

JOINT REGIONAL PLANNING PANEL (Southern Region)

SUPPLEMENTARY REPORT

JRPP No	2017STH008
DA Number	97/2017
Local Government Area	Shellharbour
Proposed Development	18 dwellings and 18 lot Torrens title subdivision
Location	Lot 2043 in DP 1203745, The Promontory Drive, Shell Cove Lot 2116 in DP 1203746, Wharf Parade, Shell Cove
Date of report	5 July 2017
Report prepared by	Victoria Nicholson, Senior Development Assessment Officer
Report endorsed by	Melissa Boxall, Acting Director Community and Customers Jasmina Micevski, Acting Team Leader City Development (Planning)

Purpose of supplementary report

The purpose of this report is to provide additional information to support the development application 2017STH008 planning report's recommendation. These matters were raised at a Joint Regional Planning Panel public meeting held 3 July 2017. Determination of 2017STH008 was adjourned until the Panel are in receipt of the requested additional information.

The additional information requested by the Panel:

- Council endorsement of the urban design guidelines that relate to the development proposal;
- Detailed assessment of the proposal against the urban design guidelines that apply to the development and site;
- Further assessment of the small lot developments having regard to amenity, functionality and privacy;
- Additional comment on the absence of provision of adaptable housing; and
- Further information on inconsistencies between the concept approval and the provisions of any environmental planning instruments and any development control plan that apply to the site.

Urban Design Guidelines

Council staff reviewed the *Design Guidelines for Medium Density Housing Precincts B1 and C1* prepared for the development of the 14 superlots in these precincts as multi dwelling development. The Guidelines were assessed by key technical staff within Council as being consistent with the Concept Approval and have been endorsed by the Group Manager City Planning. The endorsed Guidelines are publicly available and can be downloaded from Council's website. A copy of the endorsed Guidelines are attached under separate cover.

Assessment of the proposal against the design guidelines

Table 1 (page 5) details the assessment of proposal against the *Design Guidelines for Medium Density Housing Precincts B1 and C1*. The assessment includes how the proposal satisfies the design controls outlined in the Guideline and where there are variations to the design controls, reasons as to why the variation can be supported are detailed in the Table. The variations relate to:

- wall heights of a number of garages exceed 3.5m; variation a maximum of ~400mm;
- the number of garages with a dwelling above exceeds 20%; variation 5%;
- point encroachment into the 1m splay boundary setback; variation of 300mm, and decreasing, by one dwelling;
- encroachment into the 2m secondary building line; variation relates to two dwellings is a maximum of 343mm for one dwelling and 639mm for the second dwelling;
- encroachment of alfresco roofing into side boundary setback of 900mm; variation refers to a zero setback to the alfresco roofing of 4 dwellings.

The variations are considered to be minor and as such, in supporting the variations to the Guideline, the proposal will be consistent with the vision (objectives) of the Guidelines and thereby will not undermine the Concept Approval.

Housing on small lots

Additional information was requested regarding the amenity, functionality and privacy of the dwellings provided on the two smallest lots, CN9402 and CN9407. These dwellings are on lots with an area of 165sqm and 170sqm and with a minimum lot width of 5.315m. The internal width of these dwellings is 3.75m. The applicant provides the following information in support of these two dwellings:

AR4 Terrace Living Areas Amenity

- Lots 9402 and 9407 are provided with the AR4 Terrace, which is a 2 storey 2 bedroom terrace house with detached carport. We have successfully sold and constructed a number of these terraces in our medium density development at Fairwater in Blacktown
- The houses are both provided with a 1.2m side setback for the location of services and equipment, leaving the rear Alfresco area free for outdoor living areas and associated landscaping.
- The ground floor living areas to these terrace houses are provided with 3m high ceilings and floor to ceiling glazing to the rear elevation, thus admitting the maximum possible natural light to these spaces.
- Photos of a completed equivalent 'AR4' terrace house in our Display Village at Fairwater are attached in Appendix 1 for reference. The photos demonstrate the quality and amenity that is provided to the living area of these homes.

