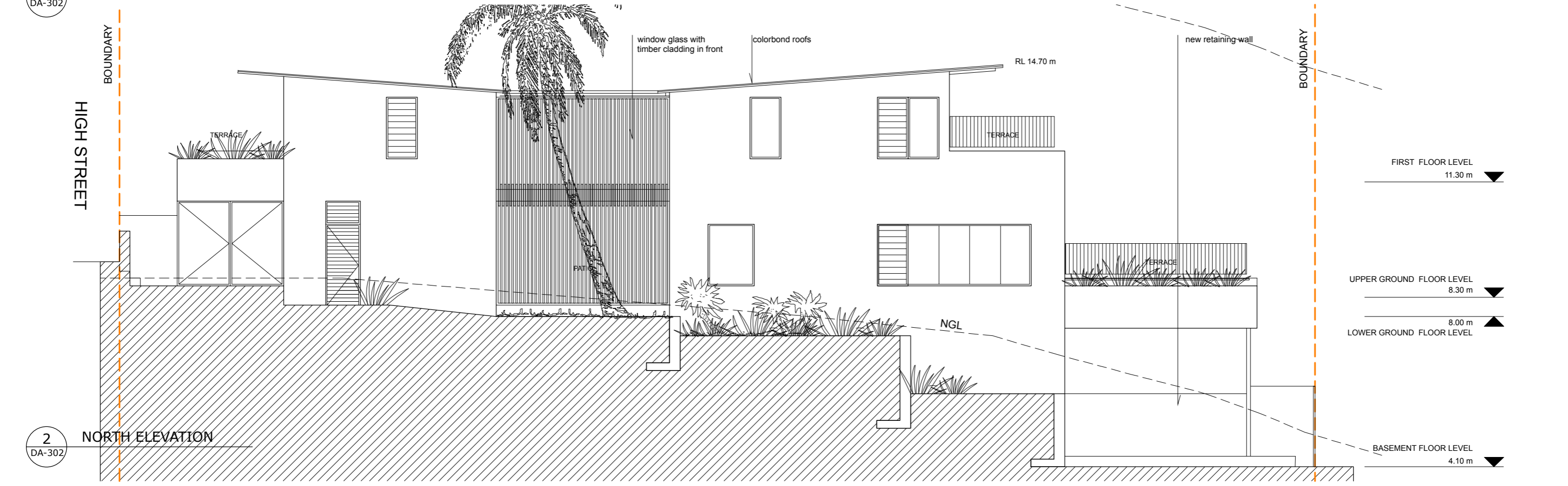




1 SOUTH ELEVATION
DA-302



2 NORTH ELEVATION
DA-302

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PROJECT

11 HIGH STREET
YAMBA 2464

CLIENT

LEAH HENRICKS

DA NOT FOR CONSTRUCTION

DRAWING

NORTH AND SOUTH
ELEVATIONS

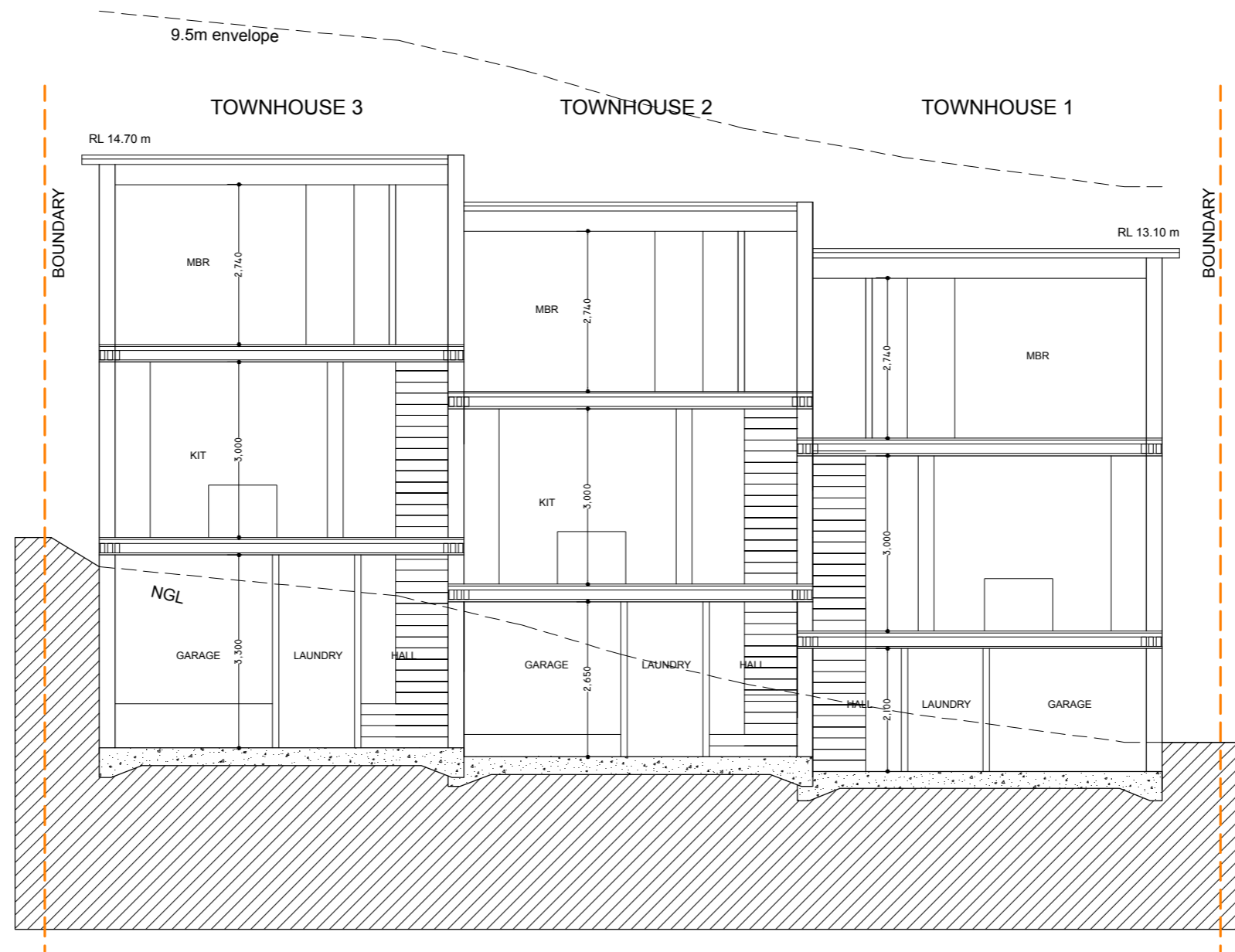
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20-012	CDC-302	B	
SCALE @ A3	DATE	DRAWN	AUTHORISED
1 : 100	14/04/2021	GC	GC



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1 SECTION BB'
DA-303

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PROJECT

**11 HIGH STREET
YAMBA 2464**

CLIENT

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DRAWING

SECTION BB'

PROJECT NO.	DRAWING NO.	REVISION	
20-012	CDC-303	B	
SCALE @ A3	DATE	DRAWN	AUTHORISED
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REV	DESCRIPTION	DATE	ISSUED	CHECKED
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1 GROUND FLOOR PLAN - STORMWATER PLAN
DA-701

