

## COUNCIL ASSESSMENT REPORT

### SOUTHERN REGIONAL PLANNING PANEL

<b>PANEL REFERENCE &amp; DA NUMBER</b>	PPSSTH-206 – DA.2022.1615
<b>PROPOSAL</b>	Multi dwelling residential housing – 116 two (2) and three (3) storey townhouse dwellings with 273 car parking spaces including strata subdivision and associated site works.
<b>ADDRESS</b>	20 Edward Drive Googong, NSW 2620.
<b>APPLICANT</b>	Canberra Town Planning (T/A Capital Region Planning).
<b>OWNER</b>	Forrest Grounds Pty Ltd.
<b>DA LODGEMENT DATE</b>	11/11/2022.
<b>APPLICATION TYPE</b>	Development Application – (Regionally Significant).
<b>REGIONALLY SIGNIFICANT CRITERIA</b>	<i>Part 2.4 Section 2.19(1) Regionally significant development of State Environmental Planning Policy (Planning Systems) 2021.</i>
<b>CIV</b>	\$40,078,118 (excluding GST).
<b>CLAUSE 4.6 REQUEST</b>	Clause 4.3 Height of Building Queanbeyan Local Environmental Plan 2012.
<b>KEY SEPP/LEP/DCP</b>	<ul style="list-style-type: none"> <li>• State Environmental Planning Policy (Building Sustainability Index – BASIX) 2004.</li> <li>• State Environmental Planning Policy (Resilience and Hazards) 2021.</li> <li>• State Environmental Planning Policy (Transport and Infrastructure) 2021.</li> <li>• Queanbeyan Local Environmental Plan 2012 (QLEP 2012).</li> <li>• Googong Development Control Plan 2010 (Googong DCP).</li> <li>• Queanbeyan Development Control Plan 2012 (Queanbeyan DCP).</li> </ul>
<b>TOTAL &amp; UNIQUE SUBMISSIONS</b>	Nil - public.  Agencies: Transport for NSW (TfNSW) and Essential Energy.
<b>KEY ISSUES IN SUBMISSIONS</b>	Transport for NSW:

	<ul style="list-style-type: none"> <li>Consistency with Googong DCP Structure Plan (absence of Fire Station).</li> <li>Dwelling density, and road intersection and network performance.</li> </ul> <p>Essential Energy:</p> <ul style="list-style-type: none"> <li>Protection of electricity infrastructure, being substation and power lines, including High Voltage cables.</li> <li>Supply of electricity to townhouses.</li> <li>Recommended conditions of any development consent.</li> </ul>
<b>DOCUMENTS SUBMITTED FOR CONSIDERATION</b>	Architectural Plans, Landscape Plans, Civil and Engineering Plans and Documentation, BASIX Certificates, Statement of Environmental Effects (SoEE), Draft Strata Subdivision Plan, Clause 4.6 Exception to Development Standard Request, Noise Impact Assessment, Traffic Impact Assessment, Waste Management Plans and Documentation, Accessibility Statement, Advice from Building Certifier, Advice from Ecologist, Drainage Model.
<b>SPECIAL INFRASTRUCTURE CONTRIBUTIONS (S7.24)</b>	Not applicable
<b>RECOMMENDATION</b>	Approval.
<b>DRAFT CONDITIONS TO APPLICANT</b>	Draft conditions available
<b>SCHEDULED MEETING DATE</b>	September 2023
<b>PLAN VERSION</b>	Refer draft Condition 1
<b>PREPARED BY</b>	Jayne Klein, Consultant Planner SMEC Luceille Yeomans, Acting Coordinator QPRC
<b>DATE OF REPORT</b>	31 August 2023

<b>Summary of s4.15 matters</b> Have all recommendations in relation to relevant s4.15 matters been summarised in the Executive Summary of the Assessment Report?	Yes
<b>Legislative clauses requiring consent authority satisfaction</b> Have relevant clauses in all applicable environmental planning instruments where the consent authority must be satisfied about a particular matter been listed, and relevant recommendations summarised, in the Executive Summary of the Assessment Report? <i>e.g. Section 4.6 of SEPP Resilience and Hazards.</i>	Yes

<b>Clause 4.6 Exceptions to development standards</b> If a written request for a contravention to a development standard (clause 4.6 of the LEP) has been received, has it been attached to the Assessment Report?	Yes
<b>Special Infrastructure Contributions</b> Does the DA require Special Infrastructure Contributions conditions ?	No (affected by VPA)
<b>Conditions</b> Have draft conditions been provided to the applicant for comment? <i>Note: in order to reduce delays in determinations, the Panel prefer that draft conditions, notwithstanding Council's recommendation, be provided to the applicant to enable any comments to be considered as part of the Assessment Report.</i>	Yes

## EXECUTIVE SUMMARY

A Development Application (DA.2022.1615) seeks consent for the development of residential housing comprising 116 multi unit dwellings in the form of townhouses. The townhouses will be in 12 development blocks on the site and comprising of two (2) and three (3) storey building height with private open space areas. The development will also include parking for 273 cars, bicycle parking, communal open spaces, internal laneways and driveways, waste management collection areas and associated site establishment works. Parking will be provided in private garages and a basement under-croft style parking arrangement. The development will be strata subdivided.

The subject site is known as 20 Edward Drive Googong ('the site') and comprises one (1) lot some 20,990m<sup>2</sup> in area. The land is legally described as Lot 601 in DP 1281684.

Under the *Queanbeyan Local Environmental Plan 2012* (QLEP 2012) the site is zoned R1 General Residential, and multi dwelling housing is permitted with development with consent.

The site is affected by two (2) building height controls under Cl 4.3 Height of Building of the QLEP 2012, being 8.5 metres and 12 metres. The development complies with the 12 metres height control. With respect to the 8.5 metres control, some of the townhouse blocks contravene this control.

The site is located in the central-west portion/area of the Googong urban residential release area. It comprises three street frontages of Edward Drive to the east (measuring around 118 metres), Wellsvale Drive to the north (measuring around 122 metres) and has two south frontages comprising Candish Street (measuring around 90 metres) and Trenerry Crescent (measuring around 78 metres). On the west, the site has an extensive frontage, some 160 metres to Lot 8 DP 1246784 which consists of overhead electricity/easement in an open space area, with Old Cooma Road located further west. Edward Drive is considered the primary frontage of the development, with Candish Street and Trenerry Crescent also main frontages as vehicle access points are proposed there. Wellsvale Drive is also proposed for pedestrian access.

The site is vacant and cleared, surrounded by roads and open space as described above. It is an established allotment, created through an earlier subdivision process under a separate planning application/development consent DA.123.2017. It is suitable for residential purposes per Section 4.6 of *State Environmental Planning Policy (Resilience and Hazards) 2021*.

Topographically, the site has a slight rise to a highpoint near its centre, though generally has a gentle slope downwards from west (Old Cooma Road) to east (Edward Drive). The site is afforded immediate and distant views over Googong and to nearby hilltops and ridgelines.

The site is located within the central-west part of the broader Googong township. It is within the boundary of the Googong Master Plan and within the Neighbourhood 2 Structure Plan area. A future town centre will be located to the east of the site (around 200 metres in distance).

In accordance with *State Environmental Planning Policy (Planning Systems) 2021*, the Development Application (DA) is to be determined by the Regional Planning Panel – Southern Region (SRPP) as the Capital Investment Value of the proposed development exceeds \$30 million (\$40,878,118).

Draft conditions of a development consent will be available to the applicant (Attachment A).

In response to *State Environmental Planning Policy (Transport and Infrastructure) 2021* the DA was referred to relevant agencies being Transport for NSW (TfNSW) and Essential Energy, both who provided a submission. In response, issues raised by TfNSW included the absence of a fire station for the site, shown to be required per the Googong Neighbourhood 2 Structure Plan, and that Council is satisfied that the proposed dwelling yield of 116 townhouse dwellings does not affect the operation of the road network including intersection performance. The fire station is provided by a State Planning Agreement and will be alternatively located within the future Googong Town Centre. The applicant's traffic and parking impact study confirms that the proposed dwelling yield of 116 townhouses would not cause issues with the road network infrastructure including intersection performance. Accordingly, these comments do not warrant refusal of the application.

Issues raised by Essential Energy related to protection of electricity infrastructure and supply. This includes relationship of the development to an 11kv/LV pad/kiosk (and easement) located on the property at its south west area, interfaces to existing high voltage underground cables located across street frontages/boundaries, interfaces to 132kv and 11kv powerlines (overhead and underground), and general requirements for the energy operator including easements and encumbrances in favour of the energy provider, and engagement of suitable technical specialists to ensure compliance with Essential Energy design requirements. The applicant provided a response that the development can comply with Essential Energy's requirements, as outlined in their submission response (dated 30 May 2023). Suitable conditions of consent are recommended to ensure protection of electricity infrastructure. Accordingly, the comments do not warrant refusal of the application.

The DA was suitably notified, and zero (0) public submissions were received.

On review of the (first) submitted plans and documentation, the following key issues were identified:

- Consistency of the development with the Googong Neighbourhood 2 Structure Plan NH2, as presented in the Googong DCP.
- Further design justification of the non-compliance with building height, including of an alternative roof design to achieve roof compliance, and any visual and view assessment of the building non-compliance.
- Privacy and view sharing, noting some townhouses may achieve a reduced separation between certain Blocks than Googong DCP permissible of 9 metres.
- The building length of Block 2 being greater than the Googong DCP control of 60 metres (being 62.7 metres), including any amenity impacts of this.
- The streetscape/corner address of Blocks 8 and 7 to Wellsvale Drive, to provide a more articulated and attractive address.
- Clarification on any proposed signage, and provision of an environmental assessment against the planning controls.
- The method of providing natural light and ventilation to areas within the townhouses (multi-purpose/study rooms) for Type H, L and M.
- Casual surveillance and therefore safety measures to the laneways.

- Compliance with Australian Standards (AS) regarding turning radiuses in parking areas.
- Intersection and road network performance to support the proposed number of dwellings.
- Adequacy of stormwater drainage information.
- Adequacy of utilities and services provision for the number of townhouses proposed.
- Adequacy of waste storage and collection.
- Confirmation of terrestrial and biodiversity compliance, noting QLEP 2012 requirements for such.

These issues were provided to the applicant in a Request for Information (RFI) dated 23 March 2023. The applicant amended the design in response to the above issues supplying both amended plans and documentation on 28 April 2023 to Council.

On review of the amended plans and documentation, further assessment issues were then identified, and provided to the applicant in various correspondences across May, June and July 2023, including:

- Clarification on parking. Confirm the number of parking spaces provided, as discrepancies in documentation.
- Site coverage. As above, confirmation of the site coverage area.
- Confirmation of utilities and service provision, as supporting advice from estate developer was not supplied in the amended plans and documentation submitted.
- Clarification on cut and fill. The application notes cut and fill above 1.5 metres, being the maximum under the DCP.
- Review of waste management provisions.
- Review of driveway width with respect to access for waste collection vehicles.
- Copies of final architectural plans and related drawings.

The applicant further amended the design in response to the above issues, supplying additional amended plans and information.

A full assessment of the DA under Section 4.15 of the *Environmental Planning and Assessment Act 1979* has been undertaken and is presented by this Assessment Report.

Key assessment matters of the development, as presented in this report, are summarised as follows including reference against particular planning controls. Of note is contravention against CI 4.3 Height of Building control under the QLEP 2012, refer to Building Height below:

- **Consistency with DCP Structure Plan:** The Neighbourhood 2 Structure Plan NH2 applies to the site identifies a proposed fire station at this location. The planning of the estate has developed since its creation with the fire station proposed closer to the Town Centre.

The proposal is appropriate for the site and not inconsistent with current planning of the estate.

- **Building Height:** Two (2) building heights apply to the site under CI 4.3 Height of Building of the QLEP 2012, being 8.5 metres and 12 metres respectively. The development complies with the 12 metres building height (maximum height of 10.91 metres). However, the development contravenes in part the 8.5 metre building height, being Blocks 7 (9.02 metres), 9 (9.15 metres) and 11 (9.34 metres). The applicant has submitted a Clause 4.6 written request to seek a variation to QLEP 2012 CI 4.3 Height of Building development standard of up to 0.84 metres (Attachment D). Following review of the written request, it is considered satisfactory against the necessary requirements, and the contravention with the development standard would still result in the development satisfying the

objectives of the Height of Building control and the R1 General Residential zone, and therefore would be in the public interest.

- **Private open space:** Principal private open space is provided for Block 2, Block 3, Block 4 and Block 6 only in an area forward of the building line only. Googong DCP Control 7.10 seeks principal private open space behind the building line however also that it is north facing and accessible from living areas. The private open space is north facing and accessible. Accordingly, this location of principal private open space in front of the building line is considered acceptable for these Blocks.
- **Streetscape:** Googong DCP Control 7.2 *Streetscape* requires that primary front fencing is of 1.2 metres in height. Fencing to Edward Drive is approximately 1.7 metres as result of retaining walls to the street. This is considered appropriate, as the fence is a result of retaining walls, the style would be modulated to include slatted fence components, and entries and windows of the townhouses would be seen from the street and supporting control objectives for surveillance and activation.
- **Setbacks:** Control 7.14 - Table 2 *Corner lot secondary setback* of the Googong DCP requires where a façade length is greater than 9 metres the minimum setback is 4 metres. The development has a minor encroachment of the building for 1 dwelling in Block 4 to Wellsvale Drive, near the corner with Edward Drive. The encroachment is limited to a small area being an encroachment of 362mm and 430mm of the building façade into the setback with Wellsvale Drive. This is considered not substantial. Open space and landscaped areas are still provided to the street and the overall front building line is not substantially impacted, supporting control objectives for a supportive response to streetscape.
- **Car parking and access:** Googong DCP Control 7.11 *Car Parking and Garages* requires parking structures to be integrated with buildings. Googong DCP Control 7.14 - Table 2 *Underground parking* permits underground parking. The adopted Control 2.2.7 of the Queanbeyan DCP 2012 *Basement parking* permits basement parking, and this may protrude above ground up to 1.2 metres to a public street. The development includes a basement-under croft parking typology component located within Blocks 7, 8, 9, 10, 11 and 12. It is designed to be located so it is below ground to Old Cooma Road (basement), however, then becomes above ground level (under croft) further east. This parking is located so it best responds to the slope of the site travelling west to east. Despite being part above ground, including greater than 1.2 metres in locations on Trenerry Crescent, the parking is well integrated and enclosed from external view which is the planning control intent. In addition, the *Low Rise Housing Diversity Design Guide for Development Applications* supports this type of garaging. Accordingly, this parking typology for the development is considered acceptable.
- **Length of buildings:** Googong DCP Control 7.14 - Table 2 *Maximum length of multi unit dwelling buildings*, the maximum length is to be 60 metres. Block 2 exceeds this by 2.7 metres, being 62.7 metres. This Block will contain townhouses that can be adapted to accessible housing if required, therefore, require greater circulation areas and affecting length. The additional length is considered to not create visual or solar impacts and there is sufficient façade modulation of this Block. Control objectives for providing amenity and minimising impacts are considered to be satisfied, accordingly, the building length is considered acceptable.
- **Earthworks:** Cut and fill is proposed. Some are greater than 1.5m sought in the Googong DCP Control 7.14 - Table 2 *Earthworks*. Due to site constraints, up to 4 metres of cut would be required for the basement-under croft parking area. Recommended conditions of consent include a Construction Waste Management Plan that is to include measures for excavated natural material. In addition, separate conditions for unexpected heritage and archaeological finds.

Overall, the development is considered appropriate for the site and would not have significant environmental, social and economic impacts with suitable conditions of consent, and is in the public interest.

It is satisfactory against the relevant SEPPs, is acceptable against the QLEP 2012 including with the contravention against the Height of Building development standard (CI 4.3 of the QLEP) and is acceptable against the Googong DCP 2010. It is not inconsistent with relevant matters under the EP & A Regulations such as the Objectives of the *Low Rise Housing Diversity Housing Design Guide for Development Applications*.

The proposed multi dwelling housing and associated site works, including strata subdivision, are therefore recommended for Approval, subject to the imposition of the recommended conditions of consent as provided at Attachment A.

## 2 THE SITE AND LOCALITY

### 2.1 The Site

The site is located at 20 Edward Drive Googong and is legally described as Lot 601 in DP 1281684.

It is within the area of the Googong township and has a frontage to Old Cooma Road and Wellsville Drive, at a main address of the Googong suburb. It is also provided with frontages to Edward Drive, Candish Street and Trenerry Crescent. See Figure 1 below.



**Figure 1: Site location marked in red.** Source: Architectural Plans, DNA Architects. Refer to Plan A102 for clarity.

The site is currently open, with grassed landscaping and has been established as a development lot through an earlier subdivision process under DA.123.2017. A small substation is located on its south west corner.

To Old Cooma Road, there is a continued landscaped setback with power lines. The landscaped setback continues north and south of the Googong township.



Topographically, the site has a slight rise to a highpoint near its centre, however, there is a gentle slope from west to east.

Opposite on Old Cooma Road, there is landscape/treed hills. On Wellsvale Drive, there are established dwellings that address the street with active frontages and landscaped setbacks. Wellsvale Drive is a main entrance and road accessway to the Googong suburb. Edward Drive is currently vacant, however, is planned for future housing. Further east is the planned Googong Town Centre location, and then areas of social and community infrastructure such as parks, ovals, shops, educational and sporting facilities.

Candish Street and Trenerry Crescent are located on the site's south, and areas planned for future residential are located to the south.

The site is afforded immediate and distant views. This includes immediate views to the landscaped hills and areas west of Old Cooma Road, mid-views to a hilltop to the south, and distant views to landscaped hills and ridgelines in the east.

Site images are provided below at Figure 2.



*View from Edward Drive frontage – looking west over site*



*View from Trenerry Crescent frontage – looking north west over site*



*View from near Old Cooma Road – looking east over site*



*View from Wellsvale Drive frontage – looking east*





*View of Candish Street frontage – looking east*



*View over site, looking north west, to landscaped hills*

**Figure 2: Site photos.** Photos taken 04 April 2023.

## 2.2 The Locality

As shown earlier in Figure 1, the site forms part of the Googong township.

Googong is an emerging suburb located in southern New South Wales (NSW), 8 kms from Queanbeyan and 15 kms from Canberra in the Australian Capital Territory (ACT). The township is a 25 years delivery project, and will provide residential, non-residential, open space and associated community infrastructure. As discussed further, the township is influenced by a Master Plan that provides for the urban structure. The Master Plan is embedded in the Queanbeyan-Palerang Regional Council's (QPRC) Googong Development Control Plan 2010 (Googong DCP). Under the Master Plan/DCP, the site is within the area of Neighbourhood 2.

On completion, Googong will be a township with five (5) neighbourhoods, and around 6,600 dwellings and a population of over 18,000 people.

Googong has a prevailing low-rise scale, with some pockets of mid-rise where there are retail/non-residential uses. There is a strong sense of landscape character provided through landscaped setbacks, street trees and landscaped recreational areas. Properties address streets with active frontages with fences and some retaining walls. Materials and finishes are of muted or warmer tones that ensure buildings integrate well with the landscape. Views and visual connections are provided from within the streets, building separations and scale of buildings that allow for distant views out and over the site to landscaped hills and ridgelines. Images of broader site surrounds is provided at Figure 3.



