



Amended Clause 4.6 – Exceptions to Development Standards

Request to Vary Clause 4.3 – Height of Buildings

Address: 6-12 Rutledge St Queanbeyan

Relevant EPI: Queanbeyan Palerang Regional Local Environment Plan 2022

Proposal: Demolition of six (6) existing mixed-use buildings and the construction of two apartment buildings for residential development, including retail and commercial spaces on ground floor and basement carparking, 15% Affordable Housing component.

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1. Introduction

This is a written request to seek an exception to development standards pursuant to Clause 4.6 – Exceptions to Development Standards of Queanbeyan-Palerang Regional Local Environmental Plan (QPRLEP) 2022. The development standard for which the variation is sought is clause 4.3 Height of Buildings under QPRLEP 2022.

The numerical non-compliance arises from the design approach to provide penthouse apartments and roof top communal and private open space, which in the context of the commercial zone applying to the locality affords greater amenity and utility than communal open space at ground floor level. This approach which includes an additional housing type and providing elevated communal open space necessitates the provision of servicing and access for all mobility levels which adds to the numerical non-compliance.

The numerical non-compliance also arises from the decision to include 15% affordable infill housing within the development. Whilst the *SEPP Housing 2021* has recently been amended to provide for an additional 30% of Height and FSR for a development that provides 15% affordable housing, these provisions are not applicable to this development due to savings provisions. Rather than lodge a new application for these provisions to be applicable, this Clause 4.6 request has been amended to provide for 15% affordable housing within the development.

The proposed building height ensures that an appropriate relationship is achieved between the proposed form and the evolving character between historical and contemporary buildings in the area. It is considered the proposed buildings are complementary to the heritage significance of adjacent local heritage items, as outlined within the heritage impact assessment accompanying the application.

The request is considered to be reasonable and justified in that compliance with the standards are unnecessary on the grounds that:

- There are sufficient environmental planning grounds to justify the contravention of the development standard namely the provision of more housing in an accessible location consistent with the NSW Government's Plan Future Directions for Housing in NSW, and consistency with the relative objectives of the development standard and under QPRLEP 2022;
- The proposed development is in the public interest, as the objectives of the land use zone and the standards are both achieved notwithstanding the non-compliance;
- The contravention achieves a better outcome for, and from, the development without significant environmental impact by providing more housing, better utilisation of well-located land, efficient use of existing serviced urban land and is consistent with the emerging character of the locality;
- The contravention of the development standard allows for 15% of the dwellings to be Affordable Housing and will meet all of the development standards for this provision that have recently been amended in the *SEPP Housing 2021* but are not applicable to this development due to savings provisions.
- The request satisfies the tests set by the Land and Environment Court for the justification and assessment of variations to development standards.

In accordance with the QPRLEP 2022 requirements, this Clause 4.6 variation request:

- identifies the development standard to be varied;
- identifies the variation sought;

- summarises relevant case law;
- establishes that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case;
- demonstrates there are sufficient environmental planning grounds to justify the contravention;
- demonstrates that the proposed variation is in the public interest because it is consistent with the objectives of the particular standard and the objectives for development within the zone in which the development is proposed to be carried out;
- provides an assessment of the matters the secretary is required to consider before providing concurrence.

1.1 Description of the planning instrument, development standard and proposed variation

1.1.1 What is the name of the environmental planning instrument that applies to the land?

The Queanbeyan-Palerang Regional Local Environmental Plan (QPRLEP) 2022.

1.1.2 What is the zoning of the land?

The land is zoned B3: Commercial Core.

1.1.3 What are the Objectives of the zone?

Zone B3 Commercial Core

1 Objectives of zone

- *To provide a wide range of retail, business, office, entertainment, community and other suitable land uses that serve the needs of the local and wider community.*
- *To encourage appropriate employment opportunities in accessible locations.*
- *To maximise public transport patronage and encourage walking and cycling.*
- *To recognise and reinforce the primacy of the Queanbeyan central business district as the commercial and retail centre of Queanbeyan.*
- *To encourage high density residential uses in conjunction with retail or employment uses where appropriate.*

1.1.4 What is the development standard being varied?

The development standard being varied is the height of buildings development standard.

1.1.5 Is the development standard a performance-based control? Give details.

No, the height of buildings development standard is a numerical control.

1.1.6 Under what clause is the development standard listed in the environmental planning instrument?

The development standard is clause 4.3 Height of Buildings under QPRLEP 2022.

1.1.7 What are the objectives of the development standard?

The objectives of Clause 4.3 are:

- (a) to establish the height of buildings consistent with the character, amenity and landscape of the area in which the buildings will be located,
- (b) to protect residential amenity and minimise overshadowing,
- (c) to minimise the visual impact of buildings,
- (d) to maintain the predominantly low-rise character of buildings in the Queanbeyan-Palerang Regional local government area,
- (e) to ensure the height of buildings complement the streetscape or the historic character of the area in which the buildings are located,
- (f) to protect the heritage character of the Queanbeyan-Palerang Regional local government area and the significance of heritage buildings and heritage items,
- (g) to provide appropriate height transitions between buildings, particularly at zone boundaries.

1.1.8 What is the numeric value of the development standard in the environmental planning instrument?

Clause 4.3 establishes a maximum height of buildings control for the site of 25m for the majority of the site and 30m for the rear of the site, as illustrated in the extract of the Height of Buildings Map included in Figure 1.

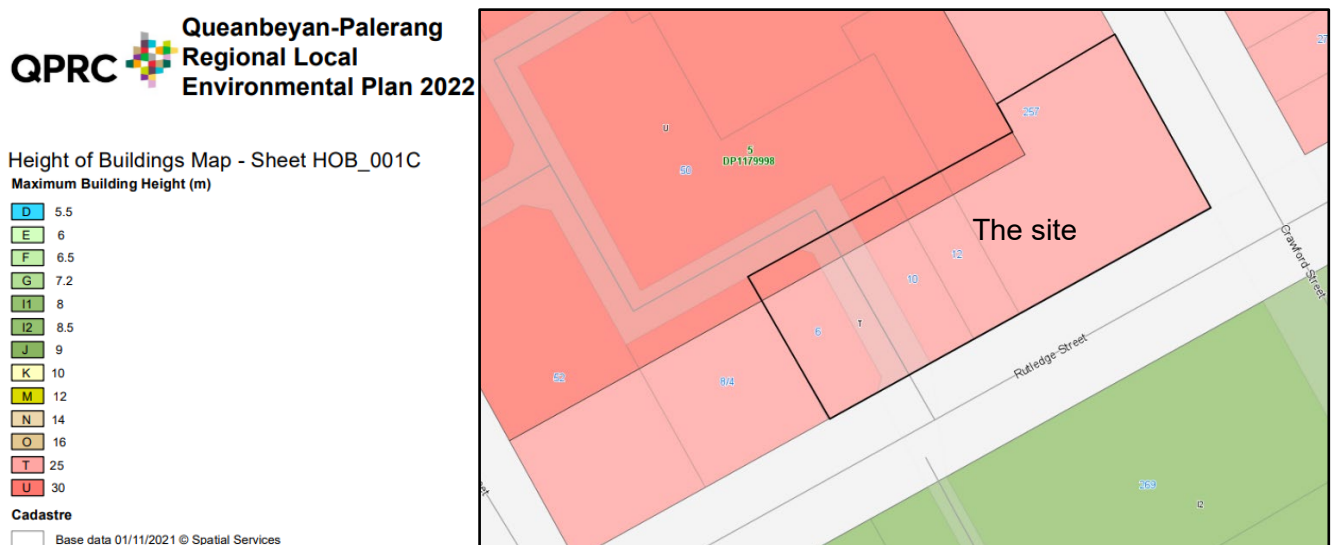
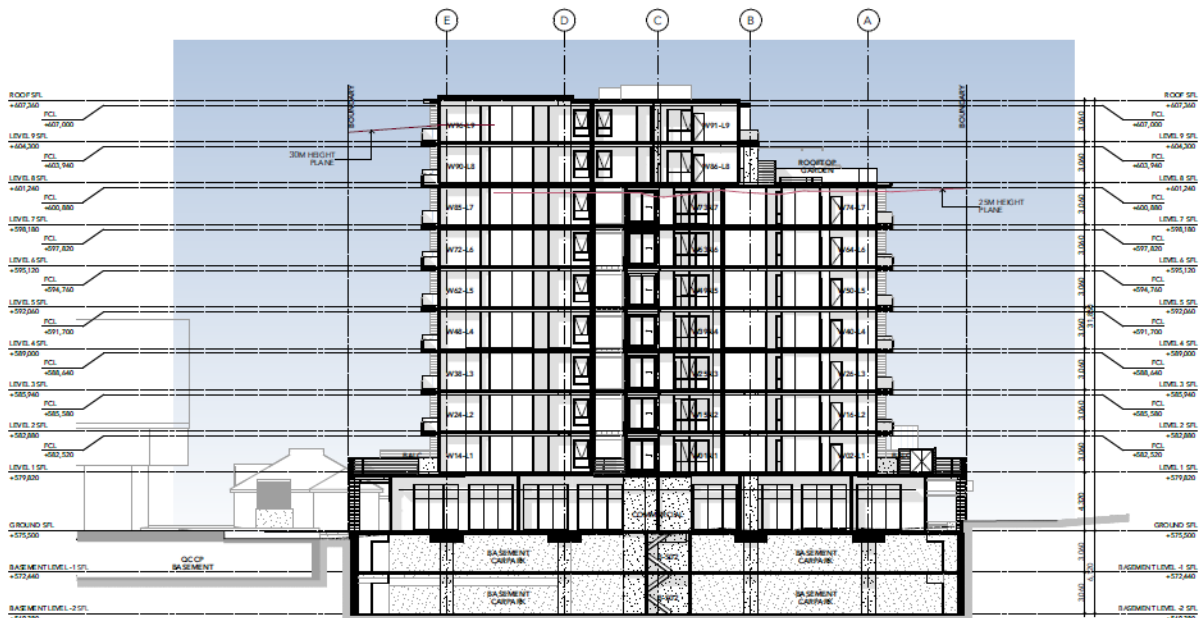


