

JRPP Number	2010STH035
Application Number	DA 326-2010
Applicant	Vishal Saxena of Colin Stewart Architects
Proposed Development	Staged Development of Ninety-Five (95) Two Storey Multi-Unit Dwellings within Nine (9) Buildings, Landscaping, Road Works, Earthworks and Strata Subdivision.
Property Address	47 Mowatt Street, Queanbeyan East NSW 2620
Property Description	Lot 101 DP 727512
Assessing Officer	Chelsea Newman (QCC)

Assessment Report and Recommendation

Executive Summary

Council is in receipt of a development application seeking approval for the staged development of ninety-five two storey multi-unit dwellings within nine buildings, landscaping, road works, earthworks and strata subdivision on Lot 101 DP727512, 47 Mowatt Street, Queanbeyan. Buildings 1, 2, 3, 4, 5 and 8 are two storey residential flat buildings as defined under the Queanbeyan Local Environmental Plan (QLEP) (as amended) 1998 and have basement car parking. Buildings 6, 7 and 9 are two storey townhouses with above-ground car parking. The staged development involves two phases. An unformed public road which runs along the western boundary of the subject site is proposed to be constructed in order to provide access to the development from Mowatt Street.

The subject site is zoned 2 (d) Residential D under the Queanbeyan Local Environmental Plan 1998 as amended. The proposed development is permissible within this zone.

The capital investment value (CIV) of the proposed development is \$22 million. As this is greater than \$10 million the Joint Regional Planning Panel is the consent authority in accordance with the provision of the State Environmental Planning Policy (Major Development) 2005.

The proposed development was notified to adjoining property owners and occupiers and advertised in local newspapers for twenty-one days. During this period five submissions were received. Following the receipt of additional information from the applicant the proposed development was re-notified to those who made submissions. No further submissions were received.

An assessment under Section 79C of the *Environmental Planning and Assessment Act 1979* has been undertaken and the application is recommended for conditional approval.

Background

The subject site has been the subject of two relatively recent development consents, neither of which has been commenced, and which are detailed as follows –

- DA 196-2004 for the erection of seventy-five dwellings and strata subdivision was approved on 2 January 2006 and lapsed on 2 January 2010.
- DA 278-2006 for an aged housing development comprising 123 dwellings and ancillary facilities was approved on 13 December 2006 and will lapse on 13 December 2011. If the subject application is approved the consent for DA 196-2004 should be surrendered, in accordance with Section 80A of the *Environmental Planning and Assessment Act 1979* and a condition imposed to ensure compliance.

The subject application is seeking to rely on parts of the previous submissions for the above DAs. The portions of the previous submissions which are requested to be reconsidered are the Archaeological Report, Flora and Fauna Report and Preliminary Contamination Investigation Report. All of these matters are discussed elsewhere in this Report.

Site and Surrounds

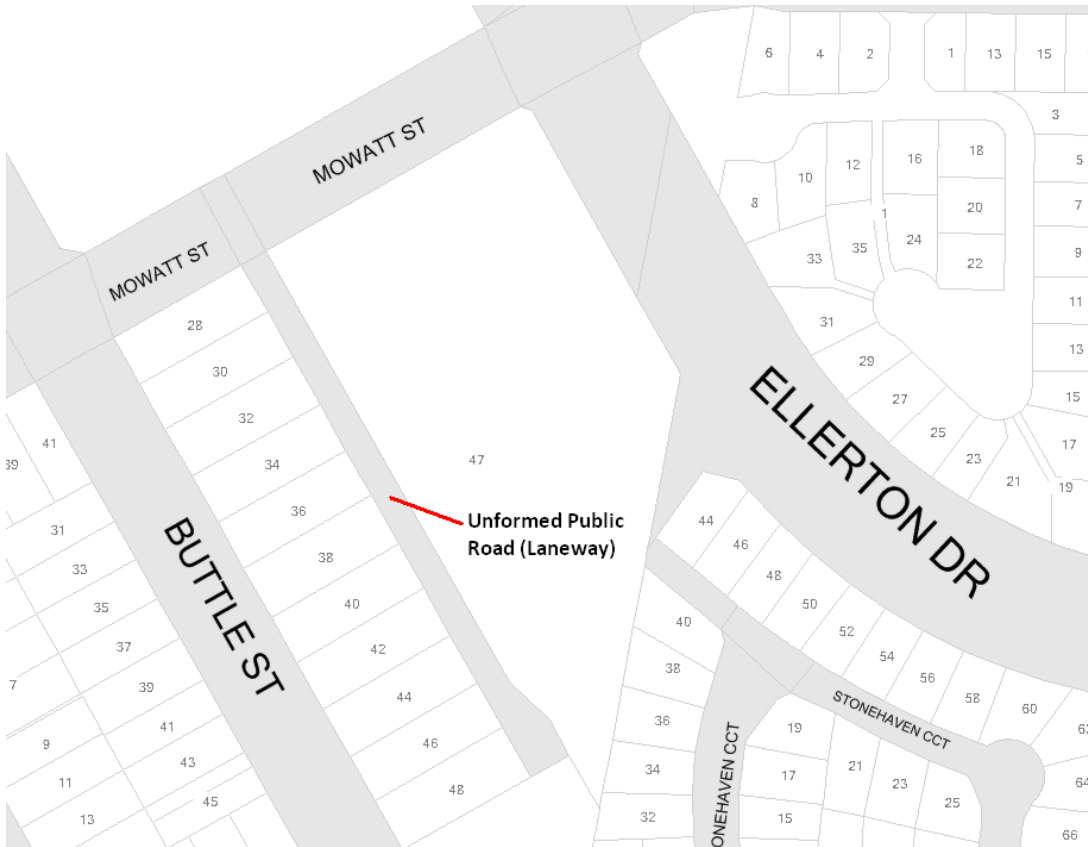
The subject site (highlighted in red in figure 1 below) is a vacant lot located in East Queanbeyan in close proximity to the CBD, the Queanbeyan River and community facilities such as sportsgrounds and schools. The site is 17,190m² and slopes up about 6m from the north-eastern corner to the middle of the site, where it flattens out before sloping down to the southern corner by 2-3m. The land is largely denuded of vegetation, except for some sparse grass and weed cover, and contains no trees.

The site is bounded by Mowatt Street to the north and Ellerton Drive to the east. The southern side is bounded by residential development and an unformed dedicated public road runs along the western boundary between the site and Buttle Street residences (shown below in figure 2). This road is proposed to be constructed and used to access the development. There are several native trees within the unformed road's northern half which will need to be removed to allow for the road's construction.

Figure 1 – Subject Site (Highlighted in Red)

