conditions of consent and address the requirements of SEPP 55.

¹ Douglas Partners August 2018 Detailed Site Investigation for Contamination, Proposed Subdivision 360A Alderson Place, Tralee

5.2 State Environmental Planning Policy (Koala Habitat Protection) 2019

The REF provided for an Ecological Impact Assessment (ESA) of the site that concluded:

“The ESA found the site to be highly disturbed with native vegetation and suitable flora and fauna habitat to be mostly absent due to historical clearing. A total of 33 plant species were recorded across the site, including 29 exotic species (88%) and 4 native species (12%). No threatened species, vegetation communities or their habitats were recorded at the project site during surveys.”
(the REF page 17)

In terms of the provisions State Environmental Planning Policy (Koala Habitat Protection) 2019, it applies to the site in as much as it has an area greater than 1 hectare and there is not an approved koala management plan applying to the site.

The ESA has not identified any koala habitat on the site nor is the site likely to become suitable habitat given adjoining urban development. No trees are proposed to be removed as part of this development application. Changes to site vegetation are approved under the REF works.

The proposal is acceptable in terms of the State Environmental Planning Policy (Koala Habitat Protection) 2019.

5.3 State Environmental Planning Policy (State and Regional Development) 2011

As the proposal is development that has a capital investment value of more than \$5 million, the development is classed as Regionally Significant Development. The consent authority for the proposed development is the NSW Southern Regional Planning Panel (the Panel).

The DA has been assessed and processed by Council for submission to the Panel for determination.

5.4 State Environmental Planning Policy (Infrastructure) 2007

The REF use and works were be considered under State Environmental Planning Policy (Infrastructure) 2007 (the Infrastructure SEPP) provisions at Division 10A Operational land ‘development without consent’ provisions at clause 58E. In this clause operational land has the same meaning as in the Local Government Act 1993. The relevant provision in the Infrastructure SEPP is:

*“58E Development permitted without consent
Development for any purpose referred to in clause 65(3) may be carried out without consent on operational land by or on behalf of a council.”*

Clause 65(3) provides for (relevant uses **bolded**):

“65 (3) Any of the following development may be carried out by or on behalf of a council without consent on a public reserve under the control of or vested in the council—
(a) development for any of the following purposes—
*(i) **roads, pedestrian pathways, cycleways, single storey car parks, ticketing facilities, viewing platforms and pedestrian bridges,***
*(ii) **recreation areas and recreation facilities (outdoor),** but not including grandstands,*
(iii) visitor information centres, information boards and other information facilities,
(iv) lighting, if light spill and artificial sky glow is minimised in accordance with the lighting for Roads and Public Spaces Standard,
(v) landscaping, including landscape structures or features (such as art work) and irrigation systems,
(vi) amenities for people using the reserve, including toilets and change rooms,

- (vii) food preparation and related facilities for people using the reserve,
 - (viii) maintenance depots,
 - (ix) portable lifeguard towers,
 - (b) environmental management works,
 - (c) demolition of buildings (other than any building that is, or is part of, a State or local heritage item or is within a heritage conservation area).
- Note— The term building is defined in the Environmental Planning and Assessment Act 1979 as including any structure.”*

The Council is the consent authority for the approved REF works.

The Infrastructure SEPP is not relevant to this DA.

5.5 Queanbeyan Local Environmental Plan (West Jerrabomberra) 2013

An amendment to the Queanbeyan Local Environmental Plan (West Jerrabomberra) 2013 (the LEP) was gazetted on the 14 July 2021 without saving provisions that in effect rezoned the site to its current zoning pattern as shown in the extract from the zoning map below.

