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| **COUNCIL ASSESSMENT REPORT**  SOUTHERN REGIONAL PLANNING PANEL | |

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| PANEL REFERENCE & DA NUMBER | PPSSTH-232 / DA.2023.0103 |
| DEVELOPMENT | Residential Flat Building with 138 units and strata subdivision |
| ADDRESS | 43 McFarlane Avenue, Googong NSW 2620 (Lot 566 DP 1263952) |
| APPLICANT | Urban Studio Pty Ltd |
| OWNER | Googong Township Pty Ltd (PEET) |
| DA LODGEMENT DATE | 17 March 2023 |
| APPLICATION TYPE | Development Application |
| REGIONALLY SIGNIFICANT CRITERIA | Clause 2.19 and Schedule 6(2) of State Environmental Planning Policy (Planning System) 2021 – Development that has a capital investment value (CIV) of more than $30 million. |
| CIV | $57,257,200.00 |
| CLAUSE 4.6 REQUESTS | Nil |
| KEY SEPP/LEP | * State Environmental Planning Policy (Planning Systems) 2021 * State Environmental Planning Policy (Biodiversity & Conservation) 2021 * State Environmental Planning Policy – Building Sustainability Index BASIX– 2004 * State Environmental Planning Policy (Resilience & Hazards) 2021 * State Environmental Planning Policy No. 65 - Design Quality of Residential Apartment Development * State Environmental Planning Policy (Transport and Infrastructure) 2021 * Queanbeyan-Palerang Regional Local Environmental Plan 2022 |
| TOTAL & UNIQUE  SUBMISSIONS KEY  ISSUES IN SUBMISSIONS | The development was publicly notified in accordance with the Queanbeyan-Palerang Community Participation Plan 2019 (CPP) and the provisions of Environmental Planning and Assessment Regulations 2021 (EP&A Regulation). The notification period was for 25 days from 30 March to 24 April 2023.  No submissions were received. |
| DOCUMENTS SUBMITTED FOR CONSIDERATION | Appendix 1: Recommended Conditions of consent  Appendix 2: Architectural Plans  Appendix 3: Assessment Report  Appendix 4: Survey Plan  Appendix 5: Engineering Plans  Appendix 6: BASIX Certificate  Appendix 7: Landscape Plans  Appendix 8: Accessibility Report  Appendix 9: Design Verification Statement  Appendix 10: Strata Plan  Appendix 11: Statement of Environmental Effects |
| SPECIAL INFRASTRUCTURE CONTRIBUTIONS (S7.24) | The site is not located in an area that Special Infrastructure Contributions (SIC) apply. |
| RECOMMENDATION | Approval |
| DRAFT CONDITIONS TO APPLICANT | No |
| SCHEDULED MEETING DATE | 14 November 2023 |
| PREPARED BY | Gareth Simpson  Senior Planning Officer - NSW Department of Planning and Environment - (Regional Housing Flying Squad)  Luceille Yeomans – Special Town Planner |
| DATE OF REPORT | 30 October 2023 |

**EXECUTIVE SUMMARY**

Development consent is sough under DA 2023/0103 fora residential flat building development comprising six buildings containing a total of 138 units which will comprise one, two, three and four bedroom units (the development). The development also includes and 233 residential parking spaces and 28 visitor parking spaces in a basement car park area and a 139 lot strata subdivision.

The development is ‘Regional Development” as defined by Chapter 2 Schedule 6 of State Environmental Planning Policy (Planning Systems) 2021 (PS SEPP) – The development is for a residential flat building with a CIV over $30 million in value (being $57,257,200.00) . The Southern Regional Planning Panel (SRPP) is the relevant determining authority.

Consultation

The development was notified in accordance with the Queanbeyan Community Participation Plan 2019 for 25 days duration from 30 March to 24 April 2023. The notification included the following:

* Notification letters sent to adjoining and adjacent properties (a rough estimate of the number of letters sent);
* Notification on the Council’s website.

The Council received no submissions in response to the notification.

Integrated Development

The development is not nominated as integrated development.

Other external referrals

The development was referred to Essential Energy, Transport for NSW and the NSW Police. A discussion on these referrals is proposed in Table 9 of Section 4.1 of this report.

Pre-conditions to granting development consent

The following legislative clauses apply to the development which require the consent authority satisfaction prior to the granting of development consent:

• Chapter 2 ‘State and Regional Development’ and Schedule 6 of State Environmental Planning Policy (Planning Systems) 2021 (PS SEPP) – The development is for a residential flat building with a CIV over $30 million in value . The Southern Regional Planning Panel (SRPP) is the relevant determining authority.

• Chapter 4 – Clause 4.6 ‘Contamination and remediation to be considered in determining development application’ of State Environmental Planning (Resilience and Hazards) 2021. A search of Council’s records and aerial photos indicates the site is a part of a recently approved subdivision (DA 123-2017). Potential contamination was assessed as part of this development application and is discussed in detail in this report. On this basis, the site is considered suitable for the proposed use.

• Chapter 2.2 – Clause 2.6 Clearing that requires permit or approval of State Environmental Planning Policy (Biodiversity & Conservation) 2021–provides that a person must not clear vegetation in any non-rural area of the State without the authority confirmed by a permit granted by the council. The application does not involve tree removal.

* Clauses 5 and 6 of the Building Sustainability Index BASIX– 2004 (BASIX SEPP) - A BASIX assessment is required to be provided with the development application.

The development is accompanied by BASIX Certificate 1329731M\_02 dated 24 February 2023 which meets the requirements of the BASIX SEPP. A condition has been recommended requiring the BASIX certificate be complied with.

• Clause 2.3 ‘Zone objectives and Land Use Table’ of Queanbeyan-Palerang Regional Local Environmental Plan 2022 (QLEP) – The development site is zoned R1 General Residential – ‘residential flat buildings’ are all permissible with consent.

• Clause 7.1(3) ‘Earthworks’ provides several matters that the consent authority must consider prior to granting development consent to earthworks. The matters listed under cl.7.1(3) have been considered during the assessment and the proposed works are acceptable.

Key Issues

The key issues considered during the assessment relate to :

* Waste management
* Apartment design
* Private open space provision

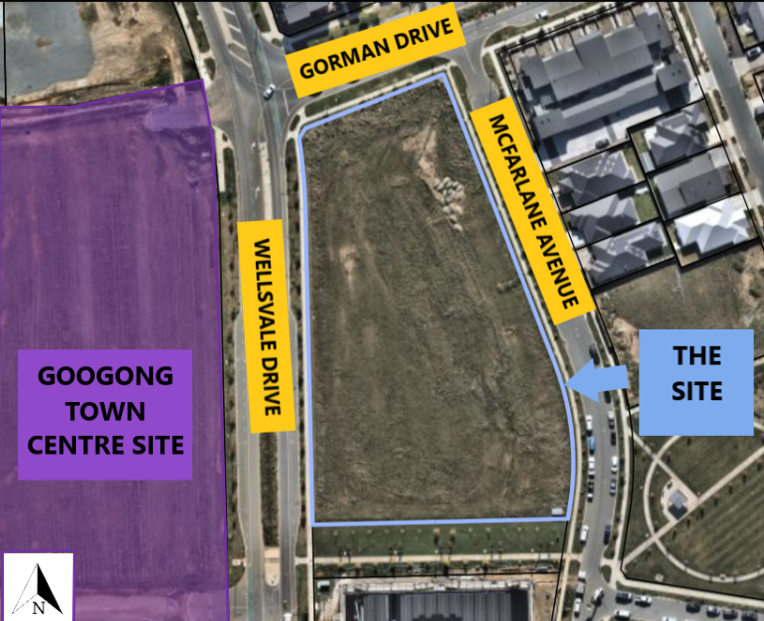
The development has been assessed under Section 4.15(1) of the EP&A Act 1979 and is considered satisfactory. Accordingly, it is recommended that the application be approved for the reasons set out in Appendix A.

Recommendation

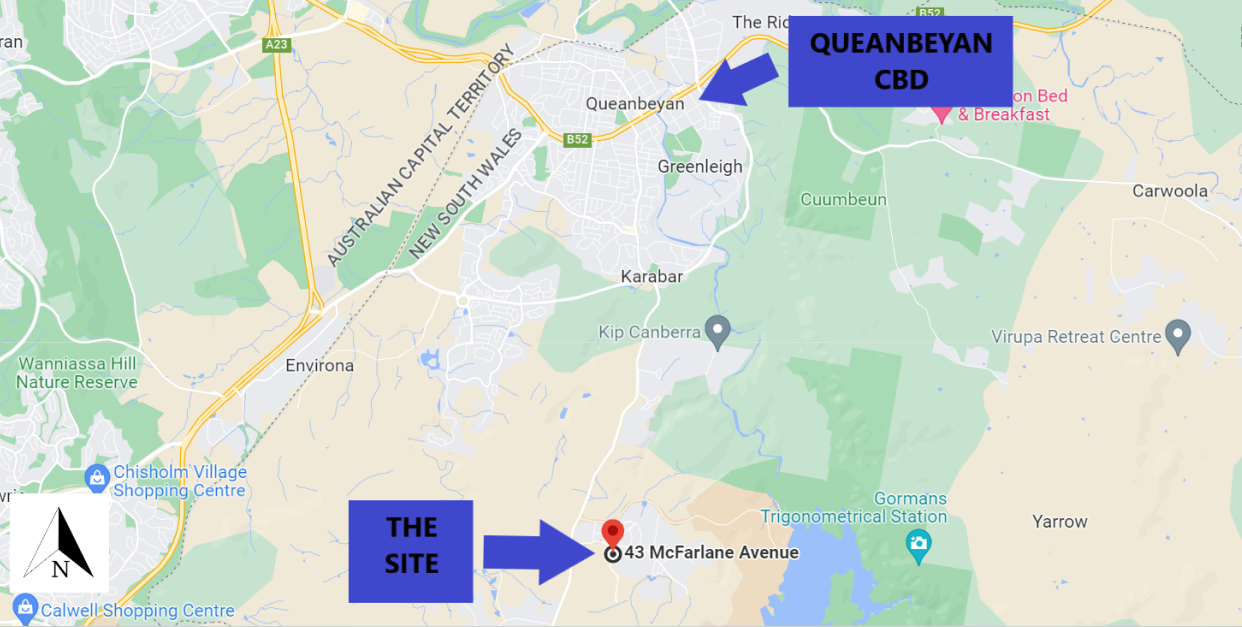
That the Development Application DA.2023.0103 for Construction of a residential flat building development comprising 6 buildings containing a total of 138 units over a single basement level, associated services, civil work, landscaping and strata subdivision. at 43 McFarlane Avenue, Googong, NSW 2620, be APPROVED pursuant to Section 4.16(1)(a) or (b) of the *Environmental Planning and Assessment Act 1979* subject to the draft conditions of consent attached to this report at Attachment A.

1. **THE SITE AND LOCALITY**
   1. **The Site**

The site is currently vacant and comprises 9,951m2 of R1 General Residential zoned land pursuant to the Queanbeyan-Palerang Regional Local Environmental Plan 2022 (QLEP) and is located at 43 Mcfarlane Avenue, Googong, NSW 2620 (see Figure 1 and Figure 2) and is legally described as Lot 566 DP 1263952 (the site). The site is located approximately 9.9km south from the Queanbeyan Central Business District (CBD) and is located within the Queanbeyan Palerang Regional Local Government Area (LGA).



**Figure 1: Site Location**



**Figure 2: Broad location**

The site has a triple frontage to Gorman Drive (North), Wellsvale Drive (west) and McFarlane Avenue (east). The highest point onsite is 749.7m Australian Height Datum (AHD) in the southwestern corner of the site and the lowest point is 744.8m in the north-eastern corner of the site. The site slope is 3.29%.

The site is not flood or bushfire prone. The site contains no heritage items, is not in a heritage conservation area, and is not in close proximity to a heritage item, including those of Aboriginal significance, as confirmed through a 200m wide Aboriginal Heritage Information Management System (AHIMS) search which was undertaken on 1 September 2023.

The site is not burdened by any easements. The site has design restrictions imposed by the developer.

The site was inspected on 26 July 2023. Photos from the site inspection are included below (see Figure 3 and Figure 4).

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**Figure 3: Photo of site from the east**

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**Figure 4: Photo of site from south-east**

* 1. **The Locality**

The site is located within Neighbourhood 2 of the Googong township (NH2) which is 8km south of the Queanbeyan CBD.

Neighbourhood 2 is in the western part of Googong and is bounded by Old Cooma Road to the west and Googong Road to the north. Neighbourhood 2 comprises a mix of residential commercial and community facilities and is located in the western part of the Googong Township.

Within the vicinity of the site are a number of other phases of development relation to the Googong Township:

a) Neighbourhood 1A to the east and northeast that is now largely completed and occupied. This phase of development comprises predominantly residential accommodation with areas of public amenity.

b) Neighbourhood 1B to the east currently under construction. This phase includes residential accommodation, a neighbourhood centre and an area of biodiversity conservation.

c) Future Neighbourhood 3 (Googong Central) to the south. This phase consists of residential accommodation and a large town centre/commercial core.

d) Future Neighbourhood 4 (Googong South) to the south-east. This phase consists of predominantly residential accommodation.

The area surrounding the Googong Township 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 Australian Capital Territory Government) is immediately east of the site and an operating quarry is located northwest of the site on the western side of Old Cooma Road (Refer to Figure 2).

1. **THE DEVELOPMENT AND BACKGROUND** 
   1. **The Development**

The Applicant is seeking development consent for a residential flat building development comprising six buildings containing a total of 138 units which will comprise one, two, three and four bedroom units (the development). The development also includes and 233 residential parking spaces and 28 visitor parking spaces in a basement car park area and strata subdivision.

The development will include five, four storey buildings (Buildings 1,2,3,5,6) and one, five storey building (Building 4) with a unit makeup as follows:

**Table 1: Unit Provision**

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| **Building** | **Townhouses** | **Apartments** | **Sky Houses (apartments)** | **Total** |
| Building 1 | 7 | 3 | 9 | 19 |
| Building 2 | 9 | 0 | 9 | 18 |
| Building 3 | 7 | 3 | 9 | 19 |
| Building 4 | 16 | 17 | 10 | 43 |
| Building 5 | 8 | 16 | 0 | 24 |
| Building 6 | 5 | 5 | 5 | 15 |
| **Total** | 52 | 44 | 42 | **138** |

Of the 138 units, there are 43 one bedroom units, 47 two bedroom units, 26 three bedroom units and 22 four bedroom units. Of the total units there are 15 one – three bedroom adaptable dwellings proposed.

The development includes a centrally located communal open space (2,900m2) forming a central park between the buildings. Each building has an open corridor facing the communal open space which, in combination with the dual aspect of each unit, offers cross ventilation and passive surveillance opportunities of the communal area. Landscaped areas are proposed within the communal open space and the ground floor setback areas. Total planting area is approximately 2,400m² or 25% of the site.

Each building has its own combined central lift and stairwell core providing access to the upper-level apartments with all buildings internally connected to the basement car park.

Pedestrian access to the development is proposed to be provided from various points within the site between the respective buildings. In total, seven entry points are provided to the common open space. All units on the ground floor have individual entry points from the street as well as a rear door from the communal open space.

Vehicle access is proposed off McFarlane Avenue , leading into a basement carparking area. A total of 261 parking spaces are provided inclusive of 28 visitor carparking spaces. Individual lifts and stairwell cores provide access to all apartments for each building with all buildings internally connected to the lower basement car parking level.

All required services can be provided via an extension to existing utility infrastructure as follows:

**Water**

The existing 100mm water pipes on the corner of McFarlane Avenue and Gorman Drive are to be disconnected and removed. The site will be serviced by a proposed 150mm pipe for water from the southeast corner of the site on McFarlane Avenue.

**Sewer**

The development will be serviced by the existing 150mm sewer located on the northeast corner of the site.

**Stormwater**

The site is serviced by an existing 450mm stormwater pipe located on the corner of McFarlane Avenue and Gorman Drive. Further information was requested to confirm that the proposed development is consistent with the stormwater management plan approved as part of the Googong Neighbourhood 2 master plan.

The calculation received from ACT Consulting Engineers and Urbane Studio confirmed that there is a negligible difference in impervious area from the original design. As such, the site will not need to implement any on-site detention system.

Waste and recycling bins for the development are proposed to be stored within two dedicated bin storerooms located on the northeast and southeast corners of the site and incorporated into the built form of Buildings 1 and 3. The Applicant has relied upon the DCP statement of one 240L bin for every two units.

A total of 151 bins for waste bins and recycling will be provided. These bins will be wheeled out for kerb collection on McFarlane Avenue by the development management team or Council contractor.

Two street trees will be removed to facilitate the development and will be required to be replaced as a condition of consent in a more appropriate location in proximity to the site.

**Internal Referrals:**

The development was referred internally to Councils Engineering Officer and Waste Officer who have provided comments and conditions. Council’s Building Certifier confirmed standard conditions can be applied.

**External Referrals:**

The development was referred externally to Essential Energy, Transport for NSW and NSW Police. All external referral responses are discussed in Tables 2 and 3.

* 1. **Background**

A pre-lodgement meeting was held on 28 April 2022 where various issues were discussed. A summary of the issues and how they have been addressed by the development is outlined below:

Table 2: Pre-lodgement Comments

|  |  |
| --- | --- |
| Issue | Addressed |
| Characterisation of development. | The Applicant provided sufficient justification for the development being described as ‘Residential Flat Building’. This matter is considered to be resolved. |
| Car parking compliance including off site visitor parking. | Councils Engineer confirms a total of 261 parking spaces are required for dedicated resident parking including 28 spaces for visitor parking. A total of 261 on-site car parking spaces are provided across the development. |
| Internal solar access to private open space is required to meet the minimum requirement set out within the NSW Government Apartment Design Guide. | As confirmed by the submitted Apartment Design Guidelines (ADG) assessment, the proposed private open space areas achieve sufficient solar access. |
| Overlooking and privacy screening are to be considered in more detail, to ensure any issues are mitigated prior to lodgement of the Development Application. | The development incorporates a range of design features to minimise overlooking to the development. This includes the use of highlight windows, screening and solid balustrading in addition to building and window orientation. Given these features, the development is not considered to unacceptably impact on the privacy of the proposed units or adjoining existing units. |
| Adaptable / access to comply | The development provides for the required level of adaptable units and adaptable car parking spaces. |
| Additional detail on fencing compliance sought. | Details of all proposed fencing is provided with the development application. |
| The location of waste enclosures to be provided in compliance with Part 2 of the Queanbeyan Development Control Plan 2012. | The proposed two waste enclosures are provided in compliance with Part 2 of the Queanbeyan Development Control Plan 2012 (QDCP) as detailed in this report. |

The development application was lodged on **17 March 2023**. A chronology of the development application since lodgement is outlined below including the Southern Regional Planning Panel’s (SRPP) involvement:

**Table 3: Chronology of Development**

|  |  |  |
| --- | --- | --- |
| **Date** | **Issues discussed** | **Addressed** |
| 6 June 2023 | A briefing with the SRPP was completed. Council provided a background to the development and an overview of the assessment process to date.  The Applicant provided a presentation.  The SRPP raised questions regarding:   1. Delivery of affordable/social housing 2. Waste collection arrangements 3. Water feature within communal open space 4. Queanbeyan Development Control Plan 2012 controls in regard to setbacks between buildings 5. Tree removal 6. Clarification of description of development and building type mix (no multi dwelling in description) 7. Absence of Apartment Design Guidelines (ADG) design statement   The SRPP also suggested Council obtain from the Applicant:   1. A fly-through of the development to enable a better understanding of the built form outcomes 2. Perspectives of the development with a specific focus on the northeast corner and its interface with adjoining residential development | 1. The Applicant confirmed the development does not propose affordable housing. 2. Waste collection arrangements are discussed in detail in this report and are considered satisfactory. 3. No water feature is proposed within the development 4. The development has been assessed against all relevant ADG and QPDCP controls and the building separation is considered to be acceptable. 5. The development proposes the removal of two street trees and their replacement is required as a condition of consent. 6. The Applicant has provided justification for the description of the development as ‘Residential Flat Building’. 7. An ADG Design Statement has been provided by the Applicant. 8. A fly through video has been provided by the Applicant 9. Perspectives of the development including on the north-east corner and its interface with adjoining residential development has been provided. |
| 22 August 2023 | A request for further information (RFI) was issued to the Applicant requesting additional detail in respect of the description of development, tree removal, safety and security and waste management amongst other issues. | The Applicant responded on 2 October 2023 to this request for additional information. The additional information is considered satisfactory. |
| 6 September 2023 | A second briefing was undertaken with the SRPP to provide an update on progress of the development application. | Meeting notes from the briefing were issued on 15 September 2023. They provided similar issues to those previously highlighted. |

* 1. **Site History**

The site is located within Neighbourhood 2 of the Googong Township which is a new township comprising approximately 790ha of land currently zoned for urban development located approximately seven kilometres south of Queanbeyan CBD.

The Googong Master Plan broadly sets out the ultimate development outcomes for Googong which envisages some 6,600 homes, accommodating a population of approximately 18,000 people.

