

## SUPPLEMENTARY ASSESSMENT REPORT TO PANEL – Prepared by Purdon Planning

### SOUTHERN REGIONAL PLANNING PANEL

<b>PANEL REFERENCE &amp; DA NUMBER</b>	Panel Reference Number PPSSTH-224 DA number DA.2023.0044
<b>PROPOSAL</b>	Construction of shop-top housing, comprising: <ul style="list-style-type: none"> <li>▪ Two 10 storey buildings,</li> <li>▪ Sixteen commercial premises at ground floor level,</li> <li>▪ 178 residential units above ground floor level (including 15% of 'affordable housing' (i.e. 27 apartments) managed by a community housing provider),</li> <li>▪ Two levels of basement parking,</li> <li>▪ Demolition of 3 existing single storey dwellings and 3 community/commercial buildings,</li> <li>▪ Removal of 7 trees (6 on-site, 1 off-site),</li> <li>▪ Retention of two heritage buildings (Old Fire Station, Dutton's Cottage),</li> <li>▪ Consolidation of Lots 31 DP771673, Lot 2 DP748338, Lot 18 DP548244 and Part Lot 2 DP 1179998</li> </ul>
<b>ADDRESS</b>	6-12 Rutledge St and 257 Crawford St Queanbeyan, being: <ul style="list-style-type: none"> <li>▪ Lot 31 DP771673,</li> <li>▪ Lot 2 DP748338,</li> <li>▪ Lot 18 DP548244,</li> <li>▪ Part Lot 2 DP 1179998</li> </ul>
<b>APPLICANT</b>	Village Building Co. Ltd
<b>OWNER</b>	Queanbeyan-Palerang Regional Council.

## Executive Summary

This assessment is supplementary to the assessment report for DA.2023.044 at 6-12 Rutledge Street and 257 Crawford Street, Queanbeyan for the construction of a 10-storey shop-top housing development.

A public briefing meeting was held by videoconference on 6 August 2024, opened at 2pm and closed at 4pm. The Panel has unanimously decided to defer determination of the DA to allow for the following matters to be dealt with:

1. To provide members of the public a further 7 days to fully consider and if necessary, provide further submissions to Council relating to the following information *Attachment V – Cover Letter Additional Information 11 July 2024*. Attachment V includes:
  - *Taylor Thomson Whitting (TTW) Response to TfNSW TIA comments* (24 June 2024)
  - Landscape Plan (Tree Management Plan\_240618)
  - Elevations and Sections (Revised Perspectives)
  - Architectural Plans (Revised architectural plans including well treatment)

**Members of the public have been provided a further 7 days to comment on the above information. A total of nine further submissions were received.**

2. To provide sufficient time for the applicant to consider the draft conditions of consent and prepare a response to Council.

**The applicant has been provided additional time to consider the draft conditions of consent and prepare a response to Council.**

3. To ensure the *Taylor Thomson Whitting (TTW) Response to TfNSW TIA comments* (24 June 2024) to be referred to TfNSW for further comment.

**The TTW Response to TfNSW TIA comments (24 June 2024) were referred to TfNSW for further comment on 14 August 2024. A response from TfNSW was received on 20 August 2024. Please see details in Table 1.**

4. To enable the applicant to provide a summary statement on how the proposal delivers on the transitional height requirements of the QPLEP with a particular reference to the residential areas to the south, noting the conclusions of both Clause 4.6 exceptions.

**The applicant has been provided a summary statement on how the proposal delivers on the transitional height requirements of the QPLEP.**

5. To enable the applicant to provide further on the final treatment of the heritage well, including the proposed outcomes and management of the well below floor level.

**The applicant has confirmed the final treatment of the heritage well, including the below floor level.**

6. To enable Council to provide an additional condition of consent which requires development consent for the future use of the two heritage buildings (Old Fire Station, Dutton's Cottage)

**The condition has been included in the amended set of draft conditions which is included in Attachment A.**

As part of the assessment, the supplementary assessment report includes

- An assessment of further submissions received from members of the public
- An assessment of further comments from TfNSW
- An assessment of heritage advice from Council's Heritage Adviser
- An amended set of draft conditions
- Consideration of any comments from the applicant about the additional requested and the revised draft conditions of consent.