5.5.1 Permissibility

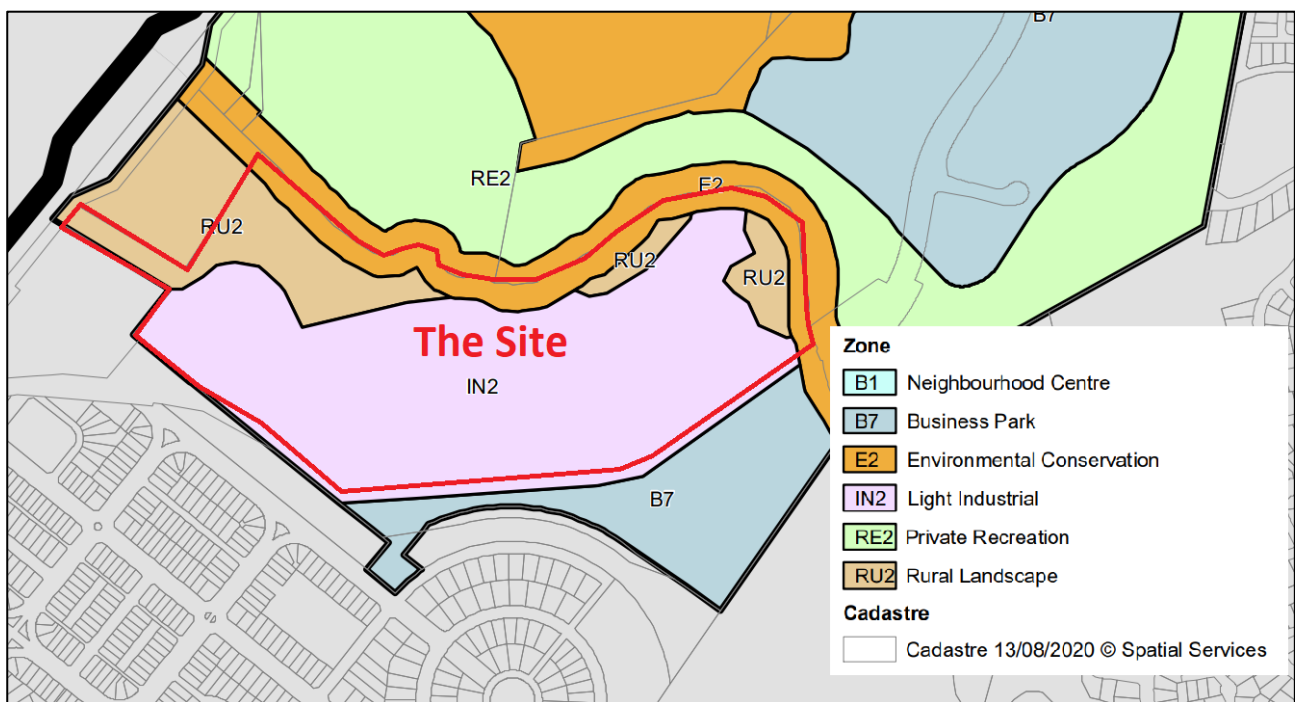


Figure 8: Zoning, The LEP

The DA works are located on land that is zoned part:

- RU2 Rural Landscape
- IN2 Light Industrial

The aims of the LEP are (relevant aims bolded):

“1.2 (2) The particular aims of this Plan are as follows—

- (aa) to protect and promote the use and development of land for arts and cultural activity, including music and other performance arts,*

- (a) *to rezone certain land at West Jerrabomberra to achieve economically, environmentally and socially sustainable urban development that complements and provides a range of facilities for the benefit of the adjoining Jerrabomberra community,*
- (b) ***to facilitate the orderly growth of the West Jerrabomberra urban release area in a staged manner that promotes a high level of amenity for workers and the timely provision of physical and social infrastructure through appropriate phasing of the development of land,***
- (c) ***to identify, protect and manage environmentally and culturally sensitive areas within West Jerrabomberra, including but not limited to waterways and riparian corridors, habitat corridors, native vegetation and associated buffers, and heritage items,***
- (d) ***to provide appropriate employment and community land use opportunities consistent with the environmental capacity of the land,***
- (e) *to provide appropriate controls for future development to minimise any adverse impact on the adjoining Jerrabomberra community."*

The proposed development provides for sporting facilities that assists and support existing and planned growth in the West Jerrabomberra urban release area and allows for a site remediation and works that support the regeneration of the adjoining Jerrabomberra Creek.

The proposal implements and is consistent with aims of the LEP.

The works (DA and REF) are located on land that is zoned part RU2 Rural Landscape and IN2 Light Industrial. The development for the purposes of a recreation facilities is permissible with consent under the QLEP (West Jerrabomberra) 2013.

The DA land use and works would be characterised as Recreation Facility (indoor) which is defined in the LEP as:

"recreation facility (indoor) means a building or place used predominantly for indoor recreation, whether or not operated for the purposes of gain, including a squash court, indoor swimming pool, gymnasium, table tennis centre, health studio, bowling alley, ice rink or any other building or place of a like character used for indoor recreation, but does not include an entertainment facility, a recreation facility (major) or a registered club."

The associated REF use (playing fields) and works would be defined as recreation area, which are defined in the LEP as:

"recreation area means a place used for outdoor recreation that is normally open to the public, and includes—

- (a) a children's playground, or*
- (b) an area used for community sporting activities, or*
- (c) a public park, reserve or garden or the like,*

and any ancillary buildings, but does not include a recreation facility (indoor), recreation facility (major) or recreation facility (outdoor)."

Recreation Facility (indoor) and Recreation Areas are permissible uses in both the RU2 and IN2 zone.

The works are permissible land uses in their respective zoning.

5.5.2 Zone Objectives

As noted, the DA works encompass 3 zonings RU2 Rural Landscape, IN2 Light Industrial and B7 Business Park.

The zone objectives of each are provided below.

Objectives	Complies
RU2 Rural Landscape	
Objectives of zone	
➤ To encourage sustainable primary industry production by maintaining and enhancing the natural resource base.	N/A
➤ To maintain the rural landscape character of the land.	Yes
➤ To provide for a range of compatible land uses, including extensive agriculture.	Yes
IN2 Light Industrial	
Objectives of zone	
➤ To provide a wide range of light industrial, warehouse and related land uses.	N/A
➤ To encourage employment opportunities and to support the viability of centres.	Yes
➤ To minimise any adverse effect of industry on other land uses.	N/A
➤ To enable other land uses that provide facilities or services to meet the day to day needs of workers in the area.	Yes
➤ To support and protect industrial land for industrial uses.	No

Comments: The proposed development is generally consistent with the objectives of the relevant zones and is considered to provide for the day to day needs of the residents while being of a built form that is complementary to the existing development within the locality.

The proposal would prejudice the use of the land for industrial uses. However, it is not required that a development must satisfy every zone objective to be considered supportable. In this instance the community-based use proposed has merit and the land will be owned by the Council and allow for some employment related development on the site in the future.

The REF works are situated on land zoned RU2, IN2 and E2 these works are lodged as an Activity under the 'Development without consent' provisions of the Infrastructure SEPP and assessed under Part 5 of the Act. The REF works are approved.

The proposal (DA and REF use and works) provides for a strong community benefit and implements the purpose and objective of the relevant zonings.

5.5.3 Demolition

Under Clause 2.7 of the LEP 2012 consent is required for demolition works. The proposal only involves minor demolition works associated with the heritage listed structure and these works are considered consistent with clause 2.7 of the LEP.

