

Attachment 5 - Design Review Advisory Panel

Table 5.1 details the advice provided by the Shellharbour Design Review Advisory Panel during its consideration of the development and how the applicant has responded to these comments through design changes. The ground floor plan considered by the Design Review Advisory Panel is included below.

The main amendments from the proposal that was considered by the Design Review Advisory Panel is the reduction of the number of apartments (from 74 to 64), separation of the three buildings at ground floor level, the increase in setbacks of each building and the amendment to the vehicle access to the site.

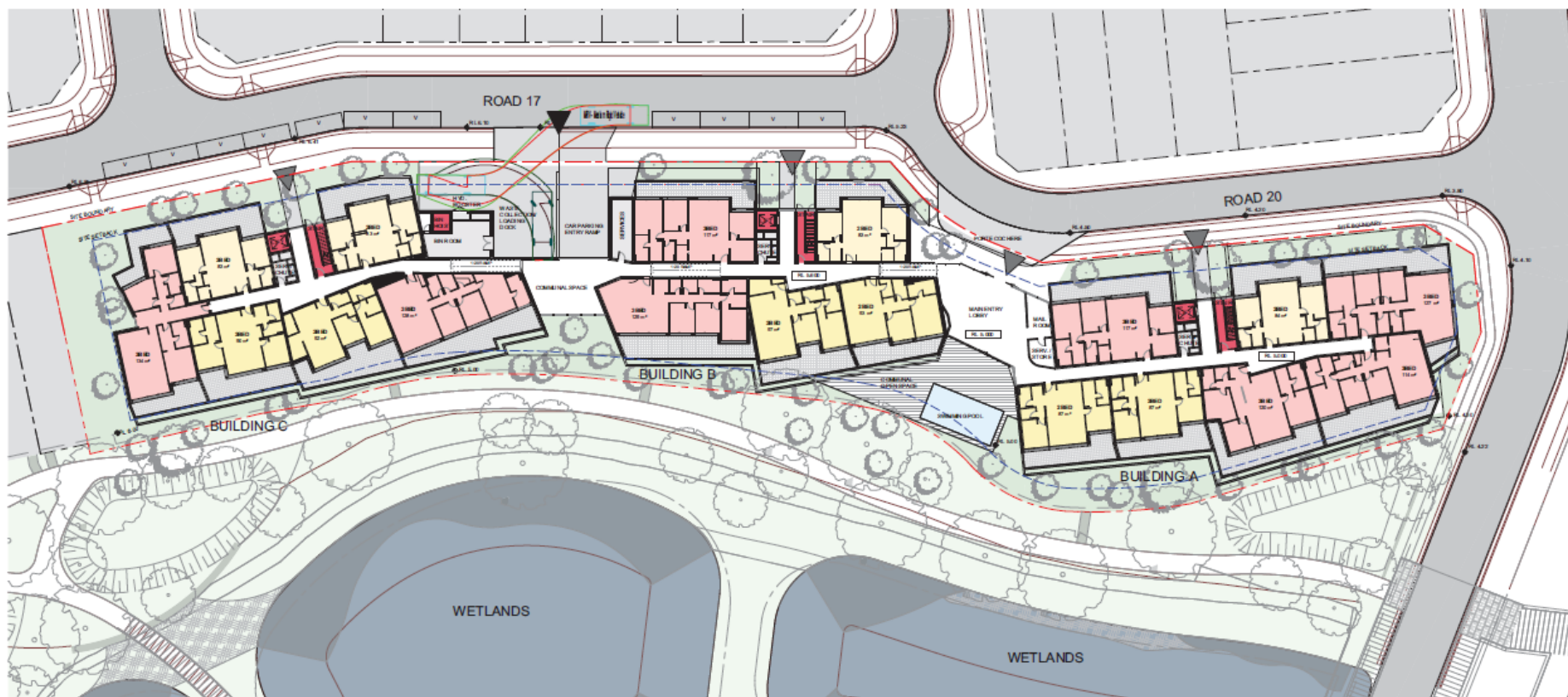


Table 5.1		
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The built form proposed creates minimal setbacks on all boundaries and between buildings and will impact on	The Precinct E2 Design Guidelines for Medium Density Housing and Apartments and the ADG do not contain numeric criteria for street and rear setbacks. Notwithstanding, the proposed built form has been	The building setbacks have been increased from a minimum of 1.9 metres to approximately 3 metres on the Cormorant Way and Lapwing Avenue. The setback to

