

SOUTHERN JOINT REGIONAL PLANNING PANEL

Meeting held at **Queanbeyan City Council** on **7 May 2015** at **1.30 PM**

Panel Members: Allen Grimwood (Acting Chair), Bob McCotter, Cllr Sue Whelan and Penny Day

Apologies: Cllr **Trudy Taylor**, **Pam Allan**

Declarations of Interest: **Mark Grayson**

Determination and Statement of Reasons

2014STH027 – Queanbeyan – DA 378-2014 [36 Googong Road, Googong] as described in Schedule 1.

Date of determination: 7 May 2015

Decision:

The panel determined to approve the development application as described in Schedule 1 pursuant to section 80 of the *Environmental Planning and Assessment Act 1979*.

Panel consideration:


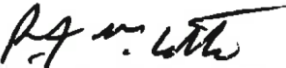
The panel considered: the matters listed at item 6, the material listed at item 7 and the material presented at meetings and the matters observed at site inspections listed at item 8 in Schedule 1.

Reasons for the panel decision:

1. The Development Application and proposed development satisfy the provisions of Environmental Planning Instruments and variations to Googong Development Control Plan are considered minor and are justified.
2. The proposed development, is on balance, considered to be in the public interest in satisfy demand for new residential accommodation in the capital region.

Conditions: The development application was approved subject to the conditions in Appendix A of the Council Assessment Report as amended by the Panel at the meeting and as described in Schedule 2.

Panel members:

 Allen Grimwood (Acting Chair)	 McCotter	<p>Approval by email</p> <p>Penny Day</p>
<p>Approval by email</p> <p>Sue Whelan</p>		

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SCHEDULE 1

1	JRPP Reference – LGA – Council Reference: 2014STH027 – Queanbeyan – DA 378-2014
2	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.
3	Street address: 36 Googong Road, Googong
4	Applicant/Owner: Googong Township Pty Ltd / Googong Township Pty Ltd as the Trustee for Googong Township Unit Trust
5	Type of Regional development: Capital Investment Value >\$20M
6	Relevant mandatory considerations: <ul style="list-style-type: none"> • 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 • Draft Queanbeyan Local Environmental Plan 2012 (Amendment No. 4) • Googong Development Control Plan • Googong Urban Development, Local Planning Agreement • Googong State Planning Agreement • The likely impacts of the development, including environmental impacts on the natural and built environment and social and economic impacts in the locality. • The suitability of the site for the development. • Any submissions made in accordance with the EPA Act or EPA Regulation. • The public interest.
7	Material considered by the panel: Council Assessment Report Dated 28 April 2015 Written submissions during public exhibition: No Public Submissions. Verbal submissions at the panel meeting: Support-0; Against-0; On behalf of the applicant- 1
8	Meetings and site inspections by the panel: Site Visit – 7 May 2015 Final Briefing Meeting – 7 May 2015
9	Council recommendation: Approval subject to conditions of consent
10	Draft conditions: As attached to Council Assessment Report

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SCHEDULE 2

Schedule 2 – Amended Conditions of Consent – DA 378-2014 - 2014STH027

Part A - CONDITIONS TO BE COMPLIED WITH PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE (SUBDIVISION)

- A1. In accordance with Section 109F of the *Environmental Planning and Assessment Act 1979* a Construction Certificate (Subdivision) will not be issued for any Stage of the subdivision with respect to the plans and specifications for construction works until any Long Service Levy payable under Section 34 of the *Building and Construction Industry Long Service Payments Act 1986* has been paid. Currently this rate is 0.35% of the cost of the construction works costing \$25,000 or more.

