



Planning and Strategy Committee of the Whole

8 August 2018

**UNDER SEPARATE COVER
ATTACHMENTS**

ITEM 4.2

**QUEANBEYAN-PALERANG REGIONAL COUNCIL
PLANNING AND STRATEGY COMMITTEE OF THE WHOLE**

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QUEANBEYAN-PALERANG REGIONAL COUNCIL

Planning and Strategy Committee of the Whole Meeting Attachment

8 AUGUST 2018

- ITEM 4.2 DEVELOPMENT APPLICATION DA.2018.074 - 15 LOT
SUBDIVISION - LOT 47 DP 1229434 MAJARA STREET,
BUNGENDORE
- ATTACHMENT 1 DA.2018.074 - SECTION 4.15 REPORT - MATTERS FOR
CONSIDERATION - SUBDIVISION - LOT 47 MAJARA
STREET, BUNGENDORE

4.1 Development Application No. – 218/074 – 15 Lot Residential Subdivision, Extension of Hopkins Road as a Public Road and Small Electricity Sub Station, Majara Street, Bungendore.

ATTACHMENT - SECTION 4.15 REPORT – Matters for Consideration

This application has been assessed under Section 4.15 of the *Environmental Planning and Assessment Act 1979* and the following matters are of relevance to **Development Application No DA.2018.074**

Background

The site was previously subject of a recent planning proposal to alter the zoning of the property under Palerang Local Environmental Plan (PLEP) 2014 from Zone IN2 light industrial to Zone R2 Low Density Residential. The Planning Proposal also included alteration of the minimum lot size and height of building provisions of Clause 4.1 and 4.3 of the PLEP 2014.

The Planning Proposal was endorsed by Council at its meeting on 28 February 2018 (Minute 047/18) subject to the following:

1. That Council advise the Minister for Planning under section 59 of the *NSW Environmental Planning and Assessment Act 1979* that it wishes to progress the rezoning of the former Lot 3 DP 1195030 (now part of Lot 47, DP1229434) from IN2 Light Industry to R2 Low Density Residential.
2. That the *Palerang Local Environmental Plan 2014* Lot Size map be amended to show a minimum lot size of 1,000 square metres for lots within former Lot 3 DP 1195030.
3. That the *Palerang Local Environmental Plan 2014* Height of Buildings map be amended to show a building height of 8.5 metres for lots within the former Lot 3 DP 1195030.
4. That the rezoning of the former Lot 3 DP 1195030 (now part of Lot 47, DP1229434) from IN2 Light Industry to R2 Low Density Residential include provisions for the following:
 - a. there is a maximum of ten residential lots on the former Lot 3 DP 1195030 (now part of lot 47 DP 1229434)
 - b. there is a minimum 10 metre buffer on the western boundary and that this buffer is dedicated to Council as a drainage reserve (operational land)
 - c. there is a 10 metre buffer on the northern boundary of the former Lot 3 DP 1195030 (now part of lot 47 DP 1229434). This buffer shall be included within the residential lots with a covenant stating:
 - i. That the owners are to maintain the buffer and the adjacent fencing.
 - ii. That the buffer is included in property fencing.
 - iii. That there are to be no habitable structures within in the buffer.
 - iv. A covenant is placed on the western most lot restricting any future dwellings to one storey only and that a 2m high lapped and capped timber fence be erected along the western boundary of that allotment
 - v. A covenant is placed on all future residential lots restricting the erection of dual occupancies.
 - vi. The amended LEP was made on 22 June 2018 rezoning part of Lot 47 DP 1229434 (formerly Lot 3 DP 1195030), Majara Street, Bungendore from IN2 Light industrial to R2 Low density residential.

Applicant's variation of subdivision design is contrary to Councils resolution above

The applicant's subdivision design as submitted is contrary to Councils determination as follows:

- 11 lots and not 10 lots over Lot 3 DP 119030 as resolved by Council
- A 5m wide drainage easement on the western most proposed Lot 51 and not a 10m wide drainage reserve required by Council
- The applicant also disputes any 10m buffer for the siting of dwellings on the lots adjoining the industrial area to the north. *Note: There is more than adequate area remaining on these lots to accommodate the siting of dwellings.*
- They further dispute any restrictions on height and future dual occupancy within the subdivision.

The restrictions as resolved by Council on any future subdivision of the land were imposed on the grounds of protecting the amenity of future residential occupants of the subdivided lots were partly based on potential noise impacts as identified by the Noise Consultant Report, *Environmental Noise Assessment* prepared by Renzo Tonin & Assoc. dated 29 January 2018. Councils covenant requirements outlined in subclauses (b) (c) and (d) in its resolution of above for the rezoning of the land for residential purposes are legitimate planning requirements to impose as conditions on any development consent granted under Part 4 of the EP&A Act 1979.

Potential land use conflict from adjoining industrial noise

The Planning Proposal provided some detail on the planning history of the area and the adjoining concrete batching plant. In 2016, Council refused a development application to produce jersey barriers at the concrete batching plant on the grounds that the production of these items were not considered light industry.

To consider any potential land use conflict resulting from the noise amenity in the proposed residential area, Council commissioned an acoustic analysis in August 2017 and a subsequent analysis in January 2018 following a change in NSW Government policy.

Page 18 of the planning proposal suggests options for addressing potential noise from the concrete batching plant. These are:

- *Construction of an acoustic barrier along the full extent of the western boundary of the site. At this stage, it is considered that the maintenance responsibility would lie with the owner of the lot (proposed lot 51) imposed on title by way of a Positive Covenant or similar. Details of the construction density and height would be subject to an acoustic report and best considered during a future subdivision application; and/or*
- *Imposition of a 'restriction on the use of land' (s.88B of the Conveyancing Act 1919) to create a 10m buffer adjacent to industrial zoned land, where habitable structures are not permitted. A buffer along the northern boundary may or may not be required, depending on the timing of development and configuration of buildings on the newly subdivided lots; and/or*
- *Restriction on the design of proposed lot 51 to include a driveway along the western boundary to maintain a 3 to 4m physical separation.*

Additionally, page 17 of the planning proposal states that there could be a 'nil setback' for the industrial subdivision to the north. It was noted that it would be necessary to vary C8.2 of the *Palerang Development Control Plan 2015* as the setback provision is:

- *Side and rear setback, where the adjoining land is residential land the minimum setback is to be 5 metres*

There is no condition of consent for DA 2015.172 (14 lot industrial subdivision to the north of the former Lot 3 DP 1195030) to include building envelopes so the control relating to setbacks would apply unless a variation was agreed to by Council.

However, Condition 10 of DA.2015.172 does require the following:

The developer at own cost shall construct a 2m lapped and capped timber fence along the existing southern boundary of the lots. Details are to be supplied and approved by Council prior to construction.

Reason: To protect the amenity of existing residential properties.

Concern about potential land use conflict resulted in an acoustic analysis being commissioned by the applicants. The acoustic analysis was undertaken by Renzo Tonin (Attachment 4) on 18 August 2017 applying the *NSW Industrial Noise Policy (2000)*. In October 2017, the NSW Government introduced the *Noise Policy for Industry*. Following the introduction of the new policy Council requested that Renzo Tonin prepare a further report.

The first report (August 2017) found that none of the solutions would be effective in ameliorating noise. It investigated six scenarios including using a mix of 2 metre and 4 metre high noise walls and quiet dwellings in designing a suitable layout for reducing industrial noise emanating from the concrete batching plant. The analysis found that none of the solutions will work effectively. Whilst this report did not state that residential land uses cannot be accommodated it is of concern that the noise barriers were considered not to be effective in reducing the noise from the pneumatic valve on the concrete silo due to the height of it.

The second noise report (January 2018) found that unlike the first analysis that the scenarios complied with the noise guidelines. The author of the acoustic analysis provided the following explanation regarding the reason that there was a difference in the acoustic analysis:

It is noted that the NPfI (Noise Policy for Industry) assess noise impacts from existing industry on new residential developments slightly differently to the superseded INP. The main difference is that the NPfI does not require the assessment of intrusiveness noise impacts onto the proposed residential sub-division from existing industry, as stated in Section 2.4.3 of the policy compared to the INP. Given that the location of the subject site is in a rural type area, background noise levels were measured to be relatively low which had previously resulted in an intrusiveness noise goal significantly lower than the amenity noise level applied in this report. With this in mind, noise impacts presented in this report are minimal when assessed against the amenity noise levels, compared to the previous INP assessment against the intrusiveness noise goals

Scenario 4 (p17 of report) from the acoustic analysis (January 2018) found that the noise modelling results would comply with the recommended noise level across the entire site. The scenarios consists of the following:

- first floor level (i.e. 4.5m above ground) assessment locations
- inclusion of approved light industrial subdivision to the north of the subject site with the construction of an approved 2m high noise wall on the common boundary between the subject site and approved light industrial subdivision
- no noise wall on the common (western) boundary between the subject site and the concrete plant

The modelling results for Scenario 4 show that if the approved light industrial subdivision to the north of the subject site is developed and a 2m high noise wall is constructed along the northern boundary, noise from the existing concrete plant and furniture factory and from the new light industrial subdivision would comply with the recommended LAeq (15min) amenity noise level across the entire subject site for the first floor level assessment locations.

It should be noted that the author of the acoustic analysis considered the fence referred to in the condition of consent (see above) to be sufficient to be called a 'noise wall'.

The only scenario where the noise levels did not comply were scenario 6 (p19) in relation to the pneumatic pulse of air generated compressors and sleep disturbance in the north-western corner of the site for first floor levels of double storey dwellings potentially located there.

The report conclusion (p23) states:

On-site measurements of existing industrial noise were assessed to comply with the NPfl recommended LAeq (15min) amenity noise levels. Additionally, measured maximum noise levels for the assessment of sleep disturbance were determined to comply with the applicable sleep disturbance assessment LMax noise level for future ground floor level assessment locations; however, exceedances were measured for the future first floor level assessment locations.

The report (p21) discusses noise walls and design of residential dwellings in relation to addressing the situation identified in Scenario 6.

If noise walls were to be installed on the western and northern boundary an acoustic consultant would be required. Residential dwellings in the affected area would require a design which reduced the intrusion of noise into sensitive areas and not allowing two story dwellings in the noise affected area. As such the western most block in any future subdivision would likely be affected. For this reason it was recommended that development on this allotment be limited to a single storey.

Consent authority

In accordance with the *Environmental Planning and Assessment Act 1979* (EP&A Act) the proposal is considered to be integrated development and Council is the Consent Authority.

Section 4.10 Designated Development

The proposal is not designated development.

Section 4.14 Consultation and development Consent – certain bushfire prone land.

This section advises consent cannot be granted for the carryout of development on bushfire prone land (shown on relevant map) unless the consent authority:

- is satisfied that the development conforms to the specifications and requirements of the document entitled *Planning for Bushfire Protection* prepared by NSW Rural Fire Service or,
- has been provided with a certificate by a person recognised by NSW Rural Fire Service as a qualified consultant in a bushfire risk assessment stating the development conforms to the relevant specifications and requirements.

NSW Rural Fire Service issued a conditional Bush Fire Safety Authority under Section 100B of the Rural Fires Act 1997 on 1 June 2018 as follows:

The New South Wales Rural Fire Service (NSW RFS) has considered the information provided. General Terms of Approval, under Division 5 of the 'Environmental Planning and Assessment Act 1979', and a Bush Fire Safety Authority, under Section 100B of the 'Rural Fires Act 1997', are now issued subject to the following conditions:

- 1. The development proposal is to generally comply with the subdivision layout identified on the drawing prepared by SMEC numbered 30024010-03-004, dated 17/04/18.*
- 2. Where the approved subdivision on adjoining northern land is not developed concurrently, future residential development on proposed Lots 51 to 60 shall maintain a 10 metre setback to the northern boundary.*

Asset Protection Zones

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

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

Water and Utilities

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

- 4. Water, electricity and gas are to comply with section 4.1.3 of 'Planning for Bush Fire Protection 2006'.*

Access

The intent of measures for public roads is to provide safe operational access to structures and water supply for emergency services, while residents are seeking to evacuate from an area. To achieve this, the following conditions shall apply:

- 5. Public road access shall comply with section 4.1.3 (1) of 'Planning for Bush Fire Protection 2006'.*

General Advice – consent authority to note

This approval is for the subdivision of the land only. Any further development application for class 1,2 & 3 buildings as identified by the 'Building Code of Australia' must be subject to separate application under section 79BA of the EP & A Act and address the requirements of 'Planning for Bush Fire Protection 2006'.

Section 4.15 Evaluation

The matters that are of relevance under Section 4.15 are as follows:

(1) Matters for consideration—general

In determining a development application, a consent authority is to take into consideration such of the following matters as are of relevance to the development the subject of the development application:

- a) the provisions of:
 - i. any environmental planning instrument, and*
 - ii. any proposed instrument that is or has been the subject of public consultation under this Act and that has been notified to the consent authority (unless the Secretary has notified the consent authority that the making of the proposed instrument has been deferred indefinitely or has not been approved), and*
 - iii. any development control plan, and*
 - iv. any planning agreement that has been entered into under section 7.4, or any draft planning agreement that a developer has offered to enter into under section 7.4, and*
 - v. the regulations (to the extent that they prescribe matters for the purposes of this paragraph), that apply to the land to which the development application relates,**
- b) the likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality,*
- c) the suitability of the site for the development,*
- d) any submissions made in accordance with this Act or the regulations,*
- e) the public interest.*

The consideration of these provisions are provided below.

Section 4.46 Integrated Development

The proposal is integrated development pursuant to Section 100B Rural Fires Act 1997. A bushfire safety authority is required to be issued by the NSW Rural Fire Service. The authority was issued by NSW Rural Fire Service on 1 June 4 2018. Refer to details above under the heading *Consultation and development consent – certain bushfire prone land*.

Section 7.7 Biodiversity assessment for Part 4 development (other than State significant development or complying development)

- 1) This section applies to an application for development consent under Part 4 of the [Environmental Planning and Assessment Act 1979](#), except:
 - a) an application for development consent for State significant development, or
 - b) an application for a complying development certificate.
- 2) If the proposed development is likely to significantly affect threatened species, the application for development consent is to be accompanied by a biodiversity development assessment report.

Council is required under the Biodiversity Conservation Act 2016 (BC Act 2016) to assess whether the development will have a significant affect on threatened species. Clauses 7.2 and 7.3 of the BC Act 2016 requires Council to determine whether there is likely to be a significant affect on threatened species or ecological communities or their habitats, according to the test outlined in Clause 7.3 of the Act.

The applicant has advised:

The site is cleared of native vegetation and has been historically used for grazing. The site comprises poor quality previously grazed areas which do not contribute to local biodiversity values. The site is cleared of all trees and is not identified on Council's Terrestrial Biodiversity map or the Biodiversity Value Map (NSW DPE, 2018). As such, it is our view that the proposal does not trigger the Biodiversity Offsets Scheme (BOS) for the purpose of Clause 7.3 and 7.4 of the BC Act 2016.

Given the applicants comments and that the Council satisfactorily addressed ecological values of the site at the Planning Proposal stage it can be concluded the proposal will not significantly affect any threatened species or ecological communities or their habitats. The preparation of a biodiversity development assessment report is therefore not required.

Section 7.11 Contribution Plans

Yarrowlumla Section 94 Contributions Plan No 1 and Palerang Contribution Section 94 Contributions Plans Nos 7, 8, 9 & 10 apply. The calculation of the contribution is shown in the table below under the Development Engineers comments.

The relevant contributions have been included in the recommended schedule of conditions.

Section 64 Local Government Act 1993 - Development Servicing Plans

Palerang Section 64 Development Servicing Plan –applies. The calculation of the contribution is shown in the table below under the Development Engineers comments.

The relevant contributions have been included in the recommended schedule of conditions.

Matters for Consideration under Section 4.15 – Evaluation affecting the land.

Section 4.15(1)(a)(i) the provisions of any environmental planning instrument;

Relevant State Environmental Planning Policies to be addressed are as follows:

State Environmental Planning Policies (SEPPs)

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.

Council must not grant consent to the subdivision unless:

- a) it has considered whether the land is contaminated,
- b) if the land is contaminated it is satisfied the land is suitable in its contaminated state (or will be suitable after remediation) for the purpose of the residential subdivision,
- c) where remediation is required it is satisfied the land will be remediated before the land is used for residential purposes.

Before determining an application for a change of use of the land council must consider a report specifying the findings of a preliminary investigation of the land in accordance with the contaminated land planning guidelines. The report is to be prepared by the applicant.

The applicant has advised as follows:

State Environmental Planning Policy No. 55 – Remediation of Land (SEPP 55) requires Council to consider whether the site is suitable in its current state, contaminated state or following the completion of remediation works for the purposes for which development consent is being sought.

The site is a vacant lot previously used for grazing. The site is not identified as 'contaminated land' on the NSW Environmental Protection Authority (EPA) register and there are no identified historical contaminating uses. This matter was considered earlier in 2018 when the site was rezoned from IN2 Light Industrial to R2 Low Density Residential, and it was determined that no additional information was required to satisfy Council that the use of site for residential purposes was acceptable.

Therefore, the site is considered suitable for its intended subdivision and residential use.

Planners comment:

As potential land contamination was adequately examined at the Planning Proposal stage by Council no further investigation of the land for potential site contamination is considered unnecessary. Council previously concluded that the land had no evidence of contamination and that remediation of the site was therefore not required to enable the land to be rezoned for residential purposes.

STATE ENVIRONMENTAL PLANNING POLICY (INFRASTRUCTURE) 2007

The aim of this policy is to facilitate the effective delivery of infrastructure across the state. The policy identifies the environmental assessment category into which different types of infrastructure and services fall, matters to be considered in the assessment of the development application and consultation of relevant government authorities.

The applicant has advised:

The provisions of SEPP (Infrastructure) 2007 are applicable to the proposal as follows:

- *Clause 41 permitting the laying and installation of cables and pits to provide electricity and telecommunications supply to each residential block as development without consent;*
- *Clause 41 and 42 permitting the establishment of a new substation as development without consent, and providing the notification requirements for substation development; and*
- *Clause 43 permitting the installation of street lights as exempt development.*

These works would be undertaken by a suitably authorised contractor working on behalf of Essential Energy, in compliance with the requirements of the SEPP and Essential Energy.

The eastern boundary of the site is located 20m from the rail reserve and is within the “direct line of sight” of the rail corridor the purpose of the Development Near Rail Corridors and Busy Roads – Interim Guideline 2008. This railway corridor is a spur line extending to Canberra (Kingston) Station, which has three passenger services per day, and does not carry freight. Given the proximity of the site to Bungendore Railway Station, trains would not be travelling more than 80km per hour and a detailed noise assessment is not required (zone B).

Planners comment:

The document entitled ***Development Near Rail Corridors and Busy Roads – Interim Guideline 2008*** has been considered. The following comments are made:

Clauses 85, 86 & 87 of SEPP Infrastructure have been considered below. No adverse impact on the rail corridor is considered likely from the development.

The development will not be impacted by:

- *Noise and vibration from use of the rail line given its current usage.*
- *Air quality*

Excavations associated with the proposed subdivision works will not impact on the rail line.

John Holland owner of the nearby Goulburn to Canberra railway line were advised of the development however provided no comment.

