Ordinary Meeting

Meeting Date: Monday, 22 July, 2024
Location: Council Chambers, City Administrative Building, Bridge Road, Nowra

Attachments (Under Separate Cover)

Index

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	• State Environmental Planning Policy (Biodiversity and Conservation) 2021 • State Environmental Planning Policy (Housing) 2021 • State Environmental Planning Policy (Planning Systems) 2021 • State Environmental Planning Policy (Resilience and Hazards) 2021 • State Environmental Planning Policy (Sustainable Buildings) 2022 • State Environmental Planning Policy (Transport and Infrastructure) 2021

	• Shoalhaven Local Environmental Plan 2014
TOTAL & UNIQUE SUBMISSIONS KEY ISSUES IN SUBMISSIONS	The application was publicly exhibited in accordance with the requirements of the Environmental Planning and Assessment Regulations 2021 from 22 May 2024 to 21 June 2024. Two (2) submissions of objection were received. Representations were also received from Gareth Ward MP. The key issues raised in submissions were: • Heritage • Size, bulk, scale and density • Privacy • Setbacks • Walkway location • Overshadowing • Tree removal
DOCUMENTS SUBMITTED FOR CONSIDERATION	Attachment 1 – Architectural, Landscaping and Civil Engineering Plans Attachment 2 – BASIX Certificate and NatHERS Certificate Attachment 3 – Statement of Environmental Effects Attachment 4 – Clause 4.6 Variation Request Attachment 5 – Statement of Heritage Impact Attachment 6 – Aboriginal Heritage Due Diligence Assessment Attachment 7 – Development Application Stage Design Report Attachment 8 – Landscape Master Plan Concept Report Attachment 9 – BCA & DDA Capability Statement Attachment 10 – Flora and Fauna Assessment Attachment 11 – Bomaderry Community Information and Feedback Session – Feedback Summary Attachment 12 – Arboricultural Impact Assessment Attachment 13 – Crime Risk / CPTED Assessment Attachment 14 – Data Gap Investigation Attachment 15 - Geotechnical Investigation Report Attachment 16 - Water Cycle Management Plan Attachment 17 - Transport Impact Assessment Attachment 18 - Wastewater and Effluent Letter Attachment 19 - Waste Management Plan Attachment 20 - Estimated Development Cost Attachment 21 – Letter responding to Heritage Submission
SPECIAL INFRASTRUCTURE CONTRIBUTIONS (S7.24)	N/A

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

Executive Summary

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Detailed Proposal

The proposal includes:

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

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

The plans and information referred to are as follows:

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

1. Subject Site and Surrounds

Site Description

Figure 1: Aerial imagery of subject site (yellow)

Figure 2: Aerial imagery of subject site (yellow)

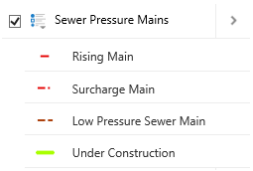
The subject site has a frontage to Beinda Street and Bolong Road, Bomaderry. The site comprises 8 individual allotments which are proposed to be consolidated and contains two detached dwellings (one located over both Lot 6 and 7 DP 25566, and one located on Lot 1 DP 329959) and detached shed/carport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

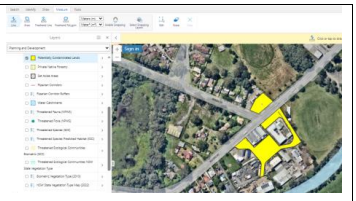
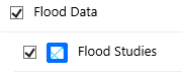
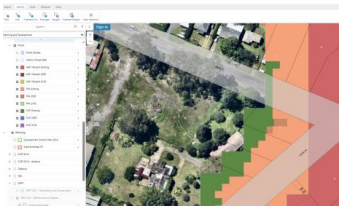
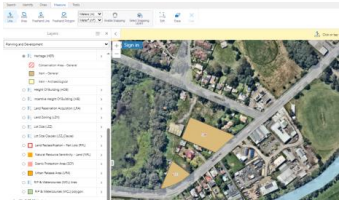
The surrounding area is mixed in character and the site is adjoined by low density residential development to the north, west and south, a service station to the north-east and a mix of commercial type development including retail, hardware and building supplies and a car wash. The site is in proximity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

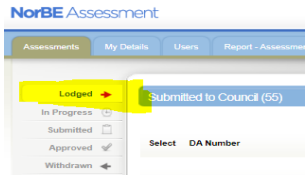
Summary of Site and Constraints

GIS Map Layer		

	Lot Area	**5915m²** - according to Detail Survey (Ref: 304001019 CD-01 Ver B, Rev 02) **Lot** / **Approximate Areas (according to Council GIS data)** Lot 1 DP 25566 — 765.11m² Lot 2 DP 25566 — 765.11m² Lot 3 DP 25566 — 765.11m² Lot 4 DP 25566 — 828.34m² Lot 5 DP 25566 — 910.54m² Lot 6 DP 25566 — 581.74m² Lot 7 DP 25566 — 581.74m² Lot 1 DP 329959 — 701.90m²
	Zone	R3 Medium Density Residential
	Does the land have a dwelling entitlement? *Note: for rural land refer to clause 4.2D of Shoalhaven LEP 2014.*	Yes
	Does the property adjoin Council, Crown, National Parks or other public reserve? *Note: Consideration should be given to if the development requires or implies access from the adjoining land.*	No
Topographic Layer	*Has appropriate survey information been provided?*	Yes
	Fall direction of land	Fall of land toward street
	Slope of land >20%?	No
Site Inspection	*Works within proximity to electricity infrastructure?*	Yes - Referral to Endeavour Energy required. • Development within 5m of an exposed overhead electricity power line
	Is the development adjacent to a classified road?	Yes - Referral to TfNSW required. TfNSW have advised the following *"TfNSW advises that Bolong Road is an existing classified road. Accordingly, TfNSW concurrence is not required by Section 2.118 of the T&ISEPP. TfNSW will continue an assessment under the referral*

		submitted under Roads Act 1993 -s138 (Non-integrated).”
	Is the development adjacent to a rail corridor?	No
Utility Network	*Access to reticulated sewer?*	Yes
	On-site sewage management (OSSM) - Is the development located suitably away from any effluent management areas (EMA) or effluent disposal areas (EDA)? *Note: Ensure you have adequate information about the location of existing OSSM systems*	N/A
	Does the proposal require a new connection to a pressure sewer main (i.e. a new dwelling connection)? 	No
	Building over sewer policy applicable? *Note: Zones of influence can differ based on soil type (e.g., sandy soils vs clay soils). If unsure discuss with Shoalhaven Water.*	No
	Access to reticulated water?	Yes
	Do effluent management areas (EMA) or effluent disposal areas (EDA) adopt suitable buffers to water mains and other potable drinking water infrastructure. *Note: EMA/EDAs should be located at least 20m away from a downstream water main and at least 10m from an upstream water main.*	N/A
	Does the proposal impact on any critical water or sewer infrastructure (e.g. REMS, water, sewer layers)?	No
	Does the proposal increase dwelling density and demand on water or sewer services (e.g. secondary dwelling, dual occupancy, multi dwelling housing, subdivision)?	Yes - Referral to Shoalhaven Water required.
Environmental Layers	*Aboriginal Cultural Heritage*	No
	Bush Fire	No
	Coastal Hazard Lines (applies to location of proposed development)	No
	Coastal Hazard Area	No
	Potentially Contaminated Land	Site is within vicinity of identified potentially contaminated land

		
	Flood *Note: There are several catchments that have not have flood studies conducted. Sites outside of the flood study area may still be subject to flooding. Refer to advisory note on p.3 of Chapter G9 of Shoalhaven DCP 2014.* 	Below Flood Planning Area (2050) - Referral to Natural Rescource & Floodplain Section required 
	Development within 40m of a watercourse	No
Planning Layers	*Development Control Plan - Area Specific Chapters*	No
	Draft Exhibited Planning Proposal	No
	Shoalhaven LEP (Jerberra Estate) 2014	No
	Acid Sulfate Soils	Class 5
	Buffers	No
	Terrestrial Biodiversity	Yes
	Local Clauses	No
	Coastal Risk Planning	No
	Heritage	Site is within vicinity of Heritage Item 
	Scenic Protection	No
	Sydney Drinking Water Catchment area (e.g. NorBE) *Note: NorBE Assessments submitted to Council can be viewed from the "Lodged" tab in the NorBE online assessment tool shown below.*	No

		
	SEPP (Resilience and Hazards) 2021 – Chapter 2 Coastal Management	Yes • Coastal Environment area • Coastal use area
	Marine Park Estate	No
BV Map	*Biodiversity Values Map*	No

Site Inspection Observations

Refer to site inspection report.

Media summary

Photo 1 – Subject site looking east

Photo 2 – subject site looking west toward 8 Beinda Street

Photo 3 – Subject site looking west

Photo 4 – Photo of adjoining building (dwelling - heritage item) at 59 Bolong Road

Photo 5 – Subject site looking west

Photo 6 – Photo along boundary of subject site and 59 Boling Road

Photo 7 - Photo along boundary of subject site and 59 Boling Road

Photo 8 – Subject site looking south-west

Photo 9 – Subject site looking west

Photo 10 -Photo of adjoining building (dwelling) at 8 Beinda Street

Photo 11- Photo of adjoining building (old sawmill) at 8 Beinda Street

Photo 12 – Photo of adjoining site at 8 Beinda Street

Photo 13 – Photo of dwelling (to be demolished) at 55-57 Bolong Road)

Photo 14 – Photo looking toward subject site taken from Bolong road in front of 59 Bolong Road

Photo 15 - Photo looking toward subject site taken from Bolong road in front of 59 Bolong Road

Photo 16 – Photo of adjoining site at 59 Bolong Road

Photo 17 - Photo of adjoining site at 59 Bolong Road

Photo 18 - Photo of dwelling (to be demolished) at 55-57 Bolong Road)

Photo 19 – Photo along Bolong Road street frontage looking south

Photo 20 – Photo along Bolong Road street frontage looking south

Photo 21 – Photo of dwelling (to be demolished) at 53 Bolong Road

Photo 22 - Photo along Bolong Road street frontage looking south

Photo 23 – Photo of dwelling (to be demolished) at 53 Bolong Road

Photo 24 – Photo of detached shed (to be demolished) at 53 Bolong Road

Photo 25- Photo along Belinda Street street frontage looking east

Photo 26- Photo along Belinda Street street frontage looking west

Photo 27- Photo along Belinda Street street frontage looking west

Photo 28- Photo along Belinda Street street frontage looking west

Photo 29- Photo along Belinda Street street frontage looking east

Deposited Plan and 88B Instrument

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

2. Background

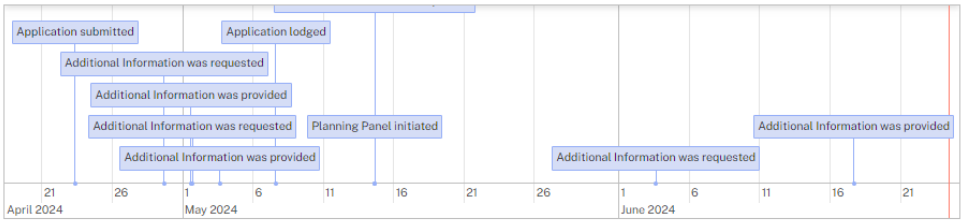
Pre-Lodgement Information

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

Post-Lodgement Information

Reference number	Milestone	Date
1	Application submitted	23/04/2024
2	Additional Information was requested	29/04/2024
3	Additional Information was provided	01/05/2024
4	Additional Information was requested	01/05/2024
5	Additional Information was provided	03/05/2024
6	Application lodged	07/05/2024
7	Concurrence and Referral requested	14/05/2024
8	Planning Panel initiated	14/05/2024
9	Additional Information was requested	03/06/2024
10	Additional Information was provided	17/06/2024

Timeline

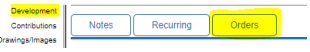


The application will be reported to the Shoalhaven City Council Ordinary Meeting on 22/7/2024 to advise Councillors of the recommendation to the Regional Planning Panel in accordance with *Council's Community Consultation Policy for Development Applications (Including Subdivision)* POL22/8.

Site History and Previous Approvals

Application No.	Proposal	Decision
Lot 1 DP 25566		
BA75/1037	Roof on sawmill	Approved
Lot 2 DP 25566		
BA75/1037	Roof on sawmill	Approved
Lot 3 DP 25566		
BA75/1037	Roof on sawmill	Approved
Lot 4 DP 25566		
DA2024/1326	Roof on sawmill	Approved
Lot 5 DP 25566		
BA75/1178	T/Frame garage	Approved
BA79/0360	Brick garage	Cancelled
BA79/1120	Carport	Approved
BA54/0338	-	Approved
Lot 6 DP 25566		
BA74/0820	Brick garage	Approved

BA54/0338	-	Approved
Lot 7 DP 25566		
BA76/1831	Dwelling additions	Approved
BA54/0338	-	Approved
Lot 1 DP 329959		
93/0301	Dwelling whole	Printed

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

3. Consultation and Referrals

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

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

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

5. Other Approvals

Integrated Development – N/A

6. Statutory Considerations

Environmental Planning and Assessment Act 1979

Section 4.14 Consultation and development consent – certain bush fire prone land

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

Section 6.26 Crown subdivision, building, demolition and incidental work

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

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

Biodiversity Conservation Act 1979

Does the application include works or vegetation removal within the Biodiversity Values mapped area?	No
Does the application involve clearing of native vegetation above the area clearing threshold?	No

Area clearing threshold The area threshold varies depending on the minimum lot size (shown in the Lot Size Maps made under the relevant Local Environmental Plan (LEP)), or actual lot size (where there is no minimum lot size provided for the relevant land under the LEP). **Minimum lot size associated with the property** / **Threshold for clearing, above which the BAM and offsets scheme apply** Less than 1 ha — 0.25 ha or more 1 ha to less than 40 ha — 0.5 ha or more 40 ha to less than 1000 ha — 1 ha or more 1000 ha or more — 2 ha or more The area threshold applies to all proposed native vegetation clearing associated with a proposal, regardless of whether this clearing is across multiple lots. In the case of a subdivision, the proposed clearing must include all future clearing likely to be required for the intended use of the land after it is subdivided. If the land on which the proposed development is located has different minimum lot sizes the smaller or smallest of those minimum lot sizes is used to determine the area clearing threshold.	
Will the proposed development have a significant impact on threatened species or ecological communities, or their habitats, according to the test in section 7.3 of the Biodiversity Conservation Act 2016 (i.e. 'test of significance)? *Note: Consideration should be given to the site's proximity to NPWS land (see guidelines) and other natural areas, as well as any area that may contain threatened species, vulnerable or endangered ecological communities or other vulnerable habitats.*	No
*If the application exceeds the Biodiversity Offsets Scheme Threshold (i.e. if yes to **any** of the above), has the application been supported by a Biodiversity Development Assessment Report (BDAR)?*	N/A

Fisheries Management Act 1994

The proposed development would not have a significant impact on the matters for consideration under Part 7A of the *Fisheries Management Act 1994*.

Local Government Act 1993

Do the proposed works require approval under Section 68 of the Local Government Act 1993?	Yes - see s68 type nominated below
☒ Water supply, sewerage and/or stormwater works ☐ Operation of a system of sewage management (i.e. on-site sewage management system) ☐ Installation of a manufactured home ☐ Installation of a domestic oil or solid fuel heating appliance, other than a portable appliance (i.e. a fire place)?	

Marine Estate Management Act 2014

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

7. Statement of Compliance/Assessment

The following provides an assessment of the submitted application against the matters for consideration under Section 4.15 of the Environmental Planning and Assessment Act 1979.

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

(i) Environmental planning instrument

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

Environmental Planning Instrument
Shoalhaven Local Environmental Plan 2014
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

State Environmental Planning Policy (Biodiversity and Conservation) 2021

Chapter 3 Koala habitat protection 2020

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

Chapter 4 Koala habitat protection 2021

Question	Yes		No	
1. Is there an approved koala plan of management for the subject land?	☐	Proceed to Question 2	☒	Proceed to Question 3
2. Is the proposed development consistent with the approved koala plan of management that applies to the land?	☐	Proposal satisfactory under SEPP.	☐	Application cannot be supported.
3. Has information been provided to Council by a suitably qualified consultant that demonstrates that the land the subject of the development application: a) Does not include any trees belonging to the koala use tree	☐	Proposal satisfactory under SEPP as (a), (b), (c) or (d) is satisfied.	☒	Proceed to Question 4

Question	Yes		No	
species listed in Schedule 2 of the SEPP for the relevant koala management area, or b) Is not core koala habitat, or c) There are no trees with a diameter at breast height over bark of more than 10cm, or d) The land only includes horticultural or agricultural plantations				
4. Is the proposed development likely to have an impact on koalas or koala habitat?	☐	Proceed to Question 5	☒	Proposal satisfactory under SEPP.

State Environmental Planning Policy (Housing) 2021

Chapter 2 Affordable housing

Division 1 In-fill affordable housing

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

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

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

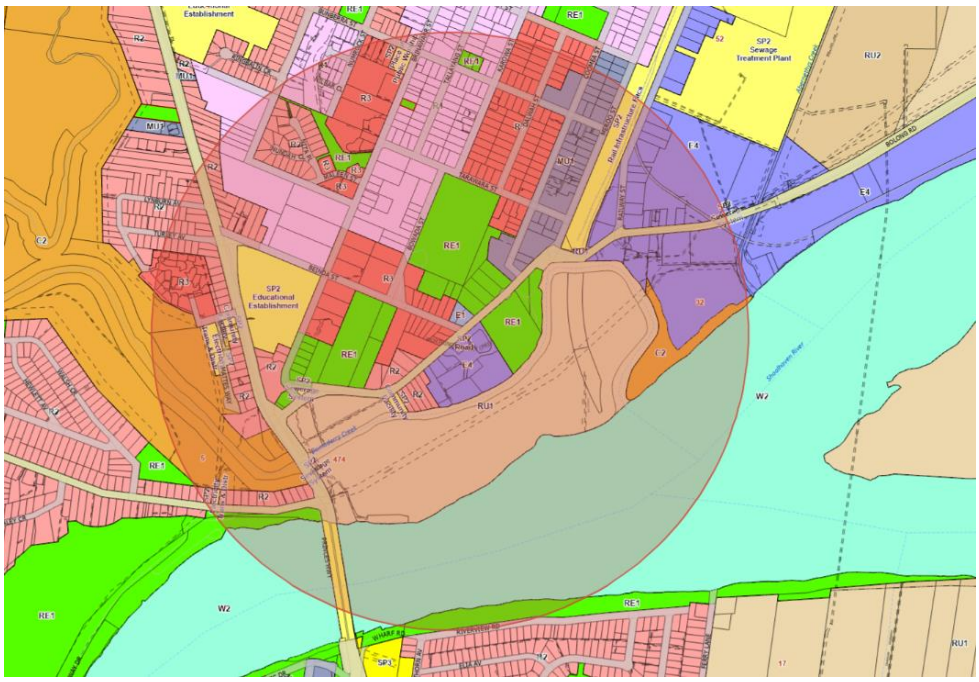


Figure 3: Zoning map overlaying 800m buffer from subject site noting that E1 and MU1 zoned land is within 800m walking distance.

Section 16 Affordable housing requirements for additional floor space ratio

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

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

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

Section 18 Affordable housing requirements for additional building height

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

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

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

Non-discretionary development standard	***Commentary***
Does the site have an area of at least 450m²?	Yes

<table>
<tr><td>Is a minimum 35m² per dwelling or 30% of the site area (whichever is lesser) provided as landscaped area?</td><td>Yes</td></tr>
<tr><td>Is at least 15% of the site area a deep soil zone?
Note: Deep soil zones must have a minimum dimension of 3m
Note: if practible, at least 65% of the deep soil zone should be located at the rear of the site.
Note: This control is not applicable to development to which Chapter 4 of the SEPP (Housing) 2021 applies.</td><td>Yes</td></tr>
<tr><td>Do at least 70% of dwellings receive at least 3 hours of direct solar access between 9am and 3pm at mid-winter to living rooms and private open space?
Note: This control is not applicable to development to which Chapter 4 of the SEPP (Housing) 2021 applies.</td><td>Yes</td></tr>
<tr><td>Is parking provided for dwellings in accordance with the following ratios?
<table><tr><th>Dwelling Type</th><th>Parking Ratio</th></tr><tr><td>1 bedroom (affordable housing)</td><td>0.4 parking spaces</td></tr><tr><td>2 bedrooms (affordable housing)</td><td>0.5 parking spaces</td></tr><tr><td>3+ bedrooms (affordable housing)</td><td>1 parking spaces</td></tr><tr><td>1 bedroom</td><td>0.5 parking spaces</td></tr><tr><td>2 bedrooms</td><td>1 parking spaces</td></tr><tr><td>3+ bedrooms</td><td>1.5 parking spaces</td></tr></table>Note: As per the above table, different ratios are applicable for dwellings used as affordable housing vs dwellings **not** used as affordable housing</td><td><table><tr><th>Dwelling Type</th><th>Number of Dwellings</th><th>Required Parking</th></tr><tr><td>1 bedroom (affordable housing)</td><td>6</td><td>2.4</td></tr><tr><td>2 bedrooms (affordable housing)</td><td>6</td><td>3</td></tr><tr><td>3+ bedrooms (affordable housing)</td><td>-</td><td>-</td></tr><tr><td>1 bedroom</td><td>19</td><td>9.5</td></tr><tr><td>2 bedrooms</td><td>27</td><td>27</td></tr><tr><td>3+ bedrooms</td><td>2</td><td>3</td></tr><tr><td colspan="3"></td></tr><tr><td colspan="2">TOTAL PARKING REQUIRED</td><td>44.9</td></tr><tr><td colspan="2">TOTAL PARKING PROPOSED</td><td>70</td></tr></table>As noted by the applicant at least 20% of apartments will be provided as affordable housing. As these have not been nominated yet, the affordable housing parking rate has been applied to 6 x one-bedroom apartments and 6 x two-bedroom apartments.
The proposal provides 70 car parking spaces. As noted in the Applicant's SEE (p.66), the proposal does not seek to adopt minimum parking rates allowable under SEPP (Housing) 2021 and instead provides a site specific design outcome which exceeds the SEPP parking requirements</td></tr>
</table>

Does the development provide minimum floor areas in accordance with the following? • *Minimum internal areas specified in the Apartment Design Guide* • *For dual occupancies, manor houses or multi dwelling housing (terraces), the minimum floor area specified in the Low Rise Housing Diversity Design Guide* *Where minimum floor areas are not prescribed in the Apartment Design Guide or the Low Rise Housing Diversity Design Guide, the following minimum floor areas apply:* ***Dwelling Type*** / ***Minimum Floor Area*** *1 bedroom* / *65m²* *2 bedrooms* / *90m²* *3+ bedrooms* / *115m² + 12m² for each bedroom in addition to 3 bedrooms*	Yes

Section 20 Design requirements

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

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

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

Section 22 Subdivision permitted with consent

Not applicable – subdivision is not proposed.

Division 6 Residential development – relevant authorities

Not applicable.

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

Chapter 3 Diverse housing

Part 4 Build-to-rent housing

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

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

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

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

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

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

Non-discretionary development standard	***Commentary***
Does the building height comply with the maximum building height permitted under Chapter 5 of the SEPP or another applicable environmental planning instrument?	No – Building does not comply with 11m building height limit set by clause 4.1 of Shoalhaven LEP 2014. A clause 4.6 variation request has been submitted with the development application. Section 4.15(3) of the Environmental Planning and Assessment Act 1979 does not prevent the granting of a development consent if a non-discretionary development standard is not complied with and allows for a clause 4.6 variation request to clause 4.1 to be considered.
Does the development comply with the below floor space ratio requirements? *i) For development on land in a zone in which no residential accommodation is permitted under another environmental planning instrument—a floor space ratio that is not more than the maximum permissible floor space ratio for other development on the land under another environmental planning instrument.* *ii) Where the above does not apply—a floor space ratio that is not more than the maximum permissible floor space ratio for residential accommodation on the land under Chapter 5 or another environmental planning instrument,*	N/A - No FSR is applicable under Shoalhaven LEP 2014.

Is parking provided for dwellings in accordance with the following ratios?

Dwelling Type	Parking Ratio (Chapter G21 of SDCP 2014)
1 bedroom	*1 parking spaces*
2 bedrooms	*1.5 parking spaces*
3+ bedrooms	*2 parking spaces*
Additional visitor car parking per dwelling	*0.2 parking spaces per dwelling*

Dwelling Type	Number of Dwellings	Required Parking
1 bedroom	*25*	*25*
2 bedrooms	*33*	*49.5*
3+ bedrooms	*2*	*4*
Additional visitor car parking per dwelling	*60*	*12*
TOTAL PARKING REQUIRED		*90.5*
TOTAL PARKING PROPOSED		*70*

It is noted that the proposal will provide a at least 20% of apartments as affordable housing and this should be considered in determining an appropriate amount of carparking for the development. The proposal provides 70 car parking spaces.

As noted in the Applicant's SEE (p.66), the proposal does not seek to adopt minimum parking rates allowable under SEPP (Housing) 2021 and instead provides a site specific design outcome which exceeds the SEPP parking requirements

Section 75 Design requirements

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

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

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

Section 77 Conditions requiring land or contributions for affordable housing

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

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

Not applicable – subdivision is not proposed.

State Environmental Planning Policy (Resilience and Hazards) 2021

Chapter 2 Coastal management

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

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

Chapter 4 Remediation of land

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

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

State Environmental Planning Policy (Planning Systems) 2021

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

State Environmental Planning Policy (Sustainable Buildings) 2022

A valid BASIX certificate (Certificate No. 1744618M_01) has been submitted as part of the application. The certificate demonstrates compliance with the provisions of the SEPP and is consistent with commitments identified in the application documentation.

State Environmental Planning Policy (Transport and Infrastructure) 2021

Chapter 2 Infrastructure

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

Shoalhaven Local Environmental Plan Local Environmental Plan 2014

Land Zoning

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

Characterisation and Permissibility

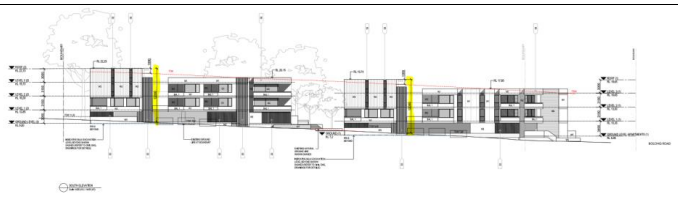
The proposal is best characterised as two (2) x *residential flat buildings* under *Shoalhaven Local Environmental Plan 2014*. The proposal is permitted within the zone with the consent of Council.

Zone objectives

Objective	Comment
To provide for the housing needs of the community within a medium density residential environment.	The proposal is consistent with the objectives of the zone.
To provide a variety of housing types within a medium density residential environment.	
To enable other land uses that provide facilities or services to meet the day to day needs of residents.	
To provide opportunities for development for the purposes of tourist and visitor accommodation where this does not conflict with the residential environment.	

Applicable Clauses

Clause	Comments	Complies/ Consistent
Part 2 Permitted or prohibited development		
2.7	Demolition is permitted but only with development consent.	Complies
Part 4 Principal development standards		
4.1A	The proposed development is for construction of two (2) x residential flat buildings within the R3 Medium Density Residential zone. The lot has a site area greater than 900m² and therefore the proposal meets the requirements of subclause (2). The proposal is considered suitable with regard to clause 4.1A and the proposed residential flat buildings are permissible with development consent.	Complies
4.3	There is no height limit set by the Height of Buildings Map and therefore the height of any building on the land must not exceed a maximum height of 11 metres as per sub-clause (2A). The proposed development has a maximum height of 12.09m which exceeds the building height limit.	Clause 4.6 exception request applied for. See Appendix C for further commentary.

	 *Figure 4: Proposed South Elevation Plans noting peak building height of development (highlighted in yellow)* The application has been supported by a clause 4.6 variation request and this is discussed in further detail in Appendix C – Clause 4.6 Detailed Consideration.	
4.6	The application seeks an exception to the development standards set out in clause 4.3(2). The application has been supported by a clause 4.6 exception statement and this is further discussed in Appendix C – Clause 4.6 Detailed Consideration.	Applies – See Appendix C for further commentary.
Part 5 Miscellaneous provisions		
5.10	The proposal involves works in proximity of heritage item (Item No 122 - *Greenleaves" - Federation Queen Anne style residence and grounds* and Item No 123 - *Federation brick and asbestos tile residence*). The application has been supported by a Statement of Heritage Impact Report and Council considers that the proposed works are not considered to compromise the heritage value or heritage significance of the item. The proposal is considered suitable with regard to clause 5.10. The application has been supported by a Aboriginal Heritage Due Diligence Assessment. The application has been referred to the Nowra Local Aboriginal Land Council with no response being received within the referral timeframe and no objection being raised. The proposal is considered suitable with regard to clause 5.10. As noted in the Statement of Environmental Effects, the Applicant has consulted with members of the Local Aboriginal Community and participated in an onsite Connecting with Country Walk which has informed the design and landscaping of the development.	Complies
5.21	The subject site is mapped as below the flood planning level and Council has considered the development's impact on flood behaviour and the design and use of the development in its current situation, and also with regard to projected and potential climate change and coastal erosion processes. The application was referred to Council's Natural Resources and Floodplain Section and no objection was raised with regard to flooding subject to recommended conditions of consent. Council is satisfied that the proposed development is compatible with the flood hazard of the land and will not significantly adversely affect flood behaviour. The proposal will not significantly adversely affect the environment or cause avoidable erosion, siltation, destruction of riparian vegetation or a reduction in the stability of river banks or watercourse. The proposal will not affect the safe occupation or evacuation of the	Complies

<table>
<tr><td></td><td>land. The proposal is not likely to result in unsustainable social and economic costs to the community as a consequence of flooding.

The proposed development is viewed as satisfactory with regard to the considerations set out in clause 5.21.</td><td></td></tr>
<tr><td colspan="3">Part 7 Additional local provision</td></tr>
<tr><td>7.1</td><td>The subject land is mapped as acid sulfate soils:

<table><tr><th>Class</th><th>Commentary</th></tr><tr><td>Class 5</td><td>The proposal does not involve work within 400m of adjacent Class 1, 2, 3 or 4 land that is below 5m AHD and by which the water table is likely to be lowered below 1m AHD on adjacent Class 1, 2, 3 or 4 land.</td></tr></table>
The application has been supported by a Geotechnical Investigation Report which has considered the site geotechnical information.

The subject site is within 400m to adjacent Class 1, Class 2 and Class 4 acid sulfate soils mapped land that is below 5m AHD.

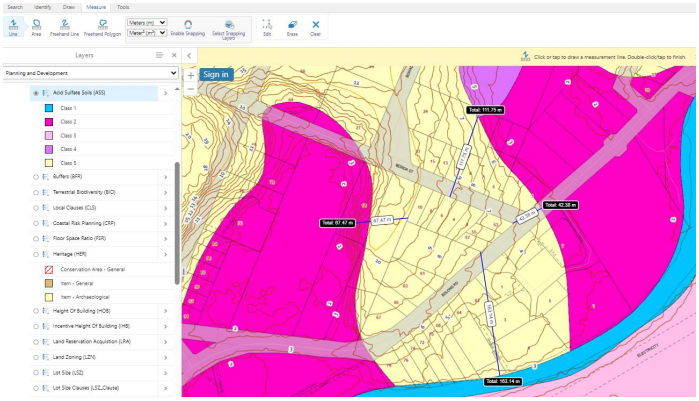
 

Figure 5: GIS imagery showing Acid Sulfate Soils mapping and approximate distances from the development site to adjacent Class 1, 2 & 4 acid sulfate soils land.

The proposed development is not considered likely to lower the water table below 1m AHD on the adjacent Class 1, Class 2 or Class 4 land

The proposal is considered satisfactory with regard to the considerations set out in clause 7.1.</td><td>Complies</td></tr>
<tr><td>7.2</td><td>Consideration has been given to the matters outlined in clause 7.2 and it is considered that the proposed earthworks are suitable and can be managed appropriately.</td><td>Complies</td></tr>
<tr><td>7.11</td><td>All relevant services are available to the site.</td><td>Complies</td></tr>
</table>

ii) Draft Environmental Planning Instrument

The proposal is not inconsistent with any draft environmental planning instruments.

iii) Any Development Control Plan

Shoalhaven Development Control Plan 2014

Generic DCP Chapter	***Relevant***
G1: Site Analysis, Sustainable Design and Building Materials	
A suitable site analysis plan and schedule of proposed materials has been submitted as part of the application and is deemed acceptable.	
G2: Sustainable Stormwater Management and Erosion/Sediment Control	
Has the application been supported by appropriate erosion and sediment control details?	Yes
Does the development require on site detention (OSD) to be provided? *Note: OSD may not be suitable in instances where a development appropriately relies on a charged drainage line to the street as it may compromise the effectiveness of the drainage system.*	Yes – See commentary below
Has the application been supported appropriate stormwater drainage details?	Yes - See commentary below
Stormwater from the proposed development will be directed to existing stormwater infrastructure within Bolong Road. Above ground rainwater tanks and on site detention will be provided. The proposed development has been reviewed by Council's Development Engineers with no objection being raised subject to recommended conditions of consent.	
G3: Landscaping Design Guidelines	
The provided landscape plans show suitable landscaped areas and deep soil planting areas. Retention of large shade trees and existing vegetation along Beinda Street assists in integrating the proposed buildings into the environment. Proposed landscaping is considered appropriate for the site and for the locality.	
G4: Tree and Vegetation Management	
Have any trees proposed to be removed been clearly shown on the site plan (where required)?	Yes
G5: Biodiversity Impact Assessment	
Is the proposal biodiversity compliant development?	Yes – the proposal does not trigger the Biodiversity Offset Scheme Entry Threshold (BOSET). The application has been supported by a Flora and Fauna Assessment which

	identifies that the proposed development will not have a significant adverse impact on local flora and fauna.
G7: Waste Minimisation and Management Controls	
Has the application been supported by an appropriate waste minimisation and management plan?	Yes Waste management and waste collection for the development has been reviewed by Council's Waste Services department with no objection being raised subject to conditions. Waste collection will be managed by a licenced private commercial waste contractor with bin pick up location within the Beinda Street road frontage within loading zones.
G9: Development on Flood Prone Land	
The application has been referred to Council's Floodplain Section with no objection being raised.	
G13: Medium Density and Other Residential Development	
See Appendix A.	
G21: Car Parking and Traffic	

The proposed development provides 70 car parking spaces as noted in the Applicant's SEE (p.66):

Table 11: Parking Summary

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

There are various parking rates that could be applicable to different parts of the development i.e. affordable rental housing and build-to-rent parking ratios as well as the parking rate set out in Chapter G21 of Shoalhaven DCP 2014.

Given the application does not specifically rely on the affordable rental housing parking rates the DCP parking rates are applicable and have been considered below.

Dwelling Type	***DCP Parking Rate per Dwelling***	***Number of Dwellings / Visitor Parking***	***Required Parking under DCP***	***Proposed Parking Allocation***
1 bedroom / studio	*1*	*25*	*25*	*25*
2 bedrooms	*1.5*	*33*	*49.5*	*33*
3+ bedrooms	*2*	*2*	*4*	*4*
Visitor Parking	*0.2 spaces per apartment*	*60 total apartments*	*12*	*8*
REQUIRED PARKING UNDER DCP			*90.5*	
TOTAL PARKING PROPOSED			*70*	

The application has also been supported by a Transport Impact Assessment which has considered parking rates as well as traffic generation and TfNSW's Guide to Traffic Generating Developments. As noted in the Transport Impact Assessment all apartments have been allocated at least 1 parking space.

Reduced parking rates for affordable housing are available under SEPP (Housing) 2021 and although not technically utilising these provisions, the development fundamentally provides affordable housing and meets the objectives of the SEPP, specifically by providing at least 20% of apartments as affordable rental housing. Considering this as well as the zoning and location of the development site within walking distance to commercial/retail areas, employment areas, as well as public infrastructure and public facilities, the proposed parking rate is considered acceptable for the development.

Have car parking spaces been clearly shown on the site plan?	Yes
Are parking spaces and garage dimensions sufficient?	Yes
Is vehicle manoeuvring for the site adequate?	Yes

Is a new driveway access proposed/required?	Yes - Recommended conditions of consent to be applied accordingly
Is the slope of any driveway access suitable? *Note: The Maximum and Minimum Garage Floor Levels tool (D20/329669) can be used to calculate if the slope of a driveway access is suitable.* *Note: The tool calculator will only calculate the required minimum and maximum garage floor levels. Driveway slope to be as per the gradients shown on the longitudinal section diagrams.*	Yes
Does the proposed development require the provision of kerb and gutter? *Note: Table 3 in Chapter G21 requires that kerb and gutter be provided for dual occupancy and medium density development. There is no kerb and gutter requirement for low density residential development (e.g. alterations and additions, single dwellings, secondary dwellings)*	Yes - Kerb and gutter is proposed along the Beinda Street road frontage and is recommended as a condition of consent.
G26: Acid Sulphate Soils and Geotechnical (Site Stability) Guidelines	
Is the development suitable with regard to acid sulfate soils?	Yes
Does the application involve the erection of any buildings or structures on land with a slope >20% or on land with stability problems?	No

Area Specific DCP Chapter – N/A

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

There are no planning agreements applying to this application.

iv) Environmental Planning and Assessment Regulation 2021

Clause 62	*Does the application result in a change of use of an existing building but does not propose any building works?*	No
Clause 64 Partial Upgrade	*Does the application involve alterations or additions to an existing building?*	No
Clause 64 Total Upgrade	*Does the application involve building works and result in conversion of a building or part of a building from non-habitable to a habitable use?*	No

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

Any coastal zone management plan

The proposed development is not inconsistent with the applicable coastal zone management plans / coastal management programs.

Other Shoalhaven Council Policies

State and Local Infrastructure Contributions

State Contributions	
Does the proposed development trigger the Housing and Productivity Contribution (HPC)? *Note: if the development triggers an HPC, then a corresponding Contribution (CON) case is created as a related case in the Portal. The calculation needs to be reviewed and confirmed in the Portal.*	Yes - Residential Development
Local Contributions	
Is the development site an "old subdivision property" identified in Shoalhaven Contributions Plan 2019?	No

Class of Development	Trigger for demand	Units of demand
Residential development	Subdivision of land for dwellings	New dwelling lot
	Strata subdivision of land or building for dwellings	New strata dwelling lot
	Build to Rent or Seniors Independent Living Units	New non strata dwelling
	Manufactured Home Estate	New dwelling site
Commercial development	Development for business, office or retail premises or specified commercial purposes	Square metre of new GFA
Industrial development	Development for industry or specified industrial purposes	Square metre of new GFA

5 Development for which a contribution is required

(1) A housing and productivity contribution is required for development for which development consent is granted if it involves development of any of the following classes—

(a) residential development,

(b) commercial development,

(c) industrial development.

(2) In this Order, ***residential development*** means any of the following—

(a) subdivision of land (other than strata subdivision) on which development for the purposes of residential accommodation is permitted with development consent by an environmental planning instrument applying to the land (***residential subdivision***),

(b) strata subdivision of residential accommodation (other than strata subdivision of high-density dwellings) (***residential strata subdivision***),

(c) high-density residential development,

(d) development for the purposes of a manufactured home estate.

(3) For the purposes of subclause (2)(a), development for the purposes of residential accommodation is not permitted with development consent by an environmental planning instrument if the only kinds of residential accommodation permitted with development consent are any of the following—

(a) build-to-rent housing,

(b) a manufactured home estate,

(c) seniors living.

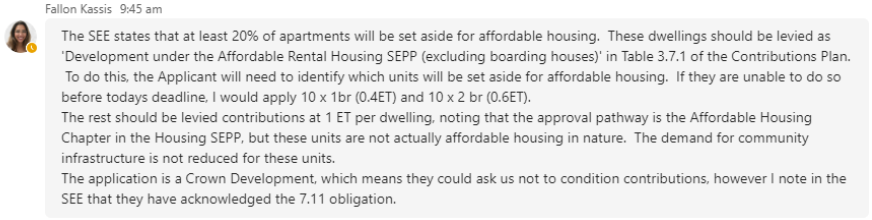
(4) Schedule 2 sets out exemptions from the housing and productivity contribution. Development identified in Schedule 2 is not to be included in the determination of a housing and productivity contribution.

(5) For the purposes of this Order, each class of development referred to in subclauses (1) and (2) is a ***HPC class of development*** and any development involving development within a HPC class of development is ***HPC development***.

Is the proposed development considered to increase the demand for community facilities in accordance with the Shoalhaven Contributions Plan 2019?	Yes - s7.11 contributions are applicable.
Is the proposed development considered to increase the demand for on water and sewer services (i.e. s64 Contributions)	Yes - See Shoalhaven Water Development Applicaiton Notice.

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

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



Fallon Kassis 9:45 am

The SEE states that at least 20% of apartments will be set aside for affordable housing. These dwellings should be levied as 'Development under the Affordable Rental Housing SEPP (excluding boarding houses)' in Table 3.7.1 of the Contributions Plan. To do this, the Applicant will need to identify which units will be set aside for affordable housing. If they are unable to do so before todays deadline, I would apply 10 x 1br (0.4ET) and 10 x 2 br (0.6ET).
The rest should be levied contributions at 1 ET per dwelling, noting that the approval pathway is the Affordable Housing Chapter in the Housing SEPP, but these units are not actually affordable housing in nature. The demand for community infrastructure is not reduced for these units.
The application is a Crown Development, which means they could ask us not to condition contributions, however I note in the SEE that they have acknowledged the 7.11 obligation.

S7.11 contributions are calculated accordingly:

DevTypeID: 1
Development Type: Residential
Development Sub Type: Medium Density/Dual Occupancy
Total ET: 42
Management ET: 42

Item Description	Existing	Proposed
1 Bedroom Dwelling (Affordable Rental Housing SEPP)	0	10
2 Bedroom Dwelling (Affordable Rental Housing SEPP)	0	10
Lots/Dwellings (not via Affordable Rental Housing SEPP)	8	40

Calculation Financial Year: **2024** Rates **Stage:** 3 20000 Apportion Cap

Project	Description	Benefit Area	Contribution Amt	Cap Adjustment	Qty	Contribution Total	ADD
01AREC5006	Northern Shoalhaven Sports Stadium	01 - ET	821.55	0.00	42.00	34505.10	✕
01AREC5007	Nowra Swimming Pool Expansion (Scenic Drive)	01 - ET	637.12	0.00	42.00	26759.04	✕
01AREC5009	Planning Area 1 recreational facilities upgrades (various locations)	01 - ET	860.00	0.00	42.00	36120.00	✕
01CFAC5012	Nowra Integrated Youth Services Centre (Cnr Kinghorne & Plunkett Streets)	01 - ET	35.18	0.00	42.00	1477.56	✕
CWAREC5005	Shoalhaven Community and Recreational Precinct SCaRP Cambewarra Road Bomaderry	01 - ET	2266.62	0.00	42.00	95198.04	✕
CWCFAC5002	Shoalhaven Entertainment Centre (Bridge Road Nowra)	01 - ET	1713.07	0.00	42.00	71948.94	✕
CWCFAC5006	Shoalhaven City Library Extensions (Berry Street, Nowra)	01 - ET	1502.37	0.00	42.00	63099.54	✕
CWCFAC5007	Shoalhaven Regional Gallery	01 - ET	82.48	0.00	42.00	3464.16	✕
CWFIRE2001	Citywide Fire & Emergency services	01 - ET	162.05	0.00	42.00	6806.10	✕
CWFIRE2002	Shoalhaven Fire Control Centre	01 - ET	237.08	0.00	42.00	9957.36	✕
CWMGMT3001	Contributions Management & Administration	01 - ET	673.90	0.00	42.00	28303.80	✕
Label			**$8,991.42**	**$0.00**		**$377,639.64**	

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

Head of Consideration	Comment
Natural Environment	Greater Headed Flying Fox (GHFF) camp The subject site is in close proximity to the GHFF camp located to the west of the site. Noise from this camp potentially would impact on the amenity of residents of the proposed development. The

Head of Consideration	Comment
	application has been supported by an Acoustic Report that considers the noise impacts affecting the proposed development and recommends appropriate noise mitigation measures. The application and Acoustic Report has been reviewed by Council's Environmental Health Officer and Biodiversity team with no objection being raised subject to conditions of consent. The proposed development will not have a significant adverse impact on the natural environment.
Built Environment	<u>Built Form</u> The proposed development is well articulated the design is sympathetic to the existing and desired future character of the area. Retention of existing vegetation within the front setback along Beinda Street will assist in integrating the development into the existing area. <u>Waste Collection</u> Waste collection will be managed by a licenced private commercial waste contractor with bin pick up location within the Beinda Street road frontage within loading zones. Waste management and waste collection for the development has been reviewed by Council's Waste Services department with no objection being raised subject to conditions. <u>Pedestrian Access and Mobility Plan (PAMP)</u> Council's PAMP identifies a proposed shared path on the northern side of Beinda Street:  In accordance with section 6.6 of Chapter G21 of Shoalhaven DCP 2014, a concrete footpath should be provided along the street frontage where there it is identified in the PAMP or where it is required for pedestrian safety. The proposed development intensifies development on the southern side of Beinda Street and it is considered necessary to provide adequate pedestrian access within that street frontage. However, given the opportunities to link the existing pedestrian footpath on the northern side of Beinda Street to pedestrian infrastructure along Bolong Road, it would be desirable to provide pedestrian infrastructure on the northern side of Beinda Street with appropriate connections to the proposed

Head of Consideration	Comment
	development in lieu of a pedestrian footpath for the full length of the development on the southern side of Beinda Street. This opportunity to more logically link existing pedestrian infrastructure has been discussed with the Applicant and it was resolved that although this is the most desirable outcome and will be provided if achievable, given the other budgetary, design, time and legislative constraints of the Landcom project, it is unknown if this could be achieved within the scope of the project. Recommended conditions of consent will provide flexibility to either provide a pedestrian footpath for the full length of the development on the southern side of Beinda Street, or an alternative arrangement with the construction of a shared path on the northern side of Beinda Street as agreed to by Council. <u>Crime Prevention Through Environmental Design (CPTED)</u> The application has been supported by a CPTED assessment and the principles of CPTED have been incorporated into the development design. The design encourages active and passive surveillance opportunities and minimises opportunities for concealment. The application was referred to the NSW Police for comment with no objection received. <u>Fire Hydrant Booster and Fire Fighting</u> The submitted BCA & DDA Capability Statement (p.7) identifies that the buildings will be sprinkler protected throughout, as such a further protective wall is not required under Australian Standard AS2419. The proposed development will not have a significant adverse impact on the built environment.
Social Impacts	<u>Build-to-rent</u> The proposed development utilises the build-to-rent provisions in State Environmental Planning Policy (Housing) 2021. The development site is suitably located within proximity to the Bomaderry town centre and other facilities such as outdoor public recreation sites such as sporting fields and playgrounds, educational establishments and also within proximity to employment E zoned land. The proposal provides suitable housing at an appropriate density for the locality. The proposed development is considered to have a positive social impact in the locality.
Economic Impacts	The proposed development provides housing utilising build-to-rent provisions in State Environmental Planning Policy (Housing) 2021. The proposal provides suitable housing at an appropriate density within proximity to the Bomaderry commercial town centre as well as other services, facilities and employment areas and is not considered to have a negative economic impact in the locality.

