

RESPONSE TO THE PUBLIC SUBMISSIONS DA.2023.044 – SHOP TOP HOUSING

The issues raised in the public submissions on DA.2023.044 that relate to the assessment of this development application are listed below with a response to each issue:

Multi Storey Buildings in a Heritage Precinct are not appropriate

COMMENT: The site is not within a heritage precinct, or a heritage conservation area.

New shops not required – already many empty shops in Queanbeyan

COMMENT: As the site is within the CBD, ground floor commercial activation is required. The development has been designed to create pedestrian movement through the site and will complement the currently under construction new Cultural Precinct by providing opportunities for outside dining that interacts with the public open space.

The Queanbeyan CBD does have many empty shops, this is due to a multitude of factors, including, almost no permanent residential population living in the CBD, this has been the subject of many reports previously sought via QCC. This is compounded by the majority of the Queanbeyan working population working in the ACT. A contributing factor is the standard of the buildings for commercial tenants, this Rutledge Street project will begin a much needed rejuvenation of commercial tenancies and provide for a significant increase in the CBD resident population therefore creating opportunities for existing commercial tenancies.

Ensure there is disabled access to the unit common areas

COMMENT: The design of the development ensures there is appropriate disabled compliant access to all common areas of the building.

Scale of the development lacks sensitivity, sympathy and respect to the heritage buildings

COMMENT: An addendum to the original Heritage Impact Statement and a peer review of the application, has resulted in an additional Heritage Impact Statement. This Statement has been provided as part of the response to the request for further information. It concludes there will not be a significant adverse impact on heritage items within the vicinity of the proposed development.

Loss of privacy

COMMENT: When visual privacy is referred to in the context of residential design, it means the freedom of one dwelling and its private open space from being overlooked by another dwelling and its private open space. As the proposed development is over 50m from the nearest adjoining dwelling, there will be no loss of privacy for private properties.

Additional traffic and traffic queues at peak times

COMMENT: A traffic report was provided with the application, and an additional update to the report is provided to respond to the request for further information. Both reports conclude that the existing traffic network can cope with the additional traffic generated by this development.

Does not match Council's Master Plan

COMMENT: The site is located within "Block B" within the Master Plan. The "Key Moves" outlined in the Masterplan for this area include possible redevelopment of Council-owned property along Rutledge St including serviced hotel apartments and terraced townhouses. The Masterplan also highlights the need for activation of laneways and the possible refurbishment and re-purposing of the Old Fire Station and Duttons Cottage.

This proposed development provides for all of the above, except the type of housing provided is in the form of a Residential Flat Building, which takes advantage of the 25m and 30m Height of Building Controls contained within the LEP.

Queanbeyan does not need another Furlong House

COMMENT: This is a reference to a previously approved development where a two storey heritage building was effectively "wrapped" by a residential flat building, with little change in colour palette, no setback between the buildings, and a sense of "crowding" the existing building. By providing separation between the existing heritage buildings and the proposed development, and pedestrian access between the buildings, and with the distinctive change in colour palate and materials, this proposed development does not present the same impacts as Furlong House.

The proposed Rutledge Street development is noticeably more sympathetic to the heritage buildings on the side boundary (Crawford Street), than the presentation of the QPRC Council building. The Council building's first floor protrudes approximately 11 metres forward from the rear of the Fire Station Heritage Building. Refer picture below.





The proposed shop top housing for Rutledge Street is set back nearly 20 metres from the side boundary on Crawford Street. This results in the heritage buildings and the proposed Heritage Corner, celebrating the heritage of Queanbeyan by setting the new building back greater than 30 metres from the road and the existing heritage building and new community heritage corner being integrated at the forefront of Crawford Street with increased permeability through the development.

Sets a precedent for large scale buildings

COMMENT: The site is within the Queanbeyan CBD where density is encouraged through the provision of 25m and 30m heights for buildings. The design of the building, with the bulk of the height contained to the rear of the Rutledge St frontage reduces the impact on the adjoining Rutledge St precinct.

Does not comply with LEP, DCP or CBD Master Plan (DCP height controls)

COMMENT: There are sufficient environmental planning grounds to justify the contravention of the development standard for this development. The provision of more housing in an accessible location is consistent with the NSW Government's Plan Future Directions for Housing in NSW and consistent with the development standards in the QPRLEP2022. This has also been addressed through the 4.6 variation and has been further supplemented by an additional independent 4.6 variation report.

Height and Bulk of the development not appropriate

COMMENT: The height of the buildings is lower than the QPRC building. It was decided to break the project up into two smaller towers and vertically step them down to Rutledge Street to lessen the scale of the development. This resulted in better solar access to the apartments and minimises overshadowing surrounding areas. This permeable approach offers views between and around the buildings, which reduces the bulk of the development.