Googong Township is being developed as a series of five neighbourhoods which are broken down into smaller development stages. Neighbourhood 2 is in the western part of Googong and is bounded by Old Cooma Road to the west and Googong Road to the north.

Development consent (DA 123-2017) was issued for the following in relation to the subdivision of NH2:

‘*Integrated Development for Neighbourhood 2 Googong Township Subdivision including boundary adjustment, the creation of 932 residential lots, 12 superlots for future subdivision for small lot housing, 15 residual lots for future subdivision of medium and higher density housing and other uses including the Town Centre sites, an education establishment (State K-12 school), fire station, senior housing, sales office, information and education facilities, community facility, recreation area and ancillary infrastructure and local services*.’

This development application proposes the development of one site in NH2.

1. **STATUTORY 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). The matters as are of relevance to the development application include the following:

1. *the provisions of any environmental planning instrument, proposed instrument, development control plan, planning agreement and the regulations*

*(i)  any environmental planning instrument, and*

*(ii)  any proposed instrument that is or has been the subject of public consultation under this Act and that has been notified to the consent authority (unless the Planning Secretary has notified the consent authority that the making of the proposed instrument has been deferred indefinitely or has not been approved), and*

*(iii)  any development control plan, and*

*(iiia)  any planning agreement that has been entered into under section 7.4, or any draft planning agreement that a developer has offered to enter into under section 7.4, and*

*(iv)  the regulations (to the extent that they prescribe matters for the purposes of this paragraph), that apply to the land to which the development application relates,*

1. *the likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality,*
2. *the suitability of the site for the development,*
3. *any submissions made in accordance with this Act or the regulations,*
4. *the public interest.*

These matters are considered below.

* 1. **Environmental Planning Instruments**

The relevant environmental planning instruments (EPIs), proposed instruments, development control plans, planning agreements and the matters for consideration under the EP&A Regulation are considered below.

1. **Section 4.15(1)(a)(i) - Provisions of Environmental Planning Instruments**

The following EPI are relevant to this development application:

* [State Environmental Planning Policy (Biodiversity and Conservation) 2021](https://legislation.nsw.gov.au/view/html/inforce/current/epi-2021-0722)
* State Environmental Planning Policy – Building Sustainability Index BASIX– 2004
* [State Environmental Planning Policy (Planning Systems) 2021](https://legislation.nsw.gov.au/view/html/inforce/current/epi-2021-0724)
* [State Environmental Planning Policy (Resilience and Hazards) 2021](https://legislation.nsw.gov.au/view/html/inforce/current/epi-2021-0730)
* [State Environmental Planning Policy (Transport and Infrastructure) 2021](https://legislation.nsw.gov.au/view/html/inforce/current/epi-2021-0732)
* State Environmental Planning Policy No. 65 - Design Quality of Residential Apartment Development
* Queanbeyan-Palerang Regional Local Environmental Plan 2022

A summary of the key matters for consideration arising from these State Environmental Planning Policies (SEPPs) is outlined in **Table 4**.

**Table 4: Summary of Applicable Environmental Planning Instruments**

|  |  |
| --- | --- |
| **EPI** | **Matters for Consideration** |
| State Environmental Planning Policy (Biodiversity & Conservation) 2021 | **Chapter Two: Vegetation in non-rural areas**  Chapter Two of the Biodiversity and Conservation SEPP (B&C SEPP) applies to the development pursuant to clause 2.3 and aims to protect the biodiversity and amenity values of trees within non-rural areas of the state.  Part 2.3 has been considered and as development consent is being sought for the removal of vegetation (two street trees) under this development, no further consideration of Chapter Two is required.  **Chapter Four: Koala Habitat Protection 2021**  Chapter Four – Koala Habitat Protection 2021 of the B&C SEPP applies to the development pursuant to clause 4.4 and aims to encourage the conservation and management of areas of natural vegetation that provide habitat for koalas to support a permanent free-living population over their present range and reverse the current trend of koala population decline.   |  |  |  | | --- | --- | --- | | **Control** | **Development** | **Outcome** | | **Clause 4.8** - Does the site have a KPOM? | No | Determination of the development must be consistent with the KPOM. If no, proceed to Clause 4.9. | | **Clause 4.9** - Does the site have a site area greater than 1.0 Ha or does the site form part of a landholding greater than 1.0 Ha in area? | Yes | Assessment under B&C SEPP required. | | **Clause 4.9** - Is the development likely to have any impact on koalas or koala habitat.  *Note:* ***‘koala habitat’****means koala habitat however described in a plan of management under this Chapter or a former Koala SEPP and includes core koala habitat.* | No | Development satisfactory under B&C SEPP – able to grant consent. |   The development has been assessed against the requirements of Chapter Four of the B&C SEPP (see Table 2) and it has been determined that the development would meet the requirements and objectives of the B&C SEPP. |
| State Environmental Planning Policy – Building Sustainability Index BASIX– 2004 | State Environmental Planning Policy – Building Sustainability Index BASIX– 2004 (BASIX SEPP) applies to the development pursuant to clauses 5 and 6 and aims to ensure that the performance of the development satisfies the requirements to achieve water and thermal comfort standards that will promote a more sustainable development.  The development is accompanied by BASIX Certificate 1329731M\_02 dated 24 February 2023 which meets the requirements of the BASIX SEPP. A condition has been recommended requiring the BASIX certificate be complied with. |
| State Environmental Planning Policy (Planning Systems) 2021 | State Environmental Planning Policy (Planning Systems) 2021 applies to the development pursuant to Part 2.4 – Regionally Significant Development as the development is classified as regionally significant development under Schedule 6 of the PS SEPP.  Chapter 2: State and Regional Development  The development has a CIV of $57,257,200 and is therefore classified as being ‘regionally significant development’ pursuant to Clause 2.19(1) and Clause 2 of Schedule 6 of Planning Systems in having a CIV of more than $30 million. |
| State Environmental Planning Policy (Resilience & Hazards) 2021 | Chapter Four: Remediation of Land  Chapter Four of the R&H SEPP applies to the site pursuant to clause 4.4 and aims to promote the remediation of contaminated land for the purpose of reducing the risk of harm to human health or any other aspect of the environment. Clause 4.6 requires that consent must not be granted to the carrying out of any development on land unless the consent authority has considered whether the land is contaminated or requires remediation for the proposed use to be carried out.  The site forms part of an approved subdivision for Googong Neighbourhood 2 (DA 123-2017). A Detailed Contamination Assessment – Neighbourhood 1A, Stage 7 and Neighbourhood 2 Googong Road was submitted with the subdivision application. The draft report was prepared by Geotecnique Pty Ltd reference 12675/4-AB and is dated 16 May 2017.  The report describes the site investigation conducted by Geotechnique which included  detailed investigation across several areas of environmental concern that were identified in previous reports.  A review of the contamination assessment indicated that there were three areas of environmental concern.  The first related to elevated levels of hydrocarbon products in soil in isolated locations in the central portion of the site. However, further testing indicated that hydrocarbons were below threshold limits and the consultant confirmed that, in their view, the hydrocarbons detected were of no concerns in the soil.  The second related to minor contaminants scattered throughout the site such as car bodies and isolated areas of scattered debris and bonded asbestos but these are not considered to be significant and will be remediated during the subdivision construction.  Of more concern was an area of the site referred to as the “hematite zone”. The hematite zone is a naturally occurring, iron rich soil, which might have other naturally occurring heavy metals that could compromise the suitability of the area for future residential and sensitive land uses. The hematite zone was located primarily under the proposed area for the Town Centre but extended into the future school site to the south of the Town Centre and into proposed residential areas to the east. Given these concerns Geotecnique undertook a detailed investigation of this area.  Based on the sampling results heavy metals such as arsenic, cadmium, copper, nickel, lead, manganese, and zinc were detected at levels which would present or potentially present a risk to human health and/or the environment.  As a result remediation of this area would need to be carried before it is suitable for the proposed land uses. Notwithstanding this the consultant considered that the site could be made suitable for the residential and commercial land uses subject to the following work being carried out:  1. A human health and ecological risk assessment to determine the source of metal  impacts and to determine the requirements and to devise strategies for remediation  and/or management, if required.  2. Checking the groundwater level when there is a substantial rainfall to recharge the  groundwater table. If the groundwater is available, it is recommended that the monitoring well should be developed and assessment of the groundwater be undertaken by appropriate sampling and laboratory testing of metals.  3. A remedial action plan/environmental management plan is to be developed to devise  strategies for remediation/management of the metal impacted area if required based  on the risk assessment.  4. Remediation/management of the area impacted by metals and/or asbestos, followed  by site validation should be carried out.  While additional remediation, validation and management was required there was nothing in the Geotechnique report which indicated that the contamination issues could not be remediated. In their conclusions they state “It is considered that the site can be made suitable for the proposed redevelopment into combined residential (with garden accessible soil)/ open space and commercial land use subject to” the implementation of the recommendations 1- 4 listed above.  Further, the progress report from a Site Auditor concluded that “the Auditor is satisfied  that remediation and management solutions of the heavy metal concentrations recorded in the “hematite zone” can feasibly be instituted by Peet [the developer] and its consultants.”  The Auditor also indicated that remediation and validation of the site will be required.  After reviewing the documentation and the results there was no reason for Council to doubt the veracity of the sampling results or the consultant’s and Auditor’s conclusions.  Given the above Council were satisfied that the land could be remediated so that it is  suitable for the proposed residential, commercial, school and open space land uses.  A condition was applied to the subdivision consent requiring the submission of a Remediation Action Plan and implementation of those other recommendations specified by Geotechnique to be submitted prior to the issue of a Construction Certificate (subdivision or building). I tis understood this has been completed.  Given this, it is considered that Council have met its obligations in relation to contamination and no further actions are required. |
| State Environmental Planning Policy (Transport and Infrastructure) 2021 | **Chapter Two: Infrastructure**  Chapter Two - State Environmental Planning Policy (Transport and Infrastructure) 2021 (T&I SEPP) applies to the development pursuant to clause 2.2 and aims to facilitate the effective delivery of infrastructure across the State.  Clause 2.48 of the T&I SEPP requires certain development to be referred to the relevant electricity supply authority and any response is to be considered as part of the assessment.  The development proposes a penetration of ground within 2m of an underground electricity power line and is adjacent to an electricity substation, and as such was referred to Essential Energy (EE) for comment under clause 2.48(2)(a).  EE did not object to the development subject to the following:   * a distance of 3m is required from the nearest part of the development to Essential Energy’s infrastructure (11KV Padmount Substation) * a distance of 1m is required from the nearest part of the development to Essential Energy’s infrastructure (LV underground powerlines) * The Applicant will need to submit a Request for Safety Advice if works cannot maintain the safe working clearances set out in the Working Near Overhead Powerlines Code of Practice, or CEOP8041 - Work Near Essential Energy's Underground Assets.   EE did not recommend conditions to be included in the development consent.  The Applicant provided a response to EE’s comments which include a plan indicating the required distances between the development and electricity infrastructure will be met. No further referral to EE is required.  Under Schedule Three, the development is considered to be traffic generating development due to having more than 200 carparking spaces. Pursuant to clause 1.22 of the T&I SEPP, all traffic generating developments require concurrence from Transport for NSW (TfNSW).  TfNSW did not object to the development, noting that Council must be satisfied that the traffic generation of the development was considered as part of the Googong Land Release Area. Traffic generation was assessed as part of the development application for NH2 (DA 123-2017) and was considered acceptable.    A Traffic Impact Assessment (TIA) was provided by the Applicant for the development. The TIA was reviewed by Council’s Development Engineer and is considered to satisfactorily address the impact of the residential flat building development on traffic generation in the locality. The impact was satisfactory and accordingly, no further assessment is required. |
| State Environmental Planning Policy No. 65 - Design Quality of Residential Apartment Development | State Environmental Planning Policy No. 65 - Design Quality of Residential Apartment Development (SEPP 65) applies to development pursuant to clause 5 and as it is for the purpose of a residential flat building and is greater than three storeys in height and contains more than four dwellings.  Clause 28 (2) requires an assessment of the development against the design quality principles and the Apartment Design Guidelines (ADG) as provided below. |
| Queanbeyan-Palerang Regional Local Environmental Plan 2022 (QLEP) | * Clause 2.3 – Permissibility and zone objectives * Clause 4.1 – Minimum lot size * Clause 4.3 – Building Height * Clause 5.1 Reclassification of public land * Clause 5.3 – Development near zone boundaries * Clause 5.10 – Heritage conservation * Clause 7.1 – Earthworks * Clause 7.2 – Terrestrial biodiversity * Clause 7.5 – Groundwater vulnerability * Clause 7.12 – Essential services |
| Queanbeyan Development Control Plan 2012 (QDCP) | Part Two |
| Googong Development Control Plan 2010 (GDCP) | Part Seven |

**State Environmental Planning Policy No. 65 - Design Quality of Residential Apartment Development**

SEPP 65 applies as the development is for the purpose of a residential flat building.

Pursuant to clause 28 of SEPP 65, development consent must not be granted if, in the opinion of the consent authority, the development or modification does not demonstrate that adequate regard has been given to:

(a)  the advice (if any) obtained from the design review panel, and

(b)  the design quality of the development when evaluated in accordance with the design quality principles, and

(c)  the Apartment Design Guide.

## Table 5: SEPP 65 - Design Quality Principles

|  |  |  |  |
| --- | --- | --- | --- |
| 1. SEPP 65 - Design Quality Principles | | 1. Comments | 1. Compliance |
| 1. Principle 1: Context and neighbourhood character 2. Good design responds and contributes to its context. Context is the key natural and built features of an area, their relationship and the character they create when combined. It also includes social, economic, health and environmental conditions. 3. Responding to context involves identifying the desirable elements of an area’s existing or future character. Well-designed buildings respond to and enhance the qualities and identity of the area including the adjacent sites, streetscape and neighbourhood. 4. Consideration of local context is important for all sites, including sites in established areas, those undergoing change or identified for change. | | 1. The development is considered to integrate with the existing neighbourhood and the future design character of the area. The building design aligns with the envisioned neighbourhood character outlined in the Googong Township and Councils' DCPs in relation to medium-density development. 2. The development includes the use of diverse materials, including concrete, metal cladding, brick, and aluminium. 3. The development addresses the street with individual entry points for ground floor units, offering modulated building forms, articulated facades, and a central courtyard with deep-root planting, accommodating the site's topography effectively. | 1. Compliant |
| 1. Principle 2: Built form and scale 2. Good design achieves a scale, bulk and height appropriate to the existing or desired future character of the street and surrounding buildings. 3. Good design also achieves an appropriate built form for a site and the building’s purpose in terms of building alignments, proportions, building type, articulation and the manipulation of building elements. 4. Appropriate built form defines the public domain, contributes to the character of streetscapes and parks, including their views and vistas, and provides internal amenity and outlook. | | 1. The development is considered to account for the scale, bulk, and height in relation to the existing character of the area and the desired future character. 2. Specifically, the development is consistent with the existing multi-unit developments on McFarlane Avenue. 3. Ground floor units with direct street access through private courtyards enhance the connectivity with the public realm. 4. The inclusion of ground floor and upper floor living areas and balconies that overlook the street and central communal area enhances surveillance, contributing to the safety and liveability of the development. 5. Furthermore, the clear definition of individual entries into the communal open space area through landscaping and architectural detailing, along with well-defined access to upper floor units is considered an acceptable approach to design and accessibility. | 1. Compliant |
| 1. Principle 3: Density 2. Good design achieves a high level of amenity for residents and each apartment, resulting in a density appropriate to the site and its context. 3. Appropriate densities are consistent with the area’s existing or projected population. Appropriate densities can be sustained by existing or proposed infrastructure, public transport, access to jobs, community facilities and the environment. | | 1. The development proposes 138 units across six buildings. The development is within the maximum building height and site coverage limits for the site and is consistent in density to previously approved nearby developments. | 1. Compliant |
| 1. Principle 4: Sustainability 2. Good design combines positive environmental, social and economic outcomes. 3. Good sustainable design includes use of natural cross ventilation and sunlight for the amenity and liveability of residents and passive thermal design for ventilation, heating and cooling reducing reliance on technology and operation costs. Other elements include recycling and reuse of materials and waste, use of sustainable materials and deep soil zones for groundwater recharge and vegetation. | | The development will incorporate sustainability measures such as water and energy efficiency including the installation of water-efficient fixtures and energy-efficient lighting. A BASIX Certificate has been prepared that confirms that the proposed buildings meet Water Use, Thermal Comfort, and Energy efficiency targets.   1. Stormwater will be effectively managed due to the presence of an existing stormwater management system for the Googong township. Additionally, the development will provide sufficient deep soil zones within the site to promote groundwater recharge and support vegetation growth, contributing to a more sustainable development. | 1. Compliant |
| 1. Principle 5: Landscape 2. Good design recognises that together landscape and buildings operate as an integrated and sustainable system, resulting in attractive developments with good amenity. A positive image and contextual fit of well designed developments is achieved by contributing to the landscape character of the streetscape and neighbourhood. 3. Good landscape design enhances the development’s environmental performance by retaining positive natural features which contribute to the local context, co-ordinating water and soil management, solar access, micro-climate, tree canopy, habitat values and preserving green networks. 4. Good landscape design optimises useability, privacy and opportunities for social interaction, equitable access, respect for neighbours’ amenity and provides for practical establishment and long term management. | | 1. The development includes a detailed landscape plan that includes water-sensitive urban design and the maximisation of deep soil zones, both of which play a significant role in bolstering the sustainability of the development. 2. Furthermore, the landscape plan takes into account the proximity of parklands, ensuring a strong connection to the surrounding open space areas. 3. A communal open space area is proposed at ground level, providing a high quality, private amenity area for residents of the development whilst the selection of trees and vegetation is considered to complement the proposed built form. 4. The proposed landscaping will provide significant benefit to the future residents of the development as well as residents in the locality and is considered to contribute to the future character of the area. | 1. Compliant |
| 1. Principle 6: Amenity 2. Good design positively influences internal and external amenity for residents and neighbours. Achieving good amenity contributes to positive living environments and resident well being. 3. Good amenity combines appropriate room dimensions and shapes, access to sunlight, natural ventilation, outlook, visual and acoustic privacy, storage, indoor and outdoor space, efficient layouts and service areas and ease of access for all age groups and degrees of mobility. | The development provides for sufficient solar access to both the private and communal open space and is considered to satisfactorily address the street frontages through the use of ground level access to the ground level units.  The development provides a significant communal open space area which includes deep soil zones and plantings providing amenity for residents and visitors.  The development will not unacceptably impact on the amenity of adjoining properties including solar access and privacy.  It is recognised the development will exceed the maximum units served off a single core by one however the development is still considered to align with this principle as it will provide for good amenity and proper servicing for each unit and is considered acceptable.  External circulation walkways facing the communal open space area encourage resident interaction and passive surveillance.   1. The design of the buildings ensures that large areas of blank walls are avoided and the use of a variety of features such as projecting balconies, material changes, and planter boxes break up the façade. | | 1. Compliant |
| 1. Principle 7: Safety 2. Good design optimises safety and security within the development and the public domain. It provides for quality public and private spaces that are clearly defined and fit for the intended purpose. Opportunities to maximise passive surveillance of public and communal areas promote safety. 3. A positive relationship between public and private spaces is achieved through clearly defined secure access points and well lit and visible areas that are easily maintained and appropriate to the location and purpose. | | 1. The development provides a Crime Prevention Through Environmental Design (CPTED) report which details how the development accords with the CPTED principles. The CPTED report will be form part of any approval.   Passive surveillance opportunities are maximised through the layout, with open corridors, strategically positioned windows, and clear sightlines from habitable rooms.  The design of the development ensures a positive relationship between public and private spaces. Building entries and pedestrian access provide a connection with the public domain and communal areas whilst pedestrian and vehicle paths are clearly separated for safety.  Ground floor Principle Private Open Spaces (PPOS) are located within the front setback and accessible from living rooms. Adequate landscape zones are also provided in front of courtyard fences, enhancing the environment. All PPOS meet the Apartment Design Guide's minimum dimensions and areas.  Front fences include a combination of materials, providing 25% openness while preserving privacy. Ground floor front gates are prominently visible and accessible from the street. | 1. Compliant |
| 1. Principle 8: Housing diversity and social interaction 2. Good design achieves a mix of apartment sizes, providing housing choice for different demographics, living needs and household budgets. 3. Well designed apartment developments respond to social context by providing housing and facilities to suit the existing and future social mix. 4. Good design involves practical and flexible features, including different types of communal spaces for a broad range of people and providing opportunities for social interaction among residents. | | 1. The development offers a variety of unit types and sizes including larger, family sized units, catering to different demographics, needs, and budgets in accordance with the masterplan approval for the site. | 1. Compliant |
| 1. Principle 9: Aesthetics 2. Good design achieves a built form that has good proportions and a balanced composition of elements, reflecting the internal layout and structure. Good design uses a variety of materials, colours and textures. 3. The visual appearance of a well designed apartment development responds to the existing or future local context, particularly desirable elements and repetitions of the streetscape. | | 1. The development proposes a mixture of modern materials and a an appropriate combination of solid façade and windows/openings that provides for a high quality design. A communal open space area is provided in the centre of the site which is designed to maximise shade and amenity for residents.   As demonstrated within the ADG assessment, the development provides an acceptable level of unit design. | 1. Compliant |

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## Table 6: SEPP 65 - Apartment Design Guide Part Two – Developing the Controls.

