

Schedule 1 – General Terms of Approval DA 123-2017

NSW Office of Environment & Heritage



Office of
Environment
& Heritage

DOC17/232793
IDA No. 123-2017

MJ Thompson
Director – Environment, Planning and Development
Queanbeyan-Palerang Regional Council
PO Box 90
Queanbeyan NSW 2620

Attention: Mary Kunang

Dear Mr Thompson,

Integrated Development Application No 123-2017
LOT 10 & 11 DP 754881, LOT 21 DP 1203214 and LOT 5 DP 1217396, 36 Googong Road and LOT 463
DP 1226692, Montgomery Avenue, Part Road Reserve – Old Cooma Road & Googong Road,
GOOGONG NSW 2620

GENERAL TERMS OF APPROVAL

I refer to the application and accompanying information provided for the above development received by the Office of Environment and Heritage (OEH) on 11 April 2017. This application was referred to OEH as integrated development under section 91 of the *Environmental Planning and Assessment Act 1979* as it will impact Aboriginal objects.

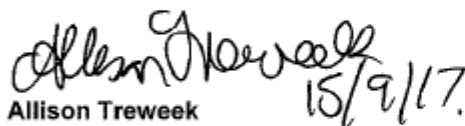
We have reviewed the information provided and determined that we are able to issue an Aboriginal Heritage Impact Permit (AHIP), under section 90 of the *National Parks & Wildlife Act 1974*, subject to a number of conditions. The general terms of approval for this proposal are provided at **Attachment A**. These conditions must be incorporated into any development consent Queanbeyan-Palerang Regional Council grants for this proposal.

While OEH can issue GTAs, we advise that some revisions will be required to the Neighbourhood 2 Aboriginal Cultural Heritage Assessment Report before any subsequent AHIP for Neighbourhood 2 works can be issued. These revisions are outlined in **Attachment B**.

These general terms relate to the development and associated footprint as proposed in the documents and information currently provided to OEH. These terms may not apply if either the applicant or council alter the development and associated footprint. If this occurs prior to consent, OEH must be consulted to determine whether our general terms need to be modified to ensure that all Aboriginal Cultural Heritage values have been considered.

If you have any questions, or wish to discuss this matter further please contact Sarah Robertson for Aboriginal Cultural Heritage matters on (02) 6229 7088 or Miles Boak for Biodiversity matters on (02) 6229 7095.

Yours sincerely


Allison Treweek
Senior Team Leader, Planning – South East
Regional Operations Division
OFFICE OF ENVIRONMENT AND HERITAGE

Attachment A – General Terms of Approval for IDA 123-2017.

Attachment B – Revisions required to *Googong Neighbourhood 2: Aboriginal Cultural Heritage Assessment*. Dated August 2017 prior to issuing of AHIP.

ATTACHMENT A - GENERAL TERMS OF APPROVAL FOR IDA 123-2017

Administrative conditions

Information supplied to OEH

Except as expressly provided by these general terms of approval, works and activities must be carried out in accordance with the proposal contained in:

- The integrated development application IDA No 123-2017 submitted to Queanbeyan-Palerang Regional Council on 31 March 2017 and received by OEH on 18 April 2017;
- The Statement of Environmental Effects (SoEE) prepared by Elton Consulting, dated 28 March 2017 relating to the Neighbourhood 2 development;
- The Aboriginal Cultural Heritage Assessment Report titled: *Googong Neighbourhood 2: Aboriginal Cultural Heritage Assessment*. Dated August 2017 and received by OEH on 30 August 2017.

General Terms of Approval for Aboriginal cultural heritage

- No harm can occur to any Aboriginal objects within the Googong Neighbourhood 2 development area unless an Aboriginal Heritage Impact Permit (AHIP) has been issued by OEH.
- The applicant must comply with the conditions of any AHIP that is issued by OEH.
- The applicant must ensure that all persons involved in actions or works covered by an AHIP (whether employees, contractors, sub-contractors, agents and invitees) are made aware of, and comply with, the conditions of any AHIP.
- Where an Aboriginal object/site is situated adjacent to the footprint of proposed works then the boundary of the site must be fenced, with a qualified archaeologist present, and marked as a 'no- harm area' to ensure they are not inadvertently impacted during development activities.
- No human remains in, on or under the land may be harmed. If any human remains are discovered and/or harmed in, on or under the land, the proponent or AHIP holder must:

- a) not further harm these remains
- b) immediately cease all work at the particular location
- c) secure the area so as to avoid further harm to the remains
- d) notify the local police and OEH's Environmental Line on 131 555 as soon as practicable and provide any available details of the remains and their location, and
- e) not recommence any work at the particular location unless authorised in writing by OEH.