Attachment 1 (page 11) includes 2 photos of an equivalent 'terrace style' dwelling referred to in the above comment from the applicant.

The high floor to ceiling heights, full length glazing to allow light penetration and solar access, interior designed floor layouts and direct connectivity between internal and external living areas will assist in providing a liveable dwelling with high amenity. Privacy of the dwellings that adjoin the 'terrace' style dwelling is achieved through roofing of the private open space areas of the adjoining dwellings, articulated building footprint, rooms along the common wall being of same

use, a nib-like wall continuing along the zero lot line boundary to length of private open space area and nib wall at the front elevation.

Council can support these dwellings on small lots as proposed where they contribute to the variety in housing mix both in terms of built form and diversity. These terrace inspired dwellings will account for 11% of the 18 dwellings being proposed, a proportionate mix of dwelling type that should not detract from the streetscape and character of the area, while still being mindful of the residential density targets of the Shell Cove Boat Harbour Precinct Concept Approval.

Adaptable Housing

The *Design Guidelines for Medium Density Housing Precincts B1 and C1* do not include the requirement for the provision of adaptable housing. The 18 dwelling development does not propose the incorporation of adaptable housing. The applicant provides the following advice regarding the provision of adaptable housing with the Shell Cove Boat Harbour Precinct:

‘Adaptable dwellings are proposed to be provided within the residential flat buildings. They will be suitably located with universal access to the public domain and open space.

The Concept Approval is proposed to be modified to include a condition that design guidelines for future high density residential precincts include a requirement to design 10% of all residential apartments in accordance with AS4299-1995 Adaptable Housing and that an additional 10% of all residential apartments incorporate the Liveable Housing Guideline’s silver level universal design features.’

Council comment:

The provision of adaptable housing within the residential precincts will be reviewed with the lodgement of future draft urban design guidelines and/or the application for modification to the Concept Approval, whichever occurs first. Council is mindful that the provision of adaptable housing in the other residential precincts will need to address the shortfall of adaptable housing in Precincts B1 and C1.

Schedule 6A Transitional arrangements – repeal of Part 3A & development standards of SLEP 2013

The following information has been drawn from section 4.2.1.5 of the planning report for 2017STH008.

Shellharbour Local Environmental Plan 2013 (SLEP 2013) applies to the land. The development standards of SLEP 2013 that apply to the land and development are:

- a. minimum lot size for development of multi dwelling housing is 600sqm
- b. a building height development standard of 9m.
- c. a floor space ratio development standard of 0.7:1.
- d. a minimum lot area of 200 sqm. pursuant to clause 4.1B ‘exceptions to minimum lot sizes for certain residential development’ where a DA is lodged for both Torrens title subdivision and dwelling construction.

Minumim lot size for development

The minimum lot sizes are 2396sqm for Lot 2043 (stage 93) and 1932sqm for Lot 2116 (stage 94). The development site exceeds the minimum lot size for multi dwelling housing.

Building height

With regard to building height, the Concept Approval does not refer to a numerical development standard. Building height is referred to as the number of storeys.

For this site, the building height is 2-3 storeys. The proposal is a 2 storey development.

The height of the dwellings is less than 9m and so does not exceed the height development standard of SLEP 2013.

Floor space ratio (FSR)

The Concept Approval does not refer to a floor space ratio numerical standard. Instead the Concept Approval provides an indicative dwelling yield and gross floor area on a precinct wide basis. The proposal will contribute 2995.5sqm to the residential gross floor area and 18 new dwellings. The Concept Approval approved a gross residential floor area upto 150,000sqm and a dwelling yield upto 1238 dwellings.

The FSR for stage 93 and stage 94 is 0.709:1 and 0.67:1 respectively.

The FSR of stage 94 multi dwelling housing development complies with the SLEP 2013 development standard.

The FSR of stage 93 multi dwelling housing development marginally exceeds the SLEP 2013 development standard by 0.009 or 15sqm. Notwithstanding, the provisions of Schedule 6A clause 3B of the *Environmental Planning and Assessment Act 1979*, an exceedance of a development standard can be considered under SLEP2013 clause 4.6.

