STATEMENT OF ENVIRONMENTAL EFFECTS

20 Heradale Parade, Batemans Bay / Lot 1 DP 1135117

To accompany the application made under Section 4.55(2) of the Environmental Planning and Assessment Act 1979 (the Act) submitted to Eurobodalla Shire Council for the modification of a new 60-unit Medium-density multi-unit housing development.

Prepared by Place Studio
Rev A | 18 May 2025

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ANNEXURES

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Annexure 2	Approved Architectural Drawings
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Annexure 4	Housing SEPP – Apartment Design Guide Compliance
Annexure 5	Report U24087
Annexure 6	LL250582 – Pictorial Report

1. INTRODUCTION

This Statement of Environmental Effects is to be read in conjunction with the plans and documents submitted for the application made under Section 4.55(2) of the Environmental Planning and Assessment Act 1979 (the Act). The application seeks to modify Consent No. DA0593/23 – PAN-325178 issued by Eurobodalla Shire Council (Council) on 13 February 2025 for Demolition and construction of a Residential Flat Building (60) units including basement car parking for 88 vehicles at 20 Heradale Parade, Batemans Bay (the site).

As described in this submission and supporting documentation, this application seeks consent to amend elements of the approved development including;

- Proposed amendment of existing water supply easement to follow projected location of asset onsite permitting continuation of building structure to ground level.
- Removal of building structure from existing water supply easement along the Bavarde Ave frontage
- Modification of the proposed apartment mix in the development removing 2x 1 bed units and providing an additional 1x 2 bed and 1x 4 bed units.
- Reduction of 18 adaptable units to 15 adaptable units to meet the 25% DCP requirement.
- Amendments to the basement envelope aligning the perimeter walls to the building line over and subsequent increase in total parking provided.
- Provide additional 100mm in design floor to floor levels and subsequently an additional 0.4m total increase to overall building height.
- Change DA flat roof design to framed metal sheet roof with new roofing pitch to be concealed to street frontages via parapet structure.
- General refinements arising within construction documentation design development from initial DA proposal.

This modification application is supported by the following documentation:

• Annexure 1 – Notice of Determination DA0593/23 – PAN-325178
• Annexure 2 – Approved Architectural Plans DA0593/23 – PAN-325178
• Annexure 3 – Submission under Clause 4.6 of Eurobodalla LEP 2012
• Annexure 4 – Housing SEPP – Apartment Design Guide Compliance
• Annexure 5 – Design Verification Certificate
• Annexure 6 – Report U24087
• Annexure 7 – LL250582 – Pictorial Report
• Modified Architectural Plans prepared by Place Studio
• Modified Landscape Plans prepared by Place Landscape
• Modified Stormwater Design prepared by Telford Civil
• Updated BASIX Report prepared by Gradwell Consulting
• Updated Arborist Letter by Jacksons Nature Works
• Amended Traffic Report by CJP Consulting Engineers
• Amended Waste Report by Place Studio
• Amended Access Report by Accessible Building Solutions

Figure 1: Locality – Source: SixMaps

1.1 The Approved Development

On 13 February 2025 Council conditionally approved the construction and strata subdivision of a residential flat building at the site. The approved development included the following key elements:

- Demolition of existing structures at the site;
- 60 residential units with basement car parking;
  - 60 residential units comprising 2x 1 bed, 12x 2 bed, 42x 3 bed and 4x 4 bed units across 3x separate buildings,
  - 88 car parking spaces in a below ground basement, including 16 residential adaptable, 72 residential, and an additional 3 car wash bays,
  - Roof terrace common facilities and generous communal open space at ground level.
- Ancillary works including installation of stormwater infrastructure, waste storage and site landscaping.

A copy of the Notice of Determination is provided at **Appendix A**, while the approved architectural plans are provided at **Appendix B**.

1.2 Approval Documentation

For clarity of the modification application, the below summarises the amendments to the *General Condition 1 Approved plans and supporting documentation* of the Notice of Determination.

Architectural: ARCHITECTURAL (All architectural drawings prepared by PLACE Studio)

Drawing No.	Drawing Title	Date of drawing	Revision	
Dwg. 2021029 - DA-0001	Cover Sheet	18/12/24	Issue F	Updated – Rev G
Dwg. 2021029 - DA-0002 AS AMENDED IN RED	Compliance Table	18/12/24	Issue D	Updated – Rev E
Dwg. 2021029 - DA-0003	Site location	3/9/24	Issue C	Retained
Dwg. 2021029 - DA-0004	Site analysis - existing	3/9/24	Issue C	Retained
Dwg. 2021029 - DA-0100	Demolition plan - survey overlay	3/9/24	Issue C	Updated – Rev D
Dwg. 2021029 - DA-2000	Site plan	18/12/24	Issue E	Updated – Rev F
Dwg. 2021029 - DA-2001	GA- Basement - survey underlay	18/12/24	Issue E	Updated – Rev F
Dwg. 2021029 - DA-2002 AS	GA- Basement - floor plan	18/12/24	Issue E	Updated – Rev F
Dwg. 2021029 - DA-2003	GA- Ground floor - survey underlay	18/12/24	Issue E	Updated – Rev F
Dwg. 2021029 - DA-2004 AS	GA- Ground floor plan	18/12/24	Issue E	Updated – Rev F
Dwg. 2021029 - DA-3000	GA- Level 01 plan	18/12/24	Issue D	Updated – Rev E
Dwg. 2021029 - DA-3001	GA- Level 02 plan	18/12/24	Issue D	Updated – Rev E

Dwg. 2021029 - DA-3002	GA- Level 03 plan	18/12/24	Issue D	Updated – Rev E
Dwg. 2021029 - DA-3003	GA- Roof Plan	18/12/24	Issue E	Updated – Rev F
Dwg. 2021029 - DA-3004	GA- Roof survey underlay	18/12/24	Issue D	Updated – Rev E
Dwg. 2021029 - DA-4000	Sections	3/9/24	Issue D	Updated – Rev E
Dwg. 2021029 - DA-4001	Driveway Ramp Section	3/9/24	Issue C	Updated – Rev D
Dwg. 2021029 - DA-4002	Culvert section	3/9/24	Issue C	Updated – Rev D
Dwg. 2021029 - DA-5000	South & east elevations	3/9/24	Issue C	Updated – Rev D
Dwg. 2021029 - DA-5001	Building A elevations	3/9/24	Issue C	Updated – Rev D
Dwg. 2021029 - DA-5002	Building B elevations	3/9/24	Issue C	Updated – Rev D
Dwg. 2021029 - DA-5003	Building C elevations	3/9/24	Issue C	Updated – Rev D
Dwg. 2021029 - DA-7000	Gross floor area diagrams	18/12/24	Issue D	Updated – Rev E
Dwg. 2021029 - DA-7010	Deep soil calculation	3/9/24	Issue C	Updated – Rev D
Dwg. 2021029 - DA-7020	Communal open space compliance	3/9/24	Issue C	Updated – Rev D
Dwg. 2021029 - DA-7030	Cross ventilation diagram	3/9/24	Issue C	Updated – Rev D
Dwg. 2021029 - DA-7040	Solar access diagram	3/9/24	Issue C	Updated – Rev D
Dwg. 2021029 - DA-7050	Site coverage diagram	18/12/24	Issue D	Updated – Rev E
Dwg. 2021029 - DA-7060	Height plane	18/12/24	Issue D	Updated – Rev E
Dwg. 2021029 – DA7070	Adaptable Units	18/12/24	Issue D	Updated – Rev E
Dwg. 2021029 – DA7071	Adaptable Units	3/9/24	Issue C	Updated – Rev D
Dwg. 2021029 – DA7072 Dwg. 2021029 – DA7073 Dwg. 2021029 – DA7074 Dwg. 2021029 – DA7075	Adaptable Units			Additional – Rev A
Dwg. 2021029 – DA8000	Shadow Diagrams			Additional – Rev F
Dwg. 2021029 – DA8090; DA8100; DA8110; DA8120; DA8130; DA8140; DA8150 (7 sheets)	Solar views - (various)	18/12/24	Issue D	Updated – Rev E
Dwg. 2021029 – DA8160	Solar matrix	3/9/24	Issue B	Updated – Rev C

Dwg. 2021029 – DA9100	Unit & window schedule	3/9/24	Issue C	Updated – Rev D
Dwg. 2021029 – DA9200	Materials schedule	3/9/24	Issue C	Updated – Rev D
Dwg. 2021029 – DA9300	Perspective views	3/9/24	Issue B	To be removed

Landscape: (All landscape drawings prepared by PLACE Landscape)

Drawing No.	Drawing Title	Date of drawing	Revision	
Dwg. 2021029 – L000	Title page	3/9/24	Rev. A.	Updated – Rev C 24.10.2025
Dwg. 2021029 – L001	Existing tree plan	3/9/24	Rev. A.	Updated – Rev C 24.10.2025
Dwg. 2021029 – L002	Landscape masterplan	3/9/24	Rev. A.	Updated – Rev C 24.10.2025
Dwg. 2021029 – L003	Planting plan ground floor	3/9/24	Rev. A.	Updated – Rev C 24.10.2025
Dwg. 2021029 – L004	Planting plan ground floor	3/9/24	Rev. A.	Updated – Rev C 24.10.2025
Dwg. 2021029 – L005	Planting plan level 3	3/9/24	Rev. A.	Updated – Rev C 24.10.2025
Dwg. 2021029 – L006	Planting & materials schedules	3/9/24	Rev. A.	Updated – Rev C 24.10.2025
Dwg. 2021029 – L007	Elevations	3/9/24	Rev. A.	Updated – Rev C 24.10.2025

Engineering - stormwater: (All Stormwater concept drawings prepared by Telford Civil)

Drawing No.	Drawing Title	Date of drawing	Revision	
Dwg.22500 - 000	Cover sheet plan	30/08/2024	Rev. D	Updated – Issue B 17.10.2025
Dwg.22500 - 101	Stormwater concept plan basement B1 Sheet 1 of 3	03/09/2024	Rev. E	Updated – Issue B 23.10.2025
Dwg.22500 - 102	Stormwater concept plan basement B1 Sheet 2 of 3	30/08/2024	Rev. C	Updated – Issue A 17.10.2025
Dwg.22500 – 103	Stormwater concept plan basement B1 Sheet 3 of 3	30/08/2024	Rev. C	Updated – Issue A 17.10.2025
Dwg.22500 – 104	Stormwater concept plan ground floor	03/09/2024	Rev. F	Updated – Issue C 23.10.2025
Dwg.22500 – 105	Catchment plan and MUSIC results	30/08/2024	Rev. E	Updated – Issue B 17.10.2025
Dwg.22500 – 106	Bio-retention details	24/11/2023	Rev. C	Updated – Issue B 17.10.2025

Dwg.22500 – 107	On-site detention 1 & 3 details and calculations	30/08/2024	Rev. C	Updated – Issue B 17.10.2025
Dwg.22500 – 108	On-site detention 2 details and calculations	03/09/2024	Rev. D	Updated – Issue B 17.10.2025
Dwg.22500 – 109	Sediment and erosion control plan & details	24/11/2023	Rev. B	Updated – Issue B 17.10.2025
Dwg.22500 – 109b	Sediment and erosion control plan & details – Sheet 2 of 2			Additional – Issue B 17.10.2025
Dwg.22500 – 110	Miscellaneous details sheet	24/11/2023	Rev. B	Updated – Issue B 17.10.2025
Dwg.22500 – 111	Catchment plan existing/proposed system	03/09/2024	Rev. B	Updated – Issue B 17.10.2025

Engineering - civil: (All Civil engineering drawings prepared by Telford Civil)

Drawing No.	Drawing Title	Date of drawing	Revision	
Dwg.22500 - 000	General notes, locality plan & drawing schedule	12/09/2024	Rev. D	Retained
Dwg.22500 - 101	Civil works layout plan	12/09/2024	Rev. D	Retained
Dwg.22500 - 201	Driveway profile – longitudinal sections	12/09/2024	Rev. B	Retained
Dwg.22500 – 301	Bavarde Ave – longitudinal section – sheet 1 of 2	16/01/2023	Rev. A	Retained
Dwg.22500 – 302	Bavarde Ave – longitudinal section – sheet 2 of 2	16/01/2023	Rev. A	Retained
Dwg.22500 – 303	Heradale Pde – longitudinal section	12/09/2024	Rev. B	Retained
Dwg.22500 – 401	Bavarde Ave – cross sections – sheet 1 of 2	12/09/2024	Rev. B	Retained
Dwg.22500 – 402	Bavarde Ave – cross sections – sheet 2 of 2	16/01/2023	Rev. A	Retained
Dwg.22500 – 403	Heradale Pde – cross sections	12/09/2024	Rev. C	Retained
Dwg.22500 – 501	Typical cross sections	16/01/2023	Rev. A	Retained
Dwg.22500 – 601	Construction notes and details	12/09/2024	Rev. B	Retained

Approved Documents

Document title	Ref. No.	Date of document	Prepared by	
Concurrence/Agencies:				
General Terms of Approval (GTAs) (IDAS1149440)	Ref. No. IDAS1157780	26 July 2023	Water NSW	Retained
Heritage NSW	Ref. No. DOC24/867530	13 November 2024	Heritage NSW Department of Climate Change, Energy, the Environment and Water As Delegate under National Parks and Wildlife Act 1974	Retained
Clause 4.6 Variation to development standard	-	Sept 2024	BMA Urban	Retained
Aboriginal Heritage report	Proj. No. 24SYD8128 V2	24 Oct 2024	EcoLogical Australia	Retained
Archaeological Technical report	Proj. No. 24SYD8128 V1	3 Sept. 2024	EcoLogical Australia	Retained
BASIX Certificate	No. 1377657M_02	11 Nov 2024	Gradwell Consulting	Updated
Nathers Certificate and summary (incl. Links to each Unit number certificate)	No. #HR-N80ERK-01 (incl. Links to each Unit number certificate)	11 Nov 2024	Gradwell Consulting	Updated
Statement of Compliance Access for People with a Disability (Access report)	Job No 222239	03-09-2024	Accessible Building Solutions	Updated – Issue B 23.10.2025
Acid sulphate soil (ASS) investigatio and management plan report	ER23038Arev1	07/11/2023	CEC Geotechnical	Retained
DA Noise Assessment (acoustic report)	670.30141-R01 Version no. -v4.0	August 2024	SLR Consulting Australia P/L	Retained
Apartment design guide compliance table	Pages 1-19	-	Place Studio	Updated – Annexure 4
Design Verification Certificate	Ref: to DA0593/23	14 Jan 2025	Place Studio	Updated – Annexure 5
Arboriculture Impact Assessment report (Arborist report)	For: 20 Heradale Pde Batemans Bay	4 Sept. 2024	Jacksons Nature Works	Retained
Arborist Letter	Arborist services at 20 Heradale Parade, Batemans Bay. The Site		Jacksons Nature Works	Additional 24.10.2025
Building Code of Australia (2022) Assessment Report Report	No. 220192	3 Sept 2024	AllCert	Retained

Fire Engineering Statement	No. 147921.00 V.- B	3 Sept 2024	Holmes Australia LP	Retained
Flood Impact Assessment	No. TEL22500 Issue B	2 September 2024	Telford Civil	Retained
Hydrogeological (groundwater) assessment	GR23206-A Rev 01	03/09/2024	CEC Geotechnical	Retained
Geotechnical Investigation report	GR23206 Rev 01	03/09/2024	CEC Geotechnical	Retained
Preliminary site investigation (PSI) report	ER23038rev1	7/11/2023	CEC Geotechnical	Retained
Revised Traffic and Parking assessment report	REF 22177	3 Sept 2024	CJP Consulting Engineers	Updated 19.10.2025
~~Site waste minimization and management plan~~	~~Rev. 1.2~~	~~Sept 2024~~	~~Auswide consulting~~	Replaced
Site waste minimization and management plan	Rev B	23 October 2025	Place Studio	New
Visual Impact assessment	Rev. 2	January 2024	Place Studio	Retained

2. MODIFICATION TO APPROVED DESIGN

2.1 Instrument for Modification

The Environmental Planning and Assessment Act 1979 - Section 4.55 provides the power to amend a development for which an existing consent has already been granted. Within Section 4.55 three options are provided for such amendments based on the extent of the respective amendments impact on the environmental context.

Section 4.55(1) provides the instrument for modifications involving minor error, misdescription or miscalculation.

Section 4.55(1a) provides the instrument for modifications involving minimal environmental impact.

Section 4.55(2) provides the instrument for all other proposed modifications to a granted consent.

Pursuant to Section 4.55(2), a consent authority may, on application being made by the applicant or any other person entitled to act on a consent granted by the consent authority and subject to and in accordance with the regulations, modify the consent if—

(a) it is satisfied that the development to which the consent as modified relates is substantially the same development as the development for which consent was originally granted and before that consent as originally granted was modified (if at all), and

(b) it has consulted with the relevant Minister, public authority or approval body (within the meaning of Division 4.8) in respect of a condition imposed as a requirement of a concurrence to the consent or in accordance with the general terms of an approval proposed to be granted by the approval body and that Minister, authority or body has not, within 21 days after being consulted, objected to the modification of that consent, and

(c) it has notified the application in accordance with--
(i) the regulations, if the regulations so require, or
(ii) a development control plan, if the consent authority is a council that has made a development control plan that requires the notification or advertising of applications for modification of a development consent, and

(d) it has considered any submissions made concerning the proposed modification within the period prescribed by the regulations or provided by the development control plan, as the case may be.

This application, to modify the development consent of DA0593/23 – PAN-325178, will be made under the instrument of Section 4.55(2) of The Environmental Planning and Assessment Act 1979.

2.2 Proposed Modifications

This application, to modify the development consent of DA0593/23 – PAN-325178, collates a number of amendments to the current approved design to allow a single cohesive assessment of the proposed modifications in their entirety.

As described in this submission and supporting documentation, this application seeks consent to amend elements of the approved development including;

- Proposed amendment of existing water supply easement to follow projected location of asset onsite permitting continuation of building structure to ground level.
- Removal of building structure from existing water supply easement along the Bavarde Ave frontage.
- Modification of the proposed apartment mix in the development removing 2x 1 bed units and providing an additional 1x 2 bed and 1x 4 bed units.
- Reduction of 18 adaptable units to 15 adaptable units to meet the 25% DCP requirement.
- Amendments to the basement envelope aligning the perimeter walls to the building line over and subsequent increase in total parking provided.
- Provide additional 100mm in design floor to floor levels and subsequently an additional 0.4m total increase to overall building height.
- Change DA flat roof design to framed metal sheet roof with new roofing pitch to be concealed to street frontages via parapet structure.
- General refinements arising within construction documentation design development from initial DA proposal.

Apartment Mix

The proposed apartment mix results in minor changes to the existing. 2x 1 bed units are removed from the development and an additional 1x 2 bed and 1x 4 bed units are proposed in place. There is no proposed change to the total number of units (60). There is no proposed change to the housing typology of the development in the revised mix.

As a result of the modified apartment mix, the proposed modifications see an overall increase in bedroom numbers within the development from 168 (approved) to 172 (proposed) an approximate increase of 2%.

APARTMENT MIX		
	Current Approval	Proposed
1 Bed	2	0
2 Bed	12	13
3 Bed	42	42
4 Bed	4	5
Total Units	60	60
Total Bedrooms	168	172

Parking Changes

The proposed basement envelope amendments (alignment of perimeter walls to the building line over) and associated parking changes sees a total of 19x additional parking spaces provided by the development. Per the amended Traffic Report by CJP Consulting Engineers, the modified apartment mix results in a minor increase in the total required car parks from 88 (per RMS rates) in the approval to 90 (per RMS rates) in the proposed modification. The required increase are adequately addressed in the proposed parking numbers.

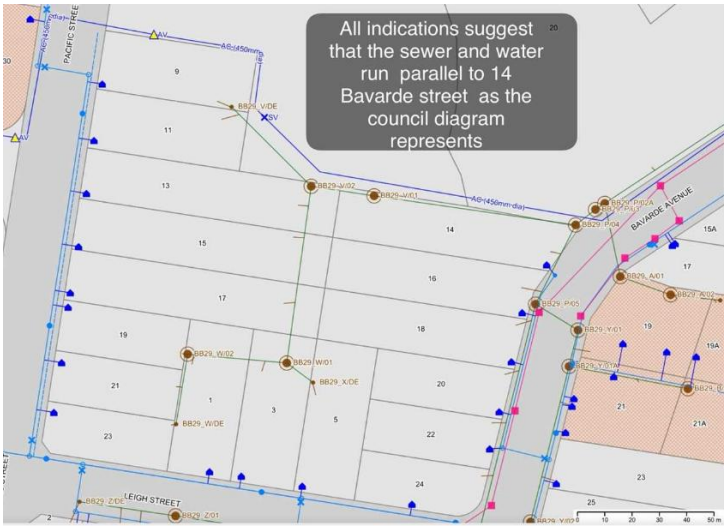
APARTMENT MIX		
	Current Approval	Proposed
Resi. Acc.	16	17
Resi.	72	90
Total	88	107
Car Wash	3	3

Modifications of Built Form in Relation to Easements

The proposed modification, as much as possible, seeks to minimise changes to the approved built form in key areas such as setbacks, scale and materiality to ensure any changes in environmental impacts will be minimal, inconsequential and appropriate.

Per Condition 44 of Consent No. DA0593/23 – PAN-325178 the Existing Water Mains in the vicinity of the site (Bavarde Avenue) exact location has been determined onsite and surveyed by Rygate & West, refer to Annexure 6 – Report U24087. The extent of the survey captures the both the 150 and 450 watermains along the Bavarde Ave frontage toward the Heradale intersection. The detailed surveying of the asset toward the 14 Bavarde Ave neighbour is limited due to safety concerns around access and sinkholes while undertaking the vacuum excavation works as outlined within Annexure 7 – LL250582 – Pictorial Report authored by Livelocates.

Per LL250582 – Pictorial Report the subject water asset is projected to differ from the existing imposed easement across the site and projected to run parallel between the boundary of 14 Bavarde Ave and the subject site. This projected location is consistent with Council's understanding of where the below ground asset is located. Refer to the excerpt below from LL250582 showing the consensus location of the below ground asset.



As part of this modification, it is proposed that the alignment of the Water Supply Easement be adjusted to match the projected location of the asset on site. Due to site constraints that limiting access and creating safety concerns, it has not been possible to fully locate the existing water asset at this stage. The applicant therefore requests that any further detailed surveying of the asset occur during construction, with designated hold points and on-site to allow investigations with uncompromised and safe access in a collaborative approach with Council's engineers. This approach would be implemented through revised development conditions of consent and is considered a practical, common-sense solution to ensure safety and accuracy in locating the asset.

Subsequently, with the proposed modification of the easement, built works for 'Building A' are proposed to continue from Level 01 down to the Ground Floor level instead of the previously approved 'bridging structure' in the original DA.

Further design changes in relation to easements include the removal of building structure from existing water supply easement along the Bavarde Ave frontage per Condition 42 of Consent No. DA0593/23 – PAN-325178.

Modifications of Built Form in Relation to Construction Documentation Design Development

The proposed modification also seeks design changes to the approved built form resulting from design development through the construction documentation phase of the project. Notably, the proposed modification seeks approval to provide an additional 100mm in floor-to-floor levels and a subsequent overall height increase of 400mm to the approved development. As described in the architectural drawings the proposed maximum height breach is nominated to increase from 4.15m (approved) to 4.55m, an increase in height breach of less than 10% from the approved. The impact of the increased building height is illustrated within the architectural drawings package, nominally drawing DA-8000. It should be noted that the slight increase in roof height will contribute to minor additional overshadowing of the 14 Bavarde Ave neighbour in comparison to the current approved overshadowing. As shown, the extent of overshadowing disappears by 10:30am, providing in excess of 4 hours of uninhibited solar access on June 21st. It must also be acknowledged that the locality is transitioning from a low-density residential environment to the more intensive development envisaged under the planning controls applying under the ELEP 2012. The taller, more intensive development will clearly result in greater overshadowing than expected in a low-density environment. Consequently, it is not reasonable to expect the maintenance of direct sunlight at levels currently experienced.

Other proposed changes to the approved built form include the modification of the roof structure to change the DA approved flat roof design to permit a framed metal sheet roof. The new metal roofing structure is proposed to be concealed to street frontages via parapet structure minimise apparent change to the approved design. Further general refinements arising within construction documentation design development can be observed in bathroom layouts, kitchen types, glazing types.

2.3 Substantially the Same Development

Under the framework of Section 4.55(2) the proposed application to modify the existing development consent is required to satisfy Council that the development to which the consent as modified relates is substantially the same development as the development for which consent was originally granted (and before that consent as originally granted was modified if at all).

This application, to modify the development consent of DA0593/23 – PAN-325178, as outlined in the previous section of this application, collates a number of amendments to the current approved design to allow a single cohesive assessment of the proposed development in its entirety. Following from a previously withdrawn application to modify the subject approval, this modification is the first proposed iteration of the development from the design to which consent has been granted. Key factors to be considered in the test of substantially the same development are noted below;

- The proposed development, of three residential flat buildings on R3 Medium Residential zoning, does not change.
- Total number of apartments does not change.
- Retention of the approved built form in key areas such as setbacks, scale and materiality result minor modifications to the developments interface with the public domain, including the general appearance of the development, bulk and scale within the neighbourhood context, landscape and streetscape.
- Traffic, waste and pedestrian interfaces remain unchanged with the approved development to allow access and servicing arrangements to remain unchanged.
- The proposed modification to the development results in no additional planning breaches to those of the development for which consent has been granted.

Noting the above, it is considered by the application that the proposed development is substantially the same development as the development for which consent was granted on 13 February 2025 for the construction of a residential flat building at 20 Heradale Parade, Batemans Bay.

3. PLANNING CONSTRAINTS

Under the provisions of the Eurobodalla Local Environmental Plan (ELEP) 2012, the subject site is zoned R3 Medium Density Residential. The proposal comprises a "residential flat building" and is permissible with development consent under these planning provisions.

Through the approved application process the proposed design was updated to incorporate Council feedback.

Clause 4.3 of the ELEP 2012 includes a maximum height of building requirement, the approved development has a maximum height that exceeds this. Consequently, the approved application was supported by a request pursuant to Clause 4.6 of the ELEP 2012 to consider this aspect of the proposal. The Clause 4.6 remains relevant to the proposed s4.55(2) modification and forms Annexure 3 to this SEE.

This SEE considers the site, the surrounding locality, the proposed development and relevant town planning controls. The SEE includes an assessment of the proposal modification having regard to the matters for consideration as listed under Section 4.15 of the Environmental Planning and Assessment Act, 1979. The assessment concludes that the proposed modification to the development, within its local context, remains satisfactory and should be approved.

Key planning constraints for the site are discussed in the following sections.

3.1 Solar Access

45 out of 60 apartments (75%) receive three or more hours of solar access to their primary living area and principle outdoor area between 9am and 3pm on the Winter solstice.

9 apartments (15%) do not receive solar access between 9am and 3pm on the Winter solstice. This is primarily due to the south-easterly orientation of Bavarde Avenue.

The remaining 6 apartments (10%) receive partial solar access between 9am and 3pm on the Winter solstice.

Generally, apartments have very good solar access with the majority of units having North-facing living spaces, achieving the targeted solar access to the primary living area and principle outdoor area outlined in the Apartment Design Guide.

3.2 Overlooking

There are neighboring houses along one side of the subject site with their backyards oriented towards the proposed development. Potential overlooking has been addressed through significant setbacks and the provision of a substantial landscape buffer through this section of the site.

3.3 Car Parking & Infrastructure

Parking

The subject site is provided with ground level parking on Heradale Parade. It is noted that the acid

sulphate soil risk creates limitations in terms of potential basement footprint and depth.

Discussions with Council during the DA review process indicated Council were supportive of applying the "high density residential" parking rates specified in the RMS Guide, given the proximity of the site to the Batemans Bay town centre. Based on this target, parking is provided at the below rates:

Use	Rate	Quantity	Target
1 Bedroom	0.6 Spaces / Unit	NA	NA
2 Bedroom	0.9 Spaces / Unit	13 Units	11.7 Spaces
3 Bedroom +	1.4 Spaces / Unit	47 Units	65.8 Spaces
Visitor	0.2 Spaces / Unit	60 Units	12 Spaces
Total:			**89.5 Spaces**

Parking Provided on Site: 107 Car spots + 3 dedicated Car wash bays for residents, exceeding RMS rates.

Infrastructure

The site is accessible via Heradale Parade & Bavarde Ave and hasbasement access and waste facilities access via Heradale Parade. As these services are provided on site, parking and waste management will not extend into or impact the surrounding street network. The proximity of the development to Batemans Bay provides good access to public transport routes to Moruya, Catalina and Princess Hwy.

3.4 Natural Hazards

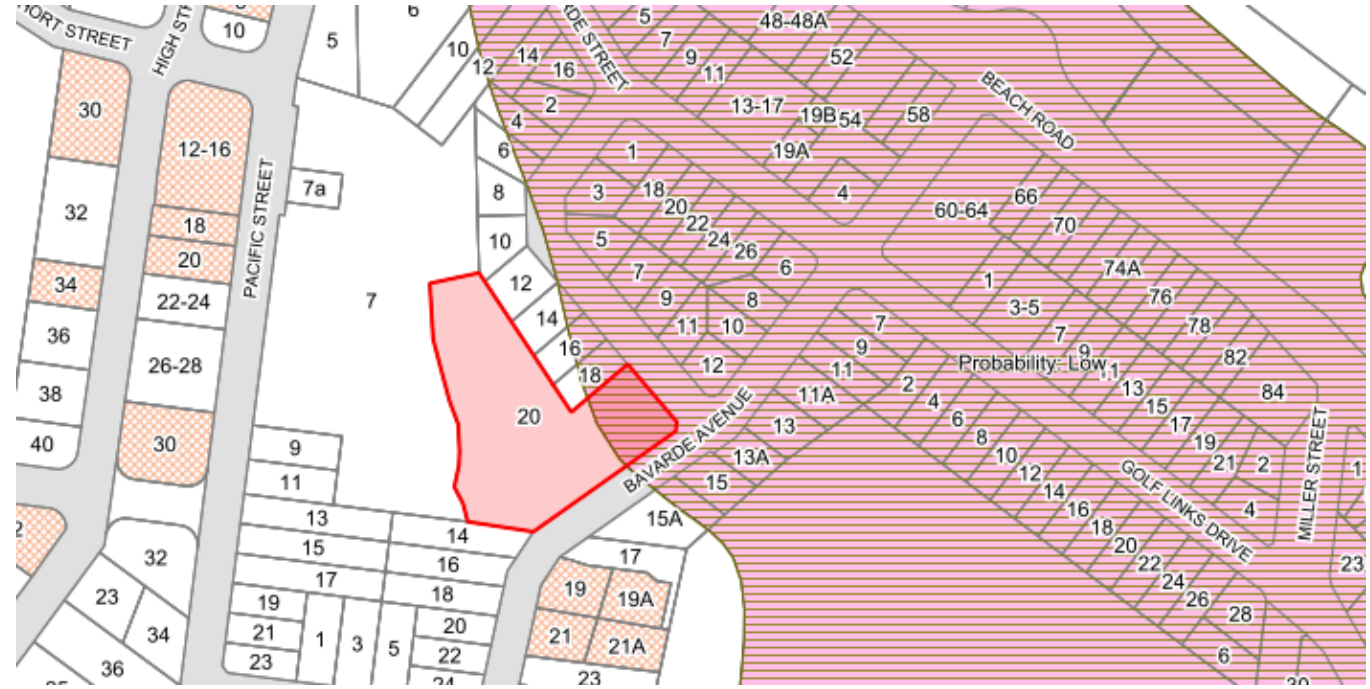
3.4.1 Bushfire

The subject site not identified as being Bush Fire Prone on the rural fire service bushfire prone map tool. As such, the development is not subject to any additional BAL requirements.

3.4.2 Acid Sulphates

The subject site is located within an acid sulphate soil area and has been categorised as 'class 3' which means acid sulphate is expected to be found beyond 1m below the natural ground level. Given the size of the site and the requirement for onsite car parking, disturbance of some soils is considered an unavoidable impact.

Figure 3: Acid Sulphate soils Source: Eurobodalla Shire Council



4. SITE SUITABILITY

The subject site is suitable for the proposed development as follows:

4.1 Location

The subject site is located in Batemans Bay and is within walking distance (approx. 500m-1km) to a range of amenities including the beach, shops, cafes, restaurants, clubs, medical facilities, supermarkets and other essential services.

There are also a number of other residential developments occurring in the surrounding areas of a similar scale and density as what is proposed on the subject site. The development is also consistent with the zone. As such, the subject site is considered a suitable location for a multi-unit residential development.

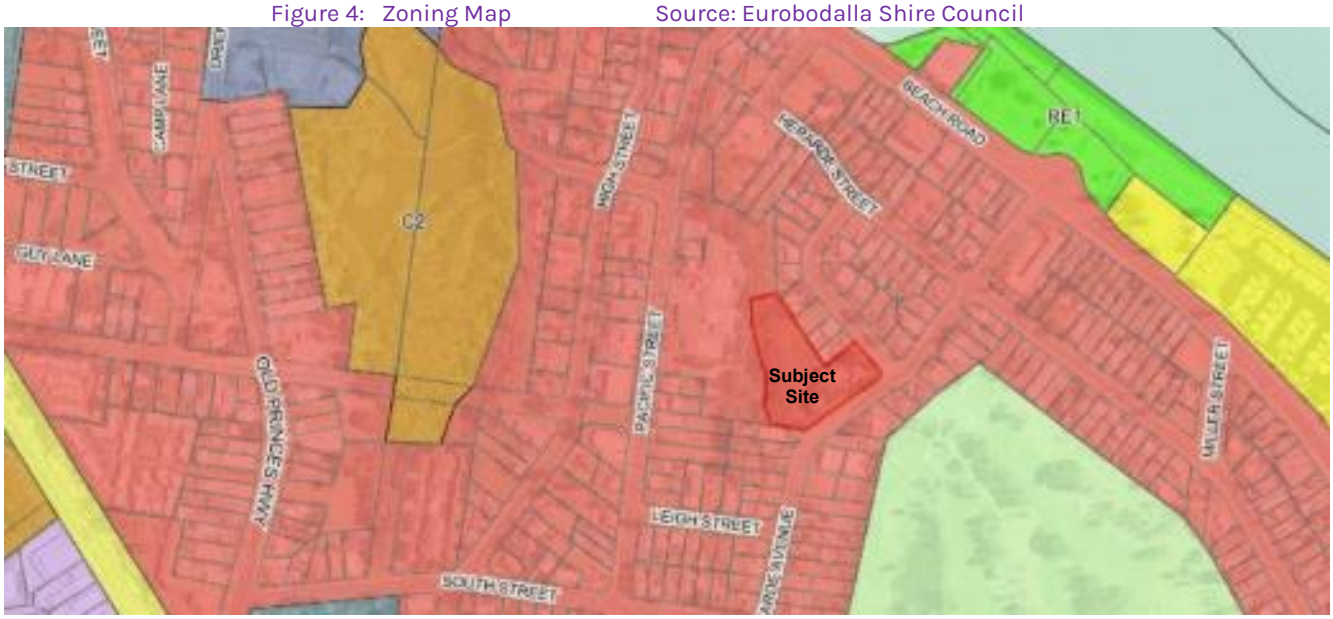
4.2 Character

The proposed development takes into consideration the future desired character of this precinct. Setbacks, articulation, and material application ensure that the height and visual aspects of the proposal provide a high-quality outcome, while also considering the existing context.

The materials proposed in the development include pre-cast concrete and timber look cladding. The architecture features horizontal and vertical elements through balustrades and louvered screening, in addition to vertical feature timber cladding. The design is considered compatible with the future character of the area which is largely zoned medium-density residential (refer Figure 4). Sites

surrounding the development are likely to be redeveloped in coming years as older single dwelling houses are re-generated through urban infill and redevelopment to meet the housing needs of the south coast region.

Figure 4: Zoning Map Source: Eurobodalla Shire Council



4.3 Visual Compatibility

Other adjoining areas are expected to go through a transitionary period of intensification with older single dwelling houses being redeveloped for medium density housing compatible with the zoning. As such, the development is both consistent with recent redevelopments in the area and will also be consistent with the future character of the area.

In addition, the proposed development does not have any unacceptable impacts on surrounding properties by way of overshadowing, noise or traffic. The site is presently being utilised for housing. On this basis, redevelopment is considered to generate an improved visual outcome for the Street.

4.4 Zoning

The subject site is zoned R3: Medium Density Residential. The proposed development is permitted in the zone and the scale of the development is consistent with Local Environmental Plan (LEP).

The objectives of the zone are addressed through the proposed development as follows:

Objective	To provide for the housing needs of the community within a medium density residential environment.
Response	The proposed development will provide a 60 residential units to Batemans Bay which will help to alleviate some of the housing shortfalls being experienced by residents of the area.
Objective	To provide a variety of housing types within a medium density residential environment.
Response	The proposed development includes a mix of two-bedroom and three-plus bedroom apartments in a range of formats and sizes.

Objective	To enable other land uses that provide facilities or services to meet the day to day needs of residents.
Response	Only residential uses are proposed as part of this residential redevelopment.
Objective	To encourage tourist and visitor accommodation in areas of demand subject to controls to ensure the adequate protection of a permanent residential housing supply and amenity.
Response	The proposed development is comprised solely of residential units. However, individuals could choose to sublet the units for tourist accommodation.
Objective	To encourage walking, cycling and the use of public transport.
Response	The subject site is well located in close proximity to a broad range of amenities and essential services.

4.5 Use of the Land

The site is zoned R3 Medium Density Residential, and the proposed medium density residential use is consistent with the zone and LEP. Surrounding land uses are generally residential, with Batemans Bay Hospital located to the west, separated by both vegetation and significant topography. On this basis, the proposed development is considered an appropriate use of the land.

5. STATURTORY PLANNING

This part of the SEE assesses the proposal in accordance with the Environmental Planning and local Council Controls. The following planning controls have been considered in the preparation of this application:

- Environmental Planning and Assessment Act 1979
- SEPP Biodiversity and Conservation 2021
- SEPP Building Sustainability Index: BASIX 2004
- SEPP Exempt & Complying Development Codes 2008
- SEPP Housing 2021
- SEPP Industry & Employment 2021
- SEPP Planning Systems 2021
- SEPP Primary Production 2021
- SEPP (Resilience and Hazards) 2021
- Eurobodalla Shire Local Environmental Plan 2012
- Eurobodalla Shire Development Control Plan 2011

Environmental Planning and Assessment Act 1979

In accordance with the Planning & Assessment Act (1979), Council is required to consider relevant matters under Section of the Act. The following sections provide details to assist council in this assessment. The key environmental planning issues associated with the proposed development are:

- Compliance with relevant planning policies and controls
- Flooding, Stormwater and Drainage
- Transport, Traffic and Parking

An assessment of issues including compliance with relevant policies and controls, environmental considerations like flooding, stormwater, drainage, transport, traffic, and parking is provided in the following subsections.

5.1 State Environmental Planning Policies (SEPP)

The following subsections assess the proposal against the relevant provisions of applicable Environmental Planning Instruments (EPIs), Draft EPIs, Development Control Plans (DCPs), Planning Agreements and matters prescribed by the Regulation in accordance with section 4.15(1)(a) of the EP&A Act.

5.2 SEPP Biodiversity & Conservation 2021

The subject site is zoned R3 and as such, this SEPP applies to development.

However, it is not assessed as applicable as no significant tree or vegetation clearing is required or

proposed as part of this application and the site is outside the Sydney Water Drinking Catchment.

5.3 SEPP Building Sustainability Index: BASIX 2004

A BASIX certificate has been prepared and is submitted with the DA.

5.4 SEPP Exempt & Complying Development Codes 2008

This SEPP has been reviewed and is assessed as being non-applicable as the proposed development cannot be assessed as an exempt or complying development.

4.5 SEPP Housing 2021

The Housing SEPP has been reviewed, and responses have been given to Schedule 9 – Design Principles for Residential Apartment Development. Refer to the appended design statement under Annexure 4 for consistency with the Apartment Design Guide.

4.6 SEPP Industry & Employment 2021

This SEPP has been reviewed and is not applicable as the site is outside of the mapped employment and industry areas to which the policy applies.

4.7 SEPP Planning Systems 2021

Not applicable. No state significant development is proposed.

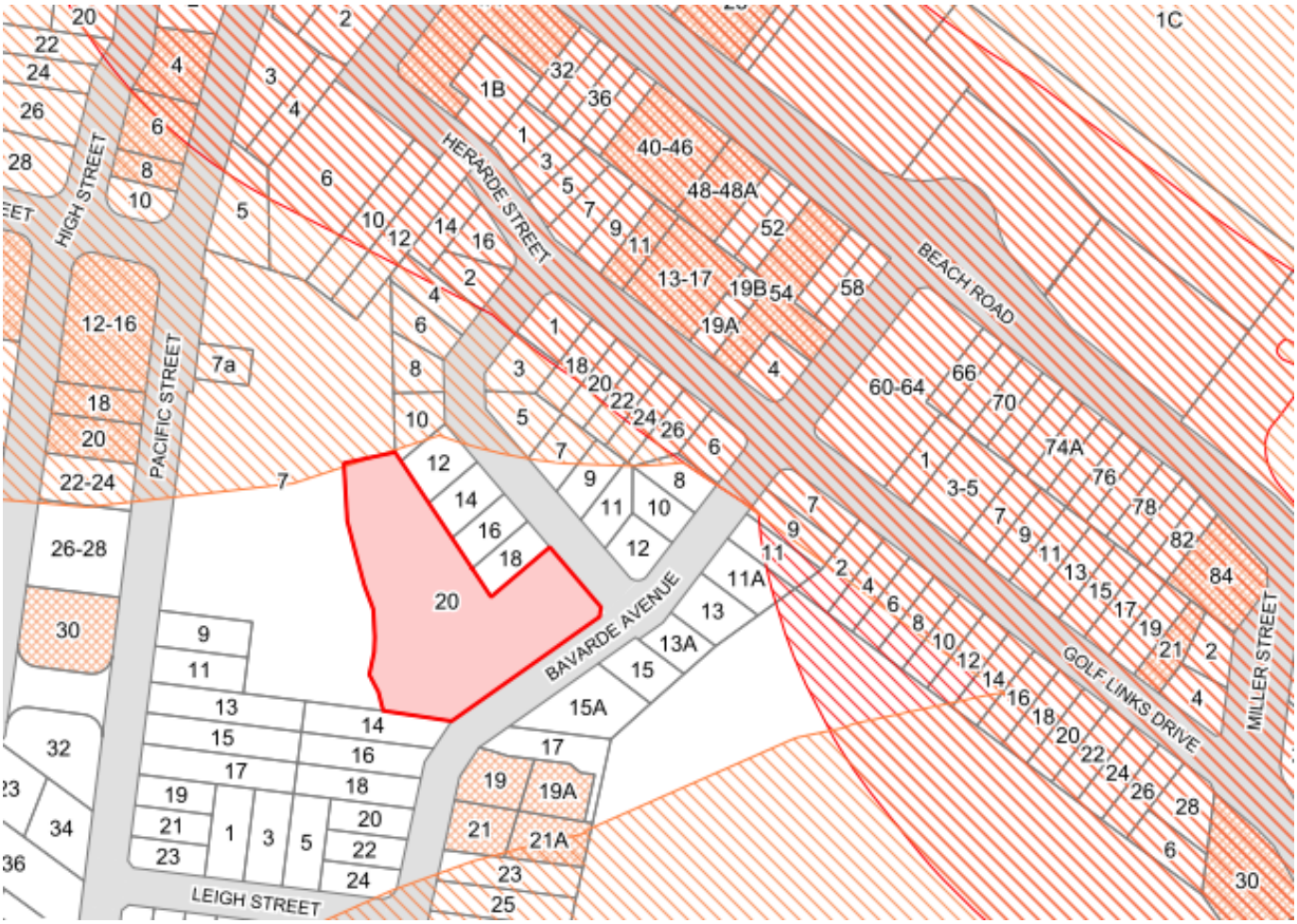
4.8 SEPP Primary Production 2021

This SEPP has been reviewed and it is not applicable as no primary production is proposed.

4.9 SEPP (Resilience and Hazards) 2021

The development site is located out of a Coastal Environment Area and a Coastal Use Area of State Environmental Planning Policy (Coastal Management) 2018.

Figure 5: Coastal Environment & Coastal Use Area Map Source: Eurobodalla Shire Council



COASTAL MANAGEMENT SEPP - COASTAL ENVIRONMENT AREA (CMA 3)

COASTAL MANAGEMENT SEPP - COASTAL USE AREA (CMA 4)

4.10 Eurobodalla Shire Local Environmental Plan 2012

The relevant provisions of LEP2012 as they relate to the subject site are considered below.

Cl 2.1 Land use zones

The subject site is zoned R3 Medium Density.

The proposed development is a medium-density residential development consistent with permitted use 'residential flat building'. This type of development is permitted with consent under Part 3 of the land use table in the ELEP.

Figure 6: LAND USE ZONES Source: Eurobodalla Shire Council

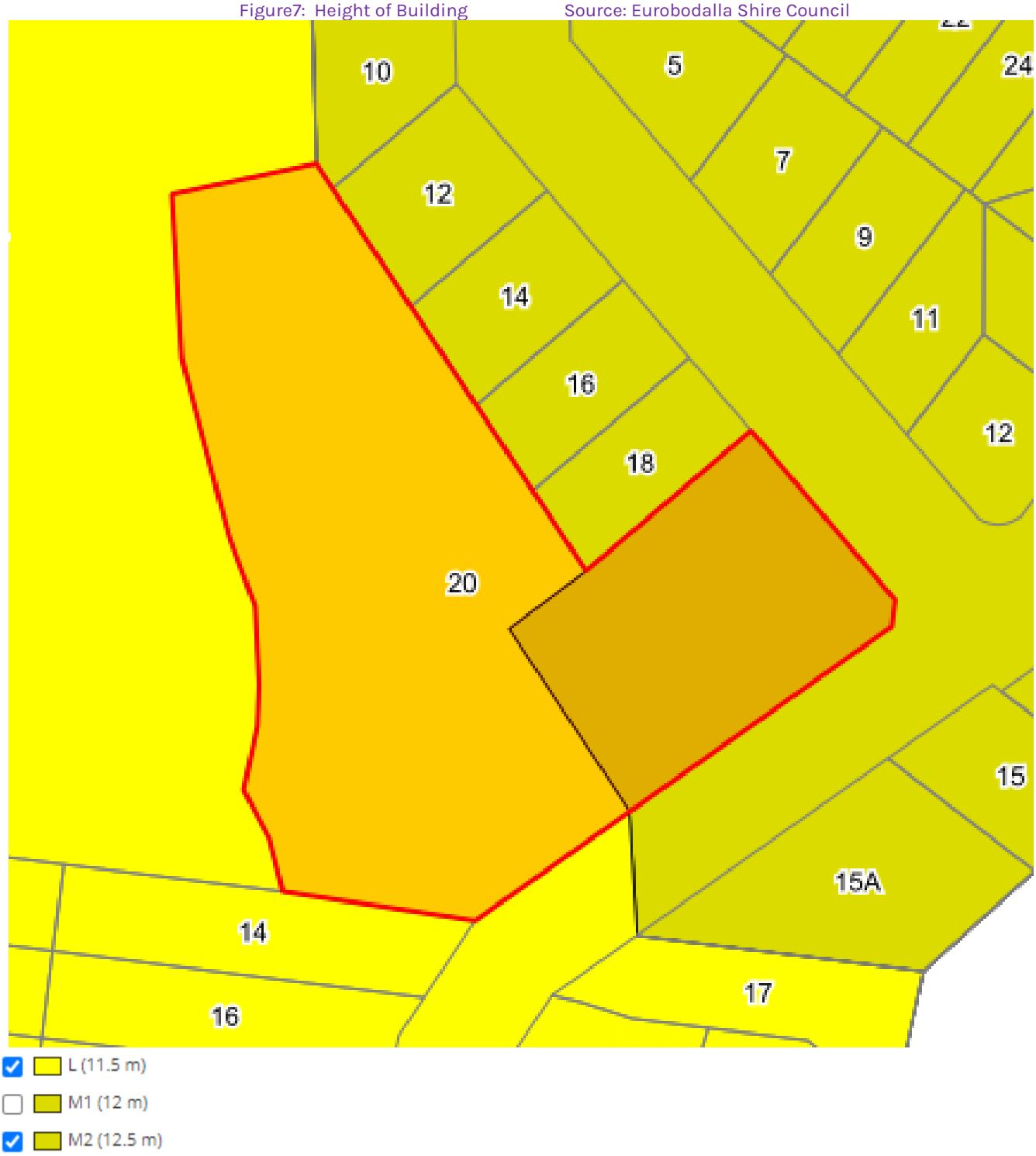
Cl 4.3 - Height of Buildings

The proposed maximum building height is up to 16.05m (lift overrun). The maximum building height provisions of the LEP 2012 is 12.5m & 11.5m. Therefore, the proposed building height is over the allowable height limit as noted in the drawing set.

A Clause 4.6 variation was submitted with the approved application (Ref: Clause 4.6 Variation Statement

(cl 4.3 Height by BMA Urban).

Figure7: Height of Building Source: Eurobodalla Shire Council



Compliance Table

No.	Item	LEP Control	Proposed	Compliance
1	Zoning	R3 Medium Density.	Medium-density residential development	Yes
2	Height	12.5m & 11.5 m	16.05 m	No

Cl 4.4 - Floor Space Ratio
There is no FSR restriction on the site. In the absence of this rule, the development is assessed as compliant.

Cl 5.21 – Flood Planning
The proposed development responds to environmental conditions by raising the ground floor level of the building and units to mitigate risk of flood impact to units. The development also maintains an overland drainage easement along the southern boundary to comply with flood and stormwater management requirements from Council.

Cl 5.3 Development Near Zone Boundaries
The subject site is not within 20m of any different zonings.

Cl 6.3 Acid Sulfate Soils
The subject property is identified as being affected by Class 3 Acid Sulphate Soils. The proposed development does not involve excessive excavation and the works are not anticipated to impact the water table. Based on the soil conditions, only one level of basement parking has been included to minimise the risk of disruption, exposure and impact.

Cl 4.6 Exceptions to Development Standards
The proposed development contravenes the height of building standard. There is a height breach to allow for overland flow considerations, facade articulation, and lift overrun to service all levels of the building. Due to the site topography this is required to provide suitable vertical circulation for the development.

This is addressed in more detail in the Clause 4.6 submitted in the previously approved application.

4.11 Eurobodalla Shire Development Control Plan 2011

Relevant sections of the DCP are addressed as follows:

Batemans Bay R3 Medium Density Residential Zone

The Residential General Precinct envelops the town centre and is to provide a range of varied housing opportunities that cater for both tourists and permanent residents. This area has a high level of accessibility to public transport, shopping, community facilities and employment. Controls have been established to ensure that development in this precinct complements the existing urban character.

Performance Criteria	Acceptable Solution	Proponent Response
P1 All buildings are sited to minimise the risk to human life and damage to property by avoiding steep and unstable land.	**A1.1** No development or land clearing shall occur on slopes equal to or greater than 1:4 (or 25 %). **A1.2** Where slopes are greater than 1:6.5 (or 15%) a report prepared by a qualified geo-technical engineer or soil conservationist is required to consider the suitability of the site for residential development having regard to the stability of the land.	**Complies.** Subject site does not have a slope greater than 1:4.
Front Boundary Setbacks **P4** Buildings are setback to contribute to the existing or proposed streetscape character, assist in the blending of new development into the streetscape, make efficient use of the site and provide amenity for residents	**A4.1** For infill development other than neighbourhood shops, buildings and all other structures must be setback from the road frontage to within 20% of the average front setbacks of the adjoining buildings, but no less than the smaller of the existing setbacks. **A4.2** Neighbourhood shops must be setback a minimum of 3 metres from the road frontage. **A4.3** In new subdivisions where a setback has not been established a setback of 5.5m applies. Up to 50% of the front façade of the dwelling (excluding garages or carports) may be setback 4.5m from the front boundary. **A4.4** Garages that have the door facing the street frontage and all carports must be set back a minimum of 5.5 metres from the property boundary	**Complies.** The development is setback by 4.5m & 4m.
Side Boundary Setback **P5** Buildings are setback to reduce overbearing and perceptions of	**A5** The minimum setback to a side boundary is;	**Complies.** The proposal is setback 6m from side boundary.

Performance Criteria	Acceptable Solution	Proponent Response
building bulk on adjoining properties and minimises overshadowing impacts on adjoining properties	• For the first floor, or for a single storey building, 900mm (including a minimum of 600mm to the eaves or gutters, whichever is the closest); • For any part of the building higher than 4.5m, 1.5m (including a minimum of 1.2m to the eaves or gutters, whichever is the closest); • For any part of the building higher than 7.5m, 1.5m (including a minimum of 1.2m to the eaves or gutters, whichever is the closest) where it adjoins land zoned R3 Medium Density Residential or a Business Zone and 2m (including a minimum of 1.7m to the eaves or gutters, whichever is the closest) elsewhere; • For single storey (up to a height of 3.8m) sheds, detached garages and other detached ancillary buildings (eg. gazebos, aviaries, green houses, pool	
Rear Boundary Setback **P6** Buildings are setback so that they do not reduce the use and enjoyment of public, private or communal open space provided at the rear of adjoining residential development by being in close proximity, overshadowing or overlooking the open space.	**A6.1** A minimum rear boundary setback of 3m applies to all buildings except: – sheds; – detached garages; and – other detached non-habitable ancillary buildings. up to a height of 3.8m. **A6.2** A minimum rear boundary setback of 450mm applies to all: – sheds; – detached garages; and – other detached not-habitable ancillary buildings, up to a height of 3.8m. The above minimum rear boundary setbacks also apply to allotments with a rear boundary to a road	**Complies.** All structures are setback at least 3m-12m from the rear boundary.
Private Open Space **P1** Private open space is designed and located to: - enhance residential amenity - be functional for private recreational activities; - allow for landscape design; - optimise solar access; and - increase visual privacy, to promote the enjoyment of outdoor living by residents.	**A1.1** Each dwelling must be provided with a minimum of 24m² of private open space at ground level and/or above ground level which must: - not be steeper than 1 in 50 in grade - be of a predominantly northern exposure, that takes advantage of outlook and reduces adverse privacy and overshadowing impacts from adjacent buildings;	**Complies**. Areas of private open space provide amenity, functional and privacy. Private open space is graded, and all areas are accessible from habitable living spaces and is oriented to achieve maximum solar access and visual privacy.

Performance Criteria	Acceptable Solution	Proponent Response
	- serve as an extension of the dwelling for relaxation, entertainment and recreation purposes by being accessible to the living areas; and - be located behind the building line. **A1.2** Where a secondary dwelling is proposed, it must share the private open space provided for the principal dwelling & not be separated in any way.	
Dwellings with Combinations of Ground and Above Level POS **P3.1** Private open space at ground level or above ground level is functional and responsive to the environment to promote the enjoyment of outdoor living by residents. **P3.2** On land zoned R3: – Where communal open space cannot be provided in accordance with the acceptable solutions, space that meets all of the General Requirements for private open space may be acceptable. Proximity to public outdoor recreation areas within	**A3 Where the dwelling has direct** access to the ground level or similar space on a structure such as a podium or carpark, an individual entrance and is two storeys in height, private open space must meet the general and following requirements: • either be a minimum area of 24 m² of private open space provided mainly at ground level, no part of which has a minimum dimension less than 4m and the balance on a balcony/deck or terrace (the exact area apportionment to be determined by design); or a minimum balcony area of 10m2 and minimum dimension of 2m (greater area and dimension is encouraged where practical) if at above ground level.	Complies. Areas of private open space exceed the minimum dimensions. All dwellings have access to both above ground and ground level private open space.
Dwellings with Above Ground Level POS Only **P4.1** Private open space above ground level and communal open space at ground level is functional and responsive to the environment to promote the enjoyment of outdoor living by apartment residents. **P4.2** On land zoned R3: - Where communal open space cannot be provided in accordance with the acceptable solutions, space that meets all of the General Requirements for private open space may be acceptable. Proximity to public outdoor recreation areas within 400m walking may be taken into account in considering a	**A4** For each dwelling that does not have an individual entrance at ground level or a ground level private open space area, private open space is to be provided in the form of a balcony and communal open space. The general and following requirements must be met in this regard: • contain a balcony with a minimum area of 10m² and minimum dimension of 2 metres (greater area and dimension is encouraged where practical); • locate the balcony with direct access to the main living rooms of the dwelling; • provide a communal open space area on site calculated by multiplying the number of units by the 24m² private open space area,	**Complies.** Balcony private open space is provided to above ground units and complies with requirements as follows: • Balconies have a minimum dimension of 2m and all 3-bedroom units have a balcony with a area greater than 10 m². • All balconies are directly accessible from the main living area • There is a total of 4,871 m² of open space provided at ground level as part of the Proposal.

