

City Development



To: Southern Regional Planning Panel

Copy:

From: Andre Vernez
Senior Development Planner
Shoalhaven City Council

Subject: PPSSTH-142 - Council Reference RA22/1001

Address

- 192-198 Kerry St, SANCTUARY POINT - Lots 944-947 DP 27857
- Paradise Beach Rd, SANCTUARY POINT - Lot 3 DP 806393
- Kerry St, SANCTUARY POINT - Lot 4 DP 806393

Proposal Demolition of existing structures, removal of trees, construction of two-storey public library building, associated landscaping works and extension of adjacent Council-owned car park

Date: 9 May 2023

File: RA22/1001/4

CONTACT: Andre Vernez - 02 4429 5210

Council provides the following addendum to the submitted assessment report to address matters that have risen since the finalisation of the assessment report and following review of the draft conditions of consent by the applicant. This addendum addresses:

- 1) Building height
- 2) Applicant response to the draft conditions

1. Building height

It has been identified that the maximum height of the building in the location of the 'light funnel' exceeds the maximum height control of 11m under section 4.3 of *Shoalhaven Local Environmental Plan 2014* (SLEP 2014) (refer Figure 1). This architectural element is an "architectural roof feature" capable of approval under section 5.6 of SLEP 2014. The relevant provisions of the LEP are addressed below.

SLEP 2014 Sections

Part 4 Principal development standards		
4.3 Height of buildings (1) <i>The objectives of this clause are as follows—</i> (a) <i>to ensure that buildings are compatible with the height, bulk and scale of the</i>	The subject site has a maximum permitted building height of 11m as per sub-section (2A). The proposed development does not exceed the height limitation, except for a decorative element of the building that has	Yes

<p><i>existing and desired future character of a locality,</i></p> <p><i>(b) to minimise visual impact, disruption of views, loss of privacy and loss of solar access to existing development,</i></p> <p><i>(c) to ensure that the height of buildings on or in the vicinity of a heritage item or within a heritage conservation area respect heritage significance.</i></p> <p><i>(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.</i></p> <p><i>(2A) If the Height of Buildings Map does not show a maximum height for any land, the height of a building on the land is not to exceed 11 metres.</i></p>	<p>been considered against the provisions of section 5.6 below.</p> <p>The proposed roof feature is consistent with the objectives of the zone, being compatible with the desired future character of the locality and providing the building with a sense of identity by providing a distinguishable feature to assist visitors with wayfinding. The proposal furthermore will not impact existing development in the area including any heritage items.</p>	
<p>5.6 Architectural roof features</p> <p><i>(1) The objectives of this clause are as follows—</i></p> <p><i>(a) to ensure that rooflines, including architectural roof features, respond to and are compatible with the scenic attributes of natural and built environments,</i></p> <p><i>(b) to ensure that rooflines, including architectural roof features, on or in the vicinity of a heritage item or within a heritage conservation area are designed having regard to the heritage values of that item or conservation area.</i></p> <p><i>(2) Development that includes an architectural roof feature that exceeds, or causes a building to exceed, the height limits set by clause 4.3 may be carried out, but only with development consent.</i></p> <p><i>(3) Development consent must not be granted to any such development unless the consent authority is satisfied that—</i></p> <p><i>(a) the architectural roof feature—</i></p> <p><i>(i) comprises a decorative element on the uppermost portion of a building, and</i></p> <p><i>(ii) is not an advertising structure, and</i></p> <p><i>(iii) does not include floor space area and is not reasonably capable of modification to include floor space area, and</i></p> <p><i>(iv) will cause minimal overshadowing, and</i></p> <p><i>(b) any building identification signage or equipment for servicing the building (such as plant, lift motor rooms, fire stairs and the like) contained in or</i></p>	<p>The proposed development includes an architectural roof feature that exceeds the height limit set by section 4.3 and for which consent has been sought.</p> <p>The roof feature is situated on the part of the building that fronts Kerry Street and Paradise Beach Road and comprises a distinguishable roof element of the uppermost portion of the building and has been designed to funnel light into the green wall of the youth area on the first floor of the building (as shown on the submitted section plans at Figure 1).</p> <p>The maximum height of the roof feature is 12.25m as shown at Figure 1.</p> <p>It is considered that the consent authority, being the SRPP, can be satisfied that the architectural roof feature:</p> <ul style="list-style-type: none"> - Comprises an architectural and decorative element on the uppermost position of the building; - Is not an advertising structure; - Does not include floor space area and is not reasonably capable of modification to include floor space area; - Will cause minimal overshadowing. <p>Council has also noted that there is no signage or equipment for servicing the building within the architectural roof feature.</p> <p>Accordingly, the proposal is recommended to be supported.</p>	<p>Yes</p>

supported by the roof feature is fully integrated into the design of the roof feature.