(c) Suitability of the site for the development

The site is suitable for the proposed development.

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

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

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

Summary of Public Submissions	
Submission 1 – SUB24/01157 - (D24/259125, D24/259127, D24/259133, D24/259143, D24/259144, D24/238736 & D24/260398) *Note: Representations on behalf of the community member were also received via Garreth Ward Independent Member for Kiama (D24/238736). The representation was responded to by Council in D24/253073.*	
Objection Raised	**Council Commentary**
Heritage	The application has been supported by a Heritage Impact Assessment considering the developments' impact on nearby and adjoining heritage items. The proposal and Heritage Impact Assessment has been considered and reviewed by Council staff and Council's Heritage Expert. Council is satisfied that the proposal is appropriate for the locality and will not undermine the heritage value of adjoining and nearby heritage items. The proposal is of an appropriate scale for the locality and is sufficiently setback from adjoining heritage items. Design elements such as retention of existing mature trees along Beinda Street, dividing the development into two separate well-articulated buildings which step down to follow the natural topography of the ground, as well as colour and material selection, and the provision of landscaping along property boundaries and through the "central spine" of the development all assist in settling the development within the existing streetscape and character and the proposal is consistent with the desired future character of the area. There are no identified heritage items to be demolished. The Heritage Impact Assessment prepared by Louise Thom Heritage and submitted in objection to the proposal has been reviewed and it is noted some of the elements such as

	provision of appropriate landscaping and privacy screening have been incorporated into the building design. Heritage and impacts on nearby heritage items have been considered and the proposed development is considered suitable in this regard.
Size, bulk, scale and density	The size, bulk and scale of the development is consistent with the desired future character of the area. The subject site is zoned R3 Medium Density Residential, and residential flat buildings are a permissible form of development within the zone. The size, scale and residential density proposed is consistent with the objectives of the R3 zone, and the provision of affordable, purpose-built rental housing is consistent with the principles of State Environmental Planning Policy (Housing) 2021 and the objects of the *Environmental Planning and Assessment Act 1979.* Council is satisfied that the proposed development is of an appropriate size, bulk, scale and residential density for the locality.
Privacy	Appropriate privacy mitigation measures such as privacy screens and louvres from south facing apartments have been incorporated into the building design. Similarly, privacy screening and landscaping along the southern property boundary ensure adequate privacy is maintained to adjoining residences. The buildings adopt a 6m setback to the southern property boundary with appropriate landscaping and privacy screening incorporated to maintain privacy and amenity. Further, to this the outdoor seating near the southern property boundary is orientated northward and is boarded by appropriate landscaping to minimise overlooking to the south. The proposed development and above privacy measures are considered appropriate, and adequate privacy is maintained to adjoining properties.
Setbacks	The building setbacks comply with the development controls set out in State Environmental Planning Policy (Housing) 2021 and the Apartment Design Guidelines and are considered appropriate. The proposal provides adequate setbacks and separation to adjoining properties.
Walkway location	The “central spine” walkway is appropriately designed and located. The incorporation of suitable landscaping along the walkway will reduce overlooking and maintain amenity to adjoining properties.
Overshadowing	The application has been supported by shadow diagrams for 21 June which demonstrate appropriate solar access is maintained to adjoining properties.

Tree removal	The proposal involves the clearing of some trees and vegetation to facilitate the development. Vegetation removal and environmental impacts has been considered by Council and the Flora and Fauna Assessment has been reviewed by Council's Biodiversity Team. The proposed development will not have a significant adverse impact on the natural environment and the proposal is considered appropriate for the locality. Retention of trees along the southern boundary i.e. T75 is not practical and is not conducive to the reasonable development of the R3 Medium Residential zoned land.
Submission 2 – SUB24/01155 - (D24/258447)	
Objection Raised	**Council Commentary**
Heritage	The application has been supported by a Heritage Impact Assessment considering the developments' impact on nearby and adjoining heritage items. The proposal and Heritage Impact Assessment has been considered and reviewed by Council staff and Council's Heritage Expert. Council is satisfied that the proposal is appropriate for the locality and will not undermine the heritage value of adjoining and nearby heritage items. The proposal is of an appropriate scale for the locality and is sufficiently setback from adjoining heritage items. Design elements such as retention of existing mature trees along Beinda Street, dividing the development into two separate well-articulated buildings which step down to follow the natural topography of the ground, as well as colour and material selection, and the provision of landscaping along property boundaries and through the "central spine" of the development all assist in settling the development within the existing streetscape and character and the proposal is consistent with the desired future character of the area. The dwelling at 55 Bolong Road is not a listed local heritage item; demolition of this building as proposed in this application is considered acceptable.
Tree removal	The proposal involves the clearing of some trees and vegetation to facilitate the development. Vegetation removal and environmental impacts has been considered by Council and the Flora and Fauna Assessment has been reviewed by Council's Biodiversity Team. The proposed development will not have a significant adverse impact on the natural environment and the proposal is considered appropriate for the locality. Retention of trees along the southern boundary i.e. T75 is not practical and is not conducive to the reasonable development of the R3 Medium Residential zoned land.

(e) The Public Interest

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

Delegations

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

Guidelines for use of Delegated Authority

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

Recommendation

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

Reasons for Grant of Consent	
1)	The proposed development is consistent with the objects of the Environmental Planning and Assessment Act 1979.
2)	The proposed development is considered acceptable and with regard to the applied exception to the development standards set out in clause 4.1 of Shoalhaven Local Environmental Plan 2014. The proposed development complies with all other development standards and is consistent with the aims, objectives and provisions of the applicable environmental planning instruments.
3)	The proposed development complies with the performance criteria and is consistent with the aims, objectives and provisions of Shoalhaven Development Control Plan 2014.
4)	The proposed development is consistent with the aims, objectives and provisions of relevant Council policies.
5)	The likely impacts of the proposed development are considered acceptable.

6)	The site is suitable for the proposed development.
7)	Any submissions received during the public notification period have been considered and issues and concerns raised by the community in submissions have been addressed in the assessment.
8)	The proposed development does not conflict with the public interest.

Peter Woodworth
Lead - City Development
City Development
25/06/2024

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

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

N/A – The proposed development is for two residential flat buildings. Section 7 of Chapter G13 does not apply.
8 Boarding Houses, Group Homes and Hostels
N/A -– The proposed development is for two residential flat buildings. Section 8 of Chapter G13 does not apply.

Appendix B – Compliance Summary: Apartment Design Guide

Part 3B - Orientation			
Objective	**Design Criteria or Guidance**	**Comment**	**Compliance**
Objective 3B-1 Building types and layouts respond to the streetscape and site while optimising solar access within the development.	Buildings along the street frontage define the street, by facing it and incorporating direct access from the street (see figure 3B.1).	Building 1 is appropriately orientated towards Bolong Road and Beinda Street. Building 2 is appropriately orientated toward Beinda Street.	Yes
	Where the street frontage is to the east or west, rear buildings should be orientated to the north.	Buildings are appropriately orientated to maximise solar access.	Yes
	Where the street frontage is to the north or south, overshadowing to the south should be minimised and buildings behind the street frontage should be orientated to the east and west (see figure 3B.2).	Buildings are appropriately orientated to maximise solar access.	Yes
Objective 3B-2 Overshadowing of neighbouring properties is minimised during mid-winter	Living areas, private open space and communal open space should receive solar access in accordance with sections 3D Communal and public open space and 4A Solar and daylight access.	The development ensures appropriate solar and daylight access to living areas as well as private and communal open space.	Yes
	Solar access to living rooms, balconies and private open spaces of neighbours should be considered.	Appropriate solar access is maintained to adjoining properties.	Yes
	Where an adjoining property does not currently receive the required hours of solar access, the proposed building ensures solar access to neighbouring properties is not reduced by more than 20%.	Appropriate solar access is maintained to adjoining properties.	Yes

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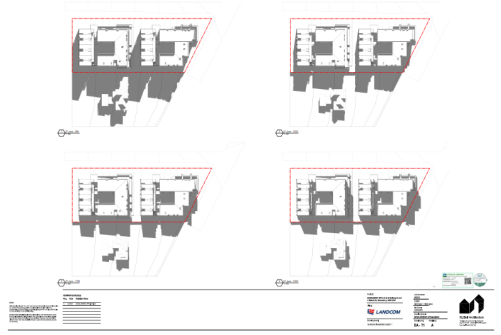
	If the proposal will significantly reduce the solar access of neighbours, building separation should be increased beyond minimums contained in section 3F Visual privacy.	Appropriate solar access is maintained to adjoining properties.	Yes
	Overshadowing should be minimised to the south or downhill by increased upper-level setbacks.	The development adopts 6m setbacks to the southern property boundary which is considered appropriate. The application has been supported by shadow diagrams for 21 June which demonstrate appropriate solar access is maintained to adjoining properties. 	Yes

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		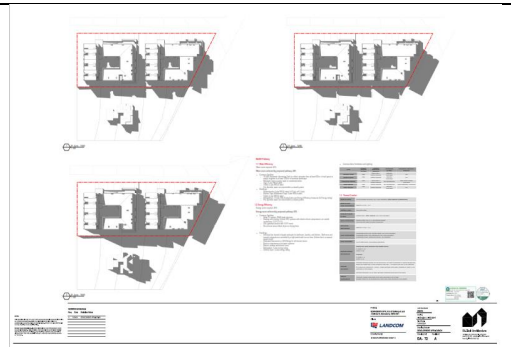	
	It is optimal to orientate buildings at 90 degrees to the boundary with neighbouring properties to minimise overshadowing and privacy impacts, particularly where minimum setbacks are used and where buildings are higher than the adjoining development.	Appropriate solar access is maintained to adjoining properties.	Yes
	A minimum of 4 hours of solar access should be retained to solar collectors on neighbouring buildings.	No solar collectors are observed on adjoining properties potentially affected by overshadowing. The shadow diagrams demonstrate at least 4 hours of direct sunlight is maintained to north facing roof areas.	Yes
Part 3C – Public Domain Interface			
Objective	**Design Criteria or Guidance**	**Comment**	**Compliance**
Objective 3C-1 Transition between private and public domain is achieved without	Terraces, balconies and courtyard apartments should have direct street entry, where appropriate.	All ground floor apartments have direct street entry or are accessible from the internal pedestrian pathways.	Yes
	Changes in level between private terraces, front gardens and dwelling entries above the street level provide	The buildings utilise a series of raised areas, garden beds and landscaping along street	Yes

compromising safety and security.	surveillance and improve visual privacy for ground level dwellings (see figure 3C.1).	frontages to provide/enhance privacy to ground floor apartments whilst also providing opportunities for passive surveillance of the public domain. The change in level at the ground floor is generally limited to 1m with some minor exceptions for the terrace areas along Bolong Road which have a change in level of up to 1.2m. This can be attributed to the sloping topography of the land and landscaping along this frontage will soften the impact. In these areas a tiered style garden bed to provide articulation. The changes in levels are not considered to have a significant adverse impact.	

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		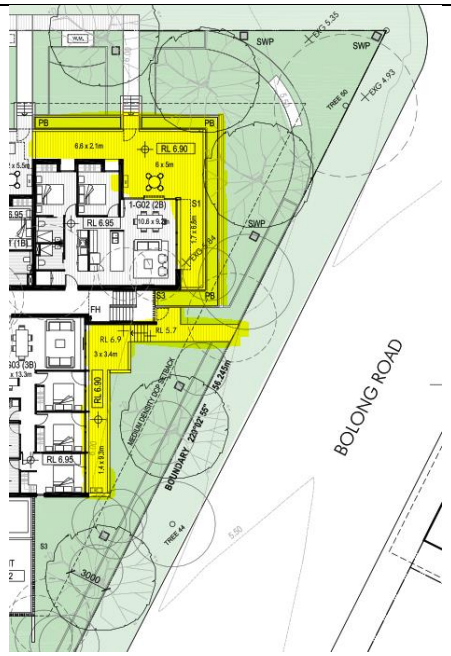	
	Upper-level balconies and windows should overlook the public domain.	The building has been appropriately designed to orientate upper storey balconies toward the public domain and/or the internal courtyard areas.	Yes
	Front fences and walls along street frontages should use visually permeable materials and treatments. The height of solid fences or walls should be limited to 1m.	The application proposes some raised garden beds and retaining walls along the street frontages. The raised garden beds/retaining walls do not result in a solid wall height greater than 1m.	Yes

	Length of solid walls should be limited along street frontages.	Solid walls / raised garden beds along the street frontages are appropriately designed and located.	Yes
	Opportunities should be provided for casual interaction between residents and the public domain. Design solutions may include seating at building entries, near letter boxes and in private courtyards adjacent to streets.	Opportunities for casual interaction such as seating and communal congregation areas have been incorporated into the development design.	Yes
	In developments with multiple buildings and/or entries, pedestrian entries and spaces associated with individual buildings/entries should be differentiated to improve legibility for residents, using a number of the following design solutions: • architectural detailing • changes in materials • plant species • colours	Building entries are appropriately differentiated and are able to be distinguished from each other.	Yes
	Opportunities for people to be concealed should be minimised.	The development has been appropriately designed to minimise opportunities for people to be concealed. The CPTED principles including surveillance, territorial reinforcement, access control and space management have been considered in the building design.	Yes
Objective 3C-2	Planting softens the edges of any raised terraces to the street, for example above sub-basement car parking.	Landscaping and raised/tiered garden beds have been appropriately incorporated into the building design to soften the built form.	Yes

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Amenity of the public domain is retained and enhanced.	Mailboxes should be located in lobbies, perpendicular to the street alignment or integrated into front fences where individual street entries are provided.	Mailboxes are appropriately provided perpendicular to the street alignment along the pedestrian access ways from Beinda Street.	Yes
	The visual prominence of underground car park vents should be minimised and located at a low level where possible.	The proposal provides at grade parking on the ground floor. This has been suitable integrated into the building design.	N/A
	Substations, pump rooms, garbage storage areas and other service requirements should be located in basement car parks or out of view.	Garbage storages areas are located within the ground floor carpark and screened from view. Although there is a substation located along the Beinda Street frontage, it is surrounded by landscaping to minimise its visual prominence.	Yes
	Ramping for accessibility should be minimised by building entry location and setting ground floor levels in relation to footpath levels.	The buildings have been stepped to follow the topography of the land and minimise ramps. Accessible pathways have been provided as well as well as lift elements.	Yes
	Durable, graffiti resistant and easily cleanable materials should be used.	Proposed materials are appropriate.	Yes
	Where development adjoins public parks, open space or bushland, the design positively addresses this interface and uses a number of the following design solutions: • street access, pedestrian paths and building entries which are clearly defined	Not applicable.	N/A

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	• paths, low fences and planting that clearly delineate between communal/private open space and the adjoining public open space • minimal use of blank walls, fences and ground level parking		
	On sloping sites protrusion of car parking above ground level should be minimised by using split levels to step underground car parking.	The site is constrained by surface level rock and also flood risk. The proposal provides at grade parking and this has been appropriately screened by the ground floor apartments and other building components. The at grade carpark has been appropriately integrated into the building design and is considered acceptable.	Yes
Part 3D – Communal and Public Open Space			
Objective	**Design Criteria or Guidance**	**Comment**	**Compliance**
Objective 3D-2 Amenity of the public domain is retained and enhanced.	Communal open space has a minimum area equal to 25% of the site (see figure 3D.3).	The proposal includes 2,115m² (35.75%) of the site as communal open space and landscaped areas. The proposal complies with design criteria 3D-1(1).	Yes
	Developments achieve a minimum of 50% direct sunlight to the principal usable part of the communal open space for a minimum of 2 hours between 9 am and 3 pm on 21 June (mid-winter).	The provided shadow diagrams demonstrate that at least 50% of the principal usable part of the communal open space i.e. the “central spine” area achieves a minimum 2 hours direct sunlight between 9am and 3pm on 21 June. The proposal complies with design criteria 3D-1(2).	Yes
	Communal open space should be consolidated into a well-designed, easily identified and usable area.	Communal open space is appropriately designed and located.	Yes

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	Communal open space should have a minimum dimension of 3m, and larger developments should consider greater dimensions.	The dimensions of communal open space are appropriate with the “central spine” having a width of 12m. The internal courtyard communal open space contained within each building is appropriately sized.	Yes
	Communal open space should be co-located with deep soil areas.	Deep soil planting areas are appropriately co-located with communal open space areas.	Yes
	Direct, equitable access should be provided to communal open space areas from common circulation areas, entries and lobbies.	Access to communal open space areas is appropriate and accessible from the lobbies, circulation areas and communal rooms.	Yes
	Where communal open space cannot be provided at ground level, it should be provided on a podium or roof.	Not applicable – communal open space is provided at ground level.	N/A
	Where developments are unable to achieve the design criteria, such as on small lots, sites within business zones, or in a dense urban area, they should: • provide communal spaces elsewhere such as a landscaped roof top terrace or a common room • provide larger balconies or increased private open space for apartments • demonstrate good proximity to public open space and facilities and/or provide contributions to public open space	Not applicable - The proposal complies with design criteria 3D-1(1) & (2).	N/A
Objective 3D-2 Communal open space is designed to allow for a range of	Facilities are provided within communal open spaces and common spaces for a range of age groups (see also 4F Common circulation and spaces), incorporating some of the following elements:	Appropriate communal facilities including seating, courtyards and a communal room are provided.	Yes

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activities, respond to site conditions and be attractive and inviting.	• seating for individuals or groups • barbecue areas • play equipment or play areas • swimming pools, gyms, tennis courts or common rooms		
	The location of facilities responds to microclimate and site conditions with access to sun in winter, shade in summer and shelter from strong winds and down drafts.	Communal facilities have been appropriately designed and located with appropriate solar access and shade. The inclusion of landscaping, plantings and raised garden beds along the “central spine” will reduce wind tunnelling effects and will assist in providing shelter from strong winds.	Yes
	Visual impacts of services should be minimised, including location of ventilation duct outlets from basement car parks, electrical substations and detention tanks.	Services have been appropriately integrated into the building design to minimise visual impacts. The substation along Beinda Street is surrounded by landscaping to reduce its visual prominence.	Yes
Objective 3D-3 Communal open space is designed to maximise safety.	Communal open space and the public domain should be readily visible from habitable rooms and private open space areas while maintaining visual privacy. Design solutions may include: • bay windows • corner windows • balconies	The building design incorporates windows, terraces and balconies that overlook the public domain and communal open space areas whilst still maintaining privacy to individual apartments.	Yes

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	Communal open space should be well lit.	The Ground Floor Lighting Plan shows suitable lighting along pathways within the communal open space and along pedestrian walkways.	Yes
	Where communal open space/facilities are provided for children and young people they are safe and contained.	The development provides suitable communal facilities. No specific facilities for children and young people e.g. play equipment have been provided in the development. It is noted that the subject site is within close proximity to ovals, sporting facilities and public play equipment to the north along Bolong Road.	Yes
Objective 3D-4 Public open space, where provided, is responsive to the existing pattern and uses of the neighbourhood	The public open space should be well connected with public streets along at least one edge.	Not applicable - Public open space is not proposed to be provided as part of this development. It is noted that the subject site is within close proximity to public open space including ovals, sporting facilities and public play equipment.	N/A
	The public open space should be connected with nearby parks and other landscape elements.		
	Public open space should be linked through view lines, pedestrian desire paths, termination points and the wider street grid.		
	Solar access should be provided year-round along with protection from strong winds.		
	Opportunities for a range of recreational activities should be provided for people of all ages.		
	A positive address and active frontages should be provided adjacent to public open space.		

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<table>
<tr><td></td><td>Boundaries should be clearly defined between public open space and private areas.</td><td></td><td></td></tr>
<tr><td colspan="4">Part 3E – Deep Soil Zones</td></tr>
<tr><td>Objective</td><td>Design Criteria or Guidance</td><td>Comment</td><td>Compliance</td></tr>
<tr><td rowspan="2">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</td><td>Deep soil zones are to meet the following minimum requirements:
<table>
<tr><th>Site Area</th><th>Minimum Dimensions</th><th>Deep Soil Zones (% Site Area)</th></tr>
<tr><td>Less than 650m²</td><td>-</td><td rowspan="4">7%</td></tr>
<tr><td>650m² - 1,500m²</td><td>3m</td></tr>
<tr><td>Greater than 1,500m²</td><td>6m</td></tr>
<tr><td>Greater than 1,500m² with significant existing tree cover</td><td>6m</td></tr>
</table></td><td>More than 7% of the site is provided deep soil zones are provided with minimum dimensions of at least 6m. The proposal complies with design criteria 3E-1(1).</td><td>Yes</td></tr>
<tr><td>On some sites it may be possible to provide larger deep soil zones, depending on the site area and context:</td><td>Appropriate deep soil zones and landscaped areas are provided on the site.</td><td>Yes</td></tr>
</table>

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	• 10% of the site as deep soil on sites with an area of 650m2 - 1,500m2 • 15% of the site as deep soil on sites greater than 1,500m2		
	Deep soil zones should be located to retain existing significant trees and to allow for the development of healthy root systems, providing anchorage and stability for mature trees. Design solutions may include: • basement and sub-basement car park design that is consolidated beneath building footprints • use of increased front and side setbacks • adequate clearance around trees to ensure long term health • co-location with other deep soil areas on adjacent sites to create larger contiguous areas of deep soil	The proposal maintains established trees along the Beinda Street frontage and landscaping within the communal areas and along the Bolong Road frontage is suitable.	Yes
	Achieving the design criteria may not be possible on some sites including where: • the location and building typology have limited or no space for deep soil at ground level (e.g. central business district, constrained sites, high density areas, or in centres) • there is 100% site coverage or non-residential uses at ground floor level. Where a proposal does not achieve deep soil requirements, acceptable stormwater management	Not appliable – The proposal complies with design criteria 3E-1(1).	N/A

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<table>
<tr><td></td><td>should be achieved and alternative forms of planting provided such as on structure.</td><td></td><td></td></tr>
<tr><td colspan="4">Part 3F – Visual Privacy</td></tr>
<tr><td>Objectives</td><td>Design Criteria or Guidance</td><td>Comment</td><td>Compliance</td></tr>
<tr><td>Objective 3F-1
Adequate building separation distances are shared equitably between neighbouring sites, to achieve reasonable levels of external and internal visual privacy</td><td>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:
<table><tr><th>Building Height</th><th>Habitable Rooms and Balconies</th><th>Non-Habitable Rooms</th></tr><tr><td>Less than 650m²</td><td>6m</td><td>3m</td></tr><tr><td>650m² - 1,500m²</td><td>9m</td><td>4.5m</td></tr><tr><td>Greater than 1,500m²</td><td>12m</td><td>6m</td></tr></table>
Note: Separation distances between buildings on the same site should combine required building separations depending on the type of room (see figure 3F.2)
Gallery access circulation should be treated as habitable space when measuring privacy separation distances between neighbouring properties</td><td>The proposed buildings adopt a 6m setback to the southern and western boundaries which achieves a separation of >12m to adjoining buildings at 59 Bolong Road and also 8 Beinda Street
 
The development provides a 12m separation distance between Building 1 and Building 2.</td><td>Yes</td></tr>
</table>

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		 The proposal complies with Design Criteria 3F-1(1).	
	Generally one step in the built form as the height increases due to building separations is desirable. Additional steps should be careful not to cause a 'ziggurat' appearance.	The building design does not step the buildings in a fashion consistent with that identified in Figure 3F.3 and 3F.4 of the Apartment Design Guidelines, however the buildings do include varied roof lines stepping the building to follow the topography of the land and also orientating apartments appropriately to maximise privacy between apartments and adjoining residences. The buildings do not adopt a “ziggurat” appearance. The proposed building design and building separation distances are appropriate.	Yes
	For residential buildings next to commercial buildings, separation distances should be measured as follows: • for retail, office spaces and commercial balconies use the habitable room distances • for service and plant areas use the non-habitable room distances	The subject site adjoins commercial development to the north and the east. Separation distances to these adjoining commercial land uses are appropriate.	Yes

	New development should be located and oriented to maximise visual privacy between buildings on site and for neighbouring buildings. Design solutions include: • site layout and building orientation to minimise privacy impacts (see also section 3B Orientation) • on sloping sites, apartments on different levels have appropriate visual separation distances (see figure 3F.4)	The site layout and building orientation has been designed to minimise privacy impacts between apartments and also to neighbouring residences. Buildings 1 and 2 have been stepped to allow for some offsetting of balcony and windows to improve privacy outcomes between the apartments.	Yes
	Apartment buildings should have an increased separation distance of 3m (in addition to the requirements set out in design criteria 1) when adjacent to a different zone that permits lower density residential development to provide for a transition in scale and increased landscaping (figure 3F.5).	The adjoining land to the south and west is zoned R3 medium density residential which is consistent with the zoning of the subject site.	N/A
	Direct lines of sight should be avoided for windows and balconies across corners.	Appropriate privacy measures are incorporated into the building design such as appropriate separation distances, screening, obscure glazing and offsetting balconies and windows to improve privacy and minimise/avoid direct lines of sight between apartments.	Yes
	No separation is required between blank walls.	Noted.	Noted.
Objective 3F-2 Site and building design elements increase privacy without	Communal open space, common areas and access paths should be separated from private open space and windows to apartments, particularly habitable room windows. Design solutions may include: • setbacks	There is appropriate separation and distinction between communal open space and private open space.	Yes

compromising access to light and air and balance outlook and views from habitable rooms and private open space	• solid or partially solid balustrades to balconies at lower levels • fencing and/or trees and vegetation to separate spaces • screening devices • bay windows or pop out windows to provide privacy in one direction and outlook in another • raising apartments/private open space above the public domain or communal open space • planter boxes incorporated into walls and balustrades to increase visual separation • pergolas or shading devices to limit overlooking of lower apartments or private open space • on constrained sites where it can be demonstrated that building layout opportunities are limited, fixed louvres or screen panels to windows and/or balconies		
	Bedrooms, living spaces and other habitable rooms should be separated from gallery access and other open circulation space by the apartment's service areas.	Habitable rooms are appropriately separated from galley access and circulation space. The unit floor plans generally locate bedroom and living rooms on the opposite side to the outdoor circulation spaces / access ways, with less frequently used rooms e.g. bathrooms, laundry, kitchens closer to the unit entries.	Yes
	Balconies and private terraces should be located in front of living rooms to increase internal privacy.	Balconies and terraces are generally located in front of living rooms to increase privacy.	Yes

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	Windows should be offset from the windows of adjacent buildings.	Windows are appropriately offset of incorporate appropriate privacy measures such as screening or obscure glazing.	Yes
	Recessed balconies and/or vertical fins should be used between adjacent balconies.	The building incorporates balconies and building recesses too improve privacy outcomes.	Yes
Part 3G – Pedestrian Access and Entries			
Objective	**Design Criteria or Guidance**	**Comment**	**Compliance**
Objective 3G-1 Site and building design elements increase privacy without compromising access to light and air and balance outlook and views from habitable rooms and private open space.	Multiple entries (including communal building entries and individual ground floor entries) should be provided to activate the street edge.	The buildings incorporate multiple entries to both Beinda Street and Bolong Road.	Yes
	Entry locations relate to the street and subdivision pattern and the existing pedestrian network.	Entry locations are appropriate.	Yes
	Building entries should be clearly identifiable and communal entries should be clearly distinguishable from private entries.	Communal building entries from Beinda Street are identifiable and are distinguishable from private entries.	Yes
	Where street frontage is limited and multiple buildings are located on the site, a primary street address should be provided with clear sight lines and pathways to secondary building entries.	Building entries from Beinda Street are clearly identifiable and appropriate.	Yes
Objective 3G-2 Access, entries and pathways are accessible and easy to identify.	Building access areas including lift lobbies, stairwells and hallways should be clearly visible from the public domain and communal spaces.	Building access areas are clearly visible from the public domain and communal areas.	Yes
	The design of ground floors and underground car parks minimise level changes along pathways and entries.	The buildings respond to the natural topography of the land. Due to constraints of surface rock and flooding, at grade parking is	Yes

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		provided resulting in some level changes to pathways and entries. Suitable ramps and lift access has been incorporated into the building design.	
	Steps and ramps should be integrated into the overall building and landscape design.	Pedestrian access ways, steps and ramps are suitably incorporated into the overall building and landscape design.	Yes
	For large developments 'way finding' maps should be provided to assist visitors and residents (see figure 4T.3).	The proposed development is appropriately designed to help residents/visitors locate and way find around the site. 'Way finding' maps are not considered necessary for this development.	Yes
	For large developments electronic access and audio/video intercom should be provided to manage access.	As noted in the Crime Risk / CPTED Assessment, access to the internal courtyard areas will be controlled through onsite security passes for resident use only.	Yes
Objective 3G-3 Large sites provide pedestrian links for access to streets and connection to destinations.	Pedestrian links through sites facilitate direct connections to open space, main streets, centres and public transport.	Pedestrian links to Beinda Street and the footpath network are appropriately incorporated into the design.	Yes
	Pedestrian links should be direct, have clear sight lines, be overlooked by habitable rooms or private open spaces of dwellings, be well lit and contain active uses, where appropriate.	Pedestrian links are appropriately designed and well lit and encourage passive surveillance opportunities.	Yes
Part 3H – Vehicle Access			
Objective	**Design Criteria or Guidance**	**Comment**	**Compliance**
Objective 3H-1	Car park access should be integrated with the building's overall facade. Design solutions may include:	Car parking areas are appropriately integrated into the building's overall facades.	Yes

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Vehicle access points are designed and located to achieve safety, minimise conflicts between pedestrians and vehicles and create high quality streetscapes.	• the materials and colour palette to minimise visibility from the street • security doors or gates at entries that minimise voids in the façade • where doors are not provided, the visible interior reflects the facade design and the building services, pipes and ducts are concealed	The design minimises blank walls and wraps ground floor apartments and other spaces around the car park exterior to minimise its visual prominence.	
	Car park entries should be located behind the building line.	Car park entries are recessed behind the building line and other landscape and pathway elements.	Yes
	Vehicle entries should be located at the lowest point of the site minimising ramp lengths, excavation and impacts on the building form and layout.	Vehicle entry points are suitably located and the design responds to the natural topography of the land.	Yes
	Car park entry and access should be located on secondary streets or lanes where available.	Car park entries are suitably located off Beinda Street.	Yes
	Vehicle standing areas that increase driveway width and encroach into setbacks should be avoided.	Vehicle access points are limited to ramp access to the parking area.	Yes
	Access point locations should avoid headlight glare to habitable rooms.	Vehicle access points adjoin ground floor service areas. The first floor apartments above the vehicle entry points include a balcony area with solid balustrades and other solid materials on the northern façade which will assist in minimising glare impacts for vehicles.	Yes
	Adequate separation distances should be provided between vehicle entries and street intersections.	Adequate separation is provided between vehicle entry points and street intersections.	Yes

	The width and number of vehicle access points should be limited to the minimum.	Vehicle access points are limited to one per building and are of an appropriate width.	Yes
	Visual impact of long driveways should be minimised through changing alignments and screen planting.	Driveways and vehicle access has been appropriately incorporated into the building design and does not result in adverse amenity outcomes.	Yes
	The need for large vehicles to enter or turn around within the site should be avoided.	Vehicle manoeuvring within the site is appropriate. Waste collection is from Beinda Street which avoids the need for larger waste vehicles to enter the site.	Yes
	Garbage collection, loading and servicing areas are screened.	Garbage collection points are from Beinda Street road reserve. Garbage collection will be coordinated through a private waste collector which is considered appropriate. Garbage storage and servicing areas are located on the ground floor and appropriately screened.	Yes
	Clear sight lines should be provided at pedestrian and vehicle crossings.	Sight lines are appropriate.	Yes
	Traffic calming devices such as changes in paving material or textures should be used where appropriate.	The development design assists in traffic calming through the design, landscaping, and the through retaining walls and other built elements at vehicle entry points.	Yes
	Pedestrian and vehicle access should be separated and distinguishable. Design solutions may include: • changes in surface materials	Pedestrian and vehicle access points are separated and clearly distinguishable through	Yes

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	• level changes • the use of landscaping for separation	the use of landscaping and changes in ground surface materials.	
Part 3J - Bicycle and Car Parking			
Objective	**Design Criteria or Guidance**	**Comment**	**Compliance**
Objective 3J-1 Car parking is provided based on proximity to public transport in metropolitan Sydney and centres in regional areas.	For development in the following locations: • on sites that are within 800 metres of a railway station or light rail stop in the Sydney Metropolitan Area; or • on land zoned, and sites within 400 metres of land zoned, B3 Commercial Core, B4 Mixed Use or equivalent in a nominated regional centre The minimum car parking requirement for residents and visitors is set out in the Guide to Traffic Generating Developments, or the car parking requirement prescribed by the relevant council, whichever is less. The car parking needs for a development must be provided off street.	Parking for the proposed development is considered appropriate. Parking requirements are set by Chapter G21 of Shoalhaven DCP 2014 and this has been considered in Part 7 of this report.	Yes
	Where a car share scheme operates locally, provide car share parking spaces within the development. Car share spaces, when provided, should be on site.	Not applicable – car share schemes are not widely present in the Shoalhaven local government area.	N/A
	Where less car parking is provided in a development, council should not provide on street resident parking permits.	Noted.	Yes
Objective 3J-2 Parking and facilities are provided for	Conveniently located and sufficient numbers of parking spaces should be provided for motorbikes and scooters.	The development provides 1 motorbike/scooter parking space in the car park in Building 2.	Yes

other modes of transport.	Secure undercover bicycle parking should be provided that is easily accessible from both the public domain and common areas.	The development provides 32 bicycle parking spaces in the car parks. As noted in the Trasport Impact Assessment, there are also 14 storage cages which are suitable to store bicycles.	Yes
	Conveniently located charging stations are provided for electric vehicles, where desirable.	As noted in the Apartment Design Guide Assessment Report, allowance for future electric car charging is provided.	Yes
Objective 3J-3 Car park design and access is safe and secure.	Supporting facilities within car parks, including garbage, plant and switch rooms, storage areas and car wash bays can be accessed without crossing car parking spaces.	Service areas can be appropriately accessed without crossing car parking spaces.	Yes
	Direct, clearly visible and well-lit access should be provided into common circulation areas.	Access from the car parking area to common circulation areas is appropriate.	Yes
	A clearly defined and visible lobby or waiting area should be provided to lifts and stairs.	The buildings incorporate appropriate lobby areas. There is an undercover roof area in front of the lift.	Yes
	For larger car parks, safe pedestrian access should be clearly defined and circulation areas have good lighting, colour, line marking and/or bollards.	Pedestrian access through the car park area is considered appropriate.	Yes
Objective 3J-4 Visual and environmental impacts of underground car	Excavation should be minimised through efficient car park layouts and ramp design.	The site is constrained by surface rock and flooding constraints. As such the development has been designed with an at grade car park and to step the development to follow the natural topography of the land and minimise excavation.	Yes

parking are minimised.	Car parking layout should be well organised, using a logical, efficient structural grid and double loaded aisles.	The car parking layout is logical and well organised.	Yes
	Protrusion of car parks should not exceed 1m above ground level. Design solutions may include stepping car park levels or using split levels on sloping sites.	The at grade car parking protrudes above the ground level due to surface rock and flooding constraints. The car park has been suitably integrated into the building design to minimise its visual prominence.	Yes
	Natural ventilation should be provided to basement and sub-basement car parking areas.	The car parking areas provide suitably located ventilation.	Yes
	Ventilation grills or screening devices for car parking openings should be integrated into the facade and landscape design.	Car parking ventilation is appropriately integrated into the building design.	Yes
Objective 3J-5 Visual and environmental impacts of on-grade car parking are minimised.	On-grade car parking should be avoided.	Due to surface rock and flooding constraints an at grade car park is proposed. The car parking area is wrapped by ground floor apartments and other spaces around the car park exterior to minimise its visual prominence. The car parking area has been suitably integrated into the building design and is considered appropriate in this instance.	No – at grade parking proposed and this is considered appropriate.
	Where on-grade car parking is unavoidable, the following design solutions are used: • parking is located on the side or rear of the lot away from the primary street frontage • cars are screened from view of streets, buildings, communal and private open space areas	At grade undercover car parking is proposed and this is considered appropriate in this instance. Car parking areas are not overly visible from the street, or from the public domain.	Yes

	• safe and direct access to building entry points is provided • parking is incorporated into the landscape design of the site, by extending planting and materials into the car park space • stormwater run-off is managed appropriately from car parking surfaces • bio-swales, rain gardens or on site detention tanks are provided, where appropriate • light coloured paving materials or permeable paving systems are used and shade trees are planted between every 4-5 parking spaces to reduce increased surface temperatures from large areas of paving		
Objective 3J-6 Visual and environmental impacts of above ground enclosed car parking are minimised.	Exposed parking should not be located along primary street frontages.	No exposed parking is proposed.	N/A
	Screening, landscaping and other design elements including public art should be used to integrate the above ground car parking with the facade. Design solutions may include: • car parking that is concealed behind the facade, with windows integrated into the overall facade design (approach should be limited to developments where a larger floor plate podium is suitable at lower levels • car parking that is 'wrapped' with other uses, such as retail, commercial or two storey Small Office/Home Office (SOHO) units along the street frontage (see figure 3J.9)	The car parking area is wrapped by ground floor apartments and other spaces around the car park exterior to minimise its visual prominence. The design of the car parking area is appropriate.	Yes

	Positive street address and active frontages should be provided at ground level.	The building appropriately orientates active uses toward the street.	Yes
Part 4A – Solar and Daylight Access			
Objective	**Design Criteria or Guidance**	**Comment**	**Compliance**
Objective 4A-1 To optimise the number of apartments receiving sunlight to habitable rooms, primary windows and private open space	Living rooms and private open spaces of at least 70% of apartments in a building receive a minimum of 2 hours direct sunlight between 9 am and 3 pm at mid-winter in the Sydney Metropolitan Area and in the Newcastle and Wollongong local government areas.	Not applicable – the subject site is outside of the Sydney Metropolitan Area, and the Newcastle and Wollongong local government areas.	N/A
	In all other areas, living rooms and private open spaces of at least 70% of apartments in a building receive a minimum of 3 hours direct sunlight between 9 am and 3 pm at mid-winter.	The proposed development provides 44 out of 60 apartments (73%) with a minimum 3 hours direct sunlight between 9am and 3pm on 21 June.	Yes

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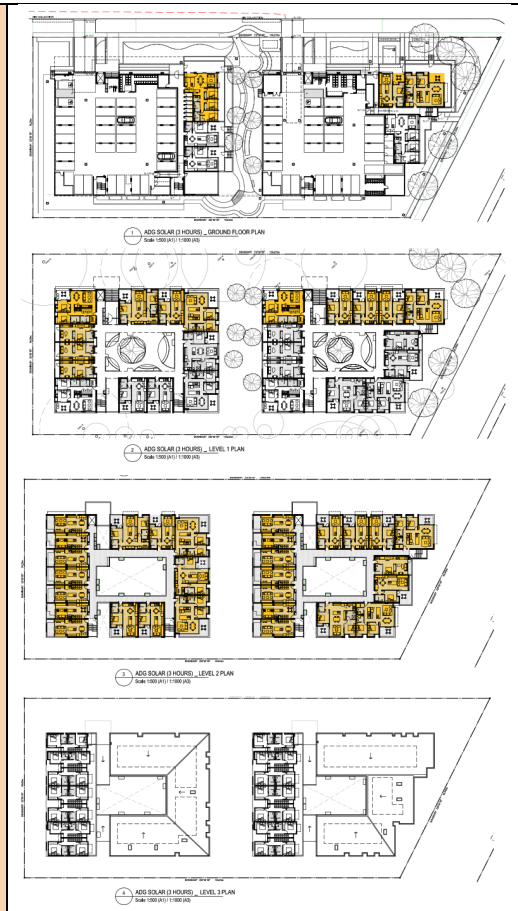

	A maximum of 15% of apartments in a building receive no direct sunlight between 9 am and 3 pm at mid-winter.	4 apartments (7%) being unit 1-109, 2-106, 2-107 & 2-108 receive no direct solar access on 21 June.	Yes
	The design maximises north aspect and the number of single aspect south facing apartments is minimised.	The building design maximises apartments with a northerly aspect and minimises apartments with a single aspect south face.	Yes
	Single aspect, single storey apartments should have a northerly or easterly aspect.	The buildings have been suitably designed to minimise south facing single aspect apartments.	Yes
	Living areas are best located to the north and service areas to the south and west of apartments.	The proposal has been thoughtfully designed to locate ground floor apartments on the north and east of the building with service areas on the western and southern faces.	Yes
	To optimise the direct sunlight to habitable rooms and balconies a number of the following design features are used: • dual aspect apartments • shallow apartment layouts • two storey and mezzanine level apartments • bay windows	The buildings incorporate measures to improve solar access to apartments such as orientating living rooms to the north, east and west where possible, locating living rooms directly on facades with balconies adjacent, proving dual aspect apartments where appropriate, and provision of skylights for level 2 south and east facing apartments.	Yes
	To maximise the benefit to residents of direct sunlight within living rooms and private open spaces, a minimum of 1m2 of direct sunlight, measured at 1m above floor level, is achieved for at least 15 minutes.	Appropriate solar access and levels of direct sunlight are achieved to apartments.	Yes
	Achieving the design criteria may not be possible on some sites. This includes:	Noted.	Noted

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	• where greater residential amenity can be achieved along a busy road or rail line by orientating the living rooms away from the noise source • on south facing sloping sites • where significant views are oriented away from the desired aspect for direct sunlight Design drawings need to demonstrate how site constraints and orientation preclude meeting the design criteria and how the development meets the Objective.		
Objective 4A-2 Daylight access is maximised where sunlight is limited	Courtyards, skylights and high level windows (with sills of 1,500mm or greater) are used only as a secondary light source in habitable rooms.	Noted. All habitable windows have appropriate windows and solar access.	Yes
	Where courtyards are used: • use is restricted to kitchens, bathrooms and service areas • building services are concealed with appropriate detailing and materials to visible walls • courtyards are fully open to the sky • access is provided to the light well from a communal area for cleaning and maintenance • acoustic privacy, fire safety and minimum privacy separation distances (see section 3F Visual privacy) are achieved.	Courtyards and areas adjoining courtyards are appropriately designed.	Yes
	Opportunities for reflected light into apartments are optimised through:	Solar access to apartments is appropriate and the building design and choice of building materials is appropriate in this regard.	Yes

