BELLINGEN SHIRE COUNCIL

ADDENDUM ASSESSMENT MEMORANDUM – BUILDING HEIGHT EXCEEDANCE AND FLOODING

NORTHERN REGIONAL PLANNING PANEL

PANEL REFERENCE & DA NUMBER	PPSNTH-183 – BELLINGEN - DA2022/00130
PROPOSAL	Demolition of existing buildings and construction of a new residential flat building comprising 3 x 3 storey linked buildings accommodating 12 x 1 bedroom apartments and 6 x 2 bedroom apartments. It is Stage 2 of an affordable housing development with Stage 1 comprising 23 x 1 bedroom apartments with basement parking for 24 vehicles on adjoining land being approved by the Northern Regional Planning Panel on 12 September 2022. Stage 2 is reliant on the off street parking provided as part of Stage 1.
ADDRESS	15 Watson Street, Bellingen (Lot 1 DP 863743) and 4 Rawson Street, Bellingen (Lot 4 DP 21520)
APPLICANT	Royal Freemasons Benevolent Institution of NSW
OWNER	Royal Freemasons Benevolent Institution of NSW
DA LODGEMENT DATE	11 October 2022
APPLICATION TYPE (DA, Concept DA, CROWN DA, INTEGRATED, DESIGNATED)	Development Application
REGIONALLY SIGNIFICANT CRITERIA	Section 2.19(1) and Clause 5 of Schedule 6 of *State Environmental Planning Policy (Planning Systems) 2021* declares the proposal regionally significant development as: *development that has a capital investment value of more than $5m for any of the following purposes - affordable housing.*
CIV	$5,060,818 (excluding GST)
CLAUSE 4.6 REQUESTS	A variation to the provisions of Clause 4.3 (Height of Buildings) of the Bellingen Local Environmental Plan (BLEP) 2010 is sought because the proposed maximum building height exceeds the 10m height control that applies to the entire Bellingen Shire by a maximum 2.6m. The land is zoned R1 General Residential under the BLEP 2010.
KEY SEPP/LEP	• *State Environmental Planning Policy (Housing) 2021* • *State Environmental Planning Policy (Resilience and Hazards) 2021* • *State Environmental Planning Policy (Planning Systems) 2021*

	• *State Environmental Planning Policy No 65—Design Quality of Residential Apartment Development* • *State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004* • *State Environmental Planning Policy (Transport and Infrastructure) 2021* • *Bellingen Local Environmental Plan 2010* • *Bellingen Shire Development Control plan 2017*
TOTAL & UNIQUE SUBMISSIONS KEY ISSUES IN SUBMISSIONS	6 submissions – 5 objections plus 1 submission from St Mary's Primary School expressing concerns about site management during construction with a request to formalise the use of Watson Street as a drop off and afternoon pick up zone with appropriate signage. Key issues in submissions are: • Building height • Loss of privacy • Loss of outlook (view of treescape) • Devaluation of adjoining/nearby properties • Excessive traffic and congestion • Overbearing scale • Noise and light pollution • Not in character with 1 storey neighbourhood • Lack of off street parking • Site management during construction (dust, asbestos, truck movements) Conflict with use of Watson Street by St Marys School as a drop off/pick up zone
DOCUMENTS SUBMITTED FOR CONSIDERATION	Statement of Environmental Effects Architectural Drawings (Revision B) o Floor Plans – GA – Basement Plan o Floor Plans – GA – Ground Plan o Floor Plans – GA – Level 1 Plan o Floor Plans – GA – Level 2 Plan o Floor Plans – GA – Roof Plan o Elevations – North & South Elevation o Elevations – East & West Elevation o Sections – Section A + B o External Finishes Schedule Architectural Drawings (Revision A) o Site Context Plans o Site Analysis o Site Plan o Staging Diagram o Demolition Plan o Excavation and Fill Plan o Communal Open Space Area (COS) o Deep Soil Zones o Solar Access Analysis o Natural Ventilation Analysis o Private Open Space Area (POS) o Storage o Shadow Diagrams o Building Height Plan (DCP)

	○ Building Height Plan (LEP) Montage (from outside 14 Watson Street mostly viewing Stage 1) Montage (from corner Rawson and Watson Streets) Landscape Plan Clause 4.6 Request to Vary LEP Development Standard (Height) Stormwater Management Plan Statement of Heritage Impact Access Review Report Site Waste Minimisation Management Plan Contamination Assessment Capital Investment Value Report SEPP 65 Report BASIX Pre-lodgement Meeting Construction Noise and Vibration Assessment Traffic Impact and Car Parking Statement AHIMS Geotechnical Assessments
SPECIAL INFRASTRUCTURE CONTRIBUTIONS (S7.24)	Not applicable
RECOMMENDATION	Approval
DRAFT CONDITIONS TO APPLICANT	Yes
SCHEDULED MEETING DATE	18 April 2023
PLAN VERSION	March 2023 Revision B
PREPARED BY	Benson McCormack Architecture
DATE OF MEMORANDUM	17 April 2023

1. BUILDING HEIGHT EXCEEDANCE QUERY

The Planning Panel Secretariat has advised that the Northern Regional Planning Panel would be assisted by further assessment of the building height exceedance particularly with respect to the compatibility of the proposed height with the character of a low density residential area (Objective 5 of the R1 Zone).

