

Wollongong Local Planning Panel Assessment Report | 13 June 2023

WLPP No.	Item No. 1
DA No.	DA-2022/1023
Proposal	Residential - demolition works, tree removal, construction of 12 units and 20 townhouses with associated basement car parking, landscaping and services infrastructure
Property	15 Nicholson Road, Woonona; Lot 101 DP 1279511
Applicant	Martin Morris & Jones Pty Ltd
Responsible Team	Development Assessment and Certification - City Wide Team (VL)
Lodgement date	26 September 2022
Prior WLPP meeting	N/A

ASSESSMENT REPORT AND RECOMMENDATION

Executive Summary

Reason for consideration by Regional Planning Panel

The proposal has been referred to Local Planning Panel pursuant to clause 2.19(1)(a) of the Environmental Planning and Assessment Act 1979. Under Schedule 2(4)(b) of the Local Planning Panels Direction of 30 June 2020, the proposal is development to which SEPP No. 65 – Design Quality of Residential Apartment Development applies. Additionally, under Schedule 2(b) the development is subject of 10 or more unique submission.

Proposal

The proposal is for demolition works, tree removal, construction of 12 units and 20 townhouses with associated basement car parking, landscaping and services infrastructure.

Permissibility

The site is zoned R3 Medium Density Residential pursuant to Wollongong Local Environmental Plan (WLEP) 2009. The proposal is categorised as a residential flat building and multi-dwelling housing and is permissible in the zone with development consent.

Consultation

The proposal was exhibited in accordance with Council's Community Participation Plan and received 36 submissions which are discussed at section 1.5 of the assessment report.

Main Issues

The main issues are:

- Flooding and Stormwater matters
- Exception to the WLEP 2009 11m height development standard and 0.75:1 Floor space ratio
- Non-compliance with SEPP 65 and ADG requirements
- Non-compliance with WDCP 2009 Chapter B1 Residential Development controls

RECOMMENDATION

DA-2022/1023 be refused subject to the reasons outlined in Attachment 7.

1 APPLICATION OVERVIEW

1.1 PLANNING CONTROLS

The following planning controls apply to the proposal:

State Environmental Planning Policies:

- State Environmental Planning Policy (Resilience and Hazards) 2021
- State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004
- State Environmental Planning Policy (Transport and Infrastructure) 2021
- State Environmental Planning Policy No. 65 – Design Quality of Residential Apartment Development

Local Environmental Planning Policies:

- Wollongong Local Environmental Plan (WLEP) 2009

Development Control Plans:

- Wollongong Development Control Plan 2009

Other policies

- Wollongong City Wide Development Contributions Plan 2022
- Wollongong Community Participation Plan 2019

1.2 DETAILED DESCRIPTION OF PROPOSAL

The proposal comprises the following:

Site preparation

- Earthworks for basement car parking
- Removal of all trees on the site including 10 Broad Leafed Paper Bark trees

Works/Construction/Building Details

- Construction of a multi-dwelling housing development consisting of 20 townhouses over 3 separate buildings comprising of:
 - Building A: 2 Storey, 4 attached townhouses (TH1-4),
 - Building B: 3 Storey, 12 attached townhouses (TH5-16),
 - Building C: 2 Storey with dormer, 4 attached townhouses (TH17-20),

All townhouses have 3 bedrooms, 8 with an additional rumpus room and another 8 with a study nook.

- Construction of a three (3) storey Residential Flat Building with 12 units in Building D (APT 01-12) comprising of:
 - 9 x 3-bedroom apartments
 - 3 x 2-bedroom apartments
- Landscaped areas and communal open space
- Drainage work and servicing infrastructure

- The proposal seeks to remove the existing piped watercourse that currently runs underneath the Site and drains to a concrete culvert/channel which runs within the eastern boundary of the site, and instead, divert the water in a southerly direction along the western boundary of the site to Nicholson Road. Upstream overland flows are also proposed to be diverted around the northern perimeters of the site to discharge into the existing culvert/channel to the east.

Traffic, parking and servicing

- A common basement car park with 66 parking spaces (4 accessible parking spaces) including bicycle and motorbike parking, garbage room, storage areas and pump room
- At grade visitor car parking for 7 spaces and a turning bay

The proposal has been nominated as Integrated Development requiring concurrence from Department of Planning and Environment – Water under the *Water Management Act 2000* in relation to works being carried within 40m from the top of bank of a watercourse.

1.3 BACKGROUND

No pre-lodgement meeting was held for the proposal.

Current application

The site previously formed part of the car park associated with Woonona Bulli RSL Memorial Club known as (part Lot 2 DP 830398) and 15 Nicholson Road (Lot 2 DP 572839). At time of lodgement, 26 September 2022, this current development application, DA-2022/1023 was lodged under these 2 identified properties.

These lots were subject to a proposed boundary adjustment subdivision in DA-2021/472 that was approved by Council on 15 October 2021. That shifted the common boundary to create the subject site boundaries for the subject development application, Lot 101 DP 1279511 (15 Nicholson Road) was registered on 31 October 2022.

Design Review Panel meeting was held on 4 November 2022.

Class 1 proceedings were filed with the NSW Land and Environment Court against the deemed refusal of this application on 10 February 2023.

A section 34 conciliation conference is scheduled for 17 July 2023.

Development history

The development history below primarily to the portion of the site that was formerly the car parking of Woonona Bulli RSL Memorial Club known as (Lot 2 DP 830398). The subject site has historically remained a car park with a men's shed, now demolished was previously located in the northwest corner of the site.

Application No.	Description	Decision	Decision Date
BA-1951/397	Swing Room	Approved	20-Nov-1951
BA-1957/1560	Additions	Approved	18-Dec-1957
BA-1959/2220	Club Additions	Approved	07-Oct-1959
BA-1961/2468	Additions To Club Premises	Approved	22-Nov-1961

BA-1961/2680	Tool & Soli Shed	Approved	24-Jan-1962
BA-1962/1004	Alterations	Approved	16-May-1962
BA-1962/2135	Proposed Monument	Approved	03-Oct-1962
BA-1966/2590	Metal Storage Shed - Approved	None	05-Dec-1966
DA-1967/127	Subdivision as shown (approved in part) and erection of a two storey flat building on each of the new lots (lots 1 and 2 - 6 units each), (lots 3 and 4 - 10 units each)	Approved	10-May-1967
BA-1966/2791	Reconstruction Of Building To Form A Youth Centre Club House	Approved	10-Jul-1967
BA-1967/2195	Additions & Alterations To Club House	Approved	04-Dec-1967
DA-1968/201	Extension Of Club Premises	Approved	23-Dec-1968
BA-1969/1368	Club Premises	Approved	11-Aug-1969
DA-1970/269	Club Additions	Approved	27-Jul-1970
BA-1970/1760	Addition	Approved	28-Aug-1970
BA-1970/1827	Additions	Approved	17-Nov-1970
BA-1973/2905	Storage Area	Approved	05-Apr-1974
DA-1975/37	Carparking Area & Amended Layout	Approved	26-Feb-1975
BA-1975/2829	Covered Drive & Walkway	Approved	20-Jan-1976
BA-1976/2138	Pigeon Club Building	Approved	29-Sep-1976
DA-1978/874	Amateur Fishing Club Building & Amenities	Approved	21-Nov-1978
BA-1979/176	Club House	Approved	05-Mar-1979
DA-1978/1056	Alterations & Additions To Existing Clubhouse	Approved	12-Mar-1979
BA-1979/1284	Additions To Club	Approved	29-Jun-1979
DA-1992/548	Addition To Club Premises	Approved	29-Oct-1992
DA-1994/471	Extensions & Refurbishment To Existing Club	Approved	09-Aug-1994

BA-1994/1752	Extensions & Renovations To Existing Club - Da 471/94	Approved	07-Nov-1994
DA-1999/5004	Demolish Shed & Erect New Shed	Approved	22-Feb-1999
DA-2001/1488	Internal Refurbishment Of Club	Approved	10-Oct-2001
DA- 2001/1488/A	Modification To Internal Refurbishment Of Club	Approved	14-Nov-2001
PC-2001/31610	Proposed Internal Fitout To Existing Club	Approved	21-Nov-2001
DA-2007/426	Addition of awning over deck	Approved	17-Apr-2007
DA-2008/66	Use of building for Place of Public Entertainment - increase existing capacity numbers in auditorium from 550 to 900	Approved	23-Apr-2008
DA-2008/166	Alterations to existing terrace	Approved	07-Apr-2008
PC-2008/401	Alterations to existing terrace	Approved	07-May-2008
DA-2008/1049	Boundary adjustment and additional carparking	Approved	16-Jul-2009
DE-2011/225	Liquor License - Change of Boundary of Licensed Area	None	04-Jan-2012
DE-2011/226	Liquor License - Non Restricted Area Authorisation	None	04-Jan-2012
DE-2013/100	Notification of proposal to upgrade a mobile phone base station at an existing site	None	06-Jun-2013
DA-2013/1248	Community facility - construction of internal walls for office/storage and maintenance work on guttering, doors and windows	Approved	27-Nov-2013
PC-2014/408	Minor construction - building maintenance and access for the disables - state 1	Approved	17-Apr-2014
DA-2014/1633	Lower level timber deck/outdoor seating area	Approved	10-Feb-2015
DA-2016/729	Refurbishment of commercial kitchen	Approved	16-Jun-2016
PC-2017/527	Refurbishment of commercial kitchen	Approved	26-Apr-2017
PC-2017/579	Internal alterations to existing building	Approved	05-May-2017

DE-2018/111	Upgrade to a telecommunication facility at an existing site	None	05-Jul-2018
PC-2019/851	Alterations and addition to Beer Garden	Approved	27-Jun-2019
PC-2019/1454	Internal alterations to existing building	Approved	29-Oct-2019
DA-2020/1318	Community Facility - pergola	Approved	18-Dec-2020
PC-2020/1500	Alterations to outdoor gaming room	Approved	19-Nov-2020
DA-2021/472	Common boundary adjustment between Lot 2 in DP 830398 and Lot 2 in DP 572839 to create an adjusted two (2) lot configuration and demolition of men's shed and pigeon club buildings	Approved	15-Oct-2021
DA-2022/1071	Commercial - alterations and additions to existing car park	Approved	26-May-2023

Customer service actions

There are no outstanding customer service requests of relevance to the development.

1.4 SITE DESCRIPTION

The site located at 15 Nicholson Road, Woonona known as Lot 101 DP 1279511. The site is an irregular shaped lot with an area of approximately 6400sqm and a frontage of 41.8m. The site generally falls in an easterly direction towards the concrete drainage channel located along the eastern boundary. There is a significant drop just over 2m along the eastern boundary of the Club Site where the row of Paperbark trees is situated. The site is formerly part of the car park area associated with the Club and the remainder a vacant lot. Development in the vicinity of the site primarily consists of low to medium density development.

Adjoining development is as follows:

North: Rear yards of 155-161 Campbell Street, single lots with single to two stored dwelling houses.

East: off Nicholson Road is No. 17 with 3 townhouses. Further NE and east of the site are multi dwelling developments.

West: Bulli Woonona Memorial RSL Club including club building and associated car parking.

South: Woonona Public School is across Nicholson Road and their open space area. The school site is a local heritage item under WLEP 2009. There are also dwellings with access of Nicholson Road SE of the site.

Property constraints

Council records identify the land as being impacted by the following constraints:

- Flooding: The site is identified as being located within a medium and high flood risk precinct.
- Acid sulfate soil – Class 5

There are restrictions on the title relating to easements for drainage of water one corresponding to a piped watercourse that runs east west across part of the site and the other the existing concrete channel that runs along the eastern boundary of the site.



Figure 1: Aerial photograph

Concern	Comment
	<p>is considered this exception cannot be supported. Refer to section 2.2.5 for further discussion.</p> <p>The built form and number of storeys for the RFB is excessive and does not comply with the requirements of section 6.9 of Chapter B1 and the requirements of the SEPP 65 and ADG. Further discussion can be found at Attachment 3 and 5.</p>
<p>3. Development out of character of the area</p> <ul style="list-style-type: none"> - Overdevelopment of the site - Density scale of development - Precedent set if approved 	<p>The proposal as discussed throughout the report is considered out of character with the area, with the proposed scale and density resulting in adverse amenity and environmental impacts. The proposal has failed to adequately consider the constraints and context of the site. It is an overdevelopment of the site and will be considered an undesirable precedent if approved. Therefore, the proposal cannot be supported.</p>
<p>4. Car parking and associated impacts from RSL</p> <ul style="list-style-type: none"> - inconsistency with consent applicable to RSL - reduced car parking available for club with overflow on street parking - inadequate parking provided for the proposal 	<p>Concerns are raised that the proposal will result in inconsistencies with the consent conditions for the adjoining Bulli Woonona RSL Memorial Club as the proposal will occupy part of the site that formerly comprised part of the car park. The proposed impacts of the reduced car park area were assessed in DA-2021/472 that approved the boundary adjustment created the current lot arrangement. In this application it was considered that adequate car parking was provided for the club use.</p> <p>The application has been assessed by Council's Traffic Officer and satisfactory referral advice was provided. The proposal provides the required number of car parking spaces on site and complies with the ADG and WDCP 2009 requirements.</p>
<p>5. Traffic and safety impacts/capacity of the road and local road network impacts</p> <ul style="list-style-type: none"> - Increase in number of traffic movements - Congestion and conflict during school pick up and drop off - Narrow road and capacity of road - Impact on surrounding road network 	<p>The application has been assessed by Council's Traffic Officer and satisfactory referral advice has been provided. The expected traffic generated from the proposed development is considered to equate to roughly one additional vehicle every 3 minutes in peak hours. The additional traffic is therefore not expected to result in any significant traffic or car parking impacts. Overall, it is considered the proposal will not have adverse impact on the surrounding local road network.</p>
<p>6. Solar access impacts/Overshadowing of neighbour properties</p>	<p>The proposal will result in solar access impacts the neighbour properties to the east and south located at 17 & 19 Nicholson. The proposal appears to overshadow private open spaces and windows of these adjoining dwellings. Insufficient information has been provided to determine that will not be any adverse solar access impacts on the neighbouring</p>

Concern	Comment
	properties and the proposal is able to comply with the relevant ADG and WDCP 2009 requirements.
7. Privacy impacts - Proposal will overlook rear yards and private open space of dwellings located to the north, east and south of the site	The proposal will result in the overlooking and adverse privacy impacts on the adjoining properties to the north, east and south of the site that is not acceptable. It will not comply with the ADG and WDCP requirements and further discussion is provided at Attachment 3 and 5.
8. Loss of views of escarpment	The proposal could result in the potential loss of views of the escarpment from the dwellings located to the east of the site at 17 & 19 Nicholson Road. It is noted that the existing colonnade of trees could obscure views of the escarpment from these adjoining properties. Insufficient information has been provided with the application to assess the existing views to determine if there is any view loss and if so, the extent of the loss.
9. Side and rear setbacks	The proposal does not comply with the required side and rear setbacks under section 5 of Chapter B1 in WDCP 2009 for the multi-dwelling housing and building separation requirements in the ADG for the residential flat building. Further discussion of the non-compliance is provided at Attachment 3 and 5.
10. Tree removal and impact on urban wildlife	<p>The proposal seeks the removal of all the trees on the site including the colonnade of Paperbark trees located towards the centre of the site. The majority of these trees are considered to be in fair to good health and as they form a significant mass in the landscape and should be incorporated in the design of the proposed development. The tree removal is not supported and inconsistent with aims of Council's Urban Greening Strategy.</p> <p>It also noted that the removal of the Paperbark trees could impact the grey-headed flying fox and a flora and fauna impact assessment has not been submitted with the application.</p>
11. Pressure on essential services in the locality and increase demand on local infrastructure	Development contributions would be applicable if the application was to be granted consent that would have contributed to the future local infrastructure under the relevant contributions plan. However, the pressure on essential services is not a planning consideration under the heads of consideration pursuant to section 4.15 of Environmental Planning and Assessment Act 1979. Nevertheless, the application cannot be supported.
12. Contribution to community	There are no specific controls require the provision of these services/infrastructure for a development of this nature. It is noted that Council considers that

Concern	Comment
<ul style="list-style-type: none"> - consideration and inclusion within the development for mixed use, such as retail or café etc - improvement to surrounding public transport/cycle network - electric vehicle charging stations -dedicated car share bays - to share assets and resources within the local community 	electric vehicle charging stations could be provided for the development.
13. Extent of excavation and potential construction impacts	Concerns were raised on the extent of excavation sought to accommodate the proposal on site in particular stockpiling of this material on site.
14. Affordable Housing provision	Consideration should be given to providing affordable housing as part of the development. The proposal does not propose affordable housing units and there is not requirement under the relevant planning controls.
15. Sewerage provision	Concerns are raised with the capacity of the existing sewerage system for the proposed development and the location of the existing sewer on the site. The application was referred to Sydney Water for comment and a satisfactory referral advice was provided where it was considered wastewater system is likely to have adequate capacity to service the proposed development however, amplifications, adjustments and or minor extensions may be required, refer to section 1.6.2 for further discussion.
16. Noise impacts <ul style="list-style-type: none"> - Impact on RSL activities on proposal - Noise impacts from development in regard to car parking movements from basement carpark 	<p>Concerns are raised on the noise impacts of the existing RSL club on the future occupants of this development. The applicant has provided a noise assessment that considers this external intrusion and recommended internal noise design goals for the development to achieve.</p> <p>However, the application submission has not included an acoustic impact assessment addressing the potential construction and operational noise impacts on nearby residents.</p>

1.6 CONSULTATION

1.6.1 INTERNAL CONSULTATION

Geotechnical Engineer

Council's Geotechnical Officer has reviewed the application and has provided a conditionally satisfactory referral.

Stormwater Engineer

Council's Stormwater Officer has reviewed the application and provided an unsatisfactory referral. A number of issues raised including the removal and realignment of an existing piped watercourse, filling in the floodplain resulting in a loss of floodplain storage and further information required including an amended flood study required

Landscape Architect

Council's Landscape Officer has reviewed the application and provided an unsatisfactory referral. Landscape plan does not meet minimum requirements and lack of detail with no existing trees shown.

Traffic Engineer

Council's Traffic Officer has reviewed the application and provided a conditionally satisfactory referral.

Heritage Officer

Council's Heritage Officer has reviewed the application and provided an unsatisfactory referral. The departure to the height standard in WLEP 2009 is not supported will set an undesirable precedent and the potential impacts on the adjacent heritage item (School) has not been considered.

Environment Officer

Council's Environment Officer has reviewed the application and provided an unsatisfactory referral. The native trees proposed to be removed have the potential to provide habitat for a range of fauna species, including potentially foraging habitat for the grey-headed flying-fox. Any potential impacts of the proposed development on biodiversity need to be addressed in a basic Flora and Fauna Impact Assessment Report meeting the requirements of the NSW Biodiversity Conservation Act 2016 and the Commonwealth Environment Protection and Biodiversity Conservation Act 1999. This has not been provided.

Design Expert

Council's Design Expert has reviewed the application and provided an unsatisfactory referral. Comments were provided in regard to the numerous non-compliance with the ADG requirements and relating to the design of the townhouses.

Community Safety/Service Officer

Council's Community Services/Safety Officer has reviewed the application and provided an unsatisfactory referral. All queries and recommendations raised in the Access report are to be addressed and incorporated into the design of the development. It is noted there are 4 accessible parking spaces in the underground car park. It is considered that one accessible parking space should be located in the at-grade visitor carpark.

1.6.2 EXTERNAL CONSULTATION**Department of Planning and Environment (DPE) – Water**

The proposal seeks works within 40m from the top of bank of the watercourse associated with asset protection works. The application was nominated Integrated Development pursuant to the Water Management Act 2000 requiring a Controlled Activity Approval under section 91(2). The development application was referred to DPE-Water for their General Terms of Approval. A response was provided on 8 December 2022 issuing their GTAs with conditions.

Water NSW

Water NSW issued correspondence dated 27 October 2022 requesting additional information relating to the proposed basement and groundwater investigations. The advice noted that a dewatering approval may be required for the development.

Sydney Water

Details of the application submission were referred to Sydney Water for comment. Advice provided to Council dated 29 October 2022 advising the water and wastewater system is likely to have adequate capacity to service the proposed development however, amplifications, adjustments and or minor extensions may be required. A Section 73 Compliance Certificate under the *Sydney Water Act 1994* is required to be obtained for the development.

Endeavour Energy

The application was referred to Endeavour Energy under section 2.48 of State Environmental Planning Policy (Transport and Infrastructure) 2021 as development likely to affect an electricity transmission or distribution network. Correspondence was received from Endeavour Energy dated the 13 October 2022. There was no objection to the development application however raised some concerns around the planting proposed adjacent to the new padmount electrical substation towards the south-eastern corner towards the frontage of the site.

Transport for NSW (TfNSW)

The application was referred to TfNSW for comment. Correspondence was received from TfNSW dated 8 November 2022 advising they had no objections to the proposed development on the basis that Council is satisfied the development will not adversely impact road safety and traffic efficiency.

Design Review Panel

The proposal was considered by the Design Review Panel (DRP) under the requirement of the SEPP 65 on 4 November 2022. The DRP notes outlined that fundamental site constraints need to be established which include the potential flooding issues and how these could significantly impact the planning/organisation of the development.

DRP noted that the design of the redevelopment of the site should be informed by, and address, the matters set out below:

- mitigation of potential privacy issues with neighbours;
- improved levels of natural lighting to town houses;
- soil hydrology;
- Convenient and appropriate location of visitor parking;
- Increase size and improved amenity of communal open space,
- increased quality of POS to residential buildings.
- Mitigation of visual impacts of vehicular access ramp,
- incorporation of sustainability initiatives; and
- further detail to demonstrate the aesthetic quality of buildings.

The DRP meeting notes and recommendations are presented at Attachment 2.

2 ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979

2.2 SECTION 4.15(1)(A)(1) ANY ENVIRONMENTAL PLANNING INSTRUMENT

1.7 Application of Part 7 of Biodiversity Conservation Act 2016 and Part 7A of Fisheries Management Act 1994

This Act has effect subject to the provisions of Part 7 of the Biodiversity Conservation Act 2016 and Part 7A of the Fisheries Management Act 1994 that relate to the operation of this Act in connection with the terrestrial and aquatic environment.

NSW BIODIVERSITY CONSERVATION ACT 2016

Section 1.7 of the Environmental Planning and Assessment Act 1979 (EP&A Act) provides that Act has effect subject to the provisions of Part 7 of the Biodiversity Conservation Act 2016 (BC Act).

Part 7 of the BC Act relates to Biodiversity assessment and approvals under the EP&A Act where it contains additional requirements with respect to assessments, consents and approvals under this Act.

Clause 7.2 of the Biodiversity Conservation Regulation 2017 provides the minimum lot size and area threshold criteria for when the clearing of native vegetation triggers entry of a proposed development into the NSW Biodiversity offsets scheme. For the subject site, entry into the offset scheme would be triggered by clearing of an area greater than 0.25 hectares based upon the minimum lot size of the WLEP 2009 of 449sqm.

The area of native vegetation proposed to be cleared for the development does not exceed the BOS area threshold proposal does not trigger the requirement for a biodiversity offset scheme.

The site is not identified as being of high biodiversity value on the [Biodiversity Values Map](#).

Council's Environmental Assessment Officer has considered whether the development site would potentially provide suitable habitat for any threatened species and the test of significance and has concluded that the proposed development is not expected to likely significantly affect threatened species or ecological communities, or their habitats. The proposal does not trigger entry into the BOS and a Biodiversity Development Assessment Report from an accredited assessor is not required.

The development would therefore not be considered to result in adverse impacts on biodiversity and is consistent with the provisions of the Biodiversity Conservation Act 2016.

2.2.1 STATE ENVIRONMENTAL PLANNING POLICY (RESILIENCE AND HAZARDS) 2021

Chapter 4 Remediation of land

4.6 Contamination and remediation to be considered in determining development application

A desktop audit via Council's land information system database for property constraints and previous uses was undertaken to understand the likelihood of contamination issues.

The audit revealed there are property constraints and/or past uses that give rise to concerns or the need for further investigation regarding land contamination. Details of the application submission were referred to Council's Environment officer with the following advice received:

A Preliminary Site Contamination Investigation (PSI) was completed by Geo-Environmental Engineering (GEE) in 2020 for 455-459 Princes Highway, Woonona NSW that included the area of the current subject lot. The PSI identified several sources of potential contamination including fill material of unknown origin, use of pesticides, chemical fuel storage, hazardous building materials, leaks of fuel/oil from car parking areas and offsite service stations hydraulically upgradient of the site.

A Detailed Site Investigation (DSI) prepared by Reditus Consulting Pty Ltd dated 16 June 2022 and approved by a certified contaminated land consultant has been submitted with the development application. The DSI has concluded the land is suitable in its contaminated state for the purposes for which the development is proposed to be carried out and gives reasons as to why Council may be satisfied that the required considerations of Clause 4.6 of State Environmental Planning Policy (Resilience and Hazards) 2021 have been met.

2.2.2 STATE ENVIRONMENTAL PLANNING POLICY (TRANSPORT & INFRASTRUCTURE) 2021

Clause 2.48 Determination of development applications – other development

The application was referred to Endeavour Energy to comments as a new electricity substation is proposed on the site. Their correspondence dated 13 October 2022 did not object to the proposal,

however, did raise some concerns around the planting proposed adjacent to the new padmount substation located in the SE corner towards the frontage of the site.

Clause 2.120 Impact of road noise or vibration on non-road development

The proposed dwellings have the potential to adversely impacted by noise from the nearby busy road (Princes Highway) and the adjoining RSL club. An External Noise Intrusion Assessment prepared by Harwood Acoustics Pty Ltd (a member of the Australasian Acoustical Society) dated 15 September 2022 has been submitted with the development application. The Assessment has concluded the internal noise design goals (ie 35 dBA in bedrooms between 10 pm and 7 am and 40 dBA within habitable rooms at any time) can be met using the standard building materials and construction methods proposed by the architect, without the need for additional acoustical treatment.

2.2.3 STATE ENVIRONMENTAL PLANNING POLICY NO 65 – DESIGN QUALITY OF RESIDENTIAL APARTMENT DEVELOPMENT

The development meets the definition of a ‘residential flat building’ as it is more than 3 storeys and comprises more than 4 dwellings. As such, the provisions of SEPP 65 apply. The proposal has been considered by Council’s DRP in accordance with Clause 28 and Schedule 1. The application was considered by DRP on 4 November 2022 outlined in section 1.6.2. The DRP raised numerous issues with the current design, which remain unresolved. The design does not achieve all design quality principles.

A statement has been prepared by a Registered Architect addressing the requirements of SEPP 65 and was submitted with the application at lodgement accordance with Environmental Planning and Environment Regulation 2000.

Schedule 1 of SEPP 65 sets out the design quality principles for residential apartment development. These must be considered in the assessment of the proposal pursuant to clause 30(2)(a) of the Policy and are discussed below. The proposal in its current form does not meet all of these principles.

Comments were provided by DRP on the entire proposal, nevertheless it is recognized the design quality principles of SEPP 65 and the ADG do not technically apply to the multi-housing development component, however, noting the type of built form of the townhouses, shared basement car park and communal open space presents as an integrated development. Comments relating to the design of the townhouse are discussed within the relevant planning controls that apply and primarily in WDCP 2009.

The RFB requires to comply with the design quality principles in SEPP 65 and as such, discussion below has been provided generally in the context of the RFB development.

Principle 1: Context and neighbourhood character

Good design responds and contributes to its context. Context is the key natural and built features of an area, their relationship and the character they create when combined. It also includes social, economic, health and environmental conditions.

Responding to context involves identifying the desirable elements of an area’s existing or future character. Well-designed buildings respond to and enhance the qualities and identity of the area including the adjacent sites, streetscape and neighbourhood.

Consideration of local context is important for all sites, including sites in established areas, those undergoing change or identified for change.

The proposal is not reasonably consistent with the current character of the area however, it is recognised that with the current zoning there will be an intensification in the built form in this location and potential redevelopment in close vicinity as part of the desired future character of the area.

The site analysis provided has not identified many important characteristics of the site, failing to demonstrate a sufficient understanding of the site and its relationships within nearby developments. This has been reflected in the design that does not respond to the flooding context of the site and relevant planning controls applicable to the land.

Principle 2: Built form and scale

Good design achieves a scale, bulk and height appropriate to the existing or desired future character of the street and surrounding buildings.

Good design also achieves an appropriate built form for a site and the building's purpose in terms of building alignments, proportions, building type, articulation and the manipulation of building elements.

Appropriate built form defines the public domain, contributes to the character of streetscapes and parks, including their views and vistas, and provides internal amenity and outlook.

The bulk and scale of the development is largely inconsistent with the applicable planning controls for the site primarily floor space ratio, height, setbacks and amenity provisions for occupants and adjoining developments.

The design of the development adequately addresses the public domain given the site is highly constrained by flooding, easements and the concrete culvert. However, improvements could be made to the main entry to the development and the presentation of the vehicular ramp to the street.

Principle 3: Density

Good design achieves a high level of amenity for residents and each apartment, resulting in a density appropriate to the site and its context.

Appropriate densities are consistent with the area's existing or projected population. Appropriate densities can be sustained by existing or proposed infrastructure, public transport, access to jobs, community facilities and the environment.

The design is not considered to provide an appropriate density consistent within the context of the site. The proposal appears to exceed the maximum FSR permitted for the land of 0.75:1. The design does not demonstrate that a high level of amenity will be achieved for the residents and that the amenity adjoining residents will not adversely affected. Overall, the proposal presents as an overdevelopment of the site. The site is well located with regard to access to public transport and services.

Principle 4: Sustainability

Good design combines positive environmental, social and economic outcomes.

Good sustainable design includes use of natural cross ventilation and sunlight for the amenity and liveability of residents and passive thermal design for ventilation, heating and cooling reducing reliance on technology and operation costs. Other elements include recycling and reuse of materials and waste, use of sustainable materials and deep soil zones for groundwater recharge and vegetation.

Minimum solar access is achieved for the apartments. It appears that the apartments are able to achieve the natural ventilation requirements however, further information is required. The development does incorporate some sustainability measures including solar panels and water capture/re-use.

Principle 5: Landscape

Good design recognises that together landscape and buildings operate as an integrated and sustainable system, resulting in attractive developments with good amenity. A positive image and contextual fit of well-designed developments is achieved by contributing to the landscape character of the streetscape and neighbourhood.

Good landscape design enhances the development's environmental performance by retaining positive natural features which contribute to the local context, co-ordinating water and soil management, solar access, micro-climate, tree canopy, habitat values and preserving green networks.

Good landscape design optimises useability, privacy and opportunities for social interaction, equitable access, respect for neighbours' amenity and provides for practical establishment and long term management.

The proposed landscaped design has not adequately considered the existing site constraints with the row of the large Paperbark trees that form colonnade within the centre of the site. Conflicts between the proposed planting and drainage are presented. The communal open space does not provide adequate area for the proposed scale of the development or ability to support a greater of variety of activities. Greater setbacks are required to provide meaningful landscaping screening to the northern and eastern boundaries.

Principle 6: Amenity

Good design positively influences internal and external amenity for residents and neighbours. Achieving good amenity contributes to positive living environments and resident well being.

Good amenity combines appropriate room dimensions and shapes, access to sunlight, natural ventilation, outlook, visual and acoustic privacy, storage, indoor and outdoor space, efficient layouts and service areas and ease of access for all age groups and degrees of mobility.

Nearby residences potentially affected by the proposed development in terms of privacy and loss of solar access due to siting and design of the proposal. The eastern, southern, and western setbacks are non-compliant and should be increased to promote external and internal visual privacy, solar access for adjoining properties and enhance landscaping. The proposed meets the minimum requirements for solar access and common circulation. Further information is required to demonstrate minimum cross ventilation is achieved.

Principle 7: Safety

Good design optimises safety and security within the development and the public domain. It provides for quality public and private spaces that are clearly defined and fit for the intended purpose. Opportunities to maximise passive surveillance of public and communal areas promote safety.

A positive relationship between public and private spaces is achieved through clearly defined secure access points and well lit and visible areas that are easily maintained and appropriate to the location and purpose.

The proposal has not demonstrated that it adequately responds to the flooding constraints of the site which could likely comprise safety for residents. The design of the pedestrian access from the basement to the main entry ramp presents some concealment opportunities, with no other significant safety and security issues apparent.

Principle 8: Housing diversity and social interaction

Good design achieves a mix of apartment sizes, providing housing choice for different demographics, living needs and household budgets.

Well designed apartment developments respond to social context by providing housing and facilities to suit the existing and future social mix.

Good design involves practical and flexible features, including different types of communal spaces for a broad range of people and providing opportunities for social interaction among residents.

The proposal does not provide an extensive range of apartment types which could be improved with 1-bedroom unit and increase in 2-bedroom units and also provision of a greater range of adaptable units to improved housing diversity. Different types of communal spaces are provided however, fails to provide an adequate and activity appropriate area.

Principle 9: Aesthetics

Good design achieves a built form that has good proportions and a balanced composition of elements, reflecting the internal layout and structure. Good design uses a variety of materials, colours and textures.

The visual appearance of a well designed apartment development responds to the existing or future local context, particularly desirable elements and repetitions of the streetscape.

The proposal is generally considered appropriate with regard to the materials and finishes and form. Some concern has been raised over the significant amount of white paint and rendered masonry with regard to durability and longevity.

Apartment Design Guide

With regard to Clause 28(2)(c), the Apartment Design Guide (ADG) has been considered and compliance comments are presented at Attachment 3. Objectives under ADG that are not met with the current design are summarised below:

Part 3A Site analysis

The site analysis provided does not demonstrate a sufficient understanding of the site and its relationships with nearby developments. Information has been omitted from this drawing which is likely to inform design outcomes. For example: Movement and access for vehicles, services, pedestrians, and cyclists (particularly existing and proposed driveway locations), Significant views to and from the site, Significant noise sources in the vicinity of the site (eg. vehicular traffic).

Part 3D Communal and public open space

The proposal is deficient in the minimum amount of communal open space provided of 1600sqm (25%) is required for this site. It is also considered the design of the COS does not allow for an adequate range of activities to be facilitated for the scale of this development. This area has not been co-located with deep soil zones being located above the shared basement car park.

Part 3E Deep soil zones

The proposal is deficient in the minimum amount of deep soil zone required, 448sqm, 7% of the site. The identified deep soil zone also conflicts with the proposed drainage plans where dense planting cannot occur in the drainage swale located along the north boundaries of the site. In addition, the proposal seeks to remove all trees from the site including the Broad Leaf Paperbark trees within the centre of the Site that are considered in good health and worthy of retention as they form a significant mass in the landscape.

Part 3F Visual privacy

The proposed apartment building should have an increased separation of 3m (in addition to the 6m requirement) to the site boundary when adjacent to a different zone that permits lower density residential development. The site adjoins a R2 Low Density Residential zone and in turn means that the required setbacks to northern, eastern and southern boundaries are 9m. The reduced separation

provided between the corresponding neighbouring sites do not achieve reasonable level of internal and external amenity. The dwellings and their associated private open space on 17 & 19 Nicholson Road, 149, 153, 155 and 157 Campbell Street will be adversely affected.

Part 4K Apartment Mix

The proposal does not provide an extensive range of apartment types, rather it is focused on providing mainly 3-bedroom apartments. The development consists of 3 x 2-bedroom apartments, 9 x 3-bedroom apartments, and 20 x 3-bedroom townhouses. No 1-bedroom apartments or studios are proposed.

Part 4W Waste management

The waste room appears to be undersized for the amount of bins being proposed in the Waste Management Plan. The Waste Management plan indicates 22 x 80L bins for general waste, 44 x 140L bins for paper and container recycling, 22 x 240L bins for vegetation, and 2 x 1100L skip bins for waste and recycling to Building D.

The communal waste room is not in a convenient and accessible location. Whilst it is in an appropriate location for the apartments in Building D, the townhouses are a substantial distance away from the waste room and no accessible pedestrian access has been provided between the waste room and each of the townhouse garages. This should be reviewed

2.2.4 STATE ENVIRONMENTAL PLANNING POLICY (BUILDING SUSTAINABILITY INDEX: BASIX) 2004

The proposal is BASIX affected development to which this policy applies. In accordance with Part 3 Division 1 Section 27 of the Environmental Planning and Assessment Regulation 2021, a BASIX Certificate has been submitted in support of the application demonstrating that the proposed scheme achieves the BASIX targets. It is noted it is unclear as to where the 10,000L tank is being located on the site.

The BASIX certificate was issued no earlier than 3 months before the date on which the development application was lodged.

2.2.5 WOLLONGONG LOCAL ENVIRONMENTAL PLAN 2009

Clause 1.4 Definitions

Multi dwelling housing means:

3 or more dwellings (whether attached or detached) on one lot of land, each with access at ground level, but does not include a residential flat building.

Residential flat building means:

a building containing 3 or more dwellings, but does not include an attached dwelling, co-living housing or multi dwelling housing.

Part 2 Permitted or prohibited development

Clause 2.2 – zoning of land to which Plan applies

The zoning map identifies the land as being zoned R3 Medium Density Residential.

Clause 2.3 – Zone objectives and land use table

The objectives of the zone 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 generally satisfactory with regard to the above objectives.

The land use table permits the following uses in the zone.

*Attached dwellings; Backpackers' accommodation; Bed and breakfast accommodation; Boarding houses; Centre-based child care facilities; Community facilities; Dual occupancies; Dwelling houses; Exhibition homes; Exhibition villages; Group homes; Home-based child care; Home businesses; Home industries; Hostels; Information and education facilities; **Multi dwelling housing**; Neighbourhood shops; Oyster aquaculture; Places of public worship; Recreation areas; Recreation facilities (indoor); Recreation facilities (outdoor); **Residential flat buildings**; Respite day care centres; Roads; Semi-detached dwellings; Seniors housing; Serviced apartments; Shop top housing; Signage; Tank-based aquaculture; Veterinary hospitals*

The proposal is categorised as a residential flat building and multi-dwelling housing as defined above and is permissible in the zone with development consent.

Part 4 Principal development standards

Clause 4.3 Height of buildings

This clause prescribes a maximum height of 11 metres for the Site, as shown on the Height of Buildings Map. The proposed residential flat building has maximum overall height of 11.5m, exceeding the height limit by a maximum of 0.5m (4.5%). Refer to Clause 4.6 below.

The proposed multi-dwelling housing has a maximum height of 11m.

Clause 4.4 Floor space ratio

Maximum FSR permitted for the zone: 0.75:1

Site area: 6400 m²

Based on the information provided it is considered the proposal exceeds the maximum 0.75:1.

The proposed gross floor area indicated on the submitted gross floor area plans excludes certain areas within the buildings which are included in the definition of gross floor area (GFA) provided by the Dictionary in WLEP 2009.

***"Gross floor area** means the sum of the floor area of each floor of a building measured from the internal face of external walls, or from the internal face of walls separating the building from any other building, measured at a height of 1.4 metres above the floor, and includes—*

- (a) the area of a mezzanine, and*
- (b) habitable rooms in a basement or an attic, and*
- (c) any shop, auditorium, cinema, and the like, in a basement or attic,*

but excludes—

- (d) any area for common vertical circulation, such as lifts and stairs, and*
- (e) any basement—*
 - (i) storage, and*
 - (ii) vehicular access, loading areas, garbage and services, and*
- (f) plant rooms, lift towers and other areas used exclusively for mechanical services or ducting, and*
- (g) car parking to meet any requirements of the consent authority (including access to that car parking), and*
- (h) any space used for the loading or unloading of goods (including access to it), and*
- (i) terraces and balconies with outer walls less than 1.4 metres high, and*
- (j) voids above a floor at the level of a storey or storey above."*

“basement means the space of a building where the floor level of that space is predominantly below ground level (existing) and where the floor level of the storey immediately above is less than 1 metre above ground level (existing).”

There appears to be multiple sections throughout the development of lower level areas which have been excluded from GFA on the basis that they are basement but which floor levels immediately above that are more than 1m above existing ground level. Limited cross sections have been provided to detail the relationship between the proposed development and existing ground levels, noting significant excavation is proposed to accommodate the built form. However, it has been identified along the north, south and eastern façade of the residential flat building and the eastern elevation of Building C that the floor above the “basement” will exceed 1m above existing ground level. Situated in these areas are storage areas for the units and vehicle access. As they do not meet the definition of a ‘basement’ in WLEP 2009, these areas should be included in the GFA calculations.

A total of 64 residential car parking spaces are required under Chapter E3 of WDCP 2009 for the development and 66 spaces have been provided in the basement. It is noted that the 7 visitor car parking spaces are provided at grade. As two (2) surplus car parking spaces have been provided in the basement located between the garages for TH09 and TH12 they should be included in the GFA calculations.

Other potential discrepancies identified with the calculation in the gross floor area are the exclusion of stairs and mechanical services and ducting in the proposed townhouses.

The applicant in their SEE has provided the proposed GFA is 4797sqm.

Site area: 6400sqm

GFA: 4797sqm

FSR: $4797/6400 = 0.75:1$

On the basis discrepancies identified above not included in the applicant’s calculation of the GFA, the addition of these areas will result the FSR for the proposal to exceed 0.75:1.

Clause 4.5 Calculation of Floor Space Ratio and Site Area

The FSR and site area has been calculated in accordance with this clause.

Clause 4.6 Exceptions to development standards

Building Height

An exception to the building height development standard under Clause 4.3 is sought. The applicant’s Clause 4.6 Statement forms Attachment 4.

Table 2: Clause 4.3 Height of buildings of WLEP 2009

Development Departure	Clause 4.3 Height of buildings WLEP 2009
Is the planning control in question a development standard?	Yes
4.6(3) Written request submitted by an applicant contains a justification:	
(a) That compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, and	No

(b) That there are sufficient environmental planning grounds to justify contravening the development standard.	No
4.6 (4)(a) Consent authority is satisfied that:	
i. the applicant's written request has adequately addressed the matters required to be demonstrated by subclause (3), and	The applicant's written request has not adequately addressed the matters required to be demonstrated by subclause (3).
ii. the proposed development will be in the public interest because it is consistent with the objectives of the particular standard and the objectives for development within the zone in which the development is proposed to be carried out, and	<p>The objectives of clause 4.3 are as per the following:</p> <p><i>(a) to establish the maximum height limit in which buildings can be designed and floor space can be achieved,</i></p> <p><i>(b) to permit building heights that encourage high quality urban form,</i></p> <p><i>(c) to ensure buildings and public areas continue to have views of the sky and receive exposure to sunlight.</i></p> <p>The proposal exceeds the maximum building height of 11m with the proposal for the RFB at the highest point on the site 11.5 associated with the lift overrun. There are 2 other points associated with the vent exhausts that will have a height of 11.4m on this building.</p> <p>The proposal is inconsistent with the objectives of the clause as the floor space ratio will exceed the maximum allowable 0.75:1 for the site as outlined above in section 2.25 under Clause 4.4 of WLEP 2009.</p> <p>The proposal will also adversely impact the solar access received by the occupants of the proposal and the adjoining nearby properties as discussed in Attachment 3 and 5 under solar access requirements in the ADG and Chapter B1 of WDCP 2009</p> <p>The objectives of the R3 zone are as per the following:</p> <ul style="list-style-type: none"> <i>• To provide for the housing needs of the community within a medium density residential environment.</i> <i>• To provide a variety of housing types within a medium density residential environment.</i> <i>• To enable other land uses that provide facilities or services to meet the day to day needs of residents.</i> <p>Whilst the proposal generally meets the objectives of the zone, design has not demonstrated it will not have unreasonable impacts on surrounding properties, is not considered appropriate in the context of the existing and future anticipated character of the area.</p>

	The development is therefore considered not to be in the public interest as it inconsistent with objectives of the development standard and the objectives for development in the zone.
(b) The concurrence of the Secretary has been obtained	
	Wollongong Local Planning Panel can exercise its assumed concurrence in this instance.

Comment: The requested exception to the development standard for height of the building is not considered capable of support.

Floor space ratio

As discussed in section 2.25 above under Clause 4.4 of WLEP 2009, the applicant identifies the FSR as compliant however, it is considered based on the plans submitted the FSR for the proposal will exceed the maximum of 0.75:1. No written request pursuant to Clause 4.6 has been provided.

Table 3: Clause 4.4 Floor space ratio of WLEP 2009

Development Departure	Clause 4.3 Height of buildings WLEP 2009
Is the planning control in question a development standard?	Yes
4.6(3) Written request submitted by an applicant contains a justification:	
(c) That compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, and	No
(d) That there are sufficient environmental planning grounds to justify contravening the development standard.	No
4.6 (4)(a) Consent authority is satisfied that:	
i. the applicant's written request has adequately addressed the matters required to be demonstrated by subclause (3), and	The applicant has not provided a written request.
ii. the proposed development will be in the public interest because it is consistent with the objectives of the particular standard and the objectives for development within the zone in which the development is proposed to be carried out, and	<p>The objectives of clause 4.4 are as per the following:</p> <p><i>(a) to provide an appropriate correlation between the size of a site and the extent of any development on that site,</i></p> <p><i>(b) to establish the maximum development density and intensity of land use, taking into account the availability of infrastructure to service that site and the vehicle and pedestrian traffic the development will generate,</i></p>

	<p><i>(c) to ensure buildings are compatible with the bulk and scale of the locality.</i></p> <p>The proposal will exceed the permitted floor space ratio for the site, as outlined above in section 2.25 under Clause 4.4 of WLEP 2009.</p> <p>The design is not considered to provide an appropriate density consistent within the context of the site. The bulk and scale of the development is largely inconsistent with the applicable planning controls for the site primarily floor space ratio, height, setbacks and amenity provisions for occupants and adjoining developments as discussed throughout the report. Overall, the proposal presents as an overdevelopment of the site.</p> <p>The objectives of the R3 zone are as per the following:</p> <ul style="list-style-type: none"> <i>To provide for the housing needs of the community within a medium density residential environment.</i> <i>To provide a variety of housing types within a medium density residential environment.</i> <i>To enable other land uses that provide facilities or services to meet the day to day needs of residents.</i> <p>Whilst the proposal generally meets the objectives of the zone, design has not demonstrated it will not have unreasonable impacts on surrounding properties, is not considered appropriate in the context of the existing and future anticipated character of the area.</p> <p>The development is therefore considered not to be in the public interest as it inconsistent with objectives of the development standard and the objectives for development in the zone.</p>
(b) The concurrence of the Secretary has been obtained	
	Wollongong Local Planning Panel can exercise its assumed concurrence in this instance.

Comment: The requested exception to the development standard for floor space ratio is not capable of support as no Clause 4.6 written request has been submitted to address the development departure to the floor space ratio.

Part 5 Miscellaneous provisions

Clause 5.10 Heritage conservation

The site is not heritage listed nor is it located within a heritage conservation area. The subject site is within the vicinity of a listed Local Heritage Item located south across the road, Woonona Public School #6196 (local item) identified in Figure 3 below.



Figure 3: Heritage Map showing the Site's proximity to nearby heritage items

The application was referred to Council's Heritage Officer and unsatisfactory referral advice was provided. The development departure sought to the height of the building is not supported identifying that the potential impacts on the adjacent heritage item had not been considered in the Clause 4.6 written request, and the departure if supported is considered to set an undesirable precedent for development in the R3 zone, which has the potential to have greater cumulative impacts.

Concerns were raised with how the development presents to Nicholson Avenue and that improvements could be made to encourage a more active frontage including replacement planting from the proposed tree removal to maintain the character of the area and leafy setting of the school.

Clause 5.21 Flood planning

The site is identified as being flood affected and the provisions of this clause apply. Whilst it is located within a risk precinct that is currently under review, the site is located within Medium and High Flood Risk Precincts, with the eastern portion of the site being identified as high flood risk precinct and a floodway on the eastern extent of the site. Residential development is proposed on part of the land that is categorised as High Flood Risk Precinct. The realignment and removal of the existing piped watercourse is sought and to be redirected on to Nicholson Road. The proposal also seeks to the filling in the floodplain resulting in a loss of floodplain storage.

Flooding matters have been assessed as unsatisfactory by Council's Stormwater Officer and the application submission has not adequately demonstrated that the provisions and objectives of this clause have been satisfied.

Part 7 Local provisions – general

Clause 7.1 Public utility infrastructure

This clause seeks to ensure that sufficient infrastructure is available to service development and requires that consent not be granted for development unless the consent authority is satisfied that any public utility infrastructure that is essential for the proposed development is available or that adequate arrangements have been made to make that infrastructure available when it is required.

If consent was to be granted, conditions could be recommended requiring approval from the relevant authorities for the connection of electricity, telecommunications, water and sewerage to service the site.

Clause 7.4 Riparian Land

The riparian land identified on the site corresponds to the existing concrete channel located along the eastern boundary of the site. The application was reviewed by Council's Environment Officer and it was considered that if usual erosion and sediment controls are correctly installed and maintained during demolition, excavation and construction and the proposed water sensitive urban design measures are implemented, adverse impacts on mapped Riparian Land would not be expected.

The proposed development has been set back from the top of the concrete channel. Due to the channel being lined with concrete and the width of the setback of proposed Building D from the top of the channel, opportunities for the rehabilitation of aquatic and riparian vegetation and habitat are considered possible in the circumstances.

Clause 7.5 Acid Sulfate Soils

The site is mapped as Class 5 land on the Acid Sulfate Soils Map. The site is not within 500m of adjacent Class 1, 2, 3 or 4 land that is below 5m Australian Height Datum. Therefore, the proposal does not carry out work that requires consent under this clause.

Clause 7.6 Earthworks

The proposal involves substantial landform modification works across the Site with proposed cut up to 5m in depth and fill up to 3.5m. to facilitate for the provision of the shared basement for the townhouses and residential flat building to account for the fall in the land. This will include cut in the location of the existing pipe watercourse and in close vicinity to the concrete culvert. Overall, the proposal will result in a balance of 7,523sqm of cut across the Site.

It is considered the proposed development is inconsistent with the objectives of this clause and could likely result in adverse impacts:

- on the existing and likely amenity of adjoining properties through the elevation of areas of the development with a significant basement podium in close proximity to the boundaries of adjoining properties;
- the colonnade of Broad Leaf Paperbark Trees;
- watercourses through the realignment of piped watercourse and the redirection of the existing catchment flows; and
- groundwater.

Clause 7.14 Minimum site width

This clause prescribes a minimum site width of 24m for residential flat buildings and for multi-dwelling housing a dimension of least 18m. The site has a width of 42m along the frontage and complies.

2.3 SECTION 4.15(1)(A)(II) ANY PROPOSED INSTRUMENT

N/A

2.4 SECTION 4.15(1)(A)(III) ANY DEVELOPMENT CONTROL PLAN

2.4.1 WOLLONGONG DEVELOPMENT CONTROL PLAN 2009

The development has been assessed against the relevant Chapters of WDCP 2009 and is presented at Attachment 5 to this report.

The proposal seeks a number of variations to the development controls in Chapter B1 of WDCP 2009, being:

Chapter B1 Residential Development

- Section 5.4 Side and rear setbacks
- Section 5.9 Deep soil planting
- Section 5.11 Private Open Space
- Section 5.12 Solar Access Requirements
- Section 5.13 Additional Control for Multi Dwelling Housing - Dwelling Mix and Layout
- Section 5.14 Adaptable Housing
- Section 6.9 Basement Car Parking
- Section 6.17 Apartment Size and Layout Mix

The applicant has only provided a variation statement to section 6.17 of Chapter of B1 in WDCP 2009. The remaining variations listed above have not been identified or addressed in the application submission.

Section 6.17 Apartment Size and Layout Mix for Larger Residential Flat Building Developments

Control sought to be varied

Section 6.17.2.2 requires *The selection of the number of bedrooms within developments shall be determined having regard to the site's context, geographic location and anticipated market demands. For residential apartment buildings having ten (10) or more dwellings, a minimum of 10% of the apartments must be one bedroom and/or studio apartments, to provide for housing choice.*

Proposed variation

There are no one bedroom and/or studio apartments proposed within the residential flat building. There are 9 x 3-bedroom apartments and 3 x 2-bedroom apartments proposed in this building.

Applicant's variation statement:

Please refer to the applicant's variation statement in Attachment 6.

