

Wollongong Local Planning Panel Assessment Report | 13 February 2018

WLPP No.	Item No. 2
DA No.	DA-2018/1316
Proposal	Demolition of existing structures and construction of a residential flat building comprising 16 apartments and two (2) levels of basement parking
Property	2 Blacket Street NORTH WOLLONGONG
Applicant	Quill Holdings Pty Ltd
Responsible Team	Development Assessment and Certification – City Centre Team (TW)

ASSESSMENT REPORT AND RECOMMENDATION

Executive Summary

Reason for consideration by Local Planning Panel - Determination

The proposal has been referred to Wollongong Local Planning Panel (WLPP) for determination pursuant to clause 2.19(1)(a) of the Environmental Planning and Assessment Act 1979. Under Schedule 2 (4) of the Local Planning Panels Direction of 1 March 2018, as the development is identified as sensitive development being more than 4 storeys in height and SEPP 65 - Design Quality of Apartment Buildings applies.

Background

It is noted that an appeal has been filed in respect of Council's deemed refusal of the application. A Statement of Facts & Contentions has been recently filed with the NSW Land & Environment Court as part of the proceedings and a Section 34 conciliation conference date has been set.

Proposal

The application seeks consent for the demolition of existing structures, tree removal and construction of a residential flat building. The proposal seeks a departure from the building height and floor space ratio development standards.

Permissibility

The site is partly zoned R1 General Residential and part RE1 Public Recreation pursuant to Wollongong Local Environmental Plan 2009. The proposal is categorised as a residential flat building and is permissible in the R1 zone with development consent. The residential flat building is proposed in both zones but is not permitted on the portion of the site zoned RE1.

Consultation

The proposal was notified in accordance with Council's Notification Policy and received nine objections which are discussed at Section 2.8 of the assessment report.

Various internal divisions of Council were consulted as part of the assessment process and consultation also took place with the NSW Office of Environment & Heritage (OEH) and the National Trust of Australia in regards to nearby heritage items. The proposal was reviewed by the Design Review Panel (DRP) at its meeting of 20 November 2018.

Main issues

The main issues are:

- Impact on the setting and significance of nearby Heritage items and heritage conservation areas
- Impact on vegetation
- Site width

- Lot isolation
- Public domain impacts inclusive of overshadowing and poor streetscape interface
- Design quality/ Design Review Panel (DRP) concerns
- Building height departure (Clause 4.6 departure in respect of Clause 4.3 of WLEP 2009).
- Floor space ratio departure; excessive bulk and scale
- Compliance with State Environmental Planning Policy No 65—Design Quality of Residential Apartment Development and the Apartment Design Guide (ADG);
- Wollongong DCP 2009 variations in respect of street setbacks; side setbacks; basement/ car park protrusion out of the ground; site width and lot isolation; apartment mix and layout; lack of deep soil zone and scant landscaping provision.

RECOMMENDATION

It is recommended that Development Application DA-2018/1316 be refused for the reasons outlined in Section 4 of this report.

1 APPLICATION OVERVIEW

1.1 PLANNING CONTROLS

The following planning controls apply to the development:

State Environmental Planning Policies:

- State Environmental Planning Policy No. 55 – Remediation of Land
- State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004
- State Environmental Planning Policy (Coastal Management) 2018
- 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 2018
- Apartment Design Guide

1.2 DETAILED DESCRIPTION OF PROPOSAL

The proposed development involves the demolition of all structures on site and the construction of a five (5) storey residential flat building over two basement car parking levels.

The development will include two basement levels housing carparking, storage, plant and bin rooms and 16 apartments along with a rooftop communal open space. A three bedroom unit occupies the ground floor, with 1 x two bedroom unit and 14 studio apartments over the remaining three levels. Of these units, 3 adaptable and 2 ‘liveable’ dwellings are proposed.

Car parking spaces for 20 cars (residential and visitor car parking) are to be contained within two basement levels, along with parking for motorbikes and bicycles. The visitor parking is located behind proposed security doors with access to be contained via intercom. Access controls will be employed (secure FOB key or similar swipe/access control codes).

Storage for the apartments is also proposed within the car parking levels in individual storage units and a communal bin room is proposed on Basement level 1. A separate storage area for bulky items is also proposed. Kerbside collection is proposed.

Vehicular access and egress is proposed to be obtained from Blacket Street via a wide driveway positioned adjacent to the western boundary of the Site. Pedestrian access to the ground floor building reception and lift lobby will also be via either Blacket Street or Cliff Road.

A single lift is proposed to service the building. Glazed corridors positioned on the western side of the building will provide access to the units, the lift entrance is visible from the Cliff road frontage.

Each unit has been provided with a balcony orientated towards the east/ north-east. The ground floor unit occupies the majority of the development's ground floor and will feature large balcony and lawn areas including an elevated landscaped area to the rear of the building.

Fire egress from the basement will be obtained via a corridor which will egress to the rear of the site. A separate fire corridor will discharge onto the driveway adjacent to the building's primary entry.

The communal open space is provided on the rooftop of the building and will feature an infinity-edge pool, open deck area, covered outdoor kitchen and dining areas; lounge area, passive open spaces and planter beds to the southern, western and north-west perimeter. Shading of part of the communal open space area is to be provided in the form of an awning which is suspended beneath what the applicant has described as an 'architectural roof feature', projecting outwards from the lift overrun.

1.3 BACKGROUND

Development History

The development history of the site is as follows:

Application No	Description	Date	Decision
BA-1997/331	Additions To Dwelling And Garage	26/03/97	Approved
DA-1993/80	Alterations & Additions To Existing Outdoor Retreat	11/03/93	Approved
DA-1989/883	Home Employment - Physiotherapist Clinic & Advertising Sign	12/02/90	Approved
DA-1971/357	6 Flats	5/06/72	Refused
DA-1968/18	Home Occupation For Use As Estate Agents Business	19/02/68	Approved
BA-1957/611	Additions To Garages	17/07/57	Approved

Pre-lodgement meetings

No pre-lodgement meeting was held for the proposal.

Customer service actions

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

1.4 SITE DESCRIPTION

The site is located at 2 Blacket Street, North Wollongong. The site comprises two allotments, situated on a corner allotment on the northern side of Blacket Street. The secondary street frontage is Cliff Road. The legal description of the site is Lot 1 DP 135620 and Lot 1 DP 779377.

The site is irregular in shape with a frontage length of 22.48m to Blacket Street. The site has a secondary frontage length of 30.51m to Cliff Road and narrows from south to north. The site has a combined area of 783m² comprising the R1 zoned Lot 1 DP 135620 with an area of 701.9m² and the R1 zoned portion identified as Lot 1 DP 779377 has an area of 82.1m².

The site slopes gently generally from the south to north (front to rear) with a fall of approximately 2.4m (RL9.19m at the south-western corner to RL 6.8m at the north-eastern corner) across the length of the site.

The site currently contains a single dwelling as well as an outbuilding approved as an 'outdoor retreat' but currently being used as a secondary dwelling and short term holiday letting. All of the existing structures are to be demolished and removed as part of the proposal. The Site does not contain any established vegetation; however, there are a number of trees along the boundary on the adjoining Council land to the north of the Site, as well as a vegetation screen on the adjacent property to the west.

Lot 1 DP 135620 is zoned R1 General Residential whilst Lot 1 DP 779377 is zoned RE1 Public Recreation under the provisions of Wollongong LEP 2009.

There are concrete public footpaths within the verge adjacent to the two street frontages of the site and a juvenile Norfolk Island Pine street tree is positioned adjacent to the south-eastern corner of the site. Fourteen (14) 90o (degree) car spaces are located within the Cliff Road reserve immediately adjacent to the eastern boundary of the site.

The Site is prominent in the Wollongong context, in a highly visible location. Opposite the Site to the east and to the north are significant public foreshore and recreation areas zoned RE1 Public Recreation. The site is adjacent to the 'North Beach Precinct' listed on the State Heritage Register (SHR No. 01737), and within close proximity to 'North Beach Surf Club', the 'North Beach Pavilion', the 'North Beach Kiosk and residence' and of the 'Group of Norfolk Island Pines and Canary Island Palms' listed on the Wollongong Local Environmental Plan (LEP) 2009 Heritage Map. The site is also located near the Wollongong Harbour and Belmore Basin Heritage Conservation Areas listed on the SHR and LEP and 'railway cuttings and embankments within the Wollongong foreshore from North Beach to Belmore Basin' also being listed heritage items.

The northern boundary of the site abuts an at-grade Council carpark, with the State Heritage listed Stuart Park to the north of that, both zoned RE1 Public Recreation. There are a number of significant trees within the neighbouring reserve immediately adjacent to the northern boundary of the site.

Land to the west of the site contains residential uses. The two allotments immediately west of the Site accommodate 1 and 2 storey single detached dwellings, with residential flat buildings located further to the west.

Opposite the Site to the south is the 10 storey Novotel Hotel, comprising 204 rooms, car parking, restaurant, conference/ functions rooms and bars. To the south of the Novotel hotel is a small cluster of retail and commercial buildings situated around the corner of Cliff Road and Bourke Street.

The locality is characterised by residential flat buildings interspersed by older detached dwellings. The ten storey Novotel Hotel is the most northerly of a series of tall residential buildings stretching south along the coastline and over the hill to the central business district. Street trees in the form of mature figs are a striking feature of Blacket Street while there is an avenue of Norfolk Island Pines along Cliff Road.

Property constraints

- Council records identify the land as being impacted by Class 5 acid sulphate soils.
- Site is located within the NSW Coastal zone.
- Wetland buffer/ proximity to coastal wetland; coastal environment area and coastal use area under the provisions of SEPP (Coastal Management) 2018
- Nearby heritage items and heritage conservation areas.
- The R1 zoned portion of the site is located within the Wollongong city centre area under the provisions of Wollongong LEP 2009 and Wollongong DCP 2009.

There are no restrictions on the title.

A site location plan, aerial photograph of the site and locality and zoning extract form **Attachment 2**.

1.5 SUBMISSIONS

The application was notified between 15 November and 5 December 2018 (re-notification) in accordance with Wollongong DCP 2009 Appendix 1: Public Notification and Advertising Procedures. Notification letters were sent and a notice was placed in the local newspaper. At the conclusion of the notification period, there were 9 submissions received, including 5 from nearby properties. Of the submissions, there was 1 submission in general support for the proposal, 7 objections and 1 highlighting an administration error. The issues identified are discussed in the table below:-

Concern	Comment
1. The description of the development for the purpose of public notification was incorrect and misleading.	The description was amended and the application was re-notified for a 14 day period, this included a notice in The Advertiser on the 21 November and notification letters dated 16 November 2018.
2. The existing use rights provisions of the EPA Act have been interpreted incorrectly in the SEE	A detailed discussion on this matter and the history of approvals and zoning on this site can be found in Section 2.1.5 of this report.
3. The height of the proposed development exceeds the height limits of WLEP 2009. Impacts are: a. Overshadowing to the west b. Potential 'wind tunnel' c. Increased potential of overlooking and privacy issues d. Visual impact e. Overshadowing to the east in the afternoon f. Loss of human scale	A detailed discussion on these matters can be found throughout this report and within the attached DRP notes.
4. The proposed development will result in an isolated lot at No. 4 Blacket Street. The recent refurbishments of No.6 Blacket St make it unlikely that the amalgamation of Nos.4 & 6 will occur. This makes the redevelopment of No.4 unlikely.	A detailed discussion of this matter can be found in Section 2.3.1. It is considered that the development will create an isolated allotment at No.4 Blacket Street.
5. Non-compliance with Clause 3F of the Apartment Design Guide – Visual Privacy. Inadequate setbacks have been provided to the ground floor and the rooftop communal open space area.	Detailed discussions on this matter can be found throughout this report and DRP notes. The development does not provide for compliant side boundary setbacks or building separation as required by the ADG and Wollongong DCP 2009.
6. The development has the appearance of transient accommodation/short term holiday letting which is a prohibited use in this zoning.	The layout of the development and the unit mix (being predominantly small studio apartments) has the appearance of a small motel/ form of tourist accommodation. Reconfiguration of the internal layout to look less like transient accommodation does not guarantee long term

Concern	Comment
	residential use. The development does not provide for an appropriate mix of apartment sizes/ layouts as is required by the ADG and Wollongong DCP 2009.
7. Amenity associated with high density or short term holiday letting – noise, waste, etc.	The development of the site for the purposes of medium density housing is appropriate with regard to the site’s R1 zoning. The development departs from the ADG/DCP in numerous areas which will have adverse impacts on the amenity of neighbours.
8. Does not have adequate storage	Sufficient storage has been provided within the basements and internal to the units as required by the DCP and ADG.
9. Does not have adequate bulky waste storage	A separate bulky waste storage room is provided in the garage.
10. Traffic generation	The scale of the proposed development does not trigger the requirement for a detailed traffic assessment. Consideration has however been given to traffic impacts in the locality by Council’s Traffic Engineer and no broader network or localised impacts are expected, though some concerns have been raised in regards to internal site layout issues.
11. Insufficient visitor parking	Sufficient visitor parking has been provided in accordance with the requirements of the DCP.
12. Primary street frontage is 2 Blacket St, not Cliff Road as stated in SEE (pp38) therefore the development is non-compliant with the minimum site width requirement.	A detailed discussion on this matter can be found in section 2.1.5. The site width does not comply with Wollongong DCP 2009.
13. Basement podium is over 1.2m in places, contrary to the DCP	The development departs from this DCP control resulting in adverse impacts on the amenity of neighbours and street scape.
14. Depth (south to north) is over 18m contrary to DCP	A detailed discussion on this matter can be found in section 2.3.1.
15. Loss of views from western properties	There may be some view impacts arising from the construction of the development, however it is noted that views from properties to the west are somewhat constrained by existing buildings and vegetation including in particular the significant street trees lining Blacket Street.
16. Boundary walls abut western side of development	Side setbacks are non-compliant as discussed throughout this report and the attached DRP notes.
17. Location of Air Conditioning	The location of a row of AC condensing units on Level 2 is not supported
18. Insufficient apartment mix	See point 6 above.
19. Driveway is not the required 1.5m	See point 10 above.

Concern	Comment
from the side boundary per DCP	
20. Not keeping context and character	This matter is discussed in detail throughout this report and within the attached DRP notes.

1.6 CONSULTATION

1.6.1 INTERNAL CONSULTATION

Internal referrals

Council's Stormwater, Geotechnical and Property Officers have reviewed the application and have provided satisfactory referrals including recommended conditions to be imposed if the development is approved.

Council's Landscape, Traffic, Environment and Heritage Officers have reviewed the application and have raised the following specific concerns with regard to the proposal, as summarised below:-

Landscape Architect

- The streetscape requires further documentation to show pathways, street tree planting and frontage beyond the site boundary.
- The boundary walls surrounding the site are high and visually obtrusive and do not comply with the Wollongong DCP 2009 fencing policy.
- The boundary walls appear to have not been taken into account by the Arborist in the submitted report, as the trees within the reserve will be adversely affected by the footing construction of the proposed walls.
- The rooftop does not provide adequate shelter for those utilising the common area.

Traffic Engineer

- The driveway crossover is too wide and needs to be reduced to 5.5m in width.
- The grades of the driveway do not appear to comply and the driveway alignment is not perpendicular to the road as required; this can result in traffic and pedestrian safety issues
- The boundary walls adjacent to the driveway do not appear to comply with sight distance requirements
- Sight distance/tight corner at the bottom of the ramps – conflict mitigation is required.
- There is surplus car parking proposed and the area of the additional spaces will count as GFA and could have implications for FSR calculations.
- The location of the small car spaces is not supported; if occupied by larger vehicles, these will encroach into vehicular turning paths.
- Kerbside collection is problematic in this location. Bins can only be collected from the Blacket Street frontage if it can be confirmed that the bins can be accommodated in less than 50% of the length of the site frontage to Blacket St. There are concerns over sight lines, impact on pedestrian safety, pedestrian and streetscape amenity; refer to further discussion below with regard to Chapters E3 and E7 of Wollongong DCP 2009.
- Bike storage needs to be secure 'Class B' bicycle facilities.

Heritage Officer

Council's Heritage Officer has reviewed the application with regard to potential heritage impacts under the provisions of Clause 5.10(3) of the Wollongong LEP and Chapter E11: Heritage

Conservation of the Wollongong DCP 2009 and has raised concerns in regards to the impact of the proposed development on the setting and significance of nearby heritage items.

The proposal is within the vicinity of the State Heritage listed North Beach Precinct which includes a range of local heritage listings including the Bathers Pavilion, The Kiosk and the SLSC. The development is also adjacent to the curtilage for the landscape listing relating to the significant plantings in Stuart Park. Due to the highly disturbed nature of the site and previous development, no Aboriginal objects are expected to be disturbed by the proposal.

A Heritage Impact Statement prepared by City Plan dated August 2018 and a Visual Impact Assessment Report dated November 2018 have been considered. The existing dwelling on the site, does not meet the threshold for a local heritage listing. Therefore demolition can be considered.

The following are the main concerns with the proposal:-

Height and Overshadowing

From the shadow diagrams provided the State Heritage listed North Beach Kiosk building will now be overshadowed from 3pm in winter along with the row of Norfolk Island Pines, which are part of the State Heritage Listed precinct which may also impact on the health and longevity of the significant trees. These impacts haven't been considered in the arborist report.

Non-compliance with the height limit will contribute to the overshadowing impacts on the adjacent State heritage area and this is not supported. Any variation to the height limit is **not** supported from a heritage perspective as any variation to the controls will have significant impacts on the State Heritage Precinct and amenity of the public area.

It is also questionable what shade has been provided for the rooftop and whether this will result in a modification for addition shade structures on the roof, which may increase the impact on the height, overshadowing and amenity at a later date.

Visual Impact Assessment

The development impacts on the significant view lines from North Beach to the escarpment. The proposal is supported by a visual impact assessment prepared by Cardno. The view from the Wollongong Harbour State Heritage precinct to North Beach has also been considered not to be significantly impacted by the development

The Novotel development currently impacts on these views, noted as View 2 and 3 in the Visual Assessment report. However the two rows of Norfolk Island Pines provide visual screening of the Novotel from the State Heritage Precinct. The proposal will add to the built backdrop of the Precinct and this will have a significant visual impact. Any comments from the NSW Heritage Council should be considered in this regard.



Figure 1 – view corridors from foreshore

A significant view looking north east from North Beach as per above, has not been included in the visual impact assessment. This should be addressed so that the visual impacts on the state heritage precinct should be adequately assessed.

The visual impact assessment also does not provide any perspective montages, this is not adequate and these should be provided for all significant views.

Cliff Road Interface

The interface between the northern elevation and Cliff Road includes a significant grade differentiation that result in a podium level. This should be improved to provide for a better visual and physical interface between the development and the adjacent footpath and public reserves, as well as the adjacent State Heritage Area. Currently a solid rendered wall separates the development from the interface with the streetscape and this is not desirable in a high traffic pedestrian area as it will impact on the character and amenity of the North Beach precinct.

FSR

The non-compliant FSR contributes to the visual impacts of the development on the State Heritage Precinct.

Environment Officer

Council's Environmental Officer considered the proposal with regard to the applicable provisions of SEPP (Coastal Management) 2018, noting that the site is identified as being within the Proximity Area for Coastal Wetlands, within the Coastal Environment Area and within the Coastal Use Area under the provisions of the SEPP. No concerns were raised in regards to the matters for consideration prescribed by the SEPP.

Consideration was also given to Clause 7.5 Acid Sulfate Soils of Wollongong LEP 2009, noting that the site is mapped as containing Class 5 Acid Sulfate Soils and there are Class 4 Acid Sulfate Soils occurring within close proximity of the site. Excavation for the proposed basement will extend below the measured groundwater level. The Environmental Site Assessment & Acid Sulfate Soils Assessment submitted with the DA was reviewed and no concerns were raised with regard acid sulfate soils/potential acid sulfate soils.

Consideration was also given to waste management. It was noted that there was no Waste Management Plan specific to the demolition and construction phases of the development was submitted nor was there a Demolition Work Plan; both of which are required. It is expected that the existing structures to be demolished contain asbestos. The Environmental Site Assessment submitted included information in relation to hazardous materials and if the proposal is approved, recommended conditions in regards to hazardous material survey and handling should be imposed on any consent granted.

1.6.2 EXTERNAL CONSULTATION

Office of Environment & Heritage

The application was referred to the NSW Office of Environment and Heritage (OEH) who indicated that the proposal has potential to visually impact heritage items in the vicinity, including the SHR item, through its scale and bulk. It is recommended that the design be refined to adopt sympathetic materials, colours and finishes which will minimise expanses of walls, overall bulk and reflectivity. The design of the building should generally be simplified to minimise its dominance to the surrounding cultural heritage landscape. The recommendations for management of unexpected archaeological items provided in the Statement of Heritage Impact (City Plan Heritage, page 28) should be implemented, and the applicant's attention drawn to the requirements under Section 139 of the Heritage Act 1977. It was also recommended that Wollongong City Council refer the

application to the Communities and Greater Sydney Division to confirm any permit requirements under the *National Park and Wildlife Act, 1974* for impact to potential Aboriginal archaeology.

National Trust of Australia

The application has been reviewed by the National Trust of Australia who indicated that it does not support the proposal as it will detract from the lower, horizontal lines of the nearby, internationally acclaimed heritage buildings and landscape.

The accompanying Heritage Impact Assessment only considers the development's scale in comparison to the nearby ten-storey Novotel Hotel (i.e. a 'reduced' scale), rather than in comparison to the heritage items. The proposed development requires an assessment against the Heritage Conservation Area, rather than the Novotel Hotel. This assessment should consider both the built forms and the Norfolk Island pines and Canary Island palms.

The potential for the proposed development to overshadow the buildings within the Heritage Conservation Area is also of concern. The Winter Shadow Plan identifies the North Beach Kiosk will be in shadow at 3:00pm on 21 June.

The Trust has concerns regarding the loss of visual relationship between the Heritage Conservation Area and the Illawarra escarpment. An inspection of Figure 5 in the Heritage Impact Assessment and Figure 6.2 in the Visual Impact Assessment Report would suggest views from Cliff Road north and north-west to the escarpment would be severely compromised. The Trust is also concerned about the potential loss of a number of other significant views. Current views to the Heritage Conservation Area from Blacket Street will be significantly reduced or lost, i.e. Figure 4 in the Heritage Impact Assessment. The Visual Impact Assessment Report suggests the key items in the Heritage Conservation Area are located 'beneath' Cliff Road, so the proposed development is unlikely to have an adverse impact on these items. The Trust contests any impact on significant views should be assessed in terms of the Heritage Conservation Area as a whole, rather than individual heritage items. Replacing a single-storeyed dwelling with a four/five storey residential flat building will have a significant impact on views to and from the Heritage Conservation Area. It is highly likely the proposed multi-storey development will be able to be seen from those items 'beneath' Cliff Road. The vertical architectural dominance of the Norfolk Island pines, in particular, will also be compromised.

Illawarra Historical Society and Museum

The proposal was referred to the Illawarra Historical Society and Museum for comment however at the time of finalising this report a response had not been received.

Design Review Panel

The proposal was considered by the Wollongong Design Review Panel (DRP) on 20 November 2018. The Panel advised that it would not support the proposal in its current form and identified many concerns with regard to the development. A full copy of the DRP minutes form **Attachment 3**.

