

JOINT REGIONAL PLANNING PANEL (Southern Region)

JRPP No	2014STH027
DA Number	DA 378-2014
Local Government Area	Queanbeyan
Proposed Development	Integrated Development for Subdivision including boundary adjustment, the creation of 596 residential lots, one super lot, nine public reserves and two residue lots.
Street Address	36 Googong Road, Googong Legal Description : Lot 100 DP 1180099, Lot 1 DP 1183929 and Lot 5 DP 1179941
Applicant/Owner	Googong Township Pty Ltd / Googong Township Pty Ltd as the Trustee for Googong Township Unit Trust
Number of Submissions	No Public Submissions 6 Government Agency Submissions (NSW Police, Office of Environment and Heritage, NSW Fisheries, Office of Water, Rural Fire Service, Roads and Maritime Service and Commonwealth Department of Infrastructure and Regional Development)
<i>Regional Development Criteria (Schedule 4A of the Act)</i>	<i>3 General Development over \$20 million</i>
List of All Relevant s79C(1)(a) Matters	▪ Relevant environmental planning instruments: s79C(1)(a)(i) <i>State Environmental Planning Policy No. 44 – Koala habitat Protection</i> <i>State Environmental Planning Policy No 55 – Remediation of Land.</i> <i>State Environmental Planning Policy (Infrastructure) 2007.</i> <i>State Environmental Planning Policy (State and Regional Development) 2011.</i> <i>Queanbeyan Local Environmental Plan 2012</i> ▪ Proposed instrument that is or has been the subject of public consultation under the Act and that has been notified to the consent authority: s79C(1)(a)(ii) <i>Draft Queanbeyan Local Environmental Plan 2012 (Amendment No. 4)</i> ▪ Relevant development control plan: s79C(1)(a)(iii) <i>Googong Development Control Plan</i> ▪ Relevant planning agreement that has been entered into under section 93F, or any draft planning agreement that a developer has offered to enter into under section 93F: s79C(1)(a)(iv) <i>Googong Urban Development, Local Planning Agreement</i> <i>Googong State Planning Agreement</i> ▪ Coastal zone management plans: s79C(1)(a)(v) <i>Nil</i> ▪ Relevant regulations: s79C(1)(a)(iv) eg. Regs 92, 93, 94, 94A, 288 <i>Nil</i>

List all documents submitted with this report for the panel's consideration	Statement of Environmental Effects Plans
Recommendation	Approval subject to conditions of consent
Report by	Lorena Blacklock / Michael Thompson, Queanbeyan City Council

Executive Summary

The new urban release area of Googong is now subject to its fourth major development application. This development application has been lodged for the next neighbourhood (Neighbourhood 1B) located on Lot 1 DP 1183929, Lot 5 DP 1179941 and a small part of Lot 100 DP 1180099, known as 36 Googong Road.

The development application seeks approval for subdivision and associated works as follows:

- Boundary adjustment to add approximately 550m² to Lot 1 DP 1183929 the neighbourhood 1B development lot to facilitate a suitable future road pattern and alignment.
- Subdivision to create 3 large lots being; a residue lot; the NH1B development lot and a public reserve for the Pink Tail Work Lizard conservation area.
- Subdivision of NH1B development lot to create 596 residential lots, 9 public reserves and residue superlot through nine stages.
- Subdivision and infrastructure construction works to service the proposed lots and provide access to facilities required under VPA. This includes site preparation and grading, tree removal, utilities augmentation, drainage and road construction.
- Construction of a bridge across Montgomery creek
- Landscaping works including provision of 2 local playgrounds and associated deck and shelters

The capital investment value (CIV) of the proposed development is \$47 million. This value is over the \$20 million threshold which triggers the requirement for the determining authority to be the Joint Regional Planning Panel. This is prescribed in State Environmental Planning Policy (State and Regional Development) 2011 and Schedule 4A of the Environmental Planning and Assessment Act 1979.

Consultation:

The application was nominated as an Integrated Development requiring approvals under Fisheries Management Act 1994, National Parks and Wildlife Act 1947, Rural Fires Act 1997 and the Water Management Act 2000.

All the required General Terms of Approval have been issued as follows:

- Department of Primary Industries – Office of Water for a controlled activity approval under the water Management Act
- NSW Rural Fire Service for a Bushfire Authority under section 100B of the Rural Fires Act 1997
- NSW Department of Planning and Environment – Office of Environment and Heritage for an Aboriginal Heritage Impact Permit under the National parks and Wildlife Act 1947

The application was also referred to Department of Primary Industries – Fisheries NSW as integrated, however, they advised that a permit under the Fisheries Management Act was not required as the Montgomery Creek crossing did not involve “Key Fish Habitat”.

Various other agency referrals were required for the application as a result of the requirement of the State Environmental Planning Policy (Infrastructure), the Queanbeyan Local Environmental Plan 2012 (QLEP 2012) and the Googong Development Control Plan. Responses were received from all the agencies supporting the application subject to conditions as follows:

- NSW Transport – Roads and Maritime Services (traffic generating development under ISEPP)
- Commonwealth Department of Infrastructure and Regional Development (Development penetrating Obstacle Limitation Surface of Canberra Airport)
- NSW Police Service (Crime Prevention Through Environmental Design referral under Googong DCP)
- NSW Department of Planning and Environment (Satisfactory Arrangement Certificate as required under QLEP 2012)

The development was advertised on 31 October and 4 November and notified to adjoining and surrounding property owners (including Commonwealth Department of Finance and Deregulation) on 27 October 2014 allowing for submissions to be accepted up until 30 November 2014. During this period no submissions were received.

Key issues raised during the assessment relate to:

- Bushfire and access
- Water quality impacts
- Suitable subdivision design
- Biodiversity impacts and protection of the Pink Tail Worm Lizard (PTWL) habitat

The applicant has amended the design of Stage 5 of the residential subdivision to remove a fire trail and provided edge road adjacent to the Pink Tail Worm Lizard (PTWL) conservation area to address bushfire safety and maintenance concerns. Amendments were also made to increase the number of trees to retain in large sized lots, on the boundary of the PTWL conservation area and within the buffer area of the creek to address biodiversity concerns especially for fauna habitat.

Satisfactory arrangements for the servicing of the residential subdivision have been made. Water and sewer can be made available. A Part 3A Approval for the Googong Township Integrated Water Cycle (IWC) Project was granted by the NSW Planning Assessment Commission on 24 November 2011. It includes:

- Water Recycling Plant to treat sewage to a standard suitable for non potable urban re-use and discharge to the environment.
- Provides reservoirs for recycled and potable water.
- Provides pumping stations.
- Rising and distribution mains for sewage, recycled water and potable water

The proposed residential subdivision for the next neighbourhood area of Googong is recommended for approval subject to conditions. This will exclude an area of creek stabilisation is indicated on the adjoining Bunyip land near the existing dam. This area has not been identified on the DA form nor has owner's consent been provided.

Assessment Report and Recommendation

Background

Googong is a new township comprising approximately 790ha of land currently zoned for urban development. Planning for the urban development of the site was identified for future residential development in the Queanbeyan Land Release Enquiry (2006) and Queanbeyan Residential and Economic Strategy 2031. The Googong Urban Investigation Area – Local Environmental Study 2004 was prepared by Willana Associates to support the rezoning of the land which was achieved when the Queanbeyan Local Environmental Plan (Googong) 2009 was gazetted on 24 December 2009. The Googong LEP was acceded into the Queanbeyan Local Environmental Plan 2012, as amended.

The development of the site at Googong is driven by future demand for housing in Queanbeyan. The Googong Master Plan broadly sets out the ultimate development outcomes for Googong which envisages some 5,550 homes, accommodating a population of approximately 15,700 people. Business opportunities, recreation, significant open space and community facilities are also provided for over the next 25 years. An area of 166ha representing 21% of the total area is to be set aside for open space.

Site and Surrounds

Figure 1 – Locality Plan shows the location of the Googong site in the context of the Canberra Region. The site of the Googong Township is 8km south of the Queanbeyan CBD. The surrounding area is characterised by a variety of land uses including, nature reserves, low intensity forestry, rural residential development, cattle and sheep grazing and recreation. Googong Dam and the Googong Foreshores (owned by the Commonwealth Government and leased to the Australian Capital Territory Government) is immediately east of the site and an operating quarry is located north west of the site on the western side of Old Cooma Road.



Figure 1 – Locality Plan

Neighbourhood 1B (NH1B) is the southern and eastern extension of Neighbourhood 1A, which was the first phase of the Googong development. Figure 2 shows the overall Googong Neighbourhood Plan. Neighbourhood 1A is the subject of previous approvals and is under construction with a total of 556 lots released for development. The proposed NH1B incorporates 596 residential lots and public reserves.

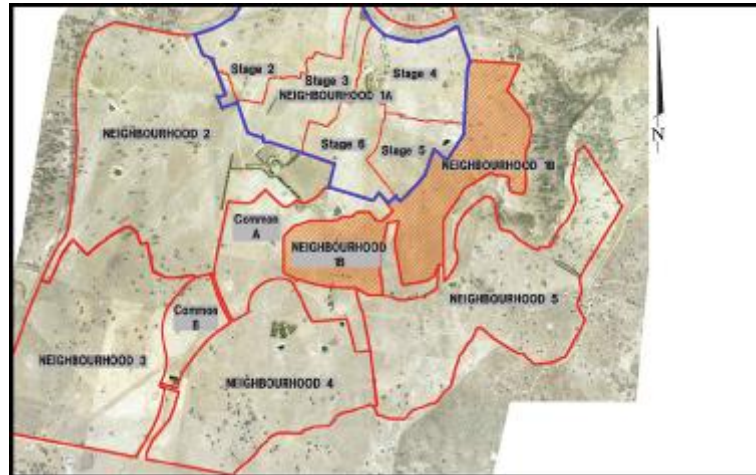


Figure 2 – Googong Neighbourhood Plan

The NH1B site has an irregular shaped landform, consistent with grazing. Most of the site comprises heavily degraded pasture used for a mix of sheep and cattle grazing. The site is primarily cleared with scattered trees and small woodland remnants. The dominant landscape features include a central ridgeline and Montgomery Creek within the site. The slope of the land form varies with slopes of between 0-10% and slopes as high as 15-20%. There are parts of relatively flat land that naturally slopes towards the Montgomery Creek corridor. The central and southern areas (as identified in Figure 5) are separated by the upper and relatively flat, depression of Montgomery's Creek. This part of the creek has an intermittent flow. The land form along the creek line changes significantly. The creek line to the south of the bridge crossing changes to a deep steeply sloping corridor. The remainder of the Montgomery's Creek corridor, located to the east of the urban fringe is where the creek passes through the Pink-tailed Worm-lizard (PTWL) conservation area.

There are no existing structures located on the northern and central portions of the proposed development. The southern portion contains existing farm buildings.

The site is identified as bushfire prone land. The site has been investigated and contains items of aboriginal significance. The site also contains PTWL Habitat and is supported by a Management Plan.

Access to the site is via the public roads constructed in NH1A. The public roads connect to Googong Road and ultimately Old Cooma Road.

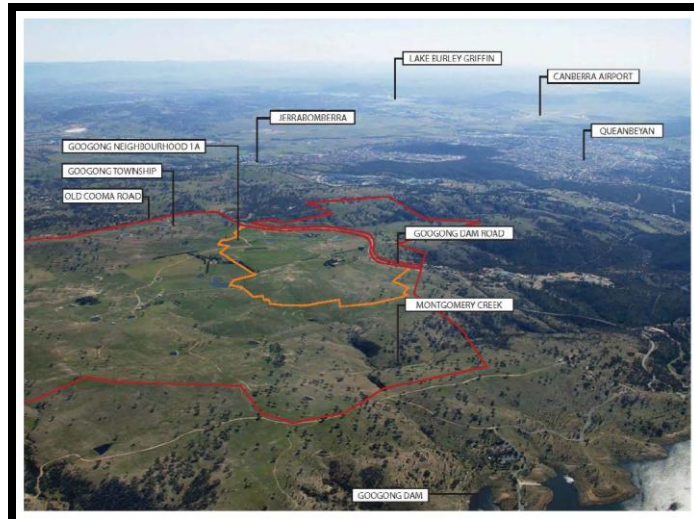


Figure 3 – Aerial Photograph of the development site in vicinity of Montgomery Creek.

Figure 3 shows an aerial view of Googong Township. NH1B is the area immediately adjoining NH1A in the vicinity of Montgomery's Creek.

Proposed Development

The proposal involves several steps to result in Subdivision creating 596 residential lots. The following sequence is proposed:

1. Consolidation (exempt)

- Boundary adjustment to add approximately 550m² to Lot 1 DP 1183929 the neighbourhood 1B development lot to facilitate a suitable future road pattern and alignment.
- Subdivision to create 3 large lots being; a residue lot; the NH1B development lot and public reserve for the Pink Tail Work Lizard conservation area.
- Subdivision of NH1B development lot into 596 residential lots, one superlot and 9 public reserves and 2 residue lots through nine stages.
- Subdivision and infrastructure construction works to service the proposed lots and provide access to facilities required under VPA. This includes site preparation and grading, tree removal, utilities augmentation, drainage and road construction.
- Construction of a bridge across Montgomery Creek
- Landscaping works including provision of 2 local playgrounds and associated deck and shelters

Consolidation and Boundary adjustment

The development involves a consolidation of lot 5 DP 1179941 and Lot 1 DP1183929. This consolidation is exempt Development under the State Planning Policy (Exempt and Complying Development) 2008 and does not require approval.

The proposal also involves a boundary adjustment between Lot 100 DP 1180099, the newly consolidated lot and Lot 1 DP 1183929 where the south western tip of stage 6 (NH1B North) extends into Lot 100 DP 1180099 is shown in Figure 4 below. The purpose of the boundary adjustment is to produce a Superlot that will help simplify the proposed subdivision process, as well as a large lot to the east which is dedicated as public reserve and the boundaries of this lot coincide with the PTWL Conservation Area.

The PTWL Conservation Area falls outside the boundary of urban subdivision of NH1B. No works were originally proposed as part of this DA in this area, however, the amended Stage 5 plans show some encroachment of earthworks. The PTWL Conservation Area is discussed further in the Statutory Assessment section of this report.

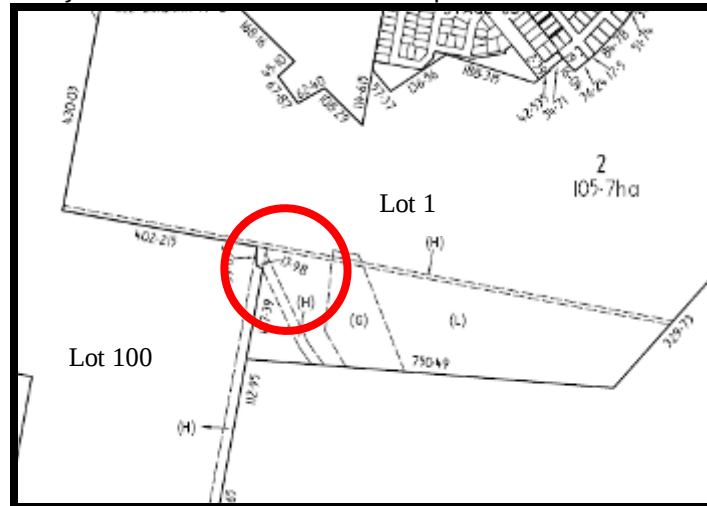


Figure 4 – Plan of Proposed Boundary Adjustment

Residential Subdivision

The proposed residential subdivision of land to create the 596 lots in 9 stages for urban development is not a 'staged development application' for the purposes of the Environmental Planning and Assessment Act, 1979. The proposed subdivision will create a total of 596 residential lots, 1 Superlot for future residential subdivision and 9 public reserves. The development will also include the infrastructure and services required to service the land.

The subdivision contains 3 distinct areas; north, central and south areas, as identified in Figure 5 below.



Figure 5 – Neighbourhood 1B indicating North, South and Central areas

Figure 6 below illustrates the overarching subdivision and staging pattern proposed. The development has been broken down into 9 construction stages consisting of the following:

- The boundary adjustment
- Stage 1 – 63 residential lots, 1 public reserve (PTWL Conservation Area)
- Stage 2 – 69 residential lots
- Stage 3 – 75 residential lots and 1 public reserve
- Stage 4 – 60 residential lots and 3 public reserves
- Stage 5 – 76 residential lots and 1 public reserve
- Stage 6 – 77 residential lots and 1 public reserve
- Stage 7 – 76 residential lots and 1 public reserve
- Stage 8 – 100 residential lots and 2 public reserves
- Stage 9 – 1 superlot containing a user restriction due to proximity of water recycling plant. Council has been provided with a draft plan which indicates that the land will be further divided into 19 residential lots. This will be subject to Council reviewing and releasing the restriction once the odour from the water recycling plant has been shown to be suitable. This subdivision will be subject to a separate development application.

