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| **COUNCIL ASSESSMENT REPORT**  SOUTHERN REGIONAL PLANNING PANEL | |

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| **PANEL REFERENCE & DA NUMBER** | PPSSTH-400 – DA2024/1326 |
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| **PROPOSAL** | Demolition of existing structures, lot consolidation and construction of two (2) x residential flat buildings comprising 60 build-to-rent apartments and 70 car parking spaces |
| **ADDRESS** | 10 Beinda Street BOMADERRY NSW 2541 - Lot 1 DP 25566  8 Beinda Street BOMADERRY NSW 2541 - Lot 2 DP 25566  6 Beinda Street BOMADERRY NSW 2541 - Lot 3 DP 25566  4 Beinda Street BOMADERRY NSW 2541 - Lot 4 DP 25566  2 Beinda Street BOMADERRY NSW 2541 - Lot 5 DP 25566  55 Bolong Road BOMADERRY NSW 2541 - Lot 6 DP 25566  57 Bolong Road BOMADERRY NSW 2541 - Lot 7 DP 25566  53 Bolong Road BOMADERRY NSW 2541 - Lot 1 DP 329959 |
| **APPLICANT** | Landcom |
| **OWNER** | Allison M Hadley |
| **DA LODGEMENT DATE** | 7 May 2024 |
| **APPLICATION TYPE (DA, Concept DA, CROWN DA, INTEGRATED, DESIGNATED)** | Crown Development Application |
| **REGIONALLY SIGNIFICANT CRITERIA** | Clause 4, Schedule 6 of State Environmental Planning Policy (Planning Systems) 2021 – Crown development over $5 million |
| **CIV** | $29,660,653.00 (excluding GST) |
| **CLAUSE 4.6 REQUESTS** | Shoalhaven LEP 2014 – Clause 4.3 – Height of Building |
| **KEY SEPP/LEP** | * State Environmental Planning Policy (Biodiversity and Conservation) 2021 * State Environmental Planning Policy (Housing) 2021 * State Environmental Planning Policy (Planning Systems) 2021 * State Environmental Planning Policy (Resilience and Hazards) 2021 * State Environmental Planning Policy (Sustainable Buildings) 2022 * State Environmental Planning Policy (Transport and Infrastructure) 2021 * Shoalhaven Local Environmental Plan 2014 |
| **TOTAL & UNIQUE SUBMISSIONS KEY ISSUES IN SUBMISSIONS** | The application was publicly exhibited in accordance with the requirements of the Environmental Planning and Assessment Regulations 2021 from 22 May 2024 to 21 June 2024.  Two (2) submissions of objection were received. Representations were also received from Gareth Ward MP.  The key issues raised in submissions were:   * Heritage * Size, bulk, scale and density * Privacy * Setbacks * Walkway location * Overshadowing * Tree removal |
| **DOCUMENTS SUBMITTED FOR CONSIDERATION** | Attachment 1 – Architectural, Landscaping and Civil Engineering Plans  Attachment 2 – BASIX Certificate and NatHERS Certificate  Attachment 3 – Statement of Environmental Effects  Attachment 4 – Clause 4.6 Variation Request  Attachment 5 – Statement of Heritage Impact  Attachment 6 – Aboriginal Heritage Due Diligence Assessment  Attachment 7 – Development Application Stage Design Report  Attachment 8 – Landscape Master Plan Concept Report  Attachment 9 – BCA & DDA Capability Statement  Attachment 10 – Flora and Fauna Assessment  Attachment 11 – Bomaderry Community Information and Feedback Session – Feedback Summary  Attachment 12 – Arboricultural Impact Assessment  Attachment 13 – Crime Risk / CPTED Assessment  Attachment 14 – Data Gap Investigation  Attachment 15 - Geotechnical Investigation Report  Attachment 16 - Water Cycle Management Plan  Attachment 17 - Transport Impact Assessment  Attachment 18 - Wastewater and Effluent Letter  Attachment 19 - Waste Management Plan  Attachment 20 - Estimated Development Cost  Attachment 21 – Letter responding to Heritage Submission |
| **SPECIAL INFRASTRUCTURE CONTRIBUTIONS (S7.24)** | N/A |
| **RECOMMENDATION** | Approval |
| **DRAFT CONDITIONS TO APPLICANT** | Yes |
| **SCHEDULED MEETING DATE** | 30 July 2024 |
| **PREPARED BY** | Peter Woodworth  Lead – Development Assessment |
| **DATE OF REPORT** | 1 July 2024 |

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| **Summary of s4.15 matters**  Have all recommendations in relation to relevant s4.15 matters been summarised in the Executive Summary of the assessment report? | **Yes** |
| **Legislative clauses requiring consent authority satisfaction**  Have relevant clauses in all applicable environmental planning instruments where the consent authority must be satisfied about a particular matter been listed, and relevant recommendations summarized, in the Executive Summary of the assessment report?  *e.g. Clause 7 of SEPP 55 - Remediation of Land, Clause 4.6(4) of the relevant LEP* | **Yes** |
| **Clause 4.6 Exceptions to development standards**  If a written request for a contravention to a development standard (clause 4.6 of the LEP) has been received, has it been attached to the assessment report? | **Yes** |
| **Special Infrastructure Contributions**  Does the DA require Special Infrastructure Contributions conditions (S7.24)?  *Note: Certain DAs in the Western Sydney Growth Areas Special Contributions Area may require specific Special Infrastructure Contributions (SIC) conditions* | **Housing and Productivity Contributions (HPC) applicable. Conditions required** |
| **Conditions**  Have draft conditions been provided to the applicant for comment?  *Note: in order to reduce delays in determinations, the Panel prefer that draft conditions, notwithstanding Council’s recommendation, be provided to the applicant to enable any comments to be considered as part of the assessment report* | **Yes** |

# Executive Summary

The subject site relates to 8 allotments located on the south-west corner of the intersection of Bolong Road and Beinda Street, Bomaderry. The land is known as 2, 4, 6, 8 and 10 Beinda Street and 53, 55 and 57 Bolong Road and legally identified as Lots 1, 2, 3, 4, 5, 6 and 7 DP 25566 and Lot 1 DP 329959.

The application is described as demolition of existing structures, lot consolidation and construction of two (2) x residential flat buildings comprising 60 build-to-rent apartments and 70 car parking spaces. The application proposes a build-to-rent development providing at least 20% of apartments as affordable rental housing. Although the proposal is for a build-to-rent development with an affordable rental housing component, the application does not rely on provisions under State Environmental Planning Policy (Housing) 2021 for additional floor space ratio, building height or parking; variations proposed in the application to development standards (e.g. building height) and development controls (e.g. car parking) have been addressed through clause 4.6 variation requests and variations to the acceptable solutions set out in Shoalhaven DCP 2014. The affordable rental housing component under Chapter 2 of State Environmental Planning Policy (Housing) 2021 will be provided for a period of at least 15 years which will be required through recommended conditions of consent.

The land is zoned R3 Medium Density Residential under Shoalhaven Local Environmental Plan 2014 (SLEP 2014) and development for the purposes of residential flat buildings is permitted with consent.

The subject DA is a Crown development application lodged by Landcom on 7 May 2024. A request for additional information was issued on 4 June 2024. The issues raised were in relation to the location of pedestrian infrastructure within Beinda Street, the requirement for protective walls around hydrant boosters, additional information relating to DRAINS and MUSIC models and clarification on waste management for the development. In subsequent discussions between Council and the Applicant additional issues including privacy to adjoining residences, minor floor plan revisions and the location of accessible parking spaces were raised. In response, the Applicant submitted additional information on 18 June 2024 which incorporated additional privacy measures into the building design, as well as additional information clarifying protective walls around hydrant boosters were not required and also a copy of the DRAINS and MUSIC models. This additional information resolved the majority of identified issues and recommended conditions of consent can resolve the remainder.

As the application is Crown development application, in accordance with Section 4.33 of Environmental Planning and Assessment Act 1979, consultation has been undertaken with the Applicant with regard to conditions recommended to be imposed on the consent; The conditions of consent have been approved by the Applicant.

As the development has a capital investment value (CIV) of more than $5 million and is made by the Crown, the application constitutes regionally significant development, and the Southern Regional Planning Panel is the determining authority for the application in accordance with Section 2.19 and Schedule 6(4) of the State Environmental Planning Policy (Planning Systems) 2021.

The application was publicly exhibited in accordance with the requirements of the Environmental Planning and Assessment Regulations 22 May 2024 to 21 June 2024. Two submissions were received as well as representations were also received from Gareth Ward MP. The issues outlined in the submissions related to heritage, size, bulk, scale and density, privacy, setbacks, walkway location, overshadowing and tree removal.

An assessment of the development has been undertaken against the following Acts and environmental planning instruments:

* Environmental Planning and Assessment Act 1979;
* Environmental Planning and Assessment Regulation 2021;
* State Environmental Planning Policy (Biodiversity and Conservation) 2021;
* State Environmental Planning Policy (Housing) 2021;
* State Environmental Planning Policy (Planning Systems) 2021;
* State Environmental Planning Policy (Resilience and Hazard) 2021;
* State Environmental Planning Policy (Sustainable Buildings) 2022
* State Environmental Planning Policy (Transport and Infrastructure) 2021
* Shoalhaven Local Environmental Plan 2014; and
* Shoalhaven Development Control Plan 2014.

The proposed development has been assessed against the relevant matters for consideration pursuant to Section 4.15 of the *Environmental Planning and Assessment Act, 1979*, including likely impacts, the suitability of the site for the development, and the public interest.

The proposed application includes a non-compliance with the 11m height of buildings development standard in Clause 4.3 of Shoalhaven Local Environmental Plan (SLEP) 2014. Specifically, the proposed building represents a variation of 1.09m or 9.9%.

The written request submitted pursuant to Clause 4.6 in SLEP 2014 is considered to be well founded and adequately demonstrate that compliance with the development standard is unnecessary, and that there are sufficient environmental planning grounds to justify the variation.

The likely impacts of the proposed development on the natural and built environment have been considered as well as the social and economic impact. The site is considered to be suitable for the proposed development and the development is considered to be in the public interest.

This report recommends that the application be approved subject to recommended conditions of consent.

# Detailed Proposal

The proposal includes:

* Demolition of existing dwelling and associated structures.
* Preliminary site earthworks and vegetation removal.
* Construction of two predominantly three storey (with four storey western facade) build-to-rent residential flat buildings accommodating:
  + 60 apartments comprising:
    - 8 x studio apartments
    - 17 x 1 bed apartments;
    - 19 x 2 bedroom apartments;
    - 14 x two-storey terrace-style 2 bedroom apartments;
    - 2 x 3 bedroom apartments.
  + Ground level entrance and lobby areas for both buildings.
  + Ground level communal room for residents.
  + Ground level open air enclosed under croft 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 under-croft 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 Lot 1, 2, 3, 4, 5, 6 & 7 DP 25566 and Lot 1 DP 329959 to create a single allotment.
* 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 noted in the Application, 20% of apartments will be provided as affordable housing through a community housing provider.

The plans and information referred to are as follows:

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| Plans | | | | | |
| Council TRIM Reference | Plan Number | Revision Number | Plan Title | Drawn by | Date of Plan |
| D24/257850 | Job Number: 202312 | A - C | Architectural Plan Set – BASIX stamped | St. Clair Architecture | Rev C - 13/6/2024 |
| D24/188763 | Job Number: 202312 | DA02 | Dwelling Floor Plans Set | St. Clair Architecture | 1/5/2024 |
| D24/257944 | Job Number: 202312 | DA01 | External Finishes Schedule | St. Clair Architecture | 19/4/2024 |
| D24/257858 | Job Number: 23-0065 | D | Landscaping Plan Set | Edmiston Jones | 30/4/2024 |
| D24/188756 | Job Number: SY232949 | B | Civil Engineering Package | Northrop | 18/4/2024 |
| D24/188745 | 3040-01019-100-001 | 01 | Plan Showing Proposed Consolidation of Lots 1 to 7 in DP 25566 & Lot 1 in DP 329959 | Stantec Australia Pty Ltd | 16/2/2024 |
| D24/188744 | 304001019 CD-01 Ver B | 02 | Detail Survey | Stantec Australia Pty Ltd | 22/12/2023 |

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| Documents | | | | |
| Council TRIM Reference | Document title | Version number | Prepared by | Date of document |
| D24/188722 | BASIX Certificate | 1744618M\_02 | Northrop Consulting Engineers Pty Limited | 23/4/2024 |
| D24/188721 | NatHers Certificate | 0009400040 | Northrop Consulting Engineers Pty Limited | 22/4/2024 |
| D24/188808 | Statement of Environmental Effects | Rev C | Urbanco | 13/6/2024 |
| D24/188804 | Clause 4.6 Variation Request | Rev C | Urbanco | 1/5/2024 |
| D24/188813 | Statement of Heritage Impact | 10193- RI, Issue 2 | Heritage 21 | 22/4/2024 |
| D24/188775 | Aboriginal Heritage Due Diligence Assessment | 2327, v1 | January 2024 | Kelleher Nightingale Consulting Pty Ltd |
| D24/188824 | Development Application Stage Design Report | 202312 DA01 | St Clair Architecture | 12/4/2024 |
| D24/188823 | Landscape Master Plan Concept Report | 23-0065 | Edmiston Jones | 15/2/2024 |
| D24/188778 | BCA & DDA Capability Statement | S240032, Rev 1 | bmplusg | 19/4/2024 |
| D24/188819 | Flora and Fauna Assessment | 23162RP1 | Cumberland Ecology | 19/4/2024 |
| D24/188817 | Bomaderry Community Information and Feedback Session – Feedback Summary | - | Landcom | April 2024 |
| D24/188816 | Arboricultural Impact Assessment | LANDCOM – Bomaderry – V1 2024 | Arboriculture Consultancy Australia | 19/4/2024 |
| D24/188814 | Flood Compliance Assessment | SY232949, Rev 2.0 | Northrop | 18/4/2024 |
| D24/188774 | Acoustics Report | SY232949-00-AU-RP03, Rev 3 | Northrop | 9/4/2024 |
| D24/188791 | Crime Risk / CPTED Assessment | Rev B | Urbanco | 19/4/2024 |
| D24/188801 | Data Gap Investigation | Rev 0 | Stantec Australia Pty Ltd | 19/4/2024 |
| D24/188797 | Geotechnical Investigation Report | 304001019-GI-R001, Rev 3 | Stantec Australia Pty Ltd | 26/2/2024 |
| D24/188742 | Water Cycle Management Plan | SY232949, Rev 2.0 | Northrop | 17/4/2024 |
| D24/188772 | Transport Impact Assessment | 23437, V02 | The Transport Planning Partnership | 18/4/2024 |
| D24/188737 | Wastewater and Effluent Letter | - | Landcom | 19/4/2024 |
| D24/188729 | Waste Management Plan | Job No. 223-101-33-75, Ver 1 | MRA Consulting Group | 17/4/2024 |
| D24/188726 | Estimated Development Cost | R0 | RPS Group | 18/4/2024 |

# Subject Site and Surrounds

Site Description

Aerial view of a city

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Figure 1: Aerial imagery of subject site (yellow)

Aerial view of a neighborhood

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Figure 2: Aerial imagery of subject site (yellow)

The subject site has a frontage to Beinda Street and Bolong Road, Bomaderry. The site comprises 8 individual allotments which are proposed to be consolidated and contains two detached dwellings (one located over both Lot 6 and 7 DP 25566, and one located on Lot 1 DP 329959) and detached shed/carport structures. All existing buildings and structures on site are proposed to be demolished. The site contains existing vegetation and established trees.

The surrounding area is mixed in character and the site is adjoined by low density residential development to the north, west and south, a service station to the north-east and a mix of commercial type development including retail, hardware and building supplies and a car wash. The site is in proximity to public recreation spaces and sporting fields to the north-east of the site. The site is within proximity to the local heritage item (Item No 122 - *Greenleaves” - Federation Queen Anne style residence and grounds* and Item No 123 - *Federation brick and asbestos tile residence*) located at 59 Bolong Road, Bomaderry.

Summary of Site and Constraints

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| ***GIS Map Layer*** |  |  |
|  | *Lot Area* | **5915m²** - according to Detail Survey (Ref: 304001019 CD-01 Ver B, Rev 02)   |  |  | | --- | --- | | **Lot** | **Approximate Areas (according to Council GIS data)** | | Lot 1 DP 25566 | 765.11m² | | Lot 2 DP 25566 | 765.11m² | | Lot 3 DP 25566 | 765.11m² | | Lot 4 DP 25566 | 828.34m² | | Lot 5 DP 25566 | 910.54m² | | Lot 6 DP 25566 | 581.74m² | | Lot 7 DP 25566 | 581.74m² | | Lot 1 DP 329959 | 701.90m² | |
| *Zone* | R3 Medium Density Residential |
| *Does the land have a dwelling entitlement?*  *Note: for rural land refer to* [*clause 4.2D*](https://www.legislation.nsw.gov.au/view/html/inforce/current/epi-2014-0179#sec.4.2D) *of Shoalhaven LEP 2014.* | Yes |
| *Does the property adjoin Council, Crown, National Parks or other public reserve?*  *Note: Consideration should be given to if the development requires or implies access from the adjoining land.* | No |
| ***Topographic Layer*** | *Has appropriate survey information been provided?* | Yes |
| *Fall direction of land* | Fall of land toward street |
| *Slope of land >20%?* | No |
| ***Site Inspection*** | *Works within proximity to electricity infrastructure?* | Yes - Referral to Endeavour Energy required.   * Development within 5m of an exposed overhead electricity power line |
| *Is the development adjacent to a* [*classified road*](https://roads-waterways.transport.nsw.gov.au/classification/map/)*?* | Yes - Referral to TfNSW required.  TfNSW have advised the following *“TfNSW advises that Bolong Road is an existing classified road. Accordingly, TfNSW concurrence is not required by Section 2.118 of the T&ISEPP. TfNSW will continue an assessment under the referral submitted under Roads Act 1993 -s138 (Non-integrated).”* |
| *Is the development* [*adjacent to a rail corridor*](https://www.legislation.nsw.gov.au/view/html/inforce/current/epi-2007-0641#pt.3-div.15-sdiv.2)*?* | No |
| ***Utility Network*** | *Access to reticulated sewer?* | Yes |
| *On-site sewage management (OSSM) - Is the development located suitably away from any effluent management areas (EMA) or effluent disposal areas (EDA)?*  *Note: Ensure you have adequate information about the location of existing OSSM systems* | N/A |
| *Does the proposal require a new connection to a pressure sewer main (i.e. a new dwelling connection)?*  Graphical user interface, application  Description automatically generated | No |
| *Building over sewer policy applicable?*  *Note: Zones of influence can differ based on soil type (e.g., sandy soils vs clay soils). If unsure discuss with Shoalhaven Water.* | No |
| *Access to reticulated water?* | Yes |
| *Do effluent management areas (EMA) or effluent disposal areas (EDA) adopt suitable buffers to water mains and other potable drinking water infrastructure.*  *Note: EMA/EDAs should be located at least 20m away from a downstream water main and at least 10m from an upstream water main.* | N/A |
| *Does the proposal impact on any critical water or sewer infrastructure (e.g. REMS, water, sewer layers)?* | No |
| *Does the proposal increase dwelling density and demand on water or sewer services (e.g. secondary dwelling, dual occupancy, multi dwelling housing, subdivision)?* | Yes - Referral to Shoalhaven Water required. |
| ***Environmental Layers*** | *Aboriginal Cultural Heritage* | No |
| *Bush Fire* | No |
| *Coastal Hazard Lines (applies to location of proposed development)* | No |
| *Coastal Hazard Area* | No |
| *Potentially Contaminated Land* | Site is within vicinity of identified potentially contaminated land |
| *Flood*  *Note: There are several catchments that have not have flood studies conducted. Sites outside of the flood study area may still be subject to flooding. Refer to advisory note on p.3 of* [*Chapter G9*](https://dcp2014.shoalhaven.nsw.gov.au/sites/default/files/Chapter%20G9%20Development%20on%20Flood%20Prone%20Land.pdf) *of Shoalhaven DCP 2014.*  Graphical user interface, application, website, Teams  Description automatically generated | Below Flood Planning Area (2050) - Referral to Natural Rescource & Floodplain Section required |
| *Development within 40m of a watercourse* | No |
| ***Planning Layers*** | *Development Control Plan -* [*Area Specific Chapters*](https://dcp2014.shoalhaven.nsw.gov.au/main-category/area-specific-chapters) | No |
| *Draft Exhibited Planning Proposal* | No |
| [*Shoalhaven LEP (Jerberra Estate) 2014*](https://legislation.nsw.gov.au/view/html/inforce/current/epi-2014-0051) | No |
| [*Acid Sulfate Soils*](https://legislation.nsw.gov.au/view/html/inforce/current/epi-2014-0179#sec.7.1) | Class 5 |
| Buffers | No |
| [*Terrestrial Biodiversity*](https://legislation.nsw.gov.au/view/html/inforce/current/epi-2014-0179#sec.7.5) | Yes |
| *Local Clauses* | No |
| [*Coastal Risk Planning*](https://legislation.nsw.gov.au/view/html/inforce/current/epi-2014-0179#sec.7.4) | No |
| [*Heritage*](https://legislation.nsw.gov.au/view/html/inforce/current/epi-2014-0179#sch.5) | Site is within vicinity of Heritage Item |
| [*Scenic Protection*](https://legislation.nsw.gov.au/view/html/inforce/current/epi-2014-0179#sec.7.8) | No |
| *Sydney Drinking Water Catchment area (e.g. NorBE)*  *Note: NorBE Assessments submitted to Council can be viewed from the “Lodged” tab in the NorBE online assessment tool shown below.*  A screenshot of a computer  Description automatically generated | No |
| *SEPP (Resilience and Hazards) 2021 – Chapter 2 Coastal Management* | Yes   * Coastal Environment area * Coastal use area |
| [*Marine Park Estate*](https://www.dpi.nsw.gov.au/__data/assets/pdf_file/0004/655699/NSW_Marine_Protected_Areas_Overview-Map.PDF) | No |
| [***BV Map***](https://www.lmbc.nsw.gov.au/Maps/index.html?viewer=BOSETMap) | *Biodiversity Values Map* | No |

Site Inspection Observations

Refer to site inspection report.

