

COUNCIL ASSESSMENT REPORT

SOUTHERN REGIONAL PLANNING PANEL

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| PANEL REFERENCE & DA NUMBER | PPSSTH – 330/ DA.2023.0602/ PAN-394183. |
| PROPOSAL | Shoptop Housing Development and Amendment (under Section 4.17(1)(b) of the EP&A Act) to DA 950033 for the Riverside Plaza extension |
| ADDRESS | Lot 100 in Deposited Plan 1308422 50 Morisset St, Queanbeyan |
| APPLICANT | Eight Mile Planning on behalf of Lockbridge Pty Ltd |
| OWNER | Riverside Morisset Developments Pty Ltd |
| DA LODGEMENT DATE | 4 December 2023 |
| APPLICATION TYPE | Development Application and Amendment to DA 950033 |
| REGIONALLY SIGNIFICANT CRITERIA | Clause 2.19, Schedule 6(2) of <i>State Environmental Planning Policy (Planning Systems) 2021</i> : General Development that has an estimated development cost over \$30 million |
| CIV | \$57,115,811.00 (excluding GST) * * Note: the DA was lodged prior to reforms to how cost of development is calculated. Therefore, this figure represents CIV rather than EDC. This does not change fundamental criteria for referral to the SRPP for determination of the DA. |
| CLAUSE 4.6 REQUESTS | The application proposes a Clause 4.6 variation request to Clause 4.3 – Height of Buildings to the <i>Queanbeyan Palerang Regional Local Environmental Plan 2022</i> (QLEP). The zoning of the land is E2 – Commercial Centre under the QLEP. The application also proposes a Clause 4.6 variation to Section 148(2)(a) of <i>State Environmental Planning Policy (Housing) 2021</i> with respect to car parking. A single consolidated written Clause 4.6 request has been submitted by the Applicant to address both development standard variations |
| KEY SEPPs/LEP | <ul style="list-style-type: none"> • <i>State Environmental Planning Policy (Planning Systems) 2021</i> • <i>State Environmental Planning Policy (Biodiversity & Conservation) 2021</i> • <i>State Environmental Planning Policy – Sustainable Buildings 2022</i> |

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| | <ul style="list-style-type: none"> • <i>State Environmental Planning Policy (Resilience & Hazards) 2021</i> • <i>State Environmental Planning Policy (Housing) 2021</i> – Chapter 4: Design of Residential Apartment Development • <i>State Environmental Planning Policy (Industry and Employment) 2021</i> Chapter 3: Advertising and Signage • <i>State Environmental Planning Policy (Transport and Infrastructure) 2021</i> Chapter 2: Infrastructure • <i>Queanbeyan Palerang Regional Local Environmental Plan 2022</i> |
| TOTAL & UNIQUE SUBMISSIONS KEY ISSUES IN SUBMISSIONS | <p>The development was publicly notified twice in accordance with the Queanbeyan-Palerang Community Participation Plan 2019 (CPP) and the provisions of Environmental Planning and Assessment Regulations 2021 (EP&A Regulation). The first notification period was for 14 days from 8 February 2024 to 26 February 2024. 3 unique submissions were received and a summary of the issues raised is below:</p> <ul style="list-style-type: none"> • Increased traffic and parking impact • Overshadowing • Privacy and amenity impact • Impact on the nearby heritage items • Views, visual impacts and dominance • Non-compliance with the Apartment Design Guide regarding side setback • Construction impacts <p>The second notification period was for 14 days from 21st March 2025 to 9th April 2025. 11 unique submissions were received, 1 was positive and 10 were negative to the proposal. A summary of the issues raised is below:</p> <ul style="list-style-type: none"> • Increased traffic • Loss of significant town centre parking • Loss of Queanbeyan's country town feel • Commercial tenancies are already vacant- adding more will not help • Negative impact on the Heritage item • Architectural design flaws • Stormwater issues • Waste Management |
| REFERRALS | <p>Internal:</p> <ul style="list-style-type: none"> • Development engineer (for matters related to traffic, parking, flooding and civil). • Land use planning • Waste officer • Trade Waste officer • Environmental Health officer • Land Information Systems officer <p>External:</p> <ul style="list-style-type: none"> • Essential Energy • Transport for NSW • the NSW Police • Heritage NSW |

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| APPLICANT'S SUPPORTING DOCUMENTS SUBMITTED WITH THIS REPORT FOR THE PANEL'S CONSIDERATION | <ol style="list-style-type: none"> 1. Survey Plan dated 31 March 2022 2. Amended architectural plans dated 18 November 2024 3. Clause 4.6 variation (amended, combined for both variations) dated 30 November 2024 4. Landscape Plans dated 23 November 2023 5. SEE dated 16 February 2024 6. Addendum SEE dated 13 March 2025 7. Letter of Offer dated 29 November 2024 8. Riverside Plaza letter of support dated 26 November 2024 2024Traffic Impact Assessment Report dated 30 January 2025 9. Applicant's Response to RFI dated 29 November 2024 10. Memorandum of Advice dated 27 November 2024 11. Assessment of Public Car Parking dated 29 November 2024 12. Statement of Heritage Impact Addendum – Visual Impact Assessment dated 21 November 2024 13. Revised ADG Assessment dated November 2024 14. Revised BASIX dated 21 December 2023 15. Response to Council Comments re quantification of the embodied emissions residential and non-residential dated 22 November 2024 16. Tree Management Plan dated 23 November 2023 17. Preliminary Site Investigation dated 18 November 2024 18. Amended Civil Plans dated 27 November 2024 19. Noise Assessment for DA Purposes dated 4 November 2024 20. Flood Impact Statement dated 11 November 2024 21. Statement of Heritage Impact dated 29 November 2023 22. Capital Investment Value Report dated 23 November 2023 23. DCP Compliance Table (undated) 24. BCA Assessment Report dated November 2023 25. Accessibility Compliance Report dated 16 November 2023 26. CPTED Report dated 28 November 2023 27. Section J – Energy Efficiency report dated November 2023 28. Waste Management Plan (undated) 29. Natural Ventilation Statement dated 23 November 2023 |
| ASSESSMENT REPORT ATTACHMENTS | <p>Attachment A: Site photos</p> <p>Attachment B: Compliance tables</p> <p>Attachment C: Applicant's Amended Clause 4.6 Variation Request (Building Height and Car Parking)</p> |
| SPECIAL INFRASTRUCTURE CONTRIBUTIONS (S7.24) | The site is not located in an area that Special Infrastructure Contributions (SIC) apply. |
| RECOMMENDATION | Refusal |
| DRAFT CONDITIONS TO APPLICANT | No |
| SCHEDULED MEETING DATE | 30 April 2025 |
| PREPARED BY | Mel Krzus - Director, Gyde Consulting |
| DATE OF REPORT | 14 April 2025 |

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| Summary of s4.15 matters | Yes |
| Have all recommendations in relation to relevant s4.15 matters been summarised in the Executive Summary of the assessment report | |
| Legislative clauses requiring consent authority satisfaction | Yes |
| Have relevant clauses in all applicable environmental planning instruments where the consent authority must be satisfied about a particular matter been listed, and relevant recommendations summarized, in the Executive Summary of the assessment report? | |
| Clause 4.6 Exceptions to development standards | Yes |
| If a written request for a contravention to a development standard (clause 4.6 of the LEP) has been received, has it been attached to the assessment report? | |
| Special Infrastructure Contributions | No |
| Does the DA require Special Infrastructure Contributions conditions (S7.24)? | |
| Conditions | No |
| Have draft conditions been provided to the applicant for comment? | |
| <i>Note: in order to reduce delays in determinations, the Panel prefer that draft conditions, notwithstanding Council's recommendation, be provided to the applicant to enable any comments to be considered as part of the assessment report</i> | |

EXECUTIVE SUMMARY

Development consent is sought under DA.2023.0602 for a shop top housing development at 50 Morisset Street, Queanbeyan. The development proposes a ten-storey building with 8 commercial premises on the ground floor, 2 levels of carparking for 212 cars and two residential towers on a podium accommodating 160 dwellings (1- and 2-bedroom apartments) (the development).

The development is 'Regional Development' as defined by Chapter 2 Schedule 6 of *State Environmental Planning Policy (Planning Systems) 2021* (PS SEPP) – The development is for shop top housing with a Capital Investment Value (CIV) over \$30 million in value (being \$57,115,811). The DA was submitted prior to NSW government reforms on the way development cost is defined. Therefore, the quoted cost is CIV as opposed to the new definition of Estimated Development Cost (EDC). The Southern Regional Planning Panel (SRPP) is the relevant determining authority.

Consultation

The development was notified twice in accordance with the Queanbeyan Community Participation Plan 2019 from 8 February 2024 to 26 February 2024, and then from 21st March 2025 to 9th April 2025.

Following the first notification process, Council received 3 individual public submissions. The matters in the submission related to the following:

- Increased traffic and parking impact
- Overshadowing
- Privacy and amenity impact
- Impact on the nearby heritage items
- Views, visual impacts and dominance
- Non-compliance with the Apartment Design Guide regarding side setback
- Construction impacts

The second round of notification was undertaken following receipt of a request for information (RFI) response from the Applicant (including a letter of offer and addendum SEE).

11 unique submissions were received, 1 was positive, 9 were negative to the proposal and 1 was not relevant. A summary of the issues raised is below:

- Increased traffic
- Loss of significant town centre parking
- Loss of Queanbeyan's country town feel
- Commercial tenancies are already vacant- adding more will not help
- Negative impact on the Heritage item
- Architectural design flaws
- Stormwater issues
- Waste Management

Integrated Development

The development is not nominated as Integrated Development.

Referrals (internal)

The development was referred to the following Council officers for the provision of internal advice:

- Development engineer (for matters related to traffic, parking, flooding and civil)
- Land use planning
- Waste officer
- Trade Waste officer
- Environmental Health officer
- Land Information Systems officer

Referrals (external)

The development was referred to Essential Energy, Transport for NSW, the NSW Police and Heritage NSW.

A discussion on the advice received from those internal and external referrals is in Section 4 of this report.

Pre-conditions to granting development consent

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

- Chapter 2 'State and Regional Development' and Schedule 6 of State Environmental Planning Policy (Planning Systems) 2021 (PS SEPP). The development includes a residential flat building component with a CIV/EDC over \$30 million in value. The Southern Regional Planning Panel (SRPP) is the relevant determining authority.
- Chapter 4 – Clause 4.6 'Contamination and remediation to be considered in determining development application' of State Environmental Planning (Resilience and Hazards) 2021. A preliminary site investigation (PSI) was submitted to Council following a request for information (RFI). The PSI identifies two areas of concern including uncontrolled fill and potential groundwater impacts. The fill was found in four boreholes in an earlier geotechnical investigation. Due to the uncertainty on fill, a detailed site investigation (DSI) is warranted at DA stage and has not been submitted.
- Chapter 2.2 – Clause 2.6 Clearing that requires permit or approval of State Environmental Planning Policy (Biodiversity & Conservation) 2021. This clause provides that a person must not clear vegetation in any non-rural area of the State without the authority confirmed by a permit granted by the council. The application involves tree removal, but the quantity stated is inconsistent with the actual tree removal that would be required. This is because the survey and the Arborist Report do not identify all existing trees within the carpark. Notwithstanding, none of the trees have any identified biodiversity value or known ecological significance. Their removal is supported.
- Clauses 2.1 and 2.2 of State Environmental Planning Policy (Sustainable Buildings) 2022 (Sustainable Buildings SEPP) - A BASIX assessment and certificate are required for the residential portion of the development, and an Embodied Emissions Form is required for the non-residential portion. The BASIX certificate does not reflect the amended plans, and the embodied emissions form does not include the required qualifications of the ESD engineer who has

prepared it. These matters could be readily addressed through submission of amended documentation.

- Section 145 of State Environmental Planning Policy (Housing) 2021 (SEPP Housing) requires the DA to be referred to a design review panel (DRP) before determination. QPRC has not constituted a DRP for the LGA. Therefore, this pre-condition does not apply.
- Section 147 of the Housing SEPP requires consideration of the design principles in Schedule 9 and the Apartment Design Guide. Both matters have been addressed by the Applicant in the DA submission and considered by Council in this report.
- Clause 2.3 'Zone objectives and Land Use Table' of Queanbeyan-Palerang Regional Local Environmental Plan 2022 (QPR LEP). The site is zoned E2 – Commercial Centre – 'shoptop housing' is permissible with consent.
- Clause 5.21 'Flood planning' of the QPR LEP requires the consent authority to be satisfied of a range of matters related to flood liable land. The matters listed under this clause have been considered in the assessment. In summary, Council is satisfied the proposal complies with flood related controls for the site and will not adversely affect flood behaviour on the site.
- Clause 7.1(3) 'Earthworks' of the QPR LEP provides several matters that the consent authority must consider prior to granting development consent to earthworks. The matters listed under cl.7.1(3) have been considered during the assessment and the proposed works are minor and acceptable.
- Clause 7.12 "Essential services" – requires the development to be adequately serviced. The DA documentation demonstrates how the development will be serviced, through new and upgraded services and connections. The adequacy of electricity supply in the proposed substation needs to be further considered in the context of the consultant traffic consultant's recommendation for a significant proportion of the residential spaces to be "EV ready" (sufficient electrical and switchboard capacity to accommodate 190 electric vehicle parking spaces).
- Clause 7.15(3) requires that consent not be granted to the development unless the building will have an active street frontage on Morisset Street, which is mapped as an active street frontage on the relevant map. As addressed in this report, Council does not consider the full Morisset Street frontage to be "active" under the terms of this clause. An improved design outcome would also result in better consistency with the objective of this clause.

Chronology of events with the Panel

- Initial referral to SRPP – 9 February 2024
- Informal briefing by Council to Panel Chair – 17 April 2024
- Site visit (no formal briefing) – 4pm to 5pm 16 July 2024
- Regular updates – Typically held monthly (latest on 19th March 2025)
- Determination date – 30 April 2025

Key issues

The key issues considered during the assessment relate to:

- Parking (shortfall of visitor and service parking and displacement of parking spaces for the Riverside Plaza shopping centre)
- Apartment design
- Apartment mix/diversity
- Active street frontages

- Waste management
- Pedestrian accessibility
- Communal open space provision and amenity
- Residential amenity (communal open space, apartment depth/ventilation, apartment design, building separation/visual and acoustic privacy and other ADG considerations)
- Conflict between noise attenuation and adequate ventilation of apartments
- BASIX

Summary of Assessment

The development has been assessed under Section 4.15(1) of the EP&A Act 1979 and is not supported by Council. The main issues raised, as noted above, have not been adequately addressed by the Applicant. With respect to Section 4.15 matters, a summary is below:

- The likely impacts of the development are only in part acceptable. The primary concern relates to carparking; both the shortfall of visitor and servicing parking for the development and reduction of 196 car parking spaces for the Riverside Plaza shopping centre. The overall arrangement of the servicing and carpark, including pedestrian movements/accessibility and waste management are supplementary concerns. Other residual impacts remain unresolved in terms of potential contamination, streetscape impact (active street frontage to Morisset Street), waste management, internal residential amenity, building separation to the west at the upper levels and housing mix.
- The site is generally considered suitable for a development of this type and scale, being consistent with the desired future built form outcome set out in the Queanbeyan CBD Masterplan. However, as noted, there are concerns with the proposal in its current form, and when considering future character, consideration must be given to the broader intentions set out in the Masterplan, which contemplates both redevelopment of the site in addition to development of part of the Riverside Plaza site including a multi-deck carpark. Such a carpark would have the effect of resolving one of the key issues raised in this assessment, being displacement of 196 car parking spaces that are intended for use by the Riverside Plaza.
- The development is non-compliant and/or inconsistent with several provisions in the Housing SEPP, the QPR LEP and the QDCP. The justification by the Applicant to vary the height of buildings standard in the QPR LEP is adequate and supported by Council. The justification by the Applicant to vary the parking standard in the Housing SEPP is not adequate and therefore, not supported by Council. The active street frontages requirement in the QPR LEP has not been complied with and is a jurisdictional requirement to be satisfied before consent can be granted. There are several QDCP and ADG provisions that are not complied with. While these controls are intended to be applied flexibly, the areas of non-compliance will reduce overall amenity within the development. The reduced setback/separation to the upper levels at the west elevation could also impact future development potential of the adjacent Kmart site.
- The submissions made during notification of the DA have been considered in this report and are generally considered to have been resolved during the DA or are matters that could be addressed via conditions. Internal and external referrals are generally supportive of the development, except for development engineering (parking) and waste.
- While the draft planning agreement (letter of offer) submitted by the Applicant offers a generous proportion of apartments to be delivered as affordable housing, Council does not consider it to meet the "acceptability test".
- With regard to the above, the proposal is not considered by Council to be in the public interest. There is no question that the provision of affordable housing (as stated in the letter of offer) would provide a public benefit to the broader QPRC community. Although the issues raised in the assessment, including parking, do outweigh the benefit of the affordable housing.

Recommendation

That the Development Application DA.2023.0602 for Construction of a shop top housing development comprising ten-storey building with ground floor commercial premises, 2 levels of carparking and two residential towers on a podium accommodating 160 dwellings (1 and 2 bedroom apartments) associated services, civil works and landscaping at 50 Morisset Street, Queanbeyan NSW 2620, be **REFUSED** pursuant to Section 4.16(1)(b) of the Environmental Planning and Assessment Act 1979.

1. THE SITE AND LOCALITY

1.1 The Site

The subject site is located at 50 Morisset Street Queanbeyan and at the time of lodgement, consisted of 5 separate titles. A plan of consolidation was subsequently registered, with the new legal description of the site comprising Lot 100 in Deposited Plan 1308422.

The subject site sits at the north-western corner of the Morisset and Collett Street intersection within the Queanbeyan CBD. It has an area of 5,978sqm and currently contains an at grade sealed (asphalt surface) carpark accommodating 198 carparking spaces. Of the 198 carparking spaces, 13 of these are allocated as Riverside Plaza tenant/permit parking. There are also at least 3 trolley bays across the carpark.

Access to the carpark is from both Morisset Street and Collett Street. The site also benefits from concrete pathways along both street frontages.

There are also a small number of trees on the site, within the south-western corner, north-western corner and clustered at the centre of the site. The survey plan identifies 8 trees on the site. However, Council has confirmed in a recent site inspection (16 March 2025) there are an additional 9 trees on the site, scattered throughout the existing carpark. These additional trees are not reflected on the survey and have not been identified or assessed in the Tree Management Plan for the DA. The 8 trees that *have* been assessed in the Tree Management Plan are a combination of low to medium significance and retention value.

An aerial view of the subject site can be seen in **Figure 1**.



Figure 1 Aerial photo showing the subject site in yellow (Source: Nearmap)

The site is currently not serviced by sewer but there are existing local sewer mains in the vicinity. The site has potable water connectivity to the existing trunk water main in Morisset Street. There are currently no stormwater connections to Council stormwater infrastructure in Collett Street or Morisset Street. Gas and telecommunications connections are also available for the development.

1.2 The Locality

As noted above, the site is in the Queanbeyan Central Business District (CBD) as defined in the Queanbeyan Development Control Plan 2012 (QDCP). The area surrounding the site is predominantly commercial / retail with ad hoc residential uses.

To the immediate north is "Hibernia Lodge". Hibernia Lodge is listed on the State Heritage Register (00514) and included in Schedule 5 of the QPR LEP. The former residence is also included on the National Trust of Australia (NSW) Register (4826) and the Register of the National Estate (Place ID 16599). The lodge is currently occupied and is being used as a residential dwelling.

To the east of the site is Collett Street. On the opposite side of Collett Street are a mix of residential dwellings, a 3-storey walk-up residential flat building and driveway access to the public carpark known as Collett Carpark. This carpark is owned and operated by Council and includes a bus interchange and commuter parking¹.

The immediate west of the site comprises a predominantly retail precinct with existing tenants including Kmart, Woolworths and smaller shops and business premises. This precinct includes on-grade parking to service those retail uses.

To the south of the site is Morisset Street. On the opposite side of Morisset Street are a range of uses including the Mill and Millhouse, which is listed on the State Heritage Register (00363) and in Schedule 5 of the QPR LEP. The premises are currently operating as a café. Also to the south is the Riverside Plaza shopping centre and associated undercroft and on-grade parking.

Diagonally opposite the site, across the Collett Street and Morisset Street intersection, is the Queanbeyan River, Queanbeyan Riverside Caravan Park and the Queen Elizabeth II Playground.

The scale of development surrounding the site is mixed, from single storey residential dwellings to the multi-storey Riverside Plaza Shopping Centre. The area is set to transition, over time, in accordance with the Queanbeyan CBD Masterplan, which includes the subject site.

¹ As set out in the Queanbeyan Car Parking Strategy 2018-2028

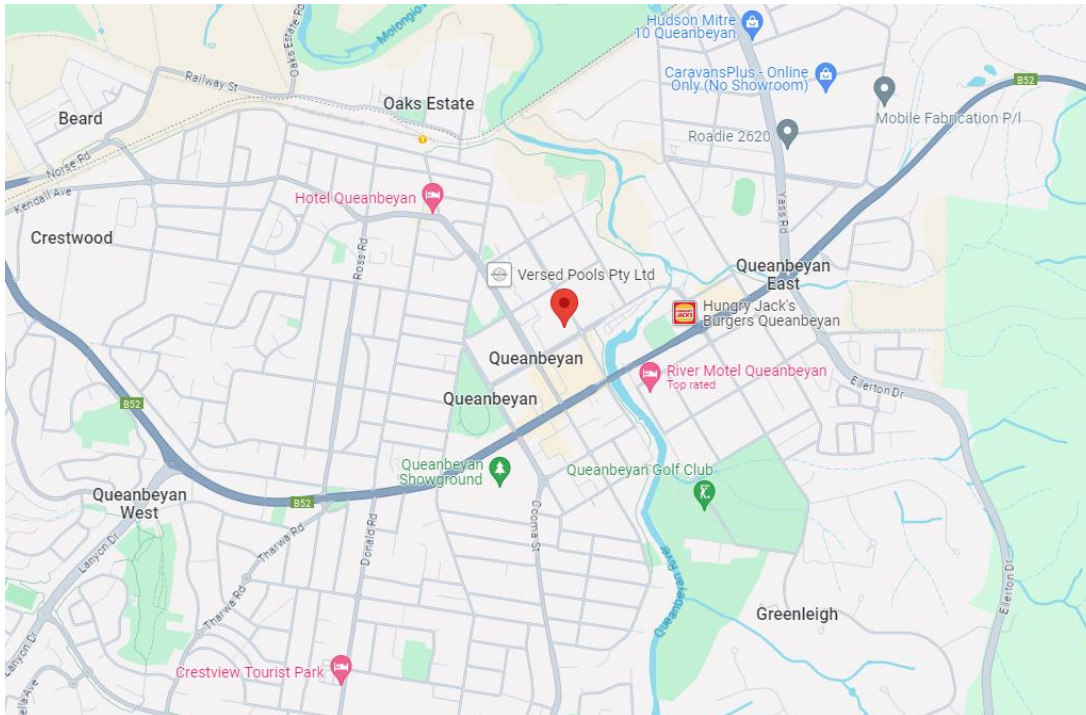


Figure 2 General locality plan with the subject site highlighted with the red tab (Source: Google Maps)



Figure 3 Site context map (Source: Six Maps and Applicant's SEE)



Figure 4 Queanbeyan CBD Masterplan 3D Model (Source: Hames Sharley)

2. THE PROPOSAL AND BACKGROUND

2.1 The Proposal

The development proposes a ten-storey building with 8 ground floor *commercial premises*, 2 levels of carparking and two residential towers on a podium accommodating 160 dwellings (1- and 2-bedroom apartments).

A breakdown of the floor-by-floor levels is as follows:

Ground floor

- 8 commercial tenancies with an area of 627sqm, with 2 fronting Morisset Street and 6 set back from Collett Street. While the original DA plans identified a café in the south-eastern commercial tenancy and all other tenancies as retail premises, the amended plans submitted in December 2024 identify all ground floor tenancies as *commercial premises*
- Residential access lobbies (north and south)
- Carparking at grade and “undercroft” (sleeved by the commercial tenancies and lobbies)
- Parking for 15 bicycles
- 11 car parking spaces for the commercial tenancies (including 1 accessible space)
- 12 visitor parking spaces (including 2 accessible spaces)
- 24 tandem parking spaces for residents
- 64 parking spaces for residents
- A 12.5m waste loading bay (approx. 3.25m wide) and waste collection/storage areas
- Storage, fire services, substation, plant and utilities

Level 1

- Residential storage
- 32 tandem parking spaces for residents
- 69 parking spaces for residents
- 4 motorbike parking spaces

Levels 2-9

- Communal open space for residents at Level 2 only
- Residential towers accommodating development as follows:
 - North tower: 80 dwellings, 40 one bedroom, 40 two bedrooms
 - South tower: 80 dwellings, 40 one bedroom, 40 two bedrooms

Roof

- Lift overrun, roof access hatch

- Solar PV panels
- Plant
- Skylights

A view of the proposal is provided in **Figure 5**:



Figure 5 Photomontage showing the proposed development from Collett Street (Source: Applicant's SEE)

A summary of the development is provided in Table 1:

Table 1: Development Data

| Control | Proposal |
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| Site area | 5,940sqm |
| FSR (retail/residential) | 2.41:1 ² |
| Clause 4.6 Requests | Yes – 4.3 Height of Building Standard under QLEP. |
| No of apartments | 160 |
| Affordable housing (offer) | As outlined in the Letter of Offer submitted in December 2024, an offer is made for provision of 80 affordable built-to-rent units (50%), in the northern residential tower, to be managed by a CHP for a minimum of 25 years. |
| Max Height | 30.9m |
| Communal open space | 958sqm |
| Car Parking spaces | 212 carparking spaces <ul style="list-style-type: none"> - 189 resident car spaces (including 56 tandem spaces) - 12 visitor spaces - 11 retail spaces 4 motorbike spaces 15 bicycle parking spaces |

² The Applicant calculates the FSR at 2.3:1. However, the surplus of residential parking is classified as GFA. 2.41:1 is the FSR calculation by Council based on including the (approximate) GFA from the surplus parking.

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| Setbacks | North (podium) – 7.5m |
| | South (podium) - Nil |
| | East (podium) – 5.45m – 6.05m |
| | West (podium) – 7.9m – 8m |
| | North (tower) – 10.15m |
| | South (tower) – 6.04m |
| | East (tower) – 10m |
| | West (tower) – 8.8-9m |

With respect to site preparation, trees will need to be removed from the site to facilitate the development. The survey identifies 8 trees on the site. The Tree Management Plan submitted with the December 2024 request for information also identifies 8 existing trees on the site. However, in a second site visit on 16 March 2025, it was confirmed there are 9 additional trees on the site than have been documented in the DA. All of those trees would require removal to facilitate the construction of the development. Therefore, a total of 17 trees will require removal from the site.

While not explicitly clear in the DA package, the proposal will also require the removal of the existing asphalt carpark, trolley bays and site grading to prepare the site for construction of the development.

The proposal also seeks to amend an existing development consent on the site, DA 950033 for the Riverside Plaza. The amendment to the DA is sought under Section 4.17(1)(b) of the EP&A Act. The amendment seeks to modify the parking requirement for the Riverside Plaza through a reduced provision by 196 spaces. Should the DA be approved (despite Council's recommendation), the amendment to DA 950033 would be facilitated through condition(s) of consent pursuant to the above-mentioned section of the EP&A Act.

2.2 Background

A pre-lodgement meeting was held prior to the lodgement of the DA with Council's Development Coordination and Review Panel (DCR) on 10 February 2022.

A summary of the key issues and how they have been addressed by the proposal is outlined below:

Table 2: Pre-lodgement comments and response

| Issue | Response |
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| Queanbeyan CBD – The development site is a prominent location within the CBD and should respond to the existing context of the locality taking into consideration the mixed-use nature, varying building heights and adjoining State heritage items. | The DA submission provides an adequate response to the site's location and context within the CBD (and proximity to heritage items). |
| Flooding and drainage - The subject site is located within the Flood Planning Level and Flood Planning Area. This could have implications for basement parking. The application would need to be accompanied by a Flood Assessment. | The development does not include any basement parking. The DA is supported by a Flood Impact Statement. Flood controls are considered in the assessment of the QPR LEP in this report. |
| Adjoining State Heritage Item – Hibernia Lodge and the Millhouse on the southwestern corner of Collett and Morisset Streets. Additional feedback was received from the Council Heritage Advisor during the design process to ensure that the proposal adequately addressed | The DA is supported by a Statement of Heritage Impact and Visual Impact Assessment. Heritage controls are considered in the assessment of the QPR LEP in this report. |

the potential impact on adjoining and adjacent items, including the setback from Hibernia Lodge and retention of some of the existing vegetation immediate west of the rear boundary of the lodge. The proposal would need to be supported by a Statement of Heritage Impact.

Traffic and parking – a Traffic Assessment would be required to support the proposal.

The original DA was supported by a Traffic Impact Assessment Report, which was subsequently updated in January 2025 and supplemented by additional parking studies.

This report provides a detailed assessment of the proposal regarding traffic and parking considerations.

Parking: Impacts on adjoining private car parking should be minimised by the provision of sufficient on-site car parking.

In relation to car parking, it was noted that two spaces required per dwelling under Part 3D of the QDCP 2012 for shop top housing. QPRC noted in the minutes that this was inconsistent with the requirements under Part 2.

The Apartment Design Guideline includes a different calculation for parking again.

Following a discussion as to the parking rate, it was suggested that council would consider variations to controls within the Development Control Plan, but sufficient justification must be provided. It was noted in the minutes that the provision of 1 parking space for a 1 bedroom dwelling is not inconsistent with similar development types such as Residential Flat Buildings and Multi-Dwelling Housing.

The DA relies upon the application of the minimum car parking rates set out in Part 3J of the Apartment Design Guide, as set out as a non-discretionary standard in Section 148(2)(a) of the Housing SEPP.

Refer to the Housing SEPP assessment section of this report for detailed consideration of those standards. Note compliance is not achieved with the parking rates and therefore, a Clause 4.6 variation has been submitted to seek dispensation.

Building height – the height of building applicable is 30m and a variation would require a written request under clause 4.6. The building has been designed comply with the building height, however, a clause 4.6 is required for the articulation zone.

A Clause 4.6 assessment has been submitted – Refer to the QPR LEP assessment in this report for further detail.

Noise – a Noise Assessment would be required to support the application.

A Noise Assessment Report was submitted with the DA.

Local Environmental Plan – the proposal would need to address the relevant controls in the QLEP.

The DA addresses the relevant provisions of the QPR LEP. This assessment report provides a detailed assessment of the QPR LEP controls.

State Environmental Planning Policies – The proposal would need to include a BASIX Certificate. The proposal is also subject to Chapter 4 of the Housing SEPP and the accompanying Apartment Design Guidelines (ADG) including the preparation of a Design Verification Statement.

Additional information submitted by the Applicant in December 2024 included a BASIX Certificate. The BASIX Certificate does not reflect the amended plans submitted to Council in December 2024, but rather, reflects the plans submitted with the original DA.

The DA is also subject to Chapter 4 of the Housing SEPP (noting SEPP 65 has been repealed). This report provides further discussion and assessment

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| | regarding the ADG and Design Verification Statement. |
| Development Control Plan – the Queanbeyan DCP applies, in particular Part 2 and Part 3D Shop Top Housing and Part 6 Queanbeyan CBD. | This report provides a detailed assessment of the proposal with regard to the QDCP. |
| Water and Sewer – advice as to minimum requirements for the DA. | The DA is supported by a Civil drawings package addressing water and sewer requirements for the proposal. |
| Building – Advice on general requirements, BASIX and BCA Compliance | The DA is supported by a BCA Assessment Report and BASIX documentation. As noted above, the BASIX Certificate is not adequate and would require re-submission to Council to meet the requirements set out under the EP&A Regulation 2021. |
| Consolidation of lots: Consolidation of lots is required which would be a consent condition if granted (unless undertaken prior). | Addressed – subsequent to lodgement of the DA, the site has been consolidated into a single allotment. |

The DA was lodged on 4 December 2023. A chronology of the da since lodgement is outlined below including the Panel's involvement with the application:

Table 3: Chronology of the DA

| Date | Event |
|------------------|---|
| 4 December 2023 | DA lodged |
| 8 February 2024 | DA referred to external agencies- NSW Police, Essential Energy, Department of Planning, Housing and Infrastructure (DPHI). |
| 9 February 2024 | Referral to the SRPP |
| 26 February 2024 | Notification of the application is completed |
| 13 March 2024 | DA referred to Transport for New South Wales |
| 17 April 2024 | Panel briefing |
| 17 April 2024 | DA referred to Heritage NSW |
| 19 April 2024 | Request for Information from Council to Applicant for Environmental Health matters |
| 6 June 2024 | Request for information from Council to Applicant on parking matters. |
| 24 June 2024 | Request for information from Council to Applicant for planning matters |
| 10 December 2024 | Amended plans and reports lodged to respond (in part) to the prior requests for information. These plans were accepted by Council under CI 38(1) of the Environmental Planning and Assessment Regulation 2021 ('2021 EP&A Regulation'). The RFI response did not include an updated or amended SEE. The RFI response was accompanied by new components to the application including: <ol style="list-style-type: none"> 1. A letter of offer for the provision of affordable housing |

| Date | Event |
|------------------|--|
| | A request to amend prior development consent DA 950033 pursuant to Section 4.17(1)(b). |
| 17 December 2024 | Meeting between Council and the Applicant to discuss the issues raised in the requests for information. |
| 31 January 2025 | Applicant uploaded additional information on the Planning Portal including an amended Clause 4.6 Variation Request (parking and height) and an updated Traffic Impact Assessment Report. |
| 26 February 2025 | Letter issued to the Applicant outlining outstanding concerns and intention for Council to proceed to finalising its assessment, for determination by the SRPP. |
| 13 March 2025 | Applicant submitted an addendum Statement of Environmental Effects for consideration by Council. |
| 19 March 2025 | Panel briefing |

In addition to the above, the DA was subject to a Councillor workshop in February 2025.

