

RECORD OF DETERMINATION

SOUTHERN JOINT REGIONAL PLANNING PANEL

DATE OF DETERMINATION	10 January 2018
PANEL MEMBERS	Alison McCabe (Chair), Renata Brooks, Peter Brennan, Pete Harrison, Phillip Gibbons
APOLOGIES	Hon. Pam Allan
DECLARATIONS OF INTEREST	Peter Brennan declared a non-significant conflict of interest. He was employed for a period of three years with Elton Consulting who were the planners for the application. Mr Brennan advised that he ceased work with Elton Consulting 18 months ago and that, whilst he was aware of the Googong project during his employment with Elton Consulting, he had no involvement.

Electronic determination meeting held between 20 December 2017 and 10 January 2018.

MATTER DEFERRED

2017STH011 – Queanbeyan-Palerang – DA 123-2017

36 Googong Road and LOT 463 DP 1226692, Montgomery Avenue, Part Road Reserve – Old Cooma Road & Googong Road, GOOGONG

Integrated Development Application - Subdivision - Neighbourhood 2 Googong Township

PANEL CONSIDERATION AND DECISION

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.

The Panel resolved to approve the development application as described in Schedule 1 pursuant to section 80(3) of the *Environmental Planning and Assessment Act 1979*, subject to Council's revised conditions of consent as amended below (condition 6 and 8).

The decision was unanimous.

REASONS FOR THE DECISION

The reasons for the decision of the Panel were:

- The removal of 133 trees in total is inclusive of the 27 trees within the road reserve on Old Cooma Road. The Panel is satisfied that the removal of these trees is inevitable to allow for the duplication of Old Cooma Road. The Panel is satisfied that mature trees have been retained where practical across the subdivision and along the road corridor, and appropriate landscaping is proposed to mitigate the loss of existing trees and provide a positive contribution to the natural environment of the streetscape.
- The development generally satisfies the controls and requirements considered suitable for the site. Where there are variations to the instruments, the Panel is satisfied that these variations have been appropriately addressed by conditions of consent.
- The development will have an acceptable impact on the site, local area and neighbouring properties, whilst increasing the supply of housing and community facilities. Therefore, the proposed development is considered by the Panel to be in the public interest.

CONDITIONS

As per the revised conditions of consent attached to the supplementary Council Assessment Report, with the following amendments:

Amend Condition 6, as follows:

SUBMIT A MAINTENANCE AND MANAGEMENT PLAN FOR THE LAKE

A maintenance and Management Plan is to be provided for the lake which includes control of macrophytes from undesirable areas, desilting and flocculation requirements, litter control and to also include specifications for the aerating water jets and cleaning of GPT's. This must be submitted **to and endorsed by** Council prior to the issue of any Construction Certificate (Subdivision)






REASON: To ensure efficient ongoing management and operation of the units and maintenance of the lake.

Amend Condition 8, as follows:

FLORA AND FAUNA MANAGEMENT PLAN

A Flora and Fauna Management Plan (FFMP) is to be prepared at the applicant's cost and submitted **to and endorsed by** 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 reestablishment of native vegetation by revegetation. The Plan should also include a monitoring and review program. Key elements of the FFMP are to include the proposed measures to reduce impacts on biodiversity as outlined in the Googong NH2 Subdivision Flora and Fauna Assessment, March 2017 prepared by Capital Ecology.

REASON: To minimise any impacts on flora and fauna. (57.01)

PANEL MEMBERS	
 Alison McCabe (Chair)	 Renata Brooks
 Peter Brennan	 Phillip Gibbons
 Pete Harrison	

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	2017STH011 – Queanbeyan-Palerang – DA 123-2017
2	PROPOSED DEVELOPMENT	Integrated Development Application - Subdivision - Neighbourhood 2 Googong Township
3	STREET ADDRESS	36 Googong Road and LOT 463 DP 1226692, Montgomery Avenue, Part Road Reserve – Old Cooma Road & Googong Road, GOOGONG
4	APPLICANT/OWNER	Googong Township Pty Limited
5	TYPE OF REGIONAL DEVELOPMENT	General development over \$20 million
6	RELEVANT MANDATORY CONSIDERATIONS	<ul style="list-style-type: none"> Environmental planning instruments: <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 No 64 – Advertising and Signage State Environmental Planning Policy (Infrastructure) 2007 State Environmental Planning Policy (State and Regional Development) 2011 Queanbeyan Local Environment Plan 2012 Draft environmental planning instruments: Nil Development control plans: <ul style="list-style-type: none"> Queanbeyan Development Control Plan 2012 Googong Development Control Plan Planning agreements: Googong Local Planning Agreement, State Planning Agreement Provisions of the <i>Environmental Planning and Assessment Regulation 2000</i>: Nil Coastal zone management plan: Nil 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 <i>Environmental Planning and Assessment Act 1979</i> or regulations The public interest, including the principles of ecologically sustainable development
7	MATERIAL CONSIDERED BY THE PANEL	<ul style="list-style-type: none"> Further information provided by Council on 8 January clarifying numbers of impacted mature trees. Supplementary Council Assessment Report, including supplementary attachments (schedule 1 and 2, and revised draft conditions of consent). Documents supplied by Council at the meeting of 8 December 2017: Additional landscape plans, amended subdivision plans, amendment to draft Condition 3, memo advising changes to draft conditions dated 23 November 2017 and amended cover sheet of the Council Assessment Report. Revised draft conditions 7 December 2017 Council assessment report: 23 November 2017 Rural Fire Service response Amended plans submitted by the Applicant in September 2017 Written submissions during public exhibition: No public submissions, 11 Government agency submissions Verbal submissions at the public meeting of 8 December 2017:

		<ul style="list-style-type: none"> ○ On behalf of the applicant – Malcolm Leslie
8	MEETINGS AND SITE INSPECTIONS BY THE PANEL	<ul style="list-style-type: none"> • Public meeting: 8 December 2017. • Site inspection and briefing meeting 18 November 2017 • Final briefing meeting to discuss council's recommendation, 8 December 2017 at 9.30am. • Attendees: <ul style="list-style-type: none"> ○ <u>Panel members</u>: Alison McCabe (Chair), Renata Brooks, Peter Brennan, Pete Harrison, Phillip Gibbons ○ <u>Council assessment staff</u>: Mike Thompson, Graeme Harlor, Mary Kunang, and Dirk Jol.
9	COUNCIL RECOMMENDATION	Approval
10	DRAFT CONDITIONS	Attached to the council assessment report