All stages will include the installation and construction of roads, sewer systems, water services and the connection to the recycled water system.

The works associated will also include landscaping and the erection of park structures including playground equipment and barbeque shelters.

Figure 5 and Figure 6 identify two different subdivision layouts. The northern area of stage 5 originally proposed several lots on steeply sloping land. As a result of negotiations, the applicant redesigned the northern portion of Stage 5 to remove the residential lots from the steeper land adjoining the Pink-tail Worm-lizard conservation area. The removal of the lots results in a better design outcome with less cut and fill, a lower bushfire threat to new residential lots and a reduction in higher building costs as a result of the steeply sloping sites.

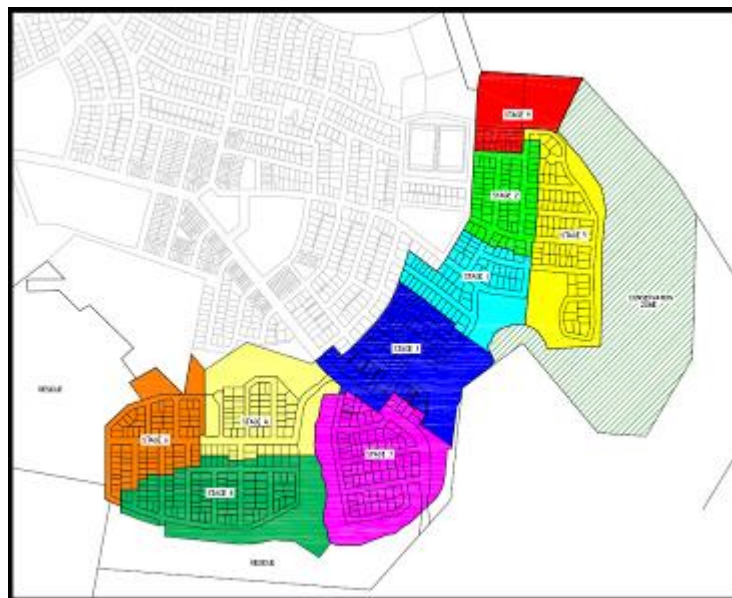


Figure 6 – Composite plan illustrating overarching subdivision and staging

Construction

Site Preparation and Earthworks

A Construction Management Plan has been supplied as part of the application (refer to drawing C13183-D004+ Construction Management Plan). Specifics of this plan are discussed further within the assessment section of this report.

Proposed site establishment works include:

- A single all weather access from Googong Road.
- A site compound
- Removal of a temporary basin*
- Removal of existing fences
- Tree removal
- Construction of a 1.8m chainmesh fence around the perimeter of the site
- Construction of landscaping structures.

*It is noted that this temporary basin was constructed without approval. This is an issue that is to be dealt with between the applicant and the NSW Office of Environment and Heritage (OEH). Council notified OEH of these works on 29 October 2014 and advised that no prior approval had been granted by Council.

Additional works are proposed for the management of soil, water and vegetation.

There are extensive earthworks proposed across the site. Site grading plans have been provided by Brown Consulting and form part of the DA plans.

Street Works

The DA includes the construction of all internal streets within NH1B. Figure 7 details the proposed street network. There are 6 types of streets proposed within the neighbourhood. These are characterised by the following:

- AV1 (Gorman Drive) is a local arterial road that will ultimately connect to Neighbourhood 4.
- ST2 (Aprasia Avenue) is an extension of Aprasia Avenue in Neighbourhood 1A, which provides a wider street reserve of 21.1m to accommodate sewer infrastructure to connect to the sewer pump station (SPS2) in NH1B.
- ST3 is the most common street type used in NH1B which has a number of variations:
 - ST3 and ST3A are used in typical residential streets;
 - ST3-V1 is used as the central east-west corridor in Neighbourhood 1B South with a wider reserve to allow for varied landscape theme;
 - ST3-V2 is used at the crossing of Montgomery's Creek into NH1B South.
- Drive 1 is used for streets that abut open space on one side, where parking demands may be higher.
- Drive 2 is used for streets that are 'one sided' where residential development is only proposed on one side.

Driveway locations are also proposed as part of the DA (refer to C13183-D032+ Driveway Location Plan prepared by Brown Consulting). As shown on this plan, battleaxe access is proposed from the rear of lots fronting Gorman Drive, as this is a major thoroughfare through Googong which will not be permitted to have any direct driveway access.

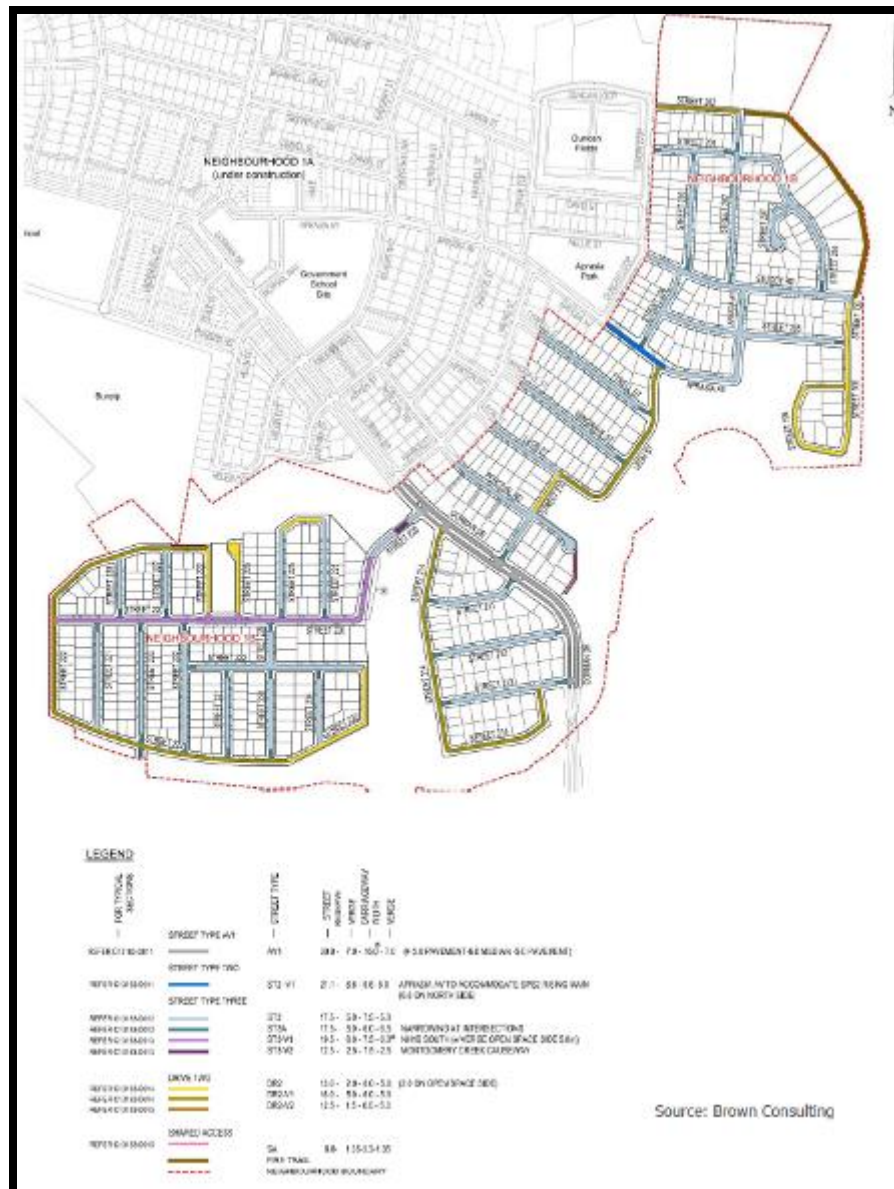
Montgomery's Creek Crossing

A causeway over Montgomery's Creek is proposed to link NH1B Central to NH1B South. The proposed construction is a twin 6m long by 2m high 'Bebo' arch with a 13.5m street reserve including a 7.5m carriageway and two 3.0m verges. The construction of this bridge has triggered an integrated referral to the NSW Department of Primary Industries – Fisheries under the Fisheries Management Act 1994, Section 219.

Pedestrian and Cycle Network

A network of pedestrian and cyclist pathways has been designed to integrate with the wider street network already under construction in Neighbourhood 1A. The proposed network is reflected on drawing C13183 – D030+ Road and Path Network Plan, prepared by Brown Consulting.

The predominant pathway type proposed is a 1.5m path on one side of the streets in Neighbourhood 1B. A 2.0m wide path is provided along Aprasia Avenue and part of Leon Street as a continuation of the approved pathway network in Neighbourhood 1A, and to provide access to a local park in Neighbourhood 1B.



The following key stormwater management elements are proposed:

- Gross pollutant traps – Installation of eight (8) gross pollutant traps upstream, prior to discharge into a basin, to capture litter, debris, coarse sediment, oils and greases.
- Swales – A series of swales along Gorman Drive, planted with grasslands and more robust/sturdy plants where appropriate, that will initially treat flows before conveyed through the pipe network towards Basin E.
- Bioretention/filtration basins (basins A, B, E, F, G) – Bioretention basins will consist of shallow areas over most of their surface area to incorporate macrophytes for nutrient uptake. The basins have been designed on the basis of a 0.5m deep filter medium with a maximum water quality detention (WQD) depth of ponding of 0.5m and a 24-72 hour drawdown.
- Basin C – Basin C at the south east corner of Neighbourhood 1B integrates a wetland and pond/detention basin, to activate the potential for reducing pollutants along within the long-term treatment strategy of stormwater. If approved, basin C will have multiple functions within the development in addition to water quality, including: (a) stormwater detention, (b) recreational function for residents, (c) environmental qualities, and (d) significant amenity value. It has a total storage of 7,5000m³ and depth of 1.9m. It has been designed to meet the multiple design criteria and functional targets in terms of stormwater detention, peak flow attenuation, flooding behaviour and provision of adequate community and recreational facilities.
- Stormwater pipes – Construction of a pipe system that integrates with the road drainage system to direct flow, and discharge into, the bioretention basins/wetlands.

Utilities

The DA includes the provision of all utilities to all proposed lots within NH1B.

Utilities are generally provided in the verge, with the exception of some back of lot services and stormwater for lots in the north eastern portion of the neighbourhood.

Gas, power and communications are proposed to be accommodated in a shared trench arrangement.

The following utilities are proposed:

- Water
- Recycled Water
- Sewer
- Gas
- Telecommunications
- Power Supply

Details of the proposed installation of each utility is discussed further below in the Statutory Assessment section of this report.

Open Space and landscaping

The proposed subdivision will deliver and dedicate open space. Figure 8 below shows the open space concept proposed (detail can be found in Landscape Plans prepared by Aecom).

Specific details include:

- Open space located within the 'Googong Common'.
- Open space and environmental conservation works associated within the E2 Environmental Conservation zone.
- Landscaping works associated with the Montgomery Creek corridor
- Two formal parks which incorporate open space facilities (known as the Montgomery's Rise Park and Montgomery Creek corridor park).
- Streetscape and street tree works.

Previous Approvals under Part 3A

A previous approval exists on the land within NH1B under Part 3A of the EP&A Act for a Sewer Pump Station (referred to as SPS2). SPS2 is located on the north eastern side of the central area. Figure 8 incorporates SPS2 into the design of the Montgomery Creek corridor park.

SPS2 forms part of the Integrated Water Cycle System that was approved on 24 November 2011 (File No: 10/04970; Application No. MP 08_0236). This system includes a dedicated wastewater treatment and recycling plant. The wastewater treatment and recycling plant is located to the north of Neighbourhood 1B.

Integrated Water Cycle System

The Googong Township is designed with an Integrated Water Cycle system (IWC), with a dedicated sewage treatment and water recycling plant. A Part 3A approval has been granted by the NSW Planning Assessment Commission relating to potable water, recycled water and sewage system required to serve the township. The Part 3A approval includes approval for Stage 1 of the Googong water cycle project, which is the water cycle infrastructure required for the lots created by the first development application.

The water recycling plant is currently under construction. Current estimates provided to Council indicate that the plant may be commissioned towards the latter half of this year. The proposed development involves the transfer of all sewage to SPS2. Until such time as the plant has been commissioned and is operational, there will be no land releases in NH1B. A condition to this effect has been included.

Council recently released a subdivision certificate for Stage 4A in NH1A. This subdivision release contained 56 lots with 28 of those disposing of sewer to SPS2. As a result of this, a s88B prepared for the land includes a restriction which prevents the transfer of ownership from the developer. In addition, there will be no ability to build due to the lack of essential services provided for the development. Clause 7.9 of *Queanbeyan Local Environmental Plan 2012* requires that satisfactory arrangements for essential services be entered into prior to determination of any application. SPS2 is not part of the interim sewer service that covers SPS1. As such, until the water recycling plant has been commissioned and is fully operational, no subdivision certificate for NH1B will be released. A condition to this effect has been included. However, it is likely that the water recycling plant will be commissioned prior to Stage 1 of NH1B. The timeline for the commissioning of the WRP and the release of these lots in this DA could be projected at approximately 18 months. It is likely that the WRP will be commissioned and operational and there will be no impacts on the release of lots in NH1B.

Statutory Assessment

Development on this site triggers three tiers of legislation - Commonwealth, State and Local.

Commonwealth Legislation

Environmental Protection and Biodiversity Conservation Act 1999

The Commonwealth Environment Protection and Biodiversity Conservation Act 1999 (EPBC Act) requires the approval of the Commonwealth Government for actions that may have a significant impact on Commonwealth Land or matters of national environmental significance. This site contains PTWL, therefore EPBC Act applies.

The applicant has received approval under sections 130(1) and 133 of the Environment Protection and Biodiversity Conservation Act, 1999 (ref EPBC 2011/5829). The approval has an expiry date of 31 May 2041. The approval has been granted under sections 18 and 18A for listed threatened species and communities. It has also been granted under sections 26 and 27A for Commonwealth Land.

The approval contains 12 conditions relating to the protection and management of the PTWL habitat and the Googong Foreshores.

Conditions 1 and 2 require the preparation of a Management Plan for the PTWL and a Management Strategy for the Googong Foreshore Interface. Both of these plans have been prepared by Biosis and a copy of each has been provided to Council.

Condition 3 requires the applicant, following approval of the Googong Foreshore Interface Management Strategy (GFIMS) and prior to commencement of construction, to establish a committee to oversee the implementation of the strategy. The area the subject of the Googong Foreshore controls is located within proposed stage 9. Future subdivision of this super lot into smaller residential lots will be the subject of a separate, future DA. This proposed DA does include the installation of services for the future lots including sewer, water, stormwater and public road access. At this stage, there is no construction proposed within the Googong Foreshore Management area.

As a result of the specific conditions imposed by the approval it is recommended to include a condition requiring compliance with the conditions of approval for EPBC 2011/5829.

The PTWL Conservation Area is proposed to be excised from Lot 5 DP 1179941, and created as a public reserve. No works are proposed in the conservation area.

In addition to the management requirements, to be captured on the 88B Instrument, the GFIMS requires the provision of edge roads along the majority of the eastern edge of Googong Township. Following receipt of amended plans for Stage 5, edge roads are provided on the Eastern interface.

The amended plans for Stage 5, which removed the fire trail at the rear of large lots and introduced edge roads and reconfiguring of lots, have been reviewed for consistency with GFIMS. The applicant's Ecologist concludes that the redesign is suitable.

The necessary EPBC approval has been granted and will be captured in conditions of consent (should consent be granted)

State Legislation

Threatened Species Conservation Management Act 1995

It is noted that as part of the Integrated Water Cycle System approved under (the now repealed) Part 3A of the EP&A Act at Googong, one of the conditions of approval required the development and implementation of an Aprasia Conservation Management Plan for the PTWL conservation area. The PTWL-PMP was submitted to the Department of Planning and Environment (DPE) for approval given the similar requirements and issues addressed under the EPBC Act.

The PTWL Conservation Area has been included as a public reserve in the proposal. It is noted that the stage 5 amended plans do show some minor encroachment of earthworks within this conservation area. Any consent issued will include a condition to preventing this encroachment unless EPBC approval has been obtained.