2.3 Site History

After lodgement of the DA, during Council's assessment, it became apparent that the site benefits from an existing development consent.

Development consent was granted on 23 May 1995 under DA 950033 for the extension of the Riverside Plaza shopping centre and construction of carparking. The DA required the construction of a total of 588 car parking spaces for the Riverside Plaza, including "not less than 196 spaces" on the subject site at 50 Morisset Street.

DA 950033 was subsequently amended on 28 August 1996 to increase the Section 94 and Section 64 contributions required because of the increased floor area of the development.

DA 950033 appears to have been subject to another modification application in 1996 for an additional storeroom to the Riverside Plaza. There is a lack of documentation available with respect to this application, but it is clear based on the documents available that this modification application would have no bearing on the site and/or carparking at 50 Morisset Street.

Of additional relevance to the site is the recent history of parking compliance issues, as advised by Council's Environment and Compliance team. Refer below:

- Council has a contract to undertake parking enforcement in the Riverside carparks. The contract had lapsed for a couple of years and was reinstated on 1 November 2024 as a result of a direct request by Riverside Plaza.
- On 6 November 2024, Council received an email requesting that it undertakes a parking enforcement blitz as *'there [are] a lot of long-term parkers in there'*.
- On 20 December 2024, Council received an email concerned that it had not undertaken enough parking enforcement. The concerns raised in the email identified issues with parking and specifically, parking turnover.

While there are no relevant adjacent approvals surrounding the site that would be of relevance to the subject DA, the Masterplan for the CBD envisages the retail precinct(s) to the west and south to be

redeveloped at some stage. As noted earlier, it also envisages construction of a new multi-deck carpark (with commercial uses above) at the Riverside Plaza site.

3. STATUTORY CONSIDERATIONS

When determining a development application, the consent authority must take into consideration the matters outlined in Section 4.15(1) of the *Environmental Planning and Assessment Act 1979* ('EP&A Act'). These matters as are of relevance to the development application include the following:

- (a) *the provisions of any environmental planning instrument, proposed instrument, development control plan, planning agreement and the regulations*
 - (i) *any environmental planning instrument, and*
 - (ii) *any proposed instrument that is or has been the subject of public consultation under this Act and that has been notified to the consent authority (unless the Planning Secretary has notified the consent authority that the making of the proposed instrument has been deferred indefinitely or has not been approved), and*
 - (iii) *any development control plan, and*
 - (iiia) *any planning agreement that has been entered into under section 7.4, or any draft planning agreement that a developer has offered to enter into under section 7.4, and*
 - (iv) *the regulations (to the extent that they prescribe matters for the purposes of this paragraph),*
- (b) *that apply to the land to which the development application relates,*
- (b) *the likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality,*
- (c) *the suitability of the site for the development,*
- (d) *any submissions made in accordance with this Act or the regulations,*
- (e) *the public interest.*

These matters are considered below.

The proposal is not:

- Integrated Development (s4.46)
- Designated Development (s4.10)
- Crown DA (s4.33)

Notice is required to Essential Energy under 2.48 of *State Environmental Planning Policy (Transport and Infrastructure) 2021* (s4.13) given the proximity of the development to existing electricity infrastructure on the corner of the site, near the roundabout corner of Morisset and Collett streets.

3.1 Environmental Planning Instruments, proposed instrument, development control plan, planning agreement and the regulations

The relevant environmental planning instruments, proposed instruments, development control plans, planning agreements and the matters for consideration under the Regulation are considered below.

(a) Section 4.15(1)(a)(i) - Provisions of Environmental Planning Instruments

The following Environmental Planning Instruments are relevant to this application:

- State Environmental Planning Policy (Biodiversity and Conservation) 2021

- State Environmental Planning Policy (Sustainable Buildings) 2022
- State Environmental Planning Policy (Housing) 2021
Chapter 4: —Design of Residential Apartment Development
- State Environmental Planning Policy (Industry and Employment) 2021
Chapter 3: Advertising and Signage
- State Environmental Planning Policy (Planning Systems) 2021
- State Environmental Planning Policy (Resilience and Hazards) 2021
Chapter 4: Remediation of Land
- State Environmental Planning Policy (Transport and Infrastructure) 2021
Chapter 2: Infrastructure
- Queanbeyan Palerang Regional Local Environmental Plan 2022.

A summary of the key matters for consideration arising from these State Environmental Planning Policies are outlined in **Table 4** and considered in more detail below.

Table 4: Summary of Applicable Environmental Planning Instruments

| EPI | Matters for Consideration | Comply (Y/N) |
|--|--|--------------|
| Environmental Planning Policy (Biodiversity and Conservation) 2021 | Chapter 2 applies given the site is located within the E2 Commercial Centre. Consistent with Section 2.6, consent is sought under the DA for the removal of trees from the site. | Yes |
| State Environmental Planning Policy (Sustainable Buildings) 2022 | <p>Given the DA is for a mixed-use development, embodied emissions are addressed a BASIX certificate (residential portion) and the NABERS Embodied Emissions Materials Form (non-residential portion). Refer below for comments regarding the BASIX certificate submitted with the RFI response in December 2024. For the commercial component of the development, development consent cannot be granted unless Council is satisfied the embodied emissions attributable to the development have been quantified. There are other matters for consideration set out under Section 3.2 of the SEPP. Section 35BA of the EP&A Regulation also requires a DA to disclose the amount of embodied emissions and the use of low emissions construction technologies, for non-residential components of development. This information must be determined using the form published on the NSW planning portal and must be prepared by a quantity surveyor. Input can be provided by other suitably qualified persons.</p> <p>The RFI response from the Applicant in December 2024 included a document titled “Response to Council Comments re quantification of the embodied emissions residential and non-residential”. It has been completed by an ESD Consultant. It does not include (in the form attached) the qualifications or registration details of the assessor. It is also not clear if the embodied emissions disclosed have been</p> | No |

determined using a list of building materials by a quantity surveyor.

The original BASIX certificate submitted with the DA was not valid (not date stamped/finalised).

The RFI response in December 2024 included an “updated” BASIX Certificate dated 21 December 2023. The certificate:

- Does not reflect the amended plans submitted to Council with the RFI response in December 2024. Given the roof design and extent has changed, it would be appropriate for the certificate to be updated.
- Does not reflect the correct legal description of the site.

Prior to the granting of consent for the development, an updated NABERS Embodied Emissions Materials Form (non-residential component) and BASIX Certificate (residential component) would be required.

Subject to address the matters above, the proposed development can satisfy the relevant water, thermal and energy commitments as required by the SEPP.

| | | |
|--|--|-----|
| State Environmental Planning Policy (Housing) 2021 | Chapter 4: Design of Residential Apartment Development applies to the proposal given it is for shop top housing, consists of new development, is more than 3 storeys and contains more than 4 dwellings. A detailed consideration of the SEPP is addressed following this table. | No |
| State Environmental Planning Policy (Industry and Employment) 2021 | Chapter 3: Advertising and Signage While the details of signage are lacking in the DA submission, there is enough information show on the plans to confirm the placement, scale and quantity of signs will not cause any adverse impacts. The signage is assumed to not be illuminated (based on commentary in the SEE submitted with the DA). | Yes |
| State Environmental Planning Policy (Planning Systems) 2021 | Chapter 2: State and Regional Development Section 2.19(1) declares the proposal regionally significant development pursuant to Clause 2 of Schedule 6 as it comprises general development with a CIV/EDC over \$30 million. | Yes |
| SEPP (Resilience & Hazards) | Chapter 4: Remediation of Land Section 4.6 - Contamination was considered in a Preliminary Site Investigation (PSI) submitted as additional information in December 2024. The PSI identifies 2 potentially contaminating activities at the site: <ul style="list-style-type: none"> • Fill of unknown origin – which may contain residual demolition wastes from former buildings on the site. • Groundwater – the quality of groundwater is identified to be potentially impacted by offsite sources given the surrounding land uses and the urban setting. The PSI notes that if contamination is evident in any fill or natural soil, that a DSI would be required to determine the nature and source of the contamination. Council considers it appropriate to determine the nature and source of contamination given the fill has been identified on-site as an area of concern. While the ground floor uses are not | No |

residential in nature, the development includes a significant proportion of residential land use, and there will be extensive works immediately adjacent to the residential dwelling of *Hibernia Lodge*, north of the site. A DSI would be appropriate to understand the contamination risk and if required, remediation measures could be conditional through preparation and implementation of a Remediation Action Plan. Pursuant to section 4.6(3) of the RH SEPP, Council considers a DSI to be warranted at DA stage. The potential for contaminated groundwater is less of a concern given it is unlikely the water table will be intercepted by the works.

| | | |
|---|---|-----|
| State Environmental Planning Policy (Transport and Infrastructure) 2021 | <p>Chapter 2: Infrastructure</p> <ul style="list-style-type: none"> Section 2.48(2) (Determination of development applications—other development) – electricity transmission - the proposal is satisfactory subject to conditions. <p>In accordance with the SEPP, the DA was referred to Essential Energy. A written response was received from Essential Energy on 1 March 2024 confirming that it has no comments to make as to the proposed development. It did not however that there is an existing asset (pad mounted high voltage/low voltage switching station) on the corner of the lot and DP, near the roundabout corner of Morisset and Collett streets, which will need to be protected by a relevant easement as the development progresses. Easement or safety clearances for the switching station are 3m by 3m square basically.</p> <p>The request for information to the Applicant in June 2024 requested updated civil plans to demonstrate the required 3m clearance from the switching station. The amended civil plans submitted in December 2024 show a 3m clearance around the proposed new substation but not the existing switching station at the SE corner of the site. While the proposed building is 3m clear of the switching station, there are other parts of the development that are not. Updated plans would be required to demonstrate provision of the 3m clearance as required by Essential Energy.</p> | N |
| Proposed Instruments | No proposed instruments are relevant to the site at the time of writing this report. | N/A |
| Queanbeyan Palerang Regional Local Environmental Plan 2022 | <p>There are several clauses in the QPR LEP that are relevant to the proposed development. They are listed below and addressed following this table in detail:</p> <ul style="list-style-type: none"> Clause 2.3 – Permissibility and zone objectives Clause 4.3 – Building Height Clause 4.4 – Floor Space Ratio Clause 4.6 – Variation to Development Standard – a Clause 4.6 variation request has been submitted in support of the DA. The request encompasses variations to standards in both the QPR LEP and the Housing SEPP. An assessment of the two variations is undertaken following this table. Clause 5.10 – Heritage conservation Clause 5.21 – Flood planning Clause 7.1 – Earthworks | No |

- Clause 7.8 – Airspace operations
- Clause 7.12 – Essential services
- Clause 7.15 – Active street frontages

Detailed consideration of the QPR LEP and relevant SEPPs is outlined below

State Environmental Planning Policy (Housing) 2021

Chapter 4: Design of Residential Apartment Development

This chapter of the SEPP applies to development pursuant to Section 144 as it is for the purpose of shoptop housing, is greater than three storeys in height and contains more than four dwellings.

Clause 147 (1) requires an assessment of the development as follows:

(1) Development consent must not be granted to residential apartment development, and a development consent for residential apartment development must not be modified, unless the consent authority has considered the following—

(a) the quality of the design of the development, evaluated in accordance with the design principles for residential apartment development set out in Schedule 9,

(b) the Apartment Design Guide,

(c) any advice received from a design review panel within 14 days after the consent authority referred the development application or modification application to the panel.

With respect to the design quality principles in Schedule 9, refer to the table below.

Table 2 Design Principles for Residential Apartment Development

| Housing SEPP - Design Quality Principles for Residential Apartment Development | Comments |
|---|---|
| Principle 1: Context and neighbourhood character | <p>The development is considered to integrate with the existing neighbourhood and the future design character of the area. The building design aligns with the envisioned neighbourhood character and building envelope outlined in the Queanbeyan CBD DCP chapter and the Queanbeyan CBD masterplan.</p> <p>The local heritage context of the site has also been considered, with the varied podium height/detailing providing reference to heritage items to the north and south.</p> |
| Principle 2: Built form and scale | <p>The building height and floor space ratio aligns with the envisioned neighbourhood character and building envelope outlined in the relevant planning controls. The built form includes a range of materials, finishes, proportions and articulation to clearly distinguish between the podium and residential towers above. Amenity could be further improved at the Morisset Street active frontage/interface through design amendments.</p> |

| | |
|---|---|
| Principle 3: Density | The development proposes 160 dwellings across two residential towers with a density that sits under the maximum permitted in the QPR LEP. |
| Principle 4: Sustainability | Adequate natural cross ventilation is achieved, although solar access could be improved. Further, there are concerns based on the Acoustic Assessment report that ventilation may be impacted by noise attenuation requirements for apartments (i.e., the requirement to keep doors and windows closed for appropriate amenity). An adequate amount of deep soil planting has been included along the northern interface with Hibernia Lodge (heritage item). Deep soil opportunities elsewhere across the site are limited due to the CBD location and anticipated built form outcome in the Queanbeyan CBD masterplan. |
| Principle 5: Landscape | The landscape elements of the proposal are largely focused within the northern interface with Hibernia Lodge and within the podium level communal open space (COS). Enhanced planting on structure within the COS would provide a better outcome for the site and its residents. It currently comprises a high proportion of paved areas/walkways. Changes to the screening elements within the COS and adjacent courtyards would be required to provide adequate privacy and safety. This however is a matter that could be conditioned. |
| Principle 6: Amenity | The development as a whole provides a satisfactory level of amenity. However, there are elements that could be improved though changes to internal residential tower layouts, improvements to the design of the southern residential lobby and the layout/arrangement of the carpark. These matters have been discussed in detail in this report. |
| Principle 7: Safety | <p>The proposal provides good passive surveillance of the COS and external public domain areas through the upper-level apartments and their respective outlooks to all orientations. In line with comments from the NSW Police referral, CCTV would need to be implemented around the building given the site being identified as a “hot spot” for crime activity.</p> <p>A better delineation between the “public” COS and the courtyard apartments at the interface with the COS could be achieved to enhance safety and security.</p> <p>The removal of parking from the site and reliance on existing public parking in the Collett carpark is not considered to promote safety. Shoppers at the Riverside Plaza will have an extended travel distance across another road to access the Collett carpark, which is not considered to be appropriate.</p> <p>The arrangement of parking on-grade and internally is also considered to be sub-optimal. There is a potential conflict between visitor parking spaces and loading vehicles. Also, the internal arrangement of the carpark requires an extended travel distance from the waste holding room (at one side of the carpark) to the waste collection rooms (at the other side of the carpark) with no clear pedestrian link.</p> <p>The visibility (from the street), safety and security of the southern residential lobby is also questioned. A revised design solution could address the concern raised by Council.</p> |
| Principle 8: Housing diversity and social interaction | The development proposes 160 dwellings across two residential towers with a mix of apartment types to increase the housing in a |

centrally located and well serviced area. The diversity of housing could be improved by providing a wider mix to cater for larger families or international living arrangements. The letter of offer which proposes 80 affordable units. Dispersing the affordable units across both residential towers would promote social interaction.

Principle 9: Aesthetics

Overall, the proposal provides a positive built form aesthetic outcome with a variety of materials, finishes and textures. The scale of the podium draws reference to the scale of heritage buildings to the north and south.

As can be seen above, there are aspects of the proposal that are not in accordance with the design quality principles.

Regarding the Apartment Design Guide (ADG), a compliance table can be found at Attachment B, which identifies a series of inconsistencies between the development and the design criteria and guidance in the ADG. A summary of inconsistencies is below:

- Objective 3C-2, 3G-1, 3G-2 and 3J-6- The amenity of the southern residential lobby and activation of the Morisset Street frontage could be improved. The transition in ground level between Morisset Street and the southern residential lobby is a poor design/amenity outcome. This could be resolved through a design amendment. Refer to the figure below for a visual representation of the drop between street level and the recessed residential lobby.



Figure 6 Southern Residential Lobby to Morisset Street (Source: DZT)

- Objective 3D-1 – There is a shortfall of COS of 527sqm, which is significant. The Applicant has argued that the site is in proximity to public open space (diagonally opposite the site) of Queen Elizabeth Park. Council does not consider this to be adequate to justify such a large shortfall of communal open space. In line with the guidance in the ADG, it would be appropriate to provide larger POS for units to compensate for the reduced COS provision. Further, the COS does not receive a full 2 hours of solar access to 50% of the area. Much of the communal open space appears to be pathways for movement and is lacking in any deep soil zones that are capable of growing large trees and other substantial vegetation to enhance the overall amenity of the development.
- Objective 3E-1 – while detailed calculations have not been provided by the Applicant, Council calculates the deep soil provision to be circa 4.5%, falling short of the 7% requirement. While the outcome is acceptable on merit given the CBD location of the site, in line with the above

comment, a better outcome in the COS in terms of planting on structure could be achieved for enhanced amenity.

- Objective 3F-1 - the proposal complies with internal building separation requirements (between residential towers). To the west however, the upper levels (Levels 8 and 9) of the proposal are not consistent with the setback/separation requirements. Failure to provide the full (increased) setback at these upper levels could reduce the development potential of the adjacent site. If the additional setback is not provided, the internal layout of apartments would need to be reconfigured to ensure there are no habitable rooms located where the setback falls short. If there were minor areas of inconsistency (say, a sole habitable room), Council would be minded accepting this outcome subject to appropriate window treatments (screening, obscure glazing etc). There is also an inconsistency in the minimum setback/separation distance to the north at the upper levels. However, this is less of a concern given immediately north of the site is Hibernia Lodge. This heritage item is unlikely to be redeveloped for residential flat development purposes. The reduced setback/separation distance to the north is therefore acceptable.
- Objective 3H-1 and 3J-3 and eJ-4 - Service vehicles are required to turn around within the site to enable entering and leaving in a forward direction. Pedestrian and vehicular access is not completely separated or distinguishable. Safe pedestrian access through the carpark levels has previously been raised as a concern. The Applicant has not provided an adequate response. The tandem parking is also considered to be a sub-optimal arrangement.
- Objectives 3J-1 - the residential component of the development has requirements for a minimum of 120 car spaces for residents and a minimum of 32 car spaces for residential visitors under clause 148 of the Housing SEPP. The proposal provides 189 residential car spaces and 12 visitor spaces. Regarding the latter, these are also intended to serve a dual purpose – visitor parking as well as parking for small service vehicles. While there is an oversupply of residential parking spaces, there is an undersupply of visitor spaces. This matter has been raised with the Applicant.
- Objective 4A-1 – the solar study lacks clarity/information to confirm the 70% provision of solar access per the design criteria.
- Objective 4D-2 – several units (i.e., type 2C, with an 8.7m depth) have a depth greater than 8m measured from the rear wall of kitchens to the nearest window; causing reduced opportunities for solar access and ventilation.
- Objective 4D-3 and 4E-1- some of the master bedrooms (in the 1 bed units) fall short of the minimum 10sqm requirement (i.e. 9.87m²). Unit type 1B falls short of the 8m² requirement for POS. Unit 209 and Unit 219 do not meet the minimum 15sqm POS requirement – they sit at 14.5sqm with poor amenity given they are single aspect, do not achieve good solar and are directly above the accessway along the west of the site.
- Objective 4F-1 - there are 9 units per circulation core on a single level in both residential towers.
- Objective 4K-1 - while the Applicant states the provision of only 1 and 2 bed units is in response to market demand, there is no evidence to justify this outcome. The provision of a more diverse range of apartments including some studios and particularly, larger apartments for families or intergenerational living would be appropriate.

In terms of other sections of Chapter 4 of the Housing SEPP:

- Section 145 – a design review panel has not been constituted for the QPR LGA.
- Section 147 is addressed above (design quality principles and ADG).

- Section 148 non-discretionary standards are addressed below.
 - The variation to the carparking standard under Section 148(2)(a) is subject to a Clause 4.6 variation request by the applicant. Refer below for consideration of the variation request.
 - Compliance is achieved with the minimum internal area requirement for each apartment type per Section 148(2)(b).
 - The ceiling heights are compliant with those outlined in Section 148(2)(c).

Clause 4.6 Variation Request – Car Parking Standard

Pursuant to Clause 4.6 of the QPR LEP, to approve the variation, the consent authority must be satisfied the Applicant has demonstrated that—

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

(b) there are sufficient environmental planning grounds to justify the contravention of the development standard.

Each of these matters is addressed below.

Unreasonable or Unnecessary

The variation requested is to the rate for visitor parking set out in Part 3J of the ADG (which defers to the TfNSW guide) being 1 space per 5 units. The proposal includes 12 designated visitor parking spaces, whereas 32 are required. The non-compliance is 20 visitor parking spaces. However, the shortfall is arguably more, given the 12 visitor parking spaces are intended to have a dual use – for both visitor and service vehicle parking.

The Applicant indicates reliance upon the Wehbe test to demonstrate compliance is unreasonable and unnecessary. However, in the section on car parking, the Applicant merely states there are no specific objectives to support the standard other than the inferred objective of providing the opportunity for visitors to park on site when attending the building to visit a resident. The Applicant also argues that the stacked parking spaces could be used by visitor parking for specific units allocated those tandem spaces, along with off-site public parking. This justification is not considered to be adequate to demonstrate compliance with the standard is unreasonable or unnecessary.

Sufficient Environmental Planning Grounds

The Applicant provides a response to the objects of the Act and suggests that parking should be considered as a whole in relation to the operation of the building.

Council does not disagree with the justification from the Applicant on the provision of surplus residential parking spaces above the requirements of the ADG (in response to the private car vehicle ownership and mode of travel trends for Queanbeyan). However, Council disagrees with the undersupply of visitor parking spaces for a development of this scale that 1) also seeks to displace a significant amount of parking for the Riverside Plaza shopping centre and 2) that intends to use the visitor parking spaces that *will* be provided as dual use – for smaller commercial service needs of the development. There is no guarantee the visitor spaces will be readily available given this arrangement.

The impact on visitors is not considered to be negligible and there are not sufficient planning grounds to vary this standard on the basis of the written Clause 4.6 variation request by the Applicant.

State Environmental Planning Policy (Industry and Employment) 2021

The DA seeks consent for signage for the building, commercial tenancies and wayfinding for the northern residential lobby. The SEE submitted with the DA includes a high-level assessment of the proposed signage in accordance with Chapter 3 of the SEPP. The eastern elevation would include 7 x commercial tenancy signs (a mix of above and below awning). The southern elevation would include 1 x building sign and 2 x under awning commercial tenancy signs. The northern elevation would include 1 x sign above the residential lobby entrance. There are limited details on the dimensions and content of the wayfinding signage for the northern residential lobby beyond the stipulated location on the ground floor architectural plan (at the north-eastern corner of the site). Other signs are indicated on the elevations and the assumption is that none of the signs will be illuminated (i.e., the SEE states "N/A" with respect to illumination). The positioning, general size and quantity of signs is not considered to be contrary to the SEPP. It is unlikely there would be any visual clutter, and no view or vistas would be impacted by the signage.

Queanbeyan Palerang Regional Local Environmental Plan 2022

The relevant local environmental plan applying to the site is the QPR LEP.

Objectives of the QPR LEP

The aims of the QPR LEP are as follows:

- (aa) to protect and promote the use and development of land for arts and cultural activity, including music and other performance arts,*
- (a) to protect and improve the economic, environmental, social and cultural resources and prospects of the community,*
- (b) to facilitate the orderly and economic use and development of land having regard to ecological sustainability principles,*
- (c) to provide for a diversity of housing to meet the needs of the community into the future,*
- (d) to provide for a hierarchy of retail, commercial and industrial land uses that encourage economic and business development that caters for the retail, commercial and service needs of the community,*
- (e) to keep and protect important natural habitat and biodiversity,*
- (f) to protect water quality, aquifers and waterways,*
- (g) to keep, protect and encourage sustainable primary industry and associated commerce in rural areas,*
- (h) to identify and protect the cultural heritage of the area, including the built heritage and the Aboriginal heritage,*
- (i) to protect important scenic quality, views and vistas,*
- (j) to facilitate the orderly growth of urban release areas,*
- (k) to ensure development does not unreasonably increase the demand for public services or public facilities,*
- (l) to identify, protect and provide areas for community health and recreational activities.*

The development is generally consistent with the relevant aims of the QPR LEP. Specifically, the development will contribute to the growth of the Queanbeyan CBD area, providing additional housing. While the proposal includes an offer for the provision of affordable housing, it only includes 1 and 2 bed units. A range of typologies/layouts are proposed, but there is a lack of diversity of other unit types,

such as studios and 3-bedroom units. The DA submission notes the unit mix will meet market demand, but there is no evidence to support this. Further, the DA will displace existing car parking on the site, intended for use by Riverside Plaza tenants and visitors. The consequence of this, combined with the lack of visitor parking and small service vehicle spaces to meet the demand for the development, is likely to result in an unreasonable increased demand for alternative public off-site parking in the surrounding area.

Zoning and Permissibility (Part 2)

The site is located within the E2 Commercial Centre Zone pursuant to Clause 2.2 of the QPR LEP.

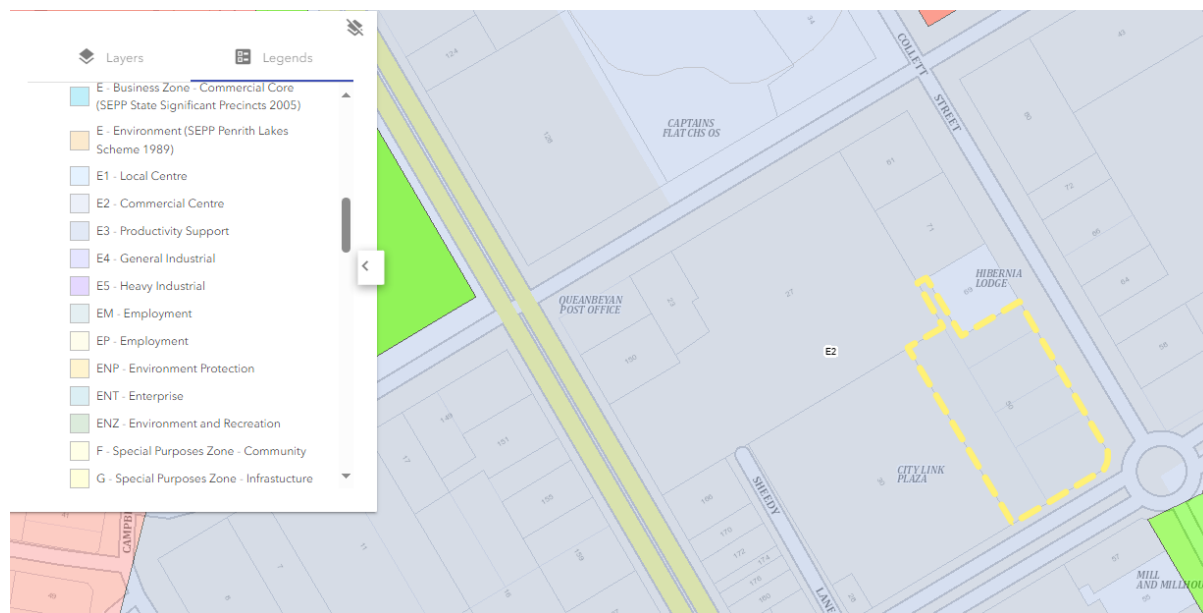


Figure 7 Extract of zoning map with subject site outlined in yellow (Source: E-Spatial Planning Portal)

According to the definitions in Clause 4 (contained in the Dictionary), the proposal satisfies the definition of shop top housing which is a permissible use with consent in the Land Use Table for the E2 – Commercial Centre Zone in Clause 2.3.

The zone objectives include the following:

- *To strengthen the role of the commercial centre as the centre of business, retail, community and cultural activity.*
- *To encourage investment in commercial development that generates employment opportunities and economic growth.*
- *To encourage development that has a high level of accessibility and amenity, particularly for pedestrians.*
- *To enable residential development only if it is consistent with the Council's strategic planning for residential development in the area.*
- *To ensure that new development provides diverse and active street frontages to attract pedestrian traffic and to contribute to vibrant, diverse and functional streets and public spaces.*
- *To recognise and reinforce the primacy of the Queanbeyan central business district as the commercial and retail centre of Queanbeyan.*
- *To encourage some limited high density residential uses to create vitality in town centres.*

The proposal is in large part consistent with these objectives. It will generate employment opportunities and is consistent with Council's strategic planning for residential development in the area, as reflected in the Queanbeyan CBD Masterplan. However, as discussed below, there is a component of the design to the Morisset Street frontage that is not active, as required by the QPR LEP. Further, the proposal is not considered to be entirely consistent with the third objective given the unresolved arrangement within the development on pedestrian accessibility and amenity.

General Controls and Development Standards (Part 2, 4, 5 and 6)

The QPR LEP also contains controls relating to development standards, miscellaneous provisions and local provisions. The controls relevant to the proposal are considered in **Table 4** below.

The proposal does not comply with the maximum height of buildings development standard set out in Clause 4.3 of the QPR LEP. Accordingly, a Clause 4.6 request has been provided with the DA for the exceedance of the maximum height of building development standard. The Clause 4.6 request covers both the height non-compliance, as well as a non-compliance with the parking requirement in the Housing SEPP.

Table 5: Consideration of the QPR LEP Controls

| Control | Requirement | Proposal | Comply |
|--|--|--|---|
| Height of buildings (CI 4.3(2)) | 30 metres | 30.9m | No – a Clause 4.6 variation request has been provided and considered after this table |
| FSR (CI 4.4(2)) | 3:1 | 2.41:1 (as calculated by Council) | Yes |
| Exceptions to Development standards (CI 4.6) | <p>The objectives of this clause are as follows—</p> <p>(a) to provide an appropriate degree of flexibility in applying certain development standards to particular development,</p> <p>(b) to achieve better outcomes for and from development by allowing flexibility in particular circumstances.</p> | <p>Clause 4.6 is a mechanism which allows a departure from a prescribed development standard applying to the site. The exemption is in the form of a written report which provides a justification as to why compliance with the standard is "unreasonable or unnecessary in the circumstances of the case".</p> <p>A Clause 4.6 variation written request is provided to vary the height of buildings standard on the site.</p> | Yes – assessment is considered below |
| Heritage (CI 5.10) | Submission of a Statement of Heritage Impact and assessment of the impact of the proposal on the nearby heritage items. | The subject site is located in the vicinity of heritage items. A Statement of Heritage Impact accompanied the DA and a Visual Impact Assessment was subsequently submitted to Council following a request from Heritage NSW. The proposal is acceptable from a heritage perspective. | Yes |

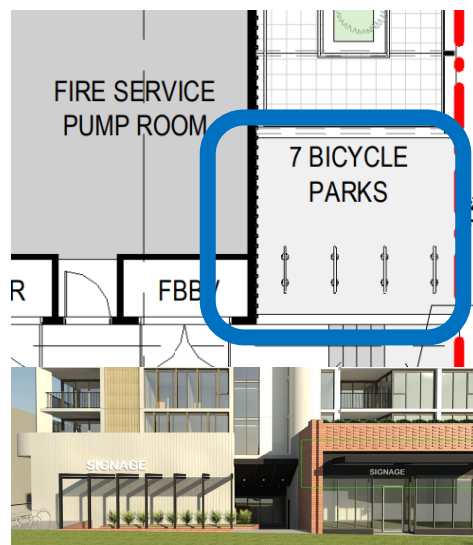
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| Flood planning (CI 5.21) | <p>Development consent must not be granted to development on land the consent authority considers to be within the flood planning area unless the consent authority is satisfied the development—</p> <p>(a) is compatible with the flood function and behaviour on the land, and</p> <p>(b) will not adversely affect flood behaviour in a way that results in detrimental increases in the potential flood affectation of other development or properties, and</p> <p>(c) will not adversely affect the safe occupation and efficient evacuation of people or exceed the capacity of existing evacuation routes for the surrounding area in the event of a flood, and</p> <p>(d) incorporates appropriate measures to manage risk to life in the event of a flood, and</p> <p>(e) will not adversely affect the environment or cause avoidable erosion, siltation, destruction of riparian vegetation or a reduction in the stability of riverbanks or watercourses.</p> | <p>A revised Flood Impact Assessment was submitted to Council on request to ensure this clause of the LEP is adequately addressed. The proposal responds to the minimum finished floor levels to respond to the flood characteristics of the site. The structural soundness of the building could be confirmed prior to the issue of a CC. There will be no adverse impact on flood behaviour off-site. The pre-conditions set out in Section 5.21 are satisfied. Council's development engineer has not raised any concerns regarding the proposal's response to flood risk.</p> | Yes |
| Earthworks (CI 7.1) | <p>(2) Development consent is required for earthworks unless—</p> <p>(a) the work is exempt development under—</p> <p>(i) this Plan, or</p> <p>(ii) another applicable environmental planning instrument, or</p> <p>(b) the work is ancillary to other development for which development</p> | <p>The DA submission provides limited detail on the extent of earthworks. Based on the existing ground levels surveyed and proposed levels, cut across the site appears to vary up to 1.55m.</p> <p>Given the proposal will effectively be constructed on-grade (i.e., no basement levels), the impact from any site preparation works, and the extent of cut will be minimal.</p> <p>Soil stability and impacts from site preparation works can be adequately</p> | Yes |

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| | consent has been granted. | managed through a construction environmental management plan and erosion and sediment controls, which will be critical given the proximity of the site to the Queanbeyan River. Preliminary details of erosion and “pollutant” control and management were submitted with the DA in the civil package and are adequate to address such impacts during construction. | |
| Essential Services (CI 7.12) | Development consent must not be granted to development unless the consent authority is satisfied all of the following services that are essential for the development are available or that adequate arrangements have been made to make them available when required— (a) the supply of water, (b) the supply of electricity, (c) the disposal and management of sewage, (d) stormwater drainage or on-site conservation, (e) suitable vehicular access. | Complies subject to conditions provided by Council Development Engineers. The proposal will provide for vehicular access from Morisset Street, sewer and water connections (subject to upgrade as identified in the civil plans). This will include a new manhole over the existing Council sewer main in the northwest of the site and connections from the development. Connection to Council's water main will require the service trench across Morisset to be reinstated and reseeded per Council's requirements. There will be a minor increase in impervious area (post-development), but not enough to warrant on-site detention. Existing stormwater outlets will be capped and abandoned on Collett Street. The existing stormwater main to the north-west of the site will be upgraded, along with a new stormwater sump and tie. | Yes |
| Active Street frontages (CI 7.15) | Development consent must not be granted to the erection of a building, or a change of use of a building, on land to which this clause applies unless the consent authority is satisfied that the building will have an active street frontage after its erection or change of use. | This clause applies to development along Morisset Street. The amended plans demonstrate “commercial” premises along the Collett Street and Morisset Street frontages. This is a change from the original DA submission which specifically included 7 x retail premises and 1 x café. Pursuant to the LEP, an active street frontage must have all premises on the ground floor facing the street used as “business premises or retail premises”. While business premises and retail premises are a type of commercial premises, commercial premises also includes other land uses that would <u>not</u> constitute uses that are compliant with this clause (i.e. office premises). | No |

The LEP also requires that activation be provided for the full frontage of the building except for:

- a) Entrances and lobbies
- b) Access for fire services
- c) Vehicle access

As raised in a previous RFI to the Applicant, there is a small portion of the western part of the Morisset Street frontage which is not defined as active. The area of concern is the bicycle parking which is not an entrance, lobby, vehicle access or access for fire services. A minor amendment could be made in this location to activate this small part of the frontage, but such a change was not made by the Applicant following the RFI. Further, a large part of this frontage is the disabled ramp down to the sunken lobby. Concerns have been raised by Council regarding this lobby and prior suggestions to raise the finished floor level have not been addressed. Council considers this part of the Morisset Street elevation could be better rationalised to provide a more active and inviting street frontage and entrance to the building.