*Streetscape – looking west*



*Shop-top housing*

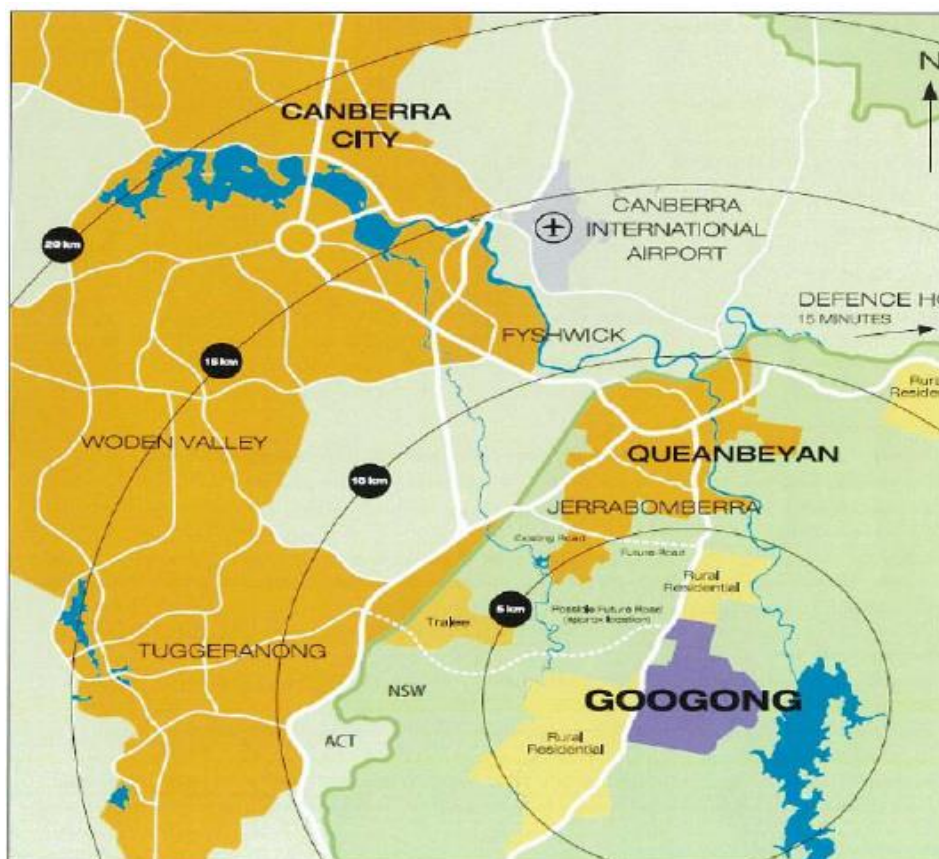


*Streetscape – looking west*

*Active open space*

**Figure 3: Googong township images.** Photos taken 04 April 2023.

Regionally, the Googong township is 8 kms south of the Queanbeyan CBD. Outside the Googong surrounding area it is characterised by a variety of land uses including nature reserves, low intensity forestry, rural residential development, cattle and sheep grazing and recreation. Googong Dam and the Googong Foreshores (owned by the Commonwealth Government and leased to the ACT Government) is immediately east of the site and an operating quarry is located north west of the site on the western side of Old Cooma Road. A regional location plan is provided below at Figure 4.



**Figure 4: Regional Location.** Googong township (marked in purple) is shown in context with Queanbeyan and Canberra.



### 3 THE PROPOSAL AND BACKGROUND

#### 3.1 The Proposal

The Development Application (DA) seeks approval for multi dwelling housing and associated works, described as follows:

- (a) Construction of 116 multi dwelling housing in the form of townhouses across 12 residential blocks;
- (b) Two (2) to three (3) storeys building height of the townhouses;
- (c) Townhouses will comprise of two (2) bedroom dwellings, three (3) bedroom dwellings and four (4) bedroom dwellings mix;
- (d) 273 on-site parking spaces for residents and visitors. Parking is provided in garages or in an enclosed basement-under croft style parking arrangement. Visitor parking is provided both in the basement (19 spaces) and also in the private laneways (5 spaces);
- (e) Associated internal private laneways, driveways, landscaping, communal open space areas, waste management area and broader site establishment works including earthworks of cut and fill; and
- (f) Strata Subdivision.

Images of the proposal are provided at Figure 5 and Figure 6 below.



**Figure 5: Site Plan.** Source: Architectural Plans, DNA Architects. Refer to A101 Site Plan for clarity.



**Table 1: Development Data**

<b>Control</b>	<b>Proposal</b>
Site area	20,990m <sup>2</sup>
Proposed number of multi-unit dwellings	116
Building heights (storeys)	Two (2) and Three (3) storeys
Dwelling mix	36 x two (2) bedrooms 62 x three (3) bedrooms 18 x four (4) bedrooms
Car parking	273 spaces: <ul style="list-style-type: none"> <li>• 78 spaces (two bedrooms)</li> <li>• 132 spaces (three bedrooms)</li> <li>• 36 spaces (four bedrooms)</li> <li>• 24 visitor spaces</li> <li>• 3 spare/provision.</li> </ul>
Accessible housing	12 dwellings to be made available/adaptable.
Associated works	Site works including earthworks of cut and fill. Internal access roads. Communal open spaces and site landscaping.
Subdivision	Strata Subdivision.
Stages	No staging plans provided – to be delivered in one stage.
Clause 4.6 Requests	Yes – variation sought CI 4.3 Height of Building of the Queanbeyan Local Environmental Plan 2012 of up to 0.84 metres with respect to Blocks 7, 9 and 11 against the 8.5 metre building height control.

### 3.2 DA Chronology

The DA was lodged on 11 November 2022.

A chronology of the application since lodgement is outlined below, including the Panel's involvement with the application:

**Table 2: Chronology of the DA**

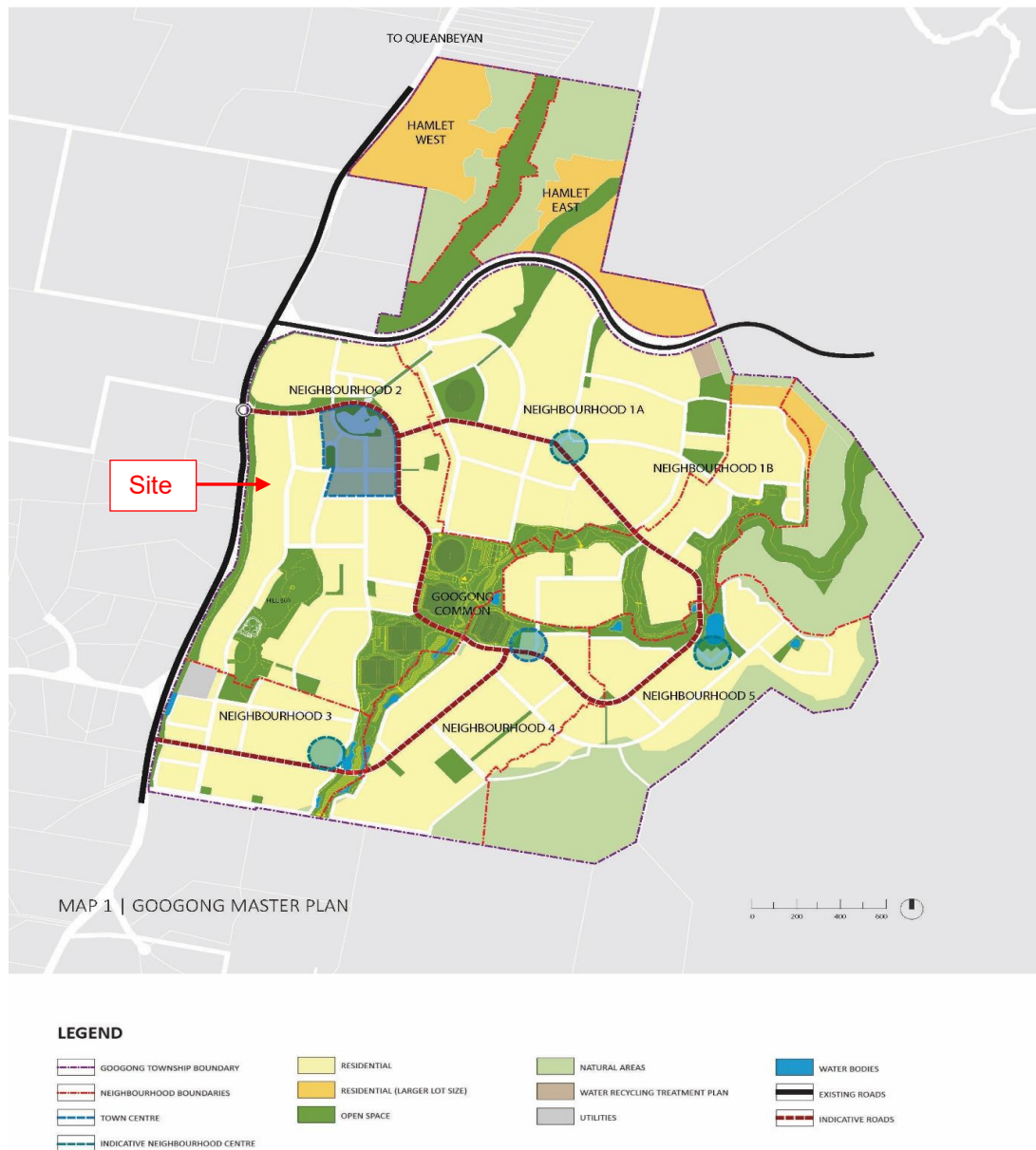
<b>Date</b>	<b>Matter</b>
11 November 2022	DA lodged
15 December 2022	Exhibition of the application
20 January 2023	Conclusion of exhibition period
23 March 2023	Request for Information from Council to applicant
21 April 2022	Council Meeting with Applicant to discuss matters in detail
28 April 2023	Amended Architectural and Landscape Plans lodged in response to the Request for Information including amended Statement of Environmental Effects, Amended Clause 4.6 Exception to Development Standard Written Request, Amended Traffic Impact Statement, Ecology Report and Certifier Advice regarding solar access and compliance with the National Construction Code
09 May 2023	Southern Regional Planning Panel Meeting – Briefing
May – July 2023	Subsequent Request for Information and clarifications from Council to the applicant, including those from the Local Development Traffic Committee

Date	Matter
6 June 2023	Southern Regional Planning Panel Site Visit

### 3.3 Background

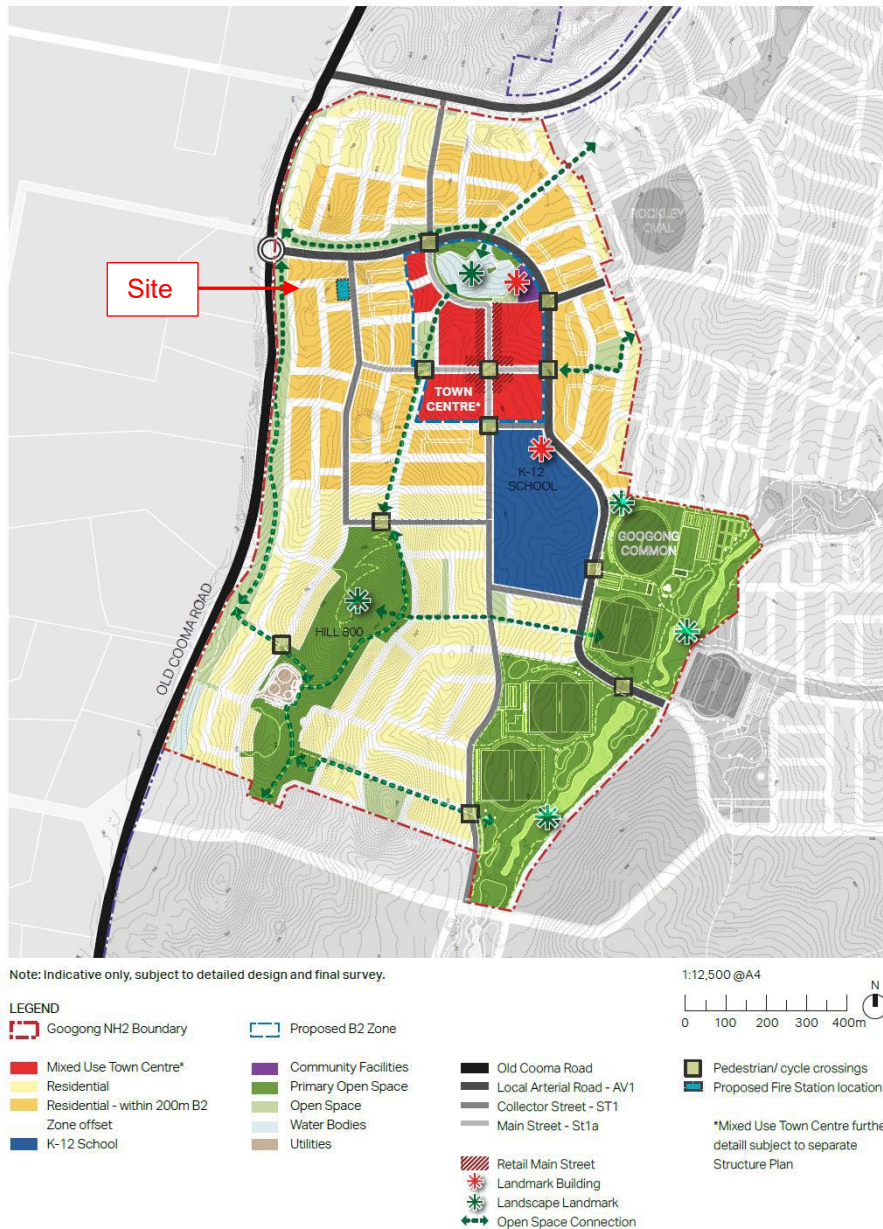
The site is an established development lot created as part of a broader earlier subdivision process for Googong Neighbourhood 2, separately approved via DA.123.2017. Under that earlier planning application, the broader subdivision formed allotments, including super lots, associated main infrastructure works, road works, key open space areas and broader site establishment works for Neighbourhood 2.

Neighbourhood 2 is in response to a broader Googong Master Plan, provided below at Figure 7. The Master Plan covers some 790ha of land zoned for urban development, responding to previous urban studies and requirements for increased housing in the Queanbeyan region. Overall, the Master Plan supports the delivery of some 6,600 homes.



**Figure 7: Googong Master Plan.** Source: Googong DCP. General site location/area is shown.





**Figure 8: NH2 Structure Plan.** Source: Googong DCP. General site location/area is shown.

This DA now seeks approval for associated built form works (multi dwelling housing, parking and site works) and strata subdivision on the development lot earlier created. Figure 9 shows an aerial view of the created development lot area. Ultimately the development of the site would respond to the future demands for housing in Queanbeyan Region, as noted above, and discussed further in this Assessment Report.



**Figure 9: General site location/area (development lot) established under earlier subdivision of DA.123.2107. Source: Google Maps.**

### 3.4 Referrals and Requests for Information

The DA was referred internally also referred externally to Transport for NSW (TfNSW) and Essential Energy.

A Request for Information (RFI) was sent to the applicant on 23 March 2023, in response to issues requiring the applicant to respond.

On 28 April 2023, the applicant provided a response with amended plans, amended Statement of Environmental Effects and technical reports.

Further/subsequent requests for information have also been sent to the applicant, as part of the DA assessment.

#### 3.4.1 Internal Referrals

##### 3.4.1.1 Development Engineer comments

Council's Development Engineer reviewed the application and provided the following comments. Council's Development Engineer offered no objections to the proposed, subject to the imposition of recommended conditions of consent.

#### **Water**

The site is served by existing potable and recycled water infrastructure. These connect from Edward Drive. Each dwelling will be required to be serviced from the relevant mains and require electronic water meters. Such meters should be provided in an accessible position. The final size of the proposed water service should be calculated by a specialist hydraulic consultant suitable for functionality and firefighting abilities.

#### **Sewer**

The site is served by existing sewer infrastructure which connect from Edward Drive. A specialist hydraulic consultant would determine and finalise if this is sufficient for the proposed development, and each dwelling will require its own connection to the appropriate sewer infrastructure.

### ***Stormwater***

On review of the DA, a stormwater management report was requested to be submitted along with drain modelling satisfying Council's specifications of Stormwater Drainage Design documentation D5. These comments were provided to the applicant in a request for further information dated 23 March 2023.

In response, the applicant provided drainage modelling information.

The site is served by existing stormwater infrastructure. These are located near Edward Drive. No on-site detention is required, as this was factored in the earlier subdivision works that established the site. An in-ground Gross Pollutant Trap (GPT) Target litter should be installed in accordance with Council's D7 Erosion and Stormwater Management Specification.

### ***Erosion and Sediment Control***

An Erosion and Sediment Control Plan (ESCP) will be required and submitted with the relevant Construction Certificate. Soil and Water Management measures will also be required.

### ***Parking***

256 parking spaces are required, therefore, the proposed parking is satisfactory being 273 spaces.

On review of the first Traffic and Parking Impact Study submitted with the DA, turning radius was considered not compliant with AS 2890. All parking spaces and turning radii shall be designed in accordance with AS 2890, also emphasised on review of the DA by the Local Development Traffic Committee. These comments were provided to the applicant in a request for further information dated 23 March 2023. In response, the applicant provided an amended Traffic and Parking Impact Study (STC Consulting), and on review, are considered to comply with AS 2890 in addition to QPRC design specifications.

Parking is discussed further in this Assessment Report.

### ***Waste Access***

The Local Development Traffic Committee reviewed plans and information and noted the waste collection area would require a collection waste vehicle to undertake a potentially non-compliant manoeuvre (of taking the full road width) for site vehicle entry and exit on Trenerry Crescent, per the swept path analysis provided. This information was provided to the applicant for resolution with request for amended plans so the waste vehicle could enter and exit the site without impacting oncoming traffic.

In response, the applicant provided an amended set of plans and information, including with supporting waste vehicle swept path analysis.

On review of the amended information supplied by the applicant, the proposed waste vehicle access is now considered accessible. Waste matters are also further discussed in this Assessment Report.

### ***Traffic***

The development has a higher development density of 116 dwellings, compared to that envisaged of 86 dwellings under earlier subdivision (DA.123.2017). Based on 116 dwellings, the site would generate 78 to 96 vehicle trips during AM and PM peak hours respectively, which is an increase of 20 to 25 vehicle trips during AM and PM peak hours against the earlier subdivision. Based on an assessment intersection performance against Old Cooma Road and Wellsvale Drive, Old Cooma Road and Googong Road, Googong Road and Courtney Street, Wellsvale Drive and Courtney Street, Wellsvale Drive and Gorman Drive, with the expected additional traffic generation of 20 to 25 trips the intersection performance would remain generally the same (variation of delay is within only one second). This is discussed further in this Assessment Report.

### **3.4.1.2 Building Surveyor's comments**

Council's Building Surveyor offered no objections to the proposal.

This is discussed further in the Assessment Report.

### **3.4.1.3 Council's Waste Officer's comments**

Council's Waste Officer requested a revised waste management plan document that is consistent with the *Better Practice guide for resource recovery in residential developments* (NSW EPA, April 2019).

In response, the applicant provided amended waste management plan information, including an operational waste management plan (Sellick Consultants 2023 Revision A) and associated waste management plan drawings (Sellick Consultants, drawing 220879-DRG-CIV-WM-2302 Rev C).

Council's Waste Officer offered no objections to the proposal, subject to suitable conditions of consent. This is discussed further in this Assessment Report.

### **3.4.2 Planning Officer's comments**

In addition to the above, planning issues were identified on a review of the application, and also sent to the applicant by the Council for comment under the request for further information dated 23 March 2023. These are identified below.

