

1266000



## COUNCIL ASSESSMENT REPORT

### SOUTHERN REGIONAL PLANNING PANEL

<b>PANEL REFERENCE &amp; DA NUMBER</b>	PPSSTH-429 & DA.2024.0138
<b>PROPOSAL</b>	Demolition of existing bike track and construction of recreation facility (indoor) including 25m lap pool, children's wading pool, a two-court indoor sports hall, landscaping, signage and associated facilities
<b>ADDRESS</b>	Lot 1601 DP 1266000 - No 14 Heazlett Street Googong
<b>APPLICANT</b>	The Trustee For The Eight Mile Planning Trust
<b>OWNER</b>	Queanbeyan Palerang Regional Council
<b>DA LODGEMENT DATE</b>	17 April 2024
<b>APPLICATION TYPE</b>	Development Application
<b>REGIONALLY SIGNIFICANT CRITERIA</b>	Section 2.19(1) and Clause 3(b) and (d) of Schedule 6 of <i>State Environmental Planning Policy (Planning Systems) 2021</i> declares the proposal regionally significant development – Council DA over \$5 million
<b>CIV</b>	\$28,521,952.00 (excluding GST)
<b>CLAUSE 4.6 REQUESTS</b>	N/A
<b>KEY SEPP/LEP</b>	<ul style="list-style-type: none"> <li>• State Environmental Planning Policy (Planning Systems) 2021</li> <li>• State Environmental Planning Policy (Biodiversity &amp; Conservation) 2021</li> <li>• State Environmental Planning Policy (Resilience &amp; Hazards) 2021</li> <li>• State Environmental Planning Policy (Transport &amp; Infrastructure) 2021</li> <li>• State Environmental Planning Policy (Industry &amp; Employment) 2021</li> <li>• State Environmental Planning Policy (Sustainable Buildings) 2022</li> <li>• Queanbeyan-Palerang Regional Local Environmental Plan 2022</li> <li>• Googong Development Control Plan</li> <li>• Queanbeyan Development Control Plan</li> </ul>
<b>TOTAL &amp; UNIQUE SUBMISSIONS ISSUES KEY IN SUBMISSIONS</b>	There were no submissions received.

<b>DOCUMENTS SUBMITTED FOR CONSIDERATION</b>	Statement of Environmental Effects Architectural Design Plans Civil engineering plans Landscape plans Traffic Impact Assessment
<b>SPECIAL INFRASTRUCTURE CONTRIBUTIONS (\$7.24)</b>	Nil
<b>RECOMMENDATION</b>	Approval with conditions
<b>DRAFT CONDITIONS TO APPLICANT</b>	No
<b>SCHEDULED MEETING DATE</b>	6 November 2024
<b>PLAN VERSION</b>	Revision B
<b>PREPARED BY</b>	Kim Johnston (Consultant Planner – Council)
<b>DATE OF REPORT</b>	23 October 2024

## EXECUTIVE SUMMARY

The proposal seeks consent for the construction of an indoor recreation facility to be owned and managed by Queanbeyan Palerang Regional Council (**QPRC**) within an existing public open space precinct, known as Googong Common. Specifically, the proposal involves an indoor 25 metre swimming pool (8 lanes), a 50 sqm children's wading pool, a two-court indoor sports hall and minor changes to the car park for bus and servicing access. Other amenities and associated areas, landscaping and building signage are also proposed.

The site is located within the Googong township, on the southern side of Heazlett Street, within the central open space area, known as Googong Common. The site currently contains the Googong Pump Track as well as netball courts to the east, an off-street car parking area adjoining Heazlett Street, Brooks Oval to the west and Gulaj Oval to the south. A riparian area exists along the eastern edge of the site beyond the netball courts.

An amendment to the *Queanbeyan Palerang Regional Local Environmental Plan 2022* (QPRLEP 2022) via Amendment 5, was gazetted on 20 September 2024, which was the subject of a Planning Proposal at the time of lodgement of this development application. This LEP Amendment rezoned the site from R1 General Residential to RE1 Public Recreation and removed the building height development standard provision.

The site is included in the *Googong Urban Development Planning Agreement*, which requires the dedication of land and construction of an Indoor Sports and Aquatic Centre on the site, with the proposal consistent with this Planning Agreement. The site was included in a subdivision approval granted in January 2018, which provided the Googong Common public open space area and the associated car parking for these open space areas, which has been provided on the site.

The proposal was advertised and notified in accordance with the Council's *Community Engagement and Participation Plan* from 21 May 2024 to 7 June 2024, and there were no submissions received. The application was also referred to external agencies including

Canberra Airport, the Rural Fire Service, Transport for NSW and NSW Police, with no objections raised subject to recommended conditions. There were some concerns raised by Canberra airport throughout the assessment of this application in relation to potential glare impacts from the proposed solar panels, however, these issues have now been resolved. Council's specialist officers also provided comments, with conditions recommended to be imposed.

A request for information outlining some concerns with the proposal was provided to the applicant in September 2024, subsequently addressed in amended plans, which form the basis of this report.

A number of key issues have been identified in this assessment comprising:

- Traffic and parking
- Acoustic issues
- Bushfire
- Waste management
- Safety, security and crime prevention
- Sustainability

A thorough consideration of these key issues has been undertaken and it is considered that the matters have been adequately addressed as outlined in this report.

An assessment under Section 4.15(1) of the *Environmental Planning and Assessment Act 1979* (EP&A Act) concluded that the proposal is generally consistent with the relevant planning controls. The site is also considered suitable for the development and there are unlikely to be any significant adverse impacts arising from the proposal subject to the recommended conditions. The proposal is considered to be in the public interest given enhanced public recreation opportunities are provided by the proposal with impacts mitigated.

Following a thorough consideration of the application, it is considered that the proposal has adequately addressed potential impacts and relevant recommended consent conditions are provided for the Panel's consideration. The proposal is consistent with the planning controls and the jurisdictional preconditions to the grant of consent have been satisfied.

Accordingly, the development application is recommended for approval subject to the conditions, contained at **Attachment A** of this report.

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## 1. BACKGROUND

### 1.1 Googong Master Plan

The site is located within the Googong township, an urban release area which was identified in the *Queanbeyan Land Release Enquiry* (2006) and *Queanbeyan Residential and Economic Strategy 2031* (2007) to cater for future housing demand in the Queanbeyan area. Googong was zoned for urban development in 2009 and the planning controls were consolidated into the *Queanbeyan Palerang Regional Local Environmental Plan 2022 (QPRLEP 2022)* on 14 November 2022.

The *Googong Master Plan* broadly establishes the development outcomes for Googong, with the Master plan being the basis for the *Googong Development Control Plan (GDCP)*, which is considered in this report. When completed, the Googong Township will provide around 6,600 dwellings, with a population of over 18,000 people and will also include schools, community facilities, open space areas and employment opportunities to support the future community. Googong consists of five neighbourhoods, with the site located in Neighbourhood 2 (NH2). The township is still under construction, with a number of the neighbourhoods already completed and occupied (**Figure 1**).

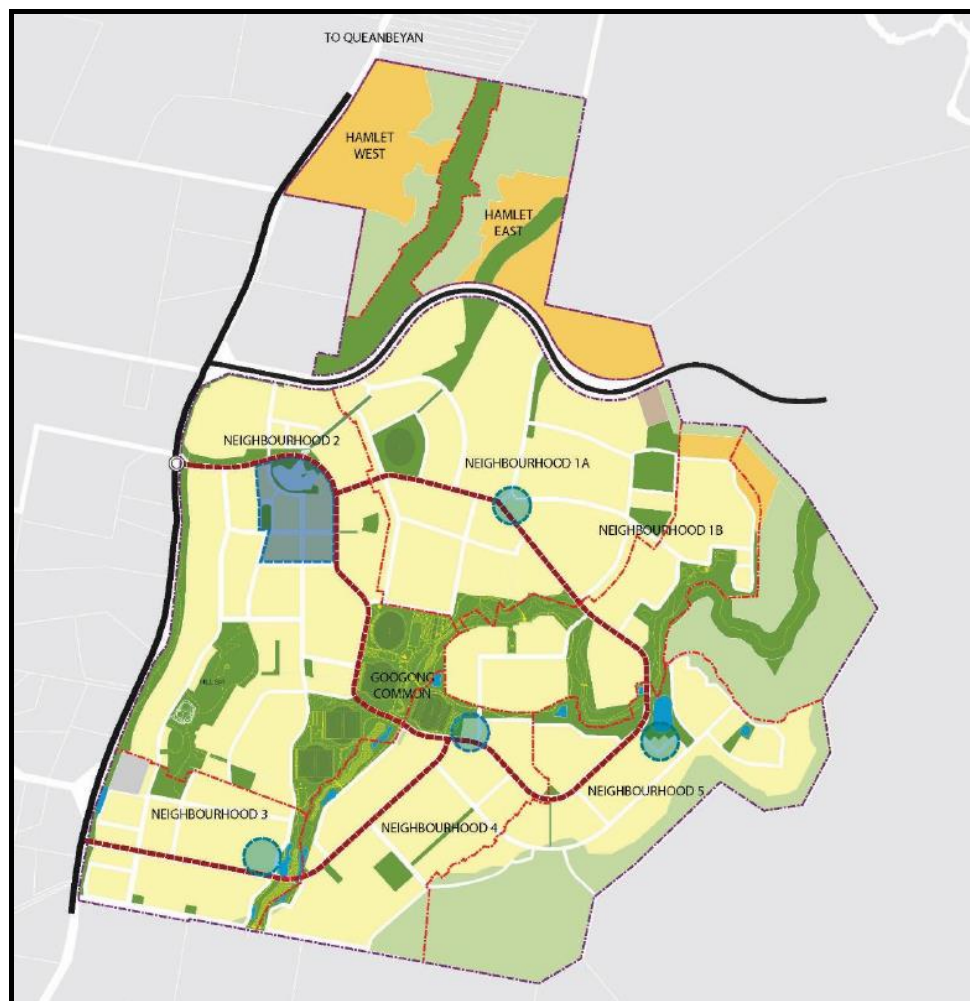


Figure 1: Googong Master Plan (Source: Map 1, Appendix 8 of the GDCP)

The bulk of Googong's open space and active recreation areas are located within *Googong Common*, which is primarily located within NH2. Googong Common forms the central open

space hub / spine for this new community, and is the location of the proposal. The site is owned by Council, with the proposal to be Council-run facility.

## 1.2 Subdivision Approval

The subdivision of NH2 was approved on 10 January 2018 on DA 123-2017 (**Subdivision approval**) by the Southern Regional Planning Panel (PPS-2017STH011). This subdivision approval included the creation of residential lots, super lots for future housing and other uses including the Town Centre sites, a community facility and a recreation area. This subdivision approval provided the Googong Common public open space area, and the associated car parking for these open space areas, which has been constructed on, and in the vicinity of, the site (**Figure 2**). This existing car parking is further considered in the key issues section of this report.



Figure 2: Approved Landscape Plan (Source: Subdivision approval)

## 1.3 QPREP 2022 Amendment 5 (Planning Proposal)

An Amendment to the QPRLEP 2022, Amendment 5, was gazetted on 20 September 2024 (**LEP Amendment**), which was the subject of a Planning Proposal at the time of lodgement of this development application. This LEP Amendment sought to make minor housekeeping amendments to the planning controls applying to Googong Township (PP-2023-912) to align the QPRLEP 2022 with the Googong Masterplan, GDCP and current development consents.

The LEP Amendment sought to rezone the site from R1 General Residential to RE1 Public Recreation to align the zoning map with the boundaries consistent with land that has been



created for public purposes and dedicated to Council. Removal of the building height development standard provision associated with the site was also undertaken, such that there is no longer a maximum height development standard for the site

#### 1.4 Planning Agreement

The site is included in the *Googong Urban Development Planning Agreement (Planning Agreement)*, which was originally executed on 12 January 2012 between the then Queanbeyan City Council, Googong Development Corporation and CIC Australia Limited. The objective of the Planning Agreement is to provide for the carrying out of works, the dedication of land and the provision of other material public benefits for the provision of infrastructure, facilities and services to meet the Development on the Land.

Pursuant to Clauses 6 and 11.3 of the Planning Agreement, the landscaping works are to be carried out in accordance with the Landscape and Open Space Strategy. Of relevance to the proposal, the following items are required to be provided under the Planning Agreement (Schedule 1), illustrated in **Figure 3**:

- Item 2.05 – requires the dedication of the land for the Indoor Sports and Aquatic Centre;
- Item 2.06 – design and construction of the Indoor Sports and Aquatic Centre

Schedule 5 of the Planning Agreement outlines the Landscape and Open Space Strategy (**Figure 4**), which contains a number of elements, within Googong Common, including an indoor sports and aquatic centre at the subject site. The proposal is consistent with the Planning Agreement.

2.05 Dedication of land for the Indoor Sports and Aquatic Centre	On-site Community Facilities & Services	Public civic and community service facilities.	Subject to detailed design and final survey the Developer is to dedicate 20,000sqm of land on which Item 2.06 will be constructed.	To be dedicated in accordance with the timing set out for Item 2.06, and clause 9.3 of this Agreement, or at such earlier time as is determined by the Developer in its discretion.	\$1,557,000												
2.06 Design and construction of the Indoor Sports and Aquatic Centre	On-site Community Facilities & Services	Public civic and community service facilities.	Developer to complete the following Works: <ul style="list-style-type: none"> <li>- an indoor aquatic hall,</li> <li>- 25m x 8 lane pool,</li> <li>- 50 square metres children's wading pool,</li> <li>- amenities, foyer, reception, administration, kiosk, plant and storage,</li> <li>- a two court indoor sports hall with tiered seating,</li> </ul>	To be completed prior to the issue of a Subdivision Certificate for the creation of lots which are proposed to accommodate the 11,779 <sup>9</sup> Equivalent Person (75% of the Projected Total Population)	\$15,040,579												
Schedule 1 – 28.07.11 EXECUTION – Contribution Values indexed to 30 June 2011 in accordance with CPI CIC_CIC00107_191.doc																	
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<table border="1"> <thead> <tr> <th>Column 1 Item</th><th>Column 2 Contribution Category</th><th>Column 3 Public Purpose</th><th>Column 4 Manner and extent</th><th>Column 5 Timing</th><th>Column 6 Contribution Value</th></tr> </thead> <tbody> <tr> <td></td><td></td><td></td><td>- car parking and soft landscaping.</td><td></td><td></td></tr> </tbody> </table>						Column 1 Item	Column 2 Contribution Category	Column 3 Public Purpose	Column 4 Manner and extent	Column 5 Timing	Column 6 Contribution Value				- car parking and soft landscaping.		
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			- car parking and soft landscaping.														

**Figure 3: Schedule 1 of the Planning Agreement (Source: Schedule 1 of Planning Agreement)**

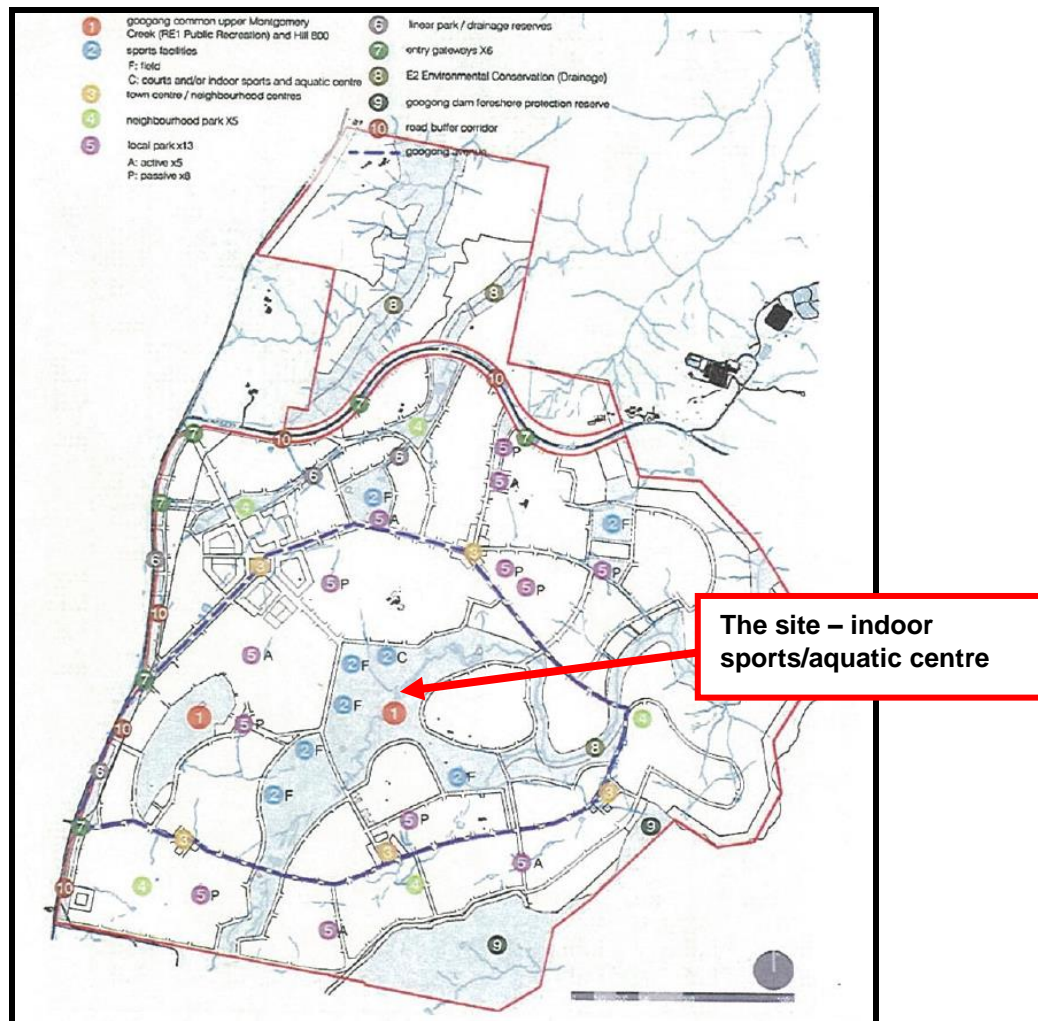


Figure 4: Open Space Typology and Distribution – PA (Source: Schedule 5 (Figure 8) of Planning Agreement)

## 2. THE SITE AND LOCALITY

### 2.1 The Site

The site is legally described as Lot 1601 in DP 1266000 and is part of the larger allotment which comprises Googong Common. The site is located on the southern side of Heazlett Street and on the northern edge of Googong Common, and currently comprises the Googong Pump Track. The site is located 8 km from Queanbeyan and 15 km from Canberra.

The site also includes six (6) netball courts to the east of the location of the proposed facility and an off-street car parking area adjoining Heazlett Street, Brooks Oval to the west and Gulaj Oval to the south. A riparian area exists along the eastern edge of the site beyond the netball courts, with residential along Weatherstone Circuit further to the east of the netball courts. Residential dwellings exist opposite the site along Heazlett Street to the north. The site and locality is illustrated below.

### 2.2 The Locality

The locality generally consists of a low density residential area, comprising single detached housing and the large area of public open space of Googong Common. There are still areas of the township of Googong under construction, including areas of the public open space.

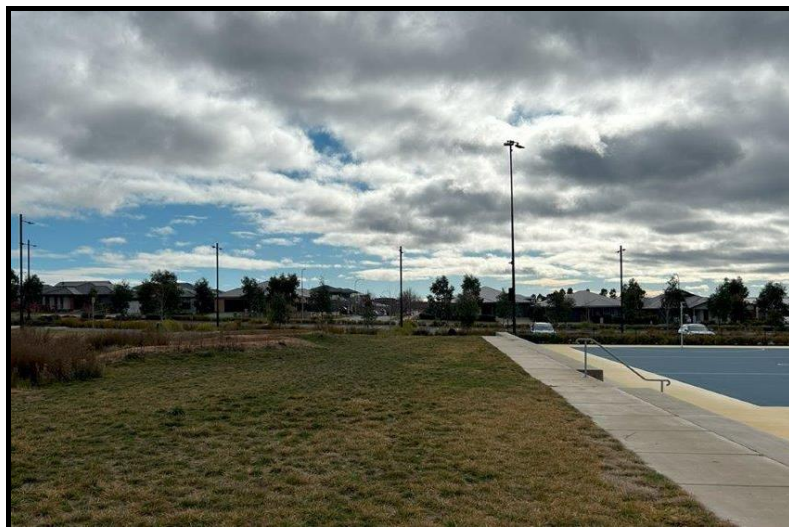




**Figure 5: Proposed Location of the Proposal - existing pump track**



**Figure 6: Netball courts to the east of the location of the proposal**



**Figure 7: Location of proposal**



**Figure 8: Existing car park on the site adjoining Heazlett Street looking north**



**Figure 9: Existing car park on the site adjoining Heazlett Street looking west**



**Figure 10: public open space to the south of the site**





Figure 11: The Site and Locality (Source: Google Maps)

### 3. THE PROPOSAL

#### 3.1 The Proposal

The proposal seeks consent for the construction of an indoor recreation facility to be owned and managed by Queanbeyan Palerang Regional Council (**QPRC**) within an existing sports precinct.

Specifically, the proposal involves:

- An indoor 25 metre swimming pool (8 lanes)
- 50 sqm children's wading pool (splashpad)
- Amenities, foyer, reception, administration, kiosk, plant and storage
- A two-court indoor sports hall
- Minor changes to car park for bus/truck access
- Lighting poles along the eastern edge of the proposed building
- Landscaping
- Precinct signage and building signage (envelope QPRC to determine wording)
- Earthworks - cut 1400m<sup>3</sup>, fill 600m<sup>3</sup> with the balance of 800m<sup>3</sup> exported from the site

The proposal will accommodate:

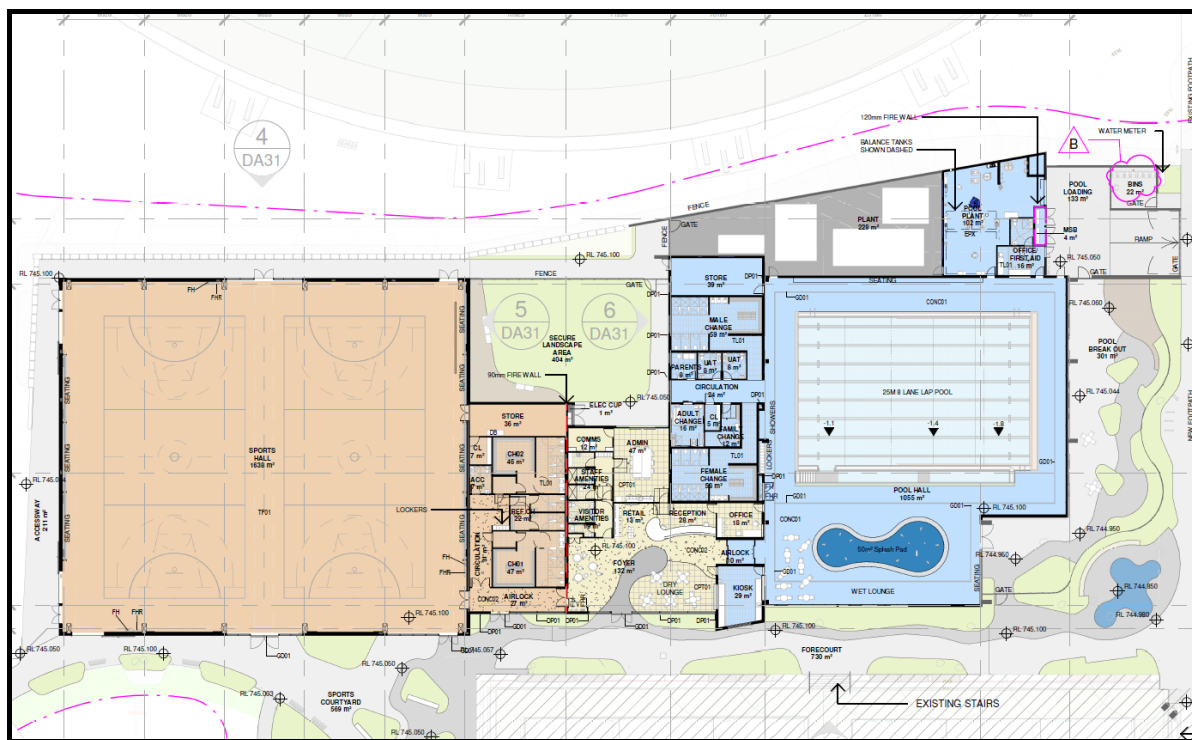
- Indoor sports hall with two courts for approximately 175 people
- Indoor pool hall for approximately 306 people
- Associated staff facilities for 20 staff.

