

Statement of Environmental Effects

TWO STAGE MIXED USE DEVELOPMENT AND SUBDIVISION COMPRISING:
STAGE 1 – 64 APARTMENTS OVER COMMERCIAL TENANCIES AND BASEMENT PARKING WITH
CREATION OF NEW ACCESS ROAD
STAGE 2 – 93 APARTMENTS OVER COMMERCIAL TENANCIES AND BASEMENT PARKING

Lot 4212 DP 809265
Benson Avenue, Shellharbour



Image of proposed development (north-east aspect): ADM Architects

Prepared for NPA Developments Pty Ltd

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Contents

1	Executive Summary	4
2	Site Context	5
2.1	Subject Site	5
2.2	Site Constraints	7
2.3	Surrounding Development	7
3	Development Proposal	10
3.1	Proposed Development and Staging	10
3.2	Accompanying Documents	11
4	Council Consultation	12
5	State and Regional Planning Framework	14
5.1	'Integrated Development' (Section 91 of the Environmental Planning and Assessment Act 1979)	14
5.2	State Environmental Planning Policy No. 55 Remediation of Land	14
5.3	State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004	14
5.4	State Environmental Planning Policy (Infrastructure) 2007	15
5.5	Illawarra Regional Strategy	15
5.6	The Illawarra Shoalhaven Regional Plan	16
6	State Environmental Planning Policy No. 65 – (Design Quality of Residential Flat Buildings) 2009	17
6.1	Legislative Requirements	17
6.2	Standards That Cannot Be Used As Grounds To Refuse Development Consent	17
6.3	Apartment Design Guide	18
6.4	Mixed Use Design Guidance	26
7	Shellharbour Local Environmental Plan 2013	27
7.1	Site Zoning	27
7.2	Land Use Table and Zone Objectives	27
7.3	Definition and Permissibility of Use	28
7.4	Part 4 Principal Development Standards	29
7.5	Part 5 Miscellaneous Provisions	29
7.6	Part 6 Local Provisions – General	30
8	Shellharbour Development Control Plan 2013	33
9	Section 79(C)(1) – Matters for Consideration	39
9.1	The provisions of:	39
9.1.1	Any environmental planning instrument	39
9.1.2	Any development control plan	39
9.2	The likely impacts of the development	39
9.2.1	Impact on Amenity:	39
9.2.2	Residential Amenity	42
9.2.3	Parking, Traffic and Access	43
9.2.4	Landscaping	43
9.2.5	Waste Storage and Collection	44
9.2.6	Crime Prevention Through Environmental Design	45
9.2.7	Social Impact Assessment	45
9.3	Cumulative Impact	46
9.4	Suitability of the Site for the Development	46
9.4.1	Flooding Impacts and Stormwater and Drainage Design	46
9.4.2	Acid Sulphate Soils	46
10	SLEP 2013: Clause 4.6 'Exceptions to Development Standards' Statement and Variation to SDCP Clause 7.6 'Building Height'	47
10.1	Introduction	47
10.2	Clause 4.3 SLEP 2013: Height of Buildings	47
10.3	Extent of Variation Sought to Building Height	48
10.4	Clause 4.6 Exceptions to Development Standards Statement	48
10.5	Conclusion	52
Appendix 1 Extract of SEPP 65 Assessment - Compliance Table		
Appendix 2 Development Plans and Shadow Analysis		
Appendix 3 Subdivision Plan		

1 Executive Summary

This development application relates to land identified as Lot 4212 DP 809265 which is a substantial sized allotments of 11,104m², located at Benson Avenue, Shellharbour. The site of the proposed development is currently vacant and is located in Shellharbour City Centre to the immediate south of Stockland Shellharbour and to the east of the future Shellharbour Civic Centre (known as 'The Hub'). The property is reasonably regular in shape and has frontage width to Benson Avenue of approximately 156m.

TCG Planning has been engaged by NPA Development Pty Ltd to prepare a Statement of Environmental Effects to accompany a development application for a two stage mixed use development and subdivision comprising:

- Stage 1 – 64 apartments over commercial tenancies and basement parking with creation of new access road
- Stage 2 – 93 apartments over commercial tenancies and basement parking

The development comprises a total of 3333m² of commercial space and 157 residential apartments with ground level commercial and visitor parking located at the ground floor behind the commercial premises and residential parking located in two basement levels. Communal open space is provided at the podium level and on the roof terrace of Blocks A, C and D, with deep soil planting located around the southern, western and eastern perimeter of the site.

This Statement of Environmental Effects addresses the appropriate heads of consideration under the Environmental Planning and Assessment Act, 1979 relative to the proposed development. The statement details the manner in which the proposed development complies with relevant state environmental planning policies (SEPPs) including SEPP 65 - Design Quality of Residential Flat development. The statement also addresses local planning requirements including Shellharbour Local Environmental Plan 2013 and Shellharbour Development Control Plan 2013, with particular reference to the requirements of the Chapter 3 (Residential Development) and Chapter 7 (Shellharbour City Centre Commercial Development). A Clause 4.6 Exceptions to Development Standards Report is provided to justify variation to the 15m height control contained in SLEP 2013 having regard to the future context of the Shellharbour City Centre where heights of up to 18m are permitted in designated locations in proximity to the site.

Through assessment of these documents it has been confirmed that the proposed development is an appropriate outcome for the site and Council approval is sought.

2 Site Context

2.1 Subject Site

The subject site is officially known as Lot 4212 DP 809265 and is located at Benson Avenue, Shellharbour. The site of the proposed development is currently vacant (as illustrated in **Figure 1**) and is located in the south western part of the Shellharbour City Centre. The property is reasonably regular in shape and has frontage width to Benson Avenue of approximately 156m; a rear boundary length of 140m; a depth of 75m along its western boundary; and a depth of 76.9m along its eastern boundary. The land is a substantial sized allotment with an area of 11,104m².

The most level portion of the land is within the western sector of the site, where the land is sited at approximately RL 48.3, rising gently to RL 49.9 at the rear of the site. Towards the centre of the site the land slopes more steeply from approximately RL 47 in the centre of the site to approximately RL 40 adjacent to the eastern boundary (refer **Figure 3**). The land does not contain any significant vegetation, as shown in **Figure 2**.



Figure 1: Aerial photograph of subject site and surrounding residential development
(Source: map.six.nsw.gov.au)



Figure 2: View of subject site from Benson Ave, looking south-west towards the commercial premises fronting College Ave and the Nazareth Catholic Primary School.



Figure 3: View of subject site from Benson Ave showing the slope of the land to the east, with the Uniting Care Lakeview seniors living development in the background

The subject site is the only remaining undeveloped land within Precinct I of the "Master Plan Precincts" identified within Chapter 7: Shellharbour City Centre Commercial Development of Shellharbour Development Control Plan (DCP) 2013, as shown in Figure 4.

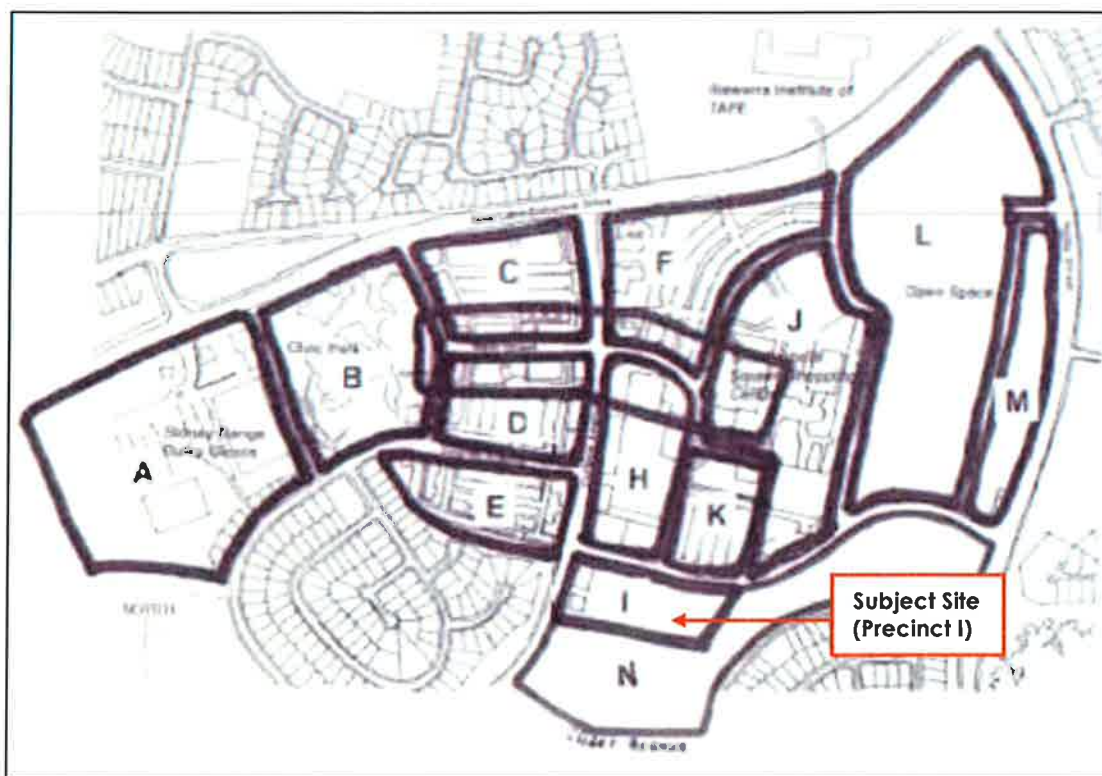


Figure 4: Location of the subject site (Precinct I) within the "Masterplan Precincts" identified within Chapter 7: Shellharbour City Centre Commercial Development of Shellharbour Development Control Plan (DCP) 2013.

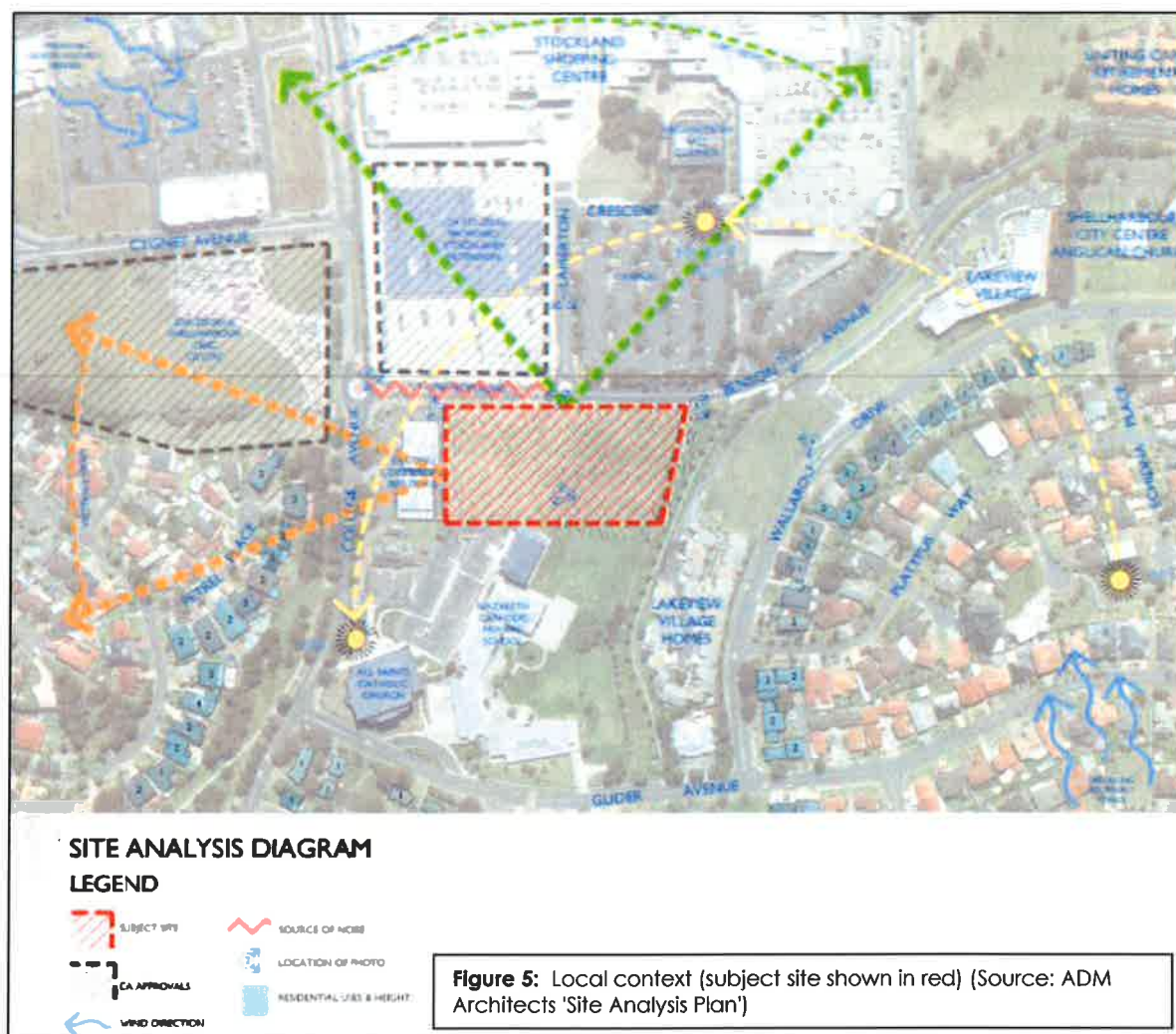
2.2 Site Constraints

A Section 149(5) Planning Certificate (Reference 20150413) which was obtained for Lot 4212 DP 809265 on 23.3.15 indicates that:

- The land does not contain an item of environmental heritage;
- The land is not affected by section 38 or 39 of the Coastal Protection Act, 1979;
- The land is not affected by any road widening or road realignment under the Roads Act, an environmental planning instrument or resolution of Council;
- Council has no records that the land may be located within a flood hazard area.
- The land is not identified as bushfire prone.
- The land is not significantly contaminated, subject to a management order, subject to an approved management proposal, an ongoing maintenance order or a site audit statement within the meaning of the CLM Act.

2.3 Surrounding Development

The subject site is located in the south western part of the Shellharbour City Centre. **Figure 5** illustrates the local context, as referenced in the Site Analysis Plan prepared by ADM Architects.



The allotments opposite the site, to the north of Benson Avenue at the intersection with Lamerton Crescent (refer **Figure 7**) currently both contain commercial car parks, which service the Stockland Shopping Centre and Shellharbour City Council chambers (refer **Figure 6**). The western carpark has been approved (pursuant to DA 571/2015) for an extension to Stocklands Shellharbour. Such sites are identified as Precinct H (to the north-west) and Precinct K (to the north-east) as shown in **Figure 4** which is an extract of the Shellharbour City Centre Masterplan. Chapter 7 of SDCP 20913 indicates that:

Precinct H is intended to:

- Provide a mix of entertainment, retail, residential, retirement and commercial uses.
- Promote active frontages to generate activity on street level.
- Accommodate 2 - 3 storey development on City Square frontage and allow for future option of taller buildings (up to 6 storeys) on the south side.

Precinct K is intended to:

- Provide for future revitalisation and expansion of the shopping centre and/or expansion of offices.
- Provide a mix of retail, residential and commercial uses.
- Provide a active built frontage to the remnant portion of Lamerton Crescent.
- Provide potential for mixed use residential throughout this precinct particularly to the south.

Directly adjoining the site to the west is a two storey commercial building (also within Precinct I), as shown in **Figure 8** which is accessed from College Avenue. The allotment directly to the south of the site contains the Nazareth Catholic Primary School, as shown in **Figure 9** (also accessed from College Ave), seniors housing and the All Saints Catholic Church located further to the south-west at the corner of College Ave and Glider Ave. SDCP 2013 indicates that this land, which is within **Precinct N**, is intended to:

- Allow for the land north of the primary school be developed for a high school and church and the land east of the age care village support further residential development
- Provide key corner element on College Avenue frontage as a landmark.
- Provide retirement housing/aged care between Benson and Wallaroo and integrated with the local residential community and the city centre.

To the east of the site is open space, containing a pathway providing access from residential dwellings in Glider Ave in the south through to Lamerton Cres/Benson Ave and Stockland Shellharbour in the north. Beyond this open space is the Uniting Care Lakeview seniors living (refer **Figure 3**), accessed from Wallaroo Road, and beyond is detached housing, which comprises single and two storey residences.



Figure 6: Site to the north which contains a car park servicing the Stockland Shopping Centre.



Figure 7: View looking north from the site towards Lamerton Crescent roundabout.



Figure 8: Commercial development to the west of the site fronting College Ave.



Figure 9: View of Nazareth Catholic Primary School to the south of the site.

3 Development Proposal

3.1 Proposed Development and Staging

Approval is sought for a:

Two stage shop top housing development and two lot Torrens tile subdivision comprising:

- Stage 1: 64 apartments over commercial premises and basement parking with access road;
- Stage 2: 93 apartments over commercial premises and basement parking.

Specifically, the development application seeks approval for a mixed use development to be constructed in two (2) stages, which will contain four 'blocks', being Blocks A, B, C and D sited over a podium level. The development will be accessed from an internal accessway sited opposite the western arm of Lamerton Crescent. The development will contain a total of 3333m² of commercial space and 157 residential apartments and will comprise the following components within each stage:

Stage 1: Block A and B (located in the eastern sector of the site)

- A total of 64 residential apartments sited over four residential levels, comprised of 18 x one bedroom apartments, 39 x two bedroom apartments and 7 x 3 bedroom apartments.
- Ten (10) of the apartments in this stage will be adaptable.
- One level of commercial space (1527m²) fronting Benson Ave, with one commercial space (141m²) fronting the internal accessway at the ground floor level.
- 32 commercial parking spaces sited to the rear of the commercial tenancies, accessed from the internal accessway.
- Two levels of basement parking, with Basement Level 1 containing 70 residential carparking spaces and 13 visitor spaces and Basement Level 2 containing 30 residential carparking spaces.
- Construction of central accessway and ten (10) visitor spaces located parallel to the accessway.
- 970m² of communal open space sited at the podium level.
- A total of 40 bicycle spaces will be provided within this stage or the commercial tenancies, staff, residents and visitors and 10 motorcycle spaces will service the residential and commercial components of the development.

Stage 2: Block C and D (located in the western sector of the site)

- A total of 93 residential apartments sited over four residential levels, comprised of 25 x one bedroom apartments, 62 x two bedroom apartments and 6 x 3 bedroom apartments.
- Six (6) of the apartments in this stage will be adaptable.
- One level of commercial space (1509m²) fronting Benson Ave, with one commercial space (156m²) fronting the internal accessway at the ground floor level.
- Commercial/visitor parking (containing 42 commercial and 18 visitor spaces) to the rear of the retail premises, accessed from the internal accessway.
- Two levels of basement parking, with Basement Level 1 containing 87 residential carparking spaces and Basement Level 2 containing 32 residential carparking spaces.
- 740m² of communal open space sited at the podium level.

- A total of 57 bicycle spaces will be provided within this stage for the commercial tenancies, staff, residents and visitors and 12 motorcycle spaces will service the residential and commercial components of the development.

The proposed staging of the development is shown in the Site Plan prepared by ADM Architects Drawing A09 provided in Appendix 2 of this Statement.

The subdivision (Torrens Title) which is proposed will create two allotments, with Lot 1 having an area of 5246m² and Lot 2 having an area of 5858m², as shown on the Subdivision Plan prepared by Masters Surveying (Reference W15010) dated 22.12.15.

3.2 Accompanying Documents

The application is accompanied by the following plans and documents:

- Development Summary, Site Locality Plan & Street Sections, Plan, Site Analysis Plan, Contextual Streetscape Views, Site & Roof Plan, Floor Plans, Elevations and Sections, Pre and Post Adaptation Plan, Shadow Analysis and Colour and Materials Schedule prepared by ADM Architects Project (Drawing Nos. A00 to A24 Revision A dated January 2016) - refer Appendix 2;
- SEPP 65 Assessment prepared by ADM Architects (extract contained in Appendix 1);
- Plan of Subdivision prepared by Masters and Associates Reference W15010 dated 22.12.15 (refer Appendix 3);
- Landscape Plan prepared by Captivate reference 15-1039/1 and 2 dated 20.1.16;
- Water Cycle Management Plan Reference CRPT-20151123.01A dated 21.12.15 prepared by Jones Nicholson;
- Water Cycle Management Plan Reference 20151123 dated 21.12.15 prepared by Jones Nicholson;
- Civil Design Plans reference 151123 Sheets C00P1- C07P1 dated 20.1.16 prepared by Jones Nicholson;
- Hydraulic Assessment prepared by Jones Nicholson Reference CLTR- 20151123.01A dated 23.12.15;
- Statement of Compliance Access for People with a Disability prepared by Accessible Building Solutions Job No. 215413 dated 21.12.15;
- Carparking & Traffic Impact Assessment prepared by Aztec Design Reference T-085 dated January 2016;
- BASIX Certificate prepared by Greenview Consulting.

4 Council Consultation

A prelodgement meeting was held with Council on 15 September 2015 to discuss key issues in relation to the proposed development, prior to submitting the development application and prior to the completion of the architectural plans. The main issues that were raised at the meeting and the manner in which they have been addressed within this development application are outlined in the following table:

In attendance at the meeting were:

Shellharbour City Council: Anthony Randall, Victoria Nicholson, Pauline Mair, Adam de Cloutt, and Adam Urszulak

Applicant: Angelo Di Martino (ADM Architects); Elaine Treglown (TCG Planning Pty Ltd); Alex Pupovac, Peter Taranto and Daniel Hodge (NPA Developments)

Table1: Prelodgement Advice and Response

Issue	Comment
Determining Authority	
The determining authority for the proposal will be the Joint Regional Planning Panel as the capital investment value of the proposed development exceeds \$20 million.	Noted and agreed.
Water Supply Works	
Council's records show that the site is burdened with a 5m wide water supply works easement to benefit the local water authority. The authority empowered to vary, modify or release the terms of the restriction is the local water authority. This must be addressed in the SEE.	The easement will be relocated in accordance with Sydney Water requirements. A water service coordinator (KFW) has commenced liaison to enable completion of a compliant design.
Waste Management	
The waste management facilities must provide for the separation at source of landfill and recyclables of both residential and commercial uses at the development. The anticipated waste volumes and dimensions of the waste storage areas are to be detailed, including details of collection.	Separate commercial and residential areas are provided for Blocks A/B and C/D, with bins provided for general waste and green waste. Refer to section 9 of this SEE for details and waste volumes.
Crime Prevention Through Environment Design (CPTED)	
The principles of CPTED shall be incorporated into the design of the development given the proximity of the primary school adjoining the subject site.	CPTED principles have been considered within the design and the provisions of Chapter 17: Crime Prevention through Environmental Design are addressed in section 9 of this SEE.
Landscaping	
Deep soil zone has been proposed along the side and rear boundaries - the landscape treatment at the end of the private access road should consider its visibility to traffic approaching the site and its interface with the school.	Addressed within the accompanying Landscape Concept Plan prepared by Captivate.
Variations - Setbacks	
No objection is made to the proposed setback of 4m to 4.5m along the eastern boundary.	Noted - variation sought discussed in section 8 and 9 of this SEE.
Engineering advice	
Provide topographic and detail survey of the lot with 0.2m contours to AHD, including the downstream Council Reserve area, and Bensons Avenue (especially the roundabout area). All underground services must be located and shown on the survey plan.	Detailed information is contained in the accompanying Site Survey plan prepared by Masters Surveying.
Provide a comprehensive Water Cycle Management Plan in accordance with SDCP (2013) requirements.	Refer to the Water Cycle Management Plan prepared by Jones Nicholson which accompanies the application.
Provide Concept Stormwater Plan	Refer to the Civil Design prepared by Jones Nicholson which accompanies the application.
Provide Flood Study - the study must investigate the impacts of	The section 149 certificate obtained on 23.3.15

Issue	Comment
the proposed development on overland flow path flooding in Bensons Creek Reserve and any flooding impacts to the development.	states that the Council has no records indicating that the land may be located in a flood hazard area. Flood advice prepared by Jones Nicholson accompanies the application as per discussions with Council's drainage engineer.
Vehicle Access	
The existing roundabout (Bensons Avenue/Lamerton Crescent) does not comply with current standards	Refer to the accompanying Carparking & Traffic Impact Statement prepared by Aztec Design.
The applicant must consider the impacts of the proposed development on the roundabout, including impacts to traffic on Bensons Ave, and services within the road reserve, and how they propose to implement access to their development from the roundabout. A portion of the property may need to be dedicated to Council to allow road widening.	Refer to the accompanying Carparking & Traffic Impact Statement prepared by Aztec Design.
Building Height	
Officer support is provided for an increase in building height given the significance of this building in the Shellharbour City centre and having regard to its streetscape context.	Refer to Section 10 of this SEE for a discussion of building height having regard to the site's context.

5 State and Regional Planning Framework

5.1 'Integrated Development' (Section 91 of the *Environmental Planning and Assessment Act 1979*)

Integrated development is development (not being State significant development or complying development) that, in order for it to be carried out, requires development consent and one or more of the approvals from certain state legislation. The proposed development does not require any of these approvals and is therefore not integrated development.

5.2 State Environmental Planning Policy No. 55 Remediation of Land

The object of SEPP 55 is to provide for a state-wide planning approach to the remediation of contaminated land. Clause 7 of SEPP 55 outlines the considerations for the consent authority in determining development applications on land that is potentially contaminated. Clause 7 of SEPP 55 requires the following:

- (1) A consent authority must not consent to the carrying out of any development on land unless:
 - (a) it has considered whether the land is contaminated, and
 - (b) if the land is contaminated, it is satisfied that the land is suitable in its contaminated state (or will be suitable, after remediation) for the purpose for which the development is proposed to be carried out, and
 - (c) if the land requires remediation to be made suitable for the purpose for which the development is proposed to be carried out, it is satisfied that the land will be remediated before the land is used for that purpose.
- (2) Before determining an application for consent to carry out development that would involve a change of use on any of the land specified in subclause (4), the consent authority must consider a report specifying the findings of a preliminary investigation of the land concerned carried out in accordance with the contaminated land planning guidelines.

The subject site is currently vacant and there is no evidence available to suggest that a potentially contaminating landuse under the Contaminated Land Planning Guidelines has occurred on the site. Further a section 149 certificate dated 29.3.15 (Certificate No. 20150413) states that there are no matters listed under Section 59 (2) of the Contaminated Land Management Act 1997 affecting the site. Accordingly, the preparation of further investigations into site contamination is to considered warranted.

5.3 State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004

A 'BASIX affected building' is defined by the *Environmental Planning and Assessment Regulation 2000* as "any building that contains one or more dwellings, but does not include a hotel or motel". This development application seeks approval for the erection of a mixed use development, containing 156 residential dwellings. *State Environmental Planning Policy (SEPP) (BASIX) 2004* applies to buildings that are defined as 'BASIX affected development'. In terms of the subject development, **BASIX affected development** means:

- (a) development that involves the erection (but not the relocation) of a BASIX affected building;

Under the provisions of this SEPP a BASIX certificate is required for the proposed development. The development is accompanied by a BASIX Assessment Certificate prepared by Greenview Consulting which confirms that the proposed BASIX commitments achieve the SEPP requirements for thermal comfort and water and energy efficiencies.

5.4 State Environmental Planning Policy (Infrastructure) 2007

State Environmental Planning Policy (Infrastructure) 2007 aims to ensure the effective delivery of infrastructure across the State and that appropriate agencies are made aware of and are given an opportunity to make representations in respect of certain development, including traffic generating developments. Division 17 relates to road infrastructure while Schedule 3 of the SEPP outlines traffic generating development which requires referral to Roads and Maritime Services (RMS).

The proposed development contains 157 residential units and is therefore not captured by the referral requirements of the SEPP (due to the number of dwellings) as it contains less than:

- 300 dwellings with access to any road or 75 dwellings with access to a classified road or to a road that connects with an classified road.

However, the development contains parking for in excess of 200 cars and it is therefore captured by Schedule 3 of the SEPP, which specifies that referral is required for development which comprises:

- *Any other purpose with parking for 200 or more vehicles and access to any road.*

Accordingly, referral to the Roads and Maritime Services will be required as part of the development application assessment process.

5.5 Illawarra Regional Strategy

The Illawarra Regional Strategy applies to the local government areas of Kiama, Shellharbour and Wollongong and has been prepared by the Department of Planning. The primary purpose of the Regional Strategy is to ensure that adequate land is available and appropriately located to sustainably accommodate the projected housing and employment needs of the Region's population over the next 25 years. The Regional Strategy aims to:

- *Ensure an adequate supply of land strategically located to support economic growth and the capacity for an additional 30,000 new jobs.*
- *Provide 38,000 new dwellings by 2031 to cater for the region's growing population and changing demographics.*
- *Protect high value environments including coastal lakes, estuaries, aquifers, threatened species, vegetation communities and habitat corridors by ensuring that new urban development minimises impacts on these important areas and their catchments.*
- *Prevent development in places constrained by coastal processes, flooding, wetlands, important primary industry resources and significant scenic and cultural landscapes.*

This proposal will supply additional residential living opportunities within the Illawarra. The development is strategically located with access to a range of both local services within the Shellharbour local government area including the Stockland Shellharbour retail complex to the immediate north of the site, together with a range of facilities within the broader Illawarra region.

The proposed development will contribute to the need for additional housing and will cater for the region's growing population within the Shellharbour City precinct, whilst providing ground level commercial space to complement the adjacent retail/commercial precinct.

5.6 The Illawarra Shoalhaven Regional Plan

The Regional Plan was finalized by the NSW Department of Planning and Environment in November 2015 and applies to the Local Government Areas of Kiama, Shellharbour, Shoalhaven and Wollongong. The plan was first exhibited for community comment as the Draft Regional Growth and Infrastructure Plan (your future Illawarra) Strategy in October 2014. This Regional Plan, according to the document, *"provides the strategic policy, planning and decision-making framework to guide the region to sustainable growth over the next 20 years."*

The Regional Plan identifies a Centres Hierarchy servicing the Illawarra Shoalhaven as follows:

Metropolitan Centre – Wollongong

Major Regional Centre – Shellharbour Centre and Nowra Centre

Major Urban Centre – Warrawong and Dapto

Regional Centre – Kiama, Milton-Ulladulla and Vincentia District

Urban Centre – Corrimal, Fairy Meadow, Figtree, Unanderra, Warilla and Albion Park

The Shellharbour Centre has been identified as increasingly providing *"goods and services for the central parts of the region, including West Lake Illawarra release areas"* and the plan recognises the significant health and education assets through Shellharbour Hospital and Shellharbour TAFE.

With respect to housing the Plan recognizes that *"the region will need at least 35,400 new homes between 2016 and 2036 to meet the demands of population growth and change – this is an average of 1,770 each year. With one in four residents aged 65 years or older, and more one- and two person households, decisions about the types of housing available, and the locations of new housing, as well as the environmental impact of development, are all important"*.

Goal 2 of the Plan therefore is to provide a variety of housing choices with homes that meet needs and lifestyles. Direction 2.1 noted that *"no new release areas are required for Wollongong, Shellharbour and Shoalhaven beyond those already identified under the Illawarra Urban Development Program and Shoalhaven Growth Management Strategy..... Councils are to plan for the mix of housing that suits the projected growth, changing demographics (such as an ageing population) and market demand particular to their area. This means that zonings and planning controls maintain, or in some cases, increase capacity for housing....."*

The proposed development will provide ground floor commercial development which will assist in growing local employment opportunities. Further, it will provide upper floor residential accommodation which will provide increased diversity, density and housing choice within a suitably zoned and serviced location, thereby meeting consolidation objectives.

6 State Environmental Planning Policy No. 65 – (Design Quality of Residential Flat Buildings) 2009

6.1 Legislative Requirements

The Environmental Planning and Assessment Amendment (SEPP 65) Regulation 2002 and State Environmental Planning Policy No. 65 – Design Quality of Residential Flat Development were gazetted on 26 July 2002. Amendment 3 of SEPP 65 was notified on 19 June 2015 and commenced operation on 17 July 2015. The amended policy applies to development for the purpose of a residential flat building, shop top housing or mixed use development with a residential accommodation component if:

(a) *the development consists of any of the following:*

- (i) the erection of a new building,*
- (ii) the substantial redevelopment or the substantial refurbishment of an existing building,*
- (iii) the conversion of an existing building, and*

(b) the building concerned is at least 3 or more storeys (not including levels below ground level (existing) or levels that are less than 1.2 metres above ground level (existing) that provide for car parking), and

(c) the building concerned contains at least 4 or more dwellings.

The provisions of the SEPP apply to this development as it comprises the erection of a new building, which contains in excess of 3 storeys incorporating 157 residential apartments.

The *Environmental Planning and Assessment Regulations 2000* (Clause 50) require that a development application must be accompanied by a design verification from a qualified designer which certifies that the qualified designer has directed the design and that the building achieves the design quality principles set out in SEPP 65 and the objectives of Parts 3 and 4 of the Apartment Design Guide have been achieved (amended clauses 50(1A) and 115). A SEPP 65 Summary Table prepared by ADM Architects is contained in **Appendix 1** of this Statement of Environmental Effects, whilst an assessment under State Environmental Planning Policy No. 65 (including Design Verification Statement), also prepared by ADM Architects, accompanies the development application. This SEPP65 Assessment concludes that the proposed building will satisfy the design quality principles of SEPP 65 - Design Quality of Residential Flat Development (Amendment 3) and the objectives of Parts 3 and 4 of the Apartment Design Guide.

6.2 Standards That Cannot Be Used As Grounds To Refuse Development Consent

Clause 30 of the SEPP confirms the grounds by which a development application or modification of consent cannot be refused being:

- (a) if the car parking for the building will be equal to, or greater than, the recommended minimum amount of car parking specified in Part 3J of the Apartment Design Guide,*
- (b) if the internal area for each apartment will be equal to, or greater than, the recommended minimum internal area for the relevant apartment type specified in Part 4D of the Apartment Design Guide,*

(c) if the ceiling heights for the building will be equal to, or greater than, the recommended minimum ceiling heights specified in Part 4C of the Apartment Design Guide.

Note. The Building Code of Australia specifies minimum ceiling heights for residential flat buildings.

Compliance with clauses 30(a), (b), and (c) is demonstrated within Table 2 in section 6.3 below.

6.3 Apartment Design Guide

Clause 28 of the policy requires that a consent authority take into consideration the Apartment Design Guide, prepared by the Department of Planning and Environment in 2015. Clause 6A of the SEPP confirms that with respect to the objectives, design criteria and design guidance set out in Parts 3 and 4 of the Apartment Design Guide (*Department of Planning and Environment, 2015*), Development control plans cannot be inconsistent with this guide in respect of the following:

- (a) visual privacy,
- (b) solar and daylight access,
- (c) common circulation and spaces,
- (d) apartment size and layout,
- (e) ceiling heights,
- (f) private open space and balconies,
- (g) natural ventilation,
- (h) storage.

Further, subclause 6A(2) clarifies that "if a development control plan contains provisions that specify requirements, standards or controls in relation to a matter to which this clause applies, those provisions are of no effect", whilst subclause 6A(3) clarifies that "this clause applies regardless of when the development control plan was made".

The Apartment Design Code confirms that "the design criteria set a clear measurable benchmark for how the objective can be practically achieved. If it is not possible to satisfy the design criteria, applications must demonstrate what other design responses are used to achieve the objective and the design guidance can be used to assist in this".

Table 2 demonstrates whether the proposed development will comply with the Design Criteria contained in Part 3 (Siting the Development - Visual Privacy) and Part 4 (Amenity) of the Apartment Design Guide (ADG), being the standards by which the guidelines contained in the Apartment Design Guide take precedence over WDCP 2009. Further, this table also demonstrates whether the other Design Criteria contained in Part 3 and Part 4 are also met. The SEPP 65 Assessment prepared by ADM Architects discusses the manner in which the proposal has considered the Design Guidance of the Apartment Design Guide during the design development phase.

