

**SUPPLEMENTARY COUNCIL REPORT**  
SOUTHERN REGIONAL PLANNING PANEL

<b>PANEL REFERENCE &amp; DA NUMBER</b>	PPSSTH-116 – DA.2021.1549
<b>PROPOSAL</b>	Subdivision of land (Googong Neighbourhoods 3, 4 & 5) into 1398 Torrens title residential lots, 14 super lots for future residential development, 5 Neighbourhood Centre lots, boundary adjustment, all associated subdivision construction works, roads, tree removal, signage and landscaping and relocation of Shearing Shed.
<b>ADDRESS</b>	Part of: Lot 42 DP 754881, Lot 776 DP 1230282, Lot 2 DP 1231713, Lot 3 DP 1149329, Lot 10 DP 754881, Lot 1263 of DP 1283369, Lot 7 DP 1246784, Lot 996 of DP1276892, Lot 1605 DP 1266000, Lot 12 DP 1266001, Lot 13 DP 1266001 and is commonly known as 36 Googong Road, Googong, NSW.
<b>APPLICANT</b>	Googong Township Pty Ltd
<b>PANEL MEETING DATE</b>	7 September 2022
<b>SUPPLEMENTARY ISSUES</b>	Intersection design Old Cooma Road and Bunyip Drive Noise affected lots Retention of values of an Aboriginal Heritage Item

At the Planning Panel meeting of 7 September 2022, panel members sought clarification on a number of issues associated with the application, assessment report and conditions. Those that required additional clarification in the form of this supplementary report include:

**1) Final form of the intersection of Bunyip Drive and Old Cooma Road**

Plan 308534CA300 shows the proposed intersection design of Old Cooma Road and Bunyip Drive. Council, the developer and Transport NSW support an intersection in the location shown on the proposal plans.

Through the assessment process plans were submitted by the Applicant showing a signalised intersection in this location. These had not been assessed by Transport for NSW and do not form part of the approval issued by them.

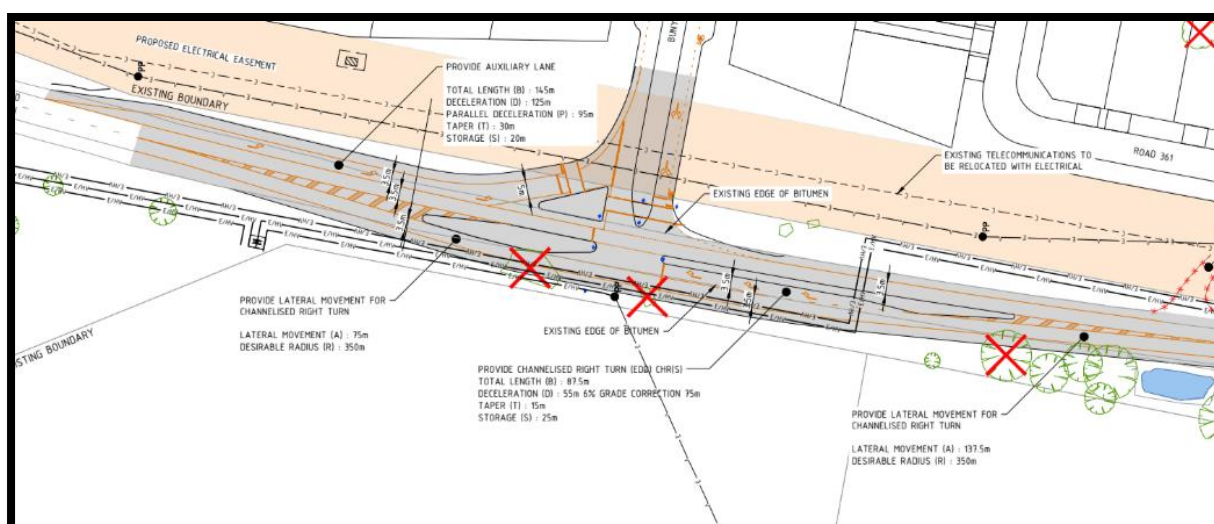
Council has concurrently been undertaking community consultation on the preferred design for the intersection, given it will be the third intersection servicing the estate and used by commuters living in communities south of Queanbeyan.