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

- A2. Prior to release of any Construction Certificate (Subdivision) a Construction Management Plan (CMP) must be submitted to Queanbeyan City Council and approved by the Principal Certifying Authority for the proposed construction works or, if the proposed works are staged, for each stage of the proposed construction works. The plan must:
- a) describe the proposed construction works;
 - b) outline the proposed construction program;
 - c) set standards and performance criteria for each of the relevant environmental issues [see (f) below];
 - d) describe what actions and measures would be implemented to ensure that these works comply with the specified standards and performance measures;
 - e) describe how the effectiveness of these actions and measures would be monitored during the proposed works;
 - f) include a detailed:
 - i. Soil, Water and Vegetation Management Plan,
 - ii. Waste Management Plan to identify the type of waste that will be generated by the development and method of disposal to be utilised. Applicants should consider whether it is possible to re-use materials either on-site or off-site,
 - iii. Noise Management Plan,
 - iv. Dust Management Plan,
 - v. Traffic Management Plan,
 - vi. Construction Staging Plan;
 - g) describe what procedures would be implemented to receive, register, report and respond to any complaints during the construction works; and
 - h) identify the key personnel who would be involved in the construction works, and provide contact numbers for this personnel.

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

REASON: To ensure satisfactory environmental management of the site.

- A3. The 19 additional trees listed to be retained in letter dated 3 March 2015 from Googong Township Pty Limited are to be retained. The submitted Stormwater and Vegetation Management plans by Browns are to be updated to show the trees to be retained. this will be required prior to any Construction Certificate (Subdivision) being issued.

REASON: To minimise impacts on the natural environment and comply with the "Minimum requirements for the SWVM Plan in Part 2.7.5.3 of the Queanbeyan DCP as adopted by Gogong DCP Part 1.8

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- A4. Submission of an application for a Compliance Certificate under Section 307 of the Water Management Act 2000 for each subdivision stage to the Water and Sewer Authority (Queanbeyan City Council). The application must be accompanied by the relevant fee and four copies of the Civil Engineering plans for the design of the water reticulation and sewerage systems, drawn in accordance with Council's Development Design Specification – Googong (Version 1, dated June 2011), for assessment and approval by Council.

Upon approval of the hydraulic design a Compliance Certificate in accordance with section 307 of the Water Management Act 2000, will be issued by Council. The Compliance Certificate must be obtained prior to the issue of any Construction Certificate (Subdivision) that includes water supply and/or sewerage infrastructure.

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

A5. FURTHER INVESTIGATION, REMEDIATION AND VALIDATION WORKS

Prior to the issue of a Construction Certificate (Subdivision or Building) for any stage of works covered by this application the following shall be completed:

- i. Implementation of the recommendations numbered 1 to 5 in Part 16.0 of the *Detailed Contamination Assessment* report prepared by Geotechnique Australia dated 10 June 2014 (Ref:12675/2-AA) as they apply to that stage of works;
- ii. Implementation of the recommendations contained in the *Conclusion* of the *Site Auditors Interim Advice No.2* provided by Environmental Strategies dated 30 August 2014 (Ref:12058aL02) as they apply to that stage of works.

Any subsequent recommendations or conditions contained within the supplementary reports prepared as a result of implementing the above recommendations shall be carried out. Evidence of their implementation must be submitted to Queanbeyan City Council prior to the issue of a Construction Certificate (Subdivision or Building).

Nothing in this condition prevents demolition and site works being undertaken for the purposes of carrying out the investigation, remediation and validation works specified in i. and ii. above.

REASON: To ensure all recommended investigation, remediation and validation works are carried out so that any contamination of the site is remediated and validated before construction works proceed.

A6. SITE AUDIT STATEMENT

Prior to the issue of a Construction Certificate (Subdivision or Building) for any stage of works covered by this application a Site Audit Statement (SAS) and Site Audit Report (SAR) covering that stage of works must be prepared by an accredited site auditor and be submitted to Queanbeyan City Council. The SAS must state that the site has been remediated and validated to permit the use of the site for its designated landuse.

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

REASON: To ensure construction works only proceed after a Site Audit Statement has been received confirming that the site is capable of being used for its future designated use. (56.14)

A7. ABORIGINAL HERITAGE IMPACT PERMIT (AHIP)

Prior to the issue of a Construction Certificate the Aboriginal Heritage Impact Permit (AHIP) must be issued.

