



# **Ordinary Meeting of Council**

**22 February 2017**

**UNDER SEPARATE COVER  
ATTACHMENTS**



Item 12.1 Development Application 2016.206 - 65 Forster and 104 Butmaroo Streets, Bungendore - Seniors Living for 40 Community Title Dwellings

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# QUEANBEYAN-PALERANG REGIONAL COUNCIL

## Council Meeting Attachment

22 FEBRUARY 2017

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|--------------|--|
| ITEM 12.1    | DEVELOPMENT APPLICATION 2016.206 - 65 FORSTER<br>AND 104 BUTMAROO STREETS, BUNGENDORE -<br>SENIORS LIVING FOR 40 COMMUNITY TITLE DWELLINGS |
| ATTACHMENT 1 | 22 FEBRUARY 2017 - DA 2016 206 - SECTION 79C(1)<br>TABLE - SENIORS HOUSING - 65 FORSTER STREET   |

**12.1 Development Application 2016.206 - 65 Forster and 104 Butmaroo Streets, Bungendore  
- Seniors Living for 40 Community Title Dwellings  
Attachment 1 - 22 February 2017 - DA 2016 206 - Section 79C(1) Table - Seniors Housing - 65  
Forster Street (Continued)**

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**Development Application 2016-206 – Seniors Independent Living comprising 40, 2 bedroom dwellings and community building in single storey construction and Community Title Subdivision for 40 lots and community association land at 65 Forster Street, Bungendore.**

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

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This application has been assessed under Section 79C(1) of the *Environmental Planning and Assessment Act 1979* and the following matters are of relevance to **Development Application No DA.2016.206**.

***State Environmental Planning Policies***

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The following State Environmental Planning Policies (SEPPs) are applicable to this development.

**State Environmental Planning Policy No 55 – Remediation of Land**

The policy requires Council to consider the following:

*7. Contamination and remediation to be considered in determining development application*

*(1) A consent authority must not consent to the carrying out of any development on land unless:*

*(a) it has considered whether the land is contaminated, and*

*(b) if the land is contaminated, it is satisfied that the land is suitable in its contaminated state (or will be suitable, after remediation) for the purpose for which the development is proposed to be carried out, and*

*(c) if the land requires remediation to be made suitable for the purpose for which the development is proposed to be carried out, it is satisfied that the land will be remediated before the land is used for that purpose.*

*(2) Before determining an application for consent to carry out development that would involve a change of use on any of the land specified in subclause (4), the consent authority must consider a report specifying the findings of a preliminary investigation of the land concerned carried out in accordance with the contaminated land planning guidelines.*

*(3) The applicant for development consent must carry out the investigation required by subclause (2) and must provide a report on it to the consent authority. The consent authority may require the applicant to carry out, and provide a report on, a detailed investigation (as referred to in the contaminated land planning guidelines) if it considers that the findings of the preliminary investigation warrant such an investigation.*

*(4) The land concerned is:*

*(a) land that is within an investigation area,*

*(b) land on which development for a purpose referred to in Table 1 to the contaminated land planning guidelines is being, or is known to have been, carried out,*

*(c) to the extent to which it is proposed to carry out development on it for residential, educational, recreational or child care purposes, or for the purposes of a hospital—land:*

*(i) in relation to which there is no knowledge (or incomplete knowledge) as to whether development for a purpose referred to in Table 1 to the contaminated land planning guidelines has been carried out, and*

*(ii) on which it would have been lawful to carry out such development during any period in respect of which there is no knowledge (or incomplete knowledge).*

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The site was previously used by Koppers as a wood treatment facility utilising Chromated Copper Arsenate (CCA) solution as a wood preservative.

The site was purchased by the current owner in 1982 and has remained vacant since.

A Remedial Action Plan (RAP) was prepared for the site by Consultants Environmental Resources Management (ERM) in June 2012. ERM prepared an Environmental Site Assessment the purpose of which was to collate and to present the data gathered by others with respect to the potential future land use of the site.

The results of the ESA indicated that arsenic was present in shallow soils at concentrations exceeding the applicable screening criteria for residential land use at a number of locations. Elevated levels of other metals (including copper, chromium, nickel and zinc) were detected in soils in one or more locations above the current Ecological Investigation Levels (EILs). The ESA also concluded that concentrations of contaminants in groundwater were relatively low and were regarded as background levels found within the geology of the area.

Based on the findings of the ESA, the consultants recommended that a RAP be prepared and implemented to facilitate the redevelopment of the site for residential use.

The RAP details the nature and extent of identified soil and groundwater contamination, the extent of remediation required, feasible remediation strategies to address the identified issues of concern, environmental management requirements and health and safety considerations.

The remedial works will involve:

- Excavation of impacted materials
- Stockpiling and classification of excavated material for disposal off site
- Validation sampling and analysis
- Backfilling of excavations with site derived materials, and
- Validation reporting.

Unexpected conditions that could feasibly occur at the site include:

- Uncovering of presently unknown types of contamination;
- Lateral or vertical extent of contamination is greater than presently known;
- Uncovering previously identified Underground Storage Tanks (USTs)
- Generation of unacceptable levels of dust;
- Generation of unacceptable levels of odour;
- Generation of airborne asbestos fibres (if any found – none found during investigations);
- Spills and leaks of hazardous materials;
- Dewatering of excavation necessary due to adverse weather conditions; and
- Excessive vapour emissions from certain areas.

According to the RAP procedures will be put in place by the applicant to address these contingencies.

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As a general principle, a site audit is only necessary when the planning authority:

- believes on reasonable grounds that the information provided by the proponent is incorrect or incomplete
- wishes to verify the information provided by the proponent adheres to appropriate standards, procedures and guidelines
- does not have the internal resources to conduct its own technical review.

The nature, extent and severity of the contamination at this site warrants the appointment of a site auditor pursuant to dot points two and three above. The age of the data and Council's limited expertise when dealing with arsenic contamination warrant the appointment of a Site Auditor in this case.

The preparation of the RAP and validating reporting carried prior to residential use will ensure compliance with the Policy. Appropriate conditions will apply should approval be granted.

**State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004**

The applicant has submitted a BASIX certificate number \*\*\*\*\* dated \*\*\*\* to comply with the SEPP.

**State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004**

The policy applies as follows:

**Chapter 1 Preliminary**

**4. Land to which Policy applies**

*(1) General This Policy applies to land within New South Wales that is land zoned primarily for urban purposes or land that adjoins land zoned primarily for urban purposes, but only if:*

*(a) development for the purpose of any of the following is permitted on the land:*

*(i) dwelling-houses,*

*(ii) residential flat buildings,*

*(iii) hospitals,*

*(iv) development of a kind identified in respect of land zoned as special uses, including (but not limited to) churches, convents, educational establishments, schools and seminaries, or*

*(b) the land is being used for the purposes of an existing registered club.*

*Comment:*

The land is zoned R2 Low Density Residential which permits dwelling houses and giving effect to the SEPP.

**5 Relationship to other environmental planning instruments**

*(1) This Policy repeals [State Environmental Planning Policy No 5—Housing for Older People or People with a Disability](#).*

*(2) Despite anything to the contrary in this Policy:*

*(a) applies the development standards in Parts 4 and 7 of Chapter 3 of this Policy to development for the purposes of seniors housing on the land referred to in clause 4 (9), and*



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*(b) provides for those development standards to prevail to the extent of any inconsistency with development standards set out in Part 1 of Schedule 8 to the Plan for such development on that land.*

*(3) If this Policy is inconsistent with any other environmental planning instrument, made before or after this Policy, this Policy prevails to the extent of the inconsistency.*

*Comment:*

The policy prevails over the Palerang LEP 2014.

## **Chapter 2 Key Concepts**

### **8. Seniors**

*In this Policy, seniors are any of the following:*

*(a) people aged 55 or more years,*

*(b) people who are resident at a facility at which residential care (within the meaning of the [Aged Care Act 1997](#) of the Commonwealth) is provided,*

*(c) people who have been assessed as being eligible to occupy housing for aged persons provided by a social housing provider.*

*Comment:*

The development provides for the above persons ie persons aged 55 years and over.

### **9. People with a disability**

*In this Policy, people with a disability are people of any age who have, either permanently or for an extended period, one or more impairments, limitations or activity restrictions that substantially affect their capacity to participate in everyday life.*

*Comment:*

This information is noted.

### **10. Seniors housing**

*In this Policy, seniors housing is residential accommodation that is, or is intended to be, used permanently for seniors or people with a disability consisting of:*

*(a) a residential care facility, or*

*(b) a hostel, or*

*(c) a group of self-contained dwellings, or*

*(d) a combination of these,*

*but does not include a hospital.*

*Comment:*

The development consists of a group of 40 self contained dwellings pursuant to clause 10(c).

### **11. Residential care facilities**

*In this Policy, a residential care facility is residential accommodation for seniors or people with a disability that includes:*

*(a) meals and cleaning services, and*

*(b) personal care or nursing care, or both, and*

*(c) appropriate staffing, furniture, furnishings and equipment for the provision of that accommodation and care,*

*not being a dwelling, hostel, hospital or psychiatric facility.*

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*Comment:*

Residential care facilities will not be provided.

**12 Hostels**

*In this Policy, a hostel is residential accommodation for seniors or people with a disability where:*

- (a) meals, laundering, cleaning and other facilities are provided on a shared basis, and*
- (b) at least one staff member is available on site 24 hours a day to provide management services.*

*Comment:*

No hostel accommodation is proposed.

**13 Self-contained dwellings**

*(1) General term: "self-contained dwelling" In this Policy, a self-contained dwelling is a dwelling or part of a building (other than a hostel), whether attached to another dwelling or not, housing seniors or people with a disability, where private facilities for significant cooking, sleeping and washing are included in the dwelling or part of the building, but where clothes washing facilities or other facilities for use in connection with the dwelling or part of the building may be provided on a shared basis.*

*(2) Example: "in-fill self-care housing" In this Policy, in-fill self-care housing is seniors housing on land zoned primarily for urban purposes that consists of 2 or more self-contained dwellings where none of the following services are provided on site as part of the development: meals, cleaning services, personal care, nursing care.*

*(3) Example: "serviced self-care housing" In this Policy, serviced self-care housing is seniors housing that consists of self-contained dwellings where the following services are available on the site: meals, cleaning services, personal care, nursing care.*

*Comment:*

The development is described as self contained dwellings.

**Chapter 3 Development for Seniors Living**

**Part 1 - General**

**14.Objective of Chapter**

*The objective of this Chapter is to create opportunities for the development of housing that is located and designed in a manner particularly suited to both those seniors who are independent, mobile and active as well as those who are frail, and other people with a disability regardless of their age*

*Comment:*

Objective is noted.

**15 What Chapter does**

*This Chapter allows the following development despite the provisions of any other environmental planning instrument if the development is carried out in accordance with this Policy:*

- (a) development on land zoned primarily for urban purposes for the purpose of any form of seniors housing, and*
- (b) development on land that adjoins land zoned primarily for urban purposes for the purpose of any form of seniors housing consisting of a hostel, a residential care facility or serviced self-care housing.*

*Comment:*

The land is zoned for urban purposes.

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**16 Development consent required**

*Development allowed by this Chapter may be carried out only with the consent of the relevant consent authority unless another environmental planning instrument allows that development without consent.*

*Comment:*

Requirement for consent is noted. The applicant seeks development consent in the application.

**18 Restrictions on occupation of seniors housing allowed under this Chapter**

*(1) Development allowed by this Chapter may be carried out for the accommodation of the following only:*

- (a) seniors or people who have a disability,*
- (b) people who live within the same household with seniors or people who have a disability,*
- (c) staff employed to assist in the administration of and provision of services to housing provided under this Policy.*

*(2) A consent authority must not consent to a development application made pursuant to this Chapter unless:*

- (a) a condition is imposed by the consent authority to the effect that only the kinds of people referred to in subclause (1) may occupy any accommodation to which the application relates, and*
- (b) the consent authority is satisfied that a restriction as to user will be registered against the title of the property on which development is to be carried out, in accordance with section 88E of the [Conveyancing Act 1919](#), limiting the use of any accommodation to which the application relates to the kinds of people referred to in subclause (1).*

*(3) Subclause (2) does not limit the kinds of conditions that may be imposed on a development consent, or allow conditions to be imposed on a development consent otherwise than in accordance with the Act.*

*Comment:*

An appropriate condition of consent will apply should approval be granted.

**21 Subdivision**

*Land on which development has been carried out under this Chapter may be subdivided with the consent of the consent authority.*

*Comment:*

The applicant is seeking consent for a Community Title Subdivision with the application.

**22 Fire sprinkler systems in residential care facilities for seniors**

*Development for the purpose of the installation of a fire sprinkler system in a residential care facility for seniors may be carried out with development consent.*

*Comment:*

This provision is noted.

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**Part 2 Site Related Requirements**

**26 Location and access to facilities**

*(1) A consent authority must not consent to a development application made pursuant to this Chapter unless the consent authority is satisfied, by written evidence, that residents of the proposed development will have access that complies with subclause (2) to:*

*(a) shops, bank service providers and other retail and commercial services that residents may reasonably require, and*

*(b) community services and recreation facilities, and*

*(c) the practice of a general medical practitioner.*

*(2) Access complies with this clause if:*

*(a) the facilities and services referred to in subclause (1) are located at a distance of not more than 400 metres from the site of the proposed development that is a distance accessible by means of a suitable access pathway and the overall average gradient for the pathway is no more than 1:14, although the following gradients along the pathway are also acceptable:*

*(i) a gradient of no more than 1:12 for slopes for a maximum of 15 metres at a time,*

*(ii) a gradient of no more than 1:10 for a maximum length of 5 metres at a time,*

*(iii) a gradient of no more than 1:8 for distances of no more than 1.5 metres at a time, or*

*(c) in the case of a proposed development on land in a local government area that is not within the Sydney Statistical Division—there is a transport service available to the residents who will occupy the proposed development:*

*(i) that is located at a distance of not more than 400 metres from the site of the proposed development and the distance is accessible by means of a suitable access pathway, and*

*(ii) that will take those residents to a place that is located at a distance of not more than 400 metres from the facilities and services referred to in subclause (1), and*

*(iii) that is available both to and from the proposed development during daylight hours at least once each day from Monday to Friday (both days inclusive),*

*and the gradient along the pathway from the site to the public transport services (and from the transport services to the facilities and services referred to in subclause (1)) complies with subclause (3).*

**Comment:**

The development is served with services and facilities as described in (1)(b). These services are provided within Bungendore village.

The site is within 400m of the Bungendore commercial area. The shops and other services are dispersed within this area. The physical distance from the site to these services is more than 400m distance. An existing pedestrian footpath runs along Majara Street which links to the CBD area and facilities on Malbon Street. The applicant proposes a new footpath through the development and along Forster Street to connect to the existing Majara footpath. The applicant also intends providing a mini bus service to the residents to comply with the requirements of Clause 26. The gradients of the footpath will need to satisfy the Clause provisions.

### **27 Bushfire Prone land**

#### **27 Bush fire prone land**

(1) A consent authority must not consent to a development application made pursuant to this Chapter to carry out development on land identified on a bush fire prone land map certified under section 146 of the Act as "Bush fire prone land—vegetation category 1", "Bush fire prone land—vegetation category 2" or "Bush fire prone land—vegetation buffer" unless the consent authority is satisfied that the development complies with the requirements of the document titled *Planning for Bush Fire Protection*, ISBN 0 9751033 2 6, prepared by the NSW Rural Fire Service in co-operation with the Department of Planning, dated December 2006.

(2) A consent authority, in determining a development application made pursuant to this Chapter to carry out development on land in the vicinity of land identified on a bush fire prone land map certified under section 146 of the Act as "Bush fire prone land—vegetation category 1", "Bush fire prone land—vegetation category 2" or "Bush fire prone land—vegetation buffer", must take into consideration the general location of the proposed development, the means of access to and egress from the general location and other relevant matters, including the following:

- (a) the size of the existing population within the locality,
  - (b) age groups within that population and the number of persons within those age groups,
  - (c) the number of hospitals and other facilities providing care to the residents of the facilities within the locality, and the number of beds within those hospitals and facilities,
  - (d) the number of schools within the locality and the number of students at those schools,
  - (e) existing development within the locality that has been carried out under this Policy or [State Environmental Planning Policy No 5—Housing for Older People or People with a Disability](#),
  - (f) the road network within the locality and the capacity of the road network to cater for traffic to and from existing development if there were a need to evacuate persons from the locality in the event of a bush fire,
  - (g) the adequacy of access to and from the site of the proposed development for emergency response vehicles,
  - (h) the nature, extent and adequacy of bush fire emergency procedures that are able to be applied to the proposed development and its site,
  - (i) the requirements of New South Wales Fire Brigades.
- (3) In exercising its functions under subclause (1) or (2), a consent authority must consult with the NSW Rural Fire Service and have regard to its comments.

#### **Comment:**

The land is bushfire prone land being Vegetation Category 2.

A bushfire assessment was carried out by Ecological in May 2016. This assessment was carried out in accordance with "Planning for Bush Fire Protection 2006". The proposal is defined a Special Fire Protection Purpose.

The development is Integrated Development pursuant to Section 91 of the EP&A Act 1979. A bushfire authority is required under Section 100B of the Rural Fires Act 1997.

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The NSW Rural Fire Service issued a bush fire authority on 9 December 2016 with the following conditions:

**Asset Protection Zones**

The intent of measures is to provide sufficient space and maintain reduced fuel loads so as to ensure radiant heat levels of buildings are below critical limits and to prevent direct flame contact with a building. To achieve this the following conditions apply:

1. At the issue of subdivision certificate and in perpetuity the entire property shall be managed as an inner protection area (IPA) as outlined within section 4.1.3 and Appendix 5 of "Planning for Bush Fire Protection 2006" and the NSW Rural Fire Service's document "Standards for asset protection zones".

**Water and Utilities**

The intent of measures is to provide adequate services of water for protection of buildings and after the passage of a bush fire, and to locate gas and electricity so as not to contribute to the risk of fire to a building. To achieve this the following conditions shall apply:

2. Water, electricity and gas are to comply with section 4.1.3 of "Planning for Bush Fire Protection 2006"

**Access**

The intent of measures for internal roads is to provide safe operational access for emergency services personnel in suppressing a bush fire, while residents are accessing or egressing an area. To achieve this the following conditions apply:

3. Internal roads shall comply with section 4.2.7 of "Planning for Bush Fire Protection 2006"

**Design and construction**

The intent of measures is that buildings are designed and constructed to withstand the potential impacts of bush fire attack. To achieve this, the following conditions shall apply:

4. New construction shall comply with Sections 3 and 5 (BAL 12.5) Australian Standard AS3959-2009 "Construction of buildings in bush fire prone areas" and Section A3.7 Addendum Appendix 3 of "Planning for Bush Fire Protection"

**Landscaping**

5. Landscaping to the site is to comply with the principles of Appendix 5 of "Planning for Bush Fire Protection 2006"

The Bush fire Protection Assessment recommendations and the requirements of NSW Rural Fire Service satisfy the above Clause provisions.

**28 Water and Sewer**

*(1) A consent authority must not consent to a development application made pursuant to this Chapter unless the consent authority is satisfied, by written evidence, that the housing will be connected to a reticulated water system and have adequate facilities for the removal or disposal of sewage.*

*(2) If the water and sewerage services referred to in subclause (1) will be provided by a person other than the consent authority, the consent authority must consider the suitability of the site with regard to the availability of reticulated water and sewerage infrastructure. In locations where reticulated services cannot be made available, the consent authority must satisfy all relevant regulators that the provision of water and sewerage infrastructure, including environmental and operational considerations, are satisfactory for the proposed development.*

**Comment:**

The site is served by adequate water and sewer services. Refer to Development Engineers comments below.

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**29 Consent authority to consider certain site compatibility criteria for development applications to which clause 24 does not apply**

*(1) This clause applies to a development application made pursuant to this Chapter in respect of development for the purposes of seniors housing (other than dual occupancy) to which clause 24 does not apply.*

*Note.*

*Clause 24 (1) sets out the development applications to which that clause applies.*

*(2) A consent authority, in determining a development application to which this clause applies, must take into consideration the criteria referred to in clause 25 (5) (b) (i), (iii) and (v).*

*(3) Nothing in this clause limits the matters to which a consent authority may or must have regard (or of which a consent authority must be satisfied under another provision of this Policy) in determining a development application to which this clause applies.*

*Comment:*

The development is considered compatible with surrounding land uses having regard to the natural environment, and existing and approved uses of land in the vicinity of the development. Adequate services and infrastructure are available (particularly community, medical and transport services having regard to Clause 26 provisions). The bulk, scale, built form and character of the development are appropriate having regard to approved uses and future uses in the vicinity of the development. The site is adjoined by residential housing to the north and west. An undeveloped industrial area adjoins to the south. To minimise any future industrial impact on the development a landscaped buffer and solid fence to at least 1.8m high will be required on the southern boundary of the site. Any future development of the industrial area will require noise mitigation measures to minimise impact. The buffer is located on the adjacent site owned by the applicant. A condition requiring a section 88B instrument to be placed over the adjoining allotment requiring the landscape buffer will be a condition of development consent.

