**ATTACHMENT 4 – COMPLIANCE TABLES**

**Apartment Design Guide**

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| **Part 2 - Developing the controls** | | |
|  | **Proposal** | **Compliance** |
| **Building Depth**  Use a range of appropriate maximum apartment depths of 12-18m from glass line to glass line. | Apartment depths are generally as approved in the Stage 1 concept and range from 10m up to 27.15m.  The boat shed apartments have not been considered here as there is a large open area to the centre of the building. | Yes |
| ***Building Separation***  Minimum separation distances for buildings are:  *Up to four storeys (approx12m):*   * 12m between habitable rooms/balconies * 9m between habitable and non-habitable rooms * 6m between non-habitable rooms.   Note:   * At the boundary between a change in zone from apartment buildings to a lower density area, increase the building setback from the boundary by 3m * No building separation is necessary where building types incorporate blank party walls. Typically this occurs along a main street or at podium levels within centres. | Within the development site there are two x three storey proposed RFB’s and RFB units proposed in the boat shed (which is three storeys in height).  Between the two RFB buildings there is a 12m separation between habitable rooms and there is a 12.2m separation between the West RFB and the boat shed units.  There is a 15m separation between the RFB’s and terraces. Therefore, the required separation distances are achieved.  It is noted that there are no residential flat building units on any of the adjoining sites. | Yes |
| **Front, Rear & Side Setbacks**  See discussion under the relevant Development Control Plan. | Setbacks comply with the Stage 1 concept approval and are considered satisfactory. | Yes |
| **Part 3 Siting the development Design criteria/guidance** | | |
| **3A Site Analysis**  Site analysis illustrates that design decisions have been based on opportunities and constraints of the site conditions and their relationship to the surrounding context  Design guidance  Each element in the site analysis checklist should be addressed | A suitable site analysis has been submitted which addresses how the development was designed in response to the site conditions and surrounding development. | Yes |
| **3B Orientation**  Building types and layouts respond to the streetscape and site while optimising solar access and minimising overshadowing of neighbouring properties in winter. | North facing Terraces to the front boundary address the street and context. Central Residential Flat Building located and positioned to maximise to solar gain, ventilation and views to surrounding context. | Yes |
| **3C Public domain interface**  Transition between private & public domain is achieved without compromising safety and security and amenity of the public domain is retained and enhanced. | There are safe and secure paths of travel between the public street and private residences.  Direct access to the street is available to all ground floor Terraces. The RFB Apartments on the ground have  access to a path that leads them through the communal area and then to the street.  The Terraces have direct view and surveillance to the street. The landscape buffer of the communal area to  the RFB apartments provides a level of privacy protection. | Yes |
| **3D Communal & public open space**  Provide communal open space to enhance amenity and opportunities for landscaping & communal activities.  Design guidance  Provide communal open space (COS) with an area equal to 25% of site;  Minimum 50% of usable area of communal open space to receive direct sunlight for a minimum of 2 hours between 9 am and 3 pm on 21 June. | The communal open space for;  — Proposed Public Space-5587m²= 45%  — Propsed Semi Public Space (Upper Basement) = 1068m² = 9%  — Proposed Communal Space\_ Roof Level =679m² = 6%  — **Total proposed Communal Open Space =7334 m²=60% of site** | Yes |
| **3E** **Deep Soil Zone**  Deep soil zones provide areas on the site that allow for and support healthy plant and tree growth. They improve residential amenity and promote management of water and air quality.  **Design criteria**   1. Deep soil zones are to be provided equal to 7% of the site area and with min dimension of 6m. | Site area= 15,870m²  Required deep soil= 7%  Total proposed deep soil= 1629m² with dimension over 6m (10.2%) | Yes |
| **3F Visual Privacy**  Building separation distances to be shared equitably between neighbouring sites, to achieve reasonable levels of external and internal visual privacy.  **Design Criteria**  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:   |  |  |  | | --- | --- | --- | | Building Height | Habitable rooms & 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 |   Note:   * No separation is required from blank walls; * Gallery access circulation should be treated as habitable space when measuring privacy separation distances between neighbouring properties. | Within the development site there are two x three storey proposed RFB’s and RFB units proposed in the boat shed (which is three storeys in height).  Between the two RFB buildings there is a 12m separation between habitable rooms and there is a 12.2m separation between the West RFB and the boat shed units.  There is a 15m separation between the RFB’s and terraces. Therefore, the required separation distances are achieved. | Yes |