Table 2: Compliance with Part 3 (Siting/Visual Privacy/Carparking) & Part 4 (Amenity) of the ADG

		Primary Control	Proposed	Compliance
3D	Communal Open Space	Communal open space has a minimum area equal to 25% of the site. Where developments are unable to achieve the design criteria, such as on small lots, sites within business zones, or in a dense urban area, they should: • provide communal spaces elsewhere such as a landscaped roof top terrace or a common room • provide larger balconies or increased private open space for apartments • demonstrate good proximity to public open space and facilities and/or provide contributions to public open space.	Communal open space is located on the Podium (Level 1) between Blocks A & B (970m²) and between Blocks C & D (740m²). Communal open space is also located on the roof terrace of Buildings A (335m²), C (255m²) and D (390m²). <u>Required:</u> Residential floor area == 14,338m² Commercial floor area = 3333m². Therefore the residential floor area equates to 81% of the site. Accordingly, 20.2% of the site (ie. 81% x 25%) should be provided as communal open space, which is 2248m². <u>Provided:</u> A total of 2670m² of communal open space is provided (1710m² at podium and 960m² at roof terrace), which is compliant with the proportion required for the residential component of the development.	Complies
		Achieve a minimum of 50% direct sunlight to the principal useable part of the communal open space for a minimum of 2 hours between 9am and 3pm on June 21.	Sunlight access is required to 50% of the required 2248m² of communal open space, which equates to 1124m² of the COS being required to achieve 2 hours of sunlight. The Shadow Analysis prepared by AM Architects shows that the roof terrace of Block A and C will receive sunlight for well in excess of the required 2 hours, with only a limited area of such terraces being overshadowed in the later afternoon period. Similarly, the roof terrace of Block D will receive sunlight through most of the day on June 21, with only a limited area shaded by 3pm. Hence, the 960m² of rooftop communal open space (ie. 42.7% of the total 2248m² required COS) meets the 2 hour requirement for sunlight access on June 21. The communal open space at the podium level, being sited centrally within the development, will be overshadowed throughout the day however 67m² at the podium level (ie 6.0% of the total 2248m² required COS) will achieve 2 hours of sunlight. When combined with the communal open space at the rooftop a total of 48.7% of the communal open space achieves the required 2 hours of sunlight. This is only marginally below the required 50% and will not result in a loss of amenity for residents within the development given the minor	Minor Variation

Table 2: Compliance with Part 3 (Siting/Visual Privacy/Carparking) & Part 4 (Amenity) of the ADG																
		Primary Control	Proposed	Compliance												
			variation sought within this commercial/mixed use precinct													
3E	Deep Soil Zones	Deep soil zones are to meet the following criteria: <table><tr><th>Site Area</th><th>Min Dimen-sions</th><th>Deep Soil Zone (% of site area)</th></tr><tr><td><650m²</td><td>-</td><td rowspan="4">7%</td></tr><tr><td>650m² - 1500m²</td><td>3m</td></tr><tr><td>>1500m²</td><td>6m</td></tr><tr><td>>1500m² with significant tree cover</td><td>6m</td></tr></table>	Site Area	Min Dimen-sions	Deep Soil Zone (% of site area)	<650m²	-	7%	650m² - 1500m²	3m	>1500m²	6m	>1500m² with significant tree cover	6m	A 6m wide deep soil zone extends along the southern boundary of the site, which has an area of 780m² and therefore equates to 7% of the site. An additional 6m of deep soil planting is provided along the majority of the western boundary; and 5.4m is provided along the eastern boundary. The total area of deep soil planting on the site, when combining all 3 areas, equates to 1540m², which is 13.87% of the site area.	Complies
Site Area	Min Dimen-sions	Deep Soil Zone (% of site area)														
<650m²	-	7%														
650m² - 1500m²	3m															
>1500m²	6m															
>1500m² with significant tree cover	6m															
3F	Visual Privacy	Separation between windows and balconies is provided to ensure visual privacy is achieved. Minimum required separation distances from buildings to the side and rear boundaries are as follows: <table><tr><th>Building Height</th><th>Habitable Rooms and Balconies</th><th>Non Habitable Rooms</th></tr><tr><td>up to 12m (4 storeys)</td><td>6m</td><td>3m</td></tr><tr><td>up to 25m (5-8 storeys)</td><td>9m</td><td>4.5m</td></tr><tr><td>over 25m (9+ storeys)</td><td>12m</td><td>6m</td></tr></table>	Building Height	Habitable Rooms and Balconies	Non Habitable Rooms	up to 12m (4 storeys)	6m	3m	up to 25m (5-8 storeys)	9m	4.5m	over 25m (9+ storeys)	12m	6m	SETBACKS to ADJACENT SITES: The site is bounded to the west by 2 storey commercial premises; to the south by an educational establishment (Nazareth Catholic Primary School) to the east by open space; to the north by a carpark and land to be developed for commercial purposes. Block C & D For the purpose of setbacks it is noted that the site slopes down to the east. For Block C&D the ground floor level and Levels 1-3 are predominantly located in the 'up to 12m' (4 storey) height plane and Level 5 is located in the 12-25m (5-8 storey) height plane. West and South: Up to 4 storeys (Ground Floor & Levels 1-3): <u>Side and Rear:</u> 6.0m. <i>Complies</i> 5th Storey (Level 4): Up to 4 storeys (Ground Floor & Levels 1-3): <u>Side and Rear:</u> 9.0m. <i>Complies</i> Block A & B For Block A & B the Ground Floor Level and Levels 1-3 are predominantly located in the 'up to 12m' (4 storey) height plane for the western portion of the building. Level 5 (which is sited adjacent to Benson Ave) is within the 12-25m (5-8 storey) height plane. However, in the eastern portion of the site, where the land slopes downwards, Basement 1 also extends completely above ground and therefore for the eastern portion of the building Level 4 is located within the 12-25m (5-8 storey) height plane.	Complies Complies
Building Height	Habitable Rooms and Balconies	Non Habitable Rooms														
up to 12m (4 storeys)	6m	3m														
up to 25m (5-8 storeys)	9m	4.5m														
over 25m (9+ storeys)	12m	6m														

Table 2: Compliance with Part 3 (Siting/Visual Privacy/Carparking) & Part 4 (Amenity) of the ADG				
		Primary Control	Proposed	Compliance
			South-west: <u>Up to 4 storeys (Ground Floor & Levels 1-3):</u> <u>Rear:</u> 6.0m. <i>Complies</i> 5th Storey (Level 4): Is sited adjacent to Benson Ave and therefore is set well back from all boundaries. <i>Complies</i> South-east & east: <u>Up to 4 storeys (Basement 1, Ground Floor & Levels 1-2):</u> <u>Rear:</u> 6.0m. <i>Complies</i> <u>Side (east):</u> Min 5.445m (with one corner of upper level balconies in Building A at 4.335m). Setback increases to a maximum of 9.5m for Building A. <i>Variation sought to the required 6m setback.</i> 5th Storey (Level 3): <u>Rear:</u> 6.0m. <i>Variation sought to the required 9m setback.</i> <u>Side (east):</u> Min 5.445m (with one corner of upper level balconies in Building A at 4.335m). Setback increases to a maximum of 9.5m for Building A. <i>Variation sought to the required 9m setback.</i>	<i>Complies</i> <i>Complies</i> <i>Complies</i> <i>Variation sought - refer section 9</i> <i>Variation sought - refer section 9</i> <i>Variation sought - refer section 9</i>
3F	Visual Privacy (cont.)	Separation distances between buildings on the same site should combine required building separations depending on the type of room (see figure 3F.2). Require: Up to 12m (4 storeys) - 12m (habitable) up to 25m (5-8 storeys) - 18m (habitable) Gallery access circulation should be treated as habitable space when measuring privacy separation distances between neighbouring properties	SEPARATION BETWEEN BUILDINGS ON THE SUBJECT SITE: Between Building A & C 4 storeys - require 12m separation: Min 18.86m (between balconies) Between Buildings B & D: 4 storeys - require 12m separation: Min 14.18m (between balconies) Between Building A & B: (4-5 storeys - require 18m separation) Min 20.64m (wall to balcony) Between Buildings C & D: 4 storeys - require 12m separation: Min 20.87m (wall to balcony)	<i>Complies</i> <i>Complies</i> <i>Complies</i> <i>Complies</i>

Table 2: Compliance with Part 3 (Siting/Visual Privacy/Carparking) & Part 4 (Amenity) of the ADG				
		Primary Control	Proposed	Compliance
3J	Carparking	For development in the following locations: • on sites that are within 800 metres of a railway station or light rail stop in the Sydney Metropolitan Area; or • on land zoned, and sites within 400 metres of land zoned, B3 Commercial Core, B4 Mixed Use or equivalent in a nominated regional centre the minimum car parking requirement for residents and visitors is set out in the Guide to Traffic Generating Developments, or the car parking requirement prescribed by the relevant council, whichever is less. The car parking needs for a development must be provided off street. Clause 30 of the SEPP confirms the grounds that a development application or modification of consent cannot be refused if the car parking for the building will be equal to, or greater than, the recommended minimum amount of car parking specified in Part 3J of the Apartment Design Guide.	Shellharbour is identified as a nominated regional centre within Table 3 of Section 3J. The carparking for the development is provided in accordance with the RMS Guide to Traffic Generating developments, which specifies the following standards for carparking: Required Parking Residential flat building (High density - metropolitan subregional centre) <u>Require Resident:</u> 0.6 spaces per 1 bed unit 0.9 spaces per 2 bed unit 1.4 spaces per 3 bed unit <u>Require Visitor:</u> 1 space per 5 units <u>Commercial</u> 1 space per 40m² GFA Therefore: Stage 1 <u>Require Residents:</u> 18 x 1 bed = 10.8 spaces 39 x 2 bed = 35.1 spaces 7 x 3 bed = 9.8 spaces Require: 55.7 spaces <u>Require Visitors:</u> Require: 0.2 x 64 = 12.8 spaces <u>Require Commercial:</u> 41.7 spaces TOTAL REQUIRED STAGE 1: 110.2 - (55.7 resident, 12.8 visitor & 41.7 commercial) TOTAL PROVIDED STAGE 1: 155 spaces (100 resident, 13 visitor & 42 commercial) Stage 2 <u>Require Residents:</u> 25 x 1 bed = 15 spaces 62 x 2 bed = 55.8 spaces 6 x 3 bed = 8.4 spaces Require: 79.2 spaces <u>Require Visitors:</u> Require: 0.2 x 93 = 18.6 spaces <u>Require Commercial:</u> 41.6 spaces TOTAL REQUIRED STAGE 2: 139.4 - (79.2 resident, 18.4 visitor & 41.6 commercial) TOTAL PROVIDED STAGE 2: 179 spaces (119 resident, 18 visitor & 42 commercial)	Complies

Table 2: Compliance with Part 3 (Siting/Visual Privacy/Carparking) & Part 4 (Amenity) of the ADG																
		Primary Control	Proposed	Compliance												
4A	Solar and Daylight Access	Living rooms and private open spaces of at least 70% of apartments in a building receive a minimum of 2 hours direct sunlight between 9 am and 3 pm at mid winter in the Sydney Metropolitan Area and in the Newcastle and Wollongong local government areas.	The SEPP 65 Compliance Table prepared by ADM Architects' (Appendix 1) indicates that 70% of the 157 units (ie. 110 units) will achieve 2 hours of sunlight on June 21, calculated as follows. Within Stage 1 the following units achieve the required amount of sunlight: <u>Block A</u> : 30 of the 34 units <u>Block B</u> : 20 of the 30 units Within Stage 2 the following units achieve the required amount of sunlight: <u>Block C</u> : 33 of the 45 units <u>Block D</u> : 27 of the 48 units	Complies												
		A maximum of 15% of apartments in a building receive no direct sunlight between 9 am and 3 pm at mid winter.	18 of the 156 units do not receive direct sunlight which equates to 11.5%.	Complies												
4B	Natural Ventilation	At least 60% of apartments are naturally cross ventilated in the first nine storeys of the building. Apartments at ten storeys or greater are deemed to be cross ventilated only if any enclosure of the balconies at these levels allows adequate natural ventilation and cannot be fully enclosed.	The SEPP 65 Compliance Table prepared by ADM Architects' (Appendix 1) indicates that 62% of the 157 units (ie. 98 units) will be cross ventilated. Within Stage 1 the following units are cross ventilated: <u>Block A</u> : 24 of the 34 units <u>Block B</u> : 22 of the 30 units Within Stage 2 the following units are cross ventilated: <u>Block C</u> : 26 of the 45 units <u>Block D</u> : 26 of the 47 units	Complies												
		Overall depth of a cross-over or cross-through apartment does not exceed 18m, measured glass line to glass line	There are a number of apartments which are defined as cross through apartments, being apartments on one level with two opposite aspects. The maximum depth (glass to glass) is approx 17.0m.	Complies												
4C	Ceiling Heights	Measured from finished floor level to finished ceiling level, minimum ceiling heights are: <table><tr><th colspan="2">Min ceiling height for apartment & mixed use buildings</th></tr><tr><td>Habitable rooms</td><td>2.7m</td></tr><tr><td>Non-habitable</td><td>2.4m</td></tr><tr><td>For 2 storey apartments</td><td>2.7m for main living area floor 2.4m for second floor, where its area does not exceed 50% of the apartment area</td></tr><tr><td>Attic spaces</td><td>1.8m at edge of room with a 30 degree minimum ceiling slope</td></tr><tr><td>If located in mixed use areas</td><td>3.3m for ground and first floor to promote future flexibility of use</td></tr></table> These minimums do not preclude higher ceilings if desired.	Min ceiling height for apartment & mixed use buildings		Habitable rooms	2.7m	Non-habitable	2.4m	For 2 storey apartments	2.7m for main living area floor 2.4m for second floor, where its area does not exceed 50% of the apartment area	Attic spaces	1.8m at edge of room with a 30 degree minimum ceiling slope	If located in mixed use areas	3.3m for ground and first floor to promote future flexibility of use	2.7m ceiling height is proposed for all residential levels. All apartments are single level. 3.3m ceiling height is proposed for the commercial level.	Complies
Min ceiling height for apartment & mixed use buildings																
Habitable rooms	2.7m															
Non-habitable	2.4m															
For 2 storey apartments	2.7m for main living area floor 2.4m for second floor, where its area does not exceed 50% of the apartment area															
Attic spaces	1.8m at edge of room with a 30 degree minimum ceiling slope															
If located in mixed use areas	3.3m for ground and first floor to promote future flexibility of use															

Table 2: Compliance with Part 3 (Siting/Visual Privacy/Carparking) & Part 4 (Amenity) of the ADG														
		Primary Control	Proposed	Compliance										
4D	4D Apartment Size and Layout	Apartments are required to have the following minimum internal areas: <table><tr><th>Apartment type</th><th>Minimum Internal area</th></tr><tr><td>Studio</td><td>35m²</td></tr><tr><td>1 bedroom</td><td>50m²</td></tr><tr><td>2 bedroom</td><td>70m²</td></tr><tr><td>3 bedroom</td><td>90m²</td></tr></table>	Apartment type	Minimum Internal area	Studio	35m ²	1 bedroom	50m ²	2 bedroom	70m ²	3 bedroom	90m ²	The one bedroom units are a minimum of 56m ² in area (50m ² required). The two bedroom units (no ensuite) are a minimum of 75m ² in area (70m ² required). The two bedroom units (with ensuite) are a minimum of 87m ² in area (75m ² required). The three bedroom units (with ensuite) are a minimum of 110m ² in area (95m ² required).	Complies
		Apartment type	Minimum Internal area											
		Studio	35m ²											
		1 bedroom	50m ²											
		2 bedroom	70m ²											
		3 bedroom	90m ²											
		The minimum internal areas include only one bathroom. Additional bathrooms increase the minimum internal area by 5m ² each . A fourth bedroom and further additional bedrooms increase the minimum internal area by 12m ² each												
		Every habitable room must have a window in an external wall with a total minimum glass area of not less than 10% of the floor area of the room. Daylight and air may not be borrowed from other rooms	All living rooms and bedrooms have a window, sized to meet BCA requirements.	Complies with BCA										
		Habitable room depths are limited to a maximum of 2.5 x the ceiling height	A maximum depth of 6.75m is permitted based on a 2.7m ceiling height. All rooms are less than 6.75m in depth, except for combined living, dining kitchen (refer below).	Complies										
		In open plan layouts (where the living, dining and kitchen are combined) the maximum habitable room depth is 8m from a window	The majority of units comply however variation is sought for a limited number of apartments which have a depth of 9.2m. Variation is sought to this requirement as 75% of units comply and other cross ventilation and sunlight requirements are met.	Variation sought										
Master bedrooms have a minimum area of 10m ² and other bedrooms 9m ² (excluding wardrobe space)	Master bedrooms have areas of between 12m ² and 16m ² (exclusive of the area of wardrobes). Bedroom 2 and 3 have areas of 9m ² to 11m ² (exclusive of the area of wardrobes).	Complies												
Bedrooms have a minimum dimension of 3m (excluding wardrobe space)	All bedrooms have a minimum depth of 3m (exclusive of the depth of wardrobes).	Complies												
Living rooms or combined living/dining rooms have a minimum width of: • 3.6m for studio and 1 bedroom apartments • 4m for 2 and 3 bedroom apartments	All apartments have a living room with a minimum width of 4m.	Complies												
The width of cross-over or cross-through apartments are at least 4m internally to avoid deep narrow apartment layouts.	All apartments have a minimum width of 4m.	Complies												
4E	Private open Space and	All apartments are required to have primary balconies as follows:	Balcony sizes range from 8m ² to 15m ² for the one bedroom apartments.	Complies										

Table 2: Compliance with Part 3 (Siting/Visual Privacy/Carparking) & Part 4 (Amenity) of the ADG																						
		Primary Control			Proposed	Compliance																
	Balconies	Dwelling type	Minimum area	Minimum depth	Two bedroom apartments have balcony sizes ranging from 10m ² to 45m ² . Three bedroom apartments have balcony sizes ranging from 14m ² to 85m ² . All balconies have a primary area with a minimum depth of 2m.																	
		Studio	4m ²	-																		
		1 bedroom	8m ²	2m																		
2 bedroom	10m ²	2m																				
3 bedroom	12m ²	2.4m																				
		The minimum balcony depth to be counted as contributing to the balcony area is 1m.																				
		For apartments at ground level or on a podium or similar structure, a private open space is provided instead of a balcony. It must have a minimum area of 15m ² and a minimum depth of 3m.			Provided for courtyards: Block A: 11m ² to 15m ² . Whilst width of courtyards are less than 2m (at min 1.5m ²), all courtyard units in Block A also have a primary balcony which meets minimum requirements). Block B: 23m ² to 47m ² ., with a min width of in excess of 2m. Block C: 12m ² to 36m ² ., with a min width of in excess of 2m. Variation sought only of Unit C113, with all other courtyards compliant with area requirement. The primary area for all courtyards in Block C exceeds 2m, with the exception of the northern units in Block C (Units C101, 105 and 106) which also have a primary balcony which meets minimum requirements). Block D: 23m ² to 47m ² ., with a min width of in excess of 2m.	Refer comment																
4F	Common Circulation and Spaces	The maximum number of apartments off a circulation core on a single level is eight.			5-8 apartments are each level are serviced off a single lift.	Complies																
		For buildings of 10 storeys and over, the maximum number of apartments sharing a single lift is 40.			Not applicable.	Not applicable																
4G	Storage	In addition to storage in kitchens, bathrooms and bedrooms, the following storage is provided: <table><tr><th>Dwelling type</th><th>Storage volume</th><th>size</th></tr><tr><td>Studio</td><td>4m³</td><td></td></tr><tr><td>1 bedroom</td><td>6m³</td><td></td></tr><tr><td>2 bedroom</td><td>8m³</td><td></td></tr><tr><td>3 bedroom</td><td>10m³</td><td></td></tr></table>			Dwelling type	Storage volume	size	Studio	4m ³		1 bedroom	6m ³		2 bedroom	8m ³		3 bedroom	10m ³		Storage is provided in the subbasement and within linen cupboards in the units: <u>Storage Required:</u> 1 bed 43 x 6 = 258m ² 2bed 101 x 8 = 808m ² 3 bed 13 x 10 = 130m ² Total required: 1196m² <u>Storage Provided:</u> Basement storage areas in Residential carpark areas only – 846m ² which equates to 2030.4m³ based on a 2.4m ceiling height. Residential storage is Stage 1 – 57.6m ² ie 138m³ Stage 2 – 83.7m ² ie 200m³ Total storage provided = 2368.4m³		Total storage complies
Dwelling type	Storage volume	size																				
Studio	4m ³																					
1 bedroom	6m ³																					
2 bedroom	8m ³																					
3 bedroom	10m ³																					
		At least 50% of the required storage is to be located within the apartment																				

6.4 Mixed Use Design Guidance

Section 4S of Part 4 of the Apartment Design Guide also contains Design Guidance relative to mixed use developments including:

- *Mixed use development should be concentrated around public transport and centres*
- *Mixed use developments positively contribute to the public domain. Design solutions may include:*
 - *development addresses the street;*
 - *active frontages are provided;*
 - *diverse activities and uses;*
 - *avoiding blank walls at the ground level.*
 - *live/work apartments on the ground floor level, rather than commercial*
- *Residential circulation areas should be clearly defined. Design solutions may include:*
 - *residential entries are separated from commercial entries and directly accessible from the street;*
 - *commercial service areas are separated from residential components;*
 - *residential car parking and communal facilities are separated or secured;*
 - *security at entries and safe pedestrian routes are provided;*
 - *concealment opportunities are avoided.*

The proposed development will meet such criteria as:

- The development is sited within the Shellharbour City commercial precinct, immediately adjacent to the services and facilities offered within Stockland Shellharbour;
- Commercial tenancies are provided at the ground floor level immediately fronting Benson Ave, with two further commercial tenancies fronting the internal accessway at the ground floor level.
- The street frontages are highly activated and contain glazing and direct entries to the commercial spaces;
- The residential entries are secured and are separated from the retail entries. Entry to the retail premises is directly available from the footpath of Benson Ave and also from a rear door accessing the commercial/visitor parking area. Entry to the residential units is available directly via lift from the parking levels (Block B and D), or via a secure door access leading to the lifts for Block A and C. Entry is also available from the central accessway into a foyer and lift servicing each block, which leads to the podium level.

7 Shellharbour Local Environmental Plan 2013

7.1 Site Zoning

The land lies within the B3 Commercial Core zone of Shellharbour Local Environmental Plan 2013. The zoning of the site and surrounding lands is shown in **Figure 10**.

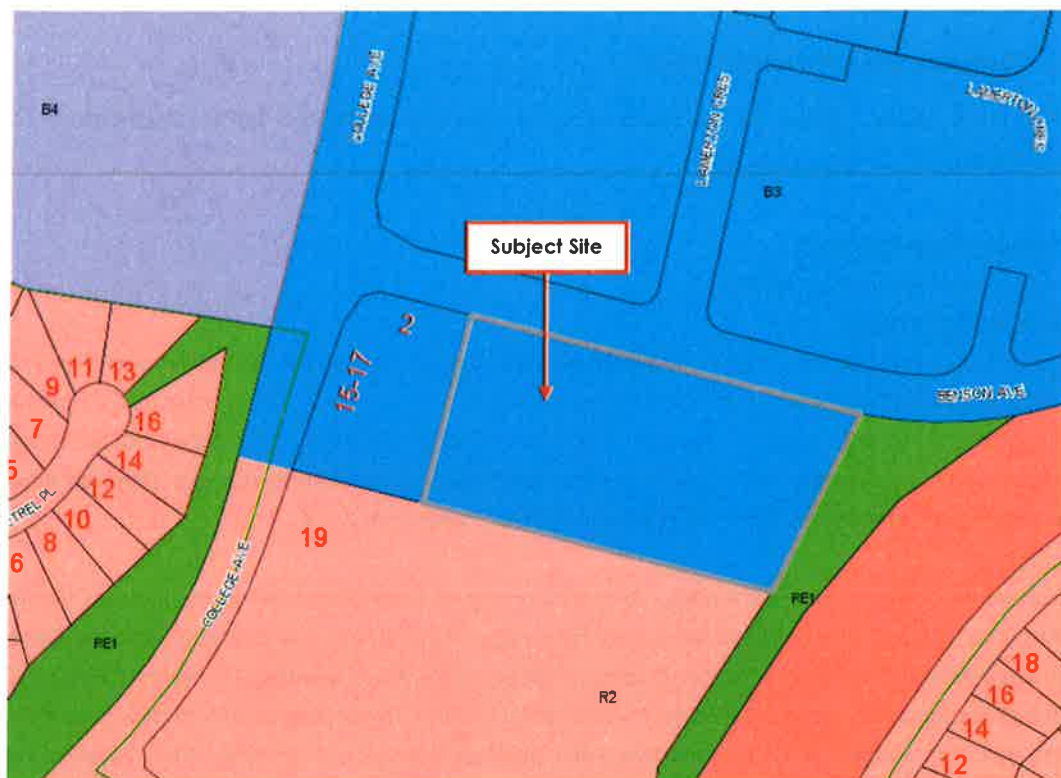


Figure 10: Extract from Shellharbour Local Environmental Plan 2013 showing subject site and surrounding land zoning (Source: Shellharbour City Council on line mapping)

7.2 Land Use Table and Zone Objectives

The objectives of the B3 Commercial Core zone are:

- To provide a wide range of retail, business, office, entertainment, community and other suitable land uses that serve the needs of the local and wider community;
- To encourage appropriate employment opportunities in accessible locations;
- To maximise public transport patronage and encourage walking and cycling;
- To strengthen the role of the Shellharbour City Centre to ensure that it continues to develop as a major regional centre with retail, entertainment, commercial, cultural and residential uses;
- To allow for a limited range of residential accommodation while maintaining retail, business or other non-residential active uses at street level.

The proposed development incorporates a range of uses that will service the needs of the Shellharbour City community by providing ground floor business use and upper level residential units. The proposed shop top housing development comprises 156 residential units and will provide housing choice and affordability within the Shellharbour City Centre, which in turn will encourage and promote patronage

of businesses in the surrounding area. The development will also provide 3325m² of commercial floor space at the ground floor level (adjacent to Benson Ave and the internal accessway), and will provide business employment opportunities and a diversity of uses along Benson Avenue located at the periphery of the Shellharbour City Centre (Stockland Shellharbour). The objectives of the B3 Commercial Core zone are therefore satisfied.

7.3 Definition and Permissibility of Use

The land use table for the B3 Commercial Core zone as contained within Shellharbour Local Environmental Plan 2013 is as follows:

2 Permitted without consent

Home businesses; Home occupations

3 Permitted with consent

Boarding houses; Child care centres; **Commercial premises**; Community facilities; Educational establishments; Entertainment facilities; Function centres; Group homes; Hostels; Hotel or motel accommodation; Information and education facilities; Medical centres; Passenger transport facilities; Recreation facilities (indoor); Registered clubs; Respite day care centres; Restricted premises; Roads; Seniors housing; **Shop top housing**; Water reticulation systems; Any other development not specified in item 2 or 4

4 Prohibited

Agriculture; Air transport facilities; Airstrips; Animal boarding or training establishments; Biosolids treatment facilities; Boat building and repair facilities; Boat launching ramps; Boat sheds; Camping grounds; Caravan parks; Cemeteries; Charter and tourism boating facilities; Correctional centres; Crematoria; Depots; Eco-tourist facilities; Electricity generating works; Environmental facilities; Environmental protection works; Exhibition homes; Exhibition villages; Extractive industries; Farm buildings; Farm stay accommodation; Forestry; Freight transport facilities; Heavy industrial storage establishments; Helipads; Highway service centres; Home occupations (sex services); Industrial retail outlets; Industrial training facilities; Industries; Jetties; Marinas; Mooring pens; Moorings; Mortuaries; Open cut mining; Recreation facilities (major); Recreation facilities (outdoor); Research stations; Residential accommodation; Rural industries; Service stations; Sewage treatment plants; Sex services premises; Storage premises; Transport depots; Truck depots; Vehicle body repair workshops; Vehicle repair stations; Warehouse or distribution centres; Waste or resource management facilities; Water recreation structures; Water recycling facilities; Water supply systems; Wharf or boating facilities; Wholesale supplies

The proposed development is described as '**shop top housing**' which is defined by SLEP 2013 as "one or more dwellings located above ground floor retail premises or business premises." The proposed development includes one or more dwellings located above ground floor commercial premises/carparking. The land use table for the B3 Commercial Core zone states that 'shop top housing' is permitted with development consent.

'**Commercial premises**' is defined by SLEP 2013 as meaning any of the following land uses "(a) business premises, (b) office premises, or (c) retail premises". It is noted that the ground floor includes retail floor space at the Benson Avenue frontage, and a commercial/visitors car parking area at the rear of the site within Blocks A&B and Blocks C&D, thereby meeting the shop top housing definition.

7.4 Part 4 Principal Development Standards

Clause 4.1 Minimum subdivision lot size

This clause requires that the "size of any lot resulting from a subdivision of land to which this clause applies is not to be less than the minimum size shown on the Lot Size Map in relation to that land". As a two lot Torrens Title subdivision of the subject site is proposed, this clause applies. The Lot Size Map does not specify a minimum lot size for the subject site.

Clause 4.1A Minimum lot sizes for dual occupancies, multi dwelling houses and residential flat buildings

The objective of this clause is to achieve planned residential density in certain zones. This clause applies only to specified forms of residential development in the R2 Low Density and R3 Medium Density zones, and is therefore **not applicable** to the proposed development as the subject site is located within the B3 Commercial Core Zone.

Clause 4.3 Height of Buildings

The 'Height of Buildings' map specified in Shellharbour LEP 2013, which is referenced in Clause 4.3(2), specifies that a maximum building height of fifteen (15) metres applies to the subject land. The proposed building has the following maximum overall heights:

- Block A - 17.955m
- Block B - 17.83m
- Block C - 15.26m
- Block D - 15.8m

As the height of Blocks A-D exceeds the maximum 15m height specified in clause 4.3 of SLEP 2013 a Clause 4.6 'Exception to Development Standards' statement, which justifies this non-compliance, is contained in Section 10 of this Statement.

Clause 4.4 Floor Space Ratio

Floor space ratio (FSR) is defined within SLEP 2013 as the ratio of the gross floor area of all buildings within the site to the site area. The 'Floor Space Ratio' map specified in Shellharbour LEP 2013, which is referenced in Clause 4.4(2), does not specify a maximum floor space ratio as applying to the subject land.

7.5 Part 5 Miscellaneous Provisions

Clause 5.6: Architectural Roof Features

Clause 5.6 allows development that includes an architectural roof feature to exceed the height limit, but only with development consent. There are no architectural roof features proposed and therefore, this clause does not apply to the proposed development.

Clause 5.9: Preservation of trees or vegetation

Clause 5.9(3) requires development consent for the removal of trees and vegetation. The subject site is currently vacant with no vegetation present on the site.

Clause 5.10: Heritage Conservation

There are no items of environmental heritage located in proximity to the subject site, as listed in SLEP 2013. The proposed development will therefore not impact on the integrity of any listed item.

7.6 Part 6 Local Provisions – General

Clause 6.1 Acid Sulphate Soils

The objective of this clause is to ensure that development does not disturb, expose or drain acid sulphate soils and cause environmental damage (SLEP 2013). The Acid Sulphate Soils Maps associated with Shellharbour LEP 2013 do not indicate that the site is affected by Acid Sulphate Soils therefore this clause does not apply.

Clause 6.2 Earthworks

The purpose of this clause is to ensure that any earthworks will not have a detrimental impact on environmental functions and processes, neighbouring uses or heritage items and features surrounding land, with a number of matters to be taken into consideration by the consent authority being:

- (a) the likely disruption of, or any detrimental effect on, existing drainage patterns and soil stability in the locality,*
- (b) the effect of the proposed development on the likely future use or redevelopment of the land,*
- (c) the quality of the fill or of the soil to be excavated, or both,*
- (d) the effect of the proposed development on the existing and likely amenity of adjoining properties,*
- (e) the source of any fill material or the destination of any excavated material,*
- (f) the likelihood of disturbing Aboriginal objects or other relics,*
- (g) proximity to and potential for adverse impacts on any watercourse, drinking water catchment or environmentally sensitive area.*

The proposed development will involve excavation within the proposed building footprint to accommodate the basement levels. The basement excavation and shoring of walls will be designed by a structural engineer. There are no anticipated impacts to adjoining properties, given the separation distances provided and the reduced depth of cut which is required for the western sections of Blocks C and D adjacent to the nearest properties to the west. Excavated material during demolition phase will be stockpiled on site and used for landscaping of the development and other excavated material during the construction phase will be transported to an approved landfill site as indicated in the SWMMP accompanying the development application.

Clause 6.3 Flood Planning

The objectives of this clause are to minimise the flood risk to life and property associated with the proposed use of the land, and to avoid significant adverse impacts on flood behaviour and the environment. The section 149 certificate obtained on 23.3.15 states that the Council has no records indicating that the land may be located in a flood hazard area. However, Shellharbour City Council requested at the prelodgement meeting (15 September 2015) that a Flood Study be submitted that investigates impacts of the proposed development on overland flow path flooding in Bensons Creek Reserve, and any flooding impacts to the development. Accordingly, the application is accompanied by flood advice prepared by Jones Nicholson. This advice confirms that:

- The site is classified as a Low Flood Risk precinct in accordance with the criteria of Shellharbour City Council's Floodplain Risk Management Development Control Plan;
- The 1 in 100 year ARI flood event is contained within the Bensons Creek Reserve at the critical section;
- The PMF flood event extends into the development site at the critical section at an approximate RL of 40.15m AHD and abuts the proposed external basement wall. The PMF flood level recedes from the external basement wall as the Bensons Creek Reserve widens to the north east;
- The proposed development is compatible with the objectives of the Shellharbour City Council Floodplain Risk Management Development Control Plan for both residential and commercial activities.

Clause 6.4 Stormwater Management

This clause applies to all land in residential, business and industrial zones and seeks to "minimise the impacts of urban stormwater on the land to which the development applies, adjoining properties, native bushland and receiving waters." This clause states that development consent must not be granted unless the consent authority is satisfied that the development:

- (a) is designed to maximise the use of water permeable surfaces on the land having regard to the soil characteristics affecting on-site infiltration of water, and
- (b) includes, if practicable, on-site stormwater retention for use as an alternative supply to mains water, groundwater or river water, and
- (c) avoids any significant adverse impacts of stormwater runoff on adjoining properties, native bushland and receiving waters, or if that impact cannot be reasonably avoided, minimises and mitigates the impact.

Civil Plans by Jones Nicholson accompany the application, which detail drainage and stormwater requirements.

Clause 6.6 Active Street Frontages

The objective of this clause is to promote uses that attract pedestrian traffic along certain ground floor street frontages in the B3 Commercial Core Zone. This clause applies to land identified as "Active street frontage" on Council's Active Street Frontages map. According to Council's mapping, the subject site is located in close proximity to several stretches of active street frontage (**Figure 11**). However, the subject site is not on land identified as having an active street frontage and this clause is therefore not applicable. Irrespective of this, the proposed development has been designed to provide an active street frontage to Benson Ave, through the placement of retail tenancies with direct street access for the full length of this frontage.

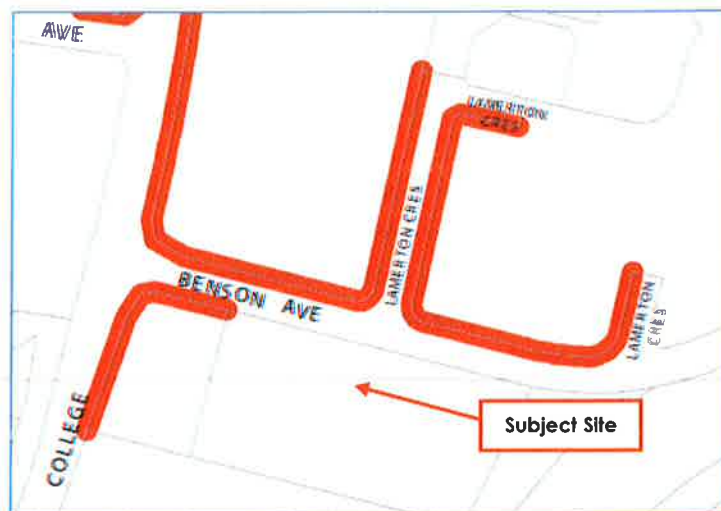


Figure 11: Extract from SLEP 2013 showing proximity of subject site to Active Street Frontages in the Shellharbour City Centre.

Clause 6.9 Essential Services

Clause 6.9 requires that infrastructure is available to the site (water, electricity, sewage, stormwater drainage, vehicle access). The site is located in an urban setting and it is anticipated that the existing public utilities infrastructure will be adequate to service the proposed development, subject to confirmation from service authorities at the construction certificate stage. **Complies.**

8 Shellharbour Development Control Plan 2013

Shellharbour Development Control Plan 2013 (SDCP 2013) came into effect on the 26 June 2013. The manner in which the proposed development complies with the primary controls and relevant standards contained in Chapter 3 (Residential Development), Chapter 4 (Subdivision Infill & Greenfield) and Chapter 7 (Shellharbour City Centre Commercial Development), together with other relevant chapters of this DCP are outlined in Table 3 below.

Table 3: Shellharbour Development Control Plan 2013			
SDCP Requirements		Proposed	Compliance
Chapter 3: Residential Development			
3.1 Height	The SLEP (2013) contains building height requirements. A 15m height limit applies to the subject land. Any parapet or parapeted gable needs to be within the LEP height limit unless it can be demonstrated it meets the LEP criteria for an architectural roof feature.	The overall maximum height of buildings on the site are: - Block A - 17.955m - Block B - 17.83m - Block C - 15.26m - Block D - 15.8m	Variation sought - refer section 10.
3.2 Building Lines and Boundary setbacks	<u>Front Building Lines:</u> Front setbacks for shop top housing must be in accordance with the Streetscape and Design Sections of this Chapter- refer Sections 3.4 & 3.5 below.	Refer Sections 3.4 & 3.5 below.	Refer Sections 3.4 & 3.5 below.
	<u>Boundary Setbacks:</u> Design Criteria 3F Visual Privacy of Apartment Design Guide takes precedence. Refer to Table 2 in Section 6 of this SEE.	Design Criteria 3F Visual Privacy of Apartment Design Guide takes precedence. Refer to Table 2 in Section 6 of this SEE.	Refer to Table 2 in Section 6.
3.4 Streetscape and design for residential flat buildings and shop top housing	The overall bulk, mass and front building line of the development must reflect the existing and/or emerging built form of the surrounding area.	The development provides a retail facade to the Benson Ave frontage, with residential levels above the retail space. This form and mix of uses is consistent and/or compatible with existing and future development in this precinct.	Complies
	Where basement parking is proposed, the development must be designed to ensure that the entrance to the parking area and podium does not dominate the streetscape.	The entrance to the basement levels is appropriately provided from the internal access road, rather than the Benson Ave frontage.	Complies
	The maximum unbroken length of wall is not to exceed 33% of the length of the corresponding property boundary.	All walls are articulated with balconies, windows or changes to the line of the building.	Complies
3.5 Streetscape and design for residential flat buildings and shop top housing in Shellharbour City Centre	All residential dwellings should have 1.8m deep verandahs to the street frontage across at least 50% of the building facade.	All dwellings at the upper levels have balconies with a minimum width of 2m, with the combined length extending for more than 50% of the building facade.	Complies
	Residential setbacks must be 3.5m from the front property boundary except in mixed use buildings where	The walls of the residential apartments are setback 3.05m from the Benson Ave frontage and the balconies have	Refer comment

Table 3: Shellharbour Development Control Plan 2013

SCDCP Requirements		Proposed	Compliance
	no setback is required. No side setbacks are required. Roofs must be pitched greater than 25% or built behind parapets. A colour and materials palette must be submitted with the Development Application. Residential buildings must have front fences of 0.9m.	a 2.14m setback. Side setbacks are addressed in section 7 (Apartment Design Guide). The roof presents as a contemporary flat roof design which is appropriate for a building of this scale and function. Refer to the accompanying Colours and Materials schedule provided by ADM Architects. No fences are proposed along the primary frontage.	Refer Section 7 Refer comment Refer to Colours and Materials schedule Not applicable
3.6 Fencing	Fences in the primary and secondary frontage must be no higher than 1.2m. Where fencing adjoins a passive public reserve, the fence must be predominantly open style character to allow causal surveillance. Fencing adjoining active open space areas such as sports fields and playgrounds must be 1800mm high solid style panel fencing.	No fences are proposed along the primary frontage. Fencing along the eastern and southern boundaries will be colorbond for security purposes and privacy within the school site.	Not applicable Refer comment
3.7 Acoustic and visual privacy	Design for privacy Where a balcony deck, patio, pergola, terrace overlooks the principle internal living areas and/or the private open space area/s of neighbouring residences the privacy screen/s must be provided. The privacy screen must be: - A minimum height of 1.5m; - Be rigid and permanently fixed; - Have no individual opening more than 30mm wide; - Have a total area of all openings less than 30% of the surface area of the screen. The siting, layout and location of upper level windows of high use habitual rooms must not unreasonably overlook the principal internal living areas and/or the private open space areas of neighbouring residences. Where overlooking is unavoidable, windows must have a minimal sill height of 1500mm, have translucent glazing or incorporate other design measures that protect the privacy of main living areas of neighbouring residences. Design Considerations Privacy to be achieved by: - Staggering windows of adjoining dwellings; - Avoid elevated terraces, deck and external stairways that overlook the rear of adjoining	The site is bordered by commercial uses to the west, an educational facility to the south, open space to the east, with commercial uses and carparking opposite Benson Ave to the north. Hence, adequate separation will be provided to minimise potential overlooking concerns. In acknowledgement of the sensitivity of the educational use to the south the number of balconies on the southern elevation has been minimised, with a greater concentration of balconies facing the street and the side boundaries. Only 4 x balconies on each of Levels 1-3 and 2 x balconies on Level 4 of Block D and 2 x balconies on each of Levels 1-3 of Block B face the south and such balconies have a minimum 6m setback from the property boundary. Overlooking of living rooms and private open space of other residences is minimised given the separation distances provided to the nearest residences to the east (beyond the open space). Within the site the positioning of balconies and living spaces seeks to minimise overlooking between opposing units. Balconies are generally concentrated on the northern elevation for sunlight access purposes. In Blocks A and C living rooms and	Complies

Table 3: Shellharbour Development Control Plan 2013

SCDCP Requirements		Proposed	Compliance
	properties and the open space within multi unit development. Design balconies balustrade to provide privacy particularly where the balcony provides the only private open space. Open style or transparent material should be avoided. Effective siting & layout of windows and balconies to avoid overlooking are preferred over the use of screening devices, high sill winds or translucent glazing. Upper storey living room windows and balconies should be located so that views are to the street or to an adjoining public reserve.	balconies predominantly face Benson Ave and hence bedroom windows are generally located on the southern elevation opposite the living rooms windows and balconies of Block B and D. Where balconies face into the courtyards (eg. for the western section of Blocks C and D) separation is provided to other balconies also facing into this courtyard to maintain privacy levels. For Blocks A and B there are no opposing balconies as the buildings are not joined and a number of units are orientated east towards the public reserve.	
3.8 Private Open Space	Design Criteria '4E Private open space and balconies' of Apartment Design Guide takes precedence. Refer to Table 2 in Section 6 of this SEE.	Refer to Criteria '4E Private open space and balconies' contained in Table 2 in Section 6.	Refer to Table 2 in Section 6
3.12 BASIX	Design must meet targets and a certificate issued.	Refer to the accompanying BASIX Assessment prepared by Greenview Consulting.	Refer BASIX Report
3.13 Solar Access	Design Criteria '4A Solar and daylight access' of Apartment Design Guide takes precedence. Refer to Table X in Section X of this SEE.	Refer to Criteria 4A Solar and Daylight Access contained in Table 2 in Section 6.	Refer to Table 2 in Table 6.
3.14 Adaptable Housing	Should consider the provision of the requirements of AS4299-1995 Adaptable Housing for 20% of dwelling for more than 4 dwellings.	10 adaptable units are provided in Block A/B (stage 1) and 6 in Stage 2 (Block C/D) which equates to 10% of residential dwellings.	Refer comment
Chapter 4: Subdivision – Infill and Greenfield			
4.1 Convention (torrens) subdivision	Where possible, the subdivision is to create opportunities for the northern orientation of dwellings. A minimum building envelope of 10x15m is required. All lots must have direct full boundary access to open space or a public road.	Lot 1 has a 78.11m northern boundary and Lot 2 has a 70.35m northern boundary allowing for northern orientation of dwellings. Building envelope which is well in excess of 10x15m is provided on each lot. Both lots have direct frontage to Benson Ave,	Complies Complies Complies
Chapter 7: Shellharbour City Centre Commercial Development			
7.1 Facade treatments	The Shellharbour City Centre provisions apply to land within the city centre which is made up of 14 planning precincts. Advice - Excessive lengths or heights of blank walls which are highly visible to any area of public domain (including streets, lanes and car courts) will not be permitted. - Excessive areas of curtain wall	The subject site comprises part of Precinct 1 - College Avenue and Benson Street (Civic Video Site). The proposed development does not contain expanses of blank walls but will provide an active street frontage to Benson Ave and articulated facades to all other boundaries.	Complies

Table 3: Shellharbour Development Control Plan 2013

SCDCP Requirements		Proposed	Compliance
	reflective glazing will not be permitted. -Air conditioning facilities must not be visible from the street.		
7.2 Pedestrian arcades and service access	Service access is only permitted from service lanes	Access to the development will be provide from an internal accessway leading from Benson Ave.	Complies
7.3 Roofs and roofscape	Roofs must be silver or pale grey metal decking. Lift tower, stairs tower, air conditioning plants etc. are to be integrated into the design of the buildings.	Refer to the accompanying Materials and Colour schedule prepared by ADM Architects.	Refer to schedule
7.4 Building materials	A colour and materials pallet based on the following should be submitted with development applications. Residential and mixed-use: Walls - mix of painted, rendered, face brickwork Roofs - grey to mushroom tiles or colorbond/metal roof Window - aluminium or timber with a strong profile.	Refer to the accompanying Materials and Colour schedule prepared by ADM Architects.	Refer to schedule
7.5 Solar access	Design Criteria '4A Solar and daylight access' of Apartment Design Guide takes precedence. Refer to Table 2 in Section 6 of this SEE.	Refer to Criteria 4A Solar and Daylight Access contained in Table 2 in Section 6.	Refer to Table 2 in Section 6.
7.6 Building height	The SLEP (2013) contains building height requirements. A 15m height limit applies to the subject land. Any parapet or parapeted gable needs to be within the LEP height limit unless it can be demonstrated it meets the LEP criteria for an architectural roof feature. There is a general height limit of 3 storeys in the Shellharbour City Centre. However, there is potential for an extra floor in significant locations and where the urban form of the city may be celebrated.	The overall maximum height of buildings on the site are: - Block A - 17.955m - Block B - 17.83m - Block C - 15.26m - Block D - 15.8m The building height exceeds the 15m height due to the significance of the site in terms of size and positioning and due to the slope of the land in the eastern section as discussed in section 10.	Variation sought - refer section 10.
7.8 Master Plan Precincts	The City Centre has been divided into 14 precincts.	The subject site is located in Precinct I, as shown in Figure 4.	Refer Figure 4
7.17 Precinct I - College Avenue and Benson Street (Civic Video Site)	Objectives: 1. To support a mix of church and community facilities, retail, commercial and mixed commercial/retail/ residential uses which will enliven the street 2. Buildings should front the street with car parking at the rear 3. Provide a sense of enclosure and definition to the street 4. Future access road to the eastern portion of the precinct should be opposite Lamerton Crescent	The site contains commercial functions at the ground floor level adjacent to Benson Ave, with residential uses at the levels above, consistent with the objectives for this precinct. Carparking is sited behind Block A and C and is not sited adjacent to the street as recommended for this precinct. The development will create a focal point with the main access leading	Complies

Table 3: Shellharbour Development Control Plan 2013

Table 3: Shellharbour Development Control Plan 2013			
SCDCP Requirements		Proposed	Compliance
	5. Consider future quasi public space on north western corner of the site with redevelopment 6. Create a focal point on the vista south from Lamerton Crescent	form Lamerton Cres and will create a strong street edge.	
Chapter 13: Parking, Traffic and Transport			
13.1 Numerical Parking Requirements	Design Criteria '3J Carparking' of Apartment Design Guide takes precedence. Refer to Table 2 in Section 6 of this SEE.	Refer to Criteria 3J Carparking contained in Table 2 in Section 6.	Refer to Table 2 in Section 6.
13.2 Access and Design	The minimum dimensions for single parking spaces are based on an access aisle width of 7.0m and are as follows: 5.5m 2.6m - open car space 5.5m x 2.9m - abuts one wall 5.5m x 3.1m - enclosed both side 6.1m x 2.5m - parallel parking Dimensions for car parking spaces for people with a disability must be in accordance with relevant Australian Standards. Residential driveway width and footpath crossing 2.7m min (driveway) and between 2.7m and 6m (driveway crossing between road and front boundary) Maximum driveway grades - residential development 25% - steepest allowable grade 16% - max. allowable cross fall 12% over 1.5m - maximum allowable change of grade Footpath area must maintain a 4% grade from the boundary to the kerb and must be turfed. Basement Parking: Garage doors must not be visually obtrusive. Visitor parking must be clearly defined at the street level and separate from the resident carparking. Car parking for mixed use developments must clearly identify residential and commercial car parking spaces. Where basement car parking extends beyond the building envelope, a minimum soil depth of 1.0m must be provided measured from the top of the slab, and will not be calculated as part of the deep soil zone. For multi dwelling and mixed use development, basement parking	Min 2.6 x 5.4 with 2.9m wide spaces adjacent to wall. Aisle width of 5.8m to 7.0m. The accessway has a width of 6.5m, with 2.4m wide parking. Maximum grade 1:20 Garage doors will only be visible from the internal accessway. Signage can be provided to identify the location of visitor parking. Visitor parking will be provided at the commercial parking levels (separate from resident parking) and along the accessway. Residential parking is located at basement Level 1 and 2 and commercial/visitor parking is provided to the rear of the ground floor level. Planting is provided on the podium level in accordance with the detail shown on the landscape plan prepared by Captivate. Natural ventilation will be provided.	Complies with AS2890.1 Complies Complies Complies Complies Refer Landscape Plan Complies

Table 3: Shellharbour Development Control Plan 2013

SCDCP Requirements		Proposed	Compliance
	areas must have natural ventilation and must be designed so that openings to the exterior of the building. Where natural ventilation cannot be achieved, a combined system of natural and mechanical ventilation may be considered by Council. Basement parking and manoeuvring must comply with AS 2890.1 and AS 2890.2. All vehicles must enter and leave the site in a forward direction.	Refer to the Carparking and Traffic Impact Assessment prepared by Aztec Design. Refer to the Service Vehicle Turning Paths prepared by Aztec Design.	Refer to the Carparking and Traffic Impact Assessment.
Chapter 14: Shellharbour City Centre Vehicular Access, Parking and Servicing			
14.1 General	The road, lane and parking court system as set out in the Masterplan should be implemented progressively in association with incremental development. Parking areas are not to be located between the building frontage and the street alignment. 5. On-site parking should be accessed directly from rear lanes where possible Subdivision and development will require the creation of the street pattern shown in the Master Plan. Parking areas should be integrated with the form and arrangement of buildings.	The development will be accessed via the internal accessway adjacent to Lamerton Cres and will not impact on the masterplan road layout. The parking areas are located in a basement and behind Block A and C. The proposed subdivision will not impact on the achievement of the masterplan layout. The parking location does not hinder the achievement of a complete active street frontage due to its siting behind the building and in the basement.	Complies Complies Complies Complies
14.2 Carparking	Design Criteria '3J Carparking' of Apartment Design Guide takes precedence. Refer to Table 2 in Section 6 of this SEE.	Refer to Criteria 3J Carparking contained in Table 2 in Section 6.	Refer to Table 2 in Section 6.

