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48 - 56 South Parade, Wagga Wagga

Statement of Environmental Effects

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1 Executive Summary

This Statement of Environmental Effects is submitted to accompany a development application made to Wagga Wagga City Council for the construction of a residential flat building at the sites 48-56 South Parade, Wagga Wagga, to be used for the purpose of affordable housing.

The development application is made pursuant to the provisions of the *State Environmental Planning Policy (Housing) 2021*, Chapter 2 Division 1 in that the works constitute affordable in-fill housing to be carried out by a relevant authority, being the NSW Land and Housing Corporation.

It is expected that the Council will refer the development application to the Southern Region Planning Panel pursuant to Schedule 6 of the *State Environmental Planning Policy (Planning Systems) 2021* as the development has a capital investment value exceeding \$5 million.

The site sits within the Duke of Kent precinct that has been operated by the NSW government for the purpose of affordable housing since the late 1940's, with the three existing dwellings on the site having been approved in 1947 and constructed in 1949.

This application forms one part of the Duke of Kent precinct renewal project that is being undertaken with the aim to create a positive social impact through making significant improvements to neighbourhood safety and amenity, and the creation of new, high quality and safe homes for vulnerable members of the community. This application, in addition to the wider program of affordable housing across Wagga Wagga, will deliver 500 new mixed-tenure homes into the community.

The proposal seeks to replace the existing aged housing stock on site with a new high quality and architecturally designed residential flat building. The building proposed has been carefully designed with due consideration to the existing character, anticipated emerging character consequent of the adopted Health and Knowledge Precinct Structure and Master Plan, and having regard to the developments relationship with its neighbours. The proposal provides nineteen residential apartments in a three-storey built form.

The building proposed has a footprint equivalent to approximately 32.99% of the total site area and is buffered by a dense landscaping scheme to its three street frontages. Contextually the three lots forming the subject site act as an 'island' being surrounding by roads (made and unmade) and driveways on all four sides. The amalgamation of these three lots into one allows the development to respond to any constraints posed by these roadways better than an alternate development on each individual lot.

The site is well located being proximate to public transport and within walking distance of nearby mixed-use zones that will contribute to servicing the day to day needs of occupants. Whilst the site was not included within the study area of the Health and Knowledge Precinct plans, it does sit immediately adjacent to it and shares the same qualities and characteristics of the sites to the east, which are within the study area. The proposal has therefore been designed to contribute to the medium density 'buffer' that is envisaged to exist along South Parade, between the denser and taller buildings to the south, and the smaller and less dense buildings to the north.

This Statement of Environmental Effects demonstrates that the proposed development is free of any impacts to neighbouring properties and will, upon maturity of landscaping, provide a superior visual outcome commensurate to the existing developments on site. The site is well located and affords future occupants a high level of amenity both inwards of the site and having regards to nearby facilities.

The development of the site for the purpose of a residential flat building is permitted with consent under the *Wagga Wagga Local Environmental Plan 2010*, however this development application is explicitly seeking for the proposal to be developed for the purposes of affordable housing and thus the application is made pursuant to the Housing SEPP. There is a very real and demonstrable demand nationwide and within the Wagga Wagga electorate for not only more housing, but specifically for more affordable housing. Within Wagga Wagga there is a demand for smaller one- and two-bedroom dwellings, compared to the current offering that is dominated by three bedroom cottages (such as those existing on the site today).

The development application represents the timely upgrade of an existing and no longer fit-for-purpose affordable housing offering for the Wagga Wagga community. The development satisfies the requirements of the relevant environmental planning instruments, the Apartment Design Guide, Council's controls, and is accordingly found to be in the public interest.

2 Introduction

This Statement of Environmental Effects has been prepared to support a Development Application made under Part 4 of the *Environmental Planning and Assessment Act 1979* for the construction of a residential flat building for the purpose of affordable in-fill housing at 48 – 56 South Parade, Wagga Wagga.

The proposed development is detailed on the architectural plans prepared by CK Architecture. The application is accompanied by the following documents:

Document	Consultant
Appendix A – Architectural Plans	CK Architecture
Appendix B – Landscape Plans	Stantec
Appendix C – Civil Plans	Stantec
Appendix D – Contour and Detail Survey	Premise
Appendix E – Section 10.7(2) and (5) Certificate	City of Wagga Wagga
Appendix F – AHIMS Search	Heritage NSW
Appendix G – BASIX Assessment Report, Certificate, and Stamped Plans	Eco Engineering Group
Appendix H – Access Report	Eric Martin & Associates Architects
Appendix I – Arboricultural Impact Assessment	Wade Ryan Contracting
Appendix J – NatHERS Assessment Report and Certificate	Eco Engineering Group
Appendix K – Flood Impact Assessment	Stantec
Appendix L – BCA Report	Code Conduit Building Code Consultants
Appendix M – Preliminary Site Investigation	McMahon Earth Science
Appendix N – Geotechnical Investigation	STS Geotechnics
Appendix O – Traffic Impact Assessment	Stantec
Appendix P – Parking Assessment Memorandum	Stantec
Appendix Q – Civil Design Report	Stantec
Appendix R – Waste Management Plan	Stantec
Appendix S – Concept Power Supply Upgrade	Delta Star Designs
Appendix T – Design Verification Statement	CK Architecture
Appendix U – Combined QS Report	NSW Land and Housing Corporation
Appendix V – Certificates of Title	NSW Land Registry Office

This Statement has been prepared pursuant to section 4.12 of the *Environmental Planning and Assessment Act 1979* and in accordance with Part 3 Division 1 of the *Environmental Planning and Assessment Regulation 2021*. This Statement provides an assessment of the proposed development having regard to the site constraints and

opportunities, the relevant legislative context, social, economic, and environmental impacts, the potential amenity impacts arising from the development on the surrounding locality and the measures proposed within the application to ameliorate such impacts.

This Statement assesses the proposal's compliance against the applicable environmental planning instruments, development control plan and supplementary policies, including:

- *Environmental Planning and Assessment Act 1979*
- *State Environmental Planning Policy (Biodiversity and Conservation) 2021*
- *State Environmental Planning Policy (Sustainable Buildings) 2022*
- *State Environmental Planning Policy (Housing) 2021*
- *State Environmental Planning Policy (Industry and Employment) 2021*
- *State Environmental Planning Policy (Planning Systems) 2021*
- *Wagga Wagga Local Environmental Plan 2010*
- *Wagga Wagga Development Control Plan 2010*
- *Apartment Design Guideline*
- *Wagga Wagga Health and Knowledge Precinct Master Plan*

Having regard to the applicable legislative framework, it is considered that the proposed development exhibits a high quality of architectural design and environmental responsiveness and will contribute to the growing demand for new affordable housing stock, which in turn will contribute positively to the wider Wagga Wagga region.

The proposal is consistent with the aims and objectives of the relevant instruments and is compatible with the emerging character of the locality.

3 Site Description and Location

3.1 Locality Description

South Parade is an established low density residential street that is undergoing a period of change and intensification. The street, alongside North Parade to the north and West Parade to the west, encircle the Duke of Kent Oval which provides a large area of public recreation immediately to the front of all dwellings on these streets.

The locality is undergoing a period of gentrification whereby increased density and higher quality buildings are being sought to either accommodate or contribute to the success of the Health and Knowledge Precinct. This desire stems from a direction from the NSW Department of Planning and Environment's Riverina Murray Regional Plan 2036 which sought inter alia to *establish health precincts around hospitals in the regional cities of Albury, Wagga Wagga and Griffith* (Priority Action 5.1).

The site falls approximately 2km west of the Wagga Wagga CBD and is only several hundred metres from the Wagga Wagga Base Hospital and the Calvary Riverina Hospital (private).

The site is zoned R1 General Residential pursuant to the *Wagga Wagga Local Environmental Plan 2010* (WWLEP 2010). Land to the south is zoned R3 Medium Density Residential, north at the Duke of Kent Oval is zoned RE1 Public Recreation, and various formats of employment land exists in the locality. An extract of the zoning map is copied in Figure 1 below.

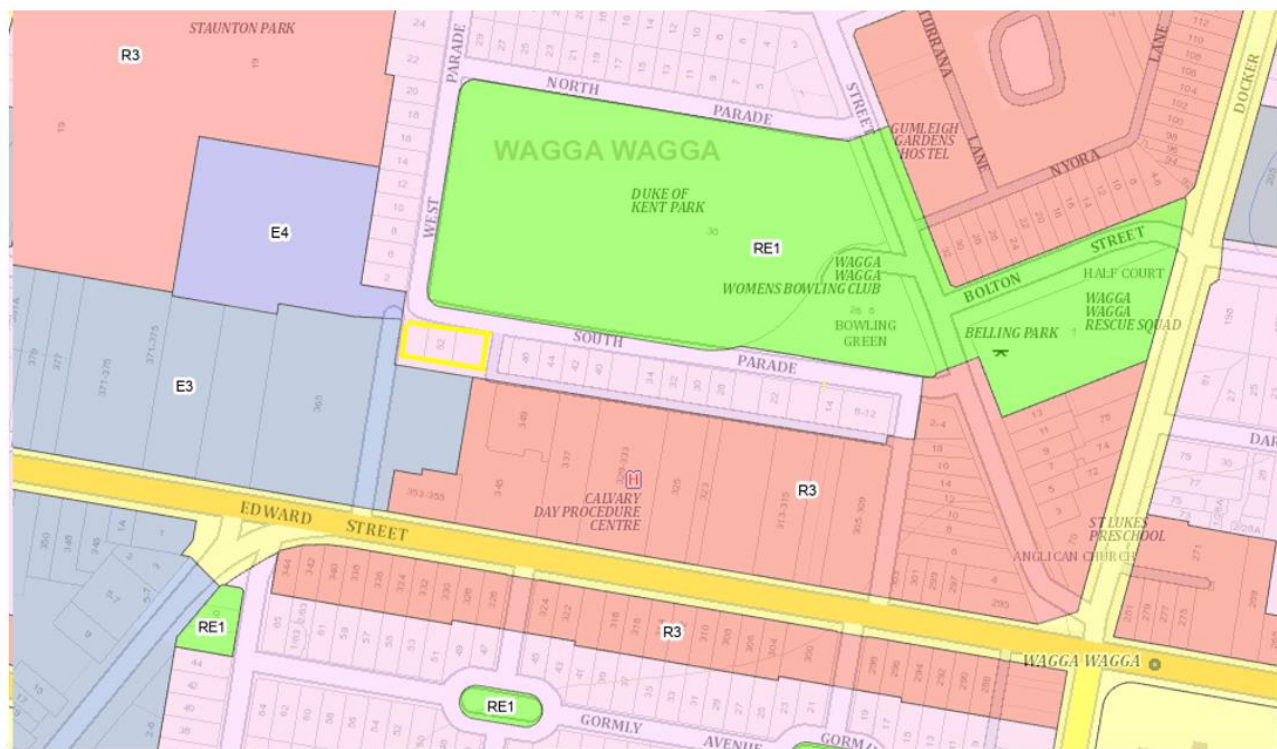


Figure 1: Land zoning map (source: NSW DPE Spatial Viewer)

3.2 Site Description

The subject site comprises of three allotments legally identified as Lots 20, 21 and 22 in Deposited Plan 21074, and known as nos. 48-50, 52, and 54-56 South Parade, Wagga Wagga.

The site falls within the R1 General Residential zone pursuant to the WWLEP 2010 and sits immediately west of the Health and Knowledge Precinct study area.

The site is rectangular in shape with an approximate of width (east-west) of 63.55 metres, a depth (north-south) of 27.43 metres, and an overall surveyed area of approximately 1,739.5 square metres.

The site is bound by:

- North: South Parade and (further) Duke of Kent Oval, zoned RE1 Public Recreation.
- South: An unformed portion of South Lane and (further) land zoned E3 Productivity Support and accommodating a scrap yard.
- East: South Lane and (further) detached dwellings.
- West: A large private driveway servicing a number of (apparent) auto-mechanical and scrap businesses, zoned E3 and E4 General Industrial.

The effect of the above factors means that the site is an island, being surrounding by road surfaces in all directions. This is depicted in Figure 2 below:



Figure 2: Aerial photograph of the site (source: MetroMaps)

The site presently accommodates two (2) dual occupancy developments and a single detached dwelling, all of similar size and design, and each constructed in the late 1940s. Topographically the land is flat with no noteworthy contour features or rock outcrops.

The site accommodates fifteen (15) trees and the road reserve immediately to the north accommodates a further four (4) trees. The Arborist Report accompanying this application details that none of the existing trees on the site are of high value or significance.

3.3 Surrounding Development

Surrounding developments consist of other affordable dwellings, industrial zoned land and a number of tourist and visitor accommodation premises.

4 Development Proposal

4.1 General Description

This development application seeks consent for the construction of a three (3) storey residential flat building to be used as affordable housing. Demolition is not proposed as a part of this application.

The residential flat building is positioned to the eastern third of the site and accommodates 19 apartments over three (3) storeys. The western portion of the site is to be used as at-grade car parking and landscaping.

