

Statement of Environmental Effects

Queanbeyan Civic and Cultural Precinct

Prepared for: Cox Architecture

Reference No: 3002597

18/12/2019





Local People. Global Experience.

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1. Introduction

SMEC has prepared this Statement of Environmental Effects on behalf of Cox Architecture in relation to this development application (DA).

The proposal seeks consent for the construction of a seven-storey public administration building with one level of basement parking beneath a public plaza, new laneway configuration and modification to the subdivision lot layout.

The proposal specifically comprises the following:

- Demolition of an existing substation that serviced the previous Council Administration building at 257 Crawford Street
- Decommissioning and removal of existing substation adjacent to the previous Council Administration building
- Construction of two new substations
- Partial demolition relating to Bicentennial Hall & The Q Foyer / Link
- Construction of a seven-storey public administration building at 257 Crawford Street (including basement)
- Establishment of a new service lane from Crawford Street
- Construction of new ground floor linkage Bicentennial Hall / The Q Foyer
- Construction of mezzanine level from Bicentennial Hall to the new public administration building
- Establishment and landscaping of a Crawford Street Plaza
- Establishment and landscaping of The Q Plaza
- Subdivision of the site to reconfigure the current lot alignment from six allotments into two allotments.

This report is accompanied by the following documentation:

Table 1 Accompanying Documents

Document	Prepared By	Attachment
Architectural Plans	Cox Architecture	Appendix A
Landscape Plans	Oxigen	Appendix B
Preliminary Site Investigation	Opus International Consultants	Appendix C
Geotechnical Investigation	D & N Geotechnical	Appendix D
Traffic Impact Statement	Taylor Thomson Whitting	Appendix E
BCA Capability Assessment	Capital Certifiers	Appendix F
Heritage Impact Statement	Phillip Leeson & Associates	Appendix G
DA Sustainability Report	VIRIDIS	Appendix H
Preliminary Cost Estimate	WT Partnership	Appendix I

Concept Stormwater Management Plans	Taylor Thomson Whitting	Appendix J
Flood Impact Statement	Advice from Council	Appendix J
Waste Management Plan	Taylor Thomson Whitting	Appendix K
Noise Impact Statement	WSP	Appendix L
Preliminary Soil Contamination Assessment	Ballpark Environmental	Appendix M

1.1. Project Synopsis

Parcel Details	<p>Lot 1 DP 1179998 (Council Chambers, Bicentennial Hall and The Q)</p> <p>Lot 5 DP 1179998 (main public car park – referred to as Lowe Car Park)</p> <p>Lot 2 DP 1179998 (257 Crawford Street, Dutton’s Cottage, Fire Station and 14 Rutledge St)</p> <p>Lot 1 DP 743338 (car park to the rear of 10 Rutledge Street)</p> <p>Lot 2 DP 743338 (partial adjacent to Rutledge Street car park entry)</p> <p>Lot 18 DP 548244 (2 storey dwelling currently used by council as an office)</p>
Relevant statutory provisions	<p>SEPP (State and Regional Development) 2011</p> <p>SEPP No. 55 (Remediation of Land)</p> <p>SEPP No. 64 (Advertising and Signage)</p> <p>SEPP (Infrastructure) 2007</p> <p>Queanbeyan Local Environmental Plan 2012</p> <p>Queanbeyan Development Control Plan 2012</p> <p>Queanbeyan City Development Contributions Plan</p>

2. Planning Context

2.1. Planning History

Development consent for the demolition of 257 Crawford Street, Queanbeyan and establishment of a temporary car park have been sought separately through the lodgement of a Development Application (DA 368-2017). The demolition works and temporary car park have been established prior to the commencement of works sought under the current application.

A site analysis and constraints assessment was undertaken by the project architect and Council representatives in the initial stages of the design. The selection of the site at 257 Crawford Street and redevelopment of the at-grade public carpark was considered the preferred option by the project team as it allowed development to be 'physically' separated from the existing heritage streetscape of Crawford Street. The proposed public plaza would enhance the heritage value of Dutton's Cottage, the Fire Station and the former Council Chambers.

The redevelopment of the existing at-grade public car park would provide beneficial socio-economic and land-uses within the Queanbeyan CBD. By placing the public carpark below ground, the above ground areas would provide improved pedestrian links at Crawford Street through to areas such as The Q Theatre.

A primary consideration in the design of the development was the location of a 2.8m diameter stormwater pipe which is considered a significant site constraint for replacement of the existing building at 257 Crawford Street.

Community consultation and comment on the proposal was sought between 28 October and 29 November 2019 through the "your voice" online QPRC portal and community drop in sessions on 7 and 8 November 2019. Over 90 members of the community engaged with a pop-up information stand held in Riverside Plaza held on 7 and 8 November 2019. In addition, two consultation sessions for council employees were held on 30 October and 19 November 2019. The feedback received from community and staff was mostly positive with concerns raised about traffic and parking, the impact on the adjoining heritage sites and the overall cost of the proposal. Feedback from the community and employees during this consultation period has been considered in the overall design and staging of the development and inform an amendment to the Development Application if necessary.

2.2. Development Coordination and Review Meetings

The project team attended one Development Coordination and Review (DCR) meetings with Council staff to seek guidance on the proposal on 21 February 2019.

The key issues identified are summarised in the following table:

Table 2 Summary of issues identified in DCR meetings

Identified Issue	Design Response	Complies?
Consider minimum setbacks and floor space ratio when setting boundaries	FSR complies with 3:1 development standard Refer to detailed likely impacts discussion for modification to setbacks.	✓

Site is flood affected	Entry ramp located to more elevated position 500mm freeboard adopted	✓
Car parking	Potential impacts on public car parking Existing issues with traffic congestion on Crawford Street (classified road)	✓
Existing water main	Detail of footings and structure over Council asset	✓
Demolition can be undertaken separately	Separate DA lodged for demolition and temporary car park	✓
A 5m solid wall won't be accepted	Building is well articulated to break up the building massing from laneways and the public domain.	✓
Laneway must be retained (public road)	Laneway access has been retained to the rear of properties fronting Monaro Street, albeit reconfigured to provide access from Rutledge Street.	✓
Waste Management Plan required	Provided	✓
Side setback variations	Justification will be required in SEE.	✓
Landscape Plan required	Provided	✓
Servicing of new subdivided blocks	A staging plan is provided in the architectural plans detailing the staging of the subdivision to ensure newly created blocks are separately serviced (where required).	✓
Consideration of service upgrades to buildings (water pressure, sewer)	Not required for DA however we have noted for CC stage and are investigating upgrades separately.	✓
Traffic Impact Statement required	Driveway location discussed Basement entry ramp location addressed in Traffic Impact Statement	✓
Road closure to be included in development description	Noted and included.	✓

Footpath	To be included in road reserve not building curtilage. 1.5m wide.	✓
Acoustic impacts	Addressed in likely impacts discussion	✓
Shadow diagrams required	Provided	✓
Loading bays not in basement	Justification to be provided due to basement being secured. Loading bays to be provided elsewhere in accessible locations.	✓

2.3. Relevant Consent Authority

The DA will be determined by the NSW Regional Planning Panel as Council is the applicant and owner of the land and the capital investment value exceeds \$5 million (refer to Schedule 4A(4) of the *Environmental Planning and Assessment Act 1979*).

3. Site Description

3.1. Parcel Details

The site has a frontage to 257 Crawford Street, Queanbeyan and comprises construction of a new Council Administration building at 257 Crawford Street with basement car park, new gallery linking Bicentennial Hall with The Q foyer and public domain, with construction and demolition over four lots being Lot 1, Lot 2 and Lot 5 DP 1179998, and Lot 1 DP748338. The total site area is 12,533m², as defined by proposed Lot A in the plan of subdivision (refer to GFA Plan).

The proposal also seeks consent for subdivision of Lot 2 DP 1179998 and reconfiguration of the public laneway that provides access to The Q Queanbeyan Performing Arts Centre, a Council car park and rear lane access to commercial buildings fronting Monaro Street.

3.2. Site Conditions

The subject site is developed with hard stand public carparking and commercial buildings. The site is relatively flat and is drained to the Council drainage system. The site is devoid of significant natural vegetation.

An existing 2.8m diameter stormwater pipe runs from Lowe Street to Crawford Street across Lot 2 DP1179998, Lot 5 DP1179998 and a public road.

An aerial photograph of the site is provided in Figure 1



Figure 1: Aerial View - Subject Site

SITE



3.3. Surrounding Area and Context

The subject site is located centrally within the Queanbeyan CBD and is bounded by Monaro Street to the north, Crawford Street to the east, Rutledge Street to the south and Lowe Street to the west.

Directly north of 257 Crawford Street (Lot 2 DP 1179998) is The Q Queanbeyan Performing Arts Centre, Bicentennial Hall, Council Chambers (a local heritage item). The Lowe Car Park (Lot 5 DP 1179998) is located west of 27 Crawford Street. Two further heritage items; Dutton's Cottage and the former Queanbeyan Fire Station are located south of 257 Crawford Street.

The Queanbeyan RSL Club is located on the north-eastern corner of the block at the intersection of Crawford Street and Monaro Street. Local bank branches, real estate agents, Walsh's Hotel and bottle shop, takeaway food businesses, hair dressing salons and retail shops are located along the southern side of Monaro Street from Crawford Street to Lowe Street. Public rear lane access is provided to No.'s 8 to 70 Monaro Street from Lowe Street and Rutledge Street.

Development at No.'s 10 to 14 Rutledge Street and 265 Crawford Street comprises numerous single and two storey buildings currently occupied as Council offices or being utilised for community purposes. The three storey Queanbeyan library is located at 6 Rutledge Street and has frontages to Rutledge Street, a public laneway and toward the open public car park. On the western side of the Queanbeyan library is a single storey strata subdivided commercial building containing a real estate agency, medical practice, dental practice and pathology centre.

Development at No. 62 Lowe Street comprises six three storey residential apartment buildings with a detached single storey dwelling. North of the public laneway entrance from Lowe Street is a two-storey former industrial building with sawtooth roof and a service station. A two-storey commercial building currently containing a real estate agency exists to the corner of Lowe Street and Monaro Street.

Development in the streets surrounding the site comprises numerous churches (St Raphael's Catholic Church, Queanbeyan Uniting Church and a Macedonian Orthodox Church), St Gregory's primary school, pre-schools, Queanbeyan Visitor Information Centre and other commercial uses. Queanbeyan Local Court and Police station are located on the northern side of Monaro Street at the intersection with Lowe Street.

Queanbeyan Showground is located to the rear of St Gregory's Primary School. A heritage entry is provided off Lowe Street, adjacent to the Queanbeyan Visitor Information Centre. Brad Haddin Oval (Queanbeyan Park), bowling greens, tennis courts, children's play equipment and ancillary buildings are located behind the Queanbeyan Local Court, Police Station and Museum. The subject site is approximately 400m west of the Queanbeyan River and approximately 300m south-west of Riverside Plaza.

4. Proposal

4.1. Overview

The proposal is seeking consent for the construction of a seven-storey public administration building. The proposal specifically comprises the following:

- Demolition of an existing substation that serviced the previous Council Administration building at 257 Crawford Street
- Decommissioning and removal of existing substation adjacent to the previous Council Administration building
- Construction of two new substations
- Partial demolition relating to Bicentennial Hall & The Q Foyer / Link
- Demolition of existing structures and buildings at 10 and 12 Rutledge Street
- Construction of a seven-storey public administration building at 257 Crawford Street (including basement)
- Establishment of a new service lane from Crawford Street
- Construction of new ground floor linkage Bicentennial Hall / The Q Foyer
- Construction of mezzanine level from Bicentennial Hall to the new public administration building
- Establishment and landscaping of a Crawford Street Plaza
- Establishment and landscaping of The Q Plaza
- Subdivision of the site to reconfigure the current lot alignment from six allotments into two allotments.

4.2. Demolition and Road Closure

The proposal would require the removal of the existing hard stand public carparking areas over Lot 5 DP1179998. Along with demolition of existing building and structures on Lot 18 DP 548244 and Lot 2 DP748338.

The proposal also seeks to partially close the Rutledge Street entry to the unnamed public laneway that provides access to the rear of commercial buildings at No.'s 20-28 Monaro Street. The unnamed public laneway will remain open and accessible from Lowe Street.

It is noted that consent for the demolition of the two storey former council offices at 257 Crawford Street was prepared under a separate development application. The demolition has been undertaken and the site is occupied by a temporary public car park.

4.3. Construction

It is not intended to formally stage the development application under Section 4.22(2) of the *Environmental Planning and Assessment Act 1979* (EP&A Act), however to minimise disruption to local

businesses and the availability of public car parking in the Queanbeyan CBD, the construction work of the development would be 'informally' staged through the issue of staged Construction Certificates. The following is an indicative sequence for the purposes of the DA assessment however may be subject to change prior to the commencement of work.

The proposed staging is summarised below and detailed on DA-13-01 Staging Plan.

- **Stage 1 – Construction of new substation**

Two new substations are to be constructed to the west of the new Administration building and south of The Q Theatre.

- **Stage 2 - Demolition of existing substations (adjacent to Bicentennial Hall and The Q)**

The existing substation that previously serviced 257 will be demolished. The substation is located to the south of the Bicentennial Hall. The substation removal will facilitate future linkages and connection from the Bicentennial Hall to the new public administration building. The substation south of The Q will be demolished. The substation removal will facilitate future linkages and connections between the public domain in front of The Q and the new public administration building.