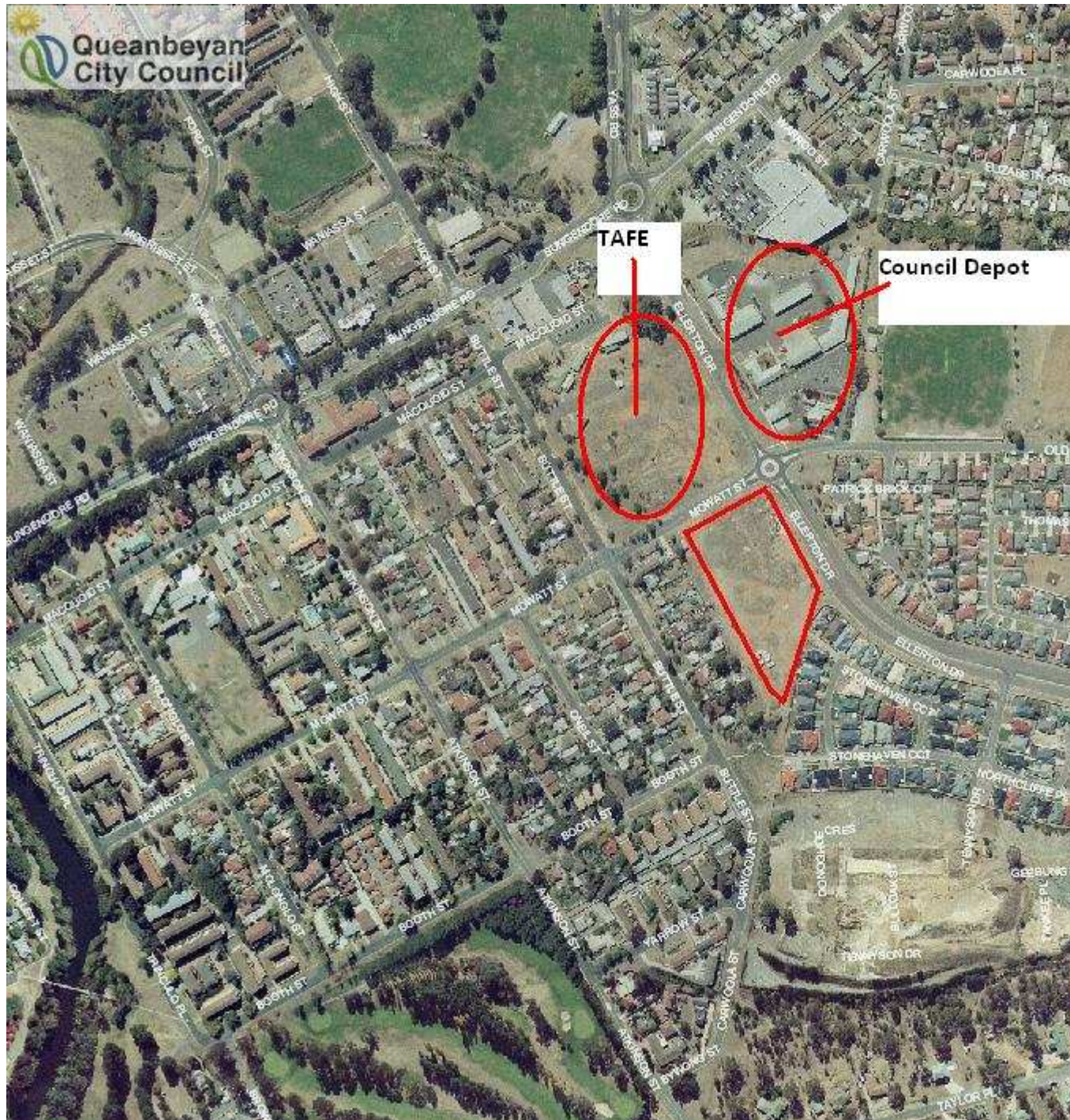


Figure 2 – Cadastre Showing Unformed Public Road



The locality (see figure 3 below) consists of a mixture of older single dwellings, townhouses and residential flat buildings, and recent unit development to the west; Council's Works Depot, Queanbeyan TAFE College and vacant land to the north; and relatively recent residential subdivisions of predominantly single dwellings to the east and south.

Figure 3 – Locality Map



Proposed Development

The proposed development involves the following:

- Erection of ninety-five dwellings in nine separate buildings staged over two phases. Buildings 1, 2, 3, 4, 5 and 8 are residential flat buildings as defined under the Queanbeyan Local Environmental Plan 1998 (as amended) and have basement car parking. Buildings 6, 7 and 9 are two storey townhouses with above-ground car parking;
- Construction of laneway off Mowatt Street and associated car parking;
- Construction of two waste storage areas;
- Installation of hard and soft landscaping, including communal facilities in north garden;
- Earthworks; and
- Strata subdivision.

Stage One of the development includes the following:

- Construction of the laneway, basement car park and all internal access roads;
- Erection of Buildings 1, 2, 3, 4, 5 and 8;
- Construction of two waste storage areas;
- Earthworks;
- Strata Titling; and
- Landscaping associated with Buildings 1, 2, 3, 4, 5 and 8 and the communal north garden.

Stage Two of the development includes the following:

- Erection of Buildings 6, 7 and 9;
- Strata Titling; and
- Landscaping associated with Buildings 6, 7 and 9 and the communal south garden.

It is considered that the communal south garden should be incorporated into Stage 1 of the proposed development as this garden contains communal facilities, including bar-be-que, tables and play equipment. A condition is recommended to be imposed, should consent be granted, to that effect.

Statutory Assessment

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

- State Environmental Planning Policy No 55 – Remediation of Land.
- State Environmental Planning Policy No 65 – Design Quality of Residential Flat Development
- State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004.
- State Environmental Planning Policy (Major Development) 2005.
- Queanbeyan Local Environmental Plan 1998 (as amended).
- Development Control Plan 1 – Car Parking Policy.
- Development Control Plan 41 – Soil, Water and Vegetation Management Plans.
- Development Control Plan 42 – Landscape Policy.
- Development Control Plan 50 – Advertised Development and Public Notification.
- Development Control Plan 52 – Safe Design Guidelines for the City of Queanbeyan.
- Development Control Plan 56 – Dual Occupancy Housing, Multi-Dwelling Housing and Residential Flat Buildings.

The development has been assessed in accordance with the matters for consideration under Section 79C of the *Environmental Planning and Assessment Act 1979* and the *Environmental Planning and Assessment Regulation 2000* as follows.

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

(a) State Environmental Planning Policy No 55 – Remediation of Land

Clause 7(1) prescribes that a consent authority must not consent to the carrying out of any development on land unless it has considered whether the land is contaminated.

A Preliminary Contamination Investigation Report was prepared for the site by ACT Geotechnical Engineers in June 2006 and submitted as part of the supporting documentation for DA 278-2006. The Report concluded that the site was probably cleared in the latter part of the 19th century for grazing purposes. Following field inspections, subsurface investigation, laboratory chemical testing and landuse search, ACT Geotechnical Engineers conclude that the site is free of any gross contamination and is suitable for residential development.

The site has remained vacant since the above Report was completed. As such, it is considered that the Preliminary Contamination Investigation Report prepared for the site by ACT Geotechnical Engineers in June 2006 and submitted as part of the supporting documentation for DA 278-2006 can be relied upon to confirm that the site is suitable for residential development. Therefore, pursuant to clause 7(3) a detailed contamination investigation report is not considered to be warranted.

(b) State Environmental Planning Policy No 65 – Design Quality of Residential Flat Development

Pursuant to clause 3(1) of this policy a residential flat building is defined as follows:

Residential flat building means a building that comprises or includes:

(a) 3 or more storeys (not including levels below ground level provided for car parking or storage, or both, that protrude less than 1.2 metres above ground level), and

(b) 4 or more self-contained dwellings (whether or not the building includes uses for other purposes, such as shops),

but does not include a Class 1a building or a Class 1b building under the Building Code of Australia.

Note. Class 1a and Class 1b buildings are commonly referred to as town houses or villas where the dwelling units are side by side, rather than on top of each other.

It is unclear from the submitted section drawings for proposed Building 2 whether a very small part of the basement car park may slightly protrude above 1.2m above ground level. The applicant advises that a slight battering of soil as part of the landscape design means that at no place will the ground level protrude more than 1.2m above its immediate landscape. A condition is recommended to be imposed, should consent be granted, requiring that the basement does not protrude more than 1.2m above ground level to ensure the development does not require consideration under SEPP 65.

(c) State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004

Under this policy, a BASIX Certificate must be obtained, and this certificate must be consistent with the plans submitted. The information provided within the submitted Certificate and plans is considered to be satisfactory and therefore compliance with this SEPP has been achieved.

(d) State Environmental Planning Policy (Major Development) 2005

State Environmental Planning Policy (Major Development) 2005 identifies development for which Joint Regional Planning Panels are to exercise specified consent authority functions.

As the capital investment value (CIV) of the proposed development is greater than \$10 million (\$22 million) the consent authority is the Joint Regional Planning Panel – Southern pursuant to Part 3 – Regional Development of the State Environmental Planning Policy (Major Development) 2005.