Performance Criteria	Acceptable Solution	Proponent Response
reduction in the provision of communal open space.	minus the area provided as a balcony;	
Landscaping **P4** Sites are landscaped to complement and soften the built form of development, enhance the streetscape, provide amenity to occupants and reduce stormwater run-off.	**A4** The minimum landscaped area of the site must consist of: • 20% of the site area used for residential development, including; • 50% of the front setback for development other than neighbourhood shops; and Calculation of minimum landscaped area must not include any area with a minimum dimension less than 1m.	**Complies.** The block area is approx. 8,410 m² and the footprint of the residential development is approx. 4,465 m². The site landscaping requirements are met.
Parking & Access **P1** All development must provide parking and access sufficient to cater for the maximum demand for the development in accordance with a Traffic Study performed by a qualified professional and approved by Council.	**A2** All development must comply with the Parking and Access Code. 2cars for 2 or more bedroom unit. 1 car wash bay for every 20 units 2x58 Units = 116 Cars 58 Units = 3 Car Wash Bays	**Achieves Intent** 107 Cars + 3 Car wash bays Parking complies with the RMS Guide for Traffic Generation, per discussions with Council regarding proximity to town centre.
Safer By Design **P1** Developments are designed to ensure the security of residents and visitors and their property, and to enhance the perception of community safety.	**A1.1** For dual occupancies; • The main entrance must be clearly visible from the street • Windows must be located to allow casual surveillance of the street from the dwellings **A1.2** All development must comply with the Safer By Design Code.	**Complies.** The principles of the 'Safer By Design Code' are satisfied as follows: • Passive surveillance to the Street and building entries is provided through windows, balconies and courtyards facing the Street front. • The waste enclosure a secured space in the proposed development. Landscaping to communal areas is generally behind secured gates and there are minimal opportunities for hiding or entrapment given the well-lit nature of the communal areas and ability for passive surveillance noting common areas adjoin public walkways. All car parking areas will be secured within the basement.
Views **P1** Development allows for the reasonable sharing of views through the siting, height and design of buildings.	**A1** The design of development minimises impacts on private views and shares views where necessary by: – locating structures to provide or maintain view corridors; or – adjusting rooflines, or modifying building bulk or scale; or – demonstrating regard and consideration of views in the development design.	**Not applicable.** The proposed development does not significantly impact any view lines.

Performance Criteria	Acceptable Solution	Proponent Response
Building Bulk & Scale **P1** Building design is readily adapted to accommodate two or more different uses over the life of the building without the need for structural alterations. This can be achieved through variations in the inter floor levels of the development. **P3** Development conforms to the topography of the site and is not of a bulk or scale that is out of character with the local area.	A1 Where all levels above ground level are principally dedicated to residential accommodation, the first floor level must be structured so that it can be retro-fitted for commercial space as future demand dictates. **A3** On sloping sites, buildings must step down the block.	The subject site is not within the main business district and does not have frontage to a main pedestrian route. Notwithstanding this, ground level communal facilities could be modified to provide spaces for commercial, retail, or hospitality spaces. **Complies.** The proposed work on site is in largely flat and development is compatible with this.
Street Frontage & Façade Treatment **P4** The facades of buildings relate sympathetically to the existing buildings nearby and are designed to architecturally express the different functions of the building. **P6** Building design enhances the streetscape through façade articulation, detailing and window and door proportions.	**A4.1** Development must be orientated toward the street with front entrances visible from the street allow casual surveillance of entrance points. **A6.1** For residential development, façades must be articulated by doors, windows, balconies decks or wall offsets such that no more than five horizontal metres of the facade is blank. **A6.2** The building design must incorporate at least one of the following architectural features: • eaves and overhangs of roof structures; • verandahs and balconies (above ground level); • a variety of building materials and coordinated colours; • recesses and variation to built walls; or • large windows and doors to the street frontages. **A6.3** Buildings must not present blank facades to streets or public spaces	**Complies**. The development has been designed to be complementary. The development is oriented to the Street front and includes windows and balconies addressing the street to ensure passive surveillance. The façade is articulated through incorporation of a variety of materials. The façade includes varying profiles and horizontal elements. Balconies and floor to ceiling windows also add visual interest through creation rhythm and verticality. 90% of the Street front is considered articulated through varying façade elements. No blank walls present to the Street front.
Style and Visual Amenity **P4.1** The building design is in the existing or desired character of the area and visually compatible with the existing and desired streetscape and environment.	**A4** New development must be designed to be consistent with the existing development and sympathetic with surrounding	**Complies.** The palette of colours, materials and architectural form proposed is compatible with existing residential development in the area.

Performance Criteria	Acceptable Solution	Proponent Response
P4.2 New development does not compromise the design integrity of the existing development and preserves and enhances the amenity of the surrounding environment.	development in terms of style and orientation of openings, roof pitch, materials, colours and general style	The proposed architecture in no way compromises the design integrity of adjacent dwellings.
Fences in Residential Zones **P1** The design of fences preserves and enhances the existing streetscape and contributes to the amenity of both public and private space.	A1.1 The height of fences must be no greater than 1.2m forward of the building line or the front setback and 1.8m behind the building line (as measured from the finished ground level on the lowest side of the fence). A1.2 Where acoustic fencing is required as part of a development application it must be setback from the boundary in the direction of the noise source, a minimum of 1.5m and augmented by landscape treatments in the form of trees, shrubs and groundcovers provided in front of the fencing.	**Complies.** Front fences to courtyard walls are 1.2m in height from the top of the flood podium height. The fences are transparent in nature to provide street activation and enhancement and a lower retaining wall containing landscape plantings is proposed on the outside of the fence to minimise the impact of the height.
P2 The form, extent and materials of fencing are designed to minimise visual impact.	**A2** Lengths of unmodulated solid fence (ie. Not broken up by the provision of gates or driveways): • on a property boundary fronting a road reserve, and • higher than 1.2m and greater than 15 metres long, must be provided with recessed indentations, • at least 1m wide and 1m deep; • located wholly within private property; • not more than 10m apart; and • containing planting that have a mature height at least that of the fence height. OR Fencing incorporates a combination of visually contrasting materials.	**Not applicable.** No unmodulated fencing is proposed to the front boundary.
Adaptable Housing **P1** Residential development has the ability to cater for residents with a variety of physical abilities and is responsive to the changing lifestyle needs of residents	**A1** Developers proposing multi-dwelling housing, shop top housing or residential flat buildings of 4 units or more must ensure that 25% of the dwellings are adaptable housing. The applicable dwellings must comply with Australian Standard *AS4299 – Adaptable Housing.*	**Complies.** A total of 15 units – 25% adaptable units (consistent with 25%) is proposed. Refer access report confirming suitability of the units.
Visual Privacy	**A1.1** Transparent doors and windows of living rooms must be	**Complies.** There are no adjacent residential properties with

Performance Criteria	Acceptable Solution	Proponent Response
P1 Buildings are designed to minimise direct overlooking of main living areas and private open spaces of existing dwellings by sensitive building layout, location and design of windows and balconies and the use of screening devices and landscaping.	designed and located so they do not directly face transparent doors or windows of living rooms or the private open space areas of other residential accommodation within 9 metres. **A1.2** Planter boxes, louvre screens, pergolas, landscaping and architectural design of balconies must be used to screen the ground floor private open space of dwelling units or dwelling units from upper level residential accommodation. Acceptable privacy measures include trees, awnings, screens, fences and planter boxes to minimise the ability to directly look into neighbouring homes and yards. The view of the area overlooked must be restricted within 9m and beyond a 45° angle from the plane of the wall containing the opening, measured from a height of 1.7m above floor level.	potential to overlook within 9 meters. Screening has not been introduced to balconies to ensure maximum solar access noting site orientation constraints. However, significant landscape buffers have been incorporated to ensure visual separation.
Solar Access to Adjacent Dwellings **P1.1** The use of natural light is maximised and the need for artificial lighting is reduced. **P1.2** Buildings are designed to ensure adjoining residential development maintains adequate daylight to living areas, (i.e. living, dining or family rooms, kitchens), private open space and solar panels.	**A1** Maintain solar access to adjoining residential development as follows: • For all development except where an existing adjacent building has an east-west orientation: – maintain solar access to the front or rear living room windows for a minimum period of 4 hours between 9.00am and 3.00pm at the winter solstice; and – where solar access already exists to the private open space of adjacent dwellings, ensure it is maintained over a minimum of 50% of the principal private open space for a minimum period of 3 hours between 9.00am and 3.00pm at the winter solstice. • Where an existing adjacent building has an east - west orientation: – maintain solar access to the north facing living room windows for a minimum period of 2 hours between 9.00am and 3.00pm at the winter solstice; or	Existing adjoining dwelling have an north/east orientation. Principal private open space and two thirds of the adjoining dwelling footprint will maintain 3 hours of sunlight during the winter solstice. As such, the neighbouring property maintains consistency with solar requirements to both the dwelling and associated private open space.

Performance Criteria	Acceptable Solution	Proponent Response
	where less than 2 hours solar access is currently available to the north facing living room windows of existing dwellings, no additional overshadowing shall be permitted	
Solar Panels **P2** The total energy use in residential buildings is reduced.	**A2.1** Maintain solar access to existing solar panels throughout the day at all times of the year. **A2.2** Maintain solar access to the north facing roofs of existing dwellings (45° West to 45° East variation is possible) to a fixed minimum area of 10m2, capable of accommodating solar panels.	**Complies.** Solar panels are proposed as part of this development and will not impact any panels on adjoining developments.
Sustainability **P1** New development is designed to minimise the generation of greenhouse gases. **P2** No Performance Criteria.	**A1** New development must connect to reticulated electricity supply where available to enable any excess power created from alternative renewable resources to be fed back into the grid **A2** All dwellings in residential development must be provided with a separate water meter to comply with the State Government's Best Practice Management of Water Supply and Sewerage Guidelines.	**Complies.** The development will be connective to reticulated electricity supply. Solar panels are incorporated to improve sustainability and reduce emissions associated with the development. **Complies.** All dwellings will have a separate water meter.
Earthworks & Excavation **P1** Development is designed to ensure that excavation and earthworks are kept to the minimum required for the development without an unreasonable adverse visual impact on the site.	**A1** Beyond the external walls of the building, the maximum cut is to be 1m and the maximum fill is to be 1m.	**Complies.** Earthworks have been minimised to mitigate impact to acid sulphate soil conditions.
Stormwater Management **P1.1** New development is designed in accordance with a site specific Stormwater Management Plan (SMP), approved by Council. The SMP will provide for the integrated management of stormwater in order to: – minimise flooding; – protect and enhance environmental values of receiving waters; – maximise the use of water sensitive urban design principles; – maximise the use of natural waterway corridors and natural channel design principles;	**A1.1** To avoid adverse impact on other development in the area, new development must connect to a Council approved drainage system which has sufficient capacity to ensure that any overland stormwater runoff from the property after the completion of the development does not exceed the stormwater runoff level prior to the development. **A1.2** Development must comply with the following where relevant: – AS3500 – Plumbing and Drainage Code; – the Eurobodalla Development Specification Manual – Section D5	**Complies.** Stormwater has been designed in accordance with Council requirements at the detailed design stage.

Performance Criteria	Acceptable Solution	Proponent Response
– maximise community benefit; and – minimise public safety risk. **P1.2** The stormwater management system or site works proposed by the SMP does not adversely impact on flooding or drainage of properties that are upstream, downstream or adjacent to the subject site. **P1.3** The design provides for stormwater quality best management practices that are sufficient to treat the target pollutants.	Stormwater Drainage Design & D7 Erosion Control and Stormwater Management; and the Design Guidelines for Rainwater Tanks Where an Existing Reticulated Water Supply Exists	
Waste Management **P1** Application of a site specific Site Waste Minimisation and Management Plan, approved by Council having regard to the objectives of the Code. The Plan must show that compliance with the Code is unreasonable or unnecessary in the circumstances of the case.	**A1** All development must comply with the Site Waste Minimisation and Management Code	**Complies.** Refer waste plans submitted with the DA.

6. DEVELOPMENT ASSESSMENT

6.1 Traffic

The proposed use is consistent with the zone and other developments surrounding the site. A total of 107 car parking spaces is provided for 60 units. The provision of parking is therefore consistent with the minimum requirements of the RMS Guide For Traffic Generation in terms of parking spaces.

The Proposed Development is not expected to generate significant traffic and the local network is considered sufficient to accommodate any minor increase.

6.2 Economic

The proposed development represents a significant investment in Batemans Bay, which is an area of the Shire that is going through significant regeneration and investment. The development is expected to generate significant market interest in terms of residential sales and will generate jobs for the local construction industry.

The Proposal will also help to ameliorate the housing crisis being experienced in the Shire through the provision of additional dwellings, as well as affordable dwellings (when compared to a standard house price).

6.3 Public interest

The proposed development meets the zone objectives and does not have any adverse impact on existing adjoining properties.

In addition, the development provides additional affordable housing to the area and contributes towards urban intensification of appropriately zoned land (in keeping with Council strategic objectives). Given the benefits associated, and the fact that there are negligible impacts associated, the development is considered in the public interest.

6.4 Overshadowing

Accompanying the supporting documentation are shadow diagrams which show the extent of overshadowing at the winter solstice.

It must be acknowledged that the locality is transitioning from a low-density residential environment to the more intensive development envisaged under the planning controls applying under the ELEP 2012. The taller, more intensive development will clearly result in greater overshadowing than expected in a low-density environment. Consequently, it is not reasonable to expect the maintenance of direct sunlight at levels currently experienced.

6.5 Noise

The development is a residential proposal and is therefore not considered to be a noisy use. As such, neighbouring properties will not be impacted by way of noise in the long term. There may be some initial disturbance as a result of construction activities. However, construction activities and noise levels will be managed in accordance with EPA requirements and will therefore have limited impact to adjoining residences.

6.6 Accessibility

The Access Report submitted with the modification confirms compliance with access and mobility requirements.

6.7 Privacy
The proposed development has been designed to maximise privacy and reduce potential for overlooking. As discussed in the responses to DCP and SEE requirements, the development is not subject to any internal overlooking of dwellings and dwellings.

In terms of privacy to neighbouring dwellings, the development meets all setback requirements and side boundaries will be landscaped to provide screening and soften the visual impact of the development. Overall, there is minimal impact to privacy as a result of this Proposal.

6.8 Views
The subject site does not have any significant views as views are blocked to by adjoining developments. The proposed development also has no impact to sight lines from adjoining properties. As such, the proposed development is not considered to have an impact in terms of views.

6.9 Flooding
The subject site is in a flood prone area and the ground floor level has been raised to mitigate any risk of flooding. In addition, an overland flow path has been retained on the entire to ensure a clear stormwater run-off path.

6.10 Biodiversity
The subject site holds tree and Vegetation zone, which has been clearly identified and new works are proposed in this area.

6.11 Bushfire
The subject site is not within a bushfire prone area.

6.12 Sustainability & Energy Efficiency
The development has been oriented to maximise solar access and cross ventilation. Most dwellings are cross ventilated which will reduce reliance on cooling during warmer months.
Rooftop solar panels are proposed to improve energy efficiency and reduce emissions associated with the development. The dwellings will be connected to the grid so that any excess power from the panels can be fed back into the local supply.

6.13 Waste Management
Waste is to be managed via an enclosed waste facility within the development.

6.14 Submissions
It is envisaged that the modification once submitted to Council will be placed on public exhibition; and the general public will be afforded an opportunity to review the documentation supporting the application. Any public submissions made following the exhibition will need to be taken into consideration by Council when it determines the application.

7. CONCLUSION

This Statement of Environmental Effects (SEE) supports the application to modify the consent of DA0593/23 – PAN-325178 granted by Eurobodalla Shire Council for the development a residential flat building comprising a total of 60 residential units, with parking for 107 vehicles & 3 Car wash bays.

Under the provisions of the Eurobodalla Local Environmental Plan (ELEP) 2012, the subject site is zoned R3 Medium Density Residential. The proposal comprises a “residential flat building” and is permissible with development consent under these planning provisions.

Clause 4.3 of the ELEP 2012 includes a maximum height of building, and the proposed building has a maximum height that exceeds this. This modification seeks an additional breach beyond that currently approved by council of 0.4m.

This SEE considers the site, the surrounding locality, the proposed development and relevant town planning controls. The SEE includes an assessment of the proposal having regard to the matters for consideration as listed under Section 4.55 and Section 4.15 of the Environmental Planning and Assessment Act, 1979.

The proposed modification to the residential flat building is appropriate to the existing and future context and creates large-sized apartments for future occupants to enjoy. The proposal has minimal impact to the surrounding properties and is appropriate to the local streetscape and steep site topography. The assessment concludes that the development, within its local context, is satisfactory and should be approved.

ANNEXURE 1

NOTICE OF DETERMINATION OF A DEVELOPMENT APPLICATION

Application number	DA0593/23 PAN-325178
Applicant	Marie-Clarie Alexander-Hatziplis
Description of development	Demolition and construction of a Residential Flat Building (60) units (2 x 1 bed; 12 x 2 bed; 42 x 3 bed and 4 x 4 bed) including basement car parking for 88 vehicles (plus 3 car wash bays) (as described in Schedule 1)
Property	20 Heradale Parade BATEMANS BAY NSW 2536 Lot 1 DP 1135117
Determination	Approved Consent Authority: Southern Regional Planning Panel
Date of determination	13 February 2025
Date from which the consent operates	13 February 2025
Date on which the consent lapses	12 February 2030
Approval bodies that have given general terms of approval	Water NSW DPE Heritage NSW
Court Case name **LEC Number**	N/A

Under section 4.18(1) of the EP&A Act, notice is given that the above development application has been determined by the granting of consent using the power in section 4.16(1)(a) of the EP&A Act, subject to the conditions specified in this notice.

Reasons for approval

The Panel determined to uphold the Clause 4.6 variation to building height and approve the application for the reasons outlined in the Council Assessment Report subject to several minor amendments to the recommended conditions of consent as outlined below.

In particular, the Panel agreed with Councils assessment that:

- The proposal is permissible in the R3 Medium Density zone under the Eurobodalla LEP 2012 and is consistent with the zone objectives which include the need to provide a variety of housing types and to provide for the housing needs of the community.

- The development will result in a sound planning outcome and the site of the proposed development is well suited for the intended use.
- The clause 4.6 contravention is justified on planning grounds having regard to both the built form outcomes and the positive social outcomes.
- Adequate services are available to the site.
- The proposal promotes good residential amenity and will provide for a diversity of housing throughout Eurobodalla.
- The Panel has considered all the relevant issues raised in submissions and concludes they have been resolved through design and by conditions of consent as imposed.

During deliberations, the Panel noted a discrepancy between car parking arrangements contained in the Council assessment report and the traffic and car parking report submitted in support of the application, which specified a reduction of car parking spaces proposed. The Panel agreed with the advice provided by Council assessment staff during the final briefing that the proposed parking spaces and updated arrangements were suitable and comply with Councils car parking controls.

The Panel also noted clarification provided by Council assessment staff during the final briefing regarding the management of stormwater and In-ground water and noted that the GTAs from WaterNSW included conditions to ensure stormwater and pump out water is managed appropriately.

Right of appeal / request a review of the determination

If you are dissatisfied with this determination:

Request a review

You may request a review of the consent authority's decision under section 8.3(1) of the EP&A Act. The application must be made to the consent authority within 6 months from the date that you received the original determination notice provided that an appeal under section 8.7 of the EP&A Act has not been disposed of by the Court.

Rights to appeal

You have a right under section 8.7 of the EP&A Act to appeal to the Court within 6 month after the date on which the determination appealed against is notified or registered on the NSW planning portal.

The Dictionary at the end of this consent defines words and expressions for the purposes of this determination.

Catherine Watkins
Senior Development Assessment Planner
Person on behalf of the consent authority

For further information, please contact Council's Development Administration team on (02) 4474 7444.

Terms and Reasons for Conditions

Under section 88(1)(c) of the EP&A Regulation, the consent authority must provide the terms of all conditions and reasons for imposing the conditions other than the conditions prescribed under section 4.17(11) of the EP&A Act. The terms of the conditions and reasons are set out below.

GENERAL CONDITIONS

1 ***Approved plans and supporting documentation***

Development must be carried out in accordance with the following approved plans and documents, except where the conditions of this consent expressly require otherwise.

Approved Plans

ARCHITECTURAL (All architectural drawings **prepared by PLACE Studio**)

Drawing No.	Drawing Title	Date of drawing	Revision
Architectural:			
Dwg. 2021029 - DA-0001	Cover Sheet	18/12/24	Issue F
Dwg. 2021029 - DA-0002 ***AS AMENDED IN RED***	Compliance Table	18/12/24	Issue D
Dwg. 2021029 - DA-0003	Site location	3/9/24	Issue C
Dwg. 2021029 - DA-0004	Site analysis - existing	3/9/24	Issue C
Dwg. 2021029 - DA-0100	Demoliton plan - survey overlay	3/9/24	Issue C
Dwg. 2021029 - DA-2000 ***AS AMENDED IN RED***	Site plan	18/12/24	Issue E
Dwg. 2021029 - DA-2001	GA- Basement - survey underlay	18/12/24	Issue E
Dwg. 2021029 - DA-2002 ***AS AMENDED IN RED***	GA- Basement - floor plan	18/12/24	Issue E
Dwg. 2021029 - DA-2003	GA- Ground floor - survey underlay	18/12/24	Issue E
Dwg. 2021029 - DA-2004 ***AS AMENDED IN RED***	GA- Ground floor plan	18/12/24	Issue E
Dwg. 2021029 - DA-3000	GA- Level 01 plan	18/12/24	Issue D
Dwg. 2021029 - DA-3001	GA- Level 02 plan	18/12/24	Issue D
Dwg. 2021029 - DA-3002	GA- Level 03 plan	18/12/24	Issue D
Dwg. 2021029 - DA-3003	GA- Roof Plan	18/12/24	Issue E
Dwg. 2021029 - DA-3004	GA- Roof survey underlay	18/12/24	Issue D
Dwg. 2021029 - DA-4000	Sections	3/9/24	Issue D
Dwg. 2021029 - DA-4001	Driveway Ramp Section	3/9/24	Issue C
Dwg. 2021029 - DA-4002	Culvert section	3/9/24	Issue C
Dwg. 2021029 - DA-5000	South & east elevations	3/9/24	Issue C

Dwg. 2021029 - DA-5001	Building A elevations	3/9/24	Issue C
Dwg. 2021029 - DA-5002	Building B elevations	3/9/24	Issue C
Dwg. 2021029 - DA-5003	Building C elevations	3/9/24	Issue C
Dwg. 2021029 - DA-7000	Gross floor area diagrams	18/12/24	Issue D
Dwg. 2021029 - DA-7010	Deep soil calculation	3/9/24	Issue C
Dwg. 2021029 - DA-7020	Communal open space compliance	3/9/24	Issue C
Dwg. 2021029 - DA-7030	Cross ventilation diagram	3/9/24	Issue C
Dwg. 2021029 - DA-7040	Solar access diagram	3/9/24	Issue C
Dwg. 2021029 - DA-7050	Site coverage diagram	18/12/24	Issue D
Dwg. 2021029 - DA-7060	Height plane	18/12/24	Issue D
Dwg. 2021029 – DA7070	Adaptable Units	18/12/24	Issue D
Dwg. 2021029 – DA7071	Adaptable Units	3/9/24	Issue C
Dwg. 2021029 – DA8090; DA8100; DA8110; DA8120; DA8130; DA8140; DA8150 (7 sheets)	Solar views - (various)	18/12/24	Issue D
Dwg. 2021029 – DA8160	Solar matrix	3/9/24	Issue B
Dwg. 2021029 – DA9100	Unit & window schedule	3/9/24	Issue C
Dwg. 2021029 – DA9200	Materials schedule	3/9/24	Issue C
Dwg. 2021029 – DA9300	Perspective views	3/9/24	Issue B

Landscape: (All landscape drawings **prepared by PLACE Landscape**)

Drawing No.	Drawing Title	Date of drawing	Revision
Dwg. 2021029 – L000	Title page	3/9/24	Rev. A.
Dwg. 2021029 – L001	Existing tree plan	3/9/24	Rev. A.
Dwg. 2021029 – L002	Landscape masterplan	3/9/24	Rev. A.
Dwg. 2021029 – L003	Planting plan ground floor	3/9/24	Rev. A.
Dwg. 2021029 – L004	Planting plan ground floor	3/9/24	Rev. A.
Dwg. 2021029 – L005	Planting plan level 3	3/9/24	Rev. A.
Dwg. 2021029 – L006	Planting & materials schedules	3/9/24	Rev. A.
Dwg. 2021029 – L007	Elevations	3/9/24	Rev. A.

Engineering - stormwater: (All Stormwater concept drawings **prepared by Telford Civil**)

Drawing No.	Drawing Title	Date of drawing	Revision
Dwg.22500 - 000	Cover sheet plan	30/08/2024	Rev. D
Dwg.22500 - 101	Stormwater concept plan basement B1 Sheet 1 of 3	03/09/2024	Rev. E
Dwg.22500 - 102	Stormwater concept plan basement B1 Sheet 2 of 3	30/08/2024	Rev. C
Dwg.22500 – 103	Stormwater concept plan basement B1 Sheet 3 of 3	30/08/2024	Rev. C
Dwg.22500 – 104	Stormwater concept plan ground floor	03/09/2024	Rev. F
Dwg.22500 – 105	Catchment plan and MUSIC results	30/08/2024	Rev. E
Dwg.22500 – 106	Bio-retention details	24/11/2023	Rev. C
Dwg.22500 – 107	On-site detention 1 & 3 details and calculations	30/08/2024	Rev. C
Dwg.22500 – 108	On-site detention 2 details and calculations	03/09/2024	Rev. D
Dwg.22500 – 109	Sediment and erosion control plan & details	24/11/2023	Rev. B
Dwg.22500 – 110	Miscellaneous details sheet	24/11/2023	Rev. B
Dwg.22500 – 111	Catchment plan existing/proposed system	03/09/2024	Rev. B

Engineering - civil: (All Civil engineering drawings **prepared by Telford Civil**)

Drawing No.	Drawing Title	Date of drawing	Revision
Dwg.22500 - 000	General notes, locality plan & drawing schedule	12/09/2024	Rev. D
Dwg.22500 - 101	Civil works layout plan	12/09/2024	Rev. D
Dwg.22500 - 201	Driveway profile – longitudinal sections	12/09/2024	Rev. B
Dwg.22500 – 301	Bavarde Ave – longitudinal section – sheet 1 of 2	16/01/2023	Rev. A
Dwg.22500 – 302	Bavarde Ave – longitudinal section – sheet 2 of 2	16/01/2023	Rev. A
Dwg.22500 – 303	Heradale Pde – longitudinal section	12/09/2024	Rev. B
Dwg.22500 – 401	Bavarde Ave – cross sections – sheet 1 of 2	12/09/2024	Rev. B
Dwg.22500 – 402	Bavarde Ave – cross sections – sheet 2 of 2	16/01/2023	Rev. A
Dwg.22500 – 403	Heradale Pde – cross sections	12/09/2024	Rev. C
Dwg.22500 – 501	Typical cross sections	16/01/2023	Rev. A
Dwg.22500 – 601	Construction notes and details	12/09/2024	Rev. B

Approved Documents

Document title	Ref. No.	Date of document	Prepared by
Concurrence/Agencies:			
General Terms of Approval (GTAs) (IDAS1149440)	Ref. No. IDAS1157780	26 July 2023	Water NSW
Heritage NSW	Ref. No. DOC24/867530	13 November 2024	Heritage NSW Department of Climate Change, Energy, the Environment and Water As Delegate under National Parks and Wildlife Act 1974
Reports: (ALL REPORTS AS AMENDED BY CONDITIONS)			
Clause 4.6 Variation to development standard	-	Sept 2024	BMA Urban
Aboriginal Heritage report	Proj. No. 24SYD-8128 V2	24 Oct 2024	EcoLogical Australia
Archaeological Technical report	Proj. No. 24SYD-8128 V1	3 Sept. 2024	EcoLogical Australia
BASIX Certificate	No. 1377657M_02	27 Nov 2024	Gradwell Consulting
Nathers Certificate and summary (incl. Links to each Unit number certificate)	No. #HR-N80ERK-01 (incl. Links to each Unit number certificate)	27 Nov 2024	Gradwell Consulting
Statement of Compliance Access for People with a Disability (Access report)	Job No 222239	03-09-2024	Accessible Building Solutions
Acid sulphate soil (ASS) investigatio and management plan report	ER23038Arev1	07/11/2023	CEC Geotechnical
DA Noise Assessment (acoustic report)	670.30141-R01 Version no. -v4.0	August 2024	SLR Consulting Australia P/L
Apartment design guide compliance table	Pages 1-19	-	Place Studio
Design Verification Certificate	Ref: to DA0593/23	14 Jan 2025	Place Studio
Arboriculture Impact Assessment report (Arborist report)	For: 20 Heradale Pde Batemans Bay	4 Sept. 2024	Ross Jackson
Building Code of Australia (2022) Assessment Report Report	No. 220192	3 Sept 2024	AllCert
Fire Engineering Statement	No. 147921.00 V.- B	3 Sept 2024	Holmes Australia LP
Flood Impact Assessment	No. TEL22500 Issue B	2 September 2024	Telford Civil
Hydrogeological (groundwater) assessment	GR23206-A Rev 01	03/09/2024	CEC Geotechnical
Geotechnical Investigation report	GR23206 Rev 01	03/09/2024	CEC Geotechnical
Preliminary site investigation (PSI) report	ER23038rev1	7/11/2023	CEC Geotechnical

	Revised Traffic and Parking assessment report	REF 22177	3 Sept 2024	CJP Consulting Engineers
	Site waste minimisation and management plan	Rev. 1.2	Sept 2024	Auswide consulting
	Visual Impact assessment	Rev. 2	January 2024	Place Studio

In the event of any inconsistency with the approved plans and a condition of this consent, the condition prevails.

Reason: To ensure all parties are aware of the approved plans and supporting documentation that applies to the development.

2	***Concurrence and Referral – Water NSW*** The **General Terms of Approval (GTAs) (IDAS1149440) issued by Water NSW - Reference No. IDAS1157780 dated 26 July 2023** are concurrence conditions under integrated development provisions of the Act and are included as conditions of this consent and must be complied with for each phase of the development. **Reason:** To ensure compliance with the legislation.
3	***Concurrence and Referral - Heritage NSW*** The advice/General Terms of Approval issued by the Heritage NSW (Department of Climate Change, Energy, the Environment and Water) - Reference No. DOC24/867530 dated 13 November 2024 are included as conditions of this consent and must be complied with. These include: • No Aboriginal objects may be harmed without an approval from Heritage NSW under the National Parks and Wildlife Act 1974. • If any Aboriginal object(s) are discovered and/or harmed in, or under the land, while undertaking the proposed development activities, the proponent must: o Not further harm the object(s) o Immediately cease all work at the particular location o Secure the area so as to avoid further harm to the Aboriginal object(s) o Notify NSW Environment Line as soon as practical by calling 131 555 or emailing: info@environment.nsw.gov.au, providing any details of the Aboriginal object(s) and its location o Not recommence any work at the particular location unless authorised in writing by Heritage NSW. • If harm to Aboriginal objects cannot be avoided, an application for an Aboriginal Heritage Impact

	• Permit must be prepared and submitted to Heritage NSW before work may continue. • In the event that skeletal remains are unexpectedly encountered during the activity, work must stop immediately, the area secured to prevent unauthorised access and NSW Police and Heritage NSW contacted. - **Reason:** To ensure compliance with the legislation. [0002]
4	***Authority requirements – Essential Energy*** Clearance distances from the nearest part of the development to Essential Energy's infrastructure (measured horizontally) is required to ensure that there is no safety risk to powerlines located within the vicinity of the site: • A safe distance of 3.3 metres is required the nearest powerline(s) in Bavarde Avenue. • A safe distance of 2.5 metres is required the nearest powerline(s) in Heradale Parade. It is also essential that all works comply with SafeWork clearance requirements. In this regard it is the responsibility of the person/s completing any works to understand their safety responsibilities. The applicant will need to submit a Request for Safety Advice if works cannot maintain the safe working clearances set out in the Working Near Overhead Powerlines Code of Practice, or CEOP8041 - Work Near Essential Energy's Underground Assets. Note: *Information relating to developments near electrical infrastructure is available on the website Development Applications (essentialenergy.com.au). If the applicant believes the development complies with safe distances or would like to submit a request to encroach then they will need to complete a Network Encroachment Form via Essential Energy's website Encroachments (essentialenergy.com.au) and provide supporting documentation. Applicants are advised that fees and charges will apply where Essential Energy provides this service.* *Attention is also drawn to Section 49 of the Electricity Supply Act 1995 (NSW). Relevantly, Essential Energy may require structures or things that could destroy, damage or interfere with electricity works, or could make those works become a potential cause of bush fire or a risk to public safety, to be modified or removed.* ***General Requirements:*** • If the proposed development changes, there may be potential safety risks and it is recommended that Essential Energy is consulted for further comment; • Any existing encumbrances in favour of Essential Energy (or its predecessors) noted on the title of the above property should be complied with; • Any activities in proximity to electrical infrastructure must be undertaken in accordance with the latest industry guideline currently known as *ISSC 20*

	Guideline for the Management of Activities within Electricity Easements and Close to Infrastructure; • Prior to carrying out any works, a "Dial Before You Dig" enquiry should be undertaken in accordance with the requirements of Part 5E (Protection of Underground Electricity Power Lines) of the Electricity Supply Act 1995 (NSW); and • It is the responsibility of the person/s completing any works around powerlines to understand their safety responsibilities. SafeWork NSW (www.safework.nsw.gov.au) has publications that provide guidance when working close to electricity infrastructure. These include the Code of Practice – Work near Overhead Power Lines and Code of Practice – Work near Underground Assets. **Reason:** To comply with the Essential Energy requirements, applying to the development.
5	***Prescribed Conditions*** The development must comply with Part 4, Division 2, Subdivision 1, if the Environmental Planning and Assessment regulation 2021, as applicable. **Reason:** To ensure compliance with prescribed conditions. [0003]
6	***Comply with BCA – Prescribed condition (****Residential)* All building work must be carried out in accordance with the provisions of the Building Code of Australia (BCA). **Reason:** To ensure compliance with the legislation, Council Policies and applicable planning controls applying to the land. [23.01]
7	***Recommendations of reports – Site Investigation*** A Site Contamination Assessment, prepared by a suitably qualified and experienced person, shall be submitted to the satisfaction of the Principal Certifier prior to the issue of the Construction Certificate. The recommendations in the Preliminary Site Investigation Report (listed in Condition 1) prepared by CEC Geotechnical dated 7/11/2023 are included as conditions of this consent, are to be implemented for all stages of the development, and must be complied with. These include (but are not limited to): • After demolition of the structures (as the construction was completed prior 1980) (refer to Condition No. 8 Hazardous material survey before demolition) and clearance of the site vegetation etc, the client **must** carry out hazardous materials survey (HAZMAT) assessment (post demolition survey) by a licensed assessor

	• Should evidence of site contamination be identified at any stage during the development process, such as staining, odorous soils, or suspect asbestos, then an experienced site contamination consultant should be contacted immediately for advice. • Any material to be removed off-site, ENM, MUST be classified for off-site disposal in accordance with the NSW EPA (2014) Waste Classification Guidelines. • Any material being imported to the site for backfilling purposes should be assessed for potential contamination in accordance with the EPA guidelines. • Excavated materials are to be tested for potential contamination in accordance with the EPA guidelines by a suitably qualified person prior to determining whether excavated materials will be retained on site **Reason:** To ensure compliance with the legislation.
8	**Hazardous material survey BEFORE demolition** Before demolition work commences, a hazardous materials survey of the site must be prepared by a suitably qualified person and a report of the survey results must be provided to the satisfaction of the Principal Certifier with a copy provided to Council at least one week before demolition commences. Hazardous materials include, but are not limited to, asbestos materials, synthetic mineral fibre, roof dust, PCB materials and lead based paint. The report must include at least the following information: a) the location of all hazardous material throughout the site b) a description of the hazardous material c) the form in which the hazardous material is found, e.g. AC sheeting, transformers, contaminated soil, roof dust d) an estimation of the quantity of each hazardous material by volume, number, surface area or weight e) a brief description of the method for removal, handling, on-site storage and transportation of the hazardous materials f) identification of the disposal sites to which the hazardous materials will be taken Reason: To require a plan for safely managing hazardous materials
9	***Removal of Hazardous Materials*** All hazardous materials shall be removed from the site and shall be disposed of at an approved waste disposal facility in accordance with the requirements of Cl.17 Protection of the Environment Operations (Waste) Regulations, prior to the commencement of any building works. A site audit shall be conducted by a suitably qualified person, to ascertain that all identified hazardous materials have been removed from the site. A copy of the Audit Report is to be forwarded to Council prior to construction activity commencing.

	Reason: To ensure the development does not conflict with the public interest. [10.10]
10	***Asbestos Removal*** Where asbestos material is to be removed or disturbed as a result of any proposed demolition: (a) Building demolition works are to be carried out in accordance with AS2601-2001 - The Demolition of Structures: (b) The removal of bonded asbestos material (of an area of more than 10m2) or any amount of friable asbestos material must be undertaken by a licenced contractor. An Asbestos Removal Control Plan is to be prepared and complied with in accordance with the 'Code of Practice - How to Safely Remove Asbestos' published by WorkCover NSW (Catalogue No.WC03561), available at: <http://www.workcover.nsw.gov.au>; (c) Standard commercially manufactured signs containing the words "Danger Asbestos Removal in Progress" measuring not less than 400 x 300mm are to be erected in prominent visible positions during asbestos removal process; (d) All asbestos material removed is to be disposed of to a landfill site licensed to receive asbestos. **Reason:** To ensure compliance with the legislation, Council Policies and applicable planning controls applying to the land. [25.01]
11	***Asbestos Clearance Certificate*** **- Demolition of Existing Structure** Following the demolition works and prior to the commencement of construction, an Asbestos Clearance Certificate shall be submitted to the Principal Certifier confirming the subject land has been cleared of asbestos in accordance with the Asbestos | SafeWork NSW <https://www.safework.nsw.gov.au/hazards-a-z/asbestos> requirements. Note: In the event that you have engaged a suitably qualified consultant (that is a Licensed Builder or Asbestos Contractor) and it was determined that no Asbestos was detected. Please provide written certification from the Licensed Builder or Asbestos Contractor that the development does not contain any asbestos. **Reason:** To ensure compliance with the legislation, Council Policies and applicable planning controls applying to the land. [25.13]
12	***Recommendations of reports - Acid Sulphate Soil (ASS) Investigation and Management Plan report.*** The conditions and recommendations in the Acid Sulphate Soil (ASS) Investigation and Management Plan report (listed in Condition 1) prepared by CEC Geotechnical dated - 7/11/23 are included as conditions of this consent, including implementation of the Acid Sulphate Management Plan are to be implemented for all stages of the development, and must be complied with.

	Reason: To ensure compliance with the legislation.
13	***Recommendations of reports - Geotechnical*** The conditions and recommendations in the Geotechnical Investigation Report (listed in Condition 1) prepared by CEC Geotechnical dated 3/9/24 are included as conditions of this consent, are to be implemented for all stages of the development, and must be complied with. **Reason:** To ensure compliance with the legislation.
14	***Recommendations of reports - Arborist*** The recommendations in the Arborist Report (listed in Condition 1) prepared by Ross Jackson dated 4th September 2024 are included as conditions of this consent, are to be implemented for all stages of the development, and must be complied with. These include (but are not limited to): • Removal of trees only nominated on the demolition plan (refer Condition 1) Tree Nos. 1,2,3,4, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 27, 29 & 40. - • Retention of Trees No. 5, 28, 30, 31, 32, 33, 35, 36, 37, 38, 39, 41, 42, 43, 44, 45 & 46. - • Tree removal work shall be carried out by an experienced tree surgeon in accordance with Safe Work Australia Guide for Managing Risks of Tree Trimming and Removal (2016). - • Install the following Tree Protection Measures around the retained street tree: - Tree 5, tree protection measures shall be a temporary fence of chain wire - panels 1.8 metres in height (or equivalent), supported by steel stakes or - concrete blocks as required and fastened together and supported to prevent - sideways movement. Existing boundary fences or walls are to be retained shall - constitute part of the tree protection fence where appropriate. A sign is to be - erected on the tree protection fences of the trees to be retained that the trees - are covered by Council's tree preservation orders and that "No Access" is - permitted into the tree protection zone – Refer Annexure D. - • Install the following Tree Protection Measures around the retained trees on - site: Tree 5, 28, 30, 31, 32, 33, 35, 36, 37, 38, 39, 41, 42, 43, 44, 45 & 46, tree - protection measures shall be a temporary fence of chain wire panels 1.8 metres - in height (or equivalent), supported by steel stakes or concrete blocks as - required and fastened together and supported to prevent sideways movement. - A sign is to be erected on the tree protection fences of the trees to be retained - that the trees are covered by Council's tree preservation orders and that "No

	- Access" is permitted into the tree protection zone – refer Annexure D. - • That a Tree Management Plan be prepared as part of the Construction - Certificate by a consulting arborist who holds the Diploma in Horticulture - (Arboriculture), Level 5 or above under the Australian Qualification - Framework. • An AQF Level 5 Project Arborist shall be engaged to supervise the building works throughout the stages of development (including demolition works) and certify compliance with all Tree Protection Measures (note: *Recommendation amended as a condition of consent*) Tree protection of trees to be retained on the site within the vicinity of the proposed works is required. **Reason:** To ensure compliance with the legislation. [0002]
15	***Access for people with disabilities (residential)*** Prior to the issue of the relevant Construction Certificate, the Principal Certifier shall be satisfied that: • A minimum of fifteen (15) Adaptable units are provided (AS4299 for Adaptable Housing); • A minimum of Twelve (12) 'silver' liveable housing units as per the Livable Housing Guidelines are provided. • Access for people with disabilities to and from and between the public domain, residential units and all common open space areas is provided. Consideration must be given to the means of dignified and equitable access. Compliant access provisions for people with disabilities shall be clearly shown on the plans submitted with the relevant Construction Certificate. All details shall be provided prior to the issue of the relevant Construction Certificate. All details shall be prepared in consideration of the Disability Discrimination Act, and the relevant provisions of AS1428.1, AS1428.2, AS1428.4 and AS 1735.12. The conditions and recommendations in the Access Report (listed in Condition 1) prepared by **Accessible Building Solutions dated 03-09-2024** are included as conditions of this consent, are to be implemented for all stages of the development, and must be complied with. The report is to be amended prior to issue of any Construction Certificate to provide an assessment against amended plans. The updated access report is to address the accessible path of travel provided from the Basement (a Class 7a building classification) to the Ground Level/Verge and access to the residential units for persons for emergency situations or where the lift is out of order in relation to the building code (BCA) requirements. **Reason**: To ensure the provision of equitable and dignified access for all people in accordance with disability discrimination legislation and relevant Australian Standards

16	***Requirement to Notify about New Evidence*** Any new information which comes to light during remediation, excavation or construction works which has the potential to alter previous conclusions about site contamination, heritage significance, threatened species or other relevant matters must be immediately notified to Council and the Certifier. Remediation is at the full cost of the owner. **Reason:** To ensure the environmental, social and economic impact of the development are minimised. [11.19]
17	***Water & Sewer Inspections*** All plumbing and drainage works (water supply, sanitary plumbing and drainage, stormwater drainage and hot water) are to comply with Plumbing and Drainage Act 2011 and the Plumbing Code of Australia. Works must only be installed by a licensed person and must be inspected and given final clearance from Council before the issue of any Occupation Certificate. The following inspections are required to be carried out by Council in regard to the installation of plumbing and drainage works. Inspections may be arranged by contacting Council: (a) Sanitary drainage under hydrostatic test and before backfilling trenches or covering; (b) Hot and cold water plumbing under pressure test before covering; (c) Internal stackwork under hydrostatic test before covering; and (d) The installation of the septic tank and any sullage trenches before backfilling or covering. (e) Issue of final satisfactory inspection. **Reason:** To ensure that the development complies with the Water Authority's standards. [2.16]
18	***Retaining Walls*** If the approved plans do not include retaining walls, further consent is required to be obtained from Council for any retaining walls within 1 metre of a lot boundary or more than 600mm in height, or in the vicinity of a sewer main. Further consent is obtained by submitting a development application or a s4.55 modification of consent to Council for approval. ***Note:*** *There are other development standards other than those specified above which apply to retaining walls which require prior approval and certification. Please refer to Subdivision 15 of Part 2 of State Environmental Planning Policy (Exempt and Complying*

	Development Codes) 2008 for requirements at https://legislation.nsw.gov.au/view/html/inforce/current/epi-2008-0572#pt.2-div.1-sdiv.15 <https://legislation.nsw.gov.au/view/html/inforce/current/epi-2008-0572%23pt.2-div.1-sdiv.15>. **Reason:** To ensure the development does not conflict with the public interest. [23.08]
19	***Demolition Standards*** Building demolition works are to be carried out in accordance with AS 2601 (2001) - *The Demolition of Structures*. ***Note:*** *Developers are reminded that WorkCover requires that all plant and equipment used in demolition work must comply with the relevant Australian Standards and manufacturer specifications.* **Reason:** To ensure compliance with the legislation, Council Policies and applicable planning controls applying to the land. [21.01]
20	***Demolition Works*** All demolition works must be carried out totally within the allotment boundaries and must not extend onto footpath area, public roadway or adjoining properties. **Reason:** To ensure the development does not conflict with the public interest. [21.02]
21	***Storage of Materials*** Storage of materials is not permitted on the public footpath area or roadway unless an approved hoarding is provided. **Reason:** To ensure the development does not conflict with the public interest. [21.03]
22	***Demolition - Damage to adjacent Properties*** Demolition works are to be carried out so as not to cause damage to adjacent and adjoining properties. All damage arising from the removal of the building is to be made good and any necessary repairs and renovations are carried out within six (6) months. The existing site to be left in a clear, clean condition with all existing plumbing and drainage lines terminated to the satisfaction of Council's Plumbing and Drainage Inspector. **Reason:** To protect the amenity of the local area. [21.04]
23	***Demolition - Damage to Footpath etc*** In the event of any damage being caused to the existing kerb, guttering, footpath, water mains, sewer mains or public roadway during demolition works, the applicant shall reimburse the Council for the full costs of repairing and making good. Any temporary cross-over material must not remain in the street gutter.

	Reason: To ensure the development does not conflict with the public interest. [21.07]
24	***Disconnection of services before demolition work*** Before demolition works commences, all services, such as water, telecommunications, gas, electricity and sewerage, must be disconnected in accordance with the relevant authority's requirements. **Reason:** To protect life, infrastructure and services. [21.08]
25	***Earthworks, retaining walls and structural support*** Any earthworks (including any structural support or other related structure for the purposes of the development): (a) must not cause a danger to life or property or damage to any adjoining building or structure on the lot or to any building or structure on any adjoining lot, and (b) must not redirect the flow of any surface or ground water or cause sediment to be transported onto an adjoining property, and (c) that if fill brought to the site - must contain only virgin excavated natural material (VENM) as defined in Part 3 of Schedule 1 to the Protection of the Environment Operations Act 1997, and (d) that if excavated soil is to be removed from the site - it must be disposed of in accordance with any requirements under the Protection of the Environment Operations (Waste) Regulation 2005. **Reason:** To ensure the environmental, social and economic impact of the development are minimised. [11.16]
26	***Site Cut near Boundary*** Site cut shall not be deeper than a 45^0 "zone of influence" line for standard footings of potential building locations 0.9 metres from the common boundary on the adjoining lot. **Reason:** To ensure the environmental, social and economic impacts of the development are minimised. [11.05]
27	***Site Fill near Boundaries*** Site fill shall not be placed within 1.0 metre of side boundaries except in those location on the land specifically nominated on the approved drawings. Site fill located in accordance with this Consent shall be stabilised, and where necessary retained, to prevent soil movement. Grading and subsurface drainage must not direct stormwater flows to other properties. **Reason:** To ensure the environmental, social and economic impact of the development are minimised. [11.06]
28	***Access Construction***

	Where excavated and/or filled banks are required for the access construction they must be suitably retained or stabilised, entirely within the subject property boundaries, to prevent the movement of soil and in accordance with appropriate professional standards. The construction of the access is not to direct or concentrate stormwater flows to adjoining properties. **Reason:** To protect the amenity of the local area. [14.39]
29	***Movement of Trucks Transporting Waste Material*** The Applicant shall notify the Roads and Maritime Service of the truck route(s) to be followed by trucks transporting waste material from the site, prior to the commencement of the removal of any waste material from the site. **Reason:** To ensure that the development complies with the standards of the Roads Authority. [14.35]
30	***Sewerage Manhole*** Any alterations to the ground surface adjacent to the sewerage manhole in the vicinity or within the property will require application and payment to Council for alterations to the manhole level to match the new ground surface level. Manholes within driveways will require provision of a trafficable lid at the applicants cost. **Reason:** To ensure that the development complies with the standards and policy of the Water & Sewer Authority.
31	***Sewer Main Protection – Code of Practice*** Any installation of structures or planting of vegetation within the 'zone of influence' of Council's sewer must be in accord with the 'Build in the Vicinity of Sewer Mains Code of Practice'. Schedule A of the Code provides a general list of plant species not suitable and these are not to be planted. The document is available on Council's website at www.esc.nsw.gov.au. **Reason:** To ensure that the development complies with the standards of the Water Autho
32	***Noise Control - Plant & Machinery*** The L_{Aeq} noise level emitted from the residential flat building/s plant and machinery (pool equipment, air conditioning units, and the like) and any other mechanical devices associated with the function of the buildings shall: (a) not exceed 5dB(A) above the background noise level (L_{A90}), between 7am and 10pm on any day, when measured at the boundary of the premises and in the absence of the noise source under consideration. (b) not exceed the background noise level (L_{A90}), between 10pm and 7am on any day, when measured at the boundary of the premises and in the absence of the noise source under consideration.

	Measurements are to be carried out in accordance with the NSW Industrial Noise Policy and corrections are to be made to the above criteria for intermittent, tonal, impulsive and low frequency noise. The L_{Amax} emitted by the premises shall not exceed <insert details> dB(A) at any time. **Reason:** To protect the amenity of the local area. [20.06]
33	***Communal open space for 2 or more dwellings*** Communal open space is to be provided in accordance with the approved plans in condition 1. The purpose of this space is to supplement the limited balcony private open space areas with year round space for the private recreational use of all occupants. **Reason:** To protect the amenity of the local area. [24.05]
34	***Tree Removal/Replacement/Protection*** Completion of landscaping in accordance with the approved Landscape Plan prior to commencement of the use of the site and such landscaping is to be continuously maintained in accordance with the approved Plan. Maintenance is the landowner's responsibility. All trees not specifically approved for removal are to be suitably protected by way of tree guards, barriers or other measures as to protect root system, trunk and branches during construction. **Reason:** To protect the amenity of the local area. [16.11
35	***Protection of Street Trees*** All street trees in the vicinity of the site (not approved for removal) shall be protected at all times during construction. Any tree on the footpath, which is damaged or removed during construction, shall be replaced to the satisfaction of Council. **Reason:** To ensure the development does not conflict with the public interest. [16.10]
36	***Mechanical Ventilation*** To ensure adequate levels of health and amenity to the occupants of the building and environmental protection, all mechanical ventilation systems shall be installed in accordance with Part F4.5 of the Building Code of Australia and shall comply with Australian Standards AS1668.2 and AS3666 *"Microbial Control of Air Handling and Water Systems of Building"*. Details shall be submitted in accordance with the approved development application or as subsequently approved by the **Certifier**. **Reason:** To ensure compliance with the legislation, Council Policies and applicable planning controls applying to the land. [0219]
37	***Swimming Pools & Outdoor Spas*** (a) Installation The installation of the pool and all associated safety equipment including fencing and latches shall comply with the provisions of the Swimming Pools Act and AS1926. A

	resuscitation chart and warning sign containing information as prescribed by the Swimming Pools Regulation 2018 must be erected within the pool enclosure and shall be maintained in a clearly legible condition. (b) Registration The land owner is required to register the swimming pool/spa pursuant to Clause 30B of the Swimming Pools Act 1992. Swimming pools can be registered at the NSW Government's Swimming Pool Register at www.swimmingpoolregister.nsw.gov.au Note: Pool owners can be fined $220.00 if their pool is not registered on the NSW Swimming Pool Register. In the event that an inspector refers the matter to court, a fine of up to a maximum of $2,200 may be imposed. (c) Temporary Fencing In the event that the pool/spa is installed, prior to completion of other building work referred to in the development consent, temporary pool safety fencing complying with AS1926, shall be provided and maintained in position, pending completion of the other building work, if located on bushfire prone land and located within 10m of the dwelling be constructed of non-combustible materials. (d) Pump Operation The pump must be housed in an enclosure that is designed to minimise any noise intrusion on the surrounding developments. The enclosure must be designed to ensure that the noise levels emitted during off peak times* by the pump and filtration systems are not clearly audible in any habitable rooms of adjoining residences. Note: It is recommended that the pump and filtration systems only be used during daylight hours to reduce any noise impact. [*refer to SEPP (Exempt & Complying Development Codes) definition]. (e) Sewage Connection Discharge points and/or overflow pipes from pool and filtration unit to be connected to the sewer where this service is provided to the property. **Reason:** To protect the amenity of the local area.
38	***Colours and Materials*** The building has been approved based on the colours and materials demonstrated on stamped approved plans as listed in condition 1 of this consent. Any proposed material change must be submitted to and approved by the Principal Certifier, prior to the change occurring. The colours and finishes must be in accordance with the Finishes and Materials Schedule approved in Condition 1. Final design details of the proposed external materials and finishes, including schedules and a sample board of materials and colours shall be submitted for approval by Principal Certifier prior to the issue of a Construction Certificate. **Reason:** To ensure that the proposed development is constructed in accordance with the approved colours and finishes.
39	***Fencing Urban***

	Fencing shall be no higher (as measured from existing lawful ground level) than 1.2 metres forward of the building line and 1.8 metres behind the building line. It shall: (a) not direct the flow of surface water onto an adjoining property; (b) if it is an entrance gate, not swing open onto an adjoining Council property, and (c) if it is located on bushfire prone land be constructed of non-combustible material or hardwood; and (d) not be an electrical fence or use barbed wire; and (e) if it is constructed of metal components - be of low reflective, factory pre-coloured material. No solid metal fencing is permitted with the front setback areas. Fencing in setback areas is to consist of visually permeable materials and treatments. (f) If it is masonry not be more than 1.2 metres high. ***Note:*** *This condition is based on the State Environmental Planning Policy - Exempt and Complying Development Codes 2008.* **Reason:** To protect the amenity of the local area. [23.04]
	PRIOR TO ISSUE OF ANY CONSTRUCTION CERTIFICATE
40	***Concurrence and Referral – Water NSW*** Prior to issue of any construction certificate the matters required to be satisfied prior to issue of any construction certificate identified in the **General Terms of Approval (GTAs) (AIDAS1149440) issued by Water NSW - Reference No. IDAS1157780 dated 26 July 2023** are to be completed to the satisfaction of the Principal Certifier including submission of supporting evidence that each condition has been complied with. **Reason**: To comply with legislative requirements and to ensure environmental safety.
41	***Recommendations of reports*** Prior to issue of any construction certificate, themanagement measures, mitigation measures and recommendations of reports (as approved as part of Condition 1) relevant to this stage of the development must be implemented in to the design and construction of the development with documentary evidence submitted to the satisfaction of the Principal Certifier prior to issue of any construction certificate, including but not limited to the following environmental matters: - Noise Impact Assessment - Acid sulfate soils - Accessibility - Arborist - Geotechnical - Hydrogeological - Aboriginal Heritage

	- Site contamination - Traffic and parking - Flood management - BCA/Fire Engineering The reports are to be updated to address construction certificate plans and documents, and include additional matters required by imposed conditions of consent. **Reason**: To comply with State Environmental Planning Policy requirements and to ensure environmental safety.
42	***Design amendments*** Before the issue of a construction certificate, the certifier must ensure the construction certificate plans and specifications detail the following required amendments to the approved plans and documents: (a) an architectural set of plans and sufficient documentation that illustrates that no permanent structures or landscaping that has the potential to impact on water assets in the vicinity of the site are proposed within the identified easement for water supply (as amended - refer separate condition regarding locating the mains supply water main). (b) Demonstrate Crime Prevention Through Environmental Design (CPTED) principles have been incorporated in to the design of the development including but not limited to lighting, glazed lobby doors, signage including but not limited to the pedestrian access pathways connecting from the street to each lobby area. - (c) Demonstrate flood management measures that are required to be incorporated in to the design of the development are incorporated, including but not limited to finishes and materials and flood hazard/flood warning devices/signage. Signage warning of flood hazard are to be located in clearly visible locations. (d) Clearly identified and delineate ground floor pedestrian and vehicle access routes including clear line marking and sign posting. - (e) Mailbox locations required in accordance with Australia Post requirements for residential flat buildings. Sufficient documentation is to be provided to the satisfaction of the Principal Certifier in relation to mail box location/s for multi storey residential buildings. The location is to meet Australia Post requirements including relevant provisions under the *Australian Postal Corporation Act 1989* and relevant *Street Mail Service Conditions of Delivery* and Australia Post Terms and Conditions. - (f) Any AC units and clotheslines on each apartment balcony of units to be screened from the street.