- **Stage 3 - Basement**

The demolition of identified existing buildings on 'lot 2 DP748338' and 'lot 18 DP548244' to allow for earthworks and construction of the basement.

- **Stage 4 - Basement**

Excavation and construction for the one level of basement car parking beneath the proposed public administration building and future landscaped area in front of The Q.

- **Stage 5 – Partial Demolition of Bicentennial Hall and The Q Foyer**

Partial demolition of the Bicentennial Hall (south east corner) to facilitate future linkages and connection from the Bicentennial Hall and The Q Theatre to the new Council Building.

- **Stage 6 – Construction of Bicentennial Hall & The Q Foyer (Ground Floor)**

Construction of a new Ground Floor foyer will facilitate linkages between the Bicentennial Hall and The Q Theatre and the public plaza.

- **Stage 7 – Construction of Bicentennial Hall & The Q Foyer (Mezzanine level)**

Construction of a new Mezzanine foyer will facilitate linkages between the Bicentennial Hall and The Q Theatre to the new Council Building.

- **Stage 8 – Construction of Public Administration Building**

Construction of the proposed seven storey public administration building.

- **Stage 9 – Demolition of building on Lot 2**

Demolition of one single storey buildings on Lot 2 will allow construction of the new laneway to the south of the proposed public administration building from Crawford Street.

- **Stage 10 – Construction of bike storage**

Construction of the bike storage to the south of the public administration building accessed via the laneway off Crawford street.

- **Stage 11 – Construction of new service lane**

Establishment of a new service laneway from Crawford Street.

- **Stage 12a – Crawford Street Plaza Landscape works**

Landscaped plaza to in front of the new administration building.

- **Stage 12b – The Q Landscape works**

Landscaped plaza above the new basement car park and former roadway/carpark adjacent to The Q Theatre.

- **Stage 13 – Registration of subdivision**

Details of the proposed subdivision are outlined below.

4.4. Subdivision

The proposed development requires reconfiguration of existing boundaries and formation of six new lots. The subdivision would be required to be completed prior to the issue of a final Occupation Certificate and would need to include the configuration of existing services.

A summary of the subdivision works is provided in Table 4.1. This should be read in conjunction with Subdivision Plan New DA-10-02 prepared by COX Architecture.

The proposed change to the subdivision:

- Creation of a new block that consolidates lots 1, 5 and 2 (part) DP 1179998 and lot 1 DP 748338 to form a single large block (proposed lot 1 DP 1179998). The block effectively stretches from the Council Chambers to Dutton's Cottage on Crawford Street and to the laneway behind, incorporating all the land on which The Q Theatre and Bicentennial Hall is located; and
- Creation of a new block (lot 2 DP 1179998) that consolidates lot 18 DP 548244 and lot 2 DP 748338 at the rear of the fire station (addressing Rutledge Street) to achieve a single block stretching from Crawford Street to the laneway behind.

Table 3.3 Detail of Proposed Subdivision

Proposed Lot No.	Existing Lot No.	Detail	Proposal
New Lot 1 DP 1179998	Lot 1 DP 1179998	Contains The Q, Bicentennial Hall and Council Chambers.	Consolidate with Lot 1 DP1179998 and part Lot 5 DP 1179998 and Lot 1 748338 to form site of new public administration building and public plaza (former site of 257 Crawford Street).
	Lot 2 (part) DP 1179998	257 Crawford Street	

	Lot 5 DP 1179998	Public car park	Western part of lot becomes the site for the new public administration building.
	Lot 1 748338		
New Lot 2 DP 1179998	Lot 2 (part) DP 1179998 Lot 18 DP 548244 Lot 2 DP748338	Dutton's Cottage, Fire Station and dwellings at 14 Rutledge St	Consolidation of three existing lots into one lot, one lot containing the two heritage items (to be retained) and one lot containing the three dwellings to the corner of Rutledge Street/Crawford Street.
Public Road	Lot 12 DP 743338	Located to the rear of 10 Rutledge Street. Contains footpath and access to public car parking.	Realignment of lot boundary to east to widen public road access off Rutledge Street.

5. Section Evaluation & Statutory Assessment

This section provides an assessment of the proposed development against the relevant provisions of Section 4.15 of the *Environmental Planning and Assessment Act 1979* (EP&A Act) and the following statutory instruments:

- SEPP (State and Regional Development) 2011
- SEPP 55 (Remediation of Land)
- SEPP 64 (Advertising and Signage)
- SEPP (Infrastructure) 2007
- Queanbeyan Local Environmental Plan 2012
- Queanbeyan Development Control Plan 2012
- Queanbeyan City Council Section 94 Contributions Plan 2012.

5.1. Environmental Planning Instruments

State Environmental Planning Policy (State and Regional Development)

In accordance with Schedule 2 of the EP&A Act, 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 proponent is the Council. Clause 21 of SEPP (State and Regional Development) provides for the functions of a regional panel.

State Environmental Planning Policy No. 55 (Remediation of Land)

SEPP No. 55 aims to promote the remediation of contaminated land to reduce the risk of harm to human health or any other aspect of the environment. The provisions of SEPP 55 require the consent authority to consider the following matters, prior to the determination of a development application:

- (a) Whether the land is contaminated
- (b) If the land is contaminated; whether the land is suitable for the proposed use either in its contaminated state or following remediation
- (c) If the land requires remediation, that it is satisfied that the land will be remediated before the land is used for the intended purpose.

A Preliminary (Phase 1) Site Investigation (PSI) was prepared by Opus International Consultants for a previous project which overlaps part of the site (**Appendix C**). The PSI details the history of the use of the previous project site and indicates that further investigation is required in the form of a Detailed Environmental Site Investigation due to the elevated concentration of hydrocarbon (diesel) present in one of the soil analysis samples.

D&N Geotechnical completed a geotechnical investigation on this site in June 2019. Opus (2017) had also completed a geotechnical investigation and a preliminary site investigation (PSI) for the adjoining Lot 5 to the west of the site.

D&N Geotechnical Pty Ltd was engaged to undertake a preliminary Soil Contamination Assessment (SCA) and an interim in-situ waste classification for the proposed development. Ballpark Environmental reviewed the previous investigation reports, boreholes logs, laboratory results from soil and groundwater samples and prepared a preliminary SCA report in cooperation with D&N Geotechnical. The objective of the preliminary SCA was to provide a preliminary assessment of soil and groundwater contamination and, if required, provide a basis for a more Detailed Site Investigation.

Based on the findings of the preliminary SCA (**Appendix M**), it is assessed that there is a low potential risk from soil or groundwater contamination to human health or environment on this site. No evidence of soil or groundwater contamination was identified which would warrant further detailed site investigation or remediation in accordance with the requirements of State Environmental Planning Policy No. 55 – Remediation of Land (SEPP 55).

State Environmental Planning Policy No. 64 (Advertising and Signage)

SEPP No. 64 seeks to ensure that signage is compatible with the desired amenity and visual character of an area, provides effective communication and is of high quality design and finish.

The proposed development includes building identification signage for the two tenants within the building. Both tenants will require identification signage as they will directly serve the local community. The Q Theatre and QPRC will have signage for the public entry facing public plaza to Crawford Street. Addressible lighting is proposed over the Civic plaza to display public event and community messages. This signage provides each different use with a different entry will assist in the readability of the building.

Given the public nature of the tenants, it is important that the signage assists with wayfinding and is accessible to all future building users. From a design perspective, it was important to ensure that the signage was integrated into the building design to ensure it identifies the intended public services without dominating the visual appearance of the building.

In accordance with Clause 8 of SEPP 64, Table 4.1 provides an assessment of the proposed signage against the criteria presented in Schedule 1.

Table 4.4 SEPP 64 Signage Assessment

Provision	Proposal	Complies?
1 Character <i>Is the proposal compatible with the existing or desired future character of the area or locality in which it is proposed to be located?</i> <i>Is the proposal consistent with a particular theme for outdoor advertising the area or locality?</i>	The proposed signage is compatible with the existing and likely future character of the area which is primarily commercial.	✓
2 Special Areas <i>Does the proposal detract from the amenity or visual quality of any environmentally sensitive areas, heritage areas, natural or other conservation areas, open space</i>	The signage is integrated into the design of the building and will not detract from the heritage character of the surrounding streetscapes.	✓

<p>areas, waterways, rural landscapes or residential areas?</p>		
<p>3 Views and Vistas</p> <p><i>Does the proposal obscure or compromise important views?</i></p> <p><i>Does the proposal dominate the skyline and reduce the quality of vistas?</i></p> <p><i>Does the proposal respect the viewing rights of other advertisers?</i></p>	<p>The signage does not dominate the skyline or compromise views.</p>	✓
<p>4 Streetscape, setting or landscape</p> <p><i>Is the scale, proportion and form of the proposal appropriate for the streetscape, setting or landscape?</i></p> <p><i>Does the proposal contribute to the visual interest of the streetscape, setting or landscape?</i></p> <p><i>Does the proposal reduce clutter by rationalising and simplifying existing advertising?</i></p> <p><i>Does the proposal screen unsightliness?</i></p> <p><i>Does the proposal protrude above buildings, structures or tree canopies in the area or locality?</i></p> <p><i>Does the proposal require ongoing vegetation management?</i></p>	<p>The scale of signage is in scale with the building and clearly identifies each tenant. By integrating signage and key corporate colours into the materials and finishes (e.g. facebrick building base), signage clutter is reduced and the intended tenant/services are clearly communicated.</p>	✓
<p>5 Site and building</p> <p><i>Is the proposal compatible with the scale, proportion and other characteristics of the site or building, or both, on which the proposed signage is to be located?</i></p> <p><i>Does the proposal respect important features of the site, or building, or both?</i></p> <p><i>Does the proposal show innovation and imagination in its relationship to the site, or building, or both?</i></p>	<p>The proposed signage is compatible with the scale, proportion and character of the proposed building. The signage does not dominate the character of the building however works to clearly define the uses of the site.</p> <p>The signage is not particularly innovative however it incorporates the key defining colours of the key tenant and reduces the need for large areas of signage.</p>	✓

<p>6 Associated devices and logos with advertisements and advertising structures</p> <p><i>Have any safety devices, platforms, lighting devices or logos been designed as an integral part of the signage or structure on which it is to be displayed?</i></p>	There are no safety devices required.	n/a
<p>7 Illumination</p> <p><i>Would illumination result in unacceptable glare?</i></p> <p><i>Would illumination affect safety for pedestrians, vehicles or aircraft?</i></p> <p><i>Would illumination detract from the amenity of any residence or other form of accommodation?</i></p> <p><i>Can the intensity of the illumination be adjusted, if necessary?</i></p> <p><i>Is the illumination subject to a curfew?</i></p>	The proposed signage is to be internally illuminated to assist with wayfinding. The illumination signage is proposed on facades facing the civic public plaza, with the proposed illumination will be adjustable to ensure there is no nuisance to nearby residential properties.	✓
<p>8 Safety</p> <p><i>Would the proposal reduce the safety for any public road?</i></p> <p><i>Would the proposal reduce the safety for pedestrians or bicyclists?</i></p> <p><i>Would the proposal reduce the safety for pedestrians, particularly children, by obscuring sightlines from public areas?</i></p>	The signage will not adversely impact pedestrian and vehicular safety. The signage will assist with wayfinding to these public administration uses.	✓

As demonstrated in the above table, the proposed signage has been carefully considered and has been integrated into the design of the building. The proposed signage will have an important function in identifying the public services provided within the building and will appropriately assist with wayfinding.

State Environmental Planning Policy (Infrastructure) 2007

The relevant provisions of SEPP (Infrastructure) relate to vehicular access to the site and the likely traffic generation under Clauses 101 and 104 respectively.

The site has a frontage to Crawford Street, an unclassified road under the Roads Act. Clause 101 of SEPP (Infrastructure) states that *‘where practicable, vehicular access to the land [be] provided by a road other than the classified road’*. The proposed development seeks to direct vehicular access to the site via the unnamed rear laneway from Rutledge Street and Crawford Street, which are both local roads.

The proposal includes the closure of an unnamed laneway from Crawford Street between the former Fire Station and Dutton’s Cottage that previously provided access to an informal car park for Council staff. Traffic will be redirected on the site through a new access point and laneway off Crawford Street for service vehicles and general access off Rutledge Street. This access arrangement will satisfy the provisions of Clause 101(2) of SEPP (Infrastructure).

The vehicular access arrangements, via the laneway from Rutledge Street to the basement entry further than 90m from the intersection with Crawford Street. The laneway access from Crawford Street is less than 90m from the Rutledge / Crawford Street intersection however this access laneway is proposed to be used by service vehicles only. Therefore, the development does not require to be classified as ‘traffic-generating’ under Clause 104 of SEPP (Infrastructure). As such, it is not anticipated that the development will require referral to RMS.

Overall, the development will not impact the ongoing operation of the adjoining classified road and has satisfied the relevant provisions of SEPP (Infrastructure) 2007. A Traffic Impact Statement at **Appendix E** provides a detailed discussion of anticipated traffic movements and car parking demand associated with the proposed development. A discussion of traffic and parking impact is also provided in the likely impacts section of this report.

Queanbeyan Local Environmental Plan 2012

The Site is zoned B3 Commercial Core under the zoning provisions of the Queanbeyan Local Environmental Plan (QLEP) 2012.

