

COUNCIL ASSESSMENT REPORT

Panel Reference	PAN-202308
DA Number	RA22/1002
LGA	Shoalhaven City Council
Proposed Development	Residential Flat Building (Affordable Rental Housing)
Street Address	44-52 Coomea Street, Bomaderry
Applicant/Owner	Southern Cross Community Housing Ltd
Date of DA lodgement	24 March 2022
Total number of Submissions Number of Unique Objections	None
Recommendation	Approval
Regional Development Criteria (Schedule 6 of the SEPP (Planning Systems) 2021)	<p>3 Council related development over \$5 million</p> <p>Development that has a capital investment value of more than \$5 million if—</p> <ul style="list-style-type: none"> a) a council for the area in which the development is to be carried out is the applicant for development consent, or b) the council is the owner of any land on which the development is to be carried out, or c) the development is to be carried out by the council, or d) the council is a party to any agreement or arrangement relating to the development (other than any agreement or arrangement entered into under the Act or for the purposes of the payment of contributions by a person other than the council). <p>5 Private infrastructure and community facilities over \$5 million</p> <p>Development that has a capital investment value of more than \$5 million for any of the following purposes—</p> <ul style="list-style-type: none"> a) air transport facilities, electricity generating works, port facilities, rail infrastructure facilities, road infrastructure facilities, sewerage systems, telecommunications facilities, waste or resource management facilities, water supply systems, or wharf or boating facilities, b) affordable housing, child care centres, community facilities, correctional centres, educational establishments, group homes, health services facilities or places of public worship.
List of all relevant s4.15(1)(a) matters	<ul style="list-style-type: none"> • State Environmental Planning Policy (Planning Systems) 2021; • State Environmental Planning Policy (Resilience and Hazards) 2021; • State Environmental Planning Policy (Transport & Infrastructure) 2021; • State Environmental Planning Policy (Housing) 2021; • State Environmental Planning Policy (SEPP) No. 65 – Design Quality of Residential Apartment Building; Note State Environmental Planning Policy (SEPP) • Shoalhaven Local Environmental Plan 2014 (SLEP 2014); and • Shoalhaven Development Control Plan 2014 (SDCP 2014).
List all documents submitted with this report for the Panel's consideration	<p>Attachment 1 – Revised Architectural Plans</p> <p>Attachment 2 – Draft Notice of Determination – Development Consent</p>
Clause 4.6 requests	N/A

Summary of key submissions	None
Report prepared by	Jack Rixon – Mecone
Report date	27 May 2022
Summary of s4.15 matters Have all recommendations in relation to relevant s4.15 matters been summarised in the Executive Summary of the assessment report?	Yes
Legislative clauses requiring consent authority satisfaction Have relevant clauses in all applicable environmental planning instruments where the consent authority must be satisfied about a particular matter been listed, and relevant recommendations summarized, in the Executive Summary of the assessment report?	Yes
Clause 4.6 Exceptions to development standards If a written request for a contravention to a development standard (clause 4.6 of the LEP) has been received, has it been attached to the assessment report?	Not applicable
Special Infrastructure Contributions Does the DA require Special Infrastructure Contributions conditions (S7.24)? <i>Note: Certain DAs in the Western Sydney Growth Areas Special Contributions Area may require specific Special Infrastructure Contributions (SIC) conditions</i>	Not applicable
Conditions Have draft conditions been provided to the applicant for comment? <i>Note: in order to reduce delays in determinations, the Panel prefer that draft conditions, notwithstanding Council's recommendation, be provided to the applicant to enable any comments to be considered as part of the assessment report</i>	Yes

1. Executive Summary

The subject site is located to the east of Coomea Street, approximately 125m to the west of Bomaderry Train Station. The land is legally identified as:

- Lot 23/25 DP28886,
- Lot 22/25 DP28886,
- Lot 21/25 DP28886,
- Lot 20/25 DP28886, and
- Lot 19/25 DP28886.

The site is predominantly cleared and comprises a lawn surface. Historically, the site contained five (5) dwelling houses. The site is surrounded by retail, commercial and residential developments.

The subject DA was lodged on 24 March 2022. The application is described as an Affordable Rental Housing development comprising two (2), two-storey residential flat buildings providing a total of thirty-nine (39) dwellings that will be separated by a communal open space area. The thirty-nine (39) dwellings will comprise ten (10) Studio apartments, seventeen (17) one-bedroom apartments, eight (8) two-bedroom apartments and four (4) three-bedroom apartments. The proposal will also provide two separate at grade car parking areas, both with direct driveway access to Coomea Street, providing a total of nineteen (19) parking spaces, including eight (8) accessible parking spaces.

The land is zoned B4 Mixed Use under the *Shoalhaven Local Environmental Plan 2014* (SLEP 2014), under which residential flat building is permitted with consent.

As the development has a capital investment value (CIV) of more than \$5 million, and as Shoalhaven City Council are a party to an agreement or arrangement relating to the proposal, and the application is for private infrastructure and community facilities over \$5 million the application constitutes a regional development application, and the Southern Regional Planning Panel is the determining authority for the application in accordance with sections 3 and 5 of Schedule 6 of SEPP (Planning Systems) 2021.

The development application has been assessed against the following relevant environmental planning instruments:

- *State Environmental Planning Policy (Planning Systems) 2021*
- *State Environmental Planning Policy (Resilience and Hazards) 2021*
- *State Environmental Planning Policy (Transport and Infrastructure) 2021*
- *State Environmental Planning Policy (Housing) 2021*
- *State Environmental Planning Policy No 65 – Design Quality of Residential Apartment Development (SEPP 65)*
- *Shoalhaven Local Environmental Plan 2014*

There are areas of non-compliance in relation to SEPP 65 and the accompanying Apartment Design Guide which relate to Communal Open Space and Visual Privacy. The proponent has provided a response in relation to these items which have been considered sufficient for the proposal in this circumstance. This is addressed through the report.

The application has also been assessed against the following chapters of the Shoalhaven Development Control Plan 2014 (SDCP 2014):

Generic Chapters

- Chapter 2: General Environmental Considerations
- G1: Site Analysis, Site Design and Building Materials
- G3: Landscaping Design Guidelines
- G4: Removal and Amenity of Trees
- G6: Coastal Management Areas
- G7: Waste Minimisation and Management
- G13: Medium Density and Other Residential Development
- G17: Business, Commercial and Retail Activities
- G21: Car Parking and Traffic
- G26: Acid Sulphate Soils and Geotechnical (Site Stability) Guidelines

Specific Chapters

- N5: Bomaderry Town Centre

The DA was notified in accordance with the *Environmental Planning & Assessment Regulation 2000* (the EP&A Regs) and Council's Community Consultation Policy for Development Applications on 13/04/2022 – 15/05/2022. No submissions were received during the notification period.

The site is considered suitable for the proposed development as consistent with the existing and desired character of the Bomaderry Town Centre.

Approval of the proposal is recommended, subject to conditions of consent.

This report recommends that the application is approved for the reasons outlined in this report.

2. Application Details

Applicant: SOUTHERN CROSS COMMUNITY HOUSING LTD

Owner: Alessandro Pontello (Director Southern Cross Community Housing Ltd)

Capital Investment Value: \$10,628,283 (Incl. GST). This was revised on 15th March 2022.

Disclosures: No disclosures with respect to the Local Government and Planning Legislation Amendment (Political Donations) Act 2008 have been made by any persons.

Note: The applicant for the DA at lodgement was Alex Pontello c/- Edmiston Jones, and the owner was and currently is Southern Cross Community Housing Limited.

3. Detailed Proposal

(a) Development Application

The application as lodged seeks consent for an Affordable Rental Housing development comprising two (2), two-storey residential flat buildings providing a total of thirty-nine (39) dwellings that will be separated by a communal open space area. The thirty-nine (39) dwellings will comprise:

- Ten (10) Studio apartments;
- Seventeen (17) one-bedroom apartments;
- Eight (8) two-bedroom apartments; and
- Four (4) three-bedroom apartments.

The proposal will also provide two separate at grade car parking areas, both with direct driveway access to Coomea Street, providing a total of nineteen (19) parking spaces (eight accessible parking spaces). A dedicated garbage bin storage area will be located at the Coomea Street frontage (behind a screen).

The provision of two communal open space areas, one situated between Buildings A and B, and a smaller communal open space area between Building A and the northern car park. The Communal Open Space areas in total will comprise an area of 671 m².

The Communal Open Space areas will comprise a mixture of paved and soft landscaped areas, within the main communal open space area between Buildings A and B providing a children's playground, picnic tables with BBQ facilities, and community garden area. The provision of landscaping along the property boundaries of the site, including total deep soil zones comprising an area of 610 m².

The proposed development will provide minimum setbacks to boundaries as follows:

- 3m to the Coomea Street frontage.
- 8.25m to the northern boundary.
- 6m to the southern boundary; and
- 3m to the eastern boundary

It is considered that the proposal generally responds to those matters that are regarded as being critical to the assessment of the proposal. Council has sufficient information to form a view as to the appropriateness of the DA in its current form.

Proposed Site Plan

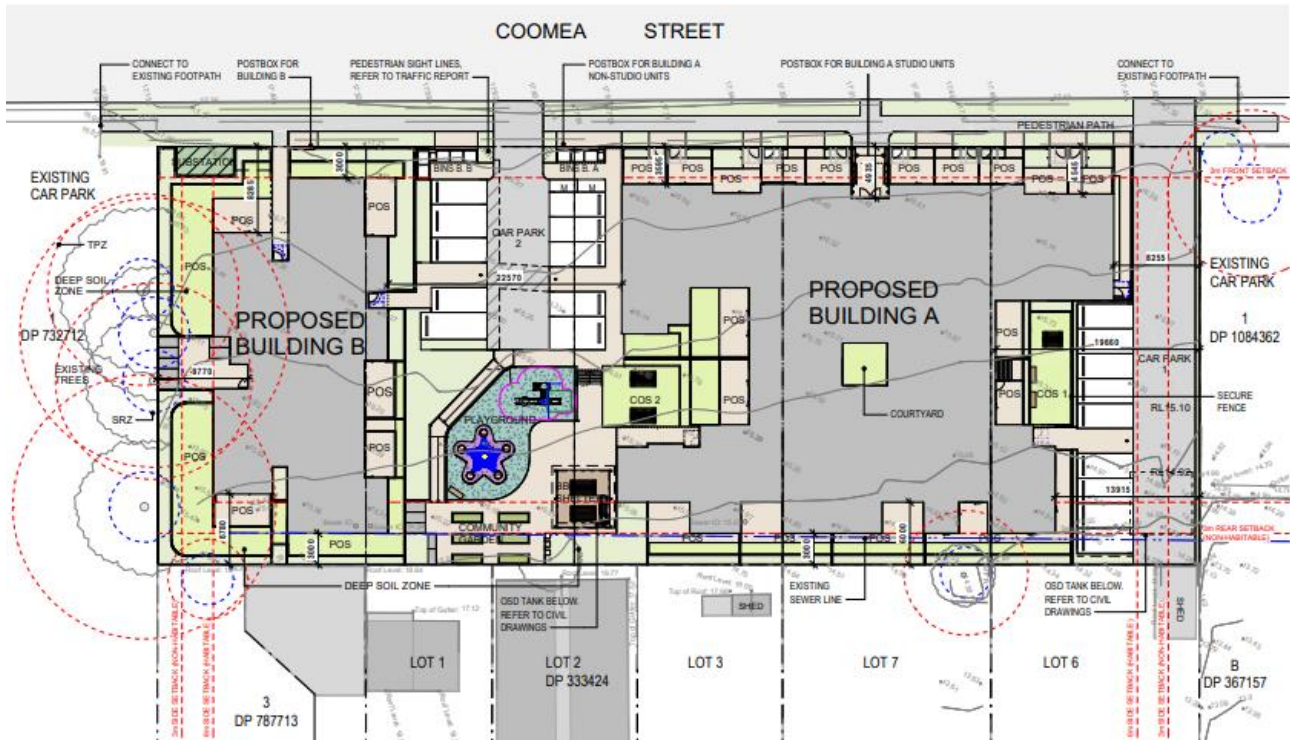


Figure 1. Site Plan of proposed development (Dwg No. DA01)

Proposed elevations plans



Figure 2. East and West Elevation – Building A (Dwg No. DA06)



Figure 3. North and South Elevation – Building A (Dwg No. DA07)



Figure 4. East and West Elevation – Building B (Dwg No. DA08)



Figure 5. North and South Elevation – Building B (Dwg No. DA09)