Figure 1: Extract of QPRLEP 2022 Height of Buildings Map

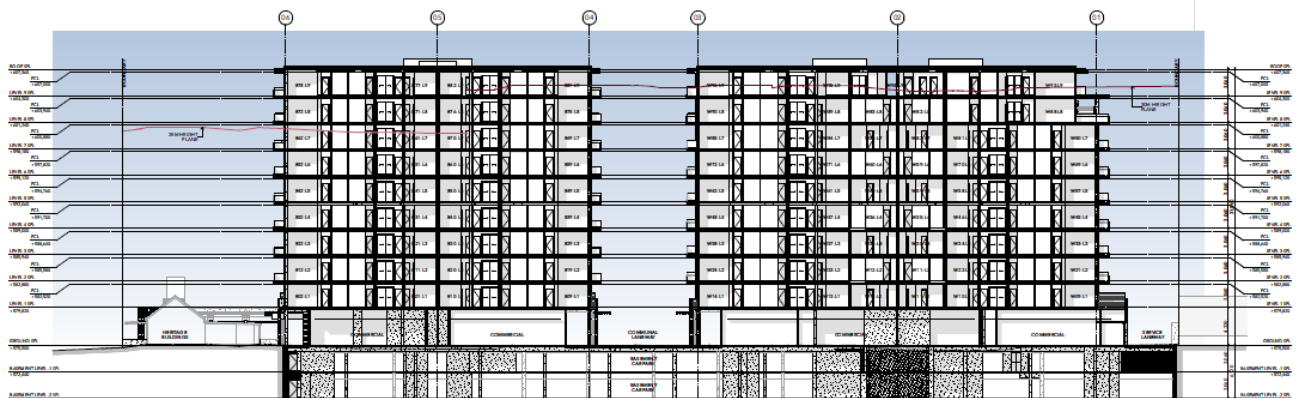
1.8.9 What is the proposed numeric value of the development standard in the development application?

The proposed maximum building height is 31.86m. Figures 2 to 5 below demonstrate the extent of the proposed development which exceeds the 25m and 30m maximum building height standard.



SECTION 5-5
1:200

Figure 2: Extract from architectural section drawing - Vertical red line showing the maximum building height of the proposed development



SECTION 2-2
1:200

Figure 3: Extract from architectural section drawing - Vertical red line showing the maximum building height of the proposed development



QLEP HEIGHT PLANE - SOUTHEAST VIEW



QLEP HEIGHT PLANE - NORTHWEST VIEW

Figure 4 & 5: Extract from architectural section drawing - Vertical red line showing the maximum building height of the proposed development

1.1.10 What is the percentage variation (between the proposal and the environmental planning instrument)?

The proposal exceeds the maximum height of buildings development standard for 25m height by 6.86m which is approximately 27.44%. The proposal exceeds the maximum height of buildings standard for 30m height by 1.86m which is approximately 6.2%.

1.2 Assessment of the Proposed Variation

1.2.1 Overview

Clause 4.6 Exceptions to Development Standards establishes the framework for varying development standards applying under a local environmental plan.

Objectives to Clause 4.6 at 4.6(1) are as follows:

- (a) *to provide an appropriate degree of flexibility in applying certain development standards to particular development,*
- (b) *to achieve better outcomes for and from development by allowing flexibility in particular circumstances.*

Clause 4.6(2) provides flexibility in the application of planning provisions by allowing the consent authority to approve a DA that does not comply with certain development standards, where it can be shown that flexibility in the particular circumstances of the case would achieve better outcomes for and from the development.

In determining whether to grant consent for development that contravenes a development standard, clause 4.6(3) requires that the consent authority to consider a written request from the applicant that seeks to justify the contravention of the development by demonstrating:

- “(a) that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, and*
- (b) that there are sufficient environmental planning grounds to justify contravening the development standard.”*

In accordance with Clause 4.6(3), the applicant requests that the maximum height of building development standard as prescribed under LEP Clause 4.3 varied for the proposed development.

Clause 4.6(4)(a) requires the consent authority to be satisfied that the applicant’s written request adequately addresses each of the matters listed in Clause 4.6(3). The consent authority should also be satisfied that the proposed development will be in the public interest because it is consistent with the objectives of the standard and the objectives for development within the zone in which it is proposed to be carried out.

Clause 4.6(4)(b) requires that the concurrence of the Secretary be obtained, and Clause 4.6(5) requires the Secretary in deciding whether to grant concurrence must consider:

- (a) *whether contravention of the development standard raises any matter of significance for State or regional environmental planning, and*
- (b) *the public benefit of maintaining the development standard, and*
- (c) *any other matters required to be taken into consideration by the Secretary before granting concurrence.*

The concurrence of the Secretary can be assumed to have been granted for the purpose of this variation request in accordance with the Planning Circular PS 20-002 issued 5 May 2020 ‘Variations to development standards’. This circular is a notice under Section 64(1) of the Environmental Planning and Assessment Regulation 2000 and provides for assumed concurrence. A consent granted by a consent authority that has assumed concurrence is as valid and effective as if concurrence had been given. The concurrence of the Secretary can be assumed for the purpose of this request as the DA is declared to be

regionally significant development and will be determined by the Southern Regional Planning Panel.

This request demonstrates that compliance with the maximum height of building development standard prescribed for the subject land in Clause 4.3 of the LEP are unreasonable and unnecessary, that there are sufficient environmental planning grounds to justify the requested variation, and that the approval of the variation is in the public interest because it is consistent with the development standards and zone objectives.