#13 HIGH STREET WEATHERBOARD COTTAGE

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PROJECT

11 HIGH STREET
YAMBA 2464

CLIENT

LEAH HENRICKS

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DRAWING

STORMWATER PLAN

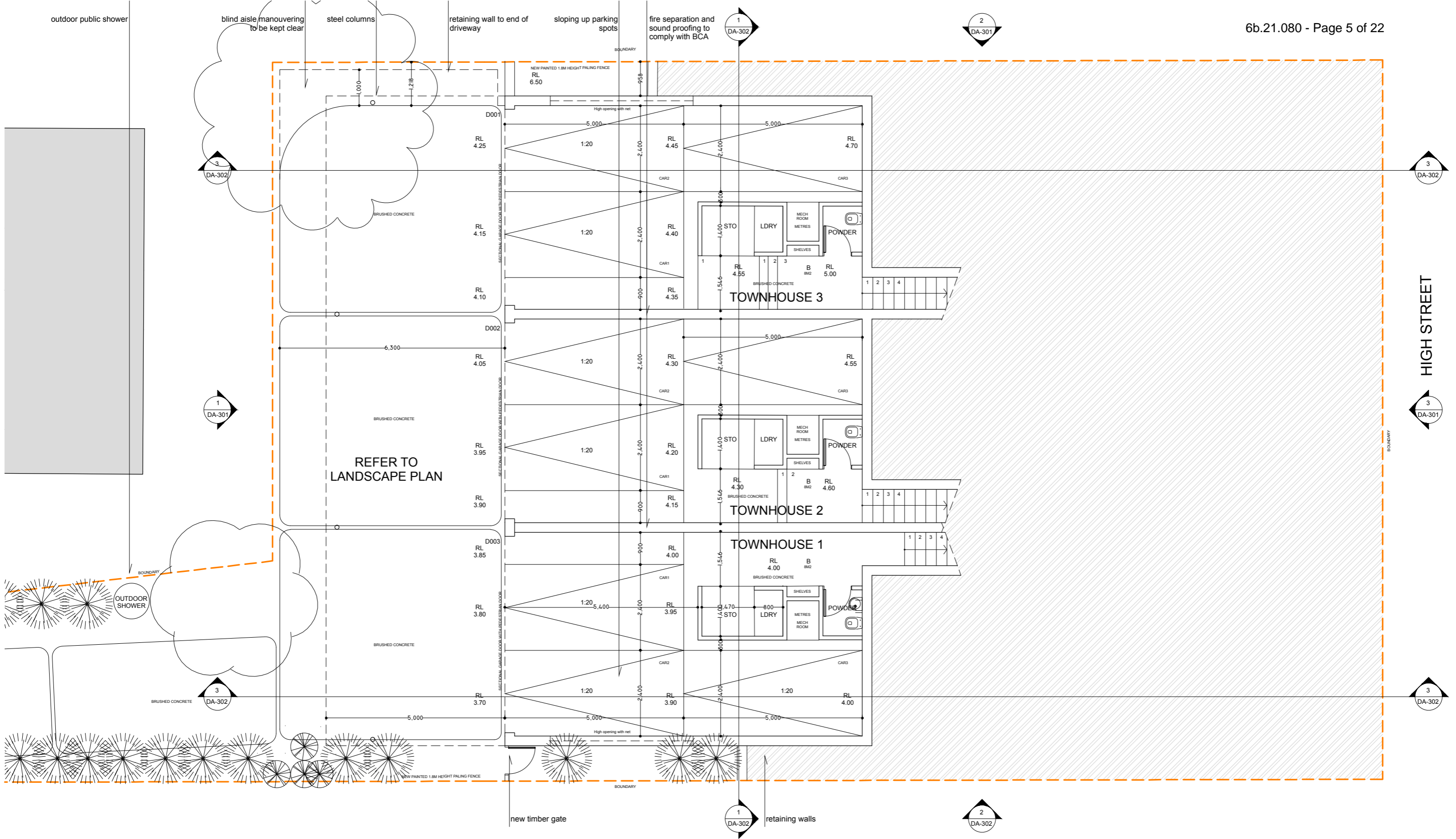
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1 BASEMENT
DA-201

#13 HIGH STREET
WEATHERBOARD
COTTAGE

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PROJECT
11 HIGH STREET
YAMBA 2464

CLIENT
LEAH HENRICKS

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DRAWING
BASEMENT

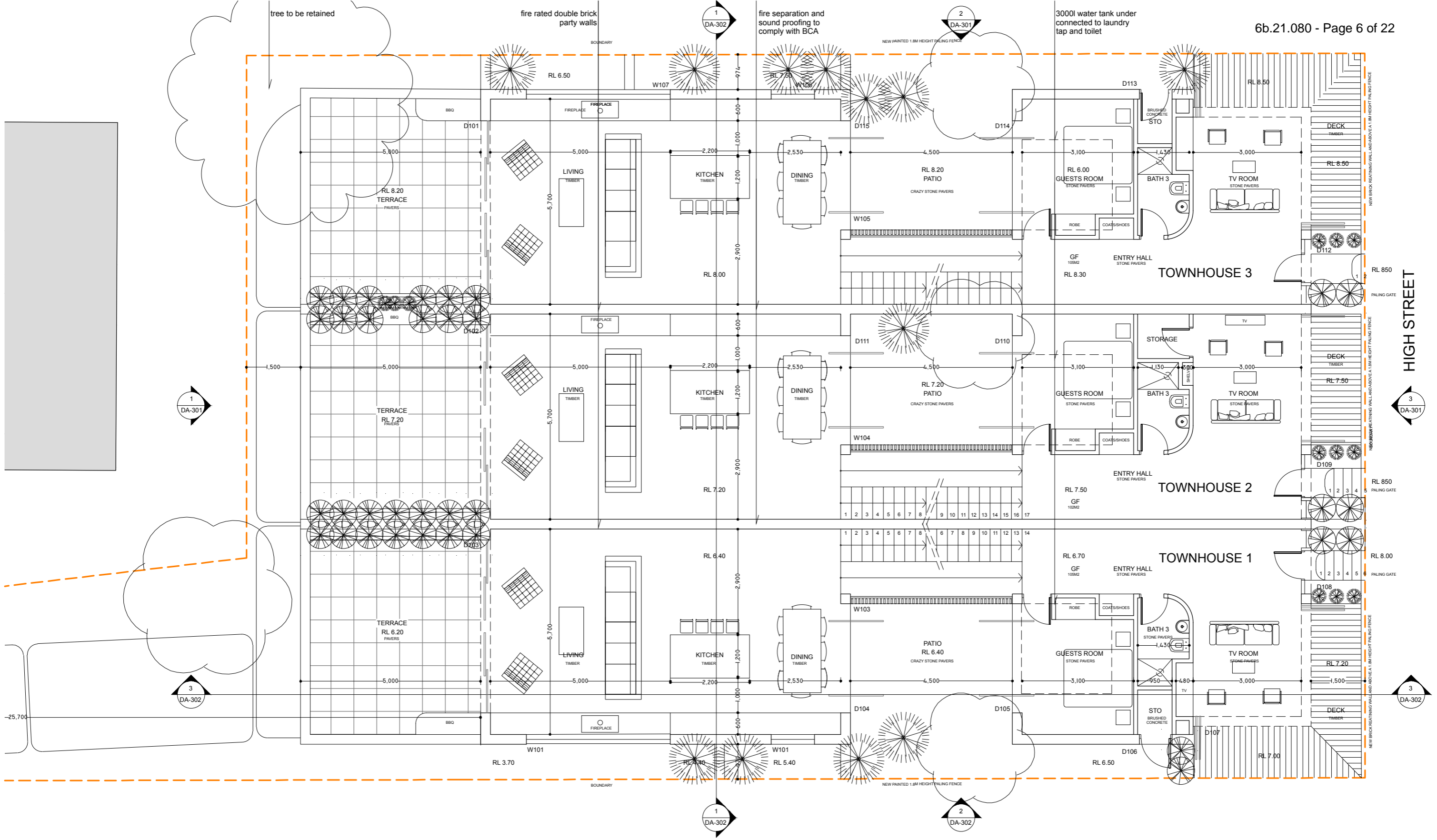
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1 GROUND FLOOR PLAN
DA-202

#13 HIGH STREET WEATHERBOARD COTTAGE

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PROJECT
11 HIGH STREET
YAMBA 2464

CLIENT
LEAH HENRICKS

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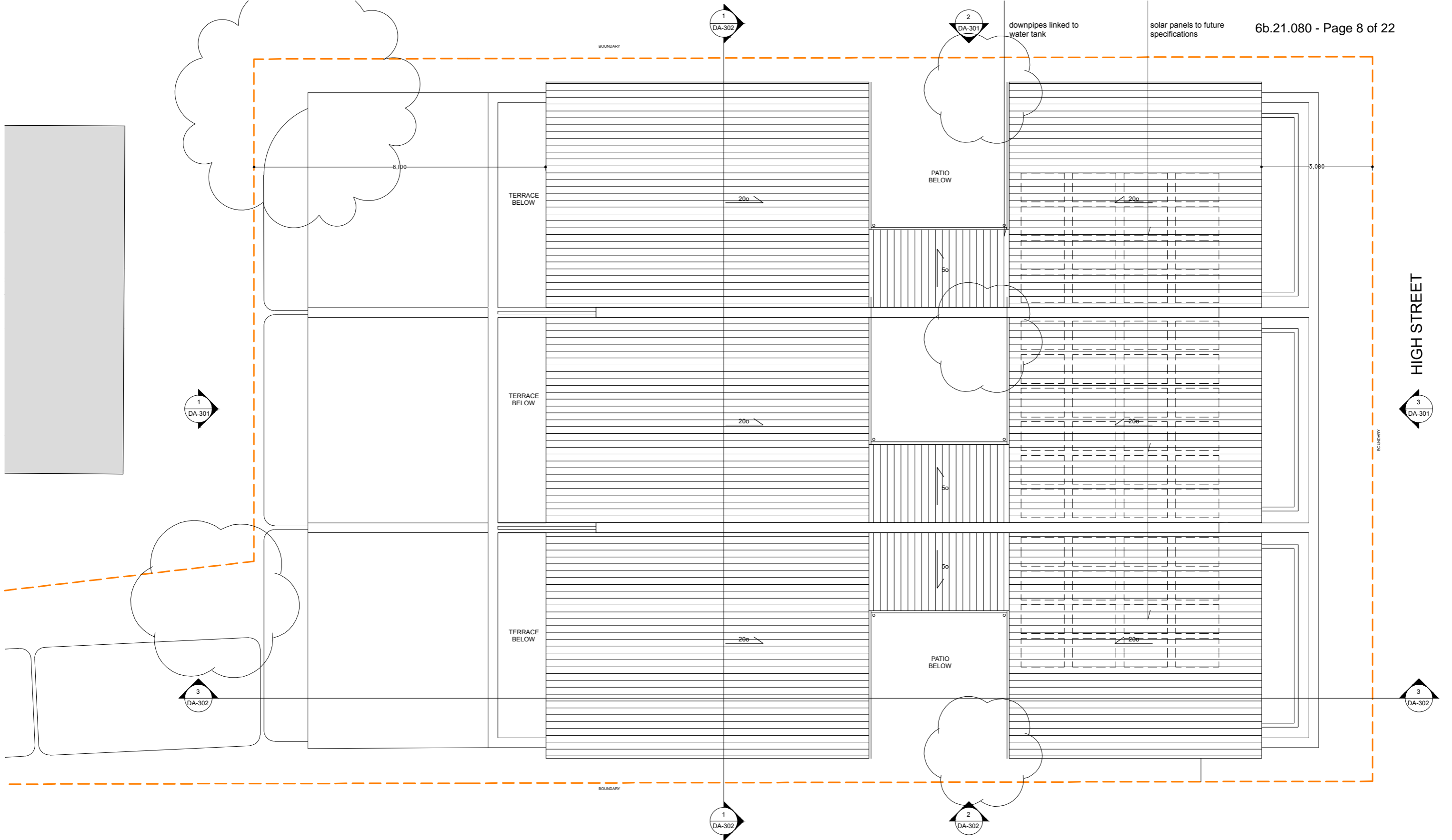
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PROJECT NO. 20-012
DRAWING NO. DA-202
REVISION A