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streetscape and adjacent public domain.	designed with reference to the Design Guidelines and the ADG. In general, the proposed setbacks ensure the buildings sit comfortably within the site. Significant landscaping is proposed within the setbacks and will contribute to softening the built form. The discussion below addresses the setbacks to each boundary. The proposal is setback generally a minimum of 3m from the Cormorant Way and Lapwing Avenue public domain and is greater than 3m in numerous areas along the street frontage. The minimum street setback to Aquatic Drive is 6.2m. The proposed minimum 3m street setback to Cormorant Way and Lapwing Avenue is consistent with the street setback required by the Design Guidelines for the medium density housing within Precinct E2 and is an appropriate minimum dimension for 3-4 storey residential flat buildings which enables the provision of landscaping and deep soil areas to soften the appearance of the built form. The proposed street setbacks are consistent with the aims and considerations set out at Part 2G Street Setbacks of the ADG as outlined below: The spatial proportions of the street network have been approved under DA 0118/2017. Cormorant Way is proposed to be a tree lined local residential street with a 4m public verge accommodating a 2.2m planted verge, 1.2m footpath and 0.6m grass strip. The site is immediately opposite medium density housing lots that are subject to a minimum 3m street setback guideline in the Design Guidelines. The proposed setbacks are	Aquatic Drive (eastern elevation) has also been reduced from a minimum of 1.9 metres to 6.1 metres. The areas of the ground floor that connected the three buildings have been removed, creating view lines from the street through the development to the wetlands and increasing the amount of communal open space. These changes to the proposal are considered to suitably address the comments of the Design Review Panel.

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	consistent with the predominant street setback and will assist with defining the street edge and character in this section of Cormorant Way. The proposed scale and massing of the proposal (2 x 3 storey buildings and 1 x 4 storey building) will not overwhelm the public domain or detract from the medium density residential character of the street. • The proposed setbacks allow for appropriate landscaping to reinforce the residential character of the street network. • The proposed ground floor terraces and upper level balconies will enable good passive surveillance and outlook to the street. • WMK have modulated the building frontage by stepping and setting back the building mass from the minimum setback line which will reduce the mass when viewed from the public domain. Setback to the Wetlands The proposal is generally setback a minimum of 3m from the common boundary with the wetlands. Balconies on Building C have minor protrusions into the 3m setback zone. The proposed setbacks to the wetlands are consistent with the aims and considerations set out at Part 2H Side and Rear Setbacks of the ADG as outlined below: • The proposed setbacks will ensure the proposal maintains appropriate solar access to the wetlands	

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	throughout the year and importantly to the public picnic area in mid-winter (refer to the WMK shadow analysis submitted with the DA). • The proposed setback incorporates deep soil and the overall development meets the ADG deep soil requirements. • The setbacks and building articulation facilitate an appropriate transition between the wetlands and the 2 x 3 storey buildings and the 1 x 4 storey building – the built form will not overwhelm the wetlands or result in an abrupt change in environment. Side Setback to Stage 54 Turnstone Lane Building C is setback a minimum 6m from the common boundary with Stage 54 Turnstone Lane. The 6m setback complies with the design criteria under Objective 3F-1 of the ADG. In addition, blank facades and louvres are proposed on the western elevation to ensure visual privacy is maintained between Building C and Stage 54 Turnstone Lane. The proposed 6m setback is an appropriate distance to accommodate the transition in scale between the two storey and three storey built form.	
The joining of buildings at ground level removes physical and visual permeability through the site.	The design was developed prior to DA lodgement and the buildings are not connected at ground level (refer Figure 1). The proposed development allows views from the Cormorant Way and Lapwing Avenue public domain south through the site towards the wetlands. In addition, a public through site link is provided along the boundary adjacent to Building C's western facade.	The three buildings proposed will have adequate separation providing physical and visual permeability though the site.