Native Vegetation Act 2003

The Native Vegetation Act 2003 does not apply to land that is within the R1 General Residential zone, however, does apply to land in the R5 Large Lot Residential and E2 Environmental Conservation zone.

The E2 and a portion of the R5 land subject to this DA is located within the proposed super lot. Therefore any works and further subdivision will be the subject of a future DA.

Additionally there is a small area of R5 land that will be developed into a road on the eastern boundary of NH1B north.

The applicant has reviewed the number of trees to be removed and will now retain an additional 19. Refer to discussion under 5.9 of the QLEP 2013.

Environmental Planning and Assessment Act 1979

This proposal is captured under Part 4 of the Act and the relevant sections for the assessment and determination of the application have been considered. This includes in particular Integrated Development provisions and 79C evaluation matters.

Section 91 Integrated Development

This section sets out the procedures for integrated development. states that integrated development requires consent under the applicable acts listed in the Clause.

This application is integrated under the following Acts:

Act	Provision	Approval	Consent Authority
Fisheries Management Act 1994	s219	Permit to: a) set a net, netting or other material, or b) construct or alter a dam floodgate, causeway, or weir, or c) otherwise create an obstruction, across or within a bay, inlet, river or creek, or across or around a flat	Department of Primary Industries - Fisheries
National Parks and Wildlife Act 1974	s90	Grant of Aboriginal Heritage Impact Permit (AHIP)	Office of Environment and Heritage
Rural Fires Act 1997	s100B	Authorisation under Section 100B in respect of bushfire safety of subdivision of land that could lawfully be used for residential purposes or development of land for special fire protection purposes	Rural Fire Service
Water Management Act 2000	s89, 90, 91	Water use approval, water management work approval or activity approval under Part 3 of Chapter 3	Department of Primary Industries – Office of Water

The DA was referred to each of these agencies seeking their advice on whether General Terms of Approval (GTAs) would be provided. General Terms of Approval have been received from each of the above mentioned agencies. These are summarised below.

Department of Primary Industries – Fisheries

The referral to Fisheries was triggered as a result of the proposed bridge/arch connecting the central area to the southern area via proposed Street 220 which intersects with Gorman Drive. Fisheries note that the crossing is in the second order section of Montgomery Creek (ie not key fish habitat) and the design conforms to best practice fish passage guidelines. Fisheries have advised that a permit for construction of the crossing is not required. Therefore General Terms of Approval are not required.

Fisheries provided comments on the DA documentation received and provided some guidance on recommended conditions of consent based on this documentation due to the fact that there is proposed to be a significant change in land use from that which currently exists and that the disturbance will occur for many years.

Council supports Fisheries policy of Neutral or Beneficial Effect (NorBE) on water quality in all new Greenfield developments. Fisheries noted that MUSIC modelling of the proposal compares the performance of the development with water quality protections against the performance of the development without water quality protections. The modelling failed to compare the existing situation against the development with water quality protections in place to show whether the development could achieve is NorBE on water quality.

Fisheries also noted that the modelling only considered the complete development situation and did not consider the interim construction phases.

It is believed these shortfalls in modelling can be mitigated via conditions on consent. Fisheries have provided recommended conditions to achieve this.

Office of Environment and Heritage

On the 24 April 2015, the General Terms of Approval were received from the OEH for an AHIP under the National Parks and Wildlife Act. The OEH advised that they had reviewed the most recently revised ACHAR (received on 23 March 2015) and has determined that it is able to issue an Aboriginal Heritage Impact Permit for the proposal subject to a number of conditions. Further advice includes that a number of issues were identified in the revised ACHAR (version 7) which require clarification and revision as part of any AHIP submission. The OEH have requested the consideration for imposing a condition requiring the issuing of the AHIP prior to the issue of a Construction Certificate to ensure the timely completion of these revisions.

Rural Fire Service

On 8 April 2015, Council received the General Terms of Approval (GTAs) from RFS. The referral was triggered by s 100B of the Rural Fires Act, 1997. The GTAs include conditions which will be placed on the consent relating to the proposed development. During the assessment RFS expressed concerns over the width of the roads as the widths are not in accordance with Planning for Bushfire Protection 2006. Through further negotiation, the applicant was able to satisfy the RFS that the intent of Planning for Bushfire Protection was achieved. As such all roads within the subdivision must comply with the requirements for Planning for Bushfire Protection, excluding the perimeter roads which have been provided a variation.

Department of Primary Industries – Office of Water

The referral to the Office of Water was triggered as the proposed subdivision works are defined as a controlled activity under the Water Management Act 2000, being works on waterfront land. It is noted waterfront land is defined as the bed of any river, lake or estuary and any land within 40 metres of the river banks, lake shore or estuary mean high water mark. Works cannot commence until the applicant applies for and obtains a controlled activity approval.

Additional to the above condition the Office of Water has provided their General Terms of Approval for work requiring a controlled activity approval under s91 of the Water Management Act 2000. A copy of these has been supplied to the applicant, as requested by the Office of Water in their referral letter. Additionally the GTA's have been included in the recommended conditions of consent.

Section 79C Evaluation - Environmental Planning and Assessment Act 1979

(1) Matters for Consideration – General

1. Section 79C(1)(a)(i) – Any Environmental Planning Instrument

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

- State Environmental Planning Policy No. 44 – Koala habitat Protection
- State Environmental Planning Policy No 55 – Remediation of Land.
- State Environmental Planning Policy (Infrastructure) 2007.
- State Environmental Planning Policy (State and Regional Development) 2011.
- Queanbeyan Local Environmental Plan 2012 (as amended).

State Environmental Planning Policy No. 44 – Koala habitat Protection

This policy applies by virtue of the land being located within the former Yarrowlumla Shire at the policy commencement date 1995. Whilst the applicant has not provided information on the potential for Koala habitat on the site, the Local Environmental Study completed for the rezoning of the land and information in the Queanbeyan Biodiversity Study 2008 indicate that the land is not potential koala habitat. Advice from the NSW Office of Environment and Heritage also did not identify potential Koala habitat for the proposed site.

State Environmental Planning Policy No 55 – Remediation of Land

This policy requires the consent authority to consider contamination and remediation before determining a DA.

The site has been previously used for agricultural and other rural purposes which has potential for contamination. Given the subdivision will be for the sensitive landuse of residential development a detailed contamination assessment was required to determine if the site was contaminated.

The development application documentation includes the *Detailed Contamination Assessment* (the report) dated 10 June 2014 and prepared by Geotechnique Pty Ltd (Ref: 12675/2-AA). The report has generally been prepared in accordance with the NSW Office of Environment and Heritage's *Guidelines for Consultants Reporting on Contaminated Sites*.

In addition the Site Auditor for the development submitted *Interim Advice No.2 – Googong Neighbourhood 1B Audit* which reviews the above mentioned detailed contamination assessment (Ref:12058aL02).

Findings of the Detailed Contamination Assessment Report - The conclusion of the Report indicates that there are seven potential areas of environmental concern (AEC's). These relate to:

1. AEC4 – An area used as a farm shed for storage of machinery and which also contains an aboveground storage tank.
2. AEC 5 – A sheep spraying facility associated with sheep yards and a shearing shed.
3. AEC6 – Five above ground storage tanks
4. AEC10 - An area containing drums and car batteries
5. AEC13 – Sheep and cattle yards
6. Former Septic Tank Site – A disused septic tank in poor repair
7. Shed with Drums – A galvanised iron shed containing farming equipment including three drums

Investigation and sampling of these areas was undertaken and the following conclusions drawn:

- AEC4 – All samples returned results which were below the relevant health and environmental guidelines.
- AEC5, AEC 6, AEC 13 and Shed with Drums – With the exception of Arsenic all results were below the relevant health and environmental guidelines. Arsenic levels in soils were above the levels which pose a risk to human health and terrestrial ecosystems.
- AEC 10 - With the exception of Lead all results were below the relevant health and environmental guidelines. Lead levels in surface soil samples were above those which pose a risk to human health but below those which pose a risk to terrestrial ecosystems.
- Former Septic Tank - With the exception of Copper and Zinc all results were below the relevant health and environmental guidelines. Copper and Zinc levels in soil samples were above those which pose a risk to terrestrial ecosystems but below those which pose a risk to human health.

The consultant subsequently narrowed down the affected areas defining them as Areas 1-3 on the drawings in the appendix to the report. In relation to the remediation of these three areas the report concludes that:

Remediation by excavation of the contaminated soil in Areas 1 to 3 and disposal at an appropriately licensed landfill facility could be carried out in conjunction with demolition and removal of site features. Carry out validation sampling and testing to monitor the success or otherwise of the adopted remediation strategy.

The soil removed from Areas 1 to 3 would need to be appropriately classified (in terms of the DECCW 2008 and NSW EPA Guidelines) before being disposed of to an appropriately licensed landfill.

In addition to the above the consultant recommended several other actions be taken to further investigate the site. These include:

- i. The employment of a licensed contractor to demolish and remove bonded asbestos products from structures around the site and disposal to an appropriately licensed disposal facility.
- ii. The removal of the six identified above ground storage tanks by a qualified contractor and disposal of the tanks and any residual product to an appropriate disposal facility. The chasing out and removal of any hydrocarbon stained soil around the above ground storage tanks, the storage and sampling of that soil to determine levels of contamination and the development of a remediation program to dispose of the soil once contamination levels are determined.
- iii. The stripping of surface soils beneath any structures that are demolished in the areas of concern, the storage and sampling of that soil to determine levels of contamination and the development of a remediation program to dispose of the soil once contamination levels are determined.
- iv. The preparation of a further supplementary report detailing the additional contamination assessment, remediation and validation undertaken.

The Site Auditors Interim Advice No.2 - When the site has been completely remediated and validated the site auditor will issue a site audit statement (SAS) and associated site audit report (SAR) indicating the suitability of the land for its intended landuse. However, there is still substantial investigation, remediation and validation work to be completed.

With that in mind the site auditor has provided interim advice on the works and reports carried out to date, noting that the interim advice does not constitute an SAS or an SAR, but rather is provided to assist GTPL in the assessment and management of contamination issues at the site.

While the site auditor is satisfied that the Report has generally been prepared in accordance with the appropriate guidelines he recommends in his conclusion to the interim advice that the following actions be taken:

- i. That the recommendations in Geotechniques Detailed Contamination Assessment (June 2014) be implemented;
- ii. That the proposed additional sampling plans and remedial works plans required by the report are prepared and reviewed by the auditor.
- iii. That the underlying groundwater in the former sheep spray area (AEC5) should be further investigated and deemed suitable for residential use.

With these actions in place the Auditor is of the opinion that the site may be suitable for the proposed residential, open space and commercial uses.

Assessment of Report Findings - The Report has generally been prepared in accordance with the NSW Office of Environment and Heritage's *Guidelines for Consultants Reporting on Contaminated Sites*. After reviewing the Detailed Contamination Assessment there appears to be no reason for Council to doubt the veracity of the consultant's conclusion.

Accordingly the site auditor's interim advice supports the recommendations of the Detailed Contamination Assessment although including some minor additional requirements. Importantly the site auditor indicates that subject to these recommendations being adhered to the land may be used for its proposed uses.

Given the above, it is considered that the consent authority can be satisfied that the land can be remediated so that it is suitable for the proposed residential, open space and commercial land use. However, under no circumstances should construction certificates for either subdivision or building work take place before the SAS and SAR have been prepared and any conditions placed thereon implemented.

Should approval be granted, a condition of consent should be included requiring that the Site Auditor's Statement and Site Auditor's Report be provided to Council prior to the issue of a construction certificate (subdivision or building) for any work covered by this application other than demolition and site works required to undertake remediation works of the site.

Given that none of the issues raised present a significant constraint to development at this stage and with the imposition of the conditions on the development consent, the obligations under Clause 7 of SEPP 55 have been met in relation to this application.

State Environmental Planning Policy (Infrastructure) 2007

Division 17 (Roads and Traffic) of this policy is relevant for this application. The proposed subdivision required referral to the NSW Roads and Maritime Services (RMS) being development located adjoining a classified road (Old Cooma Road) and is identified as “traffic generating development” under Schedule 3 of the policy.

RMS advised that they had previously agreed to an interim and ultimate plan for upgrading the intersection of Old Cooma Road and Googong Dam Road (also known as Googong Road) as part of the Neighbourhood 1A which was subject to the second major DA for the Googong Urban development (DA2). Their advice also states that “RMS does not object to the current development application in principle subject to the following comments being included in the conditions of consent:

Prior to the release of the subdivision certificate for the 604th lot in total of the Googong Land Release (including the aggregate of 1A, 1B and any other) the developer must complete the interim intersection upgrade of Old Cooma Road and Googong Dam Road to provide a CHL and a CHR(S) on Old Cooma Road in accordance with Austroads Guide to Road Design to the satisfaction of Council and RMS

The timing of the ultimate intersection upgrade of Old Cooma Road and Googong Dam Road must be informed by the proposed three staged review process outlined in the TTM report dated 16th September 2014. The development must undertake three reviews of the intersection's operation to monitor the intersections performance and determine an appropriate timeframe for the ultimate intersection upgrade. These reviews must be undertaken prior to the release of the subdivision certificate for the 882nd lot, 1000th lot and 1,400th lots (in total) as per TTM report dated 16 September 2014 or as otherwise agreed between RMS, Council and the proponent. If the review identifies that the ultimate intersection upgrade needs to be provided prior to the next review, the developer needs to identify the timing and the nature of the ultimate intersection upgrade to the satisfaction of RMS and Council.”

As well as considering the RMS advice the SEPP also requires consideration of the accessibility of the site concerned and any potential traffic safety, road congestion or parking implications of the development. These matters have been considered and form part of the Development Engineers assessment. Refer to Internal Referrals part of the Section 79C(1)(d) – Any Submissions section of this report.

State Environmental Planning Policy (State and Regional Development) 2011

State Environmental Planning Policy (State and Regional Development) 2011 applies as this application is captured in Schedule 4A of the Act as General Development over \$20 million. Clause 21 allows the Joint Regional Planning Panel to determine this application in accordance with Part 4 of the Act. The other functions not conferred to the JRPP have been completed by Council where relevant and includes the assessment of this application.

Queanbeyan Local Environmental Plan 2012

The relevant clauses of the Queanbeyan Local Environmental Plan have been considered.

Part 1 Preliminary

1.2 Aims of the Plan

The proposed development is consistent with the aims of the plan. It enables orderly land release in a staged manner, promoting good residential amenity and timely provision of physical and social infrastructure. The proposal identifies, protects and manages environmentally and culturally sensitive areas and provides appropriate residential densities and potential for a range of housing opportunities.

Part 2 – Permitted or Prohibited Development

The main part of the site (Lot 1 DP 1183929 and Lot 5 DP 1179941) is partly zoned R1 General Residential, R5 Large Lot Residential, E2 Environmental Conservation and RE1 Public Recreation as shown below in Figure 9. This part of the site is the subject of the creation of the residential lots. Lot 100 DP 1180099 which is included as it is subject to a boundary adjustment as part of this application is zoned R1 General Residential, RE1 Public Recreation and B2 Local Centre. The development can be defined as “subdivision” and “roads” for the purpose of the QLEP 2012 and is permitted with consent in these zones as detailed below.

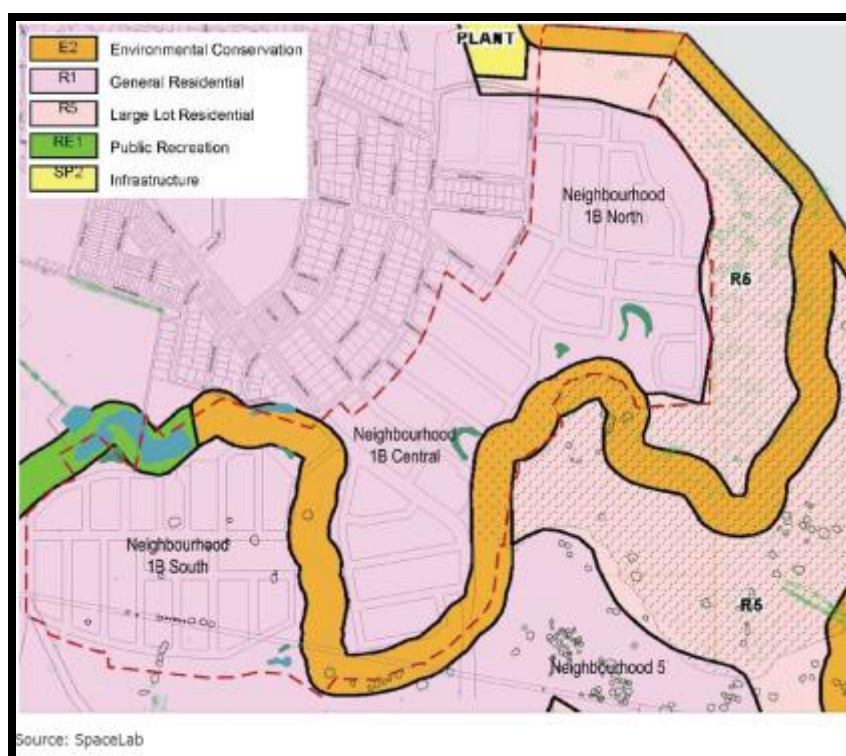


Figure 9 - Extract from Queanbeyan Local Environmental Plan 2012 Zoning Map

R1 General Residential land accounts for the majority of the land in NH1B.