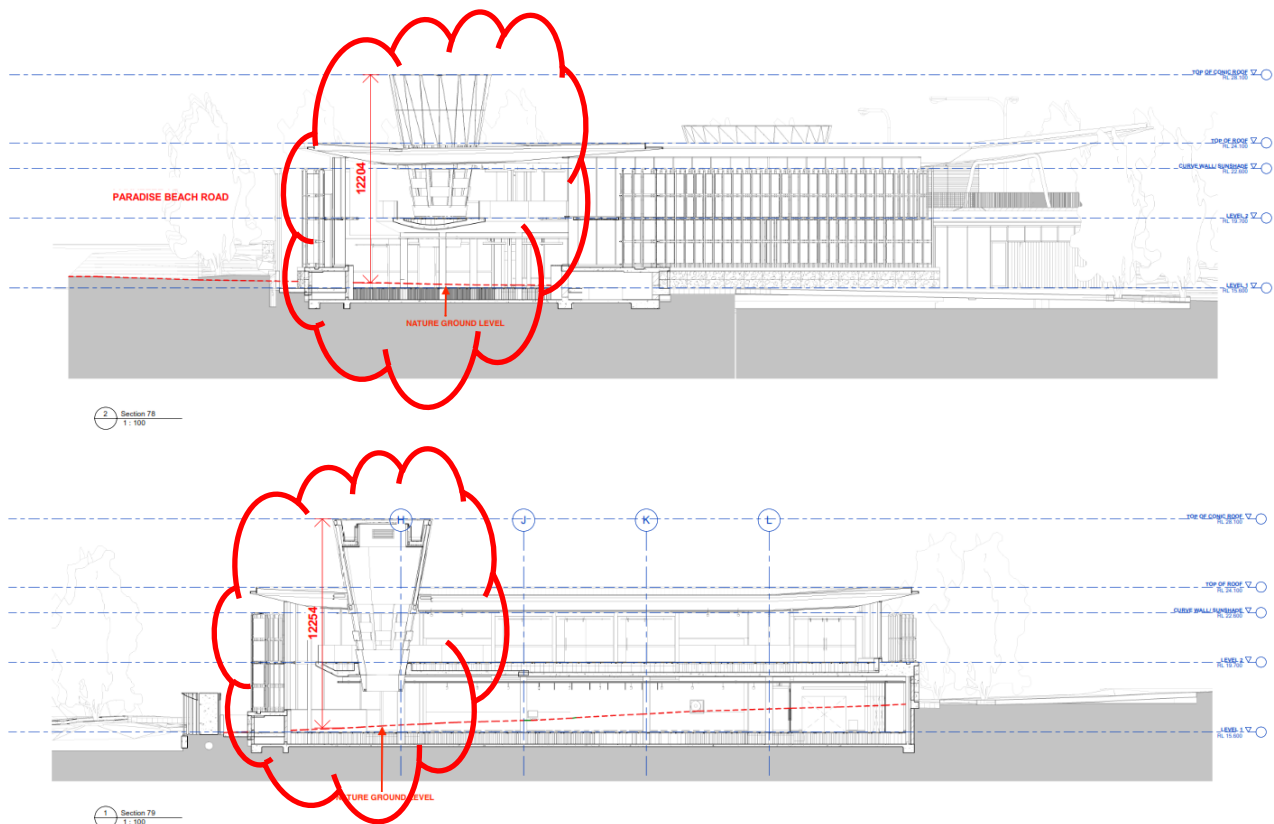


Figure 1: Section Plans

2. Applicant response to the draft conditions

Council issued draft conditions of consent to the applicant for comment on 28 April 2023.

Comments were provided by the applicant following the Council reporting timeframes for the submission of Council's report to the SRPP. The following table addresses each of these conditions.

It is noted that no conditions are contested, with the only recommended change being the deletion of Condition 35(b).

Condition	Issues raised by applicant	Council response
Condition 1 Plans	Please note that DA Assessing Panel has adopted the Rear Carpark Option B which retain existing T49 and less car spaces (which was not the recommended option Option B).Option 1b is less by 11 car spaces in comparison to Option 2b.	As part of the assessment of the application, options were presented to Council (called 1b and 2b) which presented different parking and tree retention outcomes in response to Council RFIs. The outcome of the assessment was that 1b was considered to achieve a better