SCALE @ A3 1 : 100
DATE 12/04/2021
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1 ROOFS PLAN
DA-204

**#13 HIGH STREET
WEATHERBOARD
COTTAGE**

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PROJECT
11 HIGH STREET
YAMBA 2464

CLIENT
LEAH HENRICKS

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DRAWING
ROOFS PLAN

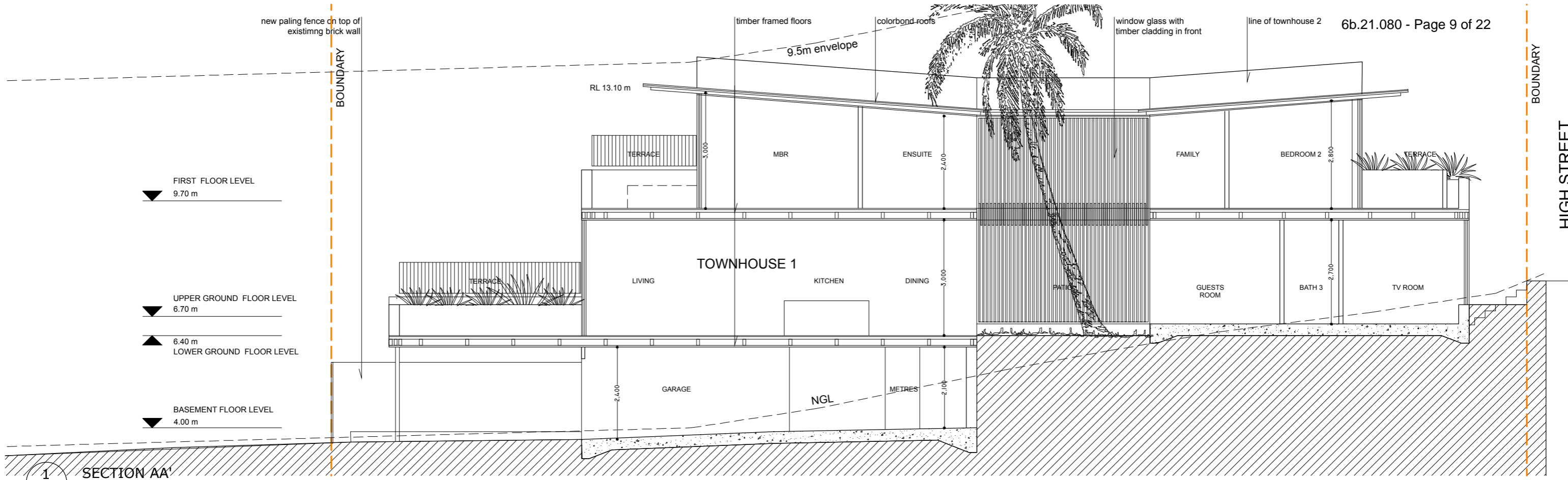
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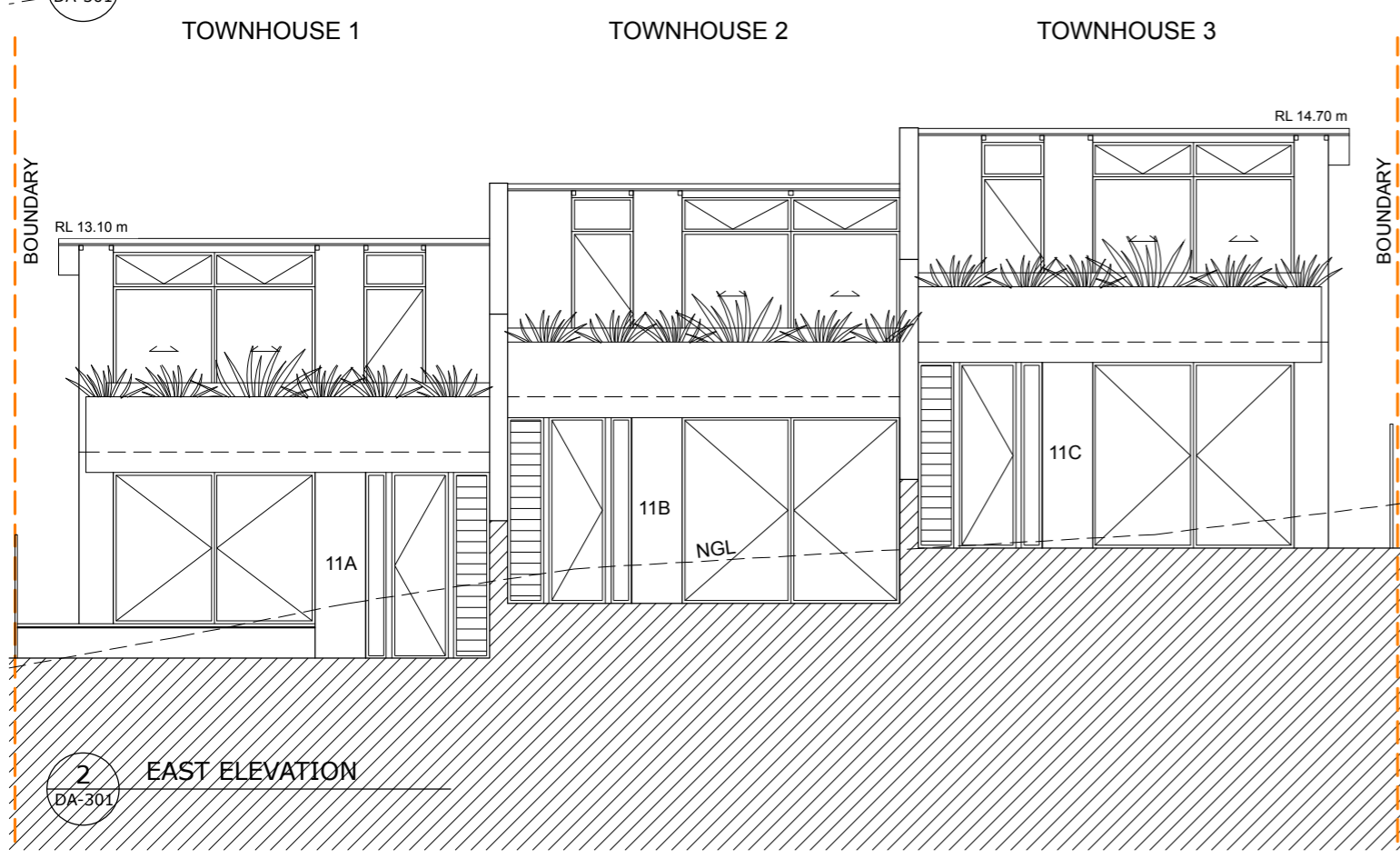
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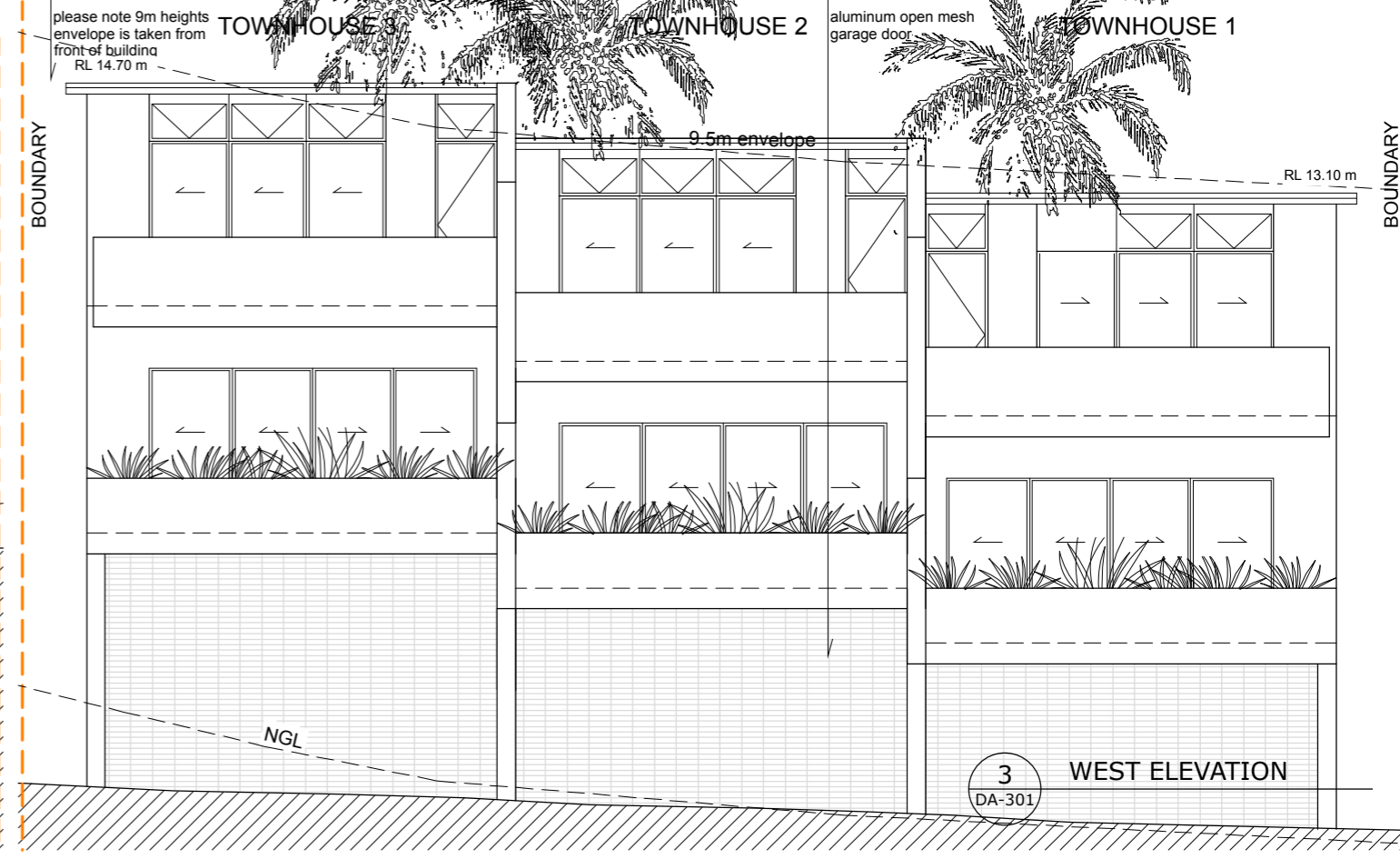
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1 SECTION AA'