	- (g) Residential lobbies for Buildings A, B and C are to be clearly identified by including but not limited to contrasting finishes/materials, signage, lighting including directional signage to provide clear direction for residents and visitors. - (h) Confirmation of height of fencing/ privacy screen between unit balconies is required to be a minimum of 1500mm from balcony finished floor levels. - **Reason**: To a development consistent with applicable legislation and protect the amenity of residents and neighbours.
43	***Payment of Building & Construction Industry Levy*** Before the issue of the Construction Certificate the long service levy, as calculated at the date of this consent, must be paid to the Long Service Corporation under the Building and Construction Industry Long Service Payments Act 1986, section 34, and evidence of the payment is to be provided to the Certifier. The levy rate is 0.25% of the cost of building and construction works of $250,000 or more (incl GST). **Reason:** To ensure the developer complies with NSW legislative requirements.
44	***Easement for Water Supply*** The following is required prior to issue of any construction certificate: 1. A Private works order is to be obtained from Council (Water & Sewer) to locate the water main. - 2. Submission to Council of survey of the Existing Water Mains in the vicinity of the site (Bavarde Avenue). The exact location of the water main is to be determined. Water main and associated stormwater pits are to be included in the survey plan and the exact water main location and clearances reflected accordingly on plan sets. - **Reason:** To ensure that the development complies with the standards and policy of the Water & Sewer Authority.
45	***Easement for Water Supply – Structures***

	No permanent retaining walls or structures are to be located within the 'Easement for Water Supply'. Any structures located within the identified easement areas are to be lightweight and capable of removal. Any landscaping proposed within identified easement area is to be designed by a qualified landscape architect/suitably qualified Arborist or Horticulturalist with focumentation provided to the satisfaction of the principal certifier that landscaping/trees propose sufficient clearance distances to avoid impacts on water and sewer infrastructure. **Reason:** To ensure that the development complies with the standards and policy of the Water & Sewer Authority.
46	**Traffic Management and Control** The Applicant is to prepare and submit a Construction Traffic Management Plan (CTMP) to Council for approval prior to issue of the Construction Certificate. The Construction Traffic Management Plan shall be prepared to TfNSW standards by an appropriately certified person. **Reason**: To ensure appropriate measures have been considered for site access, storage and the operation of the site during all phases of the construction process.
47	***Construction Noise and Vibration - construction*** A Construction Noise and Vibration Management Plan is required to be prepared prior to the issue of a construction certificate to consider the reduction and likelihood of noise impacts due to construction activity. The report is to be prepared by a suitably qualified acoustic engineer and consider construction work methods for noise management including limiting the use of noise generating construction machinery and equipment such as a hydraulic hammers etc. which are typically identified as having the potential to cause exceedance of vibration criteria. Alternative work methods and vibration monitoring are to be recommended to manage the impacts from vibration intensive plant. **Reason:** To ensure compliance with the legislation.
48	***Acoustic Assessment (noise attenuation measures) – Building*** Prior to issue of a Construction Certificate for the development, an assessment shall be undertaken, and submitted to the satisfaction of the Principal Certifier, by an acoustic consultant that demonstrates that acoustic treatment, including materials (eg wall & ceiling cladding, insulation, glazing) to be used in the construction are able to effectively ameliorate noise generated or associated with the operation of the development.

	Noise attenuation measures shall be incorporated into the development to comply with at a minimum the design requirements of the **acoustic report approved under condition 1** of this consent (including Noise attenuation measures as outlined in section 5 Road Traffic Noise Intrusion of this report). Additional assessment is to be undertaken in relation to the operation of the roof top communal open spaces/swimming pool area and potential acoustic impacts on residential properties and the hospital site in the vicinity of the subject site. The conclusion, findings, and recommendations are to be incorporated in to the design and operation of the development in all phases of the development. A plan of management is to be submitted for approval by Council for the operation of the pool/roof top area which includes (but is not restricted to): - measures to mitigate noise - hours of operation - the management of any other ongoing operational matters (control of by access codes etc). Information provided as required by the report is to include information demonstrating that adequate and appropriate ventilation is provided in the event that windows and doors are closed. The requirements of the report (as amended) are to be incorporated in to the design of the development and illustrated on the construction development plans. **Reason**: To reduce noise levels and provide for amenity of residents.
49	***Requirements of Public Authorities for Connection to Services*** The applicant shall comply with the requirements of any public authorities (eg Essential Energy, Telstra Australia, AGL, etc) in regard to the connection to, relocation and/or adjustment of the services affected by the construction of the proposed structure. Any costs in the relocation, adjustment or support of services shall be the responsibility of the applicant. Details of compliance with the requirements of any relevant public authorities are to be submitted to the satisfaction of the Principal Certifier prior to the issue of the Construction Certificate. **Reason:** To ensure the development is adequately serviced by appropriate infrastructure. [0240]

50	***Building near Sewer*** Before the release of Construction Certificate, submission to, and approval by Council of designs prepared by a suitably qualified engineer for special footing adjacent to Council's sewer main. The design is to be consistent with Council's Policy "Build in the Vicinity of Sewer Mains". Construction is to conform to the approved design and in accordance with Council Policy. Attached to the approval is a sewer diagram and the relevant manhole levels for the required engineer's footing design, adjacent to Council's sewer line. **Reason:** To ensure that the development complies with the standards of the Water & Sewer Authority.
51	***Retaining Wall near Sewer*** Before the issue of Construction Certificate, submission to, and approval by Council of designs prepared by a suitably qualified engineer for special footings for the retaining wall adjacent to Council's sewer main. The design is to be consistent with Council's policy "Build in the Vicinity of Sewer Mains". Construction is to conform to the approved design and in accordance with Council policy. Attached to the approval is a sewer diagram and the relevant manhole levels for the required engineer's footing design, adjacent to Council's sewer line. **Reason:** To ensure that the development complies with the standards of the Water Authority.
52	***Sewer Inspections & Certificates*** The existing sewer main is to be closed circuit televised (CCTV) **before the issue of the Construction Certificate** and again before the issue of the Occupation Certificate or occupation of the development, whichever occurs first. The results are to be forwarded to Council for evaluation and are to include the time, date and meterage from the access manhole. All costs are to be paid for by the developer/consent holder at $609.20 per (CCTV) inspection inclusive of GST, where Council is to be contracted to do the CCTV inspection. Council must be contacted five (5) working days before the requiring the inspections by contacting Council's Water and Sewer Department on 02 4474 1000. **Advice:** If a private contractor is to be used then you must supply Council with: (a) A copy of their $20 million dollar public liability insurance; (b) A copy of their current Confined Spaces Certificate; (c) A copy of a Private Works Order from Council's works depot for attendance of a Council employee during work within the sewer mains. **Reason:** To ensure that the development complies with the standards of the Water Authority.

53	***Erosion and Sedimentation Control*** Before any site work commences, THE PRINCIPAL CERTIFIER, must be satisfied the erosion and sediment controls in the erosion and sediment control plan are in place. These controls must remain in place until any bare earth has been restabilised in accordance with the NSW Department of Housing manual 'Managing Urban Stormwater: Soils and Construction Certificate' (the Blue Book) (as amended from time to time). **Reason:** To ensure sediment laden runoff and site debris do not impact local stormwater systems and waterways.
54	***Batter Slopes and Earthworks*** An engineer's report on the stability of the batter slopes or earthworks/benching is to be submitted to the Registered Certifier prior to the issue of the Construction Certificate. **Reason:** To ensure the environmental, social and economic impact of the development are minimised.
55	***Ocean/Flood*** Before the issue of a Construction Certificate, submission to the Principal Certifier of certified engineering plans by a suitably qualified and experienced Structural/Civil Engineer endorsing that the development will be capable of withstanding the impact of the flood/ocean hazard applicable to the location. The applicable flood planning level for the development is: • Building A: Ground Level 3.43m AHD • Building B: Ground Level 3.43m AHD • Building C: Ground Level 3.60m AHD • Building A Units A-G03 and A-G04 Balconies: Protected by a wall with a minimum Top of Wall of 3.70m AHD • Basement Driveway Crest Level and all basement entries 3.43m AHD **Reason:** To ensure the development is consistent with the legislative and policy framework for flood liable land.
56	***Flood*** Before the release of a Construction Certificate plans are to be submitted to the satisfaction of the Principal Certifier showing all building materials used below the nominated flood planning level, including the floor, to be of flood compatible materials, ie. the structural integrity of the materials must not be adversely affected by repeated immersion in flood water. Details of these materials are to be consistent with Council's "Guidelines for Flood-Compatible Materials".

	Reason: To ensure the development is consistent with the legislative and policy framework for flood liable land.
57	***Flood Action Plan*** Prior to the issue of a Construction Certificate, a site-specific Flood Action Plan, prepared by a suitably qualified engineer is to be submitted to and approved by Council. Evidence of implementation of the Flood Action Plan is necessary prior to the occupation of commencement of operations. The Flood Action Plan is to include an Emergency Plan available from the NSW State Emergency Service (SES) Website <http://www.sesemergencyplan.com.au/>. The site-specific Flood Action Plan is to include but not be limited to: a) Property Address b) Local Emergency Contact Numbers c) Local Radio Stations for Emergency Warnings d) Bureau of Meteorology Website for Emergency Warnings e) Flood Warnings and Approximate Site Levels for occupants to determine flood severity. f) Evacuation Procedures g) Evacuation Map h) Location of SES Emergency Plan i) Location and Contents of Emergency Kit as per SES Emergency Plan. **Reason:** To ensure the development does not conflict with the public interest. [7.15]
58	***Infrastructure/road work bond*** Prior to issue of any Construction Certificate the applicant shall pay Council a roadworks maintenance bond at the rate determined by Council current at the time of payment (currently 5% of Construction Cost or minimum $50,000.00) The bond shall be used by Council to repair any damage caused to Council infrastructure or roads by construction activities or shall be refunded upon completion of construction, subject to a satisfactory inspection by Council. If a principal certifier is required to be appointed for the development – provide the principal certifier with written evidence of the payment and the amount paid. **Reason**: To ensure any damage to public infrastructure is rectified and public works can be completed

59	***Access*** Prior to the release of the Construction Certificate, submission to the Principal Certifier of a plan showing details of the access driveway construction addressing the following: (a) The location of the driveway within the site and extending to the existing road; (b) A long section showing existing and final levels along the centre line of the driveway from the road centre line to the back of the vehicle standing area, with final levels providing grades conforming AS/NZS 2890.1:2004; (c) Certification by the designer for compliance with AS/NZS 2890.1:2004; (d) Basement Driveway Crest Level of 3.43m AHD (e) Minimum headroom of 2.20m to any overhead obstruction along the path of travel. (f) Method of containing all fill and excavation associated with the driveway within the lot; (g) The extent of earthworks within the footpath area adjacent to the driveway to provide a maximum slope of 1 in 8 (12.5%); (h) The location of all services in plan and elevation and any alterations required to conform to the standards of the service provider; (i) The method of controlling water flows to address safety, short and long term erosion to industry standards; (j) Pavement designs; **Reason:** To ensure that the development complies with the standards of the Roads Authority. [14.04]
60	***Footpath Construction*** Prior to the issue of the Construction Certificate submission to and approval by Council of a detailed plan for footpath construction for the full frontage of the property. **Reason:** To ensure that the development complies with the standards of the Roads Authority.
61	***Sealed Traffic Areas*** Prior to the issue of a Construction Certificate submission to and approval by the Principal Certifier of satisfactory plans for sealed car parking spaces, manoeuvring areas and access driveways all conforming to AS/NZS 2890.1:2004 & AS 2890.2:2018. Drainage and pavement designs are to be prepared by a qualified engineer and are to address expected vehicle loadings and any fill compaction requirements. Disabled parking is to be designed in accordance with AS2890.6:2009. **Reason:** To ensure that the development complies with the standards of the Roads Authority.

62	**Structures in Vicinity of Water and Sewer Mains** Prior to the issue of any construction certificate, submission to and approval by Council, plans demonstrating sufficient clearance between Council Water and Sewer Mains, to the proposed retaining walls, stairs and ramps within the Heradale Parade and Bavarde Avenue frontage. The plans are to demonstrate that no structures encroach within Council's Easement for Water Supply. The plans are to demonstrate a minimum clearance of 1.0m to Council's Sewer Main in accordance with Council's Build in the Vicinity of Sewer Mains Code of Practice. The provision of structures within closer proximity to the sewer main shall only be considered where demonstrated by plans prepared by a suitably qualified engineer that the structure can be considered a lightweight or semi-permanent structure in Council's Build in the Vicinity of Sewer Mains code of practice. In accordance with the code, if any structure is required to be moved for the purpose of maintenance of Council sewer main, all costs associated with the removal and subsequent reassembly will be at the full cost to the owner. **Reason:** To ensure the environmental, social and economic impact of the development are minimised.
63	**Plans for Overland Flow** Prior to issue of a Construction Certificate submission to the Principal Certifier of Plans prepared by a suitably qualified engineer for the conveyance of overland stormwater flows through the subject site for the 63.2% AEP, 20% AEP and 1% AEP Storm Event. The plans shall demonstrate: • Conveyance of stormwater flows from the western escarpment through the development site to Heradale Parade. • Surface flows from the development site are not directed towards neighbouring properties. • 2100 Climate Change Factor • Conveyance of the 20% AEP Stormwater Flows via a piped network, beneath the Heradale Parade Verge. Overland flows are not permitted to continue through the verge, and across the footpath. • Conveyance of the 20% AEP Stormwater Flows via an open channel through the subject site, with flows not exceeding 0.5m depth and 3m/s velocity, and a D.V value of $0.4m^2s^{-1}$. • Conveyance of the 1% AEP Stormwater Flows via an open channel through the subject site, with flows not exceeding 0.5m depth and 3m/s velocity, and a D.V value of $0.6m^2s^{-1}$. • Minimum 300mm freeboard between the top water level of the 1% AEP Stormwater Flow and any Habitable Floor Level and Top of Bank of the Open Channel. • Any necessary landscaping requirements to prevent scour and erosion. **Reason:** To ensure the environmental, social and economic impact of the development ar minimised.

64	**Stormwater Management** Prior to the issue of a Construction Certificate, submission to the Principal Certifier of Plans addressing stormwater management for the development. The plans are to be certified by a suitably qualified engineer for compliance with the following: • AS/NZS 3500.3:2021 • 70% retention of typical urban annual load for gross pollutants • Sediment trap at the site extremity. • Drainage and Treatment of Pollutants of Car Wash Bays • Stormwater detention for all events up to the 1% AEP to limit post-development flow conditions to the 63.2% AEP predevelopment (greenfield) flow conditions. • Pumped System(s) for the discharge of stormwater from the basement area to the Above Ground Onsite Stormwater Detention Tank(s). Warning system for failure of Pumped Stormwater System. **Reason:** To ensure the environmental, social and economic impact of the development are minimised.
65	**Flood Free Pedestrian Access/Egress** Prior to the issue of a Construction Certificate, submission to and approval by the Principal Certifier of plans prepared by a suitably qualified engineer for a pedestrian access pathway from the communal area of the development to the elevated Bavarde Avenue frontage above the Flood Planning Level (3.43m AHD). The pathway shall be designed to comply with AS 1428.1:2021 and be above the Flood Planning Level for its entire length. The design shall demonstrate that stormwater flows are not directed towards neighbouring properties, and existing services are not impacted. Construction of the Pedestrian Pathway is to be carried out before the issue of an Occupation Certificate. **Reason:** To provide flood free pedestrian access and egress to the development.
66	**Excavation adjacent to Water and Sewer Mains** Prior to the issue of a Construction Certificate, submission to and approval by Council of plans prepared by a suitably qualified engineer for excavation adjacent to Council's Water and Sewer Mains. The plans shall demonstrate: • Geotechnical assessment that the excavation will not jeopardise the stability of the water main or sewer main, in accordance with Council's Build in the Vicinity of Sewer Mains Code of Practice. Structural Engineering Design for temporary retaining methods to facilitate excavation beyond the temporary maximum zone of stability, where necessary. **Reason:** To ensure that the development complies with the standards of the Water & Sewer Authority.
67	**Plan of Proposed Services**

	Prior to the issue of a Construction Certificate, submission to and approval by Council, of plans prepared by a suitably qualified consultant for the provision of service upgrades to serve the development. The plan shall detail the location of any proposed infrastructure upgrades to service the development, including but not limited to hydrant boosters, electricity substations, letter boxes etc. The plan shall demonstrate that all proposed infrastructure services are located beyond any existing/proposed easements and stormwater overland flow paths, and a minimum 1.0m from Council's Sewer Main(s). **Reason:** To ensure that the development complies with the standards of the Water & Sewer Authority and Roads Authority.
68	**Construction below Ground Water Table** Prior to the issue of a Construction Certificate, submission to the Principal Certifier of plans prepared by a suitably qualified engineer for the design of all structural components below the Groundwater Level of 1.52m AHD as nominated by CEC Geotechnical Report GR23206 7/11/2024. The design must specifically address the prevention of groundwater ingress into the basement carpark and associated areas, to prevent dewatering once construction is completed per WaterNSW Requirements. The design shall nominate construction techniques ensuring the durability and effectiveness of the engineering design. A compliance certificate shall be provided by a suitably qualified engineer that the works have been completed in accordance with the approved design and are effective in preventing groundwater ingress prior to the issue of an Occupation Certificate. Note: the proposal requires compliance and consistency with Water NSW General Terms of Approval. **Reason:** To ensure the environmental, social and economic impact of the development are minimised.
69	**Construction Dewatering** Prior to the issue of a Construction Certificate, an Environmental Management Plan (EMP) for construction dewatering must be submitted to the Principal Certifier for approval. The EMP must outline dewatering methods, mitigation measures, monitoring protocols, and contingency plans to address potential environmental impacts. Dewatering activities must not commence until written approval of the EMP is obtained, and the approved plan must be fully implemented during construction. Any deviations require prior approval. Note: the proposal requires compliance and consistency with Water NSW General Terms of Approval.

	Reason: To ensure the environmental, social and economic impact of the development are minimised.
70	**Allocation of Car Parking Spaces** A detailed car parking allocation plan must be submitted to and approved by the Principal Certifier prior to the issue of a Construction Certificate. This plan must clearly nominate the specific car parking spaces to be assigned to each unit within the development, identify the spaces allocated to adaptable units, and identify the car parking spaces allocated for visitor use. The approved allocation must be reflected in the final construction drawings, with the spaces marked with their assigned units before the issue of an Occupation Certificate. **Reason:** To ensure the equitable and transparent allocation of car parking spaces, including provisions for visitor parking, and compliance with planning and parking standards.
71	***Waste collection – private contractor*** Prior to the issue of a construction certificate documentation shall be submitted to the satisfaction of the Principal Certifying Authority that provides details of the private contractor that will be engaged to collect commercial waste from the site. This report is to stipulate that any waste collection is to be undertaken within the development. No kerb side collection of garbage bins is approved for commercial waste collection. A copy of this report and accompanying plans is required to be provided to Council. This report shall identify the frequency of collection and provide details of how waste products including paper, aluminium cans, bottles etc, will be re-cycled. Waste collection from the site shall occur in accordance with the details contained within this report. The development shall not be serviced by any waste collection vehicles exceeding 8.8m in length. The developer must ensure that all waste management plans, service contracts, and associated arrangements for the development are designed to comply with this requirement. **Reason:** To ensure the development is adequately serviced by appropriate infrastructure.
72	***Acid Sulfate Soil*** The development site is within an area classified as Class 3 on maps marked "Acid Sulfate Soil Planning Map" deposited in the office of Eurobodalla Shire Council. As excavation is proposed below the identified Class 3 works natural ground level, soil samples are to be assessed for content of acid sulfate material by a suitably qualified person and a copy of the results lodged with Council **prior to the release of a Construction Certificate.**

	If acid sulfate materials are identified no excavation shall take place until the applicant has lodged an Acid Sulfate Soils Management Plan prepared by a suitably qualified person in accordance with the NSW Acid Sulfate Soils Manual produced by DIPNR. The plan is to be submitted for approval by Principal Certifier, and undertake such measures as are required by Principal Certifier. **Reason:** To ensure the environmental, social and economic impact of the development are minimised. [10.05]

73	***Number of Car Spaces***
	
	Prior to the issue of a Construction Certificate submission to and approval by Principal Certifier of plans showing a minimum of 88 car spaces plus 3 x wash bays (91 spaces) provided for the development, comprising:
	
	- 88 car spaces (including 16 accessible spaces) plus 3 x washbays consisting of:
	  o 77 spaces for residential units (including 15 accessible spaces)
	  o 11 visitor car parking spaces (including 1 x accessible space)
	- Total: 88 car spaces plus 3 x wash bays (91 spaces in total)
	-
	
	Reason: To ensure that the development complies with the standards of the Roads Authority. [15.03]

74	***Number of Bicycle Spaces*** A minimum of thirty (30) bicycle spaces are to be provided for the development. Details of the bicycle storage arrangements shall be submitted in accordance with the approved development application or as subsequently approved by Principal Certifier, prior to the issue of the Construction Certificate. **Reason:** To ensure that the development complies with the standards of the Roads Authority. [15.04]
75	***Adaptable Units*** Before the issue of a construction certificate, a report prepared by a suitably qualified consultant must be obtained that demonstrates, to the certifier's satisfaction, that any adaptable dwellings specified in the approved plans or documents comply with the provisions of AS 4299 Adaptable Housing Standards. Car parking for each unit is to be provided to meet *Australian Standards 2890.6:2009 – Off-Street Parking for People with Disabilities (AS2890.6).* **Reason:** To ensure adaptable units are designed in accordance with the Australian Standard. [23.27]
76	***Adaptable Units - Car parking details***

	Before the issue of the relevant construction certificate, written evidence prepared by a suitably qualified engineer must be obtained that demonstrates, to the certifier's satisfaction, the plans for parking facilities comply with the relevant parts of AS 2890.1 Parking Facilities – Off-Street Carparking (in force as at the date of determination of this consent). The 25% adaptable units (minimum 15 units) are to be allocated a minimum of 15 accessible car spaces with 1 x accessible car spaces allocated to visitors (total 16 x accessible car spaces required). **Reason:** To ensure adaptable car parking for units is provided in accordance with legislative requirements and are designed in accordance with the Australian Standard.
77	***Landscape Plan (Professional)*** Prior to the issue of a Construction Certificate a detailed Landscape Plan (consistent with the Landscape Masterplan approved as part of Condition 1) for the development shall be prepared by a qualified landscape architect or landscape designer, shall be submitted to and approved to the satisfaction of the Principal Certifier. **Reason:** To protect the amenity of the local area. [16.02]
78	**On Slab Landscape Planters** Prior to the issue of a construction certificate, the following shall occur: a) details shall be submitted to the Certifier prior to the issue of the Construction Certificate indicating the proposed method of waterproofing and drainage to all planters over slab, over which soil and planting is being provided. Landscape treatment details shall be submitted to the Certifier prior to the issue of the Construction Certificate indicating the proposed soil type, planting, automatic irrigation, and services connections. The following soil depths are required to support landscaping: 300-450mm for groundcovers; 500-600mm for shrubs; and 800- 1200mm for trees. b) b) design certification shall be submitted to the Certifier by a qualified Structural Engineer, that the planters are designed structurally to support the 'wet' weight of landscaping (soil, materials and established planting). **Reason**: To ensure appropriate soil depth for planting and ensure waterproofing and drainage is installed.
79	***Construction Site Management Plan*** Before the issue of a Construction Certificate , a construction site management plan must be provided to the satisfaction of the Certifier. The plan must include the following matters: a) The location and materials for protective fencing and hoardings on the perimeter of the site;

	b) Location of dedicated washdown areas (located away from drainage lines, stormwater drains and water bodies). c) Provisions for public safety; d) Pedestrian and vehicular site access points and construction activity zones; e) Details of construction traffic management including: i) Proposed truck movements to and from the site; ii) Estimated frequency of truck movements; and iii) Measures to ensure pedestrian safety near the site; f) Details of bulk earthworks to be carried out; g) The location of site storage areas and sheds; h) The equipment used to carry out works; i) The location of a garbage container with a tight-fitting lid; j) Dust, noise and vibration control measures; k) Details of chemical storage and management; l) The location of temporary toilets; m) The protective measures for the preservation of trees on-site and in adjoining public areas including measures in accordance with: i) AS 4970 – Protection of trees on development sites; ii) An applicable Development Control Plan; iii) An arborist's report approved as part of this consent A copy of the construction site management plan must be kept on-site at all times while work is being carried out. **Reason:** To require details of measures that will protect the public, and the surrounding environment, during site works and construction. (NSW Std. Condition)
80	***Noise Management Plan*** Separate Noise Management Plans for construction and operational stages of the proposal must be submitted to the satisfaction of the Principal Certifier prior to the issue of a Construction Certificate. In particular, the Noise Management Plans should contain details in regard to the following matters: (a) Details of noise level predictions and control measures to be undertaken during the construction and operational stages to ensure compliance with relevant noise emission standards, guidelines and criteria; (b) Details of the compliance monitoring program to be implemented to demonstrate compliance with the noise predictions contained in (a) above including the process for resolving complaints regarding offensive noise complaints. **Reason:** To ensure the environmental, social and economic impact of the development are minimised. [20.03]
81	***Waste Management Plan requirements***

	Before the issue of a construction certificate, a waste management plan for the development must be prepared and provided to the principal certifier. The plan must be prepared a) in accordance with i) the Environment Protection Authority's Waste Classification Guidelines as in force from time to time, and ii) a development control plan that provides for waste management that applies to the land on which the work or the clearing of vegetation is carried out, and b) include the following information— i) the name and contact details of who is responsible for the plan and management of the waste onsite, ii) the name and contact details of the person(s) removing waste, iii) a description of each different waste type and an estimate of the and quantity of each waste type expected to be produced, iv) how each waste type will be managed onsite and offsite, including whether the waste is expected to be reused, recycled or sent to landfill, v) where any onsite management of waste will occur, such as for consolidation and collection, vi) how each waste type will be characterised and classified for waste management and transport, vii) where each waste type is intended to be transported for disposal or other fate, viii) how the quantity of each waste type will be measured and recorded, ix) how each waste movement will be tracked, x) contingencies including to managing unexpected finds, such as asbestos. A copy of the waste management plan must be kept on-site at all times while work approved under the development consent is being carried out. **Reason:** To ensure waste management practices are undertaken, resource recovery is promoted and local amenity protected during construction site works. (NSW Std. Condition)
82	***Payment of Section 7.11 Contributions - Development*** Before the issue of a construction certificate, the applicant must pay the following contributions to Council for:

Facility NORTHERN DISTRICT	**Per lot or 3+ bed Dwg.**	**Per 2 bed Dwg.**	**Per 1 bed Dwg.**	**- Calculations - 2 x 1 bed units - 12 x 2 bed units 42 x 3 bed/ 4 x 4 bed (46 units)**	**Total (no. of dwellings * rate)**
Open Space and Recreation	$533.80	$305.05	$247.85	(2*247.85)+(12*305.05)+ (46*533.80) $495.7 + $3,660.6 + $24,554.8	$28,711.1
Community and Cultural	$154.75	$88.40	$71.85	(2*71.85)+(12*88.40)+(46*154.75) $143.7+$1,060.8+$7,118.5	$8,323
Arterial Roads	$5,326.35	$3,043.65	$2,472.95	(2*2,472.95)+(12*3,043.65)+ (46*5,326.35) $4,945.9+$36,523.8+ $245,012.1	$286,481.8
Paths and Cycleways	$710.60	$406.05	$329.90	(2*329.90)+(12*406.05)+ (46*710.60) $659.8+$4,872.6+ $32,687.6	$38,220
Stormwater	$1,433.20	$819.00	$665.40	(2*665.40)+(12*819.00)+ (46*1,433.20) $1,330.8+$9,828+ $65,927.2	$77,086
Marine	$215.45	$123.10	$100.05	(2*100.05)+(12*123.10)+ (46*215.45) $200.1+$1,477.2+ $9,910.7	$11,588
Plan Preparation and Admin	$125.60	$71.80	$58.30	(2*58.30)+(12*71.80)+ (46*125.60) $116.6+$861.6 + $5,777.6	$ 6,755.8
Total	$8,499.75	$4,857.05	$3,946.30	(2*3,946.30)+ (12*4,857.05)+ (46*8,499.75) $7,892.6 + $58,284.6 + $390,988.5	**$457,165.7**

Total payable: $457,165.70

The total contribution payable to Council as identified above is calculated at the date of this consent, in accordance with the Eurobodalla Local Infrastructure Contributions Plan 2022.

The total amount payable may be adjusted at the time the payment is made, in accordance with the provisions of the Eurobodalla Local Infrastructure Contributions Plan 2022.

A copy of the Contributions Plan is available for inspection at the Eurobodalla Shire Office, Vulcan St, Moruya or can be viewed on Council's website.

Reason: To address the increased demand for regional infrastructure resulting from the approved development. [3.07]

83 ***Water/Sewer Developer Contributions - Development***

Before the issue of a Section 68 Approval/Construction Certificate, the developer/consent holder will have to be eligible to obtain a Section 307 Certificate of

	Compliance under the Water Management Act 2000/ compliance with Section 64 of the Local Government Act 1993. To be eligible, the developer/consent holder will have to contribute: a) **$351,456** (44.8 ET) for the augmentation of water supply mains and storage within Eurobodalla Shire where ETs = - 2x 1 bed = 0.4 - 12 x 2 bed = 0.6 46 x 3 bed = 0.8 - a) **$554,680** (56 ET) for the augmentation of sewerage works within Eurobodalla Shire where 1.0 ET where ETs = - 2x 1 bed = 0.5 - 12 x 2 bed = 0.75 - 46 x 3 bed = 1.0 - The contribution shall be paid to the Eurobodalla Shire Council. Evidence of the payment shall be submitted to Principal Certifier before the issue of the Construction Certificate. ***Note**: The above contributions are reviewed at least annually and may be subject to increases as a result of indexation or other forces. Contributions can be paid before each stage of the development.* **Reason:** To ensure the development contributes to the increased demand of public amenities and infrastructure services. [3.11a]
84	***Outdoor lighting*** Prior to the issue of the relevant Construction Certificate, the Certifier shall be satisfied that all outdoor lighting will comply with AS/NZS 4282:2019 Control of the obtrusive effects of outdoor lighting and be mounted, screened and directed in a way that it does not create a nuisance or light spill on to buildings on adjoining lots or public places. Lighting at vehicle access points to the development must be provided in accordance with AS/NZS 1158 Set:2010 Lighting for roads and public spaces. Details demonstrating compliance with these requirements are to be submitted to the Certifier prior to the issue of a Construction Certificate. **Reason**: To provide high quality external lighting for security without adverse impacts on public amenity from excessive illumination.
85	**Section 68 Approval** Prior to the Issue of a Construction Certificate, approval under Section 68 of the Local Government Act 1993 shall be issued by Council for the connection to Council's Sewerage, Stormwater and Water Supply Infrastructure.

	Reason: To ensure that the development complies with the standards of the Water & Sewer Authority
86	***Remediation & Validation Report*** Following the completion of remediation works on the site a Remediation Validation Report is to be prepared by a suitably qualified Environmental Consultant. This report, together with a final site audit statement by an accredited environmental consultant, including Notice of Completion Statement, pursuant to the relevant provisions of State Environmental Planning Policy (Resilience and Hazards) 2021, is to be submitted to the satisfaction of the Principal Certifier prior to Issue of a construction certificate. **Reason:** To ensure the development does not conflict with the public interest. [0245]
	PRIOR TO THE ISSUE OF A SECTION 68 APPROVAL UNDER THE LOCAL GOVERNMENT ACT 1993 (REQUIRED PRIOR TO CC)
87	***Water Meter*** Submission to Council of certification and a layout plan for the service by a suitably qualified hydraulic engineer/consultant on the recommended water meter size required for the development in accordance with AS 3500.1:2003 National Plumbing and Drainage Code and AS2441-2005 Installation of Fire Hose reels. ***Note:*** *All fire hose reels must be supplied through the metered supply.* Council will provide a quote to construct the water service complete with meter with prepayment required before works being scheduled. The meter is to be located so as to be accessible to Council's Water Meter Reader at all times. Any work required to Council's infrastructure to extend the main or allow installation of the meter other than a standard meter connection, is to be undertaken at full cost to the applicant. ***Note:*** *A backflow prevention device is to be installed and certified by a private plumber in accordance with Council's Backflow Prevention policy.* A standard meter connection is where the water main is located on the same side of the street as the property, the meter is to be located approximately 2.4 metres from the water main to just inside the property boundary and laid in a non-hard surface area (grassed). Please contact Council's Water and Sewerage Project Engineer on 44741342 to arrange the quote and prepayment will be required to be receipted at Council Administration Centre at Vulcan Street Moruya, the Batemans Bay or Narooma depot. **Reason:** To ensure that the development complies with the standards of the Water Authority.
88	***Plans for Stormwater Detention*** Prior to the Issue of a Section 68 Approval under the *Local Government Act 1993*, submission to Council of Plans prepared by a suitably qualified engineer for control of stormwater from the development to Council's Street Drainage Network. The plans

	shall be prepared and certified as being in accordance with AS/NZS 3500.3 and Section 10 of Council's Infrastructure Design Standard (IDS) and demonstrate: • DRAINS (.drn) Files for Predevelopment (Greenfield) and Post Development Conditions for the 63.2% AEP, 20% AEP and 1% AEP. • DRAINS modelling is to include flows associated with the downstream stormwater network on Heradale Parade and Bavarde Avenue. • Post Development Flows from the Development Site for all events up to the 1% AEP Storm Event are not to exceed the 63.2% AEP Predevelopment (Greenfield) Flows, due to the limited capacity of the downstream stormwater network. • Clearance to Existing and Proposed Services, including water, sewer, electricity, and telecommunications services. • Connection and Discharge to Council's Piped Stormwater Infrastructure. Note: Council will permit multiple stormwater connections from the development to the street drainage network to effectively distribute stormwater flows across the receiving piped network. **Reason:** To ensure that the development complies with the standards of the Water Authority.
89	***Public Stormwater Construction*** Prior to the Issue of a Section 68 Approval under the Local Government Act 1993, submission to and approval by Council, plans prepared by a suitably qualified engineer for the extension/construction of street drainage infrastructure as necessary to service the development. The detailed design shall be in accordance with Council's Infrastructure Design Standards with the works carried out to the satisfaction of the Council before the issue of an Occupation Certificate. **Reason:** To ensure that the development complies with the standards of the Water Authority.
90	***Alterations to Existing Stormwater Pit*** Prior to the Issue of a Section 68 Approval under the Local Government Act 1993, submission to and approval by Council, plans prepared by a suitably qualified engineer demonstrating that prior to the issue of an Occupation Certificate, the developer shall replace the existing stormwater pit inlet and lintel of the stormwater pit located within the proposed driveway. The inlet shall be replaced with a trafficable grated inlet to Class D Load Classification in accordance with AS 3996:2019. All works shall be completed to the satisfaction of Council. **Reason:** To ensure that the development complies with the standards of the Water Authority.
	PRIOR TO COMMENCEMENT OF WORKS

91	***Concurrence and Referral – Water NSW*** Prior to commencement of works the matters required to be satisfied prior to commencement of works identified in the **General Terms of Approval (GTAs) (AIDAS1149440) issued by Water NSW - Reference No. IDAS1157780 dated 26 July 2023** are to be completed to the satisfaction of the Principal Certifier including submission of supporting evidence that each condition has been complied with. **Reason**: To comply with legislative requirements and to ensure environmental safety.
92	***Recommendations of reports*** Prior to construction works commencing, management measures, mitigation measures andrecommendations of reports (as approved as part of Condition 1) relevant to this stage of the development must be implemented in to the design and construction of the development with documentary evidence submitted to the satisfaction of the Principal Certifier prior to works commencing, including but not limited to the following environmental matters: Noise Impact Assessment - Acid sulfate soils - Accessibility - Arborist - Geotechnical - Hydrogeological - Aboriginal Heritage - Site contamination - Traffic and parking - Flood management - BCA/Fire Engineering **Reason**: To comply with State Environmental Planning Policy requirements and to ensure environmental safety.
93	***Erosion and sediment control plan*** Before work commences, an erosion and sediment control plan must be prepared by a suitably qualified person in accordance with the following documents and provided to the Certifier: a) Council's relevant development control plan; b) the guidelines set out in the NSW Department of Housing manual 'Managing Urban Stormwater: Soils and Construction Certificate' (the Blue Book) (as amended), and c) the 'Do it Right On-Site, Soil and Water Management for the Construction Industry' (Southern Sydney Regional Organisation of Councils and the Natural Heritage Trust) (as amended). **Reason:** To ensure no substance other than rainwater enters the stormwater system and waterways.

94	***Erosion and Sedimentation Control*** Before any site work commences, THE PRINCIPAL CERTIFIER must be satisfied the erosion and sediment controls in the erosion and sediment control plan are in place. These controls must remain in place until any bare earth has been restabilised in accordance with the NSW Department of Housing manual 'Managing Urban Stormwater: Soils and Construction Certificate' (the Blue Book) (as amended from time to time). **Reason:** To ensure sediment laden runoff and site debris do not impact local stormwater systems and waterways. [11.13]
95	**Dilapidation report** Before any site work commences, a dilapidation report must be prepared by a suitably qualified engineer detailing the structural condition of adjoining buildings, structures or works and public land, to the satisfaction of the principal certifier. Where access has not been granted to any adjoining properties to prepare the dilapidation report, the report must be based on a survey of what can be observed externally and demonstrate, in writing, to the satisfaction of the principal certifier, that all reasonable steps were taken to obtain access to the adjoining properties No less than 14 days before any site work commences, adjoining building owner(s) must be provided with a copy of the dilapidation report for their property(ies) and a copy of the report(s) must be provided to council (where council is not the principal certifier) at the same time. **Reason:** To establish and document the structural condition of adjoining properties and public land for comparison as site work progresses and is completed and ensure neighbours and council are provided with the dilapidation report. (NSW Std. Condition).
96	***Tree protection measures*** *Before any site work commences, the principal certifier must be satisfied the measures for tree protection detailed in the construction site management plan are in place.* **Reason:** To protect and retain trees (NSW Std. Condition).
97	***Construction in a Road Reserve*** Prior to commencement of any works within the road reserve a separate approval is to be obtained from Council under section 138/139 of the Roads Act. The application would consider: • Public safety, WH&S issues, risk assessment, public liability insurance, control of vehicle and pedestrian traffic, location of plant and equipment, inspections bonding and an application fee.

	• Where a traffic control plan is required, the plan is to be prepared by a suitably qualified consultant, certified by the Roads and Maritime Service (RMS), in work site traffic control plan preparation. • Where the Traffic control plan requires a reduced speed, or temporary traffic signals, a Speed Zone Authorization (SZA) is to be obtained from Council for the specific days of work • Where works are on a Roads and Maritime Services (RMS) road or would impact traffic on an RMS road, a Road Occupancy Licence (ROL). is to be obtained from the RMS Ms Peta Smith (02 42212509) or email. rol_southern@rta.nsw.gov.au Where works are undertaken by other than the applicant, the supervisor of the works is to be advised of this condition. Details for an application form and fees are available by contacting council Engineering Development Assessment Officer (44741254) & form available from <http://www.esc.nsw.gov.au/media/395951/Section_138_Roads_Act.pdf> Carrying out works contrary to this condition will result in a penalty being issued under the roads act and works being suspended until such time as a Section 138 consent being issued. **Reason:** To ensure that the development complies with the standards of the Roads Authority. [14.09]
98	***Plans on Site (Plant Operator)*** Prior to commencement of any works the plant operator is to be provided with a copy of this consent (including the tree removal/Demolition Plan) and made fully aware of the provisions therein. The trees are to be clearly identified on site and correspond to the Tree numbers as referenced on the plan/s including clearly identifying trees to be removed/retained. The copy is to be held on site during clearing operations. All buffer areas and vegetation to be retained are to be clearly marked by the project Arborist prior to commencement of operations. **Reason:** To ensure the development does not conflict with the public interest. [16.16]
99	***Tree removal on Council Land*** (A) Prior to the release of the Construction Certificate, an assessment of any tree on Council controlled land near the site is to be undertaken by a suitably qualified arborist and submitted to Council with consideration to: (a) Safety in relation to the fall zone for trees approved for removal; (b) Safety in relation to trees where roots are disturbed by the development;

	(c) Where the tree is determined to be dangerous, the tree is to be removed prior to commencement of any construction works within the site; (d) Where further assessment is required after root exposure, a satisfactory assessment is required at completion of earthworks prior to footing inspection; (e) All works associated with lopping and removal of the tree, including chipping, is to be undertaken wholly within the property. All works are to be completed at no cost to Council; (B) If a tree is approved for removal by the development consent, then a further separate application and approval under Section 138 of the *Roads Act 1993* is also required. The application form is available at Council's website via the following link: <https://www.esc.nsw.gov.au/ data/assets/pdf_file/0020/134075/Section-138-Application-Form.pdf> Such an application is to include details of the suitably qualified tree management contractor who will be carrying out the work. The application would need to address, and not necessarily be limited to the following: (a) Public safety and provision of a Safe Work Method Statement; (b) The extent of works to be carried out by an insured company, prequalified by Council; (currently Skyline Tree Services, 4471 6927, Eurobodalla Tree Services, 4478 7229, Narooma Tree Lopping, 4476 3767 and Horizon Tree Service 4471 5016 or 0488 585 563 are the only approved contractors available) (c) Provision of a Traffic Control Plan, prepared by a suitably qualified person; (d) Payment of the current application fee in accordance with Council's current fees and charges; (e) Payment of a performance deposit (bonding) for restoration of works. **Reason:** To ensure compliance with the legislation, Council Policies and applicable planning controls applying to the land. [16.20]
100	***Construction Certificate – Class 2 and Class 7a (Residential and Class 3-9)*** The construction works subject of this development consent **MUST NOT** be commenced until: (a) Detailed plans/specifications of the building have been endorsed with a Construction Certificate by: (i) the Council, or

	(ii) a registered certifier, and (b) The person having the benefit of the development consent: (i) has appointed a Principal Certifier, and (ii) has notified the Council of the appointment, and (c) The person having the benefit of the development consent has given at least two (2) day's notice to the Council of the person's intention to commence the erection of the building; and (d) Builders name and licence number has been supplied to Council or the Principal Certifier; and (f) Home Building Compensation Fund (HBCF) has been paid and a copy of the Certificate supplied to Council or the Principal Certifier; and (e) A report describing how compliance the National Construction Code addressing the requirements for Class 2 and relevant parts of Class 3-9 buildings has to be submitted to the Principal Certifier before the issue of a Construction Certificate. (f) A sign has been erected on site in a prominent position containing the information prescribed by Clause 98A(2) & (3) of the EP & A Regulations being the name, address and telephone number of the Principal Certifier for the work, and name of the principal contractor (if any) for the work and telephone number on which that person may be contacted outside working hours, and stating that unauthorised entry to the site is prohibited. This sign must be maintained on site while work is being carried out and removed when the work has been completed. **Reason:** To ensure compliance with legislative requirements. [2.06a]
101	***Site Waste Management*** A site rubbish enclosure must be provided prior to commencement of any work for the period of the proposed work and remain in place for the duration of all works. All waste materials from the site must be disposed of at an authorised waste facility. **Reason:** To ensure the environmental, social and economic impact of the development are minimised. [22.01]
102	***Application for Hoardings & Scaffolding*** A separate application shall be made to Council for approval under Section 68 of the Local Government Act 1993, to erect a hoarding or scaffolding in a public place. Such an application shall include: (a) Architectural, construction and structural details of the design; (b) Structural certification prepared and signed by a suitably qualified practicing Structural Engineer;

	(c) Compliance with WorkCover requirements. The applicant shall provide evidence of the issue of a Structural Works Inspection Certificate and Structural Certification shall be submitted to the satisfaction of the Principal Certifier prior to the commencement of works. **Reason:** To ensure compliance with the legislation, Council Policies and applicable planning controls applying to the land. [23.23]
103	***Certification Height of Building*** The residential development (Buildings A, B and C) must be constructed in accordance with the maximum finished levels outlined below: Building A&B – • ground floor habitable level RL3.43m AHD; • building height roof level: Roof level RL 16.030m and lift overrun RL17.230m AHD. Building C – • ground floor habitable level RL3.6m AHD; • building height roof level: Roof level RL16.200m and lift overrun RL17.400m AHD. - The floor levels and roof level must be certified by a registered surveyor. Evidence is to be submitted to the satisfaction of the Principal Certifier, prior to continuing construction. Construction is not to continue until the Principal Certifier has signed off that the floor level or ridge level is in accordance with the approved levels outlined in this condition. **Reason:** To ensure the development does not conflict with the public interest. [23.33]
	DURING CONSTRUCTION
104	***Concurrence and Referral – Water NSW*** During construction the matters required to be satisfied in the **General Terms of Approval (GTAs) (AIDAS1149440) issued by Water NSW - Reference No. IDAS1157780 dated 26 July 2023** are to be completed to the satisfaction of the Principal Certifier including submission of supporting evidence that each condition has been complied with. **Reason**: To comply with legislative requirements and to ensure environmental safety.
105	***Recommendations of reports*** During construction works, the management measures, mitigation measures and recommendations of reports (as approved as part of Condition 1) relevant to this stage of the development must be implemented in to the construction phase of the

	development, with documentary evidence submitted to the satisfaction of the Principal Certifier, including but not limited to the following environmental matters: - Noise Impact Assessment - Acid sulfate soils - Accessibility - Arborist - Geotechnical - Hydrogeological - Aboriginal Heritage - Site contamination - Traffic and parking - Flood management - BCA/Fire Engineering **Reason**: To comply with State Environmental Planning Policy requirements and to ensure environmental safety.
106	***Approved Plans to be On-Site*** A copy of the consent, the approved and certified plans, specifications and documents shall be kept on the site at all times and shall be readily available for perusal by any officer of Council or the Principal Certifier. **Reason:** To ensure the development is undertaken in accordance with the conditions of approval and complies with legislative requirements and Council policy. [2.22]
107	***Construction Hours - NOISE*** Site work must only be carried out between the following times - - from 7am to 6pm on Monday to Friday - from 8am to 1pm on Saturday - No work on Sundays or public holidays Site work is not to be carried out outside of these times except where there is an emergency, or for urgent work directed by a police officer or a public authority. **Reason:** To protect the amenity of the surrounding area. [20.01]
108	***Implementation of the site management plans*** While site work is being carried out: a) the measures required by the construction site management plan and the erosion and sediment control plan (plans) must be implemented at all times, and b) a copy of these plans must be kept on site at all times and made available to council officers upon request. **Reason:** To ensure site management measures are implemented during the carrying out of site work (NSW Std. Condition).

109	***Procedure for critical stage inspections*** While building work is being carried out, the work must not continue after each critical stage inspection unless the principal certifier is satisfied the work may proceed in accordance with this consent and the relevant construction certificate **Reason:** To require approval to proceed with building work following each critical stage inspection (NSW Std. Condition).
110	***Loading and Unloading of Construction Vehicles*** All loading and unloading associated with construction must be accommodated on-site. If this is not feasible, an application may be made for the provision of a construction zone, during the specified hours of work. **Reason:** To ensure that the development complies with the standards of the Roads Authority. [0131]
111	***Deliveries*** While site work is being carried out, deliveries of material and equipment must only be carried out between— - from 7am to 6pm on Monday to Friday - from 8am to 1pm on Saturday - No deliveries on Sundays or public holidays **Reason:** To protect the amenity of neighbouring properties (NSW Std. Condition).
112	***Noise and Vibration requirements*** While site work is being carried out, noise generated from the site must not exceed an LAeq (15 min) of less than 5db (A) above background noise, when measured at a lot boundary of the site **Reason:** To protect the amenity of the neighbourhood during construction (NSW Std. Condition).
113	***Responsibility for Changes to public infrastructure*** While site work is being carried out, any costs incurred as a result of the approved removal, relocation or reconstruction of infrastructure (including ramps, footpaths, kerb and gutter, light poles, kerb inlet pits, service provider pits, street trees or any other infrastructure in the street footpath area) must be paid as directed by the consent authority. **Reason:** To ensure payment of approved changes to public infrastructure. [0210]

114	**Potential Acid Sulphate Soils** All earthworks on the site must be carried out in accordance with the *Acid Sulphate Soil (ASS) Investigation and Management Plan Report* prepared by **CEC Geotechnical**, dated 03/09/2024. Ongoing monitoring of soil and water quality, as specified in the report, must be conducted throughout the duration of the works. A report detailing compliance with the ASSMP, monitoring results, and any corrective actions taken must be submitted to Council and Principal Certifier prior to the removal, disposal, or discharge of all material from site. Failure to comply with the ASSMP or this condition of consent may result in penalties, suspension of works, or other regulatory actions as deemed necessary by the consent authority. **Reason:** To ensure the environmental, social and economic impact of the development are minimised. [10.05a]
115	***Shoring and Adequacy of Adjoining Property*** If the development involves an excavation that extends below the level of the base of the footings of a building on adjoining land, the person having the benefit of the development consent must, at the person's own expense: (a) Protect and support the adjoining premises from possible damage from the excavation, and (b) Where necessary, underpin the adjoining premises to prevent any such damage. **Reason:** To ensure the environmental, social and economic impact of the development are minimised. [11.04]
116	***Spoil Removal*** No spoil to be deposited on public roads during the cartage of materials from or to the site. The deposition spoil shall cease, as directed by Council, if the Council determines that excessive deposition of spoil onto the road is taking place. **Reason:** To ensure the environmental, social and economic impact of the development are minimised. [11.12]
117	***Excess Fill*** Any excess clean fill (inert clean waste) removed from the site is to be taken to either: (a) a public waste disposal facility or (b) a site approved by Council.