The proposed development is most appropriately defined as a *public administration building* meaning: *“a building used as offices or for administrative or other like purposes by the Crown, a statutory body, a council or an organisation established for public purposes, and includes a courthouse or a police station”*. A public administration building is an innominate use, being a use that is neither specifically prohibited or permitted with consent in the B3 Commercial Core zone. As such, the use is deemed to be permissible with consent.

The objectives of the B3 Commercial Core zone seek to:

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

- *To encourage some high density residential uses in conjunction with retail or employment uses where appropriate.*

The proposed development satisfies these objectives by consolidating existing Council public administration uses, including library, within the Queanbeyan CBD into one building. The site is in an accessible location and will incorporate end-of-trip facilities to encourage employees to choose active transport options for their journey to work.

The inclusion of commercial lettable space incorporating a 'smart-hub' will provide an incubator for local businesses and will provide a shared work environment to reduce the need to commute to Canberra. The proposal will introduce additional visitors into the area, reinforcing the importance of the Queanbeyan CBD as the location for civic activities, businesses and administrative services. The design of the public plaza surrounding the public administration building will provide facilities to encourage community use of the public plaza and will assist with activating the area.

Whilst the site does not include residential uses, the proposal would consolidate Council staff into one building, possibly releasing other Council owned sites in the CBD for future redevelopment. The tenants that are to be accommodated within the building will be an attractor for visitors to the CBD and will provide appropriate services to support the local community.

Clause 4.4 and the associated maps of the Queanbeyan LEP permit a maximum Floor Space Ratio of 3:1 (37,599m²). The proposal has an FSR of 0.798:1 (10,004m²) based on a site area of 12,533m², as defined by proposed Lot A in the plan of subdivision (refer to GFA Plan).

The development is well modulated to present an acceptable building bulk particularly to Crawford Street where a setback of 14m is achieved beyond two storeys to provide a pedestrian scale and a clear break between the podium and tower. The surrounding area is characterised by a diversity of architecture ranging from 1970s buildings to multiple federation cottages and row shops, heritage churches and 1960s infill development. As demonstrated in the below architectural render, the building has been designed to integrate with the character of the surrounding area and the heritage palate of development in Queanbeyan through the use of a facebrick podium for the bottom two levels, and sleek glass finish to the remainder of the building.



Figure 2: Perspective – View looking east across Civic plaza

The proposal does not comply with the maximum permitted building height of 30m under Clause 4.3 of the Queanbeyan LEP. The building sections demonstrate that the building has a height of 32.97m as measured from the existing ground level (RL575.58) to the top of the plant room, representing the highest point of the building (RL608.55).

The proposed subdivision is permissible with consent pursuant to Clause 2.6 of the QLEP. The site is not subject to minimum subdivision lot size requirements under Clause 4.1, however Lot 2 DP 1179998 contains two items that are listed in Schedule 5 of the QLEP as having local heritage significance. Item No. 150, the former Queanbeyan Fire Station, is located at 261 Crawford Street whilst item No. 151, Dutton's Cottage, is located at 263 Crawford Street.

The provisions of Clause 5.10 are relevant to the conservation of heritage both within the site and within the surrounding streetscape. Clause 5.10(4) requires the consent authority to consider the impact of the proposed development (including subdivision) on the two heritage items within the site.

These two heritage items are currently within a highly-modified setting, comprising hard stand car parking areas. There are restricted view lines to the heritage items due to the dominant two storey commercial building at 257 Crawford Street that has nil front and side setbacks. The removal of the commercial building at 257 Crawford Street (subject to a separate DA) and establishment of an open public plaza will improve view lines to both the former fire station and Dutton's Cottage.

The separation of the proposed seven storey public administration building from these two heritage items through a proposed laneway is sufficient to mitigate direct impacts on the heritage significance of these items. Moreover, the works to provide a public plaza will significantly improve the setting of the two items and upgrade the overall contribution to the streetscape.

Within close proximity of the site are numerous heritage items within the Queanbeyan Conservation Area. The proposed development adopts a pedestrian scale to Crawford Street by providing an 14m setback above two storeys. As discussed previously, the form of the building is well articulated and incorporates a facebrick building base that provides a modern interpretation of the facebrick character of development within the nearby conservation area. A statement of support from a Heritage Consultant is attached at **Appendix G**.

Overall, the proposal will upgrade the site and improve presentation to nearby heritage items and conservation areas. The new building will better integrate with the local character and architectural palate than the two storey commercial building it replaces. Whilst clearly much larger than the two storey building it replaces, the proposed development will visually tie to the existing palate of development and the desired future character envisaged by the LEP controls and master planning undertaken for the Queanbeyan CBD.

The proposal includes ancillary earthworks in the excavation of basement car parking and requires consideration under Clause 7.1 of the QLEP. Measures will be in place during excavation works to minimise impact on nearby development and to maintain existing drainage. As discussed in the SEPP 55 assessment above, testing of soil will be undertaken prior to works commencing to ensure excavated soil is suitably classified for disposal off-site in accordance with NSW EPA requirements.

The subject site is located on the 100 year ARI Flood Fringe and a Peak Flood Level of RL575.51AHD is designated in the area surrounding the site. As such the provisions of Clause 7.2 of the QLEP are applicable to the development. The proposal has been designed with appropriate freeboards to the ground floor and a floodgate to the basement entry ramp to minimise the egress of floodwater into the building/basement in a flood event. The proposal responds to the flood risk of the site and appropriately mitigates risk to life and property. The proposal has been accompanied by a statement from Council that the concept stormwater plans in **Appendix J** are sufficient to demonstrate that the proposal is compatible with the flood hazard of the site.

Overall the proposal has been assessed in accordance with the relevant provisions of the Queanbeyan LEP and is satisfactory in this regard.

5.2. Any proposed or draft instrument

There are no proposed or draft instruments that have been the subject of public consultation, and that are relevant to the proposed development.

5.3. Any development control plan

Queanbeyan Development Control Plan 2012

An assessment of the proposal against the relevant provisions of the Queanbeyan Development Control Plan (DCP) is provided in the following table.

Table 4.5 Assessment against Queanbeyan DCP

	Detail	Proposed	Complies?
Part 2 – All Zones			
2.2.6 Car Parking	As per rates in Table 1 <i>Public administration building: 1 per 100m Council chambers, shopfront and smart hub are exempt</i>	169 spaces proposed as follows: Basement: 170 spaces in basement	✓ Refer to likely impacts discussion below and Traffic Impact Statement.

	7,713m ² office GFA* = 78 parking spaces required.	Refer to consultant reports for parking at Appendix E	
	Accessible parking: Community 1 or 1-3% (whichever is greater)	Refer to consultant reports for parking at Appendix E	Refer to Traffic Impact Statement.
2.2.7 Basement Parking	Basement parking areas are to be located directly under building footprints Constructed to preclude entry of floodwater at the Flood Planning Level enter and leave the site in a forward direction Security Door	Refer to consultant reports for parking at Appendix E	Refer to Traffic Impact Statement.
2.2.8 Service & Delivery Vehicles	1 per 4,000m ² up to 20,000m ² plus 1 space per 8,000m ² thereafter =2.57 (3) delivery bays required. Enter and exit in a forward direction	The tenants require the basement to be secured, public access for delivery vehicles cannot be provided. As an alternative, one loading bay is to be provided in the adjoining car park to the north of the building and one loading bay is to be provided adjacent to the waste collection area.	✓
2.2.9 Access	Access is required to be from the frontage road.	Access provided from unnamed laneway/public car park. Reduces traffic from Crawford Street (Unclassified Road) as per I SEPP.	Acceptable variation.
	Proximity to intersections to comply with <i>AS2890.1 – 2004: Off Street Car Parking</i>	Pedestrian footpath has been placed on opposite side of laneway to reduce potential conflicts.	✓
2.2.12 Parking Area Design	To comply with relevant Australian Standards.	Parking layout certified to meet the relevant Australian Standards.	✓ Refer to Traffic Impact Statement.
2.2.13 Construction of Car Parking Areas	Suitable construction of concrete, hotmix, bitumen or paving Line marked and sign posted in a permanent manner Suitably drained Landscaping provided	Car parking areas will be constructed to an appropriate standard. Line marking and signposting to a suitable standard. Drained to stormwater system. Refer to drainage plans. Shade plantings provided in open parking areas. Refer to concept landscape plan.	✓ ✓ ✓ ✓
2.2.16 Pedestrians and Cyclists	Divert pedestrians and cyclists around entry and exit driveways to minimise conflict	Traffic within the laneway is anticipated to be travelling at slow speeds. Cyclists will access the bike storage via the laneway from Crawford Street. A pedestrian footpath will be located on the	✓

		other side of the laneway (adjacent to The Q) to minimise conflict.	
2.2.17 Bicycle Parking	To be provided on-site or close to the development.	Bicycle parking is provided to AS2890.3 for use by employees of the public administration building.	✓
2.3.3 Energy Efficiency and Conservation	Comply with Section J <i>National Construction Code</i>	<p>The building has been designed to have a 5-star Green Star energy rating.</p> <p>The QPRC development will be targeting the following NABERS rating (subject to detailed design considerations):</p> <ul style="list-style-type: none"> 5 Star NABERS Energy (Base Building) Commitment Agreement (meaning that performance close to 5.5-star level is targeted - modelling margin to account for unforeseen circumstances) 5 Star NABERS Energy (Base Building) Operational Rating. <p>Sustainability report provided at Appendix H.</p>	✓
2.3.5 Waste and Recycling	<p>Must be accompanied by a Waste Management Plan.</p> <p>Storage areas provided: sufficiently sized and appropriately located.</p> <p>Efficient storage and collection.</p>	<p>Waste management plan is provided.</p> <p>A waste room provides sufficient room to accommodate office waste from both public administration uses. Services area on ground floor is accessible from laneway and is sufficient to allow an MRV waste collection vehicle to enter and exist in a forward direction.</p>	<p>✓</p> <p>✓</p>
2.3.6 Noise and Vibration	Minimise potential for offensive noise.	Plant and machinery is to be located on the rooftop. Due to distance and height above nearest residential receivers, it is not anticipated an increase of more than 5dBA to ambient noise levels.	✓
2.4 Contaminated Land	Appropriately investigate potentially contaminated land	Refer to SEPP 55 Assessment	✓
2.4.11 Contaminated Soil	<p>Appropriately dispose of contaminated soil in accordance with NSW EPA Waste Classification Guidelines</p> <p>Imported fill to be validated.</p>	<p>Excavated soil from the site will be appropriately classified and disposed.</p> <p>Any imported fill will be appropriately validated as VENM</p>	<p>✓</p> <p>✓</p>
2.5 Flood Management	<p>Building shall be designed to withstand stream flow forces</p> <p>Shall be accompanied by a certificate from a suitably qualified Engineer to show the structure will have no impact on flood levels</p>	<p>Refer to hydraulic engineering report.</p> <p>Complies with flood planning level (500mm freeboard) min. RL576.02</p>	✓

	Floor levels and egress		
2.6 Landscaping	Landscape Plan required and to be prepared by a Registered Landscape Consultant.	Accompanied by Landscape Plan covering area surrounding the building and public car parking. The public plaza will be subject to a separate landscape plan.	✓
2.7 Soil, Water and Vegetation Management (SWVM) Plans	SWVM plan required where disturbance more than 0.5 ha and where excavation occurs.	Accompanied by Sediment and Erosion Control Plan – refer to Civil Engineering drawings.	✓
2.9 Safe Design	Requires referral to NSW Police	Referral by Council during DA assessment. CPTED principles considered in design.	✓ Refer to detailed in likely impacts section below.