A list of attachments to the report is as follows

- **Attachment A** – Amended draft conditions
- **Attachment B** – Amended final architectural plans

It is noted that the other attachments (**attachments C-X**) to the assessment report are still current. There are no changes to these attachments.

Detailed assessment of the above has been included in **Table 1** below.

**Table 1: Summary of Assessment**

Item	Matters for Consideration	Satisfied (Y/N)
1.	An assessment of any further submissions received from members of the public	Y
	A total of 9 further submissions were received during the public exhibition period. Detailed assessment of the submissions is included in Table 2 below.	
2.	An assessment of further comments from TfNSW	Y
	<p>The Document of TTW Response to TfNSW TIA comments (24 June 2024) was referred to TfNSW for comment. Advice received from TfNSW on 20 August 2024 states the following</p> <ul style="list-style-type: none"> <li>• <i>the key state classified road is Monaro Street. The roads to which the development site has direct vehicular access and the adjoining road network are local roads (Rutledge Street, Crawford Street) or regional classified roads (Lowe Street, Cooma Street) managed by the Council.</i></li> <li>• <i>It has previously provided advice on this DA (refer to the TfNSW letter dated 28 March 2023). This was a no objection letter.</i></li> <li>• <i>The provisions of State Environmental Planning Policy (Transport and Infrastructure) 2021, Chapter 2, Subdivision 2, Section 2.122 are applicable (i.e. Schedule 3, Column 2, 200 or more car parking spaces) and not Section 2.48 of State Environmental Planning Policy (Transport and Infrastructure) 2021 under which the current referral was made.</i></li> </ul>	

Item	Matters for Consideration	Satisfied (Y/N)
	<ul style="list-style-type: none"> <li><i>The 'Additional Comments' provided in the TfNSW letter dated 28 March 2023 were provided for the Council to consider as part of its assessment. On the basis that the Council have considered the comments in the TfNSW letter dated 28 March 2023 and are satisfied that the applicant has adequately addressed them, TfNSW has no further comments.</i></li> </ul> <p>Council's engineer has further reviewed the TTW Response to TfNSW TIA comments (dated 24 June 2024) against the TfNSW letter (dated 28 March 2023) and are satisfied that the applicant has adequately addressed the comments.</p> <p>Both TfNSW and Councils engineer has no objection to the DA. We note that the Panel needs to forward a copy of the notice of determination to TfNSW on determination of the application.</p>	
3.	An amended set of draft conditions	Y
	The Panel required an additional condition which requires development consent for any future use of the two heritage buildings (Old Fire Station and Dutton's Cottage). The condition has been added in the amended set of draft conditions.	
4.	Consideration of any comments from the applicant about the additional requested and the revised draft conditions of consent.	Y
	<p>The submission package (dated 29 August 2024) objects to the Condition 2 below related to heritage</p> <p><i>2. Plans and documents submitted for Council approval to address the following:</i></p> <p><i>A. Revised Architectural Drawings that increases the height of the brick colonnade around the lower level of the buildings to two storeys to the satisfaction of Council's Heritage Advisor.</i></p> <p>The proponent objected to the draft condition for the following reasons</p> <ul style="list-style-type: none"> <li>it introduces a new, open-ended requirements that has not been the subject of further information requests to date.</li> <li>the heritage assessment report (provided) suggested that increasing the height of the colonnade to two storeys would overwhelm the heritage items on Crawford Street.</li> <li>it will likely result in unintended impacts on the overall design and additional structural reinforcement. These structural reinforcements will likely impact the building façade, reducing solar access for the first-floor dwellings, and could not be incorporated at the "heritage corner" communal area at Rutledge and Crawford Street.</li> </ul>	