STATE ENVIRONMENTAL PLANNING POLICY (VEGETATION IN NON RURAL AREAS) 2017.

The aims of this Policy are:

- a) to protect the biodiversity values of trees and other vegetation in non-rural areas of the State, and
- b) to preserve the amenity of non-rural areas of the State through the preservation of trees and other vegetation

This policy applies to land in Zone R2 Low density residential.

The applicant advises:

The site is cleared of native vegetation and has been historically used for grazing. The site comprises poor quality previously grazed areas which do not contribute to local biodiversity values. The site is cleared of all trees.

As such, the provisions of SEPP (Vegetation in Non-Rural Areas) are not relevant to the consideration of the proposed subdivision.

Planner's Comment:

Council is in agreement with the applicant that the policy does not affect the development site.

Local Environmental Plans

Palerang Local Environmental Plan 2014 applies to the land. The site is shown as R2 (Low Density Residential Zone)

PART 1 PRELIMINARY

Clause 1.2 Aims of the Plan

- 1) This Plan aims to make local environmental planning provisions for land in that part of Queanbeyan-Palerang Regional local government area to which this Plan applies (in this Plan referred to as Palerang) in accordance with the relevant standard environmental planning instrument under section 33A of the Act.
- 2) The particular aims of this Plan are as follows:
 - a) to protect and improve the economic, environmental, social and cultural resources and prospects of the Palerang community,
 - b) 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,
 - c) to retain, protect and encourage sustainable primary industry and commerce,
 - d) to ensure the orderly, innovative and appropriate use of resources in Palerang through the effective application of the principles of ecologically sustainable development,

- e) 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,
- f) to identify, protect and provide areas used for community health and recreational activities,
- g) to ensure that innovative environmental design is encouraged in residential development.

Planner's Comment:

The development generally satisfies the aims of the plan it protects and improves the economic, environmental, social and cultural resources and prospects of the Palerang community; the development does not unreasonably increase the demand for public services of public facilities; it generally satisfies the principles of ecological sustainable development and protects the natural environment.

Clause 1.9A Suspension of covenants, agreements and instruments

Refer to comments in the main report to committee relating to the provisions of this clause.

PART 2 PERMITTED OR PROHIBITED DEVELOPMENT

Clause 2.3 Zone Objectives and Land Use Table

Objectives of R2 - Low Density Residential:

- *To provide for the housing needs of the community within a low density residential environment.*
- *To enable other land uses that provide facilities or services to meet the day to day needs of residents.*
- *To ensure that new development complements the scale, density and form of existing development*

The proposal is considered to be consistent with the objectives of the Low Density Residential Zone because the subdivision maintains the required density for the R2 Zone, has access to available services, and maintains the existing form, character and scale of surrounding residential development.

The proposal is identified as being a use permitted with consent with the R2 Low Density Residential Zone.

Clause 2.6 – Subdivision requirements

This clause specifies that the land may only be subdivided with councils consent.

Land Use Table – Zone R2 low density residential

2 Permitted without consent

Home businesses; Home occupations

3 Permitted with consent

Backpackers' accommodation; Bed and breakfast accommodation; Boarding houses; Building identification signs; Business identification signs; Centre-based child care facilities;

Community facilities; Dual occupancies; Dwelling houses; Environmental facilities; Environmental protection works; Exhibition homes; Exhibition villages; Flood mitigation works; Group homes; Health consulting rooms; Home-based child care; Home industries; Neighbourhood shops; Recreation areas; Recreation facilities (indoor); Recreation facilities (outdoor); Respite day care centres; Roads; Secondary dwellings; Semi-detached dwellings; Seniors housing; Sewage treatment plants; Shop top housing; Water supply systems

4 Prohibited

Water treatment facilities; Any other development not specified in item 2 or 3

Planner's Comment:

The proposed development is permitted with Councils consent.

PART 3 EXEMPT AND COMPLYING DEVELOPMENT

No Part 3 provisions apply to the development.

PART 4 PRINCIPAL DEVELOPMENT STANDARDS

Clause 4.1 Minimum subdivision lot sizes

Provides minimum lot sizes for subdivisions within this zone in accordance with the Lot Size Map. The proposed subdivision complies with the minimum lot size requirements of 1000m² for the zone.

PART 5 MISCELLANEOUS PROVISIONS

Clause 5.9AA trees or vegetation not prescribed by development control plan.

Planner's Comment:

There are no significant trees located on the site requiring removal.

Clause 5.10 Heritage conservation

Planner's Comment:

The site is not affected by any known heritage item, Aboriginal site or conservation area.

PART 6 - ADDITIONAL LOCAL PROVISIONS

Clause 6.1 - Earthworks

The proposal will involve acceptable earthworks for the construction of civil infrastructure works. Any consent granted will be conditioned to ensure minimal impact to the surrounding environment such as stormwater and erosion controls.

Clause 6.2 - Flood planning

The proposal is acceptable having regard to the matters outlined in Clause 6.2 as the site is not located within the flood planning area.

Clause 6.3 - Terrestrial biodiversity

The proposal is acceptable having regard to the matters outlined in Clause 6.3 as the proposal is not located within these areas.

Clause 6.4 - Drinking water catchment

The proposal is acceptable having regard to the matters outlined in Clause 6.4 as the proposal is not located within a drinking water catchment.

Clause 6.5 - Riparian land and watercourses

Makes provisions for development impacting on riparian land and watercourses. The proposal is acceptable having regard to the matters outlined in Clause 6.5 as the proposal is not located within these areas.

Clause 6.6 - Salinity

Makes provisions for developments located in areas of salinity, as shown on the Landscape Map. The proposal is acceptable having regard to the matters outlined in Clause 6.6 as the proposal is not located within these areas.

Clause 6.7 - Highly erodible soils

The proposal is acceptable having regard to the matters outlined in Clause 6.7 as the proposal is not located within an area identified as high erodible soils.

Clause 6.7A - Slopes over 18 degrees

Makes provisions for developments located in areas that have slope over 18 degree, as shown on the Landscape Map. The proposal is acceptable having regard to the matters outlined in Clause 6.7 as the proposal is not located within these areas.

Clause 6.8 - Airspace operations

The proposal is acceptable having regard to the matters outlined in Clause 6.8 as the proposal will not penetrate the Limitations or Operations Surface (LOS) of the Canberra Airport. Therefore no consultation is required with the Canberra Airport or any relevant government authority.

Clause 6.9 - Development in areas subject to aircraft noise

The proposal is acceptable having regard to the matters outlined in Clause 6.9 as the land is not located near the Canberra Airport or is located in an ANEF of 20 or greater. The land is not affected by any potential adverse aircraft noise.

Clause 6.10 - Development in areas near national parks and nature reserves

The proposal is acceptable having regard to the matters outlined in Clause 6.10 as the proposal is not located near a national park or nature reserve.

Clause 6.11 - Essential Services

Requires satisfactory arrangements to be made for water supply, stormwater drainage and sewage along with the supply of electricity and suitable vehicle access. The proposal is consistent with this clause as conditions will be included on any consent granted to assure that the new subdivision will connect to essential public utility infrastructure.

Section 4.15(1)(a)(ii) any proposed instrument that is or has been the subject of public consultation under this Act and that has been notified to the consent authority (unless the Secretary has notified the consent authority that the making of the proposed instrument has been deferred indefinitely or has not been approved)

No draft instrument to be considered with the application.

Section 4.15(1)(a)(iii) any Development Control Plan;

Palerang Development Control Plan (PDCP) 2015 applies to the land as follows:

Part A Preliminary Information

A9 - Notification of Application

The development application was advertised & notified in accordance with Part E of the PDCP 2015. One written submission was received.

A13 - Developers Levies

Section 7.11 contributions will be determined in conjunction with a Development Application and imposed by a condition of consent in accordance with Councils development contribution plans. Refer to part B of the PDCP 2015.

A21 - Ecological Sustainable Development

Ecologically Sustainable Development means using, conserving and enhancing natural resources so that the ecological processes on which life depends are maintained, and the total quality of life, now and in the future, is improved. A key concept of sustainable development is that social, economic and environmental considerations are interdependent.

The NSW Local Government Act 1993 Dictionary defines the principles of ecologically sustainable development (ESD) as those set out below. Principles are rules of conduct or action that are applied when implementing a policy or making decisions. They provide guidance on how decisions should be made.

The Local Government Act 1993 requires Council to take account of Ecologically Sustainable Development in all decision making, including its assessment of any development proposal. Additionally, the NSW Land and Environment Court has found that the principles of Ecologically Sustainable Development are to be considered.

Planner's Comment:

The development has been considered against the principles of ESD:

- a) The precautionary principle—namely, that if there are threats of serious or irreversible environmental damage, lack of full scientific certainty should not be

used as a reason for postponing measures to prevent environmental degradation.

The development poses no threats of serious or irreversible environmental damage.

- b) Inter-generational equity—namely, that the present generation should ensure that the health, diversity and productivity of the environment is maintained or enhanced for the benefit of future generations

The health, diversity and productivity of the existing environment will be maintained in the immediate locality for the future benefit of future generations should the development be approved.

- c) Conservation of biological diversity and ecological integrity - namely, that conservation of biological diversity and ecological integrity should be a fundamental consideration,

The approval of the development will not adversely impact on the conservation of biological diversity and ecological integrity on the site or immediate locality.

- d) Improved valuation, pricing and incentive mechanisms—namely, that environmental factors should be included in the valuation of assets and services.

The environmental factors listed above have generally been incorporated in the valuation of assets and services in the proposal.

Part B General Provisions

B1 Site Analysis

A site analysis is required to ensure that development is of a high quality, minimises environmental impacts and positively contributes to the existing character of the locality.

The site analysis should comprise of a site plan and accompanying written material.

Planner's Comment:

The application is accompanied by sufficient information (plans and supporting documentation) that ensures the proposal minimises environmental impacts and positively contributes to the existing residential character of the surrounding locality.

B3 Flora and Fauna, Soil and Watercourses

The management of assets such as native flora and fauna, soil and watercourses is important as they are the key to ensuring quality air and water and high levels of biodiversity which in turn means lower levels of pest and weed species and productive soils which provide opportunities for agriculture. The PLEP 2014 contains clauses relating to terrestrial biodiversity, soil erosion and salinity, and watercourses. Additionally, there is State (and in some instances Commonwealth) legislation relating to each of these.

Planner's Comment:

Refer to other parts of this report dealing with these matters. There are no significant impacts identified with the development arising from consideration of the environmental constraints identified above. Appropriate conditions of consent will apply to any consent granted relating to minimising soil erosion and protecting downstream drainage systems.

B4 Bushfire Prone Land

If any part of a proposed development (including the building envelope, access roads, landscaping, or asset protection zones) falls within an area that has been mapped as bush fire prone on the relevant Bush Fire Prone Land Map, then the applicant must consider bushfire as part of the development process.

The Environmental Planning and Assessment Act 1979 establishes a system for requiring bush fire protection measures on bush fire prone land at development application stage and the Rural Fires Act 1997.

New development on areas on any part of a lot identified as bush fire prone are subject to the development and planning controls of the NSW Rural Fire Services publication Planning for Bush Fire Protection 2006 Guidelines and must be designed to improve the survivability of the development and the occupants that are exposed to a bush fire hazard.

The development which involves subdivision is Integrated Development under Section 4.46 of the EP&A Act 1979 and Section 100B Rural Fires Act 1997.

A Bush Fire Safety Authority from the NSW Rural Fire Service is required.

Planner's Comment:

The applicant has submitted a Bushfire Hazard Risk Assessment & Compliance Report prepared by Consultants, Bushfire & Evacuation Solutions dated 26 March 2018.

The report confirms the development is located on bushfire prone land and is subject to the NSW Rural Fire Service document *Planning for Bush Fire Protection, 2006*.

The eastern section of the land is exposed to grassland vegetation considered to have potential bushfire hazard. The level of bushfire risk is considered LOW. The highest bushfire attack level (BAL) affecting the proposed lots has been assessed as BAL - 12.5.

The report recommends the following recommendations:

- *APZ management within the subject site*
- *Residential bushfire construction in accordance with the provisions of AS 3959-2009*
- *Standards relating to the provision of water supplies and utilities required for firefighting operations*
- *Standards relating to the construction of public roads and emergency access to the site.*

NSW RFS issued their conditional Bushfire Safety Authority for the subdivision on 1 June 2018. Refer to further details above.

B5 Crime Prevention through Environmental design

The design of buildings and public spaces can affect opportunities for crime and the perceptions people have in relation to security and safety.

The four principles of crime prevention through environmental design that are used in the assessment of development applications to minimise the opportunities for crime are outlined below.

Natural surveillance – design should allow people to see what others are doing as a means to deter the potential for crime.

Access control – physical and perceived barriers can be used to manage movements to minimise opportunities for crime.

Territorial reinforcement – increasing the community ownership of public spaces increases activity levels and encourages people to help prevent crime.

Space management – public spaces that are attractive and well maintained are more likely to be inviting and well used.

Planner's Comment:

Whilst the development does not propose any buildings it does propose public space within the footpaths from the proposed road extension. The design of the subdivision allows natural surveillance within the proposed public street and from the proposed allotments when structures are subsequently built. Proposed street tree planting and street lighting are strategically incorporated to allow maximum surveillance at night.

B7 Engineering Requirements: Councils Development Engineer has provided comments and conditions for the proposed road, access/entrance, utilities, stormwater and water and sewer requirements.

Refer to the development engineers comments and requirements below under the heading *Development Engineer*.

It is considered that with the implementation of these engineering conditions the development is acceptable and satisfies the relevant provisions of the PDCP 2015.

B8 Erosion and Sediment Control:

Sedimentation from development sites is a major pollutant for water courses and drainage systems, causing significant environmental damage as it results in phosphorus, micro-organisms, and chemicals polluting waterways. Therefore there is a need to ensure that when a site is developed appropriate measures are implemented to prevent the loss of sediment and to rehabilitate the site through interim and long term measures. To this end, one of two kinds of plans is to be submitted with all development applications which require disturbance to soil:

- Erosion and Sediment Control Plan, or
- Soil and Water Management Plan.

Planner's Comment:

The applicant has submitted satisfactory erosion and sediment control plans. These plans will be incorporated in any recommended consent conditions.

B9 Flood Planning

Parts of the urban areas of Bungendore are affected by flooding.

Bungendore

A flood study and floodplain risk management plan have been completed for the Bungendore urban area. The PLEP 2014 contains a Flood Planning map for Bungendore.

Planner's Comment:

The subject land is not identified on the Flood Planning map as flood prone land.

B10.2 Aboriginal and European Heritage:

Heritage consists of those places and objects that we as a community have inherited from the past and want to hand on to future generations.

The Palerang local government areas heritage is diverse and includes buildings, objects, monuments, Aboriginal places, gardens, bridges, landscapes, archaeological sites, relics, streets, industrial structures, routes of human movement, cultural landscapes and a conservation precinct.

Planner's Comment:

The land is unaffected by any known Aboriginal and European Heritage sites. A standard condition will be imposed on any consent issued requiring consultation with the NSW Office of Environment should any relics or objects be found during construction.

B11 Social and Economic Impact

Some forms of development may have a substantial social or economic impact on the location of the development, for example the establishment of an industry employing a large number of people. A social impact assessment considers the likely social consequences, both positive and negative of a development proposal. An outcome of the assessment may be the identification of a need for community, health or education services facilities and services.

Section 4.15 of the NSW Environmental Planning and Assessment Act 1979 requires the consideration of the social and economic impact of a proposed development. For some development this will require a detailed economic or social impact assessment. The aim of the assessment is to determine the impacts of a proposed development on the social or economic environment.

Planner's Comment:

A social and economic assessment is not considered necessary for the development for the following reasons:

- It is small in scale and impact
- It will have minimal environmental impact on the natural environment
- It is keeping with other small scale adjoining and surrounding residential development
- An Environmental Noise Assessment has been undertaken and concluded noise emission levels from adjoining and nearby industrial uses (concrete batching plant/furniture making) were assessed as complying with established

amenity noise levels provided in the NSW EPA document Noise Policy for Industry October 2017.

The consultants report requirements will need to be imposed to minimise any potential amenity concerns to future residents of the subdivision.

- Restrictive conditions will be imposed on any consent granted as per Councils determination of 28 February 2018 to minimise any potential adverse impacts on the amenity of future residents.

It is considered any potential social and economic impacts resulting from the proposal will be minimal and acceptable.

B12 Landscaping

The landscaping of development enhances the streetscape and blends new development into the streetscape. Trees also provide shade and possibly habitat for native fauna. Landscaping also provides an effective 'softening' of the hard edges of buildings and can be used to reduce the bulk and visual impact of development. Quality landscaping retains significant natural landscape features and mature trees.

Well planned and executed landscaping contributes to the appearance and amenity of the development. Trees and shrubs can also have an important role in the control of sun, noise, and wind, screening of functional spaces such as parking areas and minimising the amount of water running off the property.

To comply with the PDCP 2015 the applicant has submitted Landscape Plans identifying suitable street tree plantings and seeding of verges. In addition landscape details will need to be incorporated in the landscape plan showing suitable buffer native plantings along the western boundary of lot 51 adjoining the existing concrete batching plant.

B14 Potentially Contaminated Land

Objective

- a) To ensure that changes of land use will not increase the risk to health or the environment from previous land use
- b) To provide information to support decision making

Control

- 1) Any development application for the development of land shall consider the potential for the site to be contaminated from a previous or current land use
- 2) Land identified as being potentially contaminated shall be assessed in accordance with the provisions of State Environmental Planning Policy 55 – Remediation of Land

Planner's Comment:

Refer to previous comments above relating to potential land contamination.

B15 Waste Management:

Objective

- a) To avoid the generation of waste through design, material selection and building practices
- b) To encourage waste minimisation, including source separation, reuse and recycling

- c) To ensure efficient storage and collection of waste and quality design of facilities

Control

Waste management plan

- 1) A waste management plan and details of on-site waste management facilities is to be submitted with all development applications for all residential buildings.

Planner's Comment:

Any consent granted will contain a condition for waste management to ensure that adequate measures are in place during the construction phase of the subdivision.

B19 Sydney, Googong and captains Flat Drinking Water Catchment

The Palerang Local Government Area (LGA) contains three drinking water catchments. These are catchments where surface water for the urban areas of Captains Flat, Queanbeyan, Canberra and Sydney are collected. Through controlling development in these catchments, there is less likelihood of there being poor quality drinking water for these urban areas.

Not only is poor quality drinking water unsatisfactory for health reasons, it is expensive to manage such water. The PLEP 2014 Drinking Water Catchment Map shows the three drinking water catchments and clause 6.4 of the PLEP 2014 sets out the requirements in regard to land use and the catchments.

Planner's Comment:

The proposed development is not located within any identified drinking water catchment.

Part C Development Specific Provisions

C1. Subdivision

C1.2.2 Lot Orientation: *The size and shape of the proposed lots allows for passive solar design of future dwellings. Additionally the residential lots are orientated north to south to create further opportunity for passive solar design.*

Planner's Comment:

Lots are designed of sufficient width to maximise solar design. The proposed street runs in a desirable east-west direction.

C1.2.3 Subdivision Pattern:

Objective

- a) To ensure the appearance and layout of new subdivisions are sympathetic to the character of existing residential areas.