	If option (b) is to be used the persons enacting this consent are to advise Council, in writing, of the chosen site and are not to commence any dumping until written approval is granted. **Note:** all excavated materials are to be removed from site. No materials are to remain on site unless certified as clean waste by a suitably qualified person. ***Note:*** *Council may carry out random inspections and take photographic records to ensure the integrity of the fill.* **Reason:** To ensure the environmental, social and economic impact of the development are minimised. [11.14]
118	***Discovery of Relics and Aboriginal Objects*** While site work is being carried out, if a person reasonable suspects a relic of Aboriginal object is discovered: a) The work in the area of the discovery must cease immediately b) The following must be notified i. for a relic - the Heritage Council; or ii. for an Aboriginal object - the person who is the authority for the protection of Aboriginal objects and Aboriginal places in New South Wales under the *National Parks and Wildlife Act 1974*, section 85. Site work may recommence at a time confirmed in writing by: a) for a relic - the Heritage Council; or b) for an Aboriginal object - the person who is the authority for the protection of Aboriginal objects and Aboriginal places in New South Wales under the *National Parks and Wildlife Act 1974*, section 85. **Reason:** To ensure the protection of objects of potential significance during works. [13.07]
119	***Construction Works Inspection*** *- modified.* Council is to be notified two (2) days prior to the commencement of any works for stormwater and footpath construction within the road reserve. Telephone [02] 44741393 to make arrangements for inspection. ***Note:*** *Inspection fees apply in accordance with Council's adopted fees and charges* **Reason:** To ensure that the development complies with the standards of the Roads Authority. [14.08]
120	***Public Way to be Unobstructed***

	The public way shall not be obstructed by any materials, vehicles, refuse skips or the like, under any circumstances at any time during construction. **Reason:** To ensure that the development complies with the standards of the Roads Authority. [14.10]
121	***Use of Mobile Cranes*** Mobile cranes operating from within the road reserve require a separate approval to be obtained from Council under s138/139 of the Roads Act (refer Condition 97). Special operations and the use of mobile cranes shall comply with the approved hours of construction.**Reason:** To ensure that the development complies with the standards of the Roads Authority. [14.11]
122	***Public Footpaths*** A safe pedestrian circulation route a minimum of 1.5 metres wide and with a pavement free of trip hazards shall be maintained at all times on, or adjacent to the site including in for any public footpaths fronting the construction site. Where the footpath is damaged, repair works shall be carried out when directed by Council officers and in accordance with the relevant clauses of the current edition of Council's Development Specifications. Where circulation is diverted on to the roadway, clear directional signage and protective barricades shall be installed in accordance with Australian Standard AS1742-3 1996 *Traffic Control Devices for Work on Roads.* **Reason:** To ensure that the development complies with the standards of the Roads Authority. [14.12]
123	***Surveys by a registered surveyor*** While building work is being carried out, the positions of the following must be measured and marked by a registered surveyor and provided to the principal certifier: a) all footings / foundations in relation to the site boundaries and any registered and proposed easements b) at other stages of construction - any marks that are required by the principal certifier. **Reason:** To ensure buildings are sited and positioned in the approved location. [23.05]
124	***Site Lighting*** The work site must be kept lit between sunset and sunrise if it is likely to be hazardous to persons in the public place. **Reason:** To ensure the environmental, social and economic impact of the development are minimised. [23.16]

125	***Protection of Adjoining Areas*** If site or building works will: • cause pedestrian or vehicular traffic in a public place to be obstructed or rendered inconvenient or unsafe; or • involve the enclosure of a public place; or • have the potential to damage adjoining private land by way of falling objects then a temporary hoarding, fence or awning must be erected between the work site and the adjoining area before the works begin. Any such hoarding, fence or awning must be removed when the work has been completed. **Reason:** To ensure that the development complies with the standards of the Roads Authority. [23.17]
126	***Implementation of BASIX commitments*** While building work is being carried out, the applicant must undertake the development strictly in accordance with commitments listed in BASIX certificate(s) approved by this consent, for the development to which the consent applies, and any updated certificate(s) if amendments are made. **Reason:** To ensure compliance with the legislation, Council Policies and applicable planning controls applying to the land. [23.26]
127	***Floor Level*** *– modified* The Principal Certifier is to ensure the following levels are certified by a registered land surveyor before proceeding past the nominated level: • Building A Ground Level Finished Floor Level 3.43m AHD. • Building B Ground Level Finished Floor Level 3.43m AHD. • Building A Units A-G03 and A-G04 Balconies: Protected by a wall with a minimum Top of Wall of 3.70m AHD. • Building C Ground Level Finished Floor Level 3.60m AHD. • Basement Driveway Crest Level and all basement entries 3.43m AHD. **Reason:** To ensure the environmental, social and economic impact of the development are minimised.
128	***Tree protection during work*** While site work is being carried out, all required tree protection measures must be maintained in good condition in accordance with: a) the construction site management plan b) the relevant requirements of AS 4970 Protection of trees on development sites,

	c) Section 6 of of council's relevant development control plan (in force as at the date of determination of this consent) and associated Tree Preservation Code d) any arborist's report approved under this consent. This includes maintaining adequate soil grades and ensuring all machinery, builders refuse, spoil and materials remain outside tree protection zones. **Reason:** To protect trees during the carrying out of site (NSW Std. Condition).
129	***Waste management*** While site work is being carried out: a) all waste management must be undertaken in accordance with the waste management plan, and b) upon disposal or removal of the waste, records of the disposal or other fate (such as re-use on site) must be compiled and provided to < insert the principal certifier OR council (where a principal certifier is not required)>, detailing the following: i) The name and contact details of the person(s) who removed the waste, ii) The waste carrier vehicle registration, iii) The date and time of waste collection, iv) A description of the waste (type of waste, classification and estimated quantity) and whether the waste is to be reused, recycled, go to landfill or other fate. v) The contact details and address of the disposal location or other offsite location(s) where the waste was taken, vi) The corresponding tip docket/receipt from the site(s) to which the waste is transferred, noting date and time of delivery, description (type and quantity) of waste. - c)The waste generated on site during construction must be classified in accordance with the Environment Protection Authority's Waste Classification Guidelines, 2014 (as amended from time to time) and disposed of to an approved waste management facility or otherwise lawfully managed. If waste has been removed from the site where the waste is under an Environment Protection Authority Resource Recovery Order or Exemption, records in relation to and required by that Order or Exemption must be maintained and provided to the principal certifier and council. To require records to be provided, during site work, documenting the lawful disposal of waste.(NSW Std. Condition).
	PRIOR TO ISSUE OF AN OCCUPATION CERTIFICATE

130	***Occupation Certificate*** The development must not be used or occupied until an occupation certificate has been issued by the Principal Certifier. *Note: The development consent does not include subdivision which is subject to separate development consent.* **Reason:** To ensure compliance with the legislation, Council Policies and applicable planning controls applying to the land. [2.14]
131	***Before Occupation/Use Compliance Inspection*** Before the use or occupation of the development an inspection will be required to ensure formal compliance with the conditions of this consent. In this respect the Principal Certifier, or if no building work is required then Council should be contacted to arrange for an inspection. **Reason:** To ensure compliance with the legislation, Council Policies and applicable planning controls applying to the land. [2.15]
132	***Concurrence and Referral – Water NSW*** Prior to issue of any occupation certificate the matters required to be satisfied in the **General Terms of Approval (GTAs) (AIDAS1149440) issued by Water NSW - Reference No. IDAS1157780 dated 26 July 2023** are to be completed to the satisfaction of the Principal Certifier including submission of supporting evidence that each condition has been complied with. **Reason**: To comply with legislative requirements and to ensure environmental safety.
133	***Recommendations of reports*** Prior to the issue of any Occupation Certificate the management measures, mitigation measures and recommendations of reports (as approved as part of Condition 1) relevant to this stage of the development must be completed with documentary evidence submitted to the satisfaction of the Principal Certifier prior to issue of any Occupation Certificate, including but not limited to the following environmental matters: - Noise Impact Assessment - Acid sulfate soils - Accessibility - Arborist - Geotechnical - Hydrogeological - Aboriginal Heritage - Site contamination - Traffic and parking - Flood management - BCA/Fire Engineering

	Reason: To comply with State Environmental Planning Policy requirements and to ensure environmental safety.
134	Prior to the issue of any occupation certificate the existing 'Easement for Water Supply' on the site is to be realigned (registered on Title and 88B instruments) and the water supply easement is to be consistent and align with the on-site location (the exact location as surveyed as per prior to CC conditions of this consent) of the water main along /within the site at Bavarde Avenue. The registration of the relocated 'Easement for Water Supply' is to be registered on Title. **Reason:** To ensure that the development complies with the standards of the Roads Authority.
135	***Completion of public utility services*** Before the issue of the relevant occupation certificate, confirmation must be obtained from the relevant authority that any adjustment or augmentation of any public utility services including gas, water, sewer, electricity, street lighting and telecommunications, required as a result of the development, have been completed and this confirmation must be provided to the principal certifier. **Reason:** To ensure required changes to public utility services are completed, in accordance with the relevant agency requirements, before occupation. [0209]
136	***Reinstatement of Kerb*** Prior to the issue of any Occupation Certificate, provision of a "Insert Details" m wide layback gutter crossing and reinstatement of kerb over redundant laybacks to Council's Infrastructure Design Standards Plan No 4400-A-0001-b-1. **Reason:** To ensure that the development complies with the standards of the Roads Authority.
137	***Survey Confirmation of Access*** Prior to issue of any Occupation Certificate, submission to the Principal Certifier of plans prepared by a registered survey that the access driveway and Basement Crest has been constructed in accordance with the approved design. **Reason:** To ensure that the development complies with the standards of the Roads Authority.
138	***Standard Footpath Construction***

	Prior to issue of any Occupation Certificate provide construction of Council's standard concrete footpath paving for the full road frontage of the property in accordance with Council's Infrastructure Design Standards Plan No. 4400-A-002-a-2 and to the satisfaction of Council. The area of the footpath not paved shall be topsoiled and turfed. The paving shall provide a safe transition in level and width to connect with any existing paved footpath beyond the frontage of the property to the satisfaction of Council. Contact Council on (02) 44741393 to arrange an inspection prior to occupation of the development. **Reason:** To ensure that the development complies with the standards of the Roads Authority.
139	***Work Within Road Reserve*** Prior to issue of any Occupation Certificate all works within the road reserve (road, nature strip & footpath areas) are to be completed in accordance with the plans and any conditions of approval. All work is to be inspected and passed by Council, an inspection may be booked by phoning 44741393 (inspection fees may apply in accordance with Council's adopted fees and charges). Earthworks adjacent to the driveway are to be grades no steeper than 12%. All service covers are to match the finished ground level within the footpath/road reserve. The vehicle crossing is to be maintained in accordance with Council standards or other approved plan and in sound condition for the life of the development to the satisfaction of Council all at no cost to Council. **Reason:** To ensure that the development complies with the standards of the Roads Authority.
140	**Waste Collection Vehicle** The development shall not be serviced by any waste collection vehicles exceeding 8.8m in length. The developer must ensure that all waste management plans, service contracts, and associated arrangements for the development are designed to comply with this requirement. The waste collection contractor engaged for the development must be informed of this restriction and shall use appropriately sized vehicles for servicing the site. Permanent and clearly visible signage indicating the maximum allowable waste collection vehicle length of 8.80 metres must be installed at the waste collection point before the issue of an Occupation Certificate and maintained in perpetuity. **Reason:** To prevent waste collection vehicles from obstructing the Heradale Parade Footpath, and sight lines from the driveway of the development.

141	***Identification of Accessible Carparking Spaces*** Prior to the issue of any Occupation Certificate for the development, each accessible car parking space shall be marked in accordance with AS 2890.6:2022. Each visitor parking space allocated for people with disabilities shall be marked by a symbol of access in accordance with Clause 3.1.1 of AS 2890.6:2022. The accessible car parking spaces assigned to each adaptable unit are not to be marked by a symbol of access in accordance with Clause 3.1.2 of AS 2890.6:2022. All shared areas adjacent to all accessible car parking spaces shall be marked in accordance with AS 2890.6:2022, including the provision of a bollard, post, or column. **Reason:** To ensure that the development complies with the relevant legislation and standards.
142	***Identification of Carparking Spaces*** Prior to the issue of any Occupation Certificate for the development, each car parking space shall be clearly marked to identify the applicable unit assigned to each parking space or designated for visitor use. The markings shall be legible, permanent, and in compliance with AS 1742 Set. **Reason:** To ensure that the development complies with the relevant legislation and standards.
143	***Post-construction dilapidation report*** Before the issue of an occupation certificate a post-construction dilapidation report must be prepared by a suitably qualified engineer, to the satisfaction of the principal certifier, detailing whether: a) after comparing the pre-construction dilapidation report to the post-construction dilapidation report required under this condition, there has been any structural damage to any adjoining buildings; and b) where there has been structural damage to any adjoining buildings, that it is a result of the work approved under this development consent, and c) a copy of the post-construction dilapidation report must be provided to council (where council is not the principal certifier or a principal certifier is not required) and to the relevant adjoining property owner(s) **Reason**: To identify any damage to adjoining properties resulting from site work on the development site. (NSW Std. Condition).
144	***Preservation of survey marks***

	Before the issue of an occupation certificate documentation must be submitted by a registered surveyor to the Principal Certifier, which demonstrates that: a) no existing survey mark(s) have been removed, damaged, destroyed, obliterated or defaced, or b) any survey mark(s) that were damaged, destroyed, obliterated or defaced have been re-established in accordance with the Surveyor General's Direction No. 11 – Preservation of Survey Infrastructure **Reason**: To protect the state's survey infrastructure (NSW Std. Condition).
145	***Release of securities*** When Council receives an occupation certificate an application may be lodged to release the securities (infrastructure/road work bond) held in accordance with Council policy paid as required by the imposed conditions of this consent. **Reason**: To allow release of securities where the terms and conditions for the securities have been met to council's satisfaction (NSW Std. Condition).
146	***Removal of waste upon completion*** Before the issue of an occupation certificate a) all refuse, spoil and material unsuitable for use on-site must be removed from the site and disposed of in accordance with the approved waste management plan, and b) written evidence of the waste removal must be provided to the satisfaction of the Principal Certifier. c) Any chemical waste generated throughout construction must be disposed of to an approved waste management facility or otherwise lawfully managed. **Reason**: To ensure waste material is appropriately disposed or satisfactorily stored (NSW Std. Condition).
148	***Road Damage*** The cost of repairing any damage caused to Council or other public authority's assets in the vicinity of the subject site as a result of construction works associated with the approved development, is to be met in full by the applicant/developer prior to issue of any Occupation Certificate. **Reason:** To ensure that the development complies with the standards of the Roads Authority. [14.15]
149	***Car Park Signage***

	Signage shall be installed at the entry to the car park to warn pedestrians of vehicles exiting the car park. Further signage shall be installed near the car park exit to warn drivers of the presence of pedestrians using the footpath. The signage shall be installed prior to occupation of the building(s). **Reason:** To ensure the development does not conflict with the public interest. [14.34]
150	**Geotechnical Certification Prior to Occupation Certificate** A Geotechnical Engineer or Engineering Geologist is to provide written confirmation that they have inspected the site during construction or reviewed information relating to the construction and that they are satisfied that development referred to in the development consent has been constructed in accordance with the intent of the Geotechnical Report referenced in Condition 1 of this consent. Written certification is to be provided to the Principal Certifier prior to the issue of the Occupation Certificate. **Reason**: To ensure geotechnical risk is mitigated appropriately.
151	***Completion of landscape and tree works*** Before the issue of an occupation certificate the principal certifier must be satisfied all landscape and tree-works have been completed in accordance with approved plans and documents and any relevant conditions of this consent and inclusive of the following conditions: i) landscape works are to be contained within the legal property boundaries, ii) planting shall be installed as indicated on the approved amended Landscape Plan(s) unless otherwise imposed by any conditions, iii) all tree planting shall be a minimum pre-ordered planting size of 75 litres or as otherwise scheduled if greater in size; meet the requirements of Natspec - Specifying Trees; planted into a prepared planting hole 1m x 1m x 600mm depth generally, backfilled with a sandy loam mix or approved similar, mulched to 75mm depth minimum and maintained, and watered until established; and shall be located within garden bed, iv) tree planting shall be considered in relation to sufficient clearances and offsets from underground and overhead infrastructure including and offset from common boundaries and buildings – to be typically located at least 3.0m from buildings or more than 1.5m from common boundaries. Prior to the issue of an Occupation Certificate, details (from a landscape architect, landscape designer or qualified horticulturalist) shall be submitted to the Principal Certifier, certifying that the landscape works have been completed in accordance with any conditions of consent.

	Reason: To ensure the approved landscaping works have been completed in accordance with the approved landscaping plan(s). [16.04]
152	***Acoustic Certification*** Prior to issue of any Occupation Certificate for the development, certification shall be obtained from an acoustic consultant confirming the development (commercial and residential uses) have been constructed with the acoustic treatment referred to in the Acoustic Report approved under Condition 1. **Reason:** To protect the amenity of the local area. [20.10]
153	***Removal of Temporary Structures*** Any hoarding or similar barrier that was erected to protect a public place, temporary toilet facilities, Erosion & Sediment Control Devices or Builder's Signs used during construction phases shall be removed from the site prior to the occupation of the building(s) or commencement of the use. **Reason:** To protect the amenity of the local area. [23.18]
154	***Removal of Temporary Structures - Site Access*** Any temporary site access provided for the purpose of construction works is to be removed, and the kerb and gutter and/or previous roadworks reinstated in a satisfactory manner prior to the occupation of the building(s) or commencement of the use. Should the reinstatement involve the provision of a new vehicular crossing, layback, kerb and gutter or road shoulder works, a separate approval from Council is to be obtained at the applicant's expense prior to such works commencing. **Reason:** To protect the amenity of the local area. [23.22]
155	***Adaptable Housing*** The Principal Certifier is to ensure prior to the issue of any Occupation Certificate that fifteen (15) residential units are compliant with the requirements of AS4299-Adaptable Housing. **Reason:** To ensure compliance with the legislation, Council Policies and applicable planning controls applying to the land. [23.28]
156	***Garbage, waste areas and Recycling Facilities*** All internal walls of the waste rooms shall be rendered to a smooth surface, coved at the floor/wall intersection, graded and appropriately drained to the sewer with a tap in close proximity to facilitate cleaning. Waste rooms shall be clear of any other services or utilities infrastructure such as gas, electricity air-conditioning, plumbing, piping ducting or equipment.

	Reason: To prevent pollution of the environment, provide a safe workplace for contractors and residents and to protect the amenity of the area.
157	***Works as Executed Plans and any other Documentary Evidence*** Before the issue of the relevant Occupation Certificate, the applicant must submit, to the satisfaction of the principal certifier, works-as-executed plans, any compliance certificates and any other evidence confirming the following completed works: a) All stormwater drainage systems and storage system b) The following matters that Council requires to be documented - asbestos clearance - completion reports (confirming recommendations of specialist report requirements as outlined in consent conditions have been implemented in to the design and construction of the development) c) A copy of the plans must be provided to council with the occupation certificate. The principal certifier must provide a copy of the plans to Council with the occupation certificate. **Reason:** To confirm the location of works once constructed that will become Council assets. [6.06]
158	**Fire Safety Matters** At the completion of all works, a Fire Safety Certificate will need to be prepared which references all the Essential Fire Safety Measures applicable and the relative standards of Performance (as per Schedule of Fire Safety Measures). This certificate must be prominently displayed in the building and copies must be sent to Council and Fire and Rescue NSW. Details demonstrating compliance are to be submitted to the Principal Certifier prior to the issue of a part Occupation Certificate or Occupation Certificate. Each year the Owners must send to the Council and Fire and Rescue NSW, an annual Fire Safety Statement which confirms that all the Essential Fire Safety Measures continue to perform to the original design standard. **Reason**: Statutory requirement under Parts 10, 11 & 12 of the Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021.
	OCCUPATION AND ONGOING USE
159	***Concurrence and Referral – Water NSW***

	The post-occupation (on-going use) matters required to be satisfied in the **General Terms of Approval (GTAs) (AIDAS1149440) issued by Water NSW - Reference No. IDAS1157780 dated 26 July 2023** are to be completed to the satisfaction of the Principal Certifier including submission of supporting evidence that each condition has been complied with. **Reason**: To comply with legislative requirements and to ensure environmental safety.
160	***Recommendations of reports***The management measures, mitigation measures and recommendations of reports (as approved as part of Condition 1) relevant to this stage of the development (on-going use and management of the development)are to be complied with, including but not limited to the following environmental matters: - Noise Impact Assessment - Acid sulfate soils - Accessibility - Arborist - Geotechnical - Hydrogeological - Aboriginal Heritage - Site contamination - Traffic and parking - Flood management - BCA/Fire Engineering **Reason**: To comply with State Environmental Planning Policy requirements and to ensure environmental safety.
161	***Location of mechanical ventilation*** During occupation and ongoing use of the building, all mechanical ventilation system(s) or other plant and equipment that generates noise must be located on the site (including in a soundproofed area where necessary) to ensure the noise generated does not exceed 5 dBa above the ambient background noise at the boundary adjacent to any habitable room of adjoining residential premises. **Reason**: To protect the residential amenity of neighbouring properties (NSW Std Condition)
162	***Maintenance of wastewater and stormwater treatment device*** During occupation and ongoing use of the building, all wastewater and stormwater treatment devices (including drainage systems, sumps and traps, and on-site detention) must be regularly maintained to remain effective and be in accordance with any positive covenant (if applicable). **Reason**: To protect sewerage and stormwater systems (NSW Std Condition)

163	***Waste collection*** Waste collection is to be undertaken by a private waste contractor. The development shall not be serviced by any waste collection vehicles exceeding 8.8m in length. The developer must ensure that all waste management plans, service contracts, and associated arrangements for the development are designed to comply with this requirement. **Reason**: To protect the residential amenity of neighbouring properties.
164	***Noise from Deliveries/Waste Collection*** Waste collections and deliveries from any vehicle or truck are not permitted on any part of the premises between 10pm and 7am Monday to Saturday inclusive or between 10pm and 9am on Sundays and Public Holidays. **Reason:** To protect the amenity of the local area. [20.07]
165	**Landscape Maintenance** a) if any landscape materials/components or planting under this consent fails, they are to be replaced with similar materials/components. - b) trees, shrubs and groundcovers required to be planted under this consent are to be mulched, watered and fertilised as required at the time of planting. c) if any tree, shrub or groundcover required to be planted under this consent fails, they are to be replaced with similar species to maintain the landscape theme and be generally in accordance with the approved Landscape Plan(s) and any conditions of consent. d) a maintenance activity schedule for on-going maintenance of planters on slab shall be incorporated to monitor and replenish soil levels as a result of soil shrinkage over time. e) the approved landscape planted areas, whether containing lawn, gardens or planters shall in perpetuity remain as planting under the development consent, and shall not be replaced with any hard paved surfaces or structures. **Reason**: To maintain local environmental amenity.
166	**Geotechnical Recommendations** Any ongoing recommendations of the risk assessment required to manage the hazards identified in the Geotechnical Report referenced in Condition 1 of this consent are to be maintained and adhered to for the life of the development. **Reason**: To ensure geotechnical risk is mitigated appropriately.

General advisory notes

This consent contains the conditions imposed by the consent authority which are to be complied with when carrying out the approved development. However, this consent is not an exhaustive list of all obligations which may relate to the carrying out of the development under the EP&A Act, EP&A Regulation and other legislation. Some of these additional obligations are set out in the *Conditions of development consent: advisory notes*. The consent should be read together with the *Conditions of development consent: advisory notes* to ensure the development is carried out lawfully.

The approved development must be carried out in accordance with the conditions of this consent. It is an offence under the EP&A Act to carry out development that is not in accordance with this consent.

Building work or subdivision work must not be carried out until a construction certificate or subdivision works certificate, respectively, has been issued and a principal certifier has been appointed.

A document referred to in this consent is taken to be a reference to the version of that document which applies at the date the consent is issued, unless otherwise stated in the conditions of this consent.

Dictionary

The following terms have the following meanings for the purpose of this determination (except where the context clearly indicates otherwise):

Approved plans and documents means the plans and documents endorsed by the consent authority, a copy of which is included in this notice of determination.

AS means Australian Standard published by Standards Australia International Limited and means the current standard which applies at the time the consent is issued.

Building work means any physical activity involved in the erection of a building.

Certifier means a council or a person that is registered to carry out certification work under the *Building and Development Certifiers Act 2018*.

Construction certificate means a certificate to the effect that building work completed in accordance with specified plans and specifications or standards will comply with the requirements of the EP&A Regulation and *Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021*.

Council means Eurobodalla Shire Council.

Court means the Land and Environment Court of NSW.

EPA means the NSW Environment Protection Authority.

EP&A Act means the *Environmental Planning and Assessment Act 1979.*

EP&A Regulation means the *Environmental Planning and Assessment Regulation 2021.*

Independent Planning Commission means Independent Planning Commission of New South Wales constituted by section 2.7 of the EP&A Act.

Occupation certificate means a certificate that authorises the occupation and use of a new building or a change of building use for an existing building in accordance with this consent.

Principal certifier means the certifier appointed as the principal certifier for building work or subdivision work under section 6.6(1) or 6.12(1) of the EP&A Act respectively.

Site work means any work that is physically carried out on the land to which the development the subject of this development consent is to be carried out, including but not limited to building work, subdivision work, demolition work, clearing of vegetation or remediation work.

Stormwater drainage system means all works and facilities relating to:

the collection of stormwater,

the reuse of stormwater,

the detention of stormwater,

the controlled release of stormwater, and

connections to easements and public stormwater systems.

Strata certificate means a certificate in the approved form issued under Part 4 of the *Strata Schemes Development Act 2015* that authorises the registration of a strata plan, strata plan of subdivision or notice of conversion.

Subdivision certificate means a certificate that authorises the registration of a plan of subdivision under Part 23 of the *Conveyancing Act 1919*.

Subdivision works certificate means a certificate to the effect that subdivision work completed in accordance with specified plans and specifications will comply with the requirements of the EP&A Regulation.

Sydney district or regional planning panel means Southern Regional Planning Panel.[Title]

Water NSW:

Contact: David Murphy

Email: david.murphy@waternsw.com.au

Eurobodalla Shire Council

Our ref: IDAS1157780
Your ref: A-66260

kristy.robinson@esc.nsw.gov.au

17 October 2024

Dear Applicant,

RE: Proposed Development DA0593/23
Lot 1 DP1135117
ADDRESS 20 Heradale Parade Batemans Bay 2536

I refer to your recent referral regarding Integrated Development Application (DA0593/23) for additional information submitted on the Portal on the 3rd and 8th October.
WaterNSW has reviewed the proposed amendments. The information provided indicates that there are no changes to the water supply work to take groundwater.

The General Terms of Approval (IDAS1149440) issued on 26 July 2023 are still current and we have no objections to the proposed amendments.

Should you have any further questions, please do not hesitate to contact me by email to david.murphy@waternsw.com.au.

Yours sincerely

David Murphy
Water Regulation Officer
WaterNSW

Level 14,169 Macquarie Street, Parramatta, NSW 2150 | PO Box 398, Parramatta, NSW 2124
customer.helpdesk@waternsw.com.au | www.waternsw.com.au

Water NSW:

General Terms of Approval

for proposed development requiring approval under s89, 90 or 91 of the Water Management Act 2000

Reference Number:	IDAS1149440
Issue date of GTA:	26 July 2023
Type of Approval:	Water Supply Work
Description:	80mm submersible pump
Location of work/activity:	20 Heradale Parade Batemans Bay
DA Number:	DA0593/23
LGA:	Eurobodalla Shire Council
Water Sharing Plan Area:	South Coast Groundwater Sources 2016

The GTA issued by WaterNSW do not constitute an approval under the *Water Management Act 2000*. The development consent holder must apply to WaterNSW for the relevant approval **after development consent** has been issued by Council **and before** the commencement of any work or activity.

Condition Number	Details
	Dewatering
GT0115-00001	Groundwater must only be pumped or extracted for the purpose of temporary construction dewatering at the site identified in the development application. For clarity, the purpose for which this approval is granted is only for dewatering that is required for the construction phase of the development and not for any dewatering that is required once construction is completed.
GT0116-00001	Before any construction certificate is issued for any excavation under the development consent, the applicant must: 1. apply to WaterNSW for, and obtain, an approval under the Water Management Act 2000 or Water Act 1912, for any water supply works required by the development; and 2. notify WaterNSW of the programme for the dewatering activity to include the commencement and proposed completion date of the dewatering activity Advisory Note: 3. An approval under the Water Management Act 2000 is required to construct and/or install the water supply works. For the avoidance of doubt, these General Terms of Approval do not represent any authorisation for the take of groundwater, nor do they constitute the grant or the indication of an intention to grant, any required Water Access Licence (WAL). A WAL is required to lawfully take more than 3ML of water per water year as part of the dewatering activity. 4. A water use approval may also be required, unless the use of the water is for a purpose for which a development consent is in force.
GT0117-00001	A water access licence, for the relevant water source, must be obtained prior to extracting more than 3ML per water year of water as part of the construction dewatering activity. Advisory Notes: 1. This approval is not a water access licence. 2. A water year commences on 1 July each year. 3. This approval may contain an extraction limit which may also restrict the ability to take more than 3ML per water year without further information being provided to WaterNSW. 4. Note that certain water sources may be exempted from this requirement - see paragraph17A, Schedule 4 of the Water Management (General) Regulation 2018.
GT0118-00001	If no water access licence is obtained for the first 3ML / year (or less) of water extracted, then, in accordance with clause 21(6), Water Management (General) Regulation 2018, the applicant must: (a) record water taken for which the exemption is claimed, and (b) record the take of water not later than 24 hours after water is taken, and (c) make the record on WAL exemption form located on WaterNSW website "Record of groundwater take under exemption", and (d) keep the record for a period of 5 years, and (e) give the record to WaterNSW either via email to Customer.Helpdesk@waternsw.com.au or post completed forms to - PO Box 398 Parramatta NSW 2124 (i) not later than 28 days after the end of

Water NSW:

WaterNSW

General Terms of Approval

for proposed development requiring approval under s89, 90 or 91 of the Water Management Act 2000

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Water Sharing Plan Area:	South Coast Groundwater Sources 2016

	the water year (being 30 June) in which the water was taken, or (ii) if WaterNSW directs the person in writing to give the record to WaterNSW on an earlier date, by that date.
GT0119-00001	All extracted groundwater must be discharged from the site in accordance with Council requirements for stormwater drainage or in accordance with any applicable trade waste agreement.
GT0120-00001	The design and construction of the building must prevent: (a)any take of groundwater, following the grant of an occupation certificate (and completion of construction of development), by making any below-ground levels that may be impacted by any water table fully watertight for the anticipated life of the building. Waterproofing of below-ground levels must be sufficiently extensive to incorporate adequate provision for unforeseen high water table elevations to prevent potential future inundation; (b)obstruction to groundwater flow, by using sufficient permanent drainage beneath and around the outside of the watertight structure to ensure that any groundwater mounding shall not be greater than 10 % above the pre-development level; and (c)any elevated water table from rising to within 1.0 m below the natural ground surface.
GT0121-00001	Construction phase monitoring bore requirements GTA: a) A minimum of three monitoring bore locations are required at or around the subject property, unless otherwise agreed by WaterNSW. b) The location and number of proposed monitoring bores must be submitted for approval, to WaterNSW with the water supply work application. c) The monitoring bores must be installed and maintained as required by the water supply work approval. d) The monitoring bores must be protected from construction damage.
GT0122-00001	Construction Phase Monitoring programme and content: a) A monitoring programme must be submitted, for approval, to WaterNSW with the water supply work application. The monitoring programme must, unless agreed otherwise in writing by WaterNSW, include matters set out in any Guide published by the NSW Department of Planning Industry and Environment in relation to groundwater investigations and monitoring. Where no Guide is current or published, the monitoring programme must include the following (unless otherwise agreed in writing by WaterNSW): i. Pre-application measurement requirements: The results of groundwater measurements on or around the site, with a minimum of 3 bore locations, over a minimum period of 3 months in the six months prior to the submission of the approval to WaterNSW. ii. Field measurements: Include provision for testing electrical conductivity; temperature; pH; redox potential and standing water level of the groundwater; iii. Water quality: Include a programme for water quality testing which includes testing for those analytes as required by WaterNSW; iv. QA: Include details of quality assurance and control v. Lab assurance: Include a requirement for the testing by National Association of Testing Authorities accredited laboratories. b) The applicant must comply with the monitoring programme as approved by WaterNSW for the duration of the water supply work approval (Approved Monitoring Programme)
GT0123-00001	(a) Prior to the issuing of the occupation certificate, and following the completion

Water NSW:

WaterNSW

General Terms of Approval

for proposed development requiring approval under s89, 90 or 91 of the Water Management Act 2000

Reference Number:	IDAS1149440
Issue date of GTA:	26 July 2023
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Description:	80mm submersible pump
Location of work/activity:	20 Heradale Parade Batemans Bay
DA Number:	DA0593/23
LGA:	Eurobodalla Shire Council
Water Sharing Plan Area:	South Coast Groundwater Sources 2016

	of the dewatering activity, and any monitoring required under the Approved Monitoring Programme, the applicant must submit a completion report to WaterNSW. (b) The completion report must, unless agreed otherwise in writing by WaterNSW, include matters set out in any guideline published by the NSW Department of Planning Industry and Environment in relation to groundwater investigations and monitoring. Where no guideline is current or published, the completion report must include the following (unless otherwise agreed in writing by WaterNSW): 1) All results from the Approved Monitoring Programme; and 2) Any other information required on the WaterNSW completion report form as updated from time to time on the WaterNSW website. c) The completion report must be submitted using "Completion Report for Dewatering work form" located on WaterNSW website www.waternsw.com.au/customer-service/water-licensing/dewatering
GT0150-00001	The extraction limit shall be set at a total of 3ML per water year (being from 1 July to 30 June). The applicant may apply to WaterNSW to increase the extraction limit under this condition. Any application to increase the extraction limit must be in writing and provide all information required for a hydrogeological assessment. Advisory note: Any application to increase the extraction limit should include the following: - Groundwater investigation report describing the groundwater conditions beneath and around the site and subsurface conceptualisation - Survey plan showing ground surface elevation across the site - Architectural drawings showing basement dimensions - Environmental site assessment report for any sites containing contaminated soil or groundwater (apart from acid sulphate soils (ASS)) - Laboratory test results for soil sampling testing for ASS - If ASS, details of proposed management and treatment of soil and groundwater. Testing and management should align with the NSW Acid Sulphate Soil Manual
GT0151-00001	Any dewatering activity approved under this approval shall cease after a period of two (2) years from the date of this approval, unless otherwise agreed in writing by WaterNSW (Term of the dewatering approval). Advisory note: an extension of this approval may be applied for within 6 months of the expiry of Term.
GT0152-00001	This approval must be surrendered after compliance with all conditions of this approval, and prior to the expiry of the Term of the dewatering approval, in condition GT0151-00001. Advisory note: an extension of this approval may be applied for within 6 months of the expiry of Term.
GT0155-00001	The following construction phase monitoring requirements apply (Works Approval): a. The monitoring bores must be installed in accordance with the number and location shown, as modified by this approval, unless otherwise agreed in writing with WaterNSW. b. The applicant must comply with the monitoring programme as amended by this approval (Approved Monitoring Programme). c. The applicant must submit all results from the Approved Monitoring Programme, to WaterNSW, as part of the Completion Report

Water NSW:

SCHEDULE 1

The plans and associated documentation listed in this schedule are referred to in general terms of approval (GTA) issued by WaterNSW for integrated development associated with DA0593/23 as provided by Council:

- Geotechnical Report/SEE Report/Architectural Plans-Segments 1-9/Civil Engineering Plans/Other Searches & Maps.

Heritage NSW:

Department of Climate Change, Energy, the Environment and Water

NSW GOVERNMENT

Our ref: DOC24/867530

Ms Kristy Robinson
Eurobodalla Shire Council
89 Vulcan Street
MORUYA 2537
kristy.robinson@esc.nsw.gov.au
Letter uploaded to the NSW Planning Portal

Address: 20 Heradale Parade BATEMANS BAY 2536

Proposal: Demolition of existing buildings and construction of three, four level apartment blocks and associated works

Development Application no: DA0593/23, CNR-55321, A-90798

Received: 21 October 2024

Subject: Advice for Integrated Development Application, *National Parks and Wildlife Act 1974*

Dear Kristy,

Thank you for referring the above integrated development application to our office. We understand that Council is seeking our general terms of approval pursuant to s4.46 of the *Environmental Planning and Assessment Act 1979*.

Documentation provided by the applicant in support of this application states that there are no known Aboriginal objects within the subject land.

It is stated in s.4.46(2)(a) of the *Environmental Planning and Assessment Act 1979* that development is not integrated development in respect of an Aboriginal Heritage Impact Permit under Part 6 of the *National Parks and Wildlife Act 1974* unless an Aboriginal object is known, immediately before the development application is made, to exist on the land to which the development application applies.

Accordingly, our understanding is that since there are no known Aboriginal objects on the subject site, the development is not integrated for the purposes of the *National Parks and Wildlife Act 1974*, and we cannot provide general terms of approval.

If Council considers approving the development, Heritage NSW have provided recommended conditions of consent for Aboriginal cultural heritage matters in **Attachment A**.

---

heritagemailbox@environment.nsw.gov.au
Locked Bag 5020, Parramatta NSW, 2124
NSW Planning Portal reference: 55321

www.environment.nsw.gov.au/topics/heritage

Heritage NSW:

If you have any questions in relation to this matter, please contact Kosta Contos, Senior Assessments Officer, at Heritage NSW on 9873 8500 or kosta.contos@environment.nsw.gov.au.

Yours sincerely

Nicole Davis

Nicole Davis
Strategic Manager, Heritage Referrals
Heritage NSW
Department of Climate Change, Energy, the Environment and Water
As Delegate under *National Parks and Wildlife Act 1974*
13 November 2024

Heritage NSW:

Attachment A - Recommended Conditions of Consent for 20 Heradale Parade, Development Application: DA0593/23, CNR-55321

If Council consider approving the Development Application, Heritage NSW recommend the following conditions to ensure the protection of known Aboriginal sites and ensure that no additional harm is caused should Aboriginal cultural heritage be encountered:

- No Aboriginal objects may be harmed without an approval from Heritage NSW under the *National Parks and Wildlife Act 1974*.
- If any Aboriginal object(s) are discovered and/or harmed in, or under the land, while undertaking the proposed development activities, the proponent must:
    - Not further harm the object(s)
    - Immediately cease all work at the particular location
    - Secure the area so as to avoid further harm to the Aboriginal object(s)
    - Notify NSW Environment Line as soon as practical by calling 131 555 or emailing: info@environment.nsw.gov.au, providing any details of the Aboriginal object(s) and its location
    - Not recommence any work at the particular location unless authorised in writing by Heritage NSW.
- If harm to Aboriginal objects cannot be avoided, an application for an Aboriginal Heritage Impact Permit must be prepared and submitted to Heritage NSW before work may continue.
- In the event that skeletal remains are unexpectedly encountered during the activity, work must stop immediately, the area secured to prevent unauthorised access and NSW Police and Heritage NSW contacted.

ANNEXURE 2

PROPOSED RESIDENTIAL DEVELOPMENT

20 HERALDALE PARADE, BATEMANS BAY

SHEET	SHEET NAME	REV	DATE
DA-0001	COVER SHEET	F	18/12/2024
DA-0002	COMPLIANCE TABLE	D	18/12/2024
DA-0003	SITE LOCATION	C	03/09/2024
DA-0004	EXISTING SITE ANALYSIS	C	03/09/2024
DA-0100	DEMOLITION PLAN - SURVEY OVERLAY	C	03/09/2024
DA-2000	SITE PLAN	E	18/12/2024
DA-2001	GA - BASEMENT SURVEY UNDERLAY	E	18/12/2024
DA-2002	GA - BASEMENT FLOOR PLAN	E	18/12/2024
DA-2003	GA - GROUND SURVEY UNDERLAY	E	18/12/2024
DA-2004	GA - GROUND FLOOR PLAN	E	18/12/2024
DA-3000	GA - LEVEL 01 PLAN	D	18/12/2024
DA-3001	GA - LEVEL 02 PLAN	D	18/12/2024
DA-3002	GA - LEVEL 03 PLAN	D	18/12/2024
DA-3003	GA - ROOF PLAN	E	18/12/2024

SHEET	SHEET NAME	REV	DATE
DA-3004	GA - ROOF SURVEY UNDERLAY	D	18/12/2024
DA-4000	SECTIONS	D	03/09/2024
DA-4001	DRIVEWAY RAMP SECTION	C	03/09/2024
DA-4002	CULVERT SECTION	C	03/09/2024
DA-5000	SOUTH & EAST ELEVATIONS	C	03/09/2024
DA-5001	BUILDING A ELEVATIONS	C	03/09/2024
DA-5002	BUILDING B - ELEVATIONS	C	03/09/2024
DA-5003	BUILDING C - ELEVATIONS	C	03/09/2024
DA-7000	GROSS FLOOR AREA DIAGRAMS	D	18/12/2024
DA-7010	DEEP SOIL CALCULATION	C	03/09/2024
DA-7020	COMMUNAL OPEN SPACE COMPLIANCE	C	03/09/2024
DA-7030	CROSS-VENTILATION DIAGRAM	C	03/09/2024
DA-7040	SOLAR ACCESS	C	03/09/2024
DA-7050	SITE COVERAGE DIAGRAM	D	18/12/2024

SHEET	SHEET NAME	REV	DATE
DA-7060	HEIGHT PLANE	D	18/12/2024
DA-7070	ADAPTABLE UNITS	D	18/12/2024
DA-7071	ADAPTABLE UNITS	C	03/09/2024
DA-8000	SHADOW DIAGRAM - 9AM -3PM	D	18/12/2024
DA-8090	JUNE SOLAR VIEWS - 0900	D	18/12/2024
DA-8100	JUNE SOLAR VIEWS - 1000	D	18/12/2024
DA-8110	JUNE SOLAR VIEWS - 1100	D	18/12/2024
DA-8120	JUNE SOLAR VIEWS - 1200	D	18/12/2024
DA-8130	JUNE SOLAR VIEWS - 1300	D	18/12/2024
DA-8140	JUNE SOLAR VIEWS - 1400	D	18/12/2024
DA-8150	JUNE SOLAR VIEWS - 1500	D	18/12/2024
DA-8160	SOLAR MATRIX	B	03/09/2024
DA-9100	UNIT & WINDOW SCHEDULE	C	03/09/2024
DA-9200	MATERIALS SCHEDULE	C	03/09/2024

PRELIMINARY
NOT FOR CONSTRUCTION
DEVELOPMENT APPLICATION

Document Notes
Verify all dimensions on site before commencing work. Report all discrepancies to the architect prior to construction. Place Studio shall not be held responsible for any variations to specifications or drawings due to any discrepancies without consultation. Use figured dimensions in preference to scaled dimensions. Drawings made to larger scales and those showing particular parts of the works take precedence over drawings made to smaller scales or for general purposes. All work is to conform to relevant Australian Standards and Codes together with all Authorities' requirements and Regulations.

REV	DATE	DESCRIPTION	APP
A	21/03/2023	DA SUBMISSION	SK
B	02/06/2023	DA RFI Response	SK
C	05/06/2023	DA RFI Response	SK
D	24/11/2023	DA RFI Response	JA
E	03/09/2024	DA Submission	BA
F	18/12/2024	SEWER AMENDMENTS	BA

eurobodalla shire council

ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979
These are plan/s referred to in Development Consent DA0593/23 and are approved, subject to compliance with the conditions.
Issued by Eurobodalla Shire Council
Sheet Number 1 of 42

ARCHITECT:
PLACE STUDIO
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PROJECT:
#2021029
HERADALE BATEMANS BAY
20 HERADALE PARADE
BATEMANS BAY

DRAWING TITLE:
COVER SHEET

SHEET NUMBER: **DA-0001**
REV: **F**
DATE: 18/12/2024

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12/18/2024 2:14:43 PM

LEP / DCP COMPLIANCE

EUROBADALLA LOCAL ENVIRONMENT PLAN 2012

ZONING: R3 - MEDIUM DENSITY RESIDENTIAL

PURPOSE: RESIDENTIAL FLAT BUILDING
PERMITTED WITH CONSENT

HEIGHT PLANE: 11.5-12.5m

ACID SULFATE SOILS: EAST PORTION OF SITE IS CLASS 3 ACID SULFATE SOILS (BETWEEN 1M AND 3M BELOW THE SURFACE)

REFER CONDITION OF CONSENT

EUROBADALLA DCP 2012

PRECINCT: BATEMANS BAY REGIONAL CENTRE - R3 MEDIUM DENSITY RESIDENTIAL ZONE

SETBACK CONTROLS:

FRONT BOUNDARY:

- **5.5m** (50% OF THE FRONT FACADE MAY BE SET BACK 4.5m FROM BOUNDARY)
- GARAGES AND CARPORTS FACING THE STREET TO BE SET BACK 5.5m

COMPLIES

SIDE BOUNDARY:

- GROUND FLOOR - 900mm FROM BOUNDARY (MINIMUM 600mm TO EAVES AND GUTTERS)

COMPLIES

- 4.5m~7.5m ABOVE GROUND - MUST BE SET BACK 1.5m FROM BOUNDARY (MINIMUM 1.2m TO EAVES AND GUTTERS)

COMPLIES

- ABOVE 7.5m - MUST BE SET BACK 1.5m FROM BOUNDARY (MINIMUM 1.2m TO EAVES AND GUTTERS) WHERE ADJOINING PROPERTY IS R3 OR BUSINESS ZONE; OR
MUST BE SETS BACK 2m (MIIMUM OF 1.7m TO EAVES AND GUTTERS) ELSEWHERE.

COMPLIES

SECONDARY STREET FRONTAGE: 3m FROM BOUNDARY

COMPLIES

FSR CONTROLS: N/A

SITE COVERAGE: N/A

LANDSCAPE: NATIVE VEGETATION

APARTMENT DESIGN GUIDE COMPLIANCE

ADG DESIGN CRITERIA	%	DESCRIPTION		TARGET	PROPOSED	COMPLY
Overall sunlight access to living Rooms and Private Open Space	70%	70% min, 3 hours direct sunlight between 9am and 3pm in mid winter		45 of 60	45 of 60 (75%)	YES
	15%	Max 15% no direct sunlight between 9am and 3pm at mid-winter		9 of 60	9 of 60 (15%)	YES
Natural Cross Ventilation	60%	60% of units should be naturally cross ventilated		40 of 60	40 of 60 (67%)	YES
		Units at 10 storeys and above with balcony which allows adequate natural ventilation	deemed to be adequately cross ventilated			
		cross-over & cross through units	Max 18m depth			
Adaptable Apartments	25%	Min 25% of units require adaptable layouts for accessibility		18 of 60	18 of 60 (30%)	YES
Livable Apartments	100%	100% of units require incorporating the liveable housing guidelines silver level design features		60 of 60	60 of 60 (100%)	YES
Minimum Apartment Sizes	100%		35m²	To Comply	nil provided	YES
		1 Bed	50m²		nil provided	
		2 Bed	70m² + 5m² per extra bath		nil provided	
		3 Bed	90m² + 5m² per extra bath		3-Bed - 100+m²	
Habitable Apartment room depths	-	maximum 2.5 x the ceiling height			nil exceed 8m	YES
		open plan layouts: 8m from a window				
Living room internal width	100%	Studio and 1 Bed units	3.6m	To Comply	1-Bed - 3.6m living	YES
		2 and 3 Bed units	4.0m		2-3-Bed - 4m Living	
		cross-over & cross through units	4.0m		4m Living	
Bedroom Dimension Area (excluding Wardrobe)	100%	Min Dimension	3.0m		3m min provided	YES
		Master Bedroom Area	10m²		min 10.0m² provided	
		Other Bed(s) minimum area	9.0m²		9m² min provided	
Minimum Ceiling Heights	100%	Habitable Rooms	2.7m	min 2.7m	min 2.7 provided to habitable rooms thoughout	YES
		Non-habitable Rooms	2.4m	min 2.4m		
		mixed-use ground floor	3.3m	min 3.3m	N/A	
Primary Balcony Private Open Space and Minimum area and dimension	100%	Studio	4.0m²	All balconies and P.O.S to comply with minimum dimensions.	N/A	YES
		1 Bed	8.0m² (2m min dimension)		N/A	
		2 Bed	10.0m² (2m min dimension)		N/A	
		3+ Bed	12.0m² (2.4m min dimension)		min. 26.90 m2	
		Private Open Space on ground floor or podium	15.0m² (3m min dimension)			
		Minimum balcony depth contributing to the balcony area	1.0m		min 1.0m balconies (counted)	
Minimum Storage requirements	-	Studio	4.0m³	Storage to comply with at least 50% of the required storage located in each dwelling	N/A	YES
		1 Bed	6.0m³		N/A	
		2 Bed	8.0m³		N/A	
		3 Bed	10.0m³		10.0m³	
Common Circulation	-	Maximum units off a circulation core on a single level	8 units/core preferred. 12 units max	8-12 Units	1 Lifts & 1 Stairs service 5 units on each building.	YES
		Min Units sharing a single lift for building 10 storeys and over	40 units per lift	40 Units	20 Units for 1 Lifts	
Building Depth	-	Max. 18m Building Depth Glass line to Glass line			each stack <10m deep	YES
Building Separation	-	Up to 4 storeys (approx. 12m):	12m habitable and habitable (6m to side and rear boundaries) 12m habitable and non-habitable 6m non-habitable rooms (3m to side and rear boundaries)		4.0m sidesetback, 4.0m from arterial road	YES
	-	5-8 Storeys (approx. 25m)	18m habitable . and habitable (9m to side and rear boundary) 12m habitable and non-habitable 9m non-habitable (4.5m to side and rear boundaries)		**N/A**	
	-	9 storeys and above (over 25m)	24m habitable and habitable . (12m to side and rear boundaries) 18m habitable and non habitable 12m non-habitable (6m to side and rear boundaries)		**N/A**	
	-	Lower density at next door	additional 3m setback from the next door boundary		**N/A**	
Deep soil Zone	15%	7% of total site area		min 1,262m2	3990m² of Deep soil with min. dimension 6m	YES
		minimum dimension	site area 650m² -1500m² = 3m			
			site area >1500m² = 6m			
Communal Open Space	25%	25% of site area		min 2,103m2	4802m² C.O.S	YES
		50% of C.O.S should receive sunlight access for 3 hour a day between 9am and 3pm at mid-winter			3848m² receives min 3 hours sun	YES
Carparking rates are applied for development on sites	-	DCP		2 each for 3+Bed 1 car wash for 20 units	88 Parking bays + 3 Car wash bays	YES

UNIT MIX

TYPE	AREA (m²)	COUNT
1 BED	133.6 m²	2
2 BED	608.6 m²	5
2 BED - ADA	739.1 m²	7
3 BED	4194.4 m²	32
3 BED - ADA	1349.6 m²	10
4 BED	727.4 m²	4
60	7752.7 m²	60

SOLAR ACCESS

UNITS SOLAR ACCESS	COUNT	PERCENTAGE
3 HOURS	45	75%
NO SOLAR	9	15%
PARTIAL SOLAR	6	10%
	60	

CROSS VENTILATION

UNITS CROSS VENTILATED	COUNT	PERCENTAGE
No	20	33%
Yes	40	67%
	60	

PARKING SCHEDULE

TYPE	QTY
Residential Adaptable Car Space (5400 x 2400)	16
Residential Car Space (5400 x 2400)	72
Residential Car Wash Bay	3
	91

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Sheet Number 2 of 42

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DEVELOPMENT APPLICATION

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B	24/11/2023	DA RFI Response	JA
C	03/09/2024	DA Submission	BA
D	18/12/2024	SEWER AMENDMENTS	BA

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PROJECT:
#2021029
HERADALE BATEMANS BAY
20 HERADALE PARADE
BATEMANS BAY

DRAWING TITLE:
COMPLIANCE TABLE

SHEET NUMBER: **DA-0002**
REV: **D**
DATE: 18/12/2024

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C	03/09/2024	DA Submission	BA

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N
0 40m
1:1000
SCALE: 1 : 1000 @ A1

PROJECT:
#2021029
HERADALE BATEMANS BAY
20 HERADALE PARADE
BATEMANS BAY

DRAWING TITLE:
SITE LOCATION

SHEET NUMBER: **DA-0003**
REV: **C**
DATE: 03/09/2024

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12 HERADALE PARADE
SINGLE STOREY BRICK
HOUSE

7 HERADALE PARADE
SINGLE STOREY BRICK
HOUSE

9 HERADALE PARADE
SINGLE STOREY BRICK
HOUSE

14 HERADALE PARADE
2-STOREY CORRUGATED STEEL
HOUSE

16 HERADALE PARADE
SINGLE STOREY BRICK
HOUSE

11 HERADALE PARADE
SINGLE STOREY BRICK
HOUSE

HERADALE PARADE

12A BAVARDE AVENUE
SINGLE STOREY
WEATHERBOARD AND
SHINGLE HOUSE

8 HERADALE PARADE
SINGLE STOREY BRICK
HOUSE

CARPORT
/ GARAGE

3PM
12PM
9AM

WINTER SUNSET
21 JUNE
4:54PM

WINTER SUNRISE
21 JUNE
7:00AM

EQUINOX

3PM
12PM
9AM

EQUINOX

AFTERNOON
BREEZE

80°
70°
60°
50°
40°
30°
20°
10°

SUMMER SUNSET
21 DECEMBER
8:06PM

SUMMER SUNRISE
21 DECEMBER
5:41AM

13 BAVARDE AVENUE

BAVARDE AVENUE

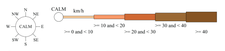
15A BAVARDE AVENUE

CALM
MORNING
BREEZE

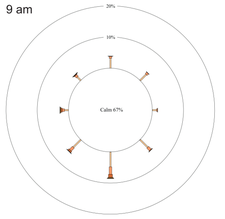
2-STOREY PAINTED
BLOCKWORK HOUSE

ANNUAL WIND ROSES

RESULTS TAKEN FROM CATALINA BAY COUNTRY CLUB



9 am



3pm

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SCALE: 1 : 300 @ A1

PROJECT:
#2021029
HERADALE BATEMANS BAY
20 HERADALE PARADE
BATEMANS BAY

DRAWING TITLE:
EXISTING SITE ANALYSIS

SHEET NUMBER: **DA-0004**
REV: **C**
DATE: 03/09/2024

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C	03/09/2024	DA Submission	BA

7 HERADALE PARADE
SINGLE STOREY BRICK
HOUSE

9 HERADALE PARADE
SINGLE STOREY BRICK
HOUSE

11 HERADALE PARADE
SINGLE STOREY BRICK
HOUSE

12A BAVARDE AVENUE
SINGLE STOREY
WEATHERBOARD AND
SHINGLE HOUSE

12 HERADALE PARADE
SINGLE STOREY BRICK
HOUSE

14 HERADALE PARADE
2-STOREY CORRUGATED STEEL
HOUSE

16 HERADALE PARADE
SINGLE STOREY BRICK
HOUSE

8 HERADALE PARADE
SINGLE STOREY BRICK
HOUSE

SINGLE STOREY
BRICK HOUSE

13 BAVARDE AVENUE

15A BAVARDE AVENUE

2-STOREY PAINTED
BLOCKWORK HOUSE

TO BE DEMOLISHED

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SCALE: As indicated @ A1

PROJECT:
#2021029
HERADALE
BATEMANS BAY
20 HERADALE PARADE
BATEMANS BAY

DRAWING TITLE:
DEMOLITION PLAN - SURVEY OVERLAY

SHEET NUMBER: **DA-0100**
REV: **C**

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UNIT MIX

TYPE	NO.	AREA (m²)
3 BED	A-101	126.4 m²
3 BED	A-102	141.9 m²
3 BED - ADA	A-103	134.1 m²
2 BED - ADA	A-104	105.5 m²
4 BED	A-105	177.7 m²
3 BED	A-201	126.4 m²
3 BED	A-202	141.9 m²
3 BED - ADA	A-203	134.1 m²
2 BED - ADA	A-204	105.5 m²
4 BED	A-205	177.7 m²
3 BED	A-301	126.4 m²
3 BED	A-302	141.9 m²
3 BED - ADA	A-303	134.2 m²
2 BED - ADA	A-304	105.5 m²
4 BED	A-305	177.7 m²
1 BED	A-G01	62.2 m²
1 BED	A-G02	71.4 m²
3 BED - ADA	A-G03	134.1 m²
3 BED	A-G04	135.1 m²
3 BED	A-G05	121.5 m²
3 BED	B-101	138.3 m²
2 BED - ADA	B-102	105.5 m²
3 BED - ADA	B-103	134.1 m²
3 BED	B-104	109.3 m²
3 BED	B-105	115.1 m²
3 BED	B-106	126.4 m²
3 BED	B-201	138.3 m²
2 BED - ADA	B-202	105.5 m²
3 BED - ADA	B-203	134.1 m²
3 BED	B-204	109.3 m²
3 BED	B-205	115.1 m²
3 BED	B-206	126.4 m²
3 BED	B-301	138.3 m²
2 BED - ADA	B-302	105.5 m²
2 BED - ADA	B-303	106.0 m²
2 BED	B-304	131.3 m²
4 BED	B-305	194.3 m²
3 BED	B-G01	96.2 m²
3 BED	B-G02	135.1 m²
3 BED	B-G03	120.4 m²
3 BED	B-G04	132.4 m²
3 BED	C-101	137.0 m²
3 BED	C-102	141.1 m²
2 BED	C-103	109.9 m²
3 BED - ADA	C-104	136.3 m²
3 BED - ADA	C-105	136.1 m²
3 BED	C-106	130.7 m²
3 BED	C-201	137.5 m²
3 BED	C-202	134.0 m²
3 BED - ADA	C-203	136.3 m²
3 BED - ADA	C-204	136.1 m²
3 BED	C-205	130.7 m²
3 BED	C-301	137.5 m²
3 BED	C-302	130.7 m²
2 BED	C-G01	114.2 m²
3 BED	C-G02	158.0 m²
2 BED	C-G03	130.3 m²
3 BED	C-G04	164.2 m²
2 BED	C-G05	122.8 m²
3 BED	C-G06	130.7 m²
60		

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SCALE: 1 : 250 @ A1

PROJECT:
#2021029
HERADALE BATEMANS BAY
20 HERADALE PARADE
BATEMANS BAY

DRAWING TITLE:
SITE PLAN

SHEET NUMBER: **DA-2000**
REV: **E**
DATE: 18/12/2024

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PARKING SCHEDULE

TYPE	QTY
Residential Adaptable Car Space (5400 x 2400)	16
Residential Car Space (5400 x 2400)	72
Residential Car Wash Bay	3
	91

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REFER CONDITIONS OF CONSENT - TREE RETENTION AND SITE PLAN - TREES TO BE RETAINED IN VICINTY OF BUILDING WORKS

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DEVELOPMENT APPLICATION

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SCALE: 1 : 250 @ A1

PROJECT:
#2021029
HERADALE BATEMANS BAY
20 HERADALE PARADE
BATEMANS BAY

DRAWING TITLE:
GA - BASEMENT SURVEY UNDERLAY

SHEET NUMBER: **DA-2001**
REV: **E**
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REFER CONDITIONS OF CONSENT - TREE RETENTION AND SITE PLAN - TREES TO BE RETAINED IN VICINITY OF BUILDING WORKS

REFER CONDITIONS OF CONSENT - NO PERMANENT STRUCTURES PERMITTED IN WATER SUPPLY EASEMENT and OFFSET TO SEWER

LEGEND

- 1 BED
- 2 BED
- 2 BED - ADA
- 3 BED
- 3 BED - ADA
- 4 BED
- BALCONY
- COMMUNAL
- SERVICE ROOM

PARKING SCHEDULE

TYPE	QTY
Residential Adaptable Car Space (5400 x 2400)	16
Residential Car Space (5400 x 2400)	72
Residential Car Wash Bay	3
	91

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0 4m
1:100
SCALE: 1 : 200 @ A1

PROJECT:
#2021029
HERADALE BATEMANS BAY
20 HERADALE PARADE
BATEMANS BAY

DRAWING TITLE:
GA - BASEMENT FLOOR PLAN

SHEET NUMBER: **DA-2002**
REV: **E**
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C	24/11/2023	DA RFI Response	JA
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PRELIMINARY
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DEVELOPMENT APPLICATION

