



Ordinary Meeting of Council

23 May 2018

UNDER SEPARATE COVER

ITEM 12.1 ATTACHMENTS

**QUEANBEYAN-PALERANG REGIONAL COUNCIL
ORDINARY MEETING OF COUNCIL**

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QUEANBEYAN-PALERANG REGIONAL COUNCIL

Council Meeting Attachment

23 MAY 2018

ITEM 12.1 DEVELOPMENT APPLICATION - DA.2017.286 - CHILD CARE
CENTRE - 5 MCMAHON DRIVE, BUNGENDORE

ATTACHMENT 1 79C MATTERS FOR CONSIDERATION - DA.2017.286 - CHILD
CARE CENTRE - 5 MCMAHON DRIVE, BUNGENDORE

SECTION 79C Assessment

In determining a development application, the consent authority is to take into consideration the following matters of consideration contained within section 79C of the Environmental Planning and Assessment Act, 1979 as relevant to the development application:

79C(1)(a) the provisions of:

(i) any environmental planning instrument

STATE ENVIRONMENTAL PLANNING POLICY NO. 55 - REMEDIATION OF LAND

Clause 7 of SEPP 55 requires consideration to be given to the compatibility of the land in its current state or as remediated for the purposes of the proposed development. While the SEPP and associated guidelines establish that a preliminary report considering the potential for historical land uses to result in the contamination of the site as being sufficient, the NSW Department of Planning and Environment's Child Care Planning Guideline requires that all applications for the purposes of a child care centre be accompanied by the report determining the suitability of the site for the purposes of the development based upon soil sampling. Note: this is not a detailed site investigation SEPP 55.

The subject application was accompanied by a Soil Report prepared by Arcadis Australia Pacific Pty Ltd in accordance with the requirements of the NSW department of Planning and Environment's Child Care Planning Guideline. Analysis of soil samples found the subject site and surrounding public recreation area as being suitable in its current state for the purposes of the proposed development. As such, the proposed development satisfies the relevant provisions of the SEPP.

STATE ENVIRONMENTAL PLANNING POLICY (EDUCATIONAL ESTABLISHMENTS AND CHILD CARE FACILITIES) 2017

State Environmental Planning Policy (Educational Establishments and Child Care Facilities) 2017 and the associated Child Care Planning Guideline establish a number of development standards for development for the purposes of child care centres such as the subject application. A detailed assessment of the proposed development against the relevant provisions of the SEPP and associated guidelines is provided in the table below.

Cl.	Standard	Controls	Proposed	Complies
22	<i>Centre-based child care facility—concurrence of Regulatory Authority required for certain development</i>	Concurrence required under Children (Education and Care Services) National Law (NSW) required where development fails to provide compliant unencumbered indoor and/ or outdoor play spaces	Compliant indoor and play spaces provided. Outdoor spaces calculations fail to exclude storage areas. Condition recommended to reduce child numbers to 144 to achieve compliant space (see Clause 25(b) below)	YesSubject to condition of consent

23	<i>Centre-based child care facility— matters for consideration by consent authorities</i>	The consent authority must take into consideration any applicable provisions of the Child Care Planning Guideline, in relation to the proposed development.	See assessment table below	Yes
25	<i>Centre-based child care facility— non-discretionary development standards</i>			
(a)	<i>Location</i>	The development may be located at any distance from an existing or proposed early education and care facility.	Noted	Yes
(b)	<i>Indoor or outdoor space</i>	Indoor: Minimum 3.25m ² unencumbered space per child Outdoor: Minimum 7m ² unencumbered space per child	Indoor: Total area = 656m ² = 4.3m ² per child Outdoor: Total area = 1011m ² = 6.65m ² per child. Condition recommended reduce child numbers to 144 as to achieve complaint outdoor space.	Yes Yes Subject to condition of consent
(c)	<i>Site area and site dimensions</i>	The development may be located on a site of any size and have any length of street frontage or any allotment depth.	Noted	Yes
(d)	<i>Colour of building materials or shade structures</i>	The development may be of any colour or colour scheme unless it is a State or local heritage item or in a heritage conservation area.	The subject site is not a heritage item of conservations area	Yes
26	<i>Centre-based child care facility— development control plans</i>	A provision of a development control plan that specifies a requirement, standard or control in relation to any of the matters outlined under Clause 26(a-f) does not apply to development for	No controls specific to childcare under the Palerang Development Control Plan 2015	Yes

the purpose of a
centre-based child
care facility.

Child Care Planning Guidelines

The following table provides an assessment of the proposed development against the relevant provisions of the NSW Department of Planning and Environment's Child Care Planning Guidelines.

Design Criteria	Control	Proposed	Complies
2. Design Quality Principles			Yes
Principle 1: Context	<ul style="list-style-type: none"> Design responds and contributes to its context; and Design takes advantage of its context by being responsive to the makeup of facilities users 	<p>From a design perspective the proposed structure gives appropriate consideration to its context by suitably integrating with surrounding residential development by way of bulk and scale and the use of sympathetic material treatments.</p> <p>In considering the developments context to its users the proposed development and its scale addresses a current shortage in early education within the township of Bungendore and its surrounds.</p>	Yes
Principle 2: Built Form	<ul style="list-style-type: none"> Design achieves a scale, bulk and height appropriate to the existing or desired future character of the surrounding area; Good design achieves an appropriate built form for a site and the building's purpose in terms of building alignments, proportions; Design also uses a variety of materials, colours and textures; and Built form defines the public domain. 	<ul style="list-style-type: none"> The proposed design is of a bulk and scale that accommodates for the intended use of the structure as a child care facility while remaining consistent with existing development within the streetscape. Further, the proposed development achieves the desired bulk and scale for the locality as established through the built form controls of the Palerang Local Environmental Plan 2014. The proposed development incorporates a variety of materials, colours and textures that are sympathetic with existing development within the streetscape. 	Yes

		<ul style="list-style-type: none"> The proposed development suitably defines private and public space through fencing and landscaping treatments. 	
Principle 3: Adaptive Learning spaces	<ul style="list-style-type: none"> Design delivers high quality learning spaces that are fit-for-purpose, through site layout, building design, and learning spaces fit-out; and Design achieves a mix of inclusive learning spaces. 	<ul style="list-style-type: none"> The proposed development by way of compliance with the relevant development controls of the Child Care Planning Guidelines is considered to be fit for purpose. The proposed internal and external design provides a mix of inclusive learning spaces. 	Yes
Principle 4: Sustainability	<ul style="list-style-type: none"> Design includes use of natural cross ventilation, sunlight and passive thermal design for ventilation, heating and cooling Design includes recycling and re-use of materials and waste, use of sustainable materials and deep soil zones for groundwater recharge and vegetation. 	<ul style="list-style-type: none"> The proposed design provides appropriate opportunities for passive solar access and cross ventilation through glazed elements while retaining a thermal mass appropriate to local climate. The structure's east-west orientation and use of sky lights optimise the structure's solar access. The subject application was accompanied by a Waste Management Plan identifying proposed means of recycling and reuse that are considered to be suitable for the purposes of the proposed development. The proposed development provides suitable deep soil landscaped areas allowing for ground water recharge. 	Yes
Principle 5: Landscape	<ul style="list-style-type: none"> Landscape and buildings operate as an integrated system; Design by contributes to the landscape 	<ul style="list-style-type: none"> The proposed development incorporates large verandah areas that suitably integrate 	Yes

	<ul style="list-style-type: none"> character of the streetscape and neighbourhood; and Outdoor spaces assets for learning. This includes designing for diversity in function and use. 	<p>indoor and outdoor areas;</p> <ul style="list-style-type: none"> The proposed landscape design incorporating a range canopy tree plantings and heavy planting around site boundary positively contributes to the streetscape; The proposed landscaping measures include a variety of treatments and areas suitably for outdoor education. 	
Principle 6: Amenity	<ul style="list-style-type: none"> Design positively influences internal and external amenity. 	<ul style="list-style-type: none"> The proposed development is suitably designed as to provide a high level of amenity to children, staff and adjoining neighbours. 	Yes
Principle 7: Safety	<ul style="list-style-type: none"> Design provides for quality public and private spaces that are inviting, clearly defined and allow controlled access for members of the community; Design incorporates passive surveillance. 	<ul style="list-style-type: none"> The proposed development suitably defines private and public areas fencing, landscaping and material treatment; The proposed development provides suitable opportunities for passive surveillance through the use of visually permeable fencing to street frontages and adjoining public open space. 	Yes
3. Matters For Consideration			Yes
3.1 Site Selection and Location	<ul style="list-style-type: none"> Ensure that appropriate zone considerations are assessed when selecting a site; Ensure that the site selected for a proposed child care facility is suitable for the use; Ensure that sites for child care facilities are appropriately located; Ensure that sites for child care facilities do not incur risks from environmental, health or safety hazards. 	<ul style="list-style-type: none"> The proposed development has been suitably sited and designed as to be compatible with surrounding residential and recreational land uses; The proposed development is considered to be suitably sited and design in recognition of site constraints; The subject site is considered to be within suitable proximity to public recreation areas, local 	Yes

				<p>schools and pedestrian infrastructure</p> <ul style="list-style-type: none">• The subject site has not previously been used for any purpose considered to be incompatible with the proposed development.	
3.2 Local Character, Streetscape and the Public Domain Interface	<ul style="list-style-type: none">•••	<p>Ensure that the child care facility is compatible with the local character and surrounding streetscape.</p> <p>Ensure clear delineation between the child care facility and public spaces</p> <p>Ensure that front fences and retaining walls respond to and complement the context and character of the area and do not dominate the public domain.</p>	<ul style="list-style-type: none">•••	<p>The proposed development is considered to be of a scale and style that is compatible with existing development within the streetscape;</p> <p>The proposed development suitably delineates private and public spaces through fencing and landscaping treatments;</p> <p>The proposed fencing design consisting of face brick and paling elements suitably integrates with existing fencing within the streetscape. A condition of consent is recommended requiring the proposed boundary fencing to the area of public open space to the west of the site be treated in the same manner as the street frontage as to provide an improved interface.</p>	<p>Yes</p> <p>Subject to condition regarding western boundary fence</p>
3.3 Building Orientation, Envelope and Design	<ul style="list-style-type: none">•••	<p>Respond to the streetscape and site, while optimising solar access and opportunities for shade;</p> <p>Ensure that the scale of the child care facility is compatible with adjoining development and the impact on adjoining buildings is minimised;</p> <p>Ensure that setbacks from the boundary of a child care facility</p>	<ul style="list-style-type: none">•••	<p>The proposed development is suitably sited and orientated as to achieve consistency with surrounding development and optimise solar access;</p> <p>The proposed single storey structure with articulated roof forms is of a scale that is consistent with surrounding development.</p> <p>The proposed development locates</p>	<p>Yes</p>

		<ul style="list-style-type: none">are consistent with the predominant development within the immediate context;• Ensure that the built form, articulation and scale of development relates to its context and buildings are well designed to contribute to an area's character;• Ensure that buildings are designed to create safe environments for all users;• Ensure that child care facilities are designed to be accessible by all potential users.	<ul style="list-style-type: none">the bulk of the structure to the south-east of the site as to optimise setbacks to adjoining residential development.• The proposed development is suitably designed as to provide a safe environment for future users.• The proposed development is suitably design to ensure for accessibility.	
3.4 Landscaping		<ul style="list-style-type: none">• Use the existing landscape where feasible to provide a high quality landscaped area by reflecting and reinforcing the local context and incorporating natural features of the site, such as trees, rocky outcrops and vegetation communities into landscaping.• Incorporate car parking into the landscape design of the site by planting shade trees in large car parking areas to create a cool outdoor environment and reduce summer heat radiating into buildings.	<ul style="list-style-type: none">• The subject site is current void of any significant landscaping measures; however, the proposed landscaping measures include significant planting upon the site including a range of canopy trees and natural elements.• The proposed car parking design fails to include canopy tree plantings. A condition of consent is recommended requiring landscaping measures including canopy tree plantings be incorporated into the car park design.	Yes Subject to condition of consent
3.5 Visual and Acoustic Privacy		<ul style="list-style-type: none">• Minimise direct overlooking of indoor rooms and outdoor play spaces from public areas;	<ul style="list-style-type: none">• The proposed development by way of setbacks, landscaping and fencing design provides appropriate screening to indoor	Yes

	<ul style="list-style-type: none"> Minimise direct overlooking of main internal living areas and private open spaces in adjoining developments provide an acoustic fence along any boundary where the adjoining property contains a residential use. 	<ul style="list-style-type: none"> and outdoor play areas while retaining an active street frontage. The subject site is separated from adjacent development by roadways and as such, the proposed development provides no opportunity for direct overlooking. An acoustic fence is provided to all street frontages adjoining residential development. 	
3.6 Noise and Air Pollution	<ul style="list-style-type: none"> Adopt design solutions to minimise the impacts of noise; An acoustic report should identify appropriate noise levels for sleeping areas and other non-play areas and examine impacts and noise attenuation measures; Locate child care facilities on sites which avoid or minimise the potential impact of external sources of air pollution such as major roads and industrial development. 	<ul style="list-style-type: none"> The subject application was accompanied by an Acoustic Report identifying that with the implementation of recommended attenuation measures the proposed development is satisfies the relevant noise assessment criteria. The proposed development is suitably located away from major noise generating developments. 	Yes
3.7 Hours of Operation	<ul style="list-style-type: none"> Hours of operation within areas where the predominant land use is residential should be confined to the core hours of 7.00am to 7.00pm weekdays. 	<ul style="list-style-type: none"> Proposed operation between 6:30am to 6:30pm Monday to Friday. Condition of consent recommended to limit core hours of operation between 7:00am to 7:00pm in recognition of adjoining residential development. Note: staff setup and pack up will be allowed 30 minutes prior to core hours (i.e. 6:30am to 7:30pm) 	Yes
3.8 Traffic, parking and pedestrian circulation	<ul style="list-style-type: none"> Off street car parking should be provided a rate of 1 	<ul style="list-style-type: none"> 40 spaces The subject application as accompanied by a 	Yes

	<ul style="list-style-type: none"> space per 4 children. Total required = 38 spaces; A Traffic and Parking Study should be prepared to support the proposal to quantify potential impacts on the surrounding land uses; Car parking design should include a child safe fence to separate car parking areas from the building entrance, provide clearly marked accessible parking as close as possible to the primary entrance to the building and include wheelchair and pram accessible parking 	<p>Traffic and Parking Report identifying the proposed development as resulting in no significant impacts upon the local road network.</p> <ul style="list-style-type: none"> The proposed park provides safe pedestrian access by way of an external footpath and provides appropriate accessible parking and pram access to the centre. 	To be conditioned
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4. Applying the National Regulations to Development Proposals