(e) *Queanbeyan Local Environmental Plan 1998*

The proposed development has been assessed in accordance with the requirements of the Queanbeyan Local Environmental Plan 1998 and a summary is provided as follows:

COMMENT	COMPLIES? CONDITION? VARIATION?
<i>Clause 2 – Aims and General Objectives of the Plan</i>	
The proposed development is consistent with the aims and general objectives of the Plan. Specifically, the proposal is considered to be well designed and of a scale and in a location which is sensitive to environmental and planning constraints.	Yes
<i>Clause 5 – Dictionary</i>	
<p>The proposal is described as the following as defined in Schedule 1 of the Plan:</p> <ul style="list-style-type: none"> • Multi-Dwelling housing; • Residential flat buildings; • Road; • Excavation and filling; and • Subdivision. 	Yes
<i>Clause 6 – Model Provisions</i>	
This plan adopts clauses 5 (4), 7, 8, 10 (2), 11, 12, 13, 22, 23, 24, 29, 31 and 35 (paragraph (c) excepted) of, and Schedule 1 to, the Environmental Planning and Assessment Model Provisions 1980. Clause 8 – Preservation of Trees is the only clause applicable to the subject application and is considered under clause 8 of the QLEP 1998.	Yes
<i>Clause 8 – Preservation of Trees</i>	
Council has a Tree Preservation Order. The site is generally cleared of vegetation. However, several trees within the unformed public road will be required to be removed. Proposed landscape works include the planting of a significant number of exotic and native trees which will improve the amenity of the locality.	Yes

<i>Clause 10 – Availability of Services</i>	
The site is capable of being serviced. Refer to the assessment by Council’s Development Engineer later in this Report.	Yes
<i>Clause 12 – Zones Indication on the Map</i>	
The subject site is 2(d) Residential D under QLEP 1998.	Yes
<i>Clause 13 – Zone Objectives and General Development Controls</i>	
Under clause 13(3), Council must not consent to the proposed development unless of the opinion that it is consistent with the objectives of the applicable zones. These are addressed below with respect to QLEP clause 22.	Yes
<i>Clause 22 - General Development Controls – Zone 2 (d) Residential D</i>	
<i>Clause 22 - General Development Controls Zone 2(d) Residential D</i> – The zone is a multi-purpose residential zoning which allows for a wide range of development. The objectives of the zone are therefore broad and largely relate to the pre-planning of urban release areas, subdivision and to guide the provisions of development control plans. The proposed development generally satisfies the objectives of the zone and is permissible in the zone pursuant to clause 22(4).	Yes
<i>Clause 25 – Multi Dwelling Housing – Matters for Consideration</i>	
<p>This clause details matters that Council must be satisfied with prior to granting any development consent for multi dwelling housing. These matters include the provision in each dwelling for:</p> <ul style="list-style-type: none"> • Privacy • Access to natural light • Servicing including water supply and disposal of sewerage and stormwater • Landscaping • Parking • Assessment of a design’s relationship to the scale and character of streetscape and adjoining buildings • Minimal conflict between vehicles and pedestrians for access to the development • Design to minimise impact on traffic flows along the road giving access to the site. <p>These issues have been assessed as part of the DCP 56 assessment detailed later in this Report.</p>	Yes

Clause 56 – Heritage Conservation	
<p>The site is not a heritage listed item of local or state significance and there are no heritage listed items in the vicinity of the site.</p> <p>Therefore, the relevant objectives of this clause are the following:</p> <p><i>(c) To conserve archaeological sites, and</i></p> <p><i>(d) To conserve places of Aboriginal heritage significance.</i></p> <p>An Archaeological Assessment for the subject site was prepared in 2004 to and submitted as a part of supporting documentation for DA 196-2004. The assessment comprised background research, an archaeological field survey and participation by Ngunnawal Local Aboriginal Land Council and Buru Ngunnawal Aboriginal Corporation.</p> <p>It concludes that despite high ground surface exposure, no Aboriginal or European cultural heritage sites were located in the survey. The subject site is considered to have negligible archaeological potential and no Aboriginal or European cultural heritage constraints.</p> <p>Of the recommendations of the report two (2) are considered important for the development application. These are:</p> <ol style="list-style-type: none"> <i>1. No further archaeological investigation or assessment is warranted at this stage; and</i> <i>2. If any previously undetected Aboriginal site or relic is uncovered or unearthed during work, that work at that location cease immediately and appropriate action be obtained from the Southern Aboriginal Heritage unit of the NSW Department of Environment and Conservation.</i> <p>The second recommendation has been included as a recommended condition should consent be granted.</p>	<p>Yes</p> <p>Condition</p>
Clause 66 – Development Along Arterial Roads	
<p>Pursuant to clause 66(2) Ellerton Drive is considered to be an arterial road, as it is proposed to link to the future Edwin Land Parkway, for the purposes of sub-clause (1). However, the laneway access is approximately 100 metres from the intersection of Mowatt Street and Ellerton Drive, therefore, sub-clause (1) is not applicable as the proposed vehicular access is not directly to an arterial road or within 90 metres of an intersection with an arterial road.</p>	<p>Yes</p> <p>Condition</p>

<p>Clause 66(5)(c) states the following:</p> <p><i>(5) The Council may grant development consent for the subdivision of the following land, or the erection of a dwelling requiring development consent on that land, only if it is satisfied that the development incorporates noise mitigation measures that are in accordance with the Environment Protection Authority's Environmental Criteria for Road Traffic Noise (published in June 1999):</i></p> <p><i>(c) Land adjoining the proposed Edwin Land Parkway.</i></p> <p>It is considered that the proposed development has been designed generally in accordance with the Environment Protection Authority's <i>Environmental Criteria for Road Traffic Noise</i>, which outlines noise mitigation measures for new residential land use developments affected by arterial traffic noise. However, in addition, several conditions relating to window treatments are recommended to be imposed, should consent be granted. These are discussed in more detail later in this Report under DCP 56.</p>	
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<i>Clause 77 – Land which may be Contaminated by Virtue of Previous Development</i>	
The Council may grant consent for the development of land only if it is satisfied that clause 7 of <i>State Environmental Planning Policy No 55—Remediation of Land</i> has been complied with.	<p>Yes</p> <p>Refer to previous comments under SEPP 55.</p>
<i>Clause 78 – Greenhouse Emissions</i>	
This clause requires an assessment of possible measures to reduce consumption of energy and production of greenhouse gases. The applicant has generally designed the structures to be energy efficient through passive design, orientation and construction strategies, insulation and fit out standards. Included in the design are reasonable sun and daylight access and acceptable natural cross flow ventilation. The application has also satisfied the NSW BASIX requirements.	Yes
<i>Clause 79 – Waste Minimisation and Disposal</i>	
<p>A satisfactory Waste Management Plan (WMP) has been submitted in support of the proposed development. This details the types and quantities of waste anticipated to be produced during the construction phase and how it will be disposed of.</p> <p>Waste generated by future residents will be able to be adequately disposed of within Council issue wheelie bins stored in two (2) enclosed waste storage enclosures. This is further elaborated</p>	<p>Yes</p> <p>Condition</p>

under DCP 56 later in this Report.	
Conditions relating to the construction phase of the development and disposal of waste are also recommended to be imposed to any consent granted.	
Clause 80 – Covenants and Agreements	
No covenants are applicable to the site.	Not Applicable
Clause 81 – Advertised Development	
Development for the purposes of residential flat buildings (as defined in the QLEP 1998) is identified as advertised development. Both written and published notice of the subject development application was given in accordance with Division 7 of the <i>Environmental Planning and Assessment Regulation 2000</i> .	Yes
The proposed development was notified to adjoining property owners and occupiers and advertised in local newspapers for twenty-one days. During this period five submissions were received. Following the receipt of additional information from the applicant the proposed development was re-notified to those who made submissions. No further submissions were received.	

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

No draft environmental planning instruments apply to the site.

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

The following Development Control Plans (DCPs) apply to the development:

COMMENT	COMPLIES (Yes/No)
DCP No 1 – Car Parking	
<p>The Plan aims to provide on-site car parking to cater for the increased demand brought about by the development of the site and the provision of car parking which is functional, safe and attractive.</p> <p>In accordance with the DCP, the development requires 141 car parking spaces for residents and 19 car parking spaces for visitors (including 1 disabled visitor park.), i.e. 160 spaces in total.</p> <p>The proposal provides 180 car spaces in total and 2 service and delivery parking bays. All three bedroom units have 2 car spaces allocated as do the majority of two bedroom units (1.5 required). All</p>	Yes

one bedroom units have 1 car space.

Car park numbers and locations are broken down in the following table.

Parking Type	Number	Location
Resident (Standard)	111	Basement
	36	Carports (Townhouses)
Resident (Disabled)	3	Adjacent to Building 5
Resident (Small Car)	10	Basement
Total Resident	160	
Visitor (Standard)	8	Basement
	9	Adjacent to Building 7
Visitor (Disabled)	1	Adjacent to Building 7
Visitor (Small Car)	2	Basement
Total Visitor	20	
TOTAL	180	
Delivery	2	Adjacent to Building 7
Total Delivery	2	

Visitor parking within the basement is located prior to the secure access point under Building 1. A staircase is provided to give visitors access from the basement to ground level.

