



STATEMENT OF ENVIRONMENTAL EFFECTS

**Demolition of existing dwellings,
lot consolidation and
erection of Build to Rent Residential Flat
Buildings**

**Corner of Bolong Road and Beinda Street
Bomaderry**

June 2024

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If this document is not signed it is a draft.



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1 INTRODUCTION

This Development Application seeks approval for the construction of a part three and part four storey Build to Rent residential apartment development, comprising two residential flat buildings, both constructed above enclosed undercroft ground level parking areas on the corner of Beinda Street and Bolong Road, Bomaderry.

This Statement of Environmental Effects has been prepared by Urbanco on behalf of Landcom (the applicant), in support of a Crown Development Application under Part 4 of the *Environmental Planning and Assessment Act 1979* (the Act).

The delivery of a high quality large scale Build to Rent project in this location will significantly enhance local housing opportunities for a range of residents including key workers, sole person households, families and long-term rental households.

The proposal has been designed to respond to the site's setting and characteristics, with a key design feature being an extensive setback to Beinda Street to allow retention of existing large trees in the front setback.

The building form and massing has been designed to respect the existing locality while delivering a new benchmark for residential medium density development. The building form and materiality draws from the surrounding character of the locality and its varied environment and built form.

The proposal includes 60 apartments with a variety of studio, 1 bedroom, 2 bedroom and 3 bedroom units to maximise the range of household types able to be accommodated. The proposal also incorporates extensive site landscaping and a range of common open space areas, including sheltered internal open air courtyard within the building, encouraging opportunities for resident interaction and creating a sense of community within the development.

As part of the design and delivery of the apartment development, Landcom is seeking to achieve a Green Star rating under the Green Building Council Australia as part of the sustainability initiatives.

The site is highly accessible and within easy walking distance of the Bomaderry Town Centre, education facilities, open space areas, employment nodes and the Bomaderry Railway Station. The site is also within a cycle distance of the Nowra CBD providing opportunity to encourage and facilitate walking and cycling.

Given its location, the building is ideally placed to accommodate the proposal and provide easy access for future residents to employment, retail, transport and recreational facilities.

In relation to the assessment of the proposed development, we note as follows:

- As discussed in Section 9.3 of this report, the proposed development is not classified as Integrated Development under Section 4.46 under Division 4.8 of the *EP&A Act 1979* and does not require referral and/or concurrence during assessment.
- As noted above, the proposal is lodged as a Crown Development. The estimated development cost for the proposal is over \$5 million and therefore the Southern Regional Planning Panel is the determining authority under Schedule 6 of the *EP&A Act 1979*.
- The proposal is not classified as Designated Development under the *EP & A Act 1979*.
- The proposal is not classified as State Significant Development under Schedule 1 or Schedule 2 of the *EP&A Act 1979*.
- The proposal is not classified as Traffic Generating Development under *State Environmental Planning Policy (Transport and Infrastructure) 2021*.

This Statement of Environmental Effects provides a detailed summary of the proposal, and assessment under the provisions of the Environmental Planning and Assessment Act 1979, relevant State Environmental Planning Instruments, the Shoalhaven Local Environmental Plan 2014 and Shoalhaven Development Control Plan 2014.

This report, and supporting plans and documentation demonstrate that the site is highly suitable to accommodate the proposal and is generally compliant with all relevant state and local government planning provisions.

A minor variation to the permissible building height is sought as a result of the site topography and fall across the site. This is discussed and justified in detail in this SEE and associated Clause 4.6 variation report and is consistent with the approval issued for the adjoining residential flat building.

Approval of the proposal will further enhance housing diversity and long term, rental accommodation opportunities within Bomaderry and the broader LGA.

2 LANDCOM BUILD TO RENT INITIATIVE

Landcom are delivering a Build to Rent program with projects in the South Coast and Northern Rivers regions, supporting the NSW Government's commitment to boosting housing supply and delivering more secure and affordable housing for regional NSW.

The Build to Rent projects will increase the supply of rental housing in two regional areas where people are feeling the stresses of rising rents and limited housing availability.

Build to Rent is purpose-built housing designed for rent, rather than sale. It is designed and built specifically for long-term renters to provide secure housing, typically in the form of apartments.

Build to Rent housing is designed and built to provide long-term rental homes, typically in the form of apartments which provide people with secure tenure and stable rents.

Landcom are aiming to complete the two Build to Rent projects in 2026, ready for residents to move in. The Build to Rent housing will be managed by a government agency or community housing provider.

The Bomaderry project will provide greater housing security and choice to renters. Landcom are planning for at least 20% affordable rental housing for those on low and moderate household incomes based on the NSW Affordable Rental Housing Ministerial Guidelines, such as the key workers who keep our cities and towns moving, including retail and childcare workers, nurses and teachers.

3 SITE LOCATION & CONTEXT

3.1 Land details

The subject site comprises a number of existing residential properties located at the corner of Bolong Road and Beinda Street, Bomaderry.

The subject site encompasses three properties which incorporate eight separate allotments located along the southern side of Beinda Street.

The site is located within the Shoalhaven Government Area (LGA), in the suburb of Bomaderry.

The subject site is legally described as follows:

- 4 Beinda Street – Lot 1, Lot 2, Lot 3 and Lot 4 DP25566
- 57 Bolong Road – Lot 5, Lot 6 & Lot 7 DP25566; and
- 53 Bolong Road – Lot 1 DP329959

The subject site has a total site area of 5,915m².

As noted in the application description, this proposal seeks consent to amalgamate the existing allotments to a single allotment as part of the Development Application.

3.2 Site Context

The subject site is located in the southern part of the suburb of Bomaderry on the corner of Bolong Road and Beinda Street. The site is located on the southern side of Beinda Street and western side of Bolong Road.

The site is well located in relation to local services, key local public transport links, key roadway connections and open space areas.

The site is situated approximately 400m from the southern end of the Bomaderry Town Centre main street retail and commercial precinct which offers a range of key local services for residents including Post Office, supermarket, pharmacy, restaurant and hotel and a range of smaller scale retail shops.

The Bomaderry Train Station is located in the Main Street precinct, approximately 600m from the site, being a less than 10 minute walk. Bomaderry Train Station is a highly active local transport hub, as it forms the final station on the South Coast line, and therefore services a wide catchment extending beyond the suburb of Bomaderry.

The site is also located within a walkable catchment of the Bomaderry east industrial and employment area which incorporates the large scale Manildra Group Shoalhaven Starch facility. As described by Manildra Group, the facility is the largest wheat starch & gluten plant of its kind in the world and operates in conjunction with a 'world first' ethanol distillery.

The area also incorporates a range of supporting businesses and agricultural enterprises providing various employment opportunities.

The site is also situated adjacent to a local smaller scale employment area on the eastern side of Bolong Road. This local employment and service hub includes a range commercial, hardware and service based business.

The site is well served by access to a range of open space and recreation areas including Bomaderry Oval – only 80m north east of the site – which incorporates a large scale sports oval and associated *Lions Park* playground area.

Thurgate Oval, located 70m to the north incorporates a large scale Dog off-leash Park and areas for informal recreation activities.

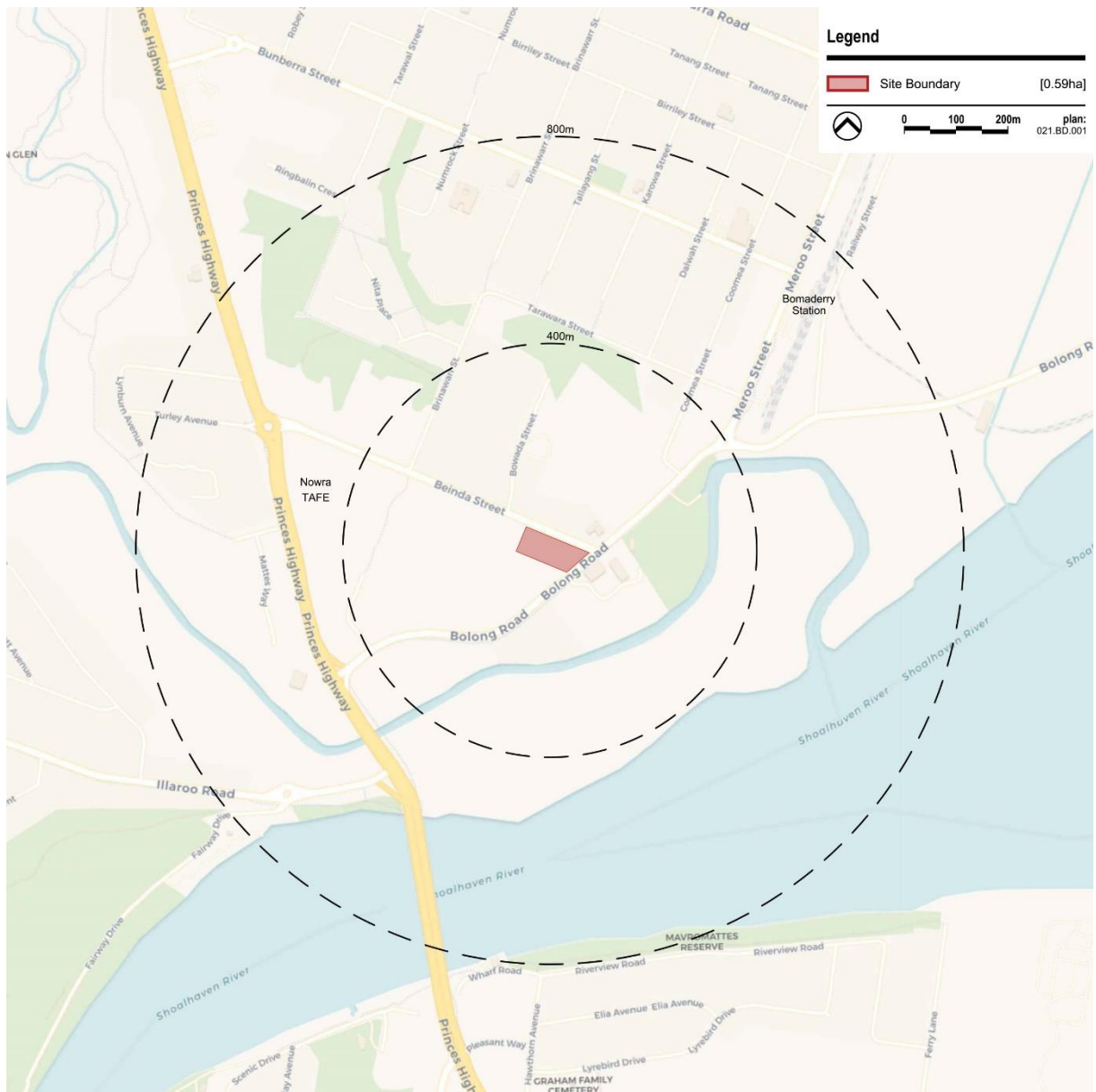
The Nowra TAFE College is also situated within a walkable catchment of the site, being located less than 400m to the west on Beinda Street.

Beinda Street and Bolong Road both provides direct connections to the broader key road network, facilitating access to the Princes Highway which connects to the Nowra CBD in the southern side of the Shoalhaven River, Berry to the north and the broader South Coast / Illawarra Region.

Figure 1 – Locality Plan



Figure 2 – Local Context Plan



3.3 Site Conditions

The subject site is zoned R3 Medium Density under the Shoalhaven Local Environmental Plan 2014 and is subject to a maximum building height of 11m.

The site has been utilised for residential accommodation and has formed part of a former timber mill land holding for an extended period of time.

As a result, the site has been extensively cleared, with remnant vegetation being limited to trees along the northern and southern boundary, site grasses and exotic planted gardens.

The trees along the northern boundary are native spotted gums + brushbox. Given the straight-line planting of the trees along the northern boundary, it is likely that these were planted on site.

The site has a gentle grade from the south-western corner to the north-eastern corner at the intersection of Bolong Road and Beinda Street. As a result, there is a cross fall of approximately 5m diagonally across the site, while the land holding is generally flat from the southern to northern boundary.

The site is bordered by an existing Locally listed heritage homestead to the south, identified as "Greenleaves" (a Federation Queen Anne style residence and grounds) and vacant land associated with the former timber mill along the western boundary.

There are single storey residential properties located along the northern side of Beinda Street, with an existing Service Station and convenience store located on the corner of Belinda Street and Bolong Road.

There are a range of commercial, business and industrial land uses on the eastern side of Bolong Road which form part of local small scale industrial area.

Vehicular access to the site is currently available via Beinda Street and Bolong Road.

Figure 3 – Site Plan



Site View 1 – Beinda Street



Site View 2 – Beinda Street



Site View 3 – Bolong Road



Site View 4 – Internal



4 PRE-LODGEEMENT CONSULTATION

In preparation of this Development Application, the project team attended a Pre-lodgement Advice Meeting with Shoalhaven Council on the 25th of January 2024.

Following this meeting, Shoalhaven Council provided pre-lodgement feedback for consideration in finalisation of the application. We have provided a detailed response to the matters outlined in the Design Review Panel comments and Councils Pre-lodgement response letter in the tables below.

Table 1: Pre-DA Council Comments and Response

| Design Review Panel Comments | DA Design Response |
|--|--|
| 1. Carparking and traffic Seeking a reduction in car parking spaces, on ground car parking & ingress/egress to site. | |
| Development Engineering Comments <ul style="list-style-type: none"> Traffic & Parking assessment required with DA application. Refer to TfNSW Guide to Traffic Generating Development & SCC DCP G21. | TTPP have prepared a detailed Traffic and Parking Assessment in association with this Development Application. The assessment is provided as an Appendix to this SoEE and addresses TfNSW Guide to Traffic Generating Development & SCC DCP G21. |
| <ul style="list-style-type: none"> Quantity of parking to comply with either Council's DCP or SEPP (Housing), whichever is less. | Noted. Please refer to DCP Assessment in this SoEE and associated Traffic and Parking Assessment. |
| <ul style="list-style-type: none"> Car parking will need to comply with AS2890.1 (off-street parking spaces) and AS2890.6 (accessible spaces), as well as AS2890.2 for commercial vehicle servicing areas. Swept paths for B85 vehicle to be used for critical car parking spaces. | Car parking areas have been designed to comply with AS2890. Please refer to the Traffic and Parking Assessment and detailed Engineering Plans. The Traffic and Parking Assessment provided includes detailed swept paths for parking areas. |
| <ul style="list-style-type: none"> Driveway long sections to comply with Council's Standard Drawings. | Driveway Long Sections are provided as part of the Engineering Drawings and are consistent with Councils standard drawings. |
| <ul style="list-style-type: none"> Stacked spaces should be avoided but otherwise should be assigned to one unit and be physically separated (i.e. wheel stops, etc.) | Following the Pre-DA meeting the design and layout of the basement parking area has been further refined. As a result the number of stacked parking spaces has been reduced. There is only one 'stacked parking space' proposed. Both spaces will be allocated to a single unit and managed by the building manager accordingly. |

| Design Review Panel Comments | DA Design Response |
|---|---|
| <ul style="list-style-type: none"> Bicycle parking needs to be demonstrated to comply with Council's DCP G21. | <p>Noted.</p> <p>Please refer to DCP Assessment in this SoEE and associated Traffic and Parking review.</p> |
| <ul style="list-style-type: none"> Fire booster location and hardstand area to be shown on architectural plans if applicable. Fire evacuation route to meet NCC / Australian Standards and demonstrated within Accessibility Report. | <p>Noted.</p> <p>Please refer to architectural plans..</p> |
| 2. Flooding Considerations PMF and Flood Planning Area & use of sacrificial areas | |
| Floodplain Management Comments | |
| <p>The proposed development will be assessed as a Land Use Type A(II) – Other Residential / Habitable Buildings in accordance with DCP Chapter G9: Development on Flood Prone Land.</p> | <p>Noted.</p> <p>A site specific flood review has been prepared and is submitted with this application.</p> |
| <p>Part of the property is located below the 2050 scenario Flood Planning Level (FPL) of 6.4m AHD. A small portion of the northeastern corner is affected by 1% AEP flood level of 5.2m AHD.</p> <p>The 2050 scenario Probable Maximum Flood (PMF) level is 7.0m AHD and the hazard and hydraulic category is Low Hazard Flood Fringe.</p> | |
| <p>The architectural plans to be submitted with the development application should clearly include height references in m AHD.</p> <p>All habitable areas are to be located above the FPL and the entry to the carpark is to be located above the PMF.</p> <p>It is recommended that the entry to the carpark is from Beinda Street to reduce the risk of residents having to drive through floodwater along Bolong Road if needing to evacuate the building during a flood event.</p> <p>It is noted that the FPA extent on the Site Survey plan differs to Council's adopted mapping and needs to be updated accordingly.</p> | <p>The 1% AEP flood level for the site is 5.2 and the Flood Planning Level is 6.4m</p> <p>Architectural Plans indicate that the lowest ground floor unit achieves an RL of 6.95 which is above the Flood Planning Level.</p> <p>The PMF level for the site is 7.0m.</p> <p>The car park entry driveway has a minimum RL of 7.2 which is above the PMF. The car park floor level is also RL 7.2.</p> |
| <p>The application for the proposed development needs to demonstrate compliance with clause 5.21 and 5.22 of the Shoalhaven LEP 2014, as well as DCP Chapter G9. This is to be documented in a flood compliance report and is to be submitted with the development application.</p> <p>The flood compliance report must be prepared by a suitably qualified and experienced engineer recognised under the National Engineers Register (NER) in this field.</p> | <p>Noted. A site specific flood review has been prepared and is submitted with this application which addresses relevant LEP clauses and DCP chapters. The LEP and DCP requirements have also been addressed in this SoEE.</p> <p>A flood review has been prepared a suitably qualified and experienced engineer.</p> |

| Design Review Panel Comments | DA Design Response |
|--|---|
| <p>The proposed development may become isolated during a flood event as access along Beinda Street and Bolong Road may flood. As such, the applicant needs to demonstrate how the safe occupation and efficient evacuation provisions of clause 5.21 and 5.22 of the LEP for the proposed development can be achieved, without increasing reliance on emergency services.</p> | <p>Evacuation has been addressed in the flood report submitted with this application.</p> |
| <p>The applicant also needs to prepare an Integrated Water Cycle Management Strategy (IWCMS) and submit with the application. The IWCMS must include a report and drawings demonstrating how the development meets the relevant stormwater controls, including considerations for quality, quantity, and retention, as outlined in DCP Chapter G2.</p> | <p>A Water Cycle Management Plan has been prepared and submitted with this application.</p> |
| Development Engineering Comments | |
| <p>Stormwater Drainage</p> <ul style="list-style-type: none"> • Concept plan & integrated water cycle management strategy required. • Detention, retention and water quality treatment required as development is Large Scale Development per SCC DCP G2. • Likely to discharge to the existing public stormwater infrastructure within Beinda Street. The main may need to be extended or upgraded to cater for the additional flow from the development. • Overland flow of water to be addressed with the stormwater design. Will likely need to be diverted around building and not towards neighbouring properties. • As development is within Flood Planning Area, requirements of Council's DCP Chapter G9. | <p>A Water Cycle Management Plan has been prepared and submitted with this application.</p> <p>Stormwater detention is provided on site.</p> <p>Please refer to the Water Cycle Management Plan and associated engineering plans.</p> |

| Design Review Panel Comments | DA Design Response |
|--|---|
| 3. Waste Servicing | |
| Limited footprint and building envelope to enable on-site waste management. | |
| Waste Services Comments | |
| <p>A waste management plan (form) and any further details to be included in the applicant submission will be considered, along with the level of compliance with Council's Waste Minimisation and Management Guidelines. The plan should outline suitable management of demolition and construction waste and the intended ongoing waste management of the site.</p> | <p>A detailed Operational Waste Management Plan has been prepared by MRA Consulting Group and is submitted with this application.</p> <p>The plan proposes weekly collection of general waste, FOGO and recycling by a private waste contractor.</p> |
| <p>Due to the nature of the development, the site is not suitable for participation in Council's kerbside collection service and is better suited for an onsite private waste collection service with a suitably licenced private waste collection contractor. The applicant will need to provide details outlining collection bin sizes, storage locations, servicing frequency and how the collection vehicle will service the site (swept path diagrams showing onsite movements of the predicted collection vehicle size is preferred).</p> <p>Alternatively, appropriate plans to demonstrate that kerbside collection is achievable in accordance with the DCP and EPA guidelines must be provided to support the application.</p> | |
| Development Engineering Comments | |
| <ul style="list-style-type: none">• Kerbside collection is proposed. There appears to be adequate space along the frontage for bins collection. However, the number of bins appears to be inadequate (only 70 bins for 60 units). It is likely this is subject to change and this will require the bin storage area to increase.• Bulky waste storage areas should also be provided.• The waste management strategy needs to be prepared in accordance with Council's DCP and the EPA Guidelines.• If Council does not accept the kerbside collection strategy, on-site strategy is to be outlined including manoeuvring of waste vehicle. | <p>Bin provision has been addressed and revised.</p> <p>The architectural plans provide for the required number of bins as outlined in the Waste report provided with this application.</p> <p>Bulky waste storage areas are provided in the bin storage areas.</p> <p>Noted. Please refer to Waste Management Strategy submitted with his application.</p> <p>Waste collection is proposed to be undertaken by a private waste contractor.</p> |

| Design Review Panel Comments | DA Design Response |
|---|--|
| 4. Design and Context Street Setbacks, Presentation to St, Adjoining Heritage Item and old Sawmill, DA Approval Timing | |
| Street Setbacks and Presentation | |
| <p>The proposal will need to be designed in accordance with State Environmental Planning Policy No. 65 – Design Quality of Residential Apartment Development (SEPP 65) and the Apartment Design Guide.</p> <p>Chapter G13 of the Shoalhaven DCP should be considered as a guide to establish appropriate setbacks in relation to the existing streetscape.</p> | <p>A detailed SEPP 65 & Apartment Design Guide assessment has been prepared by the Architects and is also summarized in this SoEE.</p> <p>These demonstrate that the proposal is fully consistent with the principles of SEPP 65 and the recommended design standards in the Apartment Design Guide.</p> <p>The proposal is also considered appropriate in terms of the principles for residential setbacks of Chapter G13 as outlined in this SoEE and the DCP assessment tables.</p> |
| Proximity to Heritage Item and old Sawmill | |
| <p>Given the proximity of the development to the heritage item 122, “Greenleaves”—Federation Queen Anne style residence and grounds” under the Shoalhaven LEP, the application will need to be supported by a heritage impact statement.</p> | <p>A heritage impact statement has been prepared by Heritage 21 and is submitted with this application.</p> |
| <p>A portion of the proposed development site was previously used as a sawmill, this triggers the need for a preliminary site investigation to be undertaken in accordance with the Environment Protection Authority (EPA) Guidelines. Depending on the results of this investigation will be determine if additional testing or remediation work is required to be undertaken.</p> | <p>Noted.</p> <p>Please refer to the Site Investigation prepared by Stantec submitted with this application. Stantec advised that no contaminant concentrations in soil were detected above the adopted human health criteria.</p> |
| 5. Housing SEPP (for BtR), Building Height, and Trees along Beinda St & tree on southern boundary | |
| Housing SEPP | |
| <p>The proposed development will need to demonstrate compliance with the development standard for Built-to-rent housing under the SEPP (Housing) 2021.</p> | <p>Please refer to detailed assessment under the Housing SEPP provisions outlined in this SoEE.</p> |