ATTACHMENT B-Amendments to Aboriginal Cultural Heritage Assessment report required before can OEH issue an AHIP.

Amendments required relating to Navin Officer Heritage Consultants' Googong Neighbourhood 2: Aboriginal Cultural Heritage Assessment, Dated August 2017.

- 1) Section 6.2.2 (p31) says that 15 sites are present at Neighbourhood 2 but page 31 (section 7.1) says that fourteen sites are present. Please advise which is correct and amend the report.
- 2) Section 10 (p 85) states that prior to the current excavations, 68 artefacts have been recovered from 166 test pits in the Googong Urban Release Area, equivalent to 0.4 artefacts per square metre. However, further down the page it states that subsurface testing at GA PAD 16 alone recovered 142 artefacts. Excavations for Googong Neighbourhood 1A state that 176 artefacts were recovered during excavation of GA PAD 13, GA PAD 14, GA PAD 16, GA PAD 17 and GA PAD 18). It appears there is an error in the total number of artefacts recovered during excavations at Googong. Please advise the correct number of artefacts, amend the report, and update the average artefact density.
- 3) Section 13.2- Cumulative impacts (p 109). The cumulative impact within the Googong Urban Release Area has not been considered. At a broader scale, similar sites may be represented, but the impacts from the Googong development are extensive. This section should include a consideration of the percentage of sites identified to date within the Googong Urban Release Area that have been impacted by development.
- 4) Appendix 7 - methodology for site collection and research program into surface site impacts:

The following should be added into the methodology:

- AHIMS site cards must be updated if new artefacts are found at existing sites.

NSW Department of Primary Industries – Water



Department of
Primary Industries
Water

Contact: Bob Britten
Phone: 02 6491 7809
Fax: 02 6492 3019
Email: bob.britten@dpi.nsw.gov.au
Our ref: 40 ERM2017/0388
Our file: 2017-0134
Your ref: 123-2017

The General Manager
Queanbeyan-Palerang Regional Council
(Queanbeyan)
PO Box 90
Queanbeyan NSW 2620

11 May 2017

Attention: M J Thompson - Director Environment, Planning and Development

Dear Sir,

Re: Integrated Development Referral – General Terms of Approval

Dev Ref: 123-2017

Description of proposed activity: Googong Township Development with riparian corridor

Site location: 36 Googong Road and Montgomery Avenue, Part Road Reserve - Old Cooma rd & Googong Rd, GOOGONG NSW 2620

I refer to your recent letter regarding an integrated Development Application (DA) proposed for the subject property. Attached, please find DPI Water's (formerly the NSW Office of Water) General Terms of Approval (GTA) for works requiring a controlled activity approval under the *Water Management Act 2000* (WM Act), as detailed in the subject DA.

Please note Council's statutory obligations under section 91A (3) of the *Environmental Planning and Assessment Act 1979* (EPA Act) which requires a consent, granted by a consent authority, to be consistent with the general terms of any approval proposed to be granted by the approval body.

If the proposed development is approved by Council, DPI Water requests that these GTA be included (in their entirety) in Council's development consent. Please also note the following:

- DPI Water should be notified if any plans or documents are amended and these amendments significantly change the proposed development or result in additional works on waterfront land (which includes (i) the bed of any river together with any land within 40 metres inland of the highest bank of the river, or (ii) the bed of any lake, together with any land within 40 metres of the shore of the lake, or (iii) the bed of any estuary, together with any land within 40 metres inland of the mean high water mark of the estuary).
- Once notified, DPI Water will ascertain if the amended plans require review or variation/s to the GTA. This requirement applies even if the proposed works are part of Council's proposed consent conditions and do not appear in the original documentation.

- DPI Water should be notified if Council receives an application to modify the development consent and the modifications change any activities on waterfront land.
- DPI Water requests notification of any legal challenge to the consent.

As the controlled activity to be carried out on waterfront land cannot commence before the applicant applies for and obtains a controlled activity approval, DPI Water recommends the following condition be included in the development consent:

“The Construction Certificate will not be issued over any part of the site requiring a controlled activity approval until a copy of the approval has been provided to Council”.

The attached GTA are not the controlled activity approval. The applicant must apply (to DPI Water) for a controlled activity approval **after consent** has been issued by Council **and before** the commencement of any work or activity on waterfront land.