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| 1. Apartment Design Guide Part Two – Developing the Controls | Comments | Compliance |
| 2A Primary Controls  Primary development controls are the key planning tool used to manage the scale of development so that it relates to the context and desired future character of an area and manages impacts on surrounding development.  Primary development controls include building height, floor space ratio, building depth, building separation and setbacks (refer to in sections 2C-2H). When applied together, the primary development controls create a building envelope, which forms the three dimensional volume where development should occur. | Noted | N/A |
| 2B Building Envelopes  See DCP for controls (if applicable). | An assessment of the development against the building envelope controls within the GDCP and QDCP is provided in the DCP assessment of this report | N/A |
| 2C Building Height  Max building height under the LEP: 12m. | The maximum building height of the development is 11.3m as measured from the existing ground level to the maximum height of the building in the southwest corner. The development is within the maximum building height for the site. | Compliant |
| 2D Floor Space Ratio  n/a | A maximum floor space ratio is not prescribed for site. | N/A |
| 2E Building Depth  See DCP for controls (if applicable). | An assessment of the development against the building envelope controls within the GDCP and QDCP is provided in the DCP assessment of this report | N/A |
| 2F Building Separation  Separation to be shared between adjacent sites i.e. setback to be half separation distance.  Up to four storeys:   * 12m between habitable rooms/balconies * 9m between habitable and non-habitable rooms * 6m between non-habitable rooms   No setback required for blank walls. | Due to the perimeter block layout of the development the orientation of the proposed buildings ensure that no direct overlooking will occur between habitable windows. There are a small number of instances where windows to habitable rooms will face towards windows to non-habitable rooms however the distance between the windows exceed the 9m separation distance and are therefore in accordance with this control. | Compliant |
| 2G Street Setbacks  See DCP for controls. | An assessment of the development against the building envelope controls within the GDCP and QDCP is provided in the DCP assessment of this report | n/a |
| 2H Side and Rear Setbacks  See DCP for controls. | An assessment of the development against the building envelope controls within the GDCP and QDCP is provided in the DCP assessment of this report | n/a |

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## Table 6: SEPP 65 - Apartment Design Guide Part Three – Siting the Development

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| --- | --- | --- |
| 1. **Apartment Design Guide Part Three – Siting the Development** | | |
| **3A Site Analysis** | | |
| **Objective 3A-1** Site analysis illustrates that design decisions have been based on opportunities and constraints of the site conditions and their relationship to the surrounding context. | | |
| **Design Guidance** | **Comment** | **Compliance** | |
| Each element in the Site Analysis Checklist should be addressed (as follows): |  |  | |
| **Site location:**  Broad map or aerial photo showing site location in relation to surrounding centres, shops, civic/community facilities and transport. | The development includes a map of the wider area. | Compliant | |
| **Aerial photograph:**  Colour aerial photographs of site in its context. | The development includes colour aerial photographs. | Compliant | |
| **Local context plan:**  Plan(s) of the existing features of the wider context including adjoining properties and the other side of the street, that show:   * pattern of buildings, proposed building envelopes, setbacks and subdivision pattern * land use and building typologies of adjacent and opposite buildings in the street * movement and access for vehicles, servicing, pedestrians and cyclists * topography, landscape, open spaces and vegetation * significant views to and from the site * significant noise sources in the vicinity of the site, particularly vehicular traffic, train, aircraft and industrial noise. | The development includes plans indicating existing features of the wider context. | Compliant | |
| **Site context and survey plan:**  Plan(s) of the existing site based on a survey drawing showing the features of the immediate site including:   * boundaries, site dimensions, site area, north point * topography, showing relative levels and contours at 0.5 metre intervals for the site and across site boundaries where level changes exist, any unique natural features such as rock outcrops, watercourses, existing cut or fill, adjacent streets and sites * location and size of major trees on site and relative levels where relevant, on adjacent properties and street trees * location and use of existing buildings or built features on the site * location and important characteristics of adjacent public, communal and private open spaces * location and height of existing windows, balconies, walls and fences on adjacent properties facing the site, as well as parapet and ridge lines * pedestrian and vehicular access points, driveways and features such as service poles, bus stops, fire hydrants etc * location of utility services, including easements and drainage * location of any other relevant features. | The development includes plans of the existing site based on a survey including sufficient information. | Compliant | |
| **Streetscape elevations and sections:**  Photographs or drawings of the site in relation to the streetscape and along both sides of any street that the development fronts, that show:   * overall height (storeys, metres) and important parapet/datum lines of adjacent buildings * patterns of building frontage, street setbacks and side setbacks * planned heights. | The development includes drawings of the relevant streetscapes including overall height and building frontage. | Compliant | |
| **Analysis:**  Plan that synthesises and interprets the context, streetscape and site documentation into opportunities and constraints that generate design parameters, including the following information:   * orientation and any overshadowing of the site and adjoining properties by neighbouring structures (excludes vegetation). The winter sun path should also be shown between 9 am and 3 pm on 21 June * identification of prevailing wind * the geotechnical characteristics of the site and suitability of the proposed development * the public domain interface and street setback * relationship to and interface with adjacent properties, including side and rear setbacks * ventilation for the subject site and immediate neighbours * proposed building footprint location * retained and proposed significant trees and deep soil zones * proposed communal open space * proposed car park footprint and depth * proposed building entries * supporting written material - this should include technical advice from specialists involved in the development process including landscape architects, arborists, geotechnical engineers and/or contamination specialists where applicable. | The development includes a site analysis plan that provides details of site orientation, overshadowing, prevailing winds and other relevant features. | Compliant | |
| **3B Orientation** | | |
| **Objective 3B-1** Building types and layouts respond to the streetscape and site while optimising solar access within the development. | | |
| **Design Guidance** | **Comment** | **Compliance** | |
| Buildings along the street frontage define the street, by facing it and incorporating direct access from the street (see **Figure 3B.1**). | The development provides for buildings that define the surrounding streets including Gorman Drive to the North, Wellsvale Drive to the west and McFarlane Avenue to the east and the pedestrian walkway to the south. Direct access is provided to the ground level units from the street. In terms of orientation, All buildings are orientated to their respective street to the west, north and east. This ensures that the units achieve a good level of solar access. | Compliant | |
| Where the street frontage is to the east or west, rear buildings should be orientated to the north. |
| Where the street frontage is to the north or south, overshadowing to the south should be minimised and buildings behind the street frontage should be orientated to the east and west (see **Figure 3B.2**). |
| **Objective 3B-2** Overshadowing of neighbouring properties is minimised during mid winter. | | |
| **Design Guidance** | **Comment** | **Compliance** | |
| Living areas, private open space and communal open space should receive solar access in accordance with sections **3D Communal and public open space and 4A Solar and daylight access.** | The development includes overshadowing diagrams which demonstrate it will not result in overshadowing to neighbouring properties. Given the site is orientated in a north-south direction, the proposed buildings will not impact on properties to the east or west. It is noted that an existing residential development is located to the south of the site however there is a 17.8m wide pedestrian walkway located between the development and the adjoining development to the south. This is sufficient to prevent overshadowing from impacting the property to the south. | Compliant | |
| Solar access to living rooms, balconies and private open spaces of neighbours should be considered. |
| Where an adjoining property does not currently receive the required hours of solar access, the proposed building ensures solar access to neighbouring properties is not reduced by more than 20%. |
| If the proposal will significantly reduce the solar access of neighbours, building separation should be increased beyond minimums contained in section **3F Visual privacy**. |
| Overshadowing should be minimised to the south or down hill by increased upper level setbacks. |
| It is optimal to orientate buildings at 90 degrees to the boundary with neighbouring properties to minimise overshadowing and privacy impacts, particularly where minimum setbacks are used and where buildings are higher than the adjoining development. |
| A minimum of 4 hours of solar access should be retained to solar collectors on neighbouring buildings. |
| **3C Public Domain Interface** | | |
| **Objective 3C-1** Transition between private and public domain is achieved without compromising safety and security. | | |
| **Design Guidance** | **Comment** | **Compliance** | |
| Terraces, balconies and courtyard apartments should have direct street entry, where appropriate. | The development achieves an appropriate transition between private and public domain without compromising safety and security.  All ground floor units have direct access to the street with upper floor balconies and windows overlooking the public domain they are facing.  Permeable fencing has been provided at the ground level providing for both solar penetration and passive surveillance while offering sufficient privacy for the courtyards.  There are no solid walls along street frontages.  The individual front doors for the ground level units are considered a feature that will provide for excellent opportunities for casual interaction between residents as it allows for casual interaction between residents.  The individual entries into the communal area are clearly defined through landscaped elements of planting and built forms. Access to the upper floor units of the buildings are clearly defined via architectural detailing of the lift and stairwell cores. | Compliant | |
| Changes in level between private terraces, front gardens and dwelling entries above the street level provide surveillance and improve visual privacy for ground level dwellings (see **Figure 3C.1**). |
| Upper level balconies and windows should overlook the public domain. |
| Front fences and walls along street frontages should use visually permeable materials and treatments. The height of solid fences or walls should be limited to 1m. |
| Length of solid walls should be limited along street frontages. |
| Opportunities should be provided for casual interaction between residents and the public domain. Design solutions may include seating at building entries, near letter boxes and in private courtyards adjacent to streets. |
| In developments with multiple buildings and/or entries, pedestrian entries and spaces associated with individual buildings/entries should be differentiated to improve legibility for residents, using a number of the following design solutions:   * architectural detailing * changes in materials * plant species * colours. |
| Opportunities for people to be concealed should be minimised. |
| **Objective 3C-2** Amenity of the public domain is retained and enhanced. | | |
| **Design Guidance** | **Comment** | **Compliance** | |
| Planting softens the edges of any raised terraces to the street, for example above sub-basement car parking. | The ground level units include landscaping within in the front setback.  Ground floor units will have individual letter boxes incorporated into their courtyard walls. For the remaining units, there are designated letter box walls located at the building entries.  Car parking ventilation will be integrated into the building façade of all buildings.  Waste storage areas are located at ground level however are designed to be integrated into the building and landscaping design.  Ramping is minimised throughout the site whilst materials at ground level are durable and easily cleaned. | Compliant | |
| Mail boxes should be located in lobbies, perpendicular to the street alignment or integrated into front fences where individual street entries are provided. |
| The visual prominence of underground car park vents should be minimised and located at a low level where possible. |
| Substations, pump rooms, garbage storage areas and other service requirements should be located in basement car parks or out of view. |
| Ramping for accessibility should be minimised by building entry location and setting ground floor levels in relation to footpath levels. |
| Durable, graffiti resistant and easily cleanable materials should be used. |
| Where development adjoins public parks, open space or bushland, the design positively addresses this interface and uses a number of the following design solutions:   * street access, pedestrian paths and building entries which are clearly defined * paths, low fences and planting that clearly delineate between communal/private open space and the adjoining public open space * minimal use of blank walls, fences and ground level parking. |
| On sloping sites protrusion of car parking above ground level should be minimised by using split levels to step underground car parking. |
| **3D Communal and Public Open Space** | | |
| **Objective 3D-1** An adequate area of communal open space is provided to enhance residential amenity and to provide opportunities for landscaping. | | |
| **Design Criteria** | **Comment** | **Compliance** | |
| Communal open space has a minimum area equal to 25% of the site (see **Figure 3D.3**). | Communal open space has an area of approximately 2,900m² which equal to 29% of the site.  The development achieves over 50% direct sunlight to the communal open space for at least 2 hours between 9 am and 3pm on 21 June. | Compliant | |
| Developments achieve a minimum of 50% direct sunlight to the principal usable part of the communal open space for a minimum of 2 hours between 9 am and 3 pm on 21 June (mid winter). |
| **Design Guidance** | **Comment** | **Compliance** | |
| Communal open space should be consolidated into a well designed, easily identified and usable area. | The development provides an area of communal open space in the centre of the site. All units will have access to this space which includes high quality planting throughout and a number of co-located deep soil zones. | Compliant | |
| Communal open space should have a minimum dimension of 3m, and larger developments should consider greater dimensions. |
| Communal open space should be co-located with deep soil areas. |
| Direct, equitable access should be provided to communal open space areas from common circulation areas, entries and lobbies. |
| Where communal open space cannot be provided at ground level, it should be provided on a podium or roof. |
| Where developments are unable to achieve the design criteria, such as on small lots, sites within business zones, or in a dense urban area, they should:   * provide communal spaces elsewhere such as a landscaped roof top terrace or a common room * provide larger balconies or increased private open space for apartments * demonstrate good proximity to public open space and facilities and/or provide contributions to public open space. |
| **Objective 3D-2** Communal open space is designed to allow for a range of activities, respond to site conditions and be attractive and inviting. | | |
| **Design Guidance** | **Comment** | **Compliance** | |
| Facilities are provided within communal open spaces and common spaces for a range of age groups (see also 4F Common circulation and spaces), incorporating some of the following elements:   * seating for individuals or groups * barbecue areas * play equipment or play areas * swimming pools, gyms, tennis courts or common rooms. | The development provides a communal open space area in a combined form of landscaped areas, covered BBQ spaces, exercise area with running trails around the site, amphitheatre/outdoor cinema and a drone delivery zone.  The communal open space area is protected from the prevailing breezes by the surrounding buildings.  The visual impacts of services has been minimised as they have been integrated into the building design notwithstanding the electricity substation in the south-east corner of the site which is an existing feature. | Compliant | |
| The location of facilities responds to microclimate and site conditions with access to sun in winter, shade in summer and shelter from strong winds and down drafts. |
| Visual impacts of services should be minimised, including location of ventilation duct outlets from basement car parks, electrical substations and detention tanks. |
| **Objective 3D-3** Communal open space is designed to maximise safety. | | |
| **Design Guidance** | **Comment** | **Compliance** | |
| Communal open space and the public domain should be readily visible from habitable rooms and private open space areas while maintaining visual privacy. Design solutions may include:   * bay windows * corner windows * balconies. | All buildings have open corridors facing the central open space offering sufficient passive surveillance to the communal area.  A CPTED report was submitted with the development which confirmed that sufficient safety and security measures are proposed for the communal open space area, including planting types, lighting and passive surveillance. The report will form part of the approval.  The communal open space provides for safe, contained facilities for children and young people including communal seating areas and walkways through the site. | Compliant | |
| Communal open space should be well lit. |
| Where communal open space/facilities are provided for children and young people they are safe and contained. |
| **Objective 3D-4** Public open space, where provided, is responsive to the existing pattern and uses of the neighbourhood. | | |
| **Design Guidance** | **Comment** | **Compliance** | |
| The public open space should be well connected with public streets along at least one edge. | The communal open space area provides a range of recreation size spaces and activities.  Pedestrian access to the development is provided from various points between the buildings. In total, seven entry points are provided to the communal open space area. The internal pedestrian network is clearly visible from the street network via view lines and pedestrian paths.  The development is located within walking distance to the Googong common which is within a five minute walk provides for multiple sporting fields and higher-level recreational facilities. | Compliant | |
| The public open space should be connected with nearby parks and other landscape elements. |
| Public open space should be linked through view lines, pedestrian desire paths, termination points and the wider street grid. |
| Solar access should be provided year round along with protection from strong winds. |
| Opportunities for a range of recreational activities should be provided for people of all ages. |
| A positive address and active frontages should be provided adjacent to public open space. |
| Boundaries should be clearly defined between public open space and private areas. |
| **3E Deep Soil Zones** | | |
| **Objective 3E-1** Deep soil zones provide areas on the site that allow for and support healthy plant and tree growth. They improve residential amenity and promote management of water and air quality. | | |
| **Design Criteria** | **Comment** | **Compliance** | |
| Deep soil zones are to meet the following minimum requirements:   |  |  |  | | --- | --- | --- | | **Site Area** | **Minimum Dimensions** | **Deep Soil Zone (% of site area)** | | Less than 650m2 | - | 7% | | 650m2 – 1,500m2 | 3.0m | 7% | | Greater than 1,500m2 | 6.0m | 7% | | Greater than 1,500m2 with significant existing tree cover | 6.0m | 7% | | The location of the deep soil zones are on the landscape plans. The total area of deep soil zones is approximately 1,540m² or 15% of the site and complies with the dimensions. | Compliant | |
| **3F Visual Privacy** | | |
| **Objective 3F-1** Adequate building separation distances are shared equitably between neighbouring sites, to achieve reasonable levels of external and internal visual privacy. | | |
| **Design Criteria** | **Comment** | **Compliance** | |
| Separation between windows and balconies is provided to ensure visual privacy is achieved. Minimum required separation distances from buildings to the side and rear boundaries are as follows:   |  |  |  | | --- | --- | --- | | **Building Height** | **Habitable Rooms & Balconies** | **Non-Habitable Rooms** | | Up to 12m (Four Storeys) | 6.0m | 3.0m | | Up to 25m (5-8 storeys) | 9.0m | 4.5m | | Over 25m (9+ storeys) | 12.0m | 6.0m |   **Note:** Separation distances between buildings on the same site should combine required building separations depending on the type of room (see **Figure 3F.2**).  Gallery access circulation should be treated as habitable space when measuring privacy separation distances between neighbouring properties. | The development is within the 12m height requirement. Accordingly, a 6m separation distance is required between habitable rooms and balconies and a 3m distance between non-habitable rooms is required.  The buildings along the northern and eastern boundaries achieve the minimum 6m setback.  Along the southern boundary, the minimum distance to the boundary is 3.9m. Whilst this is less than the 6m standard, the southern site boundary faces towards a pedestrian walkway which is over 17m in width. As such, the distance between the development and the adjoining development to the site exceeds 6m. Given this, the setbacks to the southern boundary are considered acceptable.  The minimum setback to the western boundary is 4.2m. This boundary faces towards McFarlane Drive to the west which is a thoroughfare. The setbacks to the western boundary are not considered to impact on adjoining properties and are acceptable. | Compliant | |
| **Objective 3F-2** Site and building design elements increase privacy without compromising access to light and air and balance outlook and views from habitable rooms and private open space. | | |
| **Design Guidance** | **Comment** | **Compliance** | |
| Communal open space, common areas and access paths should be separated from private open space and windows to apartments, particularly habitable room windows. Design solutions may include:   * setbacks * solid or partially solid balustrades to balconies at lower levels * fencing and/or trees and vegetation to separate spaces * screening devices * bay windows or pop out windows to provide privacy in one direction and outlook in another * raising apartments/private open space above the public domain or communal open space * planter boxes incorporated into walls and balustrades to increase visual separation * pergolas or shading devices to limit overlooking of lower apartments or private open space * on constrained sites where it can be demonstrated that building layout opportunities are limited, fixed louvres or screen panels to windows and/or balconies. | The communal open space area is separated from the windows to apartments and private open space by planting and internal circulation routes. | Compliant | |
| Bedrooms, living spaces and other habitable rooms should be separated from gallery access and other open circulation space by the apartment’s service areas. | Due to the layout of the units, bedrooms are adjacent to the gallery access. However, given the small number of units that are accessed from each gallery level (maximum eight units) the access arrangements are considered acceptable. | Not compliant but acceptable | |
| Balconies and private terraces should be located in front of living rooms to increase internal privacy. | Balconies and terraces are located in front of living rooms. | Compliant | |
| Windows should be offset from the windows of adjacent buildings. | Due to the orientation of the buildings, all windows are offset between blocks | Compliant | |
| Recessed balconies and/or vertical fins should be used between adjacent balconies. | Adjacent balconies and terraces are separated by a solid partition. | Compliant | |
| **3G Pedestrian Access and Entries** | | |
| **Objective 3G-1** Building entries and pedestrian access connects to and addresses the public domain. | | |
| **Design Guidance** | **Comment** | **Compliance** | |
| Multiple entries (including communal building entries and individual ground floor entries) should be provided to activate the street edge. | Individual ground floor entries are provided.along the street frontages for ground floor units. | Compliant | |
| Entry locations relate to the street and subdivision pattern and the existing pedestrian network. | The provision of multiple individual entries to units from street level is consistent with street activation best practice. | Compliant | |
| Building entries should be clearly identifiable and communal entries should be clearly distinguishable from private entries. | All building entries are clearly identified. | Compliant | |
| Where street frontage is limited and multiple buildings are located on the site, a primary street address should be provided with clear sight lines and pathways to secondary building entries. | Street frontage is not limited. | Compliant | |
| **Objective 3G-2** Access, entries and pathways are accessible and easy to identify. | | |
| **Design Guidance** | **Comment** | **Compliance** | |
| Building access areas including lift lobbies, stairwells and hallways should be clearly visible from the public domain and communal spaces. | The building access points that are located in the central communal open space and are clearly visible from the communal space. | Compliant | |
| The design of ground floors and underground car parks minimise level changes along pathways and entries. | The development includes a basement car park with access from McFarlane Avenue to the east. Due to the topography of the site which has a small slope from the southwest to northeast of the site, level changes are minimised. | Compliant | |
| Steps and ramps should be integrated into the overall building and landscape design. | All proposed steps and ramps are integrated into the overall building and landscaping design. | Compliant | |
| For large developments ‘way finding’ maps should be provided to assist visitors and residents (see **Figure 4T.3**). | Signage is proposed to be integrated into the overall building and landscaping design. | Compliant | |
| For large developments electronic access and audio/video intercom should be provided to manage access. | Electronic access is proposed to be used. | Compliant | |
| **Objective 3G-3** Large sites provide pedestrian links for access to streets and connection to destinations. | | |
| **Design Guidance** | **Comment** | **Compliance** | |
| Pedestrian links through sites facilitate direct connections to open space, main streets, centres and public transport. | The development includes seven pedestrian access points through the development that will link the eastern and western sides of the site with surrounding residential and commercial areas surrounding the site. | Compliant | |
| Pedestrian links should be direct, have clear sight lines, be overlooked by habitable rooms or private open spaces of dwellings, be well lit and contain active uses, where appropriate. | The proposed pedestrian links have clear sight lines, are overlooked by habitable rooms and will be well lit as demonstrated by the submitted lighting plan. The pedestrian links pass through the communal open space area which contains active uses. | Compliant | |
| **3H Vehicle Access** | | |
| **Objective 3H-1** Vehicle access points are designed and located to achieve safety, minimise conflicts between pedestrians and vehicles and create high quality streetscapes. | | |
| **Design Guidance** | **Comment** | **Compliance** | |
| Car park access should be integrated with the building’s overall facade. Design solutions may include:   * the materials and colour palette to minimise visibility from the street * security doors or gates at entries that minimise voids in the facade * where doors are not provided, the visible interior reflects the facade design and the building services, pipes and ducts are concealed. | The car park access is integrated with the façade of Building four and is not a primary visual component of the building façade | Compliant | |
| Car park entries should be located behind the building line. | The car park entry is located behind the building line of Building four. | Compliant | |
| Vehicle entries should be located at the lowest point of the site minimising ramp lengths, excavation and impacts on the building form and layout. | The vehicle entry is located at the lowest point of the site. | Compliant | |
| Car park entry and access should be located on secondary streets or lanes where available. | There are no secondary streets or lanes surrounding the site however the access point is considered suitable given the site topography. | Compliant | |
| Vehicle standing areas that increase driveway width and encroach into setbacks should be avoided. | The driveway entrance is sufficient in length to avoid having to accommodate standing vehicles on the driveway. | Compliant | |
| Access point locations should avoid headlight glare to habitable rooms. | The vehicular access point will not result in headlight glare to habitable rooms due to the use of solid balustrading and building design of the affected building (building four). | Compliant | |
| Adequate separation distances should be provided between vehicle entries and street intersections. | Adequate separation distances are proposed. | Compliant | |
| The width and number of vehicle access points should be limited to the minimum. | The development proposes a single vehicle ingress and egress point. | Compliant | |
| Visual impact of long driveways should be minimised through changing alignments and screen planting. | Planting is proposed along the northern and southern edges of the driveway, minimising it’s impact | Compliant | |
| The need for large vehicles to enter or turn around within the site should be avoided. | The need for larger vehicles to enter or turn around within the site is avoided as servicing and waste pickup will occur from McFarlane Avenue. | Compliant | |
| Garbage collection, loading and servicing areas are screened. | Two enclosed waste storage rooms are proposed within the development. | Compliant | |
| Clear sight lines should be provided at pedestrian and vehicle crossings. | All pedestrian and vehicular crossings have clear sight lines. | Compliant | |
| Traffic calming devices such as changes in paving material or textures should be used where appropriate. | No traffic calming measures are proposed or considered necessary. | n/a | |
| Pedestrian and vehicle access should be separated and distinguishable. Design solutions may include:   * changes in surface materials * level changes * the use of landscaping for separation. | Pedestrian and vehicular access points are separated by a change in levels, landscaping and building design. | Compliant | |
| **3J Bicycle and Car Parking** | | |
| **Objective 3J-1** Car parking is provided based on proximity to public transport in metropolitan Sydney and centres in regional areas. | | |
| **Design Criteria** | **Comment** | **Compliance** | |
| For development in the following locations:   * on sites that are within 800 metres of a railway station or light rail stop in the Sydney Metropolitan Area; or * on land zoned, and sites within 400 metres of land zoned, B3 Commercial Core, B4 Mixed Use or equivalent in a nominated regional centre.   The minimum car parking requirement for residents and visitors is set out in the Guide to Traffic Generating Developments, or the car parking requirement prescribed by the relevant council, whichever is less.  The car parking needs for a development must be provided off street. | Each unit is provided with basement car parking to meet the requirements of Part 7 of the GDCP.  Individual lifts and stairwell cores provide access to each building.  A total of 233 resident parking spaces, 28 visitor parking spaces are provided.  Each unit is provided with additional storage space within the basement carpark. | Compliant | |
| **Objective 3J-2** Parking and facilities are provided for other modes of transport | | |
| **Design Guidance** | **Comment** | **Compliance** | |
| Conveniently located and sufficient numbers of parking spaces should be provided for motorbikes and scooters. | Motorcycle parking for 15 motorbikes is provided in the basement. | Compliant | |
| Secure undercover bicycle parking should be provided that is easily accessible from both the public domain and common areas. | Bicycle parking is provided in the basement. | Compliant | |
| Conveniently located charging stations are provided for electric vehicles, where desirable. | The development does not propose vehicle charging stations. | n/a | |
| **Objective 3J-3** Car park design and access is safe and secure | | |
| **Design Guidance** | **Comment** | **Compliance** | |
| Supporting facilities within car parks, including garbage, plant and switch rooms, storage areas and car wash bays can be accessed without crossing car parking spaces. | Relevant supporting facilities including storage cages are located at the rear of the car parking spaces for each unit. Each unit is provided with designated car parking spaces and storage cages. | Not compliant but acceptable | |
| Direct, clearly visible and well lit access should be provided into common circulation areas. | Direct, clear access will be provided to the lift and stair cores for each building from the basement car park. | Compliant | |
| A clearly defined and visible lobby or waiting area should be provided to lifts and stairs. | Building lobbies are spread evenly throughout the basement. Lobbies can be accessed without crossing car park spaces. | Compliant | |
| For larger car parks, safe pedestrian access should be clearly defined and circulation areas have good lighting, colour, line marking and/or bollards. | The basement carpark will include sufficient lighting and signage to ensure safe pedestrian access as demonstrated by the submitted lighting plan. | Compliant | |
| **Objective 3J-4** Visual and environmental impacts of underground car parking are minimised. | | |
| **Design Guidance** | **Comment** | **Compliance** | |
| Excavation should be minimised through efficient car park layouts and ramp design. | The basement car parking area minimises excavation by providing the access point at a lower part of the site. | Compliant | |
| Car parking layout should be well organised, using a logical, efficient structural grid and double loaded aisles. | The car parking layout is considered to be well organised. | Compliant | |
| Protrusion of car parks should not exceed 1m above ground level. Design solutions may include stepping car park levels or using split levels on sloping sites. | The car park does not extrude above ground. | Compliant | |
| Natural ventilation should be provided to basement and sub basement car parking areas. | Natural ventilation is proposed for the car park. | Compliant | |
| Ventilation grills or screening devices for car parking openings should be integrated into the facade and landscape design. | Ventilation grills will be provided within the building façade. | Compliant | |
| **Objective 3J-5** Visual and environmental impacts of on-grade car parking are minimised | | |
| **Design Guidance** | **Comment** | **Compliance** | |
| On-grade car parking should be avoided. | On-grade car parking is not proposed. | Compliant | |
| Where on-grade car parking is unavoidable, the following design solutions are used:   * parking is located on the side or rear of the lot away from the primary street frontage * cars are screened from view of streets, buildings, communal and private open space areas * safe and direct access to building entry points is provided * parking is incorporated into the landscape design of the site, by extending planting and materials into the car park space * stormwater run-off is managed appropriately from car parking surfaces * bio-swales, rain gardens or on site detention tanks are provided, where appropriate * light coloured paving materials or permeable paving systems are used and shade trees are planted between every 4-5 parking spaces to reduce increased surface temperatures from large areas of paving. | N/A | N/A | |