The objectives of 6.17 are:

- (a) To provide variety in apartment sizes and layouts to cater for a range of household types.*
- (b) To ensure that the internal arrangement of apartments is functional and satisfies occupant's needs.*
- (c) To design apartments to promote resident amenity and adaptability of use.*

Comment:

The proposal does not provide one bedroom or studio apartments within the RFB, it is noted that development includes townhouses however these are all proposed as 3 bedrooms with an additional rumpus/study nook.

Whilst the internal arrangement of apartments are functional, in many instances this appears to have resulted in an apartment typology that does not respond to the immediate context of the site and is more suited to a more urban context. The majority of the living areas (01, 02, 05, 07, 08, 09, 11 and

12) appear to have been positioned to prioritize ease of circulation over quality of light and outlook. The tight, internalized balconies of west facing units also provide little amenity and outlook for residents. It is acknowledged as identified by the applicant's variation statement that the larger apartments are able to provide for greater amenity and adaptability of use.

Overall, the proposal does not meet the requirements and objectives of Section 6.17 of Chapter B1, and it is considered in the circumstances of the case the variation will not be supported in this instance.

2.4.2 WOLLONGONG CITY WIDE DEVELOPMENT CONTRIBUTIONS PLAN 2022

The estimated cost of development is over \$200,000 and a levy rate of 2% would apply where consent was granted.

2.5 SECTION 4.15(1)(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 entered into or any draft agreement offered to enter into under S7.4 which affect the development.

2.6 SECTION 4.15(A)(IV) THE REGULATIONS (TO THE EXTENT THAT THEY PRESCRIBE MATTERS FOR THE PURPOSES OF THIS PARAGRAPH)

Environmental Planning and Assessment Regulation 2021

The Environment Planning and Assessment Regulation 2021 commenced on 1 March 2022 and applies to the application.

6 Determination of BASIX development

A BASIX Certificate has been provided, refer to section 2.2.4 for comments.

61 Additional matters that consent authority must consider

No demolition is sought as part of this proposal.

62 Consideration of fire safety

N/A

63 Considerations for erection of temporary structures

N/A

2.7 SECTION 4.15(1)(B) THE LIKELY IMPACTS OF DEVELOPMENT

In its current form, there are expected to be adverse environmental impacts on the natural and built environments in the locality.

This is demonstrated through the following:

- The proposal is unsatisfactory with regard to the applicable planning controls as detailed in the body of this report.
- Referrals are unsatisfactory as detailed in this report.

2.8 SECTION 4.15(1)(C) THE SUITABILITY OF THE SITE FOR THE DEVELOPMENT

Does the proposal fit in the locality?

Some form of residential flat building and/or multi-dwelling housing is considered appropriate with regard to the zoning of the site. However, the design of the development does not adequately respond

to the site constraints and is expected to have adverse impacts on the amenity of the locality and adjoining developments.

Are the site attributes conducive to development?

The site attributes are conducive to some form of redevelopment however the site is constrained by flooding, limiting the position of any future building on the site. This constraint may mean that a building that sensitively responds to the site constraints may not be able to realise the full extent of the planning controls (e.g., floor space ratio).

2.9 SECTION 4.15(1)(D) ANY SUBMISSIONS MADE IN ACCORDANCE WITH THIS ACT OR THE REGULATIONS

Refer to section 1.5.

2.10 SECTION 4.15(1)(E) THE PUBLIC INTEREST

The proposal does not respond to the applicable planning controls. Design changes are required to better respond to the opportunities of the site such as increased setbacks, more landscape screening and improved solar access to communal open space areas. In its current form it is likely to result in unreasonable impacts on the environment and the amenity of the locality. Given these issues approval of the development in the current form is not considered to be in the public interest.

3 CONCLUSION

This application has been assessed as unsatisfactory having regard to the Heads of Consideration under Section S4.15(1) of the Environmental Planning and Assessment Act 1979, the provisions of Wollongong Local Environmental Plan 2009 and all relevant Council DCPs, Codes and Policies.

The submissions received have been considered in the assessment as outlined in this report. The current design does not adequately respond to the site constraints. The site is flood affected which requires a redesign to address this relevant planning controls.

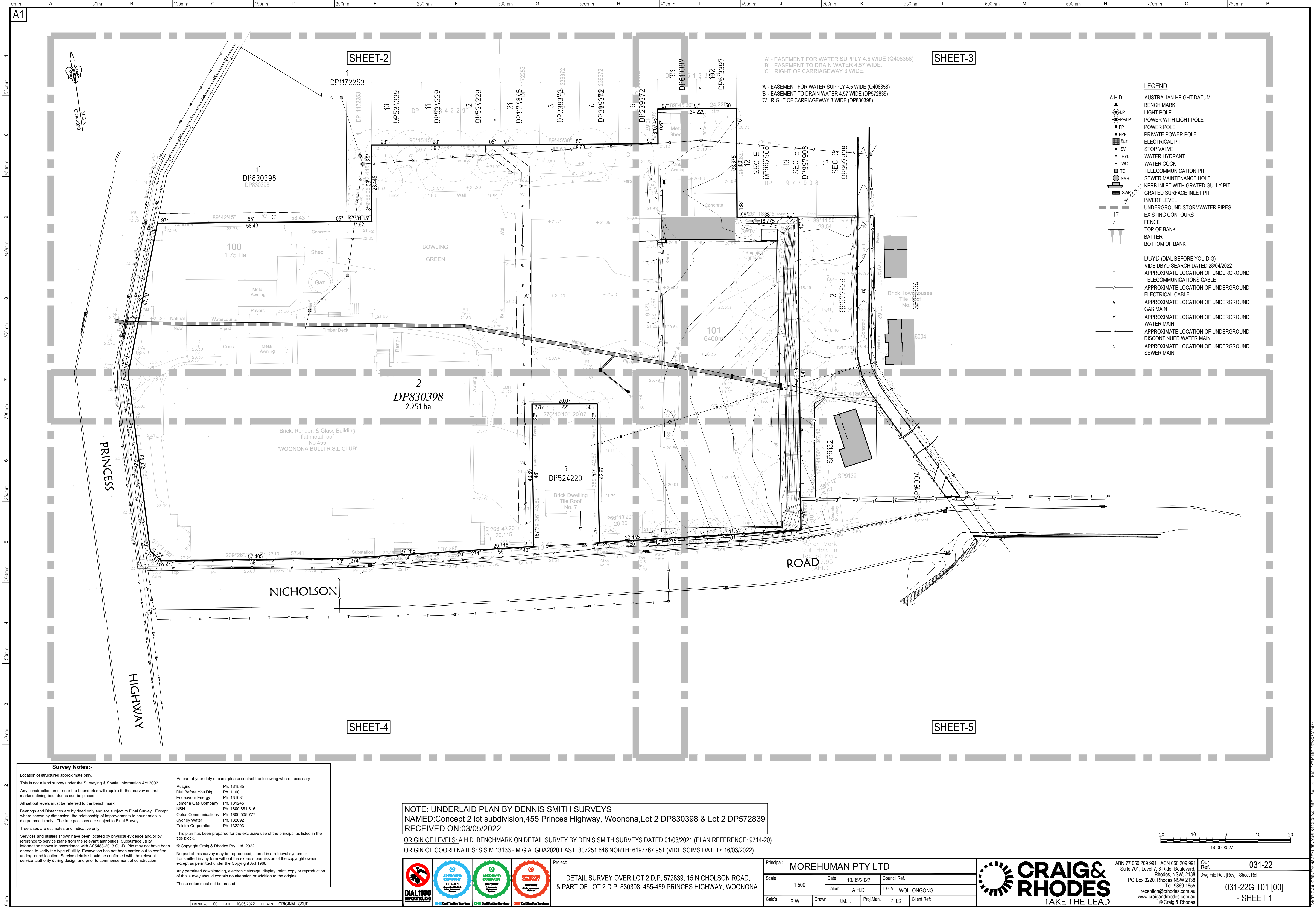
The proposed development has not demonstrated adequate stormwater disposal can be achieved. In its current form the design does not adequately respond to the design principles under SEPP 65, nor adequately respond to various objectives under the Apartment Design Guide. The proposed development does not achieve the provisions of Clause 4.6 have not been satisfied in relation to the floor space ratio and building height. Given lack of a clause 4.6 submission there is no power to grant consent. Due to the unresolved issues, the development is not supported.

4 RECOMMENDATION

DA-2022/1023 be refused subject to the reasons at Attachment 7.

5 ATTACHMENTS

- 1 Plans
- 2 Design Review Panel Meeting Minutes and Recommendations
- 3 Apartment Design Guide Compliance Table
- 4 Applicant's submission to development departure
- 5 WDCP 2009 compliance table
- 6 Applicant's variation statement
- 7 Reasons for refusal



A.H.D.

▲ BENCH MARK

⊙ LIGHT POLE

⊙ PPLP POWER WITH LIGHT POLE

⊙ PP POWER POLE

⊙ PPP PRIVATE POWER POLE

⊙ Ept ELECTRICAL PIT

⊙ SV STOP VALVE

⊙ HYD WATER HYDRANT

⊙ WC WATER COCK

⊙ TC TELECOMMUNICATION PIT

⊙ SMH SEWER MAINTENANCE HOLE

⊙ KIB KERB INLET WITH GRATED GULLY PIT

⊙ GIP GRATED SURFACE INLET PIT

⊙ I.L. INVERT LEVEL

⊙ U.S.P. UNDERGROUND STORMWATER PIPES

⊙ E.C. EXISTING CONTOURS

⊙ FENCE

⊙ T.B. TOP OF BANK

⊙ B.B. BATTER

⊙ B.O.B. BOTTOM OF BANK

DBYD (DIAL BEFORE YOU DIG)

VIDE DBYD SEARCH DATED 28/04/2022

⊙ APPROXIMATE LOCATION OF UNDERGROUND TELECOMMUNICATIONS CABLE

⊙ APPROXIMATE LOCATION OF UNDERGROUND ELECTRICAL CABLE

⊙ APPROXIMATE LOCATION OF UNDERGROUND GAS MAIN

⊙ APPROXIMATE LOCATION OF UNDERGROUND WATER MAIN

⊙ APPROXIMATE LOCATION OF UNDERGROUND DISCONTINUED WATER MAIN

⊙ APPROXIMATE LOCATION OF UNDERGROUND SEWER MAIN

NOTE: UNDERLAID PLAN BY DENNIS SMITH SURVEYS
NAMED: Concept 2 lot subdivision, 455 Princes Highway, Woonona, Lot 2 DP830398 & Lot 2 DP572839
RECEIVED ON: 03/05/2022
ORIGIN OF LEVELS: A.H.D. BENCHMARK ON DETAIL SURVEY BY DENIS SMITH SURVEYS DATED 01/03/2021 (PLAN REFERENCE: 9714-20)
ORIGIN OF COORDINATES: S.S.M.13133 - M.G.A. GDA2020 EAST: 307251.646 NORTH: 6197767.951 (VIDE SCIMS DATED: 16/03/2022)



Project:
DETAIL SURVEY OVER LOT 2 D.P. 572839, 15 NICHOLSON ROAD, & PART OF LOT 2 D.P. 830398, 455-459 PRINCES HIGHWAY, WOONONA

Principal: MOREHUMAN PTY LTD						
Scale 1:500		Date	10/05/2022	Council Ref.		
		Datum	A.H.D.			L.G.A.
Calc's	B.W.	Drawn:	J.M.J.	Proj.Man.	P.J.S.	Client Ref:



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031-22G T01 [00]
- SHEET 1

Survey Notes:-

Location of structures approximate only.

This is not a land survey under the Surveying & Spatial Information Act 2002.

Any construction on or near the boundaries will require further survey so that marks defining boundaries can be placed.

All set out levels must be referred to the bench mark.

Bearings and Distances are by deed only and are subject to Final Survey. Except where shown by dimension, the relationship of improvements to boundaries is diagrammatic only. The true positions are subject to Final Survey.

Tree sizes are estimates and indicative only.

Services and utilities shown have been located by physical evidence and/or by reference to service plans from the relevant authorities. Subsurface utility information shown is in accordance with AS5488-2013 QL-D. Pits may not have been opened to verify the type of utility. Excavation has not been carried out to confirm underground location. Service details should be confirmed with the relevant service authority during design and prior to commencement of construction.

As part of your duty of care, please contact the following where necessary :-

Ausgrid Ph. 131535
Dial Before You Dig Ph. 1100
Endeavour Energy Ph. 131081
Jemena Gas Company Ph. 131245
NBN Ph. 1800 881 816
Optus Communications Ph. 1800 505 777
Sydney Water Ph. 132092
Telstra Corporation Ph. 132203

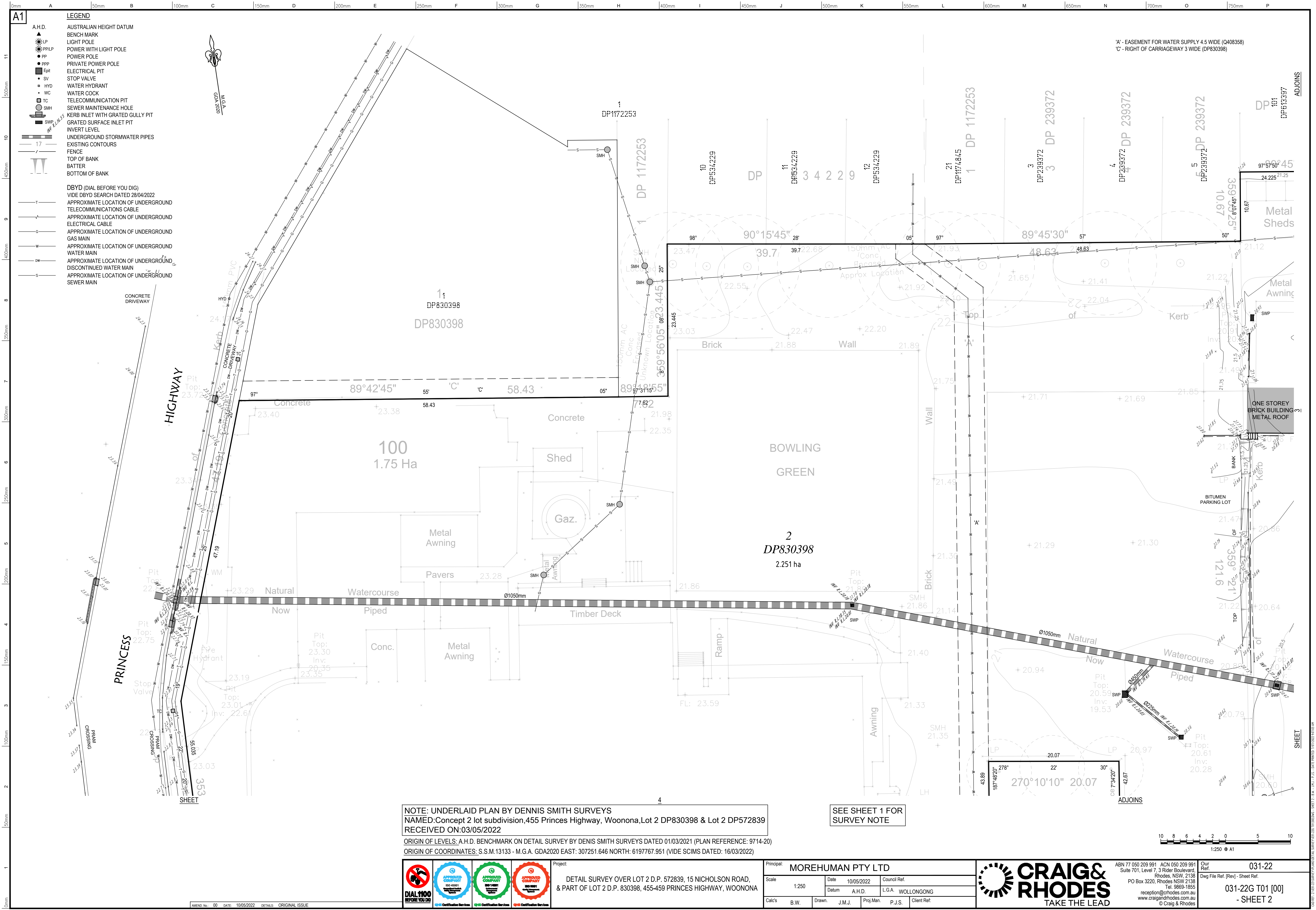
This plan has been prepared for the exclusive use of the principal as listed in the title block.

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RECEIVED ON: 03/05/2022
ORIGIN OF LEVELS: A.H.D. BENCHMARK ON DETAIL SURVEY BY DENIS SMITH SURVEYS DATED 01/03/2021 (PLAN REFERENCE: 9714-20)
ORIGIN OF COORDINATES: S.S.M. 13133 - M.G.A. GDA2020 EAST: 307251.646 NORTH: 6197767.951 (VIDE SCIMS DATED: 16/03/2022)

SEE SHEET 1 FOR
SURVEY NOTE



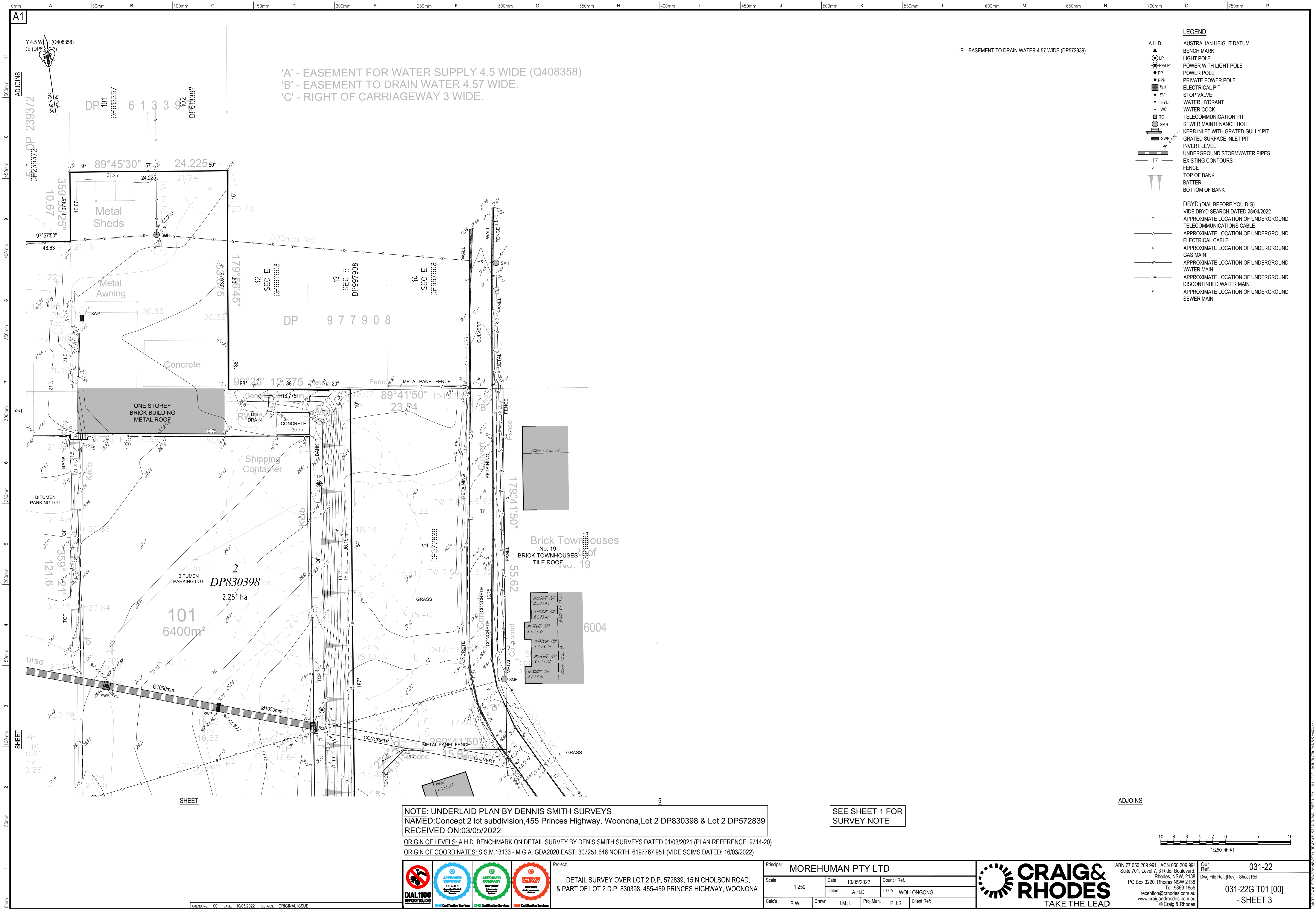
Project:
DETAIL SURVEY OVER LOT 2 D.P. 572839, 15 NICHOLSON ROAD,
& PART OF LOT 2 D.P. 830398, 455-459 PRINCES HIGHWAY, WOONONA

Principal:	MOREHUMAN PTY LTD				
Scale:	1:250	Date:	10/05/2022	Council Ref.	
		Datum:	A.H.D.	L.G.A. WOLLONGONG	
Cal's:	B.W.	Drawn:	J.M.J.	Proj.Man:	P.J.S.
				Client Ref:	



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- SHEET 2



0mm 50mm 100mm 150mm 200mm 250mm 300mm 350mm 400mm 450mm 500mm 550mm 600mm 650mm 700mm 750mm

A1

ADJOINS

SHEET

1 2 3 4 5 6 7 8 9 10 11

NOTE: UNDERLAID PLAN BY DENNIS SMITH SURVEYS
NAMED: Concept 2 lot subdivision, 455 Princes Highway, Woonona, Lot 2 DP830398 & Lot 2 DP572839
RECEIVED ON: 03/05/2022
ORIGIN OF LEVELS: A.H.D. BENCHMARK ON DETAIL SURVEY BY DENIS SMITH SURVEYS DATED 01/03/2021 (PLAN REFERENCE: 9714-20)
ORIGIN OF COORDINATES: S.S.M. 13133 - M.G.A. GDA2020 EAST: 307251.646 NORTH: 6197767.951 (VIDE SCIMS DATED: 16/03/2022)

SEE SHEET 1 FOR
SURVEY NOTE

ADJOINS



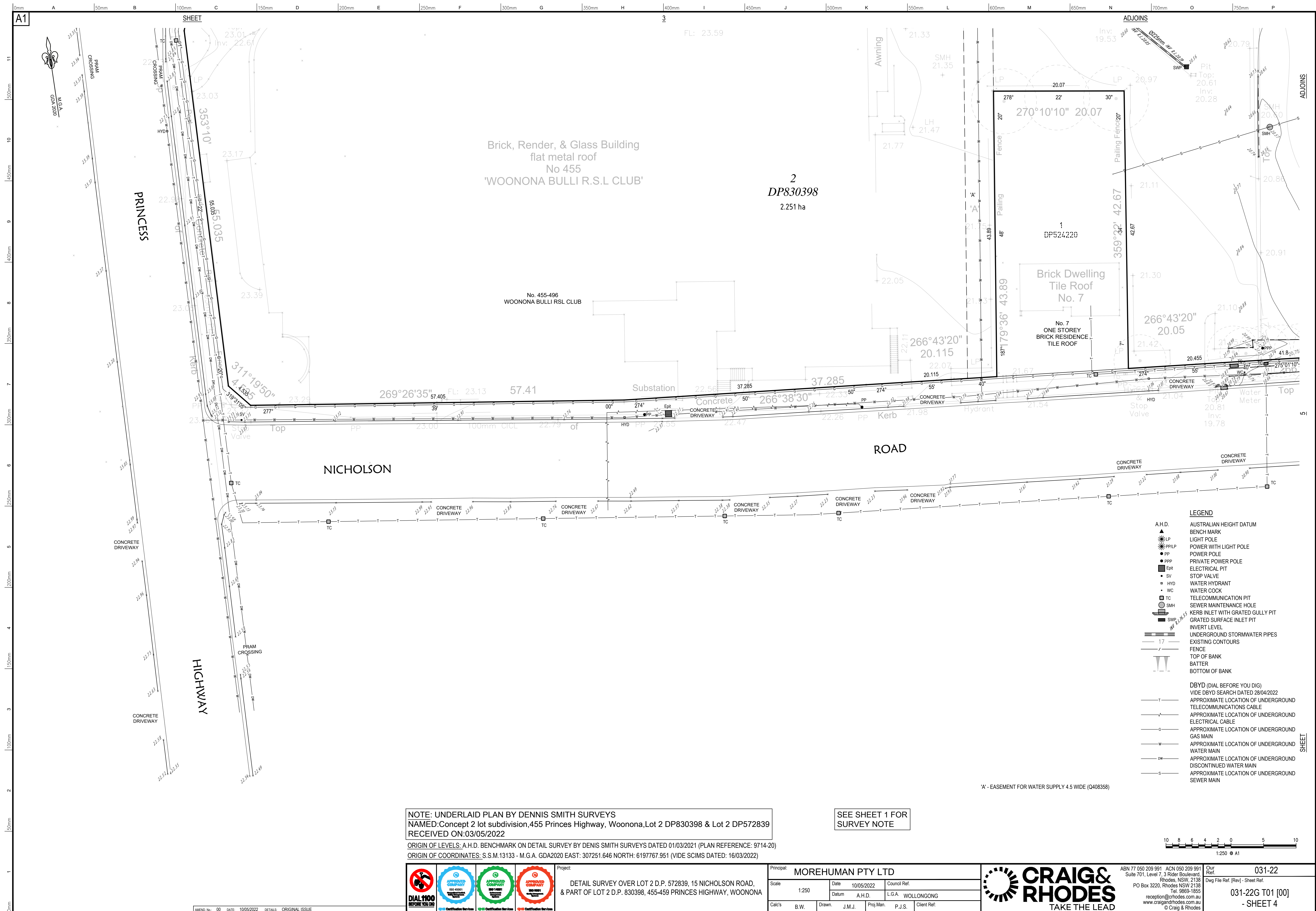
Project: **DETAIL SURVEY OVER LOT 2 D.P. 572839, 15 NICHOLSON ROAD, & PART OF LOT 2 D.P. 830398, 455-459 PRINCES HIGHWAY, WOONONA**

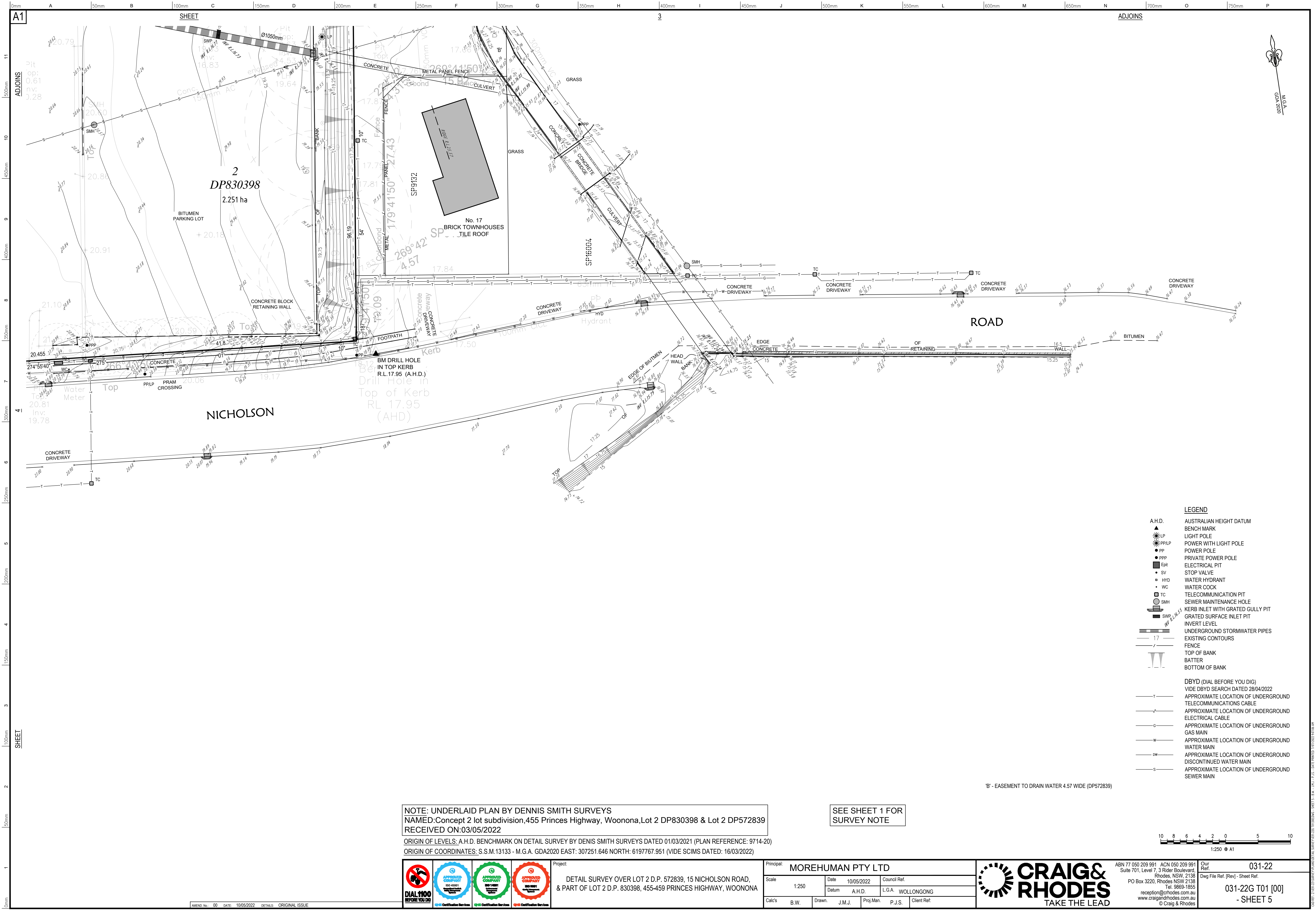
Principal:	MOREHUMAN PTY LTD			
Scale:	1:250	Date:	10/05/2022	Council Ref:
Datum:	A.H.D.	Proj. Man:	P.J.S.	Client Ref:
Cal's:	B.W.	Drawn:	J.M.J.	



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RECEIVED ON: 03/05/2022
ORIGIN OF LEVELS: A.H.D. BENCHMARK ON DETAIL SURVEY BY DENIS SMITH SURVEYS DATED 01/03/2021 (PLAN REFERENCE: 9714-20)
ORIGIN OF COORDINATES: S.S.M. 13133 - M.G.A. GDA2020 EAST: 307251.646 NORTH: 6197767.951 (VIDE SCIMS DATED: 16/03/2022)

SEE SHEET 1 FOR
SURVEY NOTE

Principal: MOREHUMAN PTY LTD

Scale: 1:250

Date: 10/05/2022

Datum: A.H.D.

Cal's: B.W.

Drawn: J.M.J.

Proj. Man: P.J.S.

Council Ref: L.G.A. WOLLONGONG

Client Ref:

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- SHEET 5



DRAWING NO.	DESCRIPTION	SCALE	DRAWING NO.	DESCRIPTION	SCALE	DRAWING NO.	DESCRIPTION	SCALE
DA100	Title Page		DA118	Internal Elevation YY	1/200, 1:...	DA136	Area Calculations	1/500
DA101	Site Analysis Plan	1/250	DA119	Section AA	1/100	DA137	Perspectives & Finishes	1/1.69
DA102	Site Plan Basement	1/200	DA120	Section BB	1/100, 1:...	DA138	Perspectives	1/1.69
DA103	Site Plan Ground Floor	1/200	DA121	Shadow Diagram: 9:00am June 21	1/200	DA139	Notification Plans - Site Plan	1/1000
DA104	Site Plan Level 01	1/200	DA122	Shadow Diagram: 10:00am June 21	1/200	DA140	Notification Plans - Elevation	1/500
DA105	Site Plan Level 02	1/200	DA123	Shadow Diagram: 11:00am June 21	1/200			
DA106	Site Plan Roof	1/200	DA124	Shadow Diagram: 12:00am June 21	1/200			
DA107	Building A Plans	1/100	DA125	Shadow Diagram: 1:00pm June 21	1/200			
DA108	Building B Plans	1/100	DA126	Shadow Diagram: 2:00pm June 21	1/200			
DA109	Building B Plans	1/100	DA127	Shadow Diagram: 3:00pm June 21	1/200			
DA110	Building C Plans	1/100	DA128	Shadow Diagram: 9:00am Sep 23 (Eq...	1/200			
DA111	Building D Plans	1/100	DA129	Shadow Diagram: 10:00am Sep 23 (Eq...	1/200			
DA112	Building D Plans	1/100	DA130	Shadow Diagram: 11:00am Sep 23 (Eq...	1/200			
DA113	Building D Plans	1/100	DA131	Shadow Diagram: 12:00pm Sep 23 (Eq...	1/200			
DA114	North & South Elevations	1/100	DA132	Shadow Diagram: 1:00pm Sep 23 (Eq...	1/200			
DA115	East Elevation	1/100, 1:...	DA133	Shadow Diagram: 2:00pm Sep 23 (Eq...	1/200			
DA116	West Elevation	1/100, 1:...	DA134	Shadow Diagram: 3:00pm Sep 23 (Eq...	1/200			
DA117	Internal Elevation ZZ	1/100, 1:...	DA135	Sun Eye Views: 21 June				

Building Component	Construction Materials		Insulation	Colour - Solar Absorpt.	Other Detail/Requirements
External Walls	Concrete Panel	Plasterboard lined	R2.5	Light (<0.475)	
Internal walls (within)	Plasterboard on studs		None		
Intertencyancy walls	200 Concrete panel	Plasterboard lined	R2.5		
Windows/Glazing	Alum SG Clear: U = 6.70: SHGC = 0.70				TH01 - TH04
	Alum Double Gazed Low Solar Gain low-E -Clear: U = 4.90: SHGC = 0.33				APT12
	Alum SG Low Solar Gain Low-E: U = 5.60: SHGC = 0.41				All other dwellings
Roof	Metal Deck		R3.5	Medium (0.475 to 0.70)	TH17-TH20
	Concrete		R2.0	Medium (0.475 to 0.70)	All other dwellings
Ceiling	Plasterboard		R3.5		TH17-TH20
Floor Structure	Concrete		R1.5		TH17 - TH20 (GROUND FLOOR)
	Concrete		R1.5		APT 01 - APT04
	Concrete		None		All other dwellings
Floor Covering	Carpet	Bedrooms			
	Ceramic Tiles	Wet areas			
	Timber	All other rooms			
Ceiling/Wall Penetrations	Must be sealed				
External Shading Devices	Refer to plans				

01	29/08/22	Development Application	ML BB	BB
Rev	Date	Amendment	Drawn	Check
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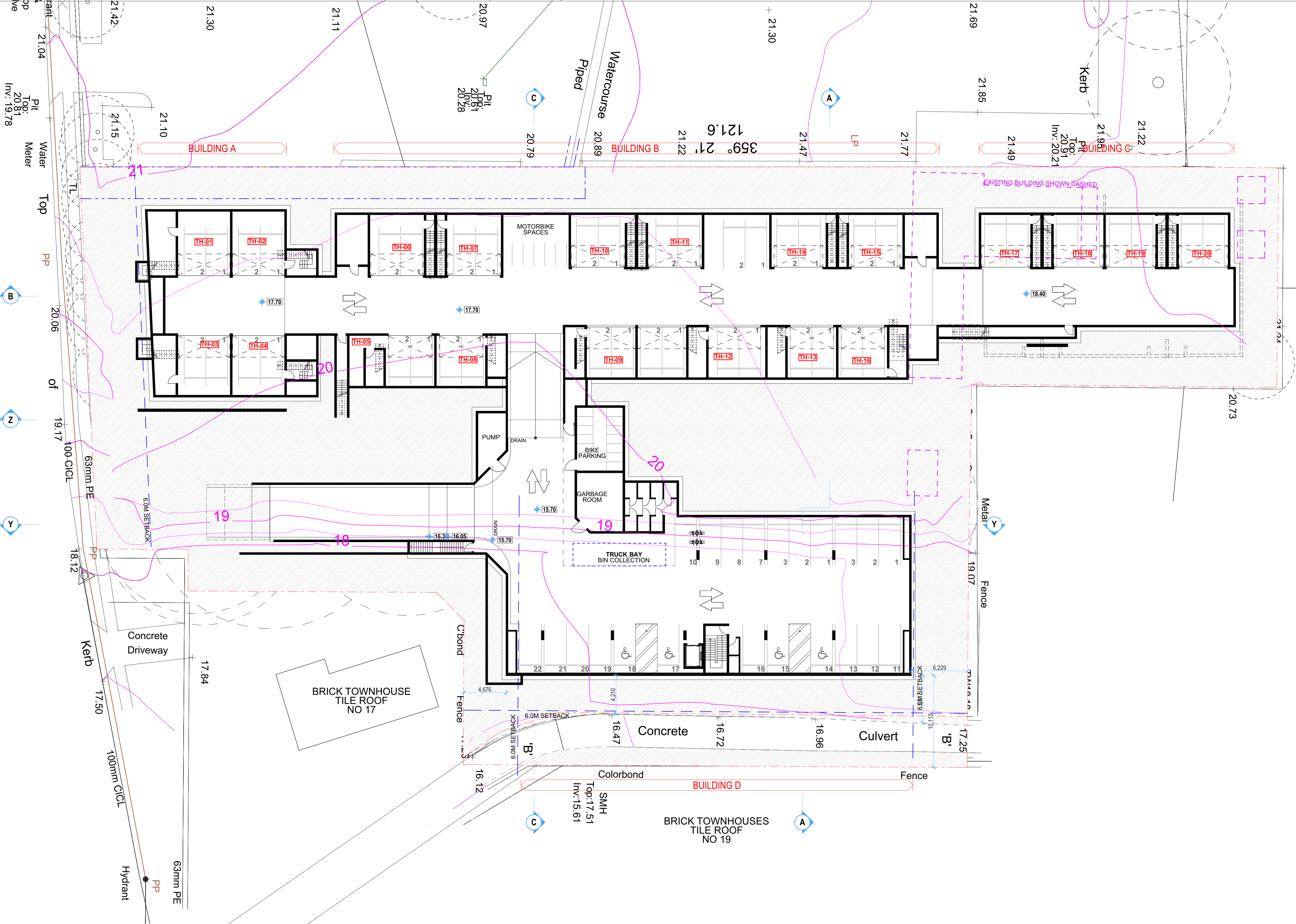
Date
29/08/22



1:200 at A1 size

NICHOLSON ROAD

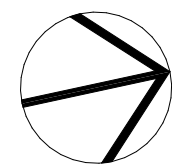
NICHOLSON ROAD



EXISTING CONTOURS
SHOWN IN MAGENTA

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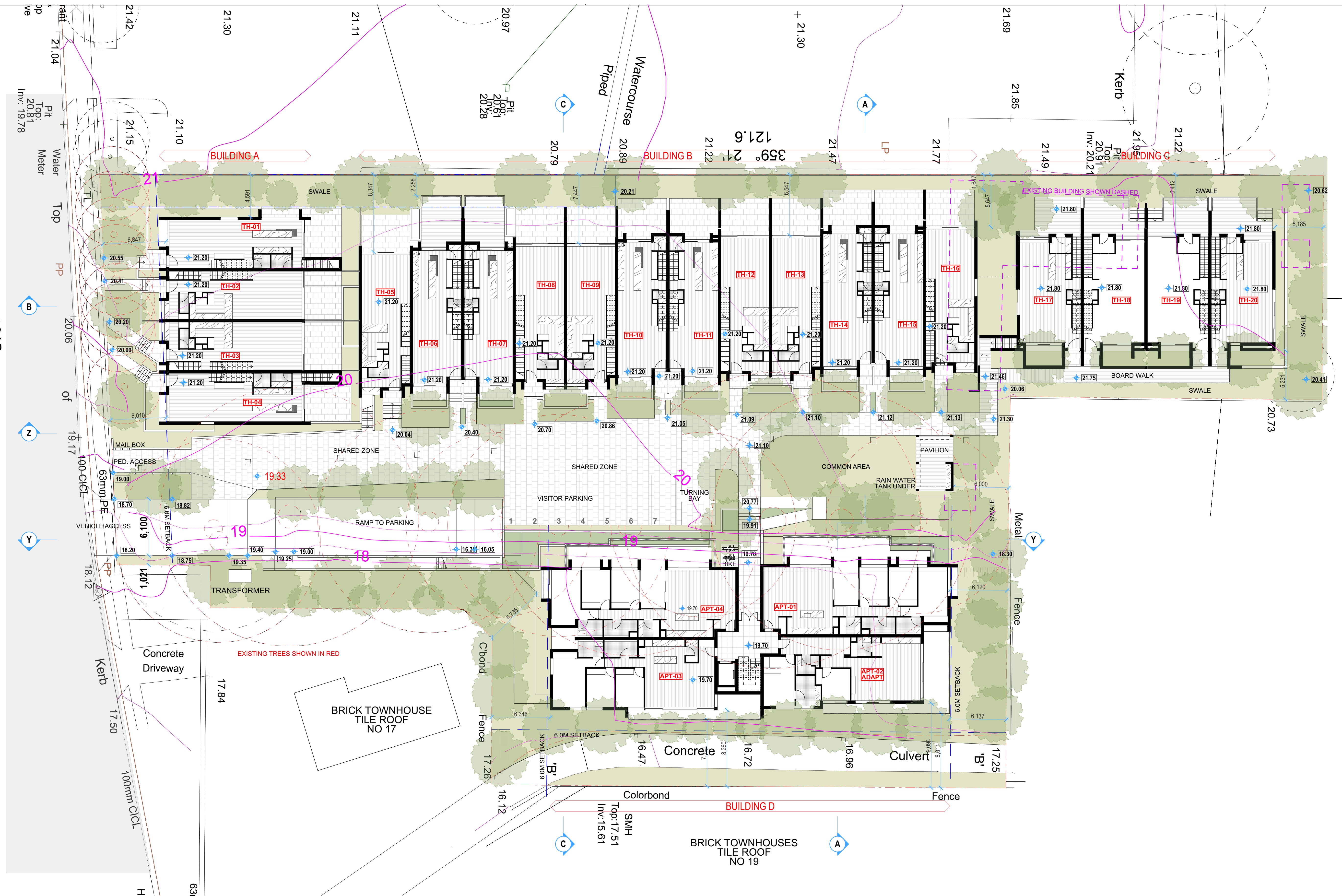
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Client
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Project
NICHOLSON ROAD RESIDENCES
Address: Proposed Subdivision of Lot 2 D.P.
572839 & Lot 101 D.P. 1279511
Status
DA SUBMISSION

Title
Site Plan Basement
Drawing No.
0616-DA102
Revision
01
Scale
1:200 at A1 size
Date
29/08/22

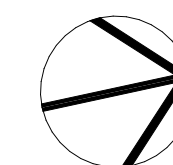
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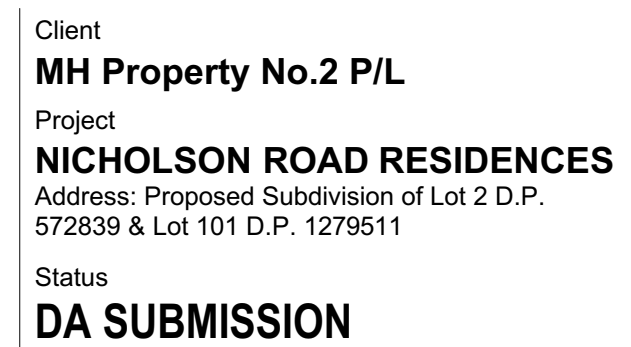
Status
DA SUBMISSION

Title	
Site Plan Ground Floor	
Drawing No.	Revision
0616-DA103	01
Scale	Date
1:200 at A1 size	29/08/22

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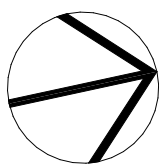
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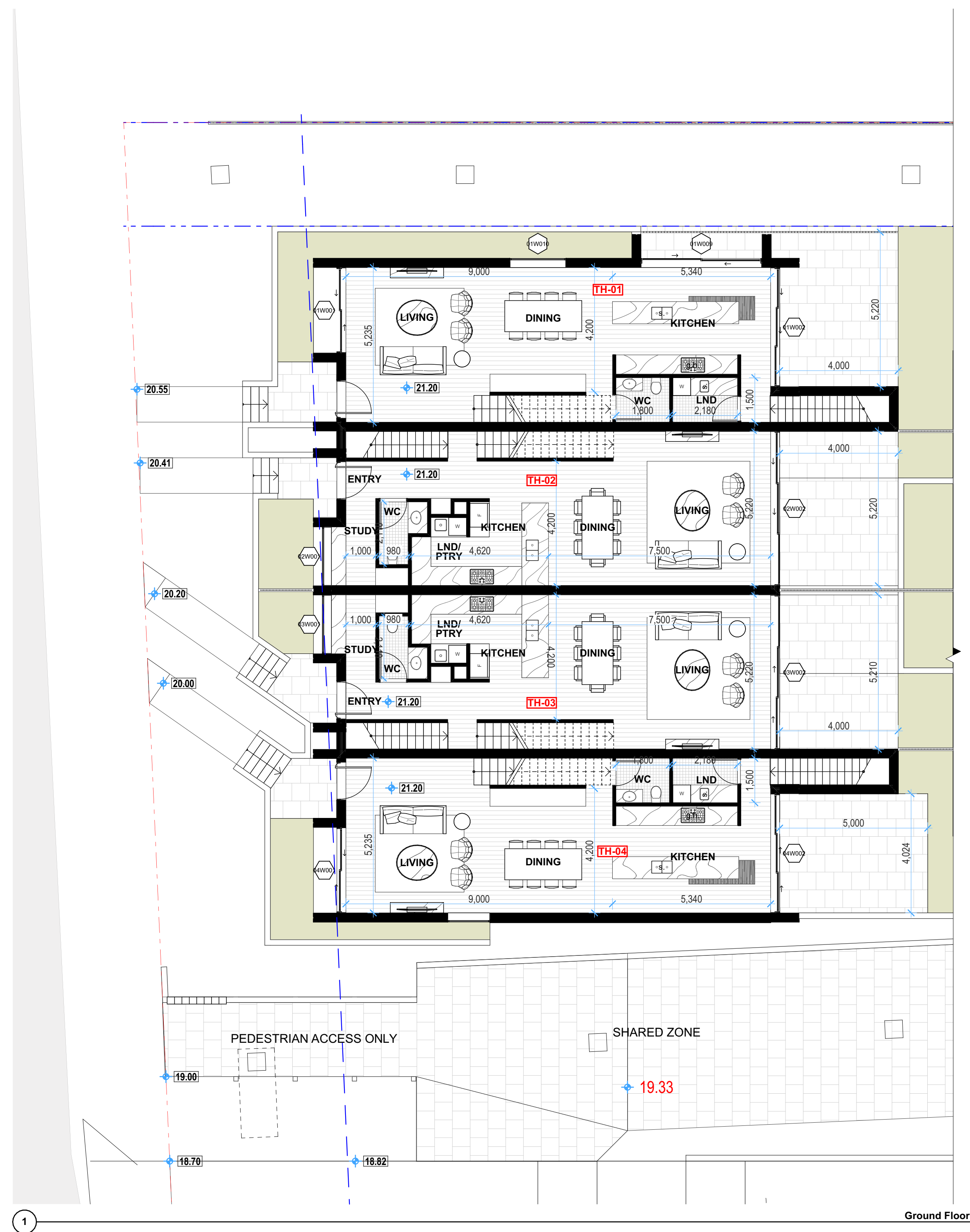
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0616-DA104	01
Scale	Date
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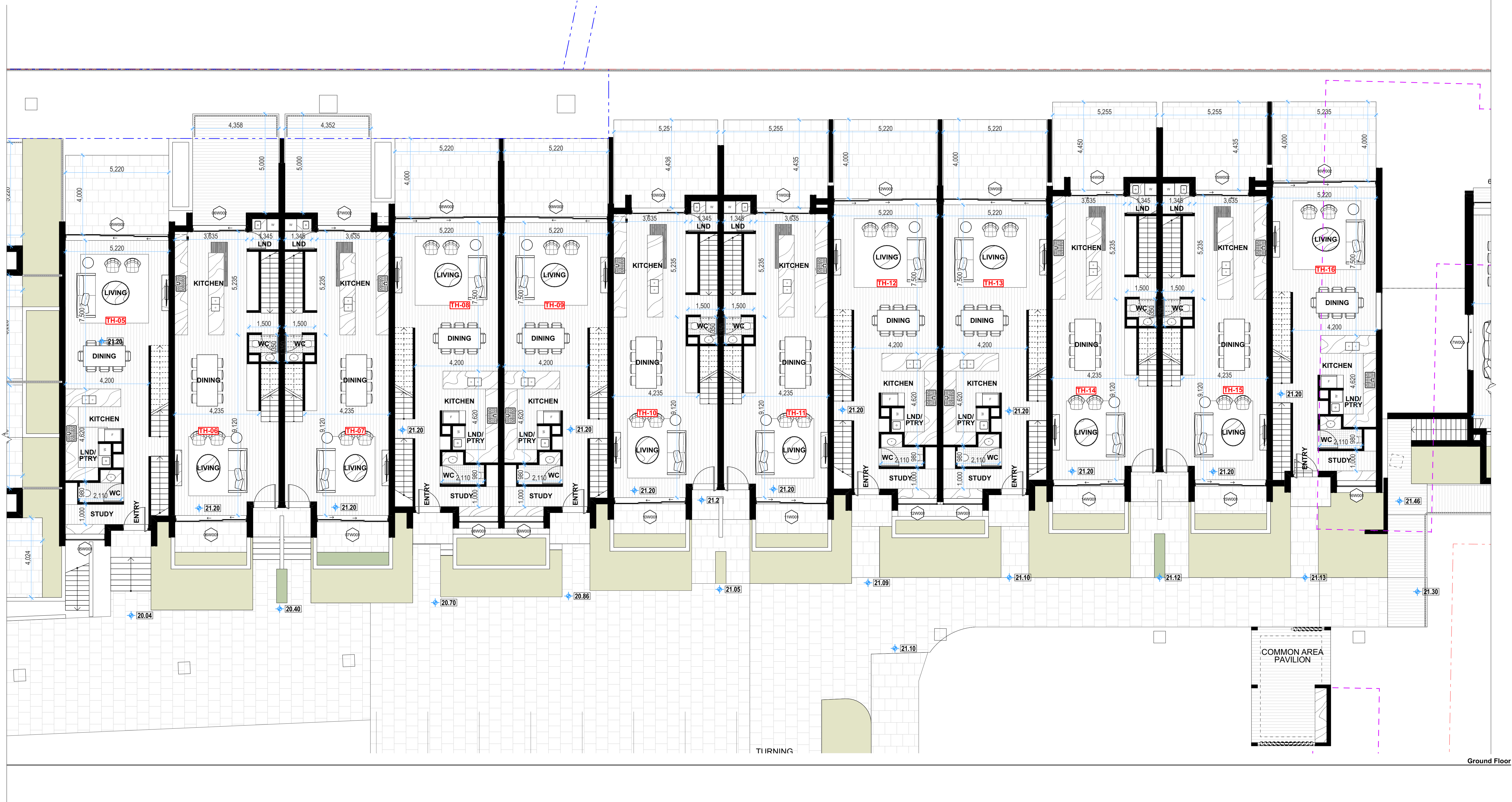


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Site Plan Roof	
Drawing No.	Revision
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Scale	Date
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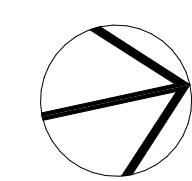