2 EAST ELEVATION



3 WEST ELEVATION

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PROJECT
11 HIGH STREET
YAMBA 2464

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DRAWING
EAST & WEST ELEVATION
AND SECTION AA'

PROJECT NO. 20-012 DRAWING NO. CDC-301 REVISION B

SCALE @ A3 1 : 100 DATE 15/04/2021 DRAWN GC AUTHORISED GC

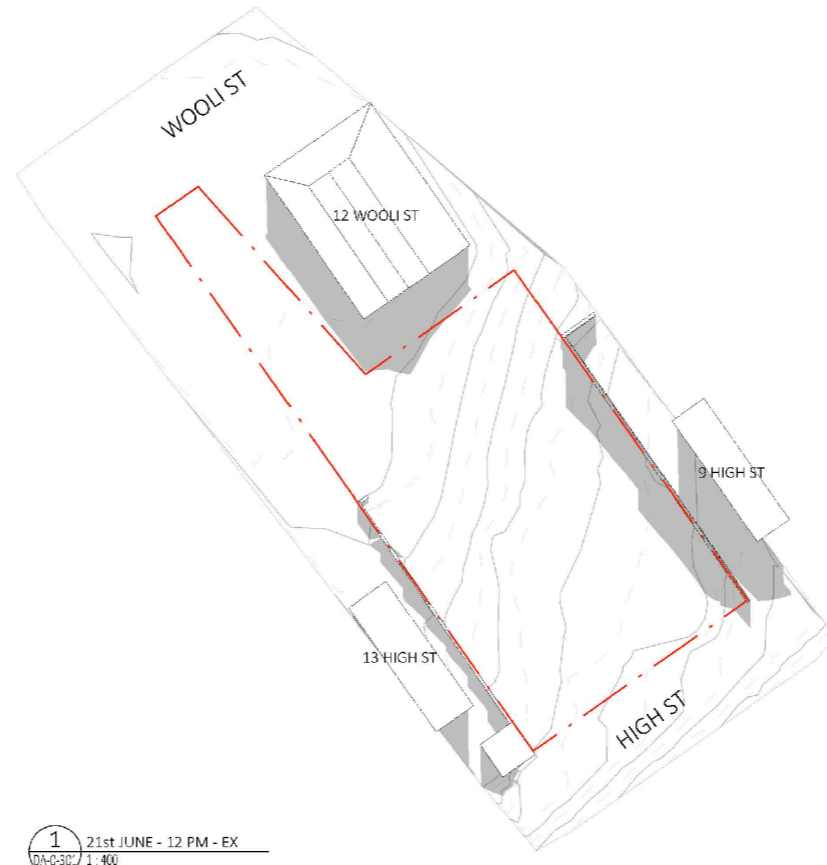
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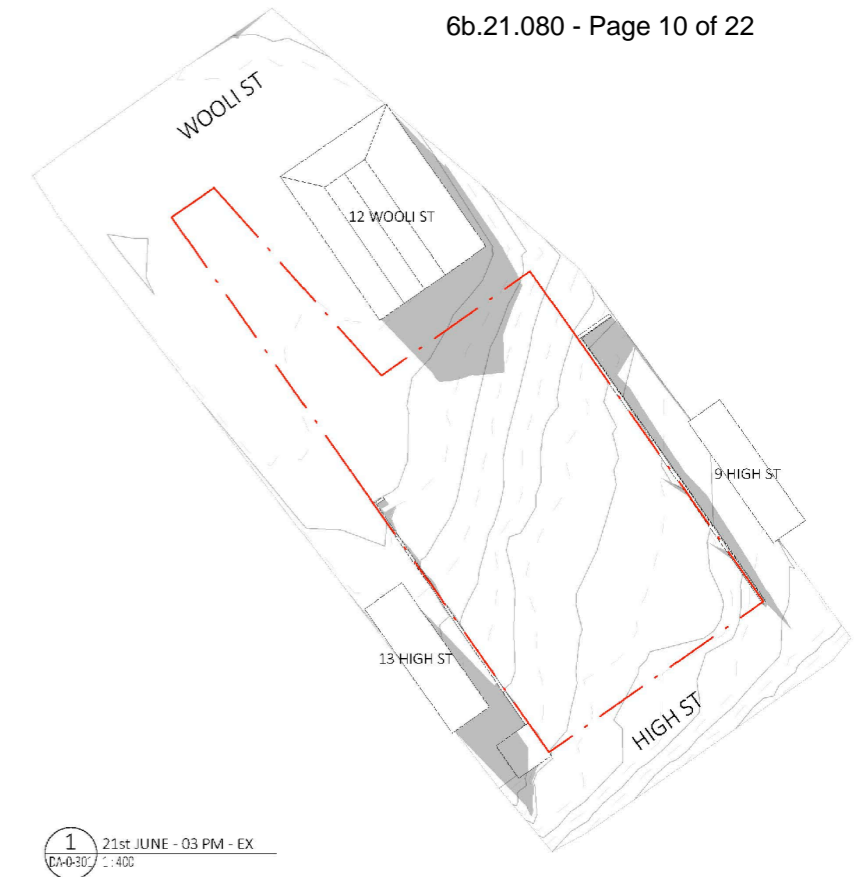
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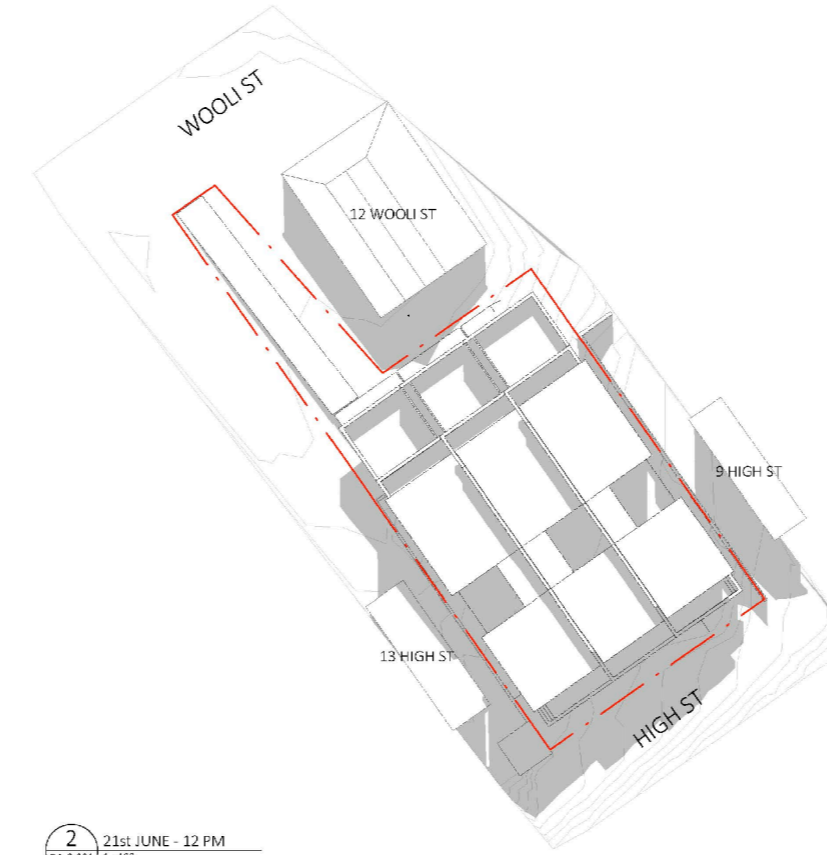
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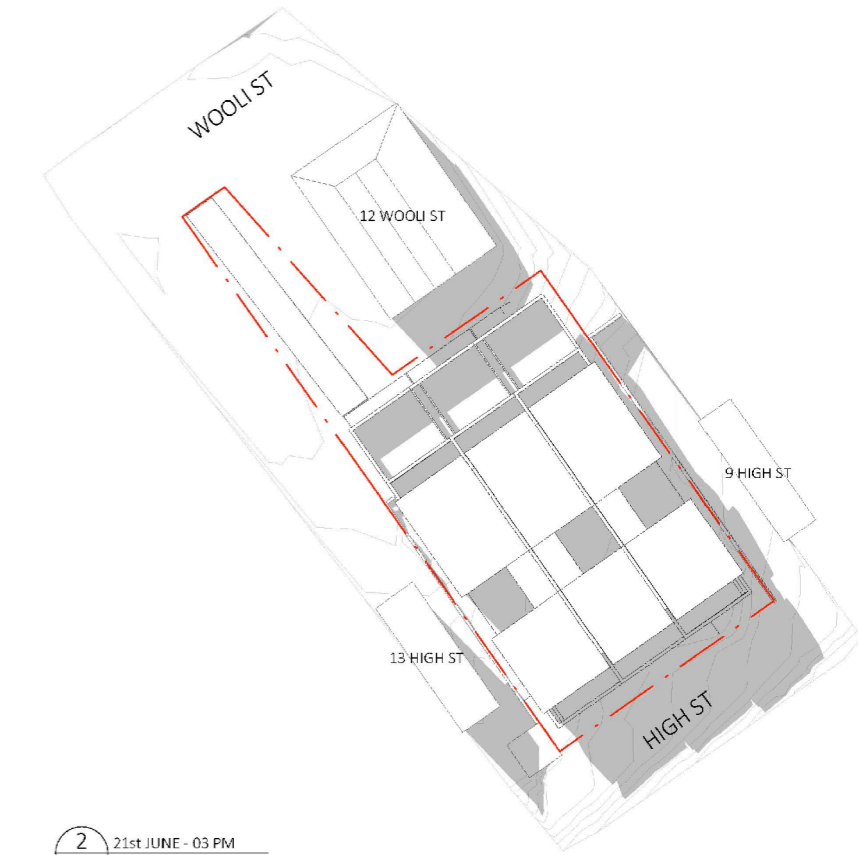
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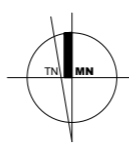