Condition	Issues raised by applicant	Council response
		<p>environmental outcome with confirmed retention of significant trees at the rear of the carpark.</p> <p>With the agreement of the applicant this option was put forward as the 'proposed development' to be assessed.</p> <p><u>Council recommendation:</u> No change.</p>
<p>Condition 28</p> <p>Amended Landscape Design Plans</p>	<p>a)</p> <p>i) As per the attached plans we are able to replace the 30 trees to be nominated for removal with 60 new trees</p> <p>ii) A 15m mature height for all 60 replacement trees is not achievable. As per the attached plans some of the 60 new trees are located close to power lines, adjacent to pedestrian pathways, within the central courtyard or on the Level 1 raised podium, which do not support 15m high trees. Council also note further in the second part of condition 28 that larger trees that can be climbed or provide access inside the perimeter should not be planted around the perimeter of the facility. This part of the condition appears to contradict the inclusion of 15m high trees as compensatory plantings.</p> <p>iii) Minimum pot size of 45L is achievable</p>	<p>i) Noted.</p> <p>ii) Noted. A 'potential mature height' is the maximum <i>potential</i> height under optimum growing conditions with no trimming. The condition does not prevent pruning of the trees which as Council land would be able to occur without any subsequent approvals. The submitted Tree Replacement Plan identifies species such as Water gum, Swamp oak, Spotted gum, Sydney peppermint and White stringy bark, all of which have a maximum potential height of >15m. The 15m height is to ensure trees of a large tree canopy and size are planted.</p> <p>iii) Noted.</p> <p><u>Council recommendation:</u> No change.</p>
<p>Condition 32</p> <p>Asset Relocation – Endeavour Energy</p>	<p>Asset relocation is referring to Endeavour Energy replacing existing pole lights within the rear carpark, internal street between the proposed Library and the existing Motel. Council has been looking after the process/negotiation with Endeavour Energy. Please ensure Condition is reasonable.</p>	<p>This condition has been recommended by Endeavour Energy. The condition as recommended by Endeavour Energy did not include a threshold/stage for compliance. The draft consent has included this at Construction Certificate stage as is considered reasonable to capture any potential design changes required to comply with the condition.</p> <p><u>Council recommendation:</u> No change.</p>
<p>Condition 35</p> <p>WSUD Measures – Water Quality,</p>	<p>1. The current civil drawings generally comply with conditions 34(a), 34(b), 34(c), 34(d), 34(e) and 34(f). A DRAINS model (or</p>	<p>1. Noted.</p> <p>2. Council's Development Engineer has no objection to Condition 35(b) being</p>

Condition	Issues raised by applicant	Council response
Retention and Reuse	<p>approved alternative) calculations will need to be provided and a brief report or calculation shown on amended drawings prior to CC approval.</p> <p>2. Condition 35(b) can only be satisfied if two additional GPT's are provided. We believe this is not warranted and this condition should be amended to state GPT's are to be provided as per the concept stormwater drainage plan by Westlake Punnett (Drawing No. 20606/C21 RevH dated 23/02/2023 and 2606/C20 RevG dated 1/12/2022.</p> <p>3. Other items in condition 35 can be addressed and shown on amended drawings and additional design compliance statements for the GPT's obtained from the GPT supplier ROCLA.</p>	<p>removed as this is shown on the plan outlined in Condition 35(a).</p> <p>3. Noted.</p> <p><u>Council recommendation:</u> Condition 35(b) to be deleted.</p>
Condition 41(d) Graffiti	<p>Graffiti resistant materials or treatments are to be used in outdoor areas of the building, including retaining walls.</p> <p>The precast concrete walls will need to have a graffiti resistant coating applied to them that may alter the look and feel of the finished product.</p>	<p>The comment is noted. How the condition is satisfied is a matter for the Construction Certificate. The environmental planning grounds of imposing this condition are considered to be valid and the condition is recommended to remain.</p> <p><u>Council recommendation:</u> No change.</p>
Condition 44 Vehicle Access to Rear of 204 and 206 Kerry Street	<p>We may need to negotiate this as this won't be possible for a week or two during the construction of the carpark.</p>	<p>This comment was received prior to the finalisation of the consent. Condition 44 has been edited in the recommended conditions of consent submitted to the Panel.</p> <p>The wording of the condition reviewed by the applicant was changed from requiring unimpeded access at all construction times, to allowing access to be blocked as needed but with the agreement of the affected owners.</p> <p><u>Council recommendation:</u> No change to the recommended draft consent.</p>

In summary, the only change required to the draft determination is the deletion of Condition 35(b). Condition 35 is to be modified to read as follows:

WSUD Measures – Water Quality, Retention and Reuse

Prior to the issue of a Construction Certificate, a detailed design of permanent water quality, retention and reuse devices must be certified by a professional engineer, (as defined in the National Construction Code) who can demonstrate the appropriateness of the proposed design for the site in accordance with Council's Engineering Design and Construction Specifications and is to be approved by Council. Specifications can be found on Council's website.

The Integrated Water Cycle Management Strategy must be updated to ensure that stormwater treatment, retention and reuse design must comply with the following:

- a) The concept stormwater drainage plan by Westlake Punnett (Drawing No. 20606/C21, Revision H, dated 23/02/2023).
- b) The GPT design is to include a design compliance statement from the manufacturer ensuring that the GPT has been sufficiently designed for the site.
- c) The GPT is to be sized to include a sump capacity sufficient to hold 12 months of expected sediment and gross pollutants from the contributing catchment.
- d) The WSUD strategy must have appropriate stormwater retention storage that is equal to or greater than 10mm for increases in all impervious surfaces compared to the pre-development condition.



Andre Vernez
Senior Development Planner
Date: 9 May 2023