Item	Matters for Consideration	Satisfied (Y/N)
	<p>The above information is contrary to Council’s Heritage Adviser’s suggestion of increasing the height of the brick colonnade to two-storeys. As a result, on 23 September 2024, a meeting was conducted between Village (the proponent), Purdon (Council’s independent assessor) and Phillip Leeson (Council’s heritage adviser). The three parties discussed the heritage impact of the proposed development in relation to proposed Condition 2 above.</p> <p>In the meeting, the heritage adviser had suggested that the additional podium materiality treatment may be a way to achieve a more substantial base to the proposed units above and to mediate between the bulk of the development with adjacent one and two storey buildings. The heritage adviser also advised that the latest submission (dated 29 August 2024) to Council had not sufficiently demonstrated testing of this suggestion, rather it had asserted that it wouldn’t work without showing evidence. The outcome of the meeting was that the proponent would provide further input relating to the expressions of materiality to Rutledge Street and close to heritage buildings. A meeting minute was issued to the team on the following day.</p> <p>Following the meeting, the proponent has considered the suggestion by the heritage adviser and investigated the possibility of two-storey brick colonnade. The investigations/sketches have demonstrated that prolonging the exploration of the two-story podium would be unlikely to yield a better result. A meeting with Philip Leeson and Village Group on 2 October 2024 indicated that both parties have agreed “the upper level would be too fragmented and poorly integrated into the first floor level” and “the extension of the colonnade would be visually incongruous with the upper storeys”. As a result, it was agreed in the meeting that “to retain the podium as a single storey high element the top of which would form a balcony high wall to the first floor balconies”. As such, condition 2 is removed from the draft conditions of consent.</p> <p>There was further discussion about the merits of the timber look planter boxes. Both parties would prefer they be deleted as “the planter boxes would lead to the break up of this into separate sections that weakened the effect of a strong brick base that provided a solid grounding to the overall development”.</p> <p>The latest submission package (dated 3 October 2024) reveals that the podium retains as a single storey and the timber look planter boxes have been removed from the street elevation. A copy of the latest architectural plans reflecting the changes is attached to the report.</p> <p>On the above basis, the assessment report concludes that Council’s heritage adviser has no objection to the development and that the proposed development satisfies the heritage requirements under the QPRLEP 2022 and Queanbeyan DCP 2012.</p> <p><b>Transitional height requirements of the QPRLEP to the residential areas to the south</b></p>	

Item	Matters for Consideration	Satisfied (Y/N)
	<p>Clause 4.3(g) of the QPRLEP 2022 states</p> <p><i>(g) to provide appropriate height transitions between buildings, particularly at zone boundaries.</i></p> <p>The applicant's submission (dated 28 August 2024) did not respond to the clause but stated "the QPRLEP 2022 does not include development controls regarding transitional height requirement". This is clarified in the applicants latest submission (dated 3 October 2024) that the appropriate height transitions to the residential areas to the south have been appropriately addressed for the following reasons</p> <ul style="list-style-type: none"> <li>• Level 1, the building steps back from the colonnade edge, with a consistent building line between levels 1-7. The finished floor level of Level 7 is set at approximately 25.75m, which is 750mm exceedance of the maximum building height.</li> <li>• Level 8, the building steps back further to achieve height transitions to the residential areas to the south</li> </ul> <p>In addition, it is considered that the locational context of the subject site supports a transitional height outcome by physically and visually separating the proposed development from the southern residential areas (a road reserve width of approximately 30m). Mature trees on both sides of Rutledge Street also provides for prudent massing and transitional height relief.</p> <p>The application of the brick colonnade and Level 1 balcony, along with street tree plantings also contribute to the transition between zones at street level, with the eye line of pedestrians and commuters interacting primarily with the base of the building.</p> <p>On the above basis, the assessment report concludes the proposed buildings have achieved appropriate height transitions to the residential areas to the south pertaining to clause 4.3(g) of the QPRLEP 2022.</p> <p><b>Proposed outcomes and management of the Heritage well below floor level</b></p> <p>The well will be reconstructed in its original location and covered with a trafficable glass floor for viewing (Internally, a black mirror will be used to simulate a well shaft). A historical plaque will also be provided with a narrative detailing the history of the well. The information is shown in Architectural Plan 79 Water Well-Proposed Detail (Rev F) (Kasperek Architects 11 July 2024).</p> <p>On 24 September 2024, Purdon requested further clarification on the management on the heritage well. The applicant confirmed that the existing bricks will be used to reconstruct the well where practicable. This is considered consistent with one of the Panel's suggested measures for the well</p> <ul style="list-style-type: none"> <li>• <i>installation of a transparent walkway/floor to view the well insitu;</i></li> </ul>	