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A collage of a photo of a house and a road

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A collage of a road

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Deposited Plan and 88B Instrument

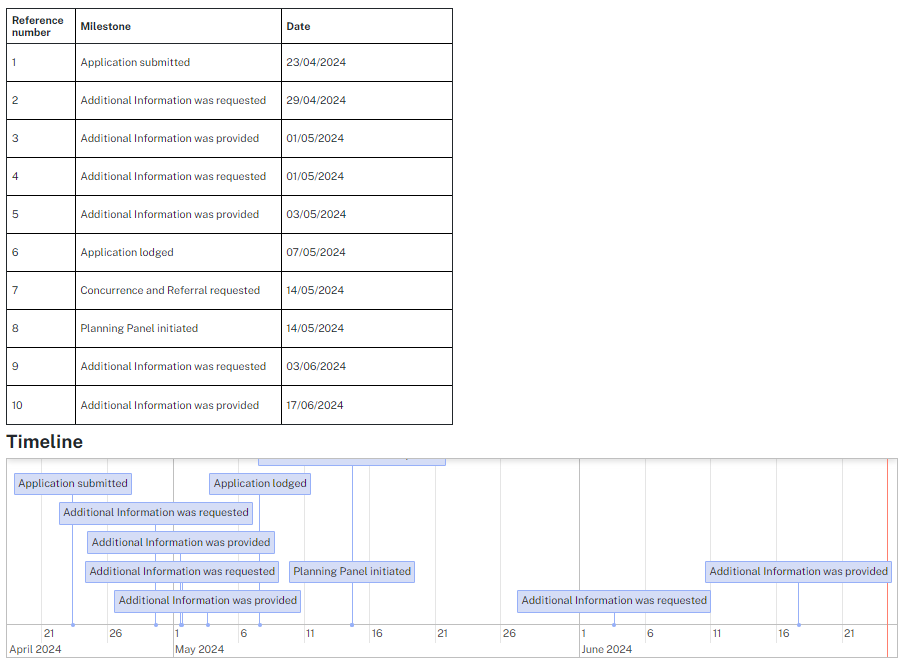
There are no identified restrictions on the use of the land that would limit or prohibit the proposed development.

# Background

Pre-Lodgement Information

Pre-lodgement notes included in 74386E/35. The matters identified in the pre-lodgement discussions have been considered and addressed throughout this assessment.

Post-Lodgement Information



The application will be reported to the Shoalhaven City Council Ordinary Meeting on 22/7/2024 to advise Councillors of the recommendation to the Regional Planning Panel in accordance with *Council’s Community Consultation Policy for Development Applications (Including Subdivision)* POL22/8.

Site History and Previous Approvals

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| **Application No.** | **Proposal** | **Decision** |
| **Lot 1 DP 25566** | | |
| BA75/1037 | Roof on sawmill | Approved |
| **Lot 2 DP 25566** | | |
| BA75/1037 | Roof on sawmill | Approved |
| **Lot 3 DP 25566** | | |
| BA75/1037 | Roof on sawmill | Approved |
| **Lot 4 DP 25566** | | |
| DA2024/1326 | Roof on sawmill | Approved |
| **Lot 5 DP 25566** | | |
| BA75/1178 | T/Frame garage | Approved |
| BA79/0360 | Brick garage | Cancelled |
| BA79/1120 | Carport | Approved |
| BA54/0338 | - | Approved |
| **Lot 6 DP 25566** | | |
| BA74/0820 | Brick garage | Approved |
| BA54/0338 | - | Approved |
| **Lot 7 DP 25566** | | |
| BA76/1831 | Dwelling additions | Approved |
| BA54/0338 | - | Approved |
| **Lot 1 DP 329959** | | |
| 93/0301 | Dwelling whole | Printed |

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| *Is the proposed development compatible with any relevant previous approvals?* | Yes – existing structures are to be demolished. |
| *Are there any orders applying to the property?*  *Note: Orders are viewable under the Development – Orders tab in the property details.* | No |
| *Does the proposal appear to include/relate to any unauthorised building work?*  *Note: A DA can only approve prospective works and uses. Any unauthorised or retrospective works must be dealt with under a separate Building Information Certificate process.* | No |

# Consultation and Referrals

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| **Internal Referrals** | |
| **Referral** | **Comments** |
| Biodiversity | No objection subject to recommended conditions. |
| Building Surveyor | No objection subject to recommended conditions and advice. |
| City Performance - GIS | No objection subject to recommended conditions. |
| City Services - Waste | No objection subject to recommended conditions. |
| Development Engineer | No objection subject to recommended conditions. |
| Environmental Health Officer | No objection subject to recommended conditions. |
| Heritage Officer | No objection. |
| Floodplain Management | No objection subject to recommended conditions. |
| Shoalhaven Water | No objection subject to recommended conditions. |

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| **External Referrals** | |
| **Referral** | **Comments** |
| Local Aboriginal Land Council | No response or objection received within referral timeframe. |
| Endeavour Energy | No objection subject to recommended conditions. |
| Transport for NSW | No objection subject to recommended conditions. |
| NSW Police | No response or objection received within referral timeframe. |

As per Section 4.33 of Environmental Planning and Assessment Act 1979, where a Crown development application has been lodged, a consent authority must not impose a condition on its consent, except without the approval of the applicant or the Minister. Consultation has been undertaken with the applicant with regard to conditions to be imposed on the consent and the conditions of consent have been approved by the applicant.

# 5. Other Approvals

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| **Integrated Development – N/A** |

# 6. Statutory Considerations

***Environmental Planning and Assessment Act 1979***

## [Section 4.14](https://legislation.nsw.gov.au/view/html/inforce/current/act-1979-203#sec.4.14) Consultation and development consent – certain bush fire prone land

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| *Is the development site mapped as bush fire prone land?* | No |
| *Is there vegetation within 100m of the proposed development that would form a bush fire hazard as identified in Planning for Bush Fire Protection?*  *Note: The bush fire mapping cannot be relied upon solely for identifying bush fire hazards.* | No |

## [Section 6.26](https://legislation.nsw.gov.au/view/html/inforce/current/act-1979-203" \l "sec.6.28) Crown subdivision, building, demolition and incidental work

Section 6.26 specifies that Crown building works cannot be commenced unless the Crown building work is certified by or on behalf of the Crown to comply with the Building Code of Australia / National Construction Code.

The Applicant as part of the consultation on draft conditions of consent as required under s4.33 of the EP&A Act 1979 has requested conditions referring to Construction Certificates to referred to as relevant Crown Certificate and Occupation Certificate to be referred to as BCA Compliance Certificate. These references are consistent with the requirements and certification procedure under Section 6.26.

## Biodiversity Conservation Act 1979

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| *Does the application include works or vegetation removal within the* [*Biodiversity Values mapped area*](https://www.lmbc.nsw.gov.au/Maps/index.html?viewer=BOSETMap)*?* | No |
| *Does the application involve clearing of native vegetation above the area clearing threshold?*  Text, email  Description automatically generated | No |
| *Will the proposed development have a significant impact on threatened species or ecological communities, or their habitats, according to the test in* [*section 7.3*](https://legislation.nsw.gov.au/view/html/inforce/current/act-2016-063#sec.7.3) *of the Biodiversity Conservation Act 2016 (i.e. ‘test of significance)?*  *Note: Consideration should be given to the site’s proximity to NPWS land (see* [*guidelines*](https://www.environment.nsw.gov.au/-/media/OEH/Corporate-Site/Documents/Parks-reserves-and-protected-areas/Development-guidelines/developments-adjacent-npws-lands-200362.pdf)*) and other natural areas, as well as any area that may contain threatened species, vulnerable or endangered ecological communities or other vulnerable habitats.* | No |
| *If the application exceeds the Biodiversity Offsets Scheme Threshold (i.e. if yes to* ***any*** *of the above), has the application been supported by a Biodiversity Development Assessment Report (BDAR)?* | N/A |

## Fisheries Management Act 1994

The proposed development would not have a significant impact on the matters for consideration under [Part 7A of the *Fisheries Management Act 1994*.](https://legislation.nsw.gov.au/view/html/inforce/current/act-1994-038#sch.7-pt.7A)

## Local Government Act 1993

|  |  |
| --- | --- |
| *Do the proposed works require approval under* [*Section 68*](https://legislation.nsw.gov.au/view/html/inforce/current/act-1993-030#sec.68) *of the Local Government Act 1993?* | Yes - see s68 type nominated below |
| Water supply, sewerage and/or stormwater works  Operation of a system of sewage management (i.e. on-site sewage management system)  Installation of a manufactured home  Installation of a domestic oil or solid fuel heating appliance, other than a portable appliance (i.e. a fire place)? | |

## Marine Estate Management Act 2014

|  |  |
| --- | --- |
| *Does the application include any works within the marine park or aquatic reserve?* | No |
| *Is the development site within the locality (100m buffer) of a marine park or aquatic reserve?* | No |

# 7. Statement of Compliance/Assessment

The following provides an assessment of the submitted application against the matters for consideration under [Section 4.15](https://legislation.nsw.gov.au/view/html/inforce/current/act-1979-203#sec.4.15) of the Environmental Planning and Assessment Act 1979.

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

## (i) Environmental planning instrument

This report assesses the proposed development/use against relevant State, Regional and Local Environmental Planning Instruments and policies in accordance with Section 4.15 (1) of the *Environmental Planning and Assessment Act 1979*. The following planning instruments and controls apply to the proposed development:

| **Environmental Planning Instrument** |
| --- |
| [Shoalhaven Local Environmental Plan 2014](https://www.bing.com/ck/a?!&&p=ab805107d0bb9509JmltdHM9MTY4MzQxNzYwMCZpZ3VpZD0zZGY4ZmE2ZC04N2JmLTYzMjEtMGRmYy1lOGRkODY0NTYyNzkmaW5zaWQ9NTE4OA&ptn=3&hsh=3&fclid=3df8fa6d-87bf-6321-0dfc-e8dd86456279&psq=shoalhaven+local+environmental+plan+2014&u=a1aHR0cHM6Ly9zbGVwMjAxNC5zaG9hbGhhdmVuLm5zdy5nb3YuYXUv&ntb=1) |
| [State Environmental Planning Policy (Biodiversity and Conservation) 2021](https://legislation.nsw.gov.au/view/html/inforce/current/epi-2021-0722) |
| [State Environmental Planning Policy (Housing) 2021](https://legislation.nsw.gov.au/view/html/inforce/current/epi-2021-0714) |
| [State Environmental Planning Policy (Planning Systems) 2021](https://legislation.nsw.gov.au/view/html/inforce/current/epi-2021-0724) |
| [State Environmental Planning Policy (Resilience and Hazards) 2021](https://legislation.nsw.gov.au/view/html/inforce/current/epi-2021-0730) |
| [State Environmental Planning Policy (Sustainable Buildings) 2022](https://legislation.nsw.gov.au/view/html/inforce/current/epi-2022-0521) |
| [State Environmental Planning Policy (Transport and Infrastructure) 2021](https://legislation.nsw.gov.au/view/html/inforce/current/epi-2021-0732) |

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

Chapter 3 Koala habitat protection 2020

| **Question** | **Yes** | | **No** | |
| --- | --- | --- | --- | --- |
| 1. Does the subject site have a site area >1ha or does the site form part of a landholding >1ha in area? |  | Proceed to Question 2 |  | Assessment under SEPP not required. |

Chapter 4 Koala habitat protection 2021

| **Question** | **Yes** | | **No** | |
| --- | --- | --- | --- | --- |
| 1. Is there an approved koala plan of management for the subject land? |  | Proceed to Question 2 |  | Proceed to Question 3 |
| 1. Is the proposed development consistent with the approved koala plan of management that applies to the land? |  | Proposal satisfactory under SEPP. |  | Application cannot be supported. |
| 1. Has information been provided to Council by a suitably qualified consultant that demonstrates that the land the subject of the development application:    1. Does not include any trees belonging to the koala use tree species listed in Schedule 2 of the SEPP for the relevant koala management area, or    2. Is not core koala habitat, or    3. There are no trees with a diameter at breast height over bark of more than 10cm, or    4. The land only includes horticultural or agricultural plantations |  | Proposal satisfactory under SEPP as (a), (b), (c) or (d) is satisfied. |  | Proceed to Question 4 |
| 1. Is the proposed development likely to have an impact on koalas or koala habitat? |  | Proceed to Question 5 |  | Proposal satisfactory under SEPP. |

### State Environmental Planning Policy (Housing) 2021

Chapter 2 Affordable housing

***Division 1 In-fill affordable housing***

In accordance with section 15C of SEPP (Housing) 2021, the proposed development is permitted with consent under the provision of Shoalhaven Local Environmental Plan 2014, and is located within 800m walking distance of E1 Local Centre and MU1 Mixed Use zoned land (Bomaderry Town Centre).

Although as specified in the Applicant’s Statement of Environmental Effects at least 20% of units are to be provided as affordable rental housing (p.3), it is unclear whether the development proposes to allocate a minimum of 10% of the gross floor area of the development to affordable rental housing as apartments to be used as affordable rental housing have not been identified yet.

In any case, the proposal does not rely upon the in-fill affordable housing Division 1 In-fill affordable housing within SEPP (Housing) 2021.

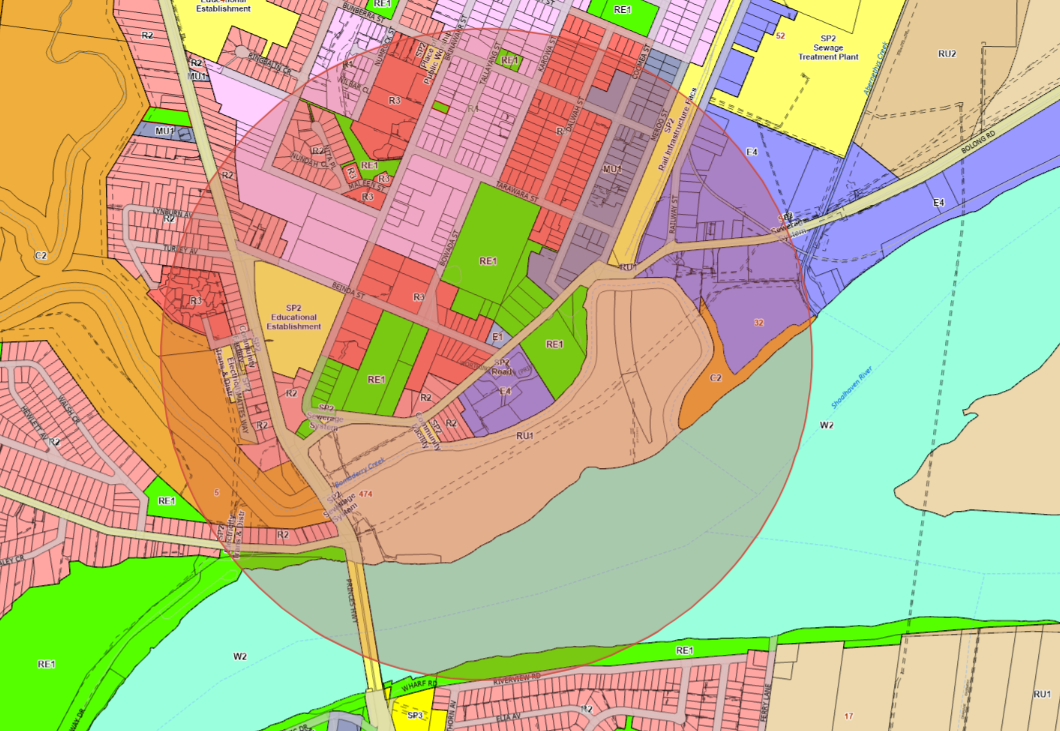


Figure 3: Zoning map overlaying 800m buffer from subject site noting that E1 and MU1 zoned land is within 800m walking distance.

**Section 16 Affordable housing requirements for additional floor space ratio**

As per the Applicant’s Statement of Environmental Effects (p.38), section 16 of the SEPP (Housing) 2021 which permit additional floor space ratio (FSR) are not applicable to the proposed development. It is also noted and it is noted that the Shoalhaven LEP 2014 does not set any FSR controls for the land.

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

As per the Applicant’s Statement of Environmental Effects (p.38), section 17 of SEPP (Housing) 2021 is not applicable.

**Section 18 Affordable housing requirements for additional building height**

The Applicant’s Statement of Environmental Effects (p.38) notes that the application does not rely on the provisions of section 18 which permits additional building height for affordable housing for in-fill affordable housing. Instead, a clause 4.6 variation to the clause 4.1 (height of building) of Shoalhaven LEP 2014 has been submitted with the application.

**Section 19 Non-discretionary development standards – the Act, s4.15**

The proposed development complies with the non-discretionary development standards set out in section 19 of the SEPP:

|  |  |
| --- | --- |
| [***Non-discretionary development standard***](https://legislation.nsw.gov.au/view/html/inforce/current/epi-2021-0714#sec.19) | ***Commentary*** |
| *Does the site have an area of at least 450m²?* | Yes |
| *Is a minimum 35m² per dwelling or 30% of the site area (whichever is lesser) provided as landscaped area?* | Yes |
| *Is at least 15% of the site area a deep soil zone?*  *Note: Deep soil zones must have a minimum dimension of 3m*  *Note: if practible, at least 65% of the deep soil zone should be located at the rear of the site.*  *Note: This control is not applicable to development to which* [*Chapter 4*](https://legislation.nsw.gov.au/view/html/inforce/current/epi-2021-0714#ch.4) *of the SEPP (Housing) 2021 applies.* | Yes |
| *Do at least 70% of dwellings receive at least 3 hours of direct solar access between 9am and 3pm at mid-winter to living rooms and private open space?*  *Note: This control is not applicable to development to which* [*Chapter 4*](https://legislation.nsw.gov.au/view/html/inforce/current/epi-2021-0714#ch.4) *of the SEPP (Housing) 2021 applies.* | Yes |
| *Is parking provided for dwellings in accordance with the following ratios?*   |  |  | | --- | --- | | ***Dwelling Type*** | ***Parking Ratio*** | | *1 bedroom  (affordable housing)* | *0.4 parking spaces* | | *2 bedrooms*  *(affordable housing)* | *0.5 parking spaces* | | *3+ bedrooms*  *(affordable housing)* | *1 parking spaces* | | *1 bedroom* | *0.5 parking spaces* | | *2 bedrooms* | *1 parking spaces* | | *3+ bedrooms* | *1.5 parking spaces* |   *Note: As per the above table, different ratios are applicable for dwellings used as affordable housing vs dwellings* ***not*** *used as affordable housing* | |  |  |  | | --- | --- | --- | | ***Dwelling Type*** | ***Number of Dwellings*** | ***Required Parking*** | | *1 bedroom  (affordable housing)* | *6* | *2.4* | | *2 bedrooms*  *(affordable housing)* | *6* | *3* | | *3+ bedrooms*  *(affordable housing)* | *-* | *-* | | *1 bedroom* | *19* | *9.5* | | *2 bedrooms* | *27* | *27* | | *3+ bedrooms* | *2* | *3* | |  | | | | ***TOTAL PARKING REQUIRED*** | | *44.9* | | ***TOTAL PARKING PROPOSED*** | | *70* |   As noted by the applicant at least 20% of apartments will be provided as affordable housing. As these have not been nominated yet, the affordable housing parking rate has been applied to 6 x one-bedroom apartments and 6 x two-bedroom apartments.  The proposal provides 70 car parking spaces. As noted in the Applicant’s SEE (p.66), the proposal does not seek to adopt minimum parking rates allowable under SEPP (Housing) 2021 and instead provides a site specific design outcome which exceeds the SEPP parking requirements |
| *Does the development provide minimum floor areas in accordance with the following?*   * *Minimum internal areas specified in the Apartment Design Guide* * *For dual occupancies, manor houses or multi dwelling housing (terraces), the minimum floor area specified in the Low Rise Housing Diversity Design Guide*   *Where minimum floor areas are not prescribed in the Apartment Design Guide or the Low Rise Housing Diversity Design Guide, the following minimum floor areas apply:*   |  |  | | --- | --- | | ***Dwelling Type*** | ***Minimum Floor Area*** | | *1 bedroom* | *65m²* | | *2 bedrooms* | *90m²* | | *3+ bedrooms* | *115m² + 12m² for each bedroom in addition to 3 bedrooms* | | Yes |

**Section 20 Design requirements**

Council is satisfied that the development design is compatible with the desirable elements of the character of the local area and the desired future character of the precinct.

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

As noted in the Applicant’s Statement of Environmental Effects (p.39-40), the building will be managed by a community housing provider for a period of at least 15 years. Conditions of consent are recommended that at least 10% of apartments (as required under the SEPP) are to be provided as affordable housing managed by a community housing provider for a minimum 15 year period.

**Section 22 Subdivision permitted with consent**

Not applicable – subdivision is not proposed.

***Division 6 Residential development – relevant authorities***

Not applicable.