Controls

- 1) New lot boundaries within the village area of Bungendore shall be parallel to or at right angles to the historic subdivision grid
- 2) Subdivision is not to result in built forms that will have detrimental impact on the traditional patterns and rhythms of the streetscape
- 3) Subdivision shall not result in the creation of stacked battle-axes or adjacent groups of battle-axe
- 4) Lots are to be designed that allow for buildings to be erected on the primary street frontage (battle axe block and rear laneways excepted)
- 5) The depth of the lot shall not exceed the width of the lot by more than 4:1

Planner's Comment:

The new proposed lot boundaries are consistent with the grid design and are positioned parallel and at right angles to existing boundaries. There are no battle-axe lots proposed and the ratio of lot depth to frontage is satisfactory.

C1.2.4 Road networks and design:

Objective

- a) To provide a hierarchical network of roads with clear distinctions between each type of road based on function, capacity, vehicle speeds and safety
- b) To ensure that the road design fits within the existing hierarchy of roads
- c) To provide appropriate access for service and emergency service vehicles
- d) To allow for public utilities, services and drainage systems to be coordinated without impacting adversely on road pavements
- e) To ensure that the street network provides convenient, connected and safe access for pedestrians (especially children), cyclists, horse riders and vehicles
- f) To create a permeable and legible street hierarchy that responds to the natural site topography and native vegetation.

Planner's Comment:

The road proposal does not conflict with any of these provisions. The road should provide a logical continuation of the approved subdivision pattern to the south of the site. The proposed extension of Hopkins Street through to Majara Street will create a grid pattern which will provide suitable vehicular access to the proposed residential lots.

The road design fits within the existing hierarchy of local roads; provides access for emergency and service vehicles; allows provision of utility services to be co-ordinated without adversely impacting on road pavements; allows safe access for pedestrians and responds to the natural site topography.

C1 2.5 Building envelopes

Each of the proposed lots contain more than adequate building envelopes when allowing for street and side setbacks, buffers, landscaping, fencing and easements.

C1.2.6 Potable Water:

Objective

- a) To provide a regular supply of potable water, with sufficient capacity for peak usage, fire fighting and long term development
- b) To provide an adequate supply of potable water for sites that cannot be connected to the water supply
- c) To provide an adequate supply of water for bush fire protection

Controls

- 1) A reticulated water supply is to be provided for all subdivisions where an existing reticulated water supply is provided nearby.

Refer to section B7 Engineering requirements in this DCP

Planner's Comment:

The development is proposed to be connected to Councils reticulated water supply.

C1.2.7 Sewerage:

Objective

- a) To ensure that residential areas are serviced with a sewage management system that is cost effective and efficient and supports sustainable practices
- b) To ensure that where on-site sewage management systems are required it does not result in:
 - land quality deterioration through chemical or biological contamination or degradation of soil structure
 - contamination of surface waters, subsurface flow or groundwater

Control

- 1) Where a reticulated sewage system is available nearby, all lots shall be connected to the reticulated sewerage system. Refer to section B7 Engineering requirements of this DCP.

Planner's Comment:

The development will be connected to councils reticulated sewage system.

C1.2.8 Stormwater drainage:

Objective

- a) To control and manage all stormwater generated within the development
- b) To control and manage all stormwater passing through development from the surrounding
- c) catchments
- d) To provide a legal point of discharge for all collected stormwater water to a natural water
- e) course or council drainage system
- f) To not have an adverse impact on the environment, surface and subsurface water quality and adjoining land either upstream or downstream of the subdivision
- g) To protect and enhance the natural water courses, aquatic habitat and riparian vegetation

Control

- 1) The development application is to be accompanied by a Storm Water Management Plan prepared by a certified practicing engineer and in accordance with the requirements of section B7 Engineering requirements in this DCP.

Planner's Comment:

The applicant has submitted drainage plans for stormwater control within the subdivision. The design will need to comply with Councils engineering standards.

C1.2.9 Electricity:

Objective

- a) To provide logical, efficient and environmentally sensitive extensions to electricity supply networks
- b) To promote opportunities for on-site generation of power

Control

- 1) Suitable power shall be provided by the developer to the boundary of all additional lots created in accordance with the requirements of the electricity supply body
- 2) Written evidence from the electricity supply body that the electricity infrastructure is satisfactory will be required prior to release of subdivision certificate

Planner's Comment:

The applicant has submitted a proposed electrical reticulation layout plan prepared by John Raineri & Associates Pty Ltd, Consulting Engineers dated 27 March 2018. The final electrical designs will be finalised once the detailed electrical net-work design has been received from Essential Energy.

Council has referred the application to Essential Energy for comment. Their requirements will form part of any consent as Advisory Notes.

Any granting of consent for the development will contain requirements for electricity supply.

C1.2.10 Telecommunications:

Objective

- a) To ensure that proposed lots can be serviced by telecommunications infrastructure Control

Control

- 1) Refer to section B7 Engineering requirements in this DCP

Planner's Comment:

Any consent granted will contain a condition regarding telecommunications connection to the new lots.

C1.2.11 Service Easements:

Objective

- a) To ensure approved development and maintenance can be undertaken

Control

- 1) Refer to section B7 Engineering requirements in this DCP

Planner's Comment:

These matters will be conditioned with any consent granted.

C1.2.12 Natural resources and heritage:

Objective

- b) To ensure that the subdivision of land provides for the protection and management of natural resources, heritage and landscape character

Control

- 1) The subdivision design should retain existing native vegetation and mature trees. Refer to section B3 Flora, fauna, soil and watercourses in this DCP
- 2) The subdivision design is to retain existing significant heritage. Refer to section B10 Heritage – European (non-Indigenous), Aboriginal (Indigenous) and Natural in this DCP.

Planner's Comment:

These matters have previously been considered in this report. No unnecessary impacts on natural resources and heritage have been identified.

C1.3.6 R1 General Residential and R2 Low Density Residential:

Objective

- a) To provide for a range of lot sizes for residential housing in a town setting to meet the needs of the future population
- b) To retain the character and visual amenity of Bungendore and Braidwood
- c) To ensure lots have appropriate areas and dimensions for the siting and construction of dwellings and other structures
- d) To ensure the subdivision design is consistent with and respects the existing subdivision and settlement pattern

Controls

- 1) The subdivision design is to be consistent with the existing subdivision pattern in the locality
- 2) Battle axe lots shall be kept to a minimum, but when incorporated within a subdivision the following restrictions shall apply to ensure that adequate provision is made for two way vehicular access for future development:
 - the access handle for each lot must have direct frontage to a public road,
 - the access handle must have a minimum width of 4.0m and be no longer than 100m,
 - a maximum of two lots only will be allowed from one access handle.
- 3) The lot is to have a minimum street frontage of 20 metres unless it is a battle axe lot

Planner's Comment:

The subdivision is considered to meet the objectives and controls within C1.3.6 as follows:

- The subdivision design is consistent with the existing subdivision grid pattern in the locality
- Lot frontages are 20m or more.
- The Bungendore character and visual amenity will be retained
- Adequate building envelopes can be provided for each lot so as to provide appropriate buffers.

C22 Filling of Land

The filling of land whilst having the advantage of using excess soil and creating a usable surface can lead to significant problems if it is not undertaken correctly. For instance the material to fill an area should not be contaminated or contain items such as household goods and bricks that cannot be adequately compacted and may result in further erosion.

Controls

- 1) The fill material is to be compacted to a dry density of not less than 95% Standard Maximum dry density. In some instances Council may require this to be confirmed through compaction testing at an accredited laboratory
- 2) Sediment and erosion control measures are to be established at the commencement of the work, refer to section B8 Erosion and sediment control in this DCP
- 3) Gravel and rock to be used as fill should not be greater than 10mm in size
- 4) The site is to be rehabilitated with both short and long term robust vegetation
- 5) On completion of the landfilling work, written documentation may be required from a registered surveyor stating that the finished levels are in accordance with the approved design is to be submitted to Council

Planner's Comment:

It is understood from the applicant's submission no fill material will be imported onto the site. Should the development be approved a condition will be imposed regarding any importation of fill as per Councils requirements.

Part D Area Specific Provisions:

Certain areas of the Palerang local government area have been identified as having a unique character. The sections below describe the history and the current character and desired future character for Palerang towns and villages. In some instances, specific controls to protect character have been included in the DCP. Controls may include:

- requirements for a minimum landscaped area
- maximum site coverage
- building style and materials
- front and side setbacks

Objective

- a) To maintain or enhance the character of an area identified as having a unique character

Controls

- 1) The compatibility of the development with the existing character of an area is to be taken into account
- 2) Where a development is likely to differ to the character described, a statement justifying the proposal against the character statement will be required to be submitted at the same time as the development application

D1 Bungendore

Desired future characteristics of Bungendore

- Structures are of a low scale with a distinct divide between the town and the surrounding rural landscape
- Development is generally of low density with buildings well separated (except in the commercial area (precinct 2))
- A landscaped setting including mature trees and shrubs, grassed verges and gardens, all of which combine exotic and native species
- The historic grid pattern is intact
- Heritage items are dominant features
- New buildings are of sympathetic form and external materials relate to the existing town character
- Open space areas are not cluttered with new structures

The village of Bungendore is not listed as a heritage conservation area in the PLEP 2014 or under the NSW Heritage Act 1977. The development controls below aim to maintain and enhance the historic and rural character of Bungendore. The controls relate to development in each of the precincts and are in addition to those listed in B10-Heritage.

Precinct 3 Historic village residential area

Current characteristics

- The subdivision pattern is generally consistent with, and responds to the grid road layout that is oriented east-west. There are several service lanes
- The precinct is predominantly residential characterised by single storey dwellings facing the street
- Heritage listed buildings are scattered throughout the precinct but there is a notable concentration in Turallo Terrace on the northern edge of the original village
- The more substantial buildings are generally stone or brick
- Houses are typically single or double fronted with pitched gable or hipped roofs and verandahs. Wall materials include brick, stone or weatherboard and roofs have been predominantly corrugated steel
- Many lots and the streets are planted with mature trees that have created a significant canopy.
- Planting of mature trees along lot boundaries provides substantial buffers between lots
- The lots are large. Houses are generally set back from the street (average 7 metres) but are generally within the front half of the lot leaving significant rear yards
- There are a variety of verge treatments. Inner streets tend to have formed kerbs. Outer streets have grass or gravel with swales.

Planner's Comment:

The development satisfies the above listed objectives and controls as follows:

- The subdivision pattern responds to the grid road layout that is oriented east-west
- Street tree planting will take place
- Lot sizes are in keeping with the existing larger lots established in the village.
- Future residential structures will comply with the standards outlined above.

Part E Notification of Development Applications:

The application was notified as Integrated Development from 2 May 2018 to 16 May 2018. Two written submission were received within this period. Refer to details below,

Section 4.15 (1)(a)(iiia) any planning agreement that has been entered into under section 7.4, or any draft planning agreement that a developer has offered to enter into under section 7.4,

There are no planning agreements applying to the subject site.

Section 4.15(1)(a)(iv) the regulations (to the extent that they prescribe matters for the purposes of this paragraph),

There are no matters prescribed by the regulations which apply to the proposed development.

Section 4.15 (1)(b) the likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality,

The likely impacts of the development on the natural and built environment are considered acceptable for the following reasons:

- The land has been previously cleared of native vegetation and used for grazing.
- The land is adjoined by existing urban development (both residential and industrial)
- Impacts on the adjoining industrial occupations can be minimised by implementing noise mitigation measures recommended by the noise assessment consultant and councils mitigation requirements for rezoning of the land.
- Whilst it is acknowledged there can be potential impacts from the adjoining industrial activities such impacts particularly noise and dust can also be managed through improved management practices by the current industrial operators. It should also be acknowledged that impact from the adjoining industrial activities on existing nearby residences has not attracted any noticeable objection from residents.
- The additional traffic movements resulting from the residential lots have been considered in a Traffic Impact Assessment submitted by the applicant. The assessment concludes the proposal will result in 13 additional vehicle movements in the AM peak and 17 in the PM peak. The assessment utilising available traffic count data from nearby roads indicates the surrounding road network provides a sufficient capacity to accommodate the relatively small increase in traffic without requiring upgrade of existing intersections.

The development should have positive social and economic impacts through:

- Increasing housing choice and demand in the village
- Imposing safeguards on the development approval to maintain future residential amenity and protect adjoining industrial activities.
- Providing increased investment by providing new infrastructure and providing additional short term employment opportunities.

Context and Setting:

The proposal is in keeping with the character, scale, density, design and amenity of surrounding residential development. Whilst it is not compatible with the adjoining existing industrial development, appropriate mitigation measures are recommended as conditions of

consent and within the subdivision design to minimise potential impacts. Refer to previous comments above regarding potential impacts from adjoining industrial development.

Access, Transport and Traffic

The development provides for appropriate accessibility and transport management measures for vehicles and pedestrians. The proposed and adjoining roads will have adequate capacity to accommodate the development. Public transport is available within the Bungendore village.

Public Domain

There are adequate existing public recreation facilities in the locality. The development provides for adequate pedestrian linkages. There will be no adverse impact on the existing public domain.

Utilities

The land can be satisfactorily connected to all utility services which have adequate capacity to accommodate the development.

Heritage

The development does not affect any known Aboriginal or European heritage items or is it located within any identified Conservation Area.

Other Land Resources

The development would not have any effect on any significant land resources i.e. minerals, agriculture lands.

Water

The development will not impact on any known water resources and the water cycle. The development will utilise existing identified water reserves for the village which are adequate for the development. It will not adversely impact on existing local drainage flow regimes.

Soils

The land is of minor slope and consists of permeable soils. Applying erosion controls at construction stage will ensure soils remain stable on the site and will not runoff into the local drainage system.

Air and Micro Climate

The development will not affect existing air quality during or after construction. Dust mitigation measures will need to apply during the construction phase of the development.

Flora and Fauna

There is no significant native vegetation situated on the land. It is a cleared site disturbed site previously used for grazing.

Waste

The applicants will need to submit waste management details prior to construction works.

Energy

The development will utilise energy efficient electrical fittings i.e. street lighting. Electricity supply connections will need to comply with Essential Energy requirements.

Noise and vibration

The development is not expected to generate offensive noise pollution or vibration during construction works. Conditions will apply regulating days and hours of construction works.

Natural Hazards

There are no known hazards affecting the development site except bushfire hazard. Refer to previous comments above on bushfire hazard.

Technological Hazards

There are no technological hazards identified on the land.

Safety, Security and Crime Prevention

The development is adequately designed to ensure future provision of safety and security. The subdivision will provide street lighting at night and appropriate footpath landscaping. Future housing development will provide good surveillance over the street and other properties which will deter any potential criminal activities.

Social and Economic Impacts

The development should have positive social and economic impacts through:

- Increasing housing choice and demand in the village
- Imposing safeguards on the development approval to maintain future residential amenity and protect adjoining industrial activities.
- Providing increased investment in providing new infrastructure and providing additional short term employment opportunities.

Site Design and Internal Design

The development is considered sensitive to the site and local environment. The safety and health of future residents resulting from the development should not be adversely affected provided safeguards are built into any consent as elaborated on above.

Construction impacts

Construction activities will be controlled by condition of consent restricting operating times.

Cumulative Impacts

The impacts proposed as part the subdivision construction works should be acceptable with all impacts operating in unison ie noise, vibration and air pollution from earthworks and use of machinery.

Section 4.15(1)(c) the suitability of the site for the development

Does the proposal fit into the locality and are site attributes conducive to development?

The land is considered suitable for the development given:

- The land has been previously determined as suitable by Council for residential rezoning and future residential development.
- The land has no physical constraints ie steep slopes, soils, flooding, vegetation or drainage.
- The site bushfire hazard can be adequately controlled by conditions from the NSW RFS Bushfire Safety Authority.
- The land is in close proximity to existing utility services. Services can be extended without significant costs. These services are of adequate capacity for the proposal.
- The land is served by existing formed roads. The proposed road will adjoin these roads. The extra traffic generated by the subdivision can be adequately accommodated by the existing road network.
- The land adjoins existing developed residential land.
- Mitigation measures are incorporated in the recommended conditions of consent to minimise potential adverse impacts from adjoining and nearby industrial activities.

Section 4.15(1)(d) any submissions made in accordance with this Act or the regulations,

Government Agency submissions:

NSW Rural Fire Service have issued their Bushfire Safety Authority under Section 100B Rural Fires Act 1997. Refer also to comments below.

John Holland: Refer to comments below.

Essential Energy: Refer to comments below.

Public Submissions:

A total of two submissions were received. One written submission on behalf of an adjoining industrial property owner who operates a concrete batching plant was received. The second written by an adjoining resident with concerns on the existing drainage infrastructure. The issues of concern being:

Issue: There is no distance between the proposal and the adjoining concrete batching plant. Designated development is triggered under the Act where a plant is located within 250m of a dwelling or residential area. The proposed subdivision is located adjoining the existing plant.

Planner's Comment:

Council staff addressed the potential impacts of the proposed rezoning on the existing adjoining industrial activities including the concrete batching plant. Potential impacts relating to noise, dust and lighting were identified.

To address noise impacts Council requested an Acoustic Report from the applicant. The report recommended the following:

- Noise wall to be located on the common boundary of the concrete plant and the drainage reserve. The wall is to be constructed of any solid and continuous (no breaks), durable material with sufficient mass to prevent direct noise transmission at a height of up to 3m high.
- Double storey dwellings not to be located in the north western area of the site.
- Building design to consider orientation, location of windows and bedrooms away from the concrete plant facility and treatments to reduce noise in the north western area of the site.
- Trees to be planted in the drainage reserve along the fence line in the north western corner.

Council also required the following additional restrictions:

4. That the rezoning of the former Lot 3 DP 1195030 (now part of Lot 47, DP1229434) from IN2 Light Industry to R2 Low Density Residential include provisions for the following:

- a) there is a maximum of ten residential lots on the former Lot 3 DP 1195030 (now part of lot 47 DP 1229434)
- b) there is a minimum 10 metre buffer on the western boundary and that this buffer is dedicated to Council as a drainage reserve (operational land)
- c) there is a 10 metre buffer on the northern boundary of the former Lot 3 DP 1195030 (now part of lot 47 DP 1229434). This buffer shall be included within the residential lots with a covenant stating:
 - i. That the owners are to maintain the buffer and the adjacent fencing
 - ii. That the buffer is included in property fencing
 - iii. That there are to be no habitable structures within in the buffer
- d) a covenant is placed on the western most lot restricting any future dwellings to one storey only and that a 2m high lapped and capped timber fence be erected along the western boundary of that allotment.
- e) a covenant is placed on all future residential lots restricting the erection of dual occupancies.

It is considered that the imposition of these restrictions as conditions will ensure that any future potential impacts will be minimised.

Issue: The objector advises the adjoining existing concrete batching plant is an approved *designated development* under the EPA Act 1979. Such development requires a 250m buffer distance to surrounding residential dwellings.

Planner's Comment:

Council officer report to Council on 28 February 2018 in respect of the PP advised:

In addition to the noise associated with the concrete batching plant there may be other amenity issues such as dust and lights and the visual amenity associated with industrial structures. Although with the daylight operating hours of the concrete batching plant the disturbance from lights is likely to be low. Dust can generally be managed through suppression measures. It will be a challenge to create a high quality residential development within close proximity of an industrial land use.