9 Section 79(C)(1) – Matters for Consideration

9.1 The provisions of:

9.1.1 Any environmental planning instrument

The proposal is consistent with the objectives of Shellharbour LEP 2013 as it relates to shop top housing within the B3 Commercial Core zone. The proposed building is also compliant with the SLEP 2013 requirements, with the exception of building height (which is addressed within section 10 of this Statement. The development is also principally compliant with the Design Criteria specified within the Apartment Design Guide, as a document which is referenced by State Environmental Planning Policy No. 65.

9.1.2 Any development control plan

The proposal generally complies with Council's Shellharbour DCP 2013 as it relates to shop top housing. The proposal has been addressed in regard to compliance with the following chapters (refer to table in the previous Section of this Statement and the following sections)

Chapter 3: Residential Development(section 8)

Chapter 4: Subdivision - Infill and Greenfield(section 8)

Chapter 7: Shellharbour City Centre Commercial Development(section 8)

Chapter 13: Parking, Traffic and Transport(section 8)

Chapter 14: Shellharbour City Centre Vehicular Access, Parking and Servicing(section 8)

Chapter 15: Waste Minimisation and Management(section 8)

Chapter 17: Crime Prevention through Environmental Design(section 8)

Chapter 20: Landscaping (section 9)

Chapter 24: Floodplain Risk Management (section 9)

Chapter 25: Stormwater Management (section 9)

Chapter 29: Social Impact Assessment (section 8)

9.2 The likely impacts of the development

9.2.1 Impact on Amenify:

Character of the Area and Streetscape Impact

The development provides a commercial facade to the Benson Ave frontage and along the internal accessway, with residential apartments located at the upper levels of the building. This form and mix of uses is consistent and/or compatible with existing and future development in this precinct of the Shellharbour City commercial centre, which includes the proposed Shellharbour Civic Centre ('The Hub') which has been approved (pursuant to DA 205/2104) on land to the west of the subject site. The site forms the southern edge to the city centre and the built form and height is appropriate in this context and does not create any unreasonable impacts on adjoining sites in terms of visual impact, disruption of views or loss of privacy.

The subject site is the only remaining undeveloped land within Precinct I of the "Master Plan Precincts" identified within Chapter 7: Shellharbour City Centre Commercial Development of Shellharbour

Development Control Plan (DCP) 2013. Adjacent precincts have been identified for expanded commercial and residential functions (to the north) and educational and seniors housing functions (to the south). The proposed development, which contains a mix of residential and commercial functions, is appropriate in this context as it will provide an effective transition between the commercial/retail functions of Stockands Shellharbour and residential/educational uses to the south.

Size and Shape of Land

The subject site comprises a substantial area of 11,104m², with a frontage width to Benson Avenue of approximately 156m and a depth of approximately 75m. The land is generally regular in shape and provides a sufficient site area to accommodate the required setbacks, landscaping, private open space and access requirements.

Building Height and Scale

The proposed development comprises three separate buildings, and while Blocks C and D are attached at the western wing of this building, they effectively operate as two separate buildings. Blocks C and D are located at the slightly more level, higher part of the site, and Blocks A and B are separate buildings (with a common basement car park) located on the eastern side of the proposed driveway access. As indicated on the elevations of the proposed development, the vast majority of the proposed development is within the maximum building height of 15 metres stipulated by Clause 4.3 of SLEP 2013. Due to the stepped design of the upper levels of the buildings and site topography, the overall maximum heights of the buildings differ as indicated in Table 4 below, with some parts of the building exceed the maximum height permitted by the SLEP.

Table 4: Building Heights

	Roof/Building Height (RL)	Maximum Building Height (m)
Block A	Roof height RL59.58m	17.95m (as viewed/measured at the inside of the site. The building height is lesser as viewed from Benson Ave (approx 16.5m))
Block B	Roof height RL58m	17.83m (as measured internally from the site. As viewed from the southern elevation (ie. adjacent school), the building height is lesser, approximately maximum 16m.
Block C	Roof height 63.4m	15.26m (minor variation)
Block D	Roof height 63.48m	15.8m (complies)

Clause 4.3 'Building Height' of the SLEP 2009 stipulates a maximum building height of 15 metres. A detailed justification is provided at Section 10 of this Statement with respect to the building height, and in summary concludes:

- The increased building height is generally limited to the eastern portions of Blocks A and B (the lower part of the site), and the "worst case" appearance of the building height will only be viewed from within the site itself, not the street view.
- The Height of Buildings Map, which forms part of SLEP 2013 indicates the adjacent sites to the north and west in particular have varied height limits, including higher to promote corner elements in certain buildings and on significant locations of 18m.
- Environmental planning outcomes will be met as the proposed development is generally consistent with Council's vision for the Shellharbour Town Centre, and will provide a positive outcome for

development on the site, including the achievement of a sense of enclosure and definition to the street as required by the urban form requirements of the DCP controls. The southern edge of the Town Centre (including this precinct) is emerging and the proposal is a desirable and appropriate context for future development.

- The design does not create any additional impacts on adjoining sites in terms of visual impact, disruption of views, loss of privacy, or overshadowing than if the maximum allowable height standard was met by an alternative design.

Solar Access and Overshadowing (Neighbouring Properties)

The Apartment Design Guide requires that a minimum of 50% direct sunlight be provided to the principal useable part of the communal open space for a minimum of 2 hours between 9am and 3pm on June 21. This standard therefore requires that sunlight access be provided to 50% of the required 2248m² of communal open space, which equates to 1124m² of the COS being required to achieve 2 hours of sunlight.

The Shadow Analysis prepared by AM Architects shows that the roof terrace of Block A and C will receive sunlight for well in excess of the required 2 hours, with only a limited area of such terraces being overshadowed in the later afternoon period. Similarly, the roof terrace of Block D will receive sunlight through most of the day on June 21, with only a limited area shaded by 3pm. Hence, the 960m² of rooftop communal open space (ie. 42.7% of the total 2248m² required COS) meets the 2 hour requirement for sunlight access on June 21.

The communal open space at the podium level, being sited centrally within the development, will be overshadowed throughout the day however 67m² at the podium level (ie 6.0% of the total 2248m² required COS) will achieve 2 hours of sunlight.

When combined with the communal open space at the rooftop, a total of 48.7% of the communal open space achieves the required 2 hours of sunlight. This is only marginally below the required 50% and will not result in a loss of amenity for residents within the development given the minor variation sought within this commercial/mixed use precinct.

Setbacks and Privacy

The walls of the residential apartments are setback 3.05m from the Benson Ave frontage and the balconies have a 2.14m setback. Such setbacks are compliant with the provisions of SDCP 2013 which specify a 3.5m front setback, except in the case of mixed use development, where a zero setback can be provided.

The site is bounded to the west by 2 storey commercial premises; to the south by an educational establishment (Nazareth Catholic Primary School) to the east by open space; to the north by a carpark and land to be developed for commercial purposes. The side and rear setbacks to external boundaries are generally compliant with the provisions of the Apartment Design Guide (which specify a 6m setback for up to 4 storeys), except where the increased grade of the land to the east results in the basement levels extending above ground level. In this location the development requires an increased setback

(of 9m). This occurs in the south-eastern portion of the building adjacent to the rear boundary and to the eastern boundary. Accordingly, variation to the required 9m setback is sought for Block A and B in the following locations;

Eastern Boundary (Side) - Block A and B

Levels Basement to Level 2: Variation sought to the required 6m side setback.

- Side: Min 5.445m (with one corner of upper level balconies in Building A at 4.335m). Setback increases to a maximum of 9.5m for Building A.

Eastern Boundary (Side) and South-Eastern Section (Partial Rear) of Block B

(Level 3): Variation sought to the required 9m side and rear setback.

- Rear: 6.0m provided to the rear (south) at this level.
- Side (east): Min 5.445m (with one corner of upper level balconies in Building A at 4.335m). Setback increases to a maximum of 9.5m for Building A.

Variation is considered warranted as to the site adjoins open space to the east and an educational facility to the south-east. Hence, adequate separation will be provided to minimise potential overlooking concerns. In acknowledgement of the sensitivity of the educational use to the south the number of balconies on the southern elevation has been minimised, with a greater concentration of balconies facing the street and the side boundaries. Only 4 x balconies on each of Levels 1-3 and 2 x balconies on Level 4 of Block D and 2 x balconies on each of Levels 1-3 of Block B face the south and such balconies have a minimum 6m setback from the property boundary.

Overlooking of living rooms and private open space of other residences is minimised given the separation distances provided to the nearest residences to the east (beyond the open space).

9.2.2 Residential Amenity

Solar Access

The development will achieve the specified Design Criteria of the Apartment Design Guide with respect to solar access and cross ventilation:

- 70% of the 157 units (ie. 110 units) will achieve 2 hours of sunlight on June 21, meeting the 70% criteria;
- 62% of the 157 units (ie. 98 units) will be cross ventilated, meeting the 60% criteria.

Private Open Space

All units will be provided with a balcony or terrace, with a number of units having more than one private open space area. Balcony sizes range from:

- 8m² to 15m² for the one bedroom apartments,
- 9m² to 45m² for two bedroom apartments which is compliant with the required 10m².
- 14m² to 85m² for three bedroom apartments. which is compliant with the required 12m².

All balconies have a primary area with a minimum depth of 2m.

Courtyards principally meet the required 15m² however, where this is not met or the minimum 3m width is not provided, units are also provided with a primary balcony on the northern elevation. Variation is sought only for Unit C113, where a 12m² courtyard area is provided due to its positioning adjacent to a building entry.

Building Separation (within the site)

Within the site the positioning of balconies and living spaces minimises overlooking between opposing units. Balconies are generally concentrated on the northern elevation for sunlight access purposes. In Blocks A and C living rooms and balconies predominantly face Benson Ave and hence bedroom windows are generally located on the southern elevation opposite the living rooms windows and balconies of Block B and D. Where balconies face into the courtyards (eg. for the western section of Blocks C and D) separation is provided to other balconies also facing into this courtyard to maintain privacy levels. For Blocks A and B there are no opposing balconies as the buildings are not joined and a number of units are orientated east towards the public reserve.

9.2.3 Parking, Traffic and Access

The proposed development provides the following carparking to service the residential, visitor and commercial components:

Stage 1: Total 155 parking spaces (42 commercial, 100 resident, 13 visitor) which is compliant with the 110.2 spaces required.

Stage 2: Total 179 parking spaces (42 commercial, 119 resident, 18 visitor) which is compliant with the 139.4 spaces required.

Further Stage 1 of the development provides a total of 40 bicycle parking and 10 motorcycle spaces, whilst Stage 2 provides a total of 57 bicycle and 12 motorcycle parking spaces. The Carparking and Traffic Impact Statement prepared by Aztec Design provides further information regarding traffic movements associated with the development. In summary this report concludes that:

"The proposed vehicle access is off the intersection of Benson Ave and Lamerton Crescent by introducing another leg creating a four way intersection at the roundabout. The existing roundabout has been analysed using the SIDRA programme compared to the predicted traffic generated from the development. The proposed modifications result in the roundabout still operating at a Level of Service of "A"."

9.2.4 Landscaping

A 6m wide deep soil zone extends along the southern boundary of the site, which has an area of 780m² and therefore equates to 7% of the site. An additional 6m of deep soil planting is provided along the majority of the western boundary; and 5.4m is provided along the eastern boundary. The total area of deep soil planting on the site, when combining all 3 areas, equates to 1540m², which is 13.87% of the site area. As indicated on the Landscape Plan prepared by Captivate Landscape Architects, landscaped areas are provided within the deep soil zones around the perimeter of the site, adjacent to the

residential entrances, and at the podium level within the communal open space area. Planting is also provided in the form of street trees along Benson Ave.

9.2.5 Waste Storage and Collection

Chapter 15: Waste Minimisation and Management of SDCP 2013 requires the preparation of a Site Waste Minimisation and Management Plan (SWMMP) as supporting documentation to the application. The SWMMP must demonstrate there is sufficient area to accommodate the required bin dimensions. Specifically with respect to mixed use developments this chapter specifies the following:

In addition to the SWMMP, plans for mixed used development must show/demonstrate:

- 1. Same requirements as Multi dwelling housing, for the residential component of mixed-use development.*
- 2. Same requirements as Commercial developments and change of use for the non-residential component of mixed-use development.*
- 3. Mixed Use development must incorporate separate waste/recycling storage rooms/areas for the residential and non-residential components..*
- 4. The residential waste management system and the non-residential waste management system must be designed so that they can efficiently operate without conflict.*

The Site Waste Minimisation and Management Plan prepared by ADM Architects details location of waste bin storage during construction and following occupation. Separate waste storage areas are located at the ground floor levels of Blocks A/B and at Basement 1 of Block C/D for residential and commercial waste. storage capacity for 80L per week of household waste and 40L per week of recyclables. The following waste storage bins will be provided:

Stage 1:

Residential:

Waste: 80L x 64 units = 5120L = 5 x 1100 waste bins
 Recycling: 40L x 64 units = 2560L = 3 x 1100 recycling bins
 Compost: 2 shared 1100L bins
TOTAL RES BINS = 10 bins

Commercial:

Waste: 10L per 100m² per day = 2 x 1100L for 1668m².
 Recycling: 10L per 100m² per day = 2 x 1100L for 1695m².
 Compost: 1 shared 1100L bin
TOTAL COMM BINS = 5 bins

Stage 2:

Residential:

Waste: 80L x 93 units = 7440L = 7 x 1100 waste bins
 Recycling: 40L x 93 units = 3720L = 4 x 1100 recycling bins
 Compost: 2 shared 1100L bins
TOTAL RES BINS = 13 bins

Commercial:

Waste: 10L per 100m² per day = 2 x 1100L for 1665².
 Recycling: 10L per 100m² per day = 2 x 1100L for 1658m².
 Compost: 1 shared 1100L bin
TOTAL COMM BINS = 5 bins

Adequate storage area is available to accommodate the required bins. Collection will occur via truck access to the end of the internal accessway, with turning movements demonstrated within the Service

Vehicles Turning Paths contained in Appendix D of the Carparking and Traffic impact Assessment prepared by Aztec Draft and Design.

9.2.6 Crime Prevention Through Environmental Design

Chapter 17: Crime prevention through Environmental design provides provisions which can apply to development within the public and private domain including:

- Lighting: Provide lighting to facilitate natural surveillance particularly on entrances/exits, access routes, pathways, carparks.
- Fencing/walls: fencing/walls should maximise natural surveillance from the street to the building and vice versa.
- Building materials: reduce the opportunity for intruder access and graffiti.
- Landscaping: Facilitates casual surveillance to both the public and private domain and avoid providing hiding places for intruders or opportunities for graffiti.
- Blind corners should be avoided especially in pathways, stairwells hallways, carparks etc.
- Entries should be clearly visible to avoid confusion.
- Clearly define spaces to convey a sense of ownership and reduce illegitimate entry.
- Clearly identify the buildings street number.
- Pedestrian Lanes - avoid creating pedestrian lanes that increase crime risk
- Provide appropriate lighting in carparks.
- Reduce opportunity of unauthorised access and to provide security.

The development will adhere to the recommended principles in the following manner:

- Lighting will be provided to common areas including the podium level, communal open space, central accessway and residential entries.
- Active street uses are provided, with commercial functions adjacent to Benson Ave, with viewing from upper level apartments to minimise potential vandalism opportunities.
- The central area of the site, which will contain the landscaped communal open space will always be active due to the overlooking of the southern dwellings into this space.
- There is a clear line of sight to the entry lobbies to Blocks A/B and C/D. Direct viewing into the entry lobbies at the podium level for each block will be available from the opposing block.
- Visitor access will be restricted to the accessway and the visitor/commercial carpark with restricted access to the residential entries and podium level.
- Separate access is provided to the residential and commercial areas.
- The driveway area will also be an active space with ongoing traffic movements.
- Lighting of the carpark area will be provided.
- Access control will be provided via roller door to the carparks and secure access to the residential lobbies.

9.2.7 Social Impact Assessment

Appendix 15 of Shellharbour DCP requires that, for a mixed use development, a Level One Social Impact Assessment to be undertaken as part of the Statement of Environmental Effects and is required to address the criteria/matters in Table A12 as follows:

- Description of the Development: Section 2 of this Statement details the existing physical land use and social conditions of the site and its surrounds. The impacts of the proposed development are outlined in Section 7 'Matters for Consideration'. The proposed development responds well to the social context and needs of the local community in terms of lifestyle and affordability as it provides a land use and built form outcome (ie. multi-storey mixed use commercial/residential) that was envisaged for the precinct as detailed in Chapter 7 of SDCP.
- Social Impacts of the Development: The proposed development will accommodate ground floor businesses within the Commercial Core zone. The development will also provide for a varied choice of residential accommodation for the growing population of Shellharbour in apartments within close proximity to the Shellharbour City Centre and associated amenities. The development will be accessible for persons with disabilities.
- Community Consultation: Community consultation will be undertaken as part of the development application process and in accordance with Council's Public Notification Policy.
- Management of Impacts: The development will provide an integrated commercial/residential use and there are no anticipated negative impacts. Any potential minor negative impacts associated with the occupation of the building (eg. minor neighbour disputes or commercial/residential land use conflicts which can arise within larger buildings) can be effectively managed by the future Strata Manager that will be appointed to manage the building.

9.3 Cumulative Impact

There is unlikely to be any adverse cumulative impacts as a result of the proposed development, given that the proposal is consistent with the objectives of the zone contained in SLEP 2013 and SDCP 2013. The site is located in an area zoned for mixed use development within the Shellharbour commercial centre and the proposed development will effectively integrate in terms of function, scale and built form.

9.4 Suitability of the Site for the Development

The subject site is zoned B3 Commercial Core and is located within an area characterised by commercial/retail/carparking functions to the north, commercial development to the west, educational/seniors housing to the south and open space to the east. The proposal has been designed having regard to the controls and objectives of Shellharbour LEP 2013 and DCP 2013 documents and is considered to be a suitable development for the site. Furthermore, Council records indicate that there are no major impediments to redevelopment of the land. On this basis the site is considered suitable for the proposed development.

9.4.1 Flooding Impacts and Stormwater and Drainage Design

Drainage Concept Plans and flood advice prepared by Jones Nicholson accompany this development application and provides a concept stormwater design for the proposed development.

9.4.2 Acid Sulphate Soils

The subject site is not identified as containing or potentially containing acid sulphate soils according to the Shellharbour LEP 2013 Acid Sulphate Soils Map.

10 SLEP 2013: Clause 4.6 'Exceptions to Development Standards' Statement and Variation to SDCP Clause 7.6 'Building Height'

10.1 Introduction

Clause 4.6 'Exceptions to Development Standards' of Shellharbour Local Environmental Plan (SLEP) 2013 provides the opportunity to contravene a development standard with approval of the consent authority and concurrence by the Director-General.

A development standard is defined by the Environmental Planning and Assessment Act, 1979 as:

"Provisions of an environmental planning instrument or the regulations in relation to the carrying out of development, being provisions by or under which requirements are specified or standards are fixed in respect of any aspect of that development".

The objectives of Clause 4.6 are as follows:

- a) *to provide an appropriate degree of flexibility in applying certain development standards to particular development, and*
- b) *to achieve better outcomes for and from development by allowing flexibility in particular circumstances.*

This Section is therefore provided in order to justify why a variation is sought for Clause 4.3 'Building Height' which requires a maximum height of 15 metres. A variation is sought under this clause for part of the buildings within the development site only, and is addressed in according to the provisions of Clause 4.6 of SLEP 2013, in accordance with Clause 4.6 of that Plan.

10.2 Clause 4.3 SLEP 2013: Height of Buildings

The objectives of Clause 4.3 Height of Buildings pursuant to SLEP 2013 are as follows:

- (1) *The objectives of this clause are as follows:*
 - (a) *to ensure the height of buildings complements the streetscape, rural or natural scenic character of the area in which the buildings are located,*
 - (b) *to ensure the height of buildings protects the amenity of neighbouring properties in terms of visual bulk, access to sunlight, privacy and views,*
 - (c) *to protect areas of scenic or visual importance.*

Sub-clause 4.3 (2) Height of Buildings states that:

- (2) *The height of a building on any land is not to exceed the maximum height shown for the land on the Height of Buildings Map.*

Building height (or height of building) is defined in the Dictionary to SLEP 2013 as *"the vertical distance between ground level (existing) and the highest point of the building, including plant and lift overruns, but excluding communication devices, antennae, satellite dishes, masts, flagpoles, chimneys, flues and the like."*

The Height of Buildings Map, which forms part of SLEP 2013 indicates a maximum building heights on the subject site as 15 metres across the entire site as illustrated in Figure 12. As also indicated in this LEP map, the adjacent sites to the north and west in particular have varied height limits, including higher to promote corner elements in certain buildings and on significant locations.



Figure 12: SLEP 2013 Height of Buildings Map (Sheet HOB_024) and associated key (on right) showing the maximum height of the subject site (15m, bounded in red) and the surrounding sites (9m green area; and 18m indicated by 'P').

10.3 Extent of Variation Sought to Building Height

Building Elevation and Sectional Plans (A17-A20 by ADM Architects) illustrate the 15m height line. The statement below relates to these building components only (effectively Blocks A and B, with minor variation only to Block C), with lift overruns located toward the centre of the buildings exceeding 15 for Blocks A, C and D. The remainder of the buildings comply with the development standard and are not required to be addressed in this Statement.

Table 5: Building Height Summary

	Roof/Building Height (RL)	Maximum Building Height (m)
Block A	Roof height RL59.58m	17.95m (as viewed/measured at the inside of the site. The building height is lesser as viewed from Benson Ave (approx 16.5m))
Block B	Roof height RL58m	17.83m (as measured internally from the site. As viewed from the southern elevation (ie. adjacent school), the building height is lesser, approximately maximum 16m.
Block C	Roof height 63.4m	15.26m (minor variation)
Block D	Roof height 63.48m	15.8m (complies)

10.4 Clause 4.6 Exceptions to Development Standards Statement

Clause 4.3(2) of SLEP 2013 contains a development standard in the form of a maximum height of buildings. A written justification for the proposed variation to the height of buildings is required in accordance with Clause 4.6 of the SLEP 2013. Table 6 outlines how the proposal satisfies the provisions of Clause 4.6 as it applies to the contravened development standards within Clause 4.3 of the SLEP 2013 for the relevant parts of the building heights exceeded.

Table 6: Compliance with SLEP 2013 - Contravention of Clause 4.3 Height of Buildings

Clause 4.6 Exceptions to Development Standards	Response/Justification	Consistent/ Complies
(1) Objectives of Clause (a) to provide an appropriate degree of flexibility in applying certain development standards to particular development, (b) to achieve better outcomes for and from development by allowing flexibility in particular circumstances.	Flexibility is sought for the application of the building height for the proposed development so that a better outcome is achieved for the site. The particular circumstances for this are as follows: ▪ The topography of the long linear (rectangular site) falls over 9m from west to east and provides a design challenge to achieve the site planning outcomes, which includes a central road access and three separate buildings; ▪ The non-compliances are generally limited to the eastern portions of the eastern-most buildings (Blocks A and B) which adjoin a public reserve to the east and open school playground to the south. There are no adverse impacts to these lands. ▪ The Commercial Core context and proximity to the Shellharbour City Centre warrants more dense and higher scale buildings, having regard to access to other businesses by proposed commercial premises and residents on the proposed site. ▪ The approved development in the nearby Commercial Core are complimentary to the proposal. While the development does not meet the height limits on some parts of the site, it meets the objectives in terms of providing a quality development which will be a landmark development that will serve to add vitality to the emerging Shellharbour Town Centre.	Justified
(2) Consent may, subject to this clause, be granted for development even though the development may contravene a development standard imposed by this or any other environmental planning instrument. However, this clause does not apply to a development standard that is expressly excluded from the operation of this clause.	This subclause is not relevant to the subject proposal.	N/A
(3) Consent must not be granted for development that contravenes a development standard unless the consent authority has considered a written request from the applicant that seeks to justify the contravention of the development standard by demonstrating:	This table comprises the written request seeking to justify the contravention of the height of buildings development standard.	Provided
(a) that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, and	Compliance with the applicable height limits are considered to be unreasonable and unnecessary in the circumstances of the case due to: i. the site's topography which create design challenges for the buildings to provide consistent urban form and function; ii. The areas of non-compliance are located where no impacts will occur to neighboring properties or public domain. iii. the building height exceedence will be practically imperceptible as viewed from Benson Street and surrounding properties, as the higher parts of the building will be most visible from the internal parts of the site. For example, the non-compliant higher levels are "stepped in" from the edge of the building so as not to appear as an additional "street wall" height.	Justified

Table 6: Compliance with SLEP 2013 - Contravention of Clause 4.3 Height of Buildings		
Clause 4.6 Exceptions to Development Standards	Response/Justification	Consistent/ Complies
(b) that there are sufficient environmental planning grounds to justify contravening the development standard.	As demonstrated in this Statement of Environmental Effects, the proposed development is satisfactory having regard to environmental planning grounds, including: - State Environmental Planning Policies (refer Sections 5 and 6); - Other provisions of the SLEP 2013 (refer Section 7); - The relevant Chapters of SDCP (refer Section 8) Section 79C of the Environmental Planning and Assessment Act 1979 (refer Section 9). Further environmental planning grounds: SDCP 2013 Part 7.6 'Building Height' recognises that "there is potential for an additional floor in significant locations and where the urban form of the City may be celebrated". While this site is not specifically identified for an additional floor, the adjacent allotment to the west (Civic Video site) is, in addition to corner treatments for properties to the north, where an 18m height limit also applies under SLEP 2013. As it is likely that these sites will be developed with this 18m height in the future, the proposed built form will be of a similar context. The site forms the southern edge to the city centre and the increased building height does not create any additional impacts on adjoining sites in terms of visual impact, disruption of views, loss of privacy or any other impacts than if the maximum allowable building heights were met.	Justified
(4) Consent must not be granted for development that contravenes a development standard unless: (a) the consent authority is satisfied that:		
(i) the applicant's written request has adequately addressed the matters required to be demonstrated by subclause (3), and	This Variation statement provides a discussion in support of the justification for varying the development standards as indicated in (3) above. In our opinion, there is sufficient justification provided to support a variation to the height standard.	Satisfied
(ii) the proposed development will be in the public interest because it is consistent with the objectives of the particular standard and the objectives for development within the zone in which the development is proposed to be carried out, and Shellharbour LEP 2013: Objectives of the Standard (a) to ensure the height of buildings complements the streetscape, rural or natural scenic character of the area in which the buildings are located, (b) to ensure the height of buildings protects the amenity of neighbouring properties in terms of visual bulk, access to sunlight, privacy and views, (c) to protect areas of scenic or visual importance. Objectives of the Zones B3 Commercial Core: To provide a wide range of retail, business, office, entertainment, community and	Despite the exceedence of the allowable building height, the proposed development will be in the public interest as it still meets the objectives of the 'height of buildings' development standard as it: - Provides a suitable built form to the City Centre location, which is still emerging. The three buildings on the site are a suitable outcome of the large site, providing both ground floor commercial (active) uses and residential apartments with adequate separation and amenity. - In addition to the use of four building on the large site, the development incorporates design measures (Including setbacks and stepping down levels) to minimise the impacts of scale and bulk. - As a result, this built form protects the environmental amenity and reduces impacts (including overshadowing impacts) to the public domain, in particular the open space to the east and school to the south. Hence the proposed development achieves ALL of the objectives of the height of buildings development standard. The proposed development is also consistent with the objectives of both the B3 Commercial Core Zone as it	Justified

Table 6: Compliance with SLEP 2013 - Contravention of Clause 4.3 Height of Buildings

Clause 4.6 Exceptions to Development Standards	Response/Justification	Consistent/ Complies
<i>other suitable land uses that serve the needs of the local and wider community.</i> <i>To encourage appropriate employment opportunities in accessible locations.</i> <i>To maximise public transport patronage and encourage walking and cycling.</i> <i>To strengthen the role of the Shellharbour City Centre to ensure that it continues to develop as a major regional centre with retail, entertainment, commercial, cultural and residential uses.</i> <i>To allow for a limited range of residential accommodation while maintaining retail, business or other non-residential active uses at street level.</i>	will: - Provide active ground floor retail/commercial uses to meet the needs residents and visitors to the locality, and provide employment opportunities for the tenants and employees of these tenancies, in addition to the building management services for the residential apartments; - Provides retail/commercial uses in close proximity to the existing transport infrastructure (bus, rail, cycling); - Provides a suitable built form and land use development for the southern edge to the Shellharbour Town Centre; - Provide a range of apartment types in immediate/very close proximity to the commercial centre. This will achieve a suitable density for this locality. Furthermore, it is considered that the proposed development meets the majority of the Aims of SLEP 2013 [Clause 1.2(2)], with the key objectives as follows: (a) <i>to encourage development that balances ecological sustainability, social justice principles of equality, access, rights and participation and economic viability,</i> (b) <i>to encourage a range of development, including diversity of housing types, employment, services and recreational opportunities that meet the needs of existing and future residents, visitors, business owners and workers of Shellharbour,</i> (d) <i>to retain affordable housing opportunities as a way of ensuring a sustainable and inclusive community,</i> (e) <i>to encourage development that has considered safer by design principles so that potential impacts to life and property from crime is minimised,</i> (f) <i>to ensure development facilitates the economic and social vitality of Shellharbour City Centre as a major regional centre,</i> (g) <i>to improve connectivity and accessibility in Shellharbour and encourage development that enables walking, cycling and public transport usage,</i> Specifically, in relation to the height of buildings, the development is consistent with Aims (a), (b) and (f) in particular as the design, scale and style of the building supports the future vision for the site's land use within the Shellharbour Town Centre as provided in the Shellharbour Development Control Plan and related relevant design documents which apply to the site. The proposal provides a quality development with a variety of commercial and housing types which is consistent with the vision for the precinct. It is therefore considered that the overall aims and objectives of Shellharbour LEP 2013 will not be hindered by the development and the proposed development will meet the zone and building height objectives despite the contravention of the standard.	
(c) <i>the concurrence of the Director-General has been obtained.</i>	Council will need to consult with the Department of Planning and Infrastructure as to whether the concurrence of the DG can be assumed in accordance with Planning Circular PS 08-003-Variations to Development Standards (Department of Planning, May 2008).	Addressed

Table 6: Compliance with SLEP 2013 - Contravention of Clause 4.3 Height of Buildings		
Clause 4.6 Exceptions to Development Standards	Response/Justification	Consistent/ Complies
(5) In deciding whether to grant concurrence, the Director-General must consider:		
(a) whether contravention of the development standard raises any matter of significance for State or regional environmental planning, and	The contravention of this development standard does not raise any matter of significance for state or regional environmental planning. Refer to further discussion below in this table.	
(b) the public benefit of maintaining the development standard, and	The exceedence in the height of the building does not raise any matter of significance for state or regional environmental planning as it is considered to be a suitable outcome for the site. The public benefit of the building in this location, which provides a mixed use commercial (ground floor) and upper level residential development, provides a sense of enclosure and definition to the street as required by the urban form requirements of the DCP controls and is a good response to the topographical challenges of the linear site. There are no greater identifiable negative impacts resulting from the increased heights building than if the development standard was maintained. On the basis of the above, the proposed development is considered be of public benefit and therefore the minor variations to the maximum height of the buildings (generally limited to Blocks A and B) is considered acceptable.	
(c) any other matters required to be taken into consideration by the Director-General before granting concurrence.	It is considered that there are no environmental planning considerations that would hinder the Director-General from providing concurrence.	Addressed

10.5 Conclusion

This Statement has addressed the provisions of Clause 4.6 of Shellharbour LEP 2013 and demonstrates that the variation sought to the development standards of the LEP regarding building height is justifiable and should be given concurrence to, on the basis of the unique site circumstances including:

- The variation applies to minor portions of Blocks A and B (maximum exceedence approximately 2.95m and 2.83m respectively), and a very minor part of Block C and Block D (maximum exceedence approximately 0.26m and 0.8m respectively).
- Challenging site topography, including the accommodation of three buildings and a road access within a large rectangular site with a 9 metre cross-fall along the Benson Street frontage;
- The increased building height is generally limited to the eastern portions of Blocks A and B (the lower part of the site), and the "worst case" appearance of the building height will only be viewed from within the site itself, not the street view.
- Environmental planning outcomes will be met as the proposed development is generally consistent with Council's vision for the Shellharbour Town Centre, and will provide a positive outcome for development on the site, including the achievement of a sense of enclosure and definition to the street as required by the urban form requirements of the DCP controls. The southern edge of the Town Centre (including this precinct) is emerging and the proposal is a desirable and appropriate context for future development.

The design does not create any significant additional impacts on adjoining sites in terms of visual impact, disruption of views, loss of privacy, or overshadowing than if the maximum allowable height standard was met. On this basis, strict compliance with the building height development standard is considered unnecessary. We therefore request that Council implement a reasonable approach and approve the exception to the development standard sought for Clause 4.3 'Building Height' of Shellharbour Local Environmental Plan (SLEP) 2013.

Appendix 1

Extract of SEPP 65 Assessment - Compliance Table

4.0 SEPP 65 COMPLIANCE TABLE

The following section outlines how the primary design objectives outlined in the Apartment Design Guide are achieved in relation to the design criteria. Those design criteria which have a numerical percentage compliance figure are included within the table attached below. The standards which quantify a compliance figure, e.g. minimum balcony widths, are addressed within the commentary section.