Chapter 2 Division 6 does not apply as the proposed residential flat buildings have a building height of greater than 11m (i.e. greater than the permissible building height for the land).

Chapter 3 Diverse housing

***Part 4 Build-to-rent housing***

The subject site is zoned R3 Medium Density Residential and development for the purposes of a residential flat building is permitted with consent under Shoalhaven LEP 2014.

The proposal comprises 60 build-to-rent apartments and the proposal includes consolidation of lots so that both the buildings are wholly located on the same lot of land. Conditions of consent are recommended requiring the consolidation of land prior to the issue of an Occupation Certificate / BCA Compliance Certificate.

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

As per the Applicant’s Statement of Environmental Effects (p.41), no subdivision 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 the development will be owned and managed for a period of 15 years. Council is satisfied that the proposed development will comply with the requirements of section 73 of SEPP (Housing) 2021. As noted by the Applicant in correspondence (D24/285578), although the proposal is for a build-to-rent development, it does not rely on the provisions or permissibility under Chapter 3, Part 4 of the SEPP. Accordingly, conditions specified under s81 of the Environmental Planning and Assessment Regulation 2021, which require conditions to be imposed relating to the management of build-to-rent development made under the SEPP are not applicable to this DA.

**Section 74 Non-discretionary development standards – the Act, s4.15**

The proposed development complies with the non-discretionary development standards set out in section 74of SEPP (Housing) 2021:

|  |  |
| --- | --- |
| [***Non-discretionary development standard***](https://legislation.nsw.gov.au/view/html/inforce/current/epi-2021-0714#sec.74) | ***Commentary*** |
| *Does the building height comply with the maximum building height permitted under Chapter 5 of the SEPP or another applicable environmental planning instrument?* | No – Building does not comply with 11m building height limit set by clause 4.1 of Shoalhaven LEP 2014. A clause 4.6 variation request has been submitted with the development application.  Section 4.15(3) of the Environmental Planning and Assessment Act 1979 does not prevent the granting of a development consent if a non-discretionary development standard is not complied with and allows for a clause 4.6 variation request to clause 4.1 to be considered. |
| *Does the development comply with the below floor space ratio requirements?*   1. *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.* 2. *Where the above 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 Chapter 5 or another environmental planning instrument,* | N/A - No FSR is applicable under Shoalhaven LEP 2014. |
| *Is parking provided for dwellings in accordance with the following ratios?*   |  |  | | --- | --- | | ***Dwelling Type*** | ***Parking Ratio (Chapter G21 of SDCP 2014)*** | | *1 bedroom* | *1 parking spaces* | | *2 bedrooms* | *1.5 parking spaces* | | *3+ bedrooms* | *2 parking spaces* | | *Additional visitor car parking per dwelling* | *0.2 parking spaces per dwelling* | | |  |  |  | | --- | --- | --- | | ***Dwelling Type*** | ***Number of Dwellings*** | ***Required Parking*** | | *1 bedroom* | *25* | *25* | | *2 bedrooms* | *33* | *49.5* | | *3+ bedrooms* | *2* | *4* | | *Additional visitor car parking per dwelling* | *60* | *12* | |  | | | | ***TOTAL PARKING REQUIRED*** | | *90.5* | | ***TOTAL PARKING PROPOSED*** | | *70* |   It is noted that the proposal will provide a at least 20% of apartments as affordable housing and this should be considered in determining an appropriate amount of carparking for the development. The proposal provides 70 car parking spaces.  As noted in the Applicant’s SEE (p.66), the proposal does not seek to adopt minimum parking rates allowable under SEPP (Housing) 2021 and instead provides a site specific design outcome which exceeds the SEPP parking requirements |

**Section 75 Design requirements**

Council has considered the design criteria and objectives set out in the Apartment Design Guide. The proposed development is considered suitable in this regard. A detailed assessment of the Apartment Design Guide is contained within Appendix B – Compliance Summary: Apartment Design Guide.

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

The subject site is zoned R3 Medium Density Residential and is not located within a business zone. Section 76 is not applicable to the proposed development.

**Section 77 Conditions requiring land or contributions for affordable housing**

The proposal provides affordable housing and does not increase demand for affordable housing. Dedication of land or contributions for affordable housing are not required in this instance.

**Section 78 Consideration of Apartment Design Guide for further subdivision of dwellings**

Not applicable – subdivision is not proposed.

### State Environmental Planning Policy (Resilience and Hazards) 2021

Chapter 2 Coastal management

The subject land is mapped as coastal environment area and coastal use area under SEPP (Resilience and Hazards) 2021.

It is considered that the proposed development does not unduly impact upon the coastal environment. The proposed development is acceptable with regard to SEPP (Resilience and Hazards) 2021.

Chapter 4 Remediation of land

| **Question** | **Yes** | | **No** | |
| --- | --- | --- | --- | --- |
| 1. Does the proposal result in a new land use being a residential, educational, recreational, hospital, childcare or other use that may result in exposure to contaminated land? |  | Proceed to Question 2 |  | Assessment under SEPP 55 and DCP not required. |
| 1. Are there any previous investigations about contamination on the land? |  | Detailed investigation required. |  | Proceed to Question 3 |
| 1. Was the site previously used or is the site currently used for an activity listed in Table 1 of the Managing Land Contamination Planning Guidelines? |  | Detailed investigation required. |  | Proceed to Question 4 |
| 1. Are there any land use restrictions on the land relating to possible contamination (e.g. notices issued by EPA or other regulatory authority)? |  | Detailed investigation required. |  | Proceed to Question 5 |
| 1. Did the site inspection suggest that the site may have been associated with any activities listed in Table 1 of the Managing Land Contamination Planning Guidelines or were any potential sources of contamination observed on site? |  | Detailed investigation required. |  | Proceed to Question 6 |
| 1. Are there any identified sources of contamination on land immediately adjoining the subject site which could affect the subject land? |  | Detailed investigation required. |  | Proceed to Question 7 |

The application has been supported by a preliminary investigation report (Data Gap Investigation Report) which has revealed that no contaminant concentrations in soil were detected above the adopted human health criteria and any observed contaminants would not preclude the construction of or use of the site for residential purposes and any potential contaminants could be appropriately managed. As noted in the preliminary investigation report, potential hazardous gases and acid sulfate rock should be further investigated and conditions of consent will be imposed accordingly requiring a detailed site investigation, remediation action plan (subject to the findings of the detailed site investigation) and a validation report for any works required by the remediation action plan. The proposal and preliminary investigation report has been reviewed by Council’s Environmental Health Team with no objection raised subject to recommended conditions of consent.

### State Environmental Planning Policy (Planning Systems) 2021

The Development Application is considered to be a regionally significant development under Part 2.4 (listed under Schedule 6) of the SEPP as it is development carried out by or on behalf of the Crown that has an estimated development cost of more than $5 million. Accordingly, the application is reported to the Southern Regional Planning Panel.

### State Environmental Planning Policy (Sustainable Buildings) 2022

A valid BASIX certificate (Certificate No. 1744618M\_01) has been submitted as part of the application. The certificate demonstrates compliance with the provisions of the SEPP and is consistent with commitments identified in the application documentation.

### State Environmental Planning Policy (Transport and Infrastructure) 2021

Chapter 2 Infrastructure

|  |  |
| --- | --- |
| **Considerations** | **Comments** |
| **Electricity transmission or distribution networks** | |
| *Part 2.3 Division 5 Subdivision 2 – Development likely to affect an electricity transmission or distribution network* | The proposal involves work within proximity to electricity infrastructure. The application was referred to Endeavour Energy for comment with no objection being raised subject to conditions and advice. Referral comments have been taken into consideration and are recommended as conditions of consent. |
| **Railways** | |
| N/A | |
| **Roads and traffic** | |
| *Part 2.3 Division 17 Subdivision 2 – Development in or adjacent to road corridors and road reservations* | The development site has a frontage to a existing classified road (Bolong Road). Council is satisfied that access to the site is safe and appropriate.  The proposed development is not considered to adversely affect the safety, efficiency or ongoing operation of the road.  The proposed development has been appropriately designed and located so as to minimise and/or ameliorate potential impacts from traffic noise or vehicle emissions arising from the adjacent road.  The application was referred to Transport for NSW for comment who provided the following advice *“TfNSW advises that Bolong Road is an existing classified road. Accordingly, TfNSW concurrence is not required by Section 2.118 of the T&ISEPP. TfNSW will continue an assessment under the referral submitted under Roads Act 1993 -s138 (Non-integrated).”* (see D24/211615)  TfNSW raised no objection being raised subject to advice. Referral comments have been taken into consideration. |

### Shoalhaven Local Environmental Plan Local Environmental Plan 2014

Land Zoning

The land is zoned R3 Medium Density Residential under the *Shoalhaven Local Environmental Plan 2014*.

Characterisation and Permissibility

The proposal is best characterised as two (2) x *residential flat buildings* under *Shoalhaven Local Environmental Plan 2014*. The proposal is permitted within the zone with the consent of Council.

Zone objectives

|  |  |
| --- | --- |
| **Objective** | **Comment** |
| To provide for the housing needs of the community within a medium density residential environment. | The proposal is consistent with the objectives of the zone. |
| 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. |

Applicable Clauses

|  |  |  |
| --- | --- | --- |
| **Clause** | **Comments** | **Complies/Consistent** |
| Part 2 Permitted or prohibited development | | |
| [2.7](https://legislation.nsw.gov.au/view/html/inforce/current/epi-2014-0179#sec.2.7) | Demolition is permitted but only with development consent. | Complies |
| Part 4 Principal development standards | | |
| [4.1A](https://legislation.nsw.gov.au/view/html/inforce/current/epi-2014-0179#sec.4.1A) | The proposed development is for construction of two (2) x residential flat buildings within the R3 Medium Density Residential zone.  The lot has a site area greater than 900m² and therefore the proposal meets the requirements of subclause (2).  The proposal is considered suitable with regard to clause 4.1A and the proposed residential flat buildings are permissible with development consent. | Complies |
| [4.3](https://legislation.nsw.gov.au/view/html/inforce/current/epi-2014-0179#sec.4.3) | There is no height limit set by the Height of Buildings Map and therefore the height of any building on the land must not exceed a maximum height of 11 metres as per sub-clause (2A).  The proposed development has a maximum height of 12.09m which exceeds the building height limit.    Figure 4: Proposed South Elevation Plans noting peak building height of development (highlighted in yellow)  The application has been supported by a clause 4.6 variation request and this is discussed in further detail in Appendix C – Clause 4.6 Detailed Consideration. | Clause 4.6 exception request applied for.  See Appendix C for further commentary. |
| [4.6](https://legislation.nsw.gov.au/view/html/inforce/current/epi-2014-0179#sec.4.6) | The application seeks an exception to the development standards set out in clause 4.3(2). The application has been supported by a clause 4.6 exception statement and this is further discussed in Appendix C – Clause 4.6 Detailed Consideration. | Applies – See Appendix C for further commentary. |
| Part 5 Miscellaneous provisions | | |
| [5.10](https://legislation.nsw.gov.au/view/html/inforce/current/epi-2014-0179#sec.5.10) | The proposal involves works in proximity of heritage item (Item No 122 - *Greenleaves” - Federation Queen Anne style residence and grounds* and Item No 123 - *Federation brick and asbestos tile residence*). The application has been supported by a Statement of Heritage Impact Report and Council considers that the proposed works are not considered to compromise the heritage value or heritage significance of the item. The proposal is considered suitable with regard to clause 5.10.  The application has been supported by a Aboriginal Heritage Due Diligence Assessment. The application has been referred to the Nowra Local Aboriginal Land Council with no response being received within the referral timeframe and no objection being raised. The proposal is considered suitable with regard to clause 5.10.  As noted in the Statement of Environmental Effects, the Applicant has consulted with members of the Local Aboriginal Community and participated in an onsite Connecting with Country Walk which has informed the design and landscaping of the development. | Complies |
| [5.21](https://legislation.nsw.gov.au/view/html/inforce/current/epi-2014-0179#sec.5.21) | The subject site is mapped as below the flood planning level and Council has considered the development’s impact on flood behaviour and the design and use of the development in its current situation, and also with regard to projected and potential climate change and coastal erosion processes.  The application was referred to Council’s Natural Resources and Floodplain Section and no objection was raised with regard to flooding subject to recommended conditions of consent.  Council is satisfied that the proposed development is compatible with the flood hazard of the land and will not significantly adversely affect flood behaviour. The proposal will not significantly adversely affect the environment or cause avoidable erosion, siltation, destruction of riparian vegetation or a reduction in the stability of river banks or watercourse. The proposal will not affect the safe occupation or evacuation of the land. The proposal is not likely to result in unsustainable social and economic costs to the community as a consequence of flooding.  The proposed development is viewed as satisfactory with regard to the considerations set out in clause 5.21. | Complies |
| Part 7 Additional local provision | | |
| [7.1](https://legislation.nsw.gov.au/view/html/inforce/current/epi-2014-0179#sec.7.1) | The subject land is mapped as acid sulfate soils:   |  |  | | --- | --- | | **Class** | **Commentary** | | Class 5 | The proposal does not involve work within 400m of adjacent Class 1, 2, 3 or 4 land that is below 5m AHD and by which the water table is likely to be lowered below 1m AHD on adjacent Class 1, 2, 3 or 4 land. |   The application has been supported by a Geotechnical Investigation Report which has considered the site geotechnical information.  The subject site is within 400m to adjacent Class 1, Class 2 and Class 4 acid sulfate soils mapped land that is below 5m AHD.    Figure 5: GIS imagery showing Acid Sulfate Soils mapping and approximate distances from the development site to adjacent Class 1, 2 & 4 acid sulfate soils land.  The proposed development is not considered likely to lower the water table below 1m AHD on the adjacent Class 1, Class 2 or Class 4 land  The proposal is considered satisfactory with regard to the considerations set out in clause 7.1. | Complies |
| [7.2](https://legislation.nsw.gov.au/view/html/inforce/current/epi-2014-0179#sec.7.2) | Consideration has been given to the matters outlined in clause 7.2 and it is considered that the proposed earthworks are suitable and can be managed appropriately. | Complies |
| [7.11](https://legislation.nsw.gov.au/view/html/inforce/current/epi-2014-0179#sec.7.11) | All relevant services are available to the site. | Complies |

## ii) Draft Environmental Planning Instrument

The proposal is not inconsistent with any [draft environmental planning instruments](https://www.planningportal.nsw.gov.au/have-your-say-).

## iii) Any Development Control Plan

### [Shoalhaven Development Control Plan 2014](https://dcp2014.shoalhaven.nsw.gov.au/taxonomy/term/12)

|  |  |
| --- | --- |
| ***Generic DCP Chapter*** | ***Relevant*** |
| [**G1:**](https://dcp2014.shoalhaven.nsw.gov.au/sites/default/files/Chapter%20G1.1%20FINAL%20COMBINED.pdf) **Site Analysis, Sustainable Design and Building Materials** | |
| A suitable site analysis plan and schedule of proposed materials has been submitted as part of the application and is deemed acceptable. | |
| **[G2:](https://dcp2014.shoalhaven.nsw.gov.au/sites/default/files/Amendment%2031%20FINAL%20Chapter%20G2%20COMBINED.pdf) Sustainable Stormwater Management and Erosion/Sediment Control** | |
| *Has the application been supported by appropriate erosion and sediment control details?* | Yes |
| *Does the development require on site detention (OSD) to be provided?*  *Note: OSD may not be suitable in instances where a development appropriately relies on a charged drainage line to the street as it may compromise the effectiveness of the drainage system.* | Yes – See commentary below |
| *Has the application been supported appropriate stormwater drainage details?* | Yes - See commentary below |
| Stormwater from the proposed development will be directed to existing stormwater infrastructure within Bolong Road. Above ground rainwater tanks and on site detention will be provided. The proposed development has been reviewed by Council’s Development Engineers with no objection being raised subject to recommended conditions of consent. | |
| [**G3:**](https://dcp2014.shoalhaven.nsw.gov.au/sites/default/files/Chapter%20G3.1%20FINAL%20COMBINED.pdf) **Landscaping Design Guidelines** | |
| The provided landscape plans show suitable landscaped areas and deep soil planting areas. Retention of large shade trees and existing vegetation along Beinda Street assists in integrating the proposed buildings into the environment. Proposed landscaping is considered appropriate for the site and for the locality. | |
| [**G4:**](https://dcp2014.shoalhaven.nsw.gov.au/sites/default/files/Chapter%20G4.1%20-%20Tree%20and%20Vegetation%20Management%20v4.pdf) **Tree and Vegetation Management** | |
| *Have any trees proposed to be removed been clearly shown on the site plan (where required)?* | Yes |
| [**G5:**](https://dcp2014.shoalhaven.nsw.gov.au/sites/default/files/Chapter%20G5.1%20FINAL%20COMBINED.pdf) **Biodiversity Impact Assessment** | |
| *Is the proposal biodiversity compliant development?* | Yes – the proposal does not trigger the Biodiversity Offset Scheme Entry Threshold (BOSET). The application has been supported by a Flora and Fauna Assessment which identifies that the proposed development will not have a significant adverse impact on local flora and fauna. |
| [**G7:**](https://dcp2014.shoalhaven.nsw.gov.au/sites/default/files/Chapter%20G7.1%20FINAL%20COMBINED.pdf) **Waste Minimisation and Management Controls** | |
| *Has the application been supported by an appropriate waste minimisation and management plan?* | Yes  Waste management and waste collection for the development has been reviewed by Council’s Waste Services department with no objection being raised subject to conditions. Waste collection will be managed by a licenced private commercial waste contractor with bin pick up location within the Beinda Street road frontage within loading zones. |
| [**G9:**](https://dcp2014.shoalhaven.nsw.gov.au/sites/default/files/Chapter%20G9%20Development%20on%20Flood%20Prone%20Land.pdf) **Development on Flood Prone Land** | |
| The application has been referred to Council’s Floodplain Section with no objection being raised. | |
| [**G13:**](https://dcp2014.shoalhaven.nsw.gov.au/sites/default/files/Combined%20Chapter%20G13%20-%20Medium%20Density%20and%20Other%20Residential%20Development.pdf) **Medium Density and Other Residential Development** | |
| See Appendix A. | |
| **[G21:](https://dcp2014.shoalhaven.nsw.gov.au/sites/default/files/Chapter%20G21.1%20-%20Car%20Parking%20and%20Traffic%20v5%20-%202021%20LG%20Regs%20Minor%20Am.pdf) Car Parking and Traffic** | |
| The proposed development provides 70 car parking spaces as noted in the Applicant’s SEE (p.66):    There are various parking rates that could be applicable to different parts of the development i.e. affordable rental housing and build-to-rent parking ratios as well as the parking rate set out in Chapter G21 of Shoalhaven DCP 2014.  Given the application does not specifically rely on the affordable rental housing parking rates the DCP parking rates are applicable and have been considered below.   |  |  |  |  |  | | --- | --- | --- | --- | --- | | ***Dwelling Type*** | ***DCP Parking Rate per Dwelling*** | ***Number of Dwellings / Visitor Parking*** | ***Required Parking under DCP*** | ***Proposed Parking Allocation*** | | *1 bedroom / studio* | *1* | *25* | *25* | *25* | | *2 bedrooms* | *1.5* | *33* | *49.5* | *33* | | *3+ bedrooms* | *2* | *2* | *4* | *4* | | *Visitor Parking* | *0.2 spaces per apartment* | *60 total apartments* | *12* | *8* | |  | | | | | | ***REQUIRED PARKING UNDER DCP*** | | | *90.5* | | | ***TOTAL PARKING PROPOSED*** | | | *70* | |   The application has also been supported by a Transport Impact Assessment which has considered parking rates as well as traffic generation and TfNSW’s Guide to Traffic Generating Developments. As noted in the Transport Impact Assessment all apartments have been allocated at least 1 parking space.  Reduced parking rates for affordable housing are available under SEPP (Housing) 2021 and although not technically utilising these provisions, the development fundamentally provides affordable housing and meets the objectives of the SEPP, specifically by providing at least 20% of apartments as affordable rental housing. Considering this as well as the zoning and location of the development site within walking distance to commercial/retail areas, employment areas, as well as public infrastructure and public facilities, the proposed parking rate is considered acceptable for the development. | |
| *Have car parking spaces been clearly shown on the site plan?* | Yes |
| *Are parking spaces and garage dimensions sufficient?* | Yes |
| *Is vehicle manoeuvring for the site adequate?* | Yes |
| *Is a new driveway access proposed/required?* | Yes - Recommended conditions of consent to be applied accordingly |
| *Is the slope of any driveway access suitable?*  *Note: The Maximum and Minimum Garage Floor Levels tool (D20/329669) can be used to calculate if the slope of a driveway access is suitable.*  *Note: The tool calculator will only calculate the required minimum and maximum garage floor levels. Driveway slope to be as per the gradients shown on the longitudinal section diagrams.* | Yes |
| *Does the proposed development require the provision of kerb and gutter?*  *Note: Table 3 in Chapter G21 requires that kerb and gutter be provided for dual occupancy and medium density development. There is no kerb and gutter requirement for low density residential development (e.g. alterations and additions, single dwellings, secondary dwellings)* | Yes - Kerb and gutter is proposed along the Beinda Street road frontage and is recommended as a condition of consent. |
| **[G26:](https://dcp2014.shoalhaven.nsw.gov.au/sites/default/files/Chapter%20G26.pdf) Acid Sulphate Soils and Geotechnical (Site Stability) Guidelines** | |
| *Is the development suitable with regard to acid sulfate soils?* | Yes |
| *Does the application involve the erection of any buildings or structures on land with a slope >20% or on land with stability problems?* | No |

|  |
| --- |
| ***Area Specific DCP Chapter – N/A*** |

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

There are no planning agreements applying to this application.