A. Internal Physical Environment

4.1 Indoor space requirements	Indoor: Minimum 3.25m ² unencumbered space per child	Indoor: Total area = 656m ² = 4.3m ² per child	Yes
4.2 Laundry and Hygiene facilities	There must be laundry facilities or access to laundry facilities	Laundry facilities provided on site	Yes
4.3 Toilet and Hygiene Facilities	<p>Toilet and hygiene facilities should include:</p> <ul style="list-style-type: none"> • junior toilet pans, low level sinks and hand drying facilities for children • a sink and handwashing facilities in all bathrooms for adults • direct access from both activity rooms and outdoor play areas • windows into bathrooms and cubicles without doors to allow supervision by staff • external windows in locations that prevent observation from neighbouring properties or from side boundaries 	Compliant facilities proposed	Yes
4.4 Ventilation and Natural light	<p>Ventilation</p> <p>Good ventilation can be achieved through a mixture</p>	<ul style="list-style-type: none"> • Ventilation achieved through a 	Yes

	of natural cross ventilation and air conditioning.	mixture of natural ventilation and air conditioning.	
	Natural light Solar and daylight access reduces reliance on artificial lighting and heating.	<ul style="list-style-type: none"> Natural light available to all habitable rooms by way of windows or sky lights. 	
4.5 Administration Space	A service must provide adequate area or areas for the purposes of conducting the administrative functions.	Separate administration areas provided in isolation of day to day centre operations	Yes
4.6 Nappy Change Facilities	Child care facilities must provide for children who wear nappies, including appropriate hygienic facilities for nappy changing.	Nappy changing facilities provided.	Yes
4.7 Premises Designed to Facilitate Supervision	A centre-based service must ensure that the rooms and facilities within the premises (including toilets, nappy change facilities, indoor and outdoor activity rooms and play spaces) are designed to facilitate supervision of children at all times.	Facility appropriately designed to allow for constant supervision	Yes
4.8 Emergency and Evacuation Procedures	Emergency and evaluation plan should be submitted with a DA	Emergency Management Plan accompanied subject application.	Yes
4.9 Outdoor Space Requirements	Outdoor: Minimum 7m ² unencumbered space per child	Outdoor: Total area = 1011m ² = 6.65m ² per child. Condition recommended reduce child numbers to 144 as to achieve complaint outdoor space.	Yes Subject to condition of consent
4.10 Natural Environment	Creating a natural environment to meet this regulation includes the use of natural features such as trees, sand and natural Vegetation within the outdoor space.	Proposed outdoor space includes a range of natural features.	Yes
4.11 Shade	The approved provider of a centre-based service must ensure that outdoor spaces include adequate shaded areas to protect children	The proposed development incorporates a large varandah structure providing appropriate shaded areas.	Yes
4.12 Fencing	Fencing at child care facilities must provide a secure, safe Environment for children and minimise access to dangerous areas.	Proposed development incorporates appropriate boundary fencing consisting of face brick and timber look palings	Yes

	Fencing also needs to positively contribute to the visual amenity of the streetscape	that is sympathetic to the existing streetscape	
4.13 Soil Sampling	A soil assessment should be undertaken as part of the development application process.	The subject application was accompanied by a Soil Assessment based upon soil sampling.	Yes

Comments: Based upon the above assessment, subject to the recommended conditions of consent the proposed development satisfies the relevant provisions of the Child Care Planning Guidelines.

STATE ENVIRONMENTAL PLANNING POLICY (INFRASTRUCTURE) 2007

Under Clause 65(3)(a)(i) of SEPP (Infrastructure) development on behalf of a public authority for the purposes of a carpark on land zoned RE1 Public Recreation zone such as is proposed under the subject application is permitted without consent.

Under Clause 8(1) of the SEPP (Infrastructure) in the event of any inconsistency between the SEPP and any other Environmental Planning Instrument the SEPP prevails. As such, while the proposed car park is prohibited under the Palerang Local Environmental Plan 2014, the provisions of the SEPP prevail in this instance.

PALERANG LOCAL ENVIRONMENTAL PLAN (PLEP) 2014

An assessment of the proposal against the general aims of PLEP 2014 is included below:

Cl. 1.2(2)	Aims	Complies
(a)	<i>to protect and improve the economic, environmental, social and cultural resources and prospects of the Palerang community,</i>	Yes
(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>	Yes
(c)	<i>to retain, protect and encourage sustainable primary industry and commerce,</i>	Yes
(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>	Yes
(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>	Yes
(f)	<i>to identify, protect and provide areas used for community health and recreational activities,</i>	Yes
(g)	<i>to ensure that innovative environmental design is encouraged in residential development.</i>	Yes

Permissibility

The subject site is zoned Part R2 Low Density Residential zone and Part RE1 Public Recreation zone under the Palerang Local Environmental 2014.

Development for the purposes of child care centre is permissible with consent within the R2 Low Density Residential zone. While development for the purposes of a car park is prohibited within the RE1 Public Recreation zone, the provisions of SEPP Infrastructure (2007) prevail of the PLEP 2014 and as such the proposed car park is permissible without consent.

Zone Objectives

An assessment of the proposal against the objectives of the R2 Low Density Residential Zone and RE1 Public Recreations Zone is included below:

Objectives	Complies
➤ <i>To provide for the housing needs of the community within a low density residential environment.</i>	N/A
➤ <i>To enable other land uses that provide facilities or services to meet the day to day needs of residents.</i>	Yes
➤ <i>To ensure that new development complements the scale, density and form of existing development.</i>	Yes

Comments: The proposed development by way of providing a complementary service in a manner that is considered to be of a scale and density that is compatible with the surrounding residential development and as such satisfies the objectives of the R2 Low density Residential Zone.

Objectives	Complies
➤ <i>To enable land to be used for public open space or recreational purposes.</i>	Yes
➤ <i>To provide a range of recreational settings and activities and compatible land uses.</i>	Yes
➤ <i>To protect and enhance the natural environment for recreational purposes.</i>	Yes
➤ <i>To protect and enhance the environment generally and to ensure that areas of high ecological, scientific, cultural or aesthetic values are protected, managed and restored.</i>	Yes

Comments: The proposed development providing for car parking facilities that will support the ongoing use of the adjoining public recreation area is considered to satisfy the relevant objectives of the RE1 Public Recreation Zone.

Part 4: Principal development standards

An assessment of the proposal against the relevant provisions contained within Part 4 of the PLEP 2014 is provided below.

Height of building

Cl.	Standard	Controls	Proposed	Complies
4.3	Height of building	8.5m	5.46m	Yes

Part 6: Local Provisions

The relevant provisions contained within Part 6 of the PLEP 2014 are addressed below as part of this assessment:

6.1 Earthworks

Clause 6.1 of the PLEP 2014 establishes a number of matters requiring consideration for development involving earthworks. The proposed development involves earthworks for the purposes of the carpark and minor regrading works for the childcare centre. In recognition of this the subject application was accompanied by a Sediment and Erosion Control Plan outlining proposed site management measures to be implemented throughout the construction process. With the imposition of these measures it is considered unlikely that the proposed earthworks would result in any significant impacts.

6.2 Flood planning

Clause 6.2 of the PLEP 2014 makes provision for developments within the flood planning area. The subject site is identified upon Council's Flood Prone Land Mapping as being entirely below the

predicted maximum flood level, however throughout prior earthworks undertaken upon the site as a part of the subdivision of the site the entirety of Lot 1362 DP1154538 containing the proposed Child care centre was raised approximately 1.5m to be entirely above the predicted maximum flood level. Nonetheless, the entirety of the proposed carpark site is currently below the Flood Planning Level.

In recognition of the flood risk to the proposed development the applicant has submitted a Flood Assessment identifying that with the implementation of certain mitigation measures including the raising of the carpark by approximately 700mm above existing ground level the proposed development is compatible with the flood hazard on the site and that the proposed development would not result in any significant adverse effects upon flood water behaviour within the locality as to increase flood risk to surrounding properties.

6.3 Terrestrial biodiversity

Clause 6.3 of the PLEP 2014 makes for provision for developments that impact on terrestrial biodiversity. While the subject site is identified as containing areas of terrestrial biodiversity significance, the subject site has been heavily altered as a result of the previous subdivision of the site and contains no significant vegetation. As such, the proposed development is considered unlikely to impact upon any area of terrestrial biodiversity significance.

6.11 Essential services

Clause 6.11 of the PLEP 2014 requires satisfactory arrangements to be made for water supply, stormwater drainage, solid domestic waste, sewage, and the treatment and disposal of effluent. Along with the supply of electricity and suitable vehicle access. The subject site has direct has vehicular access and services are available in the adjoining road reserve. The establishment of new service connections is proposed as part of the subject application and is to be enforced by way of condition of consent.

79C(1)(a)(ii) any draft environmental planning instruments

There are no applicable draft planning instruments that are or have been placed on public exhibition, to consider as part of this assessment.

79C(1)(a)(iii) any development control plan

PALERANG DEVELOPMENT CONTROL PLAN (PDCP) 2015

Flood Planning

Section B9 of the PDCP 2015 establishes requirements for development on flood prone land including a requirement that any development application on flood prone land be accompanied by a Flood Report. The subject application was accompanied by a Flood Report prepared by Fraish Consulting identifying the proposed development as being compatible with the flood risk to the site and resulting in no significant impact upon the movement of flood waters in the locality as to impact upon surrounding development.

Waste Management

Section B15 of the PDCP 2015 establishes requirements in relation to waste management including a requirement that all development applications be accompanied by a Waste Management Plan outlining proposed measures for waste minimisation and management for the construction and ongoing operation of the development. The subject application was accompanied by a Waste Management Plan prepared by Fraish Consulting providing details of proposed waste management measurements that are considered to be acceptable for the purposes of the proposed development. A condition of consent is recommended requiring the ongoing implementation of the measures contained within the report and requiring a separate application be made for trade waste arrangements prior to the issue of a Construction Certificate.

79C(1)(a)(iia) any planning agreement or draft planning agreement

No planning agreement has been entered into under section 93F of the *Environmental Planning and Assessment Act 1979*.

79C(1)(a)(iv) matters prescribed by the regulations

Clause 92 of the *Environmental Planning and Assessment (EP&A) Regulation 2000* requires Council to take into consideration Australian Standard AS2601–1991: *The Demolition of Structures*, in the determination of a development application.

Having regard to this prescribed matters, the proposed development does not involve the demolition of a building for the purposes of AS 2601 – 1991: *The Demolition of Structures*.

79C(1)(a)(v) any coastal zone management plan

Council is not subject to a coastal zone management plan.

79C(1)(b) the likely impacts of the development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality

Noise

In recognition of the proposed development's close proximity to surrounding residences and in accordance with the requirements of the NSW Department of Planning and Environment's Child Care Planning Guideline the subject application was accompanied by an Acoustic Report prepared by SLR Consulting Pty Ltd identifying that with the implementation of attenuation measures the proposed development is capable of complying with the relevant emission criteria at surrounding sensitive receivers. As such, the proposed development is considered unlikely to result in any significant acoustic impacts upon surrounding residents. Conditions of consent are recommended requiring the implementation of the measures outlined throughout the construction process and ongoing operation of the centre including a process of operational auditing to be carried out by a qualified acoustic consultant.

Traffic

In recognition of the additional traffic volumes generated by the proposed development the subject application was accompanied by a Traffic Impact and Parking Assessment Report prepared by Sketch Consulting on Behalf of Fraish Consulting. This report identifies the proposed development as resulting in 122 additional vehicle movements in the AM peak. In considering the impact of such additional traffic movements upon the surrounding road network the report finds that an acceptable level of service will be retained and as such concludes that the proposed development will have minimal impact on the overall performance of the surrounding road network.

Flooding

The subject site is identified upon Council's Flood Prone Land Mapping as being entirely below the predicted maximum flood level, however throughout prior earthworks undertaken upon the site as a part of the subdivision of the site the entirety of Lot 1362 DP1154538 containing the proposed Child care centre was raised approximately 1.5m to be entirely above the predicted maximum flood level. Nonetheless, the entirety of the proposed carpark site is currently below the Flood Planning Level.

In recognition of the flood risk to the proposed development the applicant has submitted a Flood Assessment identifying that with the implementation of certain mitigation measures including the raising of the carpark by approximately 700mm above existing ground level the proposed development is compatible with the flood hazard on the site and that the proposed development

would not result in any significant adverse effects upon flood water behaviour within the locality as to increase flood risk to surrounding properties.

Streetscape

Existing development within the streetscape which includes single storey dwellings treated with face brick, painted render, and colorbond in a range of neutral colours. Fencing consists of predominantly 1.8m high colour bond fence though timber paling and masonry fencing elements are present in the broader streetscape. While the proposed structure being single storey and finished in timber look cladding, stained timber, render and metal cladding in a pallet of neutral colours suitably integrates with existing development within the streetscape the proposed western boundary fence presents a large blank span and the proposed oversized eastern eave encroaches approximately 1.3m in to the road reserve as a result of the sites curved boundary. To resolve these issues conditions of consent is recommended requiring the western boundary fence be treated in the same manner as the proposed northern boundary fence to provide improved connectivity to the adjoining recreation area and requiring that the eastern eave be reduced in width as to be located entirely within the bounds of the site.

79C(1)(c) the suitability of the site for the development

The subject site is relatively unconstrained and is considered to be suitable in its current state for the purposes of the proposed development.

79C(1)(d) any submissions made in accordance with this Act or the regulations

The proposal required notification under Part E of the Palerang Development Control Plan 2015. Nine (9) submissions were received including one (1) in support of the application. The relevant issues raised are as follows:

Issue: Flooding

Concern was raised that the proposed development is not compatible with the flood risk to the site and may result in adverse impacts upon surrounding residences.

Comment: While the subject site is entirely flood prone land, the applicant has submitted a Flood Assessment identifying that with the implementation of certain mitigation measures the proposed development is compatible with the flood hazard on the site and that the proposed development would not result in any significant adverse effects upon flood water behaviour within the locality as to increase flood risk to surrounding properties

Issue: Traffic

Concern was raised that the proposed development would result in traffic congestion upon the surrounding road network.

Comment: While the proposed development will result in additional traffic movements within the local road network, the proposed development was found to retain an acceptable level of service. As such the proposed development will have minimal impact on the overall performance of the surrounding road network.

Issue: Parking

Concern was raised that the proposed (40) spaces are insufficient for the purposes of the proposed development particularly during peak pick up/ drop off periods.