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REASON: To ensure the timely completion of revised edits of the Aboriginal Cultural Heritage Assessment Report and to protect aboriginal objects and cultural heritage.

Part B – CONDITIONS TO BE COMPLIED WITH PRIOR TO COMMENCEMENT OF SUBDIVISION WORKS

- B1.** A Construction Certificate (Subdivision) and accompanying engineering design plans and Certification Report must be submitted to Queanbeyan City Council prior to the commencement of any works for a subdivision stage. Works associated with the subdivision stage shall subsequently be carried out in accordance with the detailed design drawings and specifications the subject of the Construction Certificate (Subdivision).

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

- A Certification Report in accordance with Clause DQS.04;
- This general note – *All work must be constructed in accordance with the requirements of Queanbeyan City Council's Development Construction Specification* (Version 3.1, dated June 2011);
- Design of a stormwater network, including a major/minor street stormwater system, any required interallotment drainage lines, any required detention basins, water quality ponds and/or gross pollutant traps and Water Sensitive Urban Design devices;
- Design of a dual water supply network (drinking water and non-drinking water) linking to infrastructure constructed or to be constructed in Stages 1- 6 of the adjacent Neighbourhood 1A subdivision (DA 42-2011, DA 233-2012 & DA186-2013);
- Design of a sewerage network linking to SPS2 (currently under construction in accordance with the Part 3A Project Approval issued by the Department of Planning – Major Project 08_0236), with the design also to provide trunk mains to allow the future development of upstream areas of Googong township;
- Design of the roads in the subdivision to the following standards (as defined in Schedule 4) –
 - a) Gorman Drive as a Local Sub-Arterial Road,
 - b) Aprasia Avenue (part) as a Local Street 2 (ST2),
 - c) Aprasia Avenue (part), Studdy Road, Tyrell Street, Wingrave Street, Leon Street (part), Percival Road. Streets 201-203, 204 (2 parts), 205-209, 210 (part), 211-213, 220- 222, 225 (2 parts), 227, 228, 230-234 as a Local Street 3 (ST3),
 - d) Leon Street (from Aprasia Avenue to Street 210), Street 204 (part), Street 214 (from Gorman Drive to Street 213) and Street 222 (from Street 220 to Street 230) as an Open Space Drive 1 (DR1),
 - e) Street 210 (part), Street 214 (south of Street 213), Street 222 (2 parts) as an Open Space Drive 2 (DR2),
 - f) The access laneway off Percival Road as a Shared Access, and
 - g) The shared driveway to Lots 362/363, 366/367, 370/371, 709/710 & 713/ 714 as a 4m wide dual access driveway.
- Road pavements designed as flexible pavements with a primer seal plus Asphaltic Concrete (AC10) nominated as the wearing surface;
- Driveways designed as rigid concrete pavements;
- Where barrier kerb is used the location of vehicle kerb crossings must be indicated;
- Provision of a temporary bus route with bus stops;
- Provision of a 2.0 m wide key path in Aprasia Avenue, 1.5 m wide paths on both sides of Gorman Drive and Street 220 and a 1.5 m wide path on one side of all other streets;
- Design of retaining walls greater than 1.0 metre in height;
- Landscape plans for reserves and street tree planting;
- Any irrigation supply (permanent and temporary);

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- Site works including bulk earthworks, dam, water quality ponds and retarding basin construction, any proposed stabilisation / amendment to the existing farm dam to be retained on Montgomery Creek, stabilisation works within the creek corridor;
- Vegetation management plan;
- Soil and water management plans including erosion control measures;
- Construction compound and site amenities;
- Street and public open space lighting to current best practice energy efficiency standards; and
- A Traffic Control Devices (TCD) Plan that includes line-marking, sign-posting and any Local Area Traffic Management devices.

REASON: To provide design certification of the subdivision works.

- B2.** A Notice to Commence Subdivision Works must be submitted to Queanbeyan City Council at least two days prior to commencing any subdivision work and nominating Council as the Principal Certifying Authority for the subdivision works.

