

Ordinary Meeting

Meeting Date: Monday, 22 July, 2024

Location: Council Chambers, City Administrative Building, Bridge Road, Nowra

Attachments (Under Separate Cover)

Index

13. Reports

CL24.207 DA24/1326 - 4 Beinda Street BOMADERRY

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COUNCIL ASSESSMENT REPORT
SOUTHERN REGIONAL PLANNING PANEL

PANEL REFERENCE & DA NUMBER	PPSSTH-400 – DA2024/1326
PROPOSAL	Demolition of existing structures, lot consolidation and construction of two (2) x residential flat buildings comprising 60 build-to-rent apartments and 70 car parking spaces
ADDRESS	10 Beinda Street BOMADERRY NSW 2541 - Lot 1 DP 25566 8 Beinda Street BOMADERRY NSW 2541 - Lot 2 DP 25566 6 Beinda Street BOMADERRY NSW 2541 - Lot 3 DP 25566 4 Beinda Street BOMADERRY NSW 2541 - Lot 4 DP 25566 2 Beinda Street BOMADERRY NSW 2541 - Lot 5 DP 25566 55 Bolong Road BOMADERRY NSW 2541 - Lot 6 DP 25566 57 Bolong Road BOMADERRY NSW 2541 - Lot 7 DP 25566 53 Bolong Road BOMADERRY NSW 2541 - Lot 1 DP 329959
APPLICANT	Landcom
OWNER	Allison M Hadley
DA LODGEMENT DATE	7 May 2024
APPLICATION TYPE (DA, Concept DA, CROWN DA, INTEGRATED, DESIGNATED)	Crown Development Application
REGIONALLY SIGNIFICANT CRITERIA	Clause 4, Schedule 6 of State Environmental Planning Policy (Planning Systems) 2021 – Crown development over \$5 million
CIV	\$29,660,653.00 (excluding GST)
CLAUSE 4.6 REQUESTS	Shoalhaven LEP 2014 – Clause 4.3 – Height of Building
KEY SEPP/LEP	<ul style="list-style-type: none"> • State Environmental Planning Policy (Biodiversity and Conservation) 2021 • State Environmental Planning Policy (Housing) 2021 • State Environmental Planning Policy (Planning Systems) 2021 • State Environmental Planning Policy (Resilience and Hazards) 2021 • State Environmental Planning Policy (Sustainable Buildings) 2022 • State Environmental Planning Policy (Transport and Infrastructure) 2021

	<ul style="list-style-type: none"> • Shoalhaven Local Environmental Plan 2014
TOTAL & UNIQUE SUBMISSIONS KEY ISSUES IN SUBMISSIONS	<p>The application was publicly exhibited in accordance with the requirements of the Environmental Planning and Assessment Regulations 2021 from 22 May 2024 to 21 June 2024.</p> <p>Two (2) submissions of objection were received. Representations were also received from Gareth Ward MP.</p> <p>The key issues raised in submissions were:</p> <ul style="list-style-type: none"> • Heritage • Size, bulk, scale and density • Privacy • Setbacks • Walkway location • Overshadowing • Tree removal
DOCUMENTS SUBMITTED FOR CONSIDERATION	<p>Attachment 1 – Architectural, Landscaping and Civil Engineering Plans</p> <p>Attachment 2 – BASIX Certificate and NatHERS Certificate</p> <p>Attachment 3 – Statement of Environmental Effects</p> <p>Attachment 4 – Clause 4.6 Variation Request</p> <p>Attachment 5 – Statement of Heritage Impact</p> <p>Attachment 6 – Aboriginal Heritage Due Diligence Assessment</p> <p>Attachment 7 – Development Application Stage Design Report</p> <p>Attachment 8 – Landscape Master Plan Concept Report</p> <p>Attachment 9 – BCA & DDA Capability Statement</p> <p>Attachment 10 – Flora and Fauna Assessment</p> <p>Attachment 11 – Bomaderry Community Information and Feedback Session – Feedback Summary</p> <p>Attachment 12 – Arboricultural Impact Assessment</p> <p>Attachment 13 – Crime Risk / CPTED Assessment</p> <p>Attachment 14 – Data Gap Investigation</p> <p>Attachment 15 - Geotechnical Investigation Report</p> <p>Attachment 16 - Water Cycle Management Plan</p> <p>Attachment 17 - Transport Impact Assessment</p> <p>Attachment 18 - Wastewater and Effluent Letter</p> <p>Attachment 19 - Waste Management Plan</p> <p>Attachment 20 - Estimated Development Cost</p> <p>Attachment 21 – Letter responding to Heritage Submission</p>
SPECIAL INFRASTRUCTURE CONTRIBUTIONS (S7.24)	N/A

CL24.207 - Attachment 1

RECOMMENDATION	Approval
DRAFT CONDITIONS TO APPLICANT	Yes
SCHEDULED MEETING DATE	30 July 2024
PREPARED BY	Peter Woodworth Lead – Development Assessment
DATE OF REPORT	1 July 2024

Executive Summary

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

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

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

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

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

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

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

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

- Environmental Planning and Assessment Act 1979;
- Environmental Planning and Assessment Regulation 2021;
- State Environmental Planning Policy (Biodiversity and Conservation) 2021;

- State Environmental Planning Policy (Housing) 2021;
- State Environmental Planning Policy (Planning Systems) 2021;
- State Environmental Planning Policy (Resilience and Hazard) 2021;
- State Environmental Planning Policy (Sustainable Buildings) 2022
- State Environmental Planning Policy (Transport and Infrastructure) 2021
- Shoalhaven Local Environmental Plan 2014; and
- Shoalhaven Development Control Plan 2014.