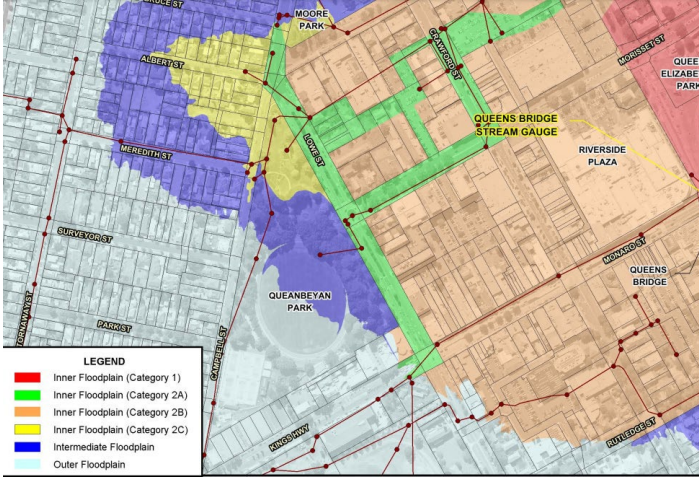
Item	Matters for Consideration	Satisfied (Y/N)
	On the above basis, the assessment report concludes that the latest submission (dated 3 October 2024) has demonstrated its treatment of the proposed well including the below floor level.	

**Table 2: Assessment of Additional Submissions Received**

Traffic and safety	Issue raised	<p>The traffic impact analysis does not take into consideration the impact of increased traffic and congestion on the safety of vulnerable road users eg cyclists, pedestrians.</p> <p>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 during construction.</p> <p>St Gregory's Primary School is located in a busy and congested area, with limited parking. This currently generates a range of traffic safety pressures for students and families.</p> <p>The traffic report fails to address the needs of vulnerable traffic participants, such as bicycle riders, pedestrians, people with disabilities and school children.</p>
	Response	<p>The roads to which the development site has direct vehicular access and the adjoining road network are local roads (Rutledge Street, Crawford Street) or regional classified roads (Lowe Street, Cooma Street) managed by the Council.</p> <p>The proposed development will increase to total number of daily vehicle trips, as well as peak morning and afternoon vehicle trips, however the increase in traffic by the development, while significant in the evening peak, is not anticipated to significantly impact the amenity of the surrounding road network. This is mainly because the proposed developments trip generation being mainly residential in nature, with the surrounding developments being mostly commercial.</p> <p>There is a pedestrian laneway on each side of Crawford Street and Rutledge Street where the development does not propose to make significant changes to these pedestrian paths. As such, pedestrians including children attending the schools and daycare facilities nearby can continue to use the pedestrian footpaths keep them safely separated from the traffic (including the increased traffic from the development). In addition, Rutledge Street is within a school zone and it will continue to be a school zone after the development. The speed limit is 40km/h during school hours (8-9:30am and 2:30-4pm) to</p>