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## Table 4: SEPP 65 - Apartment Design Guide Part Four – Designing the Building

|  |  |  |
| --- | --- | --- |
| 1. **Apartment Design Guide Part Four – Designing the Building** | | |
| **4A Solar and Daylight Access** | | |
| **Objective 4A-1** To optimise the number of apartments receiving sunlight to habitable rooms, primary windows and private open space. | | |
| **Design Criteria** | **Comment** | **Compliance** |
| Living rooms and private open spaces of at least 70% of apartments in a building receive a minimum of 2 hours direct sunlight between 9 am and 3 pm at mid-winter in the Sydney Metropolitan Area and in the Newcastle and Wollongong local government areas. | N/A | N/A |
| In all other areas, living rooms and private open spaces of at least 70% of apartments in a building receive a minimum of 3 hours direct sunlight between 9 am and 3 pm at mid-winter. | 72% of living rooms and 71% of private open space (POS) areas receive at least three hours sunlight. | Compliant |
| A maximum of 15% of apartments in a building receive no direct sunlight between 9 am and 3 pm at mid winter. | 8% of units receive no direct sunlight to their living rooms and 7% receive no direct sunlight to their POS. | Compliant |
| **Objective 4A-2** Daylight access is maintained where sunlight is limited. | | |
| **Design Guidance** | **Comment** | **Compliance** |
| Courtyards, skylights and high level windows (with sills of 1,500mm or greater) are used only as a secondary light source in habitable rooms. | Skylights and high-level windows are used as secondary light sources in select units throughout the development | Compliant |
| Where courtyards are used :   * use is restricted to kitchens, bathrooms and service areas * building services are concealed with appropriate detailing and materials to visible walls * courtyards are fully open to the sky * access is provided to the light well from a communal area for cleaning and maintenance * acoustic privacy, fire safety and minimum privacy separation distances (see section 3F Visual privacy) are achieved. | Courtyards are not used for lighting. | N/A |
| Opportunities for reflected light into apartments are optimised through:   * reflective exterior surfaces on buildings opposite south facing windows * positioning windows to face other buildings or surfaces (on neighbouring sites or within the site) that will reflect light * integrating light shelves into the design * light coloured internal finishes. | Reflected light is not proposed. | N/A |
| **Objective 4A-3** Design incorporates shading and glare control, particularly for warmer months. | | |
| **Design Guidance** | **Comment** | **Compliance** |
| A number of the following design features are used:   * balconies or sun shading that extend far enough to shade summer sun, but allow winter sun to penetrate living areas * shading devices such as eaves, awnings, balconies, pergolas, external louvres and planting * horizontal shading to north facing windows * vertical shading to east and particularly west facing windows * operable shading to allow adjustment and choice * high performance glass that minimises external glare off windows, with consideration given to reduced tint glass or glass with a reflectance level below 20% (reflective films are avoided). | The building design includes deep recesses that act as a shading device to living rooms and POS areas. In addition, the vertical blades on the upper levels of Buildings 1,2 and 3 also provide shading whilst balconies provide further shading to the unit below. | Compliant |
| **4B Natural Ventilation** | | |
| **Objective 4B-1** All habitable rooms are naturally ventilated. | | |
| **Design Guidance** | **Comment** | **Compliance** |
| The building's orientation maximises capture and use of prevailing breezes for natural ventilation in habitable rooms. | All units have a dual aspect, ensuring the capturing and use of prevailing breezes. | Compliant |
| Depths of habitable rooms support natural ventilation. | All habitable rooms within the development are of a dimension that will support natural ventilation. | Compliant |
| The area of unobstructed window openings should be equal to at least 5% of the floor area served. | Due to the dual aspect nature of the units, each unit has an area of unobstructed window openings in excess of 5% of the floor area served. | Compliant |
| Light wells are not the primary air source for habitable rooms. | No light wells are proposed | N/A |
| Doors and openable windows maximise natural ventilation opportunities by using the following design solutions:   * adjustable windows with large effective openable areas * a variety of window types that provide safety and flexibility such as awnings and louvres * windows which the occupants can reconfigure to funnel breezes into the apartment such as vertical louvres, casement windows and externally opening doors. | The doors and openable windows are considered to maximise natural ventilation opportunities. | Compliant |
| **Objective 4B-2** The layout and design of single aspect apartments maximises natural ventilation. | | |
| **Design Guidance** | **Comment** | **Compliance** |
| Apartment depths are limited to maximise ventilation and airflow (see also **Figure 4D.3**). | Unit depths have been limited to maximise ventilation and airflow. | Compliant |
| Natural ventilation to single aspect apartments is achieved with the following design solutions:   * primary windows are augmented with plenums and light wells (generally not suitable for cross ventilation) * stack effect ventilation / solar chimneys or similar to naturally ventilate internal building areas or rooms such as bathrooms and laundries * courtyards or building indentations have a width to depth ratio of 2:1 or 3:1 to ensure effective air circulation and avoid trapped smells. | N/A | N/A |
| **Objective 4B-3** The number of apartments with natural cross ventilation is maximised to create a comfortable indoor environment for residents. | | |
| **Design Criteria** | **Comment** | **Compliance** |
| At least 60% of apartments are naturally cross ventilated in the first nine storeys of the building. Apartments at ten storeys or greater are deemed to be cross ventilated only if any enclosure of the balconies at these levels allows adequate natural ventilation and cannot be fully enclosed. | 100% of units have a dual aspect and are naturally cross ventilated. | Compliant |
| Overall depth of a cross-over or cross-through apartment does not exceed 18m, measured glass line to glass line. | N/A | N/A |
| **4C Ceiling Heights** | | |
| **Objective 4C-1** Ceiling height achieves sufficient natural ventilation and daylight access. | | |
| **Design Criteria** | **Comment** | **Compliance** |
| Measured from finished floor level to finished ceiling level, minimum ceiling heights are:   |  |  | | --- | --- | | **Minimum ceiling height for apartment and mixed use buildings** | | | Habitable Rooms | 2.7m | | Non-Habitable | 2.4m | | For Two Storey Apartments | 2.7m for main living area floor  2.4m for second floor, where its area does not exceed 50% of the apartment area | | Attic Spaces | 1.8m at edge of room with a 30 degree minimum ceiling slope | | If located in mixed used areas | 3.3m for ground and first floor to promote future flexibility of use |   These minimums do not preclude higher ceilings if desired. | All two storey units have a ceiling height of 2.7m in the living area whilst the second floor of these units has a ceiling height of 2.4m. The second floor makes up no more than 47% of the unit area.  All single storey units have a 2.7m ceiling height to habitable rooms and a 2.4m ceiling height to non-habitable rooms. | Compliant |
| **4D Apartment Size and Layout** | | |
| **Objective 4D-1** The layout of rooms within an apartment is functional, well organised and provides a high standard of amenity. | | |
| **Design Criteria** | **Comment** | **Compliance** |
| Apartments are required to have the following minimum internal areas:   |  |  | | --- | --- | | **Apartment Type** | **Minimum Internal Area** | | Studio | 35m2 | | One Bedroom | 50m2 | | Two Bedroom | 70m2 | | Three Bedroom | 90m2 |   The minimum internal areas include only one bathroom. Additional bathrooms increase the minimum internal area by 5m2 each.  A fourth bedroom and further additional bedrooms increase the minimum internal area by 12m2 each. | The units have the following sizes in compliance with this control:  One bedroom: 50 m2 – 63 m2  Two bedroom: 75 m2 – 119 m2  Three bedroom: 129 m2 – 140 m2 | Compliant |
| Every habitable room must have a window in an external wall with a total minimum glass area of not less than 10% of the floor area of the room. Daylight and air may not be borrowed from other rooms. | All habitable rooms have a window to an external wall with a minimum glass area of 10% of the floor area except for the studio unit type AP-G.  AP-G is a studio unit and utilises borrowed light and ventilation in accordance with the BCA. In total, there are only two units of this type in the development.  Given the small extent of these units and the fact they are in accordance with the BCA they are considered acceptable. | Non-compliant but acceptable |
| **Objective 4D-2** Environmental performance of the apartment is maximised. | | |
| **Design Criteria** | **Comment** | **Compliance** |
| Habitable room depths are limited to a maximum of 2.5 x the ceiling height. | The development is compliant in respect of this control. | Compliant |
| In open plan layouts (where the living, dining and kitchen are combined) the maximum habitable room depth is 8m from a window. | All units are within the maximum habitable room depth as prescribed by this control. | Compliant |
| **Objective 4D-3** Apartment layouts are designed to accommodate a variety of household activities and needs. | | |
| **Design Criteria** | **Comment** | **Compliance** |
| Master bedrooms have a minimum area of 10m2 and other bedrooms 9m2 (excluding wardrobe space). | All master bedrooms have an area greater than 10m² apart from unit type AP-Type-B which has an area of 9.88m². This applies to 29 units. Given the minor variation this is considered acceptable. | Not compliant but acceptable |
| Bedrooms have a minimum dimension of 3m (excluding wardrobe space). | All bedrooms have a minimum dimension of 3m | Compliant |
| Living rooms or combined living/dining rooms have a minimum width of:   * 3.6m for studio and 1 bedroom apartments * 4m for 2 and 3 bedroom apartments. | All living rooms and combined living/dining rooms achieve the minimum widths. | Compliant |
| The width of cross-over or cross-through apartments are at least 4m internally to avoid deep narrow apartment layouts. | N/A | N/A |
| **4E Private Open Space and Balconies.** | | |
| **Objective 4E-1** Apartments provide appropriately sized private open space and balconies to enhance residential amenity. | | |
| **Design Criteria** | **Comment** | **Compliance** |
| All apartments are required to have primary balconies as follows:   |  |  |  | | --- | --- | --- | | **Dwelling Type** | **Minimum Area** | **Minimum Depth** | | Studio Apartment | 4.0m2 | - | | One Bedroom Apartment | 8.0m2 | 2.0m | | Two Bedroom Apartment | 10.0m2 | 2.0m | | Three Bedroom Apartment | 12.0m2 | 2.4m |   The minimum balcony depth to be counted as contributing to the balcony area is 1m. | All but eight units achieve in excess of the minimum POS areas. The non-compliant units are as follows:   |  |  | | --- | --- | | **Unit** | **POS dimension** | | U1.09 | 1.95m | | U1.09 | 1.95m | | U4.17 | 1.5m | | U4.18 | 1.5m | | U4.29 | 1.5m | | U4.30 | 1.5m | | U4.31 | 1.5m | | U4.32 | 1.5m |   Given the minor nature of the non-compliances and the provision of communal open space, the non-compliances are considered acceptable. | Non compliant but acceptable |
| For apartments at ground level or on a podium or similar structure, a private open space is provided instead of a balcony. It must have a minimum area of 15m2 and a minimum depth of 3.0m. | All units at ground level are provided with a POS that achieves the required dimensions. | Compliant |
| **Design Guidance** | **Comment** | **Compliance** |
| Increased communal open space should be provided where the number or size of balconies are reduced. | N/A | N/A |
| **Objective 4E-2** Primary private open space and balconies are appropriately located to enhance liveability for residents. | | |
| **Design Guidance** | **Comment** | **Compliance** |
| Primary open space and balconies should be located adjacent to the living room, dining room or kitchen to extend the living space. | Primary open space areas and balconies are located adjacent to living/dining/kitchens. | Compliant |
| Private open spaces and balconies predominantly face north, east or west. | All POS areas and balconies face either north, east or west. | Compliant |
| Primary open space and balconies should be orientated with the longer side facing outwards or be open to the sky to optimise daylight access into adjacent rooms. | All private open space and balconies are orientated with the longer side facing outwards. | Compliant |
| **Objective 4E-3** Private open space and balcony design is integrated into and contributes to the overall architectural form and detail of the building. | | |
| **Design Guidance** | **Comment** | **Compliance** |
| Solid, partially solid or transparent fences and balustrades are selected to respond to the location. They are designed to allow views and passive surveillance of the street while maintaining visual privacy and allowing for a range of uses on the balcony. Solid and partially solid balustrades are preferred. | Given the variation in topography and environment around the site, the development proposes a combination of fencing, landscaping and solid balustrades. On the ground level units, transparent fencing and landscaping is preferred due to safety concerns whilst on the upper floors solid balustrades are proposed. | Compliant |
| Full width full height glass balustrades alone are generally not desirable. | N/A | N/A |
| Projecting balconies should be integrated into the building design and the design of soffits considered. | Projected balconies are integrated into the building design. | Compliant |
| Downpipes and balcony drainage are integrated with the overall facade and building design. | Downpipes and balcony drainage are integrated with the overall façade and building design. | Compliant |
| Air-conditioning units should be located on roofs, in basements, or fully integrated into the building design. | Air conditioning units will be provided in a mixture of roof top areas and balconies and will be fully integrated into the building design. | Compliant |
| **Objective 4E-4** Private open space and balcony design maximises safety. | | |
| **Design Guidance** | **Comment** | **Compliance** |
| Changes in ground levels or landscaping are minimised. | The topography of the site means there are changes in levels throughout. Where possible, it is considered that the development has minimised ground level changes through the use of landscaping in the communal open space area. | Compliant |
| Design and detailing of balconies avoids opportunities for climbing and falls. | The development includes a CPTED Report which assesses the potential safety risks in the development including climbable surfaces. The balustrades proposed for upper-level balconies are solid and do not create the opportunity for climbing. A condition of consent is provided to ensure compliant with the recommendations of the CPTED report. | Compliant |
| **4F Common Circulation and Spaces** | | |
| **Objective 4F-1** Common circulation spaces achieve good amenity and properly service the number of apartments. | | |
| **Design Criteria** | **Comment** | **Compliance** |
| The maximum number of apartments off a circulation core on a single level is eight. | The development proposes nine units off a circulation core, resulting in an exceedance of one unit.  The objective of this criteria is to achieve good amenity and proper access service to the units. The external circulation walkways facing the communal open space area are the core design element of the development. This is to increase the resident’s interaction with each other and the communal open space area, as well as providing passive surveillance across the development.  The development is therefore considered to be compliant with the objective of the criteria and is considered acceptable. | Not compliant but acceptable |
| For buildings of 10 storeys and over, the maximum number of apartments sharing a single lift is 40. | N/A | N/A |
| **Objective 4F-2** Common circulation spaces promote safety and provide for social interaction between residents. | | |
| **Design Guidance** | **Comment** | **Compliance** |
| Direct and legible access should be provided between vertical circulation points and apartment entries by minimising corridor or gallery length to give short, straight, clear sight lines. | Corridors to each unit are minimised, providing short, straight and clear sight lines. | Compliant |
| Tight corners and spaces are avoided. | The layout of circulation spaces ensures that tight corners and spaces are avoided | Compliant |
| Circulation spaces should be well lit at night. | The development includes a lighting plan which confirms that circulation spaces will be well lit. | Compliant |
| Legible signage should be provided for apartment numbers, common areas and general wayfinding. | The development proposes signage throughout. | Compliant |
| Incidental spaces, for example space for seating in a corridor, at a stair landing, or near a window are provided. | The development provides incidental spaces throughout the communal open space area. | Compliant |
| In larger developments, community rooms for activities such as owners corporation meetings or resident use should be provided and are ideally co-located with communal open space. | The development is not of such scale to require a communal room. | Compliant |
| Where external galleries are provided, they are more open than closed above the balustrade along their length. | The development includes external gallery access corridors which are more open than closed. | Compliant |
| **4G Storage** | | |
| **Objective 4G-1** Adequate, well designed storage is provided in each apartment. | | |
| **Design Criteria** | **Comment** | **Compliance** |
| In addition to storage in kitchens, bathrooms and bedrooms, the following storage is provided:   |  |  | | --- | --- | | **Dwelling Type** | **Storage Size Volume** | | Studio Apartment | 4.0m3 | | One Bedroom Apartment | 6.0m3 | | Two Bedroom Apartment | 8.0m3 | | Three Bedroom Apartment | 10.0m3 |   At least 50% of the required storage is to be located within the apartment. | A compliant level of storage is provided in each unit in accordance with this control. In addition to the compliant internal storage, a further area of storage is provided in storage cages in the basement car parking area. | Compliant |
| **Design Guidance** | **Comment** | **Compliance** |
| Storage is accessible from either circulation or living areas. | Storage for each unit is accessible from either circulation or living areas. | Compliant |
| Storage provided on balconies (in addition to the minimum balcony size) is integrated into the balcony design, weather proof and screened from view from the street. | N/A | N/A |
| Left over space such as under stairs is used for storage. | N/A | N/A |
| **Objective 4G-2** Additional storage is conveniently located, accessible and nominated for individual apartments. | | |
| **Design Guidance** | **Comment** | **Compliance** |
| Storage not located in apartments is secure and clearly allocated to specific apartments. | The development includes storage cages in the basement carpark that are allocated to each unit. | Compliant |
| Storage space in internal or basement car parks is provided at the rear or side of car spaces or in cages so that allocated car parking remains accessible. | The basement storage is provided in cages behind car parking spaces. | Compliant |
| **4H Acoustic Privacy** | | |
| **Objective 4H-1** Noise transfer is minimised through the siting of buildings and building layout. | | |
