Statement of Environmental Effects

Proposed Development |**Mixed Use Development (3 x Commercial Suites, 2 x Dwellings)**

Property Address | **Boomerang Drive, Blueys Beach NSW 2428**

Property Description |**Lot 23 DP 537919**

Property Owner| **Addenbrook Pty Ltd**

2 December 2024

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1. Introduction

1.1. Executive Summary

This proposal seeks development consent for the construction of a two-storey mixed-use development comprising three (3) commercial suites and two (2) residential apartments in Blueys Beach. The proposed development is defined as Shop-Top Housing and is permissible on the subject land.

The development has been designed to comply with adaptable housing provisions and is generally compliant with relevant state and local planning provisions. A variation is sought to Clause 4.4 of the LEP pertaining to FSR for commercial premises.

The proposal is responsive to meeting the needs of the Blueys Beach commercial precinct and has been designed with consideration of key site constraints and the context of the surrounding development.

1.2. Background and Pre-lodgement Advice

Consent was granted on 20 March 2024 for a seventy (70) lot community title subdivision of subject land pursuant to DA2022/1099. The approved subdivision allows for the creation of sixty-four (64) residential lots, and one (1) commercial lot, one (1) conservation lot and three (3) lots for drainage reserve and parking.

A concept for the proposed development was presented to MidCoast Council's Development Assessment Panel at a pre-lodgement meeting held on Tuesday 9 April 2024. The proposed concept was presented as a mixed-use development comprising three (3) commercial units and two (2) first floor residential apartments, similar to the proposed development.

Council conceded that the minimum commercial floor space ratio of 0.3:1, pursuant to clause 4.4 (2a) of the LEP is not always viable and indicated that a clause 4.6 variation would be required to seek a variation to this provision. Subsequently, a request to vary this development standard, pursuant to clause 4.6, also accompanies this proposal.

Advice from Council has been included in the final design and details are provided within the respective reports and plans, which have also been revised accordingly.

At the time of lodging this application the land upon which the development relates has not been excised from the parent lot (Lot 23). A Subdivision Works Certificate has been lodged with Council and currently awaiting determination. It's anticipated that the registration of the new lot pertaining to the development will not be completed until mid 2025. The timing of the lodgement of the application was discussed at the pre-lodgement meeting with

respect to the timing of the subdivision works. It is understood that it would be feasible to assess and determine the proposal prior to the new commercial lot being registered. It's anticipated that Council will condition that all works associated with the extension of infrastructures and services, including the road adjacent to the site, be completed prior to the issue of a Construction Certificate (CC) for this proposal. A copy of the Subdivision Works Certificate plans associated with the creation of the commercial lot is provided in **Appendix A.**

1.3. Scope of Report

This Statement of Environmental Effects has been prepared to accompany the development application for the proposed development. This document provides information as required by the *Environmental Planning and Assessment Act 1979* (EP&A Act) to assist in the assessment of the proposal and addresses matters that are required to be considered by the consent authority under the provisions of clause 4.15 of the EP&A Act.

The purpose of this statement is to address planning issues associated with the proposed development and specifically assess the likely impacts of the development on the environment in accordance with the requirements of the EP&A Act. This document is set out in three main sections: *Site Analysis, Proposed Development and Planning Assessment.*

The proposed development is supported by a series of specialist reports, plans and other documents as listed in Table 1 below:

Table 1 Supporting Documentation and Plans		
Document	**Author**	**Reference**
Architectural Plans	Michael Fox Architects Pty Ltd & Ian Sercombe Architect Pty Ltd	Appendix A
Stormwater Assessment (including WSUD & OSD)	Chase CM	Appendix B
Bushfire Assessment Report	Stantec Australia Pty Ltd	Appendix C
Access Consultants Report	Access Australia	Appendix D
Design Verification Statement	Michael Fox Architects	Appendix E
BASIX & NatHERS Certificates	Leanne Housman	Appendix F
Great Lakes LEP 2014 Clause 4.6 Request to Vary Development Standards	Swift Planning	Appendix G
Great Lakes DCP 2014 Compliance Table	Swift Planning	Appendix H
Site Waste Minimisation Plan	Swift Planning	Appendix I

2. Site Analysis and Context

2.1. Site Details & Description

Property Address:	Boomerang Drive, BLUEYS BEACH NSW 2428
Land Description:	Lot 23 DP 537919
Zoning:	E1 –Local Centre Zone, C2 Environmental Conservation, C4 Environmental Living, R2 – Low Density Residential, RU2 Rural Landscape
Site Area:	34 hectares
Owner:	Addenbrook Pty Ltd

The subject land ("the site") comprises land described as Lot 23 DP 537919 and adjoins the existing village of Blueys Beach to the south-west. The site is a large vacant allotment, with an area of 34 hectares and has frontages to Boomerang Drive.

The irregular shaped allotment contains a varied landform with steep and densely forested areas of the western side of the site. The eastern portion of the site has previously been cleared and comprises a more moderated and undulating landform.

Adjoining land to the north consists of established commercial and residential development on smaller lots with frontages to Boomerang Drive. Land adjoining the site along its eastern boundary also contains residential development on standard sized residential allotments which obtain access from several local roads. Adjoining land along the site's western boundary is undeveloped land which contains densely forested vegetation and is predominately zoned for environmental conservation.

Given the sites diverse landscapes and constraints, the site is zoned C2 Environmental Conservation, E1 Local Centre zone, R2 Low Density Residential and RU2 Rural Landscapes under the provisions of the Great Lakes Local Environmental Plan 2014.

The site is currently vacant with no structures on the site. Vegetation on the site consists of grasses and dry sclerophyll forest communities. Consent was granted in 2023 for a community title subdivision comprising sixty-four (64) residential allotments and one (1) commercial allotment. The construction of the subdivision is expected to commence in early 2025.

The development site within existing Lot 23 to which the proposed development relates, is located adjacent to the northern boundary and comprises the whole of the land zoned E1 Local Centre Zone. Pursuant to the consent issued for the subdivision, this land will become one (1) commercial lot.

The development site is currently vacant and comprises a site area of 2,867m2. The development site contains a moderate slope

Land adjoining the development site to the north (Lot 9) contains an existing two storey building approved as a shop top housing development. A café is located on the ground floor with a residential dwelling located on the first floor. A small carpark is located on the eastern portion of Lot 9, with access extending from Boomerang Drive.

Land adjoining the development site to the north (Lot 10) contains an established motel. Land adjoining the development site to the east and west comprises establish residential dwellings on standard lots.

The site is classified as being bushfire prone, however is not identified as being flood prone land on Council's flood hazard maps.

Locality and landuse zoning maps depicting the site and the development site associated with the proposed development is provided in Figures 1-4 below.

Figure 1 –Site Locality Plan [source: Midcoast Council online mapping]

Figure 2 – Site Landuse Zoning Map ***[source: Midcoast Council online mapping]***

Figure 3 –Development Site Locality Plan [source: Midcoast Council online mapping]

Figure 4 – Development Site Landuse Zoning Map [source: Midcoast Council online mapping]

2.2. Site Context and Surrounding Area

Blueys Beach is a small coastal town within the locality known as Pacific Palms within the Midcoast Council Local Government Area. The town is located approximately 20 minutes' drive south of Forster, the nearest regional town.

The region is characterised by moderately to steeply sloping coastal headlands and associated ridge lines that gently grade down to lower lying areas. The site is located at the interface of the urban and bushland areas of Blueys Beach, and sit adjacent to residential land and a small strip of commercial land.

Development in the area predominately consists of single dwellings, many of which are used for short term holiday accommodation. A motel (Blueys Motel) and cafe (Kembali) are located on adjoining lands to the north of the site.

The development site within lot 23 is located on the northern portion of the land. As shown in Plate 1 below the development site is currently vacant.

Plate 1 – Development Site looking north towards the southern elevation of Bluey Motel and Kembali Café

2.3. Hazards

2.3.1. Bushfire

The site is classified as being bushfire prone land on maps held by the NSW Rural Fire Service. A map depicting the subject land within bushfire prone map area is provided in Figure 5 below.

Figure 5 –Bushfire Hazard Map ***[source: Midcoast Council online mapping***

2.3.2. Flooding

The subject land is not identified as being flood prone land pursuant to the Great Lakes LEP Flood Planning map.

2.4. Topography and Soils Characteristics

The landform comprises an extensive north-south orientated ridgeline located in the western edge of the site. The land descends steeply from an elevation of 146m to the east with varying slopes which is characterised by gully lines that drain to low-lying land to the east adjacent to the eastern and south-eastern boundaries.

The allotment is characterised by densely forested vegetation communities on steep inaccessible sloping landforms on the western portion of the site, and cleared undulating land with scattered trees on the eastern portion of the site.

The landform within the development site comprises an average slope of 11% (6.2 degrees), falling towards the north-north-east.

The western portion of the site is characterised by the Yagon Siltstone formation of the Myall Block Units. This comprises fossiliferous dark siltstone, mudstone and sandstone, and residual soils from weathering. The south-eastern portion of the site is characterised by coastal sand deposit which comprises marine deposits and fine to course grain sand.

The site is identified as containing class 5 Acid Sulfate Soils, pursuant to Acid Sulfate Soils maps contained within the Great Lakes Local Environmental Plan 2014. A map depicting the site within the Acid Sulfate Soils map area is provided in Figure 5 below.

Figure 6 – Acid Sulfate Soils Map ***[source: Midcoast Council online mapping]***

2.5. Vegetation

The site comprises seven (7) distinct vegetation communities which have previously been well investigated. Figure 7 below is an excerpt from the Wildlife Corridor Management Plan, prepared by Addenbrooke Pty Ltd for the approved subdivision on the lot, and provides a description of the plant community types (PCT) on the site.

The Parent Lot has seven (7) PCTs in varying vegetation conditions from poor to moderate:

- PCT 1215 – Spotted Gum – Grey Ironbark open forest of the Macleay Valley lowlands;
- PCT 1235 - Swamp Oak swamp forest of the coastal lowlands of the NSW North Coast Bioregion, commensurate with EEC *Swamp Sclerophyll Forest on Coastal Floodplains of NSW North Coast, Sydney Basin and South East Corner Bioregions*;
- PCT 1262 - Tallowwood – Small-fruited Grey Gum dry grassy open forest of the foothills of the NSW North Coast;
- PCT 1525 - Sandpaper Fig - Whalebone Tree warm temperate rainforest, commensurate with EEC *Lowland Rainforest in NSW North Coast and Sydney Basin Bioregions*;
- PCT 1537 - Tuckeroo - Yellow Tulipwood - Red fruited Olive Plum Littoral Rainforest of the lower North Coast, commensurate with EEC *Littoral Rainforest in NSW North Coast, Sydney Basin and South East Corner Bioregions*;
- PCT 1556 Tallowwood – Smooth-barked Apple – Blackbutt grass tall open forest of the Central and lower North Coast, commensurate with EEC *River-flat Eucalypt Forest on Coastal Floodplains of NSW North Coast, Sydney Basin and South East Corner Bioregions*; and
- PCT 1737 - Typha rushland, commensurate with EEC *Freshwater Wetlands on Coastal Floodplains of the NSW North Coast, Sydney Basin and South East Corner Bioregions*.

The remaining vegetation within the Parent Lot is classed as non-native grassland / cleared.

Figure 7 – Plant Communities Excerpt C [source: Wildlife Corridor Management Plan, Addenbrooke Pty Ltd]

Given its location and connectivity to nearby bushland, the site is identified as being within a protection corridor pursuant to the Protection of Wildlife Corridor maps contained within the Great Lakes LEP 2014. A map depicting the site within the Protection of Wildlife Corridors map area is provided in Figure 8 below.

The development site within Lot 23 contains grasses and a scattering of remnant trees.

2.6. Contaminated Land

The site is not known to be contaminated, and no potentially contaminating activities or developments are known to have previously occurred on the land.

Figure 8 – Protection of Wildlife Corridor Map [source: Midcoast Council online mapping]

2.7. Essential Services

The site is not currently connected to reticulated water, sewer and electricity services, however these services will all be extended as part of the approved subdivision. The development site is capable of connecting to all essential services.

2.8. Easements and Restrictions on Title

The subject allotment is not currently burdened by any easements or restrictions to the user on the title of the lands pertaining to specific development activities imposed by the developer at the time of the subdivision.

The development site will be burdened with easements for stormwater and sewer, upon the registration of the approved subdivision. As shown in Figure 9 below an easement will be created for stormwater and sewer adjacent to the southern boundary. An easement will also be created over the stormwater basin on the eastern side of the lot. Figure 9 also shows a stormwater easement adjacent to the northern boundary, on the eastern portion of the development site.

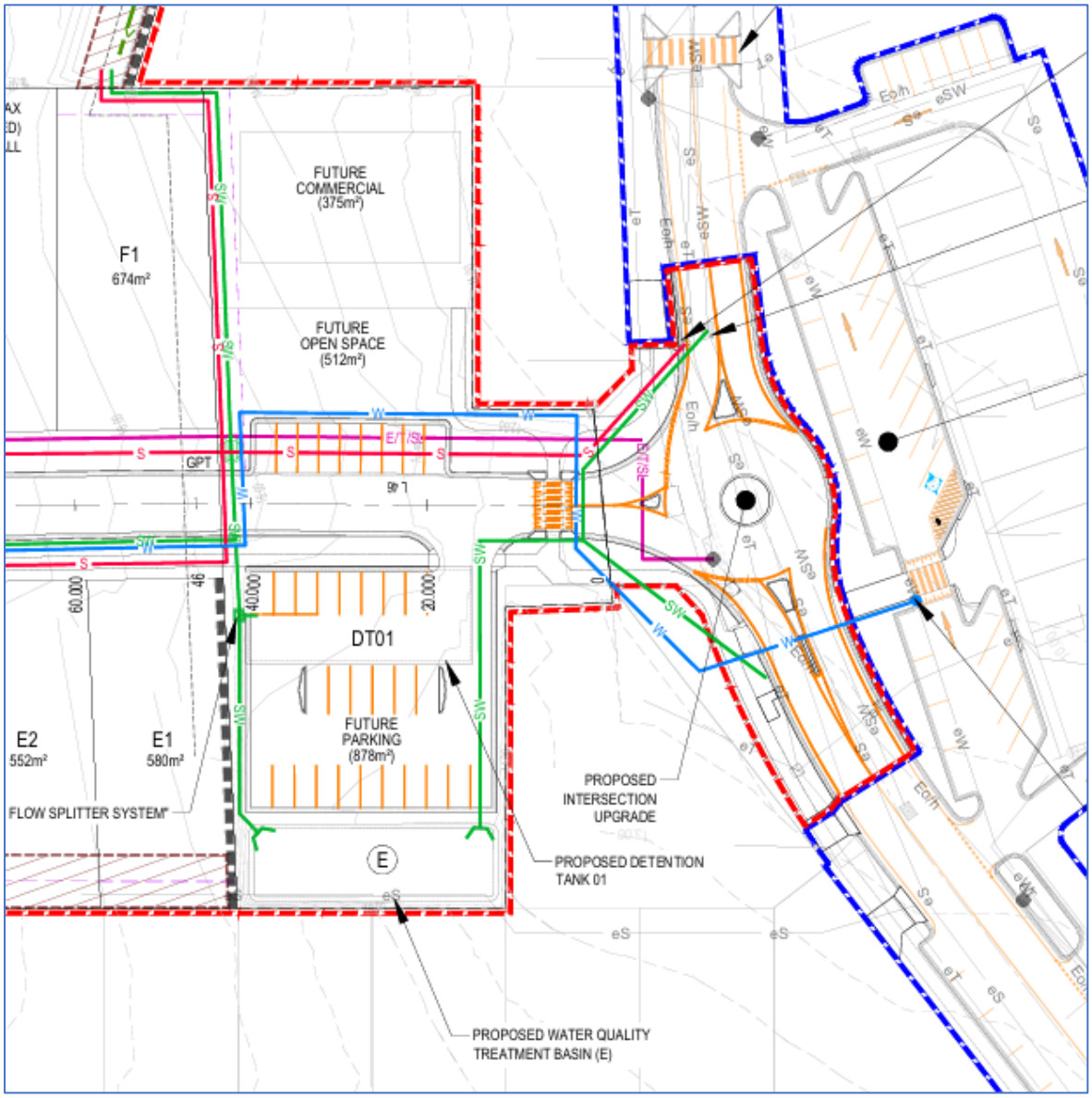

Figure 9 – Approved Plans showing easement locations on the development site

2.9. Site Access

The site currently has lawful access to Boomerang Drive and several other local roads, however no formal practical vehicle access has been established. The development site will gain both lawful and practical access from a new public road to be constructed extending south from Boomerang Drive.