There is car parking already constructed on the site for use by the proposed facility provided by the subdivision approval, which also includes the car parking for the adjoining netball courts and the sports oval to the west of the location of the proposal. The proposal involves minor changes to this existing car parking to improve access by service vehicles and buses, which is considered in more detail in the key issues section of this report.

The highest part of the building, consisting of the sports hall, is proposed to adjoin the larger area of public open space to the south and away from the residential area along Heazlett Street, while the amenities, storage areas and administration rooms are located within the internal areas of the building. The relevant development data is summarised in **Table 1** and the proposal is illustrated in **Figures 12 to 15**.

**Table 1: Development Data**

CONTROL	PROPOSAL
Site area	9,565m <sup>2</sup>
GFA	Proposed – 3,673m <sup>2</sup>
Max Height	RL 757.88 (12.78m) (no maximum height control)
Car Parking spaces	139 spaces (for the proposed facility)
Soft landscaping area	3,635m <sup>2</sup> (38% of the site)



**Figure 12: The Proposal (Source: NBRIS, Sheet DA 11, Rev B, 10 October 2024)**

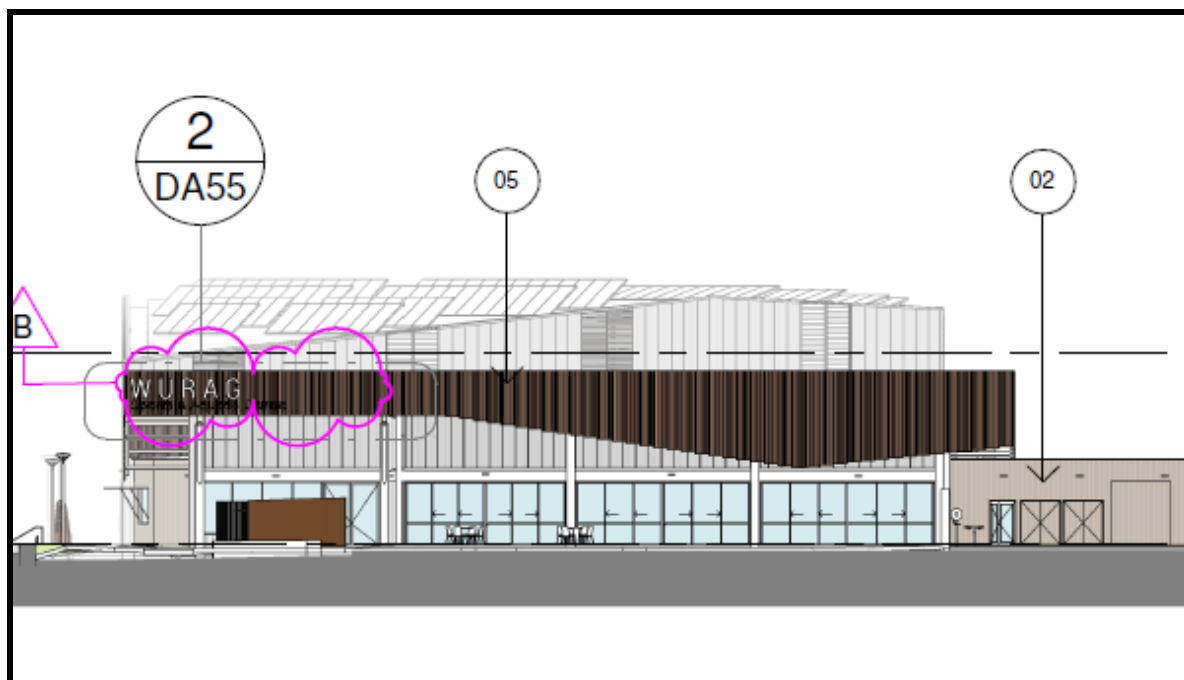


Figure 13: Proposed Northern Elevation (Source: NBRS, Sheet DA 31, Rev C, 10 October 2024)

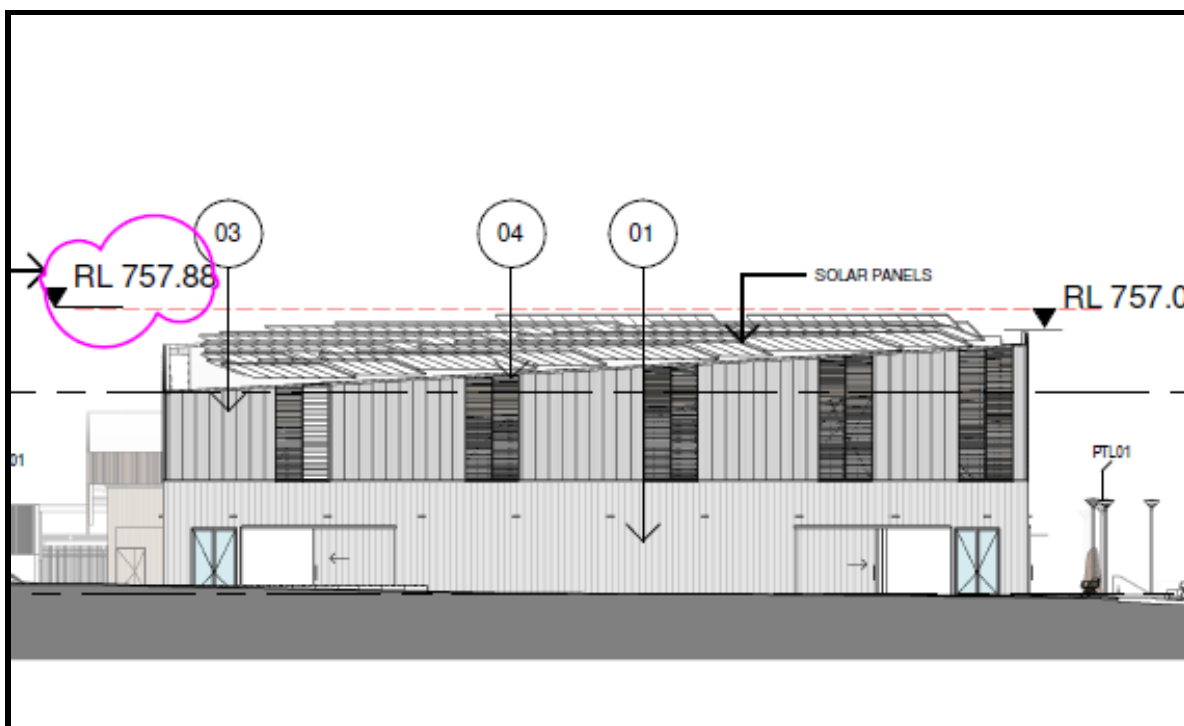


Figure 14: Proposed Southern Elevation (Source: NBRS, Sheet DA 31, Rev C, 10 October 2024)





Figure 15: Montage of the Proposal (Source: NBRIS, Sheet DA 00, Rev B, 10 October 2024)

### 3.2 Progress of the Development Application

The progress of the development application since lodgement is outlined below in **Table 2**.

**Table 2: Chronology of the DA**

DATE	EVENT
17 April 2024	DA lodged
26 July 2024	DA referred to external agencies – RFS, TfNSW, Canberra airport, NSW Police
21 May 2024	Exhibition of the application (until 7 June 2024) – no submissions
17 July 2024	Site inspection by the Panel and independent planning consultant.
7 August 2024	<ul style="list-style-type: none"> <li>Panel briefing – key issues discussed included: <ul style="list-style-type: none"> <li>Parking provision and broader car parking strategy - reliance on C1 parking, amount of proposed parking consistent with car parking required in subdivision approval (modified layout; DCP requires 83 spaces).</li> <li>Illumination of signage and potential impact on adjoining residential properties</li> <li>Plan of management for overall sporting precinct</li> <li>Status of LEP amendment - currently being finalised (Panel can determine without finalisation of PP)</li> <li>Cl 4.6 – height of building</li> <li>Hours of operation</li> <li>Noise impacts and acoustic report - Panel queried if indoor centre is proposed to be mechanically or manually ventilated.</li> <li>No submissions received during exhibition process.</li> </ul> </li> <li>Referrals - Awaiting referrals including TfNSW (traffic generation), RFS (not integrated, comments provided), Canberra airport (awaiting comments on OLS under LEP), Water NSW.</li> <li>Next steps - Council to issue RFI to seek confirmation on</li> </ul>

	lighting/distance to residences (signage) and revised CI 4.6 (9m).
<b>24 September 2024</b>	<p>RFI Issues with the following to be addressed:</p> <ul style="list-style-type: none"> <li>• <u>Clause 4.6</u> – revised request to refer to current maximum height;</li> <li>• <u>Proposed maximum height</u> – to be shown in accordance with the LEP definition (including solar panels) and in revised CI 4.6.</li> <li>• <u>Signage details</u> – The lighting details are required (potential impacts to Heazlett Street and revised plans with wording subject to further discussion (Sheets DA00, DA55, D31)</li> <li>• <u>Solar panels</u> – show on plans, including angle and height.</li> <li>• <u>Glare Assessment</u> – Required to consider proposed solar panels and potential impacts to safety and operation of Canberra Airport.</li> <li>• <u>Waste</u> – food waste separation and cardboard bin required.</li> <li>• <u>Bunded area</u> - for chemical storage (pool chemicals).</li> </ul>
<b>10 October 2024</b>	<p>Response to RFI comprising the following:</p> <ul style="list-style-type: none"> <li>• Flight path information and solar glare guidelines</li> <li>• Revised Waste Plan</li> <li>• Amended architectural plans (signage, solar panels and waste).</li> </ul>

#### 4. 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)*. These matters as are of relevance to the development application include the following:

- (a) *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),*
- (b) *that apply to the land to which the development application relates,*
- (b) *the likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality,*
- (c) *the suitability of the site for the development,*
- (d) *any submissions made in accordance with this Act or the regulations,*
- (e) *the public interest.*

These matters are further considered below.

### *Integrated Development*

The proposal is not integrated development having regard to the following:

- Bushfire Safety Authority (Section 100B of the *Rural Fires Act 1997*) - The site is located on bushfire prone land, however, the proposal is not integrated development as it does not require a Bushfire Safety Authority from the NSW Rural Fire Service (RFS) pursuant to Section 100B(3) *Rural Fires Act 1997*. The proposal is not defined as a 'Special Fire Protection Purpose'. Notwithstanding, the potential bushfire risk is considered in the key issues section of this report.
- Water Management Approvals (Sections 89, 90 & 91 of the *Water Management Act 2000*) – The site contains a riparian corridor along the eastern edge of the allotment, which is considered to contain a third order stream (based on the Strahler system) (**Figure 7**). However, the location of the proposed development on the lot is more than 40 metres from the top of bank and therefore a controlled activity approval is not required.



**Figure 16: Location of water course on the site (Source: NSW Water - Hydro line spatial data)**

### *Impacts on Biodiversity*

Section 1.7 of the EP&A Act provides that it is subject to the provisions of Part 7 of the *Biodiversity Conservation Act 2016* (**BC Act**) in relation to the terrestrial and aquatic environment. Part 7 of the BC Act relates to Biodiversity assessment and approvals under the EP&A Act where it contains additional requirements with respect to assessments, consents, and approvals under this Act.

Section 7.7 of the BC Act requires a biodiversity development assessment report for Part 4 development under the EP&A Act if the proposal is likely to significantly affect threatened species. Section 7.2 of the BC Act provides the relevant matters to consider as to whether a development is likely to significantly affect threatened species, which includes:

- it is likely to significantly affect threatened species or ecological communities, or their habitats (section 7.3 of the BC Act), or
- the development exceeds the biodiversity offsets scheme threshold if the biodiversity offsets scheme applies to the impacts of the development on biodiversity values, or
- it is carried out in a declared area of outstanding biodiversity value

It is considered that the proposal is unlikely to significantly affect threatened species having regard to:

- No native vegetation is proposed to be cleared for the development and, therefore the adverse impacts listed in Section 7.3 of the BC Act are unlikely to occur on the site;
- For the subject site, entry into the offset scheme would be triggered by clearing of an area greater than 0.25 hectares (2,500m<sup>2</sup>) based upon the minimum lot size of the QPRLEP 2022 for R1 zoned land (i.e. <1Ha minimum lot size) (Section 7.2 of the *Biodiversity Conservation Regulation 2017*) which is not proposed; and
- The site is not located in a declared area of outstanding biodiversity value.

Therefore, in this case, a Biodiversity Development Assessment Report is not required as the proposal it is considered unlikely to significantly affect threatened species.

#### **4.1 Environmental Planning Instruments, proposed instrument, development control plan, planning agreement and the regulations**

The relevant environmental planning instruments, proposed instruments, development control plans, planning agreements and the matters for consideration under the Regulation are considered below.

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

The following Environmental Planning Instruments and Development Control Plans are relevant to this application:

- *State Environmental Planning Policy (Planning Systems) 2021*
- *State Environmental Planning Policy (Biodiversity and Conservation) 2021*
- *State Environmental Planning Policy (Resilience and Hazards) 2021*
- *State Environmental Planning Policy (Transport and Infrastructure) 2021*
- *State Environmental Planning Policy (Industry and Employment) 2021*
- *State Environmental Planning Policy (Sustainable Buildings) 2022*
- *Queanbeyan-Palerang Regional Local Environmental Plan 2022;*
- *Googong Development Control Plan*
- *Queanbeyan Development Control Plan*

A summary of the key matters for consideration arising from these Environmental Planning Instruments and Development Control Plans are outlined in **Table 3** and considered in more detail below. The jurisdictional preconditions to the grant of consent are in bold and have been satisfied.

A Clause 4.6 request to vary the maximum height development standard of the QPRLEP 2022 was originally lodged with the application, however, following gazettal of Amendment 5 of the QPRLEP 2022, a Clause 4.6 request is no longer required.

Table 3: Summary of Applicable Environmental Planning Instruments

EPI	MATTERS FOR CONSIDERATION	COMPLY
<i>State Environmental Planning Policy (Planning Systems) 2021</i>	<u>Chapter 2: State and Regional Development</u> <ul style="list-style-type: none"> <li>Section 2.19(1) declares the proposal regionally significant development – CI 3 (Council Development &gt;\$5 million) of Schedule 6</li> </ul>	✓
<i>State Environmental Planning Policy (Biodiversity &amp; Conservation) 2021</i>	<u>Chapter 4: Koala Habitat Protection 2021</u> <ul style="list-style-type: none"> <li>Section 4.4(1) - Land to which Chapter applies</li> <li>Section 4.9 — no approved koala plan of management for land</li> </ul>	✓ ✓
<i>State Environmental Planning Policy (Resilience &amp; Hazards)</i>	<u>Chapter 4: Remediation of Land</u> <ul style="list-style-type: none"> <li><b>Section 4.6(1)</b> - Contamination of land</li> </ul>	✓
<i>State Environmental Planning Policy (Transport and Infrastructure) 2021</i>	<u>Chapter 2: Infrastructure</u> <ul style="list-style-type: none"> <li>Section 2.122 – Traffic-generating development – referred to TfNSW despite the car parking of more than 200 spaces currently existing on the site.</li> </ul>	✓
<i>Environmental Planning Policy (Industry and Employment) 2021</i>	<u>Chapter 3: Advertising and signage</u> <ul style="list-style-type: none"> <li>Section 3.4 - Signage to which this Chapter applies</li> <li><b>Section 3.6</b> – Granting of consent to Signage</li> </ul>	✓ ✓
<i>State Environmental Planning Policy (Sustainable Buildings) 2022</i>	<u>Chapter 3: Standards for non-residential development</u> <ul style="list-style-type: none"> <li>Section 3.1 - Application of Chapter</li> <li><b>Section 3.2</b> - Development consent for non-residential development</li> </ul>	✓ ✓
<i>Queanbeyan-Palerang Regional Local Environmental Plan 2022</i>	• Clause 1.2 – aims of the Plan	✓
	• Clause 1.4 – Definitions	✓
	• Clause 2.2 & 2.3 – Land Use Table (Permissible with consent)	✓
	• Clause 2.5 – Additional permitted uses for particular land (CI 9 of Schedule 1)	✓
	• Clause 4.3(2) – Height of Buildings (CI 4.3(2))	N/A
	• Clause CI 4.4(2) - FSR	N/A
	• Clause CI 5.10 - Heritage	✓
	• Clause 5.12 - Infrastructure development & use of existing buildings of the Crown	✓
	• <b>Clause CI 5.21 - Flood Planning</b>	N/A
	• <b>Clause CI 6.2(1) - Public utility Infrastructure</b>	✓
	• <b>Clause CI 6.3(2) - DCP</b>	✓
	• Clause CI 7.1 – Earthworks	✓
	• <b>Clause CI 7.8(2) – Airspace operations</b>	✓
	• <b>Clause 7.12 - Essential Services</b>	✓
<i>Googong Development Control Plan</i>	<ul style="list-style-type: none"> <li>Part 3: The Master Plan</li> <li>Part 8 – Environmental Management</li> <li>Part 10 – Neighbourhood Centre including Mixed Use Controls and Principles</li> <li>Part 11 – Business Parks and Employment Land Controls and Principles</li> </ul>	✓ ✓ ✓ ✓
<i>Queanbeyan Development Control Plan 2012</i>	<ul style="list-style-type: none"> <li>Part 2 Sections 2.1 to 2.9 of the are also relevant to the application</li> </ul>	✓



**(i) State Environmental Planning Policy (Planning Systems) 2021**

The proposal is *regionally significant development* pursuant to Section 2.19(1) as it satisfies the criteria in Clause 3 as Council development (pursuant to Sections 4.32 & 4.33 of the EP&A Act) with a capital investment value (**CIV**) of more than \$5 million. Accordingly, the Southern Regional Planning Panel (**Panel**) is the consent authority for the application. The proposal is consistent with this Policy.

**(ii) State Environmental Planning Policy (Biodiversity and Conservation) 2021**

*State Environmental Planning Policy (Biodiversity and Conservation) 2021 (Biodiversity & Conservation SEPP)* provides controls for various environmental issues, with Chapter 4 the only relevant chapter for this application.

Chapter 4: Koala Habitat Protection 2021

This Chapter 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. Pursuant to Section 4.4(1), the Policy applies to the site as Queanbeyan-Palerang Regional LGA is listed in Schedule 2 and the relevant koala management area is *Central and Southern Tablelands* (s4.4(2)(a)).

Section 4.9 applies to the proposal as the site comprises an area of at least 1 hectare land and there is no approved koala plan of management which applies to the site (Section 4.9(1)). Before a Council may grant consent to a development application for consent to carry out development on the land, the Council must assess whether the development is likely to have any impact on koalas or koala habitat (Section 4.9(2)).

Section 4.9(3) provides that if the council is satisfied that the development is likely to have low or no impact on koalas or koala habitat, the council may grant consent to the development application. Further, Section 4.10 provides that a Council is not prevented from granting consent to a development application for consent to carry out development on land if the land does not have an approved koala plan of management applying to the land, or the council is satisfied that the land is not core koala habitat.

It is considered that the site does not contain core koala habitat and that therefore, the proposal is likely to have low or no impact on koalas or koala habitat pursuant to Section 4.9(3) of the Policy and therefore consent may be granted consent to the development application. Accordingly, the proposal is considered to be consistent with this Policy.

**(iii) State Environmental Planning Policy (Resilience and Hazards) 2021**

*State Environmental Planning Policy (Resilience and Hazards) 2021 (Resilience and Hazards SEPP)* commenced on 1 March 2022, with Chapter 4 (remediation of land) relevant to the proposal, considered below.

*Chapter 4: Remediation of Land*

Chapter 4 aims to promote the remediation of contaminated land in order to reduce the risk of harm to human health or any other aspect of the environment. Section 4.6 requires contamination and remediation to be considered in determining a development application.

*(1) A consent authority must not consent to the carrying out of any development on land unless—*

- (a) *it has considered whether the land is contaminated, and*
- (b) *if the land is contaminated, it is satisfied that the land is suitable in its contaminated state (or will be suitable, after remediation) for the purpose for which the development is proposed to be carried out, and*
- (c) *if the land requires remediation to be made suitable for the purpose for which the development is proposed to be carried out, it is satisfied that the land will be remediated before the land is used for that purpose.*

Comment: It is considered that the site is not contaminated, which is considered further below.

- (2) *Before determining an application for consent to carry out development that would involve a change of use on any of the land specified in subsection (4), the consent authority must consider a report specifying the findings of a preliminary investigation of the land concerned carried out in accordance with the contaminated land planning guidelines.*

Comment: A change of use is proposed for the land (as it is currently vacant land and it is now proposed for a *recreation facility (indoor)*) and the site is considered to be 'land specified' in subclause (4) as it is proposed to be used for recreation purposes and there is a potential history of agricultural use on the site. A Detailed Site Investigation was prepared for the subdivision approval, which included the site, which is considered further below.

- (3) *The applicant for development consent must carry out the investigation required by subsection (2) and must provide a report on it to the consent authority. The consent authority may require the applicant to carry out, and provide a report on, a detailed investigation (as referred to in the contaminated land planning guidelines) if it considers that the findings of the preliminary investigation warrant such an investigation.*

Comment: A Detailed Site Investigation has been prepared for the site (considered further below) with a conclusion that the site is not contaminated.