| **Design Guidance** | **Comment** | **Compliance** |
| Adequate building separation is provided within the development and from neighbouring buildings/adjacent uses (see also **Section 2F Building Separation** and **Section 3F Visual Privacy**). | As discussed previously, adequate building separation is proposed. | Compliant |
| Window and door openings are generally orientated away from noise sources. | Window and door openings are orientated away from noise sources. | Compliant |
| **Objective 4H-2** Noise impacts are mitigated within apartments through layout and acoustic treatments. | | |
| **Design Guidance** | **Comment** | **Compliance** |
| Internal apartment layout separates noisy spaces from quiet spaces, using a number of the following design solutions:   * rooms with similar noise requirements are grouped together * doors separate different use zones * wardrobes in bedrooms are co-located to act as sound buffers. | The layout of the apartments are considered to minimise potential for noise impacts as rooms are appropriately separated and living functions are grouped together. | Compliant |
| Where physical separation cannot be achieved noise conflicts are resolved using the following design solutions:   * double or acoustic glazing * acoustic seals * use of materials with low noise penetration properties * continuous walls to ground level courtyards where they do not conflict with streetscape or other amenity requirements. | N/A | N/A |
| **4J Noise and Pollution** | | |
| **Objective 4J-1** In noisy or hostile environments the impacts of external noise and pollution are minimised through the careful siting and layout of buildings. | | |
| **Design Guidance** | **Comment** | **Compliance** |
| To minimise impacts the following design solutions may be used:   * physical separation between buildings and the noise or pollution source * residential uses are located perpendicular to the noise source and where possible buffered by other uses * non-residential buildings are sited to be parallel with the noise source to provide a continuous building that shields residential uses and communal open spaces * non-residential uses are located at lower levels vertically separating the residential component from the noise or pollution source. Setbacks to the underside of residential floor levels should increase relative to traffic volumes and other noise sources * buildings should respond to both solar access and noise. Where solar access is away from the noise source, non-habitable rooms can provide a buffer * where solar access is in the same direction as the noise source, dual aspect apartments with shallow building depths are preferable (see **Figure 4J.4**) * landscape design reduces the perception of noise and acts as a filter for air pollution generated by traffic and industry. | The development proposes the use of setbacks and double glazing in order to minimise any external noise impacts. This is considered to be sufficient to minimise these impacts given the development is not in close proximity to significant noise generating uses. | Compliant |
| **Objective 4J-2** Appropriate noise shielding or attenuation techniques for the building design, construction and choice of materials are used to mitigate noise transmission. | | |
| **Design Guidance** | **Comment** | **Compliance** |
| Design solutions to mitigate noise include:   * limiting the number and size of openings facing noise sources * providing seals to prevent noise transfer through gaps * using double or acoustic glazing, acoustic louvres or enclosed balconies (wintergardens) * using materials with mass and/or sound insulation or absorption properties e.g. solid balcony balustrades, external screens and soffits. | The development includes double glazing in addition to materials with sound insulation in accordance with the BCA. | Compliant |
| **4K Apartment Mix** | | |
| **Objective 4K-1** A range of apartment types and sizes is provided to cater for different household types now and into the future. | | |
| **Design Guidance** | **Comment** | **Compliance** |
| A variety of apartment types is provided. | The development proposes a combination units types with a range of bedrooms.  The following mix of units is proposed:  One bedroom – 43  Two bedroom – 47  Three bedroom – 26  Four bedroom - 22 | Compliant |
| The apartment mix is appropriate, taking into consideration:   * the distance to public transport, employment and education centres * the current market demands and projected future demographic trends * the demand for social and affordable housing * different cultural and socioeconomic groups. | The development provides a mix of units that is considered to respond to current and future demographic trends. | Compliant |
| Flexible apartment configurations are provided to support diverse household types and stages of life including single person households, families, multi-generational families and group households. | The development proposes a range of flexible unit configurations from studio units to four bedroom units. | Compliant |
| **Objective 4K-2** The apartment mix is distributed to suitable locations within the building. | | |
| **Design Guidance** | **Comment** | **Compliance** |
| Different apartment types are located to achieve successful facade composition and to optimise solar access (see **Figure 4K.3**). | The overall façade composition is successful given the mix of units whilst each unit maximises solar access. | Compliant |
| Larger apartment types are located on the ground or roof level where there is potential for more open space and on corners where more building frontage is available. | The larger family orientated two story units (three & four bedroom units) are located at ground level on Gorman Drive and McFarlane Avenue. | Compliant |
| **4L Ground Floor Apartments** | | |
| **Objective 4L-1** Street frontage activity is maximised where ground floor apartments are located. | | |
| **Design Guidance** | **Comment** | **Compliance** |
| Direct street access should be provided to ground floor apartments. | All ground level units have direct access to the street. | Compliant |
| Activity is achieved through front gardens, terraces and the facade of the building. Design solutions may include:   * both street, foyer and other common internal circulation entrances to ground floor apartments * private open space is next to the street * doors and windows face the street. | The development provides for ground level units with direct street access in addition to front gardens at street level. | Compliant |
| Retail or home office spaces should be located along street frontages. | N/A | N/A |
| Ground floor apartment layouts support small office home office (SOHO) use to provide future opportunities for conversion into commercial or retail areas. In these cases provide higher floor to ceiling heights and ground floor amenities for easy conversion. | N/A | N/A |
| **Objective 4L-2** Design of ground floor apartments delivers amenity and safety for residents. | | |
| **Design Guidance** | **Comment** | **Compliance** |
| Privacy and safety should be provided without obstructing casual surveillance. Design solutions may include:   * elevation of private gardens and terraces above the street level by 1-1.5m (see **Figure 4L.4**) * landscaping and private courtyards * window sill heights that minimise sight lines into apartments * integrating balustrades, safety bars or screens with the exterior design. | The ground level units include raised landscaping, privacy fencing and passive surveillance features to provide for privacy and safety. | Compliant |
| Solar access should be maximised through:   * high ceilings and tall windows * trees and shrubs that allow solar access in winter and shade in summer. | As previously assessed, the units receive an acceptable level of solar access. | Compliant |
| **4M Facades** | | |
| **Objective 4M-1** Building facades provide visual interest along the street while respecting the character of the local area. | | |
| **Design Guidance** | **Comment** | **Compliance** |
| Design solutions for front building facades may include:   * a composition of varied building elements * a defined base, middle and top of buildings * revealing and concealing certain elements * changes in texture, material, detail and colour to modify the prominence of elements. | The front facades including a range of varied building elements, materials and colours. | Compliant |
| Building services should be integrated within the overall façade. | All building services are integrated within the overall façade. | Compliant |
| Building facades should be well resolved with an appropriate scale and proportion to the streetscape and human scale. Design solutions may include:   * well composed horizontal and vertical elements * variation in floor heights to enhance the human scale * elements that are proportional and arranged in patterns * public artwork or treatments to exterior blank walls * grouping of floors or elements such as balconies and windows on taller buildings. | The building façade is considered to be well resolved with a suitable combination of solid and void elements and a mixture of materials and colours. The development is less than 12m in height which is considered to be of a human scale. | Compliant |
| **Objective 4M-2** Building functions are expressed by the façade. | | |
| **Design Guidance** | **Comment** | **Compliance** |
| Building entries should be clearly defined. | The building entries at ground level are clearly defined by landscaping and level changes whilst the entries to the upper floors in the communal open space area are defined through architectural detailing and landscaping. | Compliant |
| **4N Roof Design** | | |
| **Objective 4N-1** Roof treatments are integrated into the building design and positively respond to the street. | | |
| **Design Guidance** | **Comment** | **Compliance** |
| Roof design relates to the street. Design solutions may include:   * special roof features and strong corners * use of skillion or very low pitch hipped roofs * breaking down the massing of the roof by using smaller elements to avoid bulk * using materials or a pitched form complementary to adjacent buildings. | The development proposes a relatively flat roof profile which is considered appropriate for the design of the development. | Compliant |
| **Objective 4N-2** Opportunities to use roof space for residential accommodation and open space are maximised. | | |
| **Design Guidance** | **Comment** | **Compliance** |
| Habitable roof space should be provided with good levels of amenity. Design solutions may include:   * penthouse apartments * dormer or clerestory windows * openable skylights. | Due to the flat nature of the roof areas, no habitable areas are provided at roof level. | N/A |
| Open space is provided on roof tops subject to acceptable visual and acoustic privacy, comfort levels, safety and security considerations. | N/A | N/A |
| **Objective 4N-3** Roof design incorporates sustainability features. | | |
| **Design Guidance** | **Comment** | **Compliance** |
| Roof design maximises solar access to apartments during winter and provides shade during summer. Design solutions may include:   * the roof lifts to the north * eaves and overhangs shade walls and windows from summer sun. | The roof design allows for sunlight penetration to the central communal open space area and the units. | Compliant |
| Skylights and ventilation systems should be integrated into the roof design. | All services including ventilation will be integrated into the building design. | Compliant |
| **4O Landscape Design** | | |
| **Objective 4O-1** Landscape design is viable and sustainable. | | |
| **Design Guidance** | **Comment** | **Compliance** |
| Landscape design should be environmentally sustainable and can enhance environmental performance by incorporating:   * diverse and appropriate planting * bio-filtration gardens * appropriately planted shading trees * areas for residents to plant vegetables and herbs * composting * green roofs or walls. | The proposed landscape design incorporates a mix of native and deciduous species. Trees are proposed within the central communal space and along the boundaries where deep soil is most available.  The courtyard wdesign incorporates both hard and soft landscaping and sufficient planting area for residents to create microclimates. | Compliant |
| **Objective 40-2 Landscape design responds to the existing site conditions** | | |
| **Design Guidance** | **Comment** | **Compliance** |
| Landscape design responds to the existing site conditions including:   * changes of levels * views * significant landscape features including trees and rock outcrops. | The site is cleared of vegetation and contains no existing natural features. | n/a |
| Significant landscape features should be protected by:   * tree protection zones (see **Figure 4O.5**) * appropriate signage and fencing during construction. |  |  |
| **4P Planting on Structures** | | |
| **Objective 4P-1** Appropriate soil profiles are provided. | | |
| **Design Guidance** | **Comment** | **Compliance** |
| Structures are reinforced for additional saturated soil weight. | The development proposes planting on top of a basement car park. Details have been provided with the development application confirming that sufficient strength is available for the structure to hold the proposed planting. | Compliant |
| **4Q Universal Design** | | |
| **Objective 4Q-1** Universal design features are included in apartment design to promote flexible housing for all community members. | | |
| **Design Guidance** | **Comment** | **Compliance** |
| Developments achieve a benchmark of 20% of the total apartments incorporating the Livable Housing Guideline's silver level universal design features. | An access report has been submitted with the development application. The report confirms that 20% of the units meet the Livable Housing Guidelines. | Compliant |
| **Objective 4Q-2** A variety of apartments with adaptable designs are provided. | | |
| **Design Guidance** | **Comment** | **Compliance** |
| Adaptable housing should be provided in accordance with the relevant council policy. | 10% of units are adaptable. They are primarily on the ground floor level or close to lift access. Access to communal areas from adaptable housing is equitable. | Compliant |
| **Objective 4Q-3** Apartment layouts are flexible and accommodate a range of lifestyle needs. | | |
| **Design Guidance** | **Comment** | **Compliance** |
| Apartment design incorporates flexible design solutions which may include:   * rooms with multiple functions * dual master bedroom apartments with separate bathrooms * larger apartments with various living space options * open plan ‘loft’ style apartments with only a fixed kitchen, laundry and bathroom. | The proposed internal layouts are flexible and can cater for a range of lifestyles. Larger unit layouts mostly provide two living spaces over two stories. Large open plan living spaces in the units allow for individual styling and furniture positions. | Compliant |
| **4U Energy Efficiency** | | |
| **Objective 4U-1** Development incorporates passive environmental design. | | |
| **Design Guidance** | **Comment** | **Compliance** |
| Adequate natural light is provided to habitable rooms (see **4A Solar and Daylight Access**). | As previously assessed, adequate natural light is provided to habitable rooms. | Compliant |
| Well located, screened outdoor areas should be provided for clothes drying. | All units have POS areas in excess of the minimum requirements. Sufficient space is available outside for clothes drying. | Compliant |
| **Objective 4U-2** Development incorporates passive solar design to optimise heat storage in winter and reduce heat transfer in summer. | | |
| **Design Guidance** | **Comment** | **Compliance** |
| A number of the following design solutions are used:   * the use of smart glass or other technologies on north and west elevations * thermal mass in the floors and walls of north facing rooms is maximised * polished concrete floors, tiles or timber rather than carpet * insulated roofs, walls and floors and seals on window and door openings * overhangs and shading devices such as awnings, blinds and screens. | A BASIX Certificate is provided with the development application which confirms that passive design features are incorporated into the design including orientation of buildings, natural ventilation and insulation. | Compliant |
| **Objective 4U-3** Adequate natural ventilation minimises the need for mechanical ventilation. | | |
| **Design Guidance** | **Comment** | **Compliance** |
| A number of the following design solutions are used:   * rooms with similar usage are grouped together * natural cross ventilation for apartments is optimised * natural ventilation is provided to all habitable rooms and as many non-habitable rooms, common areas and circulation spaces as possible. | All units are dual aspect and will benefit from natural ventilation. | Compliant |
| **4V Water Management and Conservation** | | |
| **Objective 4V-2** Urban stormwater is treated on site before being discharged to receiving waters. | | |
| **Design Guidance** | **Comment** | **Compliance** |
| Water sensitive urban design systems are designed by a suitably qualified professional. | The development incorporates water efficiency measures as outlined in the submitted BASIX certificate. The development will be integrated into Googong reticulated water supply System. | Compliant |
| **Objective 4V-3** Flood management systems are integrated into site design. | | |
| **Design Guidance** | **Comment** | **Compliance** |
| Detention tanks should be located under paved areas, driveways or in basement car parks. | The development is proposed to discharge into the existing Googong Stormwater management System. | Compliant |
| **4W Waste Management** | | |
| **Objective 4W-1** Waste storage facilities are designed to minimise impacts on the streetscape, building entry and amenity of residents. | | |
| **Design Guidance** | **Comment** | **Compliance** |
| Adequately sized storage areas for rubbish bins should be located discreetly away from the front of the development or in the basement car park. | The development proposes two enclosed bin storage areas to the south-east and north-east of the site. These bin areas are adequately sized. | Compliant |
| Waste and recycling storage areas should be well ventilated. | The proposed waste storage areas will be naturally ventilated. | Compliant |
| Circulation design allows bins to be easily manoeuvred between storage and collection points. | The bins can be easily moved from the storage rooms to the kerbside collection areas. | Compliant |
| Temporary storage should be provided for large bulk items such as mattresses. | Storage is available in the storage cages for temporary bulky items. | Compliant |
| A waste management plan should be prepared. | A Waste Management Plan was submitted with the development application. | Compliant |
| **Objective 4W-2** Domestic waste is minimised by providing safe and convenient source separation and recycling. | | |
| **Design Guidance** | **Comment** | **Compliance** |
| All dwellings should have a waste and recycling cupboard or temporary storage area of sufficient size to hold two days worth of waste and recycling. | Each unit is provided with sufficient waste collection space within the kitchen. | Compliant |
| Communal waste and recycling rooms are in convenient and accessible locations related to each vertical core. | Communal waste facilities are provided at ground level in two waste storage areas. In addition, two smaller waste areas are provided at basement level in close proximity to the adaptable housing car parking spaces. | Compliant |

**Queanbeyan-Palerang Regional Local Environmental Plan 2022**

Section 4.15(1)(a)(i) of the EP&A Act requires the consent authority to consider the provisions of EPIs, which includes Local Environmental Plans (LEPs). The Queanbeyan-Palerang Local Environmental Plan 2022 (QLEP) applies to all land within the Queanbeyan-Palerang LGA. An assessment of the development against the relevant sections of the QLEP is provided below:

**Table 7: Queanbeyan-Palerang Regional Local Environmental Plan 2022**

|  |  |  |
| --- | --- | --- |
| **QLEP Clause** | **Development** | **Compliance** |
| **Part 1 Preliminary** | | |
| **Clause 1.2**  **Aims of Plan** | The aims of the Plan are as follows:  a) To facilitate the orderly and economic use and development of land in Queanbeyan based on ecological sustainability principles;  b) To provide for a diversity of housing throughout Queanbeyan;  c) To provide for a hierarchy of retail, commercial and industrial land uses that encourage economic and business development catering for the retail, commercial and service needs of the community;  d) To recognise and protect Queanbeyan’s natural, cultural and built heritage including environmentally sensitive areas such as Queanbeyan’s native grasslands, the Queanbeyan River and Jerrabomberra Creek;  e) To protect the scenic quality, views and vistas from main roads and other vantage points within Queanbeyan of the escarpment and Mount Jerrabomberra;  f) To maintain the unique identity and country character of Queanbeyan; and g) To facilitate the orderly growth of the urban release area in Googong in a staged manner that promotes a high level of residential amenity and the timely provision of physical and social infrastructure through appropriate phasing of the development of land.  The development is considered to be generally consistent with the relevant aims of the QLEP. Specifically, the development will facilitate the orderly growth of the Googong urban release area, promoting good residential amenity and will provide for a diversity of housing throughout Queanbeyan. | Yes |
| **Clause 1.4 Definitions** | The development is for the erection of a residential flat building consisting of six buildings and 138 units and a 139 lot Strata subdivision.  The development is defined in the QLEP’s dictionary as being:  **residential flat building** means a building containing 3 or more dwellings, but does not include an attached dwelling, co-living housing or multi dwelling housing.  **Subdivision of land** means the division of land into 2 or more parts that, after the division, would be obviously adapted for separate occupation, use or disposition.  The division may (but need not) be effected—  (a)  by conveyance, transfer or partition, or  (b)  by any agreement, dealing, plan or instrument rendering different parts of the land available for separate occupation, use or disposition.  (2)  Without limiting subsection (1), subdivision of land includes the procuring of the registration in the office of the Registrar-General of—  (a)  a plan of subdivision within the meaning of section 195 of the [Conveyancing Act 1919](https://legislation.nsw.gov.au/view/html/inforce/current/act-1919-006), or  (b)  a strata plan or a strata plan of subdivision within the meaning of the [Strata Schemes Development Act 2015](https://legislation.nsw.gov.au/view/html/inforce/current/act-2015-051). | Yes |
| **Clause 1.6 Consent Authority** | As provided for under Schedule 2 of the **Environmental Planning and Assessment Act 1979,** the Regional Planning Panel – Southern Region is the consent authority for the proposed development. |  |
| **Clause 1.9A Suspension of Covenants, Agreements and Instruments** | No covenants, agreements and instruments restricting the development have been identified. |  |
| **Part 2 Permitted or Prohibited Development** | | |
| **Clause 2.1 Land use zones** | The site is located within the R1 General Residential zone as shown below: | N/A |
| **Clause 2.3**  **Zone objectives and Land Use Table** | The site is within the R1 General Residential zone, of which the 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.  The development is for the construction of six buildings comprising a residential flat building, the provision of 138 residential units and Strata subdivision.  The development is considered to be consistent with the objectives of the R1 General Residential zone as it will provide for the housing needs of the community through the provision of a range of housing types including larger family units and ensure development complements the character and amenity of the locality. | Yes |
| **Clause 2.4**  **Unzoned land** | Clause 2.4 does not apply to the development as there is no part of the site that is unzoned. | N/A |
| **Clause 2.5**  **Additional permitted uses for particular land** | Clause 2.5 does not apply to the development as the development is not located on land identified in Schedule 1. | N/A |
| **Clause 2.6 Subdivision – Consent requirements** | Development consent is sought for the Strata subdivision of the land in accordance with this control. | Yes |
| **Clause 2.8**  **Temporary use of land** | Clause 2.8 does not apply as the development does not include temporary use of land. | N/A |
| **Part 4 Principal Development Standards** | | |
| **Clause 4.1**  **Minimum subdivision lot size** | Clause 4.1 does not apply as the development is for Strata subdivision only. | N/A |
| **Clause 4.1AA**  **Minimum subdivision lot size for community title schemes** | Clause 4.1AA does not apply as the development does not include community title subdivision. | N/A |
| **Clause 4.1A**  **Exceptions to minimum lots sizes for certain strata subdivisions** | Clause 4.1A does not apply as the development is within the R1 General Residential zone. | N/A |
| **Clause 4.1B**  **Minimum lot sizes for multi dwelling housing and residential flat buildings.** | Clause 4.1B does not apply as the development is for Strata subdivision only. | N/A |
| **Clause 4.3 - Height of buildings** | The maximum permitted building height for the site is 12m from natural ground level. The development proposes a maximum building height of 11.3m from natural ground level in accordance with this clause. | Yes |
| **Clause 4.4**  **Floor space ratio** | Clause 4.4 does not apply as the development as the site does not have a prescribed maximum permitted Floor space ratio (FSR) | N/A |
| **Clause 4.6**  **Exceptions to development standards** | Clause 4.6 does not apply as the development does not include variations to development standards. | N/A |
| **Part 5 Miscellaneous Provisions** | | |
| **Clause 5.3**  **Development near zone boundaries** | Clause 5.3 does not apply as the development is not in proximity to a zone boundary. | N/A |
| **Clause 5.6**  **Architectural roof features** | Clause 5.6 does not apply as the development does not propose any architectural roof features | N/A |
| **Clause 5.10**  **Heritage conservation** | The objectives of this clause are as follows:  a) To conserve the environmental heritage of Queanbeyan,  b) To conserve the heritage significance of heritage items and heritage conservation areas, including associated fabric, settings and views,  c) To conserve archaeological sites,  d) To conserve Aboriginal objects and Aboriginal places of heritage significance.  Clause 5.10 does not apply as the development is not in or in proximity to a heritage conservation area, does not contain a heritage item and is not in proximity to any known aboriginal sites as determined by an AHIMS search undertaken on 18 October 2023. | Yes |
| **Clause 5.11**  **Bush fire hazard reduction** | Clause 5.11 does not apply as the development does not propose bush fire hazard reduction. | N/A |
| **Clause 5.21**  **Flood planning** | Clause 5.21 does not apply as the site is not on flood prone land. | N/A |
| **Part 6 Urban release areas** | | |
| **Clause 6.1 Concurrence of Planning Secretary** | The site is within the Googong Urban Release Area and, accordingly, this clause applies. The site forms part of an approved subdivision for Googong Neighbourhood 2 (DA 123-2017) which is part of the overall Googong Masterplan area. On the basis of this previous approval, the concurrence of the Planning Secretary is considered to have been granted. | Yes |
| **Clause 6.2 Public utility infrastructure** | This clause states that development consent must not be granted for development on land in an urban release area unless the Council is satisfied that any public utility infrastructure that is essential for the development is available or that adequate arrangements have been made to make that infrastructure available when it is required.  As part of the assessment for NH2 (DA 123-2017), Council’s Development Engineer assessed the provision of public utilities as being satisfactory. The site is serviced with reticulated potable and recycled water, sewer and stormwater. Electricity is also available via a substation located in the south-east of the site. | Yes |
| **6.3 Development control plans** | The objective of this clause is to ensure the development on land in an urban release area occurs in a logical and cost effective manner, in accordance with a staging plan and only after a development control plan that includes specific controls has been prepared for the land.  Development consent must not be granted for development on land in an urban release area unless a development control plan that provides for matters specified in the clause has been prepared.  GDCP came into effect in November 2010. It contains the Googong Master Plan (Part 3) and Structure Plan for Neighbourhood 2 in which this development resides. Accordingly, this clause is considered to be met | Yes |
| **6.4 Development near Googong Dam foreshores** | This clause is not considered relevant to the proposed development as the site is not located near Googong Dam foreshores. |  |
| **Part 7 Additional Local Provision** | | |
| **Clause 7.1 Earthworks** | The site falls from the southwest corner (749.8m AHD) to the northeast corner (745m AHD). The development proposes a cut in order to accommodate the basement car parking area.  Due to the slope of the site, the development proposes a cut that is a minimum 3.9m in the northeast corner and a maximum 8.3m cut in the southwest corner of the site.  As part of the development application for the wider Googong NH2 area (DA 123-2017) a significant amount of information was provided in relation to earthworks including a geotechnical assessment. This assessment determined that the soil is suitable for the works required to enable development on the site.  Before granting development consent for earthworks the consent authority must consider the following matters:   1. *The likely disruption of, or any detrimental effect on, drainage patterns and soil stability in the locality of the development,*   Proposed site preparation and earthworks will not have an adverse impact on soil stability.  A Stormwater Management and Drainage Report prepared by Calibre Consulting, March 2017 for the outline development application noted:  *“The site produces stormwater run-off which flows to Neighbourhood 1A (NH1A) and associated NH1A stormwater infrastructure as well as surrounding future neighbourhoods. The hydrological and hydraulic modelling has shown that the proposed residential subdivision and supporting roads can be constructed while meeting QPRC requirements for stormwater quantity and quality management. The objectives and performance targets (quantity and quality) are achieved by using stormwater quality improvement devices throughout the subdivision, with a large pond, bio-retention basins, bio-swales and rainwater tanks*.”  The development is proposed to connect to the stormwater management system installed for the Googong Township and is therefore not considered to impact on drainage patterns formed as part of the wider Googong area.   1. *The effect of the development on the likely future use or redevelopment of the land,*   The development is consistent with the identified future use of the land and will not impact its potential future re-development.   1. *The quality of the fill or the soil to be excavated, or both,*   A Geotechnical Investigation Report (GIR) prepared by Douglas Partners, July 2016 was submitted for with the development application for Googong NH2. The quality of the soil to be excavated has been identified as being satisfactory. No visual signs of salinity or salinity indication vegetation were observed during the site investigations.   1. *The effect of the development on the existing and likely amenity of adjoining properties.*   The development is unlikely to impact on the existing and likely amenity of adjoining residential and non-residential properties.   1. *The source of any fill material and the destination of any excavated material.*   The source or destination of any fill material will be considered at the final engineering design stage.   1. *The likelihood of disturbing relics,*   The site is not affected by any items or areas of heritage significance identified in the QLEP and is not affected by any known aboriginal sites within a 200m radius of the site.   1. *The proximity to, and potential for adverse impacts on, any waterway, drinking water catchment or environmentally sensitive area,*   The site is not in proximity to any waterway, drinking water catchment or environmentally sensitive area.   1. *Any appropriate measures proposed to avoid, minimise or mitigate the impacts of the development,*   Appropriate measures are required as a condition of consent.   1. *The proximity to and potential for adverse impacts on any heritage item, archaeological site, or heritage conservation area.* |  |
| **Clause 7.2 Terrestrial Biodiversity** | The site is not within an area of terrestrial biodiversity and, as such, this clause does not apply. | N/A |
| **Clause 7.3 Drinking water catchments** | The site is not within a drinking water catchment. | N/A |
| **Chapter 7.4 Riparian land and watercourses** | The site is not located in close proximity to a watercourse or riparian zone. | N/A |
| **Clause 7.5 Salinity** | The site is not identified as ‘salinity’ on the landscape map. | N/A |
| **Clause 7.6 Highly erodible soils** | The site is not identified as ‘Erodible Lands’ on the landscape map. | N/A |
| **Clause 7.7 Slopes over 18 degrees** | The site is not identified as ‘Slopes over 18 degrees’ on the landscape map. | N/A |
| **Clause 7.8 Airspace operations** | As part of the Googong NH2 development application for the wider area, the development application was referred to the Commonwealth Department of Infrastructure and Regional Development and Canberra Airport.  A Controlled Activity Approval under the Commonwealth Airports (Protection of Airspace) Regulations 1996 was issued by the Commonwealth on 12 October 2017 subject to the following conditions:  1. The structures in the subdivision must not exceed a maximum height of 822 metres AHD or 20 metres AGL, inclusive of all lift over-runs, vents, chimneys, aerials, antennas, lightning rods, any roof top garden plantings, exhaust flues etc.  2. Separate approval must be sought under the Regulations for any construction equipment (i.e. cranes) or other structures within this Googong site which will exceed the height of 822 metres AHD or 20 metres AGL.  The development does not exceed the maximum height of 822m AHD or 20 metres AGL (being a maximum 760.38 AHD) and therefore no further action is necessary. | Yes |
| **Clause 7.9 Development in areas subject to aircraft noise** | This clause is not considered relevant to the development as the site is not located near the Canberra Airport or within an ANEF contour of 20 or greater. | N/A |
| **Clause 7.12 Essential services** | Council’s Development Engineer has assessed the development and confirmed that adequate services are available (or can be made available) subject to the imposition of recommended conditions. | Yes |
| **Clause 7.14 Scenic Protection** | The site is not within land identified as scenic protection. | N/A |
| **Clause 7.15 Active street frontages** | The site is not within land identified as an Active street frontage. | N/A |
| **Clause 7.18 Development near arterial roads** | The development is not on land identified as Arterial Road area. | N/A |
| **Clause 7.25 Development on certain land at Braidwood, Bungendore and Googong** | The site is not on land identified as Additional Development Area 2. | N/A |

1. **Section 4.15 (1)(a)(ii) - Provisions of any Draft Environmental Planning Instruments**

Section 4.15(1)(a)(ii) of the EP&A Act requires the consent authority to consider the provisions of draft EPIs that have been publicly exhibited.

There are no draft EPIs applicable to the site or development.

1. **Section 4.15(1)(a)(iii) - Provisions of any Development Control Plan**

Section 4.15(1)(a)(iii) of the EP&A Act requires Council to consider the provisions of any development control plan.

The development has been assessed having regard to the relevant desired outcomes and prescriptive requirements within the GDCP and, where a control is not provided within the GDCP, the QDCP.

**Table 8: Queanbeyan Development Control Plan 2012**

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| --- | --- | --- | --- |
| **QDCP Clause** | **Requirement** | **Development** | **Compliance** |
| **2.2.3 Car Parking General Principles** | In determining the car parking requirements for a development proposal the following principles shall be followed:  1) The minimum standards as set out in this plan.  2) The likely demand for on-site parking to be generated by the development.  3) The availability of public transport in the vicinity to service the likely demands to be generated by the development.  4) Traffic volumes on the surrounding street network, including, where relevant, likely future traffic volumes.  5) The probable mode of transport of the users of the development.  6) The likely peak usage times of the development.  7) The provision of alternative private transport arrangements (e.g. courtesy buses to licensed premises at no charge to users) | 1) The development provides a total of 261 car parking spaces and 28 visitor car parking spaces in accordance with the car parking requirements of the QDCP.  2) A traffic and parking impact study is provided with the development application dated 28 September 2023 which demonstrates that the car parking provision will meet the likely demand for on-site parking.  3) The car parking provision accounts for the minimum car parking standards for the site and provision of public transport in the locality.  4) An assessment of likely traffic volumes on the surrounding street network is included in the submitted traffic and parking impact study which confirms the development will not have an unacceptable impact on traffic in the locality.  a  5) An assessment of probable modes of transport of the users of the development is included in the submitted traffic and parking impact study which confirmed the dominant traffic mode would be vehicles.  6) An assessment of the likely peak usage times of the development is included in the submitted traffic and parking impact study.  p  7) No alternative private transport arrangements are proposed. | Yes |
| **2.2.7 Basement Parking** | * 1. Where Basement parking is provided the access ramp to the car parking area shall provide for either two way access or separate access ramps shall be provided for: 1) access into the basement car park and 2) exit from the basement car park.   2. Basement parking areas are to be located directly under building footprints to maximise opportunities for deep soil areas unless the structure can be designed to support mature plants and deep root plants.   3. Along active frontages, basement parking must be located fully below the level of the footpath.   4. Basement parking should be contained wholly beneath the ground level along public streets. Where this cannot be achieved due to topography, the parking level must protrude no more than 1.2 m above ground level.   5. Underground car parking shall be naturally ventilated where possible and shall be less than 1m above existing ground level. Ventilation grills or screening devices of car park openings are to be integrated into the overall façade and landscape design of the development.   6. Constructed to preclude entry of floodwater at the Flood Planning Level. Additional requirement for basement levels to implement a failsafe means of evacuation, and a pump-out system to remove flood waters.   7. All basement/underground car parks shall be designed to enter and leave the site in a forward direction.   8. All sites shall have underground car parking and be fitted with a security door. Basement garage doors shall not tilt/swing or open in an outward direction. | 1. A two way access is provided to the basement car park. 2. The basement carpark is located directly under the building footprints and provides for deep soil zones. 3. Basement carparking is provided below the level of the footpath. 4. The basement carpark is located wholly beneath the ground level along all public streets. 5. The basement carpark is to be naturally ventilated with ventilation grills integrated into the façade design. 6. The site is not within flood prone land. 7. All basement carparks are designed to enter and leave the site in a forward direction. 8. The basement carpark is fitted with a security door. | Yes |
| **2.2.9.1 Access Requirements** | a) All developments require access from the frontage road to car parking and service facilities. While in some instances access driveways may be sufficient some developments will require a higher standard of traffic control, such as a controlled intersection via a dedicated public roadway, auxiliary lanes and/or right turn bays to maintain efficiency and safety. Refer to Section 6 of the RMS Guide to Traffic Generating Developments Version 2.2 (2002). | Access is provided to the basement carpark from McFarlane Avenue. | Yes |
| **2.2.9.3 Sight Distance** | a) Ideally, the sight distance required is that which enables the driver of a vehicle waiting to leave a driveway to select a gap in the through traffic and to join the street without causing a major disruption. This is the desirable sight distance (Entering Sight Distance).  b) Driveways are to comply with AS/NZS 2890.1 - 2004: Off-street car parking. | Due to the gradient of the basement carpark driveway, adequate sight lines are provided for vehicles entering and exiting the carpark in accordance with AS/NZS 2890.1 – 2004: Off-street car parking. | Yes |
| **2.2.17 Bicycle Parking** | a) Each development is to provide appropriate bicycle parking facilities either on-site or close to the development.  b) The Australian Standards AS 2890.3: 2015 Bicycle Parking Facilities must be complied with. This standard also provides information on the design of bicycle parking facilities. | Bicycle parking facilities are provided at basement level. | Yes |
| **2.3.3 Energy Efficiency and Conservation** | a) New dwellings, alterations and additions to dwellings, and change of uses to create a dwelling, are to demonstrate compliance with State Environmental Planning Policy Building Sustainability Index: (BASIX) 2004. | The development application was accompanied by a valid BASIX certificate which demonstrates compliance with SEPP BASIX. | Yes |
| **2.3.4 Water Conservation** | a) New dwellings, or developments which contain a residential component within a mixed use building or serviced apartments intended or capable of being strata titled, are to demonstrate compliance with State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004.  b) Each dwelling shall be provided with an individual water meter. | The development includes water conservation features in accordance with the submitted BASIX Certificate. | Yes |
| **2.3.5 Waste and Recycling** | 1) All residential development is to provide for storage of waste bins on site in an area of sufficient size to accommodate waste generated by the development | The development includes two waste storage areas that are sufficient in size to accommodate waste generated by the development. | Yes |
| **2.4 Contaminated Land Management** |  |  | Yes |
| **2.5 Flood Management** |  | The site is not identified as flood prone land on the QLEP Flood Planning Map. | N/A |
| **2.6 Landscaping** |  | A detailed landscaping plan was submitted with the development application. The landscape plan provides for a mix of native and exotic tree species and landscaping that is considered to be appropriate and will make a positive contribution to the natural environment of the streetscape. | Yes |
| **2.7 Erosion and Sediment Control** |  | An erosion and sediment and control plan has been provided with the development application. The plan is of an appropriate scale, indicates site boundaries and roads, provides slope gradient and details all required sediment and control measures. | Yes |
| **2.9 Safe Design** |  | A CPTED Report has been submitted with the development application which assessed the development against each of the following CPTED elements:  **Surveillance**  The development significantly improves the surveillance opportunities for the location however it is recommended that consideration is given to maintaining sight lines throughout the development and minimising places of concealment and entrapment.  **Lighting**  A detailed light plan was provided with the development application which details the extent and types of lighting proposed throughout the development. The lighting plan is considered to be acceptable.  **Territorial Reinforcement**  Given the communal open space area is proposed to be accessible to the public, consideration is to be given to how this area will be managed. In particular, suitable access arrangements will be required for the lift and stairwell to prevent non-residents from accessing these areas. The basement carpark is also an area where appropriate safety measures such as lighting and CCTV will need to be implemented. The recommendations of the report will be required to be implemented as a condition of consent.  **Environmental Maintenance**  Environmental maintenance forms part of the operational stage of the development. A management team will be put in place for ongoing management and maintenance of the development including maintaining the landscaping, removing rubbish, fixing broken features and removing graffiti.  **Activity and Space Management**  In order to facilitate appropriate management of the spaces in the development, a Plan of Management (PoM) is required to be prepared by the operators of the development. This PoM is to include details of way finding signage, access controls, CCTV location and a maintenance plan.  The recommendations of the CPTED report are required to be implemented as a condition of consent. | Yes |

