

COUNCIL ASSESSMENT BRIEFING REPORT TO PANEL –

Prepared by Purdon Planning

SOUTHERN REGIONAL PLANNING PANEL

PANEL REFERENCE & DA NUMBER	Panel Reference Number PPSSTH-224 DA number DA.2023.0044
PROPOSAL	Construction of shop-top housing, comprising: <ul style="list-style-type: none"> Two 10 storey buildings, Sixteen commercial premises at ground floor level, 178 residential units above ground floor level (including 27 'affordable housing' apartments managed by a community housing provider), Two levels of basement parking, Demolition of 3 existing single storey dwellings and 3 community/commercial buildings, Removal of 7 trees (6 on-site, 1 off-site), Retention of two heritage buildings (Old Fire Station, Dutton's Cottage), Consolidation of Lots 31 DP771673, Lot 2 DP748338, Lot 18 DP548244 and Part Lot 2 DP 1179998
ADDRESS	6-12 Rutledge St and 257 Crawford St Queanbeyan, being: <ul style="list-style-type: none"> Lot 31 DP771673, Lot 2 DP748338, Lot 18 DP548244, Part Lot 2 DP 1179998
APPLICANT	Village Building Co. Ltd
OWNER	Queanbeyan-Palerang Regional Council.
DA LODGEMENT DATE	31 January 2023
APPLICATION TYPE	Development Application
REGIONALLY SIGNIFICANT CRITERIA	The proposed development is required to be determined by the Southern Regional Planning Panel as the development has a capital investment value (CIV) of more than \$5 million and the owner of the land is Council.

	Clause 3, Schedule 6 of <i>State Environmental Planning Policy (Planning Systems) 2021</i> applies.
CIV	\$85,986,111 (excluding GST)
CLAUSE 4.6 REQUESTS	<ul style="list-style-type: none"> ▪ Queanbeyan-Palerang Regional Local Environmental Plan 2022 Clause 4.3 building height ▪ Queanbeyan-Palerang Regional Local Environmental Plan 2022 Clause 4.4 Floor Space Ratio
KEY SEPPs/LEP	<ul style="list-style-type: none"> ▪ SEPP (Planning System) 2021 ▪ SEPP (Resilience and Hazards) 2021 ▪ SEPP No 65 Design Quality of Residential Apartment Development ▪ SEPP (Transport and Infrastructure) 2021 ▪ SEPP (Biodiversity and Conservation) 2021 ▪ SEPP (BASIX) 2004 ▪ Queanbeyan-Palerang Regional Local Environmental Plan 2022
AGENCY REFERRALS	<ul style="list-style-type: none"> ▪ Essential Energy ▪ Transport for NSW ▪ NSW Police
TOTAL & UNIQUE SUBMISSIONS. KEY ISSUES IN SUBMISSIONS	<p>A total of 40 submissions were received during the first round of public notification, with the key issues being:</p> <ul style="list-style-type: none"> ▪ Setbacks ▪ Height ▪ Streetscape ▪ Overshadowing ▪ Heritage ▪ Bulk and Scale ▪ Carparking ▪ Traffic <p>A total of 17 submissions were received during the second round of the public notification, with the key issues being:</p> <ul style="list-style-type: none"> ▪ Exterior colour scheme ▪ Affordable housing, ▪ Site yield, ▪ Impacts on heritage ▪ Future character ▪ Traffic impact analysis ▪ Pedestrian safety

DOCUMENTS SUBMITTED FOR CONSIDERATION	<ul style="list-style-type: none"> ▪ Attachment A – Draft Conditions of Consent ▪ Attachment B – Architectural Plans ▪ Attachment C – Landscape Plans and Tree Management Plan ▪ Attachment D – Civil Engineering Plans ▪ Attachment E – Waste Management Plan ▪ Attachment F – Statement of Heritage Impact New Rutledge Street Development prepared by Eric Martin and Associates ▪ Attachment G – Statement of Heritage Impact Rutledge Street Apartments, Queanbeyan prepared by Philip Leeson Architects ▪ Attachment H – Flooding Impact Statement ▪ Attachment I – Development Application Access Report ▪ Attachment J – Preliminary Site Investigation (Contamination) ▪ Attachment K – DA Acoustic Assessment ▪ Attachment L – Traffic Impact and Parking Assessment ▪ Attachment M – Sustainable Management Plan ▪ Attachment N – BCA Compliance Report ▪ Attachment O – Shop Top Housing Development Capital Investment Report ▪ Attachment P – Cover Letter – Additional Information 29092023 ▪ Attachment Q – Future Desired Character ▪ Attachment R – Clause 4.6 Request – FSR ▪ Attachment S – Clause 4.6 Request – Height of Buildings ▪ Attachment T – Indicative Tower Crane Drawings ▪ Attachment U – BASIX Certificate ▪ Attachment V – Cover Letter Additional Information 11072024 ▪ Attachment W – Legal Advice on LEP and DCP ▪ Attachment X – Response to Public Submissions
PREVIOUS BRIEFINGS	<ul style="list-style-type: none"> ▪ 24 October 2023 ▪ 4 June 2024
PLAN VERSIONS	<p>All plans forming the DA are Version D (25/11/22) and F (11/07/2024), except for:</p> <ul style="list-style-type: none"> ▪ Plan 23 – Floor Plan – Basement Level – 2 (Rev E 25/8/23)

	<ul style="list-style-type: none"> Plan 24 – Floor Plan – Basement Level – 1 (Rev E 25/8/23) Plan 59 - Schedule – External Finishes (Rev E 25/8/23) Plan 77 – Perspective Shadow Projections – Adjoining buildings (Rev E 25/8/23) Plan 78 – Perspective Shadow Projections – Adjoining buildings (Rev E 25/8/23) Plan 80 – Typical Unit Floor Plans which are Revision E (25/8/2023)
ASSESSMENT STATUS	Subject to determination by Regional Panel
PREPARED BY	Purdon Planning Pty Ltd
DATE OF REPORT	15 July 2024

Summary of S.4.15 matters

Have all recommendations in relation to relevant s4.15 matters been summarised in the Executive Summary of the assessment report? Yes

Legislative clauses requiring consent authority satisfaction

Have relevant clauses in all applicable environmental planning instruments where the consent authority must be satisfied about a particular matter been listed, and relevant recommendations summarized, in the Executive Summary of the assessment report? Yes

Clause 4.6 Exceptions to development standards

If a written request for a contravention to a development standard (clause 4.6 of the LEP) has been received, has it been attached to the assessment report? Yes

Special Infrastructure Contributions

Does the DA require Special Infrastructure Contributions conditions (S7.24)? N/A

Conditions

Have draft conditions been provided to the applicant for comment? No

Executive Summary

Development consent is sought under DA.2023.044 for construction of a shop-top housing development comprising two 10-storey buildings containing a total of 178 one, two, and three bedroom units, including 27 'affordable housing' apartments to be managed by a community housing provider as a condition of approval. The development also includes sixteen commercial premises totalling 1,811m² floorspace at ground floor level, two levels of basement parking, demolition of 3 existing/former single storey dwellings and 4 community/commercial buildings, retention of two heritage buildings (Old Fire Station, Dutton's Cottage), and consolidation of Lots 31 DP771673, Lot 2 DP748338, Lot 18 DP548244 and Part Lot 2 DP 1179998

The development is "Regional Development" as defined by Chapter 2 Schedule 6 of State Environmental Planning Policy (Planning Systems) 2021 – The development has a CIV of \$85,986,111 and Queanbeyan Palerang Regional Council is the owner of the land. The Southern Regional Planning Panel (SRPP) is the relevant determining authority.

Consultation

- *Community* - The development was notified in accordance with the Queanbeyan Community Participation Plan 2019. The Council received 40 submissions in response to the first period of notification and 17 submissions when modifications to the DA were further advertised.
- *Integrated Development* - The development is not nominated as integrated development.
- *External referrals* - The development was referred to Essential Energy, Transport for NSW and the NSW Police. A discussion on these referrals is provided in Table 9 of Section 4.1 of this report.

Pre-conditions to granting development consent

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

- *Section 4.15 (1)(a)(ii) - Provisions of any Environmental Instrument* – Refer to Table 3 in Section 3.1 of this report for assessment against provisions of relevant SEPPs, refer to Table 5 in Section 3.2.1 for assessment against the provisions of QPLEP.
- *Section 4.15 (1)(a)(ii) - Provisions of any Proposed Instruments* - There is no draft environmental planning instrument that needs to be considered as part of this application.
- *Section 4.15(1)(a)(iii) - Provisions of any Development Control Plan* – refer Table 6 in Section 3.2.2 of this report for a detailed assessment of the DCP.
- *Section 4.15(1)(a)(iiia) – Planning agreements under Section 7.4 of the EP&A Act* - A planning agreement is required to demonstrate the 15% affordable housing commitment.
- *Section 4.15(1)(a)(iv) - Provisions of Regulations* - Section 61 of the 2021 EP&A Regulation contains matters that must be taken into consideration by a consent authority in determining a development application, with the need to comply with *AS2601-2001 Demolition of Structures*, being the only relevant requirement in this case.
- *Section 4.15(1)(b) - Likely Impacts of development* - The proposed development is considered to have a positive social benefit to the local community given that it will facilitate the provision of employment opportunities and a diversity of unit types at

varying price points. It is considered that the proposal will not result in any significant adverse impacts in the locality.

- *Section 4.15(1)(c) - Suitability of the site* - The assessment of this application has demonstrated that the proposed shop top housing development is suitable for the site where it is located within the Civic and Cultural Arts precinct.
- *Section 4.15(1)(d) - Public Submissions* - The application was firstly notified in accordance with Council's Community Engagement and Participation Plan from 1st March to 31st March 2023 and a second notification of the modified DA from 22 March to 18 April 2024. A total of 40 submissions were received during the first public exhibition period and 17 during the second period. The issues raised in these submissions are considered in Table 9 and Table 10 in Section 4.3 of this report.
- *Section 4.15(1)(e) - Public interest* - The public interest is served through the detailed assessment of this development application under the relevant local planning controls and legislation and consideration of any submissions received relating to it by Council. However, the provision of 27 affordable units is considered to be beneficial to the public. The Queanbeyan Palerang Affordable Housing Strategy (dated April 2023) provides that an appropriate planning mechanism is providing additional FSR in Queanbeyan B3 in return for "*Boarding Houses and Co-living Housing, and studio and one-bedroom apartments, secured through a section 7.4 Planning Agreement and/or conditions of consent*". On balance, the proposed development is considered to be consistent with the public interest due to the provision of 27 affordable apartments that will benefit those very low-income, low-income households and moderate income households.

The development has been assessed under Section 4.15(1) of the EP&A Act 1979 and is considered satisfactory.

Key Issues

The key issues to be resolved as part of the determination of this DA are listed (not in any specific order of importance) as:

- Floor space ratio
- Building height
- Impact on character of the locality (building bulk and scale)
- Heritage impacts
- Building setbacks
- Proportion of units receiving no direct sunlight

Each of these issues have been discussed in detail in this report. While there are reasonable grounds to conclude that the cumulative impact of the above listed issues warrants refusal of the application, it is considered that these issues have been suitably mitigated to an acceptable level through additional information provided.

Recommendation

That the Development Application DA.2023.044 be APPROVED pursuant to Section 4.16(1)(a) or (b) of the Environmental Planning and Assessment Act 1979 subject to the draft conditions of consent attached to this report at Attachment A.

1 THE SITE AND LOCALITY

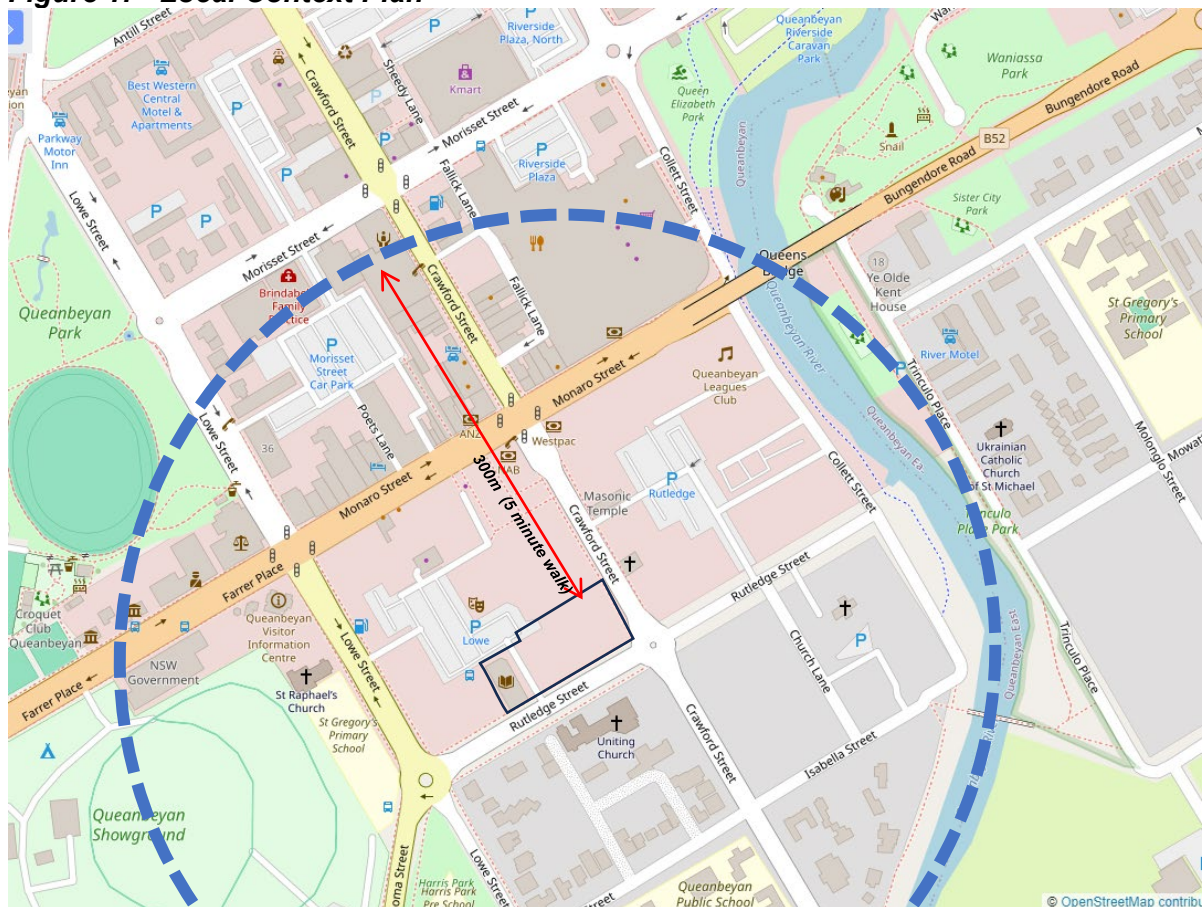
1.1 The Locality

The site is located within the Queanbeyan CBD on the corner of Rutledge Street and Crawford Streets, forming part of the Queanbeyan Civic and Cultural Precinct. This precinct includes Council offices, Queanbeyan library, NSW Government offices as well as a range of other commercial premises.

Opposite the site is a combination of residential dwellings and place of worship. To the south-west are existing single storey commercial developments with a 3-storey residential apartment building, St Gregory's Primary school, preschools, the Visitor Information Centre and other commercial uses further west.

The general area is experiencing significant urban change with construction of new substantial buildings such as the 6-storey Council building, nearby 7-storey shop-top housing (202-214 Crawford St) and other major buildings such as the 9-storey shop-top housing in Morisset St. These new buildings, being consistent with development opportunities and strategies promoted through the Queanbeyan CBD Spatial Master Plan 2020, contrast with existing low scale, predominately single storey dwellings and commercial premises.

Figure 1: Local Context Plan



Source: Open Street Maps

1.2 The Site

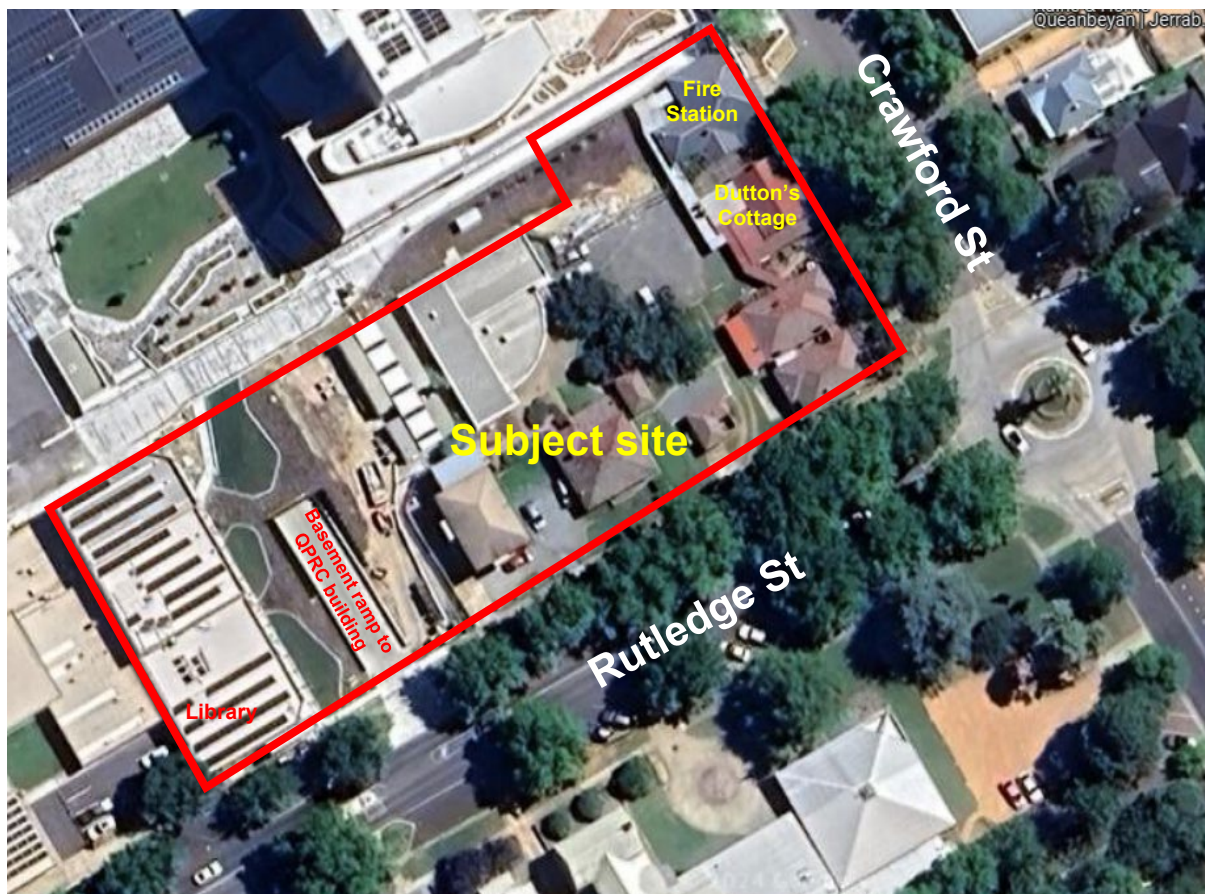
The subject site is described as Lot 31 DP771673, Lot 2 DP748338, Lot 18 DP548244, and Part Lot 2 DP 1179998.