As can be seen above, there are instances where the proposal is inconsistent with the QPR LEP.

Clause 4.6 Request – Building Height

The Development Standard to be varied and extent of the variation

The application proposes to vary the height of building development standard applying to the site. The QLEP height of building development standard is 30 metres, and the application proposes a maximum height of building of 30.9m. This is a numerical variation of 3%.

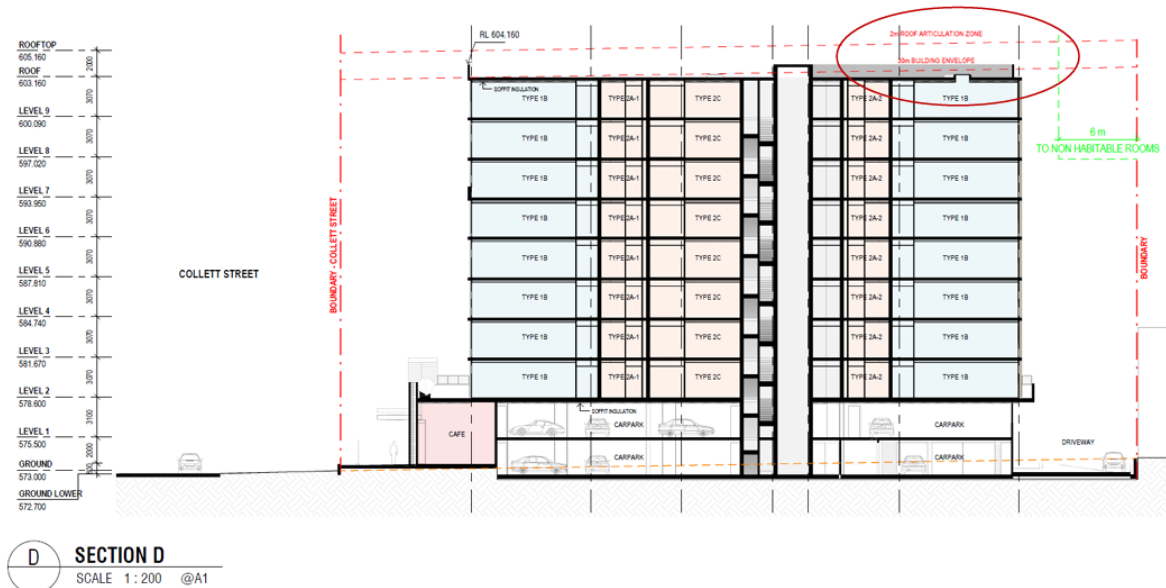


Figure 10 Section D east/west through the building – southern end (Source: Applicant's Clause 4.6 Variation)

Purpose

Clause 4.6 allows a contravention of a development standard with the objectives being to allow an appropriate degree of flexibility in applying certain development standards to particular development and to achieve better outcomes for and from development.

Preconditions to be satisfied

Clause 4.6(4) of the LEP establishes preconditions that must be satisfied before a consent authority can exercise the power to grant development consent for development that contravenes a development standard. Clause 4.6(2) provides this permissive power to grant development consent for a development that contravenes the development standard is subject to conditions.

The tests to be satisfied pursuant to CI 4.6(3):

- whether compliance with the development standards is unreasonable and unnecessary in the circumstances of the case and
- whether there are sufficient environmental planning grounds to justify contravening the development standard.

These matters are considered below for the proposed development having regard to the applicant's Clause 4.6 request

Compliance with the Development Standard is Unreasonable and Unnecessary in the Circumstances of the Case

One further way of demonstrating that compliance with a development standard is unreasonable or unnecessary is summarised as a "five-part test" by Preston CJ in *Wehbe v Pittwater Council* [2007] NSWLEC 827. Although *Wehbe* concerned a SEPP 1 objection, *Initial Action Pty Ltd v Woollahra Municipal Council* [2018] NSWLEC 118 determined that this test is equally applicable to Clause 4.6 variations.

The Applicant has elected to utilise Test 1- that the objectives of the standard are achieved notwithstanding the non-compliance with the standard as follows:

Table 6: Applicant's justification of compliance with Clause 4.3 Height of Building Development Standards Objectives

| Objective | Applicant's Response | Council Assessment |
|---|--|--|
| (1) The objectives of this clause are as follows— | | |
| (a) to establish the height of buildings consistent with the character, amenity and landscape of the area in which the buildings will be located, | The site is within the Queanbeyan CBD and identified in the CBD Master Plan as a key site. The proposed development is consistent with the vision for the site established by Council. | Agree – the height of the development is consistent with the desired future character for the site. The QDCP contemplates a variation to the 30m height standard by permitting a 2m articulation zone above the 30m height. |
| (b) to protect residential amenity and minimise overshadowing, | The proposal is accompanied by shadow diagrams demonstrating minimal impact on adjoining properties. | Agree – surrounding residential amenity will not be impacted by the development and particularly, the minor additional height variation. The additional height on the building will not cause any adverse overshadowing. |
| (c) to minimise the visual impact of buildings, | Articulation and setbacks of the building fronting Collett Street at street level and an additional 10m front setback for the residential levels 2-9 have the effect of reducing the appearance of height and bulk when viewed from ground level. The additional 10m side setback to the northern boundary of the site adjoining the Hibernia Lodge reduces the visual impact from this heritage item. The separation of the residential component into two towers has the effect of limiting the bulk of the development. | Generally, agree – with respect to the northern interface. With reference to discussion elsewhere in this report, the western setback at the upper levels and/or design resolution is not considered to be consistent with the ADG. However, the additional height of the building does not play into this concern and will not, in and of itself, cause an adverse visual impact to the west. |
| (d) to maintain the predominantly low-rise character of buildings in the Queanbeyan-Palerang Regional local government area, | Not applicable to this site/circumstances | Agree – not applicable. |
| (e) to ensure the height of buildings complement the streetscape or the historic character of | The 30m height provides for the redevelopment of the CBD of Queanbeyan. The QPRLEP 2022 includes only a small number of CBD blocks in the 25-30m HOB. The LEP controls, including FRS coupled with the QDCP and CBD Master Plan | Agree – the overall height of the building and it's various elements, including podium, respond the characteristics of the site and surrounds (including heritage values). |

| | | |
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| the area in which the buildings are located, | provides a strategic framework for the revitalisation of the city centre. The proposal is consistent with the vision for the streetscape. The additional increase in height of less than 1m will be indiscernible. The proposal is supported by a visual impact assessment addendum to the Heritage report (RFI Attachment 14) reinforcing the suitability of the urban design response having regard to the character and context of the streetscape and locality. | The additional minor increase in height does not cause any conflict with consistency with this objective. |
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| (f) to protect the heritage character of the Queanbeyan-Palerang Regional local government area and the significance of heritage buildings and heritage items, | Note: Heritage has been addressed in the SEE and HIA accompanying the DA. The northern elevation has a setback of >10m from the property boundary of Hibernia Lodge. The additional distance should reduce the impact on the heritage item. | Agree - as above. |
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| (g) to provide appropriate height transitions between buildings, particularly at zone boundaries. | <p>Rather than rely on the QDCP building setback controls, the majority of the blocks in the CBD identified for redevelopment through increased height and FSR typically include a 25m HOB perimeter/road frontage and 30m mid-block HOB in the QPRLEP. This is a statutory height transition that does not apply in this case.</p> <p>In this instance the entirety of the block has a blanket 30m HOB. While the QDCP works alongside the QPRLEP, the intended outcome is a slightly higher density of development.</p> <p>The proposal considers the QPRDCP setback controls to their full extent and without variation to achieve this transition despite the additional opportunity provided by a full block HOB control.</p> <p>The variation to the height control for a small portion of the overall footprint of the site is not inconsistent with the transition objective.</p> | <p>Agree - there are no zone boundaries of note, however, to the north is Hibernia Lodge, which due to its heritage status, will not likely be redeveloped for the purpose of a higher scale-built form outcome. Therefore, it is appropriate to treat this interface as though the site was abutting a lower order residential zone.</p> <p>As noted earlier, the proposed setbacks and design of the building at the northern interface, combined with proposed landscaping, will provide a suitable transition in height.</p> |
|---|---|--|

The Applicant also seeks to rely on the 4th test of Wehbe that 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. Council has abandoned the control in previous circumstances, such as the determination of DA,2022.1022 for Council's public administration building. Furthermore, the QDCP undermines the development standard by permitting a 2m articulation zone above the QPR LEP building height.

Based on the above, Council is satisfied that compliance with the height of building standard is unreasonable and unnecessary in the circumstances of this case.

The Applicant has also provided a response with sufficient environmental planning grounds to justify the variation. Council's assessment of these grounds is provided below:

- The contravention is minor and does not include any habitable floor space.
- The contravention of the standard is a result of minor variations to site topography and the design of the building to achieve a form where the two towers are symmetrical.
- Reduction in the height of the building is not considered to achieve a superior design or planning outcome.
- The additional height will not be perceptible from street level.
- The variation will result in a more orderly and economic development of the site within the context of the objects of the Act.

Council is therefore satisfied there are sufficient environmental planning ground to support the minor contravention to the height of building standard in the QPR LEP.

(b) Section 4.15 (1)(a)(ii) - Provisions of any Proposed Instruments

There are no proposed instruments applicable to the site/development that require consideration in the assessment of the DA.

(c) Section 4.15(1)(a)(iii) - Provisions of any Development Control Plan

There are several parts of the Queanbeyan Development Control Plan 2012 (QDCP) that are relevant to the proposed development. They are listed below and addressed in detail in **Attachment B**:

- Part 2 – all zones
- Part 3D – Shop Top Housing
- Part 4 – Heritage and Conservation
- Part 6 – Central Business District

A summary of key non-compliances is provided below.

- Part 2
 - Car parking – the proposal does not comply with the design requirements for service vehicle areas. Specifically, the service vehicle space is not adequate to meet the demands of the development.
 - Vehicle swept paths for passing B99 and B85 vehicle movements are not available to confirm suitability of the carpark.
 - The arrangement of the access and parking is unresolved and is likely to cause conflict between vehicles and pedestrians.
 - The width of the 12.5-metre-long service bay is less than 3.5 metres (measured by Council at 3.3m).
- Part 3D
 - Safety of pedestrian movements through the site has not been resolved.
 - One (1) dedicated truck space (for waste collection and removalists) and the shared use of the public car parking spaces (for deliveries associated with the commercial component) is proposed, falling short of the required quantity of separate loading requirements of the commercial versus residential parts of the development.
 - Improvements could be made to the Morisset Street frontage to enhance activation and amenity of the residential lobby.

- No information has been provided in terms of wind and noise impacts. Noise could be a concern for units in closer proximity to the internal communal open space on the podium. A plan of management would be required to address adverse noise amenity impacts. Wind effects were raised in a request for information to the Applicant, with no response provided. Particularly for the communal open space (noting prevailing wind direction that will run through the space east to west) and the upper-level apartments.
- The development will not contribute to upgrades or updating of existing civic spaces. The development will impact the public realm by displacing existing parking on the site, causing visitors (for the site and the plaza) and potentially, smaller service vehicles, to park within the public domain.
- Part 6
 - In terms of setback requirements:
 - To the east (Collett Street) – a 5.4m-6.05m setback is provided to the commercial tenancies/podium and Level 1. A 10m setback is provided to the levels above. While there is a minor non-compliance to the podium, on balance it is considered minor and acceptable.
 - To the west – the setback varies between 7.9m to 9m. The variations to the DCP are minor, however, at the upper-most levels, the ADG requires an increased setback where habitable rooms are provided. The proposal is inconsistent in this regard.
 - The dwellings include a range of layouts and typologies but are limited to 1- and 2-bedroom units. Concern is raised regarding the lack of diversity and flexibility to meet the needs of residents over time, as well as larger apartments for families or to promote intergenerational living outcomes.
 - The proposed buildings, specifically the southern residential tower will cast a shadow on the Morisset Street footpath at all times in mid-winter between 9am and 3pm. However, the general built form of the proposal is contemplated in the Queanbeyan CBD Masterplan. A significant change in the built form outcome would be required to avoid overshadowing to Morisset Street, which sits to the immediate south of the site. For this reason, this inconsistency with the DCP is acceptable.

Contributions Plans

The Queanbeyan Section 7.12 Fixed Levy Contributions Plan 2021 applies to the site and if the application was approved, it would attract a s.7.12 contribution. For development with a cost of more than \$200,000, the applicable levy is 1%.

(d) Section 4.15(1)(a)(iia) – Planning agreements under Section 7.4 of the EP&A Act

There are no existing (executed) planning agreements relevant to the site.

As part of the Applicant's response in December 2024 to a request for information (RFI) from Council, a letter of offer was submitted. The letter of offer constitutes a voluntary agreement from the developer (Lockbridge) to provide a "*material public benefit*, to be used for a public purpose. The public purpose identified in the letter of offer is the provision of affordable housing, which complies with Section 7.4(1)(b) of the EP&A Act. The letter of offer states that Lockbridge will provide 50% of the development, being 80 units, as affordable build to rent (BtR) dwellings. The affordable housing component will be managed by a Community Housing Provider (CHP) for a minimum period of 25 years. The units will be owned by the CHP and offered for affordable rent for the stipulated period.

While not directly outlined in the letter of offer, the offer of affordable housing has been made predominantly in the context of the displacement and shortfall of parking on the site and for the development.

The letter of offer (or planning agreement) does not exclude the application of Section 7.12 in respect of the development. Further, Council must consider the development proposal on its merits, not since

a planning agreement, in line with the Department's Planning Agreements Practice Note – February 2021.

The Department's practice note includes a "suitability test" for planning agreements. The test is considered below:

1. **Is the agreement directed towards legitimate planning purposes, which can be identified in the statutory planning controls and other adopted planning strategies and policies applying to development?** The provision of affordable housing is not identified in the statutory planning controls applying to the development. However, it is a legitimate planning purpose that would be in alignment with Council's strategic policies (including the Affordable Housing Strategy dated 2023).
2. **Does the agreement provide for the delivery of infrastructure or public benefits not wholly unrelated to the development?** The proposal provides for the delivery of a public benefit in the form of affordable housing as part of a shop top housing development. However, the affordable housing provision is not related to the primary issue at hand, which is carparking.
3. **Does the agreement result in outcomes that meet the general values and expectations of the public and protect the overall public interest?** The letter of offer was submitted during the assessment of the DA after Council raised concerns around parking. As there was no mechanism to provide a monetary contribution for the loss of parking, the Applicant submitted the current offer for affordable housing. While the provision of affordable housing would be beneficial to the broader public, it does not address the expectation of the public around access to public parking and the expectation that development should provide for the carparking needs generated by their own respective development.
4. **Does the agreement provide for a reasonable means of achieving the desired outcomes and securing the benefits?** A planning agreement would be an appropriate way of providing affordable housing.
5. **Does the agreement protect the community against adverse planning decisions?** In this instance, no. Given the lack of certainty and concern around parking (and other matters raised in this report), the execution of the agreement would not protect the community against an adverse planning decision.

With regard to the above, Council is of the view that the draft planning agreement (in the form of a letter of offer) is not acceptable, in the context of the assessment contained within this report.

(e) Section 4.15(1)(a)(iv) - Provisions of Regulations

Section 27 requires a BASIX certificate to be submitted for BASIX development. A BASIX certificate was submitted with the latest RFI response. As noted later in this report, the certificate is not considered to be valid as it does not reflect the latest amended plans submitted.

Section 29 of the EP&A Regulation requires submission of a statement by a qualified designer addressing the ADG and design quality principles for residential apartment development. A revised statement was submitted with the amended plans in December 2024, meeting this requirement.

Section 35B requires a DA to be accompanied by a written document that addresses Clause 4.6 of a LEP if there are development standard variations. The Applicant submitted an (amended) clause 4.6 variation which covers both the height of buildings standard variation under the QPR LEP and the parking variation under the Housing SEPP.

Section 35BA requires submission of an embodied emissions form by a suitably qualified person as defined in the EP&A Regulation. In an RFI response, the Applicant submitted the required form. It has been completed by an ESD Consultant. It does not include (in the form) the required qualifications or registration details of the assessor. It is also not clear if the embodied emissions disclosed have been determined using a list of building materials by a quantity surveyor.

Section 61 of the 2021 EP&A Regulation contains matters that must be taken into consideration by a consent authority in determining a development application, with the following matters being relevant to the proposal:

- The demolition works will need to comply with Australian Standard AS 2601—2001: *The Demolition of Structures*. The proposal would be capable of complying through the inclusion of appropriate conditions of consent.

Section 67 of the EP&A Regulation relates to the modification or surrender of development consent under Section 4.17(5) of the EP&A Act. As the proposal seeks to modify DA 950033 pursuant to Section 4.17 of the EP&A Act, this part of the EP&A Regulation applies. It enables a development consent to be modified by written notice to the consent authority, being Council.

3.2 Section 4.15(1)(b) - Likely Impacts of Development

The likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality must be considered. In this regard, potential impacts related to the proposal have been considered in response to SEPPs, LEP and DCP controls outlined above and the Key Issues section below.

The consideration of impacts on the natural and built environments includes the following:

- **Context and setting** – while the proposal will substantially change the use and built form outcome on the site, it is generally in accordance with the desired future character as set out in the Queanbeyan CBD Masterplan.
- **Built Form and Streetscape** – The site has two (2) street frontages. The presentation of the built form to Collett Street is positive. A good level of activation is proposed by the inclusion of commercial premises which sleeve the parking behind. Awnings provide further articulation and visual interest, while also providing for weather protection for pedestrians. Existing trees on Collett Street and the additional landscaping proposed along the northern boundary of the site will result in a compatible built form/transition between the proposed building and the adjacent heritage item, Hibernia lodge, when viewed from Collett Street.

The presentation of the built form to Morisset Street is also generally acceptable, with the exception of the western end of the proposed building. It is not active as required by the QPR LEP. Furthermore, the design of the southern residential lobby could be improved, to provide a better relationship with the street. The current design is sunken into the ground and disabled access is via a long ramp that extends for a fair proportion of the Morisset Street frontage.

More broadly, the ground plane of the development provides multiple access points around the building to enhance activation and passive surveillance.

The scale and height of the development is appropriate considering the desired future character set out in the QDCP and Queanbeyan CBD Masterplan. The site is also identified as a “gateway” location into the Queanbeyan CBD. The south-eastern corner in particular has been designed to provide definition to the corner, which marks the entry point into the CBD.

The proposed development presents as a podium that takes reference from the heritage items to the north and south, with two residential towers of varied materials and finishes, to contribute to the Queanbeyan CBD skyline.

The architectural style of the building is respectful of surrounding heritage items while still representing a modern, functional and visually interesting development.

- **Building Height** - The justification to alter the development standard is considered acceptable and the proposal has demonstrated that the impact of the bulk and scale of the development on the surrounding area, is minimised, particularly in term of visual amenity and overshadowing.
- **Parking** – The proposal will include the removal of all 198 parking spaces on the site. This will in turn reduce the car parking provision for the Riverside Plaza from approximately 634 spaces to 436 spaces. The Queanbeyan CBD Masterplan contemplates the redevelopment of the site and therefore, theoretically, the removal of the existing 198 parking spaces. However:

1. It is a requirement of this DA, which seeks to amend DA950033, to demonstrate the removal of those spaces and consequential reduction in parking provision for Riverside Plaza is suitable on planning grounds; and
2. The desired outcome for the site as indicated in the Masterplan needs to be considered in context – in terms of the broader intentions set out in the Masterplan. This includes possible future development including decked carparking at the Riverside Plaza site where there is currently an on-grade carpark. Therefore, it would be reasonable to assume the parking demands for the Riverside Plaza would be reconsidered at a time of future development of the site (including 50 Morisset, which is under the same ownership), and accommodated in that aforementioned deck carpark.

In terms of the subject DA, several parking and transport studies have been submitted to Council to address the displacement of 198 parking spaces on the site, as well as the proposed parking provision for the shoptop housing development. A summary of those (most recent) studies is provided below:

Assessment of Public Car Parking – 29 November 2024

- **October 2023 surveys** captured existing car parking demands in a 200m walking distance of the site between 7am and 7pm, to determine availability of surrounding parking to accommodate the displaced parking from the site.
- These surveys were undertaken on Wednesday, 11 October 2023.
- The October 2023 surveys identified:
 - A range in demand for parking on the subject site, up to 117 parking space demand at 8am, with a similar demand at 9am, 11am and 1pm.
 - The overall occupancy demand ranged from 23% (at 7pm) to 64% (at 9am) across the 200m walking catchment.
- **Additional surveys** were undertaken in response to Council's RFI. This included:
 - 1 x spot survey by the Applicant at 9am on Tuesday 19 November of the 200m walking catchment.
 - 8 x spot surveys by the traffic consultant using Nearmap aerial imagery between May 2023 and November 2024.
 - 1 x spot survey by the Applicant on Friday 15 November 2024.
- The additional surveys identified:
 - 24% - 65% occupancy of the subject site across the identified survey days.
 - 1% - 11% occupancy of the public Collett Car park, opposite the site to the east.
- The assessment concludes there is adequate capacity in the surrounding area to accommodate the full 100% redistribution of parking from the subject site. Post-development carparking conditions within the 200m walking distance catchment would range between 29% (7pm) up to 77% at 9am (based on occupancy levels surveyed on Wednesday, 11 October 2023).
- **Council's concerns with the surveys are summarised below:**
 - The additional surveys did not look at the occupancy across the full 200m catchment.
 - The surveys undertaken in October and November were ad hoc and excluded weekends where activity on the site and surrounds is likely to be higher.
 - Additional spot surveys were undertaken by the Applicant (as opposed to the traffic consultant), and 8 additional spot surveys were undertaken by the traffic consultant using Nearmap aerial imagery. Ground surveys by suitably qualified persons, in addition to the time-lapsed Nearmap analysis, would be appropriate to fully understand the occupancy / availability of parking on the site and surrounding it.

The Applicant subsequently submitted to Council an updated Traffic Impact Assessment in January 2025. A summary is provided below.

Updated Traffic Impact Assessment – January 2025

- An additional survey was undertaken on Saturday 18 January 2025.
- Similar to the previous assessment, the survey was undertaken within a 200m catchment of the site (excluding the Woolworths carpark to the west of the site given this is clearly attached to Woolworths patronage).

- The surveys identified:
 - A total of 950-959 parking spaces within a 200m walking distance of the site.
 - Peak demand for the subject site (only) was on Saturday morning, at 151 spaces.
 - Across the 200m catchment, the demand ranged from 21% to 52%.
 - Demand in the existing Riverside Plaza carparks (south, excluding the subject site) varied across Wednesday and Saturday, up to 85%.
- In terms of Riverside Plaza, at the time of the surveys (both Wednesday October 2023 and Saturday January 2025), it accommodated 4,732m² GLFA of office and 16,790m² GLFA of shops.
- On the assumption of only 50% of patrons using the parking on the subject site (known as “Riverside Plaza north carpark”), all demands generated by the Riverside Plaza premises (based on above split of land uses) would be accommodated in the existing southern carparks. However, in a post-development scenario, occupancy would reach 98% (Wednesday peak) and 80% (Saturday peak) – a significant increase on existing occupancy.
- In an alternative land use scenario (as requested by Council) where the full 21,522m² GLFA is associated with retail use, post-development occupancy would exceed the practical occupancy of the Riverside Plaza southern carparks.
- The way in which the assessment of parking has been undertaken is flawed and not supported by Council for the following reasons:
 - The occupancy figures for the 2 x surveyed dates (11 Oct and 18 Jan) assume only 50% of the car parking demand for the subject site is attributed to the operation of the Riverside Plaza. There is no evidence or justification to validate this assumption. Given there is generous parking for the adjacent Kmart and Woolworths sites, it would be reasonable to assume the demand for the Riverside Plaza is higher than 50%. Particularly given a proportion of parking spaces on the site are identified as Riverside Plaza tenant parking, there are Coles trolley bays located across the carpark and given the direct pedestrian connections between the 2 sites across Morisset Street.
 - The amended TIA does not consider the timed nature of the Riverside Plaza on-site carparking (primarily 3 hourly parking). This means the office demand analysis undertaken is inaccurate, as these office users would be expected to park elsewhere in the town centre. This needs to be considered in a post-development scenario to ensure the retail/food/service etc parking demand is not underestimated. It is also not clear if turnover has been considered, in addition to duration of available parking spaces.
 - The updated TIA identifies an increase in occupancy of off-site public parking because of displacing parking on the subject site. The TIA states that there remains adequate capacity in the surrounding network to absorb this demand/impact. While this may be the case, Council does not support this outcome, particularly when occupancy will increase by up to 18%, which is not insignificant. Further, the TIA states that the post-development occupancy of Riverside Plaza is likely to be 98% on the Wednesday peak and 80% on the Saturday peak. The 100% “shop” scenario demonstrates there is not adequate capacity within the Riverside Plaza southern carparks to accommodate the demands post-development. These outcomes, along with the concerns raised above, mean Council is not able to fully understand and support the extent of likely off-site impacts from the displacement of parking on the site.

Furthermore:

- The Applicant has stated that there is adequate capacity in the Collett Carpark to accommodate any surplus demand for the Riverside Plaza patrons. The Queanbeyan Car Parking Strategy acknowledges the public parking nearest to the site (the Collett Carpark) has low utilisation rates. However, the strategy identifies opportunities to take advantage of this low utilisation and to provide for bus interchange parking, park n ride commuter services, long vehicle parking

for the public and untimed employee, commuter and recreation parking. A key principle of the strategy is to relocate all long stay (all day) parking away from core shopper parking areas and to the fringe of the CBD, such as the Collett Carpark. It is not intended to be used as overflow parking for the shopping centre.

- Further to the above, as the crow flies, the Collett Carpark may not seem too much further from the Riverside Plaza and therefore, a viable option for overflow parking. However, the additional travel distance, across several road crossings, is not likely to be desirable nor feasible for users of the plaza, particularly if they are using a trolley.
- The Queanbeyan CBD Masterplan contemplates the on-grade carpark at Riverside Plaza (diagonally opposite the subject site) to be part of a redevelopment for additional commercial uses but also, a multi-deck carpark. This would enable the reduced carparking on the subject site for the Riverside Plaza to be adequately resolved but has not been considered as part of the DA submission. A more integrated approach to redevelopment of the site and Riverside Plaza, which remain under the same landownership and are tied together by historic development consents, would be a more appropriate outcome.
- As noted below, the proposal provides an oversupply of private parking for future residents, yet a shortfall for visitors, resulting in a likely cumulative parking impact on the surrounding public domain.
- The RFI response letter states that the Section 7.12 contribution can be allocated towards an identified future (public) multi-deck carpark identified in the contributions plan. The Section 7.12 contribution is payable for the development, irrespective of the on-site parking issue/shortfall/displacement. The plan covers a range of infrastructure items to be delivered, and while the future multi-deck carpark is identified as a high priority item:
 - Council confirms there is no identified timeframe for the construction of the public carpark and therefore, no certainty as to this measure addressing increased demand and off-site impact from the subject DA.
 - The decision to include the public multi-deck carpark in the contributions plan is in large part based on the Queanbeyan Car Parking Strategy 2018-2028 which notes that there is an “assessed under-provision of car spaces...in the retail and lifestyle precincts” (which includes the site). In other words, the future carpark will meet the broader demand for parking in the surrounding area, particularly as the CBD continues to grow and revitalise. It is not intended to accommodate parking from development outcomes that cause an off-site impact.
- Council’s compliance team has been in contact with the Riverside Plaza due to parking issues. Council previously had a contract to undertake parking enforcement in the Riverside carparks, which lapsed. It was reinstated in November 2024 at the request of Riverside Plaza, due to the prevalence of long-term parking behaviour and a lack of adherence of patrons to timed parking restrictions. While this could potentially be resolved through enhanced enforcement, additional signage and potentially, a car parking management strategy for the plaza, it is understood to be an ongoing issue, as of late 2024, which indicates there is a pre-existing problem with parking, and parking turnover.
- The Applicant submitted an addendum SEE in February 2025 as additional information. The addendum SEE noted that if a “theoretical” car parking provision were to be applied to the Riverside Plaza, the QDCP would require 1 space per 60m² of GFA. This is incorrect. To know what the DCP prescribes in this instance would take a thorough evaluation of every component use of Riverside Plaza which has not been undertaken by the Applicant. There will be uses in the plaza which require more than 1 space per 60m² GFA (i.e. there will be different rates for different components of the plaza – not simply one flat rate). Moreover, the rate utilised by the Applicant relates to GFA, not GLFA, which is misrepresentative of the actual requirement/outcome. To more accurately calculate the parking requirements of Riverside Plaza today, based on DCP rates, the following would need to be considered:
 - Note that DCP rates refer to GFA not GLFA – therefore, this would need to be adjusted or considered in the assessment.

- Note that Riverside is approximately 23,500m² GFA.
 - The Riverside Plaza comprises a large retail precinct with additional associated uses - inclusive of Food and Beverage (Takeaway and Dine-in), gym, offices, services, etc.
 - The assessment would need to propose a use breakdown by GFA.
 - For the retail component, the retail rate Council would apply from the DCP is for premises greater than 1000m². (i.e. 1 space per 20m²).
 - For the food and beverage use (excluding takeaway), we would look at the greater of 15 spaces per 100m² GFA or 1 space per three seats. (note Urban Bar & Grill and Vanilla Pod Café are examples of this in Riverside whereby they provide their own seating).
 - For takeaway food and drink, an appropriate rate would need to be established (i.e., consider the number of seats in the food court could be one way).
- Using the abovementioned retail rate at say 80%, the parking requirement would be 940 spaces + spaces for additional uses. These figures would be similar to the TfNSW reference rates set out in the Guide to Transport Impact Assessment. While there are a number of variables depending on the actual broken down uses of the plaza, it is clear the parking demand would be far in excess of the Applicant's calculation at an assumed rate of 1 space per 60m² GFA.

Based on the above, Council is not fully resolved on this matter and specifically, the extent of the off-site parking impact that would result from the development.

- **Parking (resident and visitor parking)** – as noted earlier in this report, the proposal does not provide sufficient visitor parking spaces or service vehicle spaces on the site. The Applicant justifies this on the basis of 1) there being adequate public parking in the vicinity of the site and 2) the dual use of the visitor spaces and for use by smaller delivery/service vehicles. Council considers this justification to be lacking, and that the development should provide for the parking/loading demand that it will generate, in accordance with the relevant rates.
- **Access and traffic** – The site is well located in proximity to active travel options (in the context of a regional centre). The site benefits from established footpaths and connections and the surrounds include bus stops, a bus interchange and share paths. The intersection analysis undertaken by the Applicant demonstrates the existing traffic volumes at the Collett Street / Morisset Street roundabout and the Crawford Street / Morisset Street signalised intersection, during peak hours on a typical weekday, are well within the practical capacity of these intersections. The proposed development is estimated to generate an additional 56-66 vehicle movements during the morning and evening peak periods on a typical weekday. In a post-development scenario, the proposal will not adversely impact the performance of these intersections.
- **Carpark layout and access** – While the Applicant assesses the design of the carpark, roadways, ramps and loading/servicing to be compliant, concerns are raised with regard to the overall functionality of the arrangement. The 12.5m service vehicle space is short on the required width, the western accessway and on-grade parking requires visitors, residential cars, commercial cars, larger service vehicles and smaller service vehicles to all access this space. Service vehicles are expected to turn around within the site, and there is little in the way of delineated pedestrian paths/accessways through the site and carpark. The potential for conflict between vehicles and pedestrians remains an unresolved issue.
- **Residential amenity** – as outlined earlier in this report, the proposal includes several variations to key ADG design criteria, impacting on the overall amenity of units in the development.
- **Public Domain** – The proposal will involve several changes to the public domain. Firstly, it will create an entirely different interface between the site and immediate public domain interface. For the most part, the change is positive. Most the site's street frontages have the capability of being well activated through building entries and active uses. However, part of the southern façade/frontage would require a redesign to ensure compliance with the QPR LEP active frontages clause and to provide a better transition between the public and private (on-site) domain. In terms of the broader public domain, the proposed built form would be highly visual within the surrounding

catchment. The impact however is considered to be positive, though a responsive site design. The podium has been designed to take into consideration the height and scale of heritage items north and south, and the materiality is mixed to provide variation and visual interest. Combined with the proposed landscaping, the broader impact on the visual amenity of the public domain is appropriate and consistent with the desired future character for the site. The minor height exceedance will not be visually perceptible from the public domain. Despite these positive aspects of the proposal, there are some likely adverse impacts to the public domain that remain unresolved. Firstly, this relates to the new entrance from Morisset Street. The new driveway will require the alteration or relocation of the bus stop on Morisset Street. This matter has not been adequately considered in the DA submission. Further, the proposal is likely to impact the public domain in terms of accessibility to public car parking. Refer to the “parking” section of this report below for further detail.

