

JOINT REGIONAL PLANNING PANEL

(Southern Region)

SUPPLEMENTARY REPORT

JRPP No.	JRPP Reference Number 2013STH025
DA Number	DA 186-2013
Local Government Area	Queanbeyan City Council
Proposed Development	Torrens Title subdivision creating 84 lots in Stage 6 of Neighbourhood 1A, Community Title subdivision creating 2 community schemes (including 47 development lots), and the erection of 47 dwellings in Stage 3B of Neighbourhood 1A.
Street Address	Lot 280 DP 1185463, Lot 3 DP 1179941, Lot 1 DP 1183929 and Lot 5 DP 1179941 being 36 and 36B Googong Road, Googong, NSW 2620
Applicant/Owner	Googong Township Pty Ltd ATF Googong / Googong Township Pty Ltd
Number of Submissions	Amended Proposal - Nil Original Proposal - Two Public Submission and Four Government Agency Submissions
Recommendation	Conditional Approval
Report by	Chelsea Newman, Queanbeyan City Council

Supplementary Assessment Report and Recommendation

Introduction

The subject application and Queanbeyan City Council's Assessment Report and Recommendation were considered by the Joint Regional Planning Panel ("the Panel") at a meeting held in Queanbeyan on 10 April 2014. A decision was deferred pending the preparation of this Supplementary Report.

The application originally proposed Torrens Title subdivision creating 93 x lots in Stage 6 of Neighbourhood 1A, Community Title subdivision creating 4 x Community Schemes with 76 x Development lots, and the erection of 81 x dwellings including 14 x exhibition homes in Stage 3B of Neighbourhood 1A. The original Report recommended that the proposed Community Title subdivisions and construction of 81 x dwellings be refused development consent and that the proposed Torrens Title subdivision of land to create Stage 6 be conditionally approved, but with 17 x residential lots with vehicular access to a Local Arterial Road being excluded from the consent.

The Panel resolved that:

1. The application be deferred for the preparation of a supplementary report with conditions and recommendations confirming that;
 - a) All lots within the additional development area are to be no less than 170m²,
 - b) All lots outside the additional development area are to be no less than 330m²,
 - c) Type 11 dwellings ('Fonzie Flats') are excluded from any proposed consent,
 - d) No lots are to have direct access to Gorman Drive, and
 - e) All secondary dwellings are to be redesigned to comply with the Googong DCP.
2. The applicant discuss with Council opportunities to introduce smaller lot sizes and 'fonzie flat' type development within the appropriate policy framework, being an amendment to the Googong DCP to include development guidelines for smaller lot sizes and 'fonzie flat' type development.
3. The panel advise Council that it supports the introduction of an appropriate policy framework to accommodate smaller lot sizes and 'fonzie flat' type development in the Googong Urban Release Area.
4. That the supplementary report be considered electronically as a matter of urgency.

The applicant has subsequently made the following amendments to the application:

1. Removal of the Community Title subdivision of Lot 782;
2. Removal of the Community Title subdivision of Lot 785, including the exhibition village;
3. Removal of all Secondary Dwellings (Type 12)—replaced with a double garage;
4. Removal of all 'Fonzie Flats' (Type 11 Dwellings)—replaced with a double garage;
5. Re-design of the Community Title subdivision of Lot 784 to ensure satisfactory vehicle manoeuvrability;

6. All individual lots within Community Title Schemes on Lot 783 and 784 are now at least the required 170m² lot size;
7. Minor changes to the finished floor levels of the dwelling houses;
8. Changes to the design of some of the dwellings to address some inconsistencies and take into account the reconfiguration of some lots;
9. 2 x individual lots in the Stage 6 subdivision, specifically Stage 6D, originally shown as having vehicular access to Gorman Drive to now be accessed from Street 77 (Helen Street) via an extension to a shared access corridor and a battle-axe arrangement; and
10. 6 x individual lots in the Stage 6 subdivision, specifically Stage 6D, originally shown as having vehicular access to Gorman Drive removed from the application. These have been replaced with a super-lot (proposed lot 147) which is now the subject of a further modification of DA#2 to incorporate it into Stage 5B of Neighbourhood 1A. Given that the creation of this super-lot is also the subject of a current application to modify development consent 233-2012/A it is recommended that this lot be excluded from the subject application to avoid duplication.

Request for Exemption from Development Standard

The proposed development relies on an Additional Development Area identified in *Clause 4.1D – Variation to minimum lot size* and on the Googong Map in the Queanbeyan Local Environmental Plan 2012 to create residential lots with an area of at least 170m², rather than the otherwise required minimum lot size of 330m². The Additional Development Area is also shown in the Googong Development Control Plan on the Structure Plan map for Neighbourhood 1A of the Googong Township. (Figures 1 and 2 below show the two maps).

Figure 1 – Excerpt from LEP Googong Map

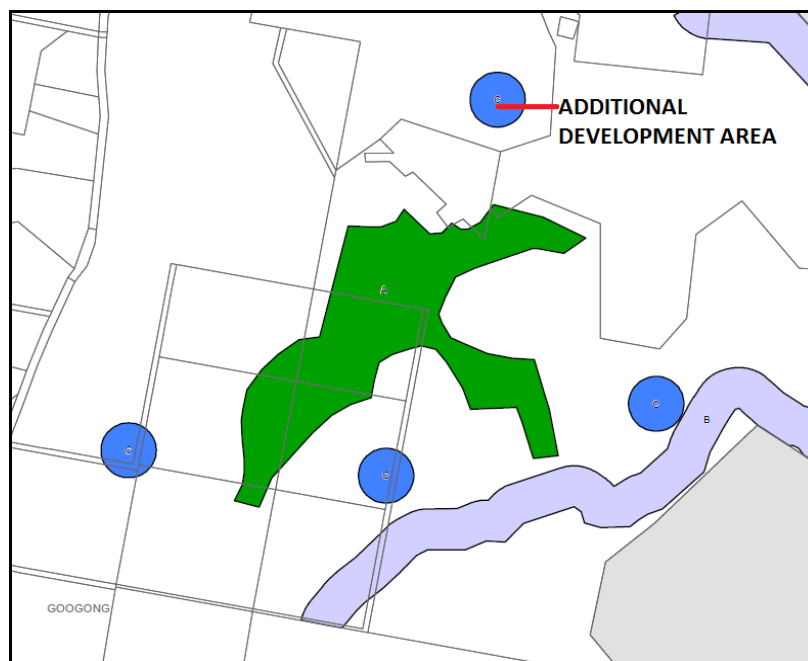


Figure 2 – Excerpt from DCP Structure Plan Map



During the preparation of this Supplementary Report Council's Strategic Development section discovered a discrepancy between the LEP mapping of the Additional Development Area and the DCP mapping. The LEP shows the Additional Development Area as having a 200m **diameter** around each Neighbourhood Centre. The DCP shows a 200m **radius**. Given that the scale of the LEP mapping is not readily legible, the applicant and the Assessing Officer relied on the DCP in the preparation and assessment of the proposed development, i.e. all lots that are between 170m² and 330m² are within the Additional Development Area as mapped in the DCP.

As the LEP mapping prevails over the DCP this means that the currently proposed development includes lots <330m² that are actually outside the Additional Development Area as currently mapped in the LEP.

Once the above discrepancy was discovered Council staff investigated the source, with a view to determining whether the LEP or the DCP mapping of the Additional Development Area was incorrect. As a result of these investigations it has become clear that the intent of the Additional Development Area is to allow for the creation of lots between 170m² – 330m² within a 200m **radius** of the Neighbourhood Centres in Googong Township. This is evidenced by the publicly exhibited Queanbeyan Local

Environmental Plan 2009 (which created the Googong urban release area) and in correspondence between Council, Parliamentary Counsel and the developer of the Googong Township.

The exhibited draft 2009 LEP contained *Clause 7.7 – Restriction on minimum lot size*, which stated that lots could be created with an area between 170m² and 330m² if the land to be subdivided was, *located less than 200m from the central most point of the Neighbourhood Centre*. This is a clear reference to a measurement of 200m radius, not diameter. Prior to gazettal of the 2009 LEP this local clause was modified at the request of the Parliamentary Counsel and the Department of Planning and Environment to refer to the Additional Development Area and Googong Map. This adopted clause was then transferred into the 2012 LEP as *Clause 4.1D – Variation to minimum lot size*. The mapping prepared by Council to identify the Additional Development Area incorrectly applied a 200m diameter measurement, rather than the 200m radius.

Council's Strategic Development section is working separately to resolve this issue. In the meantime, in order to allow for a valid development consent to be issued for the subject application, the applicant has submitted a formal request to vary the minimum lot size development standard to allow for the creation of lots outside of the LEP mapped Additional Development Area that are between 170m² and 330m². Refer to detailed discussion later in this Report under the consideration of the Queanbeyan Local Environmental Plan 2012.

The Amended Application

As a result of the Panel's Resolution and changes agreed to by the applicant, the details of the proposed amended development are as listed below. For clarity, changes from the originally considered proposal are noted in italics.

Subdivision

- a) Lot 1 DP 1183929 subdivided to allow for the inclusion of a small portion (597.9m²) into the southern section of Stage 6D to allow for the construction of a road (Helen Street).
- b) Lot 280 DP 1185463 and Lot 5 DP 1179941 subdivided to create Stage 6 of Neighbourhood 1A, being the last stage within Neighbourhood 1A, further broken down into sub-stages 6A, 6B, 6C, and 6D. Stage 6 includes the creation of the following:
 - i. 10 x super lots for future residential development (*unchanged*);
 - ii. 1 x super lot for a future neighbourhood centre;
 - iii. 3 x lots for open space and drainage; and
 - iv. 63 x residential lots (*down from 72 lots*).
- c) Lot 783, located within Stage 3B and approved under development consent 233-2012/A, re-subdivided to create the following:
 - i. 5 x super-lots on Lot 783, 4 x for future residential development;
 - ii. 1 x Community Title Scheme under the *Community Land Development Act 1989*; and

- iii. 10 x Community Development lots (*down from 11 lots*) and 1 x Community Property lot (laneway) within the Community Title Scheme.
- d) Lot 784, located within Stage 3B and approved under development consent 233-2012/A, re-subdivided to create the following:
 - i. 1 x Community Title Scheme under the *Community Land Development Act 1989*; and
 - ii. 37 x Community Development lots (*down from 39 lots*) and 1 x Community Property lots (laneway) within the Community Title Scheme.

Note: Lots 783 and 784 are not registered lots and currently form a part of Lot 280 DP 1185463.

The above description of the proposed Stage 6 subdivision component is further broken down below.

Stage 6 Subdivision

- a) Stage 6A
 - i. 3 x super lots for future residential development (Lots 64, 66 and 87);
 - ii. 1 x lot for a public park (Lot 65);
 - iii. 20 x residential lots (Lots 67 – 86);
 - iv. New roads to be dedicated.
- b) Stage 6B
 - i. 1 x super lot for further residential subdivision (Lot 622);
 - ii. 1 x super lot for the neighbourhood centre and further subdivision (Lot 621); and
 - iii. New roads to be dedicated.

Note: Lot 3 DP 1179941 within Stage 6B has been set aside for a future public school under the terms of a State Planning Agreement. The subject application does not propose any works or changes to the boundaries of this lot.

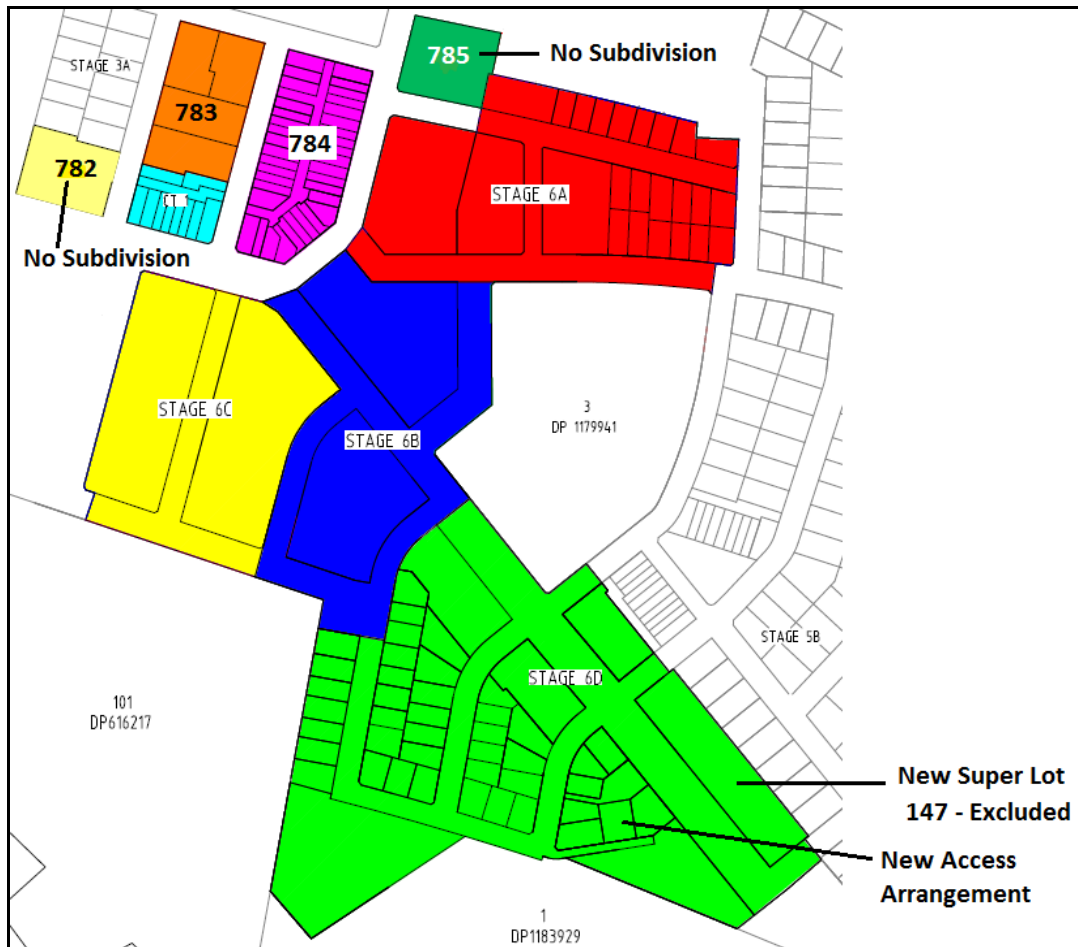
- c) Stage 6C
 - i. 2 x super lots for further residential subdivision (Lots 631 and 632); and
 - ii. New roads to be dedicated.
- d) Stage 6D
 - i. 3 x super lots for further residential subdivision (Lots 107, 136 and 148) – *unchanged*;
 - ii. 1 x lot for public open space (including Montgomery's Creek vegetation offset) and road portion (Lot 144);
 - iii. 1 x lot for a drainage reserve (Lot 146);
 - iv. 43 x residential lots (Lots 99 – 106, Lots 108 – 135 and Lots 137 – 143) – *down from 52 lots*.