Rev	Date	Amendment	Drawn	Chk
01	29/08/22	Development Application	ML	BB

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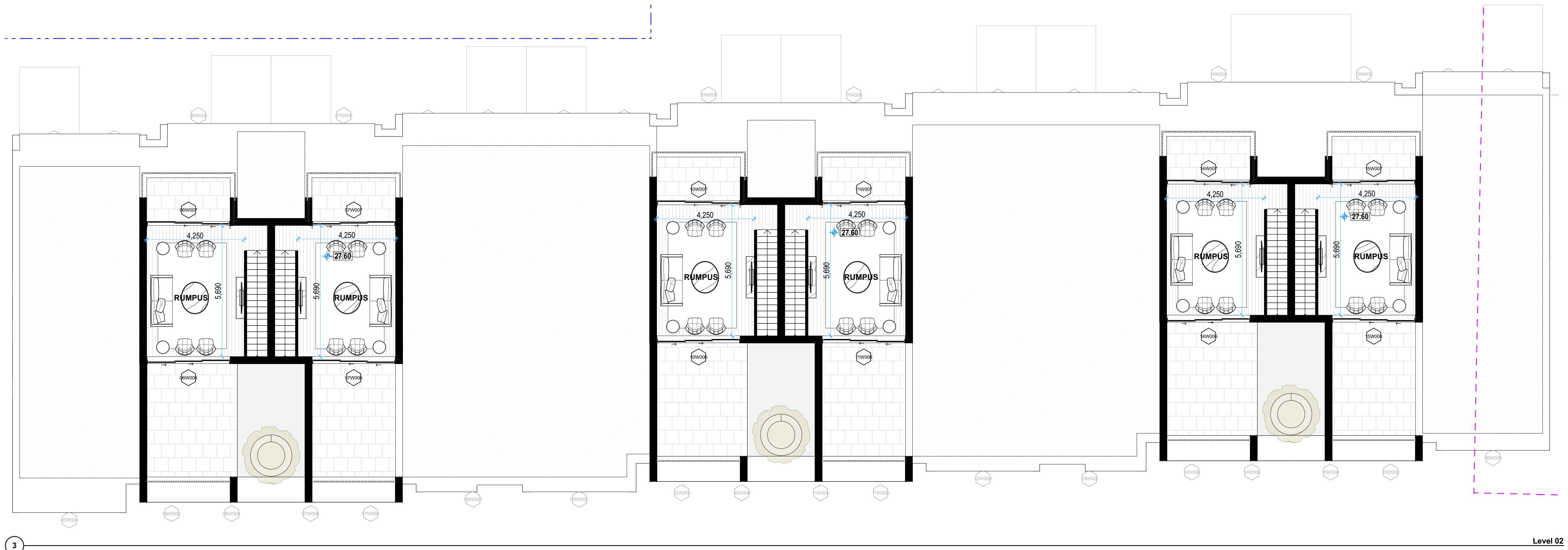
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Title
Building B Plans
Drawing No.
0616-DA108
Revision
01
Scale
1:100 at A1 size
Date
29/08/22



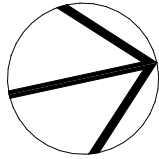
3 Level 02



1 Level 01

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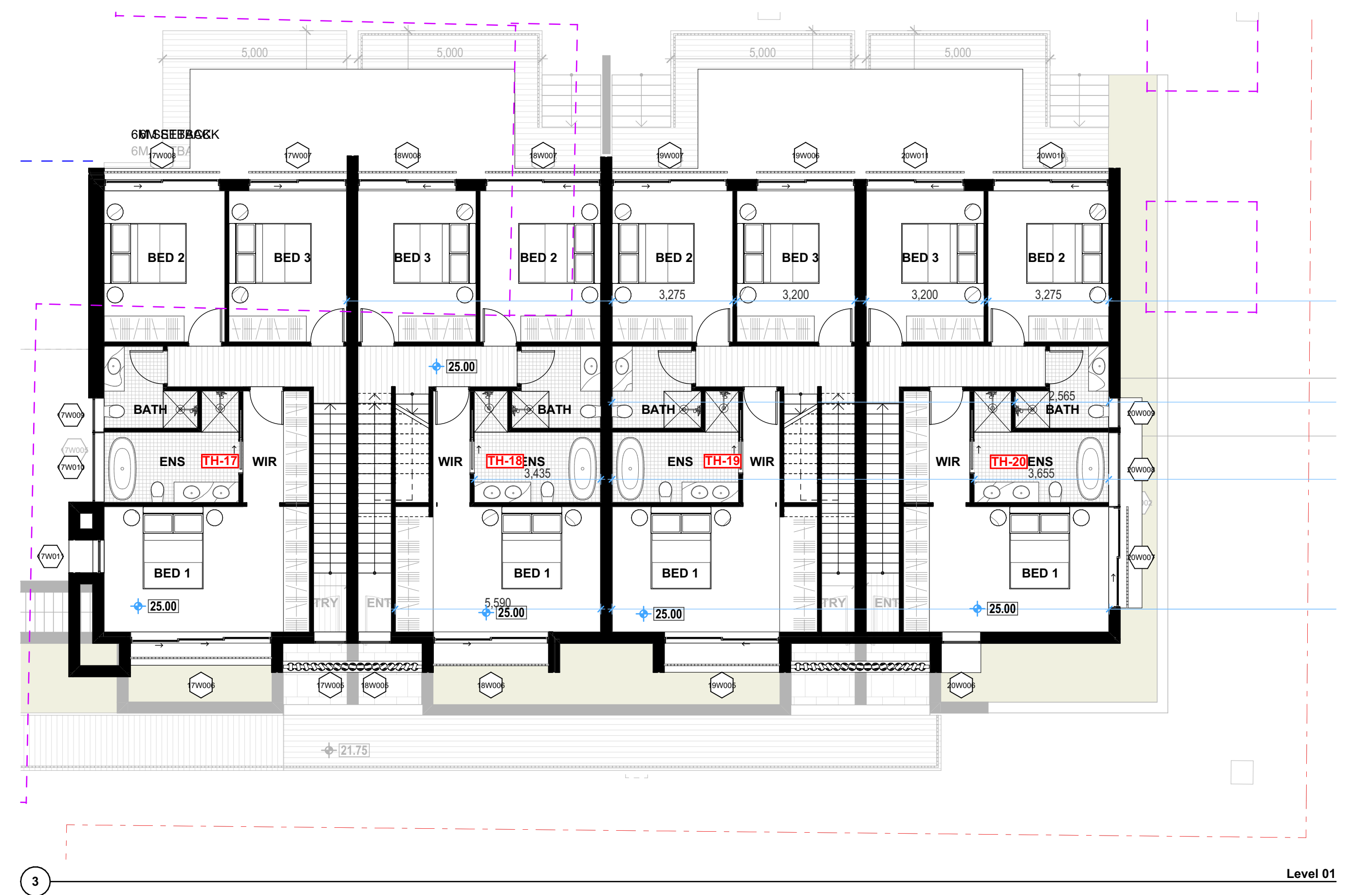
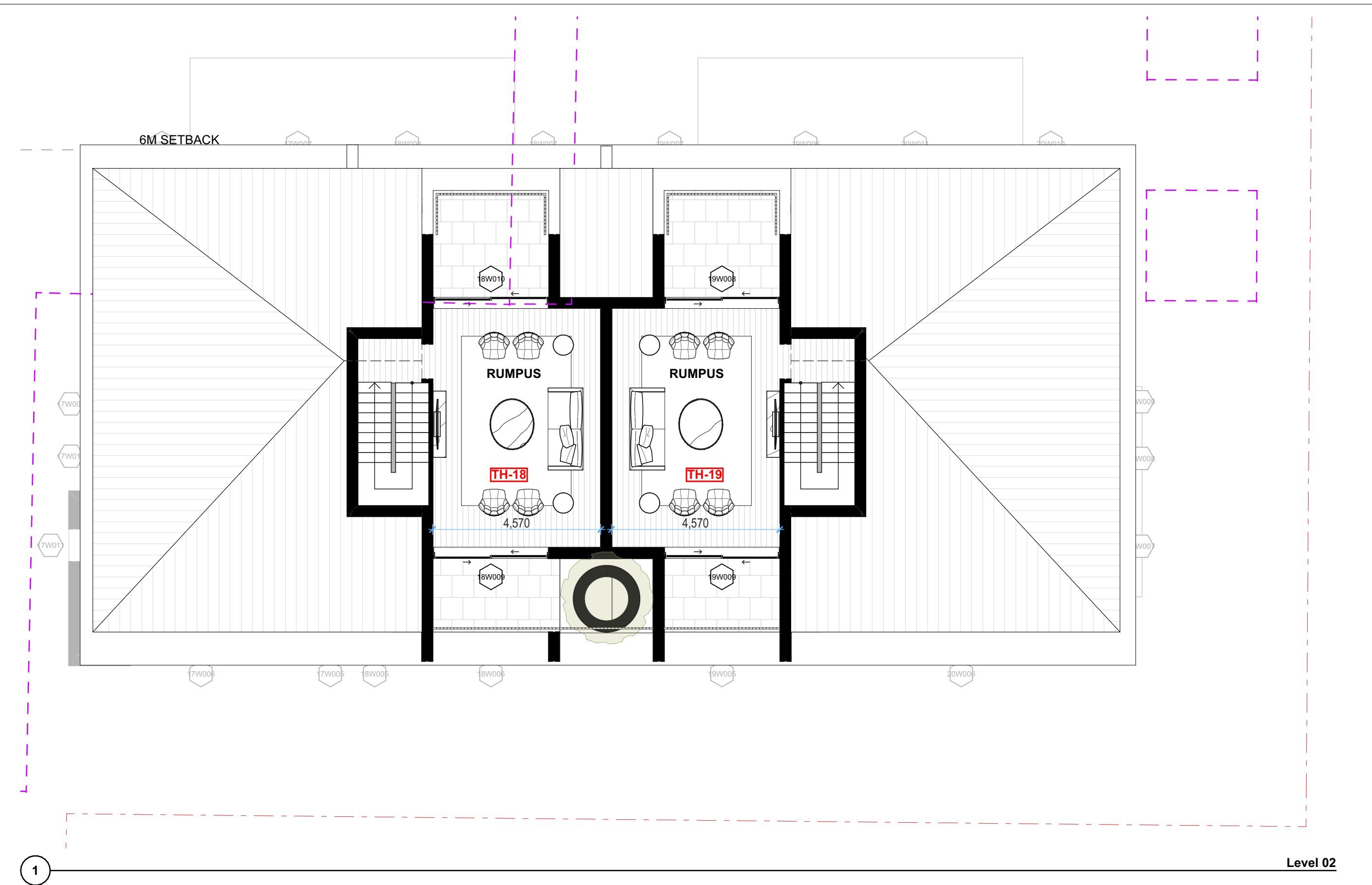
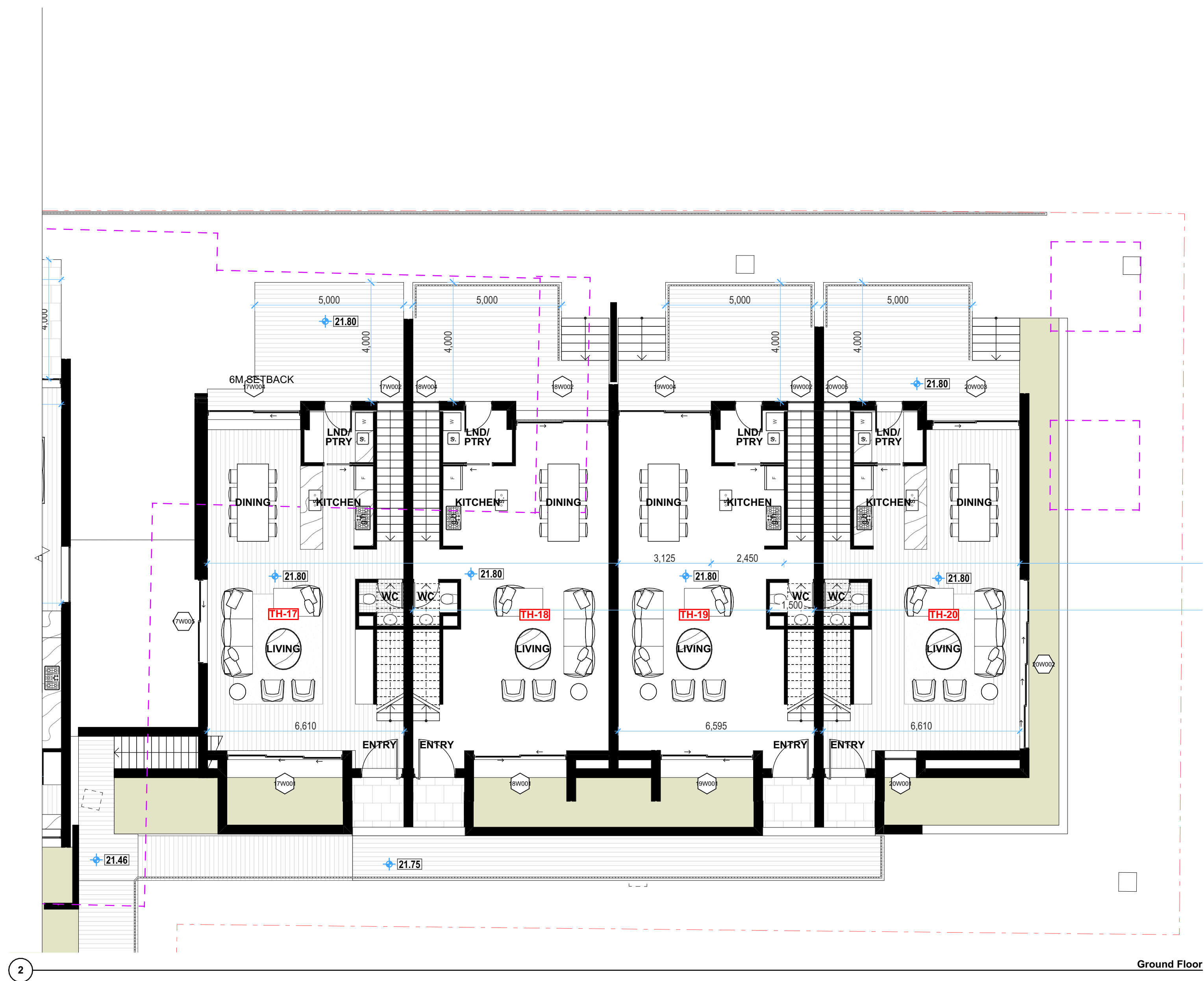
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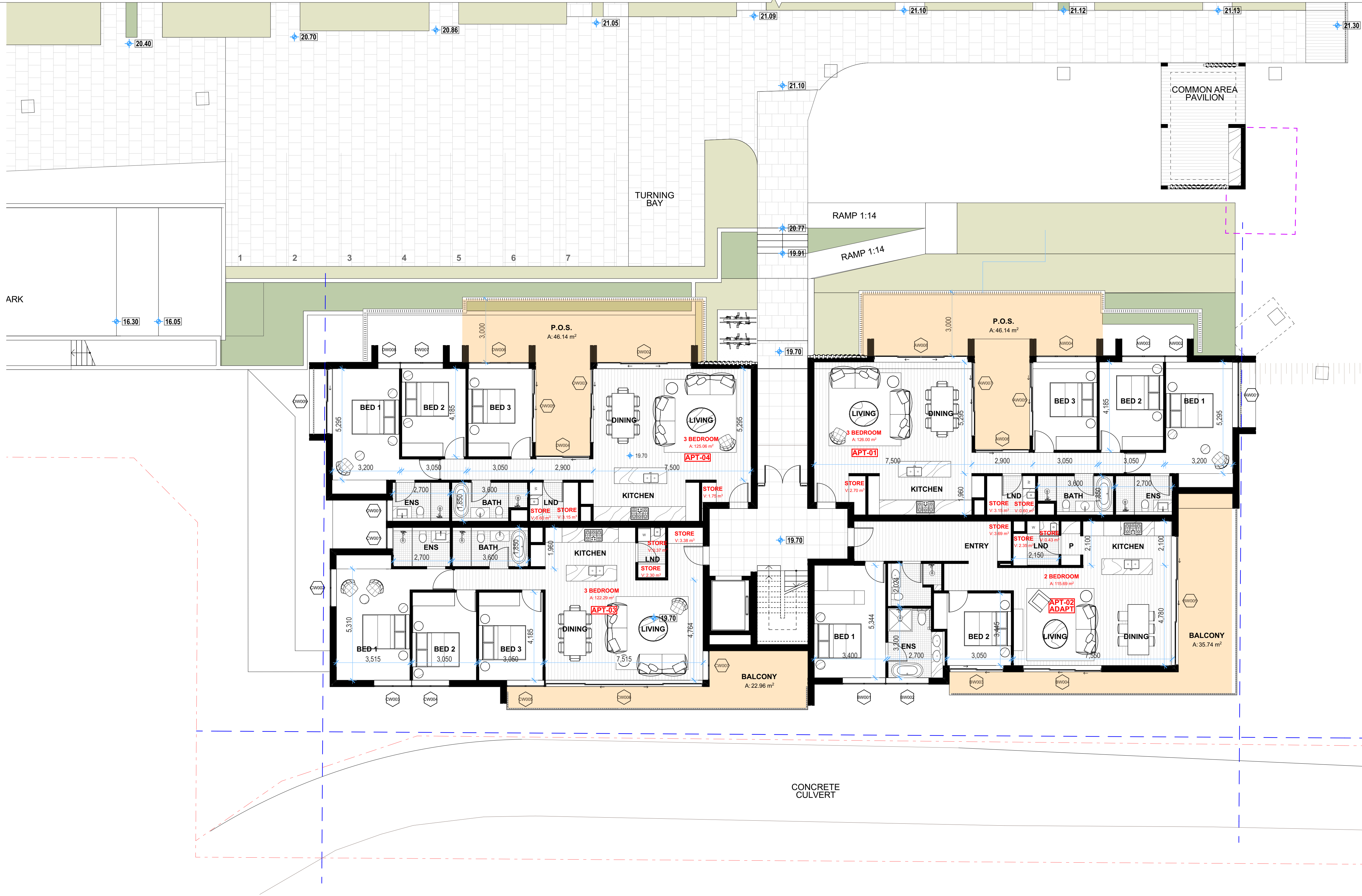


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Title
Building B Plans
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0616-DA109
Revision
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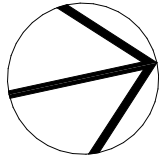
Ground Floor

1

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Rev	Date	Amendment	Drawn	Chk
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Title
Building D Plans
Drawing No.
0616-DA111
Revision
01
Scale
1:100 at A1 size
Date
29/08/22

SECTION 4101 - EXISTING FLOOR PLAN OF LOT 2 D.P.

3

Level 02

1

APT- 2, 6, 10 (Post-Adaptation)

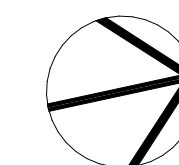
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Level 01

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ML BB
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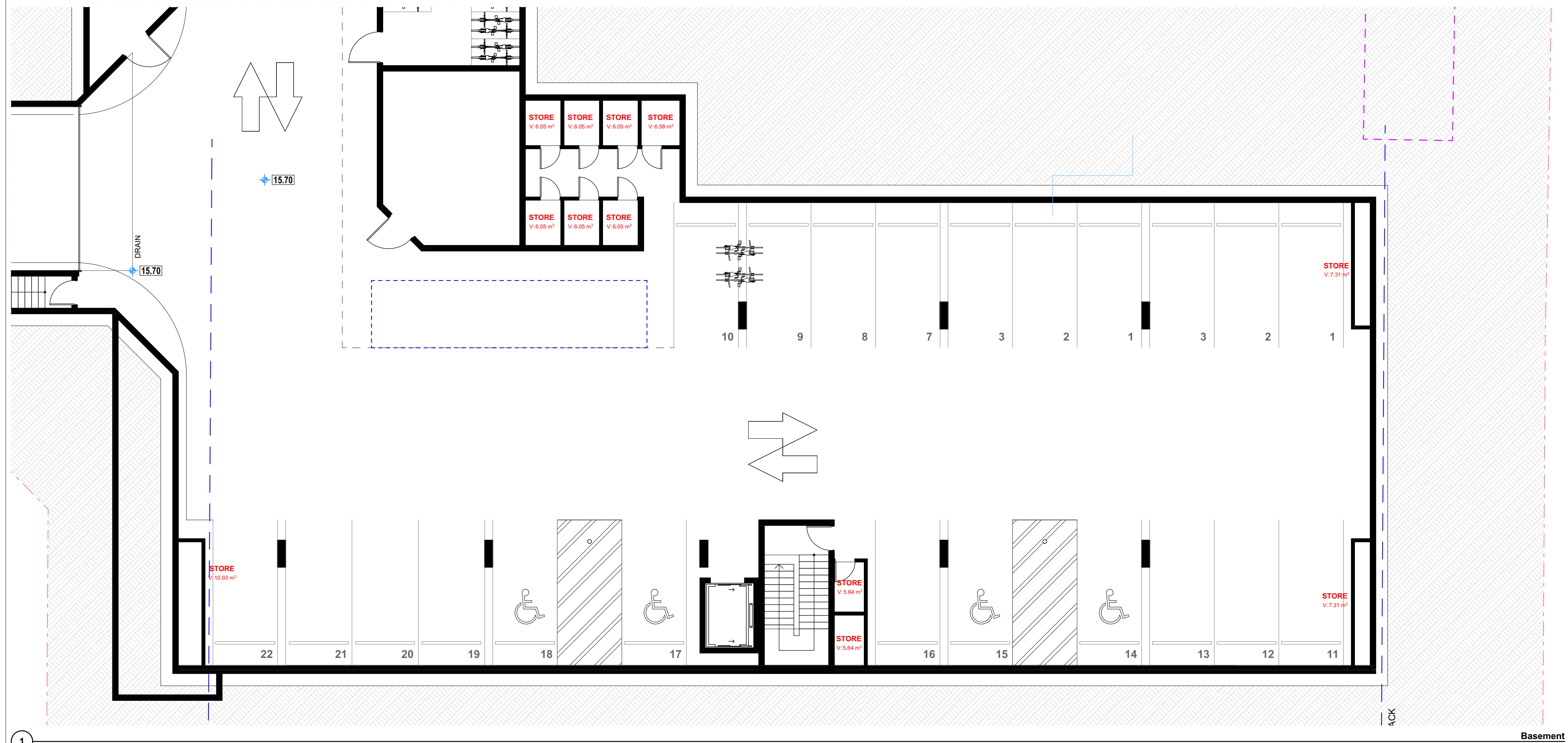
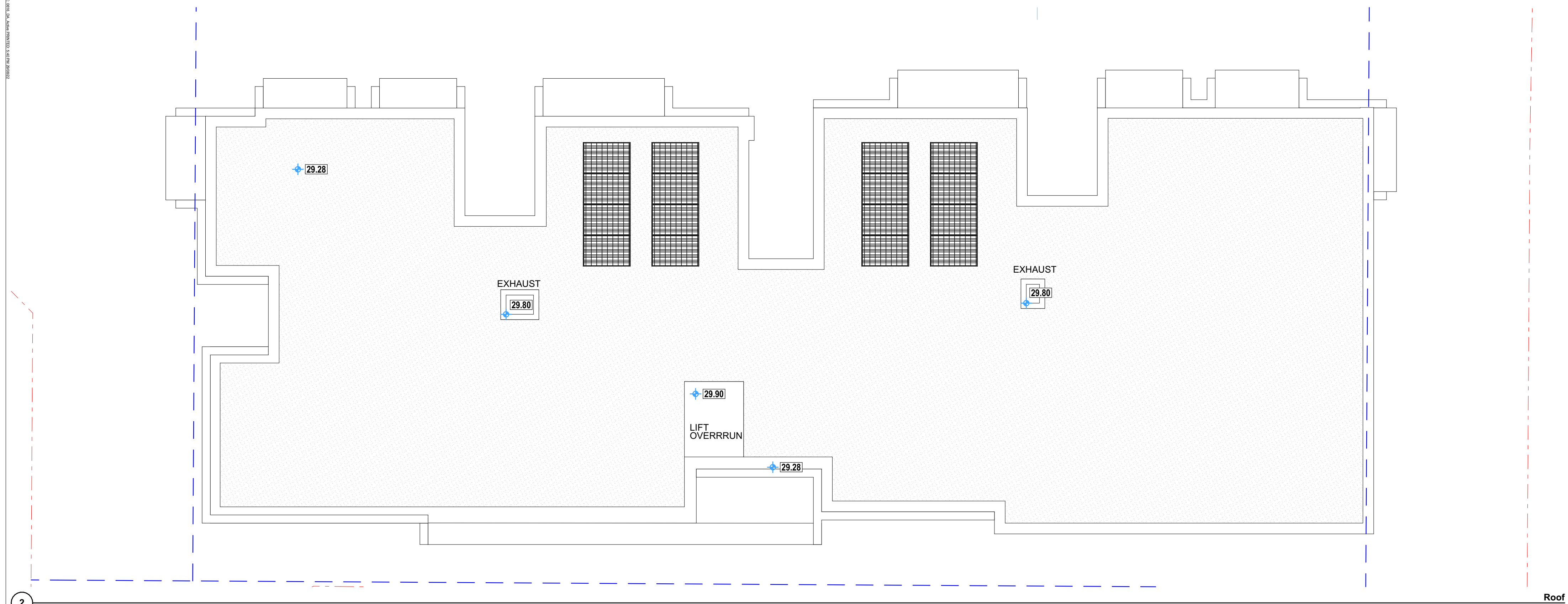
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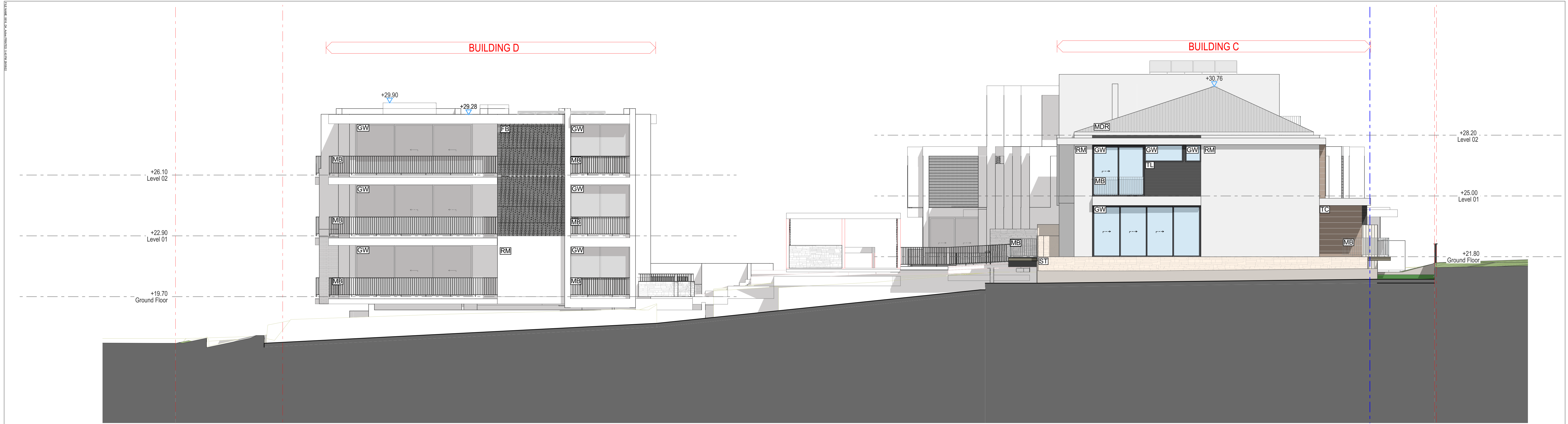


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NICHOLSON ROAD RESIDENCES
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Title
Building D Plans
Drawing No.
0616-DA112
Revision
01
Scale
1:100 at A1 size
Date
29/08/22



POPOV BASS ARCHITECTS PTY LTD 91 002 955 364



NORTH ELEVATION
1:100

1



SOUTH ELEVATION
1:100

2

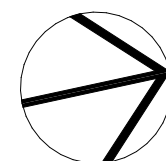
LEGEND:

CO CONCRETE
DP DOWNPIPE
FB TEXTURED FACE BRICK/SCREEN
GDR GARAGE DOOR
GW GLAZED WINDOWS (ALUMINIUM FRAMED)
MB METAL BALUSTRADE
MC METAL CLADDING
MDR METAL DECK ROOF
MF METAL FENCE

MS METAL SCREEN
RM RENDERED MASONRY
ST STONE CLADDING
TC TIMBER LOOK CLADDING
TF TIMBER FENCE
TL TILE CLADDING

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Status
DA SUBMISSION

Title
North & South Elevations

Drawing No.
0616-DA114

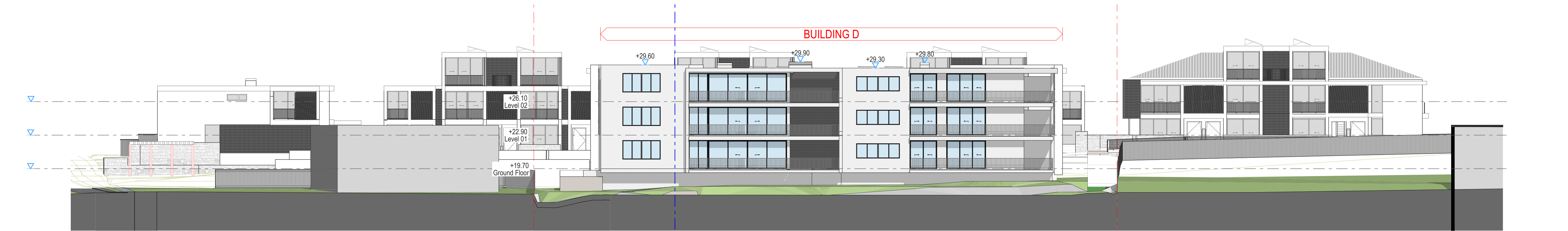
Revision
01

Scale
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Date
29/08/22

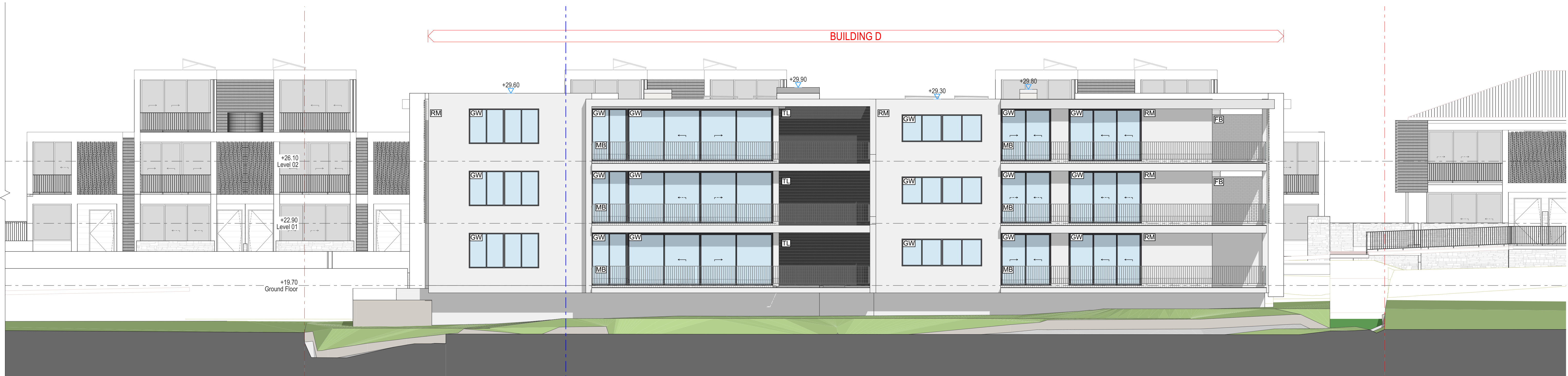
01 29/08/22 Development Application ML BB
Rev Date Amendment Drawn Chk
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POPOV BASS ARCHITECTS PTY LTD 10/100



EAST ELEVATION 1:200
1:200

3



EAST ELEVATION
1:100

1

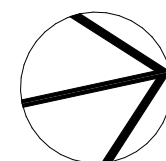
LEGEND:

CO	CONCRETE
DP	DOWNPIPE
FB	TEXTURED FACE BRICK/SCREEN
GDR	GARAGE DOOR
GW	GLAZED WINDOWS (ALUMINIUM FRAMED)
MB	METAL BALUSTRADE
MC	METAL CLADDING
MDR	METAL DECK ROOF
MF	METAL FENCE

MS	METAL SCREEN
RM	RENDERED MASONRY
ST	STONE CLADDING
TC	TIMBER LOOK CLADDING
TF	TIMBER FENCE
TL	TILE CLADDING

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Client
MH Property No.2 P/L
Project
NICHOLSON ROAD RESIDENCES
Address: Proposed Subdivision of Lot 2 D.P.
572839 & Lot 101 D.P. 1279511
Status
DA SUBMISSION

Title
East Elevation

Drawing No.
0616-DA115

Revision
01

Scale
1:100, 1:200 at A1 size

Date
29/08/22

01 29/08/22 Development Application ML BB
Rev Date Amendment Drawn Chk
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LEGEND:

CO	CONCRETE
DP	DOWNPIPE
FB	TEXTURED FACE BRICK/SCREEN
GDR	GARAGE DOOR
GW	GLAZED WINDOWS (ALUMINIUM FRAMED)
MB	METAL BALUSTRADE
MC	METAL CLADDING
MDR	METAL DECK ROOF
MF	METAL FENCE

MS	METAL SCREEN
RM	RENDERED MASONRY
ST	STONE CLADDING
TC	TIMBER LOOK CLADDING
TF	TIMBER FENCE
TL	TILE CLADDING

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NICHOLSON ROAD RESIDENCES

Address: Proposed Subdivision of Lot 2 D.P.,
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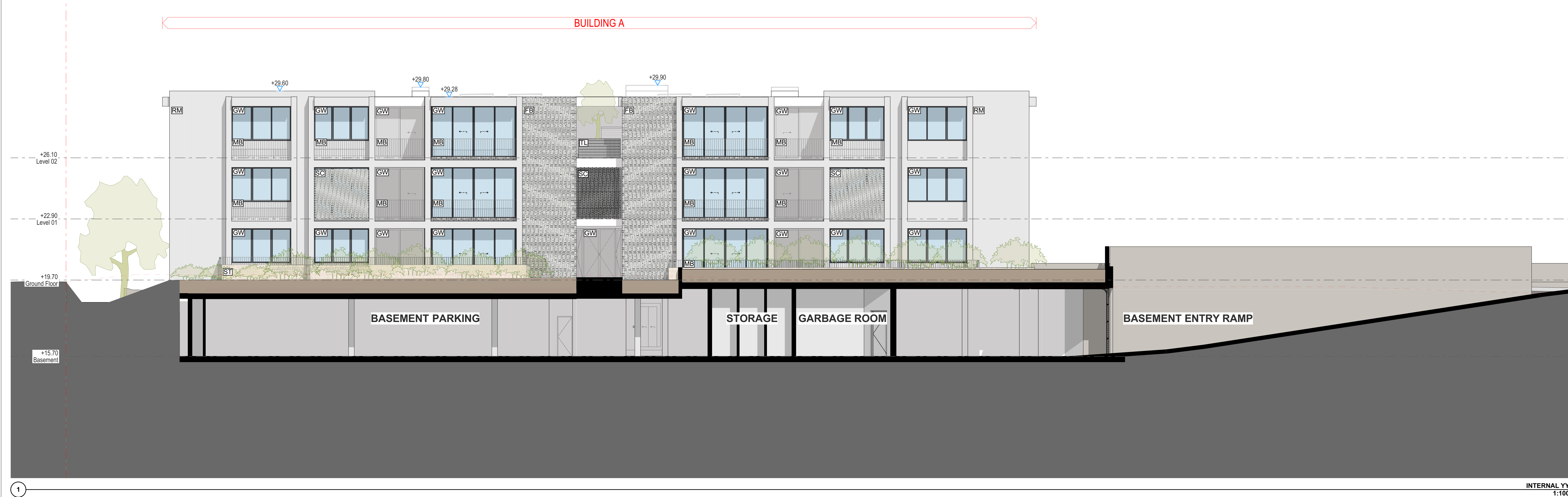
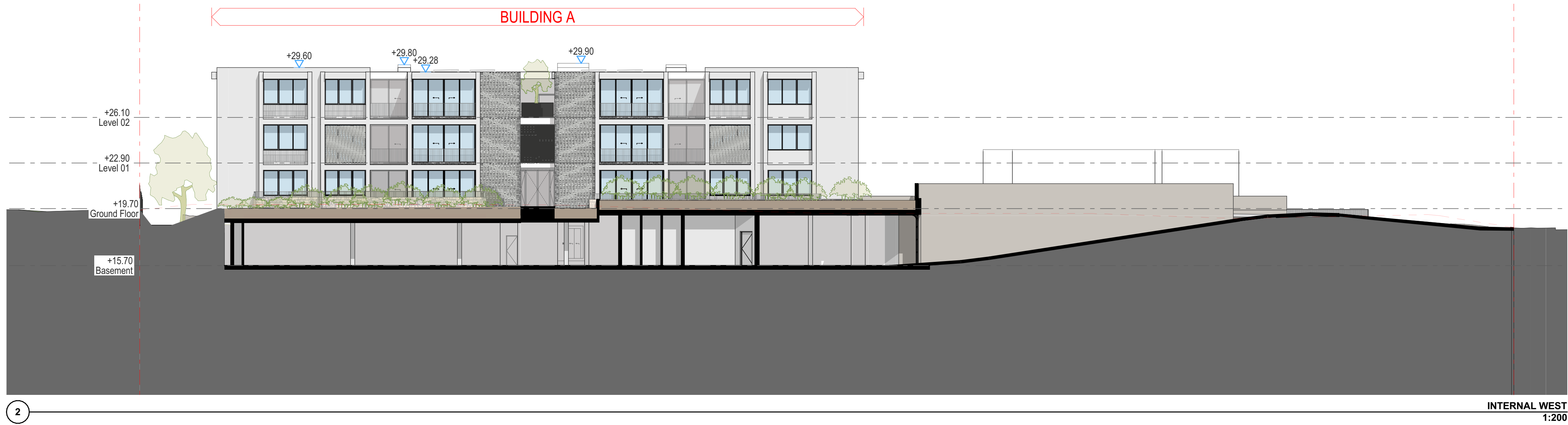
Status
DA SUBMISSION

Title	
West Elevation	
Drawing No.	Revision
0616-DA116	01
Scale	Date
1:100, 1:200 at A1 size	29/08/22



01	29/08/22	Development Application	ML BB	BB
Rev	Date	Amendment	Drawn	Chk'd
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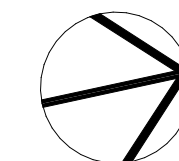
LEGEND:

CO	CONCRETE
DP	DOWNPIPE
FB	TEXTURED FACE BRICK/SCREEN
GDR	GARAGE DOOR
GW	GLAZED WINDOWS (ALUMINIUM FRAMED)
MB	METAL BALUSTRADE
MC	METAL CLADDING
MDR	METAL DECK ROOF
MF	METAL FENCE

MS	METAL SCREEN
RM	RENDERED MASONRY
ST	STONE CLADDING
TC	TIMBER LOOK CLADDING
TF	TIMBER FENCE
TL	TILE CLADDING

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NICHOLSON ROAD RESIDENCES
Address: Proposed Subdivision of Lot 2 D.P.,
572839 & Lot 101 D.P. 1279511
Status
DA SUBMISSION

Title
Internal Elevation YY
Drawing No.
0616-DA118
Revision
01
Scale
1:100, 1:200 at A1 size
Date
29/08/22

01 29/08/22 Development Application ML BB
Rev Date Amendment Drawn Chk
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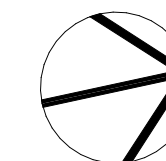


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CO	CONCRETE
DP	DOWNPIPE
FB	TEXTURED FACE BRICK/SCREEN
GDR	GARAGE DOOR
GW	GLAZED WINDOWS (ALUMINIUM FRAMED)
MB	METAL BALUSTRADE
MC	METAL CLADDING
MDR	METAL DECK ROOF
MF	METAL FENCE

MS	METAL SCREEN
RM	RENDERED MASONRY
ST	STONE CLADDING
TC	TIMBER LOOK CLADDING
TF	TIMBER FENCE
TL	TILE CLADDING

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Project

NICHOLSON ROAD RESIDENCES
Address: Proposed Subdivision of Lot 2 D.P.
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Item	Status
1. Project Initiation	Completed
2. Requirements Gathering	In Progress
3. System Design	Not Started
4. Development	Not Started
5. Testing	Not Started
6. Deployment	Not Started
7. Maintenance	Not Started

DA SUBMISSION

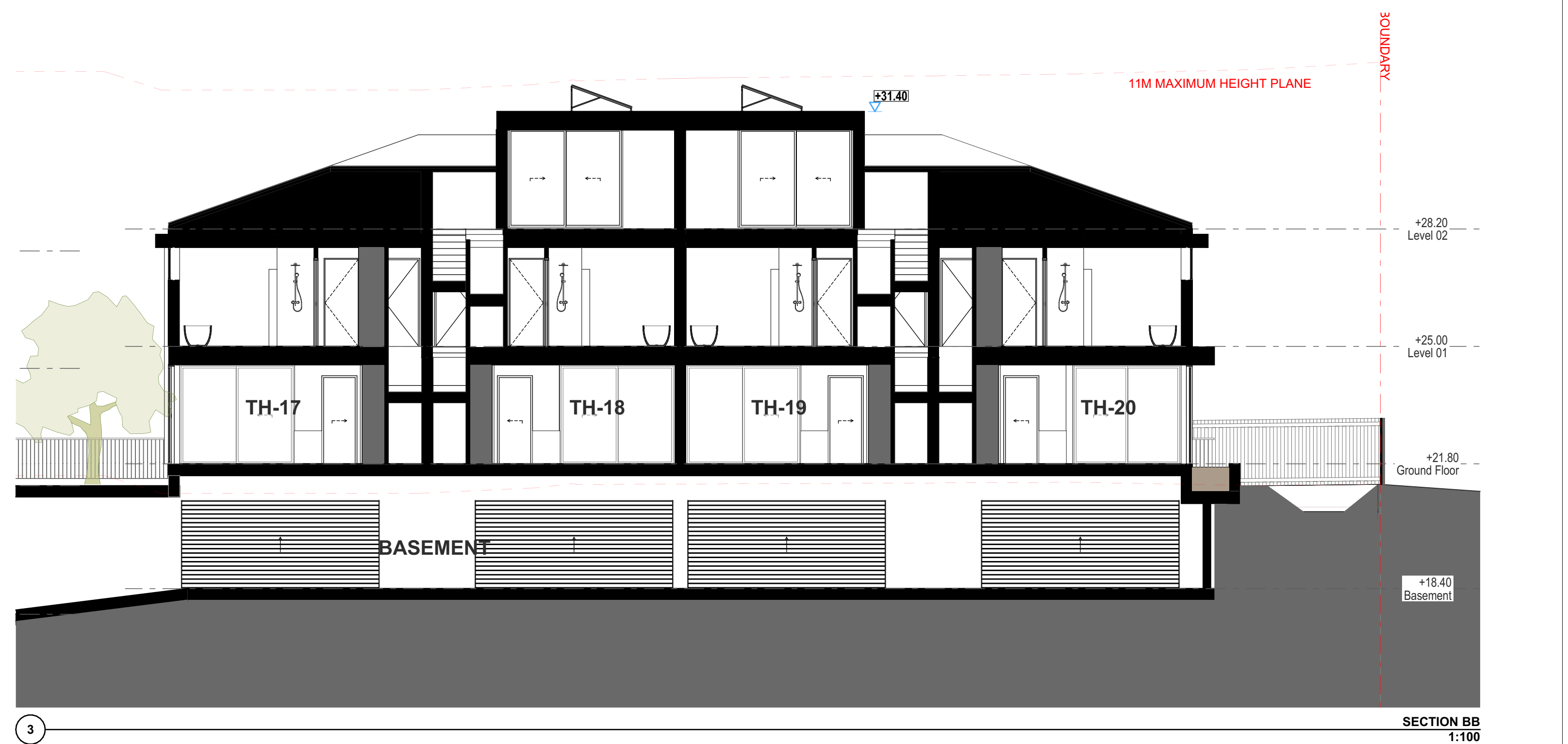
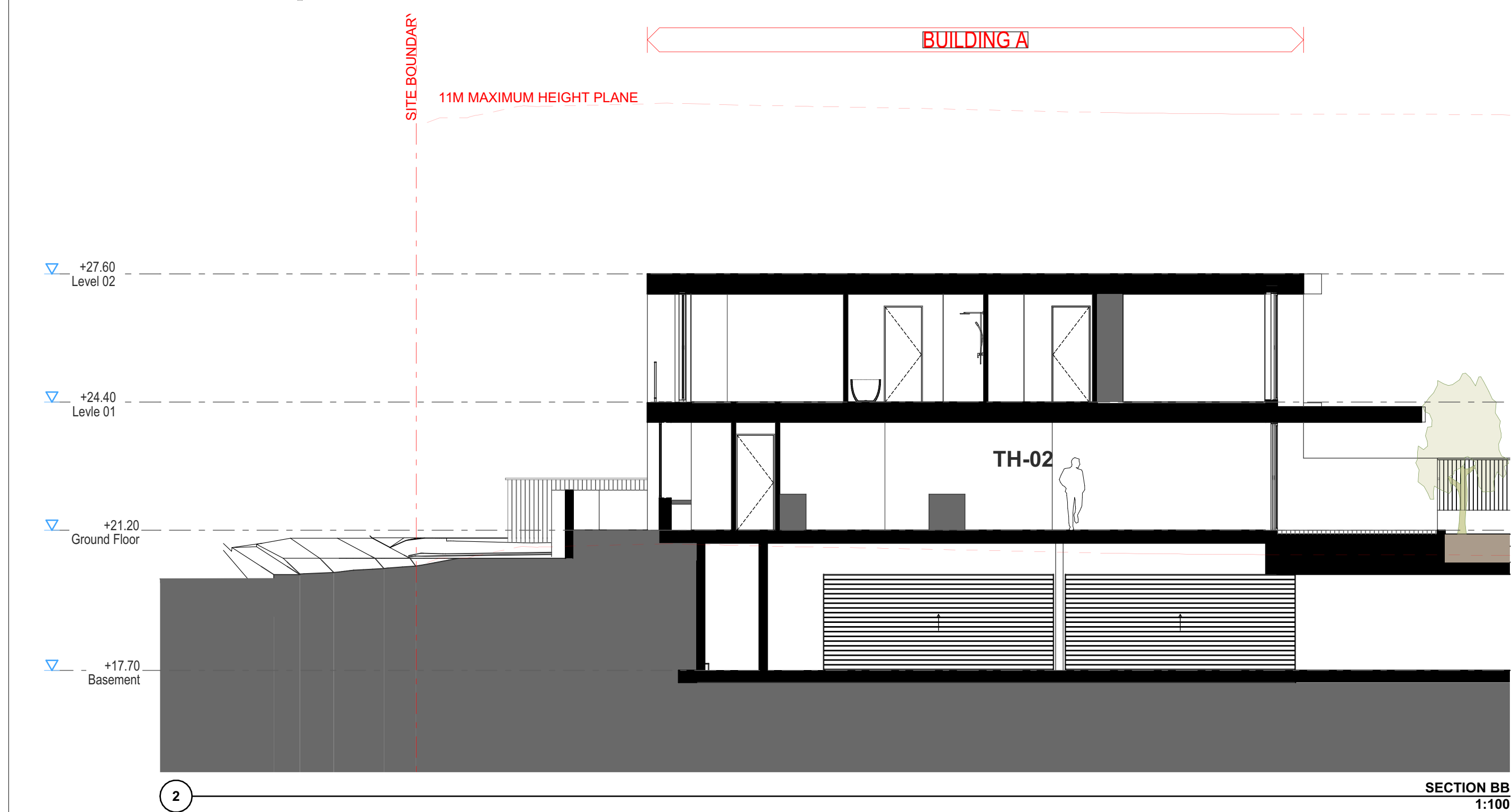
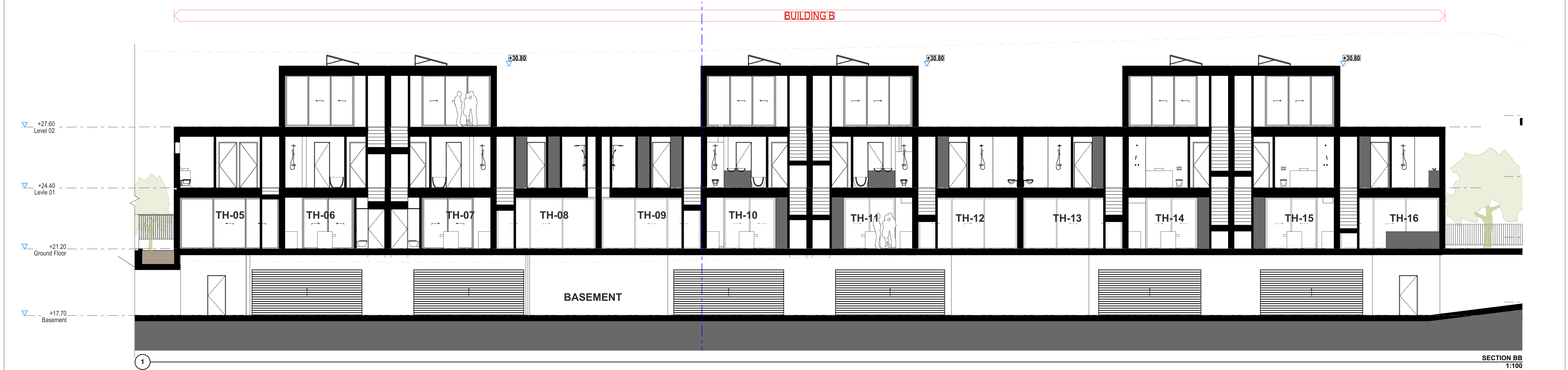
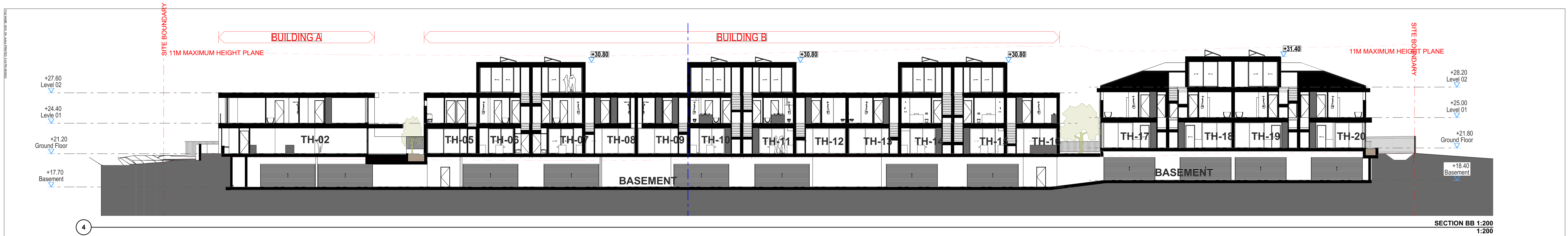
Drawing No.
0616-DA119

Revision
01

Scale
1:100 at A1 size

Date
29/08/22

SECTION BB 1:200



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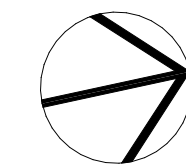
CO CONCRETE
DP DOWNPIPE
FB TEXTURED FACE BRICK/SCREEN
GDR GARAGE DOOR
GW GLAZED WINDOWS (ALUMINIUM FRAMED)
MB METAL BALUSTRADE
MC METAL CLADDING
MDR METAL DECK ROOF
MF METAL FENCE

MS METAL SCREEN
RM RENDERED MASONRY
ST STONE CLADDING
TC TIMBER LOOK CLADDING
TF TIMBER FENCE
TL TILE CLADDING

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Project
NICHOLSON ROAD RESIDENCES
Address: Proposed Subdivision of Lot 2 D.P.,
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Status
DA SUBMISSION

Title
Section BB
Drawing No.
0616-DA120
Revision
01
Scale
1:100, 1:200 at A1
size
Date
29/08/22

1:200 at A1 size

NICHOLSON ROAD

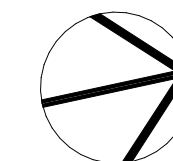
JUNE 21 9:00 AM

LEGEND:

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Address: Proposed Subdivision of Lot 2 D.P.
572839 & Lot 101 D.P. 1279511
Status
DA SUBMISSION

Title
Shadow Diagram: 9:00am June 21
Drawing No.
0616-DA121
Revision
01
Scale
1:200 at A1 size
Date
29/08/22

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20240812 10:00 AM

NICHOLSON ROAD

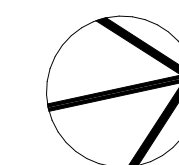
JUNE 21 10:00 AM

LEGEND:

- = PROPOSED NEW SHADOWS
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- = EXISTING SHADOWS NO LONGER CAST

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NICHOLSON ROAD RESIDENCES
Address: Proposed Subdivision of Lot 2 D.P.
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Status
DA SUBMISSION

Title
Shadow Diagram: 10:00am June 21
Drawing No.
0616-DA122
Revision
01
Scale
1:200 at A1 size
Date
29/08/22

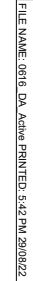
01 29/08/22 Development Application ML BB
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FILE NAME: 0116_04_Article PRINTED: 5/27/04 20:00:02

FILE NAME: 0116_04_Article PRINTED: 5/27/04 20:00:02

FILE NAME: 0116_04_Article PRINTED: 5/27/04 20:00:02

FILE NAME: 0116_04_Article PRINTED: 5/27/04 20:00:02





FILE NAME: 0116_04_Article PRINTED: 06/27/04 20:00:02

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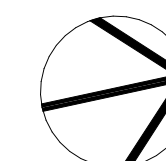
J U N E 2 1 1 2 : 0 0 A M

LEGEND:

-  = PROPOSED NEW SHADOWS
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- = EXISTING SHADOWS NO LONGER CAST

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572839 and Lot 101 D.P. 1279511

Status
DA SUBMISSION

Title
Shadow Diagram: 12:00am June 21

Drawing No.	Revision
0616-DA124	01

Scale
1:200 at A1 size

Date
29/08/22

1:2000 A1 at A1 size

NICHOLSON ROAD

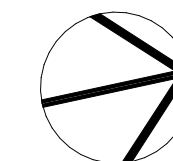
JUNE 21 1:00 P M

LEGEND:

- = PROPOSED NEW SHADOWS
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- = EXISTING SHADOWS NO LONGER CAST

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Client
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Project
NICHOLSON ROAD RESIDENCES
Address: Proposed Subdivision of Lot 2 D.P.
572839 & Lot 101 D.P. 1279511
Status
DA SUBMISSION

Title
Shadow Diagram: 1:00pm June 21
Drawing No.
0616-DA125
Revision
01
Scale
1:200 at A1 size
Date
29/08/22

01 29/08/22 Development Application ML BB
Rev Date Amendment Drawn Chk
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2024/06/21 2:00 PM

NICHOLSON ROAD

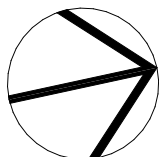
JUNE 21 2:00 PM

LEGEND:

- = PROPOSED NEW SHADOWS
- = EXISTING SHADOWS UNCHANGED
- = EXISTING SHADOWS NO LONGER CAST

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NICHOLSON ROAD RESIDENCES
Address: Proposed Subdivision of Lot 2 D.P.
572839 & Lot 101 D.P. 1279511
Status
DA SUBMISSION

Title
Shadow Diagram: 2:00pm June 21

Drawing No.
0616-DA126

Revision
01

Scale
1:200 at A1 size

Date
29/08/22

01 29/08/22 Development Application ML BB
Rev Date Amendment Drawn Chk
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DATE: 29/08/22 12:00 PM 2022

NICHOLSON ROAD

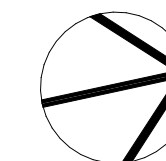
JUNE 21 3:00 PM

LEGEND:

- = PROPOSED NEW SHADOWS
- = EXISTING SHADOWS UNCHANGED
- = EXISTING SHADOWS NO LONGER CAST

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Address: Proposed Subdivision of Lot 2 D.P.
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Status
DA SUBMISSION

Title
Shadow Diagram: 3:00pm June 21
Drawing No.
0616-DA127
Revision
01
Scale
1:200 at A1 size
Date
29/08/22

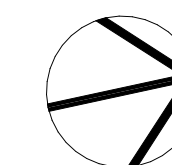
01 29/08/22 Development Application ML BB
Rev Date Amendment Drawn Chk
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S E P T E M B E R 23 9:00 A M

-  = PROPOSED NEW SHADOWS
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Address: Proposed Subdivision of Lot 2 D.P.,
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Status
DA SUBMISSION

Title	
Shadow Diagram: 9:00am Sep 23 (Equinox)	
Drawing No.	Revision
0616-DA128	01
Scale	Date
1:200 at A1 size	29/08/22

1:2000 A1: 29/08/22 1:2000 A1: 29/08/22

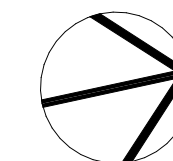
NICHOLSON ROAD

S E P T E M B E R 2 3 1 0 : 0 0 A M

- LEGEND:
- PROPOSED NEW SHADOWS
 - EXISTING SHADOWS UNCHANGED
 - EXISTING SHADOWS NO LONGER CAST

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Project
NICHOLSON ROAD RESIDENCES
Address: Proposed Subdivision of Lot 2 D.P.
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Status
DA SUBMISSION

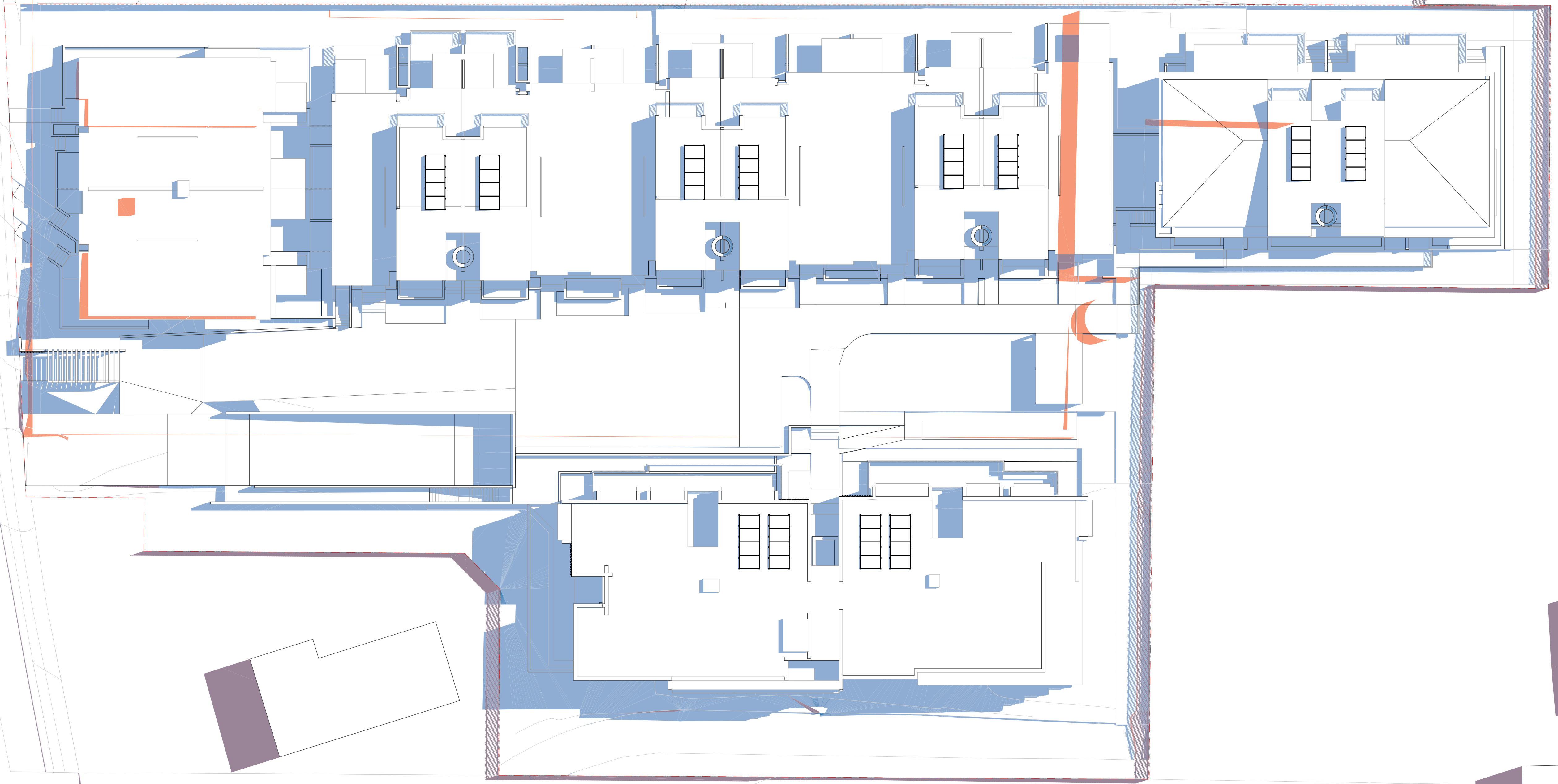
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(Equinox)
Drawing No.
0616-DA129
Revision
01
Scale
1:200 at A1 size
Date
29/08/22

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Rev Date Amendment Drawn Chk
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DATE: 29/08/22 BY: Alex Popov

NICHOLSON ROAD



S E P T E M B E R 23 12:00 P M

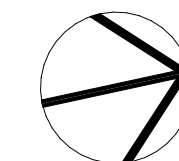
J U N E 21 9:00 A M

Rev Date Amendment
01 29/08/22 Development Application
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- LEGEND:
- = PROPOSED NEW SHADOWS
 - = EXISTING SHADOWS UNCHANGED
 - = EXISTING SHADOWS NO LONGER CAST

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Client
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Project
NICHOLSON ROAD RESIDENCES
Address: Proposed Subdivision of Lot 2 D.P.
572839 & Lot 101 D.P. 1279511
Status
DA SUBMISSION

Title
Shadow Diagram: 12:00pm Sep 23 (Equinox)
Drawing No.
0616-DA131
Revision
01
Scale
1:200 at A1 size
Date
29/08/22

DATE: 29/08/22 10:30 AM PROJECT: 0616-DA132



S E P T E M B E R 23 1:00 P M

J U N E 21 9:00 A M

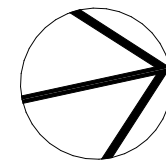
Rev	Date	Amendment	Drawn	Chk
01	28/08/22	Development Application	AL	BB

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- LEGEND:
- = PROPOSED NEW SHADOWS
 - = EXISTING SHADOWS UNCHANGED
 - = EXISTING SHADOWS NO LONGER CAST

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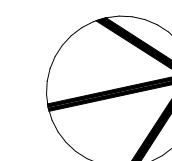
Client
MH Property No.2 P/L
Project
NICHOLSON ROAD RESIDENCES
Address: Proposed Subdivision of Lot 2 D.P.
572839 & Lot 101 D.P. 1279511
Status
DA SUBMISSION

Title
Shadow Diagram: 1:00pm Sep 23 (Equinox)
Drawing No.
0616-DA132
Scale
1:200 at A1 size
Revision
01
Date
29/08/22

S E P T E M B E R 23 2:00 P M

-  = PROPOSED NEW SHADOWS
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-  = EXISTING SHADOWS NO LONGER CAST

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Status
DA SUBMISSION

Title	
Shadow Diagram: 2:00pm Sep 23 (Equinox)	
Drawing No.	Revision
0616-DA133	01
Scale	Date
1:200 at A1 size	29/08/22

DATE: 29/08/22 10:30 AM PROJECT: 0616-DA134

NICHOLSON ROAD

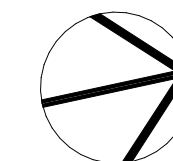
S E P T E M B E R 2 3 3 : 0 0 P M

LEGEND:

- = PROPOSED NEW SHADOWS
- = EXISTING SHADOWS UNCHANGED
- = EXISTING SHADOWS NO LONGER CAST

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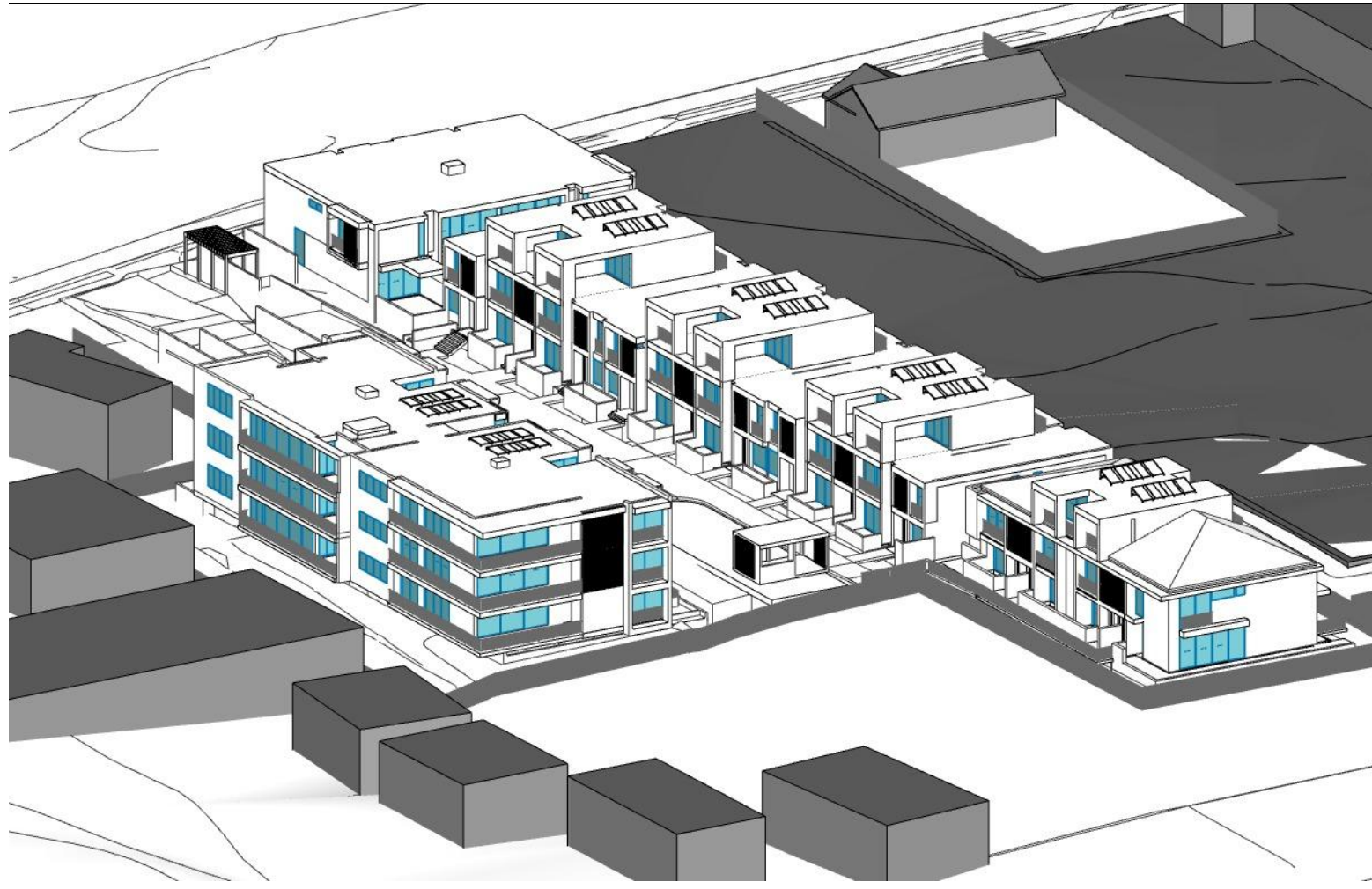
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Client
MH Property No.2 P/L
Project
NICHOLSON ROAD RESIDENCES
Address: Proposed Subdivision of Lot 2 D.P.
572839 & Lot 101 D.P. 1279511
Status
DA SUBMISSION

Title
Shadow Diagram: 3:00pm Sep 23
(Equinox)
Drawing No.
0616-DA134
Revision
01
Scale
1:200 at A1 size
Date
29/08/22

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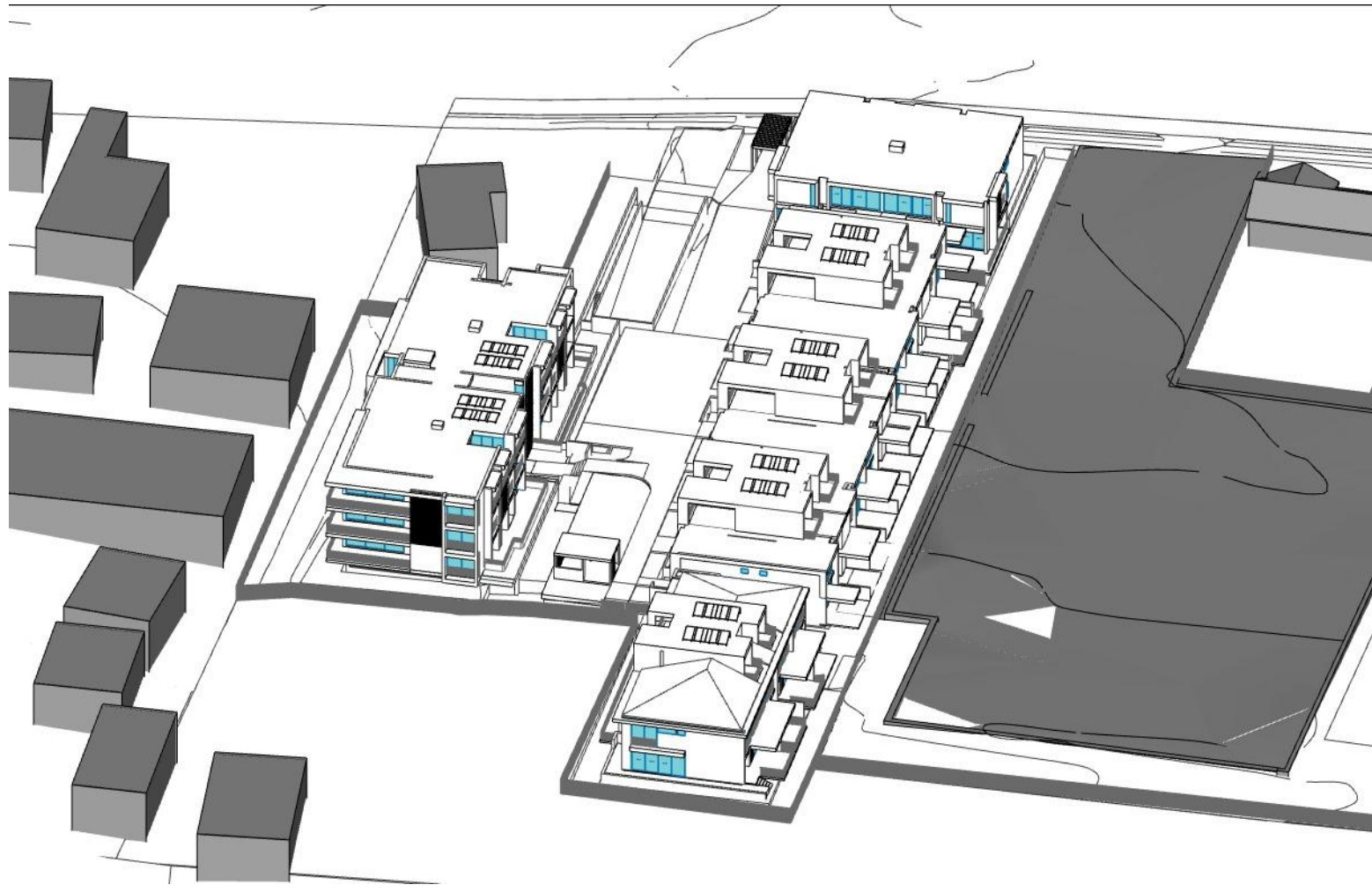
1 Sun Eye View: June 21 - 9:00am



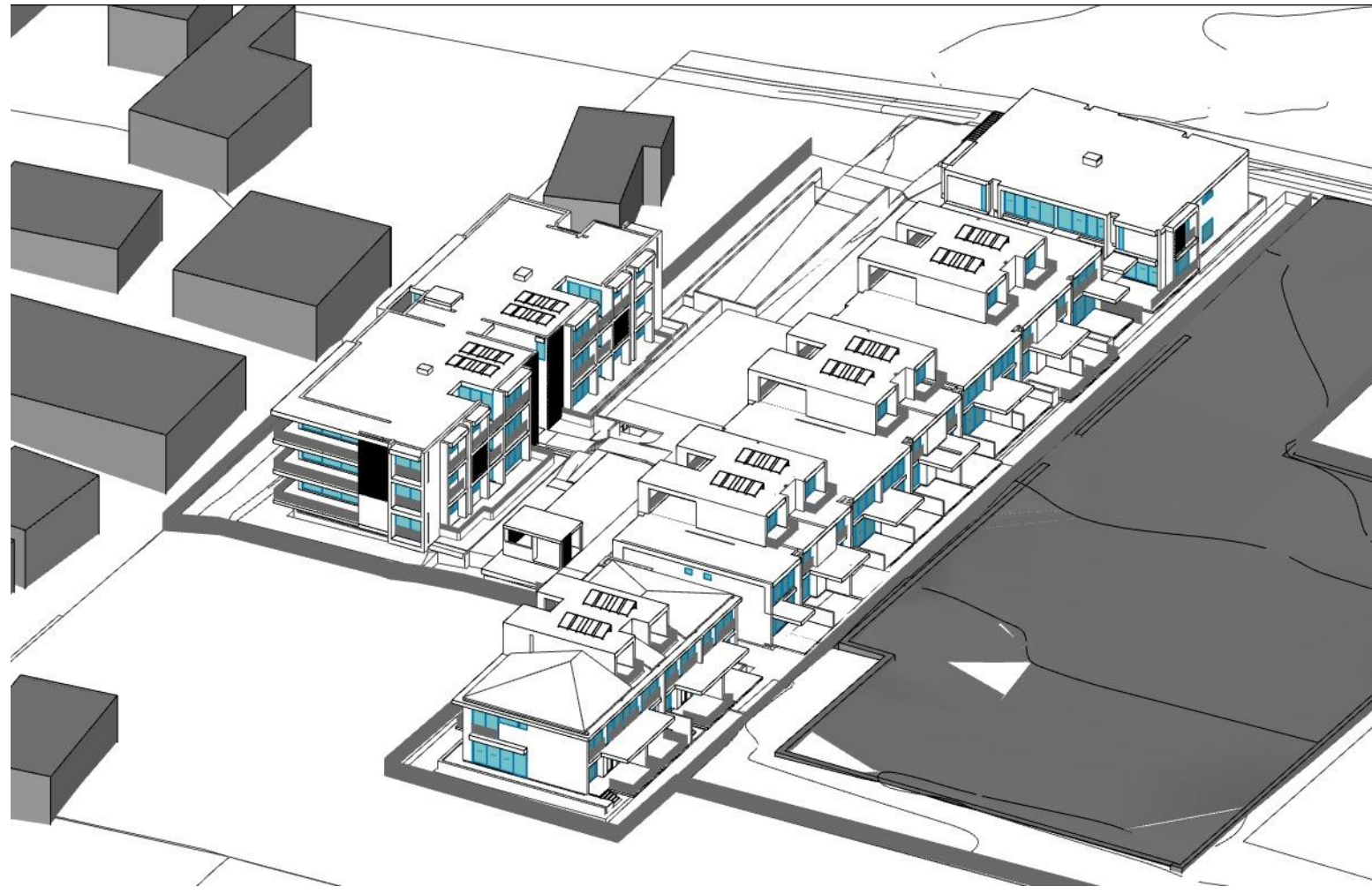
2 Sun Eye View: June 21 - 10:00am



3 Sun Eye View: June 21 - 11:00am



4 Sun Eye View: June 21 - 12:00pm



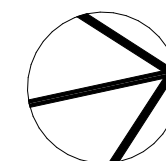
5 Sun Eye View: June 21 - 1:00pm



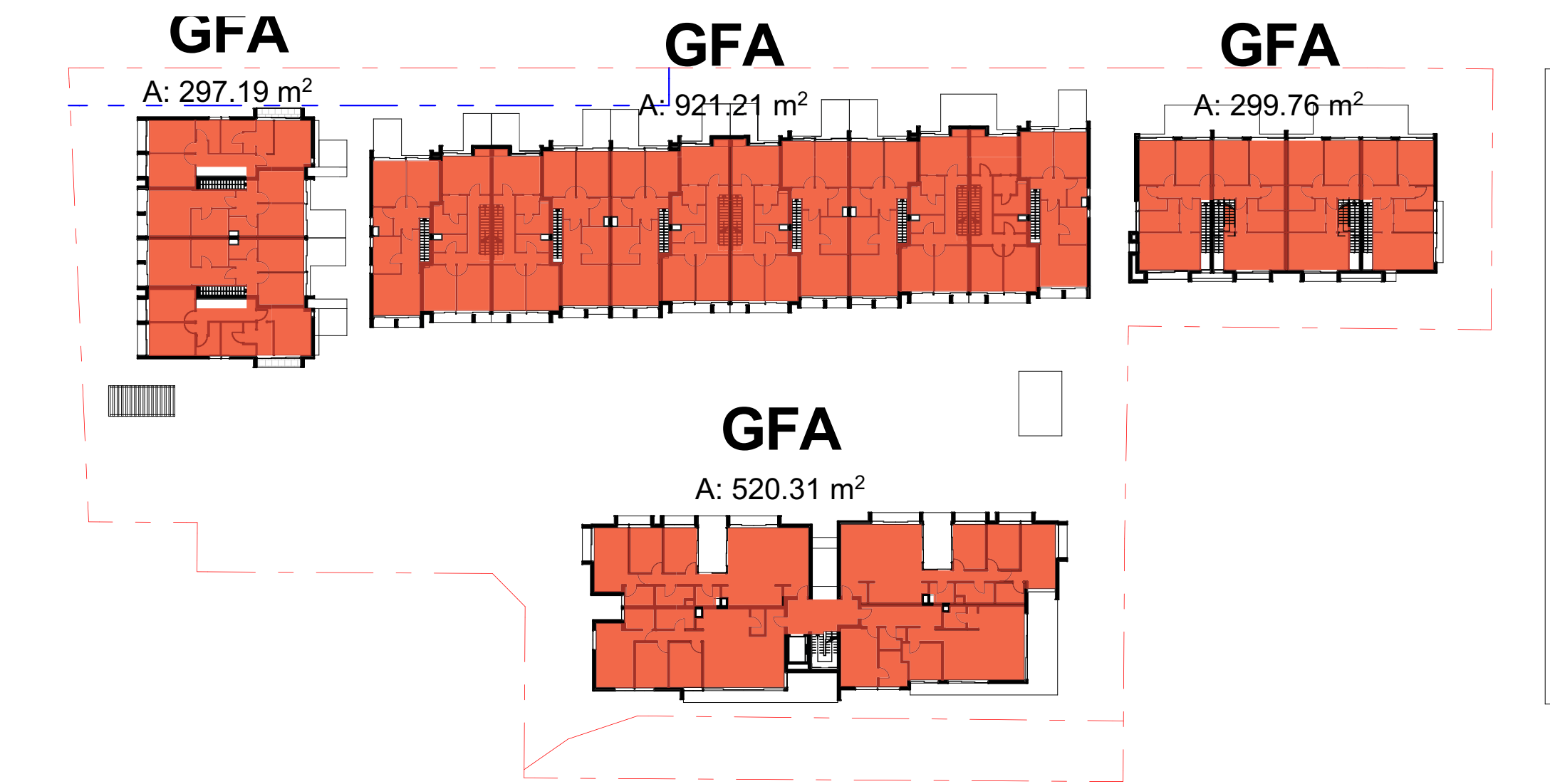
6 Sun Eye View: June 21 - 2:00pm



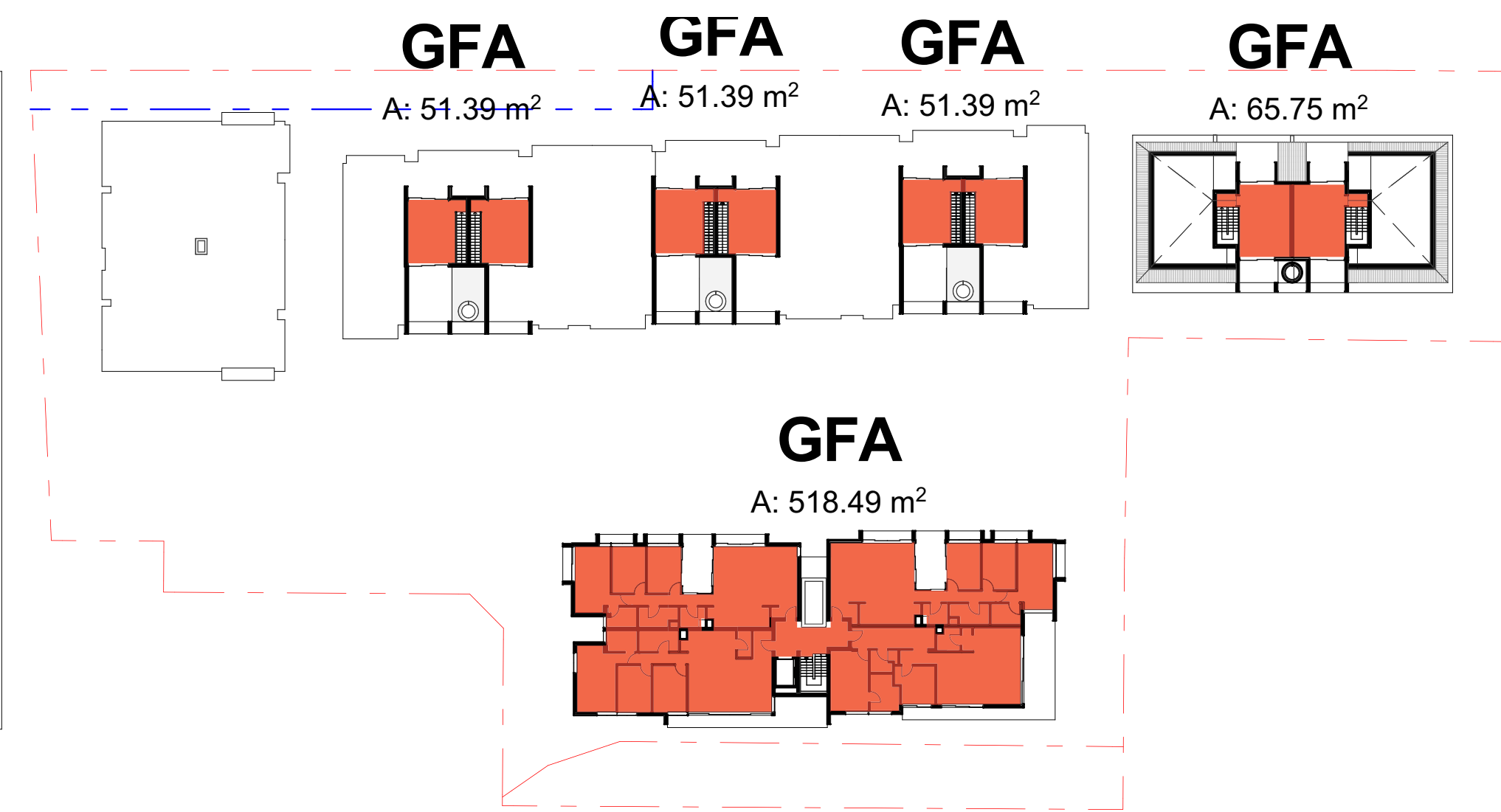
7 Sun Eye View: June 21 - 3:00pm



0616-DA136-01-29/08/22-2024-08-29



SITE AREA	6400 SQM
FLOOR SPACE RATIO MAX GFA	0.75 4800 SQM
PROPOSED GFA	4797 SM
PROPOSED FSR	0.75
MIN LANDSCAPE	30% OF SITE AREA (WDCP 6.11.2) or 1910.0 SQM
PROPOSED LANDSCAPE	1995 SQM
COMMUNAL AREA MIN	5 SQM PER DWELLING (160 SQM)
COMMUNAL AREA ACHEVED	173 SQM

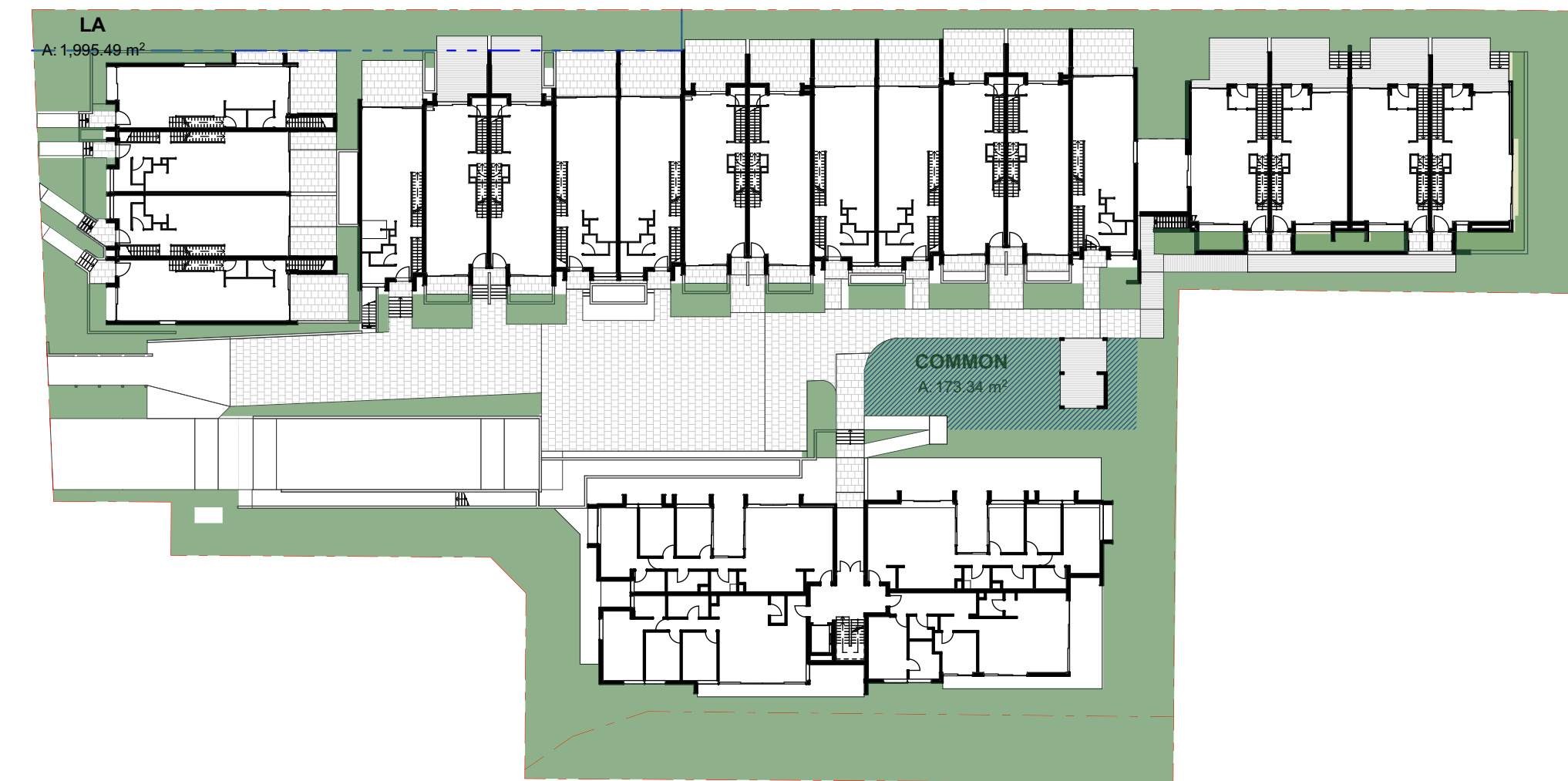


3 Level 01 GFA
1:500

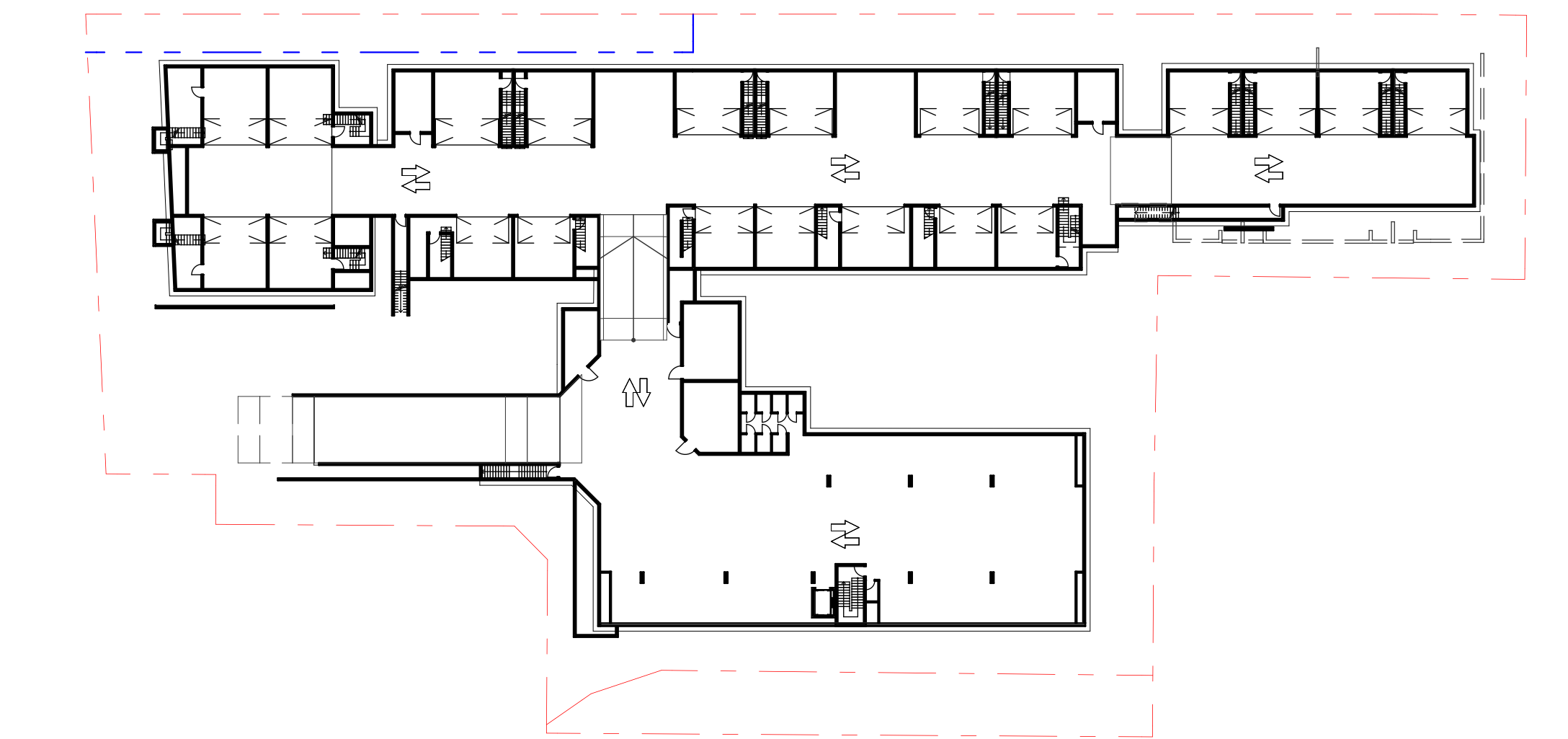
4 Level 02 GFA
1:500



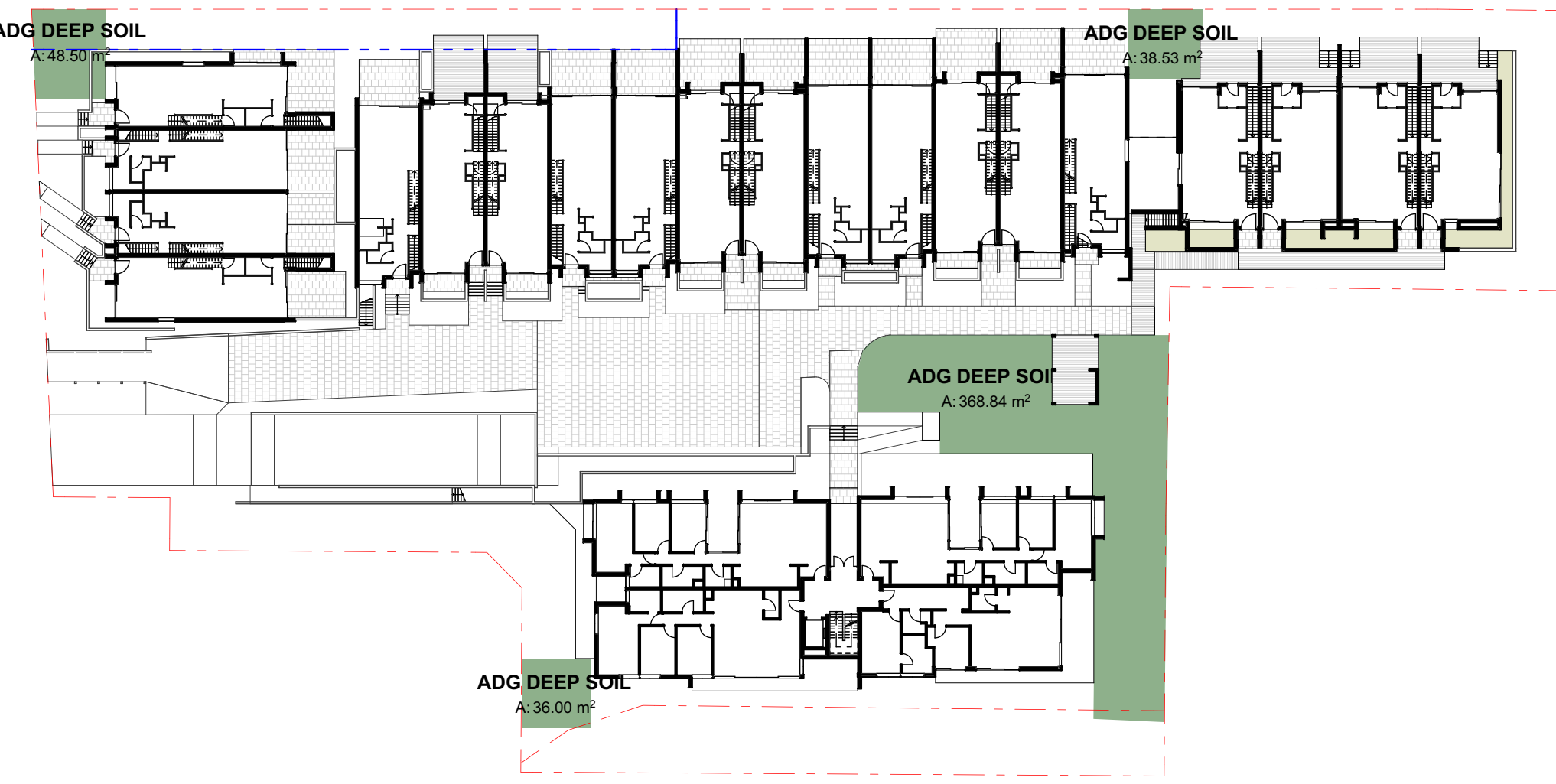
2 Ground Floor GFA
1:500



6 Landscaped Area
1:500



1 Basement GFA
1:500

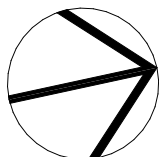


5 Landscape ADG
1:500

01	29/08/22	Development Application	ML	BB
Rev	Date	Amendment	Drawn	Chk
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PopovBass

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W: popovbass.com.au



Client
MH Property No.2 P/L
Project
NICHOLSON ROAD RESIDENCES
Address: Proposed Subdivision of Lot 2 D.P.,
572839 & Lot 101 D.P. 1279511
Status
DA SUBMISSION

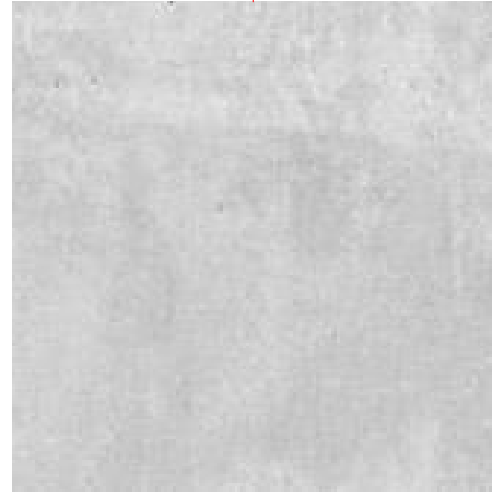
Title
Area Calculations
Drawing No.
0616-DA136
Revision
01
Scale
1:500 at A1 size
Date
29/08/22



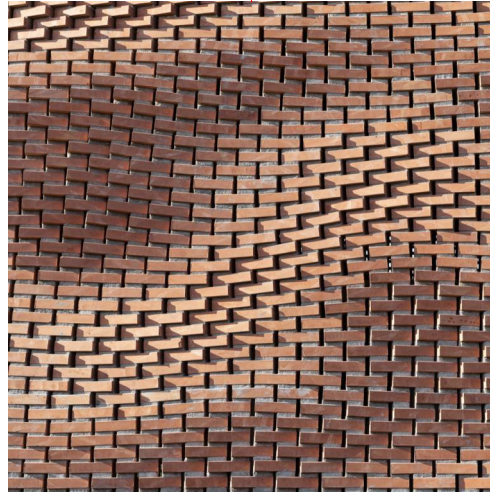
VIEW OF BUILDING B FROM SHARED PATHWAY



VIEW OF BASEMENT ENTRY



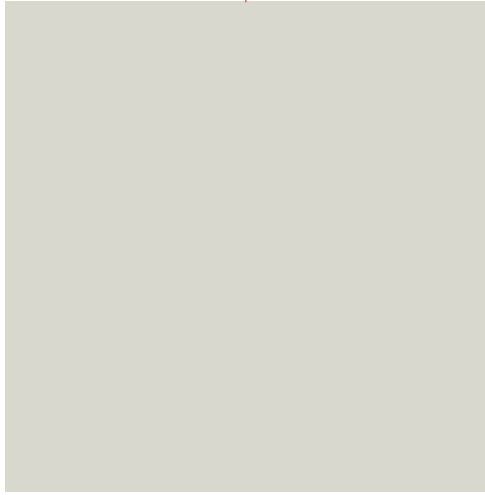
CO
CONCRETE



FB
TEXTURED FACE
BRICK/SCREEN



GW
GLAZED WINDOWS
(ALUMINIUM FRAMES)



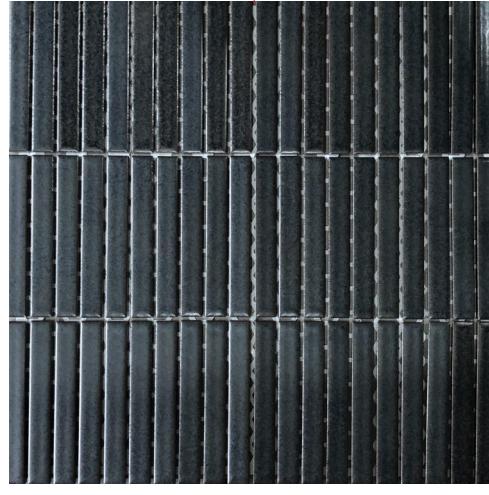
RM
RENDERED MASONRY



ST
STONE CLADDINGS



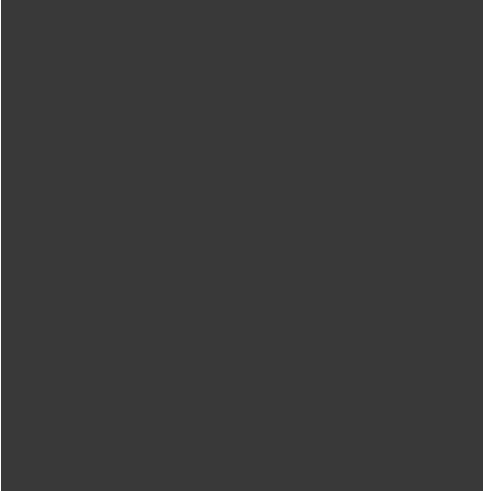
TC
TIMBER LOOK CLADDING



TL
TILE CLADDING



MB
METAL BALUSTRADE



MC
METAL CLADDING



MDR
METAL DECK ROOF



TF
TIMBER FENCE

External Finishes

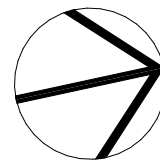
LEGEND:

CO	CONCRETE
DP	DOWNPIPE
FB	TEXTURED FACE BRICK/SCREEN
GDR	GARAGE DOOR
GW	GLAZED WINDOWS (ALUMINIUM FRAMED)
MB	METAL BALUSTRADE
MC	METAL CLADDING
MDR	METAL DECK ROOF
MF	METAL FENCE

MS	METAL SCREEN
RM	RENDERED MASONRY
ST	STONE CLADDING
TC	TIMBER LOOK CLADDING
TF	TIMBER FENCE
TL	TILE CLADDING

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Client
MH Property No.2 P/L
Project
NICHOLSON ROAD RESIDENCES
Address: Proposed Subdivision of Lot 2 D.P.,
572839 & Lot 101 D.P. 1279511
Status
DA SUBMISSION

Title
Perspectives & Finishes
Drawing No.
0616-DA137
Revision
01
Scale
**1:1.69, 1:0.91,
1:5.22, 1:2.36,
1:1.89, 1:1.84**
Date
29/08/22



VIEW OF BUILDING A FROM NICHOLSON ROAD



VIEW OF BUILDING D FROM SHARED PATHWAY



VIEW OF BUILDING A FROM NICHOLSON ROAD



VIEW OF BUILDING D FROM SHARED PATHWAY

LEGEND:

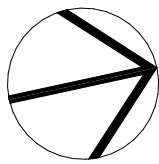
CO	CONCRETE
DP	DOWNPIPE
FB	TEXTURED FACE BRICK/SCREEN
GDR	GARAGE DOOR
GW	GLAZED WINDOWS (ALUMINIUM FRAMED)
MB	METAL BALUSTRADE
MC	METAL CLADDING
MDR	METAL DECK ROOF
MF	METAL FENCE

MS	METAL SCREEN
RM	RENDERED MASONRY
ST	STONE CLADDING
TC	TIMBER LOOK CLADDING
TF	TIMBER FENCE
TL	TILE CLADDING

01	29/08/22	Development Application	ML	BB
Rev	Date	Amendment	Drawn	Chk
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Client
MH Property No.2 P/L
Project
NICHOLSON ROAD RESIDENCES
Address: Proposed Subdivision of Lot 2 D.P.,
572839 & Lot 101 D.P. 1279511
Status
DA SUBMISSION

Title
Perspectives

Drawing No.
0616-DA138

Revision
01

Scale
1:1.69 at A1 size

Date
29/08/22

NICHOLSON ROAD RESIDENCES

11-15 NICHOLSON RD WOONONA NSW 2517

LANDSCAPE CONCEPT PLAN

07.09.2022

FOR REVIEW

ISSUE B



**Canopy Tree Offset
Commitment**

When this symbol appears on the drawing, Habit8 with our selected nursery partner will donate 5 x 300mm pot size endemic canopy trees to the local Landcare group in the LGA. This initiative is a joint commitment with landscape architect and client in providing local tree canopy cover to help mitigate the urban heat island effect while increasing local biodiversity values.