It is the experience of Council staff that where residential land uses are in close proximity to industrial land uses, complaints about amenity, particularly noise are difficult to manage as the rectification of them is generally expensive. An acoustic consultant would need to be engaged by the proponent to assist with the design of the subdivision.

The acoustic report recommendations are referred to above.

There is no prohibition of the proposed subdivision due to it being located within the existing surrounding buffer area. Any existing buffer surrounding the batching plant does not preclude other land use activities (where the zoning permits) however Council must be fully aware that it is essential that the operators be allowed to continue to operate their business within the bounds of their consent. Therefore Council in supporting the proposed development must impose strict environmental controls on any consent issued to ensure the future amenity of residents is protected and the present operating environment of the concrete batching plant continues..

Issue: Dust and noise nuisance/exposure to particulates.

Planner's Comment:

There are emissions naturally associated with concrete batching that may result in impacts on the surrounding community and natural environment if not correctly managed. These emissions include:

- release of dust and/or particulates into the air
- release of high pH and contaminated water and sediments
- noise from handling, mixing and transport operations
- waste management and lighting

Comments by Councils Natural Landscapes and Health on noise and dust:

Submission has been made by Badgery & Rafferty Lawyers on behalf of Monaro Mix Specified Concrete in regard to proposed residential development immediately adjoining their property at 41 King Street Bungendore. The concrete batching plant was approved and has been operational since 1994. Concerns raised in the submission include the risk of amenity issues on the proposed residential development due to lack of buffer distance and likely impacts from noise, dust and emissions from the existing business.

There is a need to recognise the importance of existing industrial landuse and balance that with interface rezoning and considering social, economic and environmental considerations. In this respect, Council has a responsibility to protect future occupiers and ensure that the potential noise impacts from existing industrial developments are assessed and minimised where reasonable and feasible.

It is not reasonable to require the developer to reduce noise at source. Nor is it reasonable to require the existing business to make alterations to their business because a residential development is going in next door. Therefore Council can only recognise the conflict and set conditions which reduce or mitigate the impact of the noise on the new development, as recommended in the "Environmental Noise Assessment" prepared by Renzo Tonin & Associates 29 January 2018.

It is considered that planning controls are required to ensure that acoustic measures are implemented, so that the development is more considered and made compatible with the neighbouring industrial activity.

It has been demonstrated that noise levels will affect the development to a certain degree. The character of the noise particularly the pneumatic valve on the silo which provides a pulse every 20 seconds during the day and clearly audible over the background noise must be considered and a future "Offensive Noise" source.

Sensitivity to noise is subjective and can make it difficult to manage. Disturbance during sleep or enjoyment of one's property. Once the development is built, if noise is a problem then resolving the issue is almost impossible.

The area has been identified as having high noise levels. This is an obvious conflict between an area of acceptable higher noise levels and those of the most stringent residential.

Council must be proactive and impose performance criteria such as DCP controls which specify setbacks, location of windows, boundary walls and window glazing, orientation of the building, height of the building to ensure future residents are not affected by noise.

Alternatively, restriction as to use could be placed on the Title.

If no controls are enforced then it is suggested that affected sites notify potential purchasers on a section 149 certificate. This way potential purchasers of affected property could be made aware of the situation by recording the relevant information on a certificate issued under s 149 (5) of the EP&A Act.

Council must endeavour to separate noise sensitive developments from major sources of noise. It is good practice to try and keep a suitable distance between noise sensitive development and noise sources.

The noise assessment report recommends that:

- *Noise wall to be located on the common boundary of the concrete plant and the drainage reserve. The wall is to be constructed of any solid and continuous (no breaks), durable material with sufficient mass to prevent direct noise transmission at a height of up to 3m high.*
- *Double storey dwellings not to be located in the north western area of the site.*
- *Building design to consider orientation, location of windows and bedrooms away from the concrete plant facility and treatments to reduce noise in the north western area of the site.*
- *Trees to be planted in the drainage reserve along the fence line in the north western corner.*

It is also recommended that the suggested 10m buffer on the western boundary be retained and used as a drainage reserve. This and the creation of a barrier will also help with dust control.

I have no reason to doubt the validity of the modelling or the conclusions reached. Based on the report received the proposed noise impacts on the future residential development are acceptable with planning controls imposed.

Further planning comment:

Whilst the above referred to restrictions are recommended to be imposed on any consent granted it is still the responsibility of the operator of the concrete batching plant to ensure their conditions of consent relating to their use are strictly carried out to minimise impacts from the plant and surrounding precinct. This will ensure potential impacts identified above are minimised.

Issue: Objection to the proposed stormwater drainage works.

Planner's Comment:

The concerns were raised with the development engineer who provided the below comments:

"The four 375mmø RCP Class 4 pipes crossing Hopkins Street on SMEC drawing No 3002410-03-071 Rev 01, are included in the flood modelling as provided by SMEC initial on 24 March 2016 for Stage 2 of the development under DA.2016.014."

The design is intended to limit post development flows to no more than pre-development flows, by detention within the proposed urban stormwater drainage network within the development. Given the existing drainage infrastructure already installed and the modelling of flows in previous rezoning, the proposed stormwater network is required and is adequate for the proposal.

Internal Referrals

Development Engineer

Topography

The natural terrain is mildly sloping with approximately 3.0m fall, sloping from the eastern side to the west.

Access Roads

The applicant is to construct MLBK kerb and gutter including any sealed pavement required to provide for a street pavement width of 9.0m (kerb – kerb), to the full frontage of the development lots. The roads will connect to the adjacent development and to an unformed section of Majara St.

Parking

Parking will be on-site and also be available as on-street parking.

Pedestrian Networks

Footpaths on one side of road only are required, minimum 1.5m wide.

Water

A DN150 DICL water main is within the Majara Street road reserve, a DN100 DICL water main is within Jacombs Street and a DN100 PVC water main is located in Hopkins Street. The development's new water mains within the development will interconnect to this network.

Sewer

Sewer mains and lot connections are required.

Stormwater

A major/minor stormwater system is required, including inter-allotment drainage where lots do not drain to the street. Any flows being received from the railway line cross drainage culverts will need to be accepted and managed by the design.

An existing drainage easement providing stormwater drainage connection between Hopkins Street to Ellendon Street, located within Lot 101 DP 835461, will be utilized for minor/major flow paths. It is proposed to limit post-development flows to no more than pre-development flows, by detention within the proposed urban stormwater drainage network within the development.

Erosion and Sediment Control

Erosion and sediment control measures will be required. As the site is >2500m² in area, a Soil and Water Management Plan (SWMP) will be required to be submitted with the construction certificate application.

Flooding

Not applicable

Solid Waste

Kerbside pickup will be available for all lots.

Utilities (Electricity/Telecommunications/Gas)

The subdivision will require connection to these utilities.

Section 64 and Section 7.11 Contributions

Subdivision is of 1 Lot into 15 lots. As there is not a record of S.7.11 (94) or S.64 previously been levied on these existing lots there is no credit applicable. Contributions will therefore be levied for 15 lots or 15 ET.

Section 64 Contributions

Contribution Plan	Service Area	Add. ET = 15 x Charge	Contribution 2018/19
Water Headworks	Bungendore	15 x \$10,350	\$155,250
Sewer Headworks	Bungendore	15 x \$12,470	\$187,050

Section 7.11 Contributions

The following Section 7.11 contributions are applicable: E.T. = 15
(see following page)

Contribution Plan	Base Contrib.	Inflation to 2018/19	Current Contrib. per E.T.	Current Contribution x 15 E.T.
Yarrowlumla Plan No.1				
Public Services & Amenities				
Community Hall/Sports Centre	\$660	72.40%	\$1,138	\$17,070
Bush Fire/SES Hall	\$240		\$414	\$6,210
Pre-school Centre Land	\$50		\$86	\$1,290
Expansion of Pool	\$540		\$931	\$13,965
Library Building Relocation	\$240		\$414	\$6,210
Embellishment of Open Space	\$190		\$328	\$4,920
Total Plan No 1			\$3,311	\$49,665

Contribution Plan	Base Contrib.	Inflation to June Qtr. 2018	Current Contrib. per E.T.	Current Contribution x 15 E.T.
Palerang Plan No.7				
Recreation facilities	\$2,285	29.02%	\$2,948	\$44,220
Palerang Plan No.8				
Pathways in Bungendore	\$890	29.02%	\$1,148	\$17,220
Palerang Plan No.9				
Road network in Bungendore	\$2,455	29.02%	\$3,167	\$47,505
Palerang Plan No.10				
Kings Highway Culverts Bungendore South	\$2,100	29.02%	\$2,709	\$40,635

Section 94 TOTALS	\$199,245
--------------------------	------------------

Health and Building:

Raise no objection to the development.

External referrals

John Holland:

John Holland owner of the adjoining Canberra to Goulburn railway was contacted however offered no comment on the proposal. Refer to comments under the heading SEPP (Infrastructure) above.

Rural Fire Service;

The development is integrated development under section 4.46 Environmental planning and assessment act 1979. A Bushfire Safety Authority was issued under Section 100B Rural Fires Act 1997 for the subdivision. Refer to above comments and conditions from NSW Rural Fire Service.

Essential Energy

Essential Energy has no comments to make as to potential safety risks arising from the proposed development.

Essential Energy makes the following general comments:

As part of the subdivision, easements are created for any existing electrical infrastructure. The easements are to be created using Essential Energy's standard easement terms current at the time of registration of the plan of subdivision.

2. If the proposed development changes, there may be potential safety risks and it is recommended that Essential Energy is consulted for further comment.
3. Any existing encumbrances in favour of Essential Energy (or its predecessors) noted on the title of the above property should be complied with.
4. Council should ensure that a Notification of Arrangement (confirming satisfactory arrangements have been made for the provision of power) is issued by Essential Energy with respect to all proposed lots which will form part of the subdivision, prior to Council releasing the Subdivision Certificate. It is the Applicant's responsibility to make the appropriate application with Essential Energy for the supply of electricity to the subdivision, which may include the payment of fees and contributions.
5. In addition, Essential Energy's records indicate there is electricity infrastructure located within close proximity to the property. Any activities within this location must be undertaken in accordance with the latest industry guideline currently known as *ISSC 20 Guideline for the Management of Activities within Electricity Easements and Close to Infrastructure*. Approval may be required from Essential Energy should activities within the property encroach on the electricity infrastructure.

6. Prior to carrying out any works, a “Dial Before You Dig” enquiry should be undertaken in accordance with the requirements of Part 5E (Protection of Underground Electricity Power Lines) of the *Electricity Supply Act 1995 (NSW)*.
7. Given there is electricity infrastructure in the area, it is the responsibility of the person/s completing any works around powerlines to understand their safety responsibilities. SafeWork NSW (www.safework.nsw.gov.au) has publications that provide guidance when working close to electricity infrastructure. These include the *Code of Practice – Work near Overhead Power Lines and Underground Assets*.

Section 4.15(1)(e) The public interest;

It is considered that the granting of conditional approval for the subdivision proposal as submitted is appropriate having regard to the public and local community interest.

Conclusion

The submitted integrated development application DA.2018.074 involves a 15 lot residential subdivision, extension of Hopkins Street as a public road and small electricity sub-station on LOT 47 DP 1229434, Majara Street, Bungendore.

The proposal was notified to adjoining owner/occupiers and two submissions were received. The amenity issues for future residents was raised by one submitter and has been properly considered and it is the opinion of staff that adequate mitigation measures can be imposed on any consent granted that will minimise potential adverse impacts on future residents. These incorporate adequate buffer/set back distances, noise fencing, height restrictions and landscaping. Another submitter raised concerns over the proposed stormwater drainage and has been properly considered in past studies of the planning proposal. Council staff consider the proposed stormwater management adequate for the proposed development and is supported by previous stormwater studies from the stage 2 release.

The proposal has been assessed under Section 4.15 of *Environmental*

Planning & Assessment Act 1979 including the relevant provisions of *Palerang Local*

Environmental Plan 2014 and *Palerang Development Control Plan 2015*.

The proposed development satisfies the requirements and achieves the objectives of these instruments.

A bushfire safety authority has been granted for the subdivision by NSW Rural Fire Service under the Rural Fires Act 1997.

Conditional approval is recommended.

QUEANBEYAN-PALERANG REGIONAL COUNCIL

Planning and Strategy Committee of the Whole Meeting
Attachment

8 AUGUST 2018

ITEM 4.2 DEVELOPMENT APPLICATION DA.2018.074 - 15 LOT
SUBDIVISION - LOT 47 DP 1229434 MAJARA STREET,
BUNGENDORE

ATTACHMENT 2 DA.2018.074 - SUBDIVISION PLANS - LOT 47 MAJARA
STREET

BUNGENDORE LAND PTY. LTD.

MAJARA STREET DEVELOPMENT STAGE 3

DEVELOPMENT APPLICATION

July 2018



SMEC AUSTRALIA PTY LTD
© ABN 47 065 475 149

Project Number 3002410

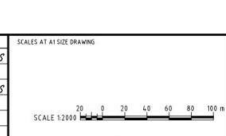


LOCALITY PLAN
SCALE 1:2000

DRAWING INDEX	
DRAWING NUMBER	DRAWING TITLE
3002410-03-001	LOCALITY PLAN AND DRAWING INDEX
3002410-03-003	SITE PLAN
3002410-03-004	LOT LAYOUT
3002410-03-005	GENERAL ARRANGEMENT
3002410-03-020	PAVEMENT PLAN
3002410-03-101	CONSTRUCTION MANAGEMENT, EROSION AND SEDIMENT CONTROL CONCEPT PLAN
3002410-03-121	LANDSCAPE PLAN

105 mm (4 IN) ORIGINAL

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			P.E.	DRAFTING CHECK	K. CURLEY
				DESIGNER	M.GORDON-EDWARDS
				DESIGN CHECK	P. EVANS
				PROJECT MANAGER	J. EFSTATHOU
				PROJECT DIRECTOR	P. EVANS



DESIGNER

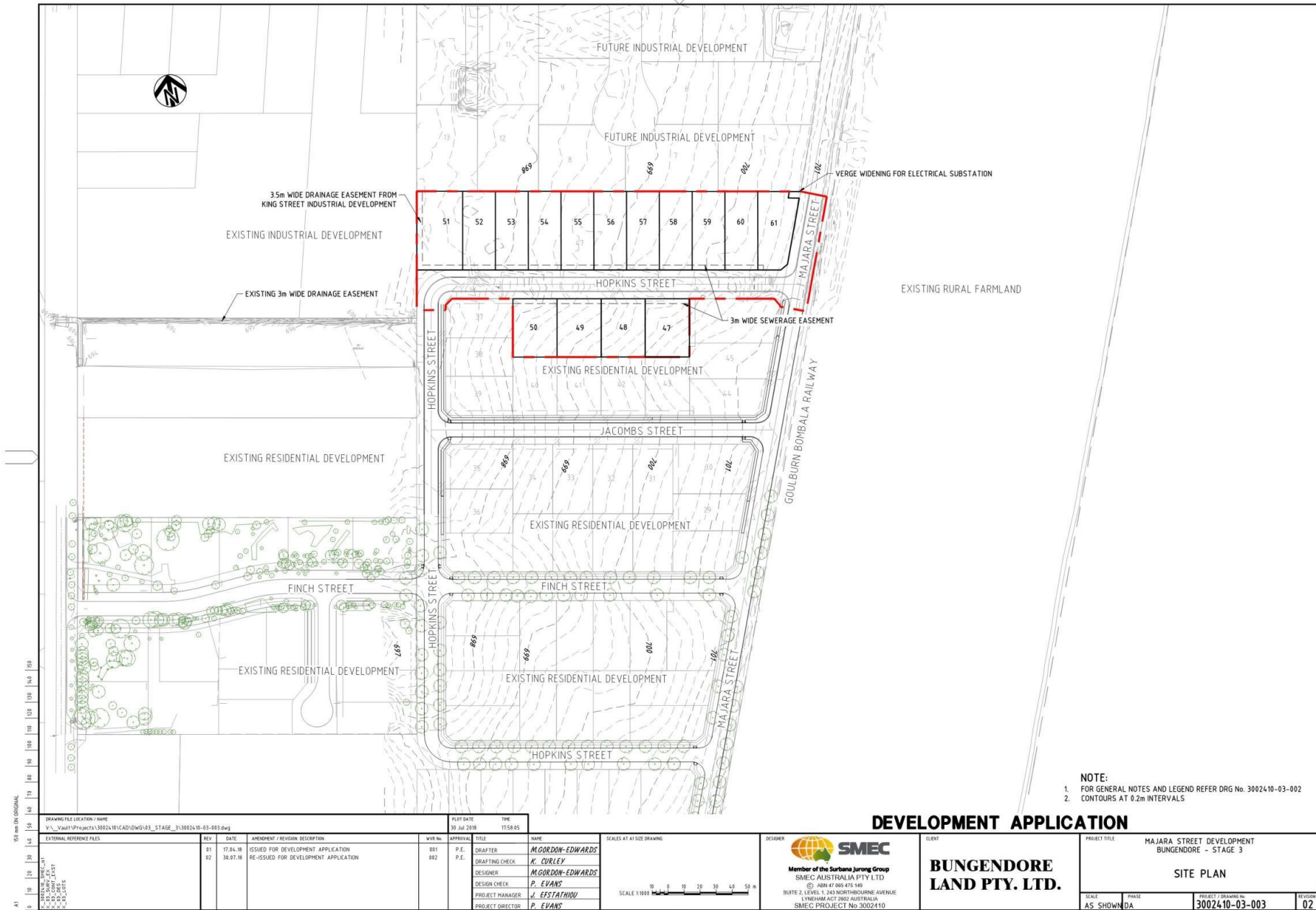
SMEC
Member of the Sverdrup Corbett Group
SMEC AUSTRALIA PTY LTD
© ABN 47 005 475 149
SUITE 2, LEVEL 5, 243 NORTHBOURNE AVENUE
LYNEDRIFT ACT 2602 AUSTRALIA
SMEC PROJECT No 3002410

CLIENT

BUNGENDORE LAND PTY. LTD.