Part 6 – CBD and Other Business Zones

6.2.1 Site Design and Sense of Place	Contribute to the creation of a civic precinct centred around Crawford Street and the Queanbeyan Performing Arts Centre			The proposed public plaza and public administration building will create a forecourt for The Q and an improved pedestrian link from Crawford Street to the Queanbeyan showground. This area will be a key focus of civic and town activity. The civic public plaza will provide facilities for use by the community and will assist activation of the public plaza after hours.			✓
6.2.2 Height of Buildings	To comply with Clause 4.3 QLEP 2012			Maximum 30m permitted by QLEP. Refer to LEP Assessment.			No, refer to likely impacts discussion below.
6.2.2 Building Heights and Setbacks	Setbacks fronting Crawford Street			Minimum setbacks:			No, refer to likely impacts discussion below.
		Front	Rear/Side	Front		Rear/Side	
	Up to 2 storeys	Zero	Zero	Level G, 1	4.93 m	2.21 m	
	3-8 storeys	20 m	6 m	Level 2 - 5	14.7 m	2.21 m & 11.69 m	
	Max height on remainder of land 25 metres or 8 storeys			Complies with 8 storey limit			✓
	Ground and First Floor minimum ceiling height of 3.3 m to provide flexibility of use			Ground and First Floor ceiling height: 4.13 m and 3.9 m			✓
	Other floors minimum 2.7 m			Minimum 3.8 m			✓
	Higher structures should be set back to avoid overshadowing and impression of bulk			Building is setback at the third floor to provide a pedestrian scale to Crawford Street. Overshadowing of buildings to the south along Crawford Street is somewhat unavoidable due to the orientation of the allotments.			Refer to overshadowing section of likely impacts discussion below.
7.2.3 Architectural Character	New development is modern and contemporary but reflects the established streetscape and built form			Proposal includes facebrick and glass panelling which is both contemporary and reflective of the established Queanbeyan palate.			✓
	New buildings to provide a continuous building façade which blends into the streetscape			Integration with the Bicentennial Hall and surrounding buildings to the north, allows for the creation of a streetwall/continuous façade.			✓

	Façade is articulated for visual interest	Visual interest created through the lower podium, emphasised entries and separation of the entries to the different public administration uses. Horizontal articulation defines each floor of the development.	✓
	Plant and equipment to be disguised within rooftop structure	Plant located on the rooftop is setback so that it is not visible from the street.	✓
	Service infrastructure and garage doors not to be visible from the streetscape	Vehicular access and services will be placed within the laneway and not impact on the streetscape.	✓
7.2.5 Floor Space	To comply with Clause 4.4 QLEP 2012	Complies with maximum FSR of 3:1. Refer to LEP Assessment.	✓
7.2.6 Robust Building Design	Buildings are designed to be flexibly re-used over time.	4.57 m floor to ceiling heights for ground and first floor will enable flexibility in future use.	✓
7.2.8 Awnings and Verandahs	Continuous street frontage awnings for all new developments. Minimum height of 3.3 m above ground level and minimum 600 mm setback from curb.	Awning provided to Crawford Street frontage at a height of 3.57m above ground level and greater than 600mm from kerb	✓
	Provide under awning lighting	Refer to external lighting plan.	
7.2.11 Colour and Materials	Use colours and materials already found in the streetscape	Facebrick and glass will provide a modern interpretation of the existing architectural palate.	✓
7.2.13 Open Space and Civic Spaces	<p>Opportunities for passive and active recreation</p> <p>Civic areas connected by clear links Public space to be designed to encourage events such as markets, sports, cultural fairs, community gatherings</p> <p>Minimise overshadowing</p> <p>Rooftops can be used as open space for employees but must not form GFA or habitable space.</p>	<p>The public plaza will provide a clear link from Crawford Street to The Q Theatre. The civic plaza to the west of the Public Administration building will provide opportunities for passive and active recreation.</p> <p>Setback of the building beyond 4 storeys to minimise overshadowing.</p> <p>Rooftop to provide open space for employees. The rooftop includes an area of 500m² for amenities which are required to facilitate the use of the terrace.</p>	<p>Refer to overshadowing section of likely impacts discussion below.</p> <p>Acceptable.</p>
7.2.1 Streetscape and Frontage Works	<p>Replace/construct new footpath for full frontage of site</p> <p>Existing mature street plantings to be retained</p>	<p>Footpaths to be upgraded throughout the site to provide safe pedestrian pathways through the laneway and street frontages.</p> <p>Existing plantings to be retained in Crawford Street.</p>	✓
7.2.15 Advertisements and Signage	Comply with <i>SEPP 64 – Advertising and Signage</i>	<p>Refer to SEPP 64 Assessment</p> <p>Signage detail comprises business identification signage and is integrated into the building design.</p>	✓

Queanbeyan City Council Development Contributions Plan

The Queanbeyan City Council Development Contributions Plan includes the subject site however provides a degree of discretion where an application includes non-commercial/residential development.

Specifically, the plan states:

*“While the plan generally refers to residential and commercial, retail and industrial floor space, there may be certain uses, such as private hotels, cinemas, restaurants, **civic buildings**, car washes and so forth, which do not necessarily fall into these categories. In these instances, the Council may use its discretion to determine an “equivalent demand” to apportion costs based on the demand generated by the specific development, if it will generate demand for facilities already nominated under the plan.”*

In assessing the Development Application, consideration should be given to the likely demand created by employees of the proposed public administration building. As the proposal transfers employees from other sites within the Queanbeyan CBD, we do not envisage any additional demand for public facilities or open space by employees. Notwithstanding, the proposed development does include works to upgrade public laneways and construct new public car parking and will positively upgrade public areas within the vicinity of the site.

5.4. Planning Agreements (or draft agreements)

The proposed development is not subject to a planning agreement pursuant to Section 7.4 of the EP&A Act.

5.5. Matters prescribed by the Regulations

Having regard to the matters prescribed under Clause 92 of the Environmental Planning and Assessment Regulation, the proposed development includes the demolition of a building for the purposes of Australian Standard (AS) 2601 – 1991: The Demolition of Structures.

Demolition works would be undertaken in accordance with AS2601 – 1991: The Demolition of Structures to minimise the risk of injury to the health of workers or the public and to minimise damage to the environment. It is assumed that a condition would be imposed under Section 4.17 of the EP&A Act on any consent issued to ensure compliance with the standard.

5.6. CBD Masterplan

The development is considered consistent with the desired future character for the Queanbeyan CBD as expressed by the height and density provisions of the Queanbeyan LEP 2012 and the vision outlined in the Queanbeyan CBD Masterplan (2009) and Queanbeyan CBD Spatial Masterplan (Draft 2019). The Masterplan identifies the need to activate public spaces to improve the pedestrian experience, to make the CBD more accessible and inviting, to strengthen the cultural hub of the CBD and to seek opportunities that foster business innovation.

The proposal will activate the area between Crawford Street and The Q Theatre with a public plaza and will strengthen the CBD by consolidating existing administrative offices into a central building. The proposed building has a civic address and with the active adjoining public plaza, will have a clearly identifiable cultural and civic hub in the centre of the CBD. The proposed development is located within an area identified as Crawford South (Block Plan ‘B’) of the Masterplan, see Figure 3 Extract of the CBD Masterplan. The proposal is consistent with the Masterplans vision to create a recognisable heart of the Queanbeyan CBD, announcing the ‘front door’ of the Civic and Cultural Precinct.

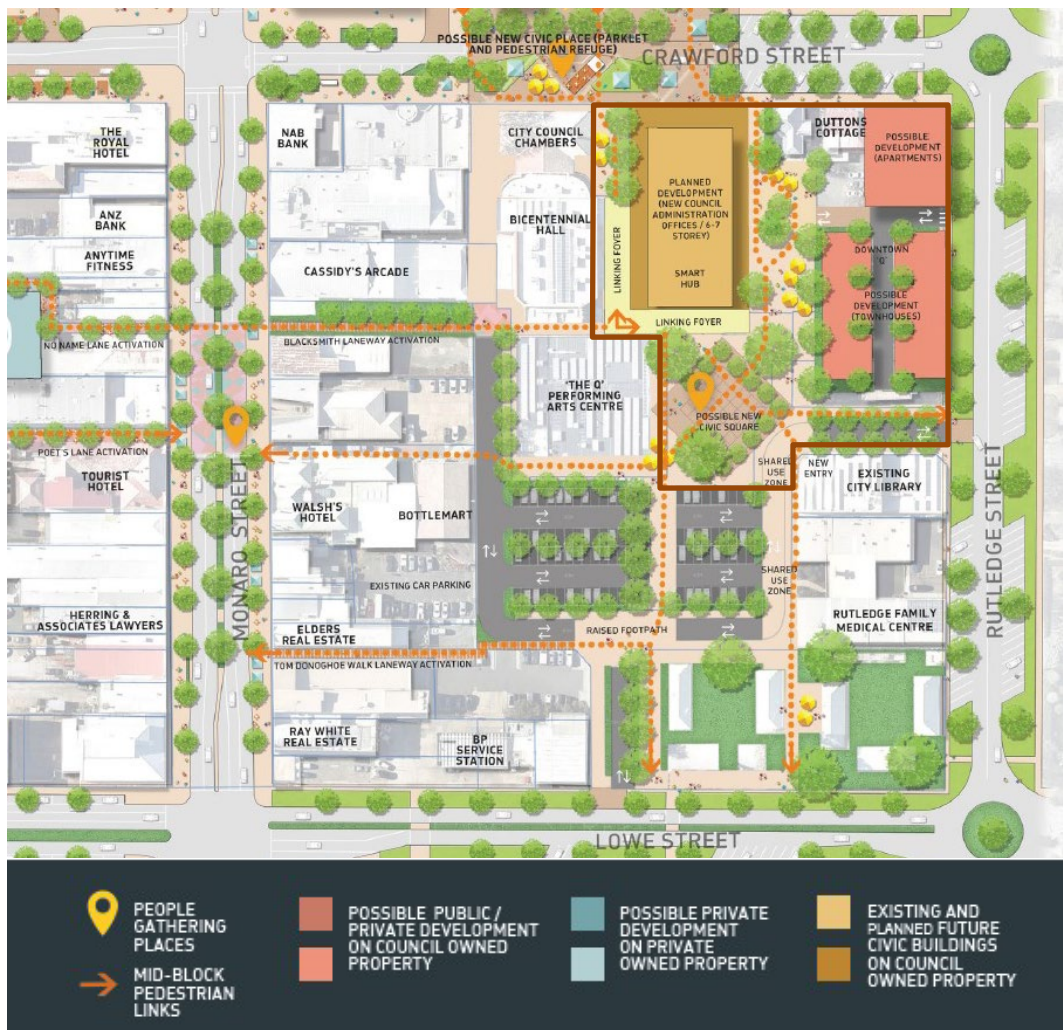


Figure 3: Extract from Queanbeyan CBD Spatial Masterplan 2019 - Key Block Plan 'B' SITE 

5.7. The likely impacts of the development

Setbacks

The ground and first floor of the proposed building is provided with a front setback from Crawford Street of 4.93m where the Queanbeyan DCP requires a setback of 6m. It is considered that the reduction of approximately 1m to the front setback requirement is primarily justified due to the specific nature of ground floor uses which will deliver services to the community and play an important public administrative role.

The overshadowing impact is analysed in detail below however the reduced front setback is inconsequential to the line of shadow cast onto the adjoining buildings throughout the day at mid-winter, until about 2pm. The shadow is primarily due to the portions of the building that are higher than the first two storeys.

From an urban design perspective, the reduced front setback will not result in a building that visually dominates the streetscape. Existing development on the western side of Crawford Street does not have a consistent street setback and certainly does not comply with the Queanbeyan DCP required 6m setback. The Council's LEP controls and CBD Masterplan envisages much higher density development along the western side of Crawford Street than is currently present and it is considered that a new

streetscape will be established as properties are developed to their permitted height/density in the future.

Height

The building sections show that the building has a height of 31.97m as measured from the existing ground level (RL575.58) to the top of the plant room, representing the highest point of the building (RL607.55). This exception still achieves the objectives of Clause 4.3 QLEP, including complementing the surrounding streetscape, protecting the heritage character of the adjacent heritage buildings and provides a transition in built form between varying land use. Clause 4.6(b) of the QLEP allows for exceptions to development standards if they achieve better outcome for the development. In this instance the additional height is minimal achieves a superior built form whilst having minimal impact on the surrounding character.

As identified on the QLEP 2012 Height of Buildings Map at Figure 4 below, the site is subject to maximum building heights of 25m (T) and 30m (U).



Figure 4: Height of Buildings in metres (QLEP 2012)

Indicative location of building

Over the 25m portion of the site, the proposed building envelope has a maximum height of 32.97m, resulting in a maximum non-compliance of approximately 8m or 32%.

Over the 30m portion of the site, the proposed building envelope has a maximum height of 32.97m, resulting in a maximum non-compliance of approximately 3m or 10%.

The proposal demonstrates sufficient environmental planning grounds for the following reasons:

- The additional height is consistent with the objectives of clause 4.3 (Height of buildings) and Zone B3 Commercial Core.
- The additional height is positioned to align with the requirements of the QLEP and DCP with a large setback and lower massing presenting to the street with a larger podium massing positions centrally to the site to reduce the impact of overshadowing on the neighbouring site.

- The additional height would cause no other notable impacts on the views of development in the area. The view sharing resulting from the development is considered appropriate to the CBD context.
- The proposed additional height would cause minor additional overshadowing to the existing development to the south of the site. However, this overshadowing is negligible and would not materially reduce the amenity of these buildings as discussed below.
- The additional height would cause minor visual impacts on surrounding heritage items due to the additional height and scale. However, these impacts are considered acceptable subject to mitigation, namely the proposed design and material treatments.

The proposal provides a better planning outcome with no significant adverse environmental impacts. In summary, the variation is justified because:

- Compliance with the height standard is unreasonable and unnecessary in the circumstances of the proposed development.
- There are sufficient environmental planning grounds to justify the contravention, which results in a better planning outcome than a strictly compliant development in the circumstances of this particular case.
- The concept proposal is consistent with the objectives of the clause 4.3 height of buildings standard and Zone B3 Commercial Core.
- The concept proposal is in the public interest.
- There are no matters of State or regional planning significance and no notable public benefits in maintaining the height standard in this case.

It is therefore open to the consent authority to vary clause 4.3 of the QLEP 2012 as it applies to the proposal. Refer to **Appendix N** for the Clause 4.6 variation request.

Overshadowing

The proposed seven storey public administration building results in a degree of unavoidable shadow impact on the site located south of the laneway at 257 Crawford Street. This neighbouring property contains the heritage fire station, Dutton's cottage and residential buildings ranging in height from single to three storeys. These properties are currently used by council as office accommodation.

While the proposed seven storey building does not comply with the maximum building height of 30m permitted by the QLEP 2012. The proposal has been designed to minimise the shadow cast on adjoining development, by providing separation to the shared common boundary, taller northern tower and introducing an 14m setback at the fourth storey to allow morning sunlight to penetrate the buildings on 257 Crawford Street and northerly facing windows.