- v. New roads to be dedicated.

A total of 63 x individual residential lots between 337m² and 736m² are proposed to be created within Stage 6 under the subject amended application.

Figure 3 below shows the amended layout of the proposed subdivision of land to create Stage 6 of Neighbourhood 1A and within Stage 3B.

Figure 3 – Proposed Amended Subdivision (Stage 3B and 6)



Dwellings

- a) Construction of 47 x dwellings (*down from 81*) on the 47 x development lots within the 2 x Community Title Schemes proposed to be created within Stage 3B. The 47 x dwellings include a mixture of detached, semi-detached and attached dwellings with detached garages and/or car ports.

To assist in the understanding of the amendments and the relationship between the Community Title Schemes and each individual dwelling further information and images are provided below.

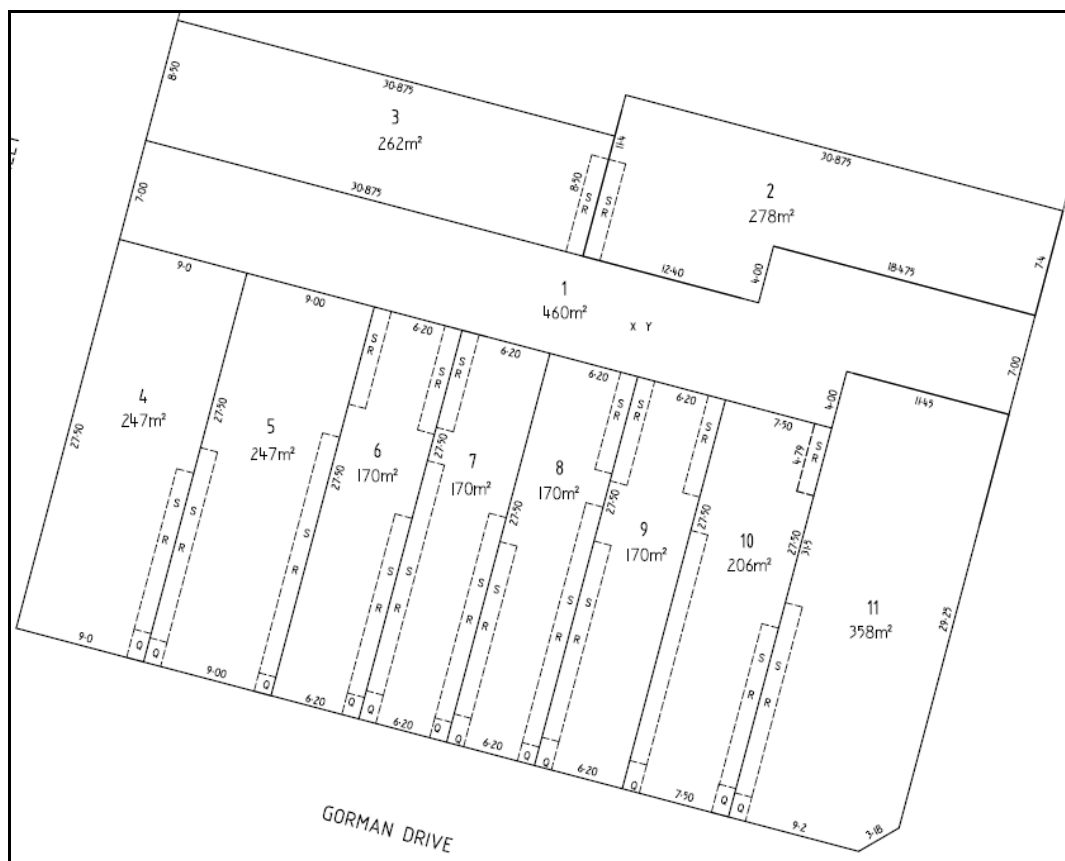
Proposed Community Title Subdivision of Lot 783

Lot 783 is an existing un-registered super lot approved under development consent 233-2012/A (DA#2). It is proposed to subdivide Lot 783 into 5 x super lots and create a Community Title Scheme on super lot 5. Proposed super lot 5 will be located almost entirely outside of the Additional Development Area as currently mapped in the LEP, therefore, pursuant to *Clause 4.1 – Minimum lot size* of the Queanbeyan Local Environmental Plan 2012, the creation of individual residential lots are subject to a development standard for minimum lot size of 330m².

Note: Council's consistent position has been that if a parcel of land proposed to be subdivided is not located entirely within the Additional Development Area, then the provisions of *Clause 4.1D – Variation to minimum lot size* (which allows for lots <330m²) do not apply. This position was supported by the Panel during the meeting held on 10 April 2014.

The Community Scheme is proposed to contain 10 x Development Lots (ranging in size from 170m² to 358m²), and 1 x Community Lot (460m² laneway). Each Community Development lot will contain a dwelling (Refer to Figure 4 below).

Figure 4 – Proposed Amended Subdivision of Lot 783



Changes to Individual Lots and Dwellings on Lot 783

Each Development Lot shown in the above subdivision plan is also proposed to have a dwelling constructed. The dwellings are a mixture of detached, semi-detached and attached dwellings, with all but two dwellings being two storeys high. As part of the amended application the following changes have been made to the proposed individual lots and dwellings as listed below.

- All lots - Minor changes to the finished floor levels. The applicant advises that since the original application was lodged, they have progressed the planning of subdivision works for this part of Neighbourhood 1A, allowing for more accurate finished floor levels to be submitted.
- Lot 2 - The dwelling type has changed, however, it remains a 3 x bedroom, two storey detached dwelling with detached double garage. An amended BASIX Certificate was not required to be submitted.
- Lot 4 – Secondary dwelling (Type 12) over the detached double garage has been removed, with the garage structure retained. This removes an issue of over-shadowing of private open space identified in the original assessment.
- Lot 11 - Rear building containing a triple garage and Type 11 “Fonzie flat” dwelling removed and replaced by detached double garage. This removes an issue of over-shadowing of private open space identified in the original assessment, but will require the submission of an amended landscape plan prior to the issue of any Construction Certificate (Building) for the dwelling.

Proposed Community Title Subdivision of Lot 784

Lot 784 is an existing un-registered super lot approved under development consent 233-2012/A (DA#2). Note: Lot 784 is located partially outside of the Additional Development Area as currently mapped in the LEP, therefore, pursuant to *Clause 4.1 – Minimum lot size* of the Queanbeyan Local Environmental Plan 2012, the creation of individual residential lots are subject to a development standard for minimum lot size of 330m². It is proposed to create a Community Title Scheme on this super lot containing 37 x Development Lots (ranging in size from 170m² to 313m²), and 1 x Community Lot (1209m² laneway). Each Community Development lot will contain a dwelling. (Refer to Figure 5 below).

Figure 5 – Proposed Amended Subdivision of Lot 784



Changes to Individual Lots and Dwellings on Lot 784

Each Development Lot shown in the above subdivision plan is also proposed to have a dwelling constructed. The dwellings are a mixture of detached, semi-detached and attached dwellings, with all but four dwellings being two storeys high. As part of the amended application the following changes have been made to the proposed individual lots and dwellings as listed below.

- All lots - Minor changes to the finished floor levels. The applicant advises that since the original application was lodged, they have progressed the planning of subdivision works for this part of Neighbourhood 1A, allowing for more accurate finished floor levels to be submitted.
- Several lots - Retaining wall and steps within some front setbacks now shown on site plans as well as the originally submitted landscape plans.
- Lot 2 - Rear building containing a triple garage and Type 11 “Fonzie flat” dwelling removed and replaced by detached double garage. This will require the submission of an amended landscape plan prior to the issue of any Construction Certificate (Building) for the dwelling.
- Lot 5 and 10 – The proposed dwellings are unchanged, however, the lots have been slightly reconfigured. This will require the submission of amended landscape plans prior to the issue of any Construction Certificate (Building) for these dwellings. A further issue is the configuration of the detached single garage and carport. The current plans show the carport being located directly behind the enclosed garage, unable to be accessed. This will require the submission of amended site plans prior to the issue of any Construction Certificate (Building) for these dwelling to address this issue—either by moving the carport in front of the garage or introducing a roller door at the rear of the garage to allow access through to the carport.
- Lot 6 and 9 - The proposed dwellings are unchanged, however, the lots have been slightly reconfigured. This will require the submission of amended landscape plans prior to the issue of any Construction Certificate (Building) for these dwellings.
- Lot 14 and 19 – Garage door re-positioned to remove a conflict with a retaining wall.
- Lot 16, 17, 18, 21, 22 and 23 – Length of garage reduced to remove a conflict with a retaining wall.
- Lot 24 - Rear building containing a triple garage and Type 11 “Fonzie flat” dwelling removed and replaced by detached double garage. The garage has also been re-orientated to be accessed from the laneway rather than Street 32. The changes will require the submission of an amended landscape plan prior to the issue of any Construction Certificate (Building) for the dwelling.
- Lot 25 - The garage has been re-orientated to be accessed from the laneway rather than Street 32 and the dwelling has been re-positioned to be 900mm from the southern side boundary, making it a detached dwelling. An amended BASIX Certificate was not required to be submitted. The changes will require the submission of an amended landscape plan prior to the issue of any Construction Certificate (Building) for the dwelling.

- Lot 26 – Due to the changes on lot 25 the dwelling on this lot is now a detached dwelling but with a zero lot line along the southern boundary.
- Lot 27, 28 and 38 - Secondary dwelling (Type 12) over the detached double garage has been removed, with the garage structure retained.

Construction Works

- a) Undertake all subdivision works within Stage 6 comprising site preparation and grading, tree removal, utilities augmentation, drainage, road construction and landscaping.
- b) Undertake all works to construct 47 x dwellings in Stage 3B, including the establishment of associated laneways and landscaping.
- c) Construct and use a temporary construction compound and site access roads.

Open Space Facilities

The proposed subdivision of Stage 6 will also deliver and dedicate to Council open space as follows:

- a) Local Park 3;
- b) Drainage Reserve 8; and
- c) Public open space adjoining Montgomery Creek to incorporate riparian zone planting and rehabilitation as required, and informal recreation space.

The following reports have accompanied the amended development application and were used throughout the supplementary planning assessment:

- Amended Subdivision Plans for approval prepared by LandData Surveyors – May 2014.
- Amended Housing Plans for approval prepared by Heyward Lance Architecture – May 2014.
- Request for Variation to Development Standard prepared by Googong Township Pty Ltd – June 2014 (Attachment A).

Statutory Assessment of Amended Application

A detailed statutory assessment of the originally submitted Development Application was undertaken—refer to the Assessment Report considered by the Panel at its meeting held on 10 April 2014—in accordance with the *Environmental Planning and Assessment Act 1979* (“the Act”), as amended. This Report should be referred to for background information and statutory assessment of aspects of the application not affected by the subject amendments.

The amended Development Application addresses or removes all of the contentious and non-compliant aspects of the originally proposed development as identified in the original Assessment Report. The following statutory assessment is therefore limited in scope only to the aspects that are relevant to the amended application, specifically:

- a) Section 5 – Objects;
- b) Section 79C – Evaluation;
- c) Section 80 – Determination; and
- d) Section 91 – What is “integrated development”?

Section 5 – Objects

The originally proposed development was considered to be inconsistent with the objects of the Act listed at sub-clauses (a)(i) and (a)(ii) due to several proposed Community Development lots within Community Title Schemes being non-compliant with minimum lot size requirements under the Queanbeyan Local Environmental Plan 2012, the Googong Development Control Plan and the Googong Master Plan. This was considered not to represent or encourage the proper management and development of the Googong Township, and not to represent or encourage the promotion and co-ordination of the orderly and economic use and development of land.

All Community Development lots in the proposed amended development application now comply with the minimum lot size requirements under the Googong Development Control Plan and the Googong Master Plan. However, most Community Development lots do not comply with the minimum lot size requirements under *Clause 4.1 – Minimum lot size* of the Queanbeyan Local Environmental Plan 2012.

The Googong DCP Structure Plan Map for Neighbourhood 1A of the Googong Township identifies the correct lot size controls for the Community Development lots as being those described in *Clause 4.1D – Variation to minimum lot size* of the LEP, not Clause 4.1. The proposed Community Development lots comply with Clause 4.1D. Although the application of Clause 4.1 to these lots has been found to be incorrect, until such time as the LEP is amended to correct the error in the mapping of the Additional Development Area, the provisions of Clause 4.1 must still be applied.

Council supports a contravention of the development standard for minimum lot size contained in Clause 4.1 pursuant to *Clause 4.6 – Exceptions to development standards* of the Queanbeyan Local Environmental Plan 2012. Therefore, the application is now considered to be generally consistent with the objects of the Act.

