



# **Ordinary Meeting of Council**

**26 October 2016**

**UNDER SEPARATE COVER  
ATTACHMENTS**



Item 8.1 Development Application 228-2016 - Land Swap Application,  
Common Roads and Bio Retention Basin - Googong

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# QUEANBEYAN-PALERANG REGIONAL COUNCIL

## Council Meeting Attachment

26 OCTOBER 2016

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ITEM 8.1	DEVELOPMENT APPLICATION 228-2016 - LAND SWAP APPLICATION, COMMON ROADS AND BIO RETENTION BASIN - GOOGONG
ATTACHMENT 1	ATTACHMENT - COUNCIL MEETING - 26 OCTOBER 2016 - DA 228-2016 - LAND SWAP - SECTION 79C MATTERS FOR CONSIDERATION

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**8.1 Development Application 228-2016 - Land Swap Application, Common Roads and Bio Retention Basin - Googong**  
**Attachment 1 - Attachment - Council Meeting - 26 October 2016 - DA 228-2016 - Land Swap - Section 79C Matters for Consideration (Continued)**

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**DA 228-2016 – subdivision of 4 lots into 13 new lots, bio retention basin and road construction**

**ATTACHMENT - SECTION 79C(1) TABLE – Matters For Consideration**

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This application has been assessed under Section 79C(1) of the *Environmental Planning and Assessment Act 1979* and the following matters are of relevance to **Development Application No 228-2016**

***State Environmental Planning Policies***

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The proposed development has been assessed in accordance with the requirements of the relevant State Environmental Planning Policies (SEPPs) including any draft SEPPs and a summary is provided in the following table:

SEPP COMMENTS	COMPLIES (Yes/No)
<b><i>State Environmental Planning Policy No 55 - Remediation of Land</i></b>	
<p>Pursuant to the Clause 7 of this Policy - <i>Contamination and remediation to be considered in determining development application</i>, the consent authority must consider:</p> <ol style="list-style-type: none"> <li><i>Whether the land is contaminated; and</i></li> <li><i>If the land is contaminated, whether it is satisfied that the land is suitable in its contaminated state (or will be suitable, after remediation) for the proposed use.</i></li> </ol> <p>The previous uses of the subject land include agricultural which had the potential to cause contamination of the land and impact on the future potential use of the land.</p> <p>A separate SEPP 55 assessment will take place for the two residential subdivisions DA 275-2016 and 167-2016 as each propose more sensitive land uses. A report was also submitted for the demolition of the existing homestead. This is relevant as part of the grounds of the existing homestead are subject to the proposed boundary adjustment. The following studies submitted for these development applications can be used to draw conclusions for the subject DA as all are inextricably linked.</p> <p>The following reports/letters are relevant:</p> <ul style="list-style-type: none"> <li>Douglas Partners (2015) Report on Detailed Site Investigation for Proposed Residential development Lot 101 DP616217, Googong;</li> <li>Douglas Partners (2015) Pre-Demolition Hazardous Building Materials Report</li> <li>David Jackson, Environmental Strategies (2016) letter dated 8 February regarding Environmental Assessment/Monitoring Advice</li> </ul>	Yes

**8.1 Development Application 228-2016 - Land Swap Application, Common Roads and Bio Retention Basin - Googong**  
**Attachment 1 - Attachment - Council Meeting - 26 October 2016 - DA 228-2016 - Land Swap - Section 79C Matters for Consideration (Continued)**

SEPP COMMENTS	COMPLIES (Yes/No)
<p>Neighbourhood 1A Stage 7, Googong.</p> <ul style="list-style-type: none"> <li>Michael Jones, Douglas Partners (2016) letter dated 13 May regarding Test Pit Locations – Stage 7 NH1A – Googong Estate and Bunyip Estate, Googong.</li> </ul> <p>There are no significant constraints to development at this stage on the M Gorman Holdings land, subject to conditions. The Environmental Strategies letter states that there were no previously identified areas of environmental concern within the boundary of HH1A Stage 7 based on the Coffey, 2004 report. However the letter also states there has been no background soil testing completed within certain areas of Stage 7 but based on previous historical assessment it is unlikely that there will be any issues identified at the site. Coffey (2004) conclude that it is expected that the land can be used for its intended purpose. In this regard, there is some doubt as to the completeness of environmental assessment. It appears that not all parts of the land (Parts of Stage 7) has been investigated for contamination. To ensure SEPP 55 is adequately addressed a Site Auditor Statement is required for the two residential subdivision applications presently being assessed and not for this application. In addition remediation will also be required in conjunction with the DA for the demolition of the existing Bunyip Homestead.</p>	
<b>State Environmental Planning Policy (Infrastructure) 2007</b>	
<p>This Policy provides a planning regime for the provision of services and infrastructure in NSW, outlines requirements for consent authorities to consult with relevant public authorities during the assessment of Development Applications, and outlines provisions for various types of exempt and complying development.</p> <p>The proposed development does not trigger the minimum thresholds for traffic generating development as it is not proposing 200 or more allotments and does not have access to a classified road or to a road that connects to classified road (within 90m) and in this respect Schedule 3 of the SEPP does not apply.</p>	Yes
<b>State Environmental Planning Policy No.44 – Koala Habitat Protection</b>	
<p>This policy aims to encourage the conservation and management of koala habitat.</p> <p>The SEPP applies to land within the former Yarralumla Shire and therefore applies to the subject site. The following sections of the SEPP apply to the proposed development.</p>	Yes

**8.1 Development Application 228-2016 - Land Swap Application, Common Roads and Bio Retention Basin - Googong**  
**Attachment 1 - Attachment - Council Meeting - 26 October 2016 - DA 228-2016 - Land Swap - Section 79C Matters for Consideration (Continued)**

SEPP COMMENTS	COMPLIES (Yes/No)
<p><b><i>Is the land potential koala habitat?</i></b></p> <p>(1) <i>Before a council may grant consent to an application for consent to carry out development on land to which this Part applies, it must satisfy itself whether or not the land is a potential koala habitat.</i></p> <p>Potential Koala habitat is defined in the SEPP as follows:</p> <p><b><i>potential koala habitat</i></b> means areas of native vegetation where the trees of the types listed in Schedule 2 constitute at least 15% of the total number of trees in the upper or lower strata of the tree component.</p> <p>The area subject to the subdivision and bio retention basin and common roads is largely devoid of native vegetation. The homestead is surrounded by large rows of mixed exotic trees and some eucalypts (<i>Eucalyptus bicostata</i> - Blue Gum) which require removal for the development. The exotic trees and the Blue Gum are not listed as feed tree species identified in Schedule 2 of the SEPP.</p> <p>(2) <i>A council may satisfy itself as to whether or not land is a potential koala habitat only on information obtained by it, or by the applicant, from a person who is qualified and experienced in tree identification.</i></p> <p>A detailed tree survey (Appendix 16 of the Statement of Environmental Effects—Tree Assessment) has been undertaken and the various tree species identified are not Schedule 2 trees.</p> <p>Council can be satisfied that the trees on the land subject to the application are not potential koala habitat and is not prevented because of this SEPP from granting consent to the proposed development.</p>	

No other SEPPS or Draft SEPPS are applicable to the proposed development.



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**Attachment 1 - Attachment - Council Meeting - 26 October 2016 - DA 228-2016 - Land Swap - Section 79C Matters for Consideration (Continued)**

**Local Environmental Plans**

The proposed development has been assessed in accordance with the relevant requirements of the *Queanbeyan Local Environmental Plan 2012* and no relevant draft LEPs apply to the land. A summary is provided as follows:


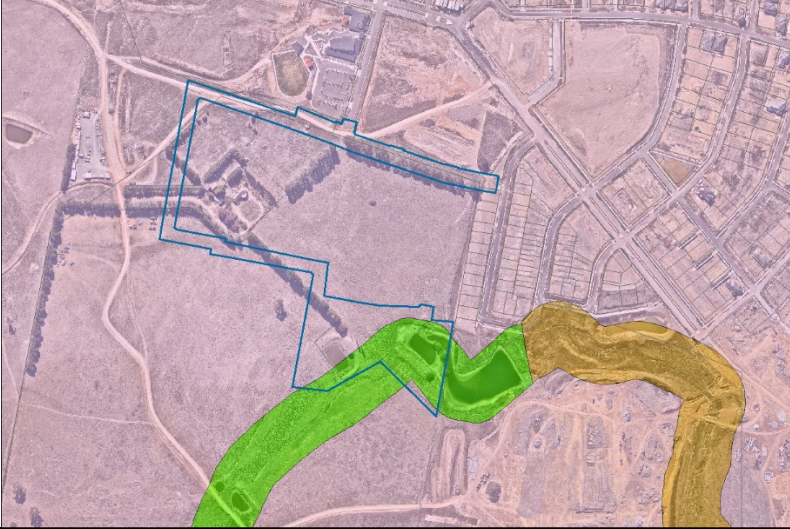
QUEANBEYAN LOCAL ENVIRONMENTAL PLAN 2012 COMMENTS	COMPLIES (Yes/No)
<b>Part 1 Preliminary</b>	
<b>Clause 1.2 Aims of Plan</b>	
<p>The aims of the Plan are as follows:</p> <ul style="list-style-type: none"> <li>a) <i>To facilitate the orderly and economic use and development of land in Queanbeyan based on ecological sustainability principles;</i></li> <li>b) <i>To provide for a hierarchy of retail, commercial and industrial land uses that encourage economic and business development catering for the retail, commercial and service needs of the community;</i></li> <li>c) <i>To recognise and protect Queanbeyan's natural, cultural and built heritage including environmentally sensitive areas such as Queanbeyan's native grasslands, the Queanbeyan River and Jerrabomberra Creek;</i></li> <li>d) <i>To protect the scenic quality, views and vistas from main roads and other vantage points within Queanbeyan of the escarpment and Mount Jerrabomberra; and</i></li> <li>e) <i>To maintain the unique identity and country character of Queanbeyan.</i></li> </ul> <p>The proposed development is considered to be generally consistent with the relevant aims of the QLEP 2012.</p>	Yes
<b>Clause 1.4 Definitions</b>	
<p>The proposed development is defined in the LEP's dictionary as being for drainage and roads.</p> <p><b>drainage</b> means any activity that intentionally alters the hydrological regime of any locality by facilitating the removal of surface or ground water. It may include the construction, deepening, extending, opening, installation or laying of any canal, drain or pipe, either on the land or in such a manner as to encourage drainage of adjoining land.</p> <p><b>earthworks</b> means excavation or filling</p> <p><b>road</b> means a public road or a private road within the meaning of the Roads Act 1993, and includes a classified road.</p> <p><b>recreation area</b> means a place used for outdoor recreation that is</p>	Yes

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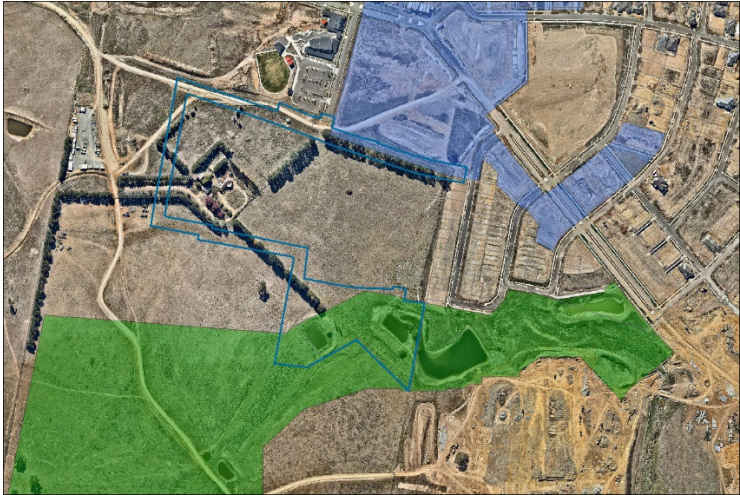
QUEANBEYAN LOCAL ENVIRONMENTAL PLAN 2012 COMMENTS	COMPLIES (Yes/No)
<p><i>normally open to the public, and includes:</i></p> <p><i>(a) a children's playground, or</i>  <i>(b) an area used for community sporting activities, or</i>  <i>(c) a public park, reserve or garden or the like,</i>  <i>and any ancillary buildings, but does not include a recreation facility (indoor), recreation facility (major) or recreation facility (outdoor).</i></p> <p>The proposed development is also defined as subdivision of land under Section 4B of the Environmental Planning and Assessment Act 1979. Subdivision is permitted under Clause 2.6 of the LEP and is discussed later in the report.</p> <p>Drainage and earthworks are not separately identified as a land use type but are considered to be ancillary to the recreation area, roads and future residential development on adjoining land in related DA's that are permissible with development consent.</p>	
<b>Clause 1.6 Consent authority</b>	
The consent authority for the proposed development is Queanbeyan-Palerang Regional Council.	Yes
<b>Clause 1.9A Suspension of Covenants, Agreements and Instruments</b>	
No covenants, agreements and instruments restricting the development have been identified.	Yes
<b>Part 2 Permitted or Prohibited Development</b>	
<b>Clause 2.1 Land Use Zones</b>	
The land subject to the proposed development is zoned R1 – General Residential and RE1 – Public Recreation under the Queanbeyan Local Environmental Plan 2012. An extract of the land zone map over the existing land boundaries and the proposed land boundaries is shown in Figure 1 and 2.	Yes

8.1 Development Application 228-2016 - Land Swap Application, Common Roads and Bio Retention Basin - Googong

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QUEANBEYAN LOCAL ENVIRONMENTAL PLAN 2012 COMMENTS	COMPLIES (Yes/No)
<div data-bbox="75 256 848 786">  </div> <div data-bbox="75 802 664 834"> <p>Figure 1 Extract from QLEP 2012 - Zoning Map</p> </div>	
<div data-bbox="75 852 865 1382">  </div>	

**8.1 Development Application 228-2016 - Land Swap Application, Common Roads and Bio Retention Basin - Googong**  
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QUEANBEYAN LOCAL ENVIRONMENTAL PLAN 2012 COMMENTS	COMPLIES (Yes/No)
<p><b>Figure 2 Land Zone overlay showing proposed development</b></p>  <p><b>Figure 3 Googong Common overlay showing proposed development</b></p>	
<b>Clause 2.3 Zone Objectives and Land Use Tables</b>	
<p>The objectives of the R1 – General Residential are:</p> <ul style="list-style-type: none"> <li>• To provide for the housing needs of the community.</li> <li>• To provide for a variety of housing types and densities.</li> <li>• To enable other land uses that provide facilities or services to meet the day to day needs of residents.</li> <li>• To ensure that buildings with non-residential uses have a bulk and scale that is compatible with the zone's predominantly residential character.</li> <li>• To promote walkable neighbourhoods and a sense of community.</li> <li>• To ensure that where possible, development maintains existing bushland.</li> <li>• To encourage medium to high density housing located in close proximity to the town and village centres.</li> </ul> <p>The development proposes a subdivision of 4 lots into 13 new lots, roads and a drainage basin which broadly meet the objectives of the zone. The subdivision</p>	<p>Yes</p>

