SEPP 65:
ADG + COUNCIL CONTROL SUMMARY

CLIENT	Merimbula Central Pty Ltd
DATE	16.02.22
ADDRESS	29-33 Market St, Merimbula
SITE AREA	approximately 4,014m²
COUNCIL	Bega Valley Shire Council

PART 2: DEVELOPMENT CONTROL

TOPIC	CONTROL CHECK / RULE OF THUMB		COMMENTS ON COMPLIANCE OF SEPP 65 GUIDELINES	COMPLIANCE
2C Building Height	• Where there is an existing floor space ratio (FSR), test height controls against it to ensure a good fit. • Maximum building height is LEP is 12m		Our proposal seeks to amend the current controls for height, & storeys from: -13m + 1m roof encroachment to 18m + 1m roof encroachment; -3 storey to 5 storeys given the below justification: • 5 storey expression acts as an urban marker / gateway building for the Merimbula CBD when approaching from the south • The 5th storey is only visible at long distance. The fifth storey is generally not visible to pedestrians along Market St looking west - please refer to view impact studies • The proposed design does not break the ridge line when viewed from its surrounds, including Fishpen and the top of Market St - please refer to view impact studies • Proposal reflects a similar amount of GFA as a 3 storey compliant envelope, relocated across 5 storeys to provide better articulation and a statement corner at the Market St/ Palmer lane/Monaro St intersection • The proposed bulk and scale of the development is sensitive to the surrounding context and looks to minimise the appearance of bulk through articulation and good design • The proposal introduces a rhythm of verticality through the street wall which softens to a fine grain articulation of staggered balconies above, creating visual interest and movement • The proposed built form is split north-south to maintain pedestrian access and express the built form as two separate volumes, not a monolithic mass	AMENDMENT PROPOSED
	• Test heights against the number of storeys and the minimum ceiling heights required for the desired building use (see Ceiling Heights).		• Ceiling heights are 2.7m for habitable residential areas & 2.4m for non-habitable • Floor to Floor height are 3.1m on residential levels and 5.48m at ground floor where commercial uses are proposed to allow for a minimum 4m ceiling	YES

	TOPIC	CONTROL CHECK / RULE OF THUMB		COMMENTS ON COMPLIANCE OF SEPP 65 GUIDELINES	COMPLIANCE
2D	Floor Space Ratio	• GFA should fit comfortably within the building envelope as the envelope needs to also account for building elements and service areas that are not included in the GFA definition and to allow building articulation.		• No FSR controls are noted in the LEP for the site	N/A
2E	Building Depth	• Use range of appropriate maximum apartment depth 12-18m from glass line when precinct planning and testing development controls		• The building depth ranges from approx. 9m to approx. 15m (excluding balconies) and complies and has been split into a northern & southern buildings by the through ink and east-west by a large internal courtyard • The proposal allows for open corridors to promote natural ventilation	YES
2F	Building Separation	•Minimum separation distances for buildings are: Up to four storeys (approximately 12m) - • 12 m between habitable rooms /balconies. • 9m between habitable and non-habitable rooms. • 6m between non-habitable rooms.		• NORTH : a zero setback at the northern boundary of the building envelope has been provided, mirroring the existing street condition of boundary to boundary construction along Market St. These northern walls are blank for privacy and to allow for future development. The upper level (level 4) has been setback from the boundary to provide further privacy and articulation. • WEST: The Park St car park and adjacent Palmer Lane is situated directly to the west and acts as a buffer to any neighbouring development. • EAST: Market St separates the site from the neighbouring eastern properties. The distance between the site's easternmost boundary and the boundary to the site across the road is approximately 21m, well in excess of building separation controls • SOUTH : Palmer Lane separates the site from the neighbouring sites to the south, aiding in separation for visual privacy and reducing overshadowing impacts to neighbouring properties to the south. The distance between neighbouring buildings windows and balconies/windows to habitable spaces on the subject site are in well excess of 12m (measures a minimum 23m to the closest neighbouring property).The building steps back a further 3m from the southern boundary at the fifth storey for further privacy and the visual reduction in bulk.	YES