The site layout is depicted in the Site Plan below:

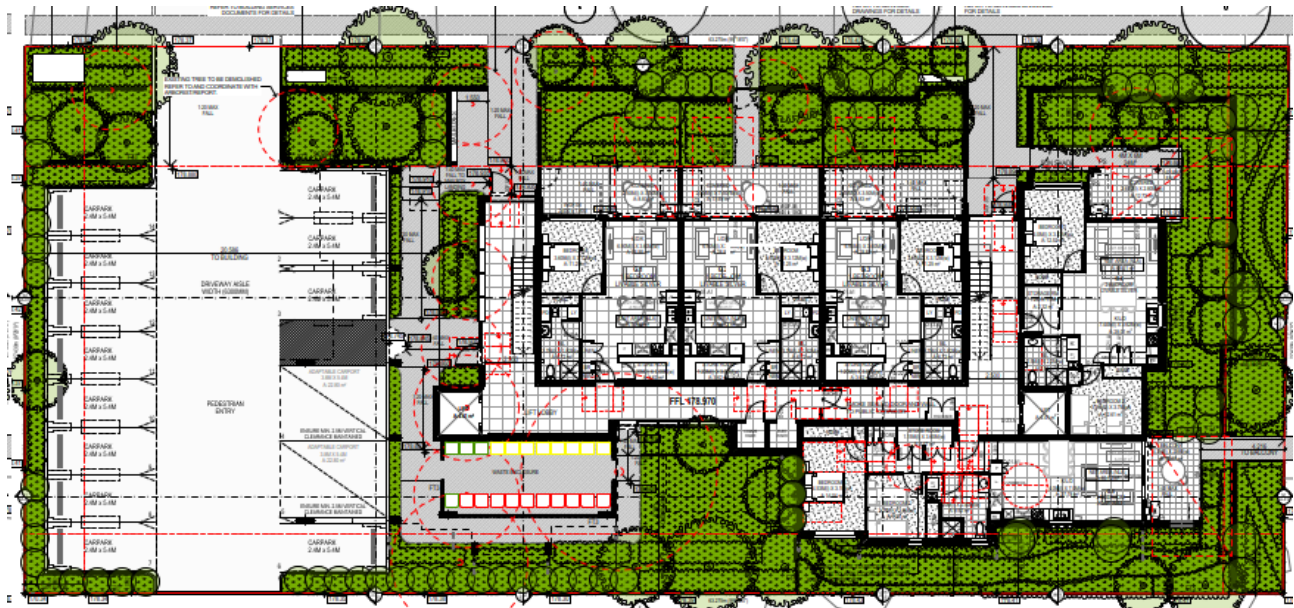


Figure 3: General site layout plan (source: CK Architecture)

The development is appropriately defined as a residential flat building which is permissible in the zone and defined by the WWLEP 2010 as:

Residential flat building means a building containing 3 or more dwellings, but does not include an attached dwelling, co-living housing or multi dwelling housing.

The development is to be delivered by a relevant authority (being LAHC pursuant to section 13A of the Housing SEPP) pursuant to Division 1 Chapter 2 of the Housing SEPP as affordable housing, defined as:

13 Affordable housing—the Act, s 1.4(1)

(1) In this Policy, a household is taken to be a very low income household, low income household or moderate income household if—

(a) the household—

(i) has a gross income within the following ranges of percentages of the median household income for Greater Sydney or the Rest of NSW—

(A) very low income household—less than 50%,

(B) low income household—50–less than 80%,

(C) moderate income household—80–120%, and

(ii) pays no more than 30% of the gross income in rent, or

(b) the household—

(i) is eligible to occupy rental accommodation under the National Rental Affordability Scheme, and

(ii) pays no more rent than the rent that would be charged if the household were to occupy rental accommodation under the Scheme.

(2) In this section—

Greater Sydney means the area that the Australian Bureau of Statistics determines from time to time to be the Greater Sydney—Greater Capital City Statistical Area.

National Rental Affordability Scheme has the same meaning as in the National Rental Affordability Scheme Act 2008 of the Commonwealth.

Rest of NSW means the area that the Australian Bureau of Statistics determines from time to time to be the Rest of NSW—Greater Capital City Statistical Area.

The development is permissible pursuant to the WWLEP 2010 and the Housing SEPP.

4.2 Numerical Overview

A numerical overview of the development is below in Table 1:

ELEMENT	PROPOSED
Site Area	1,739.5 square metres
Gross Floor Area	1,570 square metres
Floor Space Ratio	0.9:1
Building Height	11.13 metres
Apartments	19 x apartments
Apartment Mix	8 x 2-bedroom and 11 x 1-bedroom apartments
Car Parking	14 spaces, including 2 adaptable spaces
Landscaped Area	722 square metres / 47.4%
Deep Soil Zone	Housing SEPP definition: 448.5 square metres / 25.7% Apartment Design Guide definition: 293 square metres / 16%
Solar Access	Living rooms: 14/19 units > 3 hours = 73.6% Private open space: 16/19 units > 3 hours = 84.2%
Cross Ventilation	10/19 units = 52%
New Trees	2 x <i>Callistemon 'Kings Park Special'</i> (Kings Park Bottlebrush) 19 x <i>Pyrus ussuriensis</i> (Manchurian Pear) 3 x <i>Hymenosporum flavum</i> (Native Frangipani) 7 x <i>Prunus cerasifera 'Nigra'</i> (Flowering Plum) 5 x <i>Tristaniopsis laurina</i> (Water Gum)
Silver Level Units	100%
NatHERS rating	Proposed 7.8 Star average rating (minimum 6 star required)

A numerical overview of the individual apartments is below in Table 2:

UNIT	BEDROOMS	INTERNAL SIZE (m ²)	POS (m ²)
G.1	1	54	42.4
G.2	1	54	42.9
G.3	1	54	42
G.4	2	69	93
G.5	2	80	86
1.1	1	54	19.55
1.2	1	54	8.8
1.3	1	54	17.69
1.4	1	54	8.8

1.5	2	69	12.7
1.6	2	80	12
1.7	2	75	19.1
2.1	1	54	19.55
2.2	1	54	8.8
2.3	1	54	17.69
2.4	1	54	8.8
2.5	2	69	12.7
2.6	2	80	12
2.7	2	75	19.1

4.3 Materials and Finishes

The proposal will be finished in accordance with the schedules of finishes and materials as detailed in the architectural plans prepared by CK Architecture.

4.4 Traffic, Access and Parking

The proposal removes the four (4) existing vehicular crossovers to the site and replaces them with one (1) new and wider crossover located to the western edge of the site and fronting South Parade. The proposal provides one (1) at-grade car parking area located to the western edge of the site and situated behind a dense (6 metre wide) landscape buffer between it and the public domain.

The development provides for a total of 14 car parking spaces inclusive of two (2) adaptable spaces.

4.5 Trees and Vegetation

The Arborist Report submitted in support of this development application details that 15 trees are required to be removed on the site to facilitate the development, and that all trees on the surrounding road reserve network are to be maintained. None of the trees required to be removed are deemed to be significant or of high retention value.

The application is accompanied by a comprehensive landscape package from Stantec which details a planting schedule including 2 x bottlebrush trees, 3 x frangipani trees, 7 x flowering plum trees, 6 x Manchurian pear trees, and 5 x water gums. These canopy trees are to be planted in addition to several hundred new shrubs, grasses and groundcovers.

4.6 Subdivision

The application comprises the amalgamation of Lots 20, 21 and 22 in Deposited Plan 21074 into one (1) new lot. No subdivision is proposed.

5 Statutory Planning Framework

5.1 Environmental Planning and Assessment Act 1979

5.1.1 Section 4.15 Evaluation

In accordance with Section 4.15(1) of the Environmental Planning and Assessment Act 1979 in determining a development application a consent authority is to take into consideration the matters (as relevant) listed in Section 4.15(1), including:

- The provisions of:
 - o Any environmental planning instrument, and
 - o Any proposed instrument that is or has been the subject of public consultation under this Act and that has been notified to the consent authority (unless the Planning Secretary has notified that consent authority that the making of the proposed instrument has been deferred indefinitely or has not been approved), and
 - o Any development control plan, and
 - o Any planning agreement that has been entered into under Section 7.4, or any draft planning agreement that a development has offered to enter into under Section 7.4, and
 - o The regulations (to the extent that the prescribe matters for the purposes listed above)That apply to the land to which the development application relates.
- The likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality.
- The suitability of the site for the development.
- Any submissions made in accordance with this Act or the regulations.
- The public interest.

Section 4 of this Statement of Environmental Effects addresses the relevant provisions of any environmental planning instruments as required by Section 4.15. Section 5 of this Statement of Environmental Effects addresses the remaining provisions of Section 4.15.

5.2 Environmental Planning Instruments

5.2.1 State Environmental Planning Policy (Sustainable Buildings) 2022

This Development Application is accompanied by a BASIX Certificate which demonstrates compliance with the relevant standards.

5.2.2 State Environmental Planning Policy (Housing) 2021

This Development Application is submitted to Council pursuant to the provisions of Chapter 2 Division 1 of the State Environmental Planning Policy (Housing) 2021 ('Housing SEPP'). The development is for the construction of affordable housing, defined by Section 13 of the Housing SEPP.

Chapter 2 Division 6 of the Housing SEPP sets out a number of requirements for the carrying out of development without development consent, to which LAHC is entitled to act upon, however as the proposed FSR exceeds 0.65:1 and there is no FSR control applicable to the land under the WWLEP 2010, a Development Application is required to be made to Wagga Wagga City Council.

Chapter 2 Division 1 sets out a number of requirements which must be considered in the assessment of the Development Application, and these are outlined below.

CONTROL	COMMENT
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<p>15C Development to which Division applies</p> <p>(1) <i>This Division applies to development that includes residential development if:</i></p> <ul style="list-style-type: none"> (a) <i>the development is permitted with consent under Chapter 3, Part 4 or another environmental planning instrument, and</i> (b) <i>the affordable housing component is at least 10%, and</i> (c) <i>all or part of the development is carried out –</i> <ul style="list-style-type: none"> (i) <i>for development on land in the Six Cities Region, other than in the City of Shoalhaven local government area – in an accessible area, or</i> (ii) <i>for development on other land – within 800m walking distance of land in a relevant zone or an equivalent land use zone.</i> <p>(2) <i>Affordable housing provided as part of development because of a requirement under another environmental planning instrument or a planning agreement within the meaning of the Act, Division 7.1 is not counted towards the affordable housing component under this division.</i></p> <p>(3) <i>In this section –</i></p> <p>Relevant zone means the following–</p> <ul style="list-style-type: none"> (a) <i>Zone E1 Local Centre</i> (b) <i>Zone MU1 Mixed Use,</i> (c) <i>Zone B1 Neighbourhood Centre,</i> (d) <i>Zone B2 Local Centre,</i> <p><i>Zone B4 Mixed Use.</i></p>	<ul style="list-style-type: none"> (a) COMPLIES Development of the purpose of a residential flat building is permitted with consent on land zoned R1 General Residential pursuant to the Wagga Wagga Local Environmental Plan 2010. (b) COMPLIES The whole building will be used for the purpose of affordable housing. (c) COMPLIES The site is within 800m walking distance of a relevant zone, being the MU1 Mixed Use zone which is located to the north-east, bound by Docker, Morgan and Forsyth Street. See further commentary below this table. <p>(2) & (3) are noted.</p>
<p>16 Affordable housing requirements for additional floor space ratio</p> <p>(1) <i>The maximum floor space ratio for development that includes residential development to which this division applies is the maximum permissible floor space ratio for the land plus an additional floor space ratio of up to 30%, based on the minimum affordable housing component calculated in accordance with subsection (2).</i></p> <p>(2) <i>The minimum affordable housing component, which must be at least 10%, is calculated as follows—</i></p> <p><i>Affordable housing component = additional floor space ratio (as a percentage) ÷ 2</i></p> <p>(3) <i>If the development includes residential flat buildings or shop top housing, the maximum building height for a building used for residential flat buildings or shop top housing is the maximum permissible building height for the land plus an additional building</i></p>	<p>N/A</p> <p>The floor space ratio control does not apply to this development.</p> <p>There is no FSR control applying to the site under the WWLEP 2010 and therefore, the uplifts afforded by cl.16 do not apply.</p> <p>For information only, the development provides an FSR of 0.9:1.</p>

<p>height that is the same percentage as the additional floor space ratio permitted under subsection (1).</p> <p>Example – Development that is eligible for 20% additional floor space ratio because the development includes a 10% affordable housing component, as calculated under subsection (2), is also eligible for 20% additional building height if the development involves residential flat buildings or shop top housing.</p> <p>(4) This section does not apply to development on land for which there is no maximum permissible floor space ratio.</p>	
<p>17 Additional floor space ratio for relevant authorities and registered community housing providers</p> <p>(1) This section applies to residential development to which this division applies that is carried out –</p> <ul style="list-style-type: none"> a) by or on behalf of a relevant authority or registered community housing provider, and b) on land with a maximum permissible floor space ratio of 2:1 or less. <p>(2) The maximum floor space ratio for the development is–</p> <ul style="list-style-type: none"> a) the maximum floor space ratio calculated in accordance with section 16, or b) the maximum floor space ratio calculated in accordance with subsection (3). <p>(3) The maximum floor space ratio for subsection (2)(b) is the maximum permissible floor space ratio for the land plus an additional floor space ratio of –</p> <ul style="list-style-type: none"> a) If the affordable housing component is at least 50% – 0.5:1, or b) If the affordable housing component is between 20% and 50% – Y:1, where – AH is the affordable housing component. Y is $AH \div 100$. <p>(4) If development to which this section applies uses the maximum floor space ratio under subsection (2)(a), section 16(3) also applies to the development.</p>	<p>N/A</p> <p>Refer to discussion above.</p>
<p>18 Affordable housing requirements for additional building height</p> <p>(1) This section applies to development that includes residential development to which this division applies if the development –</p> <ul style="list-style-type: none"> a) Includes residential flat buildings or shop top housing, and b) Does not use the additional floor space ratio permitted under section 16. <p>(2) The maximum building height for a building used for residential flat buildings or shop top housing is the maximum permissible building height for the land plus an additional building height of up</p>	<p>(1) The proposal is for residential flat building development and the additional FSR permitted under section 16 has not been utilised, therefore section 18 applies.</p> <p>(2) There is no maximum building height under the WWLEP2010 therefore the additional 30% bonus does not apply. The proposed building height is 11.13m.</p> <p>(3) The development is for 100% affordable housing.</p>