## iv) Environmental Planning and Assessment Regulation 2021

|  |  |  |
| --- | --- | --- |
| *[Clause 62](https://legislation.nsw.gov.au/view/html/inforce/current/sl-2021-0759" \l "sec.62)* | *Does the application result in a change of use of an existing building but does not propose any building works?* | No |
| [*Clause 64*](https://legislation.nsw.gov.au/view/html/inforce/current/sl-2021-0759#sec.64) *Partial Upgrade* | *Does the application involve alterations or additions to an existing building?* | No |
| [*Clause 64*](https://legislation.nsw.gov.au/view/html/inforce/current/sl-2021-0759#sec.64) *Total Upgrade* | *Does the application involve building works and result in conversion of a building or part of a building from non-habitable to a habitable use?* | No |

The proposal ensures compliance with the applicable requirements within the Regulations subject to recommended conditions of consent.

## Any coastal zone management plan

The proposed development is not inconsistent with the applicable [coastal zone management plans / coastal management programs.](https://www.shoalhaven.nsw.gov.au/For-Residents/Our-Environment/Coast-Waterways/Coastal-Estuary-Management-Planning)

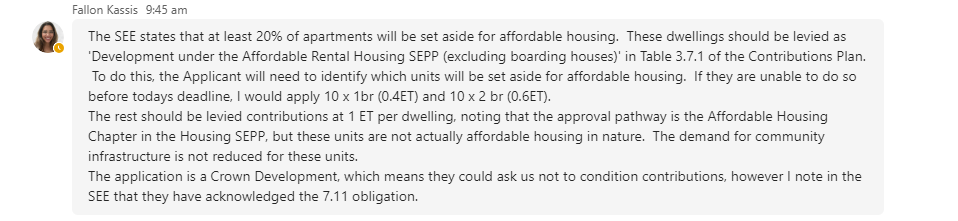
## Other Shoalhaven Council Policies

## State and Local Infrastructure Contributions

|  |  |
| --- | --- |
| **State Contributions** | |
| *Does the proposed development trigger the* [*Housing and Productivity Contribution*](https://www.planning.nsw.gov.au/sites/default/files/2023-08/housing-and-productivity-contribution-implementation-guideline.pdf) *(HPC)?*  *Note: if the development triggers an HPC, then a corresponding Contribution (CON) case is created as a related case in the Portal. The calculation needs to be reviewed and confirmed in the Portal.* | Yes - Residential Development |
| **Local Contributions** | |
| *Is the development site an “*[*old subdivision property*](https://cp.shoalhaven.nsw.gov.au/section-or-schedule/schedule-2-old-subdivision-properties-1-1)*” identified in Shoalhaven Contributions Plan 2019?* | No |
| *Is the proposed development considered to increase the demand for community facilities in accordance with the* [*Shoalhaven Contributions Plan 2019*](https://cp.shoalhaven.nsw.gov.au/section-or-schedule/population-growth-1)*?* | Yes - s7.11 contributions are applicable. |
| *Is the proposed development considered to increase the demand for on water and sewer services (i.e. s64 Contributions)* | Yes - See Shoalhaven Water Development Applicaiton Notice. |

The development is most aptly characterised as ‘Dwelling’ and ‘Development under the Affordable Rental Housing SEPP (excluding boarding houses)’ development for the purpose of calculating contributions under the Plan.

Contributions applicable for the proposed development have been advised by Council’s Strategic Planning Department as follows:



S7.11 contributions are calculated accordingly:

A screenshot of a computer

Description automatically generated

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

| **Head of Consideration** | **Comment** |
| --- | --- |
| Natural Environment | Greater Headed Flying Fox (GHFF) camp  The subject site is in close proximity to the GHFF camp located to the west of the site. Noise from this camp potentially would impact on the amenity of residents of the proposed development. The application has been supported by an Acoustic Report that considers the noise impacts affecting the proposed development and recommends appropriate noise mitigation measures. The application and Acoustic Report has been reviewed by Council’s Environmental Health Officer and Biodiversity team with no objection being raised subject to conditions of consent.  The proposed development will not have a significant adverse impact on the natural environment. |
| Built Environment | Built Form  The proposed development is well articulated the design is sympathetic to the existing and desired future character of the area. Retention of existing vegetation within the front setback along Beinda Street will assist in integrating the development into the existing area.  Waste Collection  Waste collection will be managed by a licenced private commercial waste contractor with bin pick up location within the Beinda Street road frontage within loading zones. Waste management and waste collection for the development has been reviewed by Council’s Waste Services department with no objection being raised subject to conditions.  Pedestrian Access and Mobility Plan (PAMP)  Council’s PAMP identifies a proposed shared path on the northern side of Beinda Street:    In accordance with section 6.6 of Chapter G21 of Shoalhaven DCP 2014, a concrete footpath should be provided along the street frontage where there it is identified in the PAMP or where it is required for pedestrian safety. The proposed development intensifies development on the southern side of Beinda Street and it is considered necessary to provide adequate pedestrian access within that street frontage. However, given the opportunities to link the existing pedestrian footpath on the northern side of Beinda Street to pedestrian infrastructure along Bolong Road, it would be desirable to provide pedestrian infrastructure on the northern side of Beinda Street with appropriate connections to the proposed development in lieu of a pedestrian footpath for the full length of the development on the southern side of Beinda Street.  This opportunity to more logically link existing pedestrian infrastructure has been discussed with the Applicant and it was resolved that although this is the most desirable outcome and will be provided if achievable, given the other budgetary, design, time and legislative constraints of the Landcom project, it is unknown if this could be achieved within the scope of the project. Recommended conditions of consent will provide flexibility to either provide a pedestrian footpath for the full length of the development on the southern side of Beinda Street, or an alternative arrangement with the construction of a shared path on the northern side of Beinda Street as agreed to by Council.  Crime Prevention Through Environmental Design (CPTED)  The application has been supported by a CPTED assessment and the principles of CPTED have been incorporated into the development design. The design encourages active and passive surveillance opportunities and minimises opportunities for concealment. The application was referred to the NSW Police for comment with no objection received.  Fire Hydrant Booster and Fire Fighting  The submitted BCA & DDA Capability Statement (p.7) identifies that the buildings will be sprinkler protected throughout, as such a further protective wall is not required under Australian Standard AS2419.  The proposed development will not have a significant adverse impact on the built environment. |
| Social Impacts | Build-to-rent  The proposed development utilises the build-to-rent provisions in State Environmental Planning Policy (Housing) 2021.  The development site is suitably located within proximity to the Bomaderry town centre and other facilities such as outdoor public recreation sites such as sporting fields and playgrounds, educational establishments and also within proximity to employment E zoned land. The proposal provides suitable housing at an appropriate density for the locality.  The proposed development is considered to have a positive social impact in the locality. |
| Economic Impacts | The proposed development provides housing utilising build-to-rent provisions in State Environmental Planning Policy (Housing) 2021. The proposal provides suitable housing at an appropriate density within proximity to the Bomaderry commercial town centre as well as other services, facilities and employment areas and is not considered to have a negative economic impact in the locality. |

# (c) Suitability of the site for the development

The site is suitable for the proposed development.

* The development is permissible with Council consent within the zone.
* The proposal supports the local zoning objectives.
* The proposal is consistent with the objectives and requirements of the applicable environmental planning instruments and the build-to-rent provision in *State Environmental Planning Policy (Housing) 2021*.
* The proposal is consistent with the objectives and requirements of the *Shoalhaven Local Environmental Plan 2014*.
* The proposal is consistent with the objectives and requirements of the *Shoalhaven Development Control Plan 2014*.
* The intended use is compatible with surrounding/adjoining land uses

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

The development application was notified in accordance with Council’s Community Consultation Policy for Development Applications. Two (2) submissions of objection were received during the notification period. Representations on behalf of a community member were also received via Garreth Ward Independent Member for Kiama. The concerns raised are outlined below:

|  |  |
| --- | --- |
| **Summary of Public Submissions** | |
| **Submission 1 – SUB24/01157 - (D24/259125, D24/259127, D24/259133, D24/259143, D24/259144, D24/238736 & D24/260398)**  *Note: Representations on behalf of the community member were also received via Garreth Ward Independent Member for Kiama (D24/238736). The representation was responded to by Council in D24/253073.* | |
| **Objection Raised** | **Council Commentary** |
| Heritage | The application has been supported by a Heritage Impact Assessment considering the developments’ impact on nearby and adjoining heritage items.  The proposal and Heritage Impact Assessment has been considered and reviewed by Council staff and Council’s Heritage Expert. Council is satisfied that the proposal is appropriate for the locality and will not undermine the heritage value of adjoining and nearby heritage items.  The proposal is of an appropriate scale for the locality and is sufficiently setback from adjoining heritage items. Design elements such as retention of existing mature trees along Beinda Street, dividing the development into two separate well-articulated buildings which step down to follow the natural topography of the ground, as well as colour and material selection, and the provision of landscaping along property boundaries and through the “central spine” of the development all assist in settling the development within the existing streetscape and character and the proposal is consistent with the desired future character of the area.  There are no identified heritage items to be demolished.  The Heritage Impact Assessment prepared by Louise Thom Heritage and submitted in objection to the proposal has been reviewed and it is noted some of the elements such as provision of appropriate landscaping and privacy screening have been incorporated into the building design.  Heritage and impacts on nearby heritage items have been considered and the proposed development is considered suitable in this regard. |
| Size, bulk, scale and density | The size, bulk and scale of the development is consistent with the desired future character of the area.  The subject site is zoned R3 Medium Density Residential, and residential flat buildings are a permissible form of development within the zone. The size, scale and residential density proposed is consistent with the objectives of the R3 zone, and the provision of affordable, purpose-built rental housing is consistent with the principles of State Environmental Planning Policy (Housing) 2021 and the objects of the *Environmental Planning and Assessment Act 1979.*  Council is satisfied that the proposed development is of an appropriate size, bulk, scale and residential density for the locality. |
| Privacy | Appropriate privacy mitigation measures such as privacy screens and louvres from south facing apartments have been incorporated into the building design. Similarly, privacy screening and landscaping along the southern property boundary ensure adequate privacy is maintained to adjoining residences.  The buildings adopt a 6m setback to the southern property boundary with appropriate landscaping and privacy screening incorporated to maintain privacy and amenity. Further, to this the outdoor seating near the southern property boundary is orientated northward and is boarded by appropriate landscaping to minimise overlooking to the south.  The proposed development and above privacy measures are considered appropriate, and adequate privacy is maintained to adjoining properties. |
| Setbacks | The building setbacks comply with the development controls set out in State Environmental Planning Policy (Housing) 2021 and the Apartment Design Guidelines and are considered appropriate. The proposal provides adequate setbacks and separation to adjoining properties. |
| Walkway location | The “central spine” walkway is appropriately designed and located. The incorporation of suitable landscaping along the walkway will reduce overlooking and maintain amenity to adjoining properties. |
| Overshadowing | The application has been supported by shadow diagrams for 21 June which demonstrate appropriate solar access is maintained to adjoining properties. |
| Tree removal | The proposal involves the clearing of some trees and vegetation to facilitate the development. Vegetation removal and environmental impacts has been considered by Council and the Flora and Fauna Assessment has been reviewed by Council’s Biodiversity Team. The proposed development will not have a significant adverse impact on the natural environment and the proposal is considered appropriate for the locality.  Retention of trees along the southern boundary i.e. T75 is not practical and is not conducive to the reasonable development of the R3 Medium Residential zoned land. |
| **Submission 2 – SUB24/01155 - (D24/258447)** | |
| **Objection Raised** | **Council Commentary** |
| Heritage | The application has been supported by a Heritage Impact Assessment considering the developments’ impact on nearby and adjoining heritage items.  The proposal and Heritage Impact Assessment has been considered and reviewed by Council staff and Council’s Heritage Expert. Council is satisfied that the proposal is appropriate for the locality and will not undermine the heritage value of adjoining and nearby heritage items.  The proposal is of an appropriate scale for the locality and is sufficiently setback from adjoining heritage items. Design elements such as retention of existing mature trees along Beinda Street, dividing the development into two separate well-articulated buildings which step down to follow the natural topography of the ground, as well as colour and material selection, and the provision of landscaping along property boundaries and through the “central spine” of the development all assist in settling the development within the existing streetscape and character and the proposal is consistent with the desired future character of the area.  The dwelling at 55 Bolong Road is not a listed local heritage item; demolition of this building as proposed in this application is considered acceptable. |
| Tree removal | The proposal involves the clearing of some trees and vegetation to facilitate the development. Vegetation removal and environmental impacts has been considered by Council and the Flora and Fauna Assessment has been reviewed by Council’s Biodiversity Team. The proposed development will not have a significant adverse impact on the natural environment and the proposal is considered appropriate for the locality.  Retention of trees along the southern boundary i.e. T75 is not practical and is not conducive to the reasonable development of the R3 Medium Residential zoned land. |

# (e) The Public Interest

The public interest has been taken into consideration, including assessment of the application with consideration of relevant policies and process. The proposal is considered to be in the public interest.

# Delegations

|  |  |  |
| --- | --- | --- |
| Are any clause 4.6 exceptions proposed? | | Yes |
| Development Standard | Numerical Extent of Departure | Percentage (%) Extent of Departure |
| Shoalhaven LEP 2014 – Clause 4.3 – Height of Building | Building 1 = 1.09m  Building 2 = 1.09m | Building 1 = 9.9%  Building 2 = 9.9% |
| Are any DCP performance-based solutions proposed? | | Yes |
| Acceptable Solution | Numerical Extent of Departure | Percentage (%) Extent of Departure |
| Chapter G21 – Parking Rate | Shortfall of 20.5 car parking spaces | 22.8% |

## Guidelines for use of Delegated Authority

The Development Application is considered to be a regionally significant development under Part 2.4 (listed under Schedule 6) of the SEPP as it is development carried out by or on behalf of the Crown that has an estimated development cost of more than $5 million. Accordingly, the application is reported to the Southern Regional Planning Panel.

# Recommendation

This application has been assessed having regard for Section 4.15 (Matters for consideration) under the *Environmental Planning and Assessment Act 1979*. As such, it is recommended that the application be approved subject to appropriate conditions of consent for the following reasons:

|  |  |
| --- | --- |
| Reasons for Grant of Consent | |
|  | The proposed development is consistent with the objects of the Environmental Planning and Assessment Act 1979. |
|  | The proposed development is considered acceptable and with regard to the applied exception to the development standards set out in clause 4.1 of Shoalhaven Local Environmental Plan 2014. The proposed development complies with all other development standards and is consistent with the aims, objectives and provisions of the applicable environmental planning instruments. |
|  | The proposed development complies with the performance criteria and is consistent with the aims, objectives and provisions of Shoalhaven Development Control Plan 2014. |
|  | The proposed development is consistent with the aims, objectives and provisions of relevant Council policies. |
|  | The likely impacts of the proposed development are considered acceptable. |
|  | The site is suitable for the proposed development. |
|  | Any submissions received during the public notification period have been considered and issues and concerns raised by the community in submissions have been addressed in the assessment. |
|  | The proposed development does not conflict with the public interest. |



**Peter Woodworth**

**Lead - City Development**

**City Development**

**25/06/2024**

# Appendix A – Assessment Checklist: Chapter G13: Medium Density and Other Residential Development

|  |  |
| --- | --- |
| **Objectives of Chapter G13** | |
| The objectives of are to:   1. Ensure a comprehensive design-oriented approach to housing resulting in high quality urban design, development and residential amenity. 2. Set appropriate environmental criteria for energy efficiency, solar access, light spill, privacy, noise, vehicular access, parking and open space. 3. Allow for efficient use of existing services and facilities, including utility services, transport systems and community facilities. 4. Maintain and enhance the amenity of existing and future residential areas. 5. Promote wider and more affordable housing choice in Shoalhaven. 6. Allow opportunities for home owners to receive rental income or provide relatives with self-contained accommodation. 7. Implement agreed strategic directions and respond to demographic needs (e.g. the ageing population). | |
| **5 Medium Density Development** | |
| N/A – The proposed development is for two residential flat buildings. Section 5 of Chapter G13 does not apply. | |
| **6 Residential Flat Buildings and Shop Top Housing** | |
| *Has the development been designed in accordance with* [*Chapter 4*](https://legislation.nsw.gov.au/view/whole/html/inforce/current/epi-2021-0714#ch.4) *of State Environmental Planning Policy (Housing) 2021* | Yes |
| *Has the development been designed in accordance with* [*Schedule 9*](https://legislation.nsw.gov.au/view/whole/html/inforce/current/epi-2021-0714#sch.9) *of State Environmental Planning Policy (Housing) 2021* | Yes |
| *Does the development utilise common telecommunication/TV antennas and limit to one antenna per building?* | N/A |
| **7 Housing for Seniors or People with a Disability** | |
| N/A – The proposed development is for two residential flat buildings. Section 7 of Chapter G13 does not apply. | |
| **8 Boarding Houses, Group Homes and Hostels** | |
| N/A -– The proposed development is for two residential flat buildings. Section 8 of Chapter G13 does not apply. | |