The site fronts Rutledge Street, to the south and Crawford Street to the north-east. It has a modified rectangular shape with generally west-east orientation and an overall site area is 5,913m². The subject site is relatively flat with two trees in the eastern part of the site.

There are four existing/former dwellings plus a 2-storey office building, and 3 community buildings (including the Queanbeyan library) existing within the overall site. Dutton's Cottage and the old Fire Station are locally listed heritage items, and the DA proposes to preserve these two heritage buildings and establish communal open space on the corner of Rutledge and Crawford St to provide a curtilage for the buildings.

The site is traversed by a recently constructed basement ramp providing access to the new QPRC building to the north.

Figure 2: Site Air Photo



Source: Google Maps

2 THE PROPOSAL AND BACKGROUND

2.1 *The Proposal*

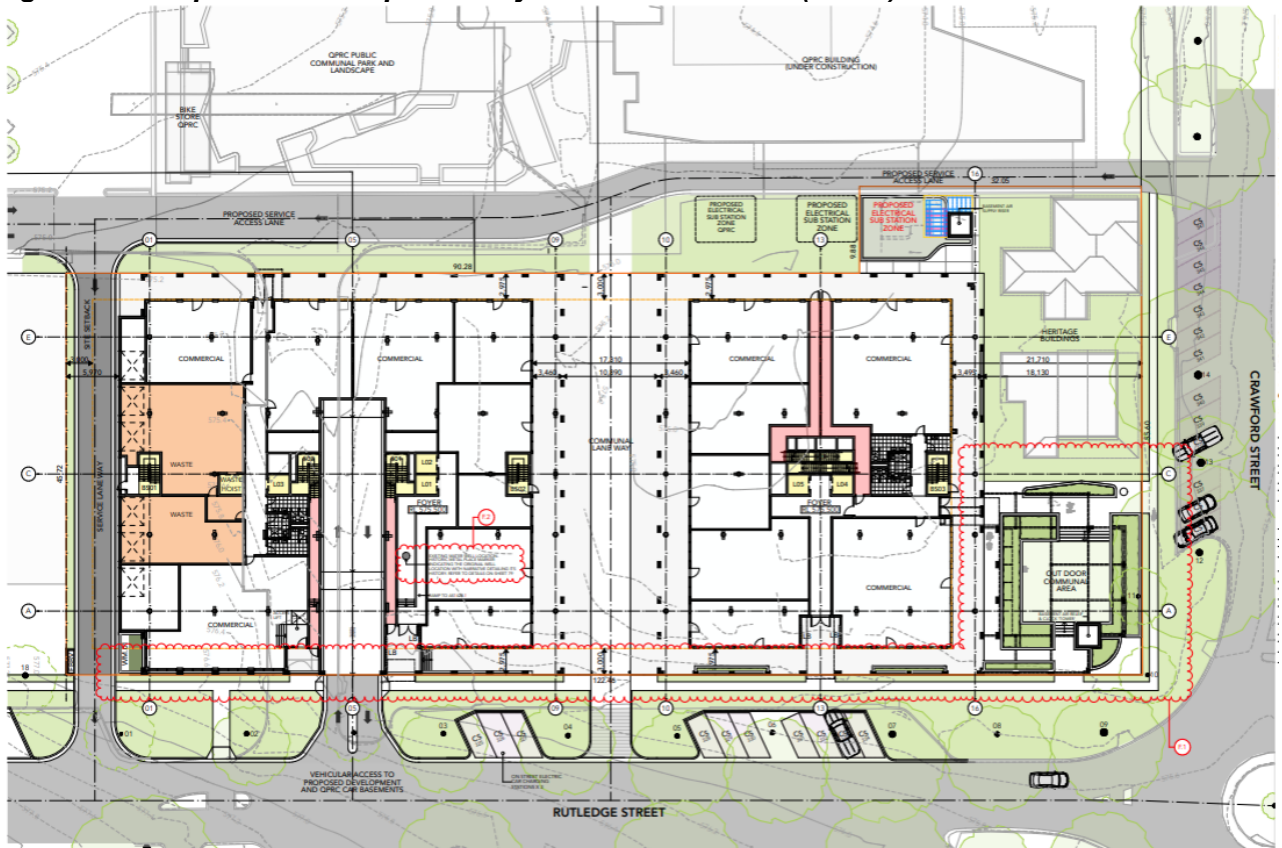
The DA seeks approval for construction of shop-top housing, demolition of buildings, consolidation of lots, commercial tenancies, residential units, basement parking and associated works.

The key details of the development include:

- Demolition of seven 1-2 storey buildings (noting the 2 heritage listed buildings will be retained).
- Construction of 2 ten-storey buildings.
- 16 commercial tenancies on the ground floor.
- 178 residential units comprising -
 - 62 x 1-bedroom units including 6 adaptable units,
 - 79 x 2-bedroom units including 12 adaptable units,
 - 37 x 3-bedroom units.

A total of 27 residential apartments will be managed by a community housing provider as affordable housing.
- 324 off-street parking spaces within two levels of basement for resident and commercial parking.
 - 289 parking spaces provided across both floors of basement for residents including two (2) visitor parking spaces.
 - 35 spaces are provided for employees of commercial tenancies within the first-floor basement.
 - 14 bicycle parking spaces.
 - 18 motorcycle parking spaces.
 - Loading area for SRV vehicle (garage collection and servicing for the site).
- 23 on street visitor parking spaces.
- 7 existing trees are proposed to be removed (6 onsite one offsite), with new plantings within communal areas and one street tree to be planted across Rutledge Street.
- Associated works including connections to utilities and services and external lighting.

Figure 3: Proposed Development Layout - Ground Level (Rev F)



Source: Kasparek Architects

Figure 4: Perspective Views of Proposed Development (Rev F)



Source: Kasparek Architects

The key development data is provided in Table 1 below:

Table 1: Development Data

Control	Proposal
Site area	5,913m ²
GFA	19,513m ²
FSR (retail/residential)	QPLEP Floor Space Ratio Map specifies a maximum ration of 3:1. With a site area of 5,913m ² , this results in a maximum permissible gross floor area (GFA) of 17,739m ² . The proposal exceeds the maximum floor space ratio (FSR) development standard by 1,774m ² , which equates to a 10% departure over the standard.
Maximum Height	Much of the site is subject to a 25m building height limit. A part of the site along the northern boundary, intruding into the site for about 8m, has a building height limit of 30m. Existing ground levels vary from RL 575.0m to 576.6 (based on Architects 'Existing Conditions Plan'). The elevations plans show the top of the roof to be RL607.36 (excluding minor roof projections). This results in a proposed building height of 32.36m, which exceeds both the 25 and 30m building height limits. It exceeds the 25m height limit by 29%. This calculation contrasts with the applicant's submission that the proposed maximum building height is 31.86m.
Clause 4.6 Requests	Yes - clause 4.6 requests submitted for variation to building height and FSR controls.
No. of apartments	178 (including 27 affordable apartments)
Landscaped Area	Total communal open space of 2,024m ² is provided which is 34% of the overall site are. The 'Deep Soil' area represents 4% of the site.
Car Parking Spaces	A total of 324 off-street parking spaces are provided within two levels of basement for resident and commercial parking. In addition, there are 18 motorcycle parking spaces and 14 bicycle parking spaces.
Setbacks	Colonnades extend to the northern and southern (Rutledge St) boundaries. However, at upper levels although the architectural design results in variations to setbacks, there is a general setback of 5.36m to the northern boundary and 4.51m to Rutledge St. The building will abut a laneway adjacent to the western boundary creating a setback of 5.97m at ground level. The existing heritage listed Fire Station and Dutton's Cottage are located at the eastern (Crawford St) boundary.

2.2 Background

A pre-lodgement meeting was held with the applicant on 25 August 2022 with a summary of key issues discussed being:

- FSR – need to review provisions of QPLEP.
- Height - review QPLEP and QDCP 2012.
- Design - excessive bulk and scale of design to street. Proposal does not respond to the local context.
- Shadow impact.
- Higher structures to be set well back.

- Roof design to be integral part of the built form.
- Retention/protection of existing well is required. A detailed heritage assessment shall be prepared, and plans adjusted to allow for minimal disturbance.

A second pre-lodgement meeting was held on 15 November 2022 and the following is a summary of the key issues discussed:

- Setbacks
- Overshadowing
- Bulk and Scale
- Height
- Heritage
- Carparking
- Streetscape
- Flood

The development application was lodged on 31 January 2023. A chronology of the development application since lodgement is outlined below including the Panel's involvement (briefings, deferrals etc) with the application:

Table 2: Chronology of the DA

Date	Event
31 January 2023	DA lodged
1 March 2023	Exhibition of the application (notified until 31 March 2023)
3 March 2023	DA referred to internal/external agencies
4 July 2023	Request for Information from Council to applicant. Key matters to address included: <ul style="list-style-type: none"> ▪ Heritage concerns. ▪ Variations to Development standards (building height and FSR) ▪ Setbacks ▪ Design. ▪ Apartment Design Guide. ▪ Landscaping. ▪ Street Tree impacts. ▪ Waste management.
29 September 2023	Amended plans and documents lodged to address Council's RFI, including: <ul style="list-style-type: none"> ▪ the provision of 27 affordable units and will be managed by a community housing provider, ▪ retention of the top portion of the heritage well in-situ; relocation and reconstruction of the top part on site along with an interpretive feature; installation of a transparent walkway/floor to view the well in-situ, ▪ recessed façade elements on elevations behind the heritage buildings have been changed from a dark colour to a light colour to further enhance the building articulation and break down the perceived bulk, ▪ basement parking plans updated including changes in parking for cars and the provision of motorbike parking.

Date	Event
	<ul style="list-style-type: none"> Other specific plan changes to respond to Council's RFI.
24 October 2023	<p>Panel Briefing. The key issues discussed.</p> <ul style="list-style-type: none"> Confirmation that the independent consultant assessment planners had been engaged to undertake the assessment to manage any conflicts of interest (Council is landowner). Status of internal and external referrals. Matters raised during the public exhibition of the application. The applicant's response to the RFI. QPLEP and DCP inconsistencies in relation to height Height limits set by QPLEP Height of Building Map for the subject site and surrounding land/sites. The applicant's justification for additional height taking into consideration the desired future character of the area. Council confirmed the measures to address the heritage Height and scale of development relative to heritage item (fire station). <p>The Panel's meeting minutes were also issued to the applicant.</p>
17 November 2023	<p>Meeting between applicant and Council's independent assessment planners with Council's assessing officer observing the meeting. The following issues were discussed:</p> <ul style="list-style-type: none"> Height and FSR departures and height and scale of development relative to heritage item and the surrounding environment. It was considered that the 4.6 clause request was insufficient justification as to height and FSR departures. The applicant raised the recent amendments to SEPP (Housing) 2021 to allow a development to gain an additional 30% floor space ratio and height bonus respectively above a local environmental plan when a minimum of 15% of affordable housing is provided. The applicant indicated a resubmission will be lodged withdrawing the clause 4.6 variation request and using the new legislation to support the application
14 December 2023	<p>Applicant's email advice to Council's independent assessment planners and Council's planners:</p> <ul style="list-style-type: none"> New amendments to Housing SEPP allow for an increase in FSR and Height of up to 30% where affordable housing is made available within the development. Applicants will be amending DA to remove the Clause 4.6 request and to take up the new controls in the SEPP.
15 December 2023	<p>Council replied to the applicant seeking:</p> <ul style="list-style-type: none"> Clarification on proposed modified development application.

Date	Event
	<ul style="list-style-type: none"> ▪ Confirmation that the modified proposal is substantially the same as lodged. ▪ Demonstrate the amendment is minor. ▪ A commitment to the project by a Social Housing Provider and how the affordable housing component will be delivered. <p>The applicant responded:</p> <ul style="list-style-type: none"> ▪ None of the built form or servicing of the site is proposed to be amended, rather the description of the proposal will be amended to include 15% of the proposed dwellings meeting the definition of affordable housing and incorporating the recent changes to the Housing SEPP to remove the need for the clause 4.6 request to height and FSR for the proposal. ▪ We are partnering with a Social Housing Provider and will provide evidence that an agreement is in place for 15% of the dwellings to be purchased and then managed by a social housing provider for a period of at least 15 years, to meet the requirements of the Housing SEPP. ▪ The proposed amendment is substantially the same development as what was originally lodged as the proposed amendment does not alter the land use and hence will not be different from what was originally applied for; the proposed use of the site remains unchanged; and there will be no additional adverse external amenity or environmental impacts associated with the proposed amendment, above and beyond that which was a consideration under the original application. ▪ Quantitatively the development remains the same with no change in proposed dwelling numbers and the development footprint has not been altered. <p>The amendment also relates to a request by the Planning Panel to confirm which affordable housing provisions are applicable to the proposed development, noting the recent amendments to the Housing SEPP. The amendment is addressing this request of the Panel (see record of briefing dated 24.10.23).</p> <p>Clause 37 and 38 of the <i>Environmental Planning and Assessment Regulation 2021</i>, confirms that the amendment of an application does not need to demonstrate that it is minor for the consent authority to accept the proposed changes, rather whether it is considered a minor change or not then determines whether it needs to be re-advertised.</p> <p>It is considered that the amendment is minor in that there will be no additional environmental impact as a result of the proposed amendment, and as described above the land use is not altered, the development footprint is not altered and the number of proposed dwellings is not altered.</p> <p>The legislation is also clear in that it is the consent authority who determines whether to approve or reject an application for an amendment. Considering Council is not the consent authority in this instance, it is not up to Council to determine whether the amendment is acceptable, rather it is the role of the JRPP to make this decision as per the legislation.</p>
16 January 2024	Council's independent assessment planners replied to the applicant.

Date	Event
	<ul style="list-style-type: none"> The savings provisions contained in <i>Schedule 7A (8) of Housing SEPP (2021)</i> specify that the recent amendments relating to housing affordability do not apply to an application made but not determined before the commencement date of the amending policy (14 December 2023). Given the above, the amended provisions of the Housing SEPP cannot apply to this DA (even in an amended form), as the application was made prior to 14/12/23. A referral to the Panel for an amendment to the DA under these provisions cannot be accepted.
23 January 2024	<p>The applicant replied to confirm that the changes to the Housing SEPP do not apply in this case. Although a withdrawal and lodgement of a new DA would trigger the provisions, this was not the applicants preferred option.</p> <p>As such, amended Clause 4.6 requests were submitted. The details of the justification are provided in Table 5 in Section 3.2.1 of this report.</p>
21 February 2024	Meeting between the applicant and Council independent assessment planner. Further justifications addressing future desired character were requested by the independent assessment planner.
29 February 2024	Desired Future Character Report provided by the Applicant
22 March 2024	<p>Second round of public notification of the application to 18 April 2024, with information summarised as follows:</p> <ul style="list-style-type: none"> Revision of the exterior colour scheme Inclusions of discussions on future desired character Commitment to 15% affordable housing Provision of second heritage impact statement
4 June 2024	Council/Applicant Assessment Status Briefing - SRPP
11 July	Response to RFI received
19 July	Completion of Internal Assessment
6 August	Scheduled Council Final Briefing & Public Determination - SRPP

2.3 Site History

The site is currently owned by Queanbeyan-Palerang Regional Council and part of the land is affected by the current development approval for the construction of a Public administration building including civic and cultural precinct, basement carparking, subdivision and ancillary infrastructure (DA.2020.1022).

This DA was modified to allow for the closure of the laneway off Rutledge St that previously provided access to the Lowe Street Car Park which is now incorporated into the site for this proposal.

A plan of subdivision was also approved as part of DA.2020.1022 which defines the site subject of this application, with the inclusion of the closed laneway. It is envisaged that once construction on the adjoining site is completed, the subdivision will be finalised and the boundary of the development site will be consolidated into one allotment.

3 PLANNING CONTROLS

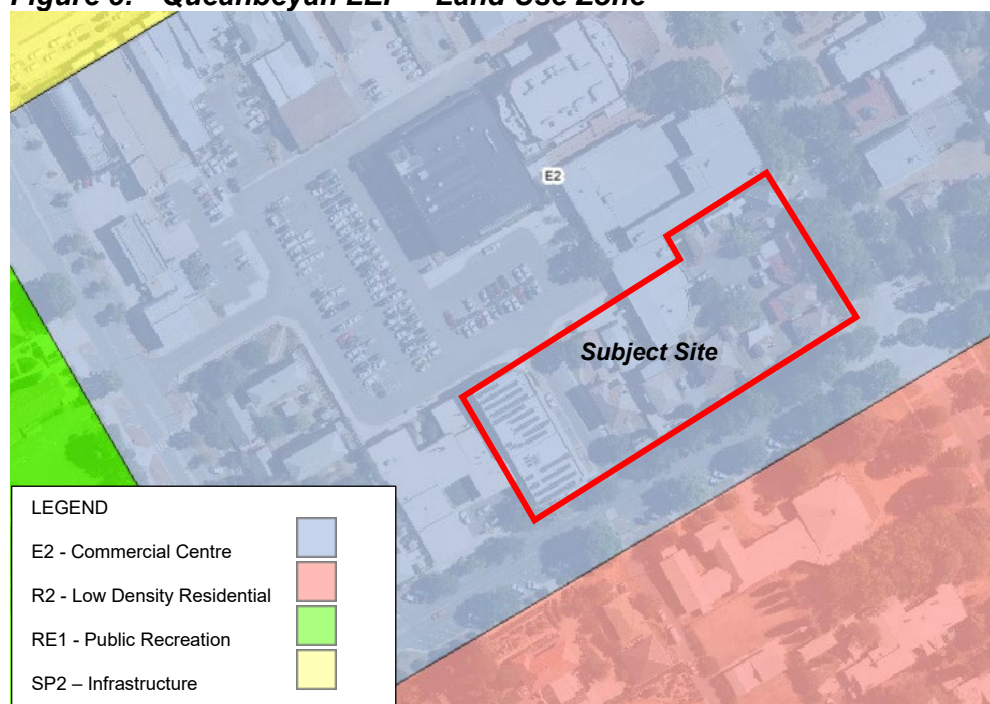
The site is located within the E2 Commercial Centre zone pursuant to Clause 2.3 of the Queanbeyan Palerang Regional Local Environmental Plan 2022 (QPLEP), refer Figure 5.