Comment: The proposed development providing 40 off street car parking spaces exceeds the minimum 38 spaces required for the development under the NSW RTA Guide to Traffic Generating Development. As such, the proposed development is considered to provide sufficient parking for the purposes of the proposed development. Further, the street frontages adjoining the site are signposted "no parking" and as such will not allow for additional congestion as a result of on street parking.

Issue: Streetscape

Concern was raised that the proposed structure was incompatible with the existing streetscape which consists predominantly of single storey dwellings and public open space.

Comment: The proposed development is comprised of a single storey structure featuring several skillion roof forms with a maximum building height of 5.46m. It is proposed that the structure be finished in timber look cladding, stained timber, render and metal cladding in a pallet of neutral colours. The proposed built form is considered to suitably integrate with existing development within the streetscape which includes single storey dwellings treated with face brick, painted render, and colorbond in a range of neutral colours.

Issue: Loss of views

Concern was raised over the loss of views from surrounding residences as a result of the proposed development.

Comment: The proposed development does not obstruct any significant view corridor or landmark and is of consistent height with surrounding development. As such, the proposed development is not considered to result in any significant loss of views.

Issue: Skate Park

Concern was raised over the compatibility of the proposed use of the site as a Child care centre with the adjoining skate park.

Comment: The proposed development involves no actions considered to be incompatible with the use of the adjoining site for recreational purposes. Further, the proposed development provides additional opportunities for passive surveillance of the adjoining skate park as to deter potential for antisocial behaviour.

79C(1)(e) the public interest

The public interest is served through the detailed assessment of this development application under the relevant local planning controls and legislation and consideration of any submissions received relating to it by Council. The proposed development is not considered to be contrary to the public interest.

SECTION 64 CONTRIBUTIONS

Section 64 of the Local Government Act 1993 allows contributions to be levied towards the provision of water, sewerage and stormwater infrastructure.

Section 64 Contributions are applicable to the proposed development:

- **\$82,215.00** towards water supply provision, pursuant to Section 64 of the Local Government Act 1993.
- **\$172,956.00** towards sewerage provision, pursuant to Section 64 of the Local Government Act 1993

SECTION 94 CONTRIBUTIONS

Section 94 of the Environmental Planning & Assessment Act 1979 permits councils to require as a condition of development consent, the reasonable dedication of land or the payment of monies, or both, for development that is likely to require the provision of, or increase the demand for public amenities and public services within the area.

Section 94 contributions are payable in the amount of **\$63,774.00** towards the provision of street upgrading in Bungendore, in accordance with Palerang Section 94 Plan No. 9.

CONCLUSION

The application has been assessed having regard to Section 79C of the Environmental Planning and Assessment Act 1979, and is considered to be satisfactory for approval, subject to the recommended conditions of consent.

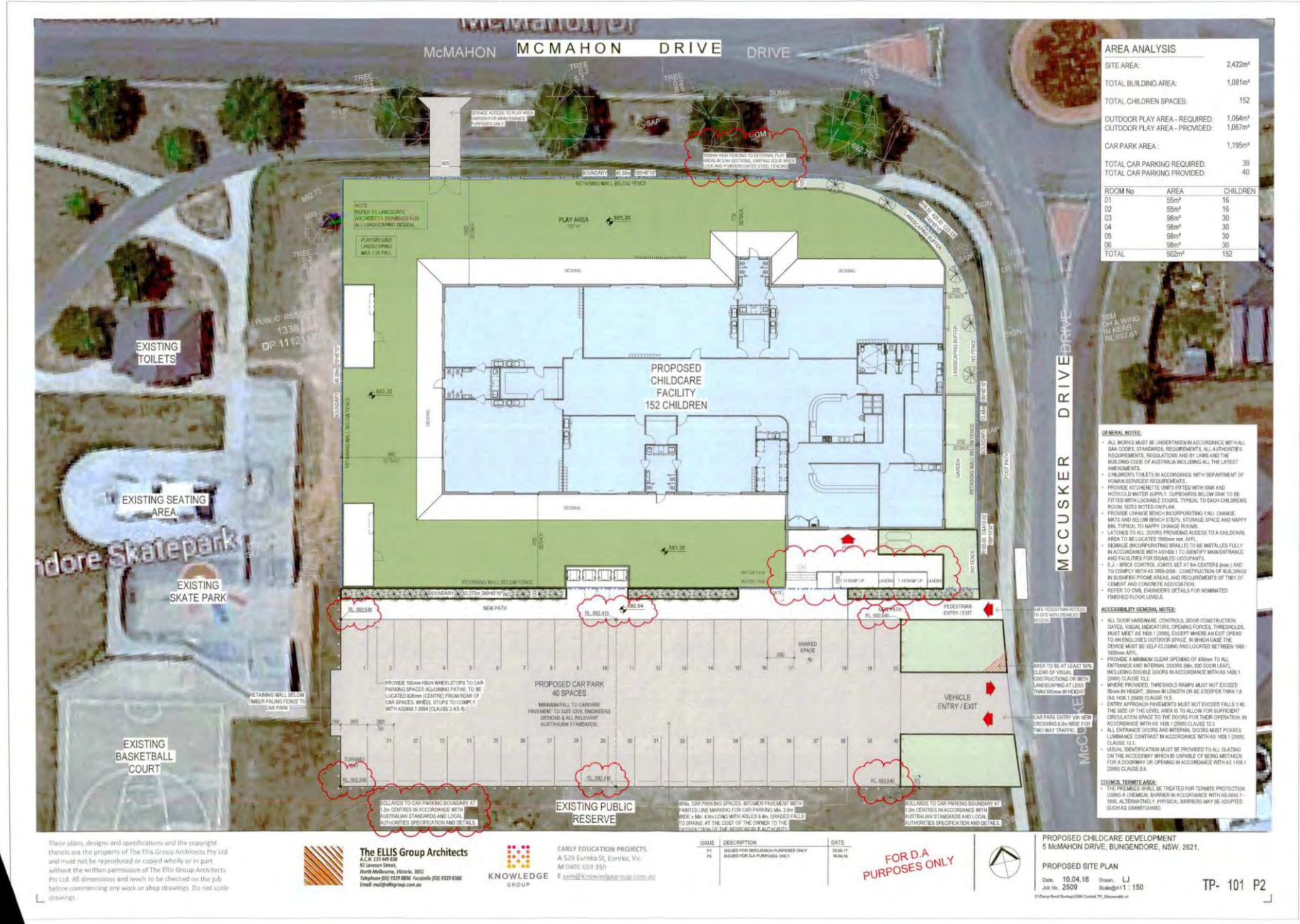
QUEANBEYAN-PALERANG REGIONAL COUNCIL

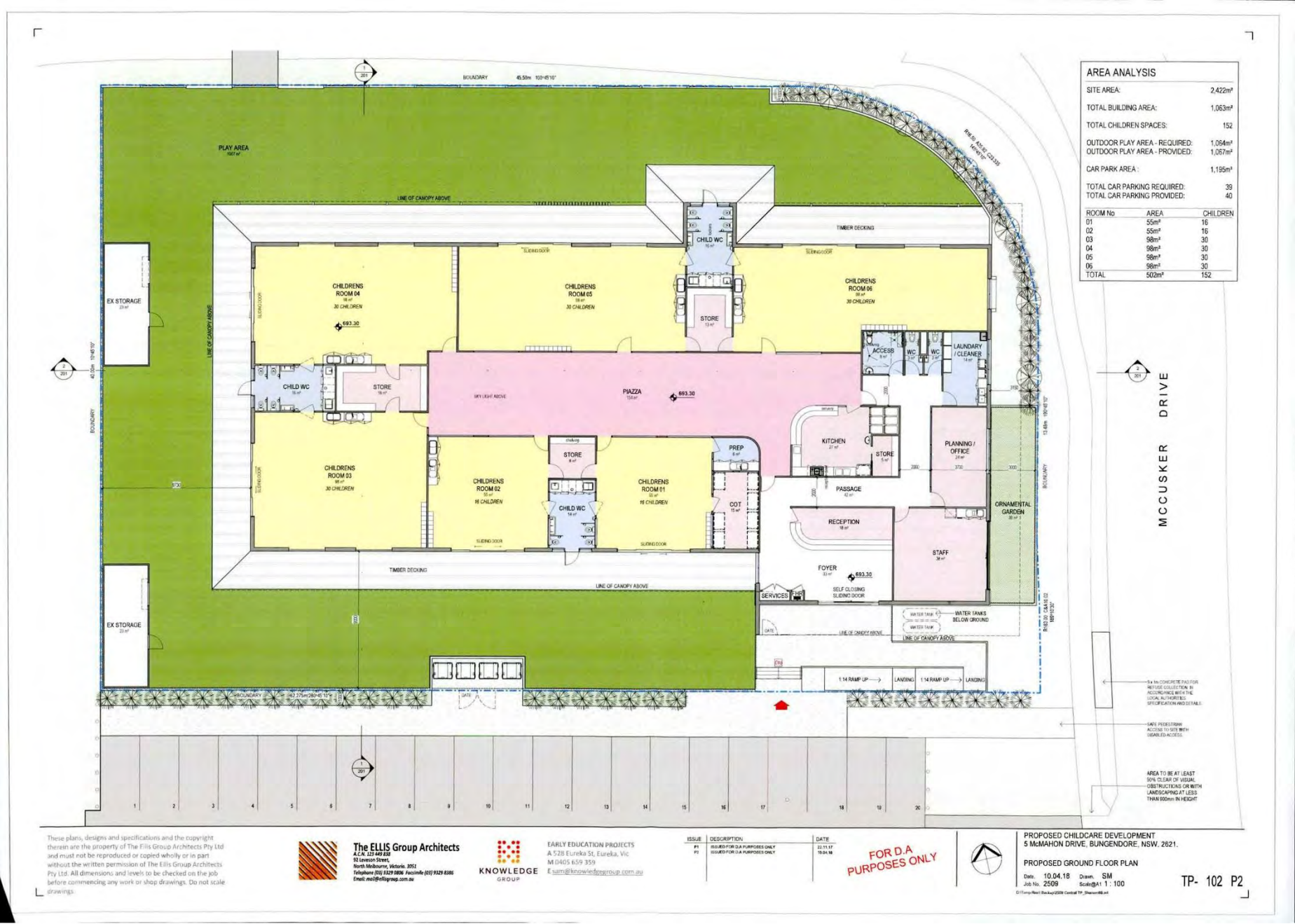
Council Meeting Attachment

23 MAY 2018

ITEM 12.1 DEVELOPMENT APPLICATION - DA.2017.286 - CHILD CARE
CENTRE - 5 MCMAHON DRIVE, BUNGENDORE

ATTACHMENT 2 PLANS - DA.2017.286 - CHILD CARE CENTRE - 5 MCMAHON
DRIVE, BUNGENDORE









EAST ELEVATION
1:100



WEST ELEVATION
1:100

FINISHES SCHEDULE	
1	TIMBER CLADDING - OULUX PAINT FINISH IRON STONE
2	RENDERED FINISH - OULUX PAINT FINISH - DUNE
3	POWDERCOATED MONUMENT
4	TIMBER FRAMED WINDOW & DOORS
5	POWDER COATED FASCIA - COLOUR COLORBOND MONUMENT
6	METAL SHEET ROOF - MONUMENT

FINISHES SCHEDULE	
7	FEATURE TIMBER CLADDING
8	FEATURE TIMBER CANOPY COLUMNS
9	CONCRETE WALL FINISH
10	VERTICAL FEATURE CLADDING - TIMBER FINISH OR SIMILAR
11	CLEAR GLAZING
12	BRICK LOOK FINISH TO BOUNDARY WALL

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19 Leveon Street,
North Melbourne, Victoria, 3051
Telephone (03) 9229 0806 Facsimile (03) 9229 8386
Email: mail@ellisgroup.com.au



EARLY EDUCATION PROJECTS
A 528 Eureka St, Eureka, Vic
M 0405 659 359
E: eureka@knowledgegroup.com.au

ISSUE	DESCRIPTION	DATE
P1	ISSUED FOR REVISIONS/AMENDMENTS ONLY	10.04.18
P2	ISSUED FOR D.A. PURPOSES ONLY	10.04.18

FOR D.A.
PURPOSES ONLY

PROPOSED CHILDCARE DEVELOPMENT
5 MCMAHON DRIVE, BUNGENORE, NSW, 2621.

PROPOSED ELEVATIONS

Date: 10.04.18 Drawn: SM
Job No: 2509 Scale: A1 1:100

TP- 302 P2

QUEANBEYAN-PALERANG REGIONAL COUNCIL

Council Meeting Attachment

23 MAY 2018

ITEM 12.1 DEVELOPMENT APPLICATION - DA.2017.286 - CHILD CARE
CENTRE - 5 MCMAHON DRIVE, BUNGENDORE

ATTACHMENT 3 SUBMISSIONS - DA.2017.286 - CHILD CARE CENTRE - 5
MCMAHON DRIVE, BUNGENDORE

From: [REDACTED]
Sent: 29 Jan 2018 13:49:14 +1100
To: Records
Subject: FW: Development Proposal - Local Development (DA 2017/286)

[REDACTED]
Sent: Monday, 29 January 2018 9:44 AM
To: Council Mailuser <Council.Mailuser@qprc.nsw.gov.au>
Subject: Development Proposal - Local Development (DA 2017/286)

For Attention:

M J Thompson - Portfolio GM

Dear Mr/Ms Thompson

I write regarding the DA for 5 McMahon Drive Bungendore. Childcare Centre. (DA 2017/286)

[REDACTED] who are local to this vicinity [REDACTED] wish to formally express our full support for this proposal. We believe it to be a most suitable site because of the amenity of the area and also it makes very good use of this rarely (if ever), used location. The plans show the proposed building to be one which will blend in well with the particular area.

Looking after the youngest of our community is very welcome and again we express our full support for the proposal.

Please acknowledge receipt of this email.

[REDACTED]

Document Set ID: 696171
[REDACTED] Version Date: 29/01/2018

From: [REDACTED]
Sent: 5 Feb 2018 12:01:38 +1100
To: Records
Subject: FW: Development Application DA.2017.286
Attachments: Bungendore Flood Map 2012.pdf

From: [REDACTED]
Sent: Sunday, 4 February 2018 4:27 PM
To: Council Mailuser <Council.Mailuser@qprc.nsw.gov.au>
Subject: Development Application DA.2017.286

To whom it may concern.

I wish to table my objection to Development Application DA.2017.286. The building of a Child Care Facility on Lot 1362 DP 154538 Bungendore NSW.

The facility should not be approved prior to the following points being a requirement of the Development Approval.