2.10. Heritage

2.10.1. European Heritage

There are no items of European heritage listed as being present on the land or adjoining lands. The subject land is not located within a heritage conservation area.

2.10.2. Aboriginal Heritage

An AHIMS search has identified that a known Aboriginal site existing on Lot 23, however there are no known sites within the development site to which this proposal relates. Consideration has previously been given to the known site on Lot 23 during the assessment of the approved subdivision.

3. Proposed Development

3.1. Proposal overview

The proposed development seeks consent for a mixed-use development comprising three (3) commercial (retail) suites and two (2) residential apartments. The built form comprises a two storey building on the western portion of the development site with commercial spaces and onsite parking on the ground floor level, and residential apartments on the first floor level.

The proposal includes a car park on the eastern portion of the development site, with pedestrian connectivity via a footpath and street level crossing to the proposed building. The proposed car park comprises twenty-three (23) parking spaces.

The proposal comprises the following configuration of uses:

- 3 x commercial suites
- 2 x 3-bedroom dwellings

The building has been designed to comply with access provisions of the BCA, the Access to Premises Standard and other relevant design guidelines and standards. Dwelling 1 has been designed for adaptable housing and complies with *AS 4299–1995 – Adaptable housing standard.*

Architectural plans for the proposed development, prepared by architects Michael Fox & Ian Sercombe, detailing the development are provided in **Appendix A.** A full description of the proposal is detailed below.

3.2. Building configuration and arrangement

The proposed development involves the construction a two (2) storey building to accommodate both commercial and residential uses. The building has been designed to conform to the plans associated for the approved community title subdivision of the lot.

Details of the proposed configuration and services on each level is provided below:

Ground Level

- 3 x commercial suites (Retail Units 1-3)
- Open space area adjacent to street frontage, with tables, seating, landscaping, bicycle parking area and pathways.
- Waste storage (Commercial and Residential)
- Storage areas (Residential).

- Driveway and four (4) onsite parking spaces
- 23 x parking spaces, which will include one (1) accessible spaces, plus three (3) street parking spaces.
- Foyer, lifts and stairs

Level 1

- 2 x 3 bedroom apartments with private courtyard on eastern and western elevations (Dwelling 1 designed as an adaptable dwelling)
- Foyer, lifts/stairs and circulation areas

3.3. Summary of Proposed Development Data

Table 2 Summary of proposed key standards	
Site Area	2867m^2
Gross Floor Area (GFA)	
Ground Floor (Commercial)	343.25m^2
First Floor (Residential)	312.47m^2
Total GFA	655.72m^2
Commercial GFA	330.68m^2
Commercial FSR	0.12:1
Building Height	12.03m
Car Parking	29 spaces
Landscaped Area	128.3m^2
Open Space Area	265m^2

3.4. Car parking and Access

The proposed development provides on-site car parking areas in two (2) separate areas. The majority of parking to support the commercial element of the development is located on the eastern side of the development site. This car park will provide twenty-two (22) parking spaces, including one (1) accessible space, which will be accessed via the new road to be constructed with the subdivision. A footpath and accessible crossing will provide pedestrian access between the development on the western side of the road to the car park.

Four (4) on site parking spaces will also be provided within attached garages on the ground floor level of the building. One (1) of these spaces will be accessible parking space, compliant with AS4299 and will be allocated to adaptable dwelling, Dwelling 1. These

spaces will be accessed via a driveway extending from the new road within the subdivision and will be allocated to the residential units, two spaces per unit.

The proposal also includes the construction of three (3) on street parking spaces parallel to the kerb of the new road.

3.5. Commercial Development

The proposed development comprises three (3) ground floor level commercial units, and will all be directly accessible from the street frontage. Unit 1 is proposed as a café (food and drink premises), with Units 2 and 3 to be used for retail. No specific tenancies have been determined at the time of lodgement.

All commercial spaces are accessible via a paved area which transitions to footpaths connecting to the street frontage.

Unit 1 is located on the northern side of the building. This unit has a gross floor area of approximately 103.66m^2 and includes bathroom amenities. The front façade incorporates large glass windows and doors to activate the building's facade.

Units 2 and 3 will have a gross floor area of 140.58m2 and 86.6m2 respectively and will both include bathroom amenities. These spaces are not proposed to be used as food and drink premises.

3.6. Landscaping and Communal Open Space

A principle design element of the proposed development includes a large open space forecourt with selected landscaping. This area comprising an area of approximately 265m^2, and is positioned adjacent to the street frontage.

The open space area will comprise grassed areas and select feature plants to complement the streetscape and surrounding natural areas. The design and layout of the open space provides street activation and a space to encourage gathering of community. This space has been designed with consideration of visual and acoustic privacy of occupants within, and external, to the site to ensure amenity is not adversely affected.

Planter boxes have been incorporated into the external built form of the building's design to create visual interest and to enhance the positive interaction the building will have within the public domain. The external northern wall of the building will comprise a green wall, consisting of plantings over wire to soften the appearance of this wall and maximise the amenity of the occupants on the adjoining land to the north.

3.7. Waste Management

The proposed development includes adequate spaces for domestic and commercial bin storage for both residential and commercial uses. A dedicated waste storage area will provide for a minimum of 6 x 240 litre general waste bins and 6 x 240L recycling bins on the western side of the garage.

A suitably sized hardstand area is proposed adjacent to the western boundary for bin storage. Consultation with Council and JR Richards confirms that arrangements can be made for the domestic waste truck to enter the site for collection. An indemnity agreement between all parties will be entered into and any additional service fees applied to facilitate collection by the truck operator.

4. Planning Controls & Environmental Assessment

4.1. Environmental Planning and Assessment (EP&A) Act 1979

The objects of the EP&A Act are:

(a) to promote the social and economic welfare of the community and a better environment by the proper management, development and conservation of the State's natural and other resources,

(b) to facilitate ecologically sustainable development by integrating relevant economic, environmental and social considerations in decision-making about environmental planning and assessment,

(c) to promote the orderly and economic use and development of land,

(d) to promote the delivery and maintenance of affordable housing,

(e) to protect the environment, including the conservation of threatened and other species of native animals and plants, ecological communities and their habitats,

(f) to promote the sustainable management of built and cultural heritage (including Aboriginal cultural heritage),

(g) to promote good design and amenity of the built environment,

(h) to promote the proper construction and maintenance of buildings, including the protection of the health and safety of their occupants,

(i) to promote the sharing of the responsibility for environmental planning and assessment between the different levels of government in the State,

(j) to provide increased opportunity for community participation in environmental planning and assessment.

The proposed development is consistent with the objects of the EP&A Act, and will promote good design that is undertaken with careful consideration of the site's constraints. The assessment below provides justification for the development against the relevant matters that must be taken into consideration by the determining authority.

4.2. Rural Fires Act 1997

The site is identified as bushfire prone land. Pursuant to the *Rural Fires Act 1997* the development requires consideration of the provisions of Planning for Bush Fire Protection 2019.

A Bushfire Assessment Report prepared by Stantec is provided at **Appendix C**. This report addresses Clause 44 of the Rural Fires Regulation 2013 and makes recommendations to enable the proposed development to achieve the aims and objectives of NSW Rural Fire Service (2019) and the NSW Rural Fire Service document "Standards for asset protection zones".

The assessment demonstrates that the proposed development is consistent with the performance criteria detailed in Planning for Bush Fire Protection 2019.

4.3. State Environmental Planning Policies

4.3.1. State Environmental Planning Policy (Resilience and Hazards) 2021

Chapters 2 and 4 of The *State Environmental Planning Policy (Resilience and Hazards) 2021* is applicable to the proposed development.

4.3.1.1. Chapter 2 Coastal Management

The subject land is identified as being located within a "coastal use area" under the SEPP, as shown in Figure 10 below:

The proposal is consistent with the provisions contained within Chapter 2 Coastal Management of the SEPP. The proposed development maintains sufficient separation distance from nearby water bodies. The proposed development is for mixed use development comprising commercial and residential uses. The development site within Lot 23 does not contain any environmental sensitive land.

Figure 10 – SEPP (Resilience & Hazards) 2021 Coastal Management Mapping [source: Midcoast Council online mapping]

Detailed consideration of the relevant provisions of the SEPP is provided below:

Clause 2.11 Development on land within the coastal use area	
Consideration	**Comment**
Development consent must not be granted to development on land that is within the coastal use area unless the consent authority: (a) has considered whether the proposed development is likely to cause an adverse impact on the following:	
(i) existing, safe access to and along the foreshore, beach, headland or rock platform for members of the public, including persons with a disability,	The proposal will not have any adverse impacts on any existing safe access to foreshores, beaches or headlands.
(ii) overshadowing, wind funnelling and the loss of views from public places to foreshores,	The proposal will not impact views, overshadowing or wind funnelling of public places to foreshores.
(iii) the visual amenity and scenic qualities of the coast, including coastal headlands,	The proposal is not on lands adjoining a coastal foreshore and will not impact on visual amenity or scenic qualities of the coast, including coastal headlands.
(iv) Aboriginal cultural heritage, practices and places,	An AHIMs search has not identified any aboriginal cultural heritage places within the development site on the subject land.
(v) cultural and built environment heritage, and	The proposal does not affect any cultural or built environmental heritage
(b) is satisfied that—	
(i) the development is designed, sited and will be managed to avoid any adverse impact referred to in paragraph (a), or	The proposal is suitably sited to avoid adverse impacts on the coastal environment.
(ii) if that impact cannot be reasonably avoided—the development is designed, sited and will be managed to minimise that impact, or	The proposal will not have a significant impact on the coastal environment.

(iii) if that impact cannot be minimised—the development will be managed to mitigate that impact, and	The proposal will not have a significant impact on the coastal environment.
(c) has taken into account the surrounding coastal and built environment, and the bulk, scale and size of the proposed development.	The proposal is consistent with the surrounding coastal built environment and desired character of the area pursuant to Council's planning controls and future land use strategies.
Division 5 General-Clause 2.12– Development not to increase risk of coastal hazards	
Consideration	**Comment**
Development consent must not be granted to development on land within the coastal zone unless the consent authority is satisfied that the proposed development is not likely to cause increased risk of coastal hazards on that land or other land.	The proposed development is located outside the coastal risk areas identified by Council's DCP and coastal hazard assessments. The development will not cause an increased coastal hazard risk.
Division 5-General- Clause 2.13 – Coastal management programs to be considered	
Consideration	**Comment**
Development consent must not be granted to development on land within the coastal zone unless the consent authority has taken into consideration the relevant provisions of any certified coastal management program that applies to the land.	There are no coastal management programs applicable to the subject land.

4.3.2. State Environmental Planning Policy (BASIX) 2004

The *State Environmental Planning Policy (BASIX) 2004* is applicable to the proposal development. A BASIX certificate and NatHERS certificates for the proposed development are provided in **Appendix F**. The certificates demonstrate compliance with the provisions and targets for thermal comfort, water and energy efficiency as established by the SEPP.

4.4. Local Environmental Plan

4.4.1. Great Lakes Local Environmental Plan (LEP) 2014

The subject land is zoned E1 Local Centre Zone pursuant to the provisions of the Great Lakes Local Environmental Plan 2014 (LEP). The proposed development demonstrates compatibility with the predominant land use in the surrounding area and is consistent with the relevant objectives of the E1 zone which include:

- To provide a range of retail, business and community uses that serve the needs of people who live in, work in or visit the area.
- To encourage investment in local commercial development that generates employment opportunities and economic growth.
- To enable residential development that contributes to a vibrant and active local centre and is consistent with the Council's strategic planning for residential development in the area.
- To encourage business, retail, community and other non-residential land uses on the ground floor of buildings.
- To ensure traffic generation from development can be managed in a way that avoids conflict with the desired pedestrian environment.
- To maximise public transport patronage and encourage walking and cycling.
- To encourage employment opportunities in accessible locations.

The LEP defines a ***shop top housing*** *as one or more dwellings located above the ground floor of a building, where at least the ground floor is used for commercial premises or health services facilities.*

Shop top housing is permissible with consent on the E1 zone. Detailed consideration of the relevant provisions of the LEP is provided below:

Development standard	Comments
4.1 Minimum Subdivision Lot Size	N/A
4.3 Height of Buildings	Allowable maximum: 12m or 13.2m with Adaptable Housing Proposed: 12.03m
4.4 Floor Space Ratio	(2) No FSR Requirements 4.4 (2A) Required Commercial FSR: **0.3:1** Proposed Commercial FSR**: 0.12:1** **Refer to Appendix I – Clause 4.6 variation**
4.6 Variation to Development Standards	The proposed development seeks a variation to the FSR development standards. **Refer to Appendix I – Clause 4.6 variation.**

5.21 Flooding	The subject land is not identified as being flood prone.
7.1 Acid sulfate soils	The site is mapped as containing class 5 potential Acid Sulfate Soils. The proposed development will not result in the exposure of acid soils.
7.2 Earthworks	Minor earthworks are required for foundations of the development, driveway construction, car parking and connection of services. Suitable mitigation measures will be installed during construction to prevent the movement of soils off site. The proposed development is unlikely to have a detrimental effect on drainage patterns.
7.5 Stormwater management	The proposal includes details to mitigate the impacts of stormwater created by the development which includes stormwater detention and bioretention systems. A Stormwater Management Plan is provided is provided in **Appendix B**. The proposed development will reduce stormwater pollutants and achieves the targets specified within the Great Lakes DCP 2014 pertaining to water sensitive design.
7.21 Essential services	The site is capable of connecting to all essential services including reticulated sewer, electricity and water services. Service of all lots, including the development site, was previously considered with the subdivision approval.

4.5. Development Control Plan

4.5.1. Great Lakes Development Control Plan 2014

The Great Lakes Development Control Plan 2014 (DCP) makes detailed provisions which are applicable to the proposed development. The proposed development is consistent with the objectives of the DCP and is generally compliant with relevant provisions.

Detailed consideration of the relevant provisions of the DCP is provided in **Appendix H.**

4.6. Guidelines and other policies

4.6.1.1. Crime Prevention

Part B of the Department of Urban Affairs and Planning's (now Department of Planning and Environment) Crime Prevention and the Assessment of Development Applications:

Guidelines under Section 4.15 of the Environmental Planning and Assessment Act 1979 identify four (4) Crime Prevention through Environmental Design (CPTED) principles.

Each of the principles seeks to reduce opportunities for crime and have been used to inform the NSW Police Safer by Design Guidelines for Crime Prevention. The principles are:

- Surveillance;
- Access control;
- Territorial reinforcement; and
- Space management

The proposed development is consistent with the CPTED principles. The proposed development achieves crime prevention through providing opportunities for surveillance of the street, installation of security lighting, provision of way finding surveillance and the installation of security locks on doors and access to the carparking area. Locked gates will be installed to restrict access to the northern and western elevation of the building.

4.7. Impacts on the Natural and Built Environment

The proposal involves the construction of a two -storey building within Blueys Beach. The subject land is relatively unconstrained, and the development has been designed to predominately comply with relevant state and local planning requirements whilst also recognising the pre-existing conditions on the land.

The impacts of the proposed development on the natural and built environment, as well and the social and economic impacts, are discussed below.

4.7.1. Soil, Water & Air Quality Impacts

The proposed development has been designed to minimise environmental disturbance by adopting effective safeguards to protect air and water quality, as well as soil stability.

The site contains class 5 potential acid sulfate soils, however excavation works associated with the proposed development are unlikely to result in the exposure of acid soils located 5m below natural ground level.

The proposal includes biofiltration areas to treat stormwater captured from impervious surfaces associated with the development. The biofiltration area has been incorporated into the site design, and will remove contaminants such as phosphorus, gross pollutants and dissolved nitrogen which are known to adversely impact the health of natural waterways. Once treated, stormwater will discharge off site to the stormwater infrastructure which will be dedicated to Council upon completion of the subdivision.

The volume of stormwater created by a development has the potential to cause localised flooding. The proposed development has been designed to incorporate a storage capacity for onsite detention.

The stormwater plans in **Appendix B** provide calculations and details of the proposed integrated stormwater system in accordance with Councils' design requirements for onsite detention. Water held in the detention basin will allow for the controlled release of stormwater from the site, so to avoid the impacts of localised flooding.