**Table 9: Googong Development Control Plan 2012**

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| --- | --- | --- | --- |
| **GDCP Clause** | **Requirement** | **Development** | **Compliance** |
| **7.2 Streetscape** | a) Development shall be generally in accordance with the Neighbourhood Structure Plan.  b) A mix of materials compatible with the streetscape are to be used including masonry, timber and glass and the provision of simple and articulated building and roof forms.  c) New buildings shall adhere to the minimum building line setbacks as set out in relevant Tables in this Part.  d) On corner sites the façade treatment should address both street frontages in order to promote a strong and legible character while maintaining sight lines.  e) Fencing should be designed to provide a clear distinction between private and public space and to encourage casual surveillance of the street.  f) Fencing should be consistent with the established style and pattern of fences in the locality.  g) Elements such as fences, walls, hedges, level changes and landscaping or a combination of these elements are to define the front boundary.  h) Where front fences / walls are used they are to be a maximum height of 1.2m to the primary street frontage.  i) Front fencing is to be predominately open in design, such as picket fences, hedges or palisade style fencing.  j) Maximum height of fences to secondary street frontage is 1.8m. A fence on a secondary street frontage that is 1.8m must not extend more than 50% of the lot depth. Fences to secondary street frontage that extend beyond the 50% lot depth are considered to be front fencing and have a maximum height of 1.2m.  k) Side fences between residential lots are to start at least 1m behind the primary building frontage of the dwelling. | a) The neighbourhood structure plan envisaged the site as a medium density development in proximity to services and amenities associated with the Town Center. The development is considered to be consistent with this.  b) A mix of materials including concrete, metal cladding, painted sheeting, metal blade, brick and aluminum is proposed in the development.  c) The development proposes the following setbacks in accordance with this control:   * MacFarlane Avenue: 7.25m ground floor * 10m Upper floor * Wellsvale Drive: 4m * Gorman Drive: 7.25 m * Laneway: 4m   d) The development provides a frontage to three streets; McFarlane Avenue, Wellsvale Drive and Gorman Drive. The development is considered to address all street frontages with ground floor units each with a courtyard and individual entry to all streets.  e) All fencing proposed at street level provides sufficient transparency to encourage casual surveillance of the streets.  f) There are a variety of fencing styles in the locality. The fencing design is considered to reflect the existing and future character of the area.  g) The front boundary for each building is defined through a combination of landscaping, level changes and fencing.  h) The development proposes 1.5m high fences for all street frontages. The fencing has sufficient transparency to provide for visual interest and surveillance in addition to clearly delineating the boundary between public and private domain. As such, the proposed fencing height is considered acceptable in this instance.  i) Front fencing is a combination of open blade type fencing and brickwork.   1. The development proposes a 1.5m high fence to all frontages. 2. This control is not applicable. | Yes |
| **7.4 Building form and design** | a) Development is to exhibit a high degree of design quality and provide attractive street frontages by ensuring that all dwellings have a main element to address the street.  b) The design of new development is to address shading from summer sun, ventilation and topography.  c) Studio dwellings are to be located at the rear of the lot only where the lot has access from a rear lane or secondary street on a corner lot.  d) Rear garages with studio dwellings may have first level balconies facing the lane provided the balcony remains within the lot boundary. Where 2m deep, overhanging balconies provide for principal private open space the application must demonstrate how garages setback underneath avoid creating an overly wide lane and ambiguous space opportunities for illegally parked cars, trailers, bins etc.  e) Studio dwellings are to have balconies or living areas that overlook laneways for casual surveillance.  f) Large expanses of blank walls or ‘glass box style’ developments will not be permitted as these are considered to be inconsistent with the desired character of Googong. Features that may break up blank walls include: balconies, awnings and screens, fixed and/or operable sun screens and articulated façades.  g) Articulation zones shall be designed to adhere to the requirements set out in relevant tables in this Part.  h) The ‘Articulation zone’ consists of architectural elements which address the street frontage and assist in creating a character in an area. Elements permitted in the articulation zone include entry features or porticos, awnings or other features over windows including sun shading, balconies (roofed or unroofed) or window box treatments to any first floor element, recessing or projecting architectural elements, open verandahs, bay windows or similar features.  i) The building design and architectural style (including articulation) is to interpret and respond to the character of the locality, including dominant patterns, textures and compositions of buildings.  j) Articulation should reduce the appearance of building bulk and express the elements of the building’s architecture.  k) Articulation elements should provide visual interest from the street.  l) The facades of buildings should be designed with a balance of horizontal and vertical elements.   1. Alterations and additions are to be compatible with design elements of the building.   **Building Entries**   1. Define building entries clearly using setbacks, canopies, different materials, textures and colours.   **Roof Design**  a) Articulate roofs to provide  a quality roofscape. Roof design is to:  i. Minimise impact on tree-top skyline viewed from beyond the site.  ii. Avoid glare, high colour contrast and screen unsightly roof mounted services.  iii. Obscure roof mounted structures when viewed from higher dwellings and the public domain.  b) Pitched hip and gable roof forms shall predominate.  c) Strong colours and black shall be avoided.  d) Roof design shall fully integrate and coordinate services. Antennae, plant and solar panels should not be viewed from public areas where practical.  e) Where a studio dwelling is built over a rear garage and separated from the upper levels of the principal dwelling, there must be a minimum separation of 5m between the upper floor rear façade of the principal dwelling and studio dwelling.  **Residential Flat Buildings**  a) Residential flat buildings shall be located generally in accordance with the Neighbourhood Structure Plan.    b) Residential flat buildings must be designed to be consistent with the principles outlined in State Environmental Planning Policy (SEPP) 65 – Residential Apartment Development and Apartment Design Guide.  c) Residential flat buildings shall provide for the articulation of the roofscape where appropriate. | a) The development is considered to provide a high degree of design quality and provides for an attractive street frontage by ensuring that all ground level units address all street frontages.  b) The development is formed around a communal amenity area with significant planting which provides for summer shade and recreational amenities for the residents such as walking and informal exercising.  All buildings are single loaded with open corridors (atrium) allowing all units to benefit from cross ventilation.  The development steps down with and addresses the site topography.  c) Not applicable  d) Not applicable  e) Not applicable  f) The development provides for fenestration, balconies and openings throughout a significant portion of the facades. Where blank facades are provided, these do not occur on street or internal elevations and are minimsed. The development does not propose a ‘glass box style’.  g) The development does not propose features in the articulation zone.  h) The development does not propose features in the articulation zone.  i) A mix of materials including concrete, metal cladding, painted sheeting, metal blade, brick and aluminum is proposed in the development. This is consistent with the future character of the area.   1. The development proposes sufficient articulation including window openings, balconies, material mix and building form. 2. The articulation elements are considered to provide for a varied and interesting façade to all surrounding streets. 3. The development has a balance of horizontal elements including banding for each floor and vertical elements including shading blades and access lifts/stairs.   **Building entries**   1. Individual building entries and communal building entries are delineated through the use of design features, materials and landscaping.   **Roof Design**   1. The roof design will provide for a quality roofscape.   **Residential flat buildings**   1. The residential flat building is located generally in accordance with the Neighbourhood Structure Plan. 2. The residential flat building is designed to be consistent with the principles outlined in SEPP 65. 3. The development provides for a roof that sufficient articulation of the roofscape. | Yes |
| **7.5 Height and Floorspace** | a) The maximum permissible floor space ratio for development within the Googong Town Centre and the Neighbourhood Centres shall be in accordance with the requirements of the QPRLEP 2022 (Refer to relevant Floor Space Ratio Map).  b) The maximum heights within the new Googong Township shall be in accordance with the requirements of the QPRLEP 2022 (refer to relevant Height of Buildings Map). | a) The site does not have a maximum floor space ratio prescribed to it.  b) The development is within the 12m maximum building height for the site (11.3m). i | Yes |
| **7.6 Privacy and View Sharing** | **Visual Privacy Controls**  a) Windows of upper-level habitable rooms and balconies are to be designed to avoid overlooking of the private open space of neighbouring properties.  b) Appropriate screening, which is permanent, fixed and durable, is to be provided in cases where overlooking cannot be prevented.  c) Narrow or high sill windows may be used to reduce overlooking. Unscreened outlooks into a habitable room on an adjacent dwelling are to have a minimum distance of 6m at the ground floor level or 9m on upper floor levels.  d) Screening is not required in circumstances where the windows are within nonhabitable rooms (e.g. bathrooms, toilets, storage or laundries) and have translucent glazing or high sill windows  e) Where dwellings are built to a zero lot line on a side boundary, windows are not to be located on the zero lot wall unless that wall adjoins a laneway, public road, public open space or drainage land.  f) Windows of upper-level habitable rooms facing a habitable room of a neighbouring dwelling within 9m are to:   * + - 1. Be offset by 1m; or       2. Have high sill windows; or       3. Have fixed obscure or frosted glazing installed in window above ground level of a dwelling where the sill height is less than 1.6m.       4. Balconies to have fixed obscure or frosted glazing; or       5. Provide other suitable solutions.   **Acoustic Privacy Controls:**  a) Shared walls and floors to be constructed in accordance with the sound transmission and insulation requirements of the Building Code of Australia.  b) Where buildings adjoin major external noise sources (e.g. parking / recreation areas / garbage collection / air conditioning units, major roads etc), proper consideration is to be given to the following design issues:   1. Appropriate separation. 2. Use of buildings as noise buffers i.e. less sensitive land uses to be located close to the noise source. 3. iii. Locating sensitive areas of use such as bedrooms away from noise sources. 4. Use of acoustic glazing, solid-core doors, solid wall construction and other appropriate noise preventative design measures. 5. Separating plumbing for each dwelling and containing them to prevent transmission of noise between dwellings.   c) Noise sources such as air conditioners, exhaust fans and the like shall be located away from sensitive areas such as bedrooms. | **Visual Privacy Controls**   1. The siting of the upper-level windows to habitable windows are designed to avoid overlooking of the private open space of neighbouring properties. 2. Highlight windows have been used for habitable upper-floor windows in order to minimise overlooking. 3. Highlight windows are used to reduce overlooking. 4. Noted, not relevant 5. No windows are proposed in a zero lot line wall. 6. Where applicable, highlight windows are proposed to habitable rooms to reduce overlooking.   **Acoustic Privacy Controls**   1. The insulation will be in accordance with the BCA requirements. The development is for residential use and is not anticipated to have significant acoustic implication on adjoining properties. | Yes |
| **7.7 Safety and Security** | a) Design buildings and landscaping in accordance with Part 2.9 of the Queanbeyan Development Control Plan 2012 – Safe Design. | The building design and landscaping is considered to be in accordance with Part 2.9 of the QDCP. | Yes |
| **7.8 Access and Mobility for Multiple Dwelling Houses and Residential Flat Buildings** |  | An Access and Mobility Report has been provided with the development application which confirms that over 10% of units are adaptable. In addition, over 10% of car parking spaces are adaptable. | Yes |
| **7.9 Pedestrian Access and Building Entries** | a) The planning of the site is to optimise accessibility for all to the development from the public domain.  b) High quality accessible routes are to be provided to public and semi-public areas of residential buildings and the site, including major entries, lobbies, communal open spaces, site facilities, parking areas, public streets and internal roads.  c) The main building entrance is to be accessible for all from the street and car parking areas.  d) Pedestrian ramps are to be integrated into the overall building and landscape design.  e) Ground floor shops, offices and apartments are to be designed to be accessible for all from the street.  f) Pedestrian and vehicle access ways are to be separated and clearly distinguishable.  g) The provision of public through-site pedestrian access ways is to be considered in the development of all large sites.  h) The access requirements from the street or car parking area to the entrances of buildings are to be clearly identified.  i) For studio dwellings access is to be separate from the principal dwelling and is to front a public street, lane or shared private access way. If appropriately designed, a combined access for the principal dwelling and studio dwelling can be through communal land but this must be shown on the subdivision plan for separate titling. | a) The development provides for accessibility throughout via the provision of walkways, ramps and direct access from the basement to the buildings.   1. Paths, walkways and ramps are provided throughout the development site to ensure sufficient access is available to all. 2. The building entrances are accessible at ground level via walkways and ramps and accessible lift access from the basement level. 3. The landscape design in the communal open space area accommodates pedestrian ramps in a suitable manner. 4. Ground level residential units are accessible to all from the street. 5. Vehicular and pedestrian access are separated and clearly distinguishable. 6. Public through-site pedestrian access ways are provided in the development. 7. Access requirements will be clearly identified as a condition of consent. 8. Not applicable. | Yes |
| **7.10 Principle Private Open Space and Landscape Design** | a) Refer Tables 1, 2 and 3.  b) The principal private open space (POS) is to be:  • Located behind the building line to the main street frontage, unless specifically permitted otherwise by a Neighbourhood Structure Plan.  • Directly accessible from, and adjacent to, a habitable room, other than a bedroom;  • Located to have a northerly aspect, where possible;  Where the principal private open space is permitted to be forward of the building line by a Neighbourhood Structure Plan the following additional controls apply:  • The front setback to the main building line for the ground floor level is to be a minimum of 4.5m. An articulation zone may intrude into the main building line and set back 3.0m.  • The principal private open space must have a minimum dimension of 4m.  • A 0.5m wide landscape zone with screen planting must be provided located between the principal private open space and the front boundary.  • The principal private open space is to be located between 350 and 500mm above the general level of the street verge.  • A front fence is to be provided which is a maximum combined height of retaining wall and fence of 1.5m. The maximum height of the fence is to be 1.2m.  • The front door to the home is to be clearly visible and accessible from the street.  • The front fence is to have as a minimum 25% open elements. • Blade walls are to be incorporated into the dwelling design to further enhance privacy from adjacent dwellings. Blade walls can project up to 1 metre in-front of the dwelling (this is to be measured from the 4.5m setback line).  • At least 25% of private open space must be provided behind the main building line and include a service area to include clothes drying facilities screened from the public realm.  c) A landscape plan is to be prepared in relation to private and communal open space in the case of Small lot housing, Multi Unit/Dual Occupancy development, Residential Flat Buildings and Shop-top Housing. Such a landscaping plan must be prepared by a Council accredited consultant in accordance with Part 2.6 Landscaping of the Queanbeyan Development Control Plan 2012.  d) For studio dwellings the principal private open space shall be in the form of a balcony directly accessed off living space having a minimum size of 12m2 with a minimum dimension of 2m. It must be north facing where possible with a minimum of 3 hours solar access between 9am-3pm on 21 June.  e) Solar access and privacy to the principal private open space of neighbouring lots is not to be significantly reduced or compromised. | a) The development application includes a detailed landscape plan that confirms the proposed landscape areas are in accordance with these controls.  b)The Neighbourhood Structure Plan for Neighbourhood 2 specifies a ‘Special POS Provision Area’ along the northern site boundary. The development proposes POS areas along the northern boundary to serve the ground level units in Building 1. These POS areas accord with the requirements of this control in respect of dimensions, provision of a landscaped zone and setback distances.  Buildings 2,3,5 and 6 also provide for POS areas within the front setback. All POS areas achieve the required dimensions, have provision for a landscape area between the POS and front boundary and achieve the required dimensions. In addition, all units have access to a high quality communal open space area within the development. The POS areas are provided with quality fencing and landscaping. On this basis, the provision of POS areas in the front setback for these buildings is considered acceptable.  Front fences are a combination of painted brick, concrete panels, and metal blades that incorporate 25% openness while still maintaining sufficient privacy for the ground floor courtyards.  Front fencing heights to each road frontage does not exceed 1.5m.  All ground floor front gates are clearly visible and accessible from the street.  The development will not result in unacceptable impacts on the solar access or privacy of adjoining properties. | Yes |
| **7.11 Car Parking and Garages** | a) All on-site parking is to be provided in accordance with the Tables 1, 2 and 3.  b) The provision of parking meets the needs of the activity associated with any land use to be accommodated on-site.  c) Car parking structures shall be incorporated into the design of residential buildings so as not to dominate the appearance of the building when viewed from public streets or internal private roadways. However it is understood that for studio dwellings and small lots, the garage will dominate the appearance of the building from the rear.  d) All off street parking (including parking spaces and manoeuvring areas) shall be designed in accordance with AS/NZS 2890.1-2004 – Parking Facilities, Part 1: Off Street Car Parking and AS2890.2-2002, Part 2: Parking Facilities, Part 2: Off Street Commercial Vehicle Facilities and in accordance with Part 2 of the Queanbeyan Development Control Plan 2012 except where Tables 1, 2 and 3 in this Part applies.  e) Parking may be provided in tandem where two spaces are provided for one dwelling.  f) For studio and one bedroom dwellings on small lots, one on–site car space is required. Garages for separately titled studio dwellings may have a zero lot setback to one side boundary and may be attached to another garage/studio dwellings on an adjoining lot, (still retaining the 1 studio dwelling in a group of 4 dwellings) particularly where the studio dwelling is associated with an attached or semi-detached dwelling.  g) Garage doors of residential developments are to be set back at least:   1. 1m behind the front façade of the home. 2. ii. 5.5m from the street boundary to allow another car to park on site in driveway if necessary. 3. 0m setback where garages are rear loaded for small lots or studio dwellings.   h) Double garages are only permitted on lots 12.5m wide or greater.  i) Garages on corner lots shall be preferably accessed from the secondary street.  j) Driveways to be a minimum of 1.5m from street trees.  k) Provide landscaping between the driveway and the side boundary.  l) Where bicycle parking is provided in multi dwelling housing and residential flat buildings such bicycle parking should be located in proximity to building entrances in highly visible and illuminated areas to minimize theft and vandalism.  m) Garages are to be treated as an important element of the dwelling façade and are to be integrated with and complementary, in terms of design and material, to the dwelling design.  n) Garage doors are to be visually recessed through use of materials, colours, and overhangs.  o) When facing the street, the maximum total width of a garage or carport door is to be 50% of the building façade length.  p) Garages and covered parking spaces with a column or structure on one or both sides are to be at least 5.5m long with a clear width of at least 3m and a clear height of 2.2m.  q) The maximum width of a driveway at the property boundary is to be 4.5m.  r) Long straight driveways (gun barrel developments) are to be avoided.  s) Large expanses of concrete or sealed surfaces are to be avoided. Different surface treatments to be utilised.  t) The opening of basement parking spaces shall not occupy more than 50% of the total width of the street elevation of the building. This does not apply to rear lanes.  u) No parking is required for secondary dwellings.  v) In finalising the parking numbers required the total number is to be rounded up to the next whole number.  w) Parking provision shall be provided at a rate of not less than one disabled space per disability unit in accordance with Australian Standards 2890.1 and Part D3.5 of the Building Code of Australia located at ground level. | a) The development provides 233 car parking spaces and 28 visitor parking spaces in accordance with Council’s car parking requirements.  b) All car parking is provided on site in a basement car parking level.  c) The car parking area is located at basement level and, due to the site topography and building design, does not dominate the appearance of the development.  d) All proposed parking is compliant with AS/NZS 2890.1-2004.  e) Tandem parking is proposed but only for one dwelling  f) Not applicable  g) Not applicable  h) Not applicable  i) Not applicable  j) The proposed driveway will be over 1.5m from street trees.  k) Landscaping is proposed between both sides of the driveway and the side boundaries.  l) Bicycle parking is provided in illuminated areas in close proximity to building access points in the basement parking area.  m) Not applicable  n) Not applicable  o) Not applicable  p) Not applicable  q) Not applicable  r) The development does not propose a gun barrel layout.  s) The development provides a single parking access point to a basement carpark.  t) The opening to the basement carpark occupies approximately 8% of the total width of the McFarlane Avenue street elevation.  u) Not applicable.  v) The total parking provision has been rounded up to the next whole number.  w) The development provides 15 accessible car parking spaces and one accessible visitor space in accordance with Australian Standards 2890.1 and Part D3.5 of the Building Code of Australia. | Yes |
| **7.12 Site Facilities** | a) Refer to 7.16 for specific waste storage area requirements.  b) Communal waste bin enclosure areas are to be located so as to:  i. Conceal their contents from view from the dwellings, public spaces and adjacent properties. ii. Avoid creating an odour nuisance for dwellings on the development site and adjoining properties.  iii. Avoid creating a noise nuisance during servicing for dwellings on the development site and on adjoining properties.  iv. Be incorporated into the landscaping if provided at ground level.  c) One television antenna is provided to serve all dwellings in residential building Likewise for other communication antennae or dishes.  d) Each dwelling is provided with a lockable external store of waterproof construction with a minimum volume of 6m3 . A lockable garage or locker in a carport is acceptable.  e) Appropriately designed, clearly visible signage is to be provided indicating the address (and name) of the building for ease of identification.  f) Developments are to be provided with secure, open air clothes drying facilities screened from street view.  g) Open air, common clothes drying facilities are provided to be easily accessible to all residents and visually screened from streets and other public areas. If clothes drying facilities are located on private balconies, 2m2 is to be provided in addition to the minimum private open space requirements and screened when viewed from outside the development.  h) Mechanical plant is to be designed as integral to the building and structure. Mechanical plant for individual apartments (such as air conditioner heat pumps) is to be visually and acoustically screened from public spaces and neighbouring dwellings.  i) Mailboxes are to be convenient for residents and delivery services. They should be provided in a safe, secure, well lit location. Mail boxes must be located within the development site.  j) Studio dwellings and small lots provisions shall be made for separate services, such as mail delivery and waste collection, and on-site garbage storage areas so that bins are not visible from a street or laneway. Services are to be located on a street address that is able to be accessed by garbage collection and mail delivery services. Where it is more appropriate due to design and layout such services may be serviced from the front residential street via the principal dwelling lot. | a) The development has been assessed by Council’s waste officer and is considered to provide sufficient waste storage area.  b) The development proposes two communal waste bin enclosure areas in the north-east and south-east corner of the site. These waste areas are roofed and enclosed to minimise noise and odour impacts to the surrounding dwellings. These waste areas are incorporated into the overall building and landscaping design.  c) Noted  d) All units are provided with sufficient storage at basement level.  e) Clear signage is required as a condition of consent.  f) Each unit is provided with secure, open air clothes drying facilities.  g) Not applicable.  h) Mechanical plant is to be suitably screened for each dwelling.  i) Mailboxes are provided in courtyard walls for ground floor units. Mailbox for other units will be provide in the communal areas accessible to Australia Post.  j) Not applicable. | N/A |
| **7.14 Multi Dwelling Housing and Dual Occupancy** | a) Multi dwelling housing and dual occupancy developments in Googong shall comply with Table 2. | a) The development consists of a residential flat building and is in compliance with the standards set out in Table 2. | Yes |
| **7.16 Thermal Performance** | a) All dwellings within the Googong township are to comply with the relevant energy efficiency requirements of State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004. A BASIX Certificate is to accompany all development applications for new dwellings or alterations and additions to existing dwellings having an estimated construction cost of $50,000 or more. | a) A BASIX Certificate has been provided with the development and will be required to be complied with as a condition of consent. | Yes |
| **7.17 Solar Access** | a) Buildings shall be sited and designed to maximise sunlight to north facing windows  b) Principal Private Open Space (PPOS) shall not have sunlight reduced to less than three hours between 9am and 3pm on 21 June.  c) Living areas are to generally have a northern orientation and be directly accessible to principal private open space areas.  d) Windows are to be protected from direct summer sun with appropriate shading devices such as hoods, eaves or louvers.  e) Windows to habitable rooms shall open to the sky or a verandah. | a) The development achieves the required solar access provision in accordance with the ADG. All units are dual aspect and will benefit from optimal sunlight access.  b) All PPOS areas have sufficient solar access as demonstrated by the submitted solar access plans.  c) Given the layout of the site, a significant number of units have an east-west orientation. However, due to the perimeter layout of the development, the dual aspect nature of the units and the height of the development, living areas generally receive sufficient solar access.  d) Appropriate shading devices are proposed including vertical shading blades, fenestration and balconies.  e) All windows to habitable rooms are openable to the sky. | Yes |
| **7.18 Energy and Natural Ventilation** | a) Buildings shall be designed and orientated to take optimal advantage of passive solar access and prevailing breezes.  b) To reduce energy consumed by clothes drying machines, all dwellings are to be provided with secure, open air clothes drying facilities.  c) Where feasible make use of solar energy and solar hot water.  d) Ventilation of residential buildings can be achieved by permanent openings, windows, doors or other devices. | a) All units have dual aspect allowing for effective cross ventilation throughout the development.  b) All dwellings have sufficient space for open air clothes drying.  c) Noted  d) All buildings have open corridors facing the central open space offering permanent ventilation. | Yes |
| **7.19 Waste Management** | a) Each dwelling shall be provided with sufficient room on site to store 3 x 240L mobile garbage bins (MGBs). The minimum space required is 2,300mm long by 750mm wide. Storage areas shall have an easily cleaned all weather surface.  b) Storage areas shall be located so that:  i. MGBs are not visible from public view and located behind the building setback.  ii. MGBs can be transferred from their storage location to the street frontage for collection without needing to be wheeled over steps or through the dwelling unit.  c) On any collection day residents will be required to wheel two full MGB’s to the kerbside. As a general rule MGBs shall not be wheeled more than 75 m. For aged persons or persons with a disability this shall not exceed 50m. Grades shall be less than 1:14.  d) For multi-unit developments with nine or more units or a frontage less than 20m and for residential flats each development shall be provided with an external communal storage bay for MGBs. Communal MGB’s shall be stored in this area for the use of all occupiers. MGBs shall not be removed from the storage area by occupiers. Council’s waste contractors will remove bins from the storage area, empty bins and place the emptied bins back in the storage area.  e) Storage bays shall be located within 6m of the boundary on the road from which they will be serviced.  f) Storage bays shall be constructed as follows:  i. Wall height shall be a minimum of 1,200mm.  ii. Floors shall be a minimum 100mm reinforced concrete graded to drain to the outside. iii. The opening to the storage area shall be a minimum of 2,000mm wide and where practical located so that it does not open directly onto the street.  iv. The opening shall be provided with a gate or roller style door. In larger developments a personal access door may also be required to allow occupiers ease of access to the storage area.  v. For a single row of bins the minimum internal width of the storage area shall be 2,750mm. For a double row of bins (along each side of the enclosure) the minimum width is 3,500mm.  vi. An area 600mm wide x 750mm deep shall be provided for each MGB.  vii. Provision shall be made for the following number of MGBs -1 x 240L MGB (red lid garbage) for every two units - 1 x 240L MGB (yellow lid bin) for every two units.  g) Roofed storage areas are generally discouraged except where overlooking is likely to occur from balconies above. Roofed storage areas shall be provided with ventilation panels in external walls.  h) A graded wash down point connected to the sewer is permitted in the floor of roofed storage areas.  i) It is recommended that a layby be constructed as close as possible to the waste storage area to allow residents leaving the premises to park briefly to utilise the storage area. Note: For multi-unit developments between 7 and 8 units please discuss the particular circumstances of the site with Council staff who will determine whether the single dwelling provisions or a communal storage area will need to be provided. In developments with particularly wide frontages the single dwelling provisions may be applied to developments with 9 or more units after discussion with Council staff. | a) Sufficient area for 151 bins including 69 x 240(L) waste bins, 71 x 240(L) Recycling bins and 11 x 240(L) green bins is provided on site in accordance with this control.  b) All storage bins are located within two enclosed waste storage areas on site.  c) Waste bins will be wheeled from the waste storage enclosures to the McFarlane Avenue kerb by a Council contractor and brought back to the waste storage rooms following pickup.  d) The development provides enclosed waste storage areas which will be managed by the on-site management team for the development. In order to ensure sufficient kerb space is available for the waste trucks, an on-street parking zone is to be marked ‘loading zone’ with appropriate street signage and line marking.   1. Bin storage areas are shown at 5.3m and 6m to the boundary of the site.   f) The two enclosed storage rooms achieve the required standards including wall height, opening design and dimensions.  g) The waste enclosures will be roofed due to the proximity of the waste storage area to balconies. The waste storage rooms have natural ventilation.  h) Noted  i) Given the size of the development, a layby is not practical however all units will have level access to the waste storage rooms and, given the provision of two waste storage rooms, all units are in proximity to the waste storage areas. | Yes |
| **7.20 Water Conservation** | a) All dwellings are to be connected to the Googong reticulated alternate water supply system. This is to be done by connecting to the toilets and at least two outside taps with a minimum of one to the front and rear of the dwelling.  b) Development applications for new developments are required to include a Water Management Statement. This is a statement that summarizes proposed water management measures and expected performance levels compared to BASIX performance standards and should include details of how water usage is minimised and how the quality and quantity of water discharge from the site is managed, details of the potential for water recycling and rainwater harvesting and reuse options.  c) Details of proposed installation of appliances and plumbing hardware are to be provided in accordance with relevant standards.  d) Rainwater tanks are required to be installed where BASIX certificates require such items connected to all new residential dwellings. | a) All dwellings will be connected to the Googong reticulated alternate water system.  b) A Water Management Statement is provided with the development application.  c) Details of proposed installation of appliances and plumbing hardware will be detailed at construction stage.  d) a |  |

