



Ordinary Meeting of Council

13 November 2024

**UNDER SEPARATE COVER
ATTACHMENTS**

ITEM 9.2

**QUEANBEYAN-PALERANG REGIONAL COUNCIL
ORDINARY MEETING OF COUNCIL**

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QUEANBEYAN-PALERANG REGIONAL COUNCIL

Council Meeting Attachment

13 NOVEMBER 2024

ITEM 9.2 DA.2023.0461 - PROPOSED CO-LIVING HOUSING
DEVELOPMENT - 95 CRAWFORD STREET,
QUEANBEYAN

ATTACHMENT 1 PROPOSAL PLANS - DA.2023.0461 - 95 CRAWFORD STREET
QUEANBEYAN

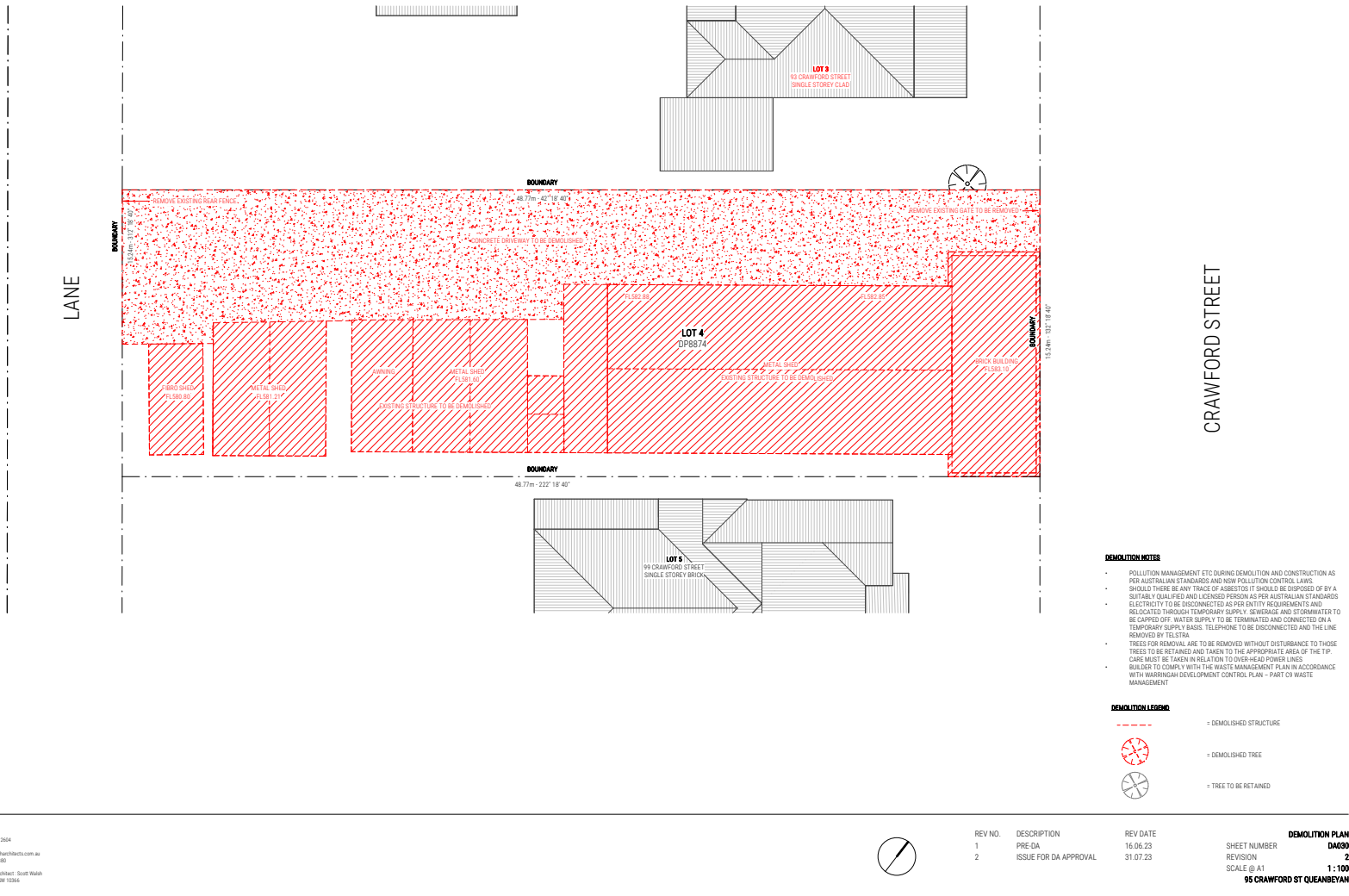


95 CRAWFORD STREET,
QUEANBEYAN

ISSUE FOR DEVELOPMENT APPLICATION

NUMBER	SHEET NAME	REVISION
DA000	COVER PAGE	4
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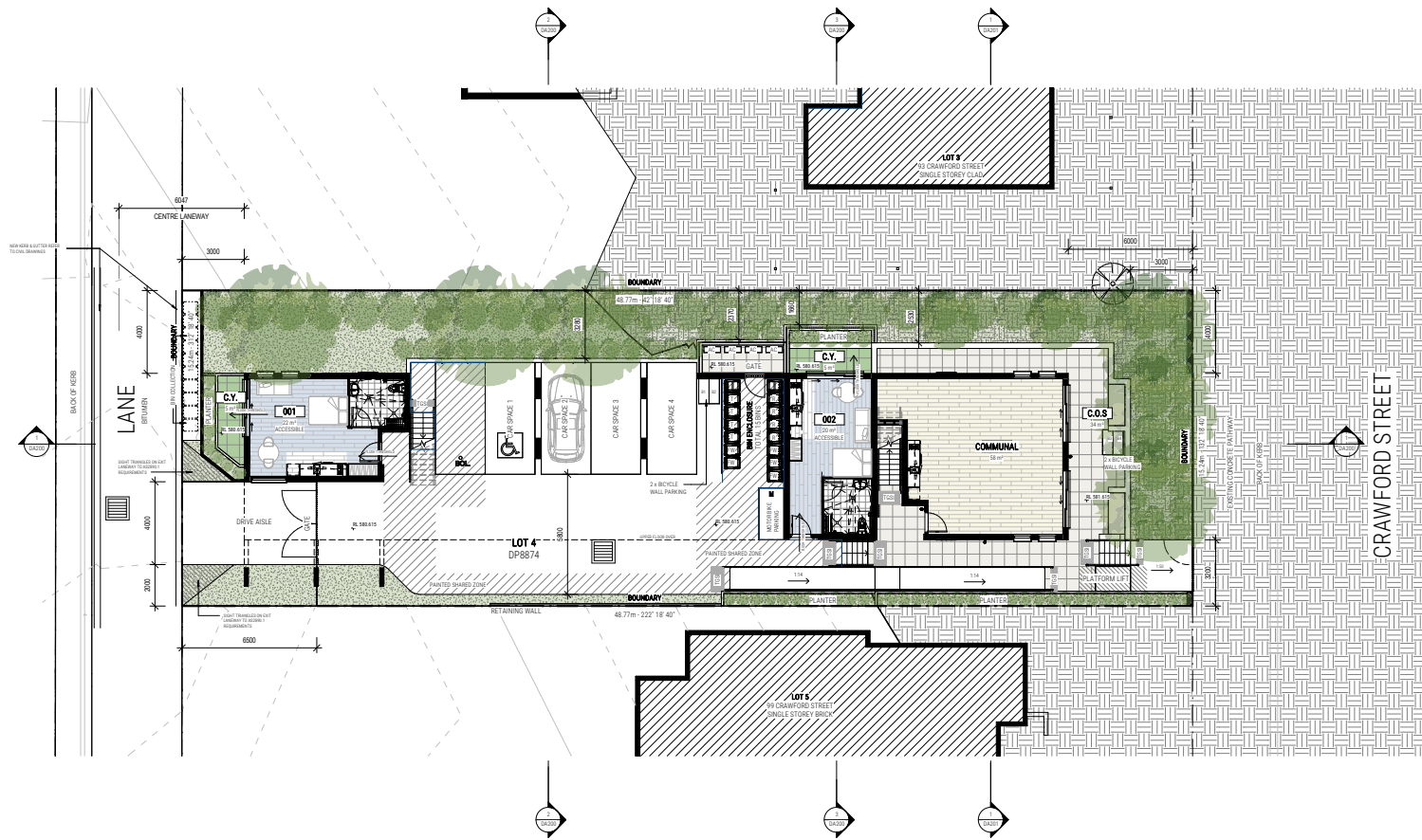




1 VIEW FROM STREET - NORTH NEIGHBOUR
1:350 @ A1
ARTIST VISUALISATION ONLY - REFER TO ELEVATIONS PLANS AND LANDSCAPE ARCHITECTS DRAWINGS FOR MORE INFORMATION.



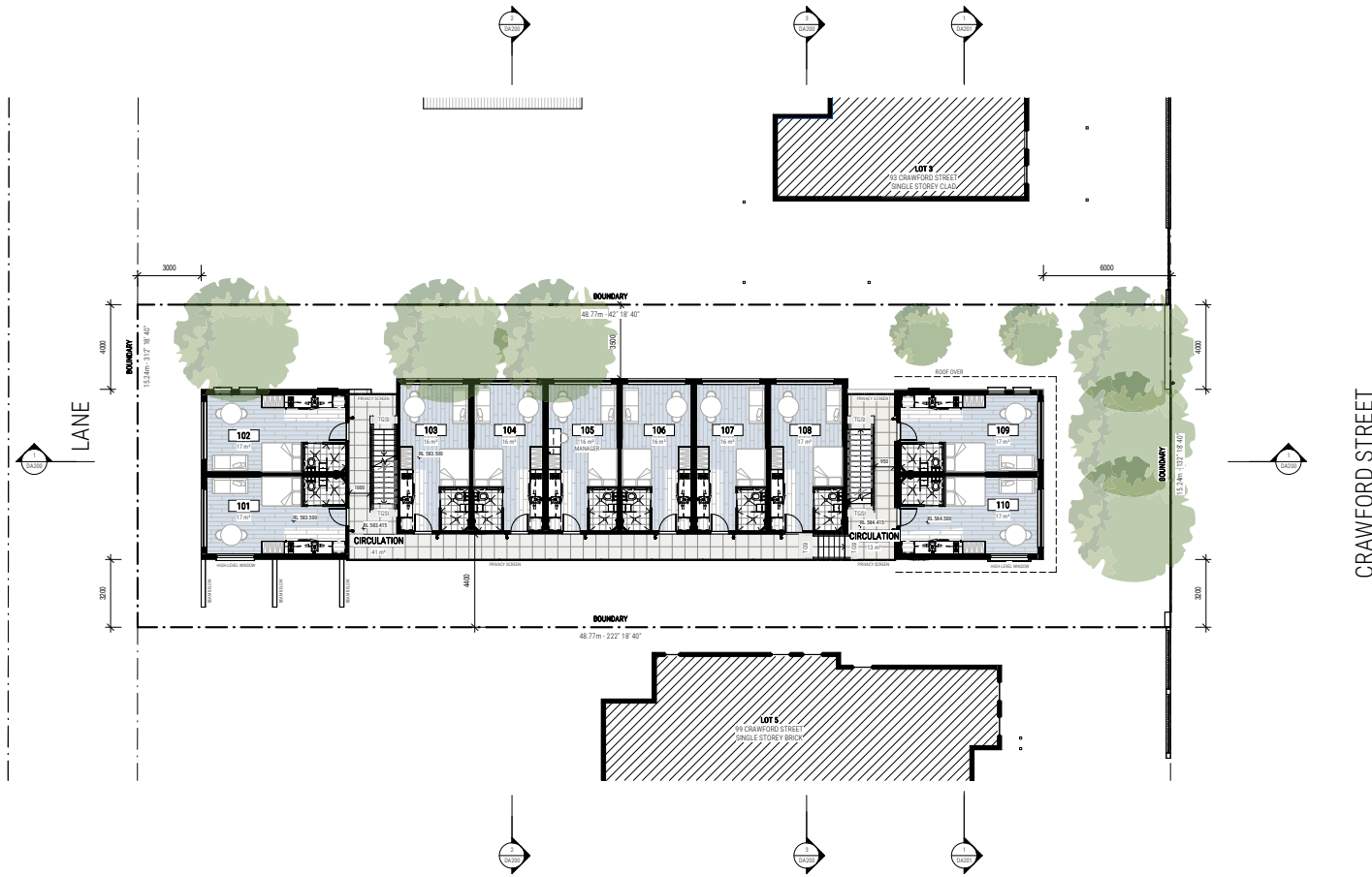
2 VIEW FROM STREET - SOUTH NEIGHBOUR
1:350 @ A1
ARTIST VISUALISATION ONLY - REFER TO ELEVATIONS PLANS AND LANDSCAPE ARCHITECTS DRAWINGS FOR MORE INFORMATION.



REV NO.	DESCRIPTION	REV DATE
2	ISSUE FOR DA APPROVAL	31.07.23
3	ISSUE FOR RFI	30.01.24
4	ISSUE FOR RFI	05.06.24
5	ISSUE FOR RFI	03.09.24

REV NO.	DESCRIPTION	REV DATE
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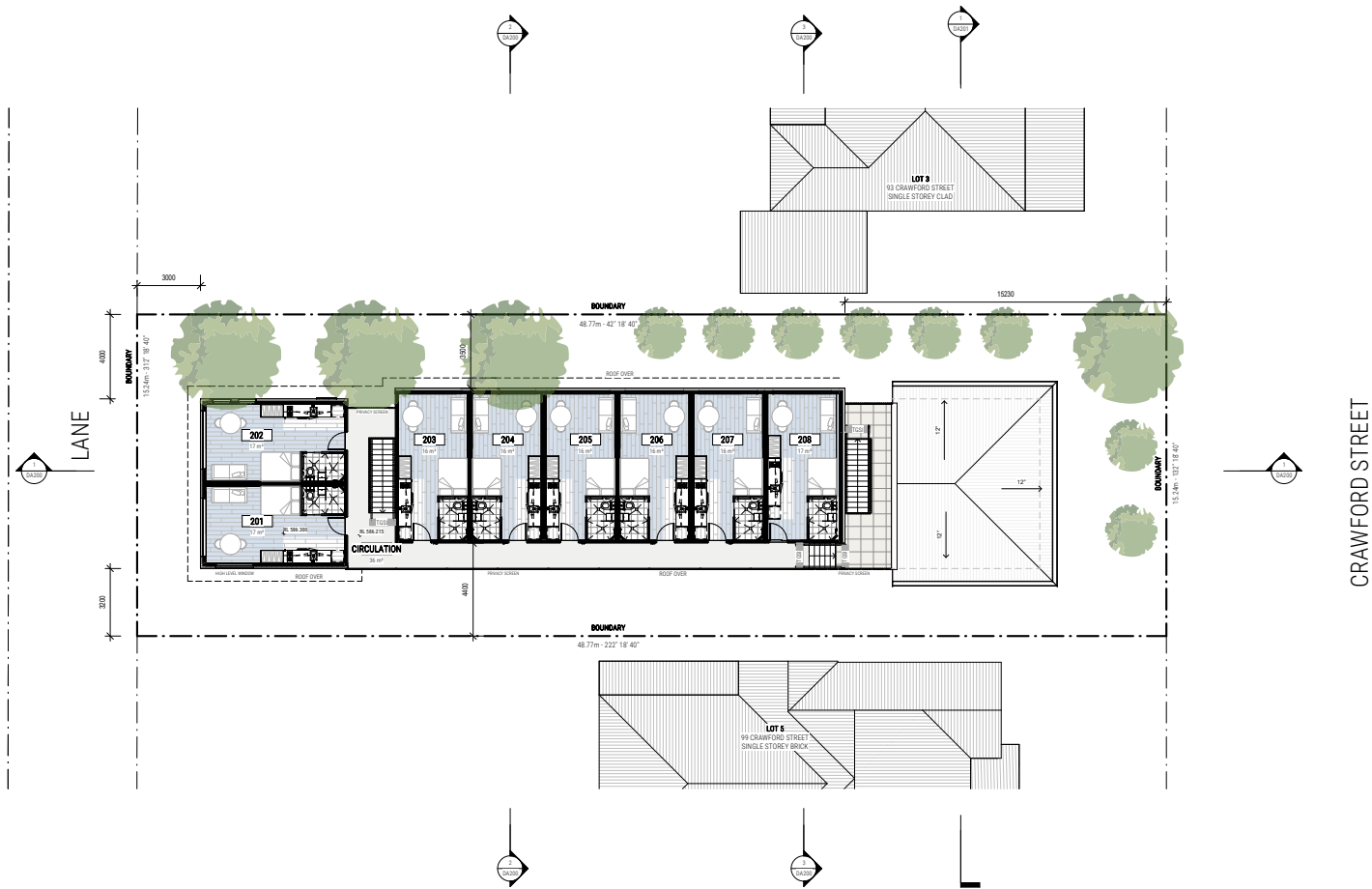


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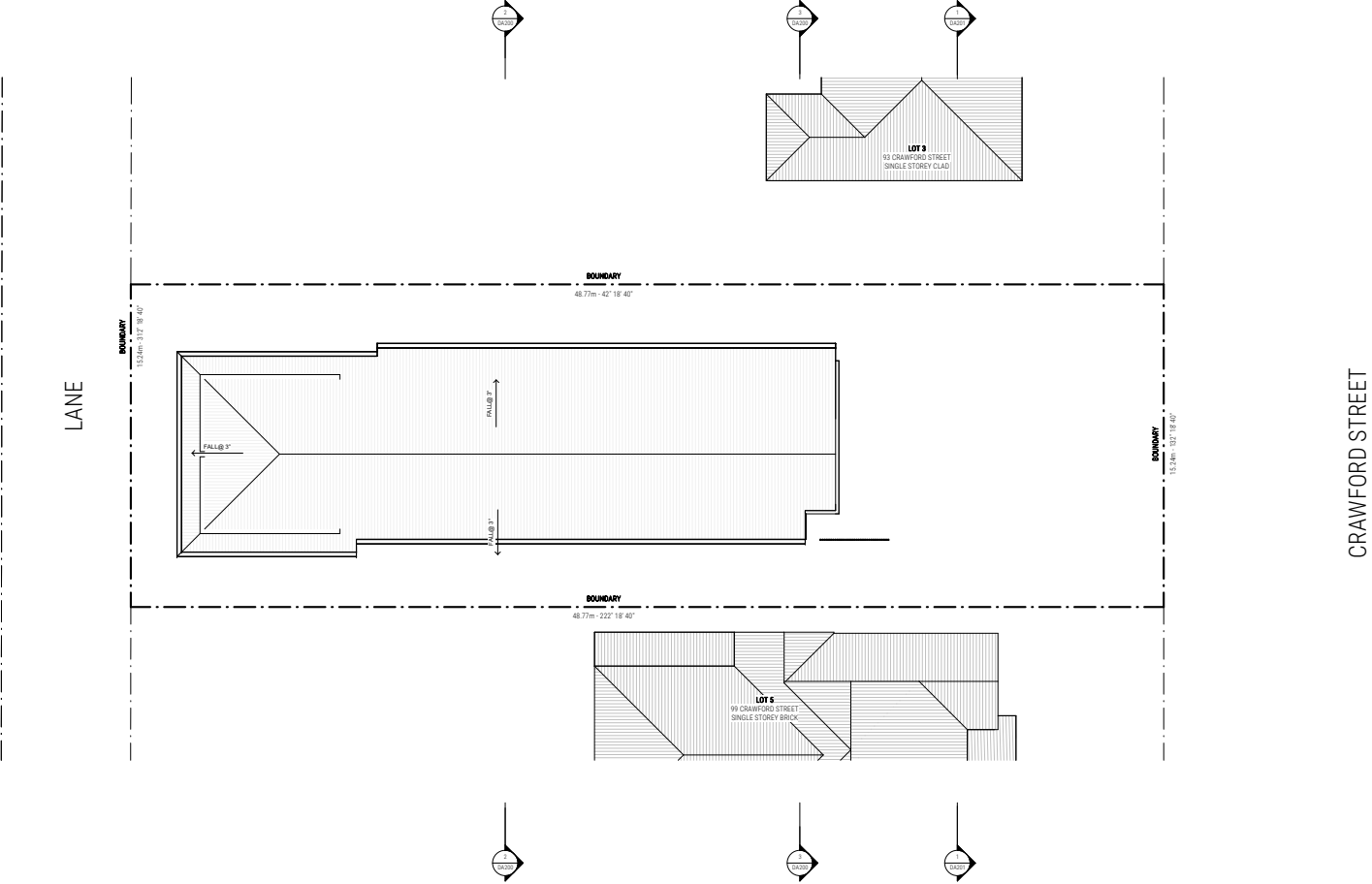
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REVISION	REVISION	REVISION
5	5	5
SCALE @ A1	1:100	1:100
95 CRAWFORD ST QUEANBEYAN		



REV NO.	DESCRIPTION	REV DATE
1	PRE-DA	16.06.23
2	ISSUE FOR DA APPROVAL	31.07.23
3	ISSUE FOR RFI	30.01.24
4	ISSUE FOR RFI	03.09.24

SHEET NUMBER	LEVEL 2 PLAN
4	DA103
REVISION	
SCALE @ A1	1:100
95 CRAWFORD ST QUEANBEYAN	



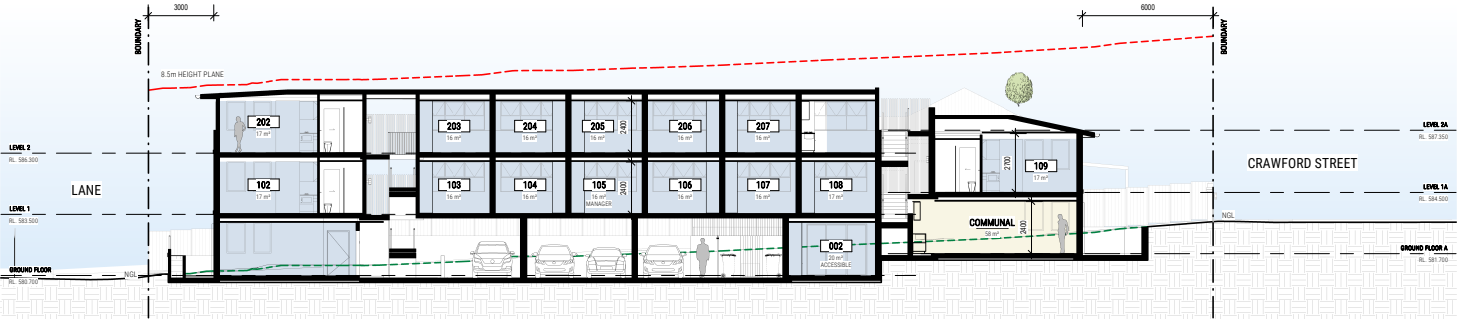
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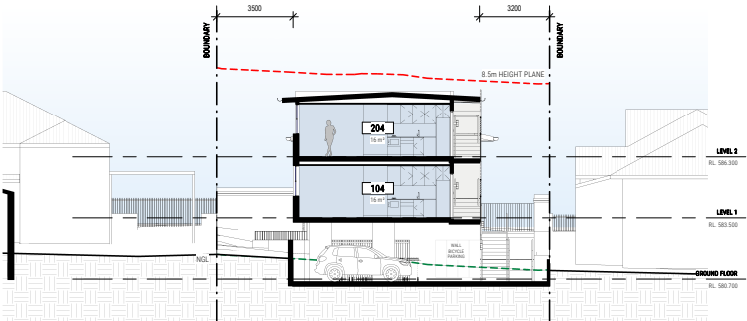
REV NO.	DESCRIPTION	REV DATE
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3	ISSUE FOR RFI	30.01.24
4	ISSUE FOR RFI	03.09.24

SHEET NUMBER	REVISION	SCALE @ A1
DA104	4	1:100

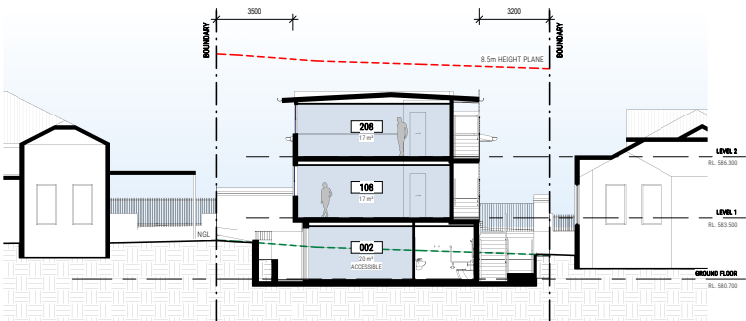
95 CRAWFORD ST QUEANBEYAN



1 LONG SECTION
1:100 g.s.d.



2 SHORT SECTION AA
1:100 g.s.d.



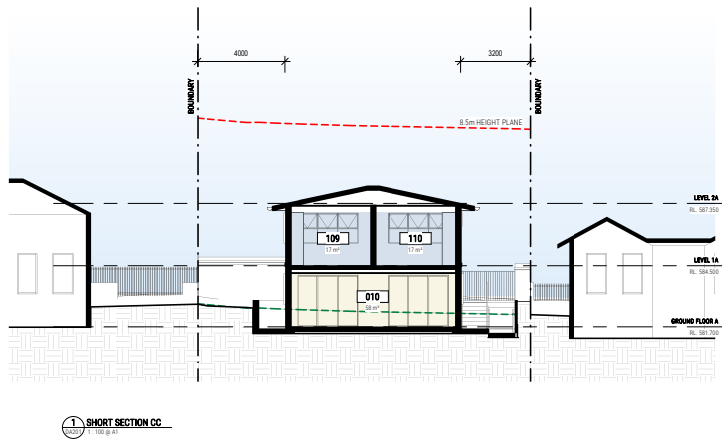
3 SHORT SECTION BB
1:100 g.s.d.