Minimum lot size for subdivision

The lot size varies between 165sqm – 354sqm. Four of the 18 lots have an area of less than 200sqm. The Concept Approval refers to dwelling yields rather than a minimum lot size development standard. The target residential densities have guided the minimum lot areas provided in the urban design guidelines. The proposal complies with the minimum lot size of 120sqm in the *Design Guidelines for Medium Density Housing Precincts B1 and C1* (attached under separate cover).

Table 1 – Assessment of proposal against the Design Guidelines for Medium Density Housing Precincts B1 and C1

Medium Density Housing Controls					
	Control	Built Form	Requirement /Control	Assessment	Satisfies
Siting principles	Siting of dwelling (figure 8)		Identified MD lot Vehicle access Address frontage	Dwellings on land identified as a multi dwelling superlot	Yes
				Vehicular access is not proposed from View Corridor street frontage	Yes
				Rear loaded lots consistent with the preferred vehicle & parking access location	Yes
				Dwellings address both street/laneway frontages where nominated	Yes
Lot Size	Minimum lot size		120m ² (minimum dimension 4.5m)	Lot 2043 (stage 93) - lot areas between 212sqm – 265sqm	Yes
				Lot 2116 (stage 94) - lot areas between 165sqm – 354sqm.	Yes
				Lot 2043 (stage 93) - lot widths between 8500mm-9815mm	
				Lot 2116 (stage 94) - lot widths between 5315mm-9053mm	
Building Height	Dwellings	Two storeys	7.5m (maximum wall height)	The development comprises of 2 storey dwellings. Wall height has not been defined and total wall heights have not been dimensioned on plan, only upper ceiling levels. On basis of information provided on the plans the wall height, inclusive of parapet element, for the majority of dwellings approximates 7m and for the dwellings on the two smallest lots, the wall height approximates 7.5m. The wall heights of the dwellings typically equates to the overall dwelling heights due to roof design being skillion roofs with/or parapet. The 2 dwellings with 7.5m wall/building height have greater floor to ceiling heights (eg 3m/2.7m) so as to enhance amenity of the narrower dwellings.	Yes
		Three storeys	10m (maximum wall height)	Nil proposed	-
	Garages	Standalone garage	3.5m (maximum wall height)	Lot 2043 (stage 93) - Stand alone garages refer to garages not attached to the dwelling however these can be detached or attached to other garages. Wall height has not been defined. The overall building height has not been dimensioned on plan. On the basis on plan information some garage walls have a height that exceeds 3.5m but less than 3.9m. Where the wall exceeds 3.5m, the wall is either a rear wall, has adequate secondary boundary setback, is softened with an awning or is a point variation due to slope of the land.	Yes for most garages. Height variation to a small number of garages supported

Medium Density Housing Controls					
				<p>Lot 2116 (stage 94) - The wall height of the garages does not exceed 3.5m.</p> <p>The 2 smallest lots in Stage 94 have semi-enclosed carports which present to the laneway as a single garage but open at the rear for option of dual use as open space. The wall height inclusive of parapet is greater than 3.5m and less than 4m. The very minor additional height of a few millimetres assists in differentiating the semi enclosed carport from the 2 attached garages thereby improving laneway presentation.</p> <p>The applicant justifies the small exceedances in wall height as follows:</p> <p>'The garages don't consistently comply with the max 3.5m height control, due primarily to the existing topography along Stern Way & Keel Way. The roof design has been considered to reduce bulk and scale where possible, particularly when viewed within the streetscape (they typically fall towards the rear), with pitched roof forms and raked parapets to side elevations. Pergolas are also provided above some garage doors. These assist in visually breaking down the bulk & height of the walls where they exceed 3.5m in height, and will cast a shadow across the rear elevation which changes throughout the day.'</p> <p><i>Council comment:</i></p> <p>The additional wall height is considered minor. The variation will not detract from the lane-scape or from the amenity of the development.</p>	<p>Yes</p> <p>Semi enclosed Carport – No however can be supported for reasons provided.</p>
		With dwelling component above	7.5m (maximum wall height)	<p>Lot 2043 (stage 93) – nil proposed</p> <p>Lot 2116 (stage 94) – the 2 'book-end' lots, 9401 & 9408, each have a 'fonzie' flat – wall height is a maximum of 7m at the gable apex</p>	Yes
		Maximum percentage of garages with dwelling components above in any superlot	20%	<p>Lot 2043 (stage 93) - nil proposed</p> <p>Lot 2116 (stage 94) – 2 proposed -> 25%</p> <p>The variation is considered minor and acceptable for the following reasons:</p> <p>Both 'fonzie' style flats are both sited on the 2 largest sized lots, are sited at each end of the superlot so provide a neat built form symmetry and present a cohesive streetscape. The separation distance between these built forms is such that the proposal is unlikely to present as an overdevelopment.</p>	No however supported for the reasons provided.
Setbacks	Primary Street	Building frontage	3m (minimum)	Lot 2043 (stage 93) - front building line varies between 3259mm-5040mm	Yes