- (4) *The land concerned is—*
- (a) *land that is within an investigation area,*
  - (b) *land on which development for a purpose referred to in Table 1 to the contaminated land planning guidelines is being, or is known to have been, carried out,*
  - (c) *to the extent to which it is proposed to carry out development on it for residential, educational, recreational or child care purposes, or for the purposes of a hospital—*
    - land—*
    - (i) *in relation to which there is no knowledge (or incomplete knowledge) as to whether development for a purpose referred to in Table 1 to the contaminated land planning guidelines has been carried out, and*
    - (ii) *on which it would have been lawful to carry out such development during any period in respect of which there is no knowledge (or incomplete knowledge).*

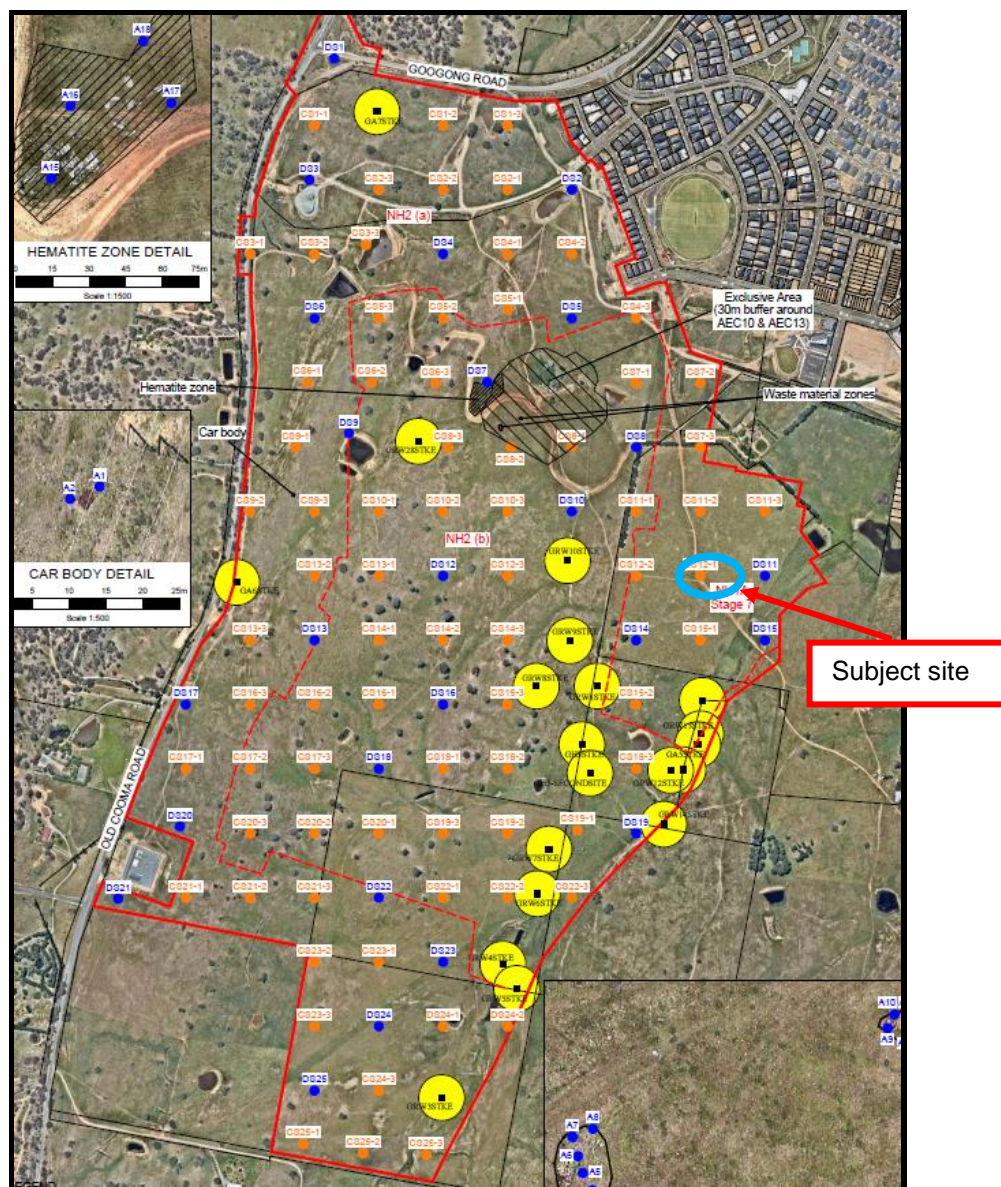
Comment: The site is not within an investigation area, however, the site is to be used for recreational purposes and a land use listed in Table 1 may have occurred on the site (agricultural activities) in the past. Therefore, the Detailed Site Investigation has been undertaken which is considered further below.

A *Detailed Contamination Assessment* prepared by Geotechnique Pty Ltd dated 16 May 2017 (DSI) was undertaken for the proposed subdivision of the land within Neighbourhood 1A Stage

7 & Neighbourhood 2, which includes the subject site. The subdivision application included use of the site for residential (with garden / accessible soil), open space and commercial land uses.

The DSI was prepared to supplement the findings and to address the recommendations presented in the *Contamination Assessment* dated 31 May 2016 prepared by Geotechnique, as well as to meet the requirements of Site Auditor. This Preliminary Assessment identified soils within the broader site, which were contaminated with heavy metals at a number locations in waste material zones and hematite zone, which were likely to present a risk of harm to human health and / or environment (**Figure 17**).

The DSI concluded that remediation, management and validation of the site were required in the areas identified as areas of concern, however, did not identify any contamination on the portion of the larger NH2 site for the current proposed recreation facility. The areas of contamination were largely confined to the proposed mixed use town centre and school sites to the north and west of the subject site.



**Figure 17: Contamination identified on the site (Source: Geotechnique, May 2017)**

Therefore, it is considered that the potential for land contamination of the site has been appropriately considered and that contamination is not present on the site. In the event that any contamination is discovered on the site during construction works, a recommended consent condition regarding unexpected finds protocol in relation to contamination is included in **Attachment A**. Accordingly, it is considered that the proposal is consistent with Chapter 4 of the Resilience and Hazards SEPP and that the jurisdictional precondition to the grant of consent has been satisfied.

**(iv) State Environmental Planning Policy (Transport and Infrastructure) 2021**

*State Environmental Planning Policy (Transport and Infrastructure) 2021 (Transport & Infrastructure SEPP)* outlines the controls for the provision of infrastructure, with Chapter 2 (Infrastructure) relevant to the development application.

*Chapter 2: Infrastructure*

The following provisions of Chapter 2 are relevant to the development application:

- *Section 2.48 – Determination of development applications – other development* - This section applies to a development application comprising or involving any of the following:
  - (a) *the penetration of ground within 2m of an underground electricity power line or an electricity distribution pole or within 10m of any part of an electricity tower,*
  - (b) *development carried out—*
    - (i) *within or immediately adjacent to an easement for electricity purposes (whether or not the electricity infrastructure exists), or*
    - (ii) *immediately adjacent to an electricity substation, or*
    - (iii) *within 5m of an exposed overhead electricity power line,*

In this case, the site does not achieve this criteria given the distance to the existing substation and electrical infrastructure located along the northern boundary of the site (Heazlett Street) is greater than the prescribed distances. Therefore, this section is not relevant to the proposal, however, relevant consent conditions in relation to servicing are recommended in **Attachment A**.

- *Section 2.119 - Development with frontage to classified road* – Heazlett Street is not a classified road and therefore this section does not apply to the proposal. Notwithstanding, it is considered that the matters to be considered are satisfied by the proposal in that safe and vehicular access to the land is provided by a road other than the classified road and the development is of a type that is not sensitive to traffic noise or vehicle emissions being an indoor facility.
- *Section 2.120 - Impact of road noise or vibration on non-road development* – This section applies to certain development on land adjacent to a freeway, tollway or transitway or any other road with an annual average daily traffic volume of more than 20,000 vehicles and that the consent authority considers is likely to be adversely affected by road noise or vibration. In this case, Heazlett Street is not located adjoining any of these roads and is also not included in the “mandatory” or “recommended” category for a road noise or vibration assessment. Accordingly, these controls are not relevant to this proposal. Notwithstanding, the Acoustic Report considered the *NSW Road Noise Policy* (EPA, 2011) and it is considered the proposal is satisfactory having regard to the likely additional traffic noise generated by the proposal.

- *Section 2.122 – Traffic-generating development* - This section requires consideration of certain matters relating to development which is deemed to be traffic-generating. In this case, the proposal does not achieve the criteria in Column 3 as the site does not have access to a classified road or to road that connects to classified road within 90 metres. In relation to Column 2 having regard to the size of capacity and with access to any road, the proposal achieves the criteria of 200 or more car parking spaces although such spaces are existing on the site.

For abundant caution, a referral to TfNSW was undertaken pursuant to this Section and the matters for consideration in this section are considered below.

- (a) *give written notice of the application to TfNSW within 7 days after the application is made –*

The application was referred to TfNSW as outlined below pursuant to the requirements under Chapter 3.

- (b) *take into consideration—*  
 (i) *any submission that RMS provides in response to that notice within 21 days after the notice was given (unless, before the 21 days have passed, TfNSW advises that it will not be making a submission)*

TfNSW considers that the proposal will not have a significant impact on the state road network and is located 8km from the state road network.

- (ii) *the accessibility of the site concerned, including—*  
 (A) *the efficiency of movement of people and freight to and from the site and the extent of multi-purpose trips, and*  
 (B) *the potential to minimise the need for travel by car and to maximise movement of freight in containers or bulk freight by rail*

The proposal does not require access for freight given it is an indoor leisure centre. There are adequate facilities for the movement of people to the site including for multi-purpose trips given the site is located within an established area of public open space (Googong Common). The potential for minimising car travel has also been incorporated into the proposal with cycle facilities provided and a bus stop about 800 metres from the site on Gorman Drive. Bus routes 830 and 840X are available at that bus stop, operating between Googong, Queanbeyan and Canberra.

- (iii) *any potential traffic safety, road congestion or parking implications of the development* - These matters are considered in the key issues section of this report.

The matters raised by TfNSW have been considered and the traffic and parking matters are further considered in the key issues of this report.

Accordingly, the proposal is considered to be consistent with the relevant provisions of the Transport & Infrastructure SEPP.

**(v) State Environmental Planning Policy (Industry and Employment) 2021**

*State Environmental Planning Policy (Industry and Employment) 2021 (Industry & Employment SEPP)* provides controls for advertising and signage (Chapter 3), which is relevant to the application.



The proposal involves the installation of building identification signage on the proposed building as well as a blade sign at the car park entry described in the application as follows:

- Blade Sign** – A free standing sign (precinct signage) at the entry to the existing car park from Heazlett Street, comprising a weathered metal signage with anodized aluminium cut lettering and incorporating indigenous art. The signage will include the building name (to be confirmed by Council), consisting of a height of 6.3 metres and a width of x 1.62 metres with lettering approximately 3 metres long and a height of 575mm. The blade sign is to be constructed on a CFC cladded blade and is proposed to include back lighting to the lettering and an LED strip lighting to the back of the panels (**Figures 18 and 19**). The name of the facility has not been confirmed and therefore the signage structures are included in this application, but not the name/lettering.
- Building Signage** – Signage is proposed on the northern elevation of the higher roof portion of the proposed sports hall, comprising the name of the facility, currently shown as *Wurag Sports & Aquatic Centre*, but subject to confirmation by Council. Consistent with the blade signs, lettering is proposed to be anodized aluminium cut lettering on an anodized aluminium façade screen. The lettering is proposed at 950mm (top row) and 500mm (bottom row) height in a double row with a length of 5.145 metres for the top row and 7.310 metres for the lower row. The building signage will be illuminated with edge lighting to the lettering (**Figures 20 and 21**).

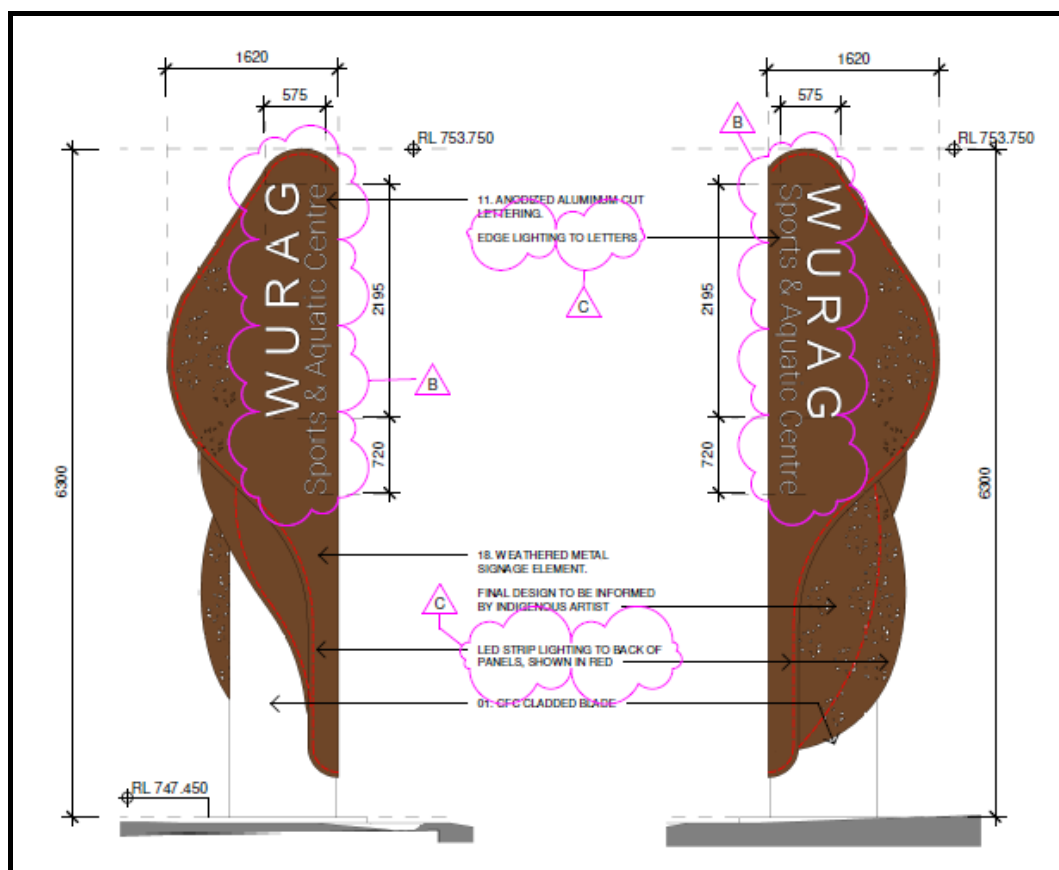


Figure 18: Proposed Signage (Source: NBRs, Revision C, 10 October 2024)

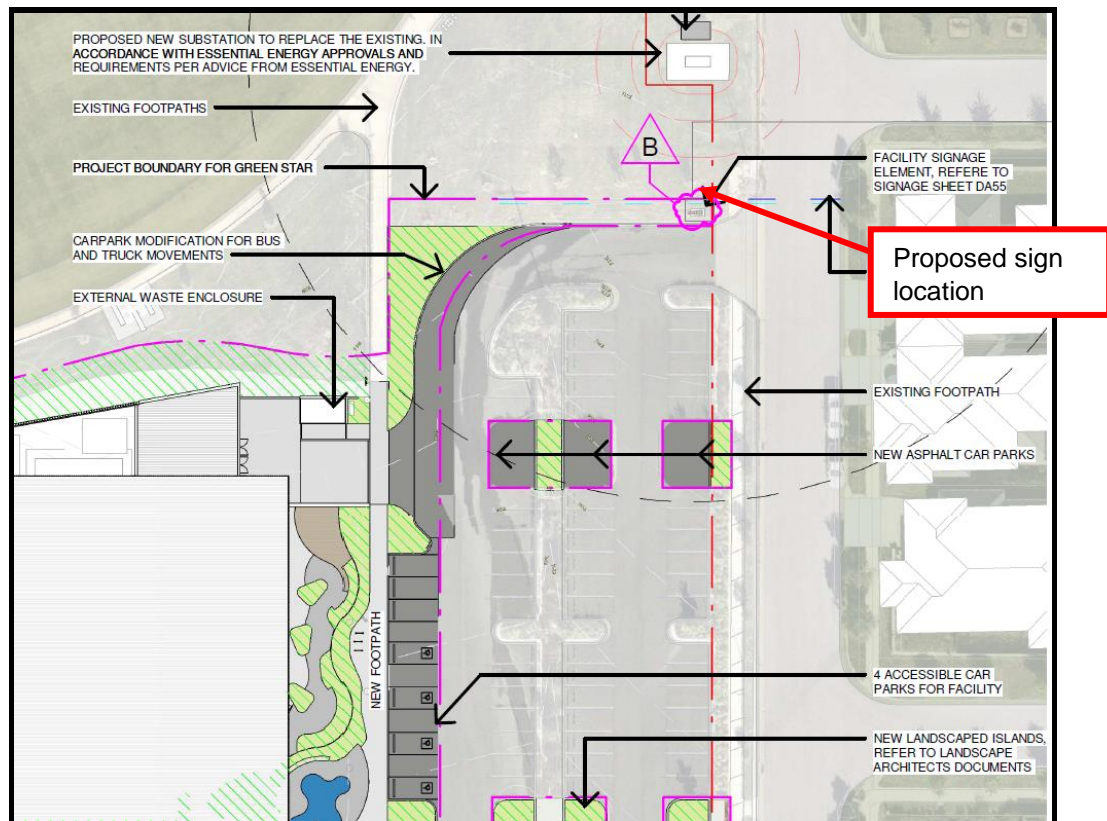


Figure 19: Proposed freestanding sign (Source: NBRs, Revision B, 10 October 2024)

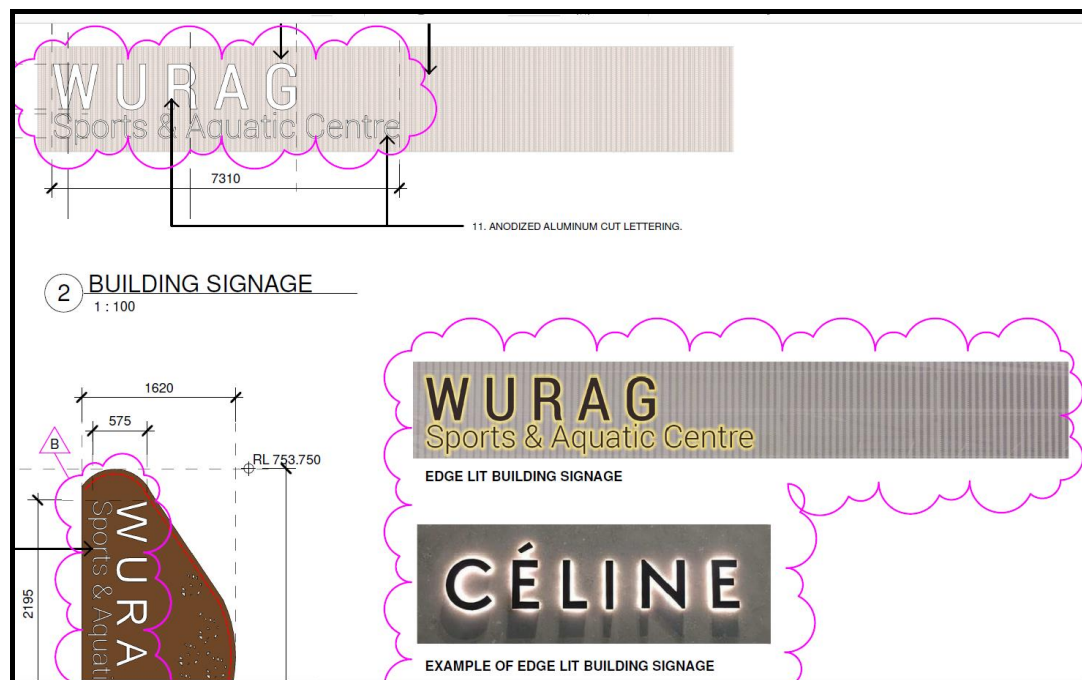
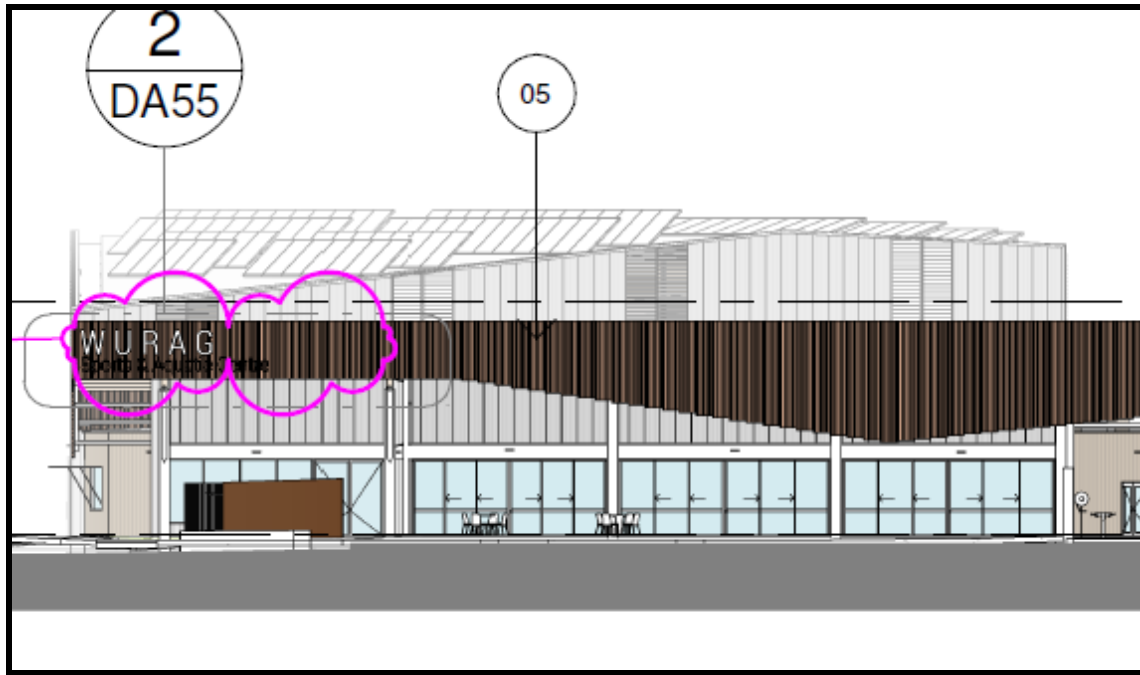


Figure 20: Proposed Building Signage (Source: NBRs, Revision C, 10 October 2024)



**Figure 21: Proposed building signage – North elevation (Source: NBRIS, Revision B, 29 August 2024)**

Pursuant to the relevant definitions in Section 3.2 of the Industry & Employment SEPP (and the definitions in the standard instrument), the proposed signage is defined as:

**building identification sign** means a sign that identifies or names a building and that may include the name of a building, the street name and number of a building, and a logo or other symbol but does not include general advertising of products, goods or services.

**Note—** Building identification signs are a type of **signage**—see the definition of that term in this Dictionary.

Pursuant to Sections 3.3 and 3.4, Chapter 3 applies to the proposed signage as it can be displayed with consent under the QPRLEP 2022 (*Building identification signs* are permitted in the RE1 zone with consent) and the proposed signage is visible from a public place.

Part 3.2 of the SEPP applies to signage generally and pursuant to Section 3.6 of the Industry & Employment SEPP requires that a consent authority must not grant development consent to an application to display signage unless the consent authority is satisfied—

- (a) that the signage is consistent with the objectives of this Chapter as set out in section 3.1(1)(a), and
- (b) that the signage the subject of the application satisfies the assessment criteria specified in Schedule 5.

These matters are considered below for the proposed signage and must be satisfied prior to the granting of consent.

### Objectives of Chapter

The objectives to be considered include:

- (a) to ensure that signage (including advertising)—

- (i) *is compatible with the desired amenity and visual character of an area, and*
- (ii) *provides effective communication in suitable locations, and*
- (iii) *is of high quality design and finish*

The proposed signage, comprising the *building identification signs*, are considered to be consistent with these objectives in that:

- The proposed signage has been designed to be part of the building façade and is of a size and design consistent with the type and size of the large building as proposed. This allows for the integration of the proposed new signage into the proposed building on the site. This also ensures that the proposed new sign does not dominate the visual amenity of the area and is compatible with existing public open space signage in the area.
- The proposed new signage provides for effective communication of the facilities which are available at the site. The proposed new signage is located in a suitable location given there are a number of other signs in the area for the other public open space areas and facilities in the precinct.
- The proposed new signage will be of a high quality design and finish, consistent with contemporary design features and modern design.
- The proposed new building signage will comprise edge lighting (essentially backlighting) and therefore there will be minimal impacts on adjoining residential properties along Heazlett Street. The freestanding pylon sign will also have edge lighting to the lettering as well as the LED strip lighting, which will not result in any adverse impacts to adjoining and nearby residential development.

#### Assessment Criteria

The proposal is consistent with the assessment criteria in Schedule 5, which is considered in **Table 4**.