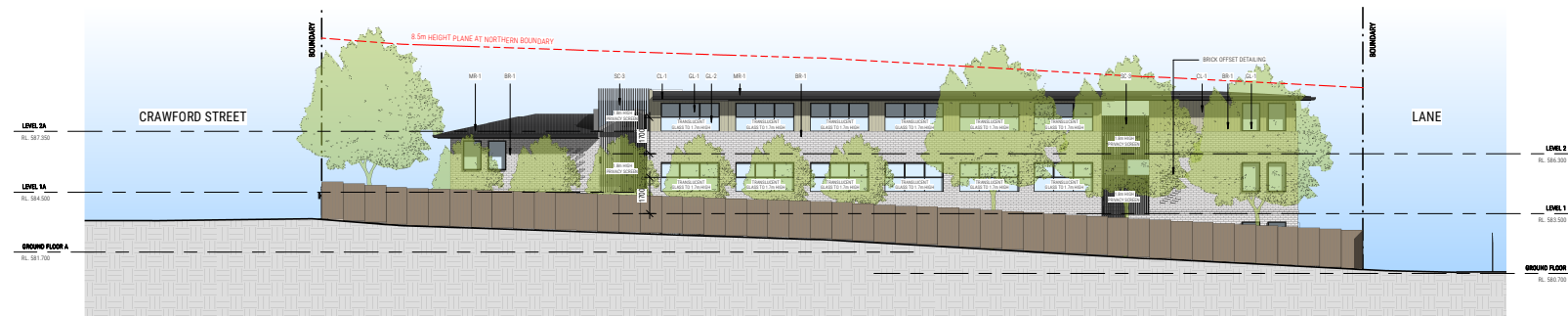


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Nominated Architect: Scott Walsh
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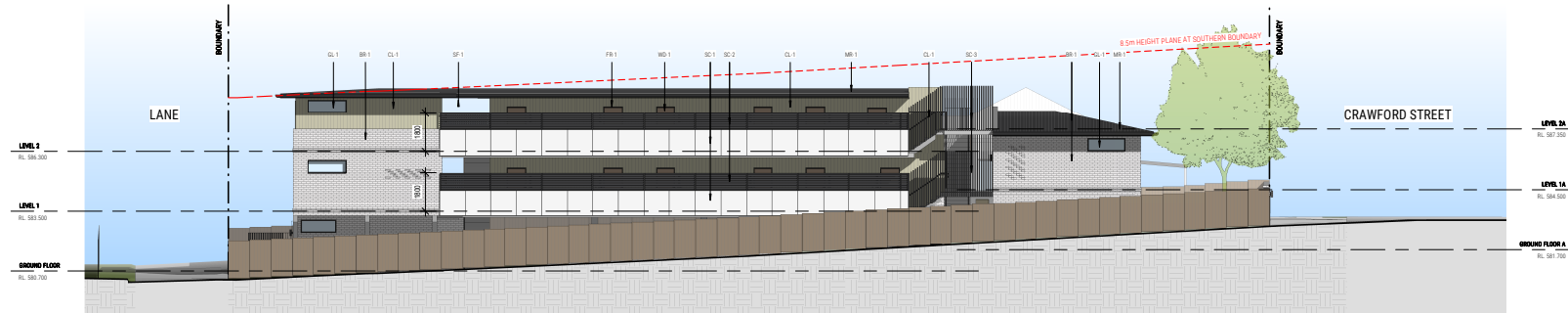
REV NO.	DESCRIPTION	REV DATE
1	PRE-DA	16.06.23
2	ISSUE FOR DA APPROVAL	31.07.23
3	ISSUE FOR RFI	30.01.24
4	ISSUE FOR RFI	03.09.24

SECTIONS - SHEET 1
SHEET NUMBER DA200
REVISION 4
SCALE @ A1 1:100
95 CRAWFORD ST QUEANBEYAN





1 NORTH ELEVATION
1:100



2 SOUTH ELEVATION
1:100

LEGEND / EXTERIOR MATERIAL FINISHES

- MB-1 METAL ROOF, LYSAGHT KLUK-LUK 700-H STRENGTH, MONUMENT FINISH
- BB-1 AUSTRAL BRICKS HAMPTONS WHITEWASH OR SIMILAR
- CL-1 FC CLADDING - JAMES HARDIE ADOX 135 PAINTED STEERING HAZE OR SIMILAR
- GL-1 CLEAR GLAZING PER BASIS SPECIFICATIONS
- GL-2 LIGHT GREY FRUSTED PRIVACY FILM TO 1000mm (FROM LEVEL) NORTH FACADE WINDOWS PER ELEVATION
- RI-1 METAL RAILING, MONUMENT FINISH
- SC-1 1000mm HIGH LIGHT GREY FRUSTED GLAZED PRIVACY SCREEN, MONUMENT FINISH FRAME
- SC-2 ALUMINIUM FRAMED LEADING SCREENS TO 1800mm MONUMENT FINISH
- SC-3 ALUMINIUM BATTEN SCREENING TO 1800mm (DA A C), MONUMENT FINISH
- SF-1 FC SLOTT - JAMES HARDIE TIMBER LOOK (DAK OR ADOX 135 PAINTED) JASPER OR SIMILAR
- FR-1 WINDOW / DOOR FRAMES, MONUMENT FINISH
- BB-1 AMERICAN OAK OR SIMILAR (ENTRY DOORS)
- BOUNDARY BRONZE OR SIMILAR



1 EAST ELEVATION
1:100 @ A1



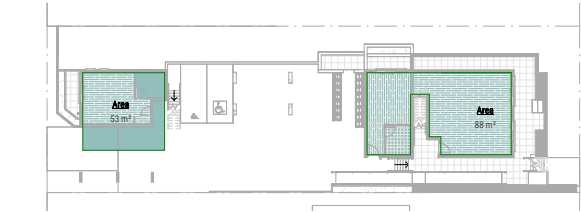
2 WEST ELEVATION
1:100 @ A1

LOOKING / EXTERIOR MATERIAL FINISHES

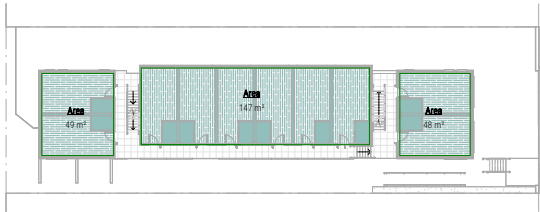
MB-1 METAL ROOF, LYSAGHT KLUK-LOK 700-H STRENGTH, MONUMENT FINISH
BB-1 AUSTRAL BRICKS HAMPTONS WHITEWASH OR SIMILAR
CL-1 FC CLADDING - JAMES HARDIE ADOX 135 PAINTED STEERING HAZE OR SIMILAR
GL-1 CLEAR GLAZING PER BASIX SPECIFICATIONS
GL-2 LIGHT GREY FRUSTED PRIVACY FILM TO 100mm (FROM LEVEL) NORTH FACADE WINDOWS PER ELEVATION
BL-1 METAL BALUING, MONUMENT FINISH
R-1 100mm HIGH LIGHT GREY FRUSTED GLAZED PRIVACY SCREEN, MONUMENT FINISH FRAME
SC-1 ALUMINUM FRISTE LAMING SCREENS TO 180mm MONUMENT FINISH
SC-2 ALUMINUM BATTEN SCREENING TO 180mm (A & G), MONUMENT FINISH
SP-1 FC SLOTT - JAMES HARDIE TIMBER LOOK (DARK OR ADOX 135 PAINTED) JASPER OR SIMILAR
PB-1 WINDOW / DOOR FRAMES, MONUMENT FINISH
MB-1 AMERICAN OAK OR SIMILAR (ENTRY DOORS)
BOUNCE BRONZE OR SIMILAR

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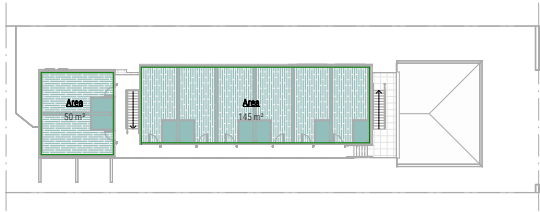
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1	ISSUE FOR DA APPROVAL	31.07.23	SHEET NUMBER DA301
2	ISSUE FOR RFI	30.01.24	REVISION 3
3	ISSUE FOR RFI	03.09.24	SCALE @ A1 1:100
95 CRAWFORD ST QUEANBEYAN			



3 GFA - GROUND FLOOR
1:200 @ A1

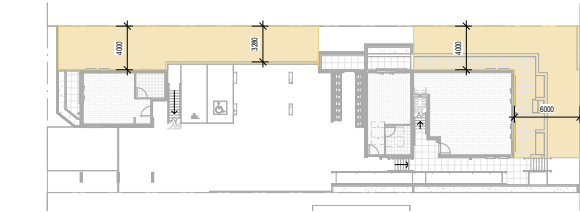


4 GFA - LEVEL 1
1:200 @ A1



5 GFA - LEVEL 2
1:200 @ A1

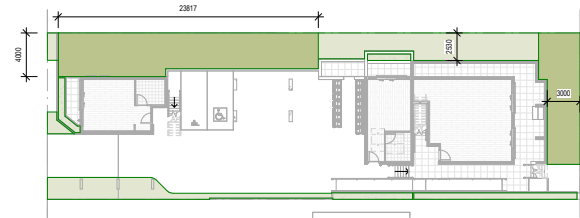
AREA SCHEDULE - GFA		
LEVEL	AREA	FIR
Ref. Proposed	1,007 m²	0.00
PROPOSED FLOOR	1,007 m²	0.00
LEVEL 1	1,007 m²	0.00
LEVEL 2	1,007 m²	0.00
TOTAL	1,007 m²	0.00



2 COMMUNAL OPEN SPACE AREA
1:200 @ A1

COMMUNAL OPEN SPACE

COMMUNAL OPEN SPACE AREA SCHEDULE		
TYPE	AREA	PERCENTAGE
COMMUNAL OPEN SPACE	194 m²	26.1%
	194 m²	26.1%



1 LANDSCAPED AREAS
1:200 @ A1

DEEP SOIL
LANDSCAPE

LANDSCAPE AREA SCHEDULE		
TYPE	AREA	PERCENTAGE
DEEP SOIL	126 m²	16.6%
LANDSCAPE	99 m²	13.4%
	224 m²	30.1%

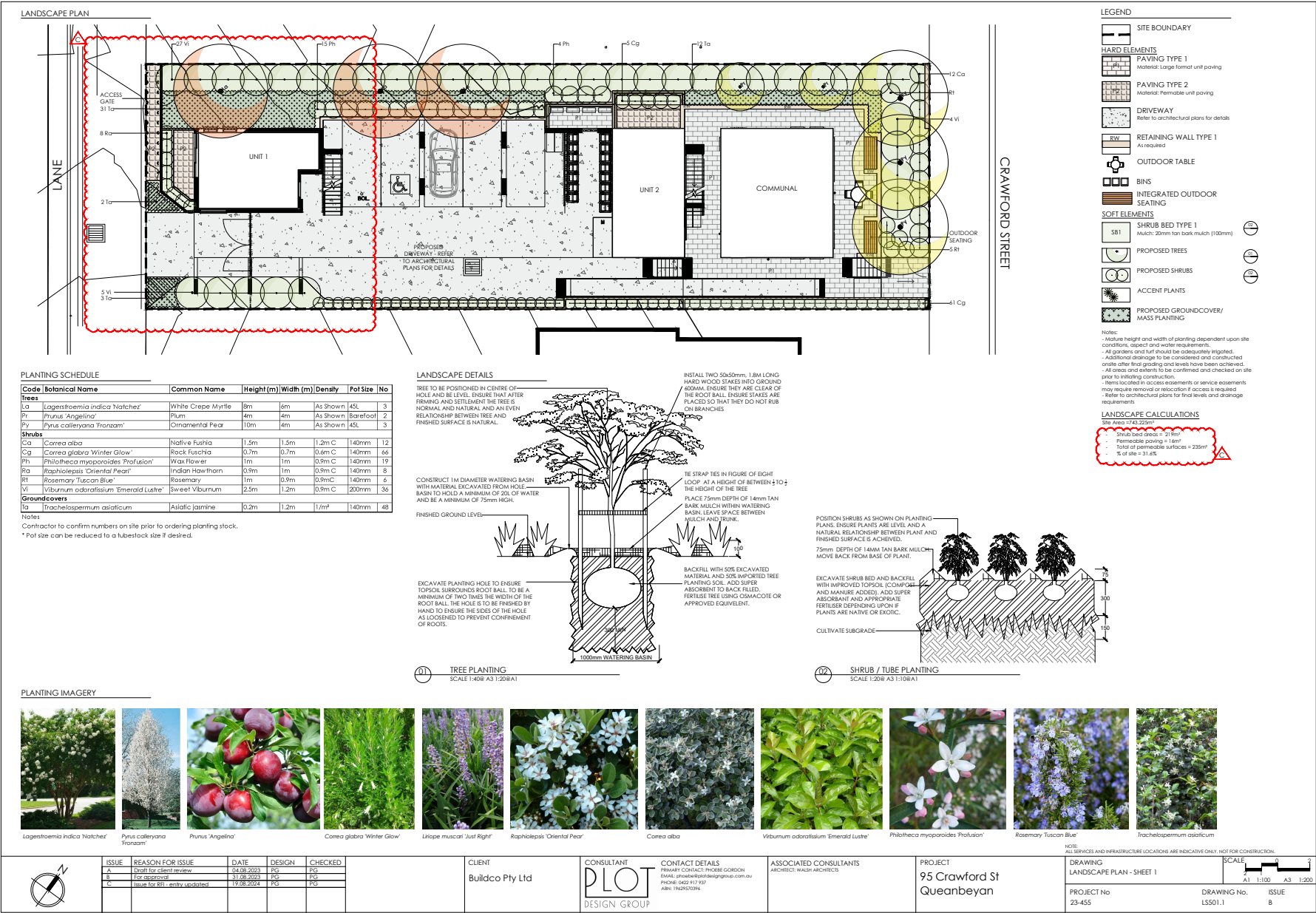


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AREA CALCULATIONS	
SHEET NUMBER	DA400
REVISION	4
SCALE @ A1	1:200
95 CRAWFORD ST QUEANBEYAN	



QUEANBEYAN-PALERANG REGIONAL COUNCIL

Council Meeting Attachment

13 NOVEMBER 2024

ITEM 9.2 DA.2023.0461 - PROPOSED CO-LIVING HOUSING
DEVELOPMENT - 95 CRAWFORD STREET,
QUEANBEYAN

ATTACHMENT 2 DRAFT CONDITIONS OF CONSENT - DA.2023.0461 - 95
CRAWFORD STREET QUEANBEYAN

APPROVED DEVELOPMENT AND PLANS

1. Plans and documents

The development referred to in the application is to be carried out in accordance with the approved plans and documents including the following:

Title / Description	Prepared by	Issue/Revision & Date	Date received by Council
Cover Page	Walsh Architects	DA000 Rev 4 dated 3 September 2024	4 September 2024
Proposed Site Plan	Walsh Architects	DA040 Rev 4 dated 3 September 2024	4 September 2024
Demolition Plan	Walsh Architects	DA030 Rev 2 dated 31 July 2023	4 September 2024
Ground Floor Plan	Walsh Architects	DA101 Rev 5 dated 3 September 2024	4 September 2024
Level 1 Plan	Walsh Architects	DA102 Rev 5 dated 3 September 2024	4 September 2024
Level 2 Plan	Walsh Architects	DA103 Rev 4 dated 3 September 2024	4 September 2024
Roof Plan	Walsh Architects	DA104 Rev 4 dated 3 September 2024	4 September 2024
Sections Sheet 1	Walsh Architects	DA200 Rev 4 dated 3 September 2024	4 September 2024
Sections Sheet 2	Walsh Architects	DA201 Rev 2 dated 3 September 2024	4 September 2024
Elevations Sheet 1	Walsh Architects	DA300 Rev 4 dated 3 September 2024	4 September 2024
Elevations Sheet 2	Walsh Architects	DA301 Rev 3 dated 3 September 2024	4 September 2024
Area Calculations	Walsh Architects	DA400 Rev 4 dated 3 September 2024	4 September 2024
Landscape Plan Sheet 1	PLOT design group	Issue C dated 19 August 2024	4 September 2024
Acoustic Report	Acoustic Logic	Ref 20230723.1 dated 9 September 2024	4 September 2023
Operational Plan of Management	Proponent (unnamed)	September 2024	27 August 2024

except as modified by any of the following conditions of consent.

Reason: Development is undertaken in accordance with this consent & is used for the approved purpose only.

SPECIAL CONDITIONS

2. Plan of Management

The development is to comply with the Operational Plan of Management dated September 2024.

Reason: To ensure the use operates with minimal impact on adjoining properties.

3. Waste Management

Prior to the issue of an occupation certificate a Waste Management Plan is to be provided to Council for approval. The plan is to include (but not limited to) the following:

- A bin service is required to be either Council commercial service or private commercial service as no kerbside hard rubbish collection is provided by Council.
Please note that Council only supplies 240L bins on a normal kerbside collection schedule.
- Signage is to be provided in the waste area to identify the use of the waste bins and what is accepted in each bin,
- The Waste Management Plan is to include demolition, build and post build indicating best practice waste avoidance, reuse, and diversion. Details of information which will be given to the lodgers of the boarding house is also to be included.

Reason: To ensure adequate waste management practices are in place to satisfy Council requirements

4. NSW Police Advice

Consider recommendations from NSW Police at Schedule 2.

Reason: To assist with the reduction of crime and safety of the community.

5. Dust Management

Immediately undertake all measures as appropriate, and/or respond to any Council direction to provide dust suppression on roads leading to, adjacent to and within the site in the event that weather conditions, construction activities and associated traffic to and from the site are giving rise to abnormal generation of dust.

Reason: To ensure that local residents and activities are not disadvantaged by dust during hours of operation.

GENERAL CONDITIONS

6. Obtain Construction Certificate

Obtain a construction certificate from Queanbeyan-Palerang Regional Council or an appropriately accredited private certifier before undertaking any work. Forward a copy of any construction certificate issued by a private certifier to Queanbeyan-Palerang Regional Council at least 2 days before undertaking any work in accordance with that construction certificate.

Reason: Work is undertaken in accordance this consent & relevant construction standards.

7. Obtain Occupation Certificate

Do not occupy or use the premises until an occupation certificate has been issued by Queanbeyan-Palerang Regional Council or an appropriately accredited private certifier. Provide a copy of any occupation certificate, issued by a private certifier, to Queanbeyan-Palerang Regional Council no later than 2 days after the occupation certificate is issued.

Reason: Ensure that the building complies with relevant standards.

8. Comply with the Building Code of Australia

All work is to comply with the current edition of the Building Code of Australia.

Reason: All building work is carried out in accordance with relevant construction standards.

9. Construction within Boundaries

The development including but not limited to footings, walls, roof barges and guttering must be constructed wholly within the boundary of the premises. No portion of the proposed structure shall encroach onto the adjoining properties. Gates must be installed so they do not open onto any footpath or adjoining land.

Reason: Approved works are to be contained wholly within the subject site.

10. Copy to Owner

A copy of this consent is to be provided to the owner.

Reason: To ensure the owner is aware of the requirements imposed under the consent.

11. Retaining Walls

All excavations, backfilling and other activities associated with the erection or demolition of a building must be executed safely and in accordance with appropriate professional standards. Excavations or fill extending to within 1m of boundary must be supported by retaining wall/s.

Retaining wall/s that exceed 1m in height are required to be certified by a structural engineer. Prior to issue of any construction certificate provide a certified copy of the design to QueanbeyanPalerang Regional Council.

Note: If a retaining wall will exceed 1.5m in height or will be located within an easement a separate development consent must be obtained prior to construction.

Reason: Retaining walls are structurally strong enough to bear the loads put on them.

12. Siting of retaining wall/s

Retaining walls are to be located such that the entire retaining wall, associated footings and drainage materials are located wholly within the site boundaries.

Reason: To ensure that there is clarity over the ownership of retaining walls and adequate provision is made for the construction of dividing fences.

13. Sequence of construction for retaining wall/s

Where retaining walls are required along a property boundary, they are to be constructed and inspected prior to any other construction works commencing.

Reason: To ensure that excavated or backfilled areas are adequately retained and that neighbouring properties are not impacted by the earthworks on this site.

14. Unauthorised Use of Public Land

No building materials are to be stored or construction activities undertaken on public or adjoining land without prior written approval from Council.

Reason: To prevent unnecessary disturbance to public land.

15. Work on Adjoining Land Is Limited

The verge and other adjoining lands must not be used for storage of materials, trade/construction vehicle parking or disturbed by construction activities with the exception of;

- a. Installation of a temporary, stabilised construction access across the verge,
- b. Installation of services,

- c. Construction of an approved permanent verge crossing.

Reason: To minimise interference with the verge and its accessibility by pedestrians.

CONDITIONS TO BE SATISFIED PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE

16. Water & Sewer Compliance Certificate of Compliance - Design

Prior to the release of a Construction Certificate, a Certificate of Compliance in accordance with the *Water Management Act 2000* must be obtained from Council.

Under Section 306 of the *Water Management Act 2000* Council, as the case requires, may, as a precondition to the issuing a Certificate of Compliance, impose a requirement that a payment is made or works are carried out, or both, towards the provision of water supply and sewerage under Section 64 of the *Local Government Act 1993* and as specified in Schedule 1 of this consent.

Section 64 contributions shall be indexed in accordance with the respective plans and CPI All Groups - Sydney annually.

Reason: To ensure that supply is available, and/or the hydraulic design is in accordance with the relevant specifications.

17. Detailed Investigation Report

Prior to the issue of a Construction Certificate (Building) all recommendations or conditions contained within the Stage 2 Detailed Investigation Report (No.S00207, By Raw Earth Environmental, November 2023) must be implemented and evidence of their implementation must be submitted to Council prior to the issue of a Construction Certificate (Building). Any ongoing management conditions will become enforceable under this consent.

Reason: To ensure that construction works only proceed after all recommendations of the submitted Stage 2 Detailed Investigation Report has been met to ensure the site is suitable for the proposed development.

18. Submit a Construction Management Plan

Prior to release of any Construction Certificate (Building) a Construction Management Plan for the management of soil, water, vegetation, waste, noise, vibration, dust, hazards and risk for the construction works must be submitted to, and approved by, the Principal Certifying Authority. The plan must:

- a) describe the proposed construction works and construction program and,
- b) set standards and performance criteria to be met by the construction works and,
- c) describe the procedures to be implemented to ensure that the works comply with the standards and performance criteria and,
- d) identify procedures to receive, register, report and respond to complaints and,
- e) nominate and provide contact details for the persons responsible for implementing and monitoring compliance with the plans

Reason: To ensure that satisfactory measures are in place to provide for environmental management of the construction works.

CONDITIONS TO BE SATISFIED PRIOR TO COMMENCEMENT OF WORKS

19. Appoint PCA (Building)

Appoint a principal certifying authority before any work is undertaken. Provide details of the appointed principal certifying authority (if not Queanbeyan-Palerang Regional Council) to Queanbeyan-Palerang Regional Council at least 2 days prior to any work being undertaken.

Reason: To provide for supervision of the works.

20. Site Identification

The site where building work or demolition work are proposed to be carried out shall be identified by a sign sited in a visually prominent position containing the following information;

- the development application number,
- name, address and telephone number of the principal certifying authority,
- name of the principal contractor (if any) and 24 hour contact telephone number, and
- a statement that "unauthorised entry to the work site is prohibited".