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The proposal fails to comply with the (i) DCP's parking requirements - ADG's requirements for (ii) deep soil, (iii) communal open space, (iv) mid-winter solar access and (v) cross ventilation.	(i) DCP Parking Requirements The residential parking allocation complies with the Council's parking rate requirements, with a total of 93 residential spaces provided (consistent with the 93 required under the DCP) and 31 visitor spaces (consistent with the 31 required under the DCP) as addressed in the Traffic Statement prepared by CBRK at Appendix H of the lodged application. Additionally, tandem parking spaces are proposed to be allocated to the three-bedroom units. ADG Compliance (ii) Deep Soil The proposal provides 445m2 of deep soil zones (8% of the 5,354m2 site area) with a minimum width of 6m which exceeds the minimum 7% of site area required under the design criteria of Objective 3E-1 of the ADG. (iii) Communal Open Space The design criteria at 3D-1 of the ADG requires that communal open space provision is equal to 25% of the site; and that 50% of the principal area of communal open space receive direct sunlight for a minimum of 2 hours between 9am and 3pm on 21 June. In response, the site provides 1,272m2 of communal open space which equates to a total of 23.7% of the site area - resulting in a minimal variation of 1.3%. 52% (700m2) will receive a minimum of 2 hours direct sunlight on 21 June. The communal open space provision is appropriate for the following reasons: • the site is located within walking distance of the Shell Cove town centre, waterfront boardwalk, kids beach	(i) DCP Parking Requirements Amendments to the design have been undertaken prior to lodgement of DA and the development complies with DCP parking requirements as detailed in attachment 10. The stacked parking spaces will be allocated in pairs to the larger (2 bedrooms +) apartments. This will be enforced by condition. (ii) Deep Soil Amendments to the landscaping areas have been undertaken prior to lodgement of DA and deep soil zones now comply with ADG requirements in terms of site percentage and dimensions. (iii) Communal Open Space A variation has been considered to the amount of Communal Open Space provided. The amount provided totals 23.7% of the site which is below the 25% required. This minimal variation is considered and is discussed in detail within the Assessment Report. (iv) Mid Winter Solar access A variation to the percentage of apartments that that receive 3 hours sunlight between 9am and 3pm is proposed, the percentage of

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	and play areas, and is immediately adjacent to the 1.76 hectare wetland. The locational benefits for future residents justify the minor variation to the communal open space area. - the communal open space will achieve Objectives 3D-2 and 3D-3 of the ADG, as it allows for a range of activities for residents and is attractive and inviting through the proposed layering and landscaping; - each primary communal open space is provided with bench seating to ensure a place for residents to sit, and is also afforded with direct access to the footpath that borders the adjacent wetland to the south. - the inclusion of a pool with views across to the wetland and marina ensures an aesthetically pleasing outlook from the communal open space. - all communal spaces are provided with passive surveillance from adjacent units and balconies, to provide a safe and welcoming environment. The proposed communal open space is therefore considered appropriate in the circumstances. (iv) Mid-Winter Solar Access Objective 4A-1 of the ADG requires design to “optimise the number of apartments receiving sunlight to habitable rooms, primary windows and private open space”, with design criteria (DC) reinforcing this. The site, being located in Shellharbour, is required to achieve DC2 and DC3 reproduced below:	apartments that do not have solar access mid winter between 9am and 3pm is also proposed. These two variations are discussed in detail in the Assessment Report. The variation is considered acceptable for this site given the views from the southern facing apartments. (v) Cross ventilation The proposed development exceeds the cross ventilation requirement of the ADGs.

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	• DC2. 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 between 9 am and 3 pm at mid-winter • DC3. A maximum of 15% of apartments in a building receive no direct sunlight between 9 am and 3 pm at midwinter Regarding the ADG requirement of 70% apartments receiving 3 hours sunlight between 9am and 3pm in mid-winter, the development achieves 57.8%% (37 units). This is however increased to 70.2% (45) compliance when extending these hours to 8.30am and 3.30pm. Notwithstanding, the list below identifies the apartments that receive less than the required hours of direct sunlight in mid-winter (19 units, being 29.6% between 9am and 3pm). These apartments are all oriented to the south with views across the wetlands and marina, and further beyond to the ocean: ☐ Building A: A003, A004, A005, A006, A104, A105, A204, A205; ☐ Building B: B002, B003, B004, B103, B104, B105; and ☐ Building C: C002, C003, C004, C103, C104. Of these, 26.5% receive no direct sun between 9am and 3pm, greater than the 15% maximum amount required by the ADG. These apartments are: ☐ Building A: A003, A003, A005, A006, A104, A105, A204, A205; ☐ Building B: B002, B003, B003, B103, B104, B105; and ☐ Building C: C003, C004, C103, C104.	