Section 79C – Evaluation

Clause (1)(a)(i) – Any Environmental Planning Instrument

The following environmental planning instruments have been considered in the planning assessment of the amended Development Application:

- a) State Environmental Planning Policy (BASIX) 2004; and
- b) Queanbeyan Local Environmental Plan 2012.

State Environmental Planning Policy (BASIX) 2004

This Policy applies to the 47 x proposed dwellings buildings which are identified as BASIX affected development and which require a BASIX Certificate to accompany a development application. The originally submitted BASIX Certificates are still current for the majority of the proposed dwellings. The applicant has submitted amended BASIX Certificates for two of the proposed dwellings to incorporate some changes to windows and shown the required information on the plans. Any consent granted for the proposed dwellings should be conditioned to comply with the commitments made in BASIX Certificates.

Queanbeyan Local Environmental Plan 2012

The Queanbeyan Local Environmental Plan 2012 (the LEP) was gazetted on 23 November 2012. It repealed the Queanbeyan Local Environmental Plan (Googong) 2009. Clauses relevant to the amended development application are discussed below.

Part 1 – Preliminary

Clause 1.2 – Aims of Plan

The originally proposed development was considered to be inconsistent with the following aim of the Plan specifically relevant to the Googong urban release area:

To facilitate the orderly growth of the urban release area in Googong in a staged manner that promotes a high level of residential amenity and the timely provision of physical and social infrastructure through appropriate phasing of the development of land.

As the proposed amended development application includes:

- All Community Development lots complying with the minimum lot size requirements under the Googong Development Control Plan and the Googong Master Plan, noting that Council supports a contravention of a development standard pursuant to *Clause 4.6 – Exceptions to development standards* of the Queanbeyan Local Environmental Plan 2012;
- The removal of the secondary dwellings and Type 12 ‘fonzie flats’; and
- No lots having vehicular access from a Local Arterial Road,

the proposed development is considered to be generally consistent with the aims of the Plan.

Clause 1.4 – Definitions

The following development types have been removed from the application as a result of the amendments: secondary dwellings; exhibition home; and exhibition village. The proposed amended development is defined in the LEP's dictionary as being for attached dwellings, semi-detached dwellings, dwelling-houses, earthworks and roads.

Note: The proposed development is also defined as subdivision of land. Refer to clause 2.6 in the original Report.

Part 2 – Permitted of Prohibited Development

Clause 2.3 – Zone objectives and Land Use Table

The originally proposed development was considered to be inconsistent with the following objective of the R1 – General Residential Zone:

To encourage medium to high density housing located in close proximity to the town and village centres.

This was due to some Community Development lots less than 330m² in size being proposed outside of the areas identified in the LEP and the Googong DCP as being located in close proximity to the town and village centres and suitable for medium to high density housing on smaller lots. All Community Development lots in the proposed amended development application now comply with the minimum lot size requirements under the Googong DCP. The application is now considered to be generally consistent with all of the objectives of the R1 – General Residential Zone— noting that Council supports a contravention of a development standard pursuant to *Clause 4.6 – Exceptions to development standards* of the Queanbeyan Local Environmental Plan 2012.

Part 4 – Principal Development Standards

Clause 4.1 – Minimum subdivision lot size and Clause 4.1D – Variation to minimum lot size

For simplicity, discussion of the proposed subdivision of land in Stage 3B on super lots previously approved under (DA#2) will be separated from the proposed subdivision of land in Stage 6 (a stage of Neighbourhood 1A that is not subject to a previous development consent).

Stage 6 of Neighbourhood 1A Subdivision

The originally proposed development was considered to be inconsistent with the following objective of Clause 4.1:

To ensure subdivision does not adversely impact on the functions and safety of main roads.

The safety and functions of Gorman Drive (AV1), which is a Local Arterial Road, was considered to be compromised by the inclusion of 9 x individual residential lots in Stage 6D which had direct vehicular access from Gorman Drive. The amended application has does not propose any residential lots with direct access to Gorman Drive. Instead, some lots are now the subject of a modification to DA#2 to be consolidated into a super lot which will be considered for further development within Stage 5B, while others have been reconfigured to be accessed from a shared access corridor or a battle-axe arrangement. Therefore, the Stage 6 subdivision component of

the amended application is now considered to be generally consistent with all of the objectives of Clause 4.1.

The Stage 6 part of the subject site is identified on the Lot Size Map as requiring a minimum lot size of 330m². All proposed 63 x residential lots within Stage 6 meet the minimum lot size requirement, ranging from 337m² up to 736m².

Subdivision of Land in Stage 3B through the Creation of Community Title Schemes

Due to the recently discovered discrepancy between the LEP and the Googong DCP mapping of the Additional Development Area, not all of the Community Development lots and Community Property lots within the two proposed Community Title Schemes in the amended application are located on land identified as “Additional Development Area” on the Googong Map. Pursuant to *Clause 4.1D – Variation to minimum lot size*, lot sizes within this area are permitted to be a minimum of 170m². Areas outside of this area are required to have a minimum lot size of 330m² as shown on the Lot Size Map. Therefore, the amended application now also involves a variation to the minimum lot size development standard contained in Clause 4.1 for lots that are <330m². Refer to discussion under *Clause 4.6 – Exceptions to development standards*.

The originally proposed development was considered to be inconsistent with the objectives of Clause 4.1 and contrary to the Lot Size Map. Further, it was inconsistent with the objective of Clause 4.1D, “*to provide opportunities for affordable medium density housing in appropriate locations*”, as it included lots less than 330m² outside the “Additional Development Area” (as understood at the time). The original application also proposed lots within the “Additional Development Area” that were less than 170m².

The original Report includes a detailed discussion of the applicability of Clause 4.1 and 4.1D to the subdivision of land by the creation of Community Title Schemes. While the Panel made no formal resolution on the applicability or otherwise of these clauses, it was accepted that the wider planning framework for Googong Township clearly establishes and reflects the hierarchy of residential density expressed in Clause 4.1 and 4.1D. (Refer to the Panel meeting minutes from 10 April 2014).

All proposed lots are now at least 170m². The 47 x Community Development lots range in size from 170m² to 358m², while the 2 x Community Property lots (laneways) are 460m² (Lot 783) and 1,281m² (Lot 784). Lots that are less than 330m² and which are currently located outside of the Additional Development Area as incorrectly mapped in the LEP, are located **within** the Additional Development Area area as correctly mapped in the Googong DCP. This is in accordance with the hierarchy of residential density expressed in the wider planning framework for Googong Township. The amended application is therefore considered to generally satisfy all of the objectives and development standards in Clause 4.1 and 4.1D.

Clause 4.4 – Floor space ratio

The built form in the originally proposed development complied with the maximum permitted floor space ratio (FSR) of 1.5:1, however, the application was considered to be inconsistent with the following objectives of Clause 4.4:

- a) *To ensure that the density, bulk and scale of development is appropriate for a site; and*
- b) *To ensure that the density, bulk and scale of development integrates with the streetscape and character of the area in which the development is located.*

The inconsistency was due to the originally proposed subdivision of lots within Stage 3B including a density and scale of residential development inappropriate for the site

that did not integrate with the intended character of the area identified in the LEP, Googong Development Control Plan, and Googong Master Plan. As the proposed amended development application includes:

- All Community Development lots complying with the minimum lot size requirements under the Googong Development Control Plan and the Googong Master Plan, noting that Council supports a contravention of a development standard pursuant to *Clause 4.6 – Exceptions to development standards* of the Queanbeyan Local Environmental Plan 2012;
- The removal of the secondary dwellings and Type 12 ‘fonzie flats’; and
- No lots having vehicular access from a Local Arterial Road,

the proposed development is now considered to be generally consistent with all of the objectives of Clause 4.4.

Built form on land within the “Additional Development Area” is subject to a maximum FSR of 1.5:1. All 47 x dwellings within the amended application are well under the permitted maximum FSR.

Clause 4.6 – Exceptions to development standards

The objectives of this clause are:

- a) *to provide an appropriate degree of flexibility in applying certain development standards to particular development, and*
- b) *to achieve better outcomes for and from development by allowing flexibility in particular circumstances.*

Subject to this clause, development consent may be granted for development even if it would contravene a development standard imposed by an environmental planning instrument. However, this clause does not apply to a development standard that is expressly excluded from the operation of this clause.

The amended proposed development contravenes a development standard in *Clause 4.1 – Minimum subdivision lot size*. Specifically, sub-clause 4.1(3) states that:

the size of any lot resulting from a subdivision of land to which this clause applies is not to be less than the minimum size shown on the Lot Size Map in relation to that land.

This development standard is **not** expressly excluded from the operation of Clause 4.6.

Description of Contravention

Due to the recently discovered discrepancy between the LEP and Googong DCP mapping of an Additional Development Area, the proposal now includes the creation of lots that are less than the 330m² identified as the minimum lot size on the Lot Size Map. Each individual lot within the proposed two proposed Community Title Schemes are **not** subject to the provisions of the Additional Development Area as currently mapped in the LEP. These lots are required to be a minimum of 330m² as shown on the Lot Size Map.

Sub-clause 4.6(3) states:

Development consent must not be granted for development that contravenes a development standard unless the consent authority has considered a written request from the applicant that seeks to justify the contravention of the development standard by demonstrating:

- a) *that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, and*
- b) *that there are sufficient environmental planning grounds to justify contravening the development standard.*

Further, sub-clause 4.6(4) states:

Development consent must not be granted for development that contravenes a development standard unless:

- a) *the consent authority is satisfied that:*
 - i. *the applicant's written request has adequately addressed the matters required to be demonstrated by subclause (3), and*
 - ii. *the proposed development will be in the public interest because it is consistent with the objectives of the particular standard and the objectives for development within the zone in which the development is proposed to be carried out, and*
- b) *the concurrence of the Director-General has been obtained.*

The applicant has submitted a written request to justify the contravention – refer to Attachment A. It states that compliance with the development standard is unreasonable and unnecessary in the circumstances, and that there are sufficient environmental planning grounds to justify the contravention due to:

- The contravention resulting from an error in the mapping of the Additional Development Area on the Googong Map in the Queanbeyan Local Environmental Plan 2012. There is evidence to show that the clear intention of Council, the Department of Planning and Environment, and Parliamentary Counsel in the preparation of the Googong Local Environmental Plan 2009 was for the Additional Development Area to be measured as a 200m radius from the centrepoint of the Neighbourhood Centre, not a 200m diameter around it;
- The proposed development is in accordance with the Additional Development Area as correctly identified and mapped in the Googong DCP;
- The proposed development is consistent with the objectives of the R1 – General Residential zone; and
- Further delaying the approval of the proposed development due to this contravention would not be in the public interest as it would prolong delays in the delivery of affordable small-lot housing and erode confidence in the planning approval process.

Council generally concurs with the above statements and is satisfied that the applicant's written request has adequately addressed the matters required to be demonstrated. Council's Strategic Development section have investigated the mapping error, with a view to determining whether the LEP or the DCP mapping of the Additional Development Area was incorrect. As a result of these investigations it has become clear that the intent of the Additional Development Area is to allow for the creation of lots between 170m² – 330m² within a 200m **radius** of the Neighbourhood Centres in Googong Township. This is evidenced by the publicly exhibited Queanbeyan Local Environmental Plan 2009 (which created the Googong urban release area) and in correspondence between Council, Parliamentary Counsel and the developer of the Googong Township.

The exhibited draft 2009 LEP contained *Clause 7.7 – Restriction on minimum lot size*, which stated that lots could be created with an area between 170m² and 330m² if the land to be subdivided was, ***located less than 200m from the central most point of the Neighbourhood Centre***. This is a clear reference to a measurement of 200m radius, not diameter. Prior to gazettal of the 2009 LEP this local clause was modified at the request of the Parliamentary Counsel and Department of Planning and Environment to refer to the Additional Development Area and Googong Map. This adopted clause was then transferred into the 2012 LEP as *Clause 4.1D – Variation to minimum lot size*. The mapping prepared by Council to identify the Additional Development Area incorrectly applied a 200m diameter measurement, rather than the 200m radius.

The proposed development is considered to be in the public interest. As discussed previously in this Report, the proposed development is considered to be generally consistent with the objectives of *Clause 4.1 – Minimum subdivision lot size* and with the objectives of the R1 – General Residential Zone.

In regards to sub-clause 4.6(4)(b), as the Queanbeyan Local Environmental Plan 2012 adopts Clause 4.6 of the Standard Instrument, Council has the assumed concurrence of the Director-General - (Refer to Planning Circular PS 08-003 issued by the Department of Planning and Environment in May 2008).

Pursuant to sub-clause 4.6(8), the proposed development will not contravene a development standard for complying development or one that is in connection with a BASIX Certificate commitment. Moreover, it will not contravene *Clause 5.4 – Controls relating to miscellaneous permissible uses*, *Clause 6.1 – Arrangements for designated State and Territory public infrastructure* and *Clause 6.2 – Public utility infrastructure*.

Summary

In summary, the proposed contravention of the development standard for minimum lot size contained in Clause 4.1, is supported by Council and has the assumed concurrence of the Director-General. The contravention has only arisen due to a recently discovered error in the mapping of Additional Development Areas for Googong Township on the LEP's Googong Map. *Clause 4.1D – Variation to minimum lot size* references the Googong Map and allows for lots to be created on land identified in the Additional Development Area with a minimum lot size of 170m², despite the provisions of *Clause 4.1 – Minimum lot size*.