Reason: To satisfy the provisions of Clause 70 of the Environmental Planning and Assessment Regulation 2021.

21. Traffic Management and Section 138 Consent

Prior to undertaking any works within a public road reserve or affecting the road reserve, a traffic management plan is to be submitted to and approved by Queanbeyan-Palerang Regional Council under Section 138 of the *Roads Act 1993*. Where occupancy of the road reserve is required, a Section 138 application shall accompany the Traffic Management Plan for Local Roads or an approved Road Occupancy Licence (ROL) from the Transport for NSW (TfNSW) for State Roads.

Reason: To ensure that works carried out comply with the Roads Act.

22. Home Building Act Requirements

Residential building work within the meaning of the Home Building Act 1989 must not be carried out unless the Principal Certifying Authority for the development to which the work relates (not being the council) has given Council written notice of the following information:

- (a) In the case of work for which a principal contractor is required to be appointed:
 - (i) The name and licence number of the principal contractor.
 - (ii) The name of the insurer by which the work is insured under Part 6 of that Act.
- (b) In the case of work to be done by an owner-builder:
 - (i) The name of the owner-builder.
 - (ii) If the owner-builder is required to hold an owner-builder permit under that Act, the number of the owner-builder permit.

Reason: This is a prescribed condition under the provisions of clause 71 of the Environmental Planning and Assessment Regulation 2021.

23. Sediment and Erosion Control

A Sediment and Erosion Control Plan (S&ECP) for all site works, including road works and access, is to be approved by the principal certifying authority prior to work commencing. The plan is to cover all measures to control erosion and sediment transport in accordance with the

NSW Landcom publication *Managing Urban Stormwater - Soils and Construction (4th Edition 2004 - "Blue Book")*.

Erosion and sediment controls are to be in place before the disturbance of any soils on the site, and are to be maintained during the works and for as long as necessary after the completion to prevent sediment and dirty water leaving the site and/or entering the surface water system outside of the site as follows:

- (a) divert uncontaminated run-off around cleared or disturbed areas,
- (b) erect a silt fence to prevent debris escaping into drainage systems or waterways,
- (c) prevent tracking of sediment by vehicles on roads, and
- (d) stockpile topsoil, excavated material, construction and landscaping supplies and debris within the site.

Reason: To minimise environmental impact associated with any works & to prevent soil erosion/water pollution.

24. Asbestos Removal and Disposal

Asbestos material found on the site must be removed and disposed of in accordance with the *Work Health and Safety Act 2017*, and the NSW WorkCover Guidelines.

Asbestos material must be disposed of to a lawful landfill site approved for that purpose by the Environmental Protection Authority of NSW or equivalent authority in the ACT. Written evidence that the material has been disposed of to the approved landfill must be submitted to the Principal Certifying Authority.

Reason: To ensure the proper disposal of asbestos material.

25. Development Contribution

Pursuant to section 7.12 of the Environmental Planning and Assessment Act 1979, and Council's section 7.12 Contribution Plan.

A contribution schedule is attached and must be paid to Queanbeyan-Palerang Regional Council towards the cost of works as outlined in the contribution plan.

The amount to be paid is to be indexed at the time of the actual payment, in accordance with the provisions of the Section 7.11 Development Contributions Plan.

Paying the Contribution - In the case of a **development application**, applicants must pay their contributions **before obtaining a construction certificate**.

For Complying Development, applicants must pay their contribution **prior to the beginning any Complying Development Works**.

The Contributions Plan may be inspected at:
<https://www.qprc.nsw.gov.au/Building-Development/Planning-Zoning>.

Reason: To assist the Council to provide appropriate public facilities required to maintain and enhance amenity and service delivery within the Queanbeyan urban area.

26. Construction and Demolition Waste Management Plan

A Waste Management Plan, prepared by a suitably qualified or experienced professional, shall be submitted to Council for approval. The waste management plan shall include:

- The presence, or otherwise, of asbestos containing material (ACM) in or on the site, the nature of the ACM, estimated quantities, and the approach to managing this

ACM.

- Estimated quantities of demolition waste broken down into major waste streams.
- Description of how demolition waste will be reused, recycled or otherwise safely and legally diverted from landfill for the duration of the demolition works.
- Estimated quantities of demolition waste to be landfilled, reused, recycled, or otherwise safely and legally diverted from landfill.
- Estimated quantities of construction waste broken down into major waste streams.
- Description of how construction waste will be avoided, reused, recycled or otherwise safely and legally diverted from landfill for the duration of construction works.
- Estimated quantities of construction waste to be landfilled, reused, recycled, or otherwise safely and legally diverted from landfill.
- Estimated quantities of excavated natural material (ENM), the expected classification of ENM and how ENM will be managed and disposed.
- Generally addressing how this project is contributing to the NSW Waste and Sustainable Materials Strategy 2041 (NSW DPIE, June 2021) target to achieve "80% average recovery rate from all waste streams by 2030".

Reason: To ensure that that waste management is appropriately considered and managed across the life of the development.

CONDITIONS TO BE SATISFIED DURING DEMOLITION AND/OR BUILDING WORKS

27. Hours of Operation for Works

All works associated with the construction and/or demolition of this development must be carried out between the following hours unless Queanbeyan-Palerang Regional Council agrees in writing. A written application shall be made to Queanbeyan-Palerang Regional Council if a variation of hours is required.

Weekdays:	7.00am to 6.00pm
Saturdays:	8.00am to 4.00pm
Sundays and Public Holidays:	NIL

Reason: To reduce the chance of offensive noise being created and to minimise the impacts of the development in its locality.

28. Approval Documents

Keep a copy of all stamped approved plans, specifications and documents on site while work is being undertaken.

Reason: Relevant documentation is available for perusal on site by a council officer, for compliance check.

29. Construction Facilities

Toilet facilities are to be provided at or in the close vicinity of the work site on which work involved in the erection or demolition of a building is being carried out.

Reason: To provide adequate facilities to the work site.

30. Unexpected Finds

The development is to proceed with caution. If any Aboriginal objects are found, works should stop and DECCW notified. If human remains are found work is to stop, the site is to be secured and the NSW Police and NSW Office of Environment and Heritage are to be notified.

Reason: To ensure objects discovered during construction are protected and notified in accordance with the Due Diligence Code of Practice for the Protection of Aboriginal Objects in New South Wales.

31. All Works to Be Confined to the Site

All demolition, excavation, backfilling, construction and other activities associated with the development must:-

- a) Be carried out entirely within the allotment boundaries unless otherwise approved by Council.
- b) Comply with the requirements of AS 2601-2001 - The demolition of structures.
- c) If within one metre of the verge, the site must be protected by a hoarding which must be erected prior to the commencement of the demolition works.
- d) Be kept clear of stormwater, sewer manholes and service easements on the site.
- e) Any gates must be installed so they do not open onto any footpath or adjoining land.

Reason: To ensure that all development activity associated with the development does not pose a hazard to life or property and that the effectiveness of public services is not impaired.

32. Demolition Works

The demolition of the existing building must be carried out in accordance with the:

- a) requirements of the SafeWork Authority of New South Wales,
- b) *NSW Work Health and Safety Act 2011*, and
- c) *Australian Standard AS 2601-2001: The Demolition of Structures*.

Reason: To ensure compliance with SafeWork and occupational health and safety requirements.

33. Construction Waste Management

All waste materials generated on-site during construction are to be stored in enclosed containers and deposited in an approved landfill at regular periods.

Reason: To ensure adequate waste management practices are in place during the construction phase.

34. Protection of Adjoining Structures

If any excavation associated with the erection or demolition of a building extends below the level of the base of the footings of a building on adjoining land, the person causing the excavation to be made:

- (a) must preserve and protect the building from damage, and
- (b) if necessary, must underpin and support the building in an appropriate manner, and

- (c) must, at least seven days before excavating, give notice of intention to do so to the owner of the adjoining and furnish particulars of the excavation to the owner of the building being erected or demolished, and
- (d) satisfy the requirements of SafeWork.

The owner of the adjoining land is not to be liable for any part of the cost of work carried out for the purposes of this clause, whether carried out on the allotment of land being excavated or on the adjoining allotment of land.

Reason: Excavations relating to building work do not pose a hazard to adjoining properties.

35. Excavation and Backfilling

All excavations and backfilling associated with the erection or demolition of a building must be executed in accordance with the requirements of SafeWork.

Reason: To ensure excavation does not impact on adjoining property and compliance with SafeWork requirements.

36. Maintenance of Erosion Control Measures

All measures to control erosion and sediment transport are to be maintained during the works in accordance with the NSW Landcom publication *Managing Urban Stormwater - Soils and Construction* (4th Edition 2004- "Blue Book") and for as long as necessary after the completion to prevent sediment and dirty water leaving the site and/or entering the surface water system outside of the site.

Reason: To minimise environmental impact associated with any works & to prevent soil erosion/water pollution.

37. Works Sites to Be Fenced

A fence must be erected between the development site and public places before commencement of any other work.

Reason: To ensure that an effective barrier is provided to preserve the safety of people and property in public places.

38. Temporary Vehicle Access

Temporary vehicle access to the site must be stabilised to prevent the tracking of sediment onto the roads and footpath. Soil, earth, mud or similar materials must be removed from the roadway by sweeping, shovelling, or a means other than washing, on a daily basis or as required. Soil washings from wheels must be collected and disposed of in a manner that does not pollute waters.

Reason: To minimise transfer of soil from the site onto the road pavement.

39. Submit Survey Plan Showing Boundary Setbacks and Floor Levels

The building must be set out by a Registered Surveyor in accordance with the datum shown on the approved plans. A survey plan that identifies the location of the building in relation to the allotment boundaries and the height of the finished ground floor must be prepared by a Registered Surveyor upon completion of the ground floor and then submitted to the Principal Certifying Authority.

Reason: To ensure the building is sited and constructed in accordance with the approved plans.

CONDITIONS TO BE SATISFIED PRIOR TO ISSUE OF OCCUPATION/COMPLETION CERTIFICATE

40. Occupation Certificate

The occupation certificate must not be issued until all conditions of consent have been satisfactorily complied with and all mandatory stage/required plumbing inspections undertaken. Plumbing and drainage must be inspected by Queanbeyan-Palerang Regional Council at the relevant stages of construction in accordance with the attached inspection schedule and a final plumbing certificate obtained prior to issue of any occupation certificate.

Reason: Development is safe & appropriate for occupation, and is completed in accordance with the consent.

41. Sewage Connection

Prior to occupation connect the premises to Queanbeyan-Palerang Regional Council's sewerage infrastructure.

Reason: Premises are connected to available domestic sewerage system.

42. Lighting In Car Parks and Public Spaces

Lighting throughout the car parking area and in public spaces must comply with AS/NZS 2890.1-2004 Parking Facilities Off-Street Car Parking and AS/NZS 1158 Set:2010 - Lighting for Roads and Public Spaces.

Reason: To ensure the provision of adequate lighting within the development.

43. Compliance with Acoustic Report

All recommendations and specifications detailed in the acoustic report *DA Acoustic Assessment No.20230723.1* by Acoustic Logic dated 9 September 2024 for 95 Crawford St Queanbeyan must be implemented and adhered to.

Reason: To ensure noise levels generated from activities on the site are not excessive and do not impact on surrounding sensitive receptors. To ensure compliance with the recommendations of the acoustic report submitted prior to the issue of the development consent.

44. Stormwater Disposal and Water Quality Requirements

All stormwater from the site must be trapped and piped to the existing stormwater system via an on-site detention system to limit the discharge from the site to the pre-development rate in accordance with Council's D5 Development Design Specification.

An in-ground Gross Pollutant Trap (GPT) targeting litter is to be installed in accordance with Council's D7 Erosion Control and Stormwater Management Specification.

Reason: To provide satisfactory stormwater disposal and water quality.

45. Car Parking to Comply With AS/NZS 2890

All car parks must comply with AS/NZS 2890.1-2004 Parking Facilities Off-Street Car Parking.

Pavement line marking with bay dimensions to comply with AS/NZS 2890.1-2004, must be shown within the car parking areas to delineate parking bays.

Reason: To provide adequate off-street car parking.

46. Provide Water Service and Water Meter - Commercial

A new master water meter and water service shall be provided at no cost to the Council. The size of the meter and service shall be determined by a suitably qualified hydraulic consultant at no cost to Council. All water meters shall be purchased from Council and any connection to live water mains must be undertaken by Council's Utilities Branch at the Applicants cost.

Reason: To ensure that the development is appropriately water metered.

Note: The water meter configuration is to be an 'In-Series water meter layout' as shown in Attachment A of Council's 'Water Meters and Water Supply Policy' - available on the Queanbeyan Palerang Regional Council website.

47. Driveway Requirements

The development must include the construction of a commercial type driveway over Council's footway at the location shown on the approved plans. The driveway must be:

- a. Constructed by a Council approved contractor, at no cost to the Council.
- b. Constructed using plain concrete, or 3% black oxide coloured concrete.
- c. Constructed with a 2% grade falling to the gutter.
- d. At minimum distance of one metre away from any electrical, Telstra, post box installation, other service or tree within the footway area.
- e. Constructed to the width of the existing Vehicle Kerb Crossing.
- f. On a modified layback kerb the driveway shall be a minimum of 3.0m for a single car garage or up to 6.0m for a double garage.
- g. In all urban, village and heritage areas where existing footpaths and/or kerb and gutter are concrete, the driveway cross-over shall be finished in concrete.
- h. In accordance with Council's Development Design Specification D13.

Reason: To ensure the construction of the driveway on public lands meets Council's requirements.

48. Driveway Location from Water Meter, Sewer and Stormwater Connections

The driveway within the property must maintain a clearance not less than one metre (1.0m) from the water meter.

The driveway verge cross-over is not permitted to be constructed over the water service, sewer tie point connection or stormwater tie point connection.

Reason: To ensure such service is not damaged by vehicle movements or difficult to access.

49. Erosion and Sediment Control

Maintain erosion and sedimentation controls for as long as necessary after completion of works to prevent soil erosion, water pollution or the discharge of loose sediment on surrounding land. The controls are to remain in place until all disturbed ground surfaces are rehabilitated/revegetated and stabilised to prevent erosion or sediment loss.

Reason: To minimise environmental impact associated with any works & to prevent soil erosion/water pollution.

50. Apply for Domestic Waste Bins

The proponent shall apply to Council for domestic waste bins prior to applying for an Occupation/Completion certificate.

Reason: To ensure that waste services are in place prior to occupation.

51. Repair Damaged Public and Private Property

All damage caused to public and private property during the construction operations and associated activities must be repaired or reinstated prior to Council accepting any Certificate of Completion.

Reason: To ensure that all public and neighbouring private property in the vicinity of the development is maintained in its pre-development condition.

52. Fire Safety Certificate

Prior to obtaining the final occupation certificate, provide the final fire safety certificate to Queanbeyan-Palerang Regional Council (and to the principal certifying authority if not Queanbeyan-Palerang Regional Council). A final fire safety certificate is a certificate issued by or on behalf of the owner of the premises to the effect that each essential fire safety measure specified in the current fire safety schedule for the building to which the certificate relates:

- a) has been assessed by a properly qualified person, and
- b) was found, when it was assessed, to be capable of performing to at least the standard required by the current fire safety schedule for the building for which the certificate is issued.

Note: The assessment of essential fire safety measures must have been carried out within the period of 3 months prior to the date on which a final fire safety certificate is issued

As soon as practicable after the final fire safety certificate is issued, the owner of the building to which it relates:

- a) must provide a copy of the certificate (together with a copy of the current fire safety schedule) to the Fire Commissioner, and
- b) must display a copy of the certificate (together with a copy of the current fire safety schedule) prominently displayed in the building.

Reason: To ensure compliance with the Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2001.

53. Submit Annual Fire Safety Statement

Each year, the owner of the building must submit to Council an Annual Fire Safety Statement for the building. The Annual Fire Safety Statement must address each Essential Fire Safety Measure in the building.

Reason: To ensure compliance with the Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2001.

54. Construct New Boundary Fencing

New rear and side boundary fencing must be erected at the developer's cost and replace any existing boundary fencing. Materials must consist of either timber palings, Colorbond™ steel or similar.

Side fencing forward of the building line to the front property boundary must be a maximum height of 1.2 metres. All other side and rear boundary fencing must be 1.8 metres high.

Reason: To protect the privacy of occupants and adjoining properties.

55. Water & Sewer Compliance Certificate - Construction

Prior to the issue of an Occupation Certificate, a Certificate of Compliance in accordance with the *Water Management Act 2000* must be obtained from Council.

Reason: To ensure the constructed infrastructure and services have been completed to Council's specifications.

56. Submit Work-As-Executed Drainage Plan

Work-as-executed plans of all sanitary drainage must be submitted to Council prior to the issue of any Occupation Certificate.

Reason: To ensure that accurate records of sanitary drainage installations are available for future use by interested persons.

57. Insulate Heated and Cold Water Service Pipes

Heated and cold water service pipes installed in the following areas of the building must be insulated in accordance with the requirements of AS 3500: Plumbing and Drainage:

- a) unheated roof spaces
- b) locations near windows, ventilators and external doors where cold draughts are likely to occur
- c) locations in contact with cold surfaces such as metal roof and external metal cladding materials.

Reason: To prevent the water service being damaged by water freezing within the pipes due to local climatic conditions.

58. Water and Sewer Compliance Certificate - Service

Prior to the release of an Occupation Certificate, a Certificate of Compliance in accordance with the *Water Management Act 2000* must be obtained from Council.

Reason: To ensure compliance with Section 6.14 of the Environmental Planning and Assessment Act 1979.

Note: *This certificate is required regardless of any other water and sewer compliance certificate previously obtained, and regardless of whether the development involved alterations to Council's infrastructure.*

59. Inspections - Water & Sewer Authority

Inspections must be performed by the Water and Sewer Authority (Council) when works reach the following stages:

- a) Immediately after installation of any stormwater pipes and prior to backfilling.

Council's Environment, Planning and Development section must be given 24 hours notice of the need for these inspections.

Note: *Any inspections carried out by Council do not imply Council approval or acceptance of the works, and do not relieve the Developer from the requirements to provide an Engineering Construction Certificate Report in accordance with Council's Design and Construction Specifications.*

Reason: To ensure that hydraulic services are constructed in accordance with Council requirements.

60. Colours and Material Finishes

The building is to be finished in materials that have a low reflectivity. Colours are to incorporate the use of muted, natural colours that will blend with, rather than stand out from, the landscape for major features such as walls, roof and fencing.

Reason: The building is not visually intrusive in the landscape and does not cause glare.

61. Power Supply

The building shall be connected to a suitable power supply.

Reason: To allow for a power supply to be available.

62. Landscaping Works Completed By an Accredited Contractor

All landscaping must be completed by a Council accredited Category 2 landscape contractor in accordance with approved landscape plan bearing the Council approval stamp.

Reason: To help ensure a high standard of landscape works.

63. Statement of Completed Landscape Works

A "Statement of Completed Landscaped Works" form signed by the landscape plan designer and the landscape contractor must be submitted to Council prior to the issue of the Final Occupation Certificate.

Reason: To help ensure a high standard of landscape works.

64. Works as Executed Plans of Dedicated Infrastructure

Prior to the issue of an Occupation Certificate, a Work-as-Executed package must be provided to Council. This information and engineering data is used to confirm the quality of works, indicate relative asset locations and survey alignments while also noting any other approved changes in asset types or construction details that may have occurred during the construction phase when compared to the originally approved design.

The final Work-as-Executed drawings, reports and digital data shall accurately reflect material types, specifications and other asset-specific information. The Work-as-Executed package must include:

- a. Marked up and red-lined Council stamped approved engineering plans depicting all new civil infrastructure and assets dedicated to Council,
- b. An accompanying compliant ADAC XML digital file,
- c. Other reports and information provided in accordance with the relevant approval(s).

Work as Executed (WAE) Drawing DWG and PDF Files

The presentation and content of Work-as-Executed drawing submissions shall be completed in accordance with Queanbeyan-Palerang Regional Council's Engineering Design and Construction Quality Specifications.

The Work-as-Executed drawings are to be provided to Council in both DWG and PDF file formats being printable to A3 size. The Work-as-Executed plans are to be clearly marked up (red-lined) showing all variations from design including changes to levels, alignments and material types. Drawings are to be clearly stamped "WORKS AS EXECUTED" and noted as the "WAE Version" in the revision title block.

Signed Certifications are to be completed on each and all pages of the submitted drawings by the Registered Surveyor certifying the locational accuracy with regard to physical features and assets, cadastral information, contours, levels and the applicable survey datum information.

Asset Design as Constructed (ADAC) XML Files

A compliant ADAC XML file is required to be submitted as an accompaniment to the Work-as-Executed drawings and package of supporting information. The ADAC XML data shall align

with the corresponding Work-as-Executed drawings.

On acceptance of the Work-as-Executed information package, Council will undertake data format and conformance checks of the ADAC XML file to confirm validity and completeness with the accompanying Work-as-Executed drawings. Should significant anomalies, errors or missing information be identified during these checks, the files will be returned to the provider for correction and resubmission, potentially delaying the issue of the Occupation Certificate and acceptance of assets.

Queanbeyan-Palerang Regional Council require ADAC XML file to be formatted to V5.0. Refer to <https://www.ipweaq.com/adac> for additional information on preparing a ADAC compliant file submission.

Reason: To provide a record of completed works as accurate asset information.

65. All Surfaces to be Concrete or Asphalt Surfaced

All parking spaces, loading bays, driveways and turning aisles must be either concrete or asphalt surfaced, with all parking spaces line marked.

Visitor car parks must be clearly labelled prior to the occupation of the building.

Reason: To ensure car parking spaces are functional prior to use of the premises.

66. Work In Accordance with Engineering Specifications

All construction and restoration work must be carried out strictly in accordance with the approved drawings and Queanbeyan-Palerang Regional Council's current Design and Construction Specifications.

Reason: To ensure design, construction and restoration work is in accordance with Council's standards and requirements.

CONDITIONS TO BE SATISFIED DURING THE ONGOING USE OF THE PREMISES

67. Maintain Car Parking Areas and Driveway Seals

All sealed car parking areas, loading bays, manoeuvring areas and driveways must be maintained in a trafficable condition, including line/pavement marking.

Reason: To ensure car park areas are useable.

68. Car Parking Spaces to Be Kept Free At All Times

All car parking spaces, loading and unloading areas, vehicle manoeuvring and driveway areas must not be used for the storage of any goods or materials and must be available for their intended use at all times. The operator of the development must ensure that all vehicles associated with the development are parked within the site in the approved car parking area as line marked.

Reason: To ensure such areas are available for occupants and visitors of the site and parking on site is used for the development.

69. Surface Water

Do not re-direct surface water onto adjoining private land. Alterations to the surface contours must not impede or divert natural surface water run-off, so as to cause a nuisance to adjoining property owners or create an erosion or sediment problem.

Reason: Stormwater disposal does not impact on the building or neighbouring properties.

70. Essential Fire Safety

The owner of the building must maintain each essential fire safety measure in the building premises to a standard no less than that specified in the schedule.

Reason: To ensure compliance with Environmental Planning and Assessment Regulation 2000.

71. Carry Out Sewer Work, Carry Out Water Supply Work, Carry Out Stormwater Work

All sanitary plumbing and drainage work is to be carried out in accordance with the requirements of the *Local Government (General) Regulation 2021, AS 3500 and the requirements of Plumbing and Drainage Act, 2011*. No alterations or additions are permitted without approval from Council.

Reason: All plumbing and drainage functions adequately.

Council must inspect the following stages of construction and installation:

Internal and external plumbing and drainage,

Installation of the on-site sewage management system and disposal area,

Final inspection of plumbing, drainage and on-site sewage management system.

The top level of the sewerage service yard gully shall be located a minimum of 150 mm below the lowest fixture level and a minimum of 75 mm above ground level. Where it is not practicable to locate the top of the yard gully 150 mm below the lowest fixture level or 75 mm above the surrounding ground level, then a reflux valve shall be fitted to the sewer drainage system so as to prevent the backflow from the sewer entering the building.

The sewer junction inspection opening is to be located and raised to ground level.

Reason: To ensure compliance with AS3500 - National Plumbing and Drainage Code and the requirements of Plumbing and Drainage Act, 2011.

Three star and four star rated water conservation devices are to be installed in the bathroom and kitchen respectively.

Reason: Water efficiency and minimisation of wastewater produced.

A 'Notice of Work' (NoW) is to be issued to Queanbeyan-Palerang Regional Council no later than 2 business days before the work concerned is carried out.

Reason: Council is informed prior to undertaking inspections and in accordance with requirements of Plumbing and Drainage Act, 2011.