#### ***Consistency with Structure Plan***

Part 3 and Part 7 of the Googong DCP requires development to be undertaken generally in accordance with a Structure Plan that may apply to the land. The proposal is located within the area of Neighbourhood 2 as shown at Appendix 8 under the Googong DCP.

To understand the consistency of the proposal against the Structure Plan for Neighbourhood 2, further explanation of the site planning and urban design approach was requested by the applicant.

In response, the applicant provided further information. The development provides for residential housing, with internal laneways and accessways creating smaller blocks, which is complementary to the intent of Structure Plan NH2. Structure Plan NH2 notes a fire station on the site, which is not proposed by the DA, however, this is to be provided elsewhere at the Googong Town Centre.

Further assessment against Structure Plan consistency is provided in this Assessment Report.

#### ***Building Height***

The proposal seeks a building height on areas of Blocks 7, 9 and 11 which would exceed the 8.5 metres height control under the Queanbeyan Local Environmental Plan (QLEP 2012) that relates to an area of the site. The additional height sought applies to areas of the roof form on these Blocks 7, 9 and 11.

To assess the building height non-compliance further, it was requested by the applicant to provide further justification of the building height, particularly why the roof design is best suitable for these Blocks and whether an alternative roof design could achieve height compliance under the QLEP 2012. Information of potential visual impacts of the proposed additional height was also requested to support the assessment of the non-compliance.

In response, the applicant provided information that testing alternative designs was explored, and amended plans were provided that revised the roof design which further reduced building height on Blocks 7, 9 and 11. However, the building heights on these Blocks remains to contravene the 8.5 metres Height of Building control under the QLEP 2012 (CI 4.3).

An amended Clause 4.6 Exception to Development Statement Building Height written request was provided to support the contravention. Further assessment on building height is provided in this Assessment Report.

### ***Privacy and view sharing***

Googong DCP Control 7.6 *Privacy and view sharing* provides for privacy criteria. The proposal seeks a reduction of 9 metres separation between windows at locations, with privacy measures to be used to reduce privacy and overlooking.

This DCP control allows a reduction on the 9 metres separation, where design measures are used. To understand where details on the location and type of the design measures to be used, it was requested to the applicant to provide such further information.

In response the applicant provided amended plans and information noting that interfacing windows are not habitable windows, and windows to bathrooms or wardrobe areas would be frosted. This is discussed further in this Assessment Report.

### ***Building length***

The proposal seeks a length on Block 2 greater than 60 metres permitted under Googong DCP Control 7.4 - Table 2 *Maximum length of multi dwelling buildings*. The proposal seeks this additional length based on adaptable dwellings located there. Other Blocks are understood to comply with the building length control.

To understand the suitability of this extended building length, it was requested to the applicant to provide further justification to the proposed length of Block 2. Particularly, why a greater proportion of accessible/adaptable dwellings are best located to this Block, and whether a greater mix of accessible/adaptable dwellings across other Blocks could achieve building length compliance.

In addition, it was requested to provide further explanation of amenity impacts from the length of Block 2 to adjoining blocks and the broader site, compared to a compliant 60 metres building length.

In response the applicant provided amended plans and information on the length of Block 2. The length is required for these townhouses to be adapted to accessible housing, as these necessitate greater circulation areas. Block 2 is also contained within the site, and not of view from streetscapes. Façade modulation noted to reduce perception of length and the length does not create unacceptable shadow impacts.

Further discussion on building length is in this Assessment Report.

### ***Site coverage***

The DA notes that site coverage is around 45%, within the Control 7.14 - Table 2 of the Googong DCP requirement of 50% site coverage. The basement-undercroft parking area that relate to Blocks 7, 8, 9, 10, 11 and 12 appeared to have been excluded from site coverage.

It was requested by the applicant to provide justification of this approach to the site coverage calculation. Amended Plans were provided, which remained the site coverage at around 45%. The calculation excludes the footprint of the basement-undercroft parking, however, this is considered to be satisfactory as discussed further in this Assessment Report.

### ***Streetscape response***

Blocks 7 and 8 provide a secondary streetscape/corner address near the main entrance to Googong on Wellsville Drive and Old Cooma Road. The elevations of these two blocks (in the photomontages and elevations) appeared to provide a more solid façade to the Wellsville Drive/Old Cooma Road intersection area.

Googong DCP Control 7.2 *Streetscape* notes corner sites to address both street frontages. Noting the importance of this site location, as a main entrance to the Googong township, it was requested by the applicant to review the design of a continuous perforated screen on this elevation, to provide a more articulated streetscape address to this area.

In response the applicant provided amended Plans. On Blocks 7 and 8, providing for greater openings/modulation to reduce the façade bulk to Wellsvale Drive. Landscaping is also amended to provide for layering through planting and a stone wall. Refer to further discussion in this Assessment Report.

### ***Signage***

The proposal sought consent for signage on lodgement. However, no plans were provided for signage. To support the planning assessment, it was requested that the applicant provide further information on the signage to be sought under the DA.

In response, the applicant advised that signage is not sought as part of the application. No further assessment is therefore provided within this Assessment Report.

### ***Crime prevention***

Blocks 1, 2, 3, 4, 5 and 6 are provided with garage parking that address a rear laneway. The proposal notes the surveillance would be provided through upper windows to these areas.

Noting the limitation of direct ground level surveillance provided by the proposal to the laneways (such as entries or other means) to support planning assessment, it was requested by the applicant to provide further explanation on the adequacy of surveillance measures to the safety of the laneways.

In response, the applicant provided additional information demonstrating the degree of visual surveillance from the townhouses to these laneways as well as pedestrian paths, communal open space area and streetscapes. In addition, night-time lighting was clarified which would be provided to these areas. This is discussed further in this Assessment Report.

### ***Utilities and infrastructure***

The proposal notes the utilities and infrastructure are available for the site as part of the establishment of the broader Googong township. The dwelling number proposed is, however, understood to be greater than that considered under an early subdivision application DA.2017.123, being around 86 dwellings.

Clause 6.2 *Public Utility Infrastructure* and Clause 7.9 *Essential Services* of the QLEP 2012 requires the consent authority to be satisfied that adequate infrastructure is available for a development. Accordingly, it was requested to the applicant to provide further explanation that the utilities and infrastructure are adequate for the proposed number of dwellings being 116.

In response, the applicant provided further information advising that the utilities and infrastructure provision for the dwelling number of 116 is ample, based on advice from the estate developer supplying sufficient services provision.

This is discussed further in this Assessment Report.

### ***Ecological considerations***

The proposal notes that site area is affected by both the Terrestrial Biodiversity and Riparian Land and Watercourses provisions under the QLEP 2012 (clauses 7.3 and 7.4 respectively). The proposal refers to earlier subdivision completing these requirements of the QLEP 2012.

To support the DA assessment, further written advice was however requested to confirm that the current proposal is satisfactory against clauses 7.3 and 7.4 of the QLEP 2012, noting that these requirements need to be considered for planning assessment.



In response, the applicant provided ecological advice confirming that the site is not affected by terrestrial biodiversity and riparian habitat, including by the site being now mostly cleared and transformed into a development lot under the earlier subdivision process of DA.123.2017.

This is discussed further in this Assessment Report.

### **3.4.3 External Referrals**

#### **3.4.3.1 Transport for NSW**

The DA was referred to Transport for NSW for comment. TfNSW noted:

- *TfNSW: The approved State Planning Agreement for Googong includes the provision of two (2) schools and one (1) fire station. The Googong DCP, Appendix 8 Masterplan, map 13 identifies a portion of this lot for the proposed fire station. This does appear to be addressed by the proposed development. Council must be satisfied that this particular development will not preclude the provision of the fire station with the Googong area.*
- *TfNSW: Council must be satisfied that the increased yield of the subject lot will not adversely impact on the performance of the local road network.*
- *TfNSW: It is highlighted that TfNSW ongoing role regarding the traffic signals at Old Cooma Road/Wellsville Drive intersection is to maintain the signals and optimise the operation of the signals within the constructed road geometry. Any ongoing capacity issues and/or complaints associated with signals will be a matter for Council to deal with and/or address with Council funded upgrades.*

The applicant's response to additional information on 28 April 2023 includes an amended Traffic and Parking Impact Study (SCT Consulting 2023). This Study includes responses to TfNSW commentary on performance of the road network and intersections, and concludes the development would maintain suitable levels of road and intersection performance as currently planned and constructed. As noted earlier, the applicant has advised that the estate developer will locate the fire station elsewhere in the Googong township.

This is discussed further in this Assessment Report under Section 5.2 NSW Legislation, State Environmental Planning Policy (Transport and Infrastructure) 2021.

#### **3.4.3.2 Essential Energy**

The DA was referred to Essential Energy for comment, noting the location of power lines and also the small substation on the site. Essential Energy noted the following:

1. *Essential Energy has an existing 11kV/LV pad/kiosk substation (and easement) located on this property:*
  - a) *The plans indicate a round circle in the substation easement area, however, do not indicate what this is? If this is not part of the electrical network, then it cannot be within the easement area.*
  - b) *Minimum separation/clearances and segregation for fire risk from the substation to any building, fence, planting, retaining walls or other development must be maintained at all times. Refer to AS2067, Essential Energy's policy CEOM7098 Distribution Underground Design Construction Manual and the latest industry guideline currently known as ISSC 20 Guideline for the Management of Activities within Electricity Easements and Close to Infrastructure prior to any works being carried, out in this location.*
  - c) *The substation easement must remain clear of any structure, activity or thing. This includes footings etc of any proposed fencing or retaining walls.*
  - d) *Any retaining walls around the substation must be outside the easement area and must be engineered to support the substation site.*

- e) Any fencing around the substation easement area must meet the requirements of Essential Energy's Design Manual and ISSC 20 Guideline for the Management of Activities within Electricity Easements and Close to Infrastructure. This includes the type of fencing used, access/egress requirements and clearances for safe operation of the equipment.
- f) Any activity near the substation and easement must meet all requirements as set out within Essential Energy's Design Manual, ISSC 20 Guideline for the Management of Activities within Electricity Easements and Close to Infrastructure and the easement terms.
- g) Access must be available to the substation and easement 24 hours a day/7 days a week.

*It is recommended that the Applicant engage the services of a specialist to assist to ensure compliance for the substation (and all other affected electrical infrastructure).*

**2. Essential Energy also has existing high voltage underground cables located across various street frontages/boundaries of the property:**

- a) Prior to carrying out any works in this location and/or within 1.0 metre either side of the cables, a "Dial Before You Dig" enquiry should be undertaken in accordance with the requirements of Part 5E (Protection of Underground Electricity Power Lines) of the Electricity Supply Act 1995 (NSW) to locate the cables.
- b) Works around the cables must be managed. If the ground levels over the cables are to be altered, clearances must be maintained and cable integrity protected. Any works over these cables must meet all Essential Energy design and construction requirements.
- c) The cables are to maintain a minimum clearance of 1.0 metre to any activity.
- d) Any excavation works in this area for the proposed new driveway/s must comply with ISSC 20 Guideline for the Management of Activities within Electricity Easements and Close to Infrastructure.
- e) The cables should be in conduit under any proposed new driveway/s and the driveway/s should not be placed over the top of any joints and spare conduit should be available - refer Essential Energy's policy CEOM7098 Distribution Underground Design and Construction Manual. Note that approval is not possible where the driveway/s are proposed to be located with an impact on existing cables, cable joints, pits, pillars and the like - refer ISSC 20 Guideline for the Management of Activities within Electricity Easements and Close to Infrastructure.
- f) Any proposed driveway access and/or exit (concrete crossovers) must remain at least 1.0 metre away from any electricity infrastructure (power pole, streetlight) at all times, to prevent accidental damage.
- g) Any landscaping, tree planting, gardens, fencing in this area must comply with ISSC 20 Guideline for the Management of Activities within Electricity Easements and Close to Infrastructure.

**3. Essential Energy's records also indicate existing 132kV and 11kV powerlines (overhead and underground) located on the property adjoining this proposed development (Lot 8 DP1246784):**

- a) The easement area for these power lines must remain clear of all activities including the stockpiling of earth, rubbish etc during the construction stages.
- b) Any landscaping, tree planting, gardens, fencing in this area must comply with ISSC 20 Guideline for the Management of Activities within Electricity Easements and Close to Infrastructure.

*The Applicant will need to engage the services of an Accredited Service Provider to ensure adequate provision of power is available to each townhouse in accordance with NSW Service and Installation Rules. A Level 2 Electrician will be able to advise on these requirements and carry out the required work to ensure compliance.*

An amended plan was provided removing a referenced circle in the substation area. The applicant noted that other requirements can be complied with, and with suitable conditions of a development consent. This is discussed further in this Assessment Report.

#### **3.4.4 Southern Regional Planning Panel Briefing Comments**

A Panel Briefing occurred on 9 May 2023. In addition, a Panel site visit occurred on 6 June 2023.

Key issues from the Panel briefing minutes included traffic, noise impacts from roads, and height justification, and confirmation that site is not bushfire prone.

These matters are considered in this Assessment Report.

### **4 REGIONAL PLANNING CONSIDERATIONS**

The relevant regional plan is the *South East and Tablelands Regional Plan 2036*. This plan applies to the site and broader locality. The proposal is consistent with this plan in that it responds to *Goal 4: Environmentally Sustainable Housing Choice* directions:

- Direction 24: Deliver greater housing supply and choice; and
- Direction 25: Focus housing growth in locations that maximise infrastructure and services.

Assessment response: The proposal is responsive to these by supporting identified requirements for increasing housing supply in the Queanbeyan Region, within the planned urban release area of Googong.

In addition, the proposal is consistent with the draft South East and Tablelands Regional Plan 2041, in that it responds to the following objectives under *Theme 4 Planning for fit for purpose housing and services*:

- Objective 17 Plan for a supply of housing in appropriate locations;
- Objective 19 Improve the quality, resilience and sustainability of housing; and
- Objective 21 Provide efficient access to infrastructure services.

Assessment response: The proposal is consistent with these regional plan objectives by providing for architecturally designed multi dwelling housing in an appropriate location, with good locational access to infrastructure and services including the planned Googong Town Centre.

### **5 STATUTORY CONSIDERATIONS**

#### **5.1 Commonwealth Legislation**

##### **5.1.1 Environment Protection and Biodiversity Conservation Act 1999**

The Commonwealth *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act) requires the approval of the Commonwealth Government for actions (such as rezoning of the wider Googong township) that may have a significant impact on Commonwealth Land such as Googong Foreshore or matters of national environmental significance, namely the Pink-tailed Worm-lizard (PTWL) and its habitat.

The site has been considered earlier by the Department of Sustainability, Water, Population and Communities, and approved on 19 May 2011 (subject to amendments). The site is not located within the PTWL Conservation Area or Googong Foreshore.

As noted earlier, the site is now an established development lot created through earlier subdivision works under DA.123.2017 and is accordingly now largely physically modified. The SoEE for this DA refers to the EPBC Act being satisfied due to this subdivision process.

Noting the site is part of a land area already approved under the EPBC Act, a specific assessment of communities listed under this Act is considered not required.

Nevertheless, it is important to provide context for the purposes of the assessment of the DA under NSW legislation, provided through earlier planning as part of land subdivision:

- Two (2) threatened communities, both listed as critically endangered under the EPBC Act do have the potential to occur in the area:
  - Natural Temperate Grassland of the South-Eastern Highlands; and
  - White Box – Yellow Box – Blakely's Red Gum Grassy Woodland and Derived Native Grassland.
- The earlier Flora and Fauna Assessment (F&FA) (Capital Ecology, March 2017) provided with that earlier subdivision process confirms that the study area does not currently support either threatened community, although it does note that both communities would likely have occurred prior to clearance and modification from agriculture uses. The F&FA also stated that there were no threatened flora and fauna species recorded at the study area during the surveys.

Assessment response: The development is considered acceptable against the EPBC Act, based on satisfaction of such under an earlier subdivision process. As noted earlier, the site is now a development plot established through that earlier process, and largely cleared and modified for urban purposes.

## **5.2 NSW Legislation**

### **5.2.1 NSW Biodiversity Conservation Act 2016**

Section 1.7 of the *Environmental Planning and Assessment Act 1979* (EP&A Act) provides that the Act has effect subject to provisions of Part 7 of the *Biodiversity Conservation Act 2016* (BC Act).

Part 7 of the BC Act relates to biodiversity assessment and approvals under the EP&A Act where it contains additional requirements with respect to assessments, consents and approvals under the Act.

As noted earlier, the site is an established development lot created through the earlier subdivision works (DA.123.2107) and is accordingly largely now modified for the purpose of urban development. The SoEE notes that the BC Act matters are likely not relevant due to this subdivision process, with no native vegetation to be removed that would trigger a requirement for biodiversity schemes.

Nevertheless, as with the EPBC Act earlier, it is also important to provide context for the assessment of the development under NSW legislation, as provided through earlier planning process for subdivision:

- There have been several ecological studies undertaken to inform the development and planning of Googong township, including the area of Neighbourhood 2, dating back to 2004;
- An Ecological Values and Constraints Assessment was undertaken for the establishment of Googong Neighbourhoods 2-5 (Biosis, 2015) under the Commonwealth *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act) and the former *NSW*

*Threatened Species Conservation Act 1995* (TSC Act). This assessment found that while the subject study area (including Neighbourhood 2 where the site is located) was predominantly highly modified and degraded, it supported a mix of vegetation communities, with large areas of native ground storey vegetation, scattered paddock trees and small pockets of regeneration. However, it was unlikely that any Threatened Ecological Communities would occur within the study area;

- This was also confirmed by the F & FA Assessment (Capital Ecology, March 2017) that found:
  - The portions of the study area mapped as PCT 1330 Zone 1 support the NSW listed TEC 'White Box – Yellow Box – Blakely's Red Gum grassy woodland', albeit in a marginal form. An Assessment of Significance (AoS) was prepared for this community, the results of which indicate that the proposed development is unlikely to significantly affect this TEC;
  - Three TSC Act listed species (White-fronted Chat, Scarlet Robin and the Flame Robin) were considered to warrant the preparation of AoS. These have been completed, the results of which indicate that the proposed development is unlikely to have a significant impact upon any TSC Act listed species;
  - The site does not contain declared critical habitat for a species, population or ecological community.
- Given the above, no Species Impact Statements (SISs) were required for the proposed subdivisions; and
- Previous investigations into flora and fauna and their habitats also identified areas within the Googong township subject to ecological constraint, specifically areas of high-quality habitat for the Pink-tailed Worm-lizard (*Aprasia parapulchella*), which is listed as a vulnerable species. However, this area is located outside of the broader site area of Neighbourhood 2 (which this DA is located within).

Assessment response: There would be no significant effect on threatened species, populations or ecological communities, or their habitats by the development and it is considered acceptable per the BC Act.

### **5.2.2 Roads Act 1993**

Section 138 of the Roads Act 1993 (Roads Act) requires consent to:

- (a) *Erect a structure or carry out a work in, or over a public road, or*
- (b) *Dig up or disturb the surface of a public road, or*
- (c) *Remove or interfere with a structure, work or tree on a public road, or*
- (d) *Pump water into a public road from any land adjoining the road, or*
- (e) *Connect a road (whether public or private) to a classified road.*

The development would include work in Trenerry Crescent and Candish Street as part of the establishment of the access driveways.

Assessment response: As noted further below under Table 2, these works would not create the development as an 'integrated development', as Trenerry Crescent and Candish Street are Council Local Roads. Recommended conditions of consent refer to any requirement for a section 138 Roads Act approval.