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QUEANBEYAN LOCAL ENVIRONMENTAL PLAN 2012 COMMENTS	COMPLIES (Yes/No)
<p>principally is a realignment of a boundary between two property owners GTPL and M Gorman Holdings. The realigned boundary will allow a logical subdivision pattern of land once realigned and consolidated. The development will provide services to meet future residential subdivision including water, sewer, gas, and telecommunications within the road reserves. As the development is not for residential subdivision some of the objectives are not relevant.</p> <p><u>Permissibility</u>  The proposed roads are entirely within Zone R1 - General Residential and are permitted with development consent.</p> <p>The bio retention basin is proposed over the zone boundary, part of it falls within Zone R1 – General Residential and part falls within Zone RE1 – Public Recreation. A Bio Retention Basin is a landscaped depression or shallow basin used to slow and treat on-site stormwater runoff. Stormwater is directed to the basin and then percolates through the system where it is treated by a number of physical, chemical and biological processes. In this sense the proposed Bio Retention Basin is considered to be “drainage” as defined in the QLEP 2012.</p> <p><i>Drainage means “any activity that intentionally alters the hydrological regime of any locality by facilitating the removal of surface or ground water. It may include the construction, deepening, extending, opening, installation or laying of any canal, drain or pipe, either on the land or in such a manner as to encourage drainage of adjoining land.”</i></p> <p>Though not separately defined in the land use tables the activity is ancillary to the future residential development associated with DA 275/2016 and DA 167/2016 and is permissible in Zone R1 – General Residential. This type of activity would also require substantial earthworks.</p> <p>The objectives of the RE1 – Public Recreation zone are:</p> <ul style="list-style-type: none"> <li>• <i>To enable land to be used for public open space or recreational purposes.</i></li> <li>• <i>To provide a range of recreational settings and activities and compatible land uses.</i></li> <li>• <i>To protect and enhance the natural environment for recreational purposes.</i></li> </ul> <p><u>Permissibility</u></p> <p>Development that is proposed in the RE1 Public Recreation Zone includes part of the Bio Retention Basin, secondary spillway and associated drainage to the existing irrigation dam forming part of the Montgomery Creek system. Significant earthworks are proposed within 40m of riparian zone of Montgomery Creek. The bio retention basin is ancillary to road construction and subdivision</p>	

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QUEANBEYAN LOCAL ENVIRONMENTAL PLAN 2012 COMMENTS	COMPLIES (Yes/No)
<p>works proposed in the related DA 167/2016 and 275/2016 and is permissible as ancillary work to adjoining development.</p> <p>The development proposes landscape embellishments within the drainage area. This can be defined as a recreation area and is permissible with consent. However the recreation area is subordinate to the primary use as a drainage reserve.</p> <p>Roads are permissible with consent in the RE1 zone.</p> <p>Landscape embellishments are proposed as part of the public reserve on land zoned RE1. The applicant submits that the reserve “provides an important link for the Googong Common open space areas and serves to continue the public open space network including recreational links along the common”. This area is identified in the Googong Open Space MasterPlan as a Drainage Reserve - a component of the Googong Common, where creek works, small shelters, interpretative signage, and landscaping is proposed. The works proposed would satisfy the zone objectives.</p> <p>It is considered that the proposed development generally satisfies the objectives of RE1 – Public Recreation and R1 – General Residential Zone.</p>	
<b>Clause 2.5 Additional permitted uses for particular land</b>	
<p>Pursuant to Schedule 1 – Additional permitted uses, part of the land is identified on the Googong Map as “Googong Common”. This means that development for the uses identified in Schedule 1 are permitted on this part of the land with development consent.</p> <p>The proposed development does not propose any of the land uses applicable to the “Googong Common”.</p>	Yes
<b>Clause 2.6 Subdivision – Consent requirements</b>	
<p>This clause states that the subdivision of land requires development consent. The proposed development includes the subdivision of land to create 13 Torrens Title Lots. Proposed lots 1, 3, 5, 7 and 10 are for the purpose of future residential development (DA 275-2016).</p> <p>A draft Section 88B has been created to restrict the use of this land. The 88B states, “<i>The Grantor must not take any actions with respect to the land other than to consolidate it with Lot 10 or to include it in an application to subdivide the land together with Lot 10 and the other burdened lots.</i>”</p> <p>Proposed lots 2, 4 and 6 and 12 are for the purpose of future residential</p>	Yes - conditions

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**Attachment 1 - Attachment - Council Meeting - 26 October 2016 - DA 228-2016 - Land Swap - Section 79C Matters for Consideration (Continued)**

QUEANBEYAN LOCAL ENVIRONMENTAL PLAN 2012 COMMENTS	COMPLIES (Yes/No)
<p>development (DA167-2016).</p> <p>A draft Section 88B has been created to restrict the use of this land. The 88B states, <i>"The Grantor must not take any actions with respect to the land other than to consolidate it with Lot 12 or to include it in an application to subdivide the land together with Lot 12 and the other burdened lots"</i>.</p> <p>Proposed lot 8 proposes the drainage reserve and will be dedicated to Council. Proposed Lot 9 is part of the Googong Common and proposed Lot 11 will become part of Rogers Road to the south of Lot 1368 DP 1217419 Gorman Drive (Stage 6C and Stage 6B).</p>	
<b>Clause 2.7 Demolition requires development consent</b>	
Demolition is not proposed.	
<b>Part 4 Principal Development Standards</b>	
<b>Clause 4.1 Minimum subdivision lot size</b>	
<p>This clause provides for a minimum lot size for the subdivision of land as identified on the Minimum Lot Size Map.</p> <p>The objectives of this clause are as follows:</p> <ul style="list-style-type: none"> <li>a) <i>To ensure subdivision is sensitive to land, heritage and environmental characteristics (including water quality, native flora and fauna and places or items of Aboriginal and European heritage value);</i></li> <li>b) <i>To ensure subdivision does not adversely impact on the functions and safety of main roads;</i></li> <li>c) <i>To provide lots with areas and dimensions that enable the appropriate siting and construction of a building and associated works to minimise and avoid the threat of natural hazard (including bush fire, soil instability and flooding) and to protect significant vegetation and prominent or significant landscape qualities;</i></li> <li>d) <i>To ensure new lots have an adequate water supply and can be provided with an effective means of disposal of domestic waste and adequately serviced; and</i></li> <li>e) <i>To create lots that are compatible with the existing predominant lot pattern or desired future character of the locality and to minimise the likely adverse impact on the amenity of adjoining</i></li> </ul>	<p>Variation</p>

**8.1 Development Application 228-2016 - Land Swap Application, Common Roads and Bio Retention Basin - Googong**  
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QUEANBEYAN LOCAL ENVIRONMENTAL PLAN 2012 COMMENTS	COMPLIES (Yes/No)
<p><i>developments.</i></p> <p>The proposal has been assessed against the objectives of Clause 4.1 as being satisfactory. Given the temporary nature of Lots 1, 2, 3, 4, 5, 6, 7, 10, 11 and 12 the objectives are not entirely relevant.</p> <p>This clause requires a minimum lot size for all newly created lots to ensure they are of a size that are useable, serviceable and are compatible with desired future character. The minimum lot size identified on the Lot Size Map for land subject to the proposed subdivision is 330m<sup>2</sup>. Pursuant to subclause 4.1(3) the size of any lot resulting from the subdivision of land is not to be less than the minimum size shown on the Lot Size Map.</p> <p>The following lot sizes are proposed:</p> <p>Lot 1-1391.7m<sup>2</sup>  <b>Lot 2-254.3 m<sup>2</sup></b>  <b>Lot 3-263.4 m<sup>2</sup></b>  Lot 4-1876 m<sup>2</sup>  Lot 5-1154 m<sup>2</sup>  Lot 6-801.2 m<sup>2</sup>  <b>Lot 7-284 m<sup>2</sup></b>  Lot 8-1.322ha (This lot is to be dedicated to Council as a drainage reserve)  Lot 9 - 39.3ha (This lot is part of Neighbourhood 1B Stages 4, 6 and 8 and includes part of Googong Common)  Lot 10 – 7.066ha (This lot will be the lot that is further subdivided for residential development as in DA 275/2016).  Lot 11 – 3.229 ha - (This part Rogers Road and Stage 6 B and Stage 6C)  Lot 12 – 30.15 ha (This lot will be the lot that is further subdivided for residential development as in DA 167/2016).  Lot 13 – residue (future neighbourhood 2)</p> <p>Lots 2, 3 and 7 are lots less than the minimum lot size of 330m<sup>2</sup> and do not comply with this clause. A variation to this clause is proposed under <i>Clause 4.6 Exceptions to development standards</i>. This is discussed later in this report.</p> <p>The proposed subdivision provides for:</p> <ul style="list-style-type: none"> <li>• A realignment of irregular boundaries between two land owners;</li> <li>• The realignment enables the construction of a common road with an appropriate alignment; and</li> <li>• an orderly subdivision pattern for future residential development. It is not the intention for these lots to be sold for dwelling house purposes as proposed in DA 275/2016 and 167/2016. A draft Section 88B has been prepared to reinforce this.</li> </ul> <p>Given the proposed subdivision does not reflect a typical residential subdivision that requires each lot to be serviceable, useable and compatible the objectives of this clause may be inappropriate to apply. However a brief assessment has</p>	



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QUEANBEYAN LOCAL ENVIRONMENTAL PLAN 2012 COMMENTS	COMPLIES (Yes/No)
<p>been made against the objectives.</p> <p>The subdivision is sensitive to land, heritage and environmental characteristics. Lot 8 – Public Reserve is a drainage reserve with landscape embellishments. This lot will be dedicated to Council upon completion of construction and the drainage basin.</p> <p>Lots 1-7, 10 and 12 are the lots created to enable a boundary realignment. The new arrangement of these lots will ensure the future subdivisions can be adequately serviced by a common road. As these lots will not be created for the purpose of dwelling houses the areas and form have no consequence as they will be re-subdivided. These lots will not be serviced with water supply and waste disposal due to their temporary state.</p> <p>Lot 9 remains part of the Googong Common and is sensitive to environmental characteristics of Montgomery Creek. Lot 10 is the proposed lot subject to DA 275-2016 and Lot 12 is the proposed lot subject to DA167-2016. This is discussed in the officer's report for this DA.</p>	
<b>Clause 4.1B Minimum lot sizes for dual occupancies, multi dwelling housing and residential flat building</b>	
N/A	
<b>Clause 4.6 Exceptions to development standards</b>	
<p>The objectives of this clause are:</p> <ul style="list-style-type: none"> <li>a) <i>to provide an appropriate degree of flexibility in applying certain development standards to particular development, and</i></li> <li>b) <i>to achieve better outcomes for and from development by allowing flexibility in particular circumstances.</i></li> </ul> <p>Subject to this clause, development consent may be granted for development even if it would contravene a development standard imposed by an environmental planning instrument. However, this clause does not apply to a development standard that is expressly excluded from the operation of this clause.</p> <p>The proposed development contravenes a development standard in <i>Clause 4.1 – Minimum subdivision lot size</i>. Specifically, sub-clause 4.1(3) states that:</p> <p style="padding-left: 40px;"><i>the size of any lot resulting from a subdivision of land to which this clause applies is not to be less than the minimum size shown on the Lot Size Map in relation to that land.</i></p> <p>This development standard is <b>not</b> expressly excluded from the operation of</p>	<p style="color: red; text-align: center;">Variation</p>

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**Attachment 1 - Attachment - Council Meeting - 26 October 2016 - DA 228-2016 - Land Swap - Section 79C Matters for Consideration (Continued)**

QUEANBEYAN LOCAL ENVIRONMENTAL PLAN 2012 COMMENTS	COMPLIES (Yes/No)
<p>Clause 4.6.</p> <p><u>Description of Contravention</u></p> <p>Pursuant to Clause 4.1 – Minimum subdivision lot size, the minimum subdivision lot size shown on the Minimum Lot Size Map for the subject site is 330m<sup>2</sup>.</p> <p>The proposed development includes 3 lots that are less than the applicable 330m<sup>2</sup> minimum lot size. The size of these lots are 254.3m<sup>2</sup>, 263.4m<sup>2</sup> and 284m<sup>2</sup>.</p> <p>Sub-clause 4.6(3) states:</p> <p><i>Development consent must not be granted for development that contravenes a development standard unless the consent authority has considered a written request from the applicant that seeks to justify the contravention of the development standard by demonstrating:</i></p> <ul style="list-style-type: none"> <li><i>a) that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, and</i></li> <li><i>b) that there are sufficient environmental planning grounds to justify contravening the development standard.</i></li> </ul> <p>Further, sub-clause 4.6(4) states:</p> <p><i>Development consent must not be granted for development that contravenes a development standard unless:</i></p> <ul style="list-style-type: none"> <li><i>a) the consent authority is satisfied that:</i> <ul style="list-style-type: none"> <li><i>i. the applicant's written request has adequately addressed the matters required to be demonstrated by subclause (3), and</i></li> <li><i>ii. the proposed development will be in the public interest because it is consistent with the objectives of the particular standard and the objectives for development within the zone in which the development is proposed to be carried out, and</i></li> </ul> </li> <li><i>b) the concurrence of the Secretary has been obtained.</i></li> </ul> <p>The applicant has submitted a written request to justify the contravention. It states that compliance with the development standard is unreasonable and unnecessary in this case, and that an exemption to the lot size requirement for the three proposed allotments will have no significant planning or environmental consequences. The applicant states "the allotments are not proposed to be utilised for residential purposes nor accommodate any proposed new structures. Rather upon registration and transfer, these lots are intended to be subdivided</p>	

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**Attachment 1 - Attachment - Council Meeting - 26 October 2016 - DA 228-2016 - Land Swap - Section 79C Matters for Consideration (Continued)**