Licensees as the 'responsible person' must submit a Sewer Service Diagram(SSD) layout to Queanbeyan-Palerang Regional Council prior to or at the time of inspection.

Reason: Council records are kept up to date and requirements of Plumbing and Drainage Act, 2011.

A 'Certificate of Compliance' (CoC) is to be issued to the Queanbeyan-Palerang Regional Council and a copy to the person for whom the work is carried out on completion of the final inspection.

Reason: Council records are kept up to date and requirements of Plumbing and Drainage Act, 2011.

72. Plumbing and Drainage Installation Regulations

Plumbing and drainage work must be carried out in accordance with the requirements of the Local Government (General) Regulation 2021, the Plumbing and Drainage Act 2011 and Regulations under that Act and with the Plumbing Code of Australia. Such work must be carried out by a person licensed by the NSW Department of Fair Trading.

Reason: This is a mandatory condition under the provisions of the Local Government (General) Regulation 2021.

73. Inspection of Plumbing and Drainage

Plumbing and Drainage must be inspected by Council at the relevant stages of construction in accordance with Council's inspection schedule.

Reason: To ensure compliance with the inspection requirements of Plumbing and Drainage Regulation 2017 and Council's inspection schedule.

74. Heated Water Not to Exceed 50 Degrees C

All new heated water installations, must deliver hot water at the outlet of all sanitary fixtures used primarily for personal hygiene purposes at a temperature not exceeding 50° Celsius.

Reason: To prevent accidental scalding.

75. Ongoing management of waste

The Body Corporate or other appropriate body shall:

- Manage access to the waste areas to ensure that only authorised users can access the area; and
- Keep waste areas free of debris, vermin and otherwise in a safe state for the collection of waste; and
- Manage waste storage areas to minimise negative impacts to adjoining properties; and
- Store bins within the waste areas in areas that do not impede access to other bins, fire safety features, emergency exits or other structures required to be accessed; and
- Generally undertake waste management in accordance with the Waste Management Plan approved by Council.

Reason: To ensure the effective and safe ongoing management of waste areas.

SCHEDULE 1

NOTICE OF CONTRIBUTIONS & CHARGES ASSOCIATED WITH DEVELOPMENT

PROJECT ADDRESS	95 CRAWFORD STREET QUEANBEYAN NSW 2620 Lot 4 DP 8874
PROJECT DESCRIPTION	Demolition of existing building and construction of residential accommodation (co-living housing with 19 rooms plus Managers Unit) - three storeys
APPLICATION NO	DA.2023.0461
NAME OF APPLICANT	Queanbeyan One Pty Ltd

Important

The following contribution rates are those that apply at the date of issue of this consent. Rates are reviewed quarterly. Contributions will only be accepted at the rate applying at the date of payment. Council's Development and Environment section should be contacted to receive a current contribution notice of charges.

Fee Description	Fee Due
<i>Section 7.12 Contribution Plan</i>	
Queanbeyan Fixed Levy	\$38,508.71
<i>Development Servicing Plan</i>	
Water Supply	\$28,806.49
Sewerage	\$15,532.50
<i>Total Contributions Payable</i>	<i>\$82,847.70</i>

Relevant Criteria on which these calculations were made:

One (1) equivalent tenements have been credited to this development.

Date Generated: 25 September 2024

Schedule 2 - NSW Police Advice

4. Recommendations

There are no objections to the development however there are a number of recommendations in order to address the crime trends/issues mentioned in 3.1.

Lighting should be used in areas where there is pedestrian access which include stairwells, alley ways and balconies which access the different units. Lighting should be vandal proof and easy to maintain. Having effective lighting can make opportunistic offenders feel like they are being seen.

CCTV Cameras should be installed around the premises. Cameras should be well maintained and easily viewed by the manager and also police when requested. Signs should also be displayed around the building so that all persons are aware that the premises is covered by CCTV Cameras.

Recently there has been an increase in the amount of bicycles being stolen. It is recommended that all bicycles be chained to the bike racks so that they can not be stolen.

Another area which is common around the Crawford Street area, is stealing of number plates. Tamper proof screws can be purchased to fix to number plates to ensure a less likelihood of the number plates being stolen. Consideration could also be given to having the garage area enclosed and lockable to ensure persons can not enter the area that do not have permission to be at the location.

Vegetation around the complex should be kept tidy so not to over grow lighting and CCTV Cameras. Rubbish should be removed if left out the front of the complex or around the bins. Rubbish left around the area can give the appearance that the complex is not cared for and subsequently invites persons to further cause damage to the area.

Consideration should also be given to the location. Crawford Street is considered a busy road with a number of pedestrians also using the path for walking to and from the CBD and also to and from the Licenced Premises in the area.

QUEANBEYAN-PALERANG REGIONAL COUNCIL

Council Meeting Attachment

13 NOVEMBER 2024

ITEM 9.2 DA.2023.0461 - PROPOSED CO-LIVING HOUSING
DEVELOPMENT - 95 CRAWFORD STREET,
QUEANBEYAN

ATTACHMENT 3 SUBMISSION - DA.2023.0461 - 95 CRAWFORD STREET
QUEANBEYAN

Dear Sir / Madam,

I am the owner and resident at [REDACTED] living a semi retired life [REDACTED]

[REDACTED].

I am concerned about the Three storey buiding planned in the adjoining Block with 20 rooms Co living housing

Having windows facing [REDACTED] various levels impacting my privacy and peaceful living in my house.

This is the initial objection that I like to lodge. The DA is about 250 page document which I will go through and reserve my right to lodge further objections.

Thank You

Kind Regards,

[REDACTED]

QUEANBEYAN-PALERANG REGIONAL COUNCIL

Council Meeting Attachment

13 NOVEMBER 2024

ITEM 9.2 DA.2023.0461 - PROPOSED CO-LIVING HOUSING
DEVELOPMENT - 95 CRAWFORD STREET,
QUEANBEYAN

ATTACHMENT 4 CLAUSE 4.6 VARIATION REQUEST - DA.2023.0461 - 95
CRAWFORD STREET QUEANBEYAN

GYDE

Clause 4.6 Variation Request

Clause 69(1)(b)(ii) of State Environmental Planning Policy
(Housing) 2021 (Minimum lot size for co-living housing)

95 Crawford Street, Queanbeyan

Submitted to Queanbeyan-Palerang Regional Council
On behalf of BuildCo

August 2023

GYDE.COM.AU



Clause 4.6 Variation Request – Clause 69 – Minimum lot size

This report was prepared by:

Director:	Mel Krzus
Associate Director:	Anthony Kazacos
Project:	23-064
Report Version:	Final

Disclaimer

This report has been prepared by Gyde Consulting with input from a number of other expert consultants (if relevant). To the best of our knowledge, the information contained herein is neither false nor misleading and the contents are based on information and facts that were correct at the time of writing. Gyde Consulting accepts no responsibility or liability for any errors, omissions or resultant consequences including any loss or damage arising from reliance in information in this publication.

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Clause 4.6 Variation Request – Clause 69 – Minimum lot size

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Clause 4.6 Variation Request – Clause 69 – Minimum lot size

1. INTRODUCTION

This request has been prepared by GYDE Consulting (Gyde) in accordance with Clause 4.6 of the *Queanbeyan-Palerang Regional Local Environmental Plan 2022* (the LEP), to justify a variation to the minimum lot size development standard under Clause 69(1)(b)(ii) of the State Environmental Planning Policy (Housing) 2021 (the Housing SEPP). This request relates to a Development Application (DA), submitted to Queanbeyan-Palerang Regional Council (Council) in relation to 95 Crawford Street, Queanbeyan (the site).

The proposed development is defined as 'co-living housing' under the LEP.

The purpose of this Clause 4.6 variation request is to justify a variation to Clause 69(1)(b)(ii) of the Housing SEPP which specifies that the minimum lot size for a co-living housing development on the land must not be less than 800 sqm. The existing lot size of the site is 743.255 sqm.

This request has been prepared having regard to the Department of Planning and Environment's *Guidelines to Varying Development Standards* (August 2011) and relevant decisions in the New South Wales Land and Environment Court and New South Wales Court of Appeal (Court).

Clause 4.6 requires that a consent authority be satisfied of three matters before granting consent to a development that contravenes a development standard (see *Initial Action Pty Ltd v Woollahra Municipal Council* [2018] NSWLEC 118 and *Rebel MH Neutral Bay Pty Limited v North Sydney Council* [2019] NSWCA 130):

1. That the applicant has adequately demonstrated that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case [clause 4.6(3)(a)];
2. That the applicant has adequately demonstrated that there are sufficient environmental planning grounds to justify contravening the development standard [clause 4.6(3)(b)];
3. That the proposed development will be in the public interest because it is consistent with the objectives of the particular standard and the objectives for development within the zone in which the development is proposed to be carried out [clause 4.6(4)]

In the following sections of this request, sufficient justification is provided to enable the consent authority to be satisfied of the above matters. Consent may therefore be granted to the proposed variation to the minimum lot size development standard in Clause 69(1)(b)(ii) of the Housing SEPP.



Clause 4.6 Variation Request – Clause 69 – Minimum lot size

2. STANDARD TO BE VARIED

The standard proposed to be varied is the minimum lot size development standard for co-living housing which is set out in Clause 69(1)(b)(ii) of the Housing SEPP as follows:

“69 Standards for co-living housing

(1) Development consent must not be granted for development for the purposes of co-living housing unless the consent authority is satisfied that—

(b) the minimum lot size for the co-living housing is not less than—

(i) for development on land in Zone R2 Low Density Residential—600m², or

(ii) for development on other land—800m²,

(iii) (Repealed).”

The numerical value of the development standard proposed to be varied is 800 sqm, given the site is not located within Zone R2 Low Density Residential but is instead located within Zone MU1 Mixed Use pursuant to the LEP.



Clause 4.6 Variation Request – Clause 69 – Minimum lot size

3. EXTENT OF VARIATION

3.1. Extent of Variation

As noted earlier, the numerical value of the standard to be varied is 800 sqm.

The lot size of the proposed development is 743.255 sqm (refer to the attached Survey Plan at **Appendix 1** prepared by Kleven Spain Survey Consultants dated 1 May 2023).

This extent of the variation, therefore, is 57 sqm or 7%.

It is important to note that the extent of the variation is not in itself a material consideration as whether the variation should be allowed. There is no constraint on the degree to which a consent authority may depart from a numerical standard under Clause 4.6 (see *GM Architects Pty Ltd v Strathfield Council* [2016] NSWLEC 1216 at [85]).

Irrespective, a 7% variation is considered to be minor and well within the remit of consideration under Clause 4.6 of the LEP.



Clause 4.6 Variation Request – Clause 69 – Minimum lot size

4. UNREASONABLE AND UNNECESSARY

4.1. Overview

In this section it is demonstrated why compliance with the development standard is unreasonable or unnecessary in the circumstances of this case as required by Clause 4.6(3)(a) of the LEP.

The NSWLEC has held that there are at least five (5) different ways, and possibly more, through which an applicant might establish that compliance with a development standard is unreasonable or unnecessary (see *Wehbe v Pittwater Council* [2007] NSWLEC 827).

The five ways of establishing that compliance is unreasonable or unnecessary are set out below:

1. The objectives of the development standard are achieved notwithstanding non-compliance with the standard;
2. The underlying objective or purpose is not relevant to the development with the consequence that compliance is unnecessary;
3. The objective would be defeated or thwarted if compliance was required with the consequence that compliance is unreasonable;
4. The development standard has been virtually abandoned or destroyed by the Council's own actions in granting consents departing from the standard and hence the standard is unreasonable and unnecessary; and
5. The zoning of the land is unreasonable or inappropriate.

It is sufficient to demonstrate only one of these ways to satisfy Clause 4.6(3)(a) (*Wehbe v Pittwater Council* [2007] NSWLEC 827, *Initial Action Pty Limited v Woollahra Municipal Council* [2018] NSWLEC 118 at [22] and *RebelMH Neutral Bay Pty Limited v North Sydney Council* [2019] NSWCA 130 at [28]) and *SJD DB2 Pty Ltd v Woollahra Municipal Council* [2020] NSWLEC 1112 at [31].

We have considered each of the relevant ways in the sections below.

4.2. The objectives of the development standard are achieved notwithstanding non-compliance with the standard.

Clause 69(1)(b)(ii) of the Housing SEPP which establishes the minimum lot size development standard is not accompanied by any written objectives.

Rather, Section 3 of the Housing SEPP identifies principles from which the objectives of the minimum lot size development standard can be inferred.

An assessment of the achievement of these principles, where relevant, notwithstanding the proposed variation of the minimum lot size development standard, is provided in the following table.



Clause 4.6 Variation Request – Clause 69 – Minimum lot size

Table 1 - Assessment against the principles of the Housing SEPP

SECTION 3 PRINCIPLE OF THE HOUSING SEPP	ASSESSMENT
a) <i>enabling the development of diverse housing types, including purpose-built rental housing,</i>	<p>Strict compliance with the minimum lot size development standard will in fact prevent the development of co-living on the site. A minor variation of the minimum lot size development standard for co-living housing will promote the achievement of this principle by enabling the delivery of purpose-built diverse rental housing.</p> <p>The development is only able to achieve consistency with this principle if the minimum lot size development standard is varied.</p>
b) <i>encouraging the development of housing that will meet the needs of more vulnerable members of the community, including very low to moderate income households, seniors and people with a disability,</i>	<p>Variation of the development standard will enable the achievement of this principle for the same reason as above. The development will provide rental accommodation in an accessible location to meet the housing needs of the community. As set out in Section 5.4 of this request, there are a number of strategic planning documents that focus on the importance of the delivery of diverse and affordable housing for the Queanbeyan LGA, particularly in accessible locations, to support the needs of the community. This is critical due to the rise in the proportion of residents in the LGA under housing stress.</p>
c) <i>ensuring new housing development provides residents with a reasonable level of amenity,</i>	<p>The proposed development achieves more than a “reasonable” level of amenity for residents. The proposal satisfies the numerical standards in the Housing SEPP for room sizes, communal rooms, access to sunlight and achieves good privacy for residents within an accessible location. The external communal spaces have good solar access and are supported by a landscaped setting for enhanced amenity. There are a range of indoor and outdoor communal spaces throughout the development, and due to the orientation of the site, most of the residential rooms/suites will also benefit from good solar access all year round.</p> <p>Further to the above, the proposal seeks consent for a total FSR of 0.76:1. This is well under the maximum permissible pursuant to the Housing SEPP of 1.1:1 (1:1 base under the LEP and 10% bonus under Section 68(2)(a)(ii) of the Housing SEPP. In fact, the proposal is well under the maximum “base” FSR permissible for the site under the LEP and does not seek to utilise the 10% bonus. Therefore, the density on the site has been reduced to take into consideration the slightly smaller lot size than required under the Housing</p>



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	<p>SEPP. The only way the site area could comply would be to amalgamate with the sites to the north or south. Amalgamation is unnecessary in the absence of any potential site isolation issue and given the proposed density has been considerably reduced to account for the small non-compliance. The design has also considered the opportunities and constraints of the site, and appropriately responds to the site's context.</p>
<p>d) <i>promoting the planning and delivery of housing in locations where it will make good use of existing and planned infrastructure and services,</i></p>	<p>Strict compliance with the development standard on the subject site is not achievable as it relates to the dimensions of the site and not the design of the development. Therefore, strict compliance with the standard is not achievable and failure to support the variation would result in an undermining of this objective of the Housing SEPP. The site is located in an accessible location within the Queanbeyan centre. It is located a short 500 metre walking distance from Queanbeyan Railway Station. It is also located only 300 metres walking distance from the Queanbeyan District Hospital & Health Service, making the accommodation highly suitable for key hospital workers. There are bus stops with regular services only 200 metres from the site to the north-west on Crawford Street and to the south-east on the same street. The services provide access to the Queanbeyan town centre, Karabar, Googong, Canberra (centre, Majura Park and Woden) and Bungendore. The site is also between 200-600 metres walking distance of a range of services including a medical centre, a laundromat, Aldi, a pharmacy, a Woolworths supermarket, aquatic centre and other services.</p> <p>The site therefore has excellent access to existing transport infrastructure and services and is well placed to support co-living housing.</p>
<p>e) <i>minimising adverse climate and environmental impacts of new housing development,</i></p>	<p>The proposal promotes the use of public and active transport by minimising the provision of private car parking. The proposal provides 4 car parking spaces, one of which will be an accessible space.</p> <p>The Housing SEPP also refers to a need to provide an adequate supply of bicycle storage. The proposal provides 4 bicycle spaces, consistent with the NSW Government's Planning Guidelines for Walking and Cycling.</p> <p>Environmental impacts that result from the proposal are addressed in the Statement of Environmental Effects</p>



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	<p>accompanying the DA. We note the following:</p> <ul style="list-style-type: none"> • The proposal will adequately manage the disposal of stormwater on the site as set out in the concept stormwater drainage plan accompanying the DA. • The proposed building has been sited to ensure that reasonable solar access will be retained to the sites south and south-east of the site. This includes solar access to the rear private open space of the two (2) sites directly south/south-east and the north-facing windows of the immediately adjacent site to the south/south-east at 99 Crawford Street. • Opportunities for overlooking have been minimised through the location and design of windows and screening to the external corridor that provides access to the rooms/suites. • There will be minimal traffic generated by the proposal. • Removal of the existing vehicle entrance and layback to Crawford Street from the site will result in an improved visual impact and improved outcome for the operation of Crawford Street itself. • The site is largely comprised by buildings and hardstand. The proposal will introduce considerably more landscaping with a mix of grasses, shrubs and trees, to enhance the landscaped setting of the site and overall visual amenity of the development. The addition of landscaping and trees on the site will also assist in mitigating urban heat, to contribute to the minimisation of adverse climate effects.
f) <i>reinforcing the importance of designing housing in a way that reflects and enhances its locality,</i>	<p>As noted above, the site is within an accessible location and in this regard the proposal reflects its locality and enhances it by broadening housing diversity.</p> <p>The design of the development has given due regard to the context of the site and it's surrounds. Development surrounding the site is mixed in it's type, use and scale. As can be seen in the images below, the proposal has been designed to appear as a two (2) storey built form (refer to Figure 1), consistent with the immediate built context of the site. The three (3) storeys are the rear of the site (refer to Figure 2) are generally not visible from Crawford Street due to the fall of the land towards the rear laneway and the presence of other buildings along Crawford Street.</p> <p>The three (3) storey built form at the rear is appropriate as it sits below the maximum 10 metre building height for the site,</p>

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	<p>is immediately adjacent a low traffic laneway that does not support pedestrian access (as there is no footway) and is compatible with the R4 High Density Zoned land to the north-west, west and south-west which will support buildings up to 14 metres in height.</p>  <p>Figure 1: East Elevation (Source: Walsh Architects)</p>  <p>Figure 2: West Elevation (Source: Walsh Architects)</p>
g) supporting short-term rental accommodation as a home-sharing activity and contributor to local economies, while managing the social and environmental impacts from this use,	Not relevant as the proposal does not include any short-term rental accommodation.
h) mitigating the loss of existing affordable rental housing.	Not relevant as the proposal will not displace any existing affordable rental housing. The site currently accommodates a dry-cleaning service.

As can be seen from Table 1 above, the objectives of the minimum lot size development standard (as inferred from the principles of the Housing SEPP) are achieved notwithstanding non-compliance with the standard and on this way alone, compliance with the development standard is shown to be unreasonable or unnecessary.

- 4.3. The objective would be defeated or thwarted (undermined) if compliance was required with the consequence that compliance is unreasonable.

As shown in Table 1 above, strict compliance with the development standard would undermine the achievement of the principles of the Housing SEPP as a diverse form of co-living housing could not be delivered on the subject site.

On this way also, compliance with the development standard is shown to be unreasonable or unnecessary.



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5. SUFFICIENT ENVIRONMENTAL PLANNING GROUNDS

In *Initial Action Pty Ltd v Woollahra Council* [2018] NSWLEC 118, Preston CJ observed that in order for there to be 'sufficient' environmental planning grounds to justify a written request under Clause 4.6 to contravene a development standard, the focus must be on the aspect or element of the development that contravenes the development standard, not on the development as a whole.

In *Four2Five Pty Ltd v Ashfield Council* [2015] NSWLEC 90, Pain J observed that it is within the discretion of the consent authority to consider whether the environmental planning grounds relied on are particular to the circumstances of the proposed development on the particular site.

The environmental planning grounds to justify the departure of the minimum lot size development standard are as follows:

5.1. Promotes the objects of the Environmental Planning and Assessment Act 1979.

The proposal promotes the relevant objects of the *Environmental Planning and Assessment Act 1979* (the **Act**), as follows:

- 1.3(b) “to facilitate ecologically sustainable development by integrating relevant economic, environmental and social considerations in decision-making about environmental planning and assessment”. The proposed development provides shared facilities and resources, such as common areas. This reduces the overall consumption of materials, energy, and water per resident compared to traditional individual housing units. The proposal also provides diverse rental accommodation suitable for key workers (or similar) in a highly accessible area and with a good level of internal and external amenity for the site and surrounds. By optimising resource use, providing a type of development that responds to the housing needs of the LGA and with a design that minimise environmental impact, the proposed development facilitates ecologically sustainable development.
- 1.3(c) “promotes the orderly and economic use and development of land”. The proposed development utilises an infill location, within the Queanbeyan centre, which will assist in providing much needed rental housing in a highly accessible location, whilst preventing urban sprawl and the unnecessary consumption of undeveloped land.
- 1.3(d) – “to promote the delivery and maintenance of affordable housing”. The development will provide an alternative housing option that caters to individuals who might not require or afford traditional single-family homes or apartments. By offering a range of living arrangements within a single development, co-living contributes to diverse housing options and encourages a mix of residents with different needs and backgrounds.
- 1.3(e) – “to protect the environment, including the conservation of threatened and other species of native animals and plants, ecological communities and their habitats”. Compact living arrangements in co-living developments can lead to reduced energy consumption and lower carbon footprints due to shared utilities, spaces, and resources. This aligns with sustainable development goals and helps minimise the environmental impact of new construction. Further, the proposal will see a nett increase of landscape and trees on the site compared to the current site which is largely built upon. This will assist in creating shade, amenity, contribute to reducing urban heat and improve the overall natural environment of the site.
- 1.3(g) – “to promote good design and amenity of the built environment”. The proposed development has been carefully designed to ensure it presents as a 2-storey building when viewed from Crawford Street, which is compatible with the surrounding built form. It also incorporates appropriate landscaping, fencing, privacy screens and high-level windows, to ensure there is no overlooking into adjacent dwellings (refer to Figure 3).

Clause 4.6 Variation Request – Clause 69 – Minimum lot size



Figure 3: West elevation (Source: Walsh Architects)

5.2. Residential flat buildings are permitted

Clause 4.1B of the LEP provides minimum lot size provisions for residential flat buildings. These provisions only apply to the following areas:

- Zone R3 Medium Density Residential, and
- Zone R4 High Density Residential, and
- for land in Braidwood, Bungendore and Googong—Zone R1 General Residential.

The above does not relate to the proposed development, given the site is located in the MU1 Mixed Zone.

Mixed-use zones are often designed to accommodate a variety of land uses, including residential, commercial, and community uses. Mixed use zones, such as the site's MU1 Zone, are typically located in urban centres where the land use and development context are diverse. Not imposing a prescriptive minimum lot size provides flexibility for integrating different uses. Additionally, mixed-use zones often aim to support higher population densities and urban intensification. By not specifying a minimum lot size, higher-density development is promoted, maximising land use efficiency, supports public transportation, and minimises urban sprawl.

Therefore, there is nothing particular about co-living housing in a mixed use zone, that warrants the imposition of a minimum lot size development standard.

5.3. There will be no resultant site isolation

The site and surrounding land are zoned MU1 Mixed Use and R4 High Density Residential (to the west), which permits a range of uses including residential flat buildings and shop-top housing.

As outlined above, the LEP does not provide any minimum lot sizes for residential flat buildings or shop top housing developments in the MU1 Zone.

The proposed development, therefore, will not isolate any sites in achieving redevelopment. In fact, if the site to the south were able to be acquired, it would potentially render the remaining site at 105 Crawford Street as isolated. Redevelopment of the site as a stand-alone site does not preclude sites to the north and south along Crawford Street from being redeveloped as stand-alone sites or larger amalgamated development sites.



Clause 4.6 Variation Request – Clause 69 – Minimum lot size

5.4. Promotes housing diversity and supply in accordance with strategic plans

The proposal development promotes housing diversity and supply as intended by several strategic plans and policies, including the:

- South-East and Tablelands Regional Plan 2036
- Council's "Towards 2040, Local Strategic Planning Statement" (LSPS)
- Queanbeyan Palerang Regional Council's Affordable Housing Strategy

Council's Affordable Housing Strategy acknowledges that there is major shortfall in affordable housing in most cities and many regional communities across Australia. Based on levels of housing stress in the QPR Council area in 2016, around 2,200 very low, low and moderate income households were in housing stress. By 2041, this is projected to grow by 1,576 households to a total of 3,776 households in housing stress. This includes 478 additional social housing dwellings needed to maintain the existing average rate proportion of social housing in NSW.