The proposal is permissible in the zone with consent. The proposal is consistent with the zone objectives, refer Section 3.2.1 of this report.

The planning controls applicable to the site are listed below and addressed in detail in the following sections:

- Environmental Planning and Assessment Act 1979 (EP&A Act, 1979).
- State Environmental Planning Policies (SEPPs).
- Queanbeyan-Palerang Regional Local Environmental Plan 2022 (QPLEP).
- Queanbeyan Development Control Plan (DCP).

Figure 5: Queanbeyan LEP – Land Use Zone



Source: QPLEP

3.1 Legislation and State Instruments

- *EP&A Act, 1979 - Section 4.10 Designated Development.*

The proposal is not designated development.

- *EP&A Act, 1979 - Section 4.47 Integrated development.*

The proposal is not integrated development.

- *EP&A Act 1979 - Section 4.15 (1) – Matters for Consideration*

When determining a development application, the consent authority must take into consideration:

- 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*
 - (iv) *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*
 - (v) *the regulations (to the extent that they prescribe matters for the purposes of this paragraph), that apply to the land to which the development application relates,*
- 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 addressed in the Executive Summary to this report.

- The following State Instruments are relevant to this application.
 - State Environmental Planning Policy (Housing) 2021
 - State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004
 - State Environmental Planning Policy No 65—Design Quality of Residential Apartment Development
 - State Environmental Planning Policy (Planning Systems) 2021
 - State Environmental Planning Policy (Transport and Infrastructure) 2021
 - State Environmental Planning Policy (Resilience and Hazards) 2021
 - State Environmental Planning Policy (Biodiversity and Conservation) 2021
 - State Environmental Planning Policy (Industry and Employment) 2021
 - State Environmental Planning Policy (Exempt and Complying Development Codes) 2008

It is noted that amendments to SEPP (Housing) 2021, which commenced on 14 December 2023, do not apply to the current application.

A summary of the key matters for consideration arising from these State Environmental Planning Policies are outlined in Table 3 and considered in more detail below.

Table 3: Summary of Applicable State Environmental Planning Instruments

EPI	Matters for Consideration	Comply (Y/N)
State Environmental Planning Policy (Housing) 2021	<p>Affordable housing provisions -the SEPP provides that affordable housing component for in-fill housing must be used for affordable housing for 15 years.</p> <p>Diverse housing provisions - Chapter 3 encourages the development of a greater diversity of housing types.</p>	Y
State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004	<p>The application is accompanied by BASIX Certificate No.1357524M prepared by Northrop Consulting Engineers Pty Ltd dated 24 November 2022 committing to environmentally sustainable measures. The Certificate demonstrates the proposed development satisfies the relevant water, thermal and energy commitments as required by the BASIX SEPP.</p> <p>The application will be conditioned prior to Construction Certificate to update the BASIX certificate as per revised architectural plans and to comply with the commitments made in the BASIX Certificate.</p> <p>No compliance issues identified subject to imposition of conditions on any consent granted.</p>	Y
State Environmental Planning Policy No 65—Design Quality of Residential Apartment Development	<p>Clause 28 of the SEPP requires consideration of advice from a Design Review Panel (if any) plus evaluation of the design quality against design quality principles, and the Apartment Design Guide.</p> <p>Council does not have a Design Review Advisory Review Panel under SEPP 65. An assessment of the proposal against the Apartment Design Guide is detailed in Table 4 below. The proposal seeks variations to the following Apartment Design Guide components:</p> <ul style="list-style-type: none"> ▪ Objective 4A-1 – Solar and Daylight Access ▪ Objective 4C – Ceiling Heights <p>Notwithstanding, the proposal is considered consistent to the design quality principles and Apartment Design Guide subject to conditions.</p> <p>The DA documentation does not include a response to the comments above. A requirement to demonstrate compliance with the above objectives has been conditioned in the draft notice of decision as one of the conditions to be satisfied prior to the issue of a Construction Certificate.</p>	Y

EPI	Matters for Consideration	Comply (Y/N)
State Environmental Planning Policy (Planning Systems) 2021	<p><i>Chapter 2: State and Regional Development</i></p> <p>Section 2.19(1) declares the proposal regionally significant development pursuant to Clause 3(b) of Schedule 6 as it comprises Council related development over \$5 million.</p> <p>As such, Southern Regional Joint Panel is the Consent Authority.</p>	Y
State Environmental Planning Policy (Transport and Infrastructure) 2021	<p><i>Section 2.48(2) (Determination of development applications—other development)</i></p> <p>The application was referred to Essential Energy for comment. Essential Energy has offered no objection to the proposed development subject to the following conditions:</p> <ul style="list-style-type: none"> ▪ As the plans provided do not show the distances from Essential Energy's proposed padmount substations and the development, there may be a safety risk. ▪ Minimum separation/ clearances and segregation for fire risk from the substation to any building, fence, planting, retaining walls or other development must be maintained at all times. ▪ Refer to AS2067 and Essential Energy's policy CEOM7098 Distribution Underground Design Construction Manual and the latest industry guideline currently known as /SSC 20 Guideline for the Management of Activities within Electricity Easements and Close to Infrastructure prior to any works being carried, out in this location. This would need to be signed off by a suitably qualified person to confirm compliance. ▪ It is also essential that all works comply with SafeWork clearance requirements. In this regard it is the responsibility of the person/s completing any works to understand their safety responsibilities. ▪ The applicant will need to submit a Request for Safety Advice if works cannot maintain the safe working clearances set out in the Working Near Overhead Powerlines Code of Practice, or CEOP8041- Work Near Essential Energy's Underground Assets. <p>The DA documentation does not include a response to the comments above. A requirement to demonstrate compliance with Essential Energy advice has been conditioned in the draft notice of decision as one of the conditions to be satisfied prior to the issue of a Construction Certificate</p>	Y

EPI	Matters for Consideration	Comply (Y/N)
	<p><i>Section 2.121(4) - Traffic-generating development</i></p> <p>The proposal is categorised as traffic generating development pursuant to Schedule 3 of the SEPP. The SEPP requires development to be referred to Transport for NSW (TfNSW) where a development includes more than 200 car parking spaces.</p> <p>Issues raised by TfNSW are addressed in Table 7 in Section 4.1 of this report</p>	
<p>State Environmental Planning Policy (Resilience and Hazards) 2021</p>	<p><i>Chapter 4: Remediation of Land</i></p> <p>Section 4.6 requires consent authorities to consider whether the land is contaminated, and if 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.</p> <p>A Preliminary Site Investigation ('PSI') has been prepared by Douglas Partners for the site. The PSI identified the following potential sources of contamination and associated contaminants of potential concern (COPC):</p> <ul style="list-style-type: none"> ▪ S1: Fill: Associated with levelling, demolition of former buildings on the site and potential burying of waste as evidenced in the site's environment protection license. COPC include metals, total recoverable hydrocarbons (TRH), benzene, toluene, ethylbenzene, xylene (BTEX), polycyclic aromatic hydrocarbons (PAH), polychlorinated biphenyls (PCB), organochlorine pesticides (OCP), phenols and asbestos. ▪ S2: Service Station and former workshop located potentially upgradient of the site - USTs and associated pipework and bowsers. COPC include lead, TRH, BTEX, PAH, and volatile organic compounds (VOC). <p>The report concluded that the site is suitable for use as high density units, from a site contamination perspective, subject to the following measures during any future development works:</p> <ul style="list-style-type: none"> ▪ Should any fill or stockpiled material be required to be disposed off-site, they must first be assessed in accordance with NSW EPA Waste Classification Guidelines Part 1 Classifying Waste (2014) and assigned a waste classification prior to off-site disposal; ▪ Should groundwater require disposal during construction, groundwater quality should be confirmed by testing to ensure the receiving environment is not impacted; and 	<p>Y</p>

EPI	Matters for Consideration	Comply (Y/N)								
	<ul style="list-style-type: none"> A Construction Environment Management Plan should be prepared prior to construction including an 'unexpected finds protocol' (i.e. asbestos in fill, buried waste or hydrocarbon affected soils including staining and odours and evidence of heavy pesticide use) and implemented during potential future site works. <p>Implementation of the recommendations of the PSI report through conditions of consent, will ensure the proposal is consistent with State Environmental Planning Policy (Resilience and Hazards) 2021.</p>									
State Environmental Planning Policy (Biodiversity & Conservation) 2021	<p><i>Chapter Two: Vegetation in non-rural areas</i></p> <p>Part 2.3 has been considered and as development consent is being sought for the removal of vegetation (seven trees) under this development, no further consideration of Chapter Two is required.</p> <p><i>Chapter Four: Koala Habitat Protection 2021</i></p> <p>Chapter Four applies to the development pursuant to clause 4.4 and aims to encourage the conservation and management of areas of natural vegetation that provide habitat for koalas to support a permanent free-living population over their present range and reverse the current trend of koala population decline.</p> <table border="1"> <thead> <tr> <th>Control</th> <th>Dev't</th> </tr> </thead> <tbody> <tr> <td>Clause 4.8 - Does the site have a KPOM?</td> <td>No</td> </tr> <tr> <td>Clause 4.9 - Does the site have a site area greater than 1.0 Ha or does the site form part of a landholding greater than 1.0 Ha in area?</td> <td>No</td> </tr> <tr> <td>Clause 4.9 - Is the development likely to have any impact on koalas or koala habitat.</td> <td>No</td> </tr> </tbody> </table> <p>The development has been assessed against the requirements of Chapter Four of the B&C SEPP and it is considered that the development meets the requirements and objectives of the B&C SEPP.</p>	Control	Dev't	Clause 4.8 - Does the site have a KPOM?	No	Clause 4.9 - Does the site have a site area greater than 1.0 Ha or does the site form part of a landholding greater than 1.0 Ha in area?	No	Clause 4.9 - Is the development likely to have any impact on koalas or koala habitat.	No	Y
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Clause 4.9 - Is the development likely to have any impact on koalas or koala habitat.	No									
State Environmental Planning Policy (Industry and Employment) 2021	<p>This SEPP includes provisions for Advertising signs. The DA documentation has not included any details for likely future advertising signs associated with commercial premises. As such, further DAs will need to be submitted for any advertising structures and/or signs.</p>	Y								
State Environmental Planning Policy (Exempt and Complying	<p>The construction of the proposed development, together with demolition of buildings and associated works is not identified as exempt development and therefore development consent is required.</p>	Y								

EPI	Matters for Consideration	Comply (Y/N)
Development Codes) 2008		

Table 4: Summary of SEPP No.65 Design Quality of Residential Flat Buildings

SEPP 65 Provisions	Matters for Considerations	Comply (Y/N)
<i>Part 3A - Siting the Development</i>		
3A – Site Analysis	A suitable Site Analysis Plan was provided.	Y
3B – Orientation	<p>The lot has frontages to Crawford Street and Rutledge Street with the majority of apartments being oriented to the north, northeast or northwest.</p> <p>The internal layouts of the apartments have been designed to maximise solar access into private open space and internal living areas. The proposed communal open space area (rooftop garden and heritage corner) will receive ample access to sunlight.</p> <p>Commercial uses are located at ground level along Rutledge Street to facilitate its activation. The residential units located above incorporate balconies that orientate towards north so as to maximise solar access into the adjoining living rooms and bedrooms.</p>	Y
3C – Public Domain Interface	<p>The proposal responds sufficiently to the interface between private, communal, and public open spaces.</p> <p>The proposal incorporates a pedestrian laneway that provides a connection between Rutledge Street and the future cultural and arts precinct. The laneway provides outdoor seating area and act as an “eat street” which will contribute positively to the public domain and will encourage casual interaction between residents, and visitors.</p> <p>Upper level balconies and windows overlook the public domain and will contribute to the general safety and security of the area.</p> <p>Appropriate choices in planting, pedestrian linkages between the public and private domain, and architectural features such as balconies has allowed the development to sufficiently address the requirements under this section of the Apartment Design Guide.</p>	Y
3D – Communal and Public Open Space	<i>Section 3D-1</i> - A total communal open space of 2,024m ² is provided which is 34%, exceeding the minimum requirement of 25% under the section. An area of communal open space is to be located at the upper most	Y

SEPP 65 Provisions	Matters for Considerations	Comply (Y/N)
	<p>level (level 8) and at the corner of Crawford Street and Rutledge Street.</p> <p><i>Section 3D-2</i> - Seating, tables and landscaping are provided within the proposed rooftop garden and heritage corner. The proposed rooftop garden provides opportunities for communal outdoor dining/seating, BBQs, gym facilities which will encourage social interactions for residents of all age groups. Visual impacts associated with these facilities have been mitigated by landscaping. It is considered that they are appropriately interpreted into the design of the whole development.</p> <p><i>Section 3D-3</i> - The proposed rooftop garden can be visible from the habitable rooms at level 9 and 10 while the proposed heritage corner can be visible from the habitable rooms facing the east. They will both be well lit and contain facilities that will encourage occupants to frequent the space.</p> <p><i>Section 3D-4</i> - The proposed pedestrian laneway (eat street) and heritage corner will be publicly accessible. Active frontages are provided along Crawford Street and Rutledge Street. Boundaries between public and private space are also clearly defined. Specifically, the residential lobby is separated and clearly defined from the retail uses at the ground floor.</p>	
3E – Deep Soil Zones	<p>The design guidance requires that the site provide deep soil zone of 7% of the site area. The proposed development only proposes 4% and cannot achieve the 7% guideline.</p> <p>The design guideline associated with objective 3E-1 recognises that in some instances that strict numerical compliance with the control may not be possible where the location and building typology have limited or no space for deep soil at ground level (e.g. central business district, constrained sites, high density areas, or in centres).</p> <p>The non-compliance is considered acceptable given the site's location within a highly urbanised town centre. Additionally, non-residential uses are provided at ground floor level and further limit the opportunity for deep soil zones.</p>	Y
3F – Visual Privacy	<p>The proposed development is surrounded by commercial uses to the north and west. It does not have a direct interface with neighbouring properties to the east and south due to the presence of the wide street dimensions of Crawford Street and Rutledge Street.</p> <p>The distances to the surrounding residential dwellings are approximately 35m and 50m respectively to the south and to the west of the site. The distances are considered reasonable in the built-up urban commercial centre and meet the minimum separation requirements.</p>	Y

SEPP 65 Provisions	Matters for Considerations	Comply (Y/N)												
	<table border="1"> <thead> <tr> <th>Building height</th><th>Habitable rooms and balconies</th><th>Non-habitable rooms</th></tr> </thead> <tbody> <tr> <td>up to 12m (4 storeys)</td><td>6m</td><td>3m</td></tr> <tr> <td>up to 25m (5-8 storeys)</td><td>9m</td><td>4.5m</td></tr> <tr> <td>over 25m (9+ storeys)</td><td>12m</td><td>6m</td></tr> </tbody> </table> <p>Residential use including shop top housing is encouraged and permissible in this locality. The extent of overlooking between residential properties is mutual, expected and reasonable in this built-up urban environment. In addition, balconies are proposed to be located in front of living rooms to reduce overlooking and enhance privacy to internal areas of units.</p>	Building height	Habitable rooms and balconies	Non-habitable rooms	up to 12m (4 storeys)	6m	3m	up to 25m (5-8 storeys)	9m	4.5m	over 25m (9+ storeys)	12m	6m	
Building height	Habitable rooms and balconies	Non-habitable rooms												
up to 12m (4 storeys)	6m	3m												
up to 25m (5-8 storeys)	9m	4.5m												
over 25m (9+ storeys)	12m	6m												
3G – Pedestrian Access and Entries	Pedestrian access and entries are clearly defined and legible. Individual entrances to ground floor units are easy to identify with clear paths of travel	Y												
3H – Vehicle Access	<p>Vehicular access to basement parking and service vehicle access are separated, with access to the basement parking proposed off Rutledge Street while access for the service lane proposed through the Lowe Street carpark.</p> <p>Vehicular access to basement parking is considered integrated with the building's overall façade via the materials and colour palette used being consistent with the rest of the building façade, minimising visibility from the street.</p> <p>Vehicular entry is located behind the building line. Pedestrian and vehicle access are separated and distinguishable via the use of different landscaping.</p>	Y												
3J – Bicycle and Car Parking	<p><i>Section 3J-1</i> - The site is located within a nominated regional centre. The minimum car parking requirement for residents and visitors is set out in the Guide to Traffic Generating Developments or the car parking requirement prescribed by Council, whichever is less. The Guide to Traffic Generating Developments prescribes a lower parking rate and carparking spaces provided in the DA meet, or exceed the minimum requirements set out in the Guide to Traffic Generating Developments.</p> <p><i>Section 3J-2</i> - There are three charging stations for electric vehicles proposed on street. Parking spaces for motorbikes, scooters and bicycle are provided at basement.</p> <p><i>Section 3J-3</i> - The car park design and access arrangements are safe and secure. Security access controls are provided for residential basement parking. Carparks numbered 166-176 and 227 -233 which sit outside the access control point will be allocated to the Ground Floor Commercial Unit owners. Direct and clear</p>	Y												

SEPP 65 Provisions	Matters for Considerations	Comply (Y/N)
	<p>lines of sight are provided. Car wash bays are provided. Facilities can be accessed without the need to cross car parking spaces.</p> <p><i>Section 3J-4</i> - The basement entry is located behind the building line to reduce visual impact on the streetscape and locality. The car parking layout is logical using an efficient structural grid. The basement does not protrude above ground level. Excavation under the two heritage buildings is not permissible at any time. An air supply plenum is provided at basement.</p>	
Part 4 – Designing the building		
Amenity		
4A – Solar and Daylight Access	<p>The development has been designed with the majority of the units facing north resulting in 70% of the units receiving more than 3 hours sunlight.</p> <p>Plans submitted with the DA indicate 17% of units will not receive any direct sunlight. This is higher than the of 15% specified in the Apartment Design Guide. Amended documentation has been received to justify the additional 2% not receiving direct sunlight. It is considered to have adequately been justified.</p>	N
4B – Natural Ventilation	64% of units are naturally cross-ventilated, which meets the minimum of 60%.	Y
4C – Ceiling Heights	<p>The proposal incorporates a floor to ceiling height of 2.7m, which complies with the minimum floor to ceiling height for habitable rooms and 2.4m residential non-residential rooms.</p> <p>The ground commercial floor to ceiling height is unclear. DA Section plans show 4.82m from finished floor level to floor level of units above. Assuming the 0.36m shown as the area between residential unit ceiling levels and floor levels of units above (e.g. slab thickness) will apply at ground level, then a ceiling height of 4.46m for ground level commercial units will be achieved.</p> <p>Confirmation of ground floor to ceiling height has been included in the draft notice of decision as one of the conditions to be satisfied prior to the operation of the consent.</p>	Y
4D – Apartment Size and Layout	<p><i>Section 4D-1</i> - The proposal includes apartment sizes which exceed the minimum required area under this section. All habitable rooms have been provided with a window to external walls.</p> <p><i>Section 4D-2</i> - The proposal complies with the minimum requirements for the following reasons:</p>	Y