# Appendix B – Compliance Summary: Apartment Design Guide

|  |  |  |  |
| --- | --- | --- | --- |
| **Part 3B - Orientation** | | | |
| **Objective** | **Design Criteria or Guidance** | **Comment** | **Compliance** |
| **Objective 3B-1**  Building types and layouts respond to the streetscape and site while optimising solar access within the development. | Buildings along the street frontage define the street, by facing it and incorporating direct access from the street (see figure 3B.1). | Building 1 is appropriately orientated towards Bolong Road and Beinda Street.  Building 2 is appropriately orientated toward Beinda Street. | Yes |
| Where the street frontage is to the east or west, rear buildings should be orientated to the north. | Buildings are appropriately orientated to maximise solar access. | Yes |
| Where the street frontage is to the north or south, overshadowing to the south should be minimised and buildings behind the street frontage should be orientated to the east and west (see figure 3B.2). | Buildings are appropriately orientated to maximise solar access. | Yes |
| **Objective 3B-2**  Overshadowing of neighbouring properties is minimised during mid-winter | Living areas, private open space and communal open space should receive solar access in accordance with sections 3D Communal and public open space and 4A Solar and daylight access. | The development ensures appropriate solar and daylight access to living areas as well as private and communal open space. | Yes |
| Solar access to living rooms, balconies and private open spaces of neighbours should be considered. | Appropriate solar access is maintained to adjoining properties. | Yes |
| Where an adjoining property does not currently receive the required hours of solar access, the proposed building ensures solar access to neighbouring properties is not reduced by more than 20%. | Appropriate solar access is maintained to adjoining properties. | Yes |
| If the proposal will significantly reduce the solar access of neighbours, building separation should be increased beyond minimums contained in section 3F Visual privacy. | Appropriate solar access is maintained to adjoining properties. | Yes |
| Overshadowing should be minimised to the south or downhill by increased upper-level setbacks. | The development adopts 6m setbacks to the southern property boundary which is considered appropriate. The application has been supported by shadow diagrams for 21 June which demonstrate appropriate solar access is maintained to adjoining properties. | Yes |
| It is optimal to orientate buildings at 90 degrees to the boundary with neighbouring properties to minimise overshadowing and privacy impacts, particularly where minimum setbacks are used and where buildings are higher than the adjoining development. | Appropriate solar access is maintained to adjoining properties. | Yes |
| A minimum of 4 hours of solar access should be retained to solar collectors on neighbouring buildings. | No solar collectors are observed on adjoining properties potentially affected by overshadowing. The shadow diagrams demonstrate at least 4 hours of direct sunlight is maintained to north facing roof areas. | Yes |
| **Part 3C – Public Domain Interface** | | | |
| **Objective** | **Design Criteria or Guidance** | **Comment** | **Compliance** |
| **Objective 3C-1**  Transition between private and public domain is achieved without compromising safety and security. | Terraces, balconies and courtyard apartments should have direct street entry, where appropriate. | All ground floor apartments have direct street entry or are accessible from the internal pedestrian pathways. | Yes |
| Changes in level between private terraces, front gardens and dwelling entries above the street level provide surveillance and improve visual privacy for ground level dwellings (see figure 3C.1). | The buildings utilise a series of raised areas, garden beds and landscaping along street frontages to provide/enhance privacy to ground floor apartments whilst also providing opportunities for passive surveillance of the public domain.  The change in level at the ground floor is generally limited to 1m with some minor exceptions for the terrace areas along Bolong Road which have a change in level of up to 1.2m. This can be attributed to the sloping topography of the land and landscaping along this frontage will soften the impact. In these areas a tiered style garden bed to provide articulation. The changes in levels are not considered to have a significant adverse impact. | Yes |
| Upper-level balconies and windows should overlook the public domain. | The building has been appropriately designed to orientate upper storey balconies toward the public domain and/or the internal courtyard areas. | Yes |
| Front fences and walls along street frontages should use visually permeable materials and treatments. The height of solid fences or walls should be limited to 1m. | The application proposes some raised garden beds and retaining walls along the street frontages. The raised garden beds/retaining walls do not result in a solid wall height greater than 1m. | Yes |
| Length of solid walls should be limited along street frontages. | Solid walls / raised garden beds along the street frontages are appropriately designed and located. | Yes |
| Opportunities should be provided for casual interaction between residents and the public domain. Design solutions may include seating at building entries, near letter boxes and in private courtyards adjacent to streets. | Opportunities for casual interaction such as seating and communal congregation areas have been incorporated into the development design. | Yes |
| In developments with multiple buildings and/or entries, pedestrian entries and spaces associated with individual buildings/entries should be differentiated to improve legibility for residents, using a number of the following design solutions:   * architectural detailing * changes in materials * plant species * colours | Building entries are appropriately differentiated and are able to be distinguished from each other. | Yes |
| Opportunities for people to be concealed should be minimised. | The development has been appropriately designed to minimise opportunities for people to be concealed. The CPTED principles including surveillance, territorial reinforcement, access control and space management have been considered in the building design. | Yes |
| **Objective 3C-2**  Amenity of the public domain is retained and enhanced. | Planting softens the edges of any raised terraces to the street, for example above sub-basement car parking. | Landscaping and raised/tiered garden beds have been appropriately incorporated into the building design to soften the built form. | Yes |
| Mailboxes should be located in lobbies, perpendicular to the street alignment or integrated into front fences where individual street entries are provided. | Mailboxes are appropriately provided perpendicular to the street alignment along the pedestrian access ways from Beinda Street. | Yes |
| The visual prominence of underground car park vents should be minimised and located at a low level where possible. | The proposal provides at grade parking on the ground floor. This has been suitable integrated into the building design. | N/A |
| Substations, pump rooms, garbage storage areas and other service requirements should be located in basement car parks or out of view. | Garbage storages areas are located within the ground floor carpark and screened from view.  Although there is a substation located along the Beinda Street frontage, it is surrounded by landscaping to minimise its visual prominence. | Yes |
| Ramping for accessibility should be minimised by building entry location and setting ground floor levels in relation to footpath levels. | The buildings have been stepped to follow the topography of the land and minimise ramps. Accessible pathways have been provided as well as well as lift elements. | Yes |
| Durable, graffiti resistant and easily cleanable materials should be used. | Proposed materials are appropriate. | Yes |
| Where development adjoins public parks, open space or bushland, the design positively addresses this interface and uses a number of the following design solutions:   * street access, pedestrian paths and building entries which are clearly defined * paths, low fences and planting that clearly delineate between communal/private open space and the adjoining public open space * minimal use of blank walls, fences and ground level parking | Not applicable. | N/A |
| On sloping sites protrusion of car parking above ground level should be minimised by using split levels to step underground car parking. | The site is constrained by surface level rock and also flood risk. The proposal provides at grade parking and this has been appropriately screened by the ground floor apartments and other building components. The at grade carpark has been appropriately integrated into the building design and is considered acceptable. | Yes |
| **Part 3D – Communal and Public Open Space** | | | |
| **Objective** | **Design Criteria or Guidance** | **Comment** | **Compliance** |
| **Objective 3D-2**  Amenity of the public domain is retained and enhanced. | Communal open space has a minimum area equal to 25% of the site (see figure 3D.3). | The proposal includes 2,115m² (35.75%) of the site as communal open space and landscaped areas. The proposal complies with design criteria 3D-1(1). | Yes |
| 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). | The provided shadow diagrams demonstrate that at least 50% of the principal usable part of the communal open space i.e. the “central spine” area achieves a minimum 2 hours direct sunlight between 9am and 3pm on 21 June. The proposal complies with design criteria 3D-1(2). | Yes |
| Communal open space should be consolidated into a well-designed, easily identified and usable area. | Communal open space is appropriately designed and located. | Yes |
| Communal open space should have a minimum dimension of 3m, and larger developments should consider greater dimensions. | The dimensions of communal open space are appropriate with the “central spine” having a width of 12m.  The internal courtyard communal open space contained within each building is appropriately sized. | Yes |
| Communal open space should be co-located with deep soil areas. | Deep soil planting areas are appropriately co-located with communal open space areas. | Yes |
| Direct, equitable access should be provided to communal open space areas from common circulation areas, entries and lobbies. | Access to communal open space areas is appropriate and accessible from the lobbies, circulation areas and communal rooms. | Yes |
| Where communal open space cannot be provided at ground level, it should be provided on a podium or roof. | Not applicable – communal open space is provided at ground level. | N/A |
| Where developments are unable to achieve the design criteria, such as on small lots, sites within business zones, or in a dense urban area, they should:   * provide communal spaces elsewhere such as a landscaped roof top terrace or a common room * provide larger balconies or increased private open space for apartments * demonstrate good proximity to public open space and facilities and/or provide contributions to public open space | Not applicable - The proposal complies with design criteria 3D-1(1) & (2). | N/A |
| **Objective 3D-2**  Communal open space is designed to allow for a range of activities, respond to site conditions and be attractive and inviting. | Facilities are provided within communal open spaces and common spaces for a range of age groups (see also 4F Common circulation and spaces), incorporating some of the following elements:   * seating for individuals or groups * barbecue areas * play equipment or play areas * swimming pools, gyms, tennis courts or common rooms | Appropriate communal facilities including seating, courtyards and a communal room are provided. | Yes |
| The location of facilities responds to microclimate and site conditions with access to sun in winter, shade in summer and shelter from strong winds and down drafts. | Communal facilities have been appropriately designed and located with appropriate solar access and shade. The inclusion of landscaping, plantings and raised garden beds along the “central spine” will reduce wind tunnelling effects and will assist in providing shelter from strong winds. | Yes |
| Visual impacts of services should be minimised, including location of ventilation duct outlets from basement car parks, electrical substations and detention tanks. | Services have been appropriately integrated into the building design to minimise visual impacts.  The substation along Beinda Street is surrounded by landscaping to reduce its visual prominence. | Yes |
| **Objective 3D-3**  Communal open space is designed to maximise safety. | Communal open space and the public domain should be readily visible from habitable rooms and private open space areas while maintaining visual privacy. Design solutions may include:   * bay windows * corner windows * balconies | The building design incorporates windows, terraces and balconies that overlook the public domain and communal open space areas whilst still maintaining privacy to individual apartments. | Yes |
| Communal open space should be well lit. | The Ground Floor Lighting Plan shows suitable lighting along pathways within the communal open space and along pedestrian walkways. | Yes |
| Where communal open space/facilities are provided for children and young people they are safe and contained. | The development provides suitable communal facilities. No specific facilities for children and young people e.g. play equipment have been provided in the development. It is noted that the subject site is within close proximity to ovals, sporting facilities and public play equipment to the north along Bolong Road. | Yes |
| **Objective 3D-4**  Public open space, where provided, is responsive to the existing pattern and uses of the neighbourhood | The public open space should be well connected with public streets along at least one edge. | Not applicable - Public open space is not proposed to be provided as part of this development. It is noted that the subject site is within close proximity to public open space including ovals, sporting facilities and public play equipment. | N/A |
| The public open space should be connected with nearby parks and other landscape elements. |
| Public open space should be linked through view lines, pedestrian desire paths, termination points and the wider street grid. |
| Solar access should be provided year-round along with protection from strong winds. |
| Opportunities for a range of recreational activities should be provided for people of all ages. |
| A positive address and active frontages should be provided adjacent to public open space. |
| Boundaries should be clearly defined between public open space and private areas. |
| **Part 3E – Deep Soil Zones** | | | |
| **Objective** | **Design Criteria or Guidance** | **Comment** | **Compliance** |
| **Objective 3E-1**  Deep soil zones provide areas on the site that allow for and support healthy plant and tree growth. They improve residential amenity and promote management of water and air quality | Deep soil zones are to meet the following minimum requirements:   |  |  |  | | --- | --- | --- | | **Site Area** | **Minimum Dimensions** | **Deep Soil Zones (% Site Area)** | | Less than 650m² | - | 7% | | 650m² - 1,500m² | 3m | | Greater than 1,500m² | 6m | | Greater than 1,500m² with significant existing tree cover | 6m | | More than 7% of the site is provided deep soil zones are provided with minimum dimensions of at least 6m. The proposal complies with design criteria 3E-1(1). | Yes |
| On some sites it may be possible to provide larger deep soil zones, depending on the site area and context:   * 10% of the site as deep soil on sites with an area of 650m2 - 1,500m2 * 15% of the site as deep soil on sites greater than 1,500m2 | Appropriate deep soil zones and landscaped areas are provided on the site. | Yes |
| Deep soil zones should be located to retain existing significant trees and to allow for the development of healthy root systems, providing anchorage and stability for mature trees. Design solutions may include:   * basement and sub-basement car park design that is consolidated beneath building footprints * use of increased front and side setbacks * adequate clearance around trees to ensure long term health * co-location with other deep soil areas on adjacent sites to create larger contiguous areas of deep soil | The proposal maintains established trees along the Beinda Street frontage and landscaping within the communal areas and along the Bolong Road frontage is suitable. | Yes |
| Achieving the design criteria may not be possible on some sites including where:   * the location and building typology have limited or no space for deep soil at ground level (e.g. central business district, constrained sites, high density areas, or in centres) * there is 100% site coverage or non-residential uses at ground floor level.   Where a proposal does not achieve deep soil requirements, acceptable stormwater management should be achieved and alternative forms of planting provided such as on structure. | Not appliable – The proposal complies with design criteria 3E-1(1). | N/A |
| **Part 3F – Visual Privacy** | | | |
| **Objectives** | **Design Criteria or Guidance** | **Comment** | **Compliance** |
| **Objective 3F-1**  Adequate building separation distances are shared equitably between neighbouring sites, to achieve reasonable levels of external and internal visual privacy | Separation between windows and balconies is provided to ensure visual privacy is achieved. Minimum required separation distances from buildings to the side and rear boundaries are as follows:   |  |  |  | | --- | --- | --- | | **Building Height** | **Habitable Rooms and Balconies** | **Non-Habitable Rooms** | | Less than 650m² | 6m | 3m | | 650m² - 1,500m² | 9m | 4.5m | | Greater than 1,500m² | 12m | 6m |   ***Note:*** *Separation distances between buildings on the same site should combine required building separations depending on the type of room (see figure 3F.2)*  *Gallery access circulation should be treated as habitable space when measuring privacy separation distances between neighbouring properties* | The proposed buildings adopt a 6m setback to the southern and western boundaries which achieves a separation of >12m to adjoining buildings at 59 Bolong Road and also 8 Beinda Street    The development provides a 12m separation distance between Building 1 and Building 2.  The proposal complies with Design Criteria 3F-1(1). | Yes |
| Generally one step in the built form as the height increases due to building separations is desirable. Additional steps should be careful not to cause a 'ziggurat' appearance. | The building design does not step the buildings in a fashion consistent with that identified in Figure 3F.3 and 3F.4 of the Apartment Design Guidelines, however the buildings do include varied roof lines stepping the building to follow the topography of the land and also orientating apartments appropriately to maximise privacy between apartments and adjoining residences. The buildings do not adopt a “ziggurat” appearance. The proposed building design and building separation distances are appropriate. | Yes |
| For residential buildings next to commercial buildings, separation distances should be measured as follows:   * for retail, office spaces and commercial balconies use the habitable room distances * for service and plant areas use the non-habitable room distances | The subject site adjoins commercial development to the north and the east. Separation distances to these adjoining commercial land uses are appropriate. | Yes |
| New development should be located and oriented to maximise visual privacy between buildings on site and for neighbouring buildings. Design solutions include:   * site layout and building orientation to minimise privacy impacts (see also section 3B Orientation) * on sloping sites, apartments on different levels have appropriate visual separation distances (see figure 3F.4) | The site layout and building orientation has been designed to minimise privacy impacts between apartments and also to neighbouring residences.  Buildings 1 and 2 have been stepped to allow for some offsetting of balcony and windows to improve privacy outcomes between the apartments. | Yes |
| Apartment buildings should have an increased separation distance of 3m (in addition to the requirements set out in design criteria 1) when adjacent to a different zone that permits lower density residential development to provide for a transition in scale and increased landscaping (figure 3F.5). | The adjoining land to the south and west is zoned R3 medium density residential which is consistent with the zoning of the subject site. | N/A |
| Direct lines of sight should be avoided for windows and balconies across corners. | Appropriate privacy measures are incorporated into the building design such as appropriate separation distances, screening, obscure glazing and offsetting balconies and windows to improve privacy and minimise/avoid direct lines of sight between apartments. | Yes |
| No separation is required between blank walls. | Noted. | Noted. |
| **Objective 3F-2**  Site and building design elements increase privacy without compromising access to light and air and balance outlook and views from habitable rooms and private open space | Communal open space, common areas and access paths should be separated from private open space and windows to apartments, particularly habitable room windows. Design solutions may include:   * setbacks * solid or partially solid balustrades to balconies at lower levels * fencing and/or trees and vegetation to separate spaces * screening devices * bay windows or pop out windows to provide privacy in one direction and outlook in another * raising apartments/private open space above the public domain or communal open space * planter boxes incorporated into walls and balustrades to increase visual separation * pergolas or shading devices to limit overlooking of lower apartments or private open space * on constrained sites where it can be demonstrated that building layout opportunities are limited, fixed louvres or screen panels to windows and/or balconies | There is appropriate separation and distinction between communal open space and private open space. | Yes |
| Bedrooms, living spaces and other habitable rooms should be separated from gallery access and other open circulation space by the apartment’s service areas. | Habitable rooms are appropriately separated from galley access and circulation space. The unit floor plans generally locate bedroom and living rooms on the opposite side to the outdoor circulation spaces / access ways, with less frequently used rooms e.g. bathrooms, laundry, kitchens closer to the unit entries. | Yes |
| Balconies and private terraces should be located in front of living rooms to increase internal privacy. | Balconies and terraces are generally located in front of living rooms to increase privacy. | Yes |
| Windows should be offset from the windows of adjacent buildings. | Windows are appropriately offset of incorporate appropriate privacy measures such as screening or obscure glazing. | Yes |
| Recessed balconies and/or vertical fins should be used between adjacent balconies. | The building incorporates balconies and building recesses too improve privacy outcomes. | Yes |
| **Part 3G – Pedestrian Access and Entries** | | | |
| **Objective** | **Design Criteria or Guidance** | **Comment** | **Compliance** |
| **Objective 3G-1**  Site and building design elements increase privacy without compromising access to light and air and balance outlook and views from habitable rooms and private open space. | Multiple entries (including communal building entries and individual ground floor entries) should be provided to activate the street edge. | The buildings incorporate multiple entries to both Beinda Street and Bolong Road. | Yes |
| Entry locations relate to the street and subdivision pattern and the existing pedestrian network. | Entry locations are appropriate. | Yes |
| Building entries should be clearly identifiable and communal entries should be clearly distinguishable from private entries. | Communal building entries from Beinda Street are identifiable and are distinguishable from private entries. | Yes |
| Where street frontage is limited and multiple buildings are located on the site, a primary street address should be provided with clear sight lines and pathways to secondary building entries. | Building entries from Beinda Street are clearly identifiable and appropriate. | Yes |
| **Objective 3G-2**  Access, entries and pathways are accessible and easy to identify. | Building access areas including lift lobbies, stairwells and hallways should be clearly visible from the public domain and communal spaces. | Building access areas are clearly visible from the public domain and communal areas. | Yes |
| The design of ground floors and underground car parks minimise level changes along pathways and entries. | The buildings respond to the natural topography of the land. Due to constraints of surface rock and flooding, at grade parking is provided resulting in some level changes to pathways and entries. Suitable ramps and lift access has been incorporated into the building design. | Yes |
| Steps and ramps should be integrated into the overall building and landscape design. | Pedestrian access ways, steps and ramps are suitably incorporated into the overall building and landscape design. | Yes |
| For large developments ‘way finding’ maps should be provided to assist visitors and residents (see figure 4T.3). | The proposed development is appropriately designed to help residents/visitors locate and way find around the site. ‘Way finding’ maps are not considered necessary for this development. | Yes |
| For large developments electronic access and audio/video intercom should be provided to manage access. | As noted in the Crime Risk / CPTED Assessment, access to the internal courtyard areas will be controlled through onsite security passes for resident use only. | Yes |
| **Objective 3G-3**  Large sites provide pedestrian links for access to streets and connection to destinations. | Pedestrian links through sites facilitate direct connections to open space, main streets, centres and public transport. | Pedestrian links to Beinda Street and the footpath network are appropriately incorporated into the design. | Yes |
| Pedestrian links should be direct, have clear sight lines, be overlooked by habitable rooms or private open spaces of dwellings, be well lit and contain active uses, where appropriate. | Pedestrian links are appropriately designed and well lit and encourage passive surveillance opportunities. | Yes |
| **Part 3H – Vehicle Access** | | | |
| **Objective** | **Design Criteria or Guidance** | **Comment** | **Compliance** |
| **Objective 3H-1**  Vehicle access points are designed and located to achieve safety, minimise conflicts between pedestrians and vehicles and create high quality streetscapes. | Car park access should be integrated with the building’s overall facade. Design solutions may include:   * the materials and colour palette to minimise visibility from the street * security doors or gates at entries that minimise voids in the façade * where doors are not provided, the visible interior reflects the facade design and the building services, pipes and ducts are concealed | Car parking areas are appropriately integrated into the building’s overall facades. The design minimises blank walls and wraps ground floor apartments and other spaces around the car park exterior to minimise its visual prominence. | Yes |
| Car park entries should be located behind the building line. | Car park entries are recessed behind the building line and other landscape and pathway elements. | Yes |
| Vehicle entries should be located at the lowest point of the site minimising ramp lengths, excavation and impacts on the building form and layout. | Vehicle entry points are suitably located and the design responds to the natural topography of the land. | Yes |
| Car park entry and access should be located on secondary streets or lanes where available. | Car park entries are suitably located off Beinda Street. | Yes |
| Vehicle standing areas that increase driveway width and encroach into setbacks should be avoided. | Vehicle access points are limited to ramp access to the parking area. | Yes |
| Access point locations should avoid headlight glare to habitable rooms. | Vehicle access points adjoin ground floor service areas. The first floor apartments above the vehicle entry points include a balcony area with solid balustrades and other solid materials on the northern façade which will assist in minimising glare impacts for vehicles. | Yes |
| Adequate separation distances should be provided between vehicle entries and street intersections. | Adequate separation is provided between vehicle entry points and street intersections. | Yes |
| The width and number of vehicle access points should be limited to the minimum. | Vehicle access points are limited to one per building and are of an appropriate width. | Yes |
| Visual impact of long driveways should be minimised through changing alignments and screen planting. | Driveways and vehicle access has been appropriately incorporated into the building design and does not result in adverse amenity outcomes. | Yes |
| The need for large vehicles to enter or turn around within the site should be avoided. | Vehicle manoeuvring within the site is appropriate.  Waste collection is from Beinda Street which avoids the need for larger waste vehicles to enter the site. | Yes |
| Garbage collection, loading and servicing areas are screened. | Garbage collection points are from Beinda Street road reserve. Garbage collection will be coordinated through a private waste collector which is considered appropriate.  Garbage storage and servicing areas are located on the ground floor and appropriately screened. | Yes |
| Clear sight lines should be provided at pedestrian and vehicle crossings. | Sight lines are appropriate. | Yes |
| Traffic calming devices such as changes in paving material or textures should be used where appropriate. | The development design assists in traffic calming through the design, landscaping, and the through retaining walls and other built elements at vehicle entry points. | Yes |
| Pedestrian and vehicle access should be separated and distinguishable. Design solutions may include:   * changes in surface materials * level changes * the use of landscaping for separation | Pedestrian and vehicle access points are separated and clearly distinguishable through the use of landscaping and changes in ground surface materials. | Yes |
| **Part 3J - Bicycle and Car Parking** | | | |
| **Objective** | **Design Criteria or Guidance** | **Comment** | **Compliance** |
| **Objective 3J-1**  Car parking is provided based on proximity to public transport in metropolitan Sydney and centres in regional areas. | For development in the following locations:   * on sites that are within 800 metres of a railway station or light rail stop in the Sydney Metropolitan Area; or * on land zoned, and sites within 400 metres of land zoned, B3 Commercial Core, B4 Mixed Use or equivalent in a nominated regional centre   The minimum car parking requirement for residents and visitors is set out in the Guide to Traffic Generating Developments, or the car parking requirement prescribed by the relevant council, whichever is less.  The car parking needs for a development must be provided off street. | Parking for the proposed development is considered appropriate.  Parking requirements are set by Chapter G21 of Shoalhaven DCP 2014 and this has been considered in Part 7 of this report. | Yes |
| Where a car share scheme operates locally, provide car share parking spaces within the development. Car share spaces, when provided, should be on site. | Not applicable – car share schemes are not widely present in the Shoalhaven local government area. | N/A |
| Where less car parking is provided in a development, council should not provide on street resident parking permits. | Noted. | Yes |
| **Objective 3J-2**  Parking and facilities are provided for other modes of transport. | Conveniently located and sufficient numbers of parking spaces should be provided for motorbikes and scooters. | The development provides 1 motorbike/scooter parking space in the car park in Building 2. | Yes |
| Secure undercover bicycle parking should be provided that is easily accessible from both the public domain and common areas. | The development provides 32 bicycle parking spaces in the car parks. As noted in the Trasport Impact Assessment, there are also 14 storage cages which are suitable to store bicycles. | Yes |
| Conveniently located charging stations are provided for electric vehicles, where desirable. | As noted in the Apartment Design Guide Assessment Report, allowance for future electric car charging is provided. | Yes |
| **Objective 3J-3**  Car park design and access is safe and secure. | Supporting facilities within car parks, including garbage, plant and switch rooms, storage areas and car wash bays can be accessed without crossing car parking spaces. | Service areas can be appropriately accessed without crossing car parking spaces. | Yes |
| Direct, clearly visible and well-lit access should be provided into common circulation areas. | Access from the car parking area to common circulation areas is appropriate. | Yes |
| A clearly defined and visible lobby or waiting area should be provided to lifts and stairs. | The buildings incorporate appropriate lobby areas. There is an undercover roof area in front of the lift. | Yes |
| For larger car parks, safe pedestrian access should be clearly defined and circulation areas have good lighting, colour, line marking and/or bollards. | Pedestrian access through the car park area is considered appropriate. | Yes |
| **Objective 3J-4**  Visual and environmental impacts of underground car parking are minimised. | Excavation should be minimised through efficient car park layouts and ramp design. | The site is constrained by surface rock and flooding constraints. As such the development has been designed with an at grade car park and to step the development to follow the natural topography of the land and minimise excavation. | Yes |
| Car parking layout should be well organised, using a logical, efficient structural grid and double loaded aisles. | The car parking layout is logical and well organised. | Yes |
| Protrusion of car parks should not exceed 1m above ground level. Design solutions may include stepping car park levels or using split levels on sloping sites. | The at grade car parking protrudes above the ground level due to surface rock and flooding constraints. The car park has been suitably integrated into the building design to minimise its visual prominence. | Yes |
| Natural ventilation should be provided to basement and sub-basement car parking areas. | The car parking areas provide suitably located ventilation. | Yes |
| Ventilation grills or screening devices for car parking openings should be integrated into the facade and landscape design. | Car parking ventilation is appropriately integrated into the building design. | Yes |
| **Objective 3J-5**  Visual and environmental impacts of on-grade car parking are minimised. | On-grade car parking should be avoided. | Due to surface rock and flooding constraints an at grade car park is proposed. The car parking area is wrapped by ground floor apartments and other spaces around the car park exterior to minimise its visual prominence. The car parking area has been suitably integrated into the building design and is considered appropriate in this instance. | No – at grade parking proposed and this is considered appropriate. |
| Where on-grade car parking is unavoidable, the following design solutions are used:   * parking is located on the side or rear of the lot away from the primary street frontage * cars are screened from view of streets, buildings, communal and private open space areas * safe and direct access to building entry points is provided * parking is incorporated into the landscape design of the site, by extending planting and materials into the car park space * stormwater run-off is managed appropriately from car parking surfaces * bio-swales, rain gardens or on site detention tanks are provided, where appropriate * light coloured paving materials or permeable paving systems are used and shade trees are planted between every 4-5 parking spaces to reduce increased surface temperatures from large areas of paving | At grade undercover car parking is proposed and this is considered appropriate in this instance. Car parking areas are not overly visible from the street, or from the public domain. | Yes |
| **Objective 3J-6**  Visual and environmental impacts of above ground enclosed car parking are minimised. | Exposed parking should not be located along primary street frontages. | No exposed parking is proposed. | N/A |
