

SUPPLEMENTARY COUNCIL REPORT

SOUTHERN REGIONAL PLANNING PANEL

PANEL REFERENCE & DA NUMBER	PPSSTH-206 – DA.2022.1615
PROPOSAL	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.
ADDRESS	20 Edward Drive Googong, NSW 2620
APPLICANT	Googong Township Pty Ltd
PANEL MEETING DATE	11 September 2023
SUPPLEMENTARY ISSUES	Fire Station re-location Biodiversity Conservation Act 2016 Bushfire prone land Site cover Privacy measures proposed between buildings Landscape plan – permeability to planting area Changes and comments relating to Conditions

At the Planning Panel meeting of 7 September 2022, panel members sought clarification on a number of issues associated with the application, assessment report and conditions.

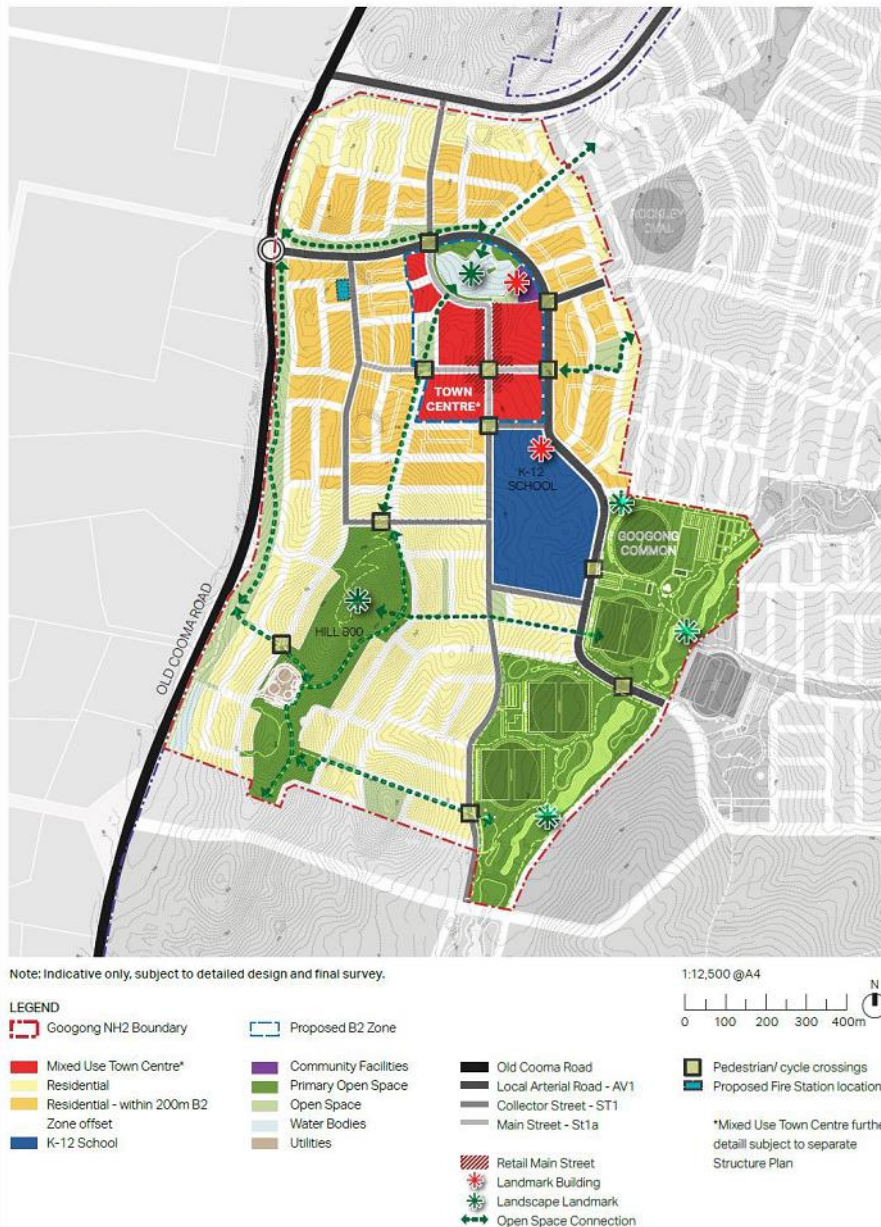
Those that required additional clarification in the form of this supplementary report include:

1) Fire Station re-location

The site was identified in the Neighbourhood 2 Structure Plan as accommodating a future Fire Station (see blue square in image below).