		<p>the protect the safety of children attending school and childcare centre nearby.</p> <p>There are no bicycle lanes currently on the street, and it is understood that bicycle users are either using the pedestrian paths or riding on the street. The development will not change the existing bicycle conditions on the street, although the development will increase the traffic on the street. The speed limits are 50kmh outside of school hours and 40km/h during school hours. The speed limits allow car users pay attention to their surroundings and as such reducing the risks to vulnerable road users.</p> <p>We note that a Temporary Traffic Management Plan will be developed during construction to protect the safety of the bicycle riders and pedestrians including children.</p> <p>Following the public determination meeting, the Panel required TTW Response to TfNSW TIA comments (24 June 2024) to be referred to TfNSW for further comment.</p> <p>Further advice received from TfNSW on 20 August 2024 has reinstated its position that “The ‘Additional Comments’ provided in the TfNSW letter dated 28 March 2023 were provided for the Council to consider as part of its assessment. On the basis that the Council have considered the comments in the TfNSW letter dated 28 March 2023 and are satisfied that the applicant has adequately addressed them, TfNSW has no further comments.”</p> <p>On the receipt of the above advice, Council’s engineer has further reviewed the TTW Response to TfNSW TIA comments against the TfNSW letter and are satisfied that the applicant has adequately addressed them.</p> <p>Both TfNSW and Council’s development engineer have further reviewed the traffic impacts/report of the development, and both are able to support the DA.</p>
Service lane	Issue raised	It’s unclear if the service lane on the western side is restricted to service vehicles or an additional exit for the Lowe Street carpark.
	Response	<p>The assessment can confirm that the proposed service lane on the western side will be restricted to service vehicles only and no additional exit for the Lowe Street carpark.</p> <p>A covenant will be established on the 88B Instrument to ensure the proposed service lane will be restricted to service vehicles only.</p>
Tree	Issue raised	<p>The DA requires one of the London Plane trees to be removed. The trees are an important part of the environment and the history of Rutledge Street and surrounds and they are known to live for several hundred years and also form an important part of our heritage. These beautiful trees give Rutledge Street its character and charm.</p>



	Response	<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 proponent proposes to replace the London Plane tree across the street with a PLA platanus x acerifolia (also known as London plane).</p> <p>On this basis, the removal of the one tree just outside the site and replacement across the street is considered reasonable.</p>
Overshadowing	Issue raised	The shading diagrams for winter for the church and residences on the south side of Rutledge Street – and not just focus on the childcare centre which is located well back from the street
	Response	<p>The assessment has reviewed the shadowing diagrams during winter for the church and the nearby residences on the south side of Rutledge Street.</p> <p>The diagrams confirm the church and residential buildings located opposite in Rutledge St will not be overshadowed from 9am to 12pm which means they will still receive at least three hours direct sunlight on winter solstice. The commercial premises (including the library and Queanbeyan-Palerang Family Day Care) to the west will be overshadowed at 9am on 21 June but will receive direct sunlight from 12pm to 3pm</p>
Flood	Issue raised	On the Queanbeyan Flood Plan Risk Management Plan and Study Diagram (p.43) the proposed development is placed in Monaro street, not Rutledge Street, but Rutledge Street is closer to the river. This may or may not be significant but needs to be corrected.
	Response	 <p>The diagram has been corrected as above.</p>
Noise	Issue raised	<p>Noise – the lack of data did not preclude the applicant from concluding that the noise level will be acceptable.</p> <p>Noise should be considered as the serious issue it is. Noise affects more than amenity; it also affects health. Background noise has been shown to affect blood pressure, raising it, particularly at nighttime.</p>

	Response	<p>The application has been referred to Councils environmental health officer who found the acoustic report demonstrated no adverse ongoing noise impact to the area however the report recommended a construction noise and vibration management plan be developed prior to Construction Certificate to set out detailed requirements for managing noise &amp; vibration to acceptable levels during the construction period.</p>
Heritage	Issue raised	<p>The building will also tower over the heritage buildings on Crawford Street to the East.</p> <p>The erosion of the real heritage value of the wider area has not been discussed.</p> <p>The proposed build should be drastically modified to seamlessly fit into our heritage environment and cultural precinct. Why has the opinion (Page 63, Council Assessment Briefing Report to Panel) of Council's former Heritage Advisor Pip Giovanelli been disregarded so conveniently. His sage advice was unanimously supported by the Heritage Advisory Committee.</p> <p>Given the significance of the heritage well – the Heritage advice was adamant that the well be retained in situ.</p>
	Response	<p>The proposed brick colonnade of the development borrows the brick elements of the heritage buildings on Crawford Street to the East, which contributes to the appropriate transitions between the heritage items and the proposed development. The heritage items of the wider area are mainly one-storey buildings, the proposed one-storey brick colonnade of development is considered consistent with the heritage values of the wider area.</p> <p>The heritage adviser had initially suggested that the additional podium materiality treatment may be a way to soften the transition between the heritage items and the proposed development.</p> <p>The proponent has considered the suggestion by the heritage adviser and investigated the possibility of two-storey brick colonnade. The investigations have demonstrated that prolonging the exploration of the two-story podium would not likely yield a better result. As such, the heritage adviser therefore agreed to retain the podium as a single storey high element the top of which would form a balcony high wall to the first-floor balconies.</p> <p>With regard to the heritage well, the well will be reconstructed (using existing bricks where practicable) in its original location and covered with a trafficable glass floor for viewing. Internally, a black mirror will be used to simulate a well shaft. A historical plaque will also be provided with a narrative detailing the history of the well. The treatment of the well is considered consistent with one of the Panel's suggested measures for the well</p> <ul style="list-style-type: none"> <li>• <i>installation of a transparent walkway/floor to view the well insitu;</i></li> </ul>