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

REASON: To provide for supervision of the subdivision works.

- B3.** A sign, clearly visible to the public, must be erected in a prominent position on the work site prior to the commencement of works:
- a) stating that unauthorised entry to the work site is prohibited,
 - b) showing the name of the person in charge of the work site,
 - c) advising telephone numbers at which that person may be contacted during work hours and outside work hours, and
 - d) showing the name of the principal certifying authority and contact details.
- The sign is to be removed when the work has been completed.

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

- B4.** A Flora and Fauna Management Plan (FFMP) is to be prepared at the applicant's cost and submitted to Council prior to commencement of subdivision works. The recommendations of the FFMP are to be implemented during the pre-construction, construction and post construction phases.

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

The Plan should also include a monitoring and review program.

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

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

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REASON: To minimise any impacts on flora and fauna.

- B5.** Prior to the issue of any Construction Certificate (Subdivision), the Aboriginal Heritage Impact Permit (AHIP) for the site must be issued.

REASON: To ensure compliance with the Act and manage impacts on Aboriginal Heritage.

Part C – CONDITIONS TO BE COMPLIED WITH FOR SITE MANAGEMENT DURING CONSTRUCTION OF SUBDIVISION WORKS

- C1.** Aboriginal Heritage – Scarred Tree
Prior to any works commencing in the vicinity and / or the removal of scarred tree, an AHIP must be obtained.

REASON: To ensure the appropriate management and protection of Aboriginal Heritage and objects

- C2.** Toilet facilities must be provided at or in the vicinity of the work site at the rate of one toilet for every 20 persons or part of 20 persons employed at the work site.
Each toilet provided:

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

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

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

- C3.** All earthmoving contractors and operators must be instructed that, in the event of any bone or stone artefacts, or discrete distributions of shell being unearthed during earthmoving, work should cease immediately in the affected area and the Ngambri Local Aboriginal Land Council and officers of the Office of Environment and Heritage (Queanbeyan Office), informed of the discovery. Work must not recommence until the material has been inspected by those officials and permission has been given to proceed. Those failing to report a discovery and those responsible for the damage or destruction occasioned by unauthorised removal or alteration to a site or to archaeological material may be prosecuted under the National Parks and Wildlife Act 1974, as amended.

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

- C4.** In the event that object(s) which are suspected of being Aboriginal object(s) or relic(s) are encountered during development works, then the following protocol will be followed:
- a) Cease any further excavation or ground disturbance, in the area of the find(s).
 - The discoverer of the find(s) will notify machinery operators in the immediate vicinity of the find(s) so that work can be temporarily halted, and
 - The site supervisor and the Principal will be informed of the find(s).
 - b) Do not remove any find(s) or unnecessarily disturb the area of the find(s).
 - c) Ensure that the area of the find(s) is adequately marked as a no-go area for machinery or further disturbance, and that the potential for accidental impact is avoided.

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

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

- C5.** Any works associated with the subdivision must ONLY be carried out between the following hours:
- | | |
|------------------------------|------------------|
| Weekdays: | 7.00am to 6.00pm |
| Saturdays: | 8.00am to 4.00pm |
| Sundays and Public Holidays: | NO WORK |

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

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

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

- C6.** The applicant must ensure that construction noise generated by the development does not exceed the criteria set by the NSW Office of Environment and Heritage.

