



Ordinary Meeting of Council

26 October 2016

**UNDER SEPARATE COVER
ATTACHMENTS**

- Item 8.2 Development Application 275-2016 - Subdivision Creating 141 Residential Lots - 36 & 44 Googong Rd and Saphira St, Googong (Bunyip Property)

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QUEANBEYAN-PALERANG REGIONAL COUNCIL

Council Meeting Attachment

26 OCTOBER 2016

ITEM 8.2	DEVELOPMENT APPLICATION 275-2016 - SUBDIVISION CREATING 141 RESIDENTIAL LOTS - 36 & 44 GOOGONG RD AND SAPHIRA ST, GOOGONG (BUNYIP PROPERTY)
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8.2 Development Application 275-2016 - Subdivision Creating 141 Residential Lots - 36 & 44 Googong Rd and Saphira St, Googong (Bunyip Property)
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ATTACHMENT - SECTION 79C(1) TABLE – Matters For Consideration

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 275-2016**.

State Environmental Planning Policies

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)
<i>State Environmental Planning Policy No 55 - Remediation of Land</i>	
<p>The objectives of this Policy are summarised as follows:</p> <ol style="list-style-type: none"> To provide for a state wide planning approach to the remediation of contaminated land; and To promote the remediation of contaminated land for the purpose of reducing the risk of harm to human health or any other aspect of the environment. <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"> <i>Whether the land is contaminated; and</i> <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> <p>The subject land has previously been used for agricultural and ancillary purposes which had the potential to cause contamination of the land and impact on the future potential use of the land for sensitive land uses. A Stage 2 assessment of the site has been conducted and a report submitted – <i>Report on Detailed Site Investigation for Proposed Residential development Lot 101 DP616217, Googong</i> prepared by Douglas Partners (Ref: 46285.20) and dated April 2015.</p> <p>Council's Environmental Health Officer has assessed the proposed development in relation to this Policy. Their assessment is summarised below.</p> <p><i>The Douglas Partners report describes the detailed site investigation, which included limited subsurface investigation across 28 test locations. The test locations were based on potential areas of environmental</i></p>	<p>Yes – conditions</p>

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SEPP COMMENTS	COMPLIES (Yes/No)
<p><i>concern as identified by the consultant through their review of the previous land uses at the site, available information and a site walkover.</i></p> <p><i>The results of testing show that there is no gross contamination of the site. However, further study needs to be done in and around the old homestead on the site before a final clearance can be given.</i></p> <p><i>In the conclusion of the report the consultant states that:</i></p> <p style="padding-left: 40px;">Based on the findings of the assessment, the potential for gross contamination to be present within the site is considered to be low. The results of the investigation indicate that the site is generally suitable for the intended residential use.</p> <p><i>In addition to the above the consultant has recommended that a simple remediation action plan should be developed to deal with the following issues:</i></p> <ul style="list-style-type: none"> • <i>A further study of the buildings following demolition to ensure no hazardous building materials remain.</i> • <i>Location, removal and validation of the existing septic tank, pipelines and absorption trenches.</i> • <i>Confirmation that removal of any buried services across the site have removed all hazardous building materials.</i> • <i>Sampling of waste materials at the site.</i> <p><i>After reviewing the documentation and the results I see no reason for Council to doubt the veracity of the sampling results or the consultant's conclusions. I am satisfied that none of the issues raised present a significant constraint to development at this stage. The requirement for the remediation plan and further study can be conditioned as part of the consent and will be required prior to the issue of a subdivision construction certificate for any works on the site.</i></p>	
State Environmental Planning Policy (Infrastructure) 2007	
<p>This Policy provides a planning regime 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>Of potential relevance to the subject application are the provisions relating to traffic generating development which are defined in Schedule 3 - Traffic generating development to be referred to the Roads and Maritime Services</p>	Yes

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SEPP COMMENTS	COMPLIES (Yes/No)
<p>(RMS). However, the proposed subdivision 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 road that connects to classified road (within 90m).</p> <p>There are no other clauses in the Policy relevant to the subject application.</p>	
<p>State Environmental Planning Policy No. 44 - Koala Habitat Protection</p>	
<p>This policy aims to encourage the conservation and management of koala habitat. Pursuant to <i>Clause 5 – Land to which this Policy applies</i>, the Policy is applicable to the subject site as it is located within the former Yarrowlumla Shire, which is identified in Schedule 1 of the SEPP.</p> <p><i>Part 2 – Development control of koala habitats</i> of the SEPP is applicable as the site has an area of more than 1 hectare. Therefore, Council is required to be satisfied whether or not the land is potential koala habitat.</p> <p><i>potential koala habitat</i> 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 subject site is largely devoid of native vegetation, the majority of tree species are exotic. There are some plantings of blue gum (<i>E. globulus</i>) within the site, however, this is not a feed tree species identified in Schedule 2 of the SEPP. Therefore, Council can be satisfied that the land is not potential koala habitat and is not prevented because of this SEPP from granting consent to the proposed development.</p>	<p>Yes</p>

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

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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)
Part 1 Preliminary	
Clause 1.2 Aims of Plan	
<p>The aims of the Plan are as follows:</p> <ul style="list-style-type: none"> a) <i>To facilitate the orderly and economic use and development of land in Queanbeyan based on ecological sustainability principles;</i> b) <i>To provide for a diversity of housing throughout Queanbeyan;</i> c) <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> d) <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> e) <i>To protect the scenic quality, views and vistas from main roads and other vantage points within Queanbeyan of the escarpment and Mount Jerrabomberra;</i> f) <i>To maintain the unique identity and country character of Queanbeyan; and</i> g) <i>To facilitate the orderly growth of the urban release area in Googong in a staged manner that promotes a high level of residential amenity and the timely provision of physical and social infrastructure through appropriate phasing of the development of land.</i> <p>The proposed development is considered to be generally consistent with the relevant aims of the QLEP 2012. Specifically, the proposed development will facilitate the orderly growth of the Googong urban release area.</p>	Yes
Clause 1.4 Definitions	
<p>The proposed development is defined in the LEP's dictionary as being for earthworks and roads.</p> <p>earthworks means excavation or filling.</p>	Yes

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QUEANBEYAN LOCAL ENVIRONMENTAL PLAN 2012 COMMENTS	COMPLIES (Yes/No)
<p><i>road means a public road or a private road within the meaning of the Roads Act 1993, and includes a classified road.</i></p> <p>The proposed development is also defined as subdivision of land under Section 4B of the <i>Environmental Planning and Assessment Act 1979</i>. Refer to discussion of clause 2.6 of the LEP later in this Report.</p>	
Clause 1.6 Consent authority	
<p>The consent authority for the proposed development is Queanbeyan-Palerang Regional Council.</p>	Yes
Clause 1.9A Suspension of Covenants, Agreements and Instruments	
<p>No covenants, agreements and instruments restricting the development have been identified.</p>	Yes
Part 2 Permitted or Prohibited Development	
Clause 2.1 Land Use Zones	
<p>The subject site is zoned R1 – General Residential and RE1 – Public Recreation. It should be noted that the boundary changes to the subject site proposed under DA 228-2016 will remove the RE1 zoned land from the site once the subdivision is registered with NSW Land and Property Information.</p> <p>All of the proposed lots are located entirely within the R1 zoned part of the site.</p>	Yes
Clause 2.3 Zone Objectives and Land Use Tables	
<p>The objectives of the R1 – General Residential zone are:</p> <ul style="list-style-type: none"> • <i>To provide for the housing needs of the community.</i> • <i>To provide for a variety of housing types and densities.</i> • <i>To enable other land uses that provide facilities or services to meet the day to day needs of residents.</i> • <i>To ensure that buildings with non-residential uses have a bulk and scale that is compatible with the zone's predominantly residential character.</i> 	Yes

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QUEANBEYAN LOCAL ENVIRONMENTAL PLAN 2012 COMMENTS	COMPLIES (Yes/No)
<ul style="list-style-type: none"> • <i>To promote walkable neighbourhoods and a sense of community.</i> • <i>To ensure that where possible, development maintains existing bushland.</i> • <i>To encourage medium to high density housing located in close proximity to the town and village centres.</i> <p>It is considered that the proposed development generally satisfies the objectives of the zone, specifically, the proposal will contribute to the provision of a variety of housing types for the community.</p> <p>The objectives of the RE1 – Public Recreation zone are:</p> <ul style="list-style-type: none"> • <i>To enable land to be used for public open space or recreational purposes.</i> • <i>To provide a range of recreational settings and activities and compatible land uses.</i> • <i>To protect and enhance the natural environment for recreational purposes.</i> <p>It is considered that the proposed development generally satisfies the objectives of the zone. As previously stated, the proposed development does not include any works within the part of the site zoned RE1. This portion of land is the subject of a separate development application 228-2016 which involves the creation of a drainage basin and embellishment of public open space within the RE1 land.</p>	
Clause 2.5 Additional permitted uses for particular land	
<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
Clause 2.6 Subdivision – Consent requirements	
<p>This clause states that the subdivision of land requires development consent. The proposed development includes the subdivision of land to create 141 Torrens Title Lots for the purpose of future residential development.</p>	Yes

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QUEANBEYAN LOCAL ENVIRONMENTAL PLAN 2012 COMMENTS	COMPLIES (Yes/No)
Part 4 Principal Development Standards	
Clause 4.1 Minimum subdivision lot size	
<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 Clause 4.1 are as follows:</p> <ul style="list-style-type: none"> 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> b) <i>To ensure subdivision does not adversely impact on the functions and safety of main roads;</i> 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> 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> 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 developments.</i> <p>The proposal has been assessed against the objectives of Clause 4.1 as being satisfactory. Due regard has been given to the environmental constraints on the land, lot sizes and dimensions are appropriate for siting of structures, lots can be adequately serviced, and the proposal is generally compatible with the desired future character of the locality.</p> <p>The majority of Googong Township, including the subject site, is identified on the LEP's Lot Size Map as having a minimum lot size of 330m². 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. The proposed 141 lots range in size from 350m² to 541m², with the majority of lots being between 350m² and 450m².</p>	<p>Yes</p>
Part 5 Miscellaneous Provisions	