NH 2 Structure Plan - Structure Plan

21 September 2016



Council determined on 19 November 2021, through a modification to the subdivision consent (DA.123.2017.F) that the lot designated for the fire station move from a lot located within Stage 6A (subject lot) to within the Town Centre within Stage 7.

The site is now proposed on Lot 706 in the Deposited Plan at Attachment 1 (please note the lot identification details may have changed however this is the land subject to this enquiry)

The Fire & Rescue site is a requirement under a State Voluntary Planning Agreement between the developer and the State. The particulars regarding timing of delivery will be subject to their requirements.

Googong Township Pty Ltd are only delivering the lot, not the station. Fire and Rescue NSW will be tasked to construct their own station and have confirmed the alternate site is acceptable to them (refer Attachment 1).

2) Biodiversity Conservation Act 2016

The NSW Biodiversity Conservation Act 2016 applies to the land as discussed in the main assessment report.

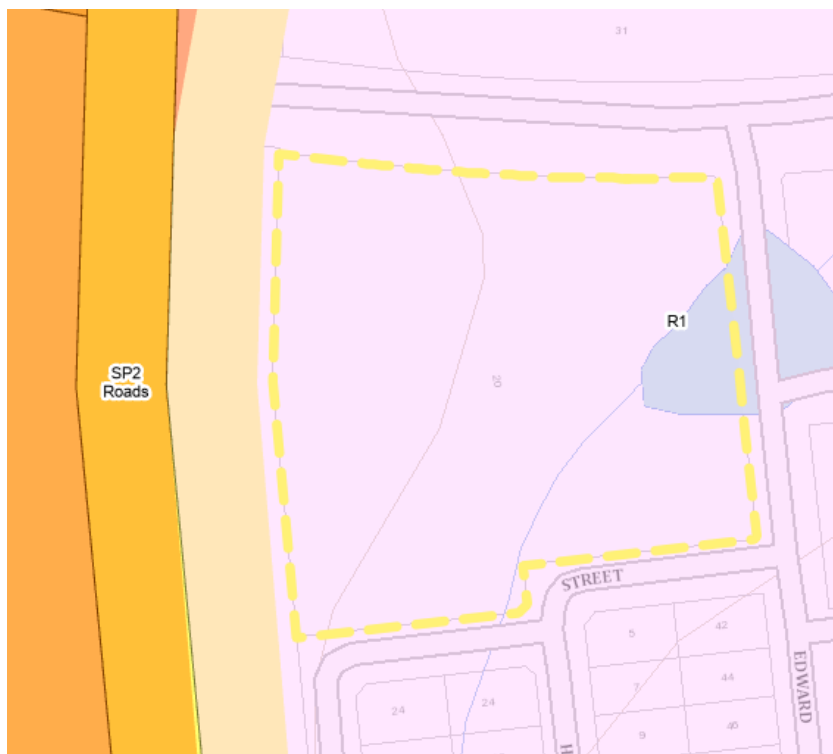
Entry to the Biodiversity Offsets Scheme (BOS) is triggered by developments, projects and activities that meet certain thresholds for significant impacts on biodiversity.

The threshold for clearing of native vegetation, above which the Biodiversity Assessment Method (BAM) and offsets scheme apply, vary dependent on the size of the lot. Additional triggers apply to the clearing of certain types of native vegetation and the potential impact on ecological communities.