Medium Density Housing Controls					
				Lot 2116 (stage 94) - front building line varies between 3259mm-3617mm (as dimensioned)	Yes
		Articulation zone	2m (maximum)	Lot 2043 (stage 93) – elements in the articulation zone typically relate to upper level balconies with depth in the order of 1500mm	Yes
				Lot 2116 (stage 94) - typically 1830mm or less (of open structures)	Yes
		Splay boundary	1m	Lot 2043 (stage 93) – ground floor - where dimensioned 2.257m or scales at 1.5m - upper floor – CN9301 not dimensioned, scales as 1.2m. CN9310 upper level balcony has setback from splay of 780mm.	Yes
				<p>The applicant's justification for the point encroachments of open structures into the front setback is as follows:</p> <p>'Ground floor setback from the corner splay is 1,940mm to corner of building, and 920mm to Porch edge. First floor setback from the corner splay is 2,080mm to corner of building and 700mm to Balcony edge. The guidelines allow a 1m articulation zone setback to the splay for balconies, pergolas, etc. These non-compliances are relatively minor, and are the result of the unusually large splay on this particular corner. The primary building line has been pulled back well in excess of the 3m required to 5m. The resulting setback from the front boundary to the balcony edge is 3.5m. The porch / balcony is designed to wrap around the corner of the building and provide a high level of architectural detailing.'</p> <p><i>Council comment:</i> Justification of point encroachment into setback as provided by applicant is supported. The point encroachments are unlikely to detract from the building or streetscape.</p>	No however variation supported for the reasons provided.
Secondary Street (for corner lots)		Garage Frontage	5.5 metres (minimum - to door)	Not applicable as garages are accessed via the laneway at rear of the site	-
		Building frontage	2m (minimum)	Lot 2043 (stage 93) – Both corner dwellings encroach into the secondary frontage building line a maximum of 343mm & 639mm respectively. The applicant justifies the variation as follows:	No - variation supported for

Medium Density Housing Controls					
				<p>'The required secondary street setback is 2 metres. CN9301 provides a setback of between 1.7-2.2 metres whilst CN9310 provides a setback of between 1.4-2.5 metres. The average secondary street frontage to both lots is approximately 2 metres. The design of the buildings meet the intent of the DGMDH with the dwellings addressing both the primary and secondary street frontages. No additional structures have been located in the articulation zone and the private open space will still allow garden space to be well used.</p> <p>The non-compliance is minor in nature and is appropriate in the circumstances.'</p> <p><i>Council comment:</i></p> <p>No structures are proposed within the articulation zone and the variation should not detract from the streetscape. For these reasons the variation is supported.</p> <p>Lot 2116 (stage 94) – Dwelling CN9401 dimensioned exceeds 2m Dwelling CN9408 is not dimensioned however scales as exceeding 2m</p>	the reasons provided.
		Articulation zone	1m (maximum)	<p>Lot 2043 (stage 93) – Nil</p> <p>Lot 2116 (stage 94) – Dwelling CN9401 dimensioned as 1.2m Dwelling CN9408 is not dimensioned however scales as 1m Notations made on plan that articulation zone must not exceed 1m</p>	- Yes (with plan notation)
		Garage Frontage	0.5 (metres)	<p>Lot 2043 (stage 93)) satisfy. There is no articulation zone for garages.</p> <p>Lot 2116 (stage 94)) Some garages have attached open structures. The setback of these structures has been notated on plan to have a 0.5m setback.</p>	Yes Yes
	Side	Duplexes, Townhouses and Garden Studios (corner lots)	0m (where one side of the building is not attached, the minimum setback is 0.9m)	<p>Lot 2043 (stage 93) 1200mm proposed. This greater setback</p> <p>Lot 2116 (stage 94) favourably addresses streetscape.</p>	Yes
		Small lot housing	0.9m (minimum)	Not applicable	-
		Garage frontage (at end of superlot)	0.5m (minimum)	<p>Lot 2043 (stage 93) -</p> <p>Lot 2116 (stage 94) -</p>	