Lot 1362 DP 154538 indicated in DA.2017.286 is within the tabled Flood Map (see attachment) and a known flood area. The presence of a building and or land fill to level the site will displace flood waters elsewhere. Queanbeyan-Palerang Regional Council (QPRC) is aware of the flood water retention that occurs in this section of Turallo Creek. Flooding is a result of the Willow tree infestation in the creek and the bridge on Tarago Road.

The flood levy present along the South West side of Turallo Creek to prevent Bungendore CBD from being inundated forces trapped flood water to cover Lot 1362 DP 154538 and both the ponds located in the adjoining park on McMahon Drive. QPRC acknowledges the flood issue and the safety risks this places on its constituents by locking the flood gates on the McCusker Driver crossing of the Turallo Creek.

Floodwater has incurred to with metres of the road gutters of McMahon Driver twice (2) in the last 24 months alone. Flood water has been to an estimated height of 80 centimetres across Lot 1362 DP 154538 (gauged by the dirty water mark left on the Basket Ball court cement wall post the last flood). The removal of this flood plain will displace flood water further towards these homes. **Lot 1362 DP 154538 needs to be calculated for its displacement value and this information modelled against the current flood mapping by an independent consultant.**

QPRC needs to ensure displaced flood water is dealt with through the use of improved/upgraded infrastructure and that this is included as part of the DA.2017.286. **Details of this information and its effectiveness needs to be provided to the**

residents of McMahon and McCusker drives for consideration and disclosure to their insurance providers prior to DA.2017.286 being approved.

The Turallo River ford on McCusker Drive has been locked by QPRC numerous times during the last 2 years. On each occasion flood waters have covered Lot 1362 DP 154538. The road either side of Tarago Road bridge has also been inundated due to water not being able to escape the area between the two (2) roads. Lot 1362 DP 154538 is in this flood zone. With 152 students (number of placements tabled in the DA) coming and going twice daily what infrastructure upgrade is included in DA.2017.286 to allow residents to leave the suburb whilst parents of Child Care students gain access under normal weather conditions let alone when flooding is present. **This information needs to be provided to the residents of McMahon and McCusker drives for consideration and response prior to DA.2017.286 being approved.**

McMahon Drive is for the majority of its length demarcated as a no parking area. The area between McCusker Drive River Ford and the roundabout to McMahon Drive does not support parking. Despite this there is regular illegal parking by sports user groups along the length of McMahon Drive and well into the park. There is regular near misses and "road rage" incidents at present. The current DA does not support its own parking needs, that being the coming and going of up to 152 visitors twice (2) daily. The addition will only serve to bottleneck one of only two exit points for the entire Suburb Estate. What parking infrastructure is mandated under DA.2017.286 to assist QPRC to regulate illegal parking? **A review of parking capacity by an independent auditor needs to be provided to the residents of McMahon and McCusker drives for consideration and response prior to DA.2017.286 being approved.**

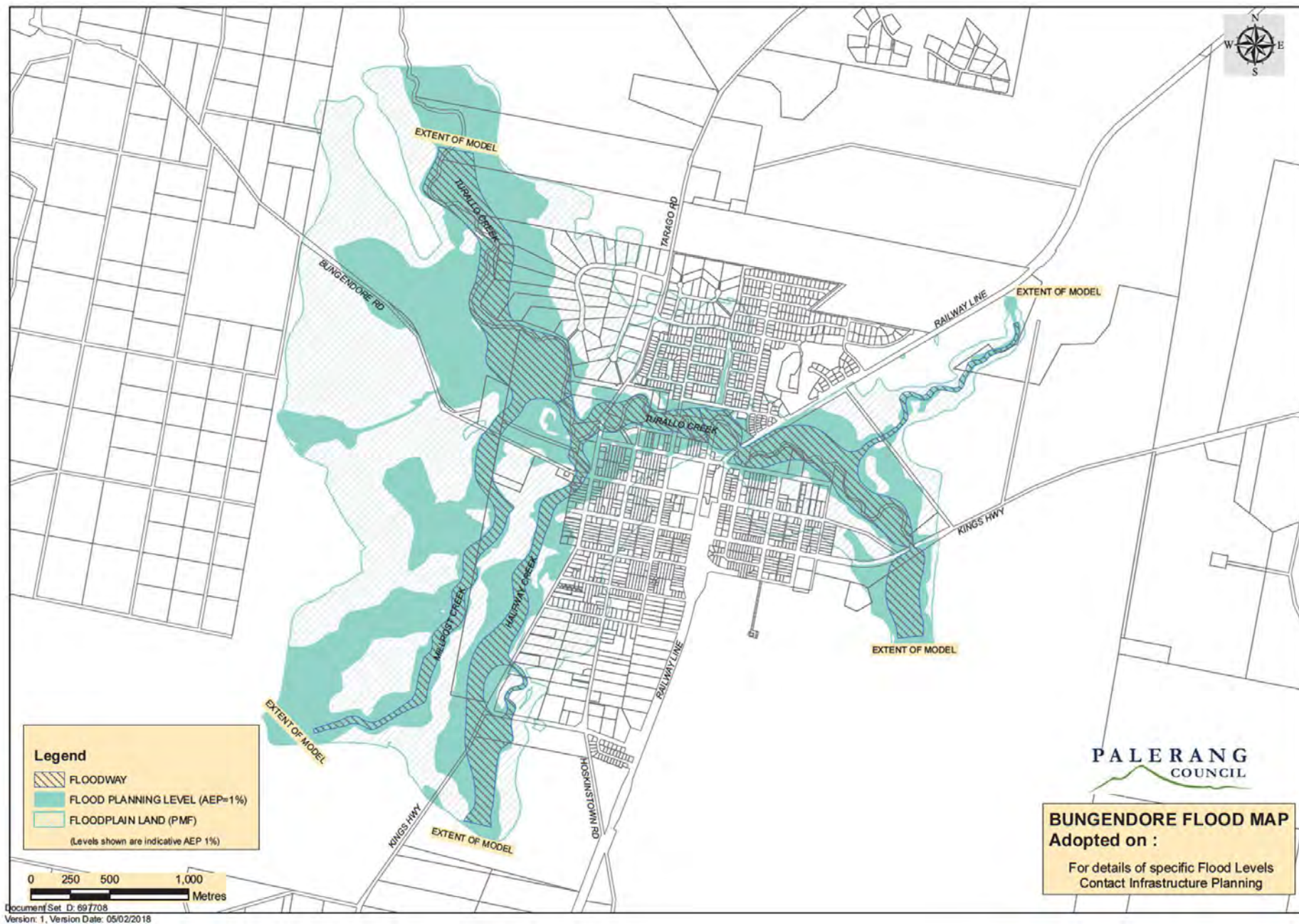
Independent acoustic testing needs to be conducted at other Child Care sites to gauge the effect on residents directly opposite the site given 152 children are being collected and dropped of twice (2) daily. **This information needs to be provided to the residents of McMahon and McCusker drives for consideration and response prior to DA.2017.286 being approved.**

A property evaluation report for each home abating Lot 1362 DP 154538 providing property reduction/inflation effects needs to be conducted by an independent evaluator understanding the effect of given 152 children are being collected and dropped of twice (2) daily. **This information needs to be provided to the residents of McMahon and McCusker drives for consideration and response prior to DA.2017.286 being approved.**

Separately I am seeking guidance from our local Member of Parliament, Insurance provider and at the residents meeting.

Kind Regards





From: [REDACTED]
Sent: 13 Feb 2018 09:38:48 +1100
To: Records
Subject: FW: Development Proposal154538.

From: [REDACTED]
Sent: Monday, 12 February 2018 4:30 PM
To: Council Mailuser <Council.Mailuser@qprc.nsw.gov.au>
Subject: Development Proposal154538.

Dear Sir,

I refer to Development Proposal of Lot 1362, 5 McMahon drive Bungendore under DA 2017.286.

The following are a few questions which I feel should be answered before any work goes ahead.

1. Was Lot 1362 Recently removed from the park area and re-zoned for this development to take place ? When we built at 10 McMahon Drive, We were assured by the then council that there was no development allowed on this area as it was zoned Park Land. Unfortunately we did not get this in writing and as such we had no recourse when the Skate Park was built within 6 months. In other words the Council Lied to us.
2. Does the land in question belong to a developer/operator for the purpose of building the child care centre or is it being leased by QPRC to the Centre?
3. Are there any Speed Restrictions to be enforced around the centre?.If restrictions are to be enforced, and they should, please install speed bumps.
4. Are pedestrian crossings to be installed on McMahon and McCusker drives? Do not install these ridiculous SAFETY REFUGES. Regardless of what the so called experts say, they do NOT slow traffic.

I would expect that the developer wear the cost of installing speed bumps and not QPRC

Personally [REDACTED] have no problem having a Child Care Centre being built in this Lot, but we do wish that answers to the above questions be given prior to approval for this development

Yours Sincerely

[REDACTED]

From: Council Mailuser
Sent: 19 Feb 2018 07:54:13 +1100
To: Records
Subject: FW: DA 2017.286
Attachments: Disclosure Details Statement.jpg

From: [REDACTED]
Sent: Saturday, 17 February 2018 5:27 PM
To: Council Mailuser <Council.Mailuser@qprc.nsw.gov.au>
Subject: DA 2017.286

Attention Luke Perkins

Dear Sir,

I object to DA 2017.286, Proposed Child Care Facility on lot 1362 DP 154538 for the following reasons.

1. Part of this development, in particular the car park area is in a flood prone area where I have seen flood water up to 1.0 meter deep on several occasions at the lower end of the skate park bowl.

Raising the level of the Car Park is not an option as the entrance at times will still be under water making the parking area inaccessible and in any case, when flooding occurs, the causeway road is blocked off to traffic as it should be and access to the entrance would be prevented.

In addition, if the care centre were to remain open during flooding parents dropping off children would be forced to park on McMahon and McCusker drives also Donaghoe PL. McMahon Drive in itself affords limited parking due to the installation of the ridiculous Safety Refuge which does nothing in slowing traffic and in my opinion, does nothing to increase safety. With the Care Centre operating at full capacity (152) children it should be evident that a dangerous situation would present itself at drop off and pick up times as this is when people are going to or returning from work. During flooding the only exit from Elmslea is from Ashby Cres. which is fed from McCusker and McMahon drives.

At "peak" hour the McMahon-McCusker intersection can get busy, and with cars coming from both directions trying to enter the Care Centre Plus other cars using that road going to and coming home, I think there will be a traffic flow problem as the road over the causeway simply isn't wide enough for safety.

2. During the past 8 years I have written to successive council members regarding flooding caused by willow trees restricting the Turallo creek flow. While answers were given and action assured, STILL nothing has been done to relieve the problem. Raising the level of the car park will only add to the flooding problem through water displacement.

3. Residences opposite the proposed development were purchased with the view that the land opposite was deemed parkland. I won't dwell on the misinformation previous councils provided as I have no written confirmation of any future development after 2008 when we purchased our land. I feel certain that property values of residences opposite and some adjacent residences will reduce significantly due to having a commercial enterprise built on Lot 1362. Has any thought been given to the noise 152 children can generate?

4 Being situated adjacent to the Skate Park, I'm sure that the regular foul Language arising from the park will help educate the youngsters.

Considering all the above factors and the actual size of the building, to position it on this land (Lot 1362) is just plain wrong.

If this development still goes ahead then speed bumps and pedestrian crossings must be installed at the developers expense.

Regards

A black rectangular redaction box covering the signature of the submitter.

SECTION C. DISCLOSURE STATEMENT DETAILS	
Has the person lodging this written submission made a political donation or gift to the value of \$1,000 or greater, to an elected member of Council or staff of Queanbeyan-Palerang Regional Council?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Submitor Name	Company (If applicable)
[Redacted]	
Address	
[Redacted]	
Locality	State Postcode
[Redacted]	NSW 2621
Phone	Email
[Redacted]	[Redacted]
Signature of Applicant	Date
[Redacted]	17 FEB 2018
Application number	
[Redacted]	
SECTION D. INTEREST IN THE APPLICATION	
Are you the applicant?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Are you a person making a submission in relation to an application?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Reportable political donations or gifts made by person making this declaration or by other relevant persons State below any reportable political donations or gifts you have made over the 'relevant period' (see glossary on page 2). If the donation or gift was made by an entity (and not by you as an individual) include Australian Business Number (ABN). If you are the applicant of a planning application state below any reportable political donations or gifts that you know, or ought reasonably to know, were made by any persons with a financial interest in the planning application, OR If you are a person making a submission in relation to an application, state below any reportable political donations or gifts that you know, or ought reasonably to know, were made by an associate. Please note: List all reportable political donations and gifts	
Has a donation or gift been made?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
If yes, please provide details	
[Redacted]	
[Redacted]	
Name of person/party for whose benefit the donation was made; or person to whom the gift was made.	
[Redacted]	
Date the gift or donation was made.	
[Redacted]	
What was the amount/value of the gift or donation?	
[Redacted]	

Political Donations and Gifts Disclosure Statement
C17114983

4



DA.2017.286
Application # _____
(Office use only)

Information for the applicant

- This form may be used to make a political donations and gifts disclosure under section 147(4) and (5) of the *Environmental Planning and Assessment Act 1979* for applications or public submissions to a Council.
- Warning: A person is guilty of an offence under section 125 of the *Environmental Planning and Assessment Act 1979* in connection with the obligations under section 147 only if the person fails to make a disclosure of a political donation or gift in accordance with section 147 that the person knows, or ought reasonably to know, was made and is required to be disclosed under section 147. The maximum penalty for any such offence is the maximum penalty under Part 6 of the *Election Funding and Disclosures Act 1981* for making a false statement in a declaration of disclosures lodged under that Part. Note: The maximum penalty is currently 200 penalty units (currently \$22,000) or imprisonment for 12 months, or both.
- Please read the following information before filling out the Disclosure Statement. Also refer to the 'Glossary of terms' provided overleaf (for definitions of terms in *italics* below).
- Once completed, please attach the completed declaration to your planning application or submission.

SECTION A. EXPLANATORY INFORMATION

Making a planning application to a Council

Under section 147(4) of the *Environmental Planning and Assessment Act 1979* ('the act') a person who makes a relevant planning application to a Council is required to disclose the following reportable political donations and gifts (if any) made by any person with a financial interest in the application within the period commencing 2 years before the application is made and ending when the application is determined:

- All reportable political donations made to any local councillor of that Council,
- All gifts made to any local councillor or employee of that Council.