The following conclusion and key recommendations were provided by the DRP:-

The currently poor street interface, non-compliant street set-backs and poor relationship with the adjoining neighbour all present as an over development of the site. Further development is required to accommodate an appropriately scaled building for this very prominent location:

- Expand site and contextual analysis, particularly the view analysis to inform the design
- Arrive at a set of design principles and concept to guide the evolution of the form and architectural expression of the building
- Reduce the intrusions into the setbacks to reduce the perception of bulk and scale
- Explore alternative circulation strategies
- Consider alternative unit mixes / numbers
- Explore alternative balcony configuration strategies

- Reduced the extent of basement
- Develop building interface with street and neighbours at ground level
- Develop and document a ventilation strategy compliant with the minimum requirements of the ADG
- Address potential privacy issues with neighbours
- Further development of building aesthetic
- Develop a responsive landscape strategy
- Consider a more robust selection of materials
- Consider the long term performance of the building (materials, finishes and landscaping) against the harsh coastal environment

Though it is acknowledged that operational requirements are an important driving factor in the design of any building, it must not be at the expense of an inappropriate response to the context of the site. The Panel encourages the Applicant to go back to first principles and to revise the proposal based on a closer review of the surrounding context and its main characteristics; a thorough site analysis should lead to a comprehensive revision of the current proposal not merely to a post-rationalisation of the current design.

The proponent volunteered a response to the DRP meeting, however no amended plans were submitted with that response.

2 ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979 – 4.15 EVALUATION

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

2.1.1 STATE ENVIRONMENTAL PLANNING POLICY NO. 55 – REMEDIATION OF LAND

The applicant provided a Preliminary Site Investigation prepared by Environmental Investigation Services (EIS). The investigation comprised a desktop review of historical activities at the site and sampling from boreholes and a groundwater monitoring well.

The report indicates that, prior to 1940, records indicate that the smaller of the two lots within the site was owned by several companies whose industries included coal, steel and iron. These former owners may have utilised the site or surrounds for activities associated with these industries with the potential to contaminate the site; and that, sometime between 1951 and 1961, a large residential structure was erected on the site. Filling of the site may have occurred to achieve site levels for this development; the fill could be contaminated. It was also noted that the northeast corner of the site was owned by manufacturers of iron and steel, as well as coal miners. As such it is considered likely that this section of the site formed part of the haulage route (tramline) between Mount Pleasant Mine and Port Kembla coal terminal. Signage identified during the site inspection identified a tramway extending north from the harbour on the east side of Cliff Road.

Hazardous building materials may be present as a result of former building and demolition activities. These materials may also be present in the existing buildings/ structures on site.

The report concluded that the site can be made suitable for the proposed development provided that a Hazardous Materials Assessment for the existing site structures is undertaken prior to the commencement of demolition work.

This report has been considered by Council's Environmental Officer who has recommended suitable conditions of consent be imposed. Subject to conditions of consent the site is suitable for the intended use of the land with regard to Clause 7 of this policy.

2.1.2 STATE ENVIRONMENTAL PLANNING POLICY NO 65—DESIGN QUALITY OF RESIDENTIAL APARTMENT DEVELOPMENT

The provisions of the SEPP apply as the development includes a 'residential flat building', is more than 3 storeys in height and houses more than 4 dwellings.

The application was accompanied by a statement by a qualified designer in accordance with Clauses 50(1A) & 50(1AB) of the Environmental Planning and Environment Regulation 2000.

Clause 28 provides that the application must be referred to the relevant design review panel (if any) for advice concerning the design quality of the development while Clause 28(2) provides that a consent authority is to take into consideration (in addition to any other matters that are required to be, or may be, taken into consideration):-

- (a) the advice (if any) obtained from the design review panel, and
- (b) the design quality of the development when evaluated in accordance with the design quality principles, and
- (c) the Apartment Design Guide.

The proposal has been reviewed by a Design Review Panel convened for the purposes of the SEPP as outlined above in Section 2.5.2 of this report. As outlined the DRP have raised concerns with regard to the proposal and are unable to support it in its current format. A re-design is required in order to address the design quality principles and the requirements of the ADG, LEP and DCP.

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 28(2)(a) of the Policy: -

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.

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.

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.

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.

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.

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.

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.

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.

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 design quality of the development, when evaluated in accordance with the Design Quality Principles contained within SEPP 65, is considered to be unsatisfactory in the following ways:-

- The proposal is inconsistent with the desired future character of the area as identified through the development standards and controls contained within Wollongong LEP and DCP 2009. In this regard the proposed development does not satisfy Principle 1 – Context and Neighbourhood Character, Principle 2 - Built Form and Scale and Principle 9 – Aesthetics.
- The proposed floor space ratio of the development exceeds that permitted by Clause 4.4 of Wollongong Local Environmental Plan (LEP) 2009, the building height exceeds that permitted by Clause 4.3 of Wollongong LEP 2009, the street setbacks are non-compliant with Chapter D13 of Wollongong Development Control Plan (DCP) 2009 and the side boundary setbacks to the building do not comply with the setbacks required by the Apartment Design Guide or DCP 2009. In this regard the proposed development does not satisfy Principle 1 – Context and Neighbourhood Character, Principle 2 - Built Form and Scale, Principle 3 – Density and Principle 9 – Aesthetics.

The development contains more car parking than required by the applicable controls and, as per the definition of gross floor area (GFA), the area of that surplus car parking spaces and access thereto contributes additional GFA. Consequently the development exceeds the LEP's maximum Floor Space Ratio of 1.5:1. Further, the Applicant has not included the storage area on Level 1 in their gross floor area calculations not the gross floor area of the communal kitchen/ dining area on the rooftop; once added the GFA now proposed will further exceed the density limit for this Site. The bulk and scale of the development is excessive. In this regard the proposed development does not satisfy Principle 1 – Context and Neighbourhood Character, Principle 2 - Built Form and Scale and Principle 3 – Density.

- The development's setbacks do not comply with applicable controls and this has an impact on its form and relationship with the public domain (both the immediately adjacent public footpath area and the broader public recreation area), nearby heritage items and conservation areas, and neighbouring development including both existing development and potential redevelopment of land to the west. In this regard the proposed development does not satisfy Principle 1 – Context and Neighbourhood Character, Principle 2 - Built form and Scale, Principle 3 – Density, Principle 6 – Amenity and Principle 9 – Aesthetics.
- The scale and design of the basement is problematic. The basement extends across the entire area of the R1 zoned portion of the site, precluding any opportunities for landscaping or deep soil planting to the perimeter of the site. The basement layout itself is inefficient and accommodates more than the required amount of car parking. A combination of the topography of the site (slope towards the north-east), the expanse of the basement footprint and the proposed floor and ceiling levels results in the northern end of the basement roof sitting well above ground level and importantly the adjacent street level. In addition, a high prominent fence is proposed to be positioned above this along the length of the Cliff Road frontage of the site. These factors combine to result in an unacceptable interface with the street, the adjacent public recreation area and adjoining neighbour. The amenity of the ground floor unit and its appurtenant open space area is also likely to be compromised as a result. In this regard the proposed development does not satisfy Principle 1 – Context and Neighbourhood Character, Principle 2 - Built Form and Scale, Principle 5 – Landscape, Principle 6 – Amenity, Principle 7 - Safety and Principle 9 – Aesthetics.
- The design of the development does not provide for an appropriate architectural response to its setting. The development will not provide for a positive contribution to the streetscape or public domain nor responds in an appropriate manner to the site's location with regard to significant public recreation areas and significant heritage items and places. The site occupies a prominent location near the coastal foreshore and in immediate proximity to significant heavily utilised public recreation spaces and significant heritage buildings and places of local and State heritage significance. It will be readily visible from the adjacent park and foreshore areas. It is considered

essential that a contextually appropriate design be arrived at for the site which responds to these matters.

Of particular concern are the following matters:

- The southern façade is visually dominated by a wide basement driveway entry, an expanse of hard paved area, a fire egress discharging onto the driveway, glazed corridors, blank walls and an overly prominent elevator shaft.
- The lift shaft is a visually dominant design element occupying the southern façade which will be very dominant and visible from many views. This is not an archetypal feature in the area or derived out of an effort to integrate the expression of the building to its surroundings.
- The excessive expanse of hard paved area within the Blacket Street frontage of the site and consequential lack of landscaping provide for a sterile interface with the street.
- The basement entry ramp is located hard up against the western boundary, providing no opportunity for landscaping or scope to terrace the exposed retaining wall to mitigate its visual impact from the street. The proximity of the retaining wall is also likely to damage or require the removal of the existing vegetation on the neighbouring site to the immediate west.
- The elevation of the ground floor due to the extent of the basement area, combined with the site topography, result in the ground floor of the building extending well out of the ground. This, coupled with the extent of filling proposed in the northern portion of the site and the proposed high fencing, results in a poor interface with the Cliff Road frontage of the site. The outcome is a very high and visible wall/fence interfacing with the public domain and the public open space to the immediate north with no landscaping or integration into the park. The raised levels, height and extent of fencing, reduced setbacks and lack of landscaping result in an excessively domineering and visually obstructive response to the streetscape which does not respond to the neighbourhood character and detracts from the setting of the nearby heritage items and public open space.
- The overall form is bulkier than that predicated by the controls. The maximisation of balcony space outside the building line has pushed the balconies into the required setbacks and the resultant massing is significantly larger than a building envelope compliant with the applicable setbacks.
- The development's lack of contextual response results in a poor interface with heritage items surrounding the Site to the north and east in the public foreshore. The proposed form consists of a series of undulating stacked levels and a very prominent vertical spine on the southern elevation providing a very dominant design element along the southern façade. This appears to be a response to the Novotel rather than the neighbourhood which is residential in character with a marked presence of landscaped lawns and vegetated front setbacks.
- The height of the building exceeds the height limit of 16m provided for by Clause 4.3 of Wollongong LEP 2009. The rooftop element described by the applicant as an 'architectural roof feature' is not consistent with the definition of an *architectural roof feature* in that it contains gross floor area. The height of the building is excessive and this coupled with the exceedance of the allowable floor space ratio and non-compliant building setbacks result in an excessively bulky built form which does not respond to its context nor the desired future character for the neighbourhood reflected in the applicable development controls. The development represents an overdevelopment of the site.

In this regard the proposed development does not satisfy Principle 1 – Context and Neighbourhood Character, Principle 2 - Built Form and Scale, Principle 3 – Density, Principle 5 – Landscape and Principle 9 - Aesthetics.

- Concerns are raised in relation to the glazed common corridor situated on the western side of the building. The development features a glazed corridor on the western side of the building (on each of levels 1, 2 and 3) which provides for common circulation from the lift to each of the units on these levels. This corridor also extends across much of the southern elevation of the building on each of Levels 1 – 3. This corridor is positioned on a setback less than 4m from the western property boundary for part of its length, therefore not complying in full with the separation distances required by Part 3F of the ADG. Potential visual privacy issues arising from the common corridor are proposed to be addressed by enclosing the corridor in opaque glass. Providing an enclosed, fully glazed west-facing corridor that wraps around a significant portion of the building is a questionable strategy, as it contributes to the perceived bulk of the building, creates an unnecessarily long route between lift and units, and creates complexities in cross-ventilating units. No screening or louvres are proposed to west-facing windows and little consideration has been given to solar protection. It remains unclear how westerly sun is addressed in the design, which will lead to untenable levels of heat gain during the summer and provides potential issues with heating/cooling, thereby affecting both thermal comfort and the efficiency of the building. In this regard the proposed development does not satisfy Principle 1 – Context and Neighbourhood Character, Principle 2 - Built Form and Scale, Principle 4 – Sustainability, Principle 6 – Amenity and Principle 9 – Aesthetics.
- The development does not provide sufficient opportunities for site landscaping. In particular, as noted above, the basement footprint extends to the site boundaries, precluding opportunities for deep soil zone planting as required by Part 3E of the ADG. The extent and nature of site landscaping proposed is scant and construction of the development will potentially impact on existing vegetation situated within the neighbouring site to the immediate west and within the public reserve to the immediate north as discussed elsewhere within this report. Additionally, the Blacket Street frontage of the site is occupied by large unnecessary hardstand areas. Additional more substantial landscaped areas would contribute positively to the public/private interface along the streetscape, and improve the relationship of the development with its context as well as provide additional amenity within the site and for neighbours. In this regard the proposed development does not satisfy Principle 1 – Context and Neighbourhood Character, Principle 5 – Landscape, Principle 6 – Amenity and Principle 9 - Aesthetics.
- The unit mix is problematic and the building typology and future use is questionable. Of the 16 units proposed 14 are studio apartments. The unit mix does not provide diversity in housing options to cater for a range of household sizes or demographics and the amenity of the studio units for long term residential occupation is questionable. The units feature poor ventilation and somewhat limited internal amenity; for example the kitchens in a number of units have a marked absence of counter space area and the depth of the balcony of Unit 3 is less than required. The dwelling configuration, unit mix and extensive ground floor lobby with large storage areas resembles a hotel and indicate that this development may be for the purpose of short term holiday letting. In this regard the development does not satisfy Principle 3 – Density, Principle 6 – Amenity and Principle 8 - Housing Diversity and Social Interaction.
- The proposal is plagued by numerous internal amenity issues and will give rise to amenity impacts on neighbouring residents.
 - The extent of services and storage cupboard in the ground floor lobby has not been rationalised and the proposal would benefit from a clearer ground floor entry and a more compact and efficient circulation strategy.
 - The location of a bank of 16 air conditioning condensing units on the north-western rooftop (Level 2) is not supported as this will be unsightly in views from nearby properties

and public reserve areas and will potentially create acoustic impacts to the adjacent properties to the west, especially as this site has redevelopment potential and future habitable uses would be likely to be located adjacent to this location in an effort to capture park and water views. It is imperative that these are relocated to a concealed area away from view and in a fashion to minimise acoustic impacts on internal residents and neighbours.

- The ground floor level is elevated above ground level and both the internal and external living areas of Unit 1 will be readily exposed to view from the neighbouring public domain which is heavily trafficked. This unit may experience poor acoustic and visual privacy as a result.
- As noted above, the access strategy is inefficient and the proposed glazed western common access corridor on each of Levels 1-3 is problematic for numerous reasons. Firstly it provides for an unnecessarily long route between lift and units, and reduces opportunities for cross ventilation throughout the building. Only 2 of the 16 apartments achieve natural cross ventilation, with the others relying on a questionable plenum cross-ventilation strategy, the effectiveness of which is dubious and which may also result in poor internal amenity via noise transmission and acoustic privacy loss from the corridor. It appears that scant consideration has been given to solar protection of the western corridor, leading to untenable levels of heat gain during the summer and potential issues with heating/cooling, thereby affecting both thermal comfort and the efficiency of the building overall.
- Side boundary setbacks / separation distances are non-compliant, thereby affecting acoustic and visual privacy for both future residents of the development and the occupants of neighbouring dwellings and any future development of neighbouring land to the west.
- The waste management arrangements involving on-street bin collection may compromise resident amenity, streetscape appeal, pedestrian amenity and safety, and availability of on-street car parking in front of the site. This aspect of the development does not satisfy Principle 6 – Amenity.

An assessment of the application against the Apartment Design Guide (ADG) has been undertaken. It is considered that the proposal does not satisfy the relevant design criteria objectives of the ADG:-

- 3C- Public Domain Interface - the design criteria for Objective 3C-2 in the Apartment Design Guide (ADG) seeks to retain and enhance the amenity of the public domain. As discussed elsewhere within this report, the development will compromise the amenity of the public domain through the dominance of the development in relation to its context within a small residential area adjacent to significant public foreshore areas, significant heritage items and conservation areas. The development has unacceptable interfaces with the public domain on the north, east and south facades, with high walls, reduced setbacks, excessive bulk, and little landscaping provided.
- 3E - Deep Soil Zones - the design criteria for Objective 3E in the ADG states that a site area of 650m² - 1,500m² requires a minimum 3m wide deep soil zone with a minimum area of 7% of the site area. There is no deep soil zone proposed which will accommodate the type of planting expected by Objective 3E and relevant Wollongong DCP 2009 provisions. There is a landscaped area proposed within the northern portion of the site (being that part zoned RE1 Public Recreation) measuring 65.9sqm, however this area will be occupied by ornamental gardens and lawns only and not dense planting. In any event, the use of this allotment for the purposes of deep soil zone appurtenant to a residential flat building is prohibited by Wollongong LEP 2009.
- 3F - Visual Privacy - the design criteria for Objective 3F-1 in the ADG states that adequate building separation distances are to be shared equitably between neighbouring sites to achieve reasonable levels of external and internal visual privacy. The proposed basement/ ground floor

podium abuts the western site boundary resulting in poor amenity for the neighbouring property and reduced likelihood of compliance with the separation distances for any future development on the neighbouring site. The setbacks proposed to the western boundary of the site are less than that required by Section 3F-1 of the ADG. In particular, setbacks to the western glazed corridor are less than required, as are setbacks to the ground floor (Unit 1) bedrooms and terrace and the rooftop communal open space area. The reduced separation distances provided will result in poor amenity outcomes for the amenity of the neighbouring dwellings and the future occupants of the development as well as potentially compromising the development potential of adjacent land. The impact of the setback non-compliances also creates a building that visually dominates the outlook from adjoining properties. The reduced building setbacks proposed are likely to have a bearing on the development potential of neighbouring sites to the west which will need to accommodate increased boundary setbacks to offset the reduced setbacks to the building proposed.

The site is prominent and highly visible from areas of heavily trafficked public domain areas including Stuart Park to the north and the North Beach foreshore, along with associated vehicular traffic. In terms of internal layout and façade treatment, the bedrooms and living areas of most units will be extremely exposed to the surrounding areas of public open space when viewed from the public domain opposite and nearby. This will not be a comfortable environment to inhabit from an internal visual privacy perspective.

- 3H - Vehicle Access – the design criteria for Objective 3H-1 in the ADG requires that vehicle access points are designed and located to achieve safety, minimise conflicts between pedestrians and vehicles and create high quality streetscapes. An expansive hardstand vehicle access area extends across the (southern) frontage of the site. This decreases opportunities for landscaping, resulting in a sterile streetscape response and reduced amenity for the western neighbour, and creates potential conflicts with pedestrians. Further, the access driveway does not comply with AS2890.1 in numerous ways, compromising vehicle and pedestrian safety. Specifically, the driveway access grades do not comply with Clause 3.3 of AS2890.1 which require grades no more than 5% for a minimum of 6 metres from the property boundary. It would appear that the full 6 metres cannot be achieved due to the angle of the driveway. Further, the driveway should be realigned to be perpendicular to the road to ensure that adequate awareness of pedestrians is provided for drivers exiting the site. Additionally, there are boundary walls adjacent to the driveway that do not provide for compliance with the sight distance requirements of AS2890.1. Lastly, the fire egress discharge onto the driveway creates a potential conflict between pedestrians and vehicles.
- 4B - Natural Ventilation – the design criteria for Objective 4B-3 in the ADG requires that at least 60% of apartments are naturally cross ventilated. Two units (12.5%) achieve cross ventilation, being Units 1 and 13. All other apartments rely on a plenum ventilation system to provide cross ventilation, the practicality and technical compliance of which is questioned given the design proposed. Further information is required to demonstrate compliance with Part 4B of the ADG in regards to suitability of the method of cross ventilation proposed. In the absence of this information, it is concluded that 87.5% of the apartments are not cross ventilated. Thermal comfort and internal amenity within these apartments will be adversely affected as a result. If it can be demonstrated that the plenum ventilation system proposed will provide for effective and compliant ventilation to the apartments, the system relies on openings to the western access corridor. These openings will compromise the internal acoustic privacy and amenity of the units via sound transmission to and from the corridor.
- 4E - Private Open Space and Balconies - the design criteria for Objective 4E-1 requires that apartments be provided with appropriately sized private open space and balconies to enhance residential amenity. The balcony area of Units 3 does not satisfy the specified minimum dimensions, with consequential adverse useability and amenity impacts.

- 4F - Common Circulation Spaces - the design criteria for Objective 4F states that common circulation spaces should achieve good amenity. The common circulation arrangement proposed creates numerous problems for the built form, the internal layout and amenity of the development and potentially will compromise the amenity of the western neighbour via overlooking, noise transmission and light spill. The common circulation is provided on the western side of the building which precludes the ability to provide cross-over / dual aspect apartments with good cross ventilation and reduces the design quality of the development as it presents to the west and Blacket Street. The internal amenity of the corridor may suffer as a result of its western orientation and lack of regard to heat gain during Summer.

The common access corridor is lengthy and provides an unnecessarily long route between the lift and units, provides a potentially uncomfortable environment (overheating) and creates complexities for the 'cross ventilating' units which rely on a plenum ventilation system and cross ventilation via the corridor.

- 4H - Acoustic Privacy - the design criteria for Objective 4H seeks to minimise noise transfer through the siting of buildings and building layout. This can be achieved in numerous ways, specifically through providing adequate separation distances to neighbouring buildings and through layout and acoustic treatments. As noted above, the development does not provide for compliant building separation distances to the west and may compromise the acoustic privacy of the development (and any future re-development) of the neighbouring site. Noise from the bank of air conditioning condensers sited on the north-western corner of Level 2 may also compromise the acoustic amenity of neighbouring development.

The plenum ventilation system proposed in 14 of the units relies on cross ventilation via the corridor, requiring openings on to that corridor. Noise transmission via the openings will compromise the internal acoustic amenity of the apartments and reduce privacy.

- 4K - Apartment mix - Objective 4K requires a range of apartment types and sizes to be provided to cater for different household types. Of the 16 units proposed in the development, 14 are studio apartments.
- 4M - Facades – the DRP are of the view that the aesthetic expression of the building is not a unique nor appropriate response to this site with its unique surrounding context, heritage buildings, public recreational spaces and predominant views and vistas. The bulk and scale of the development is excessive and there are concerns around the relationship between the proposed development and the public domain and nearby heritage items and public recreation areas including the coastal foreshore. The overly expressed lift core dominates the façade as the only vertical element in the entire building. This is then also highlighted by the monochromatic choice of materials and textures. The proposal lacks a robust choice of natural and organic materials. The expression of the elevations relies heavily on white painted render, glass and metal frames which is inappropriate in this context. More recessive materials should be used to blend the development with the surrounding heritage building.. The proposal has been designed to stand out from its setting and in doing so, is out of place and does not provide a good contextual fit in the locality.

Questions are raised around the appropriateness of the selected finishing materials with regard to their long term performance in this harsh coastal environment overtime. Metal, glass and painted render do not have the intrinsic qualities of integral materials required to sustain the effects of long-term salt attack, wind and heat gain.

- 4U - Energy Efficiency – the objective requires access to adequate natural light to habitable rooms as per 4A Solar and Daylight Access, while objective 4U-3 requires the provision of natural ventilation to all habitable rooms. 4U-2 requires consolidated heating and cooling infrastructure to be located in a centralised location (e.g. the basement). It has not been sufficiently demonstrated that the plenum ventilation system proposed in 14 of the 16 apartments will

achieve compliance with Part 4B Natural Ventilation. If this system is unsuccessful, the development will be experience poor thermal comfort and will be reliant upon mechanical ventilation which will reduce the efficiency of the building and therefore compliance achievement of the objectives of this clause.