QUEANBEYAN LOCAL ENVIRONMENTAL PLAN 2012 COMMENTS	COMPLIES (Yes/No)
<p>as part of the residential development of the GTPL and M Gorman Holdings lands..." and "Accordingly a draft 88B Restriction has been prepared for the subject allotments.... It seeks to ensure the allotments cannot be utilised for any purpose other than for consolidation or subdivision with combined lots Lot 10 or 12.</p> <p>The statements in the applicants request is concurred with. The purpose of the subdivision is not to facilitate residential development but rather to enable a land swap between GTPL and M Gorman Holdings lands for future residential development and to create a logical subdivision pattern. The request has adequately addressed the required matters and the development is considered to be generally consistent with the objectives of <i>Clause 4.1 – Minimum subdivision lot size</i> and with the objectives of Zone R1 – General Residential and therefore sub Clause 4(a) is satisfied.</p> <p>In regards to sub-clause 4.6(4)(b), as the QLEP 2012 adopts Clause 4.6 of the Standard Instrument, Council has assumed concurrence of the Secretary of the Department of Planning and Environment and as such subclause 4.6(5) becomes irrelevant - (Refer to Planning Circular PS 08-003 issued by the Department of Planning and Environment in May 2008).</p> <p>Pursuant to sub-clause 4.6(8), the proposed development will not contravene a development standard for complying development or one that is in connection with a BASIX Certificate commitment. Moreover, it will not contravene <i>Clause 5.4 – Controls relating to miscellaneous permissible uses, Clause 6.1 – Arrangements for designated State and Territory public infrastructure and Clause 6.2 – Public utility infrastructure.</i></p> <p><u>Summary</u></p> <p>In summary, the proposed contravention of the development standard for minimum lot size contained in Clause 4.1 has the assumed concurrence of the Secretary and is supported by Council staff. The proposed development generally satisfies the objectives of Clause 4.1 and as the development is not for residential development the objectives in Zone R1 - General Residential are largely irrelevant. It is considered to be in the public interest to recommend approval of the proposed development.</p>	
<b>Part 5 Miscellaneous Provisions</b>	
<b>Clause 5.1 – 5.8 – Not applicable</b>	
<b>Clause 5.9 Preservation of trees or vegetation</b>	
<p>This clause requires that development consent is obtained for the removal of trees and/or vegetation as prescribed in the Queanbeyan Development Control Plan (QDCP) 2012. The land subject to the application contains mature pine</p>	Yes

**8.1 Development Application 228-2016 - Land Swap Application, Common Roads and Bio Retention Basin - Googong**  
**Attachment 1 - Attachment - Council Meeting - 26 October 2016 - DA 228-2016 - Land Swap - Section 79C Matters for Consideration (Continued)**

QUEANBEYAN LOCAL ENVIRONMENTAL PLAN 2012 COMMENTS	COMPLIES (Yes/No)
and cypress trees with a mix of blue gum eucalypts. In order for the construction of common roads and development of the land all these trees will be required to be removed. ***	
<b>Clause 5.10 Heritage conservation</b>	
<p>The objectives of this clause are as follows:</p> <ul style="list-style-type: none"> <li>a) <i>To conserve the environmental heritage of Queanbeyan,</i></li> <li>b) <i>To conserve the heritage significance of heritage items and heritage conservation areas, including associated fabric, settings and views,</i></li> <li>c) <i>To conserve archaeological sites,</i></li> <li>d) <i>To conserve Aboriginal objects and Aboriginal places of heritage significance.</i></li> </ul> <p>Heritage items and archaeological sites are listed in Schedule 5 of the LEP and heritage conservation areas are shown on the LEP Heritage Map. None of these sites are impacted by the proposed development.</p> <p><b><u>European Heritage</u></b></p> <p>Sub-clause 5.10(7) requires the consent authority, before granting consent for the carrying out of development on an archaeological site, to:</p> <ul style="list-style-type: none"> <li>a) <i>Notify the Heritage Council of its intention to grant consent, and</i></li> <li>b) <i>Take into consideration any response received from the Heritage Council within 28 days after the notice is sent.</i></li> </ul> <p><b><u>Note:</u></b></p> <p><b><i>archaeological site means a place that contains one or more relics.</i></b></p> <p><b><i>Relic means any deposit, artefact, object or material evidence that:</i></b></p> <ul style="list-style-type: none"> <li>a) <i>relates to the settlement of the area that comprises New South Wales, not being Aboriginal settlement, and</i></li> <li>b) <i>is of State or local heritage significance.</i></li> </ul> <p>Archaeological investigations have been carried out for Neighbourhood 1A and reports submitted for the proposed development. There are no archaeological sites (as defined above by the LEP) identified within the subject site, therefore, the application was not required to be notified to the Heritage Council.</p>	<p><b><u>European Heritage</u></b></p> <p>Condition regarding greater use of dry stone walling.</p> <p><b><u>Aboriginal Heritage</u></b></p> <ul style="list-style-type: none"> <li>• AHIP prior to commencement of proposed works.</li> <li>• GTA</li> <li>• Plans to show greater use of drystone walling</li> </ul>


**8.1 Development Application 228-2016 - Land Swap Application, Common Roads and Bio Retention Basin - Googong**  
**Attachment 1 - Attachment - Council Meeting - 26 October 2016 - DA 228-2016 - Land Swap - Section 79C Matters for Consideration (Continued)**

QUEANBEYAN LOCAL ENVIRONMENTAL PLAN 2012 COMMENTS	COMPLIES (Yes/No)
<p>The subject site does not contain any listed heritage items, is not located within a Heritage Conservation Area, or within the vicinity of any heritage listed items. However as stated by Council's Heritage Adviser "that even if a place is below threshold for heritage listing it may still have aesthetic, social and historic values that can contribute to the urban design process. This has not been fruitfully explored in the design and delivery of Googong".</p> <p>The demolition of the Bunyip homestead and associated structures is discussed in the assessment report for DA 337-2016. A heritage assessment submitted for DA 337-2016 and DA 275-2016, amongst other things, recommended potential re-use of the stone wall materials and rock cairn within the open space area of the proposed drainage reserve within the subject site. Council's Heritage Advisor concurred with this and the recommendations from the heritage assessment by Small Quinton Coleman be reinforced in development consent conditions including the use of dry stone walling be incorporated into the urban design of the Googong Common.</p> <p>Plans submitted for DA 228-2016 show minimal re-use of the stone wall materials and rock cairn within the drainage reserve. There is some thought that this is an inadequate re-use of the drystone walling within the landscaped space and its further use be considered. In this regard a condition of development consent be included in the Notice of Determination to require an amended Landscape Open Space Plan 3318-D3.1-LOSP Rev C to show greater use of drystone walling /or a commitment and plans to show its further use in DA 275-2016 Landscape Plan.</p> <p><b><u>Aboriginal Heritage</u></b></p> <p>Sub-clause 5.10(8) requires the consent authority, before granting consent for the carrying out of development in an Aboriginal place of heritage significance to:</p> <ol style="list-style-type: none"> <li><i>Consider the effect of the proposed development on the heritage significance of the place and any Aboriginal object known or reasonably likely to be located at the place by means of an adequate investigation and assessment (which may involve consideration of a heritage impact statement), and</i></li> <li><i>Notify the local Aboriginal communities, in writing or in such other manner as may be appropriate, about the application and take into consideration any response received within 28 days after the notice is sent.</i></li> </ol> <p>Archaeological investigations relating to Aboriginal Cultural Heritage have been carried out for Neighbourhood 1A. Aboriginal Cultural Heritage Assessment Reports prepared by Navin Officer Heritage Consultants (NOHC) was submitted for DA 275-2016 (M Gorman Holdings land) and DA 167-2016 (Googong land).</p>	


**8.1 Development Application 228-2016 - Land Swap Application, Common Roads and Bio Retention Basin - Googong**  
**Attachment 1 - Attachment - Council Meeting - 26 October 2016 - DA 228-2016 - Land Swap - Section 79C Matters for Consideration (Continued)**

QUEANBEYAN LOCAL ENVIRONMENTAL PLAN 2012 COMMENTS	COMPLIES (Yes/No)
<p>Of relevance is the report on the results of the assessment for the M Gorman Holdings land. One Aboriginal recording is listed, BG PAD 1 for the MJH land as this impacts the proposed common roads: Rogers Road, ST009 and ST002 subject to this DA.</p> <p>Archaeological test excavations were conducted. Six stone artefacts were recovered from subsurface sediments at BG PAD1. Any work that will impact on known Aboriginal objects requires an Aboriginal Heritage Impact Permit (AHIP) to be issued under the <i>National Parks and Wildlife Act 1974</i> prior to the commencement of proposed works.</p> <p>Pursuant to Section 91(2)(a) of the <i>Environmental Planning and Assessment Act 1979</i> the application was referred to the NSW Office of Environment and Heritage (OEH) as Integrated Development. This was required because there are known Aboriginal objects on the site, and therefore the OEH would need to issue their General Terms of Approval (GTAs) for any required permits to impact on Aboriginal objects.</p> <p>The OEH issued their GTAs for the proposed development on 14 September 2016. A condition will be imposed on the development consent (if granted) requiring compliance with the GTAs.</p>	
<b>Part 6 Urban Release areas</b>	
<b>Clause 6.1 Arrangements for designated state and Territory public infrastructure</b>	
<p>This clause requires satisfactory arrangements to be made for the provision of designated State and Territory public infrastructure for the subdivision of land in an urban release area before development consent can be granted.</p> <p>The Secretary of the Department of Planning and Environment has not issued a Certificate – Satisfactory Arrangements for Designated State and Territory Public Infrastructure for the proposed development. Until this has been received Council cannot approve the proposed development.</p>	
<b>Clause 6.2 Public utility infrastructure</b>	
<p>This clause states that development consent must not be granted for development on land in an urban release area unless the Council is satisfied that any public utility infrastructure that is essential for the development is available or that adequate arrangements have been made to make that infrastructure available when it is required.</p> <p>The site is serviced with reticulated water, sewer and stormwater. Electricity and telecommunications connections are also being made progressively available to each stage of Googong Township. These services and other infrastructure must be completed prior to the release of any Subdivision Certificate for the proposed lots.</p>	<p>Yes - conditions</p>

**8.1 Development Application 228-2016 - Land Swap Application, Common Roads and Bio Retention Basin - Googong**  
**Attachment 1 - Attachment - Council Meeting - 26 October 2016 - DA 228-2016 - Land Swap - Section 79C Matters for Consideration (Continued)**


QUEANBEYAN LOCAL ENVIRONMENTAL PLAN 2012 COMMENTS	COMPLIES (Yes/No)
<p>Council's Development Engineer has assessed the provision of public utilities and advises as follows:</p> <p><b>WATER</b></p> <p>The water supply in the subdivision of the lots will be in the circulating roads of the proposed development serving M Gorman Holding land which has a proposed 140 lot residential subdivision.</p> <p>The reticulating supply layout demonstrates a satisfactory operation functionality. The off take from the corner of ST001 provides an interconnection into N1B Stage 6. The intention of this connection is to provide a secondary feed into N1B Stage until the circulating loop of Gorman Dive is completed. This offtake will require the potable and recycled mains to cross Montgomery Creek. The creek crossing will be required to be in a conduit and to be grouted (which will be conditioned appropriately) restoration of the creek bed and banks will require bank and bed stabilisation to ensure that there is not risk of scouring during wet weather events until the area has rehabilitated.</p>  <p><b>SEWER</b></p> <p>Sewer carriers along the proposed subdivided land to form the ring road from the development site distribute the effluent between SPS2 and SPS1 with the majority going to SPS2. The extra lots discharging to SPS 1 do not overload the pump station which was at its design threshold at the release of N1A Stage 4 A due to the WRP not being commissioned. But now with the WRP commissioned the previous threshold of discharge does not apply.</p>	

**8.1 Development Application 228-2016 - Land Swap Application, Common Roads and Bio Retention Basin - Googong**  
**Attachment 1 - Attachment - Council Meeting - 26 October 2016 - DA 228-2016 - Land Swap - Section 79C Matters for Consideration (Continued)**

QUEANBEYAN LOCAL ENVIRONMENTAL PLAN 2012 COMMENTS	COMPLIES (Yes/No)
 <p><b>STORMWATER</b></p> <p>The drainage catchment plans provide catchment calculations which are satisfactory, the over land flow path runs to a proposed drainage reserve on the boundary of the proposed development and GTPL's Neighbourhood 1 Stage 7 subdivision proposal. The piped drainage and sizing within the street network with proposed pit layout is consistent with the adjoining neighbourhood treatments and meets the requirements for the anticipated piped and overland flows the discharge into the drainage reserve and the bio retention pond require treatment via Gross Pollutant Traps. The proposed public reserve provide a drainage reserve function to allow for the construction of a bio retention pond and overflow to an existing dam with land withheld from development to cater for the catchment of overland flows.</p>	



**8.1 Development Application 228-2016 - Land Swap Application, Common Roads and Bio Retention Basin - Googong**  
**Attachment 1 - Attachment - Council Meeting - 26 October 2016 - DA 228-2016 - Land Swap - Section 79C Matters for Consideration (Continued)**

QUEANBEYAN LOCAL ENVIRONMENTAL PLAN 2012 COMMENTS	COMPLIES (Yes/No)
 <p>Traffic and Parking and other Eng issues are addressed elsewhere in the report.</p>	
<b>Clause 6.3      Development control plans</b>	
<p>The objective of this clause is to ensure the development on land in an urban release area occurs in a logical and cost effective manner, in accordance with a staging plan and only after a development control plan that includes specific controls has been prepared for the land.</p> <p>Development consent must not be granted for development on land in an urban release area unless a development control plan that provides for matters specified in the clause has been prepared. Googong Development Control Plan came into effect in November 2010, with several amendments made since then. It contains the Googong Master Plan (Part 3) and Structure Plan for Neighbourhood 1A.</p>	
<b>Part 7      Additional Local Provisions</b>	
<b>Clause 7.1      Earthworks</b>	
<p>The objective of this clause is to ensure that any earthworks will not have a detrimental impact on environmental functions and processes, neighbouring uses or heritage items and features of the surrounding land.</p> <p>Earthworks will be associated with the proposed roads and bio-retention basin</p>	<p>Yes - conditions</p>

**8.1 Development Application 228-2016 - Land Swap Application, Common Roads and Bio Retention Basin - Googong**  
**Attachment 1 - Attachment - Council Meeting - 26 October 2016 - DA 228-2016 - Land Swap - Section 79C Matters for Consideration (Continued)**

QUEANBEYAN LOCAL ENVIRONMENTAL PLAN 2012 COMMENTS	COMPLIES (Yes/No)
<p>including preparation, grading, and infrastructure construction works. The DA was accompanied by a revised site grading plan - D035 Amend B.</p> <p>It is considered that the proposed development generally satisfies the objective of this clause.</p> <p>Before granting development consent for earthworks the consent authority must consider the following matters:</p> <p>a) <i>The likely disruption of, or any detrimental effect on, drainage patterns and soil stability in the locality of the development,</i></p> <p>The existing slopes within the site are generally between 1 and 10%. Proposed site preparation and earthworks will not have an adverse impact on soil stability. A Stormwater Management and Drainage Report prepared by Calibre Consulting, May 2016 advises:</p> <p><i>The hydrological and hydraulic modelling has shown that the proposed residential subdivision and <b>supporting roads</b> can be constructed while meeting Queanbeyan Council requirements for stormwater quantity and quality management. The objectives and performance targets (quantity and quality) are met using stormwater quality improvement devices throughout the subdivision, <b>with a bio-retention basin</b> and rainwater tanks.</i></p> <p>If development consent is granted conditions will ensure protection of drainage patterns.</p> <p>b) <i>The effect of the development on the likely future use or redevelopment of the land,</i></p> <p>The proposed development is consistent with the identified future urban use of the land.</p> <p>c) <i>The quality of the fill or the soil to be excavated, or both,</i>  A Geotechnical Investigation Report prepared by Douglas Partners, March 2015 was submitted for the Bunyip development. This report states that the quality of the soil to be excavated has been identified as being satisfactory. The soil has some potential for re-use on site as fill, however, there will be a need for the use of imported fill material for the engineering works. The recommendations of the Report will need to be adhered to and will be conditioned should development consent be granted.</p> <p>d) <i>The effect of the development on the existing and likely amenity of adjoining properties,</i>  The site works are unlikely to impact on the existing and likely amenity of adjoining rural and residential properties provided that appropriate conditions are imposed and complied with.</p> <p>e) <i>The source of any fill material and the destination of any excavated material,</i>  The source or destination of any fill material will be considered at the final</p>	