The relevant objectives of the zone are:

- *To provide for the housing needs of the community.*
- *To provide for a variety of housing types and densities.*
- *To enable other land uses that provide facilities or services to meet the day to day needs of residents.*
- *To promote walkable neighbourhoods and a sense of community.*
- *To ensure that where possible, development maintains existing bushland.*

The development provides for the housing needs of the community through the provision of lot releases in accordance with the Googong DCP. The varying lot sizes will provide for a variety of housing types and densities. As part of this DA a number of open space areas and formal parks are proposed which will provide recreational opportunities to meet the day to day needs of residents. The proposed network of public open space will also promote walkable neighbourhoods which will contribute to a sense of community. Additionally existing trees will be maintained where possible within the public open space networks.

The subdivision of land including the construction of roads and public parks and ancillary structures are permitted with consent in this zone.

R5 Large Lot Residential land wraps the proposed site to the north and east. Part of the land in Stage 9 is zoned R5. In addition to this there is a small portion of R5 land on the eastern boundary and southern boundary of NH1B north that has R5 zoning. These areas are proposed within public reserves. The land east of Stage 5 comprising the PTWL conservation area is also captured in the R5 zone (as well as E2).

The relevant objectives of the zone are:

- *To provide residential housing in a rural setting while preserving, and minimising impacts on, environmentally sensitive locations and scenic quality.*
- *To ensure that large residential lots do not hinder the proper and orderly development of urban areas in the future.*
- *To ensure that development in the area does not unreasonably increase the demand for public services or public facilities.*
- *To minimise conflict between land uses within this zone and land uses within adjoining zones.*
- *To retain existing bushland and natural landscape features to preserve the rural character of the locality.*
- *To ensure that rural residential development provides for integrated rural residential communities and its design is innovative and flexible.*

The R5 land that is proposed to be located within the super lot in Stage 9, and that within the PTWL public reserve, will enable further subdivision in the future that will provide residential housing on the edge of Googong. This will provide a buffer and preserve the environmentally sensitive locations beyond and minimising the conflict between land uses within the zone and adjoining. These large lots are integrated into the NH1B development and will therefore not hinder orderly development of the land. The R5 land located within the super lot is not seen to unreasonably increase the demand for public services or facilities. The proposed subdivision adequately provides for the community and is innovative and flexible.

The subdivision of land and roads are permitted with consent in this zone.

E2 Environmental Conservation land follows Montgomery Creek and forms a strip along the southern boundary of NH1B Central and continues between NH1B Central and NH1B South. Within the zone the proposed development includes re-vegetation works and walking trails with the end development proposing the land to be public open space. It is noted that small portions of the E2 land appear to be located within the road reserve and batters of a number of the perimeter roads proposed. While this is not the intention of the zone objectives, roads are permitted with consent within the E2 zone. Additionally there are a number of areas of open space proposed on land zoned R1, therefore it is believed that this encroachment is being offset across the NH1B subdivision.

The relevant objectives of the zone are:

- *To protect, manage and restore areas of high ecological, scientific, cultural or aesthetic values.*
- *To prevent development that could destroy, damage or otherwise have an adverse effect on those values.*
- *To protect threatened species and rivers, creeks and gully ecosystems within Queanbeyan.*
- *To identify and protect escarpment areas that enhance the visual amenity of Queanbeyan and possess special aesthetic or conservational value.*
- *To protect water quality by preventing inappropriate development within catchment areas.*

The proposed subdivision layout utilises the natural scenic and environmental values of the site. The subdivision layout complements the natural topography of the land. The E2 zoned land following the creek provided a natural buffer that will be enhanced during the subdivision works and will become a protected feature of the proposed subdivision.

Proposed lot 353 is located extremely close to the E2 land. As a result of this, it is recommended that a condition of consent be included requiring that the land zone for E2 in the vicinity of the site be surveyed and plotted prior to acceptance of any Subdivision Certificate for Stage 3. The scale of the plans provided do not adequately identify that the lot will be located outside the E2 land and as such, should be confirmed prior to the creation of any lot. It is noted that the lot has an area of 713m² which provides ample area above the minimum lot size should the proposed boundary encroach within the E2 land. A condition to this effect has been included in the draft conditions.

The subdivision of land, recreation areas and roads are permitted with consent in this zone. Environmental protection works are permitted without consent.

RE1 Public Recreation land aligns with the Upper Montgomery Creek corridor with only a small portion of the NH1B land affected by this zone.

The relevant objectives of the zone are:

- *To enable land to be used for public open space or recreational purposes.*
- *To provide a range of recreational settings and activities and compatible land uses.*
- *To protect and enhance the natural environment for recreational purposes.*

There is a dam located within the RE1 land. This will be enhanced as part of the proposed development. Open space, walking tracks and pathways are proposed to be constructed here. This will enable public use of the land and are seen as a compatible use which suits the natural landscape.

It is noted that ultimately, with the future proposed development of Neighbourhood 2, this area will become part of the greater area known as 'Googong Common'. This is proposed to provide an extensive open space resource for the Googong Township.

Subdivision, recreation areas, recreation areas (outdoor), recreation areas (major) and roads are permitted with consent. Environmental protection works are permitted without consent.

B2 Local Centre is located within Lot 100 and is affected only by the boundary adjustment. The subdivision for this purpose is permissible with consent and will not impact on the future development of that land for a local business centre.

2.5 Additional permitted uses for particular land

Clause 2.5 allows for additional permitted uses and is relevant to this application as part of the land is identified as Googong Common which is listed within Schedule 1. The additional permitted uses for the Googong Common are *“development for the purposes of cellar door premises, depots, entertainment facilities, function centres, garden centres, horticulture, landscaping material supplies, plant nurseries, resource recovery facilities, viticulture, waste or resource transfer stations and water recreation structures is permitted with development consent.”*

Council notes that on 6 November 2014 Googong Township Pty Ltd (GTPL) advised Council that Googong Common was incorrectly mapped on the Queanbeyan LEP 2012.

The proposed residential subdivision is located partly on land currently identified as Googong Common. As a result the additional permitted uses will apply to the new lots. However, the proposed use put forward with this subdivision application is for the residential use. Any proposal to take advantage of the additional permitted uses will require separate approval and will be assessed on its merits. It is very likely based on Council's decision on 8 April 2014 to progress the finalisation of QLEP Amendment No. 4 that the mapping and application of these additional uses will be rectified before the lots are registered and afforded separate title.

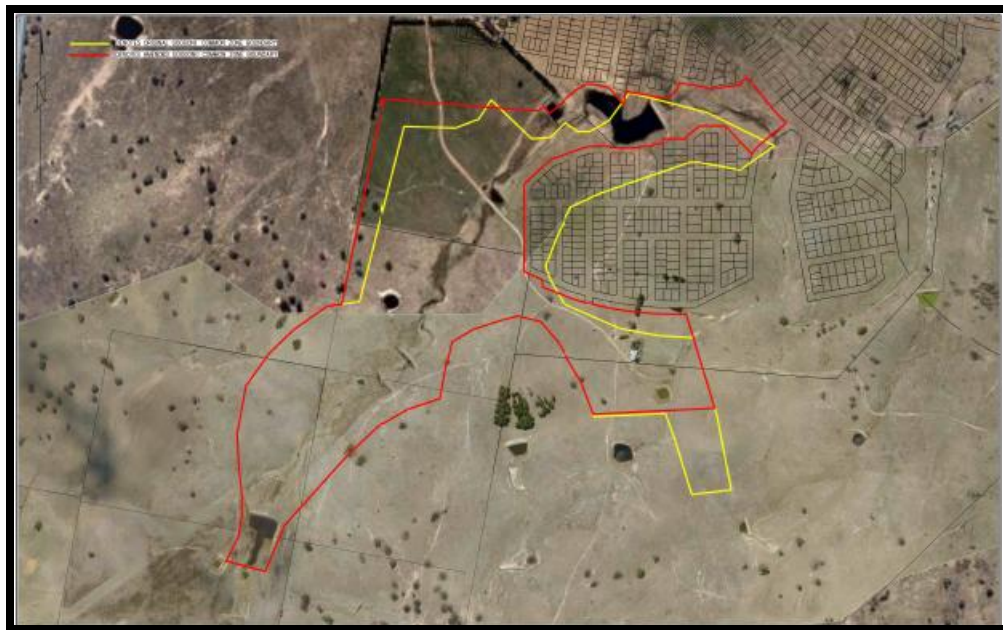


Figure 10 - Googong Common with Current and Amendment No. 4 boundary

Figure 10 shows the development in context of the boundaries of the Googong Common. The yellow line shows the Googong Common as it is currently gazetted on the Googong Map in the Queanbeyan Local Environmental Plan 2012 (as amended). The red line shows the Googong Common as proposed on the Googong Map in the Draft Queanbeyan Local Environmental Plan 2012 (Amendment No 4).

2.6 Subdivision Consent Requirements

Development consent is required for the subdivision of land. This proposal does not include land with a secondary dwelling.

Part 4 – Principal Development Standards

4.1 Minimum Subdivision Lot Size

Clause 4.1 specifies a number of objectives to be satisfied and that the proposed lots comply with the Lot Size Map. The following minimum lot sizes apply to the subject site:

- R5 Large Lot Residential – 1500m²
- E2 Environmental Conservation – 1500m² or 330m² (note minimum lot size does not correlate exactly with the zoning map).
- R1 General Residential – 330m²
- RE1 Public Recreation – 330m²

All residential lots proposed within the R1 zone are greater than 330m² and therefore comply with this Clause of the LEP.

Stage 9 of NH1B is recommended for approval as a super lot, subject to a future DA for residential subdivision. It is noted that the 2 lots will fit in the R5 land and will comply with the minimum lot size of 1500m².

The subdivision has been assessed against the objectives. Generally the proposal has had due regard to the environmental constraints on the land, the safety and functions of main roads is not compromised, lot sizes and dimensions are appropriate for siting of structures, the lots can be adequately serviced and the proposal is compatible with the desired future character of the locality.

The only significant environmental constraint results from the imposition of the buffer zone around the WRP. This constraint has been mitigated by removing any residential allotments from within the buffer zone therefore, as discussed above; the proposed Stage 9 is recommended for approval as a super lot.

Part 5 – Miscellaneous Provisions

5.1 Relevant Acquisition Authority

The site includes land zoned RE1 Public Recreation. Council is identified as the relevant authority to acquire that land zoned RE1. This proposal does not prejudice the end use of public reserve for the RE2 land included in this application.

5.3 Development near zone boundaries

This proposal does include development that occurs across zone boundaries. The provisions of this clause are not necessary to allow the development.

5.9 Preservation of Trees or Vegetation

The objective of this clause is to preserve the amenity of the area through the preservation of trees and other vegetation. The clause only applies where the kinds of trees or other vegetation are identified by a development control plan. The Googong Development Control Plan does not prescribe kinds of trees or other vegetation.

Most of the development site is grazing land. There are only occasional eucalypt trees and tree clumps scattered throughout the site. With the exception of the PTWL conservation area, the development initially proposed to retain one high quality tree. The subdivision has been designed to retain this tree in what is proposed to be the Montgomery's Rise Park. Following questions from NSW OEH on why 22 trees that were principally located within the riparian area of Montgomery Creek and on the edge of the PTWL conservation area were being removed, that applicant proposed that 19 of the 22 trees queried are now proposed to be retained.

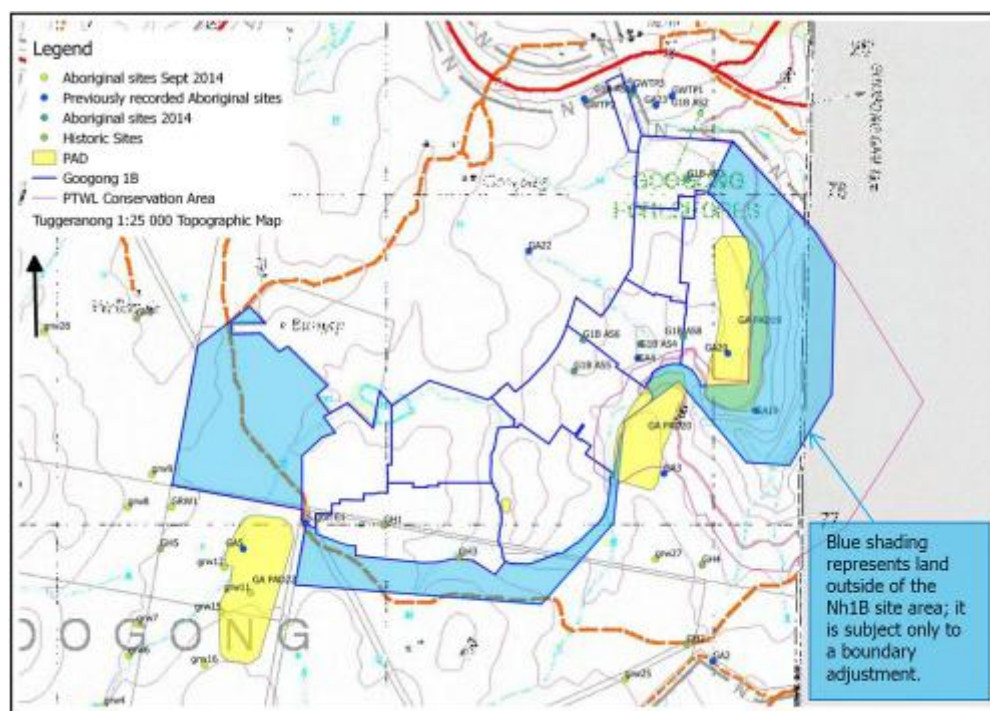
One scarred tree that has high Aboriginal heritage/cultural significance is located within the developable area of Neighbourhood 1B. The proposed development would have direct impacts on the scarred tree as it is located in the developable area of Neighbourhood 1B. An AHIP is required for the relocation of this tree. A condition of consent has been recommended to ensure this occurs. The applicant has noted that the AHIP application is being prepared for submission to NSW Office of Environment and Heritage seeking the removal of the remaining portion of the scarred tree, for salvage and preservation off site during construction, in accordance with the recommendation of Navin Officer Heritage Consultants. Refer to comments provided by OEH with their General Terms of Approval for the AHIP in Section 91 Integrated Development section of this report.

5.10 Heritage Conservation

Clause 5.10 - objectives of this clause relevant to the proposal are:

- (a) to conserve the environmental heritage of Queanbeyan.
- (c) to conserve archaeological sites.
- (d) to conserve Aboriginal objects and Aboriginal places of heritage significance.

Figure 11 shows the location of Aboriginal and European sites within and around the proposed NH1B. These items are discussed further in the tables below.



Source: Navin Officer Heritage Consultants Pty Ltd

Figure 11 Location of Aboriginal and European Heritage Sites

Mapped and listed Heritage items and archaeological sites in the QLEP 2012 are not impacted by the proposal. The following items identified as European Heritage have been identified by the applicant's Heritage Consultant:

Site No.	Description	Significance	Proposed Management Action
GH1	Shearing shed, quarters and associated buildings	Low	The kitchen and shearing quarters were the most significant elements of this site. These items burnt down and nothing of significance remains. This item does not meet the threshold for heritage listing and therefore no further assessment is required and the item will be dismantled.
GH3	European midden area eroding out of a creek bank	Low	This site could not be relocated in a 2014 survey. Navin Officer Heritage Consultants (NOHC) has assumed this site has subsequently washed away during a heavy rain event.

These sites are not listed under QLEP 2012 and the proposed management actions are considered appropriate.

No referral to the Heritage Council was required for this development under subclause (7) as it does not contain or impact any listed archaeological sites.