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

- C7.** The applicant must ensure the following:
- a) All construction or the like waste shall not be stored or stockpiled on the site and must be disposed of to an approved waste facility;
 - b) Clean up equipment including suitable absorbent material shall be available on site to effectively deal with liquid contaminants such as oils and chemical spills;
 - c) All disturbed and exposed areas shall be revegetated. Revegetation of such areas shall be implemented as soon as construction works end in each area of the development;
 - d) Adequate measures shall be taken to prevent dust from affecting the amenity of the surrounding neighbourhood;
 - e) A water tank designed to suppress dust from exposed surfaces and access roads shall be available on the site or in the immediate vicinity during construction works. Exposed surfaces and access pads shall be regularly wetted to suppress dust generation until such time that construction is completed and areas have been revegetated. All disturbed areas shall be revegetated immediately after completion of works;

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- f) No burning of cleared vegetation or other waste material shall occur on this site prior to or during the construction phase of the development;
- g) All vegetation material is to be chipped and used in landscaping unless it is not possible due to size, non suitability of the material or some other limitation, in which case the material will be disposed of at an approved landfill site;
- h) Materials resulting from excavation of the site must be stored wholly within the property boundaries unless written authority from adjoining property owner/s is first obtained for the storage of the excavation material on the adjoining site subject to erosion controls being put in place. All excess excavation material must be removed from the site and disposed of at an approved landfill site. The site is also to be rehabilitated to finished surface levels and regrassed; and
- i) Any construction access to the site shall have a shakedown grid(s) or equivalent installed to minimise transportation of material onto the road network via vehicular movements from the site.

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

- C8.** Run-off and erosion and sediment controls must be installed onsite to prevent soil erosion, water pollution or the discharge of loose sediment on surrounding land by:-
- a) diverting uncontaminated run-off around cleared or disturbed areas;
 - b) erecting silt fencing in accordance with the requirements of Council's *Development Construction Specification* (Version 3.1, dated June 2011);
 - c) preventing tracking of sediment by vehicles onto roads;
 - d) stockpiling topsoil, excavated material, construction and landscaping supplies and debris within the site;
 - e) where any material is stockpiled onsite erosion control and siltation fencing must be installed adjacent to the toe of the mound;
 - f) removal or disturbance of vegetation and top soil is confined to within 3m of each area under construction; and
 - g) the erosion and sediment control measures must be maintained in a good order until the excess excavation materials have been removed from the site.

REASON: To prevent soil erosion and water pollution.

- C9.** In the event of any damage being caused to any existing Council infrastructure (such as road pavement, kerb, guttering, stormwater pit, footpath trees and/or footpath) during construction, the applicant must repair or reimburse Council for the full cost of restoration.

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

- C10.** The Subdivider shall adhere to the following guidelines with respect to the provision of services within the development.
- a) Preliminary Design:- In planning the subdivision layout the Subdivider shall examine all utility master plans to ascertain the impact of the proposed development on each Utility Authority's existing and future infrastructure.
 - b) Liaison with Utility Authorities:- The Subdivider shall confirm with each Utility Authority for water, sewer, electricity, gas and telecommunications services, of their individual requirements for the provision of servicing of the subdivision layout. Each utility shall be provided underground.
 - i. Confirmation for the provision of installation of the following is required:
 - Street lighting;
 - Electricity reticulation;
 - Water reticulation;
 - Sewer reticulation;
 - Gas reticulation;
 - Telecommunications reticulation; and

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

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

- C11.** Inspections must be performed by the Water and Sewer Authority (Queanbeyan City Council) when works reach the following stages:

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

Council's Engineering Development Team must be given 24 hours notice of the need for these inspections.

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

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

- C12.** Certification of the completed water reticulation (drinking water and non-drinking water) and sewerage system works within each subdivision stage and works as executed documentation for the subdivision stage must be included in a Project Quality Plan and submitted to Council in accordance with Council's *Development Construction Specification* (Version 3.1, dated June 2011), Part C101.

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

- C13.** All construction and restoration work must be carried out strictly in accordance with the approved drawings and Queanbeyan City Council's *Development Construction Specification* (Version 3.1, dated June 2011). The construction works shall be carried out, monitored and inspected in accordance with Specification CQS - Quality System Requirements.

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

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- C14.** The Subdivider will be responsible for all public utilities and services in the area of work and as such must notify all relevant Authorities and bear all costs associated with any repairs and/or adjustments as those Authorities deem necessary.

REASON: To ensure compliance with Utility Authorities' requirements.