In order to accommodate the additional demand for social and affordable housing, Council has outlined its intention to develop Council owned sites in Braidwood, Bungendore and Queanbeyan, for a mix of different residential typologies, including co-living.

The proposed development is entirely consistent with the strategy as it will utilise privately owned land in the Queanbeyan mixed use precinct, for a co-living housing development, which will provide much needed diverse rental housing in a convenient location. This will allow Council to utilise its own assets for additional affordable and diverse housing, ultimately boosting supply for the locally community.

5.5. No environmental harm

There are no unreasonable environmental impacts that result from the proposed variation of the development standard.



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6. PUBLIC INTEREST


In this section it is explained how the proposed development will be in the public interest because it is consistent with the objectives of the zone in which the development is proposed to be carried out. This is required by Clause 4.6(4)(a)(ii) of the LEP.

In Section 5 it was demonstrated that the proposed development overall achieves the objectives of the MU1 zone, notwithstanding the variation of the development standard. Table 2 considers whether the proposal is also consistent with the objectives of the zone.

Table 2: Consistency with MU1 zone objectives

OBJECTIVES OF THE MU1 ZONE	DISCUSSION
<ul style="list-style-type: none">• To encourage a diversity of business, retail, office and light industrial land uses that generate employment opportunities.	<p>The proposed development is for a “co-living housing” development, which will provide a form of diverse rental housing, which will ultimately support the local workers.</p>
<ul style="list-style-type: none">• 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.	<p>The proposed development is compatible with adjacent developments, by providing a form of residential accommodation in a convenient location. The future occupants of the development will assist in providing a vibrant precinct and supporting local businesses.</p> <p>The design of the proposal provides the following features to activate the Crawford Street frontage:</p> <ul style="list-style-type: none">• Primary pedestrian access to the site from Crawford Street.• Communal spaces and street facing windows to provide activation and passive surveillance to the street.• Landscaping at the street frontage to provide an attractive and improved streetscape presentation. <p>As can be seen below, the proposed design is a considerable streetscape improvement compared to the current built form for the existing drycleaner which provides no activation or visual interest.</p>  <p>Figure 4 Photo of the site from Crawford Street showing nil activation (Source: Gyde)</p>

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OBJECTIVES OF THE MU1 ZONE	DISCUSSION
	 <p><i>Figure 5 Render of the proposal demonstrating opportunities for activation and surveillance and an improved streetscape outcome (Source: Walsh Architects)</i></p>
<ul style="list-style-type: none"> • To minimise conflict between land uses within this zone and land uses within adjoining zones. 	<p>The proposed development incorporates appropriate design measures to mitigate potential land use conflicts with adjacent land uses. Visual and acoustic privacy has been maximised by including appropriate setbacks along all side boundaries, privacy screens along the northern and southern boundaries and landscaping to provide further screening to the north, and distributing communal areas in different areas of the site to minimise any amenity impact on adjacent residential uses. Vehicular access has also been provided from the unnamed laneway to the west, to improve pedestrian safety along Crawford Street (by removal of the existing layback and vehicular entrance).</p> <p>The three (3) storey built form (less than 8.5 metres in height) at the rear of the site is compatible with the adjacent R4 High Density Residential zone on the opposite side of the unnamed laneway. This land zoned R4 is subject to a much taller 14 metre building height. The three (3) storey built form, along with the separation afforded by the proposed rear setback and the existing laneway, ensures that the proposal will be compatible with any future residential flat (or similar) development at the zone interface in this location.</p>
<ul style="list-style-type: none"> • To encourage business, retail, community and other non-residential land uses on the ground floor of buildings. 	<p>Whilst the proposal is for a residential land use, residential land uses are permissible within the MU1 zone pursuant to the LEP as is co-living housing pursuant to the Housing SEPP. Further, the Housing SEPP permits residential purposes on the ground floor given the site is in a business-type zone (pursuant to Clause 69(1)(e)). Moreover, the proposal will not preclude</p>



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OBJECTIVES OF THE MU1 ZONE	DISCUSSION
	further business, retail, community and non-residential land uses in the area and specifically, within the broader MU1 zone.
<ul style="list-style-type: none"> <i>To ensure development complements the character and amenity of the locality.</i> 	The proposed development has a maximum of 3 storeys and is compliant with the maximum building height in the LEP (8.5 metres). In order to complement the surrounding building form, the development has been designed to present as a 2 storey building when viewed from Crawford Street. Combined with the proposed side and front setbacks, landscape scheme and design of the building, the proposal is compatible with the character and amenity of the locality.
<ul style="list-style-type: none"> <i>To support business development by providing parking and other civic facilities.</i> 	The proposed development provides a form of residential accommodation. The future occupants of the development will assist in supporting surrounding local businesses. The co-living housing may support the business related uses by providing accessible rental accommodation for key workers and others in the community.
<ul style="list-style-type: none"> <i>To strengthen the viability of existing business centres as places for investment, employment and cultural activity.</i> 	

As demonstrated in Table 2, the proposal is consistent with the objectives of the zone and in Section 5 it was demonstrated that the proposal is founded by sufficient environmental planning grounds. According to clause 4.6(4)(a)(ii), therefore, the proposal is in the public interest.



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7. STATE OR REGIONAL ENVIRONMENTAL PLANNING AND ASSUMED CONCURRENCE

This section considers whether contravening of the development standard raises any matter of significant for State or regional environmental planning, the public benefit of maintaining the development standard, and any other matters required to be taken into consideration by the Secretary before granting concurrence required by clause 4.6(5).

There is no identified outcome which would be prejudicial to planning matters of state or regional significance that would result as a consequence of varying the development standard as proposed by this application.

As demonstrated already, the proposal is consistent with the objectives of the zone, noting the absence of objectives of the development standard, and in our opinion, there are no additional matters which would indicate there is any public benefit of maintaining the development standard in the circumstances of this application.

Finally, we are not aware of any other matters required to be taken into consideration by the Secretary before granting concurrence.



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8. CONCLUSION

This submission requests a variation, under clause 4.6 of the LEP, to the minimum lot size development standard within Clause 69 of the Housing SEPP for co-living developments and demonstrates that:

- Compliance with the development standard would be unreasonable and unnecessary in the circumstances of this development; and
- There are sufficient environmental planning grounds to justify the contravention.

We submit that the consent authority can be satisfied of the above and that the development is consistent with the inferred objectives of the development standard and is consistent with the objectives of MU1 Zone and is therefore in the public interest.

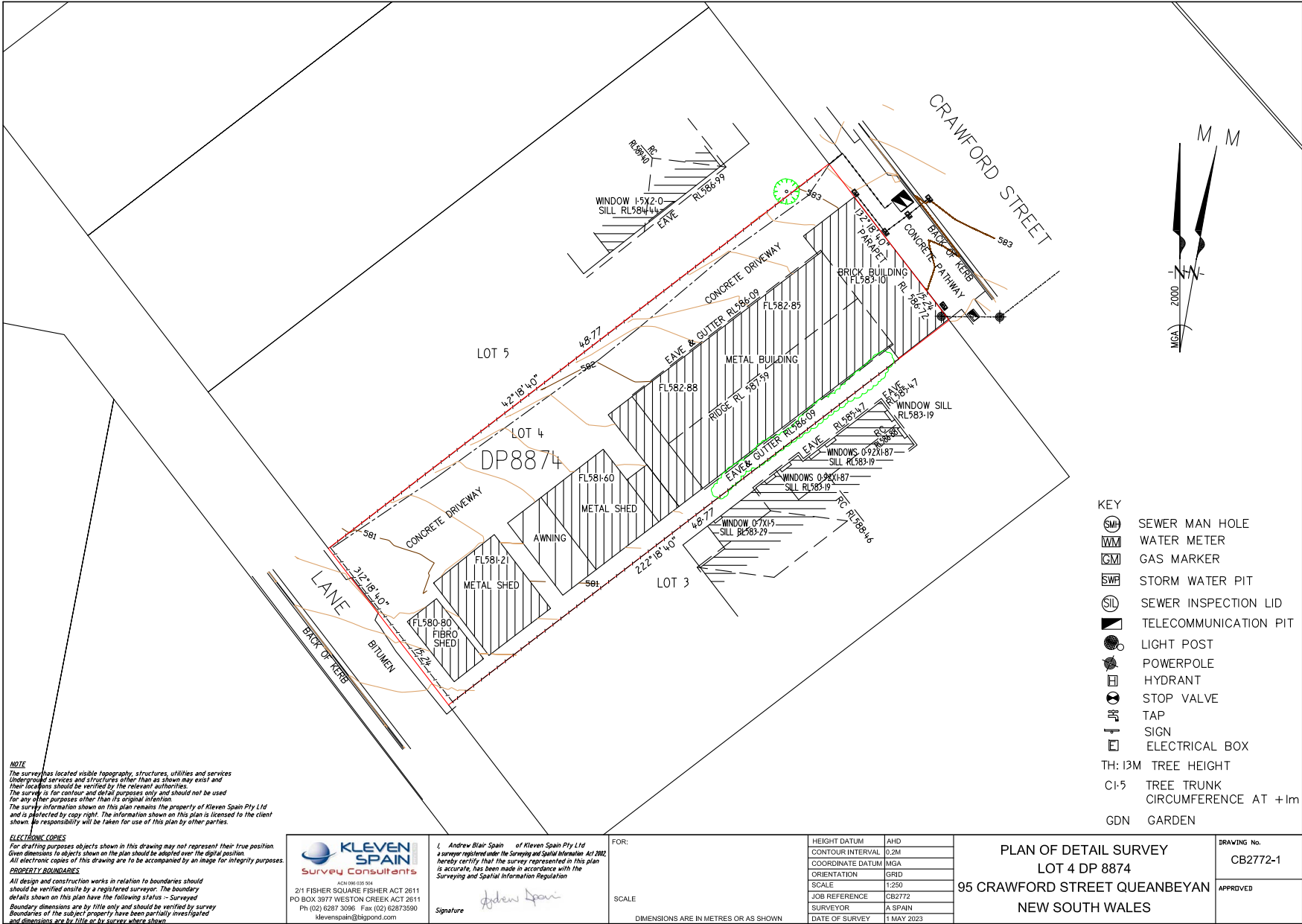
The concurrence of the Secretary can also be assumed in accordance with Planning Circular PS 18-003.

On this basis, therefore, it is appropriate to exercise the flexibility provided by clause 4.6 in the circumstances of this application.



Clause 4.6 Variation Request – Clause 69 – Minimum lot size

APPENDIX 1



QUEANBEYAN-PALERANG REGIONAL COUNCIL

Council Meeting Attachment

13 NOVEMBER 2024

ITEM 9.2 DA.2023.0461 - PROPOSED CO-LIVING HOUSING
DEVELOPMENT - 95 CRAWFORD STREET,
QUEANBEYAN

ATTACHMENT 5 OPERATIONAL PLAN OF MANAGEMENT - DA.2023.0461 - 95
CRAWFORD STREET QUEANBEYAN

OPERATIONAL PLAN OF MANAGEMENT

Co-living Housing

95Crawford St Queanbeyan (Lot 4 DP8874)

The contact person in respect of all enquiries or public complaints in relation to this plan or the operation of the premises are:

Name:
Position: On Site Manager
Phone Number:

1 Premises to Which this Plan Applies

It is legally described as Lot 4 in Deposited Plan 8874. This plan applies to the Co-living Housing at 95 Crawford St Queanbeyan NSW 2099.

1.1 Objectives

The primary purpose of this plan is to ensure the Co-living Housing maintains a high level of amenity for neighbouring properties and for all lodgers residing in the premises. To achieve this, the following matters have been considered:

- Site management
- Amenity of occupants
- Amenity of adjoining neighbours
- House rules
- Internal and external cleanliness and appearance, including communal areas and individual units
- Maintenance of a Complaints register

A full and current copy of all current development consents for the operation of the premises and the Co-living Housing management plan will be kept on-site and made available to Police or Council Officers upon request.

The Applicant will accept compliance with this Plan of Management as a condition of Development Consent.

1.2 Uses to Which this Plan Applies

This plan applies to the Co-living Housing uses on the site.

1.3 Applicable Development Consents

This plan has been prepared as a component of the following Development Consents:

Development Consent 2023/XXXX - Co-living Housing

2 Rooms and Occupation

The facility will provide fully furnished double rooms.

The facility will provide a lease per furnished room for a minimum 3-month period.

Item XX from the Notice of Determination

The maximum number of boarders and lodgers:

The building is to contain a maximum of 38 persons (not including children under the age of 5 years), being no more than 2 persons per room. Managers room is not included in the above, but the managers room can only contain 2 people maximum.

Note: The Boarding House Regulation 2013 provides that long-term sleeping accommodation means accommodation that is provided to the same person for a period of more than 28 consecutive days.

3 Management on-site

An experienced on-site manager who will reside on the premises will oversee the day-to-day operations of the Co-living Housing including matters such as general maintenance and cleanliness of common areas, observance by residents of house rules, and services.

The on-site manager will be assisted by additional non-resident staff as required, with responsibilities including cleaning and maintenance.

The operation of the Co-living Housing will be further overseen by an off-site Managing Agent experienced in the operation of multiple occupancy residential development (the "Managing Agent").

Item XX from the Notice of Determination:

1) Queanbeyan-Palerang Regional Council is to be advised of any change to the manager or its delegate and of the contact details of the manager or its delegate within one (1) week of any change. The sign on the site giving the name and contact details of the manager must also be updated within one (1) week of any change.

3.1 Responsibilities of Onsite Manager

Provide a point of contact for residents, neighbours, and emergency services in respect to the operation of the Co-living Housing.

Keep a list of maintenance requirements and pass any maintenance requirements to the registered proprietor promptly for engagement of relevant tradespersons if required.

Maintain a record of resident complaints and incidents (noise etc) and notify the Managing Agent of these.

Oversee the maintenance of grounds, common areas and facilities in a clean and tidy manner, with assistance from non-resident staff as required.

4 Resident Information Brochure

The Resident Information Brochure ("the Brochure") will contain the house rules that residents must abide by and will be provided with by the Managing Agent in conjunction with the lease.

Each occupant is to be provided with a copy of the Brochure upon commencement of his or her occupation.

4.1 The Brochure will cover at least the following:

Maximum number of two (2) adult residents room excluding children under the age of five (5) years;

Registration of all visitors with no overnight stay permitted;

Respect for other residents and neighbours by keeping noise to a minimum;

Responsibility to maintain the room in a clean and tidy manner;

Use of communal facilities;

Dress code in communal areas;

No hanging of clothes on the outside common areas / balconies

Zero tolerance of drug use or other illegal activities within the premises;

General cleanliness in common rooms and on grounds; and

Contact details for the on-site manager, Managing Agent and emergency services.

A copy of the Brochure will be attached to the wall of each entry foyer, common rooms and within each of the rooms.

5 Common Area

5.1 Communal Outdoor Space

The on-site manager is authorised to ask residents and registered visitors to vacate the communal space at any time if the level of noise or behaviour is deemed unacceptable, or house rules as outlined in the Brochure are breached.

The use of outdoor / open air common areas is not permitted between 10:30pm and 7:00am, seven days per week.

No amplified music is permitted at any time within the outdoor communal areas.

No hanging of clothes on the outside common areas.

6 Noise Minimisation

Noise from the Co-living Housing is best controlled using a combination of physical mitigation measures as well as noise management measures which can be implemented and enforced by the onsite Manager. The following key aspects are noted:

- External areas should not be used after 10.30pm at night.
- No external speakers for music should be installed in the rear garden / communal terrace area.
- signage shall be erected in the communal outdoor area clearly displaying the time restrictions and to encourage quiet behaviour of boarders.
- Window and door openings to the common room at ground floor level of the premises will be closed after 10.30pm each night.
- Any cleaning of the premises, internal or external and including garden maintenance, shall take place between 8am and 6pm Monday to Friday and 10am to 5pm on weekends and public holidays.

7 Waste Management and Cleaning

Waste will be separated into separate bins for recycling including plastics, metal, glass, paper and green waste.

Waste will be moved to/from the bin storage area and collected by Council or a private contractor on a weekly basis, or as required.

Empty bins will be washed regularly to maintain appropriate levels of hygiene.
Item XX from the Notice of Determination:

The bins are to be taken to the temporary storage area the afternoon or evening before collection day and taken back to the basement on collection day by the on site manager (after the waste is collected).

8 Allocation of Car Parking

The spaces offered to residents who require them as part of their lease, on a first come first serve basis.

The accessible car parking space will be offered to residents who require it as part of their lease, on a first come first serve basis.

All access to the car parking spaces shall be by way of an electronic system (or handheld remote controller) which shall be installed at the entry to the car park.

9 Complaints Register

The On-site Manager will be available between the hours 9:00am to 6:00pm 7 days per week, to deal with any complaints or incidents that occur on the premises. The register will contain: -

- Complaint/Incident date and time
- Name of person/police/council making the complaint or notifying of the incident
- Contact details
- Nature of the complaint/incident
- Action taken (by whom and when)
- Outcome and/or further action required

All complaints shall be dealt with by management with 24 hours of notification.

The complaints register is to be made available to Council, Police or a other authorised person upon formal request.

10 Security and Safety

10.1 General provisions

Each accommodation room entry door will feature a lock (with key or swipe card).

Common entrances to the Co-living Housing will only be accessible via key/swipe, unless the on-site manager is in attendance.

10.2 Evacuation Plan

Building layout indicating, position of lodger rooms relative to the rest of the development, location of fire exits and fire fighting equipment and emergency evacuation procedures shall be displayed in all rooms and common areas.

10.3 Maintenance

Emergency systems are maintained as part of a maintenance contract by a qualified company. All equipment will be tested and checked in accordance with the relevant Australian Standards. Any faults are documented and rectified immediately. These checks take place, weekly, monthly, bi-annually or annually depending on the required frequency.

10.4 Annual Certification

Annual certification of Fire Safety Equipment to be carried out by a fire consultant.

QUEANBEYAN-PALERANG REGIONAL COUNCIL

Council Meeting Attachment

13 NOVEMBER 2024

ITEM 9.2 DA.2023.0461 - PROPOSED CO-LIVING HOUSING
DEVELOPMENT - 95 CRAWFORD STREET,
QUEANBEYAN

ATTACHMENT 6 SECTION 4.15 ASSESSMENT - DA.2023.0461 - 95 CRAWFORD
STREET QUEANBEYAN



Section 4.15 ASSESSMENT REPORT - DA.2023.0461

SUMMARY

Proposal:	Demolition of existing buildings and construction of Co-living housing with 19 private rooms plus Manager unit over three storeys
Address:	95 Crawford Street QUEANBEYAN NSW 2620
Property description:	Lot 4 DP 8874
Applicant:	Queanbeyan One Pty Ltd
Owner:	Queanbeyan One Pty Ltd
Date of lodgement:	04/09/2023
Notification period:	15/11/2023 to 04/12/2023
Submissions received:	One (1)
Assessment officer:	Luceille Yeomans
Estimated cost of works:	\$3850871
Zoning:	MU 1 Mixed Use Zone
Heritage:	Not applicable
Flood affected:	Not applicable
Bushfire prone:	Not applicable
Recommendation of officer:	Approval with conditions

EXECUTIVE SUMMARY

- 1.0 The proposal seeks approval for the construction of a three-storey Co-Living housing development and associated site works including demolition of existing structures.
- 2.0 Co-living housing are similar to Boarding Houses and are a development opportunity under the State Environmental Planning Policy (Housing) 2021.
- 2.0 The application was notified to adjoining owners for a period of 14 days from the 15 November 2023 to 4 December 2023 with one (1) submission received during the notification period.
- 3.0 Principal Issues – Privacy concerns, size of the lot does not comply with the SEPP minimum lot size with a Clause 4.6 variation sought and a variation to side boundary setbacks is also sought.
- 4.0 The application is recommended for approval subject to recommended conditions of consent.

BACKGROUND

Application 19/77 – Building approval for Shop and Workshop dated 7 March 1977.

Application 2/80 – Application for proposed signage approved 20th February 1980.

BA 392/84 – Garage structure for Bells Drycleaning approved 11 October 1984.

BA 26/92 – Building application for a metal garage. Approved 11 February 1992. Certificate of occupancy issued 3 July 1992.

BA 2630/095 – Building application for addition of an awning to an existing industrial use for a dry cleaner Shop & Workshop.

Development application 310-2011 for conversion existing building to storage units refused 10 May 2012.

DESCRIPTION OF THE SITE AND LOCALITY

The subject site is legally described as Lot 4 DP 8874 and is commonly known as 95 Crawford Street Queanbeyan. The site is located on the western side of Crawford Street and has an area of 743m².

The site is located on a main entrance road into Queanbeyan and is within a mixed use area north of the main central business area of Queanbeyan. The site accommodates a commercial laundry.

There is a dwelling that adjoins the site to the north and the dwelling to the south appears to have been used for commercial purposes. The local area consists of a range of commercial, industrial and health services with single dwellings and multiple unit developments / Boarding houses across the rear lane and in Killard Street. Opposite Crawford Street is a motel and commercial uses.

Vehicular access is provided to the site via an existing driveway from Crawford Street.



Figure 1: Locality plan



Figure 2 - Frontage to Crawford Street



Figure 3 - Frontage to rear lane

PROPERTY BURDENS AND CONSTRAINTS

There are no easements or burdens on the land which could affect, or be affected by, the proposed development.

DESCRIPTION OF THE PROPOSED DEVELOPMENT

The application seeks Council approval for Co-living housing. Co-living housing was introduced to the NSW planning system when the Housing SEPP was made in November 2021.

Under the Housing SEPP, Co-living housing:

- is subject to similar built-form development standards as boarding houses,
- must provide a primary place of residence for all occupants – it may not be used for short-term tourist and visitor accommodation,
- may have as few as 6 private rooms,
- must provide indoor and outdoor communal space for residents to relax and socialise
- must have a manager, who will be responsible for implementing the plan of management for the property. The manager does not have to be always on site but must be contactable by phone 24/7.

The specific elements of the proposal are:

- Construction of a three storey building comprising:
 - Ground Floor: 2 x accessible units, car parking and access, common room and communal open space
 - First Floor: Nine (9) private rooms and one Manager Unit (Room 105)
 - Second Floor: Eight (8) private rooms
- Demolition of existing structures
- Landscaping and waste enclosures areas
- 4 car parking spaces, bicycle parking and parking for one motorcycle.



Figure 4 – View to Crawford Street



Figure 5 – View to rear lane

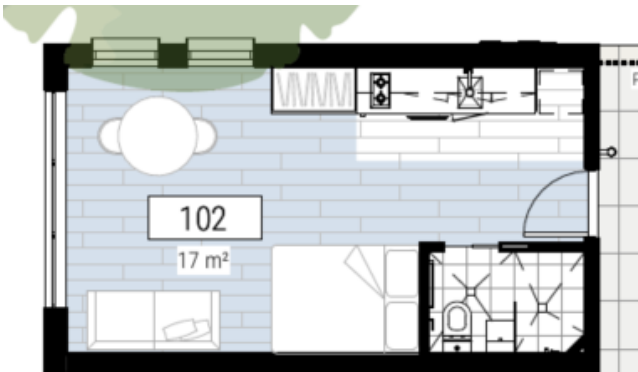


Figure 6 – Unit design

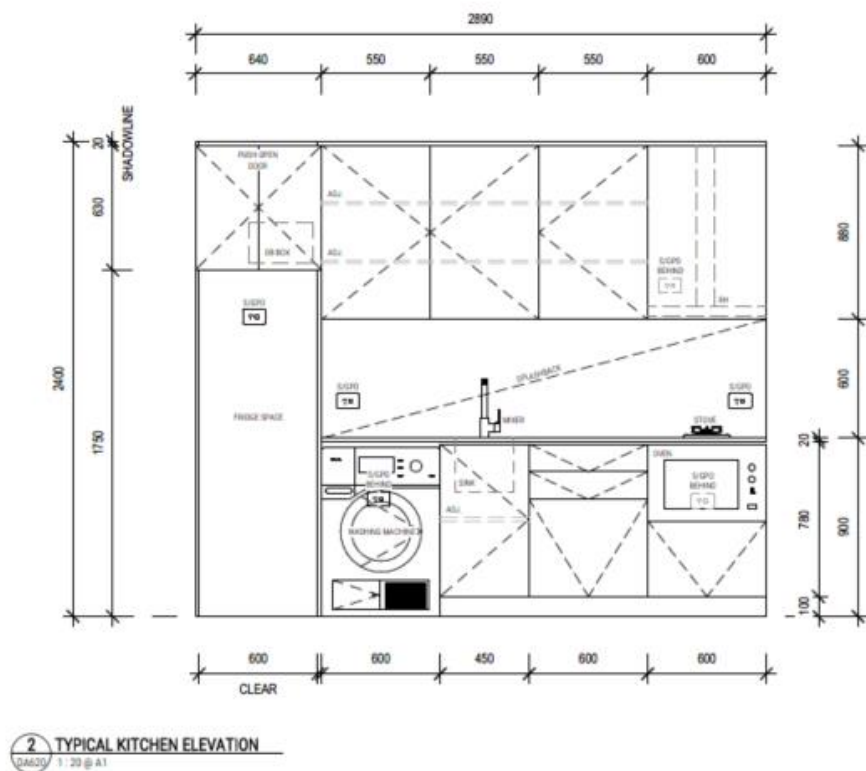


Figure 7 – Typical Facilities

CONSENT AUTHORITY

In accordance with the *Environmental Planning and Assessment Act 1979* (EP&A Act) the proposal is considered to be local development and Council is the Consent Authority.