**8.1 Development Application 228-2016 - Land Swap Application, Common Roads and Bio Retention Basin - Googong**  
**Attachment 1 - Attachment - Council Meeting - 26 October 2016 - DA 228-2016 - Land Swap - Section 79C Matters for Consideration (Continued)**

QUEANBEYAN LOCAL ENVIRONMENTAL PLAN 2012 COMMENTS	COMPLIES (Yes/No)
<p>engineering design stage.</p> <p>f) <i>The likelihood of disturbing relics,</i></p> <p>The site works will not disturb any known relics.</p> <p>g) <i>The proximity to, and potential for adverse impacts on, any waterway, drinking water catchment or environmentally sensitive area,</i></p> <p>The NSW Department of Primary Industries – Water has issued General Terms of Approval for works in the vicinity of Montgomery’s Creek to construct roads and bio-retention basin. Impacts on this waterway will be further assessed and managed as part of a Controlled Activity Approval required to be obtained under the <i>Water Management Act 2000</i>. As stated above, the Calibre Consulting Stormwater Management and Drainage Report advises that the development can meet standard stormwater quantity and quality management guidelines to ensure no adverse impacts will occur on any watercourse, drinking water catchment or environmentally sensitive area.</p> <p>h) <i>Any appropriate measures proposed to avoid, minimise or mitigate the impacts of the development,</i></p> <p>Appropriate measures will be conditioned should development consent be granted.</p> <p>i) <i>The proximity to and potential for adverse impacts on any heritage item, archaeological site, or heritage conservation area.</i></p> <p>The site works will not have any adverse impacts on heritage or known archaeological sites, or known potential archaeological deposits in the vicinity of the subject site provided recommended conditions are complied with. The NSW Office of Environment and Heritage has issued General Terms of Approval for the proposed development. An Aboriginal Heritage Impact Permit (AHIP) must be issued before harm can occur to any Aboriginal objects within the Googong Common Roads development area.</p> <p>In summary, the proposed earthworks will not have any detrimental impact on environmental functions and processes, neighbouring uses or heritage items and features of the surrounding land provided that any recommended consent conditions are complied with.</p>	
<b>Clause 7.2 Flood Planning</b>	
<p>The Neighbourhood Structure Plan (Appendix 16) identifies a 1 in 100 year flood line for a second order watercourse – Montgomery Creek (Appendix IX – Opportunities and Constraints Plan). The constraints map identifies such constraints to be incorporated into design considerations. This mapping does not correlate with the QLEP 2012 – Flood Plain Map. As this site is not identified on the flood planning map and is not land that is at or below the flood planning level the clause is not considered relevant to the proposed development.</p>	N/A
<b>Clause 7.3 Terrestrial biodiversity</b>	

**8.1 Development Application 228-2016 - Land Swap Application, Common Roads and Bio Retention Basin - Googong**  
**Attachment 1 - Attachment - Council Meeting - 26 October 2016 - DA 228-2016 - Land Swap - Section 79C Matters for Consideration (Continued)**

QUEANBEYAN LOCAL ENVIRONMENTAL PLAN 2012 COMMENTS	COMPLIES (Yes/No)
<p>A section of the proposed common roads and the bio-retention basin, zoned RE 1, is identified on the Terrestrial Biodiversity Map. This aligns with the Googong Common.</p> <p>Under Section 5A of the EP&amp;AAct the proposed development is not considered to have a significant effect on threatened species, populations or ecological communities, or their habitats. In previous studies this area has not been identified as having high ecological values.</p> <p>It was concluded (Biosis Research, 2011) that the area of the southern section of the Googong Township is subject to the EPBC Act approved Pink tailed Worm –lizard and no Endangered Ecological Communities were identified within the Googong Township.</p>	Yes
<b>Clause 7.4 Riparian land and watercourses</b>	
<p>The proposed development including the bio-retention basin, proposed landscaped works and proposed roads ST001 and ST002 are within 40m of Montgomery's Creek and the land on which the application relates is identified on the Riparian Lands and Watercourses Map.</p> <p>The proposal was referred as Integrated Development to the NSW Department of Primary Industries (DPI) – Water under Section 91 of the <i>Water Management Act 2000</i> for works within 40 metres of Montgomery's Creek. The <i>Water Management Act 2000</i> allows for works within riparian corridors provided they undergo the required assessment and obtain the necessary approvals / licenses.</p> <p>DPI – Water issued their General Terms of Approval for the proposed development on 29 August 2016. Should development consent be granted these are to be included as an attachment to the consent and conditioned to be complied with.</p> <p>Before determining the development application the consent authority must consider:</p> <ol style="list-style-type: none"> <li>1. <i>Whether or not the development is likely to have any adverse impact on the following:</i> <ol style="list-style-type: none"> <li>i. <i>the water quality and flows within the watercourse,</i></li> <li>ii. <i>aquatic and riparian species, habitats and ecosystems of the watercourse,</i></li> <li>iii. <i>the stability of the bed and banks of the watercourse,</i></li> <li>iv. <i>the free passage of fish and other aquatic organisms within or along the watercourse,</i></li> <li>v. <i>any future rehabilitation of the watercourse and riparian areas.</i></li> </ol> </li> </ol> <p>It is considered that the issuing of General Terms of Approval by the NSW Office</p>	Yes - GTA

**8.1 Development Application 228-2016 - Land Swap Application, Common Roads and Bio Retention Basin - Googong**  
**Attachment 1 - Attachment - Council Meeting - 26 October 2016 - DA 228-2016 - Land Swap - Section 79C Matters for Consideration (Continued)**

QUEANBEYAN LOCAL ENVIRONMENTAL PLAN 2012 COMMENTS	COMPLIES (Yes/No)
<p>of Water for works within the Montgomery's Creek riparian corridor indicates that it is unlikely that the proposed development will have any adverse impacts on the items listed above.</p> <p>2. <i>Whether or not the development is likely to increase water extraction from the watercourse.</i></p> <p>The proposed development does not include or require any extraction of water from Montgomery's Creek.</p> <p>3. <i>Any appropriate measures proposed to avoid, minimise or mitigate the impacts of the development.</i></p> <p>The applicant will have to obtain a Controlled Activity Approval under the <i>Water Management Act 2000</i> before the commencement of any works. Such an approval will contain appropriate mitigation and management conditions. Further, development consent must not be granted unless Council is satisfied that:</p> <ul style="list-style-type: none"> <li>a) <i>The development is designed, sited and will be managed to avoid any significant adverse environmental impact, or</i></li> <li>b) <i>If that impact cannot be reasonably avoided—the development is designed, sited and will be managed to minimise that impact, or</i></li> <li>c) <i>If that impact cannot be minimised—the development will be managed to mitigate that impact.</i></li> </ul> <p>The proposed development is considered to have been designed and sited to avoid any significant adverse environmental impact. The development of Neighbourhood 1A of Googong Township (including Stage 7) has been informed by numerous environmental studies and technical reports. The impacts of the proposed works on the riparian corridor can be adequately minimised and mitigated through the administration of the <i>Water Management Act 2000</i>.</p>	
<b>Clause 7.5 Scenic protection</b>	
<p>This clause is not considered relevant to the proposed development as the site is not identified as "Scenic Protection Area" on the Scenic Protection Map.</p>	N/A
<b>Clause 7.6 Airspace operations</b>	
<p>This clause states that if a development application is received and the consent authority is satisfied that the proposed development will penetrate the Limitation or Operations Surface, the consent authority must not grant development consent unless it has consulted with the relevant Commonwealth body about the application.</p> <p>The ground level of the site penetrates the Operations Limitations Surface of the Canberra Airport. The application was therefore required to be referred to the Commonwealth Department of Infrastructure and Regional Development and the Canberra Airport. A Controlled Activity Approval under the Commonwealth Airports (Protection of Airspace) Regulations 1996 has been issued by the</p>	Yes

**8.1 Development Application 228-2016 - Land Swap Application, Common Roads and Bio Retention Basin - Googong**  
**Attachment 1 - Attachment - Council Meeting - 26 October 2016 - DA 228-2016 - Land Swap - Section 79C Matters for Consideration (Continued)**

QUEANBEYAN LOCAL ENVIRONMENTAL PLAN 2012 COMMENTS	COMPLIES (Yes/No)
Commonwealth and applies to both DA 228-2016 and 275-2016.	
<b>Clause 7.7 Development in areas subject to aircraft noise</b>	
This clause is not considered relevant to the proposed development as the site is not located near the Canberra Airport or within an ANEF contour of 20 or greater.	N/A
<b>Clause 7.8 Active street frontages</b>	
This clause is not considered relevant to the proposed development as the site is not identified as "Active street frontage" on the Active Street Frontages Map".	N/A
<b>Clause 7.9 Essential services</b>	
<p>See Clause 6.2 Public utility infrastructure – the site is serviced with reticulated water, sewer and stormwater. Other services will be made available and must be completed prior to release of subdivision certificate.</p> <p>The common roads provide for various utilities including:</p> <ul style="list-style-type: none"> <li>• 4 way shared trench for telecommunication, gas, street lighting, electricity,</li> <li>• recycled water reticulation</li> <li>• potable water reticulation,</li> <li>• sewer</li> <li>• stormwater</li> </ul> <p>In regards to vehicular access, Council's Development Engineer has confirmed that the road network is satisfactory. The site allows for manoeuvrability. Any variation to the road widths from the DCP or QPRC design specification requirements must be applied for as a variation to the DCP.</p> <p>Traffic access to the site is considered adequate, with an adequate pedestrian footpath network supplied in accordance with the road type cross sections.</p> <p>The applicant submitted a variation to the required 8.0m street width. This is further discussed in Part 5 of the Googong DCP. Briefly, the variation is supported by Council's Development Engineer. Refer Clause 6.2 for Development Engineers assessment.</p>	Variation for road width
<b>Clause 7.10 Development near Cooma Road Quarry</b>	
This clause is not considered relevant to the proposed development as the site is not identified as "Buffer Area" on the Quarry Buffer Area Map".	N/A
<b>Clause 7.11 Development near HMAS Harman</b>	

**8.1 Development Application 228-2016 - Land Swap Application, Common Roads and Bio Retention Basin - Googong**  
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QUEANBEYAN LOCAL ENVIRONMENTAL PLAN 2012 COMMENTS	COMPLIES (Yes/No)
This clause is not considered relevant to the proposed development as the site is not located within 2 kilometres of HMAS Harman or within Zone IN1 General Industrial or Zone IN2 Light Industrial.	N/A

***Draft Environmental Planning Instruments***

*There are no Draft Environmental Planning Instruments relevant to the subject site of the proposed development.*

***Development Control Plan***

The Googong Development Control Plan (GDGP) applies to the proposed development. The GDGP adopts Part 1, Section 1.8 and Part 2, Sections 2.1, 2.2, 2.3, 2.4, 2.5, 2.6, 2.7, 2.8 and 2.9 of the Queanbeyan Development Control Plan 2012 (QDCP).

Note: Many of the sections adopted from the Queanbeyan Development Control Plan 2012 contain controls that are repeated in the Googong Development Control Plan. For simplicity, only the specifically relevant sections of the QDCP that are not repeated in the GDGP are discussed in detail below. The Queanbeyan Development Control Plan (DCP) 2012 applies to the development and a summary of the relevant provisions is provided in the following table.

QUEANBEYAN DCP 2012 COMMENTS	COMPLIES (Yes/No)
<b>Part 1 About This Development Control Plan</b>	
<b>1.8 Public Notification Of A Development Application</b> The development application was notified to adjoining owners and advertised as Integrated Development in The Queanbeyan Age and The Chronicle on 08 July and 28 June 2016. No submissions were received.	Yes
<b>Part 2 All Zones</b>	
<b>2.2 Car Parking</b> This section requires compliance with the Australian Standard for car parking, which outlines parking and aisle widths, turning paths et cetera. These mainly relate to developments that include building works and changes of use.  As the development does not include residential lots the controls in this section are not relevant however it is noted that Councils Development Engineer is of the view that the road network is satisfactory and that traffic access to the site is adequate including the pedestrian footpath network.	Yes - conditions

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**Attachment 1 - Attachment - Council Meeting - 26 October 2016 - DA 228-2016 - Land Swap - Section 79C Matters for Consideration (Continued)**

QUEANBEYAN DCP 2012 COMMENTS	COMPLIES (Yes/No)
<p>It is noted that the driveway location on the corner of ST 002 does not meet the intent of QPRC's Design specification D13 vehicular access and will be appropriately conditioned.</p>	
<p><b>2.4 Contaminated Land Management</b>  This section applies to all development and outlines requirements relating to the use and/or development of land that is or may be contaminated. This has been addressed earlier in the report under SEPP 55.</p>	Yes
<p><b>2.5 Flood Management</b>  The subject site is not identified as a 'Flood planning area' on the LEP Flood Planning Map.</p> <p>Calibre's (2016) Stormwater Management and Drainage Report addresses flood modelling and flood extents along Montgomery Creek and the required sediment basin size. The report concludes that the objectives and performance targets are achieved by using stormwater quality improvement devices with a bio-retention basin.</p>	Yes
<p><b>2.6 Landscaping</b>  A Landscape Plan for street tree planting has been submitted. It was prepared by dsb Landscape Architects, who are a Category 2 Council Accredited Landscape Consultant. Refer to detailed comments later in this Report under Part 8 of the Googong DCP.</p>	Yes
<p><b>2.7 Soil, Water and Vegetation Management Plan (SWVM Plans)</b>  Sediment and erosion controls must be installed prior to any work commencing and be maintained throughout the course of subdivision works.</p> <p>A concept SWVM plan (D255 Amend A) prepared by Calibre Consulting was submitted for the proposed development. More detailed design of sediment and erosion controls will be submitted as part of the Construction Certificate (Subdivision) process. This will ensure compliance with the relevant environmental standards and Council's Engineering specifications. Standard conditions regarding site management and erosion and sediment control to be imposed on the development consent (if granted).</p>	Yes - conditions
<p><b>2.13 Preservation of Trees and Vegetation</b>  As stated in this report, the land subject to the application has rows of pine, cypress and some eucalypts that surround the existing homestead. This has been addressed in DA 275-2016 for the subdivision of land for 140 lots and in DA 337-2016 for the demolition of the homestead.</p>	
<p><b>Part 4 Heritage and Conservation</b></p>	



**8.1 Development Application 228-2016 - Land Swap Application, Common Roads and Bio Retention Basin - Googong**  
**Attachment 1 - Attachment - Council Meeting - 26 October 2016 - DA 228-2016 - Land Swap - Section 79C Matters for Consideration (Continued)**

QUEANBEYAN DCP 2012 COMMENTS	COMPLIES (Yes/No)
This has been discussed in report under Clause 5.10 of the QLEP 2012.	Yes - Conditions

The proposed development has been assessed in accordance with the requirements of the **Googong Development Control Plan (DCP)** and a summary of the relevant provisions is provided in the following table.