Making a public submission to a council

Under section 147(5) of the *Act*, a person who makes a relevant public submission to a council in relation to a relevant planning application made to the council, is required to disclose the following reportable political donations and gifts (if any) made by the person making the submission or any associate of that person within the period commencing 2 years before the submission is made and ending when the application is determined:

- All reportable political donations made to any local councillor of that council,
- All gifts made to any local councillor or employee of that council.

A reference in sections 147(4) and 147(5) of the *Act* to a reportable political donation made to a 'local councillor' includes a reference to a donation made at the time the person was a candidate for election to the council.

How and when do you make a disclosure?

The disclosure of a reportable political donation or gift under section 147 of the *Act* is to be made:

- in, or in a statement accompanying, the relevant planning application or submission if the donation or gift is made before the application or submission is made, or
- If the donation or gift is made afterwards, in a statement of the person to whom the relevant planning application or submission was made within 7 days after the donation or gift is made.

What information needs to be in a disclosure?

The information requirements of the disclosure are outlined in the Act under section 147(9) for political donations and section 147(10) for gifts.

This document includes a Disclosure Statement Template which outlines the relevant information requirements for disclosures to a council.

Please note: A separate Disclosure Statement Template is available for disclosures to the Minister or the Director General of the Department of Planning.

SECTION B. GLOSSARY OF TERMS (under section 147 of the *Environment Planning and Assessment Act 1979*)

Gift means a gift within the meaning of Part 6 of the *Election Funding and Disclosures Act 1981*.
Note. A gift includes a gift of money or the provision of any other valuable thing or service for no consideration or inadequate consideration.

Note: Under section 84(1) of the *Election Funding and Disclosures Act 1981* gift is defined as follows:
gift means any disposition of property made by a person to another person, otherwise than by will, being a disposition made without consideration in money or money's worth or with inadequate consideration, and includes the provision of a service (other than volunteer labour) for no consideration or for inadequate consideration.

Local councillor means a councillor (including the mayor) of the council of a local government area.

Relevant planning application means:

- a) a formal request to the Minister, a council or the Director-General to initiate the making of an environmental planning instrument or development control plan in relation to development on a particular site, or
- b) a formal request to the Minister or the Director-General for development on a particular site to be made State significant development or declared a project to which Part 3A applies, or
- c) an application for approval of a concept plan or project under Part 3A (or for the modification of a concept plan or of the approval for a project), or
- d) an application for development consent under Part 4 (or for the modification of a development consent), or
- e) any other application or request under or for the purposes of this Act that is prescribed by the regulations as a relevant planning application, but does not include:
- f) an application for (or for the modification of) a complying development certificate, or
- g) an application or request made by a public authority on its own behalf or made on behalf of a public authority, or
- h) any other application or request that is excluded from this definition by the regulations.

Relevant period is the period commencing 2 years before the application or submission is made and ending when the application is determined.

Relevant public submission means a written submission made by a person objecting to or supporting a relevant planning application or any development that would be authorised by the granting of the application.

Reportable political donation means a reportable political donation within the meaning of Part 6 of the Election Funding and

Disclosures Act 1981 that is required to be disclosed under that Part. Note. Reportable political donations include those of or above \$1,000.

Note: Under section 86 of the *Election Funding and Disclosures Act 1981* reportable political donation is defined as follows:

86 Meaning of "reportable political donation"

1. For the purposes of this Act, a reportable political donation is:
 - a) in the case of disclosures under this Part by a party, elected member, group or candidate—a political donation of or exceeding \$1,000 made to or for the benefit of the party, elected member, group or candidate, or
 - b) in the case of disclosures under this Part by a major political donor—a political donation of or exceeding \$1,000:
 - (i) made by the major political donor to or for the benefit of a party, elected member, group or candidate, or
 - (ii) made to the major political donor.
2. A political donation of less than an amount specified in subsection (1) made by an entity or other person is to be treated as a reportable political donation if that and other separate political donations made by that entity or other person to the same party, elected member, group, candidate or person within the same financial year (ending 30 June) would, if aggregated, constitute a reportable political donation under subsection (1).
3. A political donation of less than an amount specified in subsection (1) made by an entity or other person to a party is to be treated as a reportable political donation if that and other separate political donations made by that entity or person to an associated party within the same financial year (ending 30 June) would, if aggregated, constitute a reportable political donation under subsection (1). This subsection does not apply in connection with disclosures of political donations by parties.
4. For the purposes of subsection (3), parties are associated parties if endorsed candidates of both parties were included in the same group in the last periodic Council election or are to be included in the same group in the next periodic Council election.

A person has a financial interest in a relevant planning application if:

- a) the person is the applicant or the person on whose behalf the application is made, or
- b) the person is an owner of the site to which the application relates or has entered into an agreement to acquire the site or any part of it, or
- c) the person is associated with a person referred to in paragraph (a) or (b) and is likely to obtain a financial gain if
- d) development that would be authorised by the application is authorised or carried out (other than a gain merely as a shareholder in a company listed on a stock exchange), or
- e) the person has any other interest relating to the application, the site or the owner of the site that is prescribed by the regulations

Persons are associated with each other if:

- a) they carry on a business together in connection with the relevant planning application (in the case of the making of any such application) or they carry on a business together that may be affected by the granting of the application (in the case of a relevant planning submission), or
- b) they are related bodies corporate under the *Corporations Act 2001* of the Commonwealth, or
- c) one is a director of a corporation and the other is any such related corporation or a director of any such related corporation, or they have any other relationship prescribed by the regulations.

SECTION C. DISCLOSURE STATEMENT DETAILS	
Has the person lodging this written submission made a political donation or gift to the value of \$1,000 or greater, to an elected member of Council or staff of Queanbeyan-Palerang Regional Council?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Submitter Name	Company (If applicable)
[REDACTED]	
Address	
[REDACTED]	
Locality	State
[REDACTED]	NSW
	Postcode
	2621
Phone	Email
[REDACTED]	
Signature of Applicant	Date
[REDACTED]	19/12/2018
Application number	DA 2017 286
SECTION D. INTEREST IN THE APPLICATION	
Are you the applicant?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Are you a person making a submission in relation to an application?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Reportable political donations or gifts made by person making this declaration or by other relevant persons State below any reportable political donations or gifts you have made over the 'relevant period' (see glossary on page 2). If the donation or gift was made by an entity (and not by you as an individual) include Australian Business Number (ABN). If you are the applicant of a planning application state below any reportable political donations or gifts that you know, or ought reasonably to know, were made by any persons with a financial interest in the planning application, OR If you are a person making a submission in relation to an application, state below any reportable political donations or gifts that you know, or ought reasonably to know, were made by an associate. Please note: List all reportable political donations and gifts	
Has a donation or gift been made?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
If yes, please provide details	
[REDACTED]	
[REDACTED]	
Name of person/party for whose benefit the donation was made; or person to whom the gift was made.	
[REDACTED]	
Date the gift or donation was made.	
[REDACTED]	
What was the amount/value of the gift or donation?	
[REDACTED]	

Political Donations and Gifts Disclosure Statement
C17114983

14



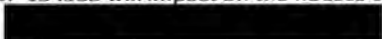
Development Application DA.2017.286 – Childcare Centre


To whom it may concern

I wish to object to Development Application DA.2017.286 which is the building of a Childcare Centre on Lot 1362 DP 154538 Bungendore NSW. The childcare centre should not be approved on the basis of the points below.

This parcel of land is subject to regular flooding. It is not unusual for McCusker Drive to be closed due to flooding following heavy and/or persistent rainfall. Floodwater covers the land adjacent to the skate park and comes very close to the gutters on McCusker Drive. This will prevent access to the proposed car park on McCusker Drive and will force visitors to the childcare centre to park adjacent to the childcare centre in either Donoghoe Place or McMahon Drive.

With only two access points the closure of McCusker Drive forces all vehicles entering and leaving Elmslea Estate to utilise Ashby Drive. This access can also occasionally be closed due to flooding on either side of Tarago Road bridge preventing all access to the area.

I am also concerned that any levelling of land on Lot 1362 DP 154538 will impact on the houses on Deniston Circuit Bungendore due to displaced floodwater. 

 am very concerned that my house may be subject to flooding if this proposal was to go ahead.

Building a childcare centre so close to an area that floods does not seem to be the safest option for small children. Even under normal weather conditions Lot 1362 DP 154538 Bungendore is situated in close proximity to the ponds and if a child was to wander off from the centre I am concerned that they may enter the ponds and drown.

With 152 children proposed for this centre acoustic testing needs to be carried out and local residents advised of the impact on their enjoyment of their property during the childcare centre operating hours.

Local residents on Deniston Circuit should also be advised of the impact on their property valuation given the effects of increased traffic and noise in the area.

Yours sincerely



18 February 2018

Queanbeyan-Palerang Regional Council
Received Records
20 FEB 2018

Application # LA.2017.286
(Office use only)

QPRC

Dist. to: Political Donations and Gifts Disclosure Statement

Information for the applicant

- This form may be used to make a political donations and gifts disclosure under section 147(4) and (5) of the *Environmental Planning and Assessment Act 1979* for applications or public submissions to a Council.
- Warning: A person is guilty of an offence under section 125 of the *Environmental Planning and Assessment Act 1979* in connection with the obligations under section 147 only if the person fails to make a disclosure of a political donation or gift in accordance with section 147 that the person knows, or ought reasonably to know, was made and is required to be disclosed under section 147. The maximum penalty for any such offence is the maximum penalty under Part 6 of the *Election Funding and Disclosures Act 1981* for making a false statement in a declaration of disclosures lodged under that Part. Note: The maximum penalty is currently 200 penalty units (currently \$22,000) or imprisonment for 12 months, or both.
- Please read the following information before filling out the Disclosure Statement. Also refer to the 'Glossary of terms' provided overleaf (for definitions of terms in *italics* below).
- Once completed, please attach the completed declaration to your planning application or submission.

SECTION A. EXPLANATORY INFORMATION

Making a planning application to a Council

Under section 147(4) of the *Environmental Planning and Assessment Act 1979* ('the act') a person who makes a relevant planning application to a Council is required to disclose the following reportable political donations and gifts (if any) made by any person with a financial interest in the application within the period commencing 2 years before the application is made and ending when the application is determined:

- All reportable political donations made to any local councillor of that Council,
- All gifts made to any local councillor or employee of that Council.

Making a public submission to a council

Under section 147(5) of the *Act*, a person who makes a relevant public submission to a council in relation to a relevant planning application made to the council, is required to disclose the following reportable political donations and gifts (if any) made by the person making the submission or any associate of that person within the period commencing 2 years before the submission is made and ending when the application is determined:

- All reportable political donations made to any local councillor of that council,
- All gifts made to any local councillor or employee of that council.

A reference in sections 147(4) and 147(5) of the *Act* to a reportable political donation made to a 'local councillor' includes a reference to a donation made at the time the person was a candidate for election to the council.

How and when do you make a disclosure?

The disclosure of a reportable political donation or gift under section 147 of the *Act* is to be made:

- in, or in a statement accompanying, the relevant planning application or submission if the donation or gift is made before the application or submission is made, or
- If the donation or gift is made afterwards, in a statement of the person to whom the relevant planning application or submission was made within 7 days after the donation or gift is made.

What information needs to be in a disclosure?

The information requirements of the disclosure are outlined in the Act under section 147(9) for political donations and section 147(10) for gifts.

This document includes a Disclosure Statement Template which outlines the relevant information requirements for disclosures to a council.

Please note: A separate Disclosure Statement Template is available for disclosures to the Minister or the Director General of the Department of Planning.

SECTION B. GLOSSARY OF TERMS (under section 147 of the *Environment Planning and Assessment Act 1979*)

Gift means a gift within the meaning of Part 6 of the *Election Funding and Disclosures Act 1981*. Note. A gift includes a gift of money or the provision of any other valuable thing or service for no consideration or inadequate consideration.

Note: Under section 84(1) of the *Election Funding and Disclosures Act 1981* gift is defined as follows: **gift** means any disposition of property made by a person to another person, otherwise than by will, being a disposition made without consideration in money or money's worth or with inadequate consideration, and includes the provision of a service (other than volunteer labour) for no consideration or for inadequate consideration.

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- a) a formal request to the Minister, a council or the Director-General to initiate the making of an environmental planning instrument or development control plan in relation to development on a particular site, or
- b) a formal request to the Minister or the Director-General for development on a particular site to be made State significant development or declared a project to which Part 3A applies, or
- c) an application for approval of a concept plan or project under Part 3A (or for the modification of a concept plan or of the approval for a project), or
- d) an application for development consent under Part 4 (or for the modification of a development consent), or
- e) any other application or request under or for the purposes of this Act that is prescribed by the regulations as a relevant planning application, but does not include:
- f) an application for (or for the modification of) a complying development certificate, or
- g) an application or request made by a public authority on its own behalf or made on behalf of a public authority, or
- h) any other application or request that is excluded from this definition by the regulations.

Relevant period is the period commencing 2 years before the application or submission is made and ending when the application is determined.

Relevant public submission means a written submission made by a person objecting to or supporting a relevant planning application or any development that would be authorised by the granting of the application.

Reportable political donation means a reportable political donation within the meaning of Part 6 of the Election Funding and

Disclosures Act 1981 that is required to be disclosed under that Part. Note. Reportable political donations include those of or above \$1,000.

Note: Under section 86 of the *Election Funding and Disclosures Act 1981* reportable political donation is defined as follows:

86 Meaning of "reportable political donation"

1. For the purposes of this Act, a reportable political donation is:
 - a) in the case of disclosures under this Part by a party, elected member, group or candidate—a political donation of or exceeding \$1,000 made to or for the benefit of the party, elected member, group or candidate, or
 - b) in the case of disclosures under this Part by a major political donor—a political donation of or exceeding \$1,000:
 - (i) made by the major political donor to or for the benefit of a party, elected member, group or candidate, or
 - (ii) made to the major political donor.
2. A political donation of less than an amount specified in subsection (1) made by an entity or other person is to be treated as a reportable political donation if that and other separate political donations made by that entity or other person to the same party, elected member, group, candidate or person within the same financial year (ending 30 June) would, if aggregated, constitute a reportable political donation under subsection (1).
3. A political donation of less than an amount specified in subsection (1) made by an entity or other person to a party is to be treated as a reportable political donation if that and other separate political donations made by that entity or person to an associated party within the same financial year (ending 30 June) would, if aggregated, constitute a reportable political donation under subsection (1). This subsection does not apply in connection with disclosures of political donations by parties.
4. For the purposes of subsection (3), parties are associated parties if endorsed candidates of both parties were included in the same group in the last periodic Council election or are to be included in the same group in the next periodic Council election.