- 4O - Landscaping - objective 4O-A seeks to achieve viable and sustainable landscape design while objective 4O-2 encourages landscape design that contributes to the streetscape and amenity. The development fails on both counts to provide an appropriate landscape response to the site. The site and landscape plans do not make provision for any dense deep soil zone planting and provide for scant landscaped areas only. The landscape plan makes provision only for ornamental pots, gardens and lawns while the construction works in themselves will potentially impact on existing vegetation including that existing along the western and northern boundaries of the site. The species chosen to provide a screen along the western boundary of levels 1, 2 and 3 are all a single species which is neither endemic nor native. The viability of this planting is questionable given the harsh coastal environment and western orientation.
- 4X - Building maintenance - objective 4X requires appropriate design and material selection for hostile locations as well as building design details providing protection from weathering. It has not been demonstrated that the selection of materials (being metal, glass and painted render) would be able to perform well over time against the salt attack, wind and heat gain of the coastal location.

Applicant's Identified Departures:

The applicant has sought a variation in respect of **3F Visual Privacy** of the AGD with regard to separation for visual privacy in respect of the ground floor of the building and the rooftop communal open space.

The proposal seeks a variation to the ADG boundary separation requirements from the western side boundary for the ground floor bedrooms facing west and the rooftop communal open space. The variation is sought based on privacy screening being provided to the ground floor bedrooms by a high solid form privacy wall as well as established planting on the adjacent western property.

It is noted that the applicant contends that the setback to the gallery access (western common circulation corridor) is compliant as it is a solid, blank opaque glass wall (the ADG would therefore allow a reduced setback to this element). Council considers this part of the building to be habitable space for the purposes of the ADG and therefore the setback to part of this element is non-compliant.

Comment: The use of a privacy screen as visual separation between dwellings will result in an abrupt delineation between properties and will add to the perceived bulk of the building from the western neighbour. The existing vegetation will be hard up against the proposed basement, making its survival unlikely.

Variation to the ADG - Separation for visual privacy – Rooftop

The proposal seeks a variation to the western edge of the rooftop terrace based on translucent balustrades and the rooftop being edged with planter boxes planted with shrubs.

Comment: the rooftop is the only available area of communal open space to service the apartments and given their size, is likely to be heavily used. The planter boxes and solid upturns may provide for some relief of direct overlooking from people sitting on the rooftop. Reduction in the required building separation distance to the western boundary may have a detrimental impact on the development potential of the neighbouring site to the west however.

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

The proposal is BASIX-affected development to which this policy applies. In accordance with Schedule 1, Part 1, 2A of the Environmental Planning and Assessment Regulation 2000, a BASIX

Certificate has been submitted in support of the application demonstrating that the proposed scheme achieves the BASIX targets.

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

2.1.4 STATE ENVIRONMENTAL PLANNING POLICY (COASTAL MANAGEMENT) 2018

SEPP (Coastal Management) 2018 applies to the land within the coastal zone. This includes the subject site. The maps appended to the SEPP indicate that the site is situated within the coastal use area, the coastal wetlands buffer of an identified wetland to the north of the site and the coastal environment area.

Clause 3 of the SEPP outlines the aims of the Policy.

Clause 11 pertains to development on land in proximity to coastal wetlands and prescribes matters that a consent authority must be satisfied of prior to the grant of consent in respect of development on such land.

Clause 13 relates to land within the coastal environment area which includes the Site and lists a number of matters which must be considered by the consent authority. These principally relate to environmental impacts, impacts on coastal values and coastal processes, water quality impacts, impacts on public access to the coastal foreshore areas and use of the surf zone.

Consideration has been given to the matters outlined in Clauses 11 and 13 of the SEPP by Council's Environmental Officers and no significant adverse impacts are expected.

Clause 14 relates to land within the coastal use area which includes the Site. This clause prescribes matters for consideration. As per Clause 14(a), the consent authority must consider whether the proposed development is likely to cause an adverse impact on the following:

- (i) existing, safe access to and along the foreshore, beach, headland or rock platform for members of the public, including persons with a disability,
- (ii) overshadowing, wind funnelling and the loss of views from public places to foreshores,
- (iii) the visual amenity and scenic qualities of the coast, including coastal headlands,
- (iv) Aboriginal cultural heritage, practices and places,
- (v) cultural and built environment heritage.

The consent authority must be satisfied that:

- (i) the development is designed, sited and will be managed to avoid an adverse impact referred to in paragraph (a), or
- (ii) if that impact cannot be reasonably avoided—the development is designed, sited and will be managed to minimise that impact, or
- (iii) if that impact cannot be minimised - the development will be managed to mitigate that impact.

Clause 14(c) states that the consent authority must take into account the surrounding coastal and built environment, and the bulk, scale and size of the proposed development.

The development has been considered with regard to the matters art Clause 14(1)(a)(ii), (iii) and (v) and is considered to be unsatisfactory. The development will have impacts on the amenity of the foreshore by way of overshadowing and will also have an impact on the visual amenity and scenic qualities of the coast and on cultural and built environment heritage.

Clause 15 relates to development in the coastal zone generally and requires that consent must not be granted to development on land within the coastal zone unless the consent authority is satisfied

that the proposed development is not likely to cause increased risk of coastal hazards on that land or other land. Development of the site in the manner proposed is not expected to give rise to increased risk of coastal hazards on that land or other land.

2.1.5 WOLLONGONG LOCAL ENVIRONMENTAL PLAN 2009

Clause 1.4 Definitions

Residential flat building means a building containing 3 or more dwellings, but does not include an attached dwelling or multi dwelling housing

Part 2 Permitted or prohibited development

Clause 2.2 – zoning of land to which Plan applies

The zoning map indicates that the site is zoned in part R1 General Residential and in part RE1 Public Recreation; refer to Attachment 2.

Clause 2.3 – Zone objectives and land use table

Clause 2.3 of Wollongong LEP 2009 specifies:

- (a) the objectives for development, and*
- (b) development that may be carried out without development consent, and*
- (c) development that may be carried out only with development consent, and*
- (d) development that is prohibited*

The objectives of the **R1 General Residential** zone are as follows:

- To provide for the housing needs of the community.
- To provide for a variety of housing types and densities.
- To enable other land uses that provide facilities or services to meet the day to day needs of residents.

The land use table permits the following uses in the **R1** zone:-

*Attached dwellings; Bed and breakfast accommodation; Boarding houses; Centre-based child care facilities; Community facilities; Dual occupancies; Dwelling houses; Environmental facilities; Exhibition homes; Group homes; Hostels; Multi dwelling housing; Neighbourhood shops; Places of public worship; Recreation areas; **Residential flat buildings**; Respite day care centres; Roads; Semi-detached dwellings; Seniors housing; Serviced apartments; Shop top housing; Signage*

The objectives of the **RE1 Public Recreation** zone are as follows:

- To enable land to be used for public open space or recreational purposes.
- To provide a range of recreational settings and activities and compatible land uses.
- To protect and enhance the natural environment for recreational purposes.
- To cater for the development of a wide range of uses and facilities within open spaces for the benefit of the community.

The land use table permits the following uses in the **RE1** zone:-

Boat sheds; Camping grounds; Caravan parks; Centre-based child care facilities; Community facilities; Environmental facilities; Environmental protection works; Extensive agriculture; Helipads; Information and education facilities; Kiosks; Markets; Recreation areas; Recreation facilities (indoor); Recreation facilities (major); Recreational facilities (outdoor); Respite day care centres; Restaurants or cafes; Roads; Signage; Take away food and drink premises; Water recreation structures

Parts of the development, being landscaped areas, fire egress path and fencing, occur within the RE1 zoned portion of the site. Residential flat buildings are not permissible in the RE1 zone. Those parts of the development which are appurtenant to the residential flat building (being landscaped areas, fire egress path and fencing) are prohibited.

The applicant contends that the RE1 zoned portion of the site enjoys existing use rights (EUR) and that the use of the RE1 zone for the purposes of 'private open space' in conjunction with a single dwelling house can be approved under the relevant provisions of the Environmental Planning & Assessment Act 1979 and Regulation 2000.

The applicant has advised that Lot 1 DP 779377, the portion of the Site zoned RE1, was formerly part of an old tram line running from a coal mine to the waterfront. Many years ago the line was removed and the land was subdivided and sold to the owners of adjacent land. Lot 1 was incorporated into the Site and used for residential purposes. The applicant did not know when the open space zoning was originally imposed however they indicate in the SEE that Lot 1 has never been used or requested to be acquired for public open space purposes and it has been assumed that both the Colliery use and private residential use of Lot 1 pre-date the application of Zone RE1. The applicant contends that the RE1 zoning is a mapping anomaly.

The information that the applicant has provided in relation to establishing existing use rights (EUR) has been reviewed and it is considered that this information does not demonstrate the existence of existing use rights over the RE1 zoned portion of the site.

Existing Uses

Existing uses are defined in the Act as follows:-

- (a) the use of a building, work or land for a lawful purpose immediately before the coming into force of an environmental planning instrument which would, but for this Division, have the effect of prohibiting that use, and
- (b) the use of a building, work or land:
 - (i) for which development consent was granted before the commencement of a provision of an environmental planning instrument having the effect of prohibiting the use, and
 - (ii) that has been carried out, within one year after the date on which that provision commenced, in accordance with the terms of the consent and to such an extent as to ensure (apart from that provision) that the development consent would not lapse.

The onus rests upon an Applicant to demonstrate that a now prohibited use was taking place lawfully and immediately before the commencement of the zoning change that effected that prohibition. The applicant has not provided the required information.

Timeline of EPIs:-

- Wollongong Local Environmental Plan 2009 – Gazetted 26.2.2010
- Wollongong Local Environmental Plan 1990 – 28.12.1990
- Illawarra Regional Environmental Plan No. 1 – 11.4.1986
- Wollongong Local Environmental Plan no. 38 – 2.3.1984
- Illawarra Planning Scheme Ordinance – 1968
- County of Cumberland Planning Scheme Ordinance – 1951 to 1968

A review of the deposited plans (historical and current) has taken place. In 1938, DP 18332 created 6 allotments with frontage to Blakett Street. An allotment reflective of the current Site was identified as Lot 1 in this DP.

In 1953, DP 389535 was created. It appears that part of Lot 1 along Cliff Rd was exchanged for part of the former rail corridor. Lot A was created which has an area of 3.25 perch (82sqm).

In 1988, there was a new deposited plan registered over the northern part of the site (DP 7797377) labelled 'Limited Folio Creation' which maintains a similar lot area to that in the earlier deposited plan. The purpose of registration was to convert the lot titling from old system to limited Torrens Title and converted imperial to metric.

In 1997, a new plan was registered over the larger portion of the Site (DP135620; the current DP).

A review of Council's aerial photos indicate that the northern allotment appears to have been used as part of the overall site since around 1961, based on what appears to be the tree line acting as a fence line; this is not as evident in the earlier 1948-51 aerial photographs.

The history of the zoning/relevant environmental planning instruments in respect of the northern portion of the site is as follows:-

- 1968 – IPSO shows Lot A (1953) and shows the whole property as being zoned Residential
- 1984 - Wollongong LEP 38 – appears to indicate that the site is zoned Residential (although the scale of the map is not helpful, clarity is questioned)
- 1990 - Wollongong LEP 1990 – indicates that the northern portion of the site is zoned 6(a)
- 2007 – Wollongong City Centre LEP 2007 – applied only to the northern part of the site which was zoned R1 Residential. Rear allotment retained its 6(a) zoning under WLEP 1990.
- 2009 - Wollongong LEP 2009 - northern part of the site which zoned R1 Residential; rear allotment zoned RE1.

For the purposes of establishing existing use rights, a lawful and permissible use needs to become prohibited. It would appear that the key date was 1990 when it appears the smaller allotment was zoned 6(a) Recreation. There has been some suggestion of residential use of the whole site occurring since prior to 1961 on the basis of the 1961 aerial photograph indicating the existing dwelling on the site. The residential use of the rear allotment then becoming prohibited through the 6(a) zoning in 1990. A 1968 application form for development in relation to the site indicates that it was used as a private residence. Consent was sought and obtained for the use of the dwelling as a real estate agent ('home occupation') and later a physiotherapy clinic. The plan appended to that application form indicates that there was a fibro structure in the rear portion of the site; this is also illustrated on plans submitted with later applications for the site. No approval for the erection of the rear fibro structure can be found in Council's records though there was an approval granted in 1993 for 'alterations and additions to existing outdoor retreat' which relates to this rear structure.

Clause 42 of the Environmental Planning and Assessment Act 1979 provides that the existing use to be enlarged, expanded or intensified "must be for the existing use and no other use."

It becomes critical to characterise the existing use. Cases such as *Shire of Perth v O'Keefe* (1964) 110 CLR 529 and *Grace v Thomas Street Café Pty Limited* [2007] NSWCA 359 require the characterisation occur at a much greater level of particularity than "residential". In this instance the case law leads to a conclusion that the existing use (if it is assumed to be present) is for a single dwelling, and thus any "expansion" or "intensification" can only be for a "single dwelling", and not another form of use, namely a residential flat building.

It cannot be argued that the use sought to somehow be retained is the proposed continuance of private open space use for "one dwelling." The plans show a curtilage of lawn, as well as a fire egress, that are integral part of a proposed residential flat building. Presumably, the reference to a "continuance of private open space use for one dwelling" will be "accomplished" by strata titling a ground floor unit to the lawn area. Such an approach does not achieve, in any way, the retention of a private open space for one dwelling, but represents an indivisible part of the greater whole, ie. a residential flat building (see *Chamwell Pty Limited v Strathfield Municipal Council* [2007] NSWLEC 114).

It is Council's view that (1) the applicant has not sufficiently demonstrated the existence of existing use rights over the rear allotment, and (2), even if existing use rights were to be demonstrated, this

cannot be expanded/ used for the purposes of allowing a residential flat building over that part of the site zoned RE1.

Clause 2.3(2) provides that the consent authority must have regard to the objectives for development in a zone when determining a development application in respect of land within the zone.

The development is not consistent with the objectives of the RE1 zone which, in part, seek to protect and enhance the natural environment for recreational purposes. The construction works proposed within the rear (northern portion) of the site will compromise the health and wellbeing of significant trees situated adjacent to the northern site boundary. These are located within and form part of the public recreation zone.

Further, the development will not promote the achievement of the objectives of the R1 zone which seek to provide for the housing needs of the community and to provide for a variety of housing types. The development proposed is comprised of 87.5% studio apartments and the layout of the building and reduced amenity of the studios indicates that the likely future use is more akin to a short term tourist style form of accommodation.

Clause 2.7 Demolition requires development consent

Consent is sought for the demolition of the existing structures on the site in accordance with this clause.

Part 4 Principal development standards

Clause 4.3 Height of buildings

Clause 4.3 of Wollongong LEP “Height of Buildings” provides the objectives for limiting the height of buildings, and provides that the height of a building on any land is not to exceed the maximum height shown for the land on the Height of Buildings Map. The Map prescribes a height limit of 16m for the R1 zoned portion of the Site and a 9m height limit to that part of the site zoned RE1.

The proposal does not comply with the 16m maximum height limit. The applicant has identified the uppermost height of the building as being 16.939m measured to the top of the lift overrun at the southern end of the building.

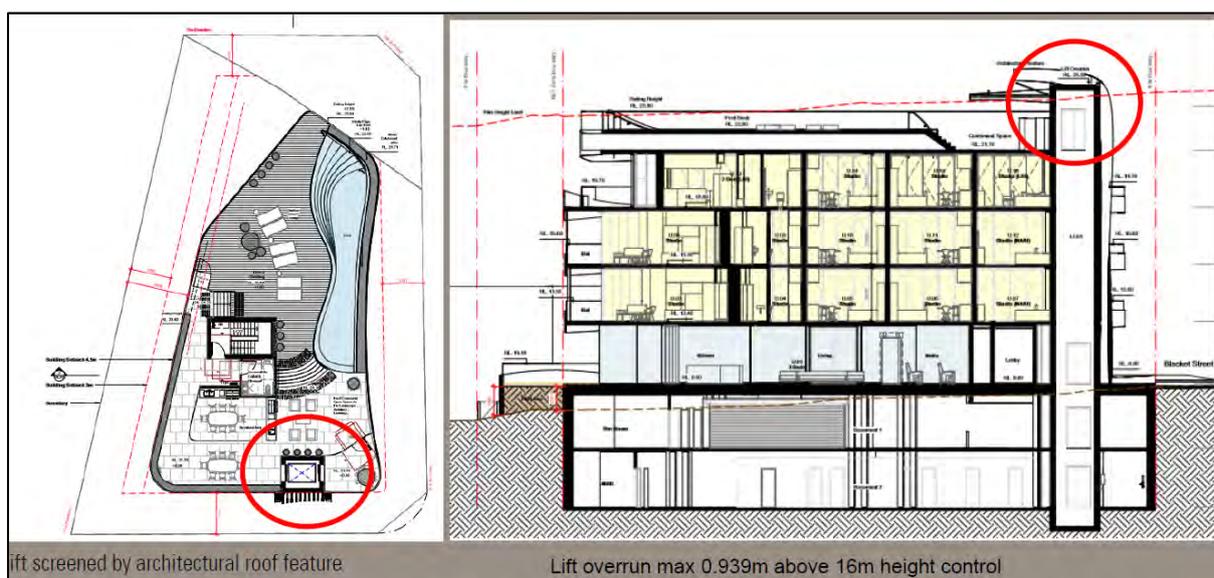


Figure 2: Extract of applicant’s SEE identifying area of building height non-compliance.

A rooftop form comprising an awning suspended from an element projecting from the top of the lift overrun is proposed over part of the rooftop communal open space. The applicant contends that this element is an ‘architectural roof feature’ for the purposes of Clause 5.6 of Wollongong LEP 2009.

Clause 5.6 provides that architectural roof features can exceed the height limit prescribed by Clause 4.3 in certain circumstances. In this case, the structure proposed is not an architectural roof in that it contains gross floor area. The proposed roof feature is unacceptable with regard to the matters prescribed by Clause 5.6(3) of the LEP.

This being the case, the additional rooftop feature is excluded from the operation of Clause 5.6 and therefore the height of the building inclusive of this element (measured at its highest point) is a maximum of 17.777m.

The applicant has submitted a request for variation to the building height controls prepared in accordance with Clause 4.6 of Wollongong LEP 2009.

Clause 4.6(4) of Wollongong LEP 2009 provides that development consent must not be granted for development that contravenes a development standard unless:

(a) the consent authority is satisfied that:

- (i) the applicant's written request has adequately addressed the matters required to be demonstrated by subclause (3), and*
- (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...*

Clause 4.6(3) states that development consent must not be granted for development that contravenes a development standard unless the consent authority has considered a written request from the applicant that seeks to justify the contravention of the development standard by demonstrating:

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

The applicant has provided a variation request in regards to the height exceedance. The clause 4.6 written request for variation of the height limit does not demonstrate that compliance with the standard is unreasonable or unnecessary, and nor that there are sufficient environmental grounds to justify contravening the standard.

It is considered that compliance with the standard is not unreasonable and there are not sufficient environmental planning grounds to justify contravening the development standard.

There are likely to be unreasonable impacts arising from the height exceedance including overshadowing impacts on nearby public open space and heritage items. Further, the scale of the development, when measured in terms of building setbacks, floor space ratio, height, combined with lack of deep soil zone and insufficient landscaped area, indicate that the scale of the building is excessive for the site. The public interest will not be served by approval of the application.

Clause 4.4 Floor space ratio

Clause 4.4 of Wollongong LEP "Floor Space Ratio" provides the objectives for limiting floor space ratio, and prescribes a maximum floor space ratio of 1.5:1 for the Site, as shown on the *Floor Space Ratio Map*.

Clause 4.5 of the Wollongong LEP "Calculation of floor space ratio and site area" sets out rules for the calculation of site area for development for the purposes of applying permitted floor space ratios. Of note, Clause 4.5(4) provides that land on which the proposed development is prohibited, whether under Wollongong LEP 2009 or any other law, is to be excluded from the site area. On this basis, the area of the R1 zoned portion of the site only is used to determine the maximum

permissible FSR. On the basis of the site area of 701.9sqm, a maximum gross floor area of 1052.85sqm is allowable.

The applicant has provided gross floor area analysis plans and contends that the gross floor area of the building totals 1052.4sqm. However, the gross floor area analysis plans submitted by the applicant excludes certain areas within the building which are included in the definition of gross floor area provided by the Dictionary to Wollongong LEP 2009. These includes the ground floor level storage rooms adjacent to the lobby, the ground floor fire egress corridor, and the rooftop 'breakout area' which is enclosed plus the area of the three (3) surplus car spaces and access thereto. It is difficult to quantify the area of the access to the surplus car spaces. The combined additional area of these spaces (exclusive of the area of the access to the surplus car spaces) totals at least 93sqm. The inclusion of this additional area results in a floor space ratio of at least 1.63:1.

Accordingly the floor space ratio of the building and its bulk and scale are far greater than that anticipated could be achieved on the Site.

The applicant has not provided a request for variation to the floor space ratio controls prepared in accordance with Clause 4.6 of Wollongong LEP 2009. In any event it is difficult to support a variation in circumstances where it would appear that compliance with the standard is not unreasonable and there are not sufficient environmental planning grounds to justify contravening the development standard. Further, the scale of the development, when measured in terms of height and building setbacks, is non-compliant, indicating that the scale of the building when expressed as a measure of floor space, is excessive. The public interest will not be served by approval of the application.

Clause 4.6 Exceptions to development standards

Clause 4.6 of the Wollongong LEP "Exceptions to development standards" provides that development consent may, subject to this clause, be granted for development even though the development would contravene a development standard imposed by this or any other environmental planning instrument, where certain matters are met. As noted above, the applicant has sought a departure in respect of building height which is discussed in the table below. A full copy of the exception request forms **Attachment 5**. The applicant contends that the entire building is under the 16m height plane and that the 'minor non-compliance of 0.939m' applies to the topmost portion of the lift overrun (refer to Figure 3 above). This is contrary to Council's view that the supposed 'architectural roof feature' does not comprise an 'architectural roof feature' for the purposes of Clause 5.6 and accordingly a part of this structure also exceeds the height limit. Council considers the maximum overall height of the building to be 17.777m.