The development site at 20 Edward Drive Googong is devoid of native vegetation. As no native vegetation is to be removed there are no triggers that require entry into the Biodiversity Offset Scheme.

3) Bushfire Prone Land

The site is not mapped as being bushfire prone.



There is a typographical error in the Assessment Report, as the reference should be to *Planning for Bushfire Protection 2019*. The text within Section 5.2.3.4 of the report should be as follows (bold added for emphasis):

“5.2.3.4 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 2019 (PBP 2019)**. The Act allows this assessment to be made by the Council or the RFS. Assessments under Section 4.14 against the PBP 2019 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.

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

4) Site cover

Drawing A820 in the DA package is the Site Coverage plan (Drawing A820 is attached). The Assessment Report notes that site coverage is measured at 45% (per the DA package), with a maximum 50% required by Part 7 of the Googong DCP.

The Site Coverage plan excludes the footprint of the 'basement' parking. This is consistent with the definition of site coverage under the QLEP 2012 which excludes basement parking areas.



5) Privacy measures proposed between buildings

The proposed measures to improve privacy on the site where the blocks are closer together than the Googong DCP controls, i.e. 6m requirement at ground level and 9m requirement at upper floors, are set out in page 71 of the Amended Statement of Environmental Effects.

The measures listed include offset windows, high sill windows or fixed obscure glazing, design and orientation of buildings and separation distances to provide appropriate privacy for residents.

Having reviewed the plans again, it is suggested that an additional condition be imposed that the eastern ends of Blocks 1 and 2 and Blocks 5 and 6 at level 2, provide frosted glazing to the bathroom and ensuite windows facing towards Blocks 3 and 4.

At levels 2 and 3 between Blocks 7 and 9, Blocks 8 and 10, Blocks 9 and 11 and Blocks 10 and 12, various methods are used to provide privacy where separation distances are not met, including blank walls on one building facing towards bedroom windows in the other building, and high sills on bathroom windows facing blank walls and stairwells with high sill windows.

For other townhouses, which are greater than 9m apart, the orientation of buildings and windows, landscaping, and fencing will provide sufficient privacy.

Proposed additional condition:

Windows to the eastern ends of Blocks 1 and 2 and Blocks 5 and 6 at level 2 are to include frosted glazing to the bathroom and ensuite facing towards Blocks 3 and 4.

Reason: To ensure adequate privacy measures are provided to the relevant units.

6) Landscape plan – permeability to planting area

A measurement of specific areas of the Landscape Plans have been undertaken as accurately as possible and the applicant's measurements and the figures in the Landscape Plans appear to be correct.

The Statement of Environmental Effects notes that the principal private open space areas have 50% permeable planting (as per the DCP requirement).

With regard to the communal open space, 28% of the site is communal open space (exceeds the DCP 20% requirement). The DCP seeks 60% of the communal open space to be landscaped as permeable surface, grasses, trees etc however only 44% appears to be permeable. The Landscape Plans note that final paver choice using 'pedestal paver's of similar can increase permeability. This can be sought as a condition of consent and demonstrated prior to the issue of a Construction Certificate.

The Applicant has confirmed '*they will not be providing any off site landscaping and any off site landscaping shown on their plans has not been included in any of the calculations.*'

Proposed additional condition:

Communal open space areas are to include 'pedestal pavers' or similar permeable treatment.

Reason: To ensure the development of the site includes sufficient permeable areas.

7) Changes and comments relating to Conditions

- i) Confirmation Condition 5 referring to the Building Code of Australia is still current.

A search of the Regulations confirmed the reference to Building Code of Australia. No change to the condition is proposed.

69 Compliance with Building Code of Australia and insurance requirements under [Home Building Act 1989](#)

(1) It is a condition of a development consent for development that involves building work that the work must be carried out in accordance with the requirements of the *Building Code of Australia*.

- ii) Construction Management Plan

Condition 15 has been included requiring the submission of a Construction Management Plan.