| Screening, landscaping and other design elements including public art should be used to integrate the above ground car parking with the facade. Design solutions may include:   * car parking that is concealed behind the facade, with windows integrated into the overall facade design (approach should be limited to developments where a larger floor plate podium is suitable at lower levels * car parking that is ‘wrapped’ with other uses, such as retail, commercial or two storey Small Office/Home Office (SOHO) units along the street frontage (see figure 3J.9) | The car parking area is wrapped by ground floor apartments and other spaces around the car park exterior to minimise its visual prominence. The design of the car parking area is appropriate. | Yes |
| Positive street address and active frontages should be provided at ground level. | The building appropriately orientates active uses toward the street. | Yes |
| **Part 4A – Solar and Daylight Access** | | | |
| **Objective** | **Design Criteria or Guidance** | **Comment** | **Compliance** |
| **Objective 4A-1**  To optimise the number of apartments receiving sunlight to habitable rooms, primary windows and private open space | 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. | Not applicable – the subject site is outside of the Sydney Metropolitan Area, and the Newcastle and Wollongong local government areas. | N/A |
| 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. | The proposed development provides 44 out of 60 apartments (73%) with a minimum 3 hours direct sunlight between 9am and 3pm on 21 June. | Yes |
| A maximum of 15% of apartments in a building receive no direct sunlight between 9 am and 3 pm at mid-winter. | 4 apartments (7%) being unit 1-109, 2-106, 2-107 & 2-108 receive no direct solar access on 21 June. | Yes |
| The design maximises north aspect and the number of single aspect south facing apartments is minimised. | The building design maximises apartments with a northerly aspect and minimises apartments with a single aspect south face. | Yes |
| Single aspect, single storey apartments should have a northerly or easterly aspect. | The buildings have been suitably designed to minimise south facing single aspect apartments. | Yes |
| Living areas are best located to the north and service areas to the south and west of apartments. | The proposal has been thoughtfully designed to locate ground floor apartments on the north and east of the building with service areas on the western and southern faces. | Yes |
| To optimise the direct sunlight to habitable rooms and balconies a number of the following design features are used:   * dual aspect apartments * shallow apartment layouts * two storey and mezzanine level apartments * bay windows | The buildings incorporate measures to improve solar access to apartments such as orientating living rooms to the north, east and west where possible, locating living rooms directly on facades with balconies adjacent, proving dual aspect apartments where appropriate, and provision of skylights for level 2 south and east facing apartments. | Yes |
| To maximise the benefit to residents of direct sunlight within living rooms and private open spaces, a minimum of 1m2 of direct sunlight, measured at 1m above floor level, is achieved for at least 15 minutes. | Appropriate solar access and levels of direct sunlight are achieved to apartments. | Yes |
| Achieving the design criteria may not be possible on some sites. This includes:   * where greater residential amenity can be achieved along a busy road or rail line by orientating the living rooms away from the noise source * on south facing sloping sites * where significant views are oriented away from the desired aspect for direct sunlight   Design drawings need to demonstrate how site constraints and orientation preclude meeting the design criteria and how the development meets the Objective. | Noted. | Noted |
| **Objective 4A-2**  Daylight access is maximised where sunlight is limited | Courtyards, skylights and high level windows (with sills of 1,500mm or greater) are used only as a secondary light source in habitable rooms. | Noted. All habitable windows have appropriate windows and solar access. | Yes |
| Where courtyards are used:   * use is restricted to kitchens, bathrooms and service areas * building services are concealed with appropriate detailing and materials to visible walls * courtyards are fully open to the sky * access is provided to the light well from a communal area for cleaning and maintenance * acoustic privacy, fire safety and minimum privacy separation distances (see section 3F Visual privacy) are achieved. | Courtyards and areas adjoining courtyards are appropriately designed. | Yes |
| Opportunities for reflected light into apartments are optimised through:   * reflective exterior surfaces on buildings opposite south facing windows * positioning windows to face other buildings or surfaces (on neighbouring sites or within the site) that will reflect light * integrating light shelves into the design * light coloured internal finishes. | Solar access to apartments is appropriate and the building design and choice of building materials is appropriate in this regard. | Yes |
| **Objective 4A-3**  Design incorporates shading and glare control, particularly for warmer months | A number of the following design features are used:   * balconies or sun shading that extend far enough to shade summer sun, but allow winter sun to penetrate living areas * shading devices such as eaves, awnings, balconies, pergolas, external louvres and planting * horizontal shading to north facing windows * vertical shading to east and particularly west facing windows * operable shading to allow adjustment and choice * high performance glass that minimises external glare off windows, with consideration given to reduced tint glass or glass with a reflectance level below 20% (reflective films are avoided). | The buildings have been designed to incorporate appropriate shading and glare control. | Yes |
| **Part 4B – Natural Ventilation** | | | |
| **Objective** | **Design Criteria or Guidance** | **Comment** | **Compliance** |
| ***Objective 4B-1***  All habitable rooms are naturally ventilated. | The building's orientation maximises capture and use of prevailing breezes for natural ventilation in habitable rooms. | The buildings have been designed to maximise natural ventilation. The design incorporating the central courtyards allows for suitable cross ventilation to the majority of units. | Yes |
| Depths of habitable rooms support natural ventilation. | Habitable room depths are appropriate. | Yes |
| The area of unobstructed window openings should be equal to at least 5% of the floor area served. | The area of unobstructed window openings exceeds 5% of the floor area served. | Yes |
| Light wells are not the primary air source for habitable rooms. | All units have ventilation access to the external of the building and do not rely on light wells for a primary air source. | Yes |
| Doors and openable windows maximise natural ventilation opportunities by using the following design solutions:   * adjustable windows with large effective openable areas * a variety of window types that provide safety and flexibility such as awnings and louvres * windows which the occupants can reconfigure to funnel breezes into the apartment such as vertical louvres, casement windows and externally opening doors. | A variety of window types are employed, including glass louvres that maximise the effective openable area for ventilation, whilst providing safety, even with low sills, and allowing occupants to reconfigure windows to funnel breezes. | Yes |
| **Objective 4B-2**  The layout and design of single aspect apartments maximises natural ventilation | Apartment depths are limited to maximise ventilation and airflow (see also figure 4D.3). | The number of single aspect apartments is limited to the ground floor apartments 1-G01, 1-G03, 2-G02 & 2-G03. These apartments adopt an open plan living layout locating the kitchen and other non-habitable, non-living rooms farthest away from the window opening areas and locating the habitable living areas closer to window openings.  Although some of these apartment depths are >8m, use of cut back balcony areas reduces the overall depth of the apartment and improves light, ventilation and airflow through the apartments. | No – Apartments 1-G01, 1-G03, 2-G02 & 2-G03 do not strictly comply with figure 4D.3 which limits the depth of apartments to 8m. Appropriate measures have been incorporated into the apartment designs to improve light, ventilation and airflow. |
| Natural ventilation to single aspect apartments is achieved with the following design solutions:   * primary windows are augmented with plenums and light wells (generally not suitable for cross ventilation) * stack effect ventilation / solar chimneys or similar to naturally ventilate internal building areas or rooms such as bathrooms and laundries * courtyards or building indentations have a width to depth ratio of 2:1 or 3:1 to ensure effective air circulation and avoid trapped smells. | Single aspect apartments are limited to ground floor apartments 1-G01, 1-G03, 2-G02 & 2-G03 and appropriate measures have been incorporated into the apartment designs to improve light, ventilation and airflow.  Courtyard areas are appropriately sized to ensure effective air circulation. | Yes |
| **Objective 4B-3**  The number of apartments with natural cross ventilation is maximised to create a comfortable indoor environment for residents | 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. | 95% of apartments are naturally cross ventilated. | Yes |
| Overall depth of a cross-over or cross-through apartment does not exceed 18m, measured glass line to glass line. | Complies. | Yes |
| The building should include dual aspect apartments, cross through apartments and corner apartments and limit apartment depths. | The building designs and incorporating the internal courtyard area has maximised opportunities for dual aspect and corner apartments. | Yes |
| In cross-through apartments external window and door opening sizes/areas on one side of an apartment (inlet side) are approximately equal to the external window and door opening sizes/areas on the other side of the apartment (outlet side) (see figure 4B.3). | Apartment designs incorporate appropriately sized inlets and outlets to assist with cross ventilation. | Yes |
| Apartments are designed to minimise the number of corners, doors and rooms that might obstruct airflow. | Apartments have generally been designed with an open plan layout and minimising obstructions to airflow. | Yes |
| Apartment depths, combined with appropriate ceiling heights, maximise cross ventilation and airflow. | Apartment depths and ceiling heights are appropriate to maximise ventilation and airflow. Where apartments are limited to single aspects, measures such as stepped in balconies have been utilised to decrease distances of rooms to an outdoor area. | Yes |
| **Part 4C – Ceiling Heights** | | | |
| **Objective** | **Design Criteria or Guidance** | **Comment** | **Compliance** |
| **Objective 4C-1**  Ceiling height achieves sufficient natural ventilation and daylight access | Measured from finished floor level to finished ceiling  level, minimum ceiling heights are:   |  |  | | --- | --- | | **Minimum Ceiling Height for Apartment and Mixed-use Buildings** | | | Habitable rooms | 2.7m | | Non-habitable | 2.4m | | For 2 storey apartments | 2.7m for main living area floor  2.4 for second floor, where its area does not exceed 50% of the apartment area. | | Attic Spaces | 1.8m at edge of room with a 30 degree minimum ceiling slope. | | If located in mixed use areas | 3.3m from ground and first floor to promote future flexibility. |   These minimums do not preclude higher ceilings if desired. | All apartment floor to ceiling heights are >2.7m, with the exception of bedrooms to the upper levels of the 2 storey dual aspect apartments which are provided with 2.4m high ceilings. This is consistent with the ADG objectives for 2 storey apartments. | Yes |
| Ceiling height can accommodate use of ceiling fans for cooling and heat distribution. | The apartments provide suitable bulkhead area for services. The ceiling heights can allow for ceiling fans. | Yes |
| **Objective 4C-2**  Ceiling height increases the sense of space in apartments and provides for well-proportioned rooms | A number of the following design solutions can be used:   * the hierarchy of rooms in an apartment is defined using changes in ceiling heights and alternatives such as raked or curved ceilings, or double height spaces * well proportioned rooms are provided, for example, smaller rooms feel larger and more spacious with higher ceilings * ceiling heights are maximised in habitable rooms by ensuring that bulkheads do not intrude. The stacking of service rooms from floor to floor and coordination of bulkhead location above non-habitable areas, such as robes or storage, can assist. | Ceiling heights are appropriate and well proportioned and allow suitable bulk head areas for provision of services and infrastructure. | Yes |
| **Objective 4C-3**  Ceiling heights contribute to the flexibility of building use over the life of the building | Ceiling heights of lower level apartments in centres should be greater than the minimum required by the design criteria allowing flexibility and conversion to non-residential uses (see figure 4C.1). | The buildings are not designed for mixed use and will comprise residential uses only. Ceiling heights for the apartments are appropriate. | Yes |
| **Part 4D – Apartment size and layout** | | | |
| **Objective** | **Design Criteria or Guidance** | **Comment** | **Compliance** |
| **Objective 4D-1**  The layout of rooms within an apartment is functional, well organised and provides a high standard of amenity | Apartments are required to have the following minimum internal areas:   |  |  | | --- | --- | | **Apartment Type** | **Minimum Internal Area** | | Studio | 35m² | | 1 bedroom | 50m² | | 2 bedroom | 70m² | | 3 bedroom | 90m² |   The minimum internal areas include only one bathroom. Additional bathrooms increase the minimum internal area by 5m² each.  A fourth bedroom and further additional bedrooms increase the minimum internal area by 12m² each. | All apartments comply with the minimum internal areas set by Design Criteria 4D-1(1). | Yes |
| Every habitable room must have a window in an external wall with a total minimum glass area of not less than 10% of the floor area of the room. Daylight and air may not be borrowed from other rooms. | All habitable rooms include an appropriately sized window / glass door area.  Studio apartments are appropriately designed to allow for light and air to penetrate the whole of the apartment and provide light and ventilation through the balcony door opening and the front translucent doorway. | Yes |
| Kitchens should not be located as part of the main circulation space in larger apartments (such as hallway or entry space). | Kitchens are appropriately designed and located. | Yes |
| A window should be visible from any point in a habitable room. | Windows are appropriately located and are visible. | Yes |
| Where minimum areas or room dimensions are not met apartments need to demonstrate that they are well designed and demonstrate the usability and functionality of the space with realistically scaled furniture layouts and circulation areas. These circumstances would be assessed on their merits. | Minimum areas and room dimensions are adequate. | Yes |
| **Objective 4D-2**  Environmental performance of the apartment is maximised | Habitable room depths are limited to a maximum of 2.5 x the ceiling height. | Ceiling heights to habitable rooms are generally 2.7m. Due to the open plan style of the apartments some apartments exceed a depth of 6.75m (2.7m x 2.5 = 6.75m).  The proposed apartment/room depths generally are limited to a maximum 9.35m. By providing dual aspect apartments and windows/glazed areas despite the increased apartment depth, appropriate light, ventilation and airflow is achieved. Despite non-compliance with Design Criteria 4D-1(1), the building and apartment design is consistent with Design Criteria 4D-1(2). | No - Despite non-compliance with Design Criteria 4D-1(1), the building and apartment design is consistent with Design Criteria 4D-1(2). |
| In open plan layouts (where the living, dining and kitchen are combined) the maximum habitable room depth is 8m from a window. | Where apartments do not comply with the habitable room depths set out in Design Criteria 4D-1(1), the apartment design ensures that all parts of the habitable rooms are within 8m from a window or translucent glazed door. | Yes |
| Greater than minimum ceiling heights can allow for proportional increases in room depth up to the permitted maximum depths. | Noted. | Noted |
| All living areas and bedrooms should be located on the external face of the building. | All living areas and bedrooms are appropriately located on the external face of the buildings. | Yes |
| Where possible:   * bathrooms and laundries should have an external openable window * main living spaces should be oriented toward the primary outlook and aspect and away from noise sources | Living spaces are appropriately located and orientated.  Where practicable, bathrooms and laundry areas are located to have an external openable window. Where this cannot be achieved appropriate mechanical ventilation is provided. | Yes |
| **Objective 4D-3**  Apartment layouts are designed to accommodate a variety of household activities and needs | Master bedrooms have a minimum area of 10m² and other bedrooms 9m² (excluding wardrobe space). | Bedrooms are appropriately sized and comply with the minimum area requirements set by Design Criteria 4D-3(1). | Yes |
| Bedrooms have a minimum dimension of 3m (excluding wardrobe space). | Bedrooms adopt appropriate dimensions and comply with the dimension requirements set by Design Criteria 4D-3(2). | Yes |
| Living rooms or combined living/dining rooms have a minimum width of:   * 3.6m for studio and 1 bedroom apartments * 4m for 2 and 3 bedroom apartments | Living rooms adopt appropriate dimensions and comply with the dimension requirements set by Design Criteria 4D-3(3). | Yes |
| The width of cross-over or cross-through apartments are at least 4m internally to avoid deep narrow apartment layouts. | Cross-over and cross-through apartments are appropriately sized and dimensioned, and comply with the dimension requirements set by Design Criteria 4D-3(4). | Yes |
| Access to bedrooms, bathrooms and laundries is separated from living areas minimising direct openings between living and service areas. | Apartments adopt appropriate and functional layouts. | Yes |
| All bedrooms allow a minimum length of 1.5m for robes. | At least 1.5m of robe space is provided in all bedrooms. | Yes |
| The main bedroom of an apartment or a studio apartment should be provided with a wardrobe of a minimum 1.8m long, 0.6m deep and 2.1m high. | Appropriately sized wardrobes are provided in main bedrooms and studio apartments. | Yes |
| Apartment layouts allow flexibility over time, design solutions may include:   * dimensions that facilitate a variety of furniture arrangements and removal * spaces for a range of activities and privacy levels between different spaces within the apartment * dual master apartments * dual key apartments   ***Note:*** *dual key apartments which are separate but on the same title are regarded as two sole occupancy units for the purposes of the Building Code of Australia and for calculating the mix of apartments*   * room sizes and proportions or open plans (rectangular spaces (2:3) are more easily furnished than square spaces (1:1)) * efficient planning of circulation by stairs, corridors and through rooms to maximise the amount of usable floor space in rooms. | The apartments adopt an open plan style layout which allows for a variety of furniture arrangements. The apartment layouts are functional and provide for various lifestyle needs. | Yes |
| **Part 4E – Private Open Space and Balconies** | | | |
| **Objective** | **Design Criteria or Guidance** | **Comment** | **Compliance** |
| **Objective 4E-1**  Apartments provide appropriately sized private open space and balconies to enhance residential amenity | All apartments are required to have primary balconies as follows:   |  |  |  | | --- | --- | --- | | **Dwelling Type** | **Minimum Area** | **Minimum Depth** | | Studio | 4m² | - | | 1 bedroom apartments | 8m² | 2m | | 2 bedroom apartments | 10m² | 2m | | 3 bedroom apartments | 12m² | 2.4m |   The minimum balcony depth to be counted as contributing to the balcony area is 1m | Appropriately sized balconies are provided to all upper-level apartments. The proposal generally complies with the balcony dimension requirements set by Design Criteria 4E-1(1).  Juliette balconies are provided to two studio apartments facing Bolong Rd. Juliette balconies have an area of 3m². 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. | Generally Complies  Minor variation to studio apartments. |
| For apartments at ground level or on a podium or similar structure, a private open space is provided instead of a balcony. It must have a minimum area of 15m² and a minimum depth of 3m. | Appropriately sized courtyards are provided to all ground floor apartments. The proposal complies with the balcony dimension requirements set by Design Criteria 4E-1(1). | Yes |
| Increased communal open space should be provided where the number or size of balconies are reduced. | Appropriate communal open space is provided for the development. | Yes |
| Storage areas on balconies is additional to the minimum balcony size. | The proposal does not include balcony storage areas. | Yes |
| Balcony use may be limited in some proposals by:   * consistently high wind speeds at 10 storeys and above * close proximity to road, rail or other noise sources * exposure to significant levels of aircraft noise * heritage and adaptive reuse of existing buildings   In these situations, juliet balconies, operable walls, enclosed wintergardens or bay windows may be appropriate, and other amenity benefits for occupants should also be provided in the apartments or in the development or both. Natural ventilation also needs to be demonstrated. | Noted. | Noted |
| **Objective 4E-2**  Primary private open space and balconies are appropriately located to enhance liveability for residents. | Primary open space and balconies should be located adjacent to the living room, dining room or kitchen to extend the living space. | Open space and balconies are appropriately located adjacent to living spaces. | Yes |
| Private open spaces and balconies predominantly face north, east or west. | Where possible balconies are orientated to the north, east and west. South facing balconies are limited to apartments where no other aspect is achievable. | Yes |
| Primary open space and balconies should be orientated with the longer side facing outwards or be open to the sky to optimise daylight access into adjacent rooms. | Balconies are appropriately sized, dimensioned and orientated to maximise opportunities for solar access to the apartments. | Yes |
| **Objective 4E-3**  Private open space and balcony design is integrated into and contributes to the overall architectural form and detail of the building. | Solid, partially solid or transparent fences and balustrades are selected to respond to the location. They are designed to allow views and passive surveillance of the street while maintaining visual privacy and allowing for a range of uses on the balcony. Solid and partially solid balustrades are preferred. | Balustrades are appropriately designed and incorporate appropriate materials to achieve a balance of passive surveillance and solar access whilst also maintaining privacy to other apartments and adjoining residences. | Yes |
| Full width full height glass balustrades alone are generally not desirable. | Glass balustrades are avoided in the building designs. | Yes |
| Projecting balconies should be integrated into the building design and the design of soffits considered. | Balconies are appropriately integrated into the overall building design with minimal projecting balcony areas. | Yes |
| Operable screens, shutters, hoods and pergolas are used to control sunlight and wind. | Operable screens and louvres have been incorporated into the building design. | Yes |
| Balustrades are set back from the building or balcony edge where overlooking or safety is an issue | Balustrade are appropriately incorporated into the building design. | Yes |
| Downpipes and balcony drainage are integrated with the overall facade and building design. | Downpipes and drainage are appropriately integrated into the building design and building façade. | Yes |
| Air-conditioning units should be located on roofs, in basements, or fully integrated into the building design. | Air-conditioning units are located within the balcony areas for each apartment. These would not be overly visible from the public domain and is considered appropriate. | Yes |
| Where clothes drying, storage or air conditioning units are located on balconies, they should be screened and integrated in the building design. | The buildings have been appropriately designed to locate air conditioning units areas on balconies. Solid balustrades and other screening will assist in reducing the visual prominence of this infrastructure and this is considered adequate. | Yes |
| Ceilings of apartments below terraces should be insulated to avoid heat loss. | Terraces on upper floors are not provided. | Yes |
| Water and gas outlets should be provided for primary balconies and private open space. | Balconies are appropriately sized and dimensioned to provide for outdoor recreational uses and provide adequate private open space. | Yes |
| **Objective 4E-4**  Private open space and balcony design maximises safety | Changes in ground levels or landscaping are minimised. | The buildings step down to follow the natural topography of the land. The retention of large trees along the Beinda Street frontage also assists in integrating the development into the surrounding area. | Yes |
| Design and detailing of balconies avoids opportunities for climbing and falls. | Balconies are appropriately designed and avoid a built form that contributes to potential climbing and falls. Appropriate balustrades are provided to balcony areas. | Yes |
| **Part 4F- Common Circulation and Spaces** | | | |
| **Objective** | **Design Criteria or Guidance** | **Comment** | **Compliance** |
| **Objective 4F-1**  Common circulation spaces achieve good amenity and properly service the number of apartments | The maximum number of apartments off a circulation core on a single level is eight. | The circulation core for Building 1 serves 13 apartments on level 1 and 15 apartments on level 2.  The circulation core for Building 2 serves 12 apartments on level 1 and 14 apartments on level 2.  Despite non-compliance with Design Criteria 4F-1(1), the building design is appropriate as the central courtyard of each building is of an appropriate size so as to provide adequate circulation for occupants without feeling crowded. Each level of the buildings is also serviced by multiple stairways/lifts to provide different paths of travel to various parts of the building. | No – The design of the central courtyards is appropriate to service the number of apartments. |
| For buildings of 10 storeys and over, the maximum number of apartments sharing a single lift is 40. | Not applicable. | N/A |
| Greater than minimum requirements for corridor widths and/ or ceiling heights allow comfortable movement and access particularly in entry lobbies, outside lifts and at apartment entry doors. | Corridors and circulation spaces are appropriately designed, sized and dimensioned. | Yes |
| Daylight and natural ventilation should be provided to all common circulation spaces that are above ground. | The central courtyard areas are open to the sky to provide daylight and natural ventilation. | Yes |
| Windows should be provided in common circulation spaces and should be adjacent to the stair or lift core or at the ends of corridors. | Appropriate openings from the central courtyards are provided in the stairways and foyer areas toward the external facades of the buildings. | Yes |
| Longer corridors greater than 12m in length from the lift core should be articulated. Design solutions may include:   * a series of foyer areas with windows and spaces for seating * wider areas at apartment entry doors and varied ceiling heights | Circulation areas include opportunities for seating and appropriate variations and articulations, voids and landscaping to provide points of interest. | Yes |
| Design common circulation spaces to maximise opportunities for dual aspect apartments, including multiple core apartment buildings and cross over apartments. | The central courtyards provide opportunities to provide dual aspect and cross-through apartments. | Yes |
| Achieving the design criteria for the number of apartments off a circulation core may not be possible. Where a development is unable to achieve the design criteria, a high level of amenity for common lobbies, corridors and apartments should be demonstrated, including:   * sunlight and natural cross ventilation in apartments * access to ample daylight and natural ventilation in common circulation spaces * common areas for seating and gathering * generous corridors with greater than minimum ceiling heights * other innovative design solutions that provide high levels of amenity | The building does not comply with Design Criteria 4F-1(1). Appropriate measures such as provision of large central courtyards with points of visual interest, appropriate seating opportunities and multiple paths of travel to access apartments have been incorporated into the design to improve overall amenity. | Yes |
| Where design criteria 1 is not achieved, no more than 12 apartments should be provided off a circulation core on a single level. | The circulation core for Building 1 serves 13 apartments on level 1 and 15 apartments on level 2.  The circulation core for Building 2 serves 12 apartments on level 1 and 14 apartments on level 2.  This is considered appropriate in this instance as appropriate measures have been incorporated into the building designs to improve overall amenity. | No – despite servicing more than 12 apartments on each level, the building and common circulation spaces have been appropriately designed and are considered acceptable. |
| Primary living room or bedroom windows should not open directly onto common circulation spaces, whether open or enclosed. Visual and acoustic privacy from common circulation spaces to any other rooms should be carefully controlled. | Window openings from bedrooms and living rooms into the common circulation areas are avoided.  Appropriate privacy measures are incorporated into the apartment design such as privacy screens / landscaping and stepped back window openings improve privacy to residences. | Yes |
| **Objective 4F-2**  Common circulation spaces promote safety and provide for social interaction between residents | Direct and legible access should be provided between vertical circulation points and apartment entries by minimising corridor or gallery length to give short, straight, clear sight lines. | Appropriate sight lines are provided from circulation spaces to apartment entrances. Apartment entrances are direct and clearly legible. | Yes |
| Tight corners and spaces are avoided. | The building design avoids tight spaces in common circulation areas. | Yes |
| Circulation spaces should be well lit at night. | Appropriate lighting will be provided with common circulation areas. | Yes |
| Legible signage should be provided for apartment numbers, common areas and general wayfinding. | Legible signage and wayfinding will be provided. | Yes |
| Incidental spaces, for example space for seating in a corridor, at a stair landing, or near a window are provided. | Incidental spaces and opportunities for social interactions are provided. | Yes |
| In larger developments, community rooms for activities such as owners corporation meetings or resident use should be provided and are ideally co-located with communal open space. | A communal area is appropriately provided in Building 2. There are appropriate common open space areas provided in the design. | Yes |
| Where external galleries are provided, they are more open than closed above the balustrade along their length. | Galleries within each of the central courtyard areas are appropriately designed. | Yes |
| **Part 4G – Storage** | | | |
| **Objective** | **Design Criteria or Guidance** | **Comment** | **Compliance** |
| **Objective 4G-1**  Adequate, well designed storage is provided in each apartment | In addition to storage in kitchens, bathrooms and bedrooms, the following storage is provided:   |  |  | | --- | --- | | **Dwelling Type** | **Minimum Area** | | Studio apartments | 4m³ | | 1 bedroom apartments | 6m³ | | 2 bedroom apartments | 8m³ | | 3+ bedroom apartments | 10m³ |   At least 50% of the required storage is to be located within the apartment. | Appropriate storage is provided within all units in accordance with the requirements set out in Design Criteria 4G-1(1). | Yes |
| Storage is accessible from either circulation or living areas. | Storage areas are appropriately located and incorporated into the apartment layouts. | Yes |
| Storage provided on balconies (in addition to the minimum balcony size) is integrated into the balcony design, weather-proof and screened from view from the street. | No storage is provided on balcony areas.  Where 100% of storage requirements is not provided within the apartment, additional storage is provided within storage cages located within the car parking area. | Yes |
| Left over space such as under stairs is used for storage. | Under stair storage could be provided where possible. | Yes |
| **Objective 4G-2**  Additional storage is conveniently located, accessible and nominated for individual apartments | Storage not located in apartments is secure and clearly allocated to specific apartments. | Where 100% of storage requirements is not provided within the apartment, additional storage is provided within storage cages located within the car parking area. | Yes |
| Storage is provided for larger and less frequently accessed items. | Storage areas within the car parking area are available. | Yes |
| Storage space in internal or basement car parks is provided at the rear or side of car spaces or in cages so that allocated car parking remains accessible. | Storage areas within the car parking areas are located appropriately and do not compromise vehicle manoeuvring or car parking spaces. | Yes |
| If communal storage rooms are provided they should be accessible from common circulation areas of the building. | Storage crates are accessible from the shared car parking area. | Yes |
| Storage not located in an apartment is integrated into the overall building design and is not visible from the public domain. | Storage areas are not visible from the public domain. | Yes |
| **Part 4H – Acoustic Privacy** | | | |
| **Objective** | **Design Criteria or Guidance** | **Comment** | **Compliance** |
| **Objective 4H-1**  Noise transfer is minimised through the siting of buildings and building layout | Adequate building separation is provided within the development and from neighbouring buildings/adjacent uses (see also section 2F Building separation and section 3F Visual privacy). | Adequate separation is provided between apartments and adjoining residences to maintain amenity and visual and acoustic privacy. | Yes |
| Window and door openings are generally orientated away from noise sources. | Windows and door openings are appropriately orientated to minimise noise impacts. | Yes |
| Noisy areas within buildings including building entries and corridors should be located next to or above each other and quieter areas next to or above quieter areas | The building designs stack and locate noisy areas together and quieter areas together to improve overall amenity. | Yes |
| Storage, circulation areas and non-habitable rooms should be located to buffer noise from external sources. | The buildings have been appropriately designed to buffer noise from external sources including appropriate buffers from the communal open space areas and communal car parking area. | Yes |
| The number of party walls (walls shared with other apartments) are limited and are appropriately insulated. | Shared walls are limited to directly adjoining apartments. | Yes |
| Noise sources such as garage doors, driveways, service areas, plant rooms, building services, mechanical equipment, active communal open spaces and circulation areas should be located at least 3m away from bedrooms. | The ground floor of each building has been appropriately designed to maximise separation distance between the communal car parking area and plant rooms and bedrooms. All bedrooms are located at least 3m away from building services and plant noise sources as well as active communal open spaces and communal use rooms. | Yes |
| **Objective 4H-2**  Noise impacts are mitigated within apartments through layout and acoustic treatments | Internal apartment layout separates noisy spaces from quiet spaces, using a number of the following design solutions:   * rooms with similar noise requirements are grouped together * doors separate different use zones * wardrobes in bedrooms are co-located to act as sound buffers | Apartment layouts are appropriately designed to minimise noise impacts. | Yes |