PROJECT TITLE MAJARA STREET DEVELOPMENT BUNGENDORE - STAGE 3	
LOCALITY PLAN AND DRAWING INDEX	
SCALE AS SHOWN	PHASE DA
PROJECT / DRAWING No. 3002410-03-001	REVISION 02

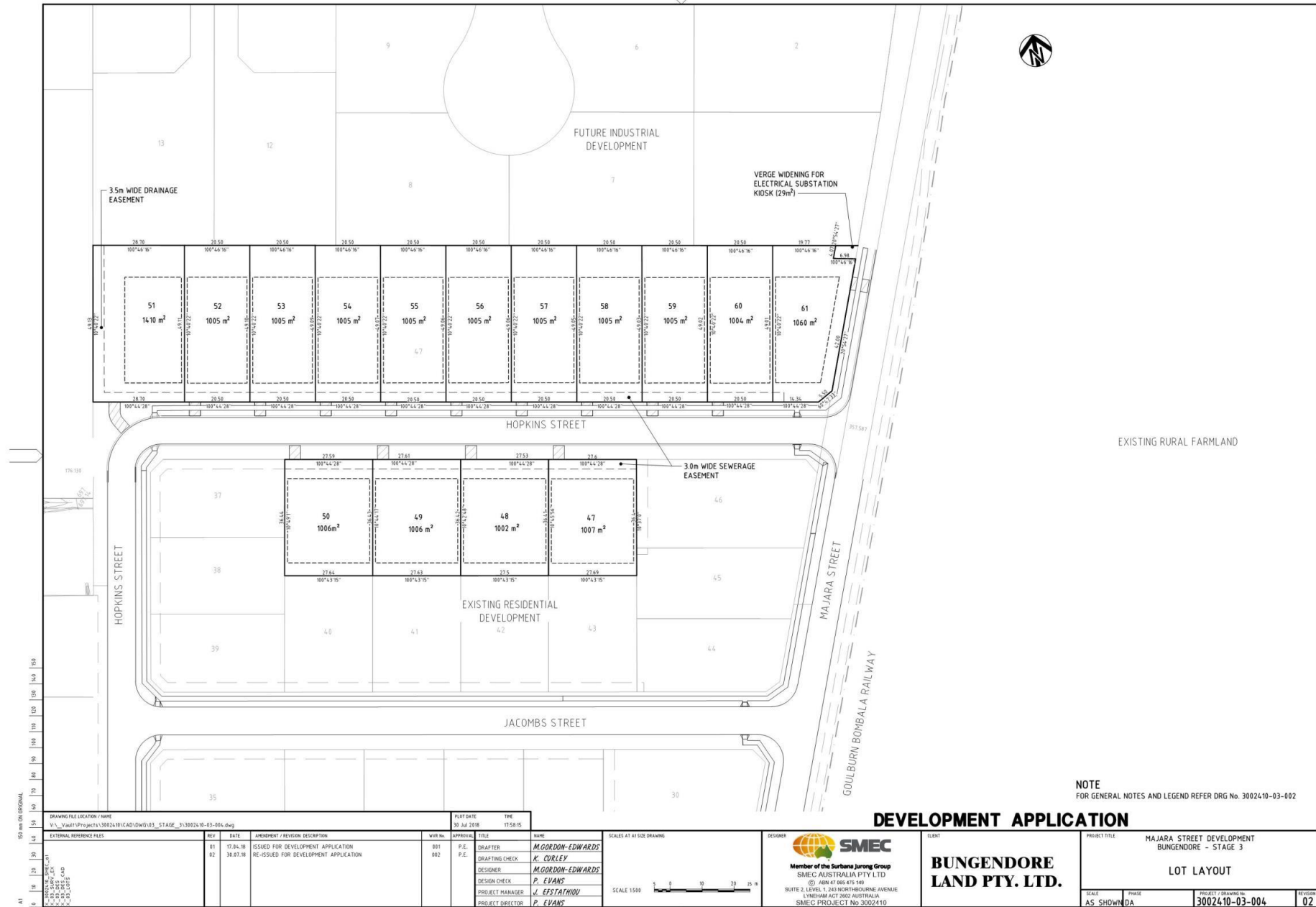
DEVELOPMENT APPLICATION



NOTE:
 1. FOR GENERAL NOTES AND LEGEND REFER DRG No. 3002410-03-002
 2. CONTOURS AT 0.2m INTERVALS

DEVELOPMENT APPLICATION

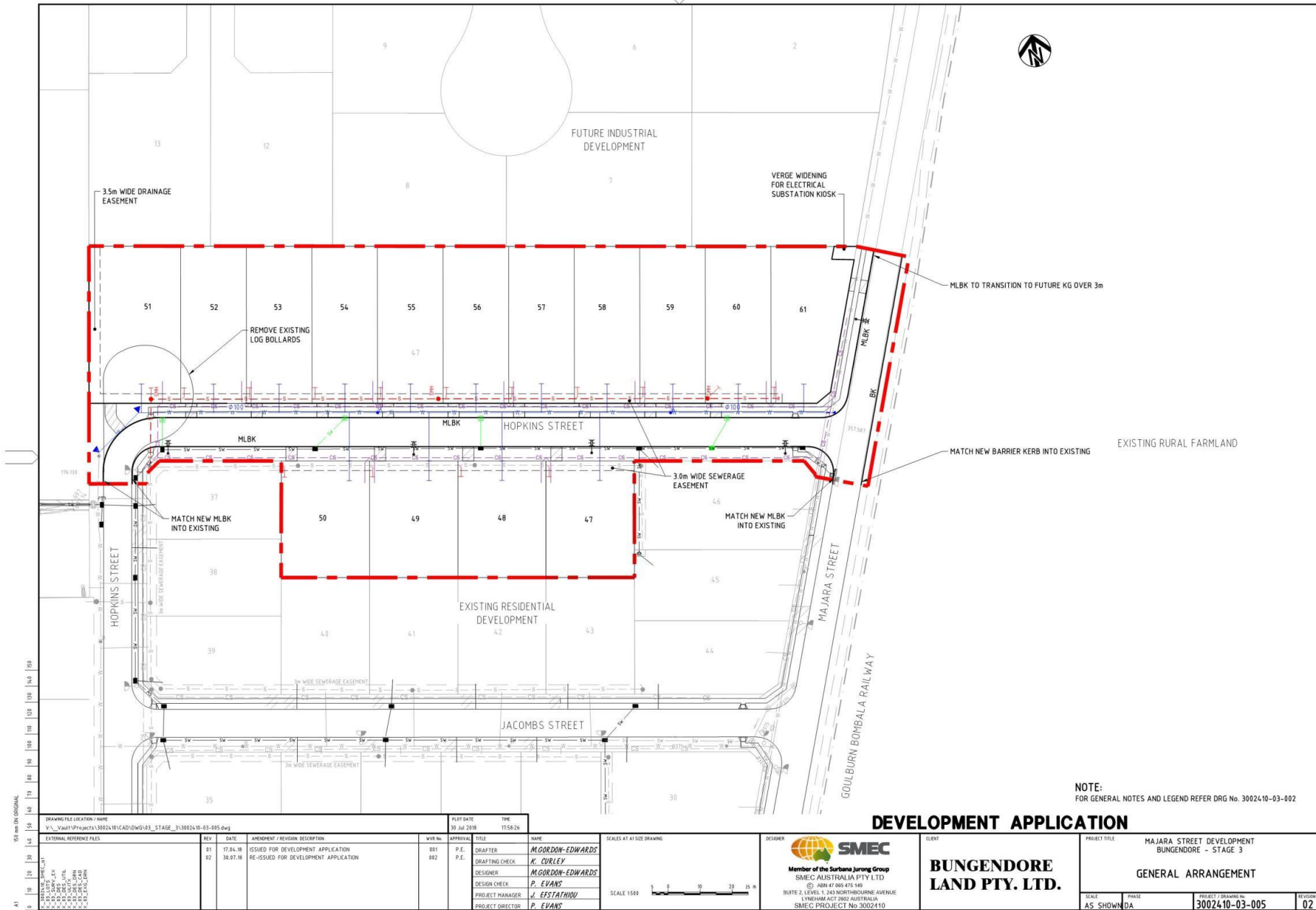
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02 30.07.18 RE-ISSUED FOR DEVELOPMENT APPLICATION		002 P.E.		DRAFTING CHECK K. CURLEY		SCALE AT A1 SIZE DRAWING SCALE 1:1000			
				DESIGNER M.GORDON-EDWARDS					
				DESIGN CHECK P. EVANS					
				PROJECT MANAGER J. EFSTATHOU					
				PROJECT DIRECTOR P. EVANS					

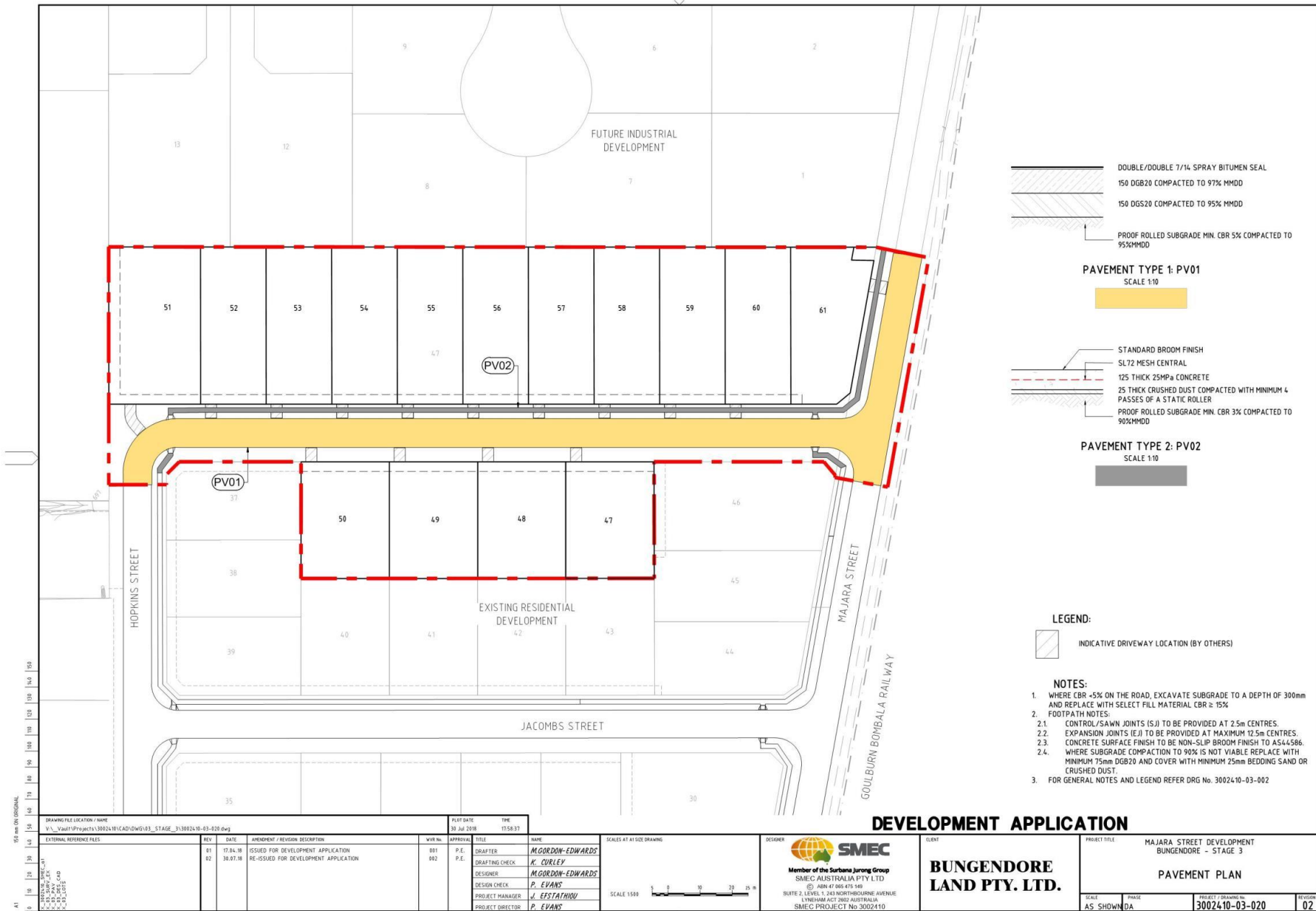


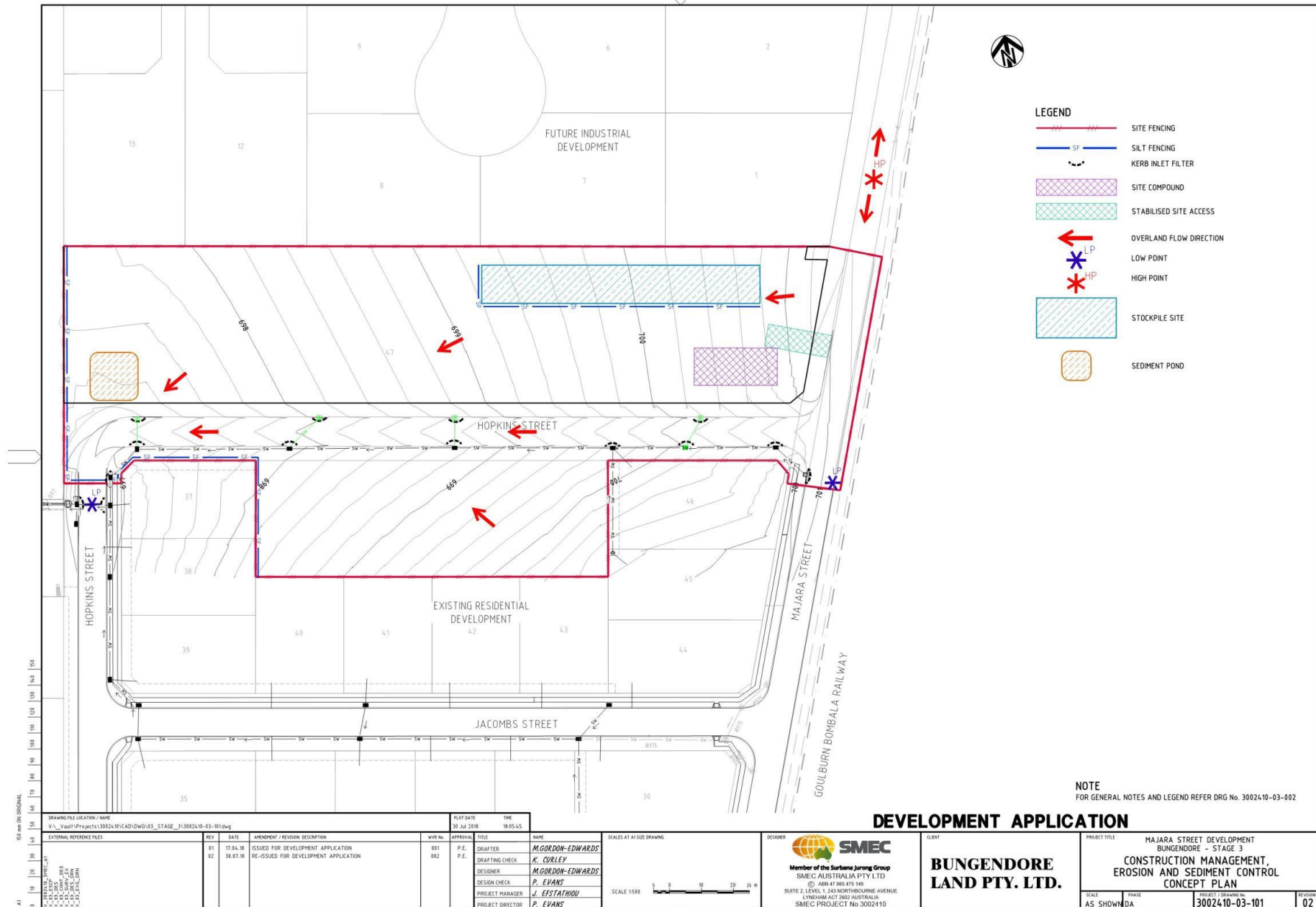
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FOR GENERAL NOTES AND LEGEND REFER DRG No. 3002410-03-002

DEVELOPMENT APPLICATION

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02	30.07.18	RE-ISSUED FOR DEVELOPMENT APPLICATION	002	P.E.	DRAFTING CHECK	K. CURLEY	1:1	AS SHOWN	02
					DESIGNER	M.GORDON-EDWARDS			
					DESIGN CHECK	P. EVANS			
					PROJECT MANAGER	J. EUSTATHOU			
					PROJECT DIRECTOR	P. EVANS			









DEVELOPMENT APPLICATION

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REV. DATE. AMENDMENT / REVISION DESCRIPTION 01 17.04.18 ISSUED FOR DEVELOPMENT APPLICATION 02 30.07.18 RE-ISSUED FOR DEVELOPMENT APPLICATION		WVR No. APPROVAL TITLE NAME 001 P.E. DRAFTER M.GORDON-EDWARDS 002 DRAFTING CHECK K. CURLEY DESIGNER M.GORDON-EDWARDS DESIGN CHECK P. EVANS PROJECT MANAGER J. EFSTATHOU PROJECT DIRECTOR P. EVANS		SCALE 1:500		SCALE AS SHOWN		PROJECT / DRAWING No. 3002410-03-121		REVISION 02	



local people
global experience

6 July 2018

Queanbeyan Palerang Regional Council
c/- Graeme Harlor
Service Manager – Development
PO BOX 348
BUNGENDORE NSW 2621

Dear Graeme,

RE: DA.2018.074, Lot 47 DP 1229434 Majara Street, Bungendore

We note Council's correspondence received 29 June 2018 regarding the above Development Application and requesting several amendments to the application.

The correspondence states that the application is contrary to the Council resolution applying to the rezoning of the land and suggests that the requested amendments are imposed *"under the Environmental Planning and Assessment Act 1979 and the Palerang Local Environmental Plan 2014 to protect the amenity of future residents that will reside in the proposed development."*

We have reviewed the recommended changes and question their necessity to protect amenity, given that the independent Acoustic Report (dated 29 January 2018) concluded that the rezoning of the land complies with the NSW EPA Noise Policy for Industry.

We believe the requested restrictions are overly onerous and unreasonable, and we question their legality under the Environmental Planning and Assessment Act 1979. To date, Council Officers have not provided any justification for the imposition of these restrictions or the environmental impacts they are intended to mitigate.

- Maximum of ten residential lots

The current subdivision lot layout achieves 11 residential blocks that comply with the minimum lot area required under Clause 4.1 of the Palerang Local Environmental Plan 2014 (PLEP). The LEP amendments approved in the planning proposal endorsed a minimum lot size of 1,000m².

In our view, further restricting the lot layout to only permit ten residential lots is *ultra vires*, as the proposal complies with the minimum lot size required by the LEP. The following provides discussion of the legal implications of restricting the lot yield.



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SMEC Holdings Pty Ltd ABN 84 057 274 049
SMEC Services Pty Ltd ABN 79 066 504 792
SMEC Australia Pty Ltd ABN 47 065 475 149
SMEC International Pty Ltd ABN 32 065 440 619

Restriction imposed by way of a Covenant

Clause 1.9A of the PLEP clearly states that any restriction that would impede development undertaken in accordance with the LEP is to have no effect.

By restricting the development to a maximum of ten residential lots, Council would be enforcing a more onerous development standard than what is permitted by the PLEP 2014. This would be hinder the intended application of the minimum lot size control.

The current subdivision lot layout is fully compliant with the provisions of the PLEP, and in accordance with Clause 1.9A of the PLEP, the restriction of the development to ten lots cannot legally be imposed by way of a covenant or other restriction on title.

Compliance with Development Control Plan

The current subdivision layout complies with the minimum subdivision requirements of Clause 3.6 of the Palerang Development Control Plan.

Relevantly, Section 4.15 (3A) of the Environmental Planning and Assessment Act 1979 states:

(3A) Development control plans

If a development control plan contains provisions that relate to the development that is the subject of a development application, the consent authority:

- (a) if those provisions set standards with respect to an aspect of the development and the development application complies with those standards—is not to require more onerous standards with respect to that aspect of the development, and
- (b) if those provisions set standards with respect to an aspect of the development and the development application does not comply with those standards—is to be flexible in applying those provisions and allow reasonable alternative solutions that achieve the objects of those standards for dealing with that aspect of the development, and
- (c) may consider those provisions only in connection with the assessment of that development application.