Council acknowledged that deciding on the most acceptable design should not delay the processing of this application.

Accordingly, a note was placed on the proposal plans and a condition in the draft consent stating that the final form and design of Old Cooma Road and Bunyip Drive intersection be assessed separately from and not included as part of this Development Application approval.

At the panel meeting of 7 September members sought a greater degree of certainty and confirmation that the design as proposed is acceptable to the relevant parties. The note and condition have subsequently been removed.

A report has been prepared for Council determination on 24 September 2022 recommending a signalised intersection. It is anticipated that the Applicant will lodge a Modification Application to amend this consent, should the application be approved, to include signals. That Modification Application will require referral and concurrence by Transport for NSW.



Plan 308534CA300 showing intersection without signals.

## 2) Impact of road traffic noise on proposed lots adjoining Old Cooma Road

Neighbourhood 3 is located to the east of Old Cooma Road, a state controlled road. A traffic noise impact assessment report was prepared to support the Development Application (SLR September 2021). The report found that a small number of lots would be exposed to road noise during the day, reduced at night due to lower traffic volumes.

Council suggested a condition requiring Category One construction for the affected lots. These were discussed at the panel meeting including the construction commitments required to meet a Category One construction which is now provided as Schedule 1 to this report. Council officers confirm modern dwellings typically meet these standards as a minimum.

During the panel discussion the Applicant shared a plan showing the proposed subdivision layout with noise intervals overlaid on the proposed lots. This had not been part of the plans provided to Council nor the panel for consideration.

Four lots were identified as being impacted by the 60dB LAeq (15hr) noise contour (red line in SLR report). The panel determined that it would be an unacceptable impost for future purchasers to have to mitigate the anticipated impacts of road traffic noise on these lots. The

panel sought that the consent reflect that the four lots subject to the 60dB LAeq (15hr) noise contour be removed from the consent.

Further, that lots impacted by 5060dB LAeq (15hr) noise contour (green line in SLR report) shall be constructed to meet the requirements of Category One Construction, orientated in a way that mitigates any potential noise impacts and that the requirements of this condition be registered on the Certificate of Title for the relevant lots.



**Part of plan 309934CX410 titled Googong Neighbourhood 3 Old Cooma Road Noise Contours by Spiire (refer page 92 of plan set)**

Two conditions have been amended to address the impact of road traffic noise, being:

Condition 2: Development Not Included in this Consent

This consent does not include approval for proposed Lots 32AA, 32AB, 38AA and 38AB shown on Plan of Subdivision NH3- Stage 2 Sheet 2. The land encompassed by these unapproved lots shall be incorporated into a residual lot with no dwelling entitlement.

*Reason: These allotments are impacted by the 60dB LAeq (15hr) noise contour. New green field subdivision should provide lot layouts free from acoustic encumbrance that would impose additional costs on future land owners when designing future dwellings.*

### Condition 58 Dwellings Impacted by Road Traffic Noise

Dwellings on the following lots identified as being “noise affected” in the “Neighbourhoods 3-5, Googong Township- Consideration of Road Traffic Noise” report (SLR dated September 2021) shown on plan 309934CX410 (titled Googong Neighbourhood 3 Old Cooma Road Noise Contours by Spiire) shall be constructed to meet the requirements of Category One Construction in accordance with the requirements of “Development near Rail Corridors or Busy Roads- Interim Guideline” (NSW Department of Planning).

Affected Lots:

- 35BL to 35BR
- 32BA, 35CA, 35CB, 32AT, 32AC, 32AD, 32AE
- 38AC to 38AE
- 38AN, 38AM
- 38CO to 38CS
- 38DA to 38DC
- 38DQ to 38DS

Dwellings on ‘noise affected’ lots must also be orientated in a way that mitigates any potential noise impacts identified in the aforementioned acoustic report.

