

DATE OF DETERMINATION	22 December 2021
DATE OF PANEL DECISION	22 December 2021
DATE OF PANEL MEETING	9 December 2021
PANEL MEMBERS	Gordon Kirkby (Chair), Renata Brooks, Tim Fletcher
APOLOGIES	None
DECLARATIONS OF INTEREST	None

Public meeting held by teleconference on 9 December 2021, opened at 3pm and closed at 4pm.

MATTER DETERMINED

PPSSTH-6 – Queanbeyan-Palerang - DA.109.2019 at 28 Lonergan Drive, Greenleigh for a residential subdivision (as described in Schedule 1)

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 briefings and the matters observed at site inspections listed at item 8 in Schedule 1.

Development application

The panel determined to approve the development application pursuant to section 4.16 of the *Environmental Planning and Assessment Act 1979*.

The decision was unanimous.

REASONS FOR THE DECISION

The panel determined to approve the application for the reasons outlined in the council assessment report. In particular, the Panel notes that:

- The proposed development is permissible with consent in the E4 Environmental Living Zone, the E2 Environmental Conservation Zone and the RE1 Public Recreation Zone under Queanbeyan Local Environmental Plan 2012 (QLEP 2012).
- The proposed development is consistent with the objectives of the E4, E2 and RE1 Zone under QLEP 2012.
- The proposed development complies with the minimum lot size requirements under the Clause 4.1 of QLEP 2012.
- Subject to the submission of plans addressing the boundary fence treatment fronting the Ellerton Drive Extension, the proposed development will have an acceptable visual impact. In this regard, the Panel is satisfied that the development will not significantly impact on the identified area of Scenic Protection Zone under Clause 7.5 of QLEP 2012.
- Council's assessment supports the development on traffic grounds.
- A Voluntary Planning Agreement between the landowner and Queanbeyan Palerang Regional Council has been executed that provides for the rehabilitation and dedication of 47.2 hectares of residual land to Council as well as monetary contributions for offsite roads, community services, water and sewer infrastructure.
- The Rural Fire Service has provided General Terms of Approval for the development with regard to bushfire threat management.
- Heritage NSW has provided General Terms of Approval with regard to Aboriginal Cultural Heritage matters.

- The Natural Resource Access Regulator (NRAR) has provided General Terms of Approval with regard to the impact on and future management of riparian zones associated with Jumping Creek and Valley Creek.

CONDITIONS

The development application was approved subject to the conditions in the council assessment report with the following amendments.

1. Condition 2 – Amendments to Plans and Documentation

Amend subsection (b) to include the following words (in bold):

(a) Intersections with Ellerton Drive

The Applicant is to amend the design of intersections with Ellerton Drive **in consultation with Council** to utilise a comfortable deceleration rate of 2.5m/s² or slower in accordance with Austroads Guide to Road Design Part 4A. Additionally, modelling of the storage length for the right turn lane off Ellerton Drive is to be provided to Council for concurrence.

Insert the following at the end of the Condition the following:

(h) Amendment to Asset Protection Zones

Plans are to be revised to ensure that Asset Protection Zones do not encroach on the single residual lot referred to in Condition 2(g). Such modification shall ensure that all APZ maintenance can be practically undertaken by individual lot owners within their individual lots.

(i) Ellerton Drive Boundary Interface

Plans, prepared by a suitably qualified landscape architect, are to be submitted to Council for approval for the boundary fence treatment at Ellerton Drive.

The revised plans shall provide for an attractive interface and presentation to Ellerton Drive and include the following:

- Proposed materials and finishes
- Acoustic attenuation (where practicable)
- Road 001 entry treatment

(j) Retention of Tree No.10

The tree identified as No.10 on plan TMP1 (Rev A) shall be retained. Amended plans of subdivision and site grading shall be submitted to Council showing Tree No.10 retained in a single allotment of sufficient size to allow retention of the tree and construction of a future dwelling.

2. Condition 16 – Construction Management Plan:

Amend condition title to include the following word in the title (in bold):

16. Construction **Environmental** Management Plan”

Panel reason: to provide for consistent wording within the Condition.

3. Condition 18 – Biodiversity Management Plan:

Amend condition to delete the words “The Biodiversity Management Plan may form part of a Construction Environmental Management Plan.”

Panel reason: the Biodiversity Management Plan will be a document that will apply to the development both during and post-construction and should therefore be stand-alone

4. Condition 20 – Water and Sewer Compliance Certificate - Design

Amend the condition to include the following words (in bold);

1. Water & Sewer Compliance Certificate - Design

Prior to the release of a Section 68 application for development works or a Subdivision Works Certificate a certificate of compliance in accordance with the *Water Management Act 2000* must be obtained from Council.