- C15.** Lighting, fencing, traffic control advanced warning signs must be provided for the protection of works and for the safety and convenience of the public, in accordance with Council's Development Construction Specification (Version 3.1, dated June 2011). Traffic movement in both directions on public roads and vehicular access to private properties must be maintained at all times, during the currency of the works.

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

- C16.** Land dedicated to Council for public recreation purposes is to meet the requirements of the Googong Urban Development Local Planning Agreement.

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

- C17.** All fill imported on to the site must be validated to ensure the imported fill is suitable for the proposed land use from a contamination perspective. Fill imported on to the site must also be compatible with the existing soil characteristic for site drainage purposes.

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

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

REASON: To ensure fill material is within acceptable standards.

- C18.** Any filling must be undertaken in accordance with the approved plans and in such a manner that the new drainage pattern does not environmentally affect adjoining properties. Those filled and/or regraded allotments must be compacted to 95% maximum modified dry density. The applicant's Geotechnical Engineer must supervise the placement of fill material and certify with test results that the work has been carried out to level 1 responsibility in accordance with Appendix B of AS3798-1990.

REASON: To ensure satisfactory compaction of fill to standards.

- C19.** Certification from a suitably qualified and practising Geotechnical Engineer must be submitted for each subdivision stage verifying that the works detailed and recommended in the geotechnical report have been undertaken under supervision, that satisfactory completion to standards has been achieved and that the assumptions relating to site conditions made in the report were validated during construction.

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

C20. Compliance with NSW Fisheries conditions

The following conditions from NSW Fisheries are to be complied with for the duration of the construction works:

- a) Development of a storm water quality monitoring program with emphasis on sampling during and soon after moderate to large rainfall events
- b) Implementation and maintenance of Erosion and Sediment Controls in accordance with the Erosion and Sedimentation Control Plan (Soil Water and Vegetation management Plan) until the site is fully stabilised.
- c) Periodic independent auditing of, and reporting on, implementation and effectiveness of the ESCP throughout the construction period until the site is fully stabilised.

Advice

Contact DPI Fisheries for further information regarding compliance with this condition on phone 02 4428 3400.

REASON: To assist in achieving a neutral or beneficial effect for water quality

ENVIRONMENTAL RISKS

C21. DISPOSAL OF WASTE MATERIALS

All waste materials including classified contaminated soil must be removed from the site and deposited at an approved landfill site. Written evidence that the material has been disposed of to an approved landfill site must be submitted to Council prior to the issue of any Subdivision Certificate.

REASON: To ensure the proper disposal of waste materials. (30.08)

C22. ASBESTOS REMOVAL AND DISPOSAL

Asbestos material found on the site must be removed and disposed of in accordance with the *Work Health and Safety Act 2011*, and the NSW WorkCover Guidelines.

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

REASON: To ensure the proper disposal of asbestos material. (76.07)

Part D – GENERAL CONDITIONS TO BE COMPLIED WITH THROUGHOUT THE WHOLE DEVELOPMENT

D1. IN ACCORDANCE WITH THE APPROVED PLANS

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

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

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REASON: To ensure the development is completed in accordance with the approved plans and the development consent. (59.02)

D2. ABORIGINAL HERITAGE IMPACT PERMIT

The development must be carried out in accordance with the General Terms of Approval Issued by the NSW Office of Environment and Heritage as shown in Schedule 2.

D3. BUSHFIRE SAFETY AUTHORITY

The development must be carried out in accordance with the terms of the Bushfire Safety Authority issued by the NSW Rural Fire service as shown in Schedule 2.

REASON: To ensure compliance with the Bushfire Safety Authority issued by the NSW RFS.

D4. Earthworks and Pink Tail Worm Lizard (PTWL) Conservation Area

This consent does not authorise earthworks for the subdivision to be carried out within the PTWL conservation area unless prior approval has been obtained under the EPBC Act.

REASON: To protect threatened species and habitat of the Pink Tail Worm Lizard and compliance with the EPBC approval.