As discussed above, the ground and first floor of the proposed building is provided with a front setback from Crawford Street of 4.93 m where the Queanbeyan DCP requires a setback of 6m. It is considered that a reduction of approximately 1m to the front setback requirement is justified due to the specific nature of ground floor uses which will deliver critical services to the community and play an important public administrative role. Having a smaller front setback, designed with an active and accessible street frontage, will ensure the ground floor tenant is readily visible in emergencies and will assist with wayfinding. Most importantly, the reduced front setback is inconsequential to the line of shadow cast onto the adjoining buildings throughout the day at mid-winter, until about 2pm.

The objectives of Clause 7.2.21 of the Queanbeyan DCP 2012 seek to maximise direct penetration of sunlight to pedestrian areas and windows and balconies and state that *“new structures should not cast a shadow on pedestrian main street footpaths or other public areas for more than 4 hours on June 21 (winter solstice) unless such locations are already in shadow at that time”*.

The shadow diagrams in the figure below show the proposed shadow impact on the neighbouring development at mid-winter (21 June). These shadow diagrams indicate that the adjoining 1 story development to the south receives very good solar access until about 12pm at mid-winter (approximately 3 hours).

The new seven storey public administration building will overshadow this adjoining development throughout the day at mid-winter, with some windows receiving some solar access prior to 9am and from approximately 1pm. The additional shadow diagrams provided with the architectural plans, particularly the elevational shadows, demonstrate that the proposal will retain at least three hours solar access to all northern facing areas in summer and at the equinox. Essentially what this means is that three hours solar access to the northern facing windows on the adjoining site will be retained for 75% of the year however is unable to be provided during the winter months.

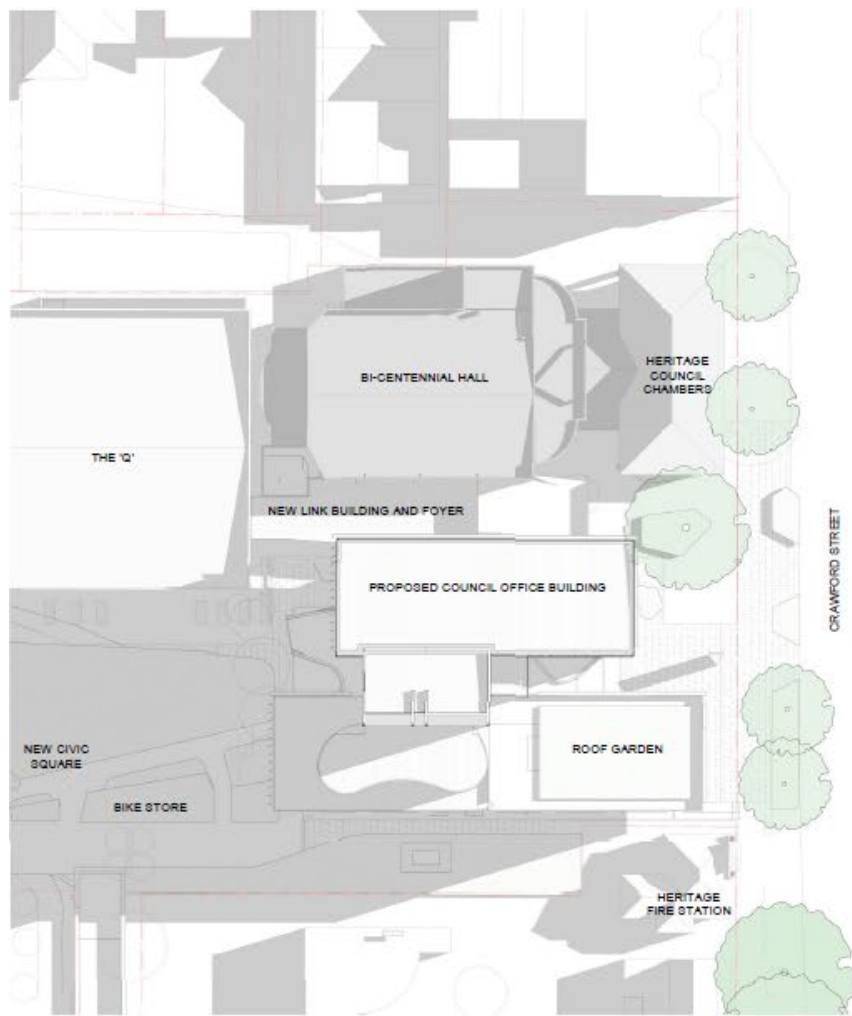
Whilst this presents a non-compliance with Council’s controls, the heights and densities permitted by the LEP anticipate a reduction to solar access. In urban areas the ‘rule of thumb’ controls for overshadowing and solar access provided in the Apartment Design Guide (ADG) permit a reduction in solar access as a result of higher densities. Whilst the development to the south of the site are residential properties they are currently used by council as office accommodation. It is considered that an acceptable level of amenity will be retained to these adjoining development throughout the year.

Overall, it is considered that the overshadowing impact is acceptable given the permitted height and density of the development. The proposal has been designed with a 5.5m setback from the southern boundary, beyond the building podium, to provide an 14m setback from the Crawford Street boundary to maximise the solar penetration in the afternoon.

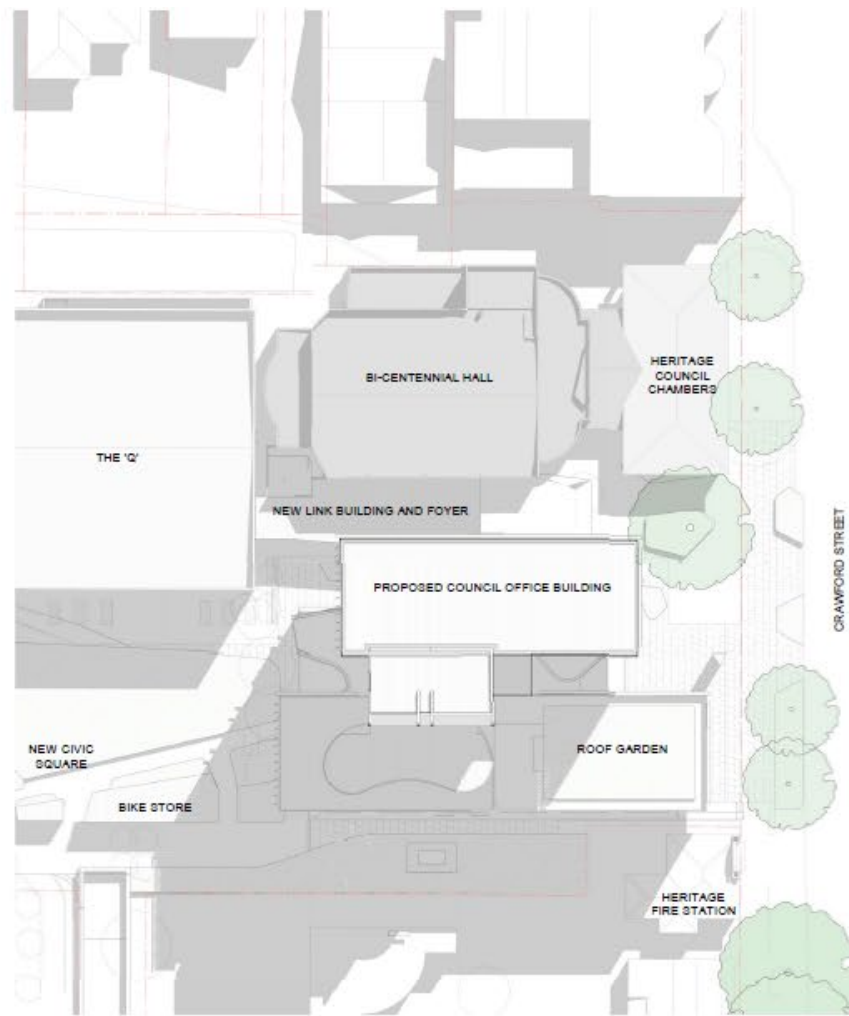
Crime Prevention Through Environmental Design (CPTED)

Being a place of civic importance and providing key public administrative uses, the consideration of CPTED principles has been key to the proposed development. The proposal adopts the following CPTED principles:

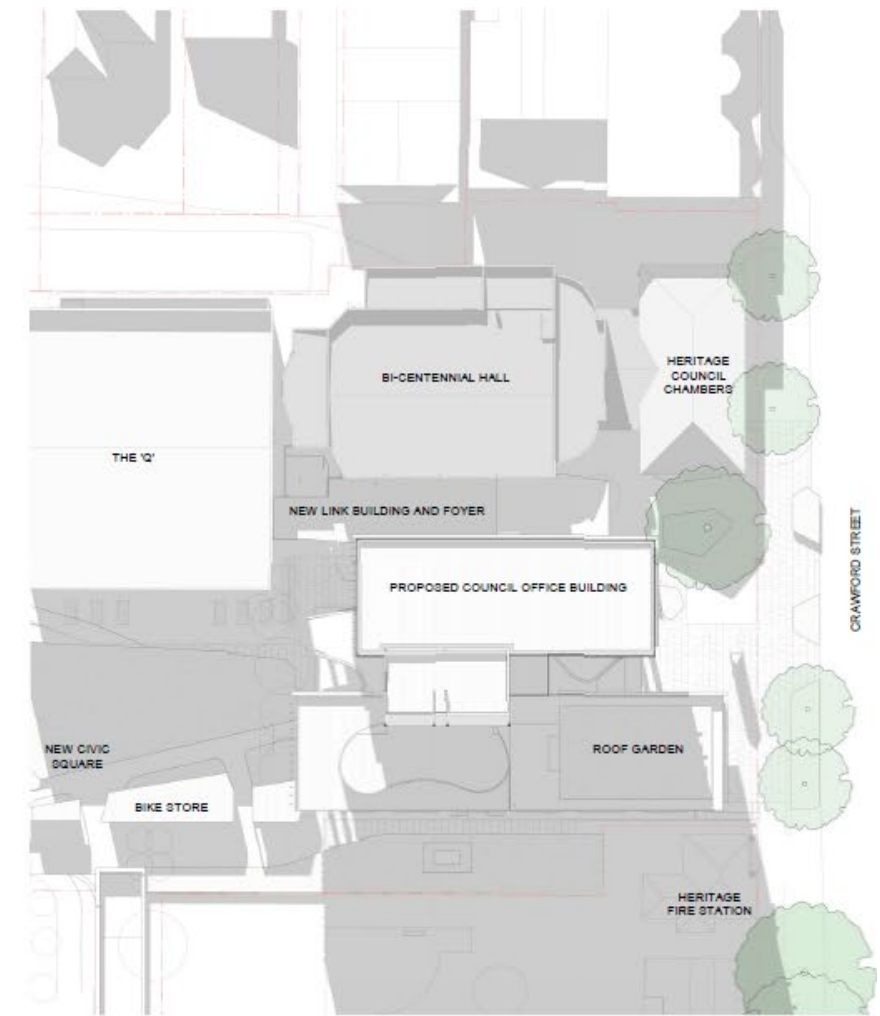
- Maintaining clear sightlines by way of building design (no blind corners), selection of shrub and ground cover species less than 1.0m mature height, and clean trunked trees;
- No entrapment spaces or building elements that allow for concealment;
- open form pavilion/amphitheatre seating to provide view lines through to the public basement;
- Adequate natural passive surveillance is offered from adjacent buildings that overlook in the public plaza and streetscape;
- Adequate lighting of public spaces, laneways and public car parking areas;
- CCTV will be included at the building entries and ground floor ‘forward facing’ customer service areas, by virtue of the proposed public administration tenants;
- Shared spaces which encourage mixed use of cars and pedestrians to increase public use and passive surveillance.



WINTER SOLSTICE - 9AM



WINTER SOLSTICE - 12PM



WINTER SOLSTICE - 3PM

Figure 5: Proposed overshadowing at mid-winter

Landscaping

The concept landscaping design integrates the outdoor plazas with the design of the new forecourt and frontage to The Q Theatre to create a green spine ultimately linking Crawford Street, The Q Theater with the Bicentennial Hall to create a plaza space that will provide a civic and cultural function. The site lends itself to become the new civic and cultural destination of Queanbeyan, combining heritage, arts, culture, business and a high quality public realm.

The proposed landscape design will work to integrate the new public administration building with The Q Theatre and Bicentennial Hall, with the aim of creating a pleasant and welcoming space that can accommodate a variety of activation opportunities such as pop up markets, informal gatherings, formal and informal events, and passive recreation.

The design uses architectural form and geometry setting up the areas of stepped lawn, pavement and planting. The clever use of swept forms cantilevering over basement parking is used to advantage to form an amphitheatre like green space addressing the new QPRC building. Future uses could include an outdoor theatre and performances enhancing the cultural hub already enabled by The Q Theatre. The variable pavement width creates a dynamic movement corridor connecting desire lines, building entries and streets. The paved network allows for direct uninterrupted passage with multiple opportunities to step off and connect with passive green areas.

The proposed development also includes a large south facing rooftop garden. This rooftop garden provides an opportunity for recreation, contemplation, fresh air, exercise, and a space for gathering for council staff and visitors of the public administration building.

Construction Over and Beneath Council Infrastructure

It is noted that existing council stormwater pipe traverses the site and that the proposed building is to be constructed over this pipe. The portion of the building over the stormwater pipe comprises the building core. An exclusion zone around the existing storm water main is proposed to protect this asset whilst allowing construction over it.