The required noise mitigation measures outlined in this condition must be included on the Certificate of Title for the relevant lot.

*Reason: To ensure dwellings are constructed to minimise road noise intrusion and ensure future purchasers are aware of additional requirements.*

Condition 68 which seeks covenants has also been amended to include these requirements on the relevant lots, specifically:

### Condition 68 Covenant on the Land

Apply covenants under section 88B of the *Conveyancing Act 1919* to the lots incorporating the restrictions listed below. Queanbeyan-Palerang Regional Council shall be nominated as the sole party with the power to vary or remove the required covenants.

d) Allotments impacted by road noise as specified in Condition 58 of this consent shall include a section 88B notation that future building designs will need to meet the requirements of the specified Guideline.

A copy of plan 309934CX410 Googong Neighbourhood 3 Old Cooma Road Noise Contours by Spiire showing the lots affected by road traffic noise is now included in the plan set.

### **3) Retention of the values of an Aboriginal Heritage Item**

As outlined in the assessment report a tree that has been identified as having local Aboriginal significance has been damaged (Item GNH3-5 ST01). Refer Aboriginal Heritage section of the assessment report.

An investigation is being conducted by the Department of Planning and Environment into the impact of that damage. The panel sought clarification from Council and the Applicant that the values of the tree are proposed to be retained despite the outcomes of that investigation.

The Applicant confirmed that the values of the tree are proposed to be retained. Condition 20 (previously condition 19) has been amended to reflect that intent and now reads:

Condition 20 Tree with Local Heritage Value

Unless otherwise advised by the Department of Planning & Environment, the values associated with the 'scarred tree' referred to as GNH3-5 ST01 in the Aboriginal Cultural Heritage Assessment Report by Navin Officers dated September 2021 are to be retained and appropriately displayed in accordance with the recommendations of that report.

*Reason: Retain the values of a local aboriginal heritage feature.*

#### **4) Asset protection zones and Land Use Zoning**

The Panel was advised by the applicant that all APZs are located in the R1 zone. The Panel is questioning how this can be possible looking at the APZ plans in the Bushfire Assessment Report. Confirmation was sought that the location of the APZs is outside areas with conservation zoning.

Temporary asset protection zones will be required in residual lots as the estate develops. Temporary APZs are proposed on C2 zoned land to the South and East of the estate. This land is proposed to form part of a Planning Proposal to change the zone of the land from C2 to R1. Council's Strategic Planning section has provided in principle support with a planning proposal currently being prepared by the Applicant.

The land subject to the temporary APZs is wholly owned by GTPL and will not impact on any other adjoining landowners.

There are no permanent APZ's on any conservation zoned land. Permanent APZs are on land zoned R1 or R5 only.

The vegetation management plan annexed to the approved BCAR allows for fuel load reduction in the C2 zone.

NSW Rural Fire Service support the proposal and have issued their General Terms of Approval. This advice has been uploaded to the Portal.

#### **5) Response to submitter issues**

##### **i) Location of proposed future childcare centre**

The applicant advised that the neighbourhood centre lot proposed for a future childcare centre had been removed and replaced with open space and that this is reflected in the subdivision plans. This had not been reflected consistently in the plan set, including the General Arrangements Plan (refer 308534CA005).

The Applicant acknowledged that the general arrangements plan was out of date and has since amended it to correctly reflect the proposed childcare centre lot (refer General Arrangements Plan 308534CA005 Revision B).

Please note the Applicant has also confirmed the Engineering Plans incorrectly show the location of the proposed childcare centre lot. The subdivision plans however are correct.

## **ii) Confirmation of increased open space area south of Montgomery Rise**

The subdivision plans listed in the draft consent reflect the changes made to widen the area of open space reserve between proposed NH4 and existing NH2. This was done in response to submitter issues.