D5. The conditions of approval for EPBC 2011/5829 are to be complied with as they relate to this development.

REASON: To protect threatened species and habitat of the Pink Tail Worm Lizard and compliance with the EPBC approval.

D6. BUSHFIRE PROTECTION

Asset Protection Zones to be provided in accordance with the Bushfire Assessment of 17 March 2015:

- a) No tree or tree canopy is to occur within 2m of future dwelling rooflines.
- b) 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.
- c) Shrubbery should not be planted within the APZ. Any landscaping or garden beds should be located away from the house
- d) 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."

D7. SEPARATE DEVELOPMENT APPLICATION

A separate Development Application is required for the future subdivision of the superlot located within Stage 9 of the development.

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

Part E –Conditions to be complied with PRIOR TO RELEASE OF SUBDIVISION CERTIFICATE

- E1.** Proposed lot 353 is to be wholly located within the R1 zone and not encroach into the E2 Environmental Conservation zoned land. Evidence by way of a survey shall be provided to Council prior to acceptance of any Subdivision Certificate for Stage 3.

SOUTHERN JOINT REGIONAL PLANNING PANEL

REASON: To ensure that development remains permissible under the Queanbeyan Local Environmental Plan 2012.

- E2.** Prior to the release of the Subdivision Certificate for the 604th lot in total of the Googong Land Release (including the aggregate of NH1A, NH1B and any of the subdivision) the developer must complete the interim intersection upgrade of Old Cooma Road and Googong 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 Queanbeyan City Council and the NSW Roads and Maritime Services.

REASON: To provide for upgrade of the intersection to accommodate traffic generation from current and anticipated subdivision areas.

- E3.** The timing of the ultimate intersection upgrade of Old Cooma Road / Googong Road must be informed by the proposed three staged review process outlined in traffic report prepared by TTM Consulting dated 16 September 2014. The developer must undertake three reviews of the intersection's operation to monitor the intersection's performance and determine an appropriate timeframe for the ultimate intersection upgrade. These reviews must be undertaken prior to release of the Subdivision Certificate for the 882nd lot, 1,000th lot and 1,400th lot (in total) as per the 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 nature of the ultimate intersection upgrade to the satisfaction of RMS and Council.

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

- E4.** A completed Subdivision Certificate application form accompanied by final plans of subdivision for each stage and a Schedule of Compliance detailing how each condition of consent has been complied with, together with the requisite processing fee, payment of contribution charges, any Council bonds and authorities from other service agencies that their requirements have been satisfied shall be submitted to Council for approval at each Stage. This application shall not be lodged until all consent conditions pertaining to the Stage have been complied with.

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

- E5.** An application to obtain a Subdivision Certificate for each subdivision stage from Queanbeyan City Council must be accompanied by a final survey plan of subdivision and three copies including an electronic copy.

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

- E6.** No subdivision certificate for any residential allotment approved by this consent shall be issued until such time as Council is satisfied that the Water Recycling Plant is capable of being commissioned for operation within three months of the date of issue of the subdivision certificate or such other time as agreed to by Council in writing.

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

- E7.** The General Terms of Approval issued by the NSW Office of Water on 26 November 2014 under Section 91 of the Water Management Act 2000 for works within 40 metres of Montgomery Creek, and attached to this consent in Schedule 2, must be complied with.

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

SOUTHERN JOINT REGIONAL PLANNING PANEL

- E8.** Submission to the Principal Certifying Authority of a statement prepared by a registered surveyor, stating that all water, sewer and stormwater pipelines constructed within proposed lots or other privately owned land are completely located within proposed easements indicated on the plan of subdivision or existing easements. The statement must be submitted upon completion of the subdivision works and prior to the issue of the Subdivision Certificate for each subdivision stage.

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

- E9.** Submission of an application for a Final Compliance Certificate under Section 307 of the Water Management Act 2000 for each subdivision stage prior to the issue of a Subdivision Certificate for that subdivision stage.