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2G/ H Street Setbacks Side and Rear Setbacks	• Determine street setback controls relative to the desired streetscape and building forms. For example • match existing development • in centres the street setback may need to be consistent to reinforce the street edge • Align street setbacks with building use. For example, in mixed use buildings a zero street setback is appropriate. • Test side and rear setbacks with height controls for overshadowing of the site, adjoining properties and open spaces.		Our proposal seeks to amend the current control for setbacks to include balconies within the 5m setback zone (above 2 storeys) given the below justification: • Proposal looks to set back the ground floor retail by 3m to augment the public domain and further enhance and prioritise the pedestrian experience along Market St • A 2 storey street wall is proposed along Market St and wrapping round the corner to Palmer Lane to maintain the existing streetscape character and bulk • Recessed upper storeys are proposed to the front boundary with a deep recess (10m) proposed to the 5th storey generally along Market St to significantly minimise the visual impact of the upper storey • Shadow diagram studies reflect that the additional height has no effect on the maintenance of 3hrs of solar access to adjoining properties - please see shadow diagrams for further detail • The proposed bulk and scale of the development is sensitive to the surrounding context and looks to minimise the appearance of bulk through articulation and good design • The proposed built form is split north-south to maintain pedestrian access and express the built form as two separate volumes, not a monolithic mass • The proposal looks to provide an activated laneway which will facilitate pedestrian access through the site between Market St & Palmer Lane and provide further retail opportunities as you move west towards the Park St car park	AMENDMENT PROPOSED

PART 3: SITING THE DEVELOPMENT

	TOPIC	CONTROL CHECK / RULE OF THUMB		COMMENTS ON COMPLIANCE OF SEPP 65 GUIDELINES	COMPLIANCE
3A	Site Analysis	Each element in the Site Analysis Checklist should be addressed (see Appendix 1 of ADG)		• Site Analysis diagram provided	YES
3B	Orientation	•Building types and layouts respond to the streetscape and site while optimising solar access within the development •Overshadowing of neighbouring properties is minimised during mid winter		• Building footprint responds to site analysis via solar, ventilation, streetscape • The building orientation addresses the existing streetscape pattern and maximise views to the east to Merimbula Lake • Building footprint ensures additional overshadowing on neighbouring properties to be minimal.	YES
3C	Public Domain Interface	•Transition between private and public domain is achieved without compromising safety and security		• Clearly visible, legible pedestrian entries are provided to the building from Market Street and Palmer Lane	YES
3D	Communal and Public Open Space			• Approximately 645sq.m of the site has been provided for the extension of the public domain along Market St along with the site through link / alleyway that connects Market St the Park St car park and street network to the west. When this area is excluded from the site the site area is reduced from 4,014sq.m to 3,369sq.m • 2 communal open space zones of approximately 688m² are provided at the rooftop of level 1 & 2 which constitute 20.4% of the site area excluding the areas dedicated to public domain as noted above. Proposed residential units = 52 units Proposed required communal open space (based on 3,369sq.m) = 842m² Proposed communal open space = 688m² • *Concessions to the ADG design criteria are made for proximity to recreational facilities & oversized balconies. We note the following regarding the subject site. - the site is in close proximity to the Merimbula Lake foreshore - apartments have been given increased private open space is oversized balconies with large planters - balconies have been provided in significant excess to the minimum ADG requirements (1,199m² additional to the requirements) - please refer to separation diagrams for information. • Both of the communal open space zones achieve 2 hrs of direct sunlight to 50% of it's principal usable area.	YES*