SECTION 4.10 DESIGNATED DEVELOPMENT – EP&A Act, 1979

The proposal is not designated development.

SECTION 4.47 INTEGRATED DEVELOPMENT – EP&A Act, 1979

The proposal is not integrated development.

REFERRALS

INTERNAL REFERRALS

Engineering Comments

Council's Development Engineer has commented on the proposal as follows:

Water:

There is an existing 100mmØ AC water mains along Crawford Street which will be utilised for the proposed development. Please refer to Council Services Plan for more detail and exact location.

The subject site has an existing water service which will need to be upgraded. The applicant has proposed to upgrade the existing water service to 40mm water service which has been demonstrated by a hydraulic consultant as per External Services Plan.

The proposed development will require a new connection to the water mains and a new water meter which shall be installed in an easily accessible location in the common property at the front of the

site, or other accessible location approved by the Council. The applicant will be required to contact Council's Utilities Team to complete a pressure and flow analysis to ensure that the development can be adequately serviced by the available water mains supply before proceeding any further. If the supply is satisfactory, applicant will need to engage Council's Utilities Team to upgrade the service at applicant's cost.

Sewer:

There is existing 150mmØ VC Council Sewer Mains along the rear lane of the subject site. Site is to retain the existing 100mmØ sewer tie for the proposed development.

The proposed additional sewerage infrastructure may impact the existing sewerage infrastructure and will require a suitable qualified hydraulic consultant to assess the overall capacity and additional impact on existing and proposed infrastructure for the proposed development.

All the connections to existing sewer mains including cutting in of new lines and new manholes will need to be completed by Council's Utilities team at the applicant's cost.

Storm Water:

The subject site is currently serviced by kerb and gutter which will be inadequate for the proposed development. There is an existing stormwater sump along the rear lane near the intersection of Killard Street. The proposed development is required to address quality and quantity of stormwater discharge.

As per the stormwater management plan, the site is proposed to connect to the existing sump on the rear land near the intersection of Killard Street. As per the submitted plans, proposed development includes connection of the development with a 225mmØ stormwater tie connected to a proposed sump along the rear lane of the subject site. A stormwater main of 300mmØ is proposed along the laneway which connect with an existing stormwater sump at the intersection of Killard Street.

The subject site has existing structures and as a result of proposed development, there will be a change in the impervious area. As per the submitted DRAINS model, subject site limits the post-development discharge rate to pre-development discharge rate.

The stormwater management plan is required to be in accordance with Council's D5 Design Specifications and D7 Design Specifications.

Erosion & Sediment Control:

An Erosion and Sediment Control Plan (ESCP) will be required for any works causing surface cover disturbance. An ESCP will be required to be submitted with the construction certificate. A Soil and Water Management Plan (SWMP) will be required to be implemented by the property owner for any works causing a surface cover disturbance.

Traffic and Parking:

A Traffic Impact Assessment Report prepared by Genesis Traffic dated 11 August 2023 has been submitted for the proposed co-living development.

As per the traffic report, subject site is located within 450m walking distance to Queanbeyan Railway Station providing connection to the rail network and Queanbeyan intercity bus service. Based on the assessment in the traffic report, the site meets the SEPP Housing's definition of 'Accessible Area', being located within 800m walking distance of a public entrance to a railway station.

However, a further investigation of the site and surrounds would be more beneficial as the proximity to the train station is of little to no use by most people seeking public transport options due to the limited services and destinations. The train line connects Kingston, Queanbeyan, Bungendore, Tarago and Goulburn/Southern Highlands on a service to Sydney. This train service at Queanbeyan Railway Station is not a peak hour commuter service which is an important factor to consider the reduction in suitable quantities of parking permitted by the SEPP (Housing).

As per the submitted plans, 4 car parking spaces have been proposed for the co-living housing development in accordance with Housing SEPP. The parking spaces have been provided at a rate of 0.2 parking spaces per private room for a site within an accessible area.

SEPP Housing does not specifically relate to a commuter service railway station and only defines accessible area as being located within 800m walking distance of a public entrance to a railway station. The proposed co-living housing development meets the parking requirements for cars, motorcycle and bicycles for SEPP Housing 2021 though not that of Queanbeyan DCP.

The Queanbeyan DCP is silent on the requirements for bicycle and motorcycle parking requirements but stipulates a rate of 1 car parking space per private room. All parking dimensions are required to be in accordance with AS/NZS 2890.1 Parking Facilities Off-Street Car Parking and AS/NZS 2890.6 Parking Facilities Off-Street Parking for People with Disabilities.

As per traffic report prepared by Genesis Traffic, trip generation rates from the updated Technical Direction TDT2013/04a specifically to high-density residential apartment blocks have been applied (0.19 vehicle trips per hour for AM peak and 0.15 vehicle trips per hour for PM peak). As per the trip generation rates, proposed co-living housing development is to generate 4 vehicles per hour in the AM peak hour and 3 vehicle trips per hour in the PM peak hour. However, as per TDT2013/4a, the trip generation rates applied are for Sydney Region and developments close to public transport. The trip generation rates for Regional are 0.53 vehicle trips per house for AM peak and 0.32 vehicle trips per hour for PM peak. The trip generation rates for Regional would result in the proposed development generating 10 vehicles per hour in the AM peak hour and 6 vehicle trips per hour in the PM peak hour.

It is also noted that there are no provisions for visitor parking required by the SEPP Housing. It should be acknowledged that this development may cause an increase to the occurrence of on-street parking.

As per the Traffic Impact Assessment prepared by Genesis Traffic dated 11 August 2023, traffic generation expected from the proposed development is not expected to cause any unfavourable traffic implications on the local road network. However, the traffic generation has been based on trip generations of Sydney Region and developments close to public transport.

Additional Planner Comment - The site is well serviced by local public bus routes including 4 services into Canberra including Fyshwick, Woden and Canberra City. The site is also within walking distance to bus stops that offer local routes around Queanbeyan, Queanbeyan East, Queanbeyan West, Jerrabomberra and Googong.

Access:

The subject site has an access off laneway at the rear end of the lot with proposed access width of 4.0m. As per Council's D13 Design Specifications, minimum width of access is 4.0m.

As per AS/NZS 2890.1, two-way driveways are required to be minimum 5.50m wide except that they may narrow down to 3.0m provided there are passing opportunities provided at least every 30.0m. the proposed driveway is approximately 10.9m long and fronts an access laneway which is a lower order road environmental than a local road or sub-arterial road.

The proposed aisle width for the car parking is approximately 5.80m which complies with aisle width for User Class 1 and 1A as per AS/NZS 2890.1. The internal aisle demonstrates a B99 vehicle manoeuvrability and car park functionality for both B99 and B85 vehicles. The swept path in accordance with AS/NZS 2890.1 have been submitted demonstrating B99 and B85 vehicle manoeuvrability.

Generally, the site would, as presented in the development application, be classified as User Class 1A under AS/NZS 2890.1 due to the fact that the turning aisle width is only 5.8m and some parking spaces will require three point turns to access. Generally, for this development, Council would normally require User Class 1 (single manoeuvre entry and exit from each parking space) which will result in the requirement of increasing the turning aisle to 6.20m in width and remove the need for reverse entry into any parking space. However, widening the aisle width may impact the landscaping and minimum setback from the boundary. The conclusion is drawn that the proposed co-living

housing development is a little oversized development and may need to be reduced in scale to accommodate satisfactory parking arrangements.

A driveway application form will be required to upgrade the existing access. Access has been assessed as being acceptable.

Flooding: N/a

Waste Collection:

A waste storage area is proposed on-site and as per Statement of Environmental Effects prepared by Gyde Consulting on behalf of Build Co and dated 30 August 2023, waste will be collected from the rear end laneway which is the current practice for the existing building and adjoining developments.

Council's Development Engineer offered no objections to the proposal, subject to the imposition of recommended conditions of consent.

Building Comments

Council's Building officer notes that although a washing machine is incorporated under the kitchen bench, to be regarded as a separate unit by the BCA a laundry tub within the unit or allocated elsewhere is required on site in accordance with the BCA.

The development is a class 3 'boarding house rooms' that do not require a BASIX certificate. However, as a class 3 building, BCA Section J energy efficiency requirements will apply.

Council's Building Officer offered no objections to the proposal, subject to the imposition of recommended conditions of consent.

Waste Comments

Bins are collected from the rear lane for other properties in the area, which will be acceptable for this proposal. Garbage bins are collected weekly, recycling and FOGO on alternative weeks fortnightly. Applicant advised will be using 5 x 240L bins not skip bins for each (garbage, recycling and FOGO) will be used.

Health Comments

Council's Health Officer offered no objections to the proposal, subject to the imposition of recommended conditions of consent, including for the management of potential asbestos, site contamination and noise issues.

EXTERNAL REFERRALS

NSW Police were referred the application and advised they have no objection. They offered recommendations on lighting, bike security and cameras. These will form part of any consent.

CONSIDERATION OF THREATENED SPECIES

Council is required under Section 4.15 of the Environmental Planning and Assessment Act 1979 to make an assessment of whether the proposed development will have a significant impact on any threatened species, populations, or ecological communities, or their habitats. Such threatened species in NSW may be protected under the NSW Biodiversity Conservation Act 2016 or under the Commonwealth Environment Protection and Biodiversity Conservation Act 1999 (EPBC Act). The assessment process under the EPBC Act can occur outside the NSW planning system and requires input from the Federal Department of Environment. Any EPBC Act requirements associated with this proposal are discussed later in this section.

Section 7.3 of the Biodiversity Conservation Act 2016 sets out what must be considered in determining whether a proposed development will have a significant impact. Section 7.3 requires the consideration of the following:

- any assessment guidelines applicable to the species, population, or ecological communities, or their habitats, and
- the application of the 'seven-part test' described in the Section.

There is no vegetation on site which is proposed to be removed.

SECTION 4.14 CONSULTATION AND DEVELOPMENT CONSENT – CERTAIN BUSHFIRE PRONE LAND – EP&A ACT, 1979

Section 4.14 of the EP&A Act requires an assessment to be made of the proposal against the requirements of the Rural Fire Service document 'Planning for Bushfire Protection 2006'. The Act allows this assessment to be made by the Council or the RFS. Assessments under Section 4.14 against the PBP 2006 need to be made for most development on bushfire prone land which does not require an approval under the Rural Fires Act 1997 as integrated development.

The site is not bushfire prone.

SECTION 4.15 CONSIDERATIONS – EP&A Act, 1979

In determining a development application, the consent authority is to take into consideration the following matters of consideration contained within section 4.15 of the Environmental Planning and Assessment Act, 1979 as relevant to the development application:

4.15(1)(a) the provisions of:

- (i) any environmental planning instrument

STATE ENVIRONMENTAL PLANNING POLICY (HOUSING) 2021

Part 3 – Co living

67 Co-living housing may be carried out on certain land with consent

Development for the purposes of co-living housing may be carried out with consent on land in a zone in which—

(a) development for the purposes of co-living housing is permitted under another environmental planning instrument, or

(b) development for the purposes of residential flat buildings or shop top housing is permitted under Chapter 5 or another environmental planning instrument.

Comment – The land is included in the MU1 Mixed Use Zone which can accommodate Residential Flat Buildings under the Queanbeyan Palerang Local Environmental Plan 2022.

Development consent can be granted for Co-living accommodation under the State Environmental Planning Policy (Housing).

68 Non-discretionary development standards

(1) The object of this section is to identify development standards for particular matters relating to development for the purposes of co-living housing that, if complied with, prevent the consent authority from requiring more onerous standards for the matters.

(2) The following are non-discretionary development standards in relation to development for the purposes of co-living housing—

(a) for development in a zone in which residential flat buildings are permitted—a floor space ratio that is not more than—

- (i) the maximum permissible floor space ratio for residential accommodation on the land*

Comment – there floor space ratio is 1:1. The site area is 739m² and the proposed floor space is 0.78:1. Complies.

- (ii) *an additional 10% of the maximum permissible floor space ratio if the additional floor space is used only for the purposes of co-living housing,*

Comment – additional floor space ratio not sought. Not applicable.

(b) *for co-living housing containing 6 private rooms—*

- (i) *a total of at least 30m² of communal living area, and*

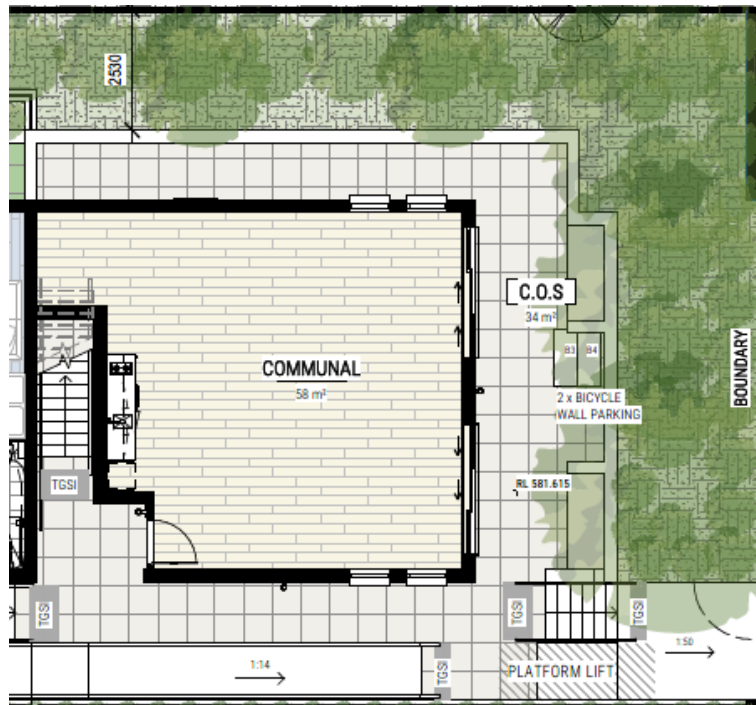
- (iii) *minimum dimensions of 3m for each communal living area,*

Comment – not applicable, proposal is for more than 6 private rooms.

(c) *for co-living housing containing more than 6 private rooms—*

- (i) *a total of at least 30m² of communal living area plus at least a further 2m² for each private room in excess of 6 private rooms, and*

Comment – the development requires 56m² of communal living area for 19 private units. A total of 58m² is provided in an area on the ground floor. Complies.



- (ii) *minimum dimensions of 3m for each communal living area,*

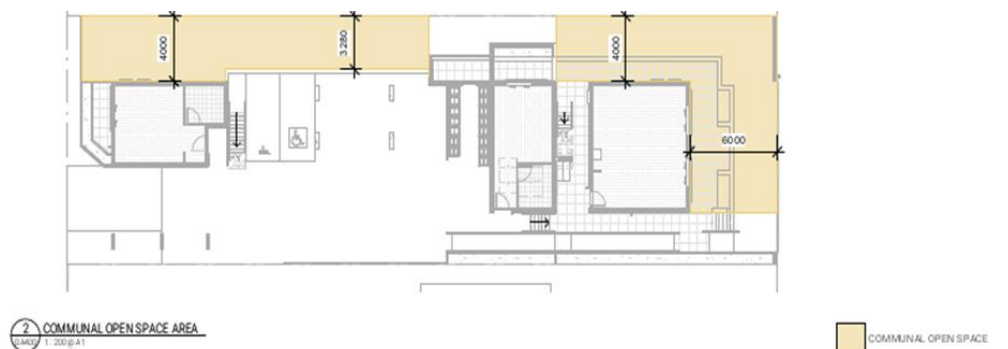
Comment – communal living areas have a minimum dimension of 3m.

(d) *communal open spaces—*

- (i) *with a total area of at least 20% of the site area, and*

- (ii) *each with minimum dimensions of 3m,*

Comment – communal open space is required at 20% of the site (149m²) with 193.25m² or 26.1% provided, with minimum dimensions of 3m. Complies.



(e) unless a relevant planning instrument specifies a lower number—

(i) for development on land in an accessible area—0.2 parking spaces for each private room, or

(ii) otherwise—0.5 parking spaces for each private room,

Comment – the site is in an assessable area being within 800m of the entrance to Queanbeyan Railway Station as outlined in the Traffic Impact Assessment and Council Engineers comments. Parking at 0.2 parking spaces per private room is required. Four (4) spaces are required, four (4) have been provided. Complies.

(f) for development on land in Zone R2 Low Density Residential or Zone R3 Medium Density Residential—the minimum landscaping requirements for multi dwelling housing under a relevant planning instrument,

Comment – Not applicable.

(g) for development on land in Zone R4 High Density Residential—the minimum landscaping requirements for residential flat buildings under a relevant planning instrument.

Comment – Not applicable.

69 Standards for co-living housing

(1) Development consent must not be granted for development for the purposes of co-living housing unless the consent authority is satisfied that—

(a) each private room has a floor area, excluding an area, if any, used for the purposes of private kitchen or bathroom facilities, that is not more than 25m² and not less than—

(i) for a private room intended to be used by a single occupant—12m², or

(ii) otherwise—16m², and

Comment – private room sizes range from 16m² to 22m². Complies.

(b) the minimum lot size for the co-living housing is not less than—

(i) for development on land in Zone R2 Low Density Residential—600m², or

(ii) for development on other land—800m², and

(iii) (Repealed)

Comment – the land size at 743m² does not comply. A Clause 4.6 variation has been requested with a copy of that report attached to the Council report.

This assessment has found that the consent authority can be satisfied of three matters before granting consent to a development that contravenes a development standard, being;

- i) That the applicant has adequately demonstrated that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case [clause 4.6(3)(a)];

Comment: The standard to be varied relates to the lot size. Under the SEPP, a lot size of 800m² is sought, with the site being 743.255m². The variation represents 57 sqm or 7%. The extent of the variation is considered minor.

The relevant principles of the SEPP are able to be achieved despite the contravention, including;

- enabling the development of diverse housing types,
- encouraging the development of housing that will meet the needs of more vulnerable members of the community,
- ensuring new housing development provides residents with a reasonable level of amenity,
- promoting the planning and delivery of housing in locations where it will make good use of existing and planned infrastructure and services,
- minimising adverse climate and environmental impacts of new housing development,
- reinforcing the importance of designing housing in a way that reflects and enhances its locality.

Strict compliance with the development standard would undermine the achievement of the principles of the Housing SEPP as a diverse form of co-living housing could not be delivered on the subject site.

- ii) That the applicant has adequately demonstrated that there are sufficient environmental planning grounds to justify contravening the development standard [clause 4.6(3)(b)];

Comment: The environmental planning grounds to justify the departure of the minimum lot size development standard include promoting the relevant objectives of the Environmental Planning and Assessment Act, including optimising the use of resources for housing in an appropriate location, promoting the orderly and economic use of the land, to promote the delivery and maintenance of affordable housing and promotes residential development in an appropriate zone, being this Mixed Use zone.

The proposal also promotes the Queanbeyan Palerang Regional Council's Affordable Housing Strategy and the delivery of a co-living development in an appropriate, quite central location that is well serviced and well connected.

- iii) That the proposed development will be in the public interest because it is consistent with the objectives of the particular standard and the objectives for development within the zone in which the development is proposed to be carried out [clause 4.6(4)]

Comment: The proposed development is considered to be in the public interest because it is consistent with the objectives of the MU1 Mixed Use zone.

This development standard is not a non-discretionary standard and is therefore able to be varied. The delivery of this development as proposed is supported on merit including on a lot of this size.

(c) for development on land in Zone R2 Low Density Residential or an equivalent land use zone, the co-living housing—

(i) will not contain more than 12 private rooms, and

(ii) will be in an accessible area, and

Comment – not applicable.

(d) the co-living housing will contain an appropriate workspace for the manager, either within the communal living area or in a separate space,

Comment – Unit 105 is available for the Manager.

(e) for co-living housing on land in a business zone—no part of the ground floor of the co-living housing that fronts a street will be used for residential purposes unless another environmental planning instrument permits the use, and

Comment – not applicable.

(f) adequate bathroom, laundry and kitchen facilities will be available within the co-living housing for the use of each occupant, and

Comment – adequate facilities are provided within each unit.

(g) each private room will be used by no more than 2 occupants, and

Comment – each private room is not able to accommodate more than 2 occupants. A Plan of Management will form part of any consent, which will assist to manage occupant numbers.

(h) the co-living housing will include adequate bicycle and motorcycle parking spaces.

Comment – the proposal includes 4 bicycle and 1 motorcycle space which is considered to be adequate.

(2) Development consent must not be granted for development for the purposes of co-living housing unless the consent authority considers whether—

(a) the front, side and rear setbacks for the co-living housing are not less than—

(i) for development on land in Zone R2 Low Density Residential or Zone R3 Medium Density Residential—the minimum setback requirements for multi dwelling housing under a relevant planning instrument, or

(ii) for development on land in Zone R4 High Density Residential—the minimum setback requirements for residential flat buildings under a relevant planning instrument, and

Comment – Not applicable.

(b) if the co-living housing has at least 3 storeys—the building will comply with the minimum building separation distances specified in the Apartment Design Guide, and

Comment – the proposal is for 3 storeys. The minimum building separation distances in the Apartment Design Guide are applicable.

Council is to *consider* these controls, which form part of this assessment and the report to Council on the determination of this application.

The Apartment Design Guide seeks building separation distances to maintain visual privacy by separating residential buildings subject to these controls.

The minimum separation distance from buildings to the side and rear boundaries are, for up to 12m (4 storeys):

- 6m between habitable rooms balconies to the east (Crawford Street) – complies.
- 6m between habitable rooms/balconies to the northern boundary – variation sought.
- 6m between habitable rooms/balconies to the southern boundary – variation sought.
- 6m between habitable rooms to the west (Lane) – complies.

East - frontage to Crawford Street complies.

West - the setback to the rear Lane is proposed at 3m. With the width of the Lane and setback to dwellings on land to the west, separation complies.

North – The proposal includes a setback of 3.5m which does not comply.

According to the Survey Plan submitted with this application, the subject site adjoins land to the north that accommodates a dwelling which is setback approximately 4.5m. Separation between the buildings at 8m is provided.

South – The proposal includes a setback of 3.2m which does not comply.

According to the Survey Plan submitted with this application, the subject site adjoins land to the south that accommodates a brick building (dwelling) which is setback approximately 1.2m. Separation between the buildings at 4.4m is provided.

The applicant has argued that the proposed development meets the aims of the Apartment Design Guide including with the reduced setbacks. At between 3.2 – 4.4m the setback to the southern side property boundary achieves an appropriate level of residential amenity including visual and acoustic privacy, natural ventilation, sunlight and solar access are maintained including to the adjoining site.