- **Utilities** – while the site is not currently connected to services (given it operates as a carpark), service connections are available to water, sewer, gas, telecommunications. A new substation is also proposed, although it is not clear if the size accommodates adequate provision for electric vehicle ready spaces in the carpark (as recommended by the traffic consultant). Upgrade and augmentation to stormwater, potable water, sewer services is identified in the DA package and considered by Development Engineering to be acceptable. Further information is required to confirm adequate clearance from the Essential Energy switching station on the corner of Collett and Morisset Streets.
- **Heritage** – as noted earlier, the site sits between heritage items and is also in the vicinity of other items. A Statement of Heritage Impact has been prepared by the Applicant in support of the DA, and at the request of Heritage NSW, a Visual Impact Assessment has also been submitted. It is also worth noting the DA design has been informed by early advice and a meeting with Council's Heritage Advisor. Council is satisfied with the outcomes of the Heritage assessment, which confirms that while the proposal would be substantially taller than other buildings in the vicinity of the subject site, the potential heritage impact has been managed through the careful design of the podium and articulation of the residential parts. The design of the podium, setback of the upper residential towers and associated landscape would be a dramatic improvement on amenity when compared with the existing large carpark.

The materiality of the podium, being red brick, references the colour of nearby brick heritage buildings. It is also a modest scale and the design of the northern and southern street facing elevations will reflect the format of early 20th century shopfronts.

The conclusions of the VIA are also supported. It includes key views from the surrounds to assess the impact of the development in the visual catchment of the heritage items. While there will be a change in what is seen through the introduction of a large-scale contemporary building, the design (and particularly the podium) provides a satisfactory response to the heritage significance of those items. Importantly, the siting and massing of the proposal would continue to allow for views of both the Millhouse and Hibernia Lodge from key vantage points, allowing these 19th century places to continue to retain a visual relationship.

Despite the above, conditions would need to be imposed to ensure the protection of the heritage buildings and particularly, Hibernia lodge, during physical construction works.

- **Other land resources** – N/A
- **Drainage** – existing stormwater ties and infrastructure will be removed on Collett Street and new ties installed to connect to Council's stormwater main in the north-western corner of the site. The civil plans show the stormwater main will need to be upgraded and this forms part of the application. There is a 2.5% increase in impervious area compared to pre-development conditions, which is considered minor. No on-site detention is required. A hydrofilter will be installed within the rear/northern on-grade carpark to achieve Council's water quality targets. Development Engineering has not raised in any concerns with drainage or water quality outcomes for the development.

- **Contamination** - The PSI identifies 2 potentially contaminating activities at the site:
 - Fill of unknown origin
 - Groundwater

The PSI notes that if contamination is evident in any fill or natural soil, that a DSI would be required to determine the nature and source of the contamination. Council considers it appropriate to determine the nature and source of contamination given the fill has been identified on-site as an area of concern. While the ground floor uses are not residential in nature, the development includes a significant proportion of residential land use, and there will be extensive works immediately adjacent to the residential dwelling of *Hibernia Lodge*, north of the site. A DSI would be appropriate to understand the contamination risk and if required, remediation measures could be conditional through preparation and implementation of a Remediation Action Plan. The potential for contaminated groundwater is less of a concern given it is unlikely the water table will be intercepted by the works.

- **Flora and fauna impacts** – While the proposal will require the removal of trees to facilitate the construction of the development, none of these trees are deemed to have biodiversity value or to be of significance. Therefore, their removal will not cause any adverse ecological impact. The proposed landscaping on the site is considered appropriate for its CBD context and will adequately offset the proposed tree removal.
- **Natural environment** – There will be minimal site preparation and limited impact to the natural contours of the site. Erosion and sediment control during construction, and stormwater management during the operation of the development, will be appropriately managed to not cause any impact downstream or to the Queanbeyan River which is near the site.
- **Noise and vibration** – The RFI response from the Applicant was accompanied by an updated Noise Assessment report. The noise sources from the development relate to mechanical plant, commercial uses on the site, traffic from the project and loading noise. Another consideration not addressed in the report is the noise from the communal open space to the residential units above.

The noise consultant undertook continuous noise monitoring in November 2023 across 6 days. Loggers were not placed at the nearest receiver (immediately north of the site at 68 Collett Street). The acoustic consultant states this is because access could not be obtained to that property. The logger was placed opposite the site (at 72 Morisset) and considered to be adequate to obtain data representative of ambient background noise in the vicinity. Project noise limits for mechanical plant, waste collection and commercial activity are set out in the report. Recommended interior design sound levels have also been considered in the report, as well as assessment criteria for road noise in accordance with the NSW Road Noise Policy. The findings of the assessment are below:

- There will only be a minor increase in traffic volumes (zero increase on Collett Street and a 3-6% increase on Morisset Street). Therefore, the +2 dB criterion would not be exceeded.
- Road traffic noise intrusion – a noise reduction for compliant sound insulation is required to facades ranging between 14 dBA to 25dBA. This can be achieved through the adopted glazing recommendations in the report. However, the report notes that:

Windows and doors are required to be closed to achieve compliance with the indoor noise objectives and an alternative means of ventilation may be required as per the NCC. This does not preclude the use of natural ventilation however, where natural ventilation is to be provided, the ventilation opening must be selected such that the overall composite sound insulation of the facade is not compromised.

- External components of the carpark exhaust and air-handling systems may emit significant levels of noise. Compliance with the relevant criteria is likely to be able to be achieved, subject to a detailed review during detailed design. Additional acoustic controls such as screening, judicious positioning, daytime operations only would be required.
- Waste collection and loading - the report assumes that “relatively small and van trucks only would service the loading area” and that noise from waste collection would be the most

substantial source of noise. To minimise intrusive noise to the future occupants of the development waste collection would need to occur only between 7:00 am and 6:00 pm Monday – Saturday.

- Cumulative noise has also been considered between site activities and the adjacent Woolworths loading dock. No adverse noise impact has been identified in this regard.
- Commercial premises – based on the separation distance to offsite residences and subject to adopting glazing recommendations in the report, the proposal would comply with the QDCP requirements at all times.

While not addressed in the Noise Assessment report, the potential acoustic impact of activity within the COS to the units adjacent and above the space could be managed through a plan of management, with limitations on hours of use and activities. This matter could be conditioned, prior to occupation.

Based on the above, Council officers are generally satisfied with the acoustic impacts of the development. This is with the exception of the potential conflict between internal acoustic amenity for units versus natural cross ventilation. This matter would need to be further resolved – preferably during DA stage to avoid the need for changes to openings and unit layouts to enable acoustic criteria to be met.

- **Natural hazards** – The site is subject to flooding in both the 1% AEP and the PMF. The DA is supported by a Flood Impact Assessment which confirms the proposal has been designed to respond to the flood planning levels for the site.

The proposed FFL is RL +573.5m AHD for the ground floor commercial area. The proposed residential FFL is RL +578.6m AHD. These levels comply with the minimum flood levels + freeboard, noting the floor level for the residential component is required to be RL 576.7.

Impacts on flood behaviour are anticipated to be minimal. Structural soundness of the building per the QDCP could be verified prior to CC. The proposed evacuation design response accords with the QDCP. The roof of the building is set above the PMF and can be accessed via a hatch if required. This serves the emergency function without the need to comfortably house all occupiers of the building on the roof. A large window opening is provided in the lift foyer area of each floor, up to the PMF level, as a potential escape route in times of flood. Development Engineering confirms the flood controls for the site have been addressed in the application.

- **Safety, security and crime prevention** – a CPTED Report accompanied the DA submission, and the DA was referred to the police for comment. The CPTED report includes recommendations to reinforce the safety and security of the development. These recommendations are supported by the police, and Council:
 - Entry points should be designed to maximise surveillance opportunities to and from these areas.
 - Clear sightlines should be maintained between the development and the public domain, particularly around entries, the western elevation along the vehicular access and car park access.
 - Bollards are used to define the interface between parking and service areas and the northern pedestrian access way.
 - There should be appropriate wayfinding and identification signage within and around the building to aid legibility and promote territorial reinforcement.
 - Lighting should be designed to the Australian and New Zealand Lighting Standards and appropriate for users and activities of the area, around the perimeter of the building, along the pedestrian access to the north tower and car park.
 - Landscaping should be used to enhance the appearance of the development and assist in reducing opportunities for vandalism. Landscaping should seek to maintain sightlines at eye level.
 - Secure access (swipe cards or similar) should be provided to limit access to the residential levels of the development from the lobby.

- A maintenance plan should be put in place to ensure ongoing maintenance of the building, open space areas and the public domain connections.

The police also recommend additional measures as outlined below:

- The carpark at the rear of the proposed development would be considered a “hot spot” area.
- The CPTED report state that there will “ample opportunity” for natural surveillance. Due to the number of alleyways, buildings and trees near the Woolworths Carpark it could be argued that the natural surveillance would not be sufficient and there is strong recommendation that technical surveillance i.e.: CCTV Cameras be installed.
- Due to the development also being on the outer edge of the CBD, there is also a further reduced amount of traffic and pedestrians in the night. CCTV cameras should be installed on all external areas of the development block facing Collett Street, Morisset Street and the rear of the building into the K-Mart and Woolworths carpark areas.
- Carparking and Pedestrians areas should also be well lit and the carpark under the units should also be lit at all times. CCTV Cameras should also be placed in the carpark areas to further provided technical surveillance to the area.
- Due to a lack of natural surveillance during the night consideration should also be given to installing security roller doors on the front of the commercial premises. Break and Enter’s occur withing the Queanbeyan CBD and commercial premises are targeted due to reduced security measures and lack of natural surveillance in the area at night.

The above matters could generally be addressed through conditions of consent. The only matter that Council requires further consideration on is the southern residential lobby. The western part of the Morisset Street frontage could be redesigned to provide a better interface with the streetscape to provide more activation and maximise line of sight/surveillance etc to the southern residential lobby.

- **Social impact** – while the proposal is generally considered to result in a positive social impact on sense of place, there are concerns on the lack of mix/diversity of apartments proposed within the development for the reasons set out earlier.
- **Economic impact** – the proposal will generate employment during both construction and operation, contributing further to the economic growth of the Queanbeyan CBD.
- **Construction** – Construction related impacts would be capable of being mitigated through suitable conditions of consent, including preparation of a Construction Environmental Management Plan (CEMP) prior to CC.
- **Cumulative impacts** – the proposal is considered to result in a cumulative impact on parking within the surrounding area for the reasons set out above.

Accordingly, having regard to the above, Council cannot be certain as to the likely impacts of the development, particularly with respect to contamination and parking. There are other impacts with respect to streetscape activation, residential amenity and the like that remain unresolved.

3.3 Section 4.15(1)(c) - Suitability of the site

The proposed development is permitted with consent on the subject site and represents a built form that is generally compatible with the future character of the locality as set out in in the QDPC and Queanbeyan CBD Masterplan. The DA has been assessed under Section 4.15 of the Act, and as demonstrated throughout the body of this report, the proposal generally complies with the relevant development controls. The proposed variation to the relevant QPR LEP regarding building height has been assessed on merit and is acceptable for the reasons outlined within the body of the report. However, the proposed variation to the parking requirement set out in the Housing SEPP is not supported, for the reasons outlined in this report.

Furthermore, insufficient information in relation to contamination, apartment layout and size and traffic and parking results in a development that is therefore not suitable for the site (based on the information available) and the application cannot be supported.

3.4 Section 4.15(1)(d) - Public Submissions

These submissions are considered in Section 5 of this report.

3.5 Section 4.15(1)(e) - Public interest

The assessment of a development's merits requires consideration of the public interest under Section 4.15(1)(e) of the EP&A Act. Weighing up the private good against the public good is part of that consideration. The Land and Environment Court has previously established that the positive elements of a proposal are not enough to outweigh other considerations.

Based on the information submitted, Council cannot be satisfied as to the extent of off-site impact of the shortfall/displacement of parking because of the development. As noted earlier, the parking issue is two-fold, but also, a cumulative consideration. The distribution of parking in the development focuses on private interest. Surplus parking spaces are provided for the residential units, while the visitor parking and loading/servicing demand is not adequately provided for. In fact, the visitor parking spaces that *have* been provided are intended to be used by smaller service vehicles, which is not considered to be a functionally appropriate outcome. Either visitors will be forced to park on the street or service vehicles will. For a development of this scale, it would be reasonable to expect provision of parking to meet the demands of the development, with no off-site impact. Furthermore, with respect to the displacement of existing parking on the site, the Applicant contends there is adequate parking in public car parks in the surrounding area to absorb any residual demand generated by the Riverside Plaza operations. Yet, the actual (reasonable) extent of off-site impact has not clearly been quantified.

Council acknowledges the proposal has the potential to provide a public benefit in offering 50% of the units as affordable housing for a period of 25 years (subject to acceptance and execution of the Letter of Offer in the form of a Voluntary Planning Agreement). However, based on the information provided to date, the evidence to justify the loss (and shortfall) of parking, coupled with insufficient information, jurisdictional matters (i.e., active street frontages, BASIX), and unresolved design issues, Council cannot be satisfied the development will be in the public interest.

4. REFERRALS AND SUBMISSIONS

4.1 Agency Referrals and Concurrence

The da has been referred to various agencies for comment, concurrence or referral as required by the EP&A Act and outlined below in **Table 7**.

There are no outstanding issues arising from these concurrence and referral requirements. Any residual matters could be reasonably addressed through conditions of consent.

Table 7: Concurrence and Referrals to agencies

| Agency | Concurrence/ referral trigger | Comments (Issue, resolution, conditions) | Resolved? |
|---|---|---|-----------|
| Concurrence Requirements (s4.13 of EP&A Act) | | | |
| Department of Planning, Housing and Infrastructure (DPHI) | QPR LEP and SEPP Housing development standard variations. | DPHI has confirmed that given the SRPP are the consent authority, and the SRPP has the assumed concurrence of the Secretary, no concurrence is required directly from DPHI. | Yes |
| Referral/Consultation Agencies | | | |
| Electricity supply authority | Section 2.48 – State Environmental Planning Policy (Transport and Infrastructure) 2021 Development near electrical infrastructure | <p>The application was referred to Essential Energy as the relevant electricity provider due the location of the existing pad mounted high voltage/ low voltage switching station on the corner of the development lot (near the roundabout of Morisset and Collett Streets).</p> <p>Essential Energy made a range of comments regarding the proposal, noting a 3m clearance requirement from the switching station.</p> <p>Council's RFI to the Applicant in June 2024 requested updated civil plans to demonstrate the required 3m clearance from the switching station. The amended civil plans submitted in December 2024 show a 3m clearance around the proposed <u>new</u> substation but not the existing switching station at the SE corner of the site. While the proposed building is 3m clear of the switching station, there are other parts of the development that are not. Updated plans would be required to demonstrate provision of the 3m clearance as required by Essential Energy.</p> | No |
| Transport for NSW (TfNSW) | Section 2.121 – State Environmental Planning Policy | Comment was sought from TfNSW even though the proposal does not trigger the traffic generating development provisions in Schedule 3, as it is less than 300 dwellings, and the nearest classified road is Crawford | Yes |

| | | | |
|--------------|--|---|-----|
| | (Transport and Infrastructure) 2021 Development that is deemed to be traffic generating development in Schedule 3. | Street, which is approximately 150 metres away. TfNSW has made comments for the consent authority to consider, which includes upgrading the existing bus stop on Morisset Street in line with the guidelines provided and consider reducing parking rates in the Queanbeyan CBD to encourage greater uptake of public transport. All matters can be resolved through conditions. | |
| Heritage NSW | At the request of the SRPP. | The initial referral to Heritage NSW prompted a request for information in the form of a Visual Impact Assessment (VIA) from the Applicant. The Applicant submitted a VIA in December 2024, which was considered in a further referral to Heritage NSW. Heritage NSW has not raised any objection to the proposal or the VIA but has recommended that the width of the garden bed along the northern boundary adjoining Hibernia Lodge be maximised so that trees are planted no less than 1.5m from the boundary. The landscape treatment to the northern boundary of the site is shown as 3 metres, therefore complying with the recommendation of Heritage NSW. A condition of consent could be implemented to specify that the trees (within the landscape treatment) be planted no less than 1.5m from the northern boundary. | Yes |
| NSW Police | Council policy for DAs in the CBD | The referral response received from the Monaro Police District outlined a range of matters, as summarised below: <ul style="list-style-type: none"> - For ease of pedestrian access/movement between the site and adjacent Kmart site, it is recommended that a pedestrian access gate be created between the development and the Kmart carpark. - The footpath on Morisset Street should be maintained during construction. Many children use this crossing to access Riverside Plaza. - There is no objection to a development. - The police support the recommendations of the CPTED report given the site is considered a "hot spot" area for crime. - The police include a "strong recommendation" for CCTV cameras to be installed to ensure adequate surveillance of the area behind Woolworths and in the service area of the development, noting these areas are subject to incidents of assault and antisocial behaviour. CCTV cameras should also be installed on all external street areas of the building to towards the street and adjacent parking areas. | Yes |

- Carparks must be well lit with installation of CCTV cameras.
- Roller doors should be considered to the commercial premises for after-hours security.

Integrated Development (S 4.46 of the EP&A Act)

| | | | |
|------------------------------------|------------------------------------|-----|-----|
| RFS | S100B - Rural Fires Act 1997 | N/A | N/A |
| Natural Resources Access Regulator | S89-91 – Water Management Act 2000 | N/A | N/A |

4.2 Council Officer Referrals

The DA has been referred to various Council officers for technical review as outlined in the table below.

Table 8: Consideration of Council Referrals

| Officer | Comments | Resolved |
|----------------------|--|------------------|
| Engineering | Council's Development Engineer reviewed the submitted stormwater concept plan and considered that there were no objections subject to conditions. Further, it is noted the existing 225mmØ AC sewer main from manhole A1 to A47 is at a grade of 0.49% which will not cope with the additional load from the 160 residential unit and commercial development and will require to be upgraded to a 300mmØ main. This matter however could be conditioned. | Yes (conditions) |
| Traffic | Council's Development Engineer reviewed the proposal and has not raised any concerns regarding traffic. The engineer has raised concerns about the reduced carparking provision and displacement of parking from the site. This issue is considered in more detail in the Key Issues section of this report. Furthermore, vehicle swept paths for passing B99 and B85 vehicles movements within the car park are missing and are require demonstrating the viability of the car park for the proposed development. Development Engineering is also of the opinion the dedicated service vehicle space is not sufficient for the development factoring in the applicant's intent to utilise the 13 unreserved car parking spaces, including the four (4) adjoining parallel spaces, by smaller delivery vehicles serving the retail tenancies. | No |
| Environmental Health | A request for information was submitted to the Applicant on: <ul style="list-style-type: none"> - Contamination. - Acoustic impact of the proposed waste chutes (to be demonstrated at CC stage). - Future location of grease traps – indicative location to be shown on Collet Street frontage. Contamination has been raised as a matter in this report. Acoustic matters and grease trap locations could be resolved through conditions. | No |
| Waste | Council's waste officer has reviewed the DA (including amended plans and information). Council will service the residential bins and | No |

the 12.5m service vehicle space is generally acceptable, with the exception of the width issue identified earlier in this report. The commercial servicing for the development will be by a private contractor.

The waste officer noted that the residential bins have been calculated to be serviced twice a week. However, residential bins will only be serviced once a week by Council. The number of bins would therefore need to be higher which would likely mean the bin storage area would need to be larger.

Further, the plans do not indicate a clear path of travel from the waste holding room, which needs to be a dedicated path and minimise length of travel as bins are 1100l which is large.

The swept path for the 12.5m HRV demonstrates appropriate manoeuvring.

| | | |
|--------------------|--|------------------|
| Trade waste | Standard conditions to be applied, requiring a trade waste application. | Yes (conditions) |
| Strategic Planning | <ul style="list-style-type: none"> The development will contribute positively to housing delivery in the LGA. The Clause 4.6 request makes reference to the building envelope diagram for this site within the DCP. The proposal is considered consistent with the Queanbeyan CBD Master Plan. The SEE outlines consistency with the DCP relevant to the proposal and speaks to the inconsistencies in the DCP regarding carparking. | Yes |
| GIS | The GIS officer has provided indicative addresses for the units should the development be approved and construction be completed. | Yes |
| Heritage | Council's heritage officer had a conflict of interest as he prepared the Statement of Heritage Impact for the subject DA. As Council does not currently have another heritage advisor, and due to the proximity of the site to several items, the SRPP requested referral of the DA to Heritage NSW. Heritage NSW requested submission of a VIA, which it subsequently reviewed and confirmed the impact to be acceptable, subject to adequate planting along the northern boundary of the site (which is included in the DA plans). | Yes |

The outstanding issues raised by Council officers are considered in the Key Issues section of this report.

4.3 Community Consultation

The proposal was initially notified in accordance with the Council's Community Participation Plan from 8 February 2024 until 26 February 2024. Council subsequently notified the amended DA package including addendum SEE and Letter of Offer (along with amended plans) on 21st March until 9th April 2025.

The notification included the following:

- Notification letters sent to adjoining and adjacent properties, and;
- Notification on the Council's website.

Council received a total of 3 unique submissions, comprising 3 objections in the first round of consultation and 11 unique submissions, comprising of 9 objections, 1 support and 1 submission not relevant to the specific proposal in the second round of consultation. The issues raised in these submissions are considered in **Table 9**.

Table 9: Community Submissions

| Issue | No of comments from submissions | Council Comments |
|--|---------------------------------|---|
| Community Consultation 1 | | |
| Increased traffic and parking issues | 2 | Satisfied: with respect to traffic, the revised Traffic Impact Assessment confirms there will be no unreasonable impact to the performance of surrounding intersections. Not satisfied: Refer to the Key Issues section of this report for further discussion. |
| Impacts on the nearby heritage item | 2 | Satisfied: The VIA demonstrates an adequate response to view corridors to and from the site and in the context of adjacent heritage items. The design responds to the pre-lodgement advice from Council in relation to setbacks, built form, materiality. The podium design responds to the scale of heritage buildings north and south. |
| Views, visual impact and dominance | 2 | Satisfied: The VIA demonstrates an adequate response to view corridors to and from the site and in the context of adjacent heritage items. The overall bulk and scale, as assessed in this report, is appropriate having regard to the desired future character of the site as set out in the Masterplan. The minor variation to the height standard is supported – Council is satisfied the matters under Clause 4.6 have been adequately addressed (for the height standard variation only). |
| Privacy and amenity impact on surrounding properties | 2 | Satisfied: See above and below. |
| Overshadowing impact | 1 | Satisfied: The shadow diagrams submitted with the DA demonstrate there will be no adverse external overshadowing of surrounding land/development. |
| Non-compliance with the ADG side setback provision | 1 | Not (fully) satisfied: If consent were to be granted, potential privacy issues related to ADG setback/separation inconsistencies could either be addressed through conditions of consent on balcony and window screening/treatments towards the north and west. Particularly for the western interface, the layout of the upper 2 storeys of units would require reconfiguration. |
| Construction impacts | 1 | Satisfied: If consent were to be granted, construction related impacts could be addressed through conditions of consent, including preparation of a Construction Environmental Management Plan. |
| Community Consultation 2 | | |
| Increased traffic issues | 4 | Satisfied: with respect to traffic, the revised Traffic Impact Assessment confirms there will be no unreasonable impact to the performance of surrounding intersections. Not satisfied: Refer to the Key Issues section of this report for further discussion. |
| Loss of significant town centre parking | 9 | Satisfied: with respect to traffic, the revised Traffic Impact Assessment confirms there will be no unreasonable impact to the performance of surrounding intersections. Not satisfied: Refer to the Key Issues section of this report for further discussion. |

| Issue | No of comments from submissions | Council Comments |
|--|---------------------------------|--|
| Loss of Queanbeyan's country town feel | 2 | Satisfied: The overall bulk and scale, as assessed in this report, is appropriate having regard to the desired future character of the site as set out in the Masterplan. |
| Commercial tenancies are already vacant | 7 | Satisfied: The commercial uses are proposed within the 'retail edge' along Morisset Street in the Masterplan. |
| Negative impact on the Heritage item | 3 | Satisfied: The VIA demonstrates an adequate response to view corridors to and from the site and in the context of adjacent heritage items. The design responds to the pre-lodgement advice from Council in relation to setbacks, built form, materiality. The podium design responds to the scale of heritage buildings north and south. |
| Overshadowing | 1 | Satisfied: The shadow diagrams submitted with the DA demonstrate there will be no adverse external overshadowing of surrounding land/development. |
| Architectural design issues | 1 | Satisfied: The overall bulk and scale, as assessed in this report, is appropriate having regard to the desired future character of the site as set out in the Masterplan. The minor variation to the height standard is supported – Council is satisfied the matters under Clause 4.6 have been adequately addressed (for the height standard variation only). |
| Stormwater issues | 1 | Satisfied: The engineers have provided options for management on site. Council's Development Engineer reviewed the submitted stormwater concept plan and considered that there were no objections subject to conditions. |
| Flooding issues | 1 | Satisfied: The engineers have provided options for management on site. Council is satisfied the proposal complies with flood related controls for the site and will not adversely affect flood behaviour on the site |
| Waste Management issues | 1 | Satisfied: The engineers have provided options for management on site. Council's waste officer has reviewed the DA and provided conditions and a plan of management. Not satisfied: The traffic conflict with waste vehicles and other vehicles entering and exiting the site is still an issue. |
| Reinvigoration of the town centre with residents | 1 | Satisfied: The SEE and VPA Agreement detail the benefit to the local town centre. |

5. KEY ISSUES

The following key issues are relevant to the assessment of this application having considered the relevant planning controls and the proposal in detail:

5.1 Active Frontages

As set out earlier in this report, there is a portion of the southern frontage to Morisset Street that does not meet the definition of an *active street frontage* pursuant to the QPR LEP. Further, the latest architectural plans submitted with the DA identify a change in description of the ground floor tenancies. The original DA noted "retail" premises and a "café". The amended plans indicate

“commercial” premises. While commercial premises, as defined, *can* include active uses (retail, business), there are certain commercial premises that are *not* active (offices). The issue has not been resolved and accordingly, warrants refusal of the application given compliance with the QPR LEP is a pre-condition that must be satisfied prior to the granting of consent.

5.2 Clause 4.6 Variation – Parking (Housing SEPP)

For the reasons set out in Section 3.5 of this report, the variation to the visitor parking requirement set out in the Housing SEPP/ADG is not supported and remains a key issue to be resolved.

5.3 Parking (Cumulative Impacts)

Parking has been discussed at length in this report and remains a key issue. The displacement of parking from the site and lack of clarity around the extent of off-site/public impact is a concern. Further, the visitor parking and servicing demands of the development have not been met. This in turn may cause a further off-site impact. The cumulative effects of these parking matters is a key issue that remains unresolved.

5.4 Residential Amenity

- *Communal open space* – the area has been incorrectly calculated based on the “site area occupied by the residential footprint” not the site area as a whole. There is a lack of justification on the shortfall (527sqm), as well as the inconsistency with the minimum 50% direct sunlight provision, and why it is deemed acceptable having regard to Part 3D of the ADG.
- *Solar access* – there is a lack of adequate information to undertake a full and proper analysis of solar access to the apartments. In the latest RFI response, the Applicant has shown on drawing DA401 skylights on level 9 and ‘openings’ and provided a colour coded set of floor plans showing which apartments achieve 3 hours or less of solar access. However, there are no shadow diagrams to validate this outcome and drawing DA401 states the plan reflects solar access in mid-winter from 9am to 12pm (as opposed to the required 9am to 3pm).

Further, it is unclear whether these ‘openings’ have been considered from a cross-ventilation and wind impact perspective, particularly for upper-level apartments in respect of the latter.

- *Visual privacy* – concerns remain regarding potential for overlooking to the north (to 69 Collet Street) and to the west. For the north, there appears to be a good level of setback and building separation to the POS to 69 Collet Street. However, there is still the opportunity for overlooking to that space. Further, to the west, while the setback is consistent with the DCP, the upper-level setback is not consistent with the ADG. A reduced setback at the upper level could cause potential impacts (visual, privacy) on a future development outcome on the Kmart site which benefits from the same zoning, height and FSR. While privacy remains a concern to the north and west, balcony and window treatments to habitable spaces could be incorporated to mitigate the potential impact. In addition, the plans do not clearly demonstrate how privacy will be ameliorated for the apartments which front the COS.
- *Natural ventilation and acoustics* – in order to achieve compliant internal apartment noise requirements, windows and doors will need to be kept closed. This potentially compromises natural ventilation. While the acoustic assessment states that natural ventilation would not be precluded, it also states that “*the ventilation opening must be selected such that the overall composite sound insulation of the facade is not compromised*”.
- *Internal layout and general amenity* – there are a range of internal layout issues that remain unsatisfactory, including depth of some of the apartments, size of bedrooms, courtyard areas, number of units to a core per level.

5.5 Housing Mix and Distribution of Affordable Housing

The current apartment mix provides only 1- and 2-bedroom apartments. While a range of layouts are proposed for the 1 and 2 bed apartments, a more diverse mix of apartments should be provided in

accordance with Objective 4K-1 of the ADG. The RFI response notes that the unit provision is in response to housing demand in the area. There is no evidence to justify this statement. Consideration should be given to whether there is a demand for families, group households or multi-generational families, who may benefit from an apartment with a higher occupancy.

The affordable housing “offer” states that the 80 of the total units (50%) would be affordable units. From a social interaction and diversity point of view, if the DA is to be approved (despite Council’s recommendation), Council considers the affordable units should be dispersed across both towers rather than confined to only one.

5.6 BASIX

The original BASIX certificate submitted with the DA was not valid (not date stamped/finalised). The RFI response in December 2024 included an “updated” BASIX Certificate dated 21 December 2023. The certificate:

- Does not reflect the amended plans submitted to Council with the RFI response in December 2024.
- Does not reflect the correct legal description of the site.

Further, NABERS Embodied Emissions Materials Form requires additional detail in order to be satisfactory.

5.7 Contamination

For the reasons set out in this report, a DSI is appropriate at DA stage to determine the nature and source of contamination in fill on the site.

5.8 Waste

- The 12.5m service vehicle space is short on the required width. Further, service vehicles are expected to turn around within the site and there is little in the way of delineated pedestrian paths/accessways through the site and carpark.
- The waste officer has noted that the residential bins have been calculated to be serviced twice a week. However, residential bins will only be serviced once a week by Council. The number of bins would therefore need to be higher which would likely mean the bin storage area would need to be larger.
- Further, the plans do not indicate a clear path of travel from the waste holding room, which needs to be a dedicated path and minimise length of travel as bins are 1100l which is large.

5.9 Utilities (Electricity)

While a new substation is proposed, it is not clear if the size accommodates adequate provision for electric vehicle ready spaces in the carpark (as recommended by the Applicant’s traffic report). Further information is also required to confirm adequate clearance from the Essential Energy switching station on the corner of Collett and Morisset Streets.

6. CONCLUSION

This development application has been considered in accordance with the requirements of the EP&A Act and the EP&A Regulation as outlined in this report. Following a thorough assessment of the relevant planning controls, issues raised in submissions and the key issues identified in this report, the application cannot be supported by Council.

It is considered that the key issues as outlined in this report have not been satisfactorily resolved.

7. RECOMMENDATION

This report considers PPSSTH – 330/ DA.2023.0602/ PAN-394183 for the construction of a shoptop housing development at 50 Morisset Street, Queanbeyan, legally described as Lot 100 in Deposited Plan 1308422. This report also considers the Applicant's request to amend DA 950033 for the extension of the Riverside Plaza shopping centre and construction of carparking. The amendment seeks to remove the requirement in the DA consent to provide "not less than 196 spaces" on the subject site at 50 Morisset Street for use by the shopping centre. If the DA were to be approved, this amendment would be facilitated through condition(s) of consent pursuant to Section 4.17(1)(b) of the EP&A Act.

This assessment makes a recommendation for the Southern Regional Planning Panel to REFUSE the DA based on Council's detailed assessment of the proposal against Section 4.15 of the EP&A Act. The DA is to be refused for the following reasons:

1. For the purpose of Section 4.15(1)(a)(i) of the Environmental Planning and Assessment Act 1979 (as amended) the development has not demonstrated compliance with the following relevant environmental planning instruments.

In regard to the Housing SEPP, Chapter 4:

- The proposal does not comply with the non-discretionary development standard for car parking in Section 148(2)(a). The Clause 4.6 variation request from the Applicant has not demonstrated compliance to be unreasonable or unnecessary and that there are sufficient environmental planning grounds to justify the variation.
- The proposed development is not consistent with the ADG including Objective 3D-1, Objective 3F-1, Objective 3G-1, Objective 3G-2, Objective 3H-1, Objective 3J-1, Objective 3J-3, Objective 3J-4, Objective 4A-1, Objective 4D-2, Objective 4D-3, Objective 4E-1, Objective 4F-1, Objective 4K-1, resulting in sub-optimal design outcomes.

In regard to the Resilience and Hazards SEPP:

- The Applicant has not provided sufficient information to demonstrate compliance with clause 4.6 of the Resilience and Hazards SEPP for the consent authority to consider whether the land is contaminated and whether remediation is required to make the site suitable for the intended end use.

In regard to Sustainable Buildings SEPP and Section 27 of the EP&A Regulation:

- The submitted BASIX Certificate does not reflect the amended plans submitted to Council in December 2024, but rather, reflects the plans submitted with the original DA.

In regard to the QPR LEP:

- The proposal is inconsistent with the objectives of the E2 Commercial Centre zone:
 - It will not promote a high level of accessibility and amenity, particularly for pedestrians.
 - It does not provide adequate activation of the Morisset Street frontage.
- The proposal does not comply with the pre-condition to granting consent with respect to Clause 7.15 – active street frontages. There is a portion of the Morisset Street frontage which does not meet the definition of what constitutes an active street frontage under that clause. Further, the ground floor premises, in the amended plans, are identified as *commercial premises*. There is uncertainty as to whether these premises will comply with Section 7.15(5) of the QPR LEP. Further, a large part of this frontage comprises a disabled ramp down to a

sunken residential lobby. This design outcome does not meet the objective of the clause as it will not promote an outcome that attracts pedestrian traffic along the Morisset Street frontage.