The number of small car spaces (2.3m x 5.0m) is justified by the applicant as encouraging the use of more environmentally friendly, low fuel use cars. It is considered that 12 small car spaces out of a total of 180 is acceptable as this is less than 7% of the total, it is likely that many residents and visitors will indeed drive small cars, and that these spaces will be allocated as the second car park for some of the two bedroom units.

The disabled resident car parks are provided for the adaptable Apartment Type units in Building 5. Other adaptable Townhouse Type units in Building's 6 and 7 are provided with enough room within carports to provide for 2 disabled car parks if required.

In addition the DCP contains provisions in relation to vehicle access, manoeuvring and ramps, derived from the Australian Standards, which the proposal satisfies as advised by Council's Development Engineer.	
<i>DCP No 41 – Soil, Water and Vegetation Management Plan (SWVMP)</i>	
DCP No 41 outlines the circumstances in which a Soil, Water and Vegetation Management Plan (SWVMP) is required and the minimum requirements for the Management Plan. A satisfactory SWVMP has been submitted for the proposed development.	Yes
<i>DCP No 42 – Landscape Policy</i>	
<p>The policy requires that a Category 2 landscape plan be submitted by a Council accredited landscape consultant. A landscape plan that complies with this policy has been submitted, prepared by Neil Hobbs of Harris Hobbs Landscapes and is accompanied by a Landscape Design Report. It includes the provision of a variety of plantings and surface treatments, including the provision of play equipment, tables and bar-be-que facilities in the south garden, and several seats placed throughout the site. Each area of ground level private open space will also be landscaped.</p> <p>Two large communal gardens will be constructed during Stage 1 of the development, along with landscaping associated with Buildings 1, 2, 3, 4, 5 and 8. Landscaping associated with Buildings 6, 7 and 9 will be completed as part of Stage 2 of the proposed development.</p>	Yes
<i>DCP No 50 – Advertised Development and Public Notification</i>	
The DCP applies to the public notification of advertised development. In accordance with the DCP, the original proposal was advertised in The Queanbeyan Age on 12 and 26 November 2010 and The Chronicle on 16 November and the adjoining owners notified by mail. During this period five submissions were received. Following the receipt of additional information from the applicant the proposed development was re-notified to those who made submissions. No further submissions were received. These are discussed in detail under the Community Consultation section of this Report.	Yes
<i>DCP No 52 – Safe Design Guidelines for the City of Queanbeyan</i>	
The DCP was adopted in September 2002 and aims to enhance public safety through design and may require the referral of certain development to the NSW Police Service. The applicant has addressed compliance with DCP 52 in the submitted Statement of Environmental Effects (SEE).	Yes Conditions

<p>The size of the proposed development meant that it was referred to the NSW Police Service for comment. The Monaro Local Area Command conducted a Safer By Design Evaluation on in December 2010. The development has been identified as a moderate crime risk. A number of conditions and advisory notes have been recommended to minimise opportunities for crime within the development. These are summarised and commented on in the following table.</p>		
	Police Recommendation	Comment/Condition
1.	A mix of units should be provided used in each block to ensure that there are a large number of living/communal areas which are capable of overlooking all semi-public areas, including car parking spaces.	It is not considered necessary to require a redesign of the development to provide more of a mix of units in each block. Units in buildings 1, 2, 3, 4, 5 and 8 all have two living/communal areas which overlook both the street and internal gardens. The above-ground car parks for buildings 6, 7 and 9 do not have any living/communal areas directly overlooking them. However, they are directly adjacent to the internal access road and are not fully enclosed. Therefore, there will be natural surveillance to these car parks from passing vehicles.
2.	Concern that building 8 will cause a blockage in natural surveillance from all buildings to the north and south garden areas. Consideration should be given to removing building 8 altogether to allow more natural surveillance.	There is a high level of natural surveillance to each garden from the private open spaces of all units on each garden's perimeter. Removal of an entire building to provide natural surveillance is therefore not considered to be warranted.
3.	Entry points should be designed so as to maximise surveillance opportunities to and from these areas.	Entry to the proposed development from Mowatt Street is clearly defined. Lobby entries to units have full length windows to allow for natural lighting and surveillance. Timber screens are also attached to aid in identification, but also contain open elements to allow for surveillance opportunities.
4.	Common entry areas should maximise opportunities for natural supervision by staff and other guardians.	<p>It is anticipated that some maintenance staff will be employed in the development but not in a permanent sense like a caretaker.</p> <p>Facilities for maintenance staff are centrally located and access throughout the</p>

		development is facilitated by a series of linked pedestrian pathways.
5.	Fencing should not block all natural surveillance from neighbours and passerby's into the property.	No external fencing for the development is proposed. Rather, tree plantings will form a clear site boundary and allow for surveillance into the property.
6.	Ensure security lighting is in place around entry/exit points. Consider installing sensor lighting.	Condition
7.	A street sign should be prominently displayed at the front of the development.	Condition
8.	Signage needs to be provided on fire exit doors warning users that the doors are to be used for emergency purposes only.	Condition
9.	Strong consideration be given to the use of graffiti resistant materials on fences, ground floors and areas which are accessible by other structures. A graffiti management plan needs to be incorporated into the maintenance plan for the development.	The submitted CPTED Report states that high levels of pedestrian presence and passive surveillance will be the primary deterrent for graffiti. Any graffiti management plan will be the responsibility of the Body Corporate.
10.	Fire exit doors should be fitted with single cylinder locksets and windows should also be fitted with key operated locksets to restrict unauthorised access to the development.	This will be noted in advisory notes should consent be granted.
11.	To enhance the security of the complex a monitored intruder alarm system could be implemented and/or external CCTV could be considered for all units within the complex.	This will be noted in advisory notes should consent be granted.
It is considered that the proposed development generally satisfies the relevant		

passive surveillance within and to the development are provided through the use of multiple pathways and the location of courtyards. Fencing to courtyards also contain open elements.

An external lighting plan and design report have also been submitted in support of the proposal. The lighting has been designed in accordance with AS 1158.3.1: 2005 – Lighting for Roads and Public Spaces and AS 4282: 2007 – Control of the Obtrusive Effects of Outdoor Lighting. It is proposed to provide metal halide lighting mounted on 4.5m high poles along vehicular access routes and along internal pedestrian routes.

Consideration in the design was given to the potential for obtrusive light to be generated. Spill light calculations were taken at four properties on Buttle Street and Stonehaven Circuit. Calculations were made using specialist lighting design software AG132 to calculate lux (lx) levels on the rear walls of these properties from ground level to a height of 3m. The value of 1.6 lx as calculated in the model is below the 2 lx maximum level recommended in AS 4282: 2007 Table 2.1.

Conditions to ensure compliance with the relevant lighting standards will be imposed to any consent granted.

DCP No 56 – Dual Occupancy Housing, Multiple Dwelling Housing and Residential Flat Buildings. Assessment of Design Elements

The following Design Elements are applicable to the proposed development.

Design - The proposed new unit buildings are considered to be of a high quality design. Roof forms are broken up and elevations have a variety of screens, sun shades, balustrades and external colours and finishes. Materials proposed to be used include:

- Smooth finish blocks in pearl grey and alabaster finish;
- Colorbond™ roofing coloured dark grey ‘Windspray’ with a timber underside to some elevations;
- A mixture of timber slats, grey brick and concrete for courtyard fences;
- Glass and concrete balcony balustrades; and
- Timber screens on facades and balconies.

Buildings along the Ellerton Drive and Mowatt Street frontages have been designed to address them by locating private open space areas and living rooms to face the street.

The DCP prescribes that buildings should not exceed a total length of 45m. All proposed buildings comply with this provision except for proposed Building 1 which is approximately 55m in length. The

Yes
Variation

applicant was also requested by Council to provide additional justification for the variation and to reduce the building height. Subsequently, the building design has been changed to reduce the height and improve the façade of units facing the laneway.

The applicant has submitted the following justifications in support of this variation:

- The end of the building facing Mowatt Street has been designed to address the street frontage. This elevation is visually set apart from the remainder of the building through varying roof form architecture, colours and finishes;
- The mass of the building is not apparent from either Mowatt Street or Ellerton Drive, however this section has had various architectural elements incorporated to provide an articulated and interesting façade. Bay windows and balconies alternate on level one with timber louvered screens above, vertical recesses occur every two apartments and private open space at ground level has horizontal recesses every two units to allow for landscaping;
- The building's roof will not be a singular large roof but shall step every two units in line with the site's contours; and
- There are no negative impacts on solar access.