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3E	Deep Soil Zones	• Ensure deep soil zones meet the following minimum requirements: Site area greater than 1500m² minimum must have a minimum of 7% of site area as deep soil zone, with minimum dimension of 6m		• *Proposed development does not comply due to large site coverage and non residential use of ground floor area. • Deep planters have been proposed in alignment with the communal open space at level 1 & 2 to facilitate mature planting and generate tree canopies with vegetated zones within this central courtyard area comprising of 688sq.m or 20.4% of the site area (excluding areas dedicated to public use as noted above), well in excess of the minimum 7% and greater in dimension than 6m. • The ADG acknowledges that non-residential uses may hinder full compliance as is the case with the subject site.	NO*
3F	Visual Privacy	• Refer to Building Separation minimum standards (see Building Separation). • Separation between windows and balconies is provided to ensure visual privacy is achieved. Minimum required separation distances from buildings to the side and rear boundaries is as follows: - Building height up to 12m (4 storeys) Habitable rooms 6m / Non Habitable rooms 3m - Building Height up to 25m (5-8 storeys) Habitable rooms 9m /Non Habitable rooms 4.5m - Building height over 25m (9+ storeys) Habitable rooms 12m / Non Habitable rooms 6m		EXTERNAL • NORTH : a zero setback at the northern boundary of the building envelope has been provided, mirroring the existing street condition of boundary to boundary construction along Market St. These northern walls are blank for privacy and to allow for future development. The upper level (level 4) has been setback from the boundary to provide further privacy and articulation. • WEST: The Park St car park and adjacent Palmer Lane is situated directly to the west and acts as a buffer to any neighbouring development. • EAST: Market St separates the site from the neighbouring eastern properties. The distance between the site's easternmost boundary and the boundary to the site across the road is approximately 21m, well in excess of building separation controls • SOUTH : Palmer Lane separates the site from the neighbouring sites to the south, aiding in separation for visual privacy and reducing overshadowing impacts to neighbouring properties to the south. The distance between neighbouring buildings windows and balconies/windows to habitable spaces on the subject site are in well excess of 12m (measures a minimum 23m to the closest neighbouring property).The building steps back a further 3m from the southern boundary at the fifth storey for further privacy and the visual reduction in bulk.	YES
		• Site and building design elements increase privacy without compromising access to light and air and balance outlook and views from habitable rooms and private open space		INTERNAL A central courtyard / communal open space has been provided to the internal facing units to alleviate privacy issues between residential units at levels 1-4. The internal dimension between habitable spaces / balconies of the eastern and western facing residential units is generally in excess of 12m. A combination of privacy screens and vegetation provide further visual privacy. Please refer to separation diagrams for information.	YES
3G	Pedestrian Access	• Building entries and pedestrian access connects to and addresses the public domain • Access, entries and pathways are accessible and easy to identify • Large sites provide pedestrian links for access to streets and connection to destinations		• Residential pedestrian entries are provided from Market Street, Palmer Lane and off the site through link and are clearly visible and distinguishable. • Entry circulation areas are clearly identifiable	YES

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3H	Vehicle Access	• Generally limit the width of driveways to a maximum of six metres. • Locate vehicle entries away from main pedestrian entries and on secondary frontages.		• Vehicular access is located on the western side of the site, adjacent to the existing car park and away from the pedestrian entries.	YES
3J	Bicycle and car parking	• RMS Rates for residential flat building are as follows; - 0.6 space / 1 bed - 0.9 space / 2 bed - 1.4 space / 3 bed - 1 space / 5 units for visitors Retail at ground level - 1 space / 25sq.m		• Parking requirements exceed the ADG/RMS rates given the land zoned, and sites within 400 metres of land zoned B3 Commercial Core, B4 Mixed Use or equivalent in a nominated regional centre • It is noted that there is no retail car parking provided on-site at present and that the proposed retail component of 1,190sq.m in the concept DA is less than the existing commercial / retail floor area of 3,600sq.m currently on site. Additional retail car parking spaces are therefore not required in accordance with discussions with Council and the DCP. • New development proposed parking provided is 114 car spaces & 52 bicycle spaces. Please refer to Varga Traffic Report for further detail.	YES