**Part 3 Design Requirements**

**Division 1 - General**

**30 Site analysis**

*(1) A consent authority must not consent to a development application made pursuant to this Chapter unless the consent authority is satisfied that the applicant has taken into account a site analysis prepared by the applicant in accordance with this clause.*

*(2) A site analysis must:*

*(a) contain information about the site and its surrounds as described in subclauses (3) and (4), and*  
*(b) be accompanied by a written statement (supported by plans including drawings of sections and elevations and, in the case of proposed development on land adjoining land zoned primarily for urban purposes, an aerial photograph of the site):*

*(i) explaining how the design of the proposed development has regard to the site analysis, and*  
*(ii) explaining how the design of the proposed development has regard to the design principles set out in Division 2.*

*Comment:*

The applicant has provided a satisfactory Site Analysis Plan.

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**31 Design of in-fill self-care housing**

*In determining a development application made pursuant to this Chapter to carry out development for the purpose of in-fill self-care housing, a consent authority must take into consideration (in addition to any other matters that are required to be, or may be, taken into consideration) the provisions of the Seniors Living Policy: Urban Design Guideline for Infill Development published by the Department of Infrastructure, Planning and Natural Resources in March 2004.*

*Comment:*

The Seniors Living Policy – Urban Design Guidelines for Infill Development have been taken into consideration as follows:

*Responding to Context:*

The applicant has prepared a site analysis plan that has translated into the proposed design.

*Site Planning and Design*

The development is designed to fit in with the existing residential amenity of the neighbourhood as well as providing good amenity to the future residents of the development.

*Impact on Streetscape*

The development including the built form, front and side setbacks, tree plantings are designed and scaled appropriately in relation to the existing streetscape.

*Impact on neighbours*

The development will not give rise to overshadowing, loss of privacy or amenity or loss of views.

*Internal site amenity*

The development provides for useable private and communal open spaces, dwelling identity and safe entries, adequate parking and circulation and pedestrian movements.

**32.Design of residential development**

*A consent authority must not consent to a development application made pursuant to this Chapter unless the consent authority is satisfied that the proposed development demonstrates that adequate regard has been given to the principles set out in Division 2.*

**Division 2 -Design Principles**

**33 Neighbourhood amenity and streetscape**

*The proposed development should:*

- (a) recognise the desirable elements of the location's current character (or, in the case of precincts undergoing a transition, where described in local planning controls, the desired future character) so that new buildings contribute to the quality and identity of the area, and*
- (b) retain, complement and sensitively harmonise with any heritage conservation areas in the vicinity and any relevant heritage items that are identified in a local environmental plan, and*
- (c) maintain reasonable neighbourhood amenity and appropriate residential character by:*
  - (i) providing building setbacks to reduce bulk and overshadowing, and*
  - (ii) using building form and siting that relates to the site's land form, and*
  - (iii) adopting building heights at the street frontage that are compatible in scale with adjacent development, and*
  - (iv) considering, where buildings are located on the boundary, the impact of the boundary walls on neighbours, and*
  - (d) be designed so that the front building of the development is set back in sympathy with, but not necessarily the same as, the existing building line, and*
  - (e) embody planting that is in sympathy with, but not necessarily the same as, other planting in the streetscape, and*
  - (f) retain, wherever reasonable, major existing trees, and*
  - (g) be designed so that no building is constructed in a riparian zone.*



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*Comment:*

The development generally satisfies the design principles of above.

**34 Visual and acoustic privacy**

*The proposed development should consider the visual and acoustic privacy of neighbours in the vicinity and residents by:*

- (a) appropriate site planning, the location and design of windows and balconies, the use of screening devices and landscaping, and*
- (b) ensuring acceptable noise levels in bedrooms of new dwellings by locating them away from driveways, parking areas and paths.*

*Comment:*

The development generally complies with this criteria. Dwellings are designed to ensure noise levels are minimised between the dwellings. Landscaping, fencing and laminated glazing will be required to mitigate against potential noise sources from the adjoining railway and future industrial area. Conditions of consent will apply.

**35 Solar access and design for climate**

*The proposed development should:*

- (a) ensure adequate daylight to the main living areas of neighbours in the vicinity and residents and adequate sunlight to substantial areas of private open space, and*
- (b) involve site planning, dwelling design and landscaping that reduces energy use and makes the best practicable use of natural ventilation solar heating and lighting by locating the windows of living and dining areas in a northerly direction.*

*Comment:*

Adequate solar access is designed to each dwelling. The majority of living areas and patios have a north aspect.

**36 Stormwater**

*The proposed development should:*

- (a) control and minimise the disturbance and impacts of stormwater runoff on adjoining properties and receiving waters by, for example, finishing driveway surfaces with semi-pervious material, minimising the width of paths and minimising paved areas, and*
- (b) include, where practical, on-site stormwater detention or re-use for second quality water uses.*

*Comment:*

The stormwater from the development will not impact on adjoining sites. Stormwater controls will apply as conditions of consent.

**37 Crime prevention**

The proposed development should provide personal property security for residents and visitors and encourage crime prevention by:

- (a) site planning that allows observation of the approaches to a dwelling entry from inside each dwelling and general observation of public areas, driveways and streets from a dwelling that adjoins any such area, driveway or street, and*
- (b) where shared entries are required, providing shared entries that serve a small number of dwellings and that are able to be locked, and*

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*(c) providing dwellings designed to allow residents to see who approaches their dwellings without the need to open the front door.*

*Comment:*

The design of the development allows observation of the approaches to the dwellings. Residents will have good observation from internal windows and patio and driveway areas. Standard conditions will apply to the development in regards to security lighting. Proposed external fencing will allow see through elements.

**38 Accessibility**

*The proposed development should:*

- (a) have obvious and safe pedestrian links from the site that provide access to public transport services or local facilities, and*
- (b) provide attractive, yet safe, environments for pedestrians and motorists with convenient access and parking for residents and visitors.*

*Comment:*

The development will provide internal pedestrian footpaths that will allow access throughout the development. These footpaths will connect to existing public footpath system. A mini bus will be provided for access to services and facilities in the Bungendore village and areas beyond.

**39 Waste management**

The proposed development should be provided with waste facilities that maximise recycling by the provision of appropriate facilities.

*Comment:*

Each dwelling will be provided with dual waste collection bins to maximise recycling.

**Part 4 Development standards to be complied with**

**Division 1 General**

**40 Development standards—minimum sizes and building height**

*(1) General A consent authority must not consent to a development application made pursuant to this Chapter unless the proposed development complies with the standards specified in this clause.*

*(2) Site size The size of the site must be at least 1,000 square metres.*

*(3) Site frontage The site frontage must be at least 20 metres wide measured at the building line.*

*(4) Height in zones where residential flat buildings are not permitted If the development is proposed in a residential zone where residential flat buildings are not permitted:*

- (a) the height of all buildings in the proposed development must be 8 metres or less, and*

*Note.*

*Development consent for development for the purposes of seniors housing cannot be refused on the ground of the height of the housing if all of the proposed buildings are 8 metres or less in height. See clauses 48 (a), 49 (a) and 50 (a).*

- (b) a building that is adjacent to a boundary of the site (being the site, not only of that particular development, but also of any other associated development to which this Policy applies) must be not more than 2 storeys in height, and*

*Note.*

*The purpose of this paragraph is to avoid an abrupt change in the scale of development in the streetscape.*

- (c) a building located in the rear 25% area of the site must not exceed 1 storey in height.*

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*(5) Development applications to which clause does not apply Subclauses (2), (3) and (4) (c) do not apply to a development application made by any of the following:*

- (a) the Department of Housing,*
- (b) any other social housing provider.*

*Division 2 Residential care facilities—standards concerning accessibility and useability*

*Note.*

*Development standards concerning accessibility and useability for residential care facilities are not specified in this Policy. For relevant standards, see the Commonwealth aged care accreditation standards and the Building Code of Australia.*

*Comment:*

The development site satisfies the above criteria.

***Division 3 Hostels and self-contained dwellings—standards concerning accessibility and useability***

**41 Standards for hostels and self-contained dwellings**

*(1) A consent authority must not consent to a development application made pursuant to this Chapter to carry out development for the purpose of a hostel or self-contained dwelling unless the proposed development complies with the standards specified in Schedule 3 for such development.*

*(2) Despite the provisions of clauses 2, 7, 8, 9, 10, 11, 12, 13 and 15–20 of Schedule 3, a self-contained dwelling, or part of such a dwelling, that is located above the ground floor in a multi-storey building does not have to comply with the requirements of those provisions if the development application is made by, or by a person jointly with, a social housing provider.*

*Comment:*

The development will comply with the standards listed in Schedule 3. A condition of consent will apply in this regard.

**Part 7 Development standards that cannot be used as grounds to refuse consent**

**Division 1 General**

**46 Inter-relationship of Part with design principles in Part 3**

*(1) Nothing in this Part permits the granting of consent to a development application made pursuant to this Chapter if the consent authority is satisfied that the proposed development does not demonstrate that adequate regard has been given to the principles set out in Division 2 of Part 3.*

*Note.*

*It is considered possible to achieve good design and achieve density ratios set out in Division 2. Good design is critical to meriting these density ratios.*

*(2) For the avoidance of doubt, nothing in this Part limits the matters to which the Director-General may have regard in refusing to issue a site compatibility certificate.*

**Division 4 Self-contained dwellings**

**50 Standards that cannot be used to refuse development consent for self-contained dwellings**

*A consent authority must not refuse consent to a development application made pursuant to this Chapter for the carrying out of development for the purpose of a self-contained dwelling (including in-fill self-care housing and serviced self-care housing) on any of the following grounds:*

*(a) **building height:** if all proposed buildings are 8 metres or less in height (and regardless of any other standard specified by another environmental planning instrument limiting development to 2 storeys),*

*(b) **density and scale:** if the density and scale of the buildings when expressed as a floor space ratio is 0.5:1 or less,*

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(c) **landscaped area:** if:

(i) in the case of a development application made by a social housing provider—a minimum 35 square metres of landscaped area per dwelling is provided, or

(ii) in any other case—a minimum of 30% of the area of the site is to be landscaped,

(d) **Deep soil zones:** if, in relation to that part of the site (being the site, not only of that particular development, but also of any other associated development to which this Policy applies) that is not built on, paved or otherwise sealed, there is soil of a sufficient depth to support the growth of trees and shrubs on an area of not less than 15% of the area of the site (the deep soil zone). Two-thirds of the deep soil zone should preferably be located at the rear of the site and each area forming part of the zone should have a minimum dimension of 3 metres,

(e) **solar access:** if living rooms and private open spaces for a minimum of 70% of the dwellings of the development receive a minimum of 3 hours direct sunlight between 9am and 3pm in mid-winter,

(f) **private open space for in-fill self-care housing:** if:

(i) in the case of a single storey dwelling or a dwelling that is located, wholly or in part, on the ground floor of a multi-storey building, not less than 15 square metres of private open space per dwelling is provided and, of this open space, one area is not less than 3 metres wide and 3 metres long and is accessible from a living area located on the ground floor, and

(ii) in the case of any other dwelling, there is a balcony with an area of not less than 10 square metres (or 6 square metres for a 1 bedroom dwelling), that is not less than 2 metres in either length or depth and that is accessible from a living area,

*Note.*

The open space needs to be accessible only by a continuous accessible path of travel (within the meaning of AS 1428.1) if the dwelling itself is an accessible one. See Division 4 of Part 4.

(h) **parking:** if at least the following is provided:

(i) 0.5 car spaces for each bedroom where the development application is made by a person other than a social housing provider, or

(ii) 1 car space for each 5 dwellings where the development application is made by, or is made by a person jointly with, a social housing provider.

*Comment:*

The development satisfies the above listed criteria.

### **Schedule 1 Environmentally sensitive land**

The site is not identified as environmentally sensitive land.

### **Schedule 3 Standards concerning accessibility and use ability for hostels and self-contained dwellings**

The applicant has demonstrated that these standards will be met and will be conditioned accordingly should approval be granted.

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**State Environmental Planning Policy (Infrastructure) 2007**

The following Clause 45 and 85 applies:

*Electricity Transmission or distribution*

Clause 45 applies to a development application that involves penetration of the ground within 2m of an electricity distribution pole or adjacent to a substation or within 5m of an exposed overhead electricity power line. Where these thresholds are met, a written notice must be provided to the electricity supply authority for comments about potential safety risks.

The site is located opposite exposed overhead electricity line. To fulfil the obligations of this Policy the applicant will be required to consult with the Electricity Authority prior to constructing engineering development works.

**Clause 85 - Impact of rail noise or vibration on non-rail development**

(1) This clause applies to development for any of the following purposes that is on land in or adjacent to a rail corridor and that the consent authority considers is likely to be adversely affected by rail noise or vibration:

- (a) a building for residential use,
- (b) a place of public worship,
- (c) a hospital,
- (d) an educational establishment or child care centre.

(2) Before determining a development application for development to which this clause applies, the consent authority must take into consideration any guidelines that are issued by the Secretary for the purposes of this clause and published in the Gazette.

(3) If the development is for the purposes of a building for residential use, the consent authority must not grant consent to the development unless it is satisfied that appropriate measures will be taken to ensure that the following LAeq levels are not exceeded:

- (a) in any bedroom in the building—35 dB(A) at any time between 10.00 pm and 7.00 am,
- (b) anywhere else in the building (other than a garage, kitchen, bathroom or hallway)—40 dB(A) at any time.

*Comment:*

Dwellings 36-40 front Majara Strret which adjoins the Sydney to Canberra railway line. To minimise noise impact on these dwellings appropriate noise mitigation controls will need to apply to satisfy the SEPP. A condition of consent will apply in this regard should consent be issued.

***The following SEPPs have been considered and do not apply to the development***

*State Environmental Planning Policy No 1—Development Standards*

*State Environmental Planning Policy No 21—Caravan Parks*

*State Environmental Planning Policy No 30—Intensive Agriculture*

*State Environmental Planning Policy No 33—Hazardous and Offensive Development*

*State Environmental Planning Policy No 36—Manufactured Home Estates*

*State Environmental Planning Policy No 44—Koala Habitat Protection*

*State Environmental Planning Policy No 50—Canal Estate Development*

*State Environmental Planning Policy No 62—Sustainable Aquaculture*

*State Environmental Planning Policy No. 64 -Advertising Signage*

*State Environmental Planning Policy No 65—Design Quality of Residential Apartment Development*

*State Environmental Planning Policy No 70—Affordable Housing (Revised Schemes)*

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*State Environmental Planning Policy (Affordable Rental Housing) 2009*  
*State Environmental Planning Policy (Exempt and Complying Development Codes) 2008*  
*State Environmental Planning Policy (Integration and Repeals) 2016*  
*State Environmental Planning Policy (Mining, Petroleum Production and Extractive Industries) 2007*  
*State Environmental Planning Policy (Miscellaneous Consent Provisions) 2007*  
*State Environmental Planning Policy (Rural Lands) 2008*  
*State Environmental Planning Policy (State and Regional Development) 2011*  
*State Environmental Planning Policy (State Significant Precincts) 2005*  
*State Environmental Planning Policy (Urban Renewal) 2010*

**Draft Environmental Planning Policies**

No draft STe Environmental Planning Policies apply to the site.

**Local Environmental Plans**

The proposed development has been assessed in accordance with the relevant requirements of the *Palerang Local Environmental Plan 2014* and no relevant draft LEPs apply to the land. A summary is provided as follows:

PALERANG LOCAL ENVIRONMENTAL PLAN 2014 COMMENTS	COMPLIES (Yes/No)
<b>Part 1 Preliminary</b>	
<b>Clause 1.2 Aims of Plan</b>	
<p>(2) <i>The particular aims of this Plan are as follows:</i></p> <p>(a) <i>to protect and improve the economic, environmental, social and cultural resources and prospects of the Palerang community,</i></p> <p>(b) <i>to encourage development that supports the long-term economic sustainability of the local community, by ensuring that development does not unreasonably increase the demand for public services or public facilities,</i></p> <p>(c) <i>to retain, protect and encourage sustainable primary industry and commerce,</i></p> <p>(d) <i>to ensure the orderly, innovative and appropriate use of resources in Palerang through the effective application of the principles of ecologically sustainable development,</i></p> <p>(e) <i>to retain and protect wetlands, watercourses and water quality and enhance biodiversity and habitat corridors by encouraging the linking of fragmented core habitat areas within Palerang,</i></p> <p>(f) <i>to identify, protect and provide areas used for community health and recreational activities,</i></p> <p>(g) <i>to ensure that innovative environmental design is encouraged in residential development.</i></p> <p>The development is considered to be consistent with the aims of the PLEP 2014. The proposal will not create any significant increase in demand for public services or facilities and will support the economic sustainability of Bungendore. The development will improve the functioning and therefore the economic opportunities</p>	Yes

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PALERANG LOCAL ENVIRONMENTAL PLAN 2014 COMMENTS	COMPLIES (Yes/No)
of the site and will not compromise any social or cultural aspects of the community. The site does not contain any core habitat areas and there is no perceived impact on water quality or biodiversity.	
<b>Clause 1.4 Definitions</b>	
<p><i>seniors housing</i> means a building or place that is:</p> <p>(a) a residential care facility, or</p> <p>(b) a hostel within the meaning of clause 12 of <i>State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004</i>, or</p> <p>(c) a group of self-contained dwellings, or</p> <p>(d) a combination of any of the buildings or places referred to in paragraphs (a)–(c),</p> <p>and that is, or is intended to be, used permanently for:</p> <p>(e) seniors or people who have a disability, or</p> <p>(f) people who live in the same household with seniors or people who have a disability, or</p> <p>(g) staff employed to assist in the administration of the building or place or in the provision of services to persons living in the building or place, but does not include a hospital.</p> <p>The development is a group of self- contained dwellings.</p>	Yes
<b>Part 2 Permitted or Prohibited Development</b>	
<b>Clause 2.1 Land Use Zones</b>	
The site is zoned R1 – General Residential	Yes
<b>Clause 2.3 Zone Objectives and Land Use Tables</b>	
<p>The Objectives of the R1 zone are as follows:</p> <ul style="list-style-type: none"> <li>• To provide for the housing needs of the community.</li> <li>• To provide for a variety of housing types and densities.</li> <li>• To enable other land uses that provide facilities or services to meet the day to day needs of residents.</li> <li>• To ensure that development has regard for the character and amenity of the locality.</li> </ul> <p>The development is considered to be consistent with the above objectives. It will provide housing needs of the community, provides for a variety of housing types and has regard to the character and amenity of the area.</p>	Yes
<b>Part 4 Principal development standards</b>	
<b>Clause 4.1AA Minimum subdivision lot size for community title schemes</b>	
<p>4.1AA Minimum subdivision lot size for community title schemes</p> <p>(1) The objectives of this clause are as follows:</p> <p>(a) to ensure that land to which this clause applies is not fragmented by</p>	Yes.