The design element objectives are as follows:

- *The development is of high quality which contributes positively to the streetscape, is compatible with the desired character of the area and is visually interesting of high architectural quality;*
- *The design of buildings should relate to a human scale and contain elements that break up the form of the building; and*
- *Buildings should provide for varying building heights to reduce scale. Large unbroken wall planes should be avoided to prevent the appearance of unduly high, elongated buildings.*

The 45m building length prescription is imposed to ensure that the scale and bulk of buildings do not dominate the development or the streetscape due to elongated, unbroken wall planes. It also aids in ensuring that development is compatible with the desired character of the locality, is visually interesting and is of high architectural quality.

It is considered that the proposed variation to the DCP to allow for Building 1 to be approximately 55m in length can be supported for the following reasons:

<ul style="list-style-type: none">• Building 1 is situated within the site so as to not be visually dominating from within and outside the site. It is setback further from the Mowatt Street frontage than Buildings 2 and 3 (15.6m from the site boundary), and there is about 19m between Building 1 and Building 9 (adjacent along the laneway frontage). Due to the location of the laneway, Building 1 is also setback from the rear of the adjoining properties on Buttle Street by approximately 13m;• Careful attention has been paid by the designer to the form of Building 1. The use of varying roof forms, recessing and balcony treatments ensure that the building’s façade is visually interesting;• The proposed development generally is considered to be in keeping with the desired character of the locality which, based on the land use zones, is surmised to be generally that of multi-purpose residential including medium to high density development; and• The proposed length of Building 1 generally satisfies the design element objectives and is not anticipated to have any adverse impacts on the amenity of the locality or future residents of the development. <p>The variation to the DCP is therefore recommended for support.</p>																
<p><i>Density</i> – The site area is 17,190m². The proposal satisfies the density provisions of Council’s DCP as outlined below.</p> <table><tr><th>Dwelling Size</th><th>Minimum Site Area Per Unit</th><th>Total Area Required</th></tr><tr><td>1 Bedroom x 16</td><td>128m²</td><td>2,048m²</td></tr><tr><td>2 Bedroom x 66</td><td>180m²</td><td>11,880m²</td></tr><tr><td>3 Bedroom x 13</td><td>248m²</td><td>3,224m²</td></tr><tr><td></td><td></td><td>17,152m²</td></tr></table> <p>The maximum floor space ratio (FSR) prescribed is 0.7:1. The proposed development’s FSR has been calculated in accordance with the definitions contained within the DCP as being approximately 0.69:1.</p> <p>Maximum site coverage of the buildings should not exceed 40%. For the proposed development it has been calculated as being approximately 38.77%.</p>	Dwelling Size	Minimum Site Area Per Unit	Total Area Required	1 Bedroom x 16	128m ²	2,048m ²	2 Bedroom x 66	180m ²	11,880m ²	3 Bedroom x 13	248m ²	3,224m ²			17,152m²	Yes
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		17,152m²														

<p><i>Setbacks</i> – The site is a corner block, with both Ellerton Drive and Mowatt Street considered to be main frontages. The proposed development satisfies the DCP building setbacks except for two proposed variations. Indeed, much of the development greatly exceeds the required front, rear and side boundary setbacks.</p> <p>There is a 2m encroachment into the Ellerton Drive frontage from two balconies and secondary private open space areas on proposed Building 3. The applicant contends that this variation should be supported as the balconies serve as a good vantage point for views and “lend themselves well to the building elevation and form.”</p> <p>The design element objectives are as follows:</p> <ul style="list-style-type: none"> • <i>To preserve and enhance the existing streetscape;</i> • <i>To provide equitable access to light and sunshine;</i> • <i>To maintain adequate space between buildings and public places to allow for privacy;</i> • <i>To accommodate landscaping and the deep planting of trees; and</i> • <i>To promote flexibility in the siting of buildings.</i> <p>It is considered that the proposed variation to the DCP can be supported for the following reasons:</p> <ul style="list-style-type: none"> • Proposed building 3 is about 18.5m in length and the encroachment occurs in 2 x 6.0m sections. Proposed buildings 4 and 5, which also face Ellerton Drive, exceed the prescribed setbacks. Overall, the view of the development along Ellerton Drive is of staggered buildings, generally setback from the property boundary by over 6.0 metres. This reduces the visual impact of the proposed encroachment; • The encroachment will not have any negative impacts on the amenity of the locality or of future residents by way of access to natural light and privacy; and • The proposed development is considered to satisfy the setback design element objectives in the DCP. <p>A further setback requirement in the DCP is that of setbacks between buildings. This is prescribed at a minimum of 6.0m. The proposed development satisfies this requirement except for at two points. The distance between Buildings 2 and 3 is 3.74m and a corner of Building 5 is 4.9m from Building 6. In support of the variation the applicant states that there is no impact on solar access, nor do the</p>	<p>Yes Variations</p>
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<p>encroachments result in any overlooking into private open space or between windows. An inspection of the relevant plans confirms this.</p> <p>It is considered that the proposed variation to the DCP can be supported for the following reasons:</p> <ul style="list-style-type: none"> • The proposed encroachment will not have any negative impacts on the amenity of the locality or of future residents by way of access to natural light and privacy; and • The proposed development is considered to satisfy the setback design element objectives in the DCP. 	
<p><i>Height</i> – Maximum building height prescribed in the DCP is 7.5m in two storeys. Proposed Buildings 6, 7 and 9 (Townhouses) all comply. The remaining buildings (Apartments with basement car parking) exceed 7.5m above natural ground level at some points by between approximately 0.2m and 1.0m. The applicant has submitted the following justifications for the variation:</p> <ul style="list-style-type: none"> • The site is steeply sloping and the height requirement has been generally achieved by stepping the buildings to ensure an appropriate relationship to ground level; • Encroachments are minor ridge building elements; and • The encroachments do not adversely affect neighbouring properties, and, in fact, they add to visual interest by incorporation on variety in roof forms. <p>The design element objectives are as follows:</p> <ul style="list-style-type: none"> • <i>To control the height of residential flat buildings within each zone;</i> • <i>To be consistent with the future desired character of the locality;</i> • <i>To minimise disruption to views, ensure no loss of privacy and loss of sunlight to existing residential development;</i> • <i>To provide sunlight access to private open spaces within the development site and maintain adequate sunlight access to private open spaces and windows of living spaces of adjacent buildings.</i> <p>Submitted elevations and section drawings show that the encroachments are of a minor nature when viewed in the context of the entire development and that they do indeed contribute to providing a variety of roof forms.</p>	<p>Yes Variations</p>

<p>The location of the buildings within the site means that they will not contribute to the disruption of views over and above the impact of the development as a whole. The proposed height encroachments will also not have any adverse impacts on solar access and privacy.</p> <p>The overall impression of the development is clearly that of several two storey residential buildings. This is in keeping with the future desired character of the locality.</p> <p>Given all of the above, it is considered that the proposed variations satisfy the design element objectives and can be supported in this instance.</p>	
<p><i>Solar Access</i> – The DCP requires that at least 80% of all dwellings within a development receive a minimum of 3 hours direct sunlight between 9:00am and 3:00pm on 21 June. Additionally, buildings should be designed to ensure that the private open space and living areas of adjacent dwellings receive the minimum 3 hours sunlight on 21 June. The proposed development complies with these requirements.</p> <p>Shadow diagrams have been submitted which show the shadow impact of the proposed development at 9am, 11am, 12 noon, 1pm, 2pm and 3pm on 21 June. These show that there will be no overshadowing of any adjacent dwellings during this period.</p> <p>Out of the 95 units proposed for the development a total of 87 (91.57%) receive the required amounts of sunlight. The following units within the development do not receive the full 3 hours of sunlight on 21 June:</p> <ul style="list-style-type: none"> • Building 1 – Unit 101E’s private open space does not appear to receive the full 3 hours of sunlight; • Building 3 – Unit 302C’s principal area of private open space does not receive the full 3 hours of sunlight, however, a secondary area of private open space receives sunlight throughout the day and is also accessible from a living area; and • Building 7 – Units 701 to 706 – private open space areas receive sunlight to over 50% of their surface between 1pm and 3pm but less than 50% at 12 noon. <p>Given the size of the proposed development, it is considered acceptable that there are some dwellings which do not receive the full 3 hours of sunlight on 21 June. It should also be noted that the two common garden areas receive high levels of sunlight on 21 June. Overall, the proposed development has been designed to provide high levels of solar access to dwellings and public areas and is considered</p>	Yes