### **5.2.3 Environmental Planning and Assessment Act 1979**

The proposal is captured under Part 4 of the *Environmental Planning and Assessment Act 1979* (EP&A Act) and the relevant sections for the assessment and determination of the application are considered below.

### 5.2.3.1 Section 4.10 Designated Development

The development is not designated development, per the Local Environmental Plan or a State Environmental Planning Policy, or Schedule 3 of the EP&A Regulations.

### 5.2.3.2 Section 4.47 Integrated Development

Section 4.47 sets out the procedures for integrated development. It states that integrated development requires consent under the applicable acts. This application is not integrated development, as per the following Table.

**Table 3: Integrated development summary**

<i>Act</i>	<i>Provision</i>	<i>Approval required</i>	<i>Integrated development?</i>
Coal Mine Subsidence Compensation Act 2017	s22	Approval to alter or erect improvements, or to subdivide land, within a mine subsidence district.	No.  The site is not within an identified Mine Subsidence District.
Mining Act	s63, s64	Granting of a mining lease.	No.  The development does not require the granting of a mining licence.
Fisheries Management Act 1994	s144 s201 s205 s219	Aquaculture Permit. Permit to carry out dredging or reclamation work. Permit to cut, remove, damage or destroy marine vegetation on public water land or on aquaculture lease, or on the foreshore of any such land or lease. Permit to set a net, construct or alter a dame, floodgate, causeway or weir, or other obstruction across or within a bay, inlet, river or creek or around a flat.	No.  The development would not relate to the approvals required.
Heritage Act 1977	s58	Approval in respect to works or use to a state heritage item.	No.  The site does not contain protected items or within an area of heritage significance.
National Parks and Wildlife Act 1974	s90	Grant of Aboriginal Heritage Impact Permit (AHIP)	No.  No Aboriginal heritage impacts are envisaged as these matters were addressed as part of an earlier subdivision of Neighbourhood 2 under DA.123.2017. Recommended conditions of consent also provide for an unexpected finds protocol (Attachment A).



<b>Act</b>	<b>Provision</b>	<b>Approval required</b>	<b>Integrated development?</b>
Protection of the Environment Operations Act 1997	s43(a), s47 and s55 s43(b), s48 and s55 s43(d), s55 and s122	Environmental protection licence to authorise carrying out of scheduled work and non-scheduled activities for the purposes of regulating water pollution resulting from the activity.	No.  Licences are not required for the proposed development, including an Environmental Protection Licence.
Roads Act 1993	s138	Consent to: <ul style="list-style-type: none"> <li>Erect a structure or carry out a work in, or over a public road,</li> <li>Dig up or disturb the surface of a public road,</li> <li>Pump water into a public road from any land adjoining the road,</li> <li>Connect a road.</li> </ul>	No.  Driveway works to Candish Street and Trenerry Crescent would be roads under the care of the QPRC, therefore, does not trigger integrated development. As noted earlier, separate 138 approval is to be sought through recommended conditions of consent.
Rural Fires Act 1997	s100B	Authorisation under Section 100B in respect of bushfire safety of subdivision of land that could lawfully be used for residential purposes or development of land for special fire protection purposes.	No.  This site is not mapped as bushfire prone so not required.
Water Management Act 2000	s89, S90, S91	Water use approval, water management work approval or activity approval under Part 3 of Chapter 3.	No.  The development does not involve carrying out work within land affected by the WM Act, therefore, approval not required.

### 5.2.3.3 Section 4.14 Bushfire Prone Land

Section 4.14 of the EP&A Act requires an assessment to be made of a proposal against the Rural Fire Service (RFS) document *Planning for Bushfire Protection 2006* (PBP 2006). The Act allows this assessment to be made by the Council or the RFS. Assessments under Section 4.14 against the PBP 2006 need to be made for most development on bushfire prone land which does not require an approval under the *Rural Fires Act 1997* as integrated development.

Assessment response: The site is not identified as Bushfire Prone Land per the Rural Fire Services on-line Mapping Tool, therefore, does not require assessment against *Planning for Bushfire Protection*.

### 5.2.3.4 Section 4.15 Considerations

When determining a Development Application, the consent authority must take into consideration the matters outlined in Section 4.15(1) of the *Environmental Planning and Assessment Act 1979* (EP&A Act). These matters of relevance to the DA include the following:

- the provisions of any environmental planning instrument, proposed instrument, development control plan, planning agreement and the regulations;*
- the likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality;*

- (c) *the suitability of the site for the development;*
- (d) *any submissions made in accordance with this Act or the regulations; and*
- (e) *the public interest.*

These matters are considered below in detail under Section 6.

## **6 SECTION 4.15 ASSESSMENT**

### **6.1 Section 4.15(1)(a)(i) Provisions of Environmental Planning Instruments**

The following planning instruments have been considered in the planning assessment of the subject DA:

- State Environmental Planning Policy (Planning Systems) 2021 (PS SEPP);
- State Environmental Planning Policy (Resilience and Hazards) 2021 (RH SEPP);
- State Environmental Planning Policy (Building Sustainability Index – BASIX) 2004;
- State Environmental Planning Policy (Transport and Infrastructure) 2021 (TI SEPP); and
- Queanbeyan Local Environmental Plan 2012 (QLEP 2012).

Refer to assessment discussion below.

#### **6.1.1 State Environmental Planning Policy (Planning Systems) 2021**

Chapter 2, Part 2.4, Section 2.19(1), Schedule 6 provides for development with a capital investment of \$30 million or greater to be regionally significant.

Assessment response: The Capital Investment Value of the development is \$40 million, therefore, regionally significant, accordingly, is to be determined by the Southern Region Planning Panel.

#### **6.1.2 State Environmental Planning Policy (Resilience and Hazards) 2021 - Chapter 4 Remediation of Land**

The aim of this Chapter of the SEPP is to provide for the remediation of contaminated land for the purpose of reducing the risk of harm to human health or environment and requiring that any remediation work meet certain standards and notification requirements. The policy states that the land must not be development if it is unsuitable for a proposed use because it is contaminated.

Section 4.6 requires the consent authority to consider whether the land is contaminated, and if it is contaminated, it is satisfied that the land is in a suitable stated for the purpose for which development is proposed to be carried out.

Assessment response: The site is located within the area of Neighbourhood 2 Site Audit Report titled *Site Audit Report for SAS 289R, Googong Township Neighbourhood 2 (NH2) – Development Stages 6A, 6B, 7, 8A, 8B, 9A, 9B, 10, 11, 15 and Open Space Area*. The accompanying Site Audit Statement Number 289R prepared by Ron Harwood (Harwood Environmental Consultants) advises that the land described as Lot 601 to 641 DP 1281684 (which the site is Lot 601 in DP 1281684) in Googong NSW is suitable for the following:

1. *Residential with accessible soil, including garden (minimal home-grown produce contributing less than 10% fruit and vegetable intake) excluding poultry;*
2. *Residential with minimal opportunity for soil access, including units;*
3. *Parks, recreational open space, played field; and*
4. *Commercial/industrial.*

Accordingly, it is considered the relevant provisions of the SEPP have been satisfied, noting that it is suitable for residential purposes.

#### **6.1.3 State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004**

The proposal is BASIX affected development to which this policy applies. In accordance with the EP&A Regulations, a BASIX Certificate has been submitted in support of the application demonstrating the proposed scheme achieves the BASIX targets. Recommended conditions of consent at Attachment A require that the development is in accordance with the BASIX Certificate.

#### **6.1.4 State Environmental Planning Policy (Transport and Infrastructure) SEPP**

The relevant provisions of the SEPP are provided below.

##### ***Section 2.48 – Determination of Development Applications - other development***

The site is located within or immediately adjacent to an easement for electricity purposes. In addition, it is located adjacent to an electricity substation. The DA was therefore referred to Essential Energy, being the electricity supply authority for the area. Essential Energy provided comments, as outlined earlier under 3.4.3 of this Assessment Report. The comments relate to the protection of electricity infrastructure, including cables, powerlines and a substation on the site.

Assessment response: The applicant was provided these comments, who provided a response. As noted earlier, amended plans were received removing drawing references on the substation located on the south-west corner of the site. In addition, the applicant reviewed other comments and noted that these have complied with and dealt with suitable conditions of consent. In response, recommended conditions of consent at Attachment A provide for the suitable protection of electricity infrastructure and the provision of electricity as sought by Essential Energy.

##### ***Section 2.119 Development with frontage to classified road and Section 2.122 traffic generating development***

The site has a frontage to Old Cooma Road, which is a Regional Road. In addition, the development has access points on Wellsville Drive (within 90 metres) to Old Cooma Road, triggering traffic generating development being greater than 75 dwellings per the requirements under Column 3 under Schedule 3 of the SEPP.

The development is considered to not be impacted by Old Cooma Road. It is setback from this road separated by an open space area (with power lines), and there are no direct vehicle access points to be provided to the road. The acoustic impact assessment with the application (*Pulse White Noise Acoustic 2022*) notes it is overall acceptable in its environment.

With respect to traffic generating development, as noted earlier, the DA was referred to Transport for NSW (TfNSW) for comment. TfNSW noted (in bullet point with italic, with assessment response after):

- *TfNSW: The approved State Planning Agreement for Googong includes the provision of two (2) schools and one (1) fire station. The Googong DCP, Appendix 8 Masterplan, map 13 identifies a portion of this lot for the proposed fire station. This does appear to be addressed by the proposed development. Council must be satisfied that this particular development will not preclude the provision of the fire station with the Googong area.*

Assessment response: It is understood from the applicant that the fire station is to be located elsewhere by the estate/township developer, therefore, the development would not preclude the provision of the fire station within/for the Googong township.

- *TfNSW: Council must be satisfied that the increased yield of the subject lot will not adversely impact on the performance of the local road network.*

- *TfNSW: It is highlighted that TfNSW ongoing role regarding the traffic signals at Old Cooma Road/Wellsvale Drive intersection is to maintain the signals and optimise the operation of the signals within the constructed road geometry. Any ongoing capacity issues and/or complaints associated with signals will be a matter for Council to deal with and/or address with Council funded upgrades.*

Assessment response: The Traffic and Parking Impact Study (STC Consulting 2023) provided with the DA notes that the proposed yield will not significantly impact the performance of the road or intersection network. The Council Development Engineer has not identified any concern with the proposed dwelling density.

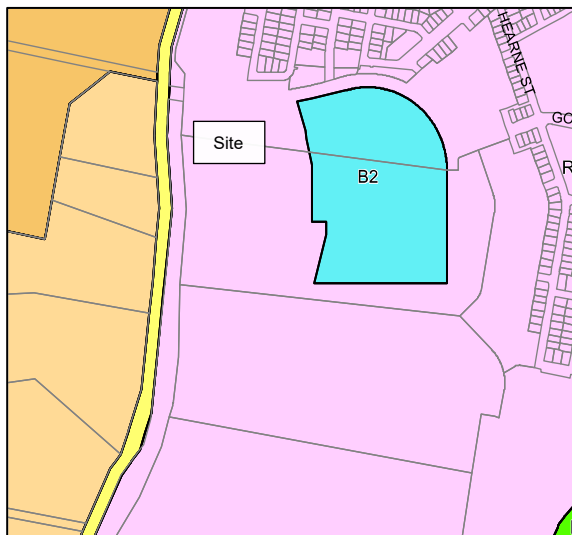
### **6.1.5 Queanbeyan Local Environmental Plan 2012**

The DA was lodged prior to the gazettal of the Queanbeyan-Palerang Regional Local Environmental Plan 2022. Accordingly, the proposed development is assessed in accordance with the relevant requirements of the Queanbeyan Local Environmental Plan 2012 (QLEP 2012).

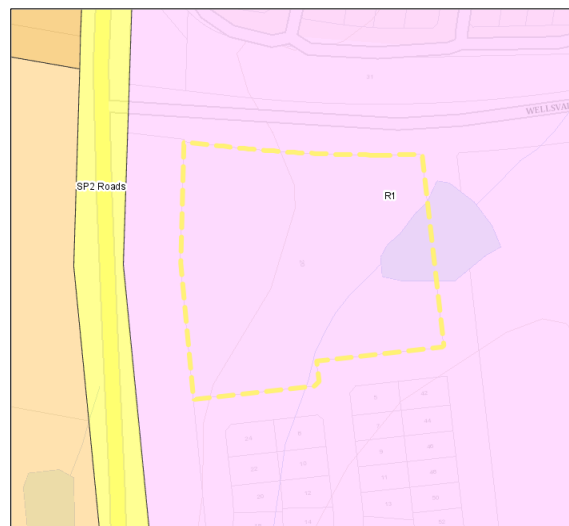
Under Part 2 of the QLEP 2012, the site is zoned R1 General Residential, refer to Figure 10 below.

The R1 General Residential Objectives are:

- *To provide for the housing needs of the community.*
- *To provide for a variety of housing types and densities.*
- *To enable other land uses that provide facilities or services to meet the day to day needs of residents.*
- *To ensure that buildings with non-residential uses have a bulk and scale that is compatible with the zone's predominantly residential character.*
- *To promote walkable neighbourhoods and a sense of community.*
- *To ensure that where possible, development maintains existing bushland.*
- *To encourage medium to high density housing located in close proximity to the town and village centres.*



**Figure 10: Land Zoning Map – QLEP 2012**



**Figure 11: Site Overlay of Land Zoning – Statement of Environmental Effects**

Assessment response: The development is considered to provide for housing diversity and choice, in a density suitable to the site and locality adjacent to the future Googong Town Centre, with both walkability and connectivity.

Permitted with development consent under the R1 General Residential zone includes *Multi dwelling housing*.

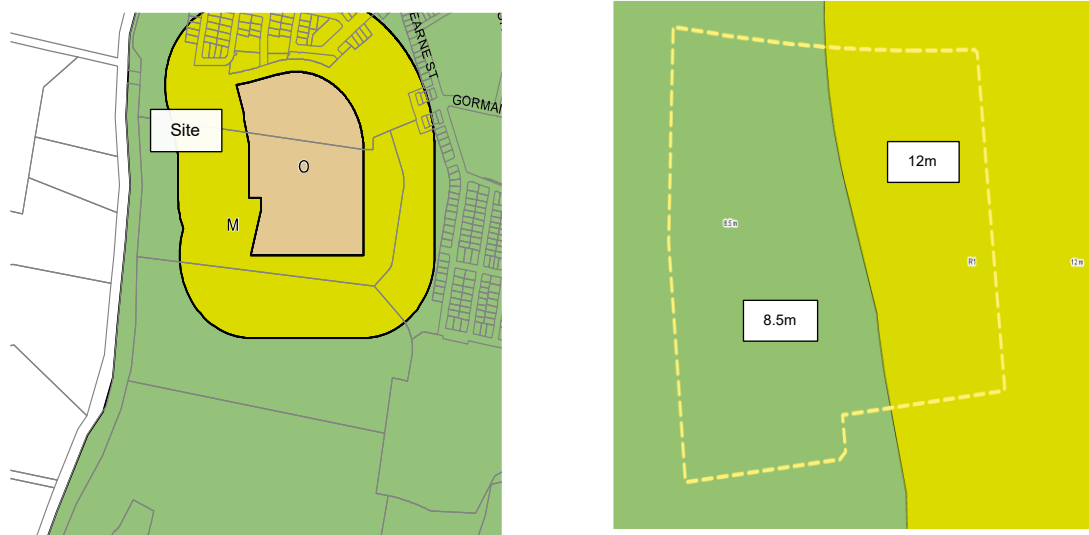
Assessment response: Multi Dwelling Housing is permissible (permitted) with development consent in the R1 General Residential Zone. Accordingly, the development is acceptable as a land use activity.

Further compliance assessment against other relevant provisions of QLEP 2012 is provided at Attachment BA in an QLEP 2012 assessment schedule.

As identified by Attachment BA, the development complies with most of the QLEP 2012, with the exception of Part 4, Clause 4.3 Height of Building, which is discussed in detail below.

### **CI 4.3 Height of Building**

Under the QLEP, the site is afforded two maximum building heights on the – 12 metres and 8.5 metres. This is shown below in Figure 9.



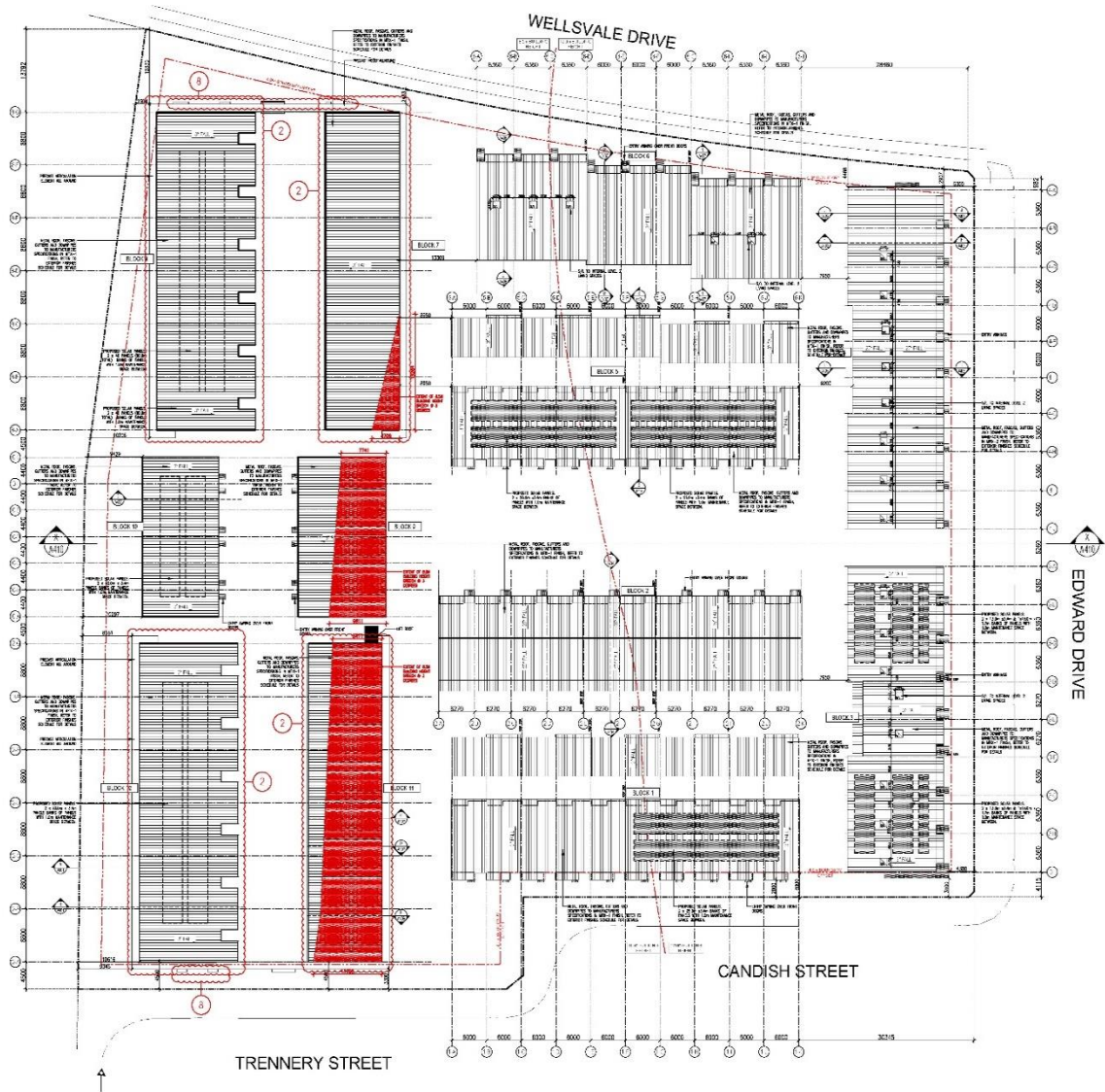
**Figure 12: Height of Buildings.**

*Height of Buildings Map QLEP 2012. 'M' is 12 metres, whilst green is 8.5m. 'O' is 16 metres.*

*Site overlay of Height of Buildings magnified*

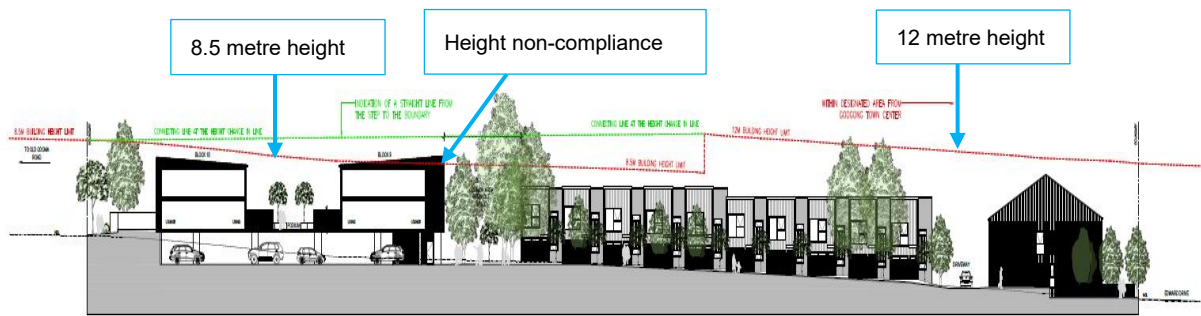
CI 4.3(2) requires the height of any building to not exceed the height shown on the Height of Buildings map. This map applies two (2) height controls to the site area, as shown at Figure 12 above. The green area has a maximum height control of 8.5 metres. The yellow, has a maximum height control of 12 metres. (Adjacent Area O is 16 metres).