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PALERANG LOCAL ENVIRONMENTAL PLAN 2014 COMMENTS	COMPLIES (Yes/No)
<p>subdivisions that would create additional dwelling entitlements.</p> <p>(2) This clause applies to a subdivision (being a subdivision that requires development consent) under the <a href="#">Community Land Development Act 1989</a> of land in any of the following zones:</p> <p>(a) Zone RU1 Primary Production,  (b) Zone RU5 Village,  <b>(c) Zone R2 Low Density Residential,</b>  (d) Zone R5 Large Lot Residential,  (e) Zone E3 Environmental Management.</p> <p>(3) The size of any lot resulting from a subdivision of land to which this clause applies (other than any lot comprising association property within the meaning of the <a href="#">Community Land Development Act 1989</a>) is not to be less than the minimum size shown on the <a href="#">Lot Size Map</a> in relation to that land.</p> <p>The proposed community title subdivision comprises lot sizes 200m2 to 301m2 together with community land being the roads, car parking and community building.</p> <p>The minimum lot size under the PLEP 2014 for the site is 850m2.</p> <p>Council has received legal advice that State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004 , Clause 21 overrides the requirements of the Palerang LEP 2014 in respect of Community Title Subdivision minimum lot standards. Therefore community title subdivision for seniors housing development need not comply with any minimum lot size under Councils PLEP 2014.</p>	
<b>Part 5    Miscellaneous Provisions</b>	
<b>Clause 5.9    Preservation of Trees or Vegetation</b>	
<p>The objective of this clause is to preserve the amenity of the area, including biodiversity values through the preservation of trees and other vegetation.</p> <p>The site has been cleared of native vegetation in the past. Some remnant trees remain in the north western corner of the site. A Fauna and Flora assessment was undertaken on the site September 2016. The report advises the site is mostly introduced pasture grasses and invasive weeds.</p> <p>The site has been highly modified. Very few native flora species were recorded at the site and it is considered little or no potential for the site to support any listed threatened flora species. The modified grassland does not meet the criteria for mapping as either Natural Temperate Grassland or Box Gum Derived Grassland, or any other listed ecological community.</p> <p>The site vegetation lacks any structure or diversity and it is considered to provide little suitable habitat for any native terrestrial fauna.</p> <p>Given the lack of identifiable biodiversity values of conservation significance, no special mitigation measures are recommended with respect to the management of impacts to the sites biodiversity values.</p> <p>There will be adverse impact on any threatened species of flora and fauna.</p>	Yes



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PALERANG LOCAL ENVIRONMENTAL PLAN 2014 COMMENTS	COMPLIES (Yes/No)
<b>Clause 5.10 Heritage Conservation</b>	
<p>An Aboriginal Cultural Heritage study was undertaken of the site by Biosis September 2016.</p> <p>The site was determined to have a low potential for containing Aboriginal objects and places. The report makes 4 recommendations:</p> <p>1 No further investigations are required for areas assessed case having low archaeological potential.</p> <p>2 The assessment has determined that there is the potential for unrecorded historical archaeological relics associated with archaeological resources of local significance. It is recommended an archaeological assessment is undertaken to determine if any approvals under the NSW Heritage Act 1977 are required.</p> <p>3. Should any Aboriginal objects be encountered during works, works must cease in the vicinity and the find not removed until assessed by a qualified archaeologist.</p> <p>4 Aboriginal remains may be found in a variety of landscapes. Any suspected human remains during works:</p> <ul style="list-style-type: none"> <li>- Immediately cease all work</li> <li>- Notify NSW Police and OEHs Environmental line.</li> <li>- Not recommence work unless authorised</li> </ul> <p>A local heritage item is identified at 40 Forster Street (item no 1183) being a weatherboard cottage. The dwelling is located more than 60m from the development site. Pursuant to subclauses (4) &amp; (5) Council must consider the effect of the proposed dwelling on the heritage significance of the item which is in the vicinity of the site. Given the significant distance between the item and the proposal no adverse impact on the heritage item is expected.</p>	<p>Yes</p> <p><b>Condition</b> to apply</p>
<b>Part 6 Additional Local Provisions</b>	
<b>Clause 6.1 Earthworks</b>	
<p>The objective of this clause is to ensure that any earthworks will not have a detrimental impact on environmental functions and processes, neighbouring uses or heritage items and features of the surrounding land.</p> <p>The application does include earthworks. The proposed earthworks are considered unlikely to result in any significant adverse impact.</p>	<p>Yes</p> <p><b>Condition</b> soil and erosion control measures.</p>
<b>Clause 6.2 Flood planning</b>	
<p>The objectives of this clause are as follows:</p> <p>(a) to minimise the flood risk to life and property associated with the use of land,</p> <p>(b) to allow development on land that is compatible with the land's flood hazard, taking into account projected changes as a result of climate change,</p> <p>(c) to avoid significant adverse impacts on flood behaviour and the environment.</p> <p>The site is not subject to the Flood Planning Mapping of the PLEP.</p>	<p>Yes</p>
<b>Clause 6.11 Essential services</b>	
<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</p>	<p>Yes</p>

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<b>PALERANG LOCAL ENVIRONMENTAL PLAN 2014 COMMENTS</b>	<b>COMPLIES (Yes/No)</b>
<p>development are available or that adequate arrangements have been made to make them available when required:</p> <ul style="list-style-type: none"> <li>a) the supply of water,</li> <li>b) the supply of electricity,</li> <li>c) the disposal and management of sewage,</li> <li>d) stormwater drainage or on-site conservation,</li> <li>e) suitable vehicular access.</li> </ul> <p>An assessment has been made of the proposed development and adequate services are available or can be made available to the proposed development.</p>	<b>Conditions</b> , to apply.

***Development Control Plan***

The Palerang Development Control Plan (DCP) 2015 applies to the development and a summary of the relevant provisions is provided in the following table.

<b>PALERANG DCP 2015 COMMENTS</b>	<b>COMPLIES (Yes/No)</b>
<b><i>Part A Preliminary Information</i></b>	
<p>Part A of the DCP outlines the legislative requirements and purpose of the DCP. The purposes of the DCP are similar to the aims of the PLEP 2014, which was addressed above.</p> <p>Part A21 Ecologically Sustainable Development (ESD)</p> <p>It is considered that the development is not in conflict with the ESD principles for this site.</p>	Yes
<b><i>Part B General Provisions</i></b>	
<p><b>B1 Site Analysis</b></p> <p>B1 outlines the requirements for the lodgement of a development application and to ensure the site attributes and constraints are carefully considered in the site planning and assessment process.</p> <p>The development has been accompanied with appropriate information so that Council can undertake a robust assessment of the application.</p>	Yes
<p><b>B2 Accessible Design</b></p> <p>The development application, subject to the attached conditions of consent is considered to meet the relevant provisions in B2.</p>	Yes
<p><b>B3 Flora, fauna and watercourses</b></p> <p>B3 are similar to the provisions within the PLEP 2014. As identified above the development does not contain any riparian areas and is not mapped as being subject to terrestrial biodiversity. Additional planting will complement the use of the land.</p>	Yes
<p><b>B4 Bushfire Prone Land</b></p> <p>B4 outlines the requirements for development on bushfire prone land. The site is identified as bush fire prone and is Integrated Development. NSW Rural Fire Service</p>	Yes <b>Conditions to</b>

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PALERANG DCP 2015 COMMENTS	COMPLIES (Yes/No)
has issued a conditional bush fire authority for the development.	apply.
<p><b>B5 Crime Prevention through Environmental Design</b>  This section outlines the relevant requirements for safe design. The development meets the relevant objectives as discussed below.  <b>Objective</b>  <i>a) To ensure the incorporation of crime prevention strategies in new development</i>  <i>b) To promote active, pedestrian and cyclist orientated environments where developments are designed to integrate into the public domain</i>  <i>c) To maximise opportunities for natural surveillance of public spaces, buildings, site entrances and internal spaces</i></p> <p>The development generally satisfies the above objectives.</p>	<p>Yes</p> <p><b>Conditions</b> to apply.</p>
<p><b>B7 Engineering Requirements</b>  An assessment was undertaken by Council's Development Engineer, comments were provided in the Planning Report.</p>	<p>Yes</p> <p><b>Condition</b></p>
<p><b>B8 Erosion and sediment control</b>  Conditions are recommended to ensure a sediment and erosion control plan is prepared in accordance with B8. The measures will be required to be maintained as long as necessary.</p>	<p><b>Condition</b>  erosion and sediment control</p>
<p><b>B9 Flood Planning</b>  The proposal is unaffected by flood risk.</p>	<p>Yes</p>
<p><b>B10 Heritage</b>  Refer to Heritage Consultants comments and recommendations above.</p>	<p>Yes</p>
<p><b>B11 Social and Economic Impact Assessment</b>  The proposed development looks to better utilise the site by formalising the carparking and better management of the space. There are likely to be positive social and economic impacts as a result of this development.</p>	<p>Yes</p>
<p><b>B12 Landscaping</b>  The site is proposed to be landscaped. Additional landscape works will be required along the street frontages.</p>	<p>Yes</p> <p><b>Condition</b>  landscaping</p>
<p><b>B15 Waste Management</b>  B15 outlines the relevant provisions relating to waste management generated by a new development. Conditions are considered to be appropriate to address the waste that is likely to be generated by the development, throughout the construction period and the ongoing operations.</p>	<p><b>Condition</b>  waste management</p>
<b>Part C Site Specific Provisions</b>	
<p>There are specific provisions for residential development in Part C.  The development satisfies the objectives of the clause.  Acoustic privacy  The design minimises noise potential to habitable rooms and private open space areas.  Visual privacy  The dwellings are designed to minimise overlooking of habitable rooms and private courtyards  Adaptable housing</p>	<p>Yes.</p> <p><b>Condition</b> to apply for adaptable housing</p>

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Forster Street (Continued)**

PALERANG DCP 2015 COMMENTS	COMPLIES (Yes/No)
<p>The development is required to meet one third of dwellings to meet the Class B requirements of Australian Standard AS4299-1995.</p> <p>Dwelling articulation</p> <p>The façade treatment and architectural detail of the dwellings is varied and enhances the character and continuity of the streetscape. The bulk and scale is in keeping with the neighbourhood. The dwellings are of contemporary design.</p> <p>Dwelling exteriors</p> <p>Suitable building materials are proposed to complement the character of the locality.</p> <p>Driveway entrances</p> <p>One driveway entrance is proposed to the development.</p> <p>Energy and water efficiency</p> <p>The dwellings are designed to satisfy BASIX requirements.</p> <p>Gates and fencing</p> <p>Fencing along the front and boundaries will comprise brick columns and steel fencing of pallisade style of 2.1m height. The DCP specifies a maximum height of 1.2m forward of the building line. The rear fence will comprise colorbond steel fencing. The applicant is requesting that the street frontages be treated as the rear and side boundaries. The development is designed so that dwellings front each other internally to enable a community feel to be encouraged by residents.</p> <p>If the street frontages require 7m setbacks the internal dwellings will face the rear of houses facing Forster Street. This will not encourage a sense of community.</p> <p>Height</p> <p>The development satisfies relevant height controls.</p> <p>Landscaping.</p> <p>The site will be landscaped.</p> <p>Solar access</p> <p>Dwellings and courtyards are designed to receive maximum solar access. They have a northerly aspect.</p> <p>Siting and orientation</p> <p>The proposed dwellings are oriented to Forster Street and the internal roadway.</p> <p>Roof form</p> <p>The roof lines do not significantly add to the bulk and scale of buildings.</p> <p>Street frontage</p> <p>The dwelling form and site layout reflects the current street pattern.</p> <p>Streetscape</p> <p>The existing street character will be maintained and enhanced.</p> <p>Maximum gross floor area</p> <p>The site coverage satisfies the development standards as outlined in the SEPP.</p> <p>Setbacks</p> <p>The setbacks to Forster Street are 2.67m with all dwellings with dwellings 6 &amp; 32 setback 1.59m. The primary dwelling frontages face the internal roads with garages setback 5.5m and 6.71m.</p> <p>The development design utilises Forster Street as the rear boundary hence the reduced setback. Table 13 specifies in R2 zone a 0.9m setback where the building is less than 3.6m high otherwise the setback is 3m.</p> <p>The proposed dwellings are less than 3.6m height (height defined under Seniors Living SEPP). If Forster street is treated as the rear setback for the dwellings the proposed setbacks are adequate under the DCP.</p>	.

**12.1 Development Application 2016.206 - 65 Forster and 104 Butmaroo Streets, Bungendore - Seniors Living for 40 Community Title Dwellings**  
**Attachment 1 - 22 February 2017 - DA 2016 206 - Section 79C(1) Table - Seniors Housing - 65 Forster Street (Continued)**

PALERANG DCP 2015 COMMENTS	COMPLIES (Yes/No)
<p>Should Council require setbacks of 7m to the street frontages the development would need to be refused.</p> <p>It is staff view that the applicants proposed design is satisfactory for the following reasons:</p> <ul style="list-style-type: none"> <li>• The design creates a sense of community for the development</li> <li>• An attractive palisade steel and brick column fence is proposed to complement the streetscape and avoid rear fences being erected along the street</li> <li>• Additional landscaping works will be provided along the street frontages to enhance the streetscape.</li> </ul>	
<b>Part D Area Specific Provisions - Bungendore</b>	
<p>The relevant objectives for this site within the village of Bungendore are as follows:</p> <p>A) to encourage development that is consistent with the desired future character of Bungendore</p> <p>B) to promote a mix of uses and a variety of building styles that enhance and contribute to the character and identity of the precinct and which do not have a detrimental impact on heritage values of significant prominent buildings and the townscapes.</p> <p>C) To achieve a balance between the functional and aesthetic needs of new development and conserving the historic character of the town.</p> <p>Comment:  The proposal is considered consistent with these objectives, as it promotes a mix of uses and variety of building styles that contribute to the identity of the precinct. The development does not have a detrimental impact on heritage values of buildings and townscapes. It is appropriately located and designed of modest bulk and scale that conserves the historic character of the town.</p>	Yes
<b>Part E Notification of Development Application</b>	
<p><b>Public Notification Of A Development Application</b></p> <p>The development application was notified to adjoining owners and 12 written submissions were received. Refer to the community consultation section of the Staff Report for consideration of the relevant issues raised in the submissions.</p>	Yes

***Additional Planning Considerations***

The following additional planning matters apply to the development:

MATTERS FOR CONSIDERATION	COMPLIES (Yes/No)
<b><i>Environmental Planning and Assessment Act Regulation 2000</i></b>	
<i>The provisions of any matters prescribed by the Regulations, which apply to the</i>	Yes

**12.1 Development Application 2016.206 - 65 Forster and 104 Butmaroo Streets, Bungendore  
- Seniors Living for 40 Community Title Dwellings  
Attachment 1 - 22 February 2017 - DA 2016 206 - Section 79C(1) Table - Seniors Housing - 65  
Forster Street (Continued)**

MATTERS FOR CONSIDERATION	COMPLIES (Yes/No)
<p><i>land to which the development application relates, must be considered.</i></p> <p><i>Clause 92 - Australian Standard AS 2601-1991 (Demolition of Structures).</i>  <i>Clause 93 - Fire Safety Considerations (change of use of an existing building).</i>  <i>Clause 94 - Fire Safety Considerations (rebuilding/altering/enlarging/extending existing building).</i></p> <p>There is no demolition to take place or change of use of an existing building or rebuilding.</p>	
<b><i>The Likely Impacts of the Development</i></b>	
<p><i>Context and Setting</i> – The development is suitably located on this site and within the locality. It is adjoined by existing residential development to the north and west. The southern side is zoned for industrial use. Appropriate conditions will need to apply regarding fencing and landscaped buffer. To separate the two landuses.</p>	Yes
<p><i>Access, Transport and Traffic</i> – Access, transport and traffic was commented on by Council's Development Engineer. Conditions of consent have been recommended to address potential concerns relating to the site.</p>	Yes
<p><i>Public Domain</i> – The development will not impact on the public domain.</p>	Yes
<p><i>Utilities</i> – The development can be connected to existing utilities.</p>	Yes
<p><i>Heritage</i> – Previous comments have been discussed elsewhere in this report.</p>	Yes
<p><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.</p>	Yes
<p><i>Water</i> – The development will not adversely impact on water supply.</p>	Yes
<p><i>Soils</i> - The proposed development is considered unlikely to result in any adverse impact to soils in the immediate locality.</p>	Yes
<p><i>Air and Microclimate</i> - The construction stage of the proposed development will likely cause the emission of some dust. This can be addressed via the imposition of standard site management conditions.</p>	Yes
<p><i>Flora and Fauna</i> - There will be no significant impacts to flora and fauna as a result of the proposed development.</p>	Yes
<p><i>Waste</i> - The imposition of standard conditions will manage the disposal of waste generated during the construction of the development.</p>	Yes
	Yes

**12.1 Development Application 2016.206 - 65 Forster and 104 Butmaroo Streets, Bungendore  
- Seniors Living for 40 Community Title Dwellings  
Attachment 1 - 22 February 2017 - DA 2016 206 - Section 79C(1) Table - Seniors Housing - 65  
Forster Street (Continued)**

MATTERS FOR CONSIDERATION	COMPLIES (Yes/No)
<i>Noise and Vibration</i> – Construction of the development will be required to be undertaken at appropriate times throughout the day. However, the proposed use of the site does not present any detrimental impacts from noise and vibration on to adjoining properties.	
<i>Natural Hazards</i> – The site is bush fire prone. Refer to comments above.	Yes
<i>Technological Hazards</i> - – As identified above the land is contaminated and a Remediation Action Plan (RAP) will be required for the development.	Yes
<i>Safety, Security and Crime Prevention</i> – As identified above the development is considered to be appropriate.	Yes
<i>Social and Economic Impact in the Locality</i> - The proposed development 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 occupation of the proposed commercial tenancies. There will be a social benefit in the local provision of seniors housing.	Yes
<i>Site Design and Internal Design</i> – The site design and internal layout, associated with the proposed and conditioned landscaping are considered satisfactory and do not present any significant detrimental impact on the surrounding area.	Yes
<i>Construction</i> – The construction stage of the proposed development will have the potential to impact on adjoining properties and the environment for a short period of time. Any approval will be conditioned to ensure construction activities do not unreasonably impact on the adjoining properties and their occupants and the environment by way of noise, erosion and the like. These conditions are standard Council conditions of development consent.	Yes
<i>Cumulative Impacts</i> - Cumulative impacts relate to the small impacts of developments in an area that when considered in unison can result in detrimental impact on the natural or built environment. It is considered that with adherence to recommended conditions of consent that the proposal will not give rise to any adverse cumulative impacts.	Yes
<b><i>The Suitability of the Site for the Development</i></b>	
<i>Does the proposal fit in the locality?</i> - The proposed development fits the current and desired character of the locality. There are no physical constraints ( other than bushfire), heritage, threatened species, agricultural or mineral and extractive resource constraints. Once established and landscaped will ensure that the development will not have a visual impact on surrounding residential properties.	Yes
<i>Are the site attributes conducive to development?</i> – Site attributes such as configuration, size and slope, are considered to be generally conducive to the proposed development. The site allows opportunity for deep root plantings which will minimise any significant visual impacts on adjoining properties.	Yes

**12.1 Development Application 2016.206 - 65 Forster and 104 Butmaroo Streets, Bungendore  
- Seniors Living for 40 Community Title Dwellings  
Attachment 1 - 22 February 2017 - DA 2016 206 - Section 79C(1) Table - Seniors Housing - 65  
Forster Street (Continued)**

MATTERS FOR CONSIDERATION	COMPLIES (Yes/No)
<b><i>Have any submissions been made in accordance with the Act or the Regulations?</i></b>	
<i>Public Submissions - Public Submissions</i> – Thirteen submissions were received during the period of public notification and have been addressed in the planning report.	Yes
<i>Submissions from Public Authorities</i> – Yes from NSW Rural Fire Service. Conditions to apply to consent.	Yes
<b><i>The Public Interest</i></b>	
The proposed development is considered to be in the public interest to approve (with the recommended conditions).	Yes
<b><i>Government and Community Interests</i></b>	
It is considered that government and community interests will not be adversely affected by the proposed development.	Yes
<b><i>Section 94 Development Contributions</i></b>	
<i>Section 94 Contributions</i> As discussed in the planning report, Section 64 and 94 contributions are required.	Yes



# **QUEANBEYAN-PALERANG REGIONAL COUNCIL**

## **Council Meeting Attachment**

**22 FEBRUARY 2017**

- |              |  |
|--------------|--|
| ITEM 12.1    | DEVELOPMENT APPLICATION 2016.206 - 65 FORSTER<br>AND 104 BUTMAROO STREETS, BUNGENDORE -<br>SENIORS LIVING FOR 40 COMMUNITY TITLE DWELLINGS |
| ATTACHMENT 3 | 22 FEBRUARY 2017 - DA 2016.206 - - SUBMISSIONS -<br>SENIORS HOUSING - 65 FORSTER STREET  |



Queanbeyan-Palerang Regional Council  
Email: [records@qprc.nsw.gov.au](mailto:records@qprc.nsw.gov.au)

Dear Council

**Development Application: DA.2016.206 – 65 Forster Street Bungendore  
Community Title Subdivision & Construction of 40 Seniors Independent Living Dwellings**

I refer to the above Development Application, and make the following preliminary comments:

***Impact of development on lot sizes in Bungendore***

This development has significant potential to change the type of development in Bungendore. The State Environment Planning Policy (Housing for Seniors or People with a Disability) 2004 (SEPP) does not prescribe minimum lot sizes for this type of development. As such this DA for a 40-lot 'Senior Independent Living' strata development may seem innocuous, however the potential for the development to be further subdivided is real, such that this could result in a much more significant development – of very small blocks (140 blocks on 300m<sup>2</sup> or less). Council's consideration and approval of this development is therefore very significant for the future of the town.

I object to this DA and the precedent it will have on Bungendore.

***Bungendore - need for a Gated community?***

This DA proposes a 'gated community' perhaps to satisfy Clause 37 of the SEPP which states:

*The proposed development should provide personal property security for residents and visitors and encourage crime prevention by:*

- (a) Site planning that allows observation of the approaches to a dwelling entry from inside each dwelling and general observation of public areas, driveways and streets from a dwelling that adjoins any such area, driveway or street; and*
- (b) Where shared entries are required, providing shared entries that serve a small number of dwellings and that are able to be locked; and*
- (c) Providing dwellings designed to allow residents to see who approaches their dwellings without the need to open the front door.*

Clause 37 SEPP above refers to *personal property security for residents and visitors*. Clause 37 **does not prescribe** that a SEPP development of this type be a 'gated' community. Other security measures may satisfy Clause 37 including:

- Security cameras both facing outside and around each dwelling. Doorbells - to enable residents to be alerted to the fact that someone is visiting - they can choose to answer the door or not. Security alarms in each residence and community buildings, security locks on all doors and external windows.

These measures would satisfy Cl 37(a), (b) and (c) – to enable residents to see who approaches dwellings (without opening the front door), and to view public areas, driveways, the street,

shared entries etc.

*Consideration of Gated community in context of existing security risk*

I request that Council assess the DA's request for a 'gated' community (to satisfy Clause 37 SEPP), against the existing security risks of living in Bungendore. The application for the 'gating' of this community suggests the need for living exclusively, a general distrust of the community and of being threatened by other residents. This is wrong.

To that extent, I request that Council seek advice from Bungendore police, to be informed and obtain statistics on the existing risks to residents of this development and all Bungendore residents, of factors which might justify the need for such a 'gated community'. This includes information on the rates of crime, including street muggings/bag snatching, break-ins, home invasions, assaults and other violent crimes etc, in Bungendore.