| **3G Pedestrian Access & entries**  Pedestrian Access, entries and pathways are accessible and easy to identify. | Public ramps and entry to the public areas of the site are clearly marked by landscaping. | Yes |
| **3H Vehicle Access.**  Vehicle access points are designed and located to achieve safety, minimise conflicts between pedestrians and vehicles and create high quality streetscapes. | The car park entry is integrated into the landscape of the lot to minimise the visibility of the entry on the street and the entry door to the carpark is off the street front and located to the western side of the site. There is no carpark street address. | Yes |
| **3J Parking Provisions.**  **Car parking**:  For development in the following locations:   * on sites that are within 800 metres of a railway station; or * within 400 metres of land zoned, B3 Commercial Core, B4 Mixed Use or equivalent in a nominated regional centre,   the minimum parking for residents and visitors to be as per TfNSW Guide to Traffic Generating Developments, or Council’s car parking requirement, whichever is less. | The site is not located within 800m of a railway station or within 400m of land zoned B3 Commercial Core or MU1 Mixed Use. Therefore Council’s DCP car parking rates are applicable. | Yes |
| **Bicycle Parking**:  Provide adequate motorbike, scooter and bicycle parking space (undercover).  10% of carspaces | Bicycle stores above the required minimum and motorbike parking is provided within the development  Bicycles for commercial and retail EOT=16 bike  Bicycles residential-located within private garage=38  RFB=38 enclosed Bike lockers | Yes |
| **Part 4 Designing the building** |  |  |
| **4A Solar & daylight access**  1. 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. | 73% (36 units) of the residential units in the RFB’s and shed will receive a minimum of 2 hours of sunlight to living rooms and POS between 9am and 3pm in mid-winter. | Yes |
| No more than 15% of apartments in a building receive no direct sunlight between 9 am and 3 pm at mid- winter. | A minimum of 15 mins is achieved for all units between 9am and 3pm in mid-winter. There are no units receiving no direct sunlight. | Yes |
| Design should incorporate shading and glare control, particularly for warmer months. | Design features include screening, plantings, fins. Operable screens and deep balconies. | Yes |
| **4B Natural Ventilation**  All habitable rooms are naturally ventilated. | A dual aspect for most of the units allows for ventilation for all habitable rooms. | Yes |
| Design layout of single aspect apartments to maximises natural ventilation and airflow (See Figure 4D.3) | The single aspect apartments maximise natural ventilation and airflow. | Yes |
| Design criteria for natural cross ventilation:   1. 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.   2. Overall depth of a cross-over or cross-through apartment does not exceed 18m, measured glass line to glass line. | 41 out of 49 of the apartments achieve natural cross ventilation (amounting to 84%).  No individual apartments exceed 18m in depth. | Yes  Yes |
| **4C Ceiling Heights**  Ceiling height achieves sufficient natural ventilation and daylight access. The following is required as a minimum:   |  |  | | --- | --- | | Min ceiling height for apartment & mixed use buildings | | | Habitable rooms | 2.7m (3.1m floor to floor) | | Non Habitable | 2.4m | | 2 storey apts | 2.7m for main living area ,  2.4m for 2nd floor | | Attic spaces | 1.8m at edge of room | | Mixed used zone | 3.3m for ground & 1st floor to promote future flexibility of use. | | Habitable rooms have a minimum floor to ceiling height of 2.7 and non-habitable are 2.4m or greater.  This is a function of the existing heritage form and conditions and requirements to adhere to the height plane limits set in the Stage 1 DA. | Yes |
| **4D Apartment size and layout**  Apartments are required to have the following minimum internal areas with one bathroom:   * Studio = 35m2; * 1 bedroom = 50m2; * 2 bedroom = 70m2; * 3 bedroom = 90m2; * 4 bedroom = 102m2.   Note:   * Additional bathrooms increase the minimum internal area by 5m2; | Studio: None proposed  1 bedroom: None proposed  2 bedroom: 83.5m² minimum proposed  3 bedroom: 128.3m² minimum proposed  4 bedroom: 258m² minimum proposed | Yes |
| Every habitable room must have a window in an external wall with a total minimum glass area of not less than 10% of the floor area of the room. Daylight and air may not be borrowed from other rooms. | All habitable rooms have direct access to a window opening that achieves light and ventilation. No borrowed daylight and air is proposed. | Yes |