satisfactory.	
<p><i>Open Space</i> – The DCP prescribes that for dwellings located at ground level, private open space with an area of 25m², a minimum dimension of 4m, directly accessible from a living area and with a northerly aspect must be provided. For dwellings located above ground level a balcony with a minimum area of 12m², a minimum dimension of 2m, accessible from the main area of each dwelling must be provided.</p> <p>All dwellings comply with the above requirements. All Apartment Type units at ground level and all Townhouse Type units are provided with two separate courtyard areas. A variety of screening devices prevent overlooking from the upper level balconies to courtyards below and views of clothes drying facilities and air conditioners.</p> <p>Approximately 35% of the site is taken up by two public garden areas which allow for deep root planting and the provision of seating, bar-be-que area, play equipment and the like.</p> <p>Proposed courtyard fencing and balcony balustrades comply with the provisions of the DCP. Ground level fencing contains open elements and balcony balustrade materials provide contrast to the building wall.</p>	Yes
<p><i>Visual and Acoustic Privacy</i> - The proposed development generally satisfies the provisions of this design element.</p> <p><i>Visual</i> - The layout of the buildings and application of screening devices means that overlooking to and from private open space and windows to living areas within the development is minimal.</p> <p>In regards to privacy impacts on adjacent dwellings, windows and courtyard areas in the proposed development are no closer to adjacent property boundaries than 10m, in some cases up to 28m. Additionally, first floor windows which do face adjacent dwellings are to bedrooms.</p> <p>The only balconies on first floors which face adjacent dwellings are three small balconies proposed for Building 1 in order to aid in the articulation of the façade. These balconies come off bedrooms and, due to their small size, are not expected to be used for long periods of time. Nonetheless, it is recommended that a condition be imposed, should consent be granted, requiring that balustrades to these balconies be obscured to a minimum height of 1.2m in order to prevent overlooking into adjoining backyards.</p> <p><i>Acoustic</i> – Noise impacts from Ellerton Drive are proposed to be ameliorated by the application of double glazed windows with 6.38mm outer laminated glass to windows which face Ellerton Drive. This window treatment is also recommended to be applied to all windows in Building 1 which are adjacent to the laneway and to all</p>	Yes Conditions

<p>windows on the western elevation of Units 704, 705 and 706 in Building 7 as these are located close to the garbage truck turning circle and laneway. Additionally, as discussed under Clause 66 of the QLEP 1998, an acoustic report addressing ways to ameliorate the noise impacts from Ellerton Drive on the proposed development will be required to be prepared prior to the issue of a Construction Certificate (Building).</p> <p>Within the development, air-conditioning units are located adjacent to fin walls or within enclosed storage areas except for ground level Apartment Type 4 units in Buildings 2 and 5. A standard Council condition relating to maximum noise emissions from air-conditioning units and equipment generally is recommended to be imposed, should consent be granted.</p>	
<p><i>Safety and Security</i> - The proposed development generally satisfies the provisions of this design element (see discussion under DCP 52 for further considerations). Buildings have been designed to allow for casual surveillance to public areas; appropriate lighting is provided to pedestrian paths, parking entries and building entries and entries to dwellings are clearly visible.</p>	Yes
<p><i>Carparking, Driveways and Manoeuvring Areas</i> - The proposed development satisfies the provisions of this design element. As discussed under DCP 1, car parking has been provided in excess of Council's requirements.</p> <p>Council's Development Engineer has assessed the parking and access and has advised that all vehicles are able to safely enter and exit the site in a forward direction. The internal pavement surfaces will be required to have decorative elements incorporated to visually break up the expanse.</p> <p>The Development Engineer advises that further details regarding the proposed garbage truck turning circle and lane way construction are required to be submitted prior to the issuing of a Construction Certificate (Building). Issues to be resolved include: how access to the laneway from the rear of two of the Buttle Street lots will be gained; justification for the use of a smaller garbage truck in the turning circle templates from what was originally shown; and the final location of the tangent point of the turning circle.</p>	Yes Conditions
<p><i>Stormwater Management</i> - Council's Development Engineer has assessed the submitted stormwater management plans and has advised that they are generally satisfactory, subject to the submission of final engineering plans prior to the issuing of a Construction Certificate (Building).</p>	Yes Condition
<p><i>Site Facilities</i> - The proposed development satisfies the provisions of this design element. Storage areas 6m³ in volume are provided for each unit, either in the basement at the end of car parking spaces or</p>	Yes Conditions

<p>within a cupboard in carports. A condition is recommended to be imposed, should consent be granted, ensuring that storage areas in the basement are indeed lockable and do not interfere with the manoeuvring of vehicles into the adjacent car park.</p> <p>Clothes drying facilities are provided for each unit type and all are shown as being suitably screened except for the ground level Apartment Type 4 units in Buildings 2 and 5. A condition is accordingly recommended to require screening.</p> <p>A communal mailbox is provided adjacent to the main pedestrian entry off Mowatt Street.</p> <p>Two enclosed waste storage areas are proposed for the development, located adjacent to the laneway entry off Mowatt Street and between Buildings 7 and 9 at the end of the laneway. These enclosures have been designed to match the materials of the main buildings and incorporate the use of timber elements to provide interest.</p> <p>It is proposed to mechanically ventilate the waste storage areas to reduce the potential for odour and unfavourable views. Council will also require that they be graded and drained to the sewer system to aid in cleaning and maintenance.</p> <p>Council's Waste Minimisation Officer has advised that the waste storage enclosures are sufficient in size and that waste will be collected by Council's contractor twice per week. A truck turning circle is provided at the end of the laneway to allow for the garbage truck to exit the site in a forward direction and to safely pull over to empty garbage bins from the enclosures, subject to additional details being provided prior to the issuing of a Construction Certificate (Building).</p> <p>A maintenance store and toilet is attached to the waste enclosure between Buildings 7 and 9 to allow for the maintenance of the development. No detail about the ongoing maintenance of the development has been provided. This will be required to be submitted in a Waste Management Plan (WMP) prior to the issuing of a Construction Certificate (Building).</p>	
<p><i>Landscaping</i> - The proposed development satisfies the provisions of this design element. The proposed landscaping will enhance the amenity of future residents of the development and the streetscape by the application of a variety of trees, shrubs, grassing and surface treatments.</p>	<p>Yes</p>
<p><i>Access and Mobility</i> – The proposed development satisfies the provisions of this design element. A total of ten dwellings must be provided that comply with AS4299: 1995 – Adaptable Housing.</p> <p>The applicant has nominated seven Townhouse Type units (TH 601,</p>	<p>Yes Condition</p>

<p>620, 606, 607, 701, 702 and 705) in Buildings 6 and 7 and three ground floor Apartment Type units (AT 502A, 502B and 502C) in Building 5 as being adaptable units.</p> <p>Car parks for the townhouse units are within attached carports and bedroom, laundry and sanitary facilities are all located on the ground floor. Car parks for the apartment units are located at ground level in carports adjacent to Building 5 and linked by an unobstructed path of travel. Access throughout the development is provided by graded ramps and footpaths.</p> <p>Pre and post-adaption plans show that all adaptable units are capable of being easily adapted should they be required. Clause 4.5.2 of AS4299: 1995 – Adaptable Housing requires that minimal clearances in kitchens should be provided from the outset. For the Apartment Type units this will need to be reinforced via the imposition of a condition as the pre-adapted floor plans do not clearly show compliance.</p>	
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4. Section 79C(1)(a)(iv) – The Regulations

All relevant issues have been satisfied in the consideration of the subject application.

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

The issues identified in the assessment of the likely impacts of the development relate to the following matters:

Context and Setting – The development site is located within an established residential area and is currently vacant. It is adjacent to a mixture of land uses such as other residential development, Council’s work depot and a TAFE college. The proposed development is not considered to be out of context with the surrounding residential development which comprises a mixture of old and recent single dwelling-houses, townhouses and residential flat buildings.

Access, Transport and Traffic – The proposed development’s impact in relation to access, transport and traffic is considered to be acceptable. The matters relating to parking and access have been previously addressed under DCPs No.1 and 56.