Should Council consider it necessary to consent to the 'gating' of this community, this will have a potential impact on all Bungendore residents, particularly on those who live in streets surrounding Forster Street. It will send a message to the community, and to insurers, that there is a significant community safety and security risk in Bungendore, requiring all Bungendore households to reconsider the need to similarly 'gate' their areas or to undertake serious measures and expense to increase their level of personal/home security.

It is possible that granting consent to this DA as a 'gated' community will have an adverse impact upon insurance premiums of other Bungendore residents. This is not an absurd proposition.

Does QPR Council want this to be the message for Bungendore?

Bungendore prides itself on its inclusive community living style. The 'gating' of this community in this DA is completely adverse to the existing character of Bungendore development and should be rejected.

Consenting to a 'gated' community such as this is a lazy way to satisfy Clause 37. I urge Council not consent to the gating, but think of other more reasonable ways to satisfy Clause 37.

***Neighbourhood amenity and streetscape – clause 33 of SEPP***

Clause 33 SEPP aims to ensure the proposed development fits in with the local character. Clause 33 uses words of 'recognise the desirable elements of the location's current character', 'harmonise', 'maintain reasonable neighbourhood amenity and appropriate resident character', 'contribute to the quality and identity of the area', 'planting with sympathy' etc.

To that end, I request Council consider more closely, whether the proposed development fits with the existing streetscape, particularly that of Forster Street residents, who will be most directly impacted upon by this development.

- ***Fencing along Forster Street and landscaping***

The proposed fencing along Forster Street is out of character with the existing street, surrounding development and general development in Bungendore. It is too tall, a complete barrier and again suggests an unnecessary, unreasonable and elevated security risk, suggesting a community of exclusivity, distrust and 'keep out'. Local residents are already struggling with the Parklea/Long Bay/Guantanamo Bay metal security fence installed along the railway line, and the streetscape and public message this presents. Approving the proposed fencing in this DA will only create

unnecessary concern that there is some public safety threat. This is a poor community message to existing and future Bungendore residents.

I request Council require more sympathetic type of fencing along Forster Street, consistent with existing residents along that area.

Currently, the existing 'landscape' is a broad grassed paddock which is not inconsistent with the surrounding paddocks adjacent to residences in Bungendore. I request Council require the developer to make a greater contribution to the landscaping and planting of vegetation and trees along any fence in this development, in the development itself and in the surrounding area, to positively contribute to the general amenity of the area.

***Environmental issues – clarification of contamination on this land – former Koppers log site?***

I note the DA and the Council file contains a comprehensive environmental assessment report on the former use of this site by Koppers log and the levels of residue contaminants including potential carcinogens on this site.

Council will be aware of the community interest, discussion, confusion and likely factual errors as to the nature and existence of contaminants and potential carcinogens on this site.

For example, I note that the *2000 State of the Environment Report for Yarrowlumla* listed the former Koppers Log site (45,193m<sup>2</sup>) (Office of the Commissioner for the Environment) as a 'contaminated site'.

I also note a proposal by Palerang Council in 2012 to undertake rejuvenation of this site, with a proposal to assign it the name, '*Bungendore Rejuvenation Park Project*'.

I request that Council make publicly available to all existing residents of Bungendore, the results of environmental/contaminant testing on this site, and in particular, to those neighbours directed affected in Forster Street.

I also recommend that Council require that information on the contamination of this site be available to future residents of this development, so that they are fully informed of the past history of the land and area, in order that they fully informed prior to buying a property on the site. Council would wish to mitigate risks of purchasers seeking redress from Council or similar authority, should problems arise in the future as a result of the past contamination of the land.

Council has a duty to ensure that the community and all current and future residents are fully informed as to the facts of existing/potential contamination on this site.

***I request that all information about this site be placed on the public record, including environmental and other specialist reports or other documents, to ensure the whole community is aware of the facts of the existence of any actual or potential contaminants on this site.***

***Traffic implications***

The DA does not deal adequately with the increased traffic flows from this development and its impact. I note that traffic flows along Majara Street have and will continue to increase, including with new estate being built on the southern end, and as drivers use this route to escape the slow congestion of traffic which will occur once the supermarket is open. Already the local police patrol this street regularly, owing to speeding traffic, particularly on weekends.

*Public opportunity for community comment*

I request that this DA be presented to an open meeting of QPRC to provide for consideration by Council and the Administrator. In addition, I request that the Administrator hold a public meeting with concerned residents in order to provide a more open and informative opportunity for the community to be informed and provide comments on this DA.

I note the Bungendore Residents Group has requested an extension of time for making a submission to Council about this DA. I support this request.

I look forward to meeting with Council to this development application.





6 December 2016

To: Queanbeyan-Palerang Regional Council  
Email: [records@qprc.nsw.gov.au](mailto:records@qprc.nsw.gov.au)

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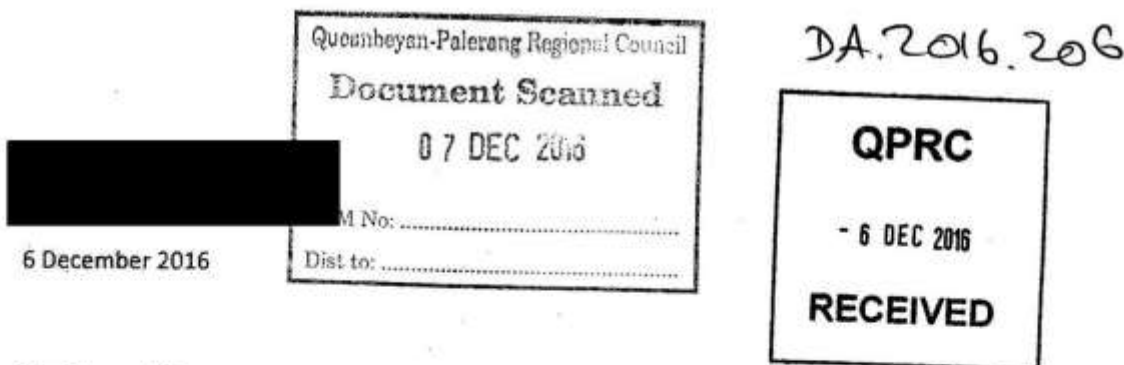
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Regards







The General Manager  
Queanbeyan- Palerang Regional Council  
PO Box 348  
Bungendore NSW 2621

Re: Development Proposal – Local Development

Address: 65 Forster Street & 104 Butmaroo Street  
Land Description: Lot 1 Sec 8 DP 976608  
Lot 2 Sec 8 DP 976608  
Lot 7 Sec 8 DP 976608  
Lot 8 Sec 8 DP 976608  
Applicant: Aland Pty Ltd  
Consent Authority: Queanbeyan- Palerang Regional Council  
Development Proposal: Strata Title Subdivision & Construction of 40 Seniors Independent Living Housing, Community Building  
Application Number: DA.2016.206  
Notification Period: 23 November 2016-6 December 2016

We wish to object to the above development for the following concerns:

- There is a proposal for 40 x 2 bedroom self-contained dwellings with a 'vision' for the vacant land to the south to be rezoned from industrial zoned land to extend the 'seniors village' 'later'. Using a similar layout for the proposed development, this 'vision' can be projected to include approximately 120 x 2 bedroom self-contained dwellings on the whole site. Also, how is 'later' defined? Five years? Ten years? Twenty years? Never? If never, why such small blocks?
- Between 40 and 120 (or more) dwellings on the site would produce a significant increase in the traffic in Forster Street, King Street and surrounding roads. Therefore, we recommend a traffic study to be undertaken to assess the viability and potential problems with the proposal. Clearly, with such an increase in traffic volume, considerable road upgrades will be required. Are such upgrades the developer's responsibility or the Council's?
- The planned dual road access to the development is from Forster Street, close by two intersections. This is dangerous considering the volume of traffic going into and out of the development right near two busy intersections which have already had accidents and many 'close-calls'. Considering the blocks are currently zoned facing Majara and Butmaroo Streets, it was the intention for driveways to be facing those streets. Therefore, we recommend the access roads to be moved from Forster Street to Majara and Butmaroo Streets, not only for easing traffic problems away from the through road and for community safety, but also for

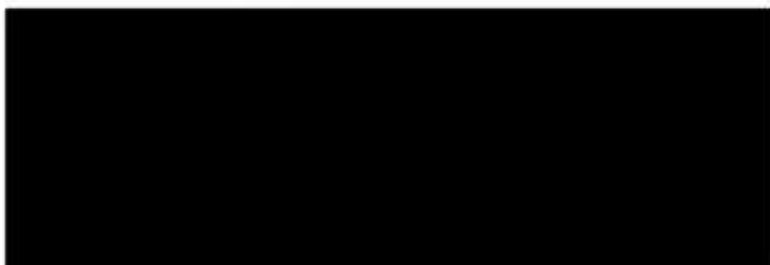
quick exit if an emergency, such as a bushfire, occurs (as this development is in a bushfire zone).

- It is unclear in the Development Application of the extent of arsenic contamination on the site, how much soil will be excavated, from what areas, how contamination will be monitored in the future, whether residents will be notified, and where and how contaminated waste will be disposed of. We recommend that potential residents and the wider Bungendore community are advised of this information. Moreover, the Development Application states that 300mm of topsoil is considered general waste, yet at the 1 metre mark the soil is considered restricted. We are concerned about what this means, particularly when services are being installed within those parameters in the ground. We would also like to know who monitors the level of arsenic and the movement of arsenic laden soil?
- We do not understand why there would be a requirement for a visitor carpark when each dwelling has at least a single garage and room for extra parking. We would prefer to see this area converted to green space for resident's pleasure or another dwelling rather than a carpark (which is more akin to a retail area).
- We recommend areas are set aside for residents for outside activities or pleasure (such as parks and gardens, depending on arsenic contamination levels) as there are no facilities within the immediate area for them to undertake such activities. Also, looking at similar developments and discussing with seniors regarding their needs, such developments as the one proposed requires activity space, such as tennis courts, swimming pools and golf courses. The amenities are what seniors are looking for in independent living communities. There does not seem to be any provision for seniors in this development beyond the vision statement and a relatively small community centre of which Bungendore has a couple of already.
- We recommend extensive tree planting along the Forster Street frontage to soften the view of the development, for privacy (as our home will be facing residents backyards), and the impact on the surrounding area, including wildlife (not in the least, the magpies whose homes are situated in the gum trees).
- It is unclear whether the town services, such as medical facilities, shops, police and emergency services have the capacity to service such a large senior independent living community given the already large expansion of wider Bungendore. Seniors require increasing levels of healthcare, and the closest hospital is 26km away and we have no local Ambulance service. We recommend these facilities are adequately supported to cope with increasing needs.
- We recommend potential residents be made aware of the significant noise which comes from the industrial area. There are loud noises every day, with trucks and vehicles coming and going at all hours, and alarms regularly triggering at nights and on weekends.

Moreover, the development is out of character for the town, with block sizes less than half of the typical recommended minimum size (300m<sup>2</sup> as opposed to 850m<sup>2</sup>). This does not align with Bungendore's rural character.

We encourage you to consider the implications of the development on the current residents of Forster Street, the potential residents of Forster Street, and the Bungendore community before giving approval to this Development Application in its current form.

Yours sincerely,





Queanbeyan-Palerang Regional Council  
Majara Street  
BUNGENDORE NSW 2621

6 January 2017

Dear Sir/Madam

**DA.2016.206 – 65 Forster Street, Bungendore**

We refer to the above development application (DA).

We note that Council provided an extension of time for submissions until the 6 January 2017, in order to review the complex DA and associated documents.

We note however, that Council has refused our request for copies of vital documents forming part of the DA, despite the request being made during the extension of time period. We consider that this is unreasonable and has denied us a fair and reasonable opportunity to fully consider the complex issues related to this DA in order to prepare an informed submission.

We note the DA includes a large report (of many pages) which is a compilation of previously written reports, proposing to comment on the environmental impacts of this DA. However, we understand that no recent independent environmental study has been conducted on this site, despite its concerning history of contamination and despite it being listed as a 'contaminated site' by the Environmental Protection Authority (EPA).

We have requested a review of our access rights to these documents under the *Government Public Information and Access Act 2009* (GIPA Act) through the Privacy Commission of NSW. We reserve our right to provide a further submission if we are granted access.

In the absence of full access, our objections in this submission, are as follows:

- **Site Contamination**

Council is aware of the previous use of this site by Koppers Logs which operated for many years up to 1981. This operation involved heavy and sustained use of copper chromium arsenic (CCA), resulting in significant contamination of the site.

We understand that at the time of Koppers' operation, there was a large spillage of contaminants of 3000 gallons or 13,640 litres of concentrated CCA from a large holding tank at the site. At the time, independent sampling of the site was conducted by the Medical Chemistry Group, John Curtin School of Medical Research, ANU, showing the presence of 50mg/litre arsenic or **50 ppm**. The present *Australian Drinking Water Standard* for arsenic is 0.01 mg/litre or **0.01 ppm**.

Council has not provided satisfactory assurances that CCA or other carcinogenic and other contaminants have been contained and no longer pose any threat (no matter how minor), to Bungendore's ground water supply.

We understand the EPA last conducted testing of the site in 2006 and concluded that contamination was localised **provided the site was undisturbed**. This DA and associated buildings works will result in significant disturbance. Council must reassure the community that any building works on the site will not result in contamination of Bungendore's groundwater.

In order for complete transparency on this matter, **we request** the following:

- Council publicly release and display all documents associated with the DA
- The site, the subject of the DA, be independently tested for contaminants, and
- Following independent testing, Council conduct a full risk assessment to determine whether there are existing and potential risk to the public from contaminants and carcinogens released as a result of disturbance during construction activity.

### **Proposal for gated community**

It is unnecessary and completely inconsistent with Bungendore's character, for this DA to propose a 'gated-community'. This proposal implies that there is an existing and inherent safety and security risk to residents in Bungendore to justify requiring 'gating'.

Personal property and security concerns may be adequately addressed by normal and usual domestic security measures including, deadlocks on windows and doors, security fly-screen mesh on doors and windows, footpath lighting, domestic alarms etc.

**We request** that Council reject the need for a 'gated community'.

### **Density – size of blocks**

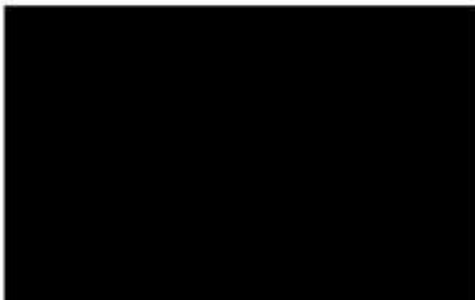
The Palerang LEP 2014 (PLEP) prescribes minimum lot sizes for the proposed site (South Bungendore), to be a minimum 1000m<sup>2</sup>. This DA proposes lot sizes of effectively 300m<sup>2</sup>.

This is completely contrary to the PLEP. The PLEP is a statutory document providing legal parameters for development in Bungendore. Why bother having the PLEP?

**We request** that Council enforce the minimum lot size as prescribed under the PLEP.

We look forward to Council providing the information as request above, and open and transparent consideration of this DA.

Yours sincerely



**Bungendore Residents Group**  
PO Box 469, Bungendore. NSW 2621  
Web: [bungendorevillage.org.au](http://bungendorevillage.org.au) Email: [info@bungendorevillage.org.au](mailto:info@bungendorevillage.org.au)



6 December 2016

To whom it may concern,

**OBJECTION TO DEVELOPMENT PROPOSAL**

<b>Address:</b>	<b>65 Forster Street &amp; 104 Butmaroo Street</b>
<b>Land Description:</b>	<b>Lot 1 Sec 8 DP 976608 Lot 2 Sec 8 DP 976608 Lot 7 Sec 8 DP 976608 Lot 8 Sec 8 DP 976608</b>
<b>Applicant:</b>	<b>Aland Pty Ltd</b>
<b>Consent Authority:</b>	<b>Queanbeyan-Palerang Regional Council</b>
<b>Development Proposal:</b>	<b>Strata Title Subdivision &amp; Construction of 40 Senior's Independent Living, Housing, Community Building</b>
<b>Application Number:</b>	<b>DA.2016.206</b>
<b>Notification Period:</b>	<b>23 November 20169 – 6 December 2016</b>

I wish to lodge an objection to the development listed above and request that you deny the application.

The area for which development is proposed is zoned for residential blocks 850 sq m in size, in keeping with the existing outlay of Forster Street and the expectations of residents. The proposed development uses a Clause of the State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004 to circumvent the Palerang LEP 2014 to subdivide an area of 15000 sq m into 40 small blocks within a gated community. A gated community, which is by nature exclusive, is entirely out of character in a town like Bungendore which prides itself on community spirit and comfortable rural village style living. This clause is more commonly used in high density city areas where housing for more vulnerable members of society is difficult to obtain and the gated communities provide security and assisted living through resident nurses or skilled caretakers. In Bungendore security is not really an issue as our crime rate could not be considered high and this development would not appear to be providing any assistance to elderly or disabled people other than a warren of houses on small blocks.

The development also appears to have entry and egress solely from the eastern portion of Forster Street, which is at present a quiet residential street of families with small children. The impact on traffic in the street, arising from the addition of 40 households where there should only have been nine, would be substantial and dangerous to young children accustomed to walking and riding bikes down the street. My daughter and two small granddaughters are resident in the affected portion of Forster Street and we often enjoy a walk along the street to the Library or local shops and eateries. The development will make Forster St a substantial thoroughfare, effectively robbing families of their existing quiet semi rural lifestyle.

The use of the two alternate bordering streets, Majara and Butmaroo seems to have been ignored in order to squash more blocks into the development. The Majara St and Butmaroo St sides of the development look onto roads with no residential aspect, Majara backs onto a road and walkway flanked by the train line and Butmaroo backs onto the edge of the industrial estate. These streets would have been a safer choice for entry and egress and would have impacted less on residents of Forster St. Aside from the safety issues for people in Forster St there is also the consideration of traffic congestion in an emergency. Should there be an emergency, the only escape would be down one small portion of the street for residents of the new development and those in the existing residential area.

In the unlikely event that this development is intended to honour the intent of the SEPP, to provide housing for vulnerable people, there is also the question of available medical and community services. Bungendore has one overworked medical centre, no hospital and no resident ambulance service. All medical and community services other than those provided by the medical centre are provided by Queanbeyan. This would result in additional cost and burden to those Queanbeyan providers to provide outreach services to Bungendore such as community nursing, meals on wheels etc.

I ask Council to give consideration to the need for such a development in Bungendore, which in my opinion is entirely unwarranted and a blatant attempt to circumvent planning legislation for greater profit by the developer.

[REDACTED]  
[REDACTED]  
[REDACTED]

**From:** [REDACTED]  
**To:** [Records](#)  
**Subject:** Objection to Development Application DA.2016.206  
**Date:** Tuesday, 6 December 2016 2:31:05 PM  
**Attachments:** [REDACTED]

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Good afternoon,

Please see attached documents relating to DA.2016.206

Kind regards,

[REDACTED]  
[REDACTED]



6 December 2016

To whom it may concern,

**OBJECTION TO DEVELOPMENT PROPOSAL**

<b>Address:</b>	<b>65 Forster Street &amp; 104 Butmaroo Street</b>
<b>Land Description:</b>	<b>Lot 1 Sec 8 DP 976608 Lot 2 Sec 8 DP 976608 Lot 7 Sec 8 DP 976608 Lot 8 Sec 8 DP 976608</b>
<b>Applicant:</b>	<b>Aland Pty Ltd</b>
<b>Consent Authority:</b>	<b>Queanbeyan-Palerang Regional Council</b>
<b>Development Proposal:</b>	<b>Strata Title Subdivision &amp; Construction of 40 Senior's Independent Living, Housing, Community Building</b>
<b>Application Number:</b>	<b>DA.2016.206</b>
<b>Notification Period:</b>	<b>23 November 2016 – 6 December 2016</b>

I wish to object to the above development, and a request that you deny the application. I cannot foresee any conditions that could be placed on this development that would encourage me to support it, or even be neutral toward it for the following reasons:

The proposed development would not only have a massive negative impact on the character of Forster Street, but on the character of the whole of Bungendore Village.

The existing houses on Forster Street are all unique, most with open front yards and a rural-bush outlook. This development will take away the street's rural view and replace it with a view of large fences and a medium density "Secure Community" lacking any unique qualities. Bungendore encourages a strong community spirit and having a development which is by definition, "Exclusive" is not in character with the lifestyle expected in this town.

Forster Street currently boasts average village size blocks which allow residents to have a decent size yard and enjoy privacy on our properties. The proposed (over)development wants to squeeze 40 tiny blocks into a space with only 9 blocks on the opposite side of the road. This does not suit our small village style living and is in contrast with the Palerang LEP 2014 Lot Size Map of minimum 850sq metre blocks and the Desired Future Characteristics listed under Precinct 3 of Part D1 of the Palerang Development Control Plan 2015.