<p>to 30%, based on a minimum affordable housing component calculated in accordance with subsection (3).</p> <p>(3) The minimum affordable housing component, which must be at least 10%, is calculated as follows –</p> <p>Affordable housing component = additional building height (as a percentage) ÷ 2</p>	
<p>19 Non-discretionary development standards – the Act, s4.15</p> <p>(1) The object of this section is to identify development standards for particular matters relating to residential development under this division that, if complies with, prevent the consent authority from requiring more onerous standards for the matters.</p> <p>Note – See the Act, section 4.15(3), which does not prevent development consent being granted if a non-discretionary development standard is not complied with.</p>	Noted
<p>19 Non-discretionary development standards – the Act, s4.15</p> <p>(1) The object of this section is to identify development standards for particular matters relating to residential development under this division that, if complies with, prevent the consent authority from requiring more onerous standards for the matters.</p> <p>Note – See the Act, section 4.15(3), which does not prevent development consent being granted if a non-discretionary development standard is not complied with.</p>	Noted.
<p>(2) The following are non-discretionary development standards in relation to the carrying out of development to which this Division applies—</p> <p>a) a minimum site area of 450m²,</p>	<p>Complies</p> <p>The site has a surveyed area of 1,739.5m².</p>
<p>b) a minimum landscaped area that is the lesser of –</p> <p>(i) 35m² per dwelling, or</p> <p>(ii) 30% of the site area,</p>	<p>Complies</p> <p>Requirement: 35m² x 19 = 665m² OR 521.85m²</p> <p>Provided: Total 722m² or 47.4% landscaped area.</p>
<p>c) a deep soil zone on at least 15% of the site area, where—</p> <p>(i) each deep soil zone has minimum dimensions of 3m, and</p> <p>(ii) if practicable, at least 65% of the deep soil zone is located at the rear of the site,</p>	<p>N/A</p> <p>This section does not apply pursuant to section 19(3) of the Housing SEPP.</p> <p>Despite the above, the proposal incorporates a minimum 25.7% (448.5m²) deep soil zone.</p>
<p>d) living rooms and private open spaces in at least 70% of the dwellings receive at least 3 hours of direct solar access between 9am and 3pm at mid-winter,</p>	<p>N/A</p> <p>This section does not apply pursuant to section 19(3) of the Housing SEPP.</p>

	Despite the above, all apartments receive in excess of 3 hours of direct sunlight in mid-winter.
<p>e) The following number of parking spaces for dwellings used for affordable housing—</p> <p>(i) for each dwelling containing 1 bedroom—at least 0.4 parking spaces,</p> <p>(ii) for each dwelling containing 2 bedrooms—at least 0.5 parking spaces,</p> <p>(iii) for each dwelling containing at least 3 bedrooms—at least 1 parking space,</p> <p>f) The following number of parking spaces for dwellings not used for affordable housing—</p> <p>(i) for each dwelling containing 1 bedroom—at least 0.5 parking spaces,</p> <p>(ii) for each dwelling containing 2 bedrooms—at least 1 parking space,</p> <p>(iii) for each dwelling containing at least 3 bedrooms—at least 1.5 parking spaces,</p>	<p>Complies</p> <p>Parking spaces required: 0.4 parking spaces x 11 (1-bed) = 4.4 spaces 0.5 parking spaces x 8 (2-bed) = 4 spaces Total required: 9 spaces Total provided: 14 spaces</p> <p>In further support of the parking provision proposed, a Technical Memorandum prepared by Stantec to accompany the application details that, generally, vehicle ownership amongst social housing tenants is lower than other forms of tenants in the wider Wagga Wagga region (being 57.9% vs. 91.7%).</p> <p>(f) Does not apply as the development is for 100% affordable housing.</p>
g) The minimum internal area, if any, specified in the Apartment Design Guide for the type of residential development,	<p>Complies</p> <p>An assessment of the proposal against the provisions of the Apartment Design Guide can be found in Appendix B of this Statement of Environmental Effects. Each apartment is provided with an internal area in excess of the minimum internal area and thus complies with the clause.</p>
h) for development for the purposes of dual occupancies, manor houses or multi dwelling housing (terraces)—the minimum floor area specified in the Low Rise Housing Diversity Design Guide,	N/A
<p>i) if paragraphs (h) and (i) do not apply, the following minimum floor areas—</p> <p>(iv) for each dwelling containing 1 bedroom—65m², or</p> <p>(v) for each dwelling containing 2 bedrooms—90m², or</p> <p>(vi) for each dwelling containing at least 3 bedrooms—115m² plus 12m² for each bedroom in addition to 3 bedrooms.</p>	N/A as (g) (above) applies
(3) Subsection (2)(c) and (d) do not apply to development to which Chapter 4 applies.	Noted.
20 Design Requirements	Complies

<p><i>(1) Development consent must not be granted to development for the purposes of dual occupancies, manor houses or multi dwelling housing (terraces) under this division unless the consent authority has considered the Low Rise Housing Diversity Design Guide, to the extent to which the guide is not inconsistent with this policy.</i></p> <p><i>(2) Subsection (1) does not apply to development to which Chapter 4 applies.</i></p> <p><i>(3) Development consent must not be granted to development to which this Division applies unless the consent authority has considered whether the design of the residential development is compatible with—</i></p> <ul style="list-style-type: none"> <i>a) the desirable elements of the character of the local area, or</i> <i>b) for precincts undergoing transition—the desired future character of the precinct.</i> 	<p>The proposed development is consistent with the desirable elements of the existing character. Further commentary regarding Section 20(3) is provided below.</p>
<p>21 Must be used for affordable housing for at least 15 years</p> <p><i>(1) Development consent must not be granted under this Division unless the consent authority is satisfied that for a period of at least 15 years commencing on the day an occupation certificate is issued—</i></p> <ul style="list-style-type: none"> <i>(a) the development will include the affordable housing component required for the development under section 16, 17 or 18, and</i> <i>(b) the affordable housing component will be managed by a registered community housing provider.</i> <p><i>(2) This section does not apply to development carried out by or on behalf of the Aboriginal Housing Office or the Land and Housing Corporation.</i></p>	<p>N/A</p> <p>Section 21 does not apply as LAHC is a relevant authority. Notwithstanding that, the site has been used for affordable housing for 75 years, and this application will allow the continuation of this use and provide a home for more people.</p>
<p>22 Subdivision permitted with consent</p> <p>Land on which development has been carried out under this division may be subdivided with development consent.</p>	<p>Noted.</p> <p>The proposal includes amalgamation of lots to create a single title. No subdivision is proposed.</p>

Section 15C Development to which Division applies

Section 15C Division 1 of the Housing SEPP outlines a number of standards which must be satisfied in order for the division to be applicable to a development. The satisfaction of this criteria is not a legal requirement in the circumstances of this development application as the use of the land for the purpose of a residential flat building is permitted under the Wagga Wagga Local Environmental Plan 2010 in any event. However, notwithstanding that, it is the applicant's intention to provide the continued use of the site for the purpose of affordable housing, and this development application is therefore made pursuant to the Housing SEPP.

The relevant provisions of Section 15C are addressed as follows:

(1) This division applies to residential development if:

(a) The development is permitted with consent under Chapter 3, Part 4 or another environmental planning instrument, and

The use of the land for the purpose of a residential flat building is permitted with consent under the WWLEP 2010 and therefore this requirement is met.

(b) The affordable housing component is at least 10%, and

The entire building is to be used for the purpose of affordable housing (i.e., more than 20% of the gross floor area) and therefore this requirement is met.

(c) All or part of the development is carried out – (i) for development on land in the Six Cities Region, other than in the City of Shoalhaven local government area – in an accessible area, or (ii) for development on other land – within 800m walking distance of land in a relevant zone or an equivalent land use zone.

The development is to be carried out on land that is within 800m walking distance of land in a relevant zone, consistent with the requirements of Section 15C(1)(c)(ii). The Housing SEPP defines 'walking distance' as:

"The shortest distance between 2 points measured along a route that may be safely walked by a pedestrian using, as far as reasonably practicable, public footpaths and pedestrian crossings."

To the north-east of the site there is a large area of land falling within the MU1 Mixed Use zone that is bound by Docker, Morgan and Forsyth Streets. The MU1 Mixed Use zone is listed as a 'relevant zone' under Section 15(c)(3). An extract of the land zoning map is below, with the subject site and MU1 zoned sites circled in yellow.



Figure 4: Overlay of zone mapping with site and MU1 zone circled in yellow (source: NSW Spatial Portal)

The distance between the two (2) points measures less than 800 metres and meets the spatial requirements set out by section 15C(1)(c). Consideration must also be given to the definition of walking distance to confirm whether the route between the two (2) points satisfies the definition.

The definition contains one (1) test, being that the route *may be safely walked by a pedestrian*. The provision of public footpaths and pedestrian crossings are not requirements of the definition, nor do they form a part of the ‘test’ (*as far as reasonably practicable*) but rather aid the reader of usual elements that may contribute to a route being able to be *safely walked*.

In *Bennett v Northern Beaches Council* [2022] NSW 1720 (**Bennett v Northern Beaches Council - NSW Caselaw**) the Commissioner of the Land and Environment Court of NSW found that the definition of ‘walking distance’ was unambiguous and must be given its ordinary meaning. The proposal is similar to the scenario considered in *Bennett v Northern Beaches Council* in that both schemes were a compliant spatial distance from one (1) point to another, but that the route between the two (2) points was not comprising public footpaths or pedestrian crossings for its full extent. Regarding the notion of routes that can be “safely walked by a pedestrian,” the Commissioner of the case commented that:

[48] Those routes can be “safely walked by a pedestrian” as they traverse walkable surfaces that are open to the public, without any obstructions that make the routes impassable for someone walking.

The following section of this SEE demonstrates three (3) alternative routes between the two (2) points that can be safely walked by a pedestrian, with (2) of those routes meeting the 800 metre spatial requirement.

Route 1 – shortest route



Figure 5: Potential walking route in red (source: MetroMap)

Route 1 is the shortest identified walking distance between the two (2) points and measures approximately 595 metres. The route is not paved for the full length and necessitates crossing three (3) roads at points where there are no formalised pedestrian crossings. It should be noted that there are very few formalised crossings in the area. Route 1 also requires a person to walk diagonally through Belling Park which, whilst pleasant, may be contrary to CPTED principles in the evenings or night time. A pedestrian would have the option to walk around (rather than through) the park or cross the road to walk directly in front of houses for the length of the walk.

Route 1 complies with the spatial requirements of the SEPP, consists of walkable surfaces, and is not obstructed by any impassable objects. With appropriate caution, a pedestrian could safely cross the required roads.

Route 2 – route with most footpaths and pedestrian crossings



Figure 6: Potential walking route in red (source: MetroMap)

Route 2 is paved for its entire distance and has a signalised pedestrian crossing for one (1) of the three (3) roads that need to be crossed. Route 2 is however more than 800 metres, with a total approximate length of 865 metres, thus exceeding the distance threshold provided by cl 16(d).

For the purpose of getting from point to point, Route 2 is considered to be less likely to be traversed than Route 1 given the additional distance, and the fact that the route is not in a straight line and requires a person to wait and cross adjacent to a busy road (being Edward Street).

Route 3 – preferred route



Figure 7: Potential walking route in red (source: MetroMap)

Route 3 is considered to be the optimum safe walking route between the two (2) points and is less than 800 metres in distance. Route 3 necessitates walking east along South Parade, crossing Shaw Street, intersecting or

walking around Belling Park, crossing Bolton Street, walking 50 metres north up Docker Street before crossing Docker Street and reaching the MU1 zone. The route totals approximately 685 metres.

Route 3 is the most logical and pleasant route between the two (2) sites for pedestrians. Route 3 permits pedestrians to walk through or alongside public parks for the majority of the distance in locations that have good active and passive surveillance, sunlight and (upon the maturity of trees in the Duke of Kent Oval) shading.

All three (3) studied routes above require three (3) roads to be crossed. Route 3 is considered to provide superior crossing locations as pedestrians are able to distance themselves from intersections before crossing, thereby giving any potential on-coming vehicles a longer period of time to slow or stop moving.

For these reasons Route 3 is considered to be the preferred route that complies with the numerical requirements of the SEPP.