Public Domain – The proposed development’s impact on the public domain is considered to be positive overall. An unformed laneway will be constructed, allowing Buttle Street properties a rear access point and new footpaths around the site’s perimeter will improve access to bus stops on Mowatt Street.

Utilities – Council’s Development Engineer has advised that the proposed development is able to be adequately serviced. Access to the 6m wide power and sewer easement along the eastern boundary of the site will be maintained.

Heritage – The site is not a heritage listed item of local or state significance and there are no heritage listed items in the vicinity of the site. Considerations of the archaeological significance of the site have been previously addressed under clause 56 of the QLEP 1998.

Air and Microclimate – The construction stage of the 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 the issuing of a Construction Certificate (Building).

Flora and Fauna - A Flora and Fauna assessment was submitted with DA 196-2004. This report indicates that the site has been cleared of any significant vegetation and weeds have partly taken over. However, the report, which was written in 2001, noted that the nationally endangered Hoary Sunray (*Leucochrysum albicans*) was located on site. This plant is listed as a nationally endangered species under the Commonwealth *Environment Protection and Biodiversity Act, 1999 (EPBC Act)*. This plant is not currently listed as threatened or endangered under New South Wales legislation.

Commonwealth Department of the Environment and Heritage recommended that a submission be made under the provisions of the *Environment Protection and Biodiversity Act, 1999*. The applicants lodged a submission with the Department on 27 October 2005. The Department assessed the submission and determined that no further approval is required by the applicant under the provisions of the EPBC Act on 17 November 2005.

The submitted landscape plan (drawing 10122/301) identifies a moderate sized clump of Hoary Sunray on the southern portion of the site. In the Landscape Design Report prepared by Neil Hobbs of Harris Hobbs Landscapes, it is concluded that the changes to the site proposed will render it impractical to retain the Hoary Sunray in landscaped areas.

Waste – Adequate waste facilities will be provided for the development. Ongoing maintenance of waste is to be addressed by the submission of a Waste Management Plan prior to the issuing of a Construction Certificate (Building).

Hazards (Natural and Technological) – No natural hazards such as bushfire or flooding affect the site. A Preliminary Contamination Investigation Report prepared for the site by ACT Geotechnical Engineers in June 2006 concluded that the site was probably cleared in the latter part of the 19th century for grazing purposes. Following field inspections, subsurface investigation, laboratory chemical testing and Landuse search, the Report concludes that the site is free of any gross contamination and is suitable for residential development.

Social and Economic Impact in the Locality – The proposal is not considered to pose any negative social or economic impacts to the locality. Short-term positive economic impact is likely to be generated from employment generation during the construction phase.

Site Design and Internal Design – The site design and internal design of the development has been assessed under the DCP 56. The proposed design is considered satisfactory, subject to the imposition of appropriate conditions.

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 their occupants 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 (CMP) 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 (Building).

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 create time crowded effects, space crowded effects, nibbling effects or synergistic effects.

6. Section 79C(1)(c) – The Suitability of the Site for the Development

The site is considered to be suitable for this development. The easement located on the eastern edge of the site, (adjacent to Stonehaven Circuit properties where the internal access road is proposed), is for power and water only and access will be maintained.

The Preliminary Contamination Investigation Report submitted to Council did not indicate any concerns regarding fill or indicate that the soils are not appropriate for residential development.

7. Section 79C(1)(d) – Any Submissions made in relation to the Development

(a) External Referrals

The NSW Police Monaro Local Area Command conducted a Safer By Design Evaluation on in December 2010. Their assessment and recommendations were discussed previously in this Report under DCP 52.

(b) Internal Referrals

Local Development Committee

The Local Development Committee provides traffic advice to assist Council Officers in their assessment of development applications. The Police and RTA participate on the Committee.

The following matters were raised by the Committee:

- Access way into the development should be a minimum of 7.5m carriageway with a 1.2m shared path from the Mowatt Street to the cul-de-sac head.
Turning templates should be provided for all critical vehicular movements

including heavy vehicle turning at the cul-de-sac, at the garbage pick up areas and the entrance to the underground parking;

- Cul-de-sac needs to allow a garbage pickup to turn around without reversing;
- Turning paths to parking spaces needs to comply with AS2890;
- Low level landscaping only should be used at the entrance to the underground driveway and at the driveway near the cul-de-sac. Landscaping should be sympathetic to sight distance requirements;
- The ingress/egress to the underground parking should include a level area at the top of the ramp to allow queuing for pedestrians and other traffic to pass on the access roadway;
- Two bus stops on Mowatt Street (one on each side of the road) need to be redesigned and relocated with due consideration of sight distance and to appropriate standards. It should include a pedestrian crossing point with a centre median island and/or kerb side blisters to allow pedestrian movements to and from the bus stops into the development; and
- Footpath along the full Mowatt Street frontage should be designed as a 2.5m shared pathway with 1.2m on Ellerton Drive.

The Committee's views have been either addressed by the applicant or can be dealt with by way of a condition. The recommendation for the cul-de-sac to allow for the garbage truck to turn around without reversing is considered unwarranted. As advised by Council's Development Engineer the proposed truck turning circle has been generally designed in accordance with the applicable standards and Council policies.

Building Surveyor

Council's Building Surveyor has assessed the proposed development and advises that it has been assessed under the Building Code of Australia (BCA) as being class 1a, 2, 7a and 10a buildings. The proposal generally appears to comply with the BCA and no objection is raised subject to the imposition of appropriate conditions. An application for a Construction Certificate has not been lodged with Council.

Development Engineer

Council's Development Engineer has assessed the proposal and has raised no objections subject to the imposition of recommended conditions, including the submission of further engineering plans prior to the issuing of a Construction Certificate (Building) relating to storm water management, construction of the laneway and truck turning circle, relocation of two bus stops on Mowatt Street, and traffic management during construction.

(c) Community Consultation

The proposal was advertised in The Queanbeyan Age on 12 and 26 November 2010 and The Chronicle on 16 November 2010 for a period of twenty-one days. Adjoining

owners and occupiers were notified by mail. As a result of the period of notification five submissions were received. Following the receipt of additional information from the applicant the proposed development was re-notified to those who made submissions. No further submissions were received. Issues raised in the submissions are summarised below.

Issue 1: - There are too many dwellings proposed for the site.

Comment- Several submitters contend that the proposal is an over-development of the site and refer to previous development consents which had fewer dwellings. As discussed previously in this Report, the proposal satisfies the provisions relating to density contained in DCP 56 and development guidelines and is not considered to be an over-development of the site.

Issue 2: - Generation of dust during construction will have adverse impacts.

Comment- It is acknowledged that there is the potential for large amounts of dust to be generated during the construction phase of the development. As well as the imposition of standard site management conditions it is recommended that a detailed Construction Management Plan be submitted and approved by Council prior to the issuing of a Construction Certificate (Building).

Issue 3: - Too many units in East Queanbeyan already.

Comment- The proposed development is not considered to be out of context with the surrounding residential development which comprises a mixture of old and recent single dwelling-houses, townhouses and residential flat buildings. The desired future character of Queanbeyan, including residential density, has been determined via the adoption of the Queanbeyan Local Environmental Plan 1998 (as amended).

Issue 4: - Building height is excessive.

Comment- Several submitters have expressed concern that their amenity will be impacted by the erection of tall buildings close to property boundaries.

It is to be expected that residents that have become used to having a large undeveloped area of land adjacent to their property would be concerned about a proposal of this magnitude. However, apart from a slight encroachment from balconies in Building 3 (which results in no negative impacts on adjoining residences), all of the proposed buildings comply or greatly exceed site setbacks requirements. This greatly reduces the visual impact of the proposed development.

It is acknowledged that there are areas of some of the buildings which are over the prescribed 7.5m. However, as discussed previously elsewhere in this Report, these are considered to be relatively minor in nature and will not have any negative impacts with regards to overshadowing, privacy or views. It is quite common for developments on sloping sites to have difficulty in fully complying with the 7.5m height limit. In recognition of this Council's Strategic Development Section is proposing a height limit of 8.5m for development of this type within a Comprehensive LEP currently being prepared under the Standard Instrument.

Issue 5: - Views to the eastern escarpment and hills beyond Mowatt Street will be lost.

At present, properties on Buttle Street and Stonehaven Circuit have views to hills in close proximity (about 1km away) beyond Ellerton Drive and to hills in the distance beyond Mowatt Street. However, these views are interrupted by power poles, residential development, fencing, the slope of the land and existing vegetation. They are not considered to be major or iconic views.