The restriction to lot yield as requested by Council would require a larger lot size, which would be more onerous than the development control plan requires, contrary to Section 4.15(3A)(a).

- Buffer to Western Boundary

The request is for a *“minimum 10 metre buffer on the western boundary and that this buffer is dedicated to Council as a drainage reserve (operational land).”*

This requirement is impractical as it would require the subdivision of an additional lot, which would be separately fenced from the adjoining residential lot and which would create an unusable space and a maintenance burden for Council.

This matter is better addressed by way of an easement benefiting Council. Based on the size of the drainage asset that is to be located along the western boundary, an easement with of 3.5 metres would suffice. The area covered by the easement would then be maintained by the resident, rather than burdening Council.

This would be consistent with the approved industrial subdivision to the north (DA2017.126) where the same Council drainage pipe is located within an industrial lot and is covered by a 3.5-metre-wide easement.

It is unreasonable and inconsistent for Council to require the designation a drainage reserve on the subject site where this has not been required on the adjoining property.

- Buffer to Northern Boundary

The request also includes the designation of a 10 metre buffer along the northern boundary of the site.

We request additional specific justification from Council Officers regarding this requirement as the Acoustic Report commissioned during the assessment of the Planning Proposal for the rezoning of the land clarifies that all portions of the site (including those areas within 10 metres of the northern boundary) would achieve compliance with the requirements of the NSW EPA Noise Policy for Industry 2017.

Any condition of consent imposed in a development application needs to meet the Newbury Test, (Newbury District Council v Secretary of State for the Environment [1981] AC 578), specifically:

- (i) Conditions must be for a planning purpose; and
- (ii) Conditions must reasonably relate to the development to which they are addressed; and
- (iii) Conditions must themselves be reasonable.

To date, Council Officers have not provided any justification as to the planning purpose or intent of the restriction in order to confirm how it satisfies the Newbury Test.

- Restriction to building height

The request seeks to restrict the future dwelling on the westernmost lot to single storey in height through the imposition of a covenant.

The maximum height of structures permitted on the site is 8.5m, and is subject to the height of building provisions of Clause 4.3 of the PLEP 2014. As such, a covenant restricting the height of future development would have no effect pursuant to Clause 1.9A of the PLEP 2014.

Similarly, such condition would not be permitted to be imposed under Section 4.15(2) and 4.15(3A) of the EP&A Act, as previously stated above.

Moreover, the acoustic report commissioned by Council during the Planning Proposal demonstrates that this height restriction is unnecessary when the adjoining use operates in accordance with the approved hours in the conditions of consent. It is unreasonable to restrict building height on the subject site based on the lack of impact present when the concrete batching plant operates during day-time hours as approved.

- Prohibition of dual occupancies

The request seeks to prohibit the construction of dual occupancies by way of a covenant.

The permissible uses on the site are set under the PLEP 2014 and include dual occupancy development. Pursuant to Clause 1.9A of the PLEP 2014, Council cannot impose a restrictive covenant that would limit permissible uses beyond the zoning controls.

Accordingly, the prohibition of a permissible use through imposition of a covenant is inappropriate. Furthermore, Council has not provided any justification as to the planning purpose or intent of the restriction in order to confirm how it satisfies the Newbury Test.

The continuing delays in relation to the planning approvals on this project continue to be a frustration to our client. Our client has indicated that he will exercise his Right of Appeal to the Land and Environment Court if we cannot seek urgent resolution of these matters.

As such, we seek an urgent meeting with the responsible town planner / consultant to discuss this proposal. Please contact the undersigned to confirm a suitable time.

Yours sincerely,



Sophie Olsen
Senior Town Planner
SMEC Australia Pty Ltd

QUEANBEYAN-PALERANG REGIONAL COUNCIL

Planning and Strategy Committee of the Whole Meeting Attachment

8 AUGUST 2018

**ITEM 4.2 DEVELOPMENT APPLICATION DA.2018.074 - 15 LOT
SUBDIVISION - LOT 47 DP 1229434 MAJARA STREET,
BUNGENDORE**

**ATTACHMENT 6 DA.2018.074 - SECTION 4.15 REPORT - DRAFT CONDITIONS
OF CONSENT - SUBDIVISION - LOT 47 MAJARA
STREET, BUNGENDORE**

SCHEDULE OF CONDITIONS

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
Locality Plan and drawing Index	SMEC	3002410-03-001	Rev 02 30 July 2018
<i>Site Plan</i>	SMEC	3002410-03-003	Rev 02 30 July 2018
Site Layout	SMEC	3002410-03-004	Rev 02 30 July 2018
General Arrangement	SMEC	3002410-03-005	Rev 02 30 July 2018
Typical Sections	SMEC	3002410-03-006	
Pavement Plan	SMEC	3002410-03-020	Rev 02 30 July 2018
Construction Management, Erosion and Sediment Control Concept Plan	SMEC	3002410-03-101	Rev 02 30 July 2018
Landscape Plan	SMEC	3002410-03-121	Rev 02 30 July 2018
Environmental Noise Assessment	Renzo Tonin and Associates	dated 29 January 2018	
Statement of Environmental Effects	SMEC	Reference No. 3002410, Rev 01 dated June 2018.	
Bushfire Hazard Risk Assessment and Compliance Report	Bushfire and Evacuation Solutions	dated 26 march 2018	

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. Noise Wall

Noise walls are to be constructed as follows:

1. A noise wall is to be located on the common boundary of the concrete plant and proposed lot 51. The wall is to be constructed of any solid and continuous (no breaks), durable material with sufficient mass to prevent direct noise transmission at minimum height of 3m high.
2. A noise wall is to be located along the northern boundary of proposed lots 51 to 61. The wall on lot 61 shall terminate 4m short of the eastern boundary to align with the building setback for that allotment. The wall is to be constructed of any solid and continuous (no breaks), durable material with sufficient mass to prevent direct noise transmission at minimum height of 2m high.

Details of both walls certified by a structural engineer are to be included with the Subdivision Construction Certificate. The walls are to be completed prior to release of the Subdivision Certificate.

Reason: To comply with the recommendations of the Environmental Noise assessment prepared by Renzo Tonin and Associates dated 29 January 2018 and Council's resolution of 28 February 2018.

3. Landscaping - Buffer

Provide a landscaped buffer along the western boundary of proposed lot 51 clear of the 3.5m drainage easement. The landscape buffer is to be planted with advanced stock (2-3 years old) and incorporate native species including trees capable of achieving mature heights of at least 5 m and understorey vegetation capable of achieving heights of 1.5-2.0m. Details of the planting are to be provided with the Construction Certificate –Subdivision. The landscape works are to be completed prior to the release of the Subdivision certificate.

Advice: It is recommended that Council is consulted to determine compliance with the above condition prior to the commencement of planting

Reason: To comply with the recommendations of the Environmental Noise assessment prepared by Renzo Tonin and Associates dated 29 January 2018.

General Conditions

4. Obtain Subdivision Works Certificate

Obtain a Subdivision Works Certificate from Queanbeyan-Palerang Regional Council before undertaking any civil work.

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

5. Copy to Owner

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

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

6. 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.

7. Drawings to be Kept On Site

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

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

8. Importation of Fill Material

Any fill material imported onto the site must be free of contaminants and be from an approved extraction source. Details in writing (certification) must be provided to Council of compliance with these requirements prior to commencement of construction works.

Reason: To ensure only clean uncontaminated fill material from an approved source

Conditions to be satisfied prior to the issue of a Subdivision Works Certificate

9. Road Naming Application

Prior to the issue of any Subdivision Construction Certificate an application is to be submitted to and approved by Council for the naming of the new road.

Reason: To make provision for the naming of new public road ways

10. Design Standard

Civil works are to be designed and constructed to AUS-SPEC#1 Development Specification Series as amended by Council, which includes Council's Specification for the Construction of Private Access Roads and Entrances, AUSTRROADS Road Design Guides (including RMS supplements) and relevant Australian Standards. Design work is to be done by appropriately accredited engineering designers.

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."*

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

11. Design Drawings – Civil Works

Provide engineering design drawings, and supporting information, to standards in AUS-SPEC#1 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 / Section 138 (s.138) Approval.

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 where relevant:
 - A site plan showing relevant locations and details of all existing infrastructure/services and details of proposed construction works.
 - A site plan showing the access road centreline, vegetation to be removed and drainage structures. Permanent and ephemeral streams shall be shown where they cross the road centreline.
 - Full design details of intersection works.
 - Road Plan and Long. Sections – illustrating road geometry and control lines and extending a minimum of 50m beyond the development’s frontage;
 - Typical and Road Cross Sections including locations of underground services (including subsoil drains) and illustrating typical street furniture and tree reservations within the verges.
 - Hydraulics Plans and Long. Sections – including existing services appropriately annotated with critical invert levels at points of connection and property ties. Conflict points are to be shown and details of separations provided.
 - New works are preferred to be colour coded line types such as:
 - ❖ Sewer – Red
 - ❖ Water – Blue
 - ❖ Stormwater – Green
 - ❖ Electricity – Magenta
 - ❖ Telecommunications – Orange
 - ❖ Gas – Yellow
 - ❖ Common Trench and Conduit Plans.
 - Stormwater Long. Sections – illustrating invert levels, surface levels, any services conflicts and hydraulic grade line and be numbered to link it to the hydraulics plan view drawing;

- Traffic Control Devices – illustrating new pavement markings and signs and/or removal/eradication of existing lines and signs.
- Streetscape landscaping plan.
- A SWMP including drawings and supporting report, as appropriate;

Drawings are to be provided in A3 sheets in (2 copies), PDF and AutoCAD file. Design drawings, and supporting information to AUS-SPEC#1 standards as amended by Council are required for all proposed engineering works. These drawings shall include proposed lot boundaries and road widening where needed, and are to be approved by the appointed Certifier before a construction certificate will be issued.

- 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 (GDA94 UTM Zone 55)
- AutoCAD dwg/dxf (MGA)

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

12. Public Roads

Road 1 shall be designed to the standards as set out in AUS-SPEC#1 Development Design Series B1 – Design as amended by Queanbeyan-Palerang Regional Council and the current Palerang Development Control Plan 2015. With the exception of the turning area, the layout is to be generally as proposed on SMEC Australia Pty Ltd Plan No. 3002410-03-020 Rev 01, except as amended by any conditions of this consent.

Road	Extent	Type	Minimum Pavement Width	Design ESA
New Road	All	U3 Collector Street	9.0m sealed pavement (between nom. Kerbs)	1.0 x 10 ⁴

Design cul-de-sac at end of the proposed Road to suit a garbage collection vehicle (SU Truck/Bus 12.5m), to perform a U-turn to Austroads Design Vehicles and Turning Templates requirements. A suitable pavement design shall be submitted as part of the construction certificate application.

Kerb and gutter to be MLBK type to all roads. Intersection kerb returns shall be minimum 8.0m radii (nominal kerb line). Kerbs shall be designed to the standards as set out in AUS-SPEC#1 Development Design Series B1 – as amended by Queanbeyan-Palerang Regional Council and will be ACT type kerbs as per ACT Std Dwg DS3-01. Sub-soil drains are to be designed under all kerbs to AUS-SPEC#1, Design Series B1, Sub-surface Drainage.

The applicant is to provide Council with a detailed pavement design which conforms to AUSTRROADS Pavement Design Manual, including results of subgrade CBR tests. The pavement design must be approved by Council, prior to placement of pavement materials.

Construction certificate drawings shall clearly illustrate the typical section of the carriageway within the road reserve, indicating the verge widths and position of all street furniture, surface features and underground service alignments offset from kerb lines and/or road reserve boundaries.

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

13. Access

Public road access shall comply with section 4.1.3 (1) of *Planning for Bush Fire Protection 2006*.

Reason: To provide safe operational access to structures and water supply for emergency services, while residents are seeking to evacuate from an area.

14. Road Reserve Widening/Corner Truncations

Road intersections are to be provided with property truncations/splays. The splays are to be a minimum of 5m x 5m or larger as required to assist in the provision of safe intersection sight distances and/or intersection construction.

Dedicate to Council as public road reserve, areas as approved by Council as identified to enable provision of required horizontal and/or vertical road alignments for the design speed relevant to the class of road.

Reason: To provide for current road alignment and road safety requirements

15. Roadwork – Connection to Neighboring Street Construction

Design adjustments as necessary to the longitudinal grading and all cross sectional elements, to provide for a seamless and integrated connection of both the proposed Hopkins Street and Majara Street.

Reason: To ensure that the road and pedestrian networks are properly interlinked for future network extensions.

16. Road Signage and Traffic Control Devices

Design roads and intersections with road signage and traffic control devices to AUSTRROADS and RMS requirements (and RMS supplements). Submit traffic control details to the principal certifying authority prior to issue of a construction certificate.

Reason: To ensure that roads have appropriate signage and traffic control devices.

17. Pedestrian Footpath Networks

The verge frontages are to be modified as required to provide fall from the property boundary to the kerb and gutter at a maximum of 3.0%. The verge must be left in a neat and evenly graded condition after being topsoiled, seeded with appropriate dry land grass mix and/or turf.

Design a reinforced concrete accessible pathway within the development to comply with AS2890.1 and AS2890.6 and to PDCP 2015 requirements. See Standard Drawing PAL-SD-111.dwg for design requirements.

At changes of direction, paths must be curved or transitioned to “soften” angular corners and to provide for “desire lines”.

Design a reinforced concrete accessible pathway linkage and kerb ramps in the vicinity of proposed Road to connect the development to the existing pathway on the eastern side of Hopkins Street and western side of Majara Street, to AS2890.1 and AS2890.6.

Reason: To ensure that road and pedestrian facilities provide for the

requirements of the traffic generated by the development.

18. Sewerage Reticulation Design

Design sewerage infrastructure and associated works, to AUS-SPEC #1 Development Design Series as amended by Council or as amended by conditions of Development Consent, to comply with the Sewerage Code of Australia, WSA 02-2002 or subsequent updates. Pipe class is to be SN8 to AS/NZS 1260. Pipe class is to be minimum SN8 to AS/NZS 1260. The design is to be generally as proposed on SMEC drawing No 3002410-03-05 Rev 02, except as amended by any conditions of consent.

Sewer Mains should be located within the road reserve, where topography or other constraints allows, as they are better-placed for future maintenance activities than if they are located within the proposed lots, i.e. future private property.

If any roadworks located over sewer mains and/or manholes involve any changes in surface or finished levels, which would cause a MH to become buried and inaccessible, design a suitable modification to the MH to bring its cover and surround to the new surface level.

Inter-allotment sewerage mains and SMH/TMS are to be located centrally within a minimum 2.5m wide Council easement where the easement is a single service easement for \leq DN225 sewers. Common stormwater and sewerage inter-allotment easements are to provide 1.2m clearance between parallel services, with a minimum total easement width of 3.5m. The width of any easement may be additional to these minima, as determined by calculating the width of each pipe's zone of influence and summing each zone width to obtain a total width. These minimums may be increased following receipt of a construction design and assessment of future maintenance requirements for each type of Council asset, as determined by Council's General Manager Community Connections.

Protection of the sewer from tree roots must be designed as necessary to ensure the long-term reliability and asset life of the sewerage infrastructure. Easements for other main sizes to requirements of PDCCP Table 7.

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

19. Sewer Service

Design \varnothing 150 connections (sewer ties) to the proposed lots from Council's sewerage reticulation or the new sewerage reticulation with mains connections to the boundaries and as detailed on Water Services Association of Australia (WSAA) Standard Drawing SEW-1106, Standard Connection. Any existing On Site Sewerage Management Systems are to be decommissioned and removed from the property. An LGA shall be lodged for any internal plumbing work required to connect to the sewer.

Sewer ties providing a connection to battle axe lots, are to be extended to the full length of the access handle.

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

20. Water Reticulation Design

Design water reticulation network to AUS-SPEC #1 Development Design Specification D11 as amended by Council, or as amended by conditions of Development Consent, and comply with the Water Supply Code of Australia, WSA 03-2011 or subsequent updates. All reticulation mains are to be placed in Council approved road reserve allocation. All mains are to be PN35 DICL DN100. The design is to be generally as proposed on SMEC drawing No. 3002410-03-05 Rev02, except as amended by any conditions of consent.

The main at any terminating road which is expected to be extended, shall extend a minimum of 1.0m beyond the end of the road formation and shall be terminated with a dead-end cap/thrust block and hydrant.

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

21. Water Service

Design water services to all lots from the new water main network. Design will be in accordance with AUS-SPEC#1 Development Design Series B1 – Design as amended by Queanbeyan-Palerang Regional Council. The water service minimum is DN20 copper (DN25 for service ties exceeding 16m) and will terminate 0.6m within the property with meter cock. Water tie main cocks are to be “Crevet” TPFNR Bonnet Ferrule or approved equivalent.

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

22. Water and Utilities

Water, electricity and gas are to comply with the following requirements of section 4.1.3 of Planning for Bush Fire Protection 2006.

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

23. Stormwater Design

All stormwater design is to comply with the requirements Palerang Development Control Plan 2015. Provide detailed design and drawings of the proposed stormwater drainage systems with supporting calculations, which shall be undertaken by a Hydraulics Engineer or other suitably qualified person experienced in hydrologic and hydraulic design. The design must be approved by Council (as PCA), prior to the issue of a construction certificate for these works. The design is to be generally as proposed on SMEC drawing No 3002410-03-05 Rev 02, and to the principles outlined in the SMEC Preliminary Flood Assessment, 24 March 2016, except as amended by any conditions of consent.

A major/minor stormwater drainage shall be designed to AUS-SPEC#1 D5 and referenced standards, throughout the development and shall be extended downstream to a location(s) where run off can be disposed of without detrimental impacts from flooding (of properties or roads), scouring of surfaces, or undue nuisance or hazard. Post-development stormwater flow rates generated by this development, shall not be increased to greater than the pre-development flows,

i.e. no worsening as a result of this development. The report and design must demonstrate the methods proposed to mitigate the additional flows generated by the development to provide a no-worsening effect on the street drainage and the stormwater network.

Stormwater flows within the public road reserve are to be managed by a combination of existing drainage infrastructure and provision of additional minor flow drainage pipe network and/or provision for major overland flows.

Direct surface water drainage to existing natural drainage or to Council drainage infrastructure. Do not re-direct surface water onto adjoining private land. Alterations to the surface contours must not impede or divert natural surface water run-off, so as to cause a nuisance to adjoining property owners or create an erosion or sediment problem. All measures are to be approved by the principal certifying authority.

At locations where the Lot/s does not drain to the road reserve, provide Inter-allotment drainage pits at the lowest section of each applicable lot, in combination with a piped Inter Allotment Drainage System to connect to a lawful point of discharge. Design the system to QUDM for roof water and surface flows generated by each lot. Pits are to be fitted with approved grated inlets capable of accepting 5 year ARI design surface flows from each Lot. Pits are to be constructed of concrete, with 100mm thick walls and floor and have a minimum 600 x600 internal dimensions. Provide an overland flow path shaped to convey stormwater greater than the 5 year ARI flows from the applicable lots, to the road reserve or other lawful point of discharge.

Easements are to be provided to PDCP 2015 and AUS-SPEC#1 requirements in private property over pipe or bio-retentions systems and be of sufficient width for ARI 100 flow paths. Minimum width 3.0 m for stormwater only easements proposed to be transferred to Council ownership.