This application has been prepared in accordance with the NSW Department of Planning, Infrastructure and Environment (DPI&E) guideline *Varying Development Standards: A Guide*, August 2001, and has incorporated as relevant principles identified in the following judgements:

- *Winten Property Group Limited v North Sydney Council [2001] NSWLEC 46;*
- *Wehbe v Pittwater Council [2007] NSWLEC 827;*
- *Four2Five Pty Ltd v Ashfield Council [2015] NSWLEC 1009* ('Four2Five No 1');
- *Four2Five Pty Ltd v Ashfield Council [2015] NSWLEC 90* ('Four2Five No 2');
- *Four2Five Pty Ltd v Ashfield Council [2015] NSWCA 248* ('Four2Five No 3');
- *Micaul Holdings Pty Limited v Randwick City Council [2015] NSWLEC 1386;*
- *Randwick City Council v Micaul Holdings Pty Ltd [2016] NSWLEC 7;*
- *Initial Action Pty Ltd v Woollahra Municipal Council [2018] NSWLEC 118;*
- *RebelMH Neutral Bay v North Sydney Council [2019] NSWCA 130;*
- *Baron Corporation v The Council of the City of Sydney [2019] NSWLEC 61;* and
- *Al Maha Pty Ltd v Huajun Investments Pty Ltd [2018] NSWCA 245.*

1.3 Assessment of the proposed development against Clause 4.6

The following sections of the report provide a comprehensive assessment of the request to vary the development standard relating to the maximum height of building in accordance with Clause 4.6 of the LEP. Detailed consideration has been given to the following matters within this assessment:

- *Varying development standards: A Guide*, prepared by DPIE (dated August 2011); and
- Relevant planning principles and judgements issued by the NSW Land and Environment Court (LEC).

The following sections of the variation request provides detailed responses to the key questions required to be addressed within the above considerations and clause 4.6 of the LEP. This variation request has been informed by an assessment of the proposal on:

- Whether compliance with the development standard is unreasonable or unnecessary in the circumstances of the case;
- Whether there are sufficient environmental planning grounds to justify contravening the development standard; and
- Whether the proposed development is in the public interest.

Historically, the most common way to establish a development standard was unreasonable or unnecessary was by satisfying the first method set out in *Wehbe v Pittwater Council [2007] NSWLEC*

827. This method requires demonstration that the objectives of the standard are achieved despite the non-compliance with the standard.

This was recently re-affirmed by the Chief Judge in *Initial Action Pty Ltd v Woollahra Municipal Council* [2018] NSWLEC 118 at [16]-[17]. Similarly, in *Randwick City Council v Micaul Holdings Pty Ltd* [2016] NSWLEC 7 at [34] the Chief Judge held that:

“establishing that the development would not cause environmental harm and is consistent with the objectives of the development standards is an established means of demonstrating that compliance with the development standard is unreasonable or unnecessary”.

This variation request addresses the first method outlined in *Wehbe v Pittwater Council* [2007] NSWLEC 827. This method alone is sufficient to satisfy the ‘unreasonable and unnecessary’ requirement.

The variation request also addresses the third method, that the underlying objective or purpose of the development standard would be undermined, defeated, or thwarted if compliance was required with the consequence that compliance is unreasonable (*Initial Action* at [19] and *Linfield Developments Pty Ltd v Cumberland Council* [2019] NSWLEC 131 at [24]). Again, this method alone is sufficient to satisfy the ‘unreasonable and unnecessary’ requirement.

The variation request also seeks to demonstrate the ‘unreasonable and unnecessary’ requirement is met because the burden placed on the community by not permitting the variation would be disproportionate to the non-existent or inconsequential adverse impacts arising from the proposed non-complying development. This disproportion provides sufficient grounds to establish unreasonableness (relying on comments made in an analogous context, in *Botany Bay City Council v Saab Corp* [2011] NSWCA 308 at [15]).

This assessment concludes that the variation request is well founded and that the particular circumstances of the case warrant flexibility in the application of the maximum height of building development standard.

1.3.1 Is a development which complies with the standard unreasonable or unnecessary in the circumstances of the case?

A development that strictly complies with the height of buildings standard is unreasonable or unnecessary in this circumstance for the following reasons:

- The proposal complies with the objectives of the B3 Commercial Core zone, as detailed in the assessment at Table 1 below.
- The proposal is consistent with the objectives of the Height of Buildings development standard as detailed in the assessment at Table 2 below.
- The development is in the public interest as it is consistent with the objectives for the development within the zone and replaces outdated commercial and mixed use buildings with a high quality mixed use development comprising contemporary new retail, commercial and residential floor space. The new building will activate the sites two street frontages of Crawford and Rutledge Street with a building of high visual appeal and will significantly enhance the streetscape and urban design outcomes of this part of the commercial centre.
- The proposed development exhibits a high degree of architectural quality and urban form and the

building's proportions have been developed in consideration of its visual impact on the skyline and impacts for adjoining properties. The proposed building design maximises the roof space and provides a superior level of urban design. The building is articulated and massing within the prescribed envelope aims to reduce the building bulk. The design is stepped, and the upper level stepped back, and the overall building articulated at various points to provide an interesting design and reduces the bulk of the development.

- The site has been identified as part of the Civic and Cultural Precinct under Council's Queanbeyan CBD Spatial Master Plan 2020 and responds positively to the plan by providing additional activated laneways through the site and complies with the preferred use of the site which is apartments with a ground level commercial area which will help activate the precinct.
- Notwithstanding the variation to the height of buildings, the proposed development responds to the Local Strategic Planning Statement in the following ways:
 - The proposal offers a higher density development on land that adjoins open space that provides an increase in amenity and recreational opportunities (priority 4.2.4)
 - The proposal provides for infill and mixed use development that provides additional forms of housing to suit the changing demographics of the community. (priority 4.3.3)
 - The proposal increases the density in the city centre to reduce travel needs and promote reinvigoration (priority 4.3.7)
 - The proposal provides for 15% affordable Housing (Direction 27 Deliver more opportunities for affordable housing).
 - The proposal provides for a range of housing choices at different costs to meet the changing needs of the community and consider the options for community housing provider partnerships to provide affordable housing (priority 4.4.9)
- The communal open space area which is part of the additional height for the development, has been designed with a focus on promoting wellness for all residents. The space is a relatively large contiguous area, receives solar access and comprises of landscaping, water features, BBQ areas, outdoor dining, outdoor lounges, and space for recreational activities such as yoga.
- The design approach to provide roof top communal open space instead of providing more ground level communal open space is in the context of the site being within a commercial centre, an outcome that provides far superior amenity for the future residents of the development.
- The proposal would not result in loss of important views to adjoining properties, which predominately comprise commercial developments. The additional height would have limited impacts on the solar amenity of adjoining sites as demonstrated by the provided shadow diagrams.
- The proposal seeks to revitalise this area of the CBD through careful design and ensuring pedestrian movement through the site. The proposed bulk and scale is proportionally compatible to the existing building being constructed next door and surrounding context by introducing a complementary modern building that expands on the key characteristics of the history of the precinct and enables the interpretation and appreciation of old vs new.
- Additionally, the positioning of the structures in a central location on the roof level has the result that no adverse additional overshadowing will occur to adjacent properties when compared to a compliant scheme and the recently approved development at 257 Crawford St (i.e. approved DA DA.2020.1022).