| Habitable room depths are limited to a maximum of 2.5 x the ceiling height.  In open plan layouts – habitable room (where the living, dining and kitchen are combined) be maximum depth of 8m from a window. | All units comply with this requirement. | Yes |
| Bedroom - minimum dimension of 3m (excluding wardrobe space) | All bedrooms have minimum dimension of 3m. | Yes |
| Living rooms or combined living/dining rooms have a minimum width of:   * 3.6m for studio and 1 bedroom apartments; * 4m for 2 & 3 bedroom apt | All living rooms have a width exceeding 4m. | Yes |
| The width of cross-over or cross-through apartments are at least 4m internally to avoid deep narrow apartment layouts. | The cross-over and cross-through apartments exceed 4m internally. | Yes |
| **4E Private Open Space and balconies**  Apartments must provide appropriately sized private open space and balconies to enhance residential amenity.  **Design criteria**  1.All apartments are required to have primary balconies as follows:   |  |  |  | | --- | --- | --- | | Dwelling type | Minimum area | Min.depth | | Studio apartments | 4m2 | N/A | | 1 bedroom | 8m2 | 2m | | 2 bedroom | 10m2 | 2m | | 3+ bedroom | 12m2 | 2.4m | | All private open space balconies above ground level in the RFB’s and boatshed comply. | Yes |
| 2. 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 15m2 and a minimum depth of 3m. | All ground floor apartments in the RFB’s and boatshed comply. | Yes |
| **4F Common circulation and spaces.**  **Design criteria**   1. The maximum number of apartments off a circulation core on a single level is 8.   Where design criteria 1 is not achieved, no more than 12 apartments should be provided of a circulation core on a single level. | There is a maximum of 5 units in total off a single core. | Yes |
| **Design Guide:**  Daylight and natural ventilation should be provided to all common circulation space above ground. Windows should be provided at the end wall of corridor, adjacent to the stair or lift core. | Suitable daylight and natural ventilation is provided to all common circulation space. | Yes |
| **4G Storage**  Adequate, well designed storage is to be provided for each apartment.  **Design criteria**  1.In addition to storage in kitchens, bathrooms and bedrooms, the following storage is to be provided:   |  |  | | --- | --- | | **Dwelling type** | **Storage**  **size volume** | | Studio | 4m3 | | 1 bedroom apt | 6m3 | | 2 bedroom apt | 8m3 | | 3 + bedroom apt | 10m3 |   At least 50% of the required storage is to be located within the apartment.  Additional storage is conveniently located, accessible and nominated for individual apartments (show on the plan). | Compliant storage areas are provided in the units and in the basement levels.   |  |  | | --- | --- | |  |  | |  |  | |  |  | |  |  | |  |  | | Yes |
| **4H Acoustic privacy**  Noise transfer is minimised through the siting of buildings, building layout, and acoustic treatments.  Plant rooms, services and communal open space and the like to be located at least 3m away from the bedrooms.  Appropriate noise shielding or attenuation techniques for the building design, construction and choice of materials are used to mitigate noise transmission. | The apartments are suitably designed to minimise noise transmission between units. | Yes |
| **4K Apartment mix**  A range of apartment types with different number of bedrooms (1bed, 2 bed, 3 bed etc) should be provided. | The proposed unit mix comprises 6x2 bedroom and 43 x 3/4 bedroom units. | Yes |
| **4L Ground floor apartments**  Building facades to provide visual interest, respect the character of the local area and deliver amenity and safety for residents. | The building facades create suitable visual interest, respect the character of the locality and deliver amenity and safety for residents. | Yes |
| Building functions are expressed by the façade. | The facades will effectively convey the functions of the buildings. | Yes |
| **4N Roof design**  Roof treatments are integrated into the building design and positively respond to the street. | Satisfactory. | Yes |
| Opportunities to use roof space for residential accommodation and open space are maximised. | Part of the roof space of the RFB’s is proposed to be used as COS and there suitable facilities proposed. | Yes |
| Roof design incorporates sustainability features. | The roof design incorporates suitable sunshading within the COS area. | Yes |
| **4O Landscape design**  Landscape design contributes to the streetscape and amenity. Landscape design is viable and sustainable | The landscape design effectively contributes to streetscape and amenity. The design is viable and sustainable. | Yes |
| **4P Planting on structures**  Appropriate soil profiles are provided. | The landscaping plans depict suitable soil profiles. | Yes |
| **4Q Universal design**  Universal design features are included in apartment design to promote flexible housing for all community members. A variety of apartments with adaptable designs are to provided. | 10% (7 units) of the proposed units are adaptable and 7 units have been designed as Silver Level Liveable Housing. | Yes |