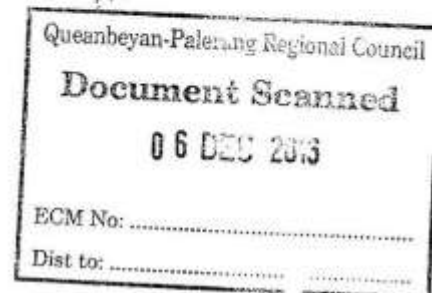
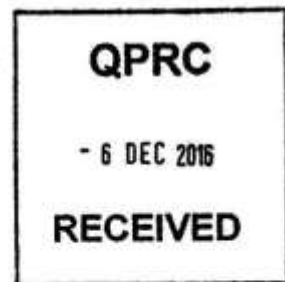
In addition to destroying the character of our street by grossly overdeveloping, the proposed DA includes the addition of new access roads (one of which looks to be directly across the road from my block) rather than making use of Butmaroo and Majara Streets which do not have residential properties adjacent. This concerns me greatly as the rise in traffic both to and from the town centre for shopping, and to and from Queanbeyan and Canberra for work (55 is still well within working age), shopping and services. This increase in traffic will be a danger to the many young families and children, including our own, who currently enjoy walking, riding bikes etc around our streets as there are not any footpaths in the area. I am aware that Chapter 3, Part 2, Clause 26 of the State

5 December 2016

To whom it may concern:

**OBJECTION TO DEVELOPMENT PROPOSAL**

**Address:** 65 Forster St & 104 Butmaroo St  
**Land description of discussion:** Lot1 Sec 8 DP976608  
Lot 2 Sec 8 DP 976608  
Lot 7 Sec 8 DP976608  
Lot 8 Sec 8 DP976608  
**Applicant:** Aland Pty Ltd  
**Consent Authority:** Queanbeyan-Palerang Regional Council  
**Development Proposal:** Strata Title Subdivision and construction of 40 Seniors  
**Independent** Living Housing, Community Building.  
**Application Number:** DA.2016.206  
**Notification Period:** 23 November 2016 – 6 December 2016



I wish to object to the proposed development, and request that you make significant amendments to the above application.

I wish to object on the following grounds:

1. Traffic: significant increase due to number of proposed homes to be constructed and Bus transport
  - Exact location of entrance roads and car park needs clarification in regards to impact on current residents opposite
  - Emergency traffic exits – significant increase in traffic in-case of emergency with inadequate exit roads from area to provide safe and urgent passage
  - It is strongly requested out of community safety that the entrance roads to the proposed development be relocated from Forster St to Majara and Butmaroo streets to reduce the traffic impact to Forster st. Also, the internal road entrances are very close to the corners of busy intersections and this is a road use safety concern. The sections of Butmaroo and Majara Sts that we suggest are far less used currently and would be a safer location for the internal road links to external ones.
  - Car park: request that *substantial* greenery be planted to screen this from the street frontage and require to provide the *exact* location of this proposed internal car park in regards to its location of view to current residents of Forster St. It is strongly requested that the current carpark location be replaced with parallel parking with the internal roads of the development and therefore away from street view.

2. Request that substantial Street tree planting be required and carried out on all street frontages (Forster, Majara and Butmaroo) to soften this substantial built environment impact on the surrounding area
3. What is the likelihood of current residents of Forster st facing south to be required to pay for curb and guttering on their side of the street if this development or another one goes ahead (as this would pose a significant financial burden)
4. Fencing of complex:
  - Materials of construction and height of fences
  - Request that substantial greenery be planted to screen the fence from street frontage
5. On perusal of the DA, in particular the soil contamination section, it is noted that the use of the word 'mostly' free of contaminants begs that is it NOT completely free of contaminants. This section of the document is particularly vague and lacking in detail.
  - It is also noted that mention of removal of soil from the site from a depth of 30cm to 1 meter assuming due to contaminants in the soil. Where will this excavated soil be relocated to?
  - Request that current toxicity levels of soil and water runoff be made aware to concerned parties. It is noted that it appeared that soil testing was carried out approximately 3 years ago on site. This request is due to:
  - History of land use on the block by 'Koppers' company and an industrial fire on September 11, 1982. It is noted in council meeting minutes that prefire testing of soil and water runoff indicate toxicity levels of Arsenic at an extraordinary 40 times the acceptable limits
6. We would like a much clearer Definition of Use declaration including the following:
  - The conditions of use/residency within the complex
  - Definition of 'senior' living – WHO can live there
  - Is there requirement for the residences be owner occupied
  - Can the residence be publically rented
  - WHO will own these residences
  - WHO can live in this 'gated community' and how will this be managed and supervised
  - What is meant by a 'Gated community' and why is this required
  - This is a medium density development which is in stark contrast to the current Forster St residences and surrounding area. Why does this density need to be in place and not the required Lot sizes of the Palerang LEP 2014 stating requirement for 850sq meter blocks as a minimum  
[http://www.legislation.nsw.gov.au/maps/9ac851b5-ec63-4fa2-a161-9a266ad1e623/6180\\_COM\\_LSZ\\_004A\\_020\\_20140114.pdf](http://www.legislation.nsw.gov.au/maps/9ac851b5-ec63-4fa2-a161-9a266ad1e623/6180_COM_LSZ_004A_020_20140114.pdf)
  - It appears that the Palerang LEP 2014,  
[http://www.legislation.nsw.gov.au/maps/9ac851b5-ec63-4fa2-a161-9a266ad1e623/6180\\_COM\\_LSZ\\_004A\\_020\\_20140114.pdf](http://www.legislation.nsw.gov.au/maps/9ac851b5-ec63-4fa2-a161-9a266ad1e623/6180_COM_LSZ_004A_020_20140114.pdf) can be overridden by the SEPP and lot sizes could be substantially smaller than the required 850sq metres.

7. There is no provision for 'Green Space' or Green corridors within this large development. This needs attention and rectification.
8. There is also no allowance within the development for recreational activities for the residents. For example, golf, swimming pool or tennis
9. Blocks 3 and 9 as listed on the plan – what is happening on these? How is this currently zoned and can the zoning be changed?
10. Can the land around this development be rezoned from Light Industrial to residential thereby allowing the developer to increase the number of residences within the complex. (It is noted on the plans that the internal roads heading south DO NOT end but rather indicate that they will be extended to further residences and this is the intension of the developer)
11. Where is the Green Buffer Zone between residential and light industrial that is evident on the other section of Forster St
12. It is noted with concern the impact of this development, and similar ones, on town services such as schools, shops, medical facilities, police services and in particular the town water supply and roads (to and from the ACT and Queanbeyan for work or other necessary business).
13. Timing of removal of large existing eucalypt trees on Forster St to avoid nesting times of local native birds that currently use the trees (magpies and other species)
14. The grass currently on the block proposes a significant FIRE and SNAKE risk to the surrounding community. It is almost a meter high and has NOT been maintained for YEARS. It is requested that either the local council regularly maintain the grass on the block or request and ensure that the owner of the land do so.

As an owner occupier of a residence of Forster Street directly facing this development I strongly believe that the application will need major amendments for it to be a positive development within our township.

Thank you for taking my objections and suggestions into account.

Yours Sincerely

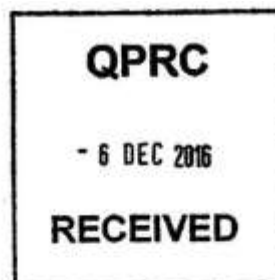


Owner Occupier





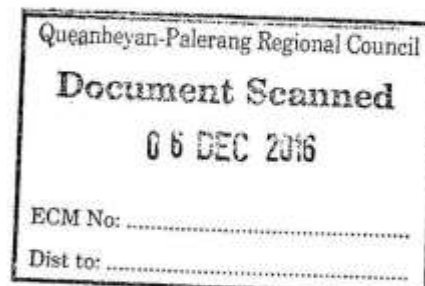
5 December 2016



To whom it may concern:

**OBJECTION TO DEVELOPMENT PROPOSAL**

**Address:** 65 Forster St & 104 Butmaroo St  
**Land description of discussion:** Lot1 Sec 8 DP976608  
Lot 2 Sec 8 DP 976608  
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Lot 8 Sec 8 DP976608  
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**Development Proposal:** Strata Title Subdivision and construction of 40 Seniors  
Independent Living Housing, Community Building.  
**Application Number:** DA.2016.206  
**Notification Period:** 23 November 2016 – 6 December 2016



I wish to object to the proposed development, and request that you make significant amendments to the above application.

We wish to object on the following grounds:

The traffic on Forster, Butmaroo and Majara Street will significantly increase. Due to the number of proposed homes to be constructed as well as a bus stop in the planned complex, the intersections on Butmaroo and Majara Street will create a bottle neck that could result in accidents to both vehicle and pedestrian traffic, many of which are small children and young families residing within the area. Also if there was an emergency, evacuation would be limited, especially the amount of people that could vacate the premises. These entrance and exit driveways must be modified to allow for easier access of vehicle traffic by relocating the entrances on the eastern and western sections of the proposed complex, directly onto Butmaroo and Majara Streets.

It has also been proposed that a car park will be located in the centre of the complex facing directly onto Forster Street. We need a guarantee that this will not be visible from the street as this will be a major detraction to the unique character of the area. Substantial greenery would need to be planted in front of this to create a screen to curtain off the proposed space.

As part of the current proposal, street planting, pathways and I presume curb and gutting will be requirements for the construction of this complex. As residents of Forster Street, will the curb and guttering be on both sides of the street and will the current home owners be expected to pay for this in their council payments? Curb and guttering is expensive and will pose a significant financial burden on some families living in Forster Street.

A major concern that local residents have, especially those people that know the history of Bungendore is the toxicity levels of the soil in the proposed development. A Koppers log mill burnt down on that piece of land in 1982. Arsenic toxicity from rainwater runoff was 40 times the acceptable limits. A current soil evaluation and water runoff test must be made to those parties concerned, ie those already living on Forster Street and future residents of the development.


We demand that we receive a much clearer definition of the conditions of those who will reside within the complex. For example, if an owner over 55 buys a residence, will they be able to lease it to someone under that age?

It appears that the Palerang LEP 2014, ([http://www.legislation.nsw.gov.au/maps/9ac851b5-ec63-4fa2-a161-9a266ad1e623/6180\\_COM\\_LSZ\\_004A\\_020\\_20140114.pdf](http://www.legislation.nsw.gov.au/maps/9ac851b5-ec63-4fa2-a161-9a266ad1e623/6180_COM_LSZ_004A_020_20140114.pdf)) can be overridden by the SEPP and lot sizes could be substantially smaller than the required 850sq metres. As most of the blocks on Forster Street are approximately 2000 square metres, this is a serious stark contrast to the already established residences of the surrounding area.

The current plan at the moment does not have a 'Green Space' or green corridor between the residential and industrial zones, as was established in the original planning of Forster Street. As such, it sounds as if the industrial regions could be rezoned into residential at a further date? If this occurs and a further 40 residences become available, this will seriously impact on the town services that are already stretched, such as town water, school placements, medical facilities and police services. Also if the complex is built, grass must be kept tidy and cut regularly. The grass currently on the block is over a metre high and is a serious danger to the surrounding houses. The grass has not been cut for years and the risk of fire and snakes is extreme.

As a resident of Forster Street I strongly believe that the application will need major amendments for it to be successful. Thank you for taking my objections and suggestions into account.

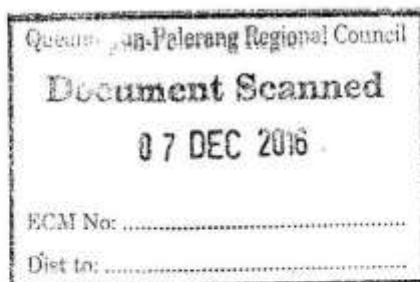
Yours Sincerely



Owner Occupier



Bungendore NSW



Ms Kylie Coe  
Queanbeyan Palerang Regional Council

6 December 2016

Dear Sir/Madam

**Development Application DA.2016.206**

I wish to lodge an objection to the above development.

(As you know) until May 2016 I was a Councillor on Palerang Council for 3½ years, and was involved with the development of the Local Environmental Plan, and determination of numerous Development Applications. For this reason I have an ongoing interest in development in the former Palerang Council area, and I can state categorically that the proposed development is not in keeping with the character of the area of Bungendore for which it is proposed.

Palerang Council considered at length the preferred housing density in Bungendore. The earlier drafts of the LEP proposed a minimum lot size of 1000m<sup>2</sup> for most of Bungendore, and 2000m<sup>2</sup> for South Bungendore. The final version of the LEP reduced these to 850m<sup>2</sup> and 1000m<sup>2</sup> respectively (to which I objected, as did most residents of South Bungendore). Notwithstanding the objections to the smaller 850m<sup>2</sup>/1000m<sup>2</sup> minimum lot sizes, this proposed development represents medium density housing, at a far higher density than was ever considered acceptable for Bungendore. With effective lot sizes of around 300m<sup>2</sup> it is grossly out of keeping with the character.

In addition, the “gated community” development is completely out of keeping with the character not only of Bungendore as a whole, but of the immediately locality, which comprises relatively large blocks with substantial vegetation (trees, bushes and grass). If such a development were to be acceptable at all, it should be in a more remote part of the town, for example in an area of Elmslea. Bungendore’s level of crime does not warrant a gated community with continuous fencing and electronically secured vehicle and pedestrian gates. The continuous fence will greatly change the character of the affected streets. I note that a timber fence of 1.5m is now proposed, which is much better than the higher steel fence originally proposed. Conversely, a timber fence of that height seems unlikely to provide much security, and then begs the question whether there will be floodlighting or other obtrusive security measures to enhance the security of a relatively low fence, but which will affect the amenity of neighbours.

This is in effect a staged development. The layout of the development reflects the applicant's stated intent to apply to rezone adjacent land and expand the development southwards, tripling its size. I understand a further 80 dwellings are anticipated. While many of my comments apply to the 40-unit proposal, the fact that it could eventually be 120-units greatly exacerbates the problems associated with it.

The extra 80 units are also like to raise other qualitative issues, not just quantitatively expanding on the issues of the 40 units – they will inevitably come into conflict with the adjacent light-industrial area, being just across a road from land zoned in this way (and currently being marketed for development). Although separated by a road, the effective lot sizes and extremely small setback is likely to result in concerns about noise (and other “spillover” effects) from the light industrial area. Although it is the case that there are existing residential blocks in similar circumstances (across a road from, or abutting the light industrial area), they are much larger, and therefore the dwellings have larger setbacks, more screening with vegetation, sheds etc., such that the actual separation of dwelling from light industrial area is much greater than would be the case for the proposed development (if extended).

Both the proposed development (and the extension in the future) are also likely to experience dust from unsealed Majara St, for the same reasons noted above – must smaller setbacks than would normally be the case, which also limit the capacity for vegetation barriers/screening. The applicant does not propose to pay to have Majara St sealed, and residents of this development are likely to put pressure on Council over the dust.

Although the development is being described as for “seniors”, the age requirement is just 55 years of age. For couples, one resident may be younger. People of this age are likely still to be working, so there will be a significant increase in traffic on the streets leading to the Kings Highway, on the Kings Highway itself (and for 120 units, obviously the increase will be triple what it would be for 40 units), as residents seek to commute to Queanbeyan and Canberra. It is also likely that some will use the streets to get to Bungendore Road and commute to Canberra via Macs Reef Road, roads which are already under significant strain and are Council roads (to all intents and purposes, as Regional Roads funding does not take into account usage, so Council will bear the cost of increased wear and tear, and the need for earlier upgrades).

In addition to “commuter” traffic, there will be increased use of Butmaroo St to and from the town centre, particularly with the new supermarket in place. Majara St is less likely to be used, as it is unsealed. Consideration should be given to whether the junction of Butmaroo and Malbon St is suitable for that increased traffic, not only for the 40 units, but also for the 80 that may follow.

Currently all entrances to the development are proposed to be on Forster St. This funnels all traffic onto that street, no matter what direction it then wants to go. The applicant has not indicated whether this will be the case should their desired extension to the development also be approved. Traffic associated with 40 dwellings (albeit fewer cars than the average house) feeding onto one street is bad, but 120 would obviously be worse. In short, this development needs a traffic study, for vehicular and pedestrian traffic.

Water appears to be an issue that has been inadequately considered. Palerang's LEP was developed with an eye on water supply and the likelihood of infill development. However



infill development was never anticipated at the density of this proposed development. The units appear not to have rainwater tanks, and nor even does the community hall. It is likely that the units' roof area and the size of the blocks would make provision of rainwater tanks impractical. This is unacceptable in 21<sup>st</sup> century Australia.

I am also concerned at the applicant's assessment of the value of the development. \$5 million for 40 units and a community hall seems unfeasibly low. As the estimate affects the application fee paid, Council may wish to reassess this value. The value could also affect whether Council is the appropriate consent authority, or whether it should be the Joint Regional Planning Panel. (If the estimate does not include the cost of building the units, Council may wish to consider if it is appropriate to exclude them – this is not a normal housing estate where there is significant potential variation in the design and positioning of the dwellings, so buyers get a lot of choice of design, even location within a block, and may even choose their own builders; this seems unlikely in the case of this proposed development.)

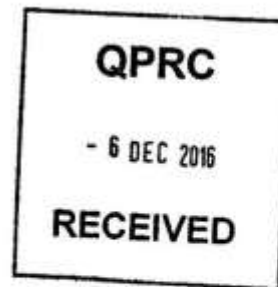
I attach a disclosure completed to the best of my ability, as it is not designed for former councillors to complete. Council should consider making the applicant's disclosure public. Incidentally, I perused the DA file at the council's Bungendore office, but do not recall seeing any political donations disclosure from the applicant.



6<sup>th</sup> December 2016

QPRC

Attn: Chief Planner



To whom it may concern,

**Re: Independent Living Project, Forster Street, Bungendore NSW 2621**

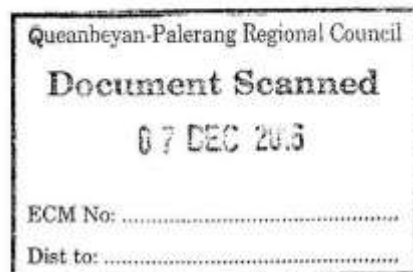
I write in support of the Independent Living Project in Forster Street, Bungendore.

This project for older people is essential for the growth of the village and is in keeping with similar projects in Queanbeyan, Goulburn, Crookwell and Braidwood.

Yours faithfully,

A large black rectangular redaction box covering the signature area.

Bungendore NSW 2621



6 December 2016

To whom it may concern,

**OBJECTION TO DEVELOPMENT PROPOSAL**

<b>Address:</b>	65 Forster Street & 104 Butmaroo Street
<b>Land Description:</b>	Lot 1 Sec 8 DP 976608 Lot 2 Sec 8 DP 976608 Lot 7 Sec 8 DP 976608 Lot 8 Sec 8 DP 976608
<b>Applicant:</b>	Aland Pty Ltd
<b>Consent Authority:</b>	Queanbeyan-Palerang Regional Council
<b>Development Proposal:</b>	Strata Title Subdivision & Construction of 40 Senior's Independent Living, Housing, Community Building
<b>Application Number:</b>	DA.2016.206
<b>Notification Period:</b>	23 November 2016 – 6 December 2016

I wish to object to the above development, and a request that you deny the application. I cannot foresee any conditions that could be placed on this development that would encourage me to support it, or even be neutral toward it.

The concerns that I wish to have noted are:

1. Significant increase in traffic entering and existing directly across the road from my property. There have been multiple crashes on the corner of Forster and Butmaroo Streets – one of these resulted in a vehicle going through my front fence and into the yard. Increasing the population of the area by 40 households can only increase the risk of further traffic incidents.
2. Entrance roads onto Forster Street seem unnecessary when there are existing sections of Butmaroo and Majara Streets either side of the proposed development.
3. Medium density housing in an area where the Palerang LEP states that block sizes should be no less than 850 square meters.
4. Impact of adding 40 households of over 55's and the effect that will have on services in Bungendore. Further strain on the already limited services that are currently available in the town such as doctors, schools, police and the town water supply.
5. Residents choose to live in Bungendore to experience a quiet, rural village lifestyle. This development is in complete contrast with the current character and layout of the town.

Yours Sincerely

Owner Occupier

Bungendore NSW



6 December 2016

Mr Tim Overall  
Administrator  
Queanbeyan-Palerang Regional Council  
Email: [records@qprc.nsw.gov.au](mailto:records@qprc.nsw.gov.au)

**FOR YOUR URGENT ATTENTION – REQUEST FOR EXTENSION OF TIME TO LODGE SUBMISSION**

Dear Mr Overall and Council

**Development Application: DA.2016.206 – 40 lot subdivision, Forster Street, Bungendore**

We refer to the above Development Application for a 40 lot strata subdivision in Forster Street Bungendore.

We note that the deadline for making a submission with respect to this Development Application is today, **Tuesday 6 December 2016**.

This is a complex Development Application, raising a multiplicity of sophisticated planning issues relevant to, the State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004 (SEPP Policy).

The issues included in the DA have the potential for a significant impact on Bungendore and its future development.

**We, on behalf of local residents, request an extension of time for lodging a submission, for the following reasons:**

The community has only been given a short 2-week period in which to examine this large DA, and its associated documents, including a very detailed, important report on the environmental status of the site, including its past contamination by extremely dangerous and carcinogenic compounds and the implication of this past contamination both during the development construction phase and the development itself.