- Notwithstanding the non-compliance, the proposal complies with the objectives for the Queanbeyan Central Business district as follows:
 - The proposal complies with the objective of the Zone B3 Commercial Core
 - The proposal implements the key planning and design guidelines outlined in the Queanbeyan CBD Masterplan 2019
 - The proposal retains the streetscape qualities and retailing function of Crawford St
 - The proposal respects the heritage buildings on the site
 - The proposal facilitates shop top housing
 - The proposal maintains the existing streetscape attributes and contributes positively to the area by creating pedestrian access through the site
 - The height of the proposed development complements the area in which the buildings will be located.
 - The setbacks meet the requirements of the DCP in terms of setbacks from the street and side and rear boundaries.
 - The proposal provides for a mix of housing including 15% affordable housing to meet the needs of the Queanbeyan community.
- The proposed development will partially affect district views, however it is noted that such views are across a side boundary. On this basis, the proposed height variation is not considered to unreasonably affect the views from the neighbouring property.
- The proposed height non-compliance will not result in adverse privacy impacts. The proposed development has been designed to ensure adequate visual and acoustic privacy between the subject development and the adjoining properties. Additionally, the communal open space on the rooftop has been arranged and setback from the boundaries of the site so as to avoid overlooking any adjoining properties. Finally, there are appropriate setbacks on all sides, combined with the street widths of Rutledge St and Crawford Street, so that the rooftop communal open space and upper level openings and balconies are adequately separated from buildings opposite, avoiding privacy impacts.
- The design and height of the proposed development ensure that the proposal is compatible with the existing and anticipated future character of the area and provides for excellent internal amenity whilst also preserving external amenity to surrounding properties in a reasonable manner.

Based on the above assessment, it is considered that strict compliance with the LEP building height standard is unreasonable and unnecessary in this instance.

1.3.2 Would the underlying objective or purpose be defeated or thwarted if compliance was required?

The underlying object or purpose of the LEP height control is to allow a higher form of density of housing on the site that is suitably designed for the locality it sits within. Should the variation not be accepted, it is considered that the underlying objective of the control for increased density appropriately designed would be defeated. As such, compliance in this instance is unreasonable.

1.3.3 Has the development standard been virtually abandoned or destroyed by the Council's own actions in departing from the standard?

It cannot be said that the height of buildings development standard has been abandoned.

1.3.4 Is the zoning of the land unreasonable or inappropriate?

The zoning of the land is reasonable and appropriate given the site's location.

1.3.5 Are there sufficient environmental planning grounds to justify contravening the development standard?

The Land & Environment Court judgment in *Initial Action Pty Ltd v Woollahra Council* [2018] NSWLEC 2018, assists in considering the sufficient environmental planning grounds. Preston J observed:

"...in order for there to be 'sufficient' environmental planning grounds to justify a written request under clause 4.6, the focus must be on the aspect or element of the development that contravenes the development standard and the environmental planning grounds advanced in the written request must justify contravening the development standard, not simply promote the benefits of carrying out the development as a whole; and neutral or beneficial effect relative to a compliant development"

There is an absence of environmental harm arising from the contravention and sufficient environmental planning grounds to justify contravening the building height standard for the following reasons:

- The proposed non-compliance with the height of building control standard achieves a superior planning outcome compared to a 'compliant' scheme and better achieves the objectives of the building height standard.
- Given the location of the height exceedance the substantial depths of the residential flat buildings, the non-compliant components of the development are indiscernible from the streetscape or public domain. The variations will have negligible consequential impacts on the amenity of neighbouring properties uses in terms of visual intrusion, solar access, privacy, and overshadowing.
- The non-compliances with the building height development standard are not perceptible from the public domain and will have no material impact on solar access to the site or surrounding properties.
- The proposal complies with the objectives of the development standard and the objectives of the B3 Commercial Core zone.
- The proposal will result in significant benefits and high levels of amenity for future residents through the provision of a well designed roof top landscaped communal open space and associated structures. This space sits above the LEP maximum height control, but does not result in adverse impacts upon adjacent private properties or the public domain in terms of overshadowing, privacy, visual massing and view loss.
- The proposal results in the provision of significantly greater non-residential floor space than is required. The provision of this retail floor space, combined with the higher floor to floor heights of this space, will result in a dynamic new commercial offering in the Town Centre, with activated

street frontages and increasing services and employment generation in excess of what otherwise might be expected at this site.

- Non-compliance with the standard does not contribute to adverse environmental, social, or economic impacts and does not give rise to unacceptable impacts associated with bulk and scale, overshadowing, privacy, rather the proposal will result in considerable positive social and economic impacts.
- Non-compliance with the standard does not contribute to adverse environmental, social, or economic impacts and does not give rise to unacceptable impacts associated with bulk and scale, overshadowing, privacy, rather the proposal will result in considerable positive social and economic impacts.
- The proposal provides a high-quality contemporary commercial space and residential apartments that are appropriate for the site's location and current/future setting within a Town Centre and close to public transport.
- A reduction of the proposed building height would provide negligible benefits to the streetscape and adjacent properties, while significantly reducing the amenity of future occupants and users of the development.
- The contravention of the building height standard allows for the provision of 15% Affordable Housing within the development, which is a positive social outcome for the community and represents a positive environmental outcome for the development.

Taking into account the above and the particular circumstances of the proposal and the site, it is neither reasonable nor necessary to require strict compliance with the 25 metre and 30 metre maximum building height control.

Given the high level of compliance with other planning controls and the high quality design of the overall proposal, and the provision of 15% Affordable Housing through the granting of the Clause 4.6 request, the variation to the development standard is supportable from environmental planning grounds.

Based on the above, it has been demonstrated that there are sufficient environmental planning grounds to justify the proposed non-compliance with the height of building development standard in this instance.

1.4 Is the proposed development in the public interest because it is consistent with the objectives of the particular standard and the objectives for development in the zone?

Clause 4.6(4)(a)(ii) states development consent must not be granted for development that contravenes a development standard unless the consent authority is satisfied the proposal will be in the public interest because it is consistent with the objectives of the development standard and the objectives for the zone.

Table 1 below demonstrates the consistency of the development with the land use objectives that apply to the subject land under the B3 Commercial Core Zone.

Tables 2 below demonstrate the consistency of the development with the objectives of the height of building development standard (under Clause 4.3).

Despite the non-compliance, the proposal achieves the objectives of the development standard and the zoning, as demonstrated in the following tables:

Table 1:

Consistency with the objectives of the B3 Commercial Zone in the LEP	
Objective	Assessment
<i>To provide a wide range of retail, business, office, entertainment, community and other suitable land uses that serve the needs of the local and wider community.</i>	The proposal includes a mixture of compatible land uses through the provision of commercial premises (including retail premises) on the lower level with a residential flat building above. Open space is also provided on the ground floor for use by the whole community.
<i>To encourage appropriate employment opportunities in accessible locations.</i>	The proposal includes retail and commercial floor space on the lower levels and residential space on the levels above. The development has been designed to ensure all public spaces are accessible and all ground floor commercial space will provide employment opportunities in accessible locations.
<i>To maximise public transport patronage and encourage walking and cycling.</i>	The site is within 400m of public transport and bicycle parking has been provided for patrons and residents. The site has been designed to allow permeability of pedestrians through the creation of the central laneway, open space and landscaping around the heritage buildings and access on the western edge of the development.
<i>To recognise and reinforce the primacy of the Queanbeyan central business district as the commercial and retail centre of Queanbeyan.</i>	<p>The proposal achieves this by providing a significant new contemporary commercial and retail floor space on the ground floor.</p> <p>The proposal will contribute to the activation of the public plaza on the adjoining site and will help strengthen the area through the provision of commercial tenancies on the ground floor of the development.</p> <p>The development will enhance the activation of the area between Rutledge St and the Q Theatre and creates permeability through the site with the central laneway and open space on the corner of Crawford and Rutledge Streets. The development has been designed to reinforce the cultural and civic hub of Queanbeyan.</p>
<i>To encourage high density residential uses in conjunction with retail or employment uses where appropriate.</i>	The development includes 178 apartments with a range of 1, 2 and 3 bedroom units as shop top housing. 15% Affordable Housing is proposed to be provided as part of the development which will provide a diverse range of housing within the site.