An Erosion and Sediment Control Plan (ESCP) will be required to be implemented prior to and during construction of the development. Compliance with the ESCP will ensure sediment movement offsite during construction is restricted.

The proposed development is unlikely to have any adverse impacts on air quality. No demolition is required, and minimal excavations works are proposed. Should consent be granted it's anticipated that conditions will be imposed to control construction noise, dust and vibration generated by the development.

The proposed development is unlikely to generate any significant adverse impacts associated with soils, air and water quality.

4.7.2. Micro-climate impacts

The proposal will not have any significant adverse impact on surface or ground water regimes. The proposed development will have no significant impact on the micro-climate of the locality.

4.7.3. Flora and Fauna Impacts

Vegetation on the site has been heavily disturbed by past activities. The development site comprises grasses with a scattering of remnant native trees. The development site does not contain any threatened species or endangered ecological communities. The development site is not located immediately adjacent to any natural bushland areas or environmentally sensitive lands.

The proposal will not create any significant adverse impact on flora and fauna in the local area.

4.7.4. External Appearance and impact on streetscape

The design of the proposed building has been guided by the design principles within the Apartment Design Guide and Council's planning controls contained within the LEP and DCP.

The proposed development has been designed to accommodate the key site constraints, being landform and lot configuration. The approved subdivision of Lot 23 also requires that a portion of the site remains as 'open space'. This site layout provides for a substantial open space area adjacent to the street frontage for social interaction.

The proposed building adopts a contemporary appearance, with a street front façade containing an interesting and articulated presentation through the use of balcony design and modern architectural treatments which reflect the character of the new developments within Pacific Palms.

The design of the building, in combination with the proposed balconies with planter boxes, landscaping features, screens and material variations, serves to reduce the apparent visual bulk of the development and create visual interest. The built form of the development is two (2) storey with a small split in the ground floor level (between Unit 2 and 3) to follow the contours of the land.

The dominant building mass associated is setback approximately 15m from the future street frontage. This setback provides sufficient distance to mitigate visual impacts to the streetscape and minimise impacts on the amenity of the surrounding area.

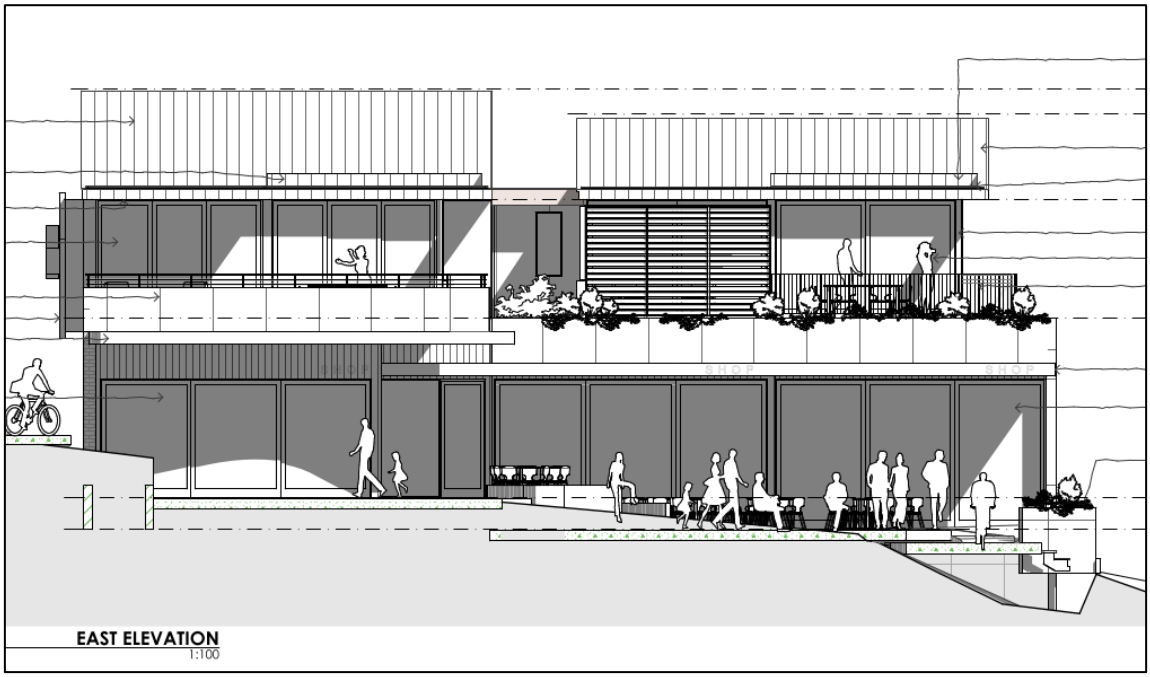

Figure 11 – Streetview Elevation of the proposed development

All apartments have sufficient private open space on verandahs extending from the eastern and western elevations. The proposed external finishes and materials are identified on the architectural plans and include masonry walls, concrete, glass, metal balustrading and metal roofing. A Design Verification Statement has been prepared by Michael Fox Architecture and is provided in **Appendix E.** This statement provides a detailed description of the architectural treatment of the proposal and its compliance with design standards.

It's considered that the proposed development will complement the existing commercial precinct of Blueys Beach and will achieve the desired future character of the area.

The contemporary architectural design of the proposed development will conform to the existing built environment and provides an appropriate transition from commercial to residential within the future streetscape.

4.7.5. View Loss and Visual Impact

The proposed development is unlikely to result is any adverse impacts pertaining to view loss or visual impact on the landscape. The views over the site are characterised by rural vistas. The proposed development will impede the existing rural views over the site enjoyed by development on land to the north and east. However the overall visual impact and view loss resulting from the proposed development will not be significant when considered in the context of the approved subdivision on the site.

The proposed development will not result in any loss of significant views currently enjoyed from the public domain or loss of any private substantial or highly valuable views enjoyed from adjacent properties.

4.7.6. Privacy (visual and acoustic)

The proposed development has been designed to minimise impacts of aural privacy, and the likelihood of any adverse overlooking or loss of privacy of neighbouring properties.

Internally, the proposal employs orientation, off-set floor plans and the use of dividing walls to provide clear definition and separation between private open space areas and internal living spaces. Internally adjacent dwellings and common walls will be constructed to comply with BCA requirements and all potential noise generating sources will be located on the ground level away from residential apartments.

The proposed development has been architecturally designed to protect visual privacy by ensuring suitable setbacks of dwellings from boundaries and ensuring balconies have been designed to minimise direct lines of sight within the site and from the public domain. Careful consideration has been given to minimising opportunities for overlooking the adjoining property to the north. Fixed screening will be installed on part of the northern elevation of Apartment 1 to minimise overlooking from the first-floor verandah.

The proposal is unlikely to have any significant adverse impacts on the aural and visual privacy of adjoining properties or the amenity of future residents.

4.7.7. Solar Access

The proposed building has been designed to incorporate passive solar design principles, through aspect and overhangs which will optimise shading and reduce heat transfers in the

summer months. Both residential apartments will achieve suitable access to sunlight in private outdoor areas and living rooms during winter months.

Shadow diagrams for the proposed development have been prepared for 9:00am, 12.00pm and 3:00pm on 21 June (midwinter). The shadow diagrams indicate that during midwinter the shadow cast by the proposed development principally will fall onto the adjoining land to the south. However given the existing landform and reduced levels of the proposed building, the shadow diagrams show that the adjoining land will only be impacted at 9am on 21 June.

4.7.8. Traffic & Noise Impacts

Suitable legal and physical access to the proposed development will be available from a new road to be constructed adjacent to the developments site's frontage. This road will extend from a new roundabout to be constructed on Boomerang Drive and has previously been approved as part of the subdivisions.

The proposed building is located on the western side of the new road and will be accessed via a driveway located adjacent to the southern boundary. Adequate site distances will be available from the proposed driveway at the street frontage.

The proposed car park is located on the eastern side of the new road and will be accessed via a driveway located adjacent to the northern boundary. This driveway has been designed in accordance with the standards and will provide vehicle access to the proposed car park.

The proposal will generate additional traffic movements relative to the context and setting of the site. Traffic generation and movement associated with the site's development have previously been considered as part of the subdivision. The proposed commercial use of this site is consistent with these considerations. The proposed development incorporates sufficient off-street car parking spaces compliant with the proposed use of the site.

The nature and use of the development is for commercial (retail) and residential use. The proposed development is unlikely to contribute to any significant long term noise generating aspects to the surrounding area, with the exception of temporary noise during construction.

4.7.9. Social & Economic Impacts

The proposal involves the construction of a multistorey development on vacant land within Blueys Beach commercial precinct. The development is infill development which is likely to

have a positive socio-economic impact through its contribution to additional commercial and residential development in the Pacific Palms area.

The proposal incorporates a large area of public open space onsite and will provide pedestrian connectivity to nearby commercial premises.

Undertaking the construction works will provide short term positive economic impacts through employment generation, both direct employment and multiplier effects. Accordingly, it is considered the proposed development is likely to result in positive social and economic impacts on the locality. The proposed development is unlikely to generate any adverse socio-economic impacts.

4.8. Site Suitability & Public Interest

The site is considered suitable to accommodate the proposed development. The proposed multi-storey mixed-use building will have access to all essential services and will not impact upon the environment or amenity of adjoining lands.

The proposed development is consistent with the objectives of all relevant legislative planning controls and is considered to be within the public interest.

5. Conclusion

Development consent is sought for the construction of a two-storey mixed-use development, on vacant land within the Blueys Beach commercial precinct. The proposed development incorporates a range of modern architectural design elements in response to the sites natural and built constraints. A key feature of the development is the use of open space and landscaping to create a vibrant communal space to retain the character of the Blueys Beach commercial precinct.

The proposal is permissible with consent in the E1 Local Centre zone and is compliant with the objectives of the Great Lakes LEP 2014. A minor variation is requested to the development standards pursuant to clause 4.6 regarding the FSR for Commercial Premises. The proposed variation to the development standards will not result in any adverse outcomes for the site and the general public.

The proposed development is also consistent with the objectives and provisions of the Great Lakes DCP 2014. The proposal is compatible with the character of the local area and is unlikely to result in any adverse effects on adjoining lands.

As demonstrated by this document, the proposed development is unlikely to have any significant environmental impacts with regard to the matters for consideration under Section 4.15 of the *Environmental Planning and Assessment Act 1979*.

Appendix G Clause 4.6 Variation to Development Standard Report

See Attached

Clause 4.6 - Exceptions to development standards

Proposed Development |**Mixed Use Development (3 x Commercial Suites, 2 x Dwellings)**

Property Address | **Lot 23 Boomerang Drive, Blueys Beach NSW 2428**

Property Description |**Lot 23 DP 537919**

Property Owner| **Addenbrook Pty Ltd**

3 December 2024

Contents

1. Introduction

Clause 4.6 of the Great Lakes Local Environmental Plan 2014 (LEP) provides a degree of flexibility in the application of certain development standards. This clause allows development standards to be varied where it can be demonstrated that compliance with the standard is unreasonable or unnecessary in the circumstances of the proposed development, and where there are sufficient environmental planning grounds to vary the standard.

2. Request to vary a development standard

The proposed request to vary a development standard is made pursuant to Clause 4.6 of the Great Lakes LEP 2014. This request to vary the standard is submitted to Council for consideration as part of the Statement of Environmental Effects for a development application for the construction of a mixed-use development, comprising commercial and residential uses on Lot 23 DP 537919, located at Lot 23 Boomerang Drive, Blueys Beach.

Clause 4.6 of the LEP allows Council to grant development consent for a development even though the proposed development contravenes a development standard. The objectives of Clause 4.6 are to provide an *"appropriate degree of flexibility"* to development standards in order to "*achieve better outcomes for and from development by allowing flexibility in particular circumstance".*

Clause 4.6 requires the consent authority to be satisfied of two (2) matters before granting consent to a development that relies upon contravention of a development standard. This includes:

i. That the applicant has suitably demonstrated that compliance with the development standard is **unreasonable or unnecessary** in the circumstances of the proposed development

ii. That the applicant has suitably demonstrated sufficient **environmental planning grounds** to justify contravening the development standard

The above matters have been well entrenched in case law in the NSW Land and Environmental Court (LEC) decisions. The LEC has established tests and considerations to be addressed in variations to development standards through cases such as *Wehbe v Pittwater Council* (2007), *Four2Five v Ashfield Council (2015)*, *Micaul Holdings Pty Ltd v Randwick City Council* and *Moskovich v Waverley Council (2016).* The outcome of these decisions resulting in principles for clause 4.6 variations.

The proposed clause 4.6 variation utilises the relevant principles established by the LEC referred to above.

3. Development standards to be varied

The development standard to be varied by the proposed development is Clause 4.4, subclause (2A) - Commercial Floor Space Ratio.

4. Variation to Clause 4.4(2A) – Floor Space Ratio

Pursuant to the LEP, clause 4.4 – Floor Space Ratio, states:

4.4 Floor space ratio

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

(a) to ensure that the scale of proposed buildings is compatible with the existing environmental character and the desired future urban character of the locality,

(b) to encourage a diversity of development on land in Zone E1 Local Centre, Zone E2 Commercial Centre, Zone E3 Productivity Support or Zone MU1 Mixed Use, which is unlikely to prejudice the supply of retail or business floor space in those zones,

(c) to permit a floor space ratio that will provide a transition in built form and land use intensity,

(d) to encourage residential development that is consistent with AS 4299—1995, Adaptable housing.

(2) 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.

(2A) Development consent must not be granted for development on land in Zone E1 Local Centre unless the development includes commercial premises with a floor space ratio of at least—

(a) for land identified as "Area A" on the Floor Space Ratio Map—0.3:1, and

(b) for land identified as "Area B" on the Floor Space Ratio Map—1:1.

(2AB) Subclause (2A) does not apply to the North Tuncurry Urban Release Area.

(2B) Despite subclause (2), the floor space ratio for a building on land in Zone R3 Medium Density Residential or Zone MU1 Mixed Business may exceed the floor space ratio shown for the land on the Floor Space Ratio Map by 10% if the consent authority is satisfied that—

(a) lift access will be provided to each level in the building, and

(b) the design of the building is consistent with AS 4299–1995, Adaptable housing.

(2C) Despite subclause (2), the floor space ratio for development for a purpose other than residential accommodation on land in Zone RU5 Village may exceed the floor space ratio shown for the land on the Floor Space Ratio Map.

4.1 Nature of Proposed Variation to development standard to be varied

Clause 4.4 (2A) of the Great Lakes LEP 2014 relates to floor space ratio requirements for commercial premises in a E1 Local Centre zone. The land is identified as "Area A" on the Floor Space Ratio Map, with a requirement for a minimum 0.3:1 ratio of commercial floor space to site area.

The LEP defines FSR as:

the floor space ratio of buildings on a site is the ratio of the gross floor area of all buildings within the site to the site area.

Figures 1 below shows the proposed commercial floor spaces within the building.

The commercial premises within the proposed development comprises a gross floor area (GFA) of 330.68m^2. Based on the site area of the future commercial lot being 2867m^2, which will comprise the car park and the proposed building, the proposed GFA represents a 0.12:1 ratio. It is noted at the time of lodgement, the commercial lot has not been registered.

To be compliant with the development standard of clause 4.4 (2A) the proposed development requires the commercial floor space to comprise a minimum GFA of 860.1m^2. The proposed development therefore represents a variation of 62% (or 529.42m^2) to the prescribed FSR development standard of a 0.3: 1 ratio.