PART 4: BUILDING DESIGN

	TOPIC	CONTROL CHECK / RULE OF THUMB		COMMENTS ON COMPLIANCE OF SEPP 65 GUIDELINES	COMPLIANCE
4A	Daylight Access	• Living rooms and private open spaces for at least 70 percent of apartments in a development should receive a minimum of three hours direct sunlight between 9 am and 3 pm in mid winter. In dense urban areas a minimum of two hours may be acceptable. • A maximum of 15% of apartments in a building receive no direct sunlight between 9am and 3 pm at mid winter		• Shadow Diagrams provided • 73% of apartments (38/52 apartments) receive more than 2hrs solar access during mid-winter • 73% of apartments with living and private open spaces receive minimum 2 hours direct sunlight between 9am and 3pm mid winter. Given the predominant site orientation along a north south axis fronting market street and the location of significant views to the east to Merimbula Lake, achieving 3 hours to living areas would detract from the amenity of the apartments, general streetscape and be a poor architectural outcome.	YES*
4B	Natural Ventilation	• At least 60% of apartments are naturally cross ventilated in the first nine storeys of the building.		• Cross Ventilation Diagrams provided • 62% of units (32/52) are naturally cross ventilated	YES
4C	Ceiling heights	• Measured form finished floor level to finished ceiling level, minimum ceiling heights are : Habitable rooms : 2.7m Non- habitable rooms : 2.4m		• Proposed development has allowed for ceiling heights of 2.7m to all habitable rooms and 2.4. to non-habitable rooms. • 5.48m floor to floor height has been provided to the ground floor units to allow for the retail uses and accommodate 2 storeys of car parking to the rear. 3.1m floor to floor has been provided on levels 1 - 4 to allow for 2.7m ceilings. Providing 3.3m ceilings to level 1 is not feasible given the market demands for the area and the unlikelihood of retail uses at the second storey	YES
4D	Apartment size and Layout	• Apartments are required it have the following minimum internal areas: Studio : 35 sqm 1 bedroom : 50 sqm 2 bedroom : 70 sqm (75sqm with additional bathroom) 3 bedroom : 90 sqm (95sqm with additional bathroom) The minimum internal areas include only one bathroom. Additional bathrooms increase the minimum internal area by 5m² each		• apartment size complies with and are in excess of the minimum internal area.	YES
		• Every habitable room must have a window in an external wall with a total minimum glass area of not less than 10% of the floor area of the room. Daylight and air may not be borrowed from other rooms		• complies with the control	YES

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		• Habitable room depths are limited to maximum of 2.5 x the ceiling height. (2.5 x 2.7 = 6.75) • In open plan layouts (where living, dining and kitchen are combined) the maximum habitable room depth is 8m from the window.		• complies with the control	YES
		• Master bedrooms have a minimum area of 10m sqm and other bedrooms 9m sqm (excluding wardrobe) • Bedrooms have a minimum dimension of 3m • Living rooms or combined living/dining rooms have a minimum width of: • 3.6 m for studio and 1 bedroom apartments • 4m for 2 and 3 bedroom apartments		• Typical master bedrooms areas are 10m² minimum - complies with the control • Secondary bedrooms are 9m² minimum - complies with the control • All bedrooms comply with the minimum width of 3m • All living rooms comply with the minimum widths	YES
4E	Private open space and balconies	• All apartments are required to have primary balconies as follows: Type : Minimum Area : Minimum Depth Studio : 4 sqm : N/A 1 Bedroom : 8 sqm : 2m 2 Bedroom : 10 sqm : 2m 3 Bedroom + : 12 sqm : 2.4m		All balconies meet and exceed the minimum area and depth requirements - please refer plans for clarification	YES
		• For apartments at ground level or a podium or similar structure, a private open space is provided instead of a balcony. It must have a minimum area of 15m sqm and a minimum depth of 3m		• All residential units are located above the ground floor	N/A
4F	Common circulation and spaces	• The maximum number of apartments off circulation core on a single level is eight		• Northern portion of building = max. 5 units per 2 cores / 1 lift • Southern portion of building = max. 6 units per core / 1 lift • Western portion of building = max. 4 units per core / 1 lift	YES
4G	Storage	• In addition to storage in kitchens, bathrooms and bedroom, the following storage is provided: Type : Storage size volume Studio : 4m³ 1 Bedroom : 6m³ 2 Bedroom : 8m³ 3 Bedroom : 10m³ At least 50% of the storage is to be located within the apartment.		Able to comply - storage diagrams to be provided in subsequent DA	YES
4H	Acoustic Privacy	Noise sources such as garage doors, driveways, service areas, plant rooms, building services, mechanical equipment, active communal open spaces and circulation areas should be located at least 3m away from bedrooms		• All bedrooms are located above ground level. • Bedrooms are generally located at least 3m away from active portions of communal open spaces and corridors and screened from communal open spaces by a vegetated buffer at level 1. Inter-tenancy walls to be suitably acoustically treated to minimise noise impact from noise sources to relevant BCA standards	YES