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QUEANBEYAN LOCAL ENVIRONMENTAL PLAN 2012 COMMENTS	COMPLIES (Yes/No)
Clause 5.9 Preservation of trees or vegetation	
<p>The clause only applies to species or kinds of trees or other vegetation that are identified by a development control plan. The Googong Development Control Plan (DCP) does not prescribe kinds of trees or other vegetation, and the part of the Queanbeyan DCP that does prescribe trees for the purpose of this clause is not adopted by the Googong DCP. Therefore, this clause is not applicable to the proposal.</p>	N/A
Clause 5.9AA Trees or vegetation not prescribed by development control plan	
<p>This clause applies to any tree or other vegetation that is not of a species or kind prescribed for the purposes of clause 5.9.</p> <p>The ringbarking, cutting down, topping, lopping, removal, injuring or destruction of any tree or other vegetation to which this clause applies is permitted without development consent. However, any proposed development within the Googong urban release area that includes vegetation removal is subject to consideration under Part 8 – Environmental Management of the Googong DCP. Refer to detailed discussion of vegetation removal proposed as part of this application later in this Report.</p>	Yes
Clause 5.10 Heritage conservation	
<p>The objectives of this clause are as follows:</p> <ul style="list-style-type: none"> a) <i>To conserve the environmental heritage of Queanbeyan,</i> b) <i>To conserve the heritage significance of heritage items and heritage conservation areas, including associated fabric, settings and views,</i> c) <i>To conserve archaeological sites,</i> d) <i>To conserve Aboriginal objects and Aboriginal places of heritage significance.</i> <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><u>European Heritage</u></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>	Yes – conditions

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QUEANBEYAN LOCAL ENVIRONMENTAL PLAN 2012 COMMENTS	COMPLIES (Yes/No)
<p>a) <i>Notify the Heritage Council of its intention to grant consent, and</i></p> <p>b) <i>Take into consideration any response received from the Heritage Council within 28 days after the notice is sent.</i></p> <p><u>Note:</u></p> <p>archaeological site means a place that contains one or more relics.</p> <p>relic means any deposit, artefact, object or material evidence that:</p> <p>e) <i>relates to the settlement of the area that comprises New South Wales, not being Aboriginal settlement, and</i></p> <p>f) <i>is of State or local heritage significance.</i></p> <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>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.</p> <p>The Bunyip homestead and associated structures located within the site were constructed prior to 1960 and have been recently approved to be demolished under DA 337-2016. The subject application includes the removal of stone walls and a rock cairn and plaque associated with the Bunyip homestead.</p> <p>A heritage assessment of the Bunyip homestead and associated structures, (including the stone walls and rock cairn) was submitted for both DA 337-2016 and the subject DA. It concluded that the Bunyip complex does not contain any elements worthy of heritage listing. However, the assessment did make some recommendations about the potential re-use of the stone wall materials and rock cairn within the future open space area nearby. Council's Heritage Advisor has raised no objections to the demolition and subsequent subdivision of the site, subject to some of the specific recommendations in the heritage assessment regarding the re-use of materials being implemented.</p> <p>Plans submitted for DA 228-2016 show the re-use of the stone wall materials and rock cairn within the Googong Common Area adjacent to the Montgomery's Creek riparian corridor adjacent to the residential lots proposed under the subject DA.</p> <p><u>Aboriginal Heritage</u></p> <p>Sub-clause 5.10(8) requires the consent authority, before granting consent for</p>	

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QUEANBEYAN LOCAL ENVIRONMENTAL PLAN 2012 COMMENTS	COMPLIES (Yes/No)
<p>the carrying out of development in an Aboriginal place of heritage significance to:</p> <ul style="list-style-type: none"> a) <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> b) <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> <p>Archaeological investigations relating to Aboriginal Cultural Heritage have been carried out for Neighbourhood 1A. There is a potential archaeological deposit (PAD) identified within the subject site (BGPAD1). An Aboriginal Cultural Heritage Assessment Report prepared by Navin Officer Heritage Consultants (NOHC) was submitted for the subject application. The local Aboriginal communities were notified as part of this work.</p> <p>Test pits from within BGPAD1 conducted by NOHC identified six stone artefacts from subsurface sediments. 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>.</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 29 August 2016. A condition will be imposed on the development consent (if granted) requiring compliance with the GTAs.</p>	
Part 6 Urban release areas	
Clause 6.1 Arrangements for designated state and Territory public infrastructure	
<p>This clause 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>Clause 6.1 of the LEP requires satisfactory arrangements to be made for the provision of designated State and Territory public infrastructure before the</p>	No

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QUEANBEYAN LOCAL ENVIRONMENTAL PLAN 2012 COMMENTS	COMPLIES (Yes/No)
<p>subdivision of land in an urban release area. The Development Application was therefore referred to the Department of Planning and Environment (DPE) requesting the issue if a Satisfactory Arrangements Certificate.</p> <p>At the time of writing the DPE have not issued a Satisfactory Arrangements Certificate. On the 6 October 2016 the DPE advised as follows:</p> <p><i>The Department is not able to issue a Satisfactory Arrangements Certificate to DA 275-2016 as it considers that satisfactory arrangements are not, as yet, in place in relation to the development of this land.</i></p> <p><i>The Googong State Planning Agreement between the Minister for Planning and Googong Development Corporation (now Googong Township Pty Ltd) applies only to land in the Urban Release Area which is owned by Googong Township Pty Ltd (the developer) or any land the developer acquires within the Urban Release Area.</i></p> <p><i>The land which is the subject of DA 275-2016 is partially owned by M Gorman Holdings Pty Ltd and is therefore, not subject to the State Planning Agreement, as the Planning Agreement does not reference other parties other than Googong Township Pty Ltd.</i></p> <p><i>Unless Council or the developer is able to provide sufficient evidence to demonstrate:</i></p> <ol style="list-style-type: none"> <i>1. Clause 6.1 of the LEP does not apply; and/or</i> <i>2. The land owned by M Gorman Holdings Pty Ltd is subject to the Googong State Planning Agreement, it is recommended that the developer commence negotiations with the Department to establish the necessary arrangements in order for the Secretary to certify that satisfactory arrangements for State and Territory infrastructure are in place. These arrangements generally take the form of a Planning Agreement.</i> <p>Council staff are satisfied that Clause 6.1 of the LEP is applicable to the proposed development. The DPE's response means that Council is currently unable to determine the development application other than by way of a refusal. (Refer to further discussion later in this Report under Submissions from Public Authorities).</p>	
Clause 6.2 Public utility infrastructure	
<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</p>	<p>Yes</p>

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<p>available or that adequate arrangements have been made to make that infrastructure available when it is required.</p> <p>Council's Development Engineer has assessed the provision of public utilities as being satisfactory. The site is able to be serviced with reticulated potable and recycled 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>	
Clause 6.3 Development control plan	
<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 and, specifically, the subject site (Bunyip). Refer to the Development Control section of this Report for further commentary.</p>	Yes
Part 7 Additional Local Provisions	
Clause 7.1 Earthworks	
<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 site preparation and grading, and infrastructure construction works. The DA was accompanied by a geotechnical assessment, engineering designs for stormwater management, an existing slope plan and a proposed design contours plan post earthworks.</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>	Yes – conditions

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<p>c) <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 supporting roads 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, with a bio-retention basin and rainwater tanks.</i></p> <p>If development consent is granted conditions will ensure protection of drainage patterns.</p> <p>d) <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>e) <i>The quality of the fill or the soil to be excavated, or both,</i></p> <p>A Geotechnical Investigation Report prepared by Douglas Partners, March 2015 was submitted for the proposed development. The quality of the soil to be excavated has been identified in the Report 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>f) <i>The effect of the development on the existing and likely amenity of adjoining properties,</i></p> <p>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>g) <i>The source of any fill material and the destination of any excavated material,</i></p>	

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QUEANBEYAN LOCAL ENVIRONMENTAL PLAN 2012 COMMENTS	COMPLIES (Yes/No)
<p>The source or destination of any fill material will be considered at the final engineering design stage.</p> <p>h) <i>The likelihood of disturbing relics,</i></p> <p>The site works will not disturb any known relics.</p> <p>i) <i>The proximity to, and potential for adverse impacts on, any waterway, drinking water catchment or environmentally sensitive area,</i></p> <p>Groundwater was not encountered during the field investigations by Douglas Partners. The NSW Department of Primary Industries – Water has issued General Terms of Approval for works in the vicinity of Montgomery's Creek to construct one of the subdivision roads. 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>j) <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>k) <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 know archaeological sites, or known potential archaeological deposits in the vicinity of the subject site provided recommended conditions are complied with.</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>	
Clause 7.2 Flood Planning	
<p>This clause is not considered relevant to the proposed development as the site is not identified on the flood planning map and is not land that is at or below the flood planning level.</p>	<p>N/A</p>

