

DATE OF DETERMINATION	22 August 2024
DATE OF PANEL DECISION	22 August 2024
DATE OF PANEL BRIEFING	21 August 2024
PANEL MEMBERS	Chris Wilson (Chair), Juliet Grant, Grant Christmas, John Preston
APOLOGIES	Bryce Wilson
DECLARATIONS OF INTEREST	None

Papers circulated electronically on 13 August 2024.

MATTER DETERMINED

PPSSTH-336 – Queanbeyan-Palerang – DA.2024.0027 at 18 Glenrock Drive, Googong NSW 2620 (Lot 642 DP 1289740) – Residential Flat Building with 163 units across 6 Buildings with basement parking (as described in Schedule 1).

PANEL CONSIDERATION AND DECISION

The Panel considered: the matters listed at item 6, the material listed at item 7 and the material presented at meetings and briefings and the matters observed at site inspections listed at item 8 in Schedule 1.

Contravention of a development standard

Following consideration of a written request from the applicant, made under cl 4.6 (3) of the QPRC Local Environmental Plan 2022 (LEP), that has demonstrated that:

- a) compliance with cl. 4.3 (Height of Buildings) is unreasonable or unnecessary in the circumstances; and
- b) there are sufficient environmental planning grounds to justify contravening the development standard

the Panel is satisfied that:

- a) the applicant's written request adequately addresses the matters required to be addressed under cl 4.6 (3) of the LEP; and
- b) the development is in the public interest because it is consistent with the objectives of cl. 4.3 (Height of Buildings) of the LEP and the objectives for development in the R1 General Residential Zone and E1 Local Centre Zone; and
- c) the concurrence of the Secretary has been assumed.

Development application

The Panel determined to approve the development application pursuant to section 4.16 of the *Environmental Planning and Assessment Act 1979*.

The decision was unanimous.

REASONS FOR THE DECISION

The Panel determined to uphold the contravention of the development standard under Clause 4.6 relating to building height and approve the application for the reasons outlined in the Council Assessment Report.

- The proposal is permissible in the R1 General Residential Zone and E1 Local Centre Zone under the QPRC LEP 2022. The proposal is consistent with;
 - R1 zone objectives relating to ensuring development complements the character and amenity of the locality; and
 - E1 zone objectives to;
 - enable residential development that contributes to a vibrant and active local centre and is consistent with the Council's strategic planning for residential development in the area,
 - encourage some limited high density residential uses to create vitality in town centres, to encourage development that is consistent with the character and amenity of the locality; and
 - provide a variety of housing types and to provide for the housing needs of the community.
- The proposal satisfies the relevant provisions of applicable SEPPs. Notably, the preconditions to the grant of consent have been satisfied including those established in the Resilience and Hazards SEPP relating to contamination and remediation.
- The site of the proposed development is well suited to the intended use.
- The height and scale of the proposed buildings respond well to site constraints and is compatible with both existing and emerging and surrounding adjoining land uses.
- The Clause 4.6 contravention is justified on planning grounds having regard to both the built form outcomes and the positive social outcomes.
- Adequate services are available to the site.
- The proposal will contribute to the orderly growth of the Googong Release Area.
- The development promotes good residential amenity and will provide for a diversity of housing throughout Queanbeyan.
- The potential amenity, environmental and land use planning impacts likely to result from the proposed development have been properly examined in accordance with Section 4.15 of the *Environmental Planning and Assessment Act, 1979* and found to be acceptable subject to the imposition of conditions of consent.

CONDITIONS

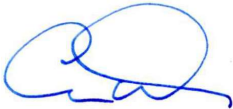



The Development Application was approved subject to the conditions in the Council Assessment Report with the following amendments:

- Delete condition 8 – *Copy of consent to owner*, as it is considered to be superfluous.
- Amend conditions 19 and 20 to reflect the correct revisions as civil drawings (e) and (f).
- Amend condition 18 – *Construction management* to include a reference to construction access and parking.

The Panel considered the applicant's request that waste rooms not be redesigned to accommodate FOGO bins. Whilst the Panel accepted this, it anticipated that at least one FOGO bin should be placed in the rear waste enclosures C and D, in addition to those proposed in waste enclosures A and B.

CONSIDERATION OF COMMUNITY VIEWS

In coming to its decision, the Panel notes that no written submissions were made during public exhibition and therefore no issues of concern were raised.