SEPP 65 Provisions	Matters for Considerations	Comply (Y/N)										
<div>Objective 4D-1</div> <div>The layout of rooms within an apartment is functional, well organised and provides a high standard of amenity</div> <div>Design criteria</div> <div>1. Apartments are required to have the following minimum internal areas:</div> <table><thead><tr><th>Apartment type</th><th>Minimum internal area</th></tr></thead><tbody><tr><td>Studio</td><td>35m²</td></tr><tr><td>1 bedroom</td><td>50m²</td></tr><tr><td>2 bedroom</td><td>70m²</td></tr><tr><td>3 bedroom</td><td>90m²</td></tr></tbody></table> <div>The minimum internal areas include only one bathroom. Additional bathrooms increase the minimum internal area by 5m² each</div> <div>A fourth bedroom and further additional bedrooms increase the minimum internal area by 12m² each</div> <div>2. Every habitable room must have a window in an external wall with a total minimum glass area of not less than 10% of the floor area of the room. Daylight and air may not be borrowed from other rooms</div>	Apartment type	Minimum internal area	Studio	35m ²	1 bedroom	50m ²	2 bedroom	70m ²	3 bedroom	90m ²	<div><div><div>The maximum room depth for open plan kitchens, living rooms and dining areas is 8m. Bedrooms are limited to 3.7m in depth.</div><div>All units have an open floor plan layout.</div><div>All living areas and bedrooms are located on the external face of the building.</div></div><div>Section 4D-3 - The proposal complies with the minimum requirements for the following reasons:</div><div><div>Master bedrooms have a minimum area of 10m2 and other bedrooms 9m².</div><div>Bedrooms have a minimum dimension of 3m.</div><div>Living rooms have a minimum width of 3.6m for 1, 2 and 3 bedroom apartment types</div></div></div>	
Apartment type	Minimum internal area											
Studio	35m ²											
1 bedroom	50m ²											
2 bedroom	70m ²											
3 bedroom	90m ²											
4E – Private Open Space and Balconies	The proposed development incorporates balconies. The balconies comply or exceed the minimum area requirements.	Y										
4F – Common circulation and spaces	<div>Section 4F-1 - Only one circulation core in the east tower serving 10 apartments on a single level, which does not comply with the maximum number of eight apartments off a circulation core on a single level.</div> <div>However, it complies with the design guidance advising no more than 12 apartments where this criterion is not achieved.</div>	Y										
4G – Storage	Individual storage areas for units are provided within the basement car parking area. Storage areas are accommodated within each unit in accordance with the Apartment Design Guide.	Y										
4H – Acoustic Privacy	<div>The building incorporates insulation in accordance with the requirements of the Building Code of Australia.</div> <div>Units on all levels have been designed with sufficient separation and articulation to reduce obtrusive noise levels on adjoining apartments. The development is not anticipated to have a significant acoustic impact on adjoining development.</div>	Y										
4J – Noise and Pollution	<div>The application has been referred to Councils environmental health officer who has found the noise and vibration to be satisfactory subject to the following condition.</div> <div>The acoustic report demonstrated no adverse noise impact to the area however the report recommended a construction noise and vibration management plan be developed prior to Construction Certificate to make a more accurate assessment when more detail is available.</div>	Y										

SEPP 65 Provisions	Matters for Considerations	Comply (Y/N)
<i>Configuration</i>		
4K – Apartment Mix	<p>The proposal incorporates a range of 1 bedroom, 2 bedroom and 3-bedroom apartments. The specific breakdown includes:</p> <p>34.8% one bedroom units 43.8% two bedroom units 20.8% three bedroom units</p> <p>There will be 27 affordable dwellings provided in the DA. The proposal will increase housing diversity in the locality.</p> <p>The mix of apartments is considered appropriate and generally in accordance with the objectives of this section of the Apartment Design Guide.</p>	Y
4M – Facades	<p>The building façades are an appropriate scale and proportion to the streetscape.</p> <p>The Council's heritage advisor has suggested the single storey brick colonnade be increased to two storeys in recognition of the scale of developments in the commercial precinct and the proportions of the façade to the new council offices.</p> <p>Revised plans to address this requirement were provided 11 July 2024, however Council's Heritage advisor did not accept the change as being sufficient to reduce the bulk and scale in relation to the two heritage buildings at the ground floor level.</p> <p>A requirement to demonstrate this through a further change to the northern façade behind the two heritage buildings has been conditioned in the draft notice of decision to be satisfied prior to the issue of the Construction Certificate.</p> <p>Entry paths to the residential lobby and individual retail tenancies are clearly defined and legible through the design of buildings.</p>	N
4N – Roof Design	<p>The proposal incorporates a flat roof design and is fully integrated into the building design in a way that contributes to a contemporary appearance.</p> <p>Communal open space is provided at roof level and achieves acceptable visual and acoustic privacy.</p>	Y
4O – Landscape Design	<p>The proposed landscape concept incorporates a mixture of native and exotic species. Raised planter beds are proposed along the pedestrian laneway and will positively contribute to the amenity of the streetscape. Landscaping in the form of planter boxes, hedge screen planting and areas of synthetic turf are proposed at the upper levels.</p> <p>The landscape design is considered acceptable and designed in accordance with the requirements of this section of the Apartment Design Guide.</p>	Y

SEPP 65 Provisions	Matters for Considerations	Comply (Y/N)
4P – Planting on Structures	Raised planter beds have been provided and range in sizes and are generally 700mm – 1000mm high. All proposed plant species are a mixture of native and non-native.	Y
4Q – Universal Design	There are 36 units (20%) that meet the Liveable Housing Silver Level Standards of 20%.	Y
4R – Adaptive Reuse	The proposal does not relate to the adaptive re-use of an existing building or site.	N/A
4S – Mixed Use	The proposal relates to a mixed use development whereby retail uses are accommodated at ground level and residential units are located above. The site is located within the Queanbeyan CBD. The proposed uses are considered appropriate given the site's locational context. Active retail uses front Rutledge Street and have the capacity to accommodate a range of uses. Blank walls are not provided and will not detract from the active frontage.	Y
4T – Awnings and Signage	Signage does not form part of the proposed development. The proposed traditional red brick colonnades and arbours at the ground floor is designed as an integral element of the building, which has a reference to the heritage items and other masonry buildings around Queanbeyan.	Y
<i>Performance</i>		
4U – Energy Efficiency	The application is accompanied by a BASIX Certificate. The development will be conditioned to comply with the requirements of each certificate.	Y
4V – Water Management and Conservation	The proposal incorporates water efficiency measures as outlined in the submitted BASIX Certificate. The proposal will be integrated into the Queanbeyan reticulated water supply system. Council's Development Engineering Officer has assessed the stormwater provisions and raises no objection to the proposal subject to conditions. Y	Y
4X – Waste Management	A dedicated waste storage area is integrated into the building design.	Y
4S – Building Maintenance	The proposal incorporates robust external building materials.	Y

3.2 Local Planning Instruments

3.2.1 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* ('QPLEP'). The relevant provisions of the LEP are considered in Table 5 below.

Table 5: Summary of Queanbeyan- Palerang Regional LEP 2022 Assessment


QUEANBEYAN-PALERANG REGIONAL LOCAL ENVIRONMENTAL PLAN 2022	COMPLIES (Yes/No)
Part 1 Preliminary	
Clause 1.2 Aims of Plan	
<p>The specific aims of the Plan are as follows:</p> <p><i>(aa) to protect and promote the use and development of land for arts and cultural activity, including music and other performance arts,</i></p> <p>Not Applicable: However the proposal does not detract from this aim.</p> <p><i>(a) to protect and improve the economic, environmental, social and cultural resources and prospects of the community,</i></p> <p><i>(b) to facilitate the orderly and economic use and development of land having regard to ecological sustainability principles,</i></p> <p><i>(c) to provide for a diversity of housing to meet the needs of the community into the future,</i></p> <p>Complies: It will provide for housing diversity/supply within the locality including provision of affordable housing.</p> <p><i>(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,</i></p> <p>Complies: The proposal contributes appropriately to the hierarchy of retail and commercial offerings within the Centre.</p> <p><i>(e) to keep and protect important natural habitat and biodiversity,</i></p> <p>The proposal will not adversely impact natural habitat.</p> <p><i>(f) to protect water quality, aquifers and waterways,</i></p> <p>Complies: The proposal employs adequate water management as part of the design.</p> <p><i>(g) to keep, protect and encourage sustainable primary industry and associated commerce in rural areas,</i></p> <p>Not Applicable</p> <p><i>(h) to identify and protect the cultural heritage of the area, including the built heritage and the Aboriginal heritage,</i></p> <p>Partially Complies: The treatment of the well in situ is the preferred approach for heritage. Further detail is required with regard to the heritage response adjacent the two heritage buildings to the north of the development.</p> <p><i>(i) to protect important scenic quality, views and vistas,</i></p>	<p>Yes</p>

QUEANBEYAN-PALERANG REGIONAL LOCAL ENVIRONMENTAL PLAN 2022	COMPLIES (Yes/No)
<p>The proposal is does not adversely impact important views and vistas.</p> <p><i>(j) to facilitate the orderly growth of urban release areas,</i></p> <p>Complies: The proposal provides for orderly growth of the City Centre, providing homes close to central amenity.</p> <p><i>(k) to ensure development does not unreasonably increase the demand for public services or public facilities,</i></p> <p>Complies: The proposal in the City Centre is well situated and will not unreasonably impact public services and facilities.</p> <p><i>(l) to identify, protect and provide areas for community health and recreational activities.</i></p> <p>Not Applicable</p> <p>Summary:</p> <p>The proposed development is considered to be generally consistent with the relevant aims of the QLEP 2022 for the following reasons:</p> <ul style="list-style-type: none"> ▪ The proposed commercial premises at the ground floor will encourage economic and business development catering for the retail, commercial and service needs of the community. ▪ The proposal recognises the existing heritage items/heritage conservation area by borrowing the heritage elements (single storey brick colonnade) of the existing heritage items and conserving the identified elements such as well. ▪ The proposed siting of the buildings, setbacks and separation from heritage places is addressed, however requires further work to address heritage concerns. ▪ Based upon advice from the Heritage Advisory Council and Council's Heritage advisor, further work is required to enhance the building podium up to Level 1 as per Heritage Advisor comments. ▪ The proposed development will enhance the character of Queanbeyan CBD. 	
Clause 1.4 Definitions	
<p>The proposed development is defined in the QPLEP's dictionary as being for shop top housing:</p> <p><i>Shop top housing means one or more dwellings located above the ground floor of a building, where at least the ground floor is used for commercial premises or health services facilities.</i></p> <p>Shop top housing is permitted with consent under Clause 2.6 of the LEP</p>	Yes
Clause 1.6 Consent authority	
As provided for under Schedule 4A of the Environmental Planning and Assessment Act 1979, the Southern Regional Planning Panel is the consent authority for the proposed development.	Yes

QUEANBEYAN-PALERANG REGIONAL LOCAL ENVIRONMENTAL PLAN 2022		COMPLIES (Yes/No)
Clause 1.9A Suspension of Covenants, Agreements and Instruments		
There are no covenants, agreements or instruments restricting the development identified.		N/A
Part 2 Permitted or Prohibited Development		
Clause 2.1 Land Use Zones		
The land is zoned E2 Commercial Centre zone under QPLEP (previously referred to as B3 Commercial Core Zone). There are a range of land uses that are permissible with development approval from Council as shown in Table below.		Yes
Permissible Land Uses		
Amusement Centre	Mortuaries	
Artisan food and drink industries	Oyster aquaculture	
Backpackers' accommodation	Passenger transport facilities	
Boarding houses	Places of public worship	
Centre-based child care facilities	Recreation areas	
Commercial premises	Recreation facilities (indoor)	
Community facilities	Recreation facilities (outdoor)	
Educational establishments	Registered clubs	
Entertainment facilities	Respite day care centres	
Function centres	Restricted premises	
Group homes	Shop top housing	
Hotel or motel accommodation	Tank-based aquaculture	
Information and education facilities	Veterinary hospitals	
Local distribution premises	Any other development not specified in item 2 or 4	
Medical centres		
Clause 2.3 Zone Objectives and Land Use Tables		
The objectives of the E2 – Commercial Centre zone are: <ul style="list-style-type: none">To strengthen the role of the commercial centre as the centre of business, retail, community and cultural activity.<p>The proposal strengthens the commercial centre of Queanbeyan through additional residential dwellings close to the centre and cultural elements. This is expected to boost activity.</p>To encourage investment in commercial development that generates employment opportunities and economic growth.<p>The proposal will generate employment both during and post development in the form of constructions, retail and management jobs.</p>To encourage development that has a high level of accessibility and amenity, particularly for pedestrians.		Yes

QUEANBEYAN-PALERANG REGIONAL LOCAL ENVIRONMENTAL PLAN 2022	COMPLIES (Yes/No)
<p>The site is located within Queanbeyan CBD area with public transport within 1 min's walking distance. The proposal provides bicycle parking and a through-site link which will encourage walking and cycling.</p> <ul style="list-style-type: none"> <i>To enable residential development only if it is consistent with the Council's strategic planning for residential development in the area.</i> <p>The proposal has been assessed as consistent with the strategic planning for residential development</p> <ul style="list-style-type: none"> <i>To ensure that new development provides diverse and active street frontages to attract pedestrian traffic and to contribute to vibrant, diverse and functional streets and public spaces.</i> <p>The development also contributes to the activation of the public plaza on the adjoining site and will help strengthen the area as the commercial and retail centre via providing the commercial tenancies within the development.</p> <ul style="list-style-type: none"> <i>To recognise and reinforce the primacy of the Queanbeyan central business district as the commercial and retail centre of Queanbeyan.</i> <p>While the proposal includes retail and commercial offerings at ground floor, it is assessed as appropriate as reinforcing the primacy of the CBD.</p> <ul style="list-style-type: none"> <i>To encourage some limited high density residential uses to create vitality in town centres.</i> <p>It includes a mixture of compatible land uses through the provision of commercial premises (including retail) on the ground level and residential uses above the ground. This will reinforce the primacy of the Queanbeyan central business district as the commercial and retail centre of Queanbeyan, in conjunction with high density residential uses.</p> <p>The proposal is considered to be consistent with these zone objectives for the following reasons:</p>	
Clause 2.7 Demolition requires development control	
<p>Clause 2.7 of the LEP states that the demolition of a building or work may be carried out only with development consent.</p> <p>State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 outlines the exempt development criteria, the demolition of buildings is not identified as exempt development and therefore development consent is required to carry out the demolition works.</p>	Yes

QUEANBEYAN-PALERANG REGIONAL LOCAL ENVIRONMENTAL PLAN 2022		COMPLIES (Yes/No)
Part 4 Principal Development Standards		
Clause 4.1 Minimum subdivision lot size		
This clause provides for a minimum lot size for the subdivision of land as identified on the Minimum Lot Size Map. The proposal does not include subdivision and as such the clause does not apply.		N/A
Clause 4.3 Height of building		
<p>The height of a building on any land is not to exceed the maximum height shown for the land on the Height of Buildings Map. The objectives of this clause 4.3 are as follows:</p> <p><i>(a) to establish the height of buildings consistent with the character, amenity and landscape of the area in which the buildings will be located,</i></p> <p>The proposal is situated in an area and form consistent with the height and character for the locality.</p> <p><i>(b) to protect residential amenity and minimise overshadowing,</i></p> <p><i>(c) to minimise the visual impact of buildings,</i></p> <p>Care has been taken to minimise visual impacts of how the design is viewed from the street.</p> <p><i>(d) to maintain the predominantly low-rise character of buildings in the Queanbeyan-Palerang Regional local government area,</i></p> <p>Whilst not low-rise, the proposal is situated in a location where height is encouraged.</p> <p><i>(e) to ensure the height of buildings complement the streetscape or the historic character of the area in which the buildings are located,</i></p> <p>The proponent has taken steps to complement the historic character of the locality, however further work is required in relation to materiality adjacent the two heritage buildings to soften the impact of the change in scale.</p> <p><i>(f) to protect the heritage character of the Queanbeyan-Palerang Regional local government area and the significance of heritage buildings and heritage items,</i></p> <p>See above in relation to the heritage building to the north. The Heritage Advisor has proposed further work to satisfy heritage requirements. A condition has been suggested in the draft decision.</p> <p>The approach to the heritage well is supported.</p> <p><i>(g) to provide appropriate height transitions between buildings, particularly at zone boundaries.</i></p>		No

QUEANBEYAN-PALERANG REGIONAL LOCAL ENVIRONMENTAL PLAN 2022	COMPLIES (Yes/No)
<p>The approach to the street form and its transition in height between boundaries has been addressed through changes to the upper elements of the design.</p> <p>Assessment:</p> <p>The proposal seeks an exception to clause 4.3 Building Height of the QPLEP 2022. The Height of Buildings Map outlines the maximum building heights of 25m for the majority of the site and 30m for the rear of the site.</p> <p>Figure 6: Height of Buildings Map</p>  <p>As outlined in Table 1 in Section 2.1 above, the existing ground levels vary from RL 575.0m to 576.6 (based on Architects 'Existing Conditions Plan'). The elevations plans show the top of the roof to be RL607.36 (excluding minor roof projections). This results in a maximum building height of 32.36m, which exceeds both the 25 and 30m building height limits. It exceeds the 25m height limit by 29% and the 30m limit by 7%.</p> <p>A clause 4.6 exception request has been provided and the applicant has addressed the following key questions (shown in bold text) to enable consideration of the clause 4.6 variation request.</p> <p>1. Whether the proponent has demonstrated that the development standard is unreasonable or unnecessary.</p> <p>The applicant has provided a detailed written request that includes substantial background information and examples of Land & Environment Court judgements, but essentially relies on a previous judgement that indicates that if there is no 'environmental harm'; and the development meets the objectives of the development standard, then this alone could be considered to be sufficient to justify that the development standard is unreasonable or unnecessary.</p> <p>The counter to this approach is that any building that proposes to exceed development standards is likely to cause environment harm (no matter how</p>	