Table 1. Schedule of Building A

Unit	Level	Bedroom	Area (m2)
Residential Units			
Unit 1	Ground	1 (Studio)	35
Unit 2	Ground	1 (Studio)	35
Unit 3	Ground	1 (Studio)	35
Unit 4	Ground	1 (Studio)	35
Unit 5	Ground	1 (Studio)	35
Unit 6	Ground	1 (Studio)	35
Unit 7	Ground	1 (Studio)	35
Unit 8	Ground	1 (Studio)	35
Unit 9	Ground	1 (Studio)	35
Unit 10	Ground	1 (Studio)	35
Unit 11	Ground	1	56
Unit 12	Ground	1	53
Unit 13	Ground	1	89
Unit 14	Ground	1	59
Unit 15	Ground	1	59
Unit 16	Ground	1	58
Unit 17	Ground	1	61
Unit 18	Ground	1	60
Unit 19	First	3	109
Unit 20	First	1	54
Unit 21	First	2	76
Unit 22	First	3	109
Unit 23	First	1	54
Unit 24	First	1	54
Unit 25	First	2	83
Unit 26	First	2	89
Unit 27	First	1	72
Unit 28	First	1	58
Unit 29	First	1	57

Table 2. Schedule of Building B

Unit	Level	Bedroom	Area (m2)
Residential Units			
Unit 1	Ground	2	84
Unit 2	Ground	2	84
Unit 3	Ground	2	86
Unit 4	Ground	1	50
Unit 5	Ground	1	51
Unit 6	First	3	111
Unit 7	First	2	85
Unit 8	First	3	101
Unit 9	First	1	51
Unit 10	First	1	51

4. Subject Site and Surrounds

Site Description

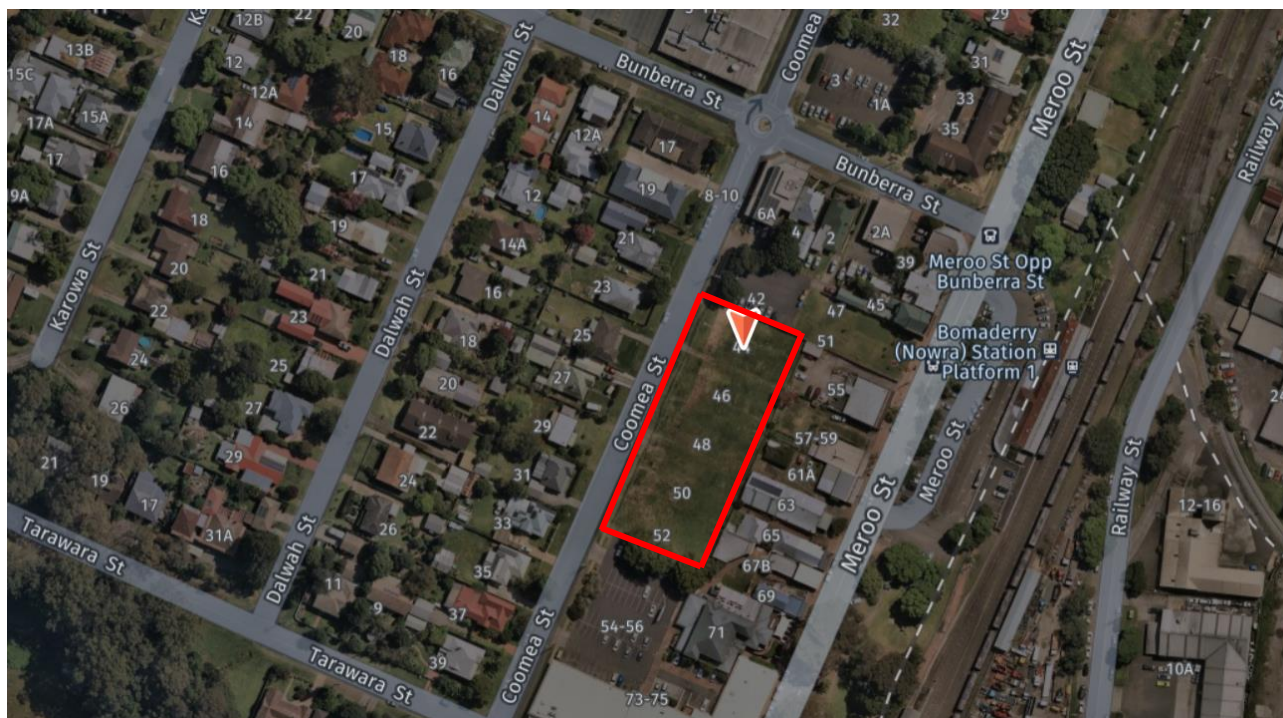


Figure 6. Aerial site photo

Street address: 44-52 Coomea Street, Bomaderry, NSW

Title details:
 Lot 23/25/DP2886
 Lot 22/25/DP2886
 Lot 21/25/DP2886
 Lot 20/25/DP2886
 Lot 19/25/DP2886

Zoning: The site is zoned B4 Mixed Use under the *Shoalhaven Local Environmental Plan 2014* (SLEP).

Site dimensions: The subject land comprises five rectangular parcels of land that are serviced by Coomea Street. The site comprises an area of 4,051m²

Topography The land slopes slightly from the south-western corner to the north-eastern corner of the site

Vegetation: Largely cleared of vegetation and most trees.

Existing buildings: There are no buildings on the site and it is cleared of vegetation.

Site Inspection Photographs:







Surrounding Site

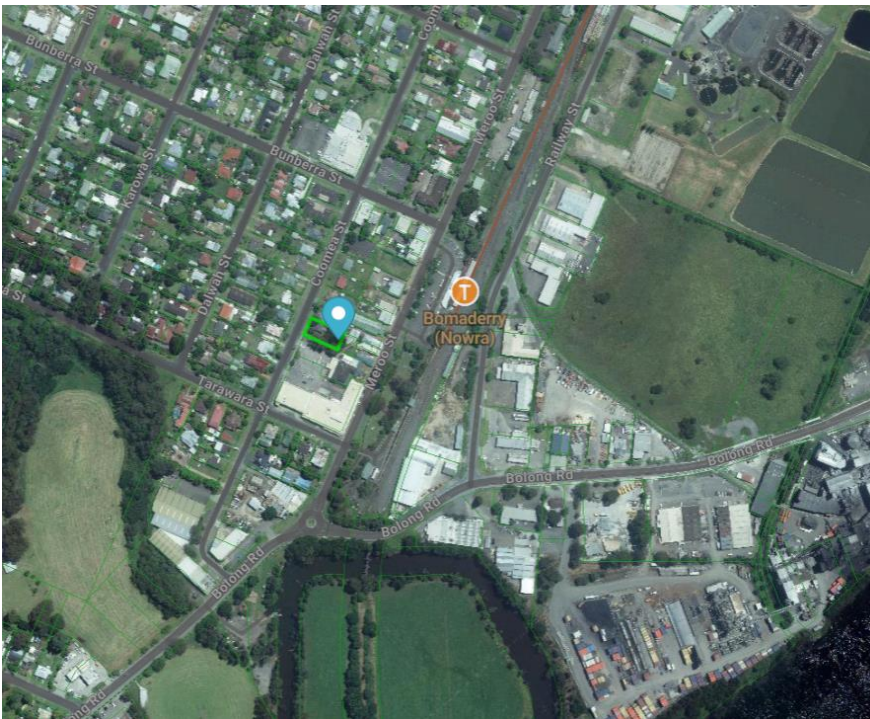


Figure 7. Aerial photo of site showing site context

The site is located adjacent to local shopping centre to the south and in proximity of Bomaderry Train Station.

The surrounding development comprises of the following:

- | | |
|-----------------|---|
| • To the north: | Commercial premises and residential dwellings |
| • To the east: | Commercial/retail premises |
| • To the south: | Local shopping centre |
| • To the west: | Residential development |

The photographs below outline the typical typology of development in the surrounding area.



Figure 8. Site photo to the north-west of the subject site.



Figure 9. Site photo looking to the east of the subject site






Figure 10. Site photo looking to the south-west of the subject site.



Figure 11. Site photo looking to the south-east of the subject site.

Previous Approvals

Darts - since 1st July 2005

Application	Appl. Date	Application Type	Proposal	Status	Completed
 DR22/1271	24/03/2022	Sewer Connection	Residential Flat Building (Affordable Rental Housing)	Incomplete	
 RA22/1002	24/03/2022	Regional Development	Residential Flat Building (Affordable Rental Housing)	Incomplete	
 CD21/1413	08/06/2021	Complying Development	Demolition of 5 Freestanding Dwellings & Associated Buildings	Approved	28/06/2021

5. Background Development Application


Date(s)	Action(s)
July 2021 – September 2021	Community Consultation: Prior to the formulation of the proposal, Southern Cross Housing in conjunction with Council staff undertook consultation with the local community. This led to the preparation of a Consultation Paper submitted as part of the Development Application.
04/03/2022	Application Submitted
10/03/2022	Additional Information Requested <ul style="list-style-type: none"> • Owners Consent • ASIC company extract • Revised Statement of Environmental Effects • Detailed Cost Report • Submission of S68 application
15/03/2022	Response provided by Proponent
24/03/2022	Additional Information Requested <ul style="list-style-type: none"> • Integrated Water Cycle Management System (IWCMS) • Revised Waste Minimisation and Management Plan • Geotechnical Investigation Report • Detailed Cost report prepared by registered quantity surveyor
24/03/2022	Application Lodged into Council's system

Date(s)	Action(s)
6/04/2022	<p>Referral to concurrence and integrated approval bodies</p> <p>Council referred the DA to:</p> <ul style="list-style-type: none"> • Building Surveyor • Heritage • Shoalhaven Water: Development Unit • City Services & Operations: Works & Services Manager • Planning Services: Other • NSW Police • Endeavour Energy
13/04/2022 – 15/04/2022	<p>The DA was advertised on Council's DA Tracking website in accordance with Council policy.</p> <p>The DA was advertised in the Press.</p> <p>Affected owners were notified.</p>
22/04/2022	<p>Response provided by Proponent</p> <p>IWCMS and Geotechnical Report not provided but advised to be provided in due course.</p>
02/05/2022	<p>Revised Stormwater concept plan and IWCMS provided by proponent</p>
13/05/2022	<p>Additional Information Requested</p> <ul style="list-style-type: none"> • Address SEPP 65 and Apartment Design Guideline • Plumbing and drainage information requested as part of section 68 application • Development Engineer referral comments: <ul style="list-style-type: none"> ○ Address Stormwater comments ○ Clarification on parking requirements ○ Clarification on waste servicing arrangements
20/05/22	<p>Response provided by proponent</p> <ul style="list-style-type: none"> • Cover Letter responding to RFI • Design Verification statement • Revised Architectural Drawings • Geotechnical Report

6. Consultation and Referrals

Internal Referrals

Referral	Comments
Building Surveyor	<p>No objections subject to recommended conditions of consent (dated 07/05/2022).</p> <p>It is noted that the application includes a request for section 68 approval, however, required plumbing and drainage information has not been provided. As the applicant is not prepared to provide this level of detail at DA stage, a suitable condition is recommended prior to the issue of a Construction Certificate.</p>
Development Engineer	No objections subject to recommended conditions of consent (dated 25/05/2022).
Heritage Advisor	No objections (dated 12/05/2022).
Shoalhaven Water	No objections subject to recommended conditions of consent (dated 12/05/2022).
City Services (Property & Waste)	<p>No objections subject to recommended conditions of consent (dated 11/05/2022).</p> <p>Adjoining Lot 1 DP 1084362 is Council Operational land, and is used and developed as an existing Council carpark.</p> <p>An easement for drainage will need to be created over this land to support the development to enable it to connect to an existing stormwater drainage line (refer below).</p> <p>The referral from City Services requires this to be provided as part of a Construction Certificate (CC) documentation and Subdivision Works Certificate (SWC). Noting however that subdivision of the site is not proposed under this DA, it is instead considered appropriate for this to occur prior to the operation of the consent.</p> <p>Accordingly, it is recommended these conditions be imposed as a deferred commencement condition(s) to ensure the drainage of the proposed development can adequately drain prior to the consent becoming operative. (refer Deferred Commencement Condition 1(a) and (b)).</p>

	 <p>Aerial image showing existing stormwater drainage line and the subject site (Source: Council GIS)</p>
City Futures (Strategic Planner)	<p>No objections (dated 10/05/2022).</p> <p>Strategic Planning have advised that the proposed development and conditions of consent are consistent with Council resolution, whilst the timing of the review of Chapter N5 of Shoalhaven Development Control Plan 2014 is uncertain, Council has established a general interim policy position supporting the use of the subject site for affordable housing. Council is also a party to the Community Housing Assistance Agreement that relates to this site which requires the land to be used for long term affordable housing.</p> <p>Condition 9 'Register on Title' on the draft consent is recommended by Council's Strategic Planning section to ensure the approved development is consistent with the Agreement between Council and the Department of Communities & Justice.</p>
GIS	<p>No objections subject to recommended property addressing (dated 04/05/2022).</p>

External Referrals

Agency	Comments
Endeavour Energy	No objections subject to recommended conditions of consent (dated 26/05/2022).
NSW Police	No response received.

7. Statutory Considerations

This report assesses the proposed development/use against relevant Commonwealth, State, Regional and Local Environmental Planning Instruments and policies in accordance with section

4.15 (1) of the Environmental Planning and Assessment Act 1979 (EP&A Act). The following planning instruments and controls apply to the proposed development:

(a) Environmental Protection and Biodiversity Conservation Act 1999

The proposed development would not have a significant impact on the matters for consideration under the Environmental Protection and Biodiversity Conservation.