Table 2

Consistency with the objectives of the building height standard in the LEP	
Objective	Assessment
<i>to establish the height of buildings consistent with the character, amenity and landscape of the area in which the buildings will be located</i>	The proposal includes a mixture of compatible land uses through the provision of commercial premises (including retail premises) on the lower level, with a residential flat building above. This is consistent with the objectives of the B3 Commercial Core zone. The proposal seeks to improve the landscaping and public domain interfaces on each street frontage and ensures that the proposal is consistent with the existing and anticipated future character of the locality. The proposal respects and will improve the commercial and retail activity within the ground floor while respecting the amenity of adjacent properties and providing a considerable new residential offering of high amenity units at the site.
<i>to protect residential amenity and minimise overshadowing</i>	The building elements associated with the non-compliant building height will not generate additional overshadowing of existing neighbouring buildings, and public land when compared to a compliant height. The proposal has considered the location of the development on the site, the internal layout and the building materials used. The additional height would have limited impacts on the solar amenity of adjoining sites as demonstrated by the provided shadow diagrams.
<i>to minimise the visual impact of buildings</i>	The proposed development has been designed and sited to ensure adequate visual and acoustic privacy between the subject development and the adjoining properties. The proposal would not result in loss of important views to adjoining properties, which predominately comprise commercial developments.
<i>to maintain the predominantly low-rise character of buildings in the Queanbeyan-Palerang Regional local government area.</i>	The site is within the Queanbeyan CBD and provides an opportunity to activate the area between Rutledge Street and The Q Theatre with a public laneway. The CBD context of the site is readily able to absorb the scale and bulk of the building, which is no higher than the recently approved Council administration building.
<i>to ensure the height of buildings complement the streetscape or the historic character of the area in which the buildings are located</i>	The additional height has been managed in the building setbacks and massing to ensure the development remains respectful to the heritage character of the area. The selection of sympathetic materials, repeated scale of building forms and landscaping will provide continuity in the streetscape.
<i>to protect the heritage character of the Queanbeyan-Palerang Regional local government area and the significance of heritage buildings and heritage items</i>	The proposed development ensures that an appropriate relationship is achieved between the existing form and the evolving character between historical and contemporary buildings in the area. It is considered the proposed development is therefore complementary to the heritage significance of the existing buildings and is not considered to detract from the heritage significance of either adjacent local heritage item, as outlined within the heritage impact assessment accompanying the application.
<i>To provide appropriate height transitions between buildings, particularly at zone boundaries</i>	The underlying purpose of this objective is to ensure that any future development is designed in a manner whereby any resulting building height will respond both to the existing and future context in a controlled manner. The proposal demonstrates that the development will visually adapt with that of neighbouring buildings both current and future and the height breach has been appropriately integrated.

The proposal is considered to be in the public interest as it is consistent with the objectives of the B3 commercial Core zone and the objectives of the Building Height development standard.

Furthermore, it is considered that the variation does not raise any matters of public interest as there are no public views impacted, overshadowing of public spaces or detrimental streetscape outcomes associated with the height variation.

The proposed development would not have an adverse impact on the environmental amenity and enjoyment of the adjoining properties with respect to privacy and solar access.

Overall it is considered that strict maintenance of the 25 metre and 30 metre maximum height of building development standard in this instance is not in the public interest as:

- The protrusion is not attributed to any additional visual bulk or scale impacts nor does it unreasonably impact on the amenity of adjoining properties in terms of outlook privacy, overshadowing, or views.
- The use of a combination of high quality external materials, finishes, and colours further reduces the overall bulk and scale of the development and contributes to a well-designed outcome.
- Given the site's context with the Queanbeyan town centre and the diverse range of nearby land uses, the proposal is entirely consistent with the existing and desired future character of the locality.
- The proposal achieves and is consistent with the objectives of the building height development standards provided in Clause 4.3 of the LEP, as outlined in this variation request.
- The proposal is consistent with the objectives of Zone B3 Commercial Core, as outlined in this variation request.
- The proposal achieves a superior planning outcome compared to a 'compliant' scheme and better achieves the objectives of the relevant development standard.
- Compliance with the building height is an unnecessary hindrance to the ability of the proposal to deliver a vibrant mixed-use development and establish an urban landmark for the Queanbeyan town centre.
- Strict compliance with the development standard would require the removal of the 15% of dwellings that meet the definition of "Affordable Housing", which would result in a poorer social outcome for the development.

Clause 2.1 of the QPRLEP lists the aim of the plan as follows:

(1) This Plan aims to make local environmental planning provisions for land in the QueanbeyanPalerang Regional local government area in accordance with the relevant standard environmental planning instrument under section 3.20 of the Act.

(2) The particular aims of this Plan are as follows—

(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 development is consistent with the provision in the aims because it contains residential accommodation and commercial tenancy to activate the street frontage and encourage economic and business development in the commercial center, is compatible with the desired future character of the area defined under the QRPLEP. The development will provide a diversity of housing types in the 178 residential dwellings for the community including 15% of dwellings as affordable housing. The development is supported by a Statement of Heritage Impact by Philip Leeson Architects which supports the proposed development by providing recommendations to protect the cultural heritage of the area. The photomontages provided in this response demonstrate that the proposed development is consistent with the existing and future height of buildings permissible under the QPRLEP.

Below are montages of the development to demonstrate the visual impact from surrounding areas.



Figure 6 – Concept Montage – source The Village Building Co



Figure 7: Corner Monaro St and Crawford St – source Kasperek Architects

Figure 7 above is taken from the public space on the corner of Monaro Street and Crawford Street.



Figure 8: 7-13 Morisset Street – source Kasperek Architects

Figure 8 demonstrates how the proposed building height sits comfortably within the commercial centre when viewed from surrounding public space and buildings.



Figure 9: Lowe Street – source Kasperek Architects

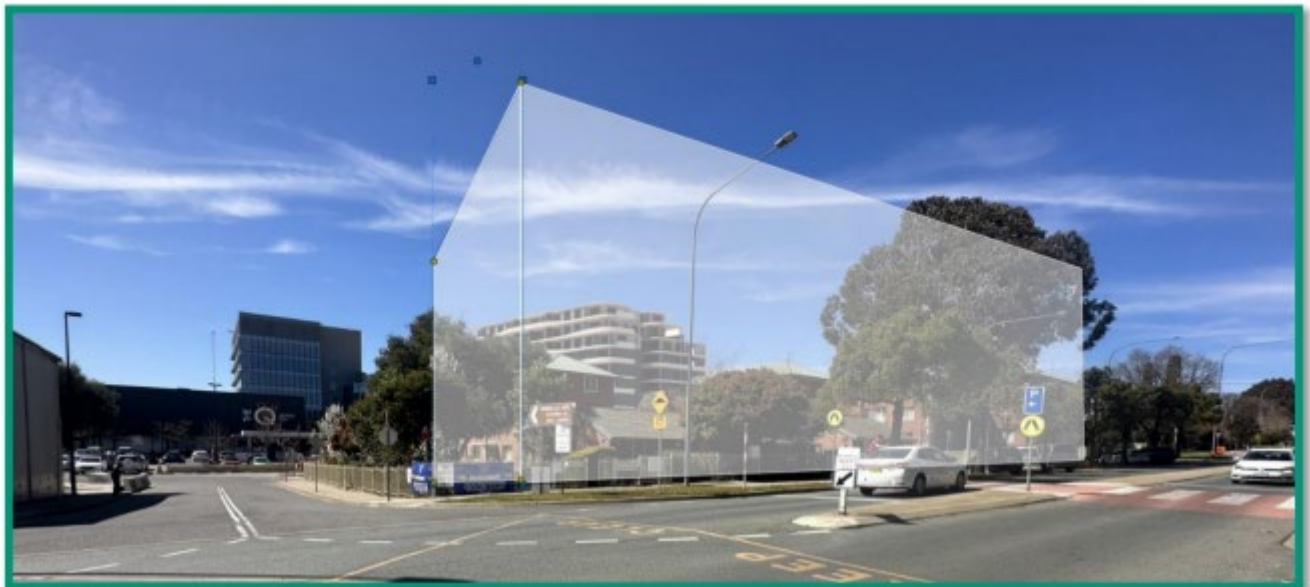


Figure 10: Lowe Street – showing a conservative concept for a 4-6 storey building (20m height) – source Kasperek Architects.