BLOCK A									
LEVEL	UNIT	TYPE	FLOOR AREA	LOBBY	POS AREA	SUNLIGHT ACCESS	CROSS VENT.	NATURAL VENT. TO KITCHEN	SOUTH ASPECT
L1	A101	3B	105m ²	60m ²	21m ²	1	1	1	0
	A102	2B	91m ²		18m ²	1	1	0	0
	A103	1B	58m ²		9m ²	1	0	0	0
	A104	1B	58m ²		9m ²	1	0	0	0
	A105	2B	90m ²		11m ²	1	1	0	0
	A106	2B	90m ²		11m ²	1	1	0	0
	A107	1B	58m ²		9m ²	1	0	0	0
	A108	1B	58m ²		15m ²	1	0	0	0
	A109	2B	91m ²		28m ²	1	1	0	0
	A110	3B	104m ²		14m ²	0	1	1	0
L2	A201	3B	105m ²	60m ²	13m ²	1	1	1	0
	A202	2B	91m ²		16m ²	1	1	0	0
	A203	1B	58m ²		13m ²	1	0	0	0
	A204	1B	58m ²		9m ²	1	0	0	0
	A205	2B	90m ²		9m ²	1	1	0	0
	A206	2B	90m ²		9m ²	1	1	0	0
	A207	1B	58m ²		9m ²	1	0	0	0
	A208	1B	58m ²		13m ²	1	0	0	0
	A209	2B	91m ²		16m ²	1	1	0	0
	A210	3B	104m ²		12m ²	0	1	1	0
L3	A301	3B	105m ²	60m ²	13m ²	1	1	1	0
	A302	2B	91m ²		16m ²	1	1	0	0
	A303	1B	58m ²		13m ²	1	0	0	0
	A304	1B	58m ²		9m ²	1	0	0	0
	A305	2B	90m ²		9m ²	1	1	0	0
	A306	2B	90m ²		9m ²	1	1	0	0
	A307	1B	58m ²		9m ²	1	1	0	0
	A308	1B	58m ²		13m ²	1	1	0	0
	A309	2B	91m ²		16m ²	1	1	0	0
	A310	3B	104m ²		12m ²	0	1	1	0

BLOCK A (continued)									
LEVEL	UNIT	TYPE	FLOOR AREA	LOBBY	POS AREA	SUNLIGHT ACCESS	CROSS VENT.	NATURAL VENT. TO KITCHEN	SOUTH ASPECT
14	A401	2B	92m ²	40m ²	40m ²	1	1	1	0
	A402	2B	94m ²		39m ²	1	1	1	0
	A403	1B	66m ²		31m ²	0	1	1	0
	A404	3B	104m ²		35m ²	1	1	0	0
TOTALS			2765m ²	220m ²	528m ²	30	24	9	0

BLOCK B									
LEVEL	UNIT	TYPE	FLOOR AREA	LOBBY	POS AREA	SUNLIGHT ACCESS	CROSS VENT.	NATURAL VENT. TO KITCHEN	SOUTH ASPECT
L1	B101	2B	70m ²	54m ²	12m ²	0	0	0	0
	B102	1B	58m ²		17m ²	0	1	1	0
	B103	2B	93m ²		27m ²	1	1	0	0
	B104	2B	83m ²		34m ²	1	0	0	0
	B105	2B	84m ²		23m ²	1	1	0	0
	B106	2B	84m ²		23m ²	1	1	0	0
	B107	2B	83m ²		34m ²	1	0	0	0
	B108	2B	93m ²		47m ²	1	1	0	0
	B109	1B	56m ²		12m ²	0	1	1	0
	B110	2B	70m ²		12m ²	0	0	0	0
L2	B201	2B	70m ²	58m ²	12m ²	0	0	0	0
	B202	1B	58m ²		12m ²	0	1	1	0
	B203	2B	93m ²		17m ²	1	1	0	0
	B204	2B	86m ²		18m ²	1	0	0	0
	B205	2B	84m ²		11m ²	1	1	0	0
	B206	2B	84m ²		11m ²	1	1	0	0
	B207	2B	86m ²		18m ²	1	0	0	0
	B208	2B	93m ²		17m ²	1	1	0	0
	B209	1B	56m ²		12m ²	0	1	1	0
	B210	2B	70m ²		12m ²	0	0	0	0
L3	B301	2B	70m ²	58m ²	12m ²	1	1	0	0
	B302	1B	58m ²		12m ²	0	1	1	0
	B303	2B	93m ²		17m ²	1	1	0	0
	B304	2B	86m ²		18m ²	1	1	1	0
	B305	2B	84m ²		11m ²	1	1	1	0
	B306	2B	84m ²		11m ²	1	1	1	0
	B307	2B	86m ²		18m ²	1	1	1	0
	B308	2B	93m ²		17m ²	1	1	0	0
	B309	1B	56m ²		12m ²	0	1	1	0
	B310	2B	70m ²		12m ²	1	1	0	0
TOTALS			2334m ²	170m ²	521m ²	20	22	10	0

STAGE 1 BLOCK A & B							
	FLOOR AREA	LOBBY	POS AREA	SUNLIGHT ACCESS	CROSS VENT.	NATURAL VENT. TO KITCHEN	SOUTH ASPECT
TOTALS	5099m ²	390m ²	1049m ²	50	46	19	0
OVERALL	5489m ²						
PERCENTAGES				78%	72%	30%	0%
REQUIRED				>70%	>60%	>25%	<10%

BLOCK C									
LEVEL	UNIT	TYPE	FLOOR AREA	LOBBY	POS AREA	SUNLIGHT ACCESS	CROSS VENT.	NATURAL VENT. TO KITCHEN	SOUTH ASPECT
1	C101	2B	90m ²	97m ²	20m ²	1	1	0	0
	C102	2B	76m ²		13m ²	1	0	0	0
	C103	2B	75m ²		13m ²	1	0	0	0
	C104	2B	96m ²		18m ²	1	1	0	0
	C105	3B	108m ²		36m ²	0	1	1	0
	C106	2B	90m ²		19m ²	1	1	0	0
	C107	2B	76m ²		13m ²	1	0	0	0
	C108	2B	75m ²		13m ²	1	0	0	0
	C109	2B	96m ²		24m ²	1	1	0	0
	C110	1B	56m ²		11m ²	0	0	0	0
	C111	1B	56m ²		11m ²	1	0	0	0
	C112	2B	92m ²		26m ²	0	1	0	0
	C113	1B	60m ²		10m ²	0	0	1	0
2	C201	2B	90m ²	100m ²	10m ²	1	1	0	0
	C202	2B	76m ²		13m ²	1	0	0	0
	C203	2B	75m ²		13m ²	1	0	0	0
	C204	2B	96m ²		16m ²	1	1	0	0
	C205	3B	108m ²		16m ²	0	1	1	0
	C206	2B	90m ²		10m ²	1	1	0	0
	C207	2B	76m ²		13m ²	1	0	0	0
	C208	2B	75m ²		13m ²	1	0	0	0
	C209	2B	96m ²		16m ²	1	1	0	0
	C210	1B	56m ²		11m ²	0	0	0	0
	C211	1B	56m ²		11m ²	1	0	0	0
	C212	2B	92m ²		18m ²	0	1	0	0
	C213	1B	60m ²		8m ²	0	0	1	0
3	C301	2B	90m ²	100m ²	10m ²	1	1	0	0
	C302	2B	76m ²		13m ²	1	1	0	0
	C303	2B	75m ²		13m ²	1	1	0	0
	C304	2B	96m ²		16m ²	1	1	0	0
	C305	3B	108m ²		16m ²	0	1	1	0
	C306	2B	90m ²		10m ²	1	1	0	0
	C307	2B	76m ²		13m ²	1	0	0	0
	C308	2B	75m ²		13m ²	1	0	0	0
	C309	2B	96m ²		16m ²	1	1	0	0
	C310	1B	56m ²		11m ²	0	0	0	0
	C311	1B	56m ²		11m ²	1	0	0	0
	C312	2B	92m ²		18m ²	0	1	0	0
	C313	1B	60m ²		8m ²	0	0	1	0

BLOCK C (continued)									
LEVEL	UNIT	TYPE	FLOOR AREA	LOBBY	POS AREA	SUNLIGHT ACCESS	CROSS VENT.	NATURAL VENT. TO KITCHEN	SOUTH ASPECT
L4	C401	2B	100m ²	46m ²	24m ²	1	1	0	1
	C402	3B	117m ²		43m ²	1	1	1	0
	C403	2B	101m ²		46m ²	1	1	1	0
	C404	2B	79m ²		30m ²	1	1	1	0
	C405	2B	89m ²		29m ²	1	1	1	0
	C406	2B	74m ²		33m ²	1	1	1	0
TOTALS			3698m ²	343m ²	768m ²	33	26	11	1

BLOCK D									
LEVEL	UNIT	TYPE	FLOOR AREA	LOBBY	POS AREA	SUNLIGHT ACCESS	CROSS VENT.	NATURAL VENT. TO KITCHEN	SOUTH ASPECT
1	D101	2B	84m ²	92m ²	15m ²	1	1	0	0
	D102	1B	56m ²		24m ²	1	0	0	0
	D103	1B	58m ²		24m ²	1	0	0	0
	D104	2B	96m ²		28m ²	1	1	0	0
	D105	2B	98m ²		16m ²	0	1	1	0
	D106	2B	70m ²		12m ²	0	0	0	0
	D107	2B	99m ²		24m ²	1	1	0	0
	D108	2B	76m ²		28m ²	0	0	0	1
	D109	2B	75m ²		28m ²	0	0	0	1
	D110	2B	96m ²		37m ²	1	1	0	0
	D111	1B	56m ²		11m ²	1	0	0	0
	D112	1B	56m ²		11m ²	0	0	0	0
	D113	2B	92m ²		26m ²	0	1	0	0
	D114	1B	60m ²		15m ²	0	0	1	0
2	D201	2B	84m ²	98m ²	10m ²	1	1	0	0
	D202	1B	58m ²		9m ²	1	0	0	0
	D203	1B	58m ²		14m ²	1	0	0	0
	D204	2B	96m ²		16m ²	1	1	0	0
	D205	2B	98m ²		16m ²	0	1	1	0
	D206	2B	70m ²		12m ²	0	0	0	0
	D207	2B	99m ²		10m ²	1	1	0	0
	D208	2B	76m ²		13m ²	0	0	0	1
	D209	2B	75m ²		13m ²	0	0	0	1
	D210	2B	96m ²		16m ²	1	1	0	0
	D211	1B	56m ²		11m ²	1	0	0	0
	D212	1B	56m ²		11m ²	0	0	0	0
	D213	2B	92m ²		18m ²	0	1	0	0
	D214	1B	60m ²		8m ²	0	0	1	0

BLOCK D (continued)									
LEVEL	UNIT	TYPE	FLOOR AREA	LOBBY	POS AREA	SUNLIGHT ACCESS	CROSS VENT.	NATURAL VENT. TO KITCHEN	SOUTH ASPECT
L3	D301	2B	84m ²	98m ²	10m ²	1	1	0	0
	D302	1B	58m ²		9m ²	1	1	0	0
	D303	1B	58m ²		14m ²	1	1	0	0
	D304	2B	96m ²		16m ²	1	1	0	0
	D305	2B	98m ²		16m ²	0	1	1	0
	D306	2B	70m ²		12m ²	0	0	0	0
	D307	2B	99m ²		10m ²	1	1	0	0
	D308	2B	76m ²		13m ²	0	0	0	1
	D309	2B	75m ²		13m ²	0	0	0	1
	D310	2B	96m ²		16m ²	1	1	0	0
	D311	1B	56m ²		11m ²	1	0	0	0
	D312	1B	56m ²		11m ²	0	0	0	0
	D313	2B	92m ²		18m ²	0	1	0	0
	D314	1B	60m ²		8m ²	0	0	1	0
L4	D401	2B	82m ²	43m ²	46m ²	1	1	1	0
	D402	1B	52m ²		16m ²	1	1	1	1
	D403	2B	91m ²		46m ²	1	1	1	1
	D404	2B	80m ²		30m ²	1	1	1	0
	D405	2B	89m ²		29m ²	1	1	1	0
	D406	2B	74m ²		33m ²	1	1	1	0
TOTALS			3688m ²	331m ²	853m ²	27	26	12	8

STAGE 2 BLOCK C & D							
	FLOOR AREA	LOBBY	POS AREA	SUNLIGHT ACCESS	CROSS VENT.	NATURAL VENT. TO KITCHEN	SOUTH ASPECT
TOTALS	3688m²	331m²	1621m²	60	52	23	9
OVERALL	4019m²						
PERCENTAGES				65%	56%	25%	10%
REQUIRED				>70%	>60%	>25%	<10%

OVERALL							
	FLOOR AREA	LOBBY	POS AREA	SUNLIGHT ACCESS	CROSS VENT.	NATURAL VENT. TO KITCHEN	SOUTH ASPECT
TOTALS	8787m²	721m²	2670m²	110	98	42	9
OVERALL	9508m²						
PERCENTAGES				70%	62%	27%	6%
REQUIRED				>70%	>60%	>25%	<10%

Appendix 2

Development Plans and Shadow Analysis

Project: Benson Avenue, SHELLHARBOUR

Project No: 2913-14
Date: January 2016

Control	Proposed
Site Area (m ²)	11 104m ²
Shellharbour LEP 2013	
Land use	B3 Commercial Core
Height (m)	15m
	Max at Roof: 17.95m
	Max at Overrun: 17.83m

STAGE 1 - BLOCK A & B				
Level	Commercial GFA	Residential GFA	1 bdrm	3 bdrm
Basement 1	-	-	-	-
Basement 2	-	-	-	-
Ground	1648	13	-	-
Level 1	1770	6	12	2
Level 2	1787	6	12	2
Level 3	1787	6	12	2
Level 4	413	5	3	1
Total	1648	1788	18	7
Units			20%	41%
Total Units			11%	100%

Car Parking Requirements				
Level	Req. rate	1 bdrm	3 bdrm	Provided
Commercial	1/400	41.2	42.0	42.0
1 bdrm	0.5/perm	10.0	18.0	18.0
2 bdrm	0.5/perm	31.1	48.0	48.0
3 bdrm	1.4/perm	9.8	14.0	14.0
Visitor	0.2/perm	12.8	17.0	17.0
Total		110.7	135	135

Accessible Parking Requirements				
Level	Req. rate	1 bdrm	3 bdrm	Provided
Commercial	1/100	4.1	4.2	4.2
1 bdrm	0.5/perm	1.0	1.8	1.8
2 bdrm	0.5/perm	3.1	4.8	4.8
3 bdrm	1.4/perm	0.9	1.4	1.4
Visitor	0.2/perm	1.3	1.7	1.7
Total		10.4	13.9	13.9

Bicycle Requirements				
Level	Req. rate	1 bdrm	3 bdrm	Provided
Commercial	1/400	41.2	42.0	42.0
1 bdrm	0.5/perm	10.0	18.0	18.0
2 bdrm	0.5/perm	31.1	48.0	48.0
3 bdrm	1.4/perm	9.8	14.0	14.0
Visitor	0.2/perm	12.8	17.0	17.0
Total		110.7	135	135

Waste Management				
Level	Req. rate	1 bdrm	3 bdrm	Provided
Commercial	1/100	4.1	4.2	4.2
1 bdrm	0.5/perm	1.0	1.8	1.8
2 bdrm	0.5/perm	3.1	4.8	4.8
3 bdrm	1.4/perm	0.9	1.4	1.4
Visitor	0.2/perm	1.3	1.7	1.7
Total		10.4	13.9	13.9

Weekly Council Collection				
Level	Req. rate	1 bdrm	3 bdrm	Provided
Commercial	1/100	4.1	4.2	4.2
1 bdrm	0.5/perm	1.0	1.8	1.8
2 bdrm	0.5/perm	3.1	4.8	4.8
3 bdrm	1.4/perm	0.9	1.4	1.4
Visitor	0.2/perm	1.3	1.7	1.7
Total		10.4	13.9	13.9

STAGE 2 - BLOCK C & D				
Level	Commercial GFA	Residential GFA	1 bdrm	3 bdrm
Basement 1	-	-	-	-
Basement 2	-	-	-	-
Ground	1509	13	-	-
Level 1	2420	6	18	1
Level 2	2420	6	18	1
Level 3	2420	6	18	1
Level 4	1743	1	8	3
Total	1643	8330	55	65
Units			27%	65%
Total Units			7%	100%

Car Parking Requirements				
Level	Req. rate	1 bdrm	3 bdrm	Provided
Commercial	1/400	41.6	42.0	42.0
1 bdrm	0.5/perm	11.0	21.0	21.0
2 bdrm	0.5/perm	33.8	48.0	48.0
3 bdrm	1.4/perm	8.4	13.0	13.0
Visitor	0.2/perm	18.6	18.0	18.0
Total		139.4	139	139

Accessible Parking Requirements				
Level	Req. rate	1 bdrm	3 bdrm	Provided
Commercial	1/100	4.2	4.2	4.2
1 bdrm	0.5/perm	1.1	2.1	2.1
2 bdrm	0.5/perm	3.4	4.8	4.8
3 bdrm	1.4/perm	0.9	1.3	1.3
Visitor	0.2/perm	1.9	1.8	1.8
Total		11.5	14.2	14.2

Bicycle Requirements				
Level	Req. rate	1 bdrm	3 bdrm	Provided
Commercial	1/400	41.6	42.0	42.0
1 bdrm	0.5/perm	11.0	21.0	21.0
2 bdrm	0.5/perm	33.8	48.0	48.0
3 bdrm	1.4/perm	8.4	13.0	13.0
Visitor	0.2/perm	18.6	18.0	18.0
Total		139.4	139	139

Waste Management				
Level	Req. rate	1 bdrm	3 bdrm	Provided
Commercial	1/100	4.2	4.2	4.2
1 bdrm	0.5/perm	1.1	2.1	2.1
2 bdrm	0.5/perm	3.4	4.8	4.8
3 bdrm	1.4/perm	0.9	1.3	1.3
Visitor	0.2/perm	1.9	1.8	1.8
Total		11.5	14.2	14.2

Weekly Council Collection				
Level	Req. rate	1 bdrm	3 bdrm	Provided
Commercial	1/100	4.2	4.2	4.2
1 bdrm	0.5/perm	1.1	2.1	2.1
2 bdrm	0.5/perm	3.4	4.8	4.8
3 bdrm	1.4/perm	0.9	1.3	1.3
Visitor	0.2/perm	1.9	1.8	1.8
Total		11.5	14.2	14.2

Figure A: Land Zoning Map



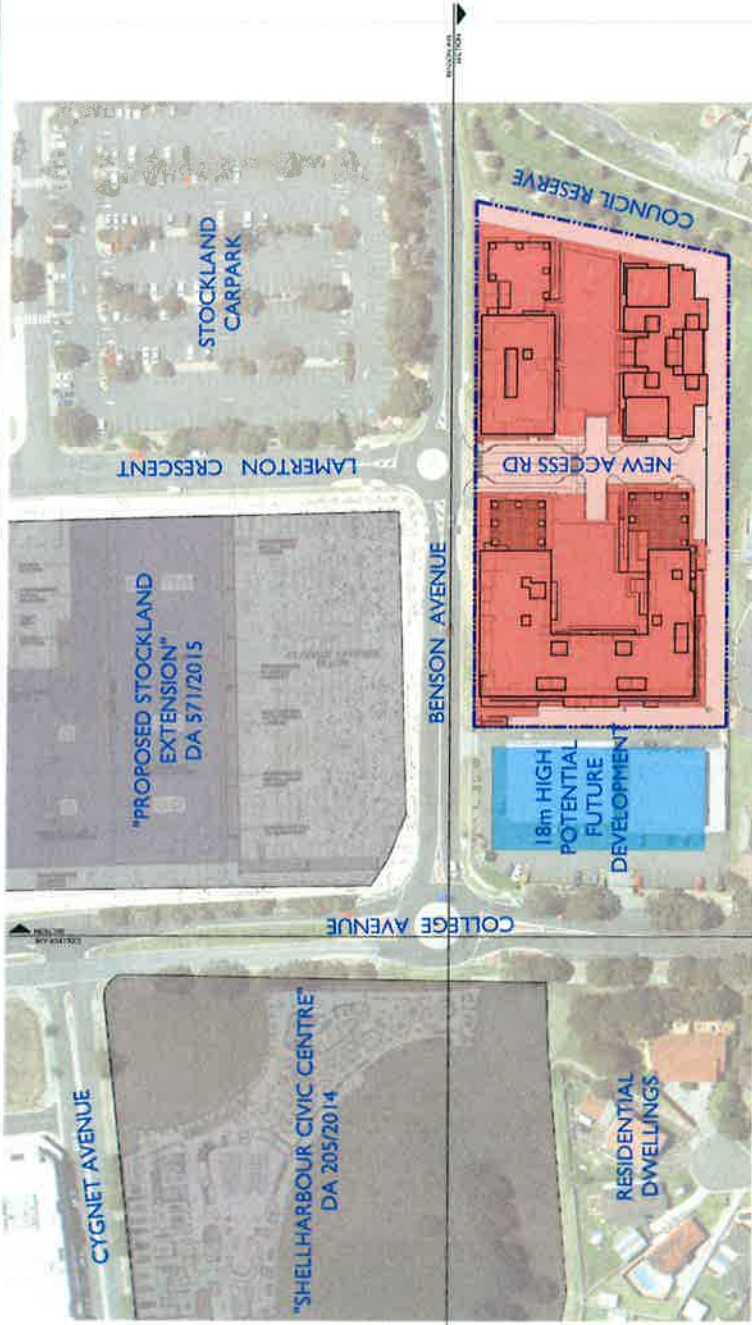
Figure B: Height of Building Map



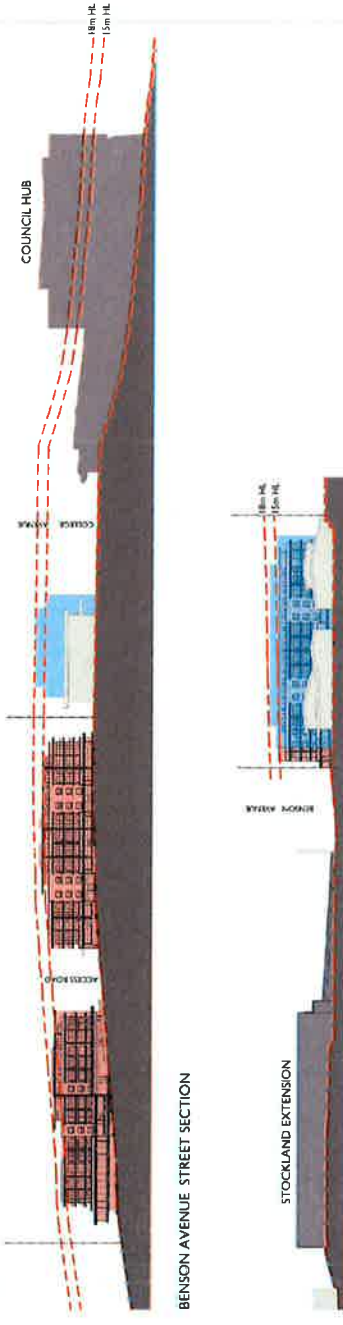
NaThERS THERMAL PERFORMANCE SPECIFICATION

NaThERS Thermal Performance Specification				
Wall Type	Insulation	Colour	Comments	
Brick Veneer	R1.5	Med - SA 0.473 - 0.7	As per spec	
Hydro Panel + Plaster Living	R1.5	Med - SA 0.473 - 0.7	As per spec	
Internal Walls				
Wall Type	Insulation	Comments		
Plaster board on Stud	None	Internally in units		
Hydro Panel + Plaster Living	None	Party walls		
Hydro Panel + Plaster Living	None	Living/Dining/Common area walls		
Floors				
Floor Type	Insulation	Comments		
Concrete	R1.0	All units with suspended slab over carpark		
Concrete	None	A. units with adjoining unit below		
Ceilings				
Ceiling Type	Insulation	Comments		
Plasterboard	None	Through floor		
Any insulation that is in ceiling penetrations for lights, ceiling fans and the like must be offset by increasing the remaining insulation in accordance with the R-Value. Insulation that is in ceiling penetrations that is not been included in this assessment.				
Roof				
Roof Type	Insulation	Colour	Comments	
Concrete	R2.0	Med - SA 0.473 - 0.7	Through floor	
Concrete	SA - Solar Absorbance			
Windows				
Window Type	U-Value	SHGC	Comments	
Single Clear Aluminium	6.27	0.34	Through floor	
Skylights				
Skylight Type	U-Value	SHGC	Comments	
na	na	na	na	
Window and skylight U and SHGC values, if specified, are according to NRC. Adequate products or specifications may be used if their U value is lower and the SHGC value is less than 10% higher or lower, than the U and SHGC values of the product specified above.				

NOT FOR CONSTRUCTION



SITE LOCALITY PLAN



BENSON AVENUE STREET SECTION

STOCKLAND EXTENSION

COLLEGE AVENUE STREET SECTION

LEGEND

- DA APPROVALS/PROPOSALS
- PROPOSED BUILDING
- EXISTING BUILT FORM
- POTENTIAL DEVELOPMENT

NOT FOR CONSTRUCTION

Project	1350 @ A1 11500 @ A1
Client	ADM
Design	RC SP 5J
Drawn	RC SP 5J
Checked	RC SP 5J
Approved	RC SP 5J
Project No	2015-14
Drawing No	A02
Issue	A
Project Name	TWO STAGE MIXED USE DEVELOPMENT AND SUBDIVISION COMPRISING OF: STAGE 1: 64 APARTMENTS OVER COMMERCIAL TENANCIES AND BASEMENT PARKING WITH CREATION OF NEW ACCESS ROAD STAGE 2: 93 APARTMENTS OVER COMMERCIAL TENANCIES AND BASEMENT PARKING
Project Address	LOT 164312 DP 809265 BENSON AVENUE SHELLHARBOUR
Client	NPA DEVELOPMENTS PTY. LTD.
Client Logo	adm
Client Address	10/110-112, 114-116, 118-120, 122-124, 126-128, 130-132, 134-136, 138-140, 142-144, 146-148, 150-152, 154-156, 158-160, 162-164, 166-168, 170-172, 174-176, 178-180, 182-184, 186-188, 190-192, 194-196, 198-200, 202-204, 206-208, 210-212, 214-216, 218-220, 222-224, 226-228, 230-232, 234-236, 238-240, 242-244, 246-248, 250-252, 254-256, 258-260, 262-264, 266-268, 270-272, 274-276, 278-280, 282-284, 286-288, 290-292, 294-296, 298-300, 302-304, 306-308, 310-312, 314-316, 318-320, 322-324, 326-328, 330-332, 334-336, 338-340, 342-344, 346-348, 350-352, 354-356, 358-360, 362-364, 366-368, 370-372, 374-376, 378-380, 382-384, 386-388, 390-392, 394-396, 398-400, 402-404, 406-408, 410-412, 414-416, 418-420, 422-424, 426-428, 430-432, 434-436, 438-440, 442-444, 446-448, 450-452, 454-456, 458-460, 462-464, 466-468, 470-472, 474-476, 478-480, 482-484, 486-488, 490-492, 494-496, 498-500, 502-504, 506-508, 510-512, 514-516, 518-520, 522-524, 526-528, 530-532, 534-536, 538-540, 542-544, 546-548, 550-552, 554-556, 558-560, 562-564, 566-568, 570-572, 574-576, 578-580, 582-584, 586-588, 590-592, 594-596, 598-600, 602-604, 606-608, 610-612, 614-616, 618-620, 622-624, 626-628, 630-632, 634-636, 638-640, 642-644, 646-648, 650-652, 654-656, 658-660, 662-664, 666-668, 670-672, 674-676, 678-680, 682-684, 686-688, 690-692, 694-696, 698-700, 702-704, 706-708, 710-712, 714-716, 718-720, 722-724, 726-728, 730-732, 734-736, 738-740, 742-744, 746-748, 750-752, 754-756, 758-760, 762-764, 766-768, 770-772, 774-776, 778-780, 782-784, 786-788, 790-792, 794-796, 798-800, 802-804, 806-808, 810-812, 814-816, 818-820, 822-824, 826-828, 830-832, 834-836, 838-840, 842-844, 846-848, 850-852, 854-856, 858-860, 862-864, 866-868, 870-872, 874-876, 878-880, 882-884, 886-888, 890-892, 894-896, 898-900, 902-904, 906-908, 910-912, 914-916, 918-920, 922-924, 926-928, 930-932, 934-936, 938-940, 942-944, 946-948, 950-952, 954-956, 958-960, 962-964, 966-968, 970-972, 974-976, 978-980, 982-984, 986-988, 990-992, 994-996, 998-1000



VIEW 1 from Bensin Avenue looking West towards subject site



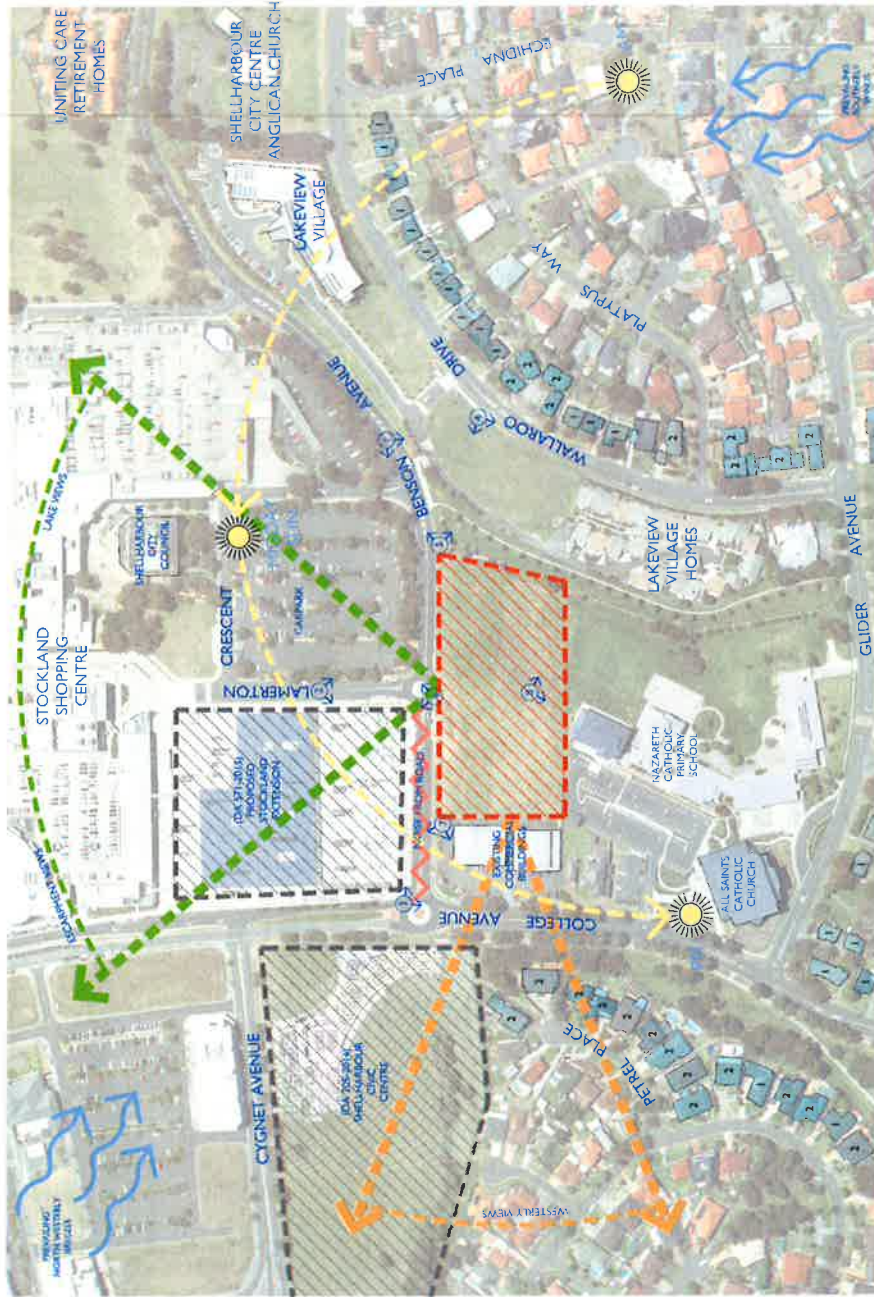
VIEW 2 from Bensin Avenue looking West towards subject site



VIEW 3 from Bensin Avenue looking West towards subject site



VIEW 4 from Bensin Avenue looking West towards subject site



SITE ANALYSIS DIAGRAM

LEGEND

- SUBJECT SITE
- SOURCE OF NOISE
- LOCATION OF PHOTO
- RESIDENTIAL USES & HEIGHT
- WIND DIRECTION
- OA APPROVALS



LEGEND

PROPOSED BUILDING

CONTEXTUAL STREETSCAPE VIEW I

Looking South towards subject site from Lamerton Crescent

Project	Two Stage Mixed Use Development and Subdivision comprising of: Stage 1: 64 Apartments over Commercial Tenancies and Basement Parking Stage 2: 93 Apartments over Commercial Tenancies and Basement Parking
Client	NPA Developments Pty. Ltd.
Drawn	adm
Scale	1:1000
Sheet	1 of 1
Project No	2015-14
Drawing No	A04
Rev	A

Project	Two Stage Mixed Use Development and Subdivision comprising of: Stage 1: 64 Apartments over Commercial Tenancies and Basement Parking Stage 2: 93 Apartments over Commercial Tenancies and Basement Parking
Client	NPA Developments Pty. Ltd.
Drawn	adm
Scale	1:1000
Sheet	1 of 1
Project No	2015-14
Drawing No	A04
Rev	A

NOT FOR CONSTRUCTION



LEGEND

PROPOSED BUILDING

NOT FOR CONSTRUCTION

Client

adm

NPA DEVELOPMENTS PTY. LTD.

Project

TWO STAGE MIXED USE DEVELOPMENT AND SUBDIVISION COMPRISING OF:

STAGE 1: 64 APARTMENTS OVER COMMERCIAL TENANCIES AND BASEMENT PARKING

STAGE 2: 93 APARTMENTS OVER COMMERCIAL TENANCIES AND BASEMENT PARKING

DEVELOPMENT APPLICATION

CONTEXTUAL STREETSCAPE VIEW 2

Project No DT 16213 **Drawing No** D3 809265

2015-14 **A05**

SHELLHARBOUR

Issue **DATE** **BY** **CHKD**

1 **2015-14** **2015-14** **2015-14**

DATE **BY** **CHKD**

2015-14 **2015-14** **2015-14**



LEGEND

- DA APPROVED PROPOSAL
- PROPOSED BUILDING

CONTEXTUAL STREETSCAPE VIEW 3

Looking West towards subject site from Wallaroo Drive

THE ABOVE IS NOT TO BE REPRODUCED WITHOUT THE WRITTEN AUTHORITY OF ADM ARCHITECTS

adm ADM ARCHITECTS 10/11-12/13		Client NPA DEVELOPMENTS PTY. LTD.		Project TWO STAGE MIXED USE DEVELOPMENT AND SUBDIVISION COMPRISING OF: STAGE 1: 64 APARTMENTS OVER COMMERCIAL TENANCIES AND BASEMENT PARKING WITH STAGE 2: 93 APARTMENTS OVER COMMERCIAL TENANCIES AND BASEMENT PARKING LOT 164313 DP 807965 BENSON AVENUE SHELLHARBOUR		Scale NTS		Date JANUARY 2018		Drawn JC SP SJ		Check ADH		Project No 2015-14		Drawing No A06		Sheet A		Development Application CONTEXTUAL STREETSCAPE VIEW 3		NOT FOR CONSTRUCTION	
--	--	--	--	---	--	--	--	--	--	---	--	--	--	---	--	---	--	--	--	--	--	--	--



CONTEXTUAL STREETSCAPE VIEW 4
Looking North towards subject site from Glider Avenue

*THIS IMAGE IS NOT TO BE REPRODUCED UNLESS AUTHORIZED BY ADM ARCHITECTS

LEGEND
PROPOSED BUILDING

NOT FOR CONSTRUCTION

Project: TWO STAGE MIXED USE DEVELOPMENT AND SUBDIVISION COMPRISING OF: STAGE 1: 64 APARTMENTS OVER COMMERCIAL TENANCIES AND BASEMENT PARKING WITH CREATION OF NEW ACCESS ROAD STAGE 2: 93 APARTMENTS OVER COMMERCIAL TENANCIES AND BASEMENT PARKING Client: NPA DEVELOPMENTS PTY. LTD. Project No: LOT 164212 DP 889765 Drawing No: BENSON AVENUE SHELLHARBOUR		Scale: NTS Date: JANUARY 2016 Drawn: R.C. DE JONG Checked: [Signature] Approved: [Signature]
Project: TWO STAGE MIXED USE DEVELOPMENT AND SUBDIVISION COMPRISING OF: STAGE 1: 64 APARTMENTS OVER COMMERCIAL TENANCIES AND BASEMENT PARKING WITH CREATION OF NEW ACCESS ROAD STAGE 2: 93 APARTMENTS OVER COMMERCIAL TENANCIES AND BASEMENT PARKING Client: NPA DEVELOPMENTS PTY. LTD. Project No: LOT 164212 DP 889765 Drawing No: BENSON AVENUE SHELLHARBOUR		Scale: NTS Date: JANUARY 2016 Drawn: R.C. DE JONG Checked: [Signature] Approved: [Signature]
Project: TWO STAGE MIXED USE DEVELOPMENT AND SUBDIVISION COMPRISING OF: STAGE 1: 64 APARTMENTS OVER COMMERCIAL TENANCIES AND BASEMENT PARKING WITH CREATION OF NEW ACCESS ROAD STAGE 2: 93 APARTMENTS OVER COMMERCIAL TENANCIES AND BASEMENT PARKING Client: NPA DEVELOPMENTS PTY. LTD. Project No: LOT 164212 DP 889765 Drawing No: BENSON AVENUE SHELLHARBOUR		Scale: NTS Date: JANUARY 2016 Drawn: R.C. DE JONG Checked: [Signature] Approved: [Signature]



LEGEND



PROPOSED BUILDING

CONTEXTUAL STREETSCAPE VIEW 5

Looking East towards subject site from the corner of Benson and College Avenue

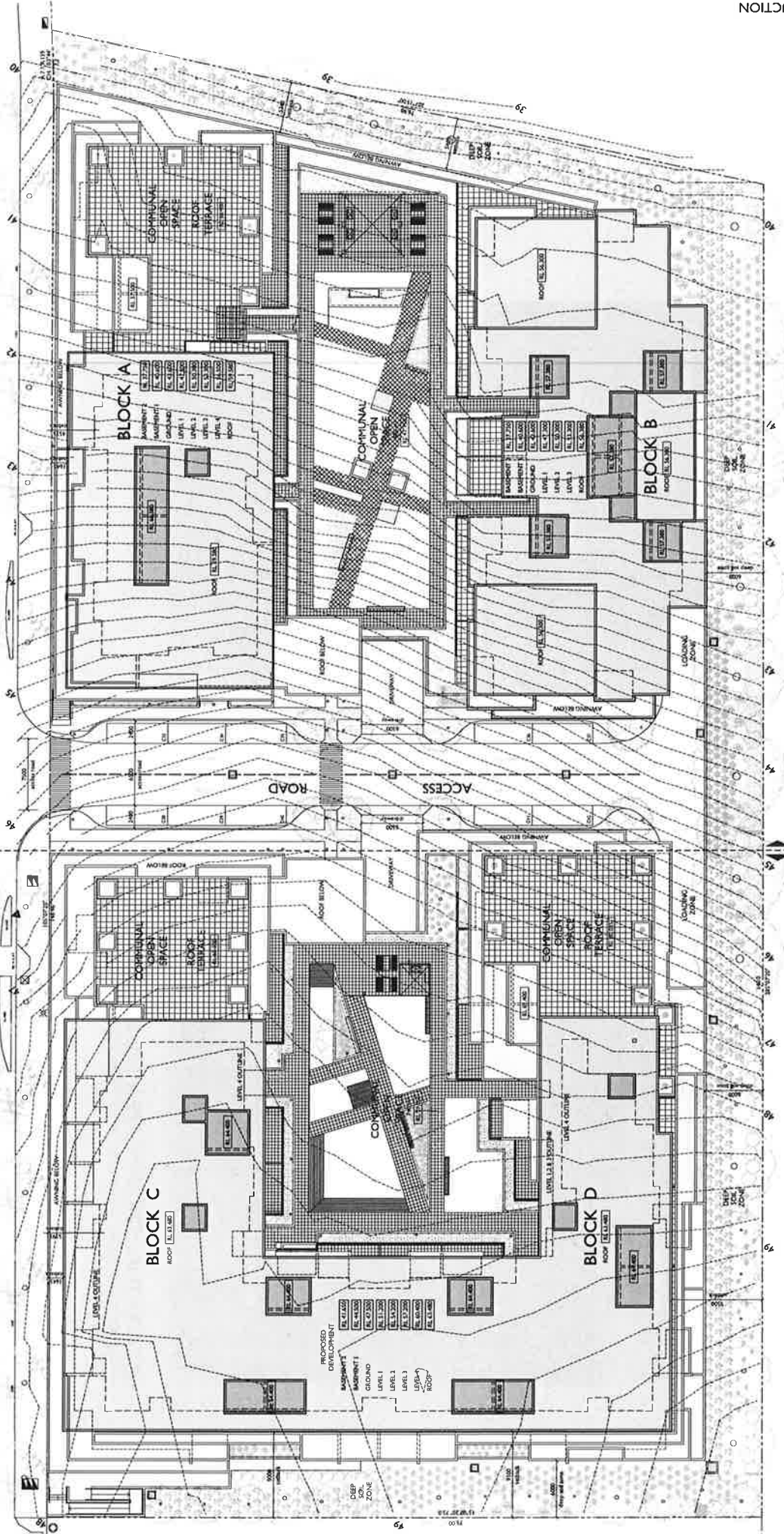
NOT FOR CONSTRUCTION

DATE: 14/01/2016 DRAWN BY: [Name] CHECKED BY: [Name] PROJECT: [Name]	adm	NPA DEVELOPMENTS PTY. LTD.	Project: TWO STAGE MIXED USE DEVELOPMENT AND SUBDIVISION COMPRISING OF: STAGE 1: 64 APARTMENTS OVER COMMERCIAL TENANCIES AND BASEMENT PARKING WITH CREATION OF NEW ACCESS ROAD STAGE 2: 93 APARTMENTS OVER COMMERCIAL TENANCIES AND BASEMENT PARKING V: LOT 164215, DP 809265 SHELLHARBOUR Scale: 1:1000 Date: 14/01/2016 Drawn by: [Name] Checked by: [Name]	DATE: 14/01/2016 DRAWN BY: [Name] CHECKED BY: [Name] PROJECT: [Name]
--	-------------------	---	--	--

B E N S O N

A V E N U E

STAGE 2 (I) STAGE 1



SITE PLAN

NOTE
REFER TO ONE ENGINEER DOCUMENTATION FOR
LEVELS
REFER TO LANDSCAPE ARCHITECTS DOCUMENTATION
FOR ALL PLANNING & PLANTING DETAILS

NOT FOR CONSTRUCTION

adm

NPA
DEVELOPMENTS
PTY. LTD.

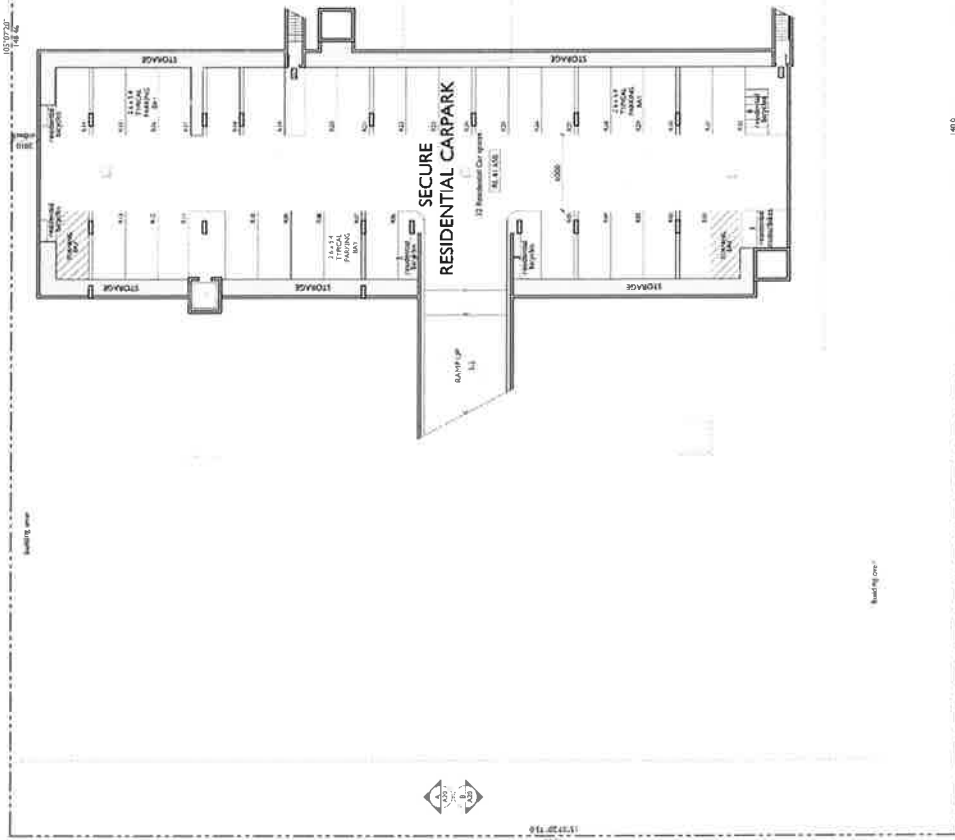
Project: TWO STAGE MIXED USE DEVELOPMENT AND SUBDIVISION COMPRISING OF:
STAGE 1: 64 APARTMENTS OVER COMMERCIAL TENANCIES AND BASEMENT PARKING WITH CREATION OF NEW ACCESS ROAD
STAGE 2: 93 APARTMENTS OVER COMMERCIAL TENANCIES AND BASEMENT PARKING
Project No: LOT 146712, DP 899765
BENSON AVENUE
SHELLHARBOUR
Drawing No: 2015-14
A09
A

The site plan illustrates the layout of the Secure Residential Carpark. It features a central rectangular area with a grid of parking spaces, each labeled with a number (e.g., 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100). The plan also shows several storage areas labeled 'STORAGE' and a building footprint labeled 'SECURE RESIDENTIAL CARPARK'. A north arrow is located in the upper right corner, and a scale bar is in the upper left corner. The plan is oriented with the building footprint at the top and the parking spaces below it.