GOOGONG DCP COMMENTS	COMPLIES (Yes/No)
<b>Part 3 The Master Plan</b>	
<p>The Master Plan outlines general objectives and controls for Neighbourhood Structure Plans. These Plans provide for the orderly development of Googong Township by establishing the broad structure of each Neighbourhood within the context of the Master Plan. Development is to be generally in accordance with the Master Plan and relevant Neighbourhood Structure Plan.</p> <p>The proposed development is generally consistent with the Master Plan and takes into account changes to the Neighbourhood 1A boundary previously approved by Council.</p> <p>The Approved Structure Plan for the subject site is contained in Appendix 6 of the DCP. It broadly identifies the following:</p> <ol style="list-style-type: none"> <li>1. Areas of the site for residential, public open space, and drainage purposes;</li> <li>2. Road and pathway alignments;</li> <li>3. Street types; and</li> <li>4. Street tree types.</li> </ol> <p>The proposed development is generally consistent with the Googong Master Plan Structure Plans and Bunyip Neighbourhood Structure Plan except for the mix of street tree types.</p> <p><u>Variation – Street Trees</u></p> <p>The Bunyip Neighbourhood Structure Plan identifies a mix of native and exotic street trees. The streets proposed as part of the subject development application are identified on the Structure Plan as having a mix of 20% exotic and 80% native trees. The Street Tree Masterplan submitted with this development application shows streets ST006 and ST009 being planted with 100% exotic deciduous trees for. The applicant has submitted justifications for the proposed street tree plantings as listed below:</p> <ul style="list-style-type: none"> <li>• <i>The tree species selected for the residential street verges are principally exotic and selected based on appropriate size and form as a</i></li> </ul>	Variation – street trees

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GOOGONG DCP COMMENTS	COMPLIES (Yes/No)
<p><i>street tree relative to the road reserve and appropriate setbacks. The species are generally consistent to species proposed for the adjacent development Neighbourhood 1A – Stage 7 streets.</i></p> <ul style="list-style-type: none"> <li>• <i>Generally native trees are not suitable for street tree planting due to vigorous root systems and tendency to up lift path/kerbs etc. If eucalypts are installed, additional root barrier protection is required.</i></li> <li>• <i>Additionally, eucalypts have a tendency to drop limbs posing safety concerns to residents and property, have a lower life expectancy compared to deciduous species and therefore have higher maintenance requirements.</i></li> <li>• <i>Native species are evergreen and do not allow solar access during the winter months which is not preferable in narrower streetscape arrangements.</i></li> <li>• <i>The trees selected have appropriate form and character for these street arrangements and ensure a continuation of estate character as represented in the streets of adjoining developments.</i></li> </ul> <p>The applicant's justifications are noted. Council's Manager of Parks and Recreation has assessed the proposed street trees as being satisfactory. The proposal for the street trees to consist of 100% exotic deciduous species, except for streets 001 and 002 closest to the drainage reserve which are native, is supported.</p>	
<b>Part 4 Subdivision and Design</b>	
<p><b>4.2 and 4.3 – General Objectives and General Controls</b></p> <p>The objectives and controls of this section are directed towards achieving an appropriate residential subdivision design having regard to the natural attributes of the site, amenity of residential allotments in regards to views, solar access and proximity to community facilities, open space and public transport; and promoting a range of densities and housing choice.</p> <p>Amongst other things, the proposed development proposes a boundary adjustment between land owners, M Gorman Holdings and GTPL, to facilitate a further residential subdivision (DA 275-2016 and DA 167-2016). The lots proposed as part of this DA will not be used for residential purposes. The objectives and controls in these clauses are not relevant to this application.</p>	N/A
<p><b>4.4 – Lot Orientation and Lot Size and Layout</b></p> <p>Similarly to the reason outlined above the objectives and controls in this clause are not relevant to this application.</p>	N/A

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GOOGONG DCP COMMENTS	COMPLIES (Yes/No)
<b>Part 5 – Design Guidelines and Controls for Public Domain</b>	
<p><b>5.2 Street Network</b></p> <p>This Part of the DCP adopts various street types for the Googong Township, with pavement widths and verge widths dependent on traffic volumes, pedestrian use and services. Each street type also has its own set of specific objectives and controls.</p> <p>The proposed new streets that form part of the subject application have been assessed by Council's Development Engineer as being generally satisfactory with the general controls in this clause. There is one variation to a specific street type control which is recommended for approval and supported by Council's Development Engineer. Refer to detailed comments under Clause 5.5.</p>	Yes
<p><b>5.3 Main Road</b></p> <p>There are no main "town roads" proposed as part of this application.</p>	N/A
<p><b>5.4 and 5.5 and 5.7 Collector Road, Local Streets and Local Streets Adjacent to Major Open Space Areas</b></p> <p>This DA proposes the creation of Rogers Road, ST006, ST009, ST001 and ST002. Parts of these streets are Collector Roads connecting future residential areas (as proposed in DA 275-2016 and DA 167-2016) and other parts of these streets are local streets feeding local traffic onto the main arterial roads in Googong.</p> <p>As specified in the GDCP Category Local Street Type 3 requires a carriageway width of 8.0m but a carriageway width of 7.5m is proposed. Council's Development Engineer is of the view that the road network is satisfactory but any variation to the road widths from the GDCP or QPRC design specifications must be justified.</p> <p>The category of street types proposed are as follows:  Rogers Road – part Street Type Three and part Street Type Four  ST006, ST009 – Street Type Three  ST001 and ST002 – Drive One</p> <p>The design objectives of local streets are:</p> <ol style="list-style-type: none"> <li><i>Local streets will be the most common street type in Googong.</i></li> <li><i>They are designed to meet the typical conditions of residential areas.</i></li> <li><i>The network of local streets will link neighbourhood areas to the collector.</i></li> <li><i>Total number of vehicles is estimated to be 2,000 per day.</i></li> </ol>	Variation – Street widths

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GOOGONG DCP COMMENTS	COMPLIES (Yes/No)
<p>The applicant has submitted a request to vary the street widths:</p> <p><b>Variation to Street Widths</b></p> <p><i>All of the streets within the subdivisions, with the exception of Rogers Road, are classified as 'Local Street 3' and 'Local Street – Open Space Drive'. We propose that the road carriageway width is reduced from 8.0m to 7.5m for both street types, whilst the road reserve width is maintained at 17.5m for Local Street 3 and increased from 15.0m to 17.5m for Local Street – Open Space Drive.</i></p> <p><i>The justification for reducing the carriageway width from 8.0m to 7.5m is as follows:</i></p> <ol style="list-style-type: none"> <li><i>1. From a traffic safety and vehicle speed viewpoint, a 7.5m carriageway has been demonstrated to enable two vehicles to pass in opposite directions, with parked cars on one side, creating an appropriate low speed environment. Effectively, this provides two (unmarked) lanes of 2.7m width, with a parking width of 2.1m to one side. Whilst an 8.0m carriageway width also provides the same functionality, previous studies have shown that wider carriageway widths result in faster vehicular speeds in local streets;</i></li> <li><i>2. It is considered that an 8.0m carriageway may introduce indecision as to whether two vehicles may pass in opposing directions in the event that cars are parked opposite each other on both sides of the road. A 7.5m carriageway does not present this opportunity, so driver indecision and 'rash' driver behaviour is lessened;</i></li> <li><i>3. The carriageway widths are consistent with previous and current subdivision stages throughout Googong;</i></li> <li><i>4. Additional verge width is provided, such that both verges are a consistent 5.0m width, rather than one verge being 4.5m and the other verge being 5.0m; and</i></li> <li><i>5. The carriageway widths were proposed in the Googong Neighbourhood 1A Structure Plan Proposal report, February 2015.</i></li> </ol> <p>The applicant's justifications are noted. Council's Development Engineer considers the proposed variation to be acceptable, as it will maintain a streetscape uniformity throughout Neighbourhood 1A and is in keeping with the objectives of the overall street network and those specific to the street type. Council's Development Engineers are reviewing road width requirements as part of the current Neighbourhood 2 Structure Plan process.</p>	
<p><b>5.9 Public Open Space and Landscaping</b></p> <p>The objectives are:</p> <ol style="list-style-type: none"> <li>1) Provide a mix of passive, active, formal and informal public open spaces and play opportunities that will cater for and support the future community of Googong.</li> </ol>	Yes

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GOOGONG DCP COMMENTS	COMPLIES (Yes/No)
<p>2) Provide open space areas which are distinctive in character and provide safe and secure access for all users.</p> <p>3) Establish attractive walking and cycling links throughout.</p> <p>4) Create attractive landscapes that are durable and generally low maintenance.</p> <p>5) Landscaping of public open space shall be generally in accordance with the Landscape and Open Space Strategy and Schedule 1 in the Local Voluntary Planning Agreement</p> <p>The relevant controls for linear parks and drainage reserves are:</p> <ul style="list-style-type: none"> <li>i. Maximise ecological function through the planting of endemic species.</li> <li>ii. Link neighbourhood and local parks and other key community focal points into the continuous open space network.</li> <li>iii. Facilitate overland flow requirements.</li> <li>iv. Integrate non-vehicular circulation within footpaths and cycleways to increase safety and connectivity.</li> <li>v. Include water sensitive urban design elements such as weir structures to control water flow around drainage lines and create pooling where required, urban creek lines along streets and existing creeks.</li> <li>vi. Include bushland regeneration where appropriate.</li> </ul> <p>Lot 8 in the proposed development is nominated as a public reserve with an area of 1.322ha. The purpose of this reserve is for the drainage of surrounding residential development as shown in the Drainage Concept Master Plan – D163. A bio-retention basin is proposed to facilitate overland flow requirements to control water flow before becoming part of the Montgomery Creek system.</p> <p>Some soft and hard landscaping is proposed surrounding the basin including native groundcovers, shrub and tree planting, concrete shared path, interpretative features and seating. The embellishments link to the Googong path network and reflect the Landscape and Open Space Strategy. The drainage reserve and proposed landscaping adequately addresses the above controls.</p>	
<p><b>5.10 Landscaping in the Public Domain</b></p> <p>There are no objectives listed in this clause.</p> <p>Relevant control is:</p> <ul style="list-style-type: none"> <li>a) <i>Any subdivision application shall be accompanied by a planting schedule detailing proposed planting for local streets. Such proposed planting shall include a mix of exotic and local native species. Other plants may be used where it can be demonstrated that they meet the objectives and controls in this DCP.</i></li> </ul> <p>The submitted Landscape Plans include the required detailed planting schedules for street trees. As discussed previously in this Report the submitted Street Tree Masterplan shows the proposed street verges being planted with 100% exotic</p>	<p>Yes - conditions</p>

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GOOGONG DCP COMMENTS	COMPLIES (Yes/No)
deciduous trees except for those along ST001 and ST002 which are planted with 50% exotic and 50% native. Council's Manager of Parks and Recreation has assessed the proposed public domain landscaping as being satisfactory.	
<b>Part 6 – Single Dwelling Alterations, Additions and Studio Apartments</b>	
No residential development is proposed as part of this application and therefore this section is not applicable.	N/A
<b>Part 7 – Small lots, Multi Dwelling, Dual Occupancies and Residential Flats</b>	
No residential development is proposed as part of this application and therefore this section is not applicable.	N/A
<b>Part 8 – Environmental Management</b>	
<p><b>8.2 Soils and Salinity</b></p> <p>The objectives of this clause aim to minimise erosion and sediment loss during and after construction through appropriate on site management and you ensure development will not increase salt load in watercourses.</p> <p>The proposed development generally satisfies the relevant objectives and controls in this clause. A concept SWVM prepared by Calibre Consulting was submitted for the proposed development. The concept plan notes that a more detailed erosion and sediment control plan will be designed to comply with relevant requirements and will be submitted as part of the Construction Certificate (Subdivision) process. This will ensure compliance with the relevant environmental standards and Council's Engineering specifications. Standard conditions regarding site management and erosion and sediment control to be imposed on the development consent (if granted).</p> <p>A Stormwater Management and Drainage Report has been submitted to support the two development applications for residential development and the proposed roads that link the two developments. The objectives of this report are to identify key stormwater management design elements that link water infrastructure to protect downstream watercourses from flooding and water quality degradation with the construction of the bio – retention basin. This detention basin aims to avoid peak flows into Montgomery Creek and containment of sediment.</p> <p>Salinity investigations were undertaken by suitably qualified consultants as part of the Part 3A approval for the Integrated Water Cycle System and covered the whole township site including the land subject to this development application. The reports are included in the Environmental Assessment for the Part 3A</p>	Yes – conditions

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GOOGONG DCP COMMENTS	COMPLIES (Yes/No)
<p>application. Provided the commitments of the Part 3A approval are adhered to, the development will not significantly increase salt load and will minimise damage by saline soils.</p>	
<p><b>8.3 Cut and Fill</b>  The proposed development satisfies the objectives and controls in this clause that are relevant to subdivision applications. (Also refer to assessment of earthworks under Clause 7.1 of the LEP).</p> <p>Submitted technical reports and plans satisfactorily addresses the extent of cut and fill and site grading. Further details will necessarily need to be provided at Construction Certificate – Subdivision stage.  A revised site grading plan – DS035+ Amend B was submitted on 29 July 2016 showing required cut and fill. Earthworks will be stockpiled for future usage on site.</p> <p>The Geotech Report by Douglas Partners (March, 2015) identifies bulk earthworks that comprise cut and fill levels of up to 2-3 m depth for the detention basin and residential development proposed in subsequent DAs.</p>	<p>Yes  conditions</p>
<p><b>8.4 Stormwater Management and Flooding</b>  The proposed development generally satisfies the relevant objectives and controls in this clause. (Also refer to Development Engineer's assessment earlier in this Report). In summary:</p> <ul style="list-style-type: none"> <li>• A satisfactory stormwater drainage analysis is included with the application;</li> <li>• Natural drainage lines are incorporated in the stormwater and runoff drainage management system;</li> <li>• Satisfactory stormwater management strategies form part of the application;</li> <li>• Stormwater treatments include a bio-retention drainage basin (as approved under DA 228-2016); and</li> <li>• WSUD elements are incorporated in the design.</li> </ul> <p>Further details will necessarily need to be provided at Construction Certificate – Subdivision stage.</p>	<p>Yes -</p>
<p><b>8.5 Bushfire Management</b>  The proposed development satisfies the relevant objectives and controls in this clause.</p> <p>The land is not identified on the Queanbeyan Bushfire Prone Land Map and is not subject to referral as integrated development to the NSW Rural Fire Service</p>	<p>Yes – conditions – Performance Criteria and acceptable solutions</p>