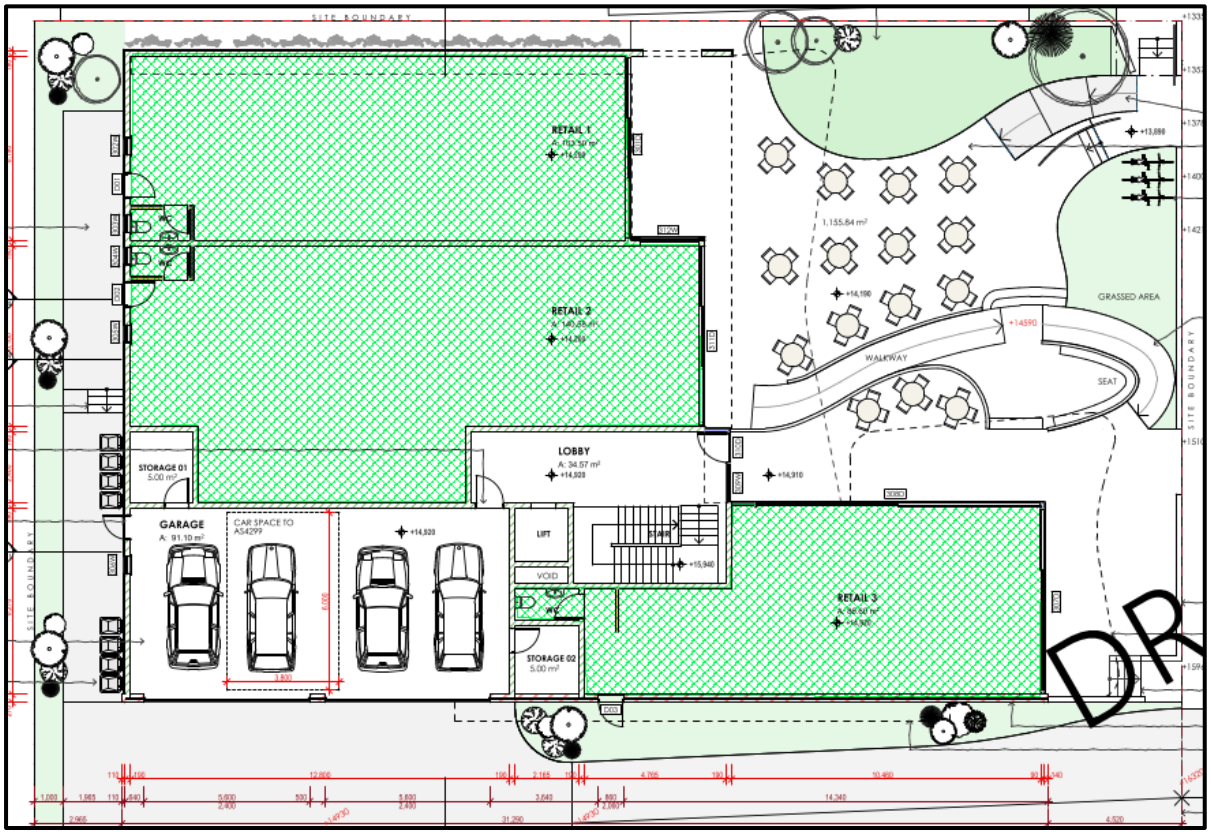

Figure 1 –Floor Plan showing GFA of Commercial Floor Space within the proposed development

5.2 Justification for Contravention of the development standard

Subclauses 3 of Clause 4.6 of the LEP establishes matters which must be considered and satisfied by Council in order to justify the contravention of a development standard.

Subclause 3 states:

3 Development consent must not be granted for development that contravenes a development standard unless the consent authority is satisfied that the applicatnt has demonstrated that -

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

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

4.2 Clause 4.6 (3)(a) – that compliance with the development standard is unreasonable and unnecessary in the circumstances of the case

The LEC decision in the case of Whebe v Pittwater Council (2007) outlined five ways through which a variation to a development standard has been considered unreasonable or unnecessary. This includes:

i. The objectives of the standard are achieved, notwithstanding non-compliance with the standard.

ii. The underlying objective or purpose of the standard is not relevant to the development and therefore compliance is unreasonable.

iii. The underlying objective or purpose would be defeated or thwarted if compliance was required and therefore compliance is unreasonable.

iv. The development standard has been virtually abandoned or destroyed by the Council's own actions in granting departures from the standard and hence compliance with the standard is unnecessary and unreasonable

v. The zoning of the particular land is unreasonable or inappropriate so that a development standard appropriate for that zoning is also unreasonable and unnecessary as it applies to the land and compliance with the standard would be unreasonable or unnecessary.

Points i and iv above are considered the most relevant to the circumstances of the proposed variation. Compliance with the minimum FSR for commercial premises development standard is considered unreasonable and unnecessary given the development meets the objectives of the standard.

Recent examples can be found on Midcoast Council's Development Standards Variation register where a departure from the development standard has been granted in similar circumstances as the proposed development. These variations illustrate that the development standard of clause 4.4(2A) has been virtually abandoned or destroyed by the Council's own actions in granting departures from the standard and hence compliance with the standard is unnecessary and unreasonable.

As per the outcome of *Whebe v Pittwater Council (2007)*, it has been held that these departures serve as grounds for demonstrating Council's acceptance of the development standard being unnecessary and unreasonable.

5.4 Clause 4.6 (3)(b) - that there are sufficient environmental planning grounds to justify contravening the development standard

The proposed variation can provide sufficient environmental planning grounds to justify contravening the development standard. This includes:

- The proposed development meets the objectives of the development standard, as well as the objectives of the E1 Local Centre zone (See further discussion on objectives below)
- Uncertainty with long term economic viability of commercial floor space given transient population in Blueys Beach.
- There is a disconnect between the FSR for the commercial premises of 0.3:1 for the site, compliance with car parking demands and economic viability of such mixed-use developments. To comply with the FSR requirements pertaining to commercial premises for this proposal, a minimum of thirteen (13) additional car parking spaces within the development site would be required. This would require the construction of a basement car park or multi-storey car park building which would render the project economically unviable.
- The proposed development achieves the objectives of Section 1.3 of the EP&A Act 1979 by:
    i. Promoting the orderly development and economic use of the land through redevelopment
    ii. Promoting good design and amenity of the building environment through a well-considered design that is responsive to its setting and context.
- The quantity and the quality of the variation is unlikely to generate any significant adverse impacts within the locality. The existing and desired future character of the area will not be impacted by the proposed variation.
- It is Council's intention to remove all FSR requirements for the majority of zones, including the E1 zone, with the MCC LEP, include FSR for commercial developments.

The merits of the proposal considered against its unique environmental planning grounds need to be balanced with the burden that strict compliance places on the site and whether strict compliance will result in a significantly better outcome. The proposed architecturally designed development seeks to provide a high-quality mixed use building within a coastal village setting. The non-compliance of the development standard will have no perceptible adverse impact on the streetscape, character or amenity of the area.

To require strict compliance would therefore result in an unreasonable financial burden on the development, potentially creating a supply of commercial tenancies in a location which experiences substantial fluctuation in demand due to seasonal population.

Building Design and Setbacks

The site layout, proposed building line and use of modern architectural design features provides articulation and minimises the visual dominance of the building. The bulk and scale of the building is comparable with modern structures constructed on adjoining sites. The building is predominantly setback 16m from the street frontage which provides a large open communal space area forward of the primary building line. This area is proposed to contain outdoor seating associated with a food and drink premises proposed for retail unit 1.

The built form contains an articulation zone, which projects forward of the building line towards the street frontage. The floor plate associated with Retail Unit 1 has a narrow 9m width which will extend 4.5m from the front boundary. The eastern (front) elevation of the building is well articulated, and first floor level is also stepped in and offset from the ground floor level. Contrasting materials, colours and textures will be utilised for external material to accentuate the different levels to further reduce the bulk and scale of the building.

The building is compliant with building height provisions and each massing element has been articulated with architectural elements or contrasting materials to reduce the appearance of the bulk and scale of the building. The walls along the side elevation are articulated with the inclusion of several windows, and utilise a combination of materials to provide visual interest. The proposed building will not impact on streetscape or amenity of adjoining properties.

Council's Future Approach to FSR

Council in its recent public exhibition and forums of the Draft MCC LEP confirmed that FSR provisions are not a development standard by which Council will assess development proposals in the future. This confirms Council's desire to dispose of this standard in the near future. As established by *Whebe v Pittwater Council (2007*), this demonstrates that the prescribed development standards for FSR have been virtually abandoned or destroyed by Council's revised policy approach.

Compliance with objectives of the development standard (Floor Space Ratio)

Despite the variation, the proposal will achieve the objectives of clause 4.4 and the objectives of the E1 Local Centre zone. The objectives of clause 4.4 are:

(a) to ensure that the scale of proposed buildings is compatible with the existing environmental character and the desired future urban character of the locality,

(b) to encourage a diversity of development on land in business zones, which is unlikely to prejudice the supply of retail or business floor space in those zones,

(c) to permit a floor space ratio that will provide a transition in built form and land use intensity,

(d) to encourage residential development that is consistent with AS 4299—1995, Adaptable housing.

Objective (a) refers to being "compatible" with the scale of buildings. Roseth SC in *Project Venture Developments Pty Ltd v Pittwater Council [2005] NSWLEC 191* provided guidance of the interpretation of "compatible" commenting that:

> *There are many dictionary definitions of compatible. The most apposite meaning in an urban design context is capable of existing together in harmony. Compatibility is thus different from sameness. It is generally accepted that buildings can exist together in harmony without having the same density, scale or appearance, though as the difference in these attributes increases, harmony is harder to achieve.*

Therefore "compatible" does not promote "sameness" in built form but rather requires that development fits comfortably with its setting and context.

The desired future character of the village is subjective and can be set by the existing development, recently approved development and proposed buildings within the neighbourhood. The site is zoned E1 Local Centre. Adjacent zones include R2 Low Density Residential and C2 Environmental Conservation.

The proposed development is considered a compatible building for the context and setting of the site and desired future character of the Blueys Beach town centre. The contemporary coastal architectural styling of the proposed building will create a suitable amount of commercial floor space. The proposed variation is considered compatible with the scale of existing and surrounding commercial buildings and is considered reasonable on this occasion. The development demonstrates compliance with objective (a) of the development standard.

The proposed development is consistent with objective (b) above and provides usable commercial floor space at a scale that promotes a range of uses. The proposed development is unlikely to prejudice the future development of retail and business floor space in the Blueys Beach town centre.

The proposed development is consistent with objective (d) above and can demonstrate compliance with the criteria for adaptable housing. A Statement of Compliance for adaptable housing has been prepared by an Access Consultant and is provided in

Appendix D. In this regard, lift access is provided to all levels of the building and the building is capable of complying with adaptable housing standards.

Compliance with objectives of the E1 zone

The objectives of the E1 zone are:

- *To provide a range of retail, business and community uses that serve the needs of people who live in, work in or visit the area.*
- *To encourage investment in local commercial development that generates employment opportunities and economic growth.*
- *To enable residential development that contributes to a vibrant and active local centre and is consistent with the Council's strategic planning for residential development in the area.*
- *To encourage business, retail, community and other non-residential land uses on the ground floor of buildings.*
- *To ensure traffic generation from development can be managed in a way that avoids conflict with the desired pedestrian environment.*
- *To maximise public transport patronage and encourage walking and cycling.*
- *To encourage employment opportunities in accessible locations.*

The proposed development demonstrates compliance with these objectives for the following reasons:

- The development will provide local commercial floor space that will generate additional employment opportunities at a compatible scale to the surrounding commercial precinct.
- The proposal will contribute to creating a vibrant and attractive town centre at Blueys Beach and promote opportunities to promote commercial activities.
- The proposal provides additional commercial floor space within the Blueys Beach commercial area which is economically viable and in an accessible location.
- The development will provide additional residential accommodation within a desirable location, with access to local services and recreation spaces.
-

5.7. Conclusion for Variation to FSR for Commercial Premises

It is requested that consent be granted to vary the development standard specified in clause 4.4 Floor Space Ratio of the Great Lake LEP 2014. Strict compliance with the

development standard in clause 4.4(2A) is considered unreasonable and unnecessary due to the following reasons:

- The proposed development is considered compatible to the character of the area.
- The variation will not adversely impact on the amenity of future occupants or adjoining lands.
- Strict compliance with the development standard will render the proposed development economically unviable.
- Strict compliance with the development standard is not necessary to achieve the objectives of the development standard and the zone.
- Similar variations to clause 4.4(2A) have been approved by Council in recent years illustrating that Council has abandoned the development standard and thus demonstrating that strict compliance is not necessary to achieve the objectives of the development standard.
- The subject site is considered suitable for the development, and it is considered that the variation to the development standard is within the public interest.

It is considered that the proposed development satisfies the established tests derived under case law for a clause 4.6 variation and is an appropriate form of development for the site. Strict application of the development standard within clause 4.4(2A) is considered unreasonable or unnecessary given the site-specific parameters and merits of the proposal.

As demonstrated above the proposed variation provides sufficient environmental planning grounds to justify contravening the development standard. In accordance with the objectives of the EP&A Act the proposed variation will promote good design and amenity, and will allow for the orderly and economic development of land.

Furthermore, the proposed variation to the development standard will not result in any adverse outcomes for the site, surrounding area or the general public. The proposed variation does not bring rise to any matters of State or regional environmental planning significance. It is considered that flexibility in the application of the development standard within clause 4.4 (2A) is justified on this occasion.

Appendix H Great Lakes DCP 2014 - Compliance Table

See Attached

Section 3 – Character Statements

DCP Section	Comments
3.2.1 Coastal Villages Additional Character Statements Characteristic	The proposed development is consistent with the objects of section 3 of the DCP and will contribute to the existing and desired further character of the coastal village area of Pacific Palms. The development respects the existing surrounding development and is responsive to the location within Blueys Beach. The built form will assist in shaping the desired future character of the precinct. The built form, style and use of the proposed development is reflective of the rising status of Blueys Beach as a thriving and liveable coastal village.
3.2.1.2 Pacific Palms	The development is located within the Pacific Palms area, categorised in the DCP as a Coastal Village. The desired future character of the Pacific Palms locality is derived from its inherent natural attributes associated with the National Park, Wallis Lake and proximity to the expansive Pacific Ocean and Marine Park. The desired character seeks to retain a low scale 'bushy' coastal setting by small scale sympathetic infill development in the low-density residential areas and sensitive low scale development in the low density greenfield areas. The proposed development comprises a contemporary designed modest two (2) storey building and includes commercial spaces at the street level, with residential apartments above. The building's design appropriately addresses its role within the public domain along the street frontage and its location within the commercial precinct. The proposed development conforms to the expectation of the character of the precinct which includes appropriate '*high quality design with an architecture suited to a sensitive coastal location'*. The proposal offers a selection of materials designed to be modern, robust and of high quality.

Section 4 - Environmental Considerations

DCP Section	Comments
4.1 Ecological Impacts	The proposal will not result in any significant adverse ecological impacts. The proposed development does not require the removal of any protected vegetation. No Endangered Ecological Communities or Threatened Species will be impacted by the proposal.
4.2 Flooding	N/A -The subject land is not identified as being flood prone.
4.3 Coastal Planning Areas	N/A -The subject land is not identified as being land within a coastal planning area.
4.4 Effluent Disposal	The proposed development is capable of connecting to Council's reticulated sewage system.
4.5 Poultry Farms	N/A – The subject land is not located within the vicinity of a poultry facility.
4.6 Contaminated lands	N/A -The subject land is not identified as being contaminated land.
4.7 Bushfire	The subject land is identified as being bushfire prone land on maps held by Council or the NSW RFS. A bushfire report provided in **Appendix C** gives consideration of the development against the requirements of the NSW rural Fires Servies guideline Planning for Bushfire Protection.

Section 6 – Residential Apartment Buildings, Mixed Use Development and Business Premises

DCP Section	Comments
6.1 General Building Design	
6.1 General Building Design The design, height and siting of the development must respond to its context, being both the natural and built features of an area. The Site and Context Analysis must be utilised as the process by which the opportunities and constraints of the site are identified, and the character of a local area defined. (1) The appearance of new development must be complementary to the buildings around it and the character of the street. New development must contain or respond to the essential elements that make up the character of the surrounding urban environment. This character is created by elements such as building height, setbacks, architectural style, window treatment and placement, materials and landscaping. (2) The following elements must be incorporated in the building design: (a) Articulate and fragment building walls that address the street and add visual interest. The appearance of blank walls or walls with only utility windows on the front elevation is not permitted. (b) Utilise high quality and durable materials and finishes. (c) Entrances must be visible at eye level from the street and well lit. (d) For those dwellings adjacent to the street frontage, the habitable rooms must face the street. (e) Ensure entrances can accommodate the movement of furniture.	The building has been sited to ensure it responds to both the natural and built features associated with the site, as well as ensuring commercial opportunities are maintained. The proposed layout and configuration of each floor has been designed to ensure commercial spaces have visibility and access to the primary street frontage, and that all residential apartments have access to private open spaces and solar access. The external appearance of the proposed building will integrate with the existing commercial built environment and future streetscape. The built form incorporates a combination of high-quality external finishes, including masonry, glass and metal features. As demonstrated by the Design Verification statement in **Appendix E,** the proposed building will create interest within the streetscape with articulated front building façades and clearly defined entry facades. The articulated building facades include architectural features such as covered balconies, awnings, and a combination of materials integrated with the overall building design to positively contribute to the surrounding built environment. The proposed development considers the street frontages by window/door placement, wall and roof articulation, feature elements and landscape treatments. The building has been designed to ensure built form diversity, passive surveillance and visual interest through the integration of front balconies and landscaping treatments.