5.5.4 Part 4: Principal development standards

An assessment of the proposal against the relevant provisions contained within Part 4 of the QLEP 2012 is provided below.

5.5.5 LEP Standards

Cl.	Standard	Controls	Proposed	Complies
4.3	Height of building	12m	<ul style="list-style-type: none"> • Basketball Stadium – 12.0m • Major Pavilion – 4.85m • Minor Pavilions (2) – 3.8m <p>The proposed maximum building heights are to be measured from existing ground level upon completion of the REF earthwork.</p> <p>No variation Sought.</p>	Yes
4.4	Floor Space	Not Applicable to site	N/A	N/A
5.10	Heritage	There is a Heritage Item on the Site (11)	See discussion	Yes
5.11	Bush Fire		Parts of the site are identified as Vegetation Category 3 bush land. The buildings are not located on bush fire prone land.	Yes
5.21	Flooding		The site is not flood prone under the provisions of the LEP and detailed flood planning has been undertaken with the REF works to manage future flood risk. Furthermore, Councils Development Engineers have reviewed the proposal and ground level RLs stating that the proposed development is acceptable having regard to flood planning matters.	Yes
6.1	Earthworks		Suitable engineering specification have been provided and will be implemented at construction.	Yes
6.3	Airspace operations	Continued operation of Canberra Airport	<p>The highest structure is the basketball stadium which is 12m and proposed use and works are suitable for an area with a mild airport noise affectation.</p> <p>See discussions</p>	Yes
6.6	Essential Services		Appropriate essential service are available to the site and are to be	Yes

Cl.	Standard	Controls	Proposed	Complies
			constructed as part of the REF works.	

5.5.6 Heritage

From approximately the 1830s up to 1924 the subject land was either native bush or used for grazing, with no buildings being recorded as erected on it.

In 1924 the land was bought by Henry Halloran who had grand plans to develop the 'Environs' housing estate on the land. He saw opportunity with the land as it was potentially the nearest Torrens title land to the newly created Australian Capital Territory where land was leasehold only. The grand housing plans were foiled by reduced work on the new Capital in the 1920s, then the depression in the 1930s and World War 2.

The subject land was though developed into a picnic ground and from 1929 to World War 2 used as such. In the 1960s a speedway was developed on the site that closed in 1997.

The relevant LEP heritage mapping is provided below.

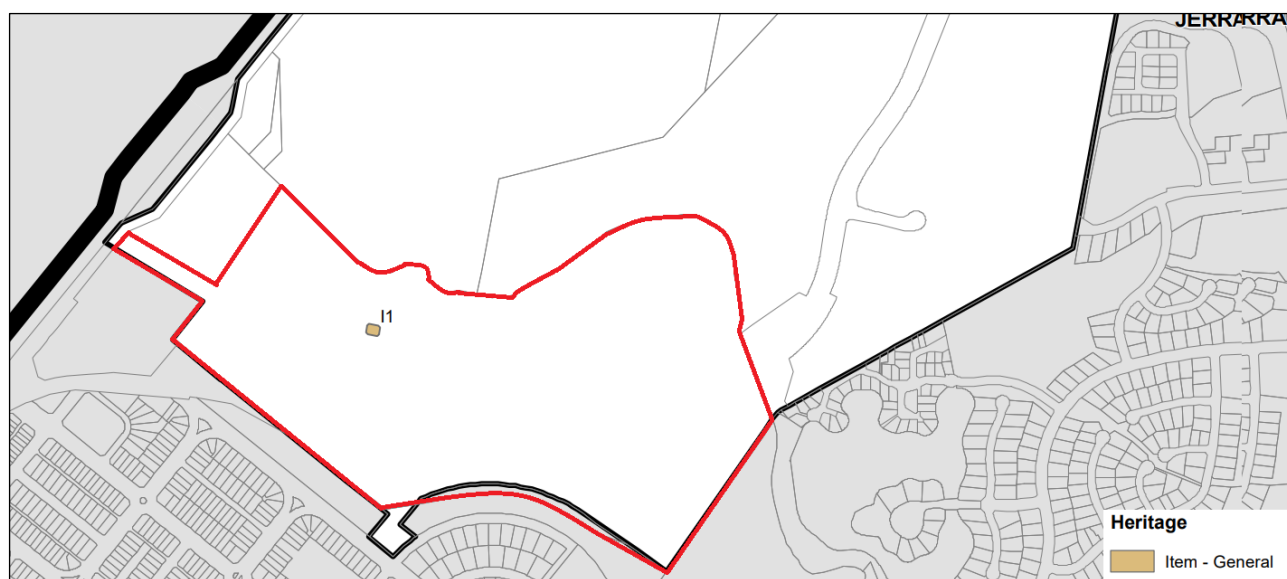


Figure 9: Heritage, the LEP

On the site is a Heritage Item described in the LEP as follows.

Schedule 5 Environmental heritage					
Suburb	Item name	Address	Property description	Significance	Item No.
Jerrabomberra	Stone faced brick structure	360A Lanyon Drive	Part Lot 6, DP 239080	Local	I1

The Item is known as the Environs Stone Façade Building and is a stone-faced brick building that was erected in 1928. The original purpose of the building is unclear, however from research provided with the REF it appears the building was erected as a toilet block for the 'picnic grounds' or 'playing fields' that were intended for the northern part of the Environs development. See photo below.