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**Attachment 1 - Attachment - Council Meeting - 26 October 2016 - DA 228-2016 - Land Swap - Section 79C Matters for Consideration (Continued)**

GOOGONG DCP COMMENTS	COMPLIES (Yes/No)
<p>(RFS) for the issue of a Bush Fire Safety Authority under section 100B of the <i>Rural Fires Act 1997</i>. However, there is the possibility of fires occurring within surrounding grasslands. This hazard is addressed in the submitted Bushfire Protection Assessment prepared by Eco Logical Australia and dated 3 June 2016.</p> <p>Residential development is not proposed in this development application and as stated in the bushfire assessment report the main consideration for this development application is access and egress.</p> <p>It is noted in the report that the road widths provided within the subdivision design are limited to 7.5m rather than 8.0m as specified in the GDCP. Ecological is of the view that the roads widths provided are only marginally less than those prescribed in the Planning for Bushfire Protection and are considered in conjunction with the lower fire risk presented by the grassland hazard will allow safe access for fire fighters and residents to evacuate from the area simultaneously.</p> <p>The verge width on the Open Space Drive has been increased to 5.0m from 2.5m to accommodate adequate provisions for the NSW Rural Fire Service and other services. As these services are situated outside the trafficable road width clear access to these reticulated water supplies can be achieved.</p> <p>Temporary emergency access is provided around the perimeter of the site. The temporary emergency access will be modified from time to time to suit ongoing construction requirements.</p> <p>The Eco Logical Report concludes that <i>"the bushfire protection requirements listed in this assessment provide an adequate standard of bushfire protection for the proposed development, a standard that is consistent with "planning for Bush Fire Protection and appropriate for the issue of a Bush Fire Safety Authority or other relevant approval under section 79C of the Environmental Planning and Assessment Act 1979"</i>.</p> <p>The relevant Performance Criteria and acceptable solutions contained within the Ecological Report will be imposed as conditions of consent (should it be granted).</p>	
<p><b>8.6 Aboriginal Heritage</b></p> <p>The proposed development satisfies the relevant objectives and controls in this clause and has satisfactorily taken Aboriginal Heritage into account. (Also refer to assessment of Aboriginal heritage under Clause 5.10 of the LEP).</p> <p>The development application is accompanied by an Aboriginal Cultural Heritage Assessment that has been prepared with the appropriate investigations and in consultation with local Aboriginal groups consistent with Clause 5.10(8) of the LEP. A Potential Archaeological Deposit will be impacted by the proposed common roads. For this reason the development application was referred to Office of Environmental and Heritage as "integrated development" General Terms</p>	Yes – GTA's



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GOOGONG DCP COMMENTS	COMPLIES (Yes/No)
of Approval have been issued and these will become part of a development consent if granted.	
<p><b>8.7 European Archaeological Heritage</b>  The proposed development satisfies the relevant objectives and controls in this clause.</p> <p>No European historical or archaeological sites are recorded within the proposed development site.</p>	Yes - conditions
<p><b>8.8 Tree Retention and Biodiversity</b>  The proposed development generally satisfies the relevant objectives and controls in this clause. (Also refer to assessment of impacts on threatened fauna and flora species and habitats and riparian land under Clauses 7.3 and 7.4 of the LEP).</p> <p>Most of the vegetation on the subject site is associated with the homestead, including numerous mature exotic trees and shrubs. The proposed development includes the removal of all of the existing trees and shrubs.</p> <p>An assessment of the vegetation and individual trees on the site was carried out by dsb Landscape Architects in 2014. They state as follows:</p> <ul style="list-style-type: none"> <li>• The majority of plantings appear to be approximately 50 years old;</li> <li>• The predominant species are trees used typically for windbreaks, including <i>Pinus radiata</i>, <i>Curessus sp.</i> and Lombardy Poplar;</li> <li>• None of the trees are identified on Council's Significant Tree Register;</li> <li>• There are no rare or endangered trees on the site; and</li> <li>• No trees have been assessed as being "Extra High" or "High" quality.</li> </ul> <p>dsb conclude that none of the trees on site are of sufficient quality to warrant retention. Many of the existing trees are now classified as weeds and/or are coming to the end of their foreseeable healthy lifespan.</p> <p>New street tree plantings are proposed within the road reserves. They are predominantly exotic small trees to medium trees, with tall native eucalyptus proposed in the road reserves surrounding the drainage basin.</p> <p>Surrounding the bio-retention basin a mix of native open space plantings combining a mix of native trees, shrubs, grasses and groundcovers will be planted. To assist in the function of the bio-detention basin aquatic marcophytes (wetland plant species) are proposed to be planted.</p> <p>The proposed tree planting satisfies the relevant objectives and controls of this clause.</p>	Yes - conditions

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GOOGONG DCP COMMENTS	COMPLIES (Yes/No)
<b>8.9 Land Contamination Management</b> The proposed development satisfies the relevant objectives and controls of this clause. There are no areas of environmental concern within the proposed development site. Refer to assessment under SEPP 55 for detailed comments.	Yes
<b>8.10 Odour</b> No residential development is proposed as part of this application and therefore this section is not applicable.	N/A
<b>8.11 Construction Waste</b> A Waste Management Plan must be provided for all development requiring construction works on site. The level of detail in the plan will reflect the scale of development being undertaken. A Waste Management Plan will be required to be submitted as part of a broader Construction Management Plan and a condition imposed accordingly.	Yes - conditions
<b>8.12 Landfills/Earthworks</b> The objectives of this clause are to ensure that any earthworks associated with the development will not have detrimental impacts on surrounding environment including the requirement for landfill that uses only virgin excavated natural material. A revised site grading plan has been submitted with the application (D035+ Amend B) and is to be read in conjunction with the Geotech report by Douglas Partners (March 2015). All earthworks are to be undertaken under close supervision and consultation with the geotechnical consultants.	Yes - conditions
<b>8.13 Development near Googong Dam Foreshores</b> The proposed development is not within land identified as Googong Foreshore Buffer Area on the Local Clause Map.	N/A

***Additional Planning Considerations***

The following additional planning matters apply to the development:

MATTERS FOR CONSIDERATION	COMPLIES (Yes/No)
<b><i>Environmental Planning and Assessment Act Regulation 2000</i></b>	
No matters prescribed in the Regulation are relevant in the consideration of the subject application.	Yes

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MATTERS FOR CONSIDERATION	COMPLIES (Yes/No)
<i>The Likely Impacts of the Development</i>	
<i>Context and Setting</i> – The proposed roads and bio-retention basin are consistent with the Neighbourhood Structure Plan for the site and the Googong Master Plan. This context of this development must be considered alongside the proposed residential developments in DA 275 – 2016 and DA 167-2016.	Yes
<i>Access, Transport and Traffic</i> - The proposed development's impact in relation to access, transport and traffic has been assessed as being satisfactory. The proposed common roads provide access to the two residential developments on GTPL and M Gorman Holdings land. Refer to detailed comments earlier in this Report under the relevant clauses LEP and DCP clauses.	Yes
<i>Public Domain</i> - The proposed bio-retention basin will provide a connection between other open spaces along Montgomery Creek corridor contributing to the recreational opportunities for future residents.	Yes
<i>Utilities</i> - Council's Development Engineer is satisfied with arrangements to service the land as detailed earlier in this Report under the relevant clauses LEP and DCP clauses.	Yes
<i>Heritage</i> - Matters pertaining to both European and Aboriginal heritage have been satisfactorily addressed as detailed earlier in this Report under Clause 5.10 of the <i>Queanbeyan Local Environmental Plan (QLEP) 2012</i> .	Yes
<i>Other Land Resources</i> - The proposed development will not adversely impact on valuable land resources for productive agriculture land and mineral and extractive resources. This land is part of an urban release area.	Yes
<i>Water</i> - The proposed development adjoins the Montgomery's Creek riparian corridor. A satisfactory stormwater strategy has been prepared by Calibre Consulting. The NSW Department of Primary Industries – Water have issued General Terms of Approval for works within 40m of Montgomery's Creek	Yes
<i>Soils</i> - The submitted geotechnical engineer's report confirms soils are appropriate for the proposed development.	Yes
<i>Air and Microclimate</i> - The construction stage of the proposed development will likely cause the emission of dust from earthworks. Management of this issue is to be addressed by the submission of a Construction Management Plan prior to	Yes

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MATTERS FOR CONSIDERATION	COMPLIES (Yes/No)
issue of a Construction Certificate (Subdivision).	
<i>Flora and Fauna</i> - The proposed development will not result in a significant impact to any threatened flora and fauna species. Refer to comments under clause 7.3 of the QLEP 2012	Yes
<i>Waste</i> - A Waste Management Plan will need to be submitted and approved prior to the issue of a Construction Certificate (Subdivision) and will form part of the Construction Management Plan.	Yes
<i>Noise and Vibration</i> - The construction stage of the proposed development will likely cause the emission of noise and vibration from earthworks. Management of this issue is to be addressed by the submission of a Construction Management Plan prior to issue of a Construction Certificate (Subdivision).	Yes
<i>Natural Hazards</i> - Potential hazards include from bushfire, contamination and salinity. These issues have been satisfactorily addressed in this Report. There are no areas of environmental concern identified within the proposed development site.	Yes
<i>Technological Hazards</i> - There are no known technological hazards affecting the development site.	Yes
<i>Safety, Security and Crime Prevention</i> – As the proposed development does not propose residential development this is not relevant.	N/A
<i>Social and Economic Impact in the Locality</i> - The proposed subdivision is not expected to pose any negative social or economic impacts to the locality. There will be local economic benefits through employment opportunities during construction.	Yes
<i>Site Design and Internal Design</i> – The proposed roads provide for two residential developments to the north and south on land owned by GTPL and M Gorman Holdings. The internal design of the drainage reserve has been embellished with paths to allow for pedestrian , bicycle and/or vehicular movement and coordinated with adjoining open space areas.	Yes
<i>Construction</i> - The construction stage of the common roads and bio-retention basin will have the potential to impact on adjoining properties and the environment for a short period of time. Any approval is recommended to be conditioned to ensure construction activities do not unreasonably impact on the adjoining properties and the environment by way of noise, erosion, dust and the like. These types of conditions are routinely imposed on development consents that involve construction. In addition, it is recommended that a Construction Management Plan which specifically addresses the generation of dust and	Yes

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MATTERS FOR CONSIDERATION	COMPLIES (Yes/No)
noise be required to be submitted to Council for approval prior to the issuing of a Construction Certificate (Subdivision).	
<i>Cumulative Impacts</i> - Cumulative impacts relate to the small impacts of developments in an area that when considered in unison can result in detrimental impact on the natural or built environment. It is considered that with adherence to recommended conditions of consent that the proposal will not give rise to any adverse cumulative impacts.	Yes
<b><i>The Suitability of the Site for the Development</i></b>	
<i>Does the proposal fit in the locality?</i> - There are no physical constraints, heritage, threatened species, agricultural or mineral and extractive resource constraints impacting on the proposed development. The proposed development will not give rise to unmanageable transport demands, adequate recreational opportunities will be provided and all services will be available.	Yes
<i>Are the site attributes conducive to development?</i> – Site attributes are considered to be conducive to the proposed development.	Yes
<b><i>Have any submissions been made in accordance with the Act or the Regulations?</i></b>	
<i>Public Submissions</i> - No submissions were made during the period of public exhibition.	Yes
<p><i>Submissions from Public Authorities –</i></p> <p><b><u>NSW Department Planning and Environment</u></b></p> <p>Clause 6.1 of the LEP requires satisfactory arrangements to be made for the provision of designated State and Territory public infrastructure before the subdivision of land in an urban release area.</p> <p>The Secretary of the Department of Planning and Environment has NOT issued a Certificate – Satisfactory Arrangements for Designated State and Territory Public Infrastructure for the proposed development. While it is likely contributions will not be required for this DA (as they will be collected as part of the subsequent subdivision of the land) Council still needs confirmation from the Department that this is the case.</p>	

**8.1 Development Application 228-2016 - Land Swap Application, Common Roads and Bio Retention Basin - Googong**  
**Attachment 1 - Attachment - Council Meeting - 26 October 2016 - DA 228-2016 - Land Swap - Section 79C Matters for Consideration (Continued)**

MATTERS FOR CONSIDERATION	COMPLIES (Yes/No)
<p><b><u>Commonwealth Department of Infrastructure and Regional Development (DIRD)</u></b></p> <p>Clause 7.6 of the LEP requires consultation with DIRD for the erection of structures that will penetrate the Obstacle Limitations Surface of the Canberra Airport. DIRD do not object to the proposed development. A Controlled Activity Approval under the Commonwealth <i>Airports (Protection of Airspace) Regulations 1996</i> has been issued by the Commonwealth for the proposed development to a <b>maximum height of 822metres AHD</b>. This will ensure that any future structures that are compliant with the height limitations of the LEP will not require any further approval from the Commonwealth.</p> <p>A number of conditions have been imposed on the approval:</p> <ul style="list-style-type: none"> <li>• The structures in the subdivision must not exceed a maximum height of 822metres AHD or 20 metres AGL, inclusive of vents, chimney aerials, antennas (of whatever type) lighting rods etc.</li> <li>• Separate approval in accordance with the Regulations must be sought for any crane operations or other structures within this Googong site which will exceed the height of 822 metres AHD or 20 metres AGL.</li> </ul> <p><b><u>NSW Department of Primary Industries (DPI) -Water</u></b></p> <p>General Terms of Approval for requiring a controlled activity approval under Section 91 of the <i>Water Management Act 2000</i> were requested from DPI – Water.</p> <p>In accordance with section 91A (3) of the <i>Environmental Planning and Assessment Act 1979</i> requires a consent granted by the consent authority to be consistent with the general terms of approval. In this regard the GTA are to be included in the consent notice.</p> <p><b><u>NSW Department of Primary Industries (DPI) -Fisheries</u></b></p> <p>General Terms of Approval for requiring a controlled activity approval under Section xx of the <i>Fisheries Management Act (FMA) 1994</i> were requested from DPI – Fisheries.</p> <p>The DPI- Fisheries can advise that a permit under the provisions of part 7 of the FMA will not be required and as a result no GTA's are specified. However has provided comment on water quality and riparian offsetting and recommended conditions of consent to ensure that water quality in Montgomery's Creek and the Queanbeyan River is not degraded.</p> <ol style="list-style-type: none"> <li>1. Development of a detailed Construction Environmental Management Plan (CEMP) and Erosion Sediment and Control Plan (ESCP) prior to commencement of construction.</li> <li>2. Development of a stormwater quality monitoring program with emphasis on sampling during and soon after moderate to large rainfall events to test predictions made in relation to performance of the water quality treatment measures.</li> </ol>	