The above figure depicts a building envelope of a 4-6 storey building (10m under the current height control of 30m for the site), demonstrating that once 52 Lowe Street is redeveloped, the proposed building would not be visible from this viewpoint.

1.5 Whether contravention of the development standard raises any matter of significance for the State or regional Environmental Planning?

The Secretary's concurrence under clause 4.6(4) of the LEP has been delegated to the Southern Regional Planning Panel under Planning Circular PS 20-002 issued 5 May 2020. That concurrence may also be assumed by the Court pursuant to s39(6) of the Land and Environment Court Act.

Clause 4.6(5)(a) – does contravention of the development standard raise any matter of significance for State or regional environmental planning?

The proposed non-compliance with the maximum height of building standard will not raise any matter of significance for state or regional environmental planning. It has been demonstrated that the proposed variation is appropriate based on the specific circumstances of the subject site and would be unlikely to result in an unacceptable precedent for the assessment of other development proposals.

Clause 4.6(5)(b) – is there a public benefit of maintaining the planning control standard?

The proposed development achieves the objectives of the height of building development standard (under Clause 4.3) and Zone B3 Commercial Core objectives notwithstanding the technical non-compliance.

Overall it is considered that the strict maintenance of the height of building development standard in this instance is not in the public interest for the reasons detailed above. There is no material impact or benefit associated with strict adherence to the development standard and there is no compelling reason or public benefit derived from maintenance of the standard.

Clause 4.6(5)(c) – are there any other matters required to be taken into consideration by the Secretary before granting concurrence?

Concurrence can be assumed, however, there are no known additional matters that need to be considered within the assessment of the Clause 4.6 variation request prior to granting concurrence, should it be required. The proposed building height variation allows for the orderly and economic use of land as envisaged by the *Environmental Planning and Assessment Act 1979*.

The contravention of the development standard in this case does not raise an issue of state or regional planning significance as it relates to local and contextual conditions. Generally, as to concurrence, for the reasons outlined above – and particularly having regard to the site specific nature of this clause 4.6 variation request – there is nothing about this proposed height variation that raises any matter of significance for State or regional environmental planning, nor is there any broad public benefit in maintaining the development standard on this site. There are no other relevant matters requested to be taken into consideration before granting concurrence.

1.6 Is there public benefit in maintaining the development standard?

There is no public benefit in maintaining the building height standard given the limited amenity impacts associated with the increase in height and the positive streetscape outcome, public benefit from the provision of 27 apartments for the purposes of affordable housing and residential amenity benefits that would arise from the redevelopment of the subject site in the manner proposed.

It should also be noted that there is a growing body of case law that has determined that it is in the public interest to give effect to the objectives of relevant legislation. It is relevant in this regard that

the EP&A Act 1979 has as an objective 'the delivery and maintenance of affordable housing' (Clause 1.3(d)). The provision of an additional 27 apartments being made available as affordable housing and will be managed by a community housing provider, gives effect to the objective of the Act and demonstrates that there is no public benefit in maintaining the development standard in this instance.

1.7 Is the objection well founded?

For the reasons set out in this written request, strict compliance with the height of building development standard contained within Clause 4.3 of the LEP is unreasonable and unnecessary in the circumstances of the case. In addition, there are sufficient and well founded reasons for supporting the objection.

In summary:

- The proposal satisfies the objectives of the building height development standard notwithstanding the non-compliance such that to require compliance with the standard on this site would be unnecessary. The proposed variation to the height development standard is a consequence of providing a development that responds to the site and will result in a development that is compatible with the existing site context and is consistent with the desired future character of the site and locality. The additional height provides for the provision of 15% affordable housing within the development, which equates to 27 apartments.
- The proposal minimises visual impacts and achieves adequate solar access and privacy to adjoining land uses by adherence to the required building setbacks and separation distances of the ADG.
- The proposal on the subject land is consistent with the scale and intensity of the emerging future character of the locality in that it generally complies with the recently approved civic building on the adjoining site and the recently approved Shop Top Housing development on Crawford St, north of Monaro Street.
- The application of Clause 4.6 to vary the development standard is not numerically limited. The consent authority has broad discretion under Clause 4.6(2) and Clause 4.6(4)(a)(i) to determine variations of any numeric value above a development standard without the concurrence of the Secretary. This is confirmed in the published planning system circular Planning Circular PS 20-002 issued 5 May 2020 '*Variations to development standards*'.
- In addition, no provision of Clause 4.6(8) restricts the variation sought in this instance. The consent authority can therefore be satisfied that this variation request can be lawfully approved pursuant to Clause 4.6 of the LEP.
- The additional building height allows for the dedication of 15% of the dwellings for Affordable Housing under the definition provided by the *SEPP Housing 2021*. This percentage of dwellings will be owned/managed by a community housing provider for a period of no less than 15 years.
- For the reasons outlined above, the Clause 4.6 request is well-founded. Compliance with the building height development standard is unnecessary and unreasonable in the circumstances, and there are sufficient environmental planning grounds that warrant contravention of the standard. In the circumstances of this case, flexibility in the application of the building height development standard should be applied.

2.0 Conclusion

The development will not result in unacceptable impacts with regard to the amenity of surrounding properties. The overall aesthetic appearance and scale of the development is compatible with the desired future character of locality. The proposed height is similar with a previous development consents issued in the locality.

Contextually, the proposal will provide a development of a density, height and form that appropriately responds to the sites' location within a B3 Core Commercial zone. The development responds to the desired and emerging Queanbeyan Town Centre streetscape and the arrangements of mixed use and commercial premises development in the vicinity of the site.

The additional height does not contribute to significant adverse amenity impacts by way of overshadowing or privacy impacts and does not result in a development that is out of proportion, scale or density with surrounding existing and anticipated development.

A development strictly complying with the numerical standard would not significantly improve the amenity of surrounding land uses. In the context of the locality, it would be unreasonable for strict compliance to be enforced. It has been demonstrated that the proposal will promote the social and economic welfare of the community and the overall development will have positive outcomes for the urban aesthetic of the locality.

The proposal does not represent an overdevelopment. The non-compliance is not considered to result in any precedents for future development within the locality or broader LGA, given the site considerations and surrounding pattern of development. It is concluded that the objection is well founded as compliance with the standard is both unnecessary and unreasonable.

The additional height of buildings facilitates the provision of 15% of the dwellings within the development to be made available for affordable housing. This part of the development will be owned/managed by a community housing provider, and whilst the recent amendments to the *SEPP Housing 2021* due not apply to this development, the proposal does meet the development standards within the SEPP that now provide for an increase in 30% for Height and FSR where 15% of the development will meet the definition of Affordable Housing.

There is no public benefit to be derived, or planning purpose to be served, in requiring the proposed development to strictly comply with the applicable maximum permissible building height development standard of the of LEP 2022. This request demonstrates that there are sufficient environmental planning grounds for the proposed development to contravene the maximum permissible building height development standard applying to the subject land under Clauses 4.3 of Queanbeyan Palerang Regional LEP 2022.

The Regional Planning Panel is therefore requested to exercise its discretion under Clause 4.6 of Queanbeyan Palerang Regional LEP 2022 and approve the proposed exceedance of the applicable maximum building height and floor space ratio development standard for the proposed shop top housing development proposed by this application.

RESPONSE TO POINT 4 – QPRC REQUEST FOR FURTHER INFORMAITON

Candor Town Planning and Development Services have been engaged by Village Building Co Ltd to provide a response to the request for additional information ('RFI') dated 4 July 2023 by the Queanbeyan-Palerang Regional Council ('QPRC') regarding point 4 of the RFI titled 'Variations to Development Standards, Building Height'.