**Table 4: Consideration of the Schedule 5 Assessment Criteria of the Industry & Employment SEPP**

REQUIREMENTS	PROPOSAL	COMPLY
<b>1. Character of the area</b>		
<ul style="list-style-type: none"> <li>• Is the proposal compatible with the existing or desired future character of the area or locality in which it is proposed to be located?</li> <li>• Is the proposal consistent with a particular theme for outdoor advertising in the area or locality?</li> </ul>	<p>The proposed signs are compatible with the amenity and visual character of the area as the signs are of a suitable scale having regard to the proposed and existing development on the site and surrounding sites. The proposed signage is integrated within the façade of the proposed building on the site and the blade signage is proportionate to the proposed building and car parking existing on the site. This ensures it does not dominate the vistas in the local area.</p> <p>The particular theme for outdoor advertising in the area is signs identifying the different areas of public open space in the Googong Common. The proposed signs are generally consistent with the other signs in the area.</p>	✓

<b>2. Special areas</b>		
<ul style="list-style-type: none"> <li>Does the proposal detract from the amenity or visual quality of any environmentally sensitive areas, heritage areas, natural or other conservation areas, open space areas, waterways, rural landscapes or residential areas?</li> </ul>	The proposal is not located in an environmentally sensitive area, heritage area, natural or other conservation area, waterway or a rural landscape, however, is located in a public open space area. Notwithstanding, it is considered that the proposed signs are compatible with the amenity of the area and does not detract from the visual amenity of the locality given the proposed signs are to be located to blend with the streetscape and surrounding recreation facilities.	✓
<b>3. Views and vistas</b>		
<ul style="list-style-type: none"> <li>Does the proposal obscure or compromise important views?</li> <li>Does the proposal dominate the skyline and reduce the quality of vistas?</li> <li>Does the proposal respect the viewing rights of other advertisers?</li> </ul>	The proposed signs do not obscure any important views in the locality and do not dominate the skyline given their position on the facade of the proposed building and at ground level. The viewing rights of other advertisers are respected as no other signs are obscured by the proposed signage.	✓
<b>4. Streetscape, setting or landscape</b>		
<ul style="list-style-type: none"> <li>Is the scale, proportion and form of the proposal appropriate for the streetscape, setting or landscape?</li> <li>Does the proposal contribute to the visual interest of the streetscape, setting or landscape?</li> <li>Does the proposal reduce clutter by rationalising and simplifying existing advertising?</li> <li>Does the proposal screen unsightliness?</li> <li>Does the proposal protrude above buildings, structures or tree canopies in the area or locality?</li> <li>Does the proposal require ongoing vegetation management?</li> </ul>	<p>The scale and proportion of the signs are appropriate for the site and provides visual interest to the street and public open space precinct of Googong Common. The proposed signs are a simple form of signage and wayfinding and are not required to screen unsightliness on the site. The signs are reasonably large, however, the building is of a suitable size for the proposed signage and is therefore consistent with the scale of the proposed building.</p> <p>The proposed signs do not protrude above the level of the building on the site or nearby buildings in the area and will not require ongoing vegetation management.</p>	✓
<b>5. Site and building</b>		
<ul style="list-style-type: none"> <li>Is the proposal compatible with the scale, proportion and other characteristics of the site or building, or both, on which the proposed signage is to be located?</li> <li>Does the proposal respect important features of the site or building, or both?</li> </ul>	The scale and proportion of the proposed signs are appropriate for the site given the size and scale of the proposed building on the site. The proposed signage provides visual interest to the street and are of a relatively simple design for the area. There are no special features of the site.	✓



<ul style="list-style-type: none"> <li>Does the proposal show innovation and imagination in its relationship to the site or building, or both?</li> </ul>		
<b>6. Associated devices and logos with advertisements and advertising structures</b>		
<ul style="list-style-type: none"> <li>Have any safety devices, platforms, lighting devices or logos been designed as an integral part of the signage or structure on which it is to be displayed?</li> </ul>	The proposed signage is to be constructed on the façade and at ground level and safety devices are not required. The building signage and blade sign are proposed to include edge lighting and some LED strip lighting, which will not impact on the road or nearby residential development.	✓
<b>7. Illumination</b>		
<ul style="list-style-type: none"> <li>Would illumination result in unacceptable glare?</li> <li>Would illumination affect safety for pedestrians, vehicles or aircraft?</li> <li>Would illumination detract from the amenity of any residence or other form of accommodation?</li> <li>Can the intensity of the illumination be adjusted, if necessary?</li> <li>Is the illumination subject to a curfew?</li> </ul>	<p>The proposed signage involves edge and LED strip lighting to the lettering on the signage. It is considered that the proposed signs will not adversely impact on nearby residential development as there are only small parts of the proposed signs which are to be illuminated and the distance between the signs and the nearest residential development is sufficient to ensure there are minimal adverse impacts from the illuminated signage.</p> <p>The proposed illumination impacts are likely to be minimal as the proposed signs will produce only a light glow, and not floodlit signs where brightly lit beams of light would result. The signs will minimise potential light spill whilst providing appropriately lit vehicular and pedestrian and wayfinding signage.</p> <p>The distances of the proposed signage to the nearest residential development are approximately 20 metres for the blade sign and at least 120 metres for the proposed building signage.</p>	✓
<b>8. Safety</b>		
<ul style="list-style-type: none"> <li>Would the proposal reduce the safety for any public road?</li> <li>Would the proposal reduce the safety for pedestrians or bicyclists?</li> <li>Would the proposal reduce the safety for pedestrians, particularly children, by obscuring sightlines from public areas?</li> </ul>	The proposed signage is located at an appropriate distance to the road to ensure sight lines are not adversely affected.	✓

As outlined above, it is considered that the proposal is consistent with Section 3.6 of the SEPP. Part 3.3 of the SEPP does not apply to *building identification signs* (among other signs) and therefore Part 3.3 does not apply to the proposal (Section 3.7(1)(b)).

Accordingly, it is considered the proposed signage is consistent with the Industry & Employment SEPP.

**(vi) State Environmental Planning Policy (Sustainable Buildings) 2022**

*State Environmental Planning Policy (Sustainable Buildings) 2022 (Sustainable Buildings SEPP)* applies to the application as it was lodged after 1 October 2023 and comprises BASIX development. The Sustainable Buildings SEPP contains Chapter 3 (Standards for non-residential development), which applies to the proposal and is considered below. Chapter 2 is not relevant as there is no residential development proposed.

**Chapter 3: Standards for non-residential development**

The relevant sections include:

- *Section 3.1 - Application of Chapter*

Section 3.1(1) states:

- (1) *This Chapter applies to development, other than development for the purposes of residential accommodation, that involves—*
- (a) *the erection of a new building, if the development has a capital investment value of \$5 million or more, or*
  - (b) *alterations, enlargement or extension of an existing building, if the development has a capital investment value of \$10 million or more.*

The proposal involves a building with commercial uses (satisfying the *other than development for the purposes of residential accommodation* of this section) with a total capital investment value (CIV) of \$28,521,952 million (excluding GST), which satisfies this criteria as the CIV is more than \$5 million. Therefore, this Chapter is applicable to the proposal. It is also noted that pursuant to Section 3.1(2) and (3), the proposal does not satisfy the criteria to be exempt from these provisions.

- *Section 3.2 - Development consent for non-residential development*

Section 3.2(1) provides matters to be considered in deciding whether to grant development consent to non-residential development. The consent authority must consider whether the development is designed to enable the following:

- (a) *the minimisation of waste from associated demolition and construction, including by the choice and reuse of building materials,*
- (b) *a reduction in peak demand for electricity, including through the use of energy efficient technology,*
- (c) *a reduction in the reliance on artificial lighting and mechanical heating and cooling through passive design,*
- (d) *the generation and storage of renewable energy,*
- (e) *the metering and monitoring of energy consumption,*
- (f) *the minimisation of the consumption of potable water.*

The proposal is supported by the NABERS Embodied Emissions Material Form (**EEM Form**) and reports input quantities of key construction materials used in the development. In relation to the above matters requiring consideration, it is considered:

- There is minimal waste from demolition as there are currently no structures on the site;
- Potential waste from construction has been considered in the EEM Form;

- The proposal includes solar panels on the roof which will result in a reduction in peak demand for electricity, through the use of energy efficient technology and provides for the generation and storage of renewable energy;
- The proposal demonstrates a reduction in the reliance on artificial lighting and mechanical heating and cooling through passive design given the large window areas allow natural cross ventilation (including high level windows), the large areas facing north and minimising windows to the west where service and plant rooms are located.
- There are EV charging bays in the existing car park.
- There are no rainwater tanks proposed, however, a consent condition is recommended in **Attachment A** to provide rainwater tanks on the site.

Section 3.2(2) provides a precondition to the grant of consent, stating:

*Development consent **must not be granted** to non-residential development unless the consent authority is satisfied the embodied emissions attributable to the development have been quantified.*

The application is accompanied by a NABERS Embodied emissions materials form.

Pursuant to Section 35BA(1) of the 2021 Regulation, a development application for non-residential development under the Sustainable Buildings SEPP must:

- (a) disclose the amount of embodied emissions attributable to the development (must be certified by a quantity surveyor, qualified designer, engineer or assessor accredited under NABERS), and*
- (b) describe the use of low emissions construction technologies in the development.*

The amount disclosed under subsection (1)(a) must be determined using the form published on the NSW Planning Portal as in force from time to time, and an itemised list of building materials for the development prepared by a quantity surveyor (s 35BA(2)). This has been provided.

Accordingly, the proposal is considered to be consistent with the Sustainable Buildings SEPP and satisfies the matters requiring consideration prior to determining a development application.

#### **(vii) Queanbeyan-Palerang Regional Local Environmental Plan 2022**

The relevant local environmental plan applying to the site is the *Queanbeyan-Palerang Regional Local Environmental Plan 2022 (QPRLEP 2022)* which commenced on 14 November 2022. The particular aims of the LEP pursuant to Clause 1.2(2) include:

- (aa) to protect and promote the use and development of land for arts and cultural activity, including music and other performance arts,*
- (a) to protect and improve the economic, environmental, social and cultural resources and prospects of the community,*
- (b) to facilitate the orderly and economic use and development of land having regard to ecological sustainability principles,*
- (c) to provide for a diversity of housing to meet the needs of the community into the future,*
- (d) to provide for a hierarchy of retail, commercial and industrial land uses that encourage economic and business development that caters for the retail, commercial and service needs of the community,*
- (e) to keep and protect important natural habitat and biodiversity,*

- (f) *to protect water quality, aquifers and waterways,*
- (g) *to keep, protect and encourage sustainable primary industry and associated commerce in rural areas,*
- (h) *to identify and protect the cultural heritage of the area, including the built heritage and the Aboriginal heritage,*
- (i) *to protect important scenic quality, views and vistas,*
- (j) **to facilitate the orderly growth of urban release areas,**
- (k) *to ensure development does not unreasonably increase the demand for public services or public facilities,*
- (l) **to identify, protect and provide areas for community health and recreational activities.**

The proposal is consistent with these aims as the proposal is generally consistent with the planning controls and provides the following outcomes:

- The proposal improves the social and cultural resources and prospects of the community by providing an indoor sports and aquatic centre for the community.
- The proposal facilitates the orderly and economic use and development of land having regard to the facilities required in an urban growth area and is consistent with ecological sustainable principles in that the facility is to be constructed on cleared land and with water and energy efficient facilities.
- The proposal is consistent with the Planning Agreement for the site.
- The proposal protects important natural habitat and biodiversity by reducing off-site impacts arising from stormwater runoff which is captured, treated and conveyed to appropriate discharge points.
- The proposal also does not require the removal of any significant trees or vegetation, with the natural habitat for the area enhanced through the proposed landscaping.
- The proposal does not adversely impact on any Aboriginal cultural items;
- The proposal does not result in any adverse scenic impacts as the proposed building has been designed with service areas within the building footprint and way from frontages and incorporates landscaping;
- The proposal facilitates the orderly growth of new release areas in that it involves the extension of public recreation facilities and is located in an open space precinct. The proposal is also consistent with the development of the urban release area.
- The proposal is consistent with the planning controls and strategies for the area, being within the open space precinct and therefore ensures development does not unreasonably increase the demand for public services or public facilities,
- The proposal provides for areas which may be used by the community and therefore contributes to community health and recreational activities.

### *Zoning and Permissibility (Part 2)*

The site is located within the RE1 Public Recreation zone pursuant to Clause 2.2 of the QPRLEP 2022 (**Figure 22**) within an established public open space precinct. According to the definitions in Clause 1.4 (contained in the Dictionary), the proposal satisfies the definition of a *Recreation facilities (indoor)*, with the following relevant definition:

***recreation facility (indoor)*** means a building or place used predominantly for indoor recreation, whether or not operated for the purposes of gain, including a squash court, indoor swimming pool, gymnasium, table tennis centre, health studio, bowling alley, ice rink or any other building or place of a like character used for indoor recreation, but does not include an entertainment facility, a recreation facility (major) or a registered club.





**Figure 22: Zoning Map (Source: NSW Planning Portal Spatial Viewer)**

The site is also included in Clause 9 of Schedule 1 (Additional permitted uses) pursuant to Clause 2.5 of the QPRLEP 2022, which allows a number of further uses permitted with consent. Clause 9 of Schedule 1 provides:

**9 Use of certain land at Googong Common, Googong**

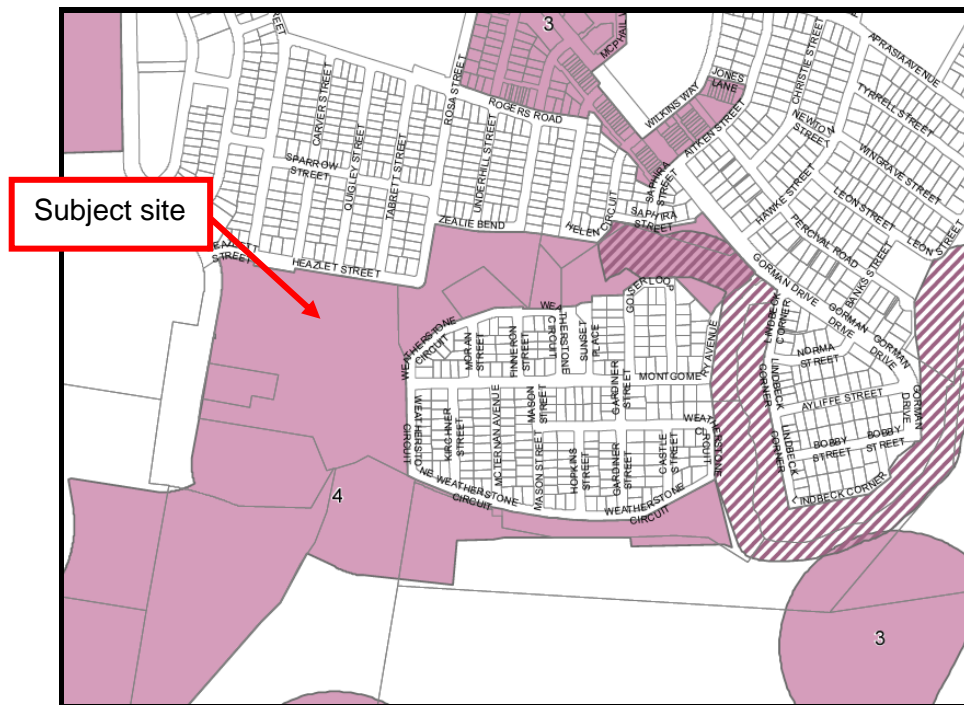
(1) This clause applies to land at Googong known as “Googong Common”, identified as “Item 4” on the Additional Permitted Uses Map.

(2) Development for the following purposes is permitted with development consent—

- (a) cellar door premises,
- (b) depots,
- (c) function centres,
- (d) garden centres,
- (e) horticulture,
- (f) landscaping material supplies,
- (g) plant nurseries,
- (h) resource recovery facilities,
- (i) viticulture,
- (j) waste or resource transfer stations.

The relevant *Additional Permitted Uses Map* is illustrated at **Figure 23**.

There are no additional permitted land uses relevant to the proposal in this Clause. The proposal is permissible in the RE1 zone with consent pursuant to Clause 2.3 of the QPRLEP 2022.



**Figure 23: Additional Permitted Uses Map - Clause 9 of Schedule 1 of QPRLEP 2022 (Source: NSW Legislation – QPRLEP 2022)**

The objectives of the RE1 zone state:

- *To enable land to be used for public open space or recreational purposes.*
- *To provide a range of recreational settings and activities and compatible land uses.*
- *To protect and enhance the natural environment for recreational purposes.*
- *To protect and enhance the environment generally.*
- *To ensure areas of high ecological, scientific, cultural or aesthetic value are protected, managed and restored.*

The proposal is consistent with these objectives in that an indoor recreation facility will be provided which will provide a range of recreational uses compatible with the surrounding land use comprising public open space areas. The proposal will allow for the protection and enhancement of the scenic and environmental resources of the land through the additional landscaping proposed for the site and the satisfactory stormwater management arrangements which are proposed for the site. The scale and character of the proposal is compatible with the established land uses of the locality.

Therefore, the proposal is considered to be generally consistent with the relevant zone objectives. Furthermore, the proposal is considered to be consistent with Clause 2.3(2) of the QPRLEP 2022 in that the consent authority has had regard for the objectives of the zone when determining a development application. There is no subdivision (Clause 2.6) or demolition (Clause 2.7) proposed. The proposal is consistent with Part 2 of the QPRLEP 2022.

### Principal Development Standards (Part 4)

The development standards contained in Part 4 include the maximum height and maximum floor space ratio (**FSR**) standards. In relation to the maximum building height development standard, upon lodgement of the development application the site was subject to a maximum building height of 8.5 metres and was accompanied by a Clause 4.6 request to vary this development standard. Upon gazettal of Amendment 5 to the QPRLEP 2022 following the

lodgement of this development application, this building height development standard was repealed and therefore, there is no longer a maximum building height applying to the site (**Figure 24**).

Clause 1.8A of the QPRLEP 2022 contains a savings clause that provides for development applications made, but not finally determined before the commencement of this Plan, to be determined as if this Plan had not commenced. This savings provision only relates to newly enacted LEPs and does not apply to subsequent amendments to LEPs. This question as to whether this savings provision applies to amendments to the instrument was the subject of the Court of Appeal's decision in *Wingecarribee Shire Council v De Angelis* [2016] NSWCA 189 (*De Angelis*).

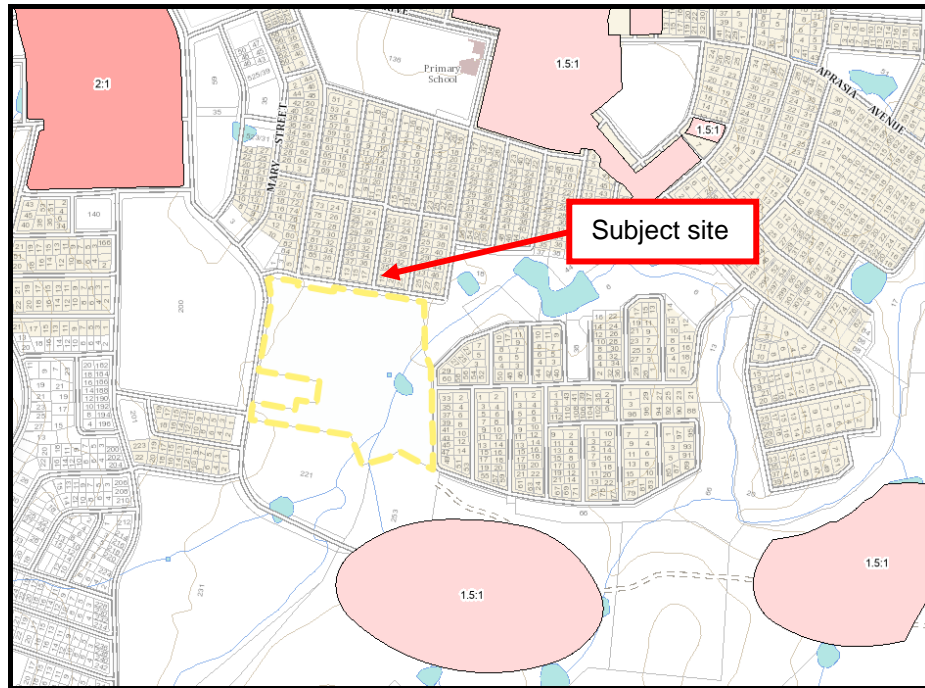
In *De Angelis*, Basten JA held, with whom McColl and Payne JJA agreed, that interpreting the savings provision of the relevant LEP as applicable to subsequent amendments could not be justified as it would effectively re-write the savings provision. Without some further provision, an amendment to a zoning plan in an LEP, as was the case in *De Angelis*, “*could not possibly be read as intending to amend a savings provision which operated at the commencement date of the LEP*”.

The effect of this decision is that if an amending LEP comes into force prior to the determination of a DA and there is no specific savings provision in Amendment 5 that saves the existing development applications, which is the case with the QPRLEP 2022, the current development application must be determined in accordance with the LEP as it stands at the date of the determination (i.e. with the amendment). Therefore, this development application is determined on the basis of there not being a maximum height of buildings development standard applicable to the site.

In relation to the maximum FSR development standard, the site is not subject to a maximum FSR development standard, which was also the case prior to the gazettal of Amendment 5 to the QPRLEP 2022 (**Figure 25**).



**Figure 24: Maximum Building Height Map (Source: NSW Legislation)**



**Figure 25: Maximum FSR Map (Source: NSW Planning Portal Spatial Viewer)**

*Miscellaneous Provisions (Part 5), Urban release areas (Part 6) and Additional Local Provisions (Part 7)*

The controls relevant to the proposal are considered in **Table 5** below, with the preconditions to the grant of consent (in bold) satisfied. The matters requiring further consideration are further assessed below.

**Table 5: Consideration of the QPRLEP 2022 Controls**

CONTROL	REQUIREMENT	PROPOSAL	COMPLY
<b>Part 5: Miscellaneous provisions</b>			
Land acquisition (CI 5.1)	Acquisition of land by public authorities.	The site is not included on the acquisition map.	N/A
Miscellaneous permissible uses (CI 5.4)	Various permissible uses	None proposed.	N/A
Heritage (CI 5.10)	Consideration of potential impacts to heritage.	There are no heritage items located on the site, on adjoining sites or in the vicinity of the site.	✓
Infrastructure development & use of existing buildings of the Crown (CI 5.12(1))	This Plan does not restrict or prohibit development by or on behalf of a public authority.	Permissibility is provided in Clause 2.3.	N/A
Flood planning (CI 5.21)	Flooding matters to be considered prior to the	The site is not affected by the flood planning level.	N/A



	grant of consent.		
<b>Part 6: Urban release areas</b>			
Concurrence of Planning Secretary (CI 6.1)	Subdivision of land if the subdivision would result in a lot that is smaller than the minimum lot size permitted on the land.	There is no subdivision proposed.	N/A
<b>Public utility Infrastructure</b> (CI 6.2(1))	Consent <b>must not be granted</b> for development on land in an urban release area unless the consent authority is satisfied as to various matters.	Satisfactory – refer below. This precondition to the grant of consent has been satisfied.	✓ <b>Refer to Note 1</b>
<b>DCP</b> (CI 6.3(2))	Consent <b>must not be granted</b> for development on land in an urban release area unless a development control plan that provides for matters specified in subclause (3) has been prepared for the land.	The <i>Googong Development Control Plan</i> has been prepared, which applies to the site and covers the matters required by Clause 6.3(3). This precondition to the grant of consent has been satisfied.	✓ <b>Refer to DCP assessment</b>
Development near Googong Dam foreshores (CI 6.4)	To ensure development in the Googong Dam water supply catchment area does not compromise water supply and quality.	The site is not located in this area.	N/A
<b>Part 7: Additional local provisions</b>			
Earthworks (CI 7.1(3))	Consideration of matters prior to granting consent.	Satisfactory – considered further below.	✓ <b>Refer to Note 2</b>
Clauses 7.2 to 7.7	Various environmental issues	The site is not included on these maps.	N/A
<b>Airspace operations</b> (CI 7.8(2))	Consent <b>must not be granted</b> to development that the consent authority is satisfied affect the site arising from Canberra airport unless certain matters are addressed.	The site is within the Obstacle Limitation Surface (Outer Horizontal Surface) for Canberra Airport. This precondition to the grant of consent has been satisfied as discussed further below.	✓ <b>Refer to Note 3</b>
Development in areas subject to aircraft noise (CI 7.9(3))	Consent <b>must not be granted</b> unless the consent authority considers various matters in relation to aircraft noise.	The site is located outside of the ANEF contours for Canberra airport and proposes development which is not adversely affected by aircraft noise.	N/A
<b>Essential Services</b>	Consent <b>must not be granted</b> unless the	Satisfactory – considered below. This precondition to	✓

(CI 7.12)	consent authority is satisfied as to certain matters.	the grant of consent has been satisfied.	<b>Refer to Note 1</b>
Scenic Protection (CI 7.14)	Applies to land identified as “Scenic Protection Area”.	The site is not included on this map.	N/A
Development on certain land at Braidwood, Bungendore and Googong (CI 7.25(2) & (4))	Land at Googong, identified as “Additional Development Area 1” on the Local Clauses Map and in Zone R1 General Residential, may be subdivided if— (a) each resulting lot will be at least 130m2, and (b) at least 4 lots will be created by the subdivision.  Consent must not be granted to the subdivision unless the consent authority has considered whether the resulting lots will be developed consistently with the desired future character of the area.	The site is not located in the “Additional Development Area 1” and is not located in the R1 zone.	N/A

#### **Note 1: Public Utility Infrastructure (CI 6.2(1)) and Essential Services (CI 7.12)**

Clauses 6.2(1) and 7.12 requires consideration of whether there are adequate services available for the proposal on the site and are both jurisdictional preconditions to the grant of consent.