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4J	Noise and pollution	In noisy or hostile environments the impacts of external noise and pollution are minimised through the careful siting and layout of buildings Appropriate noise shielding or attenuation techniques for the building design, construction and choice of materials are used to mitigate noise transmission		• Apartments are elevated above the ground floor and are located on level 1 and above to minimise the impact of external noise . • Landscaping design and planting contributes to minimising external noise and pollution.	YES
4K	Apartment Mix	A range of apartment types and sizes is provided to cater for different household types now and into the future The apartment mix is distributed to suitable locations within the building Design guidance		• Unit mix -1 Bed - 3 units -2 Bed - 26 units -3 Bed - 23 units • Proposed apartment mix is designed to cater for the housing need and demographic in the area. Larger unit sizes address the market demand and need to provide additional space to accommodate the ever growing need to provide work from home facilities	YES
4L	Ground Floor Apartments	Street frontage activity is maximised where ground floor apartments are located Design of ground floor apartments delivers amenity and safety for residents		• Street frontage activity is maximised though boutique retail offerings at the ground floor which front Market St and continue through the activated laneway which connects Market St to the Park St car park and the street network to the west. • All residential units are located above ground floor	N/A
4M	Façade	• Building facades provide visual interest along the street while respecting the character of the local area • Building functions are expressed by the facade		• The façade and articulation of the building has been carefully considered to reflect the future intent of Market St as a commercial hub which enlivens the town centre and enriches pedestrian connections • We have sought to design a nuanced and articulated building spanning up to 5 storeys with a substantial setback to the top storey. Through considered distribution of massing we feel that the built form presents as lesser in scale with a fine grain of modulation that responds to the human scale and resides comfortably adjacent to its neighbouring 2 storey development. • Elevation drawings and a photomontage has been provided to express a modern aesthetic in respectful of context. • Elevation drawings, and photomontage provided to indicate visual expression of building functions	YES
4N	Roof Design	Roof treatments are integrated into the building design and positively respond to the street Roof design incorporates sustainability features		• The roof represents a continuation of the architectural character of the building envelope which seek to create a dynamic interface to the corner of Market St & Palmer Lane and announce the building as a gateway site into the central CBD precinct of Merimbula	YES
4O	Landscape	Landscape design is viable and sustainable Landscape design contributes to the streetscape and amenity		• A mixture of low maintenance plants and trees with an extensive range of native plants have been used. Please refer to landscape plans by Site Image	YES

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4Q Universal Design	Developments achieve a benchmark of 20% of the total apartments incorporating the Liveable Housing Guideline's silver level universal design features; • A safe continuous and step free path of travel from the street entrance and / or parking area to a dwelling entrance that is level. • At least one, level (step-free) entrance into the dwelling. • Internal doors and corridors that facilitate comfortable and unimpeded movement between spaces. • A toilet on the ground (or entry) level that provides easy access. • A bathroom that contains a hobless (step-free) shower recess. • Reinforced walls around the toilet, shower and bath to support the safe installation of grabrails at a later date • A continuous handrail on one side of any stairway where there is a rise of more than one metre. • Stairways are designed to reduce the likelihood of injury and also enable future adaptation.		• Adaptable units have been provided as part of the proposal and an access report has been provided to address accessibility - please refer to access report by AED Consulting.	YES
4U Energy Efficiency	Development incorporates passive environmental design Development incorporates passive solar design to optimise heat storage in winter and reduce heat transfer in summer Adequate natural ventilation minimises the need for mechanical ventilation Design guidance		• Refer to solar and daylight access and natural passive ventilation • Material selection and building form considers passive solar design • Refer to natural passive ventilation. Natural ventilation is accessible to all units in the development • a sustainability plan & Basix Certificate has been provided as part of this submission outlining energy efficiency targets	YES
4V Water Conservation	• Potable water use is minimised • Urban stormwater is treated on site before being discharged to receiving waters • Flood management systems are integrated into site design		• Water efficient fittings and appliances will be provided and further defined in the detailed DA submission • A sustainability plan has been provided as part of this submission outlining water conservation targets • Whilst not residential, commercial ground floor levels have been raised to partially accommodate and address the anticipated sea level rise and still marry in with the neighbouring public domain levels. The levels reflect a compromise between the objective of future proofing the design against SLR whilst still providing a functional design that accessible and is not significantly disconnected from the adjacent footpath and road levels • Refer to civil drawings for stormwater management	YES
4W Waste Management	• DCP outlines requirements for waste management plans and no. of bins requires		• Provision for waste rooms has been allocated at ground floor along with waste chutes adjacent to lifts/stair cores. Please refer to the waste management plan by MRA Consulting for further detail	YES