Finalisation of a controlled activity approval can take up to eight (8) weeks from the date DPI Water receives all documentation (to its satisfaction). Applicants must complete and submit (to the undersigned) an application form for a controlled activity approval together with any required plans, documents, the appropriate fee and security deposit or bank guarantee (if required by the Office or Water) and proof of Council's development consent.

Application forms for the controlled activity approval are available from the undersigned or from DPI Water's website:

www.water.nsw.gov.au [Water licensing Approvals](#) Controlled activities

DPI Water requests that Council provide a copy of this letter to the applicant.

DPI Water also requests that Council provides DPI Water with a copy of the determination for this development application as required under section 91A (6) of the EPA Act.

Yours Sincerely

R. Britten

Bob Britten

Senior Water Regulation Officer

Water Regulatory Operations, Water Regulatory Operations South

NSW Department of Primary Industries – DPI Water

General Terms of Approval
for work requiring a controlled activity
approval under s91 of the *Water*
Management Act 2000

| Number | Condition | File No: 2017-0134 |
|---------------------------------|--|--------------------|
| Site Address: | 36 Googong Road and Montgomery Avenue, Part Road Reserve - Old Cooma rd & Googong Rd, GOOGONG NSW 2620 | |
| DA Number: | 123-2017 | |
| LGA: | Queanbeyan-Palerang Regional Council (Queanbeyan) | |
| | | |
| Plans, standards and guidelines | | |
| 1 | <p>These General Terms of Approval (GTA) only apply to the controlled activities described in the plans and associated documentation relating to 123-2017 and provided by Council:</p> <ul style="list-style-type: none">(i) Site plan, map and/or surveys(ii) Structural design and specifications(iii) Vegetation Management Plan(iv) Soil and Water Management Plan(v) Rehabilitation Plan <p>Any amendments or modifications to the proposed controlled activities may render these GTA invalid. If the proposed controlled activities are amended or modified DPI Water (formerly the NSW Office of Water) must be notified to determine if any variations to these GTA will be required.</p> | |
| 2 | <p>Prior to the commencement of any controlled activity (works) on waterfront land, the consent holder must obtain a Controlled Activity Approval (CAA) under the Water Management Act from DPI Water. Waterfront land for the purposes of this DA is land and material in or within 40 metres of the top of the bank or shore of the river identified.</p> | |
| 3 | <p>The consent holder must prepare or commission the preparation of:</p> <ul style="list-style-type: none">(i) for all works on waterfront land – design and construction details (to Construction Certificate standard) including: -(ii) Works Schedule(iii) Soil and Water Management Plan(iv) Vegetation Management Plan | |
| 4 | <p>All plans must be prepared by a suitably qualified person and submitted to the DPI Water for approval prior to any controlled activity commencing. The following plans must be prepared in accordance with DPI Water's guidelines located at www.water.nsw.gov.au/ Water-Licensing/Approvals.</p> <ul style="list-style-type: none">(i) Vegetation Management Plans(ii) Laying pipes and cables in watercourses(iii) In-stream works(iv) Outlet structures(v) Watercourse crossings | |

| | |
|---|---|
| 5 | The consent holder must (i) carry out any controlled activity in accordance with approved plans and (ii) (ii) construct and/or implement any controlled activity by or under the direct supervision of a suitably qualified professional and (iii) (iii) when required, provide a certificate of completion to DPI Water. |
| Rehabilitation and maintenance | |
| 6 | The consent holder must carry out a maintenance period of two (2) years after practical completion of all controlled activities, rehabilitation and vegetation management in accordance with a plan approved by the DPI Water. |
| 7 | The consent holder must reinstate waterfront land affected by the carrying out of any controlled activity in accordance with a plan or design approved by the DPI Water. |
| Reporting requirements | |
| 8 | The consent holder must use a suitably qualified person to monitor the progress, completion, performance of works, rehabilitation and maintenance and report to DPI Water as required. |
| Access-ways | |
| 9 | The consent holder must design and construct all ramps, stairs access ways, cycle paths, pedestrian paths or other non-vehicular form of access way so that they do not result in erosion, obstruction of flow, destabilisation, or damage to the bed or banks of the river or waterfront land, other than in accordance with a plan approved by DPI Water. |
| 10 | The consent holder must not locate ramps, stairs, access ways, cycle paths, pedestrian paths or any other non-vehicular form of access way in a riparian corridor other than in accordance with a plan approved by DPI Water. |
| Bridge, causeway, culverts, and crossing | |
| 11 | The consent holder must ensure that the construction of any bridge, causeway, culvert or crossing does not result in erosion, obstruction of flow, destabilisation or damage to the bed or banks of the river or waterfront land, other than in accordance with a plan approved by DPI Water. |
| 12 | The consent holder must ensure that any bridge, causeway, culvert or crossing does not obstruct water flow and direction, is the same width as the river or sufficiently wide to maintain water circulation, with no significant water level difference between either side of the structure other than in accordance with a plan approved by DPI Water. |
| Disposal | |
| 13 | The consent holder must ensure that no materials or cleared vegetation that may (i) obstruct flow, (ii) wash into the water body, or (iii) cause damage to river banks; are left on waterfront land other than in accordance with a plan approved by DPI Water. |
| Drainage and Stormwater | |
| 14 | The consent holder must stabilise drain discharge points to prevent erosion in accordance with a plan approved by DPI Water. |
| Erosion control | |
| 15 | The consent holder must establish all erosion and sediment control works and water diversion structures in accordance with a plan approved by DPI Water. These works and structures must be inspected and maintained throughout the working period and must not be removed until the site has been fully stabilised. |
| Excavation | |
| 16 | The consent holder must ensure that no excavation is undertaken on waterfront land other than in accordance with a plan approved by DPI Water. |