(b) Environmental Planning and Assessment Act 1979

Section 4.36 – State Significant Development

Pursuant to section 4.36 of the Act, development that is declared to be SSD is referred to within the State and Regional Development SEPP. The Minister for Planning is the consent authority for SSD. The proposal does not trigger the criteria for SSD.

Section 4.46 – Integrated Development

The subject development is not considered integrated development as the proposal does not trigger the requirements for other separate approvals.

Section 7.11 - Shoalhaven Contributions Plan 2019

The proposed development is considered to increase the demand for community facilities in accordance with the Shoalhaven Contributions Plan 2019 (the Plan). In accordance with the Plan:

(1) If a consent authority is satisfied that development for which development consent is sought will or is likely to require the provision of or increase the demand for public amenities and public services within the area, the consent authority may grant the development consent subject to a condition requiring—

- (a) the dedication of land free of cost, or*
- (b) the payment of a monetary contribution,*
- or both.*

The proposed development is considered to increase the demand for community facilities in accordance with the Shoalhaven Contributions Plan 2019 (the Plan). The development is most aptly characterised as a Medium Density/Dual Occupancy development for the purpose of calculating contributions under the Plan. Contributions are to be subject to a recommended condition of consent and payment required prior to the issue of a Construction Certificate.

The following calculations apply to the development:

Medium Density/Dual Occupancy

	Existing	Proposed
1 Bedroom Dwelling (Affordable Rental Housing SEPP)	0	27
2 Bedroom Dwelling (Affordable Rental Housing SEPP)	0	8
3 Bedroom Dwelling (Affordable Rental Housing SEPP)	0	4
4 Bedroom Dwelling (Affordable Rental Housing SEPP)	0	0
Lots/Dwellings (not via Affordable Rental Housing SEPP)	5	0
Boarding House Bedrooms	0	0
Total ET		13.8
		0

Project	Description	Rate	Qty	Total	GST	GST Incl
01AREC5006	Northern Shoalhaven Sports Stadium	\$706.53	13.8	\$9,750.11	\$0.00	\$9,750.11
01AREC5007	Nowra Swimming Pool Expansion (Scenic Drive)	\$547.93	13.8	\$7,561.43	\$0.00	\$7,561.43
01AREC5009	Planning Area 1 recreational facilities upgrades (various locations)	\$739.61	13.8	\$10,206.62	\$0.00	\$10,206.62
01CFAC5012	Nowra Integrated Youth Services Centre (Cnr Kinghorne & Plunkett Streets)	\$30.25	13.8	\$417.45	\$0.00	\$417.45
CWAREC5005	Shoalhaven Community and Recreational Precinct SCArP Cambewarra Road Bomaderry	\$1,949.31	13.8	\$26,900.48	\$0.00	\$26,900.48
CWCFAC5002	Shoalhaven Entertainment Centre (Bridge Road Nowra)	\$1,473.26	13.8	\$20,330.99	\$0.00	\$20,330.99
CWCFAC5006	Shoalhaven City Library Extensions (Berry Street, Nowra)	\$1,292.05	13.8	\$17,830.29	\$0.00	\$17,830.29
CWCFAC5007	Shoalhaven Regional Gallery	\$70.93	13.8	\$978.83	\$0.00	\$978.83
CWFIRE2001	Citywide Fire & Emergency services	\$139.37	13.8	\$1,923.31	\$0.00	\$1,923.31
CWFIRE2002	Shoalhaven Fire Control Centre	\$203.89	13.8	\$2,813.68	\$0.00	\$2,813.68
CWMGMT3001	Contributions Management & Administration	\$579.56	13.8	\$7,997.93	\$0.00	\$7,997.93
				Sub Total:		\$106,711.12
				GST Total:		\$0.00
				Estimate Total:		\$106,711.12

Local Government Act 1993

Activities identified under section 68 of the *Local Government Act 1993* require prior approval from Council before the activity can be carried out, except in so far as this Act, the regulations or a local policy adopted under Part 3 allows the activity to be carried out without that approval.

The proposal includes works related to sewer and drainage which require section 68 approval from Council.

8. Statement of Compliance/Assessment

The following provides an assessment of the submitted application against the matters for consideration under section 4.15 of the EP&A Act.

(a) Any planning instrument, draft instrument, DCP and regulations that apply to the land

i) Environmental Planning Instruments

The following Environmental Planning Instruments apply to the assessment of the subject DA:

- *State Environmental Planning Policy (Planning Systems) 2021*
- *State Environmental Planning Policy (Resilience and Hazards) 2021*
- *State Environmental Planning Policy (Transport and Infrastructure) 2021*
- *State Environmental Planning Policy (Housing) 2021*
- *State Environmental Planning Policy No 65 – Design Quality of Residential Apartment Development*
- *Shoalhaven Local Environmental Plan 2014*

State Environmental Planning Instruments Policies

On 1 March 2022, the thematic State Environmental Planning Policies (SEPPs) commenced with 11 new SEPPs introduced which re-organised and repealed 45 former SEPPs. Former SEPPs which applied at the time of the lodgement of this DA, now exist as 'Chapters' within the new instruments.

There are no savings and transitional provisions contained in the new instruments. Rather, each instrument contains a 'transferred provision' clause which states that section 30A of the Interpretation Act 1987 is taken to apply. This means that the transfer of clauses to the new instruments will not affect their operation, and the clauses should be construed as if they had not been transferred.

Accordingly the following assessment assesses the proposal under the new SEPPs as the former SEPPs no longer apply to existing development applications and consents, and the new SEPPs apply instead. The operation and meaning of the transferred provisions has not changed, unless modified in the new SEPPs – this is identified where required in this assessment.

State Environmental Planning Policy (Planning Systems) 2021

The proposal is categorised as a 'Council related development over \$5 million' under Schedule 6 of the above planning instrument. (See below).

Schedule 6 Regionally significant development

3 Council related development over \$5 million

Development that has a capital investment value of more than \$5 million if—

- (a) a council for the area in which the development is to be carried out is the applicant for development consent, or*
- (b) the council is the owner of any land on which the development is to be carried out, or*
- (c) the development is to be carried out by the council, or*
- (d) the council is a party to any agreement or arrangement relating to the development (other than any agreement or arrangement entered into under the Act or for the purposes of the payment of contributions by a person other than the council).*

Shoalhaven City Council are also party to an agreement or arrangement related to the development in that the land was transferred from Council to Southern Cross Housing via a Community Housing Assistance Agreement (CHAA). This saw the Council owned land transferred to the Housing Agency (Dept of Communities and Justice) and then through to Southern Cross Housing as the Provider. The interest created by the agreement is registered on the title.

There is also a Housing Project Delivery Agreement in place between the three parties (Shoalhaven City Council/Dept of Communities and Justice/Southern Cross Housing) with respect to the overall project.

As such, Shoalhaven City Council is party to an 'agreement or arrangement' within respect to this site. The subject land was transferred from Council and eventually to Southern Cross Housing for the proposed purpose.

As well as being a Council related development, the proposal is also related to Schedule 6, section 5 of the SEPP (Planning Systems) 2021 as mentioned below.

5 Private infrastructure and community facilities over \$5 million

Development that has a capital investment value of more than \$5 million for any of the following purposes—

- (a) air transport facilities, electricity generating works, port facilities, rail infrastructure facilities, road infrastructure facilities, sewerage systems, telecommunications facilities, waste or resource management facilities, water supply systems, or wharf or boating facilities,*
- (b) **affordable housing**, child care centres, community facilities, correctional centres, educational establishments, group homes, health services facilities or places of public worship.*

The project will have a Cost of Works of \$10.62 million (incl.GST) as advised in the revised cost estimate dated 15th March 2022.

As such, the proposal is required to be determined by the Southern Regional Planning Panel in accordance with section 4.7 of the EP&A Act.

State Environmental Planning Policy (Resilience and Hazards) 2021

This SEPP repealed and replaced:

- SEPP 33 – Hazardous and Offensive Development;
- SEPP (Coastal Management) 2018; and
- State Environmental Planning Policy 55 – Remediation of Land.

The latter two apply to the subject development and have been replaced with Chapter 2 and 4 of the new SEPP respectively.

Chapter 2 Coastal management

In accordance with **Figure 12** below, the site is mapped as being located within the 'Coastal Environment Area' in accordance with the SEPP (Resilience and Hazards) 2021.



Figure 12 - Coastal Management SEPP Mapping

Section 2.10 – Development on land within the coastal environment area

(1) Development consent must not be granted to development on land that is within the coastal environment area unless the consent authority has considered whether the proposed development is likely to cause an adverse impact on the following—

- (a) the integrity and resilience of the biophysical, hydrological (surface and groundwater) and ecological environment,*
- (b) coastal environmental values and natural coastal processes,*
- (c) the water quality of the marine estate (within the meaning of the Marine Estate Management Act 2014), in particular, the cumulative impacts of the proposed development on any of the sensitive coastal lakes identified in Schedule 1,*
- (d) marine vegetation, native vegetation and fauna and their habitats, undeveloped headlands and rock platforms,*
- (e) existing public open space and safe access to and along the foreshore, beach, headland or rock platform for members of the public, including persons with a disability,*
- (f) Aboriginal cultural heritage, practices and places,*
- (g) the use of the surf zone.*

The proposed site is mapped within a coastal environment area. Whilst the works are proposed within a coastal environment area, works are proposed within an existing urban context. The proposal would have minimal impact upon the integrity and resilience of the biophysical, hydrological (surface and groundwater) and ecological environment beyond that already undertaken.

Further, the site is not mapped on Council's system as being of significant Aboriginal Cultural Heritage.

The submitted Arboricultural Impact Assessment Report (Allied Tree Consultancy, February 2022) indicates that the site is already largely disturbed with clearing already undertaken on the site.

In the event of an approval, standard conditions of consent could be applied for unexpected finds.

Chapter 4 Remediation of land: Section 4.6 – Contamination and remediation to be considered in determining development application

The requirements of this SEPP apply to the subject site. In accordance with Section 4.6(1), the consent authority must consider if the land is contaminated, and 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 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.

The proposal retains the existing 'residential use' and will not involve a change of use of the land and therefore, remediation of land is not required.

State Environmental Planning Policy (Transport and Infrastructure) 2021

This SEPP repealed and replaced SEPP (Infrastructure) 2007. Under the new SEPP (Transport and Infrastructure) 2021, section 2.121 relates to *Traffic-generating development* and applies to development specified in Column 1 of the Table to Schedule 3 (residential accommodation).

The proposal includes 39 residential units. Accordingly, this section does not apply to the subject development.

State Environmental Planning Policy (Housing) 2021

Division 1, Clause 16 of the SEPP states:

(1) This Division applies to residential development if—

(a) the development is permitted with consent under another environmental planning instrument, and

(b) at least 20% of the gross floor area of the building resulting from the development will be used for the purposes of affordable housing, and

(c) for development on land in the Greater Sydney region, Newcastle region or Wollongong region—all or part of the development is within an accessible area, and

(d) for development on other land—all or part of the development is within 400m walking distance of land within 1 or more of the following zones or an equivalent land use zone—

(i) Zone B1 Neighbourhood Centre,

(ii) Zone B2 Local Centre,

(iii) Zone B4 Mixed Use.

The proposal seeks approval for in-fill affordable housing pursuant to Part 2 Division 1 of the SEPP. The development type is permissible with consent under the Shoalhaven Local Environmental Plan 2014, more than 20% of the Gross Floor Area (GFA) will be used for the purposes of affordable housing and is on land zoned B4 Mixed Use. As such, Division 1 is applicable to the site.

The following table provides an assessment of the proposal against the provisions identified in clause 17-22 of the SEPP.