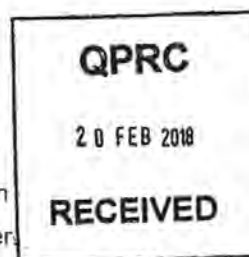
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- a) the person is the applicant or the person on whose behalf the application is made, or
- b) the person is an owner of the site to which the application relates or has entered into an agreement to acquire the site or any part of it, or
- c) the person is associated with a person referred to in paragraph (a) or (b) and is likely to obtain a financial gain if
- d) development that would be authorised by the application is authorised or carried out (other than a gain merely as a shareholder in a company listed on a stock exchange), or
- e) the person has any other interest relating to the application, the site or the owner of the site that is prescribed by the regulations

Persons are associated with each other if:

- a) they carry on a business together in connection with the relevant planning application (in the case of the making of any such application) or they carry on a business together that may be affected by the granting of the application (in the case of a relevant planning submission), or
- b) they are related bodies corporate under the *Corporations Act 2001* of the Commonwealth, or
- c) one is a director of a corporation and the other is any such related corporation or a director of any such related corporation, or they have any other relationship prescribed by the regulations.

SECTION C. DISCLOSURE STATEMENT DETAILS	
Has the person lodging this written submission made a political donation or gift to the value of \$1,000 or greater, to an elected member of Council or staff of Queanbeyan-Palerang Regional Council?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
<div style="background-color: black; width: 400px; height: 40px; margin-bottom: 5px;"></div> Company (If applicable) <div style="border: 1px solid black; height: 20px; width: 450px; margin-top: 5px;"></div>	
<div style="background-color: black; width: 850px; height: 40px; margin-bottom: 5px;"></div> <div style="display: flex; justify-content: space-between;"> <div style="width: 45%; border: 1px solid black; height: 20px; margin-top: 5px;"></div> <div style="width: 45%; border: 1px solid black; height: 20px; margin-top: 5px;"></div> </div>	
<div style="display: flex; justify-content: space-between;"> <div style="width: 30%; border: 1px solid black; height: 20px; margin-top: 5px;"></div> <div style="width: 30%; border: 1px solid black; height: 20px; margin-top: 5px;"></div> <div style="width: 30%; border: 1px solid black; height: 20px; margin-top: 5px;"></div> </div>	
Phone <div style="border: 1px solid black; height: 20px; width: 150px; margin-top: 5px;"></div>	Email <div style="border: 1px solid black; height: 20px; width: 250px; margin-top: 5px;"></div>
<div style="background-color: black; width: 300px; height: 40px; margin-bottom: 5px;"></div> <div style="display: flex; justify-content: space-between;"> <div style="width: 40%; border: 1px solid black; height: 20px; margin-top: 5px;"></div> <div style="width: 55%; border: 1px solid black; height: 20px; margin-top: 5px;"></div> </div>	
Date <div style="border: 1px solid black; height: 20px; width: 400px; margin-top: 5px;"></div>	
<div style="border: 1px solid black; height: 20px; width: 450px; margin-top: 5px;"></div>	
SECTION D. INTEREST IN THE APPLICATION	
Are you the applicant?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Are you a person making a submission in relation to an application?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Reportable political donations or gifts made by person making this declaration or by other relevant persons	
State below any reportable political donations or gifts you have made over the 'relevant period' (see glossary on page 2). If the donation or gift was made by an entity (and not by you as an individual) include Australian Business Number (ABN).	
If you are the applicant of a planning application state below any reportable political donations or gifts that you know, or ought reasonably to know, were made by any persons with a financial interest in the planning application, OR	
If you are a person making a submission in relation to an application, state below any reportable political donations or gifts that you know, or ought reasonably to know, were made by an associate.	
Please note: List all reportable political donations and gifts	
Has a donation or gift been made?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
If yes, please provide details <div style="border: 1px solid black; height: 20px; width: 950px; margin-top: 5px;"></div> <div style="border: 1px solid black; height: 20px; width: 950px; margin-top: 5px;"></div>	
Name of person/party for whose benefit the donation was made; or person to whom the gift was made. <div style="border: 1px solid black; height: 20px; width: 950px; margin-top: 5px;"></div>	
Date the gift or donation was made. <div style="border: 1px solid black; height: 20px; width: 950px; margin-top: 5px;"></div>	
What was the amount/value of the gift or donation? <div style="border: 1px solid black; height: 20px; width: 950px; margin-top: 5px;"></div>	



To the General Manager of Queanbeyan-Palerang Regional Council,

Please find as follow my tabled objections to the QPRC Development Application DA.2017.286 proposed for 5 McMahon Drive, Bungendore for a Childcare Center.

Flooding and displacement

The area noted for the new development as per DA.2017.268 is an identified flood area. Additional infrastructure required for the facility to mitigate any flooding concerns, would realistically include landfill or an increase in slab height, these elements will in likelihood increase flooding risk for the residents within proximity to the site.

Noise

As a nearby resident and shift worker I have considerable concerns about the additional noise generated during the delivery and collection times from traffic as well as the expected external play areas in particular with a capacity of 152 children. This concern makes the assumption that the outdoor area play area will be continually occupied during the span of hours of operation which I would expect could range from 6 am to 7 pm. This would also include the additional noise of garden maintenance and cleaning which in such a facility I would anticipate being undertaken on a regular basis and most likely over a weekend.

Carparking for staffing and during peak times

The development allocation appears to lack what could be expected as a reasonable number of parking spaces needed to accommodate both facility staff and the visitors present during delivery and collection periods. The lack of appropriate levels of parking raises significant concerns with regards to the use of street parking to accommodate any parking overflow. Given the placement of the round-about and the width of the streets this will seemingly create a substantial difficulty for residents in the surrounding streets, with a particularly increase at peak times.

Boundaries and orientation

With the current Development Application it is difficult to assess the boundaries and orientation of the site. Without this information it is impossible to judge the consistency with the original aims and street appeal standards of the Elmslea development section. I would request that further details be provided to residents on this matter at your earliest convenience.

Traffic congestion

In addition, I have concerns about the increase of traffic and traffic congestion during peak times pre- and post-work hours when children are being delivered and collected at the

childcare along McCusker drive during peak times with relevant as they align with peak times of traffic within the suburb more generally. This is a particularly of issue for residences of McCusker drive.

I thank you for your time and consideration of these matters.

Sincerely,

A black rectangular box redacting the signature of the sender.

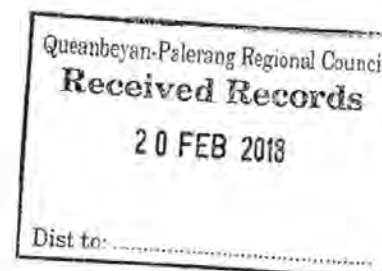
QPRC Attention – Luke Perkins
10 Majara Street
Bungendore NSW 2621

19 February 2018

Dear Sir/Madam

In relation to Development application - DA.2017.286

Address: 5 McMahon Drive, Bungendore NSW 2621
Land Description: Lot 1362 DP 154538
Applicant: Fraish Consulting
Consent Authority: Queanbeyan-Palerang Regional Council
Development proposal: Childcare Centre
Application number: DA.2017.286
Notification period: 22 January – 20 February 2018



I strongly object to the development of a Childcare Centre.

The reasons for this objection is: that the proposed development represents an overdevelopment of the site due to the scale of the child care service and the detrimental impacts this would result in for the neighbouring properties and wider community.

Whilst a childcare centre can be seen as a beneficial service for the community the size and scale of the centre would serve a broad area resulting in a huge increase in traffic impacts.

There are no employment uses nearby and therefore the traffic peaks would significantly compete with the commuter traffic peaks.

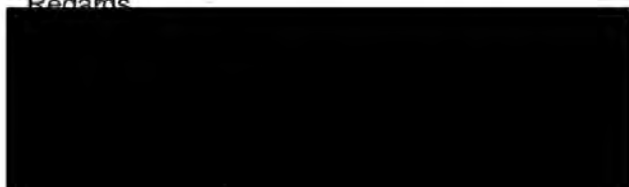
A commercial centre of this size is not appropriate in a residential area, where local roads are designed for residential traffic. The noise impacts of over 150 children on the amenity of the nearby residents would be significant.

A reduction in the capacity of the centre to no more than 60 children would have far less of an impact.

Tailored traffic management would need to be introduced to the entrance of the car park to be reduce the impact on through traffic on the road.

I welcome the opportunity to discuss my concerns with you and would like to be notified of any meetings held by QPRC where this development application will be discussed.

Regards



QPRC



Political Donations and Gifts Disclosure Statement

QPRC

20 FEB 2018

RECEIVED

Application # DA.2017.286
(Office use only)

Information for the applicant

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Political Donations and Gifts Disclosure Statement
C17114983

1

What information needs to be in a disclosure?

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 - b) in the case of disclosures under this Part by a major political donor—a political donation of or exceeding \$1,000:
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A person has a financial interest in a relevant planning application if:

- a) the person is the applicant or the person on whose behalf the application is made, or
- b) the person is an owner of the site to which the application relates or has entered into an agreement to acquire the site or any part of it, or
- c) the person is associated with a person referred to in paragraph (a) or (b) and is likely to obtain a financial gain if
- d) development that would be authorised by the application is authorised or carried out (other than a gain merely as a shareholder in a company listed on a stock exchange), or
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SECTION C. DISCLOSURE STATEMENT DETAILS	
Has the person lodging this written submission made a political donation or gift to the value of \$1,000 or greater, to an elected member of Council or staff of Queanbeyan-Palerang Regional Council?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Submitter Name [REDACTED]	Company (If applicable) [REDACTED]
Address [REDACTED]	
Locality [REDACTED]	State NSW
	Postcode 2621
Phone [REDACTED]	Email [REDACTED]
Signature of Applicant [REDACTED]	Date 19/2/2018
Application number	DA-2017-286
SECTION D. INTEREST IN THE APPLICATION	
Are you the applicant?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Are you a person making a submission in relation to an application?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Reportable political donations or gifts made by person making this declaration or by other relevant persons State below any reportable political donations or gifts you have made over the 'relevant period' (see glossary on page 2). If the donation or gift was made by an entity (and not by you as an individual) include Australian Business Number (ABN). If you are the applicant of a planning application state below any reportable political donations or gifts that you know, or ought reasonably to know, were made by any persons with a financial interest in the planning application, OR If you are a person making a submission in relation to an application, state below any reportable political donations or gifts that you know, or ought reasonably to know, were made by an associate. Please note: List all reportable political donations and gifts	
Has a donation or gift been made?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
If yes, please provide details N/A	
Name of person/party for whose benefit the donation was made; or person to whom the gift was made. N/A	
Date the gift or donation was made. N/A	
What was the amount/value of the gift or donation? N/A	

Political Donations and Gifts Disclosure Statement
C17114983

4



Application # DA 2017. 286
(Office use only)

Political Donations and Gifts Disclosure Statement

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- c) an application for approval of a concept plan or project under Part 3A (or for the modification of a concept plan or of the approval for a project), or
- d) an application for development consent under Part 4 (or for the modification of a development consent), or
- e) any other application or request under or for the purposes of this Act that is prescribed by the regulations as a relevant planning application, but does not include:
- f) an application for (or for the modification of) a complying development certificate, or
- g) an application or request made by a public authority on its own behalf or made on behalf of a public authority, or
- h) any other application or request that is excluded from this definition by the regulations.

Relevant period is the period commencing 2 years before the application or submission is made and ending when the application is determined.

Relevant public submission means a written submission made by a person objecting to or supporting a relevant planning application or any development that would be authorised by the granting of the application.

Reportable political donation means a reportable political donation within the meaning of Part 6 of the Election Funding and

Disclosures Act 1981 that is required to be disclosed under that Part. Note. Reportable political donations include those of or above \$1,000.

Note: Under section 86 of the *Election Funding and Disclosures Act 1981* reportable political donation is defined as follows:

86 Meaning of "reportable political donation"

1. For the purposes of this Act, a reportable political donation is:
 - a) in the case of disclosures under this Part by a party, elected member, group or candidate—a political donation of or exceeding \$1,000 made to or for the benefit of the party, elected member, group or candidate, or
 - b) in the case of disclosures under this Part by a major political donor—a political donation of or exceeding \$1,000:
 - (i) made by the major political donor to or for the benefit of a party, elected member, group or candidate, or
 - (ii) made to the major political donor.
2. A political donation of less than an amount specified in subsection (1) made by an entity or other person is to be treated as a reportable political donation if that and other separate political donations made by that entity or other person to the same party, elected member, group, candidate or person within the same financial year (ending 30 June) would, if aggregated, constitute a reportable political donation under subsection (1).
3. A political donation of less than an amount specified in subsection (1) made by an entity or other person to a party is to be treated as a reportable political donation if that and other separate political donations made by that entity or person to an associated party within the same financial year (ending 30 June) would, if aggregated, constitute a reportable political donation under subsection (1). This subsection does not apply in connection with disclosures of political donations by parties.
4. For the purposes of subsection (3), parties are associated parties if endorsed candidates of both parties were included in the same group in the last periodic Council election or are to be included in the same group in the next periodic Council election.

A person has a financial interest in a relevant planning application if:

- a) the person is the applicant or the person on whose behalf the application is made, or
- b) the person is an owner of the site to which the application relates or has entered into an agreement to acquire the site or any part of it, or
- c) the person is associated with a person referred to in paragraph (a) or (b) and is likely to obtain a financial gain if
- d) development that would be authorised by the application is authorised or carried out (other than a gain merely as a shareholder in a company listed on a stock exchange), or
- e) the person has any other interest relating to the application, the site or the owner of the site that is prescribed by the regulations

Persons are associated with each other if:

- a) they carry on a business together in connection with the relevant planning application (in the case of the making of any such application) or they carry on a business together that may be affected by the granting of the application (in the case of a relevant planning submission), or
- b) they are related bodies corporate under the *Corporations Act 2001* of the Commonwealth, or
- c) one is a director of a corporation and the other is any such related corporation or a director of any such related corporation, or they have any other relationship prescribed by the regulations.