Assessment response: The development is compliant with the 12 metres height control, however, contravenes the 8.5 metres building height at locations. This in relation to the roof areas of Block 7, 9 and 11 as provided by Figure 13 (plan view) and Figure 14 (section view) below.



**Figure 13: Plan view - area of height non-compliance – Blocks 7, 9 and 11 (shaded).**  
*Source: Architectural Plans, DNA Architects. Refer to Plan A214 Roof Plan for clarity.*





**Figure 14: Section view – height non-compliance (Block 9 section X).**

Source: Architectural Plans, DNA Architects. Refer to Plan A103 for clarity.

Specifically, the height contravenes the 8.5 metres maximum height control to these Blocks as follows:

- Block 7 proposes a maximum height of 9.02 metres (a 520mm or 6.1% variation with respect to building height control);
- Block 9 proposes a maximum height of 9.15 metres (a 650mm or 7.6% variation with respect to building height control); and
- Block 11 proposes a maximum height of 9.34 metres (a 840mm or 9.8% variation with respect to building height control).

The objectives of the height control under the QLEP 2012 are as follows:

- To ensure that the height of buildings complement the streetscape or historic character of the area in which buildings are located,*
- To protect the heritage character of Queanbeyan and the significance of heritage buildings and heritage items,*
- To nominate heights that will provide a transition in built form between varying land use intensities.*

A Clause 4.6 written request (prepared by Capital Region Planning, Revision D) to seek a variation to the height development standard has been submitted with the DA, refer to copy at Attachment D. This is discussed below under *CI 4.6 Exceptions to Development Standards*.

#### **CI 4.6 Exceptions to Development Standards**

Under Clause 4.6 of the QLEP 2012, the consent authority may consider a variation where that variation would achieve a better outcome.

As identified above, the proposed development contravenes the Height of Buildings maximum control of 8.5 metres permitted on the land under Clause 4.3 of the QLEP 2012. The area of non-compliance relates to the roof areas for Block 7, 9 and 11 as shown in Figure 14 above.

Clause 4.6(3) of the QLEP 2012 states the following:

*Development consent must not be granted for development that contravenes a development standard unless the consent authority has considered a written request from the applicant that seeks to justify the contravention of the development standard by demonstrating:*

- that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case; and*
- that there are sufficient environmental planning grounds to justify contravening the development standard.*

The applicant has provided a written request that seeks to justify the proposed contravention of the 8.5 metres maximum building height control (CI 4.3 of the QLEP 2012) by up to 0.84 metres on the following grounds:

- The development will remain to satisfy the objectives of the CI 4.3 Height of Building (discussed below);
- The development will remain to satisfy the objectives of the R1 General Residential Zone (discussed below);
- The area of the contravention is in an area of the site where there is of greater topographic change;
- The contravention would support the provision of multi dwelling housing in a height/scale that would be similar to the planned character of development around the Googong Town Centre;
- The contravention would support strategic planning initiatives for residential housing in an appropriate location; and
- The proposed contravention does not result in amenity impacts of shadowing, disruption of views, privacy loss or loss of solar access to surrounding sites.

Clause 4.6(4) of the QLEP 2012 states the following:

*“Development consent must not be granted for a development that contravenes a development standard unless:*

*(a) the consent authority is satisfied that:*

- (i) the applicant’s written request has adequately addressed the matters required to be demonstrated by subclause (3.)*

The applicant’s written request to justify the contravention of the building height standard does adequately address the matters required to be demonstrated in Clause 4.6(3). Specifically, that compliance with the standard is unnecessary or unreasonable in the circumstances of the case, and that there are sufficient environmental planning grounds to justify contravening the development standard.

With respect to Clause 4.6(3)(a) *compliance with the development standard is unreasonable or unnecessary in the circumstances of the case*, the applicant’s written request adequately assess the proposals against the Objectives of the building height control under CI 4.3, which demonstrates that the development will remain satisfactory against these. This is discussed further below.

With respect to Clause 4.6(3)(b) *that there are sufficient environmental planning grounds to justify contravening the development standard*, the applicant’s written request is considered to provide sufficient substantive information on the environmental planning grounds. This relates to the development remaining compliant to satisfying the objectives of CI 4.3, particularly, with respect to maintaining a suitable streetscape scale and appearance, supporting a development that does not result in adverse visual or view impacts, nor result in amenity impacts such as solar and privacy, and remains the height control intent of broader height transition as the exceedance relates to areas of the roof form of three (3) Blocks only.

- (ii) the proposed development will be in the public interest because it is consistent with the objectives of the particular standard and the objectives for development within the zone in which the development is proposed to be carried out.*

The applicant’s written request has demonstrated that the development is considered to be consistent with the Objectives of the CI 4.3 Height of Building as described below.

CI 4.3 Height of Building objectives:



- a) *To ensure that the height of buildings complement the streetscape or historic character of the area in which buildings are located,*
- b) *To protect the heritage character of Queanbeyan and the significance of heritage buildings and heritage items,*
- c) *To nominate heights that will provide a transition in built form between varying land use intensities.*

In response:

- The building heights support the development of a character suitable to streetscapes and the site. The area of the non-compliance would still remain the development to appear as 2 – 3 storeys, with landscaped frontages, consistent with existing and future streetscape character. On Wellsvale Drive (being a main entry to the township) it would appear as more as 2 storeys with roof and landscaping in the front setback, therefore, providing for a suitable streetscape address. It is noted by this assessment on review of the architectural plans that despite the height contravention on these Blocks they would appear coherent together with the height of other Blocks, especially Blocks 8, 10 and 12 which do comply, and Blocks 7, 9 and 11 immediately relate with. Accordingly, there would not be adverse visual or view impacts from the public domain;
- There is no heritage character, including buildings and heritage items, that would be affected by the proposed heights, therefore, broader heritage remains in the region remain protected by the building height; and
- As the non-compliance relates to an area of the roof form to Blocks 7, 9 and 11, and not a full additional storey, the numerical intent of height transition is considered to remain. The Assessment Report notes to the east adjoining the site (toward the proposed Googong Town Centre) the height is 16 metres, transitioning to 12 metres, then 8.5 metres toward Old Cooma Road. The broader development remains to comply with the height controls, and there are no identified visual or amenity impacts associated with the proposed height. As noted above, as these Blocks would appear visually coherent with the rest of the development which does comply with the height controls, therefore, the height transition intent (east to west) remains.

The site is zoned R1 General Residential under QLEP 2012 wherein development for the purposed multi dwelling house is permissible with consent. The Objectives of Zone R1 General Residential are:

- *To provide for the housing needs of the community (Objective 1);*
- *To provide for a variety of housing types and densities (Objective 2);*
- *To enable other land uses that provide facilities or services to meet the day to day needs of residents (Objective 3);*
- *To ensure that buildings with non-residential uses have a bulk and scale that is compatible with the zone's predominantly residential character (Objective 4);*
- *To promote walkable neighbourhoods and a sense of community (Objective 5);*
- *To ensure that where possible, development maintains existing bushland (Objective 6);* and
- *To encourage medium to high density housing located in close proximity to the town and village centres (Objective 7).*

The applicant has demonstrated that the development is considered to be consistent with the relevant objectives of the R1 General Residential Zone, in that:

- Objective 1 – it provides for housing, identified for the region, in a planned manner;

- Objective 2 – it supports provision of housing types and densities, by providing for multi dwelling housing;
- Objective 3 – not mentioned by the applicant's written request, however, this Assessment Report considers it would support other land use activities, such as the planned town centre of Googong, to be supported by residential catchments that may use their facility and services;
- Objective 4 – not relevant to the CI 4.6 request;
- Objective 5 – provides for housing that supports walking and community through an accessible development permeable for pedestrians, and a sense of community with provision of communal open space area;
- Objective 6 – not relevant;
- Objective 7 – provides for development that is of multi dwelling housing, therefore, increased housing density and choice in a location adjacent to the future Googong Town Centre.

Based on the above demonstrated consistency with the objectives of the height of building standard and the R1 General Residential Zone, it is considered that the proposed development will be in the public interest.

*(b) the concurrence of the Secretary has been obtained.*

Council has delegation to consider the variation and it is understood the Southern Regional Planning Panel (SRPP) has delegation to approve the proposed variation.

CI 4.6(5) notes that when deciding to grant concurrence, the Planning Secretary must consider:

- (a) whether contravention of the development standard raises any matter of significance for State or regional environmental planning, and*
- (b) the public benefit of maintaining the development standard, and*
- (c) any other matters required to be taken into consideration by the Planning Secretary before granting concurrence.*

The written request confirms that the contravention would not raise any matter of significant for State or Regional environmental planning. (This Assessment Report would find rather it would deliver suitable and needed housing, which supports State and Regional planning).

There is no public benefit in maintaining this standard, as doing such would deny approval of a development that would still be consistent with the Height of Building control and R1 General Residential zone objectives, and the resulting broader benefits (particularly housing supply) the development would achieve.

There are no other matters considered to be taken into consideration by the Planning Secretary before granting concurrence.

In summary, the applicant's written request to justify the contravention of CI 4.3 Height of Building development standard (control) of 8.5 metres up to 0.84 metres is considered to be well founded, in that the applicant has satisfactorily demonstrated that compliance with the standard is unnecessary or unreasonable in the circumstances of the case, and that there are sufficient environmental planning grounds to justify contravening the development standard.

## **6.2 Section 4.15(1)(a)(ii) - Any Draft Environmental Planning Instruments**

The DA was lodged prior to the gazettal of the Queanbeyan-Palerang Local Environmental Plan 2022 (QPLEP 2022). The DA is however not inconsistent with the draft QPLEP 2022 at the time, noting that under that LEP the land use zoning remained as R1 General Residential, Building Height remained 8.5 metres and 12 metres, and other key LEP matters such as Terrestrial Biodiversity and Watercourses also remained under the draft QPLEP 2022.

There are no other applicable draft planning instruments that are or have been placed on public exhibition to consider as part of this assessment.

### **6.3 Section 4.15(1)(a)(iii) - Any Development Control Plan**

The Googong DCP 2010 provides for specific controls related to development of Googong. It is structured to include Master Plan controls for site layout and specific controls for development with lots.

Part 3, 7, 8 and Appendix 8 of the Googong DCP are considered relevant to the development:

- Part 3 – The Master Plan;
- Part 7 – Small Lots, Multi Dwelling Housing, Dual Occupancy and Residential Flat Buildings; and
- Part 8 – Environmental Management.

Under Part 3 the desired future character and function of Residential Areas for Googong is:

*The residential areas of Googong will encourage a diversity of sustainable housing products to suit different households, incomes and lifestyles.*

*High quality designed dwellings are required that provide innovation housing solutions that are compatible with the desired character of the surrounding residential areas.*

*The quality of the residential community will be supported by the built form, which shall be of a coherent and appropriate character, with opportunities for diversity. Such diversity is achieved by combining single and double storey elements and including features such as entry porticos, balconies, terraces, pergolas and sun-shading devices.*

The proposed development is considered to be complementary to this desired future character and will support housing diversity and choice in the township with proposed multi dwelling residential accommodation.

Attachment C includes an assessment of the development against the DCP. It is noted the Googong DCP adopts Part 1, Section 1.8 and Part 2, Sections 2.1, 2.2, 2.3, 2.4, 2.5, 2.6, 2.7 and 2.9 of the Queanbeyan Development Control Plan 2012 (QDCP). The DCP assessment of the development at Attachment C therefore also considers relevant objectives of the QDCP 2012.

The DCP assessment concludes the development is generally complies with the Googong DCP, including the adopted provisions of the QDCP. As outlined in the DCP assessment at some controls would result in a variation. These are able to be supported on planning merit.

Key assessment issues identified from the DCP assessment are as follows.

#### **3.12 Master Plan**

Part 3 (and Part 7) of the Googong DCP provides for the orderly development of Googong in accordance with the Googong Master Plan and respective Neighbourhood Structure Plan. As noted earlier, the site is located within Structure Plan NH2 under Appendix 8 of the DCP.

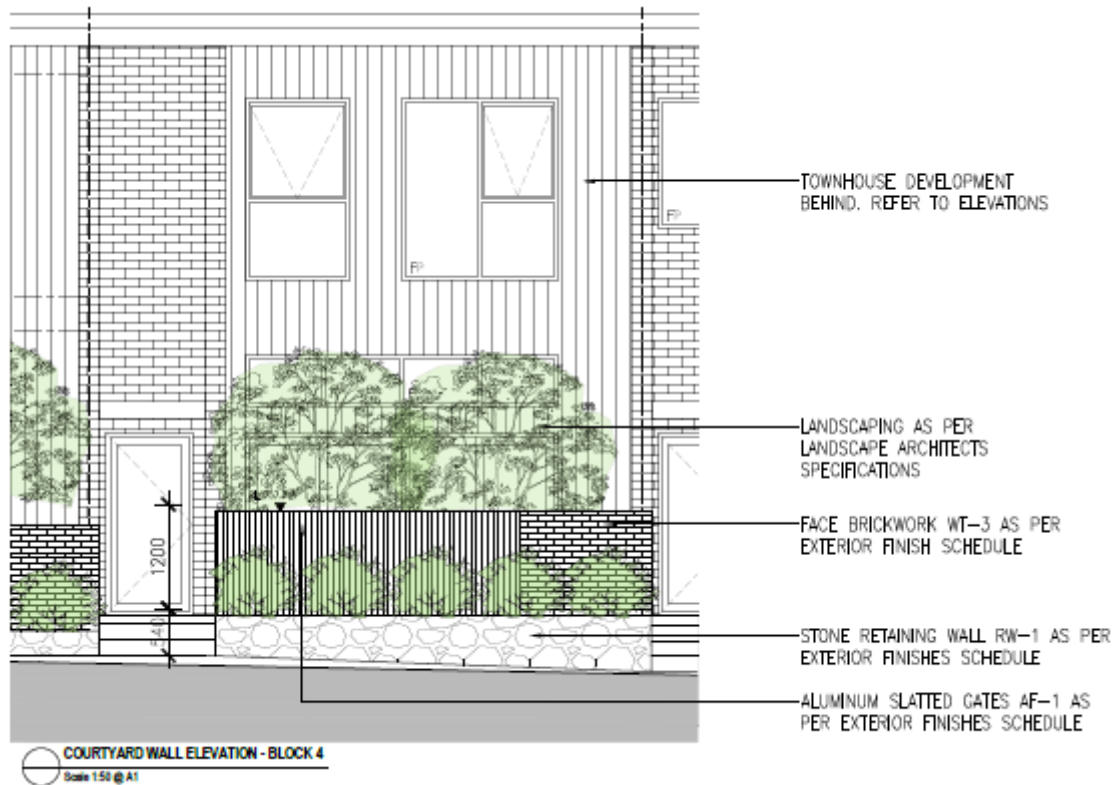
Whilst the development is overall complementary to the Googong Master Plan by providing for a residential land use activity and a layout structure considered complementary to Structure Plan NH2, it is noted that an area of Structure Plan NH2 as shown on Figure 8, provides for a Googong Fire Station to be on this site.

The DA does not show this fire station on the Architectural Plans. It has been confirmed with Council and the developer that an alternate site for the fire station is available and there is no conflict with the Master Plan / Structure Plan.

#### **7.2 Streetscape**

Fencing controls require that primary street front fencing is of 1.2 metres in height. In addition, fences on secondary frontages are 1.8 metres, however, cannot extend more than 50% of the lot depth. Where that occurs, the fencing should be 1.2 metres.

To Edward Drive, which is a primary frontage, on Block 3 and Block 4 some of the fencing is located above retaining walls, resulting in the fence height increasing to approximately 1.7 metres. The fence design would still provide for a visual connection of the townhouses with the street. Refer to Figure 15 below.



**Figure 15: Fencing height on Block 4.** Source: *Architectural Plans, DNA Architects. Refer to Plan A606 for clarity.*

As discussed further in this assessment, this fencing outcome to Edward Drive is considered appropriate notwithstanding the variation against the fence height control.

Candish Street, Trenerry Crescent and Wellsvale Drive front fencing complies.

It is noted that some fencing such as to Blocks 10 and 12 to Old Cooma Road street frontage will be around 1.7 metres and 1.4 metres respectively. Old Cooma Road is not a primary or main street address of the development, being Edward Drive, and the DCP supports higher fences (up to 1.8 metres) for such secondary frontage locations, accordingly appropriate.

Refer also to further discussion under Control 7.14 *Multi Dwelling Housing and Dual Occupancy* – Table 2 below with respect to setbacks.

### 7.6 Privacy and view sharing

The Visual Privacy controls under Control 7.6 require that where a building separation distance is less than 9 metres, appropriate privacy measures are provided. Less than 9 metres separation is provided between Blocks 4 and 6 (8.1 metres), Blocks 4 and 5 (8.5 metres), Blocks 4 and 3 (6.1 metres), Blocks 3 and 2 (8.1 metres) and Blocks 3 and 1 (8.5 metres). Refer to Figure 16 below.

The applicant provided further information regarding privacy measures to support this separation distance variation, being that such windows are habitable rooms and frosted glazing

is to be provided to bathrooms and wardrobe. As discussed further, the building separation is considered suitable.



**Figure 16: Blocks with less than 9 metres separation distance.** Source: Architectural Plans, DNA Architects. Refer to Plan A850 for clarity.

The Visual Sharing controls under Control 7.6 require to minimise loss of significant views within Googong such as farmlands, and also distant hilltops and ridges. As discussed earlier, the proposed building height, together with the development scale overall, is considered to not create negative visual effects. The development is unlikely to restrict distant views over towards geographical features, reading overall as part of the Googong township. Therefore, the scale is considered appropriate.