The subdivision plans reflect the increased open space area between Montgomery Rise and the new lots in response to submitter issues however it appears the general arrangements plan had not been updated to reflect that change. The General Arrangements Plan has now been amended to be consistent with the subdivision plans.

## **6) Minor condition amendments**

The second sentence of Condition 2(d) is unclear.

Council's Engineer has amended the wording of the condition to now read:

### Condition 2 (d) Engineering Plans (now Condition 3 (c))

Stormwater drainage shall be designed and constructed to be located generally behind the kerb line, and in accordance with Council's Stormwater Drainage Design and Construction Specifications. Stormwater drainage shall be designed and constructed to be located generally behind the kerb line, and in accordance with Council's Stormwater Drainage Design and Construction Specifications. Stormwater lines that generally follow the road alignment (i.e. any line except a road crossing) shall not be located beneath the road pavement.

## **Condition 38 (now Condition 39)**

The condition included an out-of-date reference to a NSW Government Department that no longer oversees Aboriginal Heritage. The condition has been updated to read:

### Condition 39 Unexpected Finds

The development is to proceed with caution. If any Aboriginal objects are found, works should stop and Heritage NSW be notified. If human remains are found work is to stop, the site is to be secured and the NSW Police and Heritage NSW are to be notified.

*Reason: To ensure objects discovered during construction are protected and notified in accordance with the Due Diligence Code of Practice for the Protection of Aboriginal Objects in New South Wales.*

## **Condition 78**







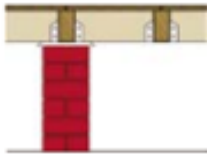
The condition sought that dwellings on lots present to the primary street frontage, not the road from which they gain access. The Panel suggested this be included as a covenant, which is supported.

Condition 78 has been deleted with Condition 68 amended to read, at (e):

### Condition 68 Covenant on the Land

Apply covenants under section 88B of the *Conveyancing Act 1919* to the new lots incorporating the restrictions listed below. Queanbeyan-Palerang Regional Council shall be nominated as the sole party with the power to vary or remove the required covenants.

- a) All requisite sewerage easements.
- b) Drainage easements shall be created over all existing and proposed drainage lines including inter-allotment drainage.
- c) All easements specified below and contained in the subdivision must benefit Council as well as particular lots;
  - i. easements to drain stormwater,
  - ii. easements to drain sewer,
  - iii. easements for water supply,
  - iv. easements which Council may require to provide or maintain other services, and
- d) Allotments impacted by road noise as specified in Condition 58 of this consent shall include a section 88B notation that future building designs will need to meet the requirements of the specified Guideline.
- e) The access handle to a battleaxe lot is from a secondary road. Dwellings on battleaxe lots are to present to the primary road frontage from which they do not gain access.
- f) Nominating Council as the name of the person/authority empowered to release, vary or modify restriction or positive covenant numbered in the plan.
- g) Plantings on the entire site, including within the building envelopes, are to exclude species listed on the regional weed lists.

Category No.	Building Element	Standard Constructions	sample
1	Windows/Sliding Doors	Openable with minimum 4mm monolithic glass and standard weather seals	
	Frontage Facade	<b>Timber Frame or Cladding:</b> 6mm fibre cement sheeting or weatherboards or plank cladding externally, 90mm deep timber stud or 92mm metal stud, 13mm standard plasterboard internally	
		<b>Brick Veneer:</b> 110mm brick, 90mm timber stud or 92mm metal stud, minimum 50mm clearance between masonry and stud frame, 10mm standard plasterboard internally	
		<b>Double Brick Cavity:</b> 2 leaves of 110mm brickwork separated by 50mm gap	
	Roof	Pitched concrete or terracotta tile or metal sheet roof with sarking, 10mm plasterboard ceiling fixed to ceiling joists, R1.5 insulation batts in roof cavity.	
	Entry Door	35mm solid core timber door fitted with full perimeter acoustic seals	
	Floor	1 layer of 19mm structural floor boards, timber joist on piers	
Concrete slab floor on ground		