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SCALE: 1 : 250 @ A1

PROJECT:
#2021029
HERADALE
BATEMANS BAY
20 HERADALE PARADE
BATEMANS BAY

DRAWING TITLE:
GA - GROUND SURVEY UNDERLAY

SHEET NUMBER: **DA-2003**
REV: **E**
DATE: 18/12/2024

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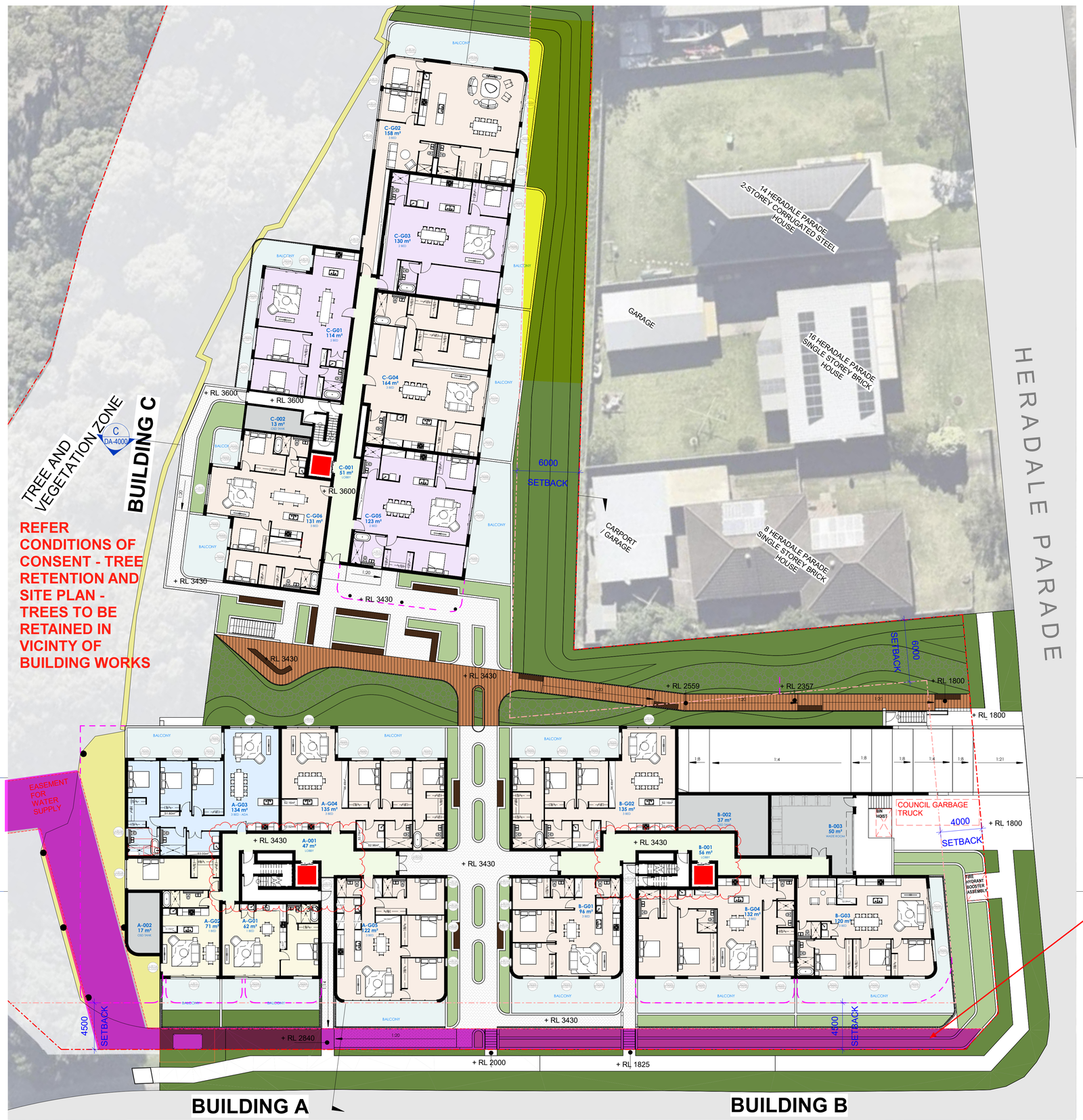
12/18/2024 2:16:08 PM



REFER CONDITIONS OF CONSENT - NO PERMANENT STRUCTURES PERMITTED IN EASEMENT

LEGEND

- 1 BED
- 2 BED
- 2 BED - ADA
- 3 BED
- 3 BED - ADA
- 4 BED
- BALCONY
- COMMUNAL
- SERVICE ROOM

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ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979
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Issued by Eurobodalla Shire Council
Sheet Number 10 of 42

PRELIMINARY
NOT FOR CONSTRUCTION
DEVELOPMENT APPLICATION

Document Notes
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REV	DATE	DESCRIPTION	APP
A	21/03/2023	DA SUBMISSION	SK
B	02/06/2023	DA RFI Response	SK
C	24/11/2023	DA RFI Response	JA
D	03/09/2024	DA Submission	BA
E	18/12/2024	SEWER AMENDMENTS	BA

ARCHITECT:
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SCALE: 1 : 200 @ A1

PROJECT:
#2021029
HERADALE BATEMANS BAY
20 HERADALE PARADE
BATEMANS BAY

DRAWING TITLE:
GA - GROUND FLOOR PLAN

SHEET NUMBER: **DA-2004**
REV: **E**
DATE: 18/12/2024

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LEGEND

- 1 BED
- 2 BED
- 2 BED - ADA
- 3 BED
- 3 BED - ADA
- 4 BED
- BALCONY
- COMMUNAL
- SERVICE ROOM

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B	24/11/2023	DA RFI Response	JA
C	03/09/2024	DA Submission	BA
D	18/12/2024	SEWER AMENDMENTS	BA

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SCALE: 1 : 200 @ A1

PROJECT:
#2021029
HERADALE BATEMANS BAY
20 HERADALE PARADE
BATEMANS BAY

DRAWING TITLE:
GA - LEVEL 01 PLAN

SHEET NUMBER: **DA-3000**
REV: **D**
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LEGEND

- 1 BED
- 2 BED
- 2 BED - ADA
- 3 BED
- 3 BED - ADA
- 4 BED
- BALCONY
- COMMUNAL
- SERVICE ROOM

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DEVELOPMENT APPLICATION

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A	21/03/2023	DA SUBMISSION	SK
B	24/11/2023	DA RFI Response	JA
C	03/09/2024	DA Submission	BA
D	18/12/2024	SEWER AMENDMENTS	BA

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SCALE: 1 : 200 @ A1

PROJECT:
#2021029
HERADALE BATEMANS BAY
20 HERADALE PARADE
BATEMANS BAY

DRAWING TITLE:
GA - LEVEL 02 PLAN

SHEET NUMBER: **DA-3001**
REV: **D**
DATE: 18/12/2024

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12/18/2024 2:17:03 PM

LEGEND

- 1 BED
- 2 BED
- 2 BED - ADA
- 3 BED
- 3 BED - ADA
- 4 BED
- BALCONY
- COMMUNAL
- SERVICE ROOM

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ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979
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B	24/11/2023	DA RFI Response	JA
C	03/09/2024	DA Submission	BA
D	18/12/2024	SEWER AMENDMENTS	BA

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N
0 4m
1:100
SCALE: 1 : 200 @ A1

PROJECT:
#2021029
HERADALE BATEMANS BAY
20 HERADALE PARADE
BATEMANS BAY

DRAWING TITLE:
GA - LEVEL 03 PLAN

SHEET NUMBER: **DA-3002**
REV: **D**
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DEVELOPMENT APPLICATION

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B	02/06/2023	DA RFI Response	SK
C	24/11/2023	DA RFI Response	JA
D	03/09/2024	DA Submission	BA
E	18/12/2024	SEWER AMENDMENTS	BA

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N
0 4m
1:100
SCALE: 1 : 200 @ A1

PROJECT:
#2021029
HERADALE
BATEMANS BAY
20 HERADALE PARADE
BATEMANS BAY

DRAWING TITLE:
GA - ROOF PLAN

SHEET NUMBER: **DA-3003**
REV: **E**
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REV	DATE	DESCRIPTION	APP
A	05/06/2023	DA RFI Response	SK
B	24/11/2023	DA RFI Response	JA
C	03/09/2024	DA Submission	BA
D	18/12/2024	SEWER AMENDMENTS	BA

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7 HERADALE PARADE
SINGLE STOREY BRICK HOUSE

9 HERADALE PARADE
SINGLE STOREY BRICK HOUSE

11 HERADALE PARADE
SINGLE STOREY BRICK HOUSE

12A BAVARDE AVENUE
SINGLE STOREY WEATHERBOARD AND SHINGLE HOUSE

12 HERADALE PARADE
SINGLE STOREY BRICK HOUSE

14 HERADALE PARADE
2-STOREY CORRUGATED STEEL HOUSE

16 HERADALE PARADE
SINGLE STOREY BRICK HOUSE

8 HERADALE PARADE
SINGLE STOREY BRICK HOUSE

13 BAVARDE AVENUE

15A BAVARDE AVENUE

HERADALE PARADE

BAVARDE AVENUE

BUILDING A

BUILDING B

BUILDING C

6000 SETBACK

4000 SETBACK

4500 SETBACK

+ RL 16.200

LIFT OVERRUN + RL 17.400

GARAGE

CARPORT / GARAGE

DIESEL GENERATOR

LOT 1 DP 1139317
8406 m²
BY DEC. PLAN

PRELIMINARY
NOT FOR CONSTRUCTION
DEVELOPMENT APPLICATION

ARCHITECT:
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N

0 4m
1:100

SCALE: 1 : 250 @ A1

PROJECT:
#2021029
HERADALE
BATEMANS BAY

20 HERADALE PARADE
BATEMANS BAY

DRAWING TITLE:
GA - ROOF SURVEY UNDERLAY

SHEET NUMBER: **DA-3004**
REV: **D**

DATE: 18/12/2024

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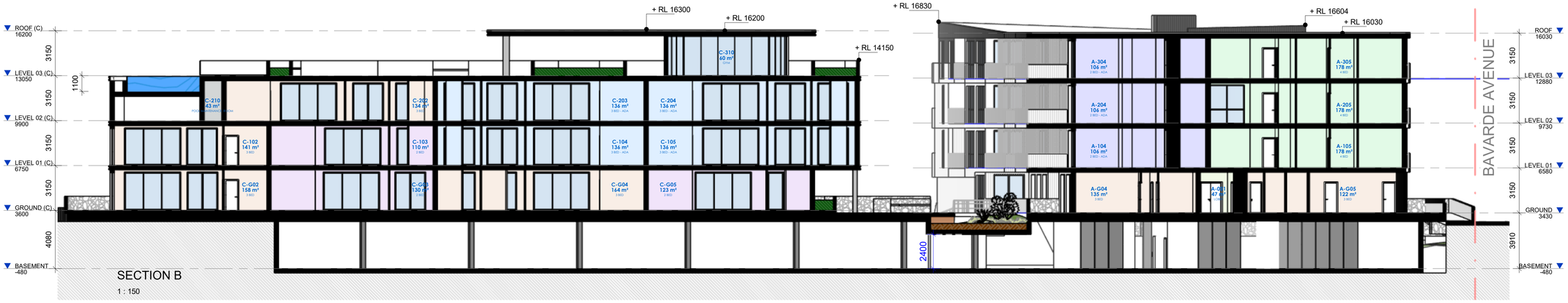

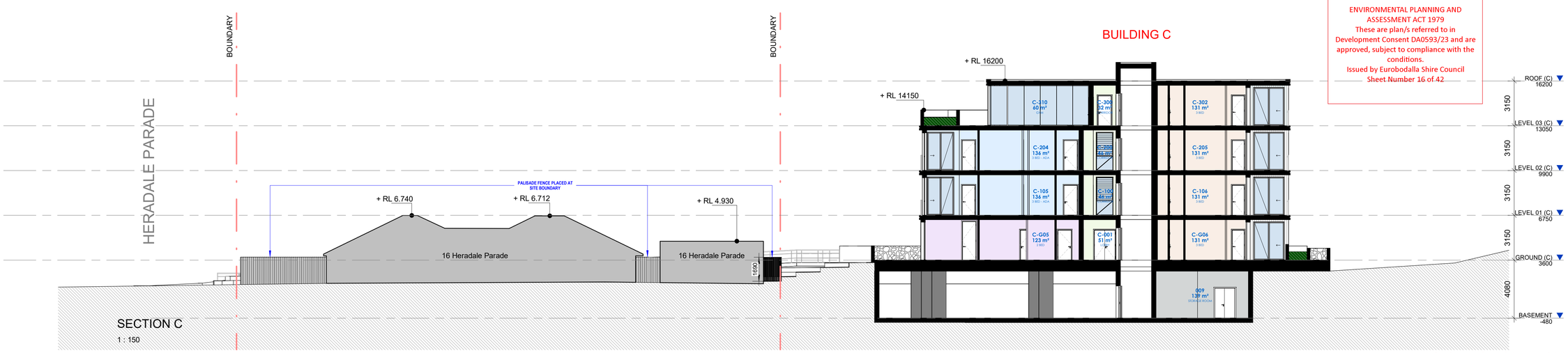

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ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979
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PRELIMINARY
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DEVELOPMENT APPLICATION

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B	24/11/2023	DA RFI Response	JA
C	22/03/2024	Council RFI Response	BA
D	03/09/2024	DA Submission	BA

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SCALE: 1 : 150 @ A1

PROJECT:
#2021029
HERADALE
BATEMANS BAY
20 HERADALE PARADE
BATEMANS BAY

DRAWING TITLE:
SECTIONS

SHEET NUMBER: **DA-4000**
REV: **D**
DATE: 03/09/2024

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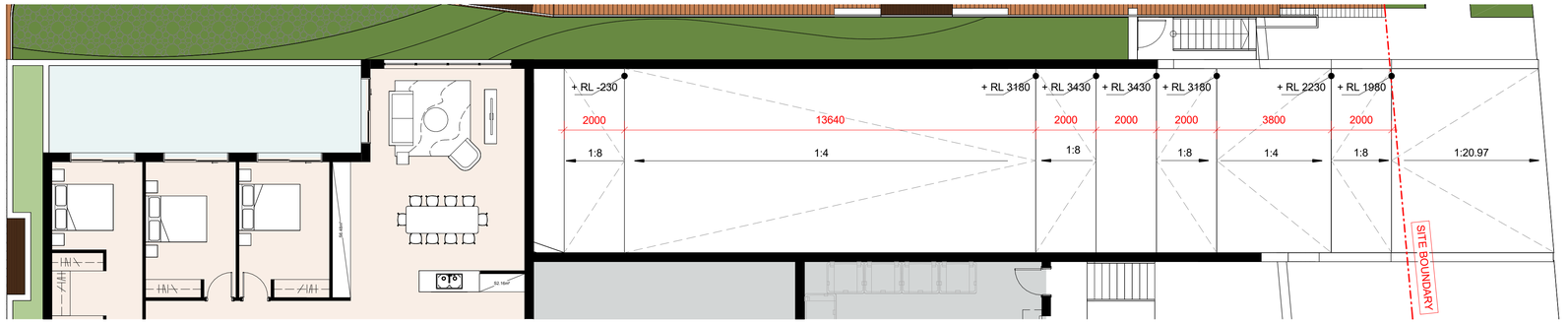
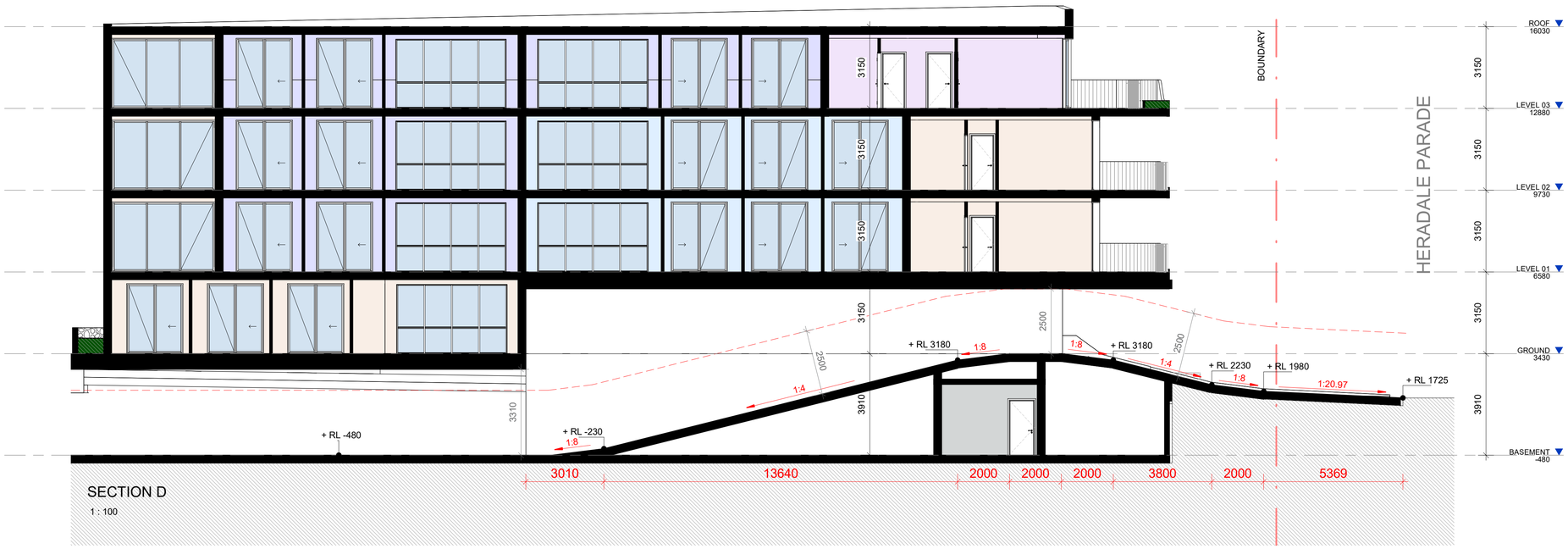
12/18/2024 4:17:40 PM



BASEMENT RAMP_GROUND FLOOR

1 : 100



SECTION D

1 : 100

PRELIMINARY
NOT FOR CONSTRUCTION
DEVELOPMENT APPLICATION

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ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979
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C	03/09/2024	DA Submission	BA

ARCHITECT:
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SCALE: 1 : 100 @ A1

PROJECT:
#2021029
HERADALE BATEMANS BAY
20 HERADALE PARADE
BATEMANS BAY

DRAWING TITLE:
DRIVEWAY RAMP SECTION

SHEET NUMBER: **DA-4001**
REV: **C**
DATE: 03/09/2024

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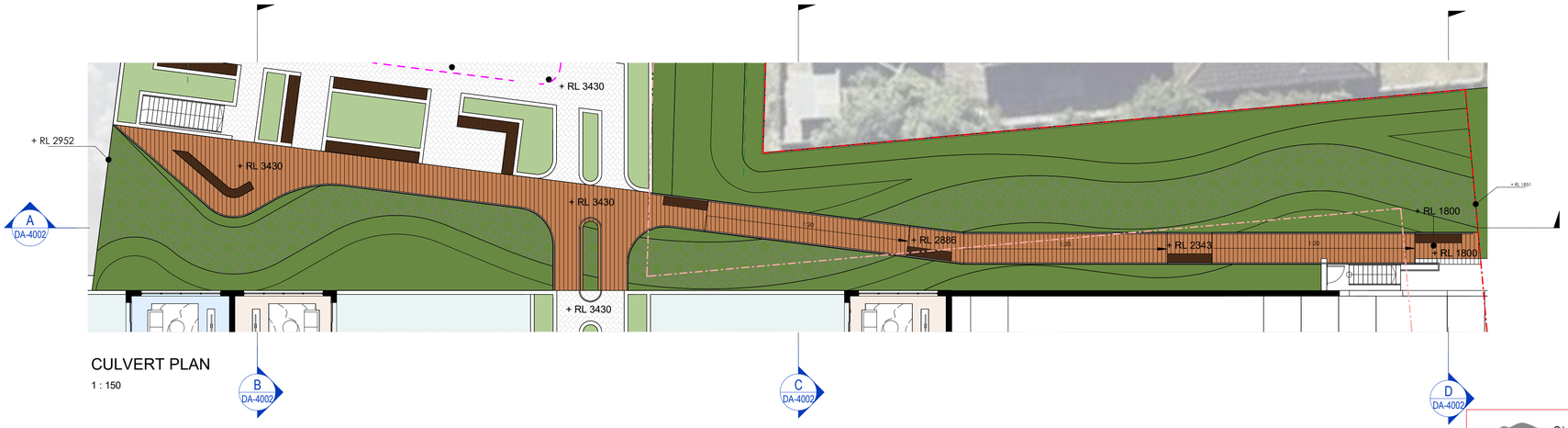
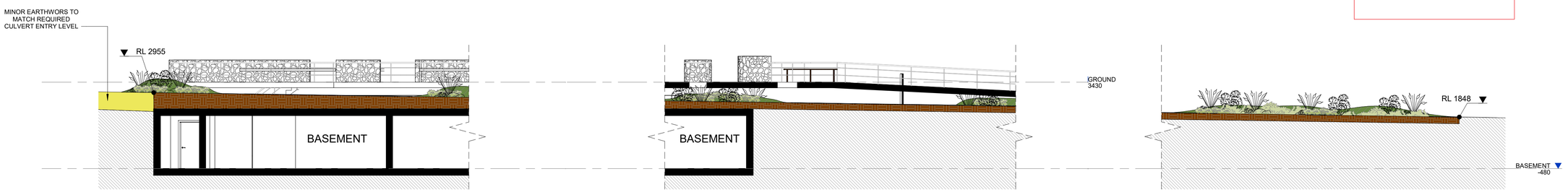


CULVERT PLAN

1 : 150



CULVERT SECTION A

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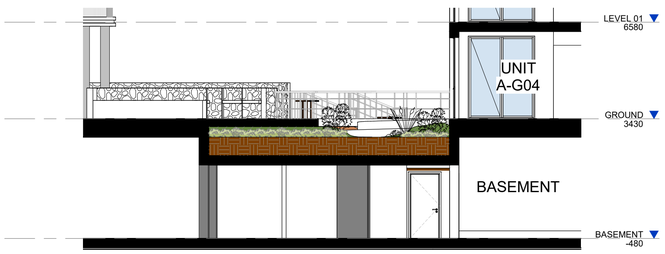

CULVERT SECTION B

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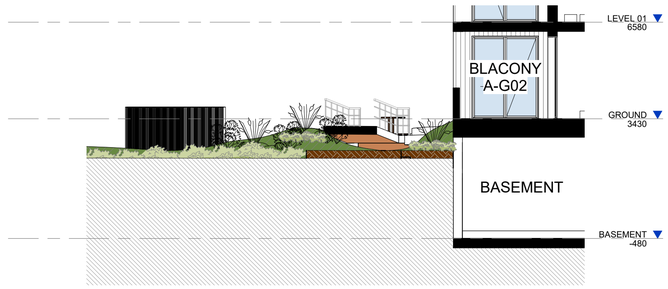

CULVERT SECTION C

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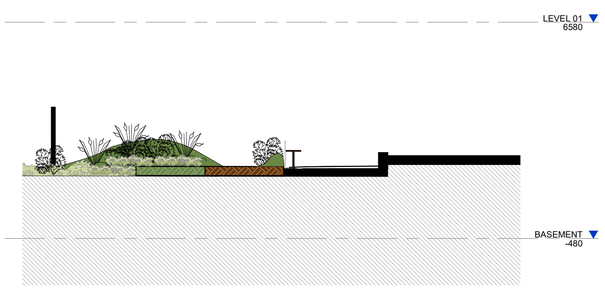

CULVERT SECTION D

1 : 100

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ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979
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Sheet Number 18 of 42

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DEVELOPMENT APPLICATION

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REV	DATE	DESCRIPTION	APP
A	21/03/2023	DA SUBMISSION	SK
B	24/11/2023	DA RFI Response	JA
C	03/09/2024	DA Submission	BA

ARCHITECT:
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PLACE STUDIO AU PTY LTD |
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SCALE: As indicated @ A1

PROJECT:
#2021029
HERADALE
BATEMANS BAY
20 HERADALE PARADE
BATEMANS BAY

DRAWING TITLE:
CULVERT SECTION

SHEET NUMBER: **DA-4002**
REV: **C**
DATE: 03/09/2024

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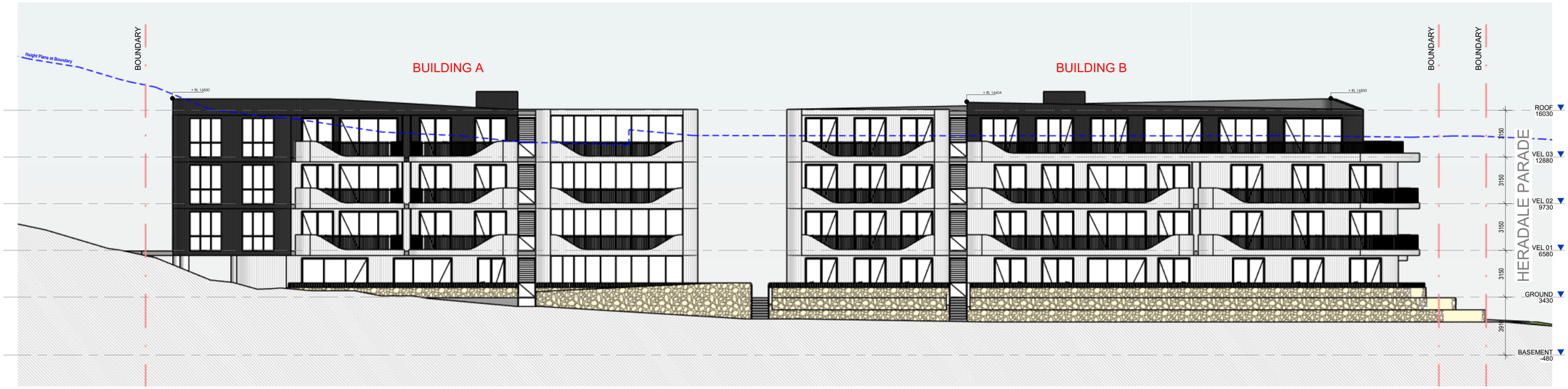
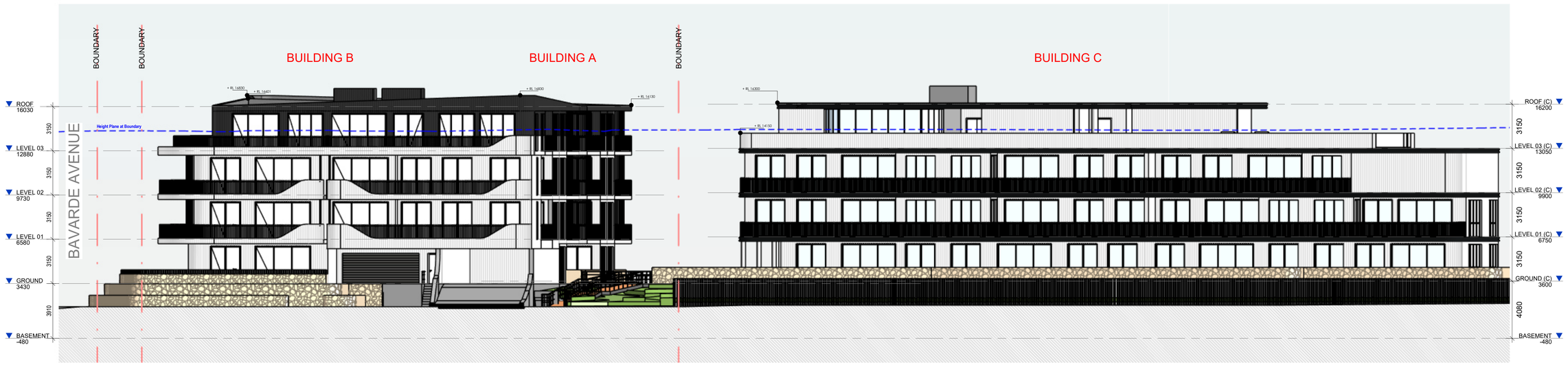


SOUTH ELEVATION - BAVARD AVENUE

1 : 150



EAST ELEVATION - HERADALE PARADE

1 : 150

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DEVELOPMENT APPLICATION

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C	03/09/2024	DA Submission	BA

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SCALE: 1 : 150 @ A1

PROJECT:
#2021029
HERADALE BATEMANS BAY
20 HERADALE PARADE
BATEMANS BAY

DRAWING TITLE:
SOUTH & EAST ELEVATIONS

SHEET NUMBER: **DA-5000**
REV: **C**
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BUILDING A - SOUTH ELEVATION

1 : 150

BUILDING A - EAST ELEVATION

1 : 150

BUILDING A - NORTH ELEVATION

1 : 150

BUILDING A - WEST ELEVATION

1 : 150

PRELIMINARY
NOT FOR CONSTRUCTION
DEVELOPMENT APPLICATION

eurobodalla shire council

ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979
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Sheet Number 20 of 42

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REV	DATE	DESCRIPTION	APP
A	21/03/2023	DA SUBMISSION	SK
B	24/11/2023	DA RFI Response	JA
C	03/09/2024	DA Submission	BA

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SCALE: 1 : 150 @ A1

PROJECT:
#2021029
HERADALE BATEMANS BAY
20 HERADALE PARADE
BATEMANS BAY

DRAWING TITLE:
BUILDING A ELEVATIONS

SHEET NUMBER: **DA-5001**
REV: **C**
DATE: 03/09/2024

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12/18/2024 2:18:35 PM

BUILDING B - SOUTH ELEVATION

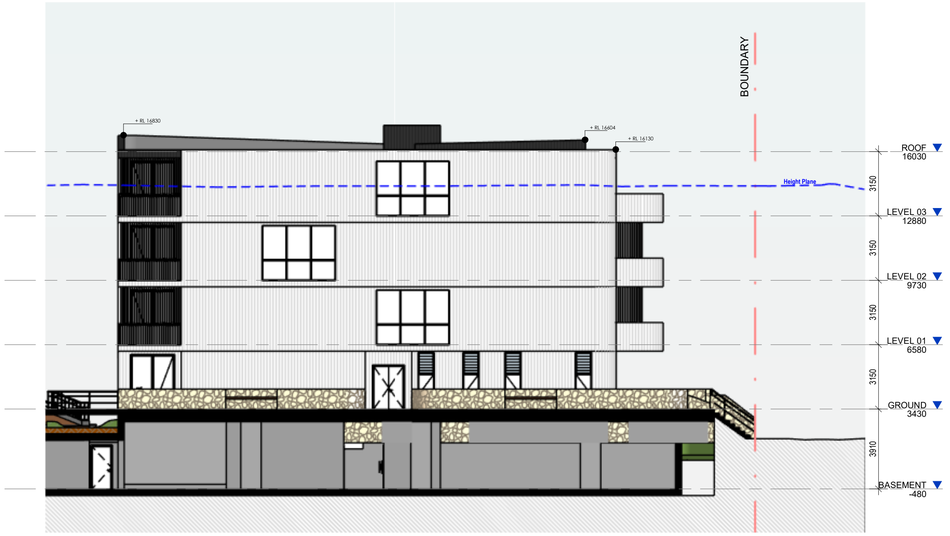
1 : 150

BUILDING B - EAST ELEVATION

1 : 150

BUILDING B - NORTH ELEVATION

1 : 150



BUILDING B - WEST ELEVATION

1 : 150

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SCALE: 1 : 150 @ A1

PROJECT:
#2021029
HERADALE BATEMANS BAY
20 HERADALE PARADE
BATEMANS BAY

DRAWING TITLE:
BUILDING B - ELEVATIONS

SHEET NUMBER: **DA-5002**
REV: **C**
DATE: 03/09/2024

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DEVELOPMENT APPLICATION

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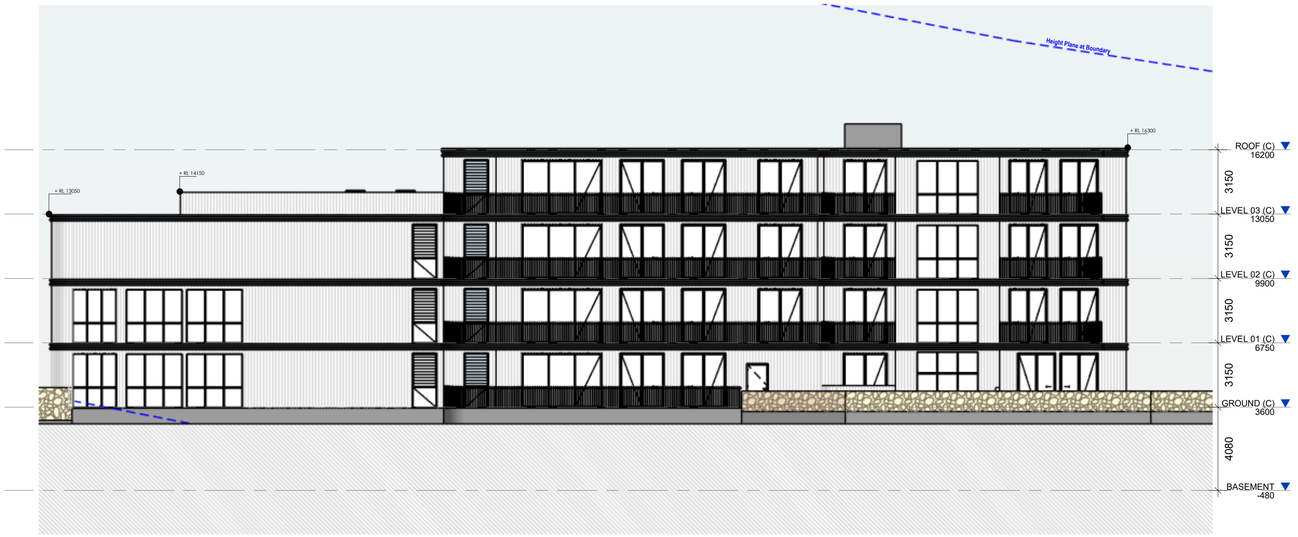
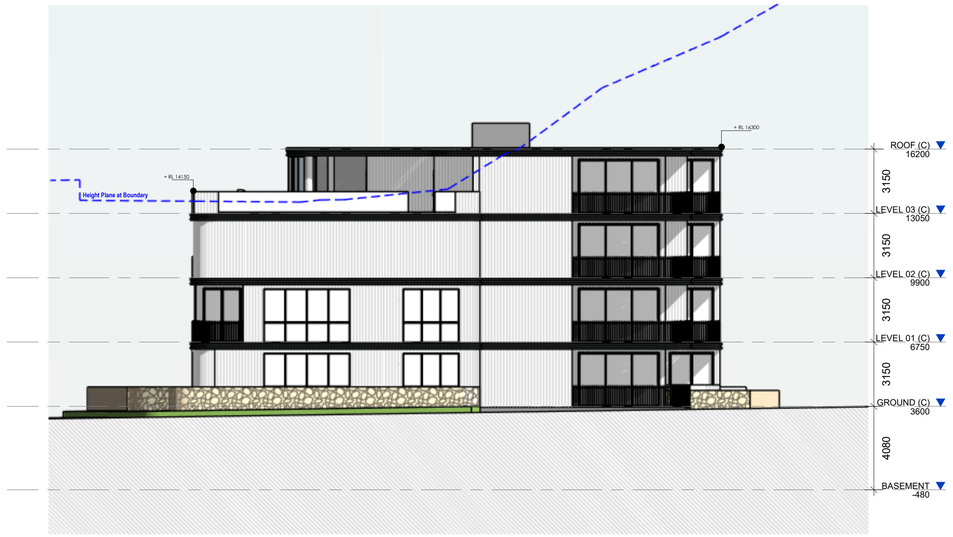


BUILDING C - WEST ELEVATION

1 : 150



BUILDING C - NORTH ELEVATION

1 : 150

BUILDING C - EAST ELEVATION

1 : 150

BUILDING C - SOUTH ELEVATION

1 : 150

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SCALE: 1 : 150 @ A1

PROJECT:
#2021029
HERADALE BATEMANS BAY
20 HERADALE PARADE
BATEMANS BAY

DRAWING TITLE:
BUILDING C - ELEVATIONS

SHEET NUMBER: **DA-5003**
REV: **C**
DATE: 03/09/2024

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PRELIMINARY
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DEVELOPMENT APPLICATION

12/18/2024 2:18:59 PM

GROUND

1 : 500

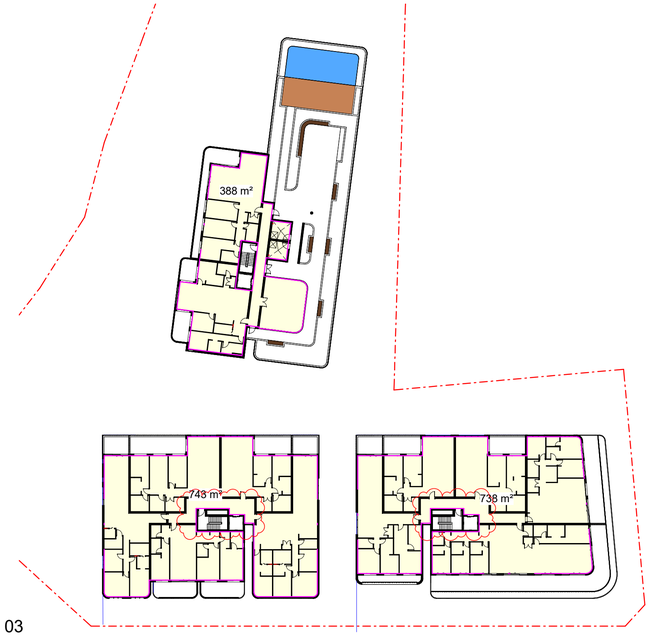
LEVEL 01

1 : 500

GFA	
Level	**Area**
GROUND	**901 m²**
GROUND	**591 m²**
GROUND	**604 m²**
LEVEL 01	**867 m²**
LEVEL 01	**743 m²**
LEVEL 01	**798 m²**
LEVEL 02	**757 m²**
LEVEL 02	**743 m²**
LEVEL 02	**798 m²**
LEVEL 03	**388 m²**
LEVEL 03	**743 m²**
LEVEL 03	**738 m²**
	8670 m²

LEVEL 02

1 : 500



LEVEL 03

1 : 500

SITE AREA: 8,410.00 m²

MAX FSR: **NA**
MAX GFA: NA

PROPOSED GFA: 8670.00 m²
PROPOSED FSR: **1.03: 1**

SITE AREA: 8,410.00 m²

DEEP SOIL REQD: **15.00%**
DEEP SOIL REQD: 1,261.50 m²

DEEP SOIL ON SITE: 3933.00 m²
46.76%

SITE AREA: 8,410.00 m²

C.O.S REQD: **25% =** 2,102.50 m²

C.O.S ON SITE: **57% =** 4,789.00 m²
> 3Hrs Sun **80% =** 3845.00 m²
< 3Hrs Sun **20% =** 944.00 m²

SITE AREA: 8,410.00 m²

LANDSCAPE REQD: **50.00%**
LANDSCAPE REQD: 4205.00 m²

LANDSCAPE ON SITE: 4440.00 m²
52.80%

PRELIMINARY
NOT FOR CONSTRUCTION
DEVELOPMENT APPLICATION

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D	18/12/2024	SEWER AMENDMENTS	BA

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SCALE: 1 : 500 @ A1

PROJECT:
#2021029
HERADALE BATEMANS BAY
20 HERADALE PARADE
BATEMANS BAY

DRAWING TITLE:
GROSS FLOOR AREA DIAGRAMS

SHEET NUMBER: **DA-7000**
REV: **D**
DATE: 18/12/2024

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12/18/2024 2:19:13 PM

Deep Soil	
Name	**Area**
DEEP SOIL	3933 m²

Deep Soil

DEEP SOIL

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Sheet Number 24 of 42

SITE AREA:	8,410.00 m²	**SITE AREA:**	8,410.00 m²	**SITE AREA:**	8,410.00 m²	**SITE AREA:**	8,410.00 m²
MAX FSR:	**NA**	**DEEP SOIL REQD:**	**15.00%**	**C.O.S REQD:**	**25% =** 2,102.50 m²	**LANDSCAPE REQD:**	**50.00%**
MAX GFA:	NA	**DEEP SOIL REQD:**	1,261.50 m²			**LANDSCAPE REQD:**	4205.00 m²
PROPOSED GFA:	8670.00 m²	**DEEP SOIL ON SITE:**	3933.00 m²	**C.O.S ON SITE:**	**57% =** 4,789.00 m²	**LANDSCAPE ON SITE:**	4440.00 m²
PROPOSED FSR:	**1.03: 1**		**46.76%**	> 3Hrs Sun	**80% =** 3845.00 m²		**52.80%**
				< 3Hrs Sun	**20% =** 944.00 m²		

NOT FOR CONSTRUCTION
CONSTRUCTION CERTIFICATE

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ARCHITECT:
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0 4m
1:100

PROJECT:
#2021029
HERADALE BATEMANS BAY
20 HERADALE PARADE BATEMANS BAY

DRAWING TITLE:
DEEP SOIL CALCULATION

SHEET NUMBER: **DA-7010**
REV: **C**
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GROUND FLOOR COS

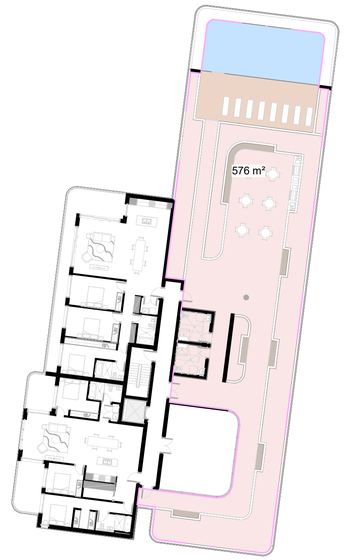
1 : 300

COMMUNAL OPEN SPACE

COMMUNAL OPEN SPACE <3 Hrs

COMMUNAL OPEN SPACE >3 Hrs

Communal Open Space	
Name	**Area**
COMMUNAL OPEN SPACE <3 Hrs	**421 m²**
COMMUNAL OPEN SPACE <3 Hrs	**244 m²**
COMMUNAL OPEN SPACE <3 Hrs	**279 m²**
	944 m²
COMMUNAL OPEN SPACE >3 Hrs	**3269 m²**
COMMUNAL OPEN SPACE >3 Hrs	**576 m²**
	3845 m²
	4789 m²



LEVEL 03 COS

1 : 300

SITE AREA:	8,410.00 m²	**SITE AREA:**	8,410.00 m²	**SITE AREA:**	8,410.00 m²	**SITE AREA:**	8,410.00 m²
MAX FSR:	**NA**	**DEEP SOIL REQD:**	**15.00%**	**C.O.S REQD:**	**25% =** 2,102.50 m²	**LANDSCAPE REQD:**	**50.00%**
MAX GFA:	NA	**DEEP SOIL REQD:**	1,261.50 m²			**LANDSCAPE REQD:**	4205.00 m²
PROPOSED GFA:	8670.00 m²	**DEEP SOIL ON SITE:**	3933.00 m²	**C.O.S ON SITE:**	**57% =** 4,789.00 m²	**LANDSCAPE ON SITE:**	4440.00 m²
PROPOSED FSR:	**1.03: 1**		**46.76%**	> 3Hrs Sun	**80% =** 3845.00 m²		**52.80%**
				< 3Hrs Sun	**20% =** 944.00 m²		

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DEVELOPMENT APPLICATION

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B	24/11/2023	DA RFI Response	JA
C	03/09/2024	DA Submission	BA

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SCALE: 1 : 300 @ A1

PROJECT:
#2021029
HERADALE BATEMANS BAY
20 HERADALE PARADE
BATEMANS BAY

DRAWING TITLE:
COMMUNAL OPEN SPACE COMPLIANCE

SHEET NUMBER: **DA-7020**
REV: **C**
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CROSSED VENT DIAGRAM - GROUND

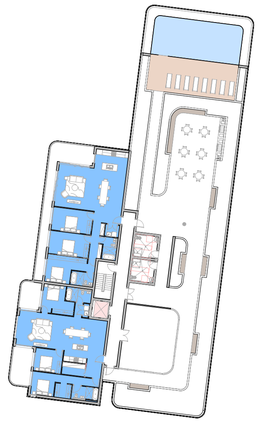
1 : 400

CROSSED VENT DIAGRAM - LEVEL 01

1 : 400

CROSSED VENT DIAGRAM - LEVEL 02

1 : 400



CROSSED VENT DIAGRAM - LEVEL 03

1 : 400

CROSS VENTILATION

UNITS CROSS VENTILATED	COUNT	PERCENTAGE
No	20	33%
Yes	40	67%
	60	

Cross Vent

No

Yes

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DEVELOPMENT APPLICATION

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C	03/09/2024	DA Submission	BA

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SCALE: 1 : 400 @ A1

PROJECT:
#2021029
HERADALE BATEMANS BAY
20 HERADALE PARADE
BATEMANS BAY

DRAWING TITLE:
CROSS-VENTILATION DIAGRAM

SHEET NUMBER: **DA-7030**
REV: **C**

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SOLAR ACCESS DIAGRAM - GROUND

1 : 400

SOLAR ACCESS DIAGRAM - LEVEL 01

1 : 400

SOLAR ACCESS

UNITS SOLAR ACCESS	COUNT	PERCENTAGE
3 HOURS	45	75%
NO SOLAR	9	15%
PARTIAL SOLAR	6	10%
	60	

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SOLAR ACCESS DIAGRAM - LEVEL 02

1 : 400

SOLAR ACCESS DIAGRAM - LEVEL 03

1 : 400

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NOT FOR CONSTRUCTION
DEVELOPMENT APPLICATION

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C	03/09/2024	DA Submission	BA

SOLAR ACCESS

3 HOURS

NO SOLAR

PARTIAL SOLAR

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SCALE: 1 : 400 @ A1

PROJECT:
#2021029
HERADALE
BATEMANS BAY
20 HERADALE PARADE
BATEMANS BAY

DRAWING TITLE:
SOLAR ACCESS

SHEET NUMBER: **DA-7040**
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12/18/2024 2:20:20 PM

SITE AREA
8410 m²
LANDSCAPED AREA
4440 m²

SITE AREA:	8,410.00 m²	**SITE AREA:**	8,410.00 m²	**SITE AREA:**	8,410.00 m²	**SITE AREA:**	8,410.00 m²
MAX FSR:	**NA**	**DEEP SOIL REQD:**	**15.00%**	**C.O.S REQD:**	**25% =** 2,102.50 m²	**LANDSCAPE REQD:**	**50.00%**
MAX GFA:	NA	**DEEP SOIL REQD:**	1,261.50 m²			**LANDSCAPE REQD:**	4205.00 m²
PROPOSED GFA:	8670.00 m²	**DEEP SOIL ON SITE:**	3933.00 m²	**C.O.S ON SITE:**	**57% =** 4,789.00 m²	**LANDSCAPE ON SITE:**	4440.00 m²
PROPOSED FSR:	**1.03: 1**		**46.76%**	> 3Hrs Sun	**80% =** 3845.00 m²		**52.80%**
				< 3Hrs Sun	**20% =** 944.00 m²		

PRELIMINARY
NOT FOR CONSTRUCTION
DEVELOPMENT APPLICATION

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ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979
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D	18/12/2024	SEWER AMENDMENTS	BA

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SCALE: 1 : 350 @ A1

PROJECT:
#2021029
HERADALE
BATEMANS BAY
20 HERADALE PARADE
BATEMANS BAY

DRAWING TITLE:
SITE COVERAGE DIAGRAM

SHEET NUMBER: **DA-7050**
REV: **D**
DATE: 18/12/2024

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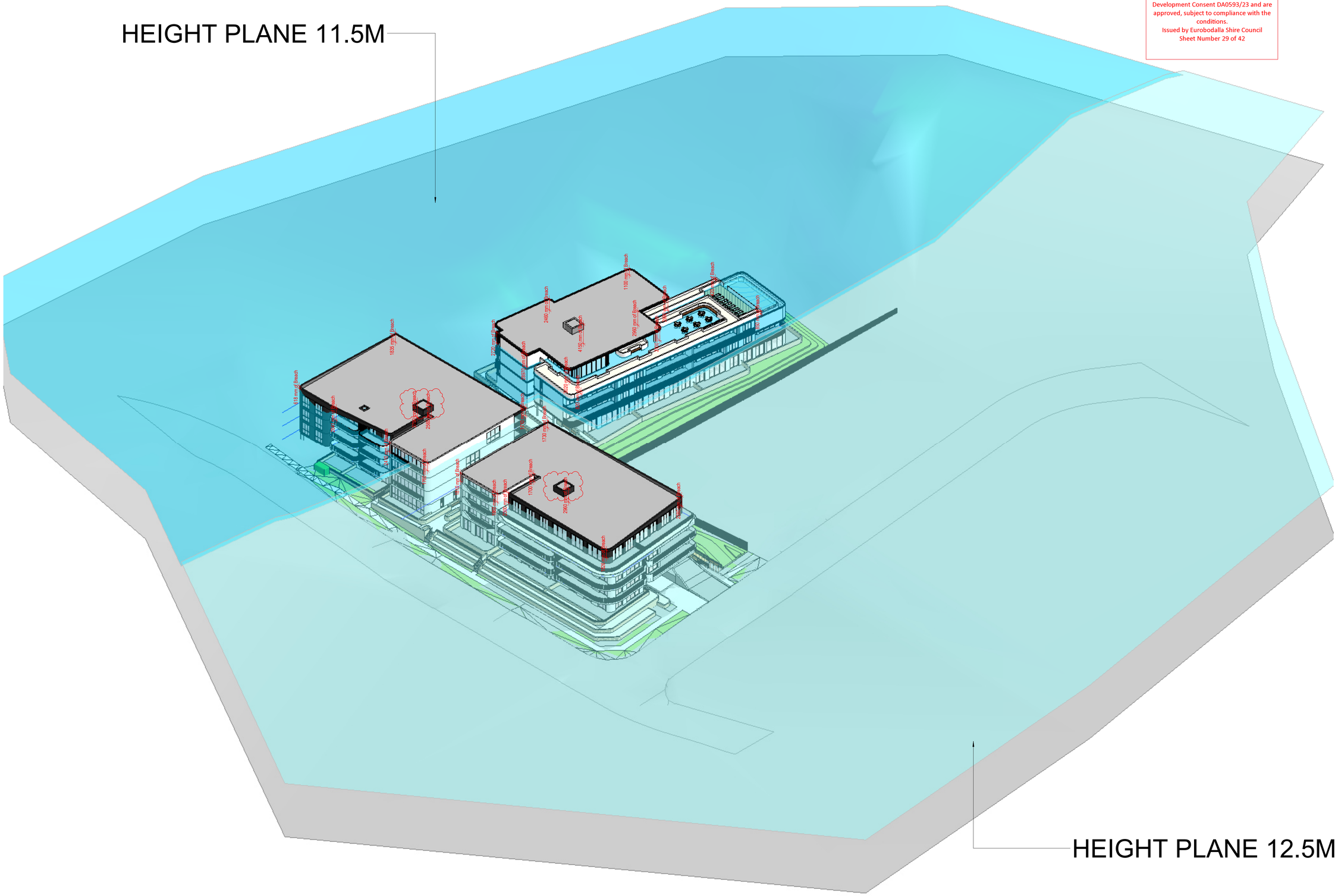
12/18/2024 2:20:31 PM

HEIGHT PLANE 11.5M

HEIGHT PLANE 12.5M



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A	21/03/2023	DA SUBMISSION	SK
B	24/11/2023	DA RFI Response	JA
C	03/09/2024	DA Submission	BA
D	18/12/2024	SEWER AMENDMENTS	BA

PRELIMINARY
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DEVELOPMENT APPLICATION

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PROJECT:
#2021029
HERADALE
BATEMANS BAY
20 HERADALE PARADE
BATEMANS BAY

DRAWING TITLE:
HEIGHT PLANE

SHEET NUMBER: **DA-7060**
REV: **D**
DATE: 18/12/2024

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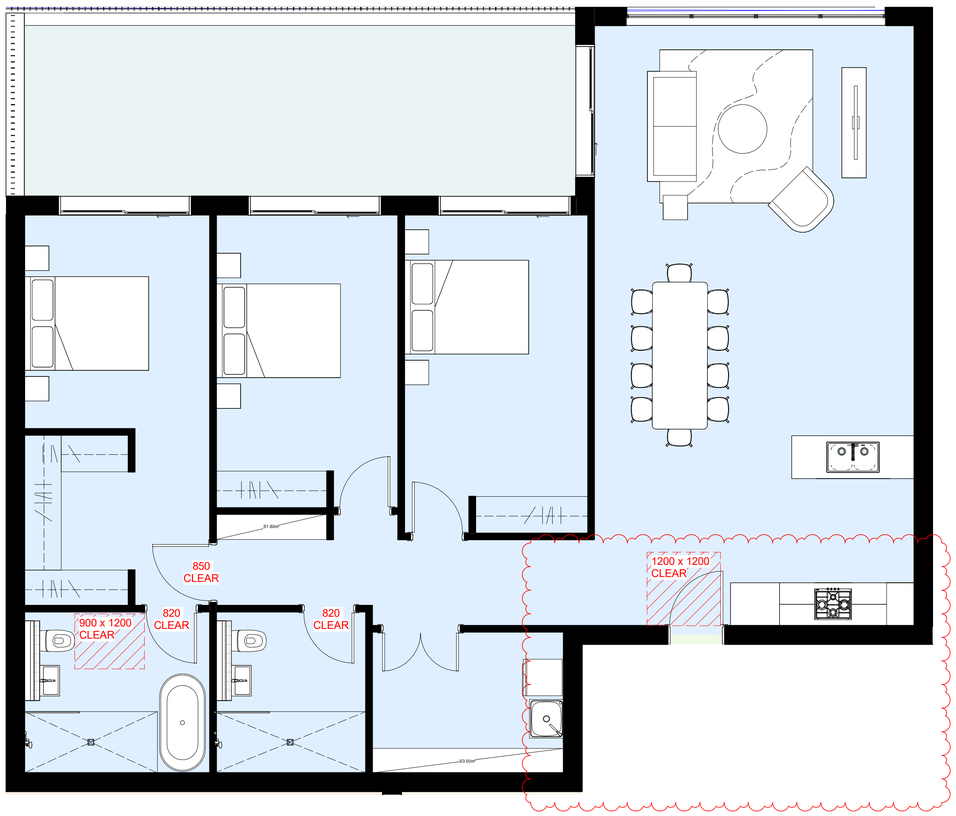
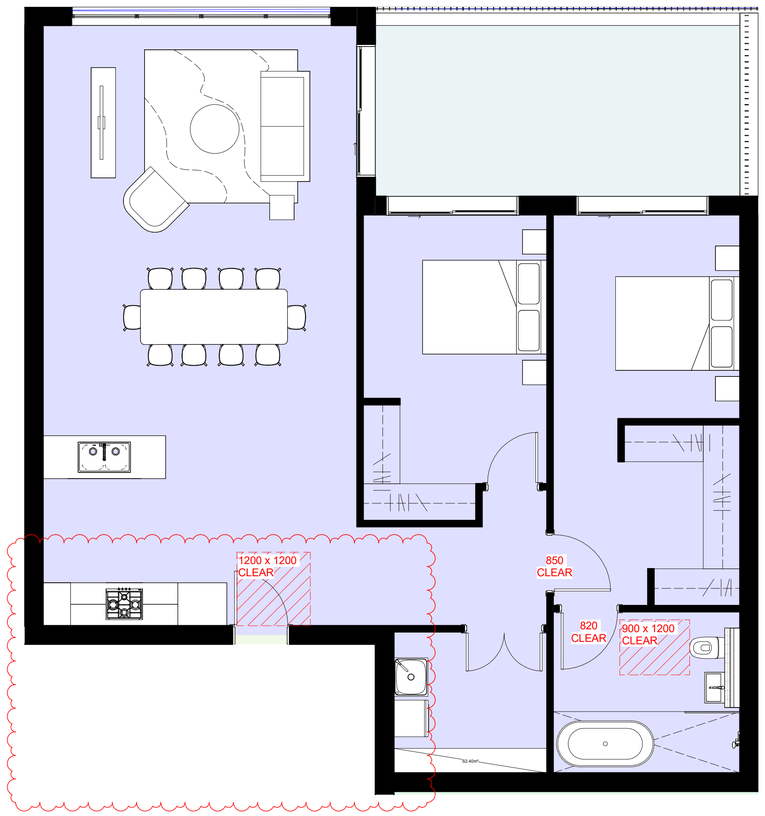


PRE-ADAPTABLE / LIVABLE_TYPE 1(3 BED)