2. For the purpose of Section 4.15(1)(a)(iii) of the Environmental Planning and Assessment Act 1979 (as amended) the development has not demonstrated compliance with the following relevant controls within the QDCP:
 - Section 2.2 – carparking. The proposal is not consistent with the principles for carparking, design of service vehicle areas, controls regarding accessways, access requirements, service vehicle manoeuvring, and the design of parking areas.
 - Section 2.4 – contaminated land management. A Detailed Site Investigation is warranted in the circumstances of the case.
 - Section 3D.2 – shop top housing. There is a shortfall of servicing requirements and there are concerns on safety of pedestrian movements through the site. Further, the Morisset Street frontage does not provide an adequate response to requirements for the frontage to be active.
 - Section 6.2.5 – robust building design. The unit mix lack diversity and flexibility to meet the needs of residents over time, as well as larger apartments for families or to promote intergenerational living outcomes.
 - Section 6.2.8 – active street frontages. The proposal does not provide an adequate response to the active street frontage requirements to Morisset Street. The transition in ground level between Morisset Street and the southern residential lobby and the extent of frontage (14m) to Morisset Street that includes a ramp, and a recessed residential lobby is a poor design/amenity outcome.
3. For the purpose of Section 4.15(1)(a)(iv) of the Environmental Planning and Assessment Act 1979 (as amended) the development has not demonstrated compliance with the following matters within the 2021 EP&A Regulation.
 - The proposal does not provide a compliant BASIX certificate for the development (as amended).
 - The embodied emissions form required by Section 35BA does not include the qualifications and/or registration of the ESD Engineer who has completed the form.
4. For the purpose of Section 4.15(1)(a)(iiia) of the Environmental Planning and Assessment Act 1979 (as amended), Council is not satisfied as to the outcome of the draft planning agreement (letter of offer) that the developer has offered to enter into.
5. For the purpose of Section 4.15(1)(b) of the Environmental Planning and Assessment Act 1979 (as amended), the proposal is not considered to adequately address impacts related to parking, for the development, as well as the modified development of Riverside Plaza shopping centre.
6. In accordance with Section 4.15(1)(e) of the Environmental Planning and Assessment Act 1979 (as amended), despite the offer by the developer to provide affordable housing, based on the information provided to Council, the evidence to justify the loss (and shortfall) of parking, coupled with insufficient information, jurisdictional matters, and unresolved design issues, Council cannot be satisfied the development will be in the public interest.

The following attachments are provided:

- Attachment A: Site Photos

- Attachment B: Compliance tables
- Attachment C: Applicant's Clause 4.6 Request

This report is also accompanied by DA documentation the Applicant has submitted in support of the development.

Attachment A – Site Photos



Figure 11 View looking south standing on the existing site towards Morisset Street, with the existing trees in view and adjacent Kmart building to the right/west (Source: Gyde)



Figure 12 View looking south-west standing in the eastern portion of the site (Source: Gyde)



Figure 13 Existing Riverside Plaza permit parking adjacent the western boundary of the site, with the Kmart building (adjacent site) in the background (Source: Gyde)

Attachment B – Compliance Tables

Queanbeyan Palerang Regional Local Environmental Plan 2022

| Clause | Control | Assessment |
|-------------------|---|---|
| Land Use Table | Objectives of zone | Not Consistent |
| Zone E2 | 1. <i>strengthen the role of the commercial centre as the centre of business, retail, community and cultural activity.</i> | The proposal meets most of the objectives of the E2 Commercial Zone. |
| Commercial Centre | 2. <i>encourage investment in commercial development that generates employment opportunities and economic growth.</i> | However, the proposal lacks cohesion with objective 3- Pedestrian accessibility and amenity and objective 5- active street frontages. |
| | 3. <i>encourage development that has a high level of accessibility and amenity, particularly for pedestrians.</i> | Objective 3- The impact of reducing the parking provision for the Riverside Plaza shopping centre has not been adequately quantified. Based on the information provided, Council is of the view the proposal has the potential to provide a poor level of amenity in this regard. The Applicant states that any residual parking demand generated by the development and by displacing parking on the site for the Riverside Plaza can be accommodated within the nearby Collett Street Carpark. The additional travel distance for those persons visiting the plaza is not considered to be appropriate – particularly for those who may have shopping trolleys. |
| | 4. <i>enable residential development only if it is consistent with the Council's strategic planning for residential development in the area.</i> | Objective 5- As noted elsewhere in this table and the assessment report, the proposal does not provide an adequate level of activation to Morisset Street, as required by the LEP. |
| | 5. <i>ensure that new development provides diverse and active street frontages to attract pedestrian traffic and to contribute to vibrant, diverse and functional streets and public spaces.</i> | |
| | 6. <i>recognise and reinforce the primacy of the Queanbeyan central business district as the commercial and retail centre of Queanbeyan.</i> | |
| | 7. <i>encourage some limited high density residential uses to create vitality in town centres.</i> | |
| | 3 Permitted with consent | Complies |
| | <i>Amusement centres; Artisan food and drink industries; Backpackers' accommodation; Boarding houses; Centre-based child care facilities; Commercial premises; Community facilities; Entertainment facilities; Function centres; Group homes; Hotel or motel accommodation; Information and education facilities; Local distribution premises; Medical centres; Mortuaries; Oyster aquaculture; Passenger transport facilities; Places of public worship;</i> | 'Shop Top Housing' is permissible with consent. The dwellings will be located above commercial premises on the ground floor. Consistent with recent decisions in the NSW Land and Environment Court, there is no requirement for the entire (or majority) ground floor to be retail/business use. There are adequate commercial premises on the ground floor to not be de minimis. |

Recreation areas; Recreation facilities (indoor); Recreation facilities (outdoor); Registered clubs; Respite day care centres; Restricted premises; Shop top housing; Tank-based aquaculture; Vehicle repair stations; Veterinary hospitals; Any other development not specified in item 2 or 4

**2.7
Demolition**

The demolition of a building or work may be carried out only with development consent.

Insufficient information, but assume compliance

While the DA documentation does not provide any commentary on demolition or site preparation, the removal of the carpark bitumen, trees and other structures on the site is required to facilitate the development. Development consent can be granted for these demolition works.

**4.3
Height of buildings**

The maximum height of buildings standard for the site is 30 metres.
The objectives of the clause are:
(a) *to establish the height of buildings consistent with the character, amenity and landscape of the area in which the buildings will be located,*
(b) *to protect residential amenity and minimise overshadowing,*
(c) *to minimise the visual impact of buildings,*
(d) *to maintain the predominantly low-rise character of buildings in the Queanbeyan-Palerang Regional local government area,*
(e) *to ensure the height of buildings complement the streetscape or the historic character of the area in which the buildings are located,*
(f) *to protect the heritage character of the Queanbeyan-Palerang Regional local government area and the significance of heritage buildings and heritage items,*
(g) *to provide appropriate height transitions between buildings, particularly at zone boundaries.*

Does not comply – but supported on merit

The height of the proposal is more than the allowable height in the Height of Buildings Map of 30m. The proposal including the parapet is 30.9 metres in height. The exceedance above the maximum building height varies up to 900mm.
A revised Clause 4.6 variation has been submitted by the Applicant which is considered to address the requisite matters. Refer to the discussion under Clause 4.6 for further information.

4.4 Floor space ratio

The maximum FSR for the site is 3:1.
The objectives of the clause are:
(a) *to ensure the density, bulk and scale of development is appropriate for the site,*
(b) *to ensure the density, bulk and scale of development is consistent with the streetscape and character of the area in which the development will be located,*

Complies

The plans submitted with the DA indicate a GFA of 13,729sqm, which would result in an FSR of 2.31:1.
However, the GFA calculation does not take into consideration the additional surplus residential carparking, which would constitute GFA under the definition in the LEP.

(c) to facilitate development that contributes to the economic growth of the Queanbeyan central business district, the Googong town centre and the neighbourhood centres in Queanbeyan.

When considering parking as a whole (residential, commercial, visitor), the proposal provides approximately 49 excess parking spaces. When considered as individual parking requirements, there are 69 excess residential parking spaces and a shortfall of 20 visitor spaces.

49 car parking spaces would equate to approximately 600sqm. When adding this to the GFA figure, the FSR would be approximately 2.41:1. Therefore, even when adding the excess carparking spaces to the overall GFA, the proposal would comply.

4.6 Exceptions to development standards

Refer to LEP for detailed clause/requirements.

Complies

A Clause 4.6 Variation Request has been submitted for the height exceedance. Refer to the assessment report for a detailed consideration of the matters for consideration under Clause 4.6 with respect to the building height exceedance.

5.10 Heritage conservation

The objectives of this clause are:

- (a) to conserve the environmental heritage of the Queanbeyan-Palerang Regional local government area,
- (b) to conserve the heritage significance of heritage items and heritage conservation areas, including associated fabric, settings and views,
- (c) to conserve archaeological sites,
- (d) to conserve Aboriginal objects and Aboriginal places of heritage significance.

Refer to LEP for detailed clause.

Complies

There are three Heritage items in close proximity of the site.

I27- Byrne's Mill (Local)

I370- Hibernia Lodge (State)

I369- Mill and Millhouse (State)

These items book end the site.

I371 is to the northeast of the site across Collett Street- cottage of example Federation Period.

A Statement of Heritage Impact and Visual Impact Assessment have been submitted in support of the DA. Council is satisfied with the findings of the assessments, and that the proposal will not adversely impact the heritage significance of the nearby items.

Heritage NSW has also provided commentary stating '*Heritage NSW advises that the impact of the development upon Hibernia lodge can be mitigated by ensuring there is a sufficient landscape setback on the subject site. It is recommended that the width of the garden bed along the boundary adjoining Hibernia Lodge be maximised so that trees are planted no less than 1.5m from the boundary.*' The recommended landscaping is reflected in the plans submitted with the DA.

5.21 Flood planning

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

- (a) to minimise the flood risk to life and property associated with the use of land,
- (b) to allow development on land that is compatible with the flood function and

Complies

The subject site is located within the Queanbeyan River Catchment and the site is affected by flooding in the 1% AEP event and the PMF.

behaviour on the land, taking into account projected changes as a result of climate change,

(c) to avoid adverse or cumulative impacts on flood behaviour and the environment,

(d) to enable the safe occupation and efficient evacuation of people in the event of a flood.

(2) Development consent must not be granted to development on land the consent authority considers to be within the flood planning area unless the consent authority is satisfied the development—

(a) is compatible with the flood function and behaviour on the land, and

(b) will not adversely affect flood behaviour in a way that results in detrimental increases in the potential flood affectation of other development or properties, and

(c) will not adversely affect the safe occupation and efficient evacuation of people or exceed the capacity of existing evacuation routes for the surrounding area in the event of a flood, and

(d) incorporates appropriate measures to manage risk to life in the event of a flood, and

(e) will not adversely affect the environment or cause avoidable erosion, siltation, destruction of riparian vegetation or a reduction in the stability of river banks or watercourses.

(3) In deciding whether to grant development consent on land to which this clause applies, the consent authority must consider the following matters—

(a) the impact of the development on projected changes to flood behaviour as a result of climate change,

(b) the intended design and scale of buildings resulting from the development,

(c) whether the development incorporates measures to minimise the risk to life and ensure the safe evacuation of people in the event of a flood,

(d) the potential to modify, relocate or remove buildings resulting from development if the surrounding area is impacted by flooding or coastal erosion.

A revised Flood Impact Assessment was submitted to Council on request to ensure this clause of the LEP is adequately addressed.

The proposal complies with the minimum finished floor levels to respond to the flood characteristics of the site. The structural soundness of the building could be confirmed prior to the issue of a CC. There will be no adverse impact on flood behaviour off-site. The pre-conditions set out in Section 5.21 are satisfied. Council's development engineer has not raised any concerns regarding the proposal's response to flood risk.

| | | |
|--------------------------------|--|--|
| 7.1 Earthworks | <p>(2) Development consent is required for earthworks unless—</p> <p>(a) the work is exempt development under—</p> <p>(i) this Plan, or</p> <p>(ii) another applicable environmental planning instrument, or</p> <p>(b) the work is ancillary to other development for which development consent has been granted.</p> <p>(3) In deciding whether to grant development consent for earthworks, or for development involving ancillary earthworks, the consent authority must consider the following matters—</p> <p>(a) the likely disruption of, or the detrimental effect on, drainage patterns and soil stability in the locality of the development,</p> <p>(b) the effect of the development on the likely future use or redevelopment of the land,</p> <p>(c) the quality of the fill or the soil to be excavated, or both,</p> <p>(d) the effect of the development on the existing and likely amenity of adjoining properties,</p> <p>(e) the source of the fill material and the destination of the excavated material,</p> <p>(f) the likelihood of disturbing relics,</p> <p>(g) the proximity to, and potential for adverse impacts on, a waterway, drinking water catchment or environmentally sensitive area,</p> <p>(h) appropriate measures to avoid, minimise or mitigate the impacts of the development.</p> | <p>Complies</p> <p>The DA submission provides limited detail on the extent of earthworks. Based on the existing ground levels surveyed and proposed levels, cut across the site appears to vary up to 1.55m.</p> <p>Given the proposal will effectively be constructed on-grade (i.e., no basement levels), the impact from any site preparation works, and the extent of cut will be minimal.</p> <p>Soil stability and impacts from site preparation works can be adequately managed through a construction environmental management plan and erosion and sediment controls, which will be critical given the close proximity of the site to the Queanbeyan River. Preliminary details of erosion and “pollutant” control and management were submitted with the DA in the civil package and are considered to be adequate to address such impacts during construction.</p> |
| 7.8 Airspace Operations | <p>(2) Development consent must not be granted to development that the consent authority is satisfied will penetrate the Limitation or Operations Surface for Canberra Airport unless the consent authority has notified the operator of Canberra Airport of the development.</p> | <p>Not applicable</p> <p>The maximum building height pursuant to the OLS for the airport is RL 655m AHD. The maximum RL for the proposal is RL 604.16. Therefore, the proposal will not penetrate the OLS. No further consideration of this clause is required.</p> |
| 7.12 Essential services | <p>Development consent must not be granted to development unless the consent authority is satisfied all of the following services that are essential for the development are available or that adequate arrangements have been made to make them available when required—</p> | <p>Complies subject to conditions provided by Council Development Engineers.</p> <p>The proposal will provide for vehicular access from Morisset Street, sewer and water connections (subject to upgrade as identified in the civil plans). This will include a new manhole over the existing Council sewer main in the northwest of the site and connections</p> |

- (a) the supply of water,
- (b) the supply of electricity,
- (c) the disposal and management of sewage,
- (d) stormwater drainage or on-site conservation,
- (e) suitable vehicular access.

from the development. Connection to Council's water main will require the service trench across Morisset to be reinstated and reseeded per Council's requirements.

There will be a minor increase in impervious area (post-development), but not enough to warrant on-site detention. Existing stormwater outlets will be capped and abandoned on Collett Street. The existing stormwater main to the north-west of the site will be upgraded, along with a new stormwater sump and tie.

7.15 Active street frontages

An active street frontage is mapped and identified as required along the full extent of the Morisset Street frontage. Development consent must not be granted to the erection of a building, or a change of use of a building, on land to which this clause applies unless the consent authority is satisfied that the building will have an active street frontage after its erection or change of use.

(4) An active street frontage is not required for part of a building used for the following—

- (a) entrances and lobbies, including as part of mixed use development,
- (b) access for fire services,
- (c) vehicular access.

(5) In this clause, a building has an active street frontage if all premises on the ground floor of the building facing the street are used for the purposes of business premises or retail premises.

Does not comply

The amended plans demonstrate "commercial" premises along the Collett Street and Morisset Street frontages. This is a change from the original DA submission which specifically included 7 x retail premises and 1 x café.

Pursuant to the LEP, an active street frontage must have all premises on the ground floor facing the street used as "business premises or retail premises". While business premises and retail premises are a type of commercial premises, commercial premises also includes other land uses that would not constitute uses that are compliant with this clause (i.e. office premises).

The LEP also requires that activation be provided for the full frontage of the building except for:

- d) Entrances and lobbies
- e) Access for fire services
- f) Vehicle access

As raised in a previous RFI to the Applicant, there is a small portion of the western part of the Morisset Street frontage which is not defined as active. The area of concern is the bicycle parking which is not an entrance, lobby, vehicle access or access for fire services. A minor amendment could be made in this location to activate this small part of the frontage, but such a change was not made by the Applicant following the RFI. Further, a large part of this frontage is the disabled ramp down to the sunken lobby. Concerns have been raised by Council regarding this lobby and prior suggestions to raise the finished floor level have not been addressed. Council considers this part of the Morisset Street elevation could be better rationalised to provide a more active and inviting street frontage and entrance to the building.

The south-eastern corner of the building would benefit from more articulation, or landscaping in and around the brick façade to provide visual interest and activate the corner into this area of Queanbeyan.

Queanbeyan Development Control Plan 2012

| Clause | Control | Gyde Assessment |
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| 2.2 Car Parking | <p>In determining the car parking requirements for a development proposal, the following principles shall be followed:</p> <ol style="list-style-type: none"> 1) The minimum standards as set out in this plan. 2) The likely demand for on-site parking to be generated by the development. 3) The availability of public transport in the vicinity to service the likely demands to be generated by the development. 4) Traffic volumes on the surrounding street network, including, where relevant, likely future traffic volumes. 5) The probable mode of transport of the users of the development. 6) The likely peak usage times of the development. 7) The provision of alternative private transport arrangements (e.g. courtesy buses to licensed premises at no charge to users). | <p>Does not comply</p> <p>While the minimum standards in the DCP do not apply (rather, the Housing SEPP Chapter 4 standards have been adopted), the demand for on-site parking generated by the development has not been met. This includes an oversupply of residential parking spaces, an undersupply of visitor parking spaces, displacement of existing parking spaces for the Riverside Plaza and a shortfall of service vehicle parking provision. The existing bus stop on Morisset Street will also need to be relocated or adjusted to accommodate the new access to the site. There is no information in the DA package as to what change will need to occur and the impact to public transport in the vicinity of the site.</p> |
| 2.2.6 Controls for Car Parking | <ol style="list-style-type: none"> a) Car parking is to be provided for all development in accordance with Table 1. An assessment will be undertaken of development types that are not explicitly listed. b) In finalising the parking numbers required the total number is to be rounded up to the next whole number. c) In addition to providing the number of required car parking spaces as detailed in Table 1, all car parking shall be designed in accordance with the Australian Standard AS 2890 Parking Facilities. d) All car parking shall include the provision of car parking for delivery and service vehicles in accordance with Australian Standard AS 2890.2-2002 and car parking for persons with disabilities in accordance with the Australian Standard AS 2890. | <p>Complies (where relevant)</p> <p>The parking rate does not apply as the rate in Section 148(2)(a) of the Housing SEPP prevails.</p> <p>All parking spaces comply with the relevant Australian standards as confirmed by Council's Development Engineer.</p> |
| 2.2.7 Basement Parking | Refer to DCP. | <p>Not applicable</p> <p>No basement parking is proposed. The parking is at grade and 1st floor.</p> |
| 2.2.8 Design of Service Vehicle Areas | <p>Objectives</p> <ol style="list-style-type: none"> 1) To ensure service vehicle areas are appropriately designed for the vehicles using the area. <p>Controls</p> | <p>Des not comply</p> <p>The proposed service vehicle area is in conflict with visitor parking and the parking ramp to the building. The orientation of the visitor parking and the service vehicle</p> |

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| | <p>a) Service vehicle areas are to be designed in accordance with the principles and requirements of the Australian Standards - Parking Facilities (AS2890 Series).</p> <p>b) In relation to service vehicle dimensions, these are to be designed to cater for the largest vehicle servicing the site in accordance with AS/NZS 2890.2 - 2002 Off-street commercial vehicles facilities. Service vehicle areas for commercial and industrial type development are to be designed so that vehicles using them can enter and leave the site in a forward direction. Service vehicle areas are to be generally provided onsite. Only in exceptional cases will Council consider alternative arrangements.</p> | <p>parking cause safety issues and may result in property damage to the visitor parking as service vehicles will have to reverse into the and out of the internal parking bay to the northwest of the site.</p> <p>The 12.5m waste loading site is located adjacent to four residential visitor parking bays and will result in safety issues for pedestrians using these spaces.</p> <p>According to Council engineers, <i>'Development Engineering is of the opinion the dedicated service vehicle space is not sufficient for the development factoring in the applicant's intent to utilise the 13 unreserved car parking spaces, including the four (4) adjoining parallel spaces, by smaller delivery vehicles serving the retail tenancies'.</i></p> |
| 2.2.9 Access Ways Associated with Car Parking Areas | <p>This section deals with the geometric design aspects of access requirements to developments, internal roads and parking areas within developments.</p> <p>Parking areas include tenant/customer car parking, public car parks, service delivery vehicles manoeuvring and parking, bicycle parking and bus and coach parking.</p> <p>Council has adopted the Road and Maritime Services (RMS, formerly RTA Roads and Traffic Authority) Guide to Traffic Generating Developments Version 2.2 (2002) as its standard. The guide references relevant Australian standards for parking facilities. Parts of these standards relevant to this topic are:</p> <ul style="list-style-type: none"> • AS 2890.1 – 2004 Off-street car parking • AS 2890.2 – 2002 Off-street commercial vehicles facilities • AS 2890.3 - 2015 Bicycle parking facilities • AS 2890.5 – 1993 On-street parking • AS 2890.6 – 2009 Off-street parking for people with disabilities <p>Applicants are advised to obtain copies of the relevant Australian Standards to be used in conjunction with these guidelines.</p> | <p>Does not comply</p> <p>According to Council engineers, <i>'Vehicle swept paths for passing B99 and B85 vehicles movements within the car park are missing and are require[d] demonstrating the viability of the car park for the proposed development.'</i></p> |
| 2.2.9.1 Access Requirements | <p>a) All developments require access from the frontage road to car parking and service facilities. While in some instances access driveways may be sufficient some developments will require a higher standard of traffic control, such as a controlled intersection via a dedicated public roadway, auxiliary lanes and/or</p> | <p>Does not comply</p> <p>While there is access from Morisset Street proposed, the access is via a driveway-style configuration. Combined with parking for visitors and service vehicles, as well as ramp access to resident and commercial parking, there is a potential for conflict between vehicle movements. Further, Vehicle swept</p> |

right turn bays to maintain efficiency and safety. Refer to Section 6 of the RMS Guide to Traffic Generating Developments Version 2.2 (2002).

paths for passing B99 and B85 vehicle movements are missing, causing further concern on conflicts between vehicles entering and exiting the site during peak traffic hours and movements within the service loading area.

2.2.9.3 Sight Distance

- a) Ideally, the sight distance required is that which enables the driver of a vehicle waiting to leave a driveway to select a gap in the through traffic and to join the street without causing a major disruption. This is the desirable sight distance (Entering Sight Distance).
- b) Driveways are to comply with AS/NZS 2890.1 - 2004: Off-street car parking.

Complies

The driveway has been designed in accordance with the relevant Australian standards. There are no obstructions to visibility proposed to be located within the pedestrian sight triangle (extending 2.0m along the property boundary and 2.5m into the site) on the northeast side of the vehicle accessway at the property boundary.

2.2.10 Design of Access Driveways

- 1) position the entrance at the first vehicular driveway from the adjacent kerbside lane
- 2) avoid reversing movements into or out of public streets (except in the case of individual dwelling houses)
- 3) avoid arrangements which may result in on-street queuing
- 4) promote the use of physical pedestrian barriers to discourage motorists from parking on the opposite side of the development and crossing the road to get to the site
- 5) position each driveway so that it is clear of all obstructions, eg. poles, trees, which may prevent drivers from having a timely view of pedestrians
- 6) design each driveway so that it is relatively level within 6 metres of the site boundary or any pedestrian way; the recommended maximum grade is 5%
- 7) signpost each driveway with appropriate entry, exit and keep left signs.

Complies

1. Complies - the entrance of the driveway is adjacent from the kerbside lane.
2. Complies - there is a turning circle located within the site which can facilitate forward movement into public streets.
3. Council is satisfied with the assessment undertaken in the Traffic Impact Assessment by the Applicant, as follows:
"The 41 vehicle trips expected to enter the site during a typical weekday evening peak hour, represents the critical arrival rate for the proposed development. Further, assuming remote control access to the resident carpark through a roller door (conservative service rate of 250 vehicles per hour), the 98th percentile queue of vehicles entering the site is expected to be less than two (2) vehicles in length (i.e. up to 12m). The first access control (to the internal ground floor carpark) is proposed to be located approximately 20m from the property boundary, enough to accommodate three (3) queued vehicles. On this basis, the proposed development is considered to provide sufficient on-site queue capacity to satisfy the requirements of AS2890.1."
4. Complies
5. Complies
6. Complies
7. No driveway signage plan has been provided- although this could be conditioned.

2.2.10.6 Design of Internal Roads

Objectives

Does not meet intent of control

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| associated with Car Park Areas | <p>1) To ensure internal roads are designed to appropriately allow for traffic, both vehicle and pedestrian, to move around the development safely.</p> <p>Controls</p> <p>a) All internal roads (or access roadways) should be designed for low speed environments. Generally vehicular speeds should be less than 30km/h, but where heavy pedestrian use is expected, design speeds should be 10km/h.</p> <p>b) For internal roads (or circulation roadways as defined in AS/NZS 2890.1 - 2004) between the driveway and parking area, the recommended minimum carriageway width is 5.5 metres for two way traffic. However where the circumstances of a development justifies it a greater minimum width is likely to be required.</p> <p>With complex developments, particularly where shared use of the side roads by cars and service vehicles is anticipated, the design should be determined from a study of the site traffic generation and vehicle characteristics.</p> | While the minimum width is met (5.5m) the multi- user experience of this accessway would require wider widths to accommodate the movements of pedestrians, visitor parking, residents parking and service vehicles that utilise the space. |
| 2.2.12 Parking Area Design | <p>a) Cars and service vehicles, as well as other vehicles (eg. Buses and bicycles) should be accommodated by on-site or off-street parking provision in close proximity to the development. On-street parking or loading/truck zones do not meet these requirements.</p> <p>b) The design of these areas and tenant/customer parking areas is to conform to the relevant Australian Standards - Parking Facilities (AS/NZ 2890 series).</p> | <p>Does not comply</p> <p>The service vehicle provision does not comply and is likely to mean either smaller service vehicles and/or visitors are required to park offsite.</p> |
| 2.2.13 Construction of Car Parking Areas | <p>a) All car parking areas are to be:</p> <p>i) Suitably paved with concrete, hotmix, bitumen or paving blocks and shall be retained between suitable permanent concrete kerbing. The selected pavement should be constructed to engineering specifications for the particular materials to be used. Alternative surface treatments such as gravel may be acceptable in rural areas.</p> <p>ii) Line marked into bays and sign posted as such in a reasonable permanent manner.</p> <p>iii) Suitably drained - Where driveways or car parking areas fall towards the street alignment, stormwater runoff is to be trapped at the property boundary by</p> | <p>Does not comply</p> <p>a)</p> <p>i) Complies - the plans show asphalt to be used on site</p> <p>ii) Capable of being met. The plans show line marking to delineate between spaces.</p> <p>iii) Stormwater plans show water runoff is to be managed on site.</p> <p>iv) Does not comply. There is no landscaping proposed by the resident visitor parking alongside the driveway or within the spaces to the rear of the development. The only landscaping proposed is at the</p> |

means of a grated drain and pipe to Council's street gutter or stormwater system.

iv) Landscaping shall be provided in all car parking areas.

entrance facing Morisset Street and the internal pedestrian laneway to the northwest.

2.2.14 Service Vehicle Areas

- a) The following design principles, however, are generally applicable to all service vehicle areas:
- i) the layout of the service area should be designed to facilitate operations relevant to the development and to thus discourage on-street loading and unloading
 - ii) service area should be a physically defined location which is not used for other purposes, such as the storage of goods and equipment
 - iii) separation of service vehicle and car movements should be a design objective, although such an arrangement may not always be feasible
 - iv) all vehicles are to enter and leave a site in a forward direction
 - v) internal circulation roadways should be adequate for the largest vehicle anticipated to use the site.
- b) In the case of existing buildings being redeveloped, it may not be possible for all the design principles to be met. However, every effort must be made to ensure that public safety is not compromised in any way.

Does not comply

- a.
- i) Does not comply - as above, there is a shortfall of service vehicle loading spaces on the site.
 - ii) Complies
 - iii) Does not comply - there is a potential for conflict between the drive in service vehicle bay and the 4 reserved visitor spaces alongside the western driveway.
 - iv) Capable of complying.
 - v) Swept paths for passing B99 B85 vehicles movements within the car park are missing and are required for assessment demonstrating the viability of the car park for the proposed development.

2.2.14.2 Dimensions of Service Areas

- a) The service vehicle area shall have dimensions to accommodate safely a range of service vehicle types, as specified in the table below. Please note this list is not exhaustive
- b) The dimensions of a service bay will depend on the vehicle to be accommodated. Generally, the minimum width should be 3.5 metres. For courier vehicles, standard car parking space dimensions are usually satisfactory.
- c) The service vehicle area shall have dimensions to accommodate safely a range of service vehicle types, as specified in Table 2.1 of AS2890.2 – 2002.
- d) For maximum height trucks, a bay height of 5,000mm is recommended where access to the top of the load is required. Bay height should be clear of sprinkler systems, air ducts and other protuberances.

Does not comply

The servicing arrangement is not considered to be satisfactory. The width of the 12.5-metre-long service bay is less than 3.5 metres (measured at 3.35m).

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| | e) The heights of the loading platform in the service bay and of the service bay itself will vary with vehicle type and loading/unloading methods. The dimensions in Table 4.1 of AS2890.2 - 2002 are a minimum guide to be complied with. | |
| 2.2.14.3 Service Vehicle Manoeuvring Areas | a) Manoeuvring areas must comply with the Australian Standard AS2890.2 -2002 Offstreet Commercial Vehicle Facilities should be used for the design of manoeuvring of service vehicles appropriate to particular developments. This standard also provides design templates for typical commercial and industrial situations. | Lack of adequate information provided While the proposed site parking plan received demonstrates all parking space dimensions, travel direction, and swept paths for both B85 and B99 vehicles, swept paths for passing B99 B85 vehicles movements within the car park are missing and are required for assessment demonstrating the viability of the car park for the proposed development |
| 2.2.16 Pedestrians and Cyclists | N/A – this clause applies where driveways are located for entry into underground parking areas. | N/A |
| 2.2.17 Bicycle Parking | a) Each development is to provide appropriate bicycle parking facilities either on-site or close to the development. b) The Australian Standards AS 2890.3: 2015 Bicycle Parking Facilities must be complied with. This standard also provides information on the design of bicycle parking facilities. | Complies |
| 2.3.3 Energy Efficiency and Conservation | a) New dwellings, alterations and additions to dwellings, and change of uses to create a dwelling, are to demonstrate compliance with State Environmental Planning Policy Building Sustainability Index: (BASIX) 2004 | Assume compliance can be achieved, subject to an updated BASIX certificate SEPP BASIX has been repealed by SEPP Sustainable Building's. A BASIX Certificate has been issued for the residential component of the development. However, the BASIX Certificate does not reflect the amended plans submitted to Council in December 2024, but rather, reflects the plans submitted with the original DA. |
| 2.3.4 Water Conservation | a) New dwellings, or developments which contain a residential component within a mixed use building or serviced apartments intended or capable of being strata titled, are to demonstrate compliance with State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004. b) Each dwelling shall be provided with an individual water meter. | As above. |
| 2.3.5 Waste and Recycling | 1) All residential development is to provide for storage of waste bins on site in an area of sufficient size to accommodate waste | Does not Comply While there is an onsite residential and commercial waste enclosure on site which |

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| | <p>generated by the development in accordance with the following:</p> <p>General Waste 140l for individual service or 240l if shared service litres/week/unit</p> <p>Recycling 240l litres/ fortnight/ unit if individually used. Weekly collection if on a shared service</p> <p>Green Waste 240 litres/fortnight or a communal waste bin of sufficient capacity to accept waste from any landscaped areas.</p> <p>The storage area must accommodate the number of individual mobile bins required or accommodate sufficient larger bulk bins with the following minimum dimensions:</p> <p>Mobile bin (240 litres) 0.75m x No of bins 2.75m (Single Row) 3.5m (double row)</p> <p>Bulk bins (e.g. 1200 litres) 1.45m x No of bins 1.45 x No of bins + 1m corridor space</p> | <p>provides a sufficient size for the development, the development requires twice weekly collection which is in excess of the control provision.</p> <p>Council Engineers have provided conditions and a plan of management to deal with the waste on site.</p> |
| 2.3.6 Noise and Vibration | <p>a) Development should be designed to minimise the potential for offensive noise.</p> <p>b) Noise buffering should not be provided by high fences, garages or blank walls to public streets. Where screening by these or similar methods is the only practical solution, the screen should be no greater than 50% of the street frontage. Such screening should have visual interest and retain some surveillance from the building behind the screen's entries, windows or balconies when practical.</p> <p>c) Where proposed noise sensitive development may be affected by existing noise generators the development should be designed to incorporate adequate shielding from those noise sources.</p> <p>e) Commercial and retail developments, or mixed use developments, should have suitably located and designed goods delivery and garbage collection areas, vehicle entry and exits and other noise sources so that amenity of residents both within the development and in nearby buildings is reasonably protected.</p> | <p>Complies, with residual noise matters capable of being resolved via conditions</p> <p>A plan of management would need to be prepared for the communal open space above the podium to control noise and limit potential acoustic amenity impacts to dwellings which front the space.</p> |
| 2.4 Contaminated Land Management | <p>a) All development involving contaminated land must be undertaken consistent with the requirements of State Environmental Planning Policy (Resilience and Hazards) 2021 and the QPRLEP 2022 Clause 7.1 - Earthworks.</p> <p>b) In determining all rezoning, subdivision and development applications, Council must consider the possibility of land contamination and the implications it has</p> | <p>Does not comply</p> <p>A detailed site investigation is warranted to properly characterise the fill and any potential contamination on the site.</p> |

for any proposed or permissible future uses of the land.