| **4T Awnings and signage**  Awnings are well located and complement and integrate with the building design. | Protected covered areas are provided for the RFB’s. The shed will have its own awning off the forecourt area which will offer protection for the public and residents. | Yes |
| **4U Energy efficiency**  Development incorporates passive environmental design measures – solar design, natural ventilation etc. | An energy efficiency and sustainability report has been submitted with the application which outlines the efficiency measures proposed. | Yes |

**State Environmental Planning Policy (Biodiversity and Conservation) 2021**

**Chapter 6 Water Catchments**

| **Provision** | **Proposal** | **Compliance** |
| --- | --- | --- |
| ***Cl. 6.6 Water Quality and Quantity*** | | |
| 1. Development should have neutral or beneficial effect on quality of water entering waterways | The works are proposed to be located wholly above the MHWM. Suitable WSUD measures have been proposed to result in the development not having any impact on the quality of water entering the waterway. | Yes |
| 1. Development should not have an adverse impact on water flow in a natural waterbody. | The development will not result in adverse impacts on water flow as all works are above the MHWM. | Yes |
| 1. Development should not increase the amount of stormwater runoff from a site. | The proposal will not increase the extent of stormwater runoff from the site. | Yes |
| 1. Development should incorporate on-site stormwater retention, infiltration or reuse. | The proposed development incorporates a 10,000 Litre rainwater tank which will be used for site irrigation. | Yes |
| 1. Development should not impact upon the level and quality of the water table. | The proposed development will not impact upon the level and quality of the water table. | Yes |
| 1. Development should not increase the cumulative impact of development on the regulated catchment. | The development will result in neutral impact on the regulated catchment. | Yes |
| 1. Development should make adequate provision to protect the quality and quantity of groundwater. | The proposal will not impact upon the quality or quantity of groundwater. | Yes |
| (2) Development consent must not be granted to development on land in a regulated catchment unless the consent authority is satisfied the development ensures- | | |
| (a) The effect on the quality of water entering a natural waterbody will be as close as possible to neutral or beneficial. | The development will not result in any detrimental impact on the quality of water entering the natural waterbody due to satisfactory water quality measures. | Yes |
| (b) The impact on water flow in a natural waterbody will be minimised. | The proposal will not result in any detrimental impact on water flow in the waterbody. | Yes |
| ***Cl. 6.7 Aquatic Ecology*** | | |
| (a) Consent authority must consider whether the development will have a direct, indirect or cumulative adverse impact on terrestrial, aquatic or migratory animals or vegetation. | The development does not include any works below the MHWM and will not impact on terrestrial, aquatic or migratory animals or vegetation. | Yes |
| (b) Consent authority must consider whether the development involves the clearing of riparian vegetation and, if so, whether the development will require –  (i) A controlled activity approval under the Water Management Act 2000  (ii) A permit under the Fisheries Management Act 2000. | The proposal does not result in any disturbance of riparian vegetation and will not require a controlled activity approval or permit under the Fisheries Management Act for this purpose. | N/A |
| (c) Consent authority must consider whether the development will minimise or avoid –  (i) The erosion of land abutting a natural waterbody.  (ii) The sedimentation of a waterbody. | The proposed development includes suitable measures to prevent erosion and sedimentation. | Yes |
| (d) Consent authority must consider whether the development will have an adverse impact on wetlands that are not in the coastal wetlands or littoral rainforests area. | The proposed development will not result in any adverse impact on wetlands and there are no works below the MHWM. | Yes |
| (e) Consent authority must consider whether the development includes adequate safeguards and rehabilitation measures to protect aquatic ecology. | Given the scope of works there will be no impact on the aquatic ecology. | Yes |
| (f) If the development site adjoins a natural waterbody – it should be considered whether additional measures are required to ensure a neutral or beneficial effect on water quality of the waterbody. | All necessary measures are detailed in the recommended conditions of consent. | Yes |
| (2) Development consent must not be granted to development on land in a regulated catchment unless the consent authority is satisfied of the following - | | |
|  |  |  |
| (a)  the direct, indirect or cumulative adverse impact on terrestrial, aquatic or migratory animals or vegetation will be kept to the minimum necessary for the carrying out of the development, | Proposal will not result in any impacts on terrestrial, aquatic or migratory animals or vegetation. | Yes |