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PROJECT
**11 HIGH STREET
YAMBA 2464**

CLIENT
LEAH HENRICKS

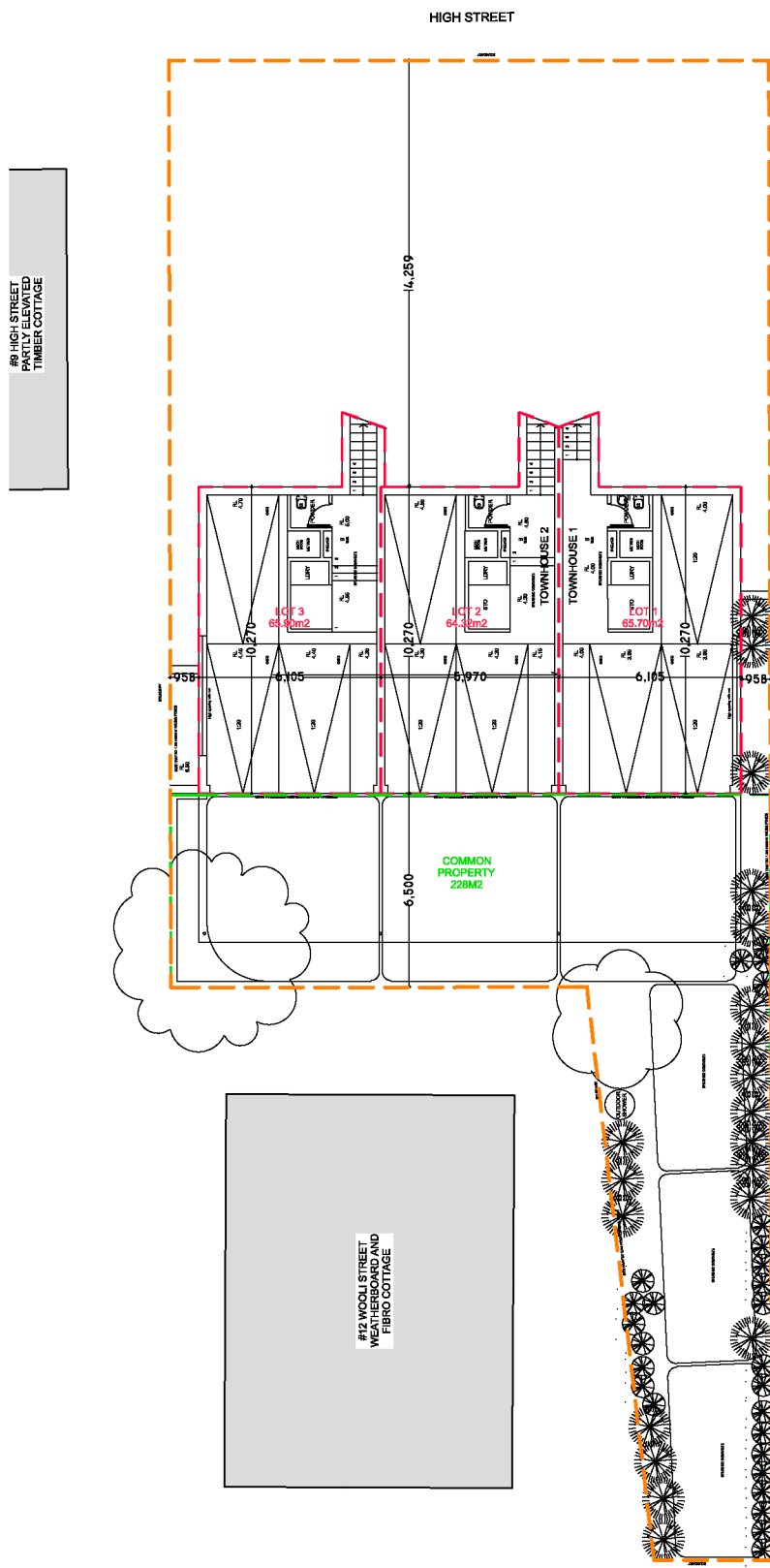
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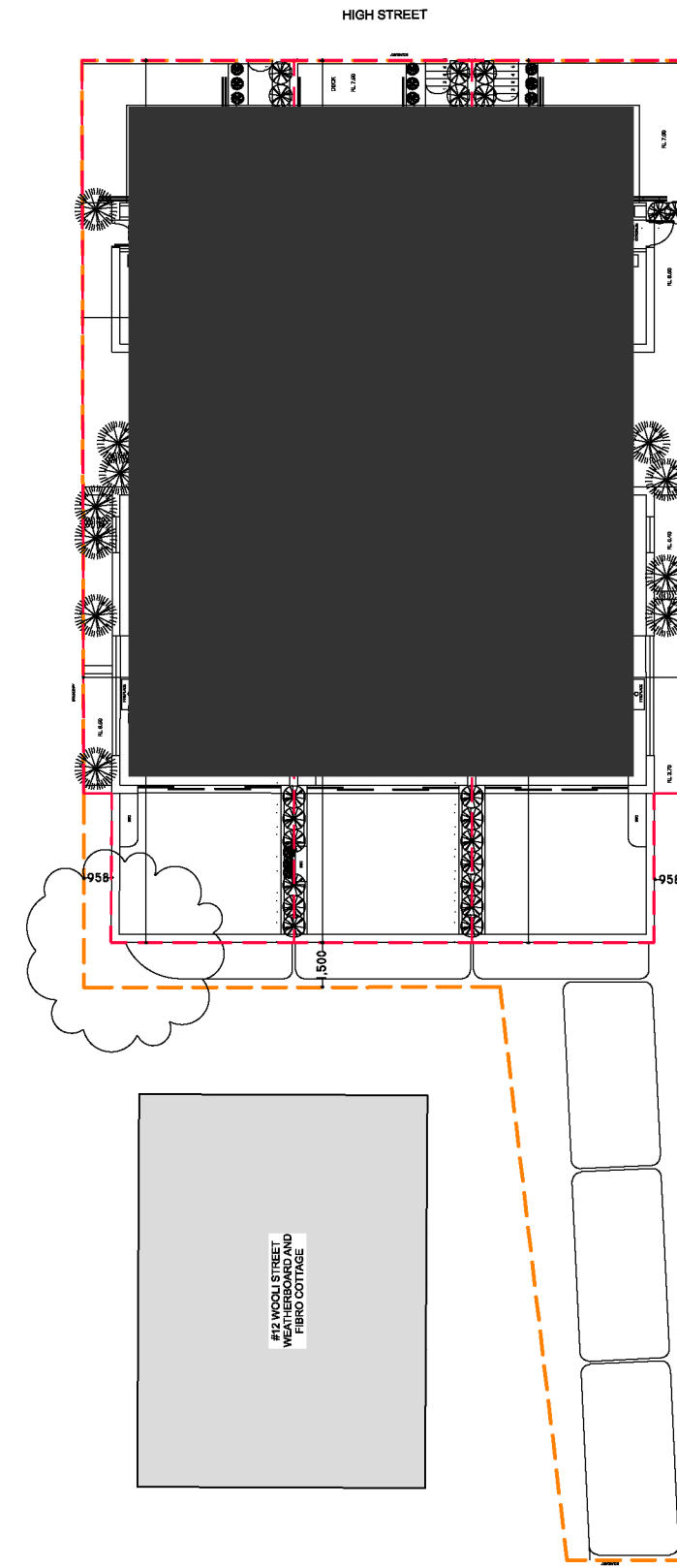
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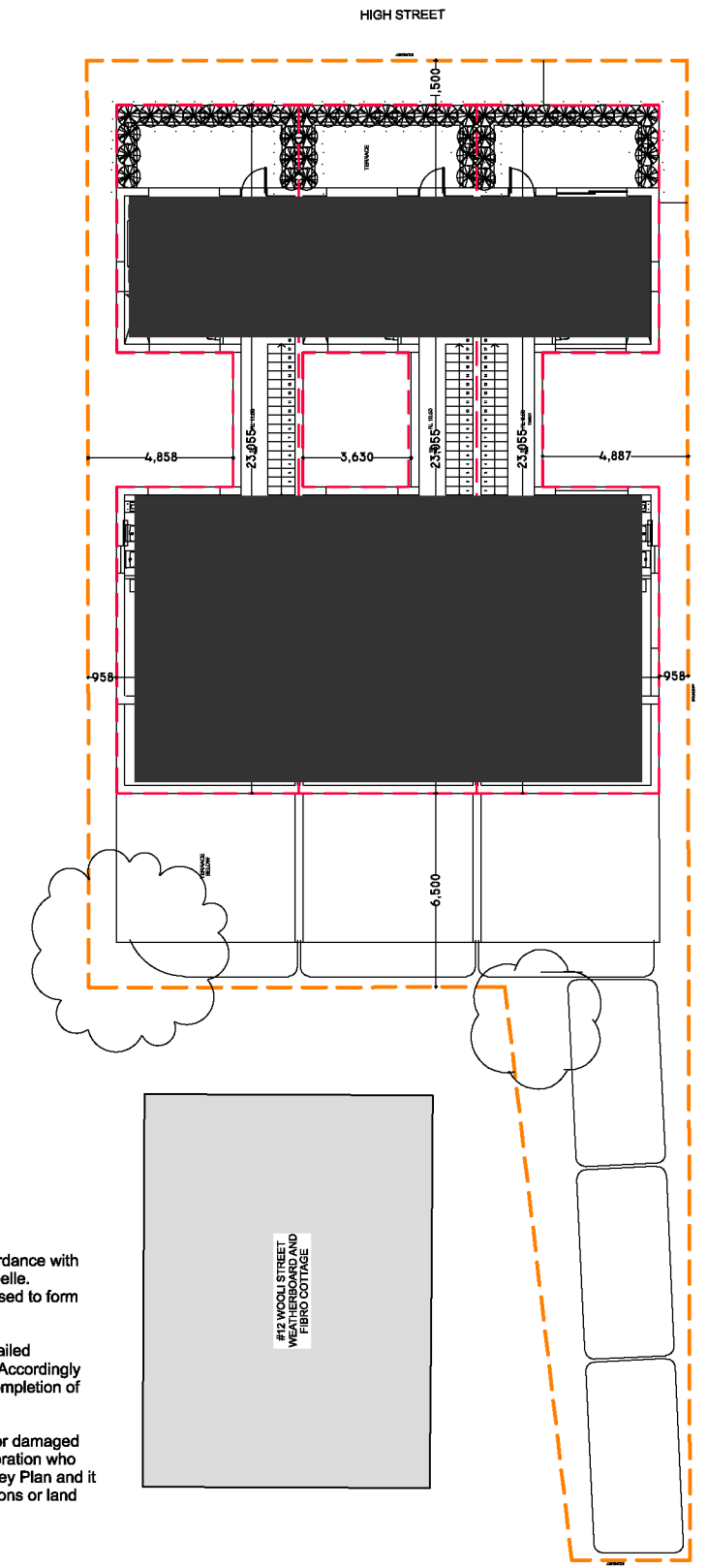
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1 BASEMENT
DA-104