The location of lots between 170m² and 330m² is in accordance with the Additional Development Area correctly mapped on the Structure Plan for Neighbourhood 1A of the Googong Township contained in the Googong DCP. The proposed development generally satisfies the objectives of Clause 4.1 and 4.1D, and the objectives of the R1 – General Residential zone. Council considers it to be in the public interest to recommend approval of the proposed development. Proposed lot sizes and residential hierarchy is consistent with that envisioned and described in the strategic planning framework applicable to the Googong Township, including: the *Sydney – Canberra Corridor Regional Strategy 2006 – 2031*; *Queanbeyan Residential and Economic Strategy 2006 – 2031*; the Googong Urban Development Voluntary Land Planning Agreement; Googong Master Plan, Structure Plan for Neighbourhood 1A and Development Control Plan.

Clause 7.6 – Airspace operations

The Commonwealth Department of Infrastructure and Regional Development (DIRD) advised for the originally proposed development that:

The Queanbeyan City Council has commenced consultation with the Commonwealth Department of Infrastructure and Regional Development about a number of development applications in the Googong Township, as required under Part 7.6 of the Queanbeyan Local Environment Plan 2012.

The Department has undertaken to facilitate a streamlined assessment process under the Airports (Protection of Airspace) Regulations 1996 in relation to Obstacle Limitation Surface penetrations and will meet with Council officers, the Civil Aviation Safety Authority and Canberra Airport in the coming weeks to clarify arrangements.

The above-mentioned streamlined assessment process has yet to be implemented. All built form (dwellings) proposed under the original application were recommended for refusal. Subsequent to the Panel meeting on 10 April 2014 and further discussions with the applicant it became clear to Council that built form within an amended application would likely be recommended for approval. Therefore, the Commonwealth (DIRD) was further consulted as to an appropriate condition that could be imposed on any approval for built form so as to not delay the issuing of any consent. DIRD have further advised that they have no objections to the issuing of development consent for the 47 x dwellings provided that the following condition is imposed prior to the issue of any Construction Certificate (Building) for each dwelling:

Approval is granted by the Australian Government Department of Infrastructure and Regional Development as required by the Commonwealth Airports (Protection of Airspace) Regulations 1996.

Clause 7.9 – Essential services

For a discussion of the supply of water, storm water management and electricity and management of sewage, please refer to the original Assessment Report. In regards to vehicular access Council's Senior Engineer—Development raised objections to the following aspects of the originally proposed development:

- Residential lots having vehicular access provided from Gorman Drive (Local Arterial Road); and
- The adequacy of vehicle manoeuvrability at a dead-end section of the laneway in the proposed Community Title Subdivision of Lot 784 in Stage 3B.

The amended application does not propose any residential lots with vehicular access from Gorman Drive. The applicant has addressed this issue in two ways:

1. By consolidating a block of 8 x lots on the north-eastern side of Gorman Drive into a super lot the subject of a current modification application for DA#2 and which will be incorporated into Stage 5B; and
2. Re-configuring a block of 9 x lots on the south-western side of Gorman Drive to now be 8 x lots. Six of the lots have access from a local street (including 1 x battle-axe lot), while 2 x lots will have access from a shared access corridor off Street 77 (Helen Street).

Council's Senior Engineer—Development has assessed the above amendments and has raised no objections subject to the imposition of amendments to the originally recommended conditions.

The amended application still proposes a dead-end section in the proposed Community Title Subdivision of Lot 784 in Stage 3B, however, concerns about vehicle manoeuvrability have been addressed in the following ways:

- Extension of the laneway to allow for adequate vehicle manoeuvrability into and out of garages on lots 23 – 26; and
- Changes to the configuration of the built form on the two end lots (Lot 24 and 25) means that vehicle access to these lots is now from the laneway rather than from a local street (Street 32).

Also, while vehicle access does not extend through the laneway to Street 32, pedestrian and bicycle access is now provided. Council's Senior Engineer—Development has assessed the above amendments to the laneway access and has raised no objections subject to the imposition of recommended conditions.

Section 79C – Evaluation (cont)

Clause (1)(a)(iii) – Any Development Control Plan

The originally submitted development application was assessed in detail against all of the relevant parts of the Queanbeyan Development Control Plan (QDCP) 2012 and the Googong Development Control Plan (GDGP). The amended application remains satisfactory with regard to the relevant objectives and controls in the QDCP 2012. Several variations supported by Council for the original application retain Council's support. Please refer to the original Assessment Report for details.

Pursuant to *Part 1.8 - Public Notification of a Development Application*, the amended application was not required to be publicly re-notified as it simply removes aspects of the original application that were not supported by Council or the Panel and does not involve any changes that relate to the issues raised in the two submissions received for the originally submitted application.

The original application was assessed as being non-compliant with several development controls contained in the GDGP, and inconsistent with objectives underpinning the controls— specific parts listed below:

- Part 1.16 – General Design (Subdivision);
- Part 1.17 – Lot Size and Design;
- Part 1.23 – Roads, Traffic (vehicles, cyclists, pedestrians) and Access;
- Part 1.24 – Solar Access and Lot Orientation;
- Part 3.8 – Controls for Releasing Land for Development in Googong;
- Part 3.22 – Housing Diversity;
- Part 4.2 – Subdivision – General Controls;
- Part 4.4 – Lot Orientation and Lot Size and Layout;
- Part 5.2 – Street Network;
- Part 5.3 – Main Road;
- Part 5.5 – Local Streets;

- Part 6.25 – Secondary Dwellings;
- Part 7.2 – Streetscape;
- Part 7.4 – Building Form and Design;
- Part 7.10 – Private Open Space; and
- Part 7.14 – Solar Access.

By incorporating the following changes, the amended application satisfactorily address all but one of the non-compliances and/or variations to controls that were not supported in the original Assessment Report:

- No individual residential lots have vehicular access from Gorman Drive (Local Arterial Road);
- All secondary dwellings (Type 12) and separately title above-garage dwellings ('fonzie flats') have been removed and replaced by detached double garages;
- All Community Development lots complying with the minimum lot size requirements under the Googong Development Control Plan and the Googong Master Plan, noting that Council supports a contravention of a development standard pursuant to *Clause 4.6 – Exceptions to development standards* of the Queanbeyan Local Environmental Plan 2012; and
- Vehicular manoeuvrability within the Community title Scheme proposed on Lot 784 is now satisfactory.

The one proposed non-compliance that has yet to be addressed relates to the encroachment of some dwellings into the required articulation zone setback of 1.5m from the front property boundary - refer to Part 7.4, control (f) and pages 88-89 of the original Assessment Report. Of the 47 x dwellings proposed in the amended application, 15 x dwellings encroach into the articulation zone. The applicant is aware of this issue and has agreed to the imposition of a condition that requires the submission of revised plans for these dwellings prior to the issue of any Construction Certificate (Building) that shows compliance with the 1.5m setback control.

The amended application requires additional consideration of controls relating to the design of access corridors as outlined below.

of dwellings and persons on which Development Contributions are calculated and provision of infrastructure and community facilities for the Googong Township. As the proposed amended development application includes:

- All Community Development lots complying with the minimum lot size requirements under the Googong Development Control Plan and the Googong Master Plan, noting that Council supports a contravention of a development standard pursuant to *Clause 4.6 – Exceptions to development standards* of the Queanbeyan Local Environmental Plan 2012;
- The removal of the secondary dwellings and Type 12 ‘fonzie flats’; and
- No lots having vehicular access from a Local Arterial Road,

the proposed development is considered to be consistent with the VPA.

Section 79C – Evaluation (cont)

Clause (1)(a)(iv) – The Regulations

No matters prescribed in the Regulation were relevant in the consideration of the original application and no matters are relevant to the amended application.

Section 79C – Evaluation (cont)

Clause (1)(b) – The Likely Impacts of the Development

The likely impacts of the originally proposed development were considered in terms of: context and setting; access, transport and traffic; public domain; utilities; heritage; other land resources; soils; water; air and microclimate; flora and fauna; waste; hazards; social and economic impact in the locality; site design; construction; and cumulative impacts.

In relation to the above matters the original application was considered to:

- Be out of context with the future setting of the Googong Township;
- Demonstrate several instances of inadequate site design;
- Set a precedent for disorderly development of the Township if approved; and
- The potential social and economic impacts were unclear due to proposed lot sizes and housing types not permitted or envisioned within the established planning framework.

The changes made to the original application result in a proposed development that resolves the above issues.

Section 79C – Evaluation (cont)

Clause (1)(c) – The Suitability of the Site for the Development

There are no physical constraints, heritage, threatened species, agricultural or mineral and extractive resource constraints impacting on the original or amended proposed development. The proposed development will not give rise to unmanageable transport demands, adequate recreational opportunities will be provided and all services will be available.

Section 79C – Evaluation (cont)

Clause (1)(d) – Any Submissions made in relation to the Development

External Referrals

The originally proposed development was referred to the NSW Police, NSW Department Planning and Infrastructure and the Commonwealth Department of Infrastructure and Regional Development (DIRD). Further comment on the amended application was required from DIRD and provided. (Refer to assessment under *Clause 7.6 – Airspace operations* of the Queanbeyan Local Environment Plan 2012 earlier in this Report).

Internal Referrals

The originally proposed development was referred to Council's Building Surveyor, Development Engineer, Environmental Health Officer and Parks and Recreation section. Further comment on the amended application was required from the Development Engineer and comments provided. Council's Senior Engineer – Development has assessed the amended application and has raised no objections subject to the imposition of additional recommended conditions and changes to some of the originally recommended conditions.

Community Consultation

The original development application was publicly notified and exhibited as integrated development from 1 November 2013 to 2 December 2013 and adjoining property owners and occupiers were notified by mail. Two written public submissions were received during this period. The issues raised in these submissions were summarised and discussed in detail in the original Assessment Report. The amended application was not required to be re-notified and does not impact on any of the issues raised in the submissions.

Section 79C – Evaluation (cont)

Clause (1)(e) – The Public Interest

The originally proposed development was not considered to be in the public interest for numerous reasons outlined in the original Assessment Report. As the proposed amended development application includes:

- All Community Development lots complying with the minimum lot size requirements under the Googong Development Control Plan and the Googong Master Plan, noting that Council supports a contravention of a development standard pursuant to *Clause 4.6 – Exceptions to development standards* of the Queanbeyan Local Environmental Plan 2012;
- The removal of the secondary dwellings and Type 12 'fonzie flats'; and
- No lots having vehicular access from a Local Arterial Road,

the proposed development is now considered to be in the public interest to support.

Section 80 – Determination

Section 80(4) of the Act enables the consent authority to grant partial development consent for a proposed development, except for a specified part. Further, it allows for a specified aspect of the part of the development being approved to be excluded.

Section 80(4) states:

A development consent may be granted:

- a) *for the development for which the consent is sought, or*
- b) *for that development, except for a specified part or aspect of that development, or*
- c) *or a specified part or aspect of that development.*

It is intended that should the application be approved it will be pursuant to Section 80(4)(c), with a specified aspect of the Stage 6 subdivision, is to be excluded from any partial consent. This exclusion relates to the proposed super lot 147 within Stage 6D, as the creation of this super lot is the subject of a current application to modify development consent 233-2012/A (DA#2) to incorporate it into Stage 5B of Neighbourhood 1A. If it were to be approved under the subject application it would create an unnecessary duplication of consents.

Section 91 – What is “Integrated Development”?

The proposed development requires a controlled activity approval under Section 91 of the *Water Management Act 2000* for works within 40 metres of Montgomery’s Creek. The NSW Office of Water is the approval body. They issued their General Terms of Approval (GTAs) for the proposed development on 20 December 2013. The amended application does not impact on the matters of relevance under the *Water Management Act 2000*, therefore, it was not referred to the Office of Water. Should development consent be granted the GTAs are to be included as an attachment to the consent and conditioned to be complied with.

Conclusion

The amended development application generally satisfies all of the relevant statutory and local planning controls. It will have an acceptable impact on the site, local environment and neighbouring properties and there are no significant public interest concerns resulting from the development. Several variations to development controls contained in the Googong Development Control Plan and identified in the original Assessment Report are recommended to be supported. An additional variation to the length of a shared access corridor has been identified in the amended application and is also recommended to be supported.

The amended development application also includes a contravention to a development standard in the Queanbeyan Local Environmental Plan 2012 which is supported by Council. As discussed in detail in this Report, the contravention is the result of the identification of an error in the mapping of the Additional Development Area in the LEP during the preparation of this Supplementary Report.

The proposed development, as amended, for Torrens Title subdivision creating 84 x lots in Stage 6 of Neighbourhood 1A, Community Title subdivision creating 2 x Community Schemes (including 47 x Development Lots), and the erection of 47 x dwellings in Stage 3B of Neighbourhood 1A of the Googong Township is recommended for conditional approval (noting the excluded lot).

Recommendations

1. Pursuant to *Clause 4.6 – Exceptions to development standards* of the Queanbeyan Local Environmental Plan 2012, the proposed contravention of a development standard contained in *Clause 4.1 – Minimum lot size* of the Queanbeyan Local Environmental Plan 2012 for the subdivision of land to create individual lots for residential development within Stage 3B of Neighbourhood 1A of the Googong Township that are less than 330m² be supported for the following reasons:
 - a. There is clear evidence to show that *Clause 4.1D – Variation to minimum lot size* of the LEP, which allows for the creation of lots less than 330m² within the Additional Development Area on the Googong Map should be the applicable development standard, not *Clause 4.1 – Minimum lot size*. The intent of the Additional Development Area is to allow for the creation of lots between 170m² – 330m² within a 200m radius of the Neighbourhood Centres in Googong Township, not a 200m diameter as shown on the Googong Map. All proposed lots that are less than 330m² are located entirely within the Additional Development Area as correctly mapped on the Structure Plan for Neighbourhood 1A within the Googong Development Control Plan;
 - b. The proposed development is considered to be generally consistent with the objectives of *Clause 4.1 – Minimum subdivision lot size*, *Clause 4.1D – Variation to minimum lot size*, and with the objectives of the R1 – General Residential Zone contained in the Queanbeyan Local Environmental Plan 2012;
 - c. The proposed lot sizes and residential hierarchy is consistent with that envisioned and described in the wider strategic planning framework applicable to the Googong Township; and
 - d. The proposed development is considered to be in the public interest.
2. The proposed variation to Part 4.4 – Lot Orientation of the Googong Development Control Plan to allow for proposed residential lots 108, 119 and 120 within Stage 6D to have a lot width of 11.71m be supported for the following reasons:
 - a. The lots are located on an arc and the area, width and depth of the lots at the building line is substantial enough to meet the control objectives; and
 - b. All three lots become increasingly wider from the frontage and will be able to accommodate a future dwelling-house that is compliant with the applicable development standards and controls.
3. The proposed variation to Part 4.4 – Lot Orientation of the Googong Development Control Plan to allow for the shared access corridor off Street 77 (Helen Street) to be 63.29 m in length be supported for the following reasons:
 - a. The variation is minor and minor and is supported by Council's Senior Engineer – Development as having no negative impacts on amenity or the functioning of the access corridor or road network; and
 - b. The variation results in an improved subdivision layout as it removes a lot from having vehicular access from a Local Arterial Road.