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QUEANBEYAN LOCAL ENVIRONMENTAL PLAN 2012 COMMENTS	COMPLIES (Yes/No)
Clause 7.3 Terrestrial biodiversity	
<p>A small portion of the south-east corner site is identified on the Terrestrial Biodiversity Map. This correlates with the location of Montgomery's Creek.</p> <p>Before determining the development application the consent authority must consider:</p> <ol style="list-style-type: none"> 1. <i>Whether the development is likely to have:</i> <ol style="list-style-type: none"> i. <i>any adverse impact on the condition, ecological value and significance of the fauna and flora on the land,</i> ii. <i>any adverse impact on the importance of the vegetation on the land to the habitat and survival of native fauna, and</i> iii. <i>any potential to fragment, disturb or diminish the biodiversity structure, function and composition of the land.</i> 2. <i>Any appropriate measures proposed to avoid, minimise or mitigate the impacts of the development.</i> <p>There will be no significant effect on threatened species, populations or ecological communities, or their habitats from the proposed development. Previous investigations into flora and fauna and their habitats have identified areas within the Googong Township subject to ecological constraint, specifically areas of high quality habitat for the Pink-tailed Worm-lizard (<i>Aprasia parapulchella</i>), which is listed as a vulnerable species under the NSW <i>Threatened Species Conservation Act 1995</i> and the Commonwealth <i>Environment Protection and Biodiversity Conservation Act 1999</i>. This area is outside of the subject site.</p> <p>Further, development consent must not be granted unless Council is satisfied that:</p> <ol style="list-style-type: none"> a) <i>The development is designed, sited and will be managed to avoid any significant adverse environmental impact, or</i> b) <i>If that impact cannot be reasonably avoided—the development is designed, sited and will be managed to minimise that impact, or</i> c) <i>If that impact cannot be minimised—the development will be managed to mitigate that impact.</i> <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 which have</p>	<p>Yes</p>

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QUEANBEYAN LOCAL ENVIRONMENTAL PLAN 2012 COMMENTS	COMPLIES (Yes/No)
identified the subject site as being suitable for residential development. Conditions of consent (if granted) will be imposed to ensure that the development is managed to avoid any adverse environmental impacts from subdivision works.	
Clause 7.4 Riparian land and watercourses	
<p>Part of the site is identified on the Riparian Lands and Watercourses Map and is within 40 metres of Montgomery's Creek, which runs through the south-east corner of the site. The majority of works within the riparian corridor, including a drainage basin, landscaping and walking path, have been assessed as part of separate development application 228-2016, and will form a small part of the Googong Common. The subject application includes subdivision works to create residential lots adjoining the riparian corridor.</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"> 1. <i>Whether or not the development is likely to have any adverse impact on the following:</i> <ol style="list-style-type: none"> i. <i>the water quality and flows within the watercourse,</i> ii. <i>aquatic and riparian species, habitats and ecosystems of the watercourse,</i> iii. <i>the stability of the bed and banks of the watercourse,</i> iv. <i>the free passage of fish and other aquatic organisms within or along the watercourse,</i> v. <i>any future rehabilitation of the watercourse and riparian areas.</i> <p>It is considered that the issuing of General Terms of Approval by the NSW Office of Water for works within the Montgomery's Creek riparian corridor</p>	Yes – conditions

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QUEANBEYAN LOCAL ENVIRONMENTAL PLAN 2012 COMMENTS	COMPLIES (Yes/No)
<p>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 any works will be able to commence. Such an approval will contain appropriate mitigation and management conditions.</p> <p>Further, development consent must not be granted unless Council is satisfied that:</p> <p>a) <i>The development is designed, sited and will be managed to avoid any significant adverse environmental impact, or</i></p> <p>b) <i>If that impact cannot be reasonably avoided—the development is designed, sited and will be managed to minimise that impact, or</i></p> <p>c) <i>If that impact cannot be minimised—the development will be managed to mitigate that impact.</i></p> <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>	
Clause 7.5 Scenic protection	
<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
Clause 7.6 Airspace operations	
<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>	Yes

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QUEANBEYAN LOCAL ENVIRONMENTAL PLAN 2012 COMMENTS	COMPLIES (Yes/No)
<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 <i>Airports (Protection of Airspace) Regulations 1996</i> has been issued by the Commonwealth and applies to both DA 228-2016 and 275-2016.</p>	
Clause 7.7 Development in areas subject to aircraft noise	
<p>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.</p>	N/A
Clause 7.8 Active street frontages	
<p>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".</p>	N/A
Clause 7.9 Essential services	
<p>Development consent must not be granted to development unless the consent authority is satisfied that any of the following services that are essential for the development are available or that adequate arrangements have been made to make them available when required:</p> <ul style="list-style-type: none"> <i>a) the supply of water,</i> <i>b) the supply of electricity,</i> <i>c) the disposal and management of sewage,</i> <i>d) stormwater drainage or on-site conservation,</i> <i>e) suitable vehicular access.</i> <p>Council's Development Engineer has assessed the proposed development and confirmed that adequate services are available (or can be made available) subject to the imposition of recommended conditions. Refer to specific comments below.</p> <p><u>Water:</u> <i>The reticulating potable and recycled water supply within the concept master plan shows a functioning system meeting the intent of QPRC Googong Design specification D11, primary and secondary feeds have been provided ensuring the system has operation and maintenance function.</i></p> <p><u>Sewer:</u></p>	Yes – conditions

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QUEANBEYAN LOCAL ENVIRONMENTAL PLAN 2012 COMMENTS	COMPLIES (Yes/No)
<p><i>The sewer concept master plan provides servicing at all lots with easements to properties facing Rogers Road, the sewer ultimately discharges via a main crossing Montgomery's Creek. The sewer layout meets functionality that can be further detailed at Construction Certificate submission. The sewer catchment and loading to the system and WRP are unclear the applicant will be required at the time of subdivision certificate application to demonstrate that the WRP and associated upgrades meet the capacity for the discharge of the subdivision.</i></p> <p><u>Stormwater:</u> <i>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 an adjoining 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.</i></p> <p><u>Vehicular Access:</u> <i>Traffic access to the site is adequate, with an adequate pedestrian footpath network supplied in accordance with the road type cross sections. The road network is satisfactory and the layout show a functionally that can be applied to the site. The site allows for manoeuvrability for design and checking vehicles. 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 conditioned to be located as such that access is perpendicular to the VKC.</i></p> <p><u>Note:</u> The application does include a variation to street width for local streets as per what has been accepted by Council for previous stages of Neighbourhood 1A. The Development Engineer supports this and notes that street widths are being actively reviewed by Council as part of the Structure Plan process for Neighbourhood 2 of the Googong Township. Refer to detailed discussion later in this Report under Part 5 of the Googong DCP.</p> <p>Electricity 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>	
Clause 7.10 Development near Cooma Road Quarry	

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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 identified as "Buffer Area" on the Quarry Buffer Area Map".	N/A
Clause 7.11 Development near HMAS Harman	
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.

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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.

QUEANBEYAN DCP 2012 COMMENTS	COMPLIES (Yes/No)
Part 1 About This Development Control Plan	
1.8 Public Notification Of A Development Application The development application was notified to adjoining owners and advertised as Integrated Development in The Queanbeyan Age and The Chronicle on 22 July and 26 July 2016. No submissions were received.	Yes
Part 2 All Zones	
2.2 Car Parking 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. Council's Development Engineer advises that the proposed public streets are satisfactory and that the new lots will be able to accommodate the required on-site car parking for future dwellings. The location of a future driveway to service proposed lot no. 13 is not supported as it is not perpendicular to the vehicle kerb crossing. A condition is recommended to be imposed on the consent (if granted) requiring this access to be perpendicular.	Yes – condition
2.5 Flood Management The subject site is not identified as a 'Flood planning area' on the LEP Flood Planning Map.	N/A
2.6 Landscaping This section outlines Council's requirements for landscape plans and also	Yes

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QUEANBEYAN DCP 2012 COMMENTS	COMPLIES (Yes/No)
<p>lists what development types require a Council Accredited Landscape Consultant to prepare landscape plans.</p> <p>Subdivision proposals that include public land are required to have a Landscape Plan prepared by Category 2 Council Accredited Landscape Consultant. The subject application includes public roads and verges.</p> <p>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>	
<p>2.7 Soil, Water and Vegetation Management Plan (SWVM Plans) 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 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>	<p>Yes – conditions</p>
<p>2.9 Safe Design The application was referred to the NSW Police Service. Their assessment and recommended advisory notes have addressed the safe design controls and objectives. Refer to their comments later in this Report.</p>	<p>Yes</p>

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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)
Part 3 The Master Plan	
<p>Master Plan and Neighbourhood Structure Plans</p> <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"> 2. Areas of the site for residential, public open space, and drainage purposes; 3. Road and pathway alignments; 4. Street types; and 5. Street tree types. <p>Development in each neighbourhood is to be carried out generally in accordance with the applicable Neighbourhood Structure Plan. The proposed development is consistent with the Bunyip Neighbourhood Structure Plan except for the proposed mix of street tree types.</p> <p><u><i>Variation – Street Trees</i></u></p> <p>The Bunyip Neighbourhood Structure Plan identifies the 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 these streets being planted with 100% exotic deciduous trees. The applicant has submitted justifications for the proposed street tree plantings as listed below:</p> <ul style="list-style-type: none"> • <i>The tree species selected for the residential street verges are principally exotic and selected based on appropriate size and form as a street tree relative to the road reserve and appropriate setbacks. The</i> 	<p>Variation – Street Trees</p>

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GOOGONG DCP COMMENTS	COMPLIES (Yes/No)
<p><i>species are generally consistent to species proposed for the adjacent development Neighbourhood 1A – Stage 7 streets.</i></p> <ul style="list-style-type: none"> <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> <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> <i>Native species are evergreen and do not allow solar access during the winter months which is not preferable in narrower streetscape arrangements.</i> <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> <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 is supported.</p>	
Part 4 Subdivision and Design	
<p>4.2 and 4.3 – General Objectives and General Controls</p> <p>The objectives are as follows:</p> <ol style="list-style-type: none"> <i>Create a legible subdivision pattern that maximises the 'sense of neighbourhood' and promotes walking and cycling over private car uses;</i> <i>To set up a neighbourhood pattern that utilises the residential development areas efficiently, optimises the natural attributes of the site and clearly defines and reinforces the public domain;</i> <i>Optimise views and the amenity of residential allotments in regards to views, solar access and proximity to community facilities, open space and public transport;</i> <i>Ensure each neighbourhood within the township has a range of densities and housing choices to cater for the various needs of the community; and</i> <i>Provide good solar access opportunities for future dwellings and</i> 	Yes