Photo 1: Stone Faced Brick Building, Brendan O'Keefe 2018 Heritage Impact Statement

The Envirova Stone Façade Building is located within the proposed car park area. North of the major pavilions and cannot be adaptively reused in its current location. Therefore, it is proposed as part of the development application that the Envirova Stone Façade Building be removed and the materials to be reused as a rebuilt Amenities Building. Detailed landscape and building plans have been provided for the rebuilt structure that are provided below.

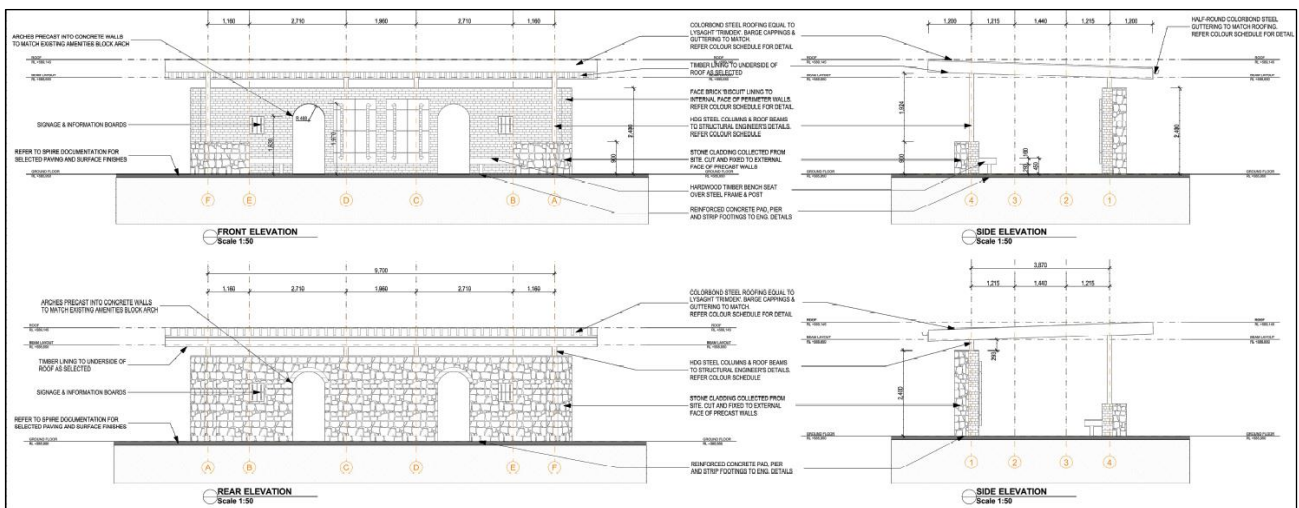


Figure 10: Proposed Reconstructed Heritage Item as a bus shelter

The interpretation has been approved by all the relevant heritage authorities and no objections are raised to the proposal on heritage grounds.

5.5.7 Airspace operations

The site is located approximately 7.5 km south of the Canberra International Airport. It is within the 20-25 Australian Noise Exposure Forecast (ANEF) contour – see ANEF extract below.