For public road and recreation reserves, Class 4 reinforced concrete spigot and socket rubber ring jointed (RRJ) pipes shall be specified for urban drainage pipe sizes from Ø375mm to Ø900mm. Smaller pipes in other locations must be approved RRJ pipes of RCP, uPVC or FRC materials.

Design property roof water ties from the property boundary to the road reserve drainage system, or other lawful point of discharge. Terminate with an alloy kerb adaptor if appropriate, or may be connected directly to a gully pit on Council's drainage system. Where limited cover may be an issue, the tie is to be galvanized RHS within the road reserve, in lieu of PVC to provide greater crushing protection. Where the outlet is not to kerb and gutter, a concrete surround is required to protect and delineate the outlet.

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

24. Stormwater Quality

Design a suitable and approved gross pollutant trap (GPT) within the stormwater drainage network, within the road reserve, just prior to discharge to the existing drainage reserve. The GPT shall be sized to treat the site design discharge for the minor event and to include provision for the proposed flows from further residential development to the north of the development and shall be located to treat all road runoff. Inter-allotment drainage shall also be routed through the GPT where feasible. Provide an operations and maintenance manual for the gross

pollutant trap prior to issue of a Subdivision Certificate.

Reason: To ensure that runoff from the site is appropriately treated and relevant information for operation and maintenance of assets is provided to Council.

25. Site Filling/Regrading

Provide site regrading drawings, showing existing and finished contours and prepared by an accredited engineering designer, for approval by the principal certifying authority, prior to issue of the Construction Certificate. 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. Fill is to be certified and the site classified. The certifications are to be provided to Queanbeyan-Palerang Regional Council before release of the subdivision certificate.

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

26. Utilities

Satisfactory arrangements shall be made with relevant service authorities or their agents for the supply of underground electricity, telephone and gas services to each proposed lot. Provide the approved designs with the Construction Certificate application.

Where appropriate, services shall be co-located in shared utility trenches. Shared utility trenches shall be designed in accordance with utility provider and Council requirements. All utilities shall be provided in trenches.

Provide a drawing showing utility locations as part of the construction certificate application. The common/shared trench shall be located 1.0m offset from the road reserve boundary.

At locations where utilities cross other services, such as stormwater mains, sewers or water mains, each service is to be shown on a detail or cross section demonstrating sufficient clearances between each pipeline, cable, etc.

Reason: To provide adequate utility servicing to the development.

27. Street Lighting

Street lighting shall be designed within and on the fringes of the subdivision in accordance with the NSW Public Lighting Code and AS1158 Lighting for Roads and Public Places. Design to be by a Level 3 certified electrical designer. Provide the certified designs with the Construction Certificate application.

Reason: To promote the safety and security of the development during night time hours.

28. Streetscape/Landscaping

Submit for approval as part of the construction certificate, a Streetscape/Landscape plan showing details of plant types, numbers and locations. The design is to show the locations and distances to any services located within the road verges – in particular sewers or water mains and locations of streetlights. Landscaping species chosen should not have root systems that

will cause damage to existing or proposed infrastructure when fully grown, or root barriers designed to prevent damage to public assets must be considered.

Reference to PDCP Part B12 is to be undertaken in any design. The design is to be generally as proposed on SMEC drawing No 3002410-03-121 Rev02, except as amended by any conditions of consent.

Reason: To ensure that landscaping does not lead to future maintenance and service provision problems.

29. Approved development and drawings

The development referred to in the application is to be carried generally as proposed on approved SMEC drawing No 3002410-03 Rev02 sets, except as modified by any conditions of consent and Construction Certificate approved drawings.

Reason: Subdivision works are undertaken in accordance with development conditions of consent and Council standards.

Conditions to be satisfied prior to the Commencement of Works

30. Principal Certifying Authority – Subdivision Works

Appoint Council as Principal Certifying Authority to inspect subdivision works as required and certify the works on completion.

Advice: To engage Queanbeyan-Palerang Regional Council as the nominated principal certifying authority, complete the attached quote and arrange for payment of the relevant fees when lodging the “Notice to Commence Building or Subdivision Work and Appointment of a Principal Certifying Authority”.

Reason: To ensure compliance with Section 6.12 of the Environmental Planning and Assessment Act 1979.

31. Stormwater Drainage Easement

Prior to undertaking any works within the drainage easement within Lot 101 DP 835461, obtain from the Chief Executive Officer of Queanbeyan-Palerang Regional Council (or other authorised person), a written authority to undertake any works within the easement on Council’s behalf. A subdivision works construction certificate will not be issued without this approval.

Reason: Council may authorise the developer to do those works on its behalf, under Division 20 of the Infrastructure SEPP

32. Security Deposit – for Construction Certificate

Pay the following Security Deposit/s, Security Deposit for damage to Public Assets (payable prior to issue of construction certificate).

Construction Activity	GST Applicable	Fee 2018/19 \$

as per page 53 of the current Fees and Charges Pricing Policy		
Urban areas - developments involving delivery of construction materials or machine excavation	No	3,500.00

When paying security deposit please quote account code GLBondRdWks or for the inspection fee GLDevinspect.

Deposit may be released on acceptance of all works within a public road reserve, following an acceptable inspection by a Queanbeyan-Palerang Regional Council Officer and issue of a Subdivision Certificate.

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

33. Superintendent of Works

Appoint a Superintendent of Works, prior to commencing subdivision construction works. The Superintendent of Works shall be a Civil Engineer or suitably experienced and accredited Registered Surveyor as set out in AusSpec#1. The Superintendent of Works must undertake sufficient day to day inspections, provide supervision of the works and all materials used, to be able to provide a Certification Report to Council for all subdivision works, following practical completion and prior to issue of Subdivision Certificate.

Reason: To ensure works are undertaken in compliance with the Development Consent and Council standards.

34. Erosion Control

A Soil and Water Management Plan (SWMP) for all site works, including road works and access, is to be approved by the principal certifying authority prior to any works commencing. The plan is to cover all measures to control erosion and sediment transport in accordance with the NSW Landcom publication Managing Urban Stormwater -Soils and Construction (4th Edition 2004- "Blue Book"). A SWMP should be prepared and site-managed by a Certified Professional in Erosion and Sediment Control (CPESC). The SWMP shall include both drawings and commentary which clearly sets out the installation, maintenance requirements and inspection schedules for all control measures.

The SWMP should provide for at least 3 work stages, e.g., bulk earthworks, construction phase of all works elements and a final control stage at works completion.

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

35. Construction Management

A Construction Management Plan (CMP) for all site works, including road works and access, is to be approved by the principal certifying authority prior to work commencing. The plan is to cover all measures to control construction activities and temporary traffic management in accordance with Roads and Maritime Services requirements.

Reason: To minimise risk to road users and to ensure public safety.

36. Section 138 consent (s.138)

The Contractor MUST obtain consent under Section 138 of the Roads Act 1993 from Queanbeyan-Palerang Regional Council or from Roads and Maritime Services (if appropriate), before any work is undertaken within public road reserves. A Security Bond as identified in the Security Deposit section (below), is to be lodged with the s.138 Application.

Contractors or others proposing to carry out works on a public road shall be experienced and pre-qualified to Council's and/or have NSW Roads and Maritime Services accreditation.

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

37. Security Bond - Section 138 Works

Pay the following Security Bond, with the S.138 Application and prior to works commencement:

Section 138 Works being undertaken within a public road reserve	GST Applicable	Fee 2018/19 \$
Urban areas	No	2,000

When paying security deposit please quote account code GLBondRdWks.

Deposit may be released at the completion of all works within a public road reserve, following an acceptable inspection by a Queanbeyan-Palerang Regional Council Officer.

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

Conditions to be satisfied during demolition and/ or building works

38. 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.

39. 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.

40. 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.

41. 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.

42. 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.

43. 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.

44. Damage to Any Infrastructure:

Any infrastructure (public or private) that is damaged during construction within the road reserve is the responsibility of the applicant to correct and repair or replace as necessary, to bring the damaged infrastructure back to the condition or better, existing prior to any damage. The Applicant/Contractor is to determine the locations of all services, prior to works commencement.

Reason: To ensure existing infrastructure is protected.

45. Construction of Engineering Works

All civil works relating to the Construction Certificate and/or the Section 138 works are to be completed in accordance with all Development Approval Conditions of Consent, and Construction Certificate approved drawings and specifications, prior to release of plan of subdivision.

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

46. Construction Standard and Contractors

Civil works are to be constructed to AUS-SPEC#1 Part B2 Development Specification Series, Construction as amended by Council, AUSTRROADS Road Design Guides (including RMS supplements), Water Services Association of Australia Sewer and Water Codes (WSA-02 & WSA-03), and relevant Australian Standards and/or as amended by conditions of Development Consent.

Construction work is to be carried out by contractors who are experienced in civil construction works to Council's approval, have quality management systems in place and hold business insurance policies covering workers compensation, and public liability. Additional insurance may be required under Section 138 of the Roads Act to work on a public road.

Reason: To ensure the development is undertaken to comply with Council's standards.

47. Site Revegetation

Rehabilitation grass mix is to be applied to all disturbed surfaces as soon as practicable at the completion of each component of work. The mix is to be applied at the recommended rate of dispersal. Do not use species that are listed under the Noxious Weeds Act 1993.

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

48. Dust Suppression

Undertake measures as appropriate, and/or respond to any Council direction to provide dust suppression on roads leading to, adjacent to and within the worksite in the event that weather conditions and construction traffic are giving rise to abnormal generation of dust.

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

49. Urban Public Road

All construction traffic relating to the subdivision works is to via Majara Street. Suitable site traffic controls are to be implemented and maintained by the Developer, Contractor or their agents, to ensure compliance. A vehicle shakedown area must be provided and maintained to limit the off-site transfer of mud or debris by vehicles.

Roads shall be constructed to the specifications as set out in AUS-SPEC # 1 Technical Specifications for Subdivisions – Part B2, as amended by Queanbeyan-Palerang Regional Council.

Construct kerb and gutter KG or MLBK type to all roads in ACT type kerbs as per ACT Std. Dwg. DS3-01 and generally as proposed on SMEC drawing No 3002410-03-020 Rev 02, except as amended by any conditions of consent.

Sub-soil drains are to be installed under all kerbs to AUS-SPEC#1 Technical Specifications for Subdivisions – Part B2.

Liaise with Council and pay fees as set out in Council's Schedule of Fees and Charges for any adjustments to existing road, water supply, and sewer or stormwater infrastructure to meet designed finished surface levels, if necessary to match new construction.

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

50. Traffic Control Devices

Install appropriate traffic control devices for all streets as required and road name signage, in accordance with AS1742 and RMS Supplements, as approved by the Construction Certificate.

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

51. Pedestrian Footpath Networks

Construct a reinforced concrete footpath to PDCCP 2015 construction standards (See Standard Drawing PAL-SD-111.dwg). Control joints to be spaced at 2.0m for paths <2.0m in width and at 4.0m intervals for paths >2.1m in width. Dowelled expansion joints at max. 8.0m spacing. Provide R12 dowel @ 300mm centre to existing concrete pavements. Concrete footpath surface finish to be non-slip to AS 4586 and surface tolerances as per AUS-SPEC#1 Specification C271.24 (c). At changes of direction, paths must be curved or transitioned to “soften” angular corners and to provide for “desire lines”.

Compact subgrade to 90% MMDD or if not suitable, replace with granular material to min. compacted depth of 75 mm and cover with min. 50mm thick coarse bedding sand or crusher dust.

Path crossfalls are not to exceed 2.5% and longitudinal grade to not exceed 12%. Provide kerb ramps where necessary along ‘desire lines’. All design elements are to conform to AS.1428 (Design for access and mobility).

The existing verge frontage of the development in is to be modified as required to provide fall (if practical), from the property boundary to the kerb and gutter at a maximum of 3%. The verge must be left in a neat and evenly graded condition after being topsoiled, seeded with appropriate dry land grass mix and/or turf. If practical, the path should not be located over water mains.

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

52. Stormwater

A major/minor stormwater drainage shall be constructed throughout the development and shall be extended downstream to a lawful point of discharge where run off can be discharged without detrimental impacts from flooding (of properties or roads), scouring of surfaces, or undue nuisance or hazard. Direct surface water drainage to existing natural drainage or to Queanbeyan-Palerang Regional Council drainage infrastructure. Do not re-direct surface water onto adjoining private land. Alterations to the surface contours must not impede or divert natural surface water run-off, so as to cause a nuisance to adjoining property owners or create an erosion or sediment problem. All measures are to be approved by the principal certifying authority.

Spigot and socket rubber ring jointed pipes shall be used for all stormwater drainage pipe within road or drainage reserves.

Where sufficient cover to the stormwater tie is not available, galvanized RHS stormwater ties must be provided by the Applicant to connect roof water flows to the road reserve drainage system, or other lawful point of discharge. The tie is to be provided for the full length of any access handle of battle axe lots.

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

53. Stormwater Quality

Construct an approved gross pollutant trap (GPT) within the stormwater drainage network as approved by the construction certificate and to the manufacturer's recommendations.

Reason: To ensure that runoff from the site is appropriately treated.

54. Sewerage Reticulation Works

Construct sewerage infrastructure and associated works, to design approved by the Construction Certificate and to AUS-SPEC #1 Construction Specification C402, as amended by Queanbeyan-Palerang Regional Council, or as amended by conditions of Development Consent.

Connect the proposed lots and any existing dwelling to Council's sewerage reticulation or to the new sewerage reticulation with DN150 tie connections to the boundaries as detailed on Water Services Association of Australia (WSAA) Standard Drawing SEW-1106, Standard Connection. Any existing On Site Sewerage Management Systems are to be decommissioned and removed from the property.

Sewer ties providing a connection to battle axe lots, are to be extended to the full length of the access handle.

Construct all manholes lids and surrounds to match the surrounding F.S.L. and grades with a minimum fall of 3% to WSA 02—2002-2.3 Cl.6.6.10 & Std. Dwg. WSA SEW-1308

Earthworks filling of Lots are to be compacted clean fill and covered by a layer of topsoil and turfed. The filling is not to be detrimental to the property adjacent to the filling works and is to drain away from the manhole. Any landscape treatment or paving in the vicinity of Sewer Manholes is to be set at levels which will prevent ponding or flow of flood or storm water over the manhole. All work is to be carried out by a qualified, registered and insured plumber/drainier.

Prior to issue of the subdivision certificate, connect the development to Queanbeyan-Palerang Regional Council's sewerage Infrastructure. Live works are to be carried out by Council at the developers cost, or by a qualified, registered and insured plumber under Council's direction and/or supervision.

A quotation will be provided by Council for the above works upon lodgement of a Water and/or Sewer Connection Application with a copy of the relevant Construction Certificate Approved drawings. Liaise with Council's Works Division for the work to be undertaken. When paying, please quote account code GLSewConBdr.

Sewers are not to be connected to Council's Sewerage System and made 'Live', unless written approval is received from the sewerage network owner or Council PCA. Testing to include but is not limited to:

Works acceptance testing to WSA 02—2002-2.3 cl.22 is required to verify quality of construction. All results are to be presented at completion of works and submission of As Executed Details. Vacuum testing of sewerage system to requirements of WSA 02—2002-2.3 cl. 22 is required. Test to be undertaken by suitably qualified person and results provided to the PCA. System is to pass tests prior to connection to Council's sewer system and being accepted by the PCA.

Deflection (Ovality) testing is to be undertaken to requirements of WSA 02—2002-2.3.

Compaction testing of engineered or controlled fill, pipe embedment, trench fill

and embankments. A minimum of one test is required at each road crossing and elsewhere, as required. Carry out a CCTV inspection to requirements of WSA 02—2002-2.3 of sewers and maintenance structures. Provide the CCTV records to the PCA.

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

55. Sewer Service

Connect all proposed lots within the development to the sewerage reticulation mains with a DN150 sewer tie. Provide an Inspection Opening to surface to WSAA IO Interface Method Dwg SEW-1105 and SEW-1106 for the sewer tie. All work is to be carried out by a qualified, registered and insured plumber.

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

56. Water Reticulation Works

The new network is to be constructed as approved by the Construction Certificate, to AUS-SPEC#1 Construction Specification C401 as amended by Queanbeyan-Palerang Regional Council and comply with the Water Supply Code of Australia, WSA 03-2011 or subsequent updates, or as amended by conditions of Development Consent. All reticulation mains are to be placed in Council approved road reserves and verge allocation and shall be a PN35 DICL DN100 mains, or larger as approved by the construction certificate.

Reason: To ensure water supply reticulation whole-of-life performance of materials, capacities and locations.

Works acceptance testing to WSA 03—2011-3.1cl. 19 is required to verify quality of construction. All results are to be presented at completion of works and submission of As Executed Details. Disinfection of mains and fittings to WSA 03—2011-3.1 cl. 20 is required to sterilise the system. All results are to be presented at completion of works and submission of As Executed Details. The mains shall not be connected ‘live’ to the existing water network, until evidence of effective sterilisation is provided in writing to the water network owner or Council PCA.

Water mains are not to be connected to Council’s water reticulation network and made ‘Live’, unless written approval is received from the water network owner or Council PCA.

Prior to issue of the subdivision certificate, connect the development to Queanbeyan-Palerang Regional Council's water supply infrastructure mains. Live works are to be carried out by Queanbeyan-Palerang Regional Council at the developers cost.

A quotation will be provided by Council for these works upon lodgment of a Water and/or Sewer Connection Application with a copy of the relevant Construction Certificate Approved drawings. Liaise with Council’s Works Division for the work to be undertaken. When paying, please quote account code GLWatConBdr.

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

57. Water Service

The applicant shall provide a separate Council approved 20mm service to new mains as applicable, to each lot. Water services are to terminate 0.6m within the property with meter cock in an approved meter box.

Water tie main cocks are to be “Crevet” TPFNR Bonnet Ferrule or approved equivalent. All work is to be carried out by a qualified, registered and insured plumber.

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

58. Street Lighting

Street lighting shall be installed within and on the fringes of the subdivision in accordance with the NSW Public Lighting Code and AS1158 Lighting for Roads and Public Places.

Reason: To promote the safety and security of the development during night time hours.

59. Utilities

Where appropriate, services shall be co-located in shared utility trenches. Shared utility trenches shall be designed in accordance with utility provider and Council requirements.

Satisfactory arrangements shall be made with relevant service authorities or their agents for the supply of underground electricity, telephone and gas services to each proposed lot. Written documentation from each service provider, stating that satisfactory supply arrangements have been made for each lot, is to be provided prior to issue of a Subdivision Certificate.

Reason: To provide adequate utility servicing to the development and reduce the impact by utilities.

60. Streetscape/Landscaping

Undertake streetscape plantings as approved by the construction certificate, PDCCP Part B12 and generally in accordance with SMEC drawing No 3002410-03-121 Rev02, except as amended by any conditions of consent. Landscaping must not be placed over sewers or water mains.

Maintenance and protection of the trees during establishment phase is to be continued until the trees are fully established.

Reason: To ensure that landscaping does not lead to future maintenance and service provision problems.

61. 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 (as appropriate), shall be signed off by the Superintendent of Works or other qualified person nominated to do so in the Project Quality Plan and submitted to the PCA.