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

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

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

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

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

Detailed Proposal

The proposal includes:

- Demolition of existing dwelling and associated structures.
- Preliminary site earthworks and vegetation removal.
- Construction of two predominantly three storey (with four storey western facade) build-to-rent residential flat buildings accommodating:
 - 60 apartments comprising:
 - 8 x studio apartments
 - 17 x 1 bed apartments;
 - 19 x 2 bedroom apartments;
 - 14 x two-storey terrace-style 2 bedroom apartments;
 - 2 x 3 bedroom apartments.
 - Ground level entrance and lobby areas for both buildings.
 - Ground level communal room for residents.
 - Ground level open air enclosed undercroft parking for each building incorporating a total of 70 vehicle parking spaces.
 - Motorbike parking incorporating 1 space.
 - Bicycle parking for a total of 46 bicycles.
 - Waste storage room in the under-croft ground level area.
 - Landscaping works including external areas and a landscaped level 1 internal terrace areas for residents on each building.
- Consolidation of the existing allotments Lot 1, 2, 3, 4, 5, 6 & 7 DP 25566 and Lot 1 DP 329959 to create a single allotment.
- Construction of kerb and gutter along the Beinda Street frontage of the site.
- Construction of a pedestrian footpath along the Beinda Street frontage of the site.

As noted in the Application, 20% of apartments will be provided as affordable housing through a community housing provider.

The plans and information referred to are as follows:

Plans					
Council TRIM Reference	Plan Number	Revision Number	Plan Title	Drawn by	Date of Plan
D24/257850	Job Number: 202312	A - C	Architectural Plan Set – BASIX stamped	St. Clair Architecture	Rev C - 13/6/2024
D24/188763	Job Number: 202312	DA02	Dwelling Floor Plans Set	St. Clair Architecture	1/5/2024
D24/257944	Job Number: 202312	DA01	External Finishes Schedule	St. Clair Architecture	19/4/2024
D24/257858	Job Number: 23-0065	D	Landscaping Plan Set	Edmiston Jones	30/4/2024

D24/188756	Job Number: SY232949	B	Civil Engineering Package	Northrop	18/4/2024
D24/188745	3040-01019- 100-001	01	Plan Showing Proposed Consolidation of Lots 1 to 7 in DP 25566 & Lot 1 in DP 329959	Stantec Australia Pty Ltd	16/2/2024
D24/188744	304001019 CD-01 Ver B	02	Detail Survey	Stantec Australia Pty Ltd	22/12/2023

Documents				
Council TRIM Reference	Document title	Version number	Prepared by	Date of document
D24/188722	BASIX Certificate	1744618M_02	Northrop Consulting Engineers Pty Limited	23/4/2024
D24/188721	NatHers Certificate	0009400040	Northrop Consulting Engineers Pty Limited	22/4/2024
D24/188808	Statement of Environmental Effects	Rev C	Urbanco	13/6/2024
D24/188804	Clause 4.6 Variation Request	Rev C	Urbanco	1/5/2024
D24/188813	Statement of Heritage Impact	10193- RI, Issue 2	Heritage 21	22/4/2024
D24/188775	Aboriginal Heritage Due Diligence Assessment	2327, v1	January 2024	Kelleher Nightingale Consulting Pty Ltd
D24/188824	Development Application Stage Design Report	202312 DA01	St Clair Architecture	12/4/2024

D24/188823	Landscape Master Plan Concept Report	23-0065	Edmiston Jones	15/2/2024
D24/188778	BCA & DDA Capability Statement	S240032, Rev 1	bmplusg	19/4/2024
D24/188819	Flora and Fauna Assessment	23162RP1	Cumberland Ecology	19/4/2024
D24/188817	Bomaderry Community Information and Feedback Session – Feedback Summary	-	Landcom	April 2024
D24/188816	Arboricultural Impact Assessment	LANDCOM – Bomaderry – V1 2024	Arboriculture Consultancy Australia	19/4/2024
D24/188814	Flood Compliance Assessment	SY232949, Rev 2.0	Northrop	18/4/2024
D24/188774	Acoustics Report	SY232949-00-AU-RP03, Rev 3	Northrop	9/4/2024
D24/188791	Crime Risk / CPTED Assessment	Rev B	Urbanco	19/4/2024
D24/188801	Data Gap Investigation	Rev 0	Stantec Australia Pty Ltd	19/4/2024
D24/188797	Geotechnical Investigation Report	304001019-GI-R001, Rev 3	Stantec Australia Pty Ltd	26/2/2024
D24/188742	Water Cycle Management Plan	SY232949, Rev 2.0	Northrop	17/4/2024
D24/188772	Transport Impact Assessment	23437, V02	The Transport Planning Partnership	18/4/2024
D24/188737	Wastewater and Effluent Letter	-	Landcom	19/4/2024
D24/188729	Waste Management Plan	Job No. 223-101-33-75, Ver 1	MRA Consulting Group	17/4/2024

D24/188726	Estimated Development Cost	R0	RPS Group	18/4/2024
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1. Subject Site and Surrounds

Site Description



Figure 1: Aerial imagery of subject site (yellow)