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	• reflective exterior surfaces on buildings opposite south facing windows • positioning windows to face other buildings or surfaces (on neighbouring sites or within the site) that will reflect light • integrating light shelves into the design • light coloured internal finishes.		
Objective 4A-3 Design incorporates shading and glare control, particularly for warmer months	A number of the following design features are used: • balconies or sun shading that extend far enough to shade summer sun, but allow winter sun to penetrate living areas • shading devices such as eaves, awnings, balconies, pergolas, external louvres and planting • horizontal shading to north facing windows • vertical shading to east and particularly west facing windows • operable shading to allow adjustment and choice • high performance glass that minimises external glare off windows, with consideration given to reduced tint glass or glass with a reflectance level below 20% (reflective films are avoided).	The buildings have been designed to incorporate appropriate shading and glare control.	Yes
Part 4B – Natural Ventilation			
Objective	**Design Criteria or Guidance**	**Comment**	**Compliance**
Objective 4B-1	The building's orientation maximises capture and use of prevailing breezes for natural ventilation in habitable rooms.	The buildings have been designed to maximise natural ventilation. The design incorporating the central courtyards allows for	Yes

All habitable rooms are naturally ventilated.		suitable cross ventilation to the majority of units.	
	Depths of habitable rooms support natural ventilation.	Habitable room depths are appropriate.	Yes
	The area of unobstructed window openings should be equal to at least 5% of the floor area served.	The area of unobstructed window openings exceeds 5% of the floor area served.	Yes
	Light wells are not the primary air source for habitable rooms.	All units have ventilation access to the external of the building and do not rely on light wells for a primary air source.	Yes
	Doors and openable windows maximise natural ventilation opportunities by using the following design solutions: • adjustable windows with large effective openable areas • a variety of window types that provide safety and flexibility such as awnings and louvres • windows which the occupants can reconfigure to funnel breezes into the apartment such as vertical louvres, casement windows and externally opening doors.	A variety of window types are employed, including glass louvres that maximise the effective openable area for ventilation, whilst providing safety, even with low sills, and allowing occupants to reconfigure windows to funnel breezes.	Yes
Objective 4B-2 The layout and design of single aspect apartments maximises natural ventilation	Apartment depths are limited to maximise ventilation and airflow (see also figure 4D.3).	The number of single aspect apartments is limited to the ground floor apartments 1-G01, 1-G03, 2-G02 & 2-G03. These apartments adopt an open plan living layout locating the kitchen and other non-habitable, non-living rooms farthest away from the window opening areas and locating the habitable living areas closer to window openings.	No – Apartments 1-G01, 1-G03, 2-G02 & 2-G03 do not strictly comply with figure 4D.3 which limits the depth of

		Although some of these apartment depths are >8m, use of cut back balcony areas reduces the overall depth of the apartment and improves light, ventilation and airflow through the apartments.	apartments to 8m. Appropriate measures have been incorporated into the apartment designs to improve light, ventilation and airflow.
	Natural ventilation to single aspect apartments is achieved with the following design solutions: • primary windows are augmented with plenums and light wells (generally not suitable for cross ventilation) • stack effect ventilation / solar chimneys or similar to naturally ventilate internal building areas or rooms such as bathrooms and laundries • courtyards or building indentations have a width to depth ratio of 2:1 or 3:1 to ensure effective air circulation and avoid trapped smells.	Single aspect apartments are limited to ground floor apartments 1-G01, 1-G03, 2-G02 & 2-G03 and appropriate measures have been incorporated into the apartment designs to improve light, ventilation and airflow. Courtyard areas are appropriately sized to ensure effective air circulation.	Yes
Objective 4B-3 The number of apartments with natural cross ventilation is maximised to create	At least 60% of apartments are naturally cross ventilated in the first nine storeys of the building. Apartments at ten storeys or greater are deemed to be cross ventilated only if any enclosure of the balconies at these levels allows adequate natural ventilation and cannot be fully enclosed.	95% of apartments are naturally cross ventilated.	Yes

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a comfortable indoor environment for residents			
	Overall depth of a cross-over or cross-through apartment does not exceed 18m, measured glass line to glass line.	Complies.	Yes
	The building should include dual aspect apartments, cross through apartments and corner apartments and limit apartment depths.	The building designs and incorporating the internal courtyard area has maximised opportunities for dual aspect and corner apartments.	Yes

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	In cross-through apartments external window and door opening sizes/areas on one side of an apartment (inlet side) are approximately equal to the external window and door opening sizes/areas on the other side of the apartment (outlet side) (see figure 4B.3).	Apartment designs incorporate appropriately sized inlets and outlets to assist with cross ventilation.	Yes
	Apartments are designed to minimise the number of corners, doors and rooms that might obstruct airflow.	Apartments have generally been designed with an open plan layout and minimising obstructions to airflow.	Yes
	Apartment depths, combined with appropriate ceiling heights, maximise cross ventilation and airflow.	Apartment depths and ceiling heights are appropriate to maximise ventilation and airflow. Where apartments are limited to single aspects, measures such as stepped in balconies have been utilised to decrease distances of rooms to an outdoor area.	Yes
Part 4C – Ceiling Heights			
Objective	**Design Criteria or Guidance**	**Comment**	**Compliance**
Objective 4C-1 Ceiling height achieves sufficient natural ventilation and daylight access	Measured from finished floor level to finished ceiling level, minimum ceiling heights are: **Minimum Ceiling Height for Apartment and Mixed-use Buildings** Habitable rooms: 2.7m Non-habitable: 2.4m	All apartment floor to ceiling heights are >2.7m, with the exception of bedrooms to the upper levels of the 2 storey dual aspect apartments which are provided with 2.4m high ceilings. This is consistent with the ADG objectives for 2 storey apartments.	Yes

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<table>
<tr><td></td><td><table>
<tr><td>For 2 storey apartments</td><td>2.7m for main living area floor
2.4 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 use areas</td><td>3.3m from ground and first floor to promote future flexibility.</td></tr>
</table>These minimums do not preclude higher ceilings if desired.</td><td></td><td></td></tr>
<tr><td></td><td>Ceiling height can accommodate use of ceiling fans for cooling and heat distribution.</td><td>The apartments provide suitable bulkhead area for services. The ceiling heights can allow for ceiling fans.</td><td>Yes</td></tr>
<tr><td>Objective 4C-2
Ceiling height increases the sense of space in apartments and provides for well-proportioned rooms</td><td>A number of the following design solutions can be used:
the hierarchy of rooms in an apartment is defined using changes in ceiling heights and alternatives such as raked or curved ceilings, or double height spaces
well proportioned rooms are provided, for example, smaller rooms feel larger and more spacious with higher ceilings
ceiling heights are maximised in habitable rooms by ensuring that bulkheads do not intrude. The</td><td>Ceiling heights are appropriate and well proportioned and allow suitable bulk head areas for provision of services and infrastructure.</td><td>Yes</td></tr>
</table>

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	stacking of service rooms from floor to floor and coordination of bulkhead location above non-habitable areas, such as robes or storage, can assist.		
Objective 4C-3 Ceiling heights contribute to the flexibility of building use over the life of the building	Ceiling heights of lower level apartments in centres should be greater than the minimum required by the design criteria allowing flexibility and conversion to non-residential uses (see figure 4C.1).	The buildings are not designed for mixed use and will comprise residential uses only. Ceiling heights for the apartments are appropriate.	Yes
Part 4D – Apartment size and layout			
Objective	**Design Criteria or Guidance**	**Comment**	**Compliance**
Objective 4D-1 The layout of rooms within an apartment is functional, well organised and provides a high standard of amenity	Apartments are required to have the following minimum internal areas: **Apartment Type** / **Minimum Internal Area** Studio – 35m² 1 bedroom – 50m² 2 bedroom – 70m² 3 bedroom – 90m² The minimum internal areas include only one bathroom. Additional bathrooms increase the minimum internal area by 5m² each.	All apartments comply with the minimum internal areas set by Design Criteria 4D-1(1).	Yes

	A fourth bedroom and further additional bedrooms increase the minimum internal area by 12m² each.		
	Every habitable room must have a window in an external wall with a total minimum glass area of not less than 10% of the floor area of the room. Daylight and air may not be borrowed from other rooms.	All habitable rooms include an appropriately sized window / glass door area. Studio apartments are appropriately designed to allow for light and air to penetrate the whole of the apartment and provide light and ventilation through the balcony door opening and the front translucent doorway.	Yes
	Kitchens should not be located as part of the main circulation space in larger apartments (such as hallway or entry space).	Kitchens are appropriately designed and located.	Yes
	A window should be visible from any point in a habitable room.	Windows are appropriately located and are visible.	Yes
	Where minimum areas or room dimensions are not met apartments need to demonstrate that they are well designed and demonstrate the usability and functionality of the space with realistically scaled furniture layouts and circulation areas. These circumstances would be assessed on their merits.	Minimum areas and room dimensions are adequate.	Yes
Objective 4D-2 Environmental performance of the apartment is maximised	Habitable room depths are limited to a maximum of 2.5 x the ceiling height.	Ceiling heights to habitable rooms are generally 2.7m. Due to the open plan style of the apartments some apartments exceed a depth of 6.75m (2.7m x 2.5 = 6.75m). The proposed apartment/room depths generally are limited to a maximum 9.35m. By providing dual aspect apartments and windows/glazed areas despite the increased apartment depth, appropriate light, ventilation	No - Despite non-compliance with Design Criteria 4D-1(1), the building and apartment design is consistent with

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		and airflow is achieved. Despite non-compliance with Design Criteria 4D-1(1), the building and apartment design is consistent with Design Criteria 4D-1(2).	Design Criteria 4D-1(2).
	In open plan layouts (where the living, dining and kitchen are combined) the maximum habitable room depth is 8m from a window.	Where apartments do not comply with the habitable room depths set out in Design Criteria 4D-1(1), the apartment design ensures that all parts of the habitable rooms are within 8m from a window or translucent glazed door.	Yes
	Greater than minimum ceiling heights can allow for proportional increases in room depth up to the permitted maximum depths.	Noted.	Noted
	All living areas and bedrooms should be located on the external face of the building.	All living areas and bedrooms are appropriately located on the external face of the buildings.	Yes
	Where possible: • bathrooms and laundries should have an external openable window • main living spaces should be oriented toward the primary outlook and aspect and away from noise sources	Living spaces are appropriately located and orientated. Where practicable, bathrooms and laundry areas are located to have an external openable window. Where this cannot be achieved appropriate mechanical ventilation is provided.	Yes
Objective 4D-3 Apartment layouts are designed to	Master bedrooms have a minimum area of 10m² and other bedrooms 9m² (excluding wardrobe space).	Bedrooms are appropriately sized and comply with the minimum area requirements set by Design Criteria 4D-3(1).	Yes

accommodate a variety of household activities and needs	Bedrooms have a minimum dimension of 3m (excluding wardrobe space).	Bedrooms adopt appropriate dimensions and comply with the dimension requirements set by Design Criteria 4D-3(2).	Yes
	Living rooms or combined living/dining rooms have a minimum width of: • 3.6m for studio and 1 bedroom apartments • 4m for 2 and 3 bedroom apartments	Living rooms adopt appropriate dimensions and comply with the dimension requirements set by Design Criteria 4D-3(3).	Yes
	The width of cross-over or cross-through apartments are at least 4m internally to avoid deep narrow apartment layouts.	Cross-over and cross-through apartments are appropriately sized and dimensioned, and comply with the dimension requirements set by Design Criteria 4D-3(4).	Yes
	Access to bedrooms, bathrooms and laundries is separated from living areas minimising direct openings between living and service areas.	Apartments adopt appropriate and functional layouts.	Yes
	All bedrooms allow a minimum length of 1.5m for robes.	At least 1.5m of robe space is provided in all bedrooms.	Yes
	The main bedroom of an apartment or a studio apartment should be provided with a wardrobe of a minimum 1.8m long, 0.6m deep and 2.1m high.	Appropriately sized wardrobes are provided in main bedrooms and studio apartments.	Yes
	Apartment layouts allow flexibility over time, design solutions may include: • dimensions that facilitate a variety of furniture arrangements and removal • spaces for a range of activities and privacy levels between different spaces within the apartment	The apartments adopt an open plan style layout which allows for a variety of furniture arrangements. The apartment layouts are functional and provide for various lifestyle needs.	Yes

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<table>
<tr><td></td><td>• dual master apartments
• dual key apartments

Note: dual key apartments which are separate but on the same title are regarded as two sole occupancy units for the purposes of the Building Code of Australia and for calculating the mix of apartments
• room sizes and proportions or open plans (rectangular spaces (2:3) are more easily furnished than square spaces (1:1))
• efficient planning of circulation by stairs, corridors and through rooms to maximise the amount of usable floor space in rooms.</td><td></td><td></td></tr>
<tr><td colspan="4">Part 4E – Private Open Space and Balconies</td></tr>
<tr><td>Objective</td><td>Design Criteria or Guidance</td><td>Comment</td><td>Compliance</td></tr>
<tr><td>Objective 4E-1
Apartments provide appropriately sized private open space and balconies to enhance residential amenity</td><td>All apartments are required to have primary balconies as follows:
<table><tr><th>Dwelling Type</th><th>Minimum Area</th><th>Minimum Depth</th></tr><tr><td>Studio</td><td>4m²</td><td>-</td></tr><tr><td>1 bedroom apartments</td><td>8m²</td><td>2m</td></tr><tr><td>2 bedroom apartments</td><td>10m²</td><td>2m</td></tr></table></td><td>Appropriately sized balconies are provided to all upper-level apartments. The proposal generally complies with the balcony dimension requirements set by Design Criteria 4E-1(1).

Juliette balconies are provided to two studio apartments facing Bolong Rd. Juliette balconies have an area of 3m². This minor variation to the balcony sizes for two apartments is considered appropriate as the units have direct access to the internal courtyard spaces which provide opportunity for an alternate recreation space and provide</td><td>Generally Complies

Minor variation to studio apartments.</td></tr>
</table>

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	3 bedroom apartments: 12m² / 2.4m The minimum balcony depth to be counted as contributing to the balcony area is 1m	a quieter space than the Bolong Road frontage.	
	For apartments at ground level or on a podium or similar structure, a private open space is provided instead of a balcony. It must have a minimum area of 15m² and a minimum depth of 3m.	Appropriately sized courtyards are provided to all ground floor apartments. The proposal complies with the balcony dimension requirements set by Design Criteria 4E-1(1).	Yes
	Increased communal open space should be provided where the number or size of balconies are reduced.	Appropriate communal open space is provided for the development.	Yes
	Storage areas on balconies is additional to the minimum balcony size.	The proposal does not include balcony storage areas.	Yes
	Balcony use may be limited in some proposals by: • consistently high wind speeds at 10 storeys and above • close proximity to road, rail or other noise sources • exposure to significant levels of aircraft noise • heritage and adaptive reuse of existing buildings In these situations, juliet balconies, operable walls, enclosed wintergardens or bay windows may be appropriate, and other amenity benefits for occupants should also be provided in the apartments or in the development or both. Natural ventilation also needs to be demonstrated.	Noted.	Noted

Objective 4E-2 Primary private open space and balconies are appropriately located to enhance liveability for residents.	Primary open space and balconies should be located adjacent to the living room, dining room or kitchen to extend the living space.	Open space and balconies are appropriately located adjacent to living spaces.	Yes
	Private open spaces and balconies predominantly face north, east or west.	Where possible balconies are orientated to the north, east and west. South facing balconies are limited to apartments where no other aspect is achievable.	Yes
	Primary open space and balconies should be orientated with the longer side facing outwards or be open to the sky to optimise daylight access into adjacent rooms.	Balconies are appropriately sized, dimensioned and orientated to maximise opportunities for solar access to the apartments.	Yes
Objective 4E-3 Private open space and balcony design is integrated into and contributes to the overall architectural form and detail of the building.	Solid, partially solid or transparent fences and balustrades are selected to respond to the location. They are designed to allow views and passive surveillance of the street while maintaining visual privacy and allowing for a range of uses on the balcony. Solid and partially solid balustrades are preferred.	Balustrades are appropriately designed and incorporate appropriate materials to achieve a balance of passive surveillance and solar access whilst also maintaining privacy to other apartments and adjoining residences.	Yes
	Full width full height glass balustrades alone are generally not desirable.	Glass balustrades are avoided in the building designs.	Yes
	Projecting balconies should be integrated into the building design and the design of soffits considered.	Balconies are appropriately integrated into the overall building design with minimal projecting balcony areas.	Yes
	Operable screens, shutters, hoods and pergolas are used to control sunlight and wind.	Operable screens and louvres have been incorporated into the building design.	Yes

	Balustrades are set back from the building or balcony edge where overlooking or safety is an issue	Balustrade are appropriately incorporated into the building design.	Yes
	Downpipes and balcony drainage are integrated with the overall facade and building design.	Downpipes and drainage are appropriately integrated into the building design and building façade.	Yes
	Air-conditioning units should be located on roofs, in basements, or fully integrated into the building design.	Air-conditioning units are located within the balcony areas for each apartment. These would not be overly visible from the public domain and is considered appropriate.	Yes
	Where clothes drying, storage or air conditioning units are located on balconies, they should be screened and integrated in the building design.	The buildings have been appropriately designed to locate air conditioning units areas on balconies. Solid balustrades and other screening will assist in reducing the visual prominence of this infrastructure and this is considered adequate.	Yes
	Ceilings of apartments below terraces should be insulated to avoid heat loss.	Terraces on upper floors are not provided.	Yes
	Water and gas outlets should be provided for primary balconies and private open space.	Balconies are appropriately sized and dimensioned to provide for outdoor recreational uses and provide adequate private open space.	Yes
Objective 4E-4 Private open space and balcony design maximises safety	Changes in ground levels or landscaping are minimised.	The buildings step down to follow the natural topography of the land. The retention of large trees along the Beinda Street frontage also assists in integrating the development into the surrounding area.	Yes

	Design and detailing of balconies avoids opportunities for climbing and falls.	Balconies are appropriately designed and avoid a built form that contributes to potential climbing and falls. Appropriate balustrades are provided to balcony areas.	Yes
Part 4F- Common Circulation and Spaces			
Objective	**Design Criteria or Guidance**	**Comment**	**Compliance**
Objective 4F-1 Common circulation spaces achieve good amenity and properly service the number of apartments	The maximum number of apartments off a circulation core on a single level is eight.	The circulation core for Building 1 serves 13 apartments on level 1 and 15 apartments on level 2. The circulation core for Building 2 serves 12 apartments on level 1 and 14 apartments on level 2. Despite non-compliance with Design Criteria 4F-1(1), the building design is appropriate as the central courtyard of each building is of an appropriate size so as to provide adequate circulation for occupants without feeling crowded. Each level of the buildings is also serviced by multiple stairways/lifts to provide different paths of travel to various parts of the building.	No – The design of the central courtyards is appropriate to service the number of apartments.
	For buildings of 10 storeys and over, the maximum number of apartments sharing a single lift is 40.	Not applicable.	N/A
	Greater than minimum requirements for corridor widths and/ or ceiling heights allow comfortable movement and access particularly in entry lobbies, outside lifts and at apartment entry doors.	Corridors and circulation spaces are appropriately designed, sized and dimensioned.	Yes

	Daylight and natural ventilation should be provided to all common circulation spaces that are above ground.	The central courtyard areas are open to the sky to provide daylight and natural ventilation.	Yes
	Windows should be provided in common circulation spaces and should be adjacent to the stair or lift core or at the ends of corridors.	Appropriate openings from the central courtyards are provided in the stairways and foyer areas toward the external facades of the buildings.	Yes
	Longer corridors greater than 12m in length from the lift core should be articulated. Design solutions may include: • a series of foyer areas with windows and spaces for seating • wider areas at apartment entry doors and varied ceiling heights	Circulation areas include opportunities for seating and appropriate variations and articulations, voids and landscaping to provide points of interest.	Yes
	Design common circulation spaces to maximise opportunities for dual aspect apartments, including multiple core apartment buildings and cross over apartments.	The central courtyards provide opportunities to provide dual aspect and cross-through apartments.	Yes
	Achieving the design criteria for the number of apartments off a circulation core may not be possible. Where a development is unable to achieve the design criteria, a high level of amenity for common lobbies, corridors and apartments should be demonstrated, including: • sunlight and natural cross ventilation in apartments • access to ample daylight and natural ventilation in common circulation spaces • common areas for seating and gathering	The building does not comply with Design Criteria 4F-1(1). Appropriate measures such as provision of large central courtyards with points of visual interest, appropriate seating opportunities and multiple paths of travel to access apartments have been incorporated into the design to improve overall amenity.	Yes

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	• generous corridors with greater than minimum ceiling heights • other innovative design solutions that provide high levels of amenity		
	Where design criteria 1 is not achieved, no more than 12 apartments should be provided off a circulation core on a single level.	The circulation core for Building 1 serves 13 apartments on level 1 and 15 apartments on level 2. The circulation core for Building 2 serves 12 apartments on level 1 and 14 apartments on level 2. This is considered appropriate in this instance as appropriate measures have been incorporated into the building designs to improve overall amenity.	No – despite servicing more than 12 apartments on each level, the building and common circulation spaces have been appropriately designed and are considered acceptable.
	Primary living room or bedroom windows should not open directly onto common circulation spaces, whether open or enclosed. Visual and acoustic privacy from common circulation spaces to any other rooms should be carefully controlled.	Window openings from bedrooms and living rooms into the common circulation areas are avoided. Appropriate privacy measures are incorporated into the apartment design such as privacy screens / landscaping and stepped back window openings improve privacy to residences.	Yes
Objective 4F-2 Common circulation spaces promote safety and provide	Direct and legible access should be provided between vertical circulation points and apartment entries by minimising corridor or gallery length to give short, straight, clear sight lines.	Appropriate sight lines are provided from circulation spaces to apartment entrances. Apartment entrances are direct and clearly legible.	Yes

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for social interaction between residents	Tight corners and spaces are avoided.	The building design avoids tight spaces in common circulation areas.	Yes
	Circulation spaces should be well lit at night.	Appropriate lighting will be provided with common circulation areas.	Yes
	Legible signage should be provided for apartment numbers, common areas and general wayfinding.	Legible signage and wayfinding will be provided.	Yes
	Incidental spaces, for example space for seating in a corridor, at a stair landing, or near a window are provided.	Incidental spaces and opportunities for social interactions are provided.	Yes
	In larger developments, community rooms for activities such as owners corporation meetings or resident use should be provided and are ideally co-located with communal open space.	A communal area is appropriately provided in Building 2. There are appropriate common open space areas provided in the design.	Yes
	Where external galleries are provided, they are more open than closed above the balustrade along their length.	Galleries within each of the central courtyard areas are appropriately designed.	Yes
Part 4G – Storage			
Objective	**Design Criteria or Guidance**	**Comment**	**Compliance**
Objective 4G-1 Adequate, well designed storage is provided in each apartment	In addition to storage in kitchens, bathrooms and bedrooms, the following storage is provided: **Dwelling Type** / **Minimum Area** Studio apartments / 4m³ 1 bedroom apartments / 6m³	Appropriate storage is provided within all units in accordance with the requirements set out in Design Criteria 4G-1(1).	Yes

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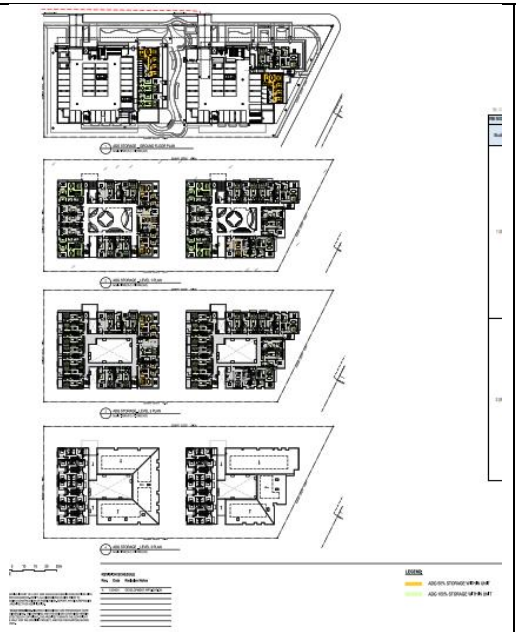
	<table><tr><td>2 bedroom apartments</td><td>8m³</td></tr><tr><td>3+ bedroom apartments</td><td>10m³</td></tr></table> At least 50% of the required storage is to be located within the apartment.		
	Storage is accessible from either circulation or living areas.	Storage areas are appropriately located and incorporated into the apartment layouts.	Yes
	Storage provided on balconies (in addition to the minimum balcony size) is integrated into the balcony design, weather-proof and screened from view from the street.	No storage is provided on balcony areas. Where 100% of storage requirements is not provided within the apartment, additional storage is provided within storage cages located within the car parking area.	Yes

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	Left over space such as under stairs is used for storage.	Under stair storage could be provided where possible.	Yes
Objective 4G-2 Additional storage is conveniently located, accessible and nominated for individual apartments	Storage not located in apartments is secure and clearly allocated to specific apartments.	Where 100% of storage requirements is not provided within the apartment, additional storage is provided within storage cages located within the car parking area.	Yes
	Storage is provided for larger and less frequently accessed items.	Storage areas within the car parking area are available.	Yes
	Storage space in internal or basement car parks is provided at the rear or side of car spaces or in cages so that allocated car parking remains accessible.	Storage areas within the car parking areas are located appropriately and do not compromise vehicle manoeuvring or car parking spaces.	Yes
	If communal storage rooms are provided they should be accessible from common circulation areas of the building.	Storage crates are accessible from the shared car parking area.	Yes
	Storage not located in an apartment is integrated into the overall building design and is not visible from the public domain.	Storage areas are not visible from the public domain.	Yes
Part 4H – Acoustic Privacy			
Objective	**Design Criteria or Guidance**	**Comment**	**Compliance**

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Objective 4H-1 Noise transfer is minimised through the siting of buildings and building layout	Adequate building separation is provided within the development and from neighbouring buildings/adjacent uses (see also section 2F Building separation and section 3F Visual privacy).	Adequate separation is provided between apartments and adjoining residences to maintain amenity and visual and acoustic privacy.	Yes
	Window and door openings are generally orientated away from noise sources.	Windows and door openings are appropriately orientated to minimise noise impacts.	Yes
	Noisy areas within buildings including building entries and corridors should be located next to or above each other and quieter areas next to or above quieter areas	The building designs stack and locate noisy areas together and quieter areas together to improve overall amenity.	Yes
	Storage, circulation areas and non-habitable rooms should be located to buffer noise from external sources.	The buildings have been appropriately designed to buffer noise from external sources including appropriate buffers from the communal open space areas and communal car parking area.	Yes
	The number of party walls (walls shared with other apartments) are limited and are appropriately insulated.	Shared walls are limited to directly adjoining apartments.	Yes
	Noise sources such as garage doors, driveways, service areas, plant rooms, building services, mechanical equipment, active communal open spaces and circulation areas should be located at least 3m away from bedrooms.	The ground floor of each building has been appropriately designed to maximise separation distance between the communal car parking area and plant rooms and bedrooms. All bedrooms are located at least 3m away from building services and plant noise sources as well as active communal open spaces and communal use rooms.	Yes

Objective 4H-2 Noise impacts are mitigated within apartments through layout and acoustic treatments	Internal apartment layout separates noisy spaces from quiet spaces, using a number of the following design solutions: • rooms with similar noise requirements are grouped together • doors separate different use zones • wardrobes in bedrooms are co-located to act as sound buffers	Apartment layouts are appropriately designed to minimise noise impacts.	Yes
	Where physical separation cannot be achieved noise conflicts are resolved using the following design solutions: • double or acoustic glazing • acoustic seals • use of materials with low noise penetration properties • continuous walls to ground level courtyards where they do not conflict with streetscape or other amenity requirements	The subject site is in proximity to the Greater Headed Flying Fox (GHFF) camp. Noise from this camp potentially would impact on the amenity of residents of the proposed development. The application has been supported by an Acoustic Report that considers the noise impacts affecting the proposed development and recommends appropriate noise mitigation measures. Noise mitigation measures are considered appropriate and are included as recommended conditions of consent.	Yes
Part 4J – Noise and Pollution			
Objective	**Design Criteria or Guidance**	**Comment**	**Compliance**
Objective 4J-1 In noisy or hostile environments the impacts of external	To minimise impacts the following design solutions may be used: • physical separation between buildings and the noise or pollution source	Noise mitigation measures as identified in the submitted Acoustic Report are considered appropriate to deal with noise impacts from the GHFF camp as well as other external noise impacts.	Yes

noise and pollution are minimised through the careful siting and layout of buildings.	• residential uses are located perpendicular to the noise source and where possible buffered by other uses • non-residential buildings are sited to be parallel with the noise source to provide a continuous building that shields residential uses and communal open spaces • non-residential uses are located at lower levels vertically separating the residential component from the noise or pollution source. Setbacks to the underside of residential floor levels should increase relative to traffic volumes and other noise sources • buildings should respond to both solar access and noise. Where solar access is away from the noise source, non-habitable rooms can provide a buffer • where solar access is in the same direction as the noise source, dual aspect apartments with shallow building depths are preferable (see figure 4J.4) • landscape design reduces the perception of noise and acts as a filter for air pollution generated by traffic and industry		
	Achieving the design criteria in this Apartment Design Guide may not be possible in some situations due to noise and pollution. Where developments are unable to achieve the design criteria, alternatives may be considered in the following areas: • solar and daylight access	Noted – Where this proposal has not complied with the relevant design criteria appropriate alternative measures have been incorporated into the design to improve amenity outcomes.	Noted

	• private open space and balconies • natural cross ventilation		
Objective 4J-2 Appropriate noise shielding or attenuation techniques for the building design, construction and choice of materials are used to mitigate noise transmission	Design solutions to mitigate noise include: • limiting the number and size of openings facing noise sources • providing seals to prevent noise transfer through gaps • using double or acoustic glazing, acoustic louvres or enclosed balconies (wintergardens) • using materials with mass and/or sound insulation or absorption properties e.g. solid balcony balustrades, external screens and soffits.	Noise mitigation measures as identified in the submitted Acoustic Report are considered appropriate to deal with noise impacts from the GHFF camp as well as other external noise impacts.	Yes
Part 4K – Apartment Mix			
Objective	**Design Criteria or Guidance**	**Comment**	**Compliance**
Objective 4K-1 A range of apartment types and sizes is provided to cater for different household types now and into the future	A variety of apartment types is provided	The proposal provides a suitable mix of apartment types and provides affordable rental housing.	Yes
	The apartment mix is appropriate, taking into consideration: • the distance to public transport, employment and education centres • the current market demands and projected future demographic trends • the demand for social and affordable housing	The proposed apartment mix is suitable for the locality.	Yes

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	• different cultural and socioeconomic groups.		
	Flexible apartment configurations are provided to support diverse household types and stages of life including single person households, families, multi-generational families and group households.	The apartment layouts are open plan and varied to support different lifestyle requirements. Apartments 1-108, 1-208 and 2-104 are designed and capable of being converted to adaptable housing.	Yes
Objective 4K-2 The apartment mix is distributed to suitable locations within the building	Different apartment types are located to achieve successful facade composition and to optimise solar access (see figure 4K.3).	The buildings have been appropriately designed to create varied facades and optimise solar access.	Yes
	Larger apartment types are located on the ground or roof level where there is potential for more open space and on corners where more building frontage is available.	Larger apartments are suitably located either on the ground floor or on building corners.	Yes
Part 4L – Ground Floor Apartments			
Objective	**Design Criteria or Guidance**	**Comment**	**Compliance**
Objective 4L-1 Street frontage activity is maximised where ground floor apartments are located	Direct street access should be provided to ground floor apartments	Street access is provided to ground floor units either directly to the street or via the common open space walkway.	Yes
	Activity is achieved through front gardens, terraces and the facade of the building. Design solutions may include: • both street, foyer and other common internal circulation entrances to ground floor apartments • private open space is next to the street • doors and windows face the street	The building designs appropriately activate the building frontages.	Yes

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	Retail or home office spaces should be located along street frontages	The proposal does not incorporate any retail or office components.	N/A
	Ground floor apartment layouts support small office home office (SOHO) use to provide future opportunities for conversion into commercial or retail areas. In these cases provide higher floor to ceiling heights and ground floor amenities for easy conversion	It is not considered that retail/commercial components or other mixed use land uses would be appropriate within this development.	No – commercial and other mixed land uses are not appropriate within this development.
Objective 4L-2 Design of ground floor apartments delivers amenity and safety for residents	Privacy and safety should be provided without obstructing casual surveillance. Design solutions may include: • elevation of private gardens and terraces above the street level by 1-1.5m (see figure 4L.4) • landscaping and private courtyards • window sill heights that minimise sight lines into apartments • integrating balustrades, safety bars or screens with the exterior design	The building designs provide opportunities for casual passive surveillance without compromising residents privacy and safety.	Yes
	Solar access should be maximised through: • high ceilings and tall windows • trees and shrubs that allow solar access in winter and shade in summer	The building design maximizes solar access and opportunities for dual aspect apartments to the development. The design and landscaping provides opportunities for solar access in winter and shade in summer.	Yes
Part 4M - Facades			

Objective	Design Criteria or Guidance	Comment	Compliance
Objective 4M-1 Building facades provide visual interest along the street while respecting the character of the local area	Design solutions for front building facades may include: • a composition of varied building elements • a defined base, middle and top of buildings • revealing and concealing certain elements • changes in texture, material, detail and colour to modify the prominence of elements.	Building facades are appropriately designed and articulated and incorporate appropriate and varied materials.	Yes
	Building services should be integrated within the overall façade.	Building services are appropriately integrated into the overall building design.	Yes
	Building facades should be well resolved with an appropriate scale and proportion to the streetscape and human scale. Design solutions may include: • well composed horizontal and vertical elements • variation in floor heights to enhance the human scale • elements that are proportional and arranged in patterns • public artwork or treatments to exterior blank walls • grouping of floors or elements such as balconies and windows on taller buildings.	The building design and facades are of an appropriate scale and proportion and do not feel oppressive.	Yes
	Building facades relate to key datum lines of adjacent buildings through upper level setbacks, parapets, cornices, awnings or colonnade heights.	The building is compatible with the existing streetscape and consistent with the desired future character of the area.	Yes

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	Shadow is created on the facade throughout the day with building articulation, balconies and deeper window reveals.	Appropriate articulation and texture is integrated into the building design to provide visual interest and shadowing.	Yes
Objective 4M-2 Building functions are expressed by the facade	Building entries should be clearly defined.	The entries to each building are clearly legible and defined.	Yes
	Important corners are given visual prominence through a change in articulation, materials or colour, roof expression or changes in height.	The building design responds to the character of the locality and is consistent with the desired character of the area.	Yes
	The apartment layout should be expressed externally through facade features such as party walls and floor slabs.	The buildings appropriately express the apartment layout in its external façade.	Yes
Part 4N – Roof Design			
Objective	**Design Criteria or Guidance**	**Comment**	**Compliance**
Objective 4N-1 Roof treatments are integrated into the building design and positively respond to the street	Roof design relates to the street. Design solutions may include: • special roof features and strong corners • use of skillion or very low pitch hipped roofs • breaking down the massing of the roof by using smaller elements to avoid bulk • using materials or a pitched form complementary to adjacent buildings.	Building rooflines are varied and well designed, stepping down the buildings to follow the natural topography. Broken and stepped down roof lines assist in minimising the visual prominence of the roof.	Yes
	Roof treatments should be integrated with the building design. Design solutions may include:	The roof design and materials is appropriate and integrates with the overall building design.	Yes

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	• roof design proportionate to the overall building size, scale and form • roof materials compliment the building • service elements are integrated.		
Objective 4N-2 Opportunities to use roof space for residential accommodation and open space are maximised	Habitable roof space should be provided with good levels of amenity. Design solutions may include: • penthouse apartments • dormer or clerestory windows • openable skylights.	The uppermost storey of the buildings provide additional habitable areas with good levels of amenity to the respective apartments.	Yes
	Open space is provided on roof tops subject to acceptable visual and acoustic privacy, comfort levels, safety and security considerations.	No open space is proposed to be provided on the roof top level.	N/A
Objective 4N-3 Roof design incorporates sustainability features	Roof design maximises solar access to apartments during winter and provides shade during summer. Design solutions may include: • the roof lifts to the north • eaves and overhangs shade walls and windows from summer sun.	The roof designs and provision of internal courtyard area maximises solar access to apartments and increases opportunities for dual aspect apartments.	Yes
	Skylights and ventilation systems should be integrated into the roof design.	Skylights and ventilation have been incorporated into the roof design where appropriate.	Yes
Part 4O – Landscape Design			
Objective	**Design Criteria or Guidance**	**Comment**	**Compliance**

Objective 4O-1 Landscape design is viable and sustainable	Landscape design should be environmentally sustainable and can enhance environmental performance by incorporating: • diverse and appropriate planting • bio-filtration gardens • appropriately planted shading trees • areas for residents to plant vegetables and herbs • composting • green roofs or walls.	Proposed landscaping is appropriate for the development and integrates well with the building design, private open space areas and common open space to provide for a variety of uses.	Yes
	Ongoing maintenance plans should be prepared.	The building and landscaping will be managed by the building manager.	Yes
	Microclimate is enhanced by: • appropriately scaled trees near the eastern and western elevations for shade • a balance of evergreen and deciduous trees to provide shading in summer and sunlight access in winter • shade structures such as pergolas for balconies and courtyards.	Proposed landscaping is appropriate and will assist in providing comfortable and usable spaces.	Yes
	Tree and shrub selection considers size at maturity and the potential for roots to compete (see Table 4).	The size of plantings at maturity is appropriate for the site.	Yes
Objective 4O-2	Landscape design responds to the existing site conditions including: • changes of levels	Landscaping is appropriate and responds to the building design as well as the natural features and topography of the site.	Yes

Landscape design contributes to the streetscape and amenity	• views • significant landscape features including trees and rock outcrops.	The retention of existing established trees along Beinda Street will assist in softening and integrating the development into the streetscape.	
	Significant landscape features should be protected by: • tree protection zones (see figure 4O.5) • appropriate signage and fencing during construction.	Large established trees along Beinda Street are to be retained and will be appropriately protected.	Yes
	Plants selected should be endemic to the region and reflect the local ecology.	Native trees and vegetation have been incorporated into the landscaping design.	Yes
Part 4P – Planting on Structures			
Objective	**Design Criteria or Guidance**	**Comment**	**Compliance**
	Structures are reinforced for additional saturated soil weight.	Not applicable - Planting on structures is not proposed in this development.	N/A
	Soil volume is appropriate for plant growth, considerations include: • modifying depths and widths according to the planting mix and irrigation frequency • free draining and long soil life span • tree anchorage.	Not applicable - Planting on structures is not proposed in this development.	N/A
	Minimum soil standards for plant sizes should be provided in accordance with Table 5.	Not applicable - Planting on structures is not proposed in this development.	N/A
	Plants are suited to site conditions, considerations include:	Not applicable - Planting on structures is not proposed in this development.	N/A

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	• drought and wind tolerance • seasonal changes in solar access • modified substrate depths for a diverse range of plants • plant longevity.		
	A landscape maintenance plan is prepared.	Not applicable - Planting on structures is not proposed in this development.	N/A
	Irrigation and drainage systems respond to: • changing site conditions • soil profile and the planting regime • whether rainwater, stormwater or recycled grey water is used.	Not applicable - Planting on structures is not proposed in this development.	N/A
	Building design incorporates opportunities for planting on structures. Design solutions may include: • green walls with specialised lighting for indoor green walls • wall design that incorporates planting • green roofs, particularly where roofs are visible from the public domain • planter boxes ***Note:*** *structures designed to accommodate green walls should be integrated into the building facade and consider the ability of the facade to change over time.*	Not applicable - Planting on structures is not proposed in this development.	N/A
Part 4Q – Universal Design			

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<table>
<tr><th>Objective</th><th>Design Criteria or Guidance</th><th>Comment</th><th>Compliance</th></tr>
<tr>
<td>Objective 4Q-1
Universal design features are included in apartment design to promote flexible housing for all community members</td>
<td>Developments achieve a benchmark of 20% of the total apartments incorporating the Livable Housing Guideline's silver level universal design features.</td>
<td>The submitted dwelling plans and architectural plans demonstrate that 46 of 60 apartments (75%) of apartments are designed to a Silver Level standard.
<table>
<tr><th></th><th>Design Features Elements</th><th>Compliance to >20% of apartments</th></tr>
<tr><td>1</td><td>A safe continuous and step free path of travel from the street entrance and / or parking area to a dwelling entrance that is level</td><td>Yes – The buildings are appropriately serviced by ramps and lifts allowing for a safe continuous, step-free pathway from the street entrance to the dwelling entrance..</td></tr>
<tr><td>2</td><td>At least one, level (step-free) entrance into the dwelling.</td><td>Yes – Step-free entrances with appropriate widths and level landing areas are provided to all apartment types allowing occupants to</td></tr>
</table>
</td>
<td>Yes</td>
</tr>
</table>

				easily enter and exit the dwellings.	
		3	Internal doors and corridors that facilitate comfortable and unimpeded movement between spaces.	Yes – Entry level apartment rooms are designed with appropriate corridor and opening widths and facilitate comfortable and unimpeded movement between spaces.	
		4	A toilet on the ground (or entry) level that provides easy access.	Yes – All apartment types excluding Type 2B 04 (10 x apartments) and Type 2B 05 (4x apartments) include a suitably designed toilet at ground/entry level. Toilets are designed to achieve adequate circulation and clear area and located adjacent walls to facilitate	

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				the installation of guard rails.
		5	A bathroom that contains a hobless shower recess.	Yes – Bathrooms incorporate appropriate hobless shower recesses.
		6	Reinforced walls around the toilet, shower and bath to support the safe installation of grabrails at a later date.	Yes – The apartment designs provide opportunity for safe installation of grabrails in bathroom areas.
		7	Stairways are designed to reduce the likelihood of injury and also enable future adaptation.	Yes – Where there are internal stairways within the apartments, adequate area for the installation of appropriate continuous handrails is provided.
Objective 4Q-2	Adaptable housing should be provided in accordance with the relevant council policy.	The Shoalhaven DCP 2014 does not prescribe a certain level of adaptable housing to be provided for residential flat buildings.		Yes

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A variety of apartments with adaptable designs are provided		The development provides 3 apartments as adaptable housing and this is considered acceptable.	
	Design solutions for adaptable apartments include: • convenient access to communal and public areas • high level of solar access • minimal structural change and residential amenity loss when adapted • larger car parking spaces for accessibility • parking titled separately from apartments or shared car parking arrangements.	Appropriate design features have been incorporated into the building design for adaptable apartments including appropriate siting of apartments, appropriate and convenient access from communal and public areas and the provision of larger car parking spaces at ground level.	Yes
Objective 4Q-3 Apartment layouts are flexible and accommodate a range of lifestyle needs	Apartment design incorporates flexible design solutions which may include: • rooms with multiple functions • dual master bedroom apartments with separate bathrooms • larger apartments with various living space options • open plan 'loft' style apartments with only a fixed kitchen, laundry and bathroom.	Apartments have been designed to allow for flexible design solutions to cater for different lifestyle needs.	Yes
Part 4R – Adaptive Reuse			
Objective	**Design Criteria or Guidance**	**Comment**	**Compliance**
Objective 4R-1	Design solutions may include: • new elements to align with the existing building	Not Applicable – The proposal is for demolition of existing structures and	N/A

New additions to existing buildings are contemporary and complementary and enhance an area's identity and sense of place	• additions that complement the existing character, siting, scale, proportion, pattern, form and detailing • use of contemporary and complementary materials, finishes, textures and colours	construction of 2 new residential flat buildings.	
	Additions to heritage items should be clearly identifiable from the original building	Not Applicable.	N/A
	New additions allow for the interpretation and future evolution of the building	Not Applicable.	N/A
Objective 4R-2 Adapted buildings provide residential amenity while not precluding future adaptive reuse	Design features should be incorporated sensitively into adapted buildings to make up for any physical limitations, to ensure residential amenity is achieved. Design solutions may include: • generously sized voids in deeper buildings • alternative apartment types when orientation is poor • using additions to expand the existing building envelope	Not Applicable.	N/A
	Some proposals that adapt existing buildings may not be able to achieve all of the design criteria in this Apartment Design Guide. Where developments are unable to achieve the design criteria, alternatives could be considered in the following areas: • where there are existing higher ceilings, depths of habitable rooms could increase subject to demonstrating access to natural ventilation, cross ventilation (when applicable) and solar and	Not Applicable.	N/A