1 : 50



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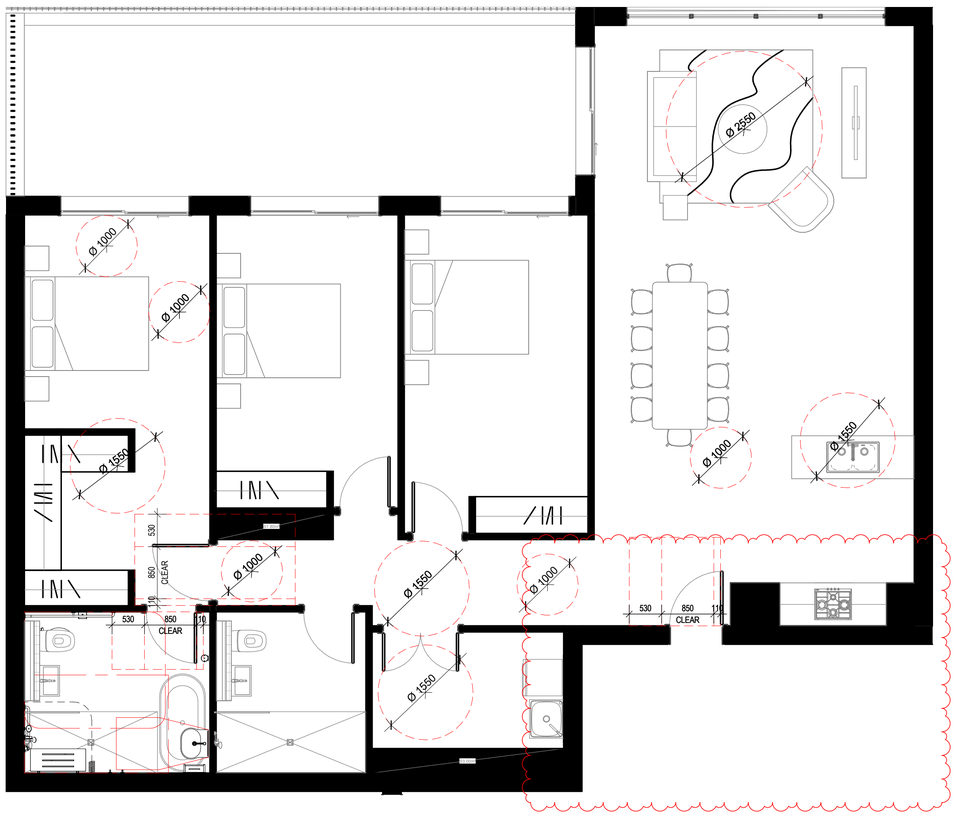

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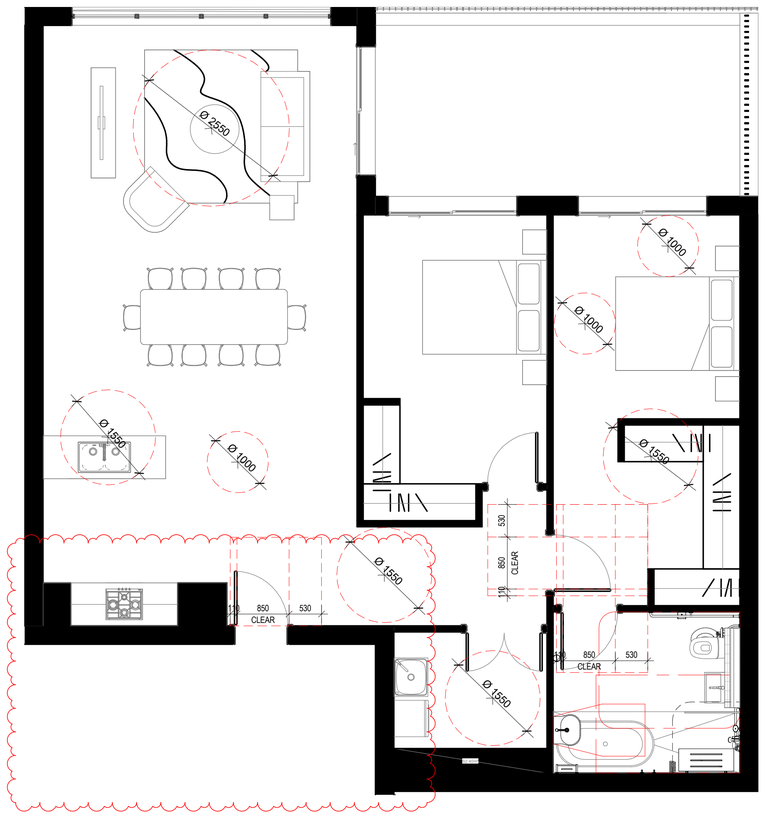

POST-ADAPTABLE_TYPE 2(2 BED)

1 : 50

UNIT MIX

TYPE	AREA (m²)	COUNT
1 BED	134.3 m²	2
2 BED	608.6 m²	5
2 BED - ADA	739.1 m²	7
3 BED	4194.4 m²	32
3 BED - ADA	1349.6 m²	10
4 BED	727.4 m²	4
60	7753.4 m²	60

ADAPTABLE UNITS

NO.	TYPE
A-G03	3 BED - ADA
A-103	3 BED - ADA
A-104	2 BED - ADA
B-102	2 BED - ADA
B-103	3 BED - ADA
C-104	3 BED - ADA
C-105	3 BED - ADA
A-203	3 BED - ADA
A-204	2 BED - ADA
B-202	2 BED - ADA
B-203	3 BED - ADA
C-203	3 BED - ADA
C-204	3 BED - ADA
A-303	3 BED - ADA
A-304	2 BED - ADA
B-302	2 BED - ADA
B-303	2 BED - ADA
17	

EXTRA CAPPED OFF SERVICES (PLUMBING SUPPLY AND WASTE) WITH SUITABLE SET - OUTS AND CLEARANCES TO ALLOW FOR REALOCATION OF BASIN AT POST ADAPATION, TO COMPLY WITH AS1428.1 THE CAPPED OFF PLUMBING SERVICES WILL NEED TO PROTUDE ANY WATER PROOFING

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DEVELOPMENT APPLICATION

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REV	DATE	DESCRIPTION	APP
A	21/03/2023	DA SUBMISSION	SK
B	24/11/2023	DA RFI Response	JA
C	03/09/2024	DA Submission	BA
D	18/12/2024	SEWER AMENDMENTS	BA

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ARCHITECT:
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N
0 4m
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SCALE: 1 : 50 @ A1

PROJECT:
#2021029
HERADALE BATEMANS BAY
20 HERADALE PARADE
BATEMANS BAY

DRAWING TITLE:
ADAPTABLE UNITS

SHEET NUMBER: **DA-7070**
REV: **D**
DATE: 18/12/2024

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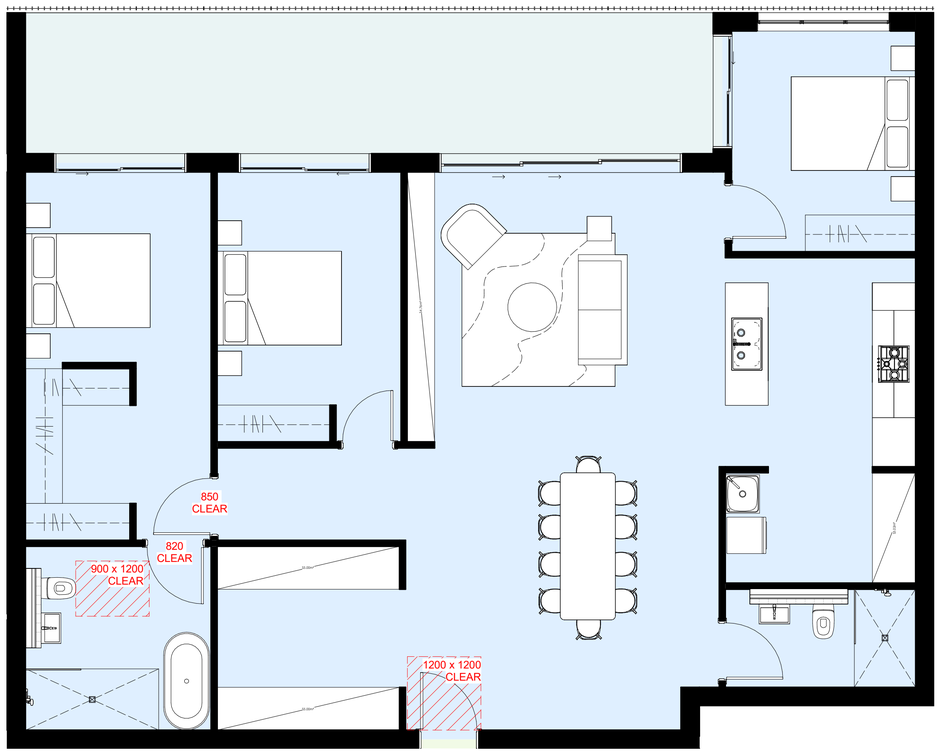

PRE-ADAPTABLE / LIVABLE_TYPE 3(2 BED)

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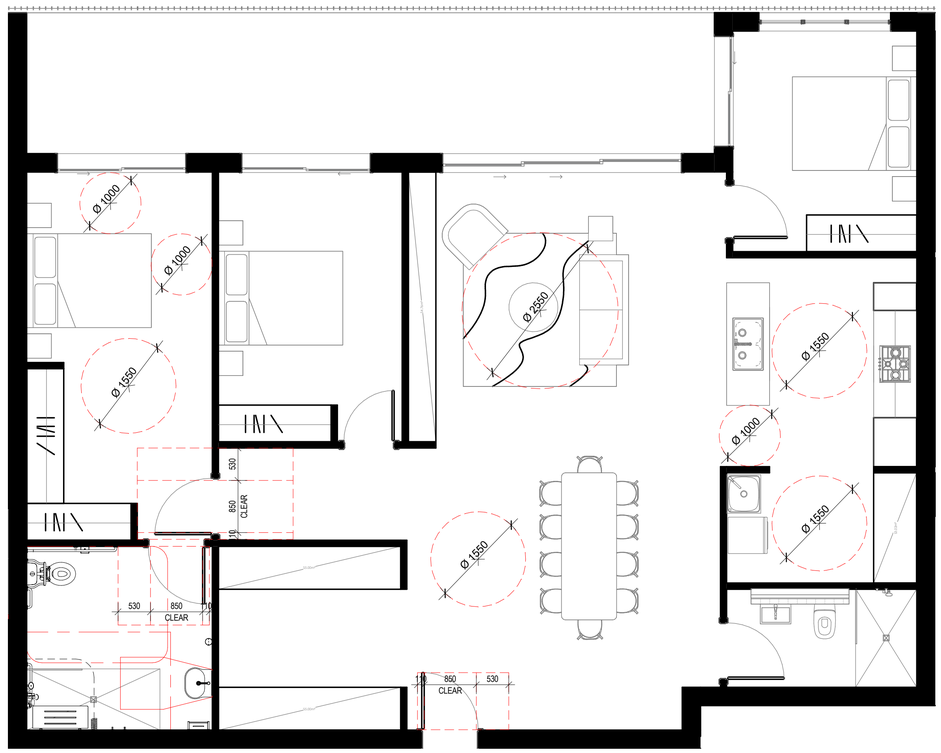

POST-ADAPTABLE_TYPE 3(2 BED)

1 : 50

UNIT MIX

TYPE	AREA (m²)	COUNT
1 BED	133.6 m²	2
2 BED	608.6 m²	5
2 BED - ADA	739.1 m²	7
3 BED	4194.4 m²	32
3 BED - ADA	1349.6 m²	10
4 BED	727.4 m²	4
60	7752.7 m²	60

ADAPTABLE UNITS

NO.	TYPE
A-G03	3 BED - ADA
A-103	3 BED - ADA
A-104	2 BED - ADA
B-102	2 BED - ADA
B-103	3 BED - ADA
C-104	3 BED - ADA
C-105	3 BED - ADA
A-203	3 BED - ADA
A-204	2 BED - ADA
B-202	2 BED - ADA
B-203	3 BED - ADA
C-203	3 BED - ADA
A-303	3 BED - ADA
A-304	2 BED - ADA
B-302	2 BED - ADA
B-303	2 BED - ADA
17	

EXTRA CAPPED OFF SERVICES (PLUMBING SUPPLY AND WASTE) WITH SUITABLE SET - OUTS AND CLEARANCES TO ALLOW FOR REALOCATION OF BASIN AT POST ADAPATION, TO COMPLY WITH AS1428.1 THE CAPPED OFF PLUMBING SERVICES WILL NEED TO PROTUDE ANY WATER PROOFING

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DEVELOPMENT APPLICATION

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REV	DATE	DESCRIPTION	APP
A	21/03/2023	DA SUBMISSION	SK
B	24/11/2023	DA RFI Response	JA
C	03/09/2024	DA Submission	BA

CLIENT:
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ARCHITECT:
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0 4m
1:100
SCALE: 1 : 50 @ A1

PROJECT:
#2021029
HERADALE BATEMANS BAY
20 HERADALE PARADE
BATEMANS BAY

DRAWING TITLE:
ADAPTABLE UNITS

SHEET NUMBER: **DA-7071**
REV: **C**
DATE: 03/09/2024

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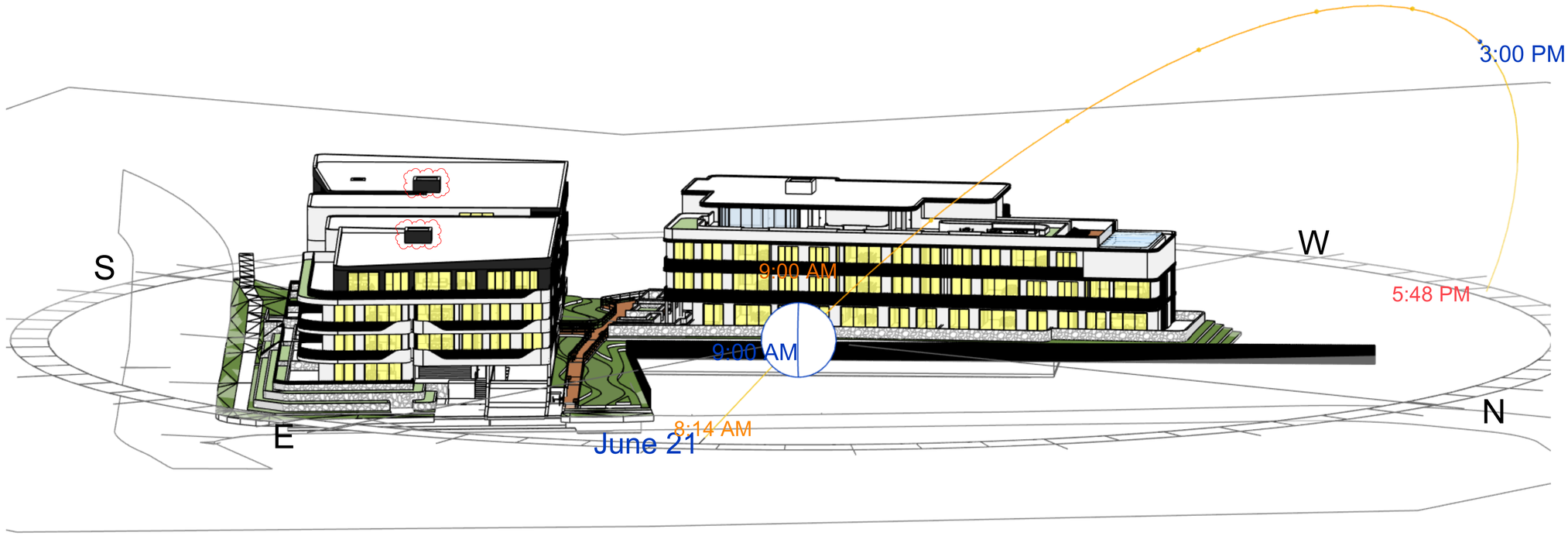

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REV	DATE	DESCRIPTION	APP
A	21/03/2023	DA SUBMISSION	SK
B	24/11/2023	DA RFI Response	JA
C	03/09/2024	DA Submission	BA
D	18/12/2024	SEWER AMENDMENTS	BA

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PROJECT:
#2021029
HERADALE BATEMANS BAY
20 HERADALE PARADE
BATEMANS BAY

DRAWING TITLE:
JUNE SOLAR VIEWS - 0900

SHEET NUMBER: **DA-8090**
REV: **D**
DATE: 18/12/2024

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DEVELOPMENT APPLICATION

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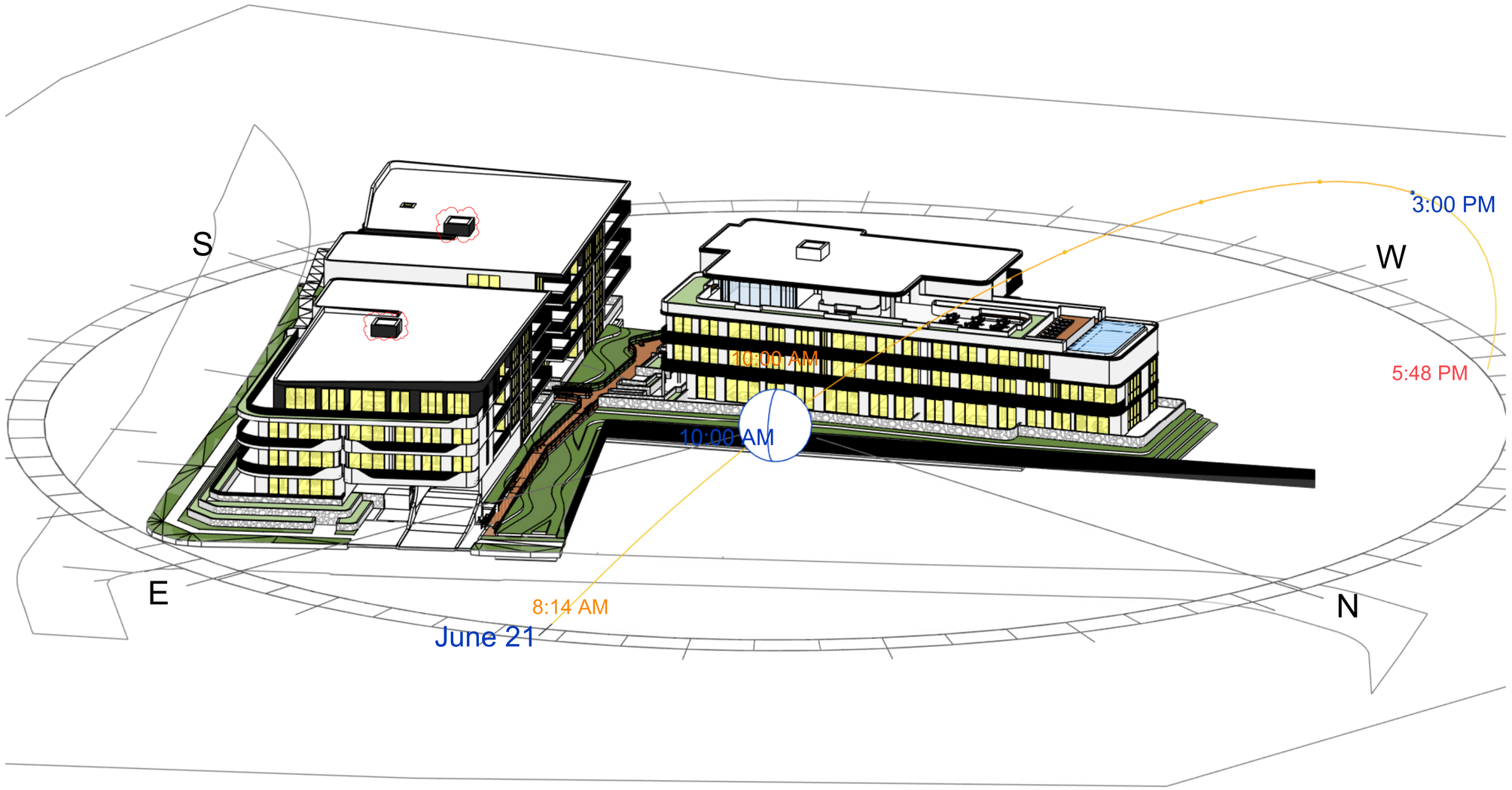

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A	21/03/2023	DA SUBMISSION	SK
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C	03/09/2024	DA Submission	BA
D	18/12/2024	SEWER AMENDMENTS	BA

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N
0 4m
1:100
SCALE: @ A1

PROJECT:
#2021029
HERADALE BATEMANS BAY
20 HERADALE PARADE
BATEMANS BAY

DRAWING TITLE:
JUNE SOLAR VIEWS - 1000

SHEET NUMBER: **DA-8100**
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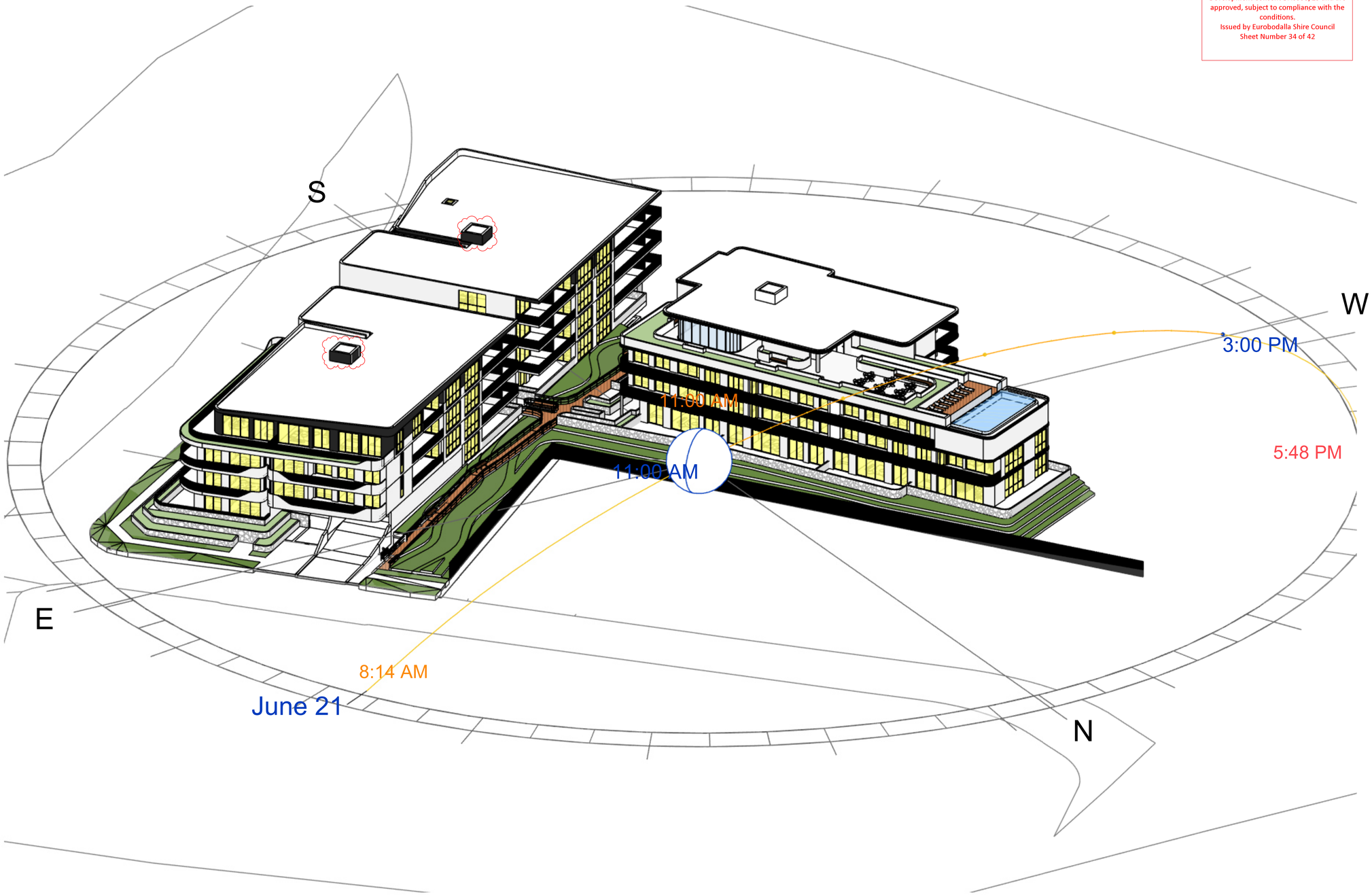

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REV	DATE	DESCRIPTION	APP
A	21/03/2023	DA SUBMISSION	SK
B	24/11/2023	DA RFI Response	JA
C	03/09/2024	DA Submission	BA
D	18/12/2024	SEWER AMENDMENTS	BA

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DRAWING TITLE:
JUNE SOLAR VIEWS - 1100

SHEET NUMBER: **DA-8110**
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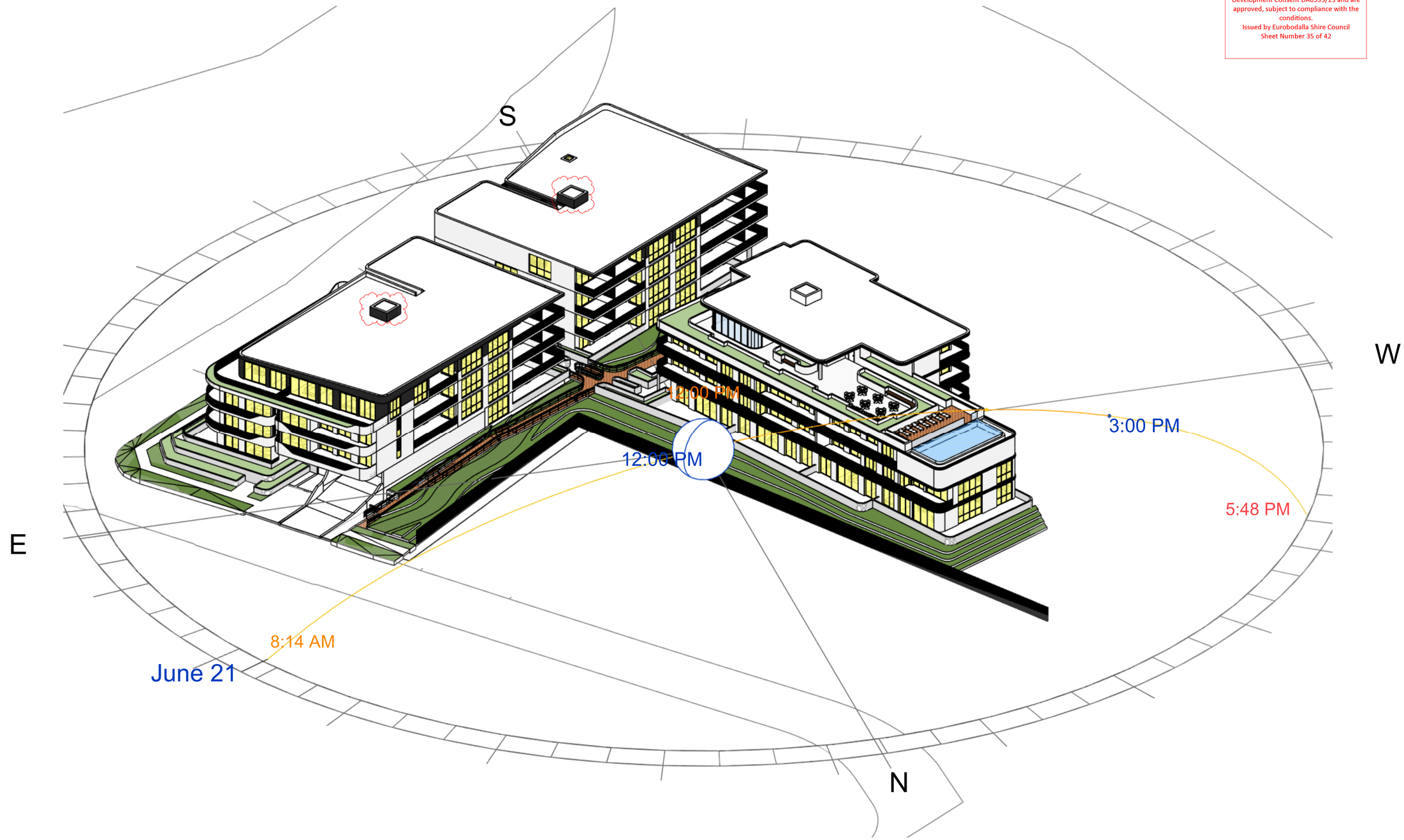

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B	24/11/2023	DA RFI Response	JA
C	03/09/2024	DA Submission	BA
D	18/12/2024	SEWER AMENDMENTS	BA

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20 HERADALE PARADE
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DRAWING TITLE:
JUNE SOLAR VIEWS - 1200

SHEET NUMBER: **DA-8120**
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DEVELOPMENT APPLICATION

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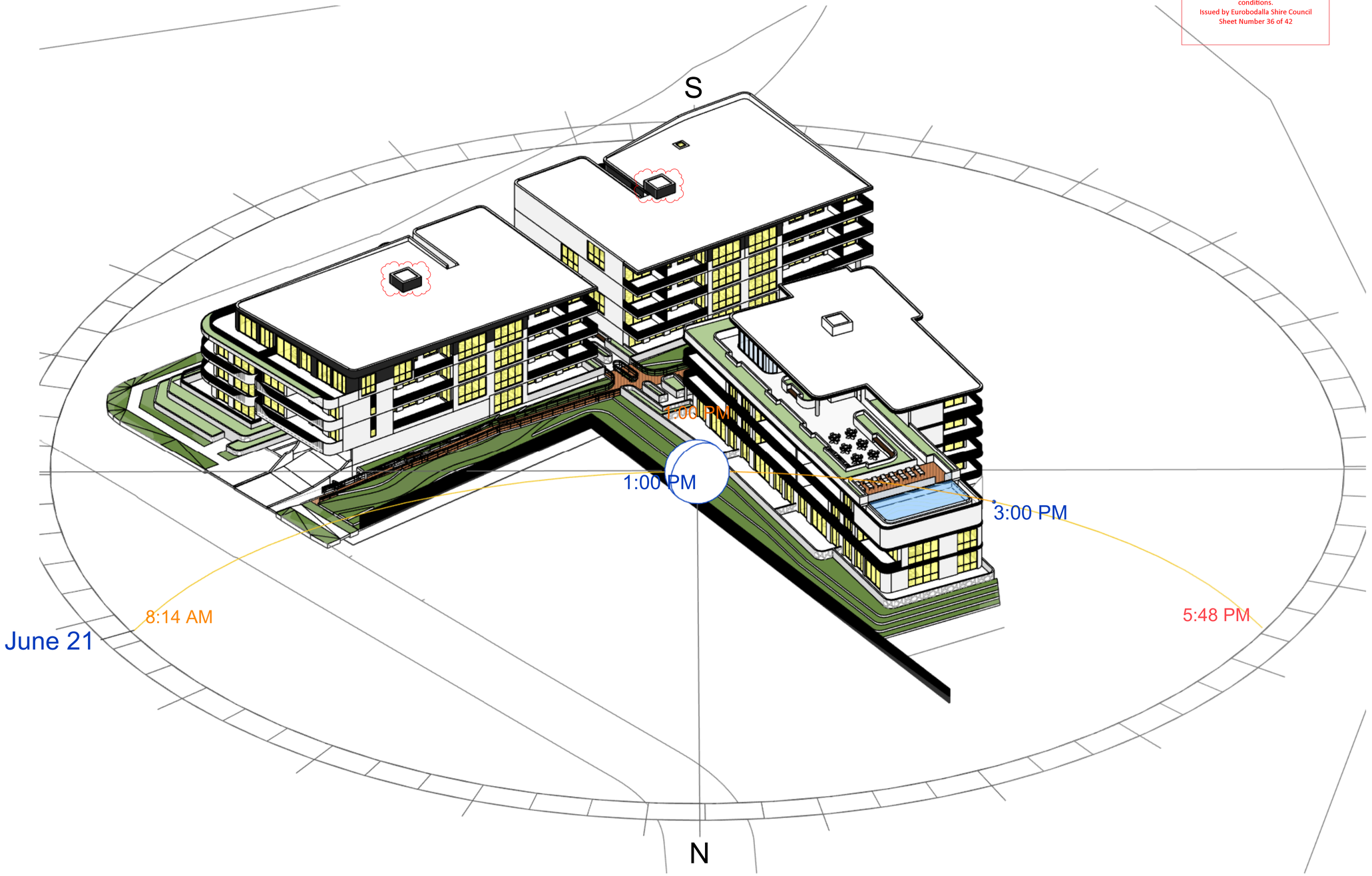

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B	24/11/2023	DA RFI Response	JA
C	03/09/2024	DA Submission	BA
D	18/12/2024	SEWER AMENDMENTS	BA

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PROJECT:
#2021029
HERADALE BATEMANS BAY
20 HERADALE PARADE
BATEMANS BAY

DRAWING TITLE:
JUNE SOLAR VIEWS - 1300

SHEET NUMBER: **DA-8130**
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DEVELOPMENT APPLICATION

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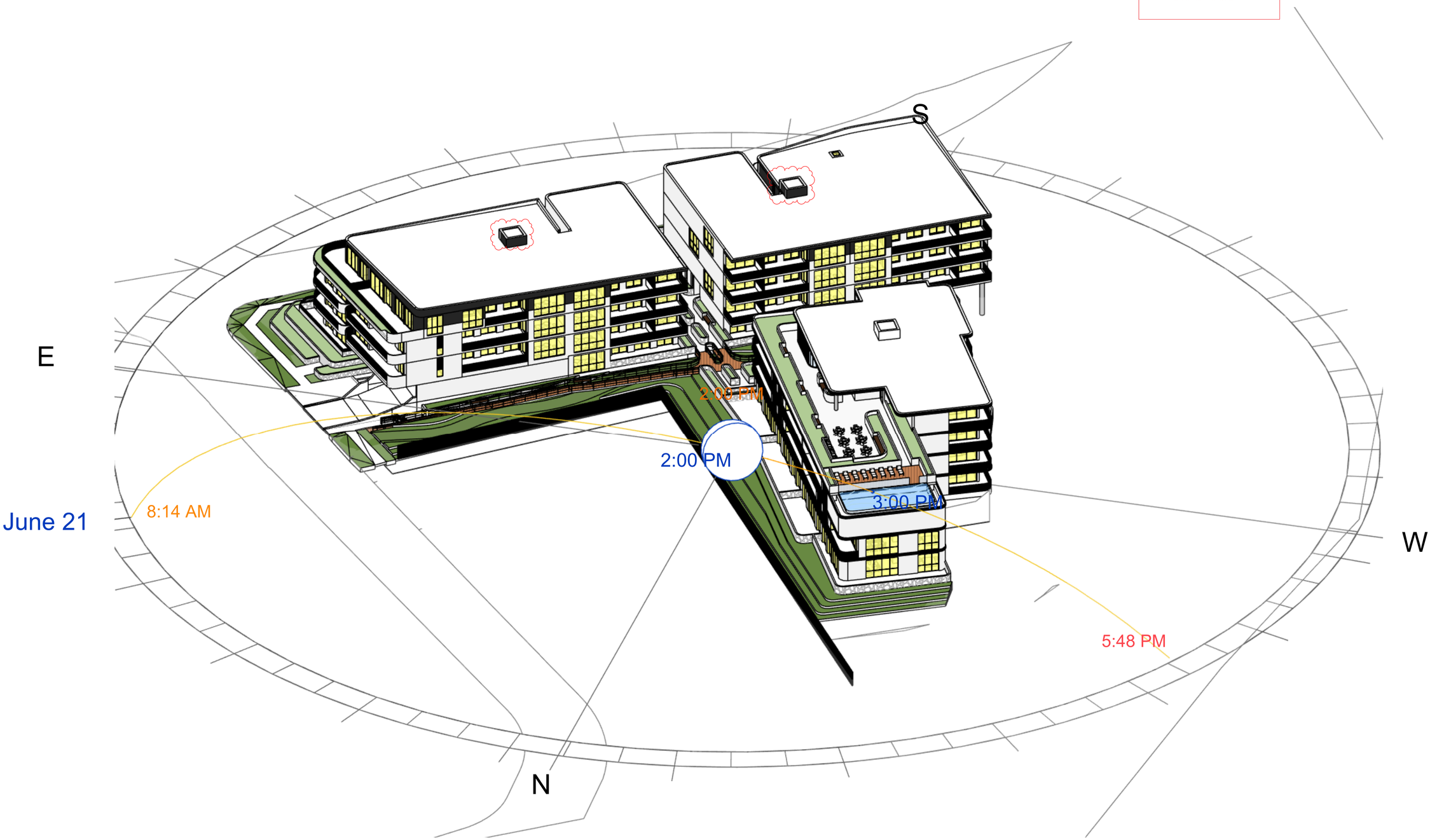

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C	03/09/2024	DA Submission	BA
D	18/12/2024	SEWER AMENDMENTS	BA

ARCHITECT:
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PROJECT:
#2021029
HERADALE BATEMANS BAY
20 HERADALE PARADE
BATEMANS BAY

DRAWING TITLE:
JUNE SOLAR VIEWS - 1400

SHEET NUMBER: **DA-8140**
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PRELIMINARY
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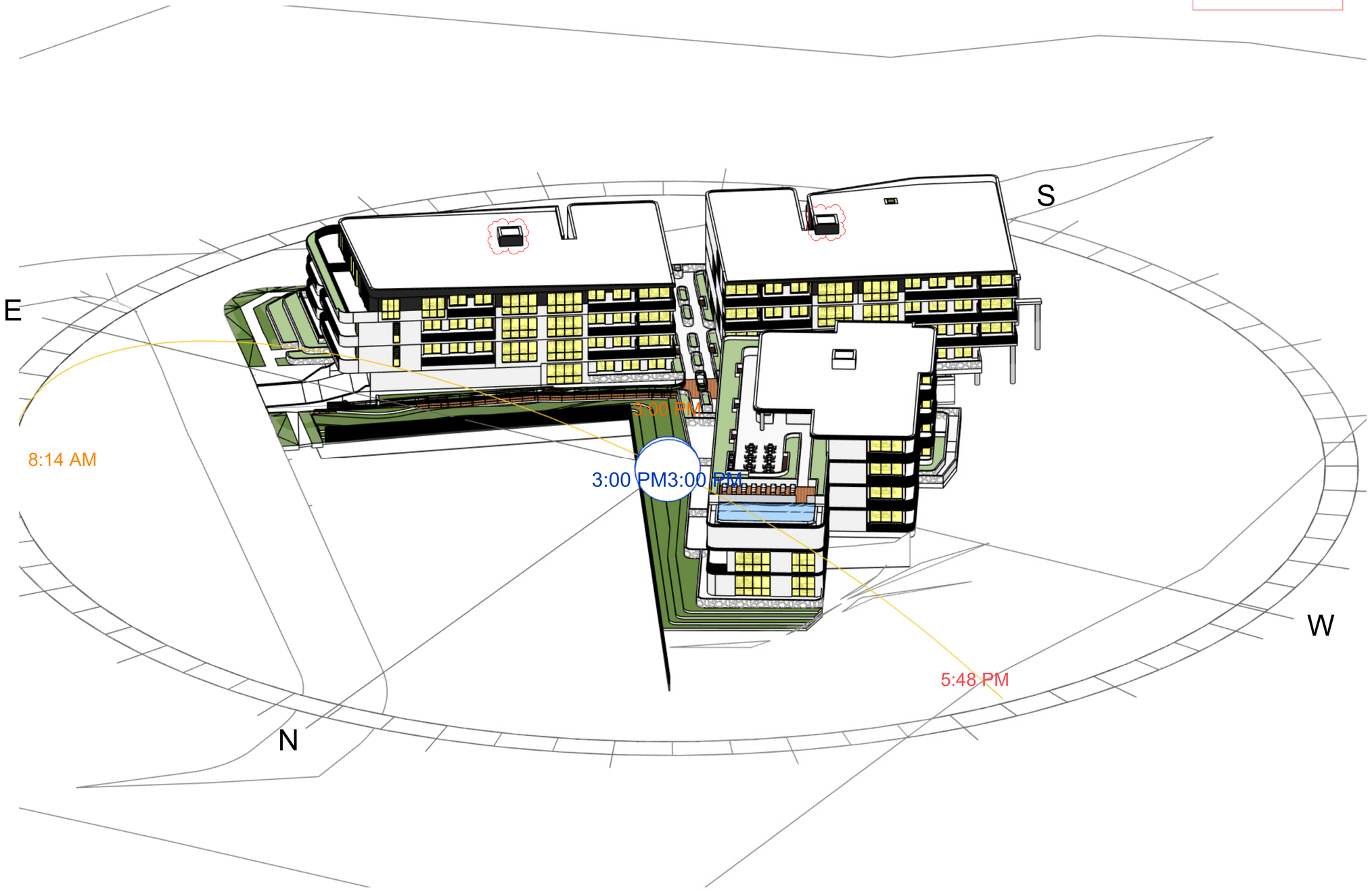
DEVELOPMENT APPLICATION



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B	24/11/2023	DA RFI Response	JA
C	03/09/2024	DA Submission	BA
D	18/12/2024	SEWER AMENDMENTS	BA

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HERADALE BATEMANS BAY
20 HERADALE PARADE
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DRAWING TITLE:
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SHEET NUMBER: **DA-8150**
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PRELIMINARY
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DEVELOPMENT APPLICATION

		9:00 AM	10:00 AM	11:00 AM	12:00 PM	1:00 PM	2:00 PM	3:00 PM	COMPLIANCE
A-G01	LIVING ROOM	N	N	N	N	N	N	N	None
	PRIVATE OPEN SPACE	N	N	N	N	N	N	N	
A-G02	LIVING ROOM	N	N	N	N	N	N	N	None
	PRIVATE OPEN SPACE	N	N	N	N	N	N	N	
A-G03	LIVING ROOM	N	Y	Y	Y	Y	N	N	Full
	PRIVATE OPEN SPACE	N	Y	Y	Y	Y	N	Y	
A-G04	LIVING ROOM	N	Y	Y	Y	Y	N	N	Full
	PRIVATE OPEN SPACE	N	Y	Y	Y	Y	Y	N	
A-G05	LIVING ROOM	N	N	N	N	N	N	N	None
	PRIVATE OPEN SPACE	N	N	N	N	N	N	N	
A-101	LIVING ROOM	N	N	N	N	N	N	N	None
	PRIVATE OPEN SPACE	N	N	N	N	N	N	N	
A-102	LIVING ROOM	N	N	N	Y	Y	Y	Y	Full
	PRIVATE OPEN SPACE	N	Y	Y	Y	Y	Y	Y	
A-103	LIVING ROOM	N	Y	Y	Y	Y	Y	N	Full
	PRIVATE OPEN SPACE	N	Y	Y	Y	Y	Y	N	
A-104	LIVING ROOM	N	Y	Y	Y	Y	Y	N	Full
	PRIVATE OPEN SPACE	N	Y	Y	Y	Y	Y	Y	
A-105	LIVING ROOM	N	N	Y	Y	Y	Y	N	Full
	PRIVATE OPEN SPACE	N	Y	Y	Y	Y	Y	N	
A-201	LIVING ROOM	N	N	N	N	N	N	N	None
	PRIVATE OPEN SPACE	N	N	N	N	N	N	N	
A-202	LIVING ROOM	N	N	N	Y	Y	Y	Y	Full
	PRIVATE OPEN SPACE	N	Y	Y	Y	Y	Y	Y	
A-203	LIVING ROOM	N	Y	Y	Y	Y	Y	Y	Full
	PRIVATE OPEN SPACE	N	Y	Y	Y	Y	Y	Y	
A-204	LIVING ROOM	N	Y	Y	Y	Y	Y	Y	Full
	PRIVATE OPEN SPACE	N	Y	Y	Y	Y	Y	Y	
A-205	LIVING ROOM	N	N	Y	Y	Y	Y	Y	Full
	PRIVATE OPEN SPACE	N	Y	Y	Y	Y	Y	Y	
A-301	LIVING ROOM	N	N	N	N	N	Y	Y	Partial
	PRIVATE OPEN SPACE	N	N	N	N	N	Y	Y	
A-302	LIVING ROOM	Y	Y	Y	Y	Y	Y	Y	Full
	PRIVATE OPEN SPACE	Y	Y	Y	Y	Y	Y	Y	
A-303	LIVING ROOM	N	Y	Y	Y	Y	Y	Y	Full
	PRIVATE OPEN SPACE	N	Y	Y	Y	Y	Y	Y	
A-304	LIVING ROOM	N	Y	Y	Y	Y	Y	Y	Full
	PRIVATE OPEN SPACE	N	Y	Y	Y	Y	Y	Y	
A-305	LIVING ROOM	N	N	Y	Y	Y	Y	Y	Full
	PRIVATE OPEN SPACE	N	Y	Y	Y	Y	Y	Y	
B-G01	LIVING ROOM	N	N	N	N	N	N	N	None
	PRIVATE OPEN SPACE	N	N	N	N	N	N	N	
B-G02	LIVING ROOM	N	Y	Y	Y	Y	Y	Y	Full
	PRIVATE OPEN SPACE	N	Y	Y	Y	Y	Y	Y	
B-G03	LIVING ROOM	Y	Y	Y	Y	Y	Y	N	Full
	PRIVATE OPEN SPACE	Y	Y	Y	Y	Y	Y	Y	
B-G04	LIVING ROOM	N	N	N	N	N	N	N	None
	PRIVATE OPEN SPACE	N	N	N	N	N	N	N	
B-101	LIVING ROOM	N	N	N	Y	Y	Y	Y	Full
	PRIVATE OPEN SPACE	N	Y	Y	Y	Y	Y	Y	
B-102	LIVING ROOM	N	Y	Y	Y	Y	Y	Y	Full
	PRIVATE OPEN SPACE	N	Y	Y	Y	Y	Y	Y	
B-103	LIVING ROOM	N	Y	Y	Y	Y	Y	Y	Full
	PRIVATE OPEN SPACE	N	Y	Y	Y	Y	Y	Y	
B-104	LIVING ROOM	Y	Y	Y	Y	Y	Y	N	Full
	PRIVATE OPEN SPACE	Y	Y	Y	Y	Y	Y	Y	
B-105	LIVING ROOM	Y	Y	Y	Y	Y	Y	N	Full
	PRIVATE OPEN SPACE	Y	Y	Y	Y	Y	Y	Y	
B-106	LIVING ROOM	N	N	N	N	N	N	N	None
	PRIVATE OPEN SPACE	N	N	N	N	N	N	N	

		9:00 AM	10:00 AM	11:00 AM	12:00 PM	1:00 PM	2:00 PM	3:00 PM	COMPLIANCE
B-201	LIVING ROOM	N	N	N	Y	Y	Y	Y	Full
	PRIVATE OPEN SPACE	N	Y	Y	Y	Y	Y	Y	
B-202	LIVING ROOM	N	Y	Y	Y	Y	Y	Y	Full
	PRIVATE OPEN SPACE	N	Y	Y	Y	Y	Y	Y	
B-203	LIVING ROOM	N	Y	Y	Y	Y	Y	Y	Full
	PRIVATE OPEN SPACE	N	Y	Y	Y	Y	Y	Y	
B-204	LIVING ROOM	Y	Y	Y	Y	Y	Y	N	Full
	PRIVATE OPEN SPACE	Y	Y	Y	Y	Y	Y	Y	
B-205	LIVING ROOM	Y	Y	Y	Y	Y	Y	N	Full
	PRIVATE OPEN SPACE	Y	Y	Y	Y	Y	Y	Y	
B-206	LIVING ROOM	N	N	N	N	N	N	N	None
	PRIVATE OPEN SPACE	N	N	N	N	N	N	N	
B-301	LIVING ROOM	N	N	N	Y	Y	Y	Y	Full
	PRIVATE OPEN SPACE	N	Y	Y	Y	Y	Y	Y	
B-302	LIVING ROOM	N	Y	Y	Y	Y	Y	Y	Full
	PRIVATE OPEN SPACE	N	Y	Y	Y	Y	Y	Y	
B-303	LIVING ROOM	N	Y	Y	Y	Y	Y	Y	Full
	PRIVATE OPEN SPACE	N	Y	Y	Y	Y	Y	Y	
B-304	LIVING ROOM	Y	Y	Y	Y	Y	Y	N	Full
	PRIVATE OPEN SPACE	Y	Y	Y	Y	Y	Y	Y	
B-305	LIVING ROOM	Y	Y	Y	Y	Y	Y	N	Full
	PRIVATE OPEN SPACE	Y	Y	Y	Y	Y	Y	Y	
C-G01	LIVING ROOM	N	N	N	N	Y	Y	Y	Partial
	PRIVATE OPEN SPACE	N	N	N	N	Y	Y	Y	
C-G02	LIVING ROOM	Y	Y	Y	Y	Y	Y	Y	Full
	PRIVATE OPEN SPACE	Y	Y	Y	Y	Y	Y	Y	
C-G03	LIVING ROOM	Y	Y	Y	Y	Y	N	N	Full
	PRIVATE OPEN SPACE	Y	Y	Y	Y	Y	Y	Y	
C-G04	LIVING ROOM	Y	Y	Y	Y	Y	N	N	Full
	PRIVATE OPEN SPACE	Y	Y	Y	Y	Y	Y	Y	
C-G05	LIVING ROOM	Y	Y	Y	Y	Y	N	N	Full
	PRIVATE OPEN SPACE	Y	Y	Y	Y	Y	Y	Y	
C-G06	LIVING ROOM	N	N	N	N	N	N	Y	Partial
	PRIVATE OPEN SPACE	N	N	N	N	N	N	Y	
C-101	LIVING ROOM	N	N	N	Y	Y	Y	Y	Full
	PRIVATE OPEN SPACE	N	N	N	Y	Y	Y	Y	
C-102	LIVING ROOM	Y	Y	Y	Y	Y	Y	Y	Full
	PRIVATE OPEN SPACE	Y	Y	Y	Y	Y	Y	Y	
C-103	LIVING ROOM	Y	Y	Y	Y	Y	N	N	Full
	PRIVATE OPEN SPACE	Y	Y	Y	Y	Y	Y	Y	
C-104	LIVING ROOM	Y	Y	Y	Y	Y	N	N	Full
	PRIVATE OPEN SPACE	Y	Y	Y	Y	Y	Y	Y	
C-105	LIVING ROOM	Y	Y	Y	Y	Y	N	N	Full
	PRIVATE OPEN SPACE	Y	Y	Y	Y	Y	Y	Y	
C-106	LIVING ROOM	N	N	N	N	N	N	Y	Partial
	PRIVATE OPEN SPACE	N	N	N	N	N	N	Y	
C-201	LIVING ROOM	N	N	N	Y	Y	Y	Y	Full
	PRIVATE OPEN SPACE	N	N	N	Y	Y	Y	Y	
C-202	LIVING ROOM	Y	Y	Y	Y	Y	N	N	Full
	PRIVATE OPEN SPACE	Y	Y	Y	Y	Y	Y	Y	
C-203	LIVING ROOM	Y	Y	Y	Y	Y	N	N	Full
	PRIVATE OPEN SPACE	Y	Y	Y	Y	Y	Y	Y	
C-204	LIVING ROOM	Y	Y	Y	Y	Y	N	N	Full
	PRIVATE OPEN SPACE	Y	Y	Y	Y	Y	Y	Y	
C-205	LIVING ROOM	N	N	N	N	N	N	Y	Partial
	PRIVATE OPEN SPACE	N	N	N	N	N	N	Y	
C-301	LIVING ROOM	N	N	N	Y	Y	Y	Y	Full
	PRIVATE OPEN SPACE	N	N	N	Y	Y	Y	Y	
C-302	LIVING ROOM	N	N	N	N	N	N	Y	Partial
	PRIVATE OPEN SPACE	N	N	N	N	N	N	Y	

SOLAR ACCESS

UNITS SOLAR ACCESS	COUNT	PERCENTAGE
3 HOURS	45	75%
NO SOLAR	9	15%
PARTIAL SOLAR	6	10%
	60	

eurobodalla shire council

ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979
These are plan/s referred to in Development Consent DA0593/23 and are approved, subject to compliance with the conditions.
Issued by Eurobodalla Shire Council
Sheet Number 39 of 42

PRELIMINARY
NOT FOR CONSTRUCTION
DEVELOPMENT APPLICATION

Document Notes
Verify all dimensions on site before commencing work. Report all discrepancies to the architect prior to construction. Place Studio shall not be held responsible for any variations to specifications or drawings due to any discrepancies without consultation. Use figured dimensions in preference to scaled dimensions. Drawings made to larger scales and those showing particular parts of the works take precedence over drawings made to smaller scales or for general purposes. All work is to conform to relevant Australian Standards and Codes together with all Authorities' requirements and Regulations.