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GOOGONG DCP COMMENTS	COMPLIES (Yes/No)
<p><i>residents and ensure that the lot layout responds to and optimises solar access.</i></p> <p>The proposed subdivision is considered to be generally satisfactory with regards to the above objectives. The lot layout is an efficient subdivision of the land that allows solar access opportunities.</p> <p>The controls are as follows:</p> <p>a) <i>Subdivision design shall be generally in accordance with the Neighbourhood Structure Plan.</i></p> <p>The proposed subdivision design is consistent with the Bunyip Neighbourhood Structure Plan.</p> <p>b) <i>Subdivision lot sizes shall comply with the minimum lot sizes as specified in the QLEP 2012 (refer to QLEP 2012 Lot Size Map).</i></p> <p>Under the QLEP 2012 the minimum lot size for the site is 330m². The 141 proposed residential allotments range in size from 350m² to 541m².</p> <p>c) <i>Neighbourhoods are to be centred on a focal point of a town or neighbourhood centre with retail, commercial or community facilities that are generally within a 5 – 10 minute walk from all dwellings. 'Walkable communities' are developments where urban design focuses on pedestrian comfort between key destinations (mixed use centre, school, open space), including shade, shelter, surveillance, attractive surroundings, activity, visual interest and land uses.</i></p> <p>The subject site will form a part of Stage 7 of Neighbourhood 1A of the Googong Township. The site is located within walking distance west of the future Googong Town Centre and the Neighbourhood 1A Centre to the north-east (which is currently being developed).</p> <p>d) <i>Neighbourhood pattern is to create a legible and permeable street hierarchy that responds to the natural site topography, the location of existing significant trees and solar design principles.</i></p> <p>A legible street hierarchy of six rectangular blocks is proposed which responds to topography and links into the surrounding current and future road network. Solar access to lots is satisfactory, with the majority of lots oriented east-west, and lots at the short end of each block oriented north-south.</p> <p>e) <i>Pedestrian and bicycle connectivity within each residential neighbourhood is to be provided between the residential areas and public open space areas, public transport nodes, education and community / recreation facilities.</i></p> <p>Streets are designed to accommodate cyclists and pedestrians and will link to bus stops, schools, community facilities and public reserves.</p>	

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GOOGONG DCP COMMENTS	COMPLIES (Yes/No)
<p>f) <i>Street blocks are to be generally a maximum of 250m long by 70m wide. Block lengths and widths in excess of 250m may be considered by council where connectivity objectives are achieved.</i></p> <p>All proposed street blocks are less than 200 metres long and are approximately 60 metres wide.</p> <p>g) <i>Each new allotment has sufficient building area on it, being land with a slope of less than 20%.</i></p> <p>Submitted design contours show that each new allotment will have a sufficient building area with a slope of less than 20%.</p>	
<p>4.4 – Lot Orientation and Lot Size and Layout</p> <p><u>Lot Orientation</u></p> <p>Controls for lot orientation are listed below. There are no objectives.</p> <p>a) <i>A minimum of 70% of lots in each neighbourhood are to achieve solar efficiency.</i></p> <p>b) <i>Consideration should be given to different lot dimensions depending on the lot orientation.</i></p> <p>c) <i>Lot orientation, size and dimensions should enable dwellings to be generally sited either on an N-S or E-W orientation.</i></p> <p>d) <i>Allowances are to be made for different lot depths and widths, depending on orientation, which may also result in increased variety to the streetscape frontage pattern.</i></p> <p>e) <i>Where E-W oriented lots are proposed lots should be wider to support solar access.</i></p> <p>f) <i>Design for deeper N-S lots on the southern side of roads, particularly if two storey dwellings are envisaged, to allow for solar access to private open space at the rear.</i></p> <p>g) <i>N-S oriented lots on the northern side of an E-W road can be less deep than N-S lots on the southern side of the same road. A wider southern lot allows for a central courtyard, which may gain greater solar penetration.</i></p> <p>The proposed subdivision generally complies with the above controls. All future dwellings should be able to be sited on an east-west or north-south orientation. Solar access is satisfactory. The size, shape and orientation of each proposed lot</p>	Yes

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GOOGONG DCP COMMENTS	COMPLIES (Yes/No)
<p>should allow for high levels of solar efficiency.</p> <p><u>Lot Size and Layout</u></p> <p>The objectives of the lot size and layout controls are:</p> <ol style="list-style-type: none"> 1. <i>Encourage a variety of lot sizes across the site to promote housing choice and create varied streetscapes;</i> 2. <i>Smaller lot sizes are to be located within easy walking distance of a neighbourhood centre or the town centre; and</i> 3. <i>Promote generally rectangular street blocks and lots to maximise efficiency.</i> <p>The proposed subdivision is considered to be generally satisfactory with regards to the above objectives. A variety of lot sizes is proposed, all lots will be within walking distance of a neighbourhood or town centre, and the street blocks are rectangular in shape.</p> <p>Controls for lot size and layout are:</p> <ol style="list-style-type: none"> a) <i>Minimum lot size is to be in accordance with the LEP Lot Size Map. Minimum lot frontage width for lots 300m² < 450m² is 10 metres. For lots 450m² > 600m² the minimum frontage width is 12 metres.</i> b) <i>Residential lot size must be capable of accommodating a dwelling, private open space and at least one under cover car parking space.</i> c) <i>Lot size and layout are to take into account the slope of the land, any environmental constraints and any significant natural features to create a legible and permeable neighbourhood pattern.</i> d) <i>Lots should be generally rectangular in shape and orientated to allow future dwellings to gain access off streets and where possible, public open spaces.</i> <p>The proposed subdivision complies with the above controls.</p> <p>As discussed previously in this Report, the subject site has a minimum subdivision lot size of 330m². The 141 proposed residential allotments range in size from 350m² to 541m². Lots 300m² < 450m² have a minimum primary frontage width of 12.5 metres. Lots 450m² < 600m² have a minimum primary frontage width of 25 metres.</p> <p>Each proposed lot will be capable of accommodating a dwelling, private open space and undercover car parking. Each lot is also rectangular in shape and able</p>	

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GOOGONG DCP COMMENTS	COMPLIES (Yes/No)
<p>to be accessed from a public street. The slope of the land and the environmental constraint posed by the riparian corridor and Montgomery's Creek have been taken into account in the design. The subdivision pattern is consistent with that proposed in adjoining land within Stage 7 of Neighbourhood 1A.</p>	
<p>Part 5 – Design Guidelines and Controls for Public Domain</p>	
<p>5.2 Street Network</p> <p>The objectives of the street network controls are:</p> <ol style="list-style-type: none"> <i>Establish a street network that complements the characteristics of each neighbourhood area and promotes a liveable and permeable local environment.</i> <i>Provide safe and convenient access to all subdivisions and all allotments within a subdivision.</i> <i>Facilitate safe movement of road users through the provision of usable and accessible facilities for pedestrian and cyclists.</i> <i>Promote use of public transport through the provision of appropriate facilities for users of public transport.</i> <i>Make provision for legible, safe and efficient pedestrian, bicycle and vehicular movement throughout the township and connections to the established network.</i> <i>Create a street hierarchy that reflects the function and character of each street and forms part of a legible network.</i> <i>Make provision for a public transport route through Googong.</i> <i>Provide as appropriate Water Sensitive Urban Design (WSUD) elements into the street network, as illustrated in images above.</i> <p>General controls for the street network are:</p> <ol style="list-style-type: none"> <i>Streets are to be designed in accordance with the Master Plan, Council's adopted Engineering Design Specification – Googong, Control Diagrams and numeric controls in Table 3.</i> <i>A development application must demonstrate that the proposed streets are appropriate for their role in the street network.</i> <i>All new streets are to comply with the design and engineering</i> 	<p>Yes</p>

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GOOGONG DCP COMMENTS	COMPLIES (Yes/No)
<p><i>requirements applicable to roads and streets, crossings, footpaths, cycle ways, bus shelters and the like in QCC Engineering Design Specification – Googong.</i></p> <p>d) <i>Streets are to include a stormwater drainage facilities as required. WSUD controls should be provided where possible in central medians.</i></p> <p>e) <i>Subdivisions are to be designed to provide adequate safety for pedestrians using the street verge.</i></p> <p>f) <i>Applications for subdivision shall be accompanied by a traffic engineering assessment that includes traffic volumes and movements, cross-sections through typical street types demonstrating that road reserve widths can adequately accommodate electricity, gas, telecommunications, water and waste water infrastructure, street trees, footpaths, shared paths, on-street parking, road pavement widths and where appropriate on-street cycling.</i></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 above. 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 the next clause.</p>	
<p>5.5 Local Streets</p> <p>The construction of five Local Street Type 3 streets are proposed within the subdivision. The majority of streets within the Googong Township so far are this street type.</p> <p><i>Variation – Carriageway Width</i></p> <p>The DCP specifies in Table 3: Summary Design Control Hierarchy that Local Street Type 3 have a 8.0m wide carriageway. The applicant has submitted plans with a 7.5m wide carriageway in keeping with similar streets approved in Neighbourhood 1A and 1B, and has requested a variation.</p> <p>The design objectives of local streets are:</p> <ol style="list-style-type: none"> <i>Local streets will be the most common street type in Googong.</i> <i>They are designed to meet the typical conditions of residential areas.</i> <i>The network of local streets will link neighbourhood areas to the</i> 	<p>Variation – Street Widths</p>