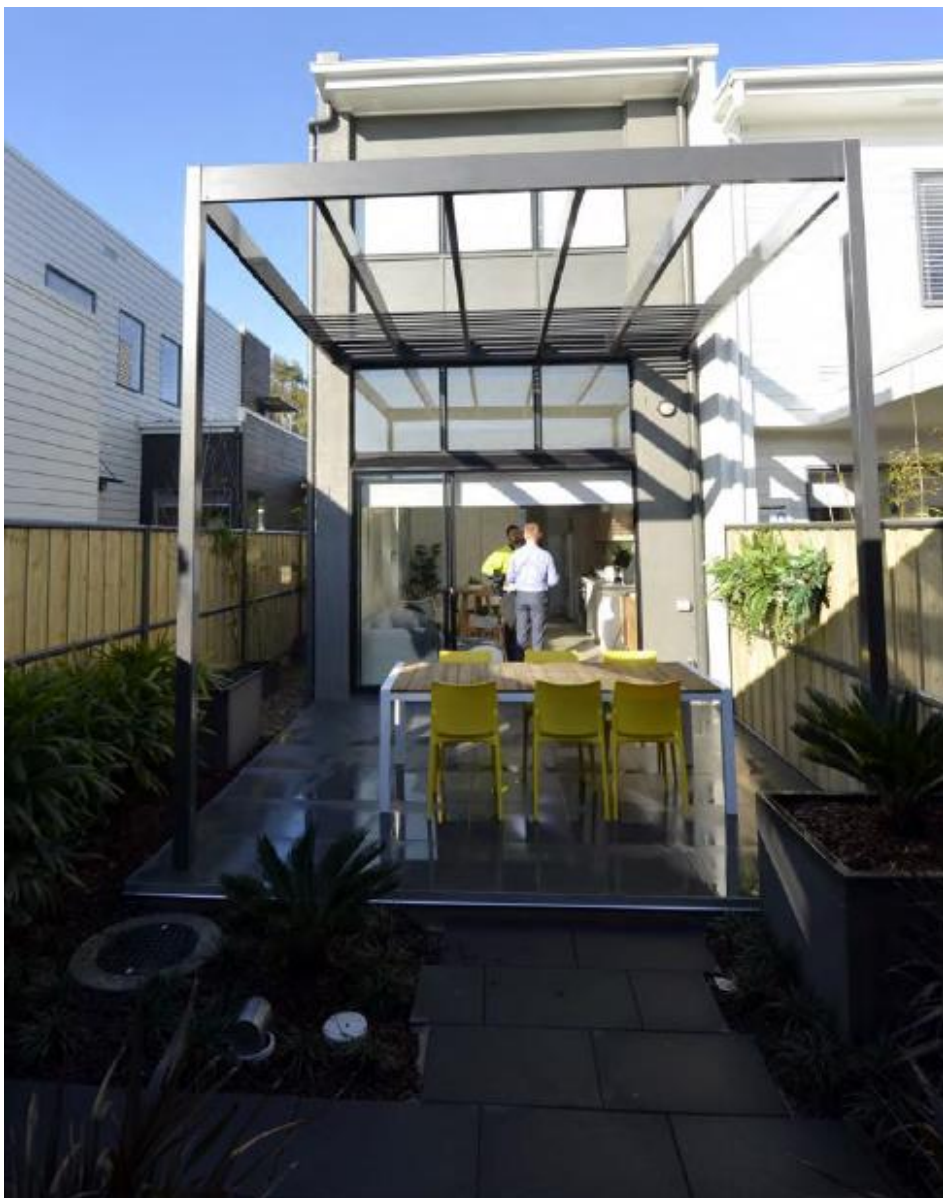
Medium Density Housing Controls					
	Alfresco	Setback of roofs associated with alfresco areas from any boundary	0.9m (minimum)	<p>Lot 2043 (stage 93) – exceeds 900mm</p> <p>Lot 2116 (stage 94) - 4 of the 8 dwellings have the alfresco roofing adjoining 2 side boundaries. A masonry wall is provided along the length of the roofing that adjoins the boundary. This measure will enhance privacy between dwellings and thus amenity of the private open space areas of adjoining dwellings.</p>	<p>Yes</p> <p>No however can support for the reasons provided.</p>
Private Open Space	Provision	Per dwelling	16m ² (minimum dimension of 3m)	<p>Lot 2043 (stage 93) - the POS areas shown shaded on the plan vary between 40sqm – 60sqm.</p> <p>Lot 2116 (stage 94) - the POS areas are shaded on the plan with area provided varying between 35sqm – 79sqm.</p> <p>It is noted the POS area includes obstructions such as steps, landscape areas, clothes drying lines, water tanks. Notwithstanding, a useable functional covered outside area with minimum dimensions of at least 3m has been provided.</p>	<p>Yes</p> <p>Yes</p>
		Solar access requirement	2 hours for 50% of private open space area during mid-winter minimum 50% of the superlot	<p>Lot 2043 (stage 93)) a minimum 8sqm of outdoor area will receive a total</p> <p>Lot 2116 (stage 94)) of 2 hours of sunlight at various times during the winter solstice. Solar access is discontinuous and the 2 hours refers to the cumulation of areas greater than 8sqm that will receive sunlight. The areas receiving sunlight is not limited to useable functional areas, but includes landscape beds, steps, clothes drying lines and covered outdoor areas with roof sheeting that allows indirect penetration of sunshine.