Opinion & lack of data in assessment report	Issues raised	<p>The assessment report is full of unsubstantiated opinion and does not provide justification for the pro-development conclusions reached with multiple comments of “finding this acceptable”.</p> <p>The assessment report in page 30 states in its summary that “<i>The proposed development will enhance the character of the CBD</i>”. This statement is contestable for two reasons:</p> <ul style="list-style-type: none"> <li>• <i>The proposed development is placed on Rutledge Street, a residential street which is not part of the CBD.</i></li> <li>• <i>The statement is one-sided. It lacks supporting evidence that the diverse range of views about the development were carefully weighed up and considered.</i></li> </ul>
	Response	<p>The development is fully located within Queanbeyan CBD area. The development borrows the elements (one-storey brick colonnade) of the surrounding heritage buildings with nine-storey modern residential apartments at top. This is consistent with the newly built modern developments (Queanbeyan public administrative building and the Q)</p> <p>Purdon Planning, as Council’s independent assessing officers of this development application, reinstates that we have no conflict of interests of the project and have assessed the development application independently in accordance with the relevant planning regulations applied to the site (including the relevant NSW SEPPs and Queanbeyan-Palerang Regional Local Environmental Plan 2022, Queanbeyan Development Controls Plan 2012).</p>
Scale/Overdevelopment	Issues raised	<p>Scale of the development lacks sensitivity, sympathy and respect the heritage buildings.</p> <p>There is a real risk that this current development will suffer the same fate (with Furlong House) and when taken in context with its’ surrounding environment, the two new apartment buildings will be an obvious overdevelopment.</p>
	Response	<p>The proposed development borrows the elements of heritage buildings, and seek to respect the heritage buildings. The heritage adviser initially suggested increasing the podium to two storeys to soften the impacts on the heritage items. However, the investigations have demonstrated that prolonging the exploration of the two-story podium would be “too fragmented and poorly integrated into the first-floor level” and “the extension of the colonnade would be visually incongruous with the upper storeys”. As such retaining the podium as a single storey is considered comparable with the existing heritage buildings.</p> <p>Provision of space for the heritage buildings at the South East corner of the block has resulted in a reduced ground</p>

		<p>floor plane for development of the site. This has allowed for a greater amount of space reserved for the south east corner of the block and an opportunity to provide a green square rather than built form to this element and therefore presents a view to the heritage buildings from Rutledge Street.</p> <p>The bulk and scale of the development has been considered in terms of the delivery of affordable housing.</p>
Noise	Issues raised	The DA's complete lack of evaluation of the noise generated by the additional vehicle traffic (DA Part 3, page 30). The lack of data did not preclude the applicant from concluding that the noise levels will be acceptable
	Response	<p>The acoustic report has been referred to Councils environmental health officer who found the acoustic report demonstrated no adverse ongoing noise impact to the area.</p> <p>A condition has been added in the consent to ensure all recommendations and specifications detailed in the acoustic report be implemented to reduce the noise levels generated from the development. With the measures implemented, it is considered that the impacts on surrounding sensitive receptors from activities on the site would be minimal and acceptable</p>