The Acoustic Privacy controls under Control 7.6 (and the adopted control 2.3.6 *Noise and Vibration* of the Queanbeyan DCP) require development to be both designed, and operate, in response to potential acoustic disturbance. The acoustic report submitted with the DA (Pulse White Noise Acoustic 2022) confirms that the development would be designed to provide appropriate acoustic amenity.

#### 7.10 Principal Private Open Space and Landscape Design

This DCP control requires private open space to be located behind the building line, unless otherwise permitted by a Neighbourhood Structure Plan. Structure Plan NH2 does not identify private open space forward of the building line for the site. Blocks 2, 3, 4 and 6 have their principal private open space area located only in the front setback, therefore, forward of the building line.

It is noted that further in the DCP under control 7.14 *Multi Dwelling Housing and Dual Occupancy - Table 2* requires private open space to be north and directly accessible from a living area. These Blocks provide for their open space directly from the living area and are north facing.

As discussed further, this location of principal private open space is considered appropriate for these Blocks notwithstanding the variation against the location control.

#### 7.11 Car parking and garages

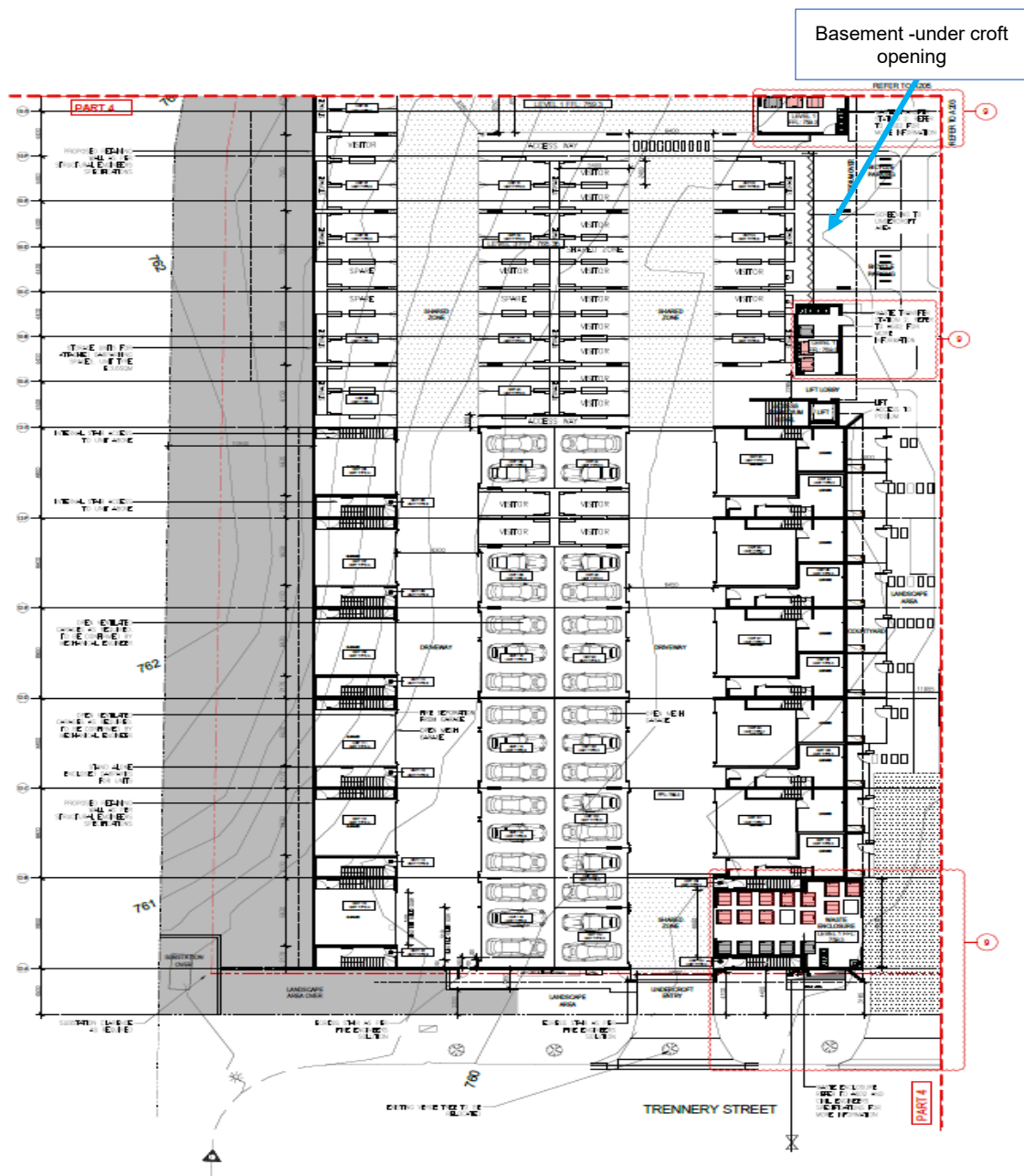
This DCP control includes requirements for parking to be integrated and incorporated within the design of residential buildings and not dominate the appearance of the building when viewed externally.

The proposal includes garages to proposed private laneways. As noted by the landscape plans, the laneways will include changes in surface materials and include soft landscaping, which will assist to break down scale and form and the length of these, accordingly, considered appropriate.

The proposal also includes a basement-undercroft parking located under Blocks 7, 8, 9, 10, 11 and 12. This is designed so it would be enclosed (underground) at Old Cooma Road, then will become above ground level in remaining areas. The townhouses of Blocks 7 and 11 are designed so that they have secondary living and entrances that are located in front of ground level parking areas (with their own garages located behind), therefore, largely enclosing such view of this parking area internally. It does partially open under Block 9, to address the communal area, however, would have a mesh screen and have bicycles in front. Externally, to Trenerry Crescent and Wellsvale Drive, it is incorporated by walls of Blocks 7 and 11. See section plan below at Figure 17 showing this parking area, in addition Figure 18 that shows plan of area with opening under Block 9.



**Figure 17: Basement-undercroft parking section.** Source: *Architectural Plans, DNA Architects.* Refer to Plan A410 for clarity.



**Figure 18: Basement-under croft parking plan (showing area of opening under Block 9).** Source: Architectural Plans, DNA Architects. Refer to Plan A205 for clarity.

As discussed further in this Assessment Report, the basement-under croft parking design is considered appropriate for the development. With respect to parking, circulation and access, the Traffic and Parking Impact Study (SCT 2023) confirms, generally, compliance with DCP requirements and Australian Standards. Parking compliance is discussed further below under response to *7.14 Multi Dwelling Housing and Dual Occupancy - Table 2* below.

As noted earlier, Council's Local Development Traffic Committee requested review of the driveway access to the waste collection area. Amended plans and information were received from the applicant. On review, these were reviewed and deemed acceptable by officers.

#### 7.14 Multi Dwelling Housing and Dual Occupancy - Table 2

Table 2 controls in the DCP provide specific criteria for multi dwelling housing. The following is noted.



**Building height:** This DCP control requires compliance with the QLEP 2012 height. As noted earlier, there is a requested variation to the Height of Building control with a contravention on Blocks 7, 9 and 11. On review of the variation, the request is considered appropriate in the circumstances of the development. Refer to earlier discussion under Section 6.1.5 of this Assessment Report.

**Corner lot secondary setback:** This DCP setback control is relative to façade lengths. The development identifies Wellsvale Drive as the secondary setback (noting principal entrances are from Edward Drive, and Trenerry Crescent and Candish Street). For a façade length of greater than 9 metres, which the development provides to Wellsvale Drive, a 4 metres building setback is required. Most of the dwellings to Wellsvale Drive complies with the front setback control, however, there is an encroachment of Block 4 to the corner of Wellsvale and Edward Drive. See Figure 19 below.



**Figure 19: Figure Setback encroachment Block 4.** Source: Architectural Plans, DNA Architects. Refer to Plan A203 for clarity.

The encroachment relates to around 362mm and 430mm of the façade into the street setback. This is a relatively minor area, and overall would not read above the prevailing stepped building façade line to be established there by other Blocks. Nor would this significantly affect landscaping and open space provision.

As discussed further, the setback encroachments of Block 4 are considered acceptable notwithstanding the variation against the control.

It is noted that the plans also identify a very minor wall encroachment of Block 7 also to Wellsvale Drive. On review this is only a very small area of the façade and encroachment is only around 98mm for the wall and the screen is an articulation element attached to the building façade. Both are considered not to have a substantial impact to the streetscape with ample front landscaping and the prevailing building façade line maintained.

**Principal private open space – on ground (PPOS):** This DCP control seeks mainly ground floor open space at a minimum of 24m<sup>2</sup>. Most Blocks comply. This includes with the combination of ground areas of townhouse Blocks 7, 8, 9, 10, 11 and 12, which would be acceptable.

Block 2 is of an exception which provides 18m<sup>2</sup> at ground level plus a balcony of 10m<sup>2</sup> (28m<sup>2</sup>). The addition of a balcony to the calculation is considered acceptable per the Googong DCP as the control within Control 7.14 - Table 2 of *Principal private open space – balcony minimum areas* is 10m<sup>2</sup> for 2 bedrooms dwellings (which Block 2 provides for) and this must be achieved if ground level PPOS is not achievable.

Accordingly, the provision of principal private open space is acceptable.

**Solar access to principal private open space as measured between 9am and 3pm on June 21:** This DCP control requires a minimum of 3 hours of solar access to 50% of the Principal Private Open Space (PPOS) on 21 June between 9am and 3pm. In addition, at least 80% of dwellings are also to have living room windows to receive a minimum of 3 hours of direct sunlight to window surfaces.

Over 80% (83% or 97 units) receive 3 hours of solar access to 50% of their private open space. Blocks 1 and 5 are identified by the applicant below the DCP requirement.

All the townhouse's internal living room windows will receive a minimum of 3 hours of solar access.

As discussed further, the solar amenity provisions of the development are considered acceptable notwithstanding the variation against the control.

**Car parking minimum number of spaces and visitor parking:** This DCP control provides minimum number of car parking and visitor number spaces. The proposal complies with required parking numbers, providing 273 spaces with 256 necessary per the Googong DCP requirements (7.14 *Multi Dwelling Housing and Dual Occupancy – Table 2*). Refer to Table 3 below.

**Table 4: Car parking**

<i>Dwelling Type</i>	<i>No. of Dwellings</i>	<i>DCP Car Parking Rate</i>	<i>Minimum Required</i>	<i>Proposed</i>
2 bedrooms	36	Minimum 2 spaces	72	78
3 bedrooms	62	Minimum 2 spaces	124	132
4 bedrooms	18	Minimum 2 spaces	36	36
				3 spare/provision
Visitors	-	15 dwellings – 3 spaces. For every 5 units thereafter – 1 additional space	24	24 (5 hardstand) (19 under croft)
<b>Total</b>			<b>256 spaces</b>	<b>273 spaces</b>

**Underground parking:** This DCP control permits underground parking where provided by the slope of land. The development provides for only part underground parking in a basement area, with the remaining areas are of an under croft design.

As discussed further, this parking design is considered well designed and integrated with buildings notwithstanding the design variation.

**Maximum length of multi dwelling buildings:** This DCP control requires a maximum length of 60 metres of buildings. Block 2 is greater than this, with a length of 62.70 metres. The length is as a result of this block providing for townhouses that can be adaptable to accessible dwellings, and therefore are designed to provide for increased circulation areas, affecting overall length. The applicant has confirmed that the length of this Block will not cause amenity impacts, and façade modulation will reduce bulk. As discussed further, the proposed length is considered acceptable notwithstanding the design variation.

**Earthworks (and 8.3 Cut and Fill):** These DCP controls requires a maximum cut and fill of 1.5 metres. Cut and fill is proposed by the development. Based on the Cut and Fill plans prepared by the engineering consultant (Sellick Consultants 2023), this identifies areas of the site to exceed the maximum of 1.5 metres. This is generally from the site centre, to toward Old Cooma Road. Up to 3.5 metres and 4 metres of cut and fill would be required near Old Cooma Road boundary.

Some landscape batters and retaining walls will be required as part of site establishment. The plans, however, show these to be suitably landscape/finished, therefore, would read as landscape elements. Retaining walls would be generally around 500mm (or slightly greater in areas) in height from ground.

As discussed further, the proposed earthworks are considered satisfactory for the development notwithstanding the variation against the control, including to achieve the basement-undercroft parking, as well as broader site establishment and relationship to surrounds/streetscapes.

#### 7.19 Waste Management

This section of the DCP provides for waste management provisions. Waste management will include centralised waste collection areas, including recycling and non-recycling, and a main area that will be serviced by a waste truck bay. As noted earlier, Council's Waste Officer has provided no objection of the proposed waste management measures for the development, where suitable conditions of consent are implemented, therefore, considered acceptable.

These conditions include (as provided at Attachment A):

##### *Prior to the issue of a construction certificate:*

- A Construction Waste Management Plan is to be submitted
- Plans to be suitably finalised to show the waste storage areas are fit for purpose

##### *Prior to commencement of works:*

- Construction and demolition waste areas established in accordance with approved Construction Waste Management Plan (Condition # <Council to insert>).

##### *During works:*

- Recording details of construction and demolition waste generated by the works (Condition # <Council to insert>).

##### *Prior to issue of an Occupation Certificate:*

- Verification that construction and demolition waste was legally managed, issued to Council (Condition # <Council to insert>);
- All waste infrastructure is commissioned (Condition # <Council to insert>); and
- Suitable waste management is installed (Condition # <Council to insert>).

##### *Prior to the issue of a strata subdivision certificate:*

- Council bins are in place before occupation (Condition # <Council to insert>);
- Updated waste management plan, consistent with the Waste Management Plans issued with the DA, prepared and issued to Council (Condition # <Council to insert>);
- Access agreement established with Council, to ensure access for domestic waste collection (Condition # <Council to insert>).

##### *During the use of the premises:*

- Ongoing compliance with the Operational Waste Management Plan (Condition # <Council to insert>);
- Waste to be collected from within the site (Condition # <Council to insert>);

- Waste vehicles to enter and exit the site in a forward direction (**Condition # <Council to insert>**); and
- Effective and safe ongoing management of waste areas (**Condition # <Council to insert>**).

#### 7.21 Stormwater management (and 8.4 stormwater management and flooding)

This section of the DCP provides for stormwater management measures, including drainage modelling. Stormwater management measures are proposed to service the development. As noted earlier, Council's Development Engineer has reviewed such and considered acceptable subject to the recommended conditions of consent at Attachment A.

### **6.4 Section 4.15(1)(a)(iiia) – Any Planning Agreement or Draft Planning Agreement**

The following local planning agreement/s has been entered into under Section 7.4 of the EP&A Act:

- *Googong Urban Development Local Planning Agreement (2011) (as varied)*.

The land is affected by this Voluntary Planning Agreement (VPA), which provides for works, infrastructure and associated facilities to meet the development of the Googong township. Recommended condition of consent at Attachment A will ensure compliance with the VPA.

### **6.5 Section 4.15(1)(a)(iv) – Matters Prescribed by the Regulations**

Clause 61 of the *Environmental Planning and Assessment (EP&A) Regulation 2021* requires Council to take into consideration Australian Standard AS 2601–2001: *The Demolition of Structures*, in the determination of a DA. Having regard to this prescribed matter, the proposed development does not involve the demolition of a building for the purposes of AS 2601–2001: *The Demolition of Structures*.

In addition, in determining a DA for the purposes of multi dwelling houses, the Regulations also require the consent authority to consider the *Low Rise Housing Diversity Design Guide for Development Applications* published by the Department of Planning and Environment in July 2020. The Regulations note that the Design Guide would not apply if a Development Control Plan (DCP) adequately addresses the development. As noted earlier, there is the site specific Googong DCP which provides comprehensive controls including for multi dwelling housing and the broader Googong township. Accordingly, these DCP controls are considered to take precedence over the Design Guide. However, for completeness, the Guide is considered at Attachment BC, which identifies the development to be overall satisfactory against the intentions and objectives, therefore, meeting a State Government goal for the good design of multi dwelling housing. As discussed further, of note, is the Guide provides for a basement to protrude above ground (1 metre) where such is located at vehicle entrances, which the development is consistent with.

Should this application be approved, appropriate conditions of consent are included within the recommendation (Attachment A) to also ensure compliance with any other relevant Regulations.

### **6.6 Section 4.15(1)(a)(v) – Any Coastal Zone Management Plan**

This section is repealed.

### **6.7 Section 4.15(1)(b) – The likely impacts of the development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality**

An environmental assessment of the development against Environment, Social and Economic matters is provided below.

### 6.7.1 **Environmental**

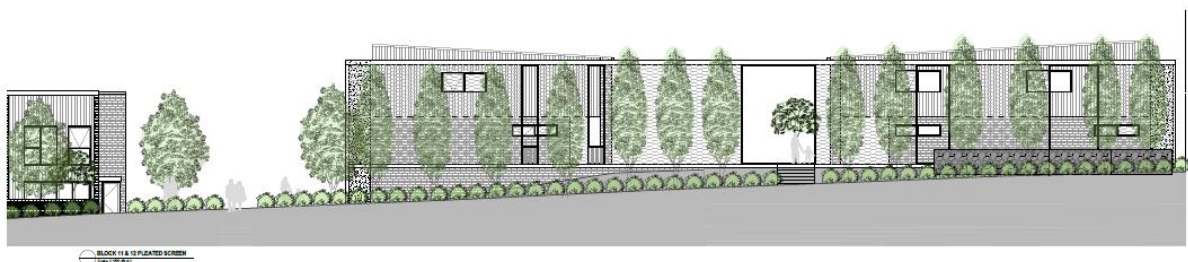
The following issues are considered relevant to assessing and commenting on the environmental impacts of the proposal.

#### ***Urban Design and strategic planning***

The development will support the overall broader establishment of Googong, as per the Master Plan vision and objectives. It provides for residential accommodation/housing, per these two Plans and alternatively responds to Structure Plan components of an access network over the site with smaller blocks. This is through the proposed grid block layout created by the internal access network arrangement, with townhouse blocks located within. Refer to earlier Figure 5 Site Plan and Figure 8 NH2 Structure Plan for comparison.

As noted earlier, a Fire Station is identified to be provided on the site under Structure Plan NH2. This is not provided by the DA however the applicant has confirmed with the estate developer (PEET) that this will be located on the Googong town centre. The absence of the fire station is therefore considered acceptable by this assessment, noting it would be provided elsewhere and the otherwise consistency of the development with NH2 Structure Plan as identified above.

The amended plans have improved streetscape interface and appearance of Block 7 and 8 at a main township entrance on Wellsville Drive and Old Cooma Road. As noted earlier, under the original submitted proposal, the façade appeared too solid at this location, not considered to provide an appropriate streetscape response. The applicant through amended plans reduced the length of the perforated mesh screen on the elevation and refined landscaping. The appearance is therefore improved with the streetscape, a main address to the Googong township. Refer to Figure 20.



**Figure 20: Elevation to Wellsville Drive/Old Cooma Road (Block 7 and 8).** Source: Architectural Plans, DNA Architects.

Overall, the development is considered acceptable against the Googong Master Plan and Structure Plan NH2. The development is for residential accommodation, supporting the intent of the land use zoning (R1 General Residential) and the land uses under these Plans. It is considered appropriately designed for multi dwelling housing, providing a comparable layout to the Structure Plan NH2. The townhouse housing typology will expand housing and choice in the Googong township and support housing supply region, as identified by Regional Plans and the planning intent of both the QLEP 2012 and Googong DCP.