2 GROUND FLOOR PLAN
DA-104



3 FIRST FLOOR PLAN
DA-104

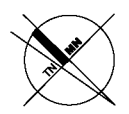
NOTE:
This preliminary layout has been completed in accordance with the instructions provided by Newtown Denny Chappelle. In this respect, preliminary desktop data has been used to form this layout.

The final layout is subject to the completion of a detailed Subdivision Survey Plan and/or Engineering Plans. Accordingly this plan may be modified by the author upon the completion of the final Survey & Site Inspection.

A77 Designs accepts no responsibility for any loss or damaged suffered, however so arising, to any person or corporation who may use or rely on this Plan. This Plan is not a Survey Plan and it should not be used as part of any financial transactions or land dealings.

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PROJECT
11 HIGH STREET
YAMBA 2464

CLIENT
LEAH HENRICKS

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DRAWING
STRATA SUBDIVISION PLAN

PROJECT NO.	DRAWING NO.	REVISION	
20-012	DA-104	A	
SCALE @ A3	DATE	DRAWN	AUTHORISED
1 : 250	17/05/2021	GC	GC

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REV	DESCRIPTION	DATE	ISSUED	CHECKED
A	ISSUE FOR DA LODGEMENT	21/05/2021	GC	GC

**SECTION 4.15 EVALUATION FOR DA2021/0374
- Lot 91 DP 1154781- 11 High Street YAMBA NSW 2464**

Proposal: Alterations and additions to an existing single storey dwelling to created a second storey, adding a master bedroom and ensuite.

(1) Matters for consideration – General

In determining a development application, a consent authority is to take into consideration such of the following matters as are of relevance to the development the subject of the development application:

(a) the provisions of:

(i) any environmental planning instrument, and

State Environmental Planning Policy 55 – Remediation of Land

Clause 7 of the SEPP states that a consent authority must not consent to the carrying out of any development in land unless:

- (a) it has considered whether the land is contaminated, and*
- (b) if the land is contaminated, it is satisfied that the land is suitable in its contaminated state (or will be suitable, after remediation) for the purpose for which the development is proposed to be carried out, and*
- (c) if the land requires remediation to be made suitable for the purpose for which the development is proposed to be carried out, it is satisfied that the land will be remediated before the land is used for that purpose.*

The previous known use of the land is residential as the land contains an existing dwelling and has historically been used for residential purposes. It is unlikely to be contaminated and is suitable for continued residential use, as this use is not one of the potentially contaminated land uses listed in Table 1 of the Contaminated Land Planning Guidelines.

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

The SEPP requires new residential development, as well as alterations and additions to existing residential development valued at over \$50,000, to meet water and energy efficiency targets. A valid BASIX certificate was submitted with the development application. All commitments listed in the BASIX certificate are required to be completed/ satisfied prior to the issue of the Occupation Certificate.

Clarence Valley Local Environmental Plan 2011

The subject land is zoned R3 Medium Density Residential under the provisions of the *Clarence Valley Local Environmental Plan 2011* (herein referred to as “the LEP”). The proposed alterations and additions are permissible with consent in the zone. The proposed development is considered to be consistent with the objectives of the zone:

- *To provide for the housing needs of the community within a medium density residential environment.*
- *To provide a variety of housing types within a medium density residential environment.*

- *To enable other land uses that provide facilities or services to meet the day to day needs of residents.*
- *To enable serviced apartments while maintaining the medium density residential character and amenity of a locality.*

The proposal provides for the housing needs of the community and is consistent with the character of medium density residential development.

Clause 4.3 Height of Buildings

A maximum building height of 12m applies to the land under Clause 4.3 of the LEP and as shown on the Height of Buildings Map. The proposed development complies with the maximum building height having a maximum height of 10 metres.

Clause 7.2: Earthworks:

There are significant earthworks proposed as a result of this proposal requiring cutting into the hill. Detailed information is required under a Earthworks Management Plan, including geotechnical assessment and erosion and sediment control. A dilapidation report is also required to ensure that any adjoining properties are not impacted by the works.