| Design Review Panel Comments | DA Design Response |
|--|--|
| Building height | |
| <p>The subject site has a maximum building height of 11m in accordance with clause 4.3 of the Shoalhaven LEP. The proposed development exceeds 11m height limit and therefore a Clause 4.6 variation will be required to be included with the application. The height exceedances currently drafted appear supportable and justified.</p> | <p>A detailed Clause 4.6 Variation Request is provided with this application.</p> <p>We note that the proposal seeks a minor variation to the building height of up to 1,090 mm (9.9%) for Building 1 & 2.</p> |
| Vegetation retention | |
| <p>The application will need to be supported by an Arborist Report in which assess impacts and provide measures for tree protection and retention. The site plans must also indicate any tree retention and removal in accordance with the arborist report. It was noted that some 'high value' trees are proposed for removal. Please ensure the architectural drawings correspond with the highest retention possible. A comment was made that some trees have rot or other defects. This has not been double checked by SCC yet.</p> | <p>Noted.</p> <p>Please refer to the arborist report submitted with his application.</p> |
| Biodiversity comments | |
| <p>The proposal must be designed to avoid and minimise impacts to biodiversity in accordance with Shoalhaven DCP. Avoidance and minimisation measures may include but not limited to retention of mature trees and other areas of native vegetation, retention of habitat trees with appropriate buffers, apply mitigation measures to reduce indirect impacts during construction and ongoing use of the development, avoid planting invasive exotic species and instead use local native species within landscaping.</p> | <p>The subject site has been cleared in association with historic land uses.</p> <p>Notwithstanding a detailed biodiversity assessment is provided with this application.</p> <p>The apartment building have been designed and located on site to minimize impacts on existing vegetation and maximise tree retention.</p> |
| Additional Matters | |
| Development Engineering Comments | |
| <p>Public Domain works</p> <p>Council's DCP requires a footpath along the entire frontage of the development. However, Council's Pedestrian Access and Mobility Plan (PAMP) shows a shared user path along the northern verge of Beinda Street, connecting to the existing shared user path network (see below image). It would be preferable that this shared user path was constructed in lieu of the footpath along the frontage with kerb ramps to tie the development's internal footpaths into the shared user path opposite. A pedestrian refuge on Beinda Street should also be considered to provide a safe crossing point for pedestrians. This will provide a broader connection for pedestrians and cyclists and will lessen the impact to the existing large trees adjacent to the Beinda Street road verge.</p> | <p>Plans and details submitted with this application provide for the construction of a footpath along the Beinda Street frontage consistent with the DCP requirements.</p> <p>It is understood that the planned future Shared path along the northern side of Beinda Street will be delivered as part of future Council works.</p> |

| Design Review Panel Comments | DA Design Response |
|--|--|
| <p>Beinda Street frontage to be widened and provided with upright kerb and gutter to match the existing alignment at the intersection with Bolong Road.</p> | <p>Noted.</p> <p>Please refer to engineering plans and details submitted.</p> |
| <p>Bulk earthworks plan and sections to be provided, showing amounts of cut and fill proposed and interface with road reserve and adjoining properties.</p> | <p>The engineering plans include Bulk Earthworks details as requested.</p> |
| <p>Shoalhaven Water Comments</p> | |
| <p>Section 64 Contributions to apply, currently 1 bed = 0.4 ET, 2 bed = 0.6, 3 bed = 0.8, 4 bed = 1ET.</p> <p>Meter to be sized for entire development, can be either bulk meter or bulk meter with separate 20mm meter to each unit (all meters need to have 24/7 access for maintenance purposes).</p> <p>If a fire service is required, no booster pumps (where specified by hydraulic engineer) are permitted to be directly connected to any Council watermain. Break/storage tanks are required in accordance with relevant standards and codes.</p> <p>There are currently 2 sewer junctions serving lots and available for connection. No issues with capacities of gravity sewer main to service this development.</p> | <p>Noted. Contributions to be addressed through conditions of consent as assessed by Council.</p> <p>Noted. To be addressed as part of the detailed Construction Certificate documentation.</p> <p>Noted. To be addressed as part of the detailed Construction Certificate documentation.</p> <p>Noted.</p> |
| <p>Biodiversity comments</p> | |
| <p>BOS Threshold assessment</p> <ul style="list-style-type: none"> The property is not on the Biodiversity Values Map (as of Feb 2024). The native vegetation area clearing threshold is 0.25ha based on a minimum lot size of 580m². <p>Existing broadscale vegetation mapping (NSW State Vegetation Type Map) has mapped the site as containing native vegetation PCTs 3654 Shoalhaven Lowland Bloodwood Shrub Forest and PCT 3270 Shoalhaven Lowland Wet Gully Forest.</p> <p>The BOS threshold must be calculated in accordance with the Guidance for Local Government in Applying the Biodiversity Offset Scheme Threshold. This includes calculating patch size.</p> <p>If the development clears 0.25ha of greater of native vegetation and triggers entry into the Biodiversity Offset Scheme, a Biodiversity Development Assessment Report (BDAR) prepared in accordance with the Biodiversity Assessment Method (BAM) 2020 is required to accompany the application.</p> | <p>Cumberland Ecology assessed and considered clearing of native vegetation incorporated in the site works in relation to the thresholds specified for Biodiversity Offset Scheme (BOS).</p> <p>The LEP does not map a minimum lot size for the subject site. Clause 4.1A (2) does specify a minimum lot size of 900m² for Residential Flat Buildings in the R3 Medium Density zone. Therefore, the clearing of 0.25 ha or more would trigger entry into the BOS.</p> |

| Design Review Panel Comments | DA Design Response |
|--|---|
| <p><i>Threatened species and communities.</i></p> <p>The Plant Community Types (PCTs) identified onsite on the NSW State Vegetation Type map or preliminary vegetation mapping by Cumberland Ecology are currently not associated with any Threatened Ecological Community (TEC) listed in the Biodiversity Conservation Act 2016 and Environment Protection and Biodiversity Conservation Act (EPBC) 1999. Council has not undertaken an onsite assessment of vegetation classification or extent.</p> | <p>Surveys undertaken by Cumberland Ecology refined the broad-scale mapping and determined that two locally defined native vegetation communities were present within the subject land, as well as Exotic Dominated Grasslands and Exotic Vegetation.</p> <p>A total of 141 flora species were recorded within the subject land. Species present within the subject land consist of a mix of exotics (60%, n = 85) and native species (40%, n = 56). No threatened flora species have been recorded within the subject land or are likely to occur.</p> |
| <p>The proposed development is within a few hundred metres of a current and significant Grey-headed Flying-fox breeding camp. Impacts to Grey-headed Flying-foxes, including potential indirect impacts must be adequately assessed with the Flora and Fauna Assessment and mitigation measures to avoid or minimise impacts during construction and ongoing use must be provided. It is recommended that mitigation measures be addressed within a management plan.</p> <p>It is also recommended that an acoustic assessment be prepared to ensure that noise and other impacts from the flying-fox camp on residents are mitigated and internal noise levels are within Australian Standard or any other relevant guidelines.</p> | <p>The Flora and Fauna assessment has considered potential indirect impacts of the project associated with noise levels and light pollution and concluded they are unlikely to be greater than existing development adjacent to the camp.</p> <p>A range of impact avoidance and mitigation measures have been developed for the Project and these are presented in Chapter 5, including relating to the Grey-headed Flying-fox. These measures will be implemented as part of the proposal and associated construction works.</p> |

5 CONNECTING WITH COUNTRY

In preparation of this Development Application, the project team participated in an onsite Connecting with Country Walk on the 25th of January 2024.

The Walk was undertaken with Henry (Sonny) Simms (Uncle Sonny) and provided valuable insight to the indigenous cultural history of the site, former timber mill and surrounding area. Stuart Scobie of Edmiston Jones provides notes from the Connecting with Country walk and conversations with Uncle Sonny which are provided below.

Conversation with Uncle Sonny Simms

The mill adjacent to the site was a Davis & Herbert hardwood mill that sourced timber from up and down the south coast. Many indigenous community members worked at the mill. Those that became "Benchmen" were entitled to a house on site as part of their job.

Sonny's mob lived in the bush just North of the site. Up to 12 families lived there with up to 10 children each. These families drew water from the billabong which was also close to the project property and Sonny noted as an important site to his community.

This site is on Sonny's mother's country which is Wodi Wodi. Across the river is Wandi Wandi country. Both are part of the Yuin nation and their language is Dharawal. Sonny's father came from the La Perouse Aboriginal Reserve and Mission in Sydney.

Sonny noted that aboriginal people would use their knowledge of what plants were flowering at any time to know when certain fish were travelling. Typically, Mullet time was when we now celebrate Easter.

Sonny commented on a wild cherry tree on site near to where we were speaking. This plant was commonly used as part of smoking ceremonies. Sonny also referred to Lillypillys around the area as a food source.

Sonny spoke about the flying foxes that camped near the site and also about families catching eels and ducks in the billabong.

Other significant sites that relate to the site are Cullunghutti (Coolangatta Mountain) and Kangaroo Valley. This area of Bomaderry would have been part of the travel route between these two significant locations and would most likely have been a winter camp area due to the mild conditions and abundance of food.

Sonny spoke about initiating young men through cuts on the forearms with chert and filling with ash to create raised scars. Traditionally this would have occurred at the back of Berry.

Sonny did not feel that there would be any artefacts on site as it has a solid sandstone base and had been part of an active mill for so long. Sonny did feel very strongly that the area generally is steeped in aboriginal history.

Interpretation – Distilling key connection elements

The key elements that came out of our conversation with Sonny can be summarised as follows:

- *Strong indigenous connection to the immediate area through water, food, materials and housing.*
- *Plant communities played an important role in calendar events and ritual.*
- *This site was located on a significant travel route.*
- *Timber played an ongoing cross cultural role from traditional usage through to*

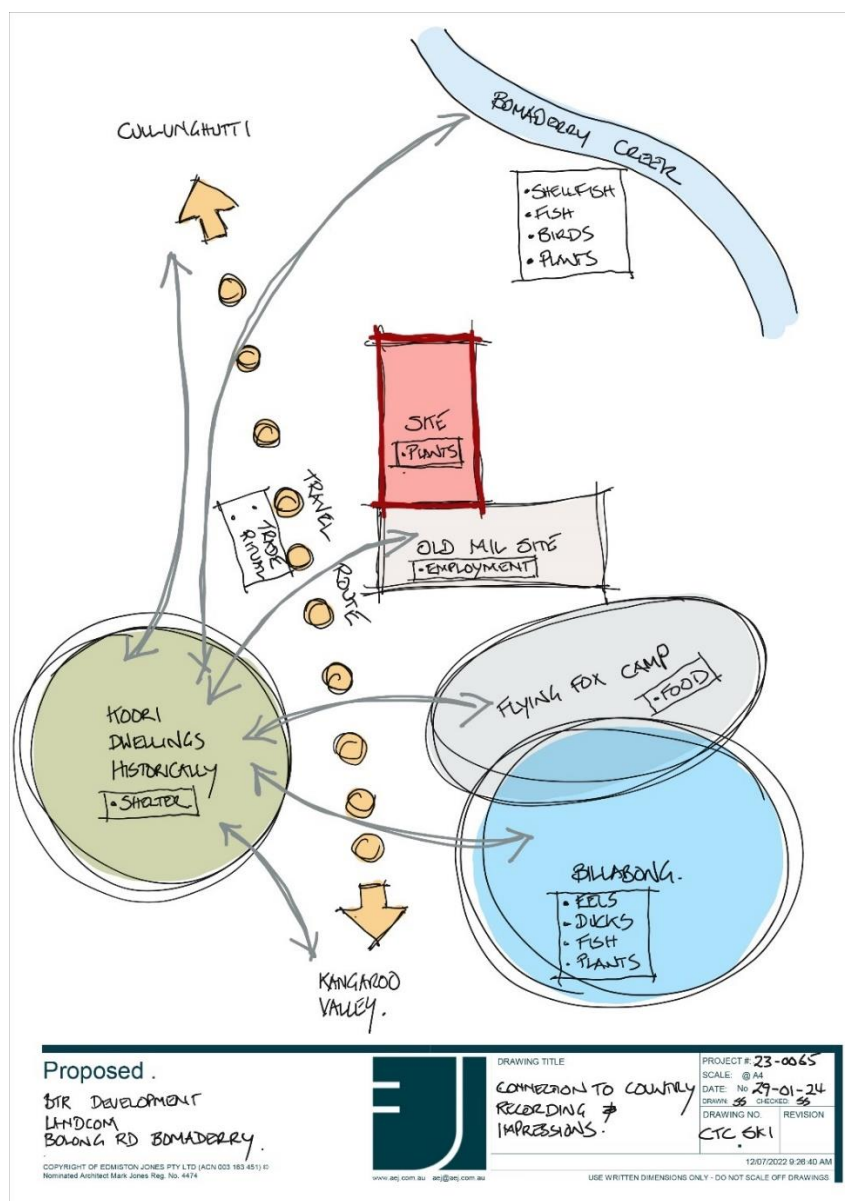
- *more contemporary employment.*
- *The indigenous community's connection to this country is strong & ongoing.*

Connection to country – Recording our learning

From our conversation with Sonny and further research into this area and its aboriginal heritage, we will develop a Connecting to country document that records our learnings and impressions. This document will highlight those key elements that can be incorporated into the design of the project to embed a sense of indigenous connection to both the process and the end result.

This document will not be prescriptive but will be sensitive to country and suggest colours, themes and materiality that would assist in creating a development that respects country.

Figure 4: Connecting With Country Sketch (Edmiston Jones)



6 COMMUNITY ENGAGEMENT

Landcom invited community feedback on a concept plan for the Bomaderry build-to-rent project (the project), to inform preparation of a Development Application. Several meetings were held with local community groups between December 2023 and February 2024, an in-person community information and feedback session was held at the Bomaderry Bowling Club on 29 February 2024, and a virtual engagement room was open until 18 March 2024.

Community Engagement undertaken during preparation of the Development Application included:

a) Meetings with community groups:

- Pride of Bomaderry (18 December 2023 and 8 February 2024)
- Bomaderry Community Inc. (19 December 2024 and 25 January 2024)
- Adjoining property owner (20 March 2024 and 11 April 2024).

b) Walk on Country

A Walk on Country was undertaken to understand Aboriginal connections to the site and identify opportunities for design to be shaped by knowledge of Country and culture. On 25 January 2024 with Uncle Sonny. Uncle Sonny's insights and knowledge and the design response are summarised in this SoEE.

c) In-person community information and feedback session: Bomaderry Bowling Club (29 February 2024, 5pm – 7pm)

The format of the event was an open floor with the project team available to explain the project, answer questions and record feedback. Attendees were then invited to fill out a feedback form prior to leaving. There was a total of 31 attendees, submitting 17 feedback forms.

d) Online Session: Virtual engagement room (29 February 2024 – 18 March 2024)

A virtual engagement room, featuring the same information boards as presented at the in-person session was open for an additional two and a half weeks. The room was accessible either via URL or QR code through distributed promotional communications and saw 151 unique visits. Visitors were then prompted to complete an online version of the feedback form. A total of 15 forms were received.

Common themes raised during the engagement included:

- Housing need in the LGA;
- Operation of the Build to Rent and Affordable Housing component (noting the project is not social housing);
- Architectural, built form and landscaping design outcomes;
- Local character and adjoining heritage item;
- Community Amenity and Cohesion,
- Construction timeframes and impacts;
- Traffic and parking;
- Flora and fauna considerations.

Landcom have prepared a Community Engagement summary summarises the feedback received, and Landcom's response in consideration of community feedback as part of this application.

7 PROPOSAL

This Development Application seeks approval for the erection of a medium rise Build to Rent residential apartment building development which will provide accommodation for a range of single person households, families and key workers in the locality.

The proposal also incorporates subdivision to consolidate the existing allotments.

This Development Application is lodged as a Crown Development under Division 4.6 of the Environmental Planning and Assessment Act 1979.

The proposal incorporates the following elements:

- Demolition of existing dwelling and associated structures.
- Preliminary site earthworks and vegetation removal.
- The erection of two predominantly three storey (with four storey western units) Build to Rent Residential Flat Buildings accommodating 60 apartments, with a broad mix of Studio, 1, 2 and 3 bedroom apartments incorporating:
 - 8 X Studio Units
 - 17 X 1 bed units;
 - 19 X 2 bedroom units;
 - 14 x two-storey terrace-style 2 bedroom units;
 - 2 X 3 bedroom units.
- Ground level entrance and lobby areas for both buildings.
- Ground level communal room for residents.
- Ground level open air enclosed undercroft parking for each building incorporating a total of 70 vehicle parking spaces.
- Motorbike parking incorporating 1 space.
- Bicycle parking for a total of 46 bicycles.
- Waste storage room in the undercroft ground level area.
- Landscaping works including external areas and a landscaped level 1 internal terrace areas for residents on each building.
- Consolidation of the existing allotments to create a single allotment, being Lot 1.
- Construction of kerb and gutter along the Beinda Street frontage of the site.
- Construction of a pedestrian footpath along the Beinda Street frontage of the site.

As part of the development, 20% of the units will be allocated for affordable rental housing

This application is accompanied by detailed architectural, engineering and landscape plans which incorporate all proposed structures and site works.

Key features of the proposal are discussed below.

Table 2 –Summary of Development Proposal

| Project Component | Proposed Development Outcome |
|---------------------------------------|---|
| Property Amalgamation / Consolidation | 4 Beinda Street – Lot 1, Lot 2, Lot 3 and Lot 4 DP25566 57 Bolong Road – Lot 5, Lot 6 & Lot 7 DP25566; and 53 Bolong Road – Lot 1 DP329959 |
| Site Area | The proposed consolidated allotment and subject site has a total site area of 5,915m ² . |
| Landscaped Area | 2,115m ² |
| Maximum Building Heights | Building 1 RL 19.74 Building 2 RL22.25 |
| Gross Floor Area | Building 1 = 2,313m ² Building 2 = 2,328m ² Total = 4,641m ² |
| Floor Space Ratio | 0.78:1 |
| Total Units | 60 |
| Unit Mix | 8 X Studio Units (13%) 17 X 1 bed units (28%) 19 X 2 bedroom units (32%) 14 x two-storey terrace-style 2 bedroom units (23%) 2 X 3 bedroom units (3%) |
| Car Parking Provision | 70 vehicle parking spaces (including 3 accessible spaces) 1 Motorbike parking space 46 Bicycle parking spaces. |
| ADG Cross Ventilated Units | 95% |
| ADG Solar Compliant (3hrs) Units | 73% |
| Minimum Building Setbacks | Bolong Road (east) = 3.1m (to balcony) Beinda Street (north) = 9.75m 8 Beinda Street (West) = 6m 59 Bolong Road (south) = 6m |

Apartment Building Design

In order to minimise the building form and mass of the project in response to the locality, the architects have designed the proposal to incorporate two separate apartment buildings with a 12m wide landscaped corridor between the eastern and western buildings.

The buildings have been deliberately stepped on the site to deliver a built form outcome which responds to the diagonal cross fall and minimise the overall building height of the building mass relative to the slope of the site.

A fourth storey is included on the western end of each building which accommodates the second floor of dedicated two-storey apartments.

The buildings have also been deliberately afforded a large scale setback from Beinda Street in order to ensure that a number of existing large scale trees are able to be retained along this frontage, with the buildings located outside of the recommended tree protection areas.

Each building provide at-grade pedestrian entries to internal lift wells and other internal lobby areas for ground floor units.

The buildings have been designed to provide ground level parking within an undercroft enclosed parking area and lift core.

The range of unit types including studio, 1 bedroom, 2 bedroom and 3 bedroom units ensure that the proposal is able to accommodate a wide range of future residents and families in a location which is within walking distance of local shops, schools, TAFE, playing fields and Bomaderry Railway station.

All units are provided with large semi enclosed courtyard and balcony spaces offering opportunities for year round use for future residents.

Level 1 Courtyards

Each of the buildings has been designed to provide a large open air central courtyard at the first level providing opportunities for immersive landscaping, passive recreation areas and informal meeting spaces for future residents.

The Level 1 Courtyard Areas incorporate edge circulation areas to access units and internal landscaping comprising paving, soft landscaping, small trees and seating areas, delivering a unique internal green space for residents.

The courtyards provide opportunities for and encourage resident interaction, fostering a sense of place and community within the project.

Landscaping

Edmiston Jones have prepared detailed landscape plans for the proposal which are included as part of the DA submission. The landscaping plans provide for extensive high quality landscaping outcomes over the site which have been prepared in coordination with the architectural design and take into consideration the outcomes of the Connecting with Country site walk undertaken.

Key Element of the landscaping design include:

- Provision of a variety of landscape finishes including lawn areas, ground cover and trees throughout the project.
- Provision of pedestrian seating areas at ground level and within the central courtyards to foster resident interaction and provide spaces for passive recreation experiences.
- Landscaping of a central spine between the buildings to reflect the outcomes of the Connecting with Country site walkover – creating an internal private ‘walking trail’ (private pathways – no site through links).
- Provision of screen hedging landscaping planting along the western and southern boundary adjoining existing residential land holdings.
- Provision of a variety of paved and permeable pedestrian pathways as part of the project.
- Soft landscaping incorporating a wide range of climbers, ferns, shrub and tree species which have been selected to respond to the local climatic conditions and provide highlight plantings in key locations.

Subdivision – Lot Consolidation

The proposal also incorporates subdivision to consolidate the existing allotments.

This is described as consolidation of the existing eight allotments to create one allotment to create a single allotment, being Lot 1.