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

- We consider that this is an insufficient amount of time to enable the community to digest this extensive file and important file.
- The Applicant has obviously spent considerable time and resources in preparing the requisite documentation for this development application, including obtaining specialist reports.
- The DA was only recently advertised for comment, with a deadline of today (6 December 2016) for submissions. We submit that this short time period is detrimental to the interests of local residents in that it does not provide local residents an equal opportunity to respond to the many and complicated issues raised in the DA.
- The deadline for making submissions is in the immediate pre-Christmas period. Many local residents directly affected by this proposed development have significant work and personal commitments, particularly in the local Bungendore area.

We request that Council consider that this pre-Christmas is an unusually busy period of the year, and that it is unreasonable and unfair to expect local residents to digest, study in-depth and comment on the proposed DA, at the same time as attending to local events involving families at school, pre-school, church etc.

It is therefore only fair and reasonable that Council afford local residents and the community the opportunity to respond and perhaps spend a similar period of time (and resources).

It is unreasonable to expect local residents and community not to have a similar opportunity to respond to the development application.

On behalf of local residents, we request an extension of time, to perhaps 30 January 2016 in which to respond to this significant Development Application, and the associated documents.

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

# **QUEANBEYAN-PALERANG REGIONAL COUNCIL**

## **Council Meeting Attachment**

**22 FEBRUARY 2017**

- |              |  |
|--------------|--|
| ITEM 12.1    | DEVELOPMENT APPLICATION 2016.206 - 65 FORSTER<br>AND 104 BUTMAROO STREETS, BUNGENDORE -<br>SENIORS LIVING FOR 40 COMMUNITY TITLE DWELLINGS |
| ATTACHMENT 4 | 22 FEBRUARY 2017 - DA 2016.206 - DRAFT CONDITIONS<br>- SENIORS HOUSING - 65 FORSTER STREET   |

## **SCHEDULE OF CONDITIONS**

### **Development Consent DA.2016.206**

#### **PRIOR TO THE COMMENCEMENT OF ANY WORK ON SITE**

1. Prior to the commencement of any construction work the site shall be remediated as recommended by the Remedial Action Plan (Ref:0139163RP02V04\_Final) prepared by ERM dated 1 June 2012 or any other amended remedial action plan subsequently submitted to and approved by Council.

*Reason: To ensure the site is appropriately remediated before work commences.*

#### **PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE (BUILDING OR SUBDIVISION)**

##### **Validation Report**

2. Prior to the issue of a Construction Certificate (Building or Subdivision) a Validation Report must be prepared in accordance with the NSW EPA's Guidelines for Consultants Reporting on Contaminated Sites by a suitably qualified contaminated land professional and must be submitted to the Site Auditor and Queanbeyan-Palerang Regional Council and must include a statement that the site has been remediated to the extent that it is suitable for the proposed land use.

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

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.

*Reason: To ensure that the site is remediated prior to any work commencing and to ensure that no issues arise during the remediation work that would subsequently impact on the issue of a Construction Certificate (Building or Subdivision) or Occupation Certificate.*

##### **Appointment of Site Auditor and Site Audit Statement**

3. Prior to issue of a Construction Certificate (Building or Subdivision) for 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.*

### **Approved development and plans**

4. The development referred to in the application is to be carried out in accordance with the approved plans and documents including the following:
- Development Plans, prepared by Fraish Consulting, dated September 2016
  - Floor, and Elevation Plans, External Materials and Colours Illustration and Landscape Plans submitted with the application (undated).
  - Statement of Environmental Effects, prepared by Fraish Consulting dated October 2016
  - Aboriginal Cultural Heritage Due Diligence assessment report , prepared by Biosis dated 7 September 2016
  - Flora and Fauna Assessment, prepared by NGH Consulting, dated September 2016
  - Remedial Action Plan prepared by Lewis and Associates Consulting Engineers dated June 2012
  - Bushfire Protection assessment prepared by Link Management Pty Limited dated 3 May 2016
  - Community Plans showing lots and community land prepared by Fraish Consulting 2016

except as modified by any of the following conditions of consent.

*Reason: Development is undertaken in accordance with this consent & is used for the approved purpose only.*

### **Community Title Plan**

5. The applicant is to submit the following plans and information with the subdivision certificate where relevant:
- A Location Diagram which shows the basic subdivision pattern of the scheme with no dimensions and includes a schedule of changes to the scheme.
  - A Detail Plan which defines by survey all of the lots in the scheme.
  - An Association Property Plan which shows the entirety of Lot 1 (Association Property).
  - A Management Statement setting out the by-laws governing the management of the scheme and may include plans to create access ways and/or statutory easements.
  - A Development Contract is required for all neighbourhood schemes and is optional for community and precinct schemes. This document indicates the manner in which the scheme may be developed.
  - A Section 88B instrument may be required if easements are to be created. This document sets out the land burdened by easements and which lot or authority is benefited.
  - Signatures of owners, authorities and other items are added to Administration Sheets.

*Reason: To satisfy the requirements of the Community Land Development Act 1989*

### **Application and Final Survey**

6. An application to obtain a Subdivision Certificate must be made to Queanbeyan-Palerang Regional 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.



### Consolidation of property

7. Consolidate Lots 1, 2, 7 & 8, Section 8, DP 976608 by a plan of consolidation into a single allotment. Provide proof of registration of this consolidation, with the NSW Land and Property Information, to Queanbeyan-Palerang Regional Council prior to the issuing of any occupation certificate.

*Reason: Satisfy the provisions of the LEP in relation to the development being located on one allotment.*

### Plans to be kept on site

8. A copy of all stamped approved plans, specifications and documents are to be kept on site while work is being undertaken.

*Reason: Relevant documentation is available for perusal on site by a council officer, for compliance check.*

### Construction certificate & occupation certificate

9. Obtain a construction certificate from Queanbeyan-Palerang Regional Council or an appropriately accredited private certifier before undertaking any work. Forward a copy of any construction certificate issued by a private certifier to Queanbeyan-Palerang Regional Council at least 2 days before undertaking any work in accordance with that construction certificate.
10. Appoint a principal certifying authority before any work is undertaken. Provide details of the appointed principal certifying authority (if not Queanbeyan-Palerang Regional Council) to Queanbeyan-Palerang Regional Council at least 2 days prior to any work being undertaken.

*Reason: Work is undertaken in accordance this consent & relevant construction standards.*

11. Do not occupy or use the premises until an occupation certificate has been issued by Queanbeyan-Palerang Regional Council or an appropriately accredited private certifier. Provide a copy of any occupation certificate issued by a private certifier to Queanbeyan-Palerang Regional Council no later than 2 days after the occupation certificate is issued.
12. The final occupation certificate must not be issued until all conditions of consent have been satisfactorily complied with and all mandatory stage/required plumbing inspections undertaken. Plumbing and drainage must be inspected by Queanbeyan-Palerang Regional Council at the relevant stages of construction in accordance with the attached inspection schedule and a final plumbing certificate obtained prior to issue of any occupation certificate.

*Reason: Development is safe & appropriate for occupation, and is completed in accordance with the consent.*

### Comply with BASIX Certificate

13. The development must be constructed in compliance with the NSW BASIX Certificates listed below:

LOT	Certificate number:	LOT	Certificate number
1	794829S	21	795050S
2	794899S	22	796516S
3	794956S	23	796518S
4	794959S	24	796519S
5	794966S	25	796520S
6	794971S	26	796521S
7	795018S	27	796695S
8	795019S	28	796697S
9	795020S	29	796698S
10	795022S	30	796699S
11	795039S	31	796701S
12	795040S	32	796702S
13	795042S	33	796707S
14	795043S	34	796710S
15	795044S	35	796713S

16	795045S	36	796715S
17	795046S	37	796716S
18	795047S	38	796717S
19	795048S	39	796721S
20	795049S	40	796722S
		41	796724S

*Reason: To ensure compliance with energy saving requirements.*

### **Safer by Design**

#### **Lighting in Car Parks and Public Spaces**

14. Lighting throughout the car parking area and in public spaces must comply with AS 2890.1:2004 - Parking Facilities - Off Street Car Parking and AS1158 - Lighting for Road and Public Spaces.

Lighting of the roofed car parking area must comply with AS 1680.2.1=1993-Interior Lighting Part - Circulation spaces and other general areas.

*Reason: To ensure the provision of adequate lighting within the development.*

#### **Entrance Lighting for Units**

15. A light must be installed to illuminate the entrance to each unit.

*Reason: To ensure that unit entries are clearly identified.*

#### **Street Numbering**

16. The property must be clearly identified by the street number. The property address is 65 Forster Street. Units must be individually numbered 1 through 40. A letter box for the 40 units shall be erected at the western entrance to the development providing access for mail without having to enter the gates to the community title area.

*Reason: To ensure that buildings are clearly identified.*

#### **Site identification**

17. The site where building work, subdivision work, or demolition work are proposed to be carried out shall be identified by a sign sited in a visually prominent position containing the following information;

- the development application number,
- name, address and telephone number of the principal certifying authority,
- name of the principal contractor (if any) and 24 hour contact telephone number, and
- a statement that "unauthorised entry to the work site is prohibited".

*Reason: The site is managed in a safe manner.*

#### **Construction standard**

18. All work is to comply with the current edition of the Building Code of Australia.

*Reason: All building work is carried out in accordance with relevant construction standards.*

#### **Aboriginal objects**

19. The development is to proceed with caution. If any Aboriginal objects are found, works should stop and DECCW notified. If human remains are found work is to stop, the site is to be secured and the NSW Police and DECCW are to be notified.

*Reason: To ensure objects discovered during construction are protected and notified in accordance with the Due Diligence Code of Practice for the Protection of Aboriginal Objects in New South Wales.*

### **Archaeological objects**

20. The development is to proceed with caution. If any Archaeological objects are found, works should stop and Council notified.

*Reason: To ensure objects discovered during construction are protected.*

### **Stormwater**

21. Convey roof water to a water tank or divert a minimum 3 m away from any building. Divert the overflow of any water tank a minimum of 3 m from any building.

*Reason: Stormwater disposal does not impact on the building.*

22. Direct surface water drainage to existing natural drainage or to Queanbeyan-Palerang Regional Council drainage infrastructure. Do not re-direct surface water onto adjoining private land. Alterations to the surface contours must not impede or divert natural surface water run-off, so as to cause a nuisance to adjoining property owners or create an erosion or sediment problem.

*Reason: Stormwater disposal does not impact on the building or neighbouring properties.*

### **Construction Activities**

23. Construction work shall only be undertaken between the hours of 7 am and 6 pm Mondays to Fridays and between the hours of 7.00 am and 5.00 pm Saturdays. No construction work shall take place on Sundays or Public Holidays unless Queanbeyan-Palerang Regional Council agrees in writing. A written application shall be made to Queanbeyan-Palerang Regional Council if a variation of hours is required.

*Reason: To ensure that noise impacts do not result from construction work.*

24. Do not excavate within 500 mm of the boundary.

*Reason: To ensure excavation does not impact on adjoining property and compliance with WorkCover requirements.*

25. All excavations and backfilling associated with the erection or demolition of a building must be executed in accordance with the requirements of WorkCover.

*Reason: To ensure excavation does not impact on adjoining property and compliance with WorkCover requirements.*

26. If any excavation associated with the erection or demolition of a building extends below the level of the base of the footings of a building on adjoining land, the person causing the excavation to be made:

- (a) must preserve and protect the building from damage, and
- (b) if necessary, must underpin and support the building in an appropriate manner, and
- (c) must, at least seven days before excavating, give notice of intention to do so to the owner of the adjoining and furnish particulars of the excavation to the owner of the building being erected or demolished, and
- (d) satisfy the requirements of WorkCover.

27. The owner of the adjoining land is not to be liable for any part of the cost of work carried out for the purposes of this clause, whether carried out on the allotment of land being excavated or on the adjoining allotment of land.

*Reason: Excavations relating to building work do not pose a hazard to adjoining properties.*

28. Toilet facilities are to be provided at or in the close vicinity of the work site on which work involved in the erection or demolition of a building is being carried out.

*Reason: To provide adequate facilities to the work site.*

29. No building materials are to be stored or construction activities undertaken on public or adjoining land.

*Reason: To prevent unnecessary disturbance to public land.*

### **Remediation Works**

30. During site remediation works a sign is to be erected on the site fronting Forster Street with the following information provided:

- Contact details telephone or email address of the works supervisor should any excessive noise, dust, odour or other nuisances occur from the site.
- The duration of the expected works and operating times

The supervisor is to keep a written register of complaints and actions taken to resolve the complaint.

*Reason: To enable local residents to lodge complaint in the event excessive nuisance occurs from the works.*

31. Procedures are to be put in place by the applicant should any unexpected conditions occur at the site during remediation works such as:

- Uncovering of presently unknown types of contamination;
- Lateral or vertical extent of contamination is greater than presently known;
- Uncovering previously identified Underground Storage Tanks (USTs)
- Generation of unacceptable levels of dust;
- Generation of unacceptable levels of odour;
- Generation of air borne asbestos fibres (if any found – none found during investigations);
- Spills and leaks of hazardous materials;
- Dewatering of excavation necessary due to adverse weather conditions; and
- Excessive vapour emissions from certain areas.

Written copies of these procedures are to be submitted to Council prior to works commencing.

*Reason: To ensure contingency measures are undertaken to prevent unexpected impacts.*

### **Waste Management**

32. All waste materials generated on-site during construction are to be stored in enclosed containers and deposited in an approved landfill at regular periods.

*Reason: To ensure adequate waste management practices are in place during the construction phase.*

### **Erosion Control - Building**

33. Install sediment and erosion controls, prior to any construction activity, to prevent soil erosion, water pollution or the discharge of loose sediment on surrounding land, as follows,

- (a) divert uncontaminated run-off around cleared or disturbed areas,
- (b) erect a silt fence to prevent debris escaping into drainage systems or waterways,
- (c) prevent tracking of sediment by vehicles on roads, and
- (d) stockpile topsoil, excavated material, construction and landscaping supplies and debris within the site.

*Reason: To minimise environmental impact associated with any works & to prevent soil erosion/water pollution.*

34. Maintain erosion and sedimentation controls for as long as necessary after completion of works to prevent soil erosion, water pollution or the discharge of loose sediment on surrounding land. The controls are to remain in place until all disturbed ground surfaces are rehabilitated/revegetated and stabilised to prevent erosion or sediment loss.

*Reason: To minimise environmental impact associated with any works & to prevent soil erosion/water pollution.*

35. A Sediment and Erosion Control Plan (S&ECP) for all site works, including road works and access, is to be approved by the principal certifying authority prior to work commencing. The plan is to cover all measures to control erosion and sediment transport in accordance with the NSW Landcom publication *Managing Urban Stormwater -Soils and Construction* (4th Edition 2004- "Blue Book").

Erosion and sediment controls are to be in place before the disturbance of any soils on the site, and are to be maintained during the works and for as long as necessary after the completion to prevent sediment and dirty water leaving the site and/or entering the surface water system outside of the site.

*Reason: To minimise environmental impact associated with any works & to prevent soil erosion/water pollution.*

### **Essential fire safety measures for Community Building**

36. Prior to obtaining the final occupation certificate, provide the final fire safety certificate to Queanbeyan-Palerang Regional Council (and to the principal certifying authority if not Queanbeyan-Palerang Regional Council). A final fire safety certificate is a certificate issued by or on behalf of the owner of the premises to the effect that each essential fire safety measure specified in the current fire safety schedule for the building to which the certificate relates:

- (a) has been assessed by a properly qualified person, and
- (b) was found, when it was assessed, to be capable of performing to at least the standard required by the current fire safety schedule for the building for which the certificate is issued.

**Note:** The assessment of essential fire safety measures must have been carried out within the period of 3 months prior to the date on which a final fire safety certificate is issued

37. As soon as practicable after the final fire safety certificate is issued, the owner of the building to which it relates:

- (a) must provide a copy of the certificate (together with a copy of the current fire safety schedule) to the Fire Commissioner, and
- (b) must display a copy of the certificate (together with a copy of the current fire safety schedule) prominently displayed in the building.

38. The owner of the building must maintain each essential fire safety measure in the building premises to a standard no less than that specified in the schedule.

39. The owner of the premises must provide an annual fire safety statement to Queanbeyan-Palerang Regional Council and the Fire Commissioner. An annual fire safety statement is a statement issued by or on behalf of the owner of a building to the effect that:

- (a) each essential fire safety measure specified in the statement has been assessed by a properly qualified person and was found, when it was assessed, to be capable of performing to a standard no less than that specified in the current fire safety schedule,
- (b) the building has been inspected by a properly qualified person and was found, when it was inspected, to be in a condition that did not disclose any grounds for a prosecution under Division 7 of the *Environmental Planning and Assessment Regulation 2000*.

*Reason: To ensure compliance with the Environmental Planning and Assessment Regulation 2000.*

## **Bushfire Safety Authority**

The NSW Rural Fire Service issued a bush fire authority on 9 December 2016 with the following conditions to be complied with:

### **Asset Protection Zones**

40. At the issue of subdivision certificate and in perpetuity the entire property shall be managed as an inner protection area (IPA) as outlined within section 4.1.3 and Appendix 5 of "Planning for Bush Fire Protection 2006" and the NSW Rural Fire Service's document "Standards for asset protection zones".

*Reason: To provide sufficient space and maintain reduced fuel loads so as to ensure radiant heat levels of buildings are below critical limits and to prevent direct flame contact with a building.*

### **Water and Utilities**

41. Water, electricity and gas are to comply with section 4.1.3 of "Planning for Bush Fire Protection 2006".

*Reason: provide adequate services of water for protection of buildings after the passage of a bush fire, and to locate gas and electricity so as not to contribute to the risk of fire to a building.*

### **Access**

42. Internal roads shall comply with section 4.2.7 of "Planning for Bush Fire Protection 2006"

*Reason: To provide safe operational access for emergency services personnel in suppressing a bush fire, while residents are accessing or egressing an area.*

### **Design and construction**

43. New construction shall comply with Sections 3 and 5 (BAL 12.5) Australian Standard AS3959-2009 "Construction of buildings in bush fire prone areas" and Section A3.7 Addendum Appendix 3 of "Planning for Bush Fire Protection"

*Reason: To ensure that buildings are designed and constructed to withstand the potential impacts of bush fire attack.*

### **Landscaping**

44. Landscaping to the site is to comply with the principles of Appendix 5 of "Planning for Bush Fire Protection 2006"

### **Retaining walls & batters**

45. Any retaining wall greater than 600 mm is to be designed and constructed to structural engineer's details. Prior to issue of any construction certificate provide a certified copy of the design to Queanbeyan-Palerang Regional Council.

*Reason: Retaining walls are structurally strong enough to bear the loads put on them.*

46. No batter is to have a gradient greater than 1:4. Batters greater than 1:4 must be retained.

*Reason: Prevent soil erosion, water pollution and the discharge of loose sediment on surrounding land.*

47. Rehabilitation grass mix is to be applied to all disturbed surfaces at the recommended rate of dispersal prior to the issue of the final occupation/completion certificate. Do not use species that are listed under the *Noxious Weeds Act 1993*.

*Reason: Prevent soil erosion, water pollution and the discharge of loose sediment on surrounding land.*

## **Landscaping**

48. Provide an amended landscaped plan for the Director of Environment, Planning and Development approval prior to the issue of the Construction Certificate addressing the following;
- (a) Additional landscape works along all street frontages in particular Forster Street
  - (b) Additional landscaping along Forster Street frontage in front of the on site visitor parking area
  - (c) Amend the fences along the street frontages to provide for a pallisade style fence of decorative powder coated steel inserts and brick columns generally matching the brick materials to be used for the dwellings. The steel inserts are not to exceed 1.5m above a brick infill between columns to be provided at ground level.
  - (d) Providing a solid fence along the rear boundary adjoining the industrial zone to a 2.1m height.
  - (e) Providing a 5m wide landscape strip on the rear boundary of appropriate tree and shrub species that will help mitigate any potential noise and visual impacts from any future industrial development
  - (f) Gates are to open inwards and setback 5.5m from the site frontage.

*Reason: To minimise the visual impact of the development, but also protect the solar access of the neighbouring property.*

49. Landscaping is to be carried out to the Director of Environment, Planning and Development satisfaction prior to issue of the final occupation certificate for the dwellings and community building.

*Reason: To minimise the visual impact of the development.*

## **ENGINEERING CONDITIONS**

### **PRE-CONSTRUCTION REQUIREMENTS**

#### **Construction certificate – Civil Works**

50. Obtain a civil works construction certificate for all civil works from Queanbeyan-Palerang Regional Council or an appropriately accredited private certifier before undertaking any construction works. Forward a copy of any construction certificate issued by a private certifier to Queanbeyan-Palerang Regional Council at least 2 business days before undertaking any work in accordance with that construction certificate.

*Reason: To ensure compliance with Section 81A(4) of the Environmental Planning and Assessment Act 1979.*

#### **Principal certifying authority – civil works**

51. Appoint a principal certifying authority to inspect civil works as required and certify the works on completion.

**Advice: If you wish to engage Queanbeyan-Palerang Regional Council as the nominated principal certifying authority, please complete the attached quote and arrange for payment of the required fees.**

*Reason: To ensure compliance with Section 81A(4) of the Environmental Planning and Assessment Act 1979.*

## **DESIGN CONDITIONS**

### **Design standard:**

52. Civil works are to be designed to AUS-SPEC #1 Development Specification Series, Design as amended by Queanbeyan-Palerang Regional Council, and/or as amended by these conditions, which includes Council's Specification for the Construction of Private Access Roads and Entrances, Austroads Road Design Guides (including RTA supplements), Water Services Association of Australia Sewer and Water Codes (WSA-02 & WSA-03), and relevant Australian Standards.