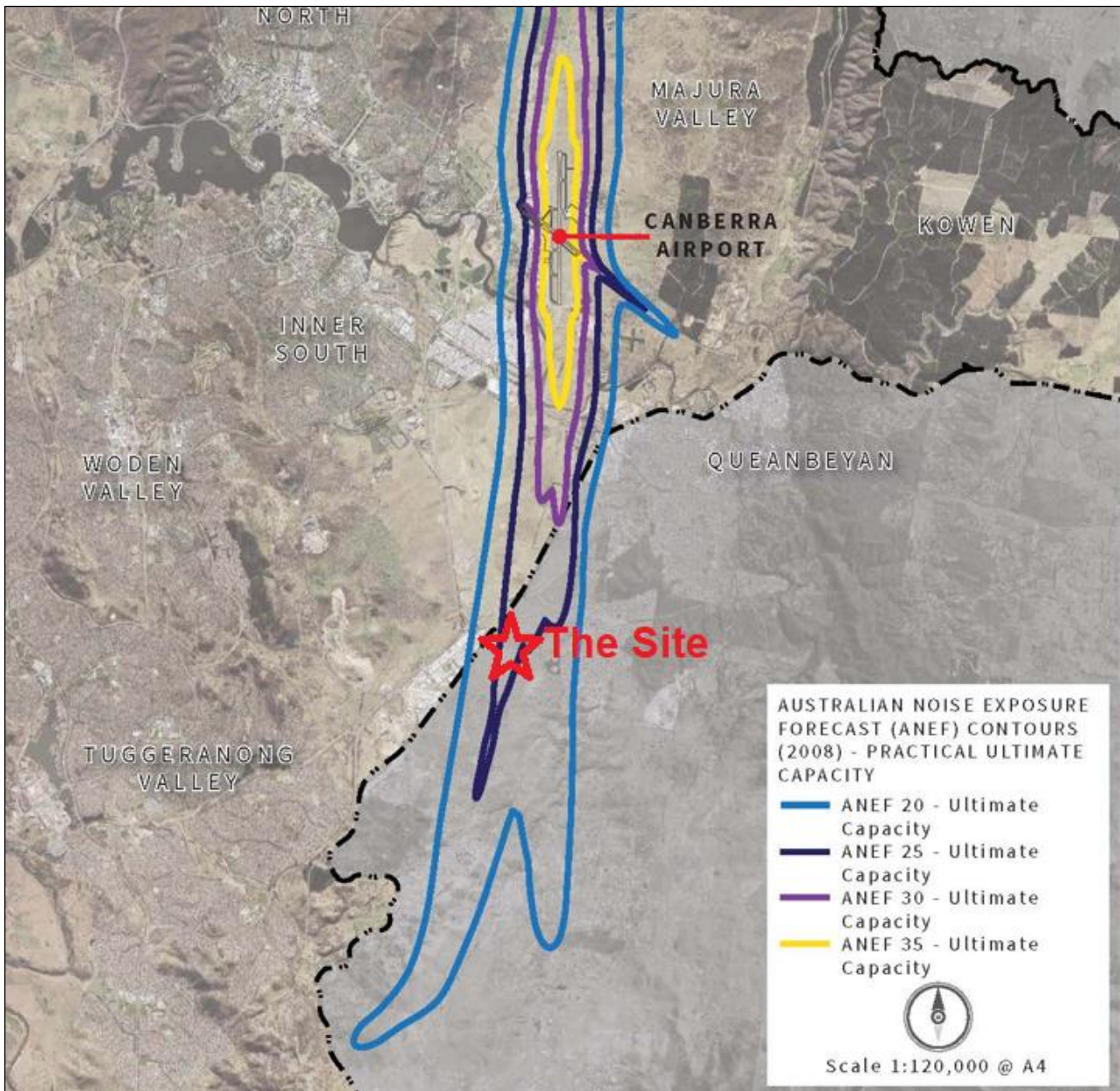


Figure 11: ANEF Map Extract, <https://www.planning.act.gov.au/planning-our-city/airport-planning>

The LEP requires a consideration of the proposal in terms of the operation of Canberra Airport and in particular whether the works will penetrate the Limitation or Operations Surface for the airport.

The site is located in the more distant part of the 20-25 ANEF contour and the tallest structures on the site are up to 12m high. The proposal and use are considered acceptable in terms of airport operations.

5.6 Development Control Plans

5.6.1 South Jerrabomberra Development Control Plan 2015

The South Jerrabomberra Development Control Plan was adopted by Council at its meeting on 11 February 2015 and commence on 6 March 2015. The proposal is assessed against the relevant objectives and controls of SJDCP2015 in the table below.

SJDCP 2015 COMMENTS		
Section	Controls	Compliance / Conditions
PART 3 – THE MASTER PLAN		
3.4	<p>Desired Future Character of Development Areas in South Jerrabomberra</p> <p>The site is situated in North Tralee and the proposed use of the land for the purposes of an indoor and outdoor recreation facility will provide a quality visual interface with the surrounding lands and Jerrabomberra Creek Corridor. The proposed development is also a needed community use and is in the public interest.</p>	Yes
3.5	<p>Staging of Development in South Jerrabomberra</p> <p>The proposed development generally accords with the staging of development as outlined in the DCP, with the site forming part of Stage 2 North Tralee.</p>	Yes
3.6	<p>Neighbourhood Structure Plans</p> <p>The proposal development is consistent with the requirements of 3.6 and Map 5: Regional Sporting Complex Structure Plan in Appendix 3 of the DCP.</p>	Yes
3.7	<p>Neighbourhood Structure Plan Controls</p> <p>The proposed development as described is generally consistent with the requirements of section 3.7 of the DCP. The REF which contains the bulk of works associated with the regional sporting complex has been approved separately.</p>	Yes
PART 5 ROADS AND PUBLIC PLACES		
5.16	<p>Community and Educational Establishments</p> <p>The proposed Regional Sporting Complex addresses the objective and controls in section 5.16 of the DCP by providing much needed recreational facilities in accessible part of West Jerrabomberra.</p>	Yes
PART 8 ENVIRONMENTAL MANAGEMENT		
8.2	Soils and Salinity	N/A

SJDCP 2015 COMMENTS		
Section	Controls	Compliance / Conditions
	These matters were considered and addressed as part of the REF which has been lodged separately and approved by Council.	
8.3	<p>Cut and Fill</p> <p>These matters were considered and addressed as part of the REF which has been lodged separately and approved by Council.</p>	N/A
8.4	<p>Water Sensitive Urban Design</p> <p>These matters were considered and addressed as part of the REF which has been lodged separately and approved by Council.</p>	N/A
8.5	<p>Natural Hazards Objectives and Controls</p> <p>These matters were considered and addressed as part of the REF which has been lodged separately and approved by Council.</p>	N/A
8.6	<p>Bushfire Management</p> <p>These matters were considered and addressed as part of the REF which has been lodged separately and approved by Council.</p>	N/A
8.7	<p>Aboriginal Heritage</p> <p>The proposal was referred to NSW Heritage who considered the site having regard to aboriginal heritage. The proposal is considered acceptable refer to comments from NSW Heritage Office.</p>	Yes
8.8	<p>European Archaeological Heritage</p> <p>The application was referred to NSW Heritage who considered proposal acceptable refer to comments from NSW Heritage Office.</p>	Yes
8.9 – 8.10	<p>Development in Areas Subject to Aircraft Noise and Airspace Operations</p> <p>The proposed development is considered acceptable having regard to aircraft noise and airspace, refer to assessment completed under the WJLEP earlier in this report.</p>	Yes
8.13 – 8.14	<p>Tree Retention and Biodiversity and Flora and Fauna</p> <p>Tree removal/retention and biodiversity matters were addressed as part of the REF which has been approved by Council.</p>	N/A
8.16	<p>Odour</p> <p>These matters were considered and addressed as part of the REF which has been lodged separately and approved by Council.</p>	N/A