WLEP 2009 Clause 4.6 proposed development departure assessment	
Development departure	Clause 4.3 Height of buildings
Is the planning control in question a development standard	Yes
4.6 (3) Written request submitted by applicant contains a justification:	
that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, and	<p>The applicant contends that the lift is required to provide universal access to the rooftop communal open space and pool area and that the lift overrun will not be visible from the surrounding streets or residential properties as it is set well away from the adjacent dwellings, recessed from the edges of the rooftop and integrated with an architectural roof feature on the Blacket St façade.</p> <p>The applicant's contention is that the 'minor non-compliance' with the building height development standard is essential to the</p>

	<p>provision of rooftop communal open space and that there are no detrimental impacts arising from the height exceedance. The applicant has identified the objectives of the development standard as outlined in Clause 4.3 and considers the development achieves the objectives.</p> <p><i>Comment:</i> It is agreed that lift access to the communal open space is essential to provide for compliant access to the rooftop area for all occupants of the building. However, lift access could be provided to a rooftop communal space without the need to exceed the height limit. A redesign of the building would be required, however there is nothing preventing a rooftop communal open space being provided with compliant lift access beneath the applicable height limit. As detailed elsewhere within this report, there are many concerns with regard to the form, scale and finish of the development with regard to its context and the height exceedance exacerbates these concerns. While the rooftop element may not be visible from the immediately adjacent footpaths, it will be clearly visible from further westward and to the south, north and from places along the public foreshore/ foreshore reserve.</p>
<p>that there are sufficient environmental planning grounds to justify contravening the development standard.</p>	<p>The applicant contends that there will be no detrimental consequences of the height exceedance and there are overwhelming benefits from inclusion of rooftop communal open space. The submission states that the rooftop lift overrun that exceeds the building height does not contribute to additional floorspace, building bulk and scale, overshadowing or overlooking; that the non-compliance with building height will be imperceptible and will not have any significant negative impacts.</p> <p><i>Comment:</i> The applicant does not identify any particular environmental planning grounds that justify the contravention of the development standard. There are no specific site features or particularities about the site which justify the exceedance of the height limit nor is there any reasons why the communal open space needs to be located where it is or not accessed in an alternative way to that provided (which would have avoided the height exceedance).</p>
<p>4.6 (4) (a) Consent authority is satisfied that:</p>	
<p>the applicant's written request has adequately addressed the matters required to be demonstrated by subclause (3), and</p>	<p>The applicant does not identify any particular environmental planning grounds that justify the contravention of the development standard. There are no specific site features or particularities about the site which justify the exceedance of the height limit.</p>
<p>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</p>	<p>Council considers that there is a public benefit in maintaining the standard. The site is a particularly prominent with high visibility with regard to significant public areas and heritage items. There are significant concerns raised in relation to the height, bulk, scale, form and finish of the development with regard to its relationship with the public domain, significant public recreation areas inclusive of the coastal foreshore and significant heritage items and places of heritage conservation significance. The</p>

proposed to be carried out, and	<p>exceedance of the height limit only serves to heighten these concerns. The building is overly dominant in the streetscape and its visual catchment and the additional height resulting from the lift overrun's additional height and that of the element described as an architectural roof feature intensify concerns around compatibility with the site's context. There are overshadowing impacts on the coastal foreshore areas including heavily publicly used spaces adjacent to the heritage listed North Beach Residence and Kiosk. These overshadowing impacts are worsened by the height exceedance.</p> <p>Compliance with the development standard is consistent with the aims of the R1 zone and it is considered that non-compliance with the development standard in this instance will hinder the attainment of the objectives specified in section 1.3 of the EP&A Act.</p> <p>The development is considered to be in part inconsistent with the objectives of the R1 and RE1 zones as discussed above in relation to WLEP 2009.</p> <p>There are no environmental planning grounds specific to the site to justify contravening the development standard.</p>
the concurrence of the Secretary has been obtained.	The assumed concurrence of the Secretary can be exercised by Council.

Discussion in relation to the merits of the height departure has been provided above in relation to Clause 4.3. It is considered that compliance with the standard is not unreasonable and there are not sufficient environmental planning grounds to justify contravening the development standard. There are likely to be unreasonable impacts arising from the height exceedance and on balance it is considered that the public interest will not be served by approval of the application.

Part 5 Miscellaneous provisions

Clause 5.1A Development on land intended to be acquired for a public purpose

No portion of the site is shown on the Land Reservation Acquisition Map.

Clause 5.3 Development near zone boundaries

This clause does not apply to land in Zone RE1 Public Recreation nor land within the coastal zone.

Clause 5.6 Architectural roof features

Clause 5.6 of the Wollongong LEP "Architectural roof features" provides that development may include an architectural roof feature that exceeds, or causes the building to exceed, the height limit specified in Clause 4.3, with consent and where the consent authority is satisfied of certain matters. The objectives of this clause are:

- (a) to provide a built skyline that does not adversely impact on the natural landscape, view corridors or surrounding land, and
- (b) to specify what part of a building may exceed the height limits.

The consent authority must be satisfied that the architectural roof feature:

- (a) comprises a decorative element on the uppermost portion of a building; and
- (b) is not an advertising structure, and

- (c) does not include floor space area and is not reasonably capable of modification to included floor space area, and
- (d) will cause minimal overshadowing.

Additionally any building identification signage or equipment for servicing the building (such as plant, lift motor rooms, fire stairs and the like) contained in or supported by the roof feature is fully integrated into the design of the roof feature.

A rooftop form comprising an awning suspended from an element projecting from the top of the lift overrun is proposed over part of the rooftop communal open space. The applicant contends that this element is an architectural roof feature for the purposes of Clause 5.6 of Wollongong LEP 2009. Clause 5.6 provides that architectural roof features can exceed the height limit prescribed by Clause 4.3 in certain circumstances. In this case, the structure proposed is not an architectural roof in that it contains gross floor area. The proposed roof feature is unacceptable with regard to the matters prescribed by Clause 5.6(3) of the LEP.

This being the case, the additional rooftop feature is excluded from the operation of Clause 5.6 and therefore the height of the building inclusive of this element (measured at its highest point) is a maximum of 17.777m.

Clause 5.10 Heritage conservation

The site does not contain a heritage item nor is it located within a heritage conservation area. The proposal is within the vicinity of a number of listed items of environmental heritage, of local and State significance, as identified on the following extract of the LEP Heritage map. The subject site is outlined in red, while the built heritage items are identified with brown, landscape elements identified in green hatching and heritage conservation areas identified in red hatching.



Figure 3 – extract of Heritage Map identifying nearby heritage items

The items listed are:-

Item 6283 - the significant plantings of Norfolk Island Pines and Canary Island palms in Stuart Park, which is a local heritage item.

Item 61035, the North Beach Surf Club, a locally listed heritage item

State Heritage listed North Beach Precinct, which include items:

- Item 61036, North Beach kiosk and residence, a locally listed heritage item

Item 6306, Railway cuttings and embankments, a locally listed heritage item

Item 61033, North Beach pavilion, a State listed heritage item

Consideration has been given to the impacts of the proposed development on the items/ areas of heritage significance by Council's Heritage Officers and comments were sought from the NSW Office of Environment & Heritage and the Heritage Trust of NSW. All three are opposed to the proposed development and raised concerns in regards to impact of the proposed development in the setting and significance of the listed items. The comments of the Office of Environment & Heritage and the Heritage Trust of NSW are contained within Section 1.6.2 of this report while the comments of Council's Heritage Officers are contained within Section 1.6.1 of this report.

The proposal is considered to be unsatisfactory with regard to the matters for consideration at Clause 5.10.

Part 7 Local provisions – general

Clause 7.1 Public utility infrastructure

The land has previously been serviced by electricity, water and sewerage services. It is expected that the existing services can be readily augmented to facilitate the proposed development. If consent is granted, conditions should be imposed requiring approval from the relevant authorities for the connection of electricity, water and sewerage to service the site.

Clause 7.3 Flood planning area

The site is not identified as being located at or below the "flood planning level".

Clause 7.4 Riparian lands

The site is not identified in the Riparian Land Map as containing "riparian land".

Clause 7.5 Acid Sulfate Soils

The subject lot has been mapped as containing Class 5 Acid Sulfate Soils (ASS). Class 4 Acid Sulfate Soils have been mapped as occurring about 21 metres away from the subject lot. Excavation for the proposed basement will extend below the measured groundwater level.

Council's Environment Officer has reviewed the application and concluded that the risk of generating ASS conditions following disturbance of the site soils for the proposed development at the site is low and an Acid Sulfate Soils Management Plan is not considered to be required for the proposed works.

Clause 7.6 Earthworks

The proposal involves excavation to facilitate the construction of the proposed development inclusive of the 2 levels of basement car park. The proposed earthworks have been considered with regard to the prescribed matters for consideration. Suitable geotechnical and environmental conditions should be imposed in the event consent is granted. The earthworks in themselves are not expected to have a detrimental impact on environmental functions and processes, neighbouring uses or heritage items. It is noted however that the earthworks have the potential to adversely impact the health and longevity of trees located immediately adjacent to the northern boundary of the site; this issue is discussed further below.

Council's Geotechnical Engineer has reviewed the application and advised that supplementary investigations will be required to support the design of site preparation earthworks; conditions could be imposed in relation to this matter if the application is supported.

Clause 7.14 Minimum site width

This clause states that development consent must not be granted for development for the purposes of a residential flat building unless the site area on which the development is to be carried out has a

dimension of at least 24 metres. The site has a frontage length of 25m to Blacket Street and a frontage length of 35m – 37m to the Cliff Road frontage.

It is noted that the width of the site when measured in accordance with the controls in Chapter B1 of Wollongong DCP 2009, is non-compliant. This matter is further discussed below with regard to the provisions of Wollongong DCP 2009.

Clause 7.18 Design excellence in Wollongong city centre and at key sites

As the site is positioned within the Wollongong city centre, it is subject to this clause, the objective of which is to deliver the highest standard of architectural and urban design.

Development consent must not be granted to development to which this clause applies unless, in the opinion of the consent authority, the proposed development exhibits design excellence. In considering whether development to which this clause applies exhibits design excellence, the consent authority must have regard to the following matters:-

- (a) whether a high standard of architectural design, materials and detailing appropriate to the building type and location will be achieved,
- (b) whether the form and external appearance of the proposed development will improve the quality and amenity of the public domain,
- (c) whether the proposed development detrimentally impacts on view corridors,
- (d) whether the proposed development detrimentally overshadows an area shown distinctively coloured and numbered on the Sun Plane Protection Map,
- (e) how the proposed development addresses the following matters:
 - (i) the suitability of the land for development,
 - (ii) existing and proposed uses and use mix,
 - (iii) heritage issues and streetscape constraints,
 - (iv) the location of any tower proposed, having regard to the need to achieve an acceptable relationship with other towers (existing or proposed) on the same site or on neighbouring sites in terms of separation, setbacks, amenity and urban form,
 - (v) bulk, massing and modulation of buildings,
 - (vi) street frontage heights,
 - (vii) environmental impacts such as sustainable design, overshadowing, wind and reflectivity,
 - (viii) the achievement of the principles of ecologically sustainable development,
 - (ix) pedestrian, cycle, vehicular and service access, circulation and requirements,
 - (x) impact on, and any proposed improvements to, the public domain.

The development has been considered with regard to the above matters and the following comments are offered:-

- The scale and presentation of the building and the manner in which it fails to satisfy numerous provisions of relevant planning instruments indicates that the building is an over-development of the Site and is not well designed with regard to the public domain, streetscape interface, neighbour interface and its relationship with nearby heritage items as raised in other contentions. On this basis the development fails to exhibit design excellence as required by Clause 7.18.
- The site is sited within a small pocket of residential land under transition, with some detached dwellings having already been replaced with residential flat buildings. The development's response to its context needs to be a significant consideration at this prominent site, with particular regard given to the adjoining public realm and heritage items. The proposal will be much larger than adjoining dwellings and is higher and bulkier than that envisaged by the development controls. A building of this scale and density is liable to cause untenable impacts on

adjacent properties, the public domain and nearby heritage items in both current and future contexts and will constrain the future development of the western neighbouring site as a result of its reduced side boundary setbacks.

- In regard to Clause 7.18(4)(a) and (b), the form and external appearance of the development will not improve the quality and amenity of the public domain as a result of its dominant architectural form, dominance over the streetscape and public domain areas, exceedance of front and side setbacks, exceedance of the floor space ratio and height restriction and overall poor interface with the public domain. The development does not provide for a sufficiently high standard of architectural design, materials and detailing appropriate to the location having regard to its juxtaposition with significant public areas and heritage items.
- With regard to Clause 7.18(4)(e)(i), the site is unsuitable for the development due to its width and zoning. As detailed below, the site width when measured perpendicular to the side boundary for the full length of the building envelope (as required by Clause 6.2 of Chapter B1 of Wollongong DCP 2009), is less than 24m which is the minimum required for the construction of a residential flat building. Further, the application proposes a prohibited land use on the RE1 zoned part of the site. In addition to this, the layout of the building and the apartment type proposed indicate that the proposed building may be being built for the purpose of tourist and visitor accommodation, a prohibited use in the R1 zone.
- The development does not provide a suitable design response to its context with regard to heritage issues and streetscape constraints as required by Clause 7.18(4)(e)(iii).
- In regards to Clause 7.18(4)(e)(iv) and (v), the street setbacks and building separation distances provided to the building do not comply with applicable controls. As a consequence, the development will have a poor relationship with neighbouring development and the public domain. The excessive bulk and scale of the development, along with the inappropriate design aesthetic, detract from the quality of the public domain, foreshore and heritage areas as discussed at length throughout this Statement.
- With regard to Clause 7.18(4)(e)(vii) and (viii), the development will give rise to overshadowing impacts on the nearby public reserve and State listed heritage items which will reduce the amenity of the foreshore and is not in the public interest. The excessive height and bulk of the building, along with reduced setbacks exacerbate this impact. Further, the development does not provide for sustainable design, relying heavily on mechanical ventilation for cooling and failing to provide deep soil planting. Additionally, the material and finish selection will be unreasonably reflective in this locality.
- The development has not properly dealt with issues of pedestrian, cycle, vehicular and service access, circulation and requirements as required by Clause 7.18(4)(e)(ix). Specifically, concerns are raised that the vehicle access arrangements are unsafe and will have adverse impacts on the streetscape. The expansive hardstand vehicle access area extending across the (southern) frontage of the site decreases opportunities for landscaping and creates potential conflicts with pedestrians. The access driveway does not comply with AS2890.1 in numerous ways (particularly with regard to driveway grades and alignment, vehicular manoeuvring and sight lines), compromising vehicle and pedestrian safety. The fire egress discharge onto the driveway creates a potential conflict between pedestrians and vehicles. Further, the waste management arrangements proposed are unsuitable for the heavily trafficked location and insufficient provision has been made for bicycle storage.
- In regard to Clause 7.18(4)(e)(x), the development will be unacceptable with regard to its impact on the public domain. There will be direct physical construction impacts on vegetation within the public reserve to the immediate north of the site. The bulk and scale of the development will be visually obtrusive and overbearing when viewed from numerous close and distant vantage points; the scale of fences is unacceptable and there will be impacts on the public domain on the

eastern side of Cliff Road as a result of overshadowing along with detracting from the setting of the significant heritage items located in that area.

Pursuant to Clause 7.18(5) of Wollongong LEP [and Clause 28(2) of SEPP 65], a Design Review Panel has reviewed the design, and has advised that it does not consider the development to provide for design excellence as required by Clause 7.18.

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

None applicable.

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

2.3.1 WOLLONGONG DEVELOPMENT CONTROL PLAN 2009

CHAPTER A1 – INTRODUCTION

The development has been assessed against the relevant chapters of WDCP 2009 and found to be unsatisfactory. The full table of compliance can be found at **Attachment 6** to this report. There are numerous areas of non-compliance; only the following have been identified by the applicant.

Clause 8 - Variations to development controls in the DCP

The applicant has identified the following DCP control variations and has provided some justification for these variations:-

- 1) Building to street alignment and street setbacks (Clause 2.2 of Chapter D13 Wollongong City Centre and Clause 6.3 of Chapter B1 Residential Development)
- 2) Basement height and setbacks (Clause 6.6 of Chapter D13 and Clause 6.9 of Chapter B1)
- 3) Landscaping Requirements (Clause 6.11 of Chapter B1 Residential Development)

The applicant has provided some justification for these variations:-

1. Clause 6.3 Front Setbacks, Chapter B1

The control provides:

- (a) “For residential flat buildings the following setback requirements apply from the front property boundary to the front façade of the building:
 - The same distance as one or other of the adjoining buildings, provided the difference between the setbacks of the two adjoining dwellings is less than 2.0m
 - The average of the setbacks of the two adjoining buildings, if the difference between the setbacks of the buildings is greater than 2.0m
 - A minimum front setback of 6m applies to residential building apartments where calculations of a) or b) result in a front setback of less than 6m.”

Clause 1 of Chapter D13 provides that this part of the DCP provides the site specific planning requirements for development within the Wollongong City Centre precinct and that, in the event of an inconsistency, this part will prevail. Accordingly the setbacks to be applied to the site are derived from the street setback controls in Chapter D13. D13 provides for a minimum setback of 4m and does not provide a distinction between a primary and a secondary street frontage; accordingly it is expected that a 4m setback is to be provided to both street frontages of the site.

The applicant’s position is that the principle frontage of the existing and proposed building is to Cliff Road.

“To the north, there is no existing built form. There are no ‘adjoining’ buildings along Cliff Road to establish a setback measurement consistent with Control 6.3. Control 2.2.3 of Chapter D13 allows primary setbacks to Cliff Road of 4m as part of the General Residential

area of the City Centre. Therefore the DCP controls for setbacks overlap and both have been considered in the design and layout of the proposal.

To the south, across Blacket Street, the Novotel hotel primary built form is set back at the corner with colonnade, terraced balconies and podium protrusions built to the Cliff Road boundary.

The interface of the Novotel Hotel and the Cliff Road public road reserve is an intensely used active space transitioning outdoor eating and bar areas of the hotel with the public realm.

The existing context supports a front setback significantly less than 6m.

The adopted approach is to set the façade of the proposed building sufficiently back from Cliff Road to allow for useful open space at the ground level and sufficient space above for continuous wave-like balconies facing the beach. To this end, the eastern facade has been set back typically 4m from the Cliff Road boundary with the south eastern corner is set back 3m to add variety and interest to the corner element.

Podium edges are to be treated with screens and landscaping to clearly define public and private space and create sufficient privacy whilst maintaining outlooks and view lines to the foreshore.”

Comment: the development provides for setbacks of 3m to the Blacket Street frontage of the site, with some encroachments including part of the detailing of the lift and upper floor balconies which extend close to the front property boundaries; and 3m to the Cliff Road frontage of the site. There are significant encroachments into the Cliff Road setback, inclusive of balconies, retaining walls/ fencing, the elevated ground level terrace, and entry gates. Cumulatively these represent significant encroachments into the required setbacks.

- (c) Balconies, front courtyard fences and other building extrusions may be setback up to 900mm closer than the required front or secondary setback.

The applicant’s SEE states: -

“The front edges of the balconies along Cliff Road are setback 3m from the street boundary. The ground floor courtyard extends to the boundary for a portion of the site (approximately 12m) and has a varied setback to allow the wave-like exterior of the building. Planting is accommodated within the property along the Cliff Road frontage for the majority of the site. The wave-like qualities of the balustrade design and materials ensure the balconies have a highly appropriate relationship to the Cliff Road streetscape and the overall beachfront context.”

Comment: the front edges of the balconies on each of Levels 1 – 3 along Cliff Road extend to within 1.0m of the Cliff Road boundary of the site. The required setback is 4m and the clause provides that balconies can extend 900mm closer towards the street frontage (ie minimum setback of 3.1m is required to any encroachments). The balconies and other identified encroachments represent significant encroachments into the required setbacks which will have a significant impact on the streetscape and on the amenity of the public domain. It is noted that the DRP are of the view that the minimum setback of 3m should be maintained. The DRP stated, “Though some consideration may be given to relaxing the street set back control due to the isolated nature of the site’s eastern street frontage, the current proposal is too close to the street creating a far more urban relationship with the street and adjacent foot path than is desirable in this neighbourhood. A minimum street set back of 3m is recommended for the purpose of landscape softening and mature planting.”

The variation is not supported.

2. Basement height and setbacks (Clause 6.6 of Chapter D13 and Clause 6.9 of Chapter B1)

The control requires:

- The roof any of basement podium, measured to the top of any solid wall located on the podium must not be greater than 1.2 metres above natural or finished ground level, when measured at any point on the outside walls of the building.
- In addition, the following must be satisfied:
 - Landscaped terraces are provided in front of the basement podium to reduce the overall visual impact;
 - The height of the basement does not result in the building having a bulk and scale which dominates the streetscape; and
 - The main pedestrian entry to the building is identifiable and readily accessible from the street frontage, including access by disabled persons
- The following setbacks from side and rear boundaries apply to basement podiums:
 - a) Where the height of the basement podium (measured to the top of any solid wall located on the podium) is less than 1.2m above natural or finished ground level (whichever distance is greater), the basement podium may extend to the property boundary. A minimum 1.5m wide landscaped planter must be provided on the perimeter of any section of the basement podium which is located on a side or rear property boundary. Such planter must prevent direct access to the outer edge of the podium, to minimise direct overlooking of adjacent dwellings and open space areas
 - b) Any portion of the basement (measured to the top of any solid wall located on the podium) which exceeds 1.2m above natural or finished ground level (whichever distance is greater) must be setback from the property boundaries by a ratio of 1:1 (height setback). A minimum setback of 1.5m applies in this instance, with this area to be landscaped.
- The visual impact of all basement walls must be minimised through the use of various design techniques including well-proportioned ground level articulation and relief, mixed finished and materials, terracing and/or dense landscaping.

The applicant's SEE states:-

- "The basement podium surface extends a maximum 1.6m above the existing ground level in the north east corner of the building footprint. Maximum driveway and basement floor level grades have been applied to the basement design to attain the lowest compliant floor levels and ceiling clearances within the basemen whilst accounting for the natural slope of the land. The basement design is also limited by vehicle access in Blacket Street which minimizes loss of on-street parking in the foreshore area.
- A solid edge wall is proposed to extend above the podium to create a private open space area for the ground floor apartment. The majority of the northern side of the podium edge will be visually screened by deep soil planting within Lot 1 DP779377. The eastern edge of the podium tapers to finish close to ground level in the southern corner and visually offsets the higher podium edge to the north. The overall effect of the change in podium height is matched by the wave pattern to the upper level balustrades and in this case gives an overall cohesive design theme to the Cliff Road façade. Therefore the proposed podium edge height is considered highly appropriate in the streetscape.
- As explained above the proportions of the external wall of the podium are considered appropriate for the façade design and streetscape. Should Council consider the podium edge requires recessed planter boxes on the eastern side then suitable conditions could be imposed.
- The height of the basement is the absolute minimum to achieve vehicle access from Blacket Street which has minimal disruption to pedestrian traffic, compliant grades for vehicle ramps,

compliant floor to ceiling clearances within the basement and accessible paths of travel to the in pedestrian lobby in Blacket Street.

- The non-compliant section of podium in the northern portion of the building footprint adjoins the public domain and has no impact on overlooking or privacy. Setbacks and planter beds are not required to create separation to a residential neighbour.”

Comment: The DRP are of the view that, “The basement fills the entire foot print of the site (with the exception of the portion of land zoned RE1) from boundary to boundary is currently proposed. The topography of the site (falls down to the north) results in the northern end of the basement roof sitting 2m above the adjacent street level. These factors combine to result in an unacceptable interface with the street and adjoining neighbour.”

The roof of the basement podium extends more than 1.2m above ground level for part of the length of the building and the setback to the basement do not comply with the controls. This impacts on the overall height of the building, lifting the ground level above finished street level (giving rise to concerns around the internal amenity of the ground floor apartment) and results in a high unsightly wall being provided adjacent to the property boundaries. There are minimal opportunities to provide for any meaningful landscape planting to soften the impact of the basement walls and fencing on the boundaries and the basement hard up against the western site boundary will impact on existing vegetation within that site.

The variation sought is not supported.