| | |
|--------------------------|---|
| 17 | The consent holder must ensure that any excavation does not result in (i) diversion of any river (ii) (ii) bed or bank instability or (iii) (iii) damage to native vegetation within the area where a controlled activity has been authorised, other than in accordance with a plan approved by DPI Water. |
| Groundwater | |
| 18 | The consent holder must ensure that any construction below ground level does not result in the need for permanent dewatering, other than in accordance with licence conditions approved by DPI Water. |
| END OF CONDITIONS | |

NSW Rural Fire Service

Schedule 2

Essential Energy Requirements

From: ConveyancingTeam [<mailto:conveyancingteam@essentialenergy.com.au>]

Sent: Friday, 5 May 2017 2:52 PM

To: Council Mailuser <Council.Mailuser@qprc.nsw.gov.au>

Subject: DA 123-2017 Subdivision - Neighbourhood 2 Googong Township - ATTENTION: MARY KUNANG

Re: Queanbeyan-Palerang Regional Council Development Application No.123-2017 – Subdivision, Neighbourhood 2 Googong Township including 941 residential lots, 172 residue lots for future town centre, school, residential development, sales and information centre, community centre, open space and ancillary infrastructure and local services

Property: 36 Googong Road / Montgomery Avenue / Old Cooma Road, Googong more particularly described as Lot 10 DP754881, Lot 11 DP754881, Lot 21 DP1203214, Lot 5 DP1217396, Lot 463 DP1226692

Dear Mary,

We refer to the above matter and to your correspondence seeking comment from Essential Energy in relation to the proposed development at the above property.

Strictly based on the documents submitted, Essential Energy has no objection to the development at this time, provided:

1. If the proposal changes, Essential Energy would need to be informed for further comment;
2. Any existing encumbrances in favour of Essential Energy (or its predecessors) noted on the title of the above property are complied with;
3. As part of the subdivision, as required by Essential Energy, easements are created for any existing electrical infrastructure. The easements are to be created using Essential Energy's standard easement terms current at the time of registration of the plan of subdivision (currently Memorandum AG189384). Refer to Essential Energy's Contestable Works Team for requirements;
4. As noted in the Services Relocation Plan, part of the existing electrical infrastructure is to be disconnected, removed and relocated (as per proposed Plan of Subdivision). Essential Energy's preference is for the location of its easements and/or infrastructure to be within public reserves or public roadways. Refer to Essential Energy's Contestable Works Team for requirements; and
5. Council ensures that a Notification of Arrangement (confirming satisfactory arrangements have been made for the provision of power) is issued by Essential Energy with respect to all proposed lots which will form part of the subdivision, prior to Council releasing the Subdivision Certificate. It is the Applicant's responsibility to make the appropriate application with Essential Energy for the supply of electricity to the subdivision, which may include the payment of fees and contributions.

In addition, Essential Energy's records indicate there is electricity infrastructure located within the property and within close proximity to the property. Any activities within these locations must be undertaken in accordance with the latest industry guideline currently known as *ISSC 20 Guideline for the Management of Activities within Electricity Easements and Close to Infrastructure*.

Prior to carrying out any works, a "Dial Before You Dig" enquiry must be undertaken in accordance with the requirements of Part 5E (Protection of Underground Electricity Power Lines) of the *Electricity Supply Act 1995 (NSW)*.