QUEANBEYAN-PALERANG REGIONAL LOCAL ENVIRONMENTAL PLAN 2022	COMPLIES (Yes/No)
<p>insignificant) through increased extent of shadows cast by the higher building, impacts on amenity through greater bulk and scale of the building and increased contrast with the predominately low-rise character of the area. On this basis, reliance on this approach alone would require a conclusion that the proposal is not consistent with the objectives of the development standard, requiring refusal of the application.</p> <p>However, in addition to the above, the applicant seeks to justify the proposed contravention of the height development standards on the additional following grounds.</p> <ul style="list-style-type: none"> ▪ The proposal is consistent with the existing and anticipated future desired character of the locality while providing commercial premises on the ground floor with residential units above. ▪ The proposal will complement the streetscape or historic character of the area by providing the height of the podium increased to two storeys. ▪ 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. <p>While many of the above points do not confirm that the development standard (height limits) is <u>unreasonable</u>, the design of the building limits the extent that the building exceeds the height limit when viewed from the public domain. The stepping of the upper levels away from Rutledge St and the setback behind the heritage buildings from Crawford St reduces the overall impacts of building bulk and scale, however heritage advice from the heritage advisor requires further work on the façade to better respond to heritage values, refer elevation plan below. In addition, there is an 'administrative' argument that the height limit is <u>unnecessary</u>, in this specific circumstance, as it would be possible for the applicant to withdraw this DA and lodge a new DA taking advantage of the provisions of the Housing SEPP to achieve the same result as proposed in this application.</p>	

QUEANBEYAN-PALERANG REGIONAL LOCAL ENVIRONMENTAL PLAN 2022	COMPLIES (Yes/No)
<p>2. Whether there are sufficient environmental planning grounds to justify contravening the development standard.</p> <p>The proposal will result in community benefits, through increased commercial opportunities together with high levels of amenity for future residents through the provision of ground-level and roof-top landscaped communal open space and associated structures. The roof-top landscape area sits above the LEP maximum height controls but will not result in significant adverse impacts upon adjacent private properties or the public domain.</p> <p>3. Whether the proposed development is in the public interest</p> <p>The proposal is considered to be in the public interest as the development provides a diversity of housing types including 15% of the dwellings as affordable housing.</p> <p>The Queanbeyan Palerang Affordable Housing Strategy (dated April 2023) has indicated that around 2,200 very low, low and moderate income households were in housing stress, and this is projected to grow by 1,576 households to a total of 3,776 households in housing stress by 2041.</p> <p>On balance, the proposed development is considered to be consistent with the public interest due to the provision of 27 affordable apartments.</p> <p><i>Photomontages showing proposed building height in relation to adjacent buildings:</i></p> <div data-bbox="218 1189 1177 1545">  </div> <p><i>Source: Village Building Co.</i></p> <p>It is also appropriate to consider that the proposed site layout has not maximised the total potential site coverage area. A significant area of the site at the corner of Rutledge and Crawford streets has been allocated as communal landscaped area, rather than built upon to enhance the curtilage around the heritage listed buildings and also enhance the public realm. It is considered a better site planning outcome to leave this area as landscaped area and allow an increase in building height.</p>	

QUEANBEYAN-PALERANG REGIONAL LOCAL ENVIRONMENTAL PLAN 2022	COMPLIES (Yes/No)
Clause 4.4 Floor Space Ratio	
<p>The maximum floor space ratio (FSR) for a building on any land is not to exceed the FSR shown for the land on the Floor Space Ratio Map. The objectives of this clause are as follows:</p> <p><i>(a) to ensure the density, bulk and scale of development is appropriate for the site,</i></p> <p>The proposal aligns with the prescribed FSR, albeit exceeding the prescribed measure by 1,774m². This is considered consistent.</p> <p><i>(b) to ensure the density, bulk and scale of development is consistent with the streetscape and character of the area in which the development will be located,</i></p> <p>The bulk and scale of the development is considered generally in keeping with the streetscape, however further work is required in softening the Ground Floor and Level 1 elements in keeping with heritage advice.</p> <p><i>(c) to facilitate development that contributes to the economic growth of the Queanbeyan central business district, the Googong town centre and the neighbourhood centres in Queanbeyan.</i></p> <p>The proposal will contribute to economic activity and growth for the Queanbeyan CBD.</p> <p>Summary Assessment:</p> <p>The proposal seeks an exception to clause 4.4 Floor Space Ratio of the QPLEP 2022. The Floor Space Ratio Map provides a maximum FSR of 3:1 for the subject site. The development seeks consent for up to 19,513m², which exceeds the maximum floor space ratio development standard by 1,774m² which is 10% (or 3.3:1).</p> <p>A clause 4.6 exception request has been provided and an assessment of the applicant's submission is detailed below.</p> <p><u>FSR Variation</u></p> <p>With respect to the contravention of the FSR, the applicant has responded to the following key questions required to be addressed for the clause 4.6 variation request.</p> <ol style="list-style-type: none"> <i>Whether compliance with the development standard is unreasonable or unnecessary in the circumstances of the case;</i> <i>Whether there are sufficient environmental planning grounds to justify contravening the development standard; and</i> <i>Whether the proposed development is in the public interest.</i> <p>1. Whether compliance with the development standard is unreasonable or unnecessary in the circumstances of the case;</p> <p>The applicant's arguments to support the variation to the FSR development standard are essentially the same as their arguments for</p>	<p>No</p>

QUEANBEYAN-PALERANG REGIONAL LOCAL ENVIRONMENTAL PLAN 2022	COMPLIES (Yes/No)
<p>increased height, as discussed above. Some of the applicant's points supporting the request for variation, draw on Council's Local Strategic Planning Statement (LSPS) and include:</p> <ul style="list-style-type: none"> ▪ The proposal offers a higher density development on land that adjoins open space that provides an increase in amenity and recreational opportunities. ▪ The proposal provides for infill and mixed use development that provides additional forms of housing to suit the changing demographics of the community. ▪ The proposal increases the density in the city centre to reduce travel needs and promote reinvigoration. ▪ The proposal provides for 15% 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. <p>The above points are considered valid and sufficient to confirm that the FSR development standard is unnecessary or unreasonable in this circumstance to approve the 9% departure from the standard.</p> <p>2. Whether there are sufficient environmental planning grounds to justify contravening the development standard;</p> <p>It is considered that the overall proposal is an expected form of development on this site and locality. The development is contextually compatible and consistent in its height, scale and bulk with recently approved developments. For the reason, the proposal satisfies the objectives underpinning the relevant planning controls and is an appropriate development for this site.</p> <p>3. Whether the proposed development is in the public interest</p> <p>As stated above, in response to the requested height limit variation, the primary matter confirming that the proposal is in the public interest relates to the diversity of housing types including 15% of the dwellings as affordable housing.</p> <p>The Queanbeyan Palerang Affordable Housing Strategy (dated April 2023) recommends that an appropriate planning mechanism is for new development to provide additional FSR in Queanbeyan B3 in return for "Boarding Houses and Co-living Housing, and studio and one-bedroom apartments, secured through a section 7.4 Planning Agreement and/or conditions of consent".</p> <p>The proposed development is considered to be consistent with the public interest due to the provision of 27 affordable apartment that will benefit those very low-income, low-income and moderate income households.</p>	
Part 5 Miscellaneous Provisions	

QUEANBEYAN-PALERANG REGIONAL LOCAL ENVIRONMENTAL PLAN 2022	COMPLIES (Yes/No)
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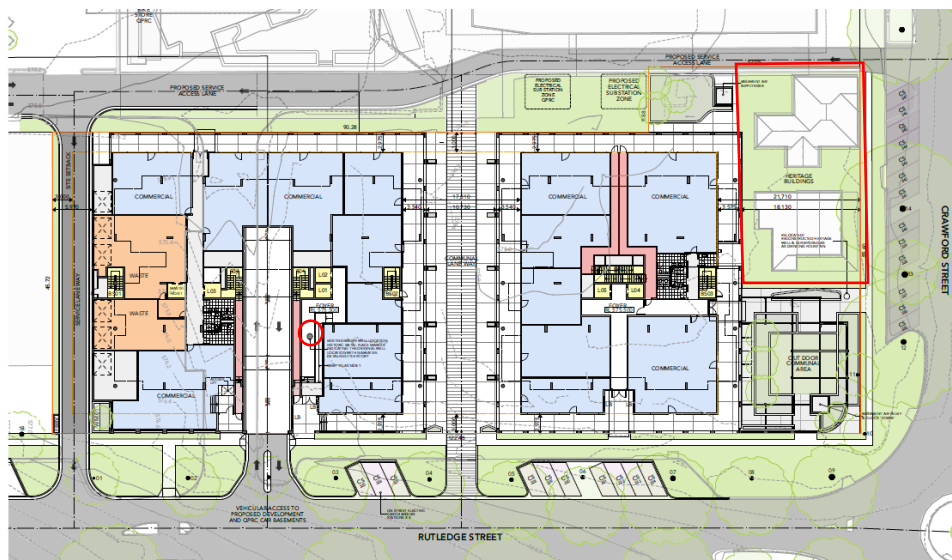
Clause 5.10 Heritage Conservation

Clause 5.10 of QPLEP outlines provisions for development on sites with heritage items. Under this clause, the consent authority must consider the effect on the heritage significance of the item.

The objectives of this clause are as follows:

- To conserve the environmental heritage of Queanbeyan-Palerang Regional local government area,
- To conserve the heritage significance of heritage items and heritage conservation areas, including associated fabric, settings and views,
- To conserve archaeological sites,
- To conserve Aboriginal objects and Aboriginal places of heritage significance.

There are two buildings on the site of local heritage significance listed in Schedule 5 of QPLEP 2022. These are the former Fire Station and Dutton Cottage which are adjacent and face Crawford Street.



Heritage items outlined in red in above plan.

- The former fire station was built in 1925 and served as a fire station till 1986. It represents the style of Federation and domestic architectural character. It contributes to the historical character of street.
- Dutton College was built in early 1880s probably for Thomas Dutton, one of the Lanyon Overseers. It is a single storied simple Georgian style cottage with symmetrical façade, which reflects the style and character of the period and contributes to the heritage character of the street.


The DA was referred to Council's Heritage Advisor whose advice (dated 5 April 2023) concluded:

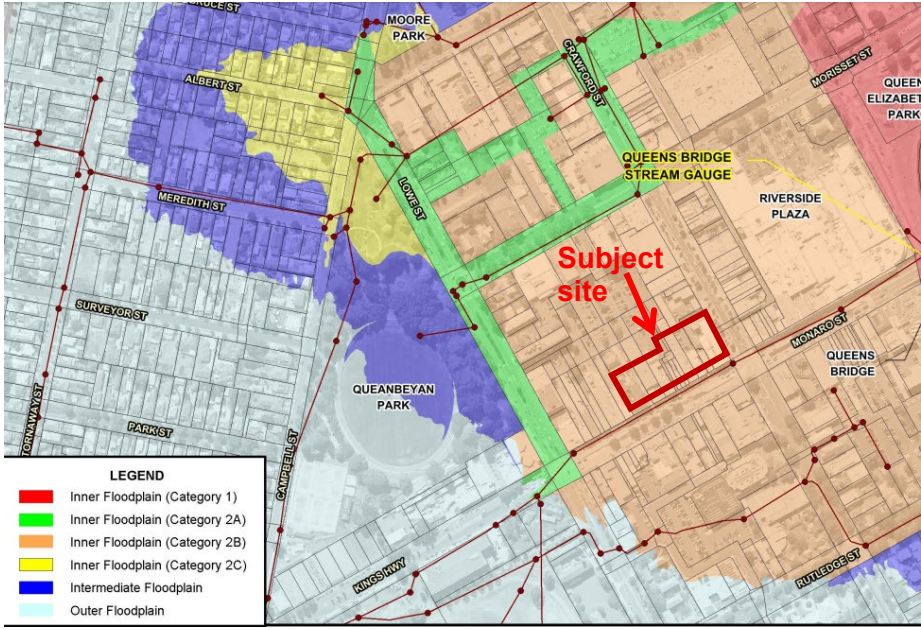
- The height of the east tower will have a significant adverse impact on Dutton's Cottage in particular. The height and massing of both towers

No

QUEANBEYAN-PALERANG REGIONAL LOCAL ENVIRONMENTAL PLAN 2022	COMPLIES (Yes/No)
<p><i>will have an adverse impact on streetscape character and are inappropriate for such a large site opposite the conservation area. The proposal will adversely impact on views along Rutledge Street and Crawford Street.</i></p> <ul style="list-style-type: none"> ▪ <i>Ideally this development would be redesigned as a series of smaller towers so that it complemented the character of Queanbeyan to a greater degree than it does. At a minimum the height of the towers should be reduced to six storeys and not exceed the heights set out in the relevant planning documents. The height of the east tower adjacent Dutton's Cottage should be further reduced so there is an appropriate transition of scale between the old and new buildings.</i> <p>The 'planning documents' referred to in the above advice relates to the building heights from Council's 2021 DCP, rather than the 2022 LEP. The 25m and 30m height limits expressed in the QPLEP, as detailed in Clause 4.3 of this Table above, prevail over the DCP provisions. The applicant has submitted two separate Statement of Heritage Impact to address the Council's Heritage Advisor's comments, one from Eric Martin and the other from Phillip Leeson Architects.</p> <p>The Eric Martin Heritage Assessment concludes that <i>"The increased use of the spaces and the integration of the heritage places and potential for public space and interpretation of the places and newly found well are a positive. Overall the proposed development because of its scale will have an impact on the area but the impact on the heritage values of the listed buildings will be small"</i>.</p> <p>Phillip Leeson Architects Heritage Assessment concludes that: <i>"Whilst the proposal will have a significantly larger scale and more modern character in comparison to other buildings in the vicinity, these impacts would generally apply to any development on this site which aims to meet the site yield advertised in the site sale documentation. Though a lower scale, lower yield proposal, made up of smaller and more numerous buildings would better reflect the historic development of the area and result in a less of a marked change on the area's character, it is acknowledged that the proposed VBC development is largely consistent with the LEP provisions and the highest part of the Cultural Precinct building, noting key differences in its materiality, articulation and massing.</i></p> <p><i>The following mitigation measures are recommended to manage identified impacts of the proposed shop-top housing development, some of which are usual construction best practice whilst others are project specific.</i></p> <ul style="list-style-type: none"> ▪ <i>Protection of the heritage buildings during construction, fencing, boundaries, regular inspection and monitoring, especially where ground works for the basement occur nearby. Stabilisation or bracing may be required.</i> ▪ <i>Provision of public access to activate the site, including a pedestrian laneway, access around the heritage listed buildings and a communal area.</i> 	

QUEANBEYAN-PALERANG REGIONAL LOCAL ENVIRONMENTAL PLAN 2022	COMPLIES (Yes/No)
<ul style="list-style-type: none"> ▪ <i>Development and implementation of a professionally prepared Heritage Interpretation Strategy including expanding historical research regarding the history of the Fire Station and well in addition to providing publicly accessible material for the interpretation of the well.</i> ▪ <i>Development of a condition report and resulting scope of conservation works for the retained heritage buildings.</i> ▪ <i>Future uses analysis for the adaptive reuse of the heritage buildings to determine a sympathetic and economically viable use.</i> ▪ <i>Archaeological assessment for the well which was uncovered during construction of the Cultural Precinct.</i> ▪ <i>Archival recording of the residences that are to be demolished to maintain a historic record of the development of this area of Queanbeyan.</i> ▪ <i>Recycling and reuse of bricks from demolished residences in the walls to the communal area and landscaping treatments as appropriate.</i> <p>The design of the proposed building behind the listed heritage buildings has been revised to make the recessed façade elements a darker colour to enhance the building articulation and break down the perceived bulk.</p> <p>The second Heritage advice from Council's current Heritage Advisor suggested that height of the podium of the buildings adjacent to the heritage listed buildings be increased to two storeys in recognition of the scale of developments in the commercial precinct and the proportions of the façade to the new council offices.</p> <p>Revised plan received 11 July 2024 responded to this latest heritage advice which demonstrate a revised podium level which provides materiality commensurate with the Heritage buildings. Advice from Council's heritage advisor stated that <i>"Overall, there does not appear to have been a significant attempt by Village to implement the previous recommendations of a two-storey podium, and therefore no further mitigation of the visual impacts of the proposed development has occurred."</i></p> <p>It is the view of this assessment that further alterations to the façade treatment are required to satisfy the heritage elements for the development.</p> <p>A condition relating to satisfaction of the Heritage Advisor through revised plans has been added to Attachment A.</p> <p>Excavations for the new Queanbeyan Civic and Cultural Precinct development (QCCP) have revealed two buried structures. One is a brick-lined well on the site of 10 Rutledge Street. The other is a water cistern (underground brick tank) closer to Crawford Street under the footprint of the previous council offices, adjacent to the former fire station building.</p> <p>The applicant originally submitted two options for treatment of the well. The first, and preferred, option was to reconstruct the upper levels of the well in-situ (which will be in the building's basement) together with glass walkable surface. The other option was to construct a monument to the well in the</p>	

QUEANBEYAN-PALERANG REGIONAL LOCAL ENVIRONMENTAL PLAN 2022	COMPLIES (Yes/No)
<p>communal open space area at the corner of Rutledge and Crawford Sts, with a marker and narrative about its history.</p> <div data-bbox="204 371 722 1146">  </div> <p><i>Rutledge Street Well in 2021 (Pip Giovanelli) Crawford St Cistern (Pip Giovanelli)</i></p> <p>Revised plans indicating the preferred options received 11 July 2024 have been provided which satisfy this element.</p>	
Clause 5.21 Flood planning	
<p>The site is identified as being within the Inner Floodplain (Category 2B) under the Queanbeyan Floodplain Risk Management Plan and Study. Clause 5.21 of QPLEP specifies circumstances where the consent authority must be satisfied with regard to likely flood impacts.</p> <p>The objectives of this clause are as follows:</p> <ul style="list-style-type: none"> <i>(a) to minimise the flood risk to life and property associated with the use of land,</i> <i>(b) to allow development on land that is compatible with the flood function and behaviour on the land, taking into account projected changes as a result of climate change,</i> <i>(c) to avoid adverse or cumulative impacts on flood behaviour and the environment,</i> <i>(d) to enable the safe occupation and efficient evacuation of people in the event of a flood.</i> <p><i>The 100-year flood level at RL 575.471m AHD at the entry to the driveway for the proposed basement.</i></p>	Yes

QUEANBEYAN-PALERANG REGIONAL LOCAL ENVIRONMENTAL PLAN 2022	COMPLIES (Yes/No)
 <p>LEGEND</p> <ul style="list-style-type: none"> Inner Floodplain (Category 1) Inner Floodplain (Category 2A) Inner Floodplain (Category 2B) Inner Floodplain (Category 2C) Intermediate Floodplain Outer Floodplain <p>Source: <i>Queanbeyan Floodplain Risk Management Plan and Study</i></p> <p>The submitted Statement of Environmental Effects included a memorandum prepared by INDESCO Engineers (4/11/22) which states the entry to the underground car park is above the 1% AEP (including 500mm freeboard). The proposed basement car park access surface level is RL576.22m AHD noting the surface level at Rutledge Street is RL576.13m AHD.</p> <p>Indesco's review of the available flood information confirms that the 100-year flood level on the site at RL 575.471m AHD and the minimum habitable floor levels have been designed to the Flood Planning Level (FPL) of RL575.971 which includes the 500mm freeboard above the highest anticipated flood level for the allotment.</p> <p>This level has also been adopted for the basement ramp maximum threshold to ensure that flooding does not inundate the basement of the site a level entry of 576.22 has been adopted at the boundary basement entry to the site.</p> <p>The commercial floor levels are at RL 575.50 which is consistent with Part 2.5 of Council's DCP.</p> <p>The underground car park hydraulics system has two separate pump-out wells with dual 5 L/s submersible pumps at 10m head of pressure to pump out to above the 1% AEP flood level.</p> <p>Council's Development Engineering Officer has reviewed the application and raised no objection to the proposal subject to the following conditions before the issue of Construction Certificate:</p> <ul style="list-style-type: none"> for a design criteria of 48 hours, ground saturation forces transmitted by the structure to the ground can be withstood by the foundations and ground conditions existing during a flood event and, the design of the proposed works is structurally sound to withstand all flood events up to a least a 1% AEP flood. 	