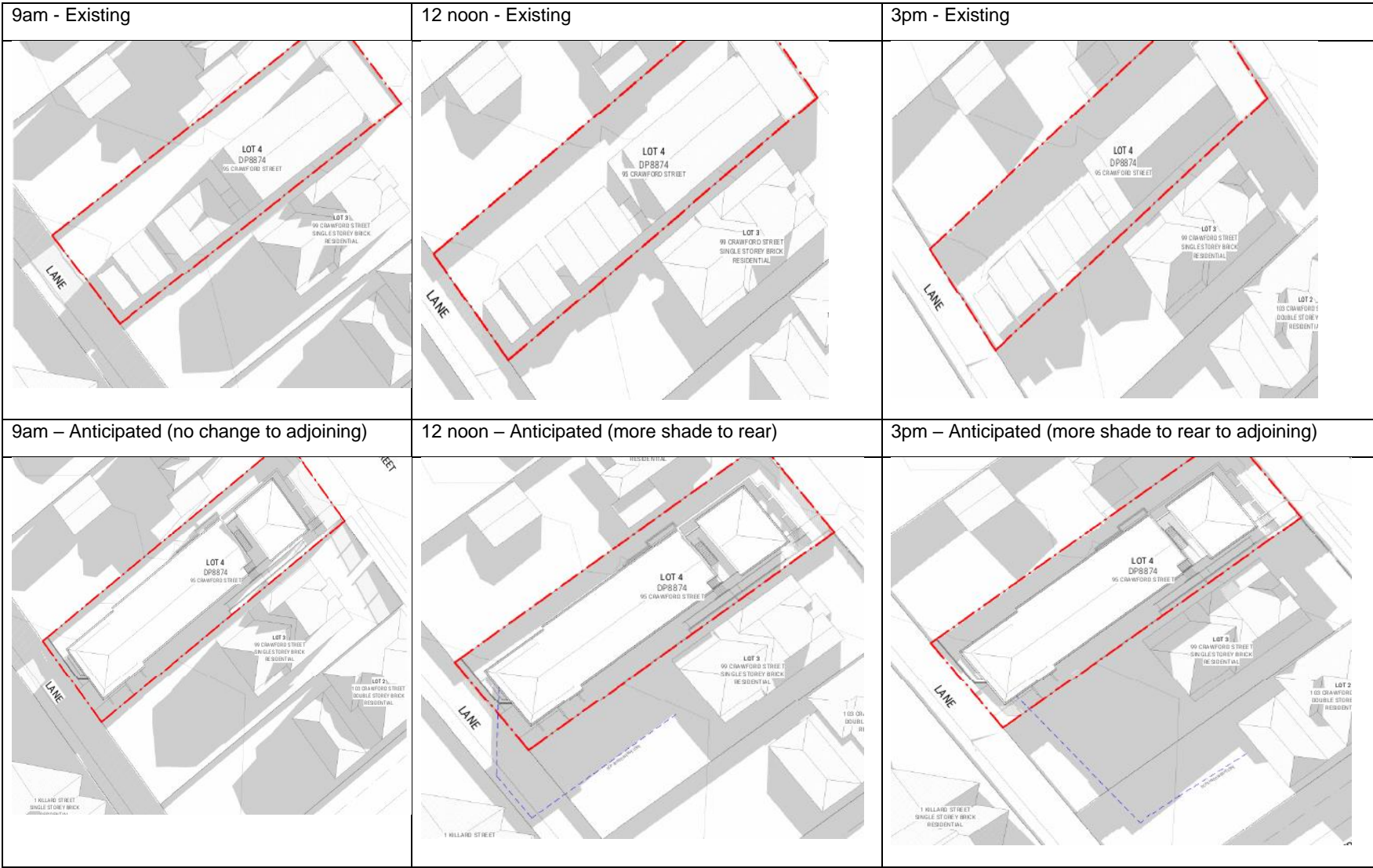
The proposal includes an acoustic report which is supported by Council's Environmental Health officer and will form part of any consent. Any consent will also require ongoing compliance with an operational plan for the site. Privacy and overlooking is limited through the use of side boundary fencing, high windows with translucent glass and fixed privacy screens to circulation area to the upper floors. A solar assessment in support of the application has also confirmed private rooms will have adequate sunlight.

The assessment has also demonstrated using shadow diagrams that shade impacting the northern windows on the building to the south at 9am and 12 noon in mid-winter is the same as what is experienced now. From 12 noon onwards the proposed development will cast more shade to the rear of that adjoining site than is currently the case.

The proposed development at a height of 8.4m complies with the maximum height under the LEP of 8.5m. It is anticipated that any development on the subject site could have an impact similar to that now proposed in terms of overshadowing. The current shadows caused by the existing and proposed structures are shown below.

The setbacks as proposed are not anticipated to cause significant loss in residential amenity and are able to be supported.

Setbacks are considered to be appropriate in this mixed use zone location on a busy entrance road to Queanbeyan. The proposed side boundary setbacks with the addition of privacy screening and ongoing compliance with the Operational Plan is able to be supported.



(c) at least 3 hours of direct solar access will be provided between 9am and 3pm at mid-winter in at least 1 communal living area, and

Comment – The application is supported by a Solar Access assessment confirms a minimum of three hours of solar access between 9am -3pm to at least one communal room is provided. Each communal room receives 5-6 hours and complies.

(d), (e) (Repealed)

(f) the design of the building will be compatible with—

(i) the desirable elements of the character of the local area, or

(ii) for precincts undergoing transition—the desired future character of the precinct.

Comment – this part of Queanbeyan is undergoing transition. The local area accommodates a range of older commercial or industrial uses which are being modernised, typically with residential accommodation, as is proposed on the subject site.

The design of the proposed development is considered to be compatible with development to Crawford Street, appearing as 2 storeys. The Lane to the rear has infrequent and local traffic only. With site cut it will appear as 2 storeys and is not inconsistent with adjoining development.

(3) Subsection (1) does not apply to development for the purposes of minor alterations or additions to existing co-living housing.

Comment – not applicable.

70 No subdivision

Development consent must not be granted for the subdivision of co-living housing into separate lots.

Comment – the proposal does not include subdivision.

STATE ENVIRONMENTAL PLANNING POLICY – RESILIENCE & HAZARD 2021

The site currently accommodates a Drycleaner and an investigation into potential contaminants on site was warranted. A Preliminary Site Investigation has been provided in support of the application by Raw Earth Environmental.

Building debris including containing potential asbestos was observed. The assessment concluded that the site could be made fit for a residential purpose, which is supported by Council's Environmental Health officer who has suggested conditions to manage those potential impacts.

QUEANBEYAN PALERANG REGIONAL LOCAL ENVIRONMENTAL PLAN (QPRLEP)

2022

An assessment of the proposal against the general aims of QPRLEP 2022 is included below:

Cl. 1.2(2)	Aims	Complies
aa	to protect and promote the use and development of land for arts and cultural activity, including music and other performance arts,	N/a
a	to protect and improve the economic, environmental, social and cultural resources and prospects of the community,	Yes
b	to facilitate the orderly and economic use and development of land having regard to ecological sustainability principles,	Yes
c	to provide for a diversity of housing to meet the needs of the community into the future,	Yes
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,	Yes

e	to keep and protect important natural habitat and biodiversity,	N/a
f	to protect water quality, aquifers and waterways,	N/a
g	to keep, protect and encourage sustainable primary industry and associated commerce in rural areas,	N/a
h	to identify and protect the cultural heritage of the area, including the built heritage and the Aboriginal heritage,	N/a
i	to protect important scenic quality, views and vistas,	Yes
j	to facilitate the orderly growth of urban release areas,	N/a
k	to ensure development does not unreasonably increase the demand for public services or public facilities,	Yes
l	to identify, protect and provide areas for community health and recreational activities.	N/a

Comments: The proposed development is considered to be consistent with the aims of the QPRLEP 2022 as it specifically provides for diversity of housing throughout Queanbeyan.

Suspension of Covenants, Agreements and Instruments

Under Clause 1.9A, no covenants, agreements and instruments restricting the development have been identified.

Demolition

Under Clause 2.7 of the QPRLEP 2022, the proposal does involve demolition of an existing structures. Relevant conditions of consent will be imposed should development consent be forthcoming.

Part 4: Principal development standards

An assessment of the proposal against the relevant provisions contained within Part 4 of the QPRLEP 2022 is provided below.

Height of building

Cl.	Standard	Controls	Proposal	Complies
4.3	<i>Height of building</i>	8.5m	8.4m	Yes

Part 5: Miscellaneous Provisions

5.10 Heritage conservation

The site is not within a heritage conservation area and does not contain or adjoin a heritage item. No impact on heritage conservation.

Part 7: Local Provisions

The relevant provisions contained within Part 7 of the QPRLEP 2022 are addressed below as part of this assessment:

7.1 Earthworks

Clause 7.1 of the QPLEP 2022 provides requirements for earthworks. The proposal includes site cutting. To mitigate any detrimental impact that the development may have on the site the consent will contain conditions that sediment and erosion controls are to be put in place and that disturbed surfaces are to be rehabilitated.

7.6 Airspace operations

Clause 7.6 of the QPLEP 2012 makes provisions for developments that penetrate the Limitation or Operations Surface for the Canberra Airport. The site is identified as having an OLS of 625m. The subject site has been surveyed at 580-583m AHD and the proposal will have a total height of approximately 8.4m, therefore not penetrating the OLS.

7.8 Development in areas subject to aircraft noise

Clause 7.8 of the QPLEP 2022 makes provisions for developments subject to aircraft noise. This clause is not considered relevant to the proposed development as the site is not located near the Canberra Airport or within an ANEF contour of 20 or greater.

7.12 Essential services

Clause 7.12 of the QPLEP 2022 requires satisfactory arrangements to be made for water supply, stormwater drainage, solid domestic waste, sewage, and the treatment and disposal of effluent. Along with the supply of electricity and suitable vehicle access.

Development consent must not be granted to development unless the consent authority is satisfied that any 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.

Council's Development Engineer has assessed the proposed development and confirmed that the site does have suitable vehicle access and adequate services are available.

4.15(1)(a)(ii) any draft environmental planning instruments

There are no relevant draft environmental planning instruments known to apply.

4.15(1)(a)(iii) any development control plan

QUEANBEYAN DCP 2012 COMMENTS		
Section	Controls	Compliance / Conditions
PART 1 – ABOUT THIS DEVELOPMENT CONTROL PLAN		
1.8	Public Notification of a Development Application The development application was notified to adjoining owners and one (1) submission was received.	Yes
PART 2 – ALL ZONES		
2.2	Car Parking – SEPP compliance required	Parking complies with SEPP
2.3	Environmental Management The proposed development is supported by a BCA assessment report and the material and thermal efficiency will be assessed in subsequent construction certificate applications. Waste and recycling will be managed via Council's waste collection service and the proposal is supported by an Acoustic assessment and operational plan of management.	Yes
2.3.5	Waste and Recycling The proposed development incorporates a waste storage enclosure on site. The applicant will be required to apply to Council for a kerbside waste collection service.	Yes - Conditions
2.3.6	Noise and Vibration The application was accompanied by an Acoustic Assessment. Council's Health Officer has reviewed the assessment report and concludes that the proposal is satisfactory for approval	Yes - Conditions

	subject to conditions of consent relating to compliance with the acoustic report.	
2.4	Contaminated Land Management The site currently accommodates a Drycleaner and an investigation into potential contaminants on site was warranted. A Preliminary Site Investigation has been provided in support of the application by Raw Earth Environmental. Building debris including containing potential asbestos was observed. The assessment concluded that the site could be made fit for a residential purpose, which is supported by Council's Environmental Health officer who has suggested conditions to manage those potential impacts.	Yes - Conditions
2.6	Landscaping A landscape plan prepared has been provided in support of this application and is considered satisfactory.	Yes
2.7	Erosion and Sediment Control The consent will contain a condition for erosion and sediment control to ensure that adequate measures are in place during any construction phase.	Yes
2.9	Safe Design The application was referred to the NSW Police (Crime Prevention Officer) and a response was received in a letter dated 28 November 2023 providing recommendations for the development; these comments will be placed on the development consent as advisory notes.	Yes
2.11	Airspace Operations and Airport Noise The proposed development on land at 582m will not penetrate the 625m contour on the OLS map.	Yes
2.12	Preservation of Trees and Vegetation There are no trees onsite proposed to be retained.	N/a

Additional Planning Considerations

The following additional planning matters apply to the development:

4.15(1)(a)(iia) any planning agreement or draft planning agreement

NA

4.15(1)(a)(iv) matters prescribed by the regulations

Clause 92 of the *Environmental Planning and Assessment (EP&A) Regulation 2000* requires Council to take into consideration Australian Standard AS2601–1991: *The Demolition of Structures*, in the determination of a development application.

Having regard to this prescribed matters, the proposed development does involve the demolition of a building for the purposes of AS 2601 – 1991: *The Demolition of Structures*.

Should this application be approved, appropriate conditions of consent are included within the recommended to ensure compliance with any relevant regulations.

4.15(1)(a)(v) any coastal zone management plan

Council is not subject to a coastal zone management plan.

4.15(1)(b) the likely impacts of the development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality

MATTERS FOR CONSIDERATION	COMPLIES (Yes/No)
<i>Environmental Planning and Assessment Act Regulation 2000</i>	
<p><i>The provisions of any matters prescribed by the Regulations, which apply to the land to which the development application relates, must be considered.</i></p> <p><i>Clause 92 - Australian Standard AS 2601-1991 (Demolition of Structures).</i> <i>Clause 93 - Fire Safety Considerations (change of use of an existing building).</i> <i>Clause 94 - Fire Safety Considerations (rebuilding/altering/enlarging/extending existing building).</i></p> <p>It is anticipated that essential fire safety considerations could be adequately met.</p>	Yes
<i>The Likely Impacts of the Development</i>	
<p><i>Context and Setting</i> – The subject site is located within a mixed use area which allows for development of this kind (eg Residential Flat Buildings and Multiple Dwelling Housing). The local area has a range of commercial and residential developments.</p> <p>The proposed development is anticipated to be able to operate without unreasonable impacts on the local area, impacts on amenity, access to and from the site by vehicles and safe operation of the local roads including for pedestrians.</p> <p>The use in this location is supported.</p>	Yes
<p><i>Access, Transport and Traffic</i> - The proposed development's impact in relation to access, transport and traffic is considered to be acceptable as assessed by Council's Development Engineer.</p>	Yes
<p><i>Public Domain</i> – It is considered that the proposed development is unlikely to have an adverse impact on the public domain. The proposed development will improve the appearance of the site as viewed from Crawford Street.</p>	Yes
<p><i>Utilities</i> - The site is serviced with water, sewer, electricity and telecommunications.</p>	Yes
	Yes

MATTERS FOR CONSIDERATION	COMPLIES (Yes/No)
<i>Heritage</i> – The subject site is not within the heritage conservation area nor does not contain or adjoins a heritage item.	
<i>Other Land Resources</i> - The proposed development will not adversely impact on valuable land resources for productive agricultural land and mineral and extractive resources.	Yes
<i>Water</i> - The proposed development will have minimal impact on the conservation of water resources and the water cycle.	Yes
<i>Soils</i> - The preliminary site assessment has been provided with conditions included to manage potential contamination.	Yes
<i>Air and Microclimate</i> - The proposed development will have minimal impact on air quality and microclimatic conditions where managed in accordance with appropriate conditions to prevent air pollution, including possible asbestos.	Yes
<i>Flora and Fauna</i> - (8 point test from Threatened Species Act to be completed where relevant). The proposed development will have a minimal impact in relation to the maintenance of biodiversity in the area. The site is free of vegetation and there are no known listings of critical habitat, threatened or endangered species, populations, ecological communities or their habitats on or in close proximity to the site.	Yes
<i>Waste</i> – It is anticipated that adequate waste facilities can be made available should the use proceed.	Yes
<i>Energy</i> – The application is supported by a BCA compliance assessment.	Yes
<i>Noise and Vibration</i> – It is considered that the proposed development will not have unreasonable impacts on adjoining development by way of noise and vibration. Should development consent be forthcoming, conditions of consent will be imposed requiring compliance with the submitted Acoustic Assessment Report.	Yes
<i>Natural Hazards</i> – The proposal is not likely to be impacted on by natural hazards.	Yes
<i>Technological Hazards</i> - No technological hazards are known to affect the site.	Yes
<i>Safety, Security and Crime Prevention</i> - The proposal was referred to NSW Police for comment with their recommendations added as notes to the draft conditions should development consent be forthcoming.	Yes

4.15(1)(c) the suitability of the site for the development

The subject site is relatively unconstrained and is considered to be suitable in its current state for the purposes of the proposed development.

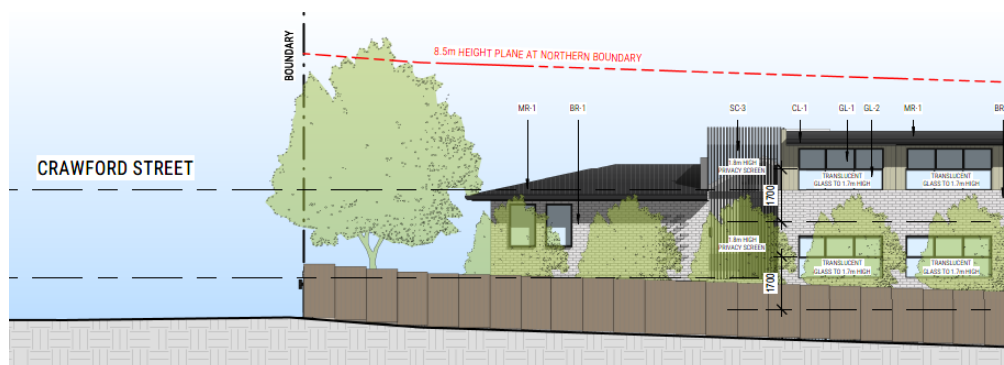
Despite a variation to the minimum lot size and side boundary setback the proposal is considered to meet the public interest and is able to be supported.

4.15(1)(d) any submissions made in accordance with this Act or the regulations

The application was notified in accordance with the Community Engagement and Participation Plan from 15/11/2023 – 4/12/2023 with one (1) submission received:

Issue: Having windows facing my property at various levels impacting my privacy and peaceful living in my house.

Comment: The potential for overlooking and privacy concerns has been considered in this assessment. The proposal includes a 1.8m fence which will assist to manage impacts at ground level. The windows to the units above ground floor will be high, at 1.7m and translucent glass to avoid overlooking. Circulation areas will also have fixed privacy screens to avoid the potential overlooking to adjoining properties.



The proposal has also been amended to remove the roof terrace which will reduce the potential for overlooking and potential noise from the outdoor communal space.

The submitters issue has been addressed to Council's assessment officers' satisfaction and does not warrant refusal of the application.

4.15(1)(e) the public interest

The public interest is served through the detailed assessment of this development application under the relevant local planning controls and legislation and consideration of any submissions received relating to it by Council. The proposed development is not considered to be contrary to the public interest.

SECTION 64 CONTRIBUTIONS

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

Section 64 Contributions are applicable for the proposed development and are based on Water Directorate Section 64 Determinations of Equivalent Tenement Guidelines (April 2017) Table 2 Page 17. There is an existing dwelling on the subject site and a credit of 1.0 ET for Water and Sewer each has been incorporated to the total applicable equivalent tenements (ET) for the proposed development.

The following table provides calculation for the applicable ETs for Water and Sewer for the proposed co-living housing;

Item	No of Units	ETs per Unit	ETs applicable
Water			
Co-Living Rooms and Manager's Unit	20	0.33	6.60

Existing Credit			-1.0
Total ETs Applicable			5.60

Item	No of Units	ETs per Unit	ETs applicable
Sewer			
Co-Living Rooms and Manager's Unit	20	0.50	10.0
Existing Credit			-1.0
Total ETs Applicable			9.00

The ETs applicable are **5.60 ET for Water** and **9.00 ET for Sewer** for the proposed development of a co-living housing.

SECTION 7.12 CONTRIBUTIONS

Section 7.12 of the Environmental Planning & Assessment Act 1979 permits councils to require as a condition of development consent, the reasonable dedication of land or the payment of monies, or both, for development that is likely to require the provision of, or increase the demand for public amenities and public services within the area.

Section 7.12 Contributions are applicable to the proposed development.

CONCLUSION

The application has been assessed having regard to Section 4.15 of the Environmental Planning and Assessment Act 1979, and is considered to be satisfactory for approval, subject to the recommended conditions of consent.

CONDITIONS OF CONSENT OR REASONS FOR REFUSAL

Refer attached

QUEANBEYAN-PALERANG REGIONAL COUNCIL

Council Meeting Attachment

13 NOVEMBER 2024

ITEM 9.2 DA.2023.0461 - PROPOSED CO-LIVING HOUSING
DEVELOPMENT - 95 CRAWFORD STREET,
QUEANBEYAN

ATTACHMENT 7 SUPPLEMENTARY REPORT - DA.2023.0461 - RESPONSE TO
ISSUES RAISED AT 23 OCTOBER 2024 MEETING

Attachment to Item 9.1 – Supplementary Report – DA.2023.0461 at 95 Crawford Street Queanbeyan

At its meeting of 23 October 2024 Council considered a report from staff recommending approval of DA.2023.0461 for Co-living housing. Whilst the motion for approval was lost, Council did not resolve to refuse the application.

The purpose of this supplementary report is to provide Council with additional information on the aspects of the development discussed at that meeting, and subsequent issues raised by the submitter.

Also attached is a report from the applicant addressing the concerns raised by Council at the meeting of 23 October 2024.

1) Potential Contamination

Condition 17 notes that the Detailed site investigation report provided in support of the application recommended asbestos removal prior to demolition, additional soil testing and ground water testing post demolition and the development of an unexpected finds protocol has been included in the recommended conditions of consent. (Condition 17).

Additional general conditions have been imposed to ensure the appropriate management of waste (Condition 24 and Condition 26).

2) Car parking numbers & the primacy of the State Environmental Planning Policy – Housing 2021

Confirming the State Environmental Planning Policy sets the car parking rate for this type of development in this location. The proposed car parking numbers comply with the SEPP requirements. The SEPP is a higher order instrument than Council's LEP and DCP and therefore takes precedence.;

Clause 68 of the SEPP provides for non-discretionary development standards that if complied, prevent the consent authority (in this case Council) from requiring more onerous standards. Car parking is a non-discretionary standard, therefore Council cannot require more onerous standards than that which is set out in the SEPP.

3) Manoeuvring in the car park

Off-street parking facilities are classified according to user classes to ensure they meet specific requirements for different types of parking needs.

According to AS/NZS 2890.1, classifications include several user classes with distinct dimensional requirements and usage scenarios. User Class 1A parking is designated for residential, domestic, and employee parking, featuring restricted dimensions to facilitate efficient parking in residential areas. This classification ensures that everyday users, such as homeowners and employees, have appropriate and accessible parking spaces. The Australian Standard allows for 3 point turns for a resident's car park for User Class 1A only, otherwise as for User Class 1 which is single manoeuvre entry and exit (User Class 1 is generally for all-day employee and commuter parking).

The proposed aisle width for the car parking is approximately 5.80m which complies with the aisle width for User Class 1A as per AS/NZS 2890.1. The internal aisle demonstrates a B99 vehicle manoeuvrability and car park functionality for both B99 and B85 vehicles. The swept path analysis in accordance with AS/NZS 2890.1 has been submitted demonstrating B99 and B85 vehicle manoeuvrability.

The swept paths for User Class 1A comply with AS/NZS 2890.1 as demonstrated in the Traffic Impact Assessment by Genesis Traffic Engineers and confirmed by Council's Senior Development Engineer. A condition has also been imposed to ensure compliance is achieved (Condition 45).

4) What is the public benefit?

This unit design, being small self contained studios, are anticipated to be available at a lower rent than more typical one or two bedroom units. There are however no specific controls requiring the delivery of the units by a registered Social Housing Provider. To assist in the delivery of 'affordable housing', the developer is in discussions with Karabar Housing Cooperative and St Benedicts' to explore how a small proportion of units can be delivered to their clients.

5) Amenity issues from over development, impact on neighbours from overlooking and noise.

The site has been designed using the relevant Apartment Design Guide. Amenity impacts have been considered and translucent glass to units facing north that do not allow overlooking has been included in the design. Privacy screens are also provided to circulation areas.

The proposal originally included an upper floor outdoor terrace for residents which has been removed at Councils request to limit potential impacts from noise and overlooking, specifically to avoid visual privacy and acoustic impacts on existing neighbours.



Detail of plan DA300 – window treatment and screening to north



Detail of plan DA300 – solid balustrades and screening to walkways to 1.8m to south

6) Shadow impact to solar panels on the adjoining property



Aerial image – 95 Crawford Street identified showing solar panels on existing garage to the north.

In addition to the plans provided at page 83 of the Attachments of the Ordinary Meeting 23 October, a set of solar plans is now attached to this supplementary report. They clearly demonstrate the solar panels on the garage to the adjoining site to the north will not be impacted by the proposed development.

The Submitter subsequently met with Council's Assessment Planner on Wednesday 30th October and raised the following additional issues:

7) Waste bins to the rear lane

Council's waste officer has assessed this proposal and is able to support it. The site is not large enough for a waste service vehicle to enter and exit the site in a forward motion so Council 'wheelie' bins are proposed to manage residents waste. As a result, bins will be collected from the lane to the rear. This is typical of most unit developments in Queanbeyan.

Garbage bins are collected weekly, recycling and FOGO on alternative weeks fortnightly. Bins will be required to be managed onsite according to the approved Operational Plan (Condition 2).