#### ***Built form***

The regular style arrangement to the site planning, with placement of blocks separated by accessways (both pedestrian and traffic) and communal open spaces in a linear grid arrangement, provides for a modulated outcome in terms of scale and massing and supports physical and visual connectivity.

Architectural variations in the design of the townhouses also provides for a positive aesthetic outcome and interest and supports modulation to the appearance of the development.



Site coverage in total is 45% of site area, within the Googong DCP Control 7.14 - Table 2 *Site Coverage* maximum of 50%, therefore, appropriate.

The building height is generally of two (2) storeys. Some 3 storeys occur across Blocks 7, 8, 9, 10, 11 and 12 where it is connected with the basement-undercroft parking. However, this scale is considered appropriate, and would generally read as part of the overall building heights and not visually out of context.

As noted earlier, the development contravenes the QLEP 2012 CI 4.3 Height of Building control development standard of 8.5 metres, being Blocks 7 (9.02 metres), 9 (9.15 metres) and 11 (9.34 metres) respectively.

The applicant has submitted a Clause 4.6 written request to seek a variation to QLEP 2012 CI 4.3 Height of Building development standard. As discussed earlier, on review of this request, the written request is considered satisfactory against the necessary requirements, and the contravention results in the development remaining to satisfy the objectives of the height of building control and the R1 General Residential zone. Therefore, would be in the public interest.

The height contravention, which applies to the roof area only of these Blocks, is overall minor and provides a coherent roof form across the development noting it would match Blocks 8, 10 and 12, therefore, supporting aesthetics. There are no identified negative amenity or visual effects. The proposed development complies elsewhere with the 8.5 metres control, and also the 12 metres height control, which applies to the site. The development is considered satisfactory to remain to support the LEP scale intent of taller buildings around the proposed town centre, transitioning to lower scaled buildings to Old Cooma Road. Building height for the development is, therefore, considered acceptable.

Block 2 length does exceed Googong DCP Control 7.14 - Table 2 *Maximum length of multi dwelling buildings* of 60 metres, with a proposed building length of 62.70 metres. All other Blocks comply with the building length control. The length of Block 2 does support these dwellings to be adaptable for accessible housing per DCP requirement. There are no additional visual, solar or privacy impacts associated with the length extension and the façades are sufficiently modulated to reduce perceived bulk. The extended length, which is overall minor in context, is therefore considered acceptable, especially to support the provision of accessible housing. In addition, it maintains the development to meet broader DCP objectives under Control 7.14 for the development to provide for amenity and not detrimental impacts such as overshadowing, privacy or visual.

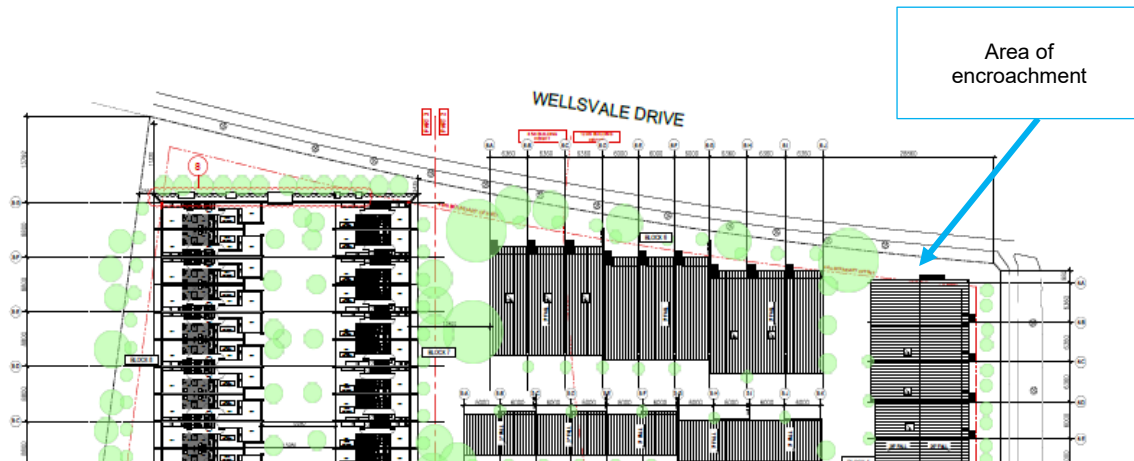
With respect to Building Separation, some Blocks are less than 9 metres in locations, as required under Googong DCP Control 7.6 *Privacy and view sharing*. However, there are adequate privacy measures in place where such overlooking could occur, to satisfy the requirements of Control 7.6. In addition, the separation supports the grid layout by still achieving adequate internal separation to allow for views across the site via the accessways/laneways, supporting surveillance as well as reducing perceived bulk and scale, by allowing visual access over and out of the site. This supports to maintain DCP objectives under Control 7.6 for view sharing.

With respect to Building Setbacks, the development is considered acceptable providing setbacks with open space areas or landscape areas. To streets, deep soil is also proposed supporting planting, including trees, which will provide an attractive aesthetic as well micro-climate benefits.

Googong DCP Control 7.14 -Table 2 *Corner lot secondary setback* requires, for a secondary frontage, where a façade length is greater than 9 metres a minimum setback of at least 4 metres. Wellsville Drive is identified as the secondary frontage and façade length is greater than 9 metres, therefore, 4 metres is at least required. A minor encroachment into the 4 metres setback is proposed by Block 4 of one (1) dwelling into this setback (by 362mm to 430mm) to Wellsville Drive. This encroachment would not disturb the prevailing building line or provision of landscaped open space to be along this frontage, as it is generally a small area overall in

context of the façade length and overall streetscape. Refer to Figure 21 below which demonstrates the overall minor encroachment in context with the Wellsville Drive streetscape.

Despite the non-compliance, the development would maintain to satisfy the DCP objective under Control 7.14 for a positive response to streetscapes. The setback is therefore considered acceptable.



**Figure 21: Plan showing encroachment Block 2 and the Wellsville Drive streetscape. Prevailing building line and landscaping remain.** Source. Architectural Plans, DNA Architects. Refer to Plan A211 for clarity.

## Amenity

The development overall is considered to achieve satisfactory amenity. The dwellings are well sized, provide adequate parking, private open space areas as well as appropriate communal features.

Solar access is considered acceptable for the development. Block 1 and 5 townhouses that do not receive 50% of solar access to their Private Open Space on June 21 between 9am to 3pm per Googong DCP Control 7.14 - Table 2 *Solar access to principal private open space as measured between 9am and 3pm June 21* are north facing, and connected to living areas, therefore, located and orientated per Googong DCP Control 7.14 - Table 2 *Principal Private Open Space - on ground*. The reduction in solar access is considered likely from an arrangement of buildings in front of these open space areas which do comply with the QLEP 2012 building height. These townhouses will receive double the amount of internal solar access to their living area windows, being 6 hours, noting the Googong DCP requirement of 3 hours for such. Noting all other Googong DCP (and QLEP 2012) requirements are satisfied, including the location of open space at this location, the solar access reduction to Block 1 and 5 is considered acceptable, including remaining to satisfy the DCP objective under Control 7.4 for high levels of amenity.

With respect to solar access to internal areas, the applicant has demonstrated that solar access to multi-purpose areas on Type L and M would be provided through either skylight (Type L) or a window (Type M). Refer to Figure 22 below. This is understood to be satisfactory in accordance with the National Construction Code, and noting is not the principal living space of the townhouses, it is therefore considered appropriate in the circumstances as there is still light sources, albeit on distant facades, and the use of these as multi-purpose spaces support internal amenity by expanding living areas.

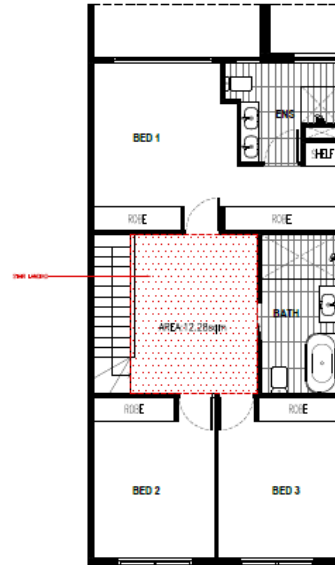
Type H has a similar area on their upper floors, with no direct solar access. However, this is shown by the applicant to be a stair landing on amended plans, and would also provide a circulation space if adapted to accessible housing as shown on Figure 23.



## Unit Type H



UNIT TYPE H - LEVEL 1

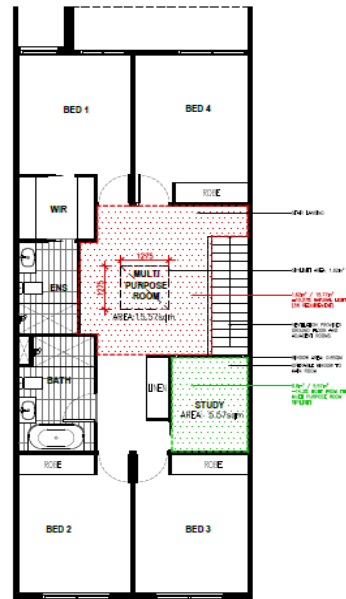


UNIT TYPE H - LEVEL 2

## Unit Type L

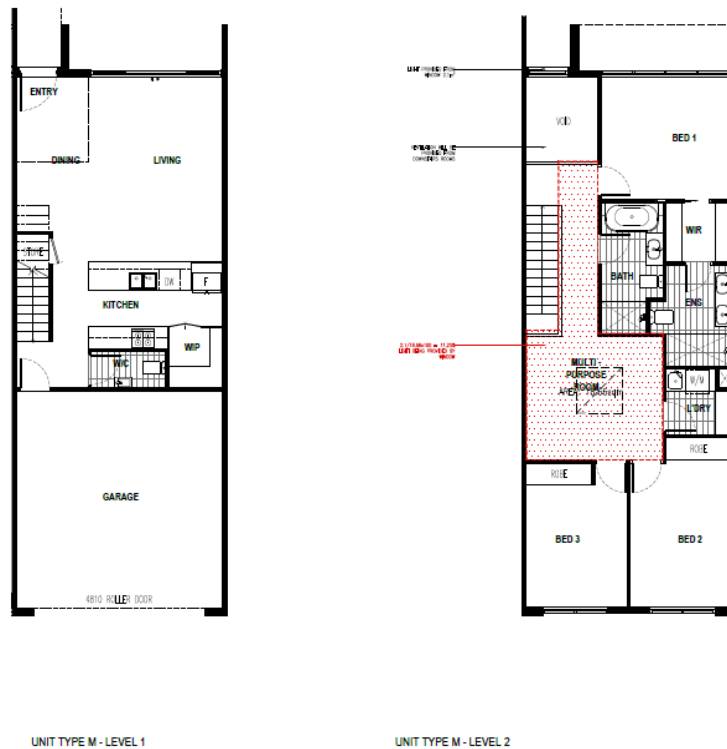


UNIT TYPE L - LEVEL 1

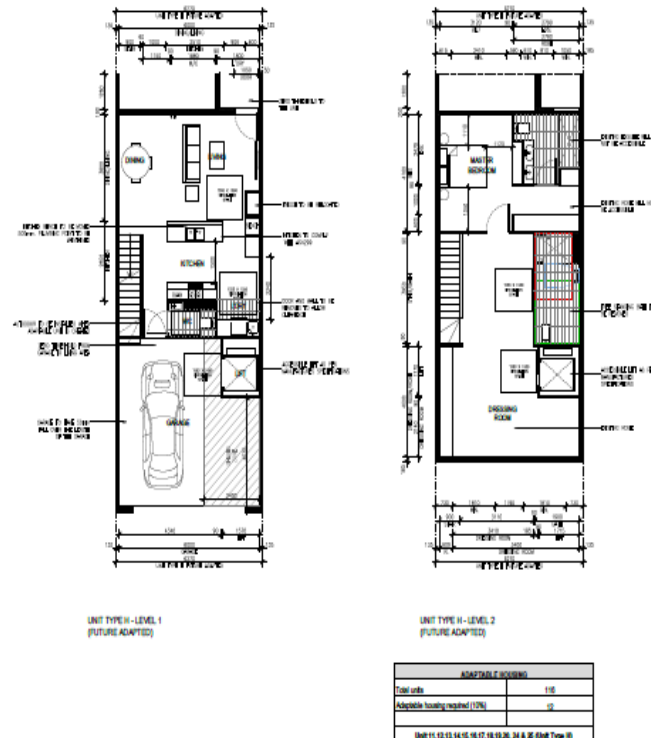


UNIT TYPE L - LEVEL 2

## Unit Type M



**Figure 22: Type H, L and M.** Source: *Architectural Plans, DNA Architects. Refer to Plan 840 for clarity.*



**Figure 23: Type H (adapted) stair landing/circulation areas.** Source: *Architectural Plans, DNA Architects. Refer to Plan A228 for clarity.*

With respect to acoustic amenity, the acoustic assessment confirms the development would be provided with adequate acoustic amenity from environmental noise sources in its design.

### ***Earthworks***

Cut and fill is proposed, and greater than the Googong DCP Control 7.14 – Table 2 *Earthworks* (and DCP Control 8.3 *Cut and Fill*) requirement of 1.5 metres. The cut and fill are in response to the site establishment, including providing for the basement-undercroft area, and providing for the site to be at level with its surrounds. Most exceedance occurs where there is a site topographic change to Old Cooma Road, being 3.5 – 4 metres of cut and fill.

Googong DCP Control 8.3 permits Council to consider cut and fill exceedances above 1.5 metres, if within the building envelope, suitably retained and/or stabilised and not visible from the street. The applicant has demonstrated through engineering plans the cut and fill requirements. A Geotechnical Assessment (ACT Geotechnical Engineers Pty Ltd) has also been supplied by the applicant which provides for geotechnical related matters for earthworks and the site. Landscape plans and Architectural Plans demonstrate an integrated outcome to the site and surrounds, including with appropriate interfaces to streets and surrounds including with the earthwork outcomes.

Council Development Engineer (or other officers) have not provided an objection to the proposed cut and fill as part of the assessment of the DA.

Recommended conditions of consent include requirements for a Construction Waste Management Plan. This Plan must include measures for excavated natural material for earthworks, deemed appropriate for soil management through earthworks.

Other conditions of consent of consent are also recommended to mitigate unexpected heritage and archaeological finds deemed appropriate to mitigate potential impacts through the earthworks.

### ***Landscape, open space and streetscape***

Streetscapes will be fronted with landscaped open space areas or plantings. Internally, accessways will be landscaped providing for plantings within the site assisting to reducing bulk and providing amenity and blend the development with the overall landscape setting of Googong. The communal open space area will provide for a central open space area for future community interaction, and therefore supports positive social benefits.

With respect to landscape design, the landscape plans show the development to provide for a variety of landscaping including material changes, varying tree species and landscape beds. Some natives are proposed, and a mix of scale of trees and plantings, with some exotics. Permeable areas of the site are provided to support drainage and growth of vegetation, intermixed with garden beds. 341 trees are proposed, providing 35% tree coverage on the site with a higher percentage of native tree planting, inter-mixed with some exotics.

Communal open space area is 5946.37m<sup>2</sup> in size comprising 28% of the site and therefore per the Googong DCP Control 7.14 - Table 2 *Communal landscape area* requirement of 20% or greater. Communal open spaces are landscape with trees. 2651m<sup>2</sup> are permeable surfaces being 44.60% of communal open space area.

Deep soil planting is also located on street boundaries and to the rear boundary, addressing the open space located on Old Cooma Road

Landscape design is considered appropriate per the DCP including the adopted Control 2.6 *Landscaping* of the Queanbeyan DCP 2012.

Some batters and retaining walls are provided to Old Cooma Road, Edward Drive and Wellsdale Drive as a result of earthworks. Retaining walls are, however, no greater than 1 metre in height (around 500mm, or slightly greater near street intersection of Edward/Wellsdale Drive) and appear as landscaped elements with respect to finish and integrated to the site landscaping. Retaining walls are also provided elsewhere in the Googong township, so not out

of character. The development would therefore still provide an appropriate streetscape response where these elements are provided.

With respect to private open space, the development achieves the private open space requirements of the Googong DCP. The DCP Control 7.10 *Principal Private Open Space and Landscape Design* notes that the Principal Private Open Space is to be located behind the building line, unless permitted otherwise by the neighbourhood structure plan. The DCP further, under Control 7.14 - Table 2 *Principal private open space – on ground*, requires north addressing open space and this connected to the living areas.

As noted earlier, Blocks 2, 3, 4 and 6 will have their principal private open space in front of the building line, however, will be north facing and connected to the living space. Private open space is therefore not behind the building line of these blocks.

It is considered in the circumstances that this is appropriate. The principal private open space at these locations provides for a north address and connected to living areas, as per the Googong DCP Control 7.14 - Table 2 requirement for multi dwelling housing noted above. It will also support the activation and surveillance of streetscapes satisfying an objective of Googong DCP Control 7.14 for development to make a positive contribution to streetscapes. In addition, it is not uncommon for residential accommodation that is not a dwelling house to have their private open space forward of the front building façade only.

Fencing style is considered appropriate and includes a mix of styles such as masonry or slatted metal. Overall, there is variation in the fencing design, which supports further modulation of the development and provide streetscape interest. Most site primary front fencing will be at 1.2 metres, as per the Googong DCP Control 7.2 *Streetscape*.

To Edward Drive, which is a primary street frontage, on Blocks 3 and 4 fencing will, however, increase above 1.2 metres at locations to approximately 1.7 metres or greater as a result of retaining walls. The fencing is generally, however, 1.2 metres on the retaining wall and the fence design is slatted in locations, with clear visibility to entries provided. In addition, windows of the upper floors will still be view from the street, therefore, from a streetscape perspective acceptable with respect to surveillance, being satisfactory against DCP Control 7.2 *Streetscape, (e) Fencing should be designed to provide a clear distinction between private and public space and to encourage casual surveillance of the street*. Refer to Figure 24 below.



**Figure 24: Streetscape elevation Edward Street. Fencing heights maintain façade presence with the street.** Source: Architectural Plans, DNA Architects. Refer to Plan A604 for clarity.

The proposed fencing height is therefore considered overall appropriate for the development, noting the fence design would still provide for surveillance, and also support active street addresses.

### ***Traffic, access and parking***

The density of the development, at 116 dwellings, is greater than anticipated by the earlier subdivision process which identified around 86 dwellings for the site. The traffic and parking impact study submitted with the DA (STC Consulting 2023) notes that increase in density would not affect the operation of the road network as planned for the Googong township, including intersection performance. As noted earlier, Council's Development Engineer has not objected

to this, with the development considered appropriate on traffic grounds including assessment of intersection performance.

The development provides for a mix of garages and basement for car parking, including visitor parking. As noted earlier under Section 6.3 of this report, the development complies with the car parking and visitor requirements of the DCP Control 7.14 – Table 2 with 273 spaces proposed, above the minimum requirement of 256 spaces when calculated.

The garages address proposed laneways. These laneways are appropriately designed to accommodate vehicle movement. The end of each accessway/laneway terminates with either a view out of the site or view to built features (townhouses). They also will include landscaping features of planting or surface material changes. The laneway design is therefore appropriate, and also supports the layout of the site per the layout under Structure Plan NH2.

The basement-under croft parking is located to service development blocks to Old Cooma Road (Blocks 7, 8, 9, 10, 11 and 12). It is part underground (basement) to Old Cooma Road which is permissible per Control 7.14 - Table 2 *Underground parking* of the Googong DCP and the adopted Control of 2.2.7 *Basement Parking* of the Queanbeyan DCP 2012. The then above ground level (under croft) is, however, not strictly noted by the DCPs to be a permissible parking typology. Control 2.2.7 of the Queanbeyan DCP 2012 also provide for basements to be above ground up to 1.2 metres in height to public streets.