| Where physical separation cannot be achieved noise conflicts are resolved using the following design solutions:   * double or acoustic glazing * acoustic seals * use of materials with low noise penetration properties * continuous walls to ground level courtyards where they do not conflict with streetscape or other amenity requirements | The subject site is in proximity to the Greater Headed Flying Fox (GHFF) camp. Noise from this camp potentially would impact on the amenity of residents of the proposed development. The application has been supported by an Acoustic Report that considers the noise impacts affecting the proposed development and recommends appropriate noise mitigation measures.  Noise mitigation measures are considered appropriate and are included as recommended conditions of consent. | Yes |
| **Part 4J – Noise and Pollution** | | | |
| **Objective** | **Design Criteria or Guidance** | **Comment** | **Compliance** |
| **Objective 4J-1**  In noisy or hostile environments the impacts of external noise and pollution are minimised through the careful siting and  layout of buildings. | To minimise impacts the following design solutions may be used:   * physical separation between buildings and the noise or pollution source * residential uses are located perpendicular to the noise source and where possible buffered by other uses * non-residential buildings are sited to be parallel with the noise source to provide a continuous building that shields residential uses and communal open spaces * non-residential uses are located at lower levels vertically separating the residential component from the noise or pollution source. Setbacks to the underside of residential floor levels should increase relative to traffic volumes and other noise sources * buildings should respond to both solar access and noise. Where solar access is away from the noise source, non-habitable rooms can provide a buffer * where solar access is in the same direction as the noise source, dual aspect apartments with shallow building depths are preferable (see figure 4J.4) * landscape design reduces the perception of noise and acts as a filter for air pollution generated by traffic and industry | Noise mitigation measures as identified in the submitted Acoustic Report are considered appropriate to deal with noise impacts from the GHFF camp as well as other external noise impacts. | Yes |
| Achieving the design criteria in this Apartment Design Guide may not be possible in some situations due to noise and pollution. Where developments are unable to achieve the design criteria, alternatives may be considered in the following areas:   * solar and daylight access * private open space and balconies * natural cross ventilation | Noted – Where this proposal has not complied with the relevant design criteria appropriate alternative measures have been incorporated into the design to improve amenity outcomes. | Noted |
| **Objective 4J-2**  Appropriate noise shielding or attenuation techniques for  the building design, construction and choice of materials are  used to mitigate noise transmission | Design solutions to mitigate noise include:   * limiting the number and size of openings facing noise sources * providing seals to prevent noise transfer through gaps * using double or acoustic glazing, acoustic louvres or enclosed balconies (wintergardens) * using materials with mass and/or sound insulation or absorption properties e.g. solid balcony balustrades, external screens and soffits. | Noise mitigation measures as identified in the submitted Acoustic Report are considered appropriate to deal with noise impacts from the GHFF camp as well as other external noise impacts. | Yes |
| **Part 4K – Apartment Mix** | | | |
| **Objective** | **Design Criteria or Guidance** | **Comment** | **Compliance** |
| **Objective 4K-1**  A range of apartment types and sizes is provided to cater for  different household types now and into the future | A variety of apartment types is provided | The proposal provides a suitable mix of apartment types and provides affordable rental housing. | Yes |
| The apartment mix is appropriate, taking into consideration:   * the distance to public transport, employment and education centres * the current market demands and projected future demographic trends * the demand for social and affordable housing * different cultural and socioeconomic groups. | The proposed apartment mix is suitable for the locality. | Yes |
| Flexible apartment configurations are provided to support diverse household types and stages of life including single person households, families, multi-generational families and group households. | The apartment layouts are open plan and varied to support different lifestyle requirements.  Apartments 1-108, 1-208 and 2-104 are designed and capable of being converted to adaptable housing. | Yes |
| **Objective 4K-2**  The apartment mix is distributed to suitable locations within the building | Different apartment types are located to achieve successful facade composition and to optimise solar access (see figure 4K.3). | The buildings have been appropriately designed to create varied facades and optimise solar access. | Yes |
| Larger apartment types are located on the ground or roof level where there is potential for more open space and on corners where more building frontage is available. | Larger apartments are suitably located either on the ground floor or on building corners. | Yes |
| **Part 4L – Ground Floor Apartments** | | | |
| **Objective** | **Design Criteria or Guidance** | **Comment** | **Compliance** |
| **Objective 4L-1**  Street frontage activity is maximised where ground floor apartments are located | Direct street access should be provided to ground floor apartments | Street access is provided to ground floor units either directly to the street or via the common open space walkway. | Yes |
| Activity is achieved through front gardens, terraces and the facade of the building. Design solutions may include:   * both street, foyer and other common internal circulation entrances to ground floor apartments * private open space is next to the street * doors and windows face the street | The building designs appropriately activate the building frontages. | Yes |
| Retail or home office spaces should be located along street frontages | The proposal does not incorporate any retail or office components. | N/A |
| Ground floor apartment layouts support small office home office (SOHO) use to provide future opportunities for conversion into commercial or retail areas. In these cases provide higher floor to ceiling heights and ground floor amenities for easy conversion | It is not considered that retail/commercial components or other mixed use land uses would be appropriate within this development. | No – commercial and other mixed land uses are not appropriate within this development. |
| **Objective 4L-2**  Design of ground floor apartments delivers amenity and safety for residents | Privacy and safety should be provided without obstructing casual surveillance. Design solutions may include:   * elevation of private gardens and terraces above the street level by 1-1.5m (see figure 4L.4) * landscaping and private courtyards * window sill heights that minimise sight lines into apartments * integrating balustrades, safety bars or screens with the exterior design | The building designs provide opportunities for casual passive surveillance without compromising residents privacy and safety. | Yes |
| Solar access should be maximised through:   * high ceilings and tall windows * trees and shrubs that allow solar access in winter and shade in summer | The building design maximizes solar access and opportunities for dual aspect apartments to the development.  The design and landscaping provides opportunities for solar access in winter and shade in summer. | Yes |
| **Part 4M - Facades** | | | |
| **Objective** | **Design Criteria or Guidance** | **Comment** | **Compliance** |
| **Objective 4M-1**  Building facades provide visual interest along the street while  respecting the character of the local area | Design solutions for front building facades may include:   * a composition of varied building elements * a defined base, middle and top of buildings * revealing and concealing certain elements * changes in texture, material, detail and colour to modify the prominence of elements. | Building facades are appropriately designed and articulated and incorporate appropriate and varied materials. | Yes |
| Building services should be integrated within the overall façade. | Building services are appropriately integrated into the overall building design. | Yes |
| Building facades should be well resolved with an appropriate scale and proportion to the streetscape and human scale. Design solutions may include:   * well composed horizontal and vertical elements * variation in floor heights to enhance the human scale * elements that are proportional and arranged in patterns * public artwork or treatments to exterior blank walls * grouping of floors or elements such as balconies and windows on taller buildings. | The building design and facades are of an appropriate scale and proportion and do not feel oppressive. | Yes |
| Building facades relate to key datum lines of adjacent buildings through upper level setbacks, parapets, cornices, awnings or colonnade heights. | The building is compatible with the existing streetscape and consistent with the desired future character of the area. | Yes |
| Shadow is created on the facade throughout the day with building articulation, balconies and deeper window reveals. | Appropriate articulation and texture is integrated into the building design to provide visual interest and shadowing. | Yes |
| **Objective 4M-2**  Building functions are expressed by the facade | Building entries should be clearly defined. | The entries to each building are clearly legible and defined. | Yes |
| Important corners are given visual prominence through a change in articulation, materials or colour, roof expression or changes in height. | The building design responds to the character of the locality and is consistent with the desired character of the area. | Yes |
| The apartment layout should be expressed externally through facade features such as party walls and floor slabs. | The buildings appropriately express the apartment layout in its external façade. | Yes |
| **Part 4N – Roof Design** | | | |
| **Objective** | **Design Criteria or Guidance** | **Comment** | **Compliance** |
| **Objective 4N-1**  Roof treatments are integrated into the building design and positively respond to the street | Roof design relates to the street. Design solutions may include:   * special roof features and strong corners * use of skillion or very low pitch hipped roofs * breaking down the massing of the roof by using smaller elements to avoid bulk * using materials or a pitched form complementary to adjacent buildings. | Building rooflines are varied and well designed, stepping down the buildings to follow the natural topography. Broken and stepped down roof lines assist in minimising the visual prominence of the roof. | Yes |
| Roof treatments should be integrated with the building design. Design solutions may include:   * roof design proportionate to the overall building size, scale and form * roof materials compliment the building * service elements are integrated. | The roof design and materials is appropriate and integrates with the overall building design. | Yes |
| **Objective 4N-2**  Opportunities to use roof space for residential accommodation and open space are maximised | Habitable roof space should be provided with good levels of amenity. Design solutions may include:   * penthouse apartments * dormer or clerestory windows * openable skylights. | The uppermost storey of the buildings provide additional habitable areas with good levels of amenity to the respective apartments. | Yes |
| Open space is provided on roof tops subject to acceptable visual and acoustic privacy, comfort levels, safety and security considerations. | No open space is proposed to be provided on the roof top level. | N/A |
| **Objective 4N-3**  Roof design incorporates sustainability features | Roof design maximises solar access to apartments during winter and provides shade during summer. Design solutions may include:   * the roof lifts to the north * eaves and overhangs shade walls and windows from summer sun. | The roof designs and provision of internal courtyard area maximises solar access to apartments and increases opportunities for dual aspect apartments. | Yes |
| Skylights and ventilation systems should be integrated into the roof design. | Skylights and ventilation have been incorporated into the roof design where appropriate. | Yes |
| **Part 4O – Landscape Design** | | | |
| **Objective** | **Design Criteria or Guidance** | **Comment** | **Compliance** |
| **Objective 4O-1**  Landscape design is viable and sustainable | Landscape design should be environmentally sustainable and can enhance environmental performance by incorporating:   * diverse and appropriate planting * bio-filtration gardens * appropriately planted shading trees * areas for residents to plant vegetables and herbs * composting * green roofs or walls. | Proposed landscaping is appropriate for the development and integrates well with the building design, private open space areas and common open space to provide for a variety of uses. | Yes |
| Ongoing maintenance plans should be prepared. | The building and landscaping will be managed by the building manager. | Yes |
| Microclimate is enhanced by:   * appropriately scaled trees near the eastern and western elevations for shade * a balance of evergreen and deciduous trees to provide shading in summer and sunlight access in winter * shade structures such as pergolas for balconies and courtyards. | Proposed landscaping is appropriate and will assist in providing comfortable and usable spaces. | Yes |
| Tree and shrub selection considers size at maturity and the potential for roots to compete (see Table 4). | The size of plantings at maturity is appropriate for the site. | Yes |
| **Objective 4O-2**  Landscape design contributes to the streetscape and  amenity | Landscape design responds to the existing site conditions including:   * changes of levels * views * significant landscape features including trees and rock outcrops. | Landscaping is appropriate and responds to the building design as well as the natural features and topography of the site.  The retention of existing established trees along Beinda Street will assist in softening and integrating the development into the streetscape. | Yes |
| Significant landscape features should be protected by:   * tree protection zones (see figure 4O.5) * appropriate signage and fencing during construction. | Large established trees along Beinda Street are to be retained and will be appropriately protected. | Yes |
| Plants selected should be endemic to the region and reflect the local ecology. | Native trees and vegetation have been incorporated into the landscaping design. | Yes |
| **Part 4P – Planting on Structures** | | | |
| **Objective** | **Design Criteria or Guidance** | **Comment** | **Compliance** |
|  | Structures are reinforced for additional saturated soil weight. | Not applicable - Planting on structures is not proposed in this development. | N/A |
| Soil volume is appropriate for plant growth, considerations include:   * modifying depths and widths according to the planting mix and irrigation frequency * free draining and long soil life span * tree anchorage. | Not applicable - Planting on structures is not proposed in this development. | N/A |
| Minimum soil standards for plant sizes should be provided in accordance with Table 5. | Not applicable - Planting on structures is not proposed in this development. | N/A |
|  | Plants are suited to site conditions, considerations include:   * drought and wind tolerance * seasonal changes in solar access * modified substrate depths for a diverse range of plants * plant longevity. | Not applicable - Planting on structures is not proposed in this development. | N/A |
| A landscape maintenance plan is prepared. | Not applicable - Planting on structures is not proposed in this development. | N/A |
| Irrigation and drainage systems respond to:   * changing site conditions * soil profile and the planting regime * whether rainwater, stormwater or recycled grey water is used. | Not applicable - Planting on structures is not proposed in this development. | N/A |
|  | Building design incorporates opportunities for planting on structures. Design solutions may include:   * green walls with specialised lighting for indoor green walls * wall design that incorporates planting * green roofs, particularly where roofs are visible from the public domain * planter boxes   ***Note:*** *structures designed to accommodate green walls should be integrated into the building facade and consider the ability of the facade to change over time.* | Not applicable - Planting on structures is not proposed in this development. | N/A |
| **Part 4Q – Universal Design** | | | |
| **Objective** | **Design Criteria or Guidance** | **Comment** | **Compliance** |
| **Objective 4Q-1**  Universal design features are included in apartment design to promote flexible housing for all community members | Developments achieve a benchmark of 20% of the total apartments incorporating the Livable Housing Guideline's silver level universal design features. | The submitted dwelling plans and architectural plans demonstrate that 46 of 60 apartments (75%) of apartments are designed to a Silver Level standard.   |  |  |  | | --- | --- | --- | |  | **Design Features Elements** | **Compliance to >20% of apartments** | | **1** | A safe continuous and step free path of travel from the street entrance and / or parking area to a dwelling entrance that is level | Yes – The buildings are appropriately serviced by ramps and lifts allowing for a safe continuous, step-free pathway from the street entrance to the dwelling entrance.. | | **2** | At least one, level (step-free) entrance into the dwelling. | Yes – Step-free entrances with appropriate widths and level landing areas are provided to all apartment types allowing occupants to easily enter and exit the dwellings. | | **3** | Internal doors and corridors that facilitate comfortable and unimpeded movement between spaces. | Yes – Entry level apartment rooms are designed with appropriate corridor and opening widths and facilitate comfortable and unimpeded movement between spaces. | | **4** | A toilet on the ground (or entry) level that provides easy access. | Yes – All apartment types excluding Type 2B 04 (10 x apartments) and Type 2B 05 (4x apartments) include a suitably designed toilet at ground/entry level. Toilets are designed to achieve adequate circulation and clear area and located adjacent walls to facilitate the installation of guard rails. | | **5** | A bathroom that contains a hobless shower recess. | Yes – Bathrooms incorporate appropriate hobless shower recesses. | | **6** | Reinforced walls around the toilet, shower and bath to support the safe installation of grabrails at a later date. | Yes – The apartment designs provide opportunity for safe installation of grabrails in bathroom areas. | | **7** | Stairways are designed to reduce the likelihood of injury and also enable future adaptation. | Yes – Where there are internal stairways within the apartments, adequate area for the installation of appropriate continuous handrails is provided. | | Yes |
| **Objective 4Q-2**  A variety of apartments with adaptable designs are provided | Adaptable housing should be provided in accordance with the relevant council policy. | The Shoalhaven DCP 2014 does not prescribe a certain level of adaptable housing to be provided for residential flat buildings. The development provides 3 apartments as adaptable housing and this is considered acceptable. | Yes |
| Design solutions for adaptable apartments include:   * convenient access to communal and public areas * high level of solar access * minimal structural change and residential amenity loss when adapted * larger car parking spaces for accessibility * parking titled separately from apartments or shared car parking arrangements. | Appropriate design features have been incorporated into the building design for adaptable apartments including appropriate siting of apartments, appropriate and convenient access from communal and public areas and the provision of larger car parking spaces at ground level. | Yes |
| **Objective 4Q-3**  Apartment layouts are flexible and accommodate a range of lifestyle needs | Apartment design incorporates flexible design solutions which may include:   * rooms with multiple functions * dual master bedroom apartments with separate bathrooms * larger apartments with various living space options * open plan ‘loft’ style apartments with only a fixed kitchen, laundry and bathroom. | Apartments have been designed to allow for flexible design solutions to cater for different lifestyle needs. | Yes |
| **Part 4R – Adaptive Reuse** | | | |
| **Objective** | **Design Criteria or Guidance** | **Comment** | **Compliance** |
| **Objective 4R-1**  New additions to existing buildings are contemporary and complementary and enhance an area's identity and sense of place | Design solutions may include:   * new elements to align with the existing building * additions that complement the existing character, siting, scale, proportion, pattern, form and detailing * use of contemporary and complementary materials, finishes, textures and colours | Not Applicable – The proposal is for demolition of existing structures and construction of 2 new residential flat buildings. | N/A |
| Additions to heritage items should be clearly identifiable from the original building | Not Applicable. | N/A |
| New additions allow for the interpretation and future evolution of the building | Not Applicable. | N/A |
| **Objective 4R-2**  Adapted buildings provide residential amenity while not precluding future adaptive reuse | Design features should be incorporated sensitively into adapted buildings to make up for any physical limitations, to ensure residential amenity is achieved. Design solutions may include:   * generously sized voids in deeper buildings * alternative apartment types when orientation is poor * using additions to expand the existing building envelope | Not Applicable. | N/A |
| Some proposals that adapt existing buildings may not be able to achieve all of the design criteria in this Apartment Design Guide. Where developments are unable to achieve the design criteria, alternatives could be considered in the following areas:   * where there are existing higher ceilings, depths of habitable rooms could increase subject to demonstrating access to natural ventilation, cross ventilation (when applicable) and solar and daylight access (see also sections 4A Solar and daylight access and 4B Natural ventilation) * alternatives to providing deep soil where less than the minimum requirement is currently available on the site * building and visual separation – subject to demonstrating alternative design approaches to achieving privacy * common circulation * car parking * alternative approaches to private open space and balconies | Not Applicable. | N/A |
| **Part 4S – Mixed Use** | | | |
| **Objective** | **Design Criteria or Guidance** | **Comment** | **Compliance** |
| **Objective 4S-1**  Mixed use developments are provided in appropriate locations and provide active street frontages that encourage pedestrian movement | Mixed use development should be concentrated around public transport and centres. | Not Applicable - The subject site is zoned R3 Medium Density Residential and does not permit mixed use developments. | N/A |
| Mixed use developments positively contribute to the public domain. Design solutions may include:   * development addresses the street * active frontages are provided * diverse activities and uses * avoiding blank walls at the ground level * live/work apartments on the ground floor level, rather than commercial. | Not Applicable – The proposal does not incorporate mixed use development; however the development positively contributes to the public domain by providing well designed and articulated active street frontages. | N/A |
| **Objective 4S-2**  Residential levels of the building are integrated within the development, and safety and amenity is maximised for residents | Residential circulation areas should be clearly defined. Design solutions may include:   * residential entries are separated from commercial entries and directly accessible from the street * commercial service areas are separated from residential components * residential car parking and communal facilities are separated or secured * security at entries and safe pedestrian routes are provided * concealment opportunities are avoided | The development clearly identifies and designs residential areas from public areas. Principles of CPTED have been incorporated into the building design to minimise concealment opportunities and provide appropriate security and safe pedestrian access. | Yes |
| Landscaped communal open space should be provided at podium or roof levels. | Landscaping and communal open space areas are appropriately designed. | Yes |
| **Part 4T – Awnings and Signage** | | | |
| **Objective** | **Design Criteria or Guidance** | **Comment** | **Compliance** |
| **Objective 4T-1**  Awnings are well located and complement and integrate with the building design. | Awnings should be located along streets with high pedestrian activity and active frontages. | Appropriate awnings are provided over building entrances and lobby areas. The design and location is not supportive of additional awning structures along the street frontages. | Yes |
| A number of the following design solutions are used:   * continuous awnings are maintained and provided in areas with an existing pattern * height, depth, material and form complements the existing street character * protection from the sun and rain is provided * awnings are wrapped around the secondary frontages of corner sites * awnings are retractable in areas without an established pattern. | Awnings are appropriately designed and located. | Yes |
| Awnings should be located over building entries for building address and public domain amenity. | Appropriate awnings are provided over building entrances and lobby areas. | Yes |
| Awnings relate to residential windows, balconies, street tree planting, power poles and street infrastructure. | Awnings are appropriately designed and incorporated into the building design and landscaping. | Yes |
| Gutters and down pipes should be integrated and concealed. | Gutters and other stormwater infrastructure is appropriately incorporated into the building design and does not result in a poor amenity outcome. | Yes |
| Lighting under awnings should be provided for pedestrian safety. | Appropriate lighting is to be provided at building entrances and lobbies. | Yes |
| **Objective 4T-2**  Signage responds to the context and desired streetscape character. | Signage should be integrated into the building design and respond to the scale, proportion and detailing of the development. | Building signage is appropriately located at the corner of Beinda Street and Bolong Road and provides a sense of address to the development. The signage is appropriately incorporated into the overall design and landscaping for the development. | Yes |
| Legible and discrete way finding should be provided for larger developments. | Way finding is appropriate for the development with the architectural layout and design enabling residents to orientate themselves within the development. | Yes |
| Signage is limited to being on and below awnings and a single facade sign on the primary street frontage. | Site signage is appropriately designed and located on the corner of Beinda Street and Bolong Road. | Yes |
| **Part 4U – Energy Efficiency** | | | |
| **Objective** | **Design Criteria or Guidance** | **Comment** | **Compliance** |
| **Objective 4U-1**  Development incorporates passive environmental design. | Adequate natural light is provided to habitable rooms (see 4A Solar and daylight access). | Adequate solar and daylight access is provided to all habitable rooms. | Yes |
| Well located, screened outdoor areas should be provided for clothes drying. | As identified in the submitted BASIX Certificate no indoor or outdoor clothes drying lines are proposed; clothes dryers will be provided in each apartment. There is adequate space and provision for clothes dryers in the layout of each apartment. | No – clothes drying lines are not proposed. |
| **Objective 4U-2**  Development incorporates passive solar design to optimise heat storage in winter and reduce heat transfer in summer. | A number of the following design solutions are used:   * the use of smart glass or other technologies on north and west elevations * thermal mass in the floors and walls of north facing rooms is maximised * polished concrete floors, tiles or timber rather than carpet * insulated roofs, walls and floors and seals on window and door openings * overhangs and shading devices such as awnings, blinds and screens | The application has been supported by an appropriate BASIX Certificate that demonstrates appropriate provision of thermal performance and energy BASIX commitments. | Yes |
| Provision of consolidated heating and cooling infrastructure should be located in a centralised location (e.g. the basement) | Building plant is appropriate located on the ground floor with individual apartment air conditioning units appropriately located on balcony areas. | Yes |
| **Objective 4U-3**  Adequate natural ventilation minimises the need for mechanical ventilation. | A number of the following design solutions are used:   * rooms with similar usage are grouped together * natural cross ventilation for apartments is optimised * natural ventilation is provided to all habitable rooms and as many non-habitable rooms, common areas and circulation spaces as possible. | Appropriate ventilation is provided to the development reducing the need for mechanical ventilation. | Yes |
| **Part 4V – Water Management and Conservation** | | | |
| **Objective** | **Design Criteria or Guidance** | **Comment** | **Compliance** |
| **Objective 4V-1**  Potable water use is minimised. | Water efficient fittings, appliances and wastewater reuse should be incorporated. | The application has been supported by an appropriate BASIX Certificate that demonstrates appropriate provision of water conservation BASIX commitments. | Yes |
| Apartments should be individually metered. | Noted. | Yes |
| Rainwater should be collected, stored and reused on site. | Water capture and re-use and water recycling measures have been incorporated into the development design. | Yes |
| Drought tolerant, low water use plants should be used within landscaped areas. | Landscaping is appropriate for the locality. | Yes |
| **Objective 4V-2**  Urban stormwater is treated on site before being discharged to receiving waters | Water sensitive urban design systems are designed by a suitably qualified professional. | WSUD systems have been appropriately incorporated into the development design. | Yes |
| A number of the following design solutions are used:   * runoff is collected from roofs and balconies in water tanks and plumbed into toilets, laundry and irrigation * porous and open paving materials is maximised * on site stormwater and infiltration, including bio-retention systems such as rain gardens or street tree pits. | Proposed landscaping, water capture and re-use (i.e. water tanks) and water recycling measures are appropriate. | Yes |
| **Objective 4V-3**  Flood management systems are integrated into site design | Detention tanks should be located under paved areas, driveways or in basement car parks. | Below ground OSD tanks are appropriately located under driveway/car parking areas. | Yes |
| On large sites parks or open spaces are designed to provide temporary on site detention basins. | Not Applicable – Provision of OSD through parks and open spaces is not considered necessary in this instance. | N/A |
| **Part 4W – Waste Management** | | | |
| **Objective** | **Design Criteria or Guidance** | **Comment** | **Compliance** |
| **Objective 4W-1**  Waste storage facilities are designed to minimise impacts on the streetscape, building entry and amenity of residents | Adequately sized storage areas for rubbish bins should be located discreetly away from the front of the development or in the basement car park. | Waste storage areas are appropriately sized and located; accessed from the ground floor car park area. | Yes |
| Waste and recycling storage areas should be well ventilated. | Waste and recycling storage areas are appropriately located on the ground floor adjacent to external walls and the car park area to allow for appropriate ventilation. | Yes |
| Circulation design allows bins to be easily manoeuvred between storage and collection points. | Bin circulation and manoeuvring is appropriate with the collection point being from the street along the Beinda Street frontage by a private contractor. Council’s Waste Services Team have reviewed the development application and are satisfied with the proposed waste collection. | Yes |
| Temporary storage should be provided for large bulk items such as mattresses. | There are appropriate bulk waste storage areas available in the waste storage areas. | Yes |
| A waste management plan should be prepared. | A suitable waste management plan has been prepared. Council’s Waste Services Team have reviewed the waste management plan and are satisfied with the proposed waste management. | Yes |
| **Objective 4W-2**  Domestic waste is minimised by providing safe and convenient source separation and recycling | All dwellings should have a waste and recycling cupboard or temporary storage area of sufficient size to hold two days’ worth of waste and recycling. | Adequate waste and recycling will be provided for each dwelling and there is sufficient space provided for this in the waste rooms of each building. | Yes |
| Communal waste and recycling rooms are in convenient and accessible locations related to each vertical core. | Waste and recycling storage rooms are appropriately located on the ground floor of each building. The waste storage rooms can be accessed via lift. | Yes |
| For mixed use developments, residential waste and recycling storage areas and access should be separate and secure from other uses. | Not Applicable – The proposal is not a mixed use development | Yes |
| Alternative waste disposal methods such as composting should be provided. | As noted in the waste management plan, the buildings will provided with suitable space for food organics and garden organics (FOGO) bins. | Yes |
| **Part 4X – Building Maintenance** | | | |
| **Objective** | **Design Criteria or Guidance** | **Comment** | **Compliance** |
| **Objective 4X-1**  Building design detail provides protection from weathering | A number of the following design solutions are used:   * roof overhangs to protect walls * hoods over windows and doors to protect openings * detailing horizontal edges with drip lines to avoid staining of surfaces * methods to eliminate or reduce planter box leaching * appropriate design and material selection for hostile locations | The buildings have been designed appropriately to provide shelter and protection from weathering. | Yes |
| **Objective 4X-2**  Systems and access enable ease of maintenance | Window design enables cleaning from the inside of the building. | The relatively low rise (3-4 storeys) design of the building allows for suitable window cleaning opportunities from ground level and/or from within each apartment. | Yes |
| Building maintenance systems should be incorporated and integrated into the design of the building form, roof and façade. | The building design will allow for suitable ongoing building maintenance. | Yes |
| Design solutions do not require external scaffolding for maintenance access. | Due to the relatively low rise design of the buildings, external scaffolding for maintenance would be minimal. | Yes |
| Manually operated systems such as blinds, sunshades and curtains are used in preference to mechanical systems. | The apartment designs generally promote manually operated systems. | Yes |
| Centralised maintenance, services and storage should be provided for communal open space areas within the building. | Appropriate plant and storage areas are provided for the maintenance of common areas. | Yes |
| **Objective 4X-3**  Material selection reduces ongoing maintenance costs | A number of the following design solutions are used:   * sensors to control artificial lighting in common circulation and spaces * natural materials that weather well and improve with time such as face brickwork * easily cleaned surfaces that are graffiti resistant * robust and durable materials and finishes are used in locations which receive heavy wear and tear, such as common circulation areas and lift interiors | Proposed materials are durable and robust and appropriate for the locality. | Yes |