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	daylight access (see also sections 4A Solar and daylight access and 4B Natural ventilation) • alternatives to providing deep soil where less than the minimum requirement is currently available on the site • building and visual separation – subject to demonstrating alternative design approaches to achieving privacy • common circulation • car parking • alternative approaches to private open space and balconies		
Part 4S – Mixed Use			
Objective	**Design Criteria or Guidance**	**Comment**	**Compliance**
Objective 4S-1 Mixed use developments are provided in appropriate locations and provide active street frontages that encourage pedestrian movement	Mixed use development should be concentrated around public transport and centres.	Not Applicable - The subject site is zoned R3 Medium Density Residential and does not permit mixed use developments.	N/A
	Mixed use developments positively contribute to the public domain. Design solutions may include: • development addresses the street • active frontages are provided • diverse activities and uses • avoiding blank walls at the ground level • live/work apartments on the ground floor level, rather than commercial.	Not Applicable – The proposal does not incorporate mixed use development; however the development positively contributes to the public domain by providing well designed and articulated active street frontages.	N/A

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Objective 4S-2 Residential levels of the building are integrated within the development, and safety and amenity is maximised for residents	Residential circulation areas should be clearly defined. Design solutions may include: • residential entries are separated from commercial entries and directly accessible from the street • commercial service areas are separated from residential components • residential car parking and communal facilities are separated or secured • security at entries and safe pedestrian routes are provided • concealment opportunities are avoided	The development clearly identifies and designs residential areas from public areas. Principles of CPTED have been incorporated into the building design to minimise concealment opportunities and provide appropriate security and safe pedestrian access.	Yes
	Landscaped communal open space should be provided at podium or roof levels.	Landscaping and communal open space areas are appropriately designed.	Yes
Part 4T – Awnings and Signage			
Objective	**Design Criteria or Guidance**	**Comment**	**Compliance**
Objective 4T-1 Awnings are well located and complement and integrate with the building design.	Awnings should be located along streets with high pedestrian activity and active frontages.	Appropriate awnings are provided over building entrances and lobby areas. The design and location is not supportive of additional awning structures along the street frontages.	Yes
	A number of the following design solutions are used: • continuous awnings are maintained and provided in areas with an existing pattern • height, depth, material and form complements the existing street character	Awnings are appropriately designed and located.	Yes

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	• protection from the sun and rain is provided • awnings are wrapped around the secondary frontages of corner sites • awnings are retractable in areas without an established pattern.		
	Awnings should be located over building entries for building address and public domain amenity.	Appropriate awnings are provided over building entrances and lobby areas.	Yes
	Awnings relate to residential windows, balconies, street tree planting, power poles and street infrastructure.	Awnings are appropriately designed and incorporated into the building design and landscaping.	Yes
	Gutters and down pipes should be integrated and concealed.	Gutters and other stormwater infrastructure is appropriately incorporated into the building design and does not result in a poor amenity outcome.	Yes
	Lighting under awnings should be provided for pedestrian safety.	Appropriate lighting is to be provided at building entrances and lobbies.	Yes
Objective 4T-2 Signage responds to the context and desired streetscape character.	Signage should be integrated into the building design and respond to the scale, proportion and detailing of the development.	Building signage is appropriately located at the corner of Beinda Street and Bolong Road and provides a sense of address to the development. The signage is appropriately incorporated into the overall design and landscaping for the development.	Yes
	Legible and discrete way finding should be provided for larger developments.	Way finding is appropriate for the development with the architectural layout and design enabling residents to orientate themselves within the development.	Yes

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	Signage is limited to being on and below awnings and a single facade sign on the primary street frontage.	Site signage is appropriately designed and located on the corner of Beinda Street and Bolong Road.	Yes
Part 4U – Energy Efficiency			
Objective	**Design Criteria or Guidance**	**Comment**	**Compliance**
Objective 4U-1 Development incorporates passive environmental design.	Adequate natural light is provided to habitable rooms (see 4A Solar and daylight access).	Adequate solar and daylight access is provided to all habitable rooms.	Yes
	Well located, screened outdoor areas should be provided for clothes drying.	As identified in the submitted BASIX Certificate no indoor or outdoor clothes drying lines are proposed; clothes dryers will be provided in each apartment. There is adequate space and provision for clothes dryers in the layout of each apartment.	No – clothes drying lines are not proposed.
Objective 4U-2 Development incorporates passive solar design to optimise heat storage in winter and reduce heat transfer in summer.	A number of the following design solutions are used: • the use of smart glass or other technologies on north and west elevations • thermal mass in the floors and walls of north facing rooms is maximised • polished concrete floors, tiles or timber rather than carpet • insulated roofs, walls and floors and seals on window and door openings • overhangs and shading devices such as awnings, blinds and screens	The application has been supported by an appropriate BASIX Certificate that demonstrates appropriate provision of thermal performance and energy BASIX commitments.	Yes

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	Provision of consolidated heating and cooling infrastructure should be located in a centralised location (e.g. the basement)	Building plant is appropriate located on the ground floor with individual apartment air conditioning units appropriately located on balcony areas.	Yes
Objective 4U-3 Adequate natural ventilation minimises the need for mechanical ventilation.	A number of the following design solutions are used: • rooms with similar usage are grouped together • natural cross ventilation for apartments is optimised • natural ventilation is provided to all habitable rooms and as many non-habitable rooms, common areas and circulation spaces as possible.	Appropriate ventilation is provided to the development reducing the need for mechanical ventilation.	Yes
Part 4V – Water Management and Conservation			
Objective	**Design Criteria or Guidance**	**Comment**	**Compliance**
Objective 4V-1 Potable water use is minimised.	Water efficient fittings, appliances and wastewater reuse should be incorporated.	The application has been supported by an appropriate BASIX Certificate that demonstrates appropriate provision of water conservation BASIX commitments.	Yes
	Apartments should be individually metered.	Noted.	Yes
	Rainwater should be collected, stored and reused on site.	Water capture and re-use and water recycling measures have been incorporated into the development design.	Yes
	Drought tolerant, low water use plants should be used within landscaped areas.	Landscaping is appropriate for the locality.	Yes

Objective 4V-2 Urban stormwater is treated on site before being discharged to receiving waters	Water sensitive urban design systems are designed by a suitably qualified professional.	WSUD systems have been appropriately incorporated into the development design.	Yes
	A number of the following design solutions are used: • runoff is collected from roofs and balconies in water tanks and plumbed into toilets, laundry and irrigation • porous and open paving materials is maximised • on site stormwater and infiltration, including bio-retention systems such as rain gardens or street tree pits.	Proposed landscaping, water capture and re-use (i.e. water tanks) and water recycling measures are appropriate.	Yes
Objective 4V-3 Flood management systems are integrated into site design	Detention tanks should be located under paved areas, driveways or in basement car parks.	Below ground OSD tanks are appropriately located under driveway/car parking areas.	Yes
	On large sites parks or open spaces are designed to provide temporary on site detention basins.	Not Applicable – Provision of OSD through parks and open spaces is not considered necessary in this instance.	N/A
Part 4W – Waste Management			
Objective	**Design Criteria or Guidance**	**Comment**	**Compliance**
Objective 4W-1 Waste storage facilities are designed to minimise impacts on the streetscape,	Adequately sized storage areas for rubbish bins should be located discreetly away from the front of the development or in the basement car park.	Waste storage areas are appropriately sized and located; accessed from the ground floor car park area.	Yes
	Waste and recycling storage areas should be well ventilated.	Waste and recycling storage areas are appropriately located on the ground floor adjacent to external walls and the car park area to allow for appropriate ventilation.	Yes

building entry and amenity of residents	Circulation design allows bins to be easily manoeuvred between storage and collection points.	Bin circulation and manoeuvring is appropriate with the collection point being from the street along the Beinda Street frontage by a private contractor. Council's Waste Services Team have reviewed the development application and are satisfied with the proposed waste collection.	Yes
	Temporary storage should be provided for large bulk items such as mattresses.	There are appropriate bulk waste storage areas available in the waste storage areas.	Yes
	A waste management plan should be prepared.	A suitable waste management plan has been prepared. Council's Waste Services Team have reviewed the waste management plan and are satisfied with the proposed waste management.	Yes
Objective 4W-2 Domestic waste is minimised by providing safe and convenient source separation and recycling	All dwellings should have a waste and recycling cupboard or temporary storage area of sufficient size to hold two days' worth of waste and recycling.	Adequate waste and recycling will be provided for each dwelling and there is sufficient space provided for this in the waste rooms of each building.	Yes
	Communal waste and recycling rooms are in convenient and accessible locations related to each vertical core.	Waste and recycling storage rooms are appropriately located on the ground floor of each building. The waste storage rooms can be accessed via lift.	Yes
	For mixed use developments, residential waste and recycling storage areas and access should be separate and secure from other uses.	Not Applicable – The proposal is not a mixed use development	Yes
	Alternative waste disposal methods such as composting should be provided.	As noted in the waste management plan, the buildings will provided with suitable space for	Yes

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		food organics and garden organics (FOGO) bins.	
Part 4X – Building Maintenance			
Objective	**Design Criteria or Guidance**	**Comment**	**Compliance**
Objective 4X-1 Building design detail provides protection from weathering	A number of the following design solutions are used: • roof overhangs to protect walls • hoods over windows and doors to protect openings • detailing horizontal edges with drip lines to avoid staining of surfaces • methods to eliminate or reduce planter box leaching • appropriate design and material selection for hostile locations	The buildings have been designed appropriately to provide shelter and protection from weathering.	Yes
Objective 4X-2 Systems and access enable ease of maintenance	Window design enables cleaning from the inside of the building.	The relatively low rise (3-4 storeys) design of the building allows for suitable window cleaning opportunities from ground level and/or from within each apartment.	Yes
	Building maintenance systems should be incorporated and integrated into the design of the building form, roof and façade.	The building design will allow for suitable ongoing building maintenance.	Yes
	Design solutions do not require external scaffolding for maintenance access.	Due to the relatively low rise design of the buildings, external scaffolding for maintenance would be minimal.	Yes

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	Manually operated systems such as blinds, sunshades and curtains are used in preference to mechanical systems.	The apartment designs generally promote manually operated systems.	Yes
	Centralised maintenance, services and storage should be provided for communal open space areas within the building.	Appropriate plant and storage areas are provided for the maintenance of common areas.	Yes
Objective 4X-3 Material selection reduces ongoing maintenance costs	A number of the following design solutions are used: • sensors to control artificial lighting in common circulation and spaces • natural materials that weather well and improve with time such as face brickwork • easily cleaned surfaces that are graffiti resistant • robust and durable materials and finishes are used in locations which receive heavy wear and tear, such as common circulation areas and lift interiors	Proposed materials are durable and robust and appropriate for the locality.	Yes

Appendix C – Clause 4.6 Detailed Consideration

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

Cl4.6 Exception to the Shoalhaven Local Environmental Plan 2014

Development Standard

4.3 Height of buildings

(1) The objectives of this clause are as follows—

(a) to ensure that buildings are compatible with the height, bulk and scale of the existing and desired future character of a locality,

(b) to minimise visual impact, disruption of views, loss of privacy and loss of solar access to existing development,

(c) to ensure that the height of buildings on or in the vicinity of a heritage item or within a heritage conservation area respect heritage significance.

(2) The height of a building on any land is not to exceed the maximum height shown for the land on the *Height of Buildings Map*.

(2A) If the *Height of Buildings Map* does not show a maximum height for any land, the height of a building on the land is not to exceed 11 metres.

There is no maximum building height shown on the Height of Building Map and therefore the height of the building must not exceed 11m in accordance with subclause (2).

Extent of proposed departure from development standard

LEP clause	*Numerical Standard*	*Proposed Solution*	*Numerical Departure*	*% Departure*
Shoalhaven LEP 2014 – Clause 4.3 – Height of Building	11m	Building 1 = 12.09m Building 2 = 12.09m	Building 1 = 1.09m Building 2 = 1.09m	Building 1 = 9.9% Building 2 = 9.9%

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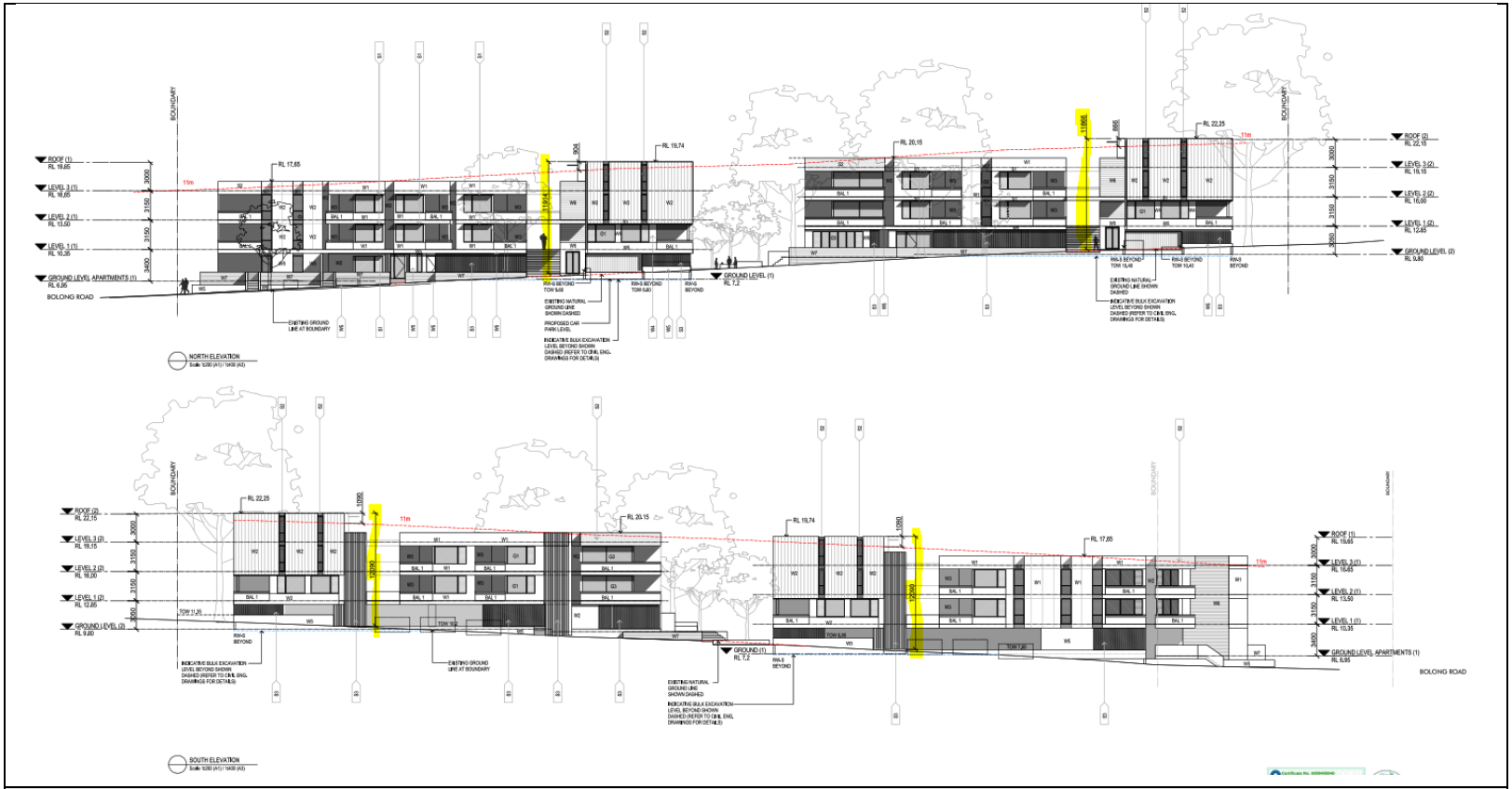

Applicant's clause 4.6 statement

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Extract from applicant's clause 4.6 statement prepared by Urbanco (Rev C) and dated 1 May 2024 (TRIM Ref: D24/188804)

4 FIVE PART TEST

Clause 4.6 provides appropriate flexibility in the application of development standards to achieve enhanced planning and urban design outcomes where appropriate.

As required under Clause 4.6 (3) the proposed variation to lot sizes is considered appropriate as follows:

(a) Compliance with the development standard is unreasonable or unnecessary in the circumstances of the case

The NSW Land and Environment Court had established the principle of a five-part test in determining whether compliance with a development standard is unnecessary (*Refer Four2Five Pty Ltd v Ashfield Council [2015] NSWLEC 90 & Wehbe v Pittwater Council [2007] NSW LEC 827*). The most common and appropriate manner of demonstrating that compliance is unnecessary, was whether the proposal met the objectives of the standard regardless of the variation.

The following discussion provides a response to each of the five (5) "tests" established by the court and demonstrates above that the objectives of the standard are achieved notwithstanding the noncompliance.

We have also included Test 1(a) which addresses the objectives of the land use zone, consistent with recent decisions of the NSW Land & Environment Court, including *Preston CJ in Initial Action Pty Ltd v Woollahra Municipal Council [2018] NSWLEC 118.*

Test 1. The objectives of the standard are achieved notwithstanding noncompliance with the standard

The objectives of the building height standard at Clause 4.3 are as follows:

(a) to ensure that buildings are compatible with the height, bulk and scale of the existing and desired future character of a locality,

Comment: The architectural plans and report submitted with the application demonstrate that buildings are compatible with the height, bulk and scale of the existing and desired future character of a locality.

The proposed height variation will not be discernible form a pedestrian view point and the buildings will appear as consistent with the desired scale and character of the locality.

The building had been designed as two separate building forms to respond to the existing built form character.

The proposal is predominantly less than 11m in height, with the building form and character considered to be consistent with the desired future character of the medium density housing precinct.

(b) to minimise visual impact, disruption of views, loss of privacy and loss of solar access to existing development,

Comment: As demonstrated in this SoEE and associated supporting studies the proposed building height:

- Will not have a significant visual impact;
- Will not result in disruption of any views
- Will not result in any loss of privacy of solar access to adjoining properties.

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The building has been deliberately set back from Beinda Street to allow retention of the existing mature trees so as to minimise the visual impact and maintain the existing streetscape character.

The building has been setback from property boundaries consistent with the ADG requirements to ensure there is no loss of privacy or solar access to any existing adjoining properties.

The site and orientation of the development ensure that the building will not impact any key view lines or scenic landscapes.

(c) to ensure that the height of buildings on or in the vicinity of a heritage item or within a heritage conservation area respect heritage significance.

Comment: Heritage 21 have prepared a detailed Statement of Heritage Impact in association with this application.

Hertiage 21 have concluded that the proposed development complies with pertinent heritage controls and would engender neutral impact on the heritage significance of the adjoining site.

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

Test 1(a). The objectives of the zone

The objectives of the R3 Medium Density under the SLEP 2014 are as follows:

- *To provide for the housing needs of the community within a medium density residential environment.*
- *To provide a variety of housing types within a medium density residential environment.*
- *To enable other land uses that provide facilities or services to meet the day to day needs of residents.*

The proposal is consistent with the objectives of the R3 Medium Density zone as it provides for medium density residential development contributes the variety of housing types in the locality.

The proposal is consistent with the objective to allow housing on a medium density residential environment.

- *To provide opportunities for development for the purposes of tourist and visitor accommodation where this does not conflict with the residential environment.*

Comment: The proposal does not seek approval for a tourist or visitor accommodation. As such, this objective is not applicable.

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Test 2: The underlying objective or purpose of the standard is not relevant to the development and therefore compliance is unnecessary.

The application does not rely on this test for approval.

Test 3: The underlying object or purpose would be defeated or thwarted if compliance was required and therefore compliance is unreasonable.

The application does not rely on this test for approval.

Test 4: The development standard has been virtually abandoned or destroyed by the council's own actions in granting consents departing from the standard and hence compliance with the standard is unnecessary and unreasonable.

The proposal does not rely on this test for approval.

Test 5: The compliance with development standard is unreasonable or inappropriate due to existing use of land and current environmental character of the particular parcel of land. That is, the particular parcel of land should not have been included in the zone.

The application does not rely on this test for approval.

Given the discussion above, strict compliance with the development standard is unnecessary.

(b) There are sufficient environmental planning grounds to justify contravening the development standard

A detailed Statement of Environmental Effects (SEE) has been prepared and submitted with this application and provides a comprehensive environmental planning assessment of the proposed development.

The SEE has demonstrated that the proposal is generally compliant with all adopted planning controls and guidelines for the site. The SEE has also demonstrated that there are no adverse environmental impacts as a result of the proposal.

Requiring strict compliance with the building standard would not achieve any discernible change to building heights from the ground level.

In this regard, contravention of the development standard is considered to be acceptable as follows:

- The proposal is consistent with the objectives of the zone and the objectives of the height control.
- The proposed building height and scale is consistent with the long term vision for the site as a medium density neighbourhood.
- The beach of the height limit does not have any environmental impacts on the surrounding locality or landholdings.
- The proposed building height variation is minor in scale and will not be discernible from a pedestrian streetscape perspective.
- Requiring strict compliance would not result in an enhanced urban design or environmental outcome.

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5 IS THE VARIATION IN THE PUBLIC INTEREST

The proposed minor variation to building heights is considered to be in the public interest as:

- The proposed building height variation is minor in scale (being less than 1m) and will not be discernible from a pedestrian streetscape perspective.
- The building height variation allows for the delivery of the two-storey apartments, enhance the housing diversity in the project and the broader locality.
- Support for the proposal will significantly enhance housing diversity, affordability and rental accommodation for both existing and future residents in the locality.
- The proposal will deliver the first Build to Rent project in the locality, providing opportunity for long term rental accommodation for residents.
- The site is ideally located within a walkable catchment of local shops, Bomaderry Town Centre Main Street, schools, TAFE, playing fields and Bomaderry Railway station. The site is also within the cycle catchment of the Nowra Town Centre.

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6 CONCLUSION

This Clause 4.6 variation request seeks support for a minor variation to the prescribed maximum building height relating to the delivery of a three / four storey Build to Rent residential flat building.

The building height variation is minor in nature and is required to accommodate minor rooftop areas due to the site grade and landform.

The objective of Clause 4.6 is to provide an appropriate degree of flexibility in applying development standards and to achieve better outcomes for development by allowing flexibility circumstances.

This variation request has demonstrated that:

- Compliance with the development standard is considered unreasonable and unnecessary in the circumstances.
- Compliance with the development standard would require excessive site excavation and parking areas below the flood level which is not a preferred outcome.
- The building form has been designed to minimise the variation to building height as much as possible through providing two separate buildings which step down the site responding to site slope.
- The proposed height variation is not discernible from a pedestrian scale at street level.
- There are sufficient environmental planning grounds to justify the contravention.
- The proposal maintains consistency with the objectives of the R3 medium density zone.
- The proposal is consistent with the objectives of Clause 4.3 Building Height, despite the non-compliance.
- The proposed development is an appropriate response to the context of the site, and the breach of the standard is compatible with the existing and future character of the area; and
- Support for the proposed variation will have a positive community impact through provision of a Build to Rent apartment building and is in the public interest.

Assessing Officer Commentary

Unreasonable or Unnecessary

Council is satisfied that the application has been supported by an appropriate clause 4.6 variation statement that suitably demonstrates that compliance with the development standard (clause 4.3 – building height limit) is unnecessary in the circumstances of this case. Council is satisfied that the underlying objectives of clause 4.3 and the R3 zone are satisfied despite the non-compliance. As noted in the Applicant's variation

statement, the extent of departure is limited to a relatively small portion of the upper roof line of the buildings and occurs as a result of the sloping topography and presence of surface rock and flood limitations which limits the ability to excavate the site for example to provide basement carparking. The proposal is compatible with the height, bulk and scale of the desired future character of the locality, the development will not have a significant adverse visual impact and will not result in disruption of views. Adequate privacy and solar access is maintained to adjoining residences. The application has also been supported by a Heritage Impact Assessment which has been reviewed by Council's Heritage Expert, and Council is satisfied that the design, bulk and height of the proposed buildings does not undermine the heritage value and character of adjoining and nearby heritage items.

It is also noted that as identified in the SEE, 20% of t the units will be allocated for affordable rental housing (p.23) and the proposed development could utilise the provisions of section 18 of the SEPP (Housing) 2021 which permit additional building height above the building height limit set by

18 Affordable housing requirements for additional building height

(1) This section applies to development that includes residential development to which this division applies if the development—

(a) includes residential flat buildings or shop top housing, and

(b) does not use the additional floor space ratio permitted under section 16.

(2) The maximum building height for a building used for residential flat buildings or shop top housing is the maximum permissible building height for the land plus an additional building height of up to 30%, based on a minimum affordable housing component calculated in accordance with subsection (3).

(3) The minimum affordable housing component, which must be at least 10%, is calculated as follows—

$$\text{affordable housing component} = \frac{\text{additional building height (as a percentage)}}{2}$$

Accordingly, under the provisions of section 18 of the SEPP (Housing) 2021, an additional 10% (Affordable Housing Component (20%) ÷ 2 = Additional Building Height (10%)) may be able to be utilised. This equates to an additional building height of 1.1m and bringing the overall building height limit to 12.1m. If these provisions were utilised the proposed development would comply with the maximum building height controls and would not require a clause 4.6 exception. Given this, Council is satisfied that strict compliance with the building height limit development standard is unnecessary in the circumstances of the case.

Sufficient Environmental Planning Grounds

Council is satisfied that there are sufficient environmental planning grounds to justify contravening the building height limit. The proposal for construction of two residential flat buildings which will provide affordable rental housing is consistent with the objectives of the R3 zone, specifically which aim to provide a variety of housing types to meet the housing needs of the community. The proposal is also consistent with the principles of SEPP (Housing) 2021 specifically which seek to enable and encourage the development of diverse housing types, including purpose-built rental housing and affordable housing, both of which this proposed development provides. The proposal is consistent with the objects of the *EP&A Act 1979* in terms of promoting the social and economic welfare of the community, promoting the orderly and economic use and development of land, promoting the delivery and maintenance of affordable housing as well as promoting good design and amenity outcomes for the built environment.

Section 4.15 Assessment Report – DA2024/1326

Address all correspondence to: The Chief Executive Officer,
PO Box 42, Nowra NSW 2541 Australia
shoalhaven.nsw.gov.au/contact | 1300 293 111
shoalhaven.nsw.gov.au

NOTICE OF DETERMINATION OF A DEVELOPMENT APPLICATION

Application number	DA24/1326
Applicant	Landcom
Description of development	Demolition of existing structures, lot consolidation and construction of two (2) x residential flat buildings comprising 60 build-to-rent apartments
Property	2 Beinda Street BOMADERRY – Lot 5 DP 25566 4 Beinda Street BOMADERRY – Lot 4 DP 25566 6 Beinda Street BOMADERRY – Lot 3 DP 25566 8 Beinda Street BOMADERRY – Lot 2 DP 25566 10 Beinda Street BOMADERRY – Lot 1 DP 25566 53 Bolong Road BOMADERRY – Lot 1 DP 329959 55 Bolong Road BOMADERRY – Lot 6 DP 25566 57 Bolong Road BOMADERRY – Lot 7 DP 25566
Determination	Approval
Date of determination	[#Consent Start Date#]
Date from which the consent operates	[#Consent Start Date#]
Date on which the consent lapses	[#Consent End Date#]

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 Grant of Consent

a) The development proposal, subject to the recommended conditions is consistent with:
   i) the objects of the Environmental Planning and Assessment Act, 1979.
   ii) the aims, objectives and provisions of the applicable environmental planning instruments,
   iii) the aims, objectives and provisions of applicable development control plans
   iv) the aims, objectives and provisions of relevant Council policies.

b) The likely impacts of the proposed development are considered acceptable.

c) The site is suitable for the proposed development.

d) Any submissions received during the public notification period have been considered and issues and concerns raised by the community in submissions have been addressed in the assessment.

e) The proposed development does not conflict with the public interest.

Right of appeal / review of 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 months after the date on which the determination appealed against is notified or registered on the NSW planning portal.

Dictionary

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

Person on behalf of the consent authority

Peter Woodworth

Lead – Development Assessment

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

CONDITIONS		REASON
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.	To ensure compliance with the approved plans and documents.

Approved Plans

Plan Number	Revision Number	Plan Title	Drawn by	Date of Plan
Job Number: 202312 Drawing Number: DA-00	A	Cover Sheet	St. Clair Architecture	12/4/2024
Job Number: 202312 Drawing Number: DA-01	A	Site Analysis Plan	St. Clair Architecture	12/4/2024
Job Number: 202312 Drawing Number: DA-02	B	Site & Roof Plan	St. Clair Architecture	29/4/2024
Job Number: 202312 Drawing Number: DA-11	C	Ground Floor Plan	St. Clair Architecture	13/6/2024

Job Number: 202312 Drawing Number: DA-12	C	Level 1 Floor Plan	St. Clair Architecture	13/6/2024
Job Number: 202312 Drawing Number: DA-13	C	Level 2 Floor Plan	St. Clair Architecture	13/6/2024
Job Number: 202312 Drawing Number: DA-14	B	Level 3 Floor Plan	St. Clair Architecture	29/4/2024
Job Number: 202312 Drawing Number: DA-21	C	Elevations Sheet 1	St. Clair Architecture	13/6/2024
Job Number: 202312 Drawing Number: DA-22	B	Elevations Sheet 2	St. Clair Architecture	29/4/2024
Job Number: 202312 Drawing Number: DA-31	B	Sections	St. Clair Architecture	29/4/2024
Job Number: 202312 Drawing Number: DA-81	A	Demolition Plan	St. Clair Architecture	12/4/2024
Job Number: 202312	A	3D Views	St. Clair Architecture	12/4/2024

Drawing Number: DA-91				
Job Number: 202312 Drawing Number: DA-00	A	3D Views	St. Clair Architecture	12/4/2024
Job Number: 202312	-	Type Studio 01	St. Clair Architecture	-
Job Number: 202312	-	Type 1B 01	St. Clair Architecture	-
Job Number: 202312	-	Type 2B 01	St. Clair Architecture	-
Job Number: 202312	-	Type 2B 02	St. Clair Architecture	-
Job Number: 202312	-	Type 2B 03	St. Clair Architecture	-
Job Number: 202312	-	Type 2B 04 (lower level)	St. Clair Architecture	-
Job Number: 202312	-	Type 2B 04 (upper level)	St. Clair Architecture	-
Job Number: 202312	-	Type 2B 05 (lower level)	St. Clair Architecture	-
Job Number: 202312	-	Type 2B 05 (upper level)	St. Clair Architecture	-
Job Number: 202312	-	Type 2B 06 (pre-adaptation)	St. Clair Architecture	-
Job Number: 202312	-	Type 2B 06 (post-adaptation)	St. Clair Architecture	-

Job Number: 202312	-	Type 3B 01	St. Clair Architecture	-
Project #: 23-0065	-	Drawing Schedule	Edmiston Jones	-
Project #: 23-0065 Drawing No. DA/01	D	Trees to be Retained and Removed Plan	Edmiston Jones	30/4/2024
Project #: 23-0065 Drawing No. DA/02	E	Landscape Concept Ground Floor Plan	Edmiston Jones	13/6/2024
Project #: 23-0065 Drawing No. DA/03	D	Landscape Concept L1 Floor Plan	Edmiston Jones	30/4/2024
Project #: 23-0065 Drawing No. DA/04	E	Detail Plan Central Spine	Edmiston Jones	13/6/2024
Project #: 23-0065 Drawing No. DA/05	D	Detail Plan Courtyard	Edmiston Jones	30/4/2024
Project #: 23-0065 Drawing No. DA/06	D	Landscape Concept Sections	Edmiston Jones	30/4/2024
Project #: 23-0065 Drawing No. DA/07	D	Street Elevations	Edmiston Jones	30/4/2024
Project #: 23-0065 Drawing No. DA/08	D	Landscape Access and Circulation Plan	Edmiston Jones	30/4/2024
Project #: 23-0065 Drawing No. DA/09	D	External Materials Schedule – Ground Level	Edmiston Jones	30/4/2024

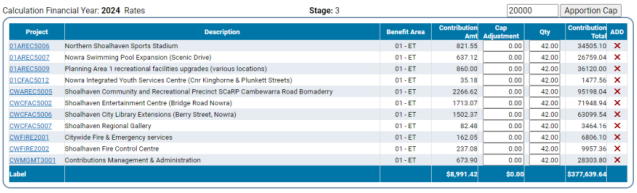
Project #: 23-0065 Drawing No. DA/10	D	External Materials Schedule First Floor	Edmiston Jones	30/4/2024
Project #: 23-0065 Drawing No. DA/11	D	Planting Plan & Schedule Ground Floor	Edmiston Jones	30/4/2024
Project #: 23-0065 Drawing No. DA/12	D	Planting Plan & Schedule L1 Floor	Edmiston Jones	30/4/2024
Project #: 23-0065 Drawing No. DA/13	D	Indicative Species Palette	Edmiston Jones	30/4/2024
Project #: 23-0065 Drawing No. DA/14	D	Indicative Lighting Ground Floor Plan	Edmiston Jones	30/4/2024
Project #: 23-0065 Drawing No. DA/15	D	Indicative Lighting L1 Floor Plan	Edmiston Jones	30/4/2024
Job Number: SY232949 Drawing Number C1.01	B	Internal Civil Works Cover Sheet	NORTHROP	18/4/2024
Job Number: SY232949 Drawing Number C2.01	B	Internal Civil Works Soil & Water Management Plan	NORTHROP	18/4/2024
Job Number: SY232949 Drawing Number C2.02	B	Internal Civil Works Soil and Water Management Details	NORTHROP	18/4/2024

Job Number: SY232949 Drawing Number C3.01	B	Internal Civil Works Stormwater Management & Levels Plan	NORTHROP	18/4/2024
Job Number: SY232949 Drawing Number C3.10	B	Internal Civil Works Civil Long Sections Sheet 1	NORTHROP	18/4/2024
Job Number: SY232949 Drawing Number C5.01	B	Internal Civil Works Civil Details Sheet 1	NORTHROP	18/4/2024
Job Number: SY232949 Drawing Number C6.01	A	Bulk Earthworks Plan	NORTHROP	18/4/2024
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
Job Number: 202312	DA01	External Finishes Schedule	St. Clair Architecture	19/4/2024

Approved Documents			
Document title	Version number	Prepared by	Date of document
BASIX Certificate	1744618M_02	Northrop Consulting Engineers Pty Limited	23/4/2024

	NatHers Certificate	0009400040	Northrop Consulting Engineers Pty Limited	22/4/2024	
	Flora and Fauna Assessment	23162RP1	Cumberland Ecology	19/4/2024	
	Arboricultural Impact Assessment	LANDCOM – Bomaderry – V1 2024	Arboriculture Consultancy Australia	19/4/2024	
	Acoustics Report	SY232949-00-AU-RP03, Rev 3	Northrop	9/4/2024	
	Data Gap Investigation	Rev 0	Stantec Australia Pty Ltd	19/4/2024	
	Water Cycle Management Plan	SY232949, Rev 2.0	Northrop	17/4/2024	
	Waste Management Plan	Job No. 223-101-33-75, Ver 1	MRA Consulting Group	17/4/2024	
	In the event of any inconsistency with the approved plans and a condition of this consent, the condition prevails.				
2.	**Concurrence and Referral – Endeavour Energy** The advice/General Terms of Approval issued by the Endeavour Energy, Reference No: CNR-68940 dated 16/5/2024 are included as conditions of this consent and must be complied with.				To ensure compliance with external concurrence and referral advice.
3.	**Existing Infrastructure** Any required alterations or damage to existing infrastructure will be at the developer's expense. *Note: It is recommended prior to the issue of a Crown Certificate, all infrastructure, existing and proposed, is to be shown accurately on construction plans with clearances clearly labelled confirming that the proposed works do not affect any existing infrastructure. This will reduce the potential for unexpected costs and expenses.*				To ensure existing infrastructure is accounted for and any damage to infrastructure is suitably repaired.

4.	**Housing and Productivity Contribution** Before the issue of a relevant Crown Certificate, the housing and productivity contribution (HPC) set out in the table below is required to be made. **Housing and productivity contribution** / **Amount** Housing and productivity contribution (base component) / $246,439.44 Transport project component / - **Total housing and productivity contribution** / **$246,439.44** The HPC must be paid using the NSW planning portal. At the time of payment, the amount of the HPC is to be adjusted in accordance with the Environmental Planning and Assessment (Housing and Productivity Contributions) Order 2024 (HPC Order). The HPC may be made wholly or partly as a non-monetary contribution (apart from any transport project component) if the Minister administering the Environmental Planning and Assessment Act 1979 agrees. The HPC is not required to be made to the extent that a planning agreement excludes the application of Subdivision 4 of Division 7.1 of the Environmental Planning and Assessment Act 1979 to the development, or the HPC Order exempts the development from the contribution. The amount of the contribution may be reduced under the HPC Order, including if payment is made before 1 July 2025.	To require contributions towards the provision of regional infrastructure
5.	**Local Infrastructure Contribution** This development will generate a need for the additional services and/or facilities described in Shoalhaven Contributions Plan 2019 and itemised in the following table(s):	To ensure applicable local infrastructure contributions are collected.

	Calculation Financial Year: **2024** Rates **Stage:** 3 20000 Apportion Cap  The total contribution, identified in the above table(s) or as indexed in future years, must be paid to Council prior to the issue of a relevant Crown Certificate. Evidence of payment must be provided to the Certifying Authority. The Contributions Plan 2019 can be accessed on Councils website www.shoalhaven.nsw.gov.au or may be inspected on the public access computers at the libraries and the Council Administrative Offices, Bridge Road, Nowra and Deering Street, Ulladulla. *Note: There are also provisions that may apply with respect to the timing of payments. See: Environmental Planning and Assessment (Local Infrastructure Contributions - Timing of Payments) Direction 2020 (nsw.gov.au)*	
6.	**Prescribed Conditions** The development must comply with Part 4, Division 2, Subdivision 1, of the *Environmental Planning and Assessment Regulation 2021*, as applicable.	To ensure compliance with prescribed conditions.
7.	**Shoalhaven Water – Compliance with Conditions** All conditions listed on the Shoalhaven Water Development Notice at each stage of work must be complied with as relevant to that stage. Written notification must be issued by Shoalhaven Water and evidence provided to the Certifier for each applicable stage.	To ensure compliance with Shoalhaven Water requirements.
8.	**Street Numbering** Street numbering must comply with the State Governments Comprehensive Property Addressing System (CPAS), and Council's Property Address Numbering Policy. Street numbering for the development must be as follows: ***Building*** / ***Map Reference*** / ***Council Allocated Unit Number:*** / ***Building*** / ***Map Reference*** / ***Council Allocated Unit Number:*** **4A** / 1-G01 / G01/4A / **4B** / 2-G01 / G04/4B / 1-G02 / G02/4A / / 2-G02 / G05/4B / 1-G03 / G03/4A / / 2-G03 / G06/4B	To ensure consistent and appropriate street numbering.

				Communal	G07/4B

Building	*Map Reference*	*Council Allocated Unit Number:*	*Building*	*Map Reference*	*Council Allocated Unit Number:*
4A	1-101	101/4A	**4B**	2-101	114/4B
	1-102	102/4A		2-102	115/4B
	1-103	103/4A		2-103	116/4B
	1-104	104/4A		2-104	117/4B
	1-105	105/4A		2-105	118/4B
	1-106	106/4A		2-106	119/4B
	1-107	107/4A		2-107	120/4B
	1-108	108/4A		2-108	121/4B
	1-109	109/4A		2-109	122/4B
	1-110	110/4A		2-110	123/4B
	1-111	111/4A		2-111	124/4B
	1-112	112/4A		2-112	125/4B
	1-113	113/4A			

Building	*Map Reference*	*Council Allocated Unit Number:*	*Building*	*Map Reference*	*Council Allocated Unit Number:*
4A	1-201	201/4A	**4B**	2-201	216/4B
	1-202	202/4A		2-202	217/4B
	1-203	203/4A		2-203	218/4B
	1-204	204/4A		2-204	219/4B
	1-205	205/4A		2-205	220/4B
	1-206	206/4A		2-206	221/4B
	1-207	207/4A		2-207	222/4B
	1-208	208/4A		2-208	223/4B
	1-209	209/4A		2-209	224/4B
	1-210	210/4A		2-210	225/4B
	1-211	211/4A		2-211	226/4B
	1-212	212/4A		2-212	227/4B
	1-213	213/4A		2-213	228/4B
	1-214	214/4A		2-214	229/4B
	1-215	215/4A			

DEMOLITION WORK

Before Demolition Work Commences

CONDITIONS	REASON

9.	**Biodiversity – Engagement of Project Arborist** Before the commencement of clearing and demolition work, a Project Arborist, (holding a minimum AQF Level 5 as a consulting arborist) must be appointed to: a) oversee any activities within the Tree Protection Zones of the subject trees b) supervise and inspect works as recommended in the Tree Protection Conditions (Appendix 4 of the approved Arboricultural Impact Assessment Report prepared by Arboriculture Consultancy Australia, 19 April 2024) c) demarcate on site all trees approved for removal and verify with the site manager that all marked trees align with those identified in the Tree Location and Tree Protection Zone (TPZ) Incursion Plan (section 10.1 of the approved Arboricultural Impact Assessment Report prepared by Arboriculture Consultancy Australia, 19 April 2024) d) implement TPZ fencing and any other protective barriers for trees that are to be retained in accordance with *AS 4970: Protection of trees on development site* e) implement any other related conditions of consent f) provide the Certifier with Compliance Certification upon completion of works to guarantee activities undertaken comply with regulatory requirements and prescribed standards. Evidence of engagement must be submitted to the Certifier prior to the commencement of work.	To minimise biodiversity and tree impacts.
10.	**Biodiversity – Arborist Pre-Construction Phase Checkpoint** Before the commencement of work, the project arborist shall prepare a report detailing the Tree Protection Zones and retained trees' conditions as per Appendix 4 of the approved Arboricultural Impact Assessment Report prepared by Arboriculture Consultancy Australia, 19 April 2024. The project arborist must: a) Conduct a pre-construction inspection with all representatives prior to works commencing. b) Review of the conditions of consent issued by the consent authority. c) Ensure Trees approved for removal are clearly marked.	To protect biodiversity values.

	d) Ensure Tree Protection Zones (TPZ) are established, fenced and mulched.	
11.	**Biodiversity – Pre-clearance Survey** Before the commencement of clearing and demolition work, a project ecologist must be appointed to complete pre-clearing surveys and inspections: a) In accordance with the requirements of the approved Flora and Fauna Report prepared by Cumberland Ecology dated 19 April 2024 and relevant conditions. b) Following the demarcation of trees approved for removal, on the day/s before clearing commences the project ecologist will: i) Conduct a thorough pre-clearance survey of vegetation to be removed to determine the presence of fauna within habitat features to be impacted, including, but not limited to, terrestrial habitat features such as fallen logs, large rocks, hollows and nests or dreys. ii) Inspect built structures to be demolished that may provide habitat for microbats and other native wildlife. iii) Oversee a staged approach to the vegetation clearing to allow wildlife to naturally flee the area. If any fauna are confirmed to be nesting (such as hollow inspection, collection of nesting material) or showing signs of breeding activity, vegetation removal must not commence/proceed until relocation of nests of endangered fauna are completed by the project ecologist.	To minimise biodiversity impacts.
12.	**Biodiversity – Construction Environmental Management Plan** Before the commencement of clearing and demolition work, a Construction Environment Management Plan (CEMP) is to be prepared with input by a qualified ecologist outlining all measures to protect the biodiversity values at the site during construction including but not limited to preclearance surveys, tree and vegetation protection fencing, Flying-fox camp mitigation measures, unexpected finds protocol, erosion and sediment control measures, drainage, access, supervision and monitoring. Before the commencement of any clearing or demolition works on site, the CEMP is to be provided to Certifier for review and approval.	To ensure a Construction Environmental Management Plan is prepared and approved.

	The CEMP is to include all relevant environmental measures prescribed by these conditions and recommended in the approved Flora and Fauna Report prepared by Cumberland Ecology dated 19 April 2024, including, but not limited to specifications outlined in section 5.3 Mitigation Measures: Grey-headed Flying-fox of the approved Flora and Fauna Report.	
13.	**Biodiversity – Tree Removal and Retention** Tree identified for retention in the approved Arboricultural Impact Assessment Report prepared by Arboriculture Consultancy Australia and dated 19 April 2024 must be retained unless otherwise agreed to by Shoalhaven City Council. Trees identified for removal in approved Arboricultural Impact Assessment Report must be removed in accordance with the recommendations of that report as well as the requirements of any other relevant condition of this consent.	To minimise biodiversity and tree impacts.
14.	**Biodiversity – Tree Protection Measures** Tree protection measures are to be implemented in accordance with the approved Arboricultural Impact Assessment Report prepared by Arboriculture Consultancy Australia, 19 April 2024. TPZs and SRZs are to be established and appropriate signage installed. Tree protection measures are to include trunk, branch, and root protection.	To minimise biodiversity and tree impacts.
15.	**Demolition - Asbestos Removal** Asbestos removal must be carried out in accordance with *AS2601-2* SafeWork NSW – Code of Practice, Demolition Work [ISBN 978-0-642-78415-5*]* and as applicable, by a person holding the relevant licence issued by SafeWork NSW. A licence is not required to remove less than $10m^2$ of non-friable asbestos, provided that the total amount of non-friable asbestos removed from the lot does not exceed $10m^2$. Asbestos must be taken for disposal to the licensed Waste Management Facility identified in the approved Waste Management Plan. Seven days before the commencement of any demolition works involving asbestos, all immediate neighbours must be notified in writing of the intention to carry out asbestos demolition works. Copies of these written notifications should be retained and submitted to Council	To ensure demolition works are carried out appropriately.