REV	DATE	DESCRIPTION	APP
A	24/11/2023	DA RFI Response	JA
B	03/09/2024	DA Submission	BA

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N

SCALE: 1 : 1 @ A1

PROJECT:
#2021029
HERADALE
BATEMANS BAY
20 HERADALE PARADE
BATEMANS BAY

DRAWING TITLE:
SOLAR MATRIX

SHEET NUMBER: **DA-8160**
REV: **B**
DATE: 03/09/2024

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12/18/2024 2:23:07 PM

UNIT SCHEDULE

NO.	TYPE	Area
GROUND		
A-G01	1 BED	62 m²
A-G02	1 BED	71 m²
A-G03	3 BED - ADA	134 m²
A-G04	3 BED	135 m²
A-G05	3 BED	122 m²
B-G01	3 BED	96 m²
B-G02	3 BED	135 m²
B-G03	3 BED	120 m²
B-G04	3 BED	132 m²
9		1009 m²
GROUND (C)		
C-G01	2 BED	114 m²
C-G02	3 BED	158 m²
C-G03	2 BED	130 m²
C-G04	3 BED	164 m²
C-G05	2 BED	123 m²
C-G06	3 BED	131 m²
6		820 m²
LEVEL 01		
A-101	3 BED	126 m²
A-102	3 BED	142 m²
A-103	3 BED - ADA	134 m²
A-104	2 BED - ADA	106 m²
A-105	4 BED	178 m²
B-101	3 BED	138 m²
B-102	2 BED - ADA	106 m²
B-103	3 BED - ADA	134 m²
B-104	3 BED	109 m²
B-105	3 BED	115 m²
B-106	3 BED	126 m²
11		1415 m²
LEVEL 01 (C)		
C-101	3 BED	137 m²
C-102	3 BED	141 m²
C-103	2 BED	110 m²
C-104	3 BED - ADA	136 m²
C-105	3 BED - ADA	136 m²
C-106	3 BED	131 m²
6		791 m²
LEVEL 02		
A-201	3 BED	126 m²
A-202	3 BED	142 m²
A-203	3 BED - ADA	134 m²
A-204	2 BED - ADA	106 m²
A-205	4 BED	178 m²
B-201	3 BED	138 m²
B-202	2 BED - ADA	106 m²
B-203	3 BED - ADA	134 m²
B-204	3 BED	109 m²
B-205	3 BED	115 m²
B-206	3 BED	126 m²
11		1415 m²
LEVEL 02 (C)		
C-201	3 BED	137 m²
C-202	3 BED	134 m²
C-203	3 BED - ADA	136 m²
C-204	3 BED - ADA	136 m²
C-205	3 BED	131 m²
5		675 m²
LEVEL 03		
A-301	3 BED	126 m²
A-302	3 BED	142 m²
A-303	3 BED - ADA	134 m²
A-304	2 BED - ADA	106 m²
A-305	4 BED	178 m²
B-301	3 BED	138 m²
B-302	2 BED - ADA	106 m²
B-303	2 BED - ADA	106 m²
B-304	2 BED	131 m²
B-305	4 BED	194 m²
10		1361 m²
LEVEL 03 (C)		
C-301	3 BED	137 m²
C-302	3 BED	131 m²
2		268 m²
TOTAL NUMBER OF UNITS: 60		7753 m²

BALCONY AREA

NO.	TYPE	AREA
GROUND		
A-G01	BALCONY	43 m²
A-G02	BALCONY	26 m²
A-G03	BALCONY	26 m²
A-G04	BALCONY	30 m²
A-G05	BALCONY	27 m²
B-G01	BALCONY	35 m²
B-G02	BALCONY	30 m²
B-G03	BALCONY	63 m²
B-G04	BALCONY	50 m²
		329 m²
GROUND (C)		
C-G01	BALCONY	27 m²
C-G02	BALCONY	56 m²
C-G03	BALCONY	34 m²
C-G04	BALCONY	44 m²
C-G05	BALCONY	43 m²
C-G06	BALCONY	32 m²
		236 m²
LEVEL 01		
A-101	BALCONY	36 m²
A-102	BALCONY	13 m²
A-103	BALCONY	27 m²
A-104	BALCONY	18 m²
A-105	BALCONY	13 m²
B-101	BALCONY	26 m²
B-102	BALCONY	18 m²
B-103	BALCONY	28 m²
B-104	BALCONY	31 m²
B-105	BALCONY	48 m²
B-106	BALCONY	39 m²
		297 m²
LEVEL 01 (C)		
C-101	BALCONY	31 m²
C-102	BALCONY	17 m²
C-103	BALCONY	19 m²
C-104	BALCONY	26 m²
C-105	BALCONY	26 m²
C-106	BALCONY	22 m²
		140 m²
LEVEL 02		
A-201	BALCONY	36 m²
A-202	BALCONY	13 m²
A-203	BALCONY	27 m²
A-204	BALCONY	18 m²
A-205	BALCONY	13 m²
B-201	BALCONY	26 m²
B-202	BALCONY	18 m²
B-203	BALCONY	28 m²
B-204	BALCONY	31 m²
B-205	BALCONY	48 m²
B-206	BALCONY	39 m²
		297 m²
LEVEL 02 (C)		
C-201	BALCONY	31 m²
C-202	BALCONY	26 m²
C-203	BALCONY	26 m²
C-204	BALCONY	26 m²
C-205	BALCONY	22 m²
		130 m²
LEVEL 03		
A-301	BALCONY	36 m²
A-302	BALCONY	13 m²
A-303	BALCONY	27 m²
A-304	BALCONY	18 m²
A-305	BALCONY	13 m²
B-301	BALCONY	25 m²
B-302	BALCONY	18 m²
B-303	BALCONY	17 m²
B-304	BALCONY	36 m²
B-305	BALCONY	96 m²
		300 m²
LEVEL 03 (C)		
C-301	BALCONY	31 m²
C-302	BALCONY	22 m²
		53 m²
		1782 m²

GLAZING SCHEDULE

TYPE	UNIT	MARK	DESCRIPTION	WIDTH	HEIGHT	OPERABILITY
GROUND						
LW1d		B-G01e	LOUVRE + FIXED WINDOW	800	2100	LOUVRE + FIXED
LW1d		A-G05b	LOUVRE + FIXED WINDOW	800	2100	LOUVRE + FIXED
LW1d		A-G05a	LOUVRE + FIXED WINDOW	800	2100	LOUVRE + FIXED
UW4a		A-G04a	HUNG + FIXED MULTI PANEL WINDOW	4275	2700	DOUBLE HUNG + FIXED
LW1d		A-G04f	LOUVRE + FIXED WINDOW	800	2100	LOUVRE + FIXED
LW1d		B-G01d	LOUVRE + FIXED WINDOW	800	2100	LOUVRE + FIXED
LW1a		A-G03a	LOUVRE + FIXED WINDOW	800	2700	LOUVRE + FIXED
LW1a		B-001a	LOUVRE + FIXED WINDOW	800	2700	LOUVRE + FIXED
LW1b		A-001a	LOUVRE + FIXED WINDOW	1200	2700	LOUVRE + FIXED
LW1b		B-300b	LOUVRE + FIXED WINDOW	1200	2700	LOUVRE + FIXED
SD3a	A-G01	A-G01b	3 PANEL SIDE SLIDING DOOR	3980	2700	SLIDING
SD2a	A-G01	A-G01a	2 PANEL SLIDING DOOR	1876	2700	SLIDING
LW1j	A-G02	A-G02a	3 PANEL SIDE SLIDING DOOR	4500	2700	SLIDING
LW1a	A-G02	A-G02b	LOUVRE + FIXED WINDOW	800	2700	LOUVRE + FIXED
LW1e	A-G02	A-G02c	HUNG + FIXED MULTI PANEL WINDOW	2800	2700	DOUBLE HUNG + FIXED
UW4a	A-G03	A-G03f	HUNG + FIXED MULTI PANEL WINDOW	4275	2700	DOUBLE HUNG + FIXED
SD2b	A-G03	A-G03e	2 PANEL SLIDING DOOR	2176	2700	SLIDING
SD2b	A-G03	A-G03b	2 PANEL SLIDING DOOR	2176	2700	SLIDING
SD2b	A-G03	A-G03c	2 PANEL SLIDING DOOR	2176	2700	SLIDING
SD2b	A-G03	A-G03d	2 PANEL SLIDING DOOR	2176	2700	SLIDING
SD2b	A-G04	A-G04b	2 PANEL SLIDING DOOR	2176	2700	SLIDING
SD2b	A-G04	A-G04e	2 PANEL SLIDING DOOR	2176	2700	SLIDING
SD2b	A-G04	A-G04d	2 PANEL SLIDING DOOR	2176	2700	SLIDING
SD2b	A-G04	A-G04c	2 PANEL SLIDING DOOR	2176	2700	SLIDING
LW1d	A-G05	A-G05c	LOUVRE + FIXED WINDOW	800	2100	LOUVRE + FIXED
LW1d	A-G05	A-G05d	LOUVRE + FIXED WINDOW	800	2100	LOUVRE + FIXED
LW1d	B-G01	B-G01f	LOUVRE + FIXED WINDOW	800	2100	LOUVRE + FIXED
LW1d	B-G01	B-G01g	LOUVRE + FIXED WINDOW	800	2100	LOUVRE + FIXED
SD2b	B-G01	B-G01c	2 PANEL SLIDING DOOR	2176	2700	SLIDING
SD2b	B-G01	B-G01b	2 PANEL SLIDING DOOR	2176	2700	SLIDING
SD2b	B-G01	B-G01a	2 PANEL SLIDING DOOR	2176	2700	SLIDING
UW4a	B-G02	B-G02f	HUNG + FIXED MULTI PANEL WINDOW	4275	2700	DOUBLE HUNG + FIXED
SD2b	B-G02	B-G02b	2 PANEL SLIDING DOOR	2176	2700	SLIDING
SD2b	B-G02	B-G02c	2 PANEL SLIDING DOOR	2176	2700	SLIDING
SD2b	B-G02	B-G02d	2 PANEL SLIDING DOOR	2176	2700	SLIDING
SD2b	B-G02	B-G02e	2 PANEL SLIDING DOOR	2176	2700	SLIDING
SD2b	B-G03	B-G03d	2 PANEL SLIDING DOOR	2176	2700	SLIDING
SD2b	B-G03	B-G03c	2 PANEL SLIDING DOOR	2176	2700	SLIDING
SD2b	B-G03	B-G03b	2 PANEL SLIDING DOOR	2176	2700	SLIDING
SD2b	B-G03	B-G03e	2 PANEL SLIDING DOOR	2176	2700	SLIDING
SD3a	B-G03	B-G03a	3 PANEL SIDE SLIDING DOOR	3980	2700	SLIDING
SD3a	B-G04	B-G04b	3 PANEL SIDE SLIDING DOOR	3980	2700	SLIDING
SD2b	B-G04	B-G04b	2 PANEL SLIDING DOOR	2176	2700	SLIDING
SD2b	B-G04	B-G04c	2 PANEL SLIDING DOOR	2176	2700	SLIDING
SD2b	B-G04	B-G04a	2 PANEL SLIDING DOOR	2176	2700	SLIDING

GROUND: 45

GROUND (C)

LW1e		C-G02c	HUNG + FIXED MULTI PANEL WINDOW	2800	2700	DOUBLE HUNG + FIXED
LW1e		C-G02b	HUNG + FIXED MULTI PANEL WINDOW	2800	2700	DOUBLE HUNG + FIXED
LW1h		C-G02d	HUNG + FIXED MULTI PANEL WINDOW	2200	2700	DOUBLE HUNG + FIXED
LW1b		C-G02a	LOUVRE + FIXED WINDOW	1200	2700	LOUVRE + FIXED
LW1i		C-G05d	LOUVRE + FIXED WINDOW	800	1850	LOUVRE + FIXED
SD2b	C-G01	C-G01a	2 PANEL SLIDING DOOR	2176	2700	SLIDING
SD2b	C-G01	C-G01b	2 PANEL SLIDING DOOR	2176	2700	SLIDING
SD3a	C-G01	C-G01c	3 PANEL SIDE SLIDING DOOR	3980	2700	SLIDING
SD3a	C-G01	C-G01d	3 PANEL SIDE SLIDING DOOR	3980	2700	SLIDING
LW1b	C-G01	C-G01e	LOUVRE + FIXED WINDOW	1200	2700	LOUVRE + FIXED
UW4a	C-G02	C-G02f	HUNG + FIXED MULTI PANEL WINDOW	4275	2700	DOUBLE HUNG + FIXED
SD2b	C-G02	C-G02i	2 PANEL SLIDING DOOR	2176	2700	SLIDING
SD3a	C-G02	C-G02g	3 PANEL SIDE SLIDING DOOR	3980	2700	SLIDING
SD2b	C-G02	C-G02h	2 PANEL SLIDING DOOR	2176	2700	SLIDING
LW1e	C-G02	C-G02e	HUNG + FIXED MULTI PANEL WINDOW	2800	2700	DOUBLE HUNG + FIXED
SD2b	C-G03	C-G03a	2 PANEL SLIDING DOOR	2176	2700	SLIDING
SD3a	C-G03	C-G03b	3 PANEL SIDE SLIDING DOOR	3980	2700	SLIDING
SD2b	C-G03	C-G03c	2 PANEL SLIDING DOOR	2176	2700	SLIDING
SD2b	C-G04	C-G04d	2 PANEL SLIDING DOOR	2176	2700	SLIDING
SD3a	C-G04	C-G04c	3 PANEL SIDE SLIDING DOOR	3980	2700	SLIDING
SD2b	C-G04	C-G04b	2 PANEL SLIDING DOOR	2176	2700	SLIDING
SD2b	C-G04	C-G04a	2 PANEL SLIDING DOOR	2176	2700	SLIDING
SD2b	C-G05	C-G05a	2 PANEL SLIDING DOOR	2176	2700	SLIDING
SD2b	C-G05	C-G05c	2 PANEL SLIDING DOOR	2176	2700	SLIDING
SD3a	C-G05	C-G05b	3 PANEL SIDE SLIDING DOOR	3980	2700	SLIDING
LW1f	C-G06	C-G06d	HUNG + FIXED MULTI PANEL WINDOW	3050	2100	DOUBLE HUNG + FIXED
SD2b	C-G06	C-G06e	2 PANEL SLIDING DOOR	2176	2700	SLIDING
SD2b	C-G06	C-G06c	2 PANEL SLIDING DOOR	2176	2700	SLIDING
SD2a	C-G06	C-G06a	2 PANEL SLIDING DOOR	1876	2700	SLIDING
SD2b	C-G06	C-G06f	2 PANEL SLIDING DOOR	2176	2700	SLIDING
SD2a	C-G06	C-G06b	2 PANEL SLIDING DOOR	1876	2700	SLIDING

GROUND (C): 31

GLAZING SCHEDULE

TYPE	UNIT	MARK	DESCRIPTION	WIDTH	HEIGHT	OPERABILITY
LEVEL 01						
UW3b		B-101d	HUNG + FIXED MULTI PANEL WINDOW	3650	2750	DOUBLE HUNG + FIXED
LW1e		A-105c	HUNG + FIXED MULTI PANEL WINDOW	2800	2700	DOUBLE HUNG + FIXED
UW4a		A-104a	HUNG + FIXED MULTI PANEL WINDOW	4275	2700	DOUBLE HUNG + FIXED
LW1h		A-102b	HUNG + FIXED MULTI PANEL WINDOW	2200	2700	DOUBLE HUNG + FIXED
UW4a		B-103a	HUNG + FIXED MULTI PANEL WINDOW	4275	2700	DOUBLE HUNG + FIXED
UW3b		A-105b	HUNG + FIXED MULTI PANEL WINDOW	3650	2750	DOUBLE HUNG + FIXED
UW3a		A-102d	HUNG + FIXED MULTI PANEL WINDOW	3050	2700	DOUBLE HUNG + FIXED
LW1a		A-102f	LOUVRE + FIXED WINDOW	800	2700	LOUVRE + FIXED
LW1b		C-102a	LOUVRE + FIXED WINDOW	1200	2700	LOUVRE + FIXED
LW1b		A-100a	LOUVRE + FIXED WINDOW	1200	2700	LOUVRE + FIXED
LW1b		B-100a	LOUVRE + FIXED WINDOW	1200	2700	LOUVRE + FIXED
SD3a	A-101	A-101d	3 PANEL SIDE SLIDING DOOR	3980	2700	SLIDING
SD2b	A-101	A-101c	2 PANEL SLIDING DOOR	2176	2700	SLIDING
SD2b	A-101	A-101e	2 PANEL SLIDING DOOR	2176	2700	SLIDING
SD2b	A-101	A-101b	2 PANEL SLIDING DOOR	2176	2700	SLIDING
LW1a	A-101	A-101a	LOUVRE + FIXED WINDOW	800	2700	LOUVRE + FIXED
LW1h	A-102	A-102a	HUNG + FIXED MULTI PANEL WINDOW	2200	2700	DOUBLE HUNG + FIXED
LW1h	A-102	A-102c	HUNG + FIXED MULTI PANEL WINDOW	2200	2700	DOUBLE HUNG + FIXED
LW1a	A-102	A-102e	LOUVRE + FIXED WINDOW	800	2700	LOUVRE + FIXED
SD3a	A-102	A-102g	3 PANEL SIDE SLIDING DOOR	3980	2700	SLIDING
UW4a	A-103	A-103e	HUNG + FIXED MULTI PANEL WINDOW	4275	2700	DOUBLE HUNG + FIXED
SD2b	A-103	A-103d	2 PANEL SLIDING DOOR	2176	2700	SLIDING
SD2b	A-103	A-103a	2 PANEL SLIDING DOOR	2176	2700	SLIDING
SD2b	A-103	A-103b	2 PANEL SLIDING DOOR	2176	2700	SLIDING
SD2b	A-103	A-103c	2 PANEL SLIDING DOOR	2176	2700	SLIDING
SD2b	A-104	A-104b	2 PANEL SLIDING DOOR	2176	2700	SLIDING
SD2b	A-104	A-104d	2 PANEL SLIDING DOOR	2176	2700	SLIDING
SD2b	A-104	A-104c	2 PANEL SLIDING DOOR	2176	2700	SLIDING
SD3a	A-105	A-105a	3 PANEL SIDE SLIDING DOOR	3980	2700	SLIDING
SD3a	B-101	B-101e	3 PANEL SIDE SLIDING DOOR	3980	2700	SLIDING
SD2b	B-101	B-101c	2 PANEL SLIDING DOOR	2176	2700	SLIDING
SD2b	B-101	B-101b	2 PANEL SLIDING DOOR	2176	2700	SLIDING
SD2b	B-101	B-101a	2 PANEL SLIDING DOOR	2176	2700	SLIDING
UW4a	B-102	B-102d	HUNG + FIXED MULTI PANEL WINDOW	4275	2700	DOUBLE HUNG + FIXED
SD2b	B-102	B-102c	2 PANEL SLIDING DOOR	2176	2700	SLIDING
SD2b	B-102	B-102a	2 PANEL SLIDING DOOR	2176	2700	SLIDING
SD2b	B-102	B-102b	2 PANEL SLIDING DOOR	2176	2700	SLIDING
SD2b	B-103	B-103b	2 PANEL SLIDING DOOR	2176	2700	SLIDING
SD2b	B-103	B-103e	2 PANEL SLIDING DOOR	2176	2700	SLIDING
SD2b	B-103	B-103d	2 PANEL SLIDING DOOR	2176	2700	SLIDING
SD2b	B-103	B-103c	2 PANEL SLIDING DOOR	2176	2700	SLIDING
SD2b	B-104	B-104d	2 PANEL SLIDING DOOR	2176	2700	SLIDING
SD2b	B-104	B-104c	2 PANEL SLIDING DOOR	2176	2700	SLIDING
SD2b	B-104	B-104b	2 PANEL SLIDING DOOR	2176	2700	SLIDING
SD3a	B-104	B-104e	3 PANEL SIDE SLIDING DOOR	3980	2700	SLIDING
LW1a	B-104	B-104a	LOUVRE + FIXED WINDOW	800	2700	LOUVRE + FIXED
SD2b	B-105	B-105d	2 PANEL SLIDING DOOR	2176	2700	SLIDING
SD2b	B-105	B-105c	2 PANEL SLIDING DOOR	2176	2700	SLIDING
SD2b	B-105	B-105b	2 PANEL SLIDING DOOR	2176	2700	SLIDING
SD2b	B-105	B-105e	2 PANEL SLIDING DOOR	2176	2700	SLIDING
SD3a	B-105	B-105a	3 PANEL SIDE SLIDING DOOR	3980	2700	SLIDING
LW1a	B-106	B-106e	LOUVRE + FIXED WINDOW	800	2700	LOUVRE + FIXED
SD3a	B-106	B-106b	3 PANEL SIDE SLIDING DOOR	3980	2700	SLIDING
SD2b	B-106	B-106d	2 PANEL SLIDING DOOR	2176	2700	SLIDING
SD2b	B-106	B-106c	2 PANEL SLIDING DOOR	2176	2700	SLIDING
SD2b	B-106	B-106a	2 PANEL SLIDING DOOR	2176	2700	SLIDING

LEVEL 01: 56

LEVEL 01 (C)

LW1e		C-102e	HUNG + FIXED MULTI PANEL WINDOW	2800	2700	DOUBLE HUNG + FIXED
UW4a		C-102f	HUNG + FIXED MULTI PANEL WINDOW	4275	2700	DOUBLE HUNG + FIXED
LW1e		C-102c	HUNG + FIXED MULTI PANEL WINDOW	2800	2700	DOUBLE HUNG + FIXED
LW1h		C-103a	HUNG + FIXED MULTI PANEL WINDOW	2200	2700	DOUBLE HUNG + FIXED
LW1h		C-104e	HUNG + FIXED MULTI PANEL WINDOW	2200	2700	DOUBLE HUNG + FIXED
LW1h		C-102j	HUNG + FIXED MULTI PANEL WINDOW	2200	2700	DOUBLE HUNG + FIXED
LW1e		C-102b	HUNG + FIXED MULTI PANEL WINDOW	2800	2700	DOUBLE HUNG + FIXED
LW1h		C-102d	HUNG + FIXED MULTI PANEL WINDOW	2200	2700	DOUBLE HUNG + FIXED
LW1b		C-100a	LOUVRE + FIXED WINDOW	1200	2700	LOUVRE + FIXED
SD2b	C-101	C-101a	2 PANEL SLIDING DOOR	2176	2700	SLIDING
SD3a	C-101	C-101e	3 PANEL SIDE SLIDING DOOR	3980	2700	SLIDING
SD2b	C-101	C-101b	2 PANEL SLIDING DOOR	2176	2700	SLIDING
SD2b	C-101	C-101c	2 PANEL SLIDING DOOR	2176	2700	SLIDING
SD3a	C-101	C-101d	3 PANEL SIDE SLIDING DOOR	3980	2700	SLIDING
LW1b	C-101	C-101f	LOUVRE + FIXED WINDOW	1200	2700	LOUVRE + FIXED
SD3a	C-102	C-102g	3 PANEL SIDE SLIDING DOOR	3980	2700	SLIDING
SD2b	C-102	C-102h	2 PANEL SLIDING DOOR	2176	2700	SLIDING
SD2a	C-102	C-102i	2 PANEL SLIDING DOOR	1876	2700	SLIDING
SD3a	C-103	C-103c	3 PANEL SIDE SLIDING DOOR	3980	2700	SLIDING
SD2b	C-103	C-103d	2 PANEL SLIDING DOOR	2176	2700	SLIDING
SD2a	C-103	C-103b	2 PANEL SLIDING DOOR	1876	2700	SLIDING
SD3a	C-104	C-104c	3 PANEL SIDE SLIDING DOOR	3980	2700	SLIDING
SD2b	C-104	C-104a	2 PANEL SLIDING DOOR	2176	2700	SLIDING
SD2b	C-104	C-104b	2 PANEL SLIDING DOOR	2176	2700	SLIDING
SD2a	C-104	C-104d	2 PANEL SLIDING DOOR	1876	2700	SLIDING
SD3a	C-105	C-105c	3 PANEL SIDE SLIDING DOOR	3980	2700	SLIDING
SD2b	C-105	C-105e	2 PANEL SLIDING DOOR	2176	2700	SLIDING
SD2b	C-105	C-105d	2 PANEL SLIDING DOOR	2176	2700	SLIDING
LW1h	C-105	C-105a	HUNG + FIXED MULTI PANEL WINDOW	2200	2700	DOUBLE HUNG + FIXED
SD2a	C-105	C-105b	2 PANEL SLIDING DOOR	1876	2700	SLIDING
LW1a	C-105	C-105f	LOUVRE + FIXED WINDOW	800	2700	LOUVRE + FIXED
SD2a	C-106	C-106c	2 PANEL SLIDING DOOR	1876	2700	SLIDING
UW3a	C-106	C-106e	HUNG + FIXED MULTI PANEL WINDOW	3050	2700	DOUBLE HUNG + FIXED
SD2a	C-106	C-106b	2 PANEL SLIDING DOOR	1876	2700	SLIDING
SD2b	C-106	C-106g	2 PANEL SLIDING DOOR	2176	2700	SLIDING
SD2b	C-106	C-106f	2 PANEL SLIDING DOOR	2176	2700	SLIDING
SD2b	C-106	C-106d	2 PANEL SLIDING DOOR	2176	2700	SLIDING
LW1a	C-106	C-106a	LOUVRE + FIXED WINDOW	800	2700	LOUVRE + FIXED

LEVEL 01 (C): 38

LEVEL 02

GLAZING SCHEDULE

TYPE	UNIT	MARK	DESCRIPTION	WIDTH	HEIGHT	OPERABILITY
UW3b		B-201d	HUNG + FIXED MULTI PANEL WINDOW	3650	2750	DOUBLE HUNG + FIXED
LW1e		A-205c	HUNG + FIXED MULTI PANEL WINDOW	2800	2700	DOUBLE HUNG + FIXED
LW1h		A-202b	HUNG + FIXED MULTI PANEL WINDOW	2200	2700	DOUBLE HUNG + FIXED
UW4a		B-203a	HUNG + FIXED MULTI PANEL WINDOW	4275	2700	DOUBLE HUNG + FIXED
UW3b		A-205b	HUNG + FIXED MULTI PANEL WINDOW	3650	2750	DOUBLE HUNG + FIXED
UW3a		A-202d	HUNG + FIXED MULTI PANEL WINDOW	3050	2700	DOUBLE HUNG + FIXED
UW4a		A-204a	HUNG + FIXED MULTI PANEL WINDOW	4275	2700	DOUBLE HUNG + FIXED
LW1a		B-301f	LOUVRE + FIXED WINDOW	800	2700	LOUVRE + FIXED
LW1b		B-200a	LOUVRE + FIXED WINDOW	1200	2700	LOUVRE + FIXED
LW1b		A-200a	LOUVRE + FIXED WINDOW	1200	2700	LOUVRE + FIXED
SD3a	A-201	A-201d	3 PANEL SIDE SLIDING DOOR	3980	2700	SLIDING
SD2b	A-201	A-201c	2 PANEL SLIDING DOOR	2176	2700	SLIDING
SD2b	A-201	A-201e	2 PANEL SLIDING DOOR	2176	2700	SLIDING
SD2b	A-201	A-201b	2 PANEL SLIDING DOOR	2176	2700	SLIDING
LW1a	A-201	A-201a	LOUVRE + FIXED WINDOW	800	2700	LOUVRE + FIXED
LW1h	A-202	A-202a	HUNG + FIXED MULTI PANEL WINDOW	2200	2700	DOUBLE HUNG + FIXED
LW1h	A-202	A-202c	HUNG + FIXED MULTI PANEL WINDOW	2200	2700	DOUBLE HUNG + FIXED
LW1a	A-202	A-202e	LOUVRE + FIXED WINDOW	800	2700	LOUVRE + FIXED
SD3a	A-202	A-202g	3 PANEL SIDE SLIDING DOOR	3980	2700	SLIDING
UW4a	A-203	A-203e	HUNG + FIXED MULTI PANEL WINDOW	4275	2700	DOUBLE HUNG + FIXED
SD2b	A-203	A-203d	2 PANEL SLIDING DOOR	2176	2700	SLIDING
SD2b	A-203	A-203a	2 PANEL SLIDING DOOR	2176	2700	SLIDING
SD2b	A-203	A-203b	2 PANEL SLIDING DOOR	2176	2700	SLIDING
SD2b	A-203	A-203c	2 PANEL SLIDING DOOR	2176	2700	SLIDING
SD2b	A-204	A-204b	2 PANEL SLIDING DOOR	2176	2700	SLIDING
SD2b	A-204	A-204d	2 PANEL SLIDING DOOR	2176	2700	SLIDING
SD2b	A-204	A-204c	2 PANEL SLIDING DOOR	2176	2700	SLIDING
SD3a	A-205	A-205a	3 PANEL SIDE SLIDING DOOR	3980	2700	SLIDING
SD3a	B-201	B-201e	3 PANEL SIDE SLIDING DOOR	3980	2700	SLIDING
SD2b	B-201	B-201c	2 PANEL SLIDING DOOR	2176	2700	SLIDING
SD2b	B-201	B-201b	2 PANEL SLIDING DOOR	2176	2700	SLIDING
SD2b	B-201	B-201a	2 PANEL SLIDING DOOR	2176	2700	SLIDING
UW4a	B-202	B-202d	HUNG + FIXED MULTI PANEL WINDOW	4275	2700	DOUBLE HUNG + FIXED
SD2b	B-202	B-202c	2 PANEL SLIDING DOOR	2176	2700	SLIDING
SD2b	B-202	B-202a	2 PANEL SLIDING DOOR	2176	2700	SLIDING
SD2b	B-202	B-202b	2 PANEL SLIDING DOOR	2176	2700	SLIDING
SD2b	B-203	B-203b	2 PANEL SLIDING DOOR	2176	2700	SLIDING
SD2b	B-203	B-203e	2 PANEL SLIDING DOOR	2176	2700	SLIDING
SD2b	B-203	B-203d	2 PANEL SLIDING DOOR	2176	2700	SLIDING
SD2b	B-203	B-203c	2 PANEL SLIDING DOOR	2176	2700	SLIDING
SD2b	B-204	B-204d	2 PANEL SLIDING DOOR	2176	2700	SLIDING
SD2b	B-204	B-204c	2 PANEL SLIDING DOOR	2176	2700	SLIDING
SD2b	B-204	B-204b	2 PANEL SLIDING DOOR	2176	2700	SLIDING
SD3a	B-204	B-204e	3 PANEL SIDE SLIDING DOOR	3980	2700	SLIDING
LW1a	B-204	B-204a	LOUVRE + FIXED WINDOW	800	2700	LOUVRE + FIXED
SD2b	B-205	B-205d	2 PANEL SLIDING DOOR	2176	2700	SLIDING
SD2b	B-205	B-205c	2 PANEL SLIDING DOOR	2176	2700	SLIDING
SD2b	B-205	B-205b	2 PANEL SLIDING DOOR	2176	2700	SLIDING
SD2b	B-205	B-205e	2 PANEL SLIDING DOOR	2176	2700	SLIDING
SD3a	B-205	B-205a	3 PANEL SIDE SLIDING DOOR	3980	2700	SLIDING
LW1a	B-206	B-206e	LOUVRE + FIXED WINDOW	800	2700	LOUVRE + FIXED
SD3a	B-206	B-206b	3 PANEL SIDE SLIDING DOOR	3980	2700	SLIDING
SD2b	B-206	B-206d	2 PANEL SLIDING DOOR	2176	2700	SLIDING
SD2b	B-206	B-206c	2 PANEL SLIDING DOOR	2176	2700	SLIDING
SD2b	B-206	B-206a	2 PANEL SLIDING DOOR	2176	2700	SLIDING

LEVEL 02: 55

LEVEL 02 (C)

LW1b		C-210a	LOUVRE + FIXED WINDOW	1200	2700	LOUVRE + FIXED
LW1h		C-203e	HUNG + FIXED MULTI PANEL WINDOW	2200	2700	DOUBLE HUNG + FIXED
LW1b		C-200a	LOUVRE + FIXED WINDOW	1200	2700	LOUVRE + FIXED
SD2b	C-201	C-201a	2 PANEL SLIDING DOOR	2176	2700	SLIDING
SD3a	C-201	C-201e	3 PANEL SIDE SLIDING DOOR	3980	2700	SLIDING
SD2b	C-201	C-201b	2 PANEL SLIDING DOOR	2176	2700	SLIDING
SD2b	C-201	C-201c	2 PANEL SLIDING DOOR	2176	2700	SLIDING
SD3a	C-201	C-201d	3 PANEL SIDE SLIDING DOOR	3980	2700	SLIDING
LW1b	C-201	C-201f	LOUVRE + FIXED WINDOW	1200	2700	LOUVRE + FIXED
SD3a	C-202	C-202

EXTERNAL MATERIALS & FINISHES

CL-001 - "CEMINTEL"
STREET STYLE
EDGE CLADDING OXFORD
COLOUR : RIDGE WHITE

CL-002 - "JAMES HARDIE"
AXON CLADDING
SYSTEM
COLOUR : DULUX
DOMINO

ST-001 - "RMS TRADERS
STONE WALL CLADDING
TYPE:AMMOS

AL-001 - ALUMINUM
SLAB EDGE PROFILE
COLOUR : DULUX
MONUMENT SATIN

BA-001 - POWDER
COAT BALUSTRATE
COLOUR : DULUX
WHITE MATT

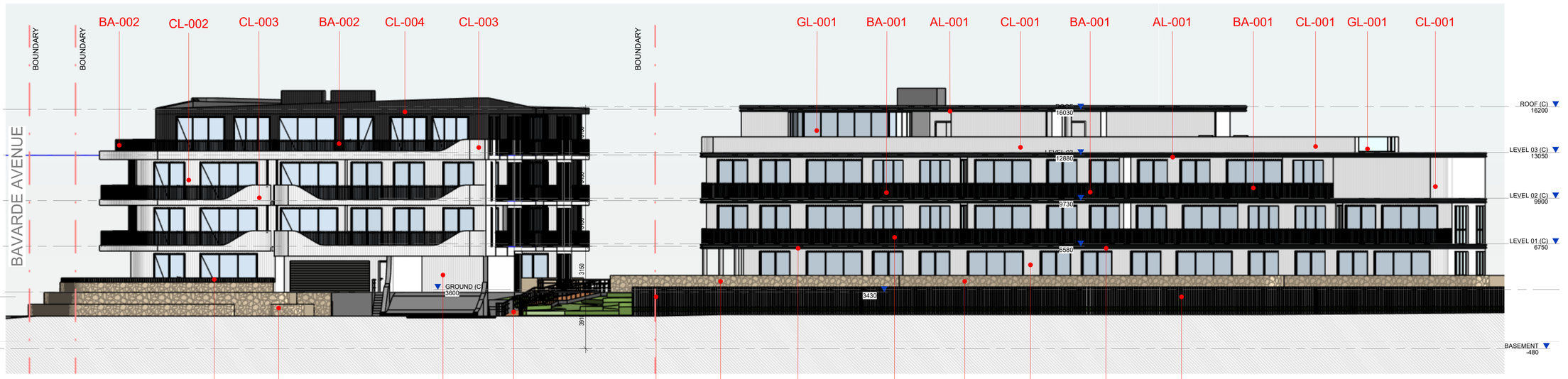
WD-001 - NATIONWIDE
TIMBER DECKING
COLOUR :
TALLOWWODD
DECKING

GL-001 - FRAMLESS
GLASS BALSUTRADE

SOUTH ELEVATION - FINISHES

1 : 150

CL-001 BA-001 CL-001 ST-001 BA-001 GL-001 CL-001 CL-001 ST-001 BA-001 BA-001 ST-001 CL-002 CL-001



EAST ELEVATION - FINISHES

1 : 150

BA-001 ST-001 CL-001 WD-001 BA-001 ST-001 AL-001 BA-002 ST-001 CL-001 AL-001 BA-001

PRELIMINARY
NOT FOR CONSTRUCTION
DEVELOPMENT APPLICATION

eurobodalla shire council

ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979
These are plan/s referred to in Development Consent DA0593/23 and are approved, subject to compliance with the conditions.
Issued by Eurobodalla Shire Council
Sheet Number 41 of 42

Document Notes
Verify all dimensions on site before commencing work. Report all discrepancies to the architect prior to construction. Place Studio shall not be held responsible for any variations to specifications or drawings due to any discrepancies without consultation. Use figured dimensions in preference to scaled dimensions. Drawings made to larger scales and those showing particular parts of the works take precedence over drawings made to smaller scales or for general purposes. All work is to conform to relevant Australian Standards and Codes together with all Authorities' requirements and Regulations.

REV	DATE	DESCRIPTION	APP
A	21/03/2023	DA SUBMISSION	SK
B	24/11/2023	DA RFI Response	JA
C	03/09/2024	DA Submission	BA

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PROJECT:
#2021029
HERADALE
BATEMANS BAY
20 HERADALE PARADE
BATEMANS BAY

DRAWING TITLE:
MATERIALS SCHEDULE

SHEET NUMBER: **DA-9200**
REV: **C**
DATE: 03/09/2024

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12/18/2024 2:23:28 PM

eurobodalla shire council

ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979
These are plan/s referred to in Development Consent DA0593/23 and are approved, subject to compliance with the conditions.
Issued by Eurobodalla Shire Council
Sheet Number 42 of 42

VIEW FROM BAVARDE AVENUE

VIEW FROM HAREDALE PARADE

PRELIMINARY
NOT FOR CONSTRUCTION
DEVELOPMENT APPLICATION

Document Notes
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REV	DATE	DESCRIPTION	APP
A	21/03/2023	DA SUBMISSION	SK
B	03/09/2024	DA Submission	BA

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PROJECT:
#2021029
HERADALE
BATEMANS BAY
20 HERADALE PARADE
BATEMANS BAY

DRAWING TITLE:
PERSPECTIVE VIEWS

SHEET NUMBER: **DA-9300**
REV: **B**
DATE: 03/09/2024

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12/18/2024 2:23:33 PM

ANNEXURE 3

Clause 4.6 Variation Statement (cl 4.3 Height)

20 Heradale Parade, Batemans Bay

September, 2024

BMA URBAN

1. INTRODUCTION

This Clause 4.6 Exceptions to Development Standards request has been prepared by BMA Urban on behalf of Place Studio. It is submitted in support of a Development Application (DA) for a residential flat building at 20 Heradale Parade, Batemans Bay.

This request seeks approval to vary the height of buildings development standard in clause 4.3 of the ELEP 2012. Clause 4.3 prescribes a numerical building height limit of 11.5m and 12.5m over the subject site. The proposed building height departs from this standard as demonstrated in **Part 2** of this variation request.

Clause 4.6 of the *Eurobodalla Local Environmental Plan 2012* (ELEP 2012) enables consent for development to be granted even though it contravenes a development standard. The clause aims to provide an appropriate degree of flexibility in applying certain development standards to achieve better outcomes for and from development.

As the following request demonstrates, flexibility may be afforded by Clause 4.6 because compliance with the height of buildings development standard is unreasonable or unnecessary in the circumstances of the case and there are sufficient environmental planning grounds to justify contravening the standard. This request also demonstrates that the proposal will be in the public interest, as the proposed development will be consistent with the objectives of the development standard and the zoning of the site.

The following sections of the report provide an assessment of the request to vary the development standards relating to "***height of buildings***" in accordance with Clause 4.6 of the *Eurobodalla Local Environmental Plan 2012* (ELEP 2012').

Consideration has been given to the following matters within this assessment:

- *Varying development standards: A Guide*, prepared by the Department of Planning and Infrastructure dated August 2011.
- Relevant planning principles and judgments issued by the Land and Environment Court. The *Initial Action Pty Ltd v Woollahra Municipal Council* [2018] NSWLEC 118 court judgment is the most relevant of recent case law.

Chief Justice Preston of the Land and Environment Court confirmed (in the above judgment):

The consent authority must, primarily, be satisfied the applicant's written request adequately addresses the 'unreasonable or unnecessary' and 'sufficient environmental planning grounds' tests:

> *"that the applicant's written request ... has adequately addressed the matters required to be demonstrated by cl 4.6(3). These matters are twofold: first, that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case ... and, secondly, that there are sufficient environmental planning grounds to justify contravening the development standard ..."* [15]

On the 'Five Part Test' established under *Wehbe v Pittwater Council* [2007] NSWLEC 827:

> *"The five ways are not exhaustive of the ways in which an applicant might demonstrate that compliance with a development standard is unreasonable or unnecessary; they are merely the most commonly invoked ways. An applicant does not need to establish all of the ways. It may be sufficient to establish only one way..."* [22]

That, in establishing 'sufficient environmental planning grounds', the focus must be on the contravention and not the development as a whole:

> *"The environmental planning grounds advanced in the written request must justify the contravention of the development standard, not simply promote the benefits of carrying out the development as a whole"* [26]

That clause 4.6 does not directly or indirectly establish a test that the non-compliant development should have a neutral or beneficial effect relative to a compliant development:

> *"Clause 4.6 does not directly or indirectly establish this test. The requirement in cl 4.6(3)(b) is that there are sufficient environmental planning grounds to justify contravening the development standard, not that the development that contravenes the development standard will have a better environmental planning outcome than a development that complies with the development standard."* [88]

This clause 4.6 variation has specifically responded to the matters outlined above and demonstrates that the request meets the relevant tests with regard to recent case law.

In accordance with the ELEP 2012 requirements, this Clause 4.6 variation request:

- identifies the development standard to be varied (**Part 2**);
- identifies the variation sought (**Part 2**);
- Summarises relevant case law (**Part 3**);
- establishes that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case (**Part 4**);
- demonstrates there are sufficient environmental planning grounds to justify the contravention (**Part 4**);
- Provides a conclusion summarising the preceding parts **(Part 5).**

This Clause 4.6 Exception to a Development Standard should be read in conjunction with the architectural plan detail prepared by Place Studio

2. VARIAION OF HEIGHT OF BUILDING'S STANDARD

2.1 DEVELOPMENT STANDARD

Clause 4.3(2) of ELEP sets out the maximum building height for development as shown on the Height of Buildings Map. The site is subject to a maximum building height of 11.5 metres and 12.5m as illustrated in **Figure 2**.

The objectives of clause 4.3 as set out in clause 4.3(1) of the ELEP are:

(a) to ensure that buildings are compatible with the height, bulk and scale of the existing and desired future character of the locality,
(b) to minimise visual impact, disruption of views, loss of privacy and loss of solar access to existing development.

The definition of building height under clause 4.3 of ELEP is:

building height (or height of building) means—

(a) in relation to the height of a building in metres—the vertical distance from ground level (existing) to the highest point of the building, or
(b) in relation to the RL of a building—the vertical distance from the Australian Height Datum to the highest point of the building, including plant and lift overruns, but excluding communication devices, antennae, satellite dishes, masts, flagpoles, chimneys, flues and the like.

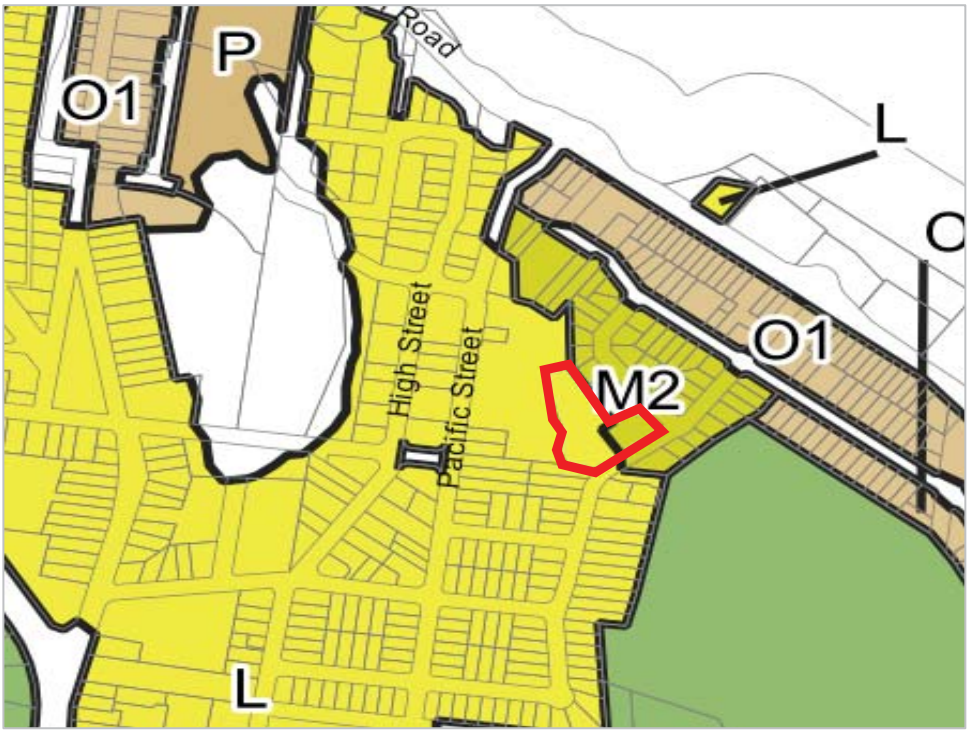


Figure1: Height Map
(Source: ELEP 2012)

2.1 VARIATION TO HEIGHT OF BUIDLING STANDARD

The proposed variations to building height across the development are reflected in Figure 2 (Height Overlay) and are individually itemised in the table below.

Building	Location	Maximum height proposed	Variation range across the nominated location
Building A	Upper Residential /Roof Level	Building A - 12.18m to 14.141m (building peripheries). 15.25m (lift overrun)	618mm (building peripheries) to 3.75m (lift overrun)
Building B	Upper Residential /Roof Level	Building B - 13.2m to 13.88m (building peripheries) 14.46m (lift overrun)	1.7m (building periphery) to 2.96m (lift overrun)
Building C	Upper Residential /Roof Level	Building C - 11.92m to 14.6m (building peripheries) 15.65m (lift overrun)	420mm (building periphery) to 4.15m (lift overrun)

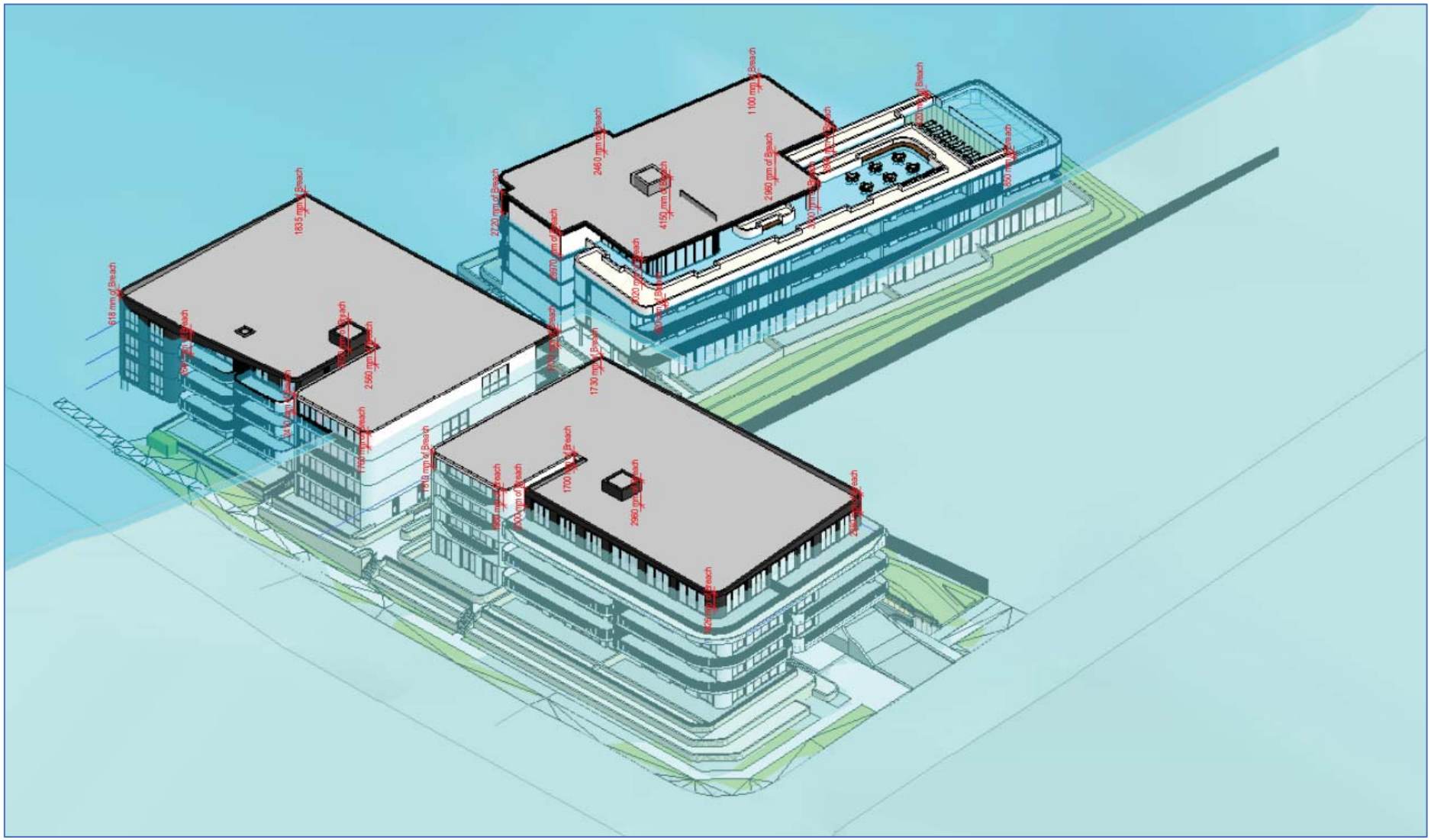


Figure 2: Height Breach Overlay
Source: Place Studio

3. RELEVANT ASSESSMENT FRAMEWORK

Clause 4.6 of ELEP includes provisions that allow for exceptions to development standards in certain circumstances. The objectives of clause 4.6 of ELEP are:

- *(a) to provide an appropriate degree of flexibility in applying certain development standards to particular development,*

- *(b) to achieve better outcomes for and from development by allowing flexibility in particular circumstances.*

Clause 4.6 provides flexibility in the application of planning provisions by allowing the consent authority to approve a DA that does not comply with certain development standards, where it can be shown that flexibility in the particular circumstances of the case would achieve better outcomes for and from the development.

In determining whether to grant consent for development that contravenes a development standard, clause 4.6(3) requires that the consent authority to consider a written request from the applicant that seeks to justify the contravention of the development by demonstrating:

- *(a) that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, and*

- *(b) that there are sufficient environmental planning grounds to justify contravening the development standard.*

Clause 4.6(4) requires the consent authority keep record of its assessment under subclause (3).

This clause 4.6 request demonstrates that compliance with the height of building prescribed for the site in Clause 4.3 of ELEP is unreasonable, and there are sufficient environmental planning grounds to justify the requested variation and that the approval of the variation is consistent with the development standard.

In accordance with clause 4.6(3), the applicant requests that the height of building standard be varied.

4. ASSESSMENT OF THE CLAUSE 4.6 VARIATION

The following sections of the report provide a comprehensive assessment of the request to vary the development standards relating to the height of building standard in accordance with Clause 4.3 of ELEP.

Detailed consideration has been given to the following matters within this assessment:

▪ Varying development standards: A Guide, prepared by the Department of Planning and Infrastructure dated August 2011.

▪ Relevant planning principles and judgements issued by the NSW Land and Environment Court. The following sections of the report provide detailed responses to the key questions required to be addressed within the above documents and clause 4.6 of the LEP.

4.1. ABILITY TO VARY THE STANDARD

The height of building prescribed by Clause 4.3 of ELEP is a development standard capable of being varied under clause 4.6(2) of ELEP. The proposed variation is not excluded from the operation of clause 4.6(2) as it does not comprise any of the matters listed within clause 4.6(6) or clause 4.6(8) of ELEP.

4.2 CONSIDERATION

4.2.1 Clause 4.6 (3)(a) – Is Compliance with the Development Standard Unreasonable or Unnecessary in the Circumstances of the Case?

Historically, the most common way to establish a development standard was unreasonable or unnecessary was by satisfying the first method set out in Wehbe v Pittwater Council [2007] NSWLEC 827. This method requires the objectives of the standard are achieved despite the non-compliance with the standard.

This was recently re-affirmed by the Chief Judge in Initial Action Pty Ltd v Woollahra Municipal Council [2018] NSWLEC 118 at [16]-[17]. Similarly, in Randwick City Council v Micaul Holdings Pty Ltd [2016] NSWLEC 7 at [34] the Chief Judge held that “establishing that the development would not cause environmental harm and is consistent with the objectives of the development standards is an established means of demonstrating that compliance with the development standard is unreasonable or unnecessary”.

This Request addresses the first method outlined in Wehbe v Pittwater Council [2007] NSWLEC 827. This method alone is sufficient to satisfy the ‘unreasonable and unnecessary’ requirement.

▪ ***The objectives of the standard are achieved notwithstanding non-compliance with the standard*** (the first method in Wehbe v Pittwater Council [2007] NSWLEC 827 [42]-[43])

The specific objectives of the height of buildings development standard as specified in clause 4.3 of ELEP are detailed in the **Table** below. An assessment of the consistency of the proposed development with each of the objectives is also provided.

Objectives	Assessment
(a) to ensure that buildings are compatible with the height, bulk and scale of the existing and desired future character of the locality,	The underlying purpose of this objective is to ensure that any future development is designed in a manner whereby any resulting building height will appropriately respond to both the existing and future context in a controlled manner. The proposal demonstrates that the building will visually adapt with that of neighbouring buildings both current and future and that the resulting height breach has been appropriately sited and or integrated into the built form envelope, reducing its visual prominence from both neighbouring properties and the public domain/s. The height breaches are of a siting, scale and form designed to subtly integrate across each respective building roof plate, thus reducing the perceivable visual volume of the height exceedances. It is also evident that the consent authority has been flexible in its approach to the height standard noting that numerous variations have been supported across the defining context. ***These are as follows:*** 390 Beach Road, Batehaven- 14.7% variation 1A Herarde Street, Batemans Bay – 34% variation 50 Beach Road, Batemans Bay - 20% Variation 13A Orient Street, Batemans Bay- 25% 33 Beach Road, Batemans Bay- 7.2% Golf Links Drive, Batemans Bay – 10% The approval of height departures as evident across the aforementioned applications, gives rise to both an existing and desired future character that is not monotonous in terms of building forms but rather, offers a more diverse range in perceivable scales and volumes. That said, the height departures observed across this development are deemed to be not inconsistent with either the existing and or desired future character of either the immediate and or broader contextual setting noting it's obvious transition to more visually pronounced built forms. In some respect, a height compliant development would not serve to respond to this objective in the same manner that this height breaching development seeks to. A height compliant development would

	present as visually subordinate to these more pronounced forms and would therefore, not present as compatible with the desired future character. In summary, the scale, nature and aspect of the site and in turn breaches, enable the proposed building/s to visually integrate with that of neighbouring building's both current and future serving as an affirmation of the objective and not that of a building that abandons height controls.
(b) to minimise visual impact, disruption of views, loss of privacy and loss of solar access to existing development.	***Overshadowing*** A shadow analysis illustrating the extent of shadow cast by way of the proposed development on 21 June (Winter Solstice) has been prepared by Place Studio and is extracted below at **Figure 3 below.** This analysis makes reference to the extent of additional overshadowing that will be cast by the height breaching elements over that of a height compliant development. As observed, the extent of additional impact will not adversely impact the development internally or proximate neighbouring properties alike, to a level outside of that likely to be incurred by a wholly compliant development form. ***Visual Impact*** The height breaching elements/components of the building are of a siting, scale and aspect that will not identify as visually dominant nor jarring to the contextual character. The defined recesses, range in materiality alongside the dispersion of the breaching built form elements, ensures that the height departures will not give rise to an unreasonable level of development volume as perceived from the public domains and or neighbouring properties. ***Privacy*** In terms of privacy as a general observation, the proposed apartment layouts and orientations have been carefully arranged within the parameters set by the DCP to ensure appropriate privacy is achieved within the site and between existing surrounding buildings. Privacy between the proposed dwellings and open spaces both private and communal within the site, is achieved by appropriate building separation, offsetting principal windows of apartments and through landscaping and privacy screening.

	With respect to privacy where specifically related to the breaching element/s of the building, this is mitigated through the siting of the floor plates, orientation of proposed fenestration and provision of blank wall facades. This outcome will ensure that no discernible impacts to the extent of privacy afforded to neighbouring properties or future residents alike will occur. ***View Loss*** The breaching elements will not give rise to an adverse levels of view loss impact to neighbouring properties.

Figure 3: Shadow diagram
Source: Place Studio

4.3 Clause 4.6 (3)(b) – Are there Sufficient Environmental Planning Grounds to Justify Contravening the Development Standard?

Clause 4.6(3)(b) of the ELEP 2012, requires the consent authority to be satisfied that the applicant's written request has adequately addressed clause 4.6(3)(b), by demonstrating:

> *"That there are sufficient environmental planning grounds to justify contravening the development standard".*

The environmental planning grounds relied on in the written request under Clause 4.6 must be sufficient to justify contravening the development standard. The focus is on the aspect of the development that contravenes the development standard, not the development as a whole. Therefore, the environmental planning grounds advanced in the written request must justify the contravention of the development standard and not simply promote the benefits of carrying out the development as summarised in (*Initial Action Pty Ltd v Woollahra Municipal Council* [2018] NSWLEC 118).

There is an absence of environmental harm arising from the contravention and positive planning benefits arising from the proposed development as outlined in detail above. These include:

- The proposed development for residential flat buildings is permissible and is consistent with the objectives of the Height of Building control contained in ELEP 2012;

- The topography is a unique constraint which affects the site and results in a design that exceeds the numerical height limit. The site slope results in an inevitable variation to the extent of exceedance of the building height standard;

- The subject site is flood affected. According to council's requirements, the habitable floor levels and the basement protection level (crest level) shall be set minimum at the FPL 3.43m AHD. This land impediment has had a direct bearing with respect to the extent of height breach observed across the development.

- An identifiable extent of the site is identified as bushland area and therefore, any future development form needs to be distributed across the land in a manner that avoids the bushland. Numerically, 3,988.5m^2 or 47% of the site is identified as bushland. Any future development form therefore needs to be sited within the eastern/south-eastern components of the land thereby limiting any base floor plate expanse and distribution. This outcome will inevitably result in a tighter floor plate arrangement that will result in a building height increase across the areas of the land not burdened by the preservation of bushland.

- The Proposal will not result in the generation of an unreasonable extent of amenity impacts beyond that of a compliant scheme; and

- All other requirements relating to height and land use are consistent.

Based on the above, it has been demonstrated that there are sufficient environmental planning grounds to justify the proposed non-compliance to the maximum height of buildings in this instance.

The Objects of the Act under S1.3 are also relevant to whether grounds exist to warrant a variation. While this does not necessarily require that the proposed development should be consistent with the objects of the Act, nevertheless, in **the table below** we consider whether the proposed development is consistent with each object.

The objects of this Act and how this proposal responds to the object are as follows:

Object	Comment
(a) to promote the social and economic welfare of the community and a better environment by the proper management, development and conservation of the State's natural and other resources,	This object is not relevant to this application.
(b) to facilitate ecologically sustainable development by integrating relevant economic, environmental and social considerations in decision-making about environmental planning and assessment,	The proposal will facilitate an ecologically sustainable development given that no negative impact on environmental and social considerations will arise. This in turn will serve to offer the ongoing sustainment of the economic health of the area.
(c) to promote the orderly and economic use and development of land,	The proposed development will promote the orderly and economic use of the land by way of providing a land use intensity consistent with that envisaged by Council.
(d) to promote the delivery and maintenance of affordable housing,	This object is not relevant to this development.
(e) to protect the environment, including the conservation of threatened and other species of native animals and plants, ecological communities and their habitats,	Given the nature and character of the urban setting the proposed development is located within, no impact on threatened species or ecological communities is likely to result.
(f) to promote the sustainable management of built and cultural heritage (including Aboriginal cultural heritage),	This object is not relevant to this development
(g) to promote good design and amenity of the built environment,	The proposed development promotes good design in that it serves to provide a built form and massing arrangement that serves to positively influence the future amenity of the dwelling occupants while adopting an architectural form and language, with an overall silhouette, height and land use intensity compatible with both the established and emerging development and housing typology. The subject site is a corner allotment. The proposed development reinforces and adds strength to this prominent position. Given the emerging scale of the built environment, a compliant design would not appropriately reinforce the site's prominence.
(h) to promote the proper construction and maintenance of buildings, including the protection of the health and safety of their occupants,	The proposed development will comply with all relevant BCA codes and will promote the health and safety of occupants. Furthermore, the breach supports the location of the rooftop communal open spaces, which in turn, reduces the impact of the new population on existing resources, As important, outdoor amenity encourages relaxation which has a

	direct bearing on the physical and mental health of future building occupants.
(i) to promote the sharing of the responsibility for environmental planning and assessment between the different levels of government in the State,	This object is not relevant to this development
(j) to provide increased opportunity for community participation in environmental planning and assessment.	This application will be neighbour notified in accordance with Council's DCP provisions.

Based on the above, the consent authority can be satisfied that there the proposed development remains consistent with the Objects of the Act despite the height non-compliance.