This Statement of Environmental Effects has demonstrated that there is a safe route between the subject site and the nearby MU1 Mixed Use zone that measures less than 800 metres in length and is not prejudiced by any unusual or impassable objects that reasonably prevent a person from using the route.

It can therefore be concluded that the development complies with the requirements in section 15C of the Housing SEPP.

Section 20(3) Design Requirements

The locality does not have an adopted character statement in the development control plan nor does it have one identified in any strategic documents. The precinct surrounding the site is beginning to enter a transitional period of change caused by two primary factors, being:

1. The ageing nature of existing residential stock being replaced (noting that the subject and neighbouring sites accommodate houses that are 75 years old and no longer fit for purpose); and
2. The adopted but not yet implemented Wagga Wagga Health and Knowledge Precinct Master and Structure Plan.

The site does not fall within the mapped study area of the HKP Plan but does sit immediately adjacent to the north-western corner of the study area. Notwithstanding that the site was not included in the initial study area, this does not mean that the site is incapable of being included in any future strategic or master plans. The site is unique in the area in that it is an 'island' bound by roadways as previously indicated. In the absence of any adopted existing character statements, consideration is given to what the HKP Plan envisages.

The proposal is permissible in the zone under the LEP and has been designed to accord with the design quality principles and design guidance in Chapter 4 of the Housing SEPP and the Apartment Design Guide. The proposal has also been designed with regards to the existing desirable characteristics of the area alongside consideration of the character envisaged by the HKP Master and Structure Plan as detailed below.

Landscaping

The site has three (3) frontages to public roads and it is therefore important that any proposal of the site 'gives back' to the public domain through landscaping. The proposed development does this as it provides a wide landscaped curtilage around the perimeter of the building, far in excess of the existing situation on site (both by means of dimension and quantity and quality of plants).

At present the site frontage accommodates four (4) driveway crossovers and minimal vegetation, particularly canopy trees. The proposal consolidates the four (4) crossovers into one (1) and encircles the building with landscape buffers of (generally) 6 metres in width. The proposal also insets the boundary fence by 2.5 to 3 metres inward of the site, thus giving the appearance of public landscaping rather than private landscaping, which will significantly improve the public domain.

Footprint

Part 9.3.2 of the WWDGP 2010 envisages that buildings should have a footprint no greater than 40% of the total site area. The proposed building has an approximate footprint of 573.92 square metres corresponding to 32.9%

of the site area. The proportionality of the building footprint commensurate to surrounding developments and future possible developments is compatible if not lesser, and accordingly it can be said that the footprint of the building is consistent with the existing and desired future character.

Height

There is no prescribed height limit within the zone under the LEP or DCP, and the existing predominant height could be described as older single storey pitched roofed dwellings alongside newer two storey buildings. The proposal, being three storeys, will represent the tallest building to date surrounding the Duke of Kent Oval, however despite being the first in the area, the height is aligned to the desired future character for the precinct.

The wider area is in the process of undergoing transition pursuant to the adopted Wagga Wagga Health and Knowledge Precinct Structure and Master Plan which, inter alia other aspirations, envisages an increased densification and building scale commensurate to the existing low scale of development.

The site, alongside others on South Parade, is specifically earmarked as being peripheral to this new precinct and as such, must act as a transitional buffer between the taller and denser developments to the south and the smaller scaled residential developments to the north.

The Conceptual 3D Model by Hames Sharley in the Master Plan does not specify a desired height for the subject site nor the properties north of Edward Street, however it does note that the buildings directly south of the site and across Edward Street should be between 4 and 6 storeys.

Given that plan, the proposed height is not incongruent with what is expected to be developed in the area, noting that the subject site does sit immediately adjacent to the defined study area. It should further be noted that there are no additional impacts to neighbouring properties or the public domain attributable to a three-storey building compared to a two-storey building and the allowance of a third storey provides an additional seven (7) affordable homes within the precinct.

Summary

It is acknowledged that the building is larger than its neighbours, however the act of being different does not mean that the development is incompatible with the character of the locality. The existing character of South Parade is circa 75 years old and reflects an age where houses were smaller, construction simpler, and the demand for housing was less as supply was adequate. It would be unviable and inconsistent with the Master Plan and community expectations to repeat this character today.

The proposal represents high-quality contemporary design reaching a height of three-storeys, which is significantly lesser than what the Master Plan envisages for nearby buildings (being up to six-storeys). The development is compliant with the development standards outlined by the Housing SEPP, the Design Quality Principles of Schedule 9 of the Housing SEPP and is generally in accordance with the design guidelines of the Apartment Design Guide. The development is consistent with the scale of building anticipated by the adopted Health and Knowledge Precinct Structure and Master Plan. The proposal is consistent with and responsive to the demand for new housing, particularly affordable housing.

Accordingly, it is found that the development is both consistent with the desirable elements of the locality, and with the desired character for the precinct as outlined in the Master Plan and therefore satisfies the requirements of Section 20(3).

5.2.3 State Environmental Planning Policy (Resilience and Hazards) 2021

Clause 4.6(1) of the State Environmental Planning Policy (Resilience and Hazards) 2021 requires that a consent authority consider whether the land is contaminated and, if it is found to be contaminated, whether it is suitable in its contaminated state (or will be suitable after remediation) for the purpose for which the development is to be carried out.

The site falls within an established residential area of Wagga Wagga and the buildings existing on the site were constructed in 1949 and have been used continuously by LAHC for the purpose of providing residential accommodation since this date (some 74 years).

This development application is accompanied by a Preliminary Site Investigation (Stage 1 PSI) by McMahon Earth Science to assess whether the site is contaminated and whether it is suitable for the continued and intensified residential land use.

The PSI concludes that:

... McMahon assesses there is no gross soil contamination across the site [and it] is suitable for the proposed residential development given the recommendations in Section 11.0 are adopted during development.

Given the conclusions of the PSI and the extended period for which the site has been owned by LAHC and operated as residential accommodation, the consent authority can be satisfied that the site poses no risk of contamination and that the site is suitable for the continued residential land use. It is anticipated that the Council will impose a condition in any recommendation for approval requiring compliance with the requirements and recommendations of the PSI report.

5.2.4 State Environmental Planning Policy (Housing) 2021 – Chapter 4 – Design of Residential Apartment Development

State Environmental Planning Policy (Housing) 2021 – Chapter 4 (“Chapter 4”) aims to improve the design quality of residential apartment development in NSW.

In improving the design quality of residential apartment development, Chapter 4 aims:

- (a) to ensure residential apartment development contributes to the sustainable development of New South Wales by—*
 - (i) providing socially and environmentally sustainable housing, and*
 - (ii) being a long-term asset to the neighbourhood, and*
 - (iii) achieving the urban planning policies for local and regional areas,*
- (b) to achieve better built form and aesthetics of buildings, streetscapes and public spaces,*
- (c) to maximise the amenity, safety and security of the residents of residential apartment development and the community,*
- (d) to better satisfy the increasing demand for residential apartment development, considering –*
 - (i) the changing social and demographic profile of the community, and*
 - (ii) the needs of a wide range of people, including persons with disability, children and seniors,*
- (e) to contribute to the provision of a variety of dwelling types to meet population growth, and*
- (g) to minimise the consumption of energy from non-renewable resources, to conserve the environment and to reduce greenhouse gas emissions,*
- (h) to facilitate the timely and efficient assessment of development applications for development to which this Chapter applies.*

Chapter 4 applies to development for the purpose of a residential flat building, shop top housing or mixed use development with a residential component if the following prerequisites are triggered:

- (3)(a) the development consists of —*
 - (i) the erection of a new building, or*

(ii) the substantial redevelopment or substantial refurbishment of an existing building, or

(iii) the conversion of an existing building, and

(b) the building is at least 3 storeys, not including underground car parking storeys, and

(c) the building contains at least 4 dwellings.

The development meets the definition of a residential flat building, is three (3) storeys in height and contains more than four (4) dwellings and therefore the provisions of Chapter 4 are applicable to the development.

Section 147 of Chapter 4 requires that, for any development application to which the policy applies, that the following matters are taken into consideration when determining the application:

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

(b) the Apartment Design Guide,

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

Wagga Wagga City Council does not have an appointed design review panel.

Schedule 9 of the Housing SEPP contains nine (9) design quality principles that are applicable to the development. An assessment against these principles is contained within the accompanying Design Verification Certificate by CK Architecture. A summary of the proposal's compliance against these principles is carried out below.

Principle 1: Context and neighbourhood character

Good design responds and contributes to its context. Context is the key natural and built features of an area, their relationship and the character they create when combined. It also includes social, economic, health and environmental conditions.

Responding to context involves identifying the desirable elements of an area's existing or future character. Well designed buildings respond to and enhance the qualities and identity of the area including the adjacent sites, streetscape and neighbourhood.

Consideration of local context is important for all sites, including sites in established areas, those undergoing change or identified for change.

The development is considered to be contextually appropriate for the following reasons:

- The proposal maintains the existing and well-established use of the land for affordable housing. The maintenance of the existing land use is contextually appropriate and negates any concerns about a change or introduction of an alternate land use into an established area.
- The buildings on site are no longer fit for purpose and are dated stock (75 years). Given the sites desirable location being immediately adjacent to the Duke of Kent Oval and within walking distance of other services and amenities, it is only logical to provide additional occupants the opportunity to enjoy living close to these amenities.
- The redevelopment of three (3) lots of land into one singular residential flat building has been repeated numerous times on South, North and Spring Streets, and therefore the concept of lot amalgamation to facilitate larger development is not dichotomous to the prevailing pattern of buildings in the locale.
- The development is permissible and is not subject to any height or FSR restrictions, and in this respect the proposal is seeking consent for an appropriately scaled building commensurate to what could be carried out on the site.
- It is logical to adopt the desired character from the HKP Plan to the subject site as it would otherwise represent a discordant streetscape, with the three lots being the only lots on the street that are not within the mapped study area. A practical master planning approach would be to include the site in the

HKP Plan, particularly as it is bound by it to the east; by industrial zoned land to the south and west; and public open space to the north.

Principle 2: Built form and scale

Good design achieves a scale, bulk and height appropriate to the existing or desired future character of the street and surrounding buildings.

Good design also achieves an appropriate built form for a site and the building's purpose in terms of building alignments, proportions, building type, articulation and the manipulation of building elements.

Appropriate built form defines the public domain, contributes to the character of streetscapes and parks, including their views and vistas, and provides internal amenity and outlook.

The building's scale and form are appropriate to the scale of the street and surrounding locality in that:

- Whilst the proposed building height is not *consistent* with adjoining building heights, it is *compatible* and appropriate. It is not viable to redevelop the site as a single storey building which would match the heights of neighbours, and therefore a more contemporary architectural format with increased density is suitable, such as the building proposed.
- The ratio of landscaped area in the proposal exceeds the ratio of building footprint. The proposed building footprint is below that envisaged by the DCP (being 40% ratio) as the footprint is 121 square metres less than this.
- The site is well-suited to accommodate a three (3) storey development as the impacts of such to neighbouring land are negligible. The eastern façade of the building is setback at least 26 metres from the adjacent property boundary which is well in excess of the requirements for solar access and visual privacy. To the south and west the site is bound by roadways (public and private) and industrial land beyond that, negating the risk that any potential overshadowing would be detrimental to existing or potential future residential amenity.

Principle 3: Density

Good design achieves a high level of amenity for residents and each apartment, resulting in a density appropriate to the site and its context.

Appropriate densities are consistent with the area's existing or projected population. Appropriate densities can be sustained by existing or proposed infrastructure, public transport, access to jobs, community facilities and the environment.

The density of dwellings proposed is considered appropriate for the site and its location in that:

- It provides for a significant uplift in much needed affordable and social housing within the region in an appropriate and accessible region.
- The density is not attributable to any deleterious amenity impacts on adjacent residences or businesses.
- The level of density is not expected to contribute to any unreasonable impacts on the provision of on-street parking, for the reasons set out in the Technical Memorandum prepared by Stantec.

Principle 4: Sustainability

Good design combines positive environmental, social and economic outcomes.

Good sustainable design includes use of natural cross ventilation and sunlight for the amenity and liveability of residents and passive thermal design for ventilation, heating and cooling reducing reliance on technology and operation costs. Other elements include recycling and reuse of materials and waste, use of sustainable materials and deep soil zones for groundwater recharge and vegetation.

The sustainability credentials of the building proposed are considered acceptable in that:

- The application is accompanied by a BASIX Certificate which demonstrates that the requirements of the State Environmental Planning Policy (Sustainable Buildings) 2022 are met.

-
- The development provides a significant 30kW photovoltaic array on the roof.
 - The design of the building utilises appropriate passive sustainability measures including cross-ventilation, solar access and shading, landscaping and good building orientation.

Principle 5: Landscape

Good design recognises that together landscape and buildings operate as an integrated and sustainable system, resulting in attractive developments with good amenity. A positive image and contextual fit of well designed developments is achieved by contributing to the landscape character of the streetscape and neighbourhood.

Good landscape design enhances the development's environmental performance by retaining positive natural features which contribute to the local context, co-ordinating water and soil management, solar access, micro-climate, tree canopy, habitat values and preserving green networks.

Good landscape design optimises useability, privacy and opportunities for social interaction, equitable access, respect for neighbours' amenity and provides for practical establishment and long term management.