PANEL MEMBERS	
 Christopher Wilson (Chair)	 Juliet Grant
 Grant Christmas	 John Preston

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	PPSSTH-336 – Queanbeyan-Palerang - DA.2024.0027
2	PROPOSED DEVELOPMENT	Residential Flat Building with 163 units across 6 Buildings with basement parking
3	STREET ADDRESS	18 Glenrock Drive, Googong NSW 2620 (Lot 642 DP 1289740)
4	APPLICANT/OWNER	Base Developments Pty Ltd / 642 Googong Pty Ltd
5	TYPE OF REGIONAL DEVELOPMENT	General development over \$30 million
6	RELEVANT MANDATORY CONSIDERATIONS	<ul style="list-style-type: none"> • Environmental planning instruments: <ul style="list-style-type: none"> ○ State Environmental Planning Policy (Planning Systems) 2021 ○ State Environmental Planning Policy (Biodiversity & Conservation) 2021 ○ State Environmental Planning Policy – (Sustainable Buildings) 2022 ○ State Environmental Planning Policy (Resilience & Hazards) 2021 ○ State Environmental Planning Policy (Housing) 2021 ○ State Environmental Planning Policy (Transport and Infrastructure) 2021 ○ Queanbeyan-Palerang Regional Local Environmental Plan 2022 • Draft environmental planning instruments: Nil • Development control plans: <ul style="list-style-type: none"> ○ Googong Development Control Plan 2012 ○ QDCP 2012 • Planning agreements: Nil • Relevant provisions of the <i>Environmental Planning and Assessment Regulation 2021</i> • Coastal zone management plan: Nil • The likely impacts of the development, including environmental impacts on the natural and built environment and social and economic impacts in the locality • The suitability of the site for the development • Any submissions made in accordance with the <i>Environmental Planning and Assessment Act 1979</i> or regulations • The public interest, including the principles of ecologically sustainable development
7	MATERIAL CONSIDERED BY THE PANEL	<ul style="list-style-type: none"> • Council Assessment Report: 12 August 2024 • Clause 4.6 contraction of a development standard (Height of Building) • Written submissions during public exhibition: 0 • Total number of unique submissions received by way of objection: 0
8	MEETINGS, BRIEFINGS AND SITE INSPECTIONS BY THE PANEL	<ul style="list-style-type: none"> • Briefing: 17 April 2024 <ul style="list-style-type: none"> ○ <u>Panel members</u>: Chris Wilson (Chair), Juliet Grant, Grant Christmas ○ <u>Council assessment staff</u>: Jacinta Tonner ○ <u>Other</u>: Amanda Moylan (DPHI) • Site inspection: 17 July 2024 <ul style="list-style-type: none"> ○ <u>Panel members</u>: Chris Wilson (Chair), Juliet Grant, Grant Christmas, John Preston ○ <u>Council assessment staff</u>: Mary Kunang, Jacinta Tonner, Hamad Abro ○ <u>Council consultant assessment planner</u>: Mark Pepping (Zone Planning) • Briefing: 17 July 2024

		<ul style="list-style-type: none"> ○ <u>Panel members</u>: Chris Wilson (Chair), Juliet Grant, Grant Christmas, John Preston ○ <u>Council assessment staff</u>: Mary Kunang, Jacinta Tonner, Hamad Abro ○ <u>Council consultant assessment planner</u>: Mark Pepping (Zone Planning) ○ <u>Applicant representatives</u>: Greg Brown (Base Developments), Adrian Stroh (Base Developments), Juliana Zubovic (Stewart Architects), Angus Chaseworth (Stewart Architects) ○ <u>Other</u>: Amanda Moylan (DPHI), Tracey Gillett (DPHI) <ul style="list-style-type: none"> ● Final briefing to discuss council's recommendation: 21 August 2024 <ul style="list-style-type: none"> ○ <u>Panel members</u>: Chris Wilson (Chair), Juliet Grant, Grant Christmas, John Preston ○ <u>Council assessment staff</u>: Mary Kunang, Jacinta Tonner ○ <u>Council consultant assessment planner</u>: Mark Pepping (Zone Planning) ○ <u>Applicant representatives</u>: Greg Brown (Base Developments), Adrian Stroh (Base Developments) ○ <u>Other</u>: Amanda Moylan (DPHI), Tracey Gillett (DPHI)
9	COUNCIL RECOMMENDATION	Approval
10	DRAFT CONDITIONS	Attached to the Council Assessment Report