Clause	Comments	Compliance
17 Floor Space Ratio	<p>This clause provides that development to which this clause applies is eligible for an additional floor space ratio (FSR).</p> <p>In this circumstance, no FSR applies to the site under the Shoalhaven LEP 2014. Conservatively, the proponent identifies a 0.7:1 FSR which applies to multi-dwelling housing in B4 zone under section 5.1.2 of the DCP.</p> <p>The proposal provides a floor space ratio of 0.69:1 and is compliant with this provision.</p>	Yes
18 Non-discretionary development standards-the Act, s.415	<p>Clause 18 outlines a range of standards that a consent authority cannot refuse development consent including</p> <p>(a) <i>Site area – Minimum area 450 m2 – site complies.</i></p> <p>(b) <i>Landscape area – for a social housing provider - 35 m2 per dwelling. For 39 dwellings this would equate to 1365 m2. Proposal complies (1395 m2).</i></p> <p>(c) <i>NA</i></p> <p>(d) <i>Deep soil zones – at least 15% of the site area, where—</i> <i>(i) each deep soil zone has minimum dimensions of 3m, and</i> <i>(ii) if practicable, at least 65% of the deep soil zone is located at the rear of the site,</i> 15% of site area (608 m2) – Proposed complies (610 m2). Deep soil area dimensions have minimum width of 3 m. Deep soil zones are located along the eastern and southern boundaries of the site.</p> <p>(e) <i>Solar access – Living rooms and private open spaces in at least 70% of the dwellings receive at least 3 hours of direct solar access between 9am and 3pm at mid-winter – complies.</i></p> <p>(f) <i>Parking - in the case of a development application made by a social housing provider for development on land in an accessible area –</i> <i>(i) for each dwelling containing 1 bedroom— at least 0.4 parking spaces, or</i> <i>(ii) for each dwelling containing 2 bedrooms—at least 0.5 parking spaces, or</i> <i>(iii) for each dwelling containing at least 3 bedrooms— at least 1 parking space,</i> The proposal is located within an accessible location and provides 19 off-street car parking spaces including 8 accessible spaces and one space for a minivan. The proposal complies with this requirement.</p> <p>(g) <i>NA</i></p> <p>(h) <i>For development for the purposes of residential flat buildings—the minimum internal area specified in the Apartment Design Guide for each type of apartment, - complies – refer to Appendix A.</i></p> <p>(i) <i>NA</i></p> <p>(j) <i>NA</i></p>	Yes
19 Design Requirements	<p>(3) <i>Development consent must not be granted to development to which this Division applies unless the consent authority has considered whether the design of the residential development is compatible with—</i></p>	Yes

	<p>(a) the desirable elements of the character of the local area, or</p> <p>(b) for precincts undergoing transition—the desired future character of the precinct.</p> <p>The Statement of Environmental Effects (page 38) provides an assessment against 19(3) and identifies the area as undergoing transition and being compatible with the desired future character of the area.</p>	
20 Continued application of SEPP 65	<p><i>Nothing in this Policy affects the application of State Environmental Planning Policy No 65—Design Quality of Residential Apartment Development to residential development to which this Division applies. – SEPP 65 addressed below.</i></p>	Yes
21 Must be used for affordable housing for at least 15 years	<p>(1) Development consent must not be granted under this Division unless the consent authority is satisfied that for a period of at least 15 years commencing on the day an occupation certificate is issued—</p> <p>(a) the affordable housing component of the residential development will be used for affordable housing, and</p> <p>(b) the affordable housing component will be managed by a registered community housing provider</p> <p>A condition of consent will be imposed requiring compliance with this clause.</p>	Yes
22 Subdivision	<p><i>Land on which development has been carried out under this Division may be subdivided with development consent.</i></p>	Noted

State Environmental Planning Policy No 65 – Design Quality of Residential Apartment Development

State Environmental Planning Policy No 65 – Design Quality of Residential Apartment Development (SEPP 65) does not apply to the development as the proposal, while a residential flat building with more than four self-contained dwellings, does not contain three or more storeys.

However, Chapter G13 of the Shoalhaven Development Control Plan 2014 requires that where this SEPP does not apply, the development is required to be designed in accordance with the Apartment Design Guide (ADG). A detailed assessment is provided in **Appendix A**.

Shoalhaven LEP 2014

Land Zoning

The site is zoned B4 Mixed Use under the LEP as shown below.

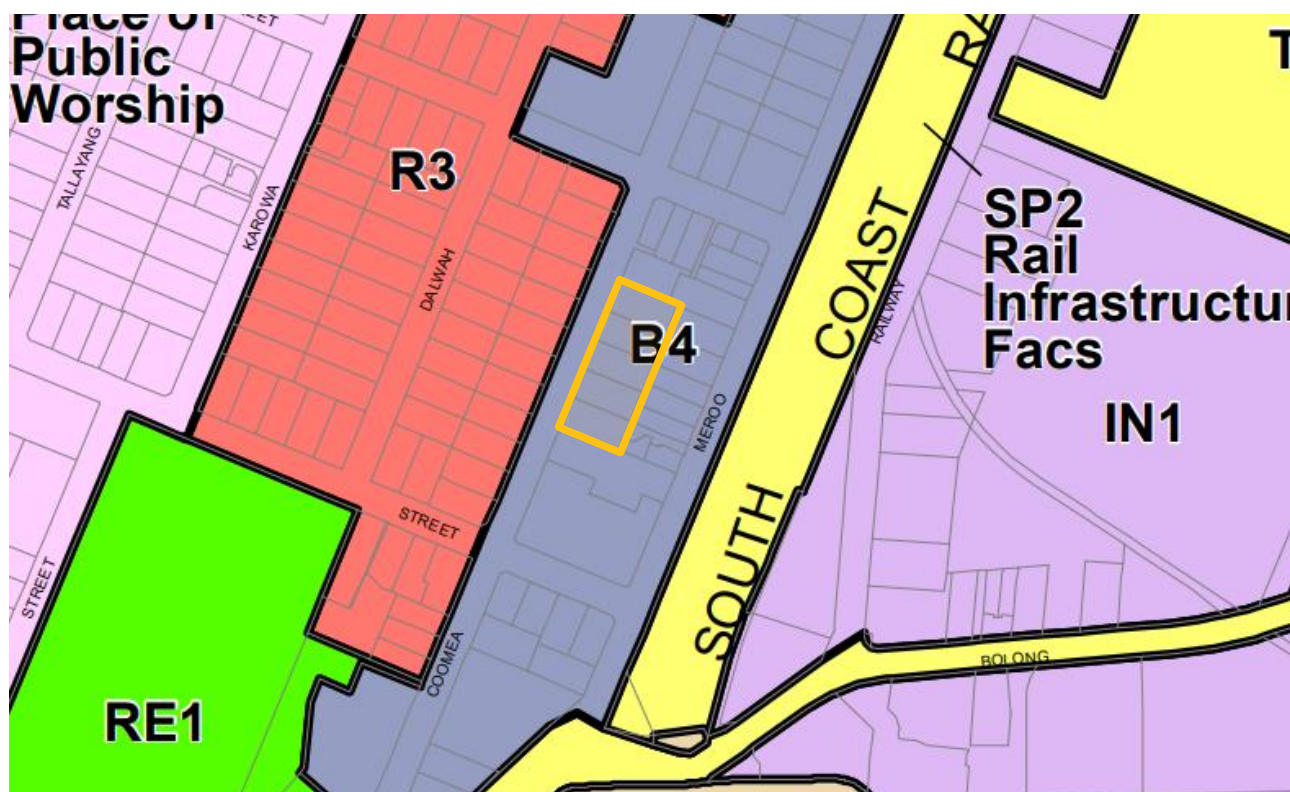


Figure 13. Shoalhaven LEP 2014 zoning map excerpt

Characterisation and Permissibility

The proposal is best characterised as a residential flat building under the SLEP 2014. The proposal is permissible in B4 Mixed Use zoned land.

Clause 2.3 - Zone objectives

The consent authority must have regard to the objectives for development in a zone when determining a development application in respect of land within the zone. The objectives of the B4 Mixed Use zone is outlined below.

- To provide a mixture of compatible land uses.
- To integrate suitable business, office, residential, retail and other development in accessible locations so as to maximise public transport patronage and encourage walking and cycling.

The proposed development will provide for residential accommodation in an accessible location which is compatible with the existing land uses. The proposal is considered to be consistent with the land use objectives.

SLEP 2014 Clauses

Clause	Comments	Compliance
Part 2 Permitted or prohibited development		
2.6 Subdivision – Consent requirements	The application does not seek consent for the subdivision of the site.	N/A
2.7 Demolition requires development consent	The site is vacant with no existing structures onsite.	Complies.
Part 4 Principal development standards		

4.3 Height of buildings	A maximum building height of 11 metres applies to the site. The proposal has a maximum height of 8.2 metres and complies with the height limit.	Complies.
4.4 Floor space ratio	Not applicable. There are no mapped FSR provisions in the SLEP 2014.	N/A
4.6 Exceptions to development standards	A clause 4.6 variation has not been submitted with the application.	None submitted – not relevant to the proposal. Height is compliant.
Part 5 Miscellaneous provisions		
5.10 Heritage conservation	The site is not identified as a local heritage item nor is it within a heritage conservation area. The site is within proximity of two local heritage items: <ul style="list-style-type: none"> Item 128 – Inter War Weatherboard Californian Bungalow Item 129 – Victorian Weatherboard Residence The proposal was referred to a heritage officer who raised no concerns with the proposal.	Complies.
5.21 Flood planning	The site is not within a flood planning area.	N/A
Part 7 Additional local provisions		
7.1 Acid sulfate soils	<p>The site is identified as being Class 5 land for the purpose of this clause, which identifies that Works within 500 metres of adjacent Class 1, 2, 3 or 4 land that is below 5 metres Australian Height Datum and by which the watertable is likely to be lowered below 1 metre Australian Height Datum on adjacent Class 1, 2, 3 or 4 land.</p> <p>The subject site is within 500m of adjoining Class 1, 2, 3 and 4 lands.</p> <p>A Geotechnical report provided in support of the proposed development advises that the following:</p> <p><i>Based on our onsite observations, it is our opinion that the proposed construction will not intercept any ASS nor cause lowering of any groundwater. Therefore, land management activities are unlikely to be affected by ASS materials.</i></p> <p><i>Our assessment is the proposed construction will not require the preparation of an Acid Sulfate Soil Management Plan.</i></p>	Complies
7.2 Earthworks	The objective of this clause is to ensure that earthworks for which development consent is required will not have a detrimental impact on environmental functions and processes, neighbouring uses, cultural or heritage items or features of the surrounding land. The impacts of the earthworks would be capable of being managed by conditions of consent in the event of an approval.	Capable of complying via condition.
7.4 Coastal risk planning	This clause applies to the land identified as “Coastal Risk Planning Area” on the Coastal Risk Planning Map. The site is not identified on the map and accordingly this clause does not apply.	N/A
7.5 Terrestrial biodiversity	This clause applies to land— (a) identified as “Biodiversity—habitat corridor” or “Biodiversity—significant vegetation” on the Terrestrial Biodiversity Map, and	N/A

	<p><i>(b) situated within 40m of the bank (measured horizontally from the top of the bank) of a natural waterbody.</i></p> <p>The site is not identified on the map nor is it within 40m of a natural waterbody. Accordingly, this clause does not apply.</p>	
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ii) Draft Environmental Planning Instrument

Not applicable.

iii) Any Development Control Plan

Shoalhaven DCP 2014

The following chapters of Shoalhaven Development Control Plan 2014 apply to the subject development application assessment:

• **Generic Chapters**

- Chapter 2: General Environmental Considerations
- G1: Site Analysis, Site Design and Building Materials
- G2: Sustainable Stormwater Management and Erosion/Sediment Control
- G3: Landscaping Design Guidelines
- G4: Removal and Amenity of Trees
- G6: Coastal Management Areas
- G7: Waste Minimisation and Management
- G13: Medium Density and Other Residential Development
- G21: Car Parking and Traffic
- G26: Acid Sulphate Soils and Geotechnical (Site Stability) Guidelines

• **Specific Chapters**

- N5 - Bomaderry Town Centre

These chapters are assessed in **Table 3** and **Table 4** below.

Table 3. Chapter 2 SDCP 2014 Assessment

Chapter 2 General and Environmental Considerations		Achieved
Potentially Contaminated Land	The site is within an established mixed-use area, where existing residential developments were established on the subject site. The site has recently been cleared of vegetation. The application was assessed under the table relating to SEPP (Resilience and Hazards) 2022 and further assessment under the SEPP and SDCP 2014 is not required.	Yes
European Heritage	<p>The site is not a heritage item nor is it within a heritage conservation area. The nearest listed heritage items are about 280m away and there are no conservation areas in the vicinity. The proposed development will not have an adverse impact on those items.</p> <p>A precautionary condition would be recommended to apply during site works should European heritage be found, to ensure compliance.</p>	Yes, subject to standard conditions
Aboriginal Cultural Heritage	A search of the OEH register of notified Aboriginal objects and declared Aboriginal places in NSW (AHIMS) revealed no Aboriginal sites are recorded in or near the site and no Aboriginal places have been declared in or near the location. The site is not identified as containing any Aboriginal cultural heritage, practices or places.	Yes, subject to standard conditions

	A precautionary condition would be recommended to apply during site works should Aboriginal cultural heritage be found, to ensure compliance.	
Crime Prevention Through Environmental Design (CPTED)	<p>The proposal incorporates basic design principles which contribute to the safety and security of residents and the community which include but not limited to:</p> <ul style="list-style-type: none"> • First floor balconies providing opportunities for passive surveillance of Coomea Street and communal open spaces • Access points are clearly defined and there are clear distinctions between 'public' and 'private' spaces through appropriate fencing and plant screening. • Communal open spaces are clearly identifiable and access directly from main lobbies and car parking areas. • The building has been designed specifically for affordable housing and will be owned and managed by a registered social housing provider, Southern Cross Housing. <p>The Development Application was also referred to NSW Police. No comments were provided in response.</p>	Yes

Table 4. Generic chapters assessment SDCP 2014

Generic Chapters	Achieved
G1: Site Analysis, Sustainable Design and Building Materials	
A plan labelled 'site analysis' was lodged with the architectural plans. The plan informs the site design and layout.	Yes
G2: Sustainable Stormwater Management and Erosion/Sediment Control	
This proposal is supported by a conceptual stormwater management and soil erosion control plans addressing the requirements in this chapter.	Yes
G3: Landscaping Design Guidelines	
Landscape Plans were submitted as part of the Development Application and prepared in accordance with the DCP.	Yes
G4: Removal and Amenity of Trees	
<p>The site is largely cleared with some trees located on adjacent sites to the south and north. Protection measures have been included in the arborist report before initiation of site works and retained until the works have completed unless otherwise specified.</p> <p>This requirement will be imposed as part of any condition of consent should the development application be approved.</p>	Yes
G6: Coastal Management Areas	
Refer SEPP (Resilience and Hazards) 2021 above.	Yes
G7: Waste Minimisation and Management Controls	
<p>The development application is supported by a Waste Minimisation and Management Plan that addresses how waste is to be managed during the construction process.</p> <p>Council's City Services advised that the Waste Management Plan is suitable for the development. A commercial private waste collection service with a licenced contractor is required. A loading zone may need to be implemented on Coomea Road to allow for the collection vehicle to pull over and service bins without impact from parked cars. The</p>	Yes, subject to conditions.