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GOOGONG DCP COMMENTS	COMPLIES (Yes/No)
<p><i>collector.</i></p> <p>4. <i>Total number of vehicles is estimated to be 2,000 per day.</i></p> <p>In support of the proposed variation the applicant has submitted the following justifications:</p> <ul style="list-style-type: none"> <i>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> <i>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> <i>The carriageway widths are consistent with previous and current subdivision stages throughout Googong;</i> <i>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> <i>The carriageway widths were proposed in the Googong Neighbourhood 1A Structure Plan Proposal report, February 2015.</i> <p>The applicant's justifications are noted. Council's Development Engineer considers the proposed variation to be acceptable, as it will maintain a streetscape uniformly 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>5.10 Landscaping in the Public Domain There are no objectives listed in this clause.</p> <p>Relevant control is:</p> <p>a) <i>Any subdivision application shall be accompanied by a planting schedule detailing proposed planting for local streets. Such proposed</i></p>	Yes

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GOOGONG DCP COMMENTS	COMPLIES (Yes/No)
<p><i>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></p> <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 deciduous trees. Council's Manager of Parks and Recreation has assessed the proposed public domain landscaping as being satisfactory.</p>	
Part 8 – Environmental Management	
<p>8.2 Soils and Salinity</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. 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> <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 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>	Yes
<p>8.3 Cut and Fill</p> <p>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.</p>	Yes
<p>8.4 Stormwater Management and Flooding</p> <p>The proposed development generally satisfies the relevant objectives and controls in this clause. (Also refer to Development Engineer's assessment earlier</p>	Yes

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GOOGONG DCP COMMENTS	COMPLIES (Yes/No)
<p>in this Report). In summary:</p> <ul style="list-style-type: none"> • A satisfactory stormwater drainage analysis is included with the application; • Natural drainage lines are incorporated in the stormwater and runoff drainage management system; • Satisfactory stormwater management strategies form part of the application; • Stormwater treatments include a bio-retention drainage basin (as approved under DA 228-2016); and • WSUD elements are incorporated in the design. <p>Further details will necessarily need to be provided at Construction Certificate – Subdivision stage.</p>	
<p>8.5 Bushfire Management</p> <p>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 (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 21 June 2016.</p> <p>There are already asset protection zones (APZs) in place for most of the land adjoining the subject site as part of previous development consents. The Eco Logical Report recommends an additional APZ be established between the south eastern-most lots and the vegetation along the Montgomery's Creek. Perimeter roads and regular maintenance of the future public land between these roads and Montgomery Creek will form the APZ. Other recommendations relate to general requirements for water hydrants, electrical services and gas services.</p> <p>The recommendations of the Eco Logical Report will be imposed as conditions of consent (should it be granted).</p>	<p>Yes – conditions</p>
<p>8.6 Aboriginal Heritage</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</p>	<p>Yes</p>

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GOOGONG DCP COMMENTS	COMPLIES (Yes/No)
consultation with local Aboriginal groups consistent with Clause 5.10(8) of the LEP.	
<p>8.7 European Archaeological Heritage 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
<p>8.8 Tree Retention and Biodiversity 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 development site consists of grazing land and a 'house yard' associated with the Bunyip homestead. Most of the vegetation within the 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"> • The majority of plantings appear to be approximately 50 years old; • The predominant species are trees used typically for windbreaks, including <i>Pinus radiata</i>, <i>Curessus sp.</i> and Lombardy Poplar; • None of the trees are identified on Council's Significant Tree Register; • There are no rare or endangered trees on the site; and • No trees have been assessed as being "Extra High" or "High" quality. <p>dsb conclude that none of the trees on site are of sufficient quality to warrant retention and incorporation into the proposed subdivision.</p> <p>New street tree plantings are proposed for the subdivision within the road reserves. They are predominantly exotic small trees to medium trees, with the addition of some ground covers within median strips.</p> <p>While the existing trees on site do have a strong historical association with the Bunyip homestead and are a prominent feature within the locality, it is considered that their retention or incorporation into the proposed subdivision is not warranted or practical. Many of the existing trees are now classified as weeds and/or are coming to the end of their foreseeable healthy lifespan.</p>	Yes

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GOOGONG DCP COMMENTS	COMPLIES (Yes/No)
8.9 Land Contamination Management 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
8.10 Odour The proposed development satisfies the relevant objectives and controls in this clause. There are no dwellings or residential allotments proposed within the odour buffer zone of the Sewerage Treatment Plant.	Yes
8.11 Construction Waste 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 – condition

Additional Planning Considerations

The following additional planning matters apply to the development:

MATTERS FOR CONSIDERATION	COMPLIES (Yes/No)
<i>Environmental Planning and Assessment Act Regulation 2000</i>	
No matters prescribed in the Regulation are relevant in the consideration of the subject application.	Yes
<i>The Likely Impacts of the Development</i>	
<i>Context and Setting</i> - The proposed subdivision is generally designed to complement the scenic qualities and landscape features of the locality and there will be minimal impacts on adjoining land use activities. The subdivision is consistent with the Neighbourhood Structure Plan for the site and is not out of context with adjoining rural land which will also eventually form part of the Township.	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. Refer	Yes

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MATTERS FOR CONSIDERATION	COMPLIES (Yes/No)
to detailed comments earlier in this Report under the relevant clauses LEP and DCP clauses.	
<i>Public Domain</i> - The proposed development will provide for adequate 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.	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 issue of a Construction Certificate (Subdivision).	Yes
<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	Yes

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MATTERS FOR CONSIDERATION	COMPLIES (Yes/No)
the Construction Management Plan.	
<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> - The proposed development complies with the relevant section of the QDCP 2012 on crime prevention through environmental design. Also refer to comments from the NSW Police later in this Report.	Yes
<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 and provision of added housing stock opportunities and choice for the City to meet regional and local demands.	Yes
<i>Site Design and Internal Design</i> - The proposed subdivision to create Stage is considered to be generally well designed in an environmentally sensitive manner. The size, shape and design of allotments and roads take into account solar energy requirements and energy efficiency.	Yes
<i>Construction</i> - The construction stage of the subdivision 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 noise be required	Yes

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MATTERS FOR CONSIDERATION	COMPLIES (Yes/No)
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
<i>The Suitability of the Site for the Development</i>	
<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
<i>Have any submissions been made in accordance with the Act or the Regulations?</i>	
<i>Public Submissions</i> – No submissions were made during the period of public exhibition.	Yes
<p><i>Submissions from Public Authorities –</i></p> <p><u>NSW Department Planning and Environment</u></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. The Development Application was therefore referred to the Department of Planning and Environment (DPE) requesting the issue of a Satisfactory Arrangements Certificate.</p> <p>At the time of writing the DPE have not issued a Satisfactory Arrangements Certificate. On the 6 October 2016 the DPE advised as follows:</p> <p><i>The Department is not able to issue a Satisfactory Arrangements Certificate to DA 275-2016 as it considers that satisfactory arrangements are not, as yet, in place in relation to the development of this land.</i></p>	<p>No – <i>Department of Planning and Environment</i></p>

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MATTERS FOR CONSIDERATION	COMPLIES (Yes/No)
<p><i>The Googong State Planning Agreement between the Minister for Planning and Googong Development Corporation (now Googong Township Pty Ltd) applies only to land in the Urban Release Area which is owned by Googong Township Pty Ltd (the developer) or any land the developer acquires within the Urban Release Area.</i></p> <p><i>The land which is the subject of DA 275-2016 is partially owned by M Gorman Holdings Pty Ltd and is therefore, not subject to the State Planning Agreement, as the Planning Agreement does not reference other parties other than Googong Township Pty Ltd.</i></p> <p><i>Unless Council or the developer is able to provide sufficient evidence to demonstrate:</i></p> <ol style="list-style-type: none"> <i>1. Clause 6.1 of the LEP does not apply; and/or</i> <i>2. The land owned by M Gorman Holdings Pty Ltd is subject to the Googong State Planning Agreement, it is recommended that the developer commence negotiations with the Department to establish the necessary arrangements in order for the Secretary to certify that satisfactory arrangements for State and Territory infrastructure are in place. These arrangements generally take the form of a Planning Agreement.</i> <p>Council staff are satisfied that Clause 6.1 of the LEP is applicable to the proposed development. The DPE's response means that Council is currently unable to determine the development application other than by way of a refusal. It is understood that the developer is currently in discussions with the DPE regarding this issue, however, it is unclear as to when it will be resolved.</p> <p>Other than the lack of a Satisfactory Arrangements Certificate the assessment of staff is that the development application be recommended for conditional approved. Legal advice received by Council states that there is nothing to prevent Council considering the development application and delegating the final determination to the General Manager subject to the DPE issuing the Satisfactory Arrangements Certificate, or advising that one is not required.</p> <p><u>NSW Police</u></p> <p>Crime Prevention Through Environmental Design (CPTED) is a crime prevention strategy that focuses on the planning, design and structure of cities and neighbourhoods. Council has adopted the principles of CPTED in Part 2.3 – Safe Design of the Queanbeyan DCP 2012.</p> <p>The development application was forwarded to the Crime Prevention Officer at the NSW Police Monaro Local Area Command for comment. After conducting the CPTED process the NSW Police have identified the development as having a low crime risk.</p>	

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MATTERS FOR CONSIDERATION	COMPLIES (Yes/No)
<p>The Police's comments are provided below.</p> <p><u>Note:</u> Some of the Police comments relate to the open space areas proposed under separate development application 228-2016 These have not been included in the list below.</p> <p>a) Natural Surveillance</p> <ul style="list-style-type: none"> <i>The general street layout is mostly open with straight lines and 'gentle' curves of streets which do not largely affect natural surveillance of the area.</i> <i>Houses within the streets face outwards towards main roads. It appears that all houses will be placed with an outwards look towards private and public space thus maximising natural surveillance of the area.</i> <i>The proposed open space in this development is close to proposed residential lots. This will increase the natural surveillance of the area.</i> <i>Natural surveillance of the open space is further increased by the fact that no structures immediately surround the open space which may block vision to the centre of the open space area.</i> <i>Pedestrian and cycle access has been factored into the plans for the open space area which will invite more people to the area, creating more natural surveillance.</i> <p>b) Landscaping</p> <ul style="list-style-type: none"> <i>Trees nominated for this development are generally large with exposed trunks. The selection of trees, when well trimmed and maintained, do not provide concealment opportunities and do not largely hamper natural surveillance of the areas.</i> <i>Care should be taken when placing plants in areas where there will be lighting (such as street lighting and pedestrian path lighting). Consideration should be given to where shadows may be casted once the trees become mature. Shadowed areas can create concealment opportunities for the 'would be' criminal to hide.</i> <i>A landscaping maintenance policy should be established for this area.</i> 	