Clause 6.2(1) requires that development consent **must not be granted** for development on land in an urban release area unless the consent authority is satisfied the *public utility infrastructure* essential for the development is available, or adequate arrangements have been made to ensure the infrastructure will be available when required. In this case, public utility infrastructure, in relation to an urban release area, includes infrastructure for the supply of water, electricity and the disposal and management of sewage.

Similarly, Clause 7.12 requires that development consent **must not be granted** to development unless the consent authority is satisfied all of the following services that are essential for the development are available or that adequate arrangements have been made to make them available when required:

- (a) *the supply of water,*
- (b) *the supply of electricity,*
- (c) *the disposal and management of sewage,*
- (d) *stormwater drainage or on-site conservation,*
- (e) *suitable vehicular access.*

The site is located within an urban release area which has had significant construction and installation of utility services including sewer, stormwater, water supply and electricity along Heazlett Street. There is also existing vehicular access constructed for the site from Heazlett Street. Council's engineer raises no objections to the proposal in relation to services to the site to accommodate the development.

Therefore, the infrastructure, which is essential for the proposed development, including electricity, water, reticulated sewerage and vehicle access is available at the site for the proposed development. Accordingly, the matters in the precondition to the grant of consent have been satisfied and consent can be granted having regard to this Clause subject to the recommended consent conditions in **Attachment A**.

### **Note 2: Earthworks (CI 6.2(1))**

Clause 7.1 of the QPRLEP 2022 provides objectives and controls in relation to earthworks which is relevant to the proposal. The objective of this clause is to ensure that earthworks for which development consent is required will not have a detrimental impact on environmental functions and processes, neighbouring uses, cultural or heritage items or features of the surrounding land. A further objective is to allow earthworks of a minor nature without requiring separate development consent.

Consent is required for the proposed earthworks as the earthworks are not exempt development under this Plan or another applicable environmental planning instrument and the earthworks are not ancillary to other development for which development consent has been granted.

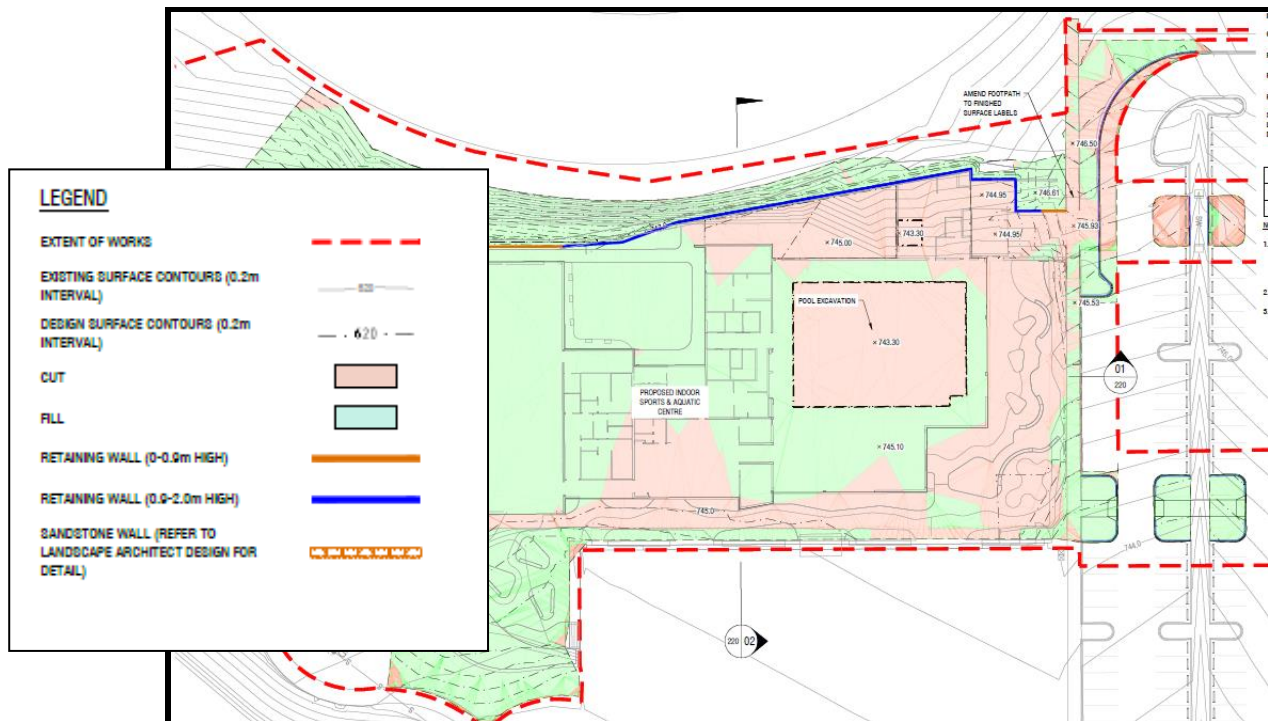
The proposed earthworks comprise the excavation required for the proposed pool as well as some cut in the northwestern corner and along the front setback area adjoining the existing car park on the site (**Figure 26**). The proposed excavation is approximately 1,400m<sup>3</sup> (pink areas on figure) and the fill material is 600m<sup>3</sup> (green areas on figure), resulting in a balance of 800m<sup>3</sup> of material to be exported from the site. There is a retaining wall proposed along the western edge of the proposed building, arising from the land sloping up towards the existing oval adjoining the site.

Pursuant to Clause 7.1(3), in deciding whether to grant development consent, the consent authority must consider the following matters—

- (a) the likely disruption of, or any detrimental effect on, drainage patterns and soil stability in the locality of the development,*
- (b) the effect of the development on the likely future use or redevelopment of the land,*
- (c) the quality of the fill or the soil to be excavated, or both,*
- (d) the effect of the development on the existing and likely amenity of adjoining properties,*
- (e) the source of the fill material and the destination of any excavated material,*
- (f) the likelihood of disturbing relics,*
- (g) the proximity to, and potential for adverse impacts on, a waterway, drinking water catchment or environmentally sensitive area,*
- (h) appropriate measures proposed to avoid, minimise or mitigate the impacts of the development.*

The proposed earthworks are considered unlikely to adversely impact on drainage patterns or soil stability in the locality of the development as the earthworks are generally seeking to create a level building area as well as provide an area of the pool, without any significant changes to the natural ground levels on the site.

The proposed earthworks are also confined to the proposed building footprint and the proposed stormwater management arrangements are satisfactory. Similarly, the proposal is unlikely to adversely impact on the future use or redevelopment of the land given there is limited excavation of material and the earthworks are essentially seeking to level out an area for building works.



**Figure 26: Proposed earthworks (Source: Grading Plan, Spiire, Rev G, 9 April 2024)**

In relation to the quality of the fill or the soil to be excavated, the previous contamination reports concluded that there is no contamination on the site. Relevant conditions have been recommended requiring only clean fill material to be used on the site as well as conditions requiring classification of materials which leave the site.

There is likely to be minimal impacts on the amenity of the adjoining properties in that there are limited earthworks proposed which would result in adverse impacts to nearby residential development. Furthermore, there are significant setbacks to these nearby properties of more than 20 metres. The source of the fill material is from the site, while the balance of the material not required on the site is to be disposed of at an approved location (relevant consent conditions are recommended).

The site is considered to have a low likelihood of relics being discovered, however, in the event that material is discovered, works will need to cease to allow further investigation and assessment as outlined in the recommended consent conditions. The proposed stormwater management arrangements are satisfactory in that there is unlikely to be any significant adverse impacts to nearby waterways arising from the proposed earthworks. Appropriate measures are proposed to minimise the impacts of the development including the sediment and erosion control and stormwater management arrangements for the proposal.

Consent conditions are recommended requiring further geotechnical reports at future stages of construction to ensure that the proposal is constructed in accordance with the requirements of the relevant Australian Standards and the NCC. Consent conditions are also recommended

to address the management of soil, stormwater, source and quality of imported fill, management of excavated material and unexpected finds during construction.

Accordingly, it is considered that the proposed earthworks are satisfactory and the proposal is satisfactory having regard to the matters required to be considered before granting consent pursuant to Clause 7.1(3) of the QPRLEP 2022. Therefore, consent can be granted to the proposed earthworks subject to the draft conditions recommended

**Note 3: Airspace operations (CI 7.8(2))**

Clause 7.8 of the QPRLEP 2022, provide the following:

- (1) *The objectives of this clause are—*
  - (a) *to provide for the effective and ongoing operation of Canberra Airport by ensuring the operation of the airport is not compromised by proposed development that penetrates the Limitation or Operations Surface, and*
  - (b) *to protect the community from undue risk from the operation of the airport.*
- (2) *Development consent **must not be granted** to development that the consent authority is satisfied will penetrate the Limitation or Operations Surface for Canberra Airport unless the consent authority has notified the operator of Canberra Airport of the development.*

There are two issues which have been raised and which are required to be considered by Canberra Airport for this matter, comprising the obstacle limitation surface requirements and the proposed solar panels.

**Obstacle Limitation Surface**

The obstacle limitation surface (**OLS**) for the site is 720m AHD, and noting that the site itself is higher than this level, at approximately RL 745, the application was notified to Canberra airport pursuant to Clause 7.8(2). The maximum height of the proposal, including the solar panels, is 757.88 AHD.

Canberra Airport conducted an OLS assessment and confirmed that while the planned maximum height of the building does penetrate the OLS, no further assessments or Airspace Protection Approval are required. The advice stated:

*CASA has assessed the maximum height of buildings and developments at this site to a maximum height of 822m AHD i.e. an intrusion of 102m into the Outer Horizontal Surface (OHS) for Canberra Airport which is at a height of 720m AHD. CASA notes that the elevation of the site is above the OHS. CASA has no objections to the structures that would intrude into the OHS at the site to a maximum height of 822m AHD provided they do not exceed a maximum height of 20m Above Ground Level (AGL). In this case, obstacle lighting / marking of such structures is not required.*

The overall height of the proposal, including the proposed solar panels, is to a height of 12.78 metres above natural ground level at the site.

Canberra Airport's approval is subject to the requirement that any changes to the height of structures on the site are notified to the airport for further assessment and if crane/s, elevating work platforms (EWPs), telehandlers any or other telescoping equipment is required for construction and works at the site, full details of any crane operations are to be submitted to Canberra Airport for a further OLS assessment on an Obstacle Assessment Form (OAF). These recommendations are included in the recommended consent conditions in **Attachment**



A. The jurisdictional component of this clause that Council notifies the airport, has been undertaken and therefore this clause has been satisfied.

*Solar Panels and Potential Safety impacts to Canberra Airport*

Canberra Airport has raised a number of questions and concerns over the course of this assessment, which are considered below:

- *Are the panels likely to be installed flush with the surface of the roof, or will they be mounted inclined-up facing towards what I deduce is north-east? If so, are you able to provide some detail of the maximum height above the roof level of the sports centre, that the solar panels will sit?*

Comment: The amended architectural plans include the solar panels on the elevations, which illustrate a maximum height to RL 757.88m AHD and inclined to the north-east. The applicant further stated that the proposed solar panels will be angled to maximise their efficiency, with the angle to determine the height. The detailed design of the proposed solar panels has not been undertaken and therefore the final detailed design is not available at this stage.

- *Has a solar panel glare assessment been provided. A referral regarding glare/backscatter to the Civil Aviation Safety Authority (CASA) for their analysis and assessment may be required.*

Comment: The airport was concerned that the proposal may result in an impact with back-scatter or reflection/glare off the array, especially with the sun before midday. The airport further stated that the site is in relatively close proximity to both the main departure flight path to the south from runway 17, with jet aircraft turning to the east that will likely pass between 3.5 and 5km laterally of this array. Similarly, arriving aircraft from the south on approach to the airport to land on runway 35, would likely pass to the west between 3-3.5km from the array.

Canberra Airport also stated that the detailed design of the has not been undertaken and it is probable that planning and decisions for the solar panel array were not finalised, but once that information becomes available, the airport would request access to those details and any glare assessment that has been conducted as that information is likely to of interest to the Civil Aviation Safety Authority (CASA) who may need to conduct an aviation safety assessment prior to the installation of the solar panel array.

Council requested a Glare Assessment in the RFI to the applicant dated 23 September 2024, however, the applicant did not provide the Glare Assessment given the unknown scope of the report, the requirement for details on flight paths and the likely limited impact arising from the proposed solar panels on aircraft.

The applicant provided the following comment from Windtech (Structural engineering firm):

*CASA has no specific guidelines for solar panel glare and glint, and typically references the FAA for guidance. The FAA guidelines “Interim Policy, FAA Review of Solar Energy System Projects on Federally Obligated Airports” (see attached) basically states that Solar glare analysis is to be used specifically for Air Traffic Control Towers (ATCT).*

*Given the distance of the airport from this development (14km), under the FAA guidelines there is no requirement to undergo further detailed analysis. The attached document also states that pilots in aircraft typically describe glare from large PV panel arrays as similar to the glare that they would experience over open bodies of water.*

The applicant further stated that the Management Plan for Canberra Airport did not contain any clear guidelines on rooftop solar or glare beyond the line of sight of the control tower and that there were no other proposals in Googong, including for the Public School, for which CASA had raised any concerns as to glare from roof-top solar. The applicant also considered that given the size of the site and the advice from Windtech, that a full Glare Assessment is both unreasonable and unnecessary at this stage of the process.

The applicant concluded that it was open to Council to include conditions relating to rooftop solar through the Construction Certificate and that there are remedies available that will not interfere with the broader objective of an approval for the aquatic and recreation centre. It was further noted in the applicant's response to Council's RFI that under the Code SEPP, roof top solar is exempt development for residential accommodation with no mechanism for cumulative assessment of glare impacts.

The applicant's response to the RFI was re-referral to Canberra Airport on 14 October 2024, with the Civil Aviation Safety Authority raising no objections to the proposed solar panels, stating:

*The development is sufficiently distant and not in a direct line of sight to the Air Traffic Control Tower at Canberra Airport and therefore the solar installation as proposed will not be a hazard to aircraft operations and does not require any mitigations.*

Therefore, the proposal is considered satisfactory in relation to these matters included in the referral from Canberra Airport.

- *We are interested in the height of street-light poles and lighting towers associated with this development and would like to obtain the latitude and longitude coordinates and heights above ground level (m AGL) of each pole/tower and the plan for each, as the Department of Infrastructure will need to assess and give approval for these structures in addition to the buildings.*

Comment: The proposal is located within an established public open space precinct, where there are existing 30 metre high light towers as well as street lighting in the adjoining residential areas, however, there are no new proposed lighting towers or street lights poles as part of this application. There are light poles proposed along the eastern boundary of the proposed building, however, these are lower than the proposed building. This has been conveyed to the Airport.

The proposal is considered to be satisfactory in relation to Cause 7.8 of the GPRLEP 2022 and the concerns of Canberra Airport have been addressed.

Having considered all of the relevant provisions, it is considered that the proposal is consistent with the QPRLEP 2022.

#### **(b) Section 4.15 (1)(a)(ii) - Provisions of any Proposed Instruments**

The *Draft Remediation of Land SEPP* was exhibited from 31 January 2018 to 13 April 2018, which will provide a state-wide planning framework for the remediation of land, maintain the objectives and reinforce those aspects of the existing framework that have worked well and require planning authorities to consider the potential for land to be contaminated. The proposal is consistent with these requirements as outlined in the assessment under the Resilience & Hazards SEPP. The proposal is generally consistent with this proposed instrument.

The Planning Proposal which was under consideration at the lodgement of this development application has now been gazetted as outlined in this report.

### (c) Section 4.15(1)(a)(iii) - Provisions of any Development Control Plan

The relevant development controls plans for the site include the *Googong Development Control Plan (GDCP)* as well as some provisions of the *Queanbeyan Development Control Plan (QDCP)*. These are considered in detail below.

#### *Googong Development Control Plan*

The GDCP provides a framework to guide future development of the new township of Googong. The GDCP sets urban design guidelines to achieve the vision for Googong as a vibrant community and as a place to live, work and visit and is broadly based on the Googong Master Plan.

The following part of the GDCP apply to the proposal:

- Part 1 - Preliminary
- Part 2 – Context
- Part 3 – The Master Plan
- Part 5 – Design Guidelines and Controls for the Public Domain
- Part 8 – Environmental Management
- Part 9 – Advertising Signage

The relevant parts of the DCP are considered below (there are no direct relevant provisions from Parts 1 and 2).

#### *Part 3: The Master Plan*

This Part contains the master plan for Googong and includes the key development areas and the staging of those areas (**Figure 27**). The site is within an area of public open space, consistent with the nature of the use of the proposal.

Section 3.3 outlines that the Master Plan features five walkable neighbourhoods surrounding a central parkland, the 'Googong Common' and two low density neighbourhoods, north of Googong Dam. The neighbourhood development pattern and character within Googong will generally be a transition from the lower density edges of the new township to the denser urban areas of neighbourhood activity centres and the highly urban environment at the heart of the town centre. The proposal is consistent with this plan.

Section 3.4 contains the Master Plan Objectives, which the relevant objective to the proposal including to *create a connected open space network catering for all ages with a range of civic, active, passive and civic spaces*. The proposal provides a public recreation indoor facility within the established public open space precinct which is consistent with the master plan objectives.

Pursuant to Section 3.7, land is recommended to be generally developed in sequence, with Neighbourhood area No.1 being the first stage (comprising Stages 1A and 1B) with Neighbourhoods 2, 3, 4 and 5 following in logical sequence. The proposal is located in NH2 and has been developed in sequence. The Neighbourhood Structure Plan for NH2 (**Figures 28, 29 & 30**) provides the land uses for the site as public open space. The proposal is consistent with this structure plan.

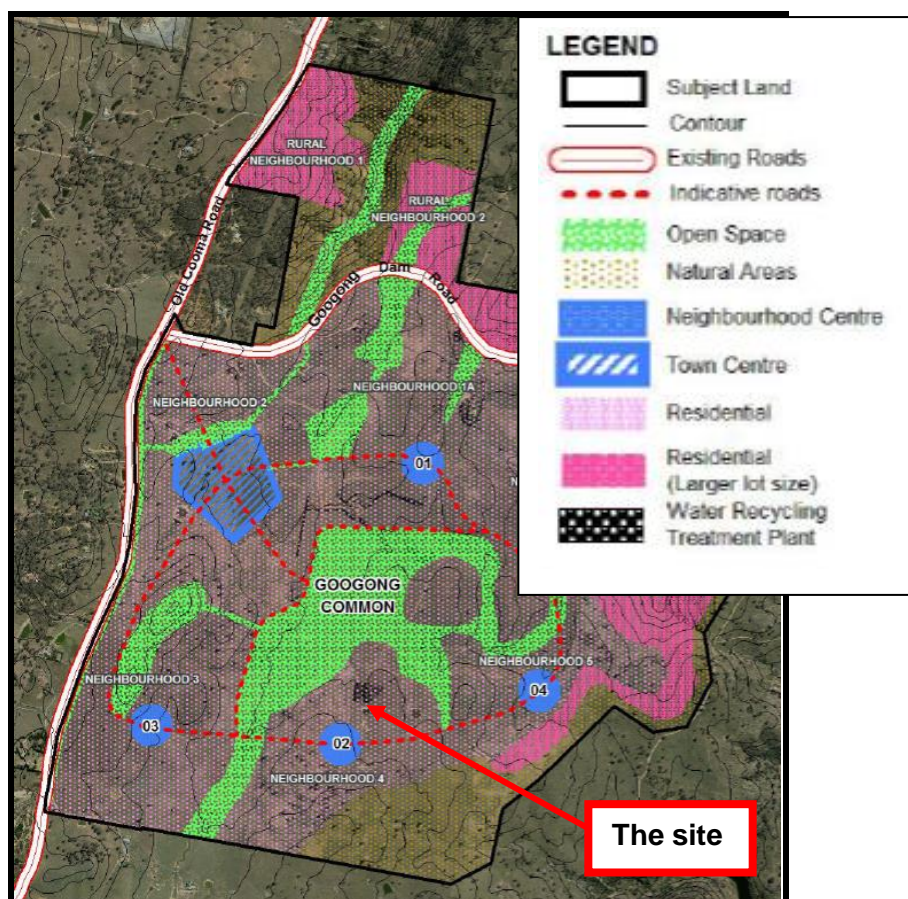


Figure 27: Googong Master Plan (Source: Map 1 of GDCP)