The landscape design of the development is high quality and appropriate for the site in that:

- The design provides street or public landscaping between the property boundaries and the fence line, which blurs the division between public and private space, and provides increased opportunities for the softening of the built form when viewed from the public domain.
- The planting schedule provides for a significant increase in native and exotic plants across the site, thus allowing for improved shading, drainage, and increased habitat for wildlife.
- The provision of landscaped area and deep soil zones provided exceed the requirements of both the ADG and the Housing SEPP and set a good benchmark for future development of the street.

Principle 6: Amenity

Good design positively influences internal and external amenity for residents and neighbours. Achieving good amenity contributes to positive living environments and resident well being.

Good amenity combines appropriate room dimensions and shapes, access to sunlight, natural ventilation, outlook, visual and acoustic privacy, storage, indoor and outdoor space, efficient layouts and service areas and ease of access for all age groups and degrees of mobility.

The building proposed is considered to achieve a high level of amenity for future occupants and neighbours in that:

- Each apartment within the development has an internal floor area well in excess of that recommended by the ADG.
- Each apartment within the development has an area of private open space, in the form of either garden or balcony, that exceeds that recommended by the ADG.
- Each apartment achieves a high level of visual privacy and solar access.
- The development provides an increased opportunity for vulnerable members of the community to have a high-quality home and provides a sense of dignity to residents.

Principle 7: Safety

Good design optimises safety and security within the development and the public domain. It provides for quality public and private spaces that are clearly defined and fit for the intended purpose. Opportunities to maximise passive surveillance of public and communal areas promote safety.

A positive relationship between public and private spaces is achieved through clearly defined secure access points and well lit and visible areas that are easily maintained and appropriate to the location and purpose.

The safety and security of the public domain will be significantly enhanced by the increased activity on the site and the increase in casual and passive surveillance of the surrounding area. The building has been designed in accordance with the established principles of CPTED and adheres to the guidance of Principle 7.

Principle 8: Housing diversity and social interaction

Good design achieves a mix of apartment sizes, providing housing choice for different demographics, living needs and household budgets.

Well designed apartment developments respond to social context by providing housing and facilities to suit the existing and future social mix.

Good design involves practical and flexible features, including different types of communal spaces for a broad range of people and providing opportunities for social interaction among residents.

The development proposes the construction of one (1) and two (2) bedroom apartments in an area that is dominated by three (3) bedroom detached cottages. The variety of housing diversity provided by the development is beneficial to the wider public and will provide for increased instances of social interaction.

The size of apartments proposed by the development is intentional as LAHC has identified a substantial shortage of one and two bedroom affordable dwellings within the Wagga Wagga electorate, to such an extent that there is waitlist of over 5 years (in some instances). These statistics are expanded upon later in the WWDCP 2010 component of this report.

It is considered that the introduction of additional housing in a format different to the prevailing housing typology responds positively to the housing needs of the community.

Principle 9: Aesthetics

Good design achieves a built form that has good proportions and a balanced composition of elements, reflecting the internal layout and structure. Good design uses a variety of materials, colours and textures.

The visual appearance of a well designed apartment development responds to the existing or future local context, particularly desirable elements and repetitions of the streetscape.

The development is a well-designed and attractive building in that:

- It comprises an interesting and well-articulated form and mass.
- It is comprised of a contemporary palette of materials and finishes that generally match those in other contemporary developments.
- The building is bound by a dense and well-tailored landscape design that will significantly enhance the existing quality of the streetscape immediately upon planting, but more so in longevity as the plantings mature and the building weathers.

Therefore, it is considered that the proposal satisfies the nine (9) design quality principles in Schedule 9 of the Housing SEPP.

Section 147(1)(b) of Housing SEPP requires any development application to which the policy applies is to take into consideration the Apartment Design Guide. An assessment of the proposal against the relevant provisions of the guide is contained at Appendix 2 of this Statement of Environmental Effects.

Section 148(2) of Housing SEPP sets out certain provisions of which a consent authority must not refuse the application if the application satisfies those matters. These matters listed in Section 148(2) are considered below:

Standard	Design Criteria	Proposal
(a) if the car parking for the building will be equal to, or greater	For development in the following locations:	Complies

than, the recommended minimum amount of car parking specified in Part 3J of the Apartment Design Guide,	<ul style="list-style-type: none">• on sites that are within 800 metres of a railway station or light rail stop in the Sydney Metropolitan Area; or• on land zoned, and sites within 400 metres of land zoned, B3 Commercial Core, B4 Mixed Use or equivalent in a nominated regional centre <p>the minimum car parking requirement for residents and visitors is set out in the Guide to Traffic Generating Developments, or the car parking requirement prescribed by the relevant council, whichever is less.</p> <p>The car parking needs for a development must be provided off street.</p>	<p>Section 19 of the Housing SEPP outlines non-discretionary development standards to which a consent authority cannot refuse an application if compliance is achieved.</p> <p>Section 19(2)(e) of the Housing SEPP contains car parking requirements to which the proposal accords with.</p> <p>Accordingly, the development provides a compliant provision of car parking under the prevailing instrument and the consent authority must not refuse the application on that basis.</p>										
(b) the internal area for each apartment must be equal to, or greater than, the recommended minimum internal area for the apartment type specified in Part 4D of the Apartment Design Guide,	<table><tr><th>Apartment Type</th><th>Minimum internal area</th></tr><tr><td>Studio</td><td>35m²</td></tr><tr><td>1 bedroom</td><td>50m²</td></tr><tr><td>2 bedroom</td><td>70m²</td></tr><tr><td>3 bedroom</td><td>90m²</td></tr></table> <p>The minimum internal areas include only one bathroom. Additional bathrooms increase the minimum internal area by 5m² each. A fourth bedroom and further additional bedrooms increase the minimum internal area by 12m² each.</p>	Apartment Type	Minimum internal area	Studio	35m ²	1 bedroom	50m ²	2 bedroom	70m ²	3 bedroom	90m ²	<p>Complies</p> <p>Each apartment has internal dimensions greater than the minimum required by Part 4D of the ADG.</p>
Apartment Type	Minimum internal area											
Studio	35m ²											
1 bedroom	50m ²											
2 bedroom	70m ²											
3 bedroom	90m ²											
(c) the ceiling heights for the building must be equal to, or greater than, the recommended minimum ceiling heights specified in Part 4C of the Apartment Design Guide.	<p>Minimum ceiling height:</p> <p>Habitable rooms: 2.7m</p> <p>Non-habitable rooms: 2.4m</p> <p>(note: Non-habitable room is defined as: a space of a specialised nature not occupied frequently or for extended periods, including a bathroom, laundry, water closet, pantry, walk-in wardrobe, corridor, hallway, lobby, photographic darkroom or clothes-</p>	<p>Complies</p> <p>All rooms within the apartments have a floor to ceiling height of 2.7m, which in part exceeds the requirements of Part 4C of the ADG.</p>										

	drying room, as defined by the BCA).	
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5.2.5 State Environmental Planning Policy (Planning Systems) 2021

The Development constitutes Regionally Significant Development pursuant to Schedule 6 Section 4 of the Planning Systems SEPP in that the development is carried out by or on behalf of the Crown (within the meaning of Division 4.6 of the Environmental Planning and Assessment Act 1979) and has a capital investment value of more than \$5 million.

It is therefore anticipated that Wagga Wagga City Council will refer the application to the Southern Region Planning Panel for determination.

5.2.6 Wagga Wagga Local Environmental Plan 2010

Zoning and Permissibility

As previously outlined, the site is located within the R1 General Residential zone pursuant to the Wagga Wagga Local Environmental Plan 2010. An extract of the Land Zoning Map is included as Figure 1 earlier in this report.

The Land Use Table permits with consent the following uses in the R1 General Residential zone:

Attached dwellings; Boarding houses; Centre-based child care facilities; Community facilities; Dwelling houses; Group homes; Home industries; Hostels; Multi dwelling housing; Neighbourhood shops; Oyster aquaculture; Places of public worship; Pond-based aquaculture; **Residential flat buildings**; Respite day care centres; Semi-detached dwellings; Seniors housing; Shop top housing; Tank-based aquaculture; Any other development not specified in item 2 or 4

The proposed development is best described as a residential flat building, defined by the WWLEP 2010 Dictionary as:

Residential flat building means a building containing 3 or more dwellings, but does not include an attached dwelling, co-living housing or multi dwelling housing.

Clause 2.3(2) of the WWLEP 2010 provides that the consent authority must have regard to the objectives of the zone when determining a development application for development within that zone.

The objectives of the R1 General Residential zone are:

- *To provide for the housing needs of the community.*
- *To provide for a variety of housing types and densities.*
- *To enable other land uses that provide facilities or services to meet the day to day needs of residents.*
- *To ensure co-ordinated and cost-effective provision of physical, social and cultural infrastructure in new residential areas.*

The proposed development is consistent with the zone objectives for the following reasons:

- The site and all other sites encircling the Duke of Kent Oval form part of a 1947 Housing Commission of NSW project for the construction of 48 detached brick cottages at South, North and West Parade and Spring Street. Since the construction of this project in 1949 the site has been used for the purpose of affordable housing. To this day, there is an ever-growing need for more housing in general, and specifically for affordable housing. In 2022 the St Vincent de Paul Society published a housing and homelessness briefing note which identified that in the electorate of Wagga Wagga there were 151 people experiencing homelessness, and 567 households on the general waitlist of social housing. The

wait-times in most major centres like Wagga Wagga exceed 5 years¹. There is a demonstrable need for additional dwellings to meet the housing needs of the community, and the proposed development contributes to this need.

- The site, alongside the majority of other affordable housing in Wagga Wagga, consists of 3-bedroom cottages. The number of 3 bedroom-cottages exceeds the current housing typology demand. The NSW LAHC Wagga Wagga Local Area Analysis identifies that:
 - *There is a high demand for smaller dwellings up to 2-bedrooms for existing tenants and households on the wait list.*
 - *84% of the priority waitlist is for dwellings with up to 2-bedrooms. The current portfolio, however, is 72% dwellings with 3 or more bedrooms.*
 - *37% of current tenants are single-person households, of which 40% are housed in dwellings with 3 or more bedrooms.*

Based on the above statistics, there is a demonstrable need for smaller dwellings to suit the housing needs of the community. The local area is dominated by detached housing, and therefore the introduction of apartments would not only allow more people to be housed, but it would provide a greater variety to suit the individual needs of each occupant. The development therefore provides a variety of housing types and densities.

- The development seeks only to provide residential accommodation in the form of a residential flat building that is permitted with consent. No other land uses are proposed as a part of this application.

Demolition

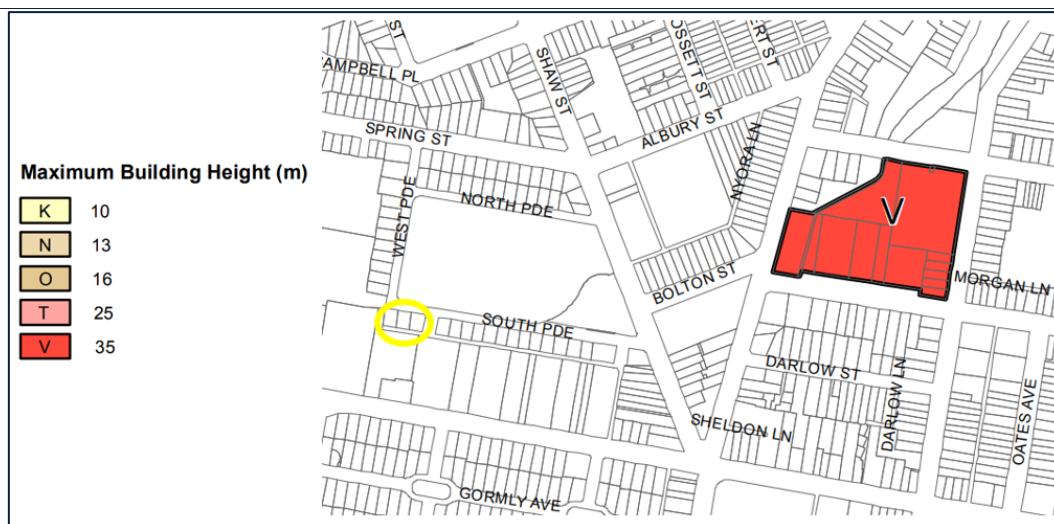
Clause 2.7 of the WWLEP 2010 requires development consent to be granted prior to the demolition of structures, except in circumstances where demolition may be permitted under the provisions of the State Environmental Planning Policy (Exempt and Complying Development Codes) 2008. This application does not propose demolition, but rather this will be sought under a Complying Development Certificate at a later date.

Building Height

Clause 4.3 Height of buildings prescribes that the height of building on any land is not to exceed the maximum height shown for the land on the Height of Buildings Map. There is no height of buildings development standard applying to the site pursuant to the WWLEP 2010.