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

- E10.** A geotechnical report must be submitted to Queanbeyan City Council detailing the classification of soil type generally found within each subdivision stage. A general classification for each lot within the subdivision stage must be provided and such classifications must be made by a Geotechnical Engineer in accordance with the provisions of AS 2870 "Residential Slabs and Footings". The classification reports must be submitted to Council prior to the release of the Subdivision Certificate for that subdivision stage.

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

- E11.** Written evidence from the relevant service authority or a suitably certified or accredited person that satisfactory arrangements have been made for the supply of reticulated electricity, telephone services and natural gas to each lot shall be submitted to Queanbeyan City Council. All services are to be provided underground.

REASON: To satisfy relevant utility authority requirements.

- E12.** Provision of a separate sewer connection, stormwater drainage connection, water services (drinking water and non-drinking water), electricity supply, gas and communication service to each residential, school and open space allotment within the subdivision stage at the Subdivider's expense.

REASON: To provide access to services for each allotment.

- E13.** The completed subdivision works within a subdivision stage are subject to a defects liability period of six (6) months after the date of the issue of the Subdivision Certificate for that stage by Queanbeyan City Council.

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

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

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

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

- E14.** Traffic Control Devices (TCD) for each subdivision stage that includes line-marking, sign-posting and Local Area Traffic Management works, as approved by the Local Traffic Committee, shall be installed prior to release of the Subdivision Certificate.

REASON: To provide traffic facilities.

- E15.** Completion of all landscaping works in accordance with relevant plans and any Googong Township Landscape Management Plan approved as part of a Construction Certificate (Subdivision). The works are to be implemented by a suitably experienced and qualified Landscape Management Contractor.

REASON: To ensure satisfactory completion of landscape works.

- E16.** Landscape works are to be monitored and maintained by the applicant in accordance with the Googong Urban Development Local Planning Agreement, and monitoring and reporting also carried out in accordance with any applicable Googong Township Landscape Management Plan.

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

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

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

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

REASON: To ensure landscape works are monitored and maintained.

- E17.** Submission to Queanbeyan City Council for approval of street names for the proposed subdivision roads, with the names as approved to be indicated on the subdivision survey plan and provided on road name plates to be installed at the road intersections.

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

SOUTHERN JOINT REGIONAL PLANNING PANEL

REASON: To provide street addressing.

- E18.** Prior to the issue of any Subdivision Certificate, the applicant is to submit evidence of consultation with NSW Transport regarding the provision of public transport services to service the development and shall prepare a 'Travel Access Guide' (TAG) to be provided to all new residents to inform them of their transport options.

REASON: To satisfy the requirements of NSW Transport.

- E19.** Pursuant to Section 88B of the Conveyancing Act 1919 easements and restrictions as to use shall be created to achieve the following purposes:
- a) Easements to drain water, including inter-allotment drainage;
 - b) Easements to drain sewer;
 - c) Easements for water supply;
 - d) Easements for irrigation water supply;
 - e) Easements which Queanbeyan City Council may require to provide or maintain other services.

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

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

- E20.** All drainage reserves shall be dedicated to Council free of cost and be shown on the survey plans.

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

- E21.** The subdivision roads for each subdivision stage are to be dedicated as public roads on the final subdivision plan. Each subdivision stage must provide dedicated public road access to all lots within the subdivision stage.

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

- E22.** The developer shall identify suitable spaces for public art. There are opportunities as part of the Googong Common and the Montgomery Creek Crossing public reserve areas located within this development site to provide public art space.

REASON: To comply with the public domain requirement of Googong DCP

- E23.** Proposed Lot 363 shall be consolidated into the adjoining lots where it cannot be demonstrated that two proposed lots (Lot 362 and 363) can each provide for a dwelling construction that can meet the Googong DCP requirements, particularly in terms of suitable building platform with levels that work across the two lots.

REASON: To ensure that proposed levels of the proposed lots can allow for a suitable building envelope that can comply with the maximum cut and fill requirement of 1.5m in the Googong DCP.