Figure 5: Perspective Render – Beinda Street Elevation (St Clair Architects)



Figure 6: Perspective Render (St Clair Architects)



Figure 7: Perspective Render (St Clair Architects)



Figure 8: Site Plan (St Clair Architects)

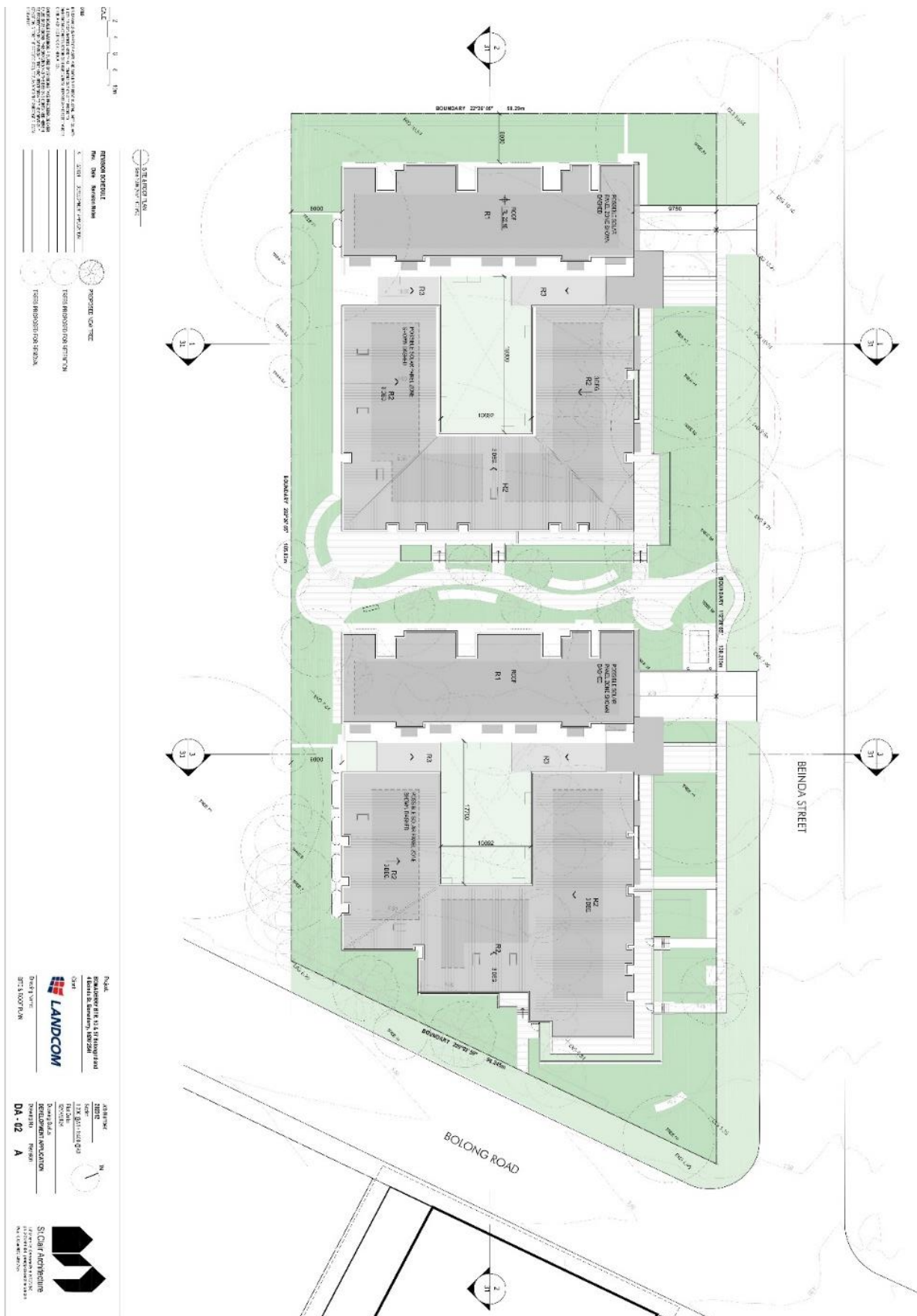


Figure 10: Level 1 Floor Plan (St Clair Architects)



Figure 11: Level 2 Floor Plan (St Clair Architects)



Figure 11: Level 3 Floor Plan (St Clair Architects)

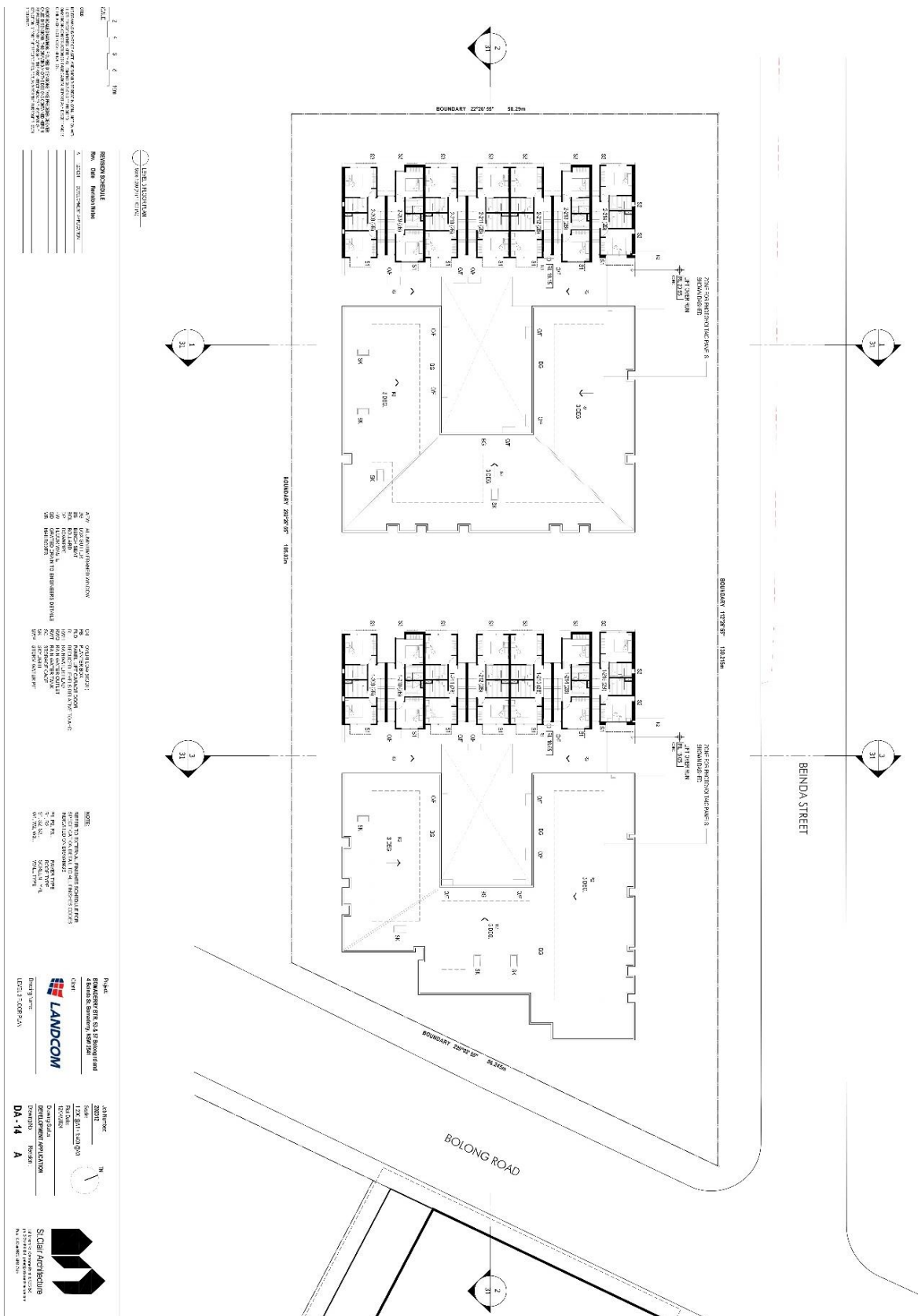


Figure 12: Landscape Plan (Edmiston Jones)

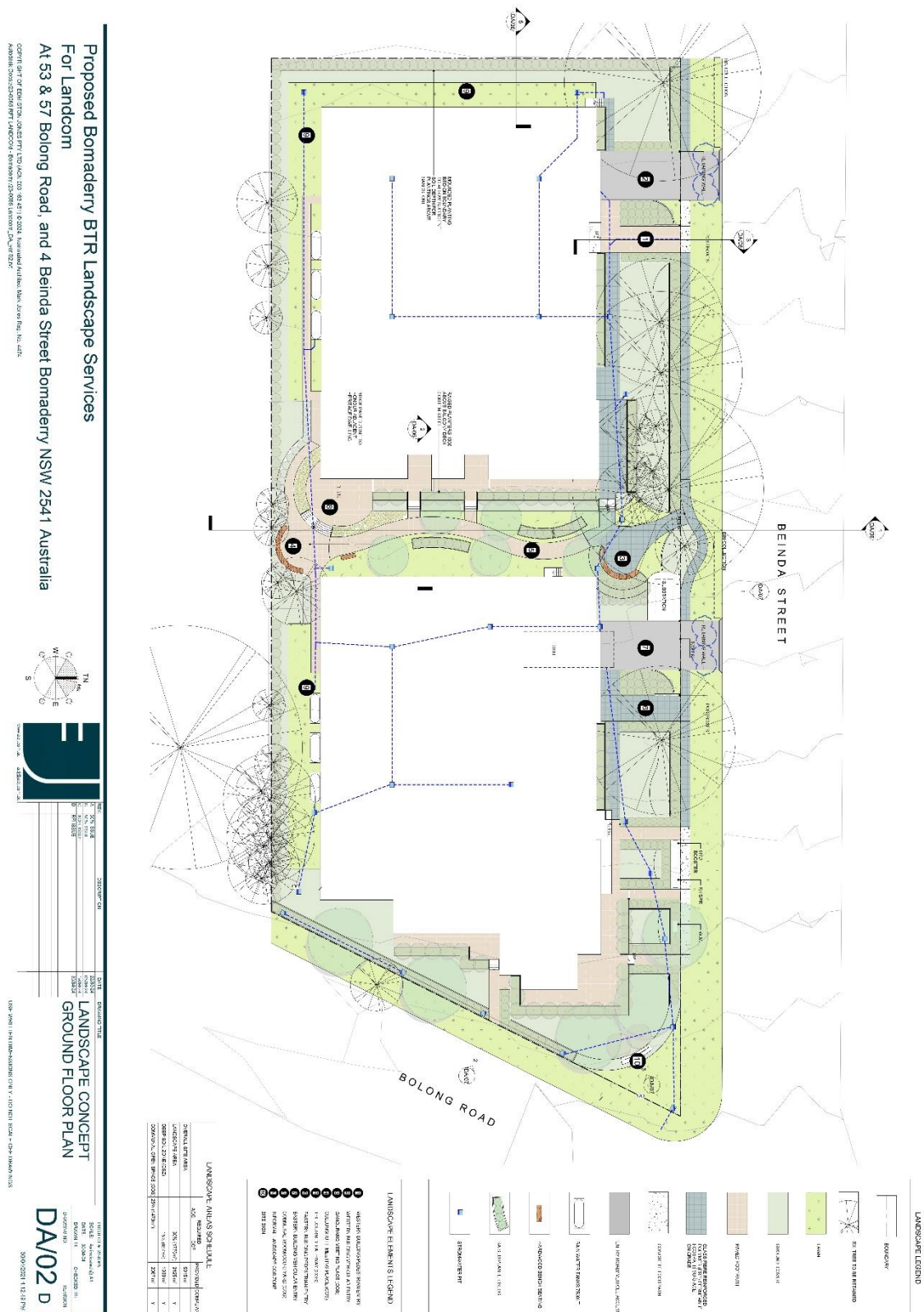


Figure 13: Landscape Plan (Edmiston Jones)

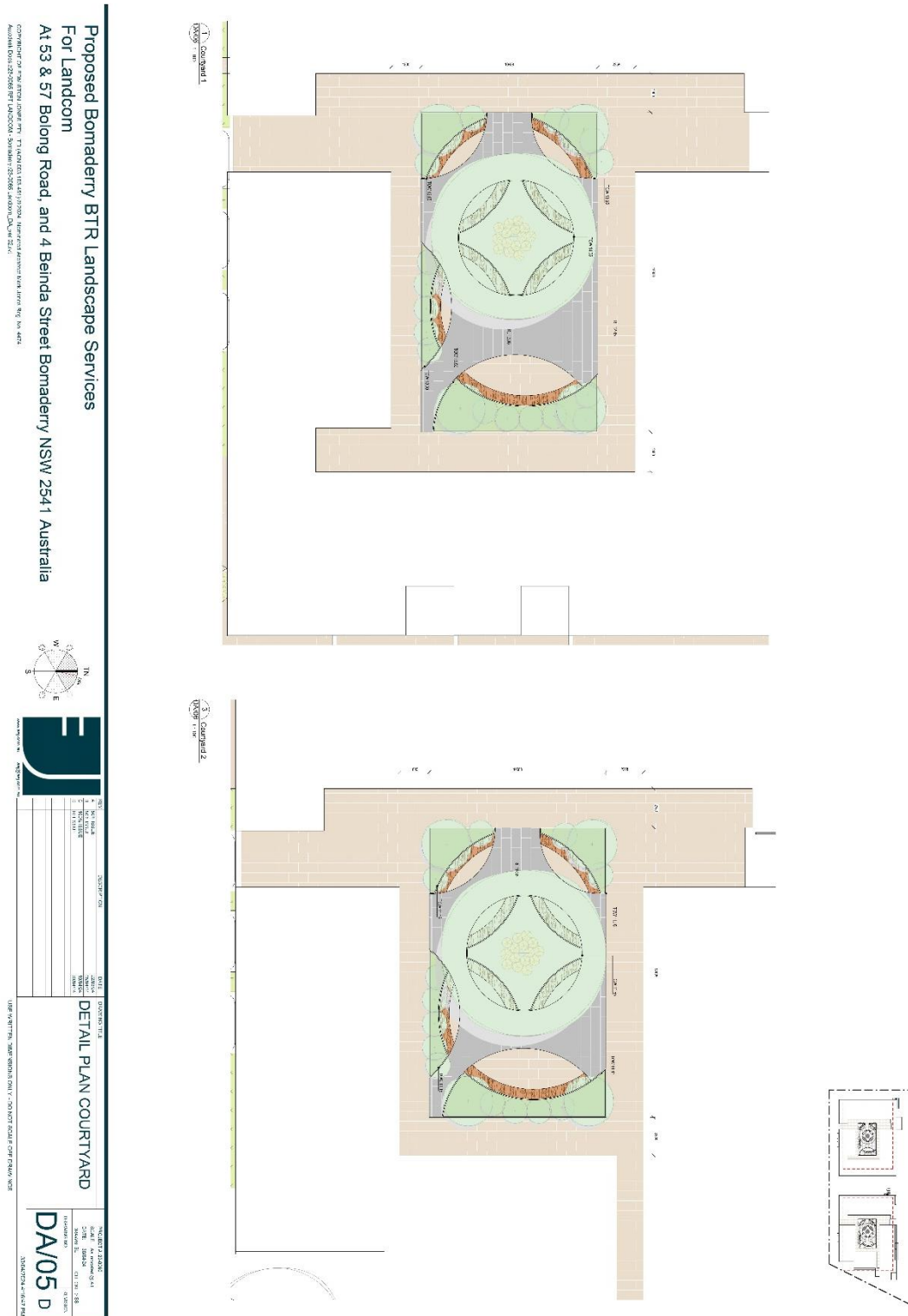
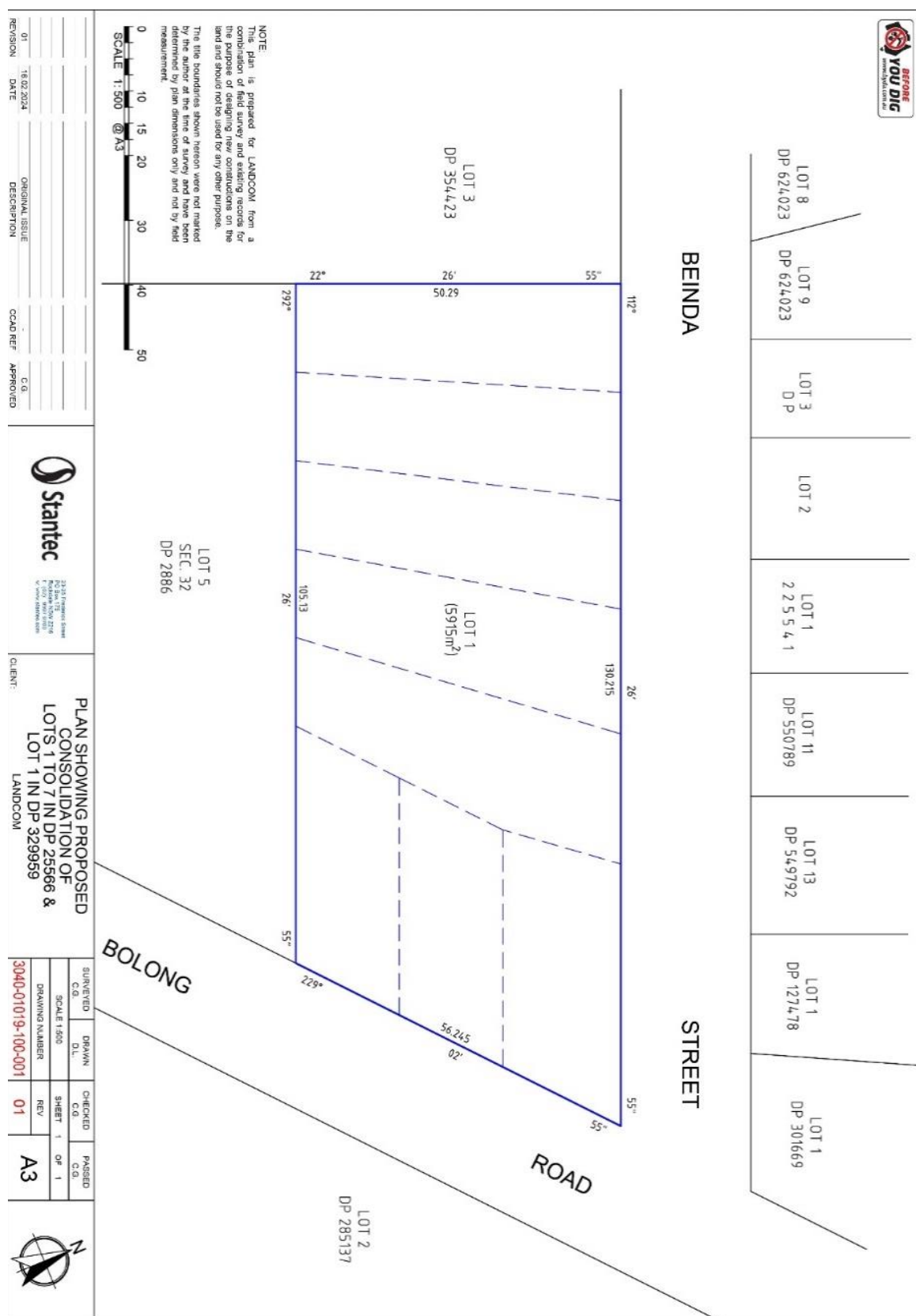


Figure 19: Subdivision Lot Consolidation Plan (Stantec)



8 SECTION 4.15 - ENVIRONMENTAL ASSESSMENT

Clause 4.15 in the *Environmental Planning & Assessment (EP&A) Act 1979* outlines the matters that need to be considered in evaluating a development proposal, which are detailed in Clause 1.

We have provided below a detailed review of all matters listed for consideration under Section 4.15 EP&A Act 1979.

This review demonstrates that the proposal is able to be supported by Council.

8.1 Compliance with Environmental Planning Instruments

We have provided below a review of the proposal under relevant Environmental Planning Instruments (EPIs), including any Deemed State Environmental Planning Policies (Deemed SEPPs).

EPIs applicable to the subject land and proposed subdivision are as follows:

- State Environmental Planning Policy (Housing) 2021
- State Environmental Planning Policy (Precincts—Western Parkland City) 2021
- State Environmental Planning Policy (Transport and Infrastructure) 2021
- State Environmental Planning Policy (Resilience and Hazards) 2021
- State Environmental Planning Policy No 65 - Design Quality of Residential Apartment Development
- State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004
- Shoalhaven Local Environmental Plan 2014

8.1.1 State Environmental Planning Policy (Housing) 2021

The State Environmental Planning Policy (Housing) 2021 – also known as the Housing SEPP – facilitates development of affordable and diverse housing and includes provisions relating Build to rent housing.

Part 4 Build-to-rent housing of State Environmental Planning Policy (Housing) 2021 (the Housing SEPP) incorporates a range of permissibility provisions and non-discretionary approval standards to be considered in the assessment of Build to Rent applications.

We have provided below a review of the proposal under the provisions of Part 4 of the Housing SEPP which demonstrates that the proposal is considered to be Permissible Development and meets the non-discretionary development standards.

8.1.1.1 Infill Affordable Housing Provisions

Clause 15C Development to which division applies

Clause 15C of the Housing SEPP states as follows:

- (1) This division applies to development that includes residential development if —*
 - (a) the development is permitted with consent under Chapter 3, Part 4 or another environmental planning instrument, and*
 - (b) the affordable housing component is at least 10%, and*
 - (c) all or part of the development is carried out—*
 - (i) for development on land in the Six Cities Region, other than in the City of Shoalhaven local government area—in an accessible area, or*
 - (ii) for development on other land—within 800m walking distance of land in a relevant zone or an equivalent land use zone.*
- (2) Affordable housing provided as part of development because of a requirement under another environmental planning instrument or a planning agreement within the meaning of the Act, Division 7.1 is not counted towards the affordable housing component under this division.*
- (3) In this section—*

relevant zone means the following—

 - (a) Zone E1 Local Centre,*
 - (b) Zone MU1 Mixed Use,*
 - (c) Zone B1 Neighbourhood Centre,*
 - (d) Zone B2 Local Centre,*
 - (e) Zone B4 Mixed Use.*

The infill affordable housing provisions apply to this application as:

- Residential Flat Buildings are permissible within the R3 Medium Density Zone under the Shoalhaven LEP 2014;
- The proposal incorporates more 10% affordable housing; and
- The proposal is located within (less than) 800m of an MU1 zone.

16 Affordable housing requirements for additional floor space ratio

Not applicable to this application.

17 Additional floor space ratio for relevant authorities and registered community housing providers

Not applicable to this application.

18 Affordable housing requirements for additional building height

The application does not rely on this provision.

A Clause 4.6 variation to the LEP building height is submitted with the application.

19 Non-discretionary development standards—the Act, s 4.15

Clause 19 of the Housing SEPP states as follows:

(1) The object of this section is to identify development standards for particular matters relating to residential development under this division that, if complied with, prevent the consent authority from requiring more onerous standards for the matters.

We have provided below an assessment of the proposal against the non-discretionary standards.

Table 3: Non-discretionary standards Assessment

| Non-discretionary development standard | Comment |
|--|---|
| (a) a minimum site area of 450m ² | Yes, the site area exceeds 450m ² . |
| (b) a minimum landscaped area that is the lesser of— (i) 35m ² per dwelling, or (ii) 30% of the site area, | Yes. Refer to architectural plans and ADG report. |
| (c) 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, | Yes, deep soils areas exceed 15% |

| Non-discretionary development standard | Comment |
|---|--|
| <i>(d) 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,</i> | Yes. Refer to architectural plans and ADG report. |
| <i>(e) the following number of parking spaces for dwellings used for affordable housing—</i> <i>(i) for each dwelling containing 1 bedroom—at least 0.4 parking spaces,</i> <i>(ii) for each dwelling containing 2 bedrooms—at least 0.5 parking spaces,</i> <i>(iii) for each dwelling containing at least 3 bedrooms— at least 1 parking space,</i> | <p>Yes, Parking exceeds the SEPP provisions for both the affordable and market units.</p> <p>The SEPP requires 44 spaces be provided.</p> <p>The proposal provides for 70 parking spaces allocated as follows:</p> <p>Studio Units = 1 space 1 Bedroom Units = 1 space 2 bedroom units = 1 space 3 bedrooms units = 2 spaces Visitor Parking = 8 spaces.</p> |
| <i>(f) the following number of parking spaces for dwellings not used for affordable housing—</i> <i>(i) for each dwelling containing 1 bedroom—at least 0.5 parking spaces,</i> <i>(ii) for each dwelling containing 2 bedrooms—at least 1 parking space,</i> <i>(iii) for each dwelling containing at least 3 bedrooms—at least 1.5 parking spaces,</i> | |
| <i>(g) the minimum internal area, if any, specified in the Apartment Design Guide for the type of residential development,</i> | Yes. Refer to architectural plans and ADG report. |

20 Design requirements

Not applicable to this application. Applies to low rise medium density housing.

21 Must be used for affordable housing for at least 15 years

Clause 21 of the Housing SEPP states as follows:

(1) Development consent must not be granted to development 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 for the development —

(a) the development will include the affordable housing component required for the development under section 16, 17 or 18, and

(b) the affordable housing component will be managed by a registered community housing provider.

(2) This section does not apply to development carried out by or on behalf of the Aboriginal Housing Office or the Land and Housing Corporation.

In relation to Clause 21, we note as follows:

- No objection is raised to a consent being granted requiring the affordable housing to be retained for 15 years;
- The building will be managed by an entity for a period of at least 15 years.

Notwithstanding the above, at this stage, no CHP has been appointed and the proponent has not resolved the extent of any CHP involvement in the ongoing management of the building.

8.1.1.2 Build to Rent Provisions

Clause 72 Development for the purposes of build-to-rent housing permitted with consent

Clause 72 of the Housing SEPP states as follows:

*(2) This Part applies to development for the purposes of multi dwelling housing, **residential flat buildings** or shop top housing on land —*

(a) in the following zones—

(i) a zone in which development for the purposes of residential flat buildings is permissible under another environmental planning instrument,

(ia) Zone E2 Commercial Centre,

(ib) Zone MU1 Mixed Use,

(ii) Zone B3 Commercial Core,

(iii) Zone B4 Mixed Use,

(iv) Zone B8 Metropolitan Centre,

(v) Zone SP5 Metropolitan Centre, or

(b) for which a site compatibility certificate has been issued under section 39.

(3) Development consent may be granted for development to which this Part applies if —

*(a) the development will result in **at least 50 dwellings occupied, or intended to be occupied, by individuals under residential tenancy agreements,** and*

*(b) **all buildings containing the dwellings are located on the same lot.***

In this regard, the Build to Rent housing proposed is permissible with consent under Clause 72 of the Housing SEPP as:

- The proposal is defined as a Residential Flat Building;
- Residential Flat Buildings are permissible within the R3 Medium Density Zone under the Shoalhaven LEP 2014;
- The proposal incorporates more than 50 dwellings – all dwellings will be occupied and managed under a tenancy agreement; and
- All the buildings and dwellings will be located on one allotment as a result of the lot consolidation proposed.

73 Conditions of build-to-rent housing to apply for at least 15 years

Clause 73 of the Housing SEPP states as follows:

(1) Development consent must not be granted to the erection or use of a building for development to which this part applies unless the consent authority is satisfied that, during the relevant period, the tenanted component of the building -

(a) will not be subdivided into separate lots, and

(b) will be owned and controlled by 1 person, and

(c) will be operated by 1 managing agent, who provides on-site management.

(2) (Repealed)

(3) In this section—

relevant period means—

(a) for development on land in Zone E2 Commercial Centre, Zone B3 Commercial Core or Zone SP5 Metropolitan Centre—a period commencing on the day an occupation certificate is issued for all parts of the building or buildings to which the development relates and continuing in perpetuity, or

(b) otherwise—a period of 15 years commencing on the day an occupation certificate is issued for all parts of a building to which the development relates.