SJDCP 2015 COMMENTS		
Section	Controls	Compliance / Conditions
8.17	<p>Construction Waste</p> <p>All relevant conditions regarding management of construction waste are recommended.</p>	Yes
8.18	<p>Landfill / Earthworks</p> <p>These matters were considered and addressed as part of the REF which has been lodged separately and approved by Council. The DA includes site grading plans which indicate the ground level RLs for the buildings which are acceptable having regard to 8.18 of the DCP.</p>	Yes
PART 11 BUSINESS PARK AND EMPLOYMENT ENVIRONMENTAL MANAGEMENT		
11.3	<p>Industrial Zone Desired Future Character</p> <p>The application proposes a number of high-quality buildings to be used for indoor recreation purposes. The buildings will be sited within the outdoor recreation facilities surrounded by grassed playing fields, landscaping and trees. The proposed building and land use is consistent with section 11.3.1 overall objectives for development in Industrial Zones</p>	Yes
11.4	<p>Site Coverage</p> <p>The proposed buildings are set within landscaped areas and will provide a high level of amenity and landscape character for the site and locality. The proposed buildings comply with the numeric controls and site coverages is substantially less than 70% of the site area and significant portions of the site are dedicated to deep soil planting and landscaped areas.</p>	Yes
11.5	<p>Setbacks</p> <p>The proposal complies with the numeric setbacks to the main street frontage and providing extensive landscaping within the setback area and around the curtilage of buildings.</p>	Yes
11.6	<p>Car parking and Vehicular Access</p> <p>This DA does not include car parking which is provided in the REF works and approved.</p> <p>The DCP does not have a mandatory rate for community facilities that are to be assessed on a needs basis.</p> <p>This was done within the REF work and total of 448 general car spaces are provided within the complex. This is in excess of the assessed requirements and allows for future development of the site, such as for an aquatic centre</p>	Yes

SJDCP 2015 COMMENTS		
Section	Controls	Compliance / Conditions
11.7	<p>Building design</p> <p>The proposed development has been designed to enhance the setting of the site, streetscape and locality. The proposed building scale and materials compliment the use as indoor recreation facilities.</p>	Yes
11.8	<p>Safety and Security</p> <p>The proposed development has been designed to incorporate safety and security requirements. Conditions are included having regard to comments from NSW Police regarding CPTED matters.</p>	Yes
11.9	<p>Landscaping and Visual Amenity</p> <p>The proposed development will provide a high quality landscape setting and improve the visual amenity of the site along with its setting on Jerrabomberra Creek.</p>	Yes
11.10	<p>Vehicular Access and Loading/Unloading</p> <p>These matters were considered and addressed as part of the REF which has been lodged separately and approved by Council.</p>	Yes
11.11	<p>Pedestrian Access and Mobility</p> <p>These matters were considered and addressed as part of the REF which has been lodged separately and approved by Council.</p>	Yes
11.12	<p>Site Works</p> <p>These matters were considered and addressed as part of the REF which has been lodged separately and approved by Council.</p>	Yes
11.13	<p>Material Storage</p> <p>All conditions of consent regarding material stockpiles and storage are included in Attachment A.</p>	Yes
11.14	<p>These matters were considered and addressed as part of the REF which has been lodged separately and approved by Council.</p>	Yes
11.15	<p>Site Facilities and Services</p> <p>The proposed development incorporates adequate site facilities and services to operate as a regional sporting complex.</p>	Yes

5.6.2 Queanbeyan Development Control Plan 2012

The Queanbeyan Development Control Plan was adopted by Council on 12 December 2012. The most recent amendments came into effect on 29 April 2020. The proposed development is assessed having regard to the following relevant parts of the QDCP 2020 in the table below.

QUEANBEYAN DCP 2012 COMMENTS		
Section	Controls	Compliance / Conditions
PART 1 – ABOUT THIS DEVELOPMENT CONTROL PLAN		
1.8	<p>Public Notification Of A Development Application</p> <p>The development application was notified to adjoining owners and one submission was received as part of the original DA. The matters raised in the submission relate to the REF which was submitted separately and subsequently approved by Council.</p>	Yes
PART 2 – ALL ZONES		
2.2	<p>Car Parking</p> <p>This DA does not include car parking which is provided in the REF works and approved.</p> <p>The DCP does not have a mandatory rate for community facilities that are to be assessed on a needs basis.</p> <p>This was done within the REF work and total of 448 general car spaces are provided within the complex. This is in excess of the assessed requirements and allows for future development of the site, such as for an aquatic centre.</p>	Yes
2.3	<p>Environmental Management</p> <p>The proposed development will not result in any significant environmental impacts and is appropriately planned in terms of Energy Efficiency and Conservation, Water Conservation, Waste and Recycling (each building includes appropriate storage areas for waste) and Noise and Vibration.</p>	Yes
2.4	<p>Contaminated Land Management</p> <p>The proposal is considered generally satisfactory with respect to State Environmental Planning Policy 55 – Remediation of Land (SEPP 55) as discussed subject further investigation and, if required, site remediation.</p>	Yes
2.5	<p>Flood Management</p> <p>The REF address flood management and mitigation measures. The REF has been approved by Council.</p>	Yes