The location of the foyer structure relative to the existing trunk drainage line is demonstrated in Section 1 (DA-40-02) of the architectural plans, as reproduced in Figure 9.

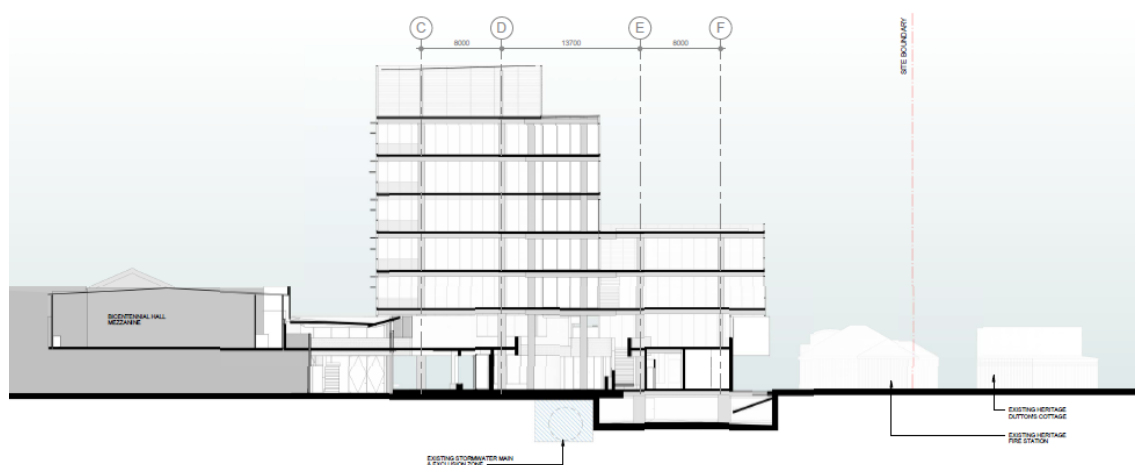


Figure 6: Section 1 demonstrating the location of existing Council trunk drainage pipe with foyer counter-levered above.

As demonstrated on Basement 1 Plan (DA-21-B1), the proposed roadway (laneway) will be constructed above the public basement carpark. As both the public car park and the laneway are to be Council assets, we do not foresee any issue with the shared space beneath the road for car parking, subject to the basement being designed and constructed to cope achieve appropriate load ratings.

Car Parking & Traffic

Public Administration Building

A public administration building presents a unique use in relation to the demand for off-street parking spaces as fleet cars are generally shared for trips generated throughout the day. As such, a parking rate specific to this public administration use has been included in Section 2.2.6 of the Queanbeyan DCP and has been utilised for the car parking assessment.

As detailed in the DCP assessment, the car parking rate is based on floor area within the building to be used as 'office' space, where employees would have access to the secured basement car park. In accordance with the DCP control, areas such as the smart hub, council chambers and customer service centre will not have access to the basement and these areas have been excluded from the area deemed to generate a demand for car parking.

As detailed in the Traffic and Parking Assessment provided by Taylor Thomson Whitting, the parking rate for a public administration building requires a minimum of 78 car parking spaces be provided to accommodate for the use. One level of secure basement car parking will provide 101 spaces, with 10 on street car parks to be retained on the Crawford Street adjacent to the fire station and Dutton's Cottage, with a restriction on use to only allow parking for authorised vehicles belonging to the major tenant, thus satisfying this requirement.

Public Car Parking

As detailed in the Traffic and Parking Assessment provided by Taylor Thomson Whitting, the development requires the temporary removal of 88 existing on grade car spaces from the 148 space on grade car park to the west of the existing council building, and four on street car spaces from Crawford Street. On completion of the works a total of 56 on grade car spaces will be reinstated to the west of the existing council building. A total of 111 basement car spaces are provided as part of the development for use by tenants and visitors.

The development results in a net increase of 71 car spaces available within the area of the proposed development.

The public car parking areas proposed in the subject application are detailed in Table 6 below:

Table 6 Car Parking Provision

Description	GFA (m2)	Parking Provision Rates	Required Car Spaces	No of Car Spaces Provided	Comments
4342m² Public Admin	4342	1/100m ²	44	58	Only NLA area used for calculations in accordance with commentary provided by the RMS Guide to Traffic Generating Developments.
809m² Office	809	1 space per 60m ² < 120m ² 1 space per 40m ² (120m ² to 1000m ²) 1 space per 20m ² >1000m ²	20	20	Only NLA area used for calculations in accordance with commentary provided by the RMS Guide to Traffic Generating Developments.
Service vehicles	8836	1/4000m2	4	4	Parking for service vehicles is available in the service lane accessed off Crawford Street
Replacement of Existing Public Spaces	N/A	1 for 1	88	88	
Totals			156	170	Parking provisions meet the basic DCP requirements. Refer to Section 6.0 for discussion on parking provisions

Traffic

The Traffic and Parking Assessment provided by Taylor Thomson Whitting, assesses the peak traffic generation and volume for the development and provides a comparison of pre and post development traffic volumes along with an analysis of the anticipated traffic impact on surrounding road network.

The traffic the peak traffic volumes for the development have been calculated in accordance with the RMS Guide to Traffic Generating Developments and the traffic distributions relating to the operation of the existing on grade car park observed on site. The peak traffic volumes and vehicle trips per day expected from the proposed development are summarised in the following table. Refer to the Traffic and Parking Assessment at **Appendix E** for the traffic impact on surrounding road network.

Table 7 Peak traffic Volume Summary

Description	Peak Hour Generation Rate (V/Hr)	Vehicles Per Day Generation Rate	Units	Peak Hour Traffic Volumes	Daily Vehicle Trips	Comments on Traffic Distribution
Commercial Use	2/100m ²	10/100m ²	8836	220	884	10/20/70 (Crawford Street/Lowe Street/Rutledge Street)
Public Car Parks	2/car space	20/car space	56	112	1120	Assumed split of 40/60 (Lowe Street/Rutledge Street)

The Traffic Impact and Parking Assessment carried out for the proposed development and determined that:

- The peak traffic expected to be generated by the development is expected to be comparable to the existing traffic conditions, however average daily traffic volumes are expected to be reduced.
- The parking demand of the development is facilitated by the proposed basement car park of 111 spaces.
- The development does not strictly comply with the requirements of the DCP as not all public car spaces removed to facilitate the development are replaced. TTW understands that parking within the CBD area is subject to an overall masterplan strategy and that the reduction of 32 public car spaces associated with the development can be offset by capacities of other existing car parks in the CBD.

Sustainability

The building has been designed to achieve a minimum 5 Star Green Star rating and a 5.5 Star NABERS Energy rating. The sustainability report prepared for the proposal is attached in **Appendix H** and demonstrates that the proposal has been designed to achieve an 'Australian Excellence' rating through incorporating energy and water efficient fixtures and fittings, passive design for natural ventilation, provision for active transport and through selection of sustainable materials with good longevity including steel, concrete, sustainably sourced timber, glass and facebrick.

Flooding

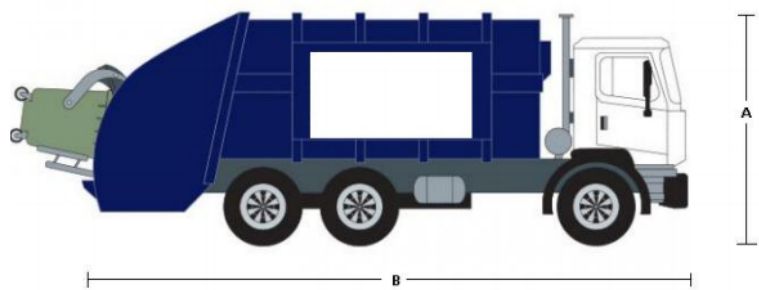
The site is affected by the 1 in 100 year ARI storm event to RL575.51 and the building has been designed to provide a 500mm freeboard to ground floor levels to both public administration uses. Entry to the public basement is above the 1 in 100 year flood level plus 500mm freeboard whilst the entry to the building basement is at the flood level. In the event of a flood event, a flood gate (with battery backup) will operate to restrict the egress of flood water into the basement car park and to minimise risk to life and property.

The proposal has been designed to withstand the anticipated hydraulic effects of floodwater in accordance with the NSW Flood Plain Management Manual. A statement from Council outlining the design of the development is provided with the concept stormwater plans at **Appendix J**.

Waste Management

The proposal includes an on-site loading dock to provide sufficient area for the collection of waste generated by the tenants of the public administration building. The service area is clear and has no

overhead obstructions with a turning area to service a Medium Rigid Vehicle with rear loading capabilities. The specific details of the collection vehicle would be subject to future agreement with the selected contractor however a 16t rear loading vehicle with the dimensions provided in Figure 10 would be suitable for the site.



Typical medium sized, rear loading collection vehicle specifications		Design Requirements
Width	2.2 - 2.5m	3.6m (one way)
Height (A)	2.5 - 3.0m	3.6m
Length (B)	8.64 - 9.4m	10m
Maximum Loaded weight	16 t	16 t
Turning Circle (kerb to kerb)	16.8m	18m
Note: Turning circles are kerb to kerb. Design specifications must provide necessary overhang and clearance room.		

Figure 7: Example waste collection vehicle

5.8. The suitability of the site

The proposal has been developed granting consideration to the various constraints of the site. Ensuring sufficient public car parking and access is retained has been a primary consideration in the preparation of the development scheme. The development does not strictly comply with the requirements of the DCP as not all public car spaces removed to facilitate the development are replaced. It is understood that parking within the CBD area is subject to an overall masterplan strategy and that the reduction of 32 public car spaces associated with the development can be offset by capacities of other existing car parks in the CBD. It is recommended that the parking and traffic impacts of the proposed development are palatable and should not result in adverse effects to existing traffic and safety conditions.

The design of the proposed development has considered the character, form, scale and materiality of development within the local area. The design is suitable for the site and includes a podium of primarily facebrick with large glazed panels used in the levels above. Horizontal elements designate clear breaks in the building at each level to ensure the seven storey building does not visually dominate nearby heritage items, conservation areas and adjoining existing commercial and residential development.

The development is considered consistent with the desired future character for the Queanbeyan CBD as expressed by the height and density provisions of the Queanbeyan LEP 2012 and the recently released draft Spatial Masterplan for the CBD. The Masterplan outlines the need to activate public spaces to improve the pedestrian experience, to make the CBD more accessible and inviting, to strengthen the cultural hub of the CBD and to seek opportunities that foster business innovation. The proposal will activate the area between Crawford Street and The Q Theatre with a public plaza and will strengthen the CBD by consolidating existing administrative offices into a central building. The proposed building has a civic address and with the active adjoining public plaza, will have a clearly identifiable cultural and civic hub in the centre of the CBD.

Overall, it is considered that the proposed development is suitable for the site and consistent with the character and form of development exhibited in Council's existing development standards.

5.9. Any submissions received

Following public notification of the Development Application it is anticipated that Council Officers would consider the content of any submissions received in accordance with Section 4.15 of the EP&A Act.

5.10. The public interest

The proposed development allows the relocation of Council employees from 11 buildings within the Queanbeyan CBD and will also accommodate a major state government tenant. The anticipated organisational efficiencies provided by relocating employees into one building would be in the public interest.

Additionally, the proposal provides for a more intensive use of underutilised land within the Queanbeyan CBD in accordance with the height and density envisaged by the Queanbeyan LEP 2012. The proposed development will provide a modern public administration building, new public plaza and underground public car parking. By relocating public administration offices into one building, existing Council and state government owned land within the Queanbeyan CBD may be able to be released for redevelopment, providing a more economic use of land and freeing land for redevelopment in accordance with the desired character of the area.

The proposal is in the public interest as redevelopment of the subject site will be a catalyst for investment in the revitalisation of the Queanbeyan CBD and will provide additional pedestrian connectivity and activation between Crawford Street and The Q Theatre establishing a cultural precinct in the heart of the CBD.

6. Conclusion

The proposal demonstrates compliance with the relevant Environmental Planning Instruments and will provide a building with a modern aesthetic that integrates with the streetscape. The facebrick base and glass podium incorporate materials which are readily visible in the nearby streetscape, which presents varying architectural styles.

The proposal seeks a minor variation to the QLEP and the DCP controls of the Queanbeyan DCP 2012, particularly in relation to height and setbacks. These variations are considered minor in nature and justifiable based on the unique nature of the development, being a public administration building in an urban CBD environment. The adjoining public plaza that is to include an amphitheatre will provide opportunities for casual and organised public gathering and interaction.

Overall, it is considered that the proposal presents a positive outcome for the Queanbeyan CBD and will provide Council and the major tenant with modern, functional and fit-for-purpose customer service centres, offices, commercial lettable space and Library. The proposal will positively contribute to the revitalisation of the Queanbeyan CBD and it is requested that the application be granted approval.

Appendix A Architectural Plans

Appendix B Landscape Plans

Appendix C Preliminary Site Investigation

Appendix D Geotechnical Investigation

Appendix E Traffic & Parking Impact Assessment

Appendix F BCA Capability Assessment

Appendix G Heritage Impact Statement

Appendix H Sustainability Report

Appendix I Preliminary Cost Estimate

Appendix J Concept Stormwater Management Plans and Flood Impact Statement

Appendix K Waste Management Plan

Appendix L Noise Management Plan

Appendix M Preliminary Soil Contamination Assessment

Appendix N Clause 4.6 Variation Request

Introduction

This report seeks an exemption to the height of building development standard prescribed by the Queanbeyan Local Environmental Plan 2012 (QLEP 2012). This document should be read in conjunction with the Statement of Environmental Effects prepared for the construction of a seven-storey public administration building with one level of basement parking beneath a public plaza, new laneway configuration and modification to the subdivision lot layout at 257 Crawford Street, Queanbeyan. This objection must be considered in conjunction with the complete set of Architectural Plans prepared by Cox Architecture (**Appendix A**).