**8.1 Development Application 228-2016 - Land Swap Application, Common Roads and Bio Retention Basin - Googong**  
**Attachment 1 - Attachment - Council Meeting - 26 October 2016 - DA 228-2016 - Land Swap - Section 79C Matters for Consideration (Continued)**

MATTERS FOR CONSIDERATION	COMPLIES (Yes/No)
<p>3. Implementation and maintenance of Erosion and Sediment Controls in accordance until all civil and dwelling construction works have been completed and the site is fully stabilised.</p> <p>4. Periodic independent auditing of, and reporting on, implementation and effectiveness of the ESCP throughout the civil and dwelling construction phases.</p> <p><b><u>NSW Office of Environment and Heritage (OEH)</u></b></p> <p>General Terms of Approval for issuing an Aboriginal Heritage Impact Permit (AHIP) under section 90 of the <i>National Parks and Wildlife Act</i> were received from OEH.</p> <p>Section 91A (3) of the <i>Environmental Planning and Assessment Act 1979</i> requires a consent granted by the consent authority to be consistent with the general terms of approval. In this regard the GTA's are to be included in the consent notice.</p> <p>OEH also reviewed the biodiversity component of the proposed development and is satisfied that the development is not likely to be a significance impact on flora and fauna, including species, populations and communities listed under the <i>Threatened Species Conservation Act 1995</i>.</p>	
<b><i>The Public Interest</i></b>	
<p>It is considered to be in the public interest to approve the proposed development (with the recommended conditions). It forms part of Neighbourhood 1A of the Googong Township and is generally consistent with the established strategic planning framework that has been development for the Googong urban release area.</p>	Yes
<b><i>Government and Community Interests</i></b>	
<p>It is considered that government and community interests will not be adversely affected by the proposed development.</p>	Yes
<b><i>Section 94 Development Contributions</i></b>	
<p><i>Section 94 Contributions</i></p> <p>The Queanbeyan City Council Section 94 Contributions Plan (Googong) 2015 ("the Googong Contributions Plan") is applicable to the land subject to the application but the development does not generate Section 94 contributions as</p>	Yes

**8.1 Development Application 228-2016 - Land Swap Application, Common Roads and Bio Retention Basin - Googong**  
**Attachment 1 - Attachment - Council Meeting - 26 October 2016 - DA 228-2016 - Land Swap - Section 79C Matters for Consideration (Continued)**

MATTERS FOR CONSIDERATION				COMPLIES (Yes/No)
no additional demand for public services are created.				
The works proposed: roads and a drainage reserve are being undertaken adjacent to a development site (DA 275-2016 and DA 167-2016) and fall under the scope of Section 80 A of the EP&A Act as identified in the Googong Section 94 Plan. In this respect the roads and drainage reserve will require:				
<ul style="list-style-type: none"><li>• Dedication at no cost to Council; and</li><li>• Provision of works shall be provided by and at the full cost of the developer.</li></ul>				
In this case the developer is providing the works specified at their full cost and no other developer contributions would apply.				
Lots proposed:				
Lots	On land in M Gorman Holdings ownership	On land in GTPL ownership	Difference between the totals of land to be swapped	
Lot 1	391.7			
Lot 2		254.3		
Lot 3	263.4			
Lot 4		1876		
Lot 5	1154			
Lot 6		801		
Lot 7	284			
	2093.1	2931.5	838	
Section 64 Contributions				
Pursuant to Section 64 of the Local Government Act 1993 Council's Development Servicing Plans for Water Supply and Sewerage 2015/16 – Googong is applicable to the subject site. However as the development does not propose any lots for residential development they do not generate Section 64 contributions. Section 64 contributions will be levied on DA 275-2016 and DA167-2016 for residential subdivision.				
The works proposed: water and sewer are being undertaken adjacent to a development site (DA 275-2016 and DA 167-2016) and fall under the scope of Section 80 A of the EP&A Act. In this respect the water and sewer mains will require the provision of works at the full cost of the developer.				



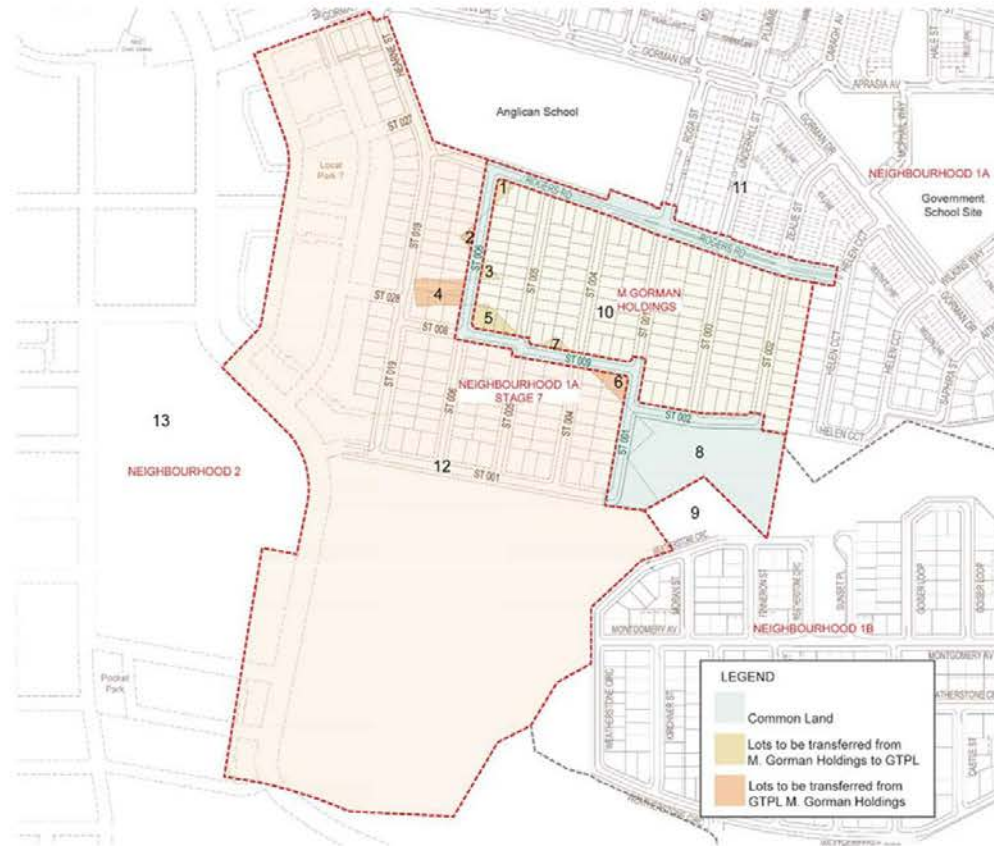
# **QUEANBEYAN-PALERANG REGIONAL COUNCIL**

## **Council Meeting Attachment**

**26 OCTOBER 2016**

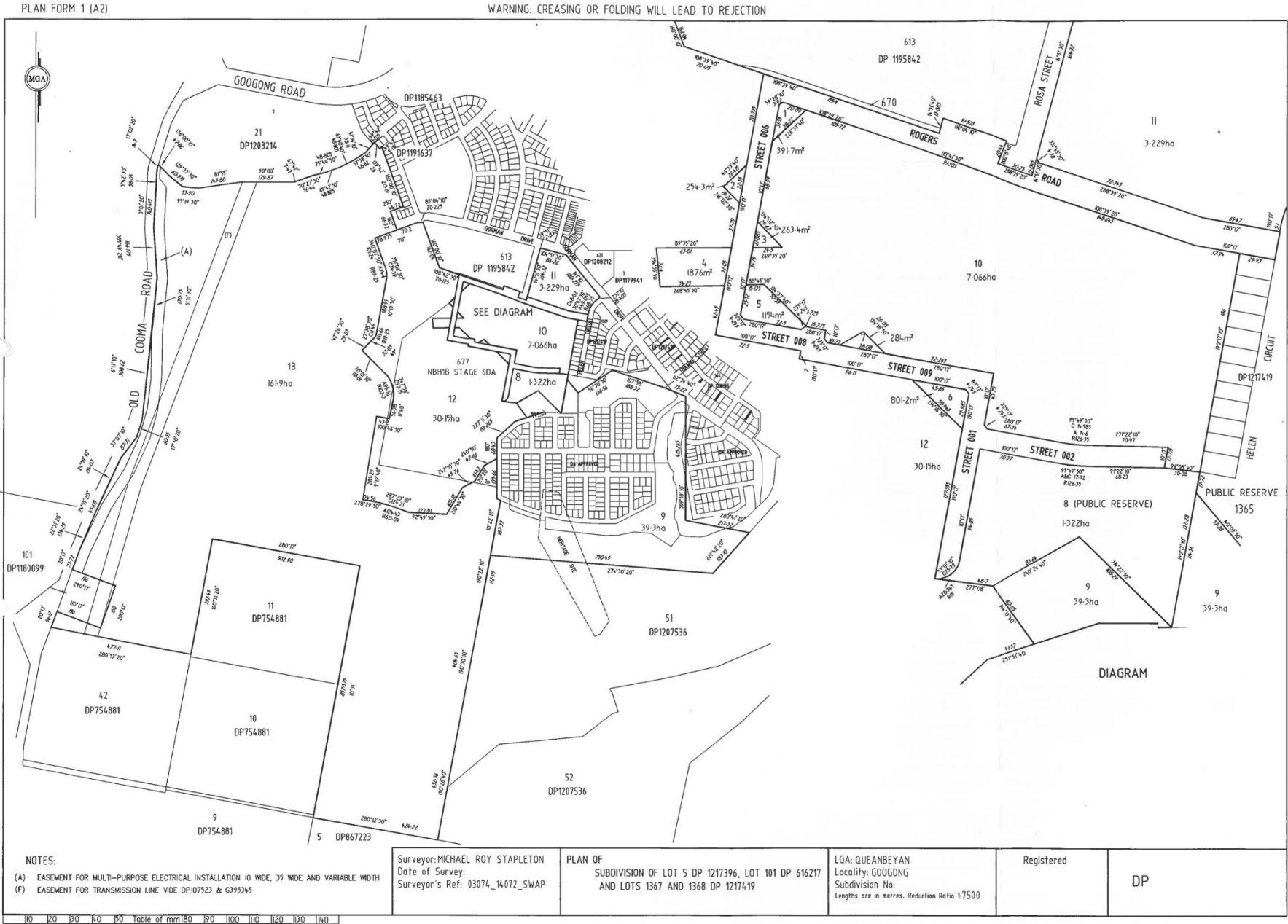
- |              |  |
|--------------|--|
| ITEM 8.1     | DEVELOPMENT APPLICATION 228-2016 - LAND SWAP APPLICATION, COMMON ROADS AND BIO RETENTION BASIN - GOOGONG |
| ATTACHMENT 2 | ATTACHMENT - COUNCIL MEETING - 26 OCTOBER 2016 - DA 228-2016 - LAND SWAP DA - GOOGONG - PLANS            |

## DA 228-2016 – Land Swap Application



Shows lots created that will be swapped by owners – DA creates new common road and drainage basin coloured green

8.1 Development Application 228-2016 - Land Swap Application, Common Roads and Bio Retention Basin - Googong  
Attachment 2 - Attachment - Council Meeting - 26 October 2016 - DA 228-2016 - Land Swap DA - Googong - Plans (Continued)





# **QUEANBEYAN-PALERANG REGIONAL COUNCIL**

## **Council Meeting Attachment**

**26 OCTOBER 2016**

- |              |   |
|--------------|---|
| ITEM 8.1     | DEVELOPMENT APPLICATION 228-2016 - LAND SWAP APPLICATION, COMMON ROADS AND BIO RETENTION BASIN - GOOGONG          |
| ATTACHMENT 3 | ATTACHMENT - COUNCIL MEETING - 26 OCTOBER 2016 - DA 228-2016 - LAND SWAP DA GOOGONG - DRAFT CONDITIONS OF CONSENT |

## **DRAFT CONDITIONS OF CONSENT – DA 228-2016**

### **PRIOR TO THE ISSUE OF CONSTRUCTION CERTIFICATE (SUBDIVISION)**

1. **SUBMIT A CONSTRUCTION MANAGEMENT PLAN**  
**Prior to release of any Construction Certificate (Subdivision) a Construction Management Plan for the management of soil, water, vegetation, waste, noise, vibration, dust, hazards and risk for the construction works must be submitted to, and endorsed by, Council. The plan must:**
  - (a) describe the proposed construction works and construction program and,
  - (b) set standards and performance criteria to be met by the construction works and,
  - (c) describe the procedures to be implemented to ensure that the works comply with the standards and performance criteria and,
  - (d) identify procedures to receive, register, report and respond to complaints and,
  - (e) nominate and provide contact details for the persons responsible for implementing and monitoring compliance with the plan.

REASON: To ensure that satisfactory measures are in place to provide for environmental management of the construction works. **(56.16)**

2. **LANDSCAPING PLAN**

**An amended landscaping plan must be submitted and approved by Council prior to the issue of a Construction Certificate (Subdivision). The amended landscape plan shall show additional re-use of the existing dry-stone walling materials from the Bunyip Homestead precinct.**

**In preparing the amended landscape plan the applicant shall have regard to the recommendations contained in Small Quinton Coleman report dated 16 February 2015.**

REASON: To ensure a high standard of landscape works. **(73.02)**

3. INSTALL EROSION AND SEDIMENT CONTROLS

**Prior to the release of the Construction Certificate (Subdivision) the applicant shall submit a detailed Construction Environmental Management Plan (CEMP) and Erosion Sediment and Control Plan (ESCP).**

**The ESCP shall include a stormwater quality monitoring program with emphasis on sampling during and soon after moderate to large rainfall events to test predictions made in relation to performance of the water quality treatment measures.**

**Implementation and maintenance of Erosion and Sediment Controls shall continue until all civil and dwelling construction works have been completed and the site is fully stabilised.**

**The ESCP shall provide for periodic independent auditing of, and reporting on, implementation and effectiveness of the ESCP throughout the civil construction phase.**

REASON: To ensure that the water quality in Montgomery Creek and the Queanbeyan River is not degraded as recommended by the Department of Primary Industries (Fisheries) advice.