3. Landscaping Requirements (Clause 6.11 of Chapter B1 Residential Development)

The control requires that a minimum of 30% of the total site area must be provided as landscaped area.

The applicant’s SEE states:

“The ADG guidelines take precedence over the DCP controls for landscaped area. Deep soil planting occupies 11.1% of the site area. Planting on the podium surface occupies 15% of the site area. Total landscaped space is equivalent to 26%.

A variation to the 30% control is considered appropriate in this case as the landscaping provided meets the ADG and the objectives of the DCP control.....despite numerical non-compliance – the landscaping of the proposal will achieve the objectives of the control and the variation is justified.”

Comment: the development provides scant opportunities for landscaping within the site. Neither the control nor its objectives are satisfied by the proposal.

CHAPTER A2 – ECOLOGICALLY SUSTAINABLE DEVELOPMENT

It is noted that development controls to improve the sustainability of development throughout Wollongong are integrated into the relevant chapters of this DCP and are discussed in part above in relation to the ADG.

There are some concerns raised in relation to the lack of integration of sustainable design initiatives within the development however the development was supported by BASIX certificates which demonstrate that the BASIX thermal comfort, and water and energy efficiency targets will be met.

It is noted that the development will have direct impacts on the tree protection zone (and possibly the structural root zone) of five (5) significant trees adjacent to the northern boundary of the site which is unacceptable. There are some concerns around the ventilation strategy proposed which may result in poor thermal comfort within 14 of the 16 units and increase reliance on mechanical ventilation which will reduce the efficiency of the building and therefore compliance achievement of the objectives of this Chapter.

CHAPTER B1 – RESIDENTIAL DEVELOPMENT

The development fails to achieve compliance with numerous provisions within Chapter B1 Residential Development, specifically in relation to:-

- Clause 6.2 - in relation to the minimum site width requirement for residential flat buildings; in that the site width when measured perpendicular to the side boundary for the full length of the building envelope is less than 24m which is the minimum required for the construction of a residential flat building.
- Clause 6.2.2(2) – in that development of the site in the manner proposed may result in the creation of an isolated parcel to the immediate west of the site, being Lot 2 DP 18332 (No. 4 Blacket Street). Whilst the two properties immediately west of the Site are occupied by single detached dwellings, No. 6 Blacket Street is occupied by a substantial 3-storey concrete dwelling with an outdoor entertaining area and pool. The dwelling itself contains over 100m² of garage space, two kitchens and three separate living areas. The development of this site has been significantly renovated and extended in recent times and on this basis, it can therefore be reasonably assumed that the site is unlikely to be redeveloped in the near future. The existing development at No.6 Blacket Street is of sufficient scale to be considered in the same manner as you would a residential use of higher intensity. No. 4 Blacket Street is a narrow allotment and could not be developed for anything other than a single detached dwelling in isolation. It is therefore considered that the development will create an isolated allotment at No.4 Blacket Street by making redevelopment of this property unlikely.
- Clause 6.3 front setbacks – neither the Blacket Street or Cliff Road setbacks of the building comply with the minimum setback distances specified in Clause 6.3. This is discussed above.
- Clause 6.4 in relation to the side setbacks / building separation.
- Clause 6.5 Built Form - in that the design, bulk, scale and height of the development do not respond to the site context nor are appropriate with regard to the applicable development controls pertaining to building height, floor space ratio and setbacks.
- Clause 6.7 in relation to acoustic privacy – specifically in relation to loss of visual privacy from the common circulation corridor; noise transmission from the corridors into the units via the ventilating plenum, and noise transmission from the Level 2 air conditioning units.
- Clause 6.9 basement car parking – in that, (1) the scale and siting of the basement car park impacts upon the ability of the development to satisfy minimum landscaping and deep soil zone requirements and, (2) the height of the basement podium roof is more than 1.2m above natural or finished ground level and does not satisfy the controls with regards to setbacks and landscaping. Further, the plans do not detail how mechanical ventilation of the basement is to be accommodated.
- Clause 6.10 in relation to vehicular access requirements. Further detail is provided below in relation to the requirements of Chapter E3 of the DCP.
- Clause 6.11 in relation to landscaping requirements. Specifically, the development does not provide for sufficient landscaped area within the site nor provides sufficient deep soil zone planting as required by the ADG and other provisions of Wollongong DCP 2009.
- Clause 6.12 in relation to the lack of a deep soil zone with planting that achieves the objectives and requirements of this clause.
- Clause 6.17 - apartment size and layout mix – in relation to the lack of housing diversity provided within the development.

CHAPTER D13 – WOLLONGONG CITY CENTRE

The development fails to achieve compliance with numerous provisions within Chapter D13 Wollongong City Centre, specifically in relation to:-

- Clause 2.2 - in relation to front setbacks.
- Clause 2.5 - in relation to side and rear building setbacks and building separation.
- Clause 2.7 – in relation to lack of deep soil zones and lack of landscape planting overall.
- Clause 2.8 – in relation to the landscape design not providing for sufficient landscaped areas within the site and lack of meaningful planting, and some concerns around the appropriateness of chosen landscaping species.
- Clause 3.6 – in relation to the width of the access driveway/ footpath crossing and the impact this will have on pedestrian safety, the amenity of the public domain, ability to provide for landscape planting within the Blacket Street frontage of the site and traffic safety and car parking availability.
- Clause 3.8 – in relation to the building exterior, with regard to its design response to its context; appropriateness of street setbacks; fencing height, quality and longevity of chosen building materials; material reflectivity; design of the lift shaft and its overrun.
- Clause 4.3 - vehicular driveways and manoeuvring areas - in regards to the location of the driveway immediately against the adjacent property boundary; driveway width and alignment; non-compliances with AS2890.1;
- Clause 4.4 in regards to oversupply of car parking within the site and non-compliances with AS2890.1 in regards to driveway grades, driveway alignments, vehicular manoeuvring within the site
- Clause 4.5 - site facilities and services - in relation to the air conditioning units on Level 2 being obtrusive and not being integrated into the building design; giving rise to unreasonable visual and acoustic impacts.
- Clause 5.4 in relation to reflectivity from the selected finishing materials and colours proposed.
- Clause 5.6 – waste and recycling - in relation to concerns around waste collection. The plans do not make provision for on-site collection. Kerbside collection is not possible on Cliff Road, and it is not certain that the number of bins proposed can be accommodated within 50% of the development's frontage on collection day given the width of the proposed driveway crossing and the existence of on-street infrastructure including a traffic calming device and pram ramp. On-street waste collection may have an unreasonable impact on the streetscape, will reduce the availability of on-street car parking on collection days and may impact pedestrian amenity and safety.
- Clause 6.2 - housing choice and mix – in relation to the lack of 2-3 bedroom units proposed and inadequate size of parking spaces provided to adaptable and livable dwellings
- Clause 6.6 - basement car parks - in relation to the scale/ expanse of the car park hindering the ability of the development to satisfy the landscaping and deep soil requirements and the height of the basement above ground level. The roof of the basement podium extends more than 1.2m above ground level for part of the length of the building and the setback to the basement do not comply with the controls. This impacts on the overall height of the building, lifting the ground level above finished street level (giving rise to concerns around the internal amenity of the ground floor apartment) and results in a high unsightly wall being provided adjacent to the property boundaries.

CHAPTER E1: ACCESS FOR PEOPLE WITH A DISABILITY

An accessibility design review has been provided from an access consultant which indicates that the development can achieve compliance with the BCA, Livable Housing Design Guidelines and AS 4299 Adaptable Housing provisions.

The development fails to comply with the provisions within Chapter E1 Access for People with a Disability specifically in relation to provision of car parking with suitable dimensions to service the adaptable and livable dwellings. Car parking is required to be provided for the adaptable and livable housing in satisfaction of the requirements of AS4299 (1995) and AS 2890.6 (2009).

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

The development fails to comply with the provisions within of Chapter E3 Car Parking, Access, Servicing/Loading Facilities and Traffic Management in numerous areas, specifically:-

- a. There is an oversupply of car parking within the development; 17 car spaces are required and 20 car spaces are proposed;
- b. The development does not comply with AS2890.1 in numerous areas as required by Clause 7.7 Car Parking Layout and Design;
- c. The access driveway does not comply with Clause 8.1 vehicular access in regards to driveway location, grades and alignment.
- d. The development does not provide a secure 'communal' bicycle enclosure for residential bicycle parking spaces which are available for use by all residents. These facilities need to be provided as 'Class B' bicycle facilities with a self-closing door and combination lock. This facility needs to provide adequate manoeuvring space for users to move their bicycles in and out of the enclosure and lock their bicycles to the bicycles racks provided.

Further information is required to verify that the development can achieve satisfactory waste management arrangements in compliance with Clause 9 and Schedule 1 and Chapter E7: Waste Management. Specifically, the operational waste management plan makes provision for on-street collection of waste using Council's kerbside collection service. Kerbside collection is not possible from the Cliff Road frontage of the site and it is not certain that the number of bins proposed can be accommodated within 50% of the site's available frontage to Blacket Street having regard to the position of the existing pram ramp, traffic calming device, parking restrictions and the proposed wide access driveway. Concerns are raised that kerbside collection from Blacket Street will compromise resident amenity, streetscape appeal, pedestrian amenity and safety, and availability of on-street car parking in front of the site on collection days.

CHAPTER E6: LANDSCAPING

A landscape plan was provided with the development application which has been reviewed by Council's landscape officer and as part of the DRP's review of the development. The landscaping proposed is considered to be inadequate.

CHAPTER E7: WASTE MANAGEMENT

A Waste Management Plan specific to the demolition, construction and operational phases of the development has not been provided as required.

In relation to ongoing waste management arrangements, further information is required to verify that the development can achieve satisfactory waste management arrangements in compliance with Clause 9 and Schedule 1 of Chapter E3 and Chapter E7: Waste Management, as outlined above in relation to Chapter E3.

CHAPTER E9: HOARDINGS AND CRANES

If the development were to be approved, conditions should be imposed requiring approval for the use of any hoardings or cranes in conjunction with construction of the building.

CHAPTER E11: HERITAGE CONSERVATION

Chapter E11 (Heritage Conservation) of the Wollongong Development Control Plan states:

“Development on land adjacent to or within the vicinity of a heritage item or a heritage conservation area should not detract from the identified significance or setting of the heritage building or the heritage conservation area.”

This Chapter applies to development in the vicinity of a heritage item or heritage conservation area (or within the visual catchment of a heritage site) and requires that consideration be given to the:-

- (a) The character, siting, bulk, scale, height and external appearance of the development;
- (b) The visual relationship between the proposed development and the heritage item or heritage conservation area;
- (c) The potential for overshadowing of the adjoining heritage item or any building within a heritage conservation area;
- (d) The colours and textures of materials proposed to be used in the development;
- (e) The landscaping and fencing of the proposed development; and
- (i) The impact the proposed use would have on the amenity of the heritage site.

Section 14: Development in the Vicinity of a Heritage Site is of particular relevance to the development application and sets out specific controls.

It is noted that the applicant has provided a Heritage Impact Statement, prepared by City Plan Services and dated August 2018 in support of the proposed development which has been reviewed by the Heritage Officers as part of the assessment of the application.

Referrals have been provided from OEH, National Trust of Australia and Council’s Heritage Officer, each of whom have raised concerns in regards to the impact of the development on the setting of the listed items. Specific concerns have been raised by Council’s Heritage Officer in regards to the following (summarised) matters:-

- The development fails to conserve **and enhance** heritage as required by the Aims of Wollongong LEP 2009 due to unacceptable impacts on the significance of heritage items and precincts within the vicinity of the development site;
- The development will result unacceptable impacts on the setting of the adjacent state heritage listed North Beach Precinct and on views to and from the precinct, and on significant buildings and features within it, including but not limited to the North Beach Kiosk, and Norfolk Island Pines. These impacts are exacerbated by exceedances to the height, floor space ratio, and setback controls which create a building form that is of a height, bulk, scale and form which is not consistent with the historic context of the site;
- The proposed development will result in unacceptable overshadowing impacts on the adjacent State Heritage Listed North Beach Precinct including specifically afternoon shadowing of the North Beach Kiosk building and its curtilage
- The building will visually dominate the surrounding cultural heritage landscape. The NSW Heritage Council has recommended that the design of the building should be simplified to minimise its dominance.
- The proposed development is in part, located on the former alignment of the Mount Pleasant Tramline (Lot 1, DP779377) and has some potential to contain archaeological relics

or evidence relating to the former use of this land. The report submitted with the DA fails to acknowledge that part of the site was once part of the Mount Pleasant Tramway, which is noted as a significant component of the adjacent State Heritage Area, and may indicate the site has archaeological potential which has not been adequately assessed.

- Further shortcomings with the report were identified by the heritage officer which include:
 - a) The heritage report provides a lack of information in relation to visual analysis or clarification of the visual impacts of the proposed development on the range of significant views to, and from the listed heritage items and precincts, nor have these significant views been adequately identified or considered;
 - b) The heritage report provides inadequate consideration of the potential heritage impacts of overshadowing within the adjacent heritage precincts and in particular, on the North Beach Kiosk and Residence;
 - c) The heritage report provides no acknowledgement or explanation of why the proposed exceedances of the allowable height limit, floor space ratio controls, or setbacks are appropriate and acceptable in the context of the heritage items.
 - d) The heritage report does not explain why the proposed development provides a satisfactory design response, in the context of the surrounding heritage sites and precincts, and how the bulk, scale, height and external appearance of the proposed development are appropriate in the context of these items.
- The Visual Impact Assessment provided in support of the application is insufficient to allow for an adequate assessment of the visual impact of the development on significant views to and from the heritage items and precincts located within the vicinity of the site. In particular, the views from the usual flagged areas of North Wollongong beach, looking east and northeast toward the beachside architectural group made up of the North Beach Kiosk and Residence, the North Beach Surf Club, and the North Beach Pavilion have not been considered. No photographic montages have been provided to allow for adequate assessment of significant views.
- The Clause 4.6 Variation Statement submitted in support of the application fails to adequately consider the additional impacts that the added height, bulk, scale and overshadowing, that will result from the proposed variations to height, floor space ratio and setbacks, will have on the setting of the adjacent heritage items and precincts. The proposed variations are not considered to be in the public interest as a result of the impacts of these variations on the adjacent heritage items and precincts.
- The proposed architectural roof feature fails to address clause 5.6(3) of the Wollongong Local Environmental Plan 2009 as the resulting overshadowing on the adjacent North Beach state heritage precinct, and particularly on the North Beach Kiosk and Residence is not considered to be minor as a result of the significance of this building and precinct, as acknowledged by its state heritage listing.

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 for imposition in the event the application is approved.

CHAPTER E14: STORMWATER MANAGEMENT

Council's Stormwater Engineer has assessed the proposed development with regard to Chapter E14 of the DCP and has provided a satisfactory referral. The proposal is satisfactory with conditions.

CHAPTER E17: PRESERVATION AND MANAGEMENT OF TREES AND VEGETATION

The application is unsatisfactory to Council's Landscape Officer.

The development involves excavation, construction works, filling and placement of footings and fences within the tree protection zone (and possibly the structural root zone) of five (5) significant trees adjacent to the northern boundary of the site. The trees are located within the public reserve to the immediate north of the site.

Specifically, the development involves the placement of up to approximately 2m (depth) of fill material in the northern portion of the site along with the construction of a fire egress pathway, retaining walls and fencing near to and on the rear boundary of the site. These works occur within the tree protection zones (TPZs) and possibly the structural root zones (SRZs) of five (5) trees of significance identified within the Arborist report submitted with the application (prepared by Andrew Scales, Naturally Trees). The works proposed are contrary to the recommendations of that Arborist report which indicates that these trees could be potentially adversely affected through disturbance of their TPZs. The employment of the tree protection measures outlined in the Arborist report is directly inconsistent with the plans and accordingly it is concluded that the works proposed will adversely affect the health and vigour of each of the five trees which is unacceptable.

CHAPTER E19: EARTHWORKS (LAND RESHAPING WORKS)

The proposal involves excavation to facilitate the construction of basement carparking. Council's Geotechnical Engineer has considered the application and has provided a satisfactory referral subject to conditions. The geotechnical report provided with the application is considered to give a good preliminary description of existing ground conditions and demonstrates feasibility of the construction from a geotechnical perspective. Supplementary investigations will be required to support the design of site preparation earthworks.

CHAPTER E20: CONTAMINATED LAND MANAGEMENT

The proposal is satisfactory with regard to Clause 7 of SEPP 55; refer to Section 2.1.1 of the report in this regard. Council's Environmental Officer has reviewed the submitted Environmental Site Assessment component of the Environmental Site Assessment & Acid Sulfate Soils Assessment submitted with the application and has recommended conditions in regards to hazardous material survey and asbestos management.

CHAPTER E21: DEMOLITION AND ASBESTOS MANAGEMENT

A site waste minimisation and management plan has not been submitted in accordance with Chapter E7 (Waste Management) of Wollongong DCP 2009. If required, a hazardous materials survey may be required to be provided in relation to the existing structures to be demolished.

In addition, a Demolition Work Plan is required is required to be prepared and submitted in accordance with Chapter E21 (Demolition and Hazardous Building Materials Management) of Wollongong DCP 2009.

CHAPTER E22: SOIL EROSION AND SEDIMENT CONTROL

If the development were to be approved, conditions of consent should be imposed in regards to the implementation of appropriate sediment and erosion control measures to be in place during works, particularly noting in this case the proximity of the site to a nearby Coastal Wetland.

2.3.2 WOLLONGONG CITY WIDE DEVELOPMENT CONTRIBUTIONS PLAN 2018

The estimated cost of works is \$4,957,631 and a levy of 1% is applicable under this plan.

2.4 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.

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

92 What additional matters must a consent authority take into consideration in determining a development application?

(1) For the purposes of section 4.15(1)(a)(iv) of the Act, the following matters are prescribed as matters to be taken into consideration by a consent authority in determining a development application:

(a) in the case of a development application for the carrying out of development:

(i) in a local government area referred to in the Table to this clause, and

(ii) on land to which the Government Coastal Policy applies, the provisions of that Policy,

(b) in the case of a development application for the demolition of a building, the provisions of AS 2601.

Demolition is proposed and accordingly consideration must be given to the provisions of AS2601. If approved, conditions should be imposed in regards to demolition including compliance with AS2601-1991.

The site is located within the Coastal Zone however this policy only applies in the Illawarra to the offshore component of the coastal zone, extending three nautical miles seaward from the open coast high water mark.

93 Fire safety and other considerations

N/A.

94 Consent authority may require buildings to be upgraded

N/A.

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

Context and Setting:

As discussed at length above in relation to SEPP 65 and the ADG, the proposal is inappropriate with regard to its context and matters including overshadowing, privacy concerns, bulk, scale, height, setbacks and density.

Access, Car parking, Traffic and Servicing:

The proposal is unsatisfactory with regard to car parking, access and traffic matters; refer to discussion in relation to Chapter E3 of WDCP 2009.

Public Domain:

The development will have an adverse impact on the public domain via direct impact on vegetation within the neighbouring reserve; overshadowing impacts, bulk/ scale/ visual impacts and impacts on the visual setting of significant public spaces including heritage items. The development provides for a poor streetscape interface which is inappropriate for this prominent site.

Utilities:

The site is serviced and it is expected that existing utilities are capable of augmentation to service the proposal. If approved, it is recommended that conditions be imposed on the consent requiring the developer to make appropriate arrangements with the relevant servicing authorities prior to construction.

The applicant has provided information with the DA stating that a substation is not required.

Heritage:

The heritage significance of the nearby State and local listed heritage items will be compromised by the proposal.

Water:

The site is presently serviced by Sydney Water's reticulated water and sewerage services. It is expected that these services can be extended/ augmented to meet the requirements of the proposed development.

The proposal is not expected to involve unreasonable water consumption. The BASIX certificates provided in relation to the units demonstrate compliance with the water efficiency targets contained within the BASIX SEPP.

No adverse water quality impacts are expected to arise subject to there being appropriate soil and water management controls employed during construction.

Soils:

It is expected that, with the use of appropriate erosion and sedimentation controls during construction, soil impacts will not be unreasonably adverse. Conditions could be imposed in this regard if the application were approved, and also in regards to management of potential acid sulfate soils.

Air and Microclimate:

The proposal is not expected to have any negative impact on air or microclimate subject to appropriate dust mitigation controls being implemented during construction.

Flora and Fauna:

Five (5) significant trees within the neighbouring reserve will be adversely affected by construction works as discussed above. This is unacceptable.

There are shortcomings in the landscaping scheme which are discussed above.

Waste:

The proposed waste management arrangements are potentially unsatisfactory as discussed above in relation to Chapters E3 and E7 of WDCP 2009.

A SWMMP was not provided with the DA in relation to demolition and construction waste, as required.

Energy:

The BASIX certificates provided with the application demonstrate compliance with the energy efficiency and thermal comfort targets of the BASIX SEPP. There are concerns raised in regards to inefficiencies created as a result of the questionable ventilation system proposed; increasing reliance on mechanical ventilation.

Noise and vibration:

Conditions could be imposed if the DA was approved to minimise noise and nuisance during the course of works and in relation to restricted working hours to reduce impacts on neighbours.

Concerns are raised that the external bank of AC units will give rise to unreasonable acoustic impacts, as discussed above.

There are external noise sources which may affect the amenity of the proposed units, including noise generated by the bars within the Novotel hotel which are very close to the development, the hotel loading zones, and traffic and pedestrian noise generated on nearby streets and within the public car park to the north and east of the site.

Natural hazards:

The site is classified as acid sulfate soils – this matter has been considered by the Environment Division and conditions are proposed in relation to the management of acid sulfate soils. The site is not identified as being subject to existing or future coastal hazards.

Technological hazards:

There are no technological hazards affecting the site that would prevent the proposal.

Safety, Security and Crime Prevention:

This development is not expected to create any additional opportunities for criminal or antisocial behaviour though there is little opportunity for natural surveillance of the Blacket Street frontage of the site and footpath as a result of the configuration of the development.

Social Impact:

There are adverse social impacts arising from the impacts of the development on the setting of the culturally significant heritage items and places of significant public infrastructure.

Economic Impact:

The proposal is not expected to create any negative economic impact.

Site Design and Internal Design:

The development features numerous unacceptable departures from development standards and controls within the ADG, WLEP and WDCP 2009 as outlined above.

Construction:

Construction impacts have the potential to impact on the amenity of the neighbourhood and the public domain inclusive of traffic and pedestrian impacts. If the development were to be approved, conditions could be imposed in relation to hours of work, tree protection, traffic controls, erosion and sedimentation controls, works in the road reserve, excavation, demolition and use of any crane, hoist, plant or scaffolding.

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

Does the proposal fit in the locality?

The proposal is considered inappropriate with regard to the zoning of the site and the site context and is expected to have negative impacts on the amenity of the locality, adjoining developments, the public domain and public reserve areas including direct impacts on vegetation.

The site is unsuitable for the development due to its width and zoning. The site width when measured perpendicular to the side boundary for the full length of the building envelope (as required by Clause 6.2 of Chapter B1 of Wollongong DCP 2009), is less than 24m which is the minimum required for the construction of a residential flat building. Further, the application proposes a prohibited land use on the RE1 zoned portion of the site. In addition to this, the layout of

the building and the apartment type proposed indicate that the proposed building may be being built for the purpose of tourist and visitor accommodation, a prohibited use in the R1 zone.