4. The proposed variations to Part 5.2 – Street Network of the Googong Development Control Plan to allow for an 7.5m wide carriageway for Local Street Type 3 and the provision of footpaths on both sides of Local Street Type 3 which are also within the “Additional Development Area” identified in the Queanbeyan Local Environmental Plan 2012 be supported for the following reasons:
 - a. As it will maintain a streetscape uniformly throughout Neighbourhood 1A and supports the concept of “walkable neighbourhoods”; and
 - b. Is in keeping with the objectives of the overall street network and those specific to the street type.
5. The proposed variation to Part 5.2 – Street Network of the Googong Development Control Plan to allow for an 7.5m wide carriageway for Open Space Drive 1 be supported for the following reason:
 - a. As it will maintain a streetscape uniformly throughout Neighbourhood 1A and is in keeping with the objectives of the overall street network and those specific to the street type.
6. That pursuant to Section 80(4) of the *Environmental Planning and Assessment Act 1979* the aspect of the proposed development for the creation of super lot 147 in Stage 6D be excluded from any consent as the creation of this super lot is the subject of a current application to modify development consent 233-2012/A (DA#2) to incorporate it into Stage 5B of Neighbourhood 1A.
7. That Development Application 186-2013, as amended, which proposes:
 - a. The subdivision of Lot 1 DP 1183929, Lot 280 DP 1185463 and Lot 5 DP 1179941 to create Stage 6 of Neighbourhood 1A of the Googong Township;
 - b. The subdivision of un-registered super lot 783 (Lot 280 DP 1185463), located within Stage 3B of Neighbourhood 1A of the Googong Township and approved under development consent 233-2012/A;
 - c. The creation of two Community Title Schemes on un-registered super lots 783 and 784 (Lot 280 DP 1185463), located within Stage 3B of Neighbourhood 1A of the Googong Township and approved under development consent 233-2012/A; and
 - d. The erection of 47 dwellings,
 be granted consent subject to the following conditions.
8. That those persons who lodged a submission on the application be advised in writing of the determination of the application.
9. That the NSW Office of Water be advised in writing of the determination of the application pursuant to Section 91A(6) of the *Environmental Planning and Assessment Act 1979*.

ATTACHMENT A

Request for Exception from Development Standard

24 June 2014



Michael Thompson
Group Manager- Sustainability and Better Living
Queanbeyan City Council
257 Crawford Street
QUEANBEYAN NSW 2620

Dear Mr Thompson,

DA186 – 2013 Request for exemption from development standard

We refer to the discussion with Council staff on 20 June 2014 where it was noted the Additional Development Area on the Googong Map of the Queanbeyan LEP 2012 (QLEP2012) had been drawn to incorrectly show a 100m (instead of 200m) radius from the Neighbourhood Centre. We therefore ask the Consent Authority to support this request for an exemption to the 330 sqm minimum lot size for the proposed lots located between 100m and 200m of the Neighbourhood Centre, pursuant to Clause 4.6 of the QLEP 2012.

Clause 4.6 of the QLEP2012 states,

- (1) The objectives of this clause are as follows:*
 - a. To provide an appropriate degree of flexibility in applying certain development standards to particular development,*
 - b. To achieve better outcomes for and from development by allowing flexibility in particular circumstances.*
- (2) Development consent may, subject to this clause, be granted for development even though the development would contravene a development standard imposed by this or any other environmental planning instrument. However, this clause does not apply to a development standard that is expressly excluded from this clause.*
- (3) Development consent must not be granted for development that contravenes a development standard unless the consent authority has considered a written request from the applicant that seeks to justify the contravention of the development standard by demonstrating:*
 - a. That compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, and*
 - b. That there are sufficient environmental planning grounds to justify contravening the development standard.*

(4) Development consent must not be granted for development that contravenes a development standard unless:

a. The consent authority is satisfied that:

- i. The applicant's written request has adequately addressed the matters required to be demonstrated by subclause (3), and*
- ii. The proposed development will be in the public interest because it is consistent with the objectives of the particular standard and the objectives for development within the zone in which the development is proposed to be carried out, and*

b. The concurrence of the Director-General has been obtained

The subject development application seeks approval for the creation of lots of at least 170 sqm but less than 330 sqm, appropriately located within 200m of the Neighbourhood Centre. The development application (which includes dwelling designs for all lots <330sqm) has been prepared to be consistent with Clause 4.1D of the QLEP2012 which states,

(1) The objective of this clause is to provide opportunities for affordable medium density housing in appropriate locations.

(2) This clause applies to the following land:

a. Land within 200m of and land within 200m of B2 Local Centre

b. Land identified as 'Additional development area' on the Googong Map

(3) Despite subclause 4.1 development consent may be granted for the subdivision of land to which this clause applies to create lots with an area of at least 170 sqm if the development application proposes the creation of at least 4 lots and includes a dwelling design for each lot.

All parties working with the QLEP2012 had believed the Additional Development Area on the Googong Map was a 200m radius as it is clearly defined to be in *Section 3.5 of the Googong Development Control Plan 2013* and shown in the Neighbourhood Structure Plan series for Neighbourhood 1A which is an Appendix to the DCP – see *Annexure A*.

The intention of the parties who prepared the *Queanbeyan Local Environmental Plan 2009* (QLEP2009) which created the Googong Urban Release Area was to allow for the creation of lots of at least 170 sqm within 200m of a Neighbourhood Centre to be defined in a Development Control Plan as evidenced by Objective 7.7(1)(a) and Clause 7.7(2)(b) of the Draft LEP (s68 version) – see *Annexure B*.

Prior to Gazettal of the QLEP2009 the local clause was modified to refer to the 'Additional Development Area' on the Googong Map which is of a scale that isn't readily legible. The error made in the mapping has since been adopted in the

QLEP2012 and was only identified in the assessment of Googong Township Pty Ltd (GTPLs) Draft Planning Proposal which includes a proposed change to the 'Additional Development Area' to better fit the street block design of Neighbourhood 1A.

The subject development application has been prepared to be not only consistent with the development standards, but more significantly the environmental objectives of the QLEP2012. The proposed lots between 300 and 170 sqm are all located within the R1 General Residential zone. The objectives of the zone are to:

- *Provide for the housing needs of the community*
- *Provide for a variety of housing types and densities*
- *Enable other land uses that provide facilities or services to meet the day to day needs of residents*
- *Ensure that buildings with non-residential uses have a bulk and scale that is compatible with the zone's predominantly residential character*
- *Promote walkable neighbourhoods and a sense of community*
- *Ensure that where possible, development maintains existing bushland*
- *Encourage medium to high density housing located in close proximity to the town and village centres.*

As was set out in the Statement of Environmental Effects a diverse community requires a diversity of housing. The subject development application is the third development application for the creation of residential lots in the township. Consistent with the principles of traditional neighbourhood design, earlier approved development applications sought to create lots from the natural edge to a more suburban middle ring. This development application creates the first lots in the core of Neighbourhood 1A which are smaller and closest to the future mixed uses. This transition in lot and housing typologies creates housing and lifestyle choice for a diverse and inclusive community. It allows for the provision of housing at a variety of price points, encourages walking and assists in the creation of critical mass to support local service businesses.

While the Joint Regional Planning Panel (JRPP) requested modifications to the development application submitted, it also resolved on 10 April 2014 that it supported the accommodation of smaller lots at Googong. GTPL has amended the development application to satisfy the specified requirements of the JRPP. The issue of the error in the mapping of the Additional Development Area is raised for the first time after a year of consultations and assessment. Council's Development Coordination and Review Panel meeting minutes of June 2013 specifically advise GTPL of the opportunity to development of lots of a minimum of 170 sqm within a 200m radius of the Neighbourhood Centre. GTPL intends to work with Council and the NSW Department of Planning to rectify the mapping anomaly in a timely manner, however further delay to the approval of the development application would not be in the public interest as it would prolong delay to the delivery of affordable housing and erode confidence in the planning approval process.

We understand as the QLEP2012 is a Standard Instrument LEP which incorporates Clause 4.6, the Consent Authority has the assumed concurrence of the Director General. *Therefore, pursuant to Clause 4.6(3) we trust the Consent Authority will now approve the development application as it is;*

- a. unreasonable to apply development standard in this case; and*
- b. there are sufficient environmental grounds to contrive the development standard.*

Development Manager, Michael Nolan in our office is available to discuss this matter if you wish.

Yours sincerely,
GOOGONG TOWNSHIP PTY LTD



Malcolm Leslie
Senior Project Director

CONDITIONS – DEVELOPMENT APPLICATION 186-2013

PART A – Subdivision Conditions

NOTE: The following groups of conditions apply to the subdivision approved under this consent.

PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE (SUBDIVISION)

1. **In accordance with Section 109F of the *Environmental Planning and Assessment Act 1979* a Construction Certificate (Subdivision) will not be issued for any Stage of the subdivision with respect to the plans and specifications for construction works until any Long Service Levy payable under Section 34 of the *Building and Construction Industry Long Service Payments Act 1986* has been paid. Currently this rate is 0.35% of the cost of the construction works costing \$25,000 or more.**

REASON: To satisfy relevant provisions of the *Environmental Planning and Assessment Act 1979*.

2. **Prior to release of any Construction Certificate (Subdivision) a Construction Management Plan (CMP) must be submitted to Queanbeyan City Council and approved by the Principal Certifying Authority for the proposed construction works or, if the proposed works are staged, for each stage of the proposed construction works. The plan must:**
 - a) **describe the proposed construction works;**
 - b) **outline the proposed construction program;**
 - c) **set standards and performance criteria for each of the relevant environmental issues [see (f) below];**
 - d) **describe what actions and measures would be implemented to ensure that these works comply with the specified standards and performance measures;**
 - e) **describe how the effectiveness of these actions and measures would be monitored during the proposed works;**
 - f) **include a detailed:**
 - i. **Soil, Water and Vegetation Management Plan,**
 - ii. **Waste Management Plan to identify the type of waste that will be generated by the development and method of disposal to be utilised. Applicants should consider whether it is possible to re-use materials either on-site or off-site,**
 - iii. **Noise Management Plan,**
 - iv. **Dust Management Plan,**
 - v. **Traffic Management Plan prepared in accordance with the requirements of Council's City Infrastructure Division,**
 - vi. **Construction Staging Plan;**

- g) describe what procedures would be implemented to receive, register, report and respond to any complaints during the construction works; and
- h) identify the key personnel who would be involved in the construction works, and provide contact numbers for this personnel.

The approved CMP is to be adhered to at all times during construction works of each stage.

REASON: To ensure satisfactory environmental management of the site.

3. **A SIDRA analysis of the intersection of Old Cooma Road and Googong Road shall be undertaken and approved by Queanbeyan City Council and the NSW Roads and Maritime Services prior to the issue of any Construction Certificate – Subdivision for Stage 6 of Neighbourhood 1A. The SIDRA analysis shall incorporate a sensitivity analysis to determine at what traffic volume the Level of Service (LOS) for the right turn from Googong Road into Old Cooma Road reaches LOS's D and E.**

REASON: To determine appropriate timing for the upgrade of the intersection.

4. **A design for the upgrade of the Old Cooma Road / Googong Road intersection (based on the approved SIDRA analysis) shall be undertaken by the applicant and approved by Queanbeyan City Council and the NSW Roads and Maritime Services prior to the issue of any Construction Certificate – Subdivision for Stage 6 of Neighbourhood 1A that will create lots that generate traffic movements such that the intersection reaches LOS D.**

REASON: To provide for upgrade of the intersection to accommodate future traffic generation.

5. **A revised Street Hierarchy and Typical Cross Section Plan for Gorman Drive must be submitted to Queanbeyan City Council for approval prior to the issue of any Construction Certificate – Subdivision for Stage 6 of Neighbourhood 1A. It must show the continuation of the on-road bicycle lane on Gorman Drive in the section where it becomes Street Type One (ST1), adjacent to the Neighbourhood Centre.**

REASON: To ensure compliance with the Googong Master Plan and Neighbourhood 1A Structure Plan.

6. **A revised subdivision and staging plan must be submitted to Queanbeyan City Council for approval prior to the issue of any Construction Certificate – Subdivision for Stage 6 of Neighbourhood 1A. It must reflect the changes to the Stage 6 subdivision resulting from the lot excluded from this consent as per Condition 32 of this consent.**

REASON: To ensure a correct subdivision and staging plan are submitted to Council to reflect changes caused by the exclusion of one super lot from the consent.

7. **A revised Landscape Plan prepared for the landscaping of the Community Lot (Laneway) in Community Title Subdivision of Lot 784 in Stage 3B of Neighbourhood 1A must be submitted to Queanbeyan City Council for approval prior to the issue of any Construction Certificate – Subdivision for subdivision works within Stage 3B approved under this consent. It must be consistent with the Community Title Plan approved under this consent.**

REASON: To ensure that landscape plans for a Community Lot (laneway) are consistent with subdivision plans.