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	The following discussion outlines why the proposed number of apartments achieving 3 hours during mid-winter is below 70% and how, notwithstanding the proposed variation to the numeric design criteria, the proposal achieves Objective 4A-1 of the ADG. The proposal has been designed to respond to its unique context and location adjacent to the wetland and marina. It has unobstructed panoramic views east to the boat harbour and south across the wetland (refer to Figure 2 and 3). In this regard, the buildings have been designed to maximise excellent views from apartments. The ADG acknowledges circumstances such as this and notes that achieving the design criteria may not be possible where “significant views are oriented away from the desired aspect for direct sunlight”. The apartments facing south and not achieving solar compliance are more than compensated in terms of their amenity through the provision of high-quality views across the marina to the ocean, as specifically anticipated in the ADG. The alignment of the parent allotment for the development was approved under the Concept Plan Mod 1 and identified as apartment development up to four storeys. The proposal aligns the built form with the existing road network surrounding the site. However, the established lot arrangement prevents the southernmost apartments receiving 3 hours direct sunlight in mid-winter. Notwithstanding, the majority of apartments will receive good levels of direct sunlight throughout the year.	

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	The discussion above demonstrates that the number of apartments that receive direct sunlight to habitable rooms, primary windows and private open space has been optimised with regard to the site's specific circumstances. For this reason, the proposed development meets Objective 4A-1 and the variation to the numeric direct sunlight design criteria is appropriate in the circumstances, particularly with regard to the orientation of apartments to significant views, which is specifically identified in the ADG as a reason for not achieving solar access. (v) Cross Ventilation The proposal provides 31 (48%) apartments achieving cross ventilation with a further 11 (17%) utilising skylights to achieve cross ventilation (consistent with the approved Stage 2 Mixed Use Building), for a total of 42 (65%) apartments achieving cross ventilation. This complies with Part 4B of the ADG which includes design criteria that 60% of the apartments are to be naturally cross ventilated. Furthermore, the orientation of the buildings will ensure the site takes advantage of southerly winds from the marina, noting that apartments have been designed to allow for larger frontages and wider facades to these southern facing areas with the site's location on the coast meaning it will receive strong sea breezes that will naturally ventilate apartments throughout the year.	

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The proposal therefore appears too dense for the site.	The Panel raised concerns that the cumulative impacts of the matters they identified pre-lodgement resulted in a built form that was unsuitable for the site. As discussed above: • the proposed setbacks are consistent with the desired future character. • the proposal provides car parking in accordance with the DCP; • visual permeability is provided through the building to ensure view corridors to the wetlands to the south; • the proposal complies with the ADG deep soil and natural ventilation design criteria; and • the proposed variation to the ADG solar access design criteria is appropriate in the circumstances. Further, the proposal is consistent with the Concept Approval Mod 1 for the site as it will provide a four storey residential flat building development as envisaged in the Shell Cove Boat Harbour Precinct Revised Concept Plan Design Report prepared by Cox dated July 2018. The proposed number of dwellings proposed as part of this development (64) will not result in the total dwelling number of Precinct E2 exceeding the range identified in the Concept Approval Mod 1 (250 – 300).	The applicant has sufficiently addressed each comment provided by the DRP and amended the proposed development accordingly prior to lodgement. Compliance with the Concept Approval has been considered satisfactory as addressed in detail in attachment 6 of this report. The proposed setbacks have been shown to be in accordance with the existing street pattern within Precinct E and is sufficiently setback from the wetlands to the south. The three buildings that will make up the development are suitably separated, with adequate communal open space and soft landscaping surrounding. The ADG non compliances have been identified and addressed within the assessment report and are considered to be acceptable. On site residential and visitor parking has been achieved in accordance with SDCP 2013 requirements. Council is satisfied that the proposed density of development is appropriate for the site and the comments of the DRP have been suitably

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		addressed with amendments to the proposed plans prior to lodgement.