The site does not contain any Aboriginal Places of Significance as listed in the QLEP 2012 and as such the notification and matters to consider under subclause (8) are not relevant to this application.

Part 6 – Urban Release Areas

6.1 Arrangements for Designated State and Territory Public Infrastructure

This clause requires the satisfactory arrangements to be made for the provision of designated State and Territory public infrastructure before the subdivision of land in an urban release area. The Director General's Certificate – Satisfactory Arrangements for Designated State and Territory Public Infrastructure has been issued on 26 March 2015. See Attachment A.

6.2 Public Utility Infrastructure

Clause 6.2 requires that development consent must not be granted for development on land in an urban release area unless Council is satisfied that any public utility infrastructure that is essential for the development is available or that adequate arrangements have been made to make that infrastructure available when it is required.

Council's Senior Development Engineer advises that the development will require the provision of service infrastructure and roads as discussed below -

Sewer

The development site is remote from the Queanbeyan sewerage network and the developer's approved Part 3A Water Cycle Project provides for the following sewerage facilities –

- installation of a standalone wastewater recycling plant (WRP),
- installation of sewer pump stations (SPSs), and
- installation of sewer rising mains.

The subdivision release will be dependent on the provision of the WRP, SPS2 and rising mains. These facilities are currently being designed and constructed in consultation with Council.

Drinking Water Supply

Stage 1 of the developer's approved Part 3A application provided for the construction of lead-in infrastructure to provide water supply to Googong Township and comprise –

- an off take on the Googong – Stromlo water supply trunk main near the Googong water treatment plant;
- the provision of a trunk rising main from the off take to a temporary potable water reservoir site (Hill 765) adjacent Old Cooma Road south of Googong Road,
- a temporary potable water reservoir at Hill 765; and
- a trunk gravity fed water main from the reservoir site to the Stage 1 supply point near the Day 1 entry of the first stage subdivision (DA41-2011).

The temporary reservoir site is proposed to service an equivalent population of 3,600 and therefore is capable of supplying the entire Neighbourhood 1A and 1B areas.

Non-Potable Water Supply

The applicant's water cycle management strategy is in part dependent on the installation of a non-potable (recycled) water supply, where treated sewer effluent is provided to each lot via a separate water supply network to the potable drinking water. To achieve this aim the developer's Part 3A Water Cycle Project approval for Stage 1 provides for the following –

- the STP to be capable of supplying effluent to a standard suitable for reuse,
- the provision of a trunk rising main from the STP to a temporary non-drinking water reservoir site (also to be located at Hill 765),
- the temporary non-drinking water reservoir; and
- a trunk gravity fed non-drinking water main from the above reservoir to the Stage 1 supply point near the Day 1 entry.

Servicing of the proposed non-drinking water network in this DA is similarly dependent on this lead in infrastructure forming part of the Part 3A approval.

Stormwater

The stormwater system will be a major/minor system, in accordance with the submitted *Stormwater Management and Drainage Analysis* design report (Oct 2014) prepared for the development site.

Pipework will accept the minor flows and overland flow will take place in road and reserve areas. Stormwater detention and peak flow attenuation will be achieved by the establishment of a stormwater detention basin adjacent Montgomery Creek within the development. It is also proposed to maintain the large farm dam within the creek corridor that is located adjacent the Bunyip land. Together with on-site detention facilities (rain water tanks etc) discharge north of Googong Road will be kept to pre-development flow rates.

The basins will also form part of the water quality treatment train that also includes other Water Sensitive Urban Design (WSUD) devices such as GPTs, bioretention basins, ponds and swales. In keeping with discussions with the applicant, WSUD has been applied at suitable locations, such as adjacent reserves and in the central swale of avenues. In most

streets traditional kerb and gutter and pipe drainage will be utilised, with rain gardens utilised at a small number of appropriate locations in conjunction with street tree planting.

The treatment train has been modelled using the *Model for Urban Stormwater Improvement Conceptualisation* (MUSIC) model, which is a program recognised as being appropriate for this purpose. The MUSIC model results indicate that the proposed treatment train will provide reductions in pollutant loads in keeping with the requirements of Council's adopted Googong Engineering Specifications. A surface water quality modelling program is proposed during the construction period to ensure predicted levels of capture are achieved.

Road Network

The development is situated on the south side of Googong Road and it is proposed that the access to this neighbourhood will be via an extension of streets in NH1A to enable access to Googong Road via the Day 1 Entry (approved as part of Stage 1) and via the further entry at the Street 5 (Caragh Avenue) intersection (referred to as the Eastern Access) approved as part of Stages 2-5 – DA 233-202.

The NH1A road network and intersections have been designed to cater for the traffic volumes to be generated from NH1B until such time as the major road links within NH2 are completed.

The NH1A Stages 2-6 DA approvals require the applicant to upgrade the Googong Road / Old Cooma Road intersection. RMS has similarly commented on the NH1B subdivision and has recommended the performance of the intersection be monitored as total lot yields in NH1A & NH1B reach 882 lots, 1,000 lots and 1,400 lots to determine when the upgrade should be instigated. An interim upgrade is being constructed at present to provide additional turn capacity and safety at the intersection for NH1A, as agreed by Council and RMS. This interim upgrade accords with a recommended consent condition to be included for NH1B.

Street 4 (Beltana Avenue), Street 5 (Caragh Avenue) and Street 51 (Aprasia Avenue) will act as the collector roads for the proposed subdivision and will continue in this capacity for future subdivision stages until other road links are provided that lead toward the town centre. All other streets in the development will be local streets with low to moderate traffic volumes.

Emergency Access

The bushfire assessment report accompanying the Stage 1 DA recommended the provision of an emergency access to Old Cooma Road and this has been constructed. The emergency access road generally follows the alignment of future Street 2 toward the temporary water reservoir sites then travels south to exit to Old Cooma Road. Lots within the eastern part of the subdivision can gain access to this emergency access via streets within NH1A.

An additional emergency access is proposed from the west side of "The Island" via the farm access track that will be used as construction access. The construction access intersects the existing emergency access road, hence providing a link to the existing emergency access.

Utilities

The applicant has made arrangements for the supply of natural gas, underground electricity and telecommunication services, utilising a shared service trench.

Street lighting shall be provided in accordance with AS/NZS 1158 and shall utilise best practice energy efficient globes.

Given the above advice, there are adequate arrangements that have been made for the provision of infrastructure required for this subdivision proposal.

6.3 Development Control Plan

This clause requires that a development control plan for the urban release area must have been prepared for the land prior to any development consent being granted. The Googong Development Control Plan came into effect on 10 November 2010 and as such does not prevent consent being granted.

6.5 Development Near Googong Dam Foreshore

The aim of this clause is to protect the Googong Dam Water supply catchment from inappropriate development and it is relevant when a proposal includes the erection of a building on land identified as "Googong Foreshore Buffer Area". While the site does contain land within this buffer, no buildings are proposed as part of this subdivision application.

Part 7 – Additional Local Provisions

7.1 Earthworks

This clause requires that prior to granting development consent for earthworks the consent authority must consider the following matters:

- (a) the likely disruption of, or any detrimental effect on, existing drainage patterns and soil stability in the locality.
- (b) the effect of the proposed development on the likely future use or redevelopment of the land.
- (c) the quality of the fill or of the soil to be excavated, or both.
- (d) the effect of the proposed development on the existing and likely amenity of adjoining properties.
- (e) the source of any fill material or the destination of any excavated material.
- (f) the likelihood of disturbing Aboriginal objects or other relics.
- (g) proximity to and potential for adverse impacts on any watercourse, drinking water catchment or environmentally sensitive area.

General site regrading will be undertaken to provide lots with more acceptable grades for future building platforms and reshaping in reserve areas for drainage structures.

The redesign of Stage 5 with the removal of the originally proposed fire trail in the north-east corner will eliminate the need for regrading and tree removal in this area. It is noted however that filling as shown on plans drawn by Calibre Consulting (March 2015) will encroach into the PTWL conservation area. A condition of consent will be included requiring that earthworks for the subdivision are not to occur within the PTWL conservation area unless prior approval has been obtained under the EPBC Act.

The structural stability of the existing dam on Montgomery Creek will need to be confirmed as part of the Construction Certificate (CC) engineering design. A review of water depths and embankment slopes will also need to be made as part of the Construction Certificate to determine the need for regrading and/or fencing to ensure public safety.

An area of creek stabilisation is indicated on the adjoining Bunyip land near the existing dam. This area has not been identified on the DA form nor has owner's consent been provided. This area needs to be excluded from the approved plans.

The applicant's submission includes geotechnical information and a report from Douglas Partners with recommendations for the site earthworks. It does not indicate that fill will be brought into the site. The recommendations of the Report will need to be adhered to and will form a condition of consent.

The General Terms of Approval issued by the NSW OEH for the Aboriginal Heritage Impact Permit will deal with the aboriginal objects identified on the site. Refer to Section 91 Integrated Development and Section 79C(1)(b) Heritage sections of this report.

Having regard to the above requirement, the earthworks can be managed to avoid detrimental impacts on environmental functions and processes, neighbouring uses or heritage items and features of the surrounding land.

7.6 Airspace Operations

This clause that a consent authority cannot grant consent to development that penetrates the Limitation or Operations Surface for the Canberra Airport, unless the Commonwealth have advised that they have no objection. The ground level of the site penetrates the surface which is set at 720m. The application was referred to the Commonwealth Department of Infrastructure and Regional Development who have advised that a Controlled Activity Approval under the Airport Regulations for this land has been issued.

7.9 Essential Services

This clause requires that essential services required for the development are available or that adequate arrangements have been made for the provision. This has been addressed earlier under Clause 6.2 of the QLEP 2012.

Section 79C(1)(a)(ii) – Any Draft Environmental Planning Instruments

Draft Queanbeyan Local Environmental Plan 2012 Amendment No. 4

Draft Amendment No. 4 relates to the preparation of a planning proposal to provide for small lots and studio dwellings within specified areas of the urban release areas including Googong. This amendment also includes correcting and refining some of the mapping for Googong Common as identified on Googong Map Sheet GNG 007 in the Queanbeyan Local Environmental Plan 2012.

This plan has been exhibited and was considered by Council on 8 April 2015 where it was resolved to progress to finalising the amendment. The proposed development is consistent with the draft including the refined boundary of the Googong Common. The proposed public reserves have boundaries that correspond to the draft Googong Common boundary proposed for the Googong Map.

Section 79C(1)(a)(iii) – Any Development Control Plan

Googong Development Control Plan (DCP) applies to the development. The purpose of this DCP is to provide background objectives and controls, and design criteria to achieve desirable development outcomes in line with Council's vision for the new town of Googong. The following specific controls have been considered in detail in the assessment:

RELEVANT GOOGONG DCP STANDARDS	COMMENTS	Compliance
Clause 1.8 - Relationship to other Planning Instruments and Policies		
Part 2 Sections 2.1 – 2.7 and 2.9 of the Queanbeyan DCP are adopted by the Googong DCP. The relevant sections are considered below.		
2.2 – Parking	The proposal includes the creation of public reserves including two with playground areas. While these playground areas fall within the "Recreation area". The parking requirement listed for recreation areas located outside the CBD only requires parking where the recreation area includes: squash and tennis courts, bowling alleys and greens or a gymnasium. No specific vehicle parking requirement are listed for a playground. It is noted that both playground areas have long street frontages which can provide for on street parking. Bicycle parking has been provided for in both parks and complies.	Complies
2.3 Environmental Management	No relevant controls for subdivision	NA
2.4 Contaminated Land Management	Refer to SEPP 55 Assessment	Complies
2.5 Flood Management	These controls relate to the Queanbeyan River	NA
2.6 Landscaping	Landscape plan has been submitted as required.	Complies
2.7 Soil, Water and Vegetation Management Plans	SWVM plans by Browns are included in the application together with documentation for standards for design. Full detail and updated plans showing the trees to be retained will be required prior to any Construction Certificate (Subdivision) being issued.	Complies Condition
2.9 – Safe Design	The application was referred to the NSW Police Service. Their assessment and recommended conditions have addressed the safe design controls and objectives. Refer to Attachment A of this report.	Complies Condition

RELEVANT GOOGONG DCP STANDARDS	COMMENTS	Compliance
Clause 3.0 – The Master Plan		
Controls Development is to be generally in accordance with the Master Plan and other controls in this DCP. Staged Release of Land It is recommended that the land be generally developed in accordance with the sequence recommended in the Googong Urban Release Staging Plan. That is: Stages 1-5 being the first five stages	The development is consistent with the neighbourhood structure plan in the DCP The development satisfies the sequence of the Googong Urban Release staging plan.	Complies
Part 4 - Subdivision Controls		
4.3 General Controls I. Subdivision design shall be generally in accordance with the Neighbourhood Structure Plan. II. Subdivision lot sizes shall comply with the minimum lot sizes as specified in the QLEP 2012 Lot Size Map. III. Neighbourhoods are to be centred on a focal point of a town or neighbourhood centre with retail, commercial or community facilities that are generally within a 5 – 10 minute walk from all dwellings. IV. Neighbourhood pattern is to create a legible and permeable street hierarchy that responds to the natural site topography, the location of existing significant trees and solar design principles. V. Pedestrian and bicycle connectivity within each residential neighbourhood is to be provided between the residential areas and public open space areas, public transport nodes, education and community / recreation facilities. VI. Street blocks are to be generally a maximum of 250m long by 70m wide. Block lengths and widths in excess of 250m may be considered by council where connectivity objectives are achieved. VII. Each new allotment has sufficient building area on it, being land with a slope of less than 20%.	- Design is in accordance with neighbourhood structure plan. - The minimum lot size is 330m². Proposed minimum is 338m². - The residential lots within NH1B are further from the current community facilities in NH1A, however this situation will be improved with the continuing staging of development as per the master plan. - A Neighbourhood Centre is proposed at a future stage to service daily needs of residents within easy walking distance. - A satisfactory street hierarchy is proposed responding to topography and generally maximising solar access to lots. - Streets are designed for cyclists and pedestrians that link to bus stops, school community facilities and public reserves. - All street block dimensions are generally less than the maximum 250 x 70m with the exception of the two street blocks that are the continuation of Aprasia Ave and Tyrrell Street. These two are between 258-260m in length. This is a minor departure and can be supported. No adverse impact on connectivity is created as a result. - The applicant advises that cut and fill is proposed to ensure all lots achieve a slope less 20%.	Complies

RELEVANT GOOGONG DCP STANDARDS	COMMENTS	Compliance
4.4 - Lot Orientation I. Consideration should be given to different lot dimensions depending on the lot orientation. II. Lot orientation, size and dimensions should enable dwellings to be generally sited either on an N-S or E-W orientation. III. Allowances are to be made for different lot depths and widths, depending on orientation, which may also result in increased variety to the streetscape frontage pattern. IV. Where E-W oriented lots are proposed lots should be wider to support solar access. V. Design for deeper N-S lots on the southern side of roads, particularly if two storey dwellings are envisaged, to allow for solar access to private open space at the rear. VI. N-S oriented lots on the northern side of an E-W road can be less deep than N-S lots on the southern side of the same road. A wider southern lot allows for a central courtyard, which may gain greater solar penetration.	▪ 74% of the residential lots proposed achieve the preferred orientation of N-S and E-W. . ▪ Varying lot dimensions are provided. ▪ Lot orientation, size and dimensions generally in N-S or E-W orientation. The central area of the subdivision has topographical limitations that has resulted in lots having a more NE-SW orientation. ▪ Different lot depths and widths are provided to increase streetscape variety. ▪ Wider lots generally provided for E-W oriented lots. ▪ Shorter depth lots generally sited N-S on north side of streets and deeper allotments sited N-S south side street generally provided.	Complies
Lot Size and Layout Controls I. Minimum lot size is to be in accordance with the QLEP Minimum Lot Size Map and the lot dimensions are to be in accordance with the Table 1. II. Residential lot size must be capable of accommodating a dwelling, private open space and at least one under cover car parking space. III. Lot size and layout are to take into account the slope of the land, any environmental constraints and any significant natural features to create a legible and permeable neighbourhood pattern. IV. Lots should be generally rectangular in shape and orientated to allow future dwellings to gain access off streets and where possible, public open spaces. Battleaxe shaped allotments – no more than two adjoining. Shared Access corridors minimum width 6m maximum length 60m. Single access corridors minimum width 4m	▪ Minimum lot size is 300m². The smallest lot proposed is 338m². Minimum lot frontage dimensions area also achieved. Lot sizes and layout controls are satisfied. ▪ Environmental constraints and natural features have been taken into account in the subdivision design. ▪ Lots generally rectangular with satisfactory access and frontages. ▪ Battleaxe allotments are proposed for lots with a frontage to Gorman Drive. Access handles are all shared with minimum 6m widths and come from adjoining streets.	Complies