	Post asbestos removal and before further work on the site, the following must be submitted to the Certifier: a) A clearance certificate issued by a licensed asbestos assessor or competent person as required by the Work, Health and Safety Regulation 2017 for the specific type of asbestos removal work confirming that the area has been cleaned satisfactorily and is safe to be re-occupied for normal use. b) A clearance certificate is required if the removal work involved any quantity of friable asbestos, or if it involved removal of more than a total of 10 square metres of non-friable asbestos from the lot. c) Documentary evidence of the legitimate disposal of all asbestos in the form of tip receipts from an approved waste management facility.	
16.	**Demolition - Decommissioning of Services** Before demolition work commences: a) all existing internal sewer drainage pipework must be flushed, disconnected from the existing sewer junction and the sewer junction must be temporarily capped off. b) internal water lines must be disconnected from the existing water meter currently servicing the property. c) the capped off sewer junction and disconnected water lines must be inspected by Shoalhaven Water. For all inspections contact Shoalhaven Water on 4429 3547. The developer must provide the Certifier with evidence of compliance with the above requirements on completion of works.	To ensure services are appropriately decommissioned and capped off where required.
17.	**Erosion and Sediment Controls – Implementation** Before any site work commences, the 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 disturbed areas have been restabilised in accordance with Landcom's publication Managing Urban Stormwater - Soils and Construction (2004) and approved plans (as amended from time to time).	To ensure appropriate erosion and sediment control measures are in place.
18.	**Shoalhaven Water – Application for Certificate of Compliance** Before commencement of any sewer and water infrastructure works, an application for a Certificate of Compliance must be	To ensure a Water Development Notice and Certificate of

	made with Shoalhaven Water and where required a Water Development Notice is to be obtained. Shoalhaven Water will determine if sewerage and/or water infrastructure and/or easements will be affected by any part of your development including what charges/fees apply. Please visit https://shoalwater.nsw.gov.au/planning-building/developers-consultants/water-development-notice to make application for a Certificate of Compliance or call (02) 4429 3214 to learn more about applying. Upon the receipt of the application, Shoalhaven Water will assess the development and if required will issue a "Water Development Notice" document detailing all requirements which must be met. *Note: As water and/or sewerage infrastructure may impact on part/s or all of the development such as building, provision of services, protection of water and/or sewer assets, etc., it is recommended that this application is made as early as possible during the development process.*	Compliance are obtained.
19.	**Waste Management Plan – an approved document of this consent** Before any demolition or vegetation removal works, a waste management plan for the relevant works must be provided to the Certifier.	To ensure an appropriate waste management plan is provided.
DEMOLITION WORK **During Demolition Work**		
CONDITIONS		REASON
20.	**Biodiversity – Construction Environment Management Plan (During Works)** During Works, the appropriate measures specified in the approved Construction Environmental Management Plan must be implemented.	To protect biodiversity values.
21.	**Biodiversity – Fauna Rescue and Vegetation Removal Protocol** During works, in order to protect wildlife the following vegetation removal protocol is to be adhered to: a) Before starting each morning, all vehicles and mechanical plant must be inspected for wildlife prior to operation.	To minimise biodiversity impacts.

	b) All vegetation to be removed must be inspected for wildlife prior to removal. c) All trenches must be inspected for wildlife prior to backfilling d) Vegetation is to be removed using a staged approach to allow wildlife to naturally flee the area and overseen by the project ecologist: e) **Stage 1** – All ground and shrub layer vegetation is to be removed in accordance with the approved plans. f) **Stage 2** - A suitably qualified ecologist is to check if nests are present and carefully relocate them to nearby trees or nest boxes, as directed by the supervising ecologist/if nesting is present, advise that works must cease until relocation of nests of endangered fauna are completed by the project ecologist. Canopy trees that do not contain hollows are to be removed in accordance with the approved plans. g) **Stage 3** – Where HBTs are approved for removal are to be checked for resident fauna prior to felling by a suitably qualified ecologist. i) If nesting is present, the ecologist must advise that works must cease until relocation of nests of endangered fauna are completed by the project ecologist. ii) If fauna is residing, but not nesting within a hollow, the ecologist must either return at an appropriate time when the animal has vacated and block the hollow to prevent re-entry, or provide sound advise on how to appropriate remove the hollow without causing harm to residing wildlife. iii) Once it is confirmed that there is no roosting or nesting occurring within the hollow (or as advised by the ecologist), the hollow-bearing tree must be gently nudged with felling equipment prior to felling to encourage safe fauna evacuation. Hollow-bearing sections must be carefully lowered to the ground so as not to injure native fauna. Once the tree has been felled the hollows are to be inspected again for fauna and relocated in an appropriate location determined by the ecologist. The tree must be felled carefully in sections to allow the rescue of native fauna. iv) If animals are injured, they will need to be assessed and either taken to the nearest veterinary	

	clinic or placed into care with South Coast Wildlife Rescue. Within 10 days of completing clearing work, the project ecologist must provide to Council written evidence of any fauna detected during clearing.	
22.	**Biodiversity - Fauna Boxes** On completion of clearing and demolition work, fauna boxes must be installed on a 1:1 ratio of confirmed number of hollow-bearing tree hollows as directed by a suitably qualified ecologist. The project ecologist must confirm in writing to the Certifier that the nest boxes are in place prior to construction works commencing. Nest boxes must be maintained including repair and replacement where required, as instructed by a suitably qualified ecologist or Shoalhaven City Council.	To protect biodiversity values.
23.	**Demolition - Completion of Works** Demolition work, once commenced, must be completed within three (3) months.	To ensure demolition works are completed within an acceptable timeframe.
24.	**Demolition - Standards** Demolition work must be carried out in accordance with all applicable Australian Standards and SafeWork Code of Practice.	To ensure demolition works are carried out appropriately.
BUILDING WORK **Before Issue of a Crown Certificate**		
CONDITIONS		REASON
25.	**Accessible Car Parking** Before the issue of a relevant Crown Certificate, amended plans must be provided to the Certifier for review and approval showing the redistribution of accessible car parking spaces to align with the number of adaptable housing apartments in that building.	To ensure accessible parking spaces are provided and aligned to the number of adaptable housing apartments in that building.

26.	**Acoustic Performance of Exterior Materials** Before the issue of a relevant Crown Certificate, detailed plans must be provided to the Certifier showing compliance with the specifications and materials as specified in the approved Acoustic Report (Rev: 3) prepared by Northrop and dated 9/4/2024	To minimise impacts from and to the flying-fox camp
27.	**Adaptable units** Before the issue of the relevant Crown Certificate, a report prepared by a suitably qualified consultant and detailed pre- and post-adaptation plans 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.	To ensure dwellings are capable of being adapted.
28.	**Amended Apartment Layouts** Before the issue of a relevant Crown Certificate, amended plans must be provided to the Certifier for review and approval showing appropriate privacy screening provided to the bathroom areas for apartments 1-105 and 1-205.	To ensure appropriate privacy is provided to apartments.
29.	**Car Parking Design Standards** Prior to the issue of a relevant Crown Certificate, certified engineering design plans and specifications must be prepared by a professional engineer, (as defined in the National Construction Code) or surveyor and approved by the Certifier. The car parking and access design must comply with the following: a) A minimum number of 70 spaces must be provided on site, generally in accordance with the approved plans. b) AS2890.1 and AS2890.6 where relevant. c) Electrical vehicle charging conduit provision to be provided to service the two carpark modules. d) Pavement constructed in accordance with the following: i) with a flexible pavement, surfaced with 30mm of AC10 asphaltic concrete, or ii) to a coloured, patterned or stamped concrete standard. e) Pavement bordered in accordance with Council's Standard Drawings by:	To ensure carpark lighting is appropriately designed.

	i) concrete kerbing, except where surface runoff is concentrated, in which case concrete integral kerb and gutter must be constructed.	
30.	**Carparking - Lighting Design** Before the issue of a relevant Crown Certificate, lighting design plans are to be submitted to the Certifier for approval. Lighting is to be provided to the internal driveway and car parking area in accordance with *AS/NZS 1158.3.1 Lighting for roads and public spaces - Pedestrian area (Category P) lighting - Performance and design requirements.*	To ensure carpark lighting is appropriately designed.
31.	**Council Approvals - Evidence** A Crown Certificate must not be issued until the Certifier has received notification from, or evidence of, any Council approval that is required before the commencement of building works.	To ensure all required approvals are obtained.
32.	**Driveway – Design Standards (Urban)** Prior to the issue of a relevant Crown Certificate, engineering design plans must be prepared by a professional engineer, (as defined in the National Construction Code) or surveyor and approved by Council. The layback/footpath crossing design must comply with the following: a) Council's Engineering Design Standard Drawings and AS2890.1. b) Generally located within the locations on the approved plans. c) Constructed using 20 MPa reinforced concrete, reinforced with SL72 mesh, on a 75mm compacted fine crushed rock base with centrally placed slab of minimum 5.5 metres width and minimum 100mm depth. d) Removal of sufficient width of existing road seal and pavement to allow placing of formwork and laying/compaction of suitable pavement material for the driveway layback with a minimum 300mm offset to the kerb lip line. *Note: Once the information is submitted to Council, Council will endeavour to provide a determination within 28 days inclusive of any amendments required to ensure compliance.*	To ensure road and pavement infrastructure is appropriately designed.
33.	**Earthworks - Site Filling Design Standards** Before the issue of a relevant Crown Certificate certified engineering design plans and specifications must be	To ensure site filling is designed appropriately.

	prepared by a professional engineer, (as defined in the National Construction Code) or surveyor and approved by the Certifier. The site filling design must comply with the following: a) The site must be cut and filled in accordance with the Bulk Earthworks Plan, Ref. SY232949, Dwg. No. C6.01, Rev. A by Northrop Engineers and graded to have an absolute minimum grade of 0.5% unless within the building envelope. b) The filling specification must be approved by the Certifier and require all allotment filling to be placed in accordance with AS 3798 Guidelines on earthworks for commercial and residential developments and compacted at least to the minimum relative compaction listed in the standard applicable to the type of development / subdivision.	
34.	**Erosion and Sediment Controls - Soil and Water Management Plans** Before the issue of a relevant Crown Certificate, a Soil and Water Management Plan and specifications must be prepared in accordance with Landcom's publication Managing Urban Stormwater - Soils and Construction (2004) by a Professional Engineer, (as defined in the National Construction Code) to the satisfaction of the Certifier. All plans must include: a) Area proposed to be exposed to the possibility of erosion as used in calculations; b) Site access locations and stabilisation details and restrictions; c) Erosion and sediment control locations and types; d) Soil, water and drainage patterns and management plans; e) Location of vegetated buffer strips, unstable slopes, boggy areas, and restricted "no access" areas; f) Nature and extent of proposed clearing, excavation and filling; g) Approximate location and proposed treatment of haul roads, borrow pits, site sheds and stockpiles; h) Proposed staging of construction and SWMP measures; i) Inspection and maintenance program for all soil and water management measures; j) Disposal site for silt removed from sediment traps;	To ensure an appropriate Soil and Water Management Plan has been prepared.

	k) All design criteria and calculations used to size erosion and sediment control measures; l) Site rehabilitation details including frequency of watering; m) Identification of existing vegetation and site revegetation to have 70% cover established before plan is decommissioned; n) Existing and final contours (clearly distinguished and adequately annotated); o) Standard construction drawings for proposed soil, water and drainage management measures. All implemented measures must ensure that a pollution incident must not occur as defined by the Protection of the Environment Operations Act (POEO). All implemented measures must: a) not cause water pollution as defined by the Protection of the Environment Operations Act (POEO). b) be maintained at all times. c) not be decommissioned until at least 70% revegetation cover has been established. Before the issue of a Crown Certificate, a Soil and Water Management Plan must be prepared by a Professional Engineer, (as defined in the National Construction Code) to the satisfaction of the Certifier.	
35.	**Exterior Materials** Roofing and other external materials must be of low glare and reflectivity. Details of finished external surface materials, including colours and texture must be provided to the Certifier before the issue of a relevant Crown Certificate.	To ensure colours and materials are appropriate.
36.	**Flooding – Building Design** Before the issue of a relevant Crown Certificate, a flood evacuation plan prepared by a professional engineer, (as defined in the National Construction Code) must submitted to the Certifier, certifying that permanent, fail-safe, maintenance-free measures are incorporated in the development to ensure that the timely, orderly and safe evacuation of people is possible from the area and that it will not add significant cost and disruption to the community or the SES. This plan is to consider for pre-flood event planning the use of Flood Warning Products available from the Bureau of Meteorology.	To ensure the development is appropriately designed responding to flood constraints.

37.	**Lighting of Common Areas** Prior to the issue of a relevant Crown Certificate details of lighting of all communal areas is to be submitted to the Principal Certifier. Details are to consider lighting for internal driveways, parking areas, around the building entrances and communal areas, and communal open space areas. The details are to include certification from an appropriately qualified person that there will be no offensive glare onto adjoining residents. All lighting is to comply with the following requirements: a) Lighting is to be designed and installed in accordance with the relevant Australian and New Zealand Lighting Standards. b) Lighting is to be provided to all common areas including all car parking levels, stairs and access corridors and communal open space areas. c) Sensor lighting should be installed into areas that may be areas of concealment. d) Lighting is to be automatically controlled by time clocks and where appropriate, sensors for energy efficiency and a controlled environment for residents.	To ensure appropriate lighting is provided to common areas.
38.	**Long Service Levy** Before the issue of the relevant Crown Certificate the long service levy must be paid to the Long Service Corporation of Council 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.	To ensure compliance with long service levy requirements.
39.	**Pedestrian Access and Mobility Plan – Design Standards** Appropriate pedestrian access pathways must be provided within Beinda Street in accordance with the approved plans, or an alternative arrangement to the satisfaction of Council made for the provision of pedestrian/shared pathways in accordance with Council's Pedestrian Access and Mobility Plan. Details of the pedestrian/shared pathways must be provided to Shoalhaven City Council's Director – City Development (or delegate) for review and approval before the issue of a relevant Crown Certificate. Where a pedestrian footpath is provided on the southern side of Beinda Street it must comply with the following=:	To ensure appropriate pedestrian infrastructure is provided.

	a) A 1.2 metre-wide concrete (or alternative material accepted by Council) footpath is to be designed along the Beinda Street frontage of the development, in the location shown on the approved plans with: b) a minimum offset to the property boundary of 500mm. c) this footpath may be omitted in locations to Council's satisfaction that there is a connection to the shared user path outlined in a). d) cross section design provided from road centreline to the carpark/garage floor level at each driveway access point. e) 3% cross fall from the boundary to top of kerb. f) match existing footpath levels of adjoining property frontages and be a uniform grade over the length of the alignment, or where this cannot be achieved, a longitudinal section must be designed. g) kerb ramps at intersections in accordance with Council's Engineering Design Specifications. All cycleway and footpath designs must comply with Council's Engineering Design Specifications Section D8 – Cycleway and Footpath Design or an alternative as accepted by Council. All variations to standards and specifications must be accepted by Council. *Note: Once the information is submitted to Council, Council will endeavour to provide a determination within 28 days inclusive of any amendments required to ensure compliance.*	
40.	**Retaining Walls – Design Standards** Before the issue of a relevant Crown Certificate for approved retaining walls exceeding 600mm in height above ground level (existing) and/or within 1m of a property boundary, detailed design plans must be prepared and submitted to the Certifier for approval. The retaining walls must satisfy the following: a) For retaining walls exceeding 600mm in height above natural ground level (existing) a professional engineer has certified the retaining walls as structurally sound, including in relation to (but not limited to) the ability to withstand the forces of lateral soil load; and b) For retaining walls less than 600mm in height above natural ground level (existing) the Certifier must be satisfied that the retaining walls are structurally sound, including in relation to (but not limited to) the ability to withstand the forces of lateral soil load.	To ensure retaining walls are appropriately designed.

	c) Retaining walls, footings and drainage must be contained wholly within the development site. d) Construction within a registered easement is prohibited. Retaining walls not shown on the approved plan must meet the criteria for Exempt retaining walls and comply with the relevant criteria listed in *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008* or be approved by way of Complying Development before construction and comply with the relevant criteria listed in *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008.*	
41.	**Road - Design Standards (Urban)** Before the issue of a relevant Crown Certificate, certified road design engineering plans must be prepared by a suitably qualified engineer or surveyor and approved by Council. The road design must comply with the following: a) Councils Engineering Design Specifications Sections D1 – Geometric Road Design and D2 – Flexible Pavement Design. b) AUSTROADS Design Requirements and Specifications and relevant Australian Standards. c) Upright integral kerb and gutter in accordance with Council's Standard Drawings with alignment match the existing kerb and gutter alignment on Beinda Street, for the remaining complete Beinda Street frontage of the development lot/s. Any existing kerb and gutter which is damaged is also required to be removed and re-instated across the entire frontage of the development. d) Signposted loading zones in accordance with the approved Waste Management Plan prepared by MRA Consulting and dated 13/6/2024 is provided along the frontage for waste management and other loading vehicle use such as deliveries, removalists, etc.. The loading zone is to be sized for the largest vehicle expected to utilise the zone. e) A road shoulder pavement constructed from the gutter crossing to 300mm beyond the edge of existing bitumen seal on a pavement having a minimum compacted thickness of 300mm and be constructed with a minimum 30mm AC10 on a primer seal. f) The kerb and gutter must have a minimum grade of 0.5% and the longitudinal design must extend a minimum of 30 metres each end of the development and at least 60m if the grade is <0.5% or ≥ 0.3%.	To ensure road and pavement infrastructure is appropriately designed.

	g) The road table drain either side of the proposed development is to be reconstructed as required to match the kerb and gutter and to prevent ponding of water, including any adjustment or reconstruction of nearby driveways. h) Subsoil drainage is to be provided behind the kerb line where an outlet to existing underground drainage (or other alternative suitable to Council) is available. Subsoil drainage is to be placed on the high side of the road or both sides if the cross-fall is neutral. *Note: Once the information is submitted to Council, Council will endeavour to provide a determination within 28 days inclusive of any amendments required to ensure compliance.*	
42.	**Section 68 Application – Water Supply, Sewerage and Stormwater Drainage** Before the issue of a relevant Crown Certificate, an application for water supply, sewerage and stormwater drainage must be approved under section 68 of the *Local Government Act 1993*.	To ensure relevant approvals are obtained.
43.	**Stormwater – Major Development Design Standards (Urban)** Before the issue of a relevant Crown Certificate, certified engineering design plans, specifications, and DRAINS model (or approved alternative) must be prepared by a professional engineer, (as defined in the National Construction Code) or surveyor and approved by the Certifier and Council (under Section 68 of the Local Government Act and for works within the road reserve). The stormwater drainage design must comply with the following: a) Major and minor drainage systems in accordance with Council's Engineering Design Specifications - Section D5 - Stormwater Drainage Design and utilising Australian Rainfall and Runoff (ARR, 2019) Guidelines. b) The National Construction Code and relevant Australian Standards. c) The minor and major systems must be designed for a 18.13% AEP and 1% Annual Exceedance Probability (AEP) rainfall events, respectively. d) Generally, in accordance with approved concept stormwater design plan.	To ensure stormwater infrastructure is designed appropriately.

	e) The existing stormwater drainage system is to be adjusted/upgraded to suit the new works. In this regard the following is required: i) existing drainage systems through lots draining public roads are to be upgraded where necessary to contain flows in accordance with Council's Engineering Design Specifications - Section D5.04. ii) all relevant calculations are to be noted on the drainage plans to confirm the adequacy of the existing system, or the upgraded design. f) Design of stormwater drainage is to include piping, swales and easements to facilitate future development of the site.	
44.	**Stormwater – On-Site Detention Design Standards** Before the issue of a relevant Crown Certificate, details of on-site detention must be provided on the plans and approved by the Certifier. On-site detention must be provided as per certified engineering design plans and specifications prepared by a professional engineer, (as defined in the National Construction Code) or surveyor. The on-site stormwater detention (OSD) design must be designed such that stormwater runoff from the site for design storm events up to and including the 1% AEP does not exceed the pre-developed conditions.	To ensure stormwater infrastructure is designed appropriately.
45.	**Stormwater - Rainwater Facility** Before the issue of a relevant Crown Certificate, details of rainwater tanks must be provided to the Certifier. Water stored in the tank must be plumbed into the dwelling such that it is supplied to each of the fixtures listed in the BASIX Certificate for the property. Plumbing must be in accordance with the current edition of AS 3500.1 Water Services – Section 16. It will be necessary to install, maintain and repair the facility so that it functions in a safe and efficient manner in accordance with the current editions of AS 3500.1 Water Services, the New South Wales Code of Practice Plumbing and Drainage and in accordance with the following: a) The tank inlet must be located a minimum of 500mm below the outlet of the eave gutter. b) The tank is to be installed on a firm flat and stable platform in accordance with manufacturer's recommendations.	To ensure rainwater tanks are appropriately installed where required.

	Tanks located over fill material should be placed on a concrete slab. c) Pumps must be located and installed to minimize any potential noise nuisance to surrounding residents, and in the case of a permanent electric pump, must be installed by a licensed electrician. Pump performance must achieve a minimum 300 Kpa output. d) Overflow from the tank must be directed into the approved storm water system. e) Any town water top-up of the tank must be by indirect connection by means of a visible "air gap", external to the rainwater tank, in accordance with the provisions of the National Plumbing and Drainage Code, AS3500.1 – Minimum air gap requirements. f) Marking and labelling of rainwater services must be in accordance with AS 3500.1 Section 16. g) The charged line to the rainwater tank is to have a flush point installed at the lowest reduced level (RL) into a 450mm x 450mm pit to enable the line to be flushed. This is to prevent the line becoming blocked. h) For partially buried or fully buried rainwater tanks the property owner is required to have a dual check valve with atmospheric port valve installed at the boundary water meter. Zone protection will be required at the tank or cross connection point to be installed in accordance with AS3500.1 – Section 4.	
46.	**Waste - Storage Room** Before the issue of a relevant Crown Certificate, detailed plans must be submitted to the Certifier that demonstrate that the waste storage room has been designed to be constructed in accordance with the Waste Minimisation and Management Guidelines, and that: a) the floor to be constructed of concrete at least 75mm thick and adequately graded to drain to a Shoalhaven Water approved drainage fitting. b) the floor to be finished so that it is non-slip and has a smooth and even surface covered at all intersections. c) the ceilings and walls to be finished with smooth faced non-absorbent material capable of being cleaned. d) the room to be provided with artificial light controllable within the room and adequate ventilation.	To ensure appropriate waste storage areas are provided.

	e) the room to be provided with an adequate supply of hot and cold water mixed through a centralised mixing valve with hose cock.	
47.	**Water Sensitive Urban Design – Private Devices** Before the issue of a relevant Crown Certificate, detailed design of permanent stormwater quality improvement devices must be certified by a professional engineer, (as defined in the National Construction Code) demonstrating the appropriateness of the proposed design for the site in accordance with Council's Engineering Design and Construction Specifications and approved by the Certifier. Specifications can be found on Council's web site. The drainage design must also not include any uncoated metal (i.e. Copper etc.) surfaces such as roofs, facades and/or downpipes.	To ensure stormwater infrastructure is designed appropriately.
48.	**Water Sensitive Urban Design - Water Quality, Retention and Reuse** Before issue of a relevant Crown Certificate, a detailed design of permanent water quality, retention and reuse devices must be certified by a professional engineer, (as defined in the National Construction Code) who can demonstrate the appropriateness of the proposed design for the site in accordance with Council's Engineering Design and Construction Specifications and is to be approved by Council. Specifications can be found on Council's website. The stormwater treatment, retention and reuse design must comply with the following: a) The proposed WSUD strategy must comprise one Ocean Protect Cascade Separator CS-1200 GPT (or approved equivalent by Council), 6 x 690mm Psorb StormFilter (or approved equivalent by Council), and 42kL rainwater tank storage for reuse. b) Six (6) 7kL rainwater tanks in accordance with BASIX requirements. 100% of the roof area as far as feasibly possible is to contribute to the rainwater tanks. c) The WSUD strategy must be able to remove 80% of Total Suspended Solids (TSS), 45% of Total Nitrogen (TN) and 45% of Total Phosphorus (TP) for the total site area as demonstrated using MUSIC software. The detailed MUSIC model must be provided to Council for acceptance. d) The WSUD strategy must have appropriate stormwater retention storage that is equal to or greater than 9mm for	To ensure stormwater infrastructure is designed appropriately.

	increases in all impervious surfaces compared to the pre-development condition. e) Council's Engineering Design Specification where relevant.	
BUILDING WORK **Before Building Work Commences**		
CONDITIONS		REASON
49.	**Appointment of Principal Certifier** Before building work commences a Principal Certifier must be appointed.	To ensure a Principal Certifier is appointed where required.
50.	**Crown Certificate** A relevant Crown Certificate must be obtained from a certifier before any building work can commence.	To ensure a appropriate building and subdivision certificates are obtained.
51.	**Construction Traffic Management Plan** Before the commencement of works, a Construction Traffic Management Plan detailing the proposed method of dealing with construction traffic and parking must be approved by Council (for traffic impacts external to the site) and the Certifier (for site access, parking and loading/unloading impacts internal to the site). Details must include, but are not limited to: a) Stabilised site construction access location b) Proposed haulage routes for delivery of materials to the site c) Proposed haulage routes for spoil disposal from the site d) Traffic control planning for each of the various phases of construction and/or vehicle movements associated with construction e) Parking arrangements for construction employees and contractors f) Proposed maintenance of the haulage routes and access locations	To ensure construction traffic is managed in a safe and appropriate manner.

	g) Name of the person responsible for such maintenance h) Loading / unloading areas i) Requirements for construction or work zones j) Pedestrian and cyclist safety k) Speed zone restrictions. *Note: Once the information is submitted to Council, Council will endeavour to provide a determination within 31 days inclusive of any amendments required to ensure compliance.*	
52.	**Detailed Site Investigation – Contamination and Hazardous Gases** As per the recommendations of the Data Gap Investigation Report prepared by Stantec (Rev: 1) and dated 12/6/2024, further investigation across the site is warranted to identify the sources of hazardous gas. Further investigation in accordance with these recommendations must occur prior to the commencement of any building work. a) **Remediation Action Plan (RAP) -** If detailed site investigations require the preparation of a RAP, this must be prepared prior to the commencement of building works. The RAP must be prepared by a suitably qualified person and in accordance with the EPA *Guidelines for Consultants Reporting on Contaminated Sites*. The RAP should include management of ground gases during construction work as well as management of ground gases during occupation of the proposed development. Consultation with SafeWork NSW is recommended as part of the RAP. The RAP must be submitted to Shoalhaven City Council for review and approval prior to the commencement of building works. b) **Validation Report (VR) -** Where a RAP has been required and after completion of any remedial works required by the RAP, a Validation Report (VR) must be prepared by an appropriately qualified and experienced environmental consultant verifying that the site has been remediated in accordance with the approved RAP and in accordance with, but not limited to, the EPA *Guidelines for Consultants Reporting on Contaminated Sites.* The VR must be submitted to Shoalhaven City Council for review and approval prior to the commencement of building works. c) **Environmental Management Plan (EMP) –** Where detailed site investigations require ongoing management	To ensure sources of hazardous gases are identified and appropriately managed.

	of contaminants and/or hazardous gases, an Environmental Management Plan (EMP) must be prepared by an appropriately qualified and experienced environmental consultant. The EMP must be prepared in accordance with the relevant NSW legislation and EPA guidelines. The EMP shall describe the nature and location of the contamination and prescribe how the contaminants will be managed and the responsible parties for this management in the long-term. The EMP shall be submitted for review by a Site Auditor prior to the commencement of building works. Any ongoing maintenance, monitoring and reporting that may be required shall be undertaken in accordance with the requirements of the EMP. Shoalhaven City Council reserves the right to call for a Site Audit Statement in accordance with the NSW Environment Protection Authorities' (EPA) *Guidelines for NSW Site Auditor Scheme.* *Note: Once the information is submitted to Council, Council will endeavour to provide a determination within 28 days inclusive of any amendments required to ensure compliance.*	
53.	**Dilapidation Report** Before the commencement of work, the developer must engage a competent person to prepare a dilapidation report in respect of the neighbouring premises and adjacent public infrastructure, including adjacent kerbs, gutters, footpaths (formed or unformed), driveways (formed or unformed), carriageway, reserves and the like to document evidence of any existing damage. The dilapidation report must consider the impact of any excavation work that extends below the level of the base of the footings of any structure within 900mm of the shared boundary. Before works commence, a copy of the dilapidation report must be provided to the Certifier and Council. The dilapidation report will be the benchmark for necessary repairs to damage caused during the development works. All repairs must be completed by the developer at the developer's cost. Not less than seven (7) days before works commence, the developer must notify the owner of any affected property of the intention to carry out approved works. The developer must also furnish the owner with details of the approved work. However, if the occupier or owner of any neighbouring dwelling does not permit reasonable access for the purposes	To ensure a suitable dilapidation report is prepared and the status of existing infrastructure and adjoining structures is recorded prior to the commencement of work.

	for the preparation of the dilapidation report, written evidence of the efforts taken to secure access may be submitted to the Principal Certifier and the Principal Certifier may waive the requirement in relation to the relevant property. *Note: A dilapidation report can comprise of video footage and photos of adjacent public infrastructure and relevant structures on adjoining properties.*	
54.	**Erosion and Sediment Controls – Implementation** Before any site work commences, the 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 disturbed areas have been restabilised in accordance with Landcom's publication Managing Urban Stormwater - Soils and Construction (2004) and approved plans (as amended from time to time).	To ensure appropriate erosion and sediment control measures are in place.
55.	**Geotechnical Report – Building Works** Before the commencement of works, a certificate from a Professional Engineer -Geotechnical (as defined in the National Construction Code) is to be provided to the Certifier certifying: a) that the site is stable and will not be affected by landslide or subsidence at, above or below the site when the building is erected prepared in accordance with AS 1726 Geotechnical site investigations. b) The development is in accordance with the recommendations of the geotechnical report prepared by Stantec, Ref. No 304001019-GI-R001, dated 29/02/2024.	To ensure the development is compatible with the geotechnical constraints of the site.
56.	**Notice of Commencement** Notice must be given to Council at least two (2) days before the commencement of building or subdivision work by completing and returning the form 'Commencement Notice for Building or Subdivision Work and Appointment of Principal Certifying Authority'.	To ensure appropriate notice is given to Council.
57.	**Plumbing – Sewer Junction** The builder must locate the position and depth of the sewer junction before commencing construction, to ensure that the top of the overflow gully is a minimum of 900mm above the soffit of the sewer main. Copies of sewer main diagrams issued by Council must be treated as a guide only when locating the junction position.	To ensure compliance with relevant plumbing controls.

58.	**Shoalhaven Water – Application for Certificate of Compliance** Before commencement of works, an application for a Certificate of Compliance must be made with Shoalhaven Water and where required a Water Development Notice is to be obtained. Shoalhaven Water will determine if sewerage and/or water infrastructure and/or easements will be affected by any part of your development including what charges/fees apply. Please visit https://shoalwater.nsw.gov.au/planning-building/developers-consultants/water-development-notice to make application for a Certificate of Compliance or call (02) 4429 3214 to learn more about applying. Upon the receipt of the application, Shoalhaven Water will assess the development and if required will issue a "Water Development Notice" document detailing all requirements which must be met. *Note: As water and/or sewerage infrastructure may impact on part/s or all of the development such as building, provision of services, protection of water and/or sewer assets, etc., it is recommended that this application is made as early as possible during the development process.*	To ensure a Water Development Notice and Certificate of Compliance are obtained.
59.	**Toilet Facilities – Temporary** Toilet facilities must be available or provided at the work site before works begin and must be maintained until the works are completed at a ratio of one toilet plus one additional toilet for every 20 persons employed at the site. Each toilet must: a) be a standard flushing toilet connected to a public sewer, or b) have an on-site effluent disposal system approved under the *Local Government Act 1993*, or c) be a temporary chemical closet approved under the *Local Government Act 1993*.	To ensure suitable toilet facilities are provided.
60.	**Traffic Committee** Before issue of a relevant Crown Certificate, details of proposed traffic management and traffic control devices must be submitted to the satisfaction of Council for referral and endorsement of the Shoalhaven Traffic Committee. *Note: Once the information is submitted to Council, the Shoalhaven Traffic Committee will endeavour to provide a*	To ensure proposed traffic management and traffic control devices are endorsed by the Shoalhaven Traffic Committee.

	determination within 31 days inclusive of any amendments required to ensure compliance.	
61.	**Works within the Road Reserve – Submissions to Council** Before undertaking any works within an existing road reserve, the developer must obtain the consent of Council under section 138 of the *Roads Act 1993*. The following details must be submitted to Council as part of the application: a) Any civil works design required by this consent. b) Evidence of the contractor's Public Liability Insurance to an amount of $20 million. c) Name and contact information of the person responsible for all relevant works. d) A Traffic Control Plan prepared, signed, and certified by a person holding the appropriate Transport for NSW (TfNSW) accreditation. e) Where the Traffic Control Plan requires a reduction of the speed limit, a 'Application for Speed Zone Authorisation' must be obtained from the relevant road authority.	To ensure relevant approvals are obtained.
BUILDING WORK **During Building Work**		
CONDITIONS		REASON
62.	**Acid Sulfate Soils - Unexpected Finds** If acid sulfate soils are encountered during excavation and/or construction works, all work must cease, and Shoalhaven City Council notified immediately. The extent of acid sulfate soil must be evaluated by a qualified environmental consultant with experience in the assessment of acid sulfate soils and a preliminary assessment provided to Council. Council will determine an appropriate response, including if an Acid Sulfate Soils Management Plan is required to be prepared and implemented, before works can recommence. *Note: If required, once the information is submitted to Council, Council will endeavour to provide a determination within 28 days inclusive of any amendments required to ensure compliance.*	To ensure acid sulfate soils are appropriately managed.

63.	**Biodiversity – Construction Environment Management Plan (During Works)** During Works, the appropriate measures specified in the approved Construction Environmental Management Plan must be implemented.	To protect biodiversity values.
64.	**Biodiversity – Fauna Rescue and Vegetation Removal Protocol** During works, in order to protect wildlife the following vegetation removal protocol is to be adhered to: a) Before starting each morning, all vehicles and mechanical plant must be inspected for wildlife prior to operation. b) All vegetation to be removed must be inspected for wildlife prior to removal. c) All trenches must be inspected for wildlife prior to backfilling	To minimise biodiversity impacts.
65.	**Biodiversity – Arborist Construction Phase Checkpoint** The project arborist shall prepare a report detailing the Tree Protection Zones and retained trees' conditions as per Appendix 4 of the approved Arboricultural Impact Assessment Report prepared by Arboriculture Consultancy Australia, 19 April 2024. Certify: a) Briefing with all relevant representatives by the project arborist prior to the commencement of works. b) Inspection of all equipment is as specified in the Tree Protection Conditions. c) All works within the TPZ are to be supervised by the project arborist. d) The area of trenching has been restored and mulched. e) Remediation works are undertaken if required.	To protect biodiversity values.
66.	**Discovery of relics and Aboriginal objects** While site work is being carried out, if a person reasonably suspects a relic or Aboriginal object is discovered: a) the work in the area of the discovery must cease immediately. b) the following must be notified for a relic – the Heritage Council; or	To ensure the protection of objects of potential significance during works.

	c) 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 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.	
67.	**Earthworks - Cut, Fill and Grading** The maximum grading of cut or fill must be 2H:1V where there is no retaining wall or no other method of stabilising cut or fill during construction. Earthworks and retaining walls must be constructed as per the approved plans.	To ensure earthworks are appropriately retained.
68.	**Potentially Contaminated Land - Unexpected Finds** If unexpected, contaminated soil and/or groundwater is encountered during any works: a) all work must cease, and the situation must be promptly evaluated by an appropriately qualified environmental consultant. b) the contaminated soil and/or groundwater must be managed under the supervision of the environmental consultant, in accordance with relevant NSW Environment Protection Authority (EPA) Guidelines. If unexpected, contaminated soil, or groundwater is treated and/or managed on-site an appropriately qualified environmental consultant must verify that the situation was appropriately managed in accordance with relevant NSW EPA guidelines before recommencement of works. The verification documentation must be provided to the satisfaction of the Certifier and Shoalhaven City Council before the recommencement of any works. If contaminated soil or groundwater is to be removed from the site, it must be transported to an appropriately licensed waste facility by an NSW EPA licensed waste contractor in accordance with relevant NSW EPA guidelines including the Waste Classification Guidelines (2014). *Note: An appropriately qualified environmental consultant will have qualifications equivalent to CEnvP "Site Contamination" (SC) Specialist - by Certified Environmental Practitioner or*	To ensure any detected contaminants are appropriately managed.

	'Certified Professional Soil Scientist' (CPSS CSAM) by Soil Science Australia (SSA).	
69.	**Site Management - Hours for Construction** Construction may only be carried out between 7.00am and 5.00pm on Monday to Saturday and no construction is to be carried out at any time on a Sunday or a public holiday. Proposed changes to hours of construction must be approved by Council in writing.	To ensure site work occurs within appropriate construction hours.
70.	**Site Management - Maintenance of Site and Surrounds** During works, the following maintenance requirements must be complied with: a) All materials and equipment must be stored and delivered wholly within the work site unless an approval to store them elsewhere is held. b) Waste materials (including excavation, demolition and construction waste materials) must be managed on the site and then disposed of at a waste management facility. c) Where tree or vegetation protection measures are in place, the protected area must be kept clear of materials and / or machinery. d) The developer must maintain the approved soil water management / erosion and sediment control measures to the satisfaction of the Certifier for the life of the construction period and until runoff catchments are stabilised. e) During construction: i) all vehicles entering or leaving the site must have their loads covered, and ii) all vehicles, before leaving the site, must be cleaned of dirt, sand and other materials, to avoid tracking these materials onto public roads. f) At the completion of the works, the work site must be left clear of waste and debris.	To ensure the site is maintained in a safe and secure manner.
71.	**Site Management - Noise** The noise from all site work, demolition and construction activities associated with the approved development must comply with the work practices as outlined in the NSW Department of Environment & Climate Change Interim Construction Noise Guideline.	To protect the amenity of neighbouring properties.

72.	**Stormwater - Overland Flow, Redirecting and/or Concentrating Stormwater** All excavation, backfilling and landscaping works must not result in: a) any change to the overland stormwater flow path on your property and or a neighbouring property. If any change to the overland flow path occurs on a property, the stormwater runoff must be collected and directed to a legal point of discharge. b) the redirection and/or concentration of stormwater flows onto neighbouring properties.	To ensure stormwater is appropriately managed.
73.	**Stormwater - Connections in Road Reserve** Before the completion of works, the site supervisor must ensure that stormwater connections between the property boundary and the new kerb and gutter are inspected and approved by Council and backfilled as soon as possible. Kerb connections are only to be made using adaptors/convertors approved by Council. *Note: A section 138 approval under the Roads Act 1993 will be required for any works within the road reserve.*	To ensure stormwater connections are appropriately installed.
74.	**Soil Management** While site work is being carried out, the Certifier must be satisfied all soil removed from or imported to the site is managed in accordance with the following requirements: a) All excavated material removed from the site must be classified in accordance with the EPA's Waste Classification Guidelines before it is disposed of at an approved waste management facility and the classification and the volume of material removed must be reported to the Certifier b) All fill material imported to the site must be: i) Virgin Excavated Natural Material as defined in Schedule 1 of the Protection of the Environment Operations Act 1997, or ii) a material identified as being subject to a resource recovery exemption by the NSW EPA, or iii) a combination of Virgin Excavated Natural Material as defined in Schedule 1 of the Protection of the Environment Operations Act 1997 and a material identified as being subject to a resource recovery exemption by the NSW EPA.	To ensure excavated material is appropriately disposed of and all fill material is appropriate for usage on site.

75.	**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.	To ensure buildings are sited and positioned in the approved location.
76.	**Surveys by a Registered Surveyor – Height** In order to ensure compliance with approved plans, a Survey Certificate to Australian Height Datum must be prepared by a Registered Surveyor as follows: a) At the completion of the first structural floor level indicating the level of that floor and the relationship of the building to the boundaries. b) At the completed height of the building, prior to the placement of concrete inform work, or the laying of roofing materials. c) At completion of the building. Progress certificates in response to points (a) through to (c) must be provided to the Certifier at the time of carrying out relevant progress inspections. Under no circumstances will work be allowed to proceed should such survey information be unavailable or reveal discrepancies between the approved plans and the proposed works.	To ensure adherence to the approve plans.

BUILDING WORK

Before Issue of a BCA Compliance Certificate

CONDITIONS		REASON
77.	**BASIX Certificate – Evidence of Completion** Before the issue of a relevant BCA Completion Certificate, documentary evidence prepared by a suitably qualified person must be submitted to the Certifier confirming that all commitments listed in the BASIX Certificate(s) are fulfilled in accordance with Clause 97A of the *Environmental Planning and Assessment Regulation 2021*.	To ensure compliance with the approved BASIX Certificate.

78.	**Biodiversity – Construction Environment Management Plan (Evidence of Completion)** Before the issue of a relevant BCA Completion Certificate, all works required under the approved Construction Environment Management Plan must be completed, including but not limited to confirmation that: a) permanent outdoor lighting to be restricted to face away from the camp and have a sensor to limit the time light is turned on overnight b) permanent educational signage based on Shoalhaven City Council's educational brochure (available from Shoalhaven City Council's website) is to be erected on the western border of the subject site closest to the camp is erected to describe the ecology of the Grey-headed Flying-fox, potential health risks, and contact details for South Coast Wildlife Rescue in the event of an encounter with an injured individual. The design and information contained in the educational signage is to be submitted to Shoalhaven City Council's Director – City Development (or delegate) for review and approval prior to installation. Evidence of completion must be submitted to the Certifier for review and approval.	To protect biodiversity values.
79.	**Biodiversity – Arborist Post-Construction Phase Checkpoint** The Project Arborist shall prepare a report and submit to the Certifier detailing the Tree Protection Zones and retained trees' conditions as per Appendix 4 of the approved Arboricultural Impact Assessment Report prepared by Arboriculture Consultancy Australia, 19 April 2024. Certify: a) Final inspection of trees by Project Arborist after all construction works have been completed. b) All landscaping- remedial works have been undertaken. c) Removal of TPZ fencing.	To protect biodiversity values.
80.	**Completion of Landscape and Tree Works** Before the issue of a relevant BCA Completion 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.	To ensure the approved landscaping works have been completed.
81.	**Completion of Public Utility Services**	To ensure required changes

	Before the issue of the relevant BCA Completion Certificate, confirmation must be obtained from the relevant authority that any adjustment or augmentation of any public utility services including water, sewer, electricity and telecommunications, required as a result of the development, have been completed and this confirmation must be provided to the principal certifier.	to public utility services are completed, in accordance with the relevant agency requirements, before occupation.
82.	**Consolidation of Land** Before the issue of a relevant BCA Completion Certificate, the lots identified in the Plan Showing Proposed Consolidation of Lots 1 to 7 in DP 25566 & Lot 1 in DP 329959, prepared by Stantec (Rev: 01) and dated 16/2/2024 must be consolidated into a single allotment.	To ensure all allotments are consolidated.
83.	**Colours and Materials** The development must be constructed in accordance with the approved schedule of colours and building materials and finishes.	To ensure colours and materials are appropriate.
84.	**Dilapidation Report – Evidence of Completion** Before the issue of a relevant BCA Completion Certificate, the developer must provide the Certifier and Council with evidence that any damage to neighbouring premises or adjacent public infrastructure, not previously identified as existing damage in the Dilapidation Report, has been repaired by the developer to the satisfaction of Council.	To ensure any damage not previously identified in the Dilapidation Report is suitably repaired.
85.	**Fire Safety – Evidence of Compliance** Before the issue of a relevant BCA Completion Certificate the Certifier must be provided with a Final Fire Safety Certificate showing compliance with the Fire Safety Schedule.	To ensure compliance with the Fire Safety Schedule.
86.	**Privacy Screens – Installation** All privacy screens as shown on the approved plans must be installed before the issue of a BCA Completion Certificate. The privacy screens shown on the southern elevation for apartments 2-105, 2-106, 2-107, 2-205, 2-206 & 2-207 must be a minimum of 1m high and must be installed at 1m above finished floor level of that apartment with the top of the screen at 2m above finished floor level.	To ensure appropriate privacy screens are installed before the issue of an Occupation Certificate.