(f) Avoid blank or solid walls and the use of dark or obscured glass on street frontages. (g) Air conditioning units must not be visible from the street. (h) Avoid bathroom windows on street frontages. (i) All residential buildings must be designed with building frontages and entries clearly addressing the street frontage. Dwellings adjacent to the street boundary must have individual entries from the street. (j) For multi-dwelling developments on corner sites, each frontage of the development must present as the primary street frontage. (k) Where garages are proposed on the front elevation they must be recessed, unless it can be demonstrated that the garages will not visually dominate the streetscape appearance of the building.	
6.2 Pedestrian Amenity	
6.2.1 Site Permeability (1) Where possible, links are to be open to the air, rather than enclosed or internal. (2) Where possible, existing dead-end lanes are to be extended through to the next street as redevelopment occurs. (3) New through block connections should provide convenient links to the existing and proposed pedestrian network. (4) Existing publicly and privately owned links are to be retained where appropriate. (5) Through block connections are to: (a) be a minimum width of 3m clear of all obstructions, (b) have active street frontages, casual surveillance and/or a street address along their length, (c) be clear and direct throughways for pedestrians, (d) be open to the air and publicly accessible at all times,	The proposed building will include multiple well defined entry points on the eastern façade to create ease of access for pedestrians through the site. The building includes a separate entry for each commercial space and a separate entry to a central lobby at street level for access to residential spaces. Residents will also have access through the site to garages at the rear. All commercial spaces have been designed suitably for disabled access. Further details shown on the floor plans demonstrate site permeability incorporated into the design. A dedicated lift is provided to service the residential units from the ground floor level. Sufficient floor space demonstrates all elements can be achieved including measures which will comply within Safer By Design principles.

(e) have signage at street entries indicating public accessibility and the street to which the through block connection links, (f) demonstrate the application of 'Safer-by-Design' principles, and (g) provide a direct line of sight along their length. (6) Arcades located within buildings should: (a) have a minimum width of 3m and be clear of all obstructions (including columns, stairs, escalators), (b) have active frontages along their length, (c) be clear and direct throughways for pedestrians, (d) provide public access at all business trading times, (e) where practical, have access to natural light, for at least 50% of their length, (f) where air conditioned, have clear glazed entry doors comprising at least 50% of the entrance, and (g) have signage at street entries indicating public accessibility and the street to which the arcade links, (h) and must be suitable for disabled access, (i) provide a direct line of sight along their length.	
6.2.2 Street Address	
(1) Active ground floor uses are to be at the same general level as the footpath and be accessible directly from the street. (2) Open grill or transparent security (at least 50% visually transparent) shutters are encouraged to retail frontages. (3) Provide multiple entrances for large developments including an entrance on each street frontage. (4) Residential developments are to provide a clear street address and direct pedestrian access to the primary street	As demonstrated by the proposed Ground Floor Plan in **Appendix A,** the development provides multiple entrances and active floor space at street level. The primary entry point to the commercial spaces on the ground floor level are well defined and directly accessible from the street via appropriately located walkways. The building design incorporates glass doors and windows along the street frontage at ground level to promote an active street frontage and a safe pedestrian environment.

front, and allow for residents to overlook all surrounding streets. (5) Provide direct 'front door' access to ground floor residential units. (6) Residential buildings are to provide not less than 65% of the lot width as street address.	All residential apartments have been designed with a private outdoor balcony which will facilitate overlooking of the public domain below.
6.2.3 Awnings	
(1) Awnings are to be a minimum height of 3.0m and a maximum height of 3.5m above the footpath level with provision for street trees. (2) Awnings or similar structures are to be located over all building entries to contribute to the legibility of residential and mixed use buildings and to provide weather protection for residents and visitors. (3) Awnings are to be designed so that they are: a) clear of powerlines; b) allow for the maintenance and protection of street trees; and **c)** direct stormwater from the awning to the internal stormwater system associated with the proposed development.	The proposed building includes awnings along the full length of the street frontage, which will project forward of the building. The awnings utilise a cantilever design and will be a minimum height of 3m above the finished paved level. The awning will be clear of powerlines and street trees.
6.2.4 Pedestrian Access	
(1) Main building entry points should be clearly visible and identifiable from primary street frontages. They should be enhanced as appropriate with awnings, building signage or high quality architectural features that improve clarity of building address and contribute to visitor and occupant amenity. (2) Achieve clear delineation of the transition between the public street and the building entry.	As demonstrated by the proposed Ground Floor Plan in **Appendix A,** the proposed building will include well defined and visible entry points which clearly delineate public space from building entries. There are four (4) entry points directly linking the public space along the Street frontage to the building. The entries associated with the ground floor commercial space are provided with a separate and direct public access from street.

(3) Provide separate entries for different uses from the car park (e.g. separate residential and commercial entries in mixed use development). (4) Design entries and associated circulation space of an adequate size to allow movement of furniture and other bulky items between public and private spaces. (5) Provide and design mailboxes to be convenient for residents and other occupant (6) The design of facilities (including car parking) for persons with a disability must comply with the relevant Australian Standard and the Disability Discrimination Act 1992 (as amended). (7) The development must provide at least one main pedestrian entrance with convenient barrier free access to all of the ground floor. (8) The development must provide convenient internal access, linking to public streets and building entry points. (9) Pedestrian access ways, entry paths and lobbies must use durable materials commensurate with the standard of the adjoining public domain (street) with appropriate slip resistant materials, tactile surfaces and contrasting colours.	The residential entry to the building provides street access to the lifts and car parking area on the ground floor level. Suitable circulation space has been provided to the lifts and lobby areas for movement of furniture and other bulky items. The buildings communal accessible areas have been designed to ensure compliance with DDA and utilised durable materials.
6.2.5 Safety and Security	
(1) Address 'Safer-by-Design' principles for the design of public and private domain, and in all developments (including the NSW Police 'Safer by Design' crime prevention through environmental design (CPTED) principles). (2) Ensure that the building design allows for casual surveillance of streets, accessways, entries, driveways, open car parks and public areas. (3) Avoid creating blind corners in pathways, arcades, stairwells, hallways and car parks. (4) Optimise the visibility, functionality of building entrances by:	The proposed development incorporates CPTED principles. The building has been designed to ensure casual surveillance of streets, entries and public areas. Building entries are clearly visible from the street frontage. The building's design does not provide opportunities to conceal intruders and will not create dark alcoves. The building is designed with multiple entrances with the residential lobby entrance being separate from any commercial entrances. Access to residential areas of the building will be restricted to occupants only. Suitable lightening will be provided to public and communal spaces including building entries, lobbies, stair wells, car parking areas and the communal open space. Security

(a) providing clear lines of sight between entrances, foyers and the street. (b) providing direct entry to ground floor units from the street. (c) providing separate and defined entries to residential and non-residential uses. (d) providing controlled access to residential units. (5) Where private open space is located within the front building setback any front fencing must be of a design and/or height, which allows for passive surveillance of the street. (6) The number of dwellings accessible from a single corridor is limited to a maximum of eight (8) per floor. (7) Provide adequate lighting of all pedestrian access ways, parking areas and building entries. Such lighting should be on a timer or movement detector to reduce energy consumption. (8) Ensure that commercial/retail/business uses on the ground floor open onto or overlook the street. (9) Avoid the creation of obscure or dark alcoves, which might conceal intruders. Provide clear lines of sight and well-lit routes throughout the development.	surveillance via CCTV will be provided throughout the building for added security measures. Sensors and timers for lighting will be utilised where appropriate to limit light disturbance and energy usage.
6.2.6 Fences	
(1) Front and side fences between the property boundary and the building setback line must be a maximum average height of 1.2m if solid or 1.5m if 50% transparent. (2) The maximum height of any portion of a front fence must not exceed 1.5m above street level. (3) Side fences between the front building line and the rear property boundary must be a maximum of 1.8m in height. (4) Fences must be constructed of timber, metal, lightweight materials or masonry. (5) The height and design of any proposed fence on top of a retaining wall must be included in the consideration	NA- No fencing is proposed with this development.

6.3 Building Configuration	
6.3.1 Adaptable Housing	
(1) Within developments subject to this Plan, 10% of all dwellings (or at least one dwelling) must be designed to be capable of adaptation for disabled or elderly residents. Dwellings must be designed in accordance with the Australian Adaptable Housing Standard, which includes "pre-adaptation" design details to ensure visitability is achieved. (2) Where possible, adaptable dwellings shall be located on the ground floor, for ease of access. (3) Dwellings located above the ground level of a building may only be provided as adaptable dwellings where lift access is available within the building. The lift access must provide access to all levels including the basement to allow access for people with disabilities. (4) Incorporate increased ceiling heights for the lower levels in buildings. (5) The development application must be accompanied by certification from an accredited Access Consultant confirming that the adaptable dwellings are capable of being modified, when required by the occupant, to comply with the Australian Adaptable Housing Standard.	All components of the proposed development demonstrate compliance with access requirements. Dwelling 1 has been designed to comply with the Adaptable Housing Standard. Further detail and consideration of the building's capacity to comply with accessible standards has been provided in the Access Report in **Appendix D**.
6.3.2 Adaptable Housing	
(1) Provide a mix of dwelling types and sizes as follows: (a) studio apartments – maximum 15% (b) 1 bedroom apartments – maximum 15% (c) 2 bedroom apartments – minimum 40% (d) 3 bedroom+ apartments – minimum 15% (2) Substantive variations to unit mix must be supported by an independent analysis of current and future market demand prepared by an appropriately qualified and experienced person.	The proposed development comprises two (2) residential dwellings which both comprise three (3) bedrooms The proposed development is a small scale mixed use development, comprising only two (2) residential apartments. This provision is not relevant to this proposal. The development will contribute to housing diversity in the local area and is compatible with Council's desired outcome of urban planning in Blueys Beach.

(3) Consideration should be given to the design of apartments to encourage future flexibility. This may include opportunities to combine smaller apartments with adjacent dwellings should resident's lifestyle change or may include the ability to accommodate other activities such as a home office. (4) Consideration should also be given to the location of one and three bedroom apartments on the ground level where accessibility is more easily achieved for disabled or elderly people and families with children. (5) Apartments should be designed with internal space which is flexible and adaptable to resident's requirements. This should involve the efficient utilisation of available floor space to maximise useable room areas. (6) Apartment layouts should also respond to the site opportunities, including views and aspect. (7) Provide apartments with the following minimum internal floor area: (a) Studio and 1 bedroom apartments 50m2 (b) 2 bedroom apartments 70m2 (c) 3 bedroom apartments 95m2	The layout of each apartment has been designed with consideration of the site's opportunities for views, solar access, private space and interaction with the public domain. A dwelling will have floor areas comprising of 145m^2 and 167m^2.
6.3.3 Ceiling Heights	
(1) Provide the following minimum floor to ceiling heights: (a) Minimum 3.3m for ground and first floor to encourage future flexibility of use as residential, retail or commercial. (b) A minimum 3.3m floor to ceiling height must be provided for all levels of a development within the town centre proposing only commercial or retail occupation. (c) For all other residential floors provide the following minimum floor to ceiling heights: i. 2.7m minimum for all habitable rooms on all floors. ii. 2.4m minimum for non-habitable rooms on all floors.	Plans for the proposed development demonstrate compliance with the requirements for ceiling height. Both residential apartments will have a 2.7m minimum ceiling height. Retail Units 1 and 2 on the ground floor will have a 4.4m ceiling height, with Retail Unit 1 having a ceiling height of 3.7m. Ceiling heights will allow for sufficient natural light and ventilation to each dwelling, and minimise the need for additional heating, cooling and lighting during the day.

(d) Attic spaces, must have a 1.5m minimum wall height at edge of room with a 30 degree minimum ceiling slope. (2) Maximise heights in habitable rooms by stacking wet areas from floor to floor. (3) Promote the use of ceiling fans for cooling and heat distribution. (4) Coordinate internal ceiling heights and slab levels with external heights requirements and key datum points, such as: (5) Parapet lines set by the context of adjoining buildings. (6) Elements of heritage or character buildings. (7) Exterior awning levels or colonnade heights.	
6.3.4 Storage	
(1) Residential and mixed use buildings are to provide a secure space to be set aside exclusively for storage for each residential dwelling unit. (2) The storage area must comply with the following requirements: (a) One bedroom apartments: storage area of 3m2 and storage volume 6m3 (b) Two bedroom apartments: storage area of 4m2 and storage volume 8m3 (c) Three or more bedroom apartments storage area of 5m2 and storage volume 10m3 (3) A minimum of 50% of the required storage within each apartment is to be accessible from either the hall or the living area. (4) Basement storage is to be provided either adjacent to the unit parking area or within a separate storage area that forms part of the unit title. (5) Where basement storage is provided, ensure that it does not compromise natural ventilation in car parks or create potential conflicts with fire regulations.	Plans for the proposed development in **Appendix A** provides details of proposed storage locations within each apartment level. Each residential unit will also have opportunity for additional storage within secure garages located on the ground level. Sufficient storage space compliant with the requirements of the DCP is proposed for each dwelling. The storage areas associated with each dwelling are positioned adjacent to hallways, living areas and bedrooms.

6.3.5 Basement and Podiums	
(1) The construction of a basement must respond to the site constraints and reduce the overall bulk and scale of a development. (2) Basements should not encroach upon the minimum setbacks to any property boundary. (3) The roof of any basement podium, measured to the top of any solid wall located on the podium, must not be greater than 1m above natural or finished ground level, when measured at any point on the outside walls of the building. On sites with a greater slope, a change in level in the basement must be provided to achieve this maximum height. (4) Council recognises that there may be occasions where this standard cannot be achieved. Should such a circumstance arise, the additional portion of the basement podium above 1m height must be included in the total gross floor area calculation for the development. (5) In addition, the following must be satisfied: a) landscaped terraces are provided in front of the basement podium to reduce the overall visual impact; b) the height of the basement does not result in the building having a bulk and scale which dominates the streetscape; and c) the main pedestrian entry to the building is identifiable and readily accessible from the street frontage. (6) The following setbacks from front, side and rear boundaries apply to basement podiums: a) Where the height of the basement podium (measured to the top of any solid wall located on the podium) is less than 1m above natural or finished ground level (whichever	N/A

distance is greater), the basement podium may extend to the property boundary. b) A minimum 1.5m wide landscaped planter must be provided on the perimeter of any section of the basement podium which is located on a side or rear property boundary. Such planter must prevent direct access to the outer edge of the podium, to minimise direct overlooking of adjacent dwellings and open space areas. c) Any portion of the basement (measured to the top of any solid wall located on the podium, excluding planter) which exceeds 1m above natural or finished ground level (whichever distance is greater) must be setback a minimum of 1.5m from the property boundaries, and thereafter at a ratio of 1:1 (height:setback), with this area to be landscaped. (7) Basements must be protected from inundation from 100 year ARI flood levels (or greater). (8) Driveways are to be designed with the crest at or above the local or mainstream 100 year flood level. (9) Driveway gradients are to be in accordance with AS 2890.1	
6.4 External Building Elements	
6.4.1 Façade Articulation	
(1) Adjoining buildings (particularly heritage buildings) are to be considered in the design buildings in terms of: (a) appropriate alignment and street frontage heights, (b) setbacks above street frontage heights, (c) appropriate materials and finishes selection, (d) facade proportions including horizontal or vertical emphasis, and (e) the provision of enclosed corners at street intersections.	The proposed development has considered the surrounding buildings, context and setting as described in the Design Verification Statement in **Appendix E.** A 3D image is provided in **Appendix A** which depicts the proposed building within the future street setting, and adjacent to the existing commercial site (Kembali). The external appearance of the building has been architecturally designed and will incorporate a range of modern building elements and features.