QUEANBEYAN-PALERANG REGIONAL LOCAL ENVIRONMENTAL PLAN 2022		COMPLIES (Yes/No)
Part 5 Miscellaneous Provisions		
Clause 7.1 Earthworks		
<p>The proposal includes ancillary earthworks in the excavation of basement car parking and requires consideration under Clause 7.1 of the QLEP. This clause establishes a number of matters requiring consideration for development involving earthworks. The objectives of this clause are—</p> <ul style="list-style-type: none"> (a) <i>to ensure earthworks for which development consent is required will not have a detrimental impact on environmental functions and processes, neighbouring uses, cultural or heritage items and features of the surrounding land, and</i> (b) <i>to allow earthworks of a minor nature without requiring separate development consent</i> <p>The proposed earthworks will not have a detrimental impact on drainage patterns and soil stability or the existing and likely amenity of adjoining properties. The development application will be conditioned to mitigate the potential impact of soil erosion and the like during construction.</p> <p>Measures will be in place during excavation works to minimise impact the surrounding heritage items and preserve the heritage well insitu.</p>		Yes
Clause 7.8 Airspace operations		
<p>The proposed development will not penetrate the Obstacle Limitations Surface Map for the Canberra Airport. Therefore, the application was not required to be referred to the relevant Commonwealth body for comment.</p>		Yes
Clause 7.12 Essential services		
<p>Development consent must not be granted 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 —</p> <ul style="list-style-type: none"> (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. <p>Council's Development Engineering Officer has assessed the proposed development and has no objections to the proposal subject to standard conditions being imposed as part of the approval.</p>		Yes
Clause 7.15 Active street frontages		
<p>The objective of this clause is to promote uses that attract pedestrian traffic along street frontages in Zone B3 Commercial Core. A building has an active street frontage if all premises on the ground floor of the building</p>		Yes

QUEANBEYAN-PALERANG REGIONAL LOCAL ENVIRONMENTAL PLAN 2022	COMPLIES (Yes/No)
<p>facing the street are used for the purposes of business premises or retail premises.</p> <p>Clause 7.15 of the LEP requires an active street frontage to Crawford Street which is achieved if buildings facing the street are used for the purposes of business premises or retail premise. The proposed development does not directly front Crawford St, with retention of the two heritage buildings and establishment of a communal landscape space at the corner of Crawford and Rutledge St.</p> <p>The ground level of the proposed buildings are wholly retail/business units and it is considered this LEP requirement is satisfied.</p>	

3.2.2 Development Control Plan

The Queanbeyan Development Control Plan 2012 (DCP) is relevant to this application. However, a number of DCP provisions do not have any effect as the Apartment Design Guide criteria prevail over the DCP. These provisions include:

- a) visual privacy,
- b) solar and daylight access,
- c) common circulation and spaces,
- d) apartment size and layout,
- e) ceiling heights,
- f) private open space and balconies,
- g) natural ventilation, and
- h) storage.


Assessment of the DA against the relevant DCP provisions are detailed in Table 6 below.

Table 6: Queanbeyan DCP 2012 Assessment

Queanbeyan DCP		Complies (Yes/No)
Part 2 All zones		
2.2	<p>Car Parking</p> <p>The proposed development is subject to the State Environmental Planning Policy No 65 – Design Quality. The Policy specifies that a consent authority cannot refuse development consent for complying with or being greater than the recommended minimum amount of parking specified by Part 3J of the Apartment Design Guide. Part 3J requires that future developments comply with the parking rates nominated by the RMS Guide to Traffic Generating Developments where the required quantity of parking is less than that required by Council's controls.</p> <p>Council's controls require the provision of 283 carparking spaces. The Guide to Traffic Generating Developments nominates a lower parking requirement and mandates that a minimum of 229 spaces</p>	Yes


Queanbeyan DCP		Complies (Yes/No)
	<p>be provided. The development proposes a total of 324 parking spaces within the basement for residents and commercial parking.</p> <p>There are 35 spaces provided for employees of commercial tenancies within the first-floor basement, with 291 parking spaces provided across both floors of basement for residents.</p> <p>The application has been referred to Council's Development Engineering Officer who has found the parking arrangements including access and manoeuvring areas to be satisfactory in this instance.</p>	
2.3	<p>Environmental Management</p> <p>A BASIX Certificate has been submitted and the relevant commitments shown on the submitted plans. The proposed development will not result in any significant environmental impacts and is not located within the vicinity of arterial roads, entertainment venues or the like.</p> <p>Sufficient waste enclosures have been provided for the development. The proposed development provides general waste, recycle and organic waste for both residential and commercial proponents.</p> <p>The waste storage areas for residential and commercial are separated and are integrated into the building design to mitigate impacts when viewed from the street.</p> <p>The application has been referred to Councils environmental health officer who has found the noise and vibration assessment to be satisfactory subject to the following condition.</p> <ul style="list-style-type: none"> ▪ A construction noise and vibration management plan be developed prior to Construction Certificate to make a more accurate assessment when more detail is available. 	Yes
2.4	<p>Contaminated Land Management</p> <p>The Preliminary Site Investigation Report submitted with the development application confirms that the site is suitable for the proposed use. The application has been referred to environmental health officer who has found the report to be satisfactory subject to the following.</p> <ul style="list-style-type: none"> ▪ the submitted contamination report did not identify any contaminants other than the requirement to suitably dispose of any identified hazardous waste generated during the demolition of the existing buildings. <p>This matter was addressed as part of the assessment against SEPP (Resilience & Hazards) 2021 in Table 3 in Section 3.1 of this report.</p>	Yes

Queanbeyan DCP		Complies (Yes/No)
2.5	<p>Flood management</p> <p>The commercial levels are nominated at RL 575.50 which is in line with the 100 year flood level, however below the flood planning level of 575.971. In-line with council DCP access to the level above will be provided for commercial offices by means of access through internal fire-stairs located within the building.</p> <p>This matter was addressed as part of the assessment of Clause 5.21 of QPLEP in Table 5 in Section 3.2.1 of this report.</p>	Yes
2.6	<p>Landscaping</p> <p>Landscape Plans prepared Place Logic (accredited landscape consultant Category 2) have been submitted with the application.</p> <p>The landscape plan incorporates a mixture of hard and soft landscaping and small to medium size trees with a mix of shrubs. The proposed landscaping is not anticipated to have any negative impacts on passive surveillance and safety.</p>	Yes
2.7	<p>Erosion and Sediment Control</p> <p>Standard conditions relating to site management will be imposed should development consent be granted.</p>	Yes
2.8	<p>Guidelines for Bushfire Prone Areas</p> <p>The site is not identified as bushfire prone land</p>	N/A
2.9	<p>Safe Design</p> <p>The proposed development generally satisfies the relevant provisions of this clause. Entry and exit points to the site are clear and legible. The design of each unit allows for adequate passive and natural surveillance to walkways and the surrounding public domain.</p>	Yes
2.11	<p>Airspace Operations and Airport Noise</p> <p>The development will not penetrate the Obstacle Limitations proposed Surface Map for the Canberra Airport. Therefore, the application was not required to be referred to the relevant Commonwealth body for comment</p>	Yes
2.12	<p>Tree and Vegetation Management</p> <p>The removal of a total of 7 trees (6 existing trees within the site, one street tree just outside the subject site) is required to facilitate the development. The details of the trees including an assessment by Place Logic includes:</p> <ul style="list-style-type: none"> Tree 10 Brittle Gum, 12m high, 3m canopy spread with bark disease and low leafiness, located at the corner of Crawford 	Yes

Queanbeyan DCP	Complies (Yes/No)
<p>and Rutledge St where the communal open space area is to be landscaped.</p> <ul style="list-style-type: none"> Tree 11 Golden Wattle, 5m high, 4m canopy spread with poor form, on the Crawford St boundary near the corner with Rutledge St. Tree 15 Peppercorn, 8m high, 18m canopy spread, senile and an environmental weed. Tree 16 Flowering Cherry Cultivar, 4m high, 3m canopy spread, small tree within development footprint. Tree 17 Flowering Cherry, 4m high, 9m canopy spread, small tree within proposed building footprint. Tree 19 Manchurian Pear, 4m high, 5m canopy spread, small tree within building footprint <p>Section 2.12 of the DCP aims to preserve trees (defined as being over 6m high and 3m canopy spread), wherever possible and if not possible <i>“for every tree removed from a site for construction of a building it should be replaced with either a tree of similar species, or an indigenous plant species which is better suited to the changed circumstances of the site. It must be planted within the property boundary and nurtured to maturity”</i>.</p> <p>The on-site trees to be removed are not ‘significant’ trees under Council’s tree register and there are no feasible design or site layout options that enable retention of the trees.</p> <p>The street tree to be removed (Tree 01) is an 8m high London Plane tree which is located in the direct line of proposed access to the site. The removal of the London Plane tree just outside the site and replacement across the street is considered reasonable. The proponent as proposed to replace the tree across the street (PLA 1).</p> 	

Queanbeyan DCP		Complies (Yes/No)
Part 3 Shop Top Housing		
3D.2	<p>Shop Top Housing</p> <p>The proposed setback from Crawford Street (levels 3 to 10) doesn't comply with the setback requirement of 20m. The commercial premises are 21.71m from Crawford St, with the colonnade at ground level setback 18.1m. The face of the upper floor levels are 18.1m from Crawford St. Due to the building articulation, colours and materials facing Crawford St, the minor departure from the setback provision of the DCP is not considered a significant issue.</p> <p>The proposed development complies the minimum floor to ceiling heights specified in the DCP.</p> <p>Commercial service requirements are located on the ground floor of the western building. Separate commercial service lane is provided from residential access, servicing needs and primary outlook.</p> <p>Vehicular access to basement is provided off Rutledge Street via a shared ramp to the Queanbeyan Council office basement carparking.</p> <p>Separate commercial and residential entries are provided.</p> <p>Security access controls to all entrances into private areas, including car parks and internal courtyards are provided. The proposed basement parking provides for both residential and commercial parking.</p> <p>Designated secure storage space has been provided for each unit either within apartments and/or basement parking.</p>	No
3D.3	<p>Design</p> <p>The proposed development provides traditional red brick colonnades and arbours at the ground floor, which has a reference to the heritage items and other masonry buildings around Queanbeyan. The provision of the colonnades and arbours contribute to active street frontage and visual interest at ground level and are setback to allow for street trees.</p> <p>The development is considered to be compatible with the future desired character. The setbacks, façade articulation and awnings assist in reducing the perceived scale of the development</p>	Yes
3D.4	<p>Parking</p> <p>Carparking spaces provided in the DA are greater than requirements set out in the Guide to Traffic Generating Developments and therefore complies with this requirement.</p>	Yes

Queanbeyan DCP		Complies (Yes/No)
	The provision of on-site parking was addressed under the assessment against SEPP 65 in Table 3 in Section 3.1 of this report.	
3D.5	Services Mechanical plant is provided on the basement floors in the development. Common waste facilities are provided at ground level internal to the building and are not directly visible from the street. Letter boxes are provided in the residential lobbies.	Yes
3D.6	Private Open Space Private open space in the form of a balcony is provided for each individual dwelling. These balconies comply with the minimum requirements of the Apartment Design Guide.	Yes
3D.7	Residential Balconies Associated with Shop Top Housing Each unit is provided with at least one balcony. Balconies adjoin living areas and comply with or exceed the applicable minimum sizing requirements. The balconies feature glazing/balustrades are provided for each balcony and provide the opportunity for sightlines across the public domain. Cantilevered balconies are provided for each dwelling in response to daylight, wind, acoustic privacy and visual privacy.	Yes
3D.8	Size of Dwelling The size of dwellings complies with the minimum apartment size under the Apartment Design Guide.	Yes
3D.9	Utilities The site is appropriately serviced by the necessary infrastructure and utilities, including telephone, data, water, sewer, power, on-site storage, gas and drainage.	Yes
Part 4 Heritage		
4.3	<u>Types of Heritage</u> <u>4.3.1 State Heritage Items</u> There is no state heritage item identified on the site. <u>4.3.2 Local Heritage Items</u> The assessment of heritage impacts is addressed in Table 5 (under Clause 5.10 of QPLEP in Section 3.2.1 of this report.	No

Queanbeyan DCP		Complies (Yes/No)
	<p>4.3.3 Heritage Conservation Area</p> <p>The site is also in the vicinity of several heritage listed properties in Crawford Street and Rutledge Street and is directly opposite the Queanbeyan Conservation Area.</p> <p>The overall impacts on the character of the locality, including the nearby Conservation area have also been addressed in Table 5 (under Clause 5.10 of QPLEP in Section 3.2.1 of this report).</p>	
4.4	<p>Section 4.4 of the DCP outlines a series of detailed requirements relevant to proposals to modify existing heritage buildings, mostly relating to single dwellings.</p> <p>The proposed development does not involve direct modifications to the former Fire Station nor Dutton's Cottage.</p>	Yes
4.5	<p>Section 4.5 of the DCP set requirements for proposals intending to alterations and/or add to Heritage Items and to Places in the Heritage Conservation Area. While the new buildings effectively add to the curtilage of heritage items, the proposal does not involve direct additions to each of the heritage listed buildings. The overall heritage impacts have been addressed in Table 5 (under Clause 5.10 of QPLEP in Section 3.2.1 of this report).</p>	Yes
4.6	<p>Section 4.6 of the DCP seeks to manage new buildings in the vicinity of a Conservation Area. The objective of the Section is:</p> <p><i>1) To ensure that new buildings are designed and sited so that they do not have an adverse impact on the heritage item and/or the Conservation Area</i></p> <p>The nearby Conservation Area is on the opposite side of Rutledge St shown with the red hatching on the map below.</p>  <p>The overall impacts on the character of the locality, including the nearby Conservation area have also been addressed in Table 5 (under Clause 5.10 of QPLEP in Section 3.2.1 of this report).</p>	Yes

Queanbeyan DCP		Complies (Yes/No)
Part 6 – Central Business District		
6.2	Building Form Within the CBD	
6.2.1	<p>Site Design and Sense of Place</p> <p>The development provides active commercial uses at ground level which will positively contribute to the Council administrative centre and the Queanbeyan Performing Arts Centre.</p> <p>The proposed pedestrian laneway will improve connectivity between Rutledge Street and the future Queanbeyan Civic and Cultural Precinct and will encourage increased pedestrian activity at the ground plane surrounding the development.</p>	Yes
6.2.2	<p>Building Height Limits and Setbacks Design for Buildings</p> <p>The DCP aims to ensure buildings in the CBD (including the subject site) maintain a visual perception of 2 storey development along the street frontages with defined podiums no higher than 2 storeys (allowing for additional roofline articulation). Higher structures should be set well back to avoid overshadowing and impression of bulk.</p> <p>The building height limits specified in the QPLEP (refer assessment against Clause 4.3 in Table 5 of Section 3.2.1 of this report) prevail over the provisions of the DCP.</p> <p>The DCP requires buildings to be set back 20m from Crawford Street above street height (3-8 storeys). This matter has also been addressed under 3D.2 'shop top housing' above. The commercial premises are 21.71 from Crawford St, with the colonnade at ground level setback 18.1m. The face of the upper floor levels are 18.1m from Crawford St. Due to the building articulation, colours and materials facing Crawford St, the minor departure from the setback provision of the DCP is not considered a significant issue.</p> <p>In addition, the DCP requires buildings fronting Rutledge St to have a zero setback for the first two levels and a 6m setback above 2 storeys. The proposed building has a small section of the ground floor at zero setback, although the colonnade is on the boundary line. The upper floor setbacks are generally 5.36m – 6.6m from the Rutledge St boundary. This articulated frontage is a minor departure from the DCP requirement and is not considered a significant issue.</p>	No
6.2.3	<p>Architectural Character</p> <p>The proposed development provides traditional red brick colonnades and arbours at the ground floor, which has a reference to the heritage items and other masonry buildings around Queanbeyan. The residential component from Level 1 up revert back to be of a more modern design with glazing and painted</p>	Yes

Queanbeyan DCP		Complies (Yes/No)
	<p>precast, white balustrades and timber look finishes providing a soft high grain finish to the buildings. The buildings are well articulated and avoids large expanses of unbroken walls through modulated building form and balconies and windows on all elevations.</p> <p>The light colour of the cladding of the residential levels (to the recessed part of the north-east and south-east elevations) help break down the mass of the building into smaller vertical parts and to accentuate the articulated form.</p>	
6.2.4	<p>Floor space</p> <p>The floor space ratio requirements are the same as that required under Clause 4.4 of QPLEP, being a maximum of 3:1 with the proposal exceeding that by 1,774m² (or a ratio of 3.3:1). As assessment against the LEP clause 4.4. is provided in Table 5 of Section 3.2.1 of this report) prevail over the provisions of the DCP.</p>	No
6.2.5	<p>Robust Building Design</p> <p>The DCP encourages a variety of retail, commercial, community, and residential uses that add to the vitality and long-term viability of Queanbeyan. The range of sizes proposed for the commercial premises, together with the diversity of residential units achieves this outcome.</p>	N/A
6.2.6	<p>Corner sites</p> <p>An outdoor communal area with heritage interpretation to the historical well helps to enhance the prominence of street corners.</p>	Yes
6.2.7	<p>Awnings and verandahs</p> <p>The proposed development provides traditional red brick colonnades and arbours on the ground floor along both Crawford Street and Rutledge Street. This will contribute to shaping the pedestrian space on the street and providing for all weather protection.</p>	Yes
6.2.8	<p>Active Street Frontages</p> <p>Active uses are provided along both Crawford Street and Rutledge Street and comply with clause 7.15 of the QPLEP 2022. The retail uses feature large glazing and provide sheltered pedestrian amenity and clear entries, consistent with the DCP provisions.</p>	Yes
6.2.9	<p>Colour and materials</p> <p>The proposed development provides traditional red brick colonnades and arbours on the ground floor along both Crawford Street and Rutledge Street. The colonnades and arbours have a</p>	Yes