87.	**Registered Community Housing Provider** Evidence of an agreement with a registered community housing provider for the management of the affordable housing component must be given to the Registrar of Community Housing, including the name of the registered community housing provider before the issue of a BCA Completion Certificate. Evidence of this agreement must be provided to Shoalhaven City Council before the issue of a relevant BCA Completion Certificate.	To ensure details of the registered community housing provider are provided to the Registrar of Community Housing and the consent authority.
88.	**Restrictions – Easements and Restrictions on Use of Land** An Instrument must be prepared under section 88E of the Conveyancing Act 1919 providing the following Restrictions/Covenants and must be registered on the title of the land before the issue of a relevant BCA Completion Certificate: a) the affordable housing component of the development must be used for affordable housing for a period of at least 15 years commencing the day on which an BCA Compliance Certificate is issued for all parts of the building or buildings to which the development consent for DA2024/1326 relates, and b) the affordable housing component must be managed by a registered community housing provide c) Where detailed site investigations or a Remediation Action Plan (RAP) identify ongoing management of contamination and the preparation of an Environmental Management Plan (EMP) is required, a positive covenant must be registered on the title of the land providing information regarding the delineation of the contamination and a requirement to comply with the EMP as relevant to this consent. The Instrument must contain a provision that it cannot be varied, modified or released without the consent of the relevant parties as appropriate and without the consent of the Shoalhaven City Council. Evidence of registration of the above 88E instrument must be provided to Shoalhaven City Council before the issue of a relevant BCA Completion Certificate.	To ensure affordable housing requirements are reflected on the title of the land.
89.	**Retaining Walls – Certification**	To ensure retaining walls have been

	Before the issue of a relevant BCA Completion Certificate, certification must be provided to the Certifier prepared by a professional engineer, (as defined in the National Construction Code), certifying that retaining walls within 1m of the property boundary or exceeding 1m in height above ground level (existing) are constructed in accordance with the approved engineering design plans. The Certifier must be satisfied that all retaining walls have been constructed in accordance with the relevant retaining wall plans and specifications, and in accordance with the requirements of any other conditions of this consent. *Note: This condition does not prevent a partial BCA Compliance Certificate to be issued for the parts of the development that have been completed.*	constructed appropriately.
90.	**Section 68 Approvals – Evidence of Completion** All the conditions under the approval of section 68 of the *Local Government Act 1993* are to be complied with before the issue of a relevant BCA Completion Certificate.	To ensure compliance with section 68 approval.
91.	**Shoalhaven Water – Certificate of Compliance** Before the issue of a BCA Completion Certificate, a Certificate of Compliance under section 307 of the *Water Management Act 2000* must be obtained from Shoalhaven Water to verify satisfactory compliance with all conditions for the supply of water and sewerage, as listed on the Water Development Notice. If the development is to be completed in approved stages, or application is subsequently made for staging of the development, separate Compliance Certificates must be obtained for each stage of the development.	To ensure compliance with Shoalhaven Water requirements.
92.	**Stormwater - Works as Executed** Before the issue of a relevant BCA Completion Certificate, a Works as Executed Plans and certification must be submitted to the Council by a licenced plumber/ registered surveyor / professional engineer (as defined in the National Construction Code) certifying compliance of all drainage works with the approved design plans and the National Construction Code. The Works as Executed be shown in red on a copy of the approved plans. This plan must verify locations & sizes of all pipelines. Where the system includes an underground tank, a certificate of structural adequacy must be prepared and provided by a	To ensure works as executed plans are prepared and provided.

	professional engineer (as defined in the National Construction Code).	
93.	**Waste - Private Collection Service** Before the issue of a relevant BCA Completion Certificate, the developer/owner must provide evidence to the Certifier of a formal agreement with a licenced private waste contractor to service the development. A copy of the contract must be forwarded to Council. The agreement must ensure: a) the removal of all waste from the developed property. b) the service is functional and meets the operational requirements for the developed property. c) the service minimises environmental nuisances including noise and other adverse impacts on the safety and amenity of residents and the public.	To ensure appropriate waste collection for the development.
94.	**Water Sensitive Urban Design - Operation and Maintenance Manual** Adopted WSUD Management, Operation, Maintenance and Monitoring Manual/s for the permanent water quality facilities must be submitted to Council before the issue of the relevant BCA Completion Certificate. The manuals must be prepared by a suitably qualified professional in accordance with the objectives and criteria identified in the approved Integrated Water Cycle Management Plan.	To ensure stormwater infrastructure is designed appropriately.
95.	**Works in the Road Reserve - Evidence of Completion** Before the issue of a relevant BCA Completion Certificate, the developer must provide the Certifier with a construction inspection ticket / completion of works in road reserve letter provided by Council, confirming compliance with the requirements of section 138 of the *Roads Act 1993*.	To ensure works in the road reserve are completed appropriately.
BUILDING WORK **Occupation and Ongoing use**		
CONDITIONS		REASON
96.	**Affordable Housing**	To ensure the development provides the affordable

	Following the commencement of a relevant BCA Completion Certificate being issued, the development must comply with the following for a period of at least 15 years: a) Provide at least 10% of apartments (the affordable housing component) as an affordable housing. b) the affordable housing component must be managed by a registered community housing provider. c) notice of a change in the registered community housing provider who manages the affordable housing component must be given to the Registrar of Community Housing and the consent authority no later than 3 months after the change. d) the registered community housing provider who manages the affordable housing component must apply the Affordable Housing Guidelines.	housing component for the required period.
97.	**Directional Signage** Detailed directional signage must be provided to assist residents and agencies such as Emergency Services and Australia Post.	To enable appropriate wayfinding within the development.
98.	**Driveway - Evidence of Completion** Before the issue of a relevant BCA Completion Certificate, all driveway works internal to the site as shown on the approved plans must be completed.	To ensure the completion of the driveway in a timely manner
99.	**Driveway - Redundant Driveways and Crossings** Before the issue of a relevant BCA Completion Certificate, all redundant vehicle crossings and lay backs rendered unnecessary by this development must be reconstructed to match the existing the required kerb and gutter. The verge must be appropriately graded, top soiled and turfed in a manner that conforms with adjoining road reserve. The area forward of the front boundary must be kept smooth, even and free from any trip hazards. All alterations of public infrastructure where necessary are at the developer's expense.	To ensure redundant vehicle crossings and laybacks are appropriately removed.
100.	**Educational Signage and Brochures** Educational signage related to Grey-headed Flying-fox camp installed on site must remain maintained and in good working order.	To protect biodiversity values.

	Educational brochures related to the Grey-headed Flying-fox camp (available from Shoalhaven City Council's website) to be provided to all new occupants of the building.	
101.	**Fire Safety – Annual Statement** A building owner must ensure that an annual fire safety statement prepared by a competent fire safety practitioner is issued each year and that a copy of the statement is provided to the Shoalhaven City Council and the Commissioner of Fire and Rescue NSW. An application form is available on Council's website. *Note: An annual fire safety statement is a declaration by, or on behalf of a building owner that a competent fire safety practitioner (CFSP) has:* a) assessed, inspected and verified the performance of each existing essential fire safety measure that applies to the building b) inspected the exit systems serving the building and found that the exit systems within the building do not contravene the Environmental Planning and Assessment Regulation 2021 Failure to give Council an annual fire safety statement by the due date constitutes a separate offence for each week beyond that date for which the failure continues. Substantial penalties for non-compliance apply under the Environmental Planning and Assessment Act 1979.	To ensure an annual fire safety statement is prepared.
102.	**Landscaping – Noxious and Environmental Weeds** The planting of plant species listed in the South East Regional Strategic Weed Management Plan 2017 – 2022 is prohibited for the life of the development. No exotic perennial grasses listed on the 'Final Determination of the NSW Scientific Committee for the key threatening process Invasion of native plant communities by exotic perennial grasses' must be sown within the outer protection area or the asset protection zone for the life of the development. Native grasses must be sown in these areas, as this is the interface between disturbed areas and the remaining native vegetation for the life of the development.	To protect biodiversity values.
103.	**Maintenance Bond for Civil Works** Before the issue of a relevant BCA Completion Certificate, the developer must submit a cash bond or irrevocable bank guarantee equal to 5% of the cost of the civil works (excluding water supply and sewerage) to Council to provide security	To ensure any damage or defective work is suitably repaired.

	and assurance that the developer will repair any defective works or re-establish ground cover where this has not been maintained, for a period of 12 months.	
104.	**Noise - Air-Conditioning Units** Any air-conditioning unit must be installed in accordance with manufacturer's instructions and operated at all times so as not to cause "Offensive Noise" as defined by the *Protection of the Environment Operations Act (POEO Act).* Air-conditioning units not shown on the approved plan must comply with the relevant criteria listed in *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008*.	To protect the amenity of neighbouring properties.
105.	**Occupation – Satisfaction of Conditions of Consent** The development must not be occupied or used before a relevant BCA Completion Certificate has been issued by the Principal Certifier. If an a relevant BCA Completion Certificate is not required, the use must not commence until all conditions of development consent have been met or other satisfactory agreements have been made with Council (i.e., a security).	To ensure conditions of consent are complied with or other satisfactory arrangement made.
106.	**Outdoor Lighting** Lighting is to be provided at pedestrian entry points and car parking areas. It must not be directed to shine or cause nuisance to neighbouring properties and must be installed in accordance with AS4282 "Control of the obtrusive effects of outdoor lighting".	To ensure outdoor lighting does not cause nuisance.
107.	**Stormwater- Maintenance of Stormwater Infrastructure** The approved stormwater design and any associated on-site detention must be maintained for the life of the development in accordance with the approved documents and maintenance programs.	To ensure stormwater infrastructure is maintained for the life of the development.
108.	**Waste – Waste and Recycling Bin Collection Points** The nominated collection points are to be utilised to facilitate the collection of waste and recycling bins for the property. The collection point is to be kept clear of obstructions at all times so not to restrict the collection of waste and recycling bins. A building management plan must be created at the earliest opportunity, to reflect the private waste management collection requirements and outline the building managers	To ensure appropriate waste management for the development.

	responsibilities to place bins to the nominated kerbside bin collection points and return to the waste storage rooms immediately after collection as documented in the approved Waste Management Plan.	

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 Crown Certificate, 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 consent (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.

BCA Compliance Certificate means a certificate to certify that the completed building work complies with the requirements of the Building Code of Australia in accordance with Section 6.28 of the EP&A Act 1979.

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 Shoalhaven City Council.

Court means the NSW Land and Environment Court.

Crown Certificate means a certificate that must be issued before building work is commenced to verify that Crown subdivision, building, demolition and incidental work has been designed to comply with the Building Code of Australia in accordance with Section 6.28 of the EP&A Act 1979.

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.

DEVELOPMENT APPLICATION FOR BOMADERRY BTR AT:

53 & 57 BOLONG ROAD AND 4 BEINDA STREET

BOMADERRY NSW 2541

DEVELOPMENT APPLICATION:

Architectural Drawing List

DA 01 Site Analysis plan (NTS)
DA 02 Site & Roof plan (1:200 / 1:400)

DA 11 Ground floor plan (1:200 / 1:400)
DA 12 Level 1 floor plan (1:200 / 1:400)
DA 13 Level 1 floor plan (1:200 / 1:400)
DA 14 Level 1 floor plan (1:200 / 1:400)

DA 21 Elevations - Sheet 1 (1:200 / 1:400)
DA 22 Elevations - Sheet 2 (1:200 / 1:400)

DA 31 Sections (1:200 / 1:400)

DA 41 Calculations Summary

DA 51 ADG Compliance Summary - Solar & Cross Ventilation
DA 52 ADG Compliance Summary - Storage

DA 71 Shadow Diagrams - Sheet 1
DA 72 Shadow Diagrams - Sheet 2
DA 73 Views from Sun - Sheet 1
DA 74 Views from Sun - Sheet 2

DA 81 Demolition Plan

DA 91 3D Views
DA 92 3D Views

VIEW FROM BEINDA STREET (NORTH)

NOTES

THIS DRAWING IS PART OF A SET, AND SHOULD BE READ IN CONJUNCTION WITH ALL OTHER DOCUMENTS. VERIFY ALL DIMENSIONS ON SITE PRIOR TO COMMENCING CONSTRUCTION OR FABRICATION. REPORT ANY DISCREPANCIES TO THE ARCHITECT FOR CLARIFICATION.

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REVISION SCHEDULE

Rev.	Date	Revision Notes
A	12/04/24	DEVELOPMENT APPLICATION

Project:
BOMADERRY BTR, 53 & 57 Bolong rd and 4 Belinda St, Bomaderry, NSW 2541

Client:
LANDCOM

Drawing Name:
COVER SHEET

Job Number:
202312

Scale:
NTS

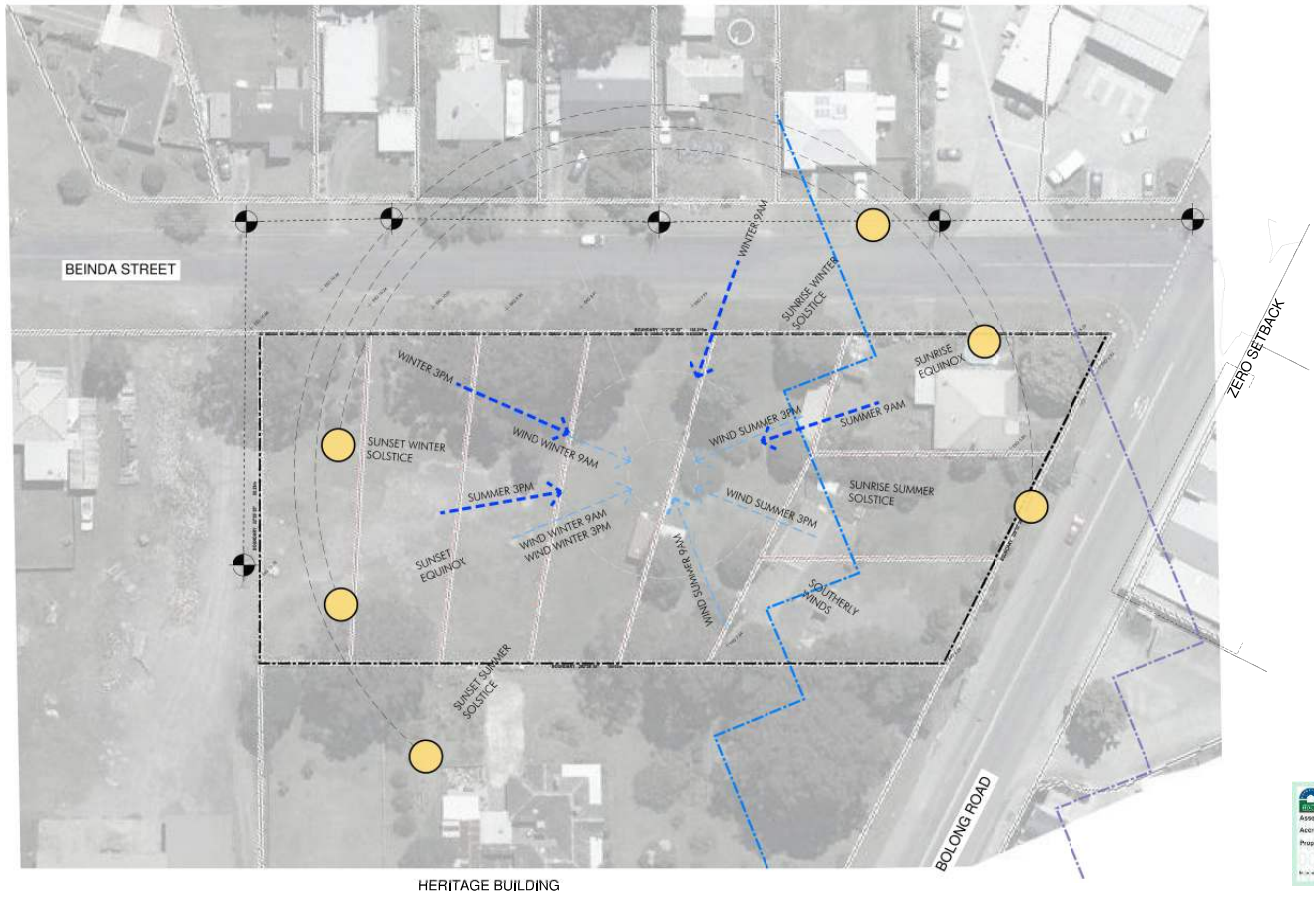
Plot Date:
12/04/2024

Drawing Status:
DEVELOPMENT APPLICATION

Drawing No: DA - 00 Revision: A

St.Clair Architecture

CL24.207 - Attachment 3



SITE ANALYSIS PLAN
Scale TBC

NOTES

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REVISION SCHEDULE

Rev.	Date	Revision Notes
A	12/04/24	DEVELOPMENT APPLICATION

ELECTRICAL POWER POLE
OVERHEAD ELECTRICAL POWER LINE
FLOOD PMF LEVEL
FLOOD 1% AEP

Project:
BONADERRY BTR, 53 & 57 Bolong rd and 4 Bolnda St, Bonaderry, NSW 2541

Client:
LANDCOM

Drawing Name:
SITE ANALYSIS PLAN

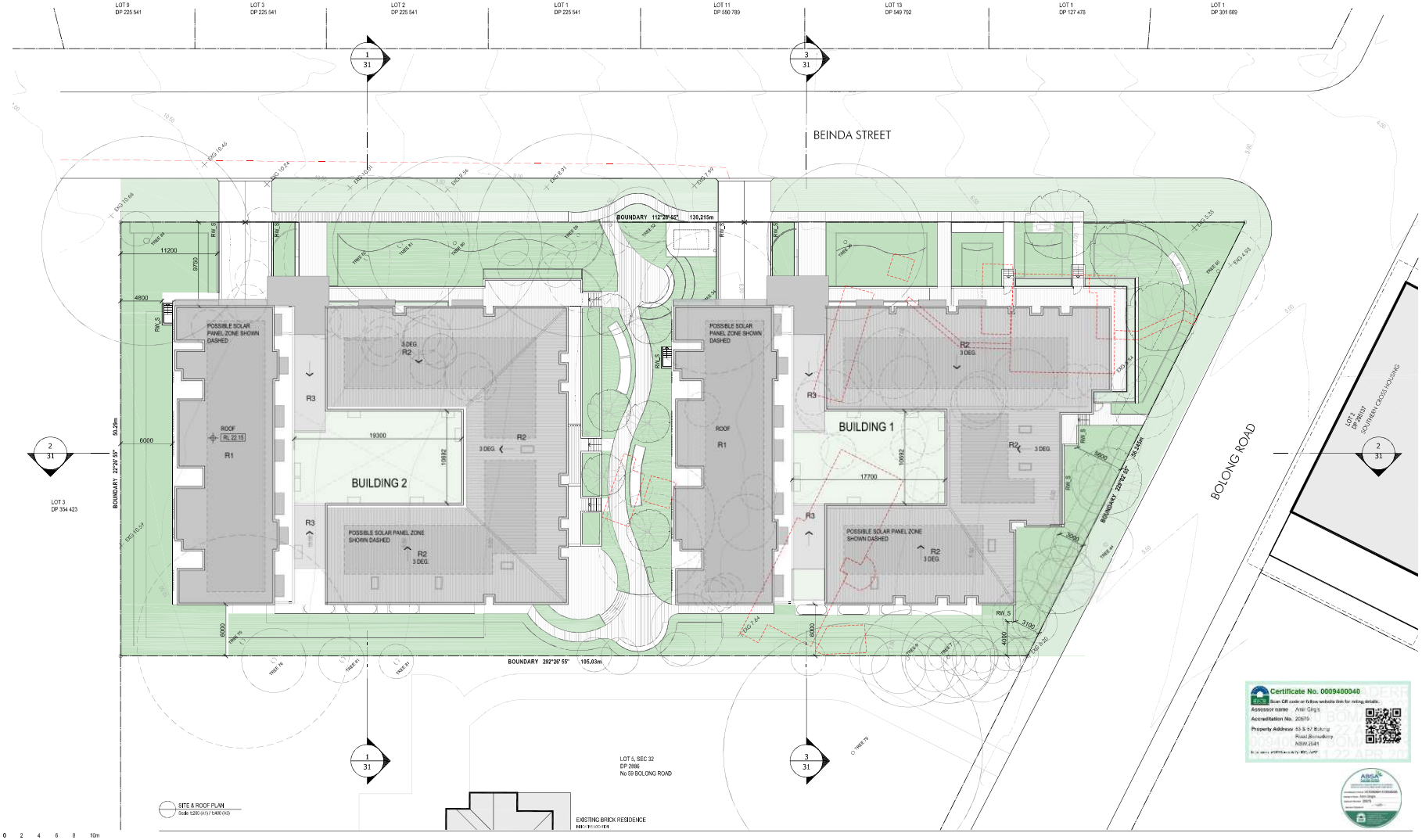
Job Number: 202312
Scale: NTS
Plot Date: 12/04/2024
Drawing Status: DEVELOPMENT APPLICATION
Drawing No: DA - 01
Revision: A

TN

St.Clair Architecture

Certificate No. 0009400040

CL24.207 - Attachment 3



CL24.207 - Attachment 3

0 2 4 6 8 10m
SCALE

NOTES

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REVISION SCHEDULE

Rev.	Date	Revision Notes
A	12/04/24	DEVELOPMENT APPLICATION
B	29/04/24	DEVELOPMENT APPLICATION
C	13/06/24	DEVELOPMENT APPLICATION

Code	Item
Walls and screens	
W1	Compressed fibre-cement cladding
W2	Compressed fibre-cement cladding
W3	Compressed fibre-cement cladding
W4	Metal cladding
W5	Concrete
W6	Fair faced concrete blockwork
W7	Fair faced concrete blockwork
Balustrades	
BAL1	Perforated aluminium
Sun shading and privacy screens	
S1	Aluminium hoods
S2	Perforated aluminium
S3	Coloured aluminium or hardwood battens

NOTE:

REFER TO EXTERNAL FINISHES SCHEDULE FOR FULL SPECIFICATION DETAIL TO ALL FINISHES CODES INDICATED ON DRAWINGS

RL = REDUCED LEVEL RELATIVE TO AHD
RW-S = RETAINING WALL TO STRUCTURAL ENG. DETAILS
TOW = TOP OF WALL HEIGHT (AHD)

NOTE:
11m HEIGHT PLANE SHOWN ON ELEVATIONS IS DETERMINED FROM EXISTING GROUND LINE AT FACADE PLANE

Project:
BONADERRY BTR, 53 & 57 Bolong rd and 4 Bolnda St, Bonaderry, NSW 2541

Client:
LANDCOM

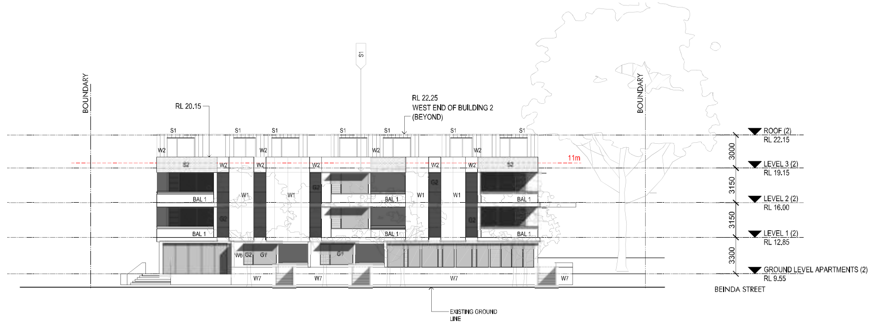
Drawing Name:
ELEVATIONS SHEET 1

Job Number:
202312
Scale:
1:200 @A1 / 1:400 @A3
Plot Date:
13/06/2024
Drawing Status:
DEVELOPMENT APPLICATION
Drawing No: **DA - 21** Revision: **C**

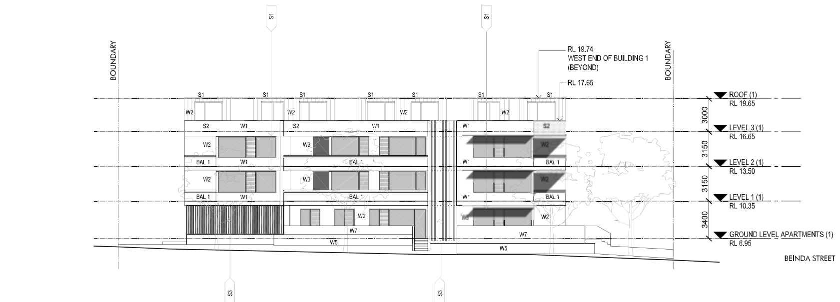
St.Clair Architecture

CL24.207 - Attachment 3

WEST ELEVATION (BUILDING 2)
Scale 1:200 (A1) / 1:400 (A3)



EAST ELEVATION (BUILDING 2)
Scale 1:200 (A1) / 1:400 (A3)



EAST ELEVATION (BUILDING 1) BOLONG RD.
Scale 1:200 (A1) / 1:400 (A3)

WEST ELEVATION (BUILDING 1)
Scale 1:200 (A1) / 1:400 (A3)

NOTE:
11m HEIGHT PLANE SHOWN ON ELEVATIONS IS DETERMINED FROM EXISTING GROUND LINE AT FACADE PLANE

0 2 4 6 8 10m
SCALE

NOTES

THIS DRAWING IS PART OF A SET, AND SHOULD BE READ IN CONJUNCTION WITH ALL OTHER DOCUMENTS. VERIFY ALL DIMENSIONS ON SITE PRIOR TO COMMENCING CONSTRUCTION OR FABRICATION. REPORT ANY DISCREPANCIES TO THE ARCHITECT FOR VERIFICATION.

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REVISION SCHEDULE

Rev.	Date	Revision Notes
A	12/04/24	DEVELOPMENT APPLICATION
B	29/04/24	DEVELOPMENT APPLICATION

Code	Item
	Walls and screens
W1	Compressed fibre-cement cladding
W2	Compressed fibre-cement cladding
W3	Compressed fibre-cement cladding
W4	Metal cladding
W5	Concrete
W6	Fair faced concrete blockwork
W7	Fair faced concrete blockwork
	Balustrades
BAL1	Perforated aluminium
	Sun shading and privacy screens
S1	Aluminium hoods
S2	Perforated aluminium
S3	Coloured aluminium or hardwood battens

NOTE:

REFER TO EXTERNAL FINISHES SCHEDULE FOR FULL SPECIFICATION DETAIL TO ALL FINISHES CODES INDICATED ON DRAWINGS

RL = REDUCED LEVEL RELATIVE TO AHD
RW-S = RETAINING WALL TO STRUCTURAL ENG. DETAILS
TOW = TOP OF WALL HEIGHT (AHD)

Project:
BOMADERRY BTR, 53 & 57 Bolong rd and 4 Belnda St, Bomaderry, NSW 2541

Client:
LANDCOM

Drawing Name:
ELEVATIONS SHEET 2

Job Number:
202312

Scale:
1:200 @A1 / 1:400 @A3

Plot Date:
29/04/2024

Drawing Status:
DEVELOPMENT APPLICATION

Drawing No: **DA - 22**
Revision : **B**

St.Clair Architecture
136 Milson Rd, Cremorne Point, NSW 2090
ph. 0435 069 899 peter@stclairarchitecture.com
Peter St.Clair NSW ARB 7325

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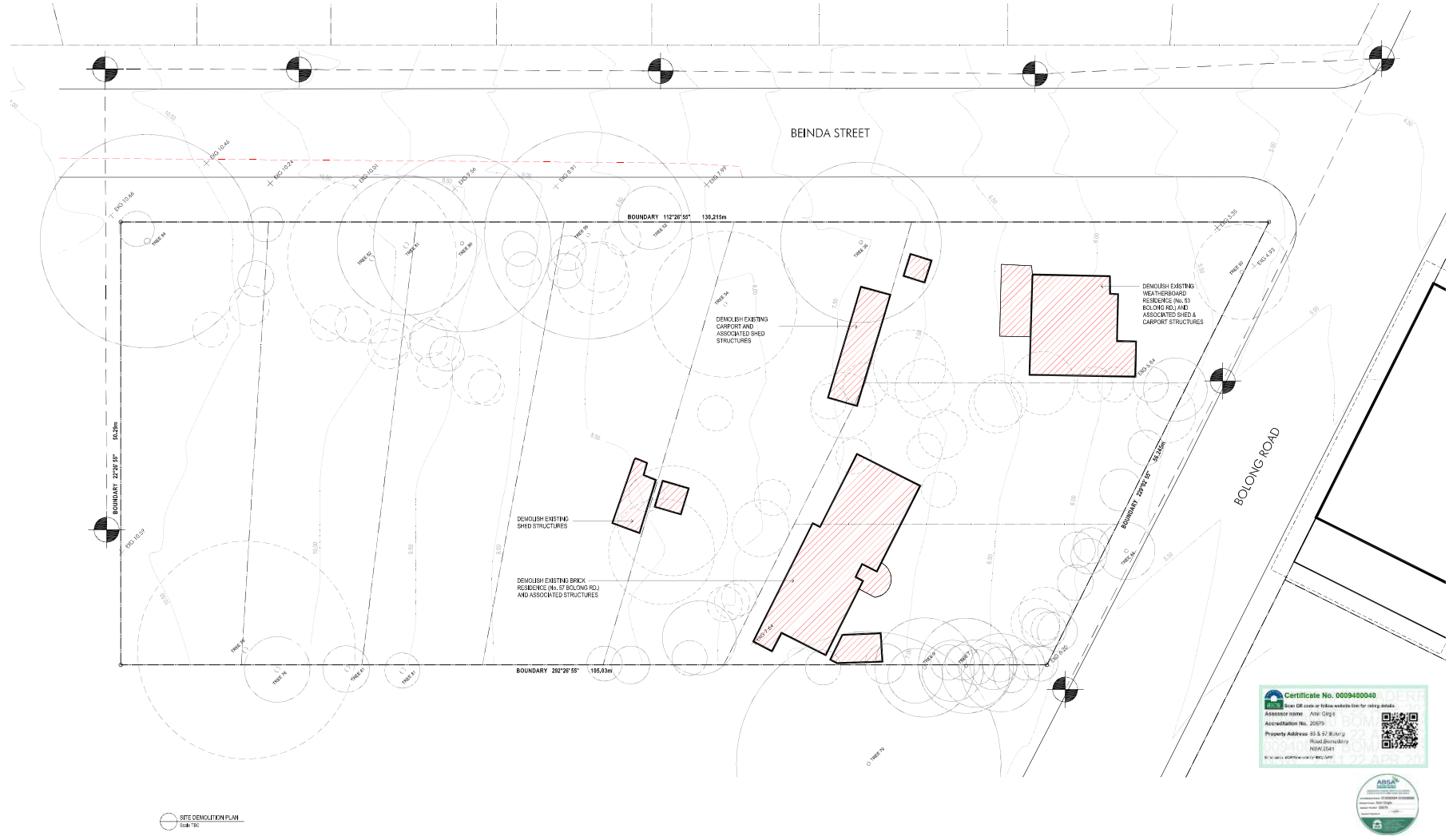

SITE DEMOLITION PLAN
Scale TBC

NOTES

THIS DRAWING IS PART OF A SET, AND SHOULD BE READ IN CONJUNCTION WITH ALL OTHER DOCUMENTS. VERIFY ALL DIMENSIONS/LEVELS PRIOR TO COMMENCING CONSTRUCTION OR FABRICATION, REPORT ANY DISCREPANCIES TO THE ARCHITECT FOR CLARIFICATION.

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REVISION SCHEDULE

Rev.	Date	Revision Notes
A	12/04/24	DEVELOPMENT APPLICATION

TREES PROPOSED FOR RETENTION
TREES PROPOSED FOR REMOVAL
ELECTRICAL POWER POLE
OVERHEAD ELECTRICAL POWER LINE
EXISTING STRUCTURES TO BE DEMOLISHED

NOTE:
ONLY SIGNIFICANT TREES AS IDENTIFIED BY ARBORIST HAVE BEEN NUMBERED ON THIS PLAN

PLEASE REFER TO ARBORIST REPORT FOR DETAILS OF ALL TREES TO BE REMOVED, RETAINED AND ASSOCIATED TREE PROTECTION ZONES FOR ALL RETAINED TREES.

Project:
BOMADERRY BTR, 53 & 57 Bolong rd and 4 Bolvida St, Bomaderry, NSW 2541

Client:
LANDCOM

Drawing Name:
DEMOLITION PLAN

Job Number: 202312
Scale: 1:200 @A1 / 1:400 @A3
Plot Date: 12/04/2024
Drawing Status: DEVELOPMENT APPLICATION
Drawing No: DA - 81
Revision: A

TN

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CL24.207 - Attachment 3

VIEW FROM BEINDA STREET (NORTH WEST)

NOTES

THIS DRAWING IS PART OF A SET, AND SHOULD BE READ IN CONJUNCTION WITH ALL OTHER DOCUMENTS. VERIFY ALL DIMENSIONS ON SITE PRIOR TO COMMENCING CONSTRUCTION OR FABRICATION. REPORT ANY DISCREPANCIES TO THE ARCHITECT FOR CLARIFICATION.

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REVISION SCHEDULE

Rev.	Date	Revision Notes
A	12/04/24	DEVELOPMENT APPLICATION

Certificate No. 0009400948

Project:
BOMADERRY BTR, 53 & 57 Bolong rd and 4 Belinda St, Bomaderry, NSW 2541

Client:
LANDCOM

Drawing Name:
3D VIEWS

Job Number:
202312

Scale:
NTS

Plot Date:
12/04/2024

Drawing Status:
DEVELOPMENT APPLICATION

Drawing No: DA - 91

Revision: A

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CL24.207 - Attachment 3

VIEW FROM BOLONG ROAD (SOUTH EAST)

NOTES

THIS DRAWING IS PART OF A SET, AND SHOULD BE READ IN CONJUNCTION WITH ALL OTHER DOCUMENTS. VERIFY ALL DIMENSIONS ON SITE PRIOR TO COMMENCING CONSTRUCTION OR FABRICATION. REPORT ANY DISCREPANCIES TO THE ARCHITECT FOR CLARIFICATION.

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REVISION SCHEDULE

Rev.	Date	Revision Notes
A	12/04/24	DEVELOPMENT APPLICATION

Certificate No. 0889400948

Project:
BONADERRY BTR, 53 & 57 Bolong rd and 4 Bolnda St, Bonaderry, NSW 2541

Client:
LANDCOM

Drawing Name:
3D VIEWS

Job Number:
202312

Scale:
NTS

Plot Date:
12/04/2024

Drawing Status:
DEVELOPMENT APPLICATION

Drawing No: DA - 92

Revision: A

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CL24.207 - Attachment 3

DRAWING SCHEDULE

DEVELOPMENT APPLICATION
LANDSCAPE ARCHITECTURAL DRAWINGS 23-0065

Image obtained from Google Earth. Not to scale

NORTH

Proposed Bomaderry BTR Landscape Services

For Landcom

At 53 & 57 Bolong Road, and 4 Beinda Street Bomaderry NSW 2541 Australia

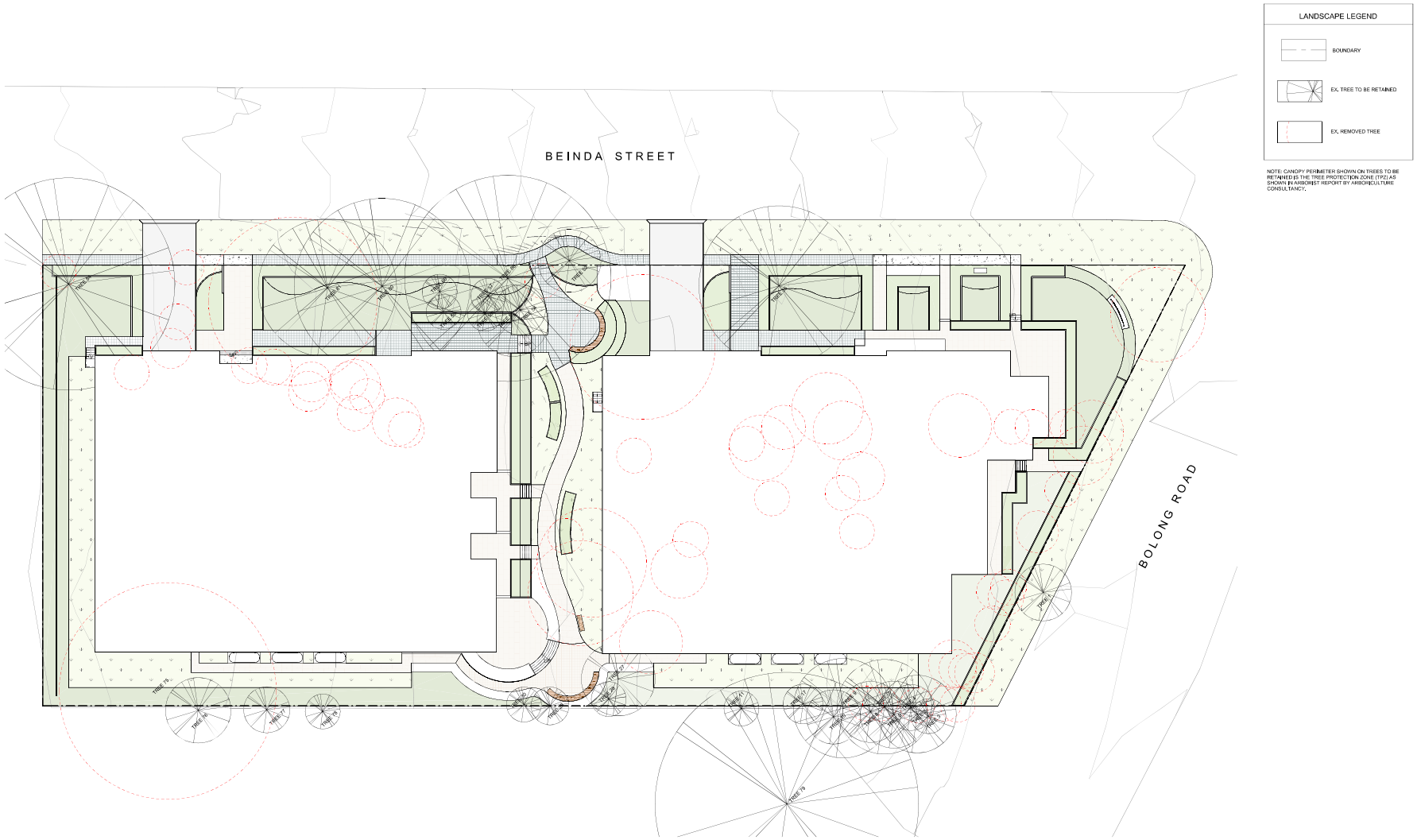
Edmiston Jones

Wollongong
Level 1,147 Crown Street, Wollongong NSW 2500
T: 02 4226 1387

Nowra
92 North Street Nowra, NSW 2541
T: 02 4421 6822

W: www.aej.com.au
E: aej@aej.com.au

Batemans Bay
Unit 6, 9-11 Orient Street, Batemans Bay NSW 2536
T: 02 4472 7388



Proposed Bomaderry BTR Landscape Services
For Landcom
At 53 & 57 Bolong Road, and 4 Beinda Street Bomaderry NSW 2541 Australia

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REV	DESCRIPTION	DATE
A	50% ISSUE	22/03/24
B	80% ISSUE	05/04/24
C	100% ISSUE	19/04/24
D	RFT ISSUE	30/04/24

DRAWING TITLE
TREES TO BE RETAINED AND REMOVED PLAN

PROJECT #: 23-0065
SCALE: 1 : 200 @ A1
DATE: 30/04/24
DRAWN: SL CHECKED: SS

DRAWING NO. DA/01 REVISION D

6/13/2024 2:27:37 PM

USE WRITTEN DIMENSIONS ONLY - DO NOT SCALE OFF DRAWINGS

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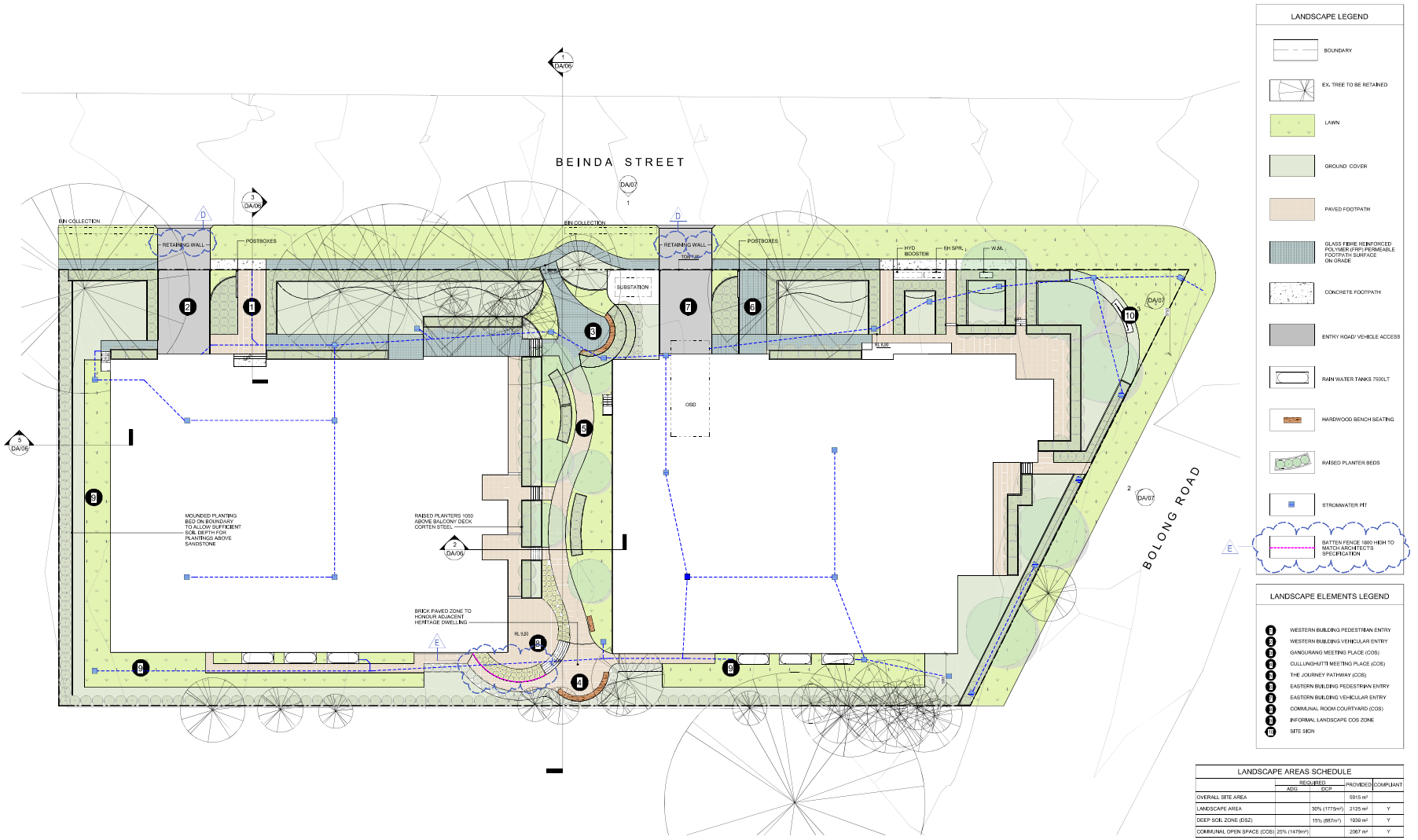

LANDSCAPE AREAS SCHEDULE

	REQUIRED ADG	REQUIRED DCP	PROVIDED	COMPLIANT
OVERALL SITE AREA			5915 m²	
LANDSCAPE AREA		30% (1775m²)	2125 m²	Y
DEEP SOIL ZONE (DSZ)		15% (887m²)	1930 m²	Y
COMMUNAL OPEN SPACE (COS)	25% (1479m²)		2067 m²	Y

Proposed Bomaderry BTR Landscape Services
For Landcom
At 53 & 57 Bolong Road, and 4 Beinda Street Bomaderry NSW 2541 Australia

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REV	DESCRIPTION	DATE
A	50% ISSUE	22/03/24
B	80% ISSUE	05/04/24
C	100% ISSUE	19/04/24
D	RFT ISSUE	30/05/24
E	ADDITION OF BATTEN SCREEN	13/06/24