<p>proposed sliding gate in the bin bays may need to be reviewed to ensure all bins can be easily manoeuvred from the bin bay for collection.</p>	
<p>G13: Medium Density and other Residential Development</p>	
<p>Section 6 relates to Residential Flat Buildings.</p> <p>Acceptable Solution A32.2 applies to this proposal and reads:</p> <p style="padding-left: 40px;"><i>A32.2 Where SEPP 65 does not apply (see clause 4 of SEPP 65), the development must be designed in accordance with the Apartment Design Guide</i></p> <p>An assessment of the development application against the Apartment Design Guide (ADG) is provided in Appendix A. The proposal is generally consistent with ADG Design Criteria with the exception of the following:</p> <ul style="list-style-type: none"> • 3D-1 Communal and Public Open Space • 3E-1 Deep Soil Zones • 3F-1 Visual Privacy • 4A-2 Solar and Daylight Access <p>These are addressed below:</p>	<p>Generally complies with ADG Design Criteria. (See separate comments.)</p>
<p><u>3D-1 Communal and Public Open Space</u></p> <p><u>Objective</u> <i>An adequate area of communal open space is provided to enhance residential amenity and to provide opportunities for landscaping</i></p> <p><u>Design Criteria</u> 1. <i>Communal open space has a minimum area equal to 25% of the site (see figure 3D.3)</i></p> <p>The proposal provides 671sqm (16.5% of the site) of communal open space out of the required 1,012sqm (25%). As such, the proposal does not provide has a shortfall of 341.75m² of communal open space or a departure of 34% of the Design Criteria.</p> <p>Within pages 52-56 of the Statement of Environmental Effects (March 2022), the proponent has advised that:</p> <p style="padding-left: 40px;"><i>The primary aspect that is driving this non-compliance with this Design Criteria is the limitation of the development to a height limit of two storeys, which has resulted in an increased footprint of the development across the site, when compared to an approach that took advantage of the 11-metre height limit that applies to the site.</i></p> <p style="padding-left: 40px;"><i>Restricting the proposal to two-storeys in height has come about in response to the outcome of consultation with the local community. The local community sought to limit the height of the proposed development to two storeys to better reflect the height and scale of development within the locality.</i></p> <p style="padding-left: 40px;"><i>To ensure the project objectives of providing a meaningful supply of affordable housing, the footprint of the development on the site has however been increased compared to what could have been achieved with a three-storey development (which would have complied with the building height limit that applies to the site)</i></p> <p>The Design Guidance for 3D-1 provides the following:</p> <p style="padding-left: 40px;"><i>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:</i></p> <ul style="list-style-type: none"> • <i>provide communal spaces elsewhere such as a landscaped roof top terrace or a common room</i> • <i>provide larger balconies or increased private open space for apartments</i> • <i>demonstrate good proximity to public open space and facilities and/or provide contributions to public open space</i> 	

The proponent provides that a rooftop garden was considered however was not pursued as it was cost prohibitive to the proposal. Instead, the proposal provides for larger balconies and /or private open space areas for individual apartments which significantly exceed the private open space requirements of the ADG.

The proponent also notes that:

If private and communal open space requirements under the ADG for the development are combined, the proposed development would be required to provide a total of 1316.75 m² of communal and private open space. The proposal will provide a total of 1870 m² of communal and private open space.

In addition, the proponent notes that the site is also located in proximity to local public spaces including:

- Walsh Memorial Park – 200m from site
- Thurgate Oval – 200m from site
- Bomaderry Oval – 500m from site
- Nowra Wetlands and Rainforest Reserve – over 500 metres

Given the reduced communal open space provided by the proposal, Council requested additional information from the applicant to provide to outline how the decision was made for a playground area as opposed to a more flexible space which could be used for varied uses.

The applicant provided a response on 27/05/2022 which stated:

The Communal Open Space (COS) area was a significant design element for this project, especially as one of the key design principles was to create a community within the development. The size, location and activities it offers were all a direct result of community consultation, client briefing and response to the development scale and site. Important factors that were considered in the design and especially the inclusion of the playground are listed below;

- *Nearly 1/3 of the units (12) are suitable for housing families with children –*
- *The Playground area equates to about 20% of the COS2 area (85m²) or 24% of the useable COS2 area.*
- *In addition, interlocking doors of the studio units (1A-10A) allow families to be placed in the crisis accommodation, potentially increasing number of kids onsite (4 more units resulting in a total of 46% of units available to families).*
- *The closest playgrounds are Reid Park (450m away) and The Lions Park (700m away) which involves crossing busy roads, etc.*
- *The location of the playground allows desirable safety and surveillance by surrounding apartments, site entries and the road. With minimal areas of concealment.*
- *Following the community consultation it was revealed there is a need to encourage social interaction within these developments. Social anxiety is a big issue to consider in most projects but especially one of this scale and use. By having a playground it offers a great opportunity for families (and all occupants) to interact and provide a sense of welcome and safety to their community.*
- *Community consultation also raised that the elder residents were the most responsive to a common area through the use of a community garden, which has been provided as well as seating areas in the sun. This also mean facilities were needed to encourage other user groups to the space.*
- *The design and facilities in the COS area create good activation to essentially cover 3 generations of users.*
- *The grassed area (44m²) and the BBQ/open paved area (106m²) would be provided with movable furniture to allow a flexible uses, such as a yoga lawn and workshop space. This equates to an area of 150m² (35%) of the COS2 are or 42% of the useable area.*
- *The thought was if the flexible space was too large it would be reliant on management or community groups to organise activities for these space which often loses momentum over time, meaning the COS could be used*

less. By giving clear activities and uses to this space the occupants are aware of what the space can offer.

- *The playground allows opportunity for birthday parties for the occupants which creates a wonderful community atmosphere and sense of home. For many this would be a welcome break from reality, especially for the crisis accommodation.*

Further discussion with the design team, including the client, planner, landscape architect and architect was held to discuss the item raised and we are still as confident about the inclusion of the playground in this spaces for the reasons noted above. Please see letter from Southern Cross Housing (Applicant) in relation to this matter as requested.

A letter provided by Southern Cross housing has also been provided which addresses the philosophy on how the area and the subject site will be managed.

In consideration of the above, the proposed communal open space and opportunities for landscaping which is supplemented by larger Private Open Space areas for each individual apartment is suitable in this circumstance.

3E-1 Deep Soil Zones

Objective

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

Deep soil zones are to meet the following minimum requirements:

- *Greater than 1500m²*
 - *Minimum dimensions – 6m*
 - *Deep soil zone (% of site area) – 7%*

The proposal provides for 15% of site area 610m². Deep soil area dimensions have minimum width of 3m which is than the 6m minimum dimension required.

The proposal is development to which Division 1 (clauses 16-22) of the Housing SEPP applies. Clause 18 of SEPP (Housing) 2021 provides the following:

(1) The object of this section is to identify development standards for particular matters relating to development for the purposes of in-fill affordable housing that, if complied with, prevent the consent authority from requiring more onerous standards for the matters.

(2) The following are non-discretionary development standards in relation to the carrying out of development to which this Division applies—

(..)

(d) a deep soil zone on at least 15% of the site area, where—

- (i) each deep soil zone has minimum dimensions of 3m, and*
- (ii) if practicable, at least 65% of the deep soil zone is located at the rear of the site,*

As the proposal is consistent with the deep soil zone site area and the minimum dimensions of 3m, Council cannot require more onerous standards. As such, the proposal deep soil zones are suitable within this circumstance.

3F-1 Visual Privacy

Objective

Adequate building separation distances are shared equitably between neighbouring sites, to achieve reasonable levels of external and internal visual privacy

Design Criteria

1. *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 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

Note: Separation distances between buildings on the same site should combine required building separations depending on the type of room (see figure 3F.2)

Gallery access circulation should be treated as habitable space when measuring privacy separation distances between neighbouring properties.

The proposal complies with the above design criteria setbacks to the northern and southern boundaries of the site. The proposal however involves encroachments to the minimum separation distances to the following apartments:

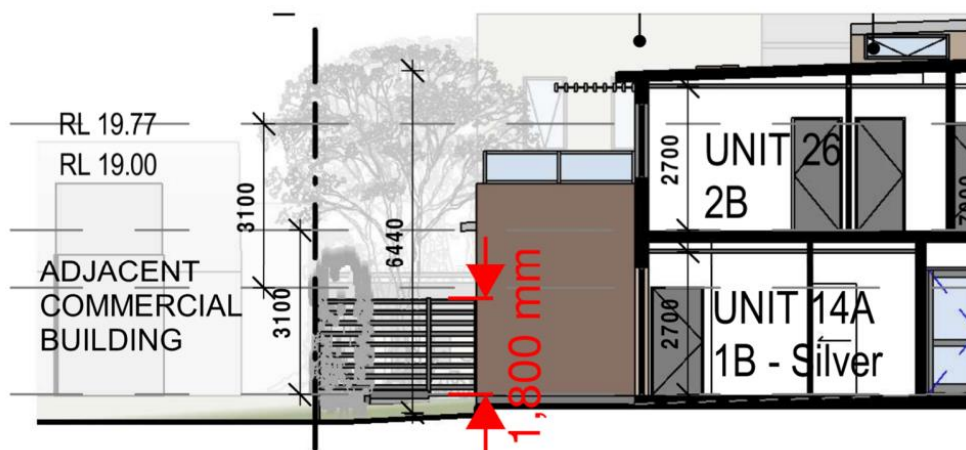
- Building A
 - Ground Floor – Unit 13A, 16A – living spaces setback >6m from eastern boundary
 - First Floor – Unit 26A – balcony setback >6m from the eastern boundary
- Building B
 - Ground Floor – Unit 3B – bedroom windows >6m separation distance from eastern boundary
 - First Floor – Unit 9B – balcony setback >6m from eastern boundary
 - First Floor – Unit 8B – bedrooms <6m from eastern boundary

The proponent has provided justification in relation to the encroachments identified above within pages 56-59 of the Statement of Environmental Effects (March 2022) and Response to additional information date 20/05/2022. A summary of the response provided by the proponent is provided below for each apartment identified:

Unit 13A, 16A and 3B

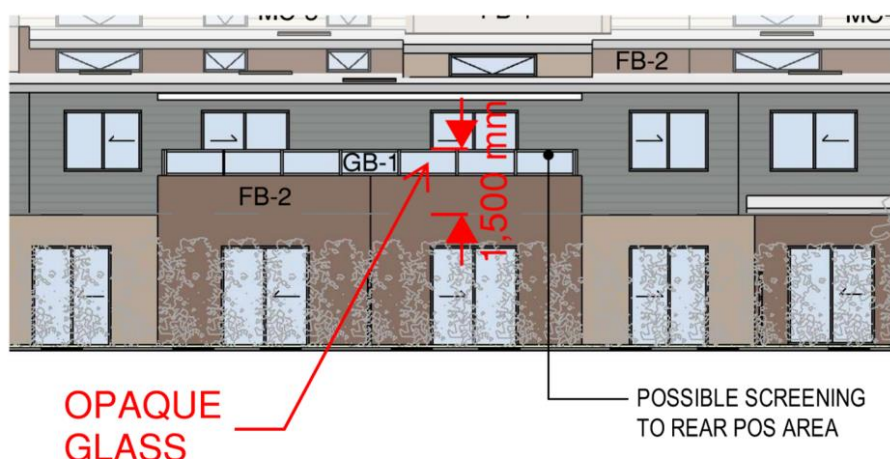
- *We note ground floor units noted above are provided with screening to sides POS and the boundary to a height of 1.8m as outlined on the below screenshot. In addition, screen planting is provided.*
- *Boundary fencing along the eastern boundary that will prevent direct views from these rooms to properties to the east.*
- *Windows to the two bedrooms located in Unit 3B have been orientated away from the eastern boundary*
- *Building to the east of these units are down hill which will reduce privacy concerns into the property*

Assessment Comment: With consideration to the above, the non-compliant separation distances for Unit 13A, 16A and 3B is considered to provide reasonable levels of external and internal visual privacy and no adverse overlooking to neighbouring properties.