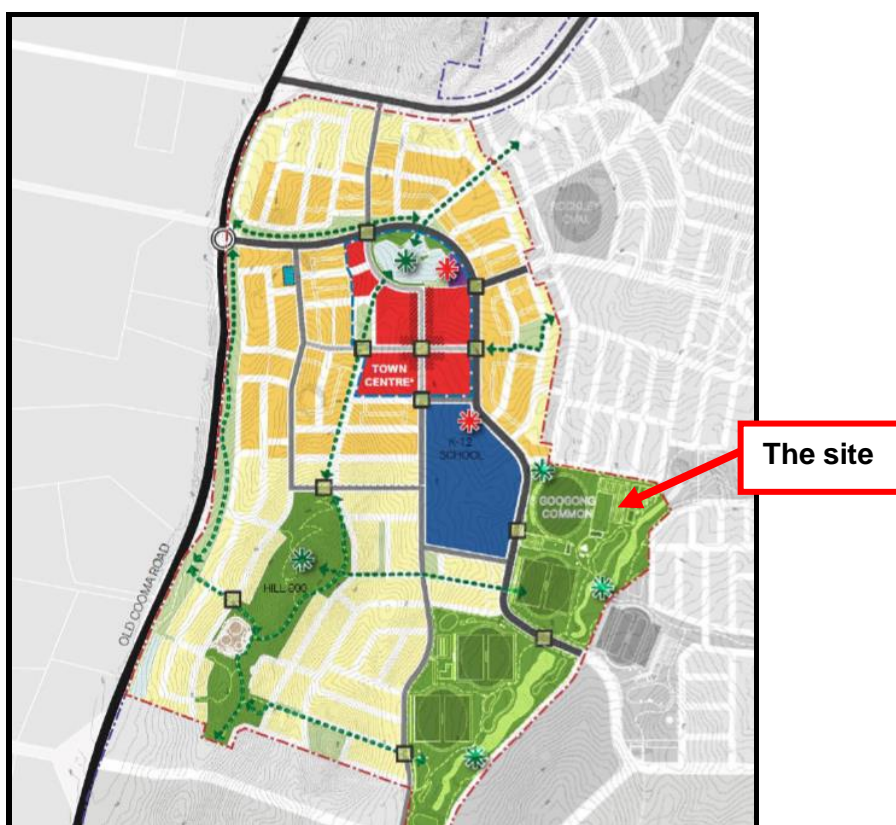
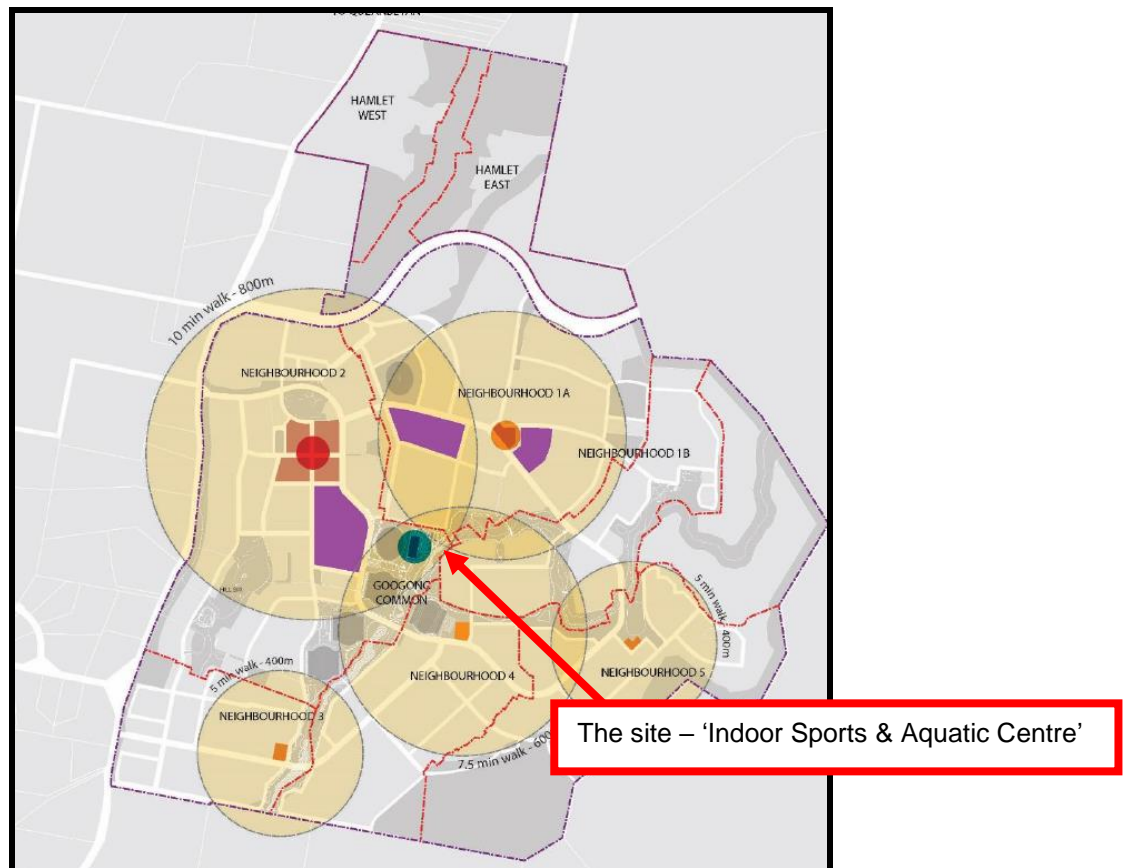
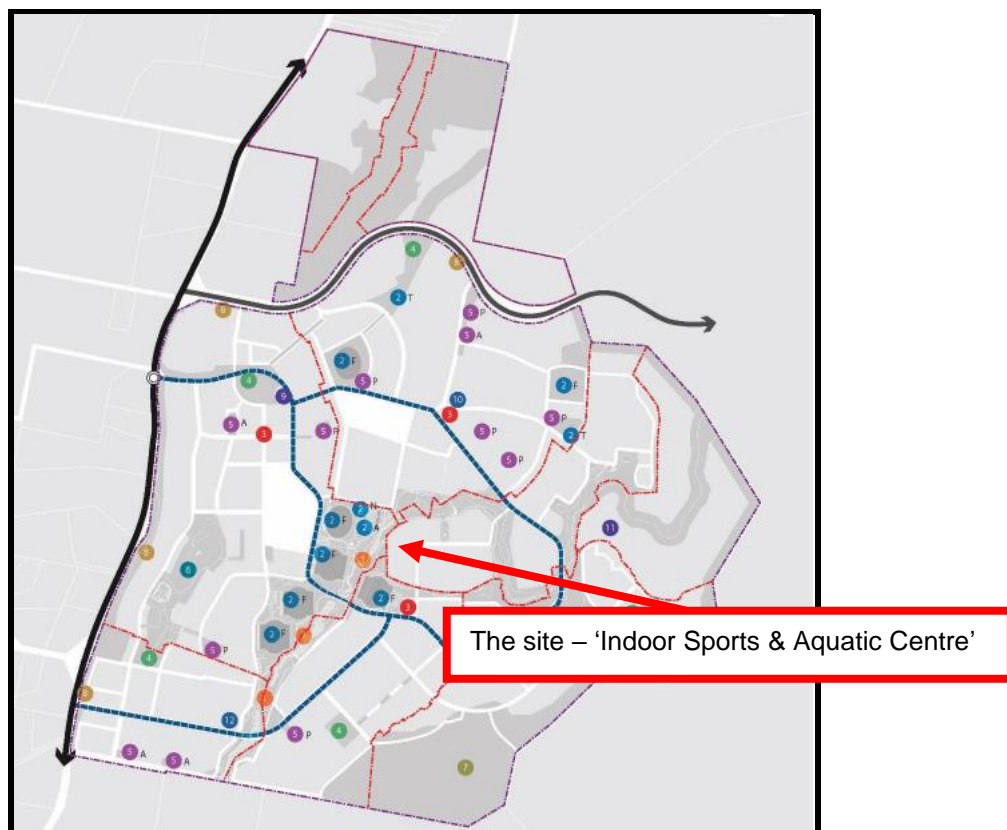


Figure 28: Neighbourhood Structure Plan (Source: Map 13, Appendix 8, GDCP)





**Figure 29: Neighbourhood Structure Plan - Community Facilities (Source: Map 5, Appendix 8, GDCP)**





Section 3.25 contains objectives and controls for Public Open Space outlining that open spaces in Googong have a recreational and aesthetic role for the community as well as supporting ecological systems. The provision of open space in Googong aims to provide an appropriate distribution of quality open space throughout the township. Table 1 of the GDCP sets out the desired future function and character of open space areas within the township, which states the following for Googong Common:

*Googong Common is located at the centre of the site. It will combine recreational, environmental and cultural activities as well as accommodate water quality control measures. The Common is to embody the character and environmental attributes of the Monaro landscape. It is to contain sports fields, active sports facilities, amenity facilities, car parking, trails, boardwalks and pathways, shelters, passive recreation areas, pedestrian bridges over Montgomery Creek, water bodies and wetland ponds, public art and heritage interpretation, BBQs, children's play areas and other compatible facilities.*

The proposal provides an indoor recreation facility which is consistent with these requirements.

The controls for public open space include:

- (a) *The Neighbourhood Structure Plan shall address how the desired future character and function for open space as outlined in Table 1 will be achieved.*
- (b) *The Landscape and Open Space at Googong is to be provided generally in accordance with the Part 1 Local Open Space of Schedule 1 of the Googong VPA and generally in accordance with the Googong Landscape and Open Space Strategy dated 10 July 2009.*
- (c) *The Neighbourhood Structure Plan shall detail appropriate spatial locations for Open Space that will be capable of meeting the objectives and controls in Parts 4 and 5 of this DCP.*
- (d) *The Street Tree Neighbourhood Structure Plan shall be generally consistent with the Street Tree Master Plan (Appendix 2 Master Plan documents).*

As outlined above, the proposal is consistent with the structure plans for NH2.

#### *Part 5 – Design Guidelines and Controls for Public Domain*

The relevant controls of Part 5 are considered in **Table 6** below. The proposal is consistent with these controls.

**Table 6: Consideration of Part 5 of the GDCP**

Requirement	Proposal	Comply
<b>5.4: Public Open Spaces and Landscaping</b>		
<b>Design Objectives</b>		
1) Provide a mix of passive, active, formal and informal public open spaces and play opportunities that will cater for and support the future community of Googong.	The proposal provides for active recreation uses.	✓
2) Provide open space areas which are distinctive in character and provide safe and secure access for all users.	The proposal provides a distinctive facility for the area and has considered safety and security of users.	✓
3) Establish attractive walking and cycling links throughout.	The proposal is consistent with existing walking and cycling links in the area.	✓
4) Create attractive landscapes that are durable	The proposed landscaping is	✓

and generally low maintenance. 5) Landscaping of public open space shall be generally in accordance with the Landscape and Open Space Strategy and Schedule 1 in the local Voluntary Planning Agreement.	satisfactory. The proposal is consistent with the VPA.	✓
<b>Controls</b> Googong Common - Googong Common shall: i. Combine recreation, ancillary commercial, functional, environmental and cultural roles. ii. Provide an extensive open space resource for Googong. iii. Embody the character and environmental attributes of the Monaro landscape. iv. Include a feature entry which suitably announces the entry and incorporates signage, shelters and a major water feature. v. Provide cycle and pedestrian paths, amenities, playgrounds, passive recreation, active sports facilities and shelters, art and heritage interpretation, a pedestrian bridge over Montgomery Creek and water bodies.	Recreation facility is provided.  Provided  Provided  Provided  Provided	✓  ✓  ✓  ✓  ✓
<b>5.6: Community Facilities</b>		
<b>Design Objectives</b> 1) Provide a range of quality, safe and well located community and educational facilities suitable for the needs of residents throughout Googong. 2) Encourage the co-location of appropriate services and facilities adjacent to school sites including, but not limited to, child care facilities, health centres, recreation and sports facilities. 3) Encourage the design of education and community buildings that will provide a high level of amenity, health and well-being for users of the building. 4) Community facilities shall be generally in accordance with Schedule 1 of the local Voluntary Planning Agreement.	A community facility is provided.  A school is not proposed.  The proposal has a high level of amenity for users of the facility.  The proposal is consistent with the VPA.	✓  N/A  ✓  ✓
<b>Controls</b> Community facilities provided at Googong shall: a) Generally confirm to the scope as outlined in the Googong Voluntary Planning Agreement. b) Adopt the objectives and controls in the Part 2.9 of the <i>Queanbeyan Development Control Plan 2012</i> Safe Guidelines for the City of Queanbeyan and be located above the 1 in 100 year flood level.	The proposal is consistent with the VPA.  Refer to QDCP.	✓  -
<b>5.9: Signage in the Public Domain</b>		

<b>Design Objectives</b> 1) The use of signage is an effective means of communicating information. All signage shall be designed to enhance and support the desired character of the new township. 2) Objectives for signage in Googong include: i. To establish a consistent approach to the use of signs without being detrimental to the picturesque rural landscape or urban streetscape of Googong. ii. To ensure that signs are in keeping with the scale and character of buildings and localities. iii. To minimise the extent of visual clutter caused by the proliferation of signs and to encourage the rationalisation of proposed signs. iv. Ensure that signage is of a high quality design and finish. v. Allowing for temporary banner signage associated with the urban release area in particular circumstances.	The proposed signage is consistent with the size and use of the facility.  Consistent with the objective - refer to I&E SEPP assessment.	✓  ✓
<b>Controls</b> a) That all signage be subject to a development application to Council, with the exception of those listed in Exempt and Complying State Environmental Planning provisions. b) Any application for signage must state that the proposal complies with <i>State Environmental Planning Policy (Exempt and Complying Development Codes) 2008</i> under the <i>Environmental Planning and Assessment Act 1979</i> . c) Public domain signage is to be shown in applications for Construction Certificates and is to be consistent with the guidelines for public domain signage outlined in the Googong Landscape and Open Space Strategy (LOSS). d) Public signage is to clearly identify the local neighbourhoods. e) In respect of temporary banner signage	Refer to I&E SEPP assessment.  Refer above  Refer to I&E SEPP assessment.  Not relevant to proposal.  Not proposed.	✓  ✓  ✓  N/A  N/A

### Part 8 – Environmental Management

This part includes controls in relation to the following matters which have been considered in this assessment:

- *Soils and Salinity* (Section 8.2) - These controls require that soil conservation measures are provided to minimise soil erosion and siltation during construction and following completion of development. A Sediment and Erosion Control Plan has been provided and relevant consent conditions have been recommended to ensure compliance with the plan. The QPRLEP 2022 does not include the site on the salinity mapping.

- *Cut and fill* (Section 8.3) – The controls limit excavation and fill on building sites to a maximum of 1.5 metres, with greater depths capable of being considered by Council, if within the building envelope, suitably retained and/or stabilised and not visible from the street. There is approximately 1400m<sup>3</sup> metres of excavation, largely for the proposed pool and within the front setback of the proposed facility, and 600m<sup>3</sup> of fill for levelling for the building footprint. The balance of earthworks is 800m<sup>3</sup> to be exported from the site, which is considered satisfactory as outlined in the LEP assessment. A retaining wall is proposed along the eastern edge of the facility where the land slopes up towards the oval, to be 900mm to 2 metres high, with a small section less than 900mm adjoining the entry area. These proposed earthworks and retaining wall are satisfactory, subject to relevant engineering consent conditions provided in **Attachment A**.
- *Stormwater Management and Flooding* (Section 8.4) – These controls require that development incorporates stormwater retention and detention strategies to limit the changes to the hydrological regime of the receiving waterways and the use of water sensitive urban design. The Stormwater plan proposes adequate arrangements for the management of stormwater on the site including detention tanks and a bioretention swale in the northeastern corner of the site. Council's engineer raises no objections subject to conditions, which have been included in the recommended consent conditions in **Attachment A**. The proposal is considered to be satisfactory.
- *Bushfire management* (Section 8.5) – This section requires that a Bushfire Threat Assessment report must form part of all development applications for lands identified as 'bush fire prone' in accordance with *Planning for Bushfire Protection*. The recommendations of the Assessment report must be incorporated into the design of the proposed development. Bushfire is further considered in this report and is satisfactory subject to the consent conditions recommended in **Attachment A**.
- *Aboriginal heritage* (Section 8.6) – This section requires that Aboriginal Cultural Heritage is considered. In this case, the site is not affected by any areas containing potential indigenous sites identified on the heritage map (Map 2, Appendix 8). Therefore, an Aboriginal heritage impact permit under Section 90 of the *NSW Parks and Wildlife Act 1974* is not required. This matter has been adequately addressed and relevant conditions included in **Attachment A** for any unexpected finds.
- *European Archaeological Heritage* (Section 8.7) – This Section aims to protect heritage which has been identified in the area. In this case, the site has not been identified as containing any item of heritage.
- *Tree retention and biodiversity* (Section 8.8) - These controls require existing significant trees to be retained with native vegetation (canopy level) to be provided by developments. There is no significant vegetation to be removed from the site and the Landscape Plan provides additional tree planting on the site. The site does not adjoin any biodiversity corridors or any significant vegetation which needs to be protected. The proposal is considered to be satisfactory.
- *Land contamination* (Section 8.9) – Consideration of land contamination is required and is considered in the Resilience & Hazards SEPP assessment. The proposal is considered to be satisfactory. The site does not contain any areas of Environmental Concern (AEC) as identified within Map 3, Appendix 8.
- *Odour* (Section 8.10) – This section requires an odour impact assessment if the site is

within 400m of the proposed or operating sewerage treatment plant. The site is located a significant distance from this treatment plant and therefore this is not relevant to the proposal.

- *Construction waste* (Section 8.11) – Construction waste must be considered, which is outlined in the Construction Waste Management Plan. This matter is satisfactory subject to the consent conditions recommended in **Attachment A**.
- *Landfill and earthworks* (Section 8.12) – The controls require adequate justification of the need for landfill to be deposited on a site. The proposed earthworks are required to provide a level building pad for the proposed new building. This matter is satisfactory subject to the consent conditions recommended in **Attachment A**.
- *Development near Googong Dam Foreshores* (Section 8.13) - This clause applies to development on land identified as “Googong Foreshore Buffer Area” on the Local Clause Map, which does not include the site.

The proposal is consistent with Part 8 of the GDCP.

#### *Part 9 – Advertising Signage*

This Section of the GDCP provides controls for advertising signage, which are considered in **Table 7** below. The proposal is consistent with these controls, with the proposed signage further considered in the Industry & Employment SEPP consideration.

**Table 7: Advertising Signage Controls of the GDCP**

Requirement	Proposal	Comply
<b>Part 9: Advertising Signage</b>		
<b>Business Identification Sign</b> A business identification sign means a sign that indicates: <ul style="list-style-type: none"> <li>• The name of the person or business.</li> <li>• The nature of the business carried on by the person at the premises or place at which the sign is displayed.</li> <li>• That may include the address of the premises or place and a logo or other symbol that identifies the business, but that does not include an advertising relating to a person who does not carry on business at the premises or place.</li> </ul> <b>Criteria</b> <i>Height:</i> 25% of front elevation of a building on which it is displayed, with a maximum height of 3m or the height of the underside of any awning measured at a line at which it is attached to the building. A minimum height of 2.6m above a road or road reserve or road. Complies with the definition of business identification sign. Securely fixed by metal supports to the premises.	<p>The proposed building signage on the northern elevation is considered to be a <i>business identification sign</i> as it contains the name of the facility and likely to include a Council, logo in the future.</p> <p>Table 1 in this section indicates that ‘business identification signs’ are exempt development.</p>	✓



<b>Pole sign</b> A single advertisement supported by one column or post which is independent of any building or other structure. Commercial/Retail Areas. <i>Criteria:</i> Height: Maximum height 10m Size: Maximum advertising area 3m <sup>2</sup>	A pole sign is proposed adjoining the existing car parking area on the site. This proposed sign is 6.3 metres high and approximately 1.62 metres wide (variable). The advertising area is likely to be approximately 3m <sup>2</sup> (although is an unusual shape).	✓
<b>9.3. Public Signs</b> a) Constructed by or on behalf of Council or public authority. b) Contains a place name or gives information about the services provided by Council or the public authority. c) Securely fixed to a building or to the ground.	The proposed signage is considered to be consistent with this clause. Table 1 in this section indicates that 'public signs' are exempt development.	✓

### *Queanbeyan Development Control Plan 2012*

Pursuant to Clauses 1.4 and 1.8 of the GDCP, the following sections of the *Queanbeyan Development Control Plan 2012 (QDCP)* also apply to the site:

- Part 1 Section 1.8 (public notification of development application)
- Part 2 Sections 2.1, 2.2 with the exception of Clause 2.2.5(1)(c), 2.3, 2.4, 2.5, 2.6, 2.7, 2.9 and 2.12.

These matters include the following:

- *Public notification of development application* (Clause 1.8) - Before considering a development application, Council will notify the proposal in accordance with the QPRC *Engagement and Participation Plan* adopted 27 November 2019 (considered in Section 5.3 of this report).
- *Car Parking* (CI 2.2) – The car parking provisions specified in the DCP are contained at Clause 2.2.6. The remaining provisions of this section are not relevant as the car parking area is existing on the site. These provisions in the context of the proposal are considered in the key issues section of this report and are considered to be satisfactory. Bike racks are proposed on the landscape plan and relevant consent conditions are recommended in **Attachment A**.
- *Environmental Management* (CI 2.3) – This clause contains a number of matters for consideration including energy efficiency and water conservation, waste and recycling and noise and vibration.
  - Section 2.3.5 provides the waste and recycling controls, which requires that all applications are to be accompanied by a waste management plan that addresses waste handling methods and location of waste storage areas.
  - Section 2.3.6 provides noise and vibration controls, which requires that development should be designed to minimise the potential for offensive noise. In particular:
    - Section 2.3.6(d) requires that entertainment venues, hotels, clubs, cinemas and the like, either licensed or unlicensed, should prepare a plan of management including provisions to ensure patrons enter and leave the premises in a quiet and orderly manner whenever the premises are open

to the public and to manage noise levels within the premises to prevent an unreasonable effect on the amenity of the locality. A Plan of Management for the operation of the facility is to be provided prior to the issue of the Occupation Certificate as recommended in the consent conditions in **Attachment A**. The proposed acoustic matters are considered further in the key issues section of this report and is satisfactory.

- Section 2.3.6(f) requires that development is designed so noise and vibration from leisure/cultural/entertainment venues and other noise generating activities do not unacceptably affect the amenity of nearby residential and other noise or vibration sensitive uses. The proposed waste management arrangements are considered further in the key issues section of this report and is satisfactory.
- *Contaminated Land Management* (CI 2.4) – Considered in the assessment under the Resilience & Hazards SEPP and is satisfactory.
- *Flood management* (CI 2.5) – The site is not affected by the flood planning level.
- *Landscaping* (CI 2.6) – A landscape Plan has been provided, which is satisfactory.
- *Erosion and Sediment Control* (CI 2.7) – Erosion and Sediment Control Plan has been provided. Relevant consent conditions have been recommended in **Attachment A**.
- *Guidelines for Bushfire Prone Areas* (CI 2.8) - All development on Bush Fire Prone Land must satisfy the aim and objectives of *Planning for Bushfire Protection 2006*. Applicants must demonstrate to the Rural Fire Service and Council that the proposal satisfies the broad aim and objectives of Planning for Bush Fire Prone Land, specific objectives for the development type and the performance criteria for the various proposed bushfire protection measures. Bushfire impacts are considered in the key issues section of this report and is satisfactory subject to the recommended consent conditions at **Attachment A**.
- *Safe design* (CI 2.9) - The controls require that buildings are to be designed to overlook streets and other public areas to provide casual surveillance. Pedestrian and cycle thoroughfares are also required to be reinforced as safe routes through appropriate lighting, casual surveillance from the street, minimised opportunities for concealment, landscaping which allows clear sight-lines between buildings and the street and the avoidance of blind corners. Applicants must demonstrate compliance with the principles of *Crime Prevention through Environmental Design (CPTED)* when submitting development applications. A CPTED Report is provided, which is considered in the key issues section of this report. The proposal is satisfactory subject to the recommended consent conditions at **Attachment A**.
- *Tree and Vegetation Management* (CI 2.12) - There are no significant trees on the site and the site is not listed under the environmental protection clauses of the QPRLEP 2022.

The proposal has satisfactorily addressed these matters subject to recommended consent conditions in **Attachment A**. Accordingly, the proposal is considered to be consistent with the QDCP.

### Contributions Plans

The *Queanbeyan City Council Section 94 Contributions Plan (Googong) 2015* applies to the land pursuant to Section 7.18 of the EP&A Act. However, pursuant to Clause 20.1 of the Planning Agreement, Sections 94 and 94A (as Section 7.11 was formerly referred to) do not apply to the Development. Furthermore, Clause 20.2 of the Planning Agreement only allows Council to impose development contribution conditions on development consents for commercial development in the Town Centre. Therefore, contribution charges are not required to be included in the recommended consent conditions.

#### (d) Section 4.15(1)(a)(iia) – Planning agreements under Section 7.4 of the EP&A Act

The planning agreement applying to the site is considered in Section 1.4 of this report. the proposal is considered to be consistent with the Planning Agreement applying to the site.