DRAWING TITLE
LANDSCAPE CONCEPT
GROUND FLOOR PLAN

PROJECT #: 23-0065
SCALE: As indicated @ A1
DATE: 13/06/24
DRAWN: SL CHECKED: SS

DRAWING NO. DA/02 REVISION E

6/13/2024 2:28:00 PM

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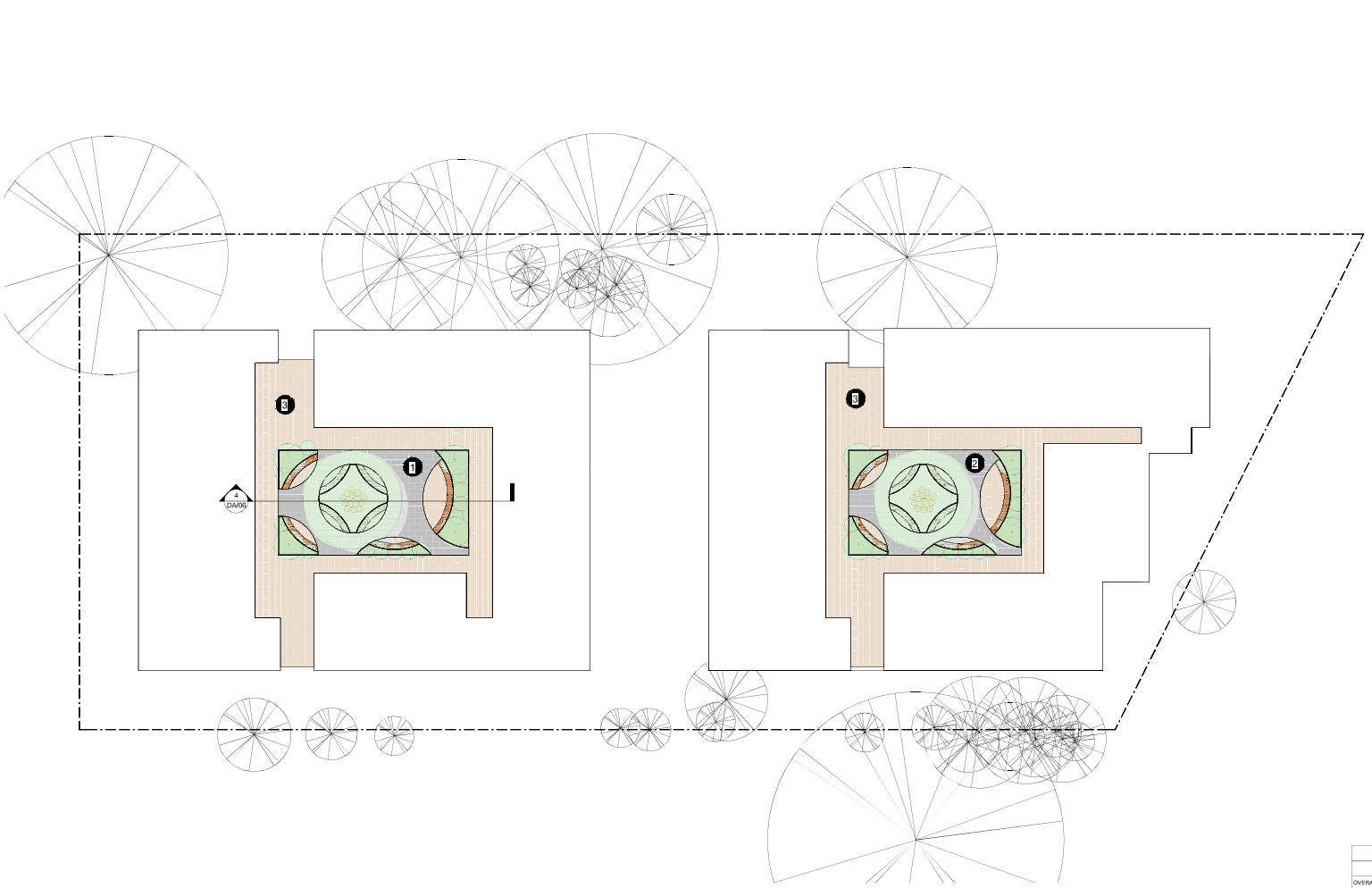
CL24.207 - Attachment 3



LANDSCAPE LEGEND

- BOUNDARY
- EX. TREE TO BE RETAINED
- LAWN
- GROUND COVER
- PAVED FOOTPATH - NEW AMBER
- PAVED FOOTPATH - SILVER GREY
- GLASS FIBRE REINFORCED POLYMER (FRP) PERMEABLE FOOTPATH SURFACE ON GRADE
- CONCRETE FOOTPATH
- ENTRY ROAD/ VEHICLE ACCESS
- RAIN WATER TANKS 7500LT
- HARDWOOD BENCH SEATING

LANDSCAPE ELEMENTS LEGEND

1. WESTERN BILLABONG COURTYARD (COS)
2. EASTERN BILLABONG COURTYARD (COS)
3. PEDESTRIAN CIRCULATION ZONE (COS)

LANDSCAPE AREAS SCHEDULE

	REQUIRED		PROVIDED	COMPLIANT
	ADG	DCP		
OVERALL SITE AREA			5915 m²	
LANDSCAPE AREA		30% (1775m²)	2125 m²	Y
DEEP SOIL ZONE (DSZ)		15% (887m²)	1939 m²	Y
COMMUNAL OPEN SPACE (COS)	25% (1479m²)		2067 m²	Y

Proposed Bomaderry BTR Landscape Services
For Landcom
At 53 & 57 Bolong Road, and 4 Beinda Street Bomaderry NSW 2541 Australia

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REV	DESCRIPTION	DATE
A	50% ISSUE	22/03/24
C	100% ISSUE	19/04/24
D	RFT ISSUE	30/04/24

DRAWING TITLE
LANDSCAPE CONCEPT L1
FLOOR PLAN

PROJECT #: 23-0065
SCALE: As indicated @ A1
DATE: 30/04/24
DRAWN: SL CHECKED: SS

DRAWING NO. DA/03 REVISION D

6/13/2024 4:28:06 PM

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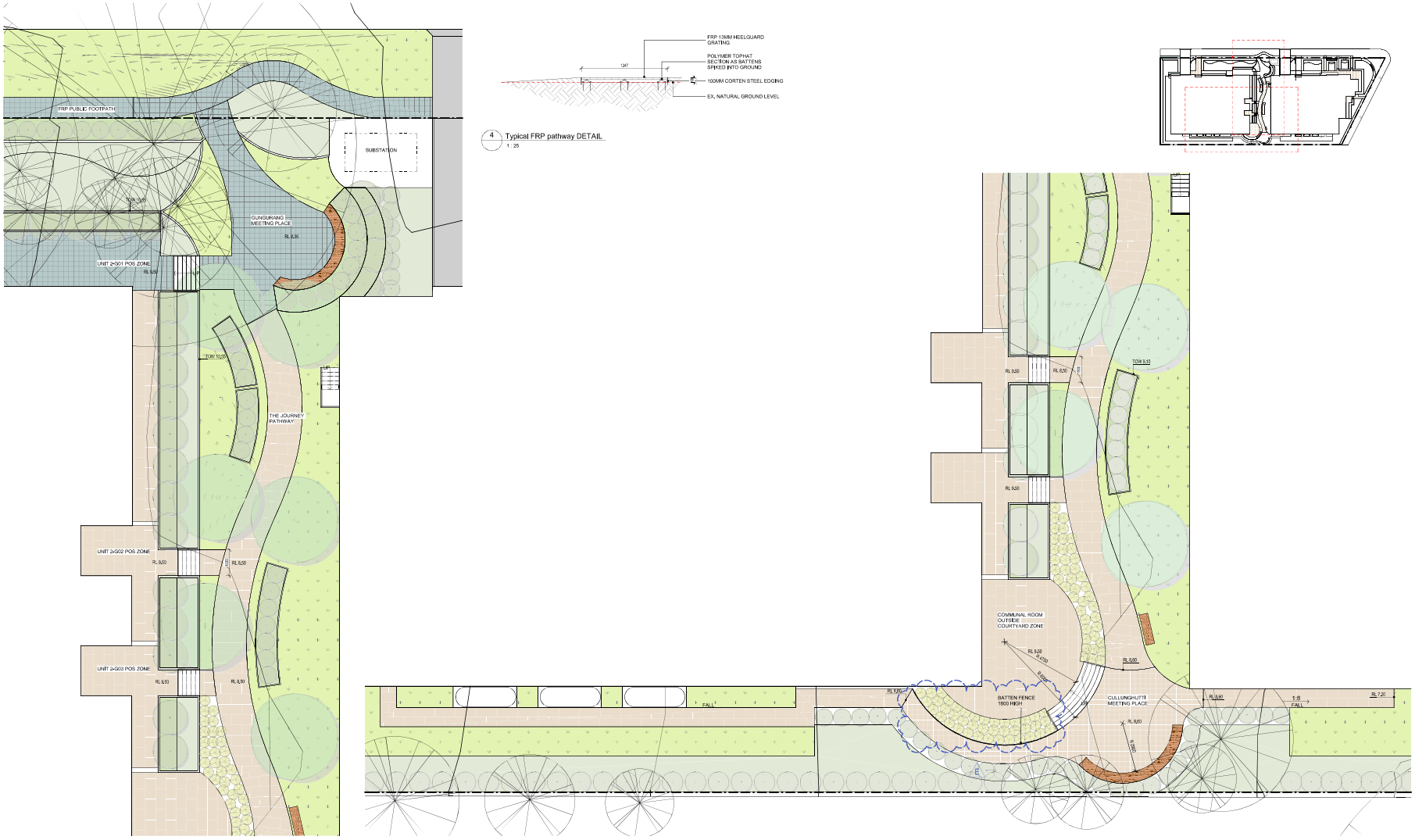
CL24.207 - Attachment 3



4 Typical FRP pathway DETAIL
1 : 25

2 CENTRAL SPINE 1
DA/06 1 : 100

1 CENTRAL SPINE 2
DA/06 1 : 100

Proposed Bomaderry BTR Landscape Services
For Landcom
At 53 & 57 Bolong Road, and 4 Beinda Street Bomaderry NSW 2541 Australia

REV	DESCRIPTION	DATE
A	50% ISSUE	22/03/24
C	100% ISSUE	19/04/24
D	RFT ISSUE	30/04/24
E	ADDITION OF BATTEN SCREEN	13/06/24

DRAWING TITLE: DETAIL PLAN CENTRAL SPINE

PROJECT #: 23-0065
SCALE: As indicated @ A1
DATE: 13/06/24
DRAWN: SL CHECKED: SS

DRAWING NO.: DA/04 REVISION: E

6/13/2024 4:28:19 PM

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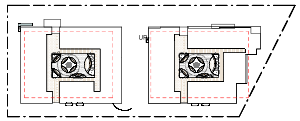
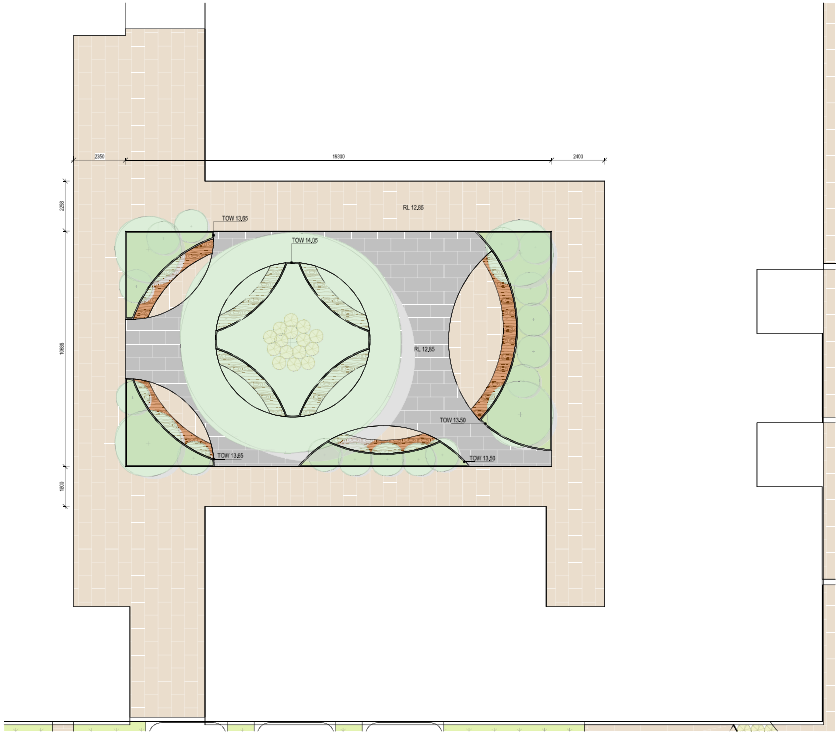
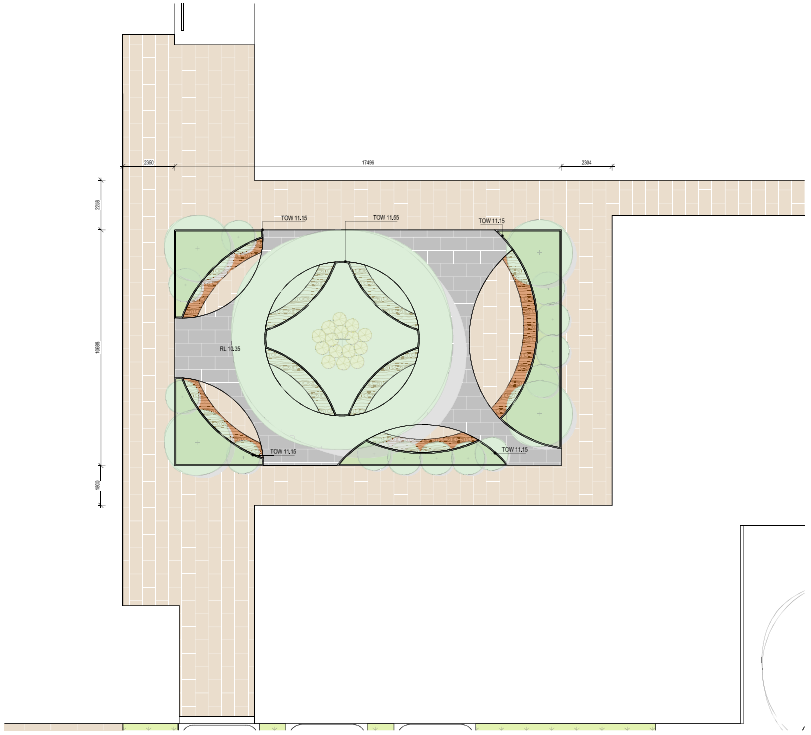
CL24.207 - Attachment 3





1 Courtyard 1
DA/06 1 : 100



3 Courtyard 2
DA/06 1 : 100

Proposed Bomaderry BTR Landscape Services
For Landcom
At 53 & 57 Bolong Road, and 4 Beinda Street Bomaderry NSW 2541 Australia

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REV	DESCRIPTION	DATE
A	50% ISSUE	22/03/24
B	80% ISSUE	05/04/24
C	100% ISSUE	19/04/24
D	RFT ISSUE	30/04/24

DRAWING TITLE: DETAIL PLAN COURTYARD

PROJECT #: 23-0065
SCALE: As indicated @ A1
DATE: 30/04/24
DRAWN: SL CHECKED: SS

DRAWING NO.: DA/05
REVISION: D

6/13/2024 2:28:24 PM

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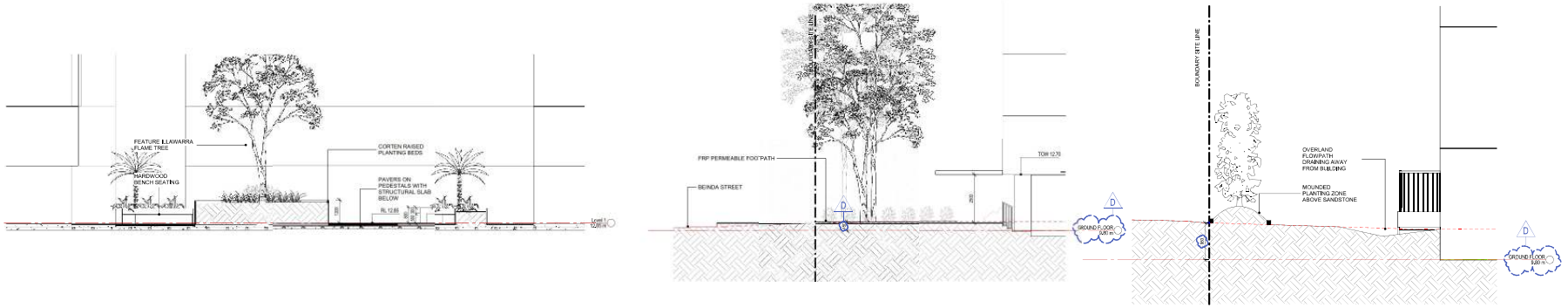
1 DA/02 central spine 1 SECTION 1 : 100

2 DA/02 central spine 2 SECTION 1 : 100



4 DA/03 billabong courtyard SECTION 1 : 100

3 DA/02 accessible walkway SECTION 1 : 100

5 DA/02 western boundary site SECTION 1 : 50

Proposed Bomaderry BTR Landscape Services
For Landcom
At 53 & 57 Bolong Road, and 4 Beinda Street Bomaderry NSW 2541 Australia

REV	DESCRIPTION	DATE
A	50% ISSUE	22/03/24
B	80% ISSUE	05/04/24
C	100% ISSUE	19/04/24
D	RFT ISSUE	30/04/24

DRAWING TITLE: LANDSCAPE CONCEPT SECTIONS

PROJECT #: 23-0065
SCALE: As indicated @ A1
DATE: 30/04/24
DRAWN: SL CHECKED: SS

DRAWING NO.: DA/06 REVISION: D

6/13/2024 2:33:41 PM

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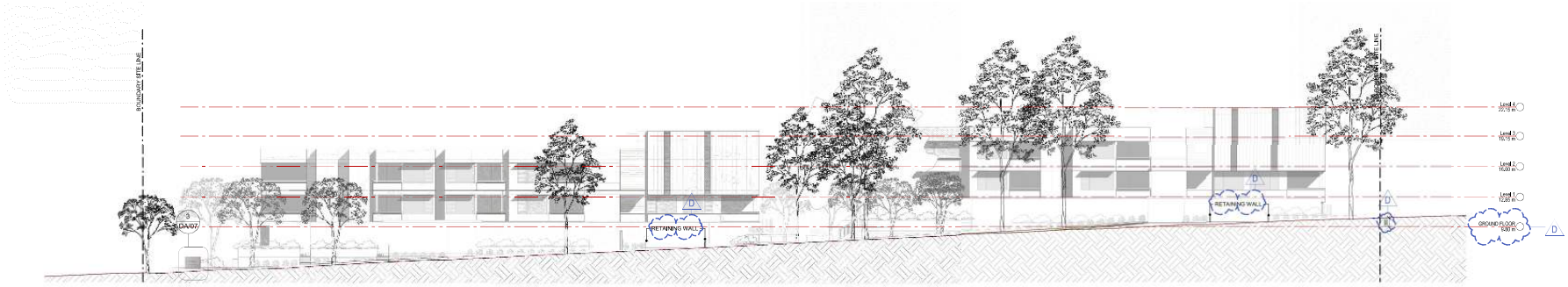
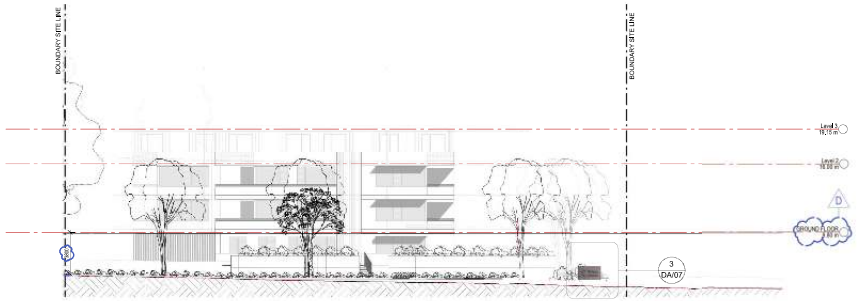


1 beinda street ELEVATION
DA/02 1 : 200



2 bolong street ELEVATION
DA/02 1 : 200

3 Signage ELEVATION
DA/02 1 : 25

Proposed Bomaderry BTR Landscape Services
For Landcom
At 53 & 57 Bolong Road, and 4 Beinda Street Bomaderry NSW 2541 Australia

REV	DESCRIPTION	DATE
A	50% ISSUE	22/03/24
B	80% ISSUE	05/04/24
C	100% ISSUE	19/04/24
D	RFI ISSUE	30/04/24

DRAWING TITLE
STREET ELEVATIONS

PROJECT #: 23-0065
SCALE: As indicated @ A1
DATE: 30/04/24
DRAWN: SL CHECKED: SS

DRAWING NO.: DA/07
REVISION: D

6/13/2024 2:28:34 PM

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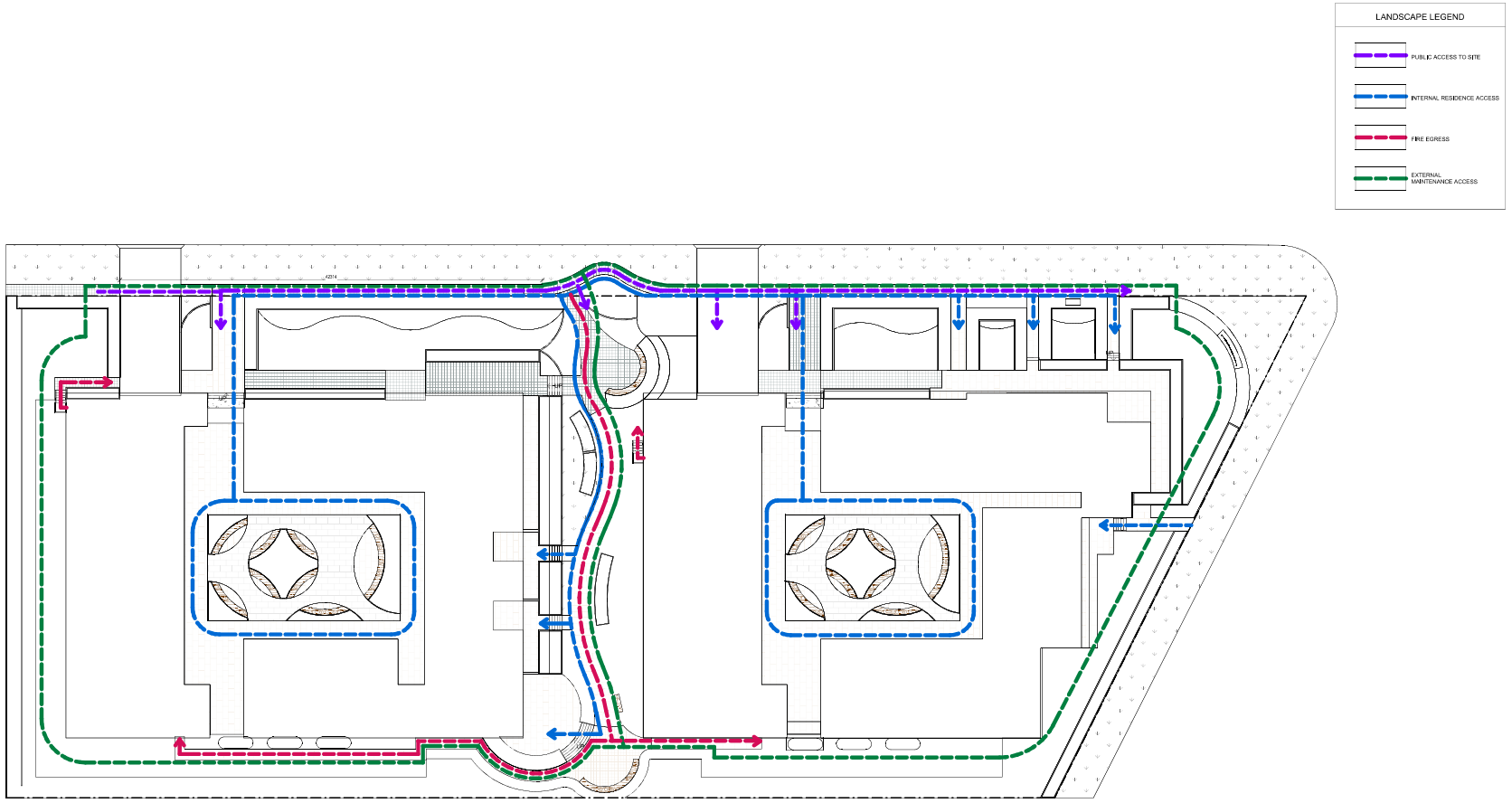


Proposed Bomaderry BTR Landscape Services
For Landcom
At 53 & 57 Bolong Road, and 4 Beinda Street Bomaderry NSW 2541 Australia

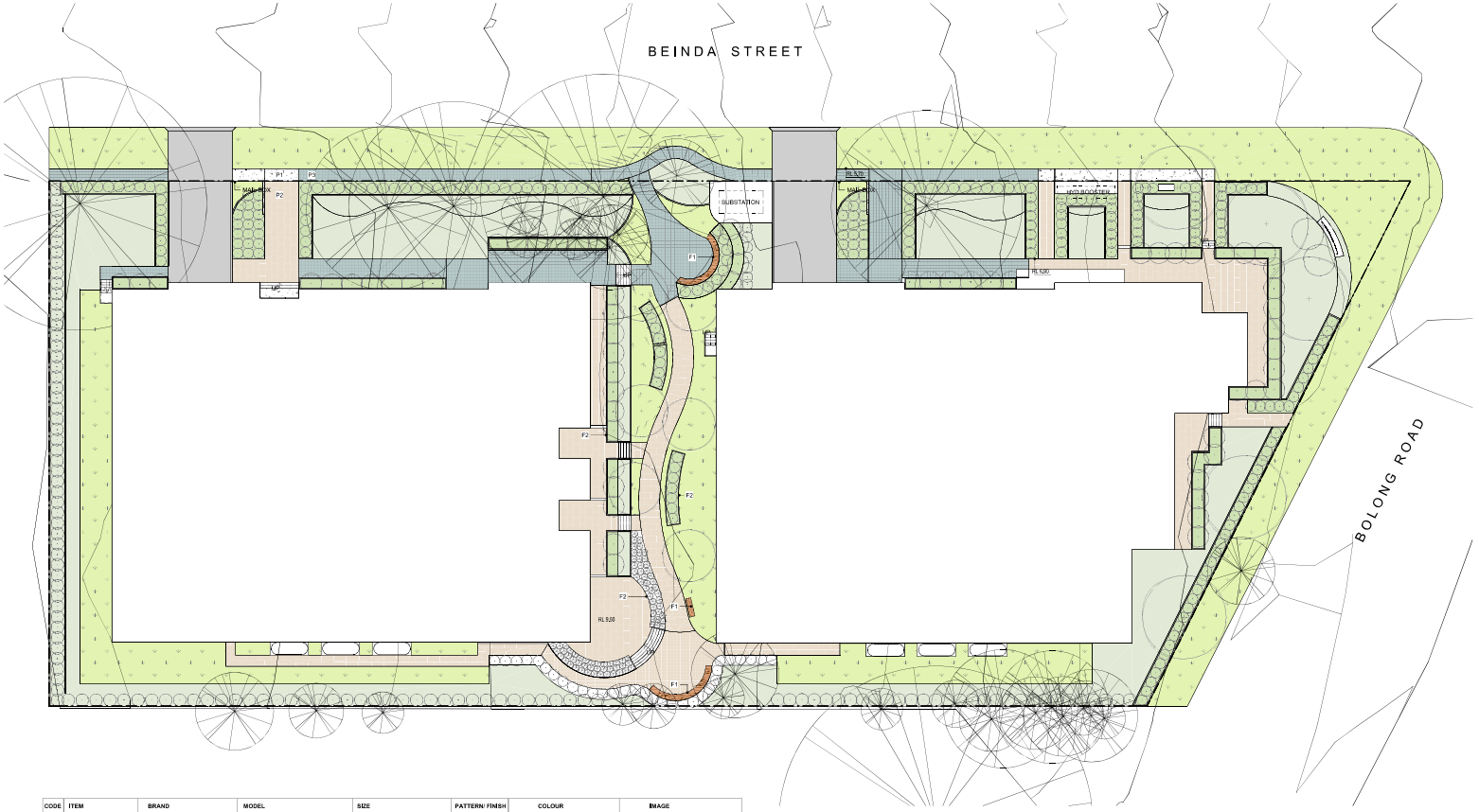
REV	DESCRIPTION	DATE
A	50% ISSUE	22/03/24
B	80% ISSUE	05/04/24
C	100% ISSUE	19/04/24
D	RFI ISSUE	30/04/24

DRAWING TITLE
LANDSCAPE ACCESS AND CIRCULATION PLAN

PROJECT #: 23-0065
SCALE: 1 : 200 @ A1
DATE: 30/04/24
DRAWN: SL CHECKED: SS
DRAWING NO. DA/08 REVISION D
6/13/2024 2:28:39 PM

USE WRITTEN DIMENSIONS ONLY - DO NOT SCALE OFF DRAWINGS

CL24.207 - Attachment 3



CODE	ITEM	BRAND	MODEL	SIZE	PATTERN/ FINISH	COLOUR	IMAGE
F1	BENCH	BOTTON & GARDINER	AVENUE CURVED BENCH	450MM H X 440MM W X 2000MM	UV RESISTANT OIL	SPOTTED GUM HARDWOOD SLATS	
F2	CORTEN PLANTERS	LOCALLY MANUFACTURED	N/A	HEIGHTS AS NOTED	RAW	RUST	
F3	SOLAR BOLLARD LIGHT	LIGHTINGSTYLE.COM.AU	PRODUCT CODE: 16200 VANDAL PROOF, MARINE GRADE 560LM IP66	950MM X 160MM	ALUMINIUM	BLACK	

CODE	ITEM	BRAND	MODEL	SIZE	PATTERN/ FINISH	COLOUR	IMAGE
P1	CONCRETE FOOTPATH OUTSIDE OF BUILDING FOOTPRINT	N/A	20MPA P5 SLIP RATING	100MM THICK	BRUSHED	CONCRETE GREY	
P2	PAVED FOOTPATH	URBANSTONE	COMMERCIAL CONCRETE	600MM X 300MM X 40MM	SHOT BLAST & MILLED	SILVER GREY & NEW AMBER	
P3	FRP PERMEABLE FOOTPATH SURFACE	GRP AUSTRALIA PTY LTD	13MM MOULDED HEELGUARD	1247MM W X 4047MM L X 30MM	FINE GRIT	LIGHT GREY	

Proposed Bomaderry BTR Landscape Services
For Landcom
At 53 & 57 Bolong Road, and 4 Beinda Street Bomaderry NSW 2541 Australia

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REV	DESCRIPTION	DATE
A	50% ISSUE	22/03/24
B	80% ISSUE	05/04/24
C	100% ISSUE	19/04/24
D	RFI ISSUE	30/04/24

DRAWING TITLE
EXTERNAL MATERIALS SCHEDULE - GROUND LEVEL

PROJECT #: 23-0065
SCALE: 1 : 200 @ A1
DATE: 30/04/24
DRAWN: Author CHECKED: Checker

DRAWING NO.: DA/09
REVISION: D

6/13/2024 2:29:01 PM

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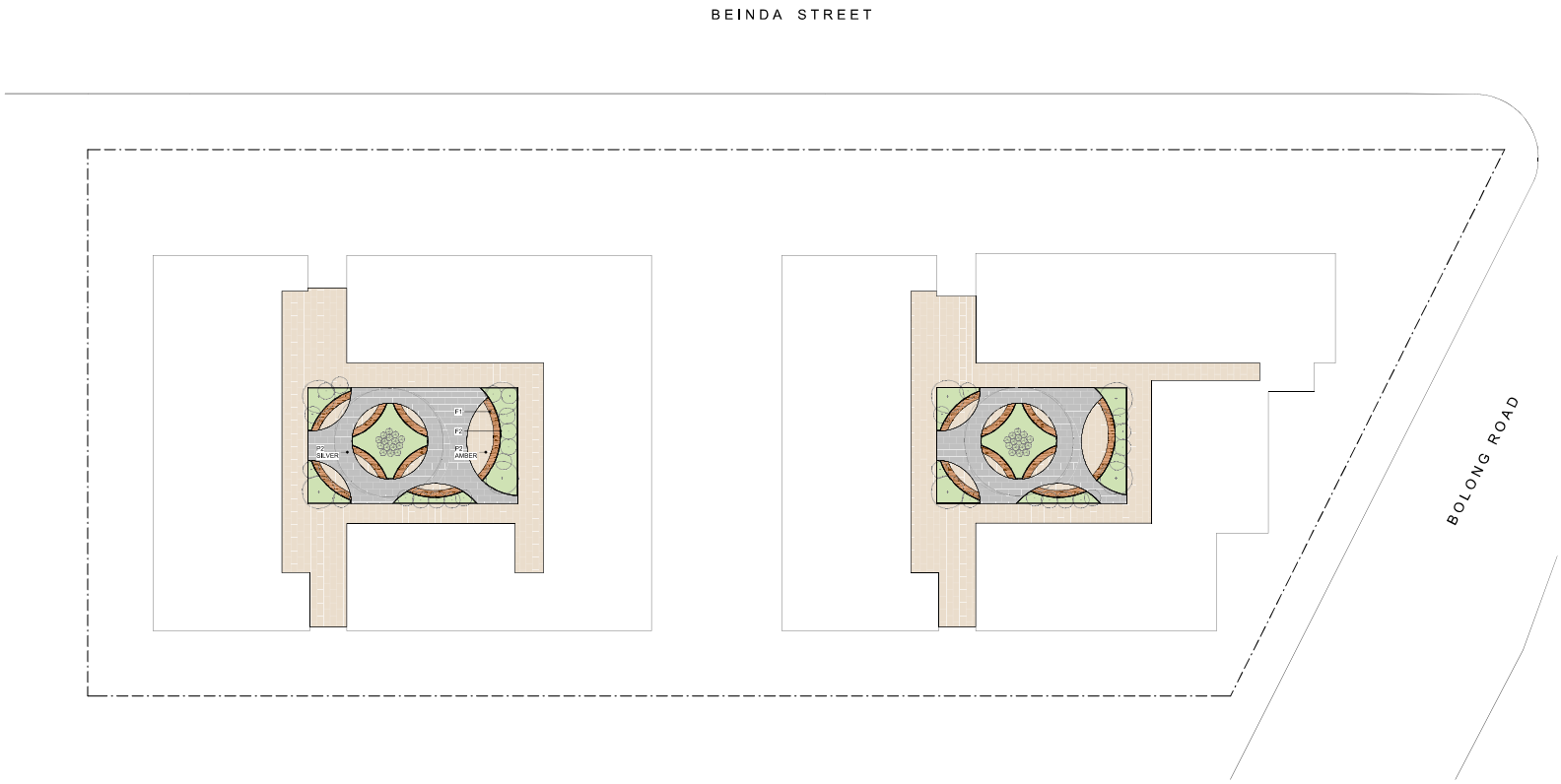
CL24.207 - Attachment 3



CODE	ITEM	BRAND	MODEL	SIZE	PATTERN/ FINISH	COLOUR	IMAGE
F1	BENCH	BOTTON & GARDINER	AVENUE CURVED BENCH	450MM H X 440MM W X 2000MM	UV RESISTANT OIL	SPOTTED GUM HARDWOOD SLATS	
F2	CORTEN PLANTERS	LOCALLY MANUFACTURED	N/A	HEIGHTS AS NOTED	RAW	RUST	
F3	SOLAR BOLLARD LIGHT	LIGHTINGSTYLE.COM.AU	PRODUCT CODE: 16200 VANDAL PROOF, MARINE GRADE 566LM IP66	950MM X 160MM	ALUMINIUM	BLACK	

CODE	ITEM	BRAND	MODEL	SIZE	PATTERN/ FINISH	COLOUR	IMAGE
P1	CONCRETE FOOTPATH OUTSIDE OF BUILDING FOOTPRINT	N/A	20MPA P5 SLIP RATING	100MM THICK	BRUSHED	CONCRETE GREY	
P2	PAVED FOOTPATH	URBANSTONE	COMMERCIAL CONCRETE	600MM X 300MM X 40MM	SHOT BLAST & MILLED	SILVER GREY & NEW AMBER	
P3	FRP PERMEABLE FOOTPATH SURFACE	GRP AUSTRALIA PTY LTD	13MM MOULDED HEELGUARD	1247MM W X 4047MM L X 30MM	FINE GRIT	LIGHT GREY	

Proposed Bomaderry BTR Landscape Services
For Landcom
At 53 & 57 Bolong Road, and 4 Beinda Street Bomaderry NSW 2541 Australia

TN
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REV	DESCRIPTION	DATE
A	50% ISSUE	22/03/24
B	80% ISSUE	05/04/24
C	100% ISSUE	19/04/24
D	RFT ISSUE	30/04/24

DRAWING TITLE
EXTERNAL MATERIALS SCHEDULE FIRST FLOOR

PROJECT #: 23-0065
SCALE: 1 : 200 @ A1
DATE: 30/04/24
DRAWN: SL CHECKED: SS

DRAWING NO.: DA/10
REVISION: D

6/13/2024 2:29:04 PM

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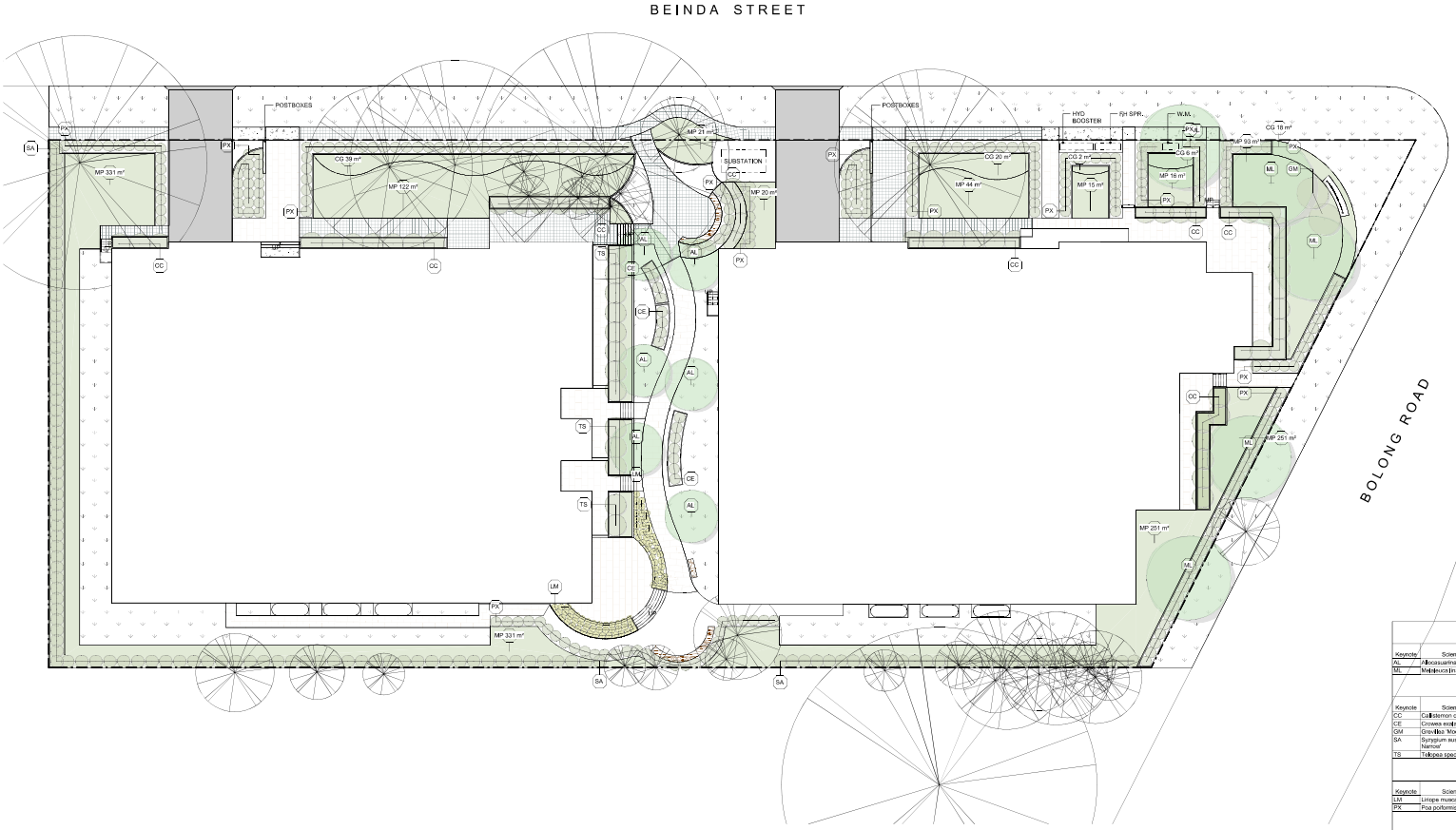
CL24.207 - Attachment 3

NOTE

- EXISTING NATIVE VEGETATION WITHIN RETAINED TREE TPZ AREAS WILL BE PRESERVED AND EMBELLISHED WITH PROPOSED ADDITIONAL NATIVE ENDEMIC SPECIES.
- NATIVE PLANT SPECIES THAT EXIST OUTSIDE OF THE IMMEDIATE WORKS ZONE WILL BE RETAINED WHERE POSSIBLE AND EMBELLISHED WITH ADDITIONAL ENDEMIC SPECIES AS INDICATED IN THE PLANTING PLAN AND SCHEDULE.