This response is supported by the following documentation:

- Clause 4.6 – Exceptions to Development Standards, Request for Vary Clause 4.3- Height of Buildings and Clause 4.4- Floor Space Ratio, by the Village Building Co Ltd dated 29 November 2022.
- Statement of Environmental Effects by The Village Building Co date unknown.
- Statement of Heritage Impact, Issue B by PLA Philip Leeson Architects.

1. Clause 4.6 request to vary Development Standard Clause 4.3 Height of Building

DA.2023.0044 was submitted with a Clause 4.6 request to vary the building height. This response supports the submitted Clause 4.6 and expands on the content in response to the commentary by QPRC below (Figure one), addressing QPRC's comments.

Building Height

The proposed building height at 31.86m across the majority of the building is considered at odds with the existing scale and character of its setting in Rutledge and, to some extent Crawford street.

As a consequence, it is inconsistent with the aims of QPRC LEP 2022 including;

(h) to identify and protect the cultural heritage of the area, including the built heritage and the Aboriginal heritage, and

(i) to protect important scenic quality, views and vistas,

The following is required:

- Reduce the building height to minimise the impacts on the streetscape and character of the area, and minimise overshadowing to surrounding buildings and public spaces including street trees;
- Provide for scaling up of the building height across the site from the heritage buildings

Figure One – RFI 4 July 2023 – QPRC

The site is adequately detailed by the Statement of Environmental Effects. The SEE outlines the variation request in detail summarised as follows:

Clause 4.3 of the LEP defines the height of building on site as 25m on the northeastern and south eastern boundaries (Crawford & Rutledge Street) and 30m for a portion of the site on the north western and south western boundaries.

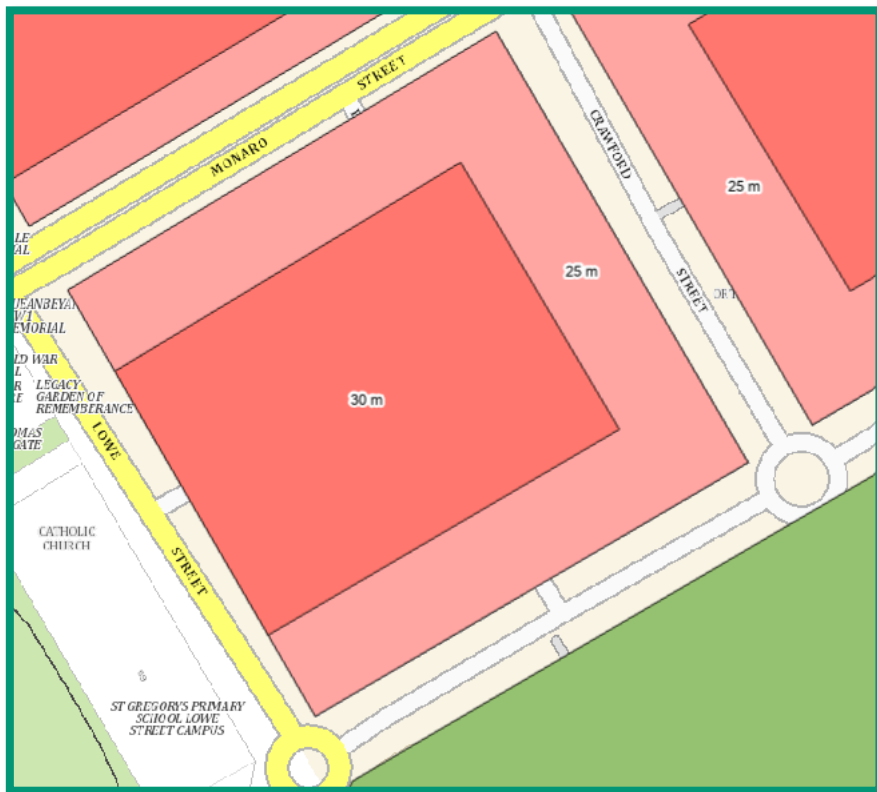


Figure Two – HOB map – source Eplanning Spatial Viewer

This response demonstrates that:

1. the proposed development will be consistent with the objective of the Environmental Planning and Assessment Act 1979 (s1.3(b)(c)(d)(e)(f)& (g),
2. the proposed development will be consistent with the objectives of QPRLEP,
3. responds to concerns raised by Councils regarding building height outlined in Figure One of this response.

2. The Environmental Planning and Assessment Act 1979 (the 'Act')

2.1 Section 1.3 Objectives of the Act states:

The objects of this Act are as follows—

- (a) to promote the social and economic welfare of the community and a better environment by the proper management, development and conservation of the State's natural and other resources,
- (b) to facilitate ecologically sustainable development by integrating relevant economic, environmental and social considerations in decision-making about environmental planning and assessment,
- (c) to promote the orderly and economic use and development of land,
- (d) to promote the delivery and maintenance of affordable housing,
- (e) to protect the environment, including the conservation of threatened and other species of native animals and plants, ecological communities and their habitats,

- (f) to promote the sustainable management of built and cultural heritage (including Aboriginal cultural heritage),*
- (g) to promote good design and amenity of the built environment,*
- (h) to promote the proper construction and maintenance of buildings, including the protection of the health and safety of their occupants,*
- (i) to promote the sharing of the responsibility for environmental planning and assessment between the different levels of government in the State,*
- (j) to provide increased opportunity for community participation in environmental planning and assessment.*

- 2.2 The proposed development meets the objectives of the Act, as it provides orderly and economic use of the land by delivering 2000m² of commercial GFA to insert economic growth in a newly revitalised area of the commercial centre which will support the new civic precinct by providing commercial business opportunities fronting the communal park public space with the provision of pedestrian walkways and linkages into the public park space, public streets and additional outdoor communal space provided by the development for the community. The development includes the injection of 178 diverse dwelling house options including 15% affordable housing options which will provide population expansion and economic growth in the commercial centre. The proposed development is consistent with the Queanbeyan-Palerang Regional Local Environmental Plan 2022 ('QPRLEP') as demonstrated in the SEE, Clause 4.6 written request and this response which demonstrates that the proposed development promotes orderly and economic use of the land.
- 2.3 The owners Village No.21 Pty Limited have engaged with Community Housing Canberra Limited (CHC) to provide 15% or 27 dwellings for purchase by CHC to provide affordable housing.
- 2.4 Clause 5.10 Heritage conservation of the QPRLEP applies to the site, which contains heritage items. The development is supported by a Statement of Heritage Impact by Philip Leeson Architects which supports the proposed development and that the provisions of cl 5.10 are met.

3. *QPRLEP*

- 3.1 A Cl4.6 request is required to demonstrate it is consistent with the objectives of the particular development standard that is contravened and the objectives for development for the zone in which the development is proposed to be carried out: cl 4.6(4)(a)(ii) of QPRLEP not Cl2.1. The development standard variation (Cl4.6) is not required to address Cl2.1 of the QPRLEP. However, as the Council have raised the objectives in Cl2.1 under 'Variation to Development Standards - Building Height' in the RFI, the objectives of Cl2.1 of the QPRLEP have been addressed in this response.

- 3.2 Cl2.1 of the QPRLEP lists the aim of the plan:

- (1) This Plan aims to make local environmental planning provisions for land in the Queanbeyan-Palerang Regional local government area in accordance with the relevant standard environmental planning instrument under section 3.20 of the Act.*
- (2) The particular aims of this Plan are as follows—*
 - (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.*

3.3 The development is consistent with the provision in the aims because it contains residential accommodation and commercial tenancy to activate the street frontage and encourage economic and business development in the commercial center, is compatible with the desired future character of the area defined under the QRPLEP. The development will provide a diversity of housing types in the 178 residential dwelling houses for the community including 15% of dwellings as affordable housing. The development is supported by a Statement of Heritage Impact by Philip Leeson Architects which supports the proposed development by providing recommendations to protect the cultural heritage of the area. The photomontages provided in this response demonstrate that the proposed development is consistent with the existing and future height of buildings permissible under the QRPLEP.