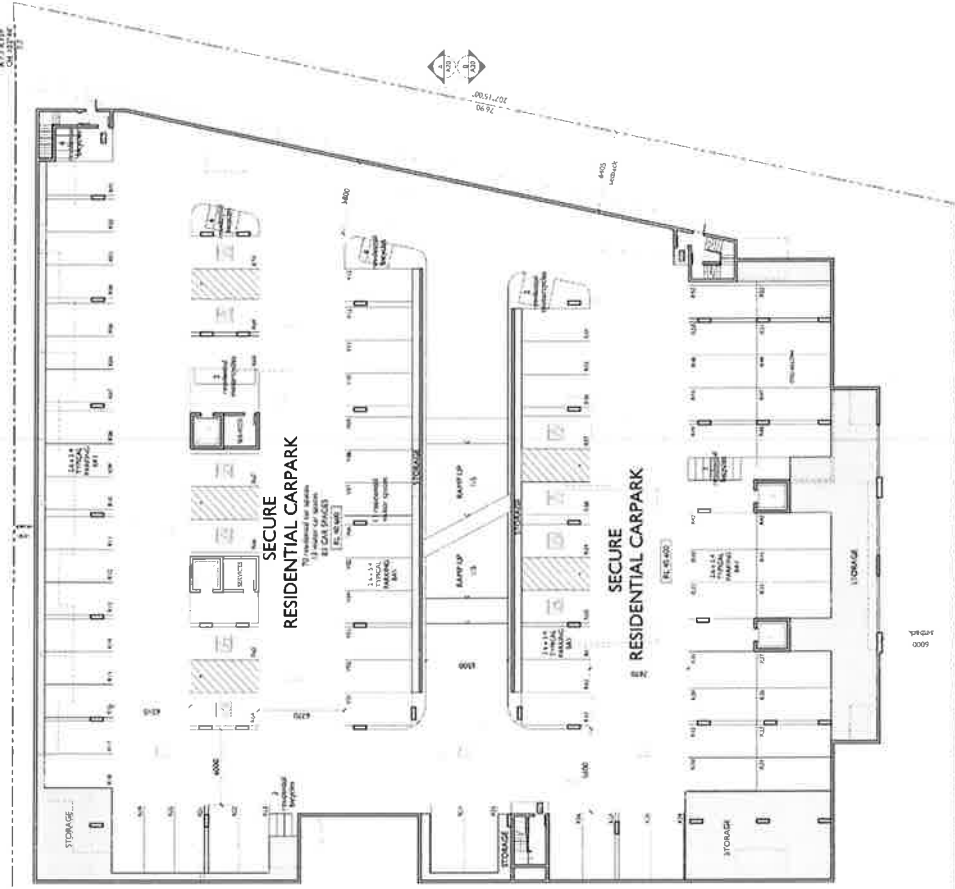
[illegible]

Issue

STAGE 2 STAGE 1



BASEMENT 2 PLAN
RESIDENTIAL CARPARK



BASEMENT 1 PLAN
RESIDENTIAL CARPARK

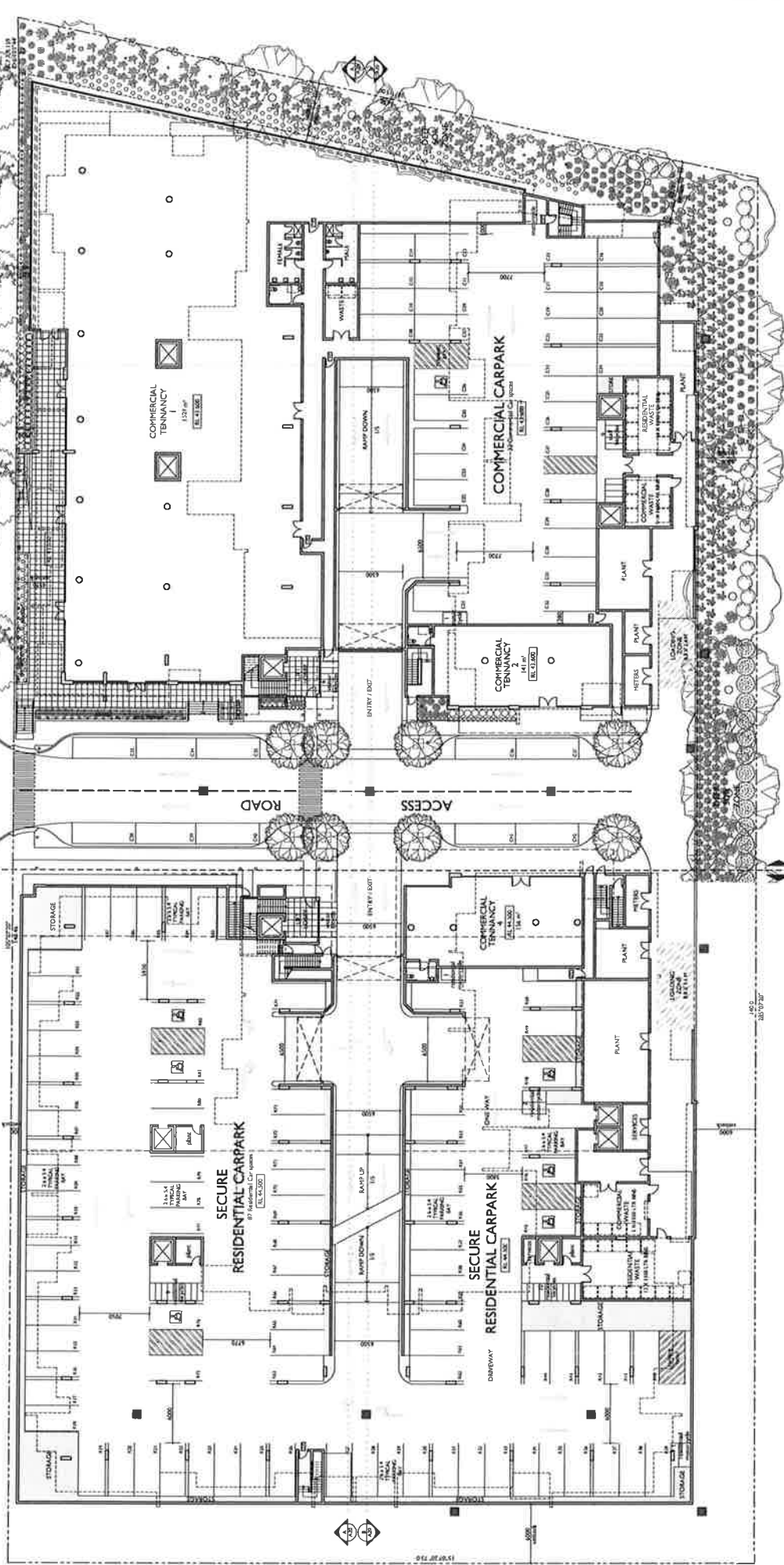
NOT FOR CONSTRUCTION

Project		Two Stage Mixed Use Development and Subdivision comprising of:	
Client		STAGE 1: 64 APARTMENTS OVER COMMERCIAL TENANCIES AND BASEMENT PARKING	
Architect		STAGE 2: 93 APARTMENTS OVER COMMERCIAL TENANCIES AND BASEMENT PARKING	
Engineer		NPA DEVELOPMENTS PTY. LTD.	
Surveyor		ADM	
Scale		1:1000 @ A1 1:400 @ A3	
Date		JANUARY 2016	
Drawing		RC SP 5	
Project No.		2015-14	
Drawing No.		A11	
Sheet		A	

BENSON

AVENUE

STAGE 2 STAGE 1

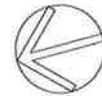


GROUND FLOOR

COMMERCIAL TENANCY [EL. 41.500]
COMMERCIAL CARPARK [EL. 41.500]

BASEMENT 1 PLAN

RESIDENTIAL CARPARK [EL. 41.500]



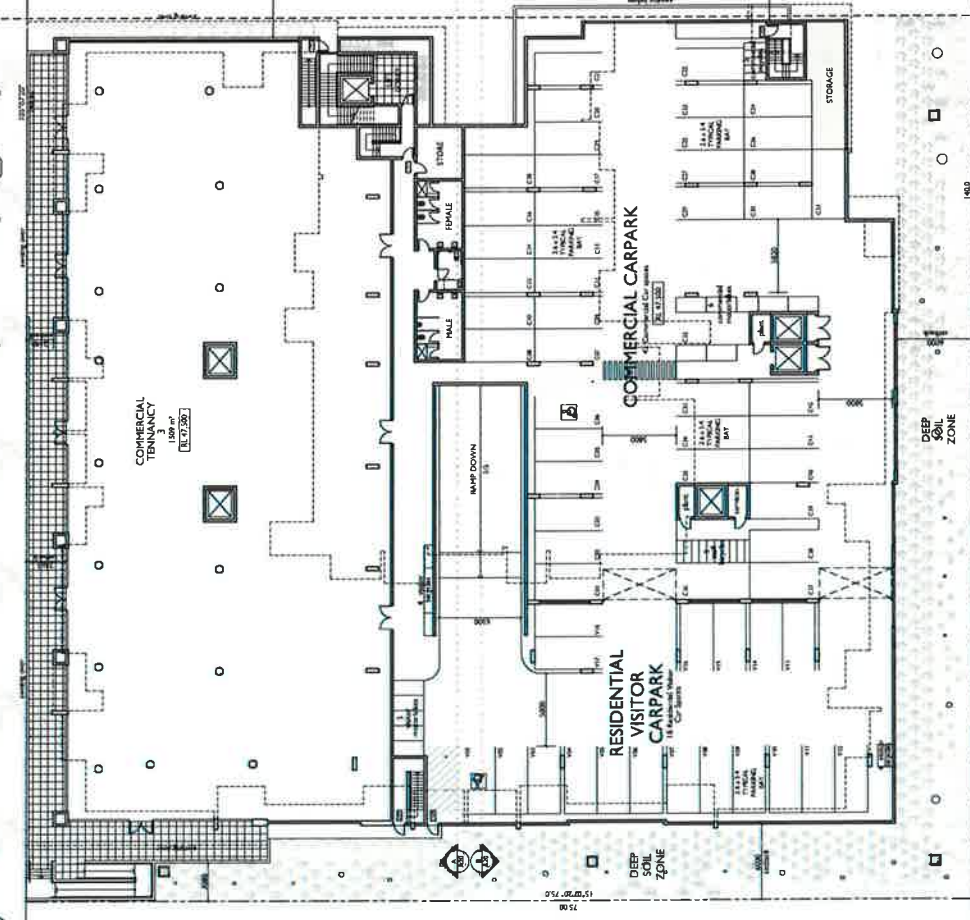
Project: TWO STAGE MIXED USE DEVELOPMENT AND SUBDIVISION COMPRISING OF: STAGE 1: 64 APARTMENTS OVER COMMERCIAL TENANCIES AND BASEMENT PARKING WITH CREATION OF NEW ACCESS ROAD STAGE 2: 93 APARTMENTS OVER COMMERCIAL TENANCIES AND BASEMENT PARKING Project No. LOT 164212 DP 809745 BENSON AVENUE SHEPPARDSON		Client: NPA DEVELOPMENTS PTY. LTD.	Scale: 1:200	Drawn: [Signature]	Check: [Signature]
Project: 13002 @ A1 1400 @ A3	Date: JANUARY 2016	Drawn: RC SP 5	Check: [Signature]	Scale: 1:200	Drawn: [Signature]
DEVELOPMENT APPLICATION BASEMENT 1 & GROUND FLOOR PLAN					
Project No. 2015-14 A12					

NOT FOR CONSTRUCTION

B E N S O N

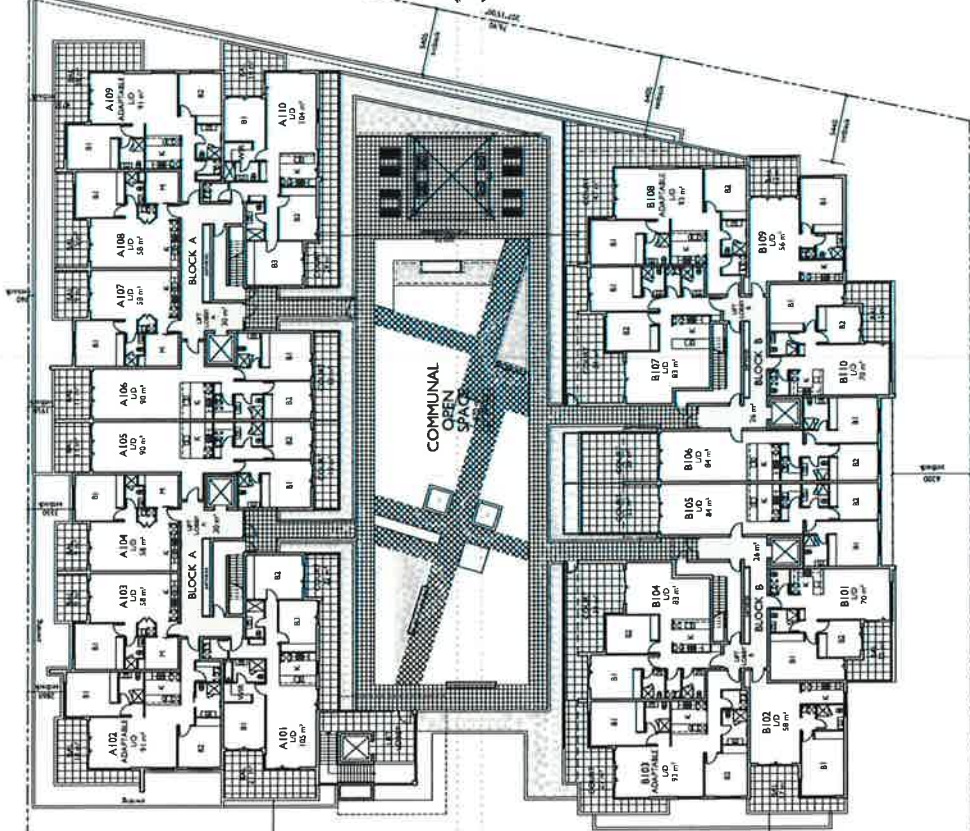
A V E N U E

STAGE 2 STAGE 1



GROUND FLOOR

RETAIL
RES & COM CARPARK



LEVEL 1/PODIUM PLAN

BLOCK A
BLOCK B

adm

NPA DEVELOPMENTS PTY. LTD.

Project: TWO STAGE MIXED USE DEVELOPMENT AND SUBDIVISION COMPRISING OF:
STAGE 1: 64 APARTMENTS OVER COMMERCIAL TENANCIES AND BASEMENT PARKING WITH CREATION OF NEW ACCESS ROAD
STAGE 2: 93 APARTMENTS OVER COMMERCIAL TENANCIES AND BASEMENT PARKING
1001 146113 000 000000
BENSON AVENUE
SHELLHARBOUR

Client:

Scale:

Drawn: RC SP SJ

Check: ALDM

Issue: 2015-14

Project No: A13

Drawing No: A

Project: TWO STAGE MIXED USE DEVELOPMENT AND SUBDIVISION COMPRISING OF:
STAGE 1: 64 APARTMENTS OVER COMMERCIAL TENANCIES AND BASEMENT PARKING WITH CREATION OF NEW ACCESS ROAD
STAGE 2: 93 APARTMENTS OVER COMMERCIAL TENANCIES AND BASEMENT PARKING
1001 146113 000 000000
BENSON AVENUE
SHELLHARBOUR

Project: TWO STAGE MIXED USE DEVELOPMENT AND SUBDIVISION COMPRISING OF:
STAGE 1: 64 APARTMENTS OVER COMMERCIAL TENANCIES AND BASEMENT PARKING WITH CREATION OF NEW ACCESS ROAD
STAGE 2: 93 APARTMENTS OVER COMMERCIAL TENANCIES AND BASEMENT PARKING
1001 146113 000 000000
BENSON AVENUE
SHELLHARBOUR

Project: TWO STAGE MIXED USE DEVELOPMENT AND SUBDIVISION COMPRISING OF:
STAGE 1: 64 APARTMENTS OVER COMMERCIAL TENANCIES AND BASEMENT PARKING WITH CREATION OF NEW ACCESS ROAD
STAGE 2: 93 APARTMENTS OVER COMMERCIAL TENANCIES AND BASEMENT PARKING
1001 146113 000 000000
BENSON AVENUE
SHELLHARBOUR

Project: TWO STAGE MIXED USE DEVELOPMENT AND SUBDIVISION COMPRISING OF:
STAGE 1: 64 APARTMENTS OVER COMMERCIAL TENANCIES AND BASEMENT PARKING WITH CREATION OF NEW ACCESS ROAD
STAGE 2: 93 APARTMENTS OVER COMMERCIAL TENANCIES AND BASEMENT PARKING
1001 146113 000 000000
BENSON AVENUE
SHELLHARBOUR

Project: TWO STAGE MIXED USE DEVELOPMENT AND SUBDIVISION COMPRISING OF:
STAGE 1: 64 APARTMENTS OVER COMMERCIAL TENANCIES AND BASEMENT PARKING WITH CREATION OF NEW ACCESS ROAD
STAGE 2: 93 APARTMENTS OVER COMMERCIAL TENANCIES AND BASEMENT PARKING
1001 146113 000 000000
BENSON AVENUE
SHELLHARBOUR

Project: TWO STAGE MIXED USE DEVELOPMENT AND SUBDIVISION COMPRISING OF:
STAGE 1: 64 APARTMENTS OVER COMMERCIAL TENANCIES AND BASEMENT PARKING WITH CREATION OF NEW ACCESS ROAD
STAGE 2: 93 APARTMENTS OVER COMMERCIAL TENANCIES AND BASEMENT PARKING
1001 146113 000 000000
BENSON AVENUE
SHELLHARBOUR

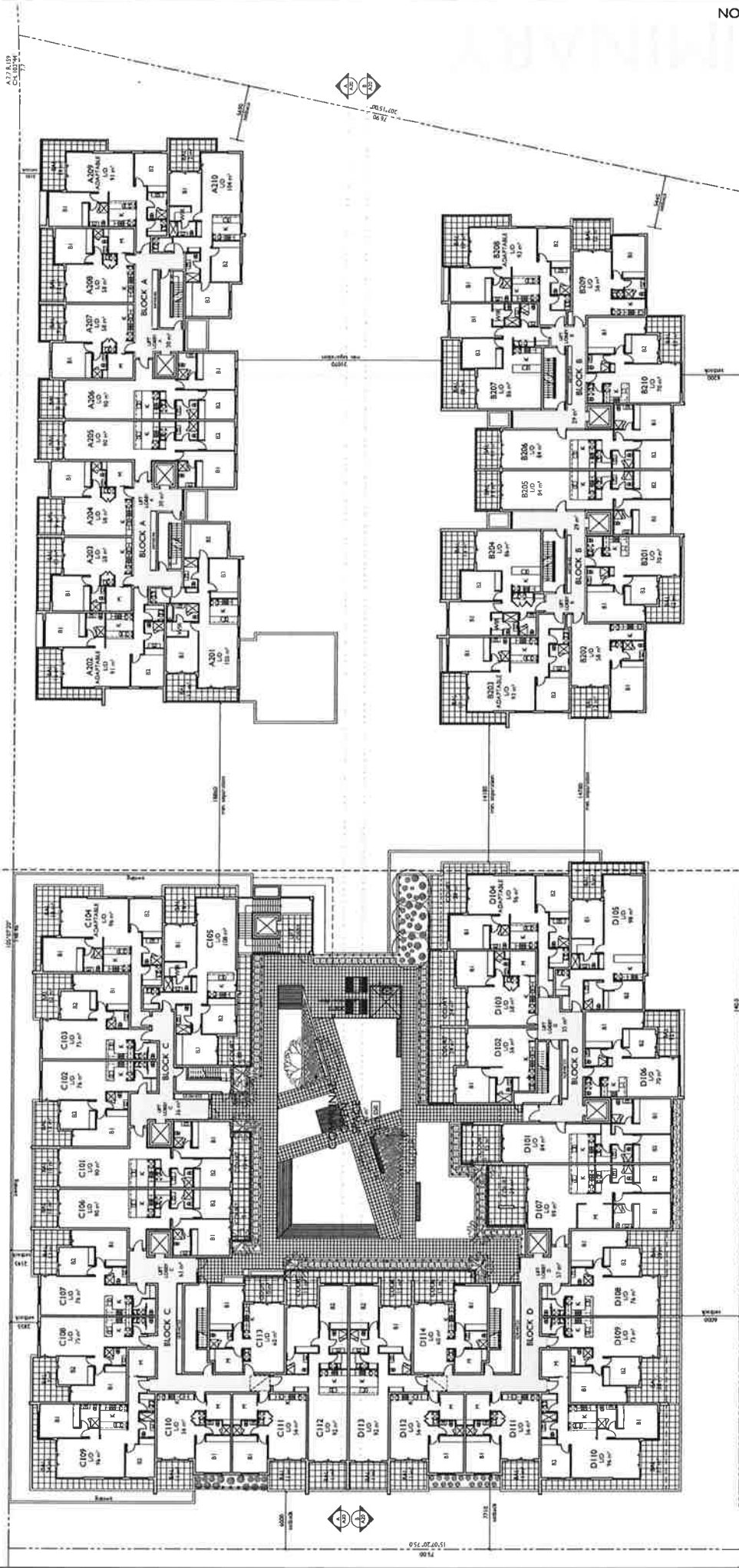
Project: TWO STAGE MIXED USE DEVELOPMENT AND SUBDIVISION COMPRISING OF:
STAGE 1: 64 APARTMENTS OVER COMMERCIAL TENANCIES AND BASEMENT PARKING WITH CREATION OF NEW ACCESS ROAD
STAGE 2: 93 APARTMENTS OVER COMMERCIAL TENANCIES AND BASEMENT PARKING
1001 146113 000 000000
BENSON AVENUE
SHELLHARBOUR

Project: TWO STAGE MIXED USE DEVELOPMENT AND SUBDIVISION COMPRISING OF:
STAGE 1: 64 APARTMENTS OVER COMMERCIAL TENANCIES AND BASEMENT PARKING WITH CREATION OF NEW ACCESS ROAD
STAGE 2: 93 APARTMENTS OVER COMMERCIAL TENANCIES AND BASEMENT PARKING
1001 146113 000 000000
BENSON AVENUE
SHELLHARBOUR

Project: TWO STAGE MIXED USE DEVELOPMENT AND SUBDIVISION COMPRISING OF:
STAGE 1: 64 APARTMENTS OVER COMMERCIAL TENANCIES AND BASEMENT PARKING WITH CREATION OF NEW ACCESS ROAD
STAGE 2: 93 APARTMENTS OVER COMMERCIAL TENANCIES AND BASEMENT PARKING
1001 146113 000 000000
BENSON AVENUE
SHELLHARBOUR

NOT FOR CONSTRUCTION

STAGE 2 (I) STAGE 1



LEVEL 1/PODIUM PLAN

BLOCK C RL 51.200
BLOCK D RL 51.200

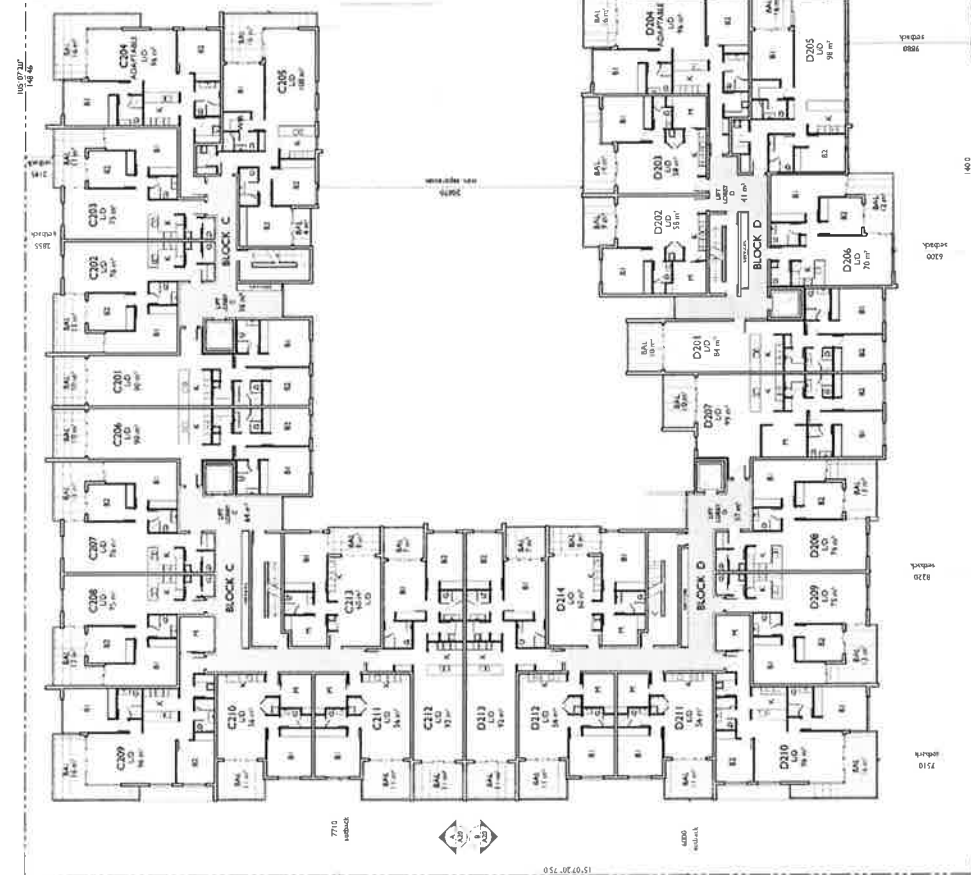
LEVEL 2

BLOCK A RL 50.300
BLOCK B RL 50.300

NOT FOR CONSTRUCTION

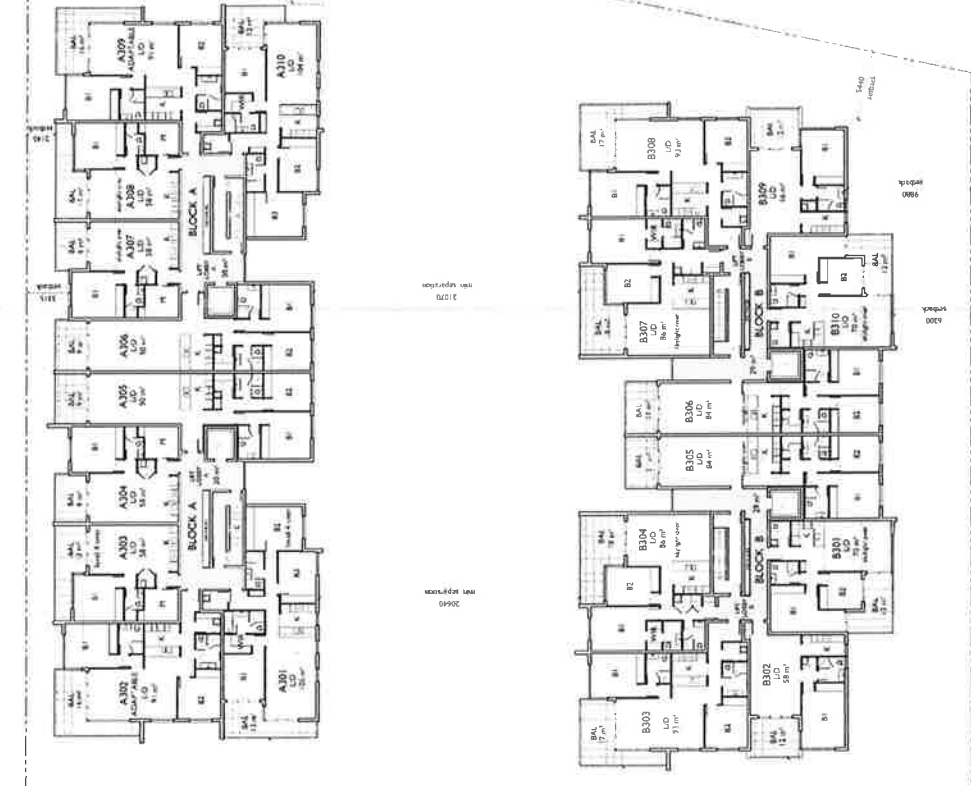
Project: TWO STAGE MIXED USE DEVELOPMENT AND SUBDIVISION COMPRISING OF: STAGE 1: 64 APARTMENTS OVER COMMERCIAL TENANCIES AND BASEMENT PARKING WITH CREATION OF NEW ACCESS ROAD STAGE 2: 93 APARTMENTS OVER COMMERCIAL TENANCIES AND BASEMENT PARKING AT LOT 164312 DP 809265 BENSON AVENUE SHELLHARBOUR		Client: NPA DEVELOPMENTS PTY. LTD.		Scale: 1:200 @ A1 1:400 @ A3 Date: JANUARY 2016 Drawn: R.C. SP 2 Checked: R.C. SP 2 Project No: 2015-14 Drawing No: A14 Revision: A	
Development Application LEVEL 1/PODIUM PLAN & LEVEL 2 FLOOR PLAN		adm		NOT FOR CONSTRUCTION	

STAGE 2 STAGE 1



LEVEL 2

BLOCK C NL33308
BLOCK D NL33309



LEVEL 3

BLOCK A NL33308
BLOCK B NL33309

NOT FOR CONSTRUCTION

adm

NPA DEVELOPMENTS PTY. LTD.

STAGE 1: 64 APARTMENTS OVER COMMERCIAL TENANCIES AND BASEMENT PARKING

STAGE 2: 93 APARTMENTS OVER COMMERCIAL TENANCIES AND BASEMENT PARKING

Project: LOT 143/12, DP 809745
SHELLHARBOUR

Client: NPA DEVELOPMENTS PTY. LTD.

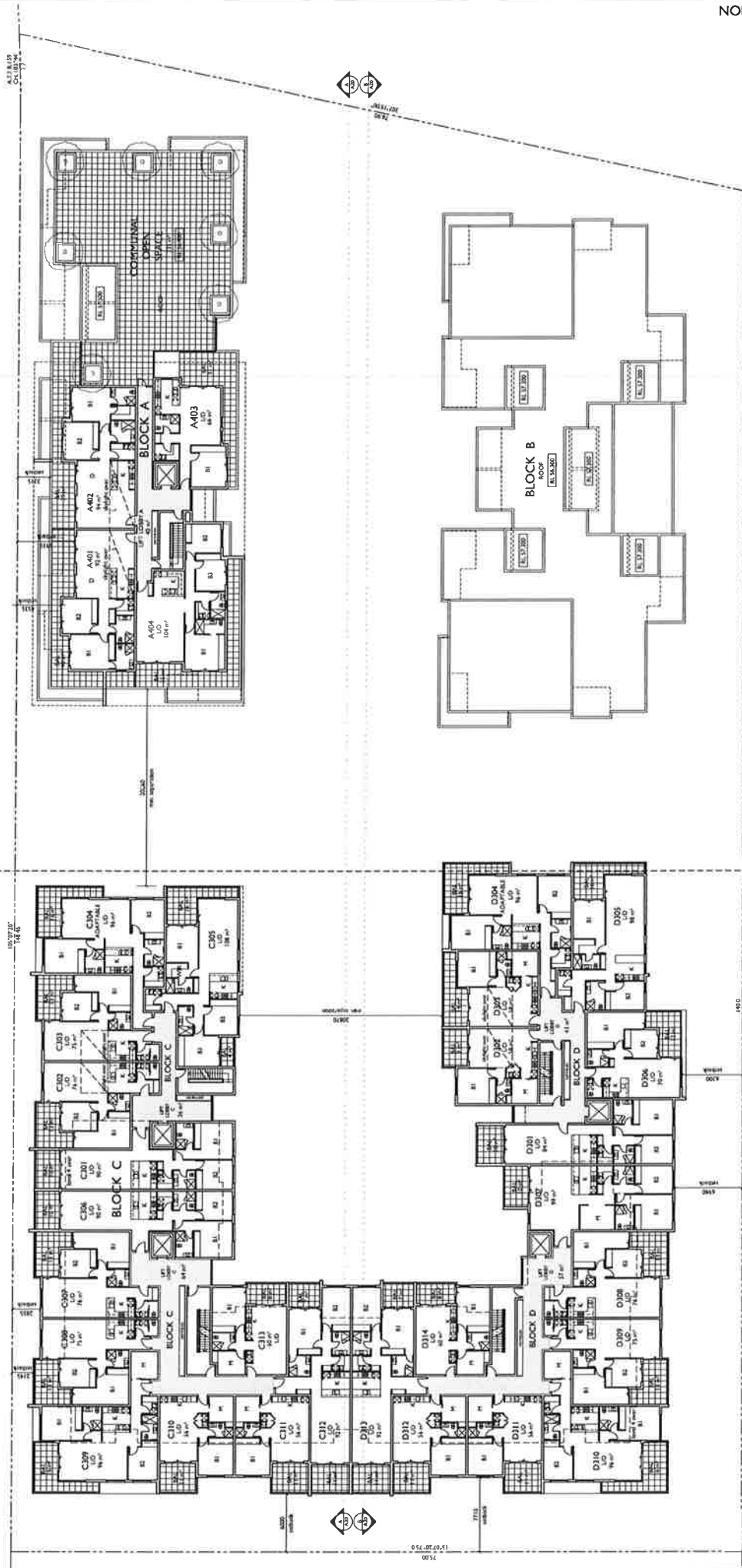
Drawn: J. C. 2014
Check: J. C. 2014
Date: JANUARY 2014

Scale: 1:200 @ A1, 1:400 @ A3

Project No: 2015-14
Drawing No: A15
Revision: A

Development Application
LEVEL 2 & 3 FLOOR PLAN

STAGE 2 STAGE I



LEVEL 4

BLOCK A [N. 51.500]
BLOCK B [N. 51.500]

LEVEL 3

BLOCK C [N. 51.500]
BLOCK D [N. 51.500]

NOT FOR CONSTRUCTION

Project	1200 @ A1 1400 @ A3
Date	JANUARY 2016
Drawn	J.C. SP. J.
Checked	ADH
Development Application	
Level 3 & 4 Floor Plan	
10/10/2015	10/10/2015
2015-14	A16

Client
NPA
DEVELOPMENTS
PTY. LTD.



CONTRACT: The Client hereby appoints the Architect to provide architectural services for the development of the project. The Architect shall be responsible for the design and construction of the project. The Architect shall be responsible for the design and construction of the project. The Architect shall be responsible for the design and construction of the project.

Project	1200 @ A1 1400 @ A3
Date	JANUARY 2016
Drawn	J.C. SP. J.
Checked	ADH
Development Application	
Level 3 & 4 Floor Plan	
10/10/2015	10/10/2015
2015-14	A16

This architectural floor plan depicts a building complex divided into four distinct blocks, each with its own set of rooms and common areas. The plan is oriented with a north arrow pointing towards the top right.

- Block A:** Located in the upper left, it features a central "COMMONAL OPEN SPACE" and a "ROOF" area. It is surrounded by a "COMMONAL OPEN SPACE" and a "ROOF" area.
- Block B:** Situated in the upper right, it contains a "COMMONAL OPEN SPACE" and a "ROOF" area.
- Block C:** Located in the lower left, it includes a "COMMONAL OPEN SPACE" and a "ROOF" area.
- Block D:** Situated in the lower right, it contains a "COMMONAL OPEN SPACE" and a "ROOF" area.

The plan also shows various rooms and spaces, including:

- Commonal Open Spaces:** Large areas for communal use, located in the center of each block.
- Roofs:** Designated areas for rooftop use, located adjacent to the commonal open spaces.
- Rooms:** Individual rooms are labeled with codes such as C401, C402, C403, C404, C405, D401, D402, D403, D404, and D405.
- Other Features:** The plan includes a "COMMONAL OPEN SPACE" and a "ROOF" area, as well as a "COMMONAL OPEN SPACE" and a "ROOF" area.

The drawing is a detailed architectural representation of the building's layout, showing the spatial organization and the relationship between the different blocks and their common areas.

BLOCK C RL 60,400
BLOCK D RL 60,400

[illegible]

A		2021 IN ISSUE FOR DA	AC	ADJ
ISS	DATE	CONNECTION	REASON	REMARK



ADM
Agriculture. Food. Life.

NPA
DEVELOPMENTS
PTY. LTD.

Project: TWO STAGE MIXED USE DEVELOPMENT AND SUBDIVISION COMPRISING OF:
STAGE 1: 64 APARTMENTS OVER COMMERCIAL TENANCIES AND BASEMENT P1
STAGE 2: 93 APARTMENTS OVER COMMERCIAL TENANCIES AND BASEMENT P1

N: LOT 144512 D/P 8090465
BRISON AVENUE
STELLHARBOUR.

sheet	1-200 of A1	1-400 of A3
date	JANUARY 2016	
drawn	RC SP J	ADM

Drawing

DEVELOPMENT APPLICATION

LEVEL 4 PLAN

Project No

2015-14

Drawing No

A17

Issue

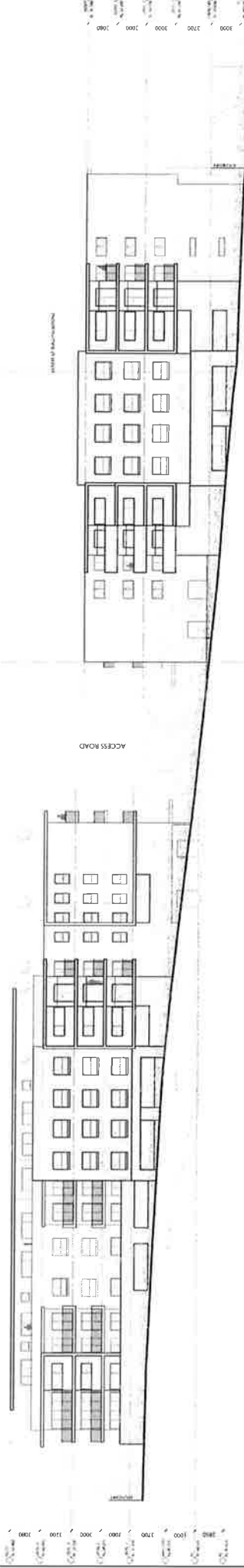
A

NOT FOR CONSTRUCTION

A

STAGE 2
RENDER

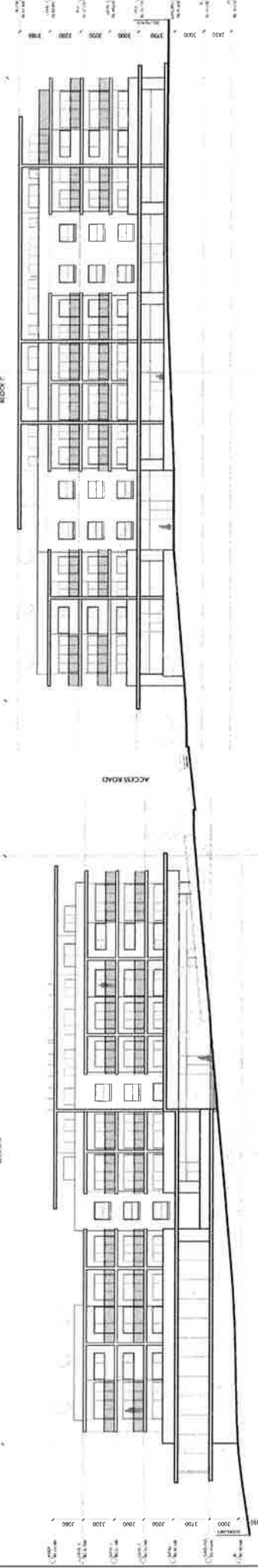
STAGE 1
RENDER



SOUTH ELEVATION

STAGE 1
RENDER

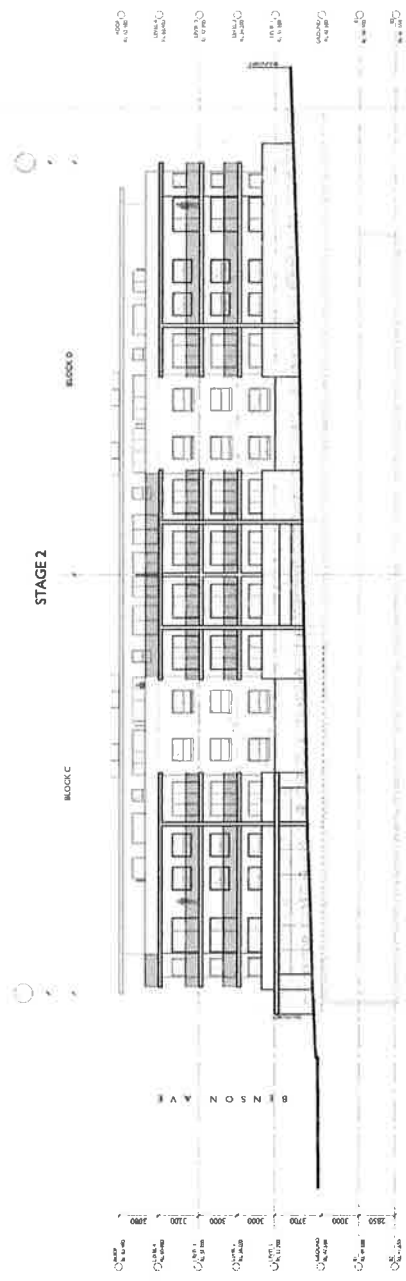
STAGE 2
RENDER



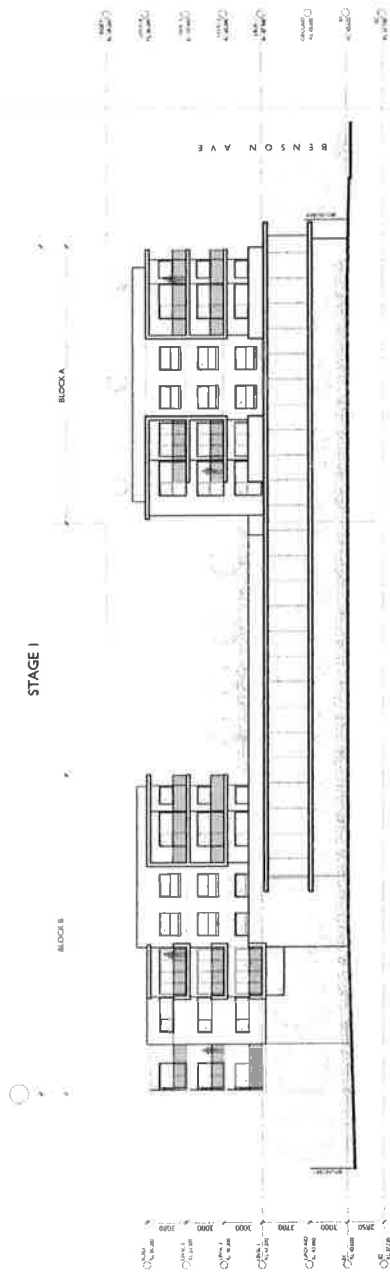
NORTH ELEVATION
FROM BENSON AVE

NOT FOR CONSTRUCTION

Project: TWO STAGE MIXED USE DEVELOPMENT AND SUBDIVISION COMPRISING OF: STAGE 1: 64 APARTMENTS OVER COMMERCIAL TENANCIES AND BASEMENT PARKING WITH CREATION OF NEW ACCESS ROAD STAGE 2: 93 APARTMENTS OVER COMMERCIAL TENANCIES AND BASEMENT PARKING LOT 164212 DP 897345 BENSON AVENUE SHELLHARBOR	Client: NPA DEVELOPMENTS PTY. LTD.	Architect: ADM ARCHITECTS	Project No: 2015-14 Drawing No: A1B Date: JANUARY 2016 Scale: 1:100 Sheet: 1 of 1
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WEST ELEVATION