In this regard, the Build to Rent housing proposed is consistent with the provisions of Clause 73 of the Housing SEPP as:

- No subdivision to create separate lots is proposed;
- The proposal will be owned by a single entity;
- The proposal will be operated by one managing agent, who provides on-site management; and
- Will be owned and managed for a period of at least 15 years.

74 Non-discretionary development standards

Clause 74 of the Housing SEPP states as follows:

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

Note —

See the Act, section 4.15(3), which does not prevent development consent being granted if a non-discretionary development standard is not complied with.

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

We have provided below an assessment of the proposal against the non-discretionary standards.

Table 4: Non-discretionary standards Assessment

| Non-discretionary development standard | Comment |
|--|--|
| <i>(a) the building height of all proposed buildings is not more than the maximum building height permitted under another environmental planning instrument for a building on the land</i> | <p>The proposal seeks support for a minor variation to the prescribed maximum building height.</p> <p>As such, the proposal does not rely on this standard.</p> |
| <i>(b) for development on land in a zone in which no residential accommodation is permitted under another environmental planning instrument—a floor space ratio that is not more than the maximum permissible floor space ratio for other development on the land under another environmental planning instrument</i> | <p>Not applicable to this proposal.</p> <p>Residential accommodation is permitted under the Shoalhaven LEP 2014.</p> |
| <i>(c) if paragraph (b) does not apply—a floor space ratio that is not more than the maximum permissible floor space ratio for residential accommodation on the land under another environmental planning instrument</i> | <p>Not applicable to this proposal.</p> <p>There is no maximum Floor Space Ratio specified for the site under Shoalhaven LEP 2014.</p> |
| <p><i>(d) for development carried out wholly or partly on land in the Eastern Harbour City, Central River City or Western Parkland City -</i></p> <p><i>(i) for land within an accessible area - 0.2 parking spaces for each dwelling, or</i></p> <p><i>(ii) otherwise - 0.5 parking spaces for each dwelling, or</i></p> <p><i>(iii) if a relevant planning instrument specifies a requirement for a lower number of parking spaces - the lower number specified in the relevant planning instrument,</i></p> | <p>Not applicable to this proposal.</p> <p>The site is not located within the Eastern Harbour City, Central River City or Western Parkland City.</p> |
| <i>(e) if paragraph (d) does not apply - at least the number of parking spaces required under the relevant development control plan or local environmental plan for a residential flat building.</i> | <p>The proposal seeks support for a minor variation to the Shoalhaven DCP parking requirements.</p> <p>As such, the proposal does not rely on this standard.</p> |

75 Design requirements

Clause 75 provides guidance on the assessment of proposals Built to Rent Residential Flat Buildings.

We have provided below a review of the proposal against the design requirements / guidelines provisions.

Table 4: Clause 75 Design Considerations

| Design Requirement Considerations | Comment |
|---|---|
| <i>(1) This section applies to development to which this Part applies only if Chapter 4 applies to the building resulting from the development.</i> | Chapter 4 applies as the proposal seeks approval for a Residential Flat Building. |
| <i>(2) In determining an application for the modification of a development consent or a development application for the carrying out of development to which this section applies, the consent authority must -</i> | |
| <i>(a) be flexible in applying the design criteria set out in the Apartment Design Guide, including, in particular, the design criteria set out in Part 4, items 4E, 4G and 4K, and</i> | Council is required to be flexible in the application of the design criteria. Notwithstanding, the assessment of the Apartment Design Guideline provided demonstrates the proposal adequately addresses and meets all design criteria. |
| <i>(b) in its consideration of the objectives set out in the Apartment Design Guide, Part 4, consider the following -</i> | |
| <i>(i) the amenities proposed to be provided to tenants residing in the building through common spaces and shared facilities and services,</i> | The proposal incorporates a variety of open space areas, passive spaces and courtyards for residents. An internal common room is also provided for residents. |
| <i>(ii) whether the configuration and variety of dwellings in the building will provide adequate options to prospective tenants in relation to the size and layout of the dwellings,</i> | The proposal incorporates a wide range of studio, 1 bedroom, 2 bedroom and 3 bedroom units to meet the requirements of future residents. |
| <i>(iii) whether tenants residing in the building will be able to relocate to other dwellings in the building that will better accommodate their housing requirements if their requirements change.</i> | The wide range of unit types provides opportunity for residents to relocate within the building as their circumstances and housing needs change. |

76 Active uses on ground floor of build-to-rent housing in business zones

Clause 74 of the Housing SEPP states as follows:

(1) The objective of this section is to ensure that, in relation to development for the purposes of build-to-rent housing, active uses are provided at the street level in business zones to encourage the presence and movement of people.

(2) This section applies to development to which this Part applies if the development is on land in a business zone, including as part of a mixed use development.

The proposed development is not located within a business zone and does not form party of any mixed use development.

As such, this cause does not apply to the proposal.

77 Conditions requiring land or contributions for affordable housing

Clause 77 of the Housing SEPP states as follows

Nothing in this Part overrides a requirement to dedicate land or pay a monetary contribution under the Act, section 7.32.

We note that Council will impose conditions of consent relating to contributions under relevant Contributions Plans as required.

78 Consideration of Apartment Design Guide for further subdivision of dwellings

Clause 78 of the Housing SEPP states as follows

Development consent must not be granted for development involving the subdivision of a residential flat building for which consent has been granted under this Part unless the consent authority has considered the relevant provisions of the Apartment Design Guide in relation to the part of the building affected by the subdivision.

This clause is not applicable to the proposal as no subdivision of the apartment building is sought under this application.

8.1.2 State Environmental Planning Policy (Transport and Infrastructure) 2021

Traffic Generating Development

State Environmental Planning Policy (Transport and Infrastructure) 2021 guidance on development which is considered to be Traffic Generating Development, and required to be referred to Transport for NSW for review.

Clause 2.121 of the SEPP reads as follows:

2.121 Traffic-generating development

(1) This section applies to development specified in Column 1 of the Table to Schedule 3 that involves—

(a) new premises of the relevant size or capacity, or

(b) an enlargement or extension of existing premises, being an alteration or addition of the relevant size or capacity.

Schedule 3 lists the following residential development as being considered Traffic Generating Development:

- 300 or more dwellings with access to a road.
- 75 or more dwellings with access to classified road or to road that connects to classified road within 90m.

The proposal does not seek approval for more than 300 dwellings (being a total of 60 apartments).

The subject site does not propose access to a classified road. However, the site does propose vehicle access to Beinda Street within 90m of a classified road, being Bolong Road.

Notwithstanding, the proposal does not incorporate 75 or more dwellings. As such, the proposal is not classified as Traffic Generating Development.

8.1.3 State Environmental Planning Policy (Resilience and Hazards) 2021

State Environmental Planning Policy (Resilience and Hazards) 2021 requires a Consent Authority to consider potential for on-site contamination when determining a Development Application.

Clause 4.6 of the SEPP states:

(1) A consent authority must not consent to the carrying out of any development on land unless:

(a) it has considered whether the land is contaminated, and

(b) 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

(c) 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

Stantec Australia Pty Ltd (Stantec) have completed a Contamination Data Gap Investigation (DGI) for the subject site. The DGI is a supplementary investigation following completion of a Due Diligence Assessment and an Intrusive Contamination Investigation Report prepared by Stantec in 2023.

The assessments have identified some limited contamination on the site which will be remediated as part of the development process.

Stantec have advised that no contaminant concentrations in soil were detected above the adopted human health criteria.

As such, the subject site is considered suitable to accommodate residential development consistent with the existing use of the site.

8.1.4 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) promotes high quality apartment design across NSW.

SEPP 65 is accompanied by the Apartment Design Guide which explains how to apply SEPP 65's design principles to the design of new apartments.

Clause 4 of the SEPP 65 states:

(1) This Policy applies to development for the purpose of a residential flat building, shop top housing or mixed use development with a residential accommodation component if:

(a) the development consists of any of the following:

(i) the erection of a new building,

(ii) the substantial redevelopment or the substantial refurbishment of an existing building,

(iii) the conversion of an existing building, and

(b) the building concerned is at least 3 or more storeys (not including levels below ground level (existing) or levels that are less than 1.2 metres above ground level (existing) that provide for car parking), and

(c) the building concerned contains at least 4 or more dwellings.

The proposal is therefore subject to the provisions of SEPP 65.

A detailed SEPP 65 Design Report, assessment and verification statement has been provided by the architects and is included with this submission.

We have also provided below a summary of the proposal against key design principles outlined in the Apartment Design Guide. This demonstrates that the proposal is consistent with the Apartment Design Guide and able to be supported.

Table 5: ADG Key Provisions Assessment Table

| ADG Recommendation | Comment |
|---|---|
| 2F Building separation & Objective 3F-1 | |
| <p>Minimum separation distances for buildings are:</p> <ul style="list-style-type: none"> Up to four storeys (approximately 12m): 12m between habitable rooms/balconies 9m between habitable and non-habitable rooms 6m between non-habitable rooms | <p>The proposal achieves a minimum separation distance of 12m between the two buildings.</p> <p>The proposal also provides for a minimum 6m setback to the southern and western boundaries. this allows for the recommended separation distances to be achieved to any future development on the adjoining properties.</p> <p>The existing heritage dwelling to the south is located approximately 15m from the boundary, achieving a 21m separation to the proposed buildings.</p> <p>The internal courtyard areas exceed the minimum ADG recommendation. Separation distances of 14.7 x 21.75m are provided within the Eastern courtyard and 14.7 and 23.7m within the Western courtyard, between external walls.</p> |
| Objective 3A-1 Site Analysis | |
| Each element in the Site Analysis Checklist should be addressed (see Appendix 1) | Yes, a detailed Site Analysis has been prepared as part of the Architectural Plan package which addresses all items listed in the checklist |
| Objective 3D-1 Communal Open Space | |
| <p>1. Communal open space has a minimum area equal to 25% of the site (see figure 3D.3)</p> <p>2. 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>Plans provided with the application demonstrate that the proposal achieves the required 25% communal open space (1,486m²). The development includes 2,115m² of landscaped areas.</p> <p>The solar access diagrams submitted demonstrate that the proposal achieves greater than 50% direct sunlight to the principal usable part of the communal open space.</p> |
| Objective 3E-1 Deep Soil Zones | |
| <p>Greater than 1,500m² site area:</p> <ul style="list-style-type: none"> Minimum Dimension = 6m Deep Soil zones = 7% of the site | <p>The proposal achieves 33% (1,970m²) of the site as Deep Soil Planting area.</p> <p>All areas exceed the minimum 6m dimension.</p> |

| ADG Recommendation | Comment |
|--|--|
| Objective 4A-1 Solar Access | |
| <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>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 between 9 am and 3 pm at mid winter</p> <p>3. A maximum of 15% of apartments in a building receive no direct sunlight between 9 am and 3 pm at mid winter</p> | <p>Not applicable. The site is not situated in the Sydney Metropolitan Area and in the Newcastle and Wollongong local government areas</p> <p>73.3% of the required solar access to living room, exceeding the ADG design guideline.</p> <p>Not more than 7% of apartments receive no direct sunlight.</p> |
| Objective 4B-3 Cross Ventilation | |
| <p>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</p> <p>2. Overall depth of a cross-over or cross-through apartment does not exceed 18m, measured glass line to glass line</p> | <p>95% of the proposed units achieve cross ventilation, significantly exceeding the ADG design guideline.</p> <p>Architectural plans and details submitted demonstrate the proposed units do not exceed 18m in depth.</p> |
| Objective 4C-1 Ceiling Height | |
| <ul style="list-style-type: none"> Habitable Rooms = 2.7m Non-Habitable Rooms = 2.4m <p>For 2 storey apartments:</p> <ul style="list-style-type: none"> Ground Floor = 2.7m Second floor = 2.4m (where 2nd floor doesn't exceed 50% of floor area) | <p>All units achieve minimum ceiling heights of 2.7m to habitable rooms and 2.4m to non-habitable Rooms.</p> <p>The 2 story units achieve minimum ceiling heights of 2.7m to the ground floor and 2.4m to the second floor areas.</p> |

| ADG Recommendation | Comment |
|--|---|
| Objective 4D-1 Unit Size | |
| <ul style="list-style-type: none"> • Studio = 35m² • 1 Bedroom = 50m² • 2 Bedroom = 70m² • 3 Bedroom = 90m² | <p>The architectural plans and details demonstrate that all apartments comply with or exceed the minimum internal areas as specified.</p> |
| Objective 4E-1 Balcony Areas | |
| <ul style="list-style-type: none"> • Studio = 4m² • 1 Bedroom = 8m² – Min Depth = 2m • 2 Bedroom = 10m² – Min Depth = 2m • 3 Bedroom = 12m² – Min Depth = 2.4m | <p>All apartments have a balcony or courtyard terrace and comply with the minimum sizes and widths required. As indicated in the plans, Juliette balconies are provided to two studio apartments facing Bolong Rd. Juliette balconies have an area of 3m².</p> <p>This minor variation to the balcony sizes for two apartments is considered appropriate as the units have direct access to the internal courtyard spaces which provide opportunity for an alternate recreation space and provide a quieter space than the Bolong Road frontage.</p> |
| Objective 4F-1 Common Circulation | |
| <p>1. The maximum number of apartments off a circulation core on a single level is eight</p> | <p>This ADG design guideline related to the number of units accessed from an internal building core as demonstrated in the figures provided in this section of the ADG.</p> <p>The proposal does not incorporate any internal circulation cores. All units are accessed from the internal courtyard area and single-sided access walkway or direct ground floor access.</p> <p>The maximum number of apartments achieving access from internal courtyards and walkways is 12 in the western building and 13 in the eastern building.</p> <p>As the ADG objective of limiting the number of apartments off a circulation core, aims to maximise the daylight and ventilation amenity of common circulation spaces, it is considered that the guidelines does not apply to courtyard buildings with open circulation galleries, which inherently provide a much higher level of amenity to common circulation spaces than internal corridors.</p> <p>Daylight and natural ventilation are provided to all common circulation spaces by means of courtyards and open galleries. By designing common circulation spaces as courtyards and open galleries, the majority of apartments benefit by being dual aspect.</p> <p>The proposal is considered appropriate in this context.</p> |

| ADG Recommendation | Comment |
|--|---|
| Objective 4G-1 Storage | |
| Studio = 4m ³ 1 Bedroom = 6m ³ 2 Bedroom = 8m ³ 3 Bedroom = 10m ³ | Storage has been provided for each unit in accordance with the ADG. In excess of 50% of storage is provided within each apartment, with additional storage provided in the basement. |

8.1.5 State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004

State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004 (the BASIX SEPP) addresses development which is required to provide a BASIX certificate as part of the Development Application.

Clause 6 of the BASIX SEPP states:

(1) This Policy applies to buildings arising from the following development:

(a) proposed BASIX affected development for which the regulations under the Act require a BASIX certificate to accompany a development application or an application for a complying development certificate or construction certificate,

(b) proposed BASIX optional development in relation to which a BASIX certificate accompanied a development application or an application for a complying development certificate, despite the fact that the regulations under the Act did not require a BASIX certificate,

(c) BASIX affected development and BASIX optional development the subject of a development consent, complying development certificate or construction certificate that, pursuant to the regulations under the Act, is subject to a BASIX commitment.

(2) This Policy also applies to buildings that become BASIX affected buildings because of development of the kind referred to in subclause (1).

The proposal is classified as a BASIX affected building under the Environmental Planning and Assessment Regulation 2000.

A BASIX assessment and certificate has been submitted with the application.

8.1.6 Shoalhaven Local Environmental Plan 2014

The development site is zoned R3 Medium Density under the *Shoalhaven Local Environmental Plan (SLEP) 2014*.

We have provided below a review of the proposal, under the provisions of SLEP 2014 as they apply to the site and project.

8.1.6.1 Part 2 Permitted or Prohibited Development

Table 6: Land Use Assessment

| Clause | LEP Requirement / Control | Compliance Comment | Is Compliance Achieved? |
|------------|--|---|---|
| 2.2 | Zoning of land to which Precinct Plan applies | | |
| | Clause 2.2 of the Precinct Plan states that <i>“For the purposes of this Precinct Plan, land is within the zones shown on the Land Zoning Map”</i> . | The subject site is zoned R3 Medium Density under the zoning map. | Assessment under land use zones provided below. |
| 2.3 | Zone objectives and Land Use Table | | |
| | <i>(2) 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.</i> | A detailed review of the proposal in relation to the objectives of each zone is provided below. | Assessment of zone objectives below. |
| 2.5 | Additional Permitted Uses | | |
| | Clause 2.5 references additional; permitted land uses as specified in Schedule 1. | The proposal does not seek approval any modified use of the land and is therefore not applicable. | Not Applicable. |
| 2.6 | Subdivision of Land | | |
| | (1) Land to which this Precinct Plan applies may be subdivided, but only with development consent. | This application seeks consent for subdivision / lot consolidation of the land as required. | The assessment and determination of this application addresses this clause. |
| 2.7 | Demolition | | |
| | The demolition of a building or work may be carried out only with development consent. | This application seeks consent for subdivision / lot consolidation of the land as required. | The assessment and determination of this application addresses this clause. |

8.1.6.2 Land Use Table Assessment

Table 7: R3 Medium Density Zone Assessment

| R3 Medium Density Zone | | |
|------------------------------------|---|---|
| Land Use Table | LEP | Compliance Comment |
| 1 Zone Objectives | <ul style="list-style-type: none"> To provide for the housing needs of the community within a medium density residential environment. To provide a variety of housing types within a medium density residential environment. To enable other land uses that provide facilities or services to meet the day to day needs of residents. To provide opportunities for development for the purposes of tourist and visitor accommodation where this does not conflict with the residential environment. | <p>The proposal is consistent with the objectives of the R3 Medium Density zone as it provides for medium density residential development contributes the variety of housing types in the locality.</p> <p>The proposal is consistent with the objective to allow housing in a medium density residential environment.</p> |
| 2 Permitted without consent | Nil | Not Applicable |
| 3 Permitted with consent | <p>Attached dwellings; Boarding houses; Boat launching ramps; Boat sheds; Building identification signs; Business identification signs; Centre-based child care facilities; Community facilities; Dual occupancies; Emergency services facilities; Environmental protection works; Exhibition homes; Exhibition villages; Group homes; Home-based child care; Home businesses, Home industries; Home occupations; Hostels; Information and education facilities; Multi dwelling housing; Neighbourhood shops; Oyster aquaculture; Places of public worship; Recreation areas; Registered clubs; Residential flat buildings; Respite day care centres; Roads; Secondary dwellings; Seniors housing; Sewerage systems; Shop top housing; Tank-based aquaculture; Tourist and visitor accommodation; Veterinary hospitals; Water supply systems</p> | <p>The proposed development is defined as a Residential Flat Building under the LEP, and is described as follows:</p> <p>residential flat building means a building containing 3 or more dwellings, but does not include an attached dwelling, a manor home or multi dwelling housing.</p> <p>Residential Flat Buildings are listed as development permissible with consent.</p> |
| 4 Prohibited | Farm stay accommodation; Any other development not specified in item 2 or 3 | The proposal does not seek approval for the use of the land for any purpose which is listed as prohibited development. |

Figure 20: Zoning Plan

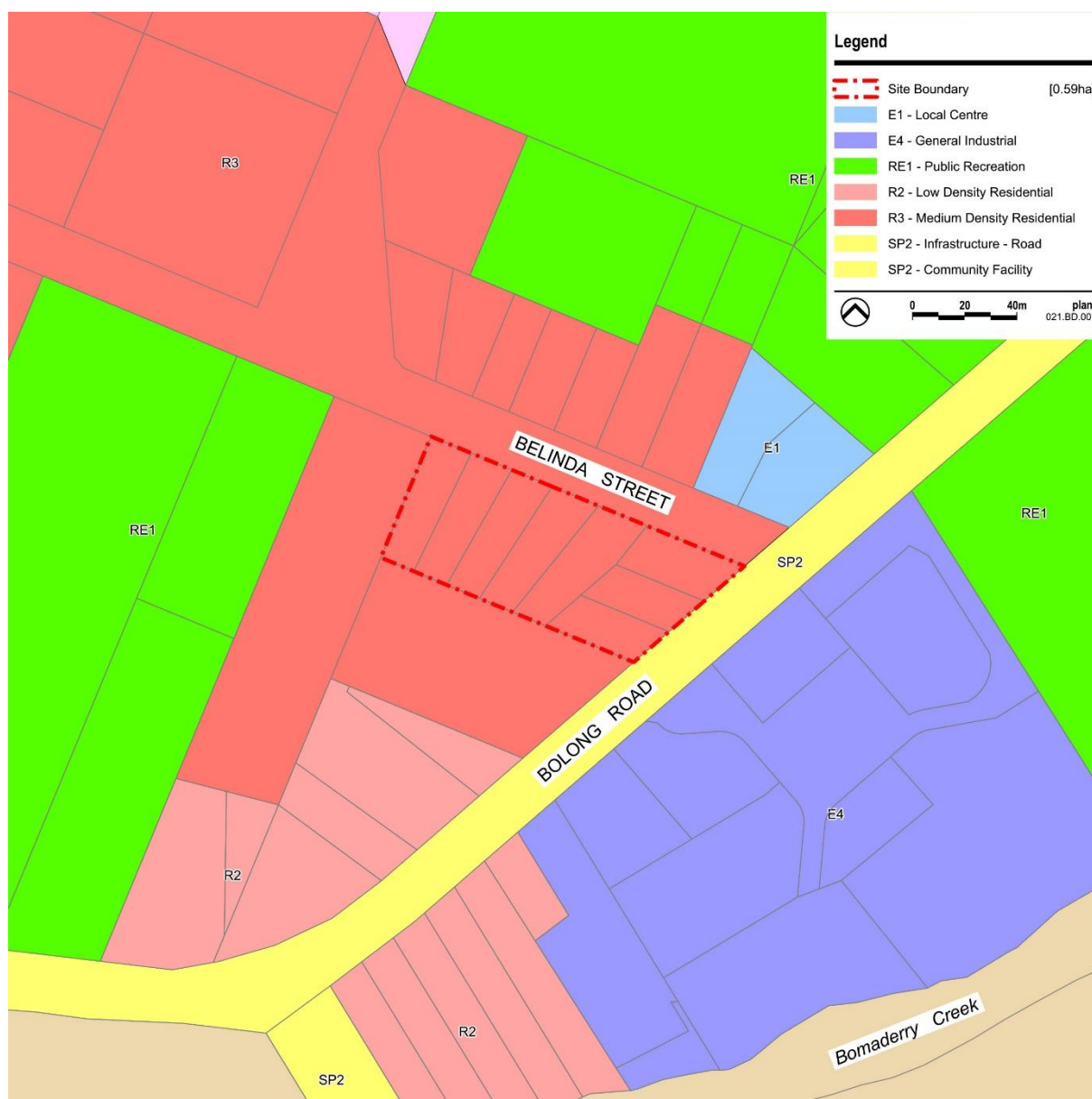


Figure 21: Height of Buildings Plan



8.1.6.3 Part 4 Principle Development Standards

Table 8: Principle Development Standards Assessment

| Clause | SLEP Requirement / Control | Compliance Comment | Is Compliance Achieved? |
|--------------|--|---|---|
| 4.1 | Minimum subdivision Lot Size | | |
| | (2) This clause applies to a subdivision of any land shown on the Lot Size Map that requires development consent and that is carried out after the commencement of this Precinct Plan. | <p>The application seeks approval for the consolidation of the existing allotments being a subdivision.</p> <p>The LEP mapping does not prescribe any minimum lot size on the subject site.</p> | Yes. No Minimum lot size prescribed. |
| 4.1AB | Minimum subdivision lot size for strata plan schemes in certain rural, residential and conservation zones | | |
| | This clause is not applicable as the proposal does not incorporate Strata subdivision of the units. | | |
| 4.1A | Minimum lot sizes for dual occupancies, manor houses, multi dwelling housing, multi dwelling housing (terraces) and residential flat buildings | | |
| | <p>(2) Development consent must not be granted to development on a lot in a zone shown in Column 2 of the Table to this subclause for a purpose shown in Column 1 of the Table opposite that zone, unless the area of the lot is equal to or greater than the area specified for that purpose and shown in Column 3 of the Table.</p> <p>Column 1 Residential flat buildings</p> <p>Column 2 RU5 Village, R1 General Residential, R3 Medium Density Residential and MU1 Mixed Use</p> <p>Column 3 900 square metres</p> | The proposed consolidated allotment and subject site has a total site area of 5,915m ² . | <p>Yes.</p> <p>The subject site exceeds the minimum prescribed lot size for an apartment building in the R3 zone, being 900m².</p> |
| 4.3 | Height of buildings | | |
| | <p>(2) The height of a building on any land is not to exceed the maximum height shown for the land on the Height of Buildings Map.</p> <p>(2A) If the Height of Buildings Map does not show a maximum height for any land, the height of a building on the land is not to exceed 11 metres.</p> | <p>The Height of Buildings Map does not show a maximum height for the subject site.</p> <p>As such, under Clause 2(A), the maximum building height is 11m.</p> <p>The proposed flat buildings substantially comply with the prescribed building heights as demonstrated in the architectural plans and details.</p> | <p>The proposal seeks a minor variation to the permissible building heights.</p> <p>Refer to discussion below and Clause 4.6 Variation request submitted with the application</p> |

| Clause | SLEP Requirement / Control | Compliance Comment | Is Compliance Achieved? |
|------------|--|---|---|
| | | <p>Minor portions of the roof extend above the 11m height limit.</p> <p>As discussed below and in the Clause 4.6 Variation submitted with the application which demonstrate that that the exceedance to building heights is able to be supported.</p> | |
| 4.6 | Exceptions to development standards | | |
| | Clause 4.6 allows for flexibility in the implementation and assessment of development through outlining a framework for assessment of exceptions to development standards. | The proposal seeks a minor variation to the building height. | Clause 4.6 Request submitted with this application. |

a) Clause 4.3 Height of Buildings

Clause 4.3 of SLEP 2014 prescribes maximum building heights for buildings within the Shoalhaven LGA. Under Clause 2(A), the maximum building height is 11m.