| (b)  the development will not have a direct, indirect or cumulative adverse impact on aquatic reserves, | Proposal will not have any foreseeable direct, indirect or cumulative adverse impact on aquatic reserves. | Yes |
| (c)  if a controlled activity approval under the [*Water Management Act 2000*](https://legislation.nsw.gov.au/view/html/inforce/current/act-2000-092) or a permit under the [*Fisheries Management Act 1994*](https://legislation.nsw.gov.au/view/html/inforce/current/act-1994-038) is required in relation to the clearing of riparian vegetation—the approval or permit has been obtained, | The application has been referred to NRAR but the referral does not relate to the clearing of riparian vegetation. | N/A |
| (d)  the erosion of land abutting a natural waterbody or the sedimentation of a natural waterbody will be minimised, | The proposal includes measures to minimise the extent of erosion of land abutting the waterbody. | Yes |
| (e)  the adverse impact on wetlands that are not in the coastal wetlands and littoral rainforests area will be minimised. | N/A – there are no wetlands in the vicinity of the site. | N/A |
| ***Cl. 6.8 Flooding*** | | |
| (1)  In deciding whether to grant development consent to development on land in a regulated catchment, the consent authority must consider the likely impact of the development on periodic flooding that benefits wetlands and other riverine ecosystems. | The applicant has submitted a harbour flooding report which recommends improvements to the sea walls fronting the site. The applicant has advised that these seawall works will form part of the future marina DA. | Yes |
| (2)  Development consent must not be granted to development on flood liable land in a regulated catchment unless the consent authority is satisfied the development will not—  (a)  if there is a flood, result in a release of pollutants that may have an adverse impact on the water quality of a natural waterbody, or  (b)  have an adverse impact on the natural recession of floodwaters into wetlands and other riverine ecosystems. | The proposal includes a number of elements to prevent the release of pollutants in the event of a flood and the proposal will not impact the natural recession of floodwaters into wetlands. | Yes |
| **Cl. 6.9 Recreation and Public Access** | | |
| (1)  In deciding whether to grant development consent to development on land in a regulated catchment, the consent authority must consider—  (a)  the likely impact of the development on recreational land uses in the regulated catchment, and  (b)  whether the development will maintain or improve public access to and around foreshores without adverse impact on natural waterbodies, watercourses, wetlands or riparian vegetation. | The proposal will result in a positive impact on the recreational landuses within the catchment as it improves public access to the foreshore and will not adversely impact upon the natural waterbody, wetlands or riparian vegetation. | Yes |
| (2)  Development consent must not be granted to development on land in a regulated catchment unless the consent authority is satisfied of the following—  (a)  the development will maintain or improve public access to and from natural waterbodies for recreational purposes, including fishing, swimming and boating, without adverse impact on natural waterbodies, watercourses, wetlands or riparian vegetation,  (b)  new or existing points of public access between natural waterbodies and the site of the development will be stable and safe,  (c)  if land forming part of the foreshore of a natural waterbody will be made available for public access as a result of the development but is not in public ownership—public access to and use of the land will be safeguarded. | The proposal will improve public access to the waterbody for recreational purposes and will not adversely impact upon the waterbody, wetlands or riparian vegetation.  The points of public access will be stable and safe by way of accessible footpaths.  The areas proposed for public access will be safeguarded by the creation of rights of way across the site. | Yes |
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| **Cl. 6.10 Total catchment management** | | |
| In deciding whether to grant development consent to development on land in a regulated catchment, the consent authority must consult with the council of each adjacent or downstream local government area on which the development is likely to have an adverse environmental impact. | The proposal will not result in any adverse environmental impacts on the any downstream areas. | Yes |
| **Cl. 6.11 Land within 100m of a natural waterbody** | | |
| In deciding whether to grant development consent to development on land within 100m of a natural waterbody in a regulated catchment, the consent authority must consider whether—  (a)  the land uses proposed for land abutting the natural waterbody are water-dependent uses, and  (b)  conflicts between land uses are minimised. | The proposed landuses are not water dependent and do not result in any conflicts between land uses. | Yes |