SECTION C. DISCLOSURE STATEMENT DETAILS	
Has the person lodging this written submission made a political donation or gift to the value of \$1,000 or greater, to an elected member of Council or staff of Queanbeyan-Palerang Regional Council?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Submitter Name	Company (If applicable)
[REDACTED]	N/A
Address	
[REDACTED]	
Locality	State
[REDACTED]	N SW
Postcode	
2621	
Phone	Email
[REDACTED]	
Signature of Applicant	Date
[REDACTED]	20 February 2018
Application number	
SECTION D. INTEREST IN THE APPLICATION	
Are you the applicant?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Are you a person making a submission in relation to an application?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Reportable political donations or gifts made by person making this declaration or by other relevant persons State below any reportable political donations or gifts you have made over the 'relevant period' (see glossary on page 2). If the donation or gift was made by an entity (and not by you as an individual) include Australian Business Number (ABN). If you are the applicant of a planning application state below any reportable political donations or gifts that you know, or ought reasonably to know, were made by any persons with a financial interest in the planning application, OR If you are a person making a submission in relation to an application, state below any reportable political donations or gifts that you know, or ought reasonably to know, were made by an associate. Please note: List all reportable political donations and gifts	
Has a donation or gift been made?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
If yes, please provide details	
[REDACTED]	
[REDACTED]	
Name of person/party for whose benefit the donation was made; or person to whom the gift was made.	
N/A	
Date the gift or donation was made.	
N/A	
What was the amount/value of the gift or donation?	
N/A	

Political Donations and Gifts Disclosure Statement
C17114983

14

20th February 2018.

QPRC
The General Manager
PO Box 348
Bungendore NSW 2621

DA 2017.286

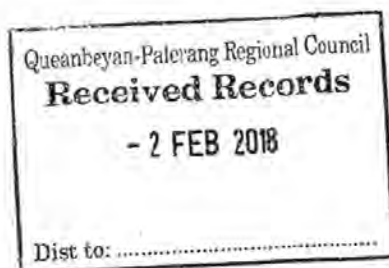
Dear Sir,

I wish to make formal objection to the
proposed Child Care Centre @ 5 McMahon Drive,
Lot 1362, DP154538

1. Not appropriate location - this is a quiet residential area.
2. Traffic - too many vehicles concentrated in one small area all at the same time of day.
3. Noise - already the excessive noise from the Sports field opposite the Council Chambers, as well as the Swimming pool are a nuisance + a disturbance. The proposed Scouts Hall will add to that noise.
4. Safety for children - Snakes. I say no more. Bungendore is the "Tiger Snake Capital of the World".
5. Heavy rainfall - when we get rain. A flood-prone area.
6. Applicants can do better, for the reasons listed above.

Council has approved a Retirement Village in Foster St.
Put the Child Care Centre there, so that oldies and
little children can mutually benefit each other's
place in our community.

Thank you.
Regards,



31st January 2018

QPRC Council Ref: DA 2017.286

Attention: Mr Luke Perkins

Dear Sir,

I am writing in reference to the above-mentioned document, relating to the proposed development of a Child Care Centre at 5 McMahon Drive, Bungendore NSW 2621.

I don't have any objection to the proposed development, but I would like to offer my thoughts and suggestions to you for consideration, before approving this development.

I am aware that the council has approved a development of an Aged Care Facility in Foster Street, some several blocks south of this proposed development.

Having noted in many recent media articles and television programmes about aged care facilities, it would seem to me, to make a lot more sense, to place the Child Care facility much closer to the Aged Care facility.

The reasons for this are many, including the co-dependency of old and young residents.

Where old and young people co-exist, or share a leisure space, the benefits can be positive on both sides. With extended families no longer the norm in our "westernised" society, many children miss out on the company of grandparents and extended family members. And vice versa – old people crave company and friendships of young children, especially, which I believe can be enhanced by having little children near them.

Recently I attended the local medical centre, and while waiting for my appointment I was very interested to watch the following: a very young boy, possibly about two years old was playing with his father while waiting their turn. And elderly woman came over and sat next to the little boy, held out her wrinkled hand, greeted him with a cheerful 'hello' and asked, gently, what the child's name was. I was close to tears watching this scene as I imagined the old lady was lonely and simply wanted some company for five minutes. Increase this scene fifty-fold and you have the perfect solution!

There are now many programmes showing pets and their healing qualities with sick or infirm patients. Your council has the perfect opportunity to take this initiative and do something positive for this community. I can only see benefits for all.

I hope you consider this beneficial and progressive idea.

Regards,





ADOP
COPY

QPRC

Council Ref: DA.2017.286
Enquiries: Luke Perkins

22 January 2018



Dear Sir/Madam

DEVELOPMENT PROPOSAL – LOCAL DEVELOPMENT

Environmental Planning and Assessment Act 1979

Address: 5 McMahon Drive BUNGENDORE NSW 2621
Land Description: Lot 1362 DP 154538
Applicant: Fraish Consulting
Consent Authority: Queanbeyan-Palerang Regional Council
Development proposal: Childcare Centre
Application number: DA.2017.286
Notification period: 22 January – 20 February 2018

Council has received an application for a development proposal on land in the vicinity of your property (**see attached locality plan**). An abridged copy of the plans of the proposed development is enclosed.

Inspection

The development application and the documents accompanying the application may be inspected at Queanbeyan-Palerang Regional Council's Bungendore/Braidwood office during the notification, during ordinary office hours

Submissions

Any person may make a written submission in relation to the development application to Queanbeyan-Palerang Regional Council during the notification period. If a submission is an objection to the proposal, the grounds of the objection must be stated. Please note that all submissions are publicly available, may be included in Council reports, published on Council's website or discussed at meetings. Council will not suppress the identity of submitters. All submissions must include a 'Political Donations and Gifts Disclosure Statement' as required under s. 147(5) of the *Environmental Planning and Assessment Act, 1979*. Please contact Council to request a copy of the disclosure statement, collect in person at Queanbeyan-Palerang Regional Council offices or download off Council's website.

For inquiries phone Council's Customer Service on 1300 735 025 or (02) 6238 8111, and quote the development application number. Note that technical staff are not available after 12 noon.

OFFICES
144 Wattle St Braidwood
10 Majura St Bungendore
174 Crutcher St Queanbeyan

POSTAL
PO Box 343 Bungendore NSW 2621
PO Box 90 Queanbeyan NSW 2620

PHONE/FAX
Bungendore/Braidwood
P 02 6238 8111
Queanbeyan

EMAIL/WEB
W: www.qprc.nsw.gov.au
E: council@qprc.nsw.gov.au

Document Set ID: 697396
Version: 0, Version Date: 02/02/2018

QUEANBEYAN-PALERANG REGIONAL COUNCIL

Council Meeting Attachment

23 MAY 2018

ITEM 12.1 DEVELOPMENT APPLICATION - DA.2017.286 - CHILD CARE
CENTRE - 5 MCMAHON DRIVE, BUNGENDORE

ATTACHMENT 4 DRAFT CONDITIONS - DA.2017.286 - CHILD CARE CENTRE - 5
MCMAHON DRIVE, BUNGENDORE

APPROVED DEVELOPMENT AND PLANS

1. The development referred to in the application is to be carried out in accordance with the approved plans and documents including the following:

Title / Description	Prepared by	Issue/Revision & Date	Date received by Council
Site Plan	The Ellis Group Architects	P2/ 10 April 2018	10 April 2018
Ground Floor Plan	The Ellis Group Architects	P2/ 10 April 2018	10 April 2018
Roof Plan	The Ellis Group Architects	P1/ 22 November 2017	6 December 2017
Sections	The Ellis Group Architects	P2/ 10 April 2018	10 April 2018
Elevations (North & South)	The Ellis Group Architects	P2/ 10 April 2018	10 April 2018
Elevations (East & West)	The Ellis Group Architects	P2/ 10 April 2018	10 April 2018
Fence Details	The Ellis Group Architects	P2/ 10 April 2018	10 April 2018
Play Area & Landscape Design Concept Plan	Bricolage Landscape Design	Issue B/ 21 November 2017	6 December 2017
Site Plan (Services)	Fraish Consulting	Rev B/ 10 April 2018	10 April 2018
Sediment & Erosion Control Notes	Fraish Consulting	Rev A/ 29 November 2017	6 December 2017
Sediment & Erosion Control Plan	Fraish Consulting	Rev B/ 10 April 2018	10 April 2018
Sediment & Erosion Control Details	Fraish Consulting	Rev A/ 29 November 2017	6 December 2017
Line Marking and Signs	Fraish Consulting	Rev B/ 10 April 2018	10 April 2018
Flood Hazard Management Plan	Fraish Consulting	10 April 2018	10 April 2018
Waste Management Plan	Fraish Consulting	Rev A/ 10 April 2018	10 April 2018
Emergency Management Policy	Emergency Plan Consulting	6 April 2018	10 April 2018
Soil Assessment	Arcadis Australia Pacific Pty Ltd	16 November 2017	6 December 2017
Statement of Environmental Effects	Fraish Consulting	26 October 2017	6 December 2017
Noise Assessment	SLR Consulting Australia Pty Ltd	5 December 2017	6 December 2017

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.

SPECIAL CONDITIONS

2. Maximum Child Numbers

This approval is given for the use of the land for the purposes of a Child Care Centre with a maximum number of **144** children. A separate approval and/or license will be required from the Department of Family and Community Services for the operation of a child care centre from the subject premises.

Reason: To ensure compliance with the outdoor unencumbered space requirements of the Education and Care services National Regulations

3. Eastern Building Eave

The eastern eave/ architectural roof feature of the childcare centre is to be amended as to remove any encroachment into the adjoining road reserve. Amended plans including such arrangements are to be submitted to and approved by the Principal Certifying Authority prior to the issue of any construction certificate.

Reason: To ensure that the proposed development is contained within the boundaries of the site.

4. Pedestrian Access

A pedestrian ramp and footpath is to be provided from the western end of the New Path shown upon Site Plan. Dwg No. TP-101, P2, prepared by the Ellis Group Architects, dated 10 April 2018, to the existing amenities building. Amended plans including such arrangements are to be submitted to and approved by the Principal Certifying Authority prior to the issue of any Construction Certificate

Reason: To ensure for appropriate connectivity of the car park with the adjoining public facilities.

5. Western Boundary Fencing

The western boundary fence of the outdoor play area is to be of the same style as the proposed northern boundary. Amended plans including such arrangements are to be submitted to and approved by the Principal Certifying Authority prior to the issue of any Construction Certificate

Reason: To provide improved visual connectivity to the adjoining public open space and remove significant spans of solid blank fencing.

6. Car Park Fencing

Fencing provided atop the retaining wall at the western end of the car parking area is to be tubular steel barrier style fencing. Amended plans including such arrangements are to be submitted to and approved by the Principal Certifying Authority prior to the issue of any construction certificate.

Reason: To ensure proposed fencing is fit for purpose.

7. Car Park Landscaping

The car park design shall be amended to include deciduous canopy tree plantings with a mature height of no less than 8m on each side of the aisle at 10m centres. Amended plans including such arrangements are to be submitted to and approved by the Principal Certifying Authority prior to the issue of any Construction Certificate.

Reason: To ensure compliance with the requirements of the NSW Department of Planning and Environment's Child Care Planning Guidelines.

8. Noise - compliance with noise assessment report

All recommendations contained in the approved Noise Assessment Report are to be adopted, implemented, and adhered to.

The Principal Certifying Authority (PCA) shall obtain a statement from an appropriately qualified acoustic consultant, certifying that the acoustic mitigation measures outlined in the above stated report have been suitably incorporated into the development and that relevant noise criteria have been satisfied prior to the issue of any Occupation Certificate.

Any changes made to the proposal that would alter the acoustic assessment will require a further acoustic assessment and a copy of this further report shall be provided to Council for approval prior to the commencement of works and any recommendations adopted, implemented, and adhered to.

Reason: Noise control and amenity.

9. Noise - noise assessment compliance

An appropriately qualified acoustic consultant who possesses the qualifications to render them eligible for membership of the Australian Acoustic Society, Institution of Engineers Australia or the Australian Association of Acoustic Consultants must be appointed before the operation of the site commences and details of that appointment submitted to Council.

During the first 90 days of operation of the premises, acoustic monitoring must be undertaken in accordance following:

- i) The acoustic consultant must:
 - measure and verify that the noise emanating from the premises complies with the noise criteria in the approved Noise Assessment Report; and
 - if necessary, make recommendations to ensure that the noise emanating from the premises complies with the noise criteria in 'Noise Assessment Report.
- ii) The noise measurements must be:
 - undertaken without the knowledge of the applicant, manager or operator of the premises;
 - taken on at least three different occasions on three different days of the week; and
 - submitted to Council's within 7 days of the testing.
- iii) If the acoustic consultant recommends that additional treatment or works be undertaken under condition (i) above, those recommendations must be:
 - submitted to Council with the noise measurements as required in (ii) above; and
 - implemented to the acoustic consultant's and the Council's satisfaction within one (1) month from the date of acoustical consultant's report .
- iv) If the acoustic consultant's recommendations are not implemented in accordance with this condition, the premises must not operate until such time as the recommendations are implemented and verified

Reason: To validate effectiveness of all Noise attenuation measures.

GENERAL CONDITIONS

10. Obtain Construction Certificate

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.

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

11. Obtain Occupation Certificate

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.

Reason: Ensure that the building complies with relevant standards.

12. BCA

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.

13. Copy to Owner

A copy of this consent is to be provided to the owner of the land.

Reason: To ensure the owner is aware of the requirements imposed under the consent.

14. Construction Within Boundaries

The development including but not limited to footings, walls, roof barges and guttering must be constructed wholly within the boundary of the premises. No portion of the proposed structure shall encroach onto the adjoining properties. Gates must be installed so they do not open onto any footpath or adjoining land.

Reason: Approved works are to be contained wholly within the subject site.

15. Retaining Walls

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.

16. Batters

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.

17. Lighting

Any lighting of the premises shall be installed and maintained in accordance with Australian Standard AS 4282-1997: Control of the Obtrusive Effects of Outdoor Lighting so as to avoid annoyance to the occupants of adjoining premises or glare to motorists on nearby roads. Treatment methods may include hooded luminaires or other treatments in accordance with the Standard.

No flashing, moving or intermittent lighting, visible from any public place may be installed on the premises or external signage associated with the development, without the prior approval of Council.

Reason: To protect the amenity of surrounding development and protect public safety.

CONDITIONS TO BE SATISFIED PRIOR TO ISSUE OF A CONSTRUCTION CERTIFICATE

18. Footing and Slab Details

Prior to issue of any construction certificate (if construction certificate application is made to Queanbeyan-Palerang Regional Council) provide details of the site classification, and all footings and slab designs, certified by a practising structural engineer.

Reason: Compliance with the current version of the Building Code of Australia.

18A. Review of Carparking Design

Prior to the issue of a construction certificate (Building) the applicant shall submit revised details of the proposed carpark addressing the following issues:

1. Maximising the width of the entrance driveway to allow additional turning room.
2. Pedestrian treatment of footway over entrance driveway to improve pedestrian safety.
3. Installation of two speed humps.