Are the site attributes conducive to development?

There are no site constraints that would preclude the proposal.

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

Refer to discussion at Section 1.5 of this report.

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

As discussed as length throughout this report, the development fails to satisfy numerous provisions of SEPP 65, SEPP (Coastal Management) 2018, the ADG, Wollongong LEP and DCP 2009. It is expected to have unreasonable impacts on the environment, on the amenity and character of the area and on the setting of significant heritage items and places. On this basis, it is concluded that the public interest would not be served if the application were approved.

3. CONCLUSION

The proposed development has been assessed with regard to the relevant prescribed matters for consideration outlined in Section 4.15(1) of the Environmental Planning & Assessment Act 1979. The proposed development is permissible with consent on the R1 zoned portion of the site and, however uses appurtenant to a residential flat building are prohibited within the RE1 zoned portion of the site. The development is inconsistent with the objectives of the R1 and RE1 zones and there are significant development departures evident including the exceedance of the site's allowable floor space ratio and building height. The development also is not satisfactory when considered in light of the matters for consideration prescribed by Clause 7.18 Design Excellence and on these grounds alone is unable to be supported. Further, the development does not appropriately respond to the design principles espoused in SEPP 65 nor does it address in full the requirements of the ADG. The Design Review Panel raised numerous concerns in regards to the proposal which warrant a substantial redesign. There are concerns also around satisfying the objectives and provisions of SEPP (Coastal Management), particularly in regards to the impacts of the proposed development on the nearby coastal foreshore and reserve.

The proposal exhibits various non-compliances in respect of the controls contained in the DCP which further bring into doubt the suitability of the development. Particular concerns relate to the width of the site, the building's non-compliant street and side boundary setbacks, non-compliant vehicular manoeuvring and car parking, concerns around waste management, poor streetscape treatment and lack of due regard for significant site contextual issues and constraints including the relationship between the site and significant public domain areas and heritage items.

The development in the form presented is unable to be supported and the application should be refused.

4. RECOMMENDATION

It is recommended that the Wollongong Local Planning Panel refuse DA-2018/1316 pursuant to Section 4.16(1) of the Environmental Planning & Assessment Act 1979 for the following reasons:-

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) and the Apartment Design Guide.
2. In accordance with Section 79C(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 regards to public domain interface; visual privacy; vehicle

access; bicycle and car parking; natural ventilation; private open space and balconies; acoustic privacy; amenity; facades; waste management, common circulation spaces, apartment mix, energy efficiency, landscaping, deep soil zones and building maintenance.

3. 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 matters for consideration prescribed by Clause 14(1)(a)(ii), (iii) and (v) of State Environmental Planning Policy (Coastal Management) 2018. The development will have impacts on the amenity of the foreshore by way of overshadowing and will also have an impact on the visual amenity and scenic qualities of the coast and on cultural and built environmental heritage.
4. In accordance with Section 4.15(1)(a)(i) of the Environmental Planning & Assessment Act 1979, the proposed development is prohibited in the RE1 zoned portion of the site.
5. In accordance with Section 4.15(1)(a)(i) of the Environmental Planning & Assessment Act 1979, the proposed development does not comply with Clause 4.3 Building Height of Wollongong Local Environmental Plan 2009. Council is not satisfied that compliance with the standard is unreasonable or unnecessary in the circumstances of the case, and that there are sufficient environmental planning grounds to justify contravening the development standard.
6. In accordance with Section 4.15(1)(a)(i) of the Environmental Planning & Assessment Act 1979, the proposed development does not comply with Clause 4.4 Floor Space Ratio of Wollongong Local Environmental Plan 2009. The applicant has not provided a written request adequately addressing the matters required to be demonstrated by Clause 4.6(3), and consent cannot be granted. In any event, Council is not satisfied that compliance with the standard is unreasonable or unnecessary in the circumstances of the case, and that there are sufficient environmental planning grounds to justify contravening the development standard.
7. In accordance with Section 4.15(1)(a)(i) and (1)(b) of the Environmental Planning & Assessment Act 1979, the proposed development is considered to be unsatisfactory when considered with regard to the matters for consideration in Clause 5.10 Heritage Conservation of Wollongong Local Environmental Plan 2009. The development will have an unreasonably adverse impact on the significance of nearby heritage items and may have an impact on potential archaeology.
8. In accordance with Section 4.15(1)(a)(i) of the Environmental Planning & Assessment Act 1979, in the opinion of Council, the proposed development does not exhibit design excellence and therefore consent cannot be granted pursuant to Clause 7.18 of Wollongong Local Environmental Plan 2009.
9. 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:-

9.1 Chapter D13 Wollongong City Centre

- Clause 2.2 - in relation to front setbacks.
- Clause 2.5 - in relation to side and rear building setbacks and building separation.
- Clause 2.7 – in relation to lack of deep soil zones and lack of meaningful landscape planting.
- Clause 2.8 – in relation to the landscape design.
- Clause 3.6 – in relation to the width of the access driveway/ footpath crossing and the impact this will have on pedestrian safety, the amenity of the public

domain, ability to provide for landscape planting within the Blacket Street frontage of the site and traffic safety and car parking availability.

- Clause 3.8 – in relation to the building exterior, with regard to its design response to its context; appropriateness of street setbacks; fencing height, quality and longevity of chosen building materials; material reflectivity; design of the lift shaft and its overrun.
- Clause 4.3 – in relation to vehicular driveways and manoeuvring areas, in regards to the location of the driveway immediately against the adjacent property boundary; driveway width and alignment and non-compliances with AS2890.1.
- Clause 4.4 - in regards to oversupply of car parking within the site, non-compliant bicycle storage; and non-compliances with AS2890.1 in regards to driveway grades, driveway alignments, vehicular manoeuvring within the site and concerns around managing access for visitor vehicles.
- Clause 4.5 - site facilities and services - in relation to the air conditioning units on Level 2 being obtrusive and not being integrated into the building design; giving rise to unreasonable visual and acoustic impacts.
- Clause 5.4 - in relation to reflectivity from the selected finishing materials and colours proposed.
- Clause 5.6 - in regards to the suitability of the proposed waste management arrangements in the location.
- Clause 6.2 - in regards to lack of housing diversity.
- Clause 6.6 - basement car parks.

9.2 Chapter B1 Residential Development:-

- Clause 6.2 - in relation to the minimum site width requirement and potential creation of an isolated allotment.
- Clause 6.3 - in relation to front setbacks.
- Clause 6.4 - in relation to the side setbacks / building separation
- Clause 6.5 - in relation to inappropriate built form outcome
- Clause 6.7 - in relation to acoustic privacy.
- Clause 6.9 - in relation to basement car parking.
- Clause 6.10 - in relation to vehicular access requirements.
- Clause 6.11 - in relation to landscaping requirements.
- Clause 6.12 - in relation to the lack of a deep soil zone planting.
- Clause 6.17 - in relation to apartment size and layout mix.

9.3 Chapter E1 Access for People with a Disability in regards to lack of provision of car parking with suitable dimensions to service the adaptable and livable dwellings.

9.4 Chapter E3 Car Parking, Access, Servicing/Loading Facilities and Traffic Management in regards to car parking over-supply; car parking layout and design; driveway location, grades and alignment; lack of appropriate secure 'communal' bicycle enclosure for residential bicycle parking; inappropriate waste management

arrangements and lack of detail in regards to access/egress arrangements for visitor car parking.

- 9.5 Chapter E7 Waste Management in that the development does not make provision for on-site waste collection and it has not been demonstrated that on-street collection of waste is acceptable or appropriate in this instance. Further, the development application was not accompanied by a site waste management plan dealing with the demolition and construction phases.
- 9.6 Chapter E11 Heritage Conservation in regards to Section 14 Development in the Vicinity of a Heritage Site.
- 9.7 Chapter E21 Demolition and Hazardous Building Materials Management in regards to the lack of a Demolition Work Plan and site waste management plan.
10. In accordance with Section 4.15(1)(b) of the Environmental Planning & Assessment Act 1979, insufficient information has been provided to demonstrate that the proposed on-street waste management arrangements are satisfactory in this location. On-street waste collection may give rise to impacts on the amenity of the streetscape, the pedestrian footpath and will preclude on-street parking in front of the site during collection times.
11. In accordance with Section 4.15(1)(b) of the Environmental Planning & Assessment Act 1979, the development is likely to have an unreasonably adverse impact on vegetation to the rear of the site and within the adjoining site to the immediate west of the subject site.
12. In accordance with Section 4.15(1)(c) of the Environmental Planning & Assessment Act 1979, the site is considered to be unsuitable for the proposed development having regard to its width and split zoning, with the rear portion of the site not being suitably zoned for the purposes of a residential flat building.
13. In accordance with Section 4.15(1)(e) of the Environmental Planning & Assessment Act 1979, having regard to the above matters, the development represents an over-development of the site and approval of the application would not be in the public interest.

5. ATTACHMENTS

- 1 Plans
- 2 Aerial photograph, WLEP 2009 zoning map and site photographs
- 3 Design Review – Wollongong Design Review Panel
- 4 Apartment Design Guide Assessment
- 5 Applicant's Clause 4.6 variation request in relation to building height (Clause 4.3 WLEP 2009)
- 6 Wollongong DCP 2009 Assessment

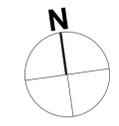


Contextual Study Plan
1 : 750

Development Application

Rev	Description	Date
A	Draft Issue For Information	25.07.18
B	Draft Issue For Review	06.07.18
C	Draft Issue For Coordination	30.07.18
D	Issue For DA Submission	22.08.18

NOT For Construction



2 Blacket Street, North Wollongong.

C:\0. Local Files\QLL00317\QLL00317_DA local_2018_180725.rvt

Contextual Study Plan Legend

- Heritage Item - Landscape
- Heritage Item - General
- Heritage Conservation Area - General
- Building Outline
- Site (2 Blacket Street North Wollongong)
- Accommodation
- Retail and Restaurants

General Notes

Architectural Drawings To Be Read In Conjunction With All Other Design Consultants Detailed Drawings, Reports And Specifications.

Site Survey Based On Drawing Received By CEH Consulting Pty Ltd, Registered Surveyors - Refer To Drawing - A1-D218009-A'

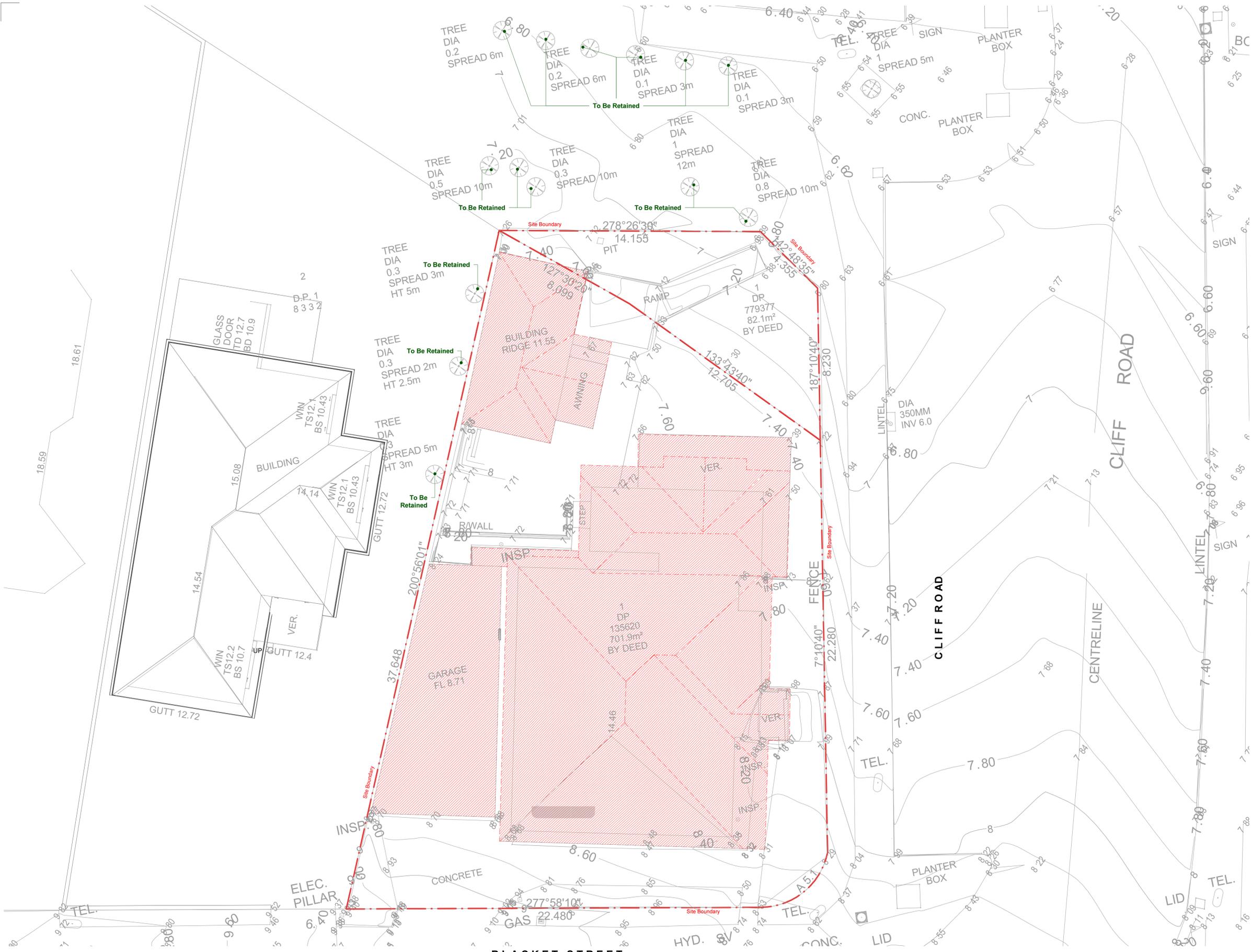
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Drawings Are Not To Be Scaled From. Use Only Figured Dimensions Where Indicated



LEVEL 4, 111-117 DEVONSHIRE STREET, SURRY HILLS, NSW 2010 T.02 9318 8400 F.02 9318 8480
STEPHEN J. NORDON REGISTRATION No. NSW - 4704 GRAHAM P. JAGO REGISTRATION No. NSW - 4926

TITLE	Contextual Study Plan	
JOB No.	OLL00317	
DATE	December 2017	
SCALE	A1 @	As indicated
DWG No.	DA.001 D	



Legend-Demolition

- Denotes Existing Structure to Remain
- Denotes Existing Structure to be Demolished
- Denotes Existing Structure to be Demolished

General Notes

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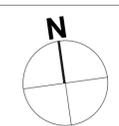
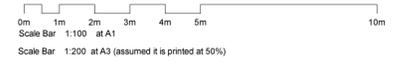
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2 Blacket Street, North Wollongong.

Development Application

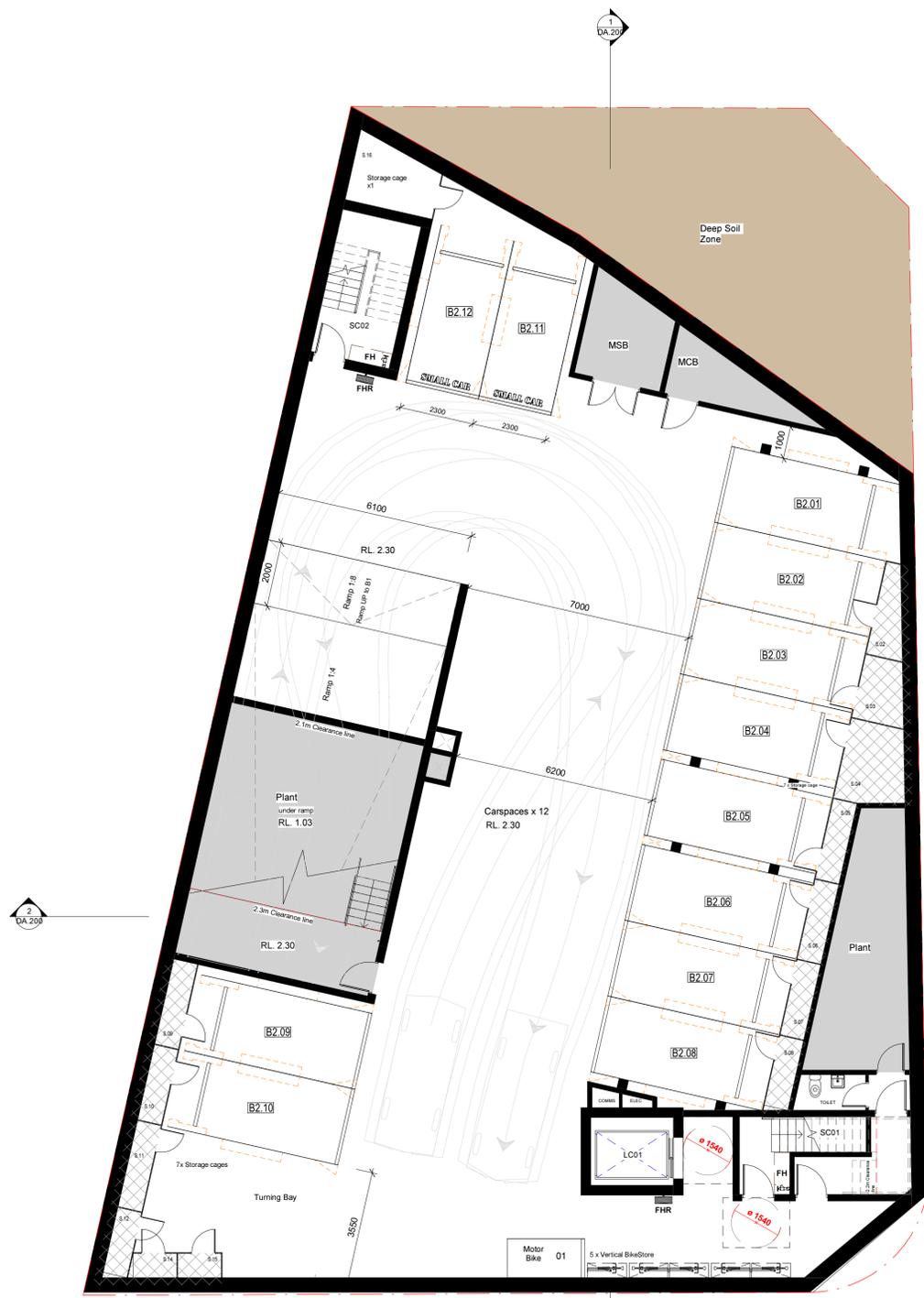
Rev	Description	Date
A	Issue For DA Submission	22.08.18

NOT For Construction



TITLE	Demolition Plan	
JOB No.	QLL00317	DATE
DATE	December 2017	SCALE
SCALE	A1 @ 1:100	DWG No.
DWG No.	DA.011A	





1 Basement 2
1:100



2 Basement 1
1:100

Legend-Wall Types

- Internal Wall Type 1: 50mm THK. 64mm Stud + 13mm Plasterboard on Both Sides
- Internal Wall Type 2: 118mm THK. 92mm Stud with + 13mm Plasterboard on Both Sides
- Typical Concrete Wall for Lift & Fire Stair
- 90mm THK Typical Concrete Block Wall For Plants Rooms in Basement
- Typical External Wall: Concrete Wall + 13mm Plasterboard Lining On 25mm Furring Channel and Insulation(45mm Min. THK.)

**Note: Wall type is subject detail design in future.

General Notes

Architectural Drawings To Be Read In Conjunction With All Other Design Consultants Detailed Drawings, Reports And Specifications.

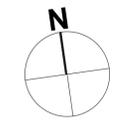
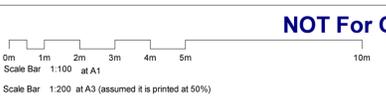
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Development Application

Rev	Description	Date
A	Issue for review	25.06.18
B	Issue for Coordination	29.06.18
C	Draft Issue For Review	06.07.18
D	Sketch Issue For BCA Consultant Review	12.07.18
E	Draft Issue For Review	13.07.18
F	Draft Issue For Review	19.07.18
G	Draft Issue For Coordination	30.07.18
H	Issue For DA Submission	22.08.18