8. **Submission of an application for a Compliance Certificate under Section 307 of the Water Management Act 2000 for each subdivision stage to the Water and Sewer Authority (Queanbeyan City Council). The application must be accompanied by the relevant fee and four copies of the Civil Engineering plans for the design of the water reticulation and sewerage systems, drawn in accordance with Council's *Development Design Specification – Googong* (Version 1, dated June 2011), for assessment and approval by Council.**

Upon approval of the hydraulic design a Compliance Certificate in accordance with section 307 of the Water Management Act 2000, will be issued by Council. The Compliance Certificate must be obtained prior to the issue of a Construction Certificate (Subdivision).

REASON: To ensure that hydraulic design is in accordance with Council requirements.

PRIOR TO COMMENCEMENT OF SUBDIVISION WORKS

9. **Prior to the commencement of any stage of subdivision works a Construction Certificate (Subdivision) must be issued for subdivision works associated with Stage 6 of Neighbourhood 1A and with the creation of the two Community Title Schemes approved under this consent.**

REASON: To ensure the provisions of the *Environmental Planning and Assessment Act 1979* are satisfied.

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

The engineering plans must comply with the requirements of Council's *Development Design Specification – Googong* (Version 1, dated June 2011) and include the following where applicable to a subdivision stage –

- A Certification Report in accordance with Clause DQS.04;
- This general note – *All work must be constructed in accordance with the requirements of Queanbeyan City Council's Development Construction Specification* (Version 3.1, dated June 2011);
- Design of a stormwater network, including a major/minor street stormwater system, any required interallotment drainage lines, any required detention basins, water quality ponds and/or gross pollutant traps and Water Sensitive Urban Design devices;
- Design of a dual water supply network (drinking water and non-drinking water) linking to infrastructure to be constructed in Stages 1- 5 of the subdivision (DA 42-2011 & DA 233-2012);
- Design of a sewerage network linking to existing infrastructure to be constructed in Stages 1- 5 of the subdivision (DA 42-2011 & DA 233-2012);
- Design of the roads in the subdivision to the following standards (as defined in Schedule 4) –
 - a) Gorman Drive as a Local Sub-Arterial Road,
 - b) Aprasia Avenue as a Local Street 2 (ST2),
 - c) Daniel Street, Underhill Street, Zealie Street, Helen Street (2 parts), Sapphire Street, Wilkins Street, Aitkin Street and Hawke Street as a Local Street 3 (ST3),
 - d) Rogers Road as one side of a Type 4 Local Street (Boulevard) (ST4),
 - e) Helen Street (Pt) as an Open Space Drive 1 (DR1),
 - f) Hale Street as an Open Space Drive 2 (DR2),
 - g) Banksia Street as an Open Space Drive 2 (DR2) with 90° angle parking spaces on its west side' and
 - h) The access laneway off Helen Street adjacent Detention Basin 8 as a Shared Access;

- **Design of the battle axe handle to the lot in Helen Street fronting Gorman Drive as a single lot driveway access;**
- **Road pavements designed as flexible pavements with a primer seal plus Asphaltic Concrete (AC10) nominated as the wearing surface;**
- **Driveways in the Community Lot of the Community Title subdivisions of Lot 783 and 784 shall be designed as Private Access Lanes;**
- **Driveways designed as rigid concrete pavements;**
- **Where barrier kerb is used the location of vehicle kerb crossings must be indicated;**
- **Provision of a temporary bus route with bus stops;**
- **Provision of a 2.0 m wide key path in Aprasia Avenue, 1.5 m wide paths on both sides of streets in the Urban Village area and a 1.5 m wide path on one side of all other streets;**
- **Provision of a 3.0m long x 0.6m wide concrete plinth constructed immediately behind the kerb adjacent to proposed lot 101 to act as a placement area for waste bins from the dwellings on lots 99 and 100;**
- **Design of retaining walls greater than 1.0 metres in height;**
- **Landscape plan for reserves and street tree planting;**
- **Lighting plan for the Private Access Lanes;**
- **Irrigation supply (permanent and temporary);**
- **Site works including bulk earthworks, dams water quality ponds and retarding basin construction;**
- **Vegetation management plan;**
- **Soil and water management plans including erosion control measures, specifically including the provision of temporary bunding along the southern edge of Rodgers Road to contain storm water flows within the site;**
- **Construction compound and site amenities;**
- **Street and public open space lighting to current best practice energy efficiency standards and**
- **A Traffic Control Devices (TCD) Plan that includes line-marking, sign-posting and Local Area Traffic Management**

REASON: To provide design certification of the subdivision works.

11. A Notice to Commence Subdivision Works must be submitted to Queanbeyan City Council at least two days prior to commencing any subdivision work and nominating Council as the Principal Certifying Authority for the subdivision works.

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

REASON: To provide for supervision of the subdivision works.

12. A sign must be erected in a prominent position on the work site prior to the commencement of works:

- a) stating that unauthorised entry to the work site is prohibited,
- b) showing the name of the person in charge of the work site,
- c) advising telephone numbers at which that person may be contacted during work hours and outside work hours, and
- d) showing the name of the principal certifying authority and contact details.

The sign is to be removed when the work has been completed.

REASON: To provide notification of the work site and site supervisor to the general public in emergency situations.

13. A Flora and Fauna Management Plan (FFMP) is to be prepared at the applicant's cost and submitted to Council prior to commencement of subdivision works for Stage 6 of Neighbourhood 1A. The recommendations of the FFMP are to be implemented during the pre-construction, construction and post construction phases.

This Plan should detail the impact avoidance and mitigation measures that would be implemented to reduce adverse impacts on flora and fauna during tree removal and clearing, excavation of trenches, rehabilitation of disturbed areas after disturbances and activities such as weed management and re-establishment of native vegetation by revegetation.

The Plan should also include a monitoring and review program.

Key elements of the FFMP are to include the following as outlined in the Googong NH1A Subdivision Ecological Assessments – Terrestrial Flora and Fauna Report, July 2009 prepared by Ecowise Environmental and BIOSIS Research:

- a) Removal of significant trees.
- b) Habitat protection and flora management.
- c) Managing invasive species.
- d) Managing roadside vegetation.
- e) Managing impacts during construction.
- f) Fauna management.
- g) Managing impacts on Commonwealth land.

REASON: To minimise any impacts on flora and fauna.

SITE MANAGEMENT DURING CONSTRUCTION OF SUBDIVISION WORKS

14. **Toilet facilities must be provided at or in the vicinity of the work site at the rate of one toilet for every 20 persons or part of 20 persons employed at the work site.**

Each toilet provided:

- a) **must be a standard flushing toilet, and**
- b) **must be connected:**
 - i. **to a public sewer, or**
 - ii. **if connection to a public sewer is not practicable, to an accredited sewage treatment facility approved by Council, or**
 - iii. **if connection to a public sewer or an accredited sewage management facility is not practicable, to some other sewage management facility approved by Council.**

The provision of toilet facilities in accordance with this clause must be completed prior to commencement of any work on the site.

REASON: To provide adequate and hygienic amenities for people working on the site.

15. **All earthmoving contractors and operators must be instructed that, in the event of any bone or stone artefacts, or discrete distributions of shell being unearthed during earthmoving, work should cease immediately in the affected area and the Ngambri Local Aboriginal Land Council and officers of the Office of Environment and Heritage (Queanbeyan Office), informed of the discovery. Work must not recommence until the material has been inspected by those officials and permission has been given to proceed. Those failing to report a discovery and those responsible for the damage or destruction occasioned by unauthorised removal or alteration to a site or to archaeological material may be prosecuted under the *National Parks and Wildlife Act 1974*, as amended.**

REASON: To ensure adequate procedures are in place should significant items of Aboriginal Heritage be discovered.

16. **In the event that object(s) which are suspected of being Aboriginal object(s) or relic(s) are encountered during development works, then the following protocol will be followed:**

- a) **Cease any further excavation or ground disturbance, in the area of the find(s).**
 - **The discoverer of the find(s) will notify machinery operators in the immediate vicinity of the find(s) so that work can be temporarily halted, and**
 - **The site supervisor and the Principal will be informed of the find(s).**
- b) **Do not remove any find(s) or unnecessarily disturb the area of the find(s).**
- c) **Ensure that the area of the find(s) is adequately marked as a no-go area for machinery or further disturbance, and that the potential for accidental impact is avoided.**

- d) **Note the location and nature of the find(s) and report the find(s) to:**
- **Relevant project personnel responsible for project and construction direction and management;**
 - **With regard to suspected Aboriginal objects, report the find to the Office of Environment and Heritage, and**
 - **With regard to suspected (non-Aboriginal) relics the Office of Environment and Heritage.**
- e) **Where feasible, ensure that any excavation remains open so that the finds can be recorded and verified. An excavation may be backfilled if this is necessary to comply with work safety requirements and where this action has been approved by The Office of Environment and Heritage. An excavation that remains open should only be left unattended if it is safe and adequate protective fencing is installed around it.**
- f) **Following consultation with the relevant statutory authority (Office of Environment and Heritage) and where advised, any other relevant stakeholder groups, the significance of the finds should be assessed and an appropriate management strategy followed. Depending on project resources and the nature of the find(s), this process may require input from a consulting heritage specialist.**
- g) **Development works in the area of the find(s) may recommence with approval of the relevant statutory authority.**

REASON: To ensure adequate procedures are in place should significant items of Aboriginal Heritage be discovered.

17. Any works associated with the subdivision must ONLY be carried out between the following hours:

Weekdays:	7.00am to 6.00pm
Saturdays:	8.00am to 4.00pm
Sundays and Public Holidays:	NO WORK

The applicant is responsible to instruct and control subcontractors regarding hours of work.

NOTE: To undertake works involving the use of equipment which creates an offensive noise is a breach of the provisions of the Protection of the Environment Operations Act 1997 and Regulations thereunder.

REASON: To ensure a noise problem does not result from the development and the impact on the local amenity is minimised.

18. **The applicant must ensure that noise generated by the development does not exceed the criteria set by the Office of Environment and Heritage. This is generally a level of 5dB above background noise level.**

This is measured by monitoring the level of noise from any activity within the development represent by the L_{aeq} descriptor, measured over a 15 minute period. This measurement must not exceed the background level at that time of day by more than 5dB.

REASON: To minimise the impact of noise generated by the development on surrounding residential areas.

19. **The applicant must ensure the following:**

- a) **All construction or the like waste shall not be stored or stockpiled on the site and must be disposed of to an approved waste facility;**
- b) **Clean up equipment including suitable absorbent material shall be available on site to effectively deal with liquid contaminates such as oils and chemical spills;**
- c) **All disturbed and exposed areas shall be revegetated. Revegetation of such areas shall be implemented as soon as construction works end in each area of the development;**
- d) **Adequate measures shall be taken to prevent dust from affecting the amenity of the surrounding rural neighbourhood;**
- e) **A water tank designed to suppress dust from exposed surfaces and access roads shall be available on the site or in the immediate vicinity during construction works. Exposed surfaces and access pads shall be regularly wetted to suppress dust generation until such time that construction is completed and areas have been revegetated. All disturbed areas shall be revegetated immediately after completion of works;**
- f) **No burning of cleared vegetation or other waste material shall occur on this site prior to or during the construction phase of the development;**
- g) **All vegetation material is to be chipped and used in landscaping unless it is not possible due to size, non suitability of the material or some other limitation, in which case the material will be disposed of at an approved landfill site;**
- h) **Materials resulting from excavation of the site must be stored wholly within the property boundaries unless written authority from adjoining property owner/s is first obtained for the storage of the excavation material on the adjoining site subject to erosion controls being put in place. All excess excavation material must be removed from the site and disposed of at an approved landfill site. The site is also to be rehabilitated to existing surface levels and regressed; and**
- i) **Any construction access to the site shall have a shake down grid(s) or equivalent installed to minimise transportation of material onto the road network via vehicular movements from the site.**

REASON: To prevent and/or minimise potential environmental harm to the environment that may result from the construction and rehabilitation works.

20. **Run-off and erosion and sediment controls must be installed onsite to prevent soil erosion, water pollution or the discharge of loose sediment on surrounding land by:-**
- a) **diverting uncontaminated run-off around cleared or disturbed areas;**
 - b) **erecting silt fencing in accordance with the requirements of Council's *Development Construction Specification* (Version 3.1, dated June 2011);**
 - c) **preventing tracking of sediment by vehicles onto roads;**
 - d) **stockpiling topsoil, excavated material, construction and landscaping supplies and debris within the site;**
 - e) **where any material is stockpiled onsite erosion control and siltation fencing must be installed adjacent to the toe of the mound;**
 - f) **removal or disturbance of vegetation and top soil is confined to within 3m of each area under construction; and**
 - g) **the erosion and sediment control measures must be maintained in a good order until the excess excavation materials have been removed from the site.**

REASON: To prevent soil erosion and water pollution.

21. **In the event of any damage being caused to any existing Council infrastructure (such as road pavement, kerb, guttering, stormwater pit, footpath trees and/or footpath) during construction, the applicant must repair or reimburse Council for the full cost of restoration.**

REASON: To prevent damage to Council's public footway area and require payment to Council where damage occurs.