EAST ELEVATION
FROM RESERVE

NOT FOR CONSTRUCTION

Project Name: NPA DEVELOPMENTS PTY. LTD.		Scale: 1:200 @ A1 1:400 @ A3
Project No: LOT 164312 DP 897265		Date: JANUARY 2016
Project Name: BENSON AVENUE SHELLHARBOUR		Drawn By: RC SP 5
Project No: 2015-14		Check: ADH
Project Name: EAST & WEST ELEVATIONS		Project No: A19
Project Name: TWO STAGE MIXED USE DEVELOPMENT AND SUBDIVISION COMPRISING OF:		Project No: 2015-14
Project Name: STAGE 1: 64 APARTMENTS OVER COMMERCIAL TENANCIES AND BASEMENT PARKING WITH CREATION OF NEW ACCESS ROAD		Project No: A19
Project Name: STAGE 2: 93 APARTMENTS OVER COMMERCIAL TENANCIES AND BASEMENT PARKING		Project No: A19

adm

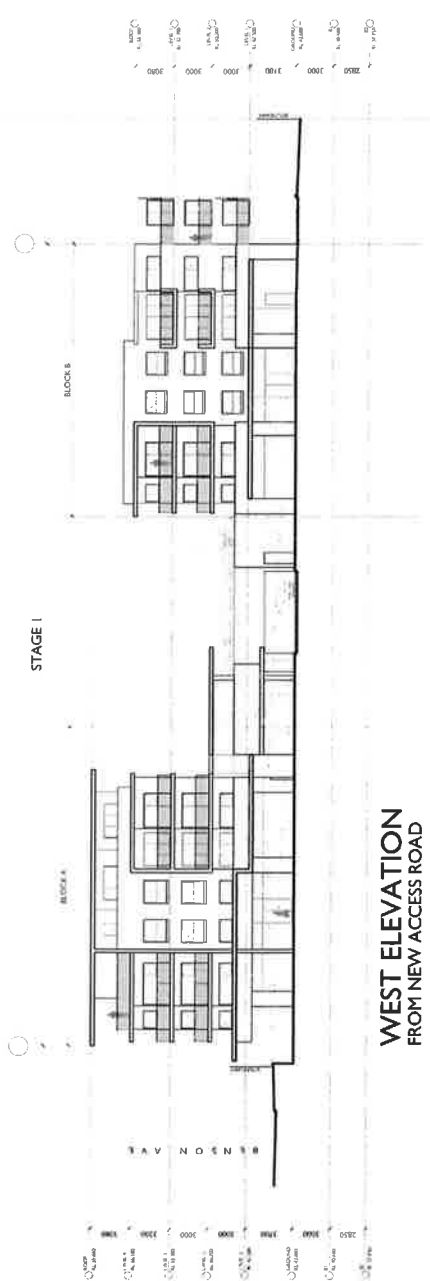
architects

100-110

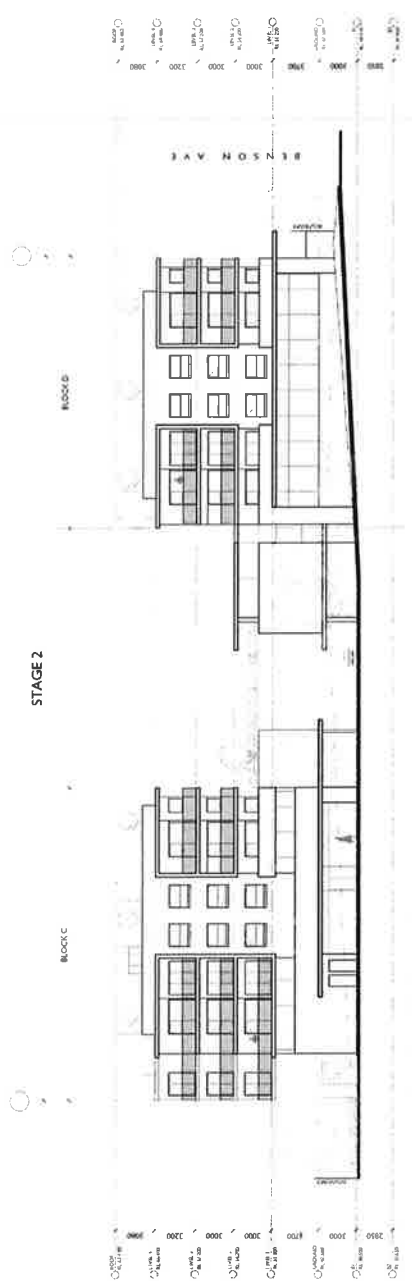
100-110

100-110

100-110



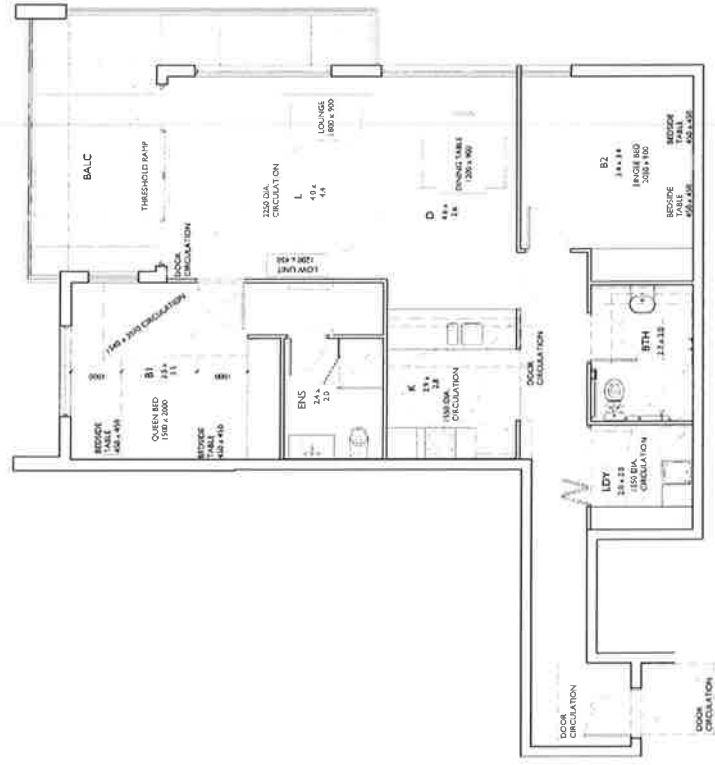
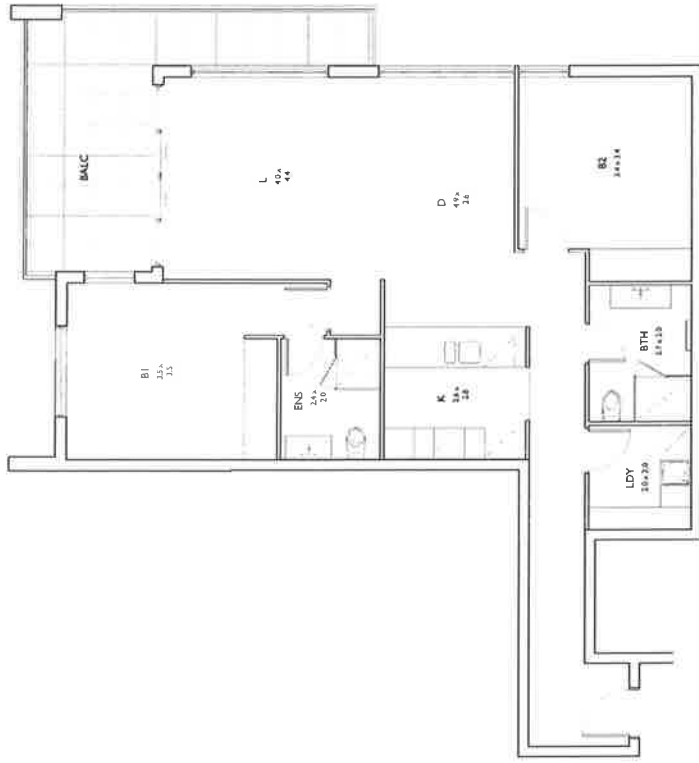
WEST ELEVATION
FROM NEW ACCESS ROAD



EAST ELEVATION
FROM NEW ACCESS ROAD

NOT FOR CONSTRUCTION

Project: TWO STAGE MIXED USE DEVELOPMENT AND SUBDIVISION COMPRISING OF: STAGE 1: 64 APARTMENTS OVER COMMERCIAL TENANCIES AND BASEMENT PARKING WITH CREATION OF NEW ACCESS ROAD STAGE 2: 93 APARTMENTS OVER COMMERCIAL TENANCIES AND BASEMENT PARKING at LOT 164212 DP 809765 BENSON AVENUE SHELLENGBOOR		Client: NPA DEVELOPMENTS PTY. LTD.	Scale: 1:200 @ A1 1:400 @ A2
Drawn: RC SP 5J	Date: JANUARY 2016	Project No: 2015-14	Drawn No: A20
Development Application	INTERNAL EAST & WEST ELEVATIONS	Project No: 2015-14	Drawn No: A20
Project No: 2015-14	Drawn No: A20	Project No: 2015-14	Drawn No: A20



PRE- ADAPTATION PLAN
 UNITS A109, A209, A309, B108, B208, C104, C204, C304, D104, D204, D304 AS INDICATED
 UNITS A102, A202, A302, B103, B203 MIRRORRED
 CLASS C ADAPTABLE UNIT TO AS 4299

POST- ADAPTATION PLAN
 UNITS A109, A209, A309, B108, B208, C104, C204, C304, D104, D204, D304 AS INDICATED
 UNITS A102, A202, A302, B103, B203 MIRRORRED
 REFER TO ACCESS CONSULTANTS REPORT

NOT FOR CONSTRUCTION

Project: LOT 164212 DP 809245 BENSON AVENUE SHELLHARBOUR		Client: NPA DEVELOPMENTS PTY. LTD.		Project: LOT 164212 DP 809245 BENSON AVENUE SHELLHARBOUR	
Drawn: RC SP 5		Drawn: RC SP 5		Drawn: RC SP 5	
Scale: 1:50 @ A1 1:100 @ A3		Scale: 1:50 @ A1 1:100 @ A3		Scale: 1:50 @ A1 1:100 @ A3	
Drawn: RC SP 5		Drawn: RC SP 5		Drawn: RC SP 5	
Project No: 2015-14		Project No: 2015-14		Project No: 2015-14	
Drawing No: A22		Drawing No: A22		Drawing No: A22	
Issue: A		Issue: A		Issue: A	
Development Application: PRE AND POST ADAPTATION PLAN		Development Application: PRE AND POST ADAPTATION PLAN		Development Application: PRE AND POST ADAPTATION PLAN	
Creation of New Access Road		Creation of New Access Road		Creation of New Access Road	



9am



12pm



3pm



SHADOW ANALYSIS - 21ST OF JUNE

NOT FOR CONSTRUCTION

Client NPA DEVELOPMENTS PTY. LTD.		Project TWO STAGE MIXED USE DEVELOPMENT AND SUBDIVISION COMPRISING OF: STAGE 1: 64 APARTMENTS OVER COMMERCIAL TENANCIES AND BASEMENT PARKING WITH STAGE 2: 93 APARTMENTS OVER COMMERCIAL TENANCIES AND BASEMENT PARKING	NTS Scale 1:1000	DATE JANUARY 2016	BY RC SP 3	CHKD ADH
adm		Project No LOT 14413 DP 807915	Project No LOT 14413 DP 807915	Project No LOT 14413 DP 807915	Project No LOT 14413 DP 807915	Project No LOT 14413 DP 807915
21ST OF JUNE		2015-14	2015-14	2015-14	2015-14	2015-14
21ST OF JUNE		2015-14	2015-14	2015-14	2015-14	2015-14

3



COLOUR & MATERIALS SCHEDULE



2 7 4 6 1 5

NOT FOR CONSTRUCTION

Project: TWO STAGE MIXED USE DEVELOPMENT AND SUBDIVISION COMPRISING OF: STAGE 1: 64 APARTMENTS OVER COMMERCIAL TENANCIES AND BASEMENT PARKING WITH CREATION OF NEW ACCESS ROAD STAGE 2: 93 APARTMENTS OVER COMMERCIAL TENANCIES AND BASEMENT PARKING	Client: NPA DEVELOPMENTS PTY. LTD.	Project: TWO STAGE MIXED USE DEVELOPMENT AND SUBDIVISION COMPRISING OF: STAGE 1: 64 APARTMENTS OVER COMMERCIAL TENANCIES AND BASEMENT PARKING WITH CREATION OF NEW ACCESS ROAD STAGE 2: 93 APARTMENTS OVER COMMERCIAL TENANCIES AND BASEMENT PARKING	Project: TWO STAGE MIXED USE DEVELOPMENT AND SUBDIVISION COMPRISING OF: STAGE 1: 64 APARTMENTS OVER COMMERCIAL TENANCIES AND BASEMENT PARKING WITH CREATION OF NEW ACCESS ROAD STAGE 2: 93 APARTMENTS OVER COMMERCIAL TENANCIES AND BASEMENT PARKING	Project: TWO STAGE MIXED USE DEVELOPMENT AND SUBDIVISION COMPRISING OF: STAGE 1: 64 APARTMENTS OVER COMMERCIAL TENANCIES AND BASEMENT PARKING WITH CREATION OF NEW ACCESS ROAD STAGE 2: 93 APARTMENTS OVER COMMERCIAL TENANCIES AND BASEMENT PARKING	Project: TWO STAGE MIXED USE DEVELOPMENT AND SUBDIVISION COMPRISING OF: STAGE 1: 64 APARTMENTS OVER COMMERCIAL TENANCIES AND BASEMENT PARKING WITH CREATION OF NEW ACCESS ROAD STAGE 2: 93 APARTMENTS OVER COMMERCIAL TENANCIES AND BASEMENT PARKING	Project: TWO STAGE MIXED USE DEVELOPMENT AND SUBDIVISION COMPRISING OF: STAGE 1: 64 APARTMENTS OVER COMMERCIAL TENANCIES AND BASEMENT PARKING WITH CREATION OF NEW ACCESS ROAD STAGE 2: 93 APARTMENTS OVER COMMERCIAL TENANCIES AND BASEMENT PARKING	Project: TWO STAGE MIXED USE DEVELOPMENT AND SUBDIVISION COMPRISING OF: STAGE 1: 64 APARTMENTS OVER COMMERCIAL TENANCIES AND BASEMENT PARKING WITH CREATION OF NEW ACCESS ROAD STAGE 2: 93 APARTMENTS OVER COMMERCIAL TENANCIES AND BASEMENT PARKING	Project: TWO STAGE MIXED USE DEVELOPMENT AND SUBDIVISION COMPRISING OF: STAGE 1: 64 APARTMENTS OVER COMMERCIAL TENANCIES AND BASEMENT PARKING WITH CREATION OF NEW ACCESS ROAD STAGE 2: 93 APARTMENTS OVER COMMERCIAL TENANCIES AND BASEMENT PARKING	Project: TWO STAGE MIXED USE DEVELOPMENT AND SUBDIVISION COMPRISING OF: STAGE 1: 64 APARTMENTS OVER COMMERCIAL TENANCIES AND BASEMENT PARKING WITH CREATION OF NEW ACCESS ROAD STAGE 2: 93 APARTMENTS OVER COMMERCIAL TENANCIES AND BASEMENT PARKING
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Appendix 3
Subdivision Plan

PLAN OF PROPOSED SUBDIVISION
OF LOT 4212 IN D.P.809265
BENSON AVENUE
SHELLHARBOUR CITY CENTRE

BENSON

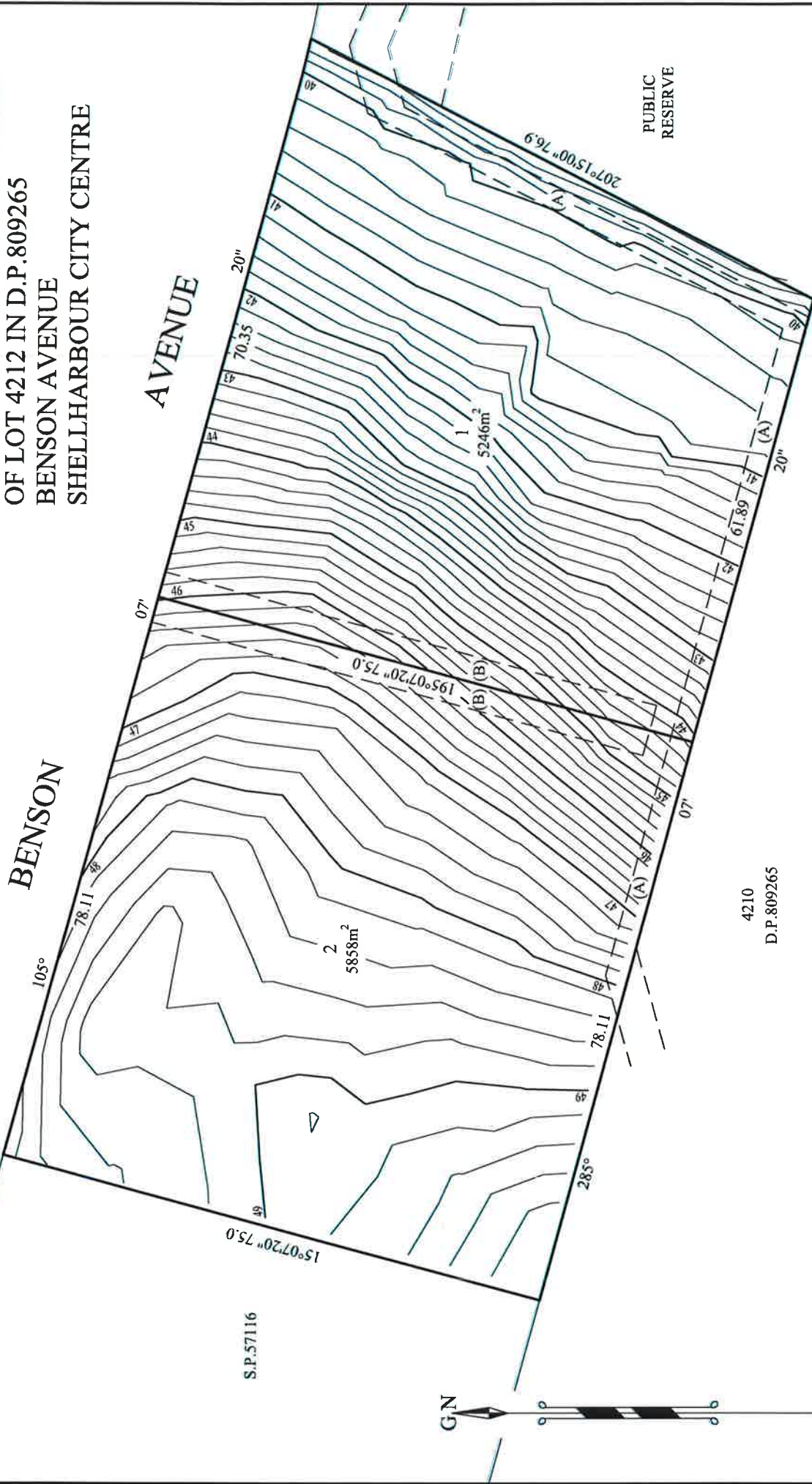
AVENUE

PUBLIC
RESERVE

Date: 22/12/2015
Reduction Ratio: 1:500
Reference: **W15010**
SUBDIVISION

MASTERS
SURVEYING

CONSTRUCTION



(A) - PROPOSES EASEMENT FOR WATER SUPPLY 3 WIDE.
(B) - PROPOSED RECIPROCAL RIGHTS OF WAY.

NOTE: ALL DIMENSIONS SUBJECT TO FINAL PLAN OF SURVEY.
ORIGIN OF LEVELS S.S.M.84879 R.L. 46.593 A.H.D.

- Description of the Development: Section 2 of this Statement details the existing physical land use and social conditions of the site and its surrounds. The impacts of the proposed development are outlined in Section 7 'Matters for Consideration'. The proposed development responds well to the social context and needs of the local community in terms of lifestyle and affordability as it provides a land use and built form outcome (ie. multi-storey mixed use commercial/residential) that was envisaged for the precinct as detailed in Chapter 7 of SDCP.
- Social impacts of the Development: The proposed development will accommodate ground floor businesses within the Commercial Core zone. The development will also provide for a varied choice of residential accommodation for the growing population of Shellharbour in apartments within close proximity to the Shellharbour City Centre and associated amenities. The development will be accessible for persons with disabilities.
- Community Consultation: Community consultation will be undertaken as part of the development application process and in accordance with Council's Public Notification Policy.
- Management of impacts: The development will provide an integrated commercial/residential use and there are no anticipated negative impacts. Any potential minor negative impacts associated with the occupation of the building (eg. minor neighbour disputes or commercial/residential land use conflicts which can arise within larger buildings) can be effectively managed by the future Strata Manager that will be appointed to manage the building.

9.3 Cumulative Impact

There is unlikely to be any adverse cumulative impacts as a result of the proposed development, given that the proposal is consistent with the objectives of the zone contained in SLEP 2013 and SDCP 2013. The site is located in an area zoned for mixed use development within the Shellharbour commercial centre and the proposed development will effectively integrate in terms of function, scale and built form.

9.4 Suitability of the Site for the Development

The subject site is zoned B3 Commercial Core and is located within an area characterised by commercial/retail/carparking functions to the north, commercial development to the west, educational/seniors housing to the south and open space to the east. The proposal has been designed having regard to the controls and objectives of Shellharbour LEP 2013 and DCP 2013 documents and is considered to be a suitable development for the site. Furthermore, Council records indicate that there are no major impediments to redevelopment of the land. On this basis the site is considered suitable for the proposed development.

9.4.1 Flooding Impacts and Stormwater and Drainage Design

Drainage Concept Plans and flood advice prepared by Jones Nicholson accompany this development application and provides a concept stormwater design for the proposed development.

9.4.2 Acid Sulphate Soils

The subject site is not identified as containing or potentially containing acid sulphate soils according to the Shellharbour LEP 2013 Acid Sulphate Soils Map.

10 SLEP 2013: Clause 4.6 'Exceptions to Development Standards' Statement and Variation to SDCP Clause 7.6 'Building Height'

10.1 Introduction

Clause 4.6 'Exceptions to Development Standards' of Shellharbour Local Environmental Plan (SLEP) 2013 provides the opportunity to contravene a development standard with approval of the consent authority and concurrence by the Director-General.

A development standard is defined by the Environmental Planning and Assessment Act, 1979 as:

"Provisions of an environmental planning instrument or the regulations in relation to the carrying out of development, being provisions by or under which requirements are specified or standards are fixed in respect of any aspect of that development".

The objectives of Clause 4.6 are as follows:

- a) to provide an appropriate degree of flexibility in applying certain development standards to particular development, and
- b) to achieve better outcomes for and from development by allowing flexibility in particular circumstances.

This Section is therefore provided in order to justify why a variation is sought for Clause 4.3 'Building Height' which requires a maximum height of 15 metres. A variation is sought under this clause for part of the buildings within the development site only, and is addressed in accordance to the provisions of Clause 4.6 of SLEP 2013, in accordance with Clause 4.6 of that Plan.

10.2 Clause 4.3 SLEP 2013: Height of Buildings

The objectives of Clause 4.3 Height of Buildings pursuant to SLEP 2013 are as follows:

- (1) The objectives of this clause are as follows:
 - (a) to ensure the height of buildings complements the streetscape, rural or natural scenic character of the area in which the buildings are located,
 - (b) to ensure the height of buildings protects the amenity of neighbouring properties in terms of visual bulk, access to sunlight, privacy and views,
 - (c) to protect areas of scenic or visual importance.

Sub-clause 4.3 (2) Height of Buildings states that:

- (2) The height of a building on any land is not to exceed the maximum height shown for the land on the Height of Buildings Map.

Building height (or height of building) is defined in the Dictionary to SLEP 2013 as "the vertical distance between ground level (existing) and the highest point of the building, including plant and lift overruns, but excluding communication devices, antennae, satellite dishes, masts, flagpoles, chimneys, flues and the like."

The Height of Buildings Map, which forms part of SLEP 2013 indicates a maximum building height on the subject site as 15 metres across the entire site as illustrated in Figure 12. As also indicated in this LEP map, the adjacent sites to the north and west in particular have varied height limits, including higher to promote corner elements in certain buildings and on significant locations.

Clause 4.3(2) of SLEP 2013 contains a development standard in the form of a maximum height of buildings. A written justification for the proposed variation to the height of buildings is required in accordance with Clause 4.6 of the SLEP 2013. Table 6 outlines how the proposal satisfies the provisions of Clause 4.6 as it applies to the contravened development standards within Clause 4.3 of the SLEP 2013 for the relevant parts of the building heights exceeded.

10.4 Clause 4.6 Exceptions to Development Standards Statement

Block A	Block B	Block C	Block D
Roof height RL59.58m	Roof height RL58m	Roof height 63.4m	Roof height 63.48m
17.95m (as viewed/measured at the inside of the site. The building height is lesser as viewed from Benson Ave (approx 16.5m)	17.83m (as measured internally from the site. As viewed from the southern elevation (ie. adjacent school), the building height is lesser, approximately maximum 16m.	15.26m (minor variation)	15.8m (complies)
Maximum Building Height (m)			

Table 5: Building Height Summary

Building Elevation and Sectional Plans (A17-A20 by ADM Architects) illustrate the 15m height line. The statement below relates to these building components only (effectively Blocks A and B, with minor variation only to Block C), with lift overruns located toward the centre of the buildings exceeding 15 for Blocks A, C and D. The remainder of the buildings comply with the development standard and are not required to be addressed in this Statement.

10.3 Extent of Variation Sought to Building Height

Figure 12: SLEP 2013 Height of Buildings Map (Sheet HOB_024) and associated key (on right) showing the maximum height of the subject site (15m, bounded in red) and the surrounding sites (9m green area; and 18m indicated by 'P').

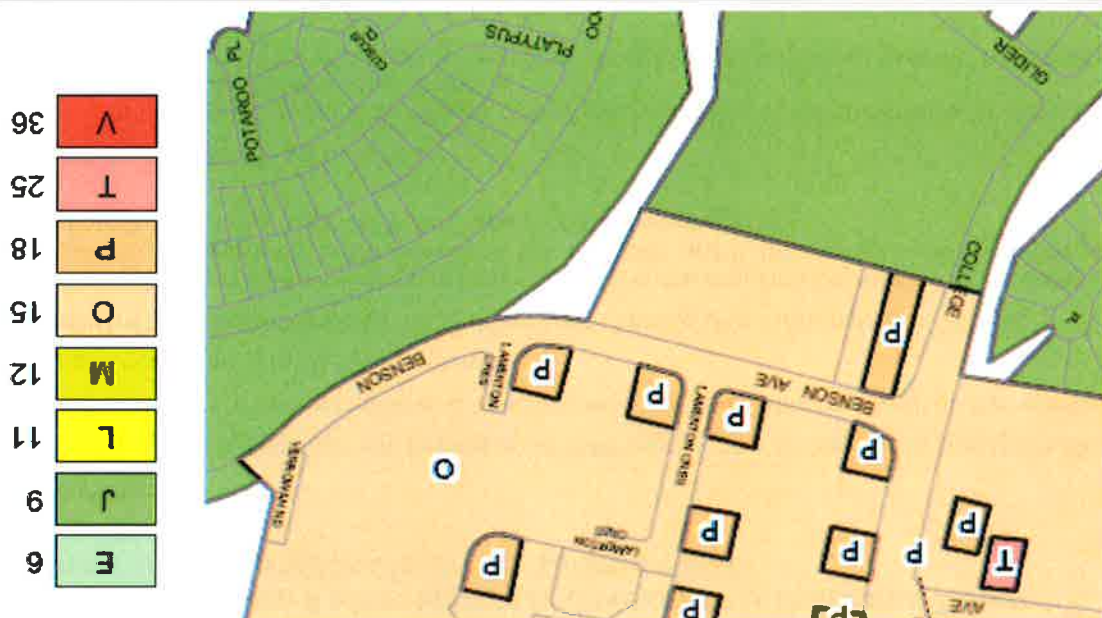


Table 6: Compliance with SLEP 2013 - Contravention of Clause 4.3 Height of Buildings

Consistent/Complies	Response/Justification	Clause 4.6 Exceptions to Development Standards
Justified	Flexibility is sought for the application of the building height for the proposed development so that a better outcome is achieved for the site. The particular circumstances for this are as follows: • The topography of the long linear (rectangular site) falls over 9m from west to east and provides a design challenge to achieve the site planning outcomes, which includes a central road access and three separate buildings; • The non-compliance are generally limited to the eastern portions of the eastern-most buildings (Blocks A and B) which adjoin a public reserve to the east and open school playground to the south. There are no adverse impacts to these lands. • The Commercial Core context and proximity to the Shellharbour City Centre warrants more dense and higher scale buildings, having regard to access to other businesses by proposed commercial premises and residents on the proposed site. • The approved development in the nearby Commercial Core are complementary to the proposal. While the development does not meet the height limits on some parts of the site, it meets the objectives in terms of providing a quality development which will be a landmark development that will serve to add vitality to the emerging Shellharbour Town Centre.	(1) Objectives of Clause 4.6 to provide an appropriate degree of flexibility in applying certain development standards to particular development, (a) to achieve better outcomes for and from development by allowing flexibility in particular circumstances. (b) to provide an appropriate degree of flexibility in applying certain development standards to particular development, (a) to achieve better outcomes for and from development by allowing flexibility in particular circumstances.
N/A	This subclause is not relevant to the subject proposal.	(2) Consent may, subject to this clause, be granted for development even though the development may contravene a development standard imposed by this instrument. However, this clause does not apply to a development standard that is expressly excluded from the operation of this clause.
Provided	This table comprises the written request seeking to justify the contravention of the height of buildings development standard.	(3) Consent must not be granted for development that contravenes a development standard unless the consent authority has considered a written request from the applicant that seeks to justify the contravention of the development standard by demonstrating:
Justified	Compliance with the applicable height limits are considered to be unreasonable and unnecessary in the circumstances of the case due to: i. the site's topography which create design challenges for the buildings to provide consistent urban form and function; ii. The areas of non-compliance are located where no impacts will occur to neighboring properties or public domain; iii. the building height exceedance will be practically imperceptible as viewed from Benson Street and surrounding properties, as the higher parts of the building will be most visible from the internal parts of the site. For example, the non-compliant higher levels are "stepped in" from the edge of the building so as not to appear as an additional "street wall" height.	(a) that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, and

Table 6: Compliance with SLEP 2013 - Contravention of Clause 4.3 Height of Buildings

Consistent/ Complies	Response/Justification	Exceptions to Development Standards
Justified	As demonstrated in this Statement of Environmental Effects, the proposed development is satisfactory having regard to environmental planning grounds, including: - State Environmental Planning Policies (refer Sections 5 and 6); - Other provisions of the SLEP 2013 (refer Section 7); - The relevant Chapters of SDCP (refer Section 8) Section 79C of the Environmental Planning and Assessment Act 1979 (refer Section 9). Further environmental planning grounds: SDCP 2013 Part 7.6 'Building Height' recognises that "there is potential for an additional floor in significant locations and where the urban form of the City may be celebrated". While this site is not specifically identified for an additional floor, the adjacent allotment to the west (Clivic Video site) is, in addition to corner treatments for properties to the north, where an 18m height limit also applies under SLEP 2013. As it is likely that these sites will be developed with this 18m height in the future, the proposed built form will be of a similar context. The site forms the southern edge to the city centre and the increased building height does not create any additional impacts on adjoining sites in terms of visual impact, disruption of views, loss of privacy or any other impacts than if the maximum allowable building heights were met.	(b) that there are sufficient environmental planning grounds to justify contravening the development standard. Clause 4.6 Exceptions to Development Standards
		(4) Consent must not be granted for development that contravenes a development standard unless: (a) the consent authority is satisfied that: (i) the applicant's written request has adequately addressed the matters required to be demonstrated by subclause (3), and
Satisfied	This Variation statement provides a discussion in support of the justification for varying the development standards as indicated in (3) above. In our opinion, there is sufficient justification provided to support a variation to the height standard.	(ii) the proposed development will be in the public interest because it is consistent with the objectives of the particular standard and the objectives for development within the zone in which the development is proposed to be carried out, and
Justified	Despite the exceedance of the allowable building height, the proposed development will be in the public interest as it still meets the objectives of the 'height of buildings' development standard as it: - Provides a suitable built form to the City Centre location, which is still emerging. The three buildings on the site are a suitable outcome of the large site, providing both ground floor commercial (active) uses and residential apartments with adequate separation and amenity. - In addition to the use of four building on the large site, the development incorporates design measures (including setbacks and stepping down levels) to minimise the impacts of scale and bulk. - As a result, this built form protects the environmental amenity and reduces impacts (including overshadowing impacts) to the public domain, in particular the open space to the east and school to the south. Hence the proposed development achieves ALL of the objectives of the height of buildings development standard. The proposed development is also consistent with the objectives of both the B3 Commercial Core Zone as it	(iii) the proposed development will be in the public interest because it is consistent with the objectives of the particular standard and the objectives for development within the zone in which the development is proposed to be carried out, and Shellharbour LEP 2013: Objectives of the Standard (a) to ensure the height of buildings complements the streetscape, rural or natural scenic character of the area in which the buildings are located, (b) to ensure the height of buildings protects the amenity of neighbouring properties in terms of visual bulk, access to sunlight, privacy and views, (c) to protect areas of scenic or visual importance. B3 Commercial Core: To provide a wide range of retail, business, office, entertainment, community and Objectives of the Zones

Table 6: Compliance with SLEP 2013 - Contravention of Clause 4.3 Height of Buildings

Consistent/ Complies	Response/Justification	Clause 4.6 Exceptions to Development Standards
	will: - Provide active ground floor retail/commercial uses to meet the needs residents and visitors to the locality, and provide employment opportunities for the tenants and employees of these tenancies, in addition to the building management services for the residential apartments; - Provides retail/commercial uses in close proximity to the existing transport infrastructure (bus, rail, cycling); - Provides a suitable built form and land use development for the southern edge to the Shellharbour Town Centre; - Provide a range of apartment types in immediate/very close proximity to the commercial centre. This will achieve a suitable density for this locality. Furthermore, it is considered that the proposed development meets the majority of the Aims of SLEP 2013 [Clause 1.2(2)], with the key objectives as follows: (a) to encourage development that balances ecological sustainability, social justice principles of equality, access, rights and participation and economic viability; (b) to encourage a range of development, including diversity of housing types, employment, services and recreational opportunities that meet the needs of existing and future residents, visitors, business owners and workers of Shellharbour; (d) to retain affordable housing opportunities as a way of ensuring a sustainable and inclusive community; (e) to encourage development that has considered safer by design principles so that potential impacts to life and property from crime is minimised; (f) to ensure development facilitates the economic and social vitality of Shellharbour City Centre as a major regional centre; (g) to improve connectivity and accessibility in Shellharbour and encourage development that enables walking, cycling and public transport usage. Specifically, in relation to the height of buildings, the development is consistent with Aims (a), (b) and (f) in particular as the design, scale and style of the building supports the future vision for the site's land use within the Shellharbour Town Centre as provided in the Shellharbour Development Control Plan and related relevant design documents which apply to the site. The proposal provides a quality development with a variety of commercial and housing types which is consistent with the vision for the precinct. It is therefore considered that the overall aims and objectives of Shellharbour LEP 2013 will not be hindered by the development and the proposed development will meet the zone and building height objectives despite the contravention of the standard.	other suitable land uses that serve the needs of the local and wider community. - To encourage appropriate employment opportunities in accessible locations. - To maximise public transport patronage and encourage walking and cycling. - To strengthen the role of the Shellharbour City Centre to ensure that it continues to develop as a major regional centre with retail, entertainment, commercial, cultural and residential uses. - To allow for a limited range of residential accommodation while maintaining retail, business or other non-residential active uses at street level.
Addressed	Council will need to consult with the Department of Planning and Infrastructure as to whether the concurrence of the DG can be assumed in accordance with Planning Circular PS 08-003-Variations to Development Standards (Department of Planning, May 2008).	(c) the concurrence of the Director-General has been obtained.

This Statement has addressed the provisions of Clause 4.6 of Shellharbour LEP 2013 and demonstrates that the variation sought to the development standards of the LEP regarding building height is justifiable and should be given concurrence to, on the basis of the unique site circumstances including:

- The variation applies to minor portions of Blocks A and B (maximum exceedance approximately 2.95m and 2.83m respectively), and a very minor part of Block C and Block D (maximum exceedance approximately 0.26m and 0.8m respectively).
- Challenging site topography, including the accommodation of three buildings and a road access within a large rectangular site with a 9 metre cross-fall along the Benson Street frontage;
- The increased building height is generally limited to the eastern portions of Blocks A and B (the lower part of the site), and the "worst case" appearance of the building height will only be viewed from within the site itself, not the street view.
- Environmental planning outcomes will be met as the proposed development is generally consistent with Council's vision for the Shellharbour Town Centre, and will provide a positive outcome for development on the site, including the achievement of a sense of enclosure and definition to the street as required by the urban form requirements of the DCP controls. The southern edge of the Town Centre (including this precinct) is emerging and the proposal is a desirable and appropriate context for future development.

10.5 Conclusion

Table 6: Compliance with SLEP 2013 - Contravention of Clause 4.3 Height of Buildings			
Clause 4.6 Exceptions to Development Standards	Response/Justification	Consistent/ Complies	
(5) In deciding whether to grant concurrence, the Director-General must consider:			
(a) whether contravention of the development standard raises any matter of significance for State or regional environmental planning, and	The contravention of this development standard does not raise any matter of significance for state or regional environmental planning. Refer to further discussion below in this table.		
(b) the public benefit of maintaining the development standard, and	On the basis of the above, the proposed development is considered to be of public benefit and therefore the minor variations to the maximum height of the buildings (generally limited to Blocks A and B) is considered acceptable.		
(c) any other matters required to be taken into consideration by the Director-General before granting concurrence.	There are no greater identifiable negative impacts resulting from the increased heights building than if the development standard was maintained. The exceedance in the height of the building does not raise any matter of significance for state or regional environmental planning as it is considered to be a suitable outcome for the site. The public benefit of the building in this location, which provides a mixed use commercial (ground floor) and upper level residential development, provides a sense of enclosure and definition to the street as required by the urban form requirements of the DCP controls and is a good response to the topographical challenges of the linear site. It is considered that there are no environmental planning considerations that would hinder the Director-General from providing concurrence.		Addressed

The design does not create any significant additional impacts on adjoining sites in terms of visual impact, disruption of views, loss of privacy, or overshadowing than if the maximum allowable height standard was met. On this basis, strict compliance with the building height development standard is considered unnecessary. We therefore request that Council implement a reasonable approach and approve the exception to the development standard sought for Clause 4.3 'Building Height' of Shellharbour Local Environmental Plan (SLEP) 2013.

4.0 SEPP 65 COMPLIANCE TABLE

The following section outlines how the primary design objectives outlined in the Apartment Design Guide are achieved in relation to the design criteria. Those design criteria which have a numerical percentage compliance figure are included within the table attached below. The standards which quantify a compliance figure, e.g. minimum balcony widths, are addressed within the commentary section.