The basement-under croft parking is designed so it is enclosed and integrated within the building design, therefore, does not appear highly visually exposed from streetscapes. This includes where above greater than 1.2 metres height above ground to the street.

Within the site Blocks 7 and 11 townhouses will have entrances and a secondary living area in front, enclosing it from view. A mesh screen will be placed in front of it where it is exposed under Block 9, to the internal area of the site, which will provide light and air into this parking area and therefore enhance amenity (refer to earlier Figure 18). To Trenerry Crescent where it is most exposed to the public domain, being in part above 1.2 metres (up to around 3 metres), it would be enclosed by the side walls of Block 11 and have landscaping in front, so appears integrated with the building and of low visual impact. Refer to Figure 25 below.

To Wellsville Drive it would only have a partial exposure above ground, however, forms part of the frontage of Block 7, therefore, of low visual impact. Refer to Figure 20 earlier.



**Figure 25: Elevation plan. Trenerry Crescent.** Source: Architectural Plans, DNA Architects. Refer to Plan A340 for clarity.

This outcome is considered to complement Googong DCP Control 7.11 *Car Parking and Garages* which requires under control (c) *carparking structures shall be incorporated into the design of residential building so as not to dominate the appearance of the building when view from public streets or internal private roadway*. In addition, the Googong DCP Control 7.11 objective to *integrate adequate car parking and servicing access without compromising street character, landscape or pedestrian amenity and safety*.

In addition, under 2.4F of the *Low Rise Housing Diversity Design Guide for Development Applications* objective *Visual and environmental impacts are minimised* notes that “basement car parking not to protrude more than 1 metre above finished ground level except at the entrance to the car park”. To the public domain, the protrusion above ground is greater than 1



metre and most exposed on Trenerry Crescent (albeit being enclosed by building walls), and this is around the basement-undercroft parking entrance.

The basement-undercroft design is supported by this Assessment Report. The design responds best to the slope of the land, which would result in some of this parking to be at ground level in response to the change of slope from west to east, including with adjustments made by cut and fill process across the site. However, it accommodates such in an integrated manner so it is not of a negative visual affect when viewed from the public domain, complementing the intent of the Googong DCP controls and not inconsistent with the relevant State Guide. In addition, the proposed parking typology limits the amount of standalone garages across the site, which as exposed built features, have an increased visual presence.

Overall, the development is considered acceptable on traffic, access and parking grounds including with recommended conditions of consent at Attachment A.

### ***Utilities and infrastructure***

The development is supported by adequate utilities and services, including those provided by the establishment of the Googong township, and therefore considered satisfactory against CI 6.2 *Public Utility Infrastructure* and CI 7.9 *Essential Services* of the QLEP 2012, which requires consideration of such (Refer to Attachment BA).

The applicant has confirmed that despite an increase in dwelling numbers than first considered under the subdivision process, being around 86, to a proposed 116 dwellings, utilities and infrastructure such as water and sewer provision, to support the development is acceptable. Further, the Energy Provider (Essential Energy) has not objected to the development. In addition, the road and intersection network are adequate to service the development, as noted above. Recommended conditions of consent at Attachment A provide suitable measures for the provision and protection of infrastructure.

### ***Natural constraints and ecological matters***

As noted earlier (and in the site photos under Section 2), the site is largely established through a prior subdivision process under DA.123.2017, therefore, largely cleared and free of any vegetation. The site is not mapped on any bushfire or flood planning maps.

The site is identified by the Terrestrial Biodiversity and Riparian Land and Watercourses provisions under the QLEP 2012 (clauses 7.3 and 7.4 respectively). Ecological advice provided by the applicant confirms, however, the site is not affected by terrestrial biodiversity or riparian habitats, as the site is now largely cleared and formed, as part of that prior subdivision process.

Accordingly, the development is considered appropriate on ecological grounds.

The development supports sustainable design measures of photovoltaic cells on roofs for energy, cross flow ventilation building design to reduce reliance on mechanical cooling, areas for outdoor drying, soft landscape areas to capture water and connects to the Googong reticulated water supply system, a climate resilience measure for the broader township. Further, the development is satisfactory against building sustainability requirements satisfying BASIX, and as noted earlier, recommended conditions of consent will require that the development is undertaken in accordance with the BASIX Certificate.

The DA includes construction management measures as presented in the civil drawings and plans (prepared by Sellick Consultants 2022). To ensure that the development does not result in unacceptable impacts during construction, recommended conditions of consent will require that the development is undertaken in accordance with a final site construction management plan that provides for a comprehensive management document through development delivery.

Appropriate erosion and sediment control measures are also required to ensure the proposal does not impact on the quality of the stormwater system and waterway.

## Subdivision

As noted by this Assessment Report, the site has been established through an earlier land subdivision process.

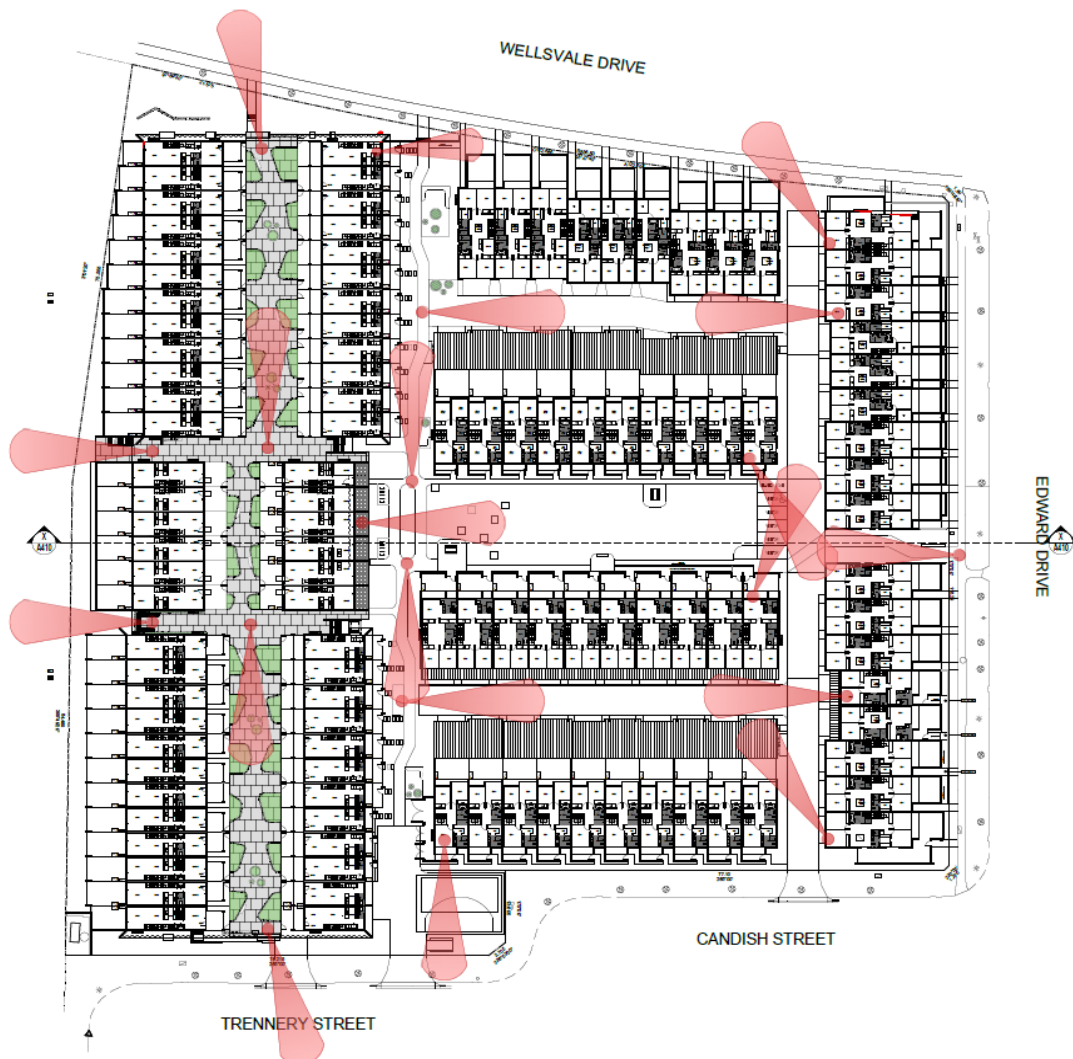
The development is, however, to be strata subdivided, with a draft subdivision plan provided with the development application. This has therefore been considered as part of this planning assessment.

The strata subdivision is appropriate for multi dwelling housing development on land zone R1 General Residential. It is acceptable against the requirements of QLEP 2012. Importantly, the development lot will continue to comply with the minimum lot size of 330m<sup>2</sup> (the Lot area is 20,990m<sup>2</sup> in area proposed) under Clause 4.1 of the QLEP 2012.

### 6.7.2 Social

The development is considered to provide in the long term social benefits. This includes supporting an increase of housing in the region, well located adjacent to future planned town centre of Googong. The development also includes provision for adaptable housing, supporting an increase in available accessible residential accommodation and meeting DCP requirements for such.

It is considered suitably designed to maximise safety, with ample casual surveillance of publicly accessible areas to be provided from the townhouses and satisfy DCP requirements for safety. Refer to Figure 27 below.



**Figure 26: Visual surveillance of publicly accessible areas.** *Source: Architectural Plans, DNA Architects. Refer to Plan A851 for clarity.*

In the short term, the development may have potential negative social impacts during the construction cycle. This may include noise and dust to neighbours during establishment. Recommended conditions of consent will seek to manage and mitigate construction management impacts.

### **6.7.3 Economic**

The development provides for overall positive economic benefits. It will provide for construction jobs, as well supports the orderly use of land for planned housing, which is much needed for the region. Its location adjacent to a future town centre will also support the viability of such.

### **6.7.4 Cumulative**

The development responds to the planned urban release of the Googong township. It will be located on a dedicated allotment. Potential development around the site is therefore known.

Noting the development is on a planned allotment established as part of the Googong township urban development process, it is considered by this assessment that unacceptable impacts are unlikely to arise with other developments. Rather, it will support the overall staged establishment of the Googong township, and therefore broader positive cumulative impacts of housing which is much needed for the region as discussed earlier.

## **6.8 Section 4.15(1)(c) - The Suitability of the Site for the Development**

The development is considered suitable to the site.

The site has been planned and established to provide for urban development as part of the Googong township establishment. It is largely unencumbered and suitably sized and located for residential accommodation.

The proposed development responds well to the site, compliant with the R1 General Residential zone, Master Plan and Structure Plan. The site is suited to multi dwelling housing, being located close to the future town centre, and being a large development lot with various street frontages, that can be suitably accommodate such multi dwelling housing.

The bulk and scale of the development is appropriate to the site and location, with the site being able to provide for the proposed development. It would be responsive to its location, whilst not resulting in significant impacts as identified by this assessment including where strict non-compliance is identified on building height and matters under DCPs.

## **6.9 Section 4.15(1)(d) - Any Submissions Made in Accordance with this Act or Regulations**

The application was notified in accordance with the QPRC Engagement Participation Plan 2019 from 15 December 2022 to 20 January 2023, with zero (0) public submissions made.

Agency referrals have been responded to separately in this Assessment Report.

## **6.10 Section 4.15(1)(e) - The Public Interest**

The public interest is served through the detailed assessment of this DA under the relevant regional plans, local planning controls and legislation and consideration of any submissions received relating to it by Council.

The development is not expected to result in unreasonable impacts on the environment or amenity of the locality. It is considered appropriate with consideration to the zoning and the character of the area.

The proposed development is not considered to be contrary to the public interest.

#### **6.11 Section 4.15(3A) - Development Control Plan**

Section 4.15(3A) provides provisions relating to the application of DCPs. In response, the relevant DCPs have been considered and applied to this assessment, satisfying Section 4.15(3A)(a) and (c). As noted in this assessment, the development has provided alternative solutions to satisfy the objects (and the intent) of DCP controls where strict compliance has not been achieved, however, considered satisfactory on planning merit. This satisfies Section 4.15(3A)(b).

#### **6.12 Section 64 - Contributions**

Section 64 of the *Local Government Act 1993* allows contributions to be levied towards the provision of water, sewerage and stormwater infrastructure.

Section 64 Contributions are applicable water and sewer aspects of the proposed development calculated at Table 4 as follows.

**Table 5: Contributions Calculations**

<i>Unit type</i>	<i>Water ET</i>	<i>Sewer ET</i>
18x Four Bedroom Townhouse	$18 \times 0.8 = 14.4$	$18 \times 1.0 = 18$
62x Three Bedroom Townhouse	$62 \times 0.8 = 49.6$	$62 \times 1.0 = 62$
36x Two Bedroom Apartment	$36 \times 0.6 = 21.6$	$32 \times 0.75 = 24$
<b>Total</b>	<b>85.6 ET</b>	<b>104.0 ET</b>

#### **6.13 Section 7.11 / 7.12 - Contributions**

Section 7.11 of the *Environmental Planning and Assessment Act 1979* permits councils to require as a condition of development consent, the reasonable dedication of land or the payment of monies, or both, for development that is likely to require the provision of, or increase the demand for public amenities and public services within the area.

Section 7.11 Contributions are not applicable to the proposed location of development in Googong.

Section 7.12 Contributions are not applicable as the site is subject to a local planning agreement.

A condition has been imposed that the development is to comply with the Googong Local Planning Agreement in place. This may include the payment of contributions to the developer, Googong Township Pty Ltd.

## **7 CONCLUSION**

This Development Application has been considered in accordance with the requirements of the EP&A Act and the EP & A Regulations as outlined in this report. Following a thorough assessment of the relevant planning controls, issues raised in submissions and the key issues identified in this report, it is considered that the application can be supported.

The applicant has appropriately responded to issues identified during the assessment process, as described under Section 3 earlier, and this Assessment Report.

The development supports regional planning, especially greater housing provision for the Queanbeyan region, as described under Section 4 of this Assessment Report.

As identified by Section 5, the site is acceptable against respective Commonwealth and NSW Legislation on environmental protection matters.

**Key issues identified** through an assessment of the development under Section 4.15 of the EP & Act, as presented in Section 6, are as follows:

- *Consistency with DCP Structure Plan* – although the development does not provide for a fire station, as required by the NH2 Structure Plan within the Googong DCP Appendix 8, it is considered overall consistent with the use and layout illustrated under the Structure Plan (including with the alternative layout) and the fire station is advised to be provided elsewhere within the Googong township.
- *Building height* – there is a contravention with the 8.5 metres maximum height control under CI 4.3 Height of Building of the QLEP 2012 for Blocks 7, 9 and 11. However this is considered acceptable. The CI 4.6 written request on review is satisfactory, with the objectives of CI 4.3 and the R1 General Residential zone both maintained and therefore the development remains in the public interest. Overall, building height is considered suitable for the site and context including with the part height contravention.
- *Private open space* – Blocks 2, 3, 4 and 6 provide their Principal Private Open Space forward of the building line (front setback). This is considered appropriate as it satisfies other sections of the Googong DCP with respect to the location and orientation of the private open space under Control 7.14 - Table 2 and supports streetscape activation and address.
- *Streetscape* – Block 3 and Block 4 primary frontage fencing is greater than Googong DCP Control 7.2 *Streetscape* requirement for 1.2 metres in height at locations, approximately 1.7 metres from ground, due to being above retaining walls. This is considered appropriate as the fence height is a result of retaining walls, the design is well modulated with material use, and visual connectivity of the townhouses with the street via their windows and entries is still preserved satisfy relevant DCP objectives for surveillance.
- *Setbacks* – Block 4 will result in a façade encroachment of one (1) townhouse against the Googong DCP Control 7.14 - Table 2 *Corner lot secondary setback* requirement of 4 metres to Wellsville Drive. This is considered acceptable as the encroachment is only between 362mm to 430mm and would not cause an overall unacceptable streetscape outcome when considered in context of the overall development address at this location and remain to satisfy relevant DCP objectives.
- *Car parking and access* - The parking below Blocks 7, 8, 9, 10, 11 and 12 provides for a partial parking style component above ground level. This is not a parking typology identified by the Googong DCP Control 7.11 *Car Parking and Garages*, or adopted Control 2.2.7 *Basement Parking* of the Queanbeyan DCP, as permissible. Garages and underground/basement parking are noted as permissible, and basement parking may protrude up to 1.2 metres to a public street above ground.

On assessment it is considered appropriate to have the proposed basement-undercroft parking, as it responds best to the site, is well integrated with buildings satisfying DCP requirements for such under Control 7.11, including appearing comparatively more integrated than standalone garages. It would not have an unacceptable visual appearance, notwithstanding, it exceeds 1.2 metres above ground in areas to Trenerry Crescent. As noted earlier, the protrusion above ground is around the entrance to the basement-undercroft, which is consistent for such against the *Low Rise Housing Diversity Design Guide for Development Applications* as well meeting the intent and objectives of the relevant DCP controls.

- *Building length* – Block 2 presents a length of 62.70 metres, which is greater than the maximum of 60 metres per Googong DCP Control 7.14 - Table 2 *Maximum length of multi dwelling buildings*. This length is appropriate to support future adaptability of these

townhouses. The façades are suitably modulated to reduce perceived length and there are no amenity impacts of the proposed length, satisfying relevant DCP objectives including to minimise impacts. All other Blocks comply with the DCP length requirement.

- *Earthworks* – cut and fill is proposed to establish the site. This exceeds the Googong DCP Control 7.14 - Table 2 *Earthworks*, in addition DCP Control 8.3 *Cut and Fill*, of 1.5 metres maximum. The cut and fill is considered satisfactory to establish the development and site, included with its surrounds. Recommended conditions of consent include a Construction Waste Management Plan which must provide for a measure for excavated natural material through earthworks. In addition, recommended unexpected heritage and archaeological finds conditions.

As identified, these issues do not warrant the development to be unacceptable on planning grounds, with significant impacts not identified including via suitable recommended conditions of consent.

The development responds to the site zoning of R1 General Residential, with multi dwelling housing permitted with development consent. The development is well suited to the site, designed to be responsive to streetscapes and the site, providing for an efficient regular grid arrangement of Blocks with suitable height form of 2 to 3 storeys. It is well located, in proximity to the future Googong Town Centre, and supports the overall Googong Master Plan (which is embedded in the QLEP 2012 and Googong DCP) and its objective to increase housing supply in the Queanbeyan region.

Overall, the development is considered suitable, together with the recommended draft conditions to mitigate any impacts and ensure the development is implemented appropriately, with these provided at Attachment A.

## **8 RECOMMENDATION**

That the Development Application PPSSTH-206 – DA.2022.1615 for multi dwelling housing, with parking and associated works, located at 20 Edward Drive Googong NSW 2620 is APPROVED pursuant to Section 4.16(1)(a) of the *Environmental Planning and Assessment Act 1979* subject to the draft recommended conditions of consent attached to this report at Attachment A.

The following attachments are provided:

- Attachment A: Draft recommended conditions of consent
- Attachment B: Architectural Plans, Strata Plans, Civil & Waste Plans, Landscape Plans
- Attachment C: Tables of Compliance QLEP 2012, Googong DCP 2010 and *Low Rise Housing Diversity Design Guide for Development Applications*
- Attachment D: Clause 4.6 Request, prepared by Capital Region Planning (Version D)
- Attachment E: Noise Impact Assessment