DRAWING LIST:

- | | |
|------|--------------------------------|
| L-01 | Coversheet |
| L-02 | Design Precedent Images |
| L-03 | Landscape Masterplan |
| L-04 | Landscape Section A-A |
| L-05 | Landscape Sections B-B and C-C |
| L-06 | Indicative Plant List |

CLIENT:



ARCHITECT:



LANDSCAPE ARCHITECT:



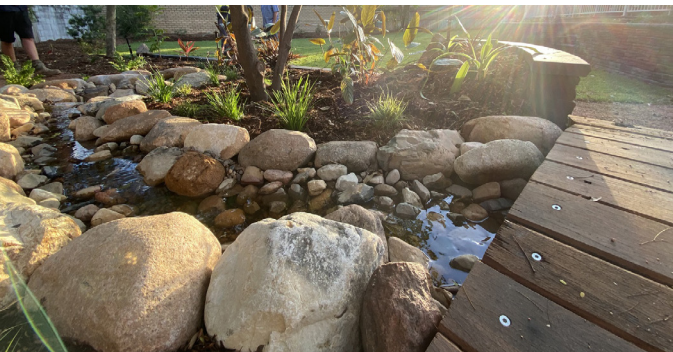
HABIT8

Landscape Architecture & Urbanism

SYDNEY (Gadigal country)	BYRON BAY (Bundjalung country)
MELBOURNE (Wurundjeri country)	SE QUEENSLAND (Yugambeh country)

www.habit8.com.au

DESIGN PRECEDENT IMAGES



LANDSCAPE MASTERPLAN

DESIGN NOTES

- 1. ACCESS TO BASEMENT PARKING
- 2. PERGOLA AT PEDESTRIAN ENTRY
- 3. CAR PARKING
- 4. SWALE (DRY CREEK BED)
- 5. EXISTING CONCRETE CULVERT
- 6. 1.5m HT PLANTED MOUND OVER CONCRETE SLAB
- 7. SHADE STRUCTURE
- 8. VEGETABLE GARDEN (RAISED)
- 9. PEDESTRIAN/ CAR (SHARED ZONE)
- 10. FEATURE TREE (FOCAL POINT)

- 11. NARROW FORM TREES (E.G. *Elaeocarpus* sp)
- 12. NATIVE CANOPY TREES
- 13. GRASSED AREA (DEEP SOIL)
- 14. LETTERBOX WALL
- 15. FIRE EGRESS PATHWAY FROM BASEMENT
- 16. OVERLAND FLOW THROUGH GARDENS
- 17. ADJOINING RSL CARPARK
- 18. PICNIC TABLES AND BBQ
- 19. RAISED TIMBER DECK
- 20. BOARDWALK
- 21. RAMP (1:14)

KEY



CANOPY TREES
REFER TO PLANT
SCHEDULE



FEATURE TREE
REFER TO PLANT
SCHEDULE



PALM PLANTING




PLANTING BEDS



PLANTER BOX




CONCRETE PAVING



COBBLESTONE PAVING
OR SIMILAR



CONCRETE



SWALE
(DRY CREEK BED)



RIVER PEBBLE ON SLAB



BOLLARD LIGHTS




EXISTING CONTOUR



PROPOSED CONTOUR



METAL EDGING



SWALE

EX. RL

EXISTING SPOT LEVEL

RL

PROPOSED SPOT LEVEL

FFL

FINISHED FLOOR LEVEL



CONTEXT PLAN



LANDSCAPE: COMMUNAL AREA PLAN

DESIGN NOTES

- 1. SWALE (DRY CREEK BED)
- 2. SHADE STRUCTURE
- 3. VEGETABLE GARDEN (RAISED)
- 4. FEATURE TREE (FOCAL POINT)
- 5. NARROW FORM TREES (E.G. *Elaeocarpus sp*)
- 6. NATIVE CANOPY TREES
- 7. GRASSED AREA (DEEP SOIL)
- 8. PICNIC TABLES
- 9. RAISED TIMBER DECK
- 10. BOARDWALK
- 11. RAMP (1:14)
- 12. BBQ

KEY



CANOPY TREES



FEATURE TREE



PLANTING BEDS



PLANTER BOX



CONCRETE PAVING



COBBLESTONE PAVING
OR SIMILAR



SWALE (DRY CREEK BED)



RIVER STONE ON SLAB



BOLLARD LIGHTS



EXISTING CONTOUR



PROPOSED CONTOUR



METAL EDGING



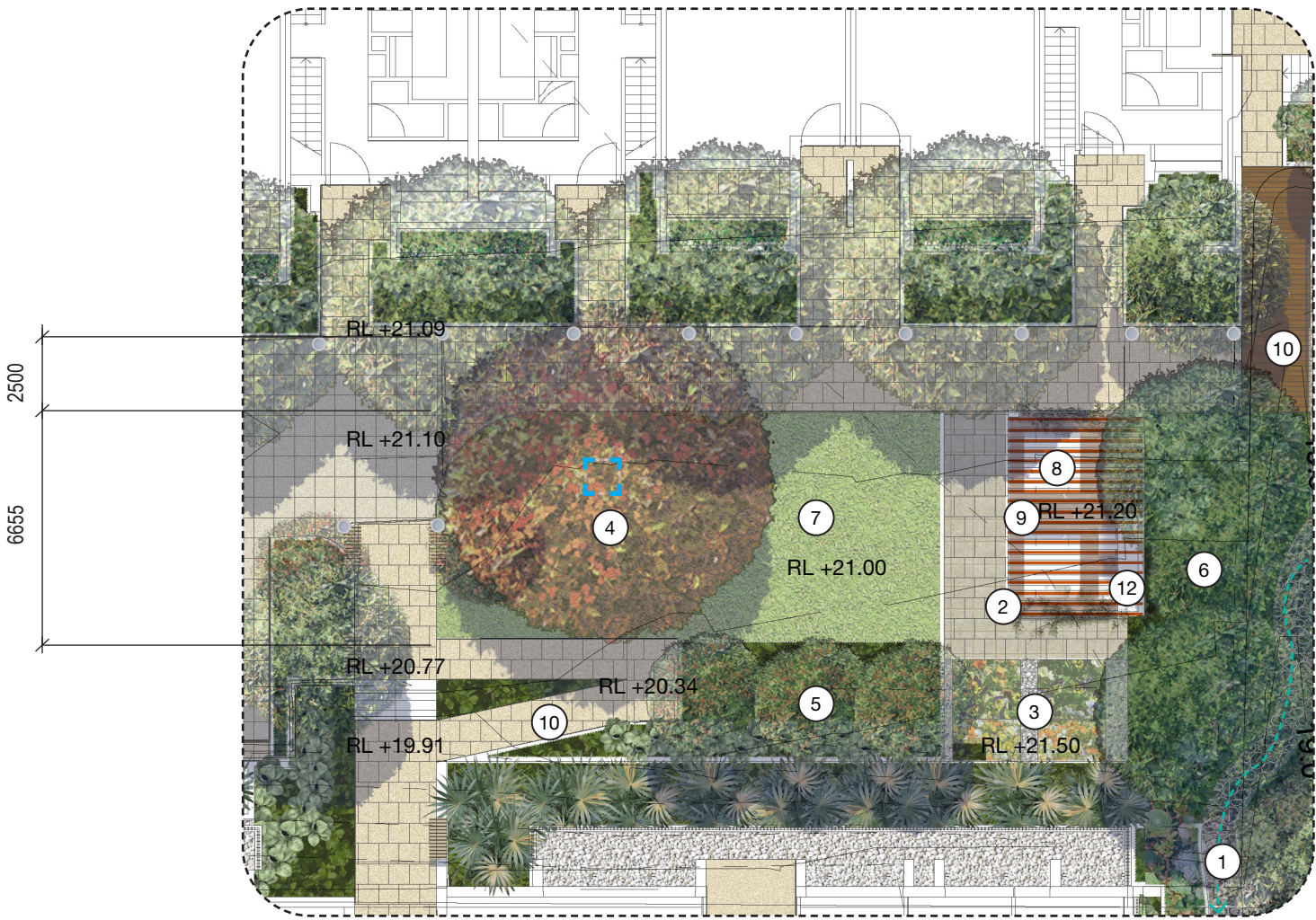
SWALE

RL

PROPOSED SPOT LEVEL



KEYPLAN

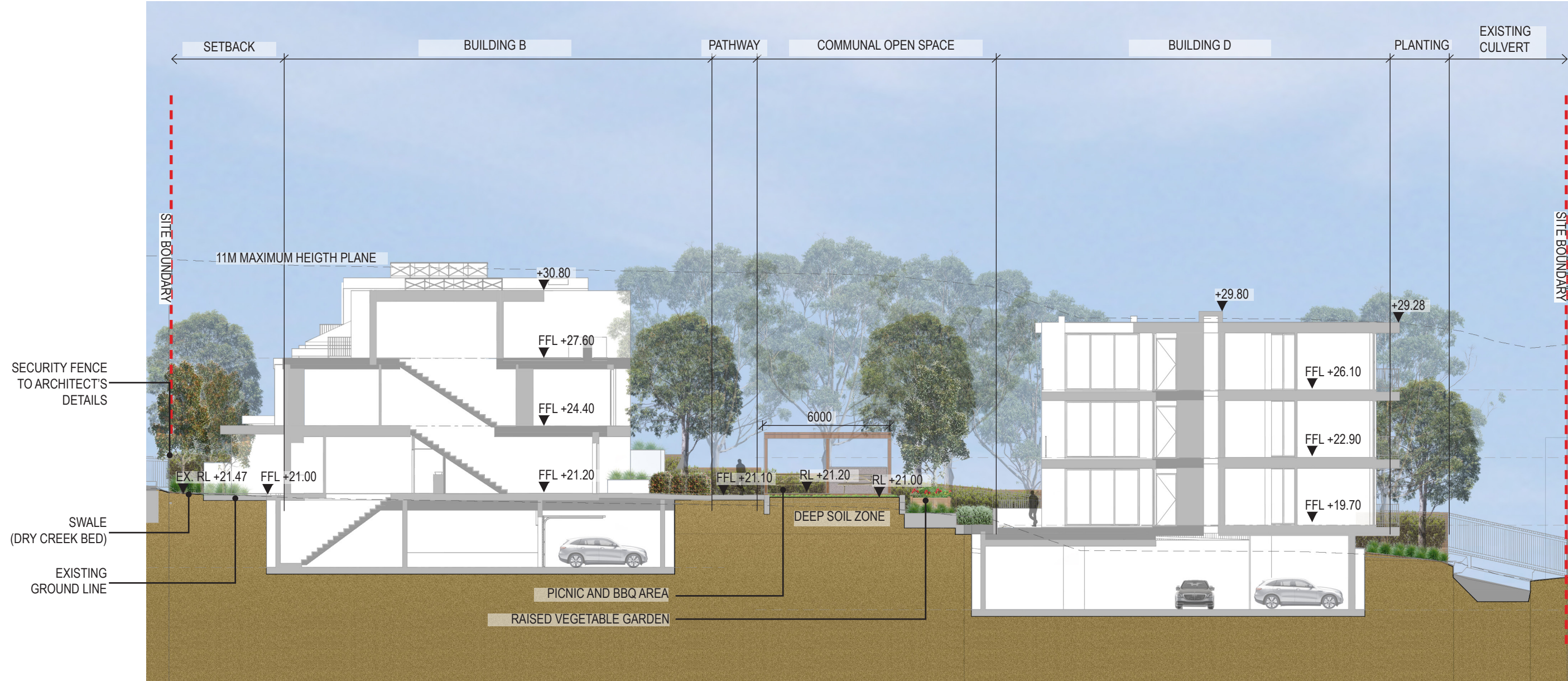


01 COMMUNAL AREA PLAN
Scale 1:200@A3 / 1:100@A1

LANDSCAPE SECTION A-A



KEYPLAN

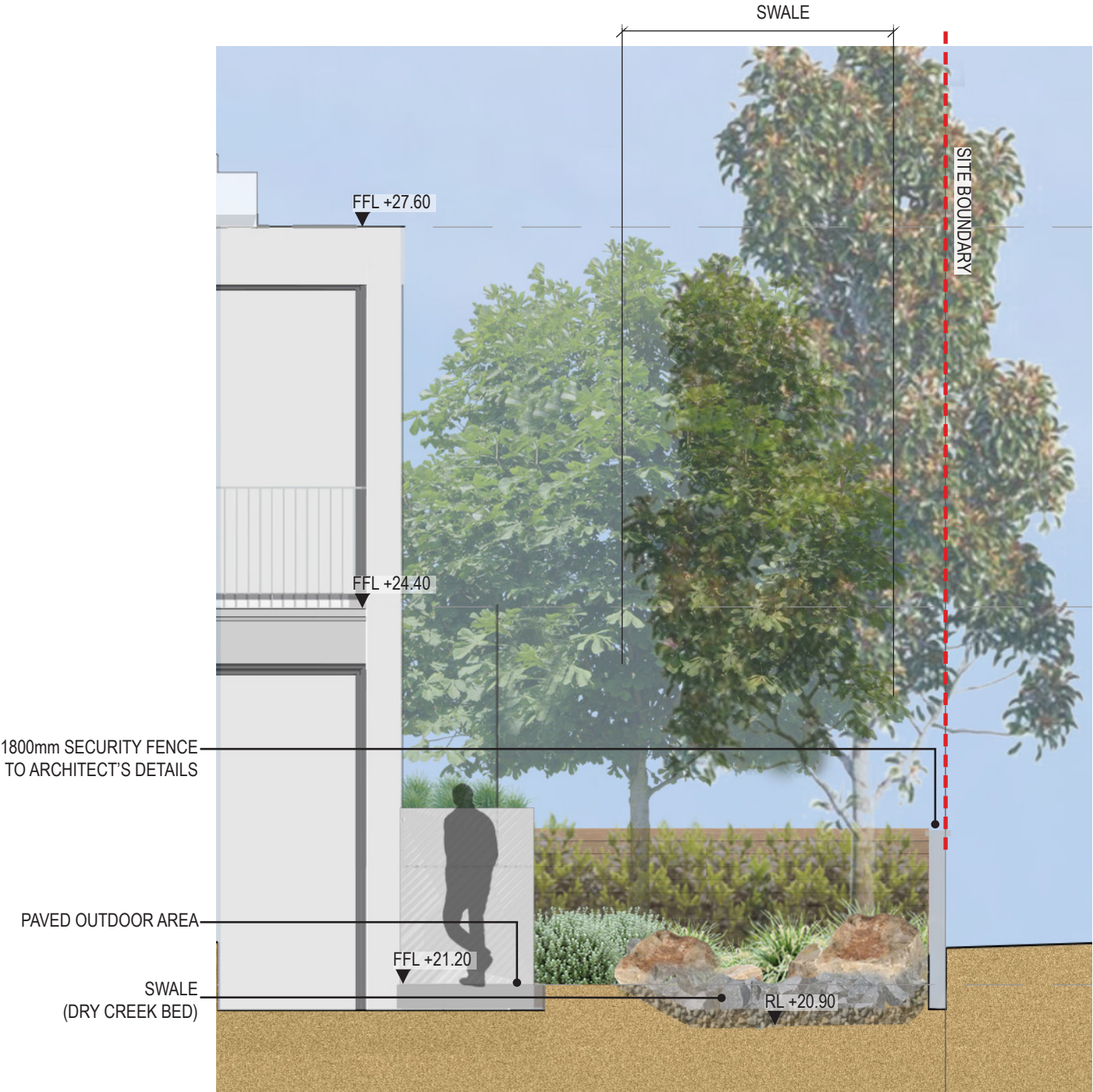


01 SECTION A-A
Scale 1:200 @ A3 / 1:100 @ A1

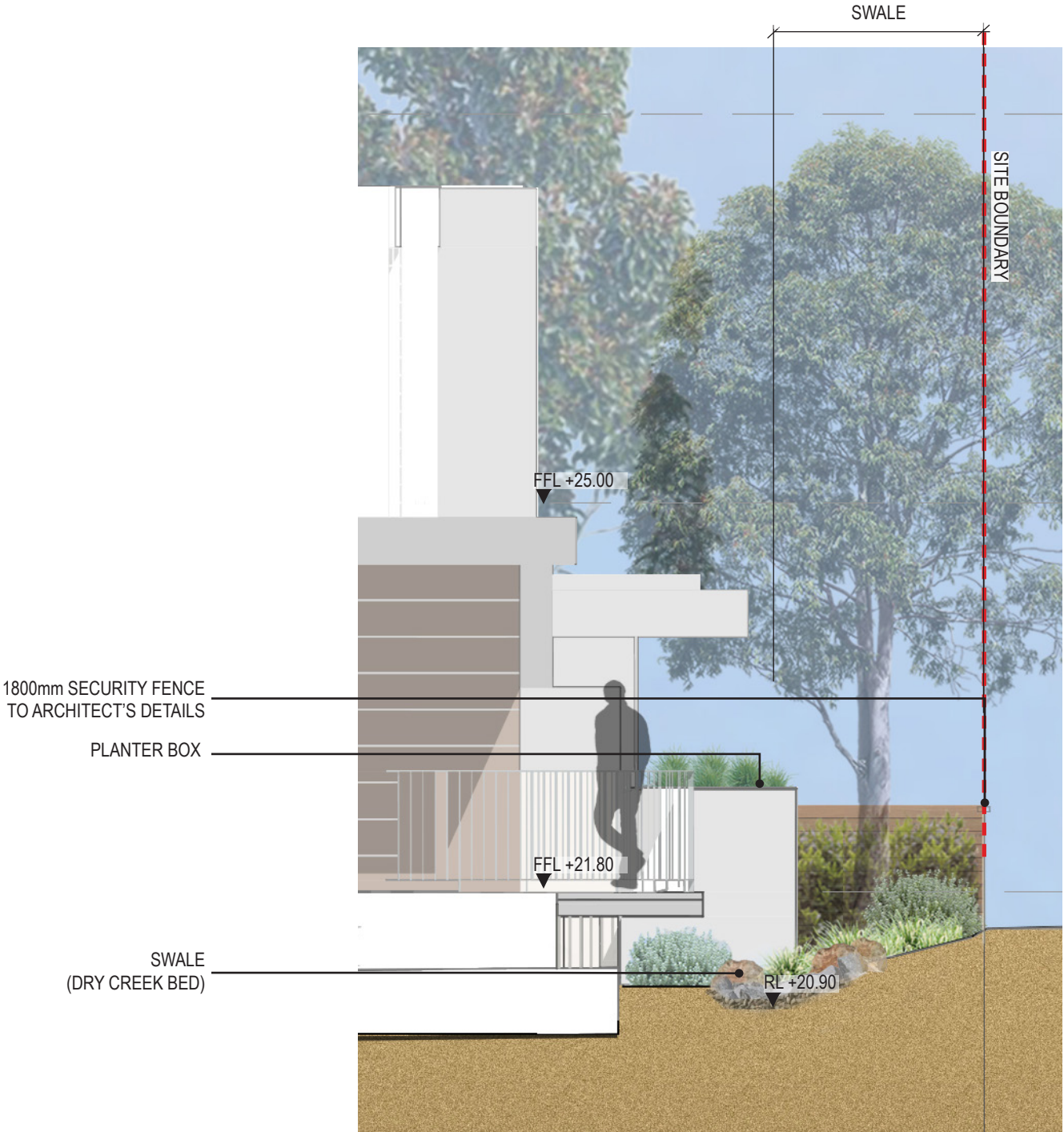
LANDSCAPE SECTIONS B-B AND C-C



KEYPLAN

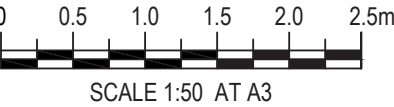


01 SECTION B-B
Scale 1:50 @ A3 / 1:25 @ A1



02 SECTION C-C
Scale 1:50 @ A3 / 1:25 @ A1

PROJECT	DRAWING TITLE	PROJECT NO.	PURPOSE	SCALE	REVISION	DATE	DRAWN	CHECKED	PAGE	CLIENT
NICHOLSON ROAD RESIDENCES 11-15 NICHOLSON RD WOONONA NSW 2517	LANDSCAPE SECTIONS B-B AND C-C	H8-22029	FOR REVIEW	1:100 @A3	B	07.09.2022	KM/AA	DV	L06	morehuman property group



INDICATIVE PLANT LIST

Plant species sourced from Wollongong DCP 2009

BOTANICAL NAME	COMMON NAME	BOTANICAL NAME	COMMON NAME	BOTANICAL NAME	COMMON NAME
TREES		TREES		SHRUBS	
Acacia binervata	Two Veined Hickory	Melaleuca decora	White Cloud Tree	Pandanus tectorius	Screw Pine
Acer palmatum	Japanese Maple	Melaleuca linariifolia	Snow in Summer	Persoonia linearis	Narrow-leaved Geebung
Acmena smithii	Lilly Pilly	Melaleuca quinquenervia	Paperbark	Pittosporum multiflorum	Orange thorn
Agonis flexuosa	Willow-myrtle	Metrosideros excelsa	New Zealand Christmas Bush	Pittosporum tobira	Tobera
Allocasuarina littoralis	Black Sheoak	Pittosporum rhombifolium	White Holly	Russelia equisetiformis	Coral Plant
Angophora costata	Smooth Barked Apple	Platanus x hybrida	Plane Tree	Westringia fruticosa	Coastal Rosemary
Angophora floribunda	Rough Barked Apple	Podocarpus elatus	Plum Pine	Doryanthes excelsa	Gymea Lily
Araucaria cunninghamii	Hoop Pine	Tristaniaopsis laurina	Water Gum	Strelitzia reginae	Bird of Paradise
Araucaria heterophylla	Norfolk Island Pine	Ulmus parvifolia	Chinese Elm	FERNS	
Backhousia citriodora	Lemon-scented Myrtle	SHRUBS		Asplenium australasicum	Bird's Nest Fern
Backhousia myrtifolia	Grey Myrtle	Acalypha wilkesiana	Fijian Fire plant	Cyathea australis	Rough Treefern
Banksia integrifolia	Coast Banksia	Acmena smithii	Lilly Pilly	GROUNDCOVERS + GRASSES	
Banksia serrata	Old Man Banksia	Banksia spinulosa	Hairpin Banksia	Baumea acuta	Pale Twig-rush
Brachychiton acerifolius	Illawarra Flame Tree	Buxus sempervirens	Box	Carex appressa	
Brachychiton populneus	Kurrajong	Callistemon citrinus	Lemon Scented Bottlebrush	Caustis flexuosa	Old Man's Beard
Callistemon salignus	Willow Bottlebrush	Callistemon viminalis	Weeping Bottlebrush	Clematis aristata	Old Man's Beard
Casuarina cunninghamiana	River Oak	Camellia japonica	Japanese Camellia	Crinum pedunculatum	Crinum Lily
Casuarina glauca	Swamp Oak	Camellia sasanqua	Sasanqua Camellia	Hardenbergia violacea	False Sarsparilla
Ceratopetalum gummiferum	New South Wales Christmas Bush	Codiaeum variegatum	Croton	Imperata cylindrica	Blady grass
Cupaniopsis anacardioides	Tuckeroo	Cordyline stricta	Narrow Leaved Palm Lily	Juncus usitatus	Common Rush
Elaeocarpus reticulatus	Blueberry Ash	Correa alba	White Correa	Lomandra longifolia	Mat Rush
Eucalyptus globoidea	White stringybark	Dodonaea viscosa	Native Hop	Poa labillardieri	Tussock Grass
Corymbia gummifera	Red Bloodwood	Euonymus japonicus	Spindletree	Poa sieberiana	Grey Tussock Grass
Corymbia maculata	Spotted Gum	Gardenia jasminoides	Gardenia	Themeda australis	Kangaroo Grass
Eucalyptus cinerea	Argyle Apple	Grevillea banksii	Banks Grevillea	Trachelospermum jasminoides	Star-jasmine
Eucalyptus haemastoma	Scribbly Gum	Hakea salicifolia	Willow Hakea		
Eucalyptus sideroxylon	Red Ironbark	Hibiscus rosa-sinensis	Hibiscus		
Eucalyptus tereticornis	Forest Red Gum	Hibiscus syriacus	Syrian Hibiscus		
Ficus rubiginosa	Port Jackson Fig	Kunzea ambigua	Tick Bush		
Hibiscus tiliaceus	Coast Cottonwood	Lavandula dentata	French Lavender		
Lagerstroemia indica	Crepe Myrtle	Leptospermum laevigatum	Coastal Tea Tree		
Livistona australis	Cabbage Tree Palm	Mussaenda frondosa	Mussaenda		
Lophostemon confertus	Brush Box	Myoporum acuminatum	Boobialla		
Magnolia grandiflora	Magnolia	Nerium oleander	Oleander		



PROPOSED SUBDIVISION OF
LOT 2 D.P.572839 & LOT 101 D.P.1279511
11-15 NICHOLSON ROAD, WOONONA

CIVIL WORKS
DEVELOPMENT APPLICATION

D.A. _____
S.W.C. _____



LOCALITY PLAN
NOT TO SCALE

(SOURCE: NEARMAP MONTH YEAR)

DRAWING No.	DRAWING TITLE	REV.
031-22C-DA-0001	COVER SHEET, LOCALITY PLAN AND INDEX SHEET	B
031-22C-DA-0002	GENERAL NOTES	B
031-22C-DA-0003	LEGEND AND ABBREVIATIONS	B
031-22C-DA-0021	DEMOLITION PLAN	B
031-22C-DA-0051	BULK EARTHWORKS PLAN	B
031-22C-DA-0061	BULK EARTHWORKS SECTIONS SHEET 1 OF 2	B
031-22C-DA-0062	BULK EARTHWORKS SECTIONS SHEET 2 OF 2	B
031-22C-DA-0101	ROAD AND DRAINAGE PLAN	B
031-22C-DA-0151	SWALE 01 & 02 TYPICAL SECTIONS	B
031-22C-DA-0152	RAMP AND ACCESSWAY TYPICAL SECTIONS	B
031-22C-DA-0201	RAMP AND ACCESSWAY LONGITUDNAL SECTIONS	B
031-22C-DA-0701	EXTERNAL STORMWATER CATCHMENT PLAN	B
031-22C-DA-0702	INTERNAL STORMWATER CATCHMENT PLAN	B
031-22C-DA-0711	STORMWATER LONGITUDNAL SECTION SHEET 1 OF 2	B
031-22C-DA-0712	STORMWATER LONGITUDNAL SECTION SHEET 2 OF 2	B
031-22C-DA-0751	OCEANGUARD AND STORMFILTER CARTRIDGE DETAILS	B
031-22C-DA-0801	RETAINING WALL DETAILS	B
031-22C-DA-0901	SEDIMENT AND EROSION PLAN	B
031-22C-DA-0902	SEDIMENT AND EROSION DETAILS	B

0mm

A

50mm

B

100mm

C

150mm

D

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E

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F

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LEGEND - CIVIL

DESCRIPTION	PROPOSED	EXISTING	FUTURE
DESIGN CONTOUR - MAJOR			
DESIGN CONTOUR - MINOR			
CIVIL WORKS BOUNDARY			
RETAINING WALL			
ROCK RETAINING WALL			
FENCE			
SITE FENCE			
GUARD RAIL			
BATTER (EARTHWORKS)			
TOP BATTER			
BATTER TICK			
BTM. BATTER			
KERB LINE			
KERB RETURN LABEL			
EXISTING TREES TO REMAIN			
EXISTING TREES TO BE REMOVED (MUST BE CONCORDANT WITH ARBORIST REPORT)			
SURFACE LEVEL			

LEGEND - SERVICES

DESCRIPTION	PROPOSED	EXISTING	FUTURE
O/H ELECTRICAL LINE			
ELECTRICAL LINE			
WATER LINE			
RECYCLE WATER			
COMMUNICATION LINE			
GAS LINE			
SEWER LINE			
SEWER RISING MAIN			
NBN LINE			
TELECOMS LINE			
FIBRE OPTIC LINE			
COMBINED SERVICES TRENCH			

LEGEND - DRAINAGE

DESCRIPTION	PROPOSED	EXISTING	FUTURE	TEMPORARY
SUBSOIL DRAINAGE LINE				
STORMWATER DRAINAGE LINE				
RCBC CULVERT LINE				
FLOW DIRECTION AND PIPE SIZE				
STUB, CAP AND BURY FOR FUTURE CONNECTION				
TEMPORARILY BLOCK PIPE				
STORMWATER PITS				
PIT LABEL (DRAINAGE LINE No. - DRAINAGE PIT No.)				
CONCRETE HEADWALL				
STACKED ROCK HEADWALL				
OVERLAND FLOW PATH				
CATCHMENT DIRECTION				
EARTHBANK (LOW FLOW)				
SWALE				
ROOF WATER OUTLET TO KERB				
ROOF WATER CONNECTION TO REAR OF LINTEL				
BASIN FENCE				
BASIN BIO FILTER				

ABBREVIATIONS

RKG	ROLL KERB AND GUTTER
K&G	KERB AND GUTTER
PR	PRAM RAMP
VC	VEHICULAR CROSSING
RW	RETAINING WALL
S.G.G.P.	STANDARD GRATED GULLY PIT
G.S.I.P.	GRATED SURFACE INLET PIT
JP	JUNCTION PIT
HW	HEADWALL
GPT	GROSS POLLUTANT TRAP
TOW	TOP OF WALL
BOW	BOTTOM OF WALL
TFSL	TOP FINISHED SURFACE LEVEL
BFSL	BOTTOM FINISHED SURFACE LEVEL
RCP	STEEL REINFORCED CONCRETE PIPE
RRJ	RUBBER RING JOINT
C1 or C2	PIPE CLASS
MH	MAINTENANCE HOLE
MS	MAINTENANCE SHAFT
TMS	TERMINAL MAINTENANCE SHAFT
RP	RODDING POINT
HYD	HYDRANT
SV	STOP VALVE
SAG	LOW POINT
CREST	HIGH POINT
PP	POWER POLE

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23.08.22

05.08.22

ISSUED FOR DEVELOPMENT APPLICATION

ISSUED FOR DEVELOPMENT APPLICATION

REV

DATE

AMENDMENT DESCRIPTION

DES.

DRN.

APPROVED COMPANY

100 YEARS

APPROVED COMPANY

100 YEARS

APPROVED COMPANY

100 YEARS

DIAL 1100

BEFORE YOU GO

Authorised for issue by:

Signature:

Principal:

MH PROP No.2 ATF MH PROP No.2

L.G.A.:

WOLLONGONG CITY COUNCIL

Scale:

AS SHOWN

Datum:

AHD

Project:

PROPOSED SUBDIVISION OF LOT 2 D.P.572839 & LOT 101 D.P.1279511 11-15 NICHOLSON ROAD, WOONONA

ABN 77 050 209 991 ACN 050 209 991 Suite 7.01, Level 7, 3 Rider Boulevard, Rhodes, NSW, 2138 PO Box 3220, Rhodes NSW 2138 Tel: (02) 9665-1855 reception@craigandrhodes.com.au www.craigandrhodes.com.au © Craig & Rhodes Pty Ltd

Drawing Title

LEGEND AND ABBREVIATIONS

C&R Ref.

031-22

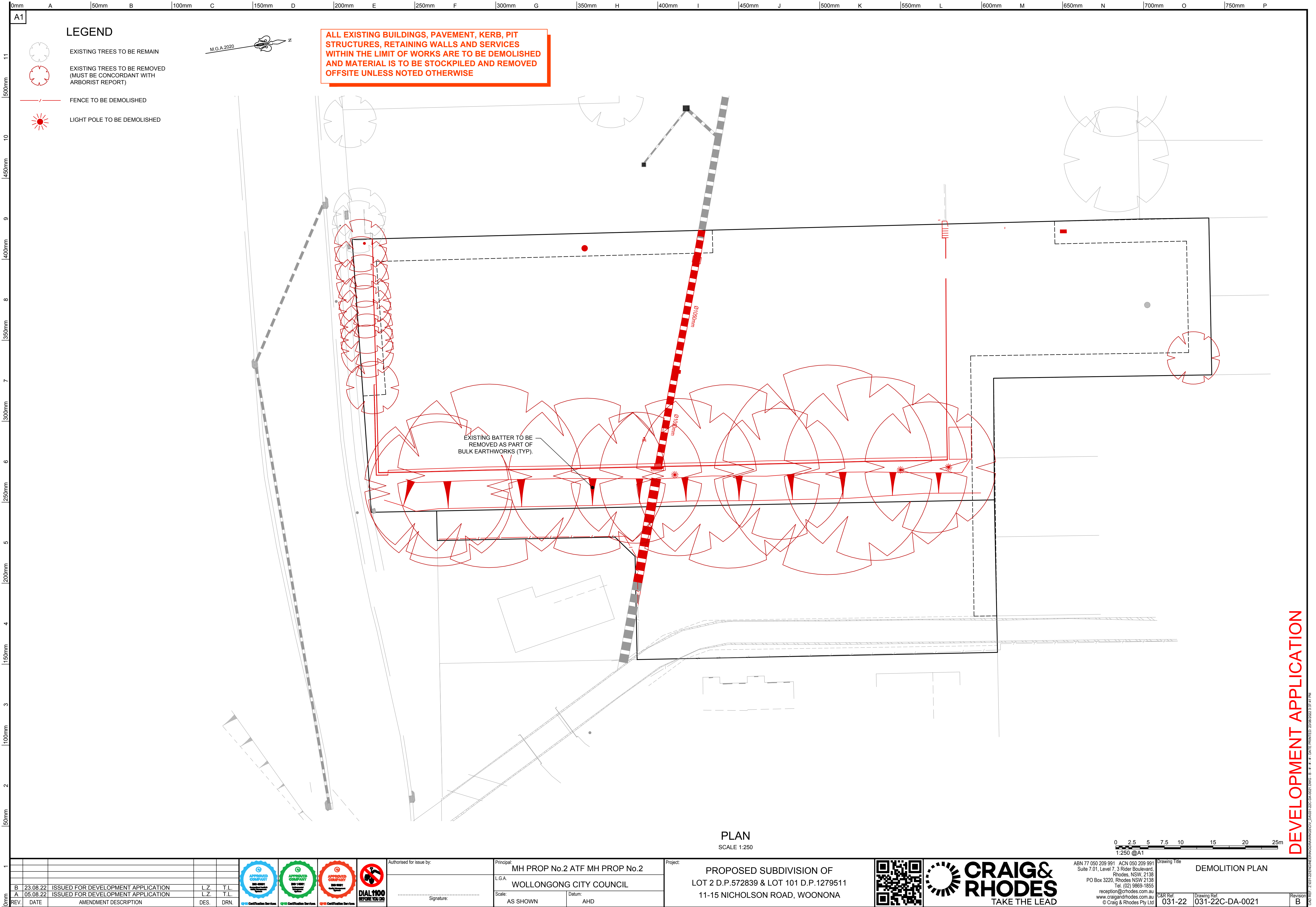
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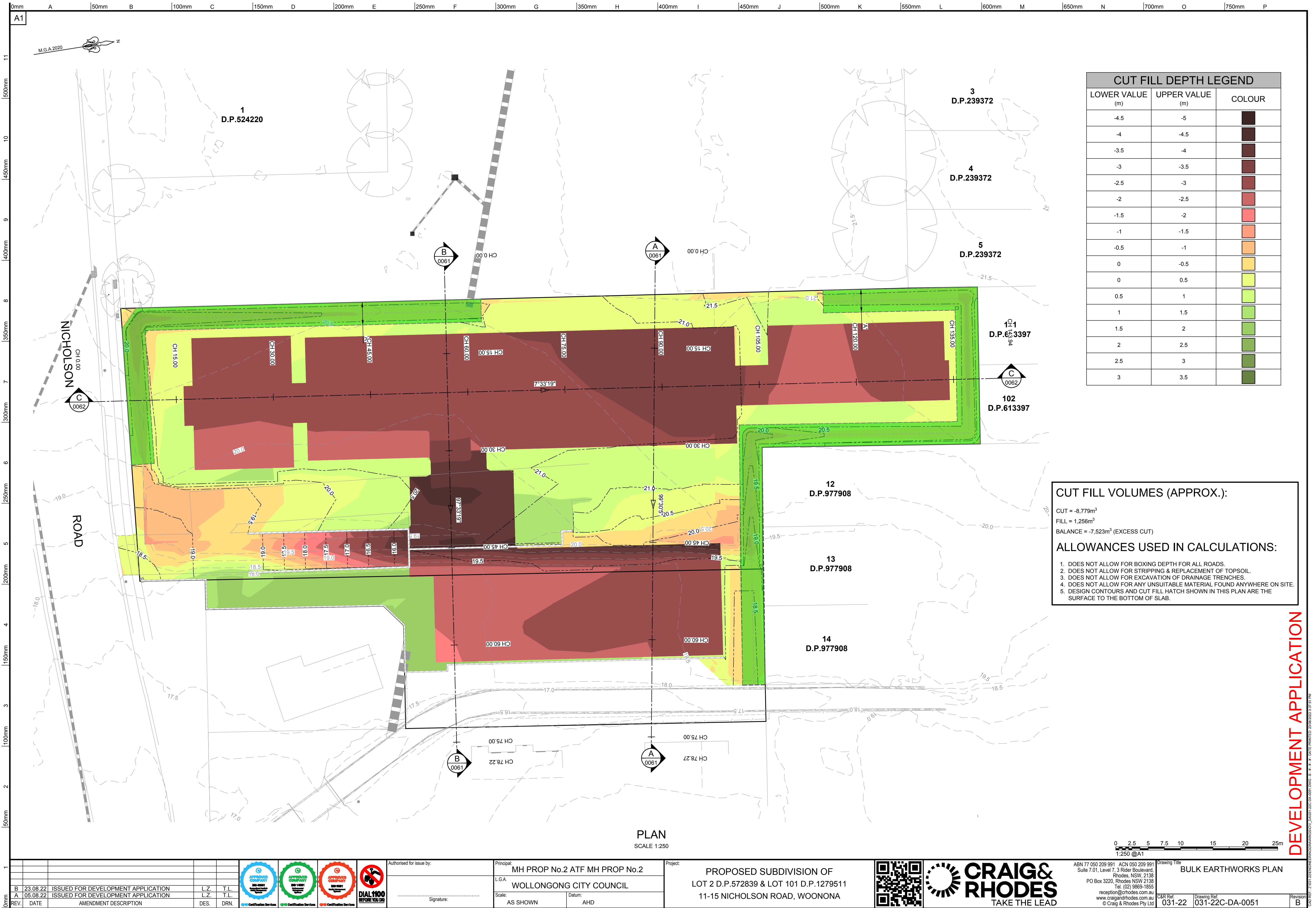
031-22C-DA-0003

Revision

B

DEVELOPMENT APPLICATION





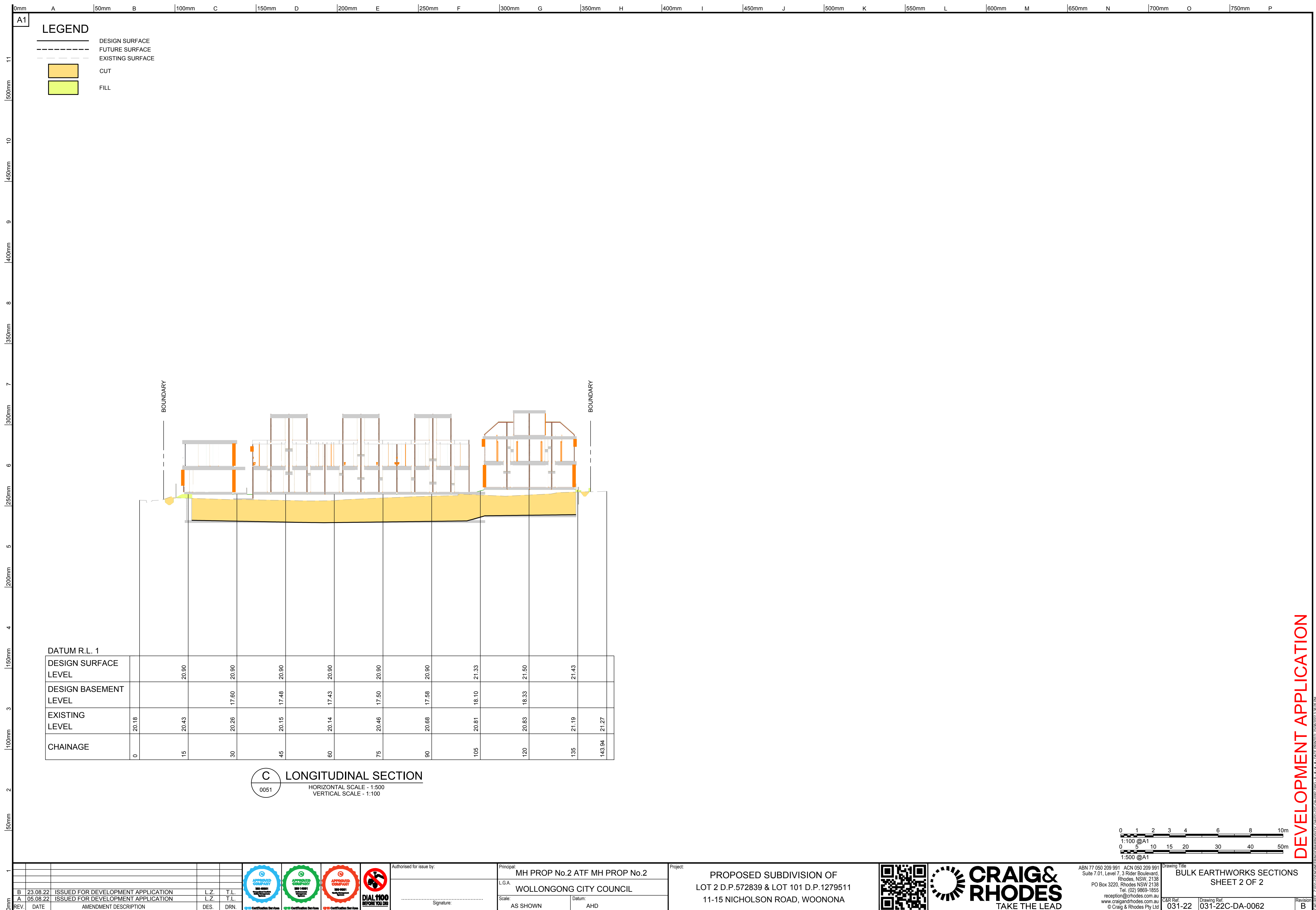
CUT FILL DEPTH LEGEND		
LOWER VALUE (m)	UPPER VALUE (m)	COLOUR
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-4	-4.5	
-3.5	-4	
-3	-3.5	
-2.5	-3	
-2	-2.5	
-1.5	-2	
-1	-1.5	
-0.5	-1	
0	-0.5	
0	0.5	
0.5	1	
1	1.5	
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2	2.5	
2.5	3	
3	3.5	

CUT FILL VOLUMES (APPROX.):

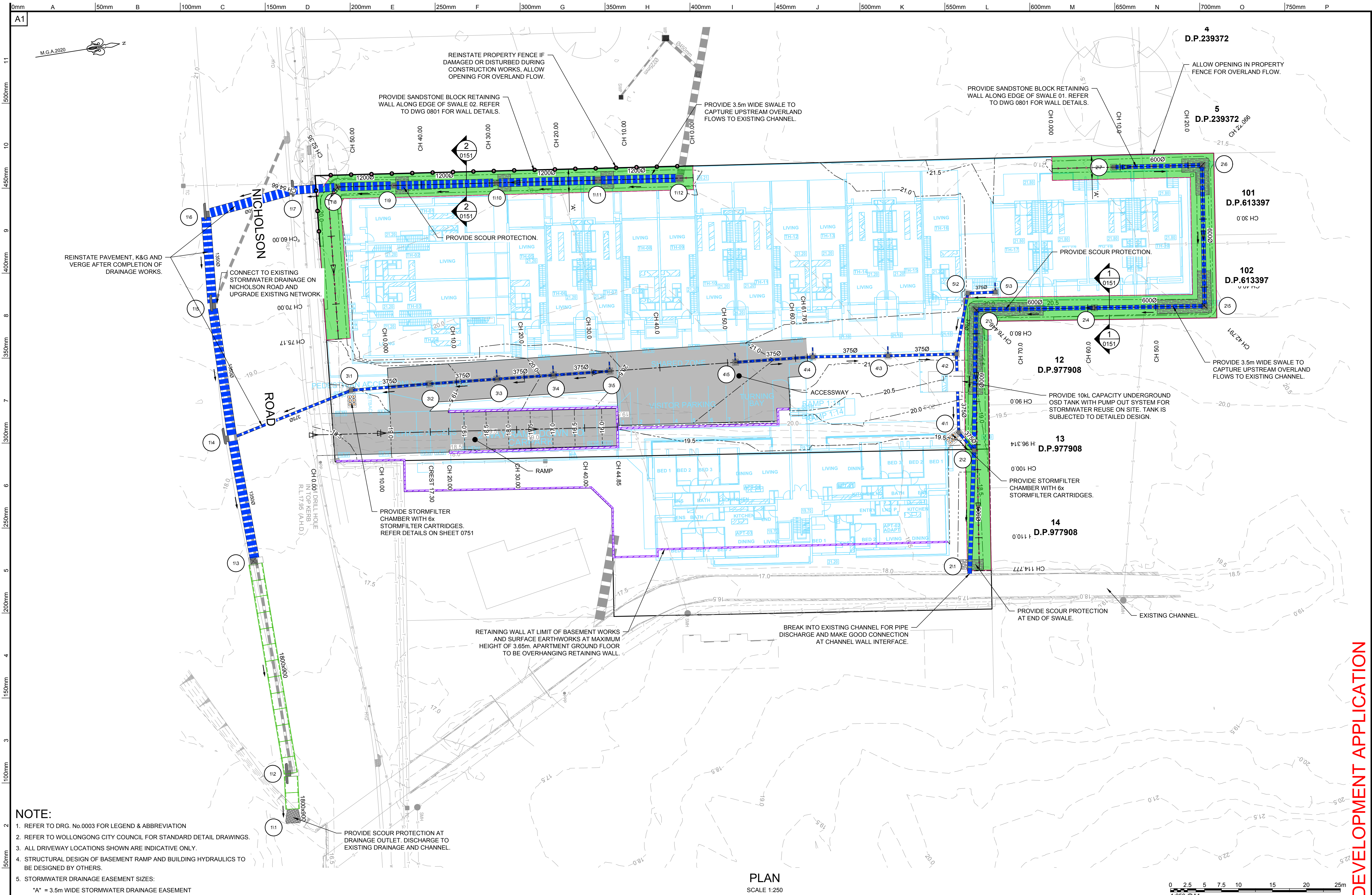
CUT = -8,779m³
FILL = 1,256m³
BALANCE = -7,523m³ (EXCESS CUT)

ALLOWANCES USED IN CALCULATIONS:

- DOES NOT ALLOW FOR BOXING DEPTH FOR ALL ROADS.
- DOES NOT ALLOW FOR STRIPPING & REPLACEMENT OF TOPSOIL.
- DOES NOT ALLOW FOR EXCAVATION OF DRAINAGE TRENCHES.
- DOES NOT ALLOW FOR ANY UNSUITABLE MATERIAL FOUND ANYWHERE ON SITE.
- DESIGN CONTOURS AND CUT FILL HATCH SHOWN IN THIS PLAN ARE THE SURFACE TO THE BOTTOM OF SLAB.

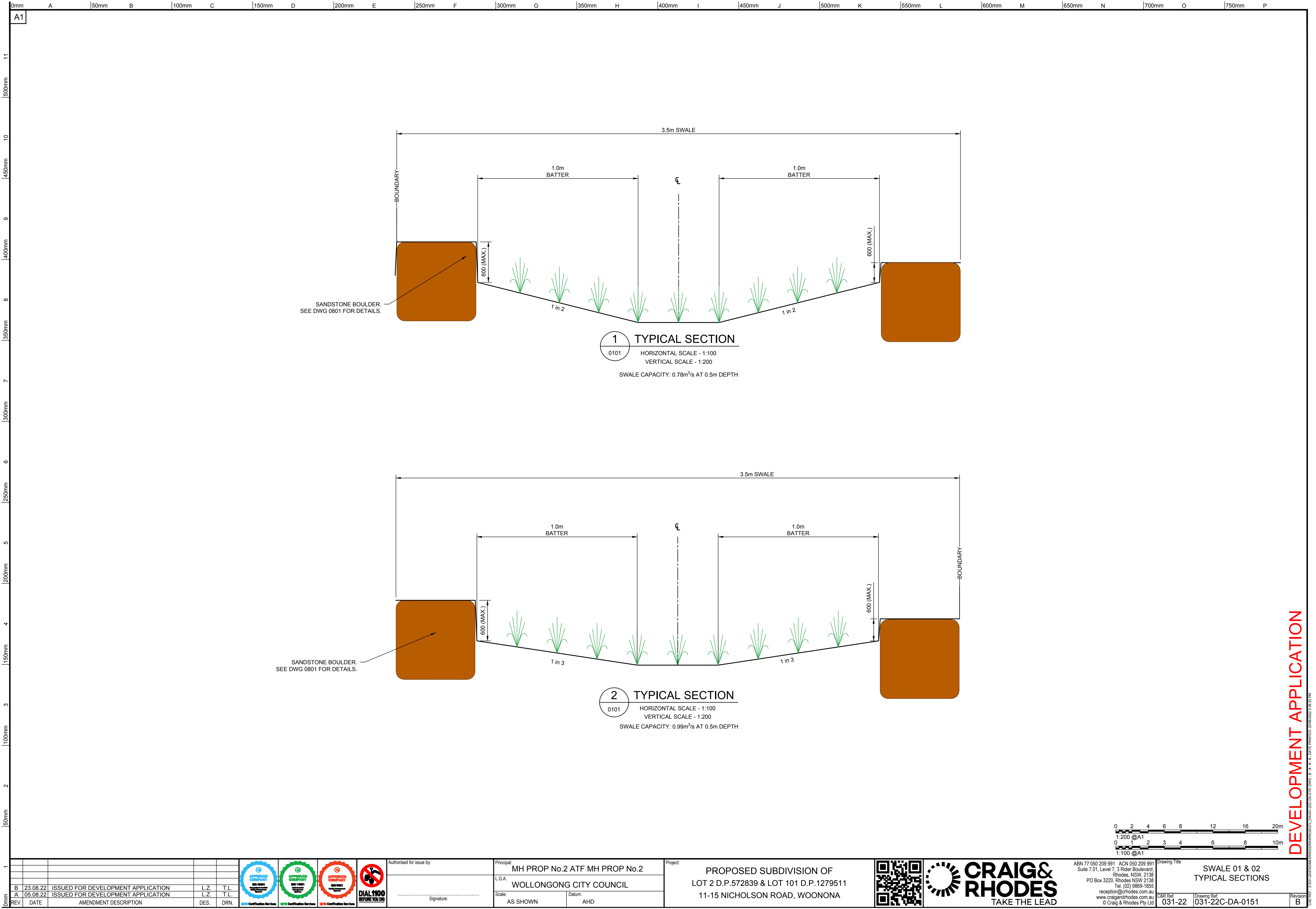


DEVELOPMENT APPLICATION



NOTE:

1. REFER TO DRG. No.0003 FOR LEGEND & ABBREVIATION
2. REFER TO WOLLONGONG CITY COUNCIL FOR STANDARD DETAIL DRAWINGS.
3. ALL DRIVEWAY LOCATIONS SHOWN ARE INDICATIVE ONLY.
4. STRUCTURAL DESIGN OF BASEMENT RAMP AND BUILDING HYDRAULICS TO BE DESIGNED BY OTHERS.
5. STORMWATER DRAINAGE EASEMENT SIZES:
"A" = 3.5m WIDE STORMWATER DRAINAGE EASEMENT



REV.	DATE	AMENDMENT DESCRIPTION	DES.	DRN.
B	23.08.22	ISSUED FOR DEVELOPMENT APPLICATION	L.Z.	T.L.
A	05.08.22	ISSUED FOR DEVELOPMENT APPLICATION	L.Z.	T.L.