| **Cl. 6.26 Zoning of Foreshores and Waterways Area** | | |
| (1)  For this Part, land is in one of the following zones if it is shown within the zone on the [Foreshores and Waterways Area Map](https://www.planningportal.nsw.gov.au/publications/environmental-planning-instruments/state-environmental-planning-policy-biodiversity-and-conservation-2021)—  Zone 1—Maritime Waters  Zone 2—Environment Protection  Zone 3—Naval Waters  Zone 4—Aviation  Zone 5—Water Recreation  Zone 6—Scenic Waters—Active Use  Zone 7—Scenic Waters—Casual Use  Zone 8—Scenic Waters—Passive Use  Zone 9—National Parks and Nature Reserves  (2)  A zone boundary that follows the water’s edge, as shown on the [Foreshores and Waterways Area Map](https://www.planningportal.nsw.gov.au/publications/environmental-planning-instruments/state-environmental-planning-policy-biodiversity-and-conservation-2021), is taken to follow the mean high water mark.  (3)  This section does not affect the zoning, under another environmental planning instrument, of land in the Foreshores and Waterways Area if the land is not included in a zone under this section. | For the purpose of the BC SEPP, the portion of the site below the MHWM is located in *Zone 8 – Scenic Waters – Passive Use*. The proposed development does not comprise any works below the MHWM. |  |
| **Cl. 6.28 General** | | |
| (1)  In deciding whether to grant development consent to development in the Foreshores and Waterways Area, the consent authority must consider the following—  (a)  whether the development is consistent with the following principles—  (i)  Sydney Harbour is a public resource, owned by the public, to be protected for the public good,  (ii)  the public good has precedence over the private good,  (iii)  the protection of the natural assets of Sydney Harbour has precedence over all other interests,  (b)  whether the development will promote the equitable use of the Foreshores and Waterways Area, including use by passive recreation craft,  (c)  whether the development will have an adverse impact on the Foreshores and Waterways Area, including on commercial and recreational uses of the Foreshores and Waterways Area,  (d)  whether the development promotes water-dependent land uses over other land uses,  (e)  whether the development will minimise risk to the development from rising sea levels or changing flood patterns as a result of climate change,  (f)  whether the development will protect or reinstate natural intertidal foreshore areas, natural landforms and native vegetation,  (g)  whether the development protects or enhances terrestrial and aquatic species, populations and ecological communities, including by avoiding physical damage to or shading of aquatic vegetation,  (h)  whether the development will protect, maintain or rehabilitate watercourses, wetlands, riparian lands, remnant vegetation and ecological connectivity. |  |  |
| **Cl 6.47 – Master Plans** | | |
| (1)  A master plan for a strategic foreshore site must illustrate and explain, as appropriate, proposals for the following—  (a)  design principles drawn from an analysis of the site and its context,  (b)  phasing of development,  (c)  the distribution of land uses, including foreshore public access and open space,  (d)  pedestrian, cycle and motor vehicle access and circulation networks,  (e)  provision for parking,  (f)  provision for infrastructure,  (g)  building envelopes and built form controls,  (h)  heritage conservation, including the implementation of heritage management documents or applicable publicly available policies,  (i)  remediation of the site,  (j)  provision of public facilities,  (k)  provision of open space, including the function and landscaping of the space,  (l)  any impact on adjoining land reserved or acquired under the [National Parks and Wildlife Act 1974](https://legislation.nsw.gov.au/view/html/inforce/current/act-1974-080) and measures to be taken in relation to the impact,  (m)  the protection and enhancement of the natural assets of the site and land adjoining the site,  (n)  the protection and enhancement of natural waterbodies and aquatic ecology on or adjoining the site. | The approval of the Stage 1 Concept DA (LDA/2018/0223) satisfies the requirements for the preparation of a master plan. | Yes |
| **Part 6.4 Heritage Conservation in Sydney Harbour** | | |