#### (e) Section 4.15(1)(a)(iv) - Provisions of Regulations

The following matters require consideration in relation to Part 4, Division 1 of the 2021 Regulations:

- Section 61(1) - In determining a development application for the demolition of a building, the consent authority must consider the *Australian Standard AS 2601—2001: The Demolition of Structures* – There is no demolition proposed.
- Section 62 (consideration of fire safety) – This is not relevant as a change of building use is not proposed;
- Section 64 (consent authority may require upgrade of buildings) – This section applies to the determination of a development application that involves the rebuilding or alteration of an existing building which is not proposed in this application.
- Section 66A - Council-related development applications — Pursuant to section 4.16(11) of the EP&A Act, the proposal is a *Council-related development* which is defined as the following in Clause 9B Schedule 1 of the EP&A Act:

***council-related development application*** means a development application, for which a council is the consent authority, that is—

- (a) made by or on behalf of the council, or
- (b) for development on land, other than a public road within the meaning of the [Local Government Act 1993](#)—
  - (i) of which the council is an owner, a lessee or a licensee, or
  - (ii) otherwise vested in or under the control of the council.

The Council is the owner of the land and will own/manage the proposed facility.

The *Council-Related Development Application Conflict of Interest Policy* for QPRC was adopted on 25 August 2023 which specifies how conflicts of interest in connection with Council-related development applications will be managed as required by Section 66A of the Regulations.

The Policy requires:

- In relation to the assessment of the applications:

- Council's development assessment staff or independent/external consultant/s shall not be involved in the preparation and/or lodgement of the application
- The application shall only be assessed by staff or independent/external consultant/s that are not involved in the preparation and/or lodgement of the application.
- The development assessment staff or independent/external consultants are to remain separate from the internal Council team or independent/external consultant/s who prepared and lodged the application and are working on the application, during the assessment and processing of the application.
- All internal meetings relating to the application must be appropriately documented and registered in Council's Electronic Records Management System.
- In relation to the determination of the applications:
  - Applications that trigger the requirements of the Minister's '*Local Planning Panels Direction – Development Applications and applications to modify development consents*' are to be determined by the Joint Region Planning Panel (JRPP).
  - All other applications that do not trigger referral to the JRPP are to be determined by a delegated officer of Council in accordance with issued Delegations.

The proposal has been lodged by an independent planning consultant and assessed by a different independent planning consultant. The application will be determined by the Southern Regional Planning Panel. Accordingly, the application is consistent with this Policy.

Therefore, the provisions of the 2021 EP&A Regulation have been adequately considered.

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

The likely impacts of the 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:

- Context and setting – The proposal is considered to be generally consistent with the context of the site, in that the proposed new building is to be located within an existing public open space precinct (Googong Common) and is of an appropriate scale for the site with additional landscaping to be included. The scenic qualities of the area are also retained and the public can traverse the site on footpaths separate from the internal road system.

The character and amenity of the locality is maintained given the large areas of open space on the site and the boundary planting comprising canopy trees to residential and street boundaries. Given the large site and adequate setbacks, the character of the surrounding development is maintained and potential impacts on adjoining properties is minimal.

- Access and traffic – The access and traffic issues are considered in the key issues section of this report. These matters are satisfactorily addressed subject to conditions.
- Public Domain – The proposal connects with existing pedestrian linkages in the area and provides additional car parking within the site.
- Utilities – All of the required utilities are available at the site, with some to be augmented as outlined in this report and where required consent conditions are

recommended.

- Heritage – There are no heritage items located on the site contain or on any adjoining or nearby sites. Aboriginal cultural heritage was considered at the subdivision stage (in DA 123-2017).
- Other land resources – The site is not located within or adjacent to water catchment or mining.
- Water/air/soils impacts – The potential for contaminated land is considered in the assessment under the Hazards & Resilience SEPP and the site is not affected by acid sulphate soils.
- Flora and fauna impacts – Potential ecological impacts are considered in Section 4 of this report.
- Natural environment – There are some earthworks proposed on the site, however, impacts to the natural environment have been minimised. These matters are considered in Section 4 of this report.
- Noise and vibration – An Acoustic Report has been provided which is considered in the key issues section of this report.
- Natural hazards – The site is affected by bushfire, which has been considered by the NSW RFS and in the key issues section of this report. The site is not affected by flooding. Relevant conditions have been included in the recommended conditions.
- Safety, security and crime prevention – This is considered in the key issues section of this report and is considered satisfactory subject to the recommended consent conditions in **Attachment A**.
- Social impact – The proposal enhances public open space facilities within an existing public open space area, which will support the community, which is a social benefit. No adverse social impacts are anticipated. The proposal is considered to result in a positive social impact.
- Economic impact – The proposal will assist with employment generation in relation to the operation of the facility as well as constructed related jobs, which is likely to include local tradespeople. The proposed facility would also provide additional investment in local businesses to provide goods and services to the facility, particularly during the construction phase, thereby providing economic stimulation to the local economy. The proposal is considered to result in a positive economic impact.
- Site design and internal design – It is considered that the proposed new building has been set out appropriately on the site to mitigate potential impacts.
- Construction – Relevant conditions have been imposed to reduce potential construction impacts.
- Cumulative impacts – The proposal will not result in any adverse cumulative impacts as it is generally consistent with the planning controls and is considered to be in the public interest.



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

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

The site is considered to be suitable for the development given the proposal is for public open space facilities within an existing public open space area and has been integrated into the site. The proposed facility is considered to be compatible with the locality having been designed having regard to the site topography and significant landscaping opportunities are provided throughout the site. The proposal is also consistent with the Planning Agreement for the site.

There are adequate services, transport infrastructure and open space in the vicinity which will assist in minimising the impact of the development in the area. The site is affected by bushfire prone land which has been considered by the NSW RFS and is considered satisfactory subject to conditions.

The site attributes are conducive to the development in that the proposal will provide additional recreation facilities within an existing public recreation area and provides adequate car parking and access arrangements. There are not any adjoining uses which are prohibitive of the proposal.

#### **4.4 Section 4.15(1)(d) - Public Submissions**

There were no community submissions received, as outlined in Section 5 of this report.

#### **4.5 Section 4.15(1)(e) - Public interest**

The proposal is considered to generally be in the public interest as the proposal provides enhanced public recreation facilities within an existing open space precinct, where adequate car parking and access arrangements have been provided. The potential impacts of the proposal have been adequately mitigated as discussed in the key issues section of this report.

The proposal is also generally consistent with the applicable planning controls as outlined in this report. The proposal is also considered to result in positive social and economic impacts as outlined above and the health and safety of the public will not be affected.

The site is subject to the provisions of the *South East and Tablelands Regional Plan 2036*. Relevant provisions of this Strategy to the proposal include:

- *Direction 22: Build socially inclusive, safe and healthy communities*
  - *Action 22.1 Develop best-practice guidelines for planning, designing and developing healthy built environments and use the Neighbourhood Planning Principles (Appendix A) in local environmental plans, development control plans and local strategies in the interim.*

The Regional Strategy relevantly states:

*The design and location of recreation facilities, sporting infrastructure, parks and public buildings should encourage people to be physically active where they work and in their neighbourhoods. Neighbourhood communities will reconnect with the surrounding landscape via walkways, cycleways and public transport. These networks will be considered for extension as part of planning for residential release areas and renewal sites.*

The proposal involves enhancing public recreation facilities and in this way is consistent with the Regional Strategy. The proposal is consistent with the principles of Ecologically sustainable development as outlined in this report including the use of solar, recycling, water and energy efficient appliances and fixtures, and energy efficiency through the use of passive design techniques.

Accordingly, on balance, it is considered that the proposal is consistent with the public interest.

## 5. REFERRALS AND SUBMISSIONS

### 5.1 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 8**. There are no outstanding issues arising from these concurrence and referral requirements subject to the imposition of the recommended conditions of consent outlined in **Attachment A**.

**Table 8: Referrals to External Agencies**

AGENCY	CONCURRENCE/ REFERRAL TRIGGER	COMMENTS (ISSUE, RESOLUTION, CONDITIONS)	RESOLVED
<b>Referral/Consultation Agencies</b>			
RFS	Located on bushfire prone land (not integrated development)	A Bushfire Safety Authority is not required, however, the application was referred to the RFS for assessment given the number of people likely to utilise the facility at any one time. Relevant conditions of consent have been included in the recommended consent conditions.	✓ (Conditions)
Transport for NSW	Section 2.121 – <i>State Environmental Planning Policy (Transport and Infrastructure) 2021</i> Development that is deemed to be traffic generating development in Schedule 3.	No objections were raised. Traffic and parking issues are further considered in the key issues section of this report.	✓
Canberra Airport	Obstacle Limitation Surface (OLS) assessment – CI 7.8 of QPRLEP 2022	The matters raised by Canberra Airport are considered in Section 4.1(a)(vii) of this report (LEP assessment).	✓
NSW Police	General comments given likely number of people utilising the centre	No objections raised and considered that the CPTED Report outlined the necessary crime prevention strategies for the proposed development which should be implemented. At a minimum, CCTV cameras and alarms systems are recommended to be installed. During the construction stage, it is advised	✓

		<p>that security be employed to patrol the area in order to prevent the construction site being broken into.</p> <p>CCTV cameras will also help deter would be offenders from coming Graffiti and Steal from Motor vehicle offences as well. Relying on passive surveillance is not sufficient in Googong due to lack of pedestrian and vehicle traffic at night time.</p>	
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## 5.2 Council Officer Referrals

The development application has been referred to various Council officers for technical review as outlined **Table 9**. The issues raised by Council officers are considered in the Key Issues section of this report (where relevant) and the required conditions have been included in the recommended consent conditions in **Attachment A**.

**Table 9: Consideration of Council Referrals**

OFFICER	COMMENTS	RESOLVED
Environmental Health	No objections subject to consent conditions regarding compliance with the acoustic report and the requirement for an additional acoustic report prior to the Construction Certificate in relation to plant equipment. These conditions are included in the recommended consent conditions in <b>Attachment A</b> .	✓
Development Engineering	No objections subject to consent conditions, which are included in the recommended consent conditions in <b>Attachment A</b> .	✓
Building	No comments provided.	N/A
Facilities	No objections or comments made.	✓
Land-use Planning	<p>No objections with the following comments:</p> <ol style="list-style-type: none"> <li><u>Consistency with G DCP Master Plan</u> - The Googong Master Plan guides the orderly and sequential development of the Googong township. While the plan is an indicative and schematic layout, it should be generally considered as part of future development layouts. Googong Common is located at the centre of the site. It will combine recreational, environmental, and cultural activities as well as accommodate water quality control measures. The application addresses how the proposal meets the development controls of the GDCP and the Master and Structure Plans. It is considered the proposal is generally in accordance with these Plans.</li> <li><u>Googong Urban Development Planning agreement</u> - The proposal is not inconsistent with the Googong Urban Development Planning agreement. As noted in the Variation of Googong Urban Development Local Planning Agreement Deed of Variation between QPRC and Googong Township Pty Limited dated - 13</li> </ol>	✓

	January 2020, the land known as Googong Common – Lot 1601 DP 1266000 is to be used for Public Purpose – Public Civic and Community Service Facilities. QPRC is the owner of this community land. It is described as a public reserve. It is not currently in a Plan of Management (PoM).	
	3. <u>Amendment to QPLEP 2023</u> – now gazetted.	
Waste	Concerns raised regarding a lack of FOGO separation and cardboard recycling, which has now been addressed.	✓
Community, Arts and Recreation	No objections or comments made.	✓

### 5.3 Community Consultation

The proposal was advertised and notified in accordance with the Council's *Community Engagement and Participation Plan* (Clause 3.3) with a submission period from 21 May 2024 to 7 June 2024. The notification included notification letters sent to adjoining and adjacent properties and notification on the Council's website. There were no submissions received.

## 6. KEY ISSUES

The following key issues are relevant to the assessment of this application having considered the relevant planning controls and the proposal in detail:

### 6.1 Traffic & Parking

The *Traffic and Parking Impact Assessment* prepared by SCT Consulting dated 10 April 2024 (**Traffic Report**) addresses the traffic and transport design parameters, investigations, and outcomes of the proposal.

The car parking and access management for the proposed facility is considered below.

#### Pedestrian access

The proposal involves minor changes to the existing pedestrian facilities in the existing car parking area on the site to allow pedestrian access to the proposed facility. These proposed pedestrian paths through the car park connecting to Heazlett Street provide appropriate pedestrian access points for pedestrians and cyclists, which facilitate travelling to the surrounding destinations such as the town centre and the surrounding Googong Commons. The proposed pedestrian paths connecting to Heazlett Street and the entrance of the centre will provide direct and safe access to active transport users and are satisfactory.

#### Cyclists

The proposal involves the provision of new bicycle spaces at the front of the building as outlined on the Landscape Plan. Relevant consent conditions have been recommended in **Attachment A** to ensure these racks are installed and are satisfactory.

### Car Parking

The provision of car parking for the public open space areas of NH2 was considered in the subdivision approval for the site as well as the Traffic Report. These assessments are considered below, along with the relevant controls for car parking.

### Car Parking Controls - QDCP

Clause 2.2.6 of the QDCP provides controls for car parking, which state:

#### **Objectives**

- 1) *To ensure the appropriate number of car spaces is provided for the development types.*
- 2) *To ensure the appropriate design of car parking spaces and areas.*

#### **Controls**

- a) *Car parking is to be provided for all development in accordance with Table 1. An assessment will be undertaken of development types that are not explicitly listed.*
- b) *In finalising the parking numbers required the total number is to be rounded up to the next whole number.*
- c) *In addition to providing the number of required car parking spaces as detailed in Table 1, all car parking shall be designed in accordance with the Australian Standard AS 2890 Parking Facilities.*
- d) *All car parking shall include the provision of car parking for delivery and service vehicles in accordance with Australian Standard AS 2890.2-2002 and car parking for persons with disabilities in accordance with the Australian Standard AS 2890.*

Table 1 of the QDCP provides the following required car parking:

#### *Recreation facility (indoor), Recreation facility (outdoor), Recreation area*

- *Within in the CBD – 1 space per 60m<sup>2</sup> of GFA.*
- *Outside the CBD:*
  - *squash courts – 3 spaces per court*
  - *tennis courts – 3 spaces per court*
  - *bowling alleys – 3 spaces per alley*
  - *bowling greens – 30 spaces for first greens plus 15 for each additional green*

#### *Recreation Facilities (sporting Fields) – 30 spaces*

The recommended number of accessible spaces outlined in table of Section 2.2.6 is 1 space or 2-3% of total number of car parking spaces

The site is not located within the CBD and does not propose squash courts, tennis courts, bowling alley or bowling green and therefore there are no strictly relevant car parking controls for the proposal. Furthermore, the proposal does not involve the construction of any car parking as part of the application and instead relies on the existing car parking constructed under the subdivision approval which is outlined below.

### Subdivision Approval

The subdivision approval for NH2 considered the location of public open space as well as the associated car parking for the open space facilities, which included the proposed indoor facility.

The subdivision approval included a *Landscape Design Report* prepared by AECOM dated 23 March 2017, which provided the following summary in relation to car parking for the public open space areas:

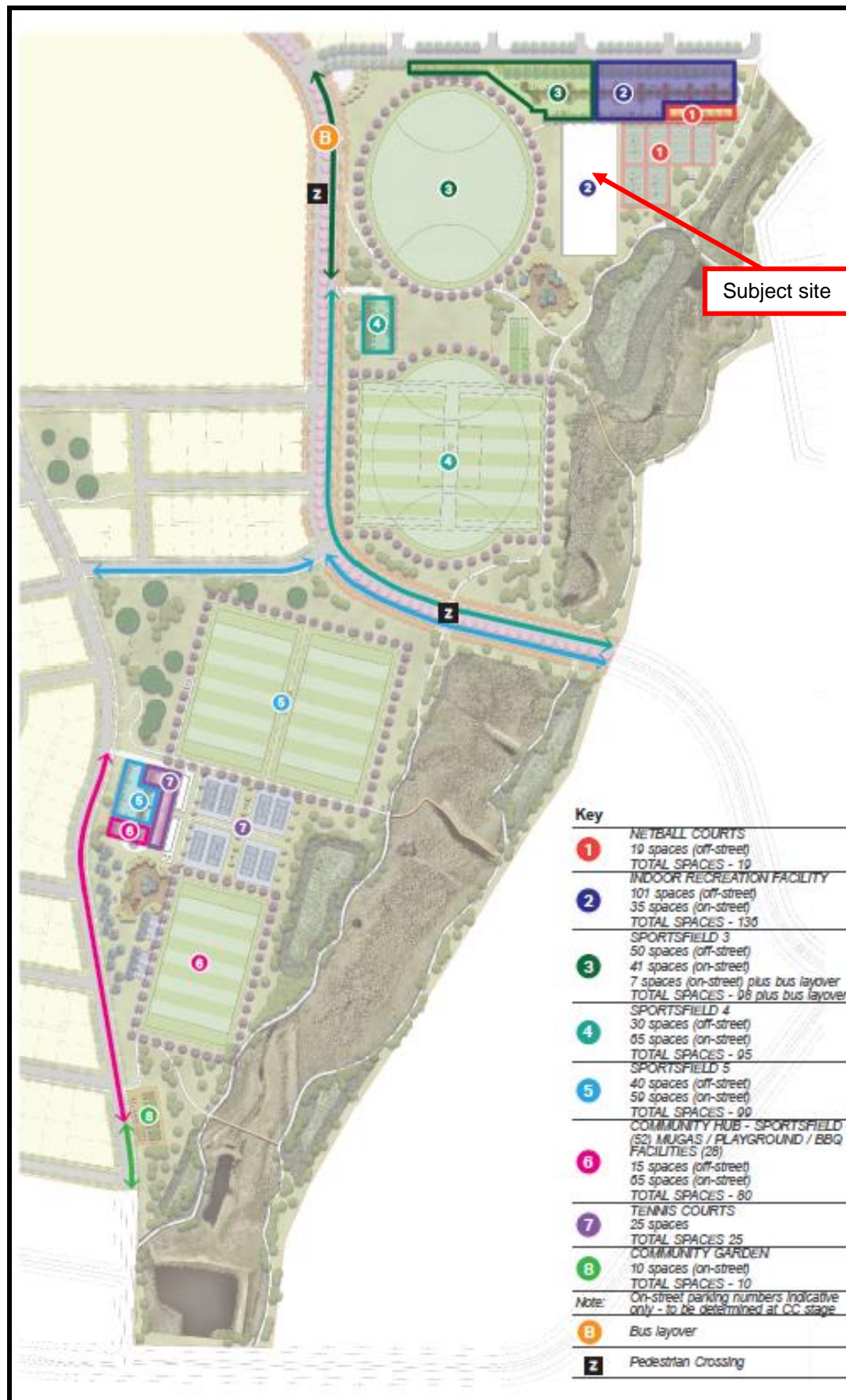
*Car parking to service the sport and recreation facilities within Googong Common has been provided as a combination of off street car parks, on street perpendicular parking, and on street indented parallel parking. QPRC DCP Section 2.2.6 Controls for Car Parking has some guidelines which have been taken into account; however, where no guidelines exist the numbers have been based on an assessment of Queanbeyan's current facilities & car parking numbers. GTPL believe the proposed numbers in general exceed the existing available parking numbers and reflect the growing need for parking facilities within future sporting precincts.*

The proposed car parking to be provided was **562 spaces** for the public open space area comprising Googong Common (North and South), outlined in **Figures 31 and 32**.

FACILITY	QUEANBEYAN DCP 2012 - PART 2 SECTION 2.2 REQUIREMENT	PRECEDENT EXAMPLES (QPRC)	PROPOSED CAR PARK NUMBERS		TOTAL
			OFF-STREET	ON-STREET (ADJACENT)	
Indoor Recreation Facility	Within the CBD: 1 space per 60m <sup>2</sup> of GFA (At 5000 sqm would = 83 spaces). Outside the CBD - no guide.	Queanbeyan Aquatic Centre (approx. 90 spaces)	101	35	136
Netball courts (6)	N/A	Steve Muager Sportsground - 6 netball courts plus sportsfield (38 unmarked spaces, approx 19 per facility)	19	0	19
Sportsfield 3 (AFL / Cricket Oval)	N/A	Freebody Oval - 2 ovals and 1 soccer pitch( 241 spaces in total, approx. 80 per field )	50	48	98
Sportsfield 4 (AFL / Cricket Oval plus double Soccer/Rugby)	N/A	Freebody Oval - 2 ovals and 1 soccer pitch( 241 spaces in total, approx. 80 per field )	30	65	95
Sportsfield 5 (double Soccer/Rugby)	N/A	Wright Park - 3 fields (82 spaces in total, approx. 27 spaces per field)	40	59	99
Community Hub: Sportsfield 6 - (Single soccer / rugby), MUGAs, playground and BBQ area	N/A	Wright Park - 3 fields (82 spaces in total, approx. 27 spaces per field)	15	65	80
Tennis courts (8)	3 spaces per court (8 courts would = 24 spaces)	Jerrabomberra Tennis Club - 6 courts (approx 32 spaces)	25	0	25
Community Garden	N/A	N/A	0	10	10
TOTAL			280	282	562

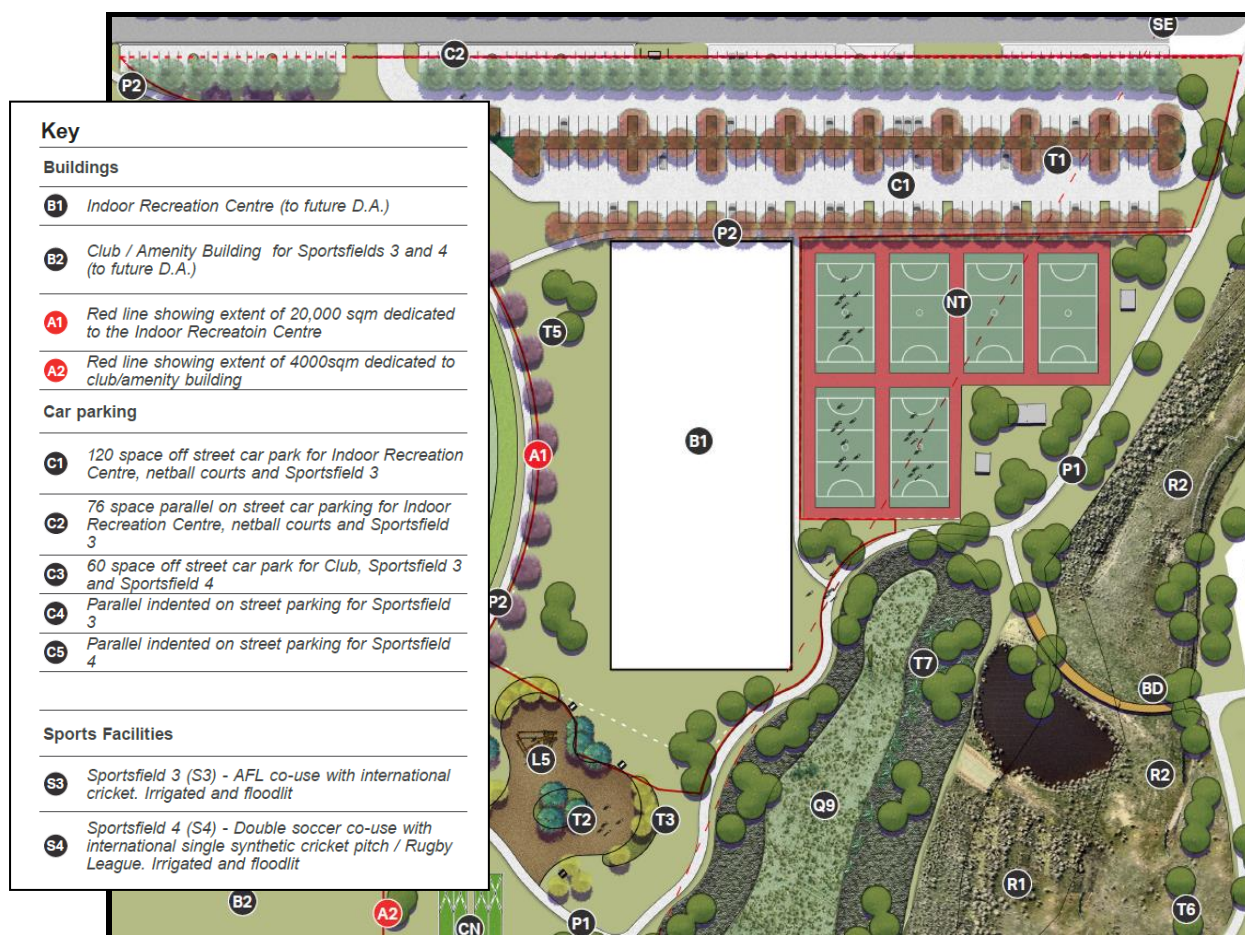
**Figure 31: Parking Comparison Table - Googong Common (Source: *Landscape Design Report, AECOM, 2017 – Table 6.4*)**





**Figure 32: Parking Provision - Googong Common (Source: Landscape Design Report, AECOM, 2017 – Figure 6.5)**

The approved landscape plan within the Subdivision approval is illustrated in **Figure 33**.