22. **The Subdivider shall adhere to the following guidelines with respect to the provision of services within the development.**

- a) **Preliminary Design:- In planning the subdivision layout the Subdivider shall examine all utility master plans to ascertain the impact of the proposed development on each Utility Authority's existing and future infrastructure.**
- b) **Liaison with Utility Authorities:- The Subdivider shall confirm with each Utility Authority for water, sewer, electricity, gas and telecommunications services, of their individual requirements for the provision of servicing of the subdivision layout. Each utility shall be provided underground.**
 - i. **Confirmation for the provision of installation of the following is required:**
 - **Street lighting;**
 - **Electricity reticulation;**
 - **Water reticulation;**
 - **Sewer reticulation;**
 - **Gas reticulation;**
 - **Telecommunications reticulation; and**
 - **Under road conduits.**

- ii. The Subdivider shall confirm design and construction phase requirements in order to enable an agreed development program to be established between each Utility Authority and the Subdivider prior to construction.
- c) **Construction Program:** - The Subdivider shall liaise with each Utility Authority to confirm the following construction program:
 - i. **Project scope;**
 - Construction sequences and timing;
 - Responsibilities of all parties involved;
 - Project contact officers and principal contractors;
 - Site servicing requirements (including construction documentation and commissioning requirements);
 - Standards, specification and procedures applicable to the project; and
 - Utility resource availability and response times.
 - d) **Access by Others:** - The Subdivider shall permit access to the site by each Utility Authority for the purpose of carrying out works additional to that required to be undertaken by the Subdivider.

REASON: To ensure services have been provided in accordance with Council and Utility Authority requirements.

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

- a) immediately prior to connection of new sewer pipes to existing sewerage infrastructure;
- b) immediately prior to connection of new water pipes to the existing water reticulation; and
- c) immediately prior to the backfilling of sewer drainage trenches.

Council's Infrastructure Group must be given 24 hours notice of the need for these inspections.

***NOTE:** Any inspections carried out by Council do not imply Council approval or acceptance of the works, and do not relieve the Developer from the requirements to provide a Project Quality Plan in accordance with Council's Development Construction Specification (Version 3.1, dated June 2011), Part CQS and a Work-as-Executed Certification Report in accordance with Council's Development Construction Specification (Version 3.1, dated June 2011), Part C101.*

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

24. **Certification of the completed water reticulation (drinking water and non-drinking water) and sewerage system works within each subdivision stage and works as executed documentation for the subdivision stage must be included in a Project Quality Plan and submitted to Council in accordance with Council's *Development Construction Specification* (Version 3.1, dated June 2011), Part C101.**

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

25. **All construction and restoration work must be carried out strictly in accordance with the approved drawings and Queanbeyan City Council's *Development Construction Specification* (Version 3.1, dated June 2011).**

The construction works shall be carried out, monitored and inspected in accordance with Specification CQS - *Quality System Requirements*.

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

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

REASON: To ensure compliance with Utility Authorities' requirements.

27. **Lighting, fencing, traffic control advanced warning signs must be provided for the protection of works and for the safety and convenience of the public, in accordance with Council's *Development Construction Specification* (Version 3.1, dated June 2011). Traffic movement in both directions on public roads and vehicular access to private properties must be maintained at all times, during the currency of the works.**

REASON: To ensure an adequate level of public safety and convenience during construction.

28. **Land dedicated to Council for public recreation purposes is to meet the requirements of the *Googong Urban Development Local Planning Agreement*.**

REASON: To ensure areas to be handed over to Council for public recreation are functional and in a reasonable state.

29. **All fill imported on to the site must be validated to ensure the imported fill is suitable for the proposed land use from a contamination perspective. Fill imported on to the site must also be compatible with the existing soil characteristic for site drainage purposes.**

Council may require details of appropriate validation of imported fill material to be submitted with any application for future development of the site. Hence all fill imported onto the site shall be validated by either one or both of the following methods during remediation works:

- a) **Imported fill should be accompanied by documentation from the supplier which certifies that the material is not contaminated based upon analyses of the material or the known past history of the site where the material is obtained; and/or**
- b) **Sampling and analysis of the fill material should be conducted in accordance with the EPA Sampling Design Guidelines (1995) to ensure that the material is not contaminated.**

REASON: To ensure fill material is within acceptable standards.

30. **Any filling must be undertaken in accordance with the approved plans and in such a manner that the new drainage pattern does not environmentally affect adjoining properties. Those filled and/or regraded allotments must be compacted to 95% maximum modified dry density. The applicant's Geotechnical Engineer must supervise the placement of fill material and certify with test results that the work has been carried out to level 1 responsibility in accordance with Appendix B of AS3798-1990.**

REASON: To ensure satisfactory compaction of fill to standards.

31. **Certification from a suitably qualified and practising Geotechnical Engineer must be submitted for each subdivision stage verifying that the works detailed and recommended in the geotechnical report have been undertaken under supervision, that satisfactory completion to standards has been achieved and that the assumptions relating to site conditions made in the report were validated during construction.**

REASON: To ensure works are undertaken in accordance with geotechnical recommendations.

GENERAL CONDITIONS FOR SUBDIVISION OF LAND

32. **The subdivision approved under this consent shall be in accordance with development application No. 186-2013 and any plans approved in response to Conditions 5, 6 and 7 of this consent and in accordance with the following plans except where those plans reference the following excluded lot:**

- **Proposed Stage 6D – Super Lot 147.**

Plans:

- **Volume 02 – Subdivision Plans for approval prepared by Elton Consulting – October 2013, specifically including;**
 - **Civil Plans prepared by Browns Consulting Pty Ltd – Googong North DA-3, Neighbourhood 1A, Stage 6; and**
 - **Landscape Plans prepared by Aecom – Googong Township, Stage 6, Googong North Landscape and Open Space.**
- **Landscape Plans prepared by JEA Urban Planning + Landscape Architecture for Community Lot (Laneway) in Community Title Subdivision of Lot 783 in Stage 3B of Neighbourhood 3B.**
- **Subdivision Plans for Stages 6A, 6B, 6C and 6D.**
- **Subdivision Plans for Subdivision of Lot 783 in Stage 3B of Neighbourhood 1A.**
- **Subdivision Plans for Community Title Subdivision of Lot 5 of Lot 783 in Stage 3B of Neighbourhood 1A.**
- **Subdivision Plans for Community Title Subdivision of Lot 784 in Stage 3B of Neighbourhood 1A.**

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

REASON: To ensure the development is completed in accordance with the approved plans and that conditions of consent are adhered to.

33. **Separate development consent of Council is required for the erection of any signage relating to land sales.**

REASON: To satisfy the requirements of Council's Local Environmental Plan.

34. **The applicant shall comply with the Googong Urban Development Local Planning Agreement.**

REASON: To ensure satisfactory provision of services, amenities, works and monetary contributions for the development.

35. **Asset Protection Zones (APZs) provided in accordance with Table 1 of the Bushfire Protection Assessment – Proposed Subdivision: Googong Neighbourhood 1A – DA Sections 2 & 3, prepared by Ecological Australia dated 18 September 2012.**

REASON: To ensure compliance with the recommended Asset Protection Zones for the Stage 6 subdivision.

PRIOR TO RELEASE OF SUBDIVISION CERTIFICATE

36. **Prior to the release of any Subdivision Certificate for the creation of the Community Title Schemes within Stage 3B of Neighbourhood 1A approved under this consent, documentary evidence must be submitted to Queanbeyan City Council to show that Lot 783 and Lot 784 (approved under development consent 233-2012A) have been registered with NSW Land and Property Information.**

REASON: To ensure that the parent lot approved to be subdivided under this consent is legally created.

37. **A completed Subdivision Certificate application form accompanied by final plans of subdivision for each stage and a Schedule of Compliance detailing how each condition of consent has been complied with, together with the requisite processing fee, payment of contribution charges, any Council bonds and authorities from other service agencies that their requirements have been satisfied shall be submitted to Council for approval at each Stage. This application shall not be lodged until all consent conditions pertaining to the Stage have been complied with.**

REASON: To comply with the *Environmental Planning and Assessment Act 1979*.

38. **An application to obtain a Subdivision Certificate for each subdivision stage from Queanbeyan City Council must be accompanied by a final survey plan of subdivision and three copies including an electronic copy.**

REASON: To comply with Section 109 *Environmental Planning and Assessment Act 1979*.

39. **A Community Management Statement for the two Community Title Schemes approved under this consent must be submitted to Queanbeyan City Council for endorsement prior to release of the Subdivision Certificate for the Community Title Schemes.**

NOTE: *On the advice of the NSW Police, the Community Management Statement should specifically address:*

- a) How graffiti in the laneways will be managed; and*
- b) Maintenance of lighting within laneways.*

REASON: To satisfy the provisions of the *Community Land Management Act 1989* and the *Community Land Development Act 1989*.

40. **No subdivision certificate for any residential allotment approved by this consent shall be issued until such time as Council is satisfied that the Water Recycling Plant is capable of being commissioned for operation within three months of the date of issue of the subdivision certificate or such other time as agreed to by Council in writing.**

REASON: To ensure that adequate provision is made for the servicing of residential allotments prior to the issue of a subdivision certificate and subsequent erection of buildings.

41. **The General Terms of Approval issued by the NSW Office of Water on 20 December 2013 under Section 91 of the *Water Management Act 2000* for works within 40 metres of Montgomery's Creek, and attached to this consent as Schedule 1, must be complied with.**

REASON: To ensure compliance with Section 91 of the *Water Management Act 2000*.

42. **Submission to the Principal Certifying Authority of a statement prepared by a registered surveyor, stating that all water, sewer and stormwater pipelines constructed within proposed lots or other privately owned land are completely located within proposed easements indicated on the plan of subdivision or existing easements.**

The statement must be submitted upon completion of the subdivision works and prior to the issue of the Subdivision Certificate for each subdivision stage.

REASON: To ensure works are completed in accordance with Council's requirements.

43. **Submission of an application for a Final Compliance Certificate under Section 307 of the *Water Management Act 2000* for each subdivision stage prior to the issue of a Subdivision Certificate for that subdivision stage.**

REASON: To ensure compliance with the statutory requirements of the *Environmental Planning and Assessment Act 1979*.

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

REASON: To ensure works are undertaken in accordance with geotechnical recommendations.

45. **Written evidence from the relevant service authority or a suitably certified or accredited person that satisfactory arrangements have been made for the supply of reticulated electricity, telephone services and natural gas to each lot shall be submitted to Queanbeyan City Council. All services are to be provided underground.**

REASON: To satisfy relevant utility authority requirements.

46. **Provision of a separate sewer connection, stormwater drainage connection, water services (drinking water and non-drinking water), electricity supply, gas and communication service to each residential, school and open space allotment within the subdivision stage at the Subdivider's expense.**

REASON: To provide access to services for each allotment.

47. **Maintenance of the completed subdivision works within a subdivision stage by the Subdivider at their own expense, for a period of six (6) months after the date of the issue of the Subdivision Certificate for that stage by Queanbeyan City Council.**

The subdivider must lodge a cash bond with regard to such maintenance in an amount as calculated from fees set by Council's Management Plan and current at the time of issue of each Subdivision Certificate.

In that period the applicant will be liable for any part of the work which fails to perform to the requirements specified in Council's *Development Design Specification – Googong* (Version 1, dated June 2011), and *Development Construction Specification* (Version 3.1, dated June 2011) (or as would reasonably be expected under the design conditions).

The subdivider must provide Council with written authorisation, that in the event of any defect work not being rectified to the required standards specified and within the period specified, to enter upon the subject land and undertake such remedial work as necessary to comply with the required standards and to deduct the cost thereof from such Bond monies held by Council and to refund the balance, if any, to the subdivider.

REASON: To ensure works are completed in accordance with Council's requirements.

48. **Traffic Control Devices (TCD) for each subdivision stage that includes line-marking, sign-posting and Local Area Traffic Management works, as approved by the Local Traffic Committee, shall be installed prior to release of the Subdivision Certificate.**

REASON: To provide traffic facilities.

49. **Completion of all landscaping works in accordance with relevant plans and any Googong Township Landscape Management Plan approved as part of The works are to be implemented by a suitably experienced and qualified Landscape Management Contractor in accordance any applicable Googong Township Landscape Management Plan.**

REASON: To ensure satisfactory completion of landscape works.

50. **Landscape works are to be monitored and maintained by the applicant in accordance with the *Googong Urban Development Local Planning Agreement*, and monitoring and reporting also carried out in accordance with any applicable Googong Township Landscape Management Plan.**

During the maintenance period all landscape elements are to be managed such that they are resistant to erosion, with management strategies including:

- Planting areas are to be managed such that minimal exposed bare soil is visible.
- All surfaces are to be maintained such that they have a dense plant cover.
- Drainage lines are to be inspected regularly for signs of erosion.
- Where erosion occurs to landscape drainage line elements e.g. scour after a storm event, the damaged area is to be quickly stabilised and reinstated to the specified treatment.

- The drainage line formation is to remain as specified in the engineering and landscape drawings.

All landscape drainage line elements are to be managed for the removal of sediment with strategies to include:

- Regular inspection of bio-retention, wetland and pond sediment forebays.
- Sediment to be removed from:
 - bio-retention system forebays (bio-retention ponds and street bio-pods) when visible.
 - sedimentation basins when at 50% of capacity.
- Regular inspection of swales with prompt removal of sediment when observed.
- Sediment that passes through forebays and is deposited within the:
 - bio-retention systems and constructed wetlands is to be removed when observed.
 - pond is to be removed when it reduces the pond depth by 20%.
- Manage weed cover at no greater than 5%, and
- Manage planting associations for ongoing seeding and self perpetuation thereby increasingly minimising opportunities for weed colonisation.

REASON: To ensure landscape works are monitored and maintained.

51. **Submission to Queanbeyan City Council for approval of street names for the proposed subdivision roads, with the names as approved to be indicated on the subdivision survey plan and provided on road name plates to be installed at the road intersections.**

NOTE: Council has a list of approved names for subdivision roads which can be obtained by contacting Council's Sustainability and Better Living Section. Any other names will require a written submission to be lodged with Council detailing the origin of the name and the reasons for selection. Proposed names must also comply with the document New South Wales Road Naming Policy prepared by the Geographical Names Board and dated 24 October 2013.