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| 2.5 Flood Management | <p>a) All development shall be subject to the following conditions:</p> <p>i) Stream Flow Forces - A certificate from a suitably qualified Engineer will be required to show that all piers and other portions of the structure which are subject to the force of flowing water or debris has been designed to resist the stresses thereby induced.</p> <p>ii) Foundations - A certificate from a suitably qualified Engineer will be required to show that forces transmitted by supports to the ground can be adequately withstood by the foundations and ground conditions existing on the site.</p> <p>iii) Hydraulic Effects - A certificate from a suitably qualified Engineer will be required to show that the structure as designed will have virtually no effect on the flood levels at or upstream from the site of the subject building and will have no increase in stream velocity downstream of any part of the structure which will cause erosion or instability to any other structure or to the ground surface. If scouring is likely to occur the method of controlling such scourings is to be documented.</p> <p>c) Residential including Motels</p> <p>i) Floor Levels – All residential units shall be constructed so that their floor levels are at or above flood planning level.</p> <p>ii) Access – All residential units shall be provided with an access at a level no lower than the 800mm below the flood planning level to firm ground at the same level at a place where rising ground access is available to flood free areas. In the event that a raised path is provided, a guide rail or handrail shall be provided thereto.</p> | <p>Complies, subject to conditions</p> <p>Floor levels are required to be equal to or greater than the 1% AEP flood level plus 1.2m freeboard.</p> <p>The proposed residential FFL is RL +578.6m AHD. The peak 1% AEP is RL +575.5m AHD, being several metres above the 1% AEP peak flood surface level in the Queanbeyan River.</p> <p>Matters related to certification of foundations and structural design could be addressed prior to the issue of a Construction Certificate.</p> |
| 2.7 Erosion and Sediment Control | <p>Two kinds of plans are to be submitted with all development applications which require disturbance to soil:</p> <ul style="list-style-type: none">• An Erosion and Sediment Control Plan; or• A Soil and Water Management Plan. | <p>Complies</p> <p>Soil, water and erosion control management are set out in the Civil Plans for the DA.</p> |
| 2.9 Safe Design | <p>a) Buildings are to be designed to overlook streets and other public areas to provide casual surveillance. Buildings adjacent to a public area must have at</p> | <p>Complies</p> <p>The towers promote passive surveillance of the adjacent streets and surrounding area. There are no pedestrian and cycle throughfares.</p> |

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| | <p>least one habitable room window with an outlook to that area.</p> <p>b) Pedestrians and cycle thoroughfares are reinforced as safe routes through:</p> <ul style="list-style-type: none"> i) appropriate lighting ii) casual surveillance from the street iii) minimised opportunities for concealment iv) landscaping which allows clear sight-lines between buildings and the street v) avoidance of blind corners <p>c) Site planning, buildings, fences, landscaping and other features clearly define public, common, semi-private and private space.</p> | <p>Site planning generally promotes a good response to crime prevention through environmental design principles, subject to installation of CCTV within the carpark, driveway and external parking areas.</p> |
| 2.11 Airspace Operations and Airport Noise | <p>a) Development shall comply with clause 7.8 of the QPRLEP 2022– Airspace Operations.</p> <p>b) Any structure, whether temporary or permanent, proposed to breach the obstacle limitation surface must be referred to the Canberra Airport and relevant authorities for assessment</p> | <p>Capable of complying</p> <p>The proposed building will not penetrate the OLS for Canberra Airport. However, a crane during construction may do so, which may require approval from the aviation authority. This matter could be addressed as a condition of consent, as a prior to CC matter.</p> |
| 2.12 Tree and Vegetation Management | <p>a) No permit is required for the removal of any vegetation set out under the listed exemptions at 2.12.5 of this section.</p> <p>b) A permit is required for the removal, ringbarking, lopping, topping, poisoning, pruning or relocation of all existing trees, both native or exotic, having:</p> <ul style="list-style-type: none"> i. a height of 6 metres or greater, or ii. a canopy spread of 3 metres or greater. <p>c) A permit is also required for all works affecting a “significant” tree. All trees identified as “Significant” by Council, and nominated or registered as such on Council’s significant tree register, regardless of height, canopy or location, must be retained, preserved, protected and maintained. Special requirements apply for the removal or pruning of “significant” trees. For further information on these requirements, please contact Council’s Urban Landscapes Section.</p> <p>d) Any proposed removal of a tree on the basis of posing an unacceptable risk to public or private safety, may need to be supported by relevant evidence from a suitably qualified person (for example report from an expert arborist).</p> <p>e) Any proposed removal of trees that have caused or are likely to cause significant structural damage may need to</p> | <p>Complies</p> <p>None of the trees to be removed carry biodiversity significance or fauna habitat. Suitable replacement planting is reflected in the architectural and landscape plans.</p> |

be supported by relevant evidence from a suitably qualified person (for example a report from a Structural Engineer).

f) For every tree removed from a site for construction of a building it should be replaced with either a tree of similar species, or an indigenous plant species which is better suited to the changed circumstances of the site. It must be planted within the property boundary and nurtured to maturity.

g) Trees or other vegetation proposed to be removed or pruned to facilitate solar access for the tree owner or their neighbours, are to be kept to the minimum necessary to ensure solar efficiency.

h) The removal of trees to enable views or outlook are not generally permitted. The permit application must be signed by the owner(s) of the property on which the trees are growing and accompanied by the relevant fee (refer to Council's Fees and Charges).

3D.2 Shop Top Housing

- a) Setbacks for shop top housing within the CBD shall comply with the setback requirements set out in Part 7 of this DCP.
- b) Provide flexible building layouts which allow variable tenancies or uses on the first two floors of a building above the ground floor.
- c) Minimum floor to ceiling heights are 3.3 metres for commercial office and 3.6 metres for active public uses, such as retail and restaurants.
- d) Separate commercial service requirements, such as loading docks, from residential access, servicing needs and primary outlook.
- e) Locate clearly demarcated residential entries directly from the public street.
- f) Clearly separate and distinguish commercial and residential entries and vertical circulation.
- g) Ensure a separate entry is provided for vehicle and residential uses.
- h) Provide security access controls to all entrances into private areas, including car parks and internal courtyards.
- i) All development must be provided with designated secure storage space for each unit.
- j) Provide safe pedestrian routes through the site, where required.
- k) Front buildings onto major streets with active uses.

Does not comply

- a) Refer to Part 6 of the DCP.
- b) Due to the provision of parking above ground, there is limited flexibility on layout of the commercial tenancies at ground level. Given the flood constraints of the site, this is considered to be acceptable.
- c) The commercial tenancies have generous floor to ceiling heights of at least 4.4 metres.
- d) One (1) dedicated truck space (for waste collection and removalists) and the shared use of the public car parking spaces (for deliveries associated with the commercial component) is proposed, falling short of the required quantity of separate loading requirements of the commercial versus residential parts of the development.
- e) Residential entries will be clearly demarcated on the north and south of the building (northern and southern lobbies).
- f) Commercial and residential entries are clearly separable.
- g) A separate entry is provided for vehicle and residential uses.
- h) While not clearly outlined in the DA package, it is envisaged access control will be provided to lobbies and residential and commercial carparking. The traffic report confirms a boom gate,

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| | <p>l) Avoid the use of blank building walls at the ground level.</p> | <p>swipecard reader and intercom are not able to be accommodated within the access to the carpark. Rather, access control would need to be via remote control and a roller door.</p> <p>i) Storage is provided between the unit and the carpark.</p> <p>j) Safety of pedestrian movements through the site has not been resolved (as identified in a request for information from Council).</p> <p>k) Buildings front the 2 street frontages with active uses. However, improvements could be made to the Morisset Street frontage to enhance activation and amenity of the residential lobby.</p> <p>l) Blank walls have been avoided at the ground level where feasible.</p> |
| 3D.3 Design | <p>a) New buildings facades shall include articulation such as awnings, balconies and other architectural elements to reduce the perceived depth and bulk of the development.</p> <p>b) Awnings are to be provided along streets where active street frontages are promoted.</p> <p>c) Awnings must have sufficient depth but also be setback sufficiently to allow for street trees, furniture etc.</p> | <p>Complies</p> <p>The eastern and southern building facades include awnings to provide visual interest and weather protection. There are several awnings along Morisset Street which is required to provide and promote active frontages. The building facades more generally are well articulated to reduce the bulk and depth of the development.</p> |
| 3D.4 Parking | <p>a) Parking is provided at the rate of 2 spaces per dwelling, such parking to be in addition to the commercial requirements of the building</p> | <p>Not applicable- but does not fully comply with alternative policies.</p> <p>Onsite parking generation is provided in accordance with the Housing SEPP/ADG.</p> <p>While the proposal does provide in excess of the overall parking spaces for the development, the allocation of these spaces are not in accordance with the Housing SEPP/ADG.</p> <p>The visitor parking allocation should be 32 spaces, although only 12 are proposed and 5 service vehicle spaces should be provided where only 1 is proposed. This is a significant reduction in visitor and service vehicle parking.</p> <p>There is also a lack of parking spaces provided for the wider community who utilise the current on grade carpark or any thorough analysis of the loss of parking spaces.</p> |
| 3D.5 Services | <p>a) Mechanical drying facilities are provided.</p> <p>b) Common garbage facilities are provided, at ground level, screened from any street (lane or alternate).</p> | <p>Complies, subject to conditions</p> <p>Letter boxes can be provided per Australia post requirements subject to appropriate conditions of consent.</p> |

c) Letter boxes are provided in accordance with Australia Post requirements.

3D.6 Private Open Space

a) Private open space is provided for each dwelling at a minimum rate of 12m² per dwelling, with a minimum depth of 2.4m.
Note: Private open space would generally be provided by way of a balcony or deck at the first floor level.

Not applicable – the ADG prevails over the DCP

3D.7 Residential Balconies Associated with Shop Top Housing

a) Where other private open space is not provided, at least one primary balcony should be provided.
b) Primary balconies shall be:
i) Located adjacent to the main living areas; and
ii) Sufficiently large and well proportioned.
c) Secondary balconies, including Juliet balconies and the like should be considered for additional amenity and choice.
d) Design solutions should be considered to ameliorate the effect of noise and wind. This could be achieved by:
i) Locating balconies facing predominantly north, east or west to provide solar access;
ii) Utilising sun screens, pergolas, shutters and operable walls to control sunlight and wind;
iii) Providing balconies with operable screens, Juliet balconies or operable walls/sliding doors with a balustrade in special locations where noise or high winds prohibit other solutions on busy roads or in tower buildings;
iv) Choose cantilevered balconies, partially cantilevered balconies and/or recessed balconies in response to daylight, wind, acoustic privacy and visual privacy; and
v) Ensuring balconies are not so deep that they prevent sunlight entering the dwelling below.
e) Design balustrades to allow views and casual surveillance of the street while providing for safety and visual privacy. Design considerations may include:
i) Detailing balustrades using a proportion of solid to transparent materials to address site lines from the street, public domain or adjacent development. Full glass balustrades do not provide privacy for the balcony or the apartment's interior, especially at night.

Does not fully comply – potential privacy, noise and wind issues could be resolved through additional information and/or conditions

a) All units have POS in the form of a terrace or balcony.
b) Balconies are located adjacent to living areas and are appropriately proportioned.
c) N/A
d) No information has been provided in terms of wind and noise impacts. Noise could be a concern for units in closer proximity to the internal communal open space on the podium. A plan of management (at a minimum) would be required to address adverse noise amenity impacts. Wind effects were raised in a request for information to the Applicant, with no response provided. Particularly for the communal open space (noting prevailing wind direction that will run through the space east to west) and the upper-level apartments.
e) Balustrades enable views and casual surveillance. They comprise a mix of glazed balustrades at the upper level and open panelled balustrades at the lower levels. At the lower levels, additional screening is likely to be required to ensure adequate privacy is afforded to street-facing units. Treatments to north-facing balconies would also be required to mitigate the potential for overlooking to the dwelling to the north.

- ii) Detailing balustrades and providing screening from the public, for example, for a person seated looking at a view, clothes drying areas, bicycle storage or air conditioning units.
- iii) Co-ordinate and integrate building services, such as drainage pipes, with overall façade and balcony design, for example, drainage pipes under balconies are often visible from below in taller buildings and negatively impact on the overall façade appearance.
- iv) Choose cantilevered balconies, partially cantilevered balconies and/or recessed balconies in response to daylight, wind, acoustic privacy and visual privacy; and
- v) Ensuring balconies are not so deep that they prevent sunlight entering the dwelling below.

| | | |
|---|---|---|
| 3D.8 Size of dwelling | <p>a) Each dwelling has a minimum area of 50m².</p> <p>b) Access at ground level is separate from the access to any commercial building and does not exceed 1.8m width across the frontage of the building.</p> <p>c) All construction complies with the BCA</p> | Not applicable – the ADG prevails over the DCP |
| 3D.9 Utilities | <p>a) Separately metered power and water is to be provided to each dwelling.</p> | Capable of complying, subject to conditions |
| 4.6.2 New buildings in the Vicinity of a Heritage Item and/or the Vicinity of a Conservation Area | <p>a) Development in the vicinity of a heritage item and/or in the vicinity of a conservation area should be preceded by a detailed analysis demonstrating how character, scale, height, form, siting, materials, colour and detailing of the new building have been sympathetically addressed.</p> <p>b) For multi-unit development a heritage impact statement must be undertaken before designing any buildings in the vicinity of heritage items and/or vicinity of a conservation area to ensure their significant attributes are protected. The design and façade treatment should be informed by the heritage impact statement.</p> <p>c) New buildings may "borrow" architectural elements or design attributes from their historic neighbours, such as roof pitch and form, corrugated iron roofing and weatherboard walls may be of the time and architectural style in which it is designed and built.</p> | Complies |

d) In some instances it may be acceptable to interpret traditional design concepts in a modern way so that new development is of the time and architectural style in which it is designed and built.

e) New buildings in commercial areas should extend primary design lines from the existing to the new development and/or incorporate a modern parapet where appropriate to maintain consistency in the streetscape.

4.6.3 Scale, Proportion and Bulk of New Buildings

a) A new building in the vicinity of a heritage item and/or Conservation Area must not dominate the heritage item by virtue of its height, scale, bulk or proximity and in general will be of a similar height or less than the neighbouring heritage item.

b) The height of new buildings that are within proximity of the boundary to the listed item should be scaled down to be approximately the same as the heritage item.

c) New external brick walls shall show an appropriate change or banding at ground floor and first floor level, or alternatively at approximately window sill height, to assist in reducing the apparent scale of a proposal. Similar changes may be necessary for other surface materials.

d) Multi-unit development that is adjacent to a heritage item (i.e. where the boundaries are in common, as opposed to over the road) should be stepped back at first storey so that upper storeys do not dominate the heritage place. (Figure 19).

e) Vegetation screens are not to be used as an excuse to permit poor or unsympathetic development within close proximity of a heritage boundary.

Does not comply, but acceptable on merit

The northern interface with the heritage item has been developed following pre-lodgement heritage advice from Council. The DA is supported by both a Statement of Heritage Impact and Visual Impact Assessment. While there is no “step” in the build form after the first storey, the setbacks have been informed having regard to the site-specific controls in the Queanbeyan CBD m=Masterplan and in response to heritage advice from both Council and the Applicant’s heritage consultant.

4.6.4 Setbacks of New Buildings

a) New buildings shall not obstruct important views or vistas to buildings and places of historic and aesthetic significance.

b) In residential areas the front setback of the new building should be greater than the adjacent heritage building so that the heritage building remains prominent within the streetscape.

c) Side, front and rear setbacks of new buildings shall be increased where new development is higher than the heritage place or likely to have an adverse impact on its character, amenity or setting by virtue of its height, scale or bulk (Figures 20 and 21).

Complies

Setbacks have been designed in accordance with the controls set out in Part 6 of the DCP.

6.2 Building Form within the Queanbeyan CBD

- a) Buildings are appropriately designed to respond to their site and surroundings.
- b) New development in nearby locations is to contribute to the creation of a civic precinct centred around the Council administrative centre in Crawford Street and the Queanbeyan Performing Arts Centre.
- c) 'Gateway' development is provided at nominated locations at the entry points to Queanbeyan from the north, east, and west.
- d) Landmark development is encouraged at key or prominent locations, including southeast corner of Lowe and Monaro Streets; north-west corner of Morisset and Collett Streets; Collett Street frontage to Rutledge Street Car Park.
- e) Vehicular routes, movements, and speeds (especially heavy vehicles) are managed to support high pedestrian amenity, particularly on Crawford, Monaro, and Morisset Streets.
- f) New development contributes to upgrades and updating of existing civic spaces.
- g) Crawford Street (between Morisset and Monaro) and Collett Street, in addition to Monaro Street become a key focus of town activity.

Partial compliance

The site is located within a "gateway" location to the Queanbeyan CBD. It is therefore envisaged the development will be a "landmark" one. The proposed development provides a positive response to the north-western "gateway" location at the corner of Morisset and Collett Streets. As noted earlier, a better design resolution at the corner of the new building could further enhance activation.

The development will not contribute to upgrades or updating of existing civic spaces. The development will impact the public realm by displacing existing parking on the site, causing visitors (for the site and the plaza) to park within the public domain.

6.2.2 Building Height Limits and Setbacks Design for Buildings

- a) Building heights shall comply with the relevant Height of Buildings Map of QPRLEP 2022 as well as the following:
 - a. Ground and first floor levels (floor to ceilings) have a minimum height of 3.3m for potential future changes in use.
 - b. All other levels have minimum floor to ceiling heights of 2.7m.
 - c. Buildings in the CBD (Monaro Street and Crawford Street) maintain a visual perception of 2 storey development along the street frontages with defined podiums no higher than 2 storeys (allowing for additional roofline articulation).
 - d. Height and setback limits for specific areas are summarised in Table 1 and in Figures 1 to 4 below. A development site fronting two or more specified areas will be limited in height and the maximum podium level to the lesser numerical standard applying between the areas.
 - e. Higher structures should be set well back to avoid overshadowing and impression of bulk.

Does not comply

The proposal does not comply with the maximum height stipulated for the site in the LEP.

In terms of setbacks:

- To the south (Morisset) – the proposal complies with a 0m setback to the street, 2 storey height and then a 6m setback above the podium.
- To the north (heritage item) – the proposal complies, with a 7.5m setback for the first 2 storeys and then a 10m setback above.
- To the east (Collett Street) – a 5.4m-6.05m setback is provided to the commercial tenancies/podium and Level 1. A 10m setback is provided to the levels above. While there is a minor non-compliance at the podium levels, on balance it is considered appropriate.
- To the west – the setback varies between 7.9m to 9m. The variations to the DCP are minor, however, at the upper-most levels, the ADG requires an increased setback where habitable

rooms are provided. The proposal is inconsistent in this regard.

6.2.3
Architectural
Character

- a) Horizontal elements are incorporated into the design of each level to give a sense of legible scale to the building.
- b) Openings such as windows are recessed rather than being on the same plane as the main façade. This provides depth and shadowing that adds to visual interest.
- c) Maximise glazing for retail uses, but break glazing into sections to avoid large expanses of glass.
- d) Materials, texture, vertical and horizontal elements, and colour are also used to complement the articulated façade.
- e) Roofs are an integral part of the building design and do not appear as an 'ad hoc' addition to the overall façade. Visual interest and variation through architectural articulation is provided to parapets or rooftops and may include sloping roofs.
- f) Sloping roofs where visible should be profiled metal, painted non-reflective. Double storey verandahs should match the existing verandahs in Monaro Street.
- g) Plant equipment or other rooftop necessities are disguised within the rooftop structure and or are not visible from the street.
- h) Rooftop treatments are encouraged where they are visible from nearby buildings. Such treatments may include gravel artwork and designs or green roofs.
- i) Adaptive reuse of existing buildings is encouraged.
- j) Building mass and bulk is appropriate to its context.
- k) Blank or opaque walls of greater than 10m or 30% of the site frontage, whichever is the lesser, are not acceptable in retail streets.
- l) Unsightly streetscape elements such as garage doors and other service infrastructure should generally not be visible from the street/footpath.
- m) External walls should be constructed of high quality and durable materials and finishes with 'self cleaning' attributes, such as face brickwork, rendered brickwork, stone, concrete and glass.
- n) Finishes with high maintenance costs, those susceptible to degradation or

Complies

The design of the proposal incorporates all of the elements identified in this clause to provide reference of the podium to the adjacent heritage items to the north and south as well as articulation to the towers to minimise their bulk and scale.

finishes that result in unacceptable amenity impacts, such as reflective glass, are to be avoided.

o) Expanses of any single material is to be avoided to assist articulation and visual interest.

p) Highly reflective finishes and curtain wall glazing are not permitted above ground floor level.

q) New or infill development is modern and contemporary, but respects and reflects the established streetscape and built form, matching the prevailing scale, colours, materials, and proportions of these buildings.

r) New buildings in the Central Business District should provide for a continuous building façade which blends into the streetscape.

s) Visual interest is provided through articulation of the façade. Such architectural treatment may be provided through stepping built form, emphasised entries, separation of the façade into separate sections by means of vertical elements, or other similar architectural treatments.

t) Facades should be designed with an appropriate scale, rhythm and proportion which responds to the building's use and the designed contextual character.

6.2.4 Floor Space

- a) Floor space ratios of development need to comply with clause 4.4 and the relevant Floor Space Ratio Map of QPRLEP 2022.
- b) A maximum Floor Space Ratio of 3:1 is permitted for the mixed use buildings in Zone B3 Commercial core which applies to the Central Business District.

Complies

Refer to the LEP assessment. The proposal sits well under the maximum FSR permitted for the site.

6.2.5 Robust Building Design

- a) Buildings are suited to their purpose, but are designed so as to accommodate a variety of different uses over time, particularly at ground and first levels.
- b) Adaptive re-use of buildings is encouraged.
- c) A proportion of residential dwellings have layout and access that adapts to changing needs of residents over time.

Does not comply

There is a lack of flexibility in the use of ground and first floor levels due to a significant proportion being accommodated by parking. This however is acceptable given the flood constraints of the site and challenges of incorporating basement parking.

The dwellings include a range of layouts and typologies but are limited to 1- and 2-bedroom units. Concern is raised regarding the lack of diversity and flexibility to meet the needs of residents over time, as well as larger apartments for families or to promote intergenerational living outcomes.

6.2.7 Awnings
and Verandahs

- a) Continuous street frontage awnings are to be provided for all new developments.
- b) Awnings (or overhangs or verandahs) are provided to shape the pedestrian space on the street and to provide for all weather cover.
- c) Awnings are consistent in height to adjoining existing awnings, and of a complementary design, colour, or material.
- d) As an indicative standard, where no awning line has yet been established, awnings should be a minimum of 3.3m above ground level (consistent with minimum ground floor height) and minimum setback of 600mm from the curblineline. They should match the existing proportions of the existing verandahs in Monaro Street.
- e) Two storey verandahs are appropriate where suitable to the proposed building use and location.
- f) Posts used to support the lightweight elements are not dominant, and may consist of profiled metal or timber. Other materials may be acceptable where they appear as lightweight features within the overall streetscape. The second storey balcony/verandah may not be permanently or fully enclosed, except by temporary and transparent materials if required for weather protection.
- g) Provide under awning lighting in a consistent manner and/or overall scheme to facilitate night use and to improve public safety recessed into the soffit of the awning or wall mounted into the building.

Complies, subject to conditions

Awnings have been incorporated into both street frontages. Details of the awnings have not been submitted but compliance with requirements around supporting elements and lighting could be achieved through conditions.

6.2.8 Active
Street Frontages

- a) The ground floor design of new development within parts of Morisset, Crawford and Monaro Streets is to comply with clause 7.15 Active Street Frontages and the relevant Active Street Frontage Map of the QPRLEP 2022.
- b) Active street frontages can be achieved by a combination of the following at street level:
 - i) Entries to retail/commercial uses;
 - ii) Well designed shop fronts;
 - iii) Glazed entries to residential lobbies on the ground floor associated with shop top housing occupying less than 50% of the street frontage;
 - iv) Café or restaurant if accompanied by an entry from the street;

Does not (fully) comply

Refer to LEP discussion on Clause 7.15.

- v) Active office uses such as reception if visible from the street; and
- vi) Public buildings if accompanied by an entry.
- c) Pedestrian comfort is provided through safe, well-lit, and sheltered street frontages.
- d) Roller doors, security grills and other similar devices which obscure shop fronts on either a temporary or permanent basis will not be supported.
- e) Active ground floor uses are to be at the same general level as the footpath and be accessible directly from the street.
- f) Where car parking is proposed at ground level for new development, it is located behind active uses such as shops, or is disguised by means of screens, landscaping, artwork, or architectural articulation.
- g) Vehicular entrances are minimised and pedestrian safety and awareness of it are promoted through appropriate designs.

6.2.9 Colour and Materials

- a) Use colours and materials already found in the streetscape.
- b) Favoured materials and colours: render lighter neutral colours, darker reveals, strong accents.
- c) Strong primary colours should be limited to accent and highlight.
- d) Avoid sombre brown/beige colours.
- e) Materials not favoured include: metal siding, heavy timber frame, exposed concrete, manganese and klinker brick.

Complies

The proposal includes a mix of materials, colours and finishes to provide visual interest, durability and reference to the heritage items in the vicinity of the site. Particularly, the podium comprises a mix of glazing (for activation) and a red brick construction. The residential towers above include a mix of precast painted concrete in light colours such as mole grey and vanilla, contrasted by bronze cladding and louvres, charcoal window frames and balustrades.

6.2.13 Advertisements and Signage

- a) Compliance with the relevant requirements of State Environmental Planning Policy No. 64 – Advertising and Signage for all advertisements and signage other than building identification signs and business identification signs. Note: State Environmental Planning Policy No. 64 – Advertising and Signage sets out a number of requirements for advertisements and signage which must be adhered to. Please refer to the relevant section/s of this planning instrument when preparing a development application.
- b) Signage shall be designed in a manner which is compatible with architectural style of the building to which it is affixed or associated.

Complies

While signage details are limited, the SEE submitted with the DA confirms there will be no illumination of signage. Signage will be restricted to directional signage, tenancy signage for the commercial premises and for the northern and southern residential lobbies.

Signage is of an appropriate scale and in locations so as to not cause any visual clutter. Matters related to detailed design of signage could conditional, be subject to a future DA.

- c) Signage shall be designed in a manner which is sympathetic to character of the streetscape.
- d) Signage affixed or associated to a building listed as a heritage item in a relevant Local Environmental Plan shall compliment the character of the building and not result in any alteration to significant elements of the building including colours and materials.
- e) Signage shall not obscure or detract from a building's architectural features.
- f) Signage shall accurately reflect the lawful use of the site.
- g) Signage shall be designed in a manner which is distinct from traffic control signs and signals.
- h) Signage shall be located in areas which do not create a hazard to motorists and pedestrians.
- i) Where possible, existing signage shall be rationalised to avoid visual clutter caused by a proliferation of signs.
- j) Pole or pylon signs (erected on a pole or pylon independent of any building or other structure):
 - Shall be limited to one per premises.
 - Shall not project over a road alignment.
 - Shall have a maximum overall height of 6m and a minimum overall height of 2.6m.
 - Shall have a maximum area of 6m².
 - Shall not be supported in the following areas:
 - Along Crawford Street between Morisset Street and Rutledge Street.
 - Monaro Street between Lowe Street and Collett Street.
 - Rutledge Street between Lowe Street and Collett Street.
 - Collett Street between Monaro Street and Rutledge Street.

6.2.14 Heritage Sites

Objective 7:

- 7) Infill development adjacent to a heritage building to be sympathetic to the significance of the item in both scale and design.
- a) Compliance with the requirements of clause 5.10 – Heritage conservation of the Queanbeyan-Palerang Regional Local Environmental Plan 2022.
- b) Buildings that are listed as items of environmental heritage are to be protected.

Complies

Heritage NSW have provided their commentary and support the proposal.

- c) New architecture should be of good quality contemporary design, but should reflect old elements where possible such as scale, parapet and roof shapes or detail.
- e) Important landscapes should also be protected.
- f) Preserve the “Tree of Knowledge” and incorporate into streetscape enhancement in that area.
- h) New development should respect the scale and architectural themes of nearby or adjacent heritage buildings, while still being modern and contemporary.

6.2.18 Hazards

- a) Flooding – Where the land is identified as flood prone on the relevant map of QPRLEP 2022 design compliance is required in accordance clause 5.21 of QPRLEP 2022 as well as in accordance with clause 2.5 of this development control plan. A Flood Risk Report (which identifies proposed measures to evacuate and protect goods, property, equipment and electrical outlets) may need to accompany an application showing compliance with Council's standards.
- b) Geotechnical – A preliminary geotechnical assessment undertaken by a qualified consultant may be required for certain developments to determine foundation suitability

Complies

A Flood Report accompanied the DA. This matter has been addressed elsewhere in this table, the LEP compliance table and the assessment report.

A geotechnical report is not required given the land is not known to be subject to any adverse conditions or slip. There will be limited cut on the site and no fill.

6.2.19 Solar Access and Overshadowing

- a) Development is to minimise any overshadowing of public or civic spaces such as outdoor eating areas.
- b) Development is to maximise solar exposure of windows in new buildings.
- c) 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.

Does not comply, but acceptable on merit

The proposed buildings, specifically the southern residential tower will cast a shadow on the Morisset Street footpath at all times in mid-winter between 9am and 3pm. However, the general built form of the proposal is contemplated in the Queanbeyan CBD masterplan. A significant change in the built form outcome would be required to avoid overshadowing to Morisset Street, which sits to the immediate south of the site. For this reason, this inconsistency with the DCP is acceptable.

6.2.20 Acoustic and Visual Amenity

- a) Provide adequate building separation to maximise acoustic and visual privacy between buildings on site and adjacent buildings.
- b) Design building and internal layout to reduce noise within and between dwellings;

Complies, subject to conditions

While there is adequate separation between the residential towers on the site and generally, setbacks of the towers to the site's four boundaries, there is the potential for adverse acoustic and visual privacy impacts. The units that are in closer proximity to the internal communal open space could be impacted by loud noises and/or activities by users of the COS. This could be addressed

- c) Locate windows and walls away from noise sources or use buffers where separation cannot be achieved;
- d) Locate windows to avoid direct or close views into the windows, balconies or private open space of adjoining dwellings.
- e) Provide suitable screening structures or plantings to minimise overlooking from proposed dwellings to the windows, balconies or private open space of adjacent dwellings or those within the same development.
- f) Provide visual separation between non-residential use and dwellings.
- g) Arrange dwellings within a development to minimise noise transmission between units.
- h) Development fronting Monaro or Crawford Street must incorporate noise mitigation measures in accordance with Environment Protection Authority – Environmental Criteria for Road Traffic Noise 1999.
- i) Building design mitigates acoustic issues where possible through strategic location of non-habitable spaces, unless habitable rooms are desirable in that location due to overriding considerations such as casual surveillance, amenity, views and outlook.
- j) Where building design cannot mitigate acoustic impacts, soundproofing is provided in accordance with the Building Code of Australia, and may include double glazing and insulation.
- k) New residential development is not to have an adverse amenity effect upon existing non-residential uses. For example, new residential development should not occur nearby to existing high noise-generating uses unless sufficient evidence is provided to demonstrate that the new residential building can sufficiently mitigate noise impacts.

through a plan of management, which could be conditioned prior to occupation.

There is potential privacy issues associated with the upper levels of the western residential towers (due to inconsistencies with ADG setback requirements) in the event future development occurs west of the site. If a reduced setback to habitable areas is provided, screens should be included to those areas to minimise the potential for adverse amenity impacts.

6.2.21
Landscaping
Acoustic and
Visual Amenity

- a) Comply with the general principles outlined in clause 2.6 of this DCP whilst using low maintenance trees and shrubs.
- b) Provide for deep rooted tree planting along side boundaries.
- c) Provide for a minimum 50% of landscaped areas as soft landscaping elements such as gardens, lawns shrubs and trees.
- d) Provide appropriate landscaped areas by roof terraces, balconies etc;

Complies

There are some limited areas of soft landscaping along the northern and eastern site boundaries and within the communal open space on the podium. Of the landscaping provided, a sufficient quantity of soft landscaping is provided given the CBD location of the site.

- e) Use planting to create a buffer against cold winter winds or to direct cooling breezes in summer in to living spaces and outdoor recreation and leisure spaces.
- f) Design front gardens/planting zones that will soften and complement the view of the buildings from the street;
- g) Use landscape and planting to define dwelling entries in a way that does not obscure them;
- h) Plant new trees where possible to complement the streetscape.
- i) Provide opportunities for deep planting onsite where screening car parking, or for street trees and these deep planting zones are to be protected as part of the development.
- j) Use planting to create favourable microclimate conditions and to reduce required energy use through heating or cooling.
- k) Apply selective use of vegetation to provide screening for privacy purposes and to mitigate and soften hardscape areas and/or to provide desirable shade.
- l) Protect existing mature trees and their canopies as part of the development.

6.3.4 Pedestrian
Access and
Mobility

- a) To assist people with a disability the main building entry points should be clearly visible from primary street frontages and enhanced as appropriate with awnings, building signage or high quality architectural features that improve clarity of building address and contribute to visitor and occupant amenity.
- b) The design of facilities (including car parking requirements) for disabled persons shall comply with the relevant Australian Standard (AS 1428 Pt 1 and 2 or as amended) and the Disability Discrimination Act 1992 (as amended).
- c) The development shall provide at least one main pedestrian entrance with convenient barrier free access to the ground floor and/or street level.
- d) The development shall provide continuous access paths of travel from all public roads and spaces as well as unimpeded internal access.
- e) The development shall provide visually distinctive accessible internal access linking to building entry points and the public domain.
- f) Pedestrian access ways, entry paths and lobbies shall use durable materials

Complies, but a better outcome could be achieved through design amendments for the southern residential lobby

An Accessibility Compliance Report was submitted with the DA which confirms the proposal is capable of meeting the Performance Requirements with the BCA through the use of deemed-to-satisfy solutions and performance-based solutions to show compliance with the intent of the BCA, Disability (Access to Premises – Buildings) Standards and relevant Australian Standards as they apply to this project.