Planting Schedule - Trees

Keynote	Scientific Name	Common Name	Mature HGT H x W	Pot Size	Count
AL	Allocasuarina littoralis	Black Sheoak	8 x 4 m	45 L	6
ML	Melaleuca linariifolia	Flax Leaved Paperbark	7 x 7 m	300 mm	8

Planting Schedule - Shrubs

Keynote	Scientific Name	Common Name	Mature HGT H x W	Pot Size	Count
CC	Callistemon citrinus	Lemon Scented Bottlebrush	3,5 x 2 m	200 mm	49
CE	Crowea exalata	Small Crowea	0,6 x 1,5 m	200 mm	15
GM	Grevillea 'Moonlight'	Moonlight Grevillea	5 x 4 m	200 mm	2
SA	Syzygium australe 'Straight and Narrow'	Straight and Narrow	6 x 1 m	200 mm	120
TS	Telopea speciosissima	Waratah	3 x 2 m	200 mm	13

Planting Schedule - Grasses

Keynote	Scientific Name	Common Name	Mature HGT H x W	Pot Size	Count
LM	Liriope muscari'	Liriope	0,3 x 0,5 m	TUBE	81
PX	Poa poiformis	Coast Tussock Grass	1 x 1,2 m	200 mm	257

Planting Schedule - Ground-Covers

Symbol	Scientific Name	Common Name	Mature H x W	Spacing	Area	Count
CG	Carpobrotus glaucescens	Pigface	0,2 x 2 m	GC	85 m²	85
DS	Dichondra 'Silver Falls'	Silver Falls	0,1 x 0,8 m	GC	29 m²	66
MP	Myoporum parvifolium	Creeping Boobialla	0,1 x 1 m	GC	911 m²	913

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DRAWING TITLE
PLANTING PLAN & SCHEDULE GROUND FLOOR

PROJECT #: 23-0065
SCALE: 1 : 200 @ A1
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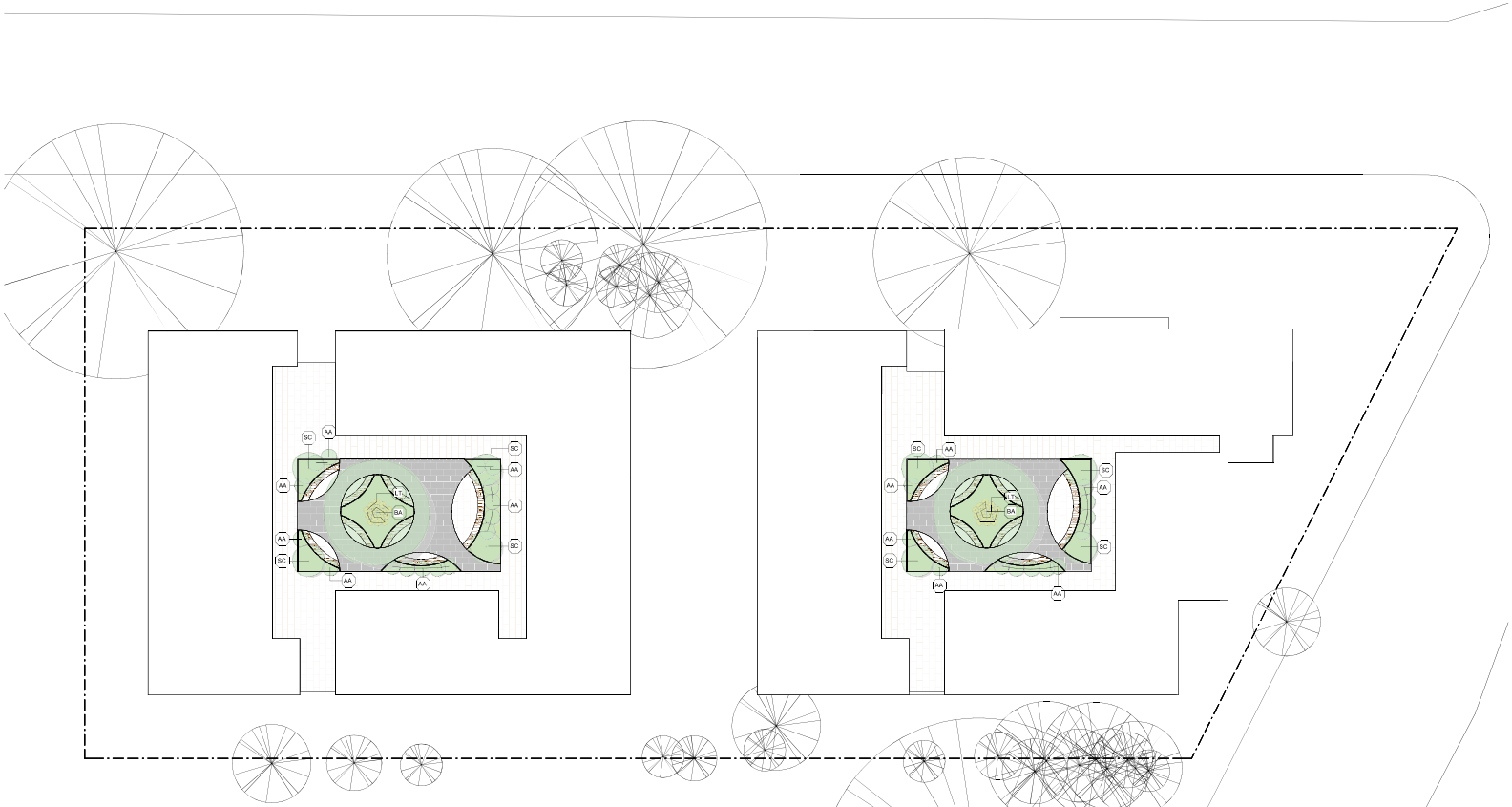

Planting Schedule - Trees L1 Floor

Keynote	Scientific Name	Common Name	Mature HGT H x W	Pot Size	Count
BA	Brachychiton acerifolius	Illawarra Flame Tree	25 x 12 m	45 L	2

Planting Schedule - Fern L1 Floor

Keynote	Scientific Name	Common Name	Mature HGT H x W	Pot Size	Count
AA	Asplenium australasicum	Bird's Nest Fern	1 x 1 m	200 mm	28
SC	Cyathea cooperi	Rough Tree Fern	5 x 3 m	200 mm	8

Planting Schedule - Grasses L1 Floor

Keynote	Scientific Name	Common Name	Mature HGT H x W	Pot Size	Count
LT	Lomandra 'Tanika'	Tanika	0.6 x 0.6 m	TUBE	54

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DRAWING TITLE
PLANTING PLAN & SCHEDULE L1 FLOOR

PROJECT #: 23-0065
SCALE: 1 : 200 @ A1
DATE: 30/04/24
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DRAWING TITLE: INDICATIVE SPECIES PALETTE

PROJECT #: 23-0065
SCALE: @ A1
DATE: 30/04/24
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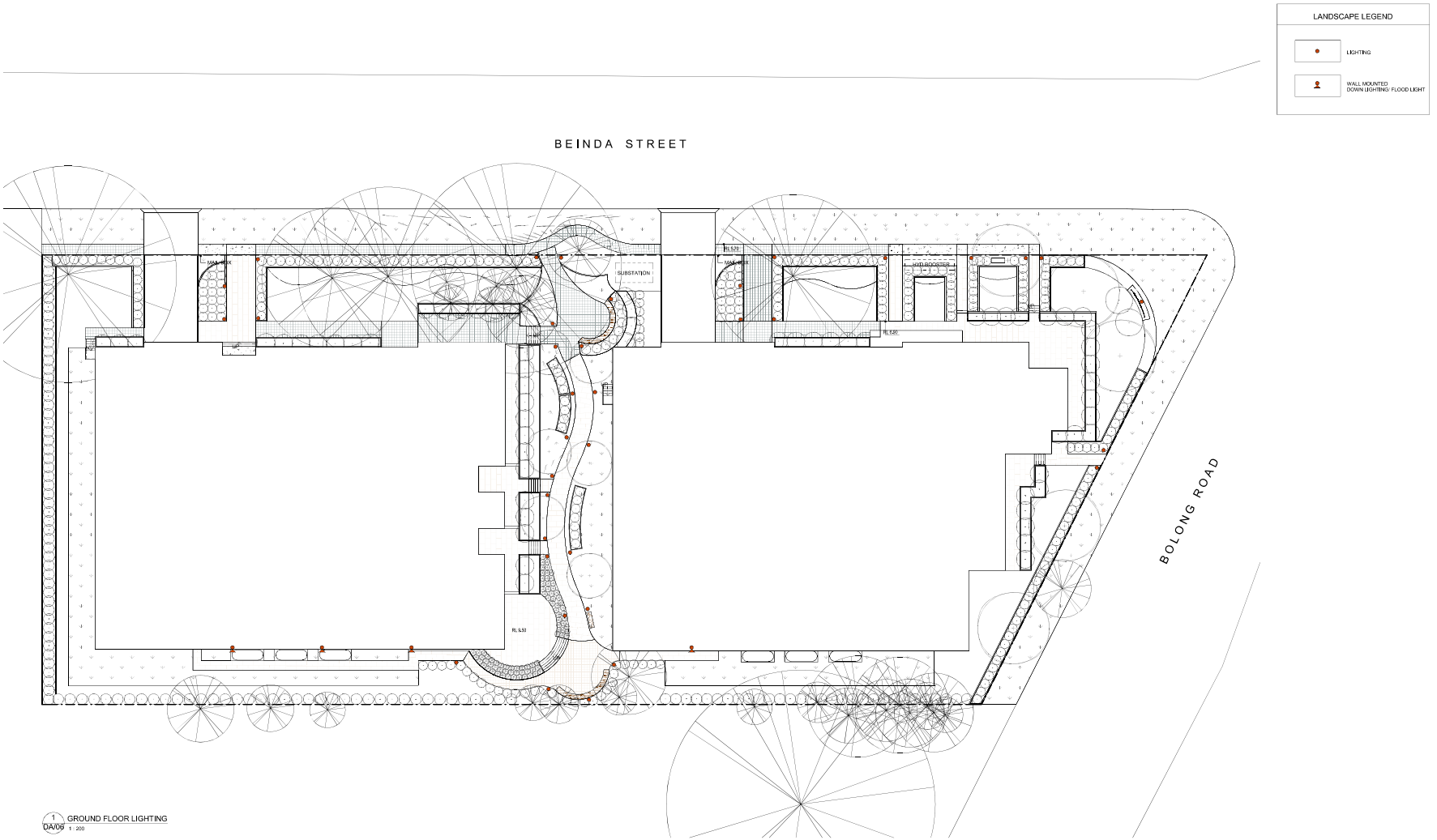

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DRAWING TITLE
INDICATIVE LIGHTING
GROUND FLOOR PLAN

PROJECT #: 23-0065
SCALE: 1 : 200 @ A1
DATE: 30/04/24
DRAWN: SL CHECKED: SS
DRAWING NO. DA/14 REVISION D
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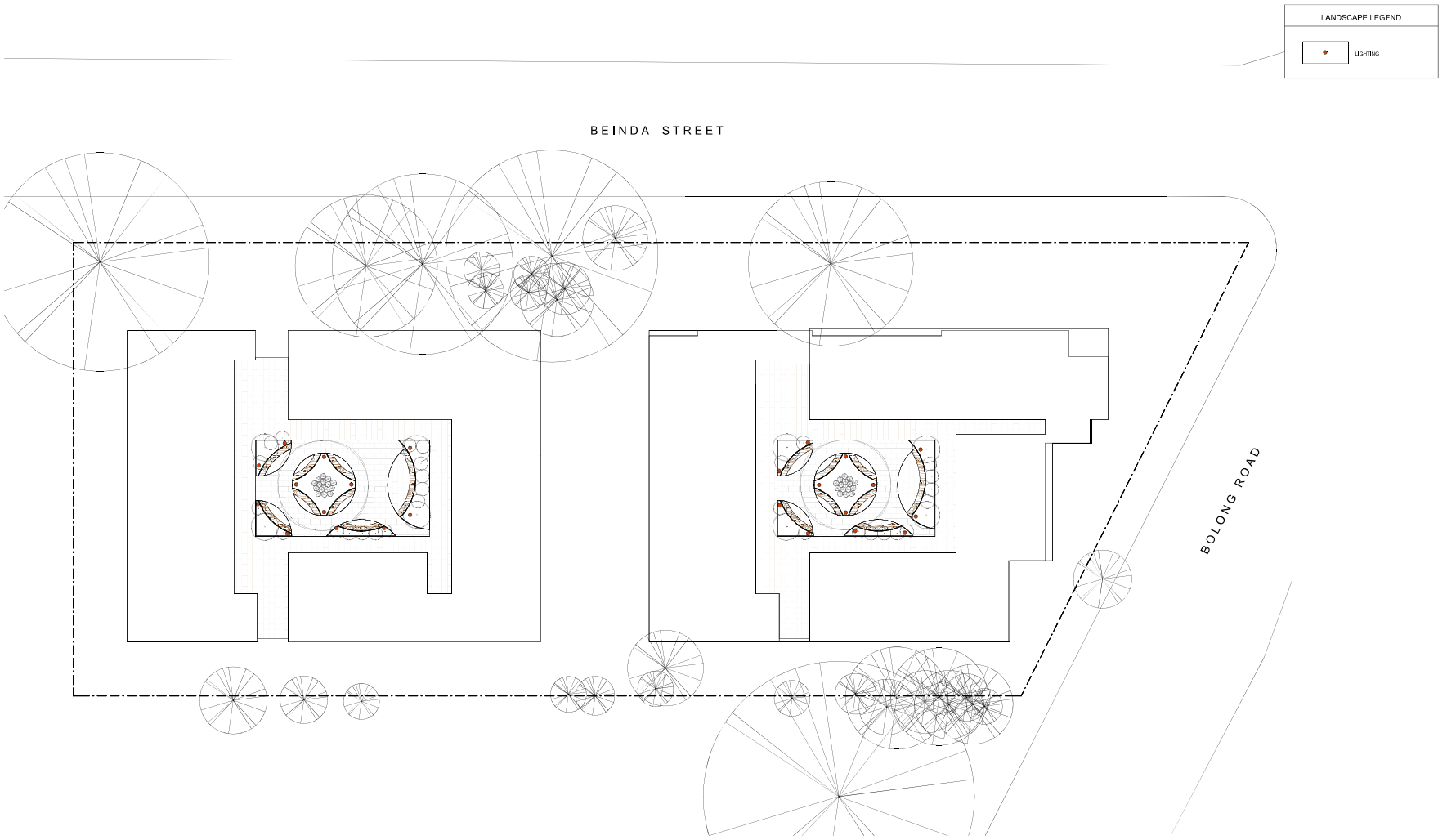

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DRAWING TITLE
INDICATIVE LIGHTING L1
FLOOR PLAN

PROJECT #: 23-0065
SCALE: 1 : 200 @ A1
DATE: 30/04/24
DRAWN: SL CHECKED: SS
DRAWING NO.: DA/15
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BOMADERRY BTR

53 & 57 BOLONG ROAD & 4 BEINDA STREET BOMADERRY
CIVIL ENGINEERING PACKAGE

LOCALITY PLAN

APPROXIMATE LOCATION OF SITE

NORTHROP

DRAWING SCHEDULE

DWG No.	DRAWING TITLE
C1.01	COVER SHEET
C2.01	SOIL AND WATER MANAGEMENT PLAN
C2.02	SOIL AND WATER MANAGEMENT DETAILS
C3.01	STORMWATER MANAGEMENT & LEVELS PLAN
C3.10	CIVIL LONG SECTIONS - SHEET 1
C5.01	CIVIL DETAILS - SHEET 1
C6.01	CONCEPT BULK EARTHWORKS PLAN

DRAWN: TIMOTHY SMALL DESIGNED: BLAYNE SAWYER JOB MANAGER: DANIEL HOLLAND VERIFIER:

NOT FOR CONSTRUCTION

REVISION	DESCRIPTION	ISSUED	VER'D	APP'D	DATE
A	ISSUED FOR 50% DEVELOPMENT APPLICATION	TS		BS	02.04.24
B	ISSUED FOR DEVELOPMENT APPLICATION	WD		DH	16.04.24

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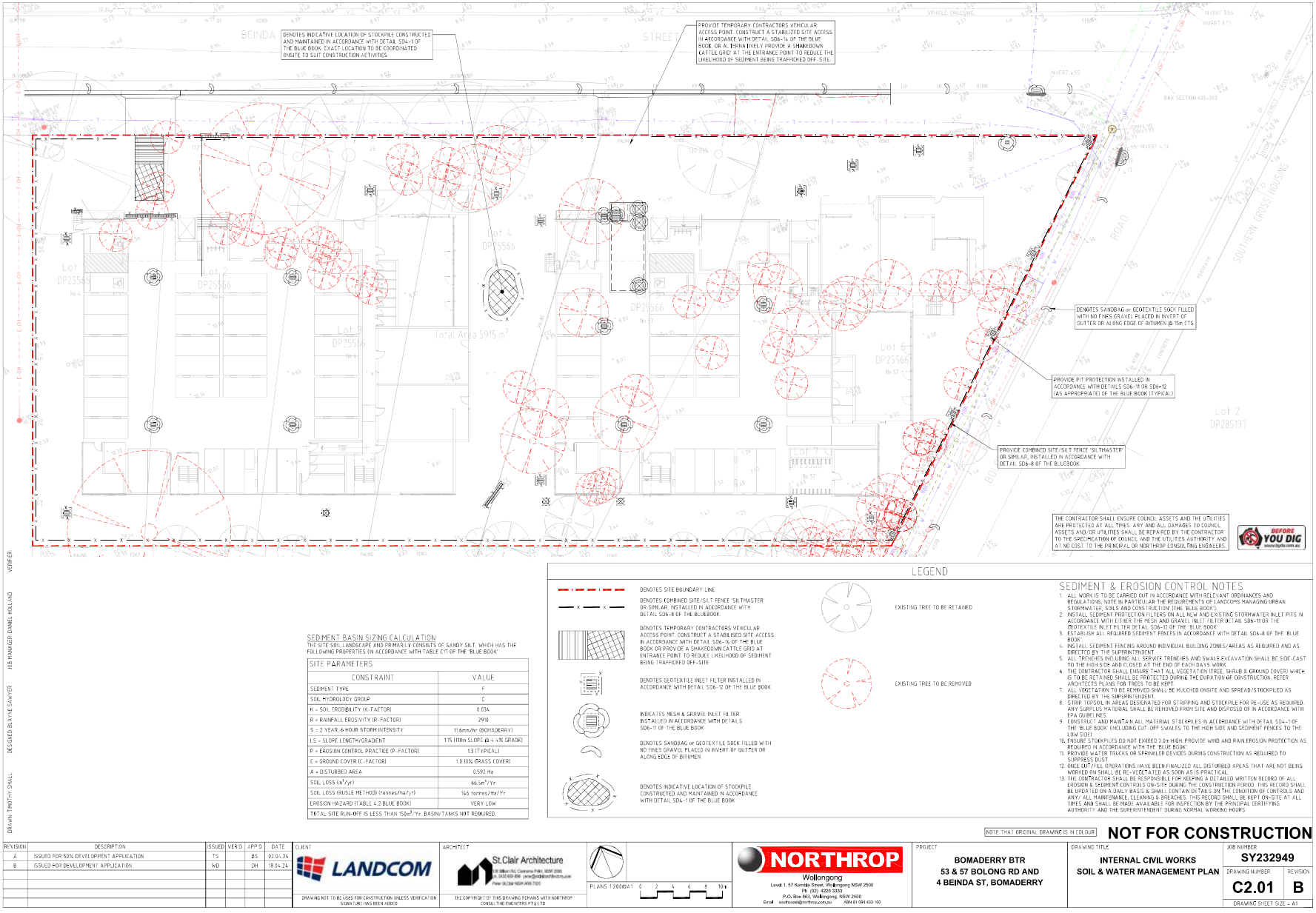
Email southcoast@northrop.com.au ABN 81 094 433 100

PROJECT: BOMADERRY BTR
53 & 57 BOLONG RD AND
4 BEINDA ST, BOMADERRY

DRAWING TITLE: INTERNAL CIVIL WORKS
COVER SHEET

JOB NUMBER: SY232949
DRAWING NUMBER: C1.01
REVISION: B
DRAWING SHEET SIZE = A1

CL24.207 - Attachment 3



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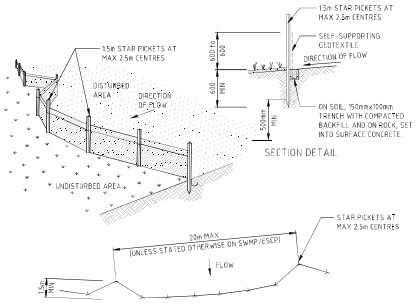
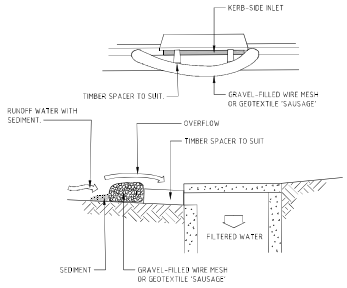


CONSTRUCTION NOTES

1. CONSTRUCT SEDIMENT FENCES AS CLOSE AS POSSIBLE TO BEING PARALLEL TO THE CONTOURS OF THE SITE, BUT WITH SMALL RETURNS AS SHOWN IN THE DRAWING TO LIMIT THE CATCHMENT AREA OF ANY ONE SECTION. THE CATCHMENT AREA SHOULD BE SMALL ENOUGH TO LIMIT WATER FLOW IF CONCENTRATED AT ONE POINT TO 50 LITRES PER SECOND IN THE DESIGN STORM EVENT, USUALLY THE 10-YEAR EVENT.
2. CUT A 150mm DEEP TRENCH ALONG THE UPSLOPE LINE OF THE FENCE FOR THE BOTTOM OF THE FABRIC TO BE ENTRENCHED.
3. DRIVE 1.5 METRE LONG STAR PICKETS INTO GROUND AT 2.5 METRE INTERVALS (MAX) AT THE DOWNSLOPE EDGE OF THE TRENCH. ENSURE ANY STAR PICKETS ARE FITTED WITH SAFETY CAPS.
4. FIX SELF-SUPPORTING GEOTEXTILE TO THE UPSLOPE SIDE OF THE POSTS ENSURING IT GOES TO THE BASE OF THE TRENCH. FIX THE GEOTEXTILE WITH WIRE TIES OR AS RECOMMENDED BY THE MANUFACTURER. ONLY USE GEOTEXTILE SPECIFICALLY PRODUCED FOR SEDIMENT FENCING. THE USE OF SHADE CLOTH FOR THIS PURPOSE IS NOT SATISFACTORY.
5. JOIN SECTIONS OF FABRIC AT A SUPPORT POST WITH A 150mm OVERLAP.
6. BACKFILL THE TRENCH OVER THE BASE OF THE FABRIC AND COMPACT IT THOROUGHLY OVER THE GEOTEXTILE.

SEDIMENT FENCE (SD 6-8)

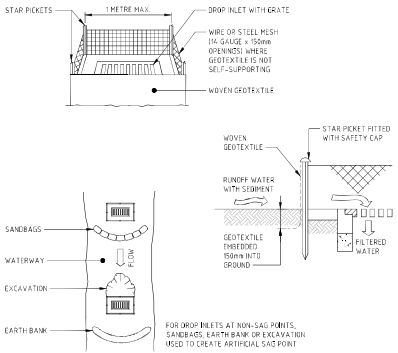


NOTE THIS PRACTICE ONLY TO BE USED WHERE SPECIFIED IN APPROVED SWMP/ESCP.

CONSTRUCTION NOTES

1. INSTALL FILTERS TO KERB INLETS ONLY AT SAG POINTS.
2. FABRICATE A SLEEVE MADE FROM GEOTEXTILE OR WIRE MESH LONGER THAN THE LENGTH OF THE INLET PIT AND FILL IT WITH 25mm TO 50mm GRAVEL.
3. FORM AN ELLIPTICAL CROSS-SECTION ABOUT 150mm HIGH x 400mm WIDE.
4. PLACE THE FILTER AT THE OPENING LEAVING AT LEAST A 100mm SPACE BETWEEN IT AND THE KERB INLET. MAINTAIN THE OPENING WITH SPACER BLOCKS.
5. FORM A SEAL WITH THE KERB TO PREVENT SEDIMENT BYPASSING THE FILTER.
6. SANDBAGS FILLED WITH GRAVEL CAN SUBSTITUTE FOR THE MESH OR GEOTEXTILE PROVIDING THEY ARE PLACED SO THAT THEY FIRMLY ABUT EACH OTHER AND SEDIMENT-LADEN WATERS CANNOT PASS BETWEEN.

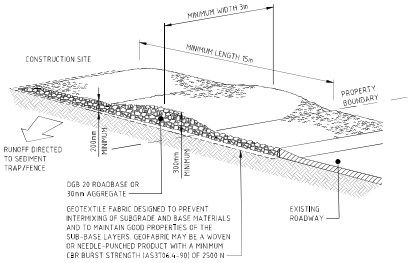
MESH AND GRAVEL INLET FILTER (SD 6-11)



CONSTRUCTION NOTES

1. FABRICATE A SEDIMENT BARRIER MADE FROM GEOTEXTILE OR STRAW BALES.
2. FOLLOW STANDARD DRAWING 6-7 AND STANDARD DRAWING 6-8 FOR INSTALLATION PROCEDURES FOR THE STRAW BALES OR GEOFABRIC. REDUCE THE PICKET SPACING TO 1 METRE CENTRES.
3. IN WATERWAYS, ARTIFICIAL SAG POINTS CAN BE CREATED WITH SANDBAGS OR EARTH BANKS AS SHOWN IN THE DRAWING.
4. DO NOT COVER THE INLET WITH GEOTEXTILE UNLESS THE DESIGN IS ADEQUATE TO ALLOW FOR ALL WATERS TO BYPASS IT.

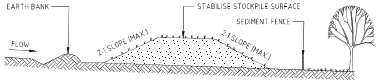
GEOTEXTILE INLET FILTER (SD 6-12)



CONSTRUCTION NOTES

1. STRIP THE TOPSOIL, LEVEL THE SITE AND COMPACT THE SUBGRADE.
2. COVER THE AREA WITH NEEDLE-PUNCHED GEOTEXTILE.
3. CONSTRUCT A 200mm THICK PAD OVER THE GEOTEXTILE USING ROAD BASE OR 30mm AGGREGATE.
4. ENSURE THE STRUCTURE IS AT LEAST 15 METRES LONG OR TO BUILDING ALIGNMENT AND AT LEAST 3 METRES WIDE.
5. WHERE A SEDIMENT FENCE JOINS ONTO THE STABILISED ACCESS, CONSTRUCT A HUMP IN THE STABILISED ACCESS TO DIVERT WATER TO THE SEDIMENT FENCE.

STABILISED SITE ACCESS (SD 6-14)



CONSTRUCTION NOTES

1. PLACE STOCKPILES MORE THAN 2m (PREFERABLY 5m) FROM EXISTING VEGETATION, CONCENTRATED WATER FLOW, ROADS AND HAZARD AREAS.
2. CONSTRUCT ON THE CONTOUR AS LOW, FLAT, ELONGATED MOUNDS.
3. WHERE THERE IS SUFFICIENT AREA, TOPSOIL STOCKPILES SHALL BE LESS THAN 2m IN HEIGHT.
4. WHERE THEY ARE TO BE IN PLACE FOR MORE THAN 10 DAYS, STABILISE FOLLOWING THE APPROVED ESCP OR SWMP TO REDUCE THE C-FACTOR TO LESS THAN 0.10.
5. CONSTRUCT EARTH BANKS (STANDARD DRAWING 5-5) ON THE UPSLOPE SIDE TO DIVERT WATER AROUND STOCKPILES AND SEDIMENT FENCES (STANDARD DRAWING 6-8) 1.1 TO 2m DOWNSLOPE.

STOCKPILES (SD 4-1)

DESIGNED BLAYNE SAWYER
DRAWN TIMOTHY SMALL
JOB MANAGER DANIEL HOLLAND
VERIFIER

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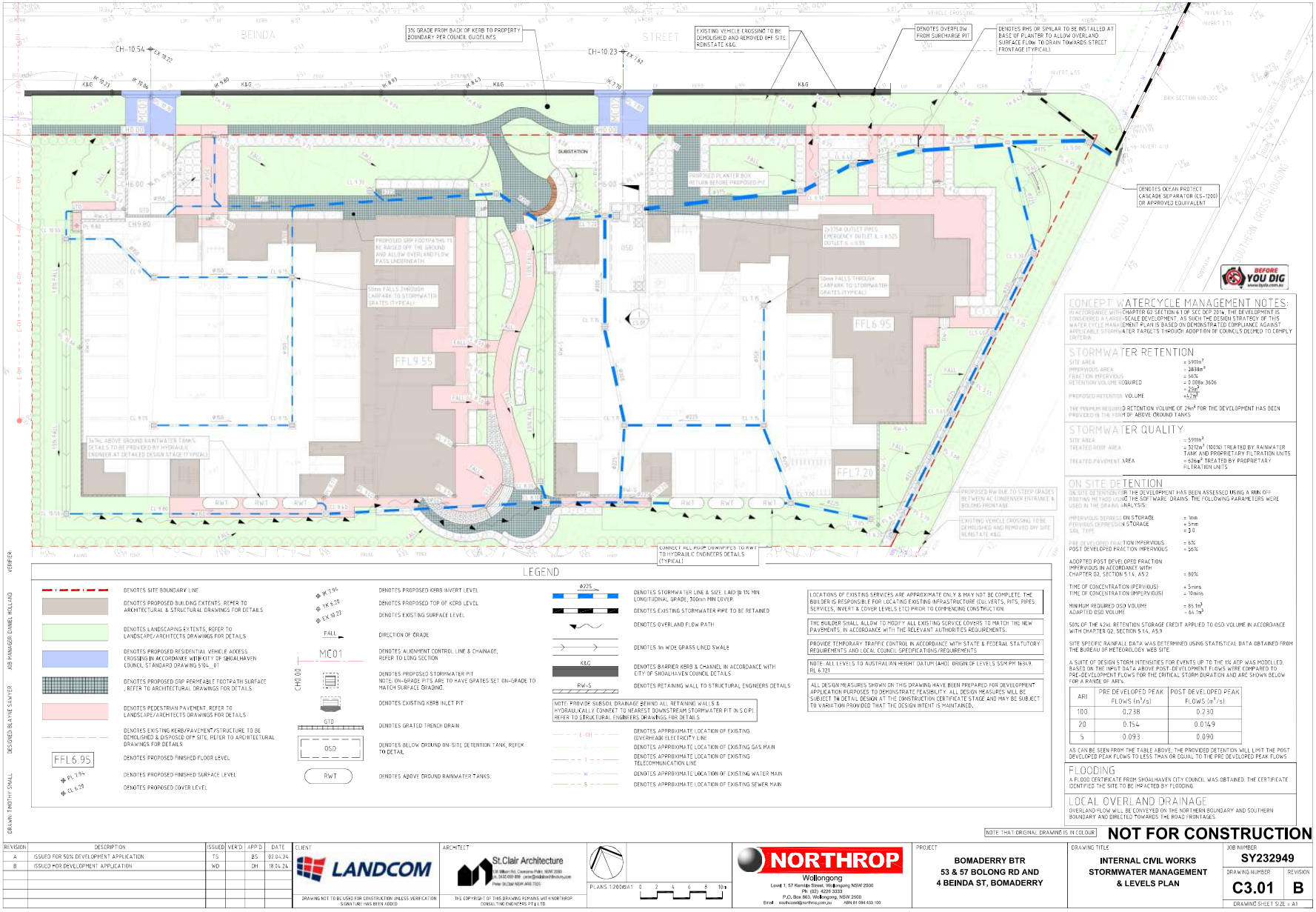
PROJECT: BOMADERRY BTR
53 & 57 BOLONG RD AND
4 BEINDA ST, BOMADERRY

DRAWING TITLE: INTERNAL CIVIL WORKS
SOIL AND WATER MANAGEMENT
DETAILS

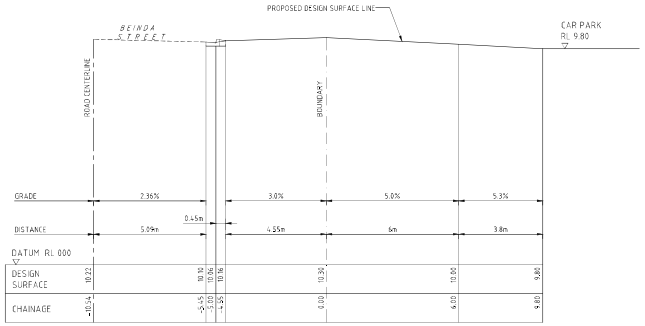
JOB NUMBER: SY232949
DRAWING NUMBER: C2.02
REVISION: B
DRAWING SHEET SIZE = A1

CL24.207 - Attachment 3

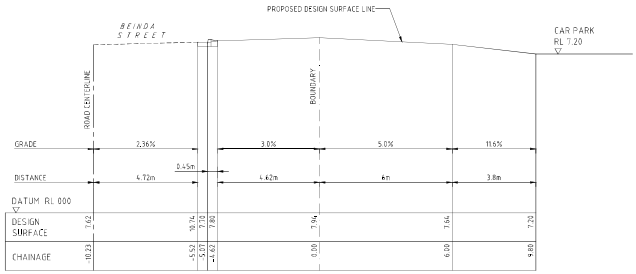


ARI	PRE DEVELOPED PEAK FLOWS (m^3/s)	POST DEVELOPED PEAK FLOWS (m^3/s)
100	0.238	0.230
20	0.154	0.0149
5	0.093	0.090

CL24.207 - Attachment 3



DRIVEWAY LONE SECTION MC01 (TOP OF PAVEMENT)
SCALES: VERT 1: 100
HORIZ 1: 100



DRIVEWAY LONE SECTION MC02(TOP OF PAVEMENT)
SCALES: VERT 1: 100
HORIZ 1: 100

DRAWN: TIMOTHY SMALL DESIGNED: BLAYNE SAWYER JOB MANAGER: DANIEL HOLLAND VERIFIER:

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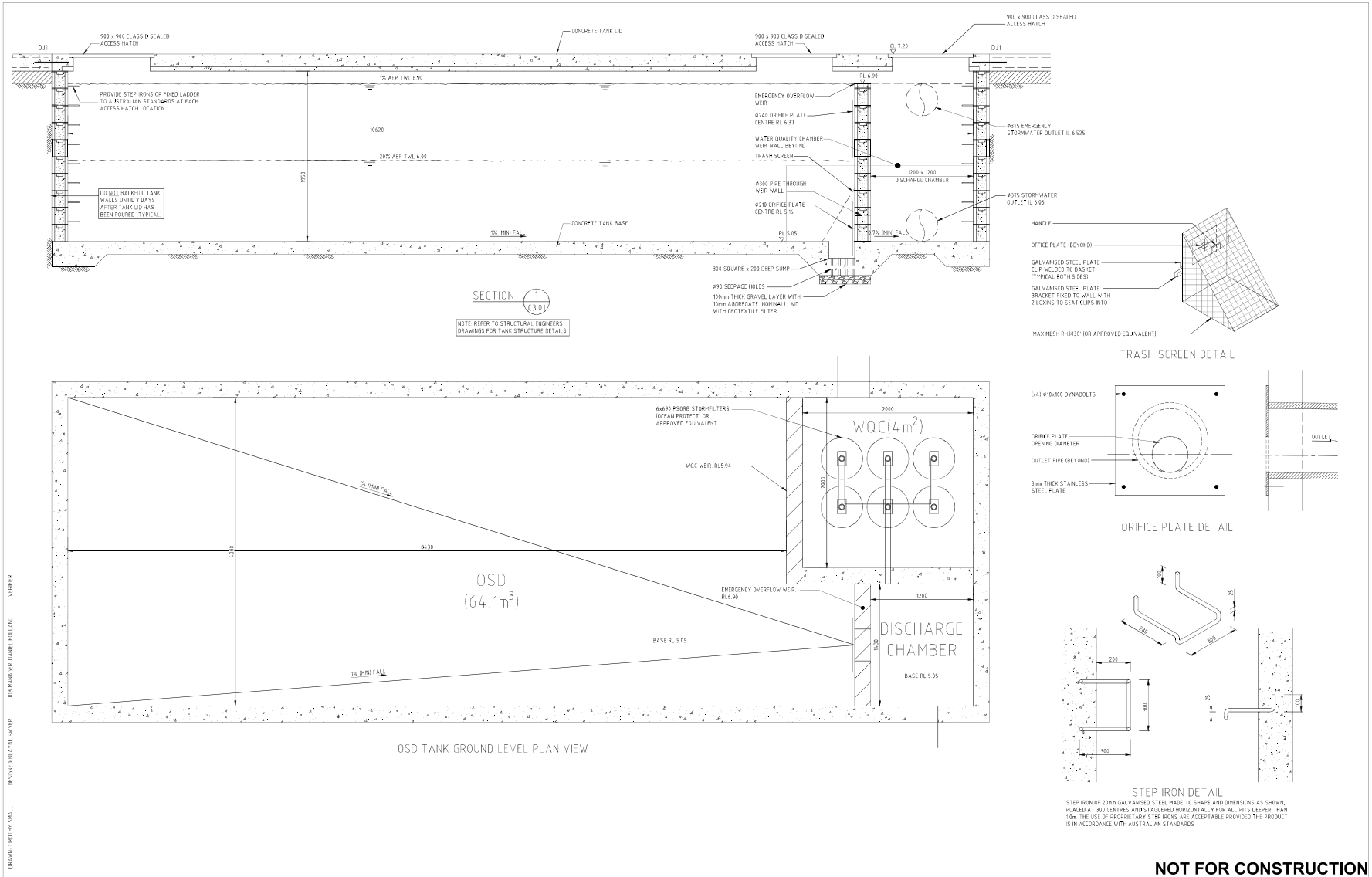
PROJECT: BOMADERRY BTR
53 & 57 BOLONG RD AND
4 BEINDA ST, BOMADERRY

DRAWING TITLE: INTERNAL CIVIL WORKS
CIVIL LONG SECTIONS
SHEET 1

JOB NUMBER: SY232949
DRAWING NUMBER: C3.10
REVISION: B
DRAWING SHEET SIZE = A1

CL24.207 - Attachment 3



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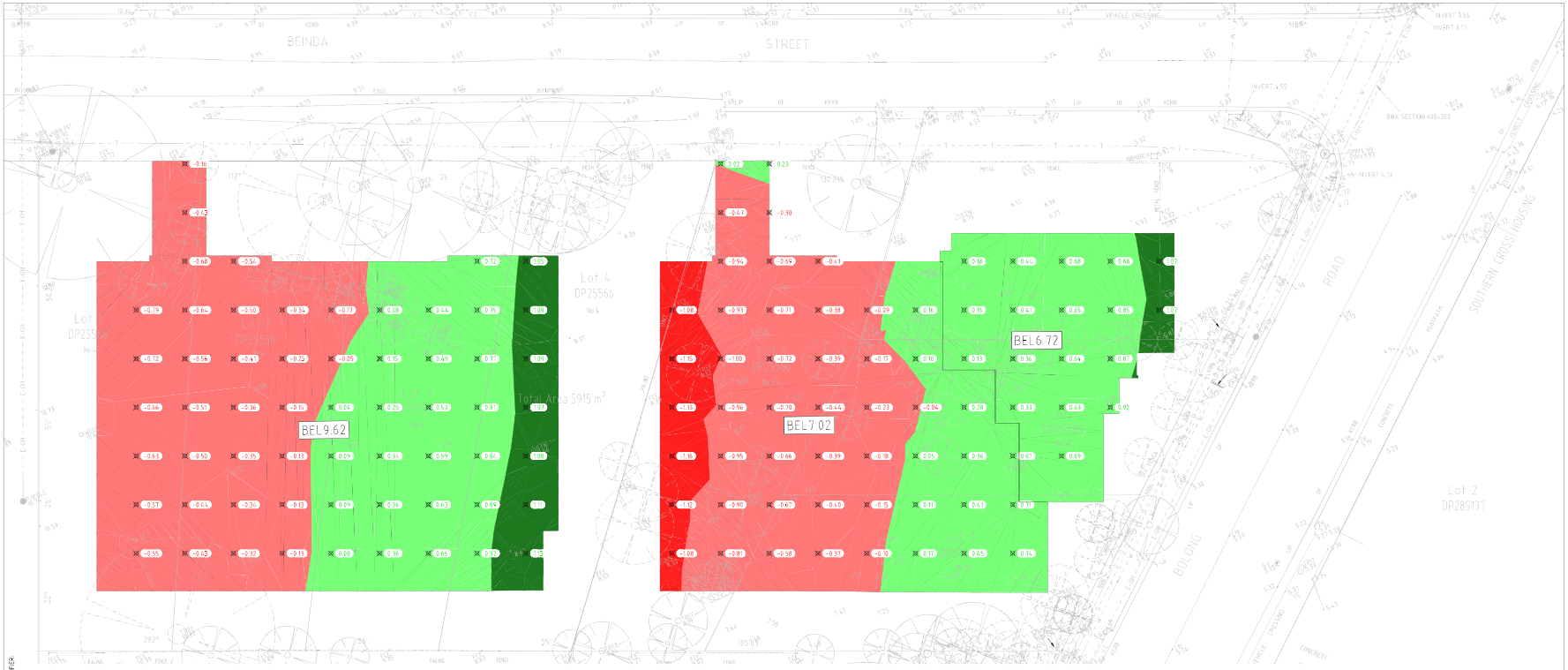

LEGEND

-0.78 — DENOTES DEPTH OF PROPOSED CUT (-VE) OR FILL (+VE)

BEL34.60 — DENOTES BULK EARTHWORKS LEVEL

Surface Analysis: Elevation Ranges

Number	Color	Minimum Elevation (m)	Maximum Elevation (m)	Volume (m³)
1		-2.000	-1.000	12.9
2		-1.000	0.000	882.2
3		0.000	1.000	882.5
4		1.000	2.000	23.5

BULK EARTHWORKS NOTES

1. BULK EARTHWORKS LEVELS SHOWN ARE BASED ON THE FOLLOWING PAVEMENT THICKNESSES AND ALLOWANCES:
   - STRUCTURAL BUILDING SLAB & TRAFFICABLE CONCRETE PAVEMENT 180mm
2. THE EXISTING GROUND SURFACE WAS LOWERED BY 150mm UNIFORMLY TO ACCOUNT FOR THE REMOVAL OF VEGETATION AND TOP SOIL AS WELL AS DEMOLITION OF EXISTING CONCRETE SLABS AND PAVEMENTS.
   - THIS VOLUME IS ESTIMATED (BASED ON THE TOTAL SITE AREA OF 5911m²) TO BE APPROXIMATELY 887m³ (TOPSOIL - CUT).
3. BULKING FACTORS OF 1.0 WAS USED FOR BOTH CUT AND FILL MATERIAL.
4. THE APPROXIMATE SITE EARTHWORKS VOLUMES BASED ON THE NOTED PAVEMENT THICKNESSES ARE OUTLINED BELOW:
   - CUT: 895m³
   - FILL: 906m³
   - NET: 11m³ (FILL)
5. THE ABOVE VOLUMES ARE TO BE ASSESS NOTING THE FOLLOWING:
   - NO ALLOWANCE HAS BEEN MADE FOR DETAILED EXCAVATIONS SUCH AS FOOTINGS, SET DOWNS, SERVICES TRENCHING, BELOW GROUND TANKS, BATTERS, SEDIMENT BASIN ETC.
   - NO ALLOWANCE HAS BEEN MADE FOR TEMPORARY CONSTRUCTION PLATFORMS OR RETAINING WALL BACK FILL.
   - NO ALLOWANCE HAS BEEN MADE FOR THE REMOVAL OF CONTAMINATED OR UNSUITABLE MATERIAL.
6. THIS PLAN HAS BEEN PREPARED FOR INFORMATION PURPOSES ONLY AND IS INDICATIVE IN NATURE. THE EARTHWORKS CONTRACTOR IS TO VERIFY ALL LEVELS AND QUANTITIES AND PERFORM THEIR OWN BULK EARTHWORKS ASSESSMENT.

DRAWN: TIMOTHY SMALL | DESIGNED: BLAYNE SAWYER | JOB MANAGER: DANIEL MCLELLAND | VERIFIER:

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ARCHITECT: St.Clair Architecture

PLANS 1:200@A1 0 2 4 6 8 10m

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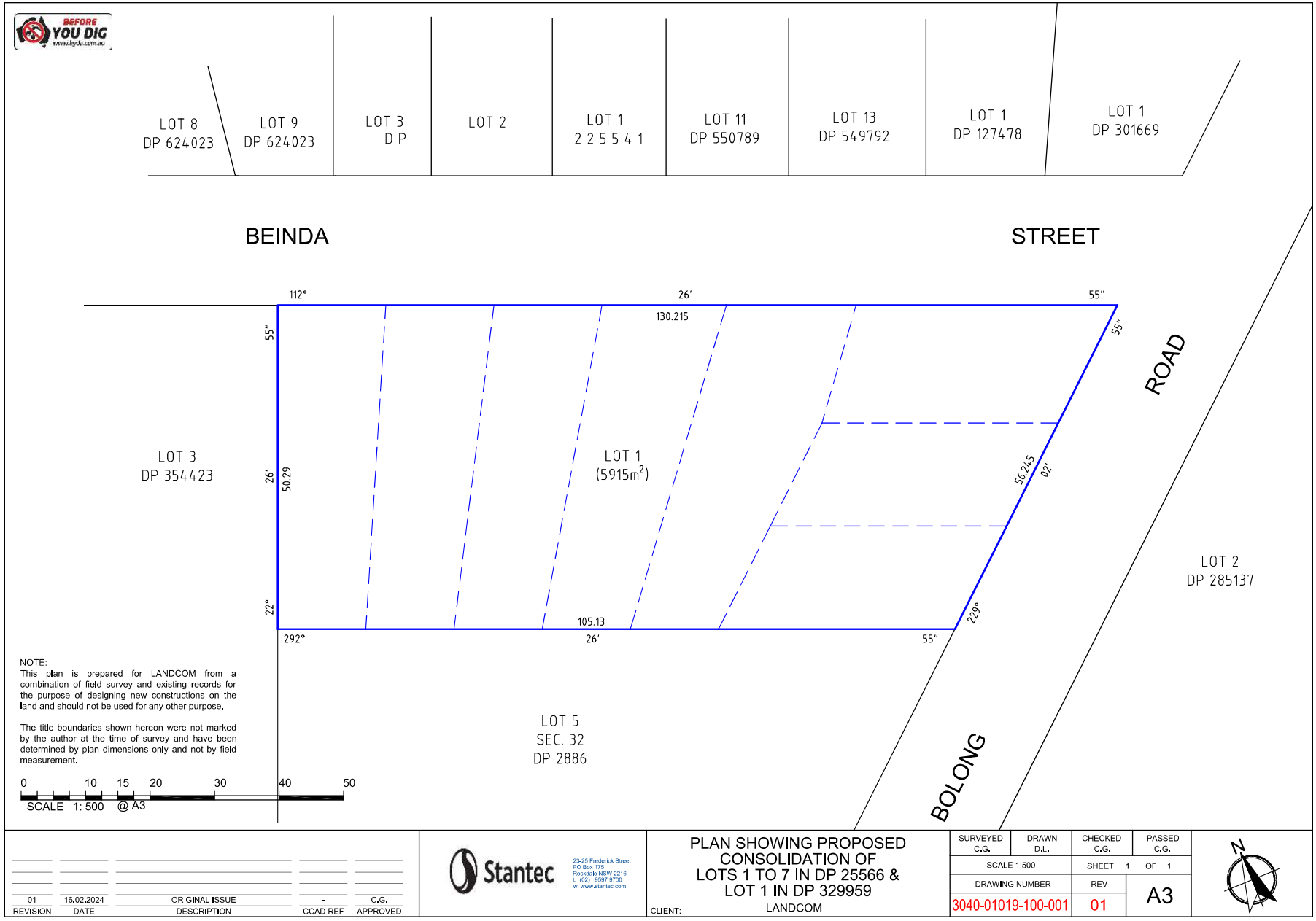
PROJECT: BOMADERRY BTR
53 & 57 BOLONG RD AND
4 BEINDA ST, BOMADERRY

DRAWING TITLE: BULK EARTHWORKS PLAN

JOB NUMBER: SY232949
DRAWING NUMBER: C6.01
REVISION: A
DRAWING SHEET SIZE = A1

CL24.207 - Attachment 3



CL24.207 - Attachment 3