- iii) Additional detail relating to water and sewer contributions

Condition 19 has been amended to include equivalent tenements as basis for charging water and sewer contributions.

- iv) Condition 57 - Repair Damaged Public and Private Property amended

Condition amended to remove reference to private property and include:

A dilapidation report detailing the comprehensive record of the condition of public properties adjoining the development site must be prepared by a practising structural engineer and must be submitted to, and approved by, Council.

Reasons for condition amended to:

Reason: To ensure that all public property in the vicinity of the development is maintained in its pre-development condition and to ensure that the condition of buildings, structures and/or public infrastructure on adjoining premises is accurately recorded following the completion of work on the development site.

- v) Condition 60 Statement of Completed Landscape Works amended to include ongoing maintenance.

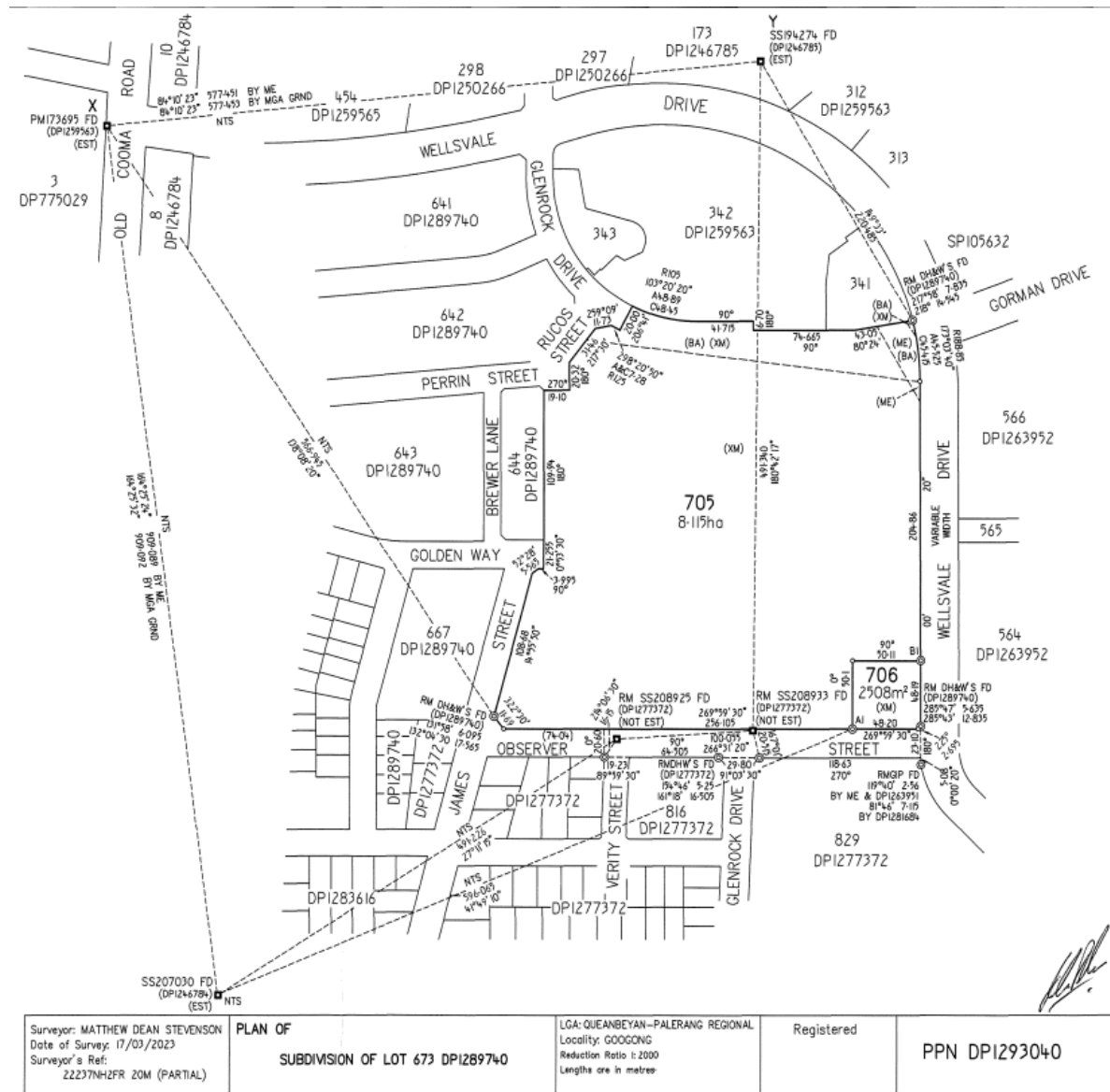
A "Statement of Completed Landscaped Works" form signed by the landscape plan designer and the landscape contractor must be submitted to Council prior to the issue of the Final Occupation Certificate.