REASON: To provide street addressing.

52. **Prior to the issue of a Subdivision Certificate for Stage 6 or any part thereof, of the development, the applicant is to submit evidence of consultation with NSW Transport regarding the provision of public transport services to service the development.**

Preparation of a 'Travel Access Guide' (TAG) to be provided to all new residents to inform them of their transport options.

REASON: To satisfy the requirements of NSW Transport.

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

- a) Easements to drain water, including inter-allotment drainage;
- b) Easements to drain sewer;
- c) Easements for water supply;
- d) Easements for irrigation water supply
- e) Easements which Queanbeyan City Council may require to provide or maintain other services.

All easements specified above and contained in the subdivision must benefit Council as well as particular lots.

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

54. **Dedication to Council, free of cost on the survey plans, all drainage reserves.**

REASON: To permit Council to adequately manage drainage and utility services.

55. **The subdivision roads for each subdivision stage are to be dedicated as public roads on the final subdivision plan. Each subdivision stage must provide dedicated public road access to all lots within the subdivision stage.**

REASON: To provide legal access to all lots within the subdivision.

PART B - Erection of Dwellings Conditions

NOTE: The following groups of conditions apply only to the erection of dwellings approved under this consent.

PRIOR TO COMMENCEMENT OF WORK ON ANY DWELLING APPROVED UNDER THIS CONSENT

56. **The erection of a building in accordance with the development consent must not be commenced until a Construction Certificate has been issued by Queanbeyan City Council or an Accredited Certifier.**

REASON: To satisfy the requirements of Section 81A of the *Environmental Planning and Assessment Act 1979*.

57. **A Principal Certifying Authority for the building work must be appointed and the Principal Certifying Authority must, no later than two days before the building works commences, notify Queanbeyan City Council of his or her appointment.**

REASON: To satisfy the requirements of Section 81A of the *Environmental Planning and Assessment Act 1979*.

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

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

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

59. **Adequate toilet facilities for workers must be provided at or in the vicinity of the work site.**

REASON: To provide suitable and hygienic toilet facilities for use by people visiting or working on the site.

PRIOR TO RELEASE OF CONSTRUCTION CERTIFICATE (BUILDING) FOR EACH DWELLING

60. **Prior to the release of any Construction Certificate (Building) for each dwelling approved under this consent documentary evidence must be submitted to the Principal Certifying Authority to show that the individual lot has been registered with NSW Land and Property Information.**

REASON: To ensure that each lot on which a dwelling is to be constructed legally exists prior to the carrying out of building works.

61. **Prior to the release of any Construction Certificate (Building) for each dwelling approved under this consent, separate approval (or other agreed arrangement) must be granted by the Australian Government Department of Infrastructure and Regional Development as required by the *Commonwealth Airports (Protection of Airspace) Regulations 1996*.**

REASON: To ensure compliance with applicable Commonwealth legislation as the development penetrates the Obstacle Limitations Surface for the Canberra Airport.

PRIOR TO RELEASE OF CONSTRUCTION CERTIFICATE (BUILDING) FOR CERTAIN DWELLINGS

62. **Prior to the release of any Construction Certificate (Building) for the following dwellings approved under this consent, amended architectural drawings must be submitted to Queanbeyan City Council for approval that show building articulation zone elements being setback from the front property boundary by a minimum of 1.5 metres:**

- a) **Dwellings within Community Title Scheme approved under this consent on un-registered Lot 783 (approved under development consent 233-2012/A);**
 - i. Dwelling AB located on proposed Community Development Lot 5,
 - ii. Dwelling AC located on proposed Community Development Lot 6,
 - iii. Dwelling AF located on proposed Community Development Lot 9, and
 - iv. Dwelling AH located on proposed Community Development Lot 11,
- b) **Dwellings within Community Title Scheme approved under this consent on un-registered Lot 784 (approved under development consent 233-2012/A);**
 - i. Dwelling BAK located on proposed Community Development Lot 2,
 - ii. Dwelling BAI located on proposed Community Development Lot 4,
 - iii. Dwelling BAH located on proposed Community Development Lot 5,
 - iv. Dwelling BAC located on proposed Community Development Lot 10,
 - v. Dwelling BX located on proposed Community Development Lot 15,
 - vi. Dwelling BS located on proposed Community Development Lot 20,
 - vii. Dwelling BN located on proposed Community Development Lot 25,
 - viii. Dwelling BL located on proposed Community Development Lot 27,

- ix. Dwelling BG located on proposed Community Development Lot 32,
- x. Dwelling BB located on proposed Community Development Lot 37,
and
- xi. Dwelling BA located on proposed Community Development Lot 38.

Note: Articulation zone elements include pergolas, decks, porticos and the like.

REASON: To ensure compliance with the required articulation zone setback contained in Part 7 of the Googong Development Control Plan.

63. **Prior to the release of any Construction Certificate (Building) for the following dwellings approved under this consent, amended architectural drawings must be submitted to Queanbeyan City Council for approval that show satisfactory vehicle access to the detached single garage and car port:**

- a) **Dwellings within Community Title Scheme approved under this consent on un-registered Lot 784 (approved under development consent 233-2012/A);**
 - i. Dwelling BAH located on proposed Community Development Lot 5,
and
 - ii. Dwelling BAC located on proposed Community Development Lot 10.

REASON: To ensure that satisfactory vehicle access to on-site car parking spaces.

64. **Prior to the release of any Construction Certificate (Building) for the following dwellings approved under this consent, amended landscape plans must be submitted to Queanbeyan City Council for approval that incorporate changes to the built form:**

- a) **Dwellings within Community Title Scheme approved under this consent on un-registered Lot 783 (approved under development consent 233-2012/A);**
 - i. Dwelling AH located on proposed Community Development Lot 11,
- b) **Dwellings within Community Title Scheme approved under this consent on un-registered Lot 784 (approved under development consent 233-2012/A);**
 - i. Dwelling BAK located on proposed Community Development Lot 2,
 - ii. Dwelling BAH located on proposed Community Development Lot 5,
 - iii. Dwelling BAG located on proposed Community Development Lot 6,
 - iv. Dwelling BAD located on proposed Community Development Lot 9,
 - v. Dwelling BAC located on proposed Community Development Lot 10,
 - vi. Dwelling BO located on proposed Community Development Lot 24,
and
 - vii. Dwelling BN located on proposed Community Development Lot 25,

REASON: To ensure that landscape plans are consistent with the built form.

SITE MANAGEMENT DURING CONSTRUCTION OF EACH DWELLING

65. **A waste receptacle must be placed on the site for the storage of waste materials. Should adjoining dwellings be in the process of being constructed at the same time a suitable waste receptacle may service more than one dwelling construction provided that each affected allotment has the same registered owner(s).**

REASON: To prevent pollution of surrounding areas.

66. **Erosion and sediment controls must be installed on the site and maintained during the construction period.**

REASON: To prevent soil erosion, water pollution and the discharge of loose sediment on surrounding land.

67. **All works associated with the construction of dwellings must be carried out between the following hours:**

Weekdays:	7.00am to 6.00pm
Saturdays:	8.00am to 4.00pm
Sundays and Public Holidays:	8.00am to 4.00pm

REASON: To reduce the chance of offensive noise being created and to minimise the impacts of the development in its locality.

68. **The verge and other adjoining lands must not be used for storage of materials or disturbed by construction activities except for:**

- a) **Installation of a temporary, stabilised construction access across the verge.**
- b) **Installation of services.**
- c) **Construction of an approved permanent verge crossing.**

REASON: To minimise interference with the verge and its accessibility by pedestrians.

69. **All damage caused to public property during the establishment of the development must be repaired or reinstated prior to the issue of any Occupation Certificate.**

REASON: To ensure that all public property in the vicinity of the development is maintained in its pre-development condition.

70. **Temporary vehicle access to the site must be stabilised to prevent the tracking of sediment onto the roads and footpath. Soil, earth, mud or similar materials must be removed from the roadway by sweeping, shovelling, or a means other than washing, on a daily basis or as required. Soil washings from wheels must be collected and disposed of in a manner that does not pollute waters.**

REASON: To minimise transfer of soil from the site onto the road pavement.

71. **In the event of any damage being caused to any existing kerb, guttering, stormwater pit, footpath trees and landscaping and/or footpath during building works the person acting on the dwelling consent must repair or reimburse Council for the full cost of restoration.**

REASON: To prevent damage to Council's public footway area and require payment to Council where damage occurs.

GENERAL CONDITION FOR EACH DWELLING

72. **The development of each dwelling must be carried out generally in accordance with all of the documents accompanying the development application and with the plans bearing the Queanbeyan City Council approval stamp except where varied by notations made in red ink or conditions of approval.**

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

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

BUILDING CONDITIONS FOR EACH DWELLING

73. **All building work must be carried out in accordance with the requirements of the Building Code of Australia.**

REASON: This is a prescribed condition under the provisions of clause 98 of the *Environmental Planning and Assessment Regulation 2000*.

74. **Residential building work within the meaning of the *Home Building Act 1989* must not be carried out unless the Principal Certifying Authority for the development to which the work relates (not being the council) has given Queanbeyan City Council written notice of the following information:**

- a) **In the case of work for which a principal contractor is required to be appointed:**
 - i. **The name and licence number of the principal contractor.**
 - ii. **The name of the insurer by which the work is insured under Part 6 of that Act.**
- b) **In the case of work to be done by an owner-builder:**
 - i. **The name of the owner-builder.**
 - ii. **If the owner-builder is required to hold an owner-builder permit under that Act, the number of the owner-builder permit.**

REASON: This is a prescribed condition under the provisions of clause 98B of the *Environmental Planning and Assessment Regulation 2000*.

75. **When any excavation involved in this development extends below the level of the base of the footings of a building on adjoining land, the person having the benefit of this development consent must, at the person's own expense;**

- a) **Protect and support the adjoining premises from possible damage from the excavation.**
- b) **Where necessary, underpin the adjoining premises to prevent such damage.**

REASON: This is a prescribed condition under the provisions of clause 98E of the *Environmental Planning and Assessment Regulation 2000*.

76. **The building must be set out by a Registered Surveyor in accordance with the datum shown on the approved plans. A survey plan that identifies the location of the building in relation to the allotment boundaries must be prepared upon completion of the base course brickwork and then be submitted to the Principal Certifying Authority.**

REASON: To ensure building has been sited in accordance with the approved plans.

LANDSCAPING CONDITIONS FOR EACH DWELLING

77. **Landscaping of each dwelling site is to be completed in accordance with the approved landscape plan.**

REASON: To ensure that areas to the street frontage provide an attractive urban landscape.

SAFER BY DESIGN CONDITION FOR EACH DWELLING

78. **Each dwelling must be clearly identified by a street number. Council's Sustainability and Better Living Section must be contacted to obtain the correct street number for each dwelling.**

REASON: To ensure that dwellings are clearly identified.

PRIOR TO ISSUE OF OCCUPATION CERTIFICATE CONDITIONS FOR EACH DWELLING

79. **Occupation or use of whole or part of the building must not commence unless an Occupation Certificate has been issued in relation to the building or part.**

REASON: To satisfy the provisions of Section 109M of the *Environmental Planning and Assessment Act 1979*.

80. **Each dwelling must be constructed in compliance with the NSW BASIX Certificates listed below.**

- a) **Dwellings within Community Title Scheme approved under this consent on un-registered Lot 783 (approved under development consent 233-2012/A):**
 - i. **BASIX Certificate No. 492954M_04 issued on 30 September 2013.**
- b) **Dwellings within Community Title Scheme approved under this consent on un-registered Lot 784 (approved under development consent 233-2012/A):**
 - i. **(Dwellings BA – BK) - BASIX Certificate No. 504861M issued on 28 September 2013;**
 - ii. **(Dwellings BL – BX) - BASIX Certificate No. 504883M issued on 28 September 2013; and**
 - iii. **(Dwellings BY – BAK) - BASIX Certificate No. 504903M_02 issued on 30 September 2013.**

REASON: To ensure compliance with the requirements of the NSW BASIX certification process.

PLUMBING AND DRAINAGE CONDITIONS FOR EACH DWELLING

81. **Plumbing and drainage work must be carried out in accordance with the requirements of the *Local Government (General) Regulation 2005*, the *Plumbing and Drainage Act 2011* and Regulations under that Act and with the Plumbing Code of Australia. Such work must be carried out by a person licensed by the NSW Department of Fair Trading.**

REASON: This is a mandatory condition under the provisions of the *Local Government (General) Regulation 2005*.

82. **Plumbing and Drainage must be inspected by Queanbeyan City Council at the relevant stages of construction in accordance with Council's inspection schedule.**

REASON: To ensure compliance with the inspection requirements of *Plumbing and Drainage Regulation 2012* and Council's inspection schedule.

83. **The floor level of areas with fixtures connected to sewer must be at least 150mm above overflow level of the yard gully and surface water must be prevented from entering the yard gully.**

REASON: To ensure any sewage surcharges occur outside the building and to prevent surface water from entering the sewerage system.

84. **All new heated water installations, must deliver hot water at the outlet of all sanitary fixtures used primarily for personal hygiene purposes at a temperature not exceeding 50° Celsius.**

REASON: To prevent accidental scalding.

85. **Heated and cold water service pipes installed in the following areas of the building must be insulated in accordance with the requirements of AS 3500: Plumbing and Drainage:**

- a) **unheated roof spaces,**
- b) **locations near windows, ventilators and external doors where cold draughts are likely to occur,**
- c) **locations in contact with cold surfaces such as metal roof and external metal cladding materials.**

REASON: To prevent the water service being damaged by water freezing within the pipes due to local climatic conditions.

86. **Overflow from the rainwater tank and all other stormwater generated within the property must be trapped and piped to the stormwater tie in the lot.**

REASON: To provide a satisfactory standard of stormwater disposal.