TITLE

2 Blacket Street, North Wollongong.

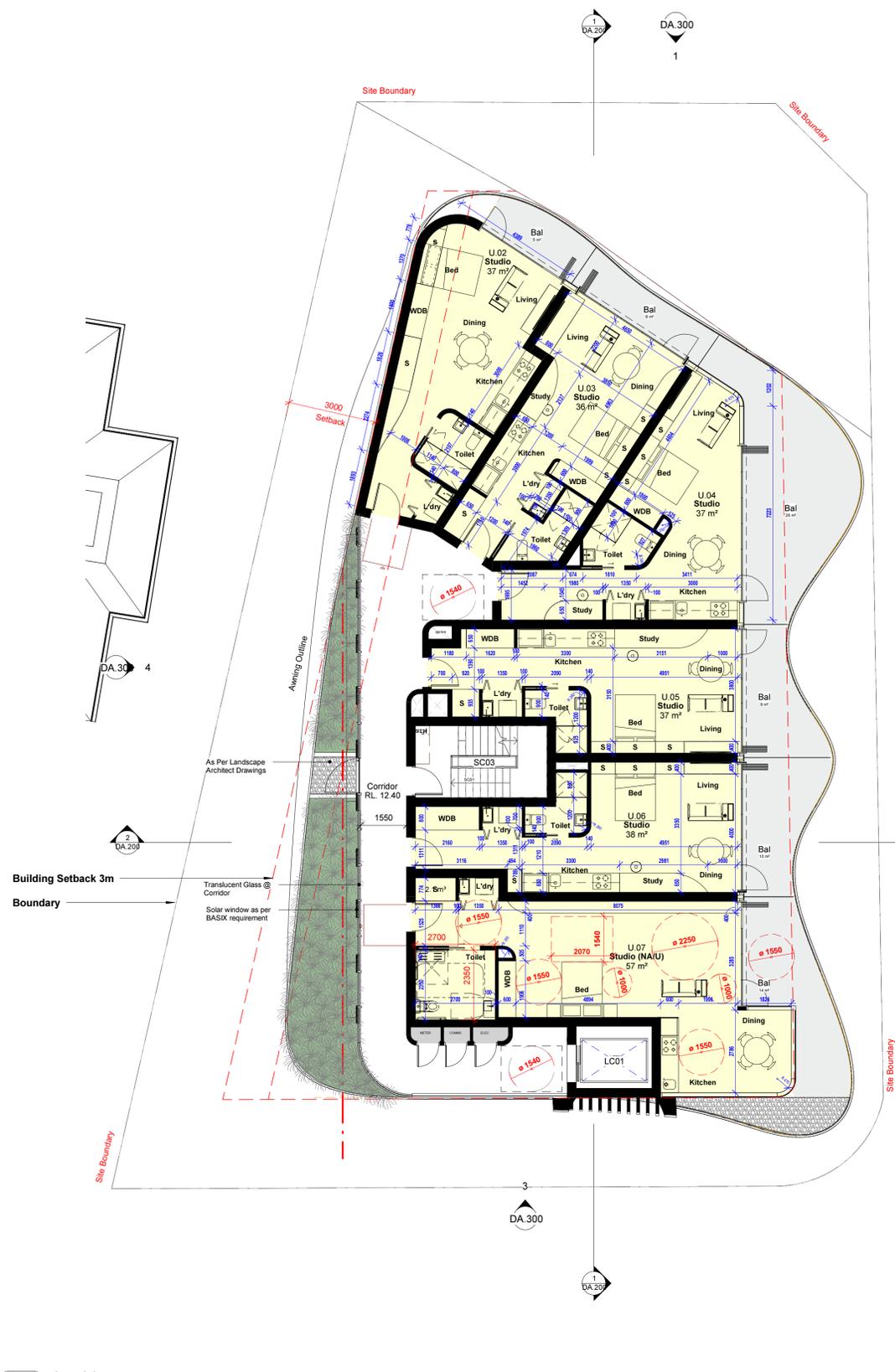
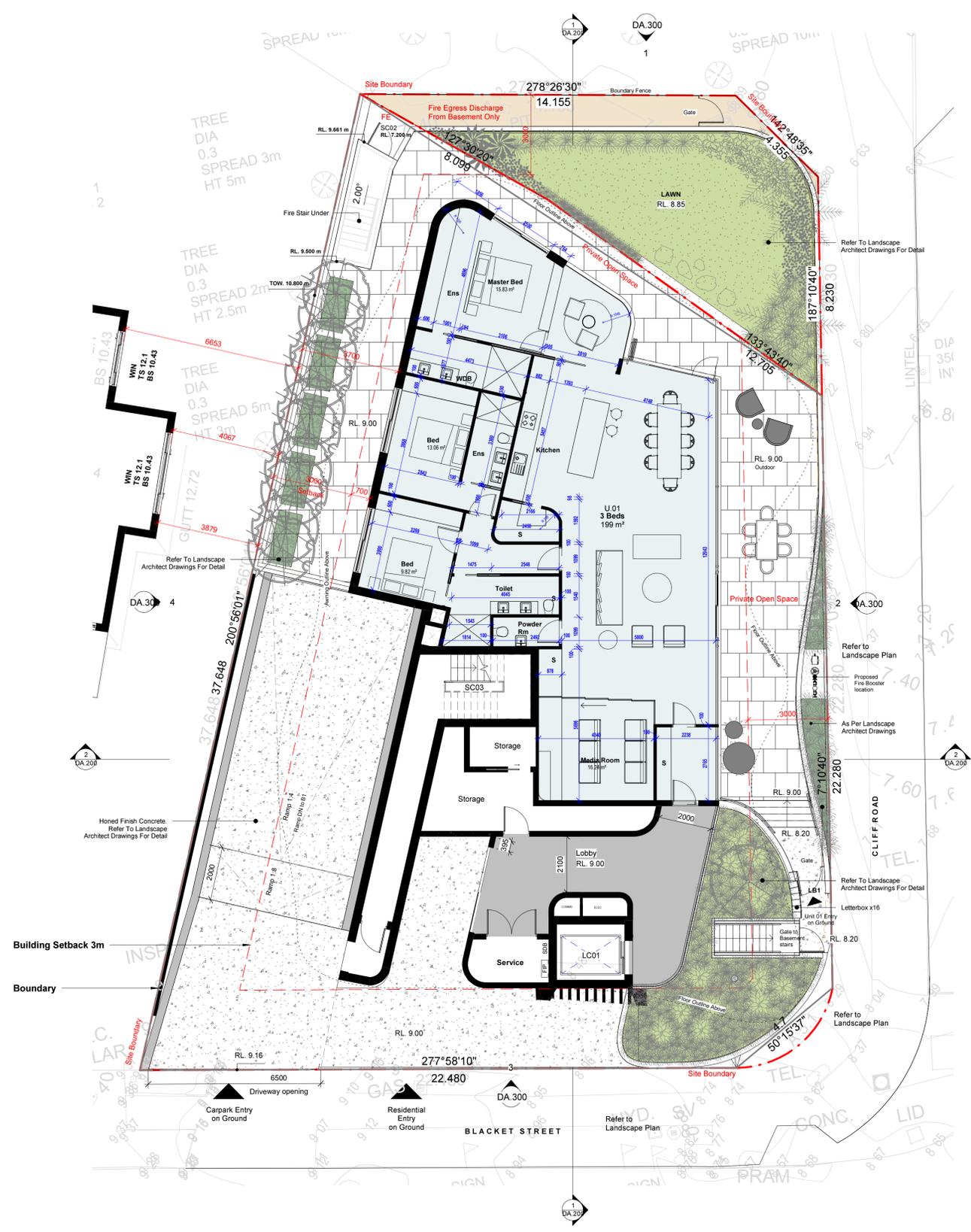
Floor Plans (Basement 1 - 2)

JOB No.	QLL00317
DATE	December 2017
SCALE	A1 @ 1:100
DWG No.	DA.100H

NORDON · JAGO
ARCHITECTS

LEVEL 4, 111-117 DEVONSHIRE STREET, SURRY HILLS, NSW 2010 T. 02 9318 8400 F. 02 9318 8480
STEPHEN J. NORDON REGISTRATION No. NSW - 4704 GRAHAM P. JAGO REGISTRATION No. NSW - 4926

October 2018	BSA Reference: 13771			
Building Sustainability Assessments	Ph: (02) 4962 3439			
enquiries@buildingsustainability.net.au	www.buildingsustainability.net.au			
Important Note				
The following specification was used to achieve the thermal performance values indicated on the Assessor Certificate and takes precedence over any other specification. If different construction elements are applied then the Assessor Certificate is no longer valid.				
Thermal Performance Specifications (does not apply to garage)				
External Wall Construction	Added Insulation			
200 Concrete + Plasterboard	R1.5			
Internal Wall Construction	Added Insulation			
Plasterboard on studs (internal to units)	none			
200 concrete (party walls between units)	none			
200 Concrete + Plasterboard (walls adjacent to common areas)	R1.5			
Ceiling Construction	Added Insulation			
Plasterboard	none			
Concrete	none			
Roof Construction	Colour			
Concrete	Any			
R2.0 above the concrete were conditioned space below	Added Insulation			
Floor Construction	Covering			
Concrete	As drawn			
R1.5 to unit 7 only	Added Insulation			
Concrete	As drawn			
none	Added Insulation			
Windows	Glass and frame type	U Value	SHGC Range	Area sq m
Performance glazing with the values	4.60	0.32 - 0.51	To units 1, 4, 9, 13 only	
Performance glazing with the values	2.30	0.23 - 0.35	To units 7, 12, 16 only	
ALM-001-01 A	Aluminium Type A Single clear	6.70	0.51 - 0.63	All other units
ALM-002-01 A	Aluminium Type B Single clear	6.70	0.63 - 0.77	All other units
Type A windows are awning windows, bifolds, casements, tilt 'n' turn windows, entry doors, french doors				
Type B windows are double hung windows, sliding windows & doors, fixed windows, stacker doors, louvers				
U and SHGC values are according to AFRC. Alternate products may be used if the U value is lower and the SHGC is within the range specified				
External Window Shading (eaves, verandahs, pergolas, awnings etc)				
All shade elements modelled as drawn				
Ceiling Penetrations (downlights, exhaust fans, flues etc)				
No adjustment has been made for losses to insulation arising from ceiling penetrations.				



Legend-Wall Types	
	Internal Wall Type 1: 30mm THK, 64mm Stud + 13mm Plasterboard on Both Sides
	Internal Wall Type 2: 118mm THK, 92mm Stud with + 13mm Plasterboard on Both Sides
	Typical Concrete Wall for Lift & Fire Stair
	90mm THK Typical Concrete Block Wall For Plants Rooms in Basement
	Typical External Wall: Concrete Wall + 13mm Plasterboard Living On 28mm Furring Channel and Insulation(45mm Min. THK.)
**Note: Wall type is subject detail design in future.	

General Notes

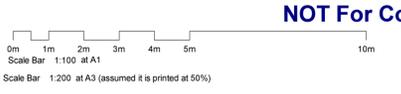
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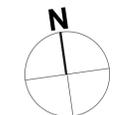
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Rev	Description	Date
A	Draft Issue For Review	06.07.18
B	Sketch Issue For BCA Consultant Review	12.07.18
C	Draft Issue For Review	13.07.18
D	Draft Issue For Review	19.07.18
E	Draft Issue For Coordination	30.07.18
F	Issue For DA Submission	22.08.18



NOT For Construction



Floor Plans (Ground - Level 1)

2 Blacket Street, North Wollongong.

JOB No.	QLL00317
DATE	December 2017
SCALE	A1 @ As indicated
DWG No.	DA.101 F



LEVEL 4, 111-117 DEVONSHIRE STREET, SURRY HILLS, NSW 2010 T 02 9318 8400 F 02 9318 8480
STEPHEN J. NORDON REGISTRATION No. NSW - 4704 GRAHAM P. JAGO REGISTRATION No. NSW - 4926



1 Level 2
1:100

2 Level 3
1:100

Legend-Wall Types

- Internal Wall Type 1: 30mm THK. 64mm Stud + 13mm Plasterboard on Both Sides
- Internal Wall Type 2: 118mm THK. 92mm Stud with + 13mm Plasterboard on Both Sides
- Typical Concrete Wall for Lift & Fire Stair
- 90mm THK Typical Concrete Block Wall For Plants Rooms in Basement
- Typical External Wall: Concrete Wall + 13mm Plasterboard Living On 28mm Furring Channel and Insulation(43mm Min. THK.)

**Note: Wall type is subject detail design in future.

General Notes

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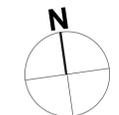
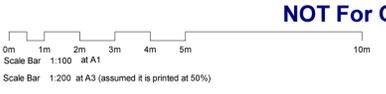
Site Survey Based On Drawing Received By CEH Consulting Pty Ltd. Registered Surveyors - Refer To Drawing - A1-D218009-A'

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Development Application

Rev	Description	Date
A	Draft Issue For Review	06.07.18
B	Draft Issue For Review	13.07.18
C	Draft Issue For Review	19.07.18
D	Draft Issue For Coordination	30.07.18
E	Issue For DA Submission	22.08.18



2 Blacket Street, North Wollongong.

Floor Plans (Level 2 - 3)

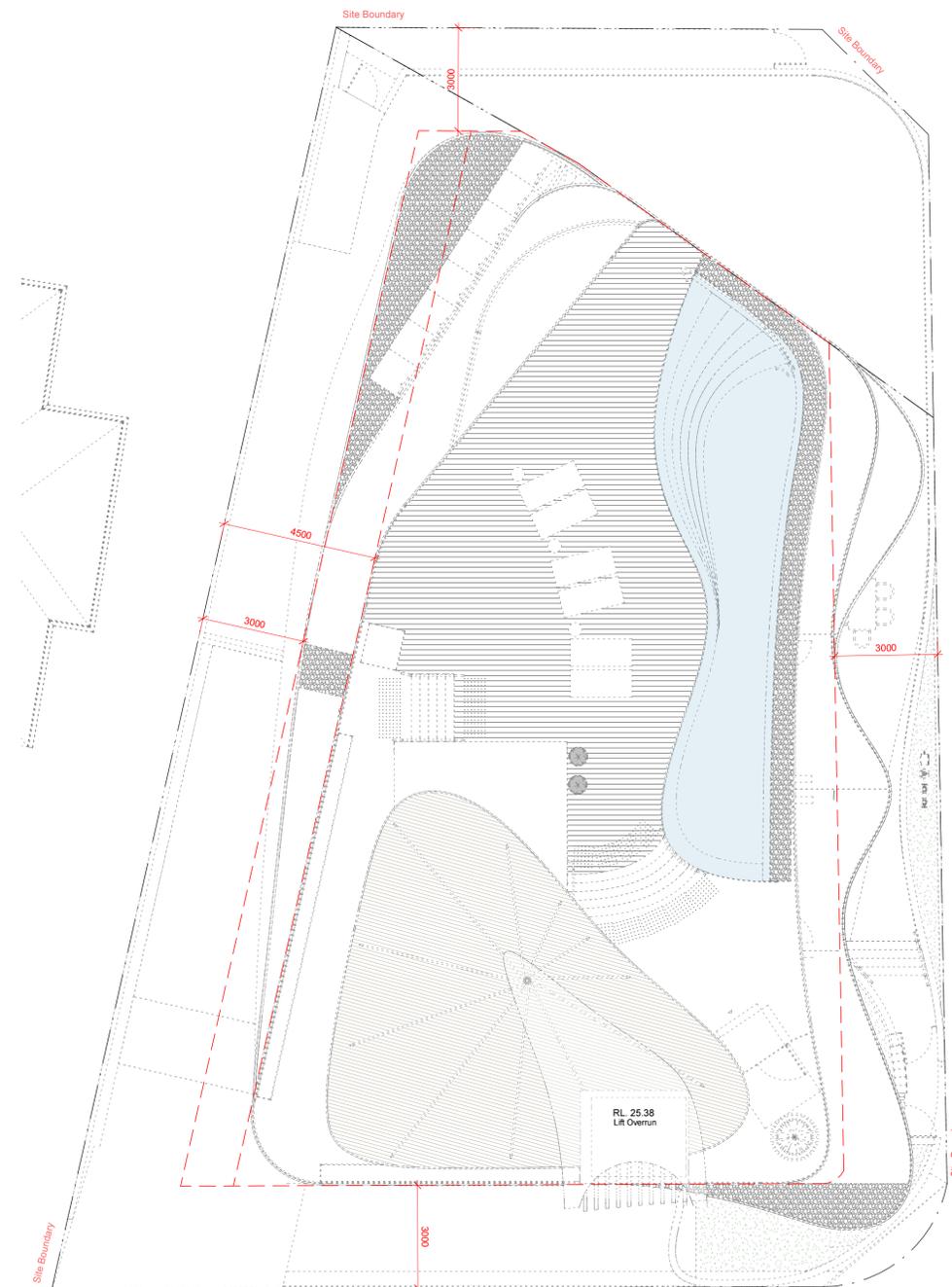
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DATE	December 2017
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LEVEL 4, 111-117 DEVONSHIRE STREET, SURRY HILLS, NSW 2010 T 02 9318 8400 F 02 9318 8480
STEPHEN J. NORDON REGISTRATION No. NSW - 4704 GRAHAM P. JAGO REGISTRATION No. NSW - 4926



1 Level 4
1:100



2 Site Plan
1:100

Legend-Wall Types

- Internal Wall Type 1: 90mm THK. 64mm Stud + 13mm Plasterboard on Both Sides
- Internal Wall Type 2: 118mm THK. 92mm Stud with + 13mm Plasterboard on Both Sides
- Typical Concrete Wall for Lift & Fire Stair
- 90mm THK Typical Concrete Block Wall For Plants Rooms in Basement
- Typical External Wall: Concrete Wall + 13mm Plasterboard Living On 28mm Furring Channel and Insulation(43mm Min. THK.)

**Note: Wall type is subject detail design in future.

General Notes

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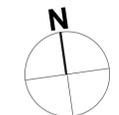
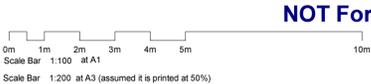
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Development Application

Rev	Description	Date
S	Draft Issue For Review	13.07.18
C	Draft Issue For Review	19.07.18
D	Draft Issue For Review	20.07.18
E	Draft Issue For Coordination	25.07.18
F	Draft Issue For Coordination	30.07.18
G	Draft Issue For Rooftop revision	03.08.18
H	Draft Issue For Rooftop revision	09.08.18
I	Issue For DA Submission	22.08.18

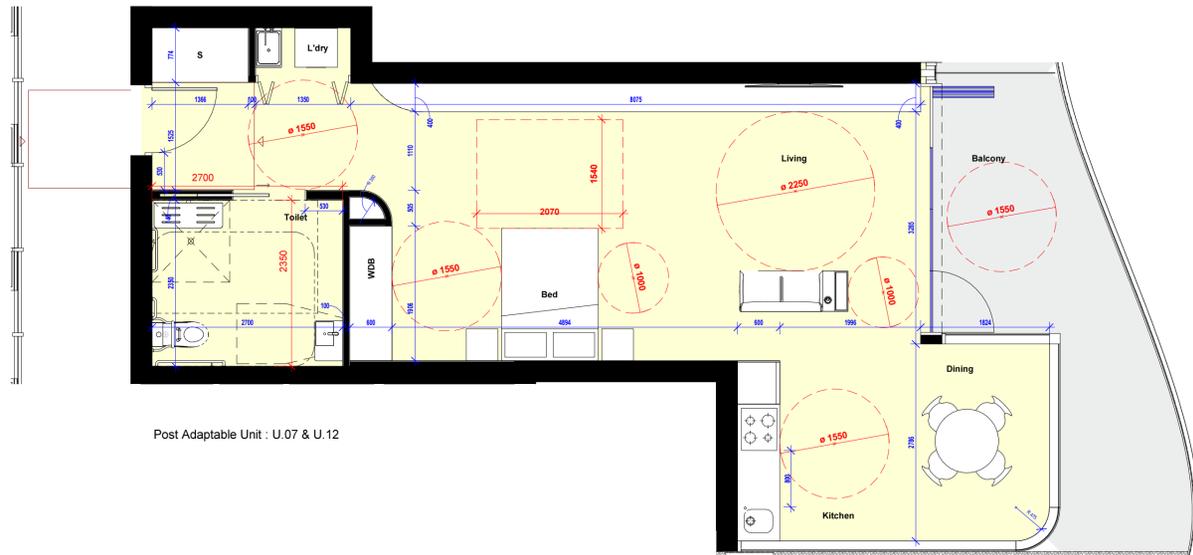


TITLE

Floor Plans (Level 4) & Roof Plan

2 Blacket Street, North Wollongong.

JOB No. QLL00317
DATE December 2017
SCALE A1 @ 1:100
DWG No. DA.103 I



Post Adaptable Unit : U.07 & U.12

1 Post Adaptable Unit Layout

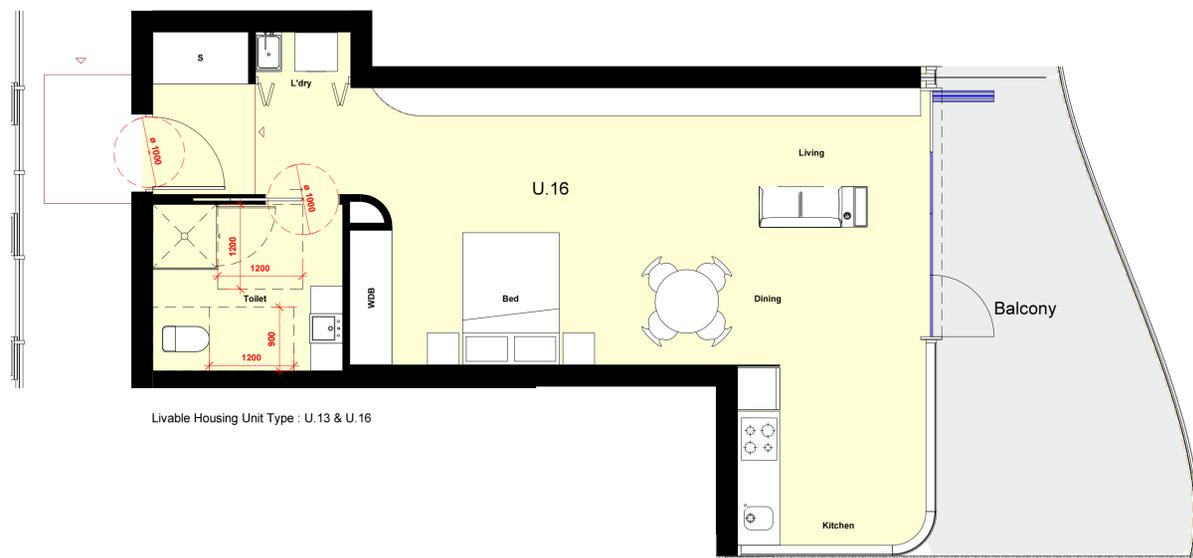
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Post Adaptable Unit : U.07 & U.12

2 Pre Adaptable Unit Layout

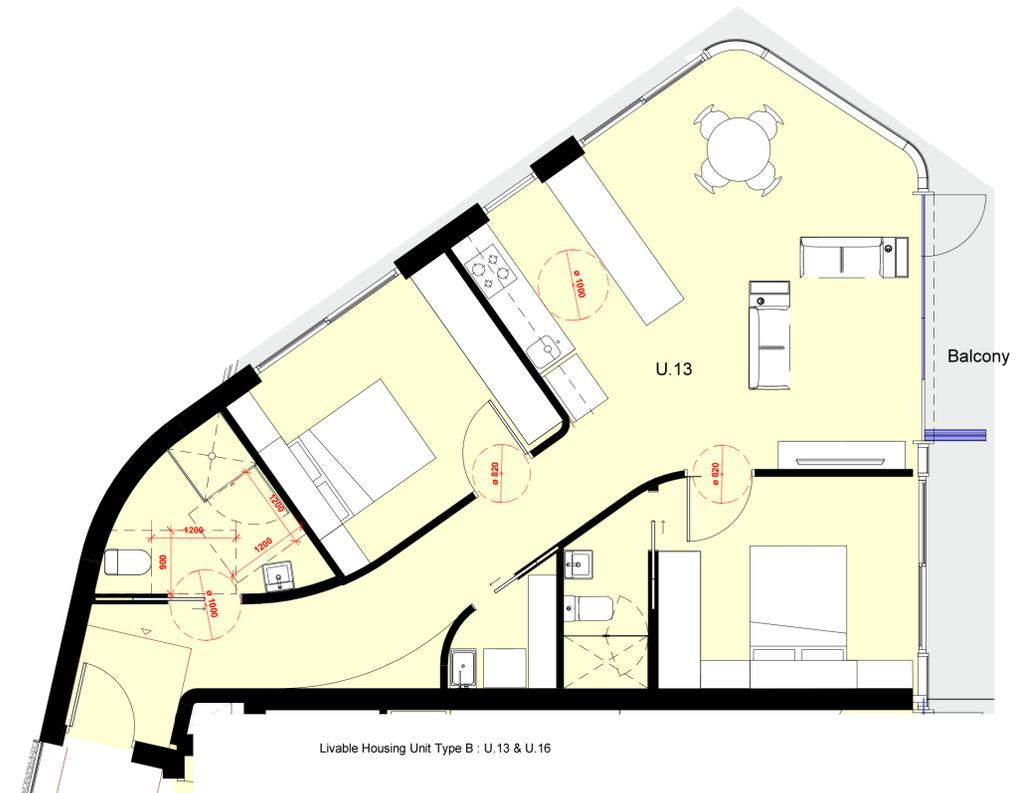
1:50



Livable Housing Unit Type : U.13 & U.16

A Livable Housing Unit Type A

1:50



Livable Housing Unit Type B : U.13 & U.16

B Livable Housing Unit Type B

1:50

General Notes

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Drawings Are Not To Be Scaled From. Use Only Figured Dimensions Where Indicated

Development Application		
Rev	Description	Date
A	Draft Issue For Review	19.07.18
B	Draft Issue For Coordination	30.07.18
C	Issue For DA Submission	22.08.18