The following contributions plans are relevant pursuant to Section 7.18 of the EP&A Act and have been considered in the recommended conditions (notwithstanding Contributions plans are not DCPs they are required to be considered):

**SECTION 64 CONTRIBUTIONS**

The following Section 64 contributions are required for this location. Contributions were calculated by the creation of the strata subdivision with 138 townhouses with reference to the NSW Water Directorate Section 64 Determinations of ETs Guidelines - April 2017. The water and sewer headworks contributions are calculated as follows;

|  |  |  |
| --- | --- | --- |
| **Unit Type** | **Water ET** | **Sewer ET** |
| 22x Four Bedroom dwellings | 22 x 0.8 = 17.6 | 22 x 1.0 = 22 |
| 26x Three Bedroom dwellings | 26 x 0.8 = 20.8 | 26 x 1.0 = 26 |
| 47x Two Bedroom dwellings | 47 x 0.6 = 28.2 | 47 x 0.75 = 35.25 |
| 43x One Bedroom dwellings | 43 x 0.4 = 17.2 | 43 x 0.5 = 21.5 |
| **Totals** | **83.8 ET** | **104.75 ET** |

Council and Googong Township Pty Ltd (GTPL) has a current Voluntary Planning Agreement (VPA) based on the Googong structure plan. All section 64 contributions of the proposed dwellings that were included within the structure plan would be transferred to GTPL if collected by Council. However, GTPL has previously advised that they do not wish to collect Section 64 Contributions. As such, only the contribution due to additional dwelling will need to be collected as part of this application.

The assumed yield for Lot 566 in the structure plan was about 66 dwellings. Based on the proposed 138 dwellings associated with this development proposal, contributions will be applicable for the proposed 70 additional dwellings. Due to a lack of sufficient data for the type of proposed dwelling in the structure plan, the number of additional units is distributed to one, two, three and four bedroom dwellings based on their percentage proportion. The new water and sewer headworks for the additional units are calculated as follows.

|  |  |  |
| --- | --- | --- |
| **Unit Type** | **Water ET** | **Sewer ET** |
| 11x Four Bedroom Townhouse (16%) | 11 x 0.8 = 8.8 | 11x 1.0 = 11 |
| 13x Three Bedroom Townhouse (19%) | 13 x 0.8 = 10.4 | 13 x 1.0 = 13 |
| 24x Two Bedroom Apartment (34%) | 24 x 0.6 = 14.4 | 24 x 0.75 = 18 |
| 22x One Bedroom dwellings (31%) | 22 x 0.4 = 8.8 | 22 x 0.5 = 11 |
| **Totals (70 Units)** | **42.4 ET** | **53 ET** |

Contributions of 42.4 ET for Water and 53.0 ET for Sewer respectively will apply to this development.

This Contributions Plan has been considered and a condition included for the payment of relevant fees in the draft consent conditions.

1. **Section 4.15(1)(a)(iiia) – Planning agreements under Section 7.4 of the EP&A Act**

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

* **Googong Urban Development Local Planning Agreement**

The development is consistent with this Planning Agreement as discussed in this report.

1. **Section 4.15(1)(a)(iv) - Provisions of Regulations**

Section 61 of the 2021 EP&A Regulation contains matters that must be taken into consideration by a consent authority in determining a development application. None of the listed matters apply to this development.

* 1. **Section 4.15(1)(b) - Likely Impacts of Development**

The likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality must be considered. In this regard, potential impacts related to the proposal have been considered in response to SEPPs, LEP and DCP controls outlined above and the Key Issues section below.

The consideration of impacts on the natural and built environments includes the following:

* **Construction** – The construction stage of the development will have the potential to impact on adjoining properties and the environment for a short period of time. Any approval is conditioned to ensure construction activities do not unreasonably impact on the adjoining properties and the environment by way of noise, erosion, dust and the like.
* **Waste Management** – Waste and recycling bins for the development are proposed to be stored within two dedicated bin storerooms located on the northeast and southeast corners of the site and incorporated into the built form of Buildings 1 and 3. Area for a total of 151 bins including 71 x 240(L) waste bins, 69 x 240(L) Recycling bins and 11 x 240(L) green bins will be provided.

These bins will be wheeled out for kerb collection on McFarlane Avenue by the development management team or Council contractor. Loading Bay signage is proposed to accommodate the waste truck.

The current preference for waste pickup from Council’s waste officer is an on-site solution. He suggests the proposed waste arrangements, while workable, could be improved with respect to future costs to property owners from collecting and returning bins to the bin storage area fortnightly, negative (noise) amenity impacts, loss of parking and risk.

The proposed bin numbers, type (some can be reduced in size to assist movement) and collection arrangement (fortnightly, weekly, use of all or some bin enclosures) will need to be finalised to ensure that bins can be efficiently collected while meeting the needs of end-users. It is not expected that this will require a change to the proposed bin rooms and a condition of consent has been suggested.

Draft conditions have been provided for the development should the Determining Authority provide consent for the development.

It is worth noting that at the time of lodgement of the development application, Council’s preferred waste solution was pickup from the kerb which is proposed in this instance. Further, a recently approved adjacent development will have kerbside pickup of waste.

* **Cumulative impacts** – Cumulative impacts relate to the small impacts of developments in an area that when considered in unison can result in detrimental impact on the natural or built environment. It is considered that with adherence to recommended conditions of consent that the proposal will not give rise to any adverse cumulative impacts.

Accordingly, it is considered that the development will not result in any notable adverse impacts in the locality as outlined above.

* 1. **Section 4.15(1)(c) - Suitability of the site**

**Does the development fit in the locality?** - There are no significant constraints, heritage, threatened species, agricultural or mineral and extractive resource constraints impacting the development. The development will not give rise to unmanageable transport demands, adequate recreational opportunities will be provided and all services will be available.

* 1. **Section 4.15(1)(d) - Public Submissions**

Section 4.15(1)(d) of the EP&A Act requires Council to consider “any submissions made in accordance with this Act or the regulations”.

The development was notified to adjoining and nearby landowners in accordance with the requirements of the Queanbeyan-Palerang Community Participation Plan 2019 (QCPP). Council did not receive any submissions objecting to the development.

* 1. **Section 4.15(1)(e) - Public interest**

Section 4.15(1)(e) of the EP&A Act requires Council to consider “the public interest”.  The development satisfactorily addresses Council’s criteria and would provide a development outcome that, on balance, would result in a positive impact for the community.  Approval of the development would be in the public interest.

1. **REFERRALS AND SUBMISSIONS** 
   1. **Agency Referrals and Concurrence**

The development application has been referred to various agencies for comment/concurrence/referral as required by the EP&A Act and outlined below in Table 9.

**Table 9: Concurrence and Referrals to agencies**

|  |  |  |  |
| --- | --- | --- | --- |
| **Agency** | **Concurrence/**  **referral trigger** | **Comments**  **(Issue, resolution, conditions)** | **Resolved** |
| Concurrence Requirements (s4.13 of EP&A Act) | | | |
| N/A |  |  |  |
| Referral/Consultation Agencies | | | |
| Transport for NSW (TfNSW) | SEPP (Transport and Infrastructure) 2021, s2.122 (Traffic-generating development) | TfNSW confirmed they have no objections to the development, providing the following notes:  **Context**  TfNSW notes for this DA:   * The lot has frontage to Mcfarlane Avenue which is classified a local road and is managed by Queanbeyan-Palerang Regional Council. * Monaro Street and the Monaro Highway are the nearest state classified roads and are managed by TfNSW. * The application proposes construction of 6 residential apartment buildings containing a total of 138 apartments over a single basement level, associated services, civil work, landscaping, and strata subdivision. * The application was referred to TfNSW for assessment under section 2.122 of the State Environmental Planning Policy (Transport and Infrastructure) 2021. This was necessary because the proposed number of car parking spaces exceeds 200, as specified in schedule 3. * The proposed location of the development is within the Googong Land Release Area and the traffic generation associated with the Googong Land Release Area do not account for the proposed development.   **Council’s considerations**   * Queanbeyan-Palerang Regional Council must be satisfied that the traffic generation of the proposed development was considered as part of the Googong Land Release Area. If not, Council may require the applicant to submit a Traffic Impact Assessment that outlines the anticipated increase in traffic resulting from the completion of the project. The objective here is to ensure that the traffic generated by the proposed development does not cause significant disruptions to the flow of traffic at specific intersections, such as Gorman Drive and Wells Drive, or any other road managed by the Queanbeyan-Palerang Regional Council. | Council requested the Applicant provide a traffic and parking impact study which confirms that the development will not unacceptably impact on the traffic in the local road network. This matter is considered resolved. |
| Essential Energy (EE) | SEPP (Transport and Infrastructure) 2021, s2.48 | EE confirmed the following minimum distances required from EE’s infrastructure:   * As the plans provided do not show the distances from Essential Energy’s infrastructure and the development, there may be a safety risk. A distance of 3m from the nearest part of the development to Essential Energy’s infrastructure (measured horizontally) is required to ensure that there is no safety risk. 11KV PADMOUNT SUBSTATION * As the plans provided do not show the distances from Essential Energy’s infrastructure and the development, there may be a safety risk. A distance of 1m from the nearest part of the development to Essential Energy’s infrastructure (measured horizontally) is required to ensure that there is no safety risk. FROM LV UNDERGROUND POWERLINES * It is also essential that all works comply with SafeWork clearance requirements. In this regard it is the responsibility of the person/s completing any works to understand their safety responsibilities. The applicant will need to submit a Request for Safety Advice if works cannot maintain the safe working clearances set out in the Working Near Overhead   Essential Energy makes the following general comments:   * If the proposed development changes, there may be potential safety risks and it is recommended that Essential Energy is consulted for further comment; * Any existing encumbrances in favour of Essential Energy (or its predecessors) noted on the title of the above property should be complied with; * Any activities in proximity to electrical infrastructure must be undertaken in accordance with the latest industry guideline currently known as ISSC 20 Guideline for the Management of Activities within Electricity Easements and Close to Infrastructure; * Prior to carrying out any works, 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 995 (NSW); the location of overhead and underground powerlines are also shown in the Look Up and Live | Following receipt of these comments, the Applicant provided plans confirming the distance of the development from all relevant EE infrastructure is in excess of the minimum requirements. Accordingly, this matter is considered to be resolved. |
| Integrated Development (S 4.46 of the EP&A Act) | | | |
| N/A |  |  |  |

* 1. **Council Officer Referrals**

The development application has been referred to various Council officers for technical review as outlined **Table 10.**

**Table 10: Consideration of Council Referrals**

|  |  |  |
| --- | --- | --- |
| **Officer** | **Comments** | **Resolved** |
| Waste Officer | A referral response was received on 22 March 2023. The Waste Officer’s referral response requested the Applicant provide the following:  *The DA will require a Waste Management Plan (WMP). The WMP will need be prepared in accordance with the Better practice guide for resource recovery in residential developments (NSW EPA). The WMP shall include, as a minimum:*  **General**   * + A completed copy of Appendix A: Waste Management Plan Checklist from the Better practice guide for resource recovery in residential developments   **Construction and Demolition**   * + Estimated quantities of construction waste broken down into major waste streams   + Description of how construction waste will be avoided, reused, recycled or otherwise safely and legally diverted from landfill for the duration of construction works   + Estimated quantities of construction waste to be landfilled, reused, recycled, or otherwise safely and legally diverted from landfill   + Estimated quantities of excavated natural material (ENM), the expected classification of ENM and how ENM will be managed and disposed   + Generally addressing how this project is contributing to the *NSW Waste and Sustainable Materials Strategy 2041* (NSW DPIE, June 2021) target to achieve “80% average recovery rate from all waste streams by 2030”.   **Post-construction use and management**   * + Detail who will be responsible for on-going management of waste areas and waste management within the complex   + A plan showing an area suitable for storage of a minimum of 2 days storage of each waste stream in individual units   + Consideration of issues detailed in Section 2 and Section 4 of the *Better Practice Guide for Resource Recovery in Residential Developments*.   + Details on how the communal area will be accessible for people with reduced mobility and/or other disabilities   a Waste Management Plan (WMP). The Applicant provided a WMP dated 02/10/23 in response to this request. The WMP is considered to satisfactorily address the issues raised by Council’s Waste Officer and is considered acceptable. | The Applicant provided a Waste Management Plan which estimates quantities of construction waste, details of ongoing waste management including waste pickup processes and on-site storage areas. This referral is considered to be satisfactorily addressed. |
| Engineering Officer |  |  |

The outstanding issues raised by Council officers are considered in the Key Issues section of this report.

* 1. **Community Consultation**

The development was notified in accordance with the QCPP for 25 days duration from 30 March to 24 April 2023. The notification included the following:

* Notification letters sent to adjoining and adjacent properties (a rough estimate of the number of letters sent);
* Notification on the Council’s website.

The Council received no submissions in response to the notification.

1. **CONCLUSION**

The Applicant is seeking development consent for a residential flat building development comprising six buildings containing a total of 138 units which will comprise one, two, three and four bedroom units (the development). The development also includes and 233 residential parking spaces and 28 visitor parking spaces in a basement car park area and strata subdivision.

The development will include five, four storey buildings (Buildings 1,2,3,5,6) and one, five storey building (Building 4).

The development is ‘Regional Development” as defined by Chapter 2 Schedule 6 of State Environmental Planning Policy (Planning Systems) 2021 (PS SEPP) – The development is for a residential flat building with a CIV over $30 million in value . The Southern Regional Planning Panel (SRPP) is the relevant determining authority.

The development application is not nominated as Integrated Development and has been assessed under the relevant State Environmental Planning Policies, Queanbeyan Local Environmental Plan 2012, Queanbeyan Development Control Plan 2012 and Googong Development Control Plan.

This assessment found that the development generally satisfies the controls and requirements of these instruments with some variations to the Googong DCP that do not warrant refusal and can be managed by way of conditions of consent.

The other relevant matters for consideration under Section 79C of the Act have also been considered and the development is considered suitable for the site, it will have an acceptable

impact on the site, local area and neighbouring properties.

The submissions from agencies have been considered and conditions recommended where appropriate and no public submissions were received that related to this development.

There are no significant public interest concerns resulting from the development.

The development is recommended for conditional approval. It is considered that the key issues as outlined in this report have been resolved satisfactorily through recommended draft conditions at Attachment A.

1. **RECOMMENDATION**

That the Development Application DA.2023.0103 for Construction of a residential flat building development comprising 6 buildings containing a total of 138 units over a single basement level, associated services, civil work, landscaping and strata subdivision at 43 McFarlane Avenue, Googong, NSW 2620, be APPROVED pursuant to Section 4.16(1)(a) or (b) of the *Environmental Planning and Assessment Act 1979* subject to the draft conditions of consent attached to this report at Attachment A.

The following attachments are provided:

* Attachment A: Draft conditions of consent
* Attachment B: Architectural and Landscaping Plans
* Attachment C: Strata Plans
* Attachment D: CPTED Report