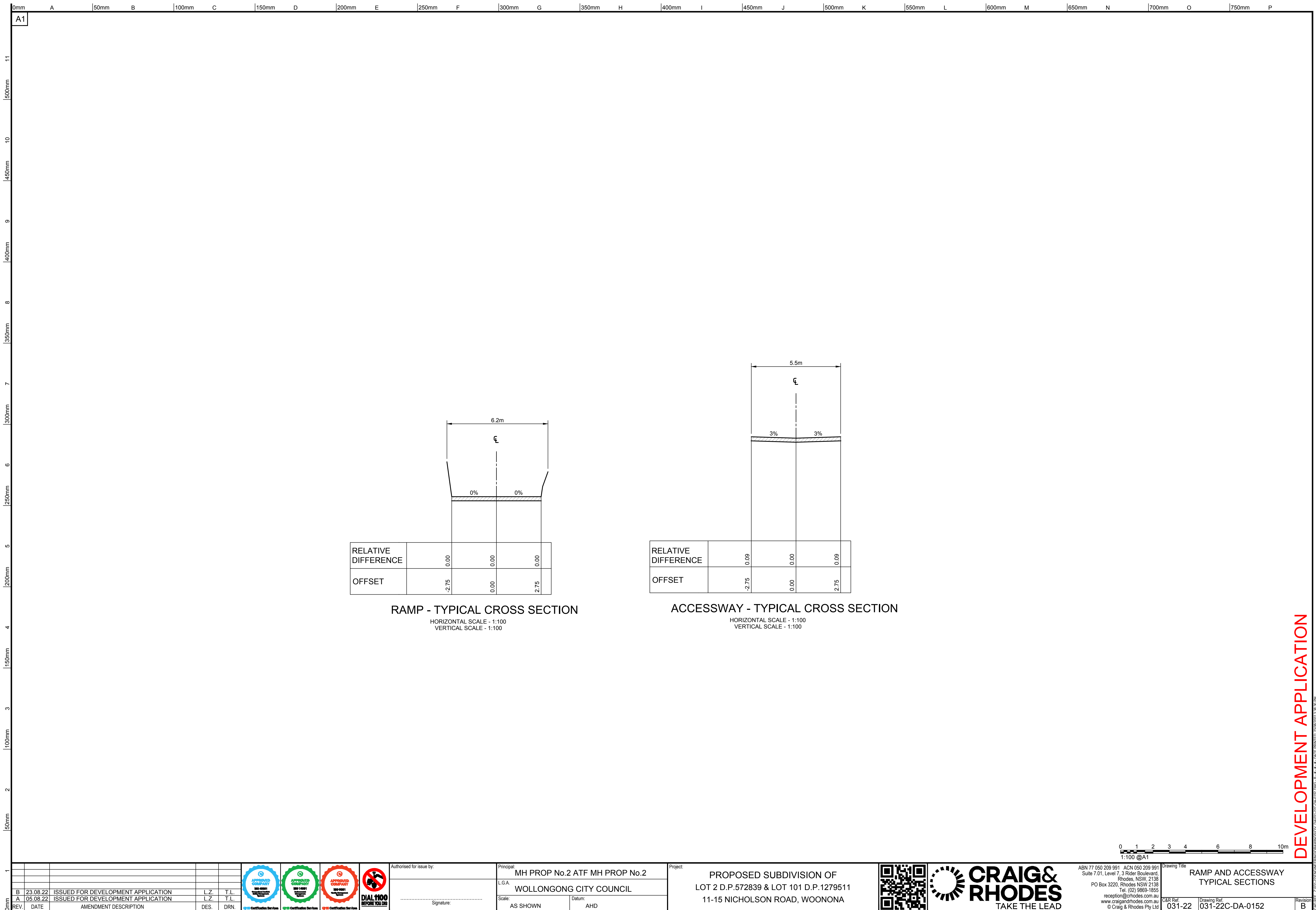
Authorised for issue by:
Signature: _____

Principal:
MH PROP No.2 ATF MH PROP No.2
L.G.A.
WOLLONGONG CITY COUNCIL
Scale: AS SHOWN
Datum: AHD

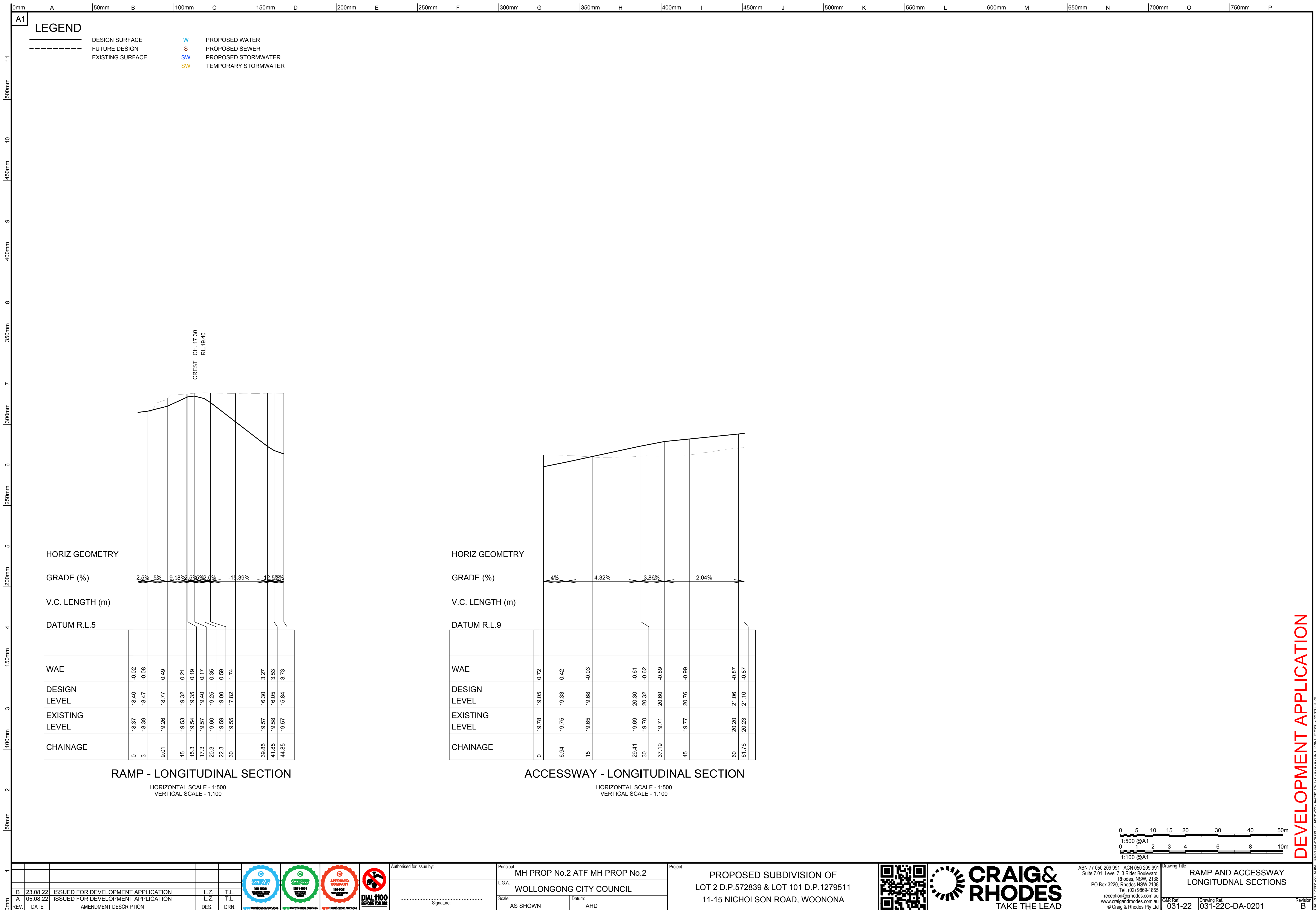
Project:
PROPOSED SUBDIVISION OF
LOT 2 D.P.572839 & LOT 101 D.P.1279511
11-15 NICHOLSON ROAD, WOONONA

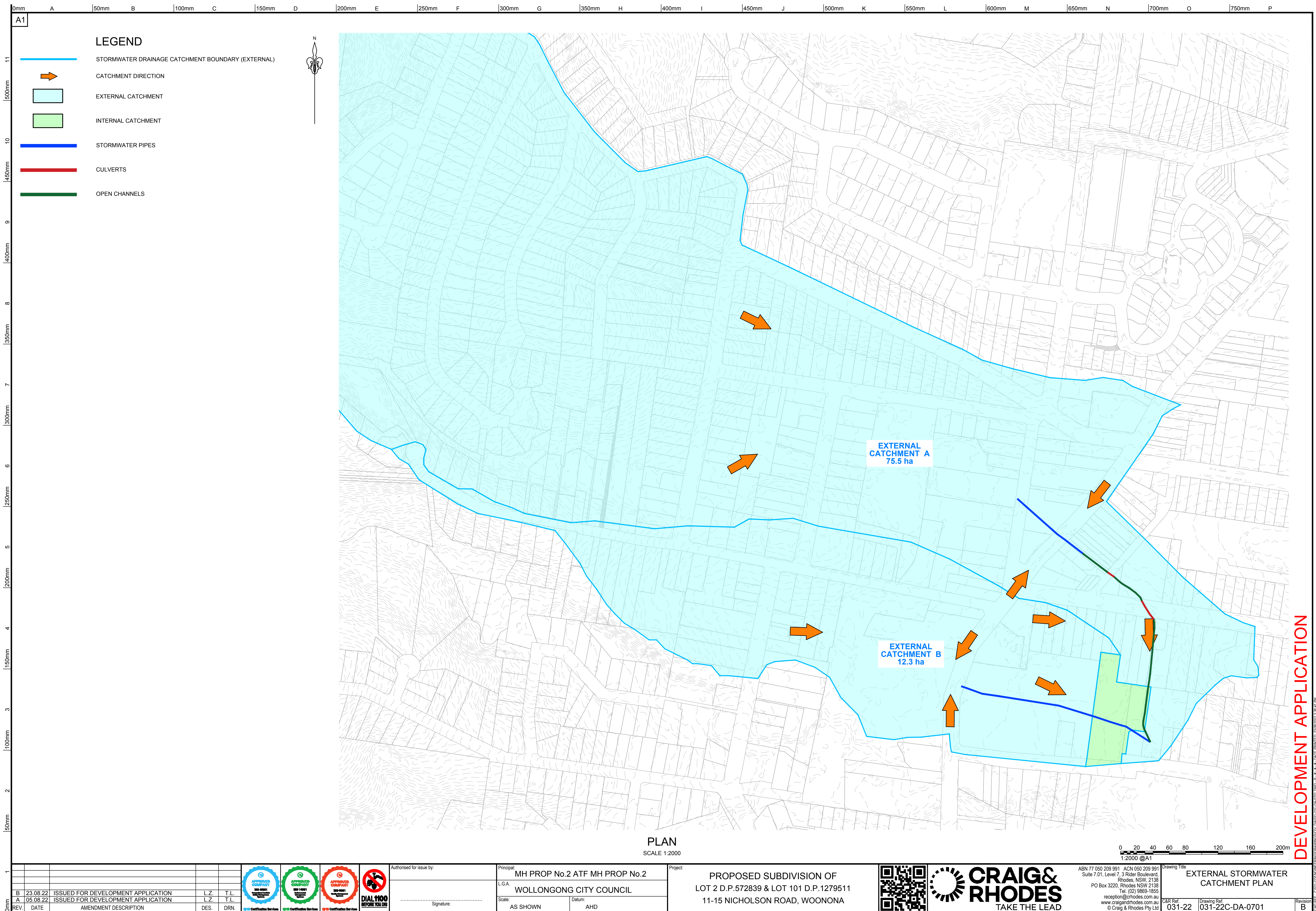


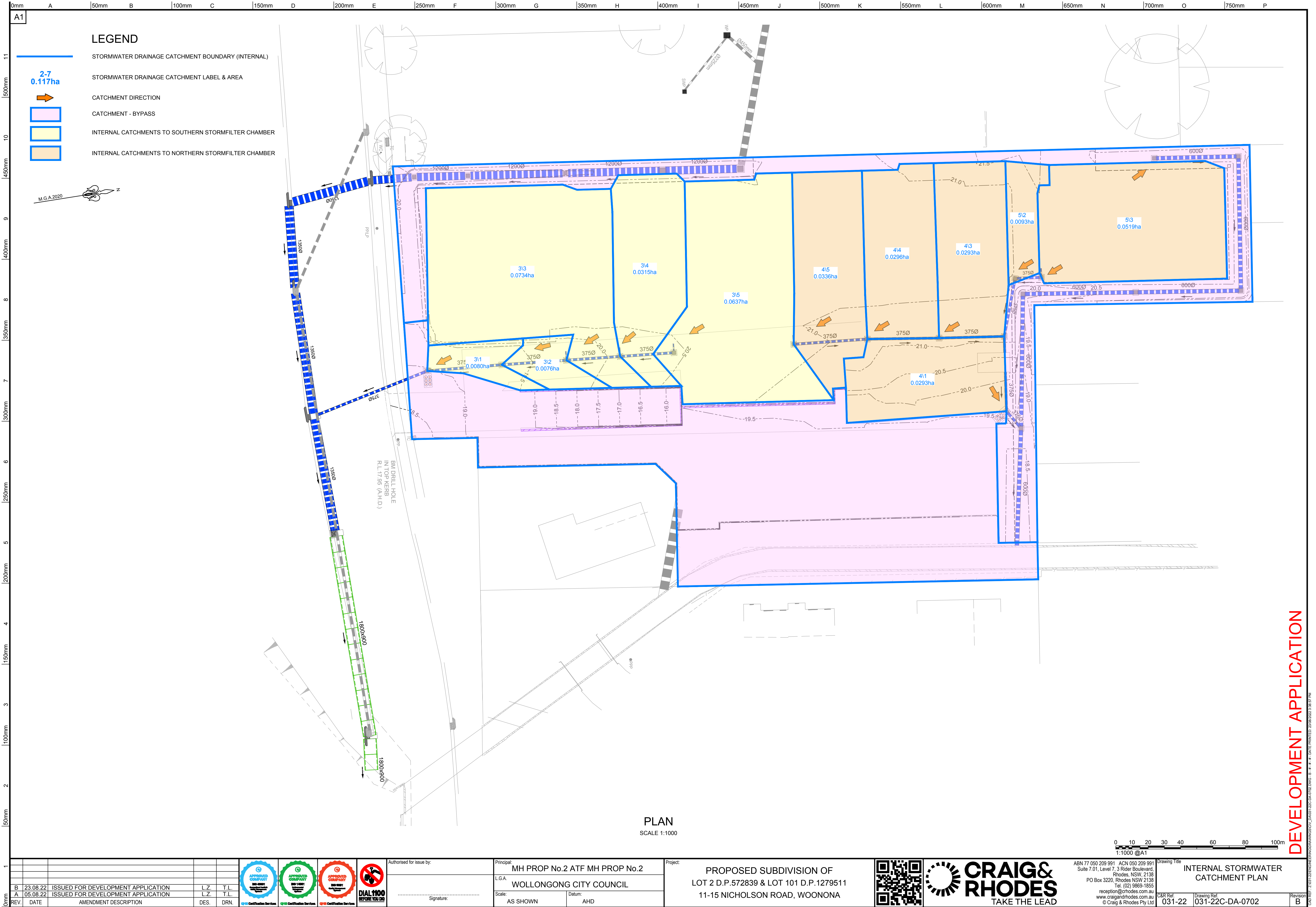
ASB 77 050 209 991 Suite 7.01, Level 7, 3 Rider Boulevard, Rhodes, NSW, 2138 PO Box 3220, Rhodes NSW 2138 Tel: (02) 9665-1855 reception@crrhodes.com.au www.craigandrhodes.com.au © Craig & Rhodes Pty Ltd	Drawing Title SWALE 01 & 02 TYPICAL SECTIONS C&R Ref. 031-22 Drawing Ref. 031-22C-DA-0151	Revision B
---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	-------------------------------------------------------------------------------------------------------------	---------------

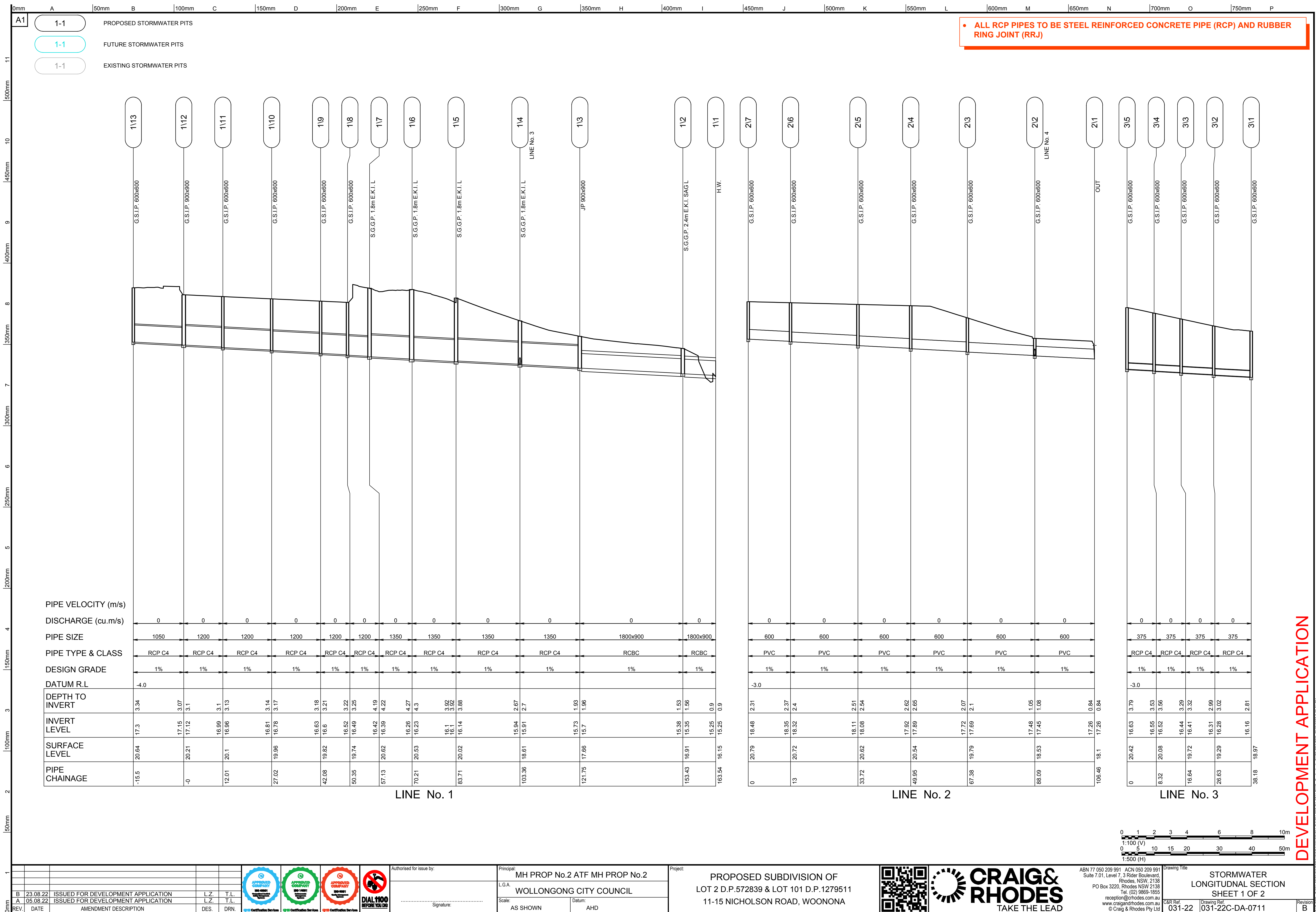


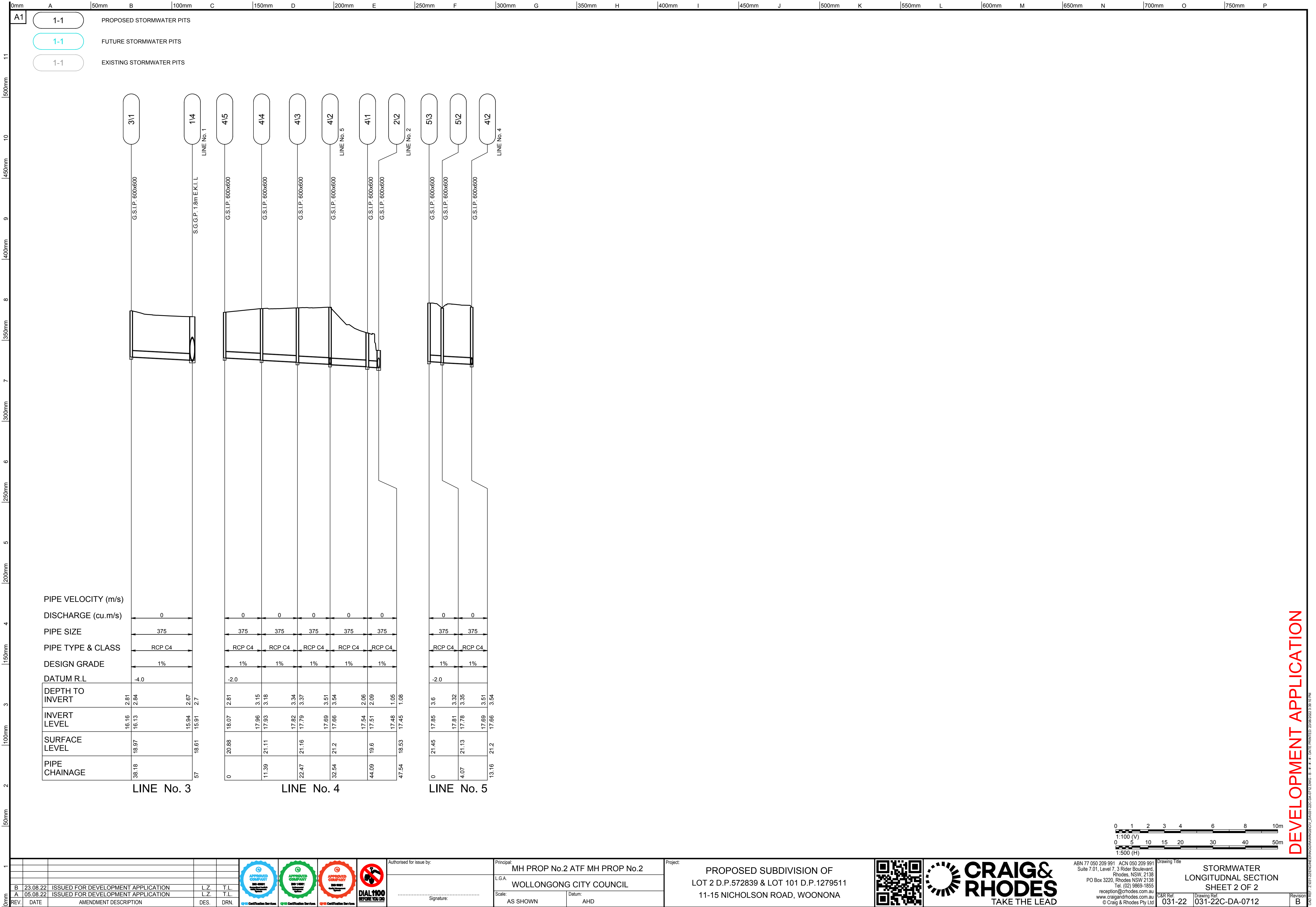
DEVELOPMENT APPLICATION

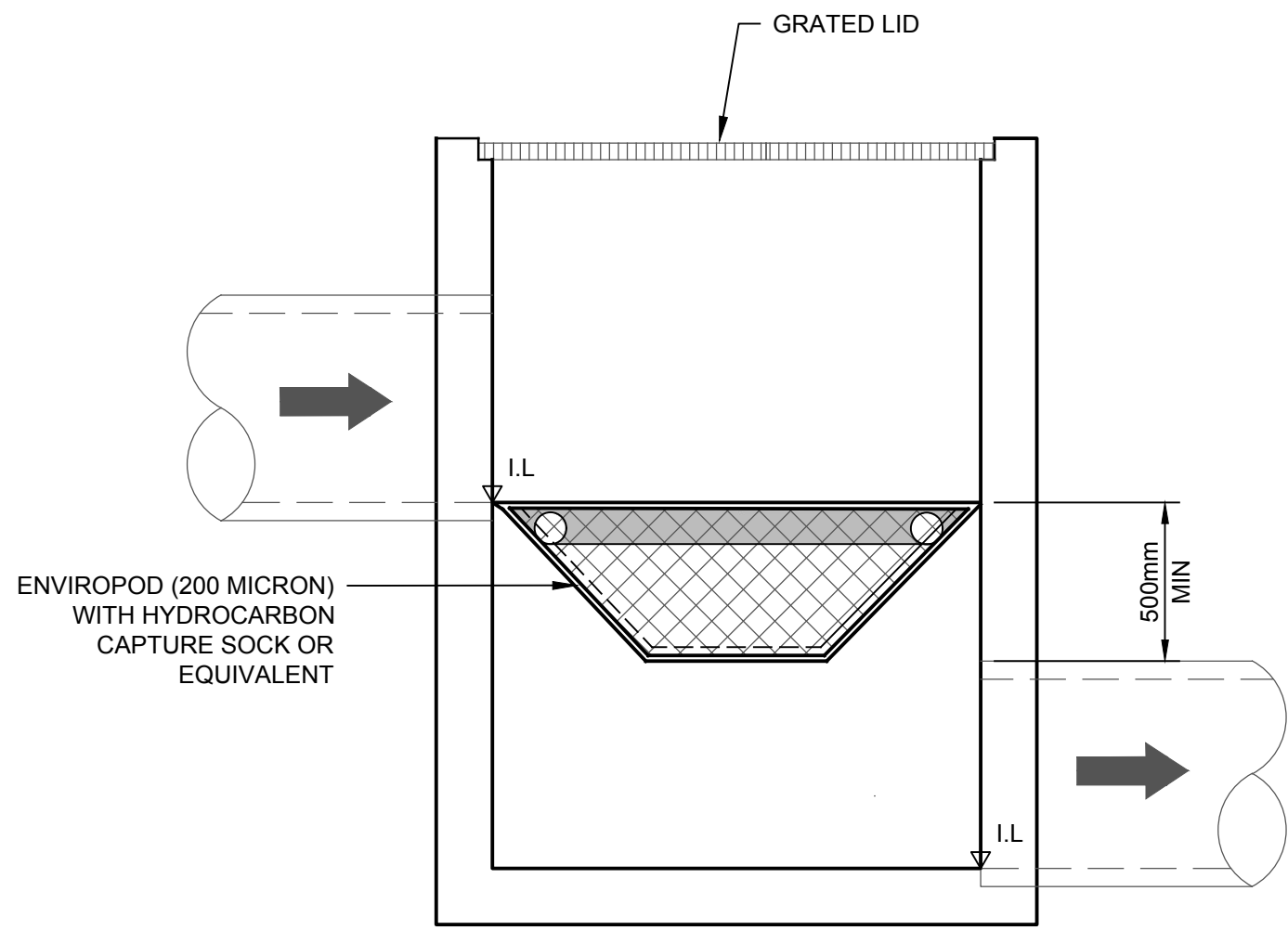




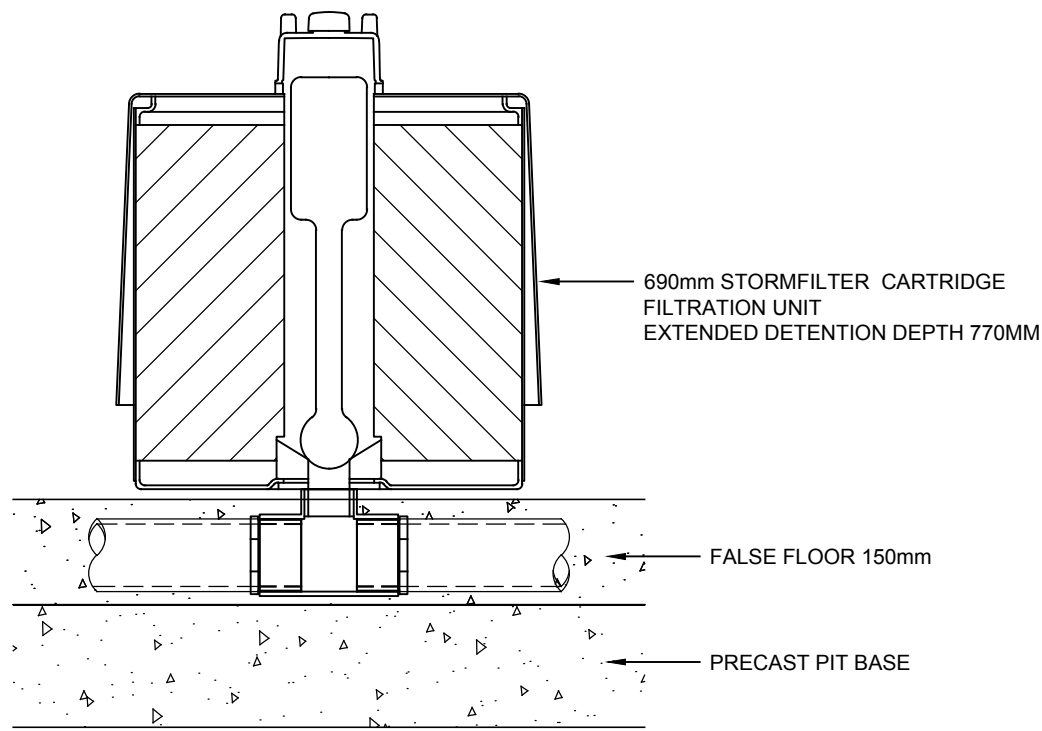




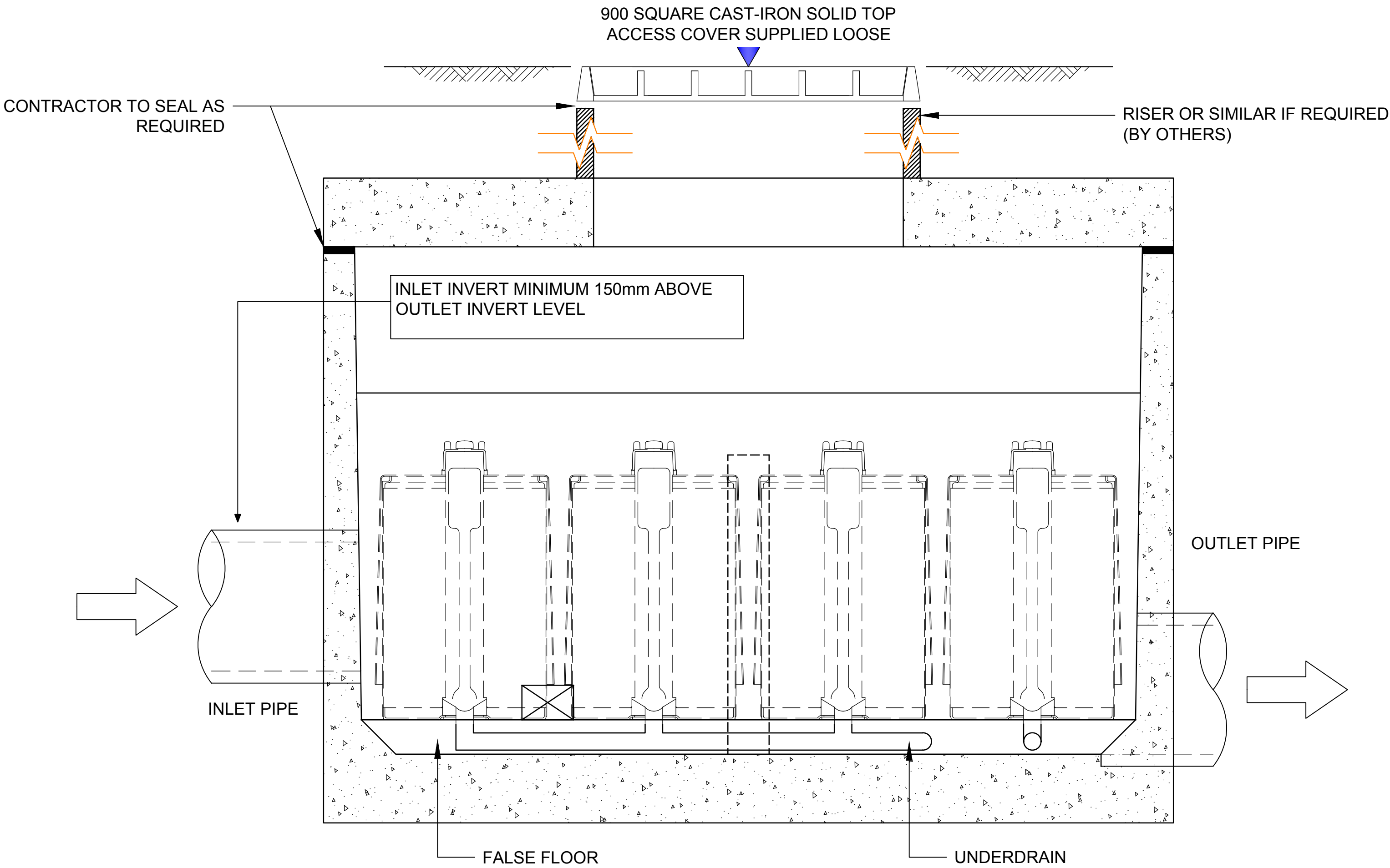




TYPICAL OCEANGUARD DETAIL
(SURFACE FLOW & UPSTREAM
PIPE FLOW TREATMENT)
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STORMFILTER CARTRIDGE DETAIL
N.T.S



TYPICAL STORMFILTER CHAMBER DETAIL
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REV.	DATE	AMENDMENT DESCRIPTION	DES.	DRN.
B	23.08.22	ISSUED FOR DEVELOPMENT APPLICATION	L.Z.	T.L.
A	05.08.22	ISSUED FOR DEVELOPMENT APPLICATION	L.Z.	T.L.

APPROVED COMPANY

100% COMPLIANT

CERTIFICATION SERVICES

APPROVED COMPANY

100% COMPLIANT

CERTIFICATION SERVICES

APPROVED COMPANY

100% COMPLIANT

CERTIFICATION SERVICES

DIAL 1100

BEFORE YOU GO

Authorised for issue by:

Signature:

Principal:
MH PROP No.2 ATF MH PROP No.2
L.G.A.
WOLLONGONG CITY COUNCIL
Scale:
AS SHOWN
Datum:
AHD

Project:
PROPOSED SUBDIVISION OF
LOT 2 D.P.572839 & LOT 101 D.P.1279511
11-15 NICHOLSON ROAD, WOONONA

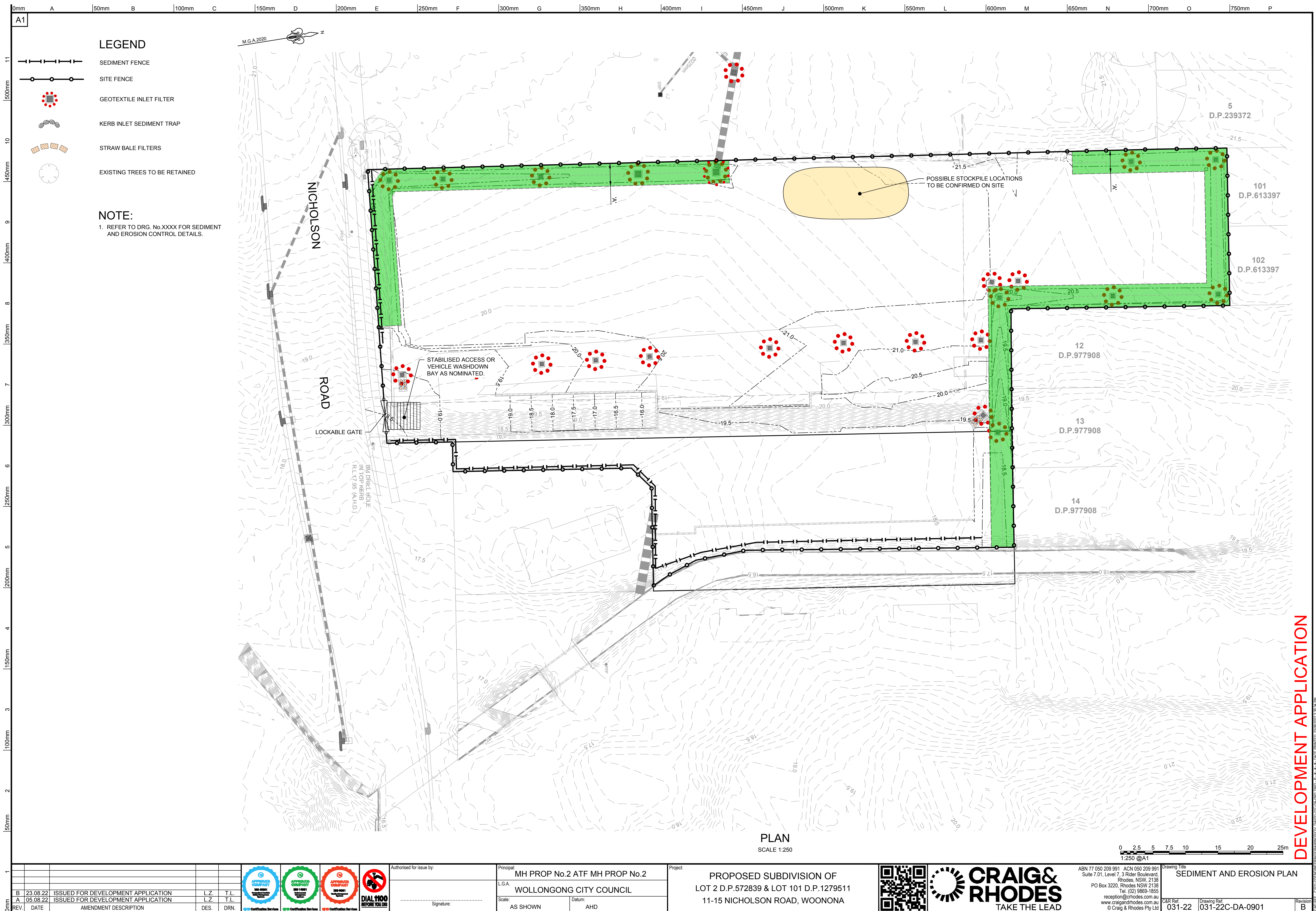
CRAIG & RHODES
TAKE THE LEAD

ABN 77 050 209 991 ACN 050 209 991
Suite 7.01, Level 7, 3 Rider Boulevard,
Rhodes, NSW, 2138
PO Box 3220, Rhodes NSW 2138
Tel: (02) 9665-1855
reception@craigandrhodes.com.au
www.craigandrhodes.com.au
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Drawing Title
OCEANGUARD AND
STORMFILTER CARTRIDGE
DETAILS
C&R Ref.
031-22
Drawing Ref.
031-22C-DA-0751
Revision
B

DATE PRINTED: 22/08/2022 3:36:16 PM

DEVELOPMENT APPLICATION



SEPP 65 Report

11-14 Nicholson Road, Woonona NSW 2517

Prepared on behalf of: MH Property No.2 P/L

Prepared by: PopovBass Architects

Date: August 2022

Issue: A

To be read in conjunction with ADG Compliance Statement

Design Verification Statement

I, Brian Bass of PopovBass, verify that I contributed to the design of this multi-residential development, and that the design quality principles set out in SEPP 65 and the Apartment Design Guide are achieved for the new apartments in the proposed development at 11-14 Nicholson Road, Woonona.

A handwritten signature in black ink, consisting of stylized initials followed by a long, horizontal, looping flourish.

Brian Bass
Director
NSW ARB 6470

Principle 1: Context and neighbourhood character

Good design responds and contributes to its context. Context is the key natural and built feature of an area, their relationship and the character they create when combined. It also includes social, economic, health and environmental conditions.

Responding to context involves identifying the desirable elements of an area's existing or future character. Well designed buildings respond to and enhance the qualities and identity of the area including the adjacent sites, streetscape and neighbourhood.

Consideration of local context is important for all sites, including sites in established areas, those undergoing change or identified for change.

Statement of Compliance

- Developments to the north of the subject site have established a pattern of townhouse style development with private road access, consistent with the proposal. Which has both townhouses and an apartment building located along a central shared zone/landscape area.
- The proposal responded to the streetscape with a well-designed and articulated building, with a long shared boulevard entrance, which provides communal space whilst directly interfacing with the street.
- The proposed landscape design will enhance the quality of the street scape, as the existing site was predominantly a car park. The addition of greenery to the site will create a harmonious relationship with the proposal and its surrounds.
- The material and colour palette proposed will enhance the quality of the neighbourhood, with the addition of materials such as sandstone and rendered masonry in earthy tones.
- The site has a direct connection with the streetscape, and is in close proximity to Woonona Public School, Woonona High School and 2km to Woonona Beach.
- The site is serviced by nearby public transport routes along Campbell St, and is approximately 1.4km to Woonona train station.

Principle 2: Built form and scale

Good design achieves a scale, bulk and height appropriate to the existing or desired future character of the street and surrounding buildings.

Good design also achieves an appropriate built form for a site and the building's purpose in terms of building alignments, proportions, building type, articulation and the manipulation of building elements.

Appropriate built form defines the public domain, contributes to the character of streetscapes and parks, including their views and vistas, and provides internal amenity and outlook.

Statement of Compliance

- As one of the controls for density, the LEP provides for a FSR of 0.75. The proposal meets this requirement and therefore is consistent with the envisaged density on this site.
- The proposal achieves the bulk and scale of the desired character of the street through its well-proportioned presentation to the street.
- The façade of the buildings is articulated so each individual dwelling is recognisable.
- The height of the building varies between two and three storeys to gate visual interest along the façade. The apartment building is three storeys.
- The scale of the proposal is considered and conducive to the neighbourhood, using landscaping such as open fencing, native vegetation, and masonry to enhance the streetscape.
- The architectural expression of the projecting walls and brick screens creates visual interest as well as providing opportunity for private space to contrast with the open balcony and surrounding garden space.
- The building is well articulated across the façade and all other elevations in a manner that reduces its bulk and scale where appropriate to maximise sunlight and ventilation for residents.
- The ramp access to the basement carpark is compliant and works with the existing topography of the site.
- Internal amenity and outlook are provided in multiple directions to residents and does not impact the views of neighbours.

Principle 3: Density

Good design achieves a high level of amenity for residents and each apartment, resulting in a density appropriate to the site and its context.

Appropriate densities are consistent with the area's existing or projected population. Appropriate densities can be sustained by existing or proposed infrastructure, public transport, access to jobs, community facilities and the environment.

Statement of Compliance

- The development consists of 32 dwellings in total. There are 20 townhouses and 12 apartments. Both two and three bedroom apartments are provided. This mix of dwelling types and size provides for a variety of different household types and demographics.
- The development has close proximity to schools, shopping and entertainment areas and, in the context of Wollongong, well served by public transport.
- The Building D of the development proposes a total of 12 apartments, 9 of which are 3-bedroom units and 3 are 2-bedroom units. Apartments 2, 6, and 10 are designed as adaptable housing in such a way that it can be modified easily in the future.
- Building D is in line with the low-medium density of Nicholson Road, as well as in line with the 2-3 storey town houses proposed on the site.
- The increase of dwellings on the site will not significantly impact traffic or public transport infrastructure capacities.
- The apartments and townhouses are generously sized with ample opportunity for solar access and cross ventilation.

Principle 4: Sustainability

Good design combines positive environmental, social and economic outcomes.

Good sustainable design includes use of natural cross ventilation and sunlight for the amenity and liveability of residents and passive thermal design for ventilation, heating and cooling reducing reliance on technology and operation costs. Other elements include recycling and reuse of materials and waste, use of sustainable materials and deep soil zones for groundwater recharge and vegetation.

Statement of Compliance

- The proposal is designed so that 100% of dwellings have cross flow ventilation.
- The provided opportunity for solar access meets the target of 3 hours of sunlight in 70% of units. Additionally meets the target of 2 hours of sunlight in 87.5% of units.
- The proposal achieves a high level of passive thermal design by providing all apartments with three aspects, maximising opportunities for cross-ventilation and solar access.
- Energy efficient appliances and fixtures will be provided to BASIX compliance.
- The internal design of apartments results in natural ventilation for most habitable and non-habitable rooms, with internal bathrooms being mechanically ventilated

Principle 5: Landscape

Good design recognises that together, landscape and buildings operate as an integrated and sustainable system, resulting in attractive developments with good amenity. A positive image and contextual fit of well designed developments is achieved by contributing to the landscape character of the streetscape and neighbourhood.

Good landscape design enhances the development's environmental performance by retaining positive natural features which contribute to the local context, co-ordinating water and soil management, solar access, micro-climate, tree canopy, habitat values and preserving green networks.

Good landscape design optimises useability, privacy and opportunities for social interaction, equitable access, respect for neighbours' amenity and provides for practical establishment and long term management.

Statement of Compliance

- The landscape design (refer to relevant landscaping plans by Habit 8 Landscape Architecture) aims to integrate the proposal with its surrounding landscape using native vegetation and low water use planting of various heights and density.
- All townhouses have front and rear outdoor areas and the apartments have generous balconies.
- Parking for residents is located underground which allows most of the ground level to be designed as a pedestrian zone. Where roads are located at ground level, they are designed as shared zones to allow deliveries and drop-off of visitors and residents. This allows the creation of a landscape central area of the development.
- A common landscape area is provided at the centre of the development and is equipped with a pavilion and BBQ area to allow active uses to occur here.
- A landscape buffer is provided around the proposal, which balances the amenity of residents whilst also respecting the sites relation to its context.

Principle 6: Amenity

Good design positively influences internal and external amenity for residents and neighbours. Achieving good amenity contributes to positive living environments and resident wellbeing.

Good amenity combines appropriate room dimensions and shapes, access to sunlight, natural ventilation, outlook, visual and acoustic privacy, storage, indoor and outdoor space, efficient layouts and service areas and ease of access for all age groups and degrees of mobility.

Statement of Compliance

- Apartment layouts have been designed to take advantage of the site by providing ample private outdoor space, maximising opportunities for ventilation and sunlight.
- Outdoor areas are integrated into the apartment design with the balconies being designed as outdoor rooms. Apartments are also provided with smaller balconies off living areas.
- All apartments achieve cross-ventilation, with all bedrooms and habitable spaces receiving natural ventilation.
- The third bedroom in apartments provides a flexible space which can be adapted to the needs of the residents.
- The lobby areas of the apartment building are generously sized for mobility.
- The lobbies are well designed with double height voids and planting. They have direct ventilation and light from the outside façade of the building.

Principle 7: Safety

Good design optimises safety and security within the development and the public domain. It provides for quality public and private spaces that are clearly defined and fit for the intended purpose. Opportunities to maximise passive surveillance of public and communal areas promote safety.

A positive relationship between public and private spaces is achieved through clearly defined secure access points and well-lit and visible areas that are easily maintained and appropriate to the location and purpose.

Statement of Compliance

- Unobstructed sightlines at the carpark ramp and clear circulation paths within the carpark allow for safe pedestrian movement.
- The proposal has a clear sightline for passive surveillance of the footpath and area outside the front of the site.
- The apartments overlook the central landscape area allowing passive surveillance of this area.
- The lobby and garage areas are secure.

Principle 8: Housing diversity and social interaction

Good design achieves a mix of apartment sizes, providing housing choice for different demographics, living needs and household budgets.

Well designed apartment developments respond to social context by providing housing and facilities to suit the existing and future social mix.

Good design involves practical and flexible features, including different types of communal spaces for a broad range of people and providing opportunities for social interaction among residents.

Statement of Compliance

- The design of the central lobby space facilitates moments of social interaction between residents entering or exiting the building in a secure environment.
- The central common landscape area will be a focal point of the development and facilitate social interaction.
- Two- and three-bedroom apartments are provided with 25% of the apartments being adaptable.
- Different living needs and demographics can inhabit each apartment as each has different opportunities for living space; for example, the balconies are varied in dimension and ranging privacy screening.

Principle 9: Aesthetics

Good design achieves a built form that has good proportions and a balanced composition of elements, reflecting the internal layout and structure. Good design uses a variety of materials, colours and textures.

The visual appearance of a well designed apartment development responds to the existing or future local context, particularly desirable elements and repetitions of the streetscape.

Statement of Compliance

- The scale, mass and materiality take into consideration both the predominant existing character of the streetscape as well as the desired future character of the area.
- The muted palette of materials incorporates various masonry elements with earthy tones to match the rendered masonry palettes of the streetscape, with select elements such as rotated brick screens adding visual interest which does not overpower or detract from the local character.
- The elevations of the building are varied in articulation, comprising fixed screens, balcony dimensions and cut-outs in the roof slab for solar access.
- All materials chosen are hard-wearing and low maintenance to facilitate the development's longevity, ensuring it remains appropriate within the streetscape now and into the future.



Figure 1: Varied materiality and articulation of the building form contributes towards the architectural expression of the proposed building, creating visual interest from the public domain and for residents.

Attachment 2

Wollongong Design Review Panel
Meeting minutes and recommendations

Date	4 November 2022
Meeting location	Wollongong City Council Administration Offices
Panel members	(Chair) David Jarvis (Member) Tony Tribe (Member) Sue Hobley
Apologies	None
Council staff	John Wood – City Wide Development Manager Vivian Lee – Senior Development Project Officer Amanda Kostovski – City Architect Eliza Metcalfe – Cadet Planner Carla Omeley – Cadet Planner
Guests/ representatives of the applicant	Luke Rollinson – MMJ Wollongong Brian Bass = PopovBass Beau Hunter – C Rhodes Leo Zhou Joe Zhou
Declarations of Interest	None
Item number	2
DA number	DA-2022/1023
Reason for consideration by DRP	SEPP 65
Determination pathway	Wollongong Local Planning Panel
Property address	455-459 Princes Highway & 15 Nicholson Road, Woonona
Proposal	Demolition works and tree removals, Residential Flat Building (12 units) and Multi Dwelling Housing (20 townhouses) with associated basement carparking, landscaping and services infrastructure
Applicant or applicant's representative address to the design review panel	
Background	The site was inspected by the Panel on 4 November 2022
Design quality principals SEPP 65	
Context and Neighbourhood Character	<p>The site has been established by a recently approved subdivision of the Woonona Bulli RSL carpark. The western boundary of the site borders the existing club carpark, the northern and eastern boundaries border land zoned for residential use. The site is accessed via its southern end from Nicholson Road.</p> <p>The applicant provided a well-considered verbal description of the site and the rationale behind the proposal. However, only a very basic site analysis has been provided. The analysis fails to identify many important characteristics of the site to assist in developing / justifying the design's response to the site. Refer to Appendix 1 of the ADG for a comprehensive list of issues that should be covered within a site analysis. Issues of particular importance to this site include potential views, existing vegetation, interfaces with lower density residential neighbours and flooding. These issues will potentially have a significant impact upon basic site planning decisions and should therefore be clearly identified and demonstrably</p>

	<p>addressed prior to the lodgement of a development application.</p> <p>The Panel acknowledges that the architect has worked with a stormwater engineer to develop a stormwater management plan that relies on directing run-off from the west (RSL carpark) into drainage swales along the south-western boundary and northern boundaries (NW, N and NE), releasing into the public stormwater system. The plan includes the removal of an existing pipe that drains stormwater across the site from the wet into the open concrete drainage culvert that runs along the eastern boundary of the site. Such an approach in an area prone to flash flooding may be problematic for a development of this nature. The applicant is encouraged to liaise with Council's engineer to progress a solution that is acceptable to Council.</p> <p>The Panel has been advised by the applicant and council that the geotechnical investigation detected seepage on the site. Again, the applicant needs to liaise with council's engineers to confirm that in these circumstances the site, in a flood-prone context, is suitable for a development of this nature. If so, the applicant needs to provide documentation of design measures necessary to not only deal with seepage on the development but to also deal with the effects of constructing a basement into soil where seepage is present. What will be the implications of the damming effect of the basement on soil hydrology? Given that the proposal involves the removal of many large trees (that assist with water – and soil - management), concerns about the water table and soil water-logging are exacerbated.</p>
<p>Built Form and Scale</p>	<p>The current proposal locates a row of town houses adjacent to the western boundary, a small group (4) of town hoses fronting Nicholson Parade and a three storey RFB in the eastern (lower) portion of the site. All residences are serviced by a basement carpark, accessed from Nicholson Parade. The basic program of the development appears to be a reasonable response to the constraints and opportunities of the site (pending confirmation of storm water and soil hydrology constraints). However, further consideration of the following detail issues is recommended:</p> <ul style="list-style-type: none"> - Communal open space A large portion of the central courtyard is dedicated to visitor parking. This reduces the extent of space available for communal open space and significantly impacts the amenity of the communal open space. The extent and quality of communal open space currently proposed is insufficient to service a development of this scale.

If at grade parking / drop off is to be provided, it should be located closer to the site entry, allowing the central portion of the site to be dedicated to communal open space. Alternatively, visitor parking can be provided within the basement and a lift located to provide an accessible path of travel from the basement to each residential building.

Note: it is recommended that an accessible path of travel be provided between the basement and podium for any visitor parking spaces located within the basement.