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MATTERS FOR CONSIDERATION	COMPLIES (Yes/No)
<p>c) Access Control</p> <ul style="list-style-type: none"> <i>The area in general is controlled by way of a natural, 'flowing' design with clear transitions from private to public space. The design appears adequate (if appropriate signage is implemented) to control movement within the area and no other formal controls are suggested.</i> <p>Assessing Officer's Comment – Police comments are noted. Those made in relation to landscaping will be placed on the development consent (if granted) as advisory notes.</p> <p><u>Commonwealth Department of Infrastructure and Regional Development (DIRD)</u></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. 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>	
<i>The Public Interest</i>	
<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
<i>Government and Community Interests</i>	
<p>It is considered that government and community interests will not be adversely affected by the proposed development.</p>	Yes
<i>Development Contributions</i>	
<p><i>Section 94 Contributions</i> The Queanbeyan City Council Section 94 Contributions Plan (Googong) 2015 ("the Googong Contributions Plan") is applicable to the subject site. The site is located within Catchment 1 (Googong New Town Urban Area). Four of the</p>	Yes – condition

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MATTERS FOR CONSIDERATION	COMPLIES (Yes/No)
<p>proposed lots are categorised as being Development Type 1 (final residential lots equal to or greater than 468m²). The remaining 137 proposed lots are Development Type 2 (final residential lots less than 468m²).</p> <p>Contributions will be charged for each new residential allotment at the applicable rate. A credit will be applied for the existing lot containing the Bunyip homestead.</p> <p><u>Note:</u> The Googong Contributions Plan was approved by Council on 27 April 2016 and notified on 29 April 2016. In accordance with the Contributions Plan and clause 32(3)(b) of the <i>Environmental Planning and Assessment Regulation 2000</i>, the contribution rates were indexed in July 2016 – resulting in an increase of 1% to the rates listed in the published Contributions Plan.</p> <p><u>Calculated Contribution Rate and Monetary Cap</u> The calculated contribution rates applicable at the time of writing are outlined below.</p> <ul style="list-style-type: none"> Development Type 1 – applies to four lots. \$36,431 + 1% indexation = \$364.31 Total = \$36,795.31 per lot Development Type 2 – applies to 137 lots. \$30,150 + 1% indexation = \$301.50 Total = \$30,451.50 per lot <p>The NSW Government imposes limits on the total monetary section 94 contributions that a consent authority may impose on residential developments. The applicable monetary cap when the Googong Contributions Plan was adopted was \$20,000 per lot or dwelling.</p> <p>As outlined above, the calculated contribution rates in the Googong Contributions Plan for residential development exceeds the Government's contributions cap. However, in recognition of the substantial servicing costs associated with urban release areas, a higher cap of \$30,000 generally will apply to these areas. Googong Township is within an urban release area.</p> <p><u>Applicable Contribution Rate</u> Pursuant to section 94E of the <i>Environmental Planning and Assessment Act 1979</i>, the <i>Environmental Planning and Assessment (Local Infrastructure Contributions) Amendment Direction 2016</i> has been issued by the Minister for Planning and published in the NSW Government Gazette on 23 September 2016. This Direction amends the <i>Environmental Planning and Assessment (Local Infrastructure Contributions) Direction 2012</i> to include land subject to the Queanbeyan City Council Section 94 Contributions Plan (Googong) 2015.</p> <p>The Amendment Direction allows for Council to levy up to \$30,000 per dwelling or residential lot and extends to development applications made to Council, but not finally determined, before the Amendment Direction took effect.</p>	

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Attachment 1 - Attachment - Council Meeting - 26 October 2016 - DA 275-2016 - Bunyip Subdivision - 79C Table (Continued)

MATTERS FOR CONSIDERATION	COMPLIES (Yes/No)
<p><u>Summary</u></p> <p>When adopted the Googong Contributions Plan was subject to a monetary cap of \$20,000 per lot or dwelling. The calculated contribution rate for all Development Types in the Googong Contributions Plan exceed the monetary cap. The <i>Environmental Planning and Assessment (Local Infrastructure Contributions) Amendment Direction 2016</i> took effect on 23 September 2016. It allows Council to levy a maximum amount of \$30,000 for each new residential lot proposed under the subject development application.</p> <p>Therefore, the applicable contribution rate for each of the lots proposed in the subject development application is \$30,000.</p> <p><i>Section 64 Contributions</i></p> <p>Pursuant to Section 64 of the <i>Local Government Act 1993</i> Council's Development Servicing Plans for Water Supply and Sewerage 2015/16 – Googong is applicable to the subject site. Contributions will be levied at the applicable rate for each new residential lot.</p>	

**8.2 Development Application 275-2016 - Subdivision Creating 141 Residential Lots - 36 & 44
Googong Rd and Saphira St, Googong (Bunyip Property)**
**Attachment 1 - Attachment - Council Meeting - 26 October 2016 - DA 275-2016 - Bunyip
Subdivision - 79C Table (Continued)**

QUEANBEYAN-PALERANG REGIONAL COUNCIL

Council Meeting Attachment

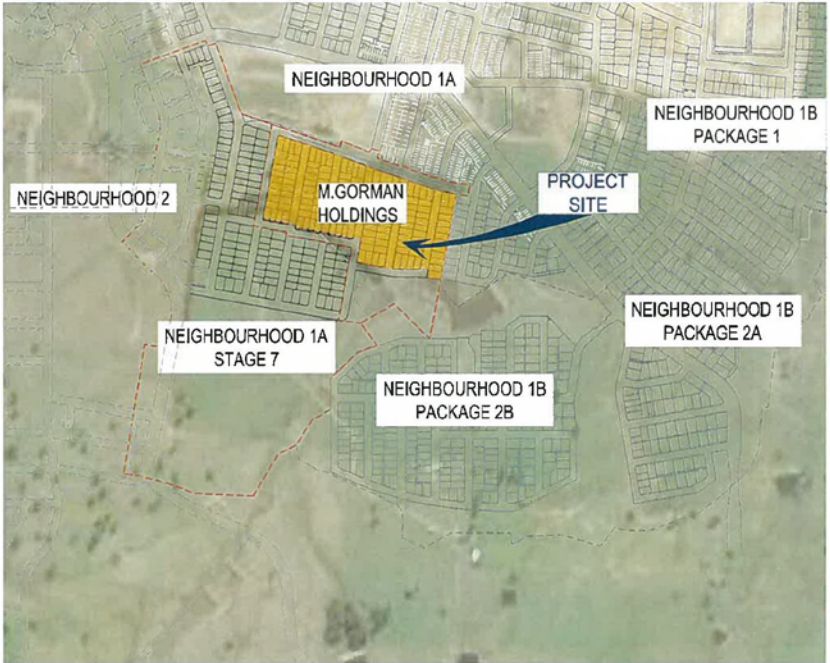
26 OCTOBER 2016

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|--------------|---|
| ITEM 8.2 | DEVELOPMENT APPLICATION 275-2016 - SUBDIVISION
CREATING 141 RESIDENTIAL LOTS - 36 & 44 GOOGONG
RD AND SAPHIRA ST, GOOGONG (BUNYIP PROPERTY) |
| ATTACHMENT 2 | ATTACHMENT - COUNCIL MEETING - 26 OCTOBER 2016 -
DA 275-2016 - BUNYIP SUBDIVISION - PLANS |

GOOGONG NORTH

M.GORMAN HOLDINGS

DA2 SUBMISSION



MAY 2016



Digital data for setting out the works will be provided upon request, however not all provided information will be guaranteed. The guaranteed and non-guaranteed digital data is described in QAP0502. A copy of this document is available from Calibre Consulting (ACT) upon request.