8) Protection of a tree on adjoining land

There is an existing pine tree on the adjoining land to the north, near the property boundary. The submitter is seeking to ensure the tree remains viable.



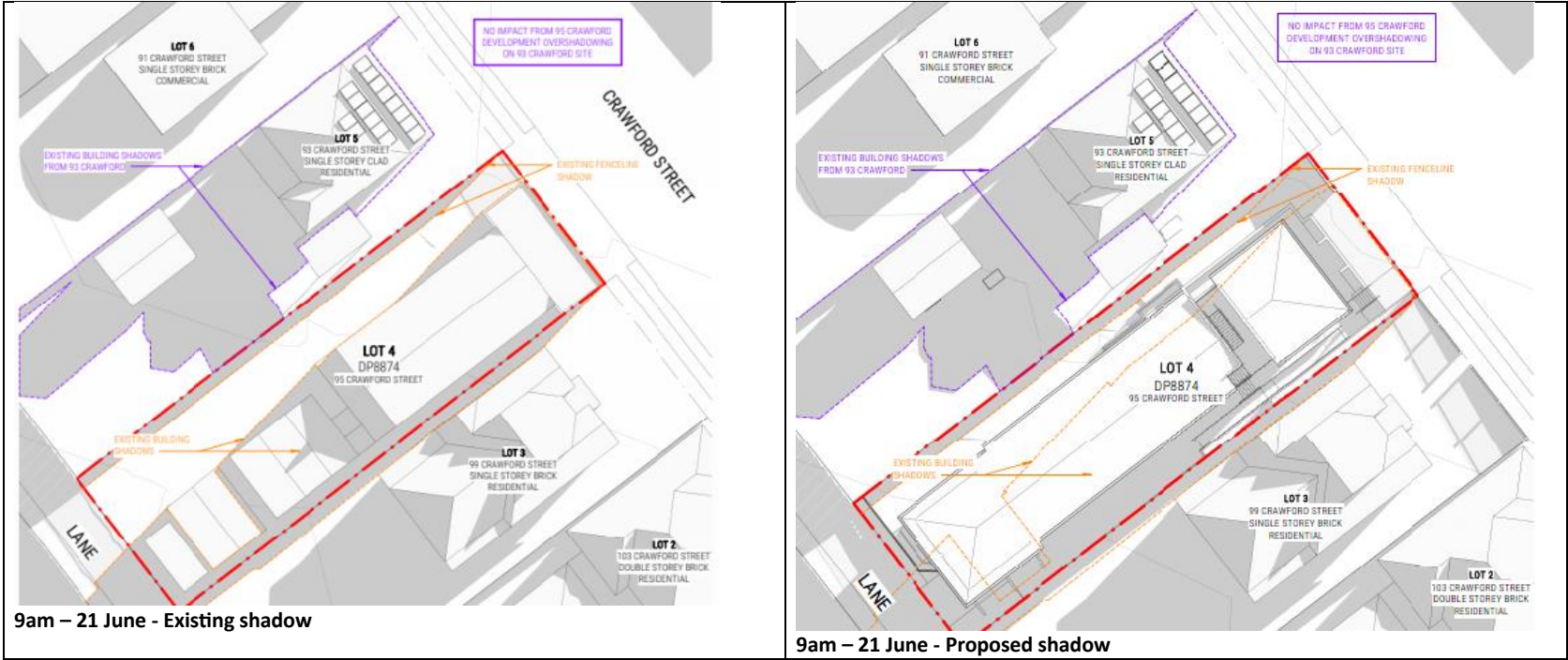
Currently the retaining wall to the development at 95 Crawford Street is proposed to be setback 2.53m from the side boundary.

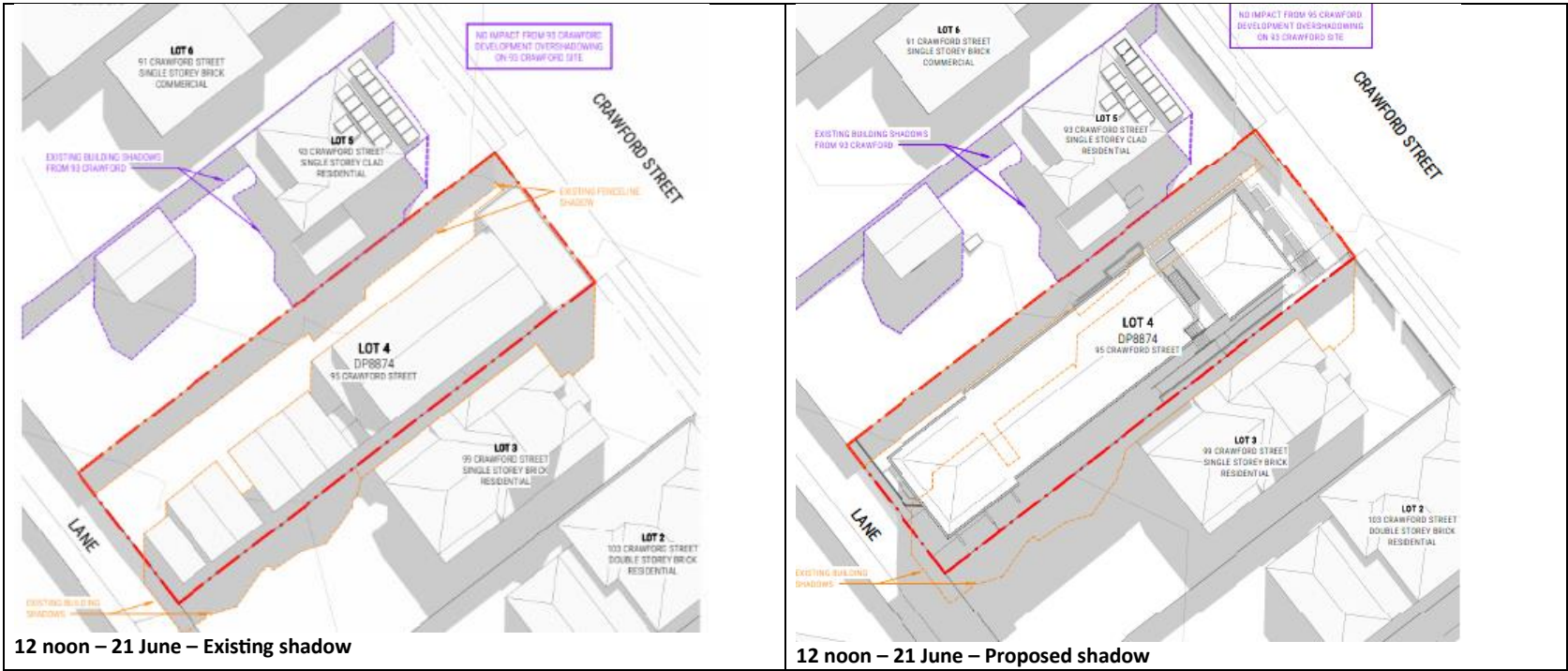
The applicant has offered to increase the setback to 3.5m to the trunk of the tree to limit any potential disturbance to the root zone. A tree management plan with measures to protect the tree on the adjoining site can also be sought as a condition.

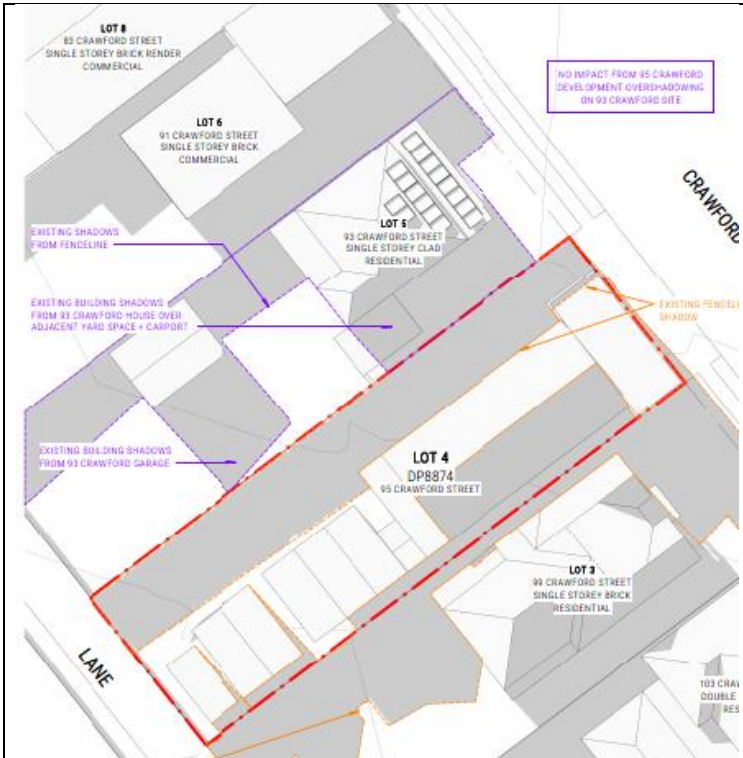


Detail of plan DA101 – Retaining wall currently 2.5m to boundary

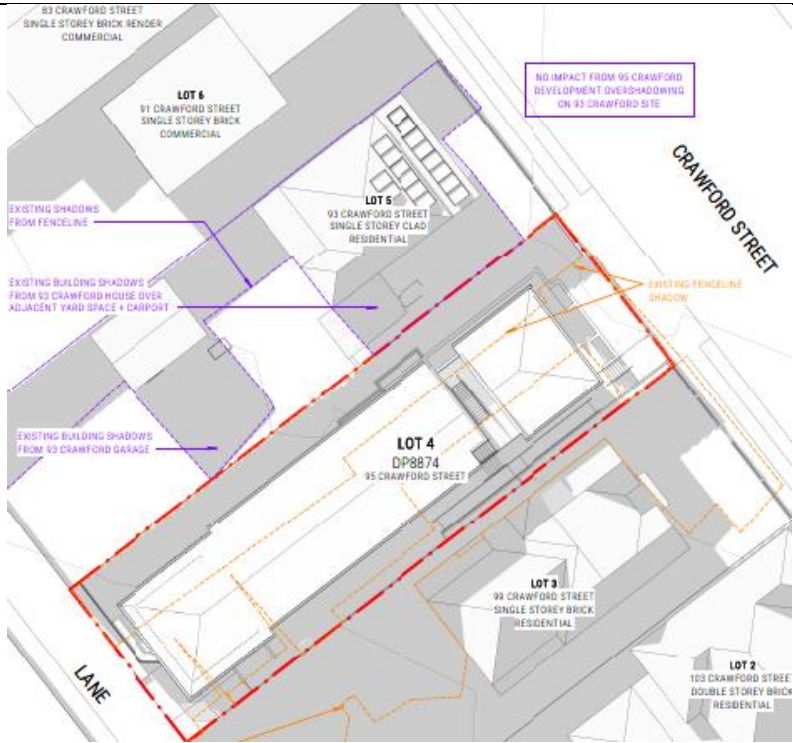
Attachment - Shadow impacts to garage roof on adjoining property – 9am, 12 noon and 3pm – existing and proposed.







3pm – 21 June – Existing Shadow



3pm – 21 June – Existing Shadow

Attachment – Letter by GYDE in response to issues raised at 23 October 2024 meeting



01 November 2024

General Manager
Queanbeyan-Palerang Regional Council
PO Box 90,
Queanbeyan, NSW, 2620

Attention: Luceille Yeomans (Specialist Town Planner)

Dear Luceille,

RE: 95 Crawford Street, Queanbeyan (DA.2023.0461)

This letter has been prepared by Gyde Consulting, representing Queanbeyan One Pty Ltd, the applicant for a co-living housing Development Application (DA) located at 95 Crawford Street, Queanbeyan (DA.2023.0461) ("the DA").

During the Ordinary Council meeting on 23 October 2024, several issues were raised by the Councillors and one member of the public with respect to the DA. In response, a recission motion was passed to defer the discussion and determination of the DA until the next Council meeting on November 13, 2024.

This correspondence has been prepared to address the concerns raised during that meeting.

We welcome the opportunity to meet Council at the site to discuss the concerns raised and to provide any further clarification on our responses outlined below.

Table 1: Response to matters raised at Ordinary Council Meeting

Issue	Comment
What are the public benefits of approving the proposed non-compliances?	<p>In the first instance, we note that the minor non-compliances in the proposal relate to:</p> <ul style="list-style-type: none"> The minimum lot size in the Housing SEPP, and The setbacks and separation distances outlined in the Housing SEPP and the Apartment Design Guide (ADG). <p>Despite these minor non-compliances, Council can be assured that approving the proposed co-living development will yield substantial public benefits. Firstly, it will expand the supply of affordable rental housing in an accessible location, directly addressing the rising housing stress faced by Queanbeyan residents. This co-living model enhances housing diversity by offering more flexible and affordable housing options designed to meet the needs of a diverse population, including key workers at nearby facilities.</p> <p>It is important to note that the setbacks and separation distances in the Housing SEPP and the ADG are not strict development standards but rather considerations, as detailed in Planning Circular PS17-001 issued by the Department of Planning, Housing, and Infrastructure. The circular states that <i>"the ADG is not intended to be and should not be applied as a set of strict development standards."</i> While there are minor shortfalls in setbacks along the northern and southern boundaries, the design has been thoughtfully developed to integrate seamlessly with the existing built environment, respecting the character of the neighbourhood and ensuring compliance with essential amenity standards such as adequate room sizes and</p>



	<p>communal spaces. Appropriate landscaping and privacy screening has also been provided along the northern and southern boundaries.</p> <p>The proposed development aligns with key strategic planning policies that support housing supply in Queanbeyan, including the South East and Tablelands Regional Plan 2036, Council's Local Strategic Planning Statement, and the Queanbeyan-Palerang Affordable Housing Strategy. It introduces a new housing typology specifically aimed at a segment of the population that is underserved in Queanbeyan, diversifying available options and promoting affordability by design.</p> <p>Additionally, the site's proximity to public transport and essential services fosters sustainable transportation choices, reducing dependence on private vehicles and supporting local economic activity through increased foot traffic. In the absence of any discernible adverse environmental impacts, this proposal aligns with the public interest, addressing critical needs for affordable housing while contributing to the social and economic fabric of the community.</p>
Too many residents – potentially up to 38 residents (2 people per room)	<p>Pursuant to Section 69 (1) (g) of the State Environmental Planning Policy (Housing) 2021 (Housing SEPP), each private room may be used by no more than 2 occupants. The proposed development includes 19 rooms (excluding the manager's room). Therefore, in accordance with the Housing SEPP, the development is permitted to have up to 38 residents.</p> <p>An Operational Plan of Management was prepared and lodged with the DA, outlining the maximum number of residents and measures to mitigate potential impacts associated with the development, including noise impacts.</p> <p>Given the impacts of the development have been assessed to be negligible, minor or manageable, the occupancy of the development is not an adequate planning reason to refuse development consent.</p>
Too dense (height and floor space)	<p>The building has been carefully positioned and designed to manage its mass while harmonising with the existing and evolving character of the Queanbeyan area. Its two-storey appearance from the street features a stepped design that aligns with the site's sloping topography, creating a pedestrian-friendly scale that maintains the streetscape's character and ensures compatibility with neighbouring structures. The proposed maximum height of 8.4 metres complies with the LEP height of 8.5 metres, aligning with the desired future character of the area.</p> <p>At the rear, the building appears as three storeys where it interfaces with the adjacent R4 High Density Residential zone, which allows for buildings up to 14 metres. The proposed height, under 8.5 metres, complements the expected taller residential developments at the western interface. To enhance visual appeal and reduce the perceived scale, the design incorporates a variety of materials and colours, along with horizontal and vertical elements, diverse roof forms, and landscaped spaces at ground level and within the communal roof terrace.</p> <p>Given the building's length, special attention has been given to breaking up its mass along the northern and southern elevations. This includes a mix of openings, recesses, landscaping and varied finishes to soften the overall bulk. Importantly, the design complies with the LEP provisions, achieving a floor area of 0.76:1, which is significantly below the permissible limit under Council's LEP of 1:1. Furthermore, if the Housing SEPP provisions were applied, an additional 10% in floor space could be utilised, potentially resulting in an even denser structure. In essence, the height, but more so, the density of the development has been proportionally reduced beyond what is permissible on the site, to respond to the conditions of the site and the marginally smaller lot size pursuant to the Housing SEPP.</p>



	It is also important to note that the entire surrounding area will be subject to transition noting the height and density provisions to the north, south and west, which contemplate a higher density of development than what is currently existing on the site. This is also reflected by the land use zoning of the surrounding area including mixed use and high density residential.
Insufficient parking	The development complies with the non-discretionary parking standards outlined in Section 68 of the Housing SEPP, meaning Council cannot refuse the application based on parking requirements, if the provisions are met. The Housing SEPP mandates 0.2 car parking spaces for each private room in accessible areas, which translates to a minimum of 4 spaces for the proposed 20 rooms. The plan includes 4 car parking spaces and 1 motorcycle space, which is compliant with these provisions. No additional parking is required, nor can be imposed under the provisions of the Housing SEPP. This is further supported in the DA by a robust traffic and parking assessment which confirms the parking provision will adequately meet the needs of the development.
Shadow impacts to 93 Crawford Street in particular to its recently installed solar panels	The orientation of the proposed development is such that it is positioned to the south of the property at 93 Crawford Street, which inherently limits the possibility of overshadowing. As the sun rises in the east, moves across the sky to the north, and sets in the west, the positioning of the development ensures that sunlight will consistently reach the property throughout the day. This means that during morning and afternoon hours, the solar panels installed on the property will remain unobstructed (by the proposed development), allowing them to capture maximum sunlight for optimal energy production. Consequently, the proposed development's location will have no impact on the solar panels' performance, ensuring they can operate efficiently.
Contaminated site – health hazard	<p>A Detailed Site Investigation (DSI) conducted by Raw Earth Environmental was prepared to address Chapter 4, "Remediation of Land," of the State Environmental Planning Policy (Resilience and Hazards) 2021(R&H SEPP), which establishes a statewide approach for remediating contaminated land.</p> <p>The R&H SEPP outlines that the consent authority must evaluate whether the land is contaminated and ensure it is suitable for the proposed development, either in its current state or after remediation.</p> <p>The DSI recommends a series of post-demolition investigations, including a sub-slab vapor assessment, in situ soil sampling after demolition, and proper classification of excavated soil per EPA guidelines.</p> <p>Raw Earth Environmental concludes that, with these investigations and subsequent remediation actions, the site can be made suitable for the proposed development, thus complying with the R&H SEPP. It is anticipated that Council will include appropriate conditions of consent in its determination, to ensure the site is remediated and poses no health hazards to future residents and the surrounding area. Therefore, all relevant matters for consideration under the DA with respect to contamination have been satisfied. No further information is required.</p>
Setbacks and Privacy	<p>Under Section 69(2) of the Housing SEPP, the consent authority must <i>consider</i> minimum building separation distances outlined in the Apartment Design Guide (ADG), which serves as guidance rather than rigid standards, allowing for flexibility in achieving the overall design intent.</p> <p>When considering the ADG, the proposal presents a 2-metre shortfall from the required 6-metre shared separation on the northern boundary, while the southern boundary features varied setbacks of 3.2 to 4.3 metres, with a 2.8-metre shortfall in some instances.</p>

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	<p>However, it is important to note that strict compliance with the ADG's numerical guidelines is not required. The design has been carefully sited and designed ensure good levels of external and internal visual privacy, incorporating measures such as 1.8-metre perimeter fencing, privacy screens on the southern façade, landscaping around the upper-level terrace, and high-level windows to minimize overlooking from living areas.</p> <p>Additionally, Council's DCP specifies a 4-metre setback for three-storey buildings (which is less than the ADG setbacks). In this context, the proposal complies with the DCP requirement for the northern boundary, as a 4-metre setback is proposed. The southern boundary only partially complies, with setbacks ranging from 3.2 to 4.3 metres, leading to a shortfall of up to 1.2 metres in certain areas. The DCP again is a guideline that is required to be applied flexibly. The setbacks of 3.2 to 4.3 metres are adequate to ensure a good level of visual amenity and privacy to the adjacent site to the south.</p> <p>Therefore, while the proposal does not fully comply with the SEPP setbacks, it does generally meet the DCP setbacks (or intent, in terms of the southern setback), which aligns with Council's controls and reflects the character of the potential future context of the area. A requirement to comply strictly with ADG setback guidelines, or the DCP setback to the southern boundary, would render the site undevelopable, which would undermine the intent of the principles of the Housing SEPP and the identified need for diverse housing options in the Queanbeyan centre.</p>
Tight manoeuvrability of proposed parking spaces	A Traffic Impact Assessment was prepared by Genesis Traffic and provided with the DA. The assessment included a swept path analysis, which demonstrated a satisfactory vehicle manoeuvre and circulation provision in the proposed car park, in compliance with the relevant Council and Australian standards.
Through site driveway from Crawford Street to rear laneway	<p>The proposed development does not include a driveway connecting Crawford Street to the rear laneway.</p> <p>Vehicular ingress/egress is only provided via the rear laneway, to the west of the site.</p>
Reduced minimum lot size	<p>Strict compliance with the minimum lot size requirement for the proposed co-living development is unreasonable, given the minor 7% deviation. Enforcing this requirement would hinder the creation of much-needed co-living spaces that enhance housing diversity in an accessible location. The proposal has been thoughtfully designed with sensitivity to its surroundings, presenting as a two-storey structure compatible with nearby buildings, while the three-storey section at the rear is largely concealed by the site's topography and adjacent buildings. This design aligns with the character of the surrounding mixed-use area and complies with the R4 High Density zoning, which permits building heights up to 14 metres. The development meets all amenity standards, ensuring appropriate room sizes, communal spaces, and adequate sunlight access for residents. Additionally, the density has been moderated to fit the smaller lot without requiring amalgamation.</p> <p>Refer to the robustness of the Clause 4.6 variation prepared by Gyde (lodged with the DA), highlighting that Clause 4.6 is intended for application in suitable cases like this. It allows for necessary flexibility to (1) support housing diversity, (2) promote efficient use of well-located land, and (3) address pressing demand for affordable housing in Queanbeyan, particularly in areas where residents are experiencing housing stress. By varying the lot size standard, the development remains consistent with the objectives of the Housing SEPP and responds to community housing needs in an accessible and sustainable manner.</p>
Amount of excavation	The proposed development involves excavation to a depth of 2-3 metres, which is reasonable given the site's sloping terrain and the need for proper foundation work. This depth is not excessive and is typical for such developments. Furthermore, the Council has the authority to impose conditions of consent that require pre- and

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	post-dilapidation surveys of neighbouring properties, ensuring that any potential impacts from the excavation are thoroughly assessed and managed. These measures will help guarantee that no damage occurs to adjacent developments during the excavation process.
No guarantee the development will be used for affordable housing	The proposed co-living development is dedicated to maintaining affordability across all units by design, not solely through traditional affordability standards. This co-living model offers a distinctive type of compact rental housing that differs from conventional affordable or social housing, focusing instead on creating well-located, community-oriented spaces that are accessible to low- to moderate-income renters. By prioritising efficient design and convenient, well-connected locations, the development can offer more affordable rental options with strong amenities, promoting long-term affordability while enhancing accessible housing options within the community.
Acoustic impacts	An Acoustic Assessment prepared by Acoustic Logic has been submitted with the development application to evaluate noise impacts related to traffic noise from Crawford Street, emissions from communal areas, and mechanical equipment associated with the proposed co-living development. The assessment identifies nearby sensitive receivers, including residential dwellings and commercial properties, and involved both unattended and attended noise monitoring. It provides recommendations to mitigate noise, such as modifications to the roof, doors, and windows, and includes specific operational guidelines for the communal areas, limiting resident numbers and usage times to minimize noise disturbances. Music will be restricted, and appropriate acoustic treatments will be implemented for mechanical equipment at the construction certificate stage. The assessment concludes that adherence to these recommendations will ensure compliance with relevant acoustic standards, and these measures are expected to be included as conditions of consent. These mitigation measures have been included in the Operational Plan of Management, which is expected to be implemented and enforced by an appropriately worded condition of consent.

With regard to the above, all matters raised at the Council meeting where the DA was considered have been adequately addressed. In our view, there are no residual planning reasons for the refusal of the DA, and this is further evidenced by the Council officer's strong assessment of the DA. As noted earlier, we would however welcome the opportunity to meet with the Council on-site and/or attend and make representations to the next Council meeting on 13 November.

We urge those Councillors who expressed opposition to the development to give reconsideration to the subject DA. The site is well located, and the development will provide for an articulate and well-designed co-living housing development outcome which will provide good internal and external amenity and will ensure an appropriate built form outcome that will complement the existing and likely future character.

Should you require any further assistance, please do not hesitate to contact the undersigned on (02) 9071 1860.

Yours Sincerely,



Mel Krzus
Director