(2) Horizontal elements of new buildings at the street edge, such as string courses, cornices, parapets, window sills and heads are to relate to those of existing buildings, particularly heritage buildings. (3) Articulate facades so that they address the street and add visual interest. Buildings are to be articulated to differentiate between the base (street frontage height) and the top in design. (4) Establish a well proportioned vertical rhythm particularly up to street frontage height by breaking the facade into bays of up to 6m wide. (5) Visible parts of side and rear boundary walls are to be treated with similar consideration of proportion, detailing and materials as other elements of the façade. (6) Finishes with high maintenance costs, those susceptible to degradation or corrosion from a coastal environment or finishes that result in unacceptable amenity impacts, such as reflective glass, are to be avoided. (7) To assist articulation and visual interest, no single wall plane shall exceed 120m2. (8) The top storey of a building is to be setback from the outer face of the floors below on all sides. (9) Limit sections of opaque or blank walls greater than 4m in length along the ground floor to a maximum of 30% of the building frontage. (10) Highly reflective finishes and curtain wall glazing are not permitted above ground floor level. (11) A materials sample board and schedule is to be submitted with applications for development. (12) Limit excessive repetition of building modules to avoid monotony.	The facades of the building have been articulated with features such as covered balconies, metal balustrading, fixed louvers, landscaping within planter boxes, and large highlight windows. A combination of materials have been used to integrate with the overall building design to positively contribute to the surrounding built environment. The contrasting materials assist in reducing the appearance of the bulk and scale of the building. Special consideration has been given to the external northern wall of the building. This wall will comprise a green wall, consisting of plantings on a wire frame to soften the appearance of this wall and maximise the amenity of the occupants on the adjoining land to the north. The first-floor level of the building has also been stepped in on all sides assisting with the suitable articulation to the built form. The proposal has been suitably designed given the context and constraints of the land. Each massing element of the design has been carefully articulated. The development incorporates a generous open space area within the setback which will comprise grassed areas and select feature plants to complement the streetscape and surrounding natural areas. The building will positively contribute to the existing and future streetscapes, and add visual interest to the Blueys Beach commercial precinct.

6.4.2 Roof Design	
(1) Roof design shall relate to the desired built form by: (a) articulating the roof to minimise the apparent bulk and relate to the context of smaller building forms. (b) using a similar roof pitch or material to adjacent buildings, particularly in areas with an identifiable character. (c) using special roof features, which relate to the desired character of an area, to express important corners. (2) The roof height of a building shall be a maximum of 5.5m above the top-most floor level. This does not include any vent, chimney, flue, antennae or the like. (3) Roof design must respond to the orientation of the site and solar access. For example, by using eaves and skillion roof forms. (4) Roof projection is allowed beyond the outer face of the top storey. (5) Lift over runs and service plants must be concealed within the roof of the building to minimise the visual intrusiveness of service items. (6) Rooftop structures, such as air conditioning, lift motor rooms, satellite dishes, and the like are to be incorporated into the architectural design of the building. (7) Communication towers such as mobile phone towers and the like, but excluding satellite dishes, are not to be located on residential buildings. **(8)** Landscaped and shaded areas on the roof of buildings will be considered where residential amenity, e.g. by way of noise generation or overlooking, and building appearance is not unreasonably affected.	The building comprises a modern low pitched gabled roof over design which conforms to the landform and complements the built form. The roof design provides balance to the overall design of the building. In particular, the spilt section in the roofline and offset ridges, which breaks up the bulk of the built form and creates two distinct sections over the first floor. The eastern section of the roof has been designed with a low pitch which gently slopes away from the street frontage. The ridges are significantly setback from the street frontage which assist in reducing the visual impact of the roof, minimising the overall appearance of the building. No roof top structures are proposed. The lift overrun will be contained under the proposed roof line. The roof of the proposed building has been suitably designed given the context and setting, and compliments the style of the proposed built form.

6.5 Building Amenity	
6.5.1 Acoustic Privacy	
(1) Maximise acoustic privacy with regard to the site and building layout by: (a) providing adequate building separation within the development and from neighbouring buildings, (b) ensuring vertical as well as horizontal separation between conflicting uses generating different noise levels. (2) Where there are commercial/retail and residential uses located adjacent to each other, or within the same building, pay particular attention to the location of air conditioning units, building entries, and the design and layout of areas serving after hours uses. (3) Provide a minimum RW rating of 55 between apartments and between shared walls and floors of apartments, unless the BCA specifies a higher rate, in which case the higher rating will apply. (4) Arrange dwellings within a development to minimise noise transmission between units by: (a) locating busy areas next to each other and quieter areas next to other quieter areas (i.e. living rooms with living rooms, bedrooms with bedrooms) (b) using storage and circulation areas within an apartment to buffers noise from adjacent apartments, mechanical services, corridors and lobby areas. (c) minimising the amount of shared (party) walls between apartments. (d) using service areas and corridors to buffer quiet areas such as bedrooms from noise generators including traffic areas and service vehicle entries.	Floor plans submitted with the development demonstrate suitable separation of noise generating areas. The building has been designed to ensure acoustic privacy will be maximised through setbacks from boundaries, appropriate location of windows, verandahs, privacy screens and outdoor areas. The building will be constructed with noise insulating materials (i.e concrete and double glazing) to ensure the minimum noise rating between dwellings can be achieved. Bedrooms within the dwellings are also set back from the communal open space area on the ground floor to minimise noise disturbance to residence from early morning trade associated with retail spaces on the ground floor.

(5) Resolve conflicts between noise, outlook and views by using design measures such as double glazing, screened balconies and continuous walls to ground level courtyards. **(6)** Reduce noise transmission from common corridors or from outside the building by providing seals to entry doors of units.	
6.5.2 Solar Access and Overshadowing	
(1) Provide at least 75% of residential apartments with at least 3 hours of sunlight to living rooms and private open spaces between 9.00am and 3.00pm in mid-winter. (2) Limit the number of single aspect apartments with a southerly aspect (SW-SE) to a maximum of 10% of the total number of units proposed. Developments which seek to vary from the minimum standards must show how site constraints and orientation prohibit the achievement of these standards and address the energy efficiency requirements of this Plan. (3) Design for shading and glare control through the use of shading devices (eaves, awnings, balconies, etc). (4) Adjacent residential buildings and their open spaces must receive at least 3 hours of direct sunlight between 9.00am and 3.00pm on June 21. (5) Public foreshore reserves and beaches are not to be overshadowed by the development after 9.30am and before 3.00pm midwinter or after 8.30am and before 5.00pm midsummer. (6) In determining access to sunlight, overshadowing by fences, roof overhangs and changes in level must be taken into consideration. Overshadowing by vegetation should also be considered where dense vegetation appears as a solid fence. (7) In areas undergoing change, the impact of overshadowing on development likely to be built on adjoining sites must also be	The proposed development has been designed to take advantage of the site's - orientation, coastal sea breezes, views and street frontages. As demonstrated in the design guidelines in **Appendix E**, the building provides substantial opportunities for direct solar access to living areas and private open spaces for all apartments. The site layout allows for sufficient setbacks and separation of buildings to ensure no significant impacts of overshadowing will occur to adjoining lands. The outdoor spaces of residential apartments are suitability setback from boundaries to facilitate privacy and amenity both internally within the site, and externally to adjoining properties. Both residential apartments include substantial areas of glazing to allow for a minimum of 2 hours of solar access to living areas in winter months. Careful consideration has been given to the sizing and location of windows and doors. The proposed building's design will allow for suitable natural light and ventilation to both apartments without impinging on privacy of their occupants. This is achieved through the use of floor to ceiling doors and windows, and large areas of fixed glazing. The apartments have a 2.7m ceiling height which will allow for sunlight to penetrate into the floor area. Shading devices and privacy screens have also been included to ensure glare is controlled where appropriate. The proposed development will not result in any significant overshadowing of existing or future residential dwellings on adjoining lands. Shadow diagrams have been included in **Appendix A.**

considered in addition to the impacts on existing development. (8) Shadow diagrams showing the impact of the proposed development on reserves, beaches, adjacent residential developments and their private and communal open spaces, are required.	No public foreshore reserves or beaches will be overshadowed by the development.
6.5.3 Natural Ventilation	
(1) Provide residential apartment buildings with a building depth of between 10m and 18m. The depth is measured across the shortest dimension of the building. Dwellings should be a maximum depth of 21m measured from the outside of the balcony. (2) Variation to this standard will only be considered where it can be demonstrated that apartments will achieve the minimum requirements with regard to natural ventilation. This may be achieved where apartments have a wider frontage, or increased ceiling and window height to allow for greater penetration of natural light. The building depth is measured across the shortest axis, excluding the depth of any unenclosed balconies. (3) A minimum 60% of all residential apartments shall be naturally cross ventilated. (4) A minimum 25% of kitchens within a development must have access to natural ventilation. Where kitchens do not have direct access to a window, food preparation and cooking areas must be no more than 8m from a window. **(5)** Single aspect apartments must be limited in depth to 8m from a window.	The floor plans submitted with the proposed development in **Appendix A** demonstrate substantial natural ventilation will be achieved for both apartments. The sizing and location of windows, doors, and balconies associated with each dwelling will facilitate cross ventilation to capture coastal sea breezes from the prevailing NE direction in summer. Kitchen, dining and living spaces will be open plan to allow for ease of ventilation. The layout of both dwellings incorporates multiple aspects to maximises opportunities for natural ventilation, solar access and views. **Appendix A** demonstrates the floor plan for Apartment 1 has been designed with a depth of approximately 13m and width of 10m. Apartment 2 has been designed with a depth of approximately 20m and width of 9.5m. The proposed floor plans seek a minor variation to the numerical values, which can be justified through the provisions of front and rear verandahs with openings which will allow for substantial natural ventilation, achieving the objective of the provisions.

6.5.4 Night Lighting	
(1) Light elements (globes and tubes) are not to be visible from the public domain, rather light is to be orientated to illuminate surfaces. (2) All light sources are to be oriented so that they are invisible from an aerial view. (3) Pedestrian level lighting is preferable to high level lighting. (4) Illuminated signs are to have moderate visual prominence in the night and comply with all relevant Australian Standards. (5) Warm coloured lighting is to be used in preference to cold colours. (6) Lighting is to be designed and located so that it does not cause nuisance especially that which spills from one building into the living spaces of another . A light spill plan is to be provided where flood lighting is proposed within any development. (7) Measures are to be taken to minimise energy use.	The proposed development will be capable of ensuring night lighting will not cause nuisance to public places or create significant light spill to adjoining dwellings. Floor plans submitted with the proposed development demonstrate that appropriate locations are available for the installation of light elements and fixtures, especially within the communal open space area. External lighting to the building will be intended to illuminate building surfaces and are not orientated towards the public domain or adjoining lands.
6.5.5 Site Facilities and Servicing	
(1) Mail boxes for residential buildings and/or commercial tenancies should be provided in one accessible location adjacent to the main entrance to the development. (2) Mail boxes should be integrated into a wall where possible and be constructed of materials consistent with the appearance of the building (3) Mail boxes shall be secure and large enough to accommodate articles such as newspapers. (4) Satellite dish and telecommunication antennae, air conditioning units, ventilation stacks and any ancillary structures should be located: a) away from the street frontage,	**Appendix E** provides design guidelines which describes ancillary facilities and structures such as mailboxes. Mailboxes associated with the residential space will be incorporated into the lobby on the ground floor level. The mailboxes will be wall mounted and secure. Driveway access to the car parking area is provided from the new road to be constructed, adjacent to the site's frontage. The proposed vehicle access points and car parking area allows for sufficient space for temporary parking for loading and unloading of small light commercial vehicles. Given the small scale of number of commercial tenancies, a dedicated loading facilities is not proposed within the development.

b) integrated into the roofscape design and in a position where such facilities will not become a skyline c) feature at the top of any building, and d) adequately setback from the perimeter wall or roof edge of buildings, (5) A master antenna should be provided for residential and mixed use buildings. This antenna should be sited to minimise its visibility from surrounding public areas. (6) Adequate facilities are to be provided within any new development for the loading and unloading of service/delivery vehicles. (7) Service access is to preferably be located off rear lanes, side streets or rights of way. (8) All service doors and loading docks are to be adequately screened from street frontages and from active overlooking by existing development. **(9)** Circulation and access to service docks is to be in accordance with AS 2890.1.	
6.6 Building Performance	
(1) Development applications for new buildings and alterations and additions to existing buildings must comply with the SEPP (Building Sustainability Index: BASIX) 2004. This requires that an application must be accompanied by a BASIX certificate or BASIX certificates for the development issued no earlier than 3 months before the date on which the application is made. All commitments listed on a BASIX certificate must be marked on all relevant plans and specifications. (2) Reduce reliance on artificial lighting by providing a mix of lighting fixtures and using high efficiency lighting (e.g. Fluorescent), particularly for common areas.	Both dwellings within the proposed development are compliant with the provisions of SEPP (BASIX). **Appendix F** provides BASIX & Nathers Certificates which provide more detail on energy and thermal efficiency, and water conservation measures to be installed within apartments. The building has been architecturally designed to incorporate natural light through large windows and doors. Both dwellings include a front and rear verandah with large sliding doors which will allow for natural cooling and light penetration.

(3) Incorporate passive solar design techniques to optimise heat storage in winter and heat transfer in summer. (4) Reduce reliance on mechanical heating and cooling by: a) Allowing for adjustable awnings or blinds to be attached to the outside of windows b) Providing ceiling fans for improved air circulation.	
6.7 Minimum Allotment Frontages	
No controls for Business Zones	
6.8 Building Depth & Bulk	
No controls for Business Zones	
6.9 Primary Setbacks	
(1) Balconies may project up to 600mm into front building setbacks, within the building articulation zone within the property boundary, provided the cumulative width of all balconies at each particular level totals no more than 50% of the horizontal width of the building façade, measured at that level. (2) Minor projections into front building setbacks for sun shading devices, entry awnings and cornices are permissible. (3) The front building setback of the upper levels shall be a minimum of 4.5m. (4) Where buildings are built to the street alignment, balconies may project over the road or footpath. (5) An increase in setbacks may be required to retain existing trees or respect adjacent heritage items	There are no specified primary setback provisions for mixed use buildings in E1 Local Centre zones within coastal village areas. **Appendix A** demonstrates the siting of the bulk of the proposed development will be setback 16m from the primary frontage. The building's designed includes a 9m wide section of the floor plate extending forward of the primary building line to create an articulation zone. This section of the building is setback 4.5m from the street frontage on both the ground level. The eastern verandah of Apartment 2 on the first floor level also extends over the commercial floor space into the articulated zone. The balconies associated with the residential apartments are suitably setback from boundaries and offset from each other to ensure privacy is maintained. The proposed setbacks will not impact on the streetscape and amenity of the locality. The front façade includes articulated elements and landscaping planter boxes to

	create visual interest and promote a positive interaction of the building within the surrounding built environment. The proposed development is considered consistent with setbacks on nearby properties and is unlikely to result in any significant adverse impacts upon future streetscape or amenity in the area.
6.10 Side and Rear Setbacks	
6.10.2 High Density Residential, Mixed Use & Business Zones	
(1) Buildings are to comply with the side and rear boundary setbacks listed in the relevant table for its zone and locality. (2) The separation distance between buildings on the same site are not to be less than that required between buildings on adjoining sites, unless it can be demonstrated that reducing the separation distances provides adequate privacy and solar access to the buildings concerned. (3) If the specified setback distances cannot be achieved when an existing building is being refurbished or converted to another use, appropriate visual privacy levels are to be achieved through other means. These will be assessed on merit by the consent authority. (4) Built to boundary walls will be considered for upper level commercial uses subject to adequate amenity provision for occupants and adjoining sites and appropriate streetscape appearance.	There are no specified side setback provisions for mixed use buildings in E1 Local Centre zones within coastal village areas. The proposed building has been designed with a 0.9m setback to the northern side boundaries for the ground floor level and 3m to the northern wall of Apartment 1 on the first floor level. The 0.9m setback is associated with the commercial use of the building on the ground floor level. Design Considerations in **Appendix E** provides detailed consideration of side setbacks within the context of achieving separation principles. The proposed lot layout and design features demonstrates that the building will have a blank wall face to the adjacent property along the northern elevation. No windows are included along the side elevation of this commercial space. A green wall, consisting of plantings on a wire frame to soften the appearance of this wall and maximise the amenity of the occupants on the adjoining land to the north.
6.11 Ground Floor Uses	

(1) Provide a variety of different sized non-residential spaces (e.g. boutique shops and cafes, art galleries, suites for local commercial services, etc). (2) All common areas (including the principal entrance to the building) are accessible by all persons. (3) Locate retail/commercial uses on the ground floor, retail/commercial uses on the first floor, and residential uses on the upper floors. (4) Provide services and facilities within the development that meet the needs of different population groups and build flexibility into communal space to meet changing needs. (5) Minimum floor to ceiling heights are to 3.3m for the first three floors of a building to provide flexible tenancy layouts. (6) A minimum 3.3m floor to ceiling height must be provided for all levels of a development within the town centre proposing only commercial or retail occupation. (7) Commercial service requirements, such as loading docks, are to be separate from residential access and primary outlook. (8) Clearly demarcated residential entries are to be directly accessible from the public street. The main pedestrian entrance or foyer must be 1.2m or less above natural ground level. (9) Where ground floor residential units are provided, they must have separate entrances and be accessible directly from the street. (10) Provide security access controls to all entrances into private areas, including car parks and internal courtyards. (11) Avoid the use of blank building walls at the ground level.	The proposal incorporates three (3) commercial premises on the ground floor of the building. The commercial spaces comprise a gross floor area pf 343.25m^2. Unit 1 is proposed as a café (food and drink premises), whilst the first use for Units 2 and 3 will be retail. Unit 1 is located on the northern side of the building and has a gross floor area of approximately 103.66m^2 and includes bathroom amenities. The front façade of Unit 1 incorporates large glass windows and doors which activate the building's facade. A connection to trade waste services is required for Unit 1. Units 2 and 3 will have a gross floor area of 146.16m^2 and 93.43m^2 respectively and will both include bathroom amenities. All commercial spaces will be accessible via a paved area which transitions to footpaths and connect to the street frontage. All common areas including the entrance to commercial spaces are accessible by all persons. All commercial spaces propose a minimum 3.7m ceiling height and have been designed with large areas of glazing (windows and doors), to provide sufficient light and ventilation, and to create a sense of space. **Appendix A** demonstrates an articulated front building façade and clearly defined entry facades, which will be visible from street frontages.