SHEET INDEX	
SHEET NUMBER	DESCRIPTION
15-001657 - D000+	COVER SHEET & SHEET INDEX
15-001657 - D001+	GENERAL ARRANGEMENT PLAN
15-001657 - D002+	EXISTING SERVICES PLAN
15-001657 - D003+	CONSTRUCTION MANAGEMENT PLAN
15-001657 - D004+	STAGING PLAN
15-001657 - D005+	STREET HIERARCHY PLAN
15-001657 - D010+	TYPICAL STREET CROSS SECTION
15-001657 - D021	TYPICAL DETAILS - SHEET 1 OF 4
15-001657 - D022	TYPICAL DETAILS - SHEET 2
15-001657 - D023	TYPICAL DETAILS - SHEET 3
15-001657 - D024	TYPICAL DETAILS - SHEET 4
15-001657 - D030+	PATH NETWORK PLAN
15-001657 - D031+	BUS ROUTE NETWORK PLAN
15-001657 - D032+	DRIVEWAY LOCATION PLAN
15-001657 - D035+	SITE GRADING PLAN
15-001657 - D161+	DRAINAGE CATCHMENT PLAN
15-001657 - D163+	DRAINAGE CONCEPT MASTER PLAN
15-001657 - D164+	DRAINAGE CONCEPT DATA
15-001657 - D180+	GOOGONG TOWNSHIP SEWER CONCEPT CATCHMENT PLAN
15-001657 - D181+	GOOGONG TOWNSHIP SEWER CONCEPT DATA
15-001657 - D182+	SEWER CONCEPT MASTER PLAN
15-001657 - D201+	POTABLE WATER SUPPLY CONCEPT MASTER PLAN
15-001657 - D202+	POTABLE WATER SUPPLY CONCEPT DATA
15-001657 - D211+	RECYCLE WATER SUPPLY CONCEPT MASTER PLAN
15-001657 - D212+	RECYCLE WATER SUPPLY CONCEPT DATA
15-001657 - D231+	UTILITIES CONCEPT MASTER PLAN
15-001657 - D255+	SOIL, WATER & VEGETATION MANAGEMENT PLAN

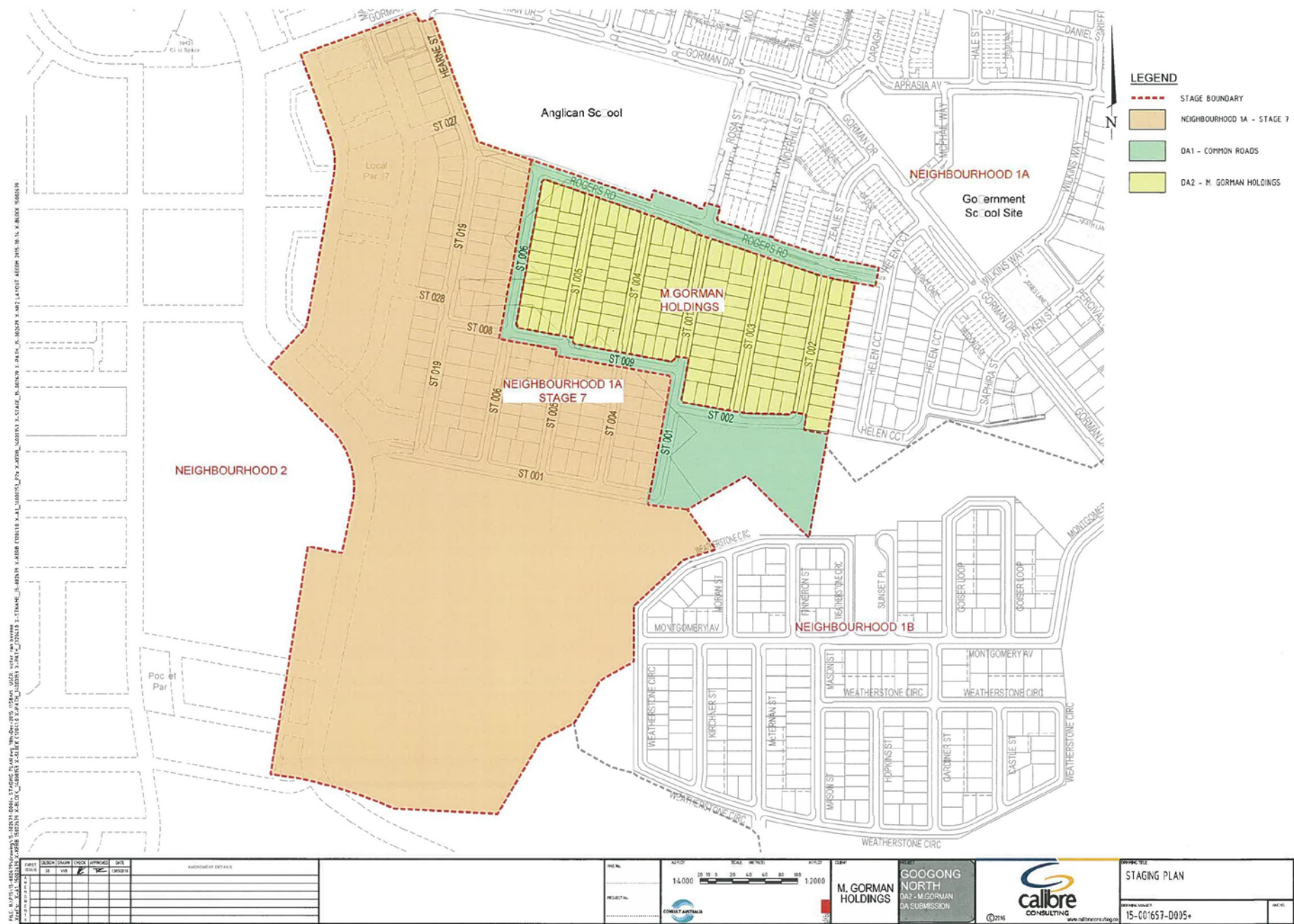
GOOGONG NORTH

M.GORMAN HOLDINGS - DA2 SUBMISSION



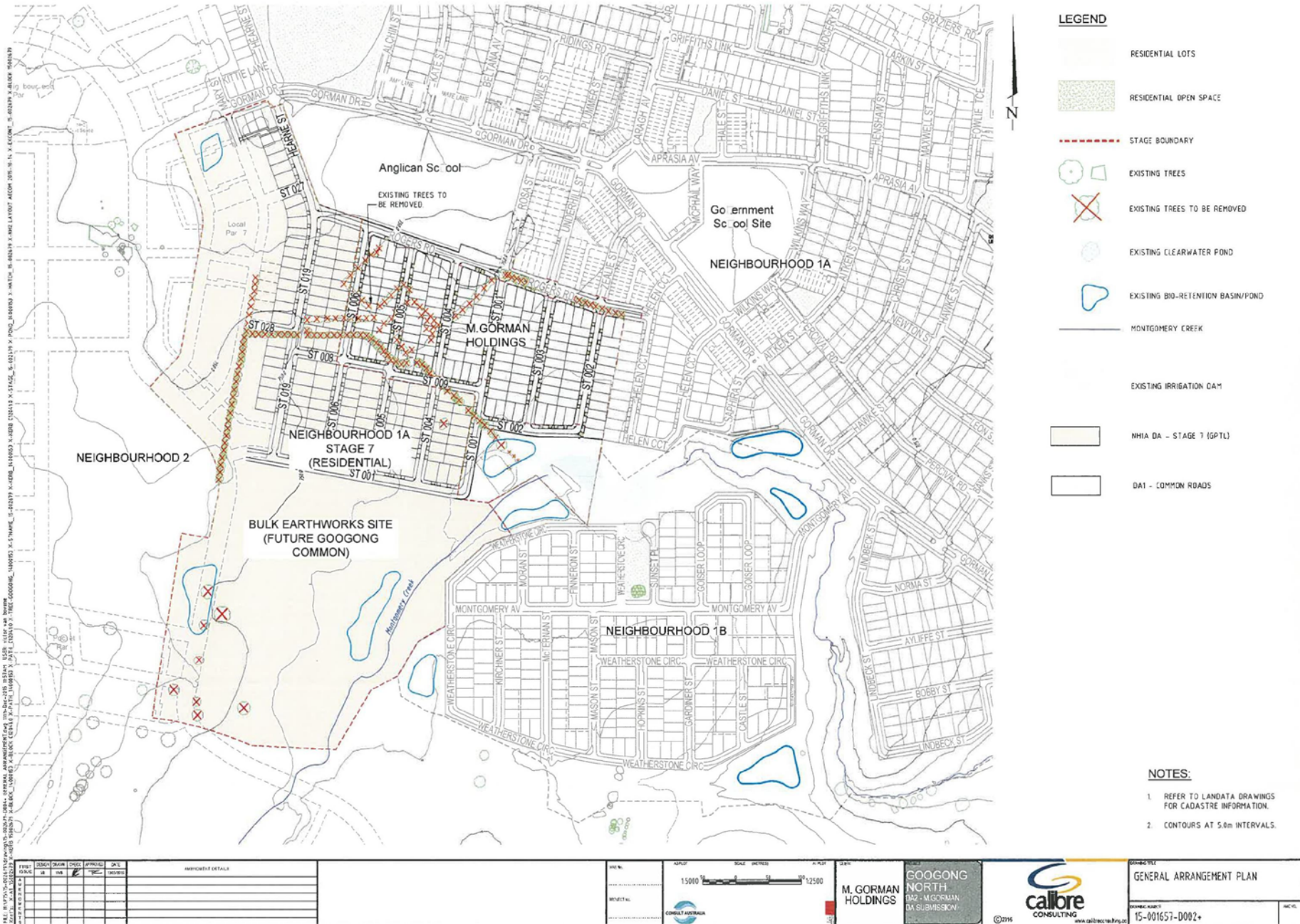
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DRAWING: 15-001657-D000+
REVISION: -