This exception is sought pursuant to Clause 4.6 of the Queanbeyan LEP 2012 and seeks to vary the application of the height of building development standard which applies to the land. The development comprises one public administration building; the northern tower (Part A) achieving a height of 32.97m and the southern tower (Part B) achieving a height of 16m. There are two maximum permitted building heights under Clause 4.3 of the QLEP 2012 of 25m and 30m for the subject site. As such, the variation sought for the northern tower (Part A) as detailed below:

- Over the 25m portion of the site, the proposed building envelope has a maximum height of 32.97m, resulting in a maximum non-compliance of approximately 8m or 32%.
- Over the 30m portion of the site, the proposed building envelope has a maximum height of 32.97m, resulting in a maximum non-compliance of approximately 3m or 10%.

This request has been updated to reflect Planning Circular PS 17-006 issued 15 December 2017 which modifies the long standing assumed concurrence requirements for variations to development standards. This Planning Circular states that “only a full council can assume the Secretary’s concurrence where the variation to a numerical standard is greater than 10%”. As the application is to be determined by the Joint Regional Planning Panel, and as the variation to the height standard for northern tower approximately 32%, the concurrence of the Secretary cannot be assumed, and the application must be referred to the Department of Planning, Industry & Environment (DPI&E) for concurrence.

This request has been prepared in accordance with the DPI&E’s Guideline for Varying Development Standards: A Guide, August 2011, and has incorporated the relevant principles identified in the following Land and Environment Court judgements:

- Randwick City Council v Micaul Holdings Pty Ltd [2016] NSW LEC 7
- Four2Five Pty Ltd v Ashfield Council [2015] NSW CA 248
- Four2Five Pty Ltd v Ashfield Council [2015] NSW LEC 90
- Four2Five Pty Ltd v Ashfield Council [2015] NSW LEC 109
- Whebe v Pittwater Council [2007] NSW LEC 827.

Development Standard

Pursuant to Clause 4.6 of the QLEP 2012, this objection seeks to vary the building height standard stipulated in Clause 4.3 which states:

4.3 Height of buildings

(1) The objectives of this clause are as follows:

- (a) to ensure that the height of buildings complement the streetscape or the historic character of the area in which the buildings are located,
- (b) to protect the heritage character of Queanbeyan and the significance of heritage buildings and heritage items,
- (c) to nominate heights that will provide a transition in built form between varying land use intensities.

(2) 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 relevant Height of Building Map (Sheet HOB_005) of the QLEP 2012 is reproduced in Figure 1 below. This provides a maximum height of 30m (U) for the western portion of the site, and height of 25m (T) for the eastern portion of the site where the development is proposed.



Figure 1: Excerpt from Height of Buildings Map (QLEP 2012)

 Indicative location of building

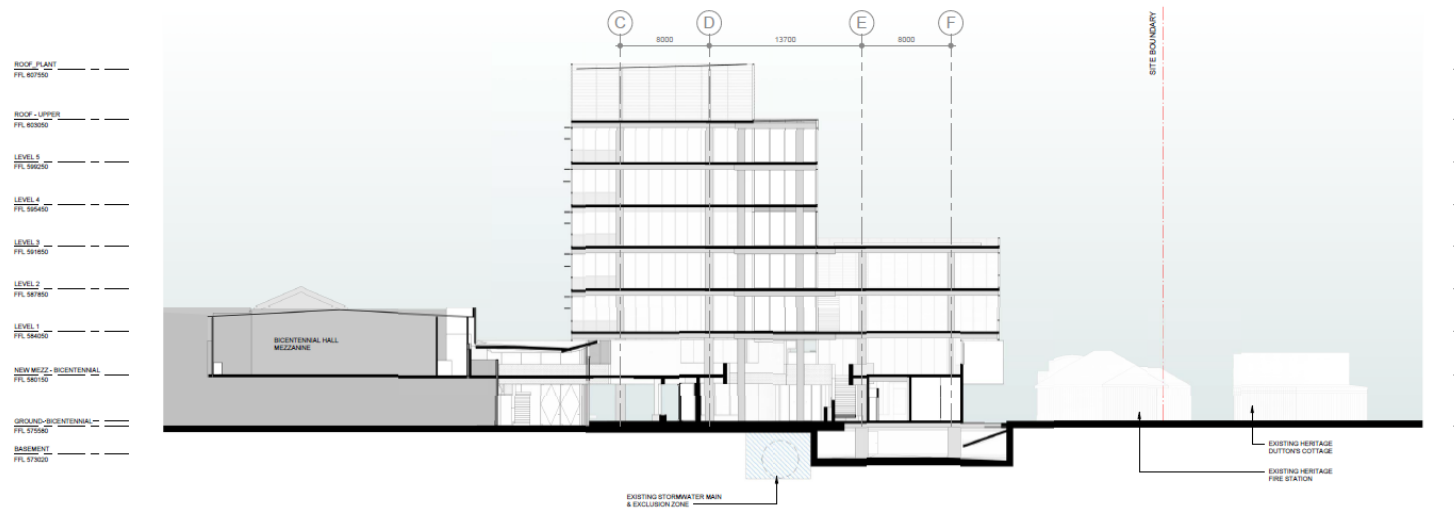
The Proposed Variation

The architectural elevations below demonstrate the extent of the height variation. The proposed with a height of 32.97m for Part A and the proposed height of Part B, achieves a height of 16m. There are two maximum permitted building heights under Clause 4.3 of the QLEP 2012 of 25m and 30m for the subject site. As such, the variation sought for the northern tower (Part A) as detailed below and in the plans at Architectural Plans for Figure 2:

- Over the 25m portion of the site, the proposed building envelope has a maximum height of 32.97m, resulting in a maximum non-compliance of approximately 8m or 32%.
- Over the 30m portion of the site, the proposed building envelope has a maximum height of 32.97m, resulting in a maximum non-compliance of approximately 3m or 10%.

Architectural elevation drawing of the proposed building facade. The drawing shows a multi-story building with various levels (LV1, LV2, LV3) and materials (GLA, CONC, BRK). The facade is divided into sections, with labels indicating different materials and structural elements. A scale bar at the top indicates a length of 600 units. A north arrow is located in the upper right corner. The drawing also shows a 'ROOF' section and a 'SITE BOUNDARY' line.

Report for
Queanbeyan Civic and Cultural Precinct | Statement of Environmental Effects | Cox Architecture | 3002597
SMEC Australia



Justification for Proposed Variation

This variation to the maximum permitted building height is sought under the provisions of Clause 4.6 of the QLEP 2012 which aims to provide flexibility in the application of certain development standards. The objectives of Clause 4.6 are as follows:

4.6 Exceptions to development standards

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

Comment

The flexible application of the height development standard is appropriate in the case of the proposal as it results in an improvement to urban form and amenity. By flexibly applying the height standard, the proposal introduces diversity in building height and improves the urban form of the development by reducing the extent of the building footprint (to Part A). The reduced building footprint also improves amenity within the development by reducing shadow impacts between the buildings and providing additional access to northerly sunlight to the roof top garden on the southern portion of the building.

The design approach proposes a greater building height to northern tower, to minimise the shadow cast onto the adjoining heritage items to the south. The additional 2.97m building height sought beyond the 30m provides allow for lift overrun which is located centrally such that the shadow cast by the additional building height is minimised within the site.

The taller building form to Part A in this proposal achieves a better outcome for the local area by introducing diversity in building height. The upgraded architectural appearance provides improved articulation and modulation of building bulk, whilst the difference in building heights between the two towers improves visual interest and connectivity to the Q Theatre.

Together, the building demonstrates a high quality landmark building that achieves while improving the amenity of the local area and public spaces. It is considered that the proposal presents a positive outcome for the Queanbeyan CBD and will provide Council and the major tenant with modern, functional and fit-for-purpose customer service centres, offices, commercial lettable space and Library. Applying flexibility to the height of building development standard facilitates better outcomes in accordance with the objectives of the clause.

The proposed development complies with the bulk, height and scale controls of Council's LEP and DCP controls, the proposed development improves the design outcome within the site. The introduction of different building heights between the two towers achieves a more interesting visual experience and improves the amenity of Part A and connectivity to the Q Theatre, whilst maintaining the integrity of Part B and the adjoining heritage items to the south.

4.6 Exceptions to development standards cont.

(2) Development consent may, subject to this clause be granted for development even though the development would contravene a development standard imposed by this or any other environmental planning instrument. However, this clause does not apply to a development standard that is expressly excluded from the operation of this clause.

Comment

The Height of Building development standard is not excluded from the function of this clause and therefore can be considered under Clause 4.6 of the QLEP 2012.

4.6 Exceptions to development standards cont.

(3) Development consent must not be granted for development that contravenes a development standard unless the consent authority has considered a written request from the applicant that seeks to justify the contravention of the development standard by demonstrating:

(a) that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, and

Comment

In *Wehbe v Pittwater Council* [2007] NSW LEC 827, the Chief Judge of the Land and Environment Court, Preston J, developed the five point test for consideration of a SEPP 1 objection. The applicability of the Wehbe test to a request to vary development standards under Clause 4.6 of the Standard Instrument has been confirmed in *Randwick City Council v Micaul Holdings Pty Ltd* [2016] NSW LEC 7.

As required by Cl 4.6(3)(a), the Wehbe test provides that compliance with a development standard can be demonstrated as being ‘unreasonable or unnecessary’ in any of the following five ways:

- 1. The objectives of the standard are achieved notwithstanding the non-compliance with the standard;*
- 2. The underlying objective or purpose of the standard is not relevant to the development and therefore compliance is unnecessary;*
- 3. The underlying object or purpose would be defeated or thwarted if compliance was required and therefore compliance is unreasonable;*
- 4. The development standard has been virtually abandoned or destroyed by the Council’s own actions in granting consents departing from the standard and hence compliance with the standard is unnecessary and unreasonable;*
- 5. The zoning of the particular land is unreasonable or inappropriate so that a development standard appropriate for that zoning is also unreasonable and unnecessary as it applies to the land and compliance with the standard would be unreasonable and unnecessary. That is, the particular parcel of land should not have been included in the particular zone.*

In accordance with the tests in (1) and (2) above, it is argued that compliance with the height of building standard is unreasonable and/or unnecessary in the circumstance of this development. The following discussion addresses each objective of the height of building standard of Clause 4.3 of the QLEP and demonstrates why compliance with this numeric standard is either ‘unreasonable’ or unnecessary’:

4.3 Height of buildings

(1) The objectives of this clause are as follows

(a) to ensure that the height of buildings complement the streetscape or the historic character of the area in which the buildings are located,

The site is within the CBD that provides an opportunity to activate the area between Crawford Street and The Q Theatre with a public plaza and will strengthen the CBD by consolidating existing administrative offices into a central building. The context, within the city CBD, absorbs the scale and bulk of the buildings more readily than within an urban landscape. As a result, there is a limited visual context that contributes to ‘height compatibility’ – the underlying purpose of this objective.

The site planning generally abstracts the large new office building from the fine-grained zero set back heritage streetscape of Crawford Street. Where the former School of Arts and the former Fire Station buildings are located on the front boundary, the office building is set back from the front boundary and stepped back gradually in plan to lead the visitor deep into the block. The existing significant tree along with new pavement, public art and ticket kiosk contribute to the sense of an urban plaza off

Crawford Street. The effect of this plaza is to remove the visual presence of the large new office building somewhat from the streetscape.

The height of the building has been broken down, with ground and mezzanine levels designed to relate to the human scale and tactile brick materiality of neighbouring heritage-listed buildings. The chosen datums are sympathetic to the scale of the former Fire Station to the south, and the former School of Arts building to the north. The reflective glass materiality of upper levels, together with the retention of three mature trees along Crawford Street, will screen the visual bulk of the upper levels of the building.

The overall width of the building has been broken down into narrow components, both at the upper and lower levels, which relate to the width of heritage listed buildings on Crawford Street. Whilst the overall scale of the building is very different to the scale of original buildings in the streetscape, it responds meaningfully to the dominant pattern of the streetscape with two narrower building forms, visually separated in the streetscape.

Clause 4.3 (1) cont.

(b) to protect the heritage character of Queanbeyan and the significance of heritage buildings and heritage items,

Consideration of the impacts of the new Council building on the adjacent heritage buildings are likely to be positive. The new building is a public destination and will attract greater visitation to this part of Crawford Street. The proposal is respectful in its relationship with the two flanking heritage buildings, and contemporary in its design. The new building is likely to increase the extent to which the former Fire Station and former School of Arts buildings are noticed and respected for their positive contribution to the streetscape.

The office building will also introduce a new way of seeing the heritage listed buildings in Crawford Street – from above. It is expected that where heritage listed buildings can be viewed from an increased number of vantage points, there is also an increased pressure to conserve their aesthetic values as appreciated from those vantage points.

The proposed development will positively contribute to the appearance of the existing area and will provide a landmark building of good architectural merit. The proposal, including the additional building height, provides an improved building form and appearance that will upgrade the development in the content of the CBD nature of the site.