BLOCK A										
LEVEL	UNIT	TYPE	FLOOR AREA	LOBBY	POS AREA	SUNLIGHT ACCESS	CROSS VENT.	NATURAL VENT. TO KITCHEN	SOUTH ASPECT	
11	A101	3B	105m ²	60m ²	21m ²	1	1	1	0	
	A102	2B	91m ²		18m ²	1	1	0	0	
	A103	1B	58m ²		9m ²	1	0	0	0	
	A104	1B	58m ²		9m ²	1	0	0	0	
	A105	2B	90m ²		11m ²	1	1	0	0	
	A106	2B	90m ²		11m ²	1	1	0	0	
	A107	1B	58m ²		9m ²	1	0	0	0	
	A108	1B	58m ²		15m ²	1	0	0	0	
	A109	2B	91m ²		28m ²	1	1	0	0	
	A110	3B	104m ²		14m ²	0	1	1	0	
	A201	3B	105m ²	60m ²	13m ²	1	1	1	0	
	A202	2B	91m ²		16m ²	1	1	0	0	
12	A203	1B	58m ²		13m ²	1	0	0	0	
	A204	1B	58m ²		9m ²	1	0	0	0	
	A205	2B	90m ²		9m ²	1	1	0	0	
	A206	2B	90m ²		9m ²	1	1	0	0	
	A207	1B	58m ²		9m ²	1	0	0	0	
	A208	1B	58m ²		13m ²	1	0	0	0	
	A209	2B	91m ²		16m ²	1	1	0	0	
	A210	3B	104m ²		12m ²	0	1	1	0	
13	A301	3B	105m ²	60m ²	13m ²	1	1	1	0	
	A302	2B	91m ²		16m ²	1	1	0	0	
	A303	1B	58m ²		13m ²	1	0	0	0	
	A304	1B	58m ²		9m ²	1	0	0	0	
	A305	2B	90m ²		9m ²	1	1	0	0	
	A306	2B	90m ²		9m ²	1	1	0	0	
	A307	1B	58m ²		9m ²	1	1	0	0	
	A308	1B	58m ²		13m ²	1	1	0	0	
	A309	2B	91m ²		16m ²	1	1	0	0	
	A310	3B	104m ²		12m ²	0	1	1	0	

BLOCK A (continued)										
LEVEL	UNIT	TYPE	FLOOR AREA	LOBBY	POS AREA	SUNLIGHT ACCESS	CROSS VENT.	NATURAL VENT. TO KITCHEN	SOUTH ASPECT	
5	A401	2B	92m ²	40m ²	40m ²	1	1	1	1	0
	A402	2B	94m ²		39m ²	1	1	1	1	0
	A403	1B	66m ²		31m ²	0	1	1	1	0
	A404	3B	104m ²		35m ²	1	1	1	0	0
	TOTALS		2765m ²	220m ²	528m ²	30	24	9	0	0

STAGE 1 BLOCK A & B									
SOUTH ASPECT	NATURAL VENT. TO KITCHEN	CROSS VENT.	SUNLIGHT ACCESS	POS AREA	LOBBY	FLOOR AREA	OVERALL		
								TOTALS	
								5099m ²	
0	19	46	50	1049m ²	5489m ²		OVERALL		
PERCENTAGES									
REQUIRED									
<10%	>25%	>60%	>70%						
0%	30%	72%	78%						

LEVEL	UNIT	TYPE	FLOOR AREA	LOBBY	POS AREA	SUNLIGHT ACCESS	CROSS VENT.	NATURAL VENT. TO KITCHEN	SOUTH ASPECT
1	B101	2B	70m ²		12m ²	0	0	0	0
	B102	1B	58m ²		17m ²	0	1	1	0
	B103	2B	93m ²		27m ²	1	1	0	0
	B104	2B	83m ²		34m ²	1	0	0	0
	D105	2B	84m ²		23m ²	1	1	0	0
	B106	2B	84m ²		23m ²	1	1	0	0
	B107	2B	83m ²		34m ²	1	0	0	0
	B108	2B	93m ²		47m ²	1	1	0	0
	B109	1B	56m ²		12m ²	0	1	1	0
	B110	2B	70m ²		12m ²	0	0	0	0
2	B201	2B	70m ²		12m ²	0	0	0	0
	B202	1B	58m ²		12m ²	0	1	1	0
	B203	2B	93m ²		17m ²	1	1	0	0
	B204	2B	86m ²		18m ²	1	0	0	0
	B205	2B	84m ²		11m ²	1	1	0	0
	B206	2B	84m ²		11m ²	1	1	0	0
	B207	2B	86m ²		18m ²	1	0	0	0
	B208	2B	93m ²		17m ²	1	1	0	0
	B209	1B	56m ²		12m ²	0	1	1	0
	B210	2B	70m ²		12m ²	0	0	0	0
3	B301	2B	70m ²		12m ²	1	1	0	0
	B302	1B	58m ²		12m ²	0	1	1	0
	B303	2B	93m ²		17m ²	1	1	0	0
	B304	2B	86m ²		18m ²	1	1	1	0
	B305	2B	84m ²		11m ²	1	1	1	0
	B306	2B	84m ²		11m ²	1	1	1	0
	B307	2B	86m ²		18m ²	1	1	1	0
	B308	2B	93m ²		17m ²	1	1	0	0
	B309	1B	56m ²		12m ²	0	1	1	0
	B310	2B	70m ²		12m ²	1	1	0	0
TOTALS			2334m ²	170m ²	521m ²	20	22	10	0

BLOCK B

BLOCK C									
LEVEL	UNIT	TYPE	FLOOR AREA	LOBBY	POS AREA	SUNLIGHT ACCESS	CROSS VENT.	NATURAL VENT. TO KITCHEN	SOUTH ASPECT
1	C101	2B	90m ²	97m ²	20m ²	1	1	0	0
	C102	2B	76m ²		13m ²	1	0	0	0
	C103	2B	75m ²		13m ²	1	0	0	0
	C104	2B	96m ²		18m ²	1	1	0	0
	C105	3B	108m ²		36m ²	0	1	1	0
	C106	2B	90m ²		19m ²	1	1	0	0
	C107	2B	76m ²		13m ²	1	0	0	0
	C108	2B	75m ²		13m ²	1	0	0	0
	C109	2B	96m ²		24m ²	1	1	0	0
	C110	1B	56m ²		11m ²	0	0	0	0
	C111	1B	56m ²		11m ²	0	0	0	0
	C112	2B	92m ²		26m ²	1	1	0	0
2	C201	2B	90m ²	100m ²	10m ²	1	0	1	0
	C202	2B	76m ²		13m ²	1	0	0	0
	C203	2B	75m ²		13m ²	1	0	0	0
	C204	2B	96m ²		16m ²	1	1	0	0
	C205	3B	108m ²		16m ²	0	1	1	0
	C206	2B	90m ²		10m ²	1	1	0	0
	C207	2B	76m ²		13m ²	1	0	0	0
	C208	2B	75m ²		13m ²	1	0	0	0
	C209	2B	96m ²		16m ²	1	1	0	0
	C210	1B	56m ²		11m ²	0	0	0	0
	C211	1B	56m ²		11m ²	1	0	0	0
	C212	2B	92m ²		18m ²	0	1	0	0
3	C301	2B	90m ²	100m ²	10m ²	1	1	0	0
	C302	2B	76m ²		13m ²	1	1	0	0
	C303	2B	75m ²		13m ²	1	1	0	0
	C304	2B	96m ²		16m ²	1	1	0	0
	C305	3B	108m ²		16m ²	0	1	1	0
	C306	2B	90m ²		10m ²	1	1	0	0
	C307	2B	76m ²		13m ²	1	0	0	0
	C308	2B	75m ²		13m ²	1	0	0	0
	C309	2B	96m ²		16m ²	1	1	0	0
	C310	1B	56m ²		11m ²	0	0	0	0
	C311	1B	56m ²		11m ²	1	0	0	0
	C312	2B	92m ²		18m ²	0	1	0	0
	C313	1B	60m ²		8m ²	0	0	1	0

BLOCK C (continued)										
LEVEL	UNIT	TYPE	FLOOR AREA	LOBBY	POS AREA	SUNLIGHT ACCESS	CROSS VENT.	NATURAL VENT. TO KITCHEN	SOUTH ASPECT	
L4	C401	2B	100m ²	46m ²	24m ²	1	1	0	1	TOTALS
	C402	3B	117m ²		43m ²	1	1	1	0	
	C403	2B	101m ²		46m ²	1	1	1	0	
	C404	2B	79m ²		30m ²	1	1	1	0	
	C405	2B	89m ²		29m ²	1	1	1	0	
	C406	2B	74m ²		33m ²	1	1	1	0	
			3698m ²	343m ²	768m ²	33	26	11	1	

BLOCK D										
LEVEL	UNIT	TYPE	FLOOR AREA	LOBBY	POS AREA	SUNLIGHT ACCESS	CROSS VENT.	NATURAL VENT. TO KITCHEN	SOUTH ASPECT	
2	D201	2B	84m ²	92m ²	10m ²	1	1	0	0	0
	D202	1B	58m ²		9m ²	1	0	0	0	0
	D203	1B	58m ²		14m ²	1	0	0	0	0
	D204	2B	96m ²		16m ²	1	1	0	0	0
	D205	2B	98m ²		16m ²	0	1	1	0	0
	D206	2B	70m ²		12m ²	0	0	0	0	0
	D207	2B	99m ²		10m ²	1	1	0	0	0
	D208	2B	76m ²		13m ²	0	0	0	0	1
	D209	2B	75m ²		13m ²	0	0	0	0	1
	D210	2B	96m ²		16m ²	1	1	0	0	0
	D211	1B	56m ²		11m ²	1	0	0	0	0
	D212	1B	56m ²		11m ²	0	0	0	0	0
	D213	2B	92m ²		18m ²	0	1	0	0	0
	D214	1B	60m ²		8m ²	0	0	1	0	0
1	D101	2B	84m ²	92m ²	15m ²	1	1	0	0	0
	D102	1B	56m ²		24m ²	1	0	0	0	0
	D103	1B	58m ²		24m ²	1	0	0	0	0
	D104	2B	96m ²		28m ²	1	1	0	0	0
	D105	2B	98m ²		16m ²	0	1	1	0	0
	D106	2B	70m ²		12m ²	0	0	0	0	0
	D107	2B	99m ²		24m ²	1	1	0	0	0
	D108	2B	76m ²		28m ²	0	0	0	0	1
	D109	2B	75m ²		28m ²	0	0	0	0	1
	D110	2B	96m ²		37m ²	1	1	0	0	0
	D111	1B	56m ²		11m ²	1	0	0	0	0
	D112	1B	56m ²		11m ²	0	0	0	0	0
	D113	2B	92m ²		26m ²	0	1	0	0	0
	D114	1B	60m ²		15m ²	0	0	1	0	0

OVERALL							
	FLOOR AREA	LOBBY	POS AREA	SUNLIGHT ACCESS	CROSS VENT.	NATURAL VENT. TO KITCHEN	SOUTH ASPECT
TOTALS	8787m ²	721m ²	2670m ²	110	98	42	9
OVERALL	9508m ²						
PERCENTAGES							
				70%	62%	27%	6%
REQUIRED				>70%	>60%	>25%	<10%

STAGE 2 BLOCK C & D							
SOUTH ASPECT	NATURAL VENT. TO KITCHEN	CROSS VENT.	SUNLIGHT ACCESS	POS AREA	LOBBY	FLOOR AREA	
						3688m ²	
						331m ²	
						4019m ²	
OVERALL							
TOTALS							
				60	52	23	9
				>70%	>60%	>25%	>10%
				65%	56%	25%	10%
				PERCENTAGES			
				REQUIRED			

LEVEL	UNIT	TYPE	FLOOR AREA	LOBBY	POS AREA	SUNLIGHT ACCESS	CROSS VENT.	NATURAL VENT. TO KITCHEN	SOUTH ASPECT
L3	D301	2B	84m ²	98m ²	10m ²	1	1	0	0
	D302	1B	58m ²		9m ²	1	1	0	0
	D303	1B	58m ²		14m ²	1	1	0	0
	D304	2B	96m ²		16m ²	1	1	0	0
	D305	2B	98m ²		16m ²	0	1	1	0
	D306	2B	70m ²		12m ²	0	0	0	0
	D307	2B	99m ²		10m ²	1	1	0	0
	D308	2B	76m ²		13m ²	0	0	0	1
	D309	2B	75m ²		13m ²	0	0	0	1
	D310	2B	96m ²		16m ²	1	1	0	0
	D311	1B	56m ²		11m ²	1	0	0	0
	D312	1B	56m ²		11m ²	0	0	0	0
	D313	2B	92m ²		18m ²	0	1	0	0
	D314	1B	60m ²		8m ²	0	0	1	0
L4	D401	2B	82m ²	43m ²	46m ²	1	1	1	0
	D402	1B	52m ²		16m ²	1	1	1	1
	D403	2B	91m ²		46m ²	1	1	1	1
	D404	2B	80m ²		30m ²	1	1	1	0
	D405	2B	89m ²		29m ²	1	1	1	0
	D406	2B	74m ²		33m ²	1	1	1	0
	TOTALS		3688m ²		853m ²	27	26	12	8

BLOCK D (continued)



AERIAL PHOTOMONTAGE

ARCHITECTURAL DRAWING SCHEDULE

No.	DRAWING TITLE	SCALE @ A3	No.	DRAWING TITLE	SCALE @ A3	No.	DRAWING TITLE	SCALE @ A3	No.	DRAWING TITLE	SCALE @ A3
A-06	TITLE SHEET	NTS	A-07	CONTEXTUAL STREETSCAPE - VIEW 4	NTS	A-14	LEVEL 1 & 2 PLAN	1:400	A-20	INTERNAL EAST & WEST ELEVATIONS	1:400
A-01	DEVELOPMENT SUMMARY	NTS	A-08	CONTEXTUAL STREETSCAPE - VIEW 5	NTS	A-15	LEVEL 2 & 3 PLAN	1:400	A-21	CROSS SECTIONS	1:400
A-02	SITE LOCALITY PLAN	1:750	A-09	SITE & ROOF PLAN	1:400	A-16	LEVEL 3 & 4 PLAN	1:400	A-22	PRE & POST ADAPTATION PLAN	1:100
A-03	SITE ANALYSIS DIAGRAM	1:1000	A-10	BASEMENT 2 PLAN	1:400	A-17	LEVEL 4 PLAN	1:400	A-23	SHADOW ANALYSIS	NTS
A-04	CONTEXTUAL STREETSCAPE - VIEW 1	NTS	A-11	BASEMENT 2 & 1 PLAN	1:400	A-18	NORTH & SOUTH ELEVATIONS	1:400	A-24	COLOR & MATERIALS SCHEDULE	NTS
A-05	CONTEXTUAL STREETSCAPE - VIEW 2	NTS	A-12	BASEMENT 1 & GROUND PLAN	1:400	A-19	EAST & WEST ELEVATIONS	1:400	A-25	ARTIST IMPRESSION	NTS
A-06	CONTEXTUAL STREETSCAPE - VIEW 3	NTS	A-13	GROUND & LEVEL 1 POOL PLAN	1:400						

NOT FOR CONSTRUCTION

DATE: 2015-14
DRAWN BY: [Name]
CHECKED BY: [Name]

SCALE: 1:1000

PROJECT: [Name]

adn

NP
DEVELOPMENTS
PTY. LTD.

STAGE 1: 64 APARTMENTS OVER DEVELOPMENT AND SUBDIVISION COMPRISING OF:
STAGE 2: 93 APARTMENTS OVER COMMERCIAL TENANCIES AND BASEMENT PARKING

LOT 16412, DP 807935
SHELDONBORO

DATE: JANUARY 2016
DRAWN BY: [Name]
CHECKED BY: [Name]

SCALE: 1:1000

PROJECT: [Name]

adn

NP
DEVELOPMENTS
PTY. LTD.

STAGE 1: 64 APARTMENTS OVER DEVELOPMENT AND SUBDIVISION COMPRISING OF:
STAGE 2: 93 APARTMENTS OVER COMMERCIAL TENANCIES AND BASEMENT PARKING

LOT 16412, DP 807935
SHELDONBORO

DATE: 2015-14
DRAWN BY: [Name]
CHECKED BY: [Name]

SCALE: 1:1000

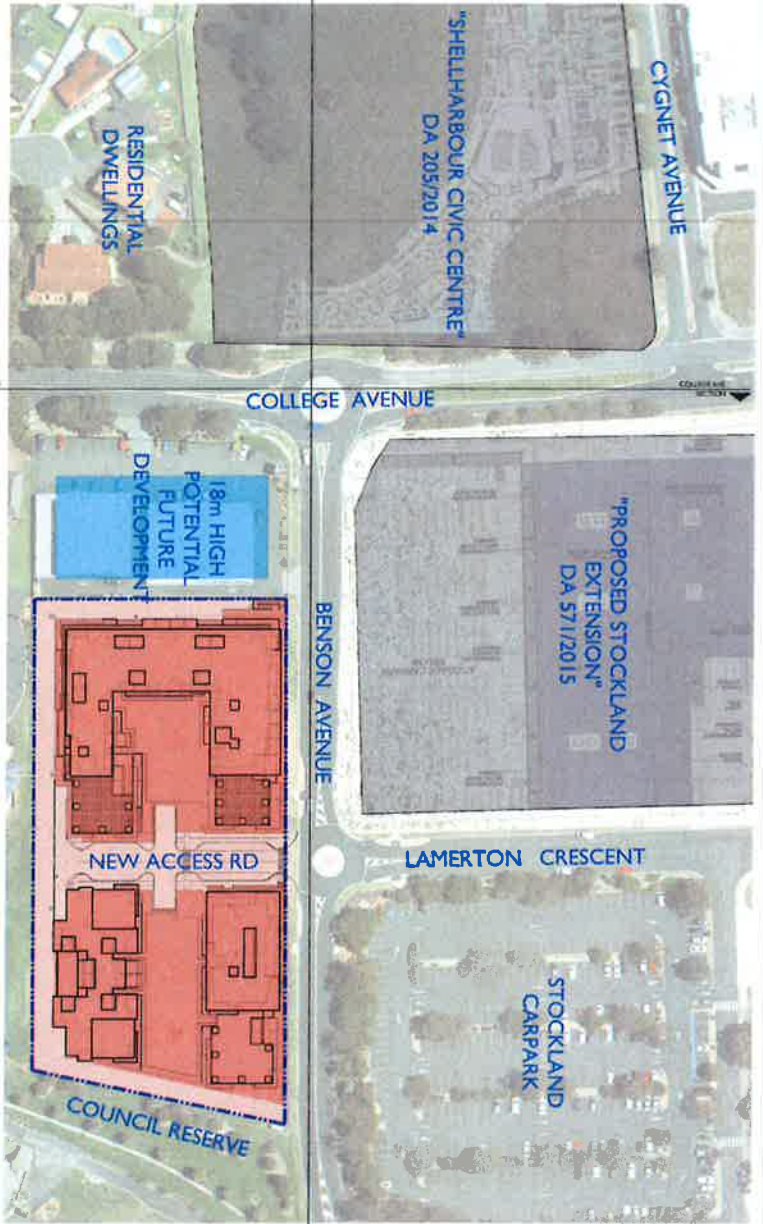
PROJECT: [Name]

adn

NP
DEVELOPMENTS
PTY. LTD.

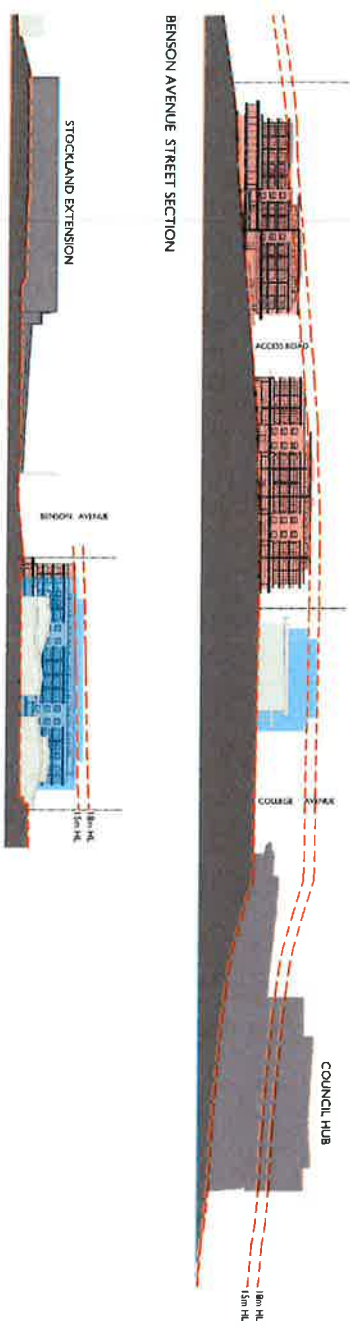
STAGE 1: 64 APARTMENTS OVER DEVELOPMENT AND SUBDIVISION COMPRISING OF:
STAGE 2: 93 APARTMENTS OVER COMMERCIAL TENANCIES AND BASEMENT PARKING

LOT 16412, DP 807935
SHELDONBORO



- LEGEND**
- DA APPROVALS/PROPOSALS
 - PROPOSED BUILDING
 - EXISTING BUILT FORM
 - POTENTIAL DEVELOPMENT

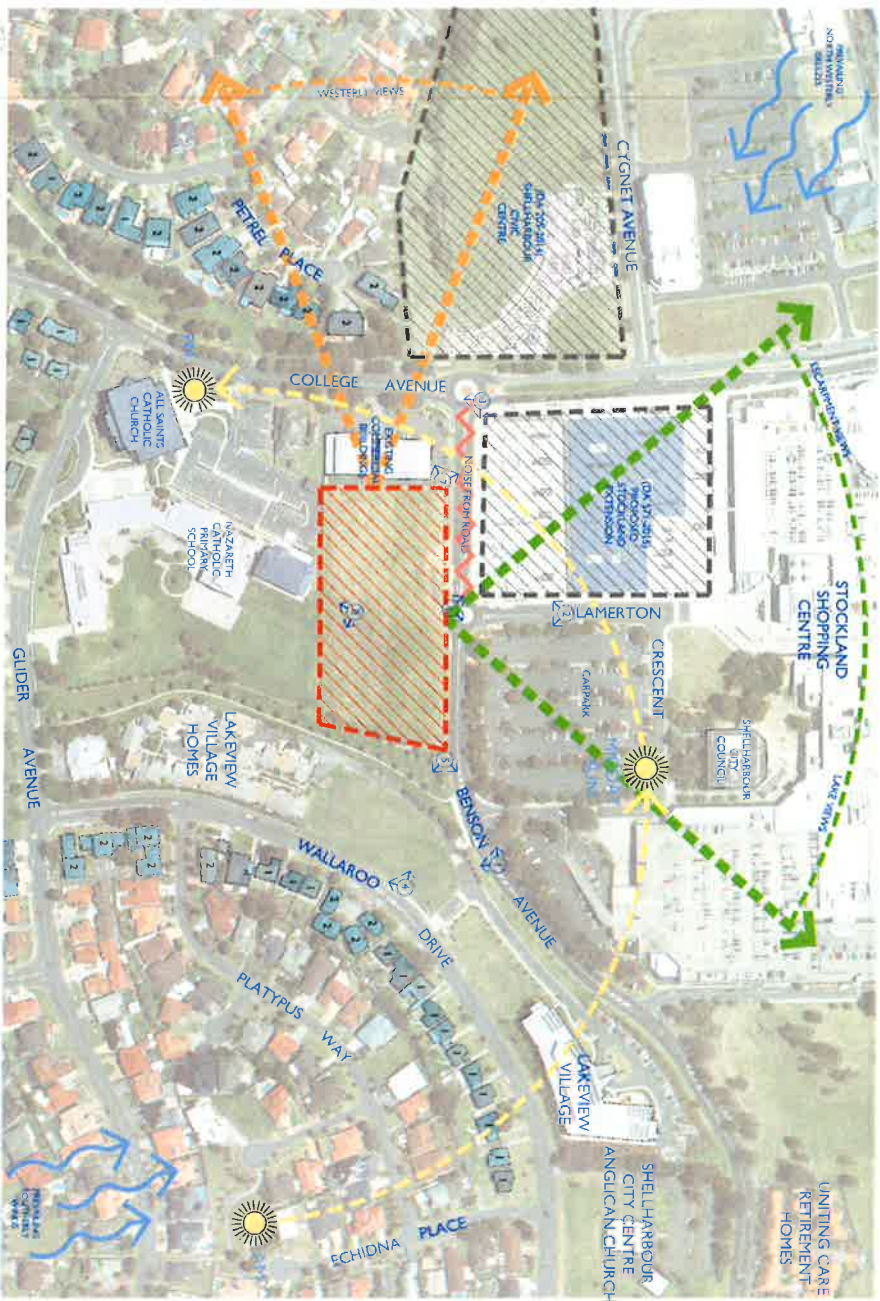
SITE LOCALITY PLAN



COLLEGE AVENUE STREET SECTION

NOT FOR CONSTRUCTION

Client	CDM
Project	NPA DEVELOPMENTS PTY. LTD.
Project	TWO STAGE MIXED USE DEVELOPMENT AND SUBDIVISION COMPRISING OF: STAGE 1: 64 APARTMENTS OVER COMMERCIAL TENANCIES AND BASEMENT PARKING WITH CREATION OF NEW ACCESS ROAD STAGE 2: 93 APARTMENTS OVER COMMERCIAL TENANCIES AND BASEMENT PARKING
Project	LOT 14412 DP B99255 BENSON AVENUE SHELLHARBOUR
Scale	1:250 @ A1 1:500 @ A2
Date	JANUARY 2016
Drawn	NC SP 5
Check	ADH
Project No.	DEVELOPMENT APPLICATION SITE & LOCALITY PLAN
Drawing No.	2015-14 A02
Issue	A



SITE ANALYSIS DIAGRAM

LEGEND



NOT FOR CONSTRUCTION

 City of Chicago Department of Planning 440 North Dearborn Street, 11th Floor Chicago, IL 60610 Tel: (312) 321-2200 Fax: (312) 321-2201 Email: planning@cityofchicago.org Website: www.cityofchicago.org	Case No. 1500 001 Case Name NPA DEVELOPMENTS PTV, LTD. Case Description TWO STAGE MIXED USE DEVELOPMENT AND SUBDIVISION COMPRISING OF: STAGE 1: 64 APARTMENTS OVER COMMERCIAL TENANCIES AND BASEMENT PARKING WITH CREATION OF NEW ACCESS ROAD STAGE 2: 93 APARTMENTS OVER COMMERCIAL TENANCIES AND BASEMENT PARKING Case Status LOT 14013 0P 899045 Case Address BRUNSON AVENUE Case City SHELLHABOUR	Case No. 1500 001 Case Name JANUARY 2016 Case Description DEPT 5P 501 Case Status ADP Case Address SITE ANALYSIS PLAN Case City 2015.14 Case City A03
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LEGEND
PROPOSED BUILDING



CONTEXTUAL STREETSCAPE VIEW I

Looking South towards subject site from Lamerion Crescent

THIS IMAGE IS NOT TO BE REPRODUCED UNLESS APPROVED BY ADM INC. IN WRITING

Client

NPA
DEVELOPMENTS
PTY. LTD.

Project

TWO STAGE MIXED USE DEVELOPMENT AND SUBDIVISION COMPRISING OF:
STAGE 1: 64 APARTMENTS OVER COMMERCIAL TENANCIES AND BASEMENT PARKING WITH CREATION OF NEW ACCESS ROAD
STAGE 2: 93 APARTMENTS OVER COMMERCIAL TENANCIES AND BASEMENT PARKING
LOT 16612, DP 80755
SHELDON ROAD
SHELDON ROAD

Scale

NTS
JANUARY 2016

Drawn: MC SP SJ
Check: ADM

Development Application

Contextual Streetscape View I

Project No: 2015-14
Drawing No: A04

A

NOT FOR CONSTRUCTION

Project No	2015-14
Project Name	CONTEXTUAL STREETSCAPE VIEW I
Client	NPA DEVELOPMENTS PTY. LTD.
Project Location	LOT 16612, DP 80755 SHELDON ROAD SHELDON ROAD
Project Status	Development Application
Project Date	2015-14
Project Drawn	MC SP SJ
Project Check	ADM
Project Scale	NTS
Project Date	JANUARY 2016

LEGEND
 PROPOSED BUILDING



CONTEXTUAL STREETSCAPE VIEW 2

Looking West towards subject site from Benson Avenue

THIS IMAGE NOT TO BE REPRODUCED UNLESS APPROVED BY ARCHITECTS

Project Name: NTS Date: JANUARY 2016 Drawn: NC SP SJ Title: ADH		Client: NPA DEVELOPMENTS PTY. LTD. Project: TWO STAGE MIXED USE DEVELOPMENT AND SUBDIVISION COMPRISING OF: STAGE 1: 64 APARTMENTS OVER COMMERCIAL TENANCIES AND BASEMENT PARKING WITH CREATION OF NEW ACCESS ROAD STAGE 2: 93 APARTMENTS OVER COMMERCIAL TENANCIES AND BASEMENT PARKING Site: LOT 14012 DP 809255 BENSON AVENUE SHELLHARBOUR	
Scale: 1:1000 Date: 2015-14 Drawn: A05 Title: A		Project: NTS Date: JANUARY 2016 Drawn: NC SP SJ Title: ADH	

LEGEND
 PROPOSED BUILDING



CONTEXTUAL STREETSCAPE VIEW 4

Looking North towards subject site from Glider Avenue

THIS IMAGE IS NOT TO BE EMPLOYED IN ANY ADVERTISING OR ANY APPLICATION

Project Name: CONTEXTUAL STREETSCAPE VIEW 4 Client: admn		Project: TWO STAGE MIXED USE DEVELOPMENT AND SUBDIVISION COMPRISING OF: STAGE 1: 64 APARTMENTS OVER COMMERCIAL TENANCIES AND BASEMENT PARKING WITH CREATION OF NEW ACCESS ROAD STAGE 2: 93 APARTMENTS OVER COMMERCIAL TENANCIES AND BASEMENT PARKING at LOT 16412 DP 809745 BENSON AVENUE SHELLHARBOUR	
Drawn: ANJANA Checked: ANJANA Date: 10 JAN 2016 Project No: 2015-14 Drawn No: A07 Checked No: A		Project: TWO STAGE MIXED USE DEVELOPMENT AND SUBDIVISION COMPRISING OF: STAGE 1: 64 APARTMENTS OVER COMMERCIAL TENANCIES AND BASEMENT PARKING WITH CREATION OF NEW ACCESS ROAD STAGE 2: 93 APARTMENTS OVER COMMERCIAL TENANCIES AND BASEMENT PARKING at LOT 16412 DP 809745 BENSON AVENUE SHELLHARBOUR	

NOT FOR CONSTRUCTION



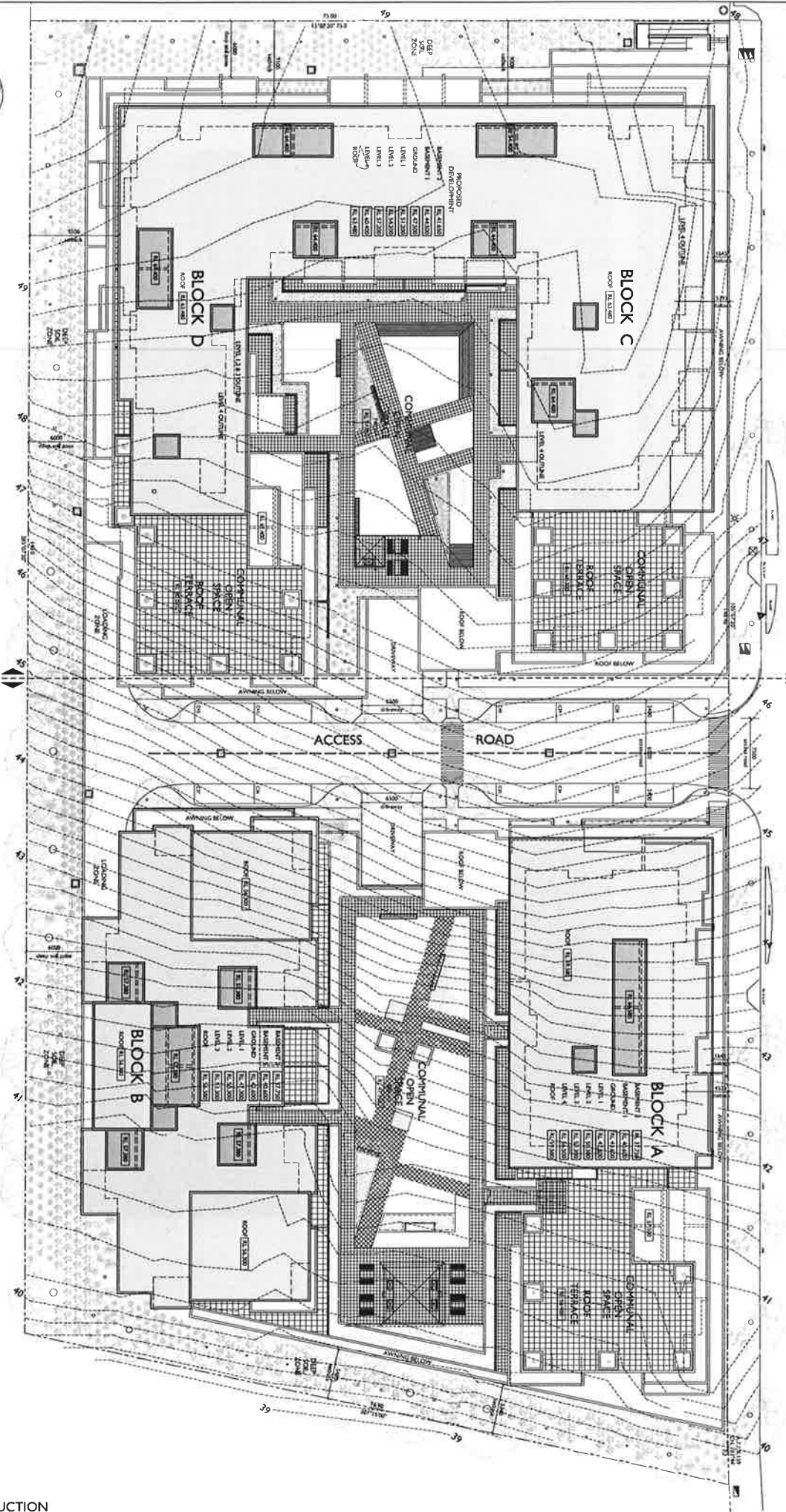
Looking East towards subject site from the corner of Benson and College Avenue

 ADM DEVELOPMENTS PTT, LTD. 11401 140th Ave. S.E. Unit 1000 Bellevue, WA 98006 Tel: 206.465.1000 Fax: 206.465.1001 Email: info@admptt.com Website: www.admptt.com	Case:	Project:	NTS JANUARY 2016 MC 50.51 1st Ed ADM DEVELOPMENT APPLICATION CONTEXTUAL STRATEGIC VIEW 3 Project No. Drawing No. 2015.14 A08 A
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B E N S O N

STAGE 2 (I) STAGE 1

A V E N U E



SITE PLAN

NOTE:
REFER TO CME ENGINEERS OCCUPATION FOR
STORMWATER COLLECTION & ALL EXTERNAL SURFACE
DRAINAGE TO LANDSCAPE AND STREET DOCUMENTATION
FOR ALL PAVING & PLANTING DETAILS.

adm

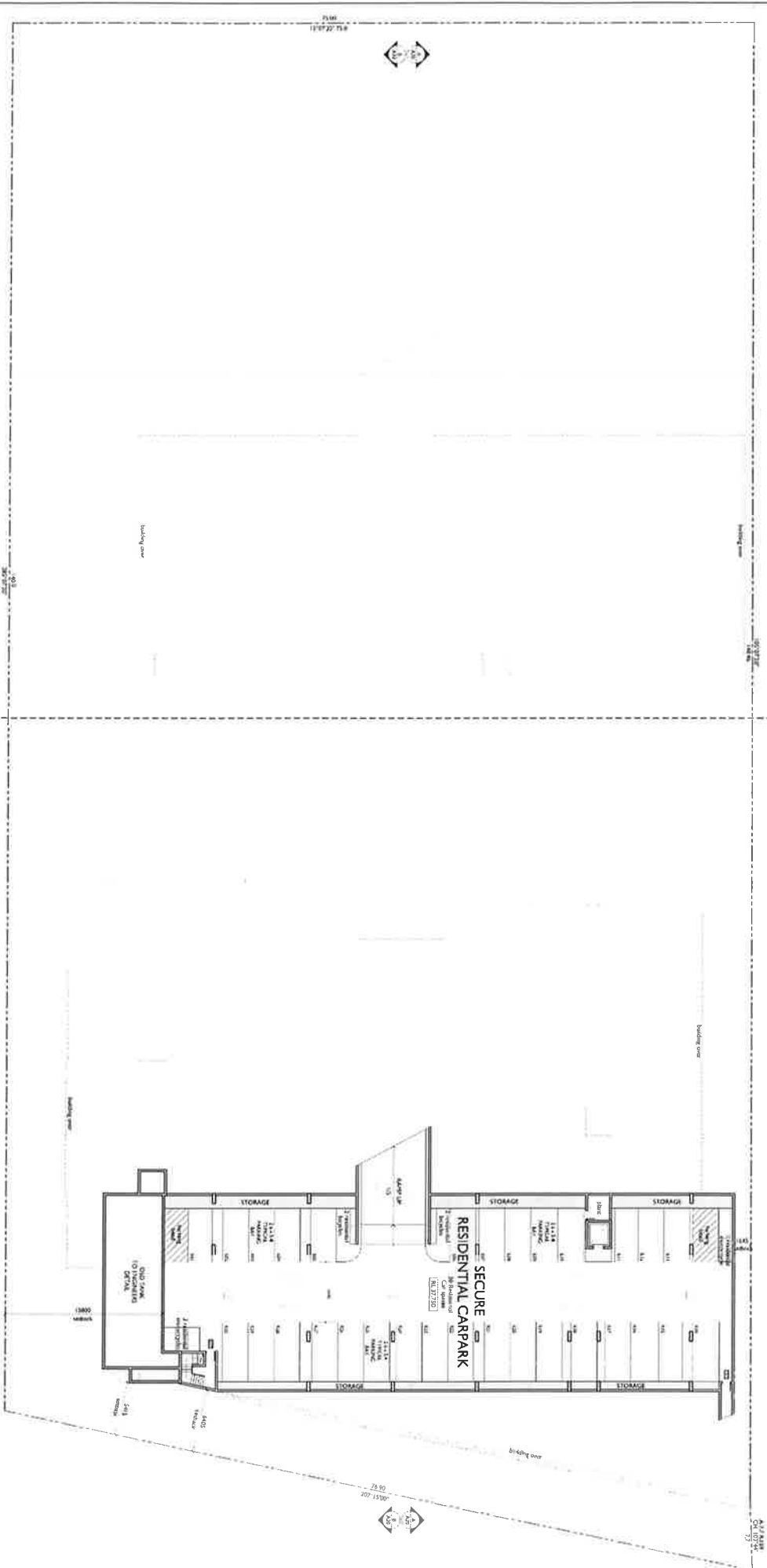
NPA
DEVELOPMENTS
PTY. LTD.

Project:
TWO STAGE MIXED USE DEVELOPMENT AND SUBDIVISION COMPRISING OF:
STAGE 1: 64 APARTMENTS OVER COMMERCIAL TENANCIES AND BASEMENT PARKING WITH CREATION OF NEW ACCESS ROAD
STAGE 2: 93 APARTMENTS OVER COMMERCIAL TENANCIES AND BASEMENT PARKING
at LOT 164212 DP 809745
BENSON AVENUE
BENTLEIGH SOUTH

Scale: 1:200 @ A1 1:400 @ A2
Date: JANUARY 2016
Drawn: MC SP 51
Checked: ACPH
Project No: DEVELOPMENT APPLICATION
Site and Roof Plan
Drawing No: 2015-14
A09
Date: A

NOT FOR CONSTRUCTION

STAGE 2 STAGE 1



BASEMENT 2 PLAN RESIDENTIAL CARPARK [N.37732]

NOT FOR CONSTRUCTION

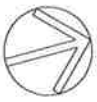
Client: NPA DEVELOPMENTS PTY. LTD. Project: LOT 16412 DP 89265 Site: LOT 16412 DP 89265 Drawn: ADH Scale: 1:200 Date: 15 JAN 2015 Sheet: 10	Project: TWO STAGE MIXED USE DEVELOPMENT AND SUBDIVISION COMPRISING OF: STAGE 1: 64 APARTMENTS OVER COMMERCIAL TENANCIES AND BASEMENT PARKING WITH CREATION OF NEW ACCESS ROAD STAGE 2: 93 APARTMENTS OVER COMMERCIAL TENANCIES AND BASEMENT PARKING Project No: 2015-14 Drawn No: A10 Scale: A	Project: TWO STAGE MIXED USE DEVELOPMENT AND SUBDIVISION COMPRISING OF: STAGE 1: 64 APARTMENTS OVER COMMERCIAL TENANCIES AND BASEMENT PARKING WITH CREATION OF NEW ACCESS ROAD STAGE 2: 93 APARTMENTS OVER COMMERCIAL TENANCIES AND BASEMENT PARKING Project No: 2015-14 Drawn No: A10 Scale: A
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The image displays two detailed site plans for the 'SECURE RESIDENTIAL CARPARK'. The left plan shows a layout with multiple parking bays, storage areas, and a central building labeled 'SECURE RESIDENTIAL CARPARK'. The right plan shows a similar layout with additional details like 'STAIRS', 'ELEVATOR', and 'STORAGE'. Both plans include dimensions and a north arrow.

RESIDENTIAL CARPARK RL 41.650

RESIDENTIAL CARPARK **RL 40.600**[illegible]

SINGLE LEAF



RESIDENTIAL CARPARK **RL 44.500**

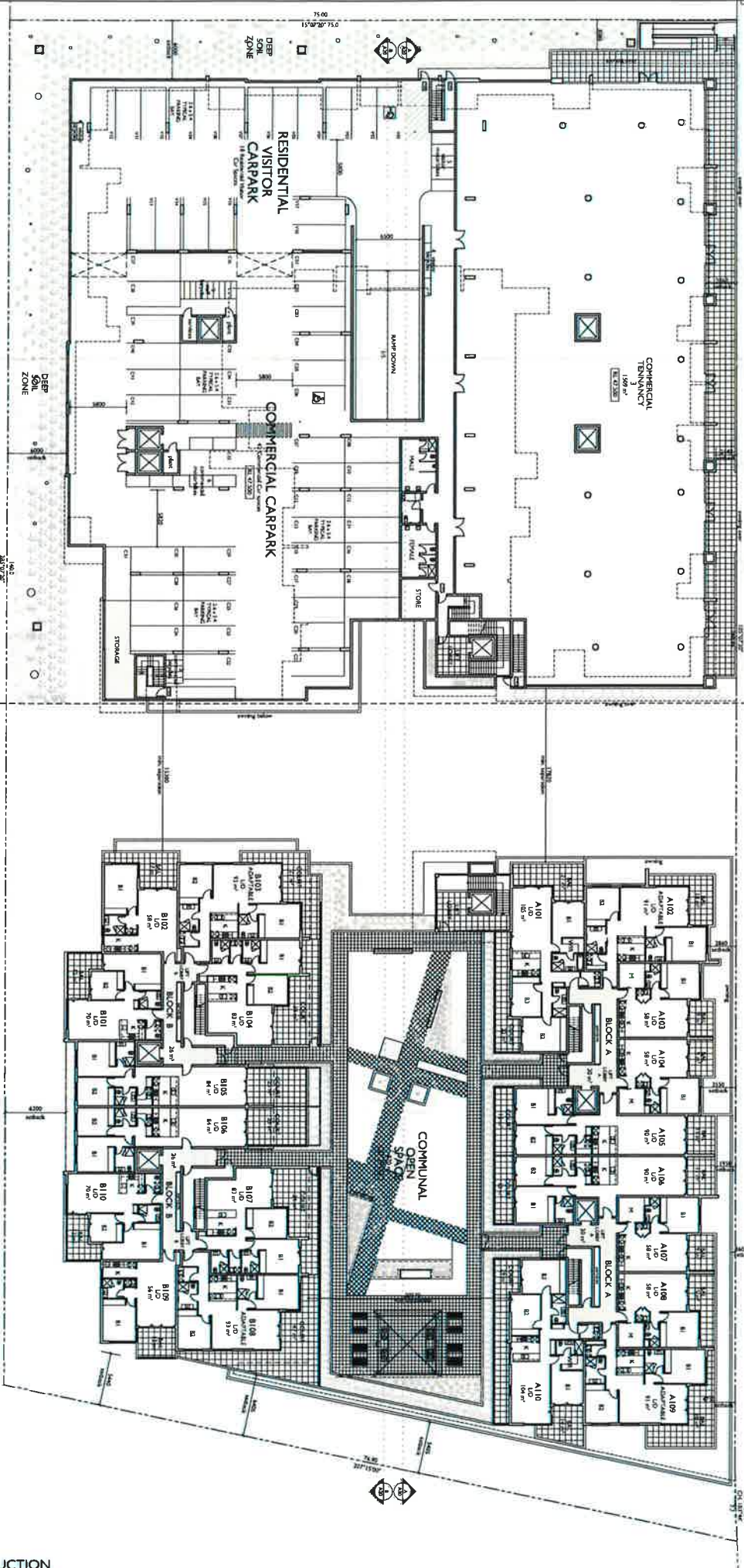
COMMERCIAL TENNANCY	RL 43.600
COMMERCIAL CARPARK	RL 43.600

[illegible]

B E N S O N

STAGE 2 (I) STAGE 1

A V E N U E



GROUND FLOOR

NETAL RL 47.200
RES & COM CARPARK RL 47.200

LEVEL 1/PODIUM PLAN

BLOCK A RL 47.200
BLOCK B RL 47.200

NOT FOR CONSTRUCTION

Client: NPA DEVELOPMENTS PTY. LTD.