As demonstrated in Figure 5 below, the building form is predominantly compliant with the 11m SLEP height limit.

A minor portion of the roof element breaches the height plane due the gradient of the of the site and the geotechnical conditions preventing extensive excavation. The building height exceedances are:

- 904 mm for Building 1 (8.2%) and 866 mm for Building 2 (7.8%) along the Beinda Street elevation, and
- 1,090 mm for Building 1 & Building 2 (9.9%) along the southern elevation.

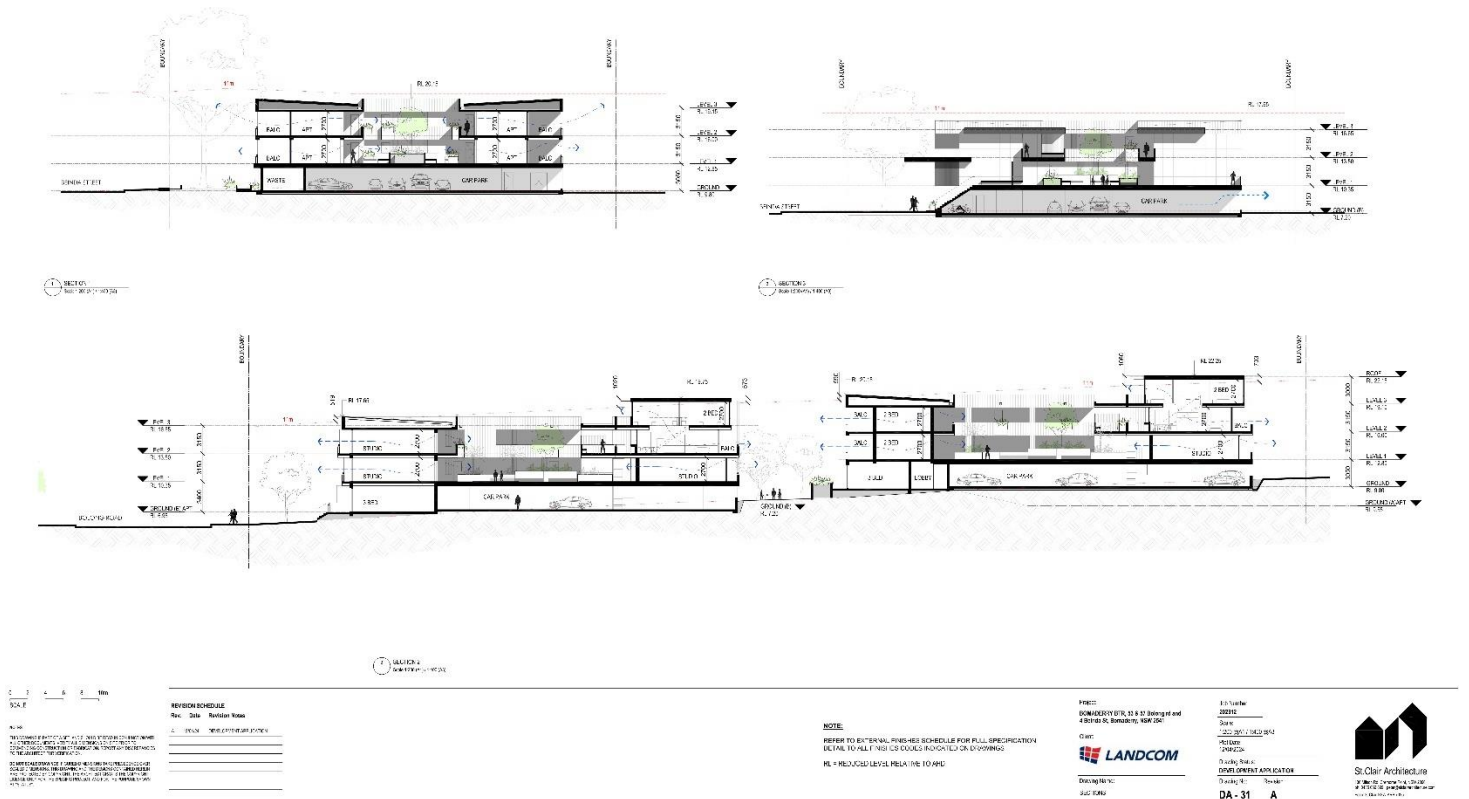
As the proposal exceeds the maximum permissible building height, a request for variation to the development standard has been prepared and is submitted with this application as a supporting document.

The Clause 4.6 variation demonstrates that:

- The variation is minor in nature.
- The building height and bulk & scale are consistent with the intended scale of medium density development in the locality.
- The variation will not result in any impacts or overshadowing of adjoining properties.

As such, the Clause 4.6 variation request is able to be supported.

Figure 22: Section Detail Showing Building Height Breach (StClair)



8.1.6.4 Part 5 Miscellaneous Provisions

Table 9: Miscellaneous Provisions Assessment

| Clause | LEPP Requirement / Control | Compliance Comment | Is Compliance Achieved? |
|-------------|--|--|---|
| 5.1 | Relevant acquisition authority | | |
| | Clause 5.1 addresses the relevant acquisition authorities for specified infrastructure under the Precinct Plan. | The proposed subdivision will not impact or modify any proposed infrastructure or land identified for acquisition. | No further assessment required. |
| 5.2 | Classification and reclassification of public land | | |
| | Clause 5.2 outlines requirements for classification of public land. | The proposal does not incorporate any public lands. This clause is therefore not applicable. | Not Applicable. |
| 5.2 | Development near zone boundaries | | |
| | The proposal does not rely on this clause for assessment or approval. | | |
| 5.4 | Controls relating to miscellaneous permissible uses | | |
| | Clause 5.4 outlines assessment criteria for specified miscellaneous land uses. | The proposal does not seek approval for any of the listed miscellaneous land uses. This clause is therefore not applicable. | Not Applicable. |
| 5.10 | Heritage Conservation | | |
| | <p>(2) Requirement for consent</p> <p>Development consent is required for any of the following—</p> <p>(a) demolishing or moving any of the following or altering the exterior of any of the following (including, in the case of a building, making changes to its detail, fabric, finish or appearance)—</p> <p>(i) a heritage item,</p> <p>(ii) an Aboriginal object,</p> <p>(iii) a building, work, relic or tree within a heritage conservation area,</p> <p>(b) altering a heritage item that is a building by making structural changes to its interior or by making changes to anything inside the item that is specified in Schedule 5 in relation to the item,</p> <p>(c) disturbing or excavating an archaeological site while knowing, or having reasonable cause to suspect, that the disturbance or excavation</p> | <p>The subject site does not incorporate any listed items of European Heritage.</p> <p>The site does adjoin the local heritage item 122, “Greenleaves”—Federation Queen Anne style residence and grounds”.</p> <p>Site investigations completed as part of the rezoning and development of the land have identified that the site does not incorporate any items of Indigenous Heritage.</p> | <p>A heritage impact statement has been prepared and is submitted with this application addressing the proximity to the local heritage item.</p> <p>Notwithstanding, this application does not require consent for the works under this Clause.</p> |

| Clause | LEPP Requirement / Control | Compliance Comment | Is Compliance Achieved? |
|-------------|--|---|---|
| | <p>will or is likely to result in a relic being discovered, exposed, moved, damaged or destroyed,</p> <p>(d) disturbing or excavating an Aboriginal place of heritage significance,</p> <p>(e) erecting a building on land—</p> <p>(i) on which a heritage item is located or that is within a heritage conservation area, or</p> <p>(ii) on which an Aboriginal object is located or that is within an Aboriginal place of heritage significance,</p> <p>(f) subdividing land—</p> <p>(i) on which a heritage item is located or that is within a heritage conservation area, or</p> <p>(ii) on which an Aboriginal object is located or that is within an Aboriginal place of heritage significance.</p> | | |
| 5.11 | Bush fire hazard reduction | | |
| | Bush fire hazard reduction work authorised by the Rural Fires Act 1997 may be carried out on any land without development consent. | <p>Noted.</p> <p>The proposal does not seek to undertake any hazard reduction works.</p> | Not Applicable. |
| 5.21 | Flood planning | | |
| | <p>2) Development consent must not be granted to development on land the consent authority considers to be within the flood planning area unless the consent authority is satisfied the development—</p> <p>(a) is compatible with the flood function and behaviour on the land, and</p> <p>(b) will not adversely affect flood behaviour in a way that results in detrimental increases in the potential flood affectation of other development or properties, and</p> <p>(c) will not adversely affect the safe occupation and efficient evacuation of people or exceed the capacity of existing evacuation routes for the surrounding area in the event of a flood, and</p> <p>(d) incorporates appropriate measures to manage risk to life in the event of a flood, and</p> <p>(e) will not adversely affect the environment or cause avoidable erosion, siltation, destruction of riparian vegetation or a reduction in the stability of river banks or watercourses.</p> | <p>The Flood Study prepared by Northrop has addressed these matters in detail.</p> <p>Please refer the Chapter 4 of the Northrop Flood study.</p> | Yes, the Flood Study full addresses the requirements of Clause 5.21 of the LEP. |

| Clause | LEPP Requirement / Control | Compliance Comment | Is Compliance Achieved? |
|--------|--|---|-------------------------|
| | <p>(3) In deciding whether to grant development consent on land to which this clause applies, the consent authority must consider the following matters—</p> <p>(a) the impact of the development on projected changes to flood behaviour as a result of climate change,</p> <p>(b) the intended design and scale of buildings resulting from the development,</p> <p>(c) whether the development incorporates measures to minimise the risk to life and ensure the safe evacuation of people in the event of a flood,</p> <p>(d) the potential to modify, relocate or remove buildings resulting from development if the surrounding area is impacted by flooding or coastal erosion.</p> | <p>The Flood Study prepared by Northrop has addressed these matters in detail.</p> <p>Please refer the Chapter 4 of the Northrop Flood study.</p> | |

8.1.6.5 Part 7 Additional Local Provisions

Table 10: Local Provisions Assessment

| Clause | LEP Requirement / Control | Compliance Comment | Is Compliance Achieved? |
|------------|--|---|---|
| 7.1 | Acid sulfate soil | | |
| | <p>(2) Development consent is required for the carrying out of works described in the Table to this subclause on land shown on the Acid Sulfate Soils Map as being of the class specified for those works.</p> <p><i>Class 5 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.</i></p> | <p>The site is mapped as being Class 5 Acid Sulfate Soils under the LEP mapping and is situated within 500m of Class 4 mapped land.</p> | <p>This application seeks Development Consent for the works in accordance with this clause.</p> |
| | <p>(3) Development consent must not be granted under this clause for the carrying out of works unless an acid sulfate soils management plan</p> | <p>Stantec have completed a detailed geotechnical</p> | <p>Yes, the detailed geotechnical</p> |

| Clause | LEP Requirement / Control | Compliance Comment | Is Compliance Achieved? |
|------------|---|---|--|
| | <p>has been prepared for the proposed works in accordance with the Acid Sulfate Soils Manual and has been provided to the consent authority.</p> <p>(4) Despite subclause (2), development consent is not required under this clause for the carrying out of works if—</p> <p>(a) a preliminary assessment of the proposed works prepared in accordance with the Acid Sulfate Soils Manual indicates that an acid sulfate soils management plan is not required for the works, and</p> <p>(b) the preliminary assessment has been provided to the consent authority and the consent authority has confirmed the assessment by notice in writing to the person proposing to carry out the works.</p> | <p>investigation for the proposed development.</p> <p>This assessment included a review of published information regarding the site including site geology, topography, acid sulfate soils and soil landscape maps and associated laboratory testing of field samples.</p> <p>The report includes recommendations on parameters for permanent retaining walls and shallow foundation design, excitability and site preparation.</p> | assessment addresses this clause. |
| 7.2 | Earthworks | | |
| | <p>(2) Development consent is required for earthworks unless —</p> <p>(a) the earthworks are exempt development under this Plan or another applicable environmental planning instrument, or</p> <p>(b) the earthworks are ancillary to development that is permitted without consent under this Plan or to development for which development consent has been given.</p> | This clause is applicable to the proposal which incorporates earthworks on the site. | This application seeks Development Consent for the works in accordance with this clause. |
| | <p>(3) Before granting development consent for earthworks (or for development involving ancillary earthworks), the consent authority must consider the following matters—</p> | | |

| Clause | LEP Requirement / Control | Compliance Comment | Is Compliance Achieved? |
|------------|--|--|---|
| | <p>(a) the likely disruption of, or any detrimental effect on, drainage patterns and soil stability in the locality of the development,</p> <p>(b) the effect of the development on the likely future use or redevelopment of the land,</p> <p>(c) the quality of the fill or the soil to be excavated, or both,</p> <p>(d) the effect of the development on the existing and likely amenity of adjoining properties,</p> <p>(e) the source of any fill material and the destination of any excavated material,</p> <p>(f) the likelihood of disturbing relics,</p> <p>(g) the proximity to, and potential for adverse impacts on, any waterway, drinking water catchment or environmentally sensitive area,</p> <p>(h) any appropriate measures proposed to avoid, minimise or mitigate the impacts of the development.</p> | <p>There are no disruptions to drainage patterns or soil stability.</p> <p>The earthworks and excavation form part of the proposal to develop the land.</p> <p>Refer to Geotech report submitted.</p> <p>There are no impacts from the site earthworks on the amenity of adjoining properties.</p> <p>No fill material is proposed to be used.</p> <p>No relics identified on site.</p> <p>Erosion and sediment control measures will ensure no impact on waterways.</p> <p>Refer to environmental management outcomes proposed.</p> | <p>Yes, the detailed plans and reports submitted with this application address each requirement of this clause.</p> |
| 7.4 | Coastal Risk Planning | | |
| | <p>(2) This clause applies to the land identified as “Coastal Risk Planning Area” on the Coastal Risk Planning Map.</p> | <p>The subject site is not mapped as being subject to Coastal Risk Planning.</p> | <p>Not Applicable.</p> |
| 7.5 | Terrestrial Biodiversity | | |
| | <p>(2) This clause applies to land—</p> <p>(a) identified as “Biodiversity—habitat corridor” or “Biodiversity—significant vegetation” on the Terrestrial Biodiversity Map, and</p> <p>(b) situated within 40m of the bank (measured horizontally from the top of the bank) of a natural waterbody.</p> | <p>The subject site is not mapped as Biodiversity—habitat corridor” or “Biodiversity—significant vegetation” on the Terrestrial Biodiversity Map.</p> <p>The proposed works are not within 40m of a natural waterbody.</p> | <p>Not Applicable.</p> |
| 7.6 | Riparian Land and Watercourses | | |
| | <p>(2) This clause applies to all of the following—</p> | <p>The subject site is not mapped as “Riparian Land” and does not</p> | <p>Not Applicable.</p> |

| Clause | LEP Requirement / Control | Compliance Comment | Is Compliance Achieved? |
|-------------|--|--|---|
| | (a) land identified as “Riparian Land” on the Riparian Lands and Watercourses Map, (b) land identified as “Watercourse Category 1”, “Watercourse Category 2” or “Watercourse Category 3” on that map, (c) all land that is within 50 metres of the top of the bank of each watercourse on land identified as “Watercourse Category 1”, “Watercourse Category 2” or “Watercourse Category 3” on that map. | incorporate a Watercourse on the Riparian Lands and Watercourses Map | |
| 7.7 | Landslide Risk | | |
| | (2) This clause applies to the following land— (a) land with a slope in excess of 20% (1:5), as measured from the contours of a 1:25,000 topographical map, and (b) land identified as “Sensitive Area” on the Natural Resource Sensitivity—Land Map. | The subject site does not have any slopes in excess of 20% and is not mapped as a “Sensitive Area” on the Natural Resource Sensitivity—Land Map. | Not Applicable. |
| 7.8 | Scenic Protection | | |
| | (2) This clause applies to land identified as “Scenic Protection” on the Scenic Protection Area Map. | The site is not identified as a Scenic Protection area on the Scenic Protection Map. | Not Applicable. |
| 7.9 | HMAS Albatross airspace operations | | |
| | Not Applicable to this application. Council to confirm the proposal does not penetrate the Limitation or Operations Surface. | | |
| 7.10 | HMAS Albatross buffer area | | |
| | Not Applicable to this application. The site is not situated within the buffer area. | | |
| 7.11 | Essential Services | | |
| | (1) Development consent must not be granted for development unless the consent authority is satisfied that any of the following services that are essential for the development are available or that adequate arrangements have been made to make them available when required— (a) the supply of water, (b) the supply of electricity, (c) the disposal and management of sewage, (d) suitable vehicular access. | The site is serviced by all essential services and vehicle access is achieved via Beinda Street. | Yes, essential infrastructure is able to be provided to the proposal. |
| 7.12 | Council infrastructure development | | |
| | Not Applicable to this application. | | |

| Clause | LEP Requirement / Control | Compliance Comment | Is Compliance Achieved? |
|-------------|--|--------------------|-------------------------|
| 7.14 | Permanent occupation in mixed use developments | | |
| | Not Applicable to this application. | | |
| 7.15 | Development in the vicinity of extractive industries and sewage treatment plants | | |
| | Not Applicable to this application. The site is not situated within the buffer areas for extractive industries or sewage treatment plants. | | |
| 7.16 | Ground floor development on land in Zone E2 | | |
| | Not Applicable to this application. | | |
| 7.17 | Development of serviced apartments in association with registered clubs | | |
| | Not Applicable to this application. | | |
| 7.18 | Larger floor space for home businesses and home industries in certain zones | | |
| | Not Applicable to this application. | | |
| 7.19 | Development of the Nowra Civic Precinct | | |
| | Not Applicable to this application. | | |
| 7.20 | Development in the Jervis Bay region | | |
| | Not Applicable to this application. | | |
| 7.21 | Development on land in the vicinity of the Western Bypass Corridor | | |
| | Not Applicable to this application. | | |
| 7.22 | Subdivision of land at Garrads Lane, Milton and The Heights, Narrawallee | | |
| | Not Applicable to this application. | | |
| 7.23 | Development on land at Seascapes Close, Narrawallee | | |
| | Not Applicable to this application. | | |
| 7.24 | Location of sex services premises and restricted premises | | |
| | Not Applicable to this application. | | |
| 7.25 | Development on land at Moss Vale Road, Kangaroo Valley | | |
| | Not Applicable to this application. | | |
| 7.26 | Increased building height Huskisson Town Centre | | |
| | Not Applicable to this application. | | |

| Clause | LEP Requirement / Control | Compliance Comment | Is Compliance Achieved? |
|-------------|---|---|-------------------------|
| 7.27 | Dwelling houses on land in Zone SP3 | | |
| | Not Applicable to this application. | | |
| 7.28 | Development on land at South Nowra and Nowra Hill | | |
| | Not Applicable to this application. | | |
| 7.29 | Subdivision of land at Jervis Bay Road, Falls Creek | | |
| | Not Applicable to this application. | | |
| 7.30 | Development on land at Nowra Hill and Sussex Inlet | | |
| | Not Applicable to this application. | | |
| 7.31 | Development in local centres | | |
| | (2) This clause applies to land identified as “CI 7.31” on the Clauses Map. | The land is not identified as being subject to Clause 7.31. LEP mapping incorporates the E1 land on the northern side of Beinda Street, on the corner of Bolong Road, but does not include the site. | Not Applicable. |
| 7.32 | Local distribution premises | | |
| | Not Applicable to this application. | | |

8.2 Provisions of Draft Environmental Planning Instruments

There are no draft Planning Instruments which apply to the subject site.

8.3 Provisions of any Development Control Plan

Section 4.15 (1) (a) (iii) of the EP & A Act 1979 requires that the consent authority must take into consideration the provisions of any Development Control Plan applicable to the site.

The Shoalhaven Development Control Plan (DCP) 2014 is the guiding document for assessment of Development Applications.

A detailed assessment and review of the proposal against the provisions of the Shoalhaven DCP 2014 is included in Appendix 1.

These assessments demonstrate that the proposal generally achieves full compliance with the provisions of the Development Control Plans applicable to the proposal.

This proposal seeks a minor variation to the DCP provisions relating to on-site car parking requirements which is addressed and justified in detail below.

As discussed in this report, the Housing SEPP provides car parking rates for infill affordable housing projects such as the proposed development.

These parking rates vary significantly to the parking rates for Residential Apartment Buildings outlined under Council's DCP.

This application **does not** seek to adopt the minimum parking rates allowable under the Housing SEPP. Rather the proposal seeks to provide a site specific design outcome which exceeds the Housing SEPP parking requirements and provides for an appropriate number of resident and visitor parking spaces.

We have provided below a comparison of the Housing SEPP parking rates, DCP parking rates and proposed parking provision.

Table 11: Parking Summary

| Unit Type | Housing SEPP Parking Rate | | DCP Parking Rate | Proposed Parking Allocation |
|------------------------|------------------------------|--------------------------|---------------------|-----------------------------|
| | Affordable Housing Component | Non Affordable Component | | |
| Studio Unit | 0.4 spaces / unit | 0.5 spaces / unit | 1 space / unit | 1 space / unit |
| 1 Bedroom Unit | 0.4 spaces / unit | 0.5 spaces / unit | 1 space / unit | 1 space / unit |
| 2 Bedroom Unit | 0.5 spaces / unit | 1 space / unit | 1.5 space / unit | 1 space / unit |
| 3 Bedroom Unit | 1 space / unit | 1.5 space / unit | 2 spaces / unit | 2 spaces / unit |
| Visitor Parking | Nil | | 0.2 spaces per unit | 8 spaces |

As outlined on the table above, the proposal will provide for at least 1 parking space per unit, 2 spaces per unit for the larger 3 bedroom units (acknowledging likely higher vehicle ownership) and 8 visitor parking spaces to service the development.

The proposal meets the objectives and intent of the DCP in providing an appropriate parking allocation for each unit and providing onsite visitor parking, while also exceeding the reduced parking rates established under the Housing SEPP, which is the primary planning policy.

In this regard, the variation to the DCP parking rates is considered appropriate and able to be supported, acknowledging the Housing SEPP as the primary planning policy.