Clause 7.8: Essential Services:

The subject site has access to reticulated water, electricity and sewer. Storm water will be discharged into Council's drainage system. The site has access to The Crescent, a Council maintained road.

- (ii) **any draft environmental planning instrument that is or has been placed on public exhibition and details of which have been notified to the consent authority (unless the Director-General has notified the consent authority that the making of the draft instrument has been deferred indefinitely or has not been approved), and**

There are no draft environmental planning instruments that impact on the proposed development.

- (iii) **any development control plan, and**

The proposed development is subject to consideration under the Residential Zones DCP ("the DCP").

A2. Aims of the plan

The aim of the DCP is to support and complement the Clarence Valley Local Environmental Plan 2011 (CVLEP 2011) and to encourage well designed, high quality development within residential zones in the Clarence Valley.

The proposal seeks a variation to the 1.5m setback requirement for side boundaries where the building height exceeds 9m (0.97m provided), the 3m secondary setback (1.5m provided), 35% landscaping requirement (33% provided) and also one of the three (3) required parking spaces for each unit is proposed to be provided as stacked parking.

Clause	Control	Complies
C.4: Streetscape Requirements	Presentation to the street, setbacks, building height, roofing, fences and walls,	The townhouses present to High Street and meet most requirements except for a proportion of the buildings side

Clause	Control	Complies
	landscaping.	setbacks and a reduction to the landscaping requirements. These are discussed below.
C5: Building Design Requirements	Siting, cut and fill, energy efficiency, materials and colours, carports and garages, privacy.	Yes - The development siting has been designed to present to the street and address constraints of the site. BASIX certificates have been submitted to address water and energy efficiency. Cut and fill is proposed in order to meet with the slope of the site. Garages are proposed with one parking space stacked behind another – comments on this are provided below.
C.6 NSW Coastal Policy and NSW Coastal Design Guidelines	Focus to promote ecologically sustainable development on the NSW coastline.	<p>The Coastal Policy has been replaced by the Coastal Management Act 2016. The impacts of the proposal on the existing environment can be suitably managed and as such have minimal impact on surrounding agricultural activities, the river and floodplain, rural dwelling houses and the natural environment. The development is consistent with the framework and objectives for managing developments in the coastal zone.</p> <p>The proposed development is well designed and is below the building height for the Yamba R3 zone. The design is considered to be consistent with the NSW Coastal Design Guidelines in that it meets with medium density coastal village zone controls and compliments a mixed contrast of old and new development in the vicinity. The design provides higher density development in closer proximity to the town center and in context is not inconsistent with the surrounding streetscapes and developments.</p>
C.7 Potential impact on coastal views	Potential to affect coastal views from buildings adjoining or adjacent.	The subject site is not located opposite ocean views. View lines through the property are not considered to create an adverse impact given there are single storey dwellings on either side of the lot and the adjoining buildings on the southern side of High Street are upslope and essentially overlook the proposed buildings.

Clause	Control	Complies
C.8 Types of residential development	R3 Medium Density Residential	Yes – multi dwelling housing is permitted
C.13 Building Height	12m maximum building height.	Yes – the proposed maximum roof height is ~10m from the ground surface.
C.16 Setbacks	Front setback of 6m, rear and side setback of 900mm and a setback of 1.5m from services	See comments below
C.19 Landscaped Area Requirements	Minimum of 35%	No – see comments below for the rection from 35% to 32%.
C.20 Private Open Space Requirements	An area of 50m ² in one parcel with a dimension of 4.5m minimum.	Yes the proposed development is acceptable.
C.22 Landscaping plans	Is a landscaping plan required	Yes has been provided
C.24 Provision of Services	Access to sewer, electricity, water and Council road. Also storm water management	Yes - the lot has access to water, sewer, telecommunications, electricity and stormwater management. The lot has frontage to a Council maintained road.
C.29 Waste Management	Dispose of waste suitably	A waste management plan is to be provided prior to issue of the CC. During the occupation phase of the dwelling the site will be serviced by Council's waste service.
G.2 Car parking requirements	1 covered space per dwelling	Yes - the dwellings have 3 spaces available – see comments below.
I.2 Erosion and sediment controls	Prevent land degradation and soil erosion	Yes – and required through conditions of consent
W2 Objectives	Responsive to site constraints Complement existing street scape Reflect nth Coast character and minimize adverse impacts on adjoining properties	Yes – see comments in submissions
W3 Coastal Design Guidelines		See comments above C6 & C7
W4 – minimum site area	400m ² for multi dwelling housing	Yes
W5 – Parking	3 & 4 BR = 3 spaces pre unit	Yes – see comments regarding proposed stacked spaces below
W6 Building Height	12m	Yes
W7 Shadow Diagrams		Yes - provided

Variations to side setbacks Residential Zones Development Control Plan (DCP)

Council's DCP allows for the consideration of variations to the specific controls on merit where adequate justification for the departure from the DCP requirements is provided. Clause C17 – Variation to setbacks provides that variations to side and rear setbacks will be considered on merit if a better design outcome or clear advantages in other aspects of the design are achieved with regard to overshadowing and overlooking.

The application seeks variations to a part reduced side setback of 0.97m on two sides of the development where the height increases above 9m to a maximum height of 10m due to the slope of the land. For building heights above 9m a side setback of 1.5m is required under part C16 of the DCP.

Comment:

The height of the units increases with the downward slope of the land from an aboveground height of 6m at the High Street elevation to a height of 10m. Notably the building is below the maximum height of 12m allowed for the site.

Justification for the variations provided by the Applicant are set out in the Applicant's Statement of Environmental Effects including:

- the original dwelling setback
- existing building alignments on High Street
- adequate landscaping is provided
- the buildings are architecturally designed to meet the site constraints.

Section P7 of the DCP (Yamba Hill Controls) provides that 'at least half the private open space of adjoining properties should receive direct sunlight between 10am and 2pm during mid winter'. The shadow diagrams provided with the proposal show that only part shadowing occurs on 13 High Street in the morning and is reduced throughout the day during mid winter.

The design of the building does not increase the potential for overlooking opportunities due to the reduced setback. Any overlooking can be addressed through a condition of consent to provide screening where overlooking of living areas is likely. Overall, the impacts are not inconsistent with the Yamba Hill Controls. The reduced setbacks are adequately justified and are supported by Council staff.

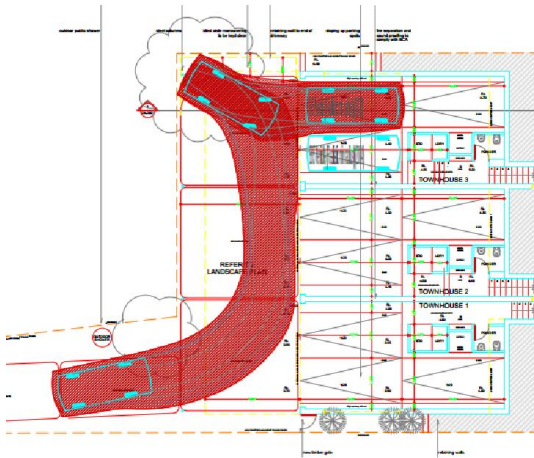
Use of grass-crete surface and inclusion in the landscape calculation

Comment:

Council staff advised the Applicant that where grass-crete is used it should only account as 50% of area in the landscaped area calculation.

The Applicant re-calculated the landscaped area and submits that the development provides 240m² (33%) of landscaped area to the required 35% under the DCP.

The minor reduction is considered acceptable under the circumstances given the battleaxe driveway has a considerable slope and the grass-crete provides a better visual outcome to a hardstand driveway and will be a semi-permeable surface to allow for adequate drainage along the driveway. The north and eastern aspect of the driveway will also allow for the grass to grow in this location.



- (iia) 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, and

N/A

- (iv) the regulations (to the extent that they prescribe matters for the purposes of this paragraph), that apply to the land to which the development application relates,

The proposed development is not considered to be inconsistent with the prescribed matters, *Environmental Planning and Assessment Regulation 2000*

- (b) the likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality.

The proposed development is well designed and the development is keeping with the intended future permitted land uses for this area. While the development will have some impact on the current built form of the streetscape, the Yamba Hill area is under transition from older style cottages to provide more unit type developments. Additionally, the older adjoining single standing dwellings are not protected by heritage controls. The development will present as mixed infill development, similar to that that exists on the southern side of High Street and other parts of Yamba. The proposal is not likely to have adverse impacts on adjoining properties in terms of overshadowing, loss of views or privacy adverse impacts can be minimized through privacy screening. The development is considered to be consistent with the existing built forms of Yamba hill.

Socially and economically the proposed redevelopment will create some employment opportunities during the construction phase.

Conditions have been imposed to ensure compliance with sediment and erosion control and stormwater management requirements to minimise any potential impacts on neighbouring properties and the environment.

(c) the suitability of the site for the development,

The proposal is considered to be in accordance with development in the surrounding area and is providing housing to meet the needs of the community. The proposed development is well designed and is below the building height for the Yamba R3 zone. The design is considered to be consistent with the NSW Coastal Design Guidelines in that it meets with medium density coastal village zone controls and compliments a mixed contrast of old and new development in the vicinity. The design provides higher density development in closer proximity to the town center and in context is not inconsistent with the surrounding streetscapes and developments. The site is considered to be suitable for the proposed development.