- Views to escarpment
The applicant is encouraged to maximise escarpment views. In particular west facing town houses have an excellent opportunity for roof gardens that will have a clear view of the escarpment and minimal potential for privacy issues. The applicant is encouraged to provide roof gardens to these units, whilst maintaining compliance with the site's maximum FSR control.
- Potential privacy issues Block C
Block C appears to be creating the potential for privacy issues with neighbouring residential properties. The elevated board walk in the north-eastern corner of the site, is of particular concern. The walkway sits approximately 1m above natural ground level and appears to be compromising the privacy of the neighbouring residential property. Detail sections should be provided to document the relationship with neighbouring residential properties and assist in developing an interface that minimises potential privacy issues.
- Potential privacy issues RFB
The site's northern and eastern boundaries adjoin residential zones (R2) that permits lower density residential development than the subject site. ADG Objective 3F-1 design guidance, states:

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.

The current proposal provides a little over 6m setback to its northern and eastern boundaries. This falls short of the minimum requirements (9m) recommended in the ADG. This situation is exacerbated on the site's eastern boundary where a concrete drainage culvert restricts the potential

	<p>for screen planting to be provided adjacent to the boundary. At this stage, no information has been provided to demonstrate that potential privacy issues are minimised to address the objectives of the ADG. It is recommended that detail sections be provided to document the interface with the neighbour and further refine the design. This may include increased setbacks, landscaping, screening and placement and orientation of windows to habitable rooms.</p> <ul style="list-style-type: none"> - Drainage swales / Town house POS The setbacks to the NW, N, SW and S of the site are proposed to contain drainage swales, diverting overland SW flow from the land to the west around the development. This potentially conflicts with the regulatory, amenity and aesthetic roles of the setbacks. The panel remains to be convinced that setbacks are sufficient to ensure no roles are compromised. Large scale plans should include all elements from fence to door/window <p>Plans need development to clearly delineate and label townhouse's private open space (POS), the extent & nature of roofs, and dividing walls and fences. An outline ownership/ management plan should also be provided to clearly document what spaces are proposed as communal and as private.</p> <ul style="list-style-type: none"> - Position of basement access ramp Moving the basement access ramp towards the eastern boundary should be further explored. It appears there is sufficient width to accommodate both access ways, visitor parking and landscape strips between Block A and the east boundary. A landscaped 1.5m² high flood wall near the No17 Nicholson boundary is not seen as a critical obstacle. Potentially this could double the COS/ between Blocks B&D <p>The presentation of the vehicular ramp to the street should be softened. Consideration could be given to reducing the scale of the walls by introducing planters either side of the ramp, using high quality materials to any retaining walls visible from the street and screening the northern end of the ramp with a pergola.</p>
Density	Further information is required to document and develop the proposal's interfaces with residential neighbours to demonstrate that the proposal does not present as an over-development of the site.
Sustainability	The proposed residential flat building appears capable of

	<p>meeting ADG requirements for both solar access and cross ventilation.</p> <p>Opportunities to harvest rainwater for use in maintaining any plantings established on the building or the site should be explored. Other water minimisation measures (reuse of rainwater for toilet flushing and washing machines) should also be considered.</p> <p>The use of solar power and solar water heating, as well as general electrification, is strongly encouraged, particularly to service communal circulation and parking areas.</p> <p>Low embodied energy should be a consideration in material and finish selections.</p> <p>Landscape plantings should address aims for biodiversity protection, weed minimisation and low water use.</p> <p>The Panel strongly recommends that electric vehicle charging stations be provided in the different carpark levels and that spaces for car-sharing vehicles be provided.</p> <p>The proposal does not include outdoor clotheslines and it is likely therefore that residents will rely on clothes dryers rather than clotheshorses on very small balconies. The Panel recommends that provision be made for either outdoor communal clotheslines with good solar access and ventilation, or adequate space for clothes drying within all residential units.</p>
Landscape	<p>Many of the concerns relating to landscaping are raised in the above sections. They are included here for clarity.</p> <p><u>Existing Trees</u></p> <ul style="list-style-type: none"> - The survey does not show any of the existing trees on or adjacent to the site. This means that impacts on trees on and near the proposed construction works cannot be appreciated. - The site contains a row of exceptionally fine old Paperbarks (<i>Melaleuca quinquenervia</i>) that are proposed for removal. The applicant advised that the arborist had assessed them as being unsuitable for retention. This finding is not accepted. Was the arborist asked to advise on how the trees might be retained without unreasonably limiting the area available for development and future safe use? As noted above, these trees almost certainly play an

important role in the soil hydrology and stabilisation on the site.

- It is unclear what is proposed in relation to the trees at the Nicholson Road frontage to the site. Are they on the site or in the nature strip? If they are proposed to be removed, on what grounds? Council's permission will be required. Are there any trees in this stand that do not adjoin / occur on the property? If so, what will be the implications of removing trees and exposing those that are retained?
- The landscape plan proposed plantings of "Native canopy" trees along part of the Nicholson Road frontage. Will they successfully establish if the very large Cypress trees are to be retained?

Landscape Masterplan

- The use of photographic overlays on an aerial photograph to depict the landscape plan and key elements seriously inhibits understanding of the details of what is proposed. The shadows from the base aerial photograph reflect that the sun was in the north-north-east whereas the overlays are for a sun in the due west. This adds to the difficulties of understanding what is proposed for trees on the Nicholson Road frontage. The overlays largely conceal what is proposed for the ground plane, in particular (but not limited to) the drainage swales, fencing and delineation of private and communal spaces. The plans should utilise the site survey and clearly distinguish between existing elements (to be retained or removed) and proposed elements clearly delineated to enable understanding of how the different elements will interact. For a development of this scale and environmental complexity, the landscape plans should include a site analysis plan that enables understanding of the various site constraints, opportunities and management requirements. It is not acceptable that the assessment should rely on sections to understand the environmental impacts and integrity of the design.
- The landscape plans should consist of accurately scaled drawings that enable clear understanding of all that is proposed and whether it is environmentally acceptable. Information should include :
underground and overhead infrastructure / utilities;
existing features to be retained and any protection zone requirements; deep soil zones; basement footprints; rooflines; proposed locations and dimensions of all design elements; levels; proposed on-slab planting locations; boundaries of defined spaces (such as private open space, communal space, communal garden areas and the like); and

	<p>any particular features / conditions that affect particular uses of the site. This is an environmentally challenging site and assessing the feasibility of what is proposed in the landscape should not have to rely on a few sectional drawings.</p> <ul style="list-style-type: none"> - Consideration should be given to deleting the proposed pergola structure at the pedestrian entry to the site. It is of questionable amenity (being a stand-alone structure that visually clutters the arrival experience but, more importantly, it provides habitat for spiders and other invertebrates, and any plantings will need to be maintained to ensure clearance for pedestrian safety. - The Panel is of the opinion that the COS for a development of this intensity on a site of this size should be larger and support a greater variety of activities. Space allocated to activities (e.g. the communal garden, the barbecue area) should be more generous. - The planting plan should be more carefully thought out (e.g. the shade trees will overshadow the communal vegetable garden much of the time; what purpose is served by planting a group of narrow form trees that will occupy valuable open space for recreational activities?) - Proposed tree and shrub plantings in the drainage swales need to be cleared with council's stormwater engineer. While it is acceptable to plant trees in these drainage features, they should not obstruct flows. Nor should they be liable to develop root systems that cause level changes or obstructions over time. - The species list should be amended. All trees should be locally indigenous species. All other plantings should be predominantly locally indigenous species. The list includes exotic species that are known or potential weeds species. - Consideration should be given to limiting linear, perimeter plantings and, instead, providing for clump plantings of trees that enable views from and solar access to different parts of the site and avoid a sense of being walled in by vegetation. The dense planting of trees along the eastern sides of the townhouses may be problematic for surveillance of the COS and for allowing daylight into these dwellings. This is a very linear site and the plantings should aim to reduce this sense of linearity and increase the sense of internal expansiveness of the COS. - As discussed above (see Built Form and Scale) it will, nevertheless, be important to screen the eastern boundary of the site, where the outlook is to the concrete culvert and privacy impacts on the adjoining residential properties beyond are a
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	<p>concern. The building setback may need to be increased to allow plantings of substantial trees without the risk that their root systems will impact on the integrity of the concrete retaining wall to the culvert.</p>
Amenity	<p><u>Town houses</u></p> <p>Town houses have been configured to provide functional spaces that will provide a good level of amenity as well as offering a variety of typologies to future residents. The applicant is encouraged to maximise roof gardens to west facing town houses (as outlined above).</p> <p>However, many of the town houses appear to be creating dark internalized spaces that will be dependent upon artificial lighting 24 hours a day. The kitchen / laundry areas of the following units are of particular concern: TH2, TH3, TH5, TH8, TH9, TH12, TH13 and TH16. Consideration should be given to developing galleries around stairwells to allow light to penetrate into the center of the building. Sky lights should also be provided to all upper-level bathrooms not serviced by a window, where possible.</p> <p><u>Residential flat building</u></p> <p>Units have been configured in a purposeful manner, with a view to providing high quality functional spaces. However, in many instances this appears to have resulted in an apartment typology that does not respond to the immediate context of the site and is more suited to a more urban context.</p> <p>The majority of the living areas (01, 02, 05, 07, 08, 09, 11 and 12) appear to have been positioned to prioritize ease of circulation over quality of light and outlook. The tight, internalized balconies of west facing units also provide little amenity and outlook for residents.</p> <p>The applicant is encouraged to consider these issues in conjunction with potential privacy issues (outlined above, built form and scale) when refining the design of the residential flat building.</p>
Safety	<p>The detail design of any proposed shared zones must prioritise pedestrian safety.</p> <p>The applicant raised concerns about theft if outdoor clotheslines are to be included. This can be minimized through a design that may include enclosure of the drying area.</p>

Housing Diversity and Social Interaction	<p>Pending further development to address the issues raised in this report, the proposal will provide an appropriate contribution to this residential neighbourhood.</p>
Aesthetics	<p>The proposal utilises an appropriate pallet of materials to express contemporary building forms that will provide a positive contribution to the neighbourhood.</p> <p>It is suggested that the upper levels of the town houses be set back from the western face of the building to maintain a more modest two storey scale to the central courtyard.</p> <p>The applicant explained that the roof of building C had been developed with a more traditional pitched roof to better relate to the immediate context of the site. The Panel questions the necessity of this gesture. It must be demonstrated that the location, massing and orientation of building C responds appropriately to its residential neighbours. However, in this instance the typology of roof is not considered to be an essential factor in providing an appropriate contextual relationship.</p> <p>To ensure the architect's design intent is realised, the applicant is encouraged to provide larger scale detail sections (minimum 1:20) to assist in providing a better understanding of the quality of finish being proposed. The sections should show balcony / balustrade details, screens, soffit finishes and material junctions. All materials finishes must be clearly documented.</p> <p>Servicing of the building must be considered at this stage of the design process. The location of service risers, car park exhausts, AC condensers, down pipes and fire hydrant boosters should be shown.</p>
Key issues, further Comments & Recommendations	<p>Both the program of the site and aesthetic expression building appear to respond to the immediate context of the site in a positive manner. A promising start has been made to providing a development that will provide a positive contribution to this neighbourhood.</p> <p>However, it is not yet clear if the fundamental site planning decisions have been developed to respond to potential flooding issues in a manner that is acceptable to Council. The Panel are concerned that issue could significantly impact the planning / organisation of the development.</p> <p>Further development is also required to address the following issues:</p> <ul style="list-style-type: none"> - Mitigation of potential privacy issues with neighbours

	<ul style="list-style-type: none">- Improved levels of natural lighting to town houses- Soil hydrology, strategy- Convenient and appropriate location of visitor parking.- Increased Size and improved amenity of communal open space.- Increased quality of POS to residential building- mitigation of visual impact of vehicular access ramp- incorporation of sustainability initiatives- further detail to demonstrate the aesthetic quality of buildings.
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Attachment 3 – Apartment Design Guide Table

Standards/Controls	Comment	Compliance
Part 3 – Siting the Development		
3A Site analysis		
<p>Site analysis uses the following key elements to demonstrate that design decisions have been based on opportunities and constraints of the site conditions and their relationship to the surrounding context:</p> <ul style="list-style-type: none"> - Site location plan - Aerial photograph - Local context plan - Site context and survey plan - Streetscape elevations and sections - Analysis <p>A written statement explaining how the design of the proposed development has responded to the site analysis must accompany the development application</p>	<p>The site analysis provided which does not convincingly demonstrate a sufficient understanding of the site and its relationships with nearby developments. Information has been omitted from this drawing which is likely to inform design outcomes. These include but are not limited to the following;</p> <ul style="list-style-type: none"> - Movement and access for vehicles, services, pedestrians, and cyclists (particularly existing and proposed driveway locations) - Significant views to and from the site - Significant noise sources in the vicinity of the site (eg. vehicular traffic) <p>The siting of the building does not respond to the constraints of the site in particular the flooding and existing piped watercourse.</p>	Unsatisfactory
3B Orientation		
<p>Buildings must be oriented to maximise norther orientation, response to desired character, promote amenity for the occupant and adjoining properties, retain trees and open spaces and respond to contextual constraints such as overshadowing and noise.</p> <p><u>Objective 3B-1:</u></p> <p><i>Building types and layouts respond to the streetscape and site while optimising solar access within the development</i></p> <p><u>Objective 3B-2</u></p>	<p>It is considered that the development has generally been orientated to maximise solar access to the open space and living areas of the proposed units.</p> <p>Presentation to the street is the 4 townhouses and pedestrian access alongside the ramp the shared basement car park. The proposed RFB is setback from the street frontage and situated behind 17 Nicholson Road.</p> <p>Overshadowing impacts are considered in detail below at 3D and 4A. There appears to be some significant overshadowing impacts of</p>	<p>Satisfactory</p> <p>Satisfactory</p> <p>Unsatisfactory</p>

<i>Overshadowing of neighbouring properties is minimised during mid-winter</i>	the development on the neighbouring buildings to the south and east (17 Nicholson Rd, and 19 Nicholson Rd respectively). A detailed analysis is required of the neighbouring properties to locate each POS and living area and determine whether adequate solar access to these properties is maintained.	
<p><u>3C Public domain interface</u></p> <p><u>Objective 3C-1:</u></p> <p><i>Transition between private and public domain is achieved without compromising safety and security</i></p>	<p>A main pedestrian entry has been located at the front of the property adjacent to the vehicular entry point. A feature pergola structure and letterbox wall have been used successfully to define the entry for pedestrians.</p> <p>Further opportunities should be provided for casual interaction between residence at locations such as this. Consider the inclusion of some integrated seating at the entry or near the letter boxes.</p>	Satisfactory
<p><u>Objective 3C-2:</u></p> <p><i>Amenity of the public domain is retained and enhanced</i></p>	<p>Ramping occurs at various points throughout the site including from the main entry through to the COS area at the rear of the property.</p> <p>Low fencing and planting have been used successfully to delineate between communal and private areas.</p> <p>No public domain works are proposed.</p> <p>Garbage storage is to be located in the basement car park.</p> <p>The development does not adjoin a public park or open space.</p>	Satisfactory
<u>3D Communal and public open space</u>		
<p><u>Objective 3D-1</u></p> <p><i>An adequate area of communal open space is provided to enhance residential</i></p>	The development has demonstrated a deficiency with the amount of communal open space provided which	Unsatisfactory

<p><i>amenity and to provide opportunities for landscaping</i></p> <p><u>Design Criteria</u></p> <ol style="list-style-type: none"> 1. Communal open space has a minimum area of 25% of the site area 2. 50% direct sunlight provided to principal usable part of communal open space for a minimum of 2 hours between 9am and 3pm on 21 June <p><u>Objective 3D-2</u></p> <p><i>Communal open space is designed to allow for a range of activities, respond to site conditions and be attractive and inviting</i></p> <p><u>Objective 3D-3</u></p> <p><i>Communal open space is designed to maximise safety</i></p> <p><u>Objective 3D-4</u></p> <p><i>Public open space, where provided, is responsive to the existing pattern and uses of the neighbourhood</i></p>	<p>equates to 173.34sqm (2%). A minimum COS area of 1600sqm (25%) is required for this site.</p> <p>Communal open space should be co-located with deep soil areas and should have a minimum width of 3m, however due to the size of this site, a larger dimension should be considered support a wide range of activities for various residents.</p> <p>The proposed location of the COS to the north of the site is appropriate as it appears to achieve the minimum of 2hrs of solar access.</p> <p>The COS area has been provided as one central space with a variety of activities inclusive of BBQ, outdoor dining, lawn and raised vegetable gardens. The total space provided however is undersized.</p> <p>The communal open space has been located to the rear of the site and away from the street. It is visible from habitable rooms and POS areas from the adjacent apartments and townhouses which is a positive in terms of passive surveillance.</p> <p>The COS area is however fully accessible from the street and does not include any fencing or secure access gates which could create potential safety issues for young children.</p>	
<p><u>3E Deep soil zones</u></p> <p><u>Objective 3E-1</u></p> <p><i>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.</i></p> <p><u>Design Criteria:</u></p>	<p>The proposal is expected to provide a total of 448sqm (7%) of deep soil zone. This minimum requirement has not been achieved.</p> <p>None of the area within the front setback can be included in the calculation as it sits in front of the</p>	<p>Unsatisfactory</p>

<p>1. Deep soil zones are to meet the following minimum requirements:</p> <table><tr><th>Site area</th><th>Minimum dimensions</th><th>Deep soil zone (% of 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>	Site area	Minimum dimensions	Deep soil zone (% of site area)	less than 650m ²	-	7%	650m ² - 1,500m ²	3m	greater than 1,500m ²	6m	greater than 1,500m ² with significant existing tree cover	6m	<p>building line. In addition to this, the entire COS area has been included in the calculation which is not compliant. This COS area consists of paving, lawn and a pergola structure which is not permitted within a deep soil zone.</p> <p>The deep soil zone identified in the north-eastern corner of the site has a dry creek bed swale running through the centre. This cannot be included as it will conflict with the proposed stormwater design where this area cannot be densely planted.</p> <p>All existing trees on the site are proposed to be removed. The existing Paperbark trees located towards the centre of the site are not being retained.</p>	
Site area	Minimum dimensions	Deep soil zone (% of site area)												
less than 650m ²	-	7%												
650m ² - 1,500m ²	3m													
greater than 1,500m ²	6m													
greater than 1,500m ² with significant existing tree cover	6m													
<p><u>3F Visual privacy</u></p>														
<p><u>Objective 3F-1</u></p> <p><i>Adequate building separation distances are shared equitably between neighbouring sites, to achieve reasonable levels of external and internal visual amenity.</i></p> <p><u>Design Criteria:</u></p> <p>1. Minimum required separation distances from buildings to the side and rear boundaries are as follows:</p> <table><tr><th>Building height</th><th>Habitable rooms and balconies</th><th>Non-habitable rooms</th></tr><tr><td>up to 12m (4 storeys)</td><td>6m</td><td>3m</td></tr><tr><td>up to 25m (5-8 storeys)</td><td>9m</td><td>4.5m</td></tr><tr><td>over 25m (9+ storeys)</td><td>12m</td><td>6m</td></tr></table> <p><u>Objective 3F-2:</u></p> <p><i>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</i></p>	Building height	Habitable rooms and balconies	Non-habitable rooms	up to 12m (4 storeys)	6m	3m	up to 25m (5-8 storeys)	9m	4.5m	over 25m (9+ storeys)	12m	6m	<p>The apartment buildings should have an increased separation of 3m (in addition to the 6m requirement) when adjacent to a different zone that permits lower density residential development. This is to ensure that a transition in scale and increased landscaping is provided for. This in turn means that the required setbacks to the north, east and south boundaries are required to be 9m.</p> <p>North</p> <p>6.14m – Does not comply</p> <p>East</p> <p>7.16m -8.26m – Does not comply</p> <p>South</p> <p>6.35m – Does not comply</p> <p>When looking at the nearby built forms and the zoning of neighbouring properties, it appears that the choice to locate the RFB component to the east may not have been the most</p>	<p>Unsatisfactory</p>
Building height	Habitable rooms and balconies	Non-habitable rooms												
up to 12m (4 storeys)	6m	3m												
up to 25m (5-8 storeys)	9m	4.5m												
over 25m (9+ storeys)	12m	6m												

	<p>suitable. With the lower scale townhouse built form would be better suited towards the eastern end of the property, better relating to the existing lower scale residential nature of the adjacent buildings.</p> <p>The RFB component may be more appropriately located to the west or south-western corner where overshadowing, height, and visual privacy issues are less of a concern.</p> <p>Increased setbacks to the boundaries would also allow for further landscaping and opportunities to have additional deep soil zone out outside of the proposed stormwater swale. It would also allow for improved solar access outcomes and provide better visual privacy to the adjoining properties.</p>	
<p><u>3G Pedestrian access and entries</u></p> <p><u>Objective 3G-1</u></p> <p><i>Building entries and pedestrian access connects to and addresses the public domain</i></p> <p><u>Objective 3G-2</u></p> <p><i>Access, entries and pathways are accessible and easy to identify</i></p>	<p>The building entries are clearly identifiable, and the communal entry is clearly distinguishable from the private entries.</p> <p>The main communal entry is visible from the public domain and communal areas and wayfinding appears straight forward for any residents or visitors.</p> <p>Several steps and ramped areas have been identified throughout the development however ramp grades are not clear, this I required to determine that the path of travel from the main entry through to the COS at the rear is fully accessible.</p> <p>The ramp shown between the COS area and the eastern apartment building entry does not comply in its current configuration. Minor amendments are required to ensure there is sufficient space to accommodate handrails, handrail extensions, tactile and circulation at</p>	<p>Satisfactory</p> <p>Satisfactory – Conditional</p>

<p><u>Objective 3G-3</u></p> <p><i>Large sites provide pedestrian links for access to streets and connection to destinations</i></p>	<p>the top and base of both the stair and the 1:14 accessible ramp.</p> <p>N/A</p>	
<p><u>3H Vehicle access</u></p> <p><u>Objective 3H-1</u></p> <p><i>Vehicle access points are designed and located to achieve safety, minimise conflicts between pedestrians and vehicles and create high quality streetscapes</i></p>	<p>The vehicular access point has been appropriately located at the lowest point of the site minimising ramp lengths and excavation.</p> <p>There is a significant visual impact of the driveway from the street due to the overall length of the ramp.</p> <p>The impact of the retaining walls leading down to the basement requires to be minimise.</p>	<p>Satisfactory</p>
<p><u>3J Bicycle and car parking</u></p> <p><u>Objective 3J-1</u></p> <p><i>Car parking is provided based on proximity to public transport in metropolitan Sydney and centres in regional areas</i></p> <p><u>Design Criteria</u></p> <p>1. On land zoned B3 or B4 and located within 400m of land zoned B3 and B4, the minimum car parking requirement for residents and visitors is set out in the Guide for Traffic Generating Development, or Council's car parking requirement, <u>whichever is less.</u></p> <p>The car parking needs for a development must be provided off street.</p>	<p>There is a DCP requirement for all units greater than 110sqm to provide 2 car spaces per unit. This equates to 64 residential car spaces. The proposed development provides 66 which is more than the minimum requirement.</p> <p>Refer to discussion under Chapter E3 at Attachment 5.</p> <p>It should also be noted that there are 12 apartments in the eastern building, however only 22 car spaces have been provided in this part of the basement. It appears the other 2 car spaces have been provided at the far western end of the basement near the townhouse garages. This is not practical. All 24 car spaces dedicated to apartments APT01-12 should be located at the eastern end near the associated lift core and stair.</p> <p>5 motorbike spaces have been included in the basement; however all have been located in the western</p>	<p>Satisfactory – Conditional</p>

<p><u>Objective 3J-2</u></p> <p><i>Parking and facilities are provided for other modes of transport</i></p>	<p>carpark. No spaces are located on the eastern basement carpark.</p> <p>Residential bicycle parking has been provided in a central location within the basement carpark however there are concerns regarding the access from this space to the individual unit entries in the western carpark. There appears to be a ramp between the east and west carpark areas, however the grade of this ramp has not been noted on the plans.</p> <p>There isn't a separate pedestrian path of travel provided between the bike area and the unit entries to the west. Pedestrians cannot be expected to walk up and down the vehicular ramp (particularly if it is a steep grade).</p> <p>Visitor bicycle parking has been provided for at the main entry of the eastern apartment building. The location of these bikes is at the base of a ramp close to the POS area of APT-04 which is not ideal. Bicycle spaces should be located at the upper level closer to the visitor car spaces and COS area.</p> <p>No allowance has been made for electric car charging stations. Although this is not a requirement it is highly encouraged.</p>	
<p><u>Objective 3J-3</u></p> <p><i>Car park design and access is safe and secure</i></p>	<p>Pedestrian access and egress have been provided from the basement adjacent to the main entry ramp in the form of a stair. This stair is open to the elements with a door at the lower level. This raises potential CPTED issues regarding areas of concealment.</p>	
<p><u>Objective 3J-4</u></p> <p><i>Visual and environmental impact of underground car parking are minimised</i></p>	<p>The carparking design and layout is not efficient and relies on a significant amount of excavation for a large percentage of circulation space which is likely a result of the convoluted design of the carpark itself. This appears to have occurred due to the attempt at creating underground</p>	

<p>hours direct sunlight between 9am and 3pm in mid-winter in Wollongong LGA.</p> <p>2. A maximum of 15% of apartments in a building receive no direct sunlight between 9am and 3pm at mid-winter</p> <p><u>Objective 4A-2</u></p> <p><i>Daylight access is maximised where sunlight is limited</i></p> <p><u>Objective 4A-3</u></p> <p><i>Design incorporates shading and glare control, particularly for warmer months</i></p>	<p>also do not achieve the minimum 2-hour requirement.</p> <p>This equates to 75% of units receiving 2 hours of direct sunlight between 9am and 3pm on winter solstice.</p> <p>The location and orientation of the living and POS areas for APT01, APT05 and APT09 is questionable. There is opportunity for north facing orientation, but instead the bedrooms have been located to the north and all living areas and balconies to the west.</p> <p>Generally acceptable.</p>	
<p><u>4B Natural ventilation</u></p> <p><u>Objective 4B-1</u></p> <p><i>All habitable rooms are naturally ventilated.</i></p> <p><u>Objective 4B-2</u></p> <p><i>The layout and design of single aspect apartments maximises natural ventilation</i></p> <p><u>Objective 4B-3</u></p>	<p>Capable of compliance however many bedroom and bathroom windows have been shown as fixed in elevation. It is assumed that these are openable however this needs to be clearly noted on the drawings. It should also be noted that in APT03, APT07 and APT11, the ensuite has been orientated in a way which provides a window in the shower area which is not compliant. This ensuite layout should be mirrored to be like the ensuite in APT04, which will ensure that the window is positioned near the basin rather than the shower.</p> <p>N/A</p> <p>100% of apartments are naturally cross ventilated (provided that the</p>	<p>Satisfactory – conditional</p>

<p><i>The number of apartments with natural cross ventilation is maximised to create a comfortable indoor environment for residents</i></p> <p><u>Design Criteria:</u></p> <ol style="list-style-type: none"> 1. 60% of apartments are naturally cross ventilated in the first nine storeys 2. Overall depth of a cross-over or cross-through apartment does not exceed 18m, measured glass line to glass line. 	<p>forementioned bathroom and bedroom windows are indicated as operable and not fixed). Refer comments in Objective 4B-1.</p> <p>All cross-through apartments (ie. terraces) do not exceed 18m in depth.</p>	
<p><u>4C Ceiling heights</u></p> <p><u>Objective 4C-1</u></p> <p><i>Ceiling height achieves sufficient natural ventilation and daylight access</i></p> <p><u>Design Criteria</u></p> <ol style="list-style-type: none"> 1. Minimum ceiling height of 2.7m for habitable rooms 2. Minimum ceiling height of 2.4m for non-habitable rooms 3. Minimum ceiling height of 3.3m for ground and first floor in mixed use areas <p><u>Objective 4C-2</u></p> <p><i>Ceiling height increases the sense of space in apartments and provides for well-proportioned rooms</i></p> <p><u>Objective 4C-3</u></p> <p><i>Ceiling height contribute to the flexibility of building use over the life of the building</i></p>	<p>Although ceiling heights have not been noted on the drawings, 3.2m floor to floors can generally accommodate ceiling heights of 2.7m in habitable rooms, and 2.4m in non-habitable rooms. This information should be provided on the sections.</p> <p>This information has not been shown on the drawings. Sections should be updated to show location of any bulkheads etc. These should be dimensioned on the drawings and all ceiling heights labelled.</p> <p>N/A</p>	<p>Satisfactory</p>
<p><u>4D Apartment size and layout</u></p> <p><u>Objective 4D-1</u></p> <p><i>The layout of rooms within an apartment is functional, well organised and provides a high standard of amenity</i></p> <p><u>Design Criteria:</u></p> <ol style="list-style-type: none"> 1. Minimum internal areas: 	<p>All apartments appear to exceed minimum area requirements as set out in the ADG.</p>	<p>Satisfactory</p>

internally to avoid deep narrow apartment layouts.																	
<p><u>4E Private open space and balconies</u></p> <p><u>Objective 4E-1</u></p> <p><i>Apartments provide appropriately sized private open space and balconies to enhance residential amenity</i></p> <p>1. Minimum balcony depths are:</p> <table border="1" data-bbox="193 622 708 875"> <thead> <tr> <th>Dwelling type</th><th>Minimum area</th><th>Minimum depth</th></tr> </thead> <tbody> <tr> <td>Studio apartments</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> <tr> <td>3+ bedroom apartments</td><td>12m²</td><td>2.4m</td></tr> </tbody> </table> <p>The minimum balcony depth to be counted as contributing to the balcony area is 1m.</p> <p>2. Ground level apartment POS must have minimum area of 15m² and min. depth of 3m</p> <p><u>Objective 4E-2</u></p> <p><i>Primary private open space and balconies are appropriately located to enhance liveability for residents</i></p> <p><u>Objective 4E-3</u></p> <p><i>Primary private open space and balcony design is integrated into and contributes to the overall architectural form and detail of the building</i></p> <p><u>Objective 4E-4</u></p> <p><i>Private open space and balcony design maximises safety</i></p>	Dwelling type	Minimum area	Minimum depth	Studio apartments	4m ²	-	1 bedroom apartments	8m ²	2m	2 bedroom apartments	10m ²	2m	3+ bedroom apartments	12m ²	2.4m	<p>All units appear to comply with minimum POS areas as set out by the ADG.</p> <p>All private open space areas have been appropriately located adjacent to the living room, dining room or kitchen and act as an extension of the living space.</p> <p>All balconies have been shown with metal balustrading which is acceptable for the smaller lengths of balcony. This however is not desirable when used across long continuous lengths. For example, on Building D, the east elevation consists of approximately 28 lineal meters of metal balustrade on each level which is over 60% of the total length of the elevation. It is recommended that some sections of solid balcony are incorporated to part of each balcony to provide some relief to the façade and assist in providing visual privacy to the adjacent internal space. Similarly, the north-eastern balcony on the north façade of Building</p>	<p>Satisfactory</p> <p>Satisfactory</p> <p>Satisfactory – conditional</p>
Dwelling type	Minimum area	Minimum depth															
Studio apartments	4m ²	-															
1 bedroom apartments	8m ²	2m															
2 bedroom apartments	10m ²	2m															
3+ bedroom apartments	12m ²	2.4m															

	<p>D should also consider some solid balustrade elements.</p> <p>AC units have not been noted on drawings. These should be clearly shown on all floor plans and fully screened and integrated into the building design.</p>											
<p><u>4F Common circulation and spaces</u></p> <p><u>Objective 4F-1</u></p> <p><i>Common circulation spaces achieve good amenity and properly service the number of apartments.</i></p> <p><u>Design Criteria</u></p> <p>1. The maximum number of apartments off a circulation core on a single level is eight</p> <p>2. For buildings of 10 storeys and over, the maximum number of apartments sharing a single lift is 40.</p> <p><u>Objective 4F-2</u></p> <p><i>Common circulation spaces promote safety and provide for social interaction between residents</i></p>	<p>There are 4 units off each floor.</p> <p>12 units share a lift.</p> <p>Generally acceptable.</p>	<p>Satisfactory</p>										
<p><u>4G Storage</u></p> <p><u>Objective 4G-1</u></p> <p><i>Adequate, well designed storage is provided in each apartment</i></p> <p>1. In addition to storage in kitchens, bathrooms and bedrooms, the following storage is provided</p> <table><tr><th>Dwelling type</th><th>Storage size volume</th></tr><tr><td>Studio apartments</td><td>4m³</td></tr><tr><td>1 bedroom apartments</td><td>6m³</td></tr><tr><td>2 bedroom apartments</td><td>8m³</td></tr><tr><td>3+ bedroom apartments</td><td>10m³</td></tr></table> <p>At least 50% of the required storage is to be located within the apartment</p>	Dwelling type	Storage size volume	Studio apartments	4m ³	1 bedroom apartments	6m ³	2 bedroom apartments	8m ³	3+ bedroom apartments	10m ³	<p>Several storage cages have been provided for in the eastern end of the basement for APT01-12 which is acceptable.</p>	<p>Satisfactory</p>
Dwelling type	Storage size volume											
Studio apartments	4m ³											
1 bedroom apartments	6m ³											
2 bedroom apartments	8m ³											
3+ bedroom apartments	10m ³											

<p><u>Objective 4G-2</u></p> <p><i>Additional storage is conveniently located, accessible and nominated for individual apartments</i></p>		
<p><u>4H Acoustic privacy</u></p> <p><u>Objective 4H-1</u></p> <p><i>Noise transfer is minimised through the siting of buildings and building layout</i></p> <p><u>Objective 4H-2</u></p> <p><i>Noise impacts are mitigated within apartments through layout and acoustic treatments</i></p>	<p>Adequate building separation has not been provided for from neighbouring properties. Refer comments in Objective 3F-1.</p> <p>Generally acceptable.</p>	<p>Satisfactory – Conditional</p>
<p><u>4J Noise and pollution</u></p> <p><u>Objective 4J-1</u></p> <p><i>In noisy or hostile environments the impacts of external noise and pollution are minimised through the careful siting and layout of buildings</i></p> <p><u>Objective 4J-2</u></p> <p><i>Appropriate noise shielding or attenuation techniques for the building design, construction and choice of materials are used to mitigate noise transmission</i></p>	<p>Acoustic report provided due to proximity to Princes Highway which has been assessed as satisfactory subject to conditions by Council' Environment Officer.</p>	<p>Satisfactory</p>
<p>Part 4 – Designing the building - Configuration</p>		
<p><u>4K Apartment mix</u></p> <p><u>Objective 4K-1</u></p> <p><i>A range of apartment types and sizes is provided to cater for different household</i></p> <p><u>Objective 4K-2</u></p> <p><i>The apartment mix is distributed to suitable locations within the building</i></p>	<p>The proposal does not provide an extensive range of apartment types, rather it is focused on providing mainly 3-bedroom apartments and townhouses throughout. The development consists of 3 x 2-bedroom apartments, 9 x 3-bedroom apartments.</p>	<p>Unsatisfactory</p>
<p><u>4L Ground floor apartments</u></p>		

<p><u>Objective 4L-1</u></p> <p><i>Street frontage activity is maximised where ground floor apartments are located</i></p> <p><u>Objective 4L-2</u></p> <p><i>Design of ground floor apartments delivers amenity and safety for residents</i></p>	<p>The RFB is setback beyond the front boundary and the ground floor units will not frontage to the street.</p> <p>Ground floor units are fenced/elevated and access is via the lobby of the building.</p>	<p>Satisfactory</p>
<p><u>4M Facades</u></p> <p><u>Objective 4M-1</u></p> <p><i>Building facades provide visual interest along the street while respecting the character of the local area</i></p> <p><u>Objective 4M-2</u></p> <p><i>Building functions are expressed by the facade</i></p>	<p>The architectural expression created provides good variation of texture and successful implementation of screening elements.</p>	<p>Satisfactory</p>
<p><u>4N Roof design</u></p> <p><u>Objective 4N-1</u></p> <p><i>Roof treatments are integrated into the building design and positively respond to other street</i></p> <p><u>Objective 4N-2</u></p> <p><i>Opportunities to use roof space for residential accommodation and open space are maximised</i></p> <p><u>Objective 4N-3</u></p> <p><i>Roof design incorporates sustainability features</i></p>	<p>Although the main roof design does not relate to the existing pattern within the street, it more closely resembles the style of architecture occurring in emerging new developments in nearby areas</p> <p>Whilst roof features breaching building height limits can occasionally be supported, a breach in the overall building height (particularly when flat roofs are being specified), is not justified.</p> <p>PV solar panels have been provided to a small portion of roof in Building D.</p>	<p>Unsatisfactory</p>
<p><u>4O Landscape design</u></p> <p><u>Objective 4O-1</u></p> <p><i>Landscape design is viable and sustainable</i></p>	<p>The landscaping will require further resolution to address both the flooding and stormwater constraints and to provide adequate amenity to the residents.</p>	<p>Unsatisfactory</p>

<p><u>Objective 4Q-2</u></p> <p><i>Landscape design contributes to the streetscape and amenity</i></p>	<p>Deep soil planting is not possible within the proposed swales.</p> <p>All trees within the site have been shown as being removed.</p>	
<p><u>4P Planting on Structures</u></p> <p><u>Objective 4P-1</u></p> <p><i>Appropriate soil profiles are provided</i></p> <p><u>Design guidance</u></p> <ul style="list-style-type: none"> - Structures are reinforced for additional saturated soil weight - Minimum soil standards for plant sizes should be provided in accordance with Table 5 <p><u>Objective 4P-2</u></p> <p><i>Plant growth is optimised with appropriate selection and maintenance</i></p> <p><u>Design guidance</u></p> <ul style="list-style-type: none"> - Plants are suited to site conditions <p><u>Objective 4P-3</u></p> <p><i>Planting on structures contributes to the quality and amenity of communal and public open spaces</i></p> <p><u>Design guidance</u></p> <ul style="list-style-type: none"> - Building design incorporates opportunities for planting on structures. 	<p>Some deep soil planting on structures is proposed.</p> <p>A lack of detail has been provided in the landscaping plans submitted with the application.</p> <p>Council's Landscape Officer has reviewed the application and provided unsatisfactory referral advice.</p>	<p>Unclear</p>
<p><u>4Q Universal design</u></p> <p><u>Objective 4Q-1</u></p> <p><i>Universal design features are included in apartment design to promote flexible housing for all community members</i></p> <p><u>Objective 4Q-2</u></p> <p><i>A variety of apartments with adaptable designs are provided</i></p> <p><u>Objective 4Q-3</u></p>	<p>10% of units (2 out of 12) are required to be adaptable. Apartments APT02, APT06, and APT10 have been identified as being adaptable.</p> <p>There has been an accessible report submitted with the application providing that these apartments are capable of adaptable however, there are some concerns in regard to the post adaption layout for the above-</p>	<p>Unsatisfactory</p>

<p><i>Apartment layouts are flexible and accommodate a range of lifestyle needs</i></p>	<p>mentioned apartments which include the following;</p> <ul style="list-style-type: none"> - A 1550mm circulation area is required to the laundry and kitchen area which has not been provided. - A 1550mm circulation area is required to one side of the bed in bedroom 1 which has not been provided. A 1m clearance zone is also required to the other side of the bed. - Access and door clearances to the ensuite from bedroom 1 is not compliant. - An accessible bathroom layout has not been shown to the ensuite. - Remove door circulation requirements off the main bathroom and bedroom 2 as this is not required. - A 2250mm circulation area is required to the living area. - Compliant circulation and leading edges to both sides of the balcony doors are required. <p>The basement carpark provides 4 accessible parking spaces which is sufficient.</p>	
<p><u>4R Adaptive reuse</u></p>	<p>The proposal does not relate to alterations or additions.</p>	<p>N/A</p>
<p><u>4S Mixed use</u></p> <p><u>Objective 4S-1</u></p> <p><i>Mixed use developments are provided in appropriate locations and provide active street frontages that encourage pedestrian movement</i></p> <p><u>Objective 4S-2</u></p> <p><i>Residential levels of the building are integrated within the development, and safety and amenity is maximised for residents</i></p>	<p>The proposal is not for a mixed use development.</p>	<p>N/A</p>

<p><u>4T Awnings and signage</u></p> <p><u>Objective 4T-1</u></p> <p><i>Awnings are well located and complement and integrate with the building design</i></p> <p><u>Objective 4T-2</u></p> <p><i>Signage responds to the context and desired streetscape character</i></p>	<p>Awnings are not required to the street in this location and have not been provided.</p> <p>An entry awning is encouraged to Building D to provide weather protection for residents and visitors on arrival.</p> <p>Building numbering or signage should be modest and co-located with mailboxes and has not been indicated on all relevant drawings.</p>	<p>Satisfactory</p> <p>Satisfactory – Conditional</p>
<p>Part 4 – Designing the building - Configuration</p>		
<p><u>4U Energy efficiency</u></p> <p><u>Objective 4U-1</u></p> <p><i>Development incorporates passive environmental design</i></p> <p><u>Objective 4U-2</u></p> <p><i>Development incorporates passive solar design to optimise heat storage in winter and reduce heat transfer in summer</i></p> <p><u>Objective 4U-3</u></p> <p><i>Adequate natural ventilation minimises the need for mechanical ventilation</i></p>	<p>Refer to comments in Objective 4A-1 for solar access.</p> <p>No screened outdoor area for clothes drying has been provided to any of the units.</p> <p>More details are required regarding proposed sun shading devices. Several roof areas and overhangs to POS areas limit the solar access to these spaces and adjacent living areas.</p> <p>Refer to comments in Objective 4A-3.</p> <p>Refer to comments in Objective 4B-1, Objective 4B-2, and Objective 4B-3.</p>	<p>Unsatisfactory</p> <p>Satisfactory</p> <p>Satisfactory – Conditional</p>
<p><u>4V Water management and conservation</u></p> <p><u>Objective 4V-1</u></p> <p><i>Potable water use is minimised</i></p>	<p>WSUD is proposed and considered to be satisfactory by Council's Environment Officer however, likely to</p>	<p>Satisfactory</p>

<p><u>Objective 4V-2</u></p> <p><i>Urban stormwater is treated on site before being discharged to receiving waters</i></p> <p><u>Objective 4V-3</u></p> <p><i>Flood management systems are integrated into site design</i></p>	<p>require be amended to address stormwater matters.</p> <p>The location of the water tank required by the BASIX Certificate has not been shown on the plans.</p> <p>The stormwater design and flooding matters for the proposal have not be adequately addressed and unsatisfactory referral advice has been provided by Council's Stormwater Officer.</p>	<p>Unsatisfactory</p>
<p><u>4W Waste management</u></p> <p><u>Objective 4W-1</u></p> <p><i>Waste storage facilities are designed to minimise impacts on the streetscape, building entry and amenity of residents</i></p> <p><u>Objective 4W-2</u></p> <p><i>Domestic waste is minimised by providing safe and convenient source separation and recycling</i></p>	<p>A waste storage room has been located on the basement level with garbage collection being proposed within the basement.</p> <p>No allowance has been made for bulk waste storage. The residents will need to arrange for the bins to be moved from the storage room to the temporary collection area adjacent to the loading bay on collection day. The site is considered to be able serviced by Council's within the site.</p> <p>The waste room appears to be undersized for the amount of bins being proposed in the Waste Management Plan. The Waste Management plan indicates 22 x 80L bins for general waste, 44 x 140L bins for paper and container recycling, 22 x 240L bins for vegetation, and 2 x 1100L skip bins for waste and recycling to Building D. The architectural plans should be coordinated with the waste management plan, and all bins should be shown and noted on all relevant drawings.</p> <p>The communal waste room is not in a convenient and accessible location.</p>	<p>Unsatisfactory</p>
<p><u>4X Building maintenance</u></p> <p><u>Objective 4X-1</u></p>		

<p><i>Building design detail provides protection from weathering</i></p> <p><u>Objective 4X-2</u></p> <p><i>Systems and access enable ease of maintenance</i></p> <p><u>Objective 4X-3</u></p> <p><i>Material selection reduces ongoing maintenance costs easily cleaned surfaces that are graffiti resistant</i></p>	<p>A significant amount of white painted render is being proposed to a large portion of the façade. This presents potential concerns around long term maintenance and general protection from weather. Consideration should be given to a pre-finished material (for example facebrick or blockwork) in lieu of painted render.</p> <p>Location of air conditioning units has not been nominated on any floor plans. Is a centralised system being proposed or is the intent to provide individual AC units on each balcony or courtyard.</p>	<p>Satisfactory - Conditional</p>
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Appendix A – LEP Exception to Development Standard

Introduction

This Clause 4.6 Variation Request has been prepared to support a development application under Division 4.3 of the Environmental Planning and Assessment (EP&A) Act 1979, for a Multi dwelling housing and Residential Flat Building development at 11-15 Nicholson Road, Woonona. This request satisfies the requirements of Clause 4.6 of the Wollongong Local Environmental Plan 2009 in demonstrating that:

- (a) that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, and*
- (b) that there are sufficient environmental planning grounds to justify contravening the development standard.*

This Variation Request is seeking to vary Clause 4.3(2) of Wollongong Local Environmental Plan 2009 (WLEP 2009) and should be read in conjunction with the SEE Report and architectural plans provided with the DA.

This variation has been prepared in accordance with the NSW Department of Planning Infrastructure (DPI) guideline "*Varying Development Standards: A Guide*" dated August 2011 and addresses the 'five-part test' established by the NSW Land and Environment Court (LEC) to determine whether the objection is well founded.

Subject land

The subject site is located at the southern edge of the Woonona local centre, off Nicholson Road. It is currently formally described as Lot 2 DP 572839 and part Lot 2 DP 830398, and it is understood soon to be registered as the title of Lot 101 DP 1279511. It is understood the address of the subject site (following registration) is to be 11-15 Nicholson Road, Woonona.

The land has a site area of approximately 6400 m² and a street frontage to Nicholson Road of approximately 42 metres. The subject site currently partly contains a redundant car park associated with the Woonona Bulli RSL Memorial Club, as well as a grassed vacant portion of land. The site generally falls in an easterly direction towards a concrete drainage channel on the eastern boundary of the site. This trunk drainage channel drains in a southerly direction under Nicholson Road before discharging to Collins Creek.

Within the carpark area the site is generally paved, with portions of service/drainage infrastructure and retaining throughout, whereas on the eastern side of the site adjacent to the drainage channel it is generally grassed open space. All paved services and infrastructure will be required to be demolished.

In terms of on-site vegetation, there are a number of trees within the property. There are a series of paperbark trees which bisects the site north-south along the edge of the current car park, as well as a series of cypress pines along the Nicholson Road frontage. These trees are proposed to be removed as part of the application.



Proposed development

The proposed development seeks consent for the demolition of existing surfaces and infrastructure; tree removal; and construction of 20 x townhouse dwellings (two and three storeys) and a three storey RFB consisting of 12 x apartments, with integrated basement parking and amenities throughout.

The proposal is detailed in the Architectural Drawings prepared by Popov Bass.

Applicable Environmental Planning Instrument

The applicable Environmental Planning Instrument subject to this Variation Request is the Wollongong Local Environmental Plan 2009.

Wollongong Local Environmental Plan 2009

Wollongong Local Environmental Plan 2009 (WLEP 2009) provides the key development standards applicable to the development and includes the aims and objectives for the development within the Wollongong Local Government Area. In particular, this Variation Request is seeking to vary the development standard Clause 4.3(2) of Wollongong Local Environmental Plan 2009 (WLEP 2009).

Objectives of the Development Standard

To satisfy the requirements of Clause 4.3(2) and demonstrate that compliance with the standard is unreasonable or unnecessary, it is important to understand the intent and objectives of the development standard being varied.

The objectives of this clause are as follows:

- (a) to establish the maximum height limit in which buildings can be designed and floor space can be achieved,*
- (b) to permit building heights that encourage high quality urban form,*
- (c) to ensure buildings and public areas continue to have views of the sky and receive exposure to sunlight.*

Description of the Variation

The subject site allows a maximum building height of 11 metres. All roof lines and habitable areas of the proposed buildings are located below the permitted 11 metres height limit. However, the proposed RFB building roofline includes an exposed lift shaft overrun and two nearby exposed exhaust vents (from the basement car park below) that exceed the 11 metre height limit. The lift overrun is 11.5 metres above natural ground level (exceeds height limit by 500mm or 4.6%) the exhaust vents are 11.4 metres above natural ground (exceeds height limit by 400mm or 3.7%).

As such, the proposed development does not strictly comply with the numerical 11 metre height requirement of the applicable development standard in this regard. These can be seen in the diagrams below.

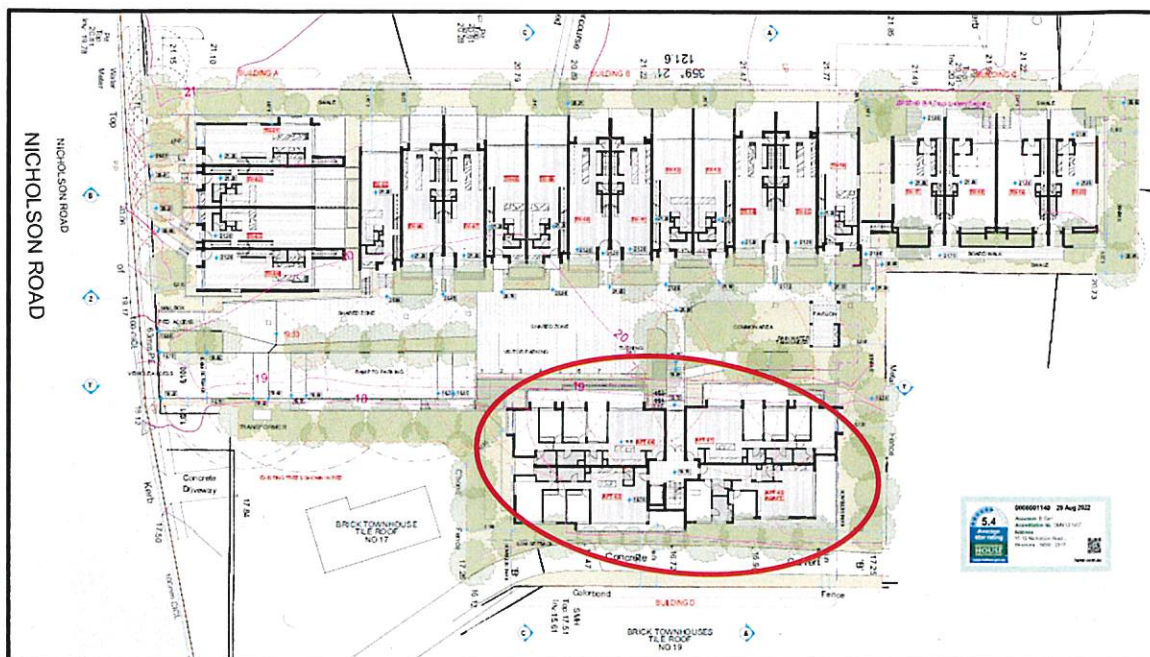


IMAGE 1 EXCERPT OF SITE PLAN SHOWING RFB BUILDING (SOURCE: POPOV BASS)

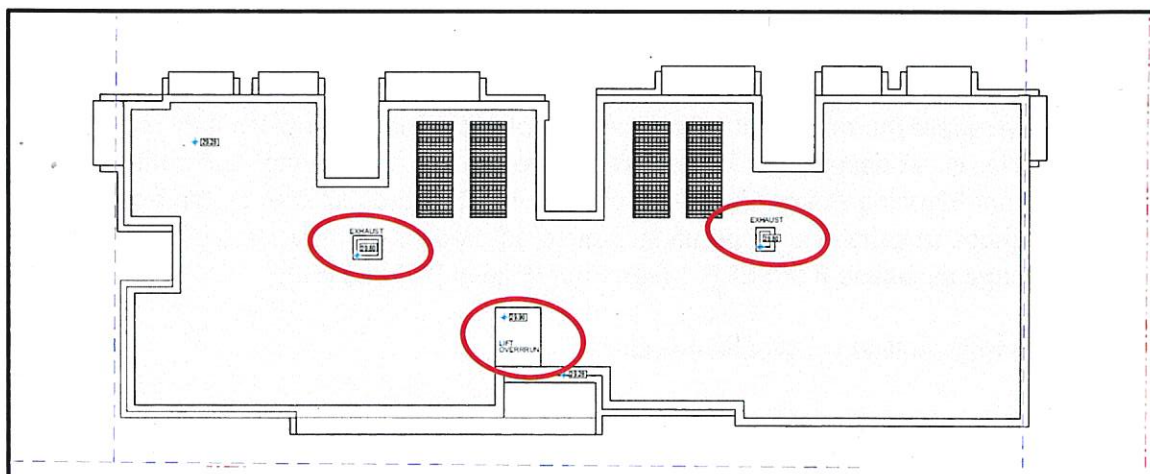


IMAGE 2 EXCERPT OF RFB BUILDING ROOF PLAN SHOWING VENTS AND LIFT OVERRUN (SOURCE: POPOV BASS)

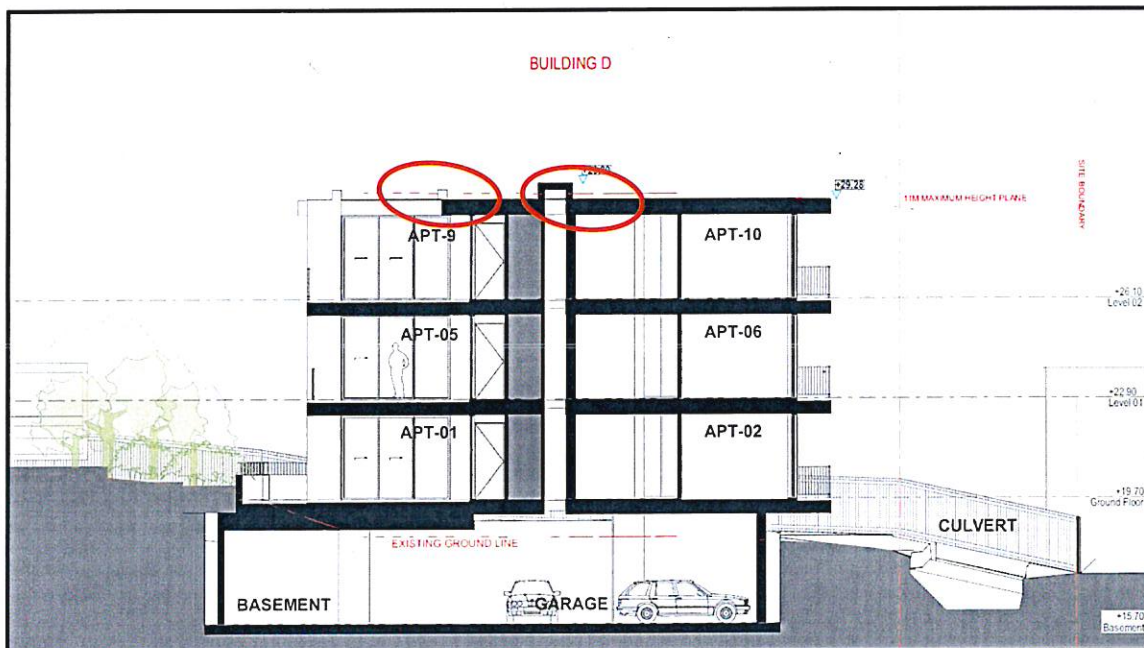


IMAGE 3 EXCERPT OF SECTION PLAN SHOWING VENTS AND LIFT OVERRUN (SOURCE: POPOV BASS)

How is compliance with the development standard is unreasonable or unnecessary in the circumstances of the case?