Design work is to be done by appropriately accredited engineering designers.

*Reason: Roads and other works are of a standard to safely cater for the traffic generated by the development.*

### **External Roads**

53. Design kerb and gutter alignment works or other services or facilities as necessary, to accommodate the entrance/access works.

*Reason: To ensure that roads are designed to cater for the traffic generated by the development*

### **Public Roads – Forster, Majara, Butmaroo Streets**

54. On the southern side of Forster Street, Majara Street, and Butmaroo Street for their respective width of the development, construct kerb and gutter with horizontal alignment to be advised by Council and levels / gradients and connections to the existing table drains in Majara and Butmaroo Streets to designed.
55. Provide a detailed pavement design, conforming to the procedures set out in AUS-SPEC #1, i.e. Chapter D2. The design must be based on site-existing subgrade CBR information along the routes of all proposed roads and the relevant road type design ESA's with a 25 year design life. The pavement structure and design parameters are to be shown in longitudinal and sectional view in the design drawings and to incorporate a design of its intersection with the major road.
56. All road pavement work is to be sealed with Double/Double 14mm/7mm sprayed bitumen surfacing. Match existing bitumen sealed pavement in Forster Street with 150mm overlap of sub-base, additional 150mm overlap of base from the sub-base, and further 150mm overlap of the two-coat bitumen seal from the base, generally as shown on the Fraish Consulting Pavement Plan Drawing No. DA C245 Revision A dated 31 August 2016
57. The design is shall incorporate kerb and gutter for the frontages of Forster, Majara and Butmaroo Streets. Provide kerb ramps within straight sections of the kerb to align with future footpath.

*Reason: To ensure that roads are designed to cater for the traffics generated by the development.*

### **Traffic Control Devices**

58. Design appropriate traffic control devices for all streets as required, in accordance with AS1742 and RMS Guide to Signs and Markings Reference List, and generally as shown on the Fraish Consulting Pavement Plan Drawing No. DA C261 Revision A dated 31 August 2016. A D4-5 sign is required at the termination of Road 1 and Road 3.

Road signage generally is to be:

- R1-2A signs at the left outer curve of Road 1/Forster Street intersection and Road 3/Forster Street intersection,
- G9-18 signs at the southern side of the intersection of Road 2 with Roads 1 and 3,
- W5-18 sign with W5-8 sign located 50m from the road termination signs (D4-5).

*Reason: To provide a safe and legible street network and suitable driver instruction within the street network.*



## **Pedestrian Networks**

59. The existing verge frontage of the development is to be modified as required to provide fall from the property boundary to the new kerb and gutter at a maximum of 3%. The verge must be left in a neat and evenly graded condition after being topsoiled, seeded with appropriate dry land grass mix and/or turf.
60. Design a reinforced concrete accessible pathway within the development to connect all lots in the development, including along the frontages of Lots 1 and 7 to comply with AS 2890.1 and AS 2890.6. Refer to PDGP for construction standards. The design is to include path linkages and kerb ramps in the vicinity of Forster/Butmaroo Street intersection and Forster/Majara Street intersection, to the shared-use concrete pathway on the eastern side of Majara Street.
61. Concrete Specifications are:
- 25Mpa concrete, 100mm thick, SL82 central, 100mm DGB20 base compacted to 95% MMDD, subgrade minimum CBR 3% compacted to 95% MMDD. The widths and location of the footpath are to be confirmed at Construction Certificate application stage.

*Reason: To ensure that road and pedestrian facilities provide for the requirements of the traffic generated by the development.*

## **Access Crossovers**

62. Design heavy duty reinforced concrete crossovers (minimum width of 7.0m plus tapers at street seal edge), from the bitumen seal edge of Forster Street to the property boundary, generally as shown on the Fraish Consulting Pavement Plan Drawing No. DA C242 Revision A dated 31 August 2016.
63. Design is to provide for any existing crossovers/property accesses removal from within the verge and the kerb and gutter and verge reinstated.

*Reason: Safe entry and exit to lots from the road.*

## **Internal Road and Car Park**

64. Design a reinforced concrete car park, forecourt including connecting roads min. 7.0m in width, generally as shown on the Fraish Consulting Pavement Plan Drawing No. DA C105, C242, C245 Revision A dated 31 August 2016.
65. Design of car park is to conform to AS.2890.1 - Off-Street Car Parking and AS.2890.6 Off-Street Parking for People with Disabilities. Pavement line marking with bay dimensions to comply with the above Australian Standards, must be shown within the car parking areas to delineate parking bays for the differing User Classes being provided, including signage for the accessible parking bays.
66. Car park and internal roads are to be designed with barrier kerb and gutter (BKG) for the parking areas to protect pedestrian areas and to limit vehicle access to the car park or roadway only. Design wheel-stops for all car parking bays adjacent to the pedestrian paths to prevent vehicle's overhang from intruding onto pathways, or alternatively, widen the pedestrian path to provide the minimum required width if a vehicle overhangs the path. (AS2890.1, Clause 2.4.5.2 & 2.4.5.4).
67. Provide a detailed pavement design, conforming to the procedures set out in AUS-SPEC #1, i.e. Chapter D2. The design must be based on site-existing subgrade CBR information along the routes of all proposed roadways and parking bays using design ESA's of 5x10<sup>6</sup>, with a minimum of a 25 year design life. Pavement locations and design is to be generally in accordance with Fraish Consulting Pavement Plan Drawing No. DA C105, C242, C245 Revision A dated 31 August 2016.
68. As a minimum, the internal roads and car park pavements are to be designed with a 150mm thick reinforced concrete surfacing on a minimum 150mm granular DGB20 base to all internal roadway pavements. Pavement design must be submitted for approval with the Construction Certificate application.

69. The pavement structure, wearing course and design parameters are to be shown on the design drawings.
70. Design internal road signage and pavement markings as required to comply with AS1742.
- Reason: Minimum requirements for the design and layout of off-street parking facilities are provided and to ensure that roads are designed to cater for the traffic generated by the development*

### **Garbage Pickup Areas**

71. Provide paved areas in decorative reinforced concrete adjacent to the kerb in the internal roads for garbage pickup.
- Reason: To provide for garbage pickup service.*

### **Stormwater**

72. A major/minor stormwater drainage system shall be designed and constructed throughout the development and shall be extended downstream beyond the development to a location(s) where stormwater flows off can be disposed of without detrimental impacts from flooding (of properties or roads), scouring of surfaces, or undue nuisance or hazard. Design calculations are to be submitted in support of the design.
73. Detailed drawings of the proposed drainage systems with supporting calculations shall be prepared and approved by an accredited certifier prior to the issue of a construction certificate for these works.
74. Stormwater storage and non-potable re-use as per Fraish Consulting Pavement Plan Drawing No. DA C221, C222 Revision A dated 31 August 2016 is to be designed. A non-potable water management plan is to be submitted at the Civil Construction Certificate application stage of the development.
75. The proposed Onsite Detention (OSD) tanks/storage facility shall be designed to carry the gross vehicle mass of the largest design vehicle expected to traverse the site and to have provision for ease of future maintenance by the site owner. Adequate clearances between all underground services are to be provided and detailed on the Construction Certificate drawings.
76. Install pit baskets in all stormwater pits in order to capture any gross pollutants in the stormwater flows, before discharging from the site to the Council's stormwater system.
77. Stormwater OSD tank / storage and non-potable re-use water management plan is to be submitted for approval prior to the occupation certificate being issued.
- Reason: Stormwater disposal does not impact on the building or neighbouring properties.*

### **Stormwater Quality**

78. Design a suitable and approved gross pollutant trap (GPT) within the stormwater drainage network. The GPT shall be sized to treat the site design discharge for the minor event, and shall be located to treat all road runoff. Inter-allotment drainage shall also be routed through the GPT where feasible. Location to be generally as proposed by the drawing provided by Fraish Consulting Pavement Plan Drawing No. DA C221, C222 Revision A dated 31 August 2016
- Reason: To ensure that runoff from the site is appropriately treated*
79. Provide an operations and maintenance manual for the gross pollutant trap prior to issue of a Subdivision Certificate.
- Reason: To ensure that Council receives relevant information for operation and maintenance of assets.*

## **Sewerage Works**

80. Design sewerage infrastructure and associated works, to AUS-SPEC #1 Development Design Series as amended by Council or as amended by these conditions, to comply with the Sewerage Code of Australia, WSA 02-2002 or subsequent updates. Pipe class is to be SN8 to AS/NZS 1260. Pipe class is to be minimum SN8 to AS/NZS 1260. Mains are to be located within road reserves if practical, or within a 3.0m easement where this is not possible. The design is to be generally as proposed on drawings by Fraish Consulting Pavement Plan Drawing No. DA C405, C406, Revision A dated 31 August 2016. Connecting new sewer main to the Council sewer main at SMH CB/3 on the north-east side the Forster Street and Butmaroo Street intersection.
81. Design connections to the proposed lots to Council's sewerage reticulation or the new sewerage reticulation with mains connections to the boundaries and as detailed on Water Services Association of Australia (WSAA) Standard Drawing SEW-1106, Standard Connection. Any existing On Site Sewerage Management Systems are to be decommissioned and removed from the property. An LGA shall be lodged for any internal plumbing work required to connect to the sewer.
82. Protection of the sewer from tree roots (where necessary), must be designed to ensure the long-term reliability and asset life of the sewerage infrastructure.

*Reasons: To provide for sewerage services compliant to WSAA standards, AS3500 - National Plumbing and Drainage Code and the requirements of Plumbing and Drainage Act, 2011 and to ensure the sewer assets will perform as designed.*

## **Water Reticulation Works**

83. Design water reticulation network to AUS-SPEC #1 Development Design Specification D11 as amended by Council, and as amended by these conditions, and comply with the Water Supply Code of Australia, WSA 03-2011 or subsequent updates. All reticulation mains are to be placed in Council approved road reserves/footpath allocations, or an approved easement.
84. Design two connections of the development to the existing PVC150 water main located along the northern side of Forster Street opposite of the development, with a PN35 DICL DN100 main. The design is to be generally as proposed on drawings by Fraish Consulting Pavement Plan Drawing No. DA C401, C402, Revision A dated 31 August 2016.
85. The main at terminations, which is expected to be extended at a future date by future development, shall extend at least 1.0m beyond the end of the proposed concrete driveway/crossover to Blocks 9 and 35 and shall be terminated with a dead-end cap/thrust block and hydrant.
86. Stop valves shall be provided in accordance with AUS-SPEC #1 Development Specification Series as amended by Council and as amended by these conditions. The Tee located at the junction of Road 2 and Road 1 and Road 2 and Road 3 shall have 3 x sluice valves to provide for network supply flexibility.

*Reason: To provide for a water network which complies with WSAA standards and to provide safe and effective mains connection to the potable water reticulation system.*

## **Water Service**

87. Design water services to all lots, including to the existing dwelling if necessary, from the new water main network. Design will be in accordance with AUS-SPEC #1 Development Design Series B1 – Design as amended by Queanbeyan-Palerang Regional Council.
88. Any existing water services are to be capped off at the ferrule if not required or if not suitable to remain. Works to be undertaken by Council at the Developer's expense.
89. The water service minimum is DN25 copper and will terminate 0.6m within the blocks with meter box and valve.
90. Water tie main cocks are to be "Crevet" TPFNR Bonnet Ferrule or approved equivalent.

*Reason: To provide for connection to the potable water reticulation system*

## Lighting

91. Lighting of the internal road and car parking, must be designed in accordance with AS1158 – Lighting for Roads and Public Spaces. Light spill onto residential properties and limit any glare to public road users is to be minimised.
92. The Applicant is to provide a lighting design by an appropriately qualified person, at time of Construction Certificate Application.

*Reason: To ensure appropriate lighting is provided throughout the site without impacts on adjoining properties.*

## Site Filling / Site Regrading

93. A site re-grading plan showing existing and finished contours of the land within the proposed lot and the verge is to be prepared by an accredited engineering designer and submitted to the principal certifying authority for approval before site work commences. Selected fill is to be placed under the supervision of an accredited Geotechnical Engineer as controlled fill in accordance with AS 2870-1996 Residential Slabs and Footings, as amended. Filling work is to be certified and the site classified. The certifications are to be submitted to Council before issue of the Occupation Certificate.

*Reason: To ensure that land is suitable for construction of residential dwellings.*

## Landscaping

94. Landscaping (other than street trees), within the road reserve is not approved. The Landscape Plan as shown on Fraish Consulting Pavement Plan Drawing No. DA C273, Revision A dated 31 August 2016, is not approved in its current form. It must be modified to show planting details within the road reserve and submitted for approval when the Construction Certificate application is made.

*Reason: To ensure the asset life and performance of the sewer main is not compromised*

## Design drawings – civil works

95. Provide engineering design drawings, and supporting information, to standards in AUS-SPEC #1 Design, as amended by Queanbeyan-Palerang Regional Council, for all civil works for approval by the principal certifying authority prior to issue of any construction certificate.
96. Engineering drawings are to include a note that "All work is to be constructed in accordance with AUS-SPEC#1 Development Specification Series as amended by Queanbeyan-Palerang Regional Council, and the terms of the Development Consent."

For work in Bungendore and Braidwood villages, submit design drawings in one of the following formats and projections:

- ESRI Shapefiles [GDA94 UTM Zone 55)
- MAPINFO TAB [cDA94 UTM Zone 55)
- AUTOCAD dwg/dxf [MGA)

The drawings are to illustrate the full extent of works and pertinent details of the existing infrastructure to which the new works will connect.

Advice: If Queanbeyan-Palerang Regional Council is nominated principal certifying authority, engineering drawings shall:

- Be prepared by a suitably qualified civil engineer or registered surveyor as set out in AUS-SPEC#1 Development Specification Series Clause DQS.06(1).
- Be signed by a suitably qualified civil engineer or registered surveyor as set out in AUS-SPEC#1 Development Specification Series Clause DQS.06(1).
- Include a note that "All work to be constructed in accordance with AUS-SPEC#1 Development Specification Series, as amended by Queanbeyan-Palerang Regional Council, and the terms of the Development Consent".
- Show consent requirements such as construction hours.
- Include, as a minimum:
  - A longitudinal section along the access road centreline from the public road centreline to the property boundary;
  - A longitudinal section along internal road centrelines;
  - Cross sections along the road frontage detailing pathway, invert levels of K&G and constructed verge crossfalls;
  - Car parking details with spot levels and bay sizings detailed;
  - Water reticulation mains external to the property (to water meter location);
  - Hydraulic pipelines and structures associated with stormwater drainage and any changes to existing public infrastructure;
  - Lighting drawing detailing internal and external lighting and electrical supply;
  - An erosion and sediment control plan including control details.
  - Hydraulics Plan – including existing services appropriately annotated with critical invert levels at points of connection. New works are preferred to be colour coded line types such as:
    - ❖ Sewer – Red
    - ❖ Water – Blue
    - ❖ Stormwater – Green
    - ❖ Electricity – Magenta
    - ❖ Telecommunications – Orange
    - ❖ Gas – Yellow
    - ❖ Common Trench and Conduit Plans.

*Reason: Works are designed to cater for the demands generated by the development in accordance with Council's standards.*

## **Erosion Control**

97. An Erosion and Sediment Control Plan (ESCP) for all site works, including road works and access, is to be approved by the principal certifying authority prior to issue of the civil construction certificate. The plan is to cover all measures to control erosion and sediment transport in accordance with the NSW Landcom publication *Managing Urban Stormwater -Soils and Construction* (4th Edition 2004- "Blue Book").

*Reason: To minimise environmental impact associated with any works & to prevent soil erosion/water pollution.*

## **CIVIL WORKS CONSTRUCTION REQUIREMENTS**

### **Construction Management**

98. A Construction Management Plan (CMP) for all site works, including car park, internal road forecourt and accesses, is to be approved by the principal certifying authority prior to work commencing. The plan is to cover all measures to control construction activities and temporary traffic management.

*Reason: To minimise environmental impact associated with any works and to ensure public safety.*

### **Damage to any Infrastructure**

99. Any infrastructure (public or private) that is damaged during the construction within the crown road reserve or adjacent property is the responsibility of the applicant to correct and repair or replace as necessary to bring the damaged infrastructure back to the condition or better, existing prior to the damage.

*Reason: To ensure existing infrastructure is protected.*

### **Construction of Engineering Works**

100. Engineering works are to be constructed at the developer's full cost to comply with Council Standards, the Development Approval and the Construction Certificate – Civil, prior to issue of the occupation certificate.
101. Civil works are to be constructed to AUS-SPEC #1 Development Specification Series, Construction as amended by Council, and/or as amended by these conditions of Consent.
102. Construction work is to be carried out by contractors who are experienced in road and stormwater drainage to Council's approval, have quality management systems in place and hold business insurance policies covering workers compensation, and public liability. Section 138 consent under the Roads Act, 1993 must be obtained prior to construction works within the public road reserve. Appropriate insurance is required under Section 138 of the Roads Act to work on a public road.

*Reason: To ensure the development is constructed to Council's standards.*

### **Drawings to be on Site**

103. Keep a copy of all stamped approved drawings, specifications and documents on site while work is being undertaken.

*Reason: Relevant documentation is available for perusal on site by a council officer, for compliance check.*

### **Erosion Control**

104. Erosion and sediment controls are to be in place before the disturbance of any soils on the site, and are to be maintained during the works and as necessary after works completion to prevent sediment and dirty water leaving the site and/or entering the surface water system outside of the site. Adequate measures to minimise off-site transfer of mud and the like by vehicles, is required to be established and maintained.

*Reason: To minimise environmental impact associated with any works & to prevent soil erosion/water pollution.*

## **Dust Suppression**

105. Respond to Councils direction to provide dust suppression on roads leading to, adjacent to and within the subdivision in the event that weather conditions and construction traffic are giving rise to abnormal generation of dust.

*Reason: To ensure that local residents and activities are not disadvantaged by dust during construction.*

## **Public Roads – Forster, Majara, Butmaroo Streets**

106. Roads shall be constructed generally to Fraish Consulting Pavement Plan Drawing No. DA C105, C242, C245 Revision A dated 31 August 2016, and to the specifications as set out in AUS-SPEC #1 Technical Specifications for Subdivisions – Part B2, as amended by Council.
107. All roads are to include kerb and gutter as specified in ACT Territory and Municipal Services standard kerb and gutters profiles.
108. Intersection kerb returns shall be minimum 8.0m radii (kerb line). Kerbs shall be constructed to the standards as set out in AUS-SPEC #1 Development Design Series B1 – Design as amended by Queanbeyan-Palerang Regional Council and will be ACT type kerbs as per ACT Std Dwg DS3-01.
109. Type of kerb shall be Barrier Kerb to southern side of Forster Street from Butmaroo Street to Majara Street, eastern side of Butmaroo Street along frontage, and western side of Majara Street along frontage.
110. Liaise with Council and pay fees as set out in Council's Schedule of Fees and Charges for adjustments to any road, water supply, sewer or stormwater infrastructure, which may be required to meet designed finished surface levels to match new construction.

*Reason: To ensure that road and pedestrian facilities meet the requirements of the traffic generated by the development and meets current accessibility requirements.*

## **Accesses**

111. Construct accesses to the development generally to Fraish Consulting Pavement Plan Drawing No. DA C242, C245 Revision A dated 31 August 2016. Exact dimensions of the entry/exit access are subject to approval. This is to be provided with the Construction Certificate Application.
112. The existing crossovers/property accesses are to be removed from within the verge and the kerb and gutter is to be reinstated. The grass verge area and footpath are to be reinstated to match the adjacent constructed area, turfed and left in a neat condition.
113. Liaise with Council and pay fees as set out in Council's Schedule of Fees and Charges for any adjustments to water supply, sewer and stormwater infrastructure in Forster Street to meet designed finished surface levels.

*Reason: Safe entry and exit to lots from the road.*

## **Internal Roads and Car Park Construction**

114. Construct internal roads and car park with a reinforced concrete pavement, generally to the design as presented on Fraish Consulting Pavement Plan Drawing No. DA C242, C245 Revision A dated 31 August 2016, the Construction Certificate approved drawings, or as amended by these Conditions.
115. Internal road and car park shall be constructed to the standards as set out in AUS-SPEC #1 Development Specification Series, Construction, as amended by Council.
116. For a Concrete pavement; as a minimum, the internal road and car park pavements are to be designed with a 150mm thick reinforced concrete surfacing on a minimum 150mm granular DGB20 base to all internal roadway pavements. Pavement design must be submitted for approval with the Construction Certificate application.

117. Erect road signage as presented on Fraish Consulting Pavement Plan Drawing No. DA C261 Revision A dated 31 August 2016, and provide pavement markings as required to comply with AS1742.
118. Liaise with Council and pay fees as set out in Council's Schedule of Fees and Charges for any adjustments to water supply, sewer and stormwater infrastructure to meet designed finished surface levels.