3.4 The site is located within an area identified by the QRPLEP, at the time the development application was lodged, as B3 Commercial Core that was subsequently rezoned to be an E2 Commercial Centre, pursuant to the State Environmental Planning Policy Amendment (Land Use Zones)(No 6) 2022, in which the proposed shop top housing is also permitted with consent.

3.5 The B3 zone objectives are as follows:

- To provide a wide range of retail, business, office, entertainment, community and other suitable land uses that serve the needs of the local and wider community.*
- To encourage appropriate employment opportunities in accessible locations.*
- To maximise public transport patronage and encourage walking and cycling.*
- To recognise and reinforce the primacy of the Queanbeyan central business district as the commercial and retail centre of Queanbeyan.*
- To encourage high density residential uses in conjunction with retail or employment uses where appropriate.*

3.6 Table 1, page 16 of the Cl4.6 written request outlines how the proposed development meets all four of the objectives of the zone. Zone objective five encourages high density residential use in conjunction with retail or employment use. The proposed shop top housing provides 2000m² of commercial space to provide retail and employment and provides high density residential development consistent with the zone objectives to reinforce and revitalize the commercial centre by providing population growth within the commercial centre.

3.7 Cl4.3 Height of buildings of the QRPLEP outlines the following objectives:

- (1) *The objectives of this clause are as follows—*
- (a) *to establish the height of buildings consistent with the character, amenity and landscape of the area in which the buildings will be located,*
 - (b) *to protect residential amenity and minimise overshadowing,*
 - (c) *to minimise the visual impact of buildings,*
 - (d) *to maintain the predominantly low-rise character of buildings in the Queanbeyan-Palerang Regional local government area,*
 - (e) *to ensure the height of buildings complement the streetscape or the historic character of the area in which the buildings are located,*
 - (f) *to protect the heritage character of the Queanbeyan-Palerang Regional local government area and the significance of heritage buildings and heritage items,*
 - (g) *to provide appropriate height transitions between buildings, particularly at zone boundaries.*

3.8 Table 2, page 17 of the CI4.6 written request outlines how the proposed development meets the objectives of CI4.3.

4. Scale and Character

4.1 The Council RFI point 4 states:

‘The proposed building height is considered at odds with the existing scale and character of its settings in Rutledge and, to some extent Crawford street’

4.2 CI4.3 of the QPRLEP sets the character of the area with a height of a building on the site at 25m and 30m consistent with the character and scale of the surrounding commercial centre with the same height of a building at 25m and 30m.



Figure Three – Height of Buildings Map - source Eplanning Spatial Viewer

4.3 Figure four below demonstrates how the proposed building height is consistent with the building height directly adjoining the site. The Civic Building/Council Office sought a CI4.6 variation to CI4.3 Building Height of the following taken from the CI4.6 written request by SMEC:

a. Over the 25m portion of the site, the proposed building envelope has a maximum height of 32.97m above natural ground level, resulting in a maximum non-compliance of 7.97m or 32%.

b. Over the 30m portion of the site, the proposed building envelope has a maximum height of 32.97m, resulting in a maximum non-compliance of 2.97m or 10%.

The proposed building contains a maximum height 200mm below this level.



Figure Four – Concept Montage – Source The Village Building Co

- 4.4 Figure Five below has been taken from the public space on the corner of Monaro Street and Crawford Street. Figure Five demonstrates how the proposed building sites in behind the existing Civic Building/Council Offices currently under construction when viewed from the public space and main street.



Figure Five - Corner of Monaro Street and Crawford Street – Source Kasperek Architects

- 4.5 Figure Six below taken from No.7-13 Morisset Street demonstrates how the proposed building height sits comfortably and consistent within the commercial centre when viewed from surrounding public space and buildings.



Figure Six – No.7-13 Morisset Street – Source Kasperek Architects

- 4.6 Figure Seven below has been taken from the entrance to the Lowe Street carpark and demonstrates how the building is consistent with the Civic Building/Council and is partially screened by the existing vegetation and buildings.



Figure Seven – Lowe Street– Source Kasperek Architects

- 4.7 The sites fronting Lowe Street contain a 30m height of building control. Figure eight depicts a building envelope of a 4-6 storey building (10m under the height control) demonstrating that once 52 Lowe Street is redeveloped, the proposed building will not be visible.

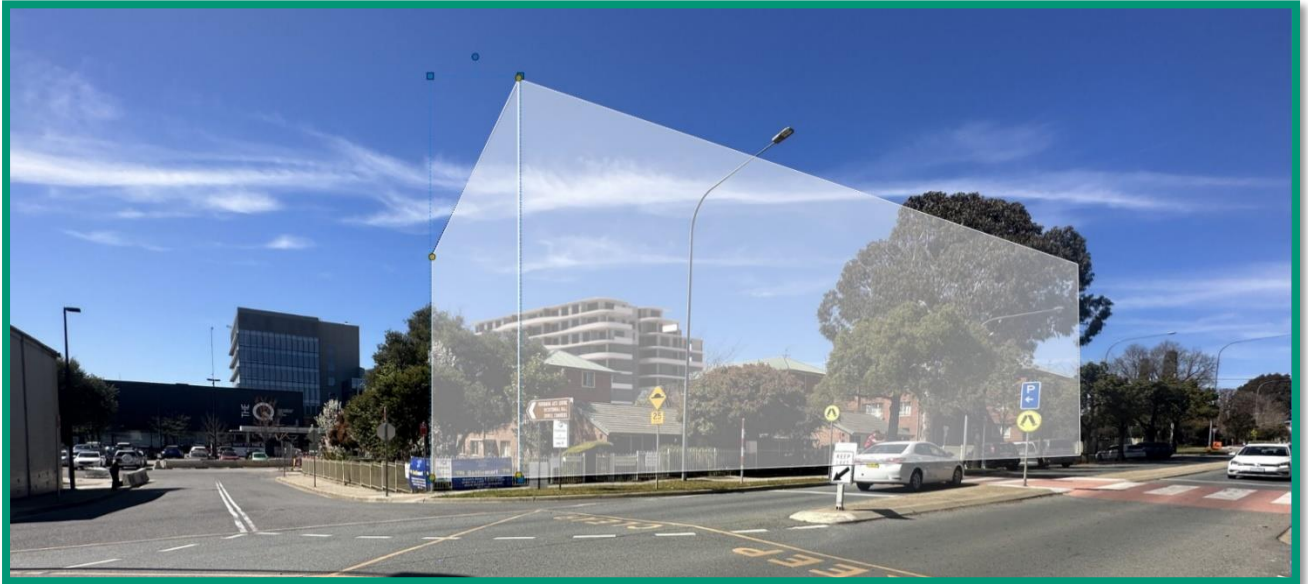


Figure Eight – Lowe Street conservative concept 4-6 storey building (20m height)– Source Kasperek Architects

- 4.8 The site was purchased from QPRC in November 2021. The QPRLEP 2022 commenced on the 14 November 2022. Should the QPRC preference be a reduced building height for site, the opportunity to amend the building height under CI4.3 was available prior to the commencement of the 2022 LEP.
- 4.9 A large portion of the direct locality is characterised by carparking spaces. The proposed building improves the visual appearance of the area and provides below ground carparking to ensure that the ground level is utilised for public benefit and retail and economic growth.





Conclusion

The proposed development provides orderly and economic use of the land by delivering 2000m² of commercial GFA to insert economic growth in a newly revitalised area of the commercial centre which will support the new civic precinct by providing commercial business opportunities fronting the communal park public space with the provision of pedestrian walkways and linkages into the public park space, public streets and additional outdoor communal space provided by the development for the community. The development includes the injection of 178 diverse dwelling house options including 15% affordable housing options which will provide population expansion and economic growth in the commercial centre. The proposed development is consistent with the Queanbeyan-Palerang Regional Local Environmental Plan 2022 ('QPRLEP') as demonstrated in the SEE, Clause 4.6 written request and points outlined in this response.