Typical witness points are:

- installation of erosion and sediment control devices,
- preservation measures installed for trees and vegetation,
- site clearing, filling or regrading works,
- stormwater infrastructure,
- earthworks, formation and subgrade preparation, prior to placement of sub-base pavement,
- sub-base prior to kerb and gutter construction,
- pre-pour inspection of any concrete works,
- pavement construction and preparation prior to bitumen sealing,
- bitumen sealing/asphalt works,
- fencing, signs, guideposts and markings installation,
- final inspection of completed works.

Advice: When Queanbeyan-Palerang Regional Council is nominated as principal certifying authority for the works, include as a minimum the

following hold points, when relevant, for inspection and release by the principal certifying authority in addition to the Superintendent of Works inspections:

- soil and water management plan (SWMP) controls in place,
- water main construction, including thrust blocks prior to concrete placement,
- sewer construction, including sewer ties,
- stormwater infrastructure,
- subgrade preparation prior to placement of pavement materials,
- sub-base prior to kerb and gutter construction,
- pre-pour inspection of any concrete works within the road reserve,
- pavement and construction prior to bitumen sealing/asphalt works,
- final inspection of completed works.

Release of the above hold points prior to commencement of the next stage of the works will require that the work be acceptable on the basis of visual inspection by the Principal Certifying Authority and satisfactory test results supplied by the applicant's Superintendent of Works. Successful and completed inspections are mandatory prior to issue of subdivision certificate.

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

Conditions to be satisfied prior to the issue of a Subdivision Certificate

62. Electricity Supply

Prior to Council issuing a subdivision certificate, a Notice of Arrangement (NOA) shall be requested from Essential Energy which states that satisfactory supply arrangements have been made for the provision of electricity to the proposed development.

Reason: Ensures that satisfactory supply arrangements have been made and that all of the lots in the subdivision are suitably serviced.

63. Services Supply

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

Note: Under the *Telecommunications Act 1997* fibre-ready facilities for a subdivision is passive infrastructure such as underground ducting or "pit and pipe" or poles that is designed and installed close enough to all individual lots and/or premises so as to enable fibre to be readily connected.

Reason: To satisfy relevant utility authority requirements

64. Street Numbering

In accordance with *Clause 60(c)* of the *Surveying and Spatial Information Regulation* a schedule of recorded street address on Plan Form 6A shall be submitted to Council prior to the release of the Subdivision Certificate.

Advice: Please consult with Queanbeyan-Palerang Regional Council to determine the street address for newly created allotments in accordance with Council's requirements.

Reason: To ensure compliance with the Surveying and Spatial Information Regulation.

65. Subdivision Certificate

Lodge a subdivision certificate application with Queanbeyan-Palerang Regional Council on the appropriate form. The Subdivision Certificate will not be released until all relevant conditions of consent have been complied with. The subdivision certificate application is to be accompanied by the correct application fee and written evidence that all conditions of consent have been complied with.

Lodge the original of the subdivision plan and two copies with the subdivision certificate application. The subdivision plan must be suitable for registration with the NSW Land and Property Information Division.

Lodge any s.88B instruments required by these conditions of consent with the subdivision certificate application.

Reason: To enable registration of the subdivision. To provide sufficient signed copies of the subdivision plan for Council, the applicant and the NSW Land and Property Information.

66. Covenant on the Land

Apply covenants under section 88B of the *Conveyancing Act 1919* to the new lots incorporating the restrictions listed below. Queanbeyan-Palerang Regional Council shall be nominated as the sole party with the power to vary or remove the required covenants.

- a) The erection of dwellings, manufactured homes, moveable dwellings or other habitable structures are restricted to the area within building envelopes delineated on the plan of subdivision.
- b) A covenant is placed on the western most lot (proposed Lot 51) restricting any future dwelling to a single story development.
- c) A statement that all properties may be affected by rail (Goulburn to Bombala Rail) noise and vibration and that noise mitigation measures may be required in building construction design.
- d) A statement that proposed Lots 51 to 61 may be affected by potential noise, dust, lighting and other nuisances from the adjoining industrial area and that mitigation measures may be required in building construction design to minimise such impacts. Building design to consider orientation, location of windows and bedrooms away from the adjoining industrial uses.

Reason: To protect future residents against any potential impacts from noise, vibration and dust

67. Dedicate Public Road

The proposed road/s is/are to be dedicated to Queanbeyan-Palerang Regional Council as a public road.

Reason: To ensure compliance with the Roads Act 1993 and the Conveyancing Act 1919.

68. Legal Access

Align proposed road boundaries so that legal and physical access to the allotments will coincide.

Reason: To ensure that roads have appropriate legal status.

69. Road Naming

The approved road name is to be shown on the plan of subdivision. The applicant is to contribute the full cost for the supply and erection of a sign prior to the issue of a subdivision certificate.

Reason: To ensure compliance with the provisions of the Local Government Act 1993.

70. 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 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. Each drawing to be certified by the Superintendent of Works or other authorized person.

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

71. Works As Executed Drawings

Provide one A3 copy, one electronic PDF copy and one electronic copy in AutoCAD format (dwg/dxf (MGA) to GDA94 UTM Zone 55), of all works as-executed drawings to Queanbeyan-Palerang Regional Council, clearly recording any variations from the approved designs. The works as-executed drawings are to be prepared in accordance with the requirements set out in AUS-SPEC#1 as amended by Council.

Utilities are to be shown as colour coded and differing line types:

- ❖ Sewer – Red
- ❖ Water – Blue
- ❖ Stormwater – Green
- ❖ Electricity – Magenta
- ❖ Telecommunications – Orange
- ❖ Gas – Yellow

Sewerage reticulation Work As Executed (WAE) drawings shall be submitted to Council showing the actual location and alignment of pipelines, manholes, junctions and sewer ties, all pumping station details together with operating and maintenance manuals. Details shall include the size, class, type, relative invert levels, grade of pipelines, manhole location, types and cover details, pump

details, switchboard equipment details and station structural details. Provide invert levels on each branch line connected to a manhole, any terminating end of line sewer and the invert level of all sewer ties. The drawings shall be certified by a Civil Engineer or alternatively, a suitably experienced and qualified Registered Surveyor.

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

Reason: To verify all infrastructure has been constructed to standard and as approved by the Construction Certificate. To provide an infrastructure record for future technical reference.

72. Defects Liability Roads

A defects liability period of 6 months will apply from the date of practical completion of all subdivision works on public roads (including, but not limited to, pavement, entrances, stormwater drainage, re-vegetation and effective erosion control). The date of practical completion shall commence from the date when all the following conditions have been met:

- All subdivision works have been accepted by Queanbeyan-Palerang Regional Council as being at Practical Completion stage,
- The subdivision certificate has been endorsed by Queanbeyan-Palerang Regional Council,
- Roads are physically open to the public,
- Road reserves have been transferred to Council,
- Or, as otherwise identified in writing by Queanbeyan-Palerang Regional Council.

Lodge a bond with Queanbeyan-Palerang Regional Council at the current adopted rate per kilometre of road/street for the works to provide for repair of defective or inadequate work.

Current Bond Rate: \$118/m, as per F&C Schedule, page 55.

Calculated Bond is: \$118 x 325m = \$38,350

When paying this bond please quote account code GLBondRdWks.

Note: Rate shown is applicable for the current financial year and subject to change as per Council's adopted Fees & Charges schedule at the beginning of each financial year.

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

73. Defects liability Hydraulics

A defects liability period of 6 months will apply from the certified date of practical completion of all works relating to water supply, sewerage or stormwater works.

The date of practical completion shall commence from the date when all the following conditions have been met:

- All subdivision works have been accepted by Queanbeyan-Palerang Regional Council as being at Practical Completion stage,
- The subdivision certificate has been endorsed by Queanbeyan-Palerang Regional Council,
- Positive Test Certifications of all hydraulics works have been received by Council,
- Or, as otherwise identified in writing by Queanbeyan-Palerang Regional Council.

The applicant shall lodge with Council a bond valued at 15% of the relevant values in the Bill of Quantities in the Contract (or as otherwise agreed by Council), to provide for repair of defective or inadequate work. The applicant is to provide an extract of the works quotation to demonstrate the calculation of the bond. When paying this bond quote account code GLBondRdWks.

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

74. Section 64 Contributions – Bungendore Water Supply Headworks

Pay Queanbeyan-Palerang Regional Council \$155,250 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 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

75. Section 64 Contributions – Bungendore Sewerage Headworks

Pay Queanbeyan-Palerang Regional Council \$187,050 towards sewerage provision, pursuant to Section 64 of the Local Government Act 1993 prior to release of the occupation certificate. The amount payable is subject to 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 during normal office hours.

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

Reason: Appropriate provision and upgrading of sewerage infrastructure.

76. Section 7.11 Contributions – Public Services and Amenities

Pay Queanbeyan-Palerang Regional Council \$49,665 towards the provision of public services and amenities, in accordance with *Yarrowlunla Section 94 Plan No. 1*. The amount payable is subject to annual amendment on 1 July in keeping

with the Consumer Price Index. This Contributions Plan may be inspected at Council's administrative offices during normal office hours.

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

77. Section 7.11 Contributions – Recreation Facilities Bungendore

Pay Queanbeyan-Palerang Regional Council \$44,220 towards the provision of recreation facilities in Bungendore, in accordance with *Palerang Section 94 Plan No. 7*. The amount payable is subject to quarterly adjustment in keeping with the CPI. This Contributions Plan may be inspected at Council's administrative offices during normal office hours.

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

78. Section 7.11 Contributions – Pathway Network Bungendore

Pay Queanbeyan-Palerang Regional Council \$17,220 towards the provision of a pathway network in Bungendore, in accordance with *Palerang Section 94 Plan No. 8*. The amount payable is subject to quarterly adjustment in keeping with the CPI. This Contributions Plan may be inspected at Council's administrative offices during normal office hours.

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

79. Section 7.11 Contributions – Street Upgrading Bungendore

Pay Queanbeyan-Palerang Regional Council \$47,505 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 during normal office hours.

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

80. Section 7.11 Contributions – Stormwater Drainage Bungendore South King Street

Pay Queanbeyan-Palerang Regional Council \$40,635 towards the provision of stormwater drainage in Bungendore (south of King Street), in accordance with *Palerang Section 94 Plan No. 10*. The amount payable is subject to quarterly adjustment in keeping with the CPI. This Contributions Plan may be inspected at Council's administrative offices during normal office hours.

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

Conditions to be satisfied during the ongoing use of the premise

81. 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

82. Asset Protection Zones

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

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

Bushfire Conditions as required in RFS GTA's

Advisory Note:

Essential Energy

1. As part of the subdivision, easements are created for any existing electrical infrastructure. The easements are to be created using Essential Energy's standard easement terms current at the time of registration of the plan of subdivision.
2. If the proposed development changes, there may be potential safety risks and it is recommended that Essential Energy is consulted for further comment.
3. Any existing encumbrances in favour of Essential Energy (or its predecessors) noted on the title of the above property should be complied with.
4. Council should ensure that a Notification of Arrangement (confirming satisfactory arrangements have been made for the provision of power) is issued by Essential Energy with respect to all proposed lots which will form part of the subdivision, prior to Council releasing the Subdivision Certificate. It is the Applicant's responsibility to make the appropriate application with Essential Energy for the supply of electricity to the subdivision, which may include the payment of fees and contributions.
5. In addition, Essential Energy's records indicate there is electricity infrastructure located within close proximity to the property. Any activities within this location must be undertaken in accordance with the latest industry guideline currently known as *ISSC 20 Guideline for the Management of Activities within Electricity Easements and Close to Infrastructure*. Approval may be required from Essential Energy should activities within the property encroach on the electricity infrastructure.
6. Prior to carrying out any works, a "Dial Before You Dig" enquiry should be undertaken in accordance with the requirements of Part 5E (Protection of Underground Electricity Power Lines) of the *Electricity Supply Act 1995 (NSW)*.
7. Given there is electricity infrastructure in the area, it is the responsibility of the person/s completing any works around powerlines to understand their safety responsibilities. SafeWork NSW (www.safework.nsw.gov.au) has publications that provide guidance when working close to electricity infrastructure. These include the *Code of Practice – Work near Overhead Power Lines and Underground Assets*.

QUEANBEYAN-PALERANG REGIONAL COUNCIL

SECTION 64 DEVELOPMENT SERVICING PLAN

BUNGENDORE WATER SUPPLY

FILE No: **DA.2018.074**

APPLICANT: **SMEC Australia Pty Ltd**

OWNER: **Bungendore Lands Pty Ltd**

LOCATION: **Majara Street, Bungendore - Lot 47 DP1229434**

ACTIVITY: **15 Lot Subdivision**

CATCHMENT: **Bungendore**

S94 CONTRIBUTION:

Project	Ledger	Base Contribution	F & C Schedule	Lots/E.T.	Amount
s.64 DSP	Bung RA40101	\$10,350	2018/19	15	\$155,250

The amount payable is subject to annual amendment on 1 July in accordance Queanbeyan-Palerang Regional Council's Fees and Charges Schedule.

Contributions are required to be paid prior to release of plan of subdivision.

QUEANBEYAN-PALERANG REGIONAL COUNCIL

SECTION 64 DEVELOPMENT SERVICING PLAN

BUNGENDORE SEWERAGE

FILE No: **DA.2018.074**

APPLICANT: **SMEC Australia Pty Ltd**

OWNER: **Bungendore Lands Pty Ltd**

LOCATION: **Majara Street, Bungendore - Lot 47 DP1229434**

ACTIVITY: **15 Lot Subdivision**

CATCHMENT: **Bungendore**

S64 CONTRIBUTION:

Project	Ledger	Base Contribution	F & C Schedule	Lots/E.T.	Amount
s.64 DSP	Bung RA40601	\$12,470	2018/19	15	\$187,050

The amount payable is subject to annual amendment on 1 July in accordance Queanbeyan-Palerang Regional Council's Fees and Charges Schedule.

Contributions are required to be paid prior to release of plan of subdivision.

QUEANBEYAN-PALERANG REGIONAL COUNCIL

**CONTRIBUTIONS TO PUBLIC AMENITIES AND SERVICES
UNDER YARROWLUMLA SECTION 94 PLAN No.1**

FILE No: **DA.2018.074**

APPLICANT: **SMEC Australia Pty Ltd**

OWNER: **Bungendore Lands Pty Ltd**

LOCATION: **Majara Street, Bungendore - Lot 47 DP1229434**

ACTIVITY: **15 Lot Subdivision**

CATCHMENT: **Bungendore**

S94 CONTRIBUTION

Project	Ledger	Base Contribution	Indexation	Lots/E .T.	Amount
Community Hall/Sports Centre	RA11601	\$660.00	+72.40%	15	\$17,070
Bush Fire/SES Hall	RA11651	\$240.00			\$6,210
Pre-school Centre Land	RA11701	\$48.00			\$1,290
Expansion of Pool	RA11751	\$540.00			\$13,965
Library Building Relocation	RA11801	\$240.00			\$6,210
Embellishment of Open Space	RA11851	\$190.00			\$4,920
Total					\$49,665

(Adjusted for 2018/19 using CPI Canberra)

(The contribution amount is subject to adjustment in keeping with the Consumer Price Index – All Groups - Canberra at the start of each financial year. The amount payable will be determined at the time of payment.)

Contributions are required to be paid prior to release of plan of subdivision.

QUEANBEYAN-PALERANG REGIONAL COUNCIL

**CONTRIBUTION TO RECREATION FACILITIES UNDER
PALERANG SECTION 94 PLAN No. 7**

FILE No: **DA.2018.074**

APPLICANT: **SMEC Australia Pty Ltd**

OWNER: **Bungendore Lands Pty Ltd**

LOCATION: **Majara Street, Bungendore - Lot 47 DP1229434**

ACTIVITY: **15 Lot Subdivision**

CATCHMENT: **Bungendore**

S94 CONTRIBUTION:

Project	Ledger	Base Contribution	Indexation	Lots/E.T.	Amount
Recreation Facilities	RA12451	\$2,285.00	+29.02%	15	\$44,220

(Adjusted to June Quarter 2018, using CPI Canberra)

(The contribution amount is subject to quarterly adjustment in keeping with the Consumer Price Index – All Groups - Canberra at the start of each financial quarter. The amount payable will be determined at the time of payment.)

Contributions are required to be paid prior to release of plan of subdivision.

QUEANBEYAN-PALERANG REGIONAL COUNCIL

**CONTRIBUTION TO PATHWAY NETWORK UNDER
PALERANG SECTION 94 PLAN No. 8**

FILE No: **DA.2018.074**

APPLICANT: **SMEC Australia Pty Ltd**

OWNER: **Bungendore Lands Pty Ltd**

LOCATION: **Majara Street, Bungendore - Lot 47 DP1229434**

ACTIVITY: **15 Lot Subdivision**

CATCHMENT: **Bungendore**

S94 CONTRIBUTION:

Project	Ledger	Base Contribution	Indexation	Lots/E.T.	Amount
Pathway Network	RA12501	\$890	+29.02%	15	\$17,220

(Adjusted to June Quarter 2018, using CPI Canberra)

(The contribution amount is subject to quarterly adjustment in keeping with the Consumer Price Index – All Groups - Canberra at the start of each financial quarter. The amount payable will be determined at the time of payment.)

Contributions are required to be paid prior to release of plan of subdivision.

QUEANBEYAN-PALERANG REGIONAL COUNCIL

**CONTRIBUTION TO STREET UPGRADING IN BUNGENDORE UNDER
PALERANG SECTION 94 PLAN No. 9**

FILE No: **DA.2018.074**

APPLICANT: **SMEC Australia Pty Ltd**

OWNER: **Bungendore Lands Pty Ltd**

LOCATION: **Majara Street, Bungendore - Lot 47 DP1229434**

ACTIVITY: **15 Lot Subdivision**

CATCHMENT: **Bungendore**

S94 CONTRIBUTION:

Project	Ledger	Base Contribution	Indexation	Lots/E.T.	Amount
Street Upgrading	RA35431	\$2,455	+29.02%	15	\$47,505

(Adjusted to June Quarter 2018, using CPI Canberra)

(The contribution amount is subject to quarterly adjustment in keeping with the Consumer Price Index – All Groups - Canberra at the start of each financial quarter. The amount payable will be determined at the time of payment.)

Contributions are required to be paid prior to release of plan of subdivision.

QUEANBEYAN-PALERANG REGIONAL COUNCIL

**CONTRIBUTION TO HIGHWAY CULVERTS, SOUTH BUNGENDORE UNDER
PALERANG SECTION 94 PLAN No. 10**

FILE No: **DA.2018.074**

APPLICANT: **SMEC Australia Pty Ltd**

OWNER: **Bungendore Lands Pty Ltd**

LOCATION: **Majara Street, Bungendore - Lot 47 DP1229434**

ACTIVITY: **15 Lot Subdivision**

CATCHMENT: **Bungendore South**

S94 CONTRIBUTION:

Project	Ledger	Base Contribution	Indexation	Lots/E.T.	Amount
Kings Highway Culverts	RA35471	\$2,100	+29.02%	15	\$40,635

(Adjusted to June Quarter 2018, using CPI Canberra)

(The contribution amount is subject to quarterly adjustment in keeping with the Consumer Price Index – All Groups - Canberra at the start of each financial quarter. The amount payable will be determined at the time of payment.)

Contributions are required to be paid prior to release of plan of subdivision.