Response

As noted, one objective of the R1 General Residential zone is, *"to ensure that the height and scale of buildings are compatible with a low density residential character".*

By way of context the Bellingen Shire Local Housing Strategy 2020-2040 which is referenced in the Council's Local Strategic Planning Statement identifies (page 64) 15 Watson Street – Former Aged Care Units Bellorana, as an infill focus area and key site as follows:

"The Infill Capacity Study illustrates that some areas have more opportunities to provide infill housing than others. These areas are designated "infill focus areas". These areas may see more change than others but could also become the focus for development incentives, desired future character statements/planning design guidance and infrastructure and sustainability improvements.

Key sites are sites with considerable infill potential, and generally the potential to deliver greater housing diversity, for example townhouses, flats or small villa development. These sites are well located close to shops, services, and open space. Key sites recognised in planning policies could be accompanied by a set of design principles and there is the possibility of including incentives should these principles be observed. Key sites may offer good yields and present development partnership opportunities. The draft Infill Focus Areas and draft Key Sites are shown in the maps on the following pages. For more information see the Infill Capacity Study."

This indicates a potentially more nuanced approach than would otherwise be suggested by the zone objective.

In relation to the attributes of the site it is important to note that it is located on a corner, both defining the corner and "book ending" the already approved Stage 1 Affordable Housing project which is of similar scale. Reducing the height of the building by one floor will provide a less satisfactory street end to the already approved Stage 1 development.

Another attribute to the corner site is that opposite and diagonally opposite in Rawson Street is a vegetated drainage corridor and a park respectively. Whilst the southern side of Watson Street is characterised by single storey dwellings on lots of approximately 600m^2, the character at the intersection of Watson Street and Rawson Street is influenced by a more landscaped setting and the adjoining and approved Stage 1 development.

As indicated in the assessment report there are other relevant objectives to the R1 General Residential zone which the application unequivocally responds to being objective 1, *"to provide for the housing needs of the community"* and objective 2, *"to provide for a variety of housing types and densities".*

2. FLOODING

The Planning Panel Secretariat has advised that the Panel would be assisted by further assessment of the matters concerning flooding in clause 5.21 of the Bellingen Local Environmental Plan 2010. Clause 5.21 concerns Flood Planning and provides the following objectives:

(a) *to minimise the flood risk to life and property associated with the use of land*
Comment: Flood modelling indicates the site has potential flood affectation from the adjoining watercourse. Based on the modelling the general flood planning level varies across the site from a 12.9m AHD close to the site's north east corner up to a maximum

of 13.8m AHD close to the intersection of Watson and Rawson Streets. This is a reasonably significant variation across the site. In response, the ground floor of the development achieves the maximum level for the general flood planning level (GFPL) for the site which is 13.8m AHD. The GFPL includes a 500mm freeboard. Proposed condition no. 12 requires a structural engineer's report be submitted to the Principal Certifying Authority certifying that the structure can withstand flood forces in a probable maximum flood (PMF) event and that cladding and other non-structural components can withstand flood forces up the general flood planning level. Proposed condition 43 requires the building to be flood proofed up the general flood planning level. In relation to minimising flood risk to life it should be noted that Watson Street is continually rising to the east to land above the PMF so there is not considered to be a significant evacuation risk. In relation to this the objective does not seek to eliminate all flood risk and the application and proposed conditions appropriately respond to reducing the risk to accord with the objective.

(b) to allow development on land that is compatible with the flood function and behaviour on the land, taking into account projected changes as a result of climate change.
Comment: The GFPL takes into account projected changes as a result of climate change as well as providing a freeboard. Proposed conditions 12 and 43 also address this objective.

(c) to avoid adverse or cumulative impacts on flood behaviour and the environment
Comment: In this small catchment there is relatively little risk of similar filling activities resulting in an adverse cumulative impact.

(d) to enable the safe occupation and efficient evacuation of people in the event of a flood.
Comment: This has been considered in (a) above. Watson Street is continually rising from the site with the street at the eastern end of the Stage 1 development being above the PMF. There will be no significant evacuation risk.

Clause 5.21(2) provides that development consent must not be granted unless the consent authority is satisfied the development is (a) compatible with the flood function and behaviour on the land, and (b) will not adversely affect flood behaviour in a way that results in detrimental increases in the potential flood affectation of other development, and (c) will not adversely affect the safe occupation and efficient evacuation of people or exceed the capacity of existing evacuation routes for the surrounding area, and (d) incorporates appropriate measures to manage risk to life in the event of a flood, and (e) will not adversely affect the environment …" These considerations have been addressed in relation to the clause objectives.

Clause 5.21(3) similarly provides that the consent authority must (a) consider the impact of the development on projected changes to flood behaviour as a result of climate change, and (b) the intended design and scale of buildings resulting from the development and (c) whether the development incorporates measures to minimise the risk to life and ensure the safe evacuation of people in the event of a flood and finally (d) the potential to modify, relocate or remove buildings resulting from the development if the area is impacted by flooding or coastal erosion. Again, the proposed development and the proposed conditions will result in a development which is compliant with Council's requirements and where risk is minimal.