Given there is electricity infrastructure in the area, it is the responsibility of the person/s completing any works around powerlines to understand their safety responsibilities. SafeWork NSW (www.safework.nsw.gov.au) has publications that provide guidance when working close to electricity infrastructure. These include the Code of Practice – Work near Overhead Power Lines and Code of Practice – Work near Underground Assets.

Regards

Fiona Duncan

Conveyancing Officer



T: 02 6589 8773 (Ext 88773) | conveyancingteam@essentialenergy.com.au

PO Box 5730 Port Macquarie NSW 2444 | essentialenergy.com.au

General enquiries: 13 23 91 | Supply interruptions (24hr): 13 20 80

NSW Roads & Maritime Services Requirements



Our Ref: STH11/00052/31
Contact: Melissa Steep 4221 2771
Your Ref: DA123-2017

12 May 2017

Mary Kunang
Queanbeyan Palerang Regional Council
council@qprc.nsw.gov.au

DEVELOPMENT APPLICATION 123-2017 - NEIGHBOURHOOD 2, GOOGONG TOWNSHIP - RESIDENTIAL SUBDIVISION, FUTURE TOWN CENTRE, SCHOOL, SALES AND INFORMATION CENTRE, COMMUNITY CENTRE, OPEN SPACE AND ANCILLARY INFRASTRUCTURE AND LOCAL SERVICES

Dear Mary,

Roads and Maritime Services (RMS) refers to your correspondence dated 11 April 2017 regarding the subject development application (DA).

RMS has reviewed the DA and notes the following:

- The proposed development has frontage and proposed access to a Regional Classified Road (Old Cooma Road);
- The proposed development is specified as a traffic generating development, for referral to RMS under Clause 104 of the State Environmental Planning Policy (Infrastructure);
- The proposal involves construction of new intersections with Old Cooma Road, and a number of new internal signalised intersections; and
- The proposed development is located some distance from the State Road network

RMS has recently reviewed its level of involvement on Classified Regional Roads and considers that it is more appropriate for Councils to determine if the road network arrangements are acceptable in terms of safety and efficiency.

Given the above, RMS entrusts Council to assess the traffic implications associated with the development.

RMS recognises that any works on Old Cooma Road will require Section 138 consent from Council and concurrence from RMS under Section 138 of the Roads Act, 1993. Should the developer be able to demonstrate to Council that the works

are acceptable and comply with relevant standards, RMS would issue its concurrence under Section 138 of the Roads Act, 1993.

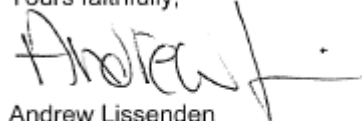
The only exception to the above position is for traffic signals, as RMS consent is required for all traffic signals under Section 87 of the Roads Act, 1993. RMS notes the DA proposes a number of signalised intersections, both along the Regional and local road networks. Should Council be satisfied that the developer has demonstrated an appropriate need for the proposed traffic signals, a separate referral needs to be made to RMS for assessment of the proposed design for each set of signals. The traffic signal design referrals need to take into consideration the staging of the development and any predetermined intersection operation reviews.

Additionally, RMS recognises that the introduction of any new intersection with Old Cooma Road (i.e. proposed Road 1), particularly if proposed to be signalised, may require review of the speed limit along Old Cooma Road. It is advised that RMS is the sole authority responsible for the review and installation of permanent speed zones across New South Wales. In this regard, the developer will be required to liaise with RMS to initiate the review and (if required) determine the timing of the installation of the speed zones along Old Cooma Road. This is particularly relevant to the proposed new intersection of Old Cooma Road and Road 1, given its proximity to the existing 100km/h speed zone on Old Cooma Road.

RMS highlights that in determining the application under Part 4 of the Environmental Planning and Assessment Act, 1979, it is the consent authority's responsibility to consider the environmental impacts of any road works which are ancillary to the development. This includes any works which form part of the proposal and/or any works which are deemed necessary to include as requirements in the conditions of development consent. Depending on the level of environmental assessment undertaken to date and nature of the works, the consent authority may require the developer to undertake further environmental assessment for any ancillary road works.

Upon determination of this matter, it would be appreciated if Council could email a copy of the Notice of Determination to RMS via development.southern@rms.nsw.gov.au.

Yours faithfully,

A handwritten signature in black ink, appearing to read 'Andrew Lissenden', with a stylized flourish at the end.

Andrew Lissenden
A/Manager Land Use
Southern Region