Unit 26A

- Unit 26A POS area is provided with a solid balustrade to 1m and then 500mm of opaque glass above, providing screening to a total height of 1500mm as depicted below.
- This is considered suitable screening for this unit and protecting any potential overlooking into the adjoining properties



The applicant provided further correspondence on 27/05/2022 to note:

- screening in this instance has been amended to a louvre screen to allow outlook directly through the screen and upward, but prevent overlooking in a downwards direction to the POS below and neighbouring site. Refer image below. This would be utilised to screening that is higher than 1200mm and will be finished to match the batten style screening proposed between POS areas on the site. Refer attached revised drawings.

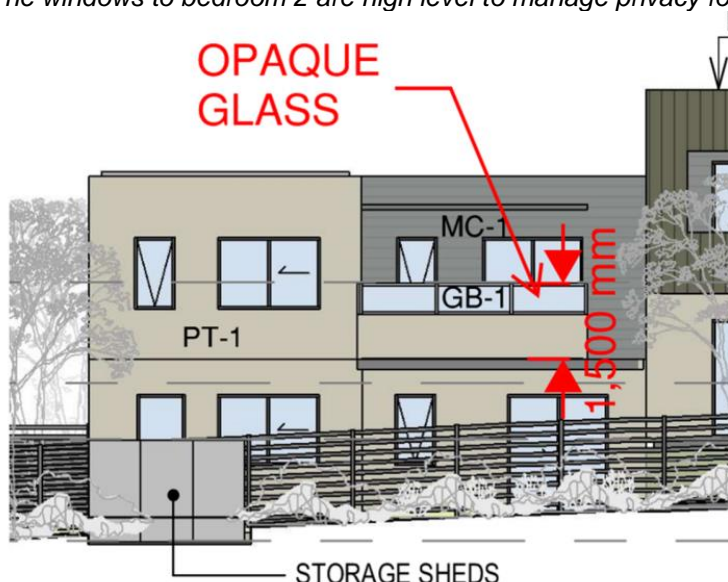
Assessment Comment: The solid and louvre screening will restrict overlooking to the neighbouring property and maintain internal and external privacy for the unit.

The louvre screening is seen as an improvement to the original opaque glass proposed which will have greater amenity for residents.

The balcony faces east towards the neighbouring property (57-59 Meroo Street). As such, the proposed screening would not restrict passive surveillance of Coomea street.

Unit 8B

- Units 8B POS area is provided with a solid balustrade to 1m and then 500mm of opaque glass above, providing screening to a total height of 1500mm as depicted below.
- This is considered suitable screening for this unit as well as any potential overlooking into the communal open space.
- In addition, the windows to bedroom 1 have a sill height of 1.2m and is suitably separated from the COS area to avoid privacy issues that would be managed through blinds and curtains.
- The windows to bedroom 2 are high level to manage privacy for this room



The applicant provided further correspondence on 27/05/2022 to note:

- screening in this instance has been amended to a louvre screen to allow outlook directly through the screen and upward, but prevent overlooking in a downwards direction to the POS below and neighbouring site. Refer image below. This would be utilised to screening that is higher than 1200mm and will be finished to match the batten style screening proposed between POS areas on the site. Refer attached revised drawings.

Assessment Comment: The solid and opaque screening will maintain internal and external privacy for the unit.

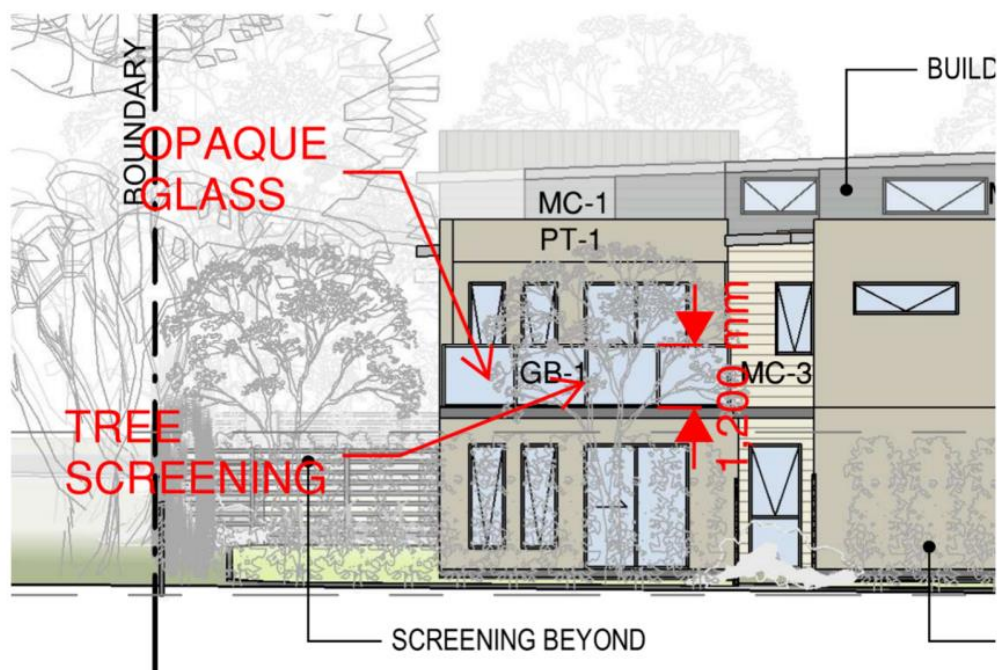
The louvre screening is seen as an improvement to the original opaque glass proposed which will have greater amenity for residents.

The proposed windows for Bedroom 1 are orientated north and avoid overlooking to neighbouring property and setback from communal open space area to maintain privacy.

The proposed windows for bedroom 2 are high level to manage privacy for this room and overlooking to neighbouring property.

Unit 9B

- Units 9B POS area is provided with a solid opaque glass balustrade to a height of 1.2m.
- This space is setback further from the boundary than other POS areas noted above, with the windows to the habitable room of Unit 9B further back (greater than 6m from the boundary).
- A feature trees is also proposed here to add to the privacy control of this area.



Assessment Comment: The proposed screening and tree planting will restrict overlooking to the neighbouring property and maintain internal and external privacy for the unit.

The balcony faces east towards the neighbouring property (67-69 Meroo Street). As such, the proposed screening would not restrict passive surveillance of Coomea street.

4A-2 Solar and Daylight Access

Objective

Objective
Daylight access is maximised where sunlight is limited

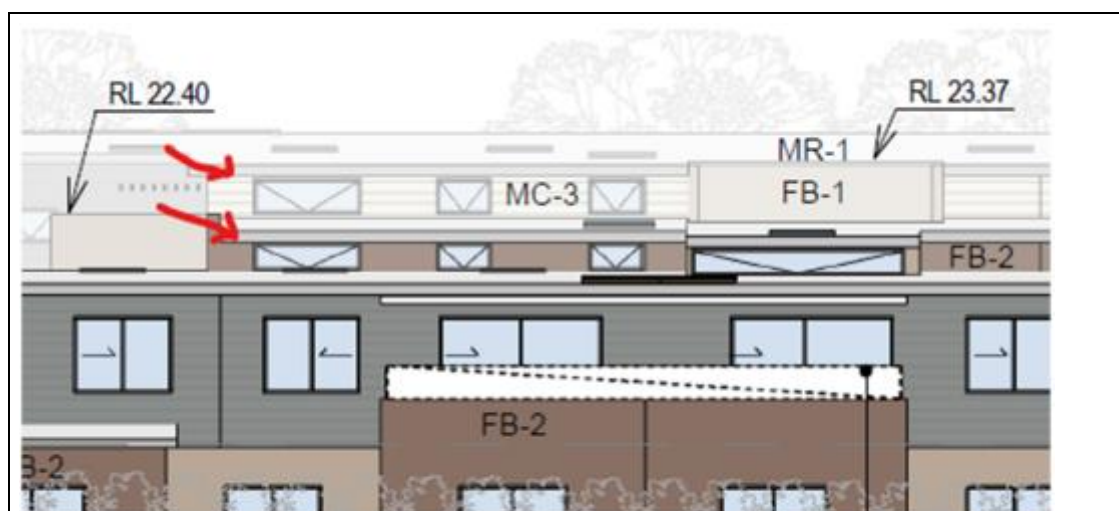
Design guidance

Courtyards, skylights and high level windows (with sills of 1,500mm or greater) are used only as a secondary light source in habitable rooms.

Concern regarding the amenity provided to south facing units, particularly Units 18A, 17A, 29A, 28A, 4B, 5B and 9B was raised with the applicant requesting additional information to ensure units will achieve a satisfactory level of amenity in line with the Apartment Design Guide.

A response was provided by the applicant on 27/05/2022 which stated:

It is noted apartments 28A and 29A have high level eastern windows allowing some direct sunlight during 9am-3pm mid winter as per the attached revised plans. There was an error in the plans as there was a ceiling in the CAD model blocking the sunlight these windows provided. This is shown the clearest on the 11am diagram added to the plans attached. There is also significant daylight cast on the walls of these units and the skylights add additional desirable daylight. Location of high level windows from East Elevation As a result only units 17A, 18A, 4B, 5B and 9B do not receive direct sunlight during 9am and 3pm in mid winter, resulting in 5 of 39 units (12.8%) in accordance with the maximum 15% permitted under the Apartment Design Guide.



Location of high level windows from East Elevation

However it is noted units 4B and 9B receive good sunlight before 9am and units 5B in the late afternoon as per the attached revised solar diagrams. Units 17A and 18A do not receive any direct sunlight however these units have good access to Private Open Space and connect to the Communal Open Space. It is also noted that all the units referred to above are 1 bedroom units of which there are 17 of in the development (27 if including studio apartments). These units could be utilised as shorter stay accommodation to help reduce the impact of the reduced amenity on the occupant.

Assessment Comment: The proposal has attempted to include design solutions in line with the Apartment Design Guide to maximise sunlight for south facing units.

The applicant has highlighted that the south facing units identified are all 1-bedroom apartments and these units could be utilised as shorter stay accommodation to help reduce the impact of the reduced amenity on the occupant.

G21: Car Parking and Traffic

- Residential Flat Building Parking Rate:
 - 1 bed: 1 Space
 - 2 bed: 1.5 Spaces
 - 3 bed: 2 Spaces
 - Any parking above this is to be provided as visitors spaces.

The proposal seeks to provide two separate driveway access points to Coomea Street, one along the northern boundary of the site and the other further towards the southern portion of the site.

The northern driveway will serve nine (9) parking spaces (including two accessible spaces); while the southern driveway will serve ten (10) parking spaces (including six (6) accessible spaces and one space suitable for a minivan). Two (2) motorcycle/scooter spaces are also provided.

The traffic and access arrangements proposed have been referred to Council's Development Engineers who have raised no objections subject to consent conditions.

Yes

G26: Acid Sulphate Soils and Geotechnical (Site Stability) Guidelines

A Geotechnical report provided in support of the proposed development advises that the following:

Based on our onsite observations, it is our opinion that the proposed construction will not intercept any ASS nor cause lowering of any groundwater. Therefore, land management activities are unlikely to be affected by ASS materials.