</p> <p>Additional shadow diagram information was provided showing solar access to the north east facing front patios and balconies and through the openings of internal living areas. This will contribute to the amenity of the proposal.</p>	Yes
Parking	Provision	One to two bedroom dwelling	1 car space	<p>Lot 2043 (stage 93) – nil proposed</p> <p>Lot 2116 (stage 94) – 2 dwellings with 2 bedrooms (on the small lots). A semi-enclosed carport is proposed</p>	Yes
		Three bedroom + dwelling	2 car spaces (minimum 1 space covered)	<p>Lot 2043 (stage 93)) – double garage provided with typical dimensions</p> <p>Lot 2116 (stage 94)) of at least 5.6m (D) x 5.8m (W)</p>	<p>Yes</p> <p>Yes</p>
	Provision	Siting	Located where garages accessed from rear	Studio is located above a garage that is accessed from rear laneway	Yes

Medium Density Housing Controls					
Studios above garages		Design	In keeping with built form, materials of main dwelling	Main dwelling is a two storey dwelling Juliet balcony provided; favourably addresses surrounding street network Openings located and sized to not adversely impact on neighbouring development.	Yes
Building design	Provision	Building facades, street frontage & character	Design requirements – Section 4, pages 15-17 and 4.3 roof design	The proposal is consistent with the design requirements detailed in the Guideline	Yes
		Garages	Design requirements – Section 4.2, page 18	Garages match main dwelling roof form and materials. Will present as a cohesive lane scape	Yes

Attachment 1 – Photos of a completed terrace style dwelling



Dining / Living Room



Alfresco/ Outdoor Living Area