The separation of the proposed seven storey public administration building from these heritage items through a proposed laneway is sufficient to mitigate direct impacts on the heritage significance of these items. Moreover, the works to provide a public plaza will significantly improve the setting of the heritage items and upgrade the overall contribution to the streetscape. The design of the landscaped public realm has also paid careful attention of the fabric and materials flanking the heritage buildings with consideration of materials and plantings that are sympathetic to the adjacent heritage items.

Overall, the proposal will upgrade the site and improve presentation to nearby heritage items and conservation areas. The new building will better integrate with the local character and architectural palate than the two storey commercial building it replaces. Whilst clearly much larger than the two storey building it replaces, the proposed development will visually tie to the existing palate of development and the desired future character envisaged by the LEP controls and master planning undertaken for the Queanbeyan CBD.

Clause 4.3 (1) cont.

(c) to nominate heights that will provide a transition in built form between varying land use intensities.

The site introduces height differentials between the two towers within the proposed building.

The proposal includes a new public forecourt and frontage to the Q Theatre, with ground and mezzanine levels designed to relate to the human scale and tactile brick materiality of neighbouring heritage-listed buildings. As previously discussed, the chosen datums are sympathetic to the scale of the former Fire Station to the south, and the former School of Arts building to the north.

The flexible and open landscaped public spaces provide spaces for events and recreation. The soft greening landscaped spaces provide areas of transition and balance the proposed hardscaped spaces.

Therefore, notwithstanding the numeric variation, the proposal achieves the underlying purpose of this objective in accordance with the first test established in *Wehbe v Pittwater Council* [2007] NSW LEC 827.

Accordingly, the proposal has addressed the requirements of Clause 4.6(3)(a) by demonstrating that compliance with the objectives of the development standard can be achieved, notwithstanding the numeric departure.

Clause 4.6 (3) cont.

(b) that there are sufficient environmental planning grounds to justify contravening the development standard.

Comment

The proposed height variation is acceptable on the site and has environmental planning merit as follows:

- Lack of environmental impact

The design of the proposed development has considered the character, form, scale and materiality of development within the local area. The design is suitable for the site and includes a podium of primarily facebrick with large glazed panels used in the levels above. Horizontal elements designate clear breaks in the building at each level to ensure the seven storey building does not visually dominate nearby heritage items, conservation areas and adjoining existing commercial and residential development.

The ground and first floor of the proposed building is provided with a front setback from Crawford Street of 4.93m where the Queanbeyan DCP requires a setback of 6m. It is considered that the reduction of approximately 1m to the front setback requirement is primarily justified due to the specific nature of ground floor uses which will deliver services to the community and play an important public administrative role.

From an urban design perspective, the reduced front setback will not result in a building that visually dominates the streetscape. Existing development on the western side of Crawford Street does not have a consistent street setback and certainly does not comply with the Queanbeyan DCP required 6m setback. The Council's LEP controls and CBD Masterplan envisages much higher density development along the western side of Crawford Street than is currently present and it is considered that a new streetscape will be established as properties are developed to their permitted height/density in the future.

While the proposed seven storey building does not comply with the maximum building heights of 25m and 30m permitted by the QLEP 2012. The proposal has been designed to minimise the shadow cast on adjoining development, by providing separation to the shared common boundary, taller northern tower and introducing a large setback at the third storey to allow morning sunlight to penetrate the buildings on 257 Crawford Street and northerly facing windows.

- Strategic Location

The site is within the CBD that provides an opportunity to activate the area between Crawford Street and The Q Theatre with a public plaza and will strengthen the CBD by consolidating existing administrative offices into a central building.

The development is considered consistent with the desired future character for the Queanbeyan CBD as expressed by the provisions of the Queanbeyan LEP 2012 and the recently released draft Spatial Masterplan for the CBD.

Overall, it is considered that the proposed development is suitable for the site and consistent with the character and form of development exhibited in Council's existing development standards.

- Urban hierarchy

The proposal is not inconsistent with the established or anticipated future urban hierarchy. The Masterplan outlines the need to activate public spaces to improve the pedestrian experience, to make the CBD more accessible and inviting, to strengthen the cultural hub of the CBD. The proposal will activate the area between Crawford Street and The Q Theatre with a public plaza and will strengthen the CBD by consolidating existing administrative offices into a central building. The proposed building has a civic address and with the active adjoining public plaza, will have a clearly identifiable cultural and civic hub in the centre of the CBD. The proposed buildings will provide interesting buildings of high architectural merit that will positively contribute to the appearance of the local area.

- Landmark Building

The site presents an opportunity for a landmark building that delineates the change in urban form. The proposal capitalises on the opportunity for a landmark building, and presents a high quality architectural design with highly durable building materials. The additional building height assists in providing a landmark building that is readily identifiable and unique to the area.

The development is considered consistent with the desired future character for the Queanbeyan CBD as expressed by the QLEP 2012 and the recently released draft Spatial Masterplan for the CBD. The Masterplan outlines the need to activate public spaces to improve the pedestrian experience, to make the CBD more accessible and inviting, to strengthen the cultural hub of the CBD.

Clause 4.6 cont.

(4) Development consent must not be granted for development that contravenes a development standard unless:

(a) the consent authority is satisfied that:

(i) the applicant's written request has adequately addressed the matters required to be demonstrated by subclause (3), and

Comment

The matters required by subclause (3) have been addressed in detail in the above sections of this objection.

Clause 4.6(4) cont.

(ii) the proposed development will be in the public interest because it is consistent with the objectives of the particular standard and the objectives for development within the zone in which the development is proposed to be carried out, and

Comment

The above discussion demonstrates that notwithstanding the numeric variation, the proposed development is consistent with the relevant objectives of the height of building development standard which include ensuring development *‘that the height of buildings complement the streetscape or the historic character of the area in which the buildings are located’* and *‘protect the heritage character of Queanbeyan and the significance of heritage buildings and heritage items’*.

In relation to the second requirement, being consistency with the zoning objectives; the site is zoned B3 Commercial Core pursuant to the QLEP 2012 and is consistent with the objectives of the zone as follows:

- *To provide a wide range of retail, business, office, entertainment, community and other suitable land uses that serve the needs of the local and wider community.*

The proposed community and office administrative building is a permissible use in the B3 Commercial Core. The proposal provides beneficial socio-economic and land-uses within the Queanbeyan CBD, by placing the public carpark below ground, the above ground areas would provide improved pedestrian links at Crawford Street through to areas such as The Q Theatre. The proposal has a civic address with an active adjoining public plaza, which will have a clearly identifiable cultural and civic hub in the centre of the CBD. The proposal includes a library, a café to service the needs of community and workers within the site and the local area. It is considered that the administrative accommodation presents the highest and best use of the site by consolidating existing administrative offices into a central building.

The proposed development satisfies these objectives by consolidating existing Council public administration uses, including library, within the Queanbeyan CBD into one building. The site is in an accessible location and will incorporate end-of-trip facilities to encourage employees to choose active transport options for their journey to work.

The proposal will introduce additional visitors into the area, reinforcing the importance of the Queanbeyan CBD as the location for civic activities, businesses and administrative services. The design of the public plaza surrounding the public administration building will provide facilities to encourage community use of the public plaza and will assist with activating the area.

Whilst the site does not include residential uses, the proposal would consolidate Council staff into one building, possibly releasing other Council owned sites in the CBD for future redevelopment. The tenants that are to be accommodated within the building will be an attractor for visitors to the CBD and will provide appropriate services to support the local community.

- *To encourage appropriate employment opportunities in accessible locations.*

The proposal provides community and office accommodation within a highly accessible and strategic location, connected to existing local bus services operating along Crawford Street. The site is well connected to existing walking and cycling paths and within a short walking distance of the shopping precinct within the CBD. The proposed development satisfies these objectives by consolidating existing Council public administration uses, including library, within the Queanbeyan CBD into one building.

- *To maximise public transport patronage and encourage walking and cycling.*

The proposal supports this objective by providing community and office accommodation within an established area, with great connectivity to existing transport nodes and commercial centres. The concept landscaping design integrates the outdoor plazas with the design of the new forecourt and frontage to The Q Theatre to create a green spine ultimately linking Crawford Street, The Q Theater with the Bicentennial Hall to create a plaza space that will provide a civic and cultural function. The site lends itself to become the new civic and cultural destination of Queanbeyan, combining heritage, arts, culture, business and a high quality public realm.

The proposed development satisfies these objectives by consolidating existing Council public administration uses, within the Queanbeyan CBD into one building. The site is in an accessible location and will incorporate end-of-trip facilities to encourage employees to choose active transport options for their journey to work.

- *To recognise the Queanbeyan central business district as the main commercial and retail centre of Queanbeyan and to reinforce its commercial and retail primacy in Queanbeyan*

The development is considered consistent with the desired future character for the Queanbeyan CBD as expressed by the provisions of the Queanbeyan LEP 2012 and the vision outlined in the Queanbeyan CBD Masterplan (2009) and Queanbeyan CBD Spatial Masterplan (Draft 2019). The Masterplan identifies the need to activate public spaces to improve the pedestrian experience, to make the CBD more accessible and inviting, to strengthen the cultural hub of the CBD and to seek opportunities that foster business innovation.

The proposal will activate the area between Crawford Street and The Q Theatre with a public plaza and will strengthen the CBD by consolidating existing administrative offices into a central building. The proposed building has a civic address and with the active adjoining public plaza, will have a clearly identifiable cultural and civic hub in the centre of the CBD. The proposed development is located within an area identified as Crawford South (Block Plan 'B') of the Masterplan. The proposal is consistent with the Masterplans vision to create a recognisable heart of the Queanbeyan CBD, announcing the 'front door' of the Civic and Cultural Precinct.

- *To encourage some high density residential uses in conjunction with retail or employment uses where appropriate.*

The proposal is not for residential uses, therefore, this objective is not a considered as part of this proposal.

Clause 4.6(4) cont.

(b) the concurrence of the Secretary has been obtained.

Comment

As the variation to the height of building standard to Part A is approximately 10% (proposed variation of 2.97m or 10%) and as the Regional Planning Panel is the determining authority, the concurrence of the Secretary of the Department of Planning, Industry & Environment cannot be assumed (Planning Circular PS 17-006). As such, it is requested that this application be forwarded to the Department for consideration.

Clause 4.6(5)

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

Comment

The proposed variation to the height of building development standard does not raise any matter of significance for State or Regional Planning. It has been clearly demonstrated in this application and Clause 4.6 request that the site can readily accommodate the additional 2.97m and 8.97m in Part A of the building, with very little impact on adjoining properties.

The site is within the CBD that provides an opportunity to activate the area between Crawford Street and The Q Theatre with a public plaza and will strengthen the CBD by consolidating existing administrative offices into a central building. There is public benefit in varying the height control the development will deliver landmark building on this well-connected infill site. It would be contrary to the public interest to arbitrarily restrict the height of development on this site, which can clearly accommodate the high quality infill development with good connectivity to existing public transport and established centres and without adverse environmental impact.

Conclusion

The above discussion demonstrates that the variation from the maximum height of building standard for Part A of 2.97m (10%) and 7.97m (32%) is appropriate in the circumstances of the proposal, subject to the provisions of Clause 4.6 of the QLEP 2012. This Clause 4.6 variation request is well founded as it demonstrates the following:

- Compliance with the height of building development standard is unreasonable or unnecessary as the objectives of the standard can be achieved notwithstanding the numeric non-compliance, thus satisfying the tests developed in *Wehbe v Pittwater Council* [2007] NSW LEC 827 and Clause 4.6(3)(a) of the QLEP 2012;
- There are sufficient environmental planning grounds to justify the contravention of the height of building standard and the proposed development results in a better outcome for the site than a compliant proposal, thus satisfying Clause 4.6(3)(b) of the QLEP 2012;
- There is a lack of environmental impact resulting from the numeric variation, the proposal is within a strategic location to support additional building height, and the proposed landmark building is appropriate for the built form context of the area. These matters justify that there are '*sufficient environmental planning grounds to justify contravening the development standard*' in accordance with Clause 4.6(3)(b) of the QLEP 2012;
- The development remains consistent with the relevant objectives of the B3 Commercial Core zone, notwithstanding the numeric variation in accordance with Clause 4.6(4)(a)(ii) of the QLEP 2012.
- The proposed development improves the visual bulk and scale and overall amenity, improves the availability of public space between the buildings. This demonstrates that through the flexible application of the building height development standard, a better planning outcome can be achieved on the subject site.

IMPORTANT NOTICE

This report must be read as a whole. The executive summary is not a substitute for this. Any subsequent report must be read in conjunction with this report.

The report supersedes all previous draft or interim reports, whether written or presented orally, before the date of this report. This report has not and will not be updated for events or transactions occurring after the date of the report or any other matters which might have a material effect on its contents or which come to light after the date of the report. SMEC is not obliged to inform you of any such event, transaction or matter nor to update the report for anything that occurs, or of which SMEC becomes aware, after the date of this report.

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SMEC Company Details

Dan Keep

243 Northbourne Avenue, Lyneham ACT

Tel:	+61 2 6234 1931	Fax:	+61 2 6234 1966
Email:	Dan.Keep@SMEC.com	Website:	www.smec.com



Local People. Global Experience.

SMEC Australia Pty Ltd

Level 5, 20 Berry Street
North Sydney, NSW, 2060

T +61 2 9925 5555

F +61 2 9925 5566

www.smec.com