8.4 Consistency with Council Strategic Plans and Policies

While not specifically listed as a matter for consideration under Section 4.15 (1) (a) (iii) of the EP & A Act 1979, we have provided below a summary of how the proposed development is considered to be consistent with key strategic planning policies prepared and adopted by Shoalhaven Council.

a) Shoalhaven Council Local Strategic Planning Policy

The Shoalhaven Local Strategic Planning Statement (LSPS) was finalised in September 2020 and provides a high-level strategic land-use planning policy document setting out how Council will identify and work to consider and meet the communities' land use needs over the next 20 years.

The LSPS addresses a broad range of topics, including:

- The number, type, and location of new homes,
- Provision of infrastructure and services,
- Job creation, economic growth, and the strengthening of commercial centres,
- Preserving our environment and adapting to its changing nature, and
- Enhancing our heritage, landscapes, and the character of neighbourhoods.

While the LSPS provides high level guidance on strategic planning matters, rather than specific site development outcomes, the proposed development is considered to be consistent with the LSPS as follows:

- Consistent with Planning Priority 1 *Providing homes to meet all needs and lifestyles, the proposal will enhance the mix of dwelling types and provide compact homes (apartments) in proximity of the Bomaderry and Nowra Town Centres as infill development.*

The delivery of the proposed apartment building will also assist in ensuring that Shoalhaven Council achieve their LGA housing targets.
- Consistent with Planning Priority 6 *Strengthening commercial centres* the proposal will increase the local population and enhance commercial sustainability of retail and business premises in the of the Bomaderry Town Centre.
- Consistent with Planning Priority 11 *Adapting to natural hazards through building resilience* the proposal has been designed to achieve high levels of environmental sustainability and resilience. Retention of the existing large mature trees along Beinda Street, on-site landscaping and built form finishes will help combat increased urban heat.
- Consistent with Planning Priority 13 *Protecting and enhancing neighbourhoods* the proposal has been designed to respect, consider and compliment the existing character of the neighbourhood sand planned character as part of an identified medium density precinct.

b) Shoalhaven Council Affordable Housing Policy

The Shoalhaven Affordable Housing Strategy (SAHS) was adopted in December 2017 and provides a range of effective policy solutions to facilitate additional affordable housing across the Shoalhaven local government area.

The strategy noted that Shoalhaven has the highest level of housing stress in the Illawarra-Shoalhaven Region and is also one of the least affordable areas. The Shoalhaven market is generally unable to provide affordably priced housing for most very low income renters and low income purchasers.

The proposal seeks approval for a Build to Rent development, which incorporates 20%(12 units) of the project as affordable housing.

The strategy identified that the provision and location of affordable housing is a key consideration for the LGA. The strategy states *Ideally, housing that meets the needs of very low, low and moderate income households, including older private renters, families and those with special needs should be located close to larger service centres with a comprehensive range of retail, health, recreation and support services and facilities, and where possible, public transport.*

*As such, the focus of research and strategies is on **precincts within 400-600 metres of the urban areas of Nowra- Bomaderry, Vincentia and Milton-Ulladulla.***

The proposal is considered to be consistent with the AHS as follows:

- Consistent with Strategy 8 the proposal is located on R3 zoned land within 600 metres of Bomaderry town centres and provides for a residential flat building.
- Consistent with the principles Strategy 12 and 17 parking on site exceed the SEPP Housing provision, while adopting a discount to the DCP parking rates.

c) Shoalhaven Growth Management Strategy

The Shoalhaven Growth Management Strategy (GMS) was finalised in May 2014 as part of the strategic planning framework prepared at the time including the Nowra – Bomaderry Structure Plan.

While superseded by updated dwelling targets prepared by the Department of Planning and the LSPS, the proposed development is considered to be consistent with the GMS as follows:

- The GMS identified that additional opportunities for medium density development within town centres would be required to satisfy housing demand.
- The GMS noted that there was an increased demand for medium density housing within the marketplace.
- The Bomaderry Railway Station was identified as a transport node for rail and bus for tourists, local residents and commuters. The site is within walking distance of the Railway Station.
- The GMS identified that an identified dwelling supply gap (in 2014) could be addressed through the potential medium density dwellings, primarily from redevelopment of the existing urban areas within Nowra, North Nowra and **Bomaderry.**

d) Nowra Bomaderry structure plan

The Nowra – Bomaderry Structure Plan (the structure plan) was finalised in February 2008 as part of the strategic planning framework prepared at the time.

While superseded by updated dwelling targets prepared by the Department of Planning and the LSPS, the proposed development is considered to be consistent with the principles of the structure plan as the development provides for a residential flat building within a medium density zoned land area in close proximity of the Bomaderry Town Centre.

8.5 Provisions of Any Planning Agreement

There are no Voluntary Planning Agreements applicable to the subject site or development.

8.6 Provisions of the Regulations

The proposed development is consistent with the relevant provisions of the *Environmental Planning and Assessment Regulation 2000*.

This Statement of Environmental Effects and Development Application has been prepared in accordance with Schedule 1 of the Regulations.

8.7 Consideration of Development Impacts

Aboriginal Heritage

Kelleher Nightingale have undertaken an Aboriginal Heritage Due Diligence review of the site and its setting.

The purpose of the review was to identify if Aboriginal objects were likely to be located in the study area and if so whether the proposed works were likely to harm those objects. This report presents the findings of a due diligence Aboriginal heritage assessment of the study area. This assessment has been conducted in accordance with the Heritage NSW Due Diligence Code of Practice for the Protection of Aboriginal Objects in New South Wales (OEH 2010).

As outlined in the report, *the due diligence assessment process is a step by step method designed to give proponents a baseline level of information outlining opportunities and constraints related to Aboriginal heritage. The relevant steps are:*

- *Determining if the activity will disturb the ground surface or any culturally modified trees (Step 1)*
- *Database search: Aboriginal heritage information management system (AHIMS) and known information sources (Step 2a)*
- *Landscape assessment (Step 2b)*
- *Impact avoidance assessment (Step 3)*
- *Desktop assessment and visual inspection (Step 4).*

The Code of Practice specifies that if the initial assessment process identifies that Aboriginal objects will be or are likely to be harmed, then further investigation and impact assessment is required (Step 5).

The Heritage NSW process involves “taking reasonable and practical measures to determine whether your actions will harm an Aboriginal object and, if so, what measures can be taken to avoid that harm” (OEH 2010:4).

In addition to the desktop analysis of the AHIMS database and landscape setting, the study area was inspected and assessed on 21 December 2023 by Tristram Miller (KNC). The visual inspection aimed to identify Aboriginal objects or sites and assess the potential of the archaeologically sensitive landforms identified within the study area to contain Aboriginal objects.

The report notes that no Aboriginal objects or areas of Aboriginal archaeological potential were located within the study area. The study area had been heavily modified as a result of landscaping, ground levelling and modification activities, and the construction of the residential dwellings.

As a result, the Due Diligence assessment concludes that the study area displays low archaeological potential due to disturbance and modification from house and shed construction, ground surface modification and landscaping activities. There is a very low likelihood of any intact archaeological deposit remaining within the study area.

It is reasonable to assume that no Aboriginal objects would be harmed by the proposed works and according to the Heritage NSW Due Diligence Code of Practice for the Protection of Aboriginal Objects in New South Wales, the proposed works can proceed with caution.

In this regard, no further investigations are required at this stage to allow determination of the proposal.

Accoustic Assessment

A detailed Accoustic Assessment has been prepared for the subject application by Northrop in order to ascertain existing noise levels associated with road traffic noise from surrounding roadways and the intermittent Flying Fox camp situated to the south-west of the site and determine if any mitigation measures are required to be implemented during the construction of the proposed apartment building.

A noise survey was conducted to measure the ambient and traffic noise at the vicinity of the Project. Based on the ambient noise measurements and requirements of the EPA NSW Noise Policy for Industry, the noise criteria were established. In addition, a noise survey measuring noise from grey-headed flying foxes was also conducted.

Operator Attended Measurements

Fifteen minute attended measurements were conducted to verify unattended ambient noise levels, to establish the octave band noise levels and to characterise the acoustic environment around the site.

The noise levels at the site are shown in the table below (refer Northrop Report).

Table 2: Operator attended measurements 08/02/2024

| Location | Measurement date and time | L _{Aeq} , 15 minute – dB(A) | L _{A10} , 15 minute – dB(A) | L _{A90} , 15 minute – dB(A) | Notes |
|----------|---------------------------------|--------------------------------------|--------------------------------------|--------------------------------------|--|
| M01 | 08/02/2024 10:30am – 10:45am | 53 | 55 | 49 | Ambient noise dominated by bird, insect and distant traffic noise from Bolong Road |
| M02 | 08/02/2024 11:22am – 11:37am | 71 | 74 | 57 | Ambient noise dominated by traffic noise from Bolong Road |
| M03 | 08/02/2024 10:55am – 11:10am | 58 | 60 | 48 | Ambient noise dominated by bird, insect and traffic noise from Beinda Street |

Long-Term Noise Logging

Automatic logging noise measurements were undertaken on the site in order to document the existing acoustic environment. Long-term noise monitoring was conducted for eight days between 8th February and 16th February 2024.

The results of the long term noise monitoring are shown in the table below (refer Northrop Report).

Table 3: Long-term noise monitoring results

| Period | Equivalent Continuous Noise Level L _{Aeq,15min} – dB(A) | Rating Background Noise Level RBL L _{A90} – dB(A) |
|---------|---|---|
| Day | 55 | 48 |
| Evening | 53 | 45 |
| Night | 53 | 43 |

The L_{A90} rating background noise levels were determined using the methodology as described in the Noise Policy for Industry.

Flying Fox Operator Attended Measurements

In addition, additional operator attended measurements were conducted to better determine the effects of the noise from grey-headed flying foxes as well as to measure the octave band noise levels of the flying foxes. The operator attended measurements were conducted on 7th March 2024 and 12th March 2024.

Results of the noise monitoring indicated that there is a pattern of noise peaks around 8:00pm to 8:30pm.

The results of Flying Fox noise monitoring are shown in the table below (refer Northrop Report).

Table 4: Flying fox noise operator attended measurements 07/03/2024 & 12/03/2024

| Location | Measurement date and time | L _{Aeq} – dB(A) | L _{A10} – dB(A) | L _{A90} – dB(A) | Notes |
|----------|---------------------------------|--------------------------|--------------------------|--------------------------|---|
| M04 | 07/03/2024 07:40pm – 08:46pm | 57 | 60 | 52 | Ambient noise dominated by insect (crickets, cicadas) noise. |
| M04 | 12/03/2024 07:47pm – 08:17pm | 54 | 56 | 52 | Ambient noise dominated by insect (crickets, cicadas) noise. |
| M05 | 12/03/2024 05:26pm – 05:35pm | 62 | 65 | 56 | Ambient noise dominated by flying fox noises. |
| M06 | 07/03/2024 05:38pm – 05:45pm | 70 | 74 | 63 | Ambient noise dominated by flying fox noises, occasional traffic passybs from |

Based on the attended measurements outlined in the Northrop report, it was determined that the dominant noise surrounding the site is from birds, insect and traffic noise. Where the north façade is mainly affected by traffic from Beinda Street and the east façade mainly affected by traffic from Bolong Road.

Noise from Flying Fox was occasional and not the dominant noise impact. Notwithstanding, the proposed noise mitigation measures consider noise impacts from Flying Foxes.

Noise Mitigation Recommendations

Chapter 5 of the Northrop assessment provides recommended noise mitigation measures to be implemented in the design and construction of the building.

These include recommendations relating to glazing thickness and external roofing materials to ensure there are no noise impacts for future residents.

A number of facades are also recommended to have windows which are able to be closed by the residents to limit noise impacts. The spaces would require alternate ventilation to as specified under the Building Code of Australia when they are closed which is to be addressed during the detailed design (Construction certificate) phase.

The Northrop report concludes that subject to the implementation to the recommendations, **the development will comply with the requirements of Shoalhaven Council and relevant Australian standards and guidelines including compliance with the Development near Rail Corridors and Busy Roads Interim Guideline, 2008 and Australian New Zealand Standard AS/NZS 2107:2016.**

In this regard, we anticipate the noise mitigation recommendations will be included as a condition of consent as part of any approval issued.

Arborist Report

Arboriculture Consultancy Australia (ACA) have prepared a Preliminary Arboricultural Impact Assessment of the site to accompany this Development Application. The assessment considered one hundred (100) individual trees located within and adjacent to the subject site.

The Assessment was prepared in accordance with Australian Standard 4970-2009 Protection of Trees on Development Sites and only applies to vegetation defined as a tree within the Shoalhaven Shire Council's Development Control Plan (DCP), 2014.

ACA undertook an extensive site walkover and review on the 12th and 13th of December 2023 by Principal Arborist Sibone Nadin and have described the site as follows:

The subject sites are described as relatively level and poorly maintained residential allotments comprising two residential dwellings, outbuildings, and associated infrastructure.

The land is significantly modified and primarily cleared, with a collective mixture of exotic vegetation surrounding the existing dwellings.

The native tree population was primarily observed along the Beinda Street frontage, particularly along the Northwestern area of the boundary.

*The native species present encompass different stages of growth, comprising immature, semi-mature, and mature individuals of both *Corymbia maculata* (Spotted Gum) and *Glochidion ferdinandi* (Cheese Tree).*

*Other native species observed throughout the site included *Grevillea robusta* (Silky Oak), *Acacia* spp. (Acacia), *Ficus* spp. (Fig), *Brachychiton acerifolius* (Illawarra Flame Tree), and *Lophostemon confertus* (Brush Box).*

*The exotic species are a collective mixture of mid-canopy ornamental species and include *Photinia*, *Malus* spp. (Crab Apple), *Lagunaria patersonii* (Norfolk Island Hibiscus) and *Cupressus macrocarpa* (Monterey Cypress).*

*Several environmental weed species were observed within the study area, including *Ligustrum lucidum* (Broad-leaved Privet), *Pittosporum undulatum* (Sweet Pittosporum), and a single *Syagrus romanzoffiana* (Cocos Palm).*

The site assessment identified that there are eight (8) trees rated as High Retention Value on the site.

All High Value trees except for one, have been retained under the proposal with the built form, driveways and pathways being designed in a responsive manner which allows retention of these trees.

BCA and Access Review

Blackett Maguire + Goldsmith (BM+G) have undertaken an assessment of the proposed architectural plans and prepared a BCA & DDA Capability Statement for the project.

This report provides an assessment of the proposal against the Deemed-to-Satisfy provisions and Performance Requirements of the National Construction Code Series (Volume 1) Building Code of Australia 2022 and the Disability (Access to Premises – Buildings) Standards 2010.

BM+G have concluded that *the proposed development can readily achieve compliance with the relevant provisions of the BCA subject to the above measures being appropriately addressed by the project design team. Compliance with the BCA is to be demonstrated by a combination of DtS solutions and/or Performance Solutions prepared by appropriately qualified Registered/Accredited Consultants.*

Contamination

Stantec Australia Pty Ltd (Stantec) have completed a Contamination Data Gap Investigation (DGI) for the subject site. The DGI is a supplementary investigation following completion of a Due Diligence Assessment and an Intrusive Contamination Investigation Report prepared by Stantec in 2023. As part of the report preparation a site inspection was undertaken by an experienced Environmental Scientist and contaminated land professional from Stantec.

The fieldwork testing included:

- Excavation of nine (9) test pits
- Drilling of four (4) boreholes
- Installation of one (1) groundwater monitoring well.
- Four (4) rounds of sub-surface ground gas monitoring
- Deployment of a calibrated GasClam continuous ground gas monitor

Stantec have noted that *The soils assessed from within the site, at the points of sample collection, did not contain concentrations of chemical contaminants that would preclude a future medium-density residential land use, as per the current concept design.*

Stantec identified a single fragment of asbestos cement sheeting was observed during test pitting at the site and was noted as being bonded, with no evidence of weathering or malleability when assessed on site.

Stantec have advised that *the fragment was identified at ground surface, noting that rock was evident from approximately 0.05 mBGL, within a pile of remnant waste from the former landowner who operated a commercial sawmill within that portion of the site.*

The pile of waste comprised mostly of vegetative matter, however, some small quantities of brick, concrete and wire were also observed. Upon discovery of the fragment, several further surface scrapes were conducted within the immediate surrounds, however, no further evidence of asbestos containing materials.

Stantec have advised that the waste pile is unsuitable for retention on site and will require off-site disposal at a NSW EPA licensed premises. Stantec concluded that *the ACM impact is considered localised to the location of the pile of waste, and any further asbestos, if present, could be appropriately and adequately managed during construction in consultation with an occupational hygienist.*

With exception to the above pile of waste, no other solid materials possessed aesthetically unsuitable properties that would require off-site disposal. Following demolition of buildings and structures, ground surfaces must be free of any non-hazardous inert foreign materials that are considered, as per Schedule B1 Section 3.6 of the (NEPC, 1999).

Stantec have concluded as follows:

- No contaminant concentrations in soil were detected above the adopted human health criteria.
- Bonded fragments of asbestos cement sheeting were observed at the following locations:
 - A single fragment was observed within a pile of waste with the centre of the site, a location historically utilised by the former sawmill. Based on observations and laboratory testing, the asbestos appeared to be localised to this area.
 - Fragments of asbestos cement sheeting were observed near the exterior of the existing residential dwelling at the corner of Beinda Street and Bolong Road. The fragments appeared to be resultant from recent damage to the cement sheeting façade of the dwelling.
- Groundwater conditions on site are not expected to preclude the proposed medium-density residential land use as per the current concept design.
- Groundwater and ground gas indicate the potential presence of ASR and/or ASS that are generating acidic and reducing groundwater conditions and gas production of methane, hydrogen sulfide and carbon dioxide.
- Methane, hydrogen sulfide and carbon dioxide gases are currently detected at the site underlying the proposed development area at concentrations that may pose risk to workers and occupiers of a proposed development unless managed and mitigated appropriately.
- Further investigation across the site is warranted so that sources can be resolved and/or mitigation for the proposed development is designed.
- Stantec consider that sufficient monitoring data has been gathered to determine that that the site can be made suitable for the proposed development through implementation of a suitable gas mitigation system.

European Heritage

Heritage 21 have prepared a Statement of Heritage Impact (SOHI) in relation to the subject proposal.

While the site does not have any listed heritage items, it adjoins an existing Locally listed heritage homestead to the south, identified as “Greenleaves” (a Federation Queen Anne style residence and grounds).

The SOHI was prepared consistent with *Guidelines for preparing a statement of heritage impact* (2023) and *Assessing heritage significance* (2023) published by the NSW Department of Planning and Environment, and has been prepared in accordance with the principles contained in the 2013 edition of The Burra Charter: The Australia ICOMOS Charter for Places of Cultural Significance.

In reviewing the impact of the proposed development, Heritage 21 have stated:

Heritage 21 believes that the new development has been sympathetically designed such that it assimilates with the existing context observed around the subject site as well as with the heritage item located in the vicinity. Heritage 21 is of the opinion that the various design measures employed within the drawings developed by St Clair Architecture involving breaking of the massing and articulation along the external facades would soften the visual impact of the three storied development within the surrounding context consisting mostly single storey dwellings. The new development would incorporate adequate setbacks and introduce landscaping as buffers to ensure that there would be minimal impact on the heritage item located in the vicinity of the site.

In consideration of the views to and from the heritage item, Heritage 21 have stated:

The proposed development would be setback approximately 6m along the south-western boundary and would include introduction of new landscaping within this area. This would ensure that there are minimal impacts on the views from the heritage dwelling. The heritage dwelling would maintain its existing visual curtilage and would continue to be appreciated within its existing setting along Bolong Road.

View to and from the heritage dwelling would be maintained along Bolong Road. Further, the incorporation of sympathetic form, scale, siting, design, materials and colour palette would ensure that the proposal would blend within the existing context and would engender minimal impact on view to and from the heritage dwelling located at 59 Bolong Road.

Heritage 21 have concluded that *the proposed development complies with pertinent heritage controls and would engender neutral impact on the heritage significance of the subject site and the heritage item located in the vicinity of the site.*

Heritage 21 have recommended the application be supported on consideration of heritage grounds.

Environmental Sustainability

A detailed BASIX assessment has also been prepared and accompanies this application.

The report demonstrates general compliance with the objectives of sustainable development strategies and sufficiently to addresses ESD requirements for the Development Application.

Flood Review

Northrop have prepared prepare a Flood Compliance Assessment for the proposal.

Flooding parameters for the site was obtained from the flood certificate provided by Council based on Lower Shoalhaven River Floodplain Risk Management Plan – Climate Change Assessment (2011) and Lower Shoalhaven River Flood Study (2022).

A review of flood certificate indicates that:

- The not subjected to flooding from the local catchment and not subjected to additional site drainage controls to manage flooding in the local catchment flood event.
- The northeastern section of the proposed development is within the 1% AEP and the PMF extent.
- Flood hazards are provided in the flood certificate indicating that the sites hazard, and hydraulic category is low hazard flood fringe.

Flood conditions are summarised by Northrop mas follows:

Table 2 – Flood Certificate Summary for Existing Year to Projected 2100

| | |
|-------------------------------|---|
| Flood Planning level | 6.4 m AHD |
| Hazard and Hydraulic Category | Low Hazard Flood Fringe H1 – Generally safe for vehicles and people |
| Probable Max Flood Level | 7.0 m AHD |
| 1% AEP Flood Level | 5.2 m AHD |
| Velocity 1% AEP flood event | 1 m/s |

Key design outcomes achieved in relation to the flood parameters include:

- The FPL is 6.40m AHD Minimum proposed floor level is 6.90m AHD
- The development footprint is outside of the 1% AEP flood extents and therefore will not result in any negative impacts on flood behaviour.
- Early evacuation routes to the flood free land towards north above the PMF level is available.
- On-site refuge can be sought as a last resort if flooding has already commenced.
- The local catchment flooding has a moderate duration time of approximately 6 hours which is generally considered within the upper limits of acceptable time for on-site refuge. This is not considered the primary strategy for the site's evacuation plan.

Northrop have concluded that the proposal is appropriate from a flood impact, management and evacuation perspective and is in accordance with Council's requirements.

Flora and Fauna Review

Cumberland Ecology have undertaken a comprehensive Flora and Fauna Assessment for the site in association with the development proposal.

The purpose of the report is to document the findings of an ecological investigation completed within the subject land in consideration of threatened species and communities protected under the NSW Biodiversity Conservation Act 2016 (BC Act) and the Commonwealth Environment Protection and Biodiversity Conservation Act 1999 (EPBC Act).

The main objective of this report is to determine whether the Project is likely to significantly affect threatened biodiversity values and to outline how the Project will incorporate the biodiversity conservation principles of avoidance and mitigation into its planning.

Site Vegetation

Surveys undertaken by Cumberland Ecology refined the broad-scale mapping and determined that two locally defined native vegetation communities were present within the subject land, as well as Exotic Dominated Grasslands and Exotic Vegetation.

A total of 141 flora species were recorded within the subject land. Species present within the subject land consist of a mix of exotics (60%, n = 85) and native species (40%, n = 56). No threatened flora species have been recorded within the subject land or are likely to occur.

The vegetation communities within the subject land included:

- Shoalhaven Lowland Wet Gully Forest 3270 - 0.19 ha
- South Coast Lowland Shrub-Grass Forest 3273 - 0.11 ha
- Exotic Dominated Grassland - 0.18 ha
- Exotic Vegetation - 0.05 ha
- Cleared Land - 0.05 ha

Fauna Habitat

Cumberland Ecology note that Fauna habitat within the subject land is limited due to previous land disturbances. The majority of the subject land has been subject to historical clearing for the existing dwellings and now comprises predominantly regrowth vegetation and planted garden vegetation as well as exotic dominated/exotic grasslands.

Habitat features recorded within the subject land include:

- Nectar-producing trees – foraging habitat for insects, blossom-dependant birds, arboreal mammals and megachiropteran bats (Flying-foxes). These features are mainly confined to treed areas of PCT 3270 and PCT 3273; and
- Hollow-bearing trees – four trees with potential hollows have been recorded in the subject land.

Assessment of Native Vegetation Clearing Threshold

The report has assessed and considered clearing of native vegetation incorporated in the site works in relation to the thresholds specified for Biodiversity Offset Scheme (BOS).

The LEP does not map a minimum lot size for the subject site. Clause 4.1A (2) does specify a minimum lot size of 900m² for Residential Flat Buildings in the R3 Medium Density zone. Therefore, the clearing of 0.25 ha or more would trigger entry into the BOS.