RELEVANT GOOGONG DCP STANDARDS	COMMENTS	Compliance
4.6 Residential Interface with Googong Dam Foreshores Subdivision Controls a) The minimum lot size to be in accordance with the <i>QLEP 2012</i> Lot Size Map i.e. 1.5ha. b) The configuration of the E2 zone in this locality may preclude subdivisions into satisfactory lot sizes to adjoin with adjacent R5 subdivided land. c) An application for development involving E2 zoned land is to demonstrate to Council that an appropriate management regime will be put in place. d) Building envelopes in zone R5 must be setback a minimum 10m from an internal road and 10m from adjoining side and rear boundaries.	Most of the land within the foreshores that is the subject of this application is contained within the PTWL conservation area. A superlot is proposed in the R5 zoned land not included in the PTWL conservation area and allows for future subdivision into two lots.	Complies
Part 5 – Design Guidelines and Controls for Public Domain		
5.2 Street Network Controls I. Streets are to be designed in accordance with the Master Plan, Council's adopted Engineering Design Specification – Googong, Control Diagrams and numeric controls in the Tables, as identified herein. II. A development application must demonstrate that the proposed streets are appropriate for their role in the street network. III. All new streets are to comply with the design and engineering requirements applicable to roads and streets, crossings, footpaths, cycle ways, bus shelters and the like in QCC Engineering Design Specification – Googong. IV. Streets are to include a stormwater drainage facilities as required. WSUD controls should be provided where possible in central medians. V. Subdivisions are to be designed to provide adequate safety for pedestrians using the street verge. VI. Applications for subdivision shall be accompanied by a traffic engineering assessment.	▪ Streets are designed to satisfy street network controls. ▪ Streets have been designed to ensure they are appropriate for their intended role. ▪ Streets meet Council's design and engineering requirements as specified. Refer to Development Engineer's advice Section of this report. ▪ Stormwater drainage facilities and WSUD controls are proposed. ▪ Adequate safety of pedestrians is provided. ▪ A satisfactory Traffic Engineering Assessment has been submitted and meets the Roads and Maritime Services and Council requirements.	Complies
5.3-5.8 Major, Collector and Local Street controls	Refer to Development Engineers advice section in this report.	Complies

RELEVANT GOOGONG DCP STANDARDS	COMMENTS	Compliance
Clause 5.9 – Public Open Spaces and Landscaping		
Relevant Controls (a) Googong Common I. Combine recreation, ancillary commercial, functional, environmental and cultural roles. II. Provide an extensive open space resource for Googong. III. Embody the character and environmental attributes of the Monaro landscape. IV. Include a feature entry which suitably announces the entry and incorporates signage, shelters and a major water feature. V. Provide cycle and pedestrian paths, amenities, playgrounds, passive recreation, active sports facilities and shelters, art and heritage interpretation, a pedestrian bridge over Montgomery Creek and water bodies.	This application includes part of the land identified for the Googong common. The facilities required have been provided for the sections contained on land forming part of this residential subdivision. These matters are also included in the Local Open Space Strategy which forms part of the Local Planning Agreement.	Complies
(c) Neighbourhood Parks I. Be located so that a park is generally within 800m from dwellings. II. Have a minimum area of 3000m². III. Be located with drainage lines or ridgelines to accommodate stormwater management and views respectively. IV. Provide areas and facilities for both active and passive recreation. V. Provide one large play area with adequate shade facility and fencing/planting to define the play zone. VI. Provide a large shelter facility with BBQ facility with seating and tables VII. Provide entry and signage (park name) elements.	▪ Two parks are proposed (Montgomerys Rise Park and SPS2 park. Both have areas over 3000m² with 4345m² and 1.504ha respectively. ▪ The requirements outlined for neighbourhood parks are generally satisfied. ▪ Development of the parks is to be in accordance with the Council approved local Planning Agreement.	Complies

RELEVANT GOOGONG DCP STANDARDS	COMMENTS	Compliance
(d) Local Parks Local Parks shall: I. Have a minimum area of 1000m² and be linked to a larger open space network. II. Be generally within 200m of most residents (unless that resident is within 400m of a neighbourhood park). III. Allow for passive and / or active recreation. IV. Provide seating and pathways for circulation. V. Incorporate small children's play facilities as set out in Schedule 1 of the voluntary planning agreement. VI. Provide entry and signage elements. VII. Integrate open space with stormwater management and environmental strategies VIII. Optimise ecological functionality through planting of endemic species.	▪ Montgomerys Rise Park ▪ The location and size of the park meet the required standards. ▪ The park will be embellished with seating, pathways etc and comply with the requirements outlined in the Local Planning Agreement. ▪ The landscaping will incorporate endemic species. ▪ Entry and signage elements are to be provided.	Complies
(f) Linear Parks and Drainage Reserves I. Maximise ecological function through the planting of endemic species. II. Link neighbourhood and local parks and other key community focal points into the continuous open space network. III. Facilitate overland flow requirements. IV. Integrate non-vehicular circulation within footpaths and cycleways to increase safety and connectivity. V. Include water sensitive urban design elements such as weir structures to control water flow around drainage lines.	▪ Appropriate landscape plantings are proposed. ▪ A continuous open space network is proposed with integrated footpaths and cycle system. ▪ WSUD elements are proposed. ▪ Overland flow and local flooding requirements for drainage lines will be met. ▪ Footpaths/cycle ways will be provided having regard to safety and connectivity.	Complies
5.10 Landscaping in the Public Domain Main access roads and boulevards are to incorporate WSUD bio retention elements where appropriate Gateways to the site along Old Cooma Road and Googong Road are to include feature planting to establish a visual identity and include exotic species.	Landscape plans have been submitted and reviewed by Council's Manager Park and Recreation. The plans are adequate and address the WSUD elements.	Complies

RELEVANT GOOGONG DCP STANDARDS	COMMENTS	Compliance
Construction Construction of landscaping is to be in accordance with the site analysis plan and landscape plan.	A condition of consent will ensure landscaping is carried out in accordance with the Landscape Management Plan.	Complies Condition
5.13 Public Art controls a) As part of the precinct planning/neighbourhood level subdivision layout, identify spaces suitable for public art. b) Where appropriate work with stakeholder's community, and Council to create a piece of work that enhances the public domain. c) Integrate the provision of public art into the staging program for the neighbourhood.	The proposal has not nominated or identified any spaces suitable for public art. There may be some opportunities as part of the Googong common and the Montgomery Creek Crossing to provide space. The application will be conditioned to require the identification of spaces suitable for public art.	Complies Condition
5.14 Signage in the Public domain controls a) That all signage be subject to a development application to Council, with the exception of those listed in Exempt and Complying State Environmental Planning provisions. b) Any application for signage must state that the proposal complies with <i>State Environmental Planning Policy No. 64 – Advertising and Signage (SEPP 64)</i> under the <i>Environmental Planning and Assessment Act 1979</i> . c) Public domain signage is to be shown in applications for Construction Certificates and is to be consistent with the guidelines for public domain signage outlined in the Googong Landscape and Open Space Strategy (LOSS). d) Public signage is to clearly identify the local neighbourhoods.	Signage detail has not been included in the application.	Complies

RELEVANT GOOGONG DCP STANDARDS	COMMENTS	Compliance
Part 8 – Environmental Management		
8.2 Soils and Salinity Controls I. All development must incorporate soil conservation measures to minimise soil erosion and siltation during construction and following completion of development. II. All sediment and erosion controls are to be installed prior to the commencement of any construction works and maintained throughout the course of construction. III. Unless provided at the neighbourhood structure plan stage each subdivision application is to be accompanied by a salinity report prepared by a suitably qualified consultant.	- Conditions of consent to be imposed to ensure erosion and sediment controls are in place and maintained in accordance with the approved Soil, Water and Vegetation Management Plan. - Salinity investigations were undertaken by suitably qualified consultants as part of the Part 3A approval for the Integrated Water Cycle System and covered the whole township site including the land subject to this development application. The reports are included in the Environmental Assessment for the Part 3A application.	Complies Condition
8.3 – Cut and Fill Controls a) Excavation and fill on building sites shall be limited to a max of 1.5m. Greater depth may be considered by Council, if within the building envelope, suitably retained and/or stabilised and not visible from the street. b) Development applications are to identify the extent of proposed cut and/or fill land and provide justification for the proposed changes to the land levels. c) The maximum height of retaining walls is to be 1.0m. d) Where terraced walls are proposed the minimum distance between each step is 0.5m. e) A variation to the retaining wall heights can be considered with supporting justification and concurrence of the adjoining neighbours. Walls over 1m in height are to be designed/certified by a structural engineer f) Batters are to be limited to a maximum gradient of 1 vertical: 4 horizontal. g) Proposed cut or fill in the vicinity of sewer and stormwater mains must comply with Council's <i>Development Adjacent to Water, Sewer and Stormwater Mains Policy</i>	- The applicant has submitted site cut and fill plans, including an amended version for the change to stage 5. The redesign of stage 5 has resulted in less earthworks occurring on the residential lots within that stage. - Generally the site cut and fill within the residential subdivision is less than 1.5m, however it is exceeded on two battleaxe lots 362 and 363 where approximately 2m fill is proposed through the Gorman Drive frontage. The result has been to increase the slope of these two lots from 9% to 14%. A condition will be included requiring that Lot 363 be consolidated into the adjoining lots where it cannot be demonstrated that two lots can each provide for a dwelling construction that can meet the Googong DCP requirements.	Non compliance Maximum 1.5m fill control 2m proposed Condition

RELEVANT GOOGONG DCP STANDARDS	COMMENTS	Compliance
8.4 Stormwater Management and Flooding Controls I. All Development Applications shall include a Stormwater Drainage Analysis, addressing the management of water quality and quantity. II. Existing natural drainage lines shall form part of a stormwater and runoff drainage management system utilising soil conservation measures (including detention basins and or wetlands) to alleviate stormwater peaks and retain sediments and pollutants. III. Stormwater management strategies shall be adopted to maximize the efficient use of land and facilitate adequate allocation of land for these purposes. IV. Stormwater management strategies shall be developed and implemented in a manner which addresses potential salinity hazards. V. Stormwater treatments are to be designed to meet the minimum level of performance which is a reduction in the stormwater peak run off flows to predevelopment levels for the range of storms from the 1 year ARI to the 100 year ARI event. VI. Stormwater management design is to maintain the existing hydrological regime for stream forming flows, with respect to peak flows and duration of flow. VII. WSUD elements shall be incorporated into the design of all development. VIII. A Development Application shall include a WSUD assessment that addresses: • the relevant site characteristics and constraints, • stormwater management strategies, including treatment measures, reuse and maintenance requirements, • a rationale for the proposed strategies, and • evidence of stormwater modelling is to accompany all development applications for all proposed development except those for less than 10 dwellings.	▪ A satisfactory stormwater drainage analysis prepared by Brown Consulting is included with the application. ▪ Natural drainage lines are incorporated in the stormwater and runoff drainage management system. ▪ Satisfactory stormwater management strategies form part of the application as referred to in the Brown Consulting report. ▪ The Brown Consulting report addresses potential salinity hazards. Adequate flushing of the stormwater system is identified to minimise hazard. A flushing frequency may need to be investigated at a future stage. ▪ Stormwater treatments include extended detention requirements identified in the Brown Consulting report. ▪ The subdivision design will maintain the existing hydrological regime for stream forming flows, with respect to peak flows and duration of flow. ▪ WSUD elements are incorporated in the design. ▪ WSUD assessment addressed by the stormwater management and drainage analysis by Brown Consulting. ▪ Refer also to Development Engineer's assessment.	Complies

RELEVANT GOOGONG DCP STANDARDS	COMMENTS	Compliance
8.5 – Bushfire Management Controls I. A Bushfire Threat Assessment report must form part of all development applications for lands identified as 'bush fire prone' on the Bush Fire Prone Lands Maps. II. Assessment of bushfire threat must examine impacts on the proposed development from fire both on and approaching the site. III. The recommendations of the Assessment report must be incorporated into the design of the proposed development.	▪ A bushfire assessment report has been undertaken for the development site (November 2014) ▪ The bushfire assessment report identifies measures for fire mitigation. The following recommendations have been included in the report: i. <i>No tree or tree canopy is to occur within 2m of future dwelling rooflines.</i> ii. <i>The presence of a few shrubs or trees in the APZ is acceptable provided that they are well spread and do not form a continuous canopy, and are located far enough away from future buildings so that they will not ignite the buildings by direct flame contact or radiant heat emission.</i> iii. <i>Shrubbery should not be planted within the APZ. Any landscaping or garden beds should be located away from the house</i> iv. <i>The ground fuel is to be maintained to include less than 4 tonnes per hectare of fine fuel;(4 t/ha is equivalent to a 1 cm thick layer of leaf litter and fine fuel mean any dead or living vegetation of less than 6 mm in diameter, eg twigs less than a pencil in thickness) by regular mowing or slashing."</i>	Complies Condition

RELEVANT GOOGONG DCP STANDARDS	COMMENTS	Compliance
8.6 – Aboriginal Heritage Controls I. Areas containing potential indigenous sites are identified at the Archaeological (indigenous and European) Map contained within Appendix 2. Development shall not proceed within these areas without appropriate investigation and consultation with the relevant local Aboriginal groups. II. Where development impacts upon an identified Aboriginal site, Consent to Destroy Permits will need to be sought under Section 90 of the NSW Parks and Wildlife Act 1974.	▪ This development application is integrated development under the National Parks and Wildlife Act and was accompanied by an Aboriginal Cultural Heritage Assessment Report to support an AHIP. ▪ Refer also to the NSW OEH response for the assessment.	
8.7 – European Archaeological Heritage a) Areas containing potential indigenous sites are identified at the Archaeological (Indigenous & European) Map contained within Appendix 2. Development shall not proceed within these areas without appropriate investigation and consultation with the relevant local Aboriginal groups. b) The investigations are to identify, where required, conservation zones for the protection and management of archaeological deposits. A Plan of Management is to be prepared to address the ongoing protection and management of the archaeological deposits. c) Any development application for development within these sites is to be accompanied by an Aboriginal Archaeological Report that is supported by the comments of the local Aboriginal groups. d) Where development impacts upon an identified Aboriginal site, Consent to Destroy Permits will need to be sought under <i>Section 90 of the NSW Parks and Wildlife Act 1974</i>.	▪ Refer to assessment under clause 5.10 of the QLEP 2012.	Complies

RELEVANT GOOGONG DCP STANDARDS	COMMENTS	Compliance
8.8 – Tree Retention and Biodiversity Controls I. Development must provide filter and protection strips to natural drainage lines, watercourses, streams, foreshores of constructed drainage corridors. II. All high recovery potential vegetation is to be retained within open space. III. Existing significant trees, in particular large hollow bearing trees, are to be retained wherever possible.	▪ Riparian zones will be planted out to protect drainage systems. ▪ Vegetation will be protected and enhanced where appropriate. ▪ Tree quality at the site is varies. There are some hollow bearing trees identified and following assessment by OEH from a biodiversity viewpoint, an additional 19 trees are now being retained by the applicant.	Complies
8.9 – Land Contamination Management Controls I. Development applications for development in Areas of Environmental Concern (AEC) as identified within Appendix 2 shall be accompanied by a Stage 2 Detailed Site Investigation prepared in accordance with Council's Policy – Management of Contaminated Lands. A Remediation Action Plan (RAP) will be required for areas identified as contaminated land in the Stage 2 Site Investigation. II. Prior to granting development consent, Council must be satisfied that the site is suitable, or can be made suitable for the proposed use. Remediation works identified in any RAP will require Council consent prior to the works commencing.	▪ Potential contamination areas have been considered as part of the development application preparation. Refer to assessment under SEPP 55.	Complies