Section 10 – Car Parking, Access, Alternative and Active Transport

DCP Section	Comments
10.3.1. Car Parking Rates	
10.3.1.2 Residential Apartment Buildings and Residential Component of Mixed Use Development Controls	
(1) Car parking is to be provided as follows: (a) one (1) car parking space for each one (1) bedroom dwelling (b) 1.2 car parking spaces for each two (2) bedroom dwelling (c) 1.5 car parking spaces for each three (3) or more, bedroom dwelling (d) 0.2 visitor car parking spaces per dwelling (e) 1 trailer space per eight (8) dwellings (2) Car parking requirement calculations shall be rounded up to the nearest whole number.	The proposal development provides a total of thirty (30) car parking spaces, including three (3) on street car spaces and four (4) onsite spaces with garages. Car parking rates have been determined as follows: • 2 x 3 bedroom units = 3 spaces • Visitor parking 0.4 spaces The DCP provisions require three (3) onsite car parking spaces and 1 visitor parking space for the ***residential*** component of proposed development. Four (4) car spaces for residential use are proposed on the ground floor level within two garages, one garage allocated per residential apartment. The number of spaces is compliant with the provisions, however the visitor parking space will not be strictly allocated. Given the low number of dwellings two (2) spaces will be allocated to each dwelling. This allocation is practical and reflective of the likely demand for each unit. No trailer parking is required under the provisions of the DCP. It is considered that the proposed car parking spaces associated with the residential use for the development are suitable. The car parking arrangements are consistent with similar multistorey buildings approved in the area.

10.3.1.3 All Development Excluding Residential	
Retail / Shops 1 space per 24m2 GLFA • Proposed Units 2 and 3 = 239.59m2 of Retail Space • A total of 9.98 spaces (10 spaces) Restaurant 1 space per 3 seats • 60 Seats = 20 spaces	The proposal provides a total of 25 spaces, comprising 22 on-site car parking spaces and 3 on-street car spaces associated with the proposed commercial use. This includes 1 accessible spaces located within the eastern car park. Commercial Car parking rates have been determined as follows: • Ground Floor Retail Premises (Units 2 and 3) (GLFA 239.59m2) =10 spaces • 60 seats within Café/Restaurant= 20 spaces The DCP provisions require a total demand of 30 onsite car parking spaces for the commercial component of the proposed development. The development results in a shortfall of 5 spaces resulting in minor variation to the commercial car parking element of the building. The proposal comprises the construction of a dedicated car park onsite which will accommodate 22 car spaces. An additional 3 spaces will be constructed within the road reserve, parallel to the street frontage. The minor variation of 5 spaces is considered reasonable given the context of the proposed development. The peak demand for the commercial precinct occurs during summer and autumn school holiday periods, a total of 10 weeks, due to the transient population in the area. It is not possible to completely cater for the parking demand during peak periods, as demonstrated by current parking arrangements and demand for overflow parking within the nearby streets. The proposed number of onsite car parking spaces is considered reasonable to accommodate the parking demand generated by the proposed development on more than 80% of the days per year. It is also reasonable to consider that patrons will not exclusively attend one retail space per visit and that the parking demand generated for each space should not be considered

	in isolation. Therefore the real world demand for parking is likely to be less than the estimated provisions in the DCP. The parking deficit is also reasonable given that additional overflow street parking will be available with the construction of the new subdivision. Street parking within the site is not presently available. The proposed variation of five (5) spaces will not create a significant adverse impact on the traffic movements and car parking availability in the area.
10.3.2 Car Parking Design Controls	
10.3.2.2 Residential Apartment Buildings, Mixed Used Development and Business Premises	
(1) Car parking must be located behind the building setback and be screened from view using well designed structures and vegetation to minimise impacts on the streetscape. (2) Car parking for residents may be located within a basement. (3) Car parking areas should be designed to conveniently, efficiently and appropriately serve residents and visitors of the site by: a) Ensuring that car parking areas are located close to entrances and access ways. b) Car parking areas are secure and accessible. (4) Clearly identify areas for visitor parking and parking for disabled persons. (5) Driveways and car parking areas must be hard surfaced, designed and graded to manage stormwater. (6) Stacked car parking (one space immediately behind the other) is only permitted if both spaces are used by the same dwelling.	The majority of the proposed car parking has been located on the vacant area, on the eastern side of the site, adjacent to the street frontage. The carpark is a single level open car park with formalised spaces. These spaces are visible from the street frontage. Car parking associated with the residential element of the building is located within garages at the rear of the building, adjacent to the southern boundary. These spaces are not visible from the street frontage. All car parking areas are considered to be conveniently located to serve, patrons to the commercial uses, residents and visitors. The proposed car parking areas will be constructed with durable surface finish. All car spaces are sealed and designed in accordance with AS 2890.1 – Offstreet car parking. Accessible car spaces have been suitably located and will be clearly marked.

(7) Car parking to be designed with a maximum 3 point turn for a vehicle to enter and exit the property in a forward direction (for the 85% vehicle). (8) The minimum head height clearance for a parking space for disabled persons is 2.5m. (9) Where parking is provided within basement level/s, the scale and siting of the basement carpark must not impact upon the ability of the development to satisfy minimum landscaping and deep soil zone requirements. (10) Where parking is provided in a basement, ventilation structures for the basement parking and air conditioning units must be orientated away from windows of habitable rooms and private open space areas. Ventilation grills and structures must be integrated into the design of the façade of the building to minimise their visual impact and be above the 100 year ARI flood level.	The development has been designed to ensure all vehicles enter and leave the site in a forward direction. The proposed development is considered to be consistent with these provisions.
10.3.3 Vehicle Access and Driveways	
10.3.3.2 Residential Apartment Buildings, Mixed Used Development and Business Premises	
(1) Vehicular entry points shall not comprise more than 25% of any street frontage. (2) Vehicle access should be provided from rear lane or secondary street frontages where these are available. (3) Only one vehicular access point is provided to a development except for special circumstances or where the site has frontage to two streets and a secondary access point is considered to be acceptable. (4) Vehicular access ramps parallel to the street frontage will not be permitted. (5) Vehicular entry points are to be integrated into the building design. (6) Doors to vehicular access points are to be roller shutters or tilting doors positioned behind the street alignment with a 6.0m setback provided.	The driveway entry point associated with the building, extending from the western side of the new road is 5m wide and comprises 16.6% of the street frontage. The driveway entry point associated with the car parking, extending from the eastern side of the new road is 11.2m wide and comprises 33% of the street frontage. Both entry points are required to access the car parking spaces proposed for the development. A minor variation to this provision is sought for the driveway extending from the eastern side of the road given the minimal impact the entry points will have on the amenity and visual appearance of

(7) Paving colour, texture and material should be sympathetic with the character of the precinct and reflect a pleasant visual appearance. (8) Driveways should be located to take into account any services within the road reserve, such as power poles, drainage inlet pits and existing street trees. Sight distances are required as prescribed by AS 2890.1. (9) Long straight driveways should be avoided because these adversely dominate the streetscape and landscape. (10) Curved driveways are more desirable. Landscaping between the buildings and the driveways is encouraged to soften the appearance of the hard surface. (11) All driveways must be located a minimum of 6m from the perpendicular to the kerblines of any intersection of any two roads. (12) The design of driveway and crossovers must be in accordance with council's standard vehicle entrance designs and widths must be in accordance with Australian Standard 2890.1	the building. The proposed entry points are compatible and consistent with the surrounding development. No access ramp is proposed parallel to the street frontage. Driveways have been designed to ensure compliance with AS2890.1 The proposed vehicle access points will be constructed with durable surface finish and no service ducts or pipes are proposed to be installed in the vicinity of the carpark entry. The proposed development is considered to be generally consistent with DCP provisions, with a few minor exceptions for which a variation is sought to relax these provisions given the minimal impact on the future streetscape and character of the area.
10.4 Alternate and Active Transport	
(1) Developments are required to provide bicycle parking suitable for residents/employees and for visitors/guests. Bicycle parking is to be provided according to current Australian Standards AS2890 series. (2) Large scale retail and commercial developments are required to undertake improvements in the development design to encourage active and healthy living. This may require the preparation of a Workplace Travel Plan to identify improvements in end of trip facilities, public transport and pedestrian connections for the large scale development as outlined in the Premier's Council for Active Living publication Development & Active Living Designing Projects for Active Living (2010). (3) Bicycle parking is to be provided in accordance with the Table. (4) All Bicycle Parking Spaces provided to meet the requirements must:	The proposal provides a total of 3 bicycle parking spaces for commercial use. A designated bicycle parking area is located adjacent to the street frontage. Bicycle Parking rates have been determined as follows: • Commercial Premises (GLFA 343m2) =1 space • Restaurant (up to 200 seats)= 1 space The DCP provisions require a total of 2 onsite bicycle spaces for the proposed development. A surplus of 1 space will be available. The Bicycle Parking has been suitably located in the open space adjacent to the street frontage for ease of access and convenience to site users. The location and design of the bicycle parking area satisfy the DCP provisions in

a) be located outside of pedestrian movements paths. In particular, bicycle parking facilities must not be located within a continuous accessible path of travel; and b) be arranged so that a bicycle can be parked without damaging adjacent objects such as landscaping, access doors and corridors and other parked bicycles; and c) be protected from manoeuvring motor vehicles and opening doors; and d) be provided with adequate lighting. (5) For Bicycle Enclosures to be accepted Bicycle Parking Facilities, they must: a) be designed in accordance with Australian Standard 2890.3 – Bicycle b) Parking Facilities; and c) contain one Bicycle Rail for each Bicycle Parking Space required; and d) be securely enclosed, for example by a wire mesh compound; and e) provide weather-protection for parked bicycles; and f) have a hard floor surface such as concrete or paving; and g) where visible from a public area, be designed to protect the aesthetic amenity of the surrounding streetscape and/or buildings. (6) For Bicycle Rails to be acceptable as Bicycle Parking Facilities, they must: a) be designed in accordance with Australian Standard 2890.3 – Bicycle Parking Facilities; and b) be located outside where they are under continuous passive surveillance or casual overlooking; and c) provide a hard floor surface such as concrete or paving over the entire area used to park and manoeuvre bicycles	terms of sizing, separation from other parts of the building and protected from manoeuvring vehicles. The proposed development is considered to be complaint with DCP provisions for alternative and active transport.

Section 11 – Water Sensitive Urban Design

DCP Section	Comments
11.3 General Objectives and Controls for Water Sensitive Design	
(1) All development must meet the relevant water quality targets identified for that type of development as set out in the applicable Stormwater Quality Targets table within this DCP, except in the instance of a Council approved Stormwater Strategy or Drainage Plan which will specify the targets to be met for identified parcels of land. (2) Additional stormwater drainage measures may be required by Council to address potential flood issues related to the development. Instances where additional requirements apply may include: a) residential development other than a dwelling house, dual occupancy or secondary dwelling; or b) development in areas where there is insufficient capacity in existing stormwater infrastructure to absorb the increased stormwater runoff. (3) Water Quality Treatments: (a) are to be calculated and designed in accordance with this section of the DCP, except in the instance of a Council approved Stormwater Strategy or Drainage Plan which may prescribe the other measures to satisfy water quality targets. (b) wherever practical, are to be designed as part of any additional stormwater flow modification measures such as detention and infiltration in such a way as to retain, treat and infiltrate runoff events. (c) should be integrated into landscaped areas to fit within the built environment of the development. (d) and associated stormwater infrastructure which services more than one dwelling should be constructed on common property. (e) may be constructed within building setback areas.	Council's WSD provisions apply to the proposed development. Pursuant to section 11.2, the proposed development is located within a mapped WSD priority area. A detailed assessment and calculations for water quality are provided in **Appendix B.**

<table>
<tr><td>(f) can be any shape or size, as long as the area is consistent with that calculated to meet the relevant Water Quality Targets.
(g) cannot be constructed:
(i). within a drainage or sewer easements except for privately owned inter-allotment drainage; or
(ii). within private open space areas; or
(iii). above services e.g. electricity
(h) should be designed in response to environmental constraints to ensure they:
(iv). do not contribute to increased flooding risk;
(v). comply with flood related development controls;
(vi). withstand storm surge and inundation; and
(vii). minimise the impact of discharge points on bushland areas</td><td></td></tr>
<tr><td colspan="2">11.4 Development Types</td></tr>
<tr><td colspan="2">11.4.4 Other Development – Excluding Single Dwellings, Dual Occupancys, Subdivision and Intensive Livestock Agriculture</td></tr>
<tr><td><table>
<tr><th></th><th colspan="4">Target Reduction Loads
(based on increased pollution generated from development without treatment)</th></tr>
<tr><th>Site Characteristics</th><th>Gross pollutants</th><th>Total Suspended Solids</th><th>Total Phosphorus</th><th>Total Nitrogen</th></tr>
<tr><td>Lots over 2,500m^2 in size where the percentage of existing impervious surface is less than 10% of the area.
➢ Lot size is calculated over the parent lot prior to subdivision. This means development cannot be broken down into stages for the purposes of measuring the 2,500m^2 threshold.</td><td>90%</td><td colspan="3">Neutral or Beneficial Effect on Water Quality - meaning loads of pollutants from future development must be equivalent to or less than that from the existing land use prior to development.</td></tr>
<tr><td>➢ Lots less than 2,500m^2 in size <u>or</u> where the percentage of existing impervious surface is <u>greater</u> than 10% of the area (regardless of lot size).
➢ Development located within the Coastal Drainage Areas (refer to Coastal Drainage Maps in Appendix A). Where development is partially located within a Coastal Drainage Area, targets are to be determined in consultation with Council Staff.</td><td>90%</td><td>80%</td><td>60%</td><td>45%</td></tr>
</table></td><td>The DCP establishes target reduction loads for sites <2500m^2.

The proposed development is required to achieved 90% Gross Pollutants, 80% TSS, 60% TP and 45% TN (dissolved).

MUSIC Modelling was undertaken for the proposed development. The results of this modelling have been incorporated into the stormwater design in Appendix B.