Insufficient articulation within the building structures

COMMENT: The building uses a combination of architectural features, materials and colours within a simple articulation strategy to ensure a simple and visually interesting façade. Setbacks, recesses, fenestrations and balconies within the building form combined with changes in materials breakdown the mass of the building.

Impact on heritage buildings

COMMENT: An additional Heritage Impact Statement has been provided as part of the response to the request for further information which concludes that there will only be minor impact on heritage items within the vicinity of the proposed development.

Overshadowing of adjoining properties

COMMENT: Shadow diagrams have been provided with the development that demonstrate that adequate sunlight will still be available to properties surrounding the development. The planning principle for overshadowing "The Benevolent Society v Waverley Council" provides for an assessment of the ease with which sunlight access can be protected which is inversely proportional to the density of the development. At low densities there is a reasonable expectation that a dwelling and some of its open space will retain its existing sunlight. At higher densities sunlight is harder to protect and the claim to retain it is not as strong. Shadow diagrams were provided with the application that demonstrate that all adjoining properties receive over 6 hours of direct sunlight in September and over 3 hours of direct sunlight in June. Due to the density of the proposed development, it is considered that the proposal exceeds the requirements of this planning principle.

Traffic Report is inadequate

COMMENT: An addendum to the Traffic Report has been provided to address the request for further information. It should be noted that TNSW has provided comment on the proposal and advised that they had no objection to the proposal, subject to Council considering their comments in their assessment.

Need to preserve country living in Queanbeyan

COMMENT: This site is located within the CBD of Queanbeyan, which encourages density within this business area. The continuation of free standing residential dwellings within the residential zones of Queanbeyan are not impacted by this development and will continue to maintain the “country living” feeling of Queanbeyan.

Impact on HOME

COMMENT: Appropriate separation distance is provided between the proposed development and HOME, a social services organisation located in Rutledge St.

Insufficient Public Consultation

COMMENT: Public consultation was undertaken in accordance with Council’s Community Participation policy.

Does not meet 7 star NatHERS rating requirements

COMMENT: The proposed development will comply with the requirements of BASIX, NatHERS and Section J of NCC 2022 for all residential units.

No Waste Management Plan was provided with the application

COMMENT: Further information on waste management for the project has been provided to address the request for further information.

Should not be allowed to demolish existing dwellings along Rutledge St

COMMENT: The dwellings proposed for demolition are not heritage listed and have not been identified as having heritage significance, and therefore there are no impediments to their demolition.

Does not comply with the Objectives of the B3 zone

COMMENT: The proposal complies with the objectives of the zone in that;

- It includes a mixture of compatible land uses through the provision of commercial premises (including retail) on the lower level of a residential flat building. Open space is also provided on the ground floor for use by the whole community.
- The development has been designed to ensure all public spaces are accessible and ground floor commercial space will provide employment opportunities in accessible locations

- The site is within 400m of public transport and bicycle parking has been provided. The development has been designed to allow permeability of pedestrians through the site in multiple locations.
- The development will contribute to the activation of the public plaza on the adjoining site and will help strengthen the area through the additional commercial tenancies within the development.

The boundary to Crawford St presents as two enormous overbearing structures

COMMENT: The boundary to Crawford St has a setback that sees the development behind the existing heritage cottages and the creation of the “Heritage Corner” that contributes to reducing the scale and bulk to Crawford St. The scale of the proposal is similar to other proposed developments in the area and comparable to the adjoining Council Offices.

Privacy of dwellings in Rutledge St will be compromised

COMMENT: Numerical guidelines for the separation of dwellings exist in the Australia-wide guideline, *AMCORD*; as well is in the NSW-specific *Residential Flat Design Code* attached to SEPP 65. *AMCORD* recommends a separation of 9m between habitable rooms. The *Residential Flat Design Code* recommends increasing separation between buildings as they get taller. For buildings up to three storeys, it suggests 12m between habitable rooms and balconies, 9m between a habitable and non-habitable rooms, and 6m between non-habitable rooms. For buildings, such as the proposal, it suggests 24m between habitable rooms above 25m, 18m between habitable rooms and non-habitable rooms, and 12m between non-habitable rooms. The separation between the proposed development and existing dwellings on Rutledge St is over 50m.

Inconsistency between the DCP and the LEP

COMMENT: Where this is an inconsistency between the relevant DCP and the LEP, the LEP prevails as the environmental planning instrument. Legal advice was provided with the application to confirm this position. Where there is conflict, the DCP objectives cannot carry weight over the LEP provisions.

Parking requirements not adequate

The proposed development will accommodate all residential and commercial tenant parking within the site, with only visitor parking to be accommodated within the neighbouring parking facilities. Parking for the residential component exceeds the requirements of SEPP65 *Residential Flat Building*.