## **PRIOR TO COMMENCEMENT**

4. CONSTRUCTION CERTIFICATE (SUBDIVISION) TO BE ISSUED  
**Prior to the commencement of any stage of subdivision works approved under this development consent a Construction Certificate (Subdivision) must be issued by Council or an Accredited Certifier.**

REASON: To satisfy the requirements of the Environmental Planning and Assessment Act 1979. **(57.05)**

5. SUBMIT NOTICE OF COMMENCEMENT OF SUBDIVISION WORK  
**A Notice to Commence Subdivision Works must be submitted to Council at least two days prior to commencing any subdivision works and nominating Council as the Principal Certifying Authority for the subdivision works.**

***NOTE: A quotation for Council to perform the duties of Principal Certifying Authority for the subdivision works will be provided upon submission of the Construction Certificate (Subdivision) to Council.***

REASON: To provide for supervision of the subdivision works. **(57.06)**

6. SUBDIVISION CONSTRUCTION CERTIFICATE

**The Construction Certificate (Subdivision) and accompanying engineering design plans and Certification Report must be submitted to Council prior to the commencement of any works for a subdivision stage. Works associated with the subdivision stage shall subsequently be carried out in accordance with the detailed design drawings and specifications the subject of the Construction Certificate (Subdivision).**

**The engineering plans must comply with the requirements of Council's *Googong Design and Construction Specifications* (Version 1, dated June 2011) and include the following -**

- (a) A Certification Report in accordance with Clause DQS.04;**
- (b) This general note - All work must be constructed in accordance with the requirements of Council's *Googong Design and Construction Specifications* (Version 1, dated June 2011);**
- (c) Road plans, long sections and cross sections;**
- (d) Stormwater plans and long sections;**
- (e) Sewer main plans and sections;**
- (f) Water main plans (potable and non-potable);**
- (g) WSUD pond;**
- (h) Earthworks and site grading;**
- (i) Soil, water and vegetation management plan;**
- (j) Landscaping;**
- (k) Footpaths; and**
- (k) Utilities.**

REASON: To provide design certification of the subdivision works. **(57.07)**

7. ERECT A SIGN FOR ANY DEVELOPMENT WORKS

**A sign must be erected and maintained in a prominent position on any site on which subdivision work is being carried out;**

- (a) Showing the name, address and telephone number of the Principal Certifying Authority for the work.**
- (b) Showing the name of the principal contractor (if any) for the building work and a telephone number on which that person may be contacted outside working hours.**
- (c) Stating that unauthorised entry to the work site is prohibited.**

REASON: To satisfy the provisions of Clause 136B and 227A of the Environmental Planning and Assessment Regulation 2000. **(57.08)**



8. **SUBMIT A TRAFFIC MANAGEMENT PLAN**  
**Prior to work commencing a Traffic Management Plan for the construction works must be submitted to, and approved by, Council under the provisions of Section 138 of the Roads Act 1993.**

REASON: To ensure that adequate arrangements are made for traffic and pedestrian safety during the construction works. **(57.13)**

## **GENERAL CONDITIONS**

9. **COMPLIANCE WITH AIRPORT (PROTECTION OF AIRSPACE) REGULATIONS**

**Any structures erected in conjunction with the subdivision must not exceed a maximum of 822 metres AHD or 20 metres AGL, inclusive of vents, chimneys, aerials, antennas (of whatever type), lightning rods etc.**

**Separate approval in accordance with the Regulations must be sought for any crane operations or other structures within this Googong site which will exceed the height of 822 metres AHD or 20 metres AGL.**

REASON: To ensure works do not protrude into the prescribed airspace for Canberra Airport. **(59.01)**

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

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

REASON: To ensure the development is completed in accordance with the approved plans and the development consent. **(59.02)**

11. **GENERAL TERMS OF APPROVAL**  
**The development must be carried out in accordance with the General Terms of Approval provided by the NSW Department of Primary Industries – Water dated 29 August 2016 and attached in Schedule 1 of this consent.**

REASON: To comply with the Department of Primary Industries – Water requirements. **(59.08)**

12. GENERAL TERMS OF APPROVAL

**The development must be carried out in accordance General Terms of Approval provided by NSW Office of Environment and Heritage dated 14 September 2016 and attached in Schedule 1 of this consent.**

REASON: To comply with the Department of NSW Office of Environment and Heritage requirements. **(59.08)**

13. STREET NUMBERING

**Street numbering for each new lot must be obtained from Council's Land Information System (LIS) Officer prior to the submission of any application for a Subdivision Certificate.**

REASON: To ensure that each lot has a street number allocated ready for submission to NSW Land and Property Information. **(59.09)**

14. SUBMISSION OF STREET NAMES

**The proposed new street names within the subdivision must be submitted to Council for approval and allocation of street numbers prior to the submission of any application for a Subdivision Certificate.**

**The approved street names are to be indicated on the Survey Plan of Subdivision and provided on road name plates to be installed at the road intersections.**

**Note:** *Council has a list of approved names for subdivision roads which can be obtained by contacting Council's Environment, Planning and Development section. Any other names will require a written submission to be lodged with Council detailing the origin of the name and the reasons for selection. Proposed names must also comply with the Guidelines for Road Naming prepared by the Geographical Names Board.*

REASON: To provide street addressing. **(59.10)**

## CONSTRUCTION OF INFRASTRUCTURE

### 15. SEPARATE CONNECTIONS & SERVICES

Separate sewer connection, stormwater drainage connection, water service, electricity supply and communication service must be provided in locations within the proposed roads to service each allotment within the future subdivisions adjacent the proposed roads (where applicable) at the Subdivider's expense.

*NOTE: The Subdivider may, at their own expense, provide a gas connection to such allotments within the future subdivision subject to its availability.*

*NOTE: The Subdivider is responsible for all public utilities and services in the area of work and as such must notify all relevant Authorities and bear all costs associated with any repairs and/or adjustments as those Authorities deem necessary.*

REASON: To provide access to services for future allotments. (67.02)

### 16. INSPECTIONS – WATER & SEWER AUTHORITY

Inspections must be performed by the Water and Sewer Authority (Council) when works reach the following stages:

- (a) immediately prior to connection of new sewer pipes to the existing sewerage system,
- (b) immediately prior to connection of new water pipes to the existing water reticulation,
- (c) immediately prior to the backfilling of sewer drainage trenches, and
- (d) immediately after installation of any on-site stormwater management system.

**Council's Development Engineering section must be given 24 hours notice of the need for these inspections.**

*Note Any inspections carried out by Council do not imply Council approval or acceptance of the works, and do not relieve the Developer from the requirements to provide an Engineering Construction Certificate Report in accordance with Council's Design and Construction Specifications.*

REASON: To ensure that hydraulic services are constructed in accordance with Council requirements. (67.03)

### 17. WORK IN ACCORDANCE WITH ENGINEERING SPECIFICATIONS

**All construction and restoration work must be carried out strictly in accordance with the approved drawings and Council's Googong Design and Construction Specifications (Version 1, dated June 2011).**

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

18. PROTECTION OF WORKS ON PUBLIC ROADS

**Lighting, fencing, traffic control advanced warning signs must be provided for the protection of works and for the safety and convenience of the public, in accordance with Council's *Googong Design and Construction Specifications* (Version 1, dated June 2011).**

**Traffic movement in both directions on public roads and vehicular access to private properties must be maintained at all times, during the currency of the works.**

REASON: To ensure an adequate level of public safety and convenience during construction. **(67.06)**

19. SUBMISSION OF TRAFFIC CONTROL PLAN

**A Traffic Control Plan (TCP) must be submitted to Council for approval of traffic control prior to the installation of any traffic control devices. It must include line-marking and sign-posting.**

REASON: To authorise traffic control devices. **(67.08)**

20. PROTECTION OF WORKS ON PUBLIC ROADS

**Lighting, fencing, traffic control advanced warning signs must be provided for the protection of works and for the safety and convenience of the public, in accordance with Council's *Googong Design and Construction Specifications* (Version 1, dated June 2011).**

**Traffic movement in both directions on public roads and vehicular access to private properties must be maintained at all times, during the currency of the works.**

REASON: To ensure an adequate level of public safety and convenience during construction. **(67.06)**

21. SUBMISSION OF TRAFFIC CONTROL PLAN

**A Traffic Control Plan (TCP) must be submitted to Council for approval of traffic control prior to the installation of any traffic control devices. It must include line-marking and sign-posting.**

REASON: To authorise traffic control devices. **(67.08)**

## **PRIOR TO ISSUE OF SUBDIVISION CERTIFICATE (TORRENS)**

### **22. APPLICATION AND FINAL SURVEY**

**An application to obtain a Subdivision Certificate must be made to Council. This must be accompanied by the following documentation:**

- (a) A final survey plan of subdivision and three copies;**
- (b) A letter outlining how compliance with each condition of this development consent has been achieved; and**
- (c) Engineering Construction Certificate Report in accordance with specifications.**

REASON: To ensure works are completed in accordance with the requirements of the Council and to comply with Section 109 Environmental Planning and Assessment Act 1979. **(68.02)**

### **23. STATEMENT FROM SURVEYOR**

**Upon the completion of subdivision works and prior to the issue of any Subdivision Certificate a statement prepared by a registered surveyor, must be submitted to the Principal Certifying Authority stating that all water, sewer and stormwater pipelines are completely located within their easements.**

REASON: To ensure works are completed in accordance with Council's requirements. **(68.03)**

### **24. WATER & SEWER COMPLIANCE CERTIFICATE - SERVICE**

**Prior to the release of a Subdivision Certificate, a certificate of compliance in accordance with the *Water Management Act 2000* must be obtained from Council.**

REASON: To ensure compliance with Section 109J of the Environmental Planning and Assessment Act 1979. **(68.04)**

**Note:** *This certificate is required regardless of any other water and sewer compliance certificate previously obtained, and regardless of whether the development involved alterations to Council's infrastructure.*

### **25. SUBMISSION FROM SERVICE AUTHORITY**

**Prior to the issue of any Subdivision Certificate written evidence from the relevant service authority or a suitably accredited person that satisfactory arrangements have been made for the supply of reticulated electricity, telephone services and natural gas to each lot must be submitted to Council.**

REASON: To satisfy relevant utility authority requirements. **(68.05)**

26. MAINTENANCE OF SUBDIVISION WORKS - BOND

**The completed subdivision works are to be maintained by the Subdivider at their own expense, for a period of six months after the date of the issue of the relevant Subdivision Certificate.**

**The Subdivider must:**

- (a) Lodge a cash bond with Council with regard to such maintenance in an amount as calculated from fees set by Council's Management Plan and current at the time of issue of the Subdivision Certificate; and**
- (b) Submit written authorisation that in the event of any maintenance work not being completed to the standards specified in Council's *Googong Design and Construction Specifications* (Version 1, dated June 2011), Council may enter the subject land and undertake such maintenance work and to deduct the cost thereof from such Bond monies held by Council and to refund the balance, if any, to the Subdivider.**

**During the maintenance period the Subdivider will be liable for any part of the subdivision works which fail to perform in the manner outlined in Council's *Googong Design and Construction Specifications* (Version 1, dated June 2011) (or as would reasonably be expected under the design conditions).**

REASON: To ensure works are completed in accordance with Council's requirements. **(68.06)**

27. APPLICATION AND FINAL SURVEY

**An application to obtain a Subdivision Certificate must be made to Council. This must be accompanied by the following documentation:**

- (a) A final survey plan of subdivision and three copies;**
- (b) A letter outlining how compliance with each condition of this development consent has been achieved; and**
- (c) Engineering Construction Certificate Report in accordance with specifications.**

REASON: To ensure works are completed in accordance with the requirements of the Council and to comply with Section 109 Environmental Planning and Assessment Act 1979. **(68.02)**

28. **GEOTECHNICAL REPORT**

**A geotechnical report must be submitted to Council detailing the classification of soil type generally found within the subdivision. A general classification for each lot within the subdivision must be provided and such classifications must be made by a Geotechnical Engineer in accordance with the provisions of AS 2870 “Residential Slabs and Footings”. The classification reports must be submitted to Council prior to the release of the Subdivision Certificate.**

REASON: To ensure works are undertaken in accordance with geotechnical recommendations. **(68.10)**

## **TITLE RESTRICTIONS**

29. **EASEMENTS AND RESTRICTIONS**

**Pursuant to Section 88B of the Conveyancing Act 1919 easements and restrictions as to use shall be created to achieve the following purposes:**

- (a) All easements specified below and contained in the subdivision must benefit Council as well as particular lots;**
  - (i) easements to drain water,**
  - (ii) easements to drain sewer,**
- (b) Nominating Council as the name of the person/authority empowered to release, vary or modify restriction or positive covenant numbered 1 and 2 in the plan of Subdivision of Lot 5 DP1217396, Lot 101 DP 616217 and Lots 1367 and 1368 DP 1217419.**

REASON: To ensure public utility services, access and restrictions are legalised over the land. **(70.02)**

30. **DEDICATION TO COUNCIL**

**All drainage reserves, roads, reservoir sites, reserves, sewerage pump station sites must be dedicated to Council and shown as such on the Subdivision Survey Plan.**

REASON: To permit Council to adequately manage reserves, drainage and utility services, and to provide legal access to lots. **(70.04)**

## ENVIRONMENTAL

31. **CHECKING FOR CONTAMINATED FILL LEAVING THE SITE**  
**If soil is proposed to be removed from the site it must be sampled, analysed for contaminants of concern and subjected to formal waste classification assessment.**

REASON: To ensure excess fill removed from the site is not contaminated. **(76.01)**

32. **COMPLIANCE WITH GEOTECHNICAL INVESTIGATION REPORTS**  
**Works associated with the development must comply with the recommendations of the Reports on Geotechnical Investigation prepared by:**
- **Douglas Partners (Ref: Project 46285.18) dated 11 March 2015**
  - **Douglas Partners (Ref: Project 84774.00) dated April 2015**
  - **Douglas Partners (Ref: Project 46285.27) dated December 2015**

REASON: To ensure that the recommendations of the Geotechnical Report submitted in support of the development are adhered to. **(76.01)**

## PLUMBING AND DRAINAGE

33. **NON-STANDARD PLUMBING & DRAINAGE**  
**Non Standard Plumbing & Drainage Condition**

**The water supply off take from the corner of ST001 provides an interconnection into N1B Stage 6.**

**This offtake will require the potable and recycled mains to cross Montgomery Creek. The creek crossing will be required to be in separate conduits and to be grouted with appropriate restoration of the creek bed and banks to provide stabilisation.**

**A suitable detail showing the water main conduit arrangement and bank and creek bed restoration is to be provided at application for a construction certificate.**

REASON: To ensure there is adequate access and maintainability of the water main infrastructure and to ensure that there is not risk of scouring during wet weather events until the area has rehabilitated.**(80.01)**