RELEVANT GOOGONG DCP STANDARDS	COMMENTS	Compliance
8.10 - Odour Controls I. If an odour impact assessment was not prepared as part of the Neighbourhood Structure Plan stage any residential development within 400 metres of the proposed or operating sewerage treatment plant is to be accompanied by a Level 3 Odour Impact Assessment (using the dispersion-modelling program CALPUFF) to verify the actual nuisance levels of odour generated by the sewerage treatment plant. The assessment is to be undertaken in accordance with the DECCW "Approved Methods for modelling and assessment of air pollutants in NSW" 1985.	▪ A buffer zone of 200m has been nominated as the required distance for separation of dwellings from the treatment plant. ▪ The proposed development contains a super lot that is within 400 metres from the proposed sewerage treatment plant. A level 3 odour impact assessment has not been submitted with the application. ▪ GTPL has allowed a 200m radius odour buffer zone, measured from the proposed location of the odour control vent stack. ▪ The buffer zone radius was developed based on CLPUFF air dispersion modelling, with the assessment criteria being 2 OU at one second averaging condition on a 99% basis. This is consistent with the requirement of NSW Office of Environment and Heritage. The Odour Assessment report which detailed the outcomes of this air dispersion modelling formed part of the Environmental Assessment, prepared under Part 3A of the NSW Environmental Planning and Assessment Act 1979 which was approved by the Department of Planning and Infrastructure on 24 November 2011. A copy of the odour assessment made in support of the application is available on the DPI website. ▪ Until the plant is commissioned and odour impacts cannot be quantified under operational conditions, the buffer should be set at 250m. ▪ The proposal to incorporate a superlot rather than final residential lots within this buffer has accounted for this situation.	Complies

RELEVANT GOOGONG DCP STANDARDS	COMMENTS	Compliance
8.11 – Construction Waste Controls I. A Waste Management Plan must be provided for all development requiring construction works on site. The level of detail in the plan will reflect the scale of development being undertaken.	▪ A Waste Management Plan will be required as a condition of consent.	Complies Condition
8.12 Landfill/Earthworks a) Adequate justification of the need for landfill to be deposited on a site must be provided. b) The type and origin of landfill material being used must be detailed. Landfill activity must only be undertaken using VENM such as clay, gravel, sand, soil and rock only must be used for land filling activities. c) Material that is mixed with any other type of waste which has been excavated from areas of land contaminated with human made chemicals as a result of industrial, commercial, mining or agricultural activities or which contains sulphidic ores or soils must not be used for landfill. d) Council may approve the addition of selected crushed inert materials to VENM for specific landfill activities. e) A scaled plan must be provided demonstrating the location of any existing features on the property such as drainage lines and infrastructure, vegetation, roads etc. f) A site plan prepared by a registered surveyor must be submitted demonstrating the existing levels of the property and proposed levels of the landfill. g) The extent of the fill including location, depth, direction and gradient slope of the surface and batter slopes must be clearly demonstrated on a plan. h) Landfill must not adversely affect the natural flow of drainage or runoff.	The application will be conditioned to ensure that Land fill activity must only be undertaken using VENM such as clay gravel, sand, soil and rock only must be used for land filling activities.	Complies Condition

2. Section 79C(1)(a)(iia) – Any Planning Agreement

Council at its meeting on 23 March 2011 resolved the draft Googong Urban Development Voluntary Planning Agreement be executed. As a result of further negotiations between Council and the developer some further changes were made to the VPA. Council further resolved on 27 July 2011 that the Googong Urban Deed of Guarantee be executed as a Deed. On 23 November 2011 Council further considered and adopted minor amendments to the VPA. The VPA requires the following deliveries for the development:

- Sports field No 2 (4486th equivalent persons). Containing a double soccer field, irrigation, flood lighting and practice nets. Amenities building with public toilets, spectator seating and car parking.
- Local Park No 2 (2416th equivalent persons). Containing hard landscaping to include entry arts element with signage, pedestrian access paths with pedestrian lighting, bicycle racks, wayfinding signage and minor arts element, benches, water bubbler and bins. Three (3) small sized shelters – 1 barbecue, one interpretive sign. Soft landscaping to include feature planting at entries and general landscaping.
- Local Park No 4 (4832nd equivalent persons). Containing hard landscaping to include pedestrian access paths with pedestrian lighting, bicycle racks, wayfinding signage and minor arts element, benches, water bubbler and bins. One (1) small shelter. Soft landscaping to include feature planting at entries and general landscaping.
- Local Park No 5 (6040th equivalent persons). Containing hard landscaping to include pedestrian access paths with pedestrian lighting, bicycle racks, wayfinding signage and minor arts element, benches, water bubbler and bins. One (1) small shelter. Soft landscaping to include feature planting at entries and general landscaping.
- Local Park No 6 (7248th equivalent persons). Containing hard landscaping to include pedestrian access paths with pedestrian lighting, bicycle racks, wayfinding signage and minor arts element, benches, water bubbler and bins. One (1) small shelter. Soft landscaping to include feature planting at entries and general landscaping.
- Embellishment of local open space drainage reserves and bushland revegetation. Provided progressively.
- Maintenance of open space.
- Monetary contributions towards future cultural centre.
- Dedicate local roads to the public. Progressive dedication.
- Design and construction of on-site local roads. Provided prior to issue of the Subdivision Certificate.
- Supply and installation of bus shelter and signage.
- Monetary contributions per dwelling (lot) towards off site local roads.
- Dedication of land for drainage and stormwater.
- To complete works to meet stormwater management needs of the development.
- Completion and dedication of works to meet water supply and sewage treatment needs of subdivision.
- Sewer, potable water and recycled water infrastructure. Provided in phases prior to issue of the Subdivision Certificate.
- Monetary contributions towards VPA administration. Paid on a per dwelling basis.
- Monetary contributions on per dwelling (lot) basis towards ecological offsets for works on Old Cooma Road and Ellerton Drive.

Appropriate conditions will apply to the consent in accordance with the VPA.

A State Developer Agreement (SDA) has been prepared. The Hon Brad Hazzard MP, Minister of Planning and Infrastructure advised Council on 15 September 2011 of the execution of the Googong Planning Agreement. The Planning Agreement provides that the developer will make monetary contributions of 75% of \$4,296.71 per developable hectare (subject to indexation) towards the costs of acquisition of land for the purposes of:

- a fire station (being a 2,000m² site);
- two (2) primary schools (one site being 2.81ha and the other 3ha in size); and
- a high school (being a 6ha site).

Alternatively the developer may elect to dedicate all 12.01ha of land for the sites. The NSW Department of Planning and Environment issued the Satisfactory Arrangements Certificate for this application on 26 March 2014.

3. Section 79C(1)(a)(iv) – The Regulations

No matters prescribed in the Regulation are relevant in the consideration of this application.

4. Section 79C(1)(b) – The Likely Impacts of the Development

Context and Setting

The development is designed to complement the scenic qualities and landscape features of the locality.

There will be minimal impacts on adjoining land use activities. The proposal is not considered to be out of context with surrounding rural land which will also eventually form part of the township.

Access, Transport and Traffic

The proposed development's impact in relation to access, transport and traffic has been adequately addressed by the applicant. The Roads and Maritime Services and Council's Senior Development Engineer are satisfied with access and traffic arrangements for the development. Appropriate conditions are recommended to ensure satisfactory provision is made for access, transport and traffic.

Public Domain

The development will provide for adequate recreational opportunities for future residents of the proposal.

The proposal and subsequent development stages will have an impact on the Googong Foreshores recreational areas. Whilst the Googong Dam's primary function is for urban water supply, its foreshores are open to the public for recreational use (i.e. picnicking, boating and fishing). The development is likely to result in increased human use of the foreshores.

The Googong Development Corporation is committed to making a financial contribution towards the capital and recurrent costs associated with the implementation of the Googong Foreshores Plan of Management. The Corporation is also committed to undertaking a sustainability education program to educate residents on the biodiversity values of the Googong Foreshores. This will apply to future development stages.

The Australian Government Department of Sustainability, Environment, Water, Population and Communities in their EPBC Approval 2011/5829 requires the development of a Goongong Foreshores Interface Management Strategy to implement proposed mitigation measures and financial commitments of Commonwealth land. The completion of the strategy will be implemented at a future date. The land to which this refers is outside the development site.

Utilities

Council's Senior Engineer Development is satisfied with arrangements to service the land. The new Water Recycling Plant (WRP) will service the proposed allotments. Should the land be available prior to the water recycling plant being commissioned, any subdivision certificates will not be issued until the plant is able to adequately treat the effluent from the dwellings on the site.

Heritage

Refer to Clause 5.10 Assessment under QLEP 2012 for listed heritage items.

The applicant's documentation shows that there are number of Aboriginal objects that have been identified within and around the NH1B site area. The table below details each item:

Site No.	Description	Significance	Proposed Management Action
G1B AS1	Artefact scatter	Low	Collection of surface artefacts
G1B AS1	Artefact scatter	Low	Collection of surface artefacts
G1B AS3	Isolated artefact	Low	Collection of surface artefacts
G1B AS4	Isolated artefact	Low	Collection of surface artefacts
G1B AS5	Isolated artefact	Low	Collection of surface artefacts
G1B AS6	Isolated artefact	Low	Collection of surface artefacts
G1B AS8	Isolated artefact	Low	Collection of surface artefacts
G1B PAD	Sub-surface artefact scatter	Low	None required
GA 4	Isolated artefact	Low	Collection of surface artefacts
GA 19	Isolated artefact	Low	Collection of surface artefacts
GA 20	Isolated artefact	Low	Collection of surface artefacts
GA PAD19	Surface artefacts and subsurface artefact scatter	Low	Collection of surface artefacts
GA PAD20	Surface artefacts and subsurface artefact scatter	Low to medium	Collection of surface artefacts
GA Scarred tree	Probable scarred tree	High cultural significance	The remaining portion of the scarred tree to be salvaged and preserved off site during construction

An application for an AHIP is required for the above relocation works. The application was referred to NSW OEH as Integrated Development to assess these works and potential impacts. The Office of Environment and Heritage (OEH) have issued an Aboriginal Heritage Impact Permit (AHIP) to disturb or move on the land Aboriginal objects identified in the AHIP.

Other Land Resources

The proposal will not adversely impact on valuable land resources for productive agriculture land and mineral and extractive resources.

Soils

A geotechnical engineer's report submitted by the applicant confirms soils are appropriate for the development.

Water

The proposed development is sited within the Googong Creek catchment. A stormwater strategy has been prepared by Brown Consulting. Detention areas and stormwater harvesting have been designed to limit post development changes in flow rate and flow duration for the protection of receiving environments.

Modelling of water quality measures as part of the integrated water management for Googong within Googong Creek catchment indicates the design achieves the pollutant removal targets with the inclusion of recycled water from the Googong Water Recycling Plant.

The integrated water cycle project will include a reduction in potable water use of 60% compared to the BASIX 40% requirement. The water cycle infrastructure is integrated with the stormwater and irrigation management proposed for the township.

Air and Microclimate

The construction stage of development will likely cause the emission of dust from earthworks. Management of this issue is to be addressed by the submission of a Construction Management Plan prior to issue of a Construction Certificate (Subdivision).

Flora and Fauna

A Flora and Fauna Assessment submitted by the applicant concludes the proposal will not result in a significant impact to any threatened flora and fauna species. A Flora and Fauna Management Plan is to be prepared and submitted to Council prior to commencement of works. A controlled action approval under the *Environment Protection and Biodiversity Conservation Act 1999* has been granted for the Googong township subdivision and urban works.

Waste

A Waste Management Plan will need to be submitted and approved prior to the issue of a Construction Certificate (Subdivision).

Hazards

Potential bushfire risk to the development will be generated by vegetation on land to the north east of Googong Road. The mitigation of this risk will be provided by an Asset Protection Zone (APZ) which includes some of the proposed edge roads. The future dwellings located on lots on the edge of the development site adjoining the PTWL Conservation Area will provide a 30m APZ. This APZ will minimise any grass fire impact on the development.

The site contains identified contamination. As detailed earlier in this Report the Site Auditor has provided interim advice that the land is likely to be suitable for residential development pending some minor remediation works. The consent authority can be satisfied that the contamination issues can be resolved but should ensure that the final Site Auditor's Statement is received prior to a construction certificate for subdivision being released.

The potential hazards from salinity have been considered under the clause 8 of the Googong DCP. Refer to section 3 of this report. There is potential for flooding from Montgomery Creek. This has been addressed and residential lots are located above the 1:100 ARI. No other hazards affecting the development site.

Social and Economic Impact in the Locality

The proposal is not expected to pose any negative social or economic impacts to the locality. There will be local economic benefits through employment opportunities during construction and provision of added housing stock opportunities and choice for the City to meet regional and local demands.

Site Design

The development is well designed in an environmentally sensitive manner. The size, shape and design of allotments and roads generally take into account solar energy requirements and energy efficiency.

Construction

The construction stage of the proposed development will have the potential to impact on adjoining properties and the environment for a short period of time. Any approval will be conditioned to ensure construction activities do not unreasonably impact on the adjoining properties and the environment by way of noise, erosion, dust and the like. These conditions are standard Council conditions of development consent. In addition it is recommended that a Construction Management Plan which specifically addresses the generation of dust and noise during both stages of the development be required to be submitted to Council for approval prior to the issuing of a Construction Certificate (Subdivision).

Cumulative Impacts

Cumulative impacts relate to the small impacts of developments in an area that when considered in unison can result in detrimental impact on the natural or built environment. It is considered that with adherence to recommended conditions of consent that the proposal will not give rise to any adverse cumulative impacts. It is noted that there is potential cumulative impact on Aboriginal Cultural Heritage as this is the third major subdivision application for Googong that has found significantly more aboriginal objects than that identified in the initial rezoning studies.

5. Section 79C(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 development.

The development will not give rise to unmanageable transport demands, adequate recreational opportunities will be provided, all services will be available and there will be acceptable impacts on adjoining land owners.

6. Section 79C(1)(d) – Any Submissions made in accordance with the Act

The application was publicly notified and exhibited as development in the public interest from 27 October 2014 to 30 November 2014. This included being advertised in the newspaper (Queanbeyan Age and The Chronicle) on 31 October and 4 November 2014 and notification to adjoining and surrounding property owners (including Commonwealth Department of Finance and Deregulation) on 27 October 2014 allowing for submissions to be accepted up until 30 November 2015. No written public submissions were received during this period.

The application was referred to a number of government agencies as required by the Act, QLEP 2012 or Googong DCP.

External Referrals

- NSW Roads and Maritime Services.

Comment: In accordance with Schedule 3 of State Environmental Planning Policy (Infrastructure) 2007 the application was referred to the NSW Roads and Maritime Services as traffic generating development. They have provided comment which indicates that the intersection of Googong Dam Road / Old Cooma Road may require upgrading to cater for the additional right turn movement for traffic exiting the subdivision. RMS has concurred to the imposition of conditions requiring a traffic sensitivity analysis to be completed to determine the appropriate timing for upgrade and for the future upgrade design and construction.

Council's Senior Engineer Development is satisfied that local road junctions are adequate to cater for the volume of traffic likely to be generated by the development.

- Commonwealth Department of Transport and Regional Development

Comment: Have advised that they have issued Controlled Activity Approval under Airports Regulation.

- NSW Police

Comment: Crime Prevention Through Environmental Design (CPTED) is a crime prevention strategy that focuses on the planning, design and structure of cities and neighbourhoods. Council has adopted the principles of CPTED through DCP Pt 2 (QDCP). As required under this DCP this major development proposal was forwarded to the Crime Prevention Officer at the Monaro Local Area Command for comment. They have advised that the Site risk rating has been identified as Low crime risk and proposed application has considered and implemented CPTED principals. The recommendations and advice from the NSW Police will be provided to the applicant.

- NSW Department Planning and Environment

Refer to QLEP 2012 assessment under Clause 6.1 -Satisfactory arrangements for the provision of designated State and Territory public infrastructure before the subdivision of land in an urban release area. The Director General's Certificate – Satisfactory Arrangements for designated State and Territory Public Infrastructure has been issued.

Internal Referrals

- Building Surveyor

Council's Building Surveyor raises no objections to the erection of any structures within the open space areas, subject to the submission of a Construction Certificate for Building.

- Development Engineer

The following comments are made in relation to the revised subdivision layout received 26 March 2015.

The subject application is the second subdivision release area of the Googong development and is a greenfield site. The development will require the provision of service infrastructure and roads as discussed below -

Sewer

The development site is remote from the Queanbeyan sewerage network and the developer's approved Part 3A Water Cycle Project provides for the following sewerage facilities –

- installation of a standalone wastewater recycling plant (WRP),
- installation of sewer pump stations (SPSs), and
- installation of sewer rising mains.