| In this Part—  ***heritage development*** means development that involves one or more of the following—  (a)  demolishing or moving, or altering the exterior, including by changing the detail, fabric, finish or appearance of a building, of—  (i)  a heritage item, or  (ii)  an Aboriginal object, or  (iii)  a building, work, relic or tree within a place or site that is a heritage item,  (b)  altering a heritage item that is a building by making structural changes to its interior or by making changes to anything inside the item that is specified in Schedule 5 in relation to the item,  (c)  disturbing or excavating an archaeological site while knowing, or having reasonable cause to suspect, the disturbance or excavation will or is likely to result in a relic being discovered, exposed, moved, damaged or destroyed,  (d)  disturbing or excavating an Aboriginal place of heritage significance,  (e)  erecting a building on, or subdividing, land—  (i)  on which a heritage item or Aboriginal object is located, or  (ii)  within a place or site that is a heritage item,  (f)  development near a heritage item, including development that—  (i)  may have an impact on the setting of the heritage item, including by affecting a significant view to or from the item or by overshadowing, or  (ii)  may undermine or otherwise cause physical damage to the heritage item, or  (iii)  will otherwise have an adverse impact on the heritage significance of the heritage item. | The site is listed as State heritage item No. 68 “Naval Refit Centre” under Schedule 5 of the BC SEPP but is not listed on the State Heritage Register under the *Heritage Act 1977*. The site is also listed as local heritage item No. 327 and local archaeology site No. A346 “Former Squire’s Brewery and Halversen’s Boat Yard” under the RLEP 2014. The proposed development seeks approval for the adaptive reuse of the boat shed. | Yes |

**Sydney Harbour Foreshores and Waterways DCP 2005**

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| **Matter for Consideration** | **Comments** |
| **Section 5.10 – Multi Unit Residential Development** | |
| In areas where public access is to be extended, buildings should be set back from the foreshore boundary a minimum of 12 metres to allow public foreshore access of 6 metres and private open space of 6 metres. Open space should be of a suitable dimension and grade to enable efficient use of these areas with minimal disturbance to the foreshore; | The proposed residential flat buildings are set back between 15.7m and 30m from the foreshore boundary. The boat shed building will retain its existing envelope. |
| Detailing and planting of the public access is to appear as the public domain and be distinct from the private areas of the development; | The design of the public access and landscaping is proposed to incorporate feature trees parallel to the main pathways to direct pedestrians towards the waterfront. Native planting throughout the site will screen residential components from the public domain. |
| Floor levels of ground floor units should be 1 metre above the adjoining public access to minimise loss of privacy; | There is suitable courtyard fencing proposed for the ground floor units within the residential flat buildings. In terms of the boatshed, the floor levels are dictated by the existing form of the building. |
| Car parking should be located away from the waterfront and setback a minimum of 3 metres from the public access to allow adequate screening; | Car parking is wholly contained in the basement levels and exceeds 3m from the public foreshore access. |
| Car parking should not be visible from the waterway. No roof top parking is allowed and parking beneath buildings should be screened by vegetation or integrated into the building form as a base to the building; | All car parking is wholly within the basement levels and will not be visible from the waterway. |
| Developments proposed near existing maritime or boating industries, must recognise that these industries are legitimate uses of waterfront land. Accordingly, new developments that may be sensitive to noise, odours, light or other effects associated with industries, should be sited and designed to minimise disturbance to their future occupants | The proposed range of uses across the site are compatible with each other and ensure that the residential dwellings do not unreasonably affect the operation of the future marina use. |
| **5.11 – Redevelopment Sites** | |
| Ensure continuous and inviting public access to the foreshore; | The proposal includes public access to the foreshore via the main entranceway to the site and two connections from Bennelong Park and one connection from the open space to the west. |
| Allow for a mix of uses to further improve the public utility and amenity of the waterfront; | The proposal includes retail/commercial tenancies which will improve the public utility and amenity of the waterfront. |
| Provide public jetties and wharves for access to vessels where there is a demonstrated demand; | A separate DA is under assessment for the construction of a 36 berth marina for the development. |
| Identify suitable areas that can be conserved and made available to the public; | Publicly available open space is provided along the foreshore and other parts of the site including the heritage boatshed. |
| Provide public road access to the foreshore park where a park is being provided; | N/A – there is no park proposed. |
| Be designed considering the site in the broader context of the River and the Harbour. Redevelopment sites have the potential to provide a gateway and become a waterside destination for the hinterland. | The proposal provides for a mix of active waterfront uses that will encourage visitors to the area. |