Yes

Our assessment is the proposed construction will not require the preparation of an Acid Sulfate Soil Management Plan.	
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Area specific Chapters – Chapter N5: Bomaderry Town Centre	
<p>Mapping supporting Chapter N5 – Bomaderry Town Centre indicates that the subject site is subject to the provisions of this chapter. Indicative development layout intends for the site to serve primarily as car parking with building envelopes along the rear of the site and pedestrian linkages across the block towards Bomaderry Railway Station. As such, the proposal is not consistent with the provisions of this chapter.</p> <p>On 7 September 2021, a report was tabled before the Council's Development and Environment Committee which sought to endorse the commencement of a review of the Shoalhaven Development Control Plan 2014 Chapter N5: Bomaderry Town Centre and acknowledge, as generally policy position in the interim, previous resolutions regarding the development of 44 to 52 Coomea Street, Bomaderry for affordable housing.</p> <p>Council resolved to:</p> <ol style="list-style-type: none"> 1. Endorse the commencement of a review of Shoalhaven Development Control Plan 2014 Chapter N5: Bomaderry Town Centre. 2. Receive a further report on how the review will be undertaken, including relevant options. 3. Acknowledge, as general policy position in the interim, its previous resolutions regarding the development of 44 to 52 Coomea Street, Bomaderry for affordable housing. <p>As such, compliance with Chapter N5: Bomaderry Town Centre is not required in relation to the proposed development of 44 to 52 Coomea Street, Bomaderry for affordable housing.</p>	Yes

iiia) Any planning agreement that has been entered into under section 7.4, or any draft planning agreement that a developer has offered to enter into under section 7.4

None applicable.

iv) **Environmental Planning and Assessment Regulation 2021**

Clause	Comment
cl. 23 Persons who may make development applications	The proponent for the DA at lodgement was Southern Cross Community Housing Ltd, and the owner was and currently is Southern Cross Community Housing Ltd.
cl. 29 Residential Apartment development	The Development Application is accompanied by a verification statement by a qualified designer.
cl. 75 Fulfilment of BASIX commitments	Compliance with the commitments listed within the submitted BASIX Certificate for the development (Certificate No. 1269919M) would be required as a condition of consent.
cl. 76 Deferred commencement consent	The deferred commencement condition in relation to the drainage easement over Council's operational land will be clearly distinguished from other conditions.

v) **REPEALED**

(b) The Likely impacts of that development, including environmental impacts on the natural and built environments, and social and economic impacts in the locality

Head of Consideration	Comment
Natural Environment	The proposal is unlikely to have impacts on significant elements of the natural environment, subject to conditions of consent.
Built Environment	The overall height of the development has been limited to two storeys, which is consistent with the existing built environment and desired future character of Bomaderry Town Centre. As per the traffic impact statement, there will be no traffic impacts that arise on the local network as a result of the DA.
Social Impacts	The proposal arises in direct response to the Shoalhaven City Council's Shoalhaven Affordable Housing Strategy and formulated following consultation of the local community and provides necessary affordable housing in the area.
Economic Impacts	The proposal will provide access to affordable, secure housing which will decrease housing stress and improve wealth creation for new tenants. In addition, the proposal will support jobs during the construction of the affordable housing development.

(c) Suitability of the site for the development

The site is considered suitable for the proposed development for the following reasons:

- The proposed buildings are generally compliant with the ADG Design Principles and Guidelines, and where non-compliance has arisen, provided suitable design solutions are justification for the development,
- The proposal is compliant with objectives and requirements of SLEP 2014,
- Consistent with objectives and acceptable solutions outlined in SDCP 2014,
- The proposal is compatible with surrounding land uses and does not propose a change of use,
- The site is serviced by public transport at proximity including Bomaderry Train Station

(d) Submissions made in accordance with the Act or the regulations

Council received no submissions to the DA.

(e) The Public Interest

The public interest has been taken into consideration, including assessment of the application against applicable planning controls, public notification to the proposed development, internal referrals, and consideration of relevant policies. The assessment identified that the development is in the public interest.

Accordingly, the proposal will provide necessary affordable housing in the Bomaderry locality and promotes good design and amenity of the built environment and is consistent with the existing and future character of Bomaderry Town Centre.

9. Delegations

Guidelines for use of Delegated Authority

The Guidelines for use of Delegated Authority have been reviewed and the assessing officer does not have the Delegated Authority to determine the Development Application.

Given the proposal is regionally significant development under Schedule 6 of SEPP (Planning Systems) 2021, the application must be determined by the Southern Regional Planning Panel.

10. Recommendation

This application has been satisfactorily assessed having regard to section 4.15 (Evaluation) under the *Environmental Planning and Assessment Act 1979*. Accordingly, it is recommended that Development Application No. RA22/1002 be approved subject to appropriate conditions of consent.

Recommendation for approval includes the following reasons (as per section 4.15 of the Act):

1. The application is compliant with the respective environmental planning instruments applying to the site.
2. The proposed development complies with development standards of SLEP 2014.
3. The proposed development meets the zone objectives of the SLEP 2014 B4 Mixed Use land zone.
4. The proposed development is generally consistent with SDCP.
5. The proposed development is not expected to have any additional significant impact on the surrounding transport network.
6. The development is consistent with the existing and desired future built environment.
7. The site is suitable for the development as proposed.
8. The development is in the public interest.

Appendix A - Apartment Design Guide Compliance Table

Objective	Assessment	Achieved?
Apartment Design Guide Part 3 - Siting the development		
3A-1 Site Analysis <i>Site analysis illustrates that design decisions have been based on opportunities and constraints of the site conditions and their relationship to the surrounding context.</i>	<p>The 'Site and Analysis Plan' and other drawings provided, demonstrate that the proposal responds and contributes to its context positively.</p>	Yes
3B-1 Orientation <i>Building types and layouts respond to the streetscape and site whilst optimising solar access within the development.</i>	<p>The proposed building has frontages to Coomea Street. The building mass and scale will not significantly dominate within the neighbourhood and the natural surroundings of where the site is situated.</p>	Yes
3B-2 Orientation <i>Overshadowing of neighbouring properties is minimised during mid-winter.</i>	<p>The Shadow Diagrams show that the proposed Building does not affect adjoining development.</p> <p>Neighbouring development will receive a minimum of 3hrs of sunlight during mid-winter and is consistent with minimising shadowing of publicly accessible open spaces per Shoalhaven DCP 2014.</p>	Yes
3C-1 Public Domain Interface <i>Transition between private and public domain is achieved without compromising safety and security.</i>	<p>The majority of dwellings along Coomea Street frontage have direct street entries.</p> <p>Surveillance is achieved from first floor units and balconies overlooking Coomea Street.</p> <p>Front fences are visually permeable and meet height requirements.</p>	Yes
3C-2 Public Domain Interface <i>Amenity of the public domain is retained and enhanced.</i>	<p>Edges and boundaries are landscaped with planting.</p> <p>Mail boxes located at the street frontage and integrated into front fencing.</p> <p>No basement level is proposed – plant room and garbage storage are located in non-prominent areas.</p> <p>Entries are provided at grade from car parking areas for accessibility.</p> <p>Substation</p>	Yes
3D-1 Communal and Public Open Space <i>An adequate area of communal open space is provided to enhance residential amenity and to provide opportunities for landscaping.</i>	<p>Communal open space is consolidated into an easily identified and usable area and meets minimum dimension requirements.</p> <p>It is co-located with deep soil areas, is directly and equitably accessible from common circulation areas, and provided on the ground floor.</p> <p>Screening in the form of landscaping is proposed in front of ground floor units which have direct access to the communal open space.</p>	Yes

<p>Communal open space has a minimum area equal to 25% of the site (see figure 3D.3)</p>	<p>The proposal provides 671sqm of communal open space out of the required 1012sqm. The proposal does not meet requirements.</p> <p>Refer to discussion in Statement of Compliance/ Assessment section of this report.</p>	<p>No, but adequately justified</p>
<p>Developments achieve a minimum of 50% direct sunlight to the principal usable part of the communal open space for a minimum of 2 hours between 9 am and 3 pm on 21 June (mid-winter)</p>	<p>A minimum of 50% direct sunlight to principal area of communal open space for a minimum of 2 hours between 9am and 3pm on 21 June will be achieved.</p>	<p>Yes</p>
<p>3D-2 Communal and Public Open Space</p> <p>Communal open space is designed to allow for a range of activities, respond to site conditions and be attractive and inviting.</p>	<p>Facilities for a range of age groups provided in the communal open space, including BBQ facilities, seating, veggie garden beds, and play equipment.</p> <p>Visual impact of services minimised in this area.</p>	<p>Yes</p>
<p>3D-3 Communal and Public Open Space</p> <p>Communal open space is designed to maximise safety.</p>	<p>Communal open space is overlooked by habitable rooms and balconies from a number of surrounding units on ground and upper floors.</p>	<p>Yes</p>
<p>3E-1 Deep Soil Zones</p> <p>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.</p> <p>Deep soil zones are to meet the following minimum requirements: Minimum dimension: 6m Percentage of site area: 7%</p>	<p>The proposal provides for 15% of site area 610m². Deep soil area dimensions have minimum width of 3m which is than the 6m minimum dimension required.</p> <p>Refer to discussion in Statement of Compliance/ Assessment section of this report.</p>	<p>Partially compliant</p>
<p>3F-1 Visual Privacy</p> <p>Adequate building separation distances are shared equitably between neighbouring sites, to achieve reasonable levels of external and internal visual privacy.</p> <p>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 (for building heights up to 12m):</p> <ul style="list-style-type: none"> – Habitable rooms and balconies: 6m – Non-habitable rooms: 3m <p>Note: Apartment buildings should have an increased separation</p>	<p>The proposal partially meets separation distance requirements. Separation distances are met on the northern and southern boundaries of the site. Encroachments exist on the Ground Floor in units 13A to 16A in relation to the eastern boundary, and in unit 3B, and first floor units 26A, Unit 8B and Unit 9B.</p> <p>Refer to discussion in Statement of Compliance/ Assessment section of this report.</p>	<p>Partially compliant</p>

<i>distance of 3m (in addition to the requirements set out in design criteria 1) when adjacent to a different zone that permits lower density residential development to provide for a transition in scale and increased landscaping (figure 3F.5)</i>		
3F-2 Visual Privacy <i>Site and building design elements increase privacy without compromising access to light and air and balance outlook and views from habitable rooms and private open space.</i>	Private open spaces and windows to apartments are adequately separated from communal open space. 1.5m fencing and landscaping has been provided to ground floor apartments which face communal open spaces to provide additional screening. The majority of balconies and private spaces are located in front of living rooms to increase internal privacy.	Yes
3G-1 Pedestrian Access and Entries <i>Building entries and pedestrian access connects to and addresses the public domain.</i>	Multiple entries are provided – ground floor units along Coomea Street are provided with direct entries from the street, as well as multiple communal entries.	Yes
3G-2 Pedestrian Access and Entries <i>Access, entries and pathways are accessible and easy to identify.</i>	Hallways and lobbies are visible from the public domain and communal spaces. Level changes are minimised along pathways and entries.	Yes
3H-1 Vehicle Access <i>Vehicle access points are designed and located to achieve safety, minimise conflicts between pedestrians and vehicles and create high quality streetscapes.</i>	Car park entries are located behind the building line and adequately distanced from street intersections. Access point locations minimise headlight glare into habitable rooms. Width and number of vehicle access points are minimised. Garbage collection areas are screened from view. Clear sightlines are provided at pedestrian and vehicle crossings.	Yes
3J-1 Bicycle and Car Parking <i>Car parking is provided based on proximity to public transport in metropolitan Sydney and centres in regional areas.</i>	Car parking is compliant with ARHSEPP requirements.	Yes
3J-2 Bicycle and Car Parking <i>Parking and facilities are provided for other modes of transport.</i>	Motorbike parking spaces provided. Secure bicycle storage area provided.	Yes
3J-3 Bicycle and Car Parking <i>Car park design and access is safe and secure.</i>	Direct and clearly visible and well-lit access provided from car park in to common circulation areas. Clearly defined and visible lobby provided to any adjacent lobbies and stairs.	Yes
3J-4 Bicycle and Car Parking <i>Visual and environmental impacts of underground car parking are minimised.</i>	Car parking layout is well organised and logical. Minimal excavation required as car parking is not underground.	Yes

<p>3J-5 Bicycle and Car Parking</p> <p><i>Visual and environmental impacts of on-grade car parking are minimised.</i></p>	<p>Two at-grade parking areas proposed – one located to the side of the lot and another off the primary street frontage. Both are screened from view of street by buildings and landscaping, although the Coomea St parking area will be visible from the communal open space.</p> <p>Safe and direct access to building entry points are provided.</p>	<p>Partially compliant</p>
<p>Apartment Design Guide Part 4 - Designing the building</p>		
<p>4A-1 Solar and Daylight Access</p> <p><i>To optimise the number of apartments receiving sunlight to habitable rooms, primary windows and private open space.</i></p>	<p>Apartments provided with north aspect where possible. South aspects minimised.</p> <p>Living areas located to the north where possible.</p>	<p>Yes</p>
<p>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 in the Sydney Metropolitan Area and in the Newcastle and Wollongong local government areas.</p>	<p>N/A. The site is not located in Sydney Metropolitan Area or in the Newcastle and Wollongong LGAs.</p>	<p>N/A</p>
<p>2. In all other areas, living rooms and private open spaces of at least 70% of apartments in a building receive a minimum of 3 hours direct sunlight</p>	<p>Proposal meets minimum 70% of apartments receiving at least 3 hours of direct sunlight between 9am and 3pm at mid-winter.</p>	<p>Yes</p>
<p>3. between 9 am and 3 pm at mid-winter. A maximum of 15% of apartments in a building receive no direct sunlight between 9 am and 3 pm at mid-winter.</p>	<p>Proposal does not exceed maximum 15% of apartments receiving no direct sunlight between 9am and 3pm at mid-winter.</p>	<p>Yes</p>
<p>4A-2 Solar and Daylight Access</p> <p><i>Daylight access is maximised where sunlight is limited.</i></p>	<p>Some south facing apartments will receive limited sunlight within the units requiring alternative solutions to improve amenity.</p> <p>Refer to discussion in Statement of Compliance/Assessment section of this report.</p>	<p>Partially compliant</p>
<p>4A-3 Solar and Daylight Access</p> <p><i>Design incorporates shading and glare control, particularly for warmer months.</i></p>	<p>Balconies and windows provided with sun shading devices.</p>	<p>Yes</p>
<p>4B-1 Natural Ventilation</p> <p><i>All habitable rooms are naturally ventilated.</i></p>	<p>Sufficient number of dwellings are provided with natural ventilation.</p>	<p>Yes</p>
<p>4B-2 Natural Ventilation</p>	<p>Apartment depths capable to maximising ventilation and airflow.</p>	<p>Yes</p>