QUEANBEYAN DCP 2012 COMMENTS		
Section	Controls	Compliance / Conditions
2.6	<p>Landscaping</p> <p>The REF works provide for detailed landscaping plans that are approved. In addition, landscape planting plans and schedules are included for the consideration of the DA these drawings illustrate location of trees, shrubs and other vegetation. The REF approved landscaping will provide a quality development outcome commensurate with the site characteristics and setting.</p>	Yes
2.7	<p>Erosion and Sediment Control</p> <p>Standard conditions relating to site management will be imposed should development consent be granted.</p>	Yes
2.8	<p>Guidelines for Bushfire Prone Areas</p> <p>Bushfire prone land is located along the northern boundary adjacent to the Jerrabomberra Creek. The land is identified as vegetation buffer. However, the basketball stadium and major and minor pavilions are not located on land which is identified as bushfire prone.</p>	Yes
2.9	<p>Safe Design</p> <p>The proposed development generally satisfies the relevant provisions of this clause.</p>	Yes
2.10	<p>Subdivision</p> <p>The proposed development does not include subdivision.</p>	N/A
2.11	<p>Airspace Operations and Airport Noise</p> <p>The proposed development complies with the requirements prescribed for the site in Clause 7.5 Airspace Operations and 7.6 Development in areas subject to Airport Noise. of the QLEP 2012 – see previous discussion in this assessment.</p>	Yes
2.12	<p>Preservation of Trees and Vegetation</p> <p>The proposed development does not require the removal of any existing vegetation.</p> <p>The issue of site vegetation is dealt with the approved REF works.</p>	Yes
Part 4 Heritage and Conservation		
4	<p>Detailed heritage reporting and consultation has been undertaken as part of this DA and the REF work.</p> <p>As discussed, the proposal is considered to have an acceptable heritage impact.</p>	Yes

5.7 Section 4.15(1)(a)(ii) the provisions of any proposed instrument

Nil.

5.8 Section 4.15(1)(a)(iii) provisions of any development control plan

The DCP has been considered and the proposal is acceptable under its provisions.

5.9 Section 4.15(1)(a)(iiia) provisions of any planning agreement that has been entered into under section 7.4, or any draft planning agreement that a developer has offered to enter into under section 7.4

It is noted that the Village Building Company, works to the eastern boundary approved via the Jerrabomberra Innovation Precinct Infrastructure Planning Agreement (VPA).

The infrastructure works to the eastern flood channel are not to clash with the proposed North Tralee Sewer and in this regard the approved works are to be amended or reviewed to achieve this purpose.

The proposal is acceptable in terms of relevant VPAs.

5.10 Section 4.15(1)(a)(iv) the regulations (to the extent that they prescribe matters for the purposes of this paragraph)

Provisions of AS 2601-1991 in relation to demolition of structures (Clause 92)

The development application does not involve the demolition of structures.

Consent authority may require buildings to be upgraded (Clause 94)

Conditions of consent are recommended requiring all new works be undertaken in accordance with the relevant provisions of the Building Code of Australia.

Matters specified under the EP&A Regulations 2000 have been considered in the assessment of this application.

5.11 Section 4.15(1)(a)(v) provisions of any coastal zone management plan (within the meaning of the Coastal Protection Act 1979)

Not applicable.

5.12 Section 4.15(1)(b) the likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality

The following matters have been considered in the assessment of this application:

Natural Environment and Landscape Works

The subject site lacks any identified ecological or environmental affectations and has been suitably investigated in the REF and DA proposals. As part of the REF application an Ecological Impact Assessment (EIA) was undertaken that concluded:

"The EIA found the site to be highly disturbed with native vegetation and suitable flora and fauna habitat to be mostly absent due to historical clearing. A total of 33 plant species were recorded across the site, including 29 exotic species (88%) and 4 native species (12%). No threatened species, vegetation communities or their habitats were recorded at the project site during surveys."

(Cardno NSW/ACT Pty Ltd 2021 Review of Environmental Factors)

The REF and DA provide for suitable landscape (including some creek remediation) that will have a positive effect on the site's ecology and scenic value.

Flood Planning

The site is within the 1% AEP Flood Area. The DA is accompanied by a Flood Impact Assessment as prepared by Lyall & Associates (L&A) dated March 2020 states the greater site is located adjacent to Jerrabomberra Creek and is subject to flooding. The Flood Impact Assessment has used the existing flood information for the area to develop a layout, drainage network and respective levels of the complex that protects the synthetic fields, car parking, basketball stadium and high-quality turfs fields from inundation during flood events up to the 1% AEP storm by allowing the lower quality fields to the north of the site to flood in larger storm events.

The proposed multi-purpose stadium and major and minor pavilions are not impacted by flooding from a 1% AEP storm event as all of the ground levels RL/FFL are above the 1% AEP event. Accordingly, the DA submission addresses the relevant flood planning considerations for the site and the proposed development.

Car Parking and Traffic, and Vehicular Access

Despite the DA not comprising of carparking and vehicular access. Council Development engineers have reviewed the DA submission and REF stating that proposed car parking areas meets the generation rates and all parking areas are design in accordance with the relevant Australian Standards.

Councils Development engineers have also indicated that the proposed vehicular access way from Environa Drive is suitably design and located to facilitate safe and efficient access and egress from the site. Comply with the provisions of Councils DCP and relevant Australian Standards.

A Traffic and Parking Assessment as prepared by TTW in May 2020 indicates a maximum average peak weekend volume of 240 vehicles per hour (478.68 AADT) where all junior and senior sports are played, and the Northern Entry Road intersection geometry as developed with QPRC, Calibre/Spiire, VBC and TTW is deemed compliant for this development.

Accordingly, the proposed construction of the multipurpose stadium, pavilions and associated structures are considered acceptable having regarding to carparking, traffic and vehicular access.

Landscaping, Lighting and Fencing

The amended DA submission is accompanied by preliminary planting drawings and schedules. These landscape works will form part of the REF and provide comfort that the proposed buildings and structures will be appropriately landscaped within the overall recreational facility and provide a cohesive relationship with the locality and streetscape. Lighting plans from the REF have also been submitted as part of the DA these drawings indicate that appropriate street and landscape area lighting will be provided to the recreational facility, supports the principles of CPTED and the NSW Police support the proposal on grounds of safety and security.