# Appendix C – Clause 4.6 Detailed Consideration

The proposed development seeks a cl4.6 variation to development standards. Consideration of the clause 4.6 variation statement is provided below:

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| --- |
| **Cl4.6 Exception to the Shoalhaven Local Environmental Plan 2014** |
| **Development Standard** |
| There is no maximum building height shown on the Height of Building Map and therefore the height of the building must not exceed 11m in accordance with subclause (2). |
| **Extent of proposed departure from development standard** |
| |  |  |  |  |  | | --- | --- | --- | --- | --- | | ***LEP clause*** | ***Numerical Standard*** | ***Proposed Solution*** | ***Numerical Departure*** | ***% Departure*** | | Shoalhaven LEP 2014 – Clause 4.3 – Height of Building | 11m | Building 1 = 12.09m  Building 2 = 12.09m | Building 1 = 1.09m  Building 2 = 1.09m | Building 1 = 9.9%  Building 2 = 9.9% | |
| **Applicant’s clause 4.6 statement** |
| |  | | --- | | ***Extract from applicant’s clause 4.6 statement prepared by Urbanco (Rev C) and dated 1 May 2024 (TRIM Ref: D24/188804)*** | |  | |
| **Assessing Officer Commentary** |
| ***Unreasonable or Unnecessary***  Council is satisfied that the application has been supported by an appropriate clause 4.6 variation statement that suitably demonstrates that compliance with the development standard (clause 4.3 – building height limit) is unnecessary in the circumstances of this case. Council is satisfied that the underlying objectives of clause 4.3 and the R3 zone are satisfied despite the non-compliance. As noted in the Applicant’s variation statement, the extent of departure is limited to a relatively small portion of the upper roof line of the buildings and occurs as a result of the sloping topography and presence of surface rock and flood limitations which limits the ability to excavate the site for example to provide basement carparking. The proposal is compatible with the height, bulk and scale of the desired future character of the locality, the development will not have a significant adverse visual impact and will not result in disruption of views. Adequate privacy and solar access is maintained to adjoining residences. The application has also been supported by a Heritage Impact Assessment which has been reviewed by Council’s Heritage Expert, and Council is satisfied that the design, bulk and height of the proposed buildings does not undermine the heritage value and character of adjoining and nearby heritage items.  It is also noted that as identified in the SEE, 20% of t the units will be allocated for affordable rental housing (p.23) and the proposed development could utilise the provisions of section 18 of the SEPP (Housing) 2021 which permit additional building height above the building height limit set by    Accordingly, under the provisions of section 18 of the SEPP (Housing) 2021, an additional 10% (Affordable Housing Component (20%) ÷ 2 = Additional Building Height (10%)) may be able to be utilised. This equates to an additional building height of 1.1m and bringing the overall building height limit to 12.1m. If these provisions were utilised the proposed development would comply with the maximum building height controls and would not require a clause 4.6 exception. Given this, Council is satisfied that strict compliance with the building height limit development standard is unnecessary in the circumstances of the case.  ***Sufficient Environmental Planning Grounds***  Council is satisfied that there are sufficient environmental planning grounds to justify contravening the building height limit. The proposal for construction of two residential flat buildings which will provide affordable rental housing is consistent with the objectives of the R3 zone, specifically which aim to provide a variety of housing types to meet the housing needs of the community. The proposal is also consistent with the principles of SEPP (Housing) 2021 specifically which seek to enable and encourage the development of diverse housing types, including purpose-built rental housing and affordable housing, both of which this proposed development provides. The proposal is consistent with the objects of the *EP&A Act 1979* in terms of promoting the social and economic welfare of the community, promoting the orderly and economic use and development of land, promoting the delivery and maintenance of affordable housing as well as promoting good design and amenity outcomes for the built environment. |