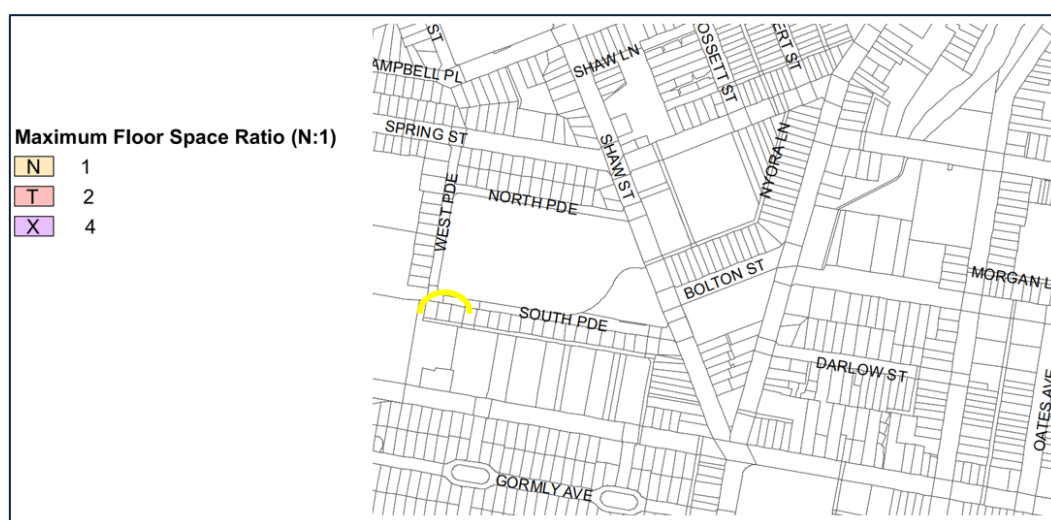
An extract of the Map is provided below.

¹ St Vincent de Paul, *Briefing Note: Housing and Homelessness in the Electorate of Wagga Wagga*, 2022



Floor Space Ratio

Clause 4.4 Floor space ratio prescribes that the maximum floor space ratio for a building on any land is not to exceed the floor space ratio shown for the land on the Floor Space Ratio Map. There is no floor space ratio development standard applying to the site pursuant to the WWLEP 2010. An extract of the Map is below:



Flood Planning Level

Clause 5.21 Flood planning applies to all land at or below the flood planning level and provides that development consent must not be granted to development unless the consent authority is satisfied that the development is compatible with the flood hazard of the land and is not likely to significantly adversely affect flood behaviour to the detriment or other properties and incorporates sufficient measures to manage risk of life from flood.

The site is mapped as being affected by the 1 in 100 year ARI flood event and the site is also behind the main flood levee and is thus protected from Riverine Flooding up to the 1% AEP. Refer to the Flood Impact Assessment by Stantec provided to accompany this application for further information.

Accordingly, the consent authority can be satisfied that the development is compatible with the flood hazard of the land and that the site is suitable for the development.

5.3 Wagga Wagga Development Control Plan 2010

The *Wagga Wagga Development Control Plan 2010* ("WWDCP 2010") is relevant to this proposal. A detailed assessment of the proposal against the provisions of the WWDCP 2010 is carried out in Appendix 1. Part 9.1.2 *R1 Zone – established suburbs* provides four (4) key priorities for development in the R1 General Residential zone:

- *Avoid excessive site cover by buildings and improve design outcomes, including reducing the dominance of garages in the front elevation.*
- *Make good use of site orientation and spaces around buildings to achieve good useable private open space.*
- *Ensure good connections between indoor and outdoor living areas.*
- *Incorporate quality landscaping including mature trees*

The proposal is consistent with these priorities in that:

- The ratio of site coverage proposed is less than what is permitted in the WWDCP 2010.
- The development has no garages in the front elevation. All at-grade car parking areas are surrounding by landscaping which would obscure the sight of parked vehicles from the public domain.
- The development has capitalised on its due-northerly aspect and has orientated all private open space to the north.
- All private open space is directly accessible from the primary living areas and kitchens of each dwelling, ensuring a good connection between indoor and outdoor living areas.
- The proposal includes a comprehensive landscape plan which details the planting of new native canopy trees alongside several hundred shrubs, grasses and groundcovers. The development provides a significant enhancement to the landscaped character and habitat for wildlife commensurate to the existing improvements on the site.

An assessment of the proposal against the applicable DCP criteria (namely being Part D – Section 9 Residential Development) is carried out at Appendix A of this SEE. The proposal is generally compliant with the relevant provisions of the DCP, however it is acknowledged that the proposal has a density greater than that envisaged by the controls and seeks a variation.

The proposal seeks to vary control 9.3.1 Site Area Per Dwelling which, if adhered to, would permit a maximum of four apartments on the site (i.e., the same number of dwellings are currently exists).

Dispensation to strict compliance with the control is sought in this particular instance as:

- The proposal is for much needed affordable housing for the community and requiring strict compliance would render the development unviable.
- The proposal is free of any deleterious impacts to the amenity of adjacent residents and the environment.
- The proposal is reflective of the scale of building anticipated by the Wagga Wagga Health and Knowledge Precinct Master Plan that, whilst not encompassing the site, sits adjacent to the land.
- The building is of a high-quality design and will contribute vibrancy, greenery and additional passive surveillance to the streetscape.

6 Section 4.15 Considerations

The following matters are to be taken into consideration when assessing a Development Application pursuant to Section 4.15 of the Environmental Planning and Assessment Act 1979.

6.1 The provisions of any planning instrument, draft environmental planning instrument, development control plan or regulations

This report provides an assessment of the proposal against all relevant planning instruments including the Housing SEPP, the ADG, WWLEP and WWDCP. There are no draft environmental planning instruments applying to the development that would alter the outcome of this assessment.

6.2 The likely impacts on the development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality

This report demonstrates that the development is not likely to have an adverse or deleterious environmental, social or economic impact on the locality or wider Wagga Wagga region. The development proposed is for the community and is seeking to provide the maximum number of homes for vulnerable members of the community, whilst respecting the existing and desired character of the site.

This report outlines that the building will have no unreasonable overshadowing or visual privacy impacts to adjacent properties, and that despite minor variations to the guidance suggested by the ADG, the proposal provides a high quality and safe living environment.

The proposal is anticipated to have a net-positive social and economic impact to the community. The site is and has been used for the purpose of affordable housing for an extended period of time (70 years +) and the continued use of the land for the same purpose, but in an architectural format, should be supported and non-controversial.

6.3 The suitability of the site for the development

The R1 General Residential zoning of the site anticipates development for the purpose of residential flat buildings, such as those proposed by this application. Whilst the site falls just outside of the mapped study area boundary of the adopted Health and Knowledge Precinct Master Plan, the land shares the same attributes as land immediately to the east (which does fall within the study area) and therefore an intensification in density has merit. The proposal replaces five (5) outdated dwellings (2 dual occupancies and 1 single dwelling) with 19 new, high-quality and architecturally designed affordable homes within an excellent location, providing future occupants with ample opportunities to access services, employment, education, health and recreation.

The site has been used by LAHC for the purpose of providing residential accommodation since 1949, and it is considered that the proposal represents an appropriate and timely upgrade to the site aligned with relevant planning and policy expectations.

For these reasons, the site is considered suitable for the development as proposed.

6.4 Any submissions received in accordance with the Act or the Regulations

The Council will publicly exhibit the application in accordance with the Act, Regulations, and the Community Participation Plan. Any submissions made in relation to the proposed development will be appropriately assessed by Council.

6.5 The public interest

There is a nation-wide recognised need for additional housing, and particularly for affordable housing. There is an inadequate stock of high-quality affordable housing within regional areas,

The continued use of the site for the purpose of affordable housing is within the public interest for the reasons outlined above. The building proposed is not causal of any significant amenity or environmental impact and is well designed and conceived.

7 Conclusion

This Statement of Environmental Effects alongside accompanying documents provides a comprehensive assessment of the application and considers all potential impacts that may be generated by the proposal and how they are mitigated.

The proposal is for the replacement of existing dated and deteriorating affordable housing stock with new high quality affordable housing, within a precinct that has been used for affordable housing for over 70 years. The development represents the timely upgrade of old facilities in a contemporary and architecturally designed residential flat building.

This report demonstrates that the proposal is free of any adverse or deleterious impacts to neighbouring amenity and is consistent with the zone objectives and principles relating to Residential Flat Building development under Schedule 9 of the Housing SEPP.

The proposal contributes additional housing at a time when the demand for accommodation is significantly outweighing supply, and the current available stock of 3-bedroom cottages does not meet the needs of the community.

In the absence of any unreasonable impacts, and given the importance of urgently providing affordable housing, it is respectfully requested that the consent authority consider this application favourably.

Appendix A – Wagga Wagga Development Control Plan 2010 Compliance Assessment

Control	Requirement	Comment
9.2.1 Site Layout	<p>C1 Use site characteristics such as trees, changes in level or rock outcrops as features within the site layout.</p> <p>C2 Integrate access, landscaping and services in the site layout, avoiding underutilised spaces.</p> <p>C3 Orient living spaces to maximise solar access.</p> <p>C4 Facilitate natural cross ventilation within dwellings through the location of windows and doors.</p>	<p>Complies</p> <p>The development has been designed to capitalise on the site's features and context. The building has been designed to ensure that the majority of units have a northerly aspect and vistas towards Dukes Green. The building is centralised on the site to maximise opportunities for landscaping around the perimeter to integrate the building with the wider character of the locale. The building is designed to ensure that high-quality accommodation and amenity is provided to all apartments.</p>
9.2.2 Streetscape	<p>C1 Provide a street address and front elevation that is consistent with the predominant scale, rhythm and form of the street.</p> <p>C2 Front fence height forward of the building line is not to exceed 1200mm. However, a side boundary fence forward of the building line may be permitted to taper from the maximum permitted height (1.8 metres) at the building line down to the 1200mm maximum permitted height at the front boundary.</p> <p>C3 Fence height at and behind the building line is not to exceed 1800mm in height.</p> <p>C4 The majority of windows in dwelling wall which face the street should be windows of habitable rooms.</p>	<p>Complies</p> <p>The proposed development is a larger format building than others on South Parade, however it is entirely consistent with the scale of building envisaged by the prevailing planning controls. The building respects the desirable characteristics of existing development including generous setbacks, dense landscaping and a low ratio of site coverage.</p> <p>The application does not propose any fence in excess of 1800mm in height.</p> <p>All street-facing windows in the development are from either living rooms or bedrooms, and thus provide a residential-level of activation to the streetscape.</p>
9.2.3 Corner lots and secondary facades	<p>C1 Houses on corner lots are to ensure an acceptable address to both frontages. Continue materials around the corner to the secondary road so that the building "turns the corner".</p> <p>C2 Use articulation to avoid excessively long blank walls.</p>	<p>Complies</p> <p>The site has a tri-street frontage to the north, south and east (noting that the southern interface is to an unmade portion of South Lane).</p> <p>The building is active and attractive on all facades. It does not have a 'back' and has no blank facades. The building appropriately negotiates the corner elements of the site.</p>

	<p>C3 A fence on the secondary frontage is permitted to have a height not exceeding 1800mm except in the following circumstances where its height is not to exceed 1200mm:</p> <ul style="list-style-type: none"> • Where it enters and is within the building line of the primary road - <p>within the building line a fence will be permitted to taper down from 1800mm maximum permitted height to the 1200mm maximum permitted height at the primary road boundary”</p> <ul style="list-style-type: none"> • Where a dwelling “addresses” the secondary road 	<p>The building is bound by a landscape buffer to all edges and has the boundary fence inset from the boundary to blur the division of public and private space.</p>
9.3.1 Site area per dwelling	<p>R1 Residential flat building land area per dwelling: 375m².</p>	<p>Acceptable on Merit</p> <p>The site has a surveyed area of approximately 1,739.5m² which would permit four (4) apartments to be built if strict compliance with 9.3.1 was enforced. This represents a loss of 1 dwelling to what currently exists on site, which is two (2) dual occupancies and one (1) single dwelling, representing a total of five (5) dwellings on the site.</p> <p>The DCP lists the relevant objectives of the control as follows:</p> <p><i>O1 Ensure adequate area to provide separation between buildings, landscaping and private open space.</i></p> <p><i>O2 Maintain development patterns that are compatible with the established character of established residential areas.</i></p> <p><i>O3 Encourage maximum utilisation of land in the R3 Zone.</i></p> <p>The objectives of the control are met notwithstanding the variation to the numerical requirement. The proposed building complies with all setback and landscape requirements whilst providing high quality affordable housing.</p> <p>A building of equal (or greater) proportions containing only four (4) dwellings could be built on site, however that would have an inferior social outcome commensurate to the proposal.</p>

		<p>As the site is isolated within its own street block 'island' its development will not impact on the amenity of neighbouring properties. The generous landscaped buffer around the curtilage of the building further ameliorates any potential opportunities for impact.</p> <p>The pattern of development for amalgamation of three (3) lots into one (1) and the construction of a residential flat building is established in the locality. The existence of similar buildings demonstrates the evolving nature of Wagga Wagga and accepts that new development in the zone is unlikely to consist of small, detached, single storey cottages.</p> <p>The adjoining R3 zoned land to the south is not well utilised in that it seldom contains residential accommodation (tourist and visitor accommodation is not a form of residential accommodation). This proposal is compatible with the existing forms of development in the R3 zone, but also any future developments that may occur, by way of spatial separation between the lots.</p> <p>On balance the proposal satisfies the objectives of the clause and responds to a well-documented need for additional housing. The variation sought to the control results in no adverse amenity or visual impacts to neighbours or the wider community. In the circumstances of this specific application, there is sufficient merit to vary the control.</p>
9.3.2 Site Cover	40% (occupied by buildings, garages and other structures. Does not include basements, areas under eaves, unenclosed decks, balconies and the like.	<p>Complies</p> <p>Approx. building coverage of 32.9% or 573m².</p>
9.3.4 Solar Access	ADG prevails	N/A
9.3.5 Private Open Space	ADG prevails	N/A
9.3.6 Front Setbacks	6m	<p>Complies</p> <p>8.3m to primary façade proposed, 6m to projecting balcony elements</p>
9.3.7 Side and rear setbacks	ADG prevails	N/A