Infrastructure and Services

All required infrastructure and services are to be provided to the site under the REF works. These works will ensure that the proposed buildings and associated structures are sited within a sit which is includes all essential services to enable its operation.

Built Environment

The buildings are single storey (in the case of the main basketball stadium a large volume structure) and designed with a similar aesthetic.

The building's feature dramatic skillion roof forms and are well shaded by eaves and awnings.

The design of the building is compatible with the emerging character of the locality, and it is considered unlikely that the proposed development will result in any significant negative impacts on the built environment and is considered to be satisfactory in its current form.

Social Impact

The proposed development is considered likely to result in positive social impacts through the provision of additional recreational infrastructure for a growing population.

Economic impact

The proposed development will not result in any significant adverse impacts or negative economic impacts upon the locality or community. During the construction period the development will bring short-term employment opportunities to the local economy.

Section 64:

Reporting has been provided on service infrastructure required for the development and there is suitable infrastructure available to the development.

A contribution is not warranted under the current Section 64 Plans for the site noting that Council is the applicant/developer in this instance.

Section 7.11 Contributions:

The South Jerrabomberra Local Infrastructure Contributions Plan 2018 applies to the site. Section 1.4 of this plan exempts works undertaken by Council. While the proposal is not directly referenced in the works schedule for this plan, its exemption meant the requirements of the plan noting the development's purpose is to service community needs.

5.13 Section 4.15(1)(c) – The suitability of the site for the development

The proposed development is appropriately sited as to respond to environmental constraints upon the site. As such, the subject site is suitable in its current state for the purposes of the proposed development.

5.14 Section 4.15(1)(d) Any submission made in accordance with this Act or the Regulations

The development was advertised in The Queanbeyan Age (local newspaper) and notified to the adjoining owners.

During this period one (1) submission was received from Village Building Company² that raised the below issues, that are also addressed below.

Extent of the Regional Sports Complex's eastern boundary – a concern is raised about overlapping land on this boundary between the proposal site and a future master planned estate adjoining that is subject to Jerrabomberra Innovation Precinct Infrastructure Planning Agreement (VPA). This concern reflects the REF works more so than that of the DA.

² <https://villagebuilding.com.au/about/about-village-building-co>

Eastern flood channel and clash with sewer to North Tralee. This matter can be addressed via a coordination condition that required the implementation of the REF and DA works to be coordinated with local infrastructure decisions.

Sewer provision to North Tralee Employment Lands. Notes that a pump station is required along the west side boundary.

The submitter does not object to the proposal but raises various coordination issues with infrastructure commitments on adjoining land.

Discussions have taken place with the Village Building Company and a suitable coordination condition is recommended that satisfies this submission, that has been withdrawn.

The complexities of these issues require some coordination between parties before construction commences. A condition in this regard is recommended.

5.15 Section 4.15(1)(e) The public interest

The proposed development is generally in the public interest and will provide a valuable service to the local community. The proposal will have minimal adverse effect on the public interest. Conditions of consent regarding site management throughout the construction process are recommended as to ensure there is minimal impact on surrounding properties during construction period.

6.0 Conclusion

The development is Regional Development for the purposes of the State Environmental Planning Policy (State and Regional Development) 2011 and the Southern Regional Planning Panel is the consent authority for the application.

The proposed works are for the construction of a multipurpose sports stadium, major and minor recreation facility buildings within a new regional sporting complex. The bulk works, landscaping, parking and access roads are approved via an REF process.

The application has been assessed under the relevant State Environmental Planning Policies and *Queanbeyan Local Environmental Plan (West Jerrabomberra) 2013*. This assessment found that the development satisfies the controls and requirements of these instruments. The application seeks no variations and will not result in any visual impacts, loss of amenity or solar access to any surrounding residence. Indeed, the proposal provides for much needed community facilities in locality where urban growth is happening and planned.

A previous Report was considered by the Southern Regional Planning Panel at a briefing on the 23/11/2021 where the Panel sought legal advice on the relationship of this DA to the REF works, details the rebuilding of the heritage item on the site, adequacy of landscaping and consideration of flooding.

In this regard an amended DA has been lodged on the 15/02/2022 that provided the requested advice and greater detail in terms of contamination, the form of the rebuilt Heritage Item and levels for the other new buildings. The relationship of the DA and REF works were also clarified when the REF works were reconsidered by Council and this approval was made clear that it included site works, roads and parking and all other building works. The DA is for the major buildings proposed for this Regional Sports Complex.

The other relevant matters for consideration under section 4.15 of the EP&A Act have also been considered. The development is suitable for the site, will have an acceptable impact on the site, local

area and neighbouring properties. The submissions from agencies have been considered and conditions recommended where appropriate. One public submission was received, however this submission has been withdrawn by the objector as issues related to the REF and have been dealt with by Council and the adjoining land owner. There are no significant public interest concerns resulting from the development.

The development is recommended for approval.

7.0 Recommendation

- A. That Development Application DA.2020.1351 for construction of recreation facilities (indoor and outdoor) known as 360A Lanyon Drive TRALEE NSW 2620 and legally identified as Lot 1 DP 1271857 be granted consent, subject to the following matter:

Approved subject to the conditions in **Appendix 1**.

- B. NSW Roads and Maritime, Essential Energy, NSW Heritage and NSW Police be advised of the outcome of the determination.

Appendices

Appendix 1 – Conditions of Consent