Based on pre-lodgement discussions with Shoalhaven City Council (Council), it was determined that the areas identified as exotic dominated grasslands within the subject land could likely be excluded from the areas assessed as native vegetation. On this basis, the Project only requires the clearing of approximately 0.24 ha, and therefore not trigger entry into the BOS.

The subject land is also not mapped on the LEP BV Map and Threshold Tool. As such, the BOS will not be triggered via this mechanism.

Development Impacts and Conclusion

Cumberland Ecology have noted that:

- The Project is not considered likely to result in significant edge effects to vegetation within the subject land.
- No TECs have been mapped as occurring within the subject land.
- No threatened flora species are considered to have the potential to occur within the subject land due to the highly disturbed and modified nature of the subject land, and none have been recorded as occurring in the subject land.
- The proposal is not considered to cause a substantial change in the habitat of the potentially occurring threatened fauna species.
- The potential indirect impacts of the Project associated with noise levels and light pollution are unlikely to be greater than existing development adjacent to the camp.

A range of impact avoidance and mitigation measures have been developed for the Project and these are presented in Chapter 5, including relating to the Grey-headed Flying-fox. These measures will be implemented as part of the proposal and associated construction works.

Cumberland Ecology have concluded that the ecological investigation undertaken for the DA indicates that threatened species issues are manageable and not significant. Notwithstanding this, a suite of mitigation measures are proposed to minimise the impacts on biodiversity values. With the implementation of the proposed mitigation measures, no significant impacts are predicted to occur to threatened species, populations or communities listed under the BC Act and/or EPBC Act. No referral to the Commonwealth is required.

Geotechnical Investigation

Stantec Australia Pty Ltd (Stantec) have prepared a geotechnical investigation in association with this development proposal. A site walkover was carried out on 22nd June 2023 by Stantec, with the following site observations noted:

- *General site location is to the east of a local tributary which flows south and joins Bomaderry Creek.*
- *From the crest of the site, the slope grades at ~5 degrees towards Belinda Street to the east.*
- *Rock outcrop comprising highly to moderately weathered sandstone of medium to high strength was observed throughout the site becoming less visible towards Bolong Road to the east.*
- *Experience locally with the rock unit indicates a more weathered cap of up to 3m of highly to moderately weathered sandstone becoming slightly weathered and high strength (dark grey) with depth. The rock can contain concentrations of fossils.*

Further site testing investigations were also completed incorporating drilling of bore holes on the site. Topsoil was found to be Sandy silt with low plasticity, brown, dark brown, fine to coarse sand, with medium rounded to sub-rounded gravel.

Site rock was Sandstone, medium to coarse grained, highly weathered to fresh, medium to high strength. Rock areas encountered at shallow depths, being 0.1m in some parts of the site which limits excavation opportunities.

Groundwater was observed at some boreholes (but not all) at depths of between 2.7m and 7.0m

The results of the site testing and construction recommendations are outlined in the detailed in the geotechnical report.

Traffic

The Transport Planning Partnership (TPPP) have prepared a Transport Impact Assessment (TIA) to accompany this Development Application. The TIA provides an assessment of the proposed on-site parking provisions and internal layout and traffic generation and impacts.

Parking Review

Consistent with the SoEE the TIA provides an assessment of parking on site which concludes that a minimum of 44 car spaces are required for the proposal to comply with parking requirements under the Housing SEPP 2021 requirements.

The TIA notes that a total of 70 car spaces are provided between the two car parks, therefore exceeds the minimum car parking requirements set out in the Housing SEPP 2021 for in-fill affordable housing developments, which is the primary planning policy applicable to this development.

It is proposed to allocate one space per Studio, 1- and 2-bedroom dwellings, two spaces per 3-bedroom dwellings with the remaining eight spaces for visitors. The TIA states that the proposed provision provides an appropriate balance, considering the minimum Housing SEPP 2021 requirement whilst ensuring each dwelling has at least one car space.

Traffic Generation

Section 5 of the TIA provides an assessment of traffic generation for the proposal. The review determined that the proposal would generate a total of 25-31 additional vehicle trips per hour.

In relation to the local road network, the TIA states:

Beinda Street is a local road with collector function linking Bolong Road (an unclassified Regional Road) and Princes Highway (a State Road). Based on the TfNSW Guide 2002 environmental capacity goal for a collector road is 300 vehicle per hour with a maximum of 500 vehicle per hour, the observed peak hour traffic volumes of around 100 to 130 vehicles per hour are notably below these targets.

The observed volumes are also below the environmental goal (200 vehicles per hour) and maximum (300 vehicles per hour) for a local road. Even if any seasonal fluctuation is considered, say 20 to 30 percent to be conservative, noting no fluctuation was observed along Bolong Road, the potential traffic volumes along Beinda Street would remain below both the local and collector road targets.

As such, TPPP conclude that the additional traffic generated by the proposal is not expected to have any notable impact on the surrounding road network.

Vehicle Access

The report notes that the development has been designed in accordance with the requirements of AS2890.1, AS2890.2 and AS2890.6. The design includes compliance with the following requirements:

- *Resident car parking is designed in accordance with AS2890.2 Class 1A parking facility, with a minimum dimension of 2.4 metre wide, 5.4 metre long and a minimum aisle width of 5.8 metre.*
- *Accessible parking spaces are designed in accordance with AS2890.6 with minimum dimensions of 2.4 metre wide and 5.4 metre long, with an adjoining shared area of the same dimensions.*
- *Minimum blind aisle extension of one metre beyond the last car space.*

Swept path analysis provided with the TIA has demonstrated that all relevant design vehicles can enter and exit the site in a forward direction.

Stormwater Management

A detailed Water Cycle Management Plan has been prepared by Northrop and accompanies this submission.

The strategy summarises the proposed design solutions for the stormwater management for the Development Application submission to Council. The proposed design has been considered with regard to Shoalhaven City Council DCP 2014, Shoalhaven City Council Engineering Design Specification as well as industry best practice.

The proposed development will incorporate a number of devices and measures aimed at providing adequate and responsible management of stormwater runoff and flooding.

As required under Chapter G2 of Shoalhaven DCP the stormwater management strategy has considered the following matters:

- Water conservation;
- Stormwater Retention;
- Nutrient and Pollution Control;
- Onsite Detention;
- Local Overland Drainage;
- Flooding.

Stormwater Management / Detention

In accordance with Shoalhaven City Councils DCP, on-site detention will be required to limit post development flows from the proposed development site to less than or equal to pre-development flows for all storm events up to and including the 1% AEP storm event.

Runoff from the proposed development was modelled using the runoff routing software DRAINS incorporating an on-site detention facility. This was compared to the pre-developed site in its existing state with an impervious percentage of 7%.

The post developed site was modelled as a lump sum catchment draining directly to the 85kL OSD tank. A 796m² catchment area was modelled to bypass the OSD system, this was accounted for in the sizing of the OSD tank and the site post development vs pre development flow rate.

As demonstrated in the report, the peak post-development flows for storm events up to the 1% AEP have been detained to less than that for the pre-development site.

Water Quality

To minimise adverse impacts upon the ecology of downstream watercourses, stormwater treatment devices have been incorporated into the design of the development.

The water quality treatment devices that have been utilised in the proposed treatment train include:

- Rainwater Retention Tank
- Proprietary filtration units
- Detention Storage
- Proprietary GPT

A MUSIC model has been undertaken in order to design the stormwater quality system. The engineering drawings include details on the stormwater treatment system. The results from the MUSIC model are summarised in the table below.

Table 12: MUSIC Model Outcomes (Source: Northrop)

| Pollutant | Target Reduction | Pollutant Reduction |
|------------------|------------------|---------------------|
| Nitrogen | 45% | 61.1% |
| Phosphorus | 65% | 67.9% |
| Suspended Solids | 85% | 88.0% |
| Gross Pollutants | 90% | 99.6% |

The proposed development exceeds Council's water quality requirements as shown by the table above.

Operational Waste Management Plan

A detailed Operational Waste Management Plan has been prepared by MRA Consulting Group. The plan addresses the requirements of the Council and addresses the following environmental planning instruments and reference documents:

- Shoalhaven Local Environmental Plan 2014 (SLEP)
- Shoalhaven Development Control Plan 2014 (SDCP)
- Shoalhaven City Council – Waste Minimisation and Management Guidelines (2019)

The plan addresses all operational waste generation and collection requirements.

The Shoalhaven City Council – Waste Minimisation and Management Guidelines (2019) provide generation rates for new multi-unit residential developments:

- 120L of general waste per unit per week.
- 60L of recycling per unit per week.

Additionally, it has been assumed that 25L of Food Organics and Garden Organics (FOGO) will be generated per unit per week in line with NSW government mandates for FOGO collection state-wide.

Waste generation expected for the proposed development is shown in the table below from the Waste report. Spatial requirements of the waste storage areas are based on a weekly collection of general waste, FOGO and recycling by a private waste contractor.

Table 6: Waste Generation, bin allocation and spatial requirement

| Building/Units | Waste Stream | Generation per Week (L) | 240L bin allocation | Collection Frequency | Minimum Spatial Requirement |
|---------------------------------|---------------|-------------------------|---------------------|----------------------|-------------------------------------|
| Building 1: 29 units | General Waste | 3,480 | 15 x 240L bins | Weekly | 17m ² (26 bins total) |
| | Recycling | 1,740 | 8 x 240L bins | Weekly | |
| | FOGO | 725 | 3 x 240L bins | Weekly | |
| | Bulky Waste | As needed | | | 4m ² |
| Building 2: 31 units | General Waste | 3,720 | 16 x 240L bins | Weekly | 19m ² (28 bins total) |
| | Recycling | 1,860 | 8 x 240L bins | Weekly | |
| | FOGO | 775 | 4 x 240L bins | Weekly | |
| | Bulky Waste | As needed | | | 4m ² |

**Based on bin footprint (m²) x 1.5 for circulation and manoeuvring.*

The architectural plans demonstrate that the required number of bins are able to be accommodated in waste storage room in each building basement.

It is proposed that a private waste contractor will service the development, utilising a wheel out, wheel back service with a rear lift vehicle. The waste contractor will be required to service the site from a loading zone along Beinda Street in proximity to the waste storage areas. A loading zone will reduce the likelihood of traffic conflict and delays related to waste loading.

Construction Waste Management Plan

A detailed Construction Waste Management Plan has been prepared by MRA Consulting Group and submitted with this application.

The WMP addresses the requirements of the Council and conforms to the following environmental planning instruments and reference documents:

- Shoalhaven Local Environmental Plan 2014 (SLEP)
- Shoalhaven Development Control Plan 2014 (SDCP)
- Shoalhaven City Council – Waste Minimisation and Management Guidelines (2019)

The WMP also references guidelines, developed by the NSW EPA:

- NSW EPA (2019) Better Practice Guide for Resource Recovery in Residential Developments.

The WMP is used to inform the building design to deliver best practice waste management and promote sustainable outcomes at the demolition, construction and operational phases of the development. The WMP addresses waste generation and storage associated with demolition and construction works through redevelopment, and ongoing occupation of the proposed use.

The WMP will be implemented by Landcom throughout the project.

8.8 Site Suitability

Section 4.15 (e) of the EP&A Act requires the consent authority to consider the suitability of the site in relation to the proposed development.

This Statement of Environmental Effects and associated supporting studies have addressed all relevant planning and environmental considerations, concluding that the site is appropriate to accommodate the proposed development.

The subject site is situated within walking distance of the Bomaderry Main Street Town Centre, Bomaderry Railway Station, TAFE campus and a range of passive and active recreation areas. The site is also located within cycle distance of Nowra CBD. In this regard, the site is highly suitable to accommodate the proposal given its proximity and access to a range of services and facilities.

The subject land and surrounding land holding also form part of a zoned medium density precinct indicating that Council planning policies have identified that the location and site is suitable to accommodate medium density residential flat buildings.

The proposal is also generally consistent with the adopted Shoalhaven DCP and Council planning policies.

As such, the subject site is considered highly suitable to accommodate the proposed Build to Rent apartment building.

8.9 Any Submissions

Any submissions received during public notification will be assessed by Council and addressed in a detailed response provided by the proponent as required.

8.10 The Public Interest

Support for this proposal will enable the delivery of a high quality Build to Rent residential flat building in an identified medium density precinct in Bomaderry.

The proposal is considered to be in the public interest as:

- Support for the proposal will significantly enhance housing diversity, affordability and rental accommodation for both existing and future residents in the locality.
- The proposal will deliver the first Build to Rent project in the locality, providing opportunity for long term rental accommodation for residents.
- The site is ideally located within a walkable catchment of local shops, Bomaderry Town Centre Main Street, schools, TAFE, playing fields and Bomaderry Railway station. The site is also within the cycle catchment of the Nowra Town Centre.
- The delivery of the residential apartments will enhance the viability of local shops, restaurants and business within Bomaderry through increasing local population and trade.

9 EP&A ACT 1979 ASSESSMENT PROVISIONS

9.1 Division 4.3 Section 4.10 – Designated Development

Division 4.7 Clause 4.10 of the *Environmental Planning & Assessment (EP&A) Act 1979* addresses development which is classified as Designated development. Clause 4.10 states:

4.10 Designated development

(1) Designated development is development that is declared to be designated development by an environmental planning instrument or the regulations.

(2) Designated development does not include State significant development despite any such declaration.

Schedule 3 Designated development of Environmental Planning and Assessment Regulation 2000 provides threshold criteria for development to be classified as Designated Development.

The proposal does not exceed any of the land use or development thresholds established under Schedule 3. As such, the proposal is not classified as Designated Development under the EP & A Act 1979.

9.2 Division 4.7 – State Significant Development

Division 4.7 Clause 4.36 of the *Environmental Planning & Assessment (EP&A) Act 1979* addresses development which is classified as Designated development. Clause 4.10 states:

4.36 Development that is State significant development

(1) For the purposes of this Act, State significant development is development that is declared under this section to be State significant development.

(2) A State environmental planning policy may declare any development, or any class or description of development, to be State significant development.

(4) A State environmental planning policy that declares State significant development may extend the provisions of the policy relating to that development to State significant development declared under subsection (3).

Development that is State significant development (SSD) is identified in the *State Environmental Planning Policy (State and Regional Development) 2011* (the SRD SEPP 2011).

Schedule 1 State significant development—general of the SRD SEPP 2011 provides threshold criteria for development to be classified as Designated Development.

Schedule 2 State significant development—identified sites of the SRD SEPP 2011 lists development areas which are declared State Significant Development sites.

The proposal does not exceed any of the land use or development thresholds established under Schedule 1 and is not situated within a Declared State Significant Development site under Schedule 2.

As such, the proposal is not classified as State Significant Development under the EP&A Act 1979.

9.3 Division 4.8 - Integrated Development

Section 4.46 under Division 4.8 of the *Environmental Planning & Assessment (EP&A) Act 1979* outlines circumstances in which Development Applications are considered to be Integrated Development, requiring referral and/or concurrence during assessment.

The table below provides a review of the Integrated Development provisions as they relate to the application. review of all matters listed for consideration under Section 4.46 4.46 of the EP&A Act 1979.

Table 13: Integrated Development Review

| Legislation | Comment | Is Referral / Concurrence Required |
|--|---|------------------------------------|
| Coal Mine Subsidence Compensation Act 2017 | <p>Clause 22 of the Mine Subsidence Compensation Act 2017 requires approval for any application to subdivide land within a mine subsidence district.</p> <p>The subject land is not situated within a Mine Subsidence District.</p> | No |
| Fisheries Management Act 1999 | <p>The proposal does not require an aquaculture permit.</p> <p>The proposal does not require a permit to carry out dredging or reclamation work.</p> <p>The proposal does not involve any works and does not require a permit to impact marine vegetation on public water land or an aquaculture / foreshore lease.</p> <p>The proposal does not require a permit relating to netting or the construction / alteration of a dam, floodgate, causeway or the like.</p> | No |
| Heritage Act 1977 | <p>No State Heritage Items or Interim Heritage Items are located within the subject site or impacted by the subdivision.</p> <p>No approvals are required in respect of the carrying out of works relating to a heritage item.</p> | No |
| Mining Act 1992 | The proposal does not relate to the granting of mining lease | No |
| National Parks and Wildlife Act 1974 | <p>The works area has not been identified as containing any aboriginal artefacts or places.</p> <p>An Aboriginal Heritage Impact Permit is not required.</p> | No |
| Petroleum (Onshore) Act 1991 | The proposal does not relate to the granting of a production lease. | No |

| | | |
|---|--|----|
| Protection of the Environment Operations Act 1997 | The proposal does not require an Environment Protection Licence to be issued. | No |
| Roads Act 1993 | The proposal does not incorporate any works to a public road as outlined under Section 138 of the Roads Act 1993 or connection to a Classified Road. | No |
| Rural Fires Act 1997 | The subject site does not incorporate any land mapped as being Bushfire Pone Land under Camden Councils Bushfire Prone Land Mapping. | No |
| Water Management Act 2000 | No works or controlled activities specified under the Water Management Act 2000 are proposed. | No |

10 SUMMARY

This Development Application seeks approval for the construction of a part three and part four storey Build to Rent residential apartment building complex, comprising two residential flat buildings, both constructed above ground level 'basement' parking areas on the corner of Beinda Street and Bolong Road, Bomaderry.

The delivery of a high quality large scale Build to Rent project in this location will significantly enhance local housing opportunities and security for a range of residents including key workers and long term rental households.

The proposal will make a positive contribution to addressing existing housing affordability issues in the in Shoalhaven and the Illawarra Region for low income households and renters.

The proposed built form height and scale of the development is considered to be consistent with the long term vision for the medium density housing area located in proximity of the Bomaderry Town Centre. The built form also achieves a human scale at street level creating a people orientated and pedestrian friendly environment.

The large, sheltered level internal courtyards also deliver significant private communal open space area for residents to enjoy, interact and meet with opportunities for passive recreation.

This report and supporting plans and documentation have demonstrated that the site is highly suitable to accommodate the proposed Build to Rent apartment building and is generally compliant with all relevant state and local government planning provisions, excluding a minor variation to building height and Council parking rates.

Notwithstanding, this SoEE has demonstrated that:

- The proposal is consistent with the built form outcome design guidelines established under the ADG and DCP.
- The subject site has been demonstrated to be suitable to accommodate the proposed residential apartment buildings and there are no environmental or physical constraints which preclude delivery of the project.
- The provision of an extended building setback to Beinda Street to allow retention of existing vegetation along the street frontage enhances the streetscape interface and appeal.
- The proposed building form is compatible to the desired future character of the locality as a medium density housing area, while respecting the existing surrounding built form.
- The proposal will not have a significant impact on the surrounding road network and is considered appropriate from a traffic planning, parking and management perspective.

The minor variation has been addressed in a Clause 4.6 report submitted with this application. The height of the building is minor in nature and that the proposal maintains consistency with the intent of the zone and building height objectives. The proposal variation in building height will not have any impact on the amenity of the surrounding properties and is indiscernible from the pedestrian scale street level.

The DCP variation to parking provision is considered appropriate and able to be supported given that the site is located within a highly accessible area within walking or cycle distance of open space areas, TAFE, Bomaderry Town Centre, employment nodes and the Nowra CBD, reducing demand for private vehicle use.

Given the proposal meets the requirements of Section 4.15 of the Environmental Planning and Assessment Act 1979 and relevant instruments, plans and policies, it is requested that Council approve the proposal.

APPENDIX 1

Shoalhaven Development Control Plan 2014 Assessment Tables

Chapter G1: Site Analysis, Site Design and Building Materials

| DCP Provision | Compliance Comment |
|--|--|
| 5.1 Site Analysis | |
| <p>P1.1 The characteristics of the site and its surrounds have been adequately considered through preparation of a thorough site analysis plan.</p> <p>A1.1 A site analysis plan is provided with a development application that shows the following, as appropriate:</p> | <p>The Architectural Plan package and associated design report incorporate a detailed site analysis which addresses the DCP criteria and outlines how the design has responded to site opportunities and constraints.</p> |
| 5.2 Building Materials and Site Design in Rural, Coastal and Environmental Areas | |
| <p>P2 Buildings are designed, constructed and sited to compliment the landscape and minimise impacts on visual amenity when viewed from public places and private property.</p> <p>2.1 The building design satisfies the following to ensure the development does not detract from the scenic-value of the landscape.</p> | <p>The architectural plans and associated design report demonstrate that the proposal has been designed to respond to the local environment, character and context.</p> <p>The portal will not impact or detract from any landscape scenic values.</p> |
| <p>P3 The use of highly reflective building materials (e.g. galvanised steel) is minimised to protect views and the natural character of environmental, rural and coastal areas.</p> <p>A3.1 A visual assessment shall be prepared which demonstrates that the building will not have a significant visual impact when viewed from any public road, public place, private property to which the public has access, National Park, walking trail or other dwelling.</p> | <p>Building materials have been selected which embody the built form and materiality of existing buildings in the locality and Nowra / Bomaderry area.</p> <p>No highly reflective materials are proposed.</p> <p>A visual analysis is not required for this application as the site is located within an urban context and the site is not located within an area of key view lines.</p> <p>The 3D elevations demonstrate that the proposal is appropriate when viewed from the surrounding roadways.</p> |

Chapter G2: Sustainable Stormwater Management and Erosion/Sediment Control

| DCP Provision | Compliance Comment |
|--|--|
| 5.1.1 Minor and Major Systems Design | |
| A1.1 Runoff from impervious areas must not be concentrated or directed onto neighbouring properties. | No runoff is concentrated or directed onto neighbouring properties. |
| <i>Minor System Drainage</i> A1.2 For residential and rural residential areas, drainage must be designed to cater for a 5 year Average Recurrence Interval (ARI) event. | Noted. Please refer to Water Cycle Management Report. |
| A1.4 Kerb and gutters are required where soil permeability is not sufficient to allow natural infiltration of stormwater runoff without causing adverse impacts onsite or to neighbouring properties. | Kerb and gutter proposed to be constructed along Beinda Street. |
| A1.5 Runoff from roofs and other impervious areas shall be directed to an existing or proposed stormwater system when it can be proven to Council's satisfaction that the design capacity of the system is not exceeded. | Yes, refer to civil engineering plans and Water Cycle Management report. |
| A1.6 Where onsite infiltration / absorption is proposed for stormwater disposal, supporting geotechnical reports are submitted with a development application to assess the suitability of the proposal. | Not applicable to the proposal. |
| A1.7 Stormwater inlet structures must be designed with a blockage factor provision in accordance with the latest version of the Australian Rainfall and Runoff (ARR) guidelines. | Yes, refer to civil engineering plans and Water Cycle Management report. |
| 5.1.2 Disposal of Stormwater from Development Sites | |
| A2.1 Roof water is to be collected by gutter and downpipe systems, or other equivalent means, and conveyed to an approved discharge point in accordance with the requirements of Part 3.1.2 of the Building Code of Australia and AS 3500.3. | Yes, refer to civil engineering plans and Water Cycle Management report. |

| DCP Provision | Compliance Comment |
|--|---|
| A2.2 Surface water from paved areas including driveways is to be directed to an approved discharge point (see A2.1) that minimises impact on adjoining land. | Yes, refer to civil engineering plans and Water Cycle Management report. |
| A2.3 Where the area of buildings, pavement and other impervious areas exceeds 65% of the site area, the proposal is to include details of the methods to be used to harvest rainwater and minimise increased runoff to surrounding land and public stormwater infrastructure. | Not applicable. Impervious areas do not exceed 65%. |
| 5.1.3 Climate Change Controls | |
| A3.1 Climate change impacts, such as changes to rainfall intensity, shall be considered in system design as per relevant policies and/or Australian Rainfall and Runoff Guidelines. | Yes, refer to civil engineering plans and Water Cycle Management report. |
| 5.1.4 Onsite Stormwater Detention | |
| <p>A5.1 Onsite stormwater detention is to be sized to match pre-development peak flow rates for the 5, 20 and 100-year ARI rain events for the site.</p> <p>A5.2 For development other than subdivision, pre and post-development peak flow calculations must be based on the:</p> <ul style="list-style-type: none"> • Impervious percentages in Table 1, or • Actual impervious surface area as detailed on development plans, whichever is greater. <p>A5.3 For subdivisions, pre and post development peak flow calculations must be based on the impervious percentages in Table 1.</p> | <p>Yes, refer to civil engineering plans and Water Cycle Management report.</p> <p>Yes, refer to civil engineering plans and Water Cycle Management report.</p> |
| 5.2 Stormwater Quality and Waterway Protection | |
| The civil engineering plans and associated Erosion and Sediment Control Plans submitted with the application address this section of the DCP. | |
| 5.3 Waterfront Land | |
| Not applicable to this application. No waterfront land. | |