9.4.2 Materials and Finishes	<p>C1 Select materials for their environmental performance, durability, detail and appearance to achieve quality appearance.</p> <p>C2 Avoid large unbroken expanses of any single material.</p> <p>C3 Minimise use of highly reflective or glossy materials on building exteriors.</p> <p>C4 Use contrasting materials in combination with design elements for features such as corner elements.</p> <p>C5 For larger developments, use recessive colours for the upper levels to help minimise building bulk.</p> <p>C6 For residential developments, corporate colours (when used in relation to a corporate identity) are not to dominate the building facade. The colours should integrate with the existing/proposed external materials and finishes to support a consistent quality streetscape.</p>	<p>Complies</p> <p>The architecture of the proposal is contemporary in its form, scale, and articulation, and has a corresponding material palette.</p> <p>The building is to be finished in contemporary cladding solutions (precast, FC board, varying tones of brickwork and timber look metal cladding).</p> <p>The material palette responds appropriately to the emerging character of the region.</p>
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Appendix B – ADG Compliance Table

Criteria and Objectives	Proposed	Complies (Y/N)
Part 3 Siting the Development		
3B Orientation 1. Building types and layouts respond to the streetscape and site while optimising solar access within the development. 2. Overshadowing of neighbouring properties is minimised during mid-winter.	The development is orientated with a northerly aspect to take advantage of solar access and outlook over the adjacent recreational space. By doing so, the design also increases casual and passive surveillance to the street and minimises opportunities for overlooking into adjacent properties. Overshadowing is negligible due to substantial separation distance from the development to neighbouring properties, as the site is bound by roadways and by industrial land beyond that. No detrimental overshadowing is anticipated to existing and potential future residential amenity.	Y
3C Public Domain Interface 1. Transition between private and public domain is achieved without compromising safety and security. 2. Amenity of the public domain is retained and enhanced.	The ground floor terraces accessed by South Pde promote activity and contribute to safety of the public domain, whilst the provision of plantings along the front and western boundaries delineate private and public domain, contribute to privacy and enhance the visual experience for pedestrians. The proposal is considered to provide a desirable interface with the public open space to the north of the site.	Y
3D Communal and Public Open Space 1. An adequate area of communal open space is provided to enhance residential amenity and to provide opportunities for landscaping.	The development does not provide communal open space within the site. It is advised that the communal open space is	No – acceptable on merit.

<p>2. Communal open space has a minimum area equal to 25% of the site.</p> <p>3. Developments achieve a minimum of 50% direct sunlight to the principal usable part of the communal open space for a minimum of 2 hours between 9 am and 3 pm on 21 June (mid-winter).</p> <p>4. Communal open space is designed to allow for a range of activities, respond to site conditions and be attractive and inviting.</p> <p>5. Communal open space is designed to maximise safety.</p> <p>6. Public open space, where provided, is responsive to the existing pattern and uses of the neighbourhood.</p>	<p>less desirable for social housing than private open space and as such, the development has been designed to have private open spaces to each apartment that significantly exceed the ADG recommendation. In fact, the proposal provides POS equivalent to more than 28% of the total site area.</p> <p>In addition, the site is well serviced by public recreational spaces, notably the large oval immediately opposite the site.</p> <p>Notwithstanding the shortfall in communal open space, residents will be afforded unimpeded access to high quality recreational spaces.</p>													
<p>3E Deep Soil Zones</p> <p>1. Deep soil zones are to meet the following requirements:</p> <table border="1"> <thead> <tr> <th>Site Area</th><th>Minimum Dimensions</th><th>Deep Soil Zone (% of site area)</th></tr> </thead> <tbody> <tr> <td>Less than 650m²</td><td>-</td><td rowspan="4">7%</td></tr> <tr> <td>650m² - 1,500m²</td><td>3m</td></tr> <tr> <td>Greater than 1,500m²</td><td>6m</td></tr> <tr> <td>Greater than 1,500m² with significant existing tree cover</td><td>6m</td></tr> </tbody> </table>	Site Area	Minimum Dimensions	Deep Soil Zone (% of site area)	Less than 650m ²	-	7%	650m ² - 1,500m ²	3m	Greater than 1,500m ²	6m	Greater than 1,500m ² with significant existing tree cover	6m	<p>The development provides 16% (293m²) of the site area as deep soil zone (calculated in accordance with the definition under the ADG), which is well above the ADG requirement. The proposed consolidated deep soil areas have adequate dimensions to allow for tree planting.</p>	Y
Site Area	Minimum Dimensions	Deep Soil Zone (% of site area)												
Less than 650m ²	-	7%												
650m ² - 1,500m ²	3m													
Greater than 1,500m ²	6m													
Greater than 1,500m ² with significant existing tree cover	6m													
<p>3F Visual Privacy</p> <p>1. Separation between windows and balconies is provided to ensure visual privacy is achieved. Minimum required separation distances from buildings to the side and rear boundaries are as follows:</p> <table border="1"> <thead> <tr> <th>Building Height</th><th>Habitable Rooms and Balconies</th><th>Non-habitable Rooms</th></tr> </thead> <tbody> <tr> <td>Up to 12m (4 storeys)</td><td>6m</td><td>3m</td></tr> </tbody> </table>	Building Height	Habitable Rooms and Balconies	Non-habitable Rooms	Up to 12m (4 storeys)	6m	3m	<p>The development provides a greater building separation distance from the western boundary varying from 12.9m to 15.5m. The proposal seeks a variation to the eastern and southern boundaries where habitable rooms are set back 4m to 7m to the east and 2.43m (GF) and 1.73m (1st and 2nd floors) to the southern</p>	No – acceptable on merit						
Building Height	Habitable Rooms and Balconies	Non-habitable Rooms												
Up to 12m (4 storeys)	6m	3m												

Up to 25m (5-8 storeys)	9m	4.5m			
Over 25m (9+ storeys)	12m	6m			
<p>2. Site and building design elements increase privacy without compromising access to light and air and balance outlook and views from habitable rooms and private open space.</p>					<p>boundary. Importantly, the site has a block character, bound by a secondary street to the east and a rear lane, ensuring an adequate separation distance from any potential future residential redevelopment to the east of the site and from the industrial land across the laneway. Furthermore, side balconies include privacy screens to the eastern façade.</p> <p>The development also incorporates adequate screening vegetation along the side boundaries achieving a high level of visual privacy.</p>
<p>3G Pedestrian Access and Entries</p> <p>1. Building entries and pedestrian access connects to and addresses the public domain.</p> <p>2. Access, entries and pathways are accessible and easy to identify.</p> <p>3. Large sites provide pedestrian links for access to streets and connection to destinations.</p>					<p>The development includes private and communal ground floor entries, which activate South Pde and South Pde Lane. The individual entries lead to the private ground-floor terraces, which are enclosed by fencing and a gate, whilst the communal entries are well distinguished by a slab cover and glass doors accessed by the main frontage.</p> <p>All entries are clearly identifiable and visible from the public domain. Additionally, the development provides an entry easy to access from the ground floor car parking and integrated with the landscape design.</p>
<p>3H Vehicle Access</p> <p>1. Vehicle access points are designed and located to achieve safety, minimise conflicts between pedestrians and vehicles and create high quality streetscapes.</p>					<p>The proposal rationalises four existing crossings into one, thereby enhancing pedestrian and driver safety, creating more on-street parking, and enhance the streetscape.</p>

<p>3J Bicycle and Car Parking</p> <p>1. For development in the following locations:</p> <ul style="list-style-type: none"> on sites that are within 800 metres of a railway station or light rail stop in the Sydney Metropolitan Area; or on land zoned, and sites within 400 metres of land zoned, B3 Commercial Core, B4 Mixed Use or equivalent in a nominated regional centre. <p>the minimum car parking requirement for residents and visitors is set out in the Guide to Traffic Generating Developments, or the car parking requirement prescribed by the relevant council, whichever is less.</p> <p>The car parking needs for a development must be provided off street.</p> <p>2. Parking and facilities are provided for other modes of transport.</p> <p>3. Car park design and access is safe and secure.</p> <p>4. Visual and environmental impacts of underground car parking are minimised.</p> <p>5. Visual and environmental impacts of above ground enclosed car parking are minimised.</p>	<p>Clause 19 of the Housing SEPP, which overrides the ADG, outlines non-discretionary development standards to which a consent authority cannot refuse an application if compliance is achieved.</p> <p>Section 19(2)(e) contains car parking requirements to which the proposal accords with.</p>	<p>Y</p>
<p>Part 4 Designing the Building</p>		
<p>4A Solar and Daylight Access</p> <p>1. Living rooms and private open spaces of at least 70% of apartments in a building receive a minimum of 2 hours direct sunlight between 9 am and 3 pm at mid-winter in the Sydney Metropolitan Area and in the Newcastle and Wollongong local government areas.</p> <p>2. In all other areas, living rooms and private open spaces of at least 70% of apartments in a building receive a minimum of 3 hours direct sunlight between 9 am and 3 pm at mid-winter.</p> <p>3. A maximum of 15% of apartments in a building receive no direct sunlight between 9 am and 3 pm at mid-winter.</p> <p>4. Daylight access is maximised where sunlight is limited.</p> <p>5. Design incorporates shading and glare control, particularly for warmer months.</p>	<p>73% of the apartments will receive in excess of 3 hours of direct sunlight in mid-winter. All living rooms will receive at least 1 hour of direct sunlight, and all balconies will enjoy at least 2 hours of direct sunlight. All POS is orientated to (or has an aspect to) the north to capitalise on solar access. The development incorporates sunshades to north, east and west-facing windows to ensure thermal comfort during warmer months.</p>	<p>Y</p>
<p>4B Natural Ventilation</p> <p>1. All habitable rooms are naturally ventilated.</p> <p>2. The layout and design of single aspect apartments maximises natural ventilation.</p> <p>3. At least 60% of apartments are naturally cross ventilated in the first nine storeys of the building. Apartments at ten storeys or greater are deemed to be cross ventilated only if any enclosure of the balconies at these levels allows adequate natural ventilation and cannot be fully enclosed.</p> <p>4. Overall depth of a cross-over or cross-through apartment does not exceed 18m, measured glass line to glass line.</p>	<p>52% of the apartments in the development are naturally cross-ventilated. Several one bedroom apartments do not achieve cross-ventilation owing to the building design and locational constraints, including the specific needs LAHC has for social housing. It is further noted that the NCC does not require one bedroom apartments to be naturally cross ventilated. Notwithstanding this, the</p>	<p>No - acceptable on merit</p>

		single-aspect apartments have large expanses of glazing and vistas towards open space to ensure they do not feel unreasonably ‘closed in’.												
4C Ceiling Heights 1. Measured from finished floor level to finished ceiling level, minimum ceiling heights are: <table><tr><th colspan="2">Minimum Ceiling Height for all apartment and mixed use buildings</th></tr><tr><td>Habitable rooms</td><td>2.7m</td></tr><tr><td>Non-habitable rooms</td><td>2.4m</td></tr><tr><td>For 2 storey apartments</td><td>2.7m for main living area floor 2.4m for second floor, where its area does not exceed 50% of the apartment area.</td></tr><tr><td>Attic spaces</td><td>1.8m at edge of room with a 30 degree minimum ceiling slope.</td></tr><tr><td>If located in mixed use areas</td><td>3.3m for ground and first floor to promote future flexibility of use.</td></tr></table> These minimums do not preclude higher ceilings if Desired. 2. Ceiling height increases the sense of space in apartments and provides for well-proportioned rooms. 3. Ceiling heights contribute to the flexibility of building use over the life of the building.	Minimum Ceiling Height for all apartment and mixed use buildings		Habitable rooms	2.7m	Non-habitable rooms	2.4m	For 2 storey apartments	2.7m for main living area floor 2.4m for second floor, where its area does not exceed 50% of the apartment area.	Attic spaces	1.8m at edge of room with a 30 degree minimum ceiling slope.	If located in mixed use areas	3.3m for ground and first floor to promote future flexibility of use.		All apartments within the development have compliant FFL – CL heights in accordance with the ADG and BCA. Y
Minimum Ceiling Height for all apartment and mixed use buildings														
Habitable rooms	2.7m													
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If located in mixed use areas	3.3m for ground and first floor to promote future flexibility of use.													
4D Apartment Size and Layout 1. Apartments are required to have the following minimum internal areas: <table><tr><th>Apartment Type</th><th>Minimum Internal Area</th></tr><tr><td>Studio</td><td>35m²</td></tr><tr><td>1-Bedroom</td><td>50m²</td></tr><tr><td>2-Bedroom</td><td>70m²</td></tr><tr><td>3-Bedroom</td><td>90m²</td></tr></table> The minimum internal areas include only one bathroom. Additional bathrooms increase the minimum internal area by 5m2 each. A fourth bedroom and further additional bedrooms increase the minimum internal area by 12m2 each. 2. Every habitable room must have a window in an external wall with a total minimum glass area of not less than 10% of the floor area of the room. Daylight and air may not be borrowed from other rooms. 3. Habitable room depths are limited to a maximum of 2.5 x the ceiling height.	Apartment Type	Minimum Internal Area	Studio	35m ²	1-Bedroom	50m ²	2-Bedroom	70m ²	3-Bedroom	90m ²		All apartments within the development exceed the required floor area. All bedrooms are spacious, with a size greater than the minimum required. The development provides generous internal dimensions that exceed the ADG design criteria to bedrooms and promote higher level of internal amenities for the occupants. Y		
Apartment Type	Minimum Internal Area													
Studio	35m ²													
1-Bedroom	50m ²													
2-Bedroom	70m ²													
3-Bedroom	90m ²													