In *Wehbe v Pittwater Council* [2007] NSWLEC827 (Wehbe), Preston CJ identified five (5) ways in which an applicant might establish that compliance with a development standard is unreasonable or unnecessary. While Wehbe related to objections pursuant to State Environmental Planning Policy No. 1 – Development Standards (SEPP 1), the analysis can be of assistance to variations made under clause 4.6 because subclause 4.6(3)(a) uses the same language as clause 6 of SEPP 1 (see *Four2Five* at [61] and [62]).

The five (5) ways outlined in *Wehbe* include:

1. *The objectives of the standard are achieved notwithstanding noncompliance with the standard (First Way)*
2. *The underlying objective of purpose of the standard is not relevant to the development and therefore compliance is unnecessary (Second Way)*
3. *The underlying object or purpose would be defeated or thwarted if compliance was required and therefore compliance is unreasonable (Third Way)*
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 (Fourth Way)*
5. *The zoning of the particular land is unreasonable or inappropriate so that a development standard appropriate for that zoning is also unreasonable and unnecessary as it applies to the land and compliance with the standard would be unreasonable or unnecessary. That is, the particular parcel of land should not have been included in the particular zone (Fifth Way).*



Additionally, of note, in the judgment in *Randwick City Council v Micaul Holdings Pty Ltd* [2016] NSWLEC 7 the Chief Judge upheld the Commissioner's approval of large variations to height and FSR controls on appeal. He noted that under clause 4.6, the consent authority (in that case, the Court) did not have to be directly satisfied that compliance with the standard was unreasonable or unnecessary, rather that the applicant's written request adequately addresses the matters in clause 4.6(3)(a) that compliance with each development standard is unreasonable or unnecessary.

In this regard, this written request establishes and adequately addresses the matters in clause 4.6(3)(a) that compliance with each development standard is unreasonable or unnecessary because the objectives of the standard are achieved irrespective of the non-compliance and accordingly justifies the variation pursuant to the **First Way** outlined in *Wehbe*, as follows.

Objective of the Development Standard:

Under WLEP 2009, Clause 4.3(2) has the following objectives in relation to the Maximum Building Height development standard:

- (a) to establish the maximum height limit in which buildings can be designed and floor space can be achieved,*
- (b) to permit building heights that encourage high quality urban form,*
- (c) to ensure buildings and public areas continue to have views of the sky and receive exposure to sunlight.*

Correlation between the height and the floor space.

The subject site allows a maximum FSR of 0.75:1 (GFA 4800m²) on the R3 zoned portion of the site. The development proposes a GFA of 4797m² resulting in an FSR of 0.75:1 and as such, the development is within the afore-mentioned FSR of 0.75:1 and complies with the applicable development standard in this regard.

The breach of the maximum height is due to the uneven topography on the site and the relative rise in storeys of the building. The non compliance is minor being associated with the lift overrun and two basement exhaust vents only. Part of the building's roofline and/or habitable areas are located above the permitted height plane

High Quality Urban Form

The nature of these vents and lift overrun and its positioning within the roof form will mean that it is unlikely these exposures will be seen from public vantage points, and will not affect the visual quality of the urban form. The external details have been carefully considered with Popov Bass undertaking a comprehensive site analysis, not only in terms of built form but also materials to ensure that the development, will integrate with the existing setting but also provide a benchmark for future development in the area.

The proposal will impact on existing view corridors given that the proposal involves the construction of a three (3) storey RFB in place of the vacant car park. However, these impacts



are essentially unavoidable due to the orientation, topography and location of adjoining development, without effectively sterilising the site. No significant views will be disrupted as a result of the proposed development, as the dwellings to the east are already obscured by existing vegetation and the surrounding boundaries interface with either Nicholson Road, a club car park or rear fencing.

The proposal has been designed to comply with key planning controls and the development including basement parking, street facing apartments and landscaping in order to improve the streetscape.

The land is suitable for the proposed residential flat development by way of its medium density R3 zoning and is compatible with the surrounding residential uses. The proposal will not have a detrimental impact on any environmental heritage items and will make a positive contribution to the streetscape.

The proposed bulk, massing and modulation of the building is acceptable and does not result in any unreasonable loss of amenity to any of the adjoining properties. The proposed building line setbacks are considered appropriate having regard to the surrounding context and scale of development.

The proposal will have no significant adverse environmental impacts in terms of sustainability, wind and/or reflectivity. Overshadowing and solar access has been addressed in detail by Popov Bass. Relevant details have been provided in this regard to enable a full assessment (i.e. shadow diagrams, BASIX certificates etc).

Access to the site has been carefully considered in a variety of forms (i.e. for pedestrians, motorists and cyclists alike), to ensure suitable provisions for service access and circulation. The proposed development will have a positive impact on the public domain.

The breach of the standard does not result in an inconsistency with this objective.

Views and Solar Access

The very nature of the parts of the building above the permitted height plane (2 vents and a lift overrun) is not such that it will contribute to a reduction in solar access and/or reduction of views to the sky – compared to a compliant lift overrun and vent system. The extent of exposure or above the roofline of the proposed RFB is only a few hundred millimetres and minor in the context of the overall development.

As above, the proposal will impact on existing view corridors across the property given that the proposal involves the construction of a three (3) storey RFB in place of the vacant car park. However, these impacts are essentially unavoidable due to the orientation, topography and location of adjoining development, without effectively sterilising the site. Again, no significant views will be disrupted as a result of the proposed development, as the dwellings to the east are already obscured by existing vegetation and the surrounding boundaries interface with either Nicholson Road, a club car park or rear fencing.



83.3% of the total 12 Residential Flat Building Units receive a minimum of 2 hours sun to living area glazing and private open space in midwinter. The design criteria nominates 70% as a minimum. There are no units which fall into the 'no sun' category defined by the ADG. The ADG criteria nominates 15% as a maximum and therefore the design criteria for solar access are fully satisfied.

The proposed development, in part, will overshadow the existing townhouse dwellings located at both 17 and 19 Nicholson Road to the immediate south and east respectively. However, the structures that are exposed above the roofline (i.e. those elements over the height limit) will not significantly contribute to any further overshadowing than the compliant built form will. That is, there will be no added overshadowing impacts as a result of this height variation proposed.

Overall, the proposed height is compatible within its context and will not result in any adverse impacts to surrounding properties. The breach of the standard allows for a building that achieves an improved built form. The breach of the standard allows a built form that is consistent with the urban design principles established in the R3 Medium Density Residential zone. This includes providing an adequate setback to the street, side, and rear boundaries; as well as the provision of landscaping and communal open space.

The breach of the standard does not affect consistency with this objective.

Development Standard Abandoned:

In relation to the Fourth Way" and considerations for whether 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 (Fourth Way), it is noted that the following approvals have proposed the similar exceedances:

DA-2018/1481: 22 Robert Street CORRIMAL

Mixed Use Residential - residential flat building comprising 21 apartments above basement car parking, 13 townhouses with double garages and tree removals and Subdivision - Strata title - 34 lots

DA-2018/1517: 145-149 Princes Highway CORRIMAL

Mixed use development comprising 1 retail tenancy, 13 affordable units, 15 self-contained boarding house studios and associated car parking and landscaping works

DA-2018/313: 2 Frederick Street WOLLONGONG

Residential - demolition of existing structures and construction of a boarding house development

DA-2018/557: 4 Lindsay Evans Place DAPTO

Demolition of existing 45 bed residential aged care facility and construction of new 111 bed residential aged care facility and conversion of existing 44 hostel bed facility to 22 serviced self-



care dwellings with community/ancillary spaces, reconfiguration of and additional car parking and associated landscaping and infrastructure works plus tree removals

DA-2019/756: 65 Walker Street HELENSBURGH

Mixed use - demolition of existing dwellings and excavation works, construction of mixed use development and basement carparking

DA-2020/35: 22/100-104 Corrimal Street WOLLONGONG

Residential - construction of roof level cabana for Unit 22

DA-2020/1458: 6-8 Dudley Street, WOLLONGONG NSW 2500

Residential - demolition of existing structures and construction of a six (6) storey residential flat building comprising of 27 units with basement level car parking and lot consolidation

DA-2021/252

Residential - alterations and additions

9.7% departure

DA-2020/805

c4.3(2) Height of buildings

The proposed height of 9.85 metres exceeds the height limit less than 10% (9.44%).

DA-2020/605

Residential - new rooftop pergola to existing roof terrace

Proposed height of 29.32m, where 24m is permitted in accordance with CI 4.3 of WLEP 2009.

Reviewing these examples, it is reasonable to say that some flexibility has been shown by Council in the past in applying the maximum height control where there are particular circumstances that would warrant it. Many of these examples and Council's acceptance relates to the fact that exceedance has not been relative to GFA, and primarily included lift overrun, plant equipment, roof form features or pergolas et cetera. Additionally, many of these examples relate to sloping sites. All of which is akin to the subject proposal.

Whether the standard has been abandoned or not is a matter for interpretation. For example, is one variation to this development standard enough to interpret as abandonment, or 100 variations. Notwithstanding, it is clear that examples for circumstances such as this particular case have warranted Council abandoning the height control on such occasions. Thus, deeming strict compliance with the Height of building development standard is unwarranted (Forth Way) in the circumstances of this particular case.

[Are there sufficient environmental planning grounds to justify contravening the development standard?](#)

Yes, there are sufficient environmental planning grounds in the circumstances of the case to justify contravening the development standard. These include:

- The site is of a sufficient width, depth and size to accommodate the proposed height, without resulting in any significant adverse impacts on the public domain or any adjoining properties;



- The scale of the existing development and proposed awning is considered appropriate within the strategic planning context of the R3 Medium Density Residential zone and is consistent with the relevant zone objectives;
- The proposal satisfies the objectives in relation to the maximum permitted Height contained within Clause 4.3 of the *WLEP 2009*;
- Non-compliance with the standard will not result in any adverse environmental impacts; and
- The development as proposed will allow for the orderly and economic use of the subject land.

Is the proposed development in the public interest because it is consistent with the underlying intent of the development standard and the objectives for development in the zone

Yes, the proposal will provide additional dwellings to meet the needs of the local community. The development is consistent with the underlying intent of the development standard as noted, and the objectives for development in the zone, as noted.

Does contravening the development standard raise any matters of significance for the State or regional environmental planning?

No, contravening the development standard in this case does not raise any matters of State or Regional planning significance.

Is the objection well founded?

For the reasons outlined in the previous sections above, the objection is considered to be well founded in this particular instance. Granting an exception to the development standard can therefore be supported in the circumstances of the case.

The proposed development will be consistent with the outcomes envisaged in the zoning and policy framework. The development is also compatible with the relevant objectives specified in Section 1.3 of the EPAA 1979.

Conclusion

This Clause 4.6 Exception to Development Standards Request has been prepared to support a DA for a Multi dwelling housing and Residential Flat Building development at 11-15 Nicholson Road, Woonona. This request satisfies the requirements of Clause 4.6 of the Wollongong Local Environmental Plan 2009 (WLEP 2009) and demonstrates that compliance with the Clause 4.3(2) standard is both unreasonable and unnecessary, and that there are sufficient environmental planning grounds to justify varying the standard in this instance.

Attachment 5: WDCP 2009 compliance table

CHAPTER A2 – ECOLOGICALLY SUSTAINABLE DEVELOPMENT

Development controls to improve the sustainability of development throughout Wollongong are integrated into the relevant chapters of this DCP.

The application submission contains a BASIX Certificate indicating minimum requirements with regard to energy and water efficiency and thermal comfort are met. The development does incorporate some sustainability measures including solar panels and water capture/re-use.

CHAPTER B1 – RESIDENTIAL DEVELOPMENT

This Chapter applies to all residentially zoned land in the LGA. Section 4 provides general residential controls which apply to all dwelling houses, dual occupancies, secondary dwellings, ancillary structures and semi-detached dwellings. Section 5 provides controls that must also be taken into consideration for development for the purposes of Multi-Dwelling Housing.

4.0 General Residential controls

<i>Controls/objectives</i>	<i>Comment</i>	<i>Compliance</i>
<u>4.12 Site servicing</u> <ul style="list-style-type: none">letterboxes in an accessible locationair-con, satellite dishes and other ancillary structures to be located away from street frontage, not in a place where they are a skyline feature and adequately setback	<p>A centrally located letterbox wall is provided towards the entry at Nicholson Road.</p> <p>The location of air conditioning units has not been nominated on any floor plans. It is unclear if a centralised system being proposed or is the intent to provide individual AC units on each balcony or courtyard.</p>	Unclear
<u>4.13 Fire Brigade Servicing</u> <ul style="list-style-type: none">All dwellings located within 60m of a fire hydrant	<p>A hydrant is located within 60m of the site to the east and west along Nicholson Road. However, it appears not all proposed dwellings will be within 60m of a hydrant.</p> <p>A fire booster does not appear to have been included. This requirement is to be reviewed and confirmed by a BCA consultant.</p>	Unclear
<u>4.14 Services</u> <ul style="list-style-type: none">Encourage early consideration of servicing requirements	<p>If consent was to be granted, conditions could be recommended requiring approval from the relevant authorities for the connection of electricity, telecommunications, water and sewerage to service the site.</p>	Yes

	Correspondence has been provided from Sydney Water and Endeavour Energy with conditions. A padmount substation appears to have been located at the south-eastern corner of the site adjacent to the driveway entry.	
<u>4.16 View sharing</u> <ul style="list-style-type: none"> To protect and enhance view sharing, significant view corridors A range of view sharing measures to be considered for building design 	The proposal could result in the potential loss of views of the escarpment from the dwellings located to the east of the site at 17 & 19 Nicholson Road. It is noted that the existing colonnade of trees could obscure views of the escarpment from these adjoining properties. Insufficient information has been provided with the application to assess the existing views to determine if there is any view loss and if so, the extent of the loss.	Unclear – insufficient information
<u>4.17 Retaining walls</u> <ul style="list-style-type: none"> To ensure well designed retaining walls that are structurally sound 	Retaining walls are proposed. Details of the location and height of the retaining walls (TOW BOW details) are not clearly shown on the plans. It is unclear if the retaining walls comply.	Unclear
<u>4.18 Swimming Pool and Spas</u>	No swimming pool or spas are proposed.	N/A
<u>4.19 Development near a railway corridors and major road</u>	The site is not located near a railway corridor or major road.	N/A

5.0 Attached dwellings and multi -dwelling housing

<i>Controls/objectives</i>	<i>Comment</i>	<i>Compliance</i>
<u>5.1 Minimum Site Width Requirement</u> Minimum 18m	The site frontage has a width of 41.8m. The site will not result in isolated lot. It is noted that No. 17 Nicholson Road has existing townhouse development situated on the site and appears to the have a minimum width of 18m.	Yes
<u>5.2 Number of Storeys</u> R3 zone – 3 storeys	The proposed townhouses are 2-3 storeys and do not exceed the 11m height limit for the land.	Yes
<u>5.3 Front Setbacks</u>		

6m min required to façade Balconies, front courtyard fences and other building extrusions may be setback up to 900mm closer than the required setback	TH-01 to TH-04 are located fronting the street and setback 6m with extrusions setback 5.1m from the front boundary.	Yes
<u>5.4 Side and Rear Setbacks</u> R2 low density residential zone requires a minimum side/rear setback of 0.8 x ceiling height Where balconies or windows of living areas face the rear boundary at first floor level or above, a minimum 1.0m x ceiling height is required	<p>The eastern and western boundary is a side boundary and the north a rear setback for the townhouses.</p> <p>The table below identifies where the setbacks appear to be non-compliant. Ceiling heights are calculated from the vertical distance from the ceiling level at the outside wall to natural ground level or finished ground level.</p> <p>Ceiling heights were calculated from the submitted architectural plans. Ceiling heights were not clearly marked on the plans. This also applies to setbacks to boundaries.</p> <p>The proposal does not identify any variations to the side and rear setback requirements. As such no variation statement has been provided.</p>	No

Table of non-compliant setbacks

TH	Required setbacks (Ceiling height x 0.8m)		Proposed setbacks
1	First floor (W)	5.12m	4.591m
17	First floor (E)	5.68m	4.995m
18	First floor (E)	5.52m	5m
18	Second floor (E)	8m	7m
19	First floor (E)	5.44m	5.1m
19	Second floor (E)	8m	7m
20	First floor (E)	5.36m	5.107m
20	First floor (N)	5.68m	5.092m

<u>5.5 Building Character and Form</u>	It is considered the design, height and siting of the proposed townhouses do not adequately respond to the site context. The proposal is not compliant with the building height and FSR controls and numerous other non-compliances as outlined in this chapter.	No
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<p><u>5.6 Access / Driveway Requirements</u></p>	<p>Diagrams have been provided which demonstrate that adequate manoeuvring can be achieved to and from all car parking spaces with all vehicles able to leave the site in a forward direction.</p> <p>The proposed development satisfies the objectives of Council's Access/Driveway Requirements controls and policies. Conditions are recommended requiring compliance with AS2890.1.</p> <p>The proposed crossover and driveway comply for the 32 dwellings. Council's Traffic Officer has reviewed the application submission and identified no objections to the proposed access arrangements.</p>	<p>Yes</p>
<p><u>5.7 Car Parking Requirements</u></p> <p>Car parking to be located behind front setback</p>	<p>Refer to discussion in Chapter E3.</p> <p>All units are over 110sqm requiring 2 spaces where double garages have been provided in the shared basement. Council's Traffic Officer has raised no objections to the proposed car parking.</p>	<p>Yes</p>
<p><u>5.8 Landscaping Requirements</u></p> <p>Min. 30% of site area must be provided as landscaped area</p> <p>Min. 1.5m wide landscaping beds alongside & rear boundaries</p>	<p>A minimum of 30% of the total site area is to be provided as landscaped area. The minimum landscaping area is 6400sqm x 30%= 1920sqm.</p> <p>Based on the plans it appears the proposal could be deficient in approximately 10sqm. However, it is difficult to calculate the landscaped area based on the submitted plans as the landscape and architectural plans are inconsistent. In addition, it is unclear on the treatment of the 'dry creek bed' proposed along the northern boundaries and part of the western boundary and whether it can be included in the landscaping calculations. If proposed as 'rip rap' then the landscaped area will be significantly less, and the proposal also will not provide a minimum 1.5m landscaped buffer along the side and rear property boundaries.</p> <p>Council's Landscape Officer has provided a unsatisfactory referral. See further discussion at Chapter E6 below.</p>	<p>Unclear</p>

<p><u>5.9 Deep Soil Planting</u></p> <p>The deep soil may extend along the full length of the rear of the site, with a minimum width of 6m.</p> <p>No structures, basement carparks, driveways, hard paving, decks, balconies or drying areas are permitted within the deep soil zone.</p> <p>The deep soil zone shall be densely planted with trees and shrubs.</p>	<p>The applicant has indicated in the SEE that “ <i>the proposed development does not provide 15% of the site as deep soil area however does provide a continual 6m wide deep soil zone along the rear boundary for the most part consistent with this clause.</i>”</p>	<p>No</p>
<p><u>5.10 Communal Open Space</u></p> <p>Developments with more than 10 dwellings must incorporate communal open space. The minimum size of this open space is to be calculated at 5m² per dwelling. Any area to be included in the communal open space calculations must have a minimum dimension of 5 metres.</p> <p>Where a minimum of 15% of the site is provided as a deep soil zone, combined use of part of the deep soil zone as communal open space may occur.</p> <p>Areas of the communal open space should contain paving, children’s playground equipment, barbeques, shade structures, swimming pools or the like, however these cannot be located within the deep soil zone.</p> <p>At least 50% of the communal open space area must receive at least 3 hours of direct sunlight between 9.00am and 3.00pm on June 21.</p> <p><u>5.11 Private Open Space</u></p>	<p>The proposal is for a 20 multi-dwelling housing development and as such COS with a minimum area of (20 x 5) 100sqm is required. This is provided north of the visitor parking between the RFB and townhouses. This area has the minimum dimension of 5m. The area is comprised lawn space, seating area and gardens.</p> <p>The area is generally centrally located on the site for the townhouses. The space is considered appropriate and accommodating both recreational and passive activities. The COS will receive the requires solar access requirements in mid-winter.</p> <p>However, this area is also nominated to the be the COS for the RFB. Refer to further comments in Attachment 3 under the ADG.</p>	<p>Yes</p>

<p>Ground level POS with 4m x 5m minimum dimensions</p> <p>70% of dwellings must receive minimum 3 hours direct sunlight to POS between 9am-3pm on June 21</p> <p>Design private open spaces so that they act as direct extensions of the living areas of the dwellings they serve.</p> <p>Clearly define private open space through use of planting, fencing or landscaping features.</p> <p>Screen private open space where appropriate to ensure privacy.</p>	<p>All townhouses provided a POS that meets the minimum dimensions except TH01, TH10, TH11, TH14 and TH15. The ground floor courtyards have a 20sqm POS area however, due the intrusion (wall feature) it will have a dimension less than 4m for these dwellings.</p> <p>Shadow diagrams have been submitted which demonstrate that at least 70% of the dwellings can receive a minimum of three hours of sunlight on June 21 to 50% of the POS.</p> <p>The location of the POS areas is considered satisfactory, being at ground level and accessed directly from the living area.</p> <p>Privacy for the POS that are situated alongside the western boundary is of a concern. Boundary treatment and fencing is unclear. Noting that the POS adjacent the proposed swale is likely to not be densely planted for screening. Screening between the POS for TH05 – TH20 is via a solid wall however in some circumstances the wall does not extend the depth of the courtyard (POS) that would enable overlooking between the units. In addition, insufficient information has been provided to understand the relationship of these townhouses and the adjoining western boundary in terms of levels, as it appears the POS of these townhouse could potentially look into the club car park to the west and vice versa. Sections have not been provided for these locations on the site.</p>	No
<p><u>5.12 Solar Access Requirements</u></p> <p>Windows to living rooms of adjoining dwellings must receive 3 hours of sunlight between 9.00am and 3.00pm on 21 June.</p> <p>At least 50% of the private open areas of adjoining residential properties must receive at least 3 hours of sunlight between 9.00am and 3.00pm on June 21.</p> <p>The primary balcony of at least 70% of the dwellings within a multi dwelling housing development shall receive a minimum of three</p>	<p>TH01, TH03 & TH20 have north facing living rooms. It appears that the north facing living room window in TH03 will not receive at least 3 hours of sunlight between 9am and 3pm on June 21.</p> <p>At least 70% of the townhouses receive 50% of sunlight in their POS area for 3 hours between 9am – 3pm on June 21.</p> <p>The proposal will overshadow the rear yards of 155 & 157 Campbell St however, at least 50% of their private open areas will receive at least 3 hours of sunlight between 9.00am and 3.00pm on June 21.</p>	No

<p>hours of direct sunlight between 9.00am and 3.00pm on June 21.</p> <p>Windows to north facing living rooms for each of the subject dwellings in the development must receive at least 3 hours of sunlight between 9.00am and 3.00pm on 21 June.</p> <p>At least 50% of the private open space area for each of the subject dwellings in the development must receive at least 3 hours of sunlight between 9.00am and 3.00pm on 21 June.</p>	<p>The proposed RFB will cause overshadowing on properties for in 17 and 19 Nicholson Road. This is discussed against the ADG in Attachment 3.</p>	
<p><u>5.13 Additional Control for Multi Dwelling Housing - Dwelling Mix and Layout</u></p> <p>Required for greater than ten (10) dwellings</p> <p>Provide a mix of dwelling sizes and layouts within larger multi-dwelling developments having ten (10) or more dwellings. This could include both variation in the number of bedrooms and gross floor areas of apartments, variety in the internal design or incorporating one-, two- and three-bedroom dwellings to accommodate various resident requirements.</p>	<p>There are 20 townhouses proposed. A mix of dwelling sizes and layouts are provided. All townhouses have 3 bedrooms with a rumpus room or study nook.</p> <p>No 1 or 2 bedroom dwellings are proposed.</p>	No
<p><u>5.14 Additional Control for Multi Dwelling Housing - Adaptable Housing</u></p> <p>If more than 6 dwellings at least 10% of all dwellings (at least one) must be adaptable</p>	<p>2 dwellings required to be adaptable. The proposal has not identified any townhouses to be adaptable. Adaptable units have only been identified within the RFB.</p>	No
<p><u>5.15 Additional Control for Multi Dwelling Housing – Crime Prevention through Environmental Design</u></p>	<p>The design of the proposal is considered to be satisfactory in regard to safety and crime prevention controls. Refer to discussion in Chapter E2.</p>	Yes

6 Residential Flat Buildings

It is noted that the proposed residential flat building component of the development is subject to SEPP 65 and as such an assessment of the proposed residential flat building against the ADG is required to be undertaken.

SEPP 65 Clause 6A(2) indicates that in the event that a development control plan contains provisions that specify requirements, standards or controls in relation to a matter to which the ADG applies, those provisions are of no effect. However certain matters in Council's DCP still require assessment against relevant controls for all components of the development.

Controls/objectives	Comment	Compliance
<u>6.2 Minimum Site Width Requirement</u> This clause prescribes a minimum site width of 24m for residential flat buildings.	The site has a site width of 41.8m.	Yes
<u>6.3 Front Setbacks</u> A 6m minimum is required to the primary road frontage with a 3m minimum to secondary street frontage for corner allotments. Balconies may be setback 900mm closer.	The RFB is setback from the front boundary greater than 6m.	Yes
<u>6.4 Side and Rear Setbacks / Building Separation</u> A minimum of 6m is required for buildings up to 4 storeys where a habitable room /balcony faces the boundary.	Refer to ADG	See 3F ADG assessment at Attachment 3
<u>6.5 Built Form</u>	Refer to ADG	Refer to report section 2.23 and ADG at Attachment 3
<u>6.6 Visual privacy</u>	Refer to ADG	See 3F ADG assessment at Attachment 3
<u>6.7 Acoustic privacy</u>	Refer to ADG	See 4H ADG assessment at Attachment 3
<u>6.8 Car Parking Requirements</u>	Refer to discussion in Chapter E3 below. Advice received from Council's Traffic Officer indicates that the proposal is	Yes

<p><u>6.9 Basement Car Parking</u></p>	<p>considered conditionally satisfactory with regards to Council's car parking requirements.</p> <p>Throughout the development, multiple sections of the roof of the basement podium are more than 1.2m above natural ground level. Whilst limited cross sections have been provided to accurately assess the proposed development and existing ground levels, height of the basement podium is particularly evident in the RFB, Building D along the eastern, parts of the northern and southern façade. Noting there is significant excavation proposed to accommodate the built form up to 5 metres deep across the Site.</p> <p>Overall, the scale, siting and design of the basement parking fails to integrate with the Site and building design.</p>	<p>No</p>
<p><u>6.10 Access Requirements</u></p>	<p>Details of the application were referred to Council's Traffic Officer for comments. Advice received indicates that access arrangements including dimensions and grades are conditionally satisfactory.</p>	<p>Yes</p>
<p><u>6.11 Landscaping Requirements</u></p> <p>30% of the site area to be provided as landscaping</p>	<p>A minimum of 30% of the total site area is to be provided as landscaped area. The minimum landscaping area is 6400sqm x 30%= 1920sqm.</p> <p>Based on the plans it appears the proposal could be deficient in approximately 10sqm. However, it is difficult to calculate the landscaped area based on the submitted plans as the landscape and architectural plans are inconsistent. In addition, it is unclear on the treatment of the 'dry creek bed' proposed along the northern boundaries and part of the western boundary and whether it can be included in the landscaping calculations. If proposed as 'rip rap' then the landscaped area will be significantly less, and the proposal also will not provide a minimum 1.5m landscaped buffer along the side and rear property boundaries.</p>	<p>Unclear</p>

	Council's Landscape Officer has provided an unsatisfactory referral. See further discussion at Chapter E6 below.	
<u>6.12 Deep Soil Zone</u>	Refer to ADG	See 3E ADG assessment at Attachment 3
<u>6.13 Communal Open Space</u>	Refer to ADG	3D of the ADG assessment at Attachment 3
<u>6.14 Private Open Space</u>	Refer to ADG	See 4E ADG assessment at Attachment 3
<u>6.15 Adaptable Housing</u> 10% of dwellings must be designed to be capable of adaptation.	The minimum requirement for the RFB is 1.2 therefore 2 units requires to be adaptable. APT02, APT06, and APT10 have been identified as being adaptable and 4 accessible parking spaces are provided in the basement car park. Concern is raised whether these units are capable of being modified for adaptation.	Unclear
<u>6.16 Access for People with a Disability</u>	Refer to discussion in Chapter E1 below.	Unclear
<u>6.17 Apartment Size and Layout Mix for Larger Residential Flat Building Developments</u>	Refer to ADG and variation sought as discussed in the report in section 2.4.1	4K of ADG assessment at Attachment 3
<u>6.18 Solar Access</u>	Refer to ADG	See 4A of ADG assessment at Attachment 3
<u>6.19 Natural Ventilation</u>	Refer to ADG	See 4B of ADG assessment at Attachment 3

CHAPTER D1 – CHARACTER STATEMENTS

Woonona

Existing Character

Woonona is located approximately 10 kilometres north of Wollongong City Centre and stretches from the coastal foreshore to the east and the escarpment, to the west.

Woonona is a residential suburb which over the last two decades has experienced considerable growth with the release of several new residential housing estates.

Woonona contains a variety of housing forms, including detached dwellings and medium density housing in the form of townhouses and villas. The older residential suburbs of Woonona predominantly contain single storey weatherboard and brick dwellings on mid to larger sized allotments of land. The newer residential estates in Woonona contain a mix of single and two storey dwellings, predominantly of a face brick or rendered brick wall and pitched roof tile construction on smaller lots together with some new medium density housing in the form of townhouses and residential flat buildings.

The Woonona retail and business centre is located approximately 2 kilometres south of the Princes Highway and Lawrence Hargrave Drive intersection and is a traditional strip centre. The centre is situated on both sides of the Princes Highway and includes a free-standing Franklins supermarket, a McDonalds fast food restaurant and a range of specialty retail shops and service orientated businesses.

Woonona also contains small remnant pockets of light industrial land uses.

Woonona is provided with a range of active and passive open space areas including Woonona Beach, Ocean Park, Nicholson Park, Collins Park, Hollymount Park, Woonona Heights Park and Carole Avenue Reserve.

Desired Future Character

Woonona is likely to experience continued growth as a result of the developing residential release areas as well as the replacement of older dwelling stock with larger dwelling-houses.

Woonona should remain a relative low density residential suburb, except for along the Princes Highway and in close proximity to Woonona railway station where medium density housing in the form of townhouses and residential flat buildings will be encouraged.

Individually designed dwellings with a distinctive coastal character are encouraged for the eastern coastal part of Woonona. Balconies should be lightly framed in stainless steel and / or timber finishes, rather than of brick or masonry construction.

For the central and western parts of Woonona, dwelling-houses and medium density housing should be of a face brickwork wall construction with pitched tile or colourbond roof forms preferred.

The Woonona retail and business centre functions as a large neighbourhood centre serving a predominantly residential area to the east and west of the Princes Highway. The role and function of this centre will continue to be focussed on providing daily convenience goods and services and only limited capacity to meet weekly shopping needs. Any new retail or business development in Woonona shall be contained within the confines of the existing business precinct.

The residential area between Hollymount Estate and south of Grey Street is recognised for its special "heritage" character and tree lined streets and hence, any alterations and additions to dwellings or new dwellings must be sympathetic with the character of this locality.

Comment:

The proposal development would contribute the desired future character in the type of the development as it is recognised that with the current zoning there will be an intensification in the built form in this location and potential redevelopment in close vicinity of Princes Highway and the town centre.

However, the design does not adequately demonstrate there won't be adverse impacts on surrounding properties and with the various non-compliance with planning controls, the proposal not considered appropriate in the context of the existing and future anticipated character of the area.

CHAPTER E1: ACCESS FOR PEOPLE WITH A DISABILITY

An access report has been provided indicating the development can achieve the requirements for equitable and dignified access to the building. However, there are some concerns in regard to the post

adaptation layout for the following apartments APT02, APT06 and APT10. The basement carpark provides 4 accessible parking spaces which is sufficient.

As provided by Council's Community Services/Safety Officer it is considered all queries and recommendations raised in the Access report are to be addressed and incorporated into the design of the development. There are 4 accessible parking spaces in the underground car park which is sufficient however, it is considered that one accessible parking space should be located in the at-grade visitor carpark.

CHAPTER E2: CRIME PREVENTION THROUGH ENVIRONMENTAL DESIGN

The provisions of this chapter have been considered. Pedestrian access and egress have been provided from the basement adjacent to the main entry ramp in the form of a stair. This stair is open to the elements with a door at the lower level. This raises potential areas of concealment.

2 additional fire stairs have been provided at the western end of the carpark which egress externally at ground floor. 1 of these stairs sits directly below the study of TH05 which is not ideal and the other egresses between TH16 and TH17. Both stairs are easily accessible to the public and are open at the top with a door at the bottom which raises safety concerns.

CHAPTER E3: CAR PARKING, ACCESS, SERVICING/LOADING FACILITIES AND TRAFFIC MANAGEMENT

	<i>Rate</i>	<i>Calculation</i>	<i>Required</i>	<i>Provided</i>	<i>Compliance</i>
Multi-dwelling housing (20 townhouses) and RFB (12 units)					
<i>Resident</i>	Units >110sqm, 2 spaces per dwelling	32 x2	64	66	Yes
<i>Visitor</i>	0.2 spaces per dwelling	32 x 0.2	7	7	Yes
<i>Bicycle parking</i>	1 bicycle space per 3 dwellings (residents) and 1 bicycle space per 12 dwellings (visitors)	32/3	10.7	12	Yes
		32/12	2.7	3	Yes
<i>Motorbike parking</i>	1 motorcycle space per 15 dwellings	32 / 15	2.1	5	Yes

A traffic impact assessment was submitted with the proposal which has been reviewed by Council's Traffic Officer who has not raised any concerns. Car, bicycle and motorcycle parking has been provided in accordance with the requirement of the chapter as presented in the table above. Driveway grades and sight distances. Concerns have been raised waste servicing for the development in Chapter E7. The proposal is generally satisfactory with regard to pedestrian access into the site and along the frontage. The proposal is generally satisfactory with regard to the principles of CPTED, with the exception of the stair access from basement to the side of the vehicular ramp.

CHAPTER E6: LANDSCAPING

A landscape plan has been provided however, does not meet the minimum requirements of this chapter. No existing trees are shown on the plan or streetscape treatment. There is also a significant amount of the proposed landscaping on the site will conflict with the proposed drainage works. More meaningful landscaping could be provided along the boundaries of the site to coincide with increase setbacks to improve amenity for the proposal and impacts on adjoining properties.

CHAPTER E7: WASTE MANAGEMENT

The proposed waste storage room is located within the basement car park. Based on the requirements in section 5.5.2, the proposed waste room is undersized and cannot accommodate the required number of bins in accordance with this chapter. It is unclear how waste will be managed for each of the townhouses. There is no clear accessible pedestrian path of travel through the basement from each of the townhouse garages to the waste room. The proposed waste collection is proposed within the basement for Council collection. There is a truck bay bin collection adjacent to the garbage room in the basement. It is considered conflicts will likely arise during waste collection and residents leaving and entering the car park with the obstruction of vehicles and safety issues. The waste management plan does not account for the proposed excavation material on the site of 7,523sqm as shown on the submitted bulk earthworks plan. Excavated material would also be expected to be generated during the demolition phase that has not been reflected in the plan.

CHAPTER E11 HERITAGE CONSERVATION

The site is not heritage listed nor is it located within a heritage conservation area. The subject site is within the vicinity of a listed Local Heritage Item located south across the road, Woonona Public School #6196 (local item). The application was referred to Council's Heritage Officer and unsatisfactory referral advice was provided. The development departure sought to the height of the building is not supported identifying that the potential impacts on the adjacent heritage item had not been considered in the Clause 4.6 written request, and the departure if supported is considered to set an undesirable precedent for development in the R3 zone, which has the potential to have greater cumulative impacts.

The character, siting, bulk, scale, height and external appearance of the development and the visual relationship between the proposed development and the heritage item or heritage conservation area have not been adequately considered. The scale, siting, form, noncompliance with the LEP height limit and external appearance of the proposed development is considered to have an unacceptable impact on the setting of the heritage item in the vicinity.

The colours and textures of materials proposed to be used in the development should be considered. The colours and materials are not sympathetic to the adjacent heritage item. Impacts of the landscaping and fencing of the proposed development should be considered. The character and appearance of the proposed tree removal, fencing and screening will have a visual impact on the heritage item.

CHAPTER E12 GEOTECHNICAL ASSESSMENT

The application has been reviewed by Council's Geotechnical Engineer in relation to site stability and the suitability of the site for the development. Appropriate conditions have been recommended.

CHAPTER E13 FLOODPLAIN MANAGEMENT

The site is identified as being flood affected and the provisions of this chapter apply. Whilst it is located within a risk precinct that is currently under review, the site is located within Medium and High Flood Risk Precincts, with the eastern portion of the site being identified as high flood risk precinct and a floodway on the eastern extent of the site. Residential development is proposed on part of the land that is categorised as High Flood Risk Precinct. The realignment and removal of the existing piped watercourse is sought and to be redirected on to Nicholson Road. The proposal also seeks to the filling in the floodplain resulting in a loss of floodplain storage.

Flooding matters have been assessed as unsatisfactory by Council's Stormwater Officer where an amended flood report is to be provided such that the application submission has not adequately demonstrated that the provisions and objectives of this clause have been satisfied.

CHAPTER E14 STORMWATER MANAGEMENT

The proposal seeks the removal and realignment of an existing stormwater pipe within the site. The existing stormwater pipe is considered a watercourse by WDCP definitions, and as such modifications to water courses are not permitted. Council does not support the relocation of the pipe within the Council Road reserve. An overland flow study has been submitted to support the removal and relocation of the stormwater easement/watercourse. However, no concept drainage plan for the development has been provided, and OSD is considered to be required for this development. Council's Stormwater Officer has reviewed the application and provided an unsatisfactory referral. The proposal has not adequately demonstrated it complies with the requirements of this chapter.

CHAPTER E15 WATER SENSITIVE URBAN DESIGN

The submitted Stormwater Management Report includes a section on Stormwater Quality Management that claims the proposed treatment train will meet the WSUD stormwater quality performance targets of Chapter E15 of Wollongong DCP 2009. However, would likely require an amendment to address stormwater design issues as discussed under Chapter E14.

CHAPTER E17 PRESERVATION AND MANAGEMENT OF TREES AND VEGETATION

The proposal seeks the removal of all trees including the colonnade of Paperbark trees located towards the centre of the site. The submitted arborist report indicates the Paperbarks are unsuitable for retention. This conclusion is not accepted. The majority of these trees are considered to be in fair to good health and as they form a significant mass in the landscape and should be incorporated in the design of the proposed development.

CHAPTER E18 THREATENED SPECIES

The native trees (Paperbarks) proposed to be removed have the potential to provide habitat for a range of fauna species, including potentially foraging habitat for the grey-headed flying-fox. Any potential impacts of the proposed development on biodiversity need to be addressed in a basic Flora and Fauna Impact Assessment Report meeting the requirements of the NSW Biodiversity Conservation Act 2016 and the Commonwealth Environment Protection and Biodiversity Conservation Act 1999. This has not been submitted with the application submissions.

CHAPTER E19 EARTHWORKS (LAND RESHAPING WORKS)

The proposal involves substantial landform modification works across the Site with proposed cut up to 5m in depth and fill up to 3.5m. to facilitate for the provision of the shared basement for the townhouses and residential flat building to account for the fall in the land. This will include cut in the location of the existing pipe watercourse and in close vicinity to the concrete culvert. Overall, the proposal will result in a balance of 7,523sqm of cut across the Site.

It is considered the proposed development is inconsistent with the objectives of this clause and could likely result in adverse impacts:

- on the existing and likely amenity of adjoining properties through the elevation of areas of the development with a significant basement podium in close proximity to the boundaries of adjoining properties;
- the colonnade of Broad Leaf Paperbark Trees;
- watercourses through the realignment of piped watercourse and the redirection of the existing catchment flows; and
- groundwater.

CHAPTER E20 CONTAMINATED LAND MANAGEMENT

A desktop audit via Council's land information system database for property constraints and previous uses was undertaken to understand the likelihood of contamination issues.

The audit revealed there are property constraints and/or past uses that give rise to concerns or the need for further investigation regarding land contamination. Details of the application submission were referred to Council's Environment officer with the following advice received:

A Preliminary Site Contamination Investigation (PSI) was completed by Geo-Environmental Engineering (GEE) in 2020 for 455-459 Princes Highway, Woonona NSW that included the area of the current subject lot. The PSI identified several sources of potential contamination including fill material of unknown origin, use of pesticides, chemical fuel storage, hazardous building materials, leaks of fuel/oil from car parking areas and offsite service stations hydraulically upgradient of the site.

A Detailed Site Investigation (DSI) prepared by Reditus Consulting Pty Ltd dated 16 June 2022 and approved by a certified contaminated land consultant has been submitted with the development application. The DSI has concluded the land is suitable in its contaminated state for the purposes for which the development is proposed to be carried out and gives reasons as to why Council may be satisfied that the required considerations of Clause 4.6 of State Environmental Planning Policy (Resilience and Hazards) 2021 have been met.

CHAPTER E21 DEMOLITION AND HAZARDOUS BUILDING MATERIALS MANAGEMENT

Conditions of consent could be imposed on any consent granted requiring appropriate measures for the management of demolition works and hazardous building materials during works.

CHAPTER E22 SOIL EROSION AND SEDIMENT CONTROL

Conditions of consent could be imposed on any consent granted requiring appropriate sediment and erosion control measures to be in place during works.

CHAPTER E23: RIPARIAN LAND MANAGEMENT

The riparian land identified on the site corresponds to the existing concrete channel located along the eastern boundary of the site. This watercourse does not have an identified category. The application was reviewed by Council's Environment Officer, and it was considered that if usual erosion and sediment controls are correctly installed and maintained during demolition, excavation and construction and the proposed water sensitive urban design measures are implemented, adverse impacts would not be expected.

The proposed development has been set back from the top of the concrete channel. Due to the channel being lined with concrete and the width of the setback of proposed Building D from the top of the channel, opportunities for the rehabilitation of aquatic and riparian vegetation and habitat are considered possible in the circumstances.

Attachment 6: Applicant's variation statement

TABLE 3 VARIATION TO WOLLONGONG DEVELOPMENT CONTROL PLAN 2009

The variation statement addresses the following points:

(a) The control being varied

Chapter B1 Residential Development

6.17.2.2 Apartment Size and Layout Mix for Larger Residential Flat Building Developments



(b) The extent of the proposed variation and the unique circumstances as to why the variation is requested

The DCP requires:

The selection of the number of bedrooms within developments shall be determined having regard to the site's context, geographic location and anticipated market demands. For residential apartment buildings having ten (10) or more dwellings, a minimum of 10% of the apartments must be one bedroom and/or studio apartments, to provide for housing choice.

The development proposes:

- Construction of 20 x two and three storey townhouses (with a mix of three bedroom and three bedroom + study dwellings)
- Construction of a new three (3) storey RFB consisting of twelve (12) residential apartments (with a unit mix consisting of 3 x two bedroom apartments and 9 x three bedroom apartments)

No 1 x bedroom dwellings are proposed within this development, and thereby not strictly complying with this clause. The unique circumstances as to why the variation is being requested primarily relate to market conditions and the location of the subject site. Within the Woonona area in general, there is a strong investor and owner occupier residential market for larger townhouses and apartments, compared to smaller one bedroom or studio products. This is similarly the case for the rental market. With regards to location, one bedroom products or studios are generally in more demand in those areas close to train stations or in high density locations that can warrant such products (without car parking for example). The site is not close to a train station and is in a low to medium density area, and such products are not desirable at this location from a market perspective.

(c) Demonstrate how the objectives are met with the proposed variations

The objectives are listed as follows:

- (a) To provide variety in apartment sizes and layouts to cater for a range of household types.*
- (b) To ensure that the internal arrangement of apartments is functional and satisfies occupant's needs.*
- (c) To design apartments to promote resident amenity and adaptability of use.*

The development provides a mix of larger and well-designed multi level dwellings and apartments catering to families and couples. At the same time however not ruling out empty nesters wanting more space. The design of the dwellings in the apartments are flexible in terms of layout and orientation and can cater for a range of household types nonetheless.

Each of the dwellings are able to be adapted in their layout to provide for residents' changing needs over time (i.e. work from home offices, multiple living spaces and the like).



The development still provides for a high level of residential amenity and adaptability in use. All dwellings are 100% cross ventilated, and the majority achieve more than the minimum requirements for solar access to private open space and living areas.

(d) Demonstrate that the development will not have additional adverse impacts as a result of the variation.

The proposed development resulting from this variation will result in no unacceptable adverse environmental impacts. The development is responsive to the locality and provides an apartment mix at this location which has taken into consideration:

- Distance to bus public transport, employment and education centres
- The current market demands and project future demographic trends
- The demand for social and affordable housing
- Different cultural and socioeconomic groups
- Great public access to recreation and lifestyle spaces.

Attachment 7: Draft Reasons for Refusal

- 1 In accordance with Section 4.15(1)(a)(i) of the Environmental Planning & Assessment Act 1979, the development is not acceptable when evaluated having regard to the design quality principles outlined in Schedule 1 of State Environmental Planning Policy No.65 – Design Quality of Residential Apartment Development (SEPP 65).
- 2 In accordance with Section 4.15(1)(a)(i) of the Environmental Planning & Assessment Act 1979, the proposal does not satisfy the relevant design criteria objectives of the Apartment Design Guide, particularly in regard to site analysis, communal open space, deep soil zone, visual privacy, apartment mix and waste management.
- 3 In accordance with Section 4.15(1)(a)(i) of the Environmental Planning & Assessment Act 1979, the proposed development does not comply with the building height under Clause 4.3 of Wollongong Local Environmental Plan 2009. The written request provided by the applicant has not adequately addressed the matters required to be demonstrated by Clause 4.6(3) for the departure sought in the building height for the development.
- 4 In accordance with Section 4.15(1)(a)(i) of the Environmental Planning & Assessment Act 1979, the proposed development does not comply with the floor space ratio under Clause 4.4 of Wollongong Local Environmental Plan 2009. No written request has been provided by the applicant to address Clause 4.6 therefore consent cannot be granted.
- 5 In accordance with Section 4.15(1)(a)(i) of the Environmental Planning & Assessment Act 1979, Council cannot be satisfied of the various matters required to be considered, as prescribed by Clause 5.10 Heritage Conservation of Wollongong Local Environmental Plan 2009.
- 6 In accordance with Section 4.15(1)(a)(i) of the Environmental Planning & Assessment Act 1979, Council cannot be satisfied of the various matters required to be considered, as prescribed by Clause 5.21 Flood Planning of Wollongong Local Environmental Plan 2009.
- 7 In accordance with Section 4.15(1)(a)(i) of the Environmental Planning & Assessment Act 1979, Council cannot be satisfied of the various matters required to be considered, as prescribed by Clause 7.6 Earthworks of Wollongong Local Environmental Plan 2009.
- 8 In accordance with Section 4.15(1)(a)(iii) of the Environmental Planning & Assessment Act 1979, the proposed development does not comply with the provisions of Wollongong Development Control Plan 2009 in a number of areas:
 - a The development fails to demonstrate compliance with the provisions within Chapter B1 – Residential Development, including side and rear setbacks, deep soil planting, private open space, solar access, dwelling mix and layout, adaptable housing, view sharing and basement car parking controls.
 - b The development fails to demonstrate compliance with the provisions within Chapter E2 – Crime Prevention through Environmental Design.
 - c The development fails to demonstrate compliance with the provisions within Chapter E6– Landscaping.
 - d The development fails to demonstrate compliance with the provisions within Chapter E7– Waste Management.
 - e The development fails to demonstrate compliance with the provisions within Chapter E11 – Heritage Conservation.

- f The development fails to demonstrate compliance with the provisions within Chapter E13 – Floodplain Management, including the proposal for filling and residential development within a High Flood Risk Precinct.
 - g The development fails to demonstrate compliance with the provisions of Chapter E14 – Stormwater Management, including that adequate stormwater management and onsite detention system can be catered for within the proposed built form.
 - h The development fails to demonstrate compliance with the provisions within Chapter E17 – Preservation and Management of Trees and Vegetation.
 - i The development fails to demonstrate compliance with the provisions within Chapter E18 – Threatened Species Impact Assessment.
 - j The development fails to demonstrate compliance with the provisions within Chapter E19 - Earthworks.
- 9 In accordance with Section 4.15(1)(c) of the Environmental Planning & Assessment Act 1979 the application submission has failed to demonstrate site is suitable for the proposed development.
- 10 In accordance with Section 4.15(1 (d) and (e) of the Environmental Planning & Assessment Act 1979, having regard to the submissions received, it is considered that in the circumstances of the case, approval of the development would set an undesirable precedent for similar inappropriate development and is therefore not in the public interest.