A water and sewer compliance certificate is to be applied for in conjunction with application for Section 68 application or works certificate. **The submitted plans shall be generally consistent with the Civil Engineering Report prepared by Spiire dated June 2021 (Version 3) as updated by Condition 2(a)."**

Panel reason: to require the submitted information to be the basis for the Section 68 application.

5. Condition 33

Add part d) Giving effect to sections 2 and 3 of the General Terms of Agreement provided by the Rural Fire Service dated 27 May 2021.

Panel reason: for clarity and consistency

CONSIDERATION OF COMMUNITY VIEWS




In coming to its decision, the panel considered written submissions made during public exhibition and heard from all those wishing to address the panel. The panel notes that issues of concern included:

- Biodiversity and riparian corridors
- Traffic and access
- Bushfire
- Flooding
- Visual impact
- Contamination

The panel considers that concerns raised by the community have been adequately addressed in the assessment report and that no new issues requiring assessment were raised during the public meeting. The panel notes that in addressing these issues amendments were made to the subdivision plans following public exhibition. The changes included:

- Deletion of the proposed large lots and consolidation of this area into a combined residue lot
- Reconfiguration of the northern access road with the Ellerton Drive Extension to be for emergency vehicle use only
- Additional bushfire control measures
- Amendments to the design of stormwater management infrastructure.

Conditions of consent have also been included that will adequately address the issues raised including the requirement for a construction environmental management plan, a biodiversity management plan and a remediation action Plan and validation report.

PANEL MEMBERS	
 Gordon Kirkby (Chair)	 Renata Brooks
 Tim Fletcher	

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	PPSSTH-6 – Queanbeyan-Palerang - DA.109.2019
2	PROPOSED DEVELOPMENT	Subdivision for 218 residential lots, 1 residue lot for open space and associated infrastructure and open space (staged).
3	STREET ADDRESS	28 Lonergan Drive, Greenleigh NSW 2620 Lot 1 DP 1249543 (previously referred to as Lot 5 1199045)
4	APPLICANT/OWNER	Peet Jumping Creek Pty Ltd
5	TYPE OF REGIONAL DEVELOPMENT	General development over \$30 million
6	RELEVANT MANDATORY CONSIDERATIONS	<ul style="list-style-type: none"> • Environmental planning instruments: <ul style="list-style-type: none"> ○ State Environmental Planning Policy (State and Regional Development) 2011 ○ State Environmental Planning Policy No. 55 Contaminated Land Management ○ State Environmental Planning Policy (Infrastructure) 2007 ○ State Environmental Planning Policy (Koala Habitat Protection) 2021 ○ Queanbeyan Local Environmental Plan 2012 • Draft environmental planning instruments: Nil • Development control plans: <ul style="list-style-type: none"> ○ Queanbeyan Development Control Plan 2012 • Planning agreements: Nil • Provisions of the <i>Environmental Planning and Assessment Regulation 2000</i>: 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 <i>Environmental Planning and Assessment Act 1979</i> 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: 24 November 2021 ○ Conditions of Consent: 6 December 2021 ○ Written submissions during public exhibition: 7 ○ Total unique submissions received by way of objection: 7 ○ Verbal submissions at the public meeting 9 December 2021: <ul style="list-style-type: none"> ○ Members of the community – Frank Doyle ○ Council assessment officer – Elizabeth Densley ○ On behalf of the applicant - Mitchell Alexander
8	MEETINGS, BRIEFINGS AND SITE INSPECTIONS BY THE PANEL	<ul style="list-style-type: none"> ○ Briefing: 26 October 2021 <ul style="list-style-type: none"> ○ <u>Panel members</u>: Gordon Kirkby (Chair), Renata Brooks, Tim Fletcher, Pete Harrison ○ <u>Council assessment staff</u>: Graeme Harlor, Elizabeth Densley, Michael Thompson ○ <u>Panel Secretariat</u>: Sung Pak ○ Site inspection: 9 December 2021 <ul style="list-style-type: none"> ○ <u>Panel members</u>: Gordon Kirkby (Chair), Tim Fletcher (6 December 2021) ○ <u>Council assessment staff</u>: Graeme Harlor, Belinda McManus, Tim Reich, Charbel Sleiman

		<ul style="list-style-type: none"> ○ <u>Applicant:</u> Mitchel Alexander ○ <u>Panel Secretariat:</u> Amanda Moylan ○ Final briefing to discuss council's recommendation: 9 December 2021 <ul style="list-style-type: none"> ○ <u>Panel members:</u> Gordon Kirkby (Chair), Renata Brooks, Tim Fletcher ○ <u>Council assessment staff:</u> Graeme Harlor, Elizabeth Densley, Michael Thompson, Charbel Sleiman ○ <u>Panel Secretariat:</u> Amanda Moylan
9	COUNCIL RECOMMENDATION	Approval
10	DRAFT CONDITIONS	Attached to the council assessment report