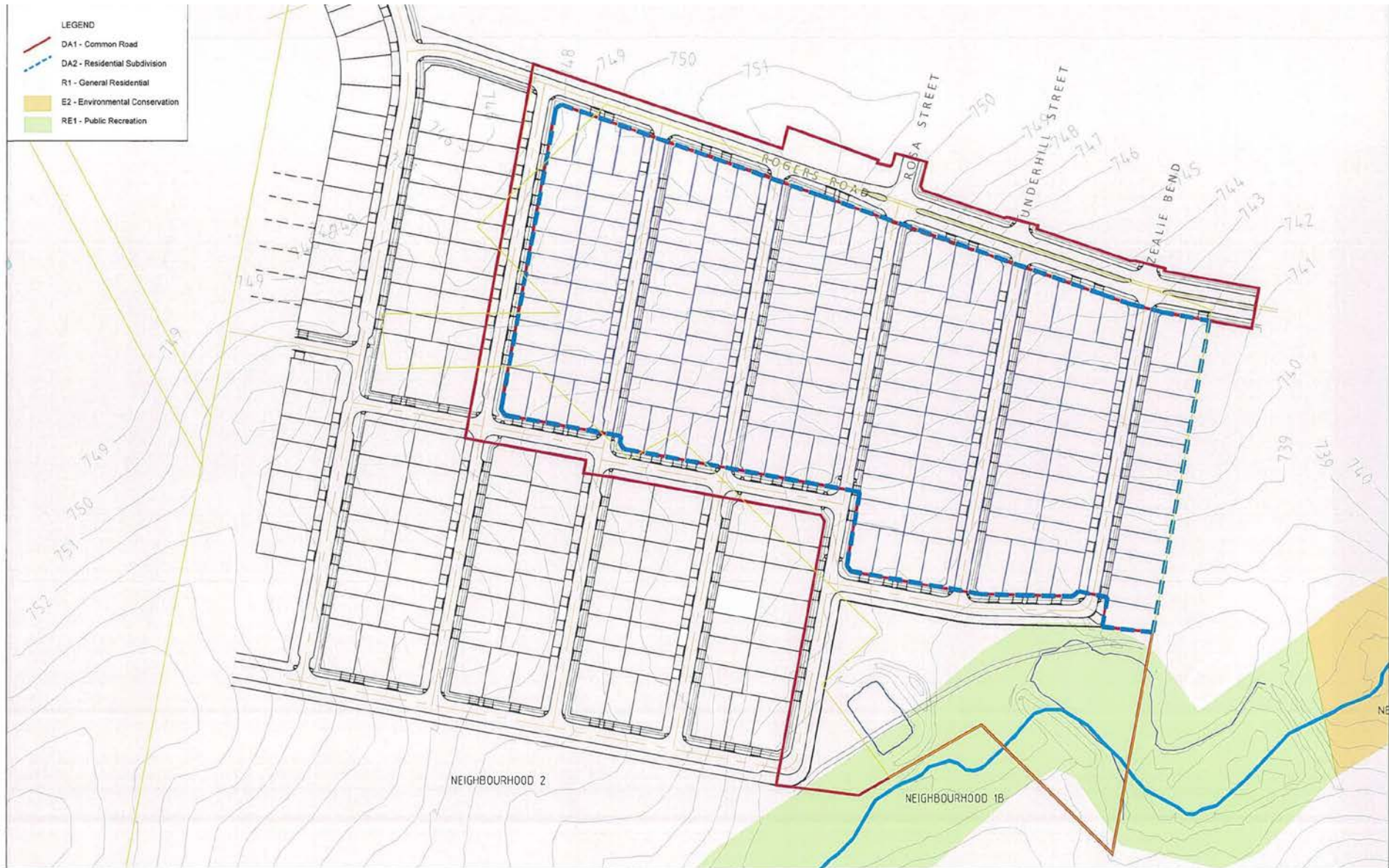


8.2 Development Application 275-2016 - Subdivision Creating 141 Residential Lots - 36 & 44 Googong Rd and Saphira St, Googong (Bunyip Property)
Attachment 2 - Attachment - Council Meeting - 26 October 2016 - DA 275-2016 - Bunyip Subdivision - Plans (Continued)



8.2 Development Application 275-2016 - Subdivision Creating 141 Residential Lots - 36 & 44 Googong Rd and Saphira St, Googong (Bunyip Property)
Attachment 2 - Attachment - Council Meeting - 26 October 2016 - DA 275-2016 - Bunyip Subdivision - Plans (Continued)





QUEANBEYAN-PALERANG REGIONAL COUNCIL

Council Meeting Attachment

26 OCTOBER 2016

- | | |
|--------------|---|
| ITEM 8.2 | DEVELOPMENT APPLICATION 275-2016 - SUBDIVISION
CREATING 141 RESIDENTIAL LOTS - 36 & 44 GOOGONG
RD AND SAPHIRA ST, GOOGONG (BUNYIP PROPERTY) |
| ATTACHMENT 3 | ATTACHMENT - COUNCIL MEETING - 26 OCTOBER 2016 -
DA 275-2016 - BUNYIP SUBDIVISION - DRAFT
CONDITIONS |

PRIOR TO THE COMEMNCEMENT OF ANY WORK ON SITE

1. SUBMISSION OF REMEDIATION ACTION PLAN

Prior to the commencement of any work on site (except work associated with the demolition and remediation of the Homestead buildings and surrounds as approved under development consent 337-2016), and as recommended by the Douglas and Partners Detailed Site Investigation Report (Ref:46285.20) dated April 2015, the applicant shall provide to Council a remediation action plan (RAP) incorporating the following.

- **Buried services across the site (PAEC 7)**
Investigation into the location of, and subsequent removal of buried services which may be made from asbestos containing materials
- **Waste materials (PAEC 13):**
The proposed methodology for the removal of waste materials from the site and inspection, and sampling if necessary.

Asbestos material found on the site must be removed and disposed of in accordance with the *Work Health and Safety Act 2011*, and the *NSW WorkCover Guidelines*.

REASON: To ensure the recommendations of the Detailed Site Investigation are carried out.

2. COMPLETION OF REMEDIATION AND VALIDATION OF SITE

Subject to Council accepting the Remediation Action Plan (RAP) required under Condition No. 1 and to the separate approval for the demolition of the existing buildings on site, nothing in this consent prevents remediation works being carried out prior to the issue of the Construction Certificate (Subdivision) subject to those works being carried out in accordance with the approved RAP.

Following completion of the RAP a validation report must be prepared and submitted to the site auditor to allow them to complete the Site Audit Statement.

Any subsequent recommendations or conditions contained within the remediation or validation reports shall be carried out.

REASON: To ensure the site is remediated prior to the construction certificate for the subdivision works being released. **(56.01)**

PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE (SUBDIVISION)

3. SITE AUDIT STATEMENT

Prior to issue of a Construction Certificate (Subdivision) for any stage of the proposed subdivision a Site Audit Statement (SAS) and Site Audit Report (SAR) must be prepared by an accredited site auditor and be submitted to Council. The SAS must state that the site has been remediated and validated to allow it to be used for its designated land use.

Any recommendations or conditions contained within the SAS must be implemented and evidence of their implementation must be submitted to Council prior to the issue of a Construction Certificate (Subdivision). Any ongoing management conditions will become enforceable under this consent.

REASON: To ensure construction works only proceed after a Site Audit Statement has been received confirming that the site is suitable for its future designated land use. **(56.14)**

ADVISORY NOTE: *Although the site audit is a separate process from the investigation and remediation, it is recommended that the site auditor is engaged as soon as possible before the methodology for the next stage of the detailed investigation is developed. Communication between the applicant's environmental consultant and the site auditor from an early stage should ensure that the consultant does sufficient work to satisfy the site auditor and therefore minimise potential delays for the applicant.*

4. **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.**

In addition, the Construction Management Plan must include an “unexpected finds protocol” to assess potential sources of contamination encountered in the filling on site in untested areas. This should include an asbestos finds protocol in the event that asbestos-based materials are discovered.

REASON: To ensure that satisfactory measures are in place to provide for environmental management of the construction works and to ensure that in the event of unexpected contaminants being discovered a protocol is in place to deal with the unexpected event. **(56.16)**

PRIOR TO COMMENCEMENT OF SUBDIVISION CONSTRUCTION WORKS

5. **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)**

6. **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)**

7. **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 Queanbeyan Design and Construction Specifications Googong Design and Construction Specifications (Version 1, dated June 2011); and include the following where applicable to a subdivision stage –

- (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 Queanbeyan Design and Construction Specifications (Version 3.2, dated January 2013) / Googong Design and Construction Specifications (Version 1, dated June 2011);**
- (c) Application to Queanbeyan – Palerang Regional Council to apply for a variation to the Googong Development Control plan where road widths are not in accordance with the aforementioned Development Control Plan or design specifications.**
- (d) All lots are to not exceed 1:4 batters. All batters steeper must be retained.**
- (e) All driveway access are to be perpendicular to the VKCs.**
- (f) Compliance with the recommendations of the Bushfire Protection Assessment prepared by Eco Logical Australia (Ref: 16CAN_4395) dated 21 June 2016.**

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

8. **ERECT A SIGN FOR ANY DEVELOPMENT WORKS**

A sign must be erected and maintained in a prominent position on any site on which 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)**

9. **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

10. **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)**

11. 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)**

12. 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)**

13. GENERAL TERMS OF APPROVAL

The development must be carried out in accordance General Terms of Approval provided by the NSW Office of Environment and Heritage dated 29 August 2016 and attached in Schedule 2 of this consent.

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

14. GENERAL TERMS OF APPROVAL

The development must be carried out in accordance General Terms of Approval provided by the NSW Department of Primary Industries – Water dated 29 August 2016 and attached in Schedule 2 of this consent.

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

CONSTRUCTION OF INFRASTRUCTURE

15. SEPARATE CONNECTIONS & SERVICES

A separate sewer connection, stormwater drainage connection, water service, electricity supply and communication service must be provided to each allotment within the subdivision at the Subdivider's expense.

NOTE: The Subdivider may, at their own expense, provide a gas connection to such allotment within the 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 each allotment. **(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 Environment, Planning and Development 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)

PRIOR TO ISSUE OF SUBDIVISION CERTIFICATE (TORRENS)

20. DEVELOPER CONTRIBUTIONS TO BE PAID

Prior to the issue of the Subdivision Certificate the contributions specified in Schedule 1 of this consent must be paid to Council under the provisions of Section 94 of the Environmental Planning and Assessment Act 1979, Section 64 of the Local Government Act 1993 and Division 5 of Part 2 of Chapter 6 of the Water Management Act 2000.

REASON: To provide for the funding of augmentation and provision of services and community facilities. (57.02)

21. 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)**

22. 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)**

23. 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.

24. 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)**

25. 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)**

26. 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

27. 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,**

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

28. 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

29. COMPLIANCE WITH GEOTECHNICAL INVESTIGATION REPORT

Works associated with the development must comply with the recommendations of the Report on Geotechnical Investigation prepared by Douglas Partners (Ref: Project 46285.18) dated 11 March 2015.

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

30. 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)**