The subdivision release will be dependent on the provision of the WRP, SPS2 and rising mains. These facilities are currently being designed and constructed in consultation with Council. The WRP will require a buffer zone to ameliorate odour nuisance to future dwellings. Initial design calculations place a 250m buffer zone from the perimeter of the WRP site, which excludes development of proposed lots adjacent the WRP at present. These lots need to be reserved from development at present and have been placed into a superlot on the submitted plans in a similar manner to an area within the previous NH1A Stage 4 area.(for future DA consideration) Odour monitoring and assessment may provide for the buffer zone to be reduced in the future. If this is the case these lots could then be considered for development as part of a subsequent DA.

The reticulation within the subdivision itself forms part of this DA and will comprise a gravity sewer system to provide individual service connections (junctions) to each proposed lot. The system proposed is a Reduced Infiltration Sewerage System utilising PVC-U pipe and fittings that will be compliant with Council's adopted engineering standards for this stage of Googong. The network will drain to SPS2 with a number of trunk mains provided to accommodate extension of the network into the future subdivision areas (NH2 including the adjacent "Bunyip" land, NH4 & NH5). The design is considered satisfactory, subject to full design detail being provided as part of the Construction Certificate – Subdivision.

Lots on the east side of the originally proposed Street 204 were partly located in the sewerable area with their eastern part below it. While it would be acceptable to place a building restriction on these lots to ensure dwellings are located within the sewerable limit, it was considered better practice to redesign the subdivision pattern in this area so that all lots are fully sewerable. The revised layout submitted by the applicant as a result of discussions on this matter satisfies this requirement.

The proposed common boundary of Lots 319 & 320 in Stage 3 will coincide with the location of a proposed sewer maintenance hole. The boundary needs to be offset from the maintenance hole and it is suggested it be aligned with the Lot 327-328 boundary.

Drinking Water Supply

Stage 1 of the developer's approved Part 3A application provided for the construction of lead-in infrastructure to provide water supply to Googong township and comprised –

- an off take on the Googong – Stromlo water supply trunk main near the Googong water treatment plant;
- the provision of a trunk rising main from the off take to a temporary potable water reservoir site (Hill 765) adjacent Old Cooma Road south of Googong Road,
- a temporary potable water reservoir at Hill 765; and
- a trunk gravity fed water main from the reservoir site to the Stage 1 supply point near the Day 1 entry of the first stage subdivision (DA41-2011).

The temporary reservoir site is proposed to service an equivalent population of 3,600 and therefore is capable of supplying the entire Neighbourhood 1A and 1B areas.

The reticulation within the subdivision itself forms part of this DA. The draft engineering plans submitted as part of the DA information provide a network and accompanying analysis for a typical standard looped system comprising 150 mm / 100 mm diameter mains with service connections to all lots. The reticulation will be an extension of the network currently being constructed as part of the NH1A subdivision areas previously approved (Stage 1 - DA41-2011, Stages 2-5 – DA 233-202 & Stage 6 – DA 186-2013). The layout is based on design demand assumptions previously discussed with Council staff, Water Services Association of Australia (WSAA) codes and Council's adopted engineering standards for Googong. Temporary end caps with associated hydrants and stop valves will be provided where mains will be extended in future subdivisions. The design is considered satisfactory, subject to full design detail being provided as part of the Construction Certificate – Subdivision. In particular, part of the area will have potential high water pressure on commencement of supply from the permanent reservoir site that may require the introduction of pressure reducing valves (PRVs) and this aspect will need detailed investigation as part of the CC.

Non-Drinking Water Supply

The applicant's water cycle management strategy is in part dependent on the installation of a non-potable (recycled) water supply, where treated sewer effluent is provided to each lot via a separate water supply network to the potable drinking water. To achieve this aim the developer's Part 3A Water Cycle Project approval for Stage 1 provides for the following –

- the STP to be capable of supplying effluent to a standard suitable for reuse,
- the provision of a trunk rising main from the STP to a temporary non-drinking water reservoir site (also to be located at Hill 765),
- the temporary non-drinking water reservoir; and
- a trunk gravity fed non-drinking water main from the above reservoir to the Stage 1 supply point near the Day 1 entry.

Servicing of the proposed non-drinking water network in this DA is similarly dependent on this lead in infrastructure forming part of the Part 3A approval.

The non-drinking water reticulation within the subdivision itself forms part of this DA. The draft engineering plans submitted as part of the DA information provide a network and accompanying analysis for a typical standard looped system comprising 200 mm / 150 mm / 100 mm diameter mains with service connections to all lots. As for the potable system, the reticulation will be an extension of the network currently being constructed as part of the NH1A subdivision. The layout is based on design demand assumptions previously discussed with Council staff, Water Services Association of Australia (WSAA) codes and Council's adopted engineering standards for Googong. The design is considered satisfactory, subject to full design detail being provided as part of the Construction Certificate – Subdivision, including the need for PRVs as discussed above

for the potable network. Temporary end caps with associated hydrants and stop valves will be provided where mains will be extended in future subdivisions. The mains and the service connections will be labelled in accordance with WSAA standards to delineate them from the potable supply. Fire fighting requirements will be met utilising the non-drinking water reticulation – Council is currently finalising a Memorandum of Understanding with Fire & Rescue NSW in this regard.

Stormwater

The stormwater system will be a major/minor system, in accordance with the submitted *Stormwater Management and Drainage Analysis* design report (Oct 2014) prepared for the development site.

Pipework will accept the minor flows and overland flow will take place in road and reserve areas. Stormwater detention and peak flow attenuation will be achieved by the establishment of a stormwater detention basin adjacent Montgomery Creek within the development. It is also proposed to maintain the large farm dam within the creek corridor that is located adjacent the Bunyip land. Together with on-site detention facilities (rain water tanks etc) discharge north of Googong Road will be kept to pre-development flow rates.

The basins will also form part of the water quality treatment train that also includes other Water Sensitive Urban Design (WSUD) devices such as GPTs, bioretention basins, ponds and swales. In keeping with discussions with the applicant, WSUD has been applied at suitable locations, such as adjacent reserves and in the central swale of avenues. In most streets traditional kerb and gutter and pipe drainage will be utilised, with rain gardens utilised at a small number of appropriate locations in conjunction with street tree planting.

The treatment train has been modelled using the *Model for Urban Stormwater Improvement Conceptualisation* (MUSIC) model, which is a program recognised as being appropriate for this purpose. The MUSIC model results indicate that the proposed treatment train will provide reductions in pollutant loads in keeping with the requirements of Council's adopted Googong Engineering Specifications. A surface water quality modelling program is proposed during the construction period to ensure predicted levels of capture are achieved.

Road Network

The development is situated on the south side of Googong Road and it is proposed that the access to this neighbourhood will be via an extension of streets in NH1A to enable access to Googong Road via the Day 1 Entry (approved as part of Stage 1) and via the further entry at the Street 5 (Caragh Avenue) intersection (referred to as the Eastern Access) approved as part of Stages 2-5 – DA 233-202.

The NH1A road network and intersections have been designed to cater for the traffic volumes to be generated from NH1B until such time as the major road links within NH2 are completed.

The NH1A Stages 2-6 DA approvals require the applicant to upgrade the Googong Road / Old Cooma Road intersection. RMS has similarly commented on the NH1B subdivision and has recommended the performance of the intersection be monitored as total lot yields in NH1A & NH1B reach 882 lots, 1,000 lots and 1,400 lots to determine when the upgrade should be instigated. An interim upgrade is being constructed at present to provide additional turn capacity and safety at the intersection for NH1A, as agreed by Council and RMS. This interim upgrade accords with a recommended consent condition to be included for NH1B.

Street 4 (Beltana Avenue), Street 5 (Caragh Avenue) and Street 51 (Aprasia Avenue) will act as the collector roads for the proposed subdivision and will continue in this

capacity for future subdivision stages until other road links are provided that lead toward the town centre. All other streets in the development will be local streets with low to moderate traffic volumes.

The Googong DCP adopts various street types for the development area, with pavement widths and verge widths dependent on traffic volumes, pedestrian use and services. The applicant has requested street widths as discussed in the following assessment:

Street 1 (Gorman Drive) is a continuation of the Local Arterial Road approved as part of NH1A Stage 6 and has the form of a divided road with a central landscape median / drainage swale. This is consistent with the adopted street width in Googong DCP. Each side of the median will need to be signposted to enforce the one-way movement of traffic on each leg. The road terminates at the approach to Montgomery's Creek and has been aligned to cater for future extension over the creek via a bridge that will provide adequate freeboard to the travel lanes in a 1 in 100 year flood event.

Street 51 (Aprasia Avenue) is extended from NH1A as a Local Street 2 in compliance with the Googong DCP. A wider verge is proposed on the north side to provide for the alignment of the sewer rising main that connects SPS 2 to the WRP.

Street 220 will link the area commonly referred to as "The Island" to Gorman Drive via a bridge over Montgomery's Creek that will need to provide adequate freeboard to the travel lanes in a 1 in 100 year flood event. The road will be designed as a Local Street 3. A central median is proposed adjacent the public reserve to provide a pedestrian refuge.

All other streets with lot frontages each side will be Local Street 3 that Googong DCP specifies an 8.0m wide carriageway. The applicant has submitted preliminary plans with 7.5m wide carriageway in keeping with similar streets approved in NH1A.

Streets with lot frontage on one side only are termed Open Space Drives in Googong DCP. DR2 streets are proposed as Streets 106, 210, 214, 222, 226 & Leon Street with a 6.0m width in accordance with the DCP. To assist with garbage vehicle and fire truck movements it is considered that parts of Streets 214, 222 and the recommended Stage 5 Edge Road (Street 204) be increased in carriageway width to 7.5m, thus becoming a Type DR1 Open Space Drive.

Discussions with the applicant have been held on the variation requests and are supported in this low density area comprising Development Types 1 and 2 with moderate traffic volumes. The lesser widths will reduce construction cost for the developer but will also reduce maintenance costs for Council while still providing appropriate road safety standards. Traffic / parking in the NH1A subdivision streets will be monitored post the dwelling construction phase to determine the effectiveness of these slightly narrower streets in terms of manoeuvrability, traffic/pedestrian/cycle safety, streetscape and the like.

Streets 4 (Beltana Avenue), Street 1 (Gorman Drive), Street (Aprasia Avenue) and Street 5 (Caragh Avenue) are proposed as a temporary bus route in both NH1A & NH1B until such time as other proposed subdivisions occur that provide the road network for the ultimate bus route via Road 1 only. Various options were discussed with the developer in regard to extending the length of the route so as to reduce walking distance to bus stop locations, including use of some of the narrower streets (not favoured by the local bus company) or a temporary turn bay at the southern end of Gorman Drive (not favoured due to construction / environmental constraints). The proposed route is considered the most practicable, albeit that it is not ideal.

Pathways / Cycleways

Googong DCP adopted an indicative bicycle path / major path network. A 2.0m wide key path should be provided in Street 51 (Aprasia Avenue) from its current end point in NH1A to the reserve adjacent Montgomery Creek. Street 1 (Gorman Drive) and Street 220 are

main pedestrian routes and will have a 1.5 m wide path provided on both verges. A 1.5m wide path will be provided on one side of all other streets in accordance with the DCP requirements.

The pavement width of Street 1 (Gorman Drive) will be constructed to allow for dedicated on-road cycle lanes to be linemarked.

The Montgomery Creek reserve provides opportunity for recreational shared paths to be established as depicted on the submitted *Path Network Plan*.

Lot Access

All residential lots will have non-trafficable slope face kerb along their frontage. At driveway locations vehicle kerb crossings (VKCs) will be provided as part of the subdivision works. The applicant has provided a *Driveway Location Plan* to illustrate intended locations that provide suitable access points from the street but also minimise conflict with services and also provide opportunity for house designs that meet requirements for solar access and private courtyard areas. Adoption of the plan will avoid requests for their subsequent relocation to suit an alternative house design. Residential lots facing Street 1 (Gorman Drive) will have vehicular access provided via other streets.

Emergency Access

The bushfire assessment report accompanying the Stage 1 DA recommended the provision of an emergency access to Old Cooma Road and this has been constructed. The emergency access road will generally follow the alignment of future Street 2 toward the temporary water reservoir sites then travels south to exit to Old Cooma Road. Lots within the eastern part of the subdivision can gain access to this emergency access via streets within NH1A.

An additional emergency access is proposed from the west side of “The Island” via the farm access track that will be used as construction access. The construction access intersects the existing emergency access road, hence providing a link to the existing emergency access.

Earthworks

General site grading will be undertaken to provide lots with more acceptable grades for future building platforms and reshaping in reserve areas for drainage structures.

Removal of the originally proposed fire trail in the north-east corner will eliminate the need for grading and tree removal in this area.

The structural stability of the existing dam on Montgomery Creek will need to be confirmed as part of the CC engineering design. A review of water depths and embankment slopes will also need to be made as part of the CC to determine the need for grading and/or fencing to ensure public safety.

An area of creek stabilisation is indicated on the adjoining Bunyip land near the existing dam. This area has not been identified on the DA form nor has owner's consent been provided. This area needs to be excluded from the approved plans.

Reserves

The Montgomery Creek corridor will be retained and revegetated where applicable. Within the Zone E2 area, bush management techniques will be employed.

Montgomery's Rise Park will be located in Stage 5 and another park will be provided off Aprasia Avenue incorporating SPS2. Both parks will be provided with

playground facilities, picnic amenities, shade shelters, a path network together with active and passive areas.

Utilities

The applicant has made arrangements for the supply of natural gas, underground electricity and telecommunication services, utilising a shared service trench.

Street lighting shall be provided in accordance with AS/NZS 1158 and shall utilise best practice energy efficient globes.

- **Environmental Health**

Contamination issues have been satisfactorily addressed as indicated earlier in this Report.

The precautionary approach taken to the subdivision creating a super lot within the buffer zone around the Waste water Recycling Plant is supported. It is noted that a future application for the creation of residential lots cannot be made until it is proven that the buffer can be reduced following the commissioning of the plant.

Amenity issues such as noise, dust and erosion control can all be dealt with by way of conditions of consent.

- **Parks and Recreation**

No objections to the proposed public landscaping and the creation of the reserves. The management of the Pink tail Worm Lizard conservation reserve it to be undertaken by GTPL as per the Local Planning Agreement (ie approximately 25 years).

7. Section 79C(1)(e) – The Public Interest

All relevant federal, state and local and community interests have been taken into consideration. Approval of the development is considered to be in the public interest.

Conclusion

The proposal for residential subdivision and associated works involves:

- Boundary adjustment to add approximately 550m² to Lot 1 DP 1183929 the neighbourhood 1B development lot to facilitate a suitable future road pattern and alignment.
- Subdivision to create 3 large lots being; a residue lot; the NH1B development lot and a public reserve for the Pink Tail Worm Lizard conservation area.
- Subdivision of NH1B development lot to create 596 residential lots, 9 public reserves and residue superlot through nine stages.
- Subdivision and infrastructure construction works to service the proposed lots and provide access to facilities required under VPA. This includes site preparation and grading, tree removal, utilities augmentation, drainage and road construction.
- Construction of a bridge across Montgomery creek
- Landscaping works including provision of 2 local playgrounds and associated deck and shelters

The application is integrated development under National Parks and Wildlife Act 1974, Rural Fires Act 1997 and Water Management Act 2000. General Terms of Approval have been issued by the relevant agencies to allow the development to proceed. The application has been assessed under the relevant provision of the Environmental Planning and Assessment Act 1979 and satisfies all relevant statutory and local planning controls. The proposal complies with the provisions of those instruments with some variations to the Googong Development Control Plan that do not warrant refusal and can be managed by way of conditions. The proposal is considered suitable for the site and will have an acceptable impact on the site, local environment and neighbouring properties. There are no significant public interest concerns resulting from the development.

The development on Lot 100 DP 1180099, Lot 1 DP 1183929 and Lot 5 DP 1179941 No 36 Googong Road Googong is recommended for conditional approval. It is noted that the plans with the development application show some work on an adjoining parcel of land. This land was not identified on the application form and no owners consent provided.

Recommendation

That the Integrated Development Application DA 378-2014 for subdivision involving a boundary adjustment, the creation of 596 residential lots, one super lot, nine public reserves one Pink Tail Worm Lizard (PTWL) Conservation Area Reserve and two residue lots on Lot 100 DP 1180099, Lot 1 DP 1183929 and Lot 5 DP 1179941 No.36 Googong Road, Googong be granted consent subject to the conditions in the attached schedule.

Schedule 1 - Conditions of Consent – DA 378-2014 -2014STH027

Separate Document

Schedule 2 – General Terms of Approval - DA 378-2014 - 2014STH027

Separate Document

Attachment A – Agency referrals - DA 378-2014 -2014STH027

Separate Document