**Figure 33: Approved Landscape Plan with car parking for recreation areas (Source: Subdivision approval)**

Council's assessment report for the subdivision approval provided the following consideration in relation to car parking:

*The proposal includes the creation of public reserves including Nangi Pimble, local parks, sport and recreation facility (outdoor) within Googong Common, civic plaza and neighbourhood park with Town Centre lake, neighbourhood playground and community garden.*

*The various community uses fall within the definition of "Recreation area", "Recreation Facility (Indoor)" and "Recreation Facility (Outdoor)". The parking requirement listed for such areas located outside the CBD only requires parking where the recreation area includes: squash and tennis courts, bowling alleys and bowling greens or a gymnasium. No specific vehicle parking requirement are listed for a playground. There are 8 outdoor tennis courts have been provided in Googong Common.*

*Car parking to service the sport and recreation facilities within Googong Common has been provided as a combination of off street car parks, on street perpendicular parking, and on-street indented parallel parking.*

*The submitted landscape plans show 120 on-site car parking spaces have been provided within Googong Common, accessed from Heazlett St, for future indoor*

*recreation centre, netball courts and sportfield 3. Also 76 on-street perpendicular parking spaces on Heazlett St have been provided for future indoor recreation centre, netball courts and sportfield 3. 60 on-site car parking spaces have been provided for the future club, sportfield 3 and sportfield 4 with access from Wellsvale Drive. 80 on-site parking spaces have been provided for tennis club, sportfield 5 and sportfield 6. On-street indented parallel parking also available along the Wellsvale Drive, Road 49 and Road 2a. Public transport also available for visitors.*

Therefore, the subdivision approval provided 136 car parking spaces (on and off street) for the proposed indoor facility.

The constructed car parking areas appear to have been provided in a modified format to the subdivision approval, with the car parking primarily provided as an off-street car park in the vicinity of the proposal, which comprise a total of **243 car spaces**, consisting of the following:

- 222 spaces in the car parking area on the site accessed via Heazlett Street (adjoining the existing netball courts); and
- 21 spaces in car parking area to the northwest of the proposed indoor facility adjoining Heazlett Street (between Hearne and Carver Streets).

Of these spaces, the subdivision approval allocated the following uses to those car parking spaces:

- Netball courts - **19** spaces (off street)
- Sportfield 3 – 50 spaces (off street) + 41 spaces (on-street) + 7 spaces (on-street) and bus layover (total – 98 spaces, with approx. 20 spaces provided along Wellsvale Drive) – **78** spaces
- Indoor centre – 101 spaces (off-street) and 35 spaces (on-street) (**136** spaces)

Therefore, there is an oversupply of 10 car parking spaces constructed from the requirement under the subdivision approval (243 (constructed) – 233 (required)). Accordingly, with the loss of 7 car spaces for the proposed works to the car park to allow for buses and HRVs to service the site (outlined below), there are **139 spaces** are available for the proposed indoor facility. Only 83 spaces are required under the DCP and 136 space under the Subdivision approval.

### Traffic Report

The Traffic Report lodged with the current development application has considered the subdivision approval, which has already provided the required car parking for the public open space areas within NH2.

The proposal involves minor modifications to the existing car parking area on the site, which will result in a reduction of seven (7) spaces arising from the need to provide an additional and relocated pedestrian path connecting the footpath on Heazlett Street through the carpark and connecting to the front entrance. The eastern end of the car parking area is also proposed to be widened to allow for service vehicles to manoeuvre around the car park.

This will result in a total of 215 car parking spaces being provided within this car parking area (down from the existing 222 spaces) and with the existing 21 spaces to the west along Heazlett Street, resulting in a total of **236 spaces** being provided for the proposed indoor facility, netball courts and Sportfield 3. Therefore, the proposed indoor facility would have **167 spaces** allocated.

Under the QPRC *DCP*, a parking rate of 1 space per 60m<sup>2</sup> of GFA applies for indoor sports facilities (within the CBD but used in this calculation given the absence of an alternative parking rate), equating to required provision of 83 spaces (gross floor area of 3,673m<sup>2</sup>). The Traffic Report undertook a parking occupancy data, with a maximum of 99 vehicles observed. This equates to a demand of 182 spaces (83 + 99 spaces) which is within the total provision of 236.

The Traffic Report also modelled the 'worst case' scenario, using the trip generation rates which concluded that a maximum 118 vehicles could be expected to be generated during the peak hour and 124 trips generated. This analysis demonstrates that the proposed car park modifications are still within the DCP required parking rates and can accommodate a potential 'worst case' scenario where peak usage for the proposed indoor facility would coincide with peak usage for the greater Googong Common which is likely to occur infrequently.

Following a thorough consideration of the car parking provided under the subdivision approval and the Traffic Report, it is considered that there is adequate car parking on the site for the proposal.

### Traffic Generation

The Traffic Report considered the traffic generation of the proposal, having regard to the trip generation rates for indoor sports facilities given by the *Institute of Transportation Engineers (ITE)* as well as considering the maximum number of people utilising each part of the facility, with the following concluded:

- 80 people using the indoor sports courts,
- 36 people in the 25m pool,
- 25 children in the warm water program pool and
- 20 people in the change room.

Applying the calculations from the ITE and based on a large GFA of 5,000m<sup>2</sup> (concept plan dimensions) resulted in 124 trips generated. The traffic modelling confirmed that there are no changes to the existing level of service for the intersection of Wellsville Drive / Heazlett Street and the Degree of Saturation of that intersection indicates additional capacity. Therefore, the Traffic Report concluded that there is no requirement for any changes to the existing road and car parking infrastructure.

### Servicing

Vehicle swept paths indicate that a HRV is capable of entering the car park, manoeuvring around it and exiting without impacting upon other road users or pedestrians. Given that waste collection will likely occur outside the hours of operation of the facility, impacts will likely be minimal.

It is considered that the existing and proposed car parking and vehicle access arrangements for the proposal are satisfactory and relevant consent conditions are recommended to be imposed in **Attachment A**.

## **6.2 Acoustic**

The site is located in close proximity to residential development and therefore potential acoustic impacts are required to be considered. The *Acoustics Report* prepared by Northrop dated 22 March 2024 (**Acoustic Report**) considers the proposal in relation to operational noise for surrounding land uses and road noise. Despite the site's close proximity to Canberra



airport, the site is not affected by the ANEF contour 20 and therefore aircraft noise is not a relevant matter to the proposal.

The Acoustic Report established noise criteria pursuant to the EPA's *NSW Noise Policy for Industry* and considered the likely noise emissions from the proposal on the most affected noise receivers in the vicinity of the Project. The hours of operation outlined in the Acoustic report were 5.30am to 7.30pm (Monday to Friday) and 7am to 6pm (Saturday and Sunday).

Noise emissions from the pool and sports halls were assessed to the nearest affected receivers, comprising the residences on the northern side of Heazlett Street, using measurements from a similar facility and Northrop's database. This assessment spanned the day/evening as well as the night period (to cover the early morning 5:30am-7am time). The noise model assumed the doors on the northern façade to Heazlett Street and the high level windows on the southern facade of the pool are open and the doors to the sports hall are closed.

The resultant sound pressure levels from the proposed pool and sports hall were measured against the project noise trigger level, with the results indicated that the predicted noise levels exceed the evening criteria at Receivers R5-R8 and R10 by 1-2 dBA. The Acoustic Report concluded that the proposal complies with the noise criteria given an exceedance of up to 2 dBA is considered a marginal exceedance which is not noticeable to the human ear so is considered acceptable in this case.

The Acoustic Report considered that management controls including to notify surrounding residences of any events occurring outside standard hours and special events such as large sports games and swimming carnivals should be undertaken. The Acoustic Report also considered potential sleep disturbance and road traffic noise arises from the increase in traffic from the proposal, with both of these potential impacts complying with the relevant requirements.

The Acoustic Report concluded that subject to the following recommendations being implemented, noise emissions from the proposal will comply with the acoustic requirements of Council's DCP, NSW EPA *Noise Policy for Industry* and relevant Australian standards and guidelines:

- **Building services and pool plant** – An assessment of noise emissions from the mechanical and building services equipment should be undertaken at detailed design stage to ensure cumulative noise does not exceed the project specific criteria at the nearest affected receivers.
- **Patron noise** – In general, noise from patrons using the facility does not exceed the day criteria. It is recommended to manage the possible high noise events through community consultation.

Council's Health officer has reviewed the Acoustic Report and considered it satisfactorily addresses the potential impacts arising from the proposal subject to recommended conditions, which have been included in **Attachment A**. The recommendations of the Acoustic Report have also been included in the recommended consent conditions, including the hours of operation outlined in the Acoustic report and are to be included in the Plan of Management which is required prior to the issue of an Occupation Certificate.

### 6.3 Bushfire

The site is located on bushfire prone land (**Figure 34**), with Vegetation Buffer and Vegetation category 3, located on the site. These categories are, however, located in the southern corner



of the site and away from the proposed indoor facility.

A *Bushfire Assessment Report* prepared by Ember Bushfire Consulting dated 26 March 2024 (**Bushfire Report**) has been provided with the application, which identified a thin area of unmanaged wetland vegetation (sedges and long grasses) approximately 40 to 50 metres wide along the length of Montgomery creek as a potential bushfire risk. This vegetation connects to rural areas to the south of Googong, which has the potential to provide a 'wick' for fire to travel along into the internal parts of the township.

The Bushfire Report concluded that given the 60 metre separation distance between the proposed facility and this identified hazard, that the site bushfire attack assessment yielded a result of BAL-LOW. Therefore, the Bushfire Report concluded that any bushfire risk is very low and in general terms insufficient to warrant specific protection measures.

The application was referred to the NSW Rural Fire Service, in which no objections were raised subject to recommended consent conditions, which are included in **Attachment A**.

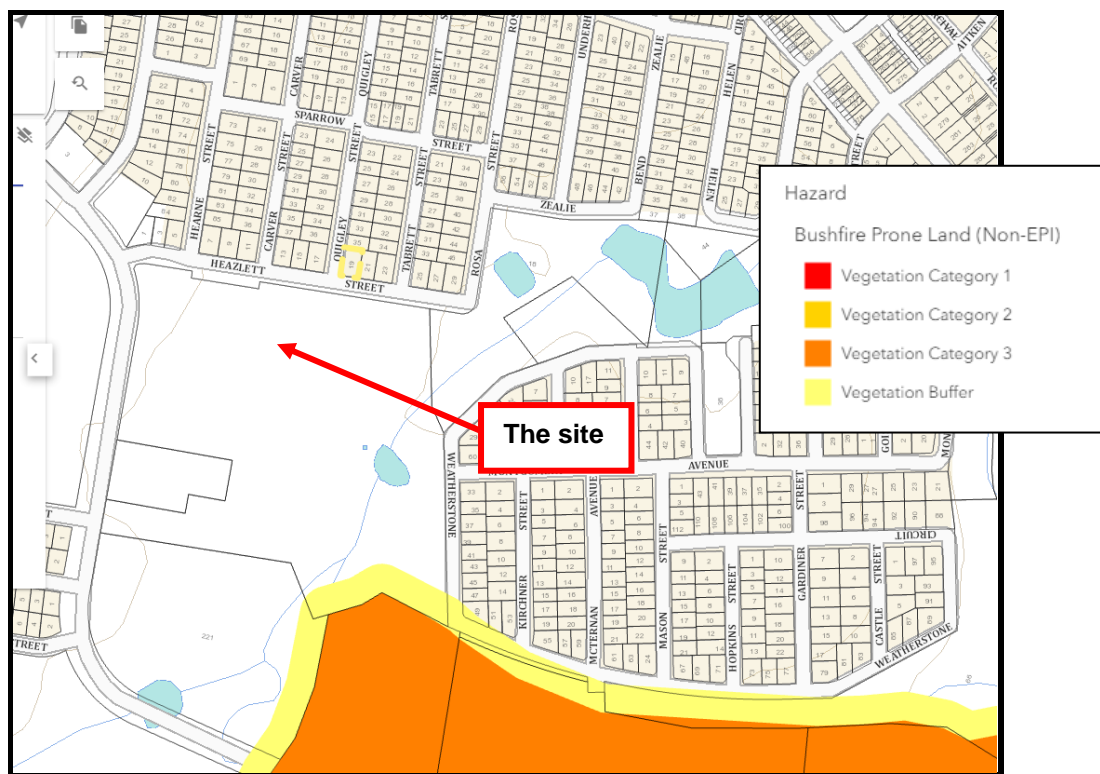


Figure 34: Bushfire Prone Land Map (Source: NSW Planning Portal Spatial Viewer)

## 6.4 Waste Management

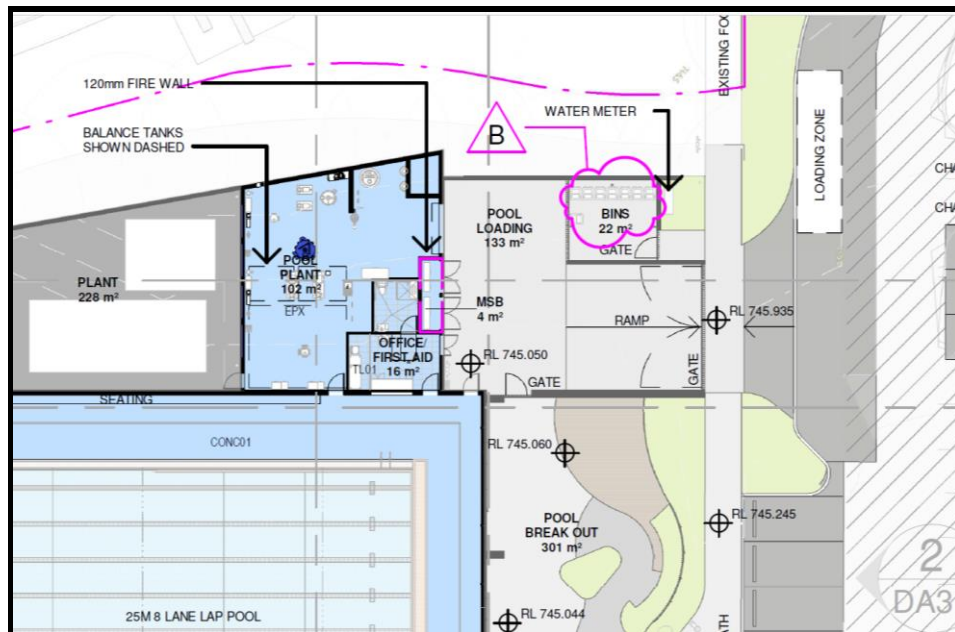
An *Operational Waste Management Plan* prepared by Elephants Foot Pty Ltd dated 10 October 2024, Revision E (**Waste Plan**) has been provided which details the type and quantity of waste to be generated during the operation of the development. This Plan also outlines the appropriate waste storage, source separation and collection facilities on the site. A separate plan, the *Construction & Demolition Waste Management Plan*, also prepared by Elephants Foot Pty Ltd dated 14 March 2024, Revision C has been provided for the construction phase of the proposal.

Mobile garbage bins (MGBs) for the different waste streams will be utilised throughout the proposed facility and separation will be undertaken at the point of generation with appropriate

signage will be provided in accordance with the WMP. The waste generation rates and the number of bins required have been included in the Waste Plan comprising the following:-

- General Waste: 3 x 240L MGBs collected 2 x weekly
- Co-mingled Recycling: 2 x 240L MGBs collected 2 x weekly
- Paper/Cardboard Recycling: 2 x 240L MGBs collected 2 x weekly
- Food Waste: 1 x 240L MGB collected 2 x weekly

A bin room, comprising an area of 22m<sup>2</sup>, is provided adjoining the loading zone for 8 x 240L bins, which is consistent with the requirements outlined in the Waste Plan (**Figure 35**).

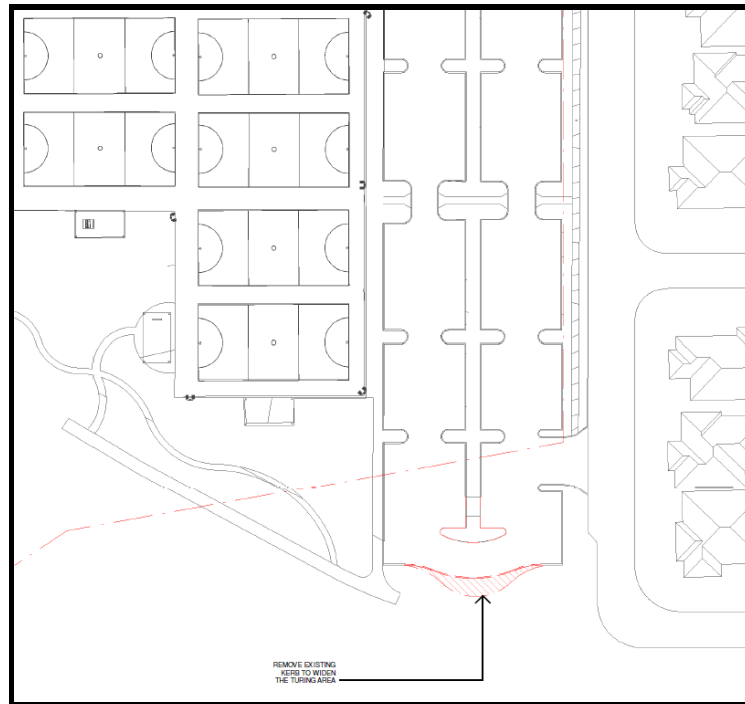


**Figure 35: Proposed bin room adjoining the loading zone (Source: NBRs, Ground Floor Plan,, 10 October 2024, Rev B)**

The proposal did not originally provide for food and organic (FOGO) waste or cardboard skip bins, which have now been provided or adequate room for such services in the bin room. All of the bins are to be serviced twice per week by a private waste collection contractor, with the waste management arrangements supervised by the Building Manager.

The disposal of liquid and special waste, including lightbulbs, eWaste, batteries, toner cartridges and chemical waste will be stored in a secure space that is bunded and drained to a grease trap in accordance with State government authorities and legislation. These materials will be collected by an appropriate contractor or sub-contractor as defined in the buy NSW Contract agreement.

Waste collection is proposed to occur onsite, with swept paths illustrating that a Heavy Rigid Vehicle (HRV) is capable of entering the car park from the eastern vehicle entrance, following the proposed modifications to the car park outlined in this application to include an indented turning bay (**Figure 36**). Waste collection vehicles will not obstruct access to adjacent premises, roadways, the footpath or the primary pedestrian entrances to the proposed facility. In addition, waste collection will be carried out with due care for public safety including other road users, cyclists and pedestrians.



**Figure 36: Proposed demolition plan - widening of turning bay at eastern end of car park**  
**(Source: NBRIS, Demolition Plan, Rev A)**

The proposal is considered to provide satisfactory waste management and collection arrangements for the site and is generally consistent with the QDCP requirements. Council's waste officer raises no objections to the proposal subject to recommended consent conditions, which are included in the recommended conditions in **Attachment A** to ensure appropriate waste management is carried out on the site, including ensuring the waste collection is undertaken during the hours of operation of the facility and outside of the peak usage times.

## 6.5 Safety, Security and Crime Prevention

The potential safety and security measures of the proposal have been considered in the design of the proposal and outlined in the *Crime Prevention Through Environmental Design (CPTED) Report* prepared by NBRIS dated 11 April 2024 (**CPTED Report**), which employs four (4) key strategies to reduce opportunities for crime.

- **Territorial Re-enforcement** – This will be achieved at the proposed facility through the use of the fencing, landscaping and design cues.
- **Surveillance** – There is satisfactory natural surveillance throughout the site, with the proposed facility located within a network of pedestrian paths within the Googong Common. Open vistas are provided throughout the site to allow for areas to be overlooked by staff and patrons. Landscaping proposed within the site allows clear sight lines throughout the site to be maintained. Lighting is also provided along the eastern elevation of the proposed building, which will assist with safety and surveillance. CCTV is recommended by NSW Police (outlined in Section 5 of this report).
- **Access Control** - A good level of access control is provided on the site as shown in the various pedestrian pathways and signage throughout the site, which channels and encourages people into, out of and around the development.

- Space/Activity Management – The proposed facility will be adequately staffed to ensure space and activity management is supervised and landscaping is maintained to ensure surveillance throughout the site is maintained. Maintenance of buildings, lighting and CCTV is also required on a regular basis.

The NSW Police considered that the main crime risks in the area included break and enters to construction sites and completed buildings, malicious damage offences, graffiti, anti-social behaviours, steal from motor vehicle offences. The NSW Police provided the following recommendations:

- CCTV cameras and alarms systems to be installed.
- The security measures outlined in the CPTED report should also be implemented by QPRC.
- During the construction stage it is advised that security be employed to patrol the area in order to prevent the construction site being broken into.

The CPTED Report provided the following design requirements:

- All security grilles, shutters and doors in the new works to allow natural observation from the street and are sympathetic to the architectural style of the building.
- The proposal will utilise construction materials which are robust and where appropriate adopt graffiti resistant surfaces.

The proposal is considered to be satisfactory having regard to the CPTED principles subject to the recommendations outlined above, which are included in the recommended consent conditions in **Attachment A**.

## 6.6 Sustainability

The proposal is subject to *State Environmental planning Policy (Sustainable Buildings) 2022*, which has been addressed in the application and outlined in Section 4 of this report. The building has been designed to achieve a 5 Star Green Star rating as outlined by Northrop Consulting Engineers in the 5 Star Green Star Buildings Pathway report for the proposal.

The incorporation of satisfactory arrangements for the separation of waste, the proposed solar panels, the requirement for water and energy efficient fixtures, EV charging bays in the car park and the provision of active transport modes at the site are considered to satisfy the sustainability requirements. A rainwater tank/s should be provided at the site which can be used for irrigation of the landscape areas. A recommended consent condition is included in **Attachment A**.

## 7. CONCLUSION

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

The key issues of traffic and car parking, acoustic, bushfire, waste management, safety, security and crime prevention and sustainability matters have been considered in detail and found to be satisfactory, subject to the recommended consent conditions. It is considered that

the key issues as outlined in Section 6 have been resolved satisfactorily through the recommended conditions at **Attachment A**.

The proposal is considered to be in the public interest, comprising an additional public recreation facility within an existing public open space precinct of the Googong Common.

## 8. RECOMMENDATION

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That:

- (a) Development Application DA.2024.0138 for the demolition of an existing bike track and construction of a recreation facility (indoor) including 25m lap pool, children's wading pool, a two-court indoor sports hall, landscaping, signage and associated facilities at Lot 1601 DP 1266000 Heazlett Street Googong be APPROVED pursuant to Section 4.16(1)(a) of the *Environmental Planning and Assessment Act 1979* subject to the conditions of consent attached to this report at **Attachment A**.

The following attachments are provided:

- **Attachment A:** Draft Conditions of consent.