Chapter G3: Landscaping Design Guidelines

| DCP Provision | Compliance Comment |
|--|--|
| 5 Controls | |
| A1.1 Existing trees and landscape elements which make a positive contribution to the character of the area, especially semimature/ mature shade trees, should be retained and integrated into the proposal. | <p>The building form has been setback from the Beinda Street frontage in order to maximise the number of existing trees which can be retained.</p> <p>The landscape plans and architectural design ensure that the existing trees are integrated into and celebrated as part of the proposal.</p> |
| <p>A1.2 Proposals to remove existing trees and landscape elements must propose suitable landscaping to retain streetscape character.</p> <p>Note: Where removal of a mature shade tree is proposed, this must be accompanied by sufficient justification.</p> | <p>The landscape plans demonstrate that the removal of three trees will not impact the streetscape character.</p> <p>The final landscape planting outcome will enhance the streetscape character and landscaping treatment.</p> |
| A1.3 Tree planting and landscaping considers amenity by providing summer shade and winter sun. | <p>Tree planting considers opportunities to provide summer shade and winter sun through species selection.</p> <p>Internal courtyards incorporated deciduous trees to maximise winter sun.</p> |
| <p>A2.1 For development other than a new dwelling house or alterations and additions to a dwelling house, landscaping must be in accordance with an approved landscape plan for the site, prepared by a suitably qualified landscape professional.</p> <p>A2.2 The landscape plan must:</p> <ul style="list-style-type: none"> • Relate to the site plan for the proposed development. • Address P2.1 and P2.2. • Include the landscape plan and planting schedule requirements at Section 6.1 of this Chapter, as appropriate to the scale of the development. | <p>Landscape plans have been prepared by Edmiston Jones landscape architects.</p> <p>The landscape plans incorporate all elements outlined in P2.1 and 2.2 as discussed below.</p> <p>The landscape plans incorporate all details outlined in Section 6.1.</p> |
| <p>P2.1 The landscape plan:</p> <ul style="list-style-type: none"> • Is designed to meet user requirements taking into account maintenance, exercise opportunities, shade provision and aesthetic quality. • Enhances the appearance of the streetscape through the provision of substantial landscaping to the street frontage. • Integrates the development into the streetscape. | <p>Yes, the design provides a range of recreational spaces, with consideration as Build to Rent proposal and a variety of future long-term residents.</p> <p>Yes, the proposal maintains and enhances existing street frontage landscaping.</p> <p>Landscaping uses a variety of species and native plantings integrating the proposal in the broader streetscape.</p> |

| DCP Provision | Compliance Comment |
|--|--|
| <p>P2.2 The landscape plan:</p> <ul style="list-style-type: none"> • Specifies the location and species of trees, shrubs and ground cover. • Uses vegetation types and landscaping styles that blend the development in with the streetscape. • Complements the functions of the street and reinforce desired traffic speed and behaviour. • Is an appropriate scale relative to both the street reserve width and the building bulk. • Considers personal safety (safety by design) by ensuring good visibility and lighting at dwelling entries, along paths and driveways and avoids shrubby landscaping near thoroughfares. • Contributes to energy efficiency and amenity by providing substantial shade in summer especially to west facing windows and open car park areas and admitting winter sunlight to outdoor and indoor living areas. • Improves privacy and minimises overlooking between dwellings. • Minimises risk of damage to proposed buildings, overhead and underground power lines and other services. • Minimises the risk of damage due to bushfire if the land is within a bushfire prone area as mapped by Council. • Retains or plants mature shade trees to assist in reducing the urban heat effect. • Reduces the removal of native vegetation and dominant locally occurring native trees. | <p>Yes, the landscape plan identify the location and species of all proposed landscaping plantings.</p> <p>Yes, the landscaping maintains existing large trees in the streetscape and provides a range of ground cover and shrub species to complement the existing vegetation.</p> <p>The landscape design reflects a residential character consistent with the Beinda street function.</p> <p>The retention of the existing mature trees along Beinda Street maintains an immediate appropriate scale between the landscaping and the built form.</p> <p>Yes, the proposed landscaping considers personal safety and CPTED principles. Please refer to the CPTED assessment submitted under separate cover.</p> <p>The retention of existing large scale trees will assist in energy efficiency.</p> <p>Landscaping to internal courtyards provides solar access in winter and shade in summer.</p> <p>Landscaping has been designed to enhance privacy between dwellings within the development.</p> <p>Landscaping has been designed to ensure there is no long term damage to buildings and services.</p> <p>The proposal is not located with a bushfire prone land area.</p> <p>The building form has been setback form the Beinda Stret frontage ion order to maximise the number of existing trees which can be retained.</p> <p>Yes, the project minimizes removal of existing native vegetation.</p> |

| DCP Provision | Compliance Comment |
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| <p>A3.1 Where paving is provided to driveways, walkways and in the vicinity of garbage bin enclosures, letterboxes and clotheslines such paving should:</p> <ul style="list-style-type: none"> • Use materials and colours which complement the development. • Feature nonslip finishes and be suitable for use by people with disabilities. • Minimise maintenance requirements where appropriate and practicable, taking into account the ownership of and proposed management of the landscaped area, particularly in bushfire prone areas. | <p>The primary pedestrian pathway areas have been designed to accommodate no-slip paved footpaths to provide access throughout the site.</p> <p>Secondary connections utilize permeable on grade footpaths to provide a variety in finishes and elements.</p> <p>The landscaping has been designed to minimise the long term maintenance requirement as a Build to Rent proposal.</p> |
| <p>A4.1 Street tree planting that provides summer shade, winter sun and enhances site lines for pedestrians shall be included and retained/replaced, where appropriate.</p> | <p>The proposal does not incorporate the construction of any new roadways.</p> <p>As such, no new street tree planting is proposed.</p> |
| <p>A4.2 Street trees and trees within the road reserve shall be positioned to maximise shade opportunities for pedestrians and car parking and minimise disturbance to service lines.</p> | |
| <p>A4.3 Shade trees should be provided at a rate of one tree per row of six (6) car parking spaces or through the provision of shade to at least 50% of the car park.</p> | <p>Not applicable. Parking is provided beneath the building within an open basement Car Park.</p> |

Chapter G4 Tree and Vegetation Management

| DCP Provision | Compliance Comment |
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| 5.1 Declared Trees or Other Vegetation – Part 2.3 of the Biodiversity and Conservation SEPP | |
| This clause declares trees and other vegetation for the purposes of Part 2.3 of the Biodiversity and Conservation SEPP. In accordance with Section 2.6 of the Biodiversity and Conservation SEPP, a person must not cut down, fell, uproot, kill, poison, ringbark, burn or otherwise destroy the vegetation, or lop or otherwise remove a substantial part of the vegetation without a permit granted by Council. | <p>Noted.</p> <p>This application seeks consent from Council for the removal of three trees as part of the development works which satisfies this clause.</p> <p>We note that the proposal has been designed to maximise the number of trees retained on site.</p> |
| 5.2 Exemptions | |
| Not applicable to the proposal as no exemptions apply. | |
| 5.3 Assessment Criteria for Tree Removal and Pruning | |
| 5.3.1 Destabilisation of Foreshore, Water Courses and Agricultural Land | |
| Not applicable to the proposal as the land is not situated within a foreshore area, does not incorporate a water course and is not agricultural land. | |
| 5.3.2 Character and Scenic Amenity of Non-Urban Roads | |
| Not applicable to the proposal as the land is not situated within a non-urban area. | |
| 5.3.3 Amenity Considerations | |
| A5.1 Where mature trees or other vegetation have been removed, they are replaced with trees native to the region in an appropriate location. | The proposal seeks consent for the removal of three existing trees. Both trees will be replaced by significant on site landscaping and tree planting incorporating trees native to the region. |
| A6.1 Trees or other vegetation removed or pruned to facilitate solar access for the tree owner or their neighbours are kept to the minimum necessary to ensure solar efficiency. | <p>Not applicable to this proposal.</p> <p>No pruning or tree removal proposed for solar access.</p> |
| A7.1 Removal of a tree that is a poor specimen and is in a state of decline that is prolonged and irreversible is supported by an Arborist Report prepared by a suitably qualified and practising Arborist in relation to the health and condition of the tree/s. | <p>Not Applicable to the proposal.</p> <p>Notwithstanding, an arborist report is provided with this application.</p> <p>No Roadworks are proposed under this application.</p> |

| DCP Provision | Compliance Comment |
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| <p>A8.1 Removal of trees that have caused or are likely to cause significant structural damage and is supported by relevant evidence; and</p> <p>A8.2 The application is supported by written expert advice and other reasonable alternatives are not available.</p> | <p>Not Applicable to this application.</p> <p>Trees proposed to be removed relate to the proposed building footprint.</p> |
| 5.3.4 Heritage Considerations | |
| <p>A9.1 Removal or pruning of trees or vegetation is of a minor nature or is for the maintenance of the heritage item, Aboriginal object, Aboriginal place of heritage significance, or heritage conservation area, and will not adversely affect the heritage significance of the heritage item, Aboriginal object, Aboriginal place of heritage significance, or heritage conservation area.</p> | <p>Subject site does not contain any identified heritage items or heritage landscapes.</p> <p>Notwithstanding the site does adjoin local heritage item.</p> |
| 5.3.5 Other Important Vegetation | |
| <p>A10.1 The trees to be removed are not part of a listed EEC (mapped in this DCP) in accordance with an assessment by a suitably qualified person.</p> | <p>The flora and fauna assessment submitted with this application has demonstrated that the trees are not part of an EEC and are able to be removed.</p> |
| <p>A11.1 Removal of any trees in Jerberra Estate is in accordance with Chapter N20 Jerberra Estate.</p> <p>A11.2 Removal of any trees in other paper subdivisions within Shoalhaven is limited to removal and pruning that is in conjunction with an approved development or use.</p> | <p>Not applicable to this application. The site is not located within the Jerberra Estate or a paper subdivision area.</p> |
| <p>A12.1 A report from a suitably qualified Arborist is provided and determines that the <i>Toona australis</i> is obviously severely damaged, decayed or causing structural damage.</p> | <p>Not applicable, no <i>Toona australis</i> are proposed to be removed.</p> <p>Notwithstanding, an arborist report is provided with this application.</p> |
| <p>A13.1 Removal of trees on land covered by the Scenic Protection Area Map of SLEP 2014 is minimised.</p> <p>A13.2 A program of replanting of local native species is proposed.</p> | <p>Not applicable to this application. The site is not located within an area mapped as Scenic Protection under the SLEP 2014.</p> |
| <p>A14.1 Submission of an assessment of significance (5 part test) by a suitably qualified person for any tree that contains a hollow, is a threatened species or is a component of an EEC.</p> <p>A14.2 All trees and other vegetation to be removed or pruned to be clearly marked on site for inspection purposes.</p> | <p>A detailed flora and fauna assessment and separate arborist report is submitted with this application which addresses tree hollows.</p> <p>The onsite management of these trees can be addressed through conditions of consent as part of any approval issued.</p> |

| DCP Provision | Compliance Comment |
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| A14.3 Animal handler to be present on site to rescue any animals, where there is proposed removal of a hollow bearing tree. | |

Chapter G5: Biodiversity Impact Assessment

| DCP Provision | Compliance Comment |
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| 6.2.1 Flora and Fauna Report | |
| <p>A Flora and Fauna Report is required for any development on land that either contains native vegetation or is near an area of native vegetation.</p> <p>The Flora and Fauna Report shall identify and consider all direct, indirect and cumulative impacts from the development on each threatened species, population, TEC and their habitats.</p> | |
| 6.2.2 Test of Significance | |
| <p>The Test of Significance (ToS) or 5 Part Test is used to determine if a development or activity is likely to significantly affect threatened species, population, TECs or their habitats.</p> <p>A ToS is to be completed individually for each threatened species, population, TEC and their habitats and must be undertaken by a suitably qualified and experienced ecologist or consultant.</p> | |
| 6.3 Biodiversity Offsets Scheme | |
| <p>The Biodiversity Offsets Scheme (BOS) is a process to avoid, minimise and offset impacts on biodiversity from development and clearing.</p> <p>Proponents of development need to be aware that an approved development where the BOS has been triggered will come at a significant financial cost to offset the impact of the development on biodiversity.</p> | |

Chapter G7: Waste Minimisation and Management Controls

| DCP Provision | Compliance Comment |
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| 5 Controls | |
| <p>A.1.1 A waste management plan is submitted with the development application in accordance with the Waste Minimisation and Management Guidelines.</p> | <p>A Construction Waste Management Plan has been prepared by MRA.</p> <p>The plan addresses the minimization and management of waste from site during demolition of the existing dwelling and construction works.</p> <p>A detailed Operational Waste Management Plan has been prepared by MRA Consulting Group.</p> <p>The plan addresses the requirements of the Council and addresses the following environmental planning instruments and reference documents:</p> <ul style="list-style-type: none"> • Shoalhaven Local Environmental Plan 2014 (SLEP) • Shoalhaven Development Control Plan 2014 (SDCP) • Shoalhaven City Council – Waste Minimisation and Management Guidelines (2019) <p>The plan addresses all operational waste generation and collection requirements.</p> |

Chapter G9: Development on Flood Prone Land

| DCP Provision | Compliance Comment |
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| 5.2 Fill or Excavation on the Floodplain | |
| A2.1 The development satisfies the requirements as shown in the planning matrix at Schedule 2. | A detailed flood assessment has been prepared by Northrop Consulting and is submitted with this application. The flood assessment addresses the DCP criteria as required. |
| A2.2 The proposed fill volume occupies less than 1% of the 2050 20%, 5% and 1% AEP flood volume on the development site and does not create a depth exceeding 1 metre above natural ground level or require more than 250 cubic metres of filling materials. | No "Filling of land" is proposed under this application. The proposal incorporates excavation for open air basement parking areas and building works. |
| A2.3 The proposed fill and excavation does not adversely affect neighbouring properties or the overall flood behaviour and flood storage volume. | The flood assessment desolaters that the building works and associated excavation will not adversely affect neighbouring properties or the overall flood behaviour and flood storage volume. |
| A2.4 The proposed fill is used only for the purpose of filling a local depression beneath the confines of a building within an existing residential/ commercial area. | No "Filling of land" is proposed under this application. |
| 5.4.3 Bomaderry Creek | |
| The Bomaderry Creek Floodplain Risk Management Study and Plan was adopted 12 April 2016. Please refer to Supporting Map 3. Site specific flood related development controls. | |
| Car parks <ul style="list-style-type: none"> Entrances to below ground car parks are to be no lower than the flood planning level. Above ground car parks are to be designed to take into account vehicle stability up to the PMF event. Vehicle stability can be assessed in accordance with the 2005 NSW Floodplain Development Manual. The Manual suggests three options: <ul style="list-style-type: none"> The flood planning level of the car park is sufficient to prevent the instability of vehicles due to flooding; The car park is flood proofed to prevent the instability of vehicles | <p>The car park entry driveway has a minimum RL of 7.2 which is above the PMF. The car park floor level is also RL 7.2.</p> <p>The car park level; is considered to meet the provisions of the 2005 NSW Floodplain Development Manual</p> |

| DCP Provision | Compliance Comment |
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| <p>dues to flooding; and</p> <ul style="list-style-type: none"> ○ Bollards are provided to prevent cars being swept away. | |
| <p><i>Properties with long duration flooding</i></p> <ul style="list-style-type: none"> • Prepare Flood Evacuation Plans. | <p>Please refer to the detailed flood assessment prepared by Northrop Consulting and submitted with this application.</p> |
| <p><i>Hazardous and valuable goods, and animal refuges</i></p> <ul style="list-style-type: none"> • Storage is to be provided at the flood planning level. | <p>No storage of hazardous or valuable goods is proposed on site.</p> |
| <p><i>All development</i></p> <ul style="list-style-type: none"> • Any portion of the building below the flood planning level is to be flood proofed. | <p>Architectural Plans indicate that the lowest ground floor unit achieves an RL of 6.95 which is above the Flood Planning Level.</p> <p>The car park entry driveway has a minimum RL of 7.2 which is above the PMF. The car park floor level is also RL 7.2.</p> |

Chapter G13: Medium Density and Other Residential Development

| DCP Provision | Compliance Comment |
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| <p><i>We note that the provisions under Section 5 of Chapter G13: Medium Density and Other Residential Development are not applicable as this section excludes Residential Flat Buildings.</i></p> <p><i>Notwithstanding we have provided a review of the proposed setbacks under Section 5.1.3 of the DCP which demonstrates that the proposal meets the setback provisions for medium density development in the LGA.</i></p> | |
| 5.1.3 Building Envelope, Heights and Setbacks | |
| <p>Front Setback Primary road frontage.</p> <p>Lots over 900m²:</p> <ul style="list-style-type: none"> 7.5m to dwellings. 6.5m to verandahs, patios and awnings. | <p>Beinda Street is considered the primary street frontage as all pedestrian and vehicle access is achieved via Beinda Street and the project has a significantly more extensive frontage to Beinda Street.</p> <p>Setback = 9.756 to the building and any balconies.</p> <p>This setback significantly exceeds the DCP provisions for medium density primary street frontage setbacks.</p> |
| <p>Side Setback</p> <p>Secondary road frontage = 3m.</p> | <p>Side setback to secondary street frontage (being Bolong Road) = 4m.</p> |
| <p>Rear setback</p> <p>Multiple storey development (greater than 4.5 m in height): 6m.</p> | <p>Rear setback to southern property boundary = 6m.</p> |
| 6 Residential Flat Buildings and Shop Top Housing | |
| <p>A 32.1 The development is designed in accordance with State Environmental Planning Policy No. 65 – Design Quality of Residential Apartment Development (SEPP 65) and the Apartment Design Guide.</p> | <p>A detailed SEPP 65 Design Report, assessment and verification statement has been provided by the architects and is included with this submission (Refer Appendix X).</p> <p>We have also provided below a summary of the proposal against key design principles outlined in the Apartment Design Guide in Section 8.1.4 of this SoEE. This demonstrates that the proposal is consistent with the Apartment Design Guide and able to be supported.</p> |
| <p>A 32.1 Only one telecommunications/TV antenna will be permitted per building. Where possible, common antennas shall be utilised.</p> | <p>Noted.</p> <p>This can be addressed as a condition of consent.</p> |

Chapter G21: Car Parking and Traffic

| DCP Provision | Compliance Comment |
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| 5.1 Car Parking Schedule | |
| <p>1 space per one bedroom dwelling.</p> <p>1.5 spaces per two bedroom dwelling.</p> <p>2 spaces per dwelling containing three or more bedrooms.</p> <p>0.2 spaces per dwelling must be provided for visitor parking (rounded up).</p> | <p>The project seeks approval for 60 units with the following DCP parking rates / requirements:</p> <ul style="list-style-type: none"> • 25 X Studio & 1 bed = 25 spaces • 32 X 2-bedroom apartments = 48 spaces • 3 X 3-bedroom apartment = 6 spaces <p>Total resident parking spaces = 79 spaces</p> <p>60 units = 12 visitor spaces</p> <p>The proposal incorporates 70 vehicle parking spaces within the basement parking areas.</p> <p>One motorcycle parking bay is also provided.</p> <p>The proposal also incorporates 41 bicycle parking and/or storage cages for residents.</p> <p>We note that the proposal seeks a variation to Council's DCP parking rates. This is addressed in detail in Section 8.3.1 of this SoEE.</p> <p>This variation request is considered appropriate as:</p> <ul style="list-style-type: none"> • The proposal achieves provision of at least one parking space per unit. • The proposal is eligible for a reduction in visitor parking given its proximity to the Bomaderry Town Centre under Section 5.2.2 of the DCP. • The detailed traffic and parking assessment prepared by TTTP has demonstrated that the on-site parking provision is appropriate. • The site is located within walking distance of local shops, TAFE, employment areas and rail station and cycle distance of Nowra CBD minimising the demand for vehicle use and parking. |

| DCP Provision | Compliance Comment |
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| 5.2.2 Car Parking Waiver – Change of Use Development in Traditional Retail Centres | |
| Where the development is located within 400m (measured along an existing pedestrian path of travel) of a traditional retail centre identified in Section 5.2.2 of this Chapter and where more than 50 publicly accessible carparking spaces are available in that centre, the visitor parking provision may be reduced on merit. | <p>The subject site is located within 210m of the southern end of the Bomaderry Town Centre (MU1 zoned land) which is listed in Section 5.2.2 of this DCP Chapter.</p> <p>As such, Council may consider a reduction in visitor parking under this clause.</p> |
| 5.3 Parking, Layout and Dimensions | |
| A1.1 Car parking spaces are provided on-site and are readily accessible from the road frontage of the development. | Yes, direct road access to parking areas is provided from Beinda Street. |
| A1.2 Where a loss of on-street car parking is directly related to a proposed development, these spaces are to be replaced on site. | Not applicable. No loss of on street parking as a result of the development. |
| A1.3 Entrance to parking areas must not be accessed through buildings or carports. | Car parking areas are provided with a direct “basement” undercroft entry. |
| A1.4 The proposed parking layout, including but not limited to access design, space dimensions, offsets, ramps, aisle dimensions, speed humps (and the like), shall be designed in accordance with AS2890. | <p>Parking areas have been designed in accordance with AS2890.</p> <p>Please refer to detailed traffic and parking assessment submitted.</p> |
| <p>A1.5 Stack parking of vehicles will only be supported when part of a mixed use, commercial, managed residential development or a mix of these uses, and where all the following criteria are met:</p> <ul style="list-style-type: none"> • A management plan is in place. • No more than two (2) cars are permitted to park in a stacked arrangement. • The parking spaces in a stack configuration must be connected to a single unit or commercial shop or office. • Have a maximum longitudinal grade of 5% and a maximum crossfall of 6.25%. | <p>There is only one ‘stacked parking space’ proposed.</p> <p>Both spaces will be allocated to a single unit and managed by the building manager accordingly.</p> |
| A1.6 Dead-end parking aisles longer than 15m are not permitted, unless used in situations of low vehicle turnover, such as employee parking and are to be sign posted accordingly. | <p>The basement parking areas are open and visually unobstructed.</p> <p>Parking spaces at the end of aisles will be allocated to specific units.</p> |

| DCP Provision | Compliance Comment |
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| <p>Redundant areas within car parks should be considered for motorcycle parking. A maximum of 2% of total car parking provision can be provided as motorcycle parking.</p> | <p>One motorcycle parking space is provided.</p> |
| <p>The location and availability of parking spaces must be clearly marked with line marking and signage (if restrictions are required to regulate or improve safety and/or efficiency) and must be installed in accordance with relevant standards.</p> | <p>Yes, parking spaces will be clearly marked and allocated.</p> |
| <p>Vehicle entry and exit points to the site and desired traffic movements should be clearly marked with pavement arrows (preferably in a highly visible colour such as white (or yellow if there is a contrast issue)) and signage.</p> | <p>Noted. This can be addressed as a condition of consent.</p> |
| <p>Lighting must be incorporated into car park areas where required.</p> | <p>Lighting provided throughout parking areas.</p> |

APPENDIX 3

Architectural Plans

APPENDIX 3

SEPP 65 ADG Assessment Report

APPENDIX 4

Lot Consolidation Plan

APPENDIX 6

Engineering Plans and Report

APPENDIX 7

Landscape Plans

APPENDIX 8

Traffic Assessment

APPENDIX 9

Acoustic Assessment

APPENDIX 10

Construction & Operational Waste Management Plans

APPENDIX 11

Water Cycle Management Plan

APPENDIX 12

Flood Report

APPENDIX 13

Aboriginal Heritage Report

APPENDIX 14

European Heritage Report

APPENDIX 15

Arborist Report

APPENDIX 16

Acoustic Report

APPENDIX 17

BASIX Report

APPENDIX 18

BCA Review

APPENDIX 19

Contamination Report

APPENDIX 20

Cost Estimate

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