<i>The layout and design of single aspect apartments maximises natural ventilation.</i>		
4B-3 Natural Ventilation <i>The number of apartments with natural cross ventilation is maximized to create a comfortable indoor environment for residents.</i>	Dual aspect, cross through and corner apartments included in proposal. Cross ventilation and airflow are maximised.	Yes
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	The proposal meets the minimum 60% of apartments to be naturally cross ventilated.	Yes
2. Overall depth of a cross-over or cross-through apartment does not exceed 18m, measured glass line to glass line	Overall depth of cross-over and cross-through apartments do not exceed 18m.	Yes
4C-1 Ceiling Heights <i>Ceiling height achieves sufficient natural ventilation and daylight access.</i>	Ceiling height achieves sufficient natural ventilation and daylight access. Ceiling fans are capable of being accommodated.	Yes
<i>Measured from finished floor level to finished ceiling level, minimum ceiling heights are:</i> <ul style="list-style-type: none"> - Habitable rooms – 2.7m - Non-habitable rooms – 2.4m 	Rooms meet minimum ceiling heights.	Yes
4C-2 Ceiling Heights <i>Ceiling height increases the sense of space in apartments and provides for well-proportioned rooms.</i>	Rooms are well-proportioned and provide sense of space in units.	Yes
4D-1 Apartment Size and Layout <i>The layout of rooms within an apartment is functional, well organised and provides a high standard of amenity.</i>	Apartment room layouts are functional with high standard of amenity.	Yes

<p><i>Apartments are required to have the following minimum internal areas:</i> <i>Studio: 35m²</i> <i>1 Bedroom: 50m²</i> <i>2 Bedroom: 70m²</i> <i>3 Bedroom: 90m²</i> <i>The minimum internal areas include only one bathroom. Additional bathrooms increase the minimum internal area by 5m² each. A fourth bedroom and further additional bedrooms increase the minimum internal area by 12m² each.</i></p>	All units meet the minimum internal areas.	Yes.
<p><i>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.</i></p>	All rooms have windows in an external wall that meet minimum 10% of floor area of the room.	Yes
<p><i>4D-2 Apartment Size and Layout</i> <i>Environmental performance of the apartment is maximized.</i></p>	Environmental performance of units maximised. Living areas and bedrooms located on external face of building.	Yes
<p><i>Habitable room depths are limited to a maximum of 2.5 x the ceiling height.</i></p>	Habitable room depths limited as required.	Yes
<p><i>In open plan layouts (where the living, dining and kitchen are combined) the maximum habitable room depth is 8m from a window.</i></p>	Room depths in open plan layouts do not exceed 8m from a window.	Yes
<p><i>4D-3 Apartment Size and Layout</i> <i>Apartment layouts are designed to accommodate a variety of household activities and needs.</i></p>	Apartment layouts capable of accommodating variety of household activities and needs.	Yes
<p><i>Master bedrooms have a minimum area of 10m² and other bedrooms 9m (excluding wardrobe space)</i></p>	The proposal meets minimum bedroom area requirements.	Yes
<p><i>Bedrooms have a minimum dimension of 3m (excluding wardrobe space)</i></p>	The proposal meets minimum bedroom dimension requirements.	Yes
<p><i>Living rooms or combined living/dining rooms have a minimum width of:</i> <ul style="list-style-type: none"> <i>3.6m for studio and 1-bedroom apartments</i> <i>4m for 2- and 3-bedroom apartments</i> </p>	The proposal meets minimum living room dimension requirements.	Yes

<i>The width of cross-over or cross-through apartments are at least 4m internally to avoid deep narrow apartment layouts</i>	Compliant	Yes
<i>4E-1 Private Open Space and Balconies</i> <i>Apartments provide appropriately sized private open space and balconies to enhance residential amenity.</i>	Apartment balconies and private open spaces are appropriately sized for amenity. Storage areas are not provided to balconies.	Yes
<i>All apartments are required to have primary balconies as follows:</i> <i>Studio: 4m²</i> <i>1 Bedroom: 8m², 2m minimum depth</i> <i>2 Bedroom: 10m², 2m minimum depth</i> <i>3 Bedroom: 12m², 2.4m minimum depth</i> <i>The minimum balcony depth to be counted as contributing to the balcony area is 1m</i>	All apartments are provided with balconies that exceed minimum area requirements.	Yes
<i>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.</i>	Ground floor apartments are provided with private open spaces that meet minimum requirements.	Yes
<i>4E-2 Private Open Space and Balconies</i> <i>Primary private open space and balconies are appropriately located to enhance liveability for residents.</i>	Primary open spaces and balconies are all provided adjacent to living rooms, dining rooms or kitchens. They are predominantly oriented north, east and west.	Yes
<i>4E-3 Private Open Space and Balconies</i> <i>Private open space and balcony design is integrated into and contributes to the overall architectural form and detail of the building.</i>	Balustrades are opaque; ground floor fencing of POS are transparent to allow passive surveillance. Balconies are integrated into the building design and provided with screening devices to control sunlight, wind and privacy.	Yes
<i>4E-4 Private Open Space and Balconies</i> <i>Private open space and balcony design maximizes safety.</i>	Changes in ground levels and landscaping are minimised. Opportunities for climbing and falls are avoided in balcony design.	Yes
<i>4F-1 Common Circulation and Spaces</i> <i>Common circulation spaces achieve good amenity and</i>	Common circulation spaces have good amenity. Windows provided adjacent to stair and lift core. Primary living room and bedroom windows do not open into circulation spaces.	Yes

<i>properly service the number of apartments.</i>		
<i>The maximum number of apartments off a circulation core on a single level is eight</i>	Proposal is compliant.	Yes
<i>For buildings of 10 storeys and over, the maximum number of apartments sharing a single lift is 40</i>	N/A.	N/A.
<i>4F-2 Common Circulation and Spaces</i> <i>Common circulation spaces promote safety and provide for social interaction between residents.</i>	Direct and legible access provided between vertical circulation points and apartment entries. Right corners and spaces avoided. Circulation spaces are well lit at night.	Yes
<i>4G-1 Storage</i> <i>Adequate, well designed storage is provided in each apartments.</i>	Storage is adequately provided on site for each dwelling.	Yes
<i>In addition to storage in kitchens, bathrooms and bedrooms, the following storage is provided:</i> <ul style="list-style-type: none"> <i>• Studio – 4m3</i> <i>• 1-Bed – 6m3</i> <i>• 2-Bed – 8m3</i> <i>• 3-Bed – 10m3</i> <i>At least 50% of the required storage is to be located within the apartment.</i>	Compliant	Yes
<i>4G-2 Storage</i> <i>Additional storage is conveniently located, accessible and nominated for individual apartments.</i>	Storage is conveniently located and accessible for individual apartments.	Yes
<i>4H-1 Acoustic Privacy</i> <i>Noise transfer is minimized through the siting of buildings and building layout.</i>	Noise transfer is minimised. Windows and doors are generally orientated away from noise sources and noisy areas within buildings are located next to or above each other and quieter areas next to or above quieter areas. Storage, circulation areas and non-habitable rooms located to buffer noise from external sources.	Yes
<i>4H-2 Acoustic Privacy</i> <i>Noise impacts are mitigated within apartments through layouts and acoustic treatments.</i>	Internal apartment layouts separate noisy spaces from quiet spaces adequately.	Yes

4J-2 Noise and Pollution <i>Appropriate noise shielding or attenuation techniques for the building design, construction and choice of materials are used to mitigate noise transmission.</i>	The proposal provides attenuation techniques and materials to provide mitigate noise transmission.	Yes
4K-1 Apartment Mix <i>A range of apartment types and sizes is provided to cater for different household types now and into the future.</i>	A variety of studio, 1-bedroom, 2-bedroom and 3-bedroom units are provided.	Yes
4K-2 Apartment Mix <i>The apartment mix is distributed to suitable locations within the building.</i>	Different apartment types located to achieve successful façade composition and optimise solar access. Larger apartment types located on first floor at corners to provide more windows and larger balconies.	Yes
4L-1 Ground Floor Apartments <i>Street frontage activity is maximized where ground floor apartments are located.</i>	Ground floor apartments along Coomea Street are provided with direct access to the street and courtyards and gardens overlooking the street.	Yes
4L-2 Ground Floor Apartments <i>Design of ground floor apartments delivers amenity and safety for residents.</i>	Screen fencing and landscaping screening for privacy of private courtyards and balconies for ground floor units.	Yes
4M-1 Facades <i>Building facades provide visual interest along the street while respecting the character of the local area.</i>	Proposal façade takes into consideration various design solutions proposed by ADG. It provides appropriate human scale and proportion to streetscape. Upper floors setback to reduce visual bulk and scale. Height of development is consistent with the surrounding locality. Shadows created on façade by articulation, balconies and deep window reveals.	Yes.
4M-2 Facades <i>Building functions are expressed by the façade.</i>	Main building entries are clearly defined. Apartment layout expressed externally through façade features.	Yes
4N-1 Roof Design <i>Roof treatments are integrated into the building designed and positive respond to the streets.</i>	Low profile roof design incorporated. Mass of roof broken down with different heights and stepping of height of the development. Proportionate to the scale and form of the building.	Yes
4N-2 Roof Design <i>Opportunities to use roof space for residential accommodation and open space are maximized.</i>	Habitable roof space not proposed.	N/A
4N-3 Roof Design <i>Roof design incorporates sustainability features.</i>	Roof design includes eaves and overhands to shade summer sun,	Yes
4O-1 Landscape Design	Landscape plans submitted with DA comply with requirements.	Yes

<i>Landscape design is viable and sustainable.</i>		
4O-2 Landscape Design <i>Landscape design contributes to the streetscape and amenity.</i>	Landscape plans submitted with DA comply with requirements.	Yes
4P-1 Planting on Structures <i>Appropriate soil profiles are provided.</i>	No planting on built structures proposed	N/A
4P-2 Planting on Structures <i>Plant growth is optimized with appropriate selection and maintenance.</i>		
4P-3 Planting on Structures <i>Planting on structures contributes to the quality and amenity of communal and public open spaces.</i>		
4Q-1 Universal Design <i>Universal design features are included in apartment design to promote flexible housing for all community members.</i>	8 units (20% of total unit count) are silver level according to Liveable Housing Guidelines.	Yes
4Q-2 Universal Design <i>A variety of apartments with adaptable designed are provided.</i>	8 adaptable/accessible units are provided.	Yes
4Q-3 Universal Design <i>Apartment layouts are flexible and accommodate a range of lifestyle needs.</i>	Proposal provides range of apartment types and sizes to accommodate different lifestyle needs.	Yes
Part 4T – Awnings <i>Awnings are well located and complement and integrate with the building design</i>	Awnings located over building entries and relate to residential windows.	Yes
Part 4T – Awnings <i>Signage responds to the context and desired streetscape character</i>	No signage is proposed.	N/A
4U-1 Energy Efficiency <i>Development incorporates passive environmental design.</i>	Natural light is adequately provided to habitable rooms.	Yes
4U-2 Energy Efficiency <i>Development incorporates passive solar design to optimize heat storage in winter and reduce heat transfer in summer.</i>	Passive solar design incorporated into building and apartment designs.	Yes

4U-3 Energy Efficiency <i>Adequate natural ventilation minimises the need for mechanical ventilation.</i>	Natural ventilation requirements met.	Yes
4V-1 Water Management and Conservation <i>Potable water use is minimised.</i>	Potable water use minimised and water efficiency considered in water efficient fittings, appliances. Refer BASIX.	Yes
4V-2 Water Management and Conservation <i>Urban stormwater is treated on site before being discharged to receiving waters.</i>	On-site stormwater detention provided.	Yes
4W-1 Waste Management <i>Waste storage facilities are designed to minimise impacts on the streetscape, building entry and amenity of residents.</i>	Rubbish bin storage located in the open at front of development, although it is screened. Well-ventilated and easily manoeuvred between storage and collection point.	Yes
4W-2 Waste Management <i>Domestic waste is minimised by providing safe and convenient source separation and recycling.</i>	Communal waste and recycling located conveniently and accessible.	Yes
4X-1 Building Maintenance <i>Building design detail provides protection from weathering.</i>	Building design details adequately provide protection from weathering. Roof overhangs provided and horizontal edges will have drip lines.	Yes
4X-2 Building Maintenance <i>Systems and access enable ease of maintenance.</i>	Ease of maintenance through easy systems and access. Design solutions do not require external scaffolding for maintenance access. Service and maintenance areas provided within proximity of main communal open space.	Yes
4X-3 Building Maintenance <i>Material selection reduces ongoing maintenance costs.</i>	Selected materials are easily cleaned and robust.	Yes