Queanbeyan DCP		Complies (Yes/No)
	<p>reference to the heritage items and other masonry buildings around Queanbeyan.</p> <p>The primary grey colour of the residential buildings has been lightened to soften the appearance of the building.</p> <p>Highly reflective materials are not included. No metal siding, heavy timber frame, exposed concrete, manganese and klinker brick are included in the DA.</p>	
6.2.10	<p>Private Open Space</p> <p>The proposed rooftop garden provides opportunities for passive and recreational opportunities for residents. Each residential unit has access to a private balcony.</p>	Yes
6.2.11	<p>Open Space and Civic Spaces</p> <p>The proposed through-site laneway connecting Rutledge Street and the Queanbeyan cultural precinct provides outdoor seating area with opportunities for passive recreation within the CBD.</p> <p>The proposed heritage corner will be for the active recreational use of the future residents and the public.</p>	Yes
6.2.12	<p>Streetscape and Frontage Works</p> <p>A full width footpath has been provided.</p> <p>A separate access lane has been provided for heavy duty vehicles.</p>	Yes
6.2.13	<p>Advertisements and Signage</p> <p>No advertisements or signage is proposed in the DA. Any future signage will require a DA from Council unless installed and maintained in accordance with the State Environmental Planning Policy (Exempt and Complying Development Codes) 2008.</p>	N/A
6.2.14	<p>Heritage sites</p> <p>Heritage impacts have been addressed under Clause 5.10 of the QPLEP in Table 5 to Section 3.2.1 in this report.</p>	No
6.2.15	<p>Connectivity</p> <p>The development site accommodates a pedestrian laneway connecting Rutledge Street and the future Queanbeyan Civic and Cultural Precinct. It affords clear lines of sight and allows for surveillance from public places.</p>	Yes
6.2.16	<p>Safety and Security</p> <p>The proponent has provided an assessment of the proposal against the principles of CPTED. It is considered that the proposed development achieves a high level of safety and security.</p>	Yes

Queanbeyan DCP		Complies (Yes/No)
6.2.17	<p>Buildings Near Public Places</p> <p>The DCP requires that no building to be treated a “rear end” where visible to the public. The proposed development has service areas to the side of the building, fronting the service laneway. As such, there is no ‘rear end’ directly facing any public street.</p>	Yes
6.2.18	<p>Hazards</p> <p>The Development Application was accompanied by specialist geotechnical, contamination and flooding reports which confirm that the site is suitable for the proposed development.</p> <p>Council’s Development Engineering Officer has reviewed the application and has no objection to the development subject to conditions.</p>	Yes
6.2.19	<p>Solar Access and overshadowing</p> <p>The development has been designed to optimize majority of the units facing north with 70% of the units receiving more than 3 hours sunlight.</p> <p>However, the number of units that do not receive any direct sunlight exceeds the maximum of 15%.</p> <p>Revised information has been provided (11 July 2024) which details this requirement to demonstrate that 16.85% of apartment receive no direct sunlight. This is considered acceptable given the sites metropolitan location.</p> <p>Detailed shadow diagrams were submitted as part of DA documentation. The diagrams confirm that there will not be significant overshadowing of nearby residential properties during mid-winter. The church located opposite in Rutledge St will be overshadowed at 3pm and after on 21 June. The commercial premises to the west will be overshadowed at 9am on 21 June.</p>	No
6.2.20	<p>Acoustic and visual amenity</p> <p>The development achieves a high level of acoustic and visual privacy.</p>	Yes
6.2.21	<p>Landscaping acoustic and visual amenity</p> <p>The DCP requires that 50% of the landscaped area consist of soft landscaping. A landscape concept plan has been provided with the application that confirms areas of soft landscaping. An updated plan will be sought as a condition consistent with the approved plans</p>	Yes

Queanbeyan DCP		Complies (Yes/No)
6.2.22	Amalgamation and Staging of Development	N/A
6.3 Car Parking, Access and Servicing		
6.3.4	Pedestrian Access and Mobility An Accessibility Report accompanied the Development Application and confirms that the proposal achieves compliance with the relevant Australian Standard (AS 1428) and the Disability Discrimination Act 1992.	Yes
6.3.5	Site Facilities and Services Appropriate site facilities and services (i.e., lighting, waste bins, letter boxes etc.) are capable of inclusion prior to the occupation phase	Yes

3.2.3 Section 7.11 and 7.12 Contributions

The following contributions plans are relevant and have been included as an attachment to the recommended conditions.

- Queanbeyan Section 7.12 Fixed Levy Development Contributions Plan 2021

The Plan imposes a 1.0% levy on the total development cost for proposals valued at more than \$200,000.

Section 64 Contributions

Section 64 of the Local Government Act 1993 allows contributions to be levied towards the provision of water, sewerage, and stormwater infrastructure.

- Queanbeyan S.64 Water = \$4,545.80/ET which equates to \$541,407 (not subject to change/increase by CPI)
- Queanbeyan S.64 Sewer = \$1,513.48/ET which equates to \$207,575

The payment of these charges will form a standard requirement of development consent.

4 REFERRALS AND SUBMISSIONS

4.1 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 in Table 7 below

Table 7: Referrals to agencies

Agency	Comments (Issue, resolution, conditions)	Resolved
Environment Agency Head (Environment, Energy & Science Group within DPIE)	There are no threatened species on the site and therefore no comments.	N/A
Rail authority	The proposal doesn't involve the excavation of ground to a depth of at least 2m below ground level (existing) on land within, below or above a rail corridor.	N/A
Design Review Panel	There is no Design Review Panel in the area	N/A
Electricity supply authority	The proposal was referred to Essential Energy with a response received providing no objection to the development subject to conditions. A requirement to demonstrate compliance with Essential Energy's comments has been conditioned in the draft notice of decision.	Y
Transport for NSW	TfNSW has no objections to the DA subject to the following comments being adequately addressed. <ul style="list-style-type: none">▪ Council has a proposal to revitalise and transform the Queanbeyan Central Business District (CBD) which will result in changes to the layout of Monaro Street between Lowe Street and Collett Street.▪ The submitted Traffic Impact Assessment (TIA) prepared by TTW reference 229044, dated 18/11/2022 does not	Y

	<p><i>include an assessment of the development's traffic impacts factoring in a 10-year future growth scenario that includes the works that Council has planned for Monaro Street as detailed in the dot point above.</i></p> <ul style="list-style-type: none"> ▪ <i>Council will need to satisfy itself that the development will not adversely impact the works that it is planning for Monaro Street which would result in efficiency and safety impacts.</i> <p>The works proposed by Council within Monaro St do not form part of this DA. It is understood that future works within Monaro St commissioned by the Council, will need to include assessment of traffic impacts for the whole CBD. This has not been resolved by Council to date. However, it should not preclude the ability for this site-specific DA to be determined ahead of wider area public realm improvements throughout the CBD.</p> <p>In addition to the above over-arching comments, TfNSW has reviewed the submitted TIA and provides the following comments:</p> <ul style="list-style-type: none"> ▪ <i>it is unclear as to how the SIDRA modelling that has been undertaken has been properly calibrated, via on site observations, in terms of queue lengths and delays;</i> ▪ <i>the proposed daily generation rates for the residential component of the development are low (i.e. 1.93 trips per bedroom in Table 8 of the TIA). This is based on assumption that the development is close to public transport and exclusively residential in nature. Under the current scenario, the public transport share is quite low in Queanbeyan. Therefore for this analysis, TfNSW believes that the maximum trip rate of 2.26 should be adopted (refer to TDT 2013 04a – Page 2);</i> ▪ <i>the trip rate per bedroom (as used in Table 8 of the TIA) is different to the trip rate per unit and when used will result in a lower number of trips. TfNSW believes that the maximum trip rate generator needs to be used in the TIA and its associated modelling as Queanbeyan is a large regional city that is in close proximity to the Australian Capital Territory (e.g. employment generator);</i> ▪ <i>the trip rate used for the restaurant café is low (i.e. 60 trips per 100m2 GFA). These trip rates are only applicable when the restaurant only serves dinner. Cafés usually see a large influx of trips in the AM peak which cannot be ignored. The values will be much higher since, as stated in the TIA, they will serve both lunch and dinner. It also should be noted that this is effective only with high public transport usage which is not in this case Refer to the to Section 3.7.2 of the Guide to Traffic Generating Developments for additional details in relation to the above;</i> ▪ <i>based on the values for the 'Proposed Trip Generation' in Table 10 in the TIA, the AM Peak is around 5% of daily trips and the PM peak is around 8% after the development. Whereas in the base case is close to 11% in peak hours. TfNSW believes the estimation of peak</i> 	
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	<p><i>hour trips needs to be revised based on the trip generation numbers/comments in the dot points above;</i></p> <ul style="list-style-type: none"> ▪ <i>the distribution of traffic from the development onto the road network is not presented in the TIA. A schematic diagram showing actual traffic flow post development and pre-development should be included in the report. The distribution should consider the Monaro Hwy intersections as well; and</i> ▪ <i>no electronic copy of the calibrated SIDRA files has been provided for review. TfNSW believes that Council should review the electronic SIDRA file including the electronic files for the 10-year growth scenario that includes the changes that Council is planning to Monaro Street.</i> ▪ <i>Noting the comments above, should Council consider that further upgrades are required to the local road connections with Monaro Street that will impact upon the operation of the signalised intersections of Monaro Street/Lowe Street and Monaro Street/Crawford Street and/or result in changes to the Council planned upgrades to Monaro Street further comments should be requested from TfNSW.</i> <p>In response to the above, the applicant has advised:</p> <ul style="list-style-type: none"> ▪ The proposed daily generation rates for the residential component of the development has adopted the trip rate of 2.26 trips per bedroom in the updated traffic assessment report. ▪ The SIDRA modelling has been updated to calibrate, via on site observations, in terms of queue lengths and delays; ▪ Traffic models were calibrated using the on-site observations, noting the queuing times and maximum number of queuing vehicles in comparison to the existing scenario 95th percentile outputs from the SIDRA modelling, ensuring that both observations and 95th percentile outputs were aligned. ▪ Per bedroom generation have been adopted as it is more representative of the unit breakdown within the development, with the majority of units being one- or two-bedroom units, with the per unit breakdown being representative of a majority of three bedroom units. ▪ There is no change to daily generate rate for the restaurant café (remain 60 trips per 100m²GFA). However, the updated traffic assessment report has anticipated that cafés would not specifically generate trips from outside the precinct, with cafes predominantly expected to be serviced by foot traffic from pedestrians from the surrounding office and residential buildings. As such no AM peak traffic generation has been associated with the café tenancies. ▪ there is no direct update associated with comment 4e, as the comparison between AM and PM peak as a percentage of the total traffic, as noted in this point, is a poor indicator of what generation is occurring. It does not take into consideration the different tenancies that are 	
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	<p>contributing to the traffic on the road, with the lower peak generation rate of the cafe and restaurant tenancies greatly distorting the peak as a percentage of the total. The total commercial generation is equivalent to post generation in terms of percentage as well as the residential peak as a percentage being in the region of 10% of the total, as would be expected by a residential development.</p> <p>A further revised traffic statement was received 11 July 2024 which further addresses TfNSW comments. It details the steps taken and assumptions made in development of the Rev D traffic report. It indicates no loss in LoS due to the proposed development.</p>	
NSW Police	<p>The DA was referred to NSW Police who provided detailed information on the current environment and crime risks.</p> <p>The Statement of Environmental Effects and the Design Report both comment that the CPTED principles have been applied to improve safety for the occupants, residents and the future users of the Civic Space to the north.</p> <p>The documents state that passive surveillance is being used in the building entrances carparking and in the carpark layout. The documents also state that as a result of increased pedestrian traffic, there will also be increased passive surveillance in this area. While passive surveillance or natural surveillance is a CPTED principle that can help detect and deter criminal and anti-social behaviour, it should not be the only CPTED principle used.</p> <p>The following is a list of recommendations offered by NSW Police that may be implemented to prevent crimes in the area:</p> <ul style="list-style-type: none"> ▪ CCTV Cameras: <ul style="list-style-type: none"> ○ CCTV footage needs to be installed in the carpark, building entries/exits, around the external areas of the building and along the communal laneway. The CCTV cameras should be vandal resistant and not easily breakable. ○ When placing CCTV Cameras in the carpark area, the cameras should be in areas that are not obstructed by pylons. The CCTV cameras should also be placed in areas which have a clear view of the carpark. ○ All CCTV cameras should be linked to a system that can be easily accessed and monitored to assure footage can be produced in a timely manner and also to ensure they are working and not obstructed by dust and cobwebs. ○ The commercial areas should also install CCTV footage, ensuring that each business owner/manager knows how to work the system so footage can be produced if requested. 	Y

	<ul style="list-style-type: none"> ○ The Communal laneway area should also have CCTV footage covering the whole area. ○ Offenders target locations where there is a likelihood of personal reward and a low risk of detection and apprehension. The communal laneway area can be considered a high risk area for offenders. While Rutledge Street, during the day see a high volume of traffic, at night time the area is less traversed. As a result, there may be an opportunity for offenders to use the area. <ul style="list-style-type: none"> ▪ Lighting: <ul style="list-style-type: none"> ○ Internal/basement car park structures such as concrete columns, solid internal walls, service rooms and enclosed fire exits can create a significant visual obstruction. Sufficient lighting can help deter offenders as they have the fear of being seen. ○ External lighting has been addressed in the plans with lighting surrounding the building and in the communal laneway. Lighting in these areas should be vandal resistant. ○ Lighting should also be implemented in the external above ground carparking to ensure users and persons walking through can see the area where they are walking. If clearly lit offenders are less likely to commit criminal activities in the area as they have the fear of being seen. ▪ Commercial Premises: <ul style="list-style-type: none"> ○ Shops and business's should avoid opaque glass or obstructed windows and doors. These environments are attractive for offenders as they feel that they cannot be seen. ▪ Noise Complaints: <ul style="list-style-type: none"> ○ There may be an increased number of noise complaints from the surrounding business's. ○ Double or Triple glazing should be considered in order to help reduce the complaints received to police. ▪ Vegetation: <ul style="list-style-type: none"> ○ The large, high-branching trees, while provide shade and shelter for the area, can also obstruct people from viewing the Residential and Commercial buildings. These should be well trimmed and maintained to ensure that natural surveillance is maintained. ▪ Alcohol Free Zone: <ul style="list-style-type: none"> ○ Council should consider making the area around the development and the communal area Alcohol Free Zone's. This will help reduce people walking from the hotel and the performing arts centre with Alcohol and also causing alcohol related issues at the outdoor communal area. ▪ Waste Area: <ul style="list-style-type: none"> ○ The waste area should be swipe/key pad entry so that passer-by's on the service lane do not enter 	
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	<p>the area and place additional rubbish or use it as an area to vandalise or enter.</p> <p>Some of the above recommendations are not matters to be resolved as part of determination of this DA.</p>	
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4.2 Council Referrals

The development application has been referred to various Council officers for technical review as outlined in Table 8 below.

Table 8: Consideration of Council Referrals

<i>Officer</i>	<i>Comments</i>	<i>Resolved</i>
Engineering	Council's Development Engineering Officer reviewed the submitted stormwater concept plan and considered that there were no objections subject to conditions, which have been included in the recommended draft conditions of consent.	Y
Traffic	<p>Council's Traffic Engineering Officer reviewed the proposal and raised following issues/concerns in relation to traffic generation and car parking.</p> <ul style="list-style-type: none"> Referring to correspondence from Traffic for NSW (TfNSW) dated 28 March 2023 challenges the findings of the Traffic and Parking Assessment Report and requested additional information and detailed modelling (SIDRA) from TTW to consider peak periods pre and post development, future traffic scenarios, existing signals, queue lengths. <p>The following recommendations from the Local Development Committee meeting on Tuesday 6 June 2023 are to be incorporated into the final assessment;</p> <ul style="list-style-type: none"> additional information required on visitor parking requirements and confirmation on traffic volumes as the report shows huge increase in AM and PM vehicle movements. <p>These issues are addressed in Table 7 above in response to comments from Transport for NSW. Additional traffic data has been provided (11 July 2024) which satisfies these requirements.</p>	Y
LIS Officer	<p>The DA has been referred to Council's LIS Officer who has no objection to the DA subject to the following:</p> <ul style="list-style-type: none"> The detailed numbering of all commercial and residential units will be undertaken by LIS staff after the DA has been approved. Please note in the conditions of consent that the developer is required to obtain specific unit numbering from Council prior to the issuing of an Occupation Certificate. <p>The conditions have been included in the draft NOD.</p>	Y

Health	<p>The DA has been referred to Council's Environmental Health Officer for comments. Environmental Health supports the DA, subject to the following:</p> <ul style="list-style-type: none"> ▪ The submitted contamination report did not identify any contaminates other than the requirement to suitably dispose of any identified hazardous waste generated during the demolition of the existing buildings. ▪ The acoustic report demonstrated no adverse noise impact to the area however the report recommended a construction noise and vibration management plan be developed prior to Construction Certificate to make a more accurate assessment when more detail is available 	Y
Waste	<p>The DA has been referred to Trade Waste for Comments. Trade waste has no objection to the DA subject to the following:</p> <ul style="list-style-type: none"> ▪ Trade waste application required dependent on use of commercial space. ▪ Additionally will the underground carpark have a vehicle washing facility. <p>A requirement to demonstrate this has been conditioned in the draft notice of decision.</p>	Y
Heritage	<p>Council's former Heritage Advisor (Pip Giovanelli) reviewed the submitted architectural plans and Heritage Impact Statement prepared for the application and concluded the following:</p> <p><i>The scale and bulk of this development is not consistent with guidelines in the Strategic Master plan, the relevant Development Control plan and the aims of the current LEP. The height of both towers exceeds the limits in the LEP and the height of the east tower will have a significant adverse impact on Dutton's Cottage in particular. The height and massing of both towers will have an adverse impact on streetscape character and are inappropriate for such a large site opposite the conservation area. The proposal will adversely impact on views along Rutledge Street and Crawford Street.</i></p> <p><i>The proposal will lead to the destruction of the historic well and fails to interpret its heritage values to a satisfactory extent.</i></p> <p><i>Ideally this development would be redesigned as a series of smaller towers so that it complemented the character of Queanbeyan to a greater degree than it does. At a minimum the height of the towers should be reduced to six storeys and not exceed the heights set out in the relevant planning documents. The height of the east tower adjacent Dutton's Cottage should be further reduced so there is an appropriate transition of scale between the old and new buildings.</i></p> <p>The above was unanimously supported by the Heritage Advisory Committee at both June and November 2023 sessions. The proposal was not supported.</p>	N

	<p>Subsequently, Council engaged Phillip Leeson as Heritage Advisor and further comments were provided informally through direct meetings with the Independent Planning Assessor. It should be noted that Phillip Leeson's office provided a Heritage Impact Assessment on behalf of the applicant, however, it is understood that Phillip Leeson himself did not prepare that report. As such, Council advised that it was acceptable for Mr Leeson to comment on behalf of Council. As such, the second heritage comments have noted that the existing heritage buildings could have benefited from deeper setbacks and a lower development.</p> <p>In this regard, the heritage advice <i>was limited to a suggestion that height of the podium be increased to two storeys in recognition of the scale of developments in the commercial precinct and the proportions of the façade to the new council offices.</i></p> <p>The proposed buildings have also revised the recessed façade elements to be white or a light colour to further enhance the building articulation and break down the perceived bulk.</p> <p>A review of the revised plans by Council's heritage advisor has advised that visual impacts have not been addressed through a significant attempt by the proponent. To this end it is recommended that further work is undertaken in development of the façade for this purpose. A condition has been added to the consent at Attachment A.</p>	
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4.3 Community Consultation

The application was notified from 1st March to 31st March 2023. The notification included notification letters sent to adjoining and adjacent properties, notification on the Council's website and notice in local newspaper.