All landscaping on site must be continuously maintained by the person acting on this consent for the life of the development.

Reason: To help ensure a high standard of landscape works.

- vi) Reason for condition amended to be consistent with the addition of 'To ensure' where relevant.

Attachment 1 – Fire Station Relocation correspondence



From: Andrew.J Peters <Andrew.J.Peters@fire.nsw.gov.au>
Sent: Wednesday, 2 June 2021 2:07 PM
To: Malcolm Leslie <Malcolm.Leslie@peet.com.au>; SHANE KEMPNIICH <Shane.Kempnich@fire.nsw.gov.au>
Cc: Greg Buckley <Greg.Buckley@fire.nsw.gov.au>; Garry Tye <Garry.Tye@fire.nsw.gov.au>; James Linacre <James.Linacre@fire.nsw.gov.au>; Mitchell Alexander <Mitchell.Alexander@peet.com.au>
Subject: RE: FRNSW Googong site options

Hi Malcolm

We are happy with the alternative site, i.e site B.

Many thanks



ANDREW PETERS
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I work flexibly. I'm sending you this message now because it's a good time for me to not expect you to read, respond or action it outside regular hours.

Due to COVID19 I am currently working remotely until further notice. I will do my best to respond as far as possible and I am happy to meet with you via Microsoft Teams or Skype.

PREPARED FOR ANYTHING.

www.fire.nsw.gov.au



From: Malcolm Leslie <Malcolm.Leslie@peet.com.au>
Sent: Wednesday, 2 June 2021 12:10 PM
To: SHANE KEMPNIICH <Shane.Kempnich@fire.nsw.gov.au>
Cc: Greg Buckley <Greg.Buckley@fire.nsw.gov.au>; Garry Tye <Garry.Tye@fire.nsw.gov.au>; James Linacre <James.Linacre@fire.nsw.gov.au>; Mitchell Alexander <Mitchell.Alexander@peet.com.au>; Andrew.J Peters <Andrew.J.Peters@fire.nsw.gov.au>
Subject: RE: FRNSW Googong site options

CAUTION: This email originated from outside of Fire and Rescue NSW. Do not click links or open attachments unless you recognise the sender and know the content is safe.

Hi Shane,

Further to our recent discussions this email is to confirm that Fire and Rescue NSW would like to relocate the site for the fire station from Site A to site B in the following sketch subject to the site being a minimum of 2,500m², being larger than the 2,000m² site required by the Googong State Planning Agreement.

We understand that the increased site size has arisen from changed operational requirements since the SPA was agreed.



GTPL is supportive of this change because we believe the interface between the fire station site and other uses is more compatible at Site B and the site is more central within Googong. We are therefore willing to provide the additional site area. We also feel the fire station sits better in the B2 zoning of Site B rather than the R1 zoning of Site A.

To effect this change we will need to submit a DA modification to QPRC for their assessment.

Can you please respond to this email to confirm Fire and Rescue NSW's position on the proposed relocation.

Regards,

Malcolm Leslie
Senior Project Director

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