(d) any submissions made in accordance with this Act or the regulations,

The proposed development required notification under the Community Participation Plan (CPP); five submissions have been received in regards to the proposal during the exhibition period.

Issues Raised

1. Variations to side setbacks Residential Zones Development Control Plan (DCP)

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Comment:

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Justification for the variations provided by the Applicant are set out in the Applicant's Statement of Environmental Effects including:

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2. Use of grass-crete surface and inclusion in the landscape calculation

Comment:

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The Applicant re-calculated the landscaped area and submits that the development provides 240m² (33%) of landscaped area to the required 35% under the DCP.

The minor reduction is considered acceptable under the circumstances given the battleaxe driveway has a considerable slope and the grass-crete provides a better visual outcome to a hardstand driveway and will be a semi-permeable surface to allow for adequate drainage along the driveway. The north and eastern aspect of the driveway will also allow for the grass to grow in this location.

3. Stacked parking

Three (3) parking spaces for each unit are required under the Yamba Hill DCP controls and stacked parking is proposed for one of the parking spaces for each unit. Part G – 'Parking and Vehicular Access' controls provides that stacked parking will not be accepted (Subclause G2(9)).

Comment:

Clause A9 of DCP provides that Council can grant consent to a development proposal that does not comply with the specific requirements of the DCP after considering the particular merits of a development proposal.

Discussions with the architect for the development indicated that the current design was required to eliminate the need for a very large basement area with manoeuvring areas, required excavation and increased height of the buildings.

The variation to the parking design for one of the parking spaces per unit, is considered to be a design outcome that is not ideal though is a preferred option to the alternatives of considering a reduction in the number of spaces overall and excavation required to provide a compliant car parking area. The location of the site will likely mean that tenants will be able to walk to the Yamba CBD. The manoeuvring diagrams provided in **Figure 5** have demonstrated that the spaces can be suitably accessed and allow for a vehicle to leave in a forward direction. For these reasons the proposal is considered acceptable in the circumstances.

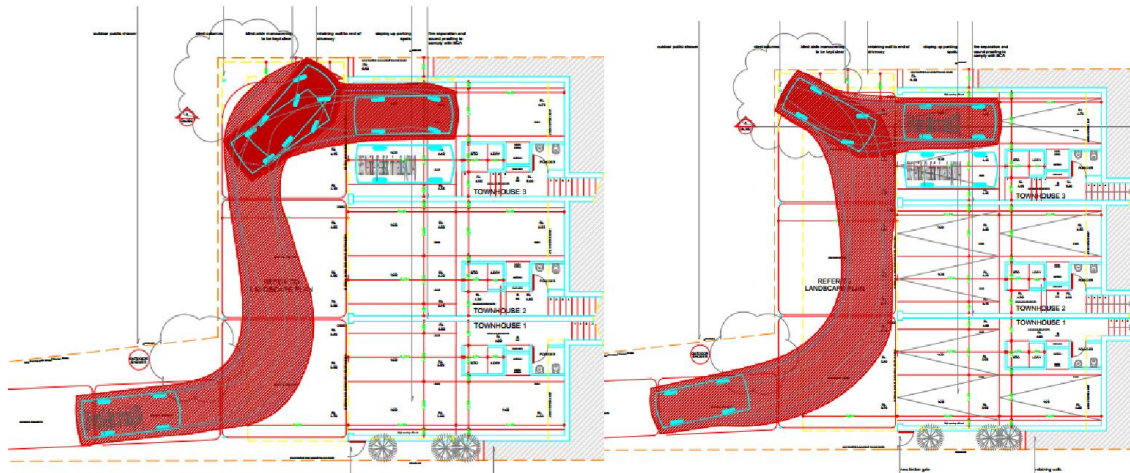


Figure 5: Manoeuvring diagram parking space for townhouse 3

4. Matters raised in the submissions

- *Reduced setbacks and Shadowing, reduced viewing corridors and amenity impacts*

Comment:

The shadow diagrams adequately show the shadowing impacts created by the building and the location of the sun. No overshadowing of 12 Wooli Street will occur from the buildings. View lines through the property are not considered to create an adverse impact given there are single storey dwellings on either side of the lot and the adjoining buildings on the southern side of High Street are upslope and essentially overlook the proposed buildings.

- *Inadequate articulation of the building design to step down the slope – rear boundary to 12 Wooli Street*

Comment:

The building steps down from the highest part of the building of around 10m in height down to a terrace on the Wooli Street side that has a height of around 4m. A setback of 1.5m is provided to the rear boundary of the terrace and the remainder of the building is set back about 7m. The location of terraces with this eastern aspect will maximise the solar benefits in the design.

- *The surrounding properties have the same zoning and the relaxation will set a precedence for future development. The town planning guidelines are generous enough and there is no benefit to granting relaxations. The internal patio areas should be removed and the building length reduced. The development does not accord with the building form and scale of surrounding developments in the area. The development is a radical departure to the surrounding free-standing cottages and will be detrimental to the streetscape*

Comment:

The side building setbacks are compliant in regard to the southern half of the building and where the building partly exceeds the 9m by up to 10m height they are not. The variation sought is only

for part of the building where the 9m height is exceeded. Shortening the building by 5m by removing the internal patios would likely result in similar impacts and would require a total design change to the buildings. The DCP variations sought are only minor and the buildings are considered to be well designed given the site constraints.

The land has been zoned R3 for some time and the development is keeping with the intended future permitted land uses for this area. While the development will have some impact on the current built form of the streetscape, the Yamba Hill area is under transition from older style cottages to provide more unit type developments. Additionally, the older adjoining single standing dwellings are not protected by heritage controls. The development will present as mixed infill development, similar to that that exists on the southern side of High Street and other parts of Yamba. As such the development is not considered to be out of character with the streetscape in this area of Yamba of mixed building types and land uses.

- *Inadequate landscaping areas and internal voids will have no sunlight*

Comment:

Figure 6 below shows the area calculation for landscaped area and private open space. The DCP describes landscaped area 'as a part of the site used for growing plants, grasses and trees but does not include any building, structure or hard paved area'. In addition to areas with good sunlight exposure other areas that are subject to reduced or shaded light can be planted with shade tolerant plants. The reduction to the landscaped area has been discussed above.

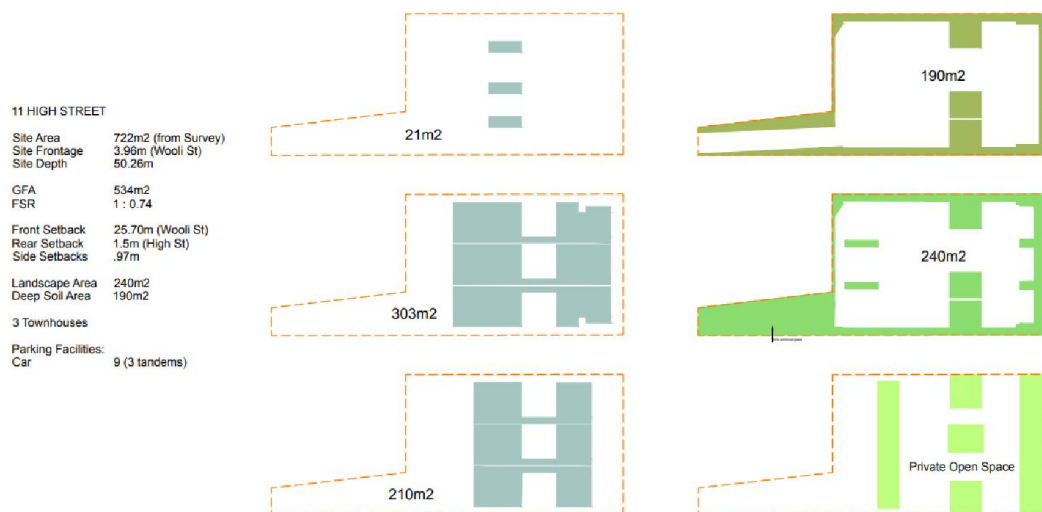


Figure 6: Proposed landscape areas and private open space

- *Excavation and slope stability*

Comment:

A condition of consent will require the submission of an earthworks management plan with detailed geotechnical detail to be provided as well as the management of exposure of acid sulfate soils. A requirement for a submission of a dilapidation report will also ensure that any potential damages will be able to be detected should they occur. A concept stormwater management plan has been provided and has been assessed by Council's Development Engineer and sufficiently

demonstrates how the site can be managed. A detailed stormwater management plan will be required prior to issue of a Construction Certificate for the development.

- *Insufficient parking*

Comment:

The development is required to have 3 parking spaces per 3 bedroom dwelling. No additional visitor parking spaces above this are required and it would be unreasonable to require any additional spaces above Council's DCP requirement. The proposed stacked or tandem parking for 1 space per dwelling unit has been discussed above and is considered acceptable.

(e) the public interest.

The public interest is maintained by the proposal as it is considered to be generally consistent with the relevant state planning controls and policies adopted by Council.

Pat Ridgway, Senior Development Planner

Date: 6/10/2021