A total of 40 submissions were received during the public exhibition period. The issues raised in these submissions are considered in Table 9 below.

A second notification period from 22 March 2024 to 18 April 2024. The second round of notification included notification letters sent to adjoining and adjacent properties, notification on the Council's website and notice in local newspaper.

A total of 17 submissions were received during the public exhibition period. The issues raised in these submissions are considered in Table 10 below.

Table 9: Submissions received and Assessment Officer Response (First Round)

Height	Issue raised	
		<ul style="list-style-type: none"> The proposal exceeds the 30m building height development control. Furthermore, Table 1 of Part 6 of the Queanbeyan Development Control Plan, Central Business District and Other Business Areas, specifies that the maximum height for Crawford Street is 25m / 8 storeys and 12m / 3 storeys for Rutledge Street (between Crawford and Lowe Streets).

		<ul style="list-style-type: none"> ▪ The scale of the development is overwhelming and reducing the number of proposed floors (from 10 to 5) or lower or a maximum of five storeys, for example, for the Crawford/Rutledge St area. ▪ The proposed building height is not consistent with the Queanbeyan Spatial CBD Master Plan 2020 which shows low rise buildings that is more in context with the surrounding area.
	<i>Assessment Officer Response</i>	The issue of building heights has been addressed in detail under Clause 4.3 of QLEP in Table 5 of Section 3.2.1 of this report, including consideration of a request to vary the applicable development standard.
Floor Space Ratio	<i>Issue raised</i>	<ul style="list-style-type: none"> ▪ The proposed floor space ratio is 3.3, this is in contradiction to the maximum floor space ratio of 3.
	<i>Assessment Officer Response</i>	The issue of floor space ratio has been addressed in detail under Clause 4.4 of QLEP in Table 5 of Section 3.2.1 of this report, including consideration of a request to vary the applicable development standard.
Design	<i>Issue raised</i>	<ul style="list-style-type: none"> ▪ The design lacks the sensitivity, sympathy and respect the heritage buildings. ▪ The modern architectural style does not fit into the streetscape. ▪ Insufficient articulation with building structures. ▪ the height and appearance and choice of building materials not complementary to the character of the general environment – the heritage/conservation feel of the town
	<i>Assessment Officer Response</i>	<p>The heritage impacts have been addressed in detail under Clause 5.10 of QLEP in Table 5 of Section 3.2.1 of this report together with building heights under Clause 4.3 of QLEP.</p> <p>The design and style of the building has been assessed as part the assessment against SEPP 65 in Table 4 in Section 3.1.</p>
Overlooking and privacy	<i>Issue raised</i>	<ul style="list-style-type: none"> ▪ There is no consideration for the surrounding neighbours in all directions (residents, businesses and communities) that will lose their privacy, skyline and space. ▪ The balconies of the proposal will overlook into the surrounding neighbours.
	<i>Assessment Officer Response</i>	The issue of privacy for nearby residents has been addressed in detail as part the assessment against SEPP 65 in Table 4 in Section 3.1 as well as the provisions of Queanbeyan DCP in Table 6 in Section 3.2.2.

Setback	<i>Issue raised</i>	<ul style="list-style-type: none"> ▪ Insufficient setback to allay effects of bulk and overshadowing ▪ Buildings are not designed to provide a sense of scale comfortable to pedestrians. A ten-storey building set back only six metres from the roadside verge (not the pedestrian walkway) does not provide a comfortable pedestrian experience, especially during a cold and wet winter period. ▪ Higher structures are not set well back as they are only six metres from the roadside verge on the Rutledge Street side of the proposed building.
	<i>Assessment Officer Response</i>	<p>The issue of overshadowing for nearby residents has been addressed as part the assessment against Queanbeyan DCP in Table 6 in Section 3.2.2.</p> <p>The impact on character of the neighbourhood was assessed in detail under Clauses 4.3 (Building height), 4.4 (Floor space ratio) and 5.10 (Heritage) of QPLEP in Table 5 in Section 3.2.1 of this report.</p> <p>The issue of setbacks is assessed in Queanbeyan DCP in Table 6 in Section 3.2.2.</p>
Amenity	<i>Issue raised</i>	<ul style="list-style-type: none"> ▪ Air quality – undertake specific analysis of air quality paying particular attention to the possible effects of the levels of pollution on schoolchildren as well as residents in the area. ▪ Noise – the lack of data did not preclude the applicant from concluding that the noise level will be acceptable.
	<i>Assessment Officer Response</i>	<p>It is not expected that the proposed development will create any air quality impacts. A construction noise and vibration management plan will be required to be prepared as part of conditions of approval.</p>
Country character	<i>Issue raised</i>	<ul style="list-style-type: none"> ▪ The density of the apartment block does not fit into the country town feel ▪ The proposed development will destroy the character of the Queanbeyan township.
	<i>Assessment Officer Response</i>	<p>The impact on character of the neighbourhood was assessed in detail under Clauses 4.3 (Building height), 4.4 (Floor space ratio) and 5.10 (Heritage) of QPLEP in Table 5 in Section 3.2.1 of this report.</p>
Heritage	<i>Issue raised</i>	<ul style="list-style-type: none"> ▪ Lack of acknowledgement, respect, and consideration for the heritage/conservation area and the surrounding CBD area. ▪ It may affect the future development by setting a precedent for large scale building which will overpower the heritage listed site.

		<ul style="list-style-type: none"> Heritage report should include how the proposed build would affect the surrounding heritage conservation areas – especially the Uniting Christ Church across the Rutledge Street which dates back to before 1860s. The houses at 265 and 265B on Crawford Street, and the buildings at 12 and 14 Rutledge Street are not as ancient as the Fire Station and the old residential building next to the Fire Station, but they reflect a very similar character and are currently being used as offices and should not be demolished.
	<i>Assessment Officer Response</i>	The impact on character of the neighbourhood was assessed in detail under Clauses 4.3 (Building height), 4.4 (Floor space ratio) and 5.10 (Heritage) of QPLEP in Table 5 in Section 3.2.1 of this report.
<i>Safety concerns</i>	<i>Issue raised</i>	<ul style="list-style-type: none"> The proposed development will increase the volume of vehicles on the street and will impact the safety of children attending the schools and daycare facilities.
	<i>Assessment Officer Response</i>	<p>The issue of traffic volume has been addressed in Table 7 in Section 4.1 as part of consideration of the Transport for NSW comments on the DA.</p> <p>A Temporary Traffic Management plan will be developed during construction to protect the safety of the pedestrians including children.</p>
<i>Traffic report/assessment</i>	<i>Issue raised</i>	<ul style="list-style-type: none"> The current lack of sufficient parking is around the proposed development. The residential parking is provided but visitors to the building will be more than likely park in the surrounding streets, which will further increase pressure on the existing streets. Additional parking demands would be particularly at Rutledge Street east and adjacent to the Anglican Church. Need to revise Table 10 of the Traffic Impact analysis – ensuring that it is inclusive of proposed daily vehicle trips generated by the new QPRC. The Traffic and Transport report should include the observation of the intersection during school pick up periods. The traffic impact analysis appears to be very poor assessment as the time of data collection did not reflect a true picture of what is actually occurring. Suggesting that new surveys need to be undertaken over a longer period which would be more reflective of post development and future projection of traffic loads. The traffic impact analysis does not take into consideration the impact of increased traffic and congestion on the safety of pedestrians, in particular school children

	<i>Assessment Officer Response</i>	<p>The issue of car parking volume has been addressed as part of the assessment against SEPP 65 requirements in Table 4 in Section 3.1 of this report.</p> <p>The issue of traffic volume has been addressed in Table 7 in Section 4.1 as part of consideration of the Transport for NSW comments on the DA.</p>
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The application was further notified from 22 March 2024 to 18 April 2024. The second round of notification included notification letters sent to adjoining and adjacent properties, notification on the Council's website and notice in local newspaper.

A total of 17 submissions were received during the public exhibition period. The issues raised in these submissions are considered in Table 10 below.

Table 10: Submissions received and Assessment Officer Response (Second Round)

Exterior Colour Scheme	<i>Issue raised</i>	<ul style="list-style-type: none"> While there have been slight revisions, they are cosmetic enhancements rather than addressing substantive concerns raised by the community.
	<i>Assessment Officer Response</i>	It is considered that the modification to the application, that triggered the requirement for a second public notification period addressed the requirements highlighted by Council as part of its initial assessment of the application
Future Character	<i>Issue raised</i>	<ul style="list-style-type: none"> The applicant's claim of consistency with the desired future character is unsubstantiated, as it contradicts the Queanbeyan CBD Spatial Master Plan Refresh Final Report 2020. The proposed building's height is incompatible with the Master Plan and fails to meet various requirements of the LEP. The cited precedent of the QPRC Administration Centre is inconsistent and misleading. VBC states case law to support the proposed exceedance of NSW development standards, but it refers to densely populated areas of Sydney, hardly relevant to the regional heritage area of Queanbeyan.
	<i>Assessment Officer Response</i>	<p>The issue of building heights was assessed in detail under Clause 4.3 of QPLEP in Table 5 in Section 3.2.1 of this report.</p> <p>The impact on the character of the neighbourhood. The impact on character of the neighbourhood was assessed in detail under Clauses 4.3 (Building height), 4.4 (Floor space ratio) and 5.10 (Heritage) of QPLEP in Table 5 in Section 3.2.1 of this report.</p>
	<i>Issue raised</i>	<ul style="list-style-type: none"> While the provision of affordable housing is commendable, it cannot justify exceptions to development standards.

Affordable Housing, Site Yield, and Heritage Impacts		<ul style="list-style-type: none"> ▪ The rationale for the development's scale appears to be primarily economic, which conflicts with community preferences and the Spatial Master Plan. ▪ The heritage impact statements inadequately address the significant contrast the proposed development would introduce to the area's character. The house we purchased in the area is heritage listed and is subject to strict rules. We would trust that council adheres to its own rules and the spirit of these rules in with new developments. ▪ The provision for 15% affordable housing within the development is notable, but does not afford a blank cheque on exceptions to the planning rules for this building.
	<i>Assessment Officer Response</i>	The community benefits of the provision of affordable housing units related to the increase in floor space ratio and building height is assessed in detail under Clauses 4.3 (Building height), 4.4 (Floor space ratio) of QPLEP in Table 5 in Section 3.2.1 of this report.
Traffic Impact Analysis	<i>Issue raised</i>	<ul style="list-style-type: none"> ▪ The revised DA's traffic analysis remains flawed, relying on single-day observations and erroneous data comparisons. ▪ Claims of Transport NSW's satisfaction with the analysis lack substantiation. ▪ Critical errors in traffic count data undermine the credibility of the analysis and conclusions. Single day observations are not sufficient for the intended purpose, ▪ There is scepticism about Transport NSW's endorsement of the analysis due to the lack of supporting evidence, raising doubts about its reliability
	<i>Assessment Officer Response</i>	The issue of traffic volume has been addressed in Table 7 in Section 4.1 as part of consideration of the Transport for NSW comments on the DA.
Other Factual Errors and Omissions:	<i>Issue raised</i>	<ul style="list-style-type: none"> ▪ Misrepresentations regarding privacy loss and acoustic assessments persist, indicating oversight and incomplete documentation
	<i>Assessment Officer Response</i>	The documentation submitted as part of the Development Application is considered sufficient to enable a detailed assessment by the independent planning assessor and subsequent decision by the consent authority.
Safety Concerns	<i>Issue raised</i>	<ul style="list-style-type: none"> ▪ The proposed development will increase the volume of vehicles on the street and will impact the safety of children attending the schools and daycare facilities.

	<p><i>Assessment Officer Response</i></p>	<p>The issue of traffic volume has been addressed in Table 7 in Section 4.1 as part of consideration of the Transport for NSW comments on the DA.</p> <p>A Temporary Traffic Management plan will be developed during construction to protect the safety of the pedestrians including children.</p>
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4.4 Heritage Advisory Committee Advice

QPRC Heritage Advisory Committee Meetings were held 8 June 2023 and 16 November 2023. At the 6 June 2023 meeting it was determined that the Committee was in general agreement with the Heritage Advisor's report on the proposal, below is a summary of the discussion:

QPRC HAC 16/23 The Committee does not support the proposed development in its current form for the following reasons:

- 1. The Committee has concerns about the height and bulk of the development adjacent to small scale heritage assets and the Heritage Conservation Area (HCA). The proposed development has the potential to tower over adjacent buildings, shadow Rutledge Street and create a wind tunnel effect.*
- 2. The scale and bulk of the development is not consistent with the guidelines in the Strategic Masterplan, the relevant Development Control Plan or the aims of the current Local Environmental Plan.*
- 3. The design will not sit appropriately in the street and location and responds poorly in relation to nearby heritage assets and the local area.*
- 4. A redesign featuring smaller, more numerous buildings would be preferred.*
- 5. The Committee confirmed its earlier view that the well should be retained in situ. It is the opinion of the Committee that the well will not survive relocation or being adjacent to development. The Committee noted that the well would likely have been a listed item had its existence been known prior to development of the site.*
- 6. The Committee expressed concern about the dark colour palette.*
- 7. The proposed development sets a highly inappropriate precedent for the Queanbeyan town centre and has failed to read the intrinsic values of the town.*

At the 16 November meeting, the committee confirmed their view and preference for the well to stay in situ. The committee also reiterated concern regarding the bulk and scale of the development. A summary of the advice is below:

QPRC HAC 32/23 The Committee confirm their prior view regarding the well and reiterate a preference to keep it whole and in situ per QPRC HAC 16/23: *The Committee does not support the proposed development in its current form for the following reasons:*

- 1. The Committee has concerns about the height and bulk of the development adjacent to small scale heritage assets and the Heritage Conservation Area (HCA). The proposed development has the potential to tower over adjacent buildings, shadow Rutledge Street and create a wind tunnel effect.*
- 2. The scale and bulk of the development is not consistent with the guidelines in the strategic Masterplan, the relevant Development Control Plan or the aims of the current Local Environmental Plan.*
- 3. The design will not sit appropriately in the street and location and responds poorly in relation to nearby heritage assets and the local area.*
- 4. A redesign featuring smaller, more numerous buildings would be preferred.*

5. *The Committee confirmed its earlier view that the well should be retained in situ. It is the opinion of the Committee that the well will not survive relocation or being adjacent to development. The Committee noted that the well would likely have been a listed item had its existence been known prior to development of the site.*
6. *The Committee expressed concern about the dark colour palette.*

The proposed development sets a highly inappropriate precedent for the Queanbeyan town centre and has failed to read the intrinsic values of the town. The Heritage Advisory Committee further notes that it is very disappointed to see the limited changes to the plans based on the submissions received.

The issue of heritage response is addressed in Table 5 relating of this report. A condition to further address heritage matters relating to the façade of the building is included at Attachment A.

5 KEY ISSUES

The key issues to be resolved as part of the determination of this DA are listed (not in any specific order of importance) as:

- Floor space ratio
- Building height
- Impact on character of the locality (building bulk and scale)
- Heritage impacts
- Building setbacks
- Proportion of units receiving no direct sunlight

Each of these issues have been discussed in detail in this report. It is considered that these issues and associated impacts of each have been suitably mitigated to an acceptable level.

6 RECOMMENDATION

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 submissions and the key issues identified in this report, it is considered that the application can be supported subject to conditions.

It is recommended that the Development Application DA No. DA2023.0044 for demolition of seven 1-2 storey buildings and the construction of two 10 storey shop-top housing buildings, comprising sixteen commercial premises on the ground floor and 178 residential units above the ground floor (including 27 affordable apartments and two levels of basement parking at 6-12 Rutledge St and 257 Crawford St Queanbeyan be APPROVED pursuant to Section 4.16(3) of the *Environmental Planning and Assessment Act 1979* subject to the draft conditions of consent attached to this report at Attachment A.

7 ATTACHMENTS

The following attachments are provided:

- Attachment A: Draft Conditions of Consent
- Attachment B: Architectural Plans
- Attachment C – Landscape Plans and Tree Management Plan
- Attachment D – Civil Engineering Plans
- Attachment E – Waste Management Plan
- Attachment F – Statement of Heritage Impact New Rutledge Street Development prepared by Eric Martin and Associates
- Attachment G – Statement of Heritage Impact Rutledge Street Apartments, Queanbeyan prepared by Philip Leeson Architects
- Attachment H – Flooding Impact Statement
- Attachment I – Development Application Access Report

- Attachment J – Preliminary Site Investigation (Contamination)
- Attachment K – DA Acoustic Assessment
- Attachment L – Traffic Impact and Parking Assessment
- Attachment M – Sustainable Management Plan
- Attachment N – BCA Compliance Report
- Attachment O – Shop Top Housing Development Capital Investment Report
- Attachment P – Cover Letter – Additional Information
- Attachment Q – Futural Desired Character
- Attachment R – Clause 4.6 Request – FSR
- Attachment S – Clause 4.6 Request – Height of Buildings
- Attachment T – Indicative Tower Crane Drawings
- Attachment U – BASIX Certificate
- Attachment V – Cover Letter Additional Information 110072024
- Attachment W – Legal Advice on LEP and DCP
- Attachment X – Response to Public Submissions