The proposed development either complies with the prescriptive measures of the relevant planning policies, or any variations to these policies comply with the underlying objectives. The NSW Land & Environment Court generally has not supported loss of views as a reason for the refusal of an application if the development complies with relevant planning policies.

Issue 6: - Not enough car parking is provided. There is no provision for the parking of bicycles or motorbikes.

Comment- The proposal provides car parking for residents in excess of Council's requirements under DCP 1 – Car Parking and provides the required number of visitor car parks. DCP 1 does not require the provision of parking areas for motorbikes and bicycles. However, residents will have room within the lockable storage spaces to store bicycles. Given the size of the development and the likely numbers of visitors it is considered reasonable to require the installation of a cluster of bicycle parking rails similar to that shown in Figure 4 below, located adjacent to visitor car parks between the waste storage enclosure and Building 7. The provision of five rails appears reasonable and plans shall be amended in red and a condition applied accordingly.

Figure 4 – Example of a Bicycle Parking Rail



Issue 7: - Increased traffic along the laneway and from traffic using the internal perimeter road will have negative impacts on adjoining residences.

Comment- All vehicles accessing the proposed development will do so via the laneway off Mowatt Street which runs adjacent to the rear of residences on Buttle Street. Residents of Buildings 6 and 7 will access their parking spaces via an internal access road coming off the laneway and running along the rear of properties on Stonehaven Circuit.

All but one of the affected properties is setback from the laneway by between approximately 15m to 30m. A recent multi-unit development at 30 Buttle Street is setback less than 5m from the laneway. In any case, the laneway is to be constructed within an unformed dedicated public road. It is unreasonable to restrict the use of a public road to provide access to a development because it is adjacent to the rear of existing residential properties.

Any new residential development on vacant land will generate traffic and the associated amenity impacts that may arise. Excessive noise from the use of the laneway in the future can be addressed by the relevant authority(s). For example, if speeding is identified as a problem then speed limits can be looked at.

The internal road providing access to Buildings 6 and 7 will only be used by residents of a total of thirteen units and no visitor parks are accessible via this road.

Issue 8: - Congestion from traffic trying to enter Ellerton Drive.

Comment- With reference to the adopted Googong and Tralee Traffic Study 2031, Council's Development Engineer has advised that the existing roundabout at the intersection of Mowatt Street and Ellerton Drive has adequate capacity to cope with the proposed development's traffic generation.

Issue 9: - Environmental impact.

Comment- There is concern about the impact of the development on wildlife (fauna) present on the site, e.g. birds and reptiles, and that no strategies to reduce the carbon footprint have been incorporated into the development.

In regards to impacts on fauna a Flora and Fauna Report prepared by Geoff Butler and Associates in October 2001 was submitted for consideration with DA 196-2004 and was further considered for DA 278-2006. This Report indicates that the site has been cleared of any significant vegetation and concludes that development of the site would have no known consequences for threatened fauna species.

There have been no perceptible changes to the site since the Report was prepared. It is to be expected that a site with a residential zoning will, at some stage, be developed for housing. Unfortunately, this can result in the displacement of some local fauna. However, unless said fauna is listed as endangered under the Commonwealth *Environment Protection and Biodiversity Act, 1999 (EPBC Act)* or threatened under

the NSW *Threatened Species Conservation Act 1995* then the potential displacement does not constitute grounds for refusing development consent.

In regards to energy efficiency and carbon footprint a BASIX Certificate, which stipulates certain standards of energy and water efficiency for the development, has been submitted with the subject application and the plans are consistent with it. All dwellings have external clotheslines which are to be screened from view.

Issue 10: - Site is zoned for recreational parkland.

Comment- This is incorrect - the site is zoned 2 (d) Residential D.

Issue 11: - Overshadowing.

Comment- Shadow diagrams have been submitted which show that there is negligible overshadowing of any adjoining properties on the winter solstice (21 June). However, some submitters have expressed concern at the loss of sunlight in the summer afternoons. Any shadow impact will be greatest on the shortest day of the year, which is why it is standard to require shadow diagrams to reflect this. In summer, when the sun is much higher in the sky, the shadow impact of the development is likely to only be felt in the late afternoon or early morning. This impact is considered to be acceptable.

Issue 12: - Loss of property values.

Comment- No evidence has been submitted that indicates that the proposed development will result in decreased property values. Regardless, potential impact on nearby property values is not an environmental or amenity based consideration in development assessment.

Issue 13: - Aesthetics.

Comment- Proposed development is described by one submitter as being “ugly”.

While aesthetics are largely a matter of individual taste, the design of the proposed buildings are considered to have architectural merit. A variety of roof forms and external colours and finishes are proposed along with façade articulation.

Issue 14: - Loss of privacy and safety from overlooking into backyard.

Comment- As discussed under the Visual and Acoustic Privacy Design Element of DCP 56 the distance of the proposed buildings from adjoining properties and the layout of the buildings means that the potential for overlooking is minimal or can be dealt with via the imposition of appropriate condition(s).

Issue 15: - Development is out of character with the locality.

Comment- Several submitters are residents located within the adjacent Tennyson Mews development, which is an integrated housing development area subject to controls in Council’s DCP 51 which are not applicable to the subject site, such as a

requirement for single storey development. It should be noted nearby 2 (b) zonings allow for two storey development and up to four (4) storeys in nearby land zoned 2 (c).

In terms of residential development, the locality is quite fragmented and undergoing change as the rate of in-fill development in Queanbeyan increases. The proposed development is not considered to be out of character with this fragmented locality.

Issue 16: - Pedestrian access to bus stop on Mowatt Street.

Comment- Currently, pedestrians cut through the site to access a bus stop on Mowatt Street. The proposed development includes the relocation of the bus stop further along Mowatt Street towards Ellerton Drive and the construction of footpaths around the perimeter of the site. Pedestrian access to the bus stop will be improved by the provision of footpaths.

Issue 17: - Maintenance of trees along the property boundary.

Comment- Maintenance of trees within the proposed development will be a matter for the Body Corporate.

Issue 18: - Maintenance of adjoining Council owned land.

Comment- A triangular portion of land is wedged between the subject site, Stonehaven Circuit properties and Ellerton Drive. This is classed as road reserve and maintenance is the responsibility of Council. This is not considered to be a relevant consideration to the subject application.

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

The proposed development is not expected to have any significant negative impact on the public interest. Appropriate conditions will apply to protect the public interest.

Section 94 Contributions

The proposal will attract developer contribution charges under Council's Section 94 Plan for the additional dwellings on the land. It is intended that credit for one dwelling will be given. The payment of these charges will form a standard condition of development consent.

Conclusion

The submitted proposal for the staged development of ninety-five (95) two storey multi-unit dwellings within nine (9) buildings, landscaping, road works, earthworks and strata subdivision on Lot 101 DP727512, 47 Mowatt Street, Queanbeyan is Advertised Development and is supported by a Statement of Environmental Effects. The proposal was advertised in local newspapers and notified to adjoining owner/occupiers and five (5) submissions were received.

The proposal has been assessed under Section 79C *Environmental Planning & Assessment Act 1979* including the relevant provisions of State Environmental Planning Policy (SEPP) 55 – Contaminated Land Management, SEPP (Building Sustainability Index: BASIX) 2004 and State Environmental Planning Policy (Major

Development) 2005, *Queanbeyan Local Environmental Plan 1998* (Clauses 2, 5, 6, 8, 10, 12, 13, 22, 25, 56, 66, 76, 78, 79, 80 and 81), and Development Control Plan Nos 1, 41, 42, 50, 52 & 55. The development generally satisfies the requirements and achieves the objectives of these instruments.

The main issues identified relate to the proposed variations to Design Elements in DCP 56 in relation to building length, height and setbacks. It is considered that each of the proposed variations satisfies each of the relevant Design Element objectives and will not have any adverse impact on the amenity of the locality, adjoining properties or future residents. Additionally, the issues raised by submitters have been satisfactorily addressed within the Report or by the imposition of conditions where appropriate.

Recommendations

1. The information contained in the report on Development Application 326-2010 which proposes staged development of ninety-five (95) two storey multi-unit dwellings within nine (9) buildings, landscaping, road works, earthworks and strata subdivision at 101 DP727512, 47 Mowatt Street, Queanbeyan be received.
2. The subject Development Application (DA326-2010) be granted consent subject to the attached conditions.