TITLE

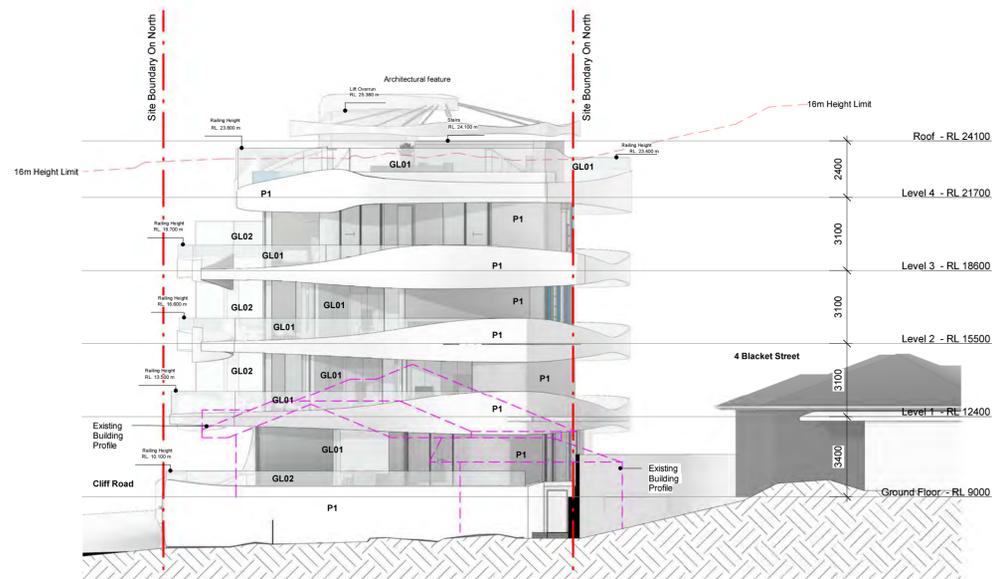
Adaptable Unit & Livable Unit

2 Blacket Street, North Wollongong.

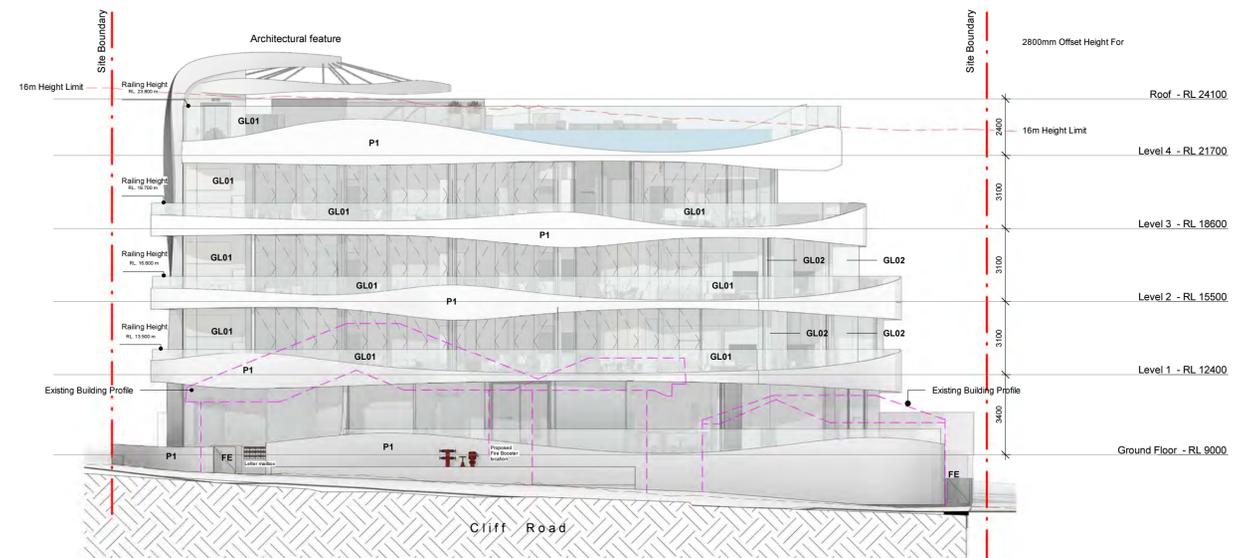
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JOB No.	QLL00317
DATE	December 2017
SCALE	A1 @ As indicated
DWG No.	

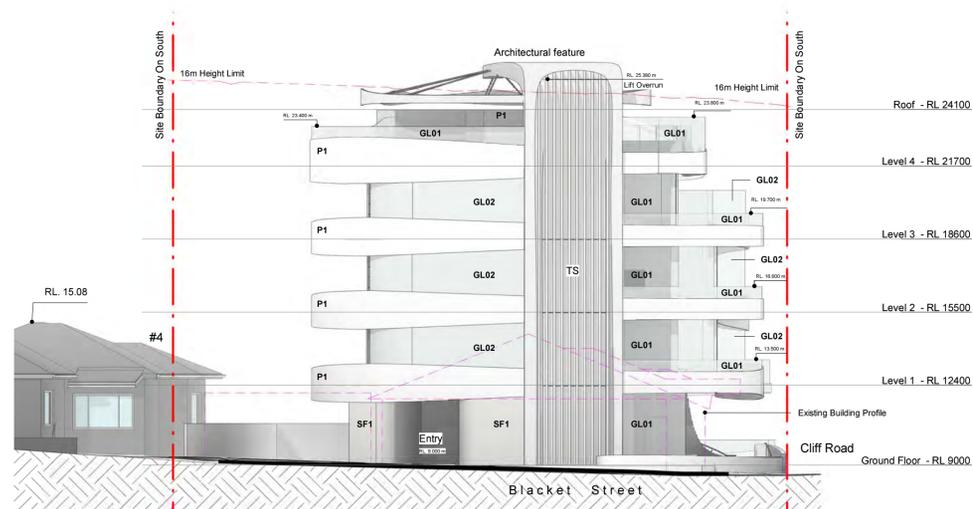
DA.104 C



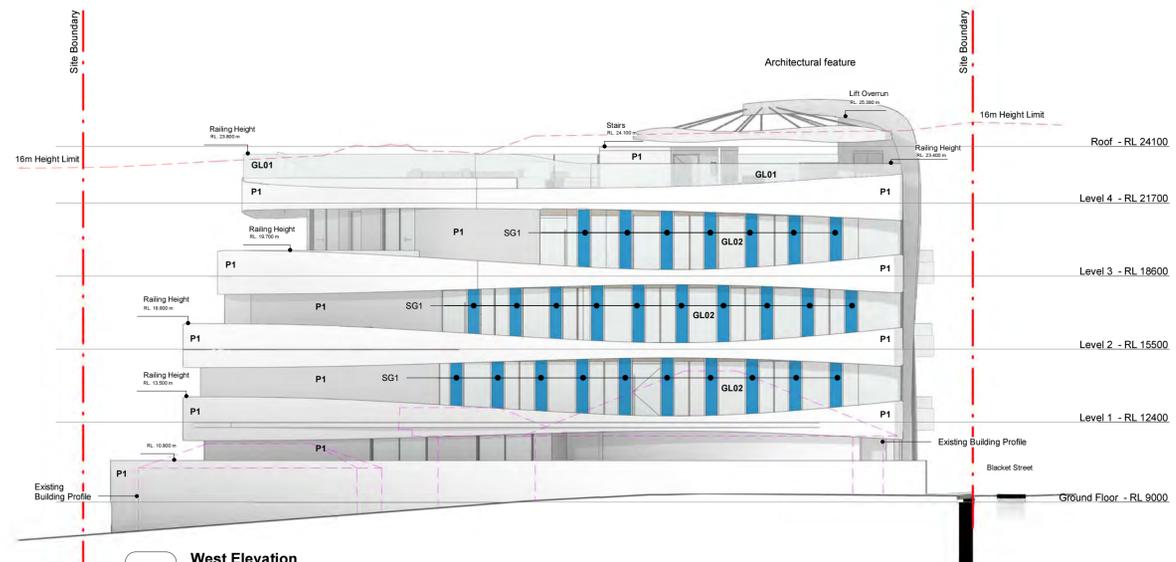
1 North Elevation
1:150



2 East Elevation
1:150



3 South Elevation
1:150



4 West Elevation
1:150

Material Finishes:

P1	PC1	GL01	GL02	SF1
Type: Exterior Paint Supplier: Dulux or Equivalent Colour: White Lexicon Quarter SW1E1 or Equivalent Location: Exterior Wall	Type: Powder Coat Supplier: Colorbond or Equivalent Colour: White ZEUS WHITE Gloss 9001110G or Equivalent Location: Window & Door Frame Where it required	Finish: Frameless Glass Type: Starfire Glass To Minimise Green Reflection or Equivalent Colour: Clear Location: Window & Door Balcony Rail	Finish: Frameless Glass Type: Translucent Glass To Maximise Privacy or Equivalent Colour: Translucent Location: Balcony Privacy Wall	Finish: Entry Tile Colour: White Location: Entry

Architectural Feature:

TS	SG1
Finish: Backlit LED illuminated vitradual cladding Stripes	Finish: ClearVue PV Solar Glass window Location: Western Facade

Existing Building Profile (To be Demolished)

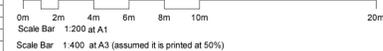
General Notes

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Development Application

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A	Issue for review	25.06.18
B	Draft Issue For Review	06.07.18
C	Draft Issue For Review	13.07.18
D	Draft Issue For Coordination	30.07.18
E	Issue For DA Submission	22.08.18

NOT For Construction



2 Blacket Street, North Wollongong.



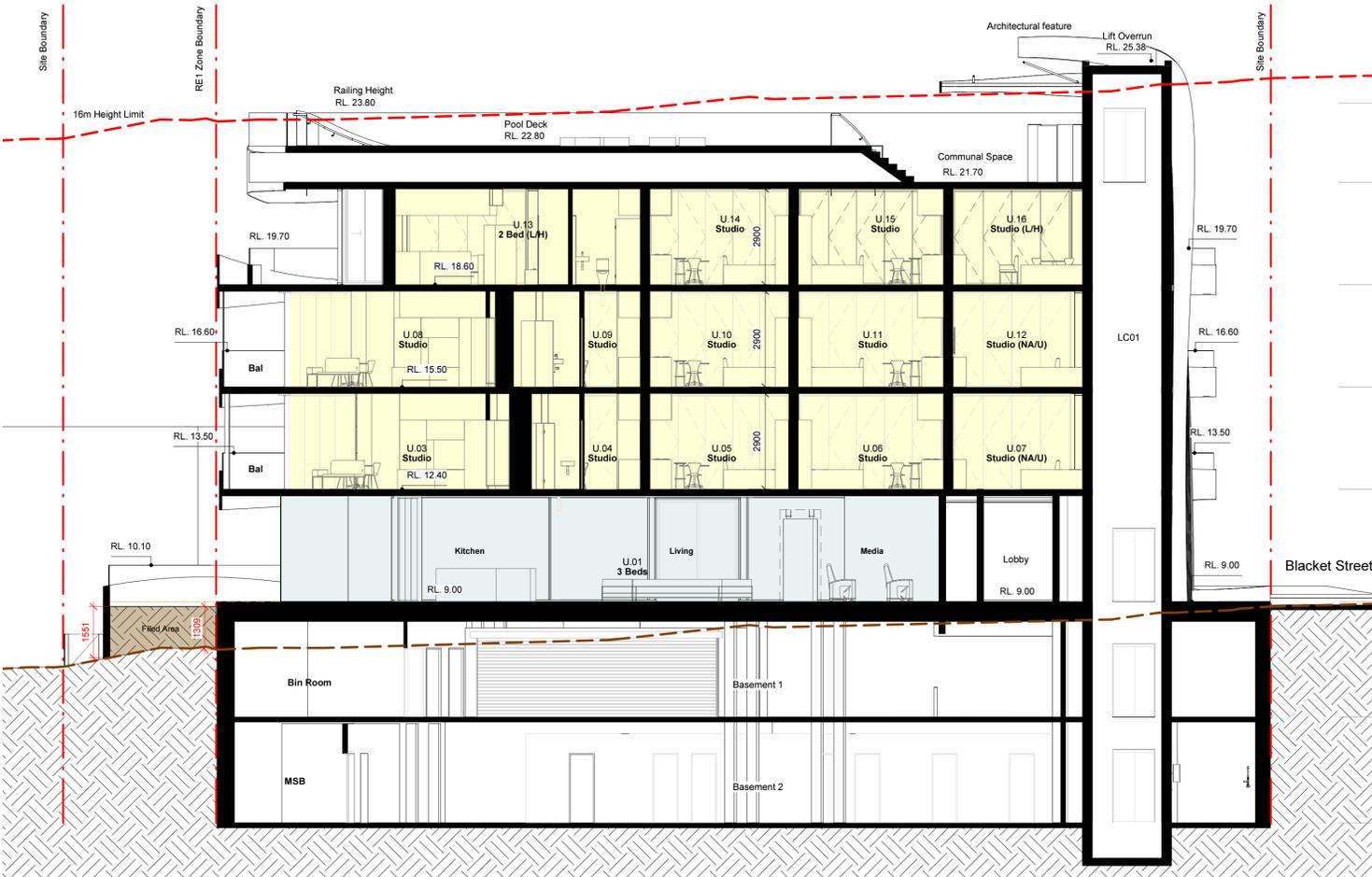
LEVEL 4, 111-117 DEVONSHIRE STREET, SURRY HILLS, NSW 2010 T 02 9318 8400 F 02 9318 8480
STEPHEN J. NORDON REGISTRATION No. NSW - 4704 GRAHAM P. JAGO REGISTRATION No. NSW - 4926

TITLE

Elevations

JOB No.	QLL00317
DATE	December 2017
SCALE	A1 @ As indicated
DWG No.	DA.300 E

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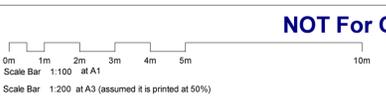


1 Section A
1:100

2 Section B
1:100

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 Site Survey Based On Drawing Received By CEH Consulting Pty Ltd, Registered Surveyors - Refer To Drawing - A1-0218069-A
 All Levels Indicated Taken To Australian Height Datum (AHD). Levels Prefixed With "RL" Are Interpreted From Existing Survey Information. Final Levels To Be Determined On Detail Review Of Existing Footpath Levels.
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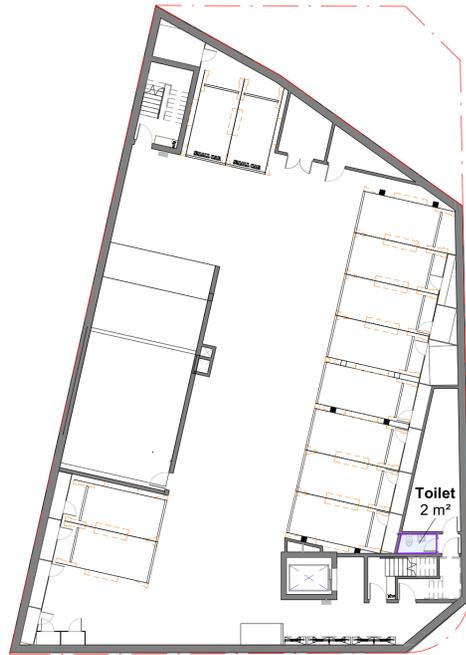
NOT For Construction

2 Blacket Street, North Wollongong.



LEVEL 4, 111-117 DEVONSHIRE STREET, SURRY HILLS, NSW 2010 T 02 9318 8400 F 02 9318 8480
 STEPHEN J. NORDON REGISTRATION No. NSW - 4704 GRAHAM P. JAGO REGISTRATION No. NSW - 4926

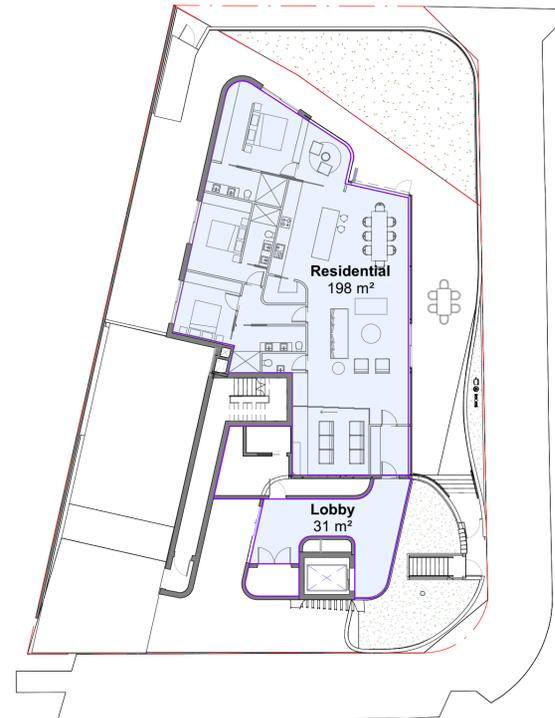
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		DATE	December 2017
		SCALE	A1 @ 1:100
		DWG No.	DA.200 E



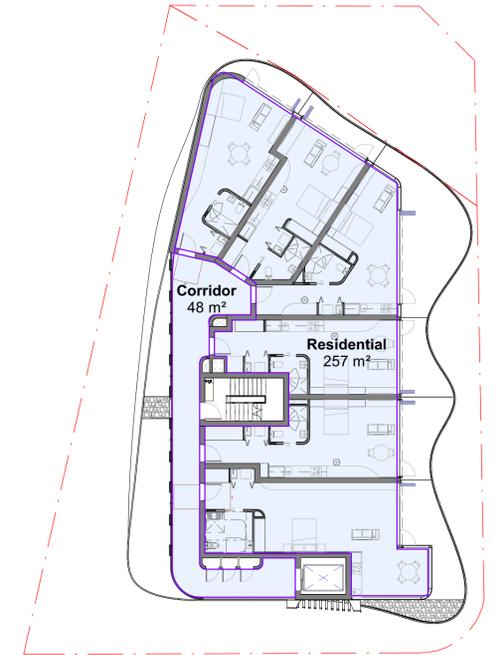
1 Basement 2
1:200



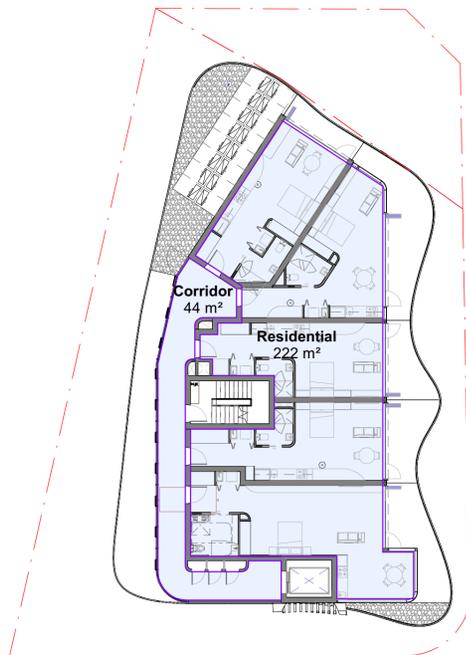
2 Basement 1
1:200



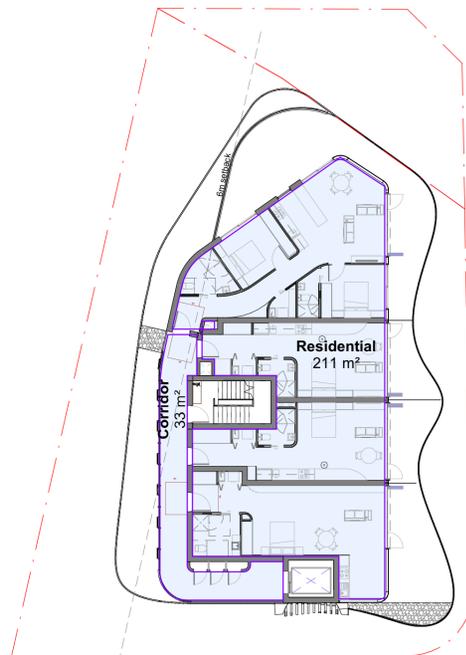
3 Ground Floor
1:200



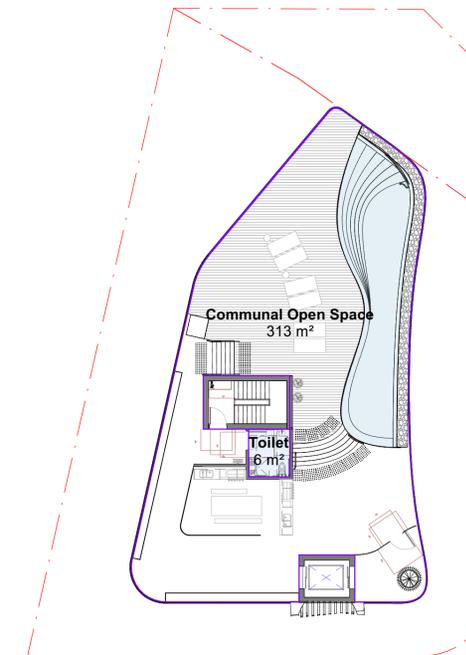
4 Level 1
1:200



5 Level 2
1:200



6 Level 3
1:200



7 060.SP.Roof
1:200

Gross Floor Area(GFA) Calculation		
Level	Name	Area
B2	Toilet	2.3 m²
Ground Floor	Residential	197.6 m²
Ground Floor	Lobby	31.4 m²
Level 1	Residential	257.0 m²
Level 1	Corridor	47.8 m²
Level 2	Residential	221.6 m²
Level 2	Corridor	44.0 m²
Level 3	Residential	211.0 m²
Level 3	Corridor	33.4 m²
Level 4	Toilet	6.3 m²
Total Gross Floor Area (DA)		1052.4 m²

2A Blacket Street, North Wollongong NSW 2500
Lot 1 DP 135620 & DP 779377

Site Area : 701.9 m² (excluding DP 779377, 82.1m²)

Permissible FSR - Permissible Area: 1.5:1 1,052.85m²
(Wollongong LEP 2009)

Proposed Area 1,052.4m²

Proposed FSR: 1.5:1

Gross Floor Area:

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.

COMPLIANCE CALCULATION

Site Address: 2A Blacket Street, North Wollongong NSW 2500
(Lot 1 DP 135620 & DP 779377)

Wollongong City Council
Planning Instruments
Wollongong LEP 2009 (Written Instrument + Maps)
Wollongong Development Control Plan 2009

SITE AREA & FSR CALCULATION

**Note: Frontage Width is wider than 20m.

• Site Area (R1 Zone, General Residential): 701.9 m² (DP 135620) (excluding DP 779377, 82.1m²)

• Permissible Area in Total: 1,052.9 m² (1.5:1)

• Proposed Floor Area : 1052.4 m² (1.5:1)

DEEP SOIL ZONE CALCULATION

**Note: Site Area (Lot 1 DP 135620 & DP 779377): 704m²

• Required Deep Soil Zone As Per SEPP65 (7% Of Site Area) : 54.9 m²

• Provided Deep Soil Zone Area : 86.8 m² (11.1%)

COMMUNAL OPEN SPACE CALCULATION

**Note: Site Area (Lot 1 DP 135620 & DP 779377): 704m²

• Required Communal Open Space As Per SEPP65: 196 m² (25%)

• Provided Communal Open Space Area : 313 m