*Reason: To ensure that the roads and parking facilities are of a standard to safely cater for the traffic generated by the development.*

### **Pedestrian Networks**

119. The existing verge frontage of the development in Forster Street is to be modified as required to provide fall from the property boundary to the kerb and gutter at a maximum of 2.5%. Any works are to safely transition back to the existing verge and footpath, at the eastern and western extremities of the development. The verge must be left in a neat and evenly graded condition after being topsoiled and turfed with appropriate dry land grass species.
120. Reinstate the reinforced concrete pedestrian footpath at locations where redundant vehicles accesses have been removed to ensure continuity for the full frontage of the development.
121. Construct a reinforced concrete accessible pathway within the development to AS 2890.1. This pathway is to link from the car park to its termination at the various building entries and from the accessible parking bays to the main entrance of the main building and conference centre.
122. Pavement line marking together with raised threshold treatment must be installed within the car parking areas as approved by the Construction Certificate.

*Reason: To ensure that road and pedestrian facilities provide for the requirements of the traffic generated by the development.*

### **Stormwater**

123. Direct surface water drainage to existing natural drainage or to Queanbeyan-Palerang Regional Council drainage infrastructure. Do not re-direct concentrated surface water flows onto adjoining private land. Natural flows which may currently be discharging flows onto the development are to be received and managed without concentrating or increasing these flows onto other property. Alterations to the surface contours must not impede or divert natural surface water run-off, so as to cause a nuisance to adjoining property owners or create an erosion or sediment problem. Construct stormwater infrastructure as approved by the Civil Construction Certificate.
124. Construct stormwater infrastructure as per Fraish Consulting Pavement Plan Drawing No. DA C221, C222 Revision A dated 31 August 2016. A non-potable water management plan is to be submitted at the Civil Construction Certificate application stage of the development.
125. The proposed Onsite Detention (OSD) tanks/storage facility shall be constructed to carry the gross vehicle mass of the largest design vehicle expected to traverse the site and to have provision for ease of future maintenance by the site owner. Adequate clearances between all underground services are to be maintained.
126. Install pit baskets in all stormwater pits in order to capture any gross pollutants in the stormwater flows, before discharging from the site to the Council's stormwater system.

*Reason: Stormwater does not impact on the building, public road or neighbouring properties.*

### **Sewerage**

127. Construct sewerage infrastructure and associated works, to design approved by the Construction Certificate and to AUS-SPEC #1 Construction Specification C402, as amended by Council, or as amended by these conditions.
128. Construct a capped property connection to serve proposed lot 1 as detailed on Water Services Association of Australia (WSAA) Standard Drawing SEW-1106, Standard Connection.
129. Earthworks filling of Lots are to be compacted clean fill and covered by a layer of topsoil and turfed. The filling is not to be detrimental to the property adjacent to the filling works and is to drain away from the manhole.



130. Construct all manholes lids and surrounds to match the surrounding F.S.L. and grades with a minimum fall of 3% to WSA 02—2002-2.3 Cl.6.6.10 & Std. Dwg. WSA SEW-1308
131. Any landscape treatment or paving in the vicinity of Sewer Manholes is to be set at levels which will prevent ponding or flow of flood or storm water over the manhole.
132. Payment of charges for the live connection of water mains by Council, as set out in Council's list of Fees and Charges, and liaise with Council's Works Division for the work to be done. A quote will be provided by Council for the above works upon lodgment of a Water and/or Sewer Connection Application Form. When paying, please quote account code **GLSewConBdr**.
133. Works acceptance testing to WSA 02—2002-2.3 cl.22 is required to verify quality of construction. All results are to be presented at completion of works and submission of As Executed Details.
134. All work is to be carried out by a qualified, registered and insured plumber/drainier.
135. **Sewers are not to be connected to Council's Sewerage System and made 'Live', unless written approval is received from the sewerage network owner or Council PCA.**

**Testing to include but is not limited to:**

136. Vacuum testing of sewerage system to requirements of WSA 02—2002-2.3 cl. 22 is required. Test to be undertaken by suitably qualified person and results provided to the PCA. System is to pass tests prior to connection to Council's sewer system and being accepted by the PCA.
137. Deflection (Ovality) testing is to be undertaken to requirements of WSA 02—2002-2.3.
138. Compaction testing of engineered or controlled fill, pipe embedment, trench fill and embankments. A minimum of one test is required at each road crossing.
139. Carry out a CCTV inspection to requirements of WSA 02—2002-2.3 of sewers and maintenance structures. Provide the CCTV records to the PCA.

*Reasons: To provide for sewerage services compliant to WSAA standards, AS3500 - National Plumbing and Drainage Code and the requirements of Plumbing and Drainage Act, 2011 and to ensure the sewer assets will perform as designed.*

**Sewer Service**

140. Connect each proposed lot within the development to the sewerage reticulation mains with a 150mmØ sewer tie. Provide an Inspection Opening to surface to WSAA IO Interface Method Dwg SEW-1105 for the sewer tie. All work is to be carried out by a qualified, registered and insured plumber.
141. Prior to issue of the subdivision certificate, lodge a 'Sewer Connection Application Form' [and relevant fee) with Palerang Council, to connect the existing dwelling to Palerang Council's sewerage Infrastructure with a 150Ø sewer tie. Provide an Inspection Opening to surface to WSAA IO Interface Method Dwg SEW-1106 for the sewer tie. All work is to be carried out by a qualified, registered and insured plumber.

*Reasons: To provide for sewerage services compliant to WSAA standards, AS3500 - National Plumbing and Drainage Code and the requirements of Plumbing and Drainage Act, 2011 and to ensure the sewer assets will perform as designed.*

## Water Reticulation Works

142. The new network is to be constructed as approved by the Construction Certificate, to AUS-SPEC # 1 Construction Specification C401 as amended by Palerang Council and comply with the Water Supply Code of Australia, WSA 03-2011 or subsequent updates, or as amended by these conditions. All reticulation mains are to be placed in Council approved road reserves/footpath allocations, or an approved easement.
143. Works acceptance testing to WSA 03—2011-3.1cl. 19 is required to verify quality of construction. All results are to be presented at completion of works and submission of As Executed Details.
144. Disinfection of mains and fittings to WSA 03—2011-3.1 cl. 20 is required to sterilise the system. All results are to be presented at completion of works and submission of As Executed Details. The mains shall not be connected 'live' to the existing water network, until evidence of effective sterilisation is provided in writing to the water network owner or Council PCA.
145. **Water mains are not to be connected to Council's water reticulation network and made 'Live', unless written approval is received from the water network owner or Council PCA.**
146. Payment of charges for the live connection of water mains by Council, as set out in Council's list of Fees and Charges, and liaise with Council's Works Division for the work to be done. A quote will be provided by Council for the above works upon lodgment of a Water and/or Sewer Connection Application Form. When paying, please quote account code **GLWatConBdr**.

*Reason: To provide for a water network which complies with WSAA standards to provide safe and effective mains connection to the potable water reticulation system.*

## Water Service

147. Prior to issue of the occupation certificate, lodge a 'Water Connection Application Form' (and relevant fee) with Council for disconnection of the existing water service, if not required for supply or if not suitable to remain. Works to be undertaken by Council at the Developer's expense.
148. The applicant shall provide a separate Council approved 25mmØ service to new mains as applicable, with meter and cover to each lot. All work is to be carried out by a qualified, registered and insured plumber. Water services are to be provided for the full length of the access handle of all battle axe lots.
149. The water service minimum is DN25 copper and will terminate 0.6m within the property with meter box and valve.
150. Water tie main cocks are to be "Crevet" TPFNR Bonnet Ferrule or approved equivalent.
151. All new works are to be carried out by a qualified, registered and insured plumber.

*Reason: To provide for connection to the potable water reticulation system*

## Lighting

152. Construct lighting for the internal roads and car park with lighting in accordance with AS1158 – Lighting for Roads and Public Spaces, and as approved by Construction Certificate.

*Reason: To ensure appropriate lighting is provided throughout the site without impacts on adjoining properties.*

## Landscaping

153. Landscaping is to be undertaken as approved by the Construction Certificate. Maintenance and protection of the trees and other plants during establishment phase is to be continued until they are fully established.
154. Landscaping must not be placed over sewers or water mains.

*Reason: To ensure landscaping is successfully established and performs as designed.*

### Inspection and Test Plans

155. The Project Quality Plan shall include inspection and test plans detailing witness points covering at least the following aspects of the works. Witness points shall be signed off by the site Supervisor or other nominated person, in the Project Quality Plan:
156. A Pre-Start Site Meeting with the Principal Contractor, Site Superintendent and civil works PCA and Council representative if Council is not the PCA must be undertaken prior to civil works commencement.

Typical inspections are:

- installation of sediment and erosion control devices
- site clearing
- site regrading if applicable
- preservation measures installed for trees and vegetation
- location underground hydraulic services and installation including preparation of base,
- bedding and backfill to hydraulic services
- Subgrade preparation prior to placement of pavement materials
- pre-pour inspection of concrete pavements
- bitumen sealing where applicable
- Pavement prior to bitumen sealing
- Conformance testing of underground hydraulic networks
- Fencing, signs, guideposts and markings installation [if applicable]
- Final inspection of completed works

Release of the above hold points prior to commencement of the next stage of the works will require the work to be acceptable on the basis of visual inspection by the Principal Certifying Authority and satisfactory test results supplied by the applicant's Project Superintendent.

*Reason: To ensure the works are carried in accordance with quality assurance principles*

### Works as-executed Drawings

157. Provide one copy of works as-executed plans to Queanbeyan-Palerang Regional Council, clearly identifying any variations from the approved designs. The works as-executed plans are to be prepared in accordance with the requirements set out in AUS-SPEC #1 as amended by Council.
158. For work in Bungendore and Braidwood villages, submit design drawings in one of the following formats and projections:
  - ESRI Shapefiles [GDA94 UTM Zone 55)
  - MAPINFO TAB [cDA94 UTM Zone 55)
  - AUTOCAD dwg/dxf [MGA)

*Reason: To provide a record of works for future technical reference.*

159. Provide one A3 copy, one electronic PDF copy and one electronic copy in AutoCAD format of works as-executed drawings to Queanbeyan-Palerang Regional Council, clearly recording any variations from the approved designs. The works as-executed drawings are to be prepared in accordance with the requirements set out in AUS-SPEC #1 as amended by Council.

160. In addition to the above requirements, sewerage reticulation Work As Executed (WAE) drawings shall be submitted to Council showing the actual location and alignment of pipelines, manholes and junctions, all pumping station details together with operating and maintenance manuals. Details shall include the size, type, levels, grade of pipelines, manhole location, types and cover details, pump details, switchboard equipment details and station structural details. Provide invert levels on each branch line connected to a manhole, any terminating end of line sewer and the invert level of all sewer ties. The drawings showing location and alignment shall be certified by a Registered Surveyor.

161. In addition to the above requirements, water reticulation Work As Executed (WAE) drawings shall be submitted to Council showing the actual location and alignment of mains and all fittings, all pumping station details together with operating and maintenance manuals. Details shall include the size, type and class of pipe, sluice valves, hydrants, tapers, tees, air and scour valves, pump details, switchboard equipment details and station structural details. The drawings showing location and alignment shall be certified by a Registered Surveyor.

*Reason: To verify all infrastructure has been constructed to standard and as approved by Construction Certificate.*

### Certification of completed works

162. At the completion of works the superintendent of works shall present to Queanbeyan-Palerang Regional Council a Certification Report for civil works and is to include copies of any approvals outlined in this development consent and report on the current status of environmental restoration and revegetation. All project plans, inspection test plans, and results are to be included in the report. The superintendent of works shall be a Civil Engineer or suitably experienced and accredited Registered Surveyor as set out in AUS-SPEC #1.

163. All civil works relating to the Civil Construction Certificate or the Section 138 works are to be completed in accordance with all Development Approval Conditions of Consent, prior to the issue of the Occupation Certificate.

*Reason: To ensure compliance of the works with the terms of the development consent and quality control requirements.*

### SECURITY DEPOSITS AND DEFECTS LIABILITY BONDS

#### Security Deposit - Damage to Public Assets

164. Pay the following Security Deposit/s:

Construction Activity	GST Applicable	2016/17 \$
Urban areas - developments involving delivery of construction materials or machine excavation	No	6,000.00
Sec.138 security bond – urban	No	4,000.00
Inspection fee prior to bond release (if Council not PCA)	No	190.90

When paying security deposit please quote account code **GLBondRdWks**.

If paying for the inspection fee please quote code **GLDevinspect**.

*Reason: To cover Queanbeyan-Palerang Regional Council's costs of repair of any damage that is not properly rectified by the applicant.*

### Bond – Civil Works in Public Road Reserves

165. A defects liability period of 6 months will apply from the date of practical completion of all works on public roads (including pavement, accesses, footpaths, drainage, re-vegetation and erosion control). The date of practical completion shall be the date the occupation certificate is signed by Queanbeyan-Palerang Regional Council or otherwise identified in writing by Queanbeyan-Palerang Regional Council.
166. Lodge a bond with Queanbeyan-Palerang Regional Council of **\$25,000** for the works within the public road reserve, to provide for repair of defective or inadequate work. When payment is made, quote account code **GLBondRdWks**.

*Reason: To cover Queanbeyan-Palerang Regional Council's costs of repair any defects that are not repaired by the applicant.*

### Bond - Hydraulics

167. A defects liability period of 6 months will apply from the certified date of practical completion of all works relating to water supply, sewerage or urban stormwater works. The date of practical completion shall be the date the subdivision certificate is signed by Palerang Council or otherwise identified in writing by Palerang Council.
168. The applicant shall lodge with Council a bond valued at **15% of the relevant values in the Bill of Quantities in the Contract** (or as otherwise agreed by Council), to provide for repair of defective or inadequate work. The applicant is to provide an extract of the works quotation to demonstrate the calculation of the bond. When paying quote account code **GLBondRdWks**.

*Reason: To cover Queanbeyan-Palerang Regional Council's costs of repair any defects that are not repaired by the applicant.*

### Bond - Landscaping

169. A landscape bond of **\$4,000** is payable by the Developer as performance bond and the bond must be paid prior to issue of Occupation Certificate and may be released where the plants have established or at the end of a six month period, whichever is the longer. Any damaged or sickly plants are to be replaced if necessary during this period. When payment is made, quote account code **GLBondRdWks**.

*Reason: To cover Queanbeyan-Palerang Regional Council's costs of replacement of any damaged or non-performing landscaping that is not properly rectified by the applicant.*

## Contributions

### Section 64 Contributions – Water Supply Headworks

170. Pay Queanbeyan-Palerang Regional Council **\$189,003** towards water supply provision, pursuant to Section 64 of the Local Government Act 1993. The amount payable is subject to amendment on 1 July as adopted by Palerang Council's Fees and Charges Schedule. This Contributions Plan may be inspected at Council's administrative offices (10 Majara Street, Bungendore and 144 Wallace Street, Braidwood) during normal office hours.

When payment is made, please quote Bungendore Water Ledger Code: **RA40101**

Contributions are required to be at release of occupation certificate.

*Reason: Appropriate provision and upgrading of potable water supply infrastructure.*

## **Section 64 Contributions – Sewerage Headworks**

171. Pay Queanbeyan-Palerang Regional Council **\$226,822** towards sewerage provision, pursuant to Section 64 of the Local Government Act 1993 prior to release of the occupation certificate. The amount payable is subject to amendment on 1 July as adopted by Palerang Council's Fees and Charges Schedule. This Contributions Plan may be inspected at Council's administrative offices (10 Majara Street, Bungendore and 144 Wallace Street, Braidwood) during normal office hours.

When payment is made, please quote Bungendore Sewer Ledger Code: **RA40601**

Contributions are required to be at release of occupation certificate.

*Reason: Appropriate provision and upgrading of sewerage infrastructure.*

## **Section 94 Contributions – Public Services and Amenities**

172. Pay Queanbeyan-Palerang Regional Council **\$60,173** towards the provision of public services and amenities, in accordance with Yarrowlunla Section 94 **Plan No. 1**. The amount payable is subject to annual amendment on 1 July in keeping with the Consumer Price Index. This Contributions Plan may be inspected at Council's administrative offices (10 Majara Street, Bungendore and 144 Wallace Street, Braidwood) during normal office hours.

Contributions are required to be at release of occupation certificate.

*Reason: Appropriate provision of public services and amenities for the population resulting from this development.*

## **Section 94 Contributions – Recreation Facilities Bungendore**

173. Pay Queanbeyan-Palerang Regional Council **\$54,150** towards the provision of recreation facilities in Bungendore, in accordance with Palerang Section 94 **Plan No. 7**. The amount payable is subject to quarterly adjustment in keeping with the CPI. This Contributions Plan may be inspected at Council's administrative offices (10 Majara Street, Bungendore and 144 Wallace Street, Braidwood) during normal office hours.

Contributions are required to be at release of occupation certificate.

*Reason: Appropriate provision of recreation facilities for the population resulting from this development.*

## **Section 94 Contributions – Pathway Network Bungendore**

174. Pay Queanbeyan-Palerang Regional Council **\$21,090** towards the provision of a pathway network in Bungendore, in accordance with Palerang Section 94 **Plan No. 8**. The amount payable is subject to quarterly adjustment in keeping with the CPI. This Contributions Plan may be inspected at Council's administrative offices (10 Majara Street, Bungendore and 144 Wallace Street, Braidwood) during normal office hours.

Contributions are required to be at release of plan of subdivision.

*Reason: Appropriate provision & upgrade of pathways affected by the increase in use resulting from this development.*

## **Section 94 Contributions – Street Upgrading Bungendore**

175. Pay Palerang Council **\$58,178** towards the provision of street upgrading in Bungendore, in accordance with Palerang Section 94 **Plan No. 9**. The amount payable is subject to quarterly adjustment in keeping with the CPI. This Contributions Plan may be inspected at Council's administrative offices (10 Majara Street, Bungendore and 144 Wallace Street, Braidwood) during normal office hours.

Contributions are required to be at release of occupation certificate.

*Reason: Appropriate upgrade of the roads for the increased demand generated by the development.*

## **Section 94 Contributions – Stormwater Drainage Bungendore South, King Street**

176. Pay Palerang Council **\$49,780** towards the provision of stormwater drainage in Bungendore (south of King Street), in accordance with Palerang Section 94 **Plan No. 10**. The amount payable is subject to quarterly adjustment in keeping with the CPI. This Contributions Plan may be inspected at Council's administrative offices (10 Majara Street, Bungendore and 144 Wallace Street, Braidwood) during normal office hours.

Contributions are required to be at release of occupation certificate.

*Reason: Provision of stormwater drainage infrastructure needed to accommodate increased runoff resulting from this development.*

### **Restriction on Title**

177. A restriction-as-to-user under the provisions of Section 88B of the Conveyancing Act shall be imposed on the title to all dwelling units to limit the occupancy of each unit to the following:

- (a) Seniors or people who have a disability
- (b) people who live within the same household with seniors or people who have a disability
- (c) staff employed to assist in the administration of and provision of services to housing provided under this policy

Council shall be the only body authorised to vary, alter or amend this restriction

*Reason: To ensure compliance with the provisions of State Environmental Planning Policy (Seniors Living)*

178. A restriction-as-to-user under the provisions of Section 88B of the Conveyancing Act shall be imposed on the title of Lots 3 and 9 DP976608 requiring a 5 metre wide landscape buffer along the northern boundary of the lots and that such buffer must be maintained by the owner of lots 3 and 9. Council shall be the only body authorised to vary, alter or amend this restriction.

*Reason: To ensure the amenity of residents is protected from any adjoining future industrial activities.*

### **Provision of Mini bus**

179. The applicant is to provide a mini bus for commuting residents to local services, facilities and public transport.

*Reason: To ensure access to services and facilities by residents required under the Seniors Living SEPP.*

### **Seniors Living Requirements**

180. The development is to comply with Parts 1 and 2 of *Schedule 3 Standards applying to hostels and self contained dwellings* specified under State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004.

*Reason: To satisfy the Seniors Living State Environmental Planning Policy.*

### **Laminated Glazing**

181. Each of the windows of dwellings 36-40 facing the Bombala to Goulburn railway line must incorporate Laminated glazing at least 6.38mm thick.

*Reason: To minimise potential negative impacts of noise upon occupants.*

### **Submit External Gazing Certificate**

182. Within six months of the date of this consent an acoustic report prepared by a suitably qualified, experienced and independent person must be submitted to Queanbeyan-Palerang Regional Council.

The report must:

- (a) Include an assessment of the level of noise generated from all noise sources and cumulative noise sources on the site, and

- (b) Identifies all reasonable and feasible measures that could be implemented on the site to reduce noise impacts , and
- (c) Assess the likely effectiveness of these measures.

Any measures recommended in the acoustic report to reduce noise impacts must be implemented.

#### **Asbestos Removal and Disposal**

- 183. 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.
- 184. Asbestos material must be disposed of to a landfill site approved for that purpose by the Environmental Protection Authority of NSW or equivalent authority in the ACT. Written evidence that the material has been disposed of to the approved landfill must be submitted to the Principal Certifying Authority.

*Reason: to ensure that proper disposal of asbestos material.*