However, the southern residential lobby is to be accessed by a long ramp. This complies from an accessibility point of view, but as Council has noted in multiple RFIs to the Applicant, a better design solution for the southern residential lobby and access/interface to the active street frontage could be achieved through design amendments.

commensurate with the standard of the adjoining public domain (street) with appropriate slip resistant materials, tactile surfaces and contrasting colours.

g) Any new development providing basement car parks shall make provision for access for persons with a disability.

6.3.5 Site Facilities and Services

a) Mailboxes

i) Provide letterboxes for residential building and/or commercial tenancies in one accessible location adjacent to the main entrance of the development. They should be integrated into the wall where possible and be constructed of materials consistent with appearance of the building; and

ii) Letter boxes shall be secure and large enough to accommodate articles such as newspapers.

b) Communication structures, air conditioners and service vents

i) Locate satellite dish and telecommunication antennae, air conditioning units, ventilation stacks and any ancillary structures to be:

- Away from the street frontage;
- Integrated into the roofscape design and in a position where such facilities will not become a skyline feature at the top of any building; and
- Adequately setback from the perimeter wall or roof edge of buildings.

ii) A master antenna/satellite dish shall be provided for residential apartment buildings. This antenna shall be sited to minimise its visibility from surrounding public areas.

c) Waste and Recycling Storage and Collection General (all development)

i) All development is to adequately accommodate waste handling and storage on site. The size, location and handling procedures for all waste, including recyclables, is to be determined by advice from Council.

ii) Waste storage areas are to be designed to:

- Ensure adequate driveway access and manoeuvrability for any required service vehicles;
- Located so as not to create any adverse noise impacts on the existing developments or sensitive noise receptors

Insufficient information provided.

The proposal requires further turning circles and layout plans to demonstrate compliance with the waste controls. The request for twice weekly collections is in excess of the waste control 2.3.5 in the DCP, and would be due to the lack of space within the waste room. The proposal will need to provide bigger bins to accommodate a weekly collection for the residential waste by Council.

Council's waste officer has not raised any new concerns with respect to the latest amendment plans and waste arrangements, the original commentary still stands.

such as habitable rooms of residential developments; and

- Screened from the public way and adjacent development that may overlook the area.

iii) The storage facility must be well lit, easily accessible on grade for movement of bins, free of obstructions that may restrict movement and servicing bins or containers and designed to minimise noise impacts.

d) Location requirements for Waste Storage Areas and Access

iv) Where waste volumes require a common collection, storage and handling area, this is to be located:

- For residential flat buildings, enclosed within a basement or enclosed car park;
 - For commercial, retail and other development, on site in basements or at ground within discrete service areas not visible from main street frontages.
-

Apartment Design Guide

| Apartment Design Guide Part Two – Developing the Controls | | Assessment |
|---|--|---|
| 2B Building Envelopes See DCP for controls (if applicable). | | Partial compliance – refer to DCP assessment. |
| 2C Building Height Max building height under the QLEP: 30m. | | Does not comply – refer to LEP assessment. |
| 2D Floor Space Ratio Maximum floor space ratio under the QLEP: 3:1 | | Complies– refer to LEP assessment. |
| 2E Building Depth See DCP for controls (if applicable). | | Complies – refer to DCP assessment. |
| 2F Building Separation Separation to be shared between adjacent sites i.e. setback to be half separation distance. None storeys and above: <ul style="list-style-type: none"> • 24m between habitable rooms/balconies • 18m between habitable and non-habitable rooms • 12m between non-habitable rooms No setback required for blank party walls. | | Partial compliance – refer to response to 3F of ADG for discussion. |
| 2G Street Setbacks See DCP for controls. | | Complies – refer to DCP assessment. |
| 2H Side and Rear Setbacks See DCP for controls. | | Partial compliance – refer to DCP assessment. |

Apartment Design Guide Part Three – Siting the Development

3A Site Analysis

Objective 3A-1 Site analysis illustrates that design decisions have been based on opportunities and constraints of the site conditions and their relationship to the surrounding context.

| Design Guidance | Comment | Compliance |
|--|------------------------------------|------------|
| Each element in the Site Analysis Checklist should be addressed (as follows): | | |
| <u>Site location:</u> Broad map or aerial photo showing site location in relation to surrounding centres, shops, civic/community facilities and transport. | Site location plan provided. | Complies |
| <u>Aerial photograph:</u> Colour aerial photographs of site in its context. | Photographs of the site submitted. | Complies |
| <u>Local context plan:</u> | Local context plan submitted. | Complies |

Plan(s) of the existing features of the wider context including adjoining properties and the other side of the street, that show:

- pattern of buildings, proposed building envelopes, setbacks and subdivision pattern
- land use and building typologies of adjacent and opposite buildings in the street
- movement and access for vehicles, servicing, pedestrians and cyclists
- topography, landscape, open spaces and vegetation
- significant views to and from the site
- significant noise sources in the vicinity of the site, particularly vehicular traffic, train, aircraft and industrial noise.

Site context and survey plan:

Plan(s) of the existing site based on a survey drawing showing the features of the immediate site including:

- boundaries, site dimensions, site area, north point
- topography, showing relative levels and contours at 0.5 metre intervals for the site and across site boundaries where level changes exist, any unique natural features such as rock outcrops, watercourses, existing cut or fill, adjacent streets and sites
- location and size of major trees on site and relative levels where relevant, on adjacent properties and street trees
- location and use of existing buildings or built features on the site
- location and important characteristics of adjacent public, communal and private open spaces
- location and height of existing windows, balconies, walls and fences on adjacent properties facing the site, as well as parapet and ridge lines
- pedestrian and vehicular access points, driveways and features such as service poles, bus stops, fire hydrants etc
- location of utility services, including easements and drainage
- location of any other relevant features.

Site context and survey plans Complies submitted.

Streetscape elevations and sections:

Photographs or drawings of the site in relation to the streetscape and along both sides of any street that the development fronts, that show:

- overall height (storeys, metres) and important parapet/datum lines of adjacent buildings
- patterns of building frontage, street setbacks and side setbacks
- planned heights.

A series of elevations, sections and broader streetscape elevations have been submitted. Complies

Analysis:

Plan that synthesises and interprets the context, streetscape and site documentation into opportunities and constraints that generate design parameters, including the following information:

- orientation and any overshadowing of the site and adjoining properties by neighbouring structures

The architectural plan set Complies includes the requisite information.

(excludes vegetation). The winter sun path should also be shown between 9 am and 3 pm on 21 June

- identification of prevailing wind
- the geotechnical characteristics of the site and suitability of the proposed development
- the public domain interface and street setback
- relationship to and interface with adjacent properties, including side and rear setbacks
- ventilation for the subject site and immediate neighbours
- proposed building footprint location
- retained and proposed significant trees and deep soil zones
- proposed communal open space
- proposed car park footprint and depth
- proposed building entries
- supporting written material - this should include technical advice from specialists involved in the development process including landscape architects, arborists, geotechnical engineers and/or contamination specialists where applicable.

Objective 3B-1 Building types and layouts respond to the streetscape and site while optimising solar access within the development.

| Design Guidance | Comment | Compliance |
|--|---|------------|
| Buildings along the street frontage define the street, by facing it and incorporating direct access from the street (see Figure 3B.1). | The proposed development responds to this design guidance by facing the two street frontages and providing direct access to both, as well as the northern pedestrian access (to the northern residential lobby). Overshadowing to the south cannot be minimised due to the orientation of the site and the planned height and scale of development on the site. | Yes |
| Where the street frontage is to the east or west, rear buildings should be orientated to the north. | | |
| Where the street frontage is to the north or south, overshadowing to the south should be minimised and buildings behind the street frontage should be orientated to the east and west (see Figure 3B.2). | | |

Objective 3B-2 Overshadowing of neighbouring properties is minimised during mid-winter.

| Design Guidance | Comment | Compliance |
|---|---|------------|
| Living areas, private open space and communal open space should receive solar access in accordance with sections 3D Communal and public open space and 4A Solar and daylight access . | Refer to the response to 4C for detail. There will be no overshadowing of nearby residential dwellings and no impact on any nearby solar collectors. | Complies |
| Solar access to living rooms, balconies and private open spaces of neighbours should be considered. | | |
| Where an adjoining property does not currently receive the required hours of solar access, the proposed building ensures solar access to neighbouring properties is not reduced by more than 20%. | | |

If the proposal will significantly reduce the solar access of neighbours, building separation should be increased beyond minimums contained in section **3F Visual privacy**.

Overshadowing should be minimised to the south or down hill by increased upper-level setbacks.

It is optimal to orientate buildings at 90 degrees to the boundary with neighbouring properties to minimise overshadowing and privacy impacts, particularly where minimum setbacks are used and where buildings are higher than the adjoining development.

A minimum of 4 hours of solar access should be retained to solar collectors on neighbouring buildings.

Objective 3C-1 Transition between private and public domain is achieved without compromising safety and security.

| Design Guidance | Comment | Compliance |
|--|--|------------|
| Terraces, balconies and courtyard apartments should have direct street entry, where appropriate. | There are no ground floor units and therefore, no opportunity to provide direct street entry. | Complies |
| Changes in level between private terraces, front gardens and dwelling entries above the street level provide surveillance and improve visual privacy for ground level dwellings (see Figure 3C.1). | Upper-level balconies and windows overlook the public domain | |
| Upper level balconies and windows should overlook the public domain. | There are no front fences or solid walls at the street frontages. | |
| Front fences and walls along street frontages should use visually permeable materials and treatments. The height of solid fences or walls should be limited to 1m. | Residential lobbies and commercial premises entries are differentiated using signage, architectural detailing, changes in materials. | |
| Length of solid walls should be limited along street frontages. | | |
| Opportunities should be provided for casual interaction between residents and the public domain. Design solutions may include seating at building entries, near letter boxes and in private courtyards adjacent to streets. | | |
| In developments with multiple buildings and/or entries, pedestrian entries and spaces associated with individual buildings/entries should be differentiated to improve legibility for residents, using a number of the following design solutions: <ul style="list-style-type: none">• architectural detailing• changes in materials• plant species• colours. | | |
| Opportunities for people to be concealed should be minimised. | | |

Objective 3C-2 Amenity of the public domain is retained and enhanced.

| Design Guidance | Comment | Compliance |
|--|---|-----------------|
| Mail boxes should be located in lobbies, perpendicular to the street alignment or integrated into front fences where individual street entries are provided. | The southern residential lobby can only be accessed by persons with a disability by a long ramp down to the lobby from the street. This could be improved through a revised design solution. Other provisions are complied with. | Does not comply |
| Substations, pump rooms, garbage storage areas and other service requirements should be located in basement car parks or out of view. | | |
| Ramping for accessibility should be minimised by building entry location and setting ground floor levels in relation to footpath levels. | | |
| Durable, graffiti resistant and easily cleanable materials should be used. | | |

Objective 3D-1 An adequate area of communal open space is provided to enhance residential amenity and to provide opportunities for landscaping.

| Design Criteria | Comment | Compliance |
|---|---|-----------------|
| Communal open space has a minimum area equal to 25% of the site (see Figure 3D.3). | The communal open space has not been calculated based on the site area, but rather, the residential floor plate area. The required COS area based on <u>site area</u> is 1,485sqm. The proposed provision is 958sqm. The shortfall of 527sqm is significant. The Applicant has argued that the site is in proximity to public open space (diagonally opposite the site) of Queen Elizabeth Park. Council does not consider this to be adequate to justify such a large shortfall of communal open space. In line with the guidance in the ADG, it would be appropriate to provide larger POS for units to compensate for the reduced COS provision. Further, the COS does not quite receive 2 hours of direct sunlight between 9am and 3pm on 21 June. The shadow diagrams submitted demonstrate compliance at 9am and 10am, but at 11am the provision is less than 50% (43.6%). The provision of solar access therefore falls short of the 2-hour provision. | Does not comply |
| Developments achieve a minimum of 50% direct sunlight to the principal usable part of the communal open space for a minimum of 2 hours between 9 am and 3 pm on 21 June (mid winter). | | |
| Design Guidance | Comment | Compliance |

| | | |
|---|--|----------|
| Communal open space should be consolidated into a well designed, easily identified and usable area. | Communal open space has been provided at podium level to respond to the CBD conditions of the site and limited opportunities for ground floor COS. Deep soil has been incorporated where feasible (planting on structure) and there will be direct and equitable access to the space from both residential towers. | Complies |
| Communal open space should have a minimum dimension of 3m, and larger developments should consider greater dimensions. | | |
| Communal open space should be co-located with deep soil areas. | | |
| Direct, equitable access should be provided to communal open space areas from common circulation areas, entries and lobbies. | | |
| Where communal open space cannot be provided at ground level, it should be provided on a podium or roof. | | |
| Where developments are unable to achieve the design criteria, such as on small lots, sites within business zones, or in a dense urban area, they should: <ul style="list-style-type: none"> provide communal spaces elsewhere such as a landscaped roof top terrace or a common room provide larger balconies or increased private open space for apartments demonstrate good proximity to public open space and facilities and/or provide contributions to public open space. | | |

Objective 3D-2 Communal open space is designed to allow for a range of activities, respond to site conditions and be attractive and inviting.

| Design Guidance | Comment | Compliance |
|--|---|---|
| Facilities are provided within communal open spaces and common spaces for a range of age groups (see also 4F Common circulation and spaces), incorporating some of the following elements: <ul style="list-style-type: none"> seating for individuals or groups barbecue areas play equipment or play areas swimming pools, gyms, tennis courts or common rooms. | The COS does not indicate any of these facilities except for some nominal seating to the edge of planter beds. However, this could be readily addressed through amended plans. The only comment is there is extensive paving within the COS area. | Capable of complying subject to amended plans |
| The location of facilities responds to microclimate and site conditions with access to sun in winter, shade in summer and shelter from strong winds and down drafts. | | |
| Visual impacts of services should be minimised, including location of ventilation duct outlets from basement car parks, electrical substations and detention tanks. | | |

Objective 3D-3 Communal open space is designed to maximise safety.

| Design Guidance | Comment | Compliance |
|---|--|---------------------------------|
| Communal open space and the public domain should be readily visible from habitable rooms and private open space areas while maintaining visual privacy. Design solutions may include: | Adequate privacy is capable of being provided to residential courtyards facing the COS. The plans show a mix of planter beds | Capable of complying subject to |

- bay windows
- corner windows
- balconies.

Communal open space should be well lit.

Where communal open space/facilities are provided for children and young people they are safe and contained.

(to provide separation between the COS and the edge of the courtyard) and screens/fencing to a height of 1.5m. Council considers the screens/fencing should be increased to a taller height (1.8m) for enhanced privacy to avoid risk of overlooking and promote access control for the private courtyards. There is no need for passive surveillance from the courtyards to the COS given there are ample units above with a direct outlook down to the COS. Privacy to the courtyards at the direct interface with the COS should be protected. This could be conditioned however, as could lighting to the COS (which is not indicated on the plans).

amended plans.

Objective 3E-1 Deep soil zones provide areas on the site that allow for and support healthy plant and tree growth. They improve residential amenity and promote management of water and air quality.

Design Criteria

Comment

Compliance

Deep soil zones are to meet the following minimum requirements:

| Site Area | Minimum Dimensions | Deep Soil Zone (% of site area) |
|---|--------------------|---------------------------------|
| Less than 650m ² | - | 7% |
| 650m ² – 1,500m ² | 3.0m | 7% |
| Greater than 1,500m ² | 6.0m | 7% |
| Greater than 1,500m ² with significant existing tree cover | 6.0m | 7% |

There is very limited deep soil planting across the site with a minimum dimension of 6m. The Applicant has not provided any calculations of deep soil, but Council calculates the provision to be at approximately:

- Within the COS, conservatively, there may be up to 76sqm of deep soil planting – limited to planter beds that will contain small trees.
- Approximately 190sqm at ground level along the northern boundary of the site.

The above would equate to about 4.5% of the site.

Does not comply, but acceptable on merit

Design Guidance

Comment

Compliance

Deep soil zones should be located to retain existing significant trees and to allow for the development of healthy root systems, providing anchorage and stability for mature trees.

N/A – no significant trees on the site. Limited deep soil for new trees.

As above.

Achieving the design criteria may not be possible on some sites including where:

- the location and building typology have limited or no space for deep soil at ground level (e.g. central business district, constrained sites, high density areas, or in centres)

The CBD location of the site and non-residential uses at ground floor level are adequate justification for the shortfall of deep soil planting.

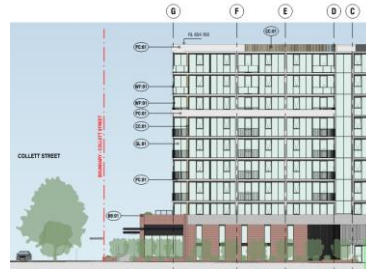
As above.

- there is 100% site coverage or non-residential uses at ground floor level

Where a proposal does not achieve deep soil requirements, acceptable stormwater management should be achieved and alternative forms of planting provided such as on structure

Objective 3F-1 Adequate building separation distances are shared equitably between neighbouring sites, to achieve reasonable levels of external and internal visual privacy.

| Design Criteria | Comment | Compliance | | | | | | | | | | | | |
|---|-----------------------------|-----------------------------|---------------------|--------------------------|------|------|-------------------------|------|------|-----------------------|-------|------|---|--|
| <p>Separation between windows and balconies is provided to ensure visual privacy is achieved. Minimum required separation distances from buildings to the side and rear boundaries are as follows:</p> <table border="1"> <thead> <tr> <th>Building Height</th><th>Habitable Rooms & Balconies</th><th>Non-Habitable Rooms</th></tr> </thead> <tbody> <tr> <td>Up to 12m (Four Storeys)</td><td>6.0m</td><td>3.0m</td></tr> <tr> <td>Up to 25m (5-8 storeys)</td><td>9.0m</td><td>4.5m</td></tr> <tr> <td>Over 25m (9+ storeys)</td><td>12.0m</td><td>6.0m</td></tr> </tbody> </table> <p>Note: Separation distances between buildings on the same site should combine required building separations depending on the type of room (see Figure 3F.2).</p> <p>Gallery access circulation should be treated as habitable space when measuring privacy separation distances between neighbouring properties.</p> | Building Height | Habitable Rooms & Balconies | Non-Habitable Rooms | Up to 12m (Four Storeys) | 6.0m | 3.0m | Up to 25m (5-8 storeys) | 9.0m | 4.5m | Over 25m (9+ storeys) | 12.0m | 6.0m | <p>The proposal complies with internal building separation requirements (between residential towers).</p> <p>To the west however, the upper levels (Levels 8 and 9) of the proposal do not comply with the setback/separation requirements to the west. While there is currently no development directly opposite the site at this height, the adjacent site (currently accommodating Kmart) is also zoned E2 and with the same height and floor space provisions as the subject site. The layout of the units at the western interface at Levels 8 and 9 include balconies and habitable rooms. The setback requirement at these levels is 12 metres. Failure to provide the required (increased) setback at these upper levels could have the potential to reduce the development potential of the adjacent site. If the additional setback is not provided, the internal layout of apartments would need to be reconfigured to ensure there are no habitable rooms located where the setback falls short. If there were minor areas of inconsistency (say, a sole habitable room), Council would be minded to accept this outcome subject to appropriate window treatments (screening, obscure glazing etc). The area of concern is highlighted in yellow below.</p> | <p>Does not comply (western interface)</p> |
| Building Height | Habitable Rooms & Balconies | Non-Habitable Rooms | | | | | | | | | | | | |
| Up to 12m (Four Storeys) | 6.0m | 3.0m | | | | | | | | | | | | |
| Up to 25m (5-8 storeys) | 9.0m | 4.5m | | | | | | | | | | | | |
| Over 25m (9+ storeys) | 12.0m | 6.0m | | | | | | | | | | | | |



The setbacks to the north are equally inconsistent with the ADG, as with the western elevation. However, the minor reduction at the upper 2 levels is not considered to be material given the site to the north, being heritage listed Hibernia Lodge, is not identified for demolition and redevelopment for residential flat development. At those upper levels, there is therefore no risk of adverse amenity outcomes.

| Design Guidance | Comment | Compliance |
|---|---|------------|
| Generally one step in the built form as the height increases due to building separations is desirable. Additional steps should be careful not to cause a 'ziggurat' appearance | Only 1 step in built form is proposed above the podium. | Complies |
| For residential buildings next to commercial buildings, separation distances should be measured as follows: <ul style="list-style-type: none"> • for retail, office spaces and commercial balconies use the habitable room distances • for service and plant areas use the non-habitable room distances | Currently, the proposal complies. | Complies |
| New development should be located and oriented to maximise visual privacy between buildings on site and for neighbouring buildings. Design solutions include: <ul style="list-style-type: none"> • site layout and building orientation to minimise privacy impacts (see also section 3B Orientation) | | |
| Apartment buildings should have an increased separation distance of 3m (in addition to the requirements set out in design criteria 1) when adjacent to a different zone that permits lower density residential development to provide for a transition in scale and increased landscaping (figure 3F.5) | N/A | N/A |
| Direct lines of sight should be avoided for windows and balconies across corners | The layout of the residential towers complies. | Complies |
| No separation is required between blank walls | Noted. | N/A |
| Objective 3F-2 Site and building design elements increase privacy without compromising access to light and air and balance outlook and views from habitable rooms and private open space. | | |
| Design Guidance | Comment | Compliance |

| | | |
|--|---|--|
| Communal open space, common areas and access paths should be separated from private open space and windows to apartments, particularly habitable room windows. Design solutions may include: <ul style="list-style-type: none"> • setbacks • solid or partially solid balustrades to balconies at lower levels • fencing and/or trees and vegetation to separate spaces • screening devices • bay windows or pop out windows to provide privacy in one direction and outlook in another • raising apartments/private open space above the public domain or communal open space • planter boxes incorporated into walls and balustrades to increase visual separation • pergolas or shading devices to limit overlooking of lower apartments or private open space • on constrained sites where it can be demonstrated that building layout opportunities are limited, fixed louvres or screen panels to windows and/or balconies. | The communal open space area is separated from the windows to apartments and private open space by planting and internal circulation routes. | Compliant |
| Bedrooms, living spaces and other habitable rooms should be separated from gallery access and other open circulation space by the apartment's service areas. | The layouts are consistent with this requirement. | Complies |
| Balconies and private terraces should be located in front of living rooms to increase internal privacy. | The layouts are generally consistent. | Complies |
| Windows should be offset from the windows of adjacent buildings. | N/A | N/A |
| Recessed balconies and/or vertical fins should be used between adjacent balconies. | There are no adjacent balconies. At Level 2 (COS level) all of the courtyards are adjacent. There are screening elements ("divider fencing") between courtyards to a height of 1.5m. An increased height to 1.8m would be considered more appropriate for enhanced privacy. This matter could be conditioned. | Capable of complying subject to conditions |
| Objective 3G-1 Building entries and pedestrian access connects to and addresses the public domain. | | |
| Design Guidance | Comment | Compliance |
| Multiple entries (including communal building entries and individual ground floor entries) should be provided to activate the street edge. | Multiple entries are provided to each street edge. | Complies |
| Entry locations relate to the street and subdivision pattern and the existing pedestrian network. | Entries are provided consistent with this clause. | Complies |
| Building entries should be clearly identifiable and communal entries should be clearly distinguishable from private entries. | Building entries will be distinguishable through signage and it is clear whether an entry is | Does not comply (southern |

| | to a commercial premise or a residential lobby. However, the entrance to the southern residential lobby, which is sunken into the ground and accessed by stairs and a long ramp, could be better resolved to be more clearly distinguishable. | residential lobby) |
|---|---|--|
| Where street frontage is limited and multiple buildings are located on the site, a primary street address should be provided with clear sight lines and pathways to secondary building entries. | N/A – ample street frontage is afforded to the site. | N/A |
| Objective 3G-2 Access, entries and pathways are accessible and easy to identify. | | |
| Design Guidance | Comment | Compliance |
| Building access areas including lift lobbies, stairwells and hallways should be clearly visible from the public domain and communal spaces. | The southern residential lobby could be more visible from the public domain through design amendments. | Does not comply (southern residential lobby) |
| The design of ground floors and underground car parks minimise level changes along pathways and entries. | As noted earlier, the transition in ground level between Morisset Street and the southern residential lobby is a poor design/amenity outcome. This could be resolved through a design amendment. | Does not comply (southern residential lobby) |
| Steps and ramps should be integrated into the overall building and landscape design. | Design complies. | Complies |
| For large developments 'way finding' maps should be provided to assist visitors and residents (see Figure 4T.3). | N/A | N/A |
| For large developments electronic access and audio/video intercom should be provided to manage access. | This would be appropriate and could be conditioned. | Capable of complying subject to conditions. |
| Objective 3G-3 Large sites provide pedestrian links for access to streets and connection to destinations. | | |
| Design Guidance | Comment | Compliance |
| Pedestrian links through sites facilitate direct connections to open space, main streets, centres and public transport. | N/A | N/A |
| Pedestrian links should be direct, have clear sight lines, be overlooked by habitable rooms or private open spaces of dwellings, be well lit and contain active uses, where appropriate. | N/A | N/A |
| Objective 3H-1 Vehicle access points are designed and located to achieve safety, minimise conflicts between pedestrians and vehicles and create high quality streetscapes. | | |

| Design Guidance | Comment | Compliance |
|--|--|-----------------|
| <p>Car park access should be integrated with the building's overall facade. Design solutions may include:</p> <ul style="list-style-type: none"> the materials and colour palette to minimise visibility from the street security doors or gates at entries that minimise voids in the facade where doors are not provided, the visible interior reflects the facade design and the building services, pipes and ducts are concealed. <p>Refer to ADG for further detail on guidance.</p> | Parking levels are sleeved by active uses and will be behind the building line. | Complies |
| The need for large vehicles to enter or turn around within the site should be avoided. | Service vehicles are required to turn around within the site to enable entering and leaving in a forward direction | Does not comply |
| <p>Pedestrian and vehicle access should be separated and distinguishable. Design solutions may include:</p> <ul style="list-style-type: none"> changes in surface materials level changes the use of landscaping for separation. | Such access is not clearly separated. Design solutions would need to be integrated. | Does not comply |

Objective 3J-1 Car parking is provided based on proximity to public transport in metropolitan Sydney and centres in regional areas.

| Design Criteria | Comment | Compliance |
|--|--|-----------------|
| <p>For development in the following locations:</p> <ul style="list-style-type: none"> on sites that are within 800 metres of a railway station or light rail stop in the Sydney Metropolitan Area; or on land zoned, and sites within 400 metres of land zoned, B3 Commercial Core, B4 Mixed Use or equivalent in a nominated regional centre. <p>The minimum car parking requirement for residents and visitors is set out in the Guide to Traffic Generating Developments, or the car parking requirement prescribed by the relevant council, whichever is less.</p> <p>The car parking needs for a development must be provided off street.</p> | <p>It is acknowledged that Queanbeyan is a nominated regional centre for the purpose of this criteria.</p> <p>The residential component of the proposed development has requirements for a minimum of 120 car spaces for residents and a minimum of 32 car spaces for residential visitors under clause 148 of the Housing SEPP. The proposal provides 189 residential car spaces and 12 visitor spaces. Regarding the latter, these are also intended to serve a dual purpose – visitor parking as well as parking for small service vehicles. While there is an oversupply of residential parking spaces, there is an undersupply of visitor spaces. This matter has been raised with the Applicant.</p> | Does not comply |
| Design Guidance | Comment | Compliance |
| Where a car share scheme operates locally, provide car share parking spaces within the development. Car share spaces, when provided, should be on site | N/A – no car share spaces identified. | N/A |

Where less car parking is provided in a development, council should not provide on street resident parking permits

Noted.

N/A

Objective 3J-2 Parking and facilities are provided for other modes of transport

| Design Guidance | Comment | Compliance |
|--|--|--|
| Conveniently located and sufficient numbers of parking spaces should be provided for motorbikes and scooters. | 4 motorbike/scooter parking spaces are provided within the carpark. | Complies |
| Secure undercover bicycle parking should be provided that is easily accessible from both the public domain and common areas. | Bicycle parking is split between the Collett Street frontage (4 parks) and to the Morisset Street frontage (7 parks). | Complies |
| Conveniently located charging stations are provided for electric vehicles, where desirable. | The Traffic Impact Report notes the plans do not provide any indication of EV charging capability. It recommends (in the report) that the proposed development includes sufficient electrical and switchboard capacity to accommodate the demands associated with 190 electric vehicle parking spaces. It is not clear whether the electricity needs of the development have taken this into consideration in determining the size of the substation. This however could be conditioned, as a matter to be resolved prior to CC. | Capable of complying subject to conditions |

Objective 3J-3 Car park design and access is safe and secure

| Design Guidance | Comment | Compliance |
|---|--|-----------------|
| Supporting facilities within car parks, including garbage, plant and switch rooms, storage areas and car wash bays can be accessed without crossing car parking spaces. | The layout of the ground level carpark is not ideal in that waste will need to be transferred across vehicle accessways and/or spaces from the waste holding room to the waste storage areas. All other facilities such as storage, plant etc can be accessed more readily. No wash bay has been provided. | Does not comply |
| Direct, clearly visible and well lit access should be provided into common circulation areas. | The plans indicate an acceptable arrangement. | Complies |
| A clearly defined and visible lobby or waiting area should be provided to lifts and stairs. | Concerns have been raised (refer earlier) regarding the arrangement of the southern residential lobby. Further, the stair access (stair 2) off the northern residential lobby is not clearly defined or visible. | Does not comply |

| | | |
|--|---|-----------------|
| For larger car parks, safe pedestrian access should be clearly defined and circulation areas have good lighting, colour, line marking and/or bollards. | Safe pedestrian access through the carpark levels has previously been raised as a concern. The Applicant has not provided an adequate response. | Does not comply |
|--|---|-----------------|

Objective 3J-4 Visual and environmental impacts of underground car parking are minimised.

| Design Guidance | Comment | Compliance |
|--|---|-----------------|
| Excavation should be minimised through efficient car park layouts and ramp design. | Excavation is limited to site grading. | Complies |
| Car parking layout should be well organised, using a logical, efficient structural grid and double loaded aisles. | Concern has been raised regarding the general layout and intended access through the carpark. Further, the tandem parking is a concern in terms of the management of those spaces and overall operation of the carpark. | Does not comply |
| Protrusion of car parks should not exceed 1m above ground level. Design solutions may include stepping car park levels or using split levels on sloping sites. | N/A | N/A |
| Natural ventilation should be provided to basement and sub basement car parking areas. | N/A | N/A |
| Ventilation grills or screening devices for car parking openings should be integrated into the facade and landscape design. | N/A | N/A |

Objective 3J-5 Visual and environmental impacts of on-grade car parking are minimised

| Design Guidance | Comment | Compliance |
|--|--|------------|
| On-grade car parking should be avoided. | On-grade parking is provided. The outcome is acceptable given the flood constraints of the site. | Complies |
| Where on-grade car parking is unavoidable, the following design solutions are used: <ul style="list-style-type: none"> • parking is located on the side or rear of the lot away from the primary street frontage • cars are screened from view of streets, buildings, communal and private open space areas • safe and direct access to building entry points is provided • parking is incorporated into the landscape design of the site, by extending planting and materials into the car park space • stormwater run-off is managed appropriately from car parking surfaces • bio-swales, rain gardens or on site detention tanks are provided, where appropriate • light coloured paving materials or permeable paving systems are used and shade trees are planted | The on-grade parking is generally consistent with these design outcomes. | Complies |

between every 4-5 parking spaces to reduce increased surface temperatures from large areas of paving.