The proposed development will be capable of complying with Water Quality Targets of the DCP.</td></tr>
</table>

Section 13 – Landscaping and Open Space Areas

DCP Section	Comments
13.2 Residential Apartment Buildings, Mixed Use Development and Business Premises	
13.2.1 Open Space	
(1) Communal Open Space (a) Developments with more than 6 dwellings must incorporate communal open space. The minimum size of this open space is to be calculated at 10m2 per dwelling. Any area to be included in the communal open space calculations must have minimum dimensions of 5m. (b) The communal open space must be easily accessible and within a reasonable distance from all apartments. (c) Combined use of a maximum 30% of the deep soil zone as communal open space may occur. The combined communal open space/deep soil area may be grassed and must contain significant shade trees. (d) Areas of the communal open space which are to be paved or which will contain shade structures, swimming pools or the like cannot be located within the deep soil zone. (e) The communal open space area must receive at least 3 hours of direct sunlight between 9.00am and 3.00pm on June 21.	The proposed development comprises only two (2) dwellings and is not required to include communal open space areas pursuant to this DCP provision. However pursuant to the approved subdivision, the proposed development must provide an open space area within the front setback of the development site. The proposal includes a significant communal open space area comprising approximately 265m^2 adjoining the eastern elevation of the building. The communal open space provides seating and landscaping features, and will accommodate café style seating associated with retail unit 1. The location of the communal open space area is easily accessible from the street frontage and connectivity through the building will provide suitable access to this space to residence. The open space area will provide an attractive and vibrant space and a high level of amenity to site users. Solar access to all areas of the communal open space will be achieved all year round. The design and layout of the communal space provides consideration of visual and acoustic privacy and will ensure the amenity of occupants within, and external, to the site is not adversely impacted.

(2) Private Open Space (a) Private open space must be provided for each dwelling within a development in the form of a balcony, courtyard, terrace and/or roof garden. (b) Private open space for ground level dwellings, or on a structure such as a podium or a carpark, must have a minimum area of 30m^2 and minimum dimensions of 4m. This area must be separated from boundaries by at least 1.5m with a vegetated landscaping bed and must not encroach upon deep soil zone landscaping areas. (c) Private open space for upper level dwellings (except with direct access to a podium) must have a minimum area of 12m^2 and minimum dimensions of 2.5m. (d) Private open space for all dwellings shall be directly accessible from main living areas, such as living room, dining room or kitchen to extend the dwelling living space. (e) Balustrades are to be designed to allow views and passive surveillance of the street while providing for safety and visual privacy. Design considerations should include: (i) detailing balustrades using a proportion of solid to transparent materials to address sight lines from the street, public domain and adjacent development. (ii) restrict the use of full glass balustrades to ensure adequate privacy for the balcony and interior of the dwelling. (iii) detailing balustrades and providing screening from the public for clothes drying areas, downpipes and air conditioning units. (f) The primary private open space area of at least 70% of the dwellings within a development must receive a minimum of three hours of direct sunlight between 9.00am and 3.00pm on June 21	Each apartment will be provided with private outdoor space on balconies. These areas are capable of being used as an extension of the main living area for each dwelling. Both dwellings will have approximately 50m^2 private outdoor area extending from their respective main living space, and patios extending from bedroom areas. The proposed balustrades on balconies will be partially transparent materials to provide for surveillance The proposed development is considered consistent with DCP provisions for private open space.
13.2.2 Landscape Design	
(1) Developments must provide for high quality landscape design by: a) providing appropriate shade from trees or structures	Landscaping is an essential feature of the proposed development. Planter boxes have been incorporated into the external walls of the building's design

b) screening parking areas, driveways, communal drying areas, and private open space associated with ground floor dwellings. (2) Contribute to streetscape character and public domain amenity by: a) matching landscape design to street proportions and character b) incorporating planting and landscape elements appropriate to the scale of the development c) selecting indigenous species in accordance with Council's preferred species list. (3) Improve the energy efficiency of dwellings and the microclimate of private open space by: a) incorporating trees for shading during summer b) varying heights and species of trees or shrubs to maximise solar access during winter c) locating plants appropriately in relation to their size at maturity. (4) Site landscaping shall comprise no less than: a) 20% of the site area in Business Zones; b) 30% of the site area in the High Density Residential Zone; c) 40% of the site area in the Medium Density Residential Zone d) 40% of the site area in the Mixed Use Zone. (5) Any landscaped area on the site which has dimensions less than 1.5 metres is not included in the landscaped area calculations. (6) Landscaping is to be designed in conjunction with the stormwater drainage system proposed as part of the development. (7) Landscaped areas are to be irrigated with water collected on the site. (8) Street tree planting is to be incorporated into the landscape plan and provided as part of any development proposal. (9) Where a riparian buffer zone is required, a Riparian Corridor Revegetation Plan must be prepared in accordance with the requirements of the relevant state agency. This plan must be prepared by an appropriately qualified consultant in conjunction with the Landscape Plan and must detail the width of the proposed riparian	to create visual interest and to enhance the positive interaction the building will have within the public domain. The landscaping features will complement the streetscape and surrounding natural areas, at the same time as maximising the amenity of the building's occupants. The proposed development is considered generally consistent with DCP provisions for landscaping, however a variation is sought to the numerical requirement of 20%. Given the built form of the proposed development, car parking requirements and site configuration, the total landscaping area comprises 285m^2. This equates to approximate 10% of the site area. Significant attempts have been made to incorporate landscaping into the overall building design. The requested variation is unlikely to result in a significant adverse impact on streetscape, amenity and character of the area. Furthermore, the proposed landscape design is consistent with the objectives of this provision and will add value to the quality of life for occupants within the development.

corridor and the intentions for rehabilitation, revegetation and management. (10) The riparian buffer zone may serve as the dense planting area, which is required in a deep soil zone associated with development of the land, providing the buffer is contained within the development site. The proposed planting must allow for Council's ongoing maintenance of public creek/drainage areas.	
13.2.3 Deep Soil Zones	
1) The deep soil zone shall comprise no less than: **(a) 10% of the site area in Business Zones;** (b) 15% of the site area in the High Density Residential Zone; (c) 20% of the site area in the Medium Density Residential Zone (d) 20% of the site area in the Mixed Use Zone. (2) The deep soil zone must have minimum dimensions of 4.5m 3) No structures, basement car parks, driveways, hardpaving, decks, balconies or drying areas are permitted within the deep soil zone. (4) The deep soil zone shall be densely planted with trees and shrubs. Where a development is to be strata titled, the deep soil zone must be retained within the common property. (5) Lots with the following sizes are required to support a minimum number of tall trees capable of attaining a mature height of at least 13m: (a) less than 1000m2 - 1 per 400m2 of site area or part thereof (b) 1000sqm to 1500m2 - 1 per 350m2 of site area or part thereof (c) greater than 1500m2 - 1 per 300m2 of site area or part thereof	The proposed development is located within a business zone. As such the DCP requires 10% (287m^2) of the site to contain a deep soil zone. The proposed development includes a total deep soil area of 250m2, comprising the bioretention basin on the eastern side of the allotment, however the proposed planted boxes provide additional planting to assist in achieving the minimum design requirement.
13.2.4 Planting on Structures	
(1) Areas with planting on structures are to be irrigated with harvested water. (2) Design for optimum conditions for plant growth by: (a) providing soil depth, soil volume and soil area appropriate to the size of the plants to be established, (b) providing appropriate soil conditions and irrigation methods, and	This plan provides a number of planter boxes integrated into the built form proposed building to accommodate planting on structures. The proposed development will provide appropriate soil conditions and irrigation methods for the plantings.

(c) providing appropriate drainage. (3) Increase minimum soil depths to accommodate: (a) the mix of species and plant sizes at maturity (b) the level of landscape management, particularly the frequency of irrigation, and (c) anchorage requirements of large and medium tree soil type and quality	
13.2.2 Landscaping Design	
(1) Developments must provide for high quality landscape design by: (a) providing appropriate shade from trees or structures (b) screening parking areas, driveways, communal drying areas, and private open space associated with ground floor dwellings. (2) Contribute to streetscape character and public domain amenity by: (a) matching landscape design to street proportions and character (b) incorporating planting and landscape elements appropriate to the scale of the development (c) selecting indigenous species in accordance with Council's preferred species list. (3) Improve the energy efficiency of dwellings and the microclimate of private open space by: (a) incorporating trees for shading during summer (b) varying heights and species of trees or shrubs to maximise solar access during winter (c) locating plants appropriately in relation to their size at maturity. (4) Site landscaping shall comprise no less than: (a) 20% of the site area in Business Zones; (b) 30% of the site area in the High Density Residential Zone;	Landscaping is an essential feature of the proposed development. Planter boxes have been incorporated into the external walls of the building's design to create visual interest and to enhance the positive interaction the building will have within the public domain. The landscaping features will complement the streetscape and surrounding natural areas, at the same time as maximising the amenity of the building's occupants.

(c) 40% of the site area in the Medium Density Residential Zone (d) 40% of the site area in the Mixed Use Zone. (5) Any landscaped area on the site which has dimensions less than 1.5 metres is not included in the landscaped area calculations. (6) Landscaping is to be designed in conjunction with the stormwater drainage system proposed as part of the development. (7) Landscaped areas are to be irrigated with water collected on the site. (8) Street tree planting is to be incorporated into the landscape plan and provided as part of any development proposal. (9) Where a riparian buffer zone is required, a Riparian Corridor Revegetation Plan must be prepared in accordance with the requirements of the relevant state agency. This plan must be prepared by an appropriately qualified consultant in conjunction with the Landscape Plan and must detail the width of the proposed riparian corridor and the intentions for rehabilitation, revegetation and management. (10) The riparian buffer zone may serve as the dense planting area, which is required in a deep soil zone associated with development of the land, providing the buffer is contained within the development site. The proposed planting must allow for Council's ongoing maintenance of public creek/drainage areas	

Section 14 – Waste Management

DCP Section	Comments
14.1 Demolition	
A completed Site Waste Minimisation and Management Plan (SWMMP) shall be prepared and lodged with the development application for demolition. As a minimum it shall include: a) Adaptive reuse opportunities for buildings/structures. b) All waste likely to result from the demolition and opportunities for reuse of materials. c) Facilitate reuse/recycling by using the process of 'deconstruction' where various materials are carefully dismantled and sorted. d) Reuse or recycle salvaged materials onsite where possible. e) An area shall be allocated on site for the storage of materials for use, recycling and disposal (giving consideration to slope, drainage, location of waterways, stormwater outlets, vegetation and access and handling requirements). f) Separate collection bins or areas for the storage of residual waste shall be provided on site and clearly 'signposted' for the purpose and content of the bins and storage. g) Measures shall be implemented on site to prevent damage by the elements, odour and health risks and windborne litter. h) A Declaration of Waste Confirmation shall be provided to Council at the completion of the works.	No buildings are required to be demolished as part of this proposal. A Site Waste Management Plan has been submitted with the proposal and is provided in **Appendix I.**
14.2 Development	
14.2.2 All other Development	
(1) A completed Site Waste Minimisation and Management Plan shall be prepared and submitted with the development application. The plan	The proposed development includes adequate spaces for domestic and commercial bin storage for both residential and commercial uses. A separate

should address the following matters as relevant: a) Indicative Bin Sizes b) Waste/Recycling Storage Rooms c) Garbage Truck Dimensions d) Garbage Chutes. (2) Architectural plans submitted with the development application must show: a) The location of individual waste/recycling storage areas (such as for townhouses and villas) or a communal waste/recycling storage room(s) able to accommodate Councils waste, recycling and gardens waste bins. b) The location of any garbage chute(s) and interim storage facilities for recyclable materials that promotes and ease of recycling for each unit and on each floor. c) The location of any service rooms (for accessing a garbage chute) on each floor of the building. d) The location of any waste compaction equipment. e) An identified collection point for the collection and emptying of Councils waste, recycling and garden waste bins. f) The path of travel for moving bins from the storage area to the identified collection point (if collection is to occur away from the storage area). g) The onsite path of travel for collection vehicles (if collection is to occur onsite) taking into account accessibility, width, height and grade. (3) Systems should be designed to maximise source separation and recovery of recyclables for each unit and on each floor. (4) Waste management systems should be designed and operated to prevent the potential risk, injury or illness associated with the collection, storage and disposal of wastes.	bin storage area for commercial and residential users in located on the ground floor along the western elevation of the building. Bin storage areas are for communal use and located adjacent to the driveway allowing easy access for waste collection vehicles from the street frontage. Design details of these waste storage areas are provided on the architectural plans in **Appendix A**. Dedicated waste storage area will provide for a minimum of 6 x 240 litre general waste bins and 6 x 240L recycling bins on the western side of the garage. Consultation with Council and JR Richards confirms that arrangements can be made for the domestic waste truck to enter the site for collection. An indemnity agreement between all parties will be entered into and any additional service fees applied to facilitate collection by the truck operator. Construction waste will be sorted, stored and disposed of in accordance with the Waste Management Plan in **Appendix I.** The location of bin storage areas is compliant with DCP provisions.

(5) A Declaration of Waste Confirmation shall be provided to Council at the completion of the works.	

Appendix I Site Waste Minimisation Plan

See Attached

Appendix I

MIDCOAST council

SWMMP (Site Waste Minimisation and Management Plan)

Applicant details

Name	Addenbrook Pty Ltd	DA Number	TBA
Site Address	Lot 23 Boomerang Drive, Blueys Beach		
Email	contact@michaelfoxarchitects.com		
Phone	0417 402 030	Mobile	

Building and other structures (existing no site)

Description of proposal

Mixed Use Development comprising 3 x commerical suites and 2 x dwellings

Demolition material volume (m^2)

Excavation material		Greenwaste	
Bricks		Concrete	
Asbestos		Hazardous	
Plasterboard		Fibro sheeting	
Timber		Please specify e.g. hardwood	
Metals		Please specify e.g. coper pipes	
Other			

Re-use on site (specify proposed re-use of materials on site)

None

Off site recycling (specify contractor and recycling outlet)

Landfill Disposal (specify contractor and landfill site)

Tuncurry Waste Facility

Waste generated during construction (e.g. glass, paper, food waste, offcuts etc)

Please specify how building waste generated during the construction stage will be contained / recycled / disposed:

Waste Skip Bin 2m3, weekly disposal

Skip Bins (Service Provider)

Waste King

Other

Domestic waste service provision (attach detailed plan of storage area and access - multi dwellings)

Waste service	140ltr Garbage	240ltr Garbage	240ltr Organics	240ltr Recycling
Proposed bin types	3			3

Permanent storage provision (location, size, screening etc.)

A dedicate hard stand area for bin storarge area is located on the western elevation of the building. See Site Plan in Appendix A.

Temporary storage provision (e.g. location and placement for servicing of bins)

Arrangements will be made for truck collection within the site via a three way agreements with Council, JR Richards and the landowner.

Commercial waste service provision (attach detailed plan of storage area and access)

Waste service	140ltr Garbage	240ltr Garbage	240ltr Organics	240ltr Recycling
Proposed bin types	3			5

Permanent storage provision (location, size, screening etc.)

Temporary storage provision (location and placement for servicing of bins)

Impacts on public litter

APPENDIX H: Declaration of waste confirmation

After the construction, demolition or change in use project has been completed, proponents will be required to submit a **Declaration of Waste Confirmation** to Council in order that an Occupation Certificate can be issued or a bond returned. Waste receipts and/or other documentation should be retained as confirmation of waste minimisation and management actions. Council may request these as proof of compliance in the event of a Site Waste Minimisation and Management Plan (SWMMP) audit.

Declaration or waste confirmation

'I' (full name) Addenbrook Pty Ltd

of (Address) Lot 23 Boomerang Drive Blueys Beach

do solemnly and sincerely declare that: (complete the relevant details in the spaces provided)

For the Council application number TBA

all commitments proposed in the Site Waste Minimisation and Management Plan (SWMMP) were carried out in accordance with the prepared plan regarding the quantities and types of waste produced, and how they were managed (ie recycled, reuse, disposed) during the construction and/or demolition works and I make this solemn declaration conscientiously believing the same to be true.

Declared at 3/12/24

Signature

Date

How to lodge this form

Completed form can be:

- Emailed (select the submit button below) and attach supporting documents as required; or
- Forwarded by post with payment; or
- Lodged at our Customer Service Counters - Monday to Friday (excluding public holidays).

Submit

Privacy: *This information is required to assist with your application and will not be used for any other purpose without seeking your consent, or as required by law. Your application will be retained in Council's Records Management System and disposed of in accordance with current legislation. Your personal information can be accessed and corrected at any time by contacting Council.*

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Gloucester | 89 King Street | PO Box 11 Gloucester 2422 | **6538 5250**
Taree | 2 Pulteney Street | PO Box 482 Taree 2430 | **6592 5399**

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