Reason: To improve impacts on traffic and pedestrian flows in and around the carpark.

19. Trade Waste

Prior to the issue of the construction certificate a Trade Waste Application to install a waste treatment device or devices must be submitted to, and approved by, Council. The waste treatment devices proposed must be able to cater for discharges from the following sources:

- (a) Kitchen
- (b) Laundry

The application must include the following details;

- (a) Details and location of all processes, tanks, pits and apparatus associated with the generation of trade waste and,
- (b) Specifications of the treatment system including capacity/dimensions, material of construction and lining of the proposed pre-treatment facilities and,
- (c) Details of pipes and floor drainage conveying the waste and,
- (d) A detailed sewage drainage plan.

Note: For further information regarding Trade Waste treatment and discharge please contact Council's Trade Waste Officer on (02) 6285 6000.

Reason: To ensure compliance with Section 68 of the Local Government Act 1993, Council's Policy for Discharge of Liquid Trade Waste into Council's Sewer 2004/05 and to protect Council's Sewerage System.

20. Truss Details

Prior to the issue of any construction certificate (if construction certificate application is made to Queanbeyan-Palerang Regional Council) provide details of trusses, certified by a practising structural engineer. Trusses are to be designed and constructed to the minimum Wind Design Category for the area.

Reason: Compliance with AS 1684-Residential Timber Framing Code and the Building Code of Australia.

21. Food Premises Fit Out

Prior to the issue of any construction certificate provide details of the design, construction and fit out of the food premises in compliance with *Australian Standard 4674-2004- Design, Construction and Fit Out of Food Premises* to Council.

Reason: Premises are designed to enable compliance with the Food Act 2003 & Food Regulation 2010.

22. Design drawings – civil works

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.

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/carpark 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;
- Lighting drawing detailing internal and external lighting and electrical supply;
- An erosion and sediment control plan including control details.

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

23. Landscaping Maintenance Strategy

To ensure the survival of landscaping following works, a landscape maintenance strategy for the owner/occupier to administer over a 12 month establishment period following the issue of the Occupation Certificate shall be prepared and provided to the satisfaction of the Principal Certifying Authority with the construction certificate application. The strategy is to address maintenance issues such as, but not limited to plant survival, irrigation, soil testing, weeding, staking, fertilizing, remedial pruning and plant replacement.

Reason: Ensure landscape survival.

CONDITIONS TO BE SATISFIED PRIOR TO THE COMMENCEMENT OF WORKS

24. Appoint PCA

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.

25. Section 138 Consent

Prior to undertaking any works within a public road reserve an application under Section 138 of the *Roads Act 1993* is to be made to and approved by Queanbeyan-Palerang Regional Council.

Reason: To ensure that works carried out comply with the Roads Act.

26. Water and Sewer Connection

Prior to commencement of works connect the premises to Queanbeyan-Palerang Regional Council's reticulated town water supply. Lodge a 'Water and/or Sewer Connection Application Form' (and relevant fee) with Queanbeyan-Palerang Regional Council and make arrangements with Queanbeyan-Palerang Regional Council for connection of the water meter.

Reason: Premises are connected to available domestic water supply.

27. Installation of Sediment and Erosion Controls

Install sediment and erosion controls, prior to any construction activity in accordance with the approved Erosion and Sediment Control Plan, 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.

27A. Construction Management Plan

Prior to release of any Construction Certificate (Building) a Construction Management Plan for the management of soil, water, vegetation, waste, noise, vibration, dust, hazards and risk for the construction works must be submitted to, and endorsed by, Council. The plan must:

- (a) describe the proposed construction works and construction program and,
- (b) set standards and performance criteria to be met by the construction works and,
- (c) describe the procedures to be implemented to ensure that the works comply with the standards and performance criteria and, See Note.
- (d) identify procedures to receive, register, report and respond to complaints and,
- (e) nominate and provide contact details for the persons responsible for implementing and monitoring compliance with the plan.

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

CONDITIONS TO BE SATISFIED DURING DEMOLITION AND/ OR BUILDING WORKS

28. Tree Preservation

All street trees and trees on adjoining public property shall be retained. The felling, lopping, topping, ringbarking, wilful destruction or removal of any tree/s unless in conformity with this approval or subsequent approval is prohibited.

All healthy trees and shrubs identified for retention on the approved drawings are to be suitably protected in accordance with Australian Standard AS4970 – Protection of Trees on Development prior to the commencement of any works (including any demolition and excavation) and maintained for the duration of the works.

Reason: To ensure the protection of trees to be retained on the site.

29. Construction Hours

Construction work shall only be undertaken between the hours of 7:00 am and 5:00 pm Mondays to Fridays and between the hours of 8.00 am and 1.00 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.

30. Approval Documents

Keep a copy of all stamped approved plans, 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.

31. Site Identification

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.

32. Unexpected Finds

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 NSW Office of Environment and Heritage 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.

33. Construction Facilities

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.

34. Unauthorised Use of Public Land

No building materials are to be stored or construction activities undertaken on public or adjoining land without Prior written approval from Council.

Reason: To prevent unnecessary disturbance to public land.

35. Excavation and Backfilling

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

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

36. Protection of Adjoining Structures

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 SafeWork.

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.

37. Maintenance of Erosion Control Measures

All measures to control erosion and sediment transport are to be maintained during the works in accordance with the NSW Landcom publication *Managing Urban Stormwater - Soils and Construction* (4th Edition 2004- "Blue Book") 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.

38. Site Filling for Car Park

A site re-grading plan showing existing and finished contours of the car park 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.

39. Inspection and Test Plans

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:

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 filling,
- Subgrade preparation prior to placement of pavement materials,
- Pre-pour inspection of concrete pavements,
- Pavement prior to primer seal,
- Laying of asphalt surfacing,
- Wheel-stops, signs, line-markings installation, lighting,
- 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

CONDITIONS TO BE SATISFIED PRIOR TO THE ISSUE OF AN OCCUPATION CERTIFICATE

40. Final Occupation Certificate

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.

41. Carpark Agreement

Prior to the issue of an Occupation Certificate the applicant shall enter into and execute an agreement with the Council for the use of the newly constructed carpark on Council's reserve in accordance with Council resolution number PLA086/17 of 9 August 2017.

Reason: To ensure an agreement is place for the shared use of the carpark on Council land.

42. Stormwater Management

Convey roof water to a water tank or into Queanbeyan-Palerang Regional Council's stormwater system in such a manner as to not cause nuisance to any adjoining property.

Reason: Premises are connected to available stormwater disposal system.

43. Sewage Connection

Prior to occupation connect the premises to Queanbeyan-Palerang Regional Council's sewerage infrastructure.

Reason: Premises are connected to available domestic sewerage system.

44. Erosion and Sediment Control

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.

45. Disturbed Surfaces

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

46. Fire Safety Certificate

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

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.

Reason To ensure compliance with the Environmental Planning and Assessment Act 1979 and Regulations..

47. Food Business – Registration

Prior to the commencement of operations the food business must register with the New South Wales Food Authority. Registration may be completed online and free of charge at: http://www.foodnotify.nsw.gov.au/nafs_prod/.

Reason: The Authority is aware of the food business.

Prior to the commencement of operations the food business must be inspected by Queanbeyan-Palerang Regional Council's Health and Building Inspectors and be registered with Council as a food business.

The premises is to be registered and approved as a Food Premises in accordance with Council's Food Surveillance Program before commencement of business.

Reason To ensure compliance with the Food Act 2003.

48. Food Business – Ventilation

Mechanical ventilation is required over cooking equipment. The ventilation system is required be designed and installed in compliance with *Australian Standard 1668.2-2002- The use if ventilation and air conditioning in buildings – Ventilation design for indoor air contaminant control*.

Reason: Steam, vapour, fumes & smoke are removed from the food preparation.

49. Landscaping

All landscaping measures contained within the approved plans or otherwise require by condition of consent are to be fully implemented prior to issue of the final occupation certificate.

Reason: To minimise the visual impact of the development.

50. Carry out sewer work, carry out water supply work, carry out stormwater work

All sanitary plumbing and drainage work is to be carried out in accordance with the requirements of the *Local Government (General) Regulation 2005, AS 3500 and the requirements of Plumbing and Drainage Act, 2011*. No alterations or additions are permitted without approval from Council.

Reason: All plumbing and drainage functions adequately.

Council must inspect the following stages of construction and installation:

- Internal and external plumbing and drainage,
- Installation of the on-site sewage management system and disposal area,
- Final inspection of plumbing, drainage and on-site sewage management system.

The top level of the sewerage service yard gully shall be located a minimum of 150 mm below the lowest fixture level and a minimum of 75 mm above ground level. Where it is not practicable to locate the top of the yard gully 150 mm below the lowest fixture level or 75 mm above the surrounding ground level, then a reflux valve shall be fitted to the sewer drainage system so as to prevent the backflow from the sewer entering the building.

The sewer junction inspection opening is to be located and raised to ground level.

Reason: To ensure compliance with AS3500 - National Plumbing and Drainage Code and the requirements of Plumbing and Drainage Act, 2011.

A 'Notice of Work' (NoW) is to be issued to Queanbeyan-Palerang Regional Council no later than 2 business days before the work concerned is carried out.

Reason: Council is informed prior to undertaking inspections and in accordance with requirements of Plumbing and Drainage Act, 2011.

Licensees as the 'responsible person' must submit a Sewer Service Diagram(SSD) layout to Queanbeyan-Palerang Regional Council prior to or at the time of inspection.

Reason: Council records are kept up to date and requirements of Plumbing and Drainage Act, 2011.

A 'Certificate of Compliance' (CoC) is to be issued to the Queanbeyan-Palerang Regional Council and a copy to the person for whom the work is carried out on completion of the final inspection.

Reason: Council records are kept up to date and requirements of Plumbing and Drainage Act, 2011.

51. Construction of Engineering Works

All 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.

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.

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.

52. Lighting

Construct lighting of the car park, forecourt and disabled parking areas 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.

53. Car Park

Construct car park, internal road and forecourt with a structural asphalt surfaced flexible granular pavement, layout generally as shown on FRAISH Consulting, Site Plan Drawing No.001 issue A dated 18 October 2017. the Construction Certificate approved drawings, or as amended by the these Conditions.

Car park shall be constructed to the standards as set out in AUS-SPEC #1 Development Specification Series, Construction, as amended by Council.

Construct flush kerb (FK) for the car park being in a flood storage zone.

As a minimum for a flexible pavement design; the car park pavement shall be designed with a 7mm primer seal and 40mm (minimum) thick asphaltic concrete (AC) surfacing on a granular pavement consisting of DGB20 material, totalling a minimum

pavement thickness of 300mm. The primer seal and AC mix design must be submitted for approval with the Construction Certificate application.

Install wheel-stops for all car parking bays adjacent to the pedestrian path and retaining wall.

Erect road signage and provide pavement markings as required to comply with AS1742.

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

54. Access Crossovers

Construct accesses to the development generally to The ELLIS Group Architects Proposed Site Plan, Drawing No.TP-101 P1 dated 22 November 2017. Construction to comply with ACT Std. Drawing DS-02 Driveway Type Type HD1 for the access providing exit movements for public use only. Exact dimensions of the entry/exit access are subject to approval. This is to be provided with the Construction Certificate Application.

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.

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

55. Certification of Completed Works

At the completion of works the superintendent of works shall present to Queanbeyan-Palerang Regional Council a Certification Report for civil works (including carpark) 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.

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

56. Works As-Executed (WAE) Plans

Provide one electronic copy (DWG or similar), one PDF copy and one hard copy (A3) of works as-executed plans to Queanbeyan-Palerang Regional Council, showing 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.

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

57. Security Deposit – Damage to Public Assets

Pay the following Security Deposit/s:

Construction Activity	GST Applicable	2017/18
Urban areas - developments involving delivery of construction materials or machine excavation (2x \$3,500)	No	\$7,000.00
Sec.138 security bond – urban (2x \$2,000)	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

58. DEFECTS LIABILITY BONDS

Bond - Crossover Access to Public Roads

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.

Lodge a bond with Queanbeyan-Palerang Regional Council of **\$10,000** for the car park works, 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 - Landscaping

A landscape bond of **\$2,000** 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.

59. Section 94 Contributions – Street Upgrading Bungendore

Prior to the commencement of work pay Queanbeyan-Palerang Regional Council **\$63,774.00** 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.

When payment is made, please quote Ledger Code: RA35431

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

60. Section 64 Contributions – Water Supply Head works

Prior to the commencement of work pay Queanbeyan-Palerang Regional Council **\$82,215.00** towards water supply provision, pursuant to Section 64 of the Local Government Act 1993. The amount payable is subject to annual amendment on 1 July on the basis of the movements in the CPI for Canberra. 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**

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

61. Section 64 Contributions – Bungendore Sewerage Headworks

Prior to the commencement of work pay Queanbeyan-Palerang Regional Council **\$172,956.00** towards sewerage provision, pursuant to Section 64 of the Local Government Act 1993. The amount payable is subject to annual amendment on 1 July on the basis of the movements in the CPI for Canberra. 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**

Reason: Appropriate provision and upgrading of sewerage infrastructure.

CONDITIONS TO BE SATISFIED DURING THE ONGOING USE OF THE PREMISE

62. Hours of Operation

The hours of operation of the premises (i.e. hours open for business) must not exceed the following, without the prior approval of Council:

Days	Approved hours of operation
Mon-Friday	7:00am to 7:00pm
Saturday	Nil
Saturday, Sunday and public holidays	

Note: staff may be present upon the site for set up and pack up purposes 30 minutes either side of core business hours.

Reason: To ensure the business operates between the approved hours.

63. Staff Numbers

A maximum of 20 staff are to be present upon the subject site at any time.

Reason: To ensure the business operates as assessed and approved.

64. Child Drop Off and Pick Up

At no time are any vehicles dropping off or picking up children to park or stand on McCusker Drive or McMahon Drive. All vehicles associated with the development are to park within the designated public car park adjoining the site. It is the responsibility of the centre operator to implement appropriate operational procedures including education of parents and carers as to ensure for compliance with the requirements of this condition.

Reason: To ensure that the development does not impact upon traffic flows upon the adjoining road network.

65. Surface Water

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

66. Essential Fire Safety

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.

Reason:

67. Annual Fire Statement

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.

68. Food Premises – Food Safety

The ongoing operation of the food business is to comply with the *Food Act 2003*, *Food Regulation 2010* and the *Australian Food Standards Code*.

Reason: Food is safe for consumption

69. Food Premises – Food Safety

The premises is to comply with the current edition of the National Food Premises Code.

Reason: Health, safety & wellbeing of the public/employees.