Objective 3J-6 – Visual and environmental impacts of above ground enclosed carparking are minimised

| Design Guidance | Comment | Compliance |
|---|---|-----------------|
| Exposed parking should not be located along primary street frontages | The parking is not exposed or visible to the street frontages. | Complies |
| Screening, landscaping and other design elements including public art should be used to integrate the above ground car parking with the facade. Design solutions may include: <ul style="list-style-type: none"> car parking that is concealed behind the facade, with windows integrated into the overall facade design (approach should be limited to developments where a larger floor plate podium is suitable at lower levels) car parking that is 'wrapped' with other uses, such as retail, commercial or two storey Small Office/Home Office (SOHO) units along the street frontage (see figure 3J.9) | The parking is screened to the street by commercial premises and lobbies that will "sleeve" the parking levels. | Complies |
| Positive street address and active frontages should be provided at ground level | Generally the proposal provides a good level of activation at ground level with the exception of a part of Morisset Street that warrant a design amendment to enhance activation. | Does not comply |

Apartment Design Guide Part Four – Designing the Building

4A Solar and Daylight Access

Objective 4A-1 To optimise the number of apartments receiving sunlight to habitable rooms, primary windows and private open space.

| Design Criteria | Comment | Compliance |
|---|---|--|
| Living rooms and private open spaces of at least 70% of apartments in a building receive a minimum of 2 hours direct sunlight between 9 am and 3 pm at mid-winter in the Sydney Metropolitan Area and in the Newcastle and Wollongong local government areas. | N/A | N/A |
| In all other areas, living rooms and private open spaces of at least 70% of apartments in a building receive a minimum of 3 hours direct sunlight between 9 am and 3 pm at mid-winter. | The solar diagrams are not adequate to confirm whether compliance is achieved. They indicate 70% of apartments receive 3 hours of solar access in mid-winter. They simply provide colour coded layout plans to say when an apartment receives 3 hours, 0-3 hours or 0 hours of solar. They also only show compliance between 9am – 12pm and not through to 3pm. Moreover, they do not confirm whether the analysis is to both balconies and living rooms. | Inadequate information to confirm compliance |

The solar study (3D solar diagrams) also only shows 9am through to 12pm.

| | | |
|--|--|--|
| A maximum of 15% of apartments in a building receive no direct sunlight between 9 am and 3 pm at mid winter. | As above. However, the plans indicate only 9% of units will receive no solar access. Further information would be required to verify this. | Inadequate information to confirm compliance |
|--|--|--|

| Design Guidance | Comment | Compliance |
|-----------------|---------|------------|
|-----------------|---------|------------|

| | | |
|--|---|----------|
| The design maximises north aspect and the number of single aspect south facing apartments is minimised | The design minimises the number of single aspect south facing units (limited to Type 2C units in each tower). | Complies |
|--|---|----------|

| | | |
|--|--|-----------------|
| Single aspect, single storey apartments should have a northerly or easterly aspect | 32 units have a single aspect towards the south or west. This represents 20% of units. | Does not comply |
|--|--|-----------------|

| | | |
|--|--|-----------------|
| Living areas are best located to the north and service areas to the south and west of apartments | This has been achieved where feasible. It is not feasible for all units given the proposed layout. | Does not comply |
|--|--|-----------------|

| | | |
|---|---|-----------------|
| <p>To optimise the direct sunlight to habitable rooms and balconies a number of the following design features are used:</p> <ul style="list-style-type: none"> • dual aspect apartments • shallow apartment layouts • two storey and mezzanine level apartments • bay windows | There are a mix of units including those with dual aspect, others with skylights. The layout could be improved to enhance this outcome. | Does not comply |
|---|---|-----------------|

| | | |
|---|---|--|
| To maximise the benefit to residents of direct sunlight within living rooms and private open spaces, a minimum of 1m ² of direct sunlight, measured at 1m above floor level, is achieved for at least 15 minutes | Not demonstrated in the plans – and inadequate information to confirm compliance. | Inadequate information to confirm compliance |
|---|---|--|

| | | |
|--|-----|-----|
| <p>Achieving the design criteria may not be possible on some sites. This includes:</p> <ul style="list-style-type: none"> • where greater residential amenity can be achieved along a busy road or rail line by orientating the living rooms away from the noise source • on south facing sloping sites • where significant views are oriented away from the desired aspect for direct sunlight | N/A | N/A |
|--|-----|-----|

Objective 4A-2 Daylight access is maintained where sunlight is limited.

| Design Guidance | Comment | Compliance |
|-----------------|---------|------------|
|-----------------|---------|------------|

| | | |
|--|---|----------|
| Courtyards, skylights and high level windows (with sills of 1,500mm or greater) are used only as a | Skylights have been provided at the upper levels of the development to achieve (what is indicated on the plans as) solar compliance. These however are not the only source of light to habitable rooms. | Complies |
|--|---|----------|

secondary light source in habitable rooms.

| | | |
|---|-----|-----|
| Where courtyards are used : | N/A | N/A |
| <ul style="list-style-type: none"> • use is restricted to kitchens, bathrooms and service areas • building services are concealed with appropriate detailing and materials to visible walls • courtyards are fully open to the sky • access is provided to the light well from a communal area for cleaning and maintenance • acoustic privacy, fire safety and minimum privacy separation distances (see section 3F Visual privacy) are achieved. | | |

4B Natural Ventilation

Objective 4B-1 All habitable rooms are naturally ventilated.

| Design Guidance | Comment | Compliance |
|---|--|------------|
| The building's orientation maximises capture and use of prevailing breezes for natural ventilation in habitable rooms. | Complies | Complies |
| Depths of habitable rooms support natural ventilation. | Complies | Complies |
| The area of unobstructed window openings should be equal to at least 5% of the floor area served. | Complies – confirmed in a Natural Ventilation Study by Windtech. | Complies |
| Light wells are not the primary air source for habitable rooms. | Light wells are not the primary air source. | Complies |
| Doors and openable windows maximise natural ventilation opportunities by using the following design solutions: <ul style="list-style-type: none"> • adjustable windows with large effective openable areas • a variety of window types that provide safety and flexibility such as awnings and louvres • windows which the occupants can reconfigure to funnel breezes into the apartment such as vertical louvres, casement windows and externally opening doors. | Complies | Complies |

Objective 4B-2 The layout and design of single aspect apartments maximises natural ventilation.

| Design Guidance | Comment | Compliance |
|-----------------|---------|------------|
|-----------------|---------|------------|

| | | |
|--|--|--|
| Apartment depths are limited to maximise ventilation and airflow (see also Figure 4D.3). | Complies | Complies |
| <p>Natural ventilation to single aspect apartments is achieved with the following design solutions:</p> <ul style="list-style-type: none"> • primary windows are augmented with plenums and light wells (generally not suitable for cross ventilation) • stack effect ventilation / solar chimneys or similar to naturally ventilate internal building areas or rooms such as bathrooms and laundries • courtyards or building indentations have a width to depth ratio of 2:1 or 3:1 to ensure effective air circulation and avoid trapped smells. | Single aspect apartments on the western elevation do not achieve natural cross ventilation. Those on the southern elevation do through a combination of windows and indentation in the building. | Generally complies – acceptable on merit |

Objective 4B-3 The number of apartments with natural cross ventilation is maximised to create a comfortable indoor environment for residents.

| Design Criteria | Comment | Compliance |
|--|--|------------|
| At least 60% of apartments are naturally cross ventilated in the first nine storeys of the building. Apartments at ten storeys or greater are deemed to be cross ventilated only if any enclosure of the balconies at these levels allows adequate natural ventilation and cannot be fully enclosed. | Complies – confirmed in a Natural Ventilation Study by Windtech. | Complies |
| Overall depth of a cross-over or cross-through apartment does not exceed 18m, measured glass line to glass line. | Complies | Complies |
| Design Guidance | Comment | Compliance |
| The building should include dual aspect apartments, cross through apartments and corner apartments and limit apartment depths | Complies | Complies |
| In cross-through apartments external window and door opening sizes/areas on one side of an apartment (inlet side) are approximately equal to the external window and door opening sizes/areas on the other side of the apartment (outlet side) (see figure 4B.4) | Complies | Complies |
| Apartments are designed to minimise the number of corners, | Complies | Complies |

doors and rooms that might obstruct airflow

Apartment depths, combined with appropriate ceiling heights, maximise cross ventilation and airflow

Complies

Complies

4C Ceiling Heights

Objective 4C-1 Ceiling height achieves sufficient natural ventilation and daylight access.

| Design Criteria | Comment | Compliance |
|--|--|--|
| Measured from finished floor level to finished ceiling level, minimum ceiling heights are: | The ground floor commercial premises exceed the 3.3m F-C requirement. The carparking areas do not but they are not likely to be converted to other uses in the future. There are no attic spaces or 2 storey apartments Habitable rooms and non-habitable rooms are capable of complying based on the indicated floor to floor levels of 3.07m. This would need to be verified in detailed design and confirmed prior to CC. | Complies (although should be verified prior to CC) |
| Minimum ceiling height for apartment and mixed use buildings | | |
| Habitable Rooms | 2.7m | |
| Non-Habitable | 2.4m | |
| For Two Storey Apartments | 2.7m for main living area floor 2.4m for second floor, where its area does not exceed 50% of the apartment area | |
| Attic Spaces | 1.8m at edge of room with a 30 degree minimum ceiling slope | |
| If located in mixed used areas | 3.3m for ground and first floor to promote future flexibility of use | |
| These minimums do not preclude higher ceilings if desired. | | |

| Design Guidance | Comment | Compliance |
|--|----------|------------|
| Ceiling height can accommodate use of ceiling fans for cooling and heat distribution | Complies | Complies |

4D Apartment Size and Layout

Objective 4D-1 The layout of rooms within an apartment is functional, well organised and provides a high standard of amenity.

| Design Criteria | Comment | Compliance | | | | | | | | | | |
|--|--|-----------------------|--------|------------------|-------------|------------------|-------------|------------------|---------------|------------------|--|--|
| Apartments are required to have the following minimum internal areas: | 1 Bedroom Units: 52 - 54m2 2 Bedroom Units: 81 - 90m2 | Complies | | | | | | | | | | |
| <table><tr><th>Apartment Type</th><th>Minimum Internal Area</th></tr><tr><td>Studio</td><td>35m²</td></tr><tr><td>One Bedroom</td><td>50m²</td></tr><tr><td>Two Bedroom</td><td>70m²</td></tr><tr><td>Three Bedroom</td><td>90m²</td></tr></table> | Apartment Type | Minimum Internal Area | Studio | 35m ² | One Bedroom | 50m ² | Two Bedroom | 70m ² | Three Bedroom | 90m ² | | |
| Apartment Type | Minimum Internal Area | | | | | | | | | | | |
| Studio | 35m ² | | | | | | | | | | | |
| One Bedroom | 50m ² | | | | | | | | | | | |
| Two Bedroom | 70m ² | | | | | | | | | | | |
| Three Bedroom | 90m ² | | | | | | | | | | | |
| The minimum internal areas include only one bathroom. Additional bathrooms increase the minimum internal area by 5m ² each. | | | | | | | | | | | | |
| A fourth bedroom and further additional bedrooms increase the minimum internal area by 12m ² each. | | | | | | | | | | | | |

| | | |
|--|-----------|----------|
| Every habitable room must have a window in an external wall with a total minimum glass area of not less than 10% of the floor area of the room. Daylight and air may not be borrowed from other rooms. | Achieved. | Complies |
|--|-----------|----------|

| Design Guidance | Comment | Compliance |
|---|-----------|------------|
| Kitchens should not be located as part of the main circulation space in larger apartments (such as hallway or entry space) | Achieved. | Complies |
| A window should be visible from any point in a habitable room | Achieved. | Complies |
| Where minimum areas or room dimensions are not met apartments need to demonstrate that they are well designed and demonstrate the usability and functionality of the space with realistically scaled furniture layouts and circulation areas. These circumstances would be assessed on their merits | N/A | N/A |

Objective 4D-2 Environmental performance of the apartment is maximised.

| Design Criteria | Comment | Compliance |
|--|---|-----------------|
| Habitable room depths are limited to a maximum of 2.5 x the ceiling height. | Achieved. | Complies |
| In open plan layouts (where the living, dining and kitchen are combined) the maximum habitable room depth is 8m from a window. | Several units (i.e., type 2C, with an 8.7m depth) have a depth greater than 8m measured from the rear wall of kitchens to the nearest window; | Does not comply |

causing reduced opportunities for solar access and ventilation

Objective 4D-3 Apartment layouts are designed to accommodate a variety of household activities and needs.

| Design Criteria | Comment | Compliance |
|--|--|-----------------|
| Master bedrooms have a minimum area of 10m ² and other bedrooms 9m ² (excluding wardrobe space). | Some of the master bedrooms (in the 1 bed units) fall short of the minimum 10sqm requirement (i.e. 9.87m ²). | Does not comply |
| Bedrooms have a minimum dimension of 3m (excluding wardrobe space). | Achieved. | Complies |
| Living rooms or combined living/dining rooms have a minimum width of: <ul style="list-style-type: none"> 3.6m for studio and 1 bedroom apartments 4m for 2 and 3 bedroom apartments. | Achieved. | Complies |

4E Private Open Space and Balconies.

Objective 4E-1 Apartments provide appropriately sized private open space and balconies to enhance residential amenity.

| Design Criteria | Comment | Compliance | | | | | | | | | | | | | | | |
|--|---|-------------------------|---------------|------------------|-------------------|---|-----------------------|-------------------|------|-----------------------|--------------------|------|-------------------------|--------------------|------|----------------------------|-------------------------|
| <p>All apartments are required to have primary balconies as follows:</p> <table border="1"> <thead> <tr> <th>Dwelling Type</th><th>Minimum Area</th><th>Minimum Depth</th></tr> </thead> <tbody> <tr> <td>Studio Apartment</td><td>4.0m²</td><td>-</td></tr> <tr> <td>One Bedroom Apartment</td><td>8.0m²</td><td>2.0m</td></tr> <tr> <td>Two Bedroom Apartment</td><td>10.0m²</td><td>2.0m</td></tr> <tr> <td>Three Bedroom Apartment</td><td>12.0m²</td><td>2.4m</td></tr> </tbody> </table> <p>The minimum balcony depth to be counted as contributing to the balcony area is 1m.</p> | Dwelling Type | Minimum Area | Minimum Depth | Studio Apartment | 4.0m ² | - | One Bedroom Apartment | 8.0m ² | 2.0m | Two Bedroom Apartment | 10.0m ² | 2.0m | Three Bedroom Apartment | 12.0m ² | 2.4m | 7.959sqm for Unit type 1B. | Does not (fully) comply |
| Dwelling Type | Minimum Area | Minimum Depth | | | | | | | | | | | | | | | |
| Studio Apartment | 4.0m ² | - | | | | | | | | | | | | | | | |
| One Bedroom Apartment | 8.0m ² | 2.0m | | | | | | | | | | | | | | | |
| Two Bedroom Apartment | 10.0m ² | 2.0m | | | | | | | | | | | | | | | |
| Three Bedroom Apartment | 12.0m ² | 2.4m | | | | | | | | | | | | | | | |
| For apartments at ground level or on a podium or similar structure, a private open space is provided instead of a balcony. It must have a minimum area of 15m ² and a minimum depth of 3.0m. | Unit 209 and Unit 219 do not meet the minimum 15sqm requirement – they sit at about 14.5sqm in area with poor amenity given the are single aspect, do not achieve good solar and are directly above the accessway along the west of the site. | Does not (fully) comply | | | | | | | | | | | | | | | |

Objective 4E-2 Primary private open space and balconies are appropriately located to enhance liveability for residents.

| Design Guidance | Comment | Compliance |
|--|---|---------------------|
| Primary open space and balconies should be located adjacent to the living room, dining room or kitchen to extend the living space. | Achieved. | Complies. |
| Private open spaces and balconies predominantly face north, east or west. | Generally achieved. | Complies. |
| Primary open space and balconies should be orientated with the longer side facing outwards or be open to the sky to optimise daylight access into adjacent rooms. | Generally achieved. | Complies. |
| Objective 4E-3 Private open space and balcony design is integrated into and contributes to the overall architectural form and detail of the building. | | |
| Design Guidance | Comment | Compliance |
| Solid, partially solid or transparent fences and balustrades are selected to respond to the location. They are designed to allow views and passive surveillance of the street while maintaining visual privacy and allowing for a range of uses on the balcony. Solid and partially solid balustrades are preferred. | Achieved. | Complies. |
| Full width full height glass balustrades alone are generally not desirable. | Achieved. | Complies. |
| Projecting balconies should be integrated into the building design and the design of soffits considered. | Achieved. | Complies. |
| Operable screens, shutters, hoods and pergolas are used to control sunlight and wind | Not provided. | Does not comply. |
| Balustrades are set back from the building or balcony edge where overlooking or safety is an issue | N/A | N/A |
| Downpipes and balcony drainage are integrated with the overall facade and building design. | Achieved. | Complies. |
| Air-conditioning units should be located on roofs, in basements, or fully integrated into the building design. | Achieved. | Complies. |
| Where clothes drying, storage or air conditioning units are located on balconies, they should be screened and integrated in the building design | Not achieved – no separate location for clothes drying. | Partial compliance. |

| | | |
|--|-----|-----|
| Ceilings of apartments below terraces should be insulated to avoid heat loss | N/A | N/A |
|--|-----|-----|

| | | |
|---|--|--|
| Water and gas outlets should be provided for primary balconies and private open space | Capable of complying subject to detailed design. | Capable of complying subject to conditions |
|---|--|--|

4F Common Circulation and Spaces

Objective 4F-1 Common circulation spaces achieve good amenity and properly service the number of apartments.

| Design Criteria | Comment | Compliance |
|---|---|-----------------|
| The maximum number of apartments off a circulation core on a single level is eight. | There are 9 units per circulation core. | Does not comply |
| For buildings of 10 storeys and over, the maximum number of apartments sharing a single lift is 40. | The building is 10 storeys. There are 80 units in each tower, and 2 lifts per tower, complying. | Complies |

Objective 4F-2 Common circulation spaces promote safety and provide for social interaction between residents.

| Design Guidance | Comment | Compliance |
|---|----------------------|--|
| Direct and legible access should be provided between vertical circulation points and apartment entries by minimising corridor or gallery length to give short, straight, clear sight lines. | Achieved | Complies |
| Tight corners and spaces are avoided. | Achieved | Complies |
| Circulation spaces should be well lit at night. | Capable of complying | Capable of complying subject to conditions |
| Legible signage should be provided for apartment numbers, common areas and general wayfinding. | Capable of complying | Capable of complying subject to conditions |
| Incidental spaces, for example space for seating in a corridor, at a stair landing, or near a window are provided. | Capable of complying | Capable of complying subject to conditions |
| In larger developments, community rooms for activities such as owners corporation meetings or resident use should be provided and are ideally co-located with communal open space. | Not provided | Does not comply |

| | | |
|--|----------|----------|
| Where external galleries are provided, they are more open than closed above the balustrade along their length. | Achieved | Complies |
|--|----------|----------|

4G Storage

Objective 4G-1 Adequate, well designed storage is provided in each apartment.

| Design Criteria | Comment | Compliance |
|-----------------|---------|------------|
|-----------------|---------|------------|

| | | |
|--|----------|----------|
| In addition to storage in kitchens, bathrooms and bedrooms, the following storage is provided: | Achieved | Complies |
|--|----------|----------|

| Dwelling Type | Storage Size Volume |
|-------------------------|---------------------|
| Studio Apartment | 4.0m ³ |
| One Bedroom Apartment | 6.0m ³ |
| Two Bedroom Apartment | 8.0m ³ |
| Three Bedroom Apartment | 10.0m ³ |

At least 50% of the required storage is to be located within the apartment.

4H Acoustic Privacy

Objective 4H-1 Noise transfer is minimised through the siting of buildings and building layout.

| Design Guidance | Comment | Compliance |
|-----------------|---------|------------|
|-----------------|---------|------------|

| | | |
|---|---------------------------------|--------------------|
| Adequate building separation is provided within the development and from neighbouring buildings/adjacent uses (see also Section 2F Building Separation and Section 3F Visual Privacy). | Refer comments under Section 2F | Partial compliance |
|---|---------------------------------|--------------------|

| | | |
|--|----------|----------|
| Window and door openings are generally orientated away from noise sources. | Achieved | Complies |
|--|----------|----------|

| | | |
|--|----------|----------|
| Noisy areas within buildings including building entries and corridors should be located next to or above each other and quieter areas next to or above quieter areas | Achieved | Complies |
|--|----------|----------|

| | | |
|--|----------|----------|
| Storage, circulation areas and non-habitable rooms should be located to buffer noise from external sources | Achieved | Complies |
|--|----------|----------|

| | | |
|--|----------|----------|
| The number of party walls (walls shared with other apartments) are | Achieved | Complies |
|--|----------|----------|

limited and are appropriately insulated

Noise sources such as garage doors, driveways, service areas, plant rooms, building services, mechanical equipment, active communal open spaces and circulation areas should be located at least 3m away from bedrooms

Achie

Complies

Objective 4H-2 Noise impacts are mitigated within apartments through layout and acoustic treatments.

Design Guidance

Comment

Compliance

Internal apartment layout separates noisy spaces from quiet spaces, using a number of the following design solutions:

- rooms with similar noise requirements are grouped together
- doors separate different use zones
- wardrobes in bedrooms are co-located to act as sound buffers.

There are some instances where living areas are adjacent to bedrooms (in the adjacent apartment) which could cause acoustic issues. An example is below.



Does not (fully) comply

Where physical separation cannot be achieved noise conflicts are resolved using the following design solutions:

- double or acoustic glazing
- acoustic seals
- use of materials with low noise penetration properties
- continuous walls to ground level courtyards where they do not conflict with streetscape or other amenity requirements.

As above, amendments to the layout of plans could be achieved to improve the arrangement. However, an alternative could be to incorporate building materials with adequate acoustic insulation.

See comment/above.

4J Noise and Pollution

Objective 4J-1 In noisy or hostile environments the impacts of external noise and pollution are minimised through the careful siting and layout of buildings.

Design Guidance

Comment

Compliance

To minimise impacts the following design solutions may be used:

The proposal is capable of complying subject to implementation of a plan of management for the COS.

Complies

- physical separation between buildings and the noise or pollution source
- residential uses are located perpendicular to the noise source and where possible buffered by other uses
- non-residential buildings are sited to be parallel with the noise source to provide a continuous building that shields residential uses and communal open spaces
- non-residential uses are located at lower levels vertically separating the residential component from the noise or pollution source. Setbacks to the underside of residential floor levels should increase relative to traffic volumes and other noise sources
- buildings should respond to both solar access and noise. Where solar access is away from the noise source, non-habitable rooms can provide a buffer
- where solar access is in the same direction as the noise source, dual aspect apartments with shallow building depths are preferable (see **Figure 4J.4**)
- landscape design reduces the perception of noise and acts as a filter for air pollution generated by traffic and industry.

4K Apartment Mix

Objective 4K-1 A range of apartment types and sizes is provided to cater for different household types now and into the future.

| Design Guidance | Comment | Compliance |
|--|---|-----------------|
| A variety of apartment types is provided. | A variety of 1 and 2 bed apartment layouts is proposed but there is a lack of apartment diversity otherwise. | Does not comply |
| <p>The apartment mix is appropriate, taking into consideration:</p> <ul style="list-style-type: none"> • the distance to public transport, employment and education centres • the current market demands and projected future demographic trends • the demand for social and affordable housing • different cultural and socioeconomic groups. | While the Applicant states the provision of only 1 and 2 bed units is in response to market demand, there is no evidence to justify this outcome. The provision of a more diverse range of apartments including some studios and particularly, larger apartments for families or intergenerational living would be appropriate. | Does not comply |

| | | |
|--|------------|-----------------|
| Flexible apartment configurations are provided to support diverse household types and stages of life including single person households, families, multi-generational families and group households. | See above. | Does not comply |
|--|------------|-----------------|

Objective 4K-2 The apartment mix is distributed to suitable locations within the building.

| Design Guidance | Comment | Compliance |
|--|--|-----------------|
| Different apartment types are located to achieve successful facade composition and to optimise solar access (see Figure 4K.3). | Does not comply. Further, the affordable housing units (as per the letter of offer) are contained only within the northern residential tower. It would be appropriate to disperse these across the entire development to enable a more integrated and diverse mix of residents in the development. | Does not comply |

Larger apartment types are located on the ground or roof level where there is potential for more open space and on corners where more building frontage is available.

4M Facades

Objective 4M-1 Building facades provide visual interest along the street while respecting the character of the local area.

| Design Guidance | Comment | Compliance |
|--|--|------------|
| Design solutions for front building facades may include: <ul style="list-style-type: none"> a composition of varied building elements a defined base, middle and top of buildings revealing and concealing certain elements changes in texture, material, detail and colour to modify the prominence of elements. | There is a defined base and top of the building and the built form is well articulated with varied textures, materials, colours and detailing. | Complies |
| Building services should be integrated within the overall façade. | Services are integrated on the rooftop of the building. | Complies |
| Building facades should be well resolved with an appropriate scale and proportion to the streetscape and human scale. Design solutions may include: <ul style="list-style-type: none"> well composed horizontal and vertical elements variation in floor heights to enhance the human scale elements that are proportional and arranged in patterns public artwork or treatments to exterior blank walls | Facades are well resolved and proportionate to the context of the site. | Complies |

- grouping of floors or elements such as balconies and windows on taller buildings.

| | | |
|--|-----|----------|
| Shadow is created on the facade throughout the day with building articulation, balconies and deeper window reveals | Yes | Complies |
|--|-----|----------|

Objective 4M-2 Building functions are expressed by the façade.

| Design Guidance | Comment | Compliance |
|---|--|----------------------------------|
| Building entries should be clearly defined. | Refer previous comments on southern residential lobby. | Does not comply (southern lobby) |
| Important corners are given visual prominence through a change in articulation, materials or colour, roof expression or changes in height | The south-eastern corner of the building provides an accented design element to the podium to respond to the “gateway” location of the site. | Complies |
| The apartment layout should be expressed externally through facade features such as party walls and floor slabs | Achieved as demonstrated in the plans. | Complies |

4N Roof Design

Objective 4N-1 Roof treatments are integrated into the building design and positively respond to the street.

| Design Guidance | Comment | Compliance |
|--|--|------------|
| Roof treatments should be integrated with the building design. Design solutions may include: <ul style="list-style-type: none"> • roof design proportionate to the overall building size, scale and form • roof materials compliment the building • service elements are integrated | The roof is proportionate to the overall building. Services are well integrated. | Complies |

Objective 4N-3 Roof design incorporates sustainability features.

| Design Guidance | Comment | Compliance |
|--|--|------------|
| Roof design maximises solar access to apartments during winter and provides shade during summer. Design solutions may include: <ul style="list-style-type: none"> • the roof lifts to the north • eaves and overhangs shade walls and windows from summer sun. | Recent amendments to the roof design permit more solar access to the Level 9 apartments. | Complies |
| Skylights and ventilation systems should be integrated into the roof design. | See above | Complies |

4O Landscape Design

Objective 4O-1 Landscape design is viable and sustainable.

| Design Guidance | Comment | Compliance |
|---|---|---|
| Landscape design should be environmentally sustainable and can enhance environmental performance by incorporating: <ul style="list-style-type: none">• diverse and appropriate planting• bio-filtration gardens• appropriately planted shading trees• areas for residents to plant vegetables and herbs• composting• green roofs or walls. | Landscape is minimised through the site given the CBD location. | Generally complies |
| Ongoing maintenance plans should be prepared | Can be conditioned. | Capable of compliance subject to conditions |

Objective 4O-2 Landscape design responds to the existing site conditions

| Design Guidance | Comment | Compliance |
|--|--|------------|
| Landscape design responds to the existing site conditions including: <ul style="list-style-type: none">• changes of levels• views• significant landscape features including trees and rock outcrops. | The design responds to the conditions of the site. | Complies |

4P Planting on Structures

Objective 4P-1 Appropriate soil profiles are provided.

| Design Guidance | Comment | Compliance |
|--|---|---|
| Structures are reinforced for additional saturated soil weight. | Planting within the COS area will need to be confirmed to be structurally adequate prior to CC. | Capable of compliance subject to conditions |
| Soil volume is appropriate for plant growth, considerations include: <ul style="list-style-type: none">• modifying depths and widths according to the planting mix and irrigation frequency• free draining and long soil life span• tree anchorage | The landscape plans indicate a soil depth within the COS to enable trees and groundcovers to succeed. | Capable of compliance subject to conditions |

Objective 4P-3 Planting on structures contributes to the quality and amenity of communal and public open spaces

| Design Guidance | Comment | Compliance |
|--|--|--|
| <p>Building design incorporates opportunities for planting on structures. Design solutions may include:</p> <ul style="list-style-type: none"> • green walls with specialised lighting for indoor green walls • wall design that incorporates planting • green roofs, particularly where roofs are visible from the public domain • planter boxes <p>Note: structures designed to accommodate green walls should be integrated into the building facade and consider the ability of the facade to change over time</p> | Planting on structure in the COS is proposed. | Complies |
| 4Q Universal Design | | |
| Objective 4Q-1 Universal design features are included in apartment design to promote flexible housing for all community members. | | |
| Design Guidance | Comment | Compliance |
| Developments achieve a benchmark of 20% of the total apartments incorporating the Livable Housing Guideline's silver level universal design features. | 32 silver level universal design units have been indicated on the plans and confirmed to be compliant in the Accessibility Compliance Report. | Complies |
| Objective 4Q-2 A variety of apartments with adaptable designs are provided. | | |
| Design Guidance | Comment | Compliance |
| Adaptable housing should be provided in accordance with the relevant council policy. | 10% adaptable units have been indicated on the plans and the Accessibility Compliance Report. The Accessibility Compliance Report notes that there will need to be further confirmation prior to CC. | Capable of complying subject to conditions |
| Objective 4Q-3 Apartment layouts are flexible and accommodate a range of lifestyle needs. | | |
| Design Guidance | Comment | Compliance |
| <p>Apartment design incorporates flexible design solutions which may include:</p> <ul style="list-style-type: none"> • rooms with multiple functions • dual master bedroom apartments with separate bathrooms • larger apartments with various living space options • open plan 'loft' style apartments with only a fixed kitchen, laundry and bathroom. | Refer previous comments. | Does not comply |

4S – Mixed Use

Objective 4S-1 Mixed use developments are provided in appropriate locations and provide active street frontages that encourage pedestrian movement

| Design Guidance | Comment | Compliance |
|---|--|---|
| Mixed use development should be concentrated around public transport and centres | The site and proposal comply. | Complies |
| Mixed use developments positively contribute to the public domain. Design solutions may include: <ul style="list-style-type: none">• development addresses the street• active frontages are provided• diverse activities and uses• avoiding blank walls at the ground level• live/work apartments on the ground floor level, rather than commercial | As above. However, activation could be improved on Morisset Street | Capable of complying subject to design amendments to part of the Morisset Street frontage |

Objective 4S-2 Residential levels of the building are integrated within the development, and safety and amenity is maximised for residents

| Design Guidance | Comment | Compliance |
|--|--|------------|
| Residential circulation areas should be clearly defined. Design solutions may include: <ul style="list-style-type: none">• residential entries are separated from commercial entries and directly accessible from the street• commercial service areas are separated from residential components• residential car parking and communal facilities are separated or secured• security at entries and safe pedestrian routes are provided• concealment opportunities are avoided | Yes, residential and commercial entries and areas are separated. | Complies |
| Landscaped communal open space should be provided at podium or roof levels | COS is at podium level. | Complies |

4T Awnings and Signage

Objective 4T-1 Awnings are well located and complement and integrate with the building design

| Design Guidance | Comment | Compliance |
|--|-----------------------|------------|
| Awnings should be located along streets with high pedestrian activity and active frontages | Awnings are provided. | Complies |

Objective 4T-2 Signage responds to the context and desired streetscape character

| Design Guidance | Comment | Compliance |
|---|--|--|
| Signage should be integrated into the building design and respond to the scale, proportion and detailing of the development | Refer previous comments on signage. | Complies |
| Legible and discrete way finding should be provided for larger developments | Wayfinding signage will be required. | Capable of complying subject to conditions |
| Signage is limited to being on and below awnings and a single facade sign on the primary street frontage | Generally, complies – no visual clutter will result. | Complies |

4U Energy Efficiency

Objective 4U-1 Development incorporates passive environmental design.

| Design Guidance | Comment | Compliance |
|---|--|---|
| Adequate natural light is provided to habitable rooms (see 4A Solar and Daylight Access). | Refer previous commentary. | Appears to comply subject to additional information |
| Well located, screened outdoor areas should be provided for clothes drying. | POS areas permit outdoor clothes drying. | Complies |

Objective 4U-2 Development incorporates passive solar design to optimise heat storage in winter and reduce heat transfer in summer.

| Design Guidance | Comment | Compliance |
|--|--|------------|
| Provision of consolidated heating and cooling infrastructure should be located in a centralised location (e.g. the basement) | Mechanical units identified on the roof in a centralised location. | Complies |

4V Water Management and Conservation

Objective 4V-2 Urban stormwater is treated on site before being discharged to receiving waters.

| Design Guidance | Comment | Compliance |
|---|---------|------------|
| Water sensitive urban design systems are designed by a suitably qualified professional. | | |
| <p>A number of the following design solutions are used:</p> <ul style="list-style-type: none"> • runoff is collected from roofs and balconies in water tanks and plumbed into toilets, laundry and irrigation • porous and open paving materials is maximised | | |

- on site stormwater and infiltration, including bio-retention systems such as rain gardens or street tree pits

Objective 4V-3 Flood management systems are integrated into site design.

| Design Guidance | Comment | Compliance |
|--|---------|------------|
| Detention tanks should be located under paved areas, driveways or in basement car parks. | N/A | N/A |
| On large sites parks or open spaces are designed to provide temporary on-site detention basins | N/A | N/A |

Objective 4V-1 Potable water use is minimised

| Design Guidance | Comment | Compliance |
|--|--|----------------------|
| Water efficient fittings, appliances and wastewater reuse should be incorporated | Capable of complying | Capable of complying |
| Apartments should be individually metered | Capable of complying | Capable of complying |
| Rainwater should be collected, stored and reused on site | Rainwater tank indicated in the carpark (20kL) | Complies |
| Drought tolerant, low water use plants should be used within landscaped areas | Yes – refer to landscape plans. | Complies |

4W Waste Management

Objective 4W-1 Waste storage facilities are designed to minimise impacts on the streetscape, building entry and amenity of residents.

| Design Guidance | Comment | Compliance |
|--|---|----------------------|
| Adequately sized storage areas for rubbish bins should be located discreetly away from the front of the development or in the basement car park. | Separate residential and commercial waste areas are provided. However, Council's waste officer has indicated larger bins may be required for the residential waste room given the Applicant has stated collection will be twice per week, but Council will only undertake collection once a week. | Does not comply |
| Waste and recycling storage areas should be well ventilated. | Appears to be capable of compliance | Capable of complying |
| Circulation design allows bins to be easily manoeuvred between storage and collection points. | The arrangement enables this outcome. | Complies |
| Temporary storage should be provided for large bulk items such as mattresses. | A waste holding area is provided on the ground level in the carpark. | Complies |

| | | |
|---|-----------------------------|----------|
| A waste management plan should be prepared. | Yes – submitted with the DA | Complies |
|---|-----------------------------|----------|

Objective 4W-2 Domestic waste is minimised by providing safe and convenient source separation and recycling.

| Design Guidance | Comment | Compliance |
|--|---|----------------------|
| All dwellings should have a waste and recycling cupboard or temporary storage area of sufficient size to hold two days worth of waste and recycling. | Capable of complying – to be show on plans prior to CC. | Capable of complying |
| Communal waste and recycling rooms are in convenient and accessible locations related to each vertical core. | Dedicated waste and recycling chutes will be installed through the building and have a chute service compartment located on each residential floor of the development. Residents must take their waste and recycling to the chute compartment on their floor and dispose of it accordingly. | Complies |
| For mixed use developments, residential waste and recycling storage areas and access should be separate and secure from other uses | Separate residential and commercial waste areas are provided. | Complies |
| Alternative waste disposal methods such as composting should be provided | N/A | N/A |