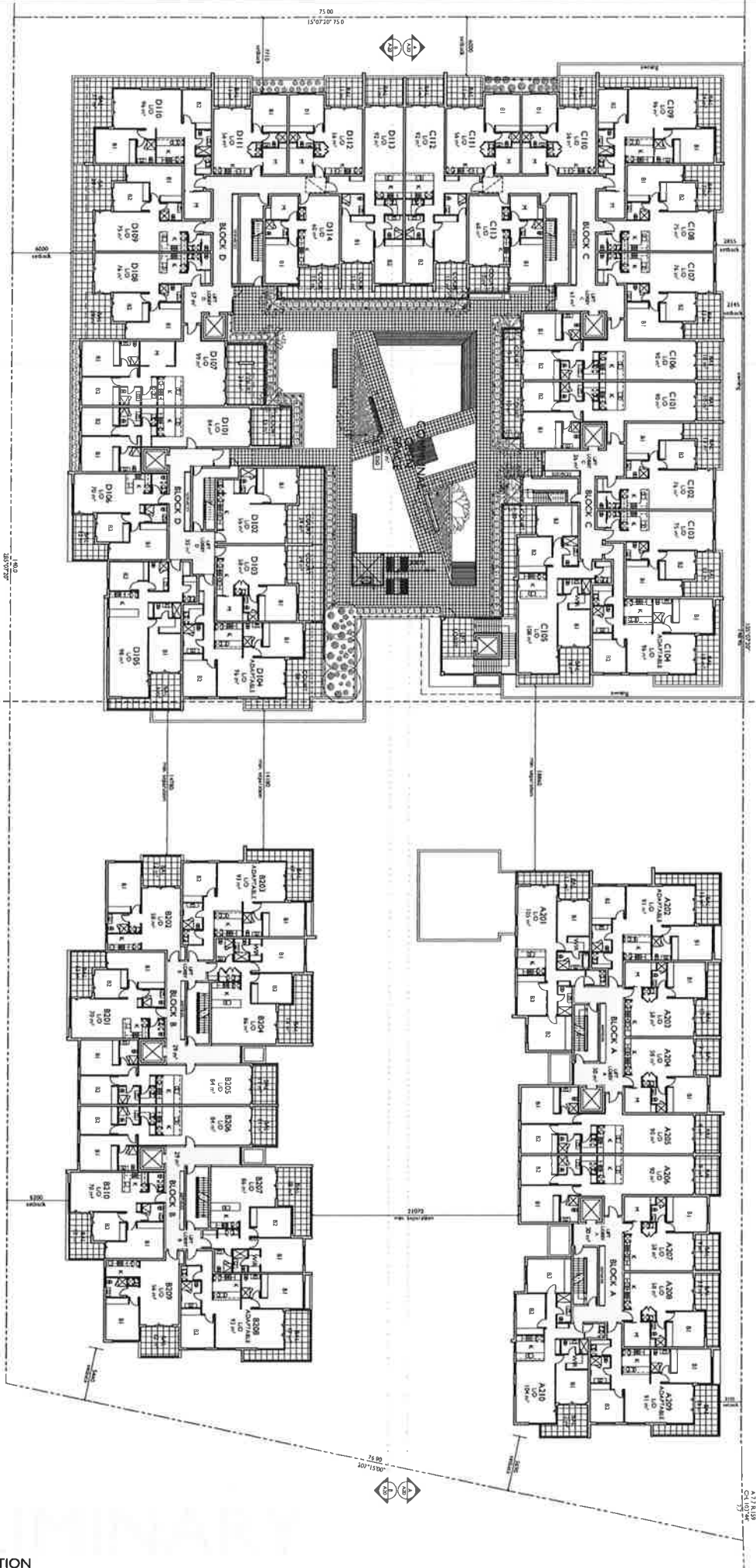
Project: TWO STAGE MIXED USE DEVELOPMENT AND SUBDIVISION COMPRISING OF:
STAGE 1: 64 APARTMENTS OVER COMMERCIAL TENANCIES AND BASEMENT PARKING WITH CREATION OF NEW ACCESS ROAD
STAGE 2: 93 APARTMENTS OVER COMMERCIAL TENANCIES AND BASEMENT PARKING
at LOT 16412 DP 809265
BENSON AVENUE
SHELLHARBOR

Scale: 1:200 @ A1 1:400 @ A2
Date: JANUARY 2015
Drawn: SP 51
Checked: ADH

Project No: 2015-14
Drawing No: A13
Status: A

adm

STAGE 2 STAGE 1



LEVEL 1/PODIUM PLAN

BLOCK C (N. 5.1.200)
BLOCK D (N. 11.200)

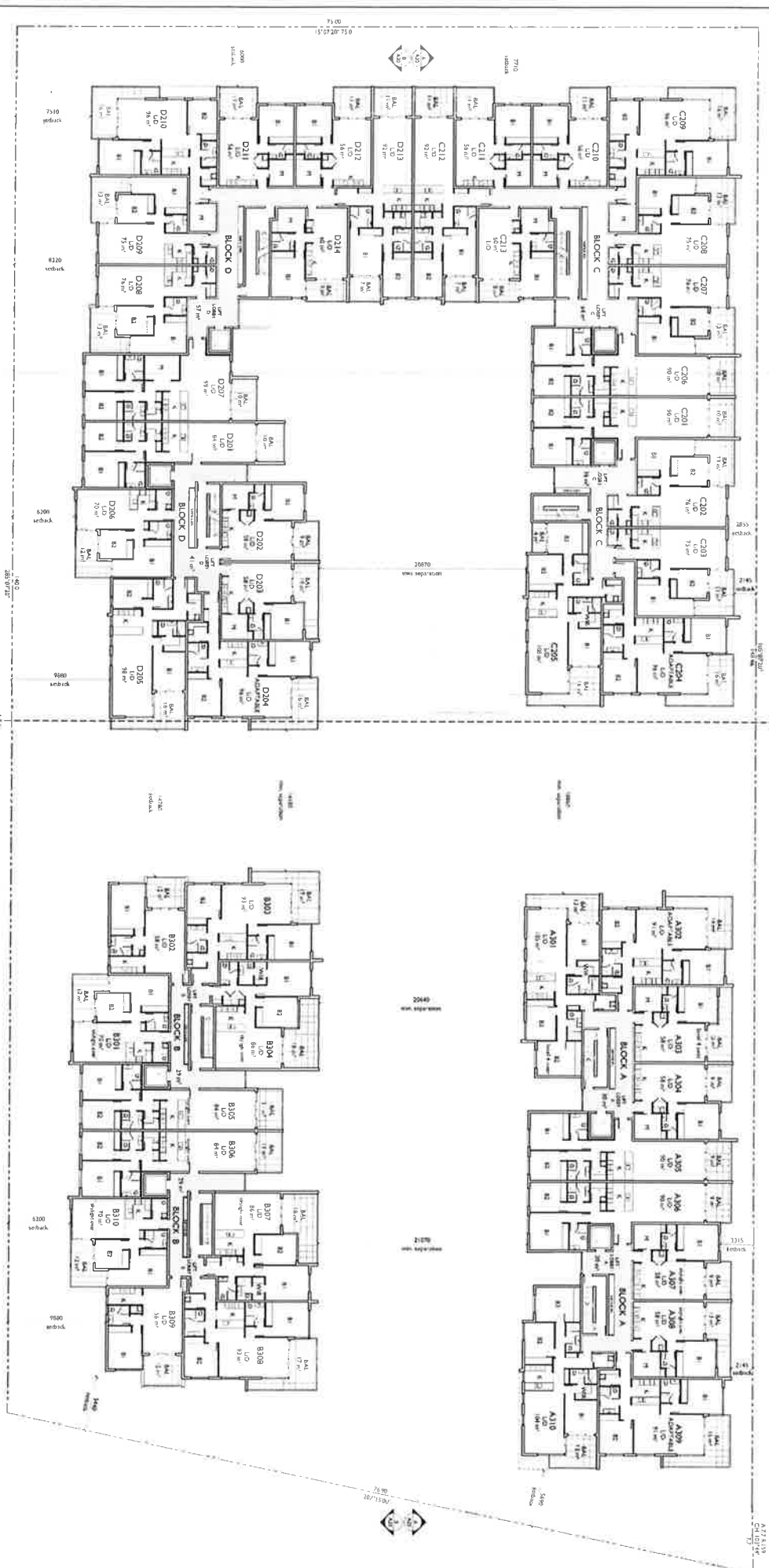
LEVEL 2

BLOCK A (N. 5.1.200)
BLOCK B (N. 5.1.200)

NOT FOR CONSTRUCTION

adn		DEVELOPMENTS PTY. LTD.		TWO STAGE MIXED USE DEVELOPMENT AND SUBDIVISION COMPRISING OF: STAGE 1: 64 APARTMENTS OVER COMMERCIAL TENANCIES AND BASEMENT PARKING WITH CREATION OF NEW ACCESS ROAD STAGE 2: 93 APARTMENTS OVER COMMERCIAL TENANCIES AND BASEMENT PARKING	
1:200 @ A1 1:400 @ A3		DATE: JANUARY 2016		PROJECT: A14	
LEVEL 1/PODIUM PLAN & LEVEL 2 FLOOR PLAN		DATE: 20/5/14		PROJECT: A14	
ADN		DATE: 20/5/14		PROJECT: A14	

STAGE I



LEVEL 2

BLOCK D RL 54.200

LEVEL 3

BLOCK A ML 53.300

BLOCK B ML 53.300

TWO STAGE MIXED USE DEVELOPMENT AND SUBDIVISION COMPRISING OF STAGE 1 & 4 ADAPTMENTS OVER COMPLETED STAGE 2 & 3

NPA
DEVELOPMENTS
PTY LTD

STAGE 2: 93 APARTMENTS OVER COMMERCIAL TENANCIES AND BASEMENT PARKING

NOT FOR CONSTRUCTION



LEVEL 3

BLOCK D AL 57.200



LEVEL 4

BLOCK B RL 56.300

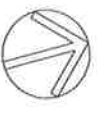
TWO STAGE MIXED USE DEVELOPMENT AND SUBDIVISION COMPRISING OF: STAGE 1: 64 APARTMENTS OVER COMMERCIAL TENANCIES AND STAGE 2:

INFA
DEVELOPMENTS
PTY LTD

LOT 10412 OF 80783
BENSON AVENUE
SHELLHARBOUR

NOT FOR CONSTRUCTION

STAGE 2 STAGE 1

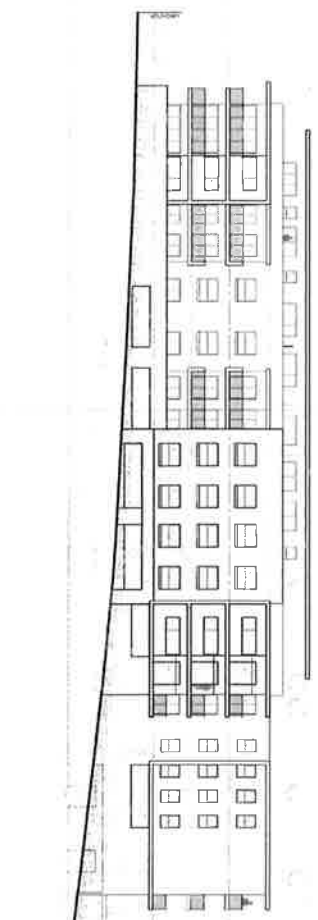


LEVEL 4
BLOCK C [1, 6, 60]
BLOCK D [1, 6, 60]

CONTRACT: Two Stage, mixed use development comprising of 64 apartments over commercial tenancies and basement parking with creation of new access road. STAGE 1: 64 APARTMENTS OVER COMMERCIAL TENANCIES AND BASEMENT PARKING WITH CREATION OF NEW ACCESS ROAD STAGE 2: 93 APARTMENTS OVER COMMERCIAL TENANCIES AND BASEMENT PARKING		Client: NPA DEVELOPMENTS PTY. LTD. Project: STAGE 1: 64 APARTMENTS OVER COMMERCIAL TENANCIES AND BASEMENT PARKING WITH CREATION OF NEW ACCESS ROAD Project: STAGE 2: 93 APARTMENTS OVER COMMERCIAL TENANCIES AND BASEMENT PARKING	Scale: 1:200 @ A1 1:400 @ A3 Date: JANUARY 2016 Drawn: [Signature] Checked: [Signature] Level: 4 PLAN Development Application 2015-14 A17 Author: [Signature]
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NOT FOR CONSTRUCTION

1:200 @ A1 1/4"=1'-0"



SOUTH ELEVATION

BLOCK A

STAGE I

STAGE 2
BLOCK B

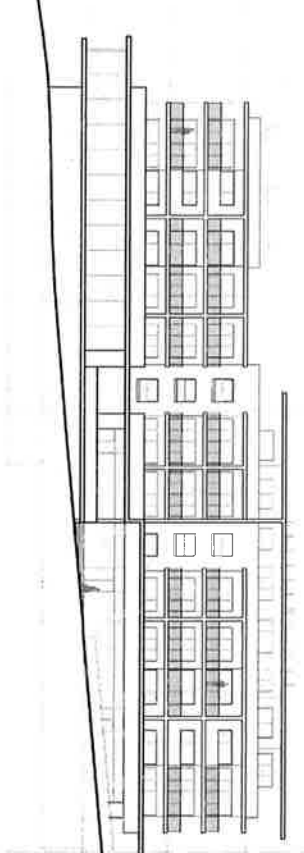
STAGE I
BLOCK B

ACCESS ROAD

Level of Base/Top of Wall

2810 3000 3100 3200 3300 3400 3500 3600 3700 3800 3900 4000 4100 4200 4300 4400 4500 4600 4700 4800 4900 5000 5100 5200 5300 5400 5500 5600 5700 5800 5900 6000 6100 6200 6300 6400 6500 6600 6700 6800 6900 7000 7100 7200 7300 7400 7500 7600 7700 7800 7900 8000 8100 8200 8300 8400 8500 8600 8700 8800 8900 9000 9100 9200 9300 9400 9500 9600 9700 9800 9900 10000

1:200 @ A1 1/4"=1'-0"



NORTH ELEVATION

FROM BENSON AVE

BLOCK A

STAGE 2

STAGE I
BLOCK B

ACCESS ROAD

BLOCK A

STAGE 2

2810 3000 3100 3200 3300 3400 3500 3600 3700 3800 3900 4000 4100 4200 4300 4400 4500 4600 4700 4800 4900 5000 5100 5200 5300 5400 5500 5600 5700 5800 5900 6000 6100 6200 6300 6400 6500 6600 6700 6800 6900 7000 7100 7200 7300 7400 7500 7600 7700 7800 7900 8000 8100 8200 8300 8400 8500 8600 8700 8800 8900 9000 9100 9200 9300 9400 9500 9600 9700 9800 9900 10000

NOT FOR CONSTRUCTION

1:200 @ A1 1/4"=1'-0"

DATE: JANUARY 2015

BY: ADH

PROJECT NO: NORTH & SOUTH ELEVATIONS

DRAWING NO: 2015-14

SCALE: A18

FILE: A

ADH

ARCHITECTURAL DESIGN

DEVELOPMENT APPLICATION

NORTH & SOUTH ELEVATIONS

2015-14

A18

A

LOT 16412, DP 809235

STAGE 1: 64 APARTMENTS OVER COMMERCIAL TENANCIES AND BASEMENT PARKING WITH CREATION OF NEW ACCESS ROAD

STAGE 2: 93 APARTMENTS OVER COMMERCIAL TENANCIES AND BASEMENT PARKING

LOT 16412, DP 809235

STAGE 1: 64 APARTMENTS OVER COMMERCIAL TENANCIES AND BASEMENT PARKING WITH CREATION OF NEW ACCESS ROAD

STAGE 2: 93 APARTMENTS OVER COMMERCIAL TENANCIES AND BASEMENT PARKING

ADH

ARCHITECTURAL DESIGN

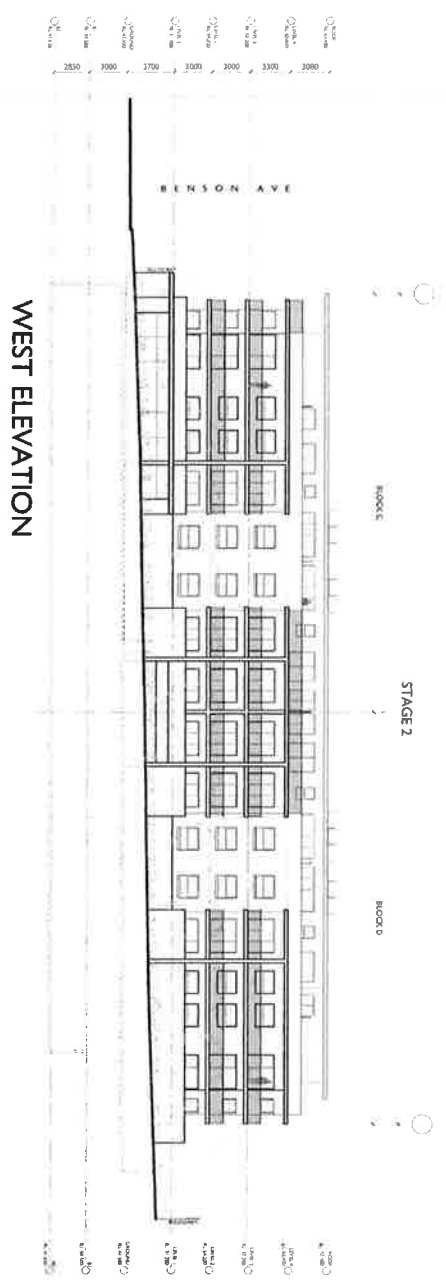
DEVELOPMENT APPLICATION

NORTH & SOUTH ELEVATIONS

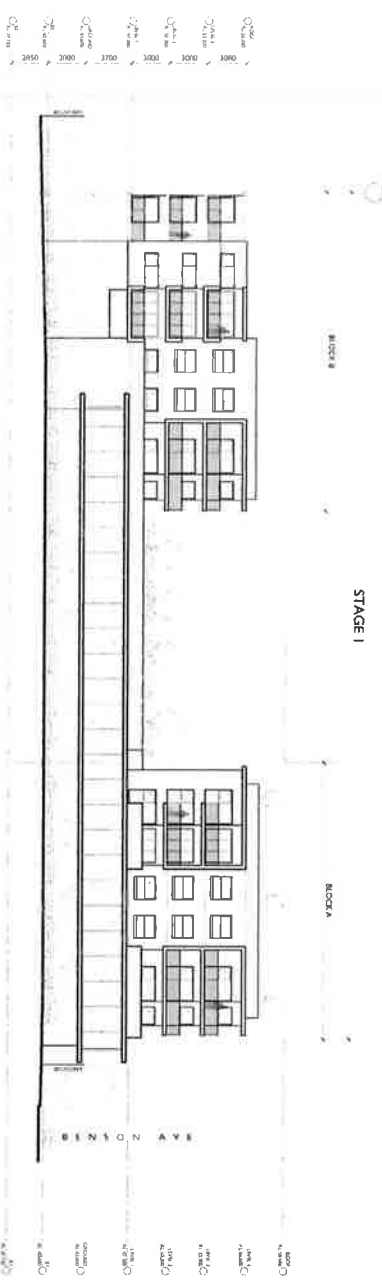
2015-14

A18

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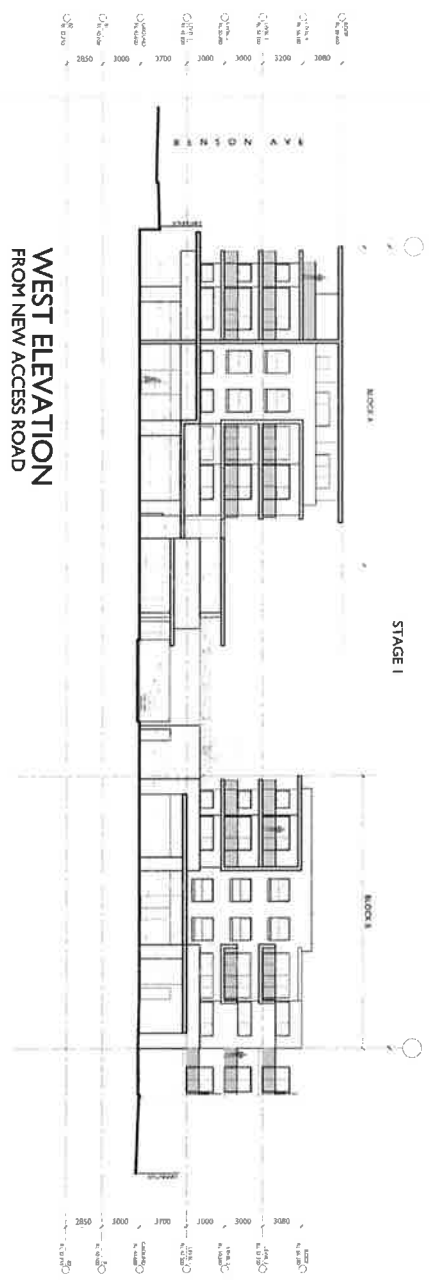


WEST ELEVATION

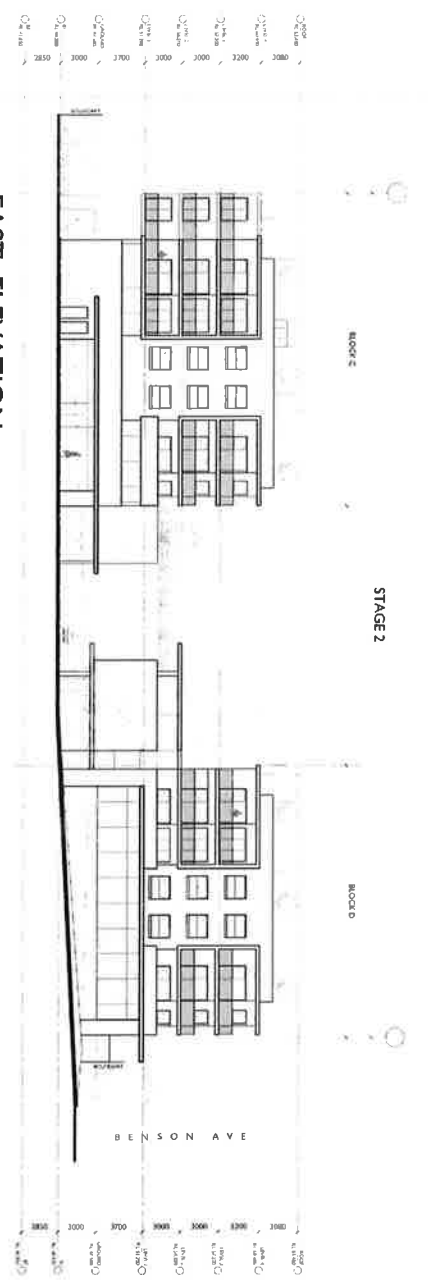


EAST ELEVATION
FROM RESERVE

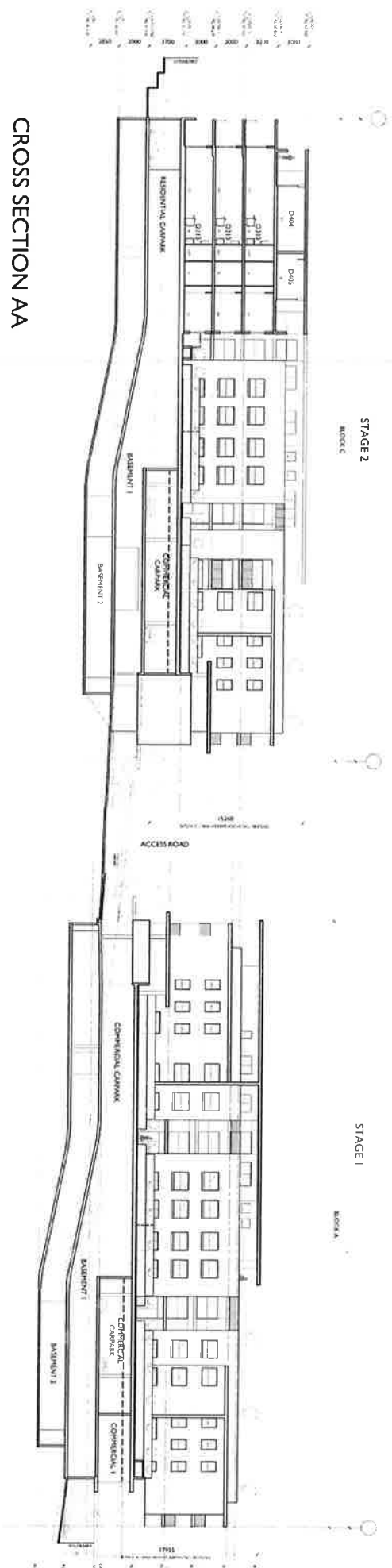
Client: adcm Project: NPA DEVELOPMENTS PTY. LTD. Location: LOT 104/12 CP 80735 SHELLHARBOUR	Stage: STAGE 1: 64 APARTMENTS OVER COMMERCIAL TENANCIES AND BASEMENT PARKING WITH CREATION OF NEW ACCESS ROAD Stage: STAGE 2: 93 APARTMENTS OVER COMMERCIAL TENANCIES AND BASEMENT PARKING	Scale: 1:200 @ A1 1400x843 Date: JANUARY 2016 Drawn: KC SP 3 Check: ADH Project: DEVELOPMENT APPLICATION Drawn: ADH Date: 2015-14 Page: A19 Notes: NOT FOR CONSTRUCTION
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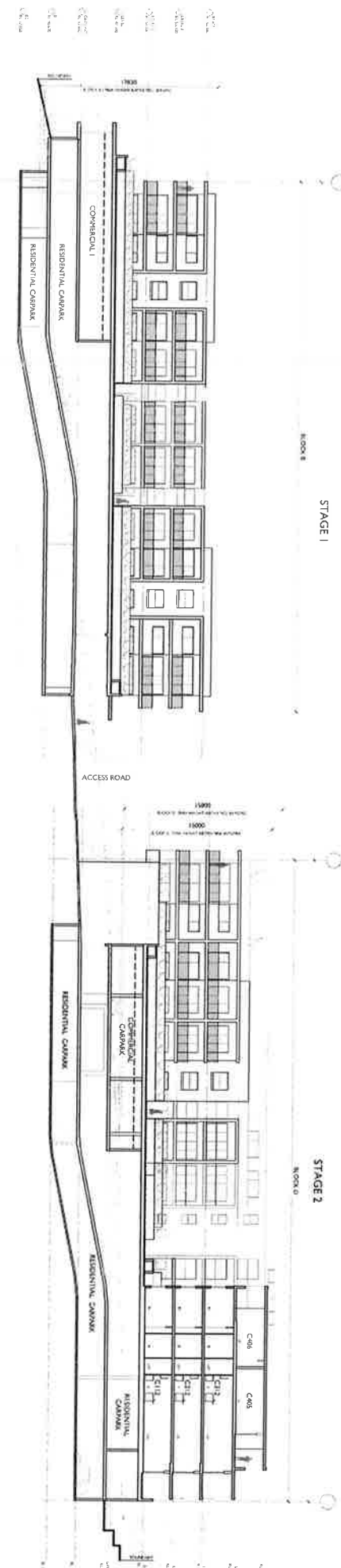
WEST ELEVATION
FROM NEW ACCESS ROAD



EAST ELEVATION
FROM NEW ACCESS ROAD



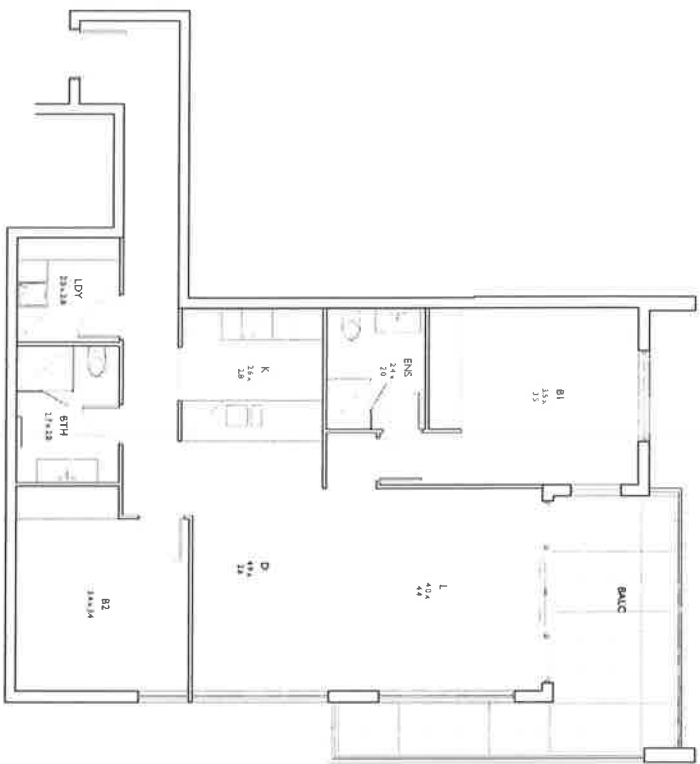
CROSS SECTION AA



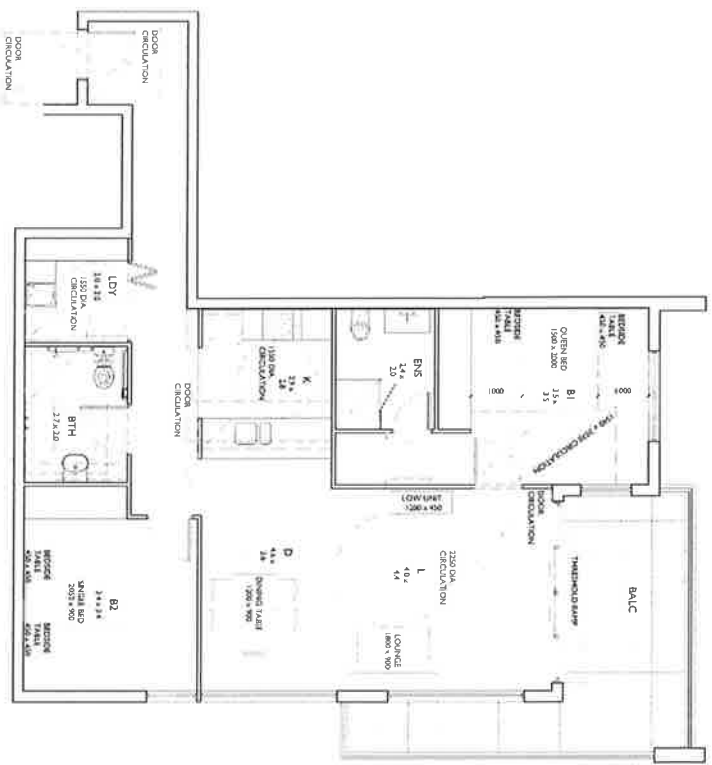
CROSS SECTION BB

NOT FOR CONSTRUCTION

PROJECT: TWO STAGE MIXED USE DEVELOPMENT AND SUBDIVISION COMPRISING OF: STAGE 1: 64 APARTMENTS OVER COMMERCIAL TENANCIES AND BASEMENT PARKING WITH CREATION OF NEW ACCESS ROAD STAGE 2: 93 APARTMENTS OVER COMMERCIAL TENANCIES AND BASEMENT PARKING LOT 16412, DP 809255 BENSON AVENUE SHELLEHABOUR		CDM cdm	Project TWO STAGE MIXED USE DEVELOPMENT AND SUBDIVISION COMPRISING OF: STAGE 1: 64 APARTMENTS OVER COMMERCIAL TENANCIES AND BASEMENT PARKING WITH CREATION OF NEW ACCESS ROAD STAGE 2: 93 APARTMENTS OVER COMMERCIAL TENANCIES AND BASEMENT PARKING LOT 16412, DP 809255 BENSON AVENUE SHELLEHABOUR	Scale: 1:200 @ A1 (1:400 @ A3) Drawn: J. B. 2015 Checked: J. B. 2015 ADH
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PRE- ADAPTATION PLAN
 UNITS A109, A209, A309, B108, B208, C104, C204, C304, D104, D204, D304 AS INDICATED
 UNITS A102, A202, A302, B103, B203 MIRRORED
 CLASS C ADAPTABLE UNIT TO AS 4299



POST- ADAPTATION PLAN
 UNITS A109, A209, A309, B108, B208, C104, C204, C304, D104, D204, D304 AS INDICATED
 UNITS A102, A202, A302, B103, B203 MIRRORED
 REFER TO ACCESS CONSULTANTS REPORT

NOT FOR CONSTRUCTION

Project: TWO STAGE MIXED USE DEVELOPMENT AND SUBDIVISION COMPRISING OF: STAGE 1: 64 APARTMENTS OVER COMMERCIAL TENANCIES AND BASEMENT PARKING WITH CREATION OF NEW ACCESS ROAD STAGE 2: 93 APARTMENTS OVER COMMERCIAL TENANCIES AND BASEMENT PARKING		Client: NPA DEVELOPMENTS PTY. LTD.	
Location: LOT 18412, DP 809265 BENSON AVENUE SHELLHARBOR		Scale: 1:500 @ A1 1:100 @ A2	
Drawn: NC SP SJ		Check: ADM	
Date: JANUARY 2016		Project No: A22	
Drawing No: A		Revision: 1	



9am



12pm



3pm



SHADOW ANALYSIS - 21ST OF JUNE

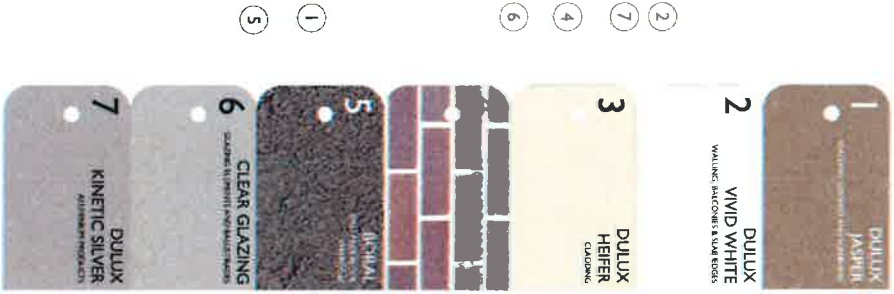
Project No. 2015-14 Client: NPA DEVELOPMENTS PTY. LTD. Location: BENSON AVENUE, WALLAROO DRIVE	Scale: 1:500 Date: 2015-14 Drawn: JAH Checked: JAH	Project: TWO STAGE MIXED USE DEVELOPMENT AND SUBDIVISION COMPRISING OF: STAGE 1: 64 APARTMENTS OVER COMMERCIAL TENANCIES AND BASEMENT PARKING WITH CREATION OF NEW ACCESS ROAD STAGE 2: 93 APARTMENTS OVER COMMERCIAL TENANCIES AND BASEMENT PARKING	Project: TWO STAGE MIXED USE DEVELOPMENT AND SUBDIVISION COMPRISING OF: STAGE 1: 64 APARTMENTS OVER COMMERCIAL TENANCIES AND BASEMENT PARKING WITH CREATION OF NEW ACCESS ROAD STAGE 2: 93 APARTMENTS OVER COMMERCIAL TENANCIES AND BASEMENT PARKING	Project: TWO STAGE MIXED USE DEVELOPMENT AND SUBDIVISION COMPRISING OF: STAGE 1: 64 APARTMENTS OVER COMMERCIAL TENANCIES AND BASEMENT PARKING WITH CREATION OF NEW ACCESS ROAD STAGE 2: 93 APARTMENTS OVER COMMERCIAL TENANCIES AND BASEMENT PARKING	Project: TWO STAGE MIXED USE DEVELOPMENT AND SUBDIVISION COMPRISING OF: STAGE 1: 64 APARTMENTS OVER COMMERCIAL TENANCIES AND BASEMENT PARKING WITH CREATION OF NEW ACCESS ROAD STAGE 2: 93 APARTMENTS OVER COMMERCIAL TENANCIES AND BASEMENT PARKING	Project: TWO STAGE MIXED USE DEVELOPMENT AND SUBDIVISION COMPRISING OF: STAGE 1: 64 APARTMENTS OVER COMMERCIAL TENANCIES AND BASEMENT PARKING WITH CREATION OF NEW ACCESS ROAD STAGE 2: 93 APARTMENTS OVER COMMERCIAL TENANCIES AND BASEMENT PARKING
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NOT FOR CONSTRUCTION



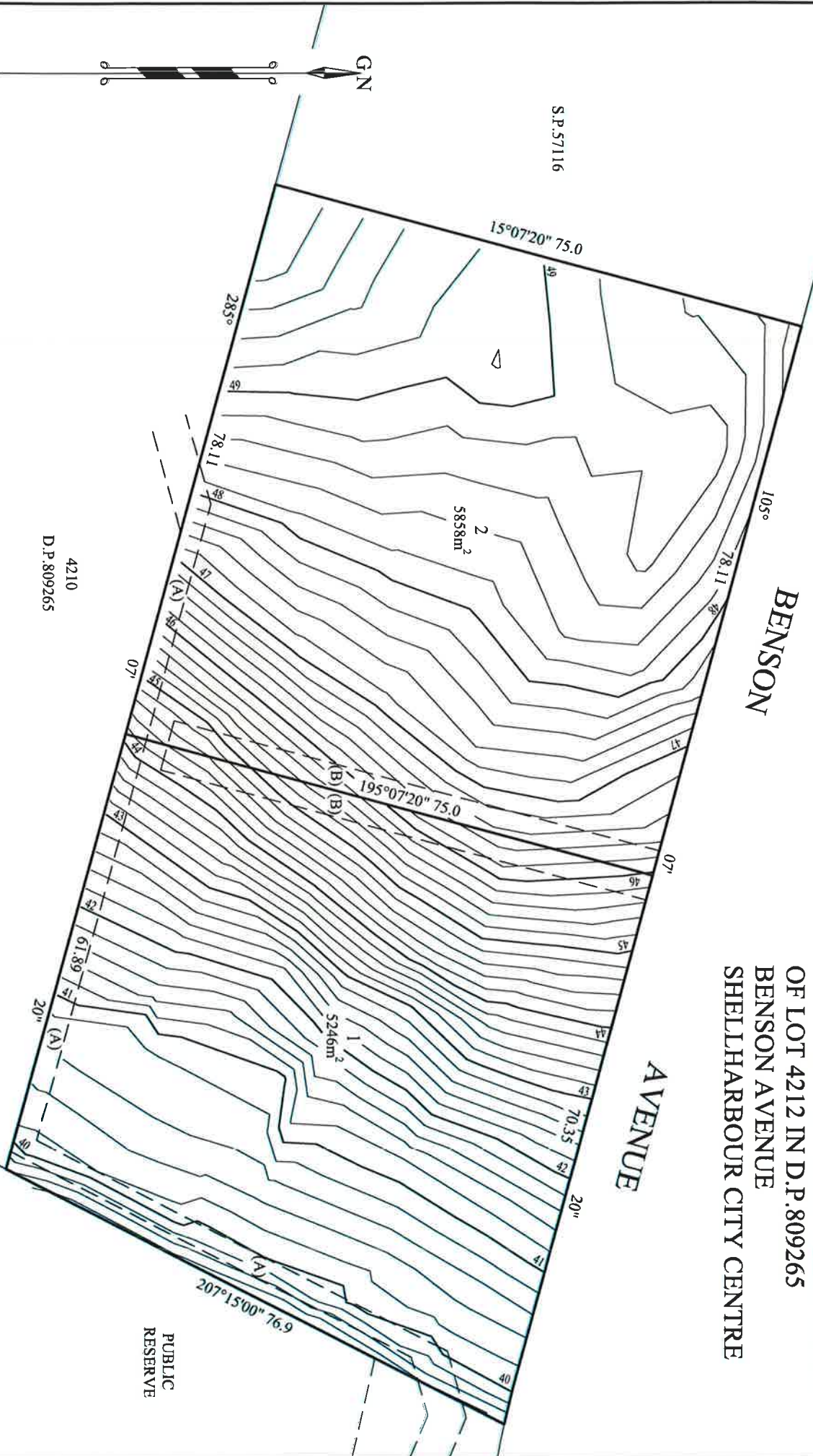
3

COLOUR & MATERIALS SCHEDULE



NOT FOR CONSTRUCTION

PLAN OF PROPOSED SUBDIVISION
OF LOT 4212 IN D.P.809265
BENSON AVENUE
SHELLHARBOUR CITY CENTRE



(A) - PROPOSES EASEMENT FOR WATER SUPPLY 3 WIDE.
(B) - PROPOSED RECIPROCAL RIGHTS OF WAY.

NOTE: ALL DIMENSIONS SUBJECT TO FINAL PLAN OF SURVEY.
ORIGIN OF LEVELS S.S.M.84879 R.L. 46.593 A.H.D.

Date: 22/12/2015
Reduction Ratio: 1:500
Reference:
W15010
SUBDIVISION