<div><div><div>4. In open plan layouts (where the living, dining and kitchen are combined) the maximum habitable room depth is 8m from a window.</div><div>5. Master bedrooms have a minimum area of 10m2 and other bedrooms 9m2 (excluding wardrobe space).</div><div>6. Bedrooms have a minimum dimension of 3m (excluding wardrobe space).</div><div>7. Living rooms or combined living/dining rooms have a minimum width of:<div><div>3.6m for studio and 1 bedroom apartments</div><div>4m for 2 and 3 bedroom apartments</div></div></div><div>8. The width of cross-over or cross-through apartments are at least 4m internally to avoid deep narrow apartment layouts.</div></div></div>																	
<div><div><div><div>4E Private Open Space and Balconies</div><div>1. All apartments are required to have primary balconies as follows:</div><table><tr><th>Apartment Type</th><th>Minimum Area</th><th>Minimum Depth</th></tr><tr><td>Studio</td><td>4m²</td><td>-</td></tr><tr><td>1-Bedroom</td><td>8m²</td><td>2m</td></tr><tr><td>2-Bedroom</td><td>10m²</td><td>2m</td></tr><tr><td>3-Bedroom</td><td>12m²</td><td>2.4m</td></tr></table><div>The minimum balcony depth to be counted as contributing to the balcony area is 1m.</div><div>2. For apartments at ground level or on a podium or similar structure, a private open space is provided instead of a balcony. It must have a minimum area of 15m2 and a minimum depth of 3m.</div><div>3. Primary private open space and balconies are appropriately located to enhance liveability for residents.</div><div>4. Private open space and balcony design is integrated into and contributes to the overall architectural form and detail of the building.</div><div>5. Private open space and balcony design maximises safety.</div></div></div></div>	Apartment Type	Minimum Area	Minimum Depth	Studio	4m ²	-	1-Bedroom	8m ²	2m	2-Bedroom	10m ²	2m	3-Bedroom	12m ²	2.4m	<div><div>The proposed private open spaces comply with the minimum area requirements as follows:</div><div>1-bedroom units – balconies vary from 8.8m² to 19.55m².</div><div>2-bedroom units – balconies vary from 12m² to 19.55m².</div><div>All apartments on the ground floor level have a private open space greater than 15m². All balconies and ground-level private open spaces are directly accessed by the living room.</div></div>	<div>Y</div>
Apartment Type	Minimum Area	Minimum Depth															
Studio	4m ²	-															
1-Bedroom	8m ²	2m															
2-Bedroom	10m ²	2m															
3-Bedroom	12m ²	2.4m															
<div><div><div><div>4F Common Circulation and Space</div><div>1. The maximum number of apartments off a circulation core on a single level is eight.</div><div>2. For buildings of 10 storeys and over, the maximum number of apartments sharing a single lift is 40.</div><div>3. Common circulation spaces promote safety and provide for social interaction between residents.</div></div></div></div>	<div><div>The maximum number of apartments on the circulation core is seven (7), compliant with the ADG. Each floor is provided with two (2) sets of stairs and a lift. The common circulation receives adequate daylight and natural ventilation.</div></div>	<div>Y</div>															
<div><div><div><div>4G Storage</div><div>1. In addition to storage in kitchens, bathrooms and bedrooms, the following storage is provided:</div><table><tr><th>Apartment Type</th><th>Storage Size Volume</th></tr><tr><td>Studio</td><td>4m³</td></tr><tr><td>1-Bedroom</td><td>6m³</td></tr></table></div></div></div>	Apartment Type	Storage Size Volume	Studio	4m ³	1-Bedroom	6m ³	<div><div>Adequate storage is provided for each apartment.</div></div>	<div>Y</div>									
Apartment Type	Storage Size Volume																
Studio	4m ³																
1-Bedroom	6m ³																

2-Bedroom	8m ³			
3-Bedroom	10m ³			
At least 50% of the required storage is to be located within the apartment. 2. Additional storage is conveniently located, accessible and nominated for individual apartments.				
4H Acoustic Privacy 1. Noise transfer is minimised through the siting of buildings and building layout. 2. Noise impacts are mitigated within apartments through layout and acoustic treatments.		Party walls are appropriately insulated to avoid noise transmission between the apartments and from common circulation. The internal layout is adequately designed to group rooms with similar uses and noise requirements, whilst reducing party walls between units.		Y
4J Noise and Pollution 1. In noisy or hostile environments, the impacts of external noise and pollution are minimised through the careful siting and layout of buildings. 2. Appropriate noise shielding or attenuation techniques for the building design, construction and choice of materials are used to mitigate noise transmission.		The site is not constrained by any unreasonable noise sources. The building is pushed away from the industrial lands to the west and incorporates dense vegetative screening throughout to minimise any noise generated from weekend sports on Dukes Green.		Y
4K Apartment Mix 1. A range of apartment types and sizes is provided to cater for different household types now and into the future. 2. The apartment mix is distributed to suitable locations within the building.		The development provides an apartment mix of 11x 1-bedroom and 8x 2-bedroom units that responds to the current typology demand for affordable housing within the locality in accordance with the NSW LAGC Wagga Wagga Local Area Analysis. The proposed apartment types will contribute to meeting the current and future housing needs of the community with a high level of internal amenity.		Y
4M Facades 1. Building facades provide visual interest along the street while respecting the character of the local area. 2. Building functions are expressed by the façade.		The facades design incorporates a variety of materials, finishes and building elements such as rendered walls, brickwork, screens, and balconies (with a mix of aluminium battens screening and glass balustrades), which create articulation and compose block elements.		Y

	The colour palette includes light and dark grey, beige and clay brown.	
4N Roof Design 1. Roof treatments are integrated into the building design and positively respond to the street. 2. Opportunities to use roof space for residential accommodation and open space are maximised. 3. Roof design incorporates sustainability features.	The proposed slightly pitched roof integrates with the building design and contributes to the visual interest of the façade creating a horizontal element. The roof is sympathetic with the contemporary architectural design whilst reflecting an adequate development scale and form, being recessed from the block of balconies.	Y

<div><div>4O Landscape Design</div><div><div>1. Recommended tree planting in deep soil zones</div><table><thead><tr><th>Site Area</th><th>Recommended Tree Planting</th></tr></thead><tbody><tr><td>Up to 850m²</td><td>1 medium tree per 50m² of deep soil zone.</td></tr><tr><td>850 – 1,500m²</td><td>1 large tree or 2 medium trees per 90m² of deep soil zone.</td></tr><tr><td>Greater than 1,500m²</td><td>1 large tree or 2 medium trees per 80m² of deep soil zone.</td></tr></tbody></table><div><div>2. Landscape design is viable and sustainable.</div><div>3. Landscape design contributes to the streetscape and amenity.</div></div></div></div>	Site Area	Recommended Tree Planting	Up to 850m ²	1 medium tree per 50m ² of deep soil zone.	850 – 1,500m ²	1 large tree or 2 medium trees per 90m ² of deep soil zone.	Greater than 1,500m ²	1 large tree or 2 medium trees per 80m ² of deep soil zone.	<div><div>The development application is accompanied by a Landscape Plan prepared by Stantec, which implements several suitable tree species within the site, including six (6) trees along the frontage to South Pde with maximum mature height varying from between 4 and 10 metres.</div><div>The proposed trees and plantings enhance the streetscape and amenity for the occupants, contributing to privacy and shading.</div></div>	<div>Y</div>																											
Site Area	Recommended Tree Planting																																				
Up to 850m ²	1 medium tree per 50m ² of deep soil zone.																																				
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<div><div>4P Planting on Structures</div><table><thead><tr><th>Plant Type</th><th>Definition</th><th>Soil Vol.</th><th>Soil Depth</th><th>Soil Area</th></tr></thead><tbody><tr><td>Large tree</td><td>12-18m high, up to 16m crown spread at maturity.</td><td>150m³</td><td>1,200mm</td><td>10x10m</td></tr><tr><td>Medium tree</td><td>8-12m high, up to 8m crown spread at maturity.</td><td>35m³</td><td>1,000mm</td><td>6x6m</td></tr><tr><td>Small tree</td><td>6-8m high, up to 4m crown spread at maturity.</td><td>9m³</td><td>800mm</td><td>3.5x3.5m</td></tr><tr><td>Shrubs</td><td></td><td></td><td>500-600mm</td><td></td></tr><tr><td>Ground Cover</td><td></td><td></td><td>300-400mm</td><td></td></tr><tr><td>Turf</td><td></td><td></td><td>200mm</td><td></td></tr></tbody></table><div><div>1. Appropriate soil profiles are provided.</div><div>2. Plant growth is optimised with appropriate selection and maintenance.</div><div>3. Planting on structures contributes to the quality and amenity of communal and public open spaces.</div></div></div>	Plant Type	Definition	Soil Vol.	Soil Depth	Soil Area	Large tree	12-18m high, up to 16m crown spread at maturity.	150m ³	1,200mm	10x10m	Medium tree	8-12m high, up to 8m crown spread at maturity.	35m ³	1,000mm	6x6m	Small tree	6-8m high, up to 4m crown spread at maturity.	9m ³	800mm	3.5x3.5m	Shrubs			500-600mm		Ground Cover			300-400mm		Turf			200mm		<div><div>The development does not include the provision of planting on structures such as green walls, green roofs or roof top gardens. The provision of landscape and deep soil area on the ground floor level is considered sufficient and appropriate for the site and development.</div></div>	<div>N/A</div>
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Large tree	12-18m high, up to 16m crown spread at maturity.	150m ³	1,200mm	10x10m																																	
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Turf			200mm																																		
<div><div>4Q Universal Design</div><div><div>1. Universal design features are included in apartment design to promote flexible housing for all community members.</div><div>2. A variety of apartments with adaptable designs are provided.</div><div>3. Apartment layouts are flexible and accommodate a range of lifestyle needs.</div></div></div>	<div><div>The development complies with the ADG incorporating the Livable Housing Guideline’s silver level universal design features to all apartments. 3 of the 19 apartments are designed as adaptable</div></div>	<div>Y</div>																																			

	housing. All bedrooms are spacious to provide multiple functions.	
4R Adaptive Reuse 1. New additions to existing buildings are contemporary and complementary and enhance an area's identity and sense of place. 2. Adapted buildings provide residential amenity while not precluding future adaptive reuse.	The existing structures on site are not suitable for adaptive reuse, particularly for the purpose of residential flat buildings.	N/A
4S Mixed Use 1. Mixed use developments are provided in appropriate locations and provide active street frontages that encourage pedestrian movement. 2. Residential levels of the building are integrated within the development, and safety and amenity is maximised for residents.	No mixed-use component is sought. Residential flat buildings are a permitted land use within the R1 General Residential zone.	N/A
4T Awnings and Signage 1. Awnings are well located and complement and integrate with the building design. 2. Signage responds to the context and desired streetscape character.	No awning or signage is sought. Such elements would be discordant with the pattern of development on South Parade.	Y
4U Energy Efficiency 1. Development incorporates passive environmental design. 2. Development incorporates passive solar design to optimise heat storage in winter and reduce heat transfer in summer. 3. Adequate natural ventilation minimises the need for mechanical ventilation.	The development application is accompanied by a BASIX Certificate, achieving sustainability requirements for energy, water and thermal comfort. The apartments are orientated to enjoy north solar access, whilst the development includes shading trees along the north boundary and sun shade awnings to north, east and west-facing windows to contribute to energy efficiency. Natural ventilation is provided to all habitable rooms and common circulation areas, avoiding reliance on mechanical ventilation.	Y

4V Water Management 1. Potable water use is minimised. 2. Urban stormwater is treated on site before being discharged to receiving waters. 3. Flood management systems are integrated into site design.	Deep soil and permeable surfaces are maximised within the site to minimise the impact of stormwater runoff on the environment.	Y
4W Waste Management 1. Waste storage facilities are designed to minimise impacts on the streetscape, building entry and amenity of residents. 2. Domestic waste is minimised by providing safe and convenient source separation and recycling.	The proposed waste storage room has been designed in accordance with Council's waste management guidelines, being adequately sized and ventilated. Confirmation has been received from Council's Waste Officer that the solution proposed is satisfactory.	Y
4X Building Maintenance 1. Building design detail provides protection from weathering. 2. Systems and access enable ease of maintenance. 3. Material selection reduces ongoing maintenance costs.	The building is to be constructed in robust and durable materials. LAHC as the owner of the site has incorporated a material palette that requires minimal maintenance.	Y

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