4.3.1 Clause 4.6 (4) - The consent authority must keep a record of its assessment carried out under subclause (3).

Eurobodalla Shire Council has a current Clause 4.6 register. Any record of this development and its address of subclause (3) will be required to be uploaded on this register.

5. CONCLUSION

For the reasons set out in this written request, strict compliance with the height of buildings development standard contained within clause 4.3 of ELEP is unreasonable and unnecessary in the circumstances of the case. Further, there are sufficient environmental planning grounds to justify the proposed variation and it is in the public interest to do so.

It is reasonable and appropriate to vary the height of buildings development standard to the extent proposed for the reasons detailed within this submission and as summarised below:

- Compliance with the height of building development standard is unreasonable and unnecessary in the circumstances of the proposed development.

- The proposal, notwithstanding the non-compliance, is consistent with the objectives of the height of building standard and the R3-Medium Density Residential Zoning.

- There are sufficient environmental planning grounds to justify the contravention, which results in a better planning outcome than a strictly compliant development in the circumstances of this particular case.

- There is an absence of any environmental impacts arising from the proposed variation.

- The proposed non-compliance with the height of building standard will not result in any matter of significance for State or regional environmental planning

For the reasons outlined above, the clause 4.6 request is well-founded. The development standard is unnecessary and unreasonable in the circumstances, and there are sufficient environmental planning grounds that warrant contravention of the standard. In the circumstances of this case, flexibility in the application of the height of buildings development standard should be applied.

DISCLAIMER

This report incorporates information and events up to that date only and excludes any information arising, or event occurring, after that date which may affect the validity of BMA Urban Pty Ltd opinion in this report. BMA Urban prepared this report on the instructions, and for the benefit only, Place Studio **(Instructing Party)** for the purpose of the Cl 4.6 Variation Request **(Purpose)** and not for any other purpose or use. To the extent permitted by applicable law, BMA Urban expressly disclaims all liability, whether direct or indirect, to the Instructing Party which relies or purports to rely on this report for any purpose other than the Purpose, and to any other person which relies or purports to rely on this report for any purpose whatsoever (including the Purpose).

In preparing this report, BMA Urban was required to make judgements which may be affected by unforeseen future events, the likelihood and effects of which are not capable of precise assessment.

All surveys, forecasts, projections and recommendations contained in or associated with this report are made in good faith and on the basis of information supplied to BMA Urban at the date of this report, and upon which BMA Urban relied. Achievement of the projections and budgets set out in this report will depend, among other things, on the actions of others over which BMA Urban has no control.

Whilst BMA Urban has made all reasonable inquiries it believes necessary in preparing this report, it is not responsible for determining the completeness or accuracy of information provided to it. BMA Urban (including its officers and personnel) is not liable for any errors or omissions, including in information provided by the Instructing Party or another person or upon which BMA Urban relies, provided that such errors or omissions are not made by BMA Urban recklessly or in bad faith.

This report has been prepared with due care and diligence by BMA Urban and the statements and opinions given by BMA Urban in this report are given in good faith and in the reasonable belief that they are correct and not misleading, subject to the limitations above.

ANNEXURE 4

Apartment Design Guide

Part 3 – Siting the Development

3A – Site Analysis	Design Criteria	Complies	Comment
Objective 3A-1 Site analysis illustrates that design decisions have been based on opportunities and constraints of the site conditions and their relationship to the surrounding context.	*No design criteria.* *Refer to the Apartment Design Guide for design guidance.*	Achieves intent of design guidance.	The proposed design responds to the site analysis outlined in the application and responds to opportunities and constraints of the site as well as the future emerging character of Batemans Bay.

3B – Orientation	Design Criteria & Guidance	Complies	Comment
Objective 3B-1 Building types and layouts respond to the streetscape and site while optimising solar access within the development.	*No design criteria.* *Refer to the Apartment Design Guide for design guidance.*	Achieves intent of design guidance.	The configuration of the built-form takes advantage of the perimeter conditions of the site, including the street frontages and existing significant topography and vegetation to the west. Building orientation and setback arrangements maximise solar access and separation to neighbouring existing residential structures.
Objective 3B-2 Overshadowing of neighbouring properties is minimised during mid winter.	*No design criteria.* *Refer to the Apartment Design Guide for design guidance.*	Achieves intent of design guidance.	The site is located to the north of-east of a steep, vegetated edge that runs up to the elevated Batemans Bay Hospital. As such, the majority of overshadowing impacts this sloped section of the site, where the topography acts to mitigate the overshadowing impact. Surrounding developments are either north of our site or elevated above it. Refer to the shadow diagrams submitted with this application.

3C – Public Domain Interface	Design Criteria & Guidance	Complies	Comment
Objective 3C-1 Transition between private and public domain is achieved without compromising safety and security.	*No design criteria.* *Refer to the Apartment Design Guide for design guidance.*	Achieves intent of design guidance.	The transition between public and private domain is reinforced by the positioning of landscaping, signage and entry points that define the primary residential entry

Objective 3C-2 Amenity of the public domain is retained and enhanced.	*No design criteria.* *Refer to the Apartment Design Guide for design guidance.*	Achieves intent of design guidance.	Perimeter landscaping works in conjunction with over-land flow paths and required flood planning levels to reinforce the landscaped environment and ameliorate the presentation of the built form.
3D – Communal and Public Open Space	**Design Criteria & Guidance**	**Complies**	**Comment**
Objective 3D-1 An adequate area of communal open space is provided to enhance residential amenity and to provide opportunities for landscaping.	***Design Criteria 1*** *Communal open space has a minimum area equal to 25% of the site (see figure 3D.3)* ***Design Criteria 2*** *Developments achieve a minimum of 50% direct sunlight to the principal usable part of the communal open space for a minimum of 2 hours between 9 am and 3 pm on 21 June (mid winter)* *Refer to the Apartment Design Guide for design guidance.*	Complies	The site has an area of 8,410 sqm. The proposal has 4,871 sqm of communal open space, which represents 57% of the site. This area is distributed through and around the site, as well as to the upper level of Building C. The position and orientation of the communal open space ensures that a minimum of 50% achieves solar access for a minimum of two hours between 9 am and 3 pm during the winter solstice.
Objective 3D-2 Communal open space is designed to allow for a range of activities, respond to site conditions and be attractive and inviting	*No design criteria.* *Refer to the Apartment Design Guide for design guidance.*	Achieves intent of design guidance.	The communal open space and landscaping design facilitates a range of uses and maximises the amenity of the site by combining usable, open spaces of varying scale with considered landscaping spaces that respond to the specific needs of the site. Refer to the landscaping plans submitted with this application.
Objective 3D-3 Communal open space is designed to maximise safety	*No design criteria.* *Refer to the Apartment Design Guide for design guidance.*	Achieves intent of design guidance.	The communal open space is designed to be a safe, usable, and passively surveilled environment that residents and their guests can use.
Objective 3D-4 Public open space, where provided, is responsive to the existing pattern and uses of the neighbourhood.	*No design criteria.* *Refer to the Apartment Design Guide for design guidance.*	Not Applicable	

3E – Deep Soil Zones	Design Criteria & Guidance	Complies	Comment
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.	***Design Criteria 1*** *Deep soil zones are to meet the following minimum requirements:* See table below *Refer to the Apartment Design Guide for design guidance.*	Complies	The site has an area of 8,410 sqm. The proposal has 3,927 sqm of deep soil with a minimum dimension of 6m, which represents 47% of the site.

Site area	Minimum dimensions	Deep soil zone (% of 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	

3F – Visual Privacy	Design Criteria & Guidance	Complies	Comment
Objective 3F-1 Adequate building separation distances are shared equitably between neighbouring sites, to achieve reasonable levels of external and internal visual privacy.	***Design Criteria 1*** *Separation between windows and balconies is provided to ensure visual privacy is achieved. Minimum required separation distances from buildings to the side and rear boundaries are as follows:* See table below Note: Separation distances between buildings on the same site should combine required building separations depending on the type of room (see figure 3F.2 of the ADG).	Complies	The proposed development is setback a minimum of 6m from side boundaries and provides adequate separation between neighbouring properties and buildings within the proposed development.

Building height	Habitable rooms and balconies	Non-habitable rooms
up to 12m (4 storeys)	6m	3m
up to 25m (5-8 storeys)	9m	4.5m
over 25m (9+ storeys)	12m	6m

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.	*No design criteria.* *Refer to the Apartment Design Guide for design guidance.*	Achieves intent of design guidance.	Separation between communal open space, common areas, access pathways, private open space, and apartment windows is carefully arranged to maximise privacy while maintaining access to daylight and natural ventilation.
3G – Pedestrian Access and Entries	Design Criteria & Guidance	Complies	Comment
Objective 3G-1 Building entries and pedestrian access connects to and addresses the public domain.	*No design criteria.* *Refer to the Apartment Design Guide for design guidance.*	Achieves intent of design guidance.	The pedestrian site entry connects to the existing public domain and provides entry to an articulated through-link that connects to each primary building lobby.
Objective 3G-2 Access, entries, and pathways are accessible and easy to identify	*No design criteria.* *Refer to the Apartment Design Guide for design guidance.*	Achieves intent of design guidance.	Each building lobby is prominently identifiable within the elevation / articulation of the built form and landscaping.
Objective 3G-3 Large sites provide pedestrian links for access to streets and connection to destinations	*No design criteria.* *Refer to the Apartment Design Guide for design guidance.*	Achieves intent of design guidance.	The site is interconnected through the proposed landscaping to ensure occupants can move through the precinct easily.
3H – Vehicle Access	Design Criteria & Guidance	Complies	Comment
Objective 3H-1 Vehicle access points are designed and located to achieve safety, minimise conflicts between pedestrians and vehicles and create high quality streetscapes.	*No design criteria.* *Refer to the Apartment Design Guide for design guidance.*	Achieves intent of design guidance.	There is a clear separation between pedestrian access paths and basement entry which is located along the northern boundary of the site from Heradale Parade. The driveway position also ensures the vehicle entry can accommodate required flood planning levels. .

3J –Bicycle and Car Parking	Design Criteria & Guidance	Complies	Comment
Objective 3J-1 Car parking is provided based on proximity to public transport in metropolitan Sydney and centres in regional areas.	***Design Criteria 1*** *For development in the following locations:* • *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.*	Complies	The proposed development provides the required number of parking spaces as per the RMS Guide to Traffic Generation Parking Provision Rates: • 0.6 spaces per 1-bedroom unit. • 0.9 spaces per 2-bedroom unit. • 1.4 spaces per 3-bedroom unit. • 1 space per 5 units (Visitor Parking) Residential Parking Target: 88 Spaces (88.4) Parking Provided: 110 Spaces (including 3 carwash bays)
Objective 3J-2 Parking and facilities are provided for other modes of transport.	*No design criteria.* *Refer to the Apartment Design Guide for design guidance.*	Achieves intent of design guidance.	The carpark incorporates visitor parking and bicycle parking facilities.
Objective 3J-3 Car park design and access is safe and secure.	*No design criteria.* *Refer to the Apartment Design Guide for design guidance.*	Achieves intent of design guidance.	The internal layout of the basement carpark allows for storage and building services that can all be accessed without walking through parking spaces.
Objective 3J-4 Visual and environmental impacts of underground car parking are minimised.	*No design criteria.* *Refer to the Apartment Design Guide for design guidance.*	Achieves intent of design guidance.	The proposed basement extent is arranged within the building line to minimise the footprint and maximise available deep soil on the site.
Objective 3J-5 Visual and environmental impacts of on-grade car parking are minimised.	*No design criteria.* *Refer to the Apartment Design Guide for design guidance.*	Not Applicable	No on-grade parking is provided.
Objective 3J-6 Visual and environmental impacts of above ground enclosed car parking are minimised.	*No design criteria.* *Refer to the Apartment Design Guide for design guidance*	Not Applicable	No above ground parking is provided.

Part 4 – Designing the Building

4A – Solar and Daylight Access	Design Criteria & Guidance	Complies	Comment
Objective 4A-1 To optimise the number of apartments receiving sunlight to habitable rooms, primary windows and private open space	***Design Criteria 1*** *Living rooms and private open spaces of at least 70% of apartments in a building receive a minimum of 2 hours direct sunlight between 9 am and 3 pm at mid winter in the Sydney Metropolitan Area and in the Newcastle and Wollongong local government areas.* ***Design Criteria 2*** *In all other areas, living rooms and private open spaces of at least 70% of apartments in a building receive a minimum of 3 hours direct sunlight between 9 am and 3 pm at mid winter.*	Complies	45 out of 60 apartments (70%) receive at least 3 hours of direct sunlight to their living rooms and private open spaces between 9 am and 3 pm at the mid-winter.
	Design Criteria 3 *A maximum of 15% of apartments in a building receive no direct sunlight between 9 am and 3 pm at mid winter.*	Complies	8 out of 60 apartments (13%) receive no direct sunlight during this period.
Objective 4A-2 Daylight access is maximised where sunlight is limited	*No design criteria.* *Refer to the Apartment Design Guide for design guidance*	Achieves intent of design guidance.	Window locations and extents are optimised to ensure suitable access to non-direct diffuse daylight.
Objective 4A-3 Design incorporates shading and glare control, particularly for warmer months	*No design criteria.* *Refer to the Apartment Design Guide for design guidance*	Achieves intent of design guidance.	The composition and orientation of the buildings results in predominantly north /east and north-facing apartments. The building articulation and balcony projections help mitigate glare and facilitate shading during warmer months through balcony projections.

4B – Natural Ventilation	Design Criteria & Guidance	Complies	Comment
Objective 4B-1 All habitable rooms are naturally ventilated	*No design criteria.* *Refer to the Apartment Design Guide for design guidance*	Achieves intent of design guidance.	The apartment designs result in well-proportioned, open plan layouts and associated rooms that ensure habitable rooms have access to natural ventilation.
Objective 4B-2 The layout and design of single aspect apartments maximises natural ventilation	*No design criteria.* *Refer to the Apartment Design Guide for design guidance*	Achieves intent of design guidance.	Floorplate layouts and overall building articulation maximise natural ventilation opportunities to single aspect apartments.
Objective 4B-3 The number of apartments with natural cross ventilation is maximised to create a comfortable indoor environment for residents	***Design Criteria 1*** *At least 60% of apartments are naturally cross ventilated in the first nine storeys of the building. Apartments at ten storeys or greater are deemed to be cross ventilated only if any enclosure of the balconies at these levels allows adequate natural ventilation and cannot be fully enclosed.* ***Design Criteria 2*** *Overall depth of a cross-over or cross-through apartment does not exceed 18m, measured glass line to glass line.* *Refer to the Apartment Design Guide for design guidance*	Complies	The proposed development complies with the cross-ventilation requirements and overall depth requirements as outlined in Objective 4B-3 of the ADG. 40 of 60 apartments are naturally cross-ventilated, which represents 67 % of the apartments.

<table>
<tr><th>4C – Ceiling Heights</th><th>Design Criteria & Guidance</th><th>Complies</th><th>Comment</th></tr>
<tr><td>Objective 4C-1

Ceiling height achieves sufficient natural ventilation and daylight access</td><td>Design Criteria 1
Measured from finished floor level to finished ceiling level, minimum ceiling heights are:

<table><tr><th colspan="2">Minimum ceiling height
for apartment and mixed use buildings</th></tr><tr><td>Habitable rooms</td><td>2.7m</td></tr><tr><td>Non-habitable</td><td>2.4m</td></tr><tr><td>For 2 storey apartments</td><td>2.7m for main living area floor
2.4m for second floor, where its area does not exceed 50% of the apartment area</td></tr><tr><td>Attic spaces</td><td>1.8m at edge of room with a 30 degree minimum ceiling slope</td></tr><tr><td>If located in mixed used areas</td><td>3.3m for ground and first floor to promote future flexibility of use</td></tr></table>
These minimums do not preclude higher ceilings if desired.

Ceiling height can accommodate use of ceiling fans for cooling and heat distribution.</td><td>Complies</td><td>Ceilings heights throughout the project comply with the requirements of Objective 4C-1 of the ADG.</td></tr>
<tr><td>Objective 4C-2

Ceiling height increases the sense of space in apartments and provides for well proportioned rooms</td><td>No design criteria.

Refer to the Apartment Design Guide for design guidance</td><td>Achieves intent of design guidance.</td><td>Ceiling heights comply with 4C-1 above and work with the proportions of the room.</td></tr>
<tr><td>Objective 4C-3

Ceiling heights contribute to the flexibility of building use over the life of the building</td><td>No design criteria.

Refer to the Apartment Design Guide for design guidance</td><td>Achieves intent of design guidance.</td><td>The proposal features communal facilities on the ground level and on the Building C roof which integrate with the proposed floor levels and provide flexibility of building use over the life of the building.</td></tr>
</table>

4D – Apartment Size and Layout	Design Criteria & Guidance	Complies	Comment
Objective 4D-1 The layout of rooms within an apartment is functional, well organised and provides a high standard of amenity	***Design Criteria 1*** *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.* ***Design Criteria 2*** *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.* *Refer to the Apartment Design Guide for design guidance*	Complies	The internal areas of the proposed apartments comply with the minimum requirements of Objective 4D-1 of the ADG. The 2-bedroom apartments start from 110 m2 The 3+-bedroom apartments start from 96 m2 Operable window areas facilitate required ventilation to the rooms.
Objective 4D-2 Environmental performance of the apartment is maximised	***Design Criteria 1*** *Habitable room depths are limited to a maximum of 2.5 x the ceiling height.* ***Design Criteria 2*** *In open plan layouts (where the living, dining and kitchen are combined) the maximum habitable room depth is 8m from a window.* *Refer to the Apartment Design Guide for design guidance*	Complies	Apartment depths comply with the design criteria outlined in 4D-2 of the ADG.

Objective 4D-3 Apartment layouts are designed to accommodate a variety of household activities and needs	***Design Criteria 1*** *Master bedrooms have a minimum area of 10m2 and other bedrooms 9m2 (excluding wardrobe space).* ***Design Criteria 2*** *Bedrooms have a minimum dimension of 3m (excluding wardrobe space)* ***Design Criteria 3*** *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* ***Design Criteria 4*** *The width of cross-over or cross-through apartments are at least 4m intern ally to avoid deep narrow apartment layouts.* *Refer to the Apartment Design Guide for design guidance*	Complies	ADG dimensions for master bedrooms, bedrooms and living rooms are achieved.

4E – Private Open Space & Balconies	Design Criteria & Guidance	Complies	Comment
Objective 4E-1 Apartments provide appropriately sized private open space and balconies to enhance residential amenity	***Design Criteria 1*** *All apartments are required to have primary balconies as follows:* | Dwelling type	Minimum area	Minimum depth | |---|---|---| | Studio apartments | 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.*	Complies	All balconies achieve the minimum required areas and depths outlined in part 4E-1 of the ADG. Private Open spaces / Balcony 2 Bed = Min 19 sqm 3+ Bed = Min 15 sqm

	Design Criteria 2 *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.* *Refer to the Apartment Design Guide for design guidance*	Complies	
Objective 4E-2 Primary private open space and balconies are appropriately located to enhance liveability for residents	*No design criteria.* *Refer to the Apartment Design Guide for design guidance*	Achieves intent of design guidance.	Private open space and balconies are located adjacent to open plan living / dining room spaces to maximise the amenity and usability of the private open space.
Objective 4E-3 Private open space and balcony design is integrated into and contributes to the overall architectural form and detail of the building	*No design criteria.* *Refer to the Apartment Design Guide for design guidance*	Achieves intent of design guidance.	The external architectural expression of the proposal employs a combination of aluminium battens and glass balustrade elements to balance amenity, privacy, and access to views.
Objective 4E-4 Private open space and balcony design maximises safety	*No design criteria.* *Refer to the Apartment Design Guide for design guidance*	Achieves intent of design guidance.	Balconies are designed to minimise opportunities for climbing and falls with consideration given to the position of external AC units.
4F – Common Circulation & Spaces	Design Criteria & Guidance	Complies	Comment
Objective 4F-1 Common circulation spaces achieve good amenity and properly service the number of apartments	***Design Criteria 1*** *The maximum number of apartments off a circulation core on a single level is eight* ***Design Criteria 2*** *For buildings of 10 storeys and over, the maximum number of apartments sharing a single lift is 40* *Refer to the Apartment Design Guide for design guidance.*	Achieves intent of design guidance.	The proposed buildings have centralised lift cores that service between 2 to 6 units per level, depending on the building. 3 Lifts service 60 apartments, resulting an a lift ratio of 27 units / lift.

Objective 4F-2 Common circulation spaces promote safety and provide for social interaction between residents	*No design criteria.* *Refer to the Apartment Design Guide for design guidance.*	Achieves intent of design guidance.	The lift lobbies provide an efficient circulation space that facilitates passive communal interaction between residents.

4G – Storage	Design Criteria & Guidance	Complies	Comment
Objective 4G-1 Adequate, well designed storage is provided in each apartment	*Design Criteria 1* *In addition to storage in kitchens, bathrooms and bedrooms, the following storage is provided:* Dwelling type / Storage size volume 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.* *Refer to the Apartment Design Guide for design guidance.*	Complies	Apartments are capable of complying with internal storage areas and basement storage cages to achieve the aggregate required storage volume.
Objective 4G-2 Additional storage is conveniently located, accessible and nominated for individual apartments	*No design criteria.* *Refer to the Apartment Design Guide for design guidance.*	Achieves intent of design guidance.	Storage that is provided in the apartment and in cages in the basement as required.

4H – Acoustic Privacy	Design Criteria & Guidance	Complies	Comment
Objective 4H-1 Noise transfer is minimised through the siting of buildings and building layout	*No design criteria.* *Refer to the Apartment Design Guide for design guidance.*	Achieves intent of design guidance.	Building orientation ensures that the general arrangement of apartments minimises noise transfer.

Objective 4H-2 Noise impacts are mitigated within apartments through layout and acoustic treatments	*No design criteria.* *Refer to the Apartment Design Guide for design guidance.*	Achieves intent of design guidance.	Consistency in apartment layouts ensures similar apartment uses align in adjacent apartments.
4J – Noise & Pollution	Design Criteria & Guidance	Complies	Comment
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	*No design criteria.* *Refer to the Apartment Design Guide for design guidance.*	Achieves intent of design guidance.	The development is not located within an area that generates noisy or hostile acoustic impacts.
Objective 4J-2 Appropriate noise shielding or attenuation techniques for the building design, construction and choice of materials are used to mitigate noise transmission	*No design criteria.* *Refer to the Apartment Design Guide for design guidance.*	Achieves intent of design guidance.	Construction materials will ensure acoustic separation between SOUs as required under the NCC.
4K – Apartment Mix	Design Criteria & Guidance	Complies	Comment
Objective 4K-1 A range of apartment types and sizes is provided to cater for different household types now and into the future	*No design criteria.* *Refer to the Apartment Design Guide for design guidance.*	Achieves intent of design guidance.	A variety of apartment types and sizes are catered for, with the proposed development consisting of: **13 x 2 Bedroom Apartments (22%)** **42 x 3 Bedroom Apartments (70%)** **5 x 3 Bedroom Apartments (8%)** Within this mix a variety of apartment sizes and configurations are catered for.
Objective 4K-2 The apartment mix is distributed to suitable locations within the building	*No design criteria.* *Refer to the Apartment Design Guide for design guidance.*	Achieves intent of design guidance.	The apartment mix is distributed evenly around the building both in plan and vertically.

4L – Ground Floor Apartments	Design Criteria & Guidance	Complies	Comment
Objective 4L-1 Street frontage activity is maximised where ground floor apartments are located.	*No design criteria.* *Refer to the Apartment Design Guide for design guidance.*	Achieves intent of design guidance.	Ground level apartments maximise frontage activity where possible, while being slightly vertically offset due to FPL requirements.
Objective 4L-2 Design of ground floor apartments delivers amenity and safety for residents	*No design criteria.* *Refer to the Apartment Design Guide for design guidance.*	Achieves intent of design guidance.	The landscape creates a visual buffer to ground floor apartments and retains a high degree of amenity and safety for residents.

4M – Facades	Design Criteria & Guidance	Complies	Comment
Objective 4M-1 Building facades provide visual interest along the street while respecting the character of the local area.	*No design criteria.* *Refer to the Apartment Design Guide for design guidance.*	Achieves intent of design guidance.	The proposed design employs a varying composition of building elements to creates a high-quality façade design which responds to environmental constraints and takes into consideration the scale and distance from which the building will be seen. The aesthetic and arrangement is consistent with new developments within Batemans Bay, combining functional external balcony spaces with high-quality design outcomes.
Objective 4M-2 Building functions are expressed by the facade	*No design criteria.* *Refer to the Apartment Design Guide for design guidance.*	Achieves intent of design guidance.	The façade design varies depending on its orientation and underlying function. As such, the resulting elevations convey a combination generous balconies and living spaces, oriented for amenity and provided with supplementary privacy screening where on a secondary frontage.

4N – Roof Design	Design Criteria & Guidance	Complies	Comment

Objective 4N-1 Roof treatments are integrated into the building design and positively respond to the street	*No design criteria.* *Refer to the Apartment Design Guide for design guidance.*	Achieves intent of design guidance.	Upper-level building setbacks articulate a linear, parapet-style roof line that is in keeping with the overall aesthetic of the proposal.
Objective 4N-2 Opportunities to use roof space for residential accommodation and open space are maximised	*No design criteria.* *Refer to the Apartment Design Guide for design guidance.*	Achieves intent of design guidance.	Communal open space has been incorporated into the upper-most level of Building C, setback with a 2.5m wide planter to ensure privacy to surrounding properties is retained.
Objective 4N-3 Roof design incorporates sustainability features	*No design criteria.* *Refer to the Apartment Design Guide for design guidance.*	Achieves intent of design guidance.	Setback roof structures includes planted perimeter edges to maximise amenity, reduce glare and improve thermal mass, reducing additional insulation targets in these locations.

4O – Landscape Design	Design Criteria & Guidance	Complies	Comment
Objective 4O-1 Landscape design is viable and sustainable	*No design criteria.* *Refer to the Apartment Design Guide for design guidance.*	Achieves intent of design guidance.	The landscaping design incorporates diverse and appropriate planting and considers the ongoing maintenance of the garden spaces. Refer to the landscape plans submitted with this application.
Objective 4O-2 Landscape design contributes to the streetscape and amenity	*No design criteria.* *Refer to the Apartment Design Guide for design guidance.*	Achieves intent of design guidance.	The landscaping design responds to both the proposed design levels and existing street levels. Refer to the landscape plans submitted with this application.

4P – Planting on Structures	Design Criteria & Guidance	Complies	Comment
Objective 4P-1 Appropriate soil profiles are provided	*No design criteria.* *Refer to the Apartment Design Guide for design guidance.*	Achieves intent of design guidance.	Where planting is proposed above the basement and on structures appropriate soil depths have been provided.
Objective 4P-2	*No design criteria.*	Achieves intent of design guidance.	Refer to the landscape plans submitted with this application.

Plant growth is optimised with appropriate selection and maintenance	*Refer to the Apartment Design Guide for design guidance.*		
Objective 4P-3 Planting on structures contributes to the quality and amenity of communal and public open spaces	*No design criteria.* *Refer to the Apartment Design Guide for design guidance.*	Achieves intent of design guidance.	Refer to the landscape plans submitted with this application.

4Q – Universal Design	Design Criteria & Guidance	Complies	Comment
Objective 4Q-1 Universal design features are included in apartment design to promote flexible housing for all community members	*No design criteria.* *Refer to the Apartment Design Guide for design guidance*	Achieves intent of design guidance.	25% of proposed apartments are designed to accommodate liveable-housing targets (Silver Level)
Objective 4Q-2 A variety of apartments with adaptable designs are provided	*No design criteria.* *Refer to the Apartment Design Guide for design guidance*	Achieves intent of design guidance.	Accessible units are provided in a range of two and three bedroom formats representing 25% of the overall unit mix.
Objective 4Q-3 Apartment layouts are flexible and accommodate a range of lifestyle needs	*No design criteria.* *Refer to the Apartment Design Guide for design guidance*	Achieves intent of design guidance.	The apartment stock features well-proportioned open plan layouts that facilitate flexible accommodation layouts for varying lifestyle needs.

4R – Adaptive Reuse	Design Criteria & Guidance	Complies	Comment
Objective 4R-1 New additions to existing buildings are contemporary and complementary and enhance an area's identity and sense of place	*No design criteria.* *Refer to the Apartment Design Guide for design guidance*	Not Applicable	Proposed development is not adaptive reuse.
Objective 4R-2	*No design criteria.*	Not Applicable	Proposed development is not adaptive reuse.

Adapted buildings provide residential amenity while not precluding future adaptive reuse	*Refer to the Apartment Design Guide for design guidance*		

4S – Mixed Use	Design Criteria & Guidance	Complies	Comment
Objective 4S-1 Mixed use developments are provided in appropriate locations and provide active street frontages that encourage pedestrian movement	*No design criteria.* *Refer to the Apartment Design Guide for design guidance*	Not Applicable	Proposed development is not mixed use.
Objective 4S-2 Residential levels of the building are integrated within the development, and safety and amenity is maximised for residents	*No design criteria.* *Refer to the Apartment Design Guide for design guidance*	Not Applicable	Proposed development is not mixed use.

4T – Awnings and Signage	Design Criteria & Guidance	Complies	Comment
Objective 4T-1 Awnings are well located and complement and integrate with the building design	*No design criteria.* *Refer to the Apartment Design Guide for design guidance*	Achieves Intent	Appropriate awnings are incorporated in the overall architecture to provide sheltered paths of entry.
Objective 4T-2 Signage responds to the context and desired streetscape character	*No design criteria.* *Refer to the Apartment Design Guide for design guidance*	N/A at this stage.	To be incorporated at the CC stage.

4U – Energy Efficiency	Design Criteria & Guidance	Complies	Comment
Objective 4U-1 Development incorporates passive environmental design	*No design criteria.* *Refer to the Apartment Design Guide for design guidance*	Achieves Intent	Passive environmental design is incorporated into the overall site arrangement and integrated landscape design.
Objective 4U-2	*No design criteria.*	Achieves Intent	Passive solar access is incorporated into the design through overall building composition and glazing arrangement. Solar access is provided in compliance with the requirements of part 4A of the ADG.

Development incorporates passive solar design to optimise heat storage in winter and reduce heat transfer in summer	*Refer to the Apartment Design Guide for design guidance*		
Objective 4U-3 Adequate natural ventilation minimises the need for mechanical ventilation	*No design criteria.* *Refer to the Apartment Design Guide for design guidance*	Achieves Intent	Natural ventilation is provided in compliance with the requirements of part 4B of the ADG.

4V – Water Management and Conservation	Design Criteria & Guidance	Complies	Comment
Objective 4V-1 Potable water use is minimised	*No design criteria.* *Refer to the Apartment Design Guide for design guidance*	Achieves Intent	Refer to the BASIX documentation submitted with this application.
Objective 4V-2 Urban stormwater is treated on site before being discharged to receiving waters	*No design criteria.* *Refer to the Apartment Design Guide for design guidance*	Achieves Intent	Rever to the Civil / Stormwater documentation submitted with this application.
Objective 4V-3 Flood management systems are integrated into site design	*No design criteria.* *Refer to the Apartment Design Guide for design guidance*	Achieves Intent	Rever to the Civil / Stormwater documentation submitted with this application.

4W – Waste Management	Design Criteria & Guidance	Complies	Comment
Objective 4W-1 Waste storage facilities are designed to minimise impacts on the streetscape, building entry and amenity of residents	*No design criteria.* *Refer to the Apartment Design Guide for design guidance*	Achieves Intent	Rever to the Waste Management Plan submitted with this application.
Objective 4W-2	*No design criteria.*	Achieves Intent	Rever to the Waste Management Plan submitted with this application..

Domestic waste is minimised by providing safe and convenient source separation and recycling	*Refer to the Apartment Design Guide for design guidance*		

4X – Building Maintenance	Design Criteria & Guidance	Complies	Comment
Objective 4X-1 Building design detail provides protection from weathering	*No design criteria.* *Refer to the Apartment Design Guide for design guidance*	Achieves Intent	The building form and materiality has been selected to minimise weathering and allow for easy ongoing maintenance. These features will be further reinforced by the detailed construction documentation of the final building design.
Objective 4X-2 Systems and access enable ease of maintenance	*No design criteria.* *Refer to the Apartment Design Guide for design guidance.*	Achieves Intent	Refer to responses outlined in 4X-1 above. Building maintenance systems will be considered and further integrated during the CC stage.
Objective 4X-3 Material selection reduces ongoing maintenance costs	*No design criteria.* *Refer to the Apartment Design Guide for design guidance.*	Achieves Intent	Refer to responses outlined in 4X-1 above.

ANNEXURE 5

Place Studio AU Pty Ltd
Level 5, 140 William Street
Woolloomooloo, NSW 2011
ABN: 87 611 292 187

Date: 24th October 2025

DESIGN VERIFICATION STATEMENT

HOUSING SEPP

For: 20 Heradale Pde Batemans Bay

Verification of Qualifications
James Alexander-Hatziplis (NSW ARB 10535) is a registered practicing Architect in New South Wales. Pursuant to the provisions of Housing SEPP, James is a qualified designer within the meaning of Clause 3 of the Environmental Planning & Assessment Regulation 2000.

Design quality principles

Principle 1: Context and neighborhood character

The proposed development at 20 Heradale Pde Batemans Bay is designed to respond thoughtfully to its unique urban context, integrating both historical and contemporary elements to enhance the area's character. Heradale Pde is distinguished by its rich architectural heritage and evolving urban landscape and as an area going through a transformation from low density to medium / high density. The development respects and reinforces the contributory elements of the street, ensuring that its scale, materiality, and form align with the envisaged character as dictated by the uplift in scale & height within Council's LEP. This proposal has been designed with a material and colour palate that enhances and complements the existing streetscape thus providing a cohesive streetscape and neighbourhood character. The site is close to local shops, Batemans Bay Hospital, the local marina and beaches, local bus routes and the local golf club making it an ideal location for this type of development.

The built form of the proposed development has been considered against the characteristics of the site and its surrounds. Within the existing context, the future streetscape needs to be developed in a unified and complementary way. The buildings have been arranged in a manner that provides visual address to Heradale Pde & Bavarde Pde. The development has utilised façade indentations and extrusions for the purpose of providing visual depth and in conjunction with vertical/horizontal elements, balcony articulation and fenestration, provides for a greater degree of visual interest. In this regard, specific attention has been paid to the landscaped setbacks, amenities, and ground floor apartment access to the proposed development which will appropriately respond to the qualities and identity of adjoining sites both existing & future proposed.

Accordingly, the proposed development provides an appropriate response to the site's context.

Principle 2: Built form and scale

The proposed development is designed to achieve a scale, bulk, and height that is both contextually appropriate and aligned with the area's desired future character.

Compliant setbacks have been incorporated to regulate building bulk, preserving the street frontage and

enhancing the pedestrian experience. The building's articulation, proportions, and materiality reflect the architectural character of the area, ensuring that the new development is visually and functionally compatible with its surroundings. The proposed development will provide an appropriate built form and scale when measured against the existing and envisaged scale of development located within the sites immediate and local context.

Massing of the proposed building ensures consistency with emerging developments. The proposal demonstrates a design of high architectural merit whereby the building facade has been designed in a manner that serve to modulate the building volume while variations in materiality seek to further define the layers of the building while providing a greater level of visual interest.

Principle 3: Density

The proposed development achieves a balanced density that enhances both residential amenity and neighborhood integration. By offering a diverse mix of oversized apartment types alongside generous communal spaces, the design prioritizes a high quality of life for residents while contributing positively to the urban fabric.

The subject site has the capacity, not only by its zoning, but also its natural features to accommodate the proposed density. Amenity requirements for the residents of this development and the adjoining dwellings will be maintained at an acceptable level through the use of window orientation, compliant setbacks, and landscaping. The proposed density is appropriate given the area's existing infrastructure and easy access to the employment hubs within the Eurobodalla Council area.

Principle 4: Sustainability

The proposed design embodies a commitment to environmental sustainability through a range of energy-efficient design strategies and responsible resource management. The development meets all sustainability requirements, supported by a certified BASIX report, ensuring that both the design and construction processes align with best practices for sustainability.

To maximize the amenity and livability of residents, the design incorporates natural cross-ventilation and solar access, with apartments oriented to capture north-eastern and north-western sunlight while maintaining appropriate site setbacks. Spacious recessed balconies provide passive shading during summer, while allowing for thermal gain in winter, optimizing energy efficiency throughout the year.

In addition to passive climate control, 65% of apartments benefit from cross-ventilation, enhancing natural airflow and reducing reliance on mechanical cooling systems. Also, 75% of apartments receive 3 hours of solar access to the main living rooms and private open space areas in mid-winter.

These thoughtful sustainability measures contribute to reducing the building's operational costs and environmental footprint, aligning with the broader goals of creating a sustainable and resilient urban environment for the future.

Principle 5: Landscape

The proposed development at 20 Heradale Pde, integrates high-quality landscaping to enhance both the environmental performance and aesthetic value of the site, while fostering a welcoming and vibrant community environment. The design recognizes the importance of landscape and buildings as an interconnected system, creating spaces that promote positive social interaction and contribute to the local streetscape and neighborhood character.

All front, rear, and side boundaries have acceptable deep soil zones to enhance the amenity of the site and to help provide privacy to neighbouring developments.

The landscaping is an important feature of the development, is appropriate to, and contributes positively to the character of the area. It will also contribute positively to the micro-climate of the site through such methods as selecting plants for appropriate areas that enhance winter solar access and provides summer shade. It will also provide adequate plant screening at ground level.

The communal open space areas will incorporate BBQ facilities, seating, communal garden areas and significant planter beds which provide for appropriate plantings and the ability to allow for water infiltration. The communal open space areas are accessible to all residents, provide an opportunity for social interaction, meeting places, and contribute to the amenity for residents & visitors of the development.

The communal open spaces are distributed through the site at ground level provide for different solar and amenity outcomes for different times of the year. The design creates a dynamic, sustainable environment that contributes positively to the neighborhood's green network, supports equitable access, and enhances the overall liveability of the development for its residents.

Finally, the landscaping will minimise potential water consumption of landscape areas through appropriate plant and landscape material selection and through re-use of site stormwater for irrigation purposes.

Principle 6: Amenity

Internal - 75% of apartments receive a minimum of 3 hours solar access in mid-winter. The units are generously sized and have useable living and bedroom areas. Each of the apartments has required storage provisions. Private outdoor spaces in the form of balconies and terraces have been provided to each apartment to meet resident's recreational needs and these generally exceed the area requirements of the ADG. All habitable rooms have natural light and ventilation. The ceiling heights are 2.7m minimum, which is consistent with the requirements of the ADG.

Lift access from the basements to all levels will give easy access for all residents and visitors. Substantial communal open space areas have been provided with appropriate facilities at the ground level that are accessible from the inside as well as the outside of the building.

External- At the street level, residential services such as letterboxes, and entry points are provided. The careful consideration of site planning avoids areas that are not overlooked. The privacy of neighbouring properties will be maintained by the use of compliant setbacks, orientation of buildings, and landscaping. Living rooms, kitchens and balconies on most units overlook the streets and common areas, therefore providing passive surveillance.

The proposal has numerous Communal Open Space areas for the use of the residents throughout the development. These are provided at ground level and on level 1. These are distinct areas with covered and uncovered outdoor spaces thus providing ample opportunity for outdoor activities for singles and families. The positioning of these areas throughout the site offers areas for summer and winter use.

Principle 7: Safety

The proposed development prioritizes safety and security by creating a well-monitored environment for both residents and visitors. The design incorporates clear delineation of public and private spaces,

ensuring a secure, easily navigable site with well-lit and visible areas that are appropriate for their intended use. Passive surveillance is maximized through clearly defined access points, which enhance site security and visibility, allowing for natural observation of communal and public areas. All pedestrian or vehicular areas of the site will be well lit. Balconies on the upper levels will overlook all roads and pedestrian footpaths as well as the common areas throughout the site therefore providing good passive surveillance.

To further enhance security, all entry points and lift access are secured through an access card system, ensuring controlled movement within the building. A video entry system and CCTV surveillance will be installed at key entry points, including the main entrance and lift access areas, providing additional layers of security and peace of mind for residents. By focusing on clear, secure access and maximizing passive surveillance, the development ensures a safe environment that promotes both resident well-being and security.

Principle 8: Housing Diversity and Social Interaction

The proposal has 60 apartments consisting of 13 x 2 bed, 42 x 3 bed & 5 x 4 bed of varying sizes. This will provide for a diverse range of housing to cater for varying housing needs and promote cross-socio-economic/cultural engagement throughout the development. This proposal offers a range of unit types with 25% being adaptable and liveable to cater to an aging population. This mix will likely result in families, singles and couples occupying the units, thereby promoting social mix. The units are designed to take advantage of the excellent location in proximity to local parks, beaches, the golf course, local marina, public transport and shops which promotes active engagement with the local surrounds. The changing social fabric from traditional nuclear families to those of single persons, couples without children, single parent families, the elderly and divorcees has increased the demand for dwellings which offer good security, lower maintenance, and a compatible social environment.

Through this thoughtful design, the development offers a range of housing options that cater to the diverse needs of the local population, while fostering social connections and enhancing the overall sense of community.

Principle 9: Aesthetics

The new development represents a building which is consistent in design, scale, and streetscape with Council's proposed vision of the neighbourhood and surrounding area.

The proposed development achieves a well-balanced architectural form that harmonizes with the local character while embracing contemporary design principles. The building's façade is carefully articulated, employing a mix of textures and materials creating a visually striking and contextually appropriate design.

The massing of the building is thoughtfully proportioned to suit its suburban environment, ensuring a cohesive and well-integrated contribution to the streetscape. This attention to proportion ensures that the building respects the existing rhythm of the area while maintaining a distinct presence. The design responds sensitively to its context, aligning with the future vision for Batemans Bay, while enhancing the architectural identity of the area. The choice of materials, colors, and textures carefully considers the visual relationship with surrounding structures, contributing to a refined, aesthetically pleasing suburban environment.

ANNEXURE 6

R&W CONSULTING PTY LTD TRADING AS
RYGATE & WEST
SINCE 1893

LG01/32 WASON STREET
PO BOX 107
ULLADULLA NSW 2539
P: (02) 4454 2137
ABN: 54 633 646 830
E: mail@rygateandwest.com.au

126 BEACH ROAD
BATEMANS BAY NSW 2536

Ref No – U24087

14 October 2025

Sam Bailey
Sam@placestudio.com.au

Dear Sam

Re: Lot 1 DP1135117
No. 20 Heradale Parade, Batemans Bay

In accordance with your instructions, I have completed a survey for the purpose of locating the below ground water mains exposed by the vacuum excavator and the following report is now provided for your private use.

I have surveyed in part, land at Batemans Bay, in the Parish of Bateman, Local Government Area of Eurobodalla having a total frontage of 38.58 metres to Heradale Parade and extending along Bavarde Avenue for a total distance of 87.2 metres together with a splayed corner to both streets of 4.725 metres being Lot 1 as shown in Deposited Plan 1135117 and being the whole of the land comprised in Certificate of Title 1/1135117 as shown by red edging in the accompanying sketch plan.

The survey was limited to locating the below ground water main that was exposed by the vacuum excavator and placing stakes identifying the location of the surveyed below ground water main as shown on the accompanying sketch.

It should be noted that operational constraints, specifically dense site vegetation, impeded the placement of the vacuum excavator, which limited our ability to verify the position of the below ground water main. We therefore recommend that the vegetation be cleared to facilitate equipment access and enable a conclusive follow-up investigation of the below ground water main's exact location.

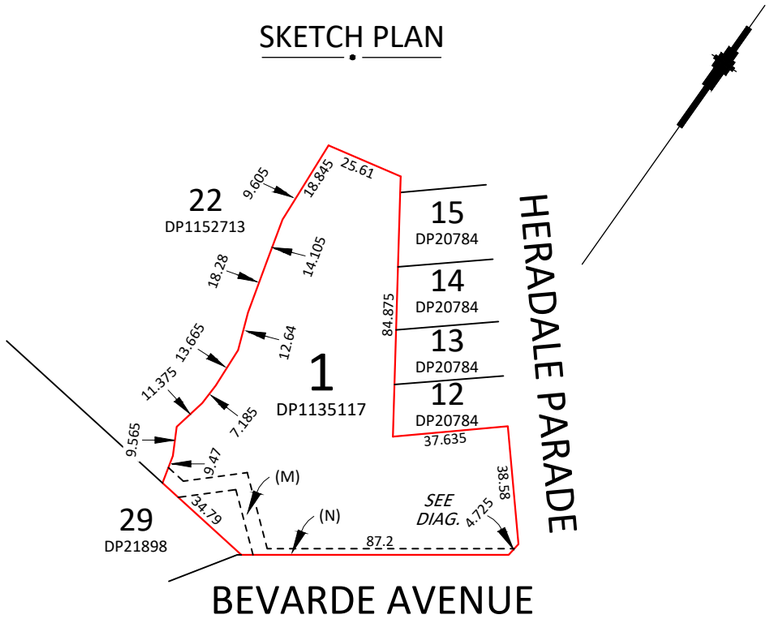
The Title Search indicates that the land is affected by a covenant created by the registration(s) of Dealing No F96053. Part of the land is affected by an easement for water supply 5 metres & 2 metres wide created by the registration of Dealing No X160415 and denoted as “(M)” & “(N)” in the accompanying sketch plan.

There are no other registered easements, covenants or restrictions affecting the subject land.

Yours faithfully
RYGATE & WEST

Peter R. Smith B.Eng. (SSIS) Hons.
Land Surveyor registered under the
Surveying and Spatial Information Act, 2002.

SKETCH PLAN



This is the sketch plan referred to in my survey report to
Sam Bailey
Dated 14 October 2025

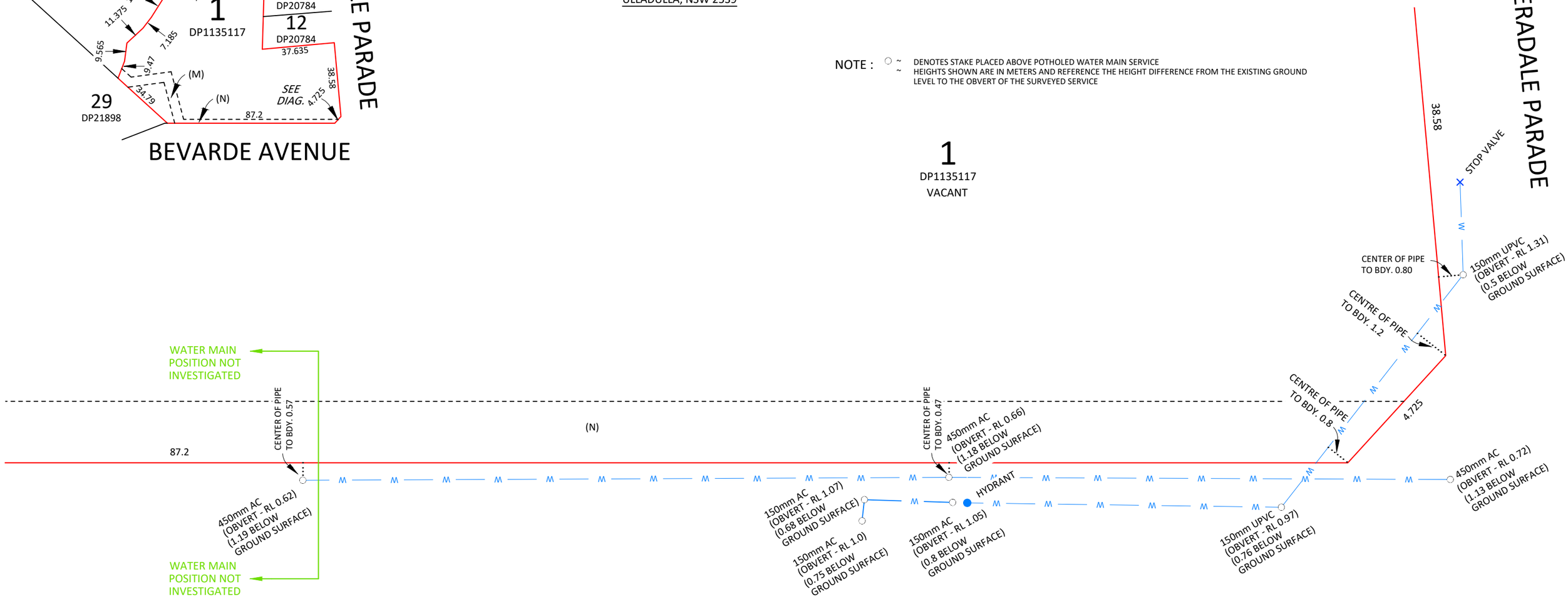
I, Peter R. Smith, a surveyor registered under the Surveying and Spatial Information Act 2002, certify that this plan, report or diagram has been prepared in accordance with the Surveying and Spatial Information Regulation 2024, section 45.

Surveyor ID No. SU008565
Date: 14/10/2025
Rygate & West
LG01/32 Wason Street
ULLADULLA, NSW 2539

DIAGRAM

NOTE : ○ ~ DENOTES STAKE PLACED ABOVE POTHOLED WATER MAIN SERVICE
~ HEIGHTS SHOWN ARE IN METERS AND REFERENCE THE HEIGHT DIFFERENCE FROM THE EXISTING GROUND LEVEL TO THE OBVERT OF THE SURVEYED SERVICE

1
DP1135117
VACANT



(M) ~ EASEMENT FOR WATER SUPPLY 5 WIDE (X160415)

(N) ~ EASEMENT FOR WATER SUPPLY 2 WIDE (X160415)

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RED'N. RATIO 1: 125 AT A3			AMENDMENTS	BY	DATE
DATUM : AHD	SURVEYED	Z.E.			
CONTOUR INTERVAL :	DESIGNED				
ORIGIN OF LEVELS : PM35544 : RL 1.732	DRAWN	Z.E.			
DATE : 14/10/2025	CHECKED	P.S.			

RYGATE & WEST
INCORPORATING BULLOCK & WALTERS
SINCE 1893
P.O. BOX 107, LG01 /32 WASON STREET ULLADULLA NSW 2539
P.O. BOX 346, 126 BEACH ROAD, BATEMANS BAY NSW 2536
mail@rygateandwest.com.au
02 44542137

PLACE STUDIO

PLAN
SHOWING BOUNDARIES & LOCATED SERVICES
OVER LOT 1 DP1135117 AND PARTS OF ADJOINING LANDS.

BATEMANS BAY | SHIRE OF EUROBODALLA

REFERENCE No.	U24087
DRAWING No.	U24087_LOC.dwg
ISSUE	A
SHEET	1 OF 1 SHEET

ANNEXURE 7

SITE PLAN

LiveLocates

LL250582 - Pictorial Report

Please find attached pictorial plans representing locating work completed on **14/10/2025** to locate utilities at **20 Heradale Parade, Batemans Bay NSW 2536** as requested. This work has been completed for **Place Studio** and is for their exclusive use only. These plans are not to be shared or distributed to any further party without the express permission in writing of LiveLocates. These plans are invalid after 30 days from locate date.

Please note that these plans are pictorial only for your general reference and are not to scale. Where we have only completed a Quality Level B locate (electronically located the utilities) or lower we strongly recommend you carefully excavate by hand or vacuum excavation and confirm their exact location prior to undertaking any further excavation works.

Legend – Reference: *AS5488.1:2019

BGL = Below Ground Level
*QL-A = Quality Level A locate by visual inspection
*QL-B = Quality Level B locate by radio detection
*QL-C = Quality Level C locate by GPR

Plan Colours

*White = Communications	*Orange = Power
*Yellow = Gas	*Green = Storm Water
*Blue = Water	*Brown/Cream = Sewer
*Pink = Unidentified	Dashed Line (colour) = asset shows on utility plan but has not been detected on site

All services provided are subject to LiveLocates standard terms and conditions.

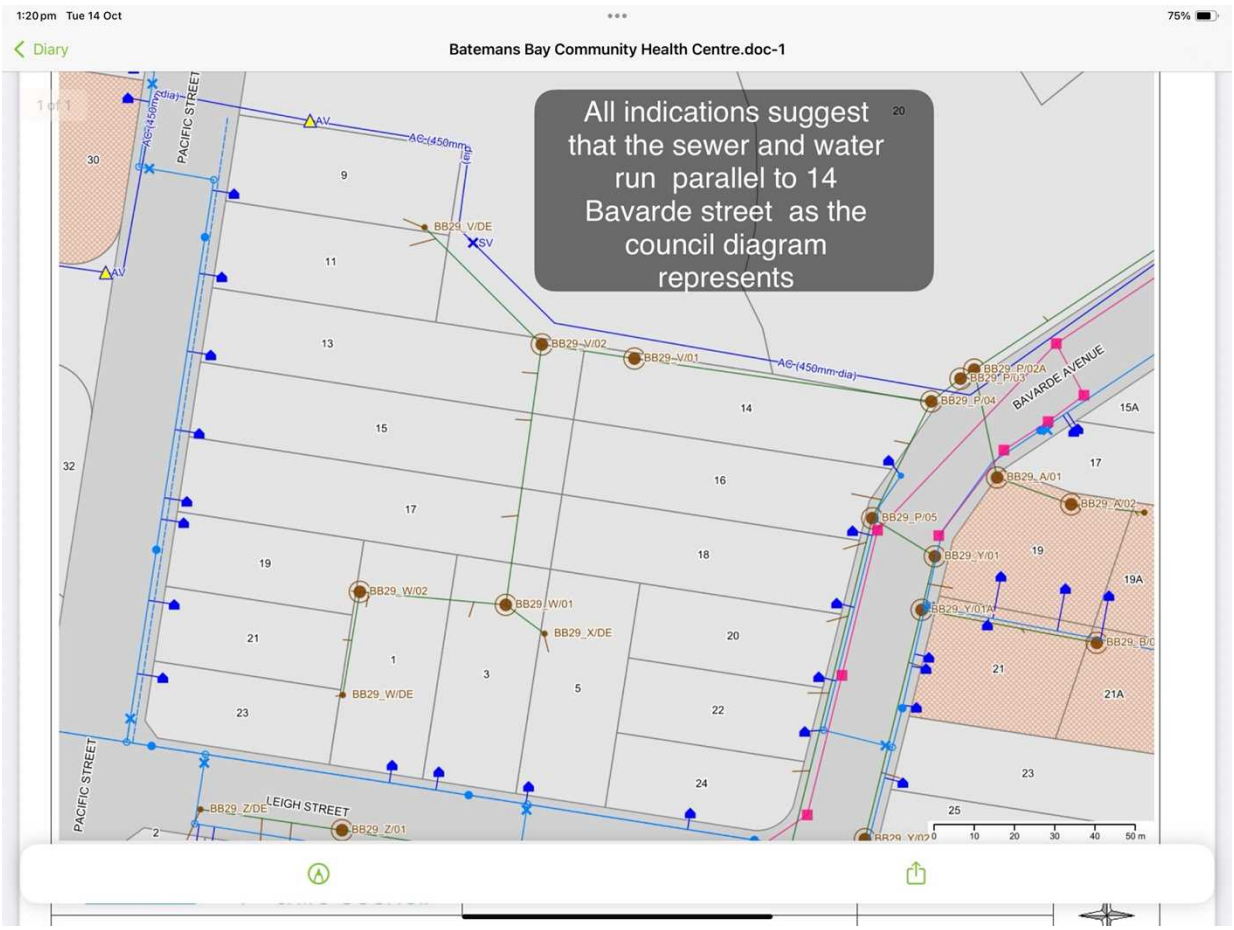
For any queries, please do not hesitate to give us a call 1300 517 062.

Important Note:

The located site may include assets that are not represented on asset owner plans or asset plans provided by the client or any other interested party regarding the site. The client should be aware that when this is the case, LiveLocates locators will attempt to locate any assets not represented on any provided plans to the best of their ability considering their observations on site and the information returned by the locating equipment, using a variety of locating frequencies and techniques. Some assets can be untraceable or may not be detected by the locator and their equipment. Those assets will not be represented in this site report.

Locator's Notes:

SOW locate water pipe to ascertain the position for potential easement re alignment. Surface markers for water and manhole covers located on site and at southwestern corner of 14 Bavarde used to make a judgment call, as indicated in attached photo. Rygate and West to report all findings. Water mains also located to corner of Heradale parade. Pothole went to depth of 3300mm and a sink holes was forming at base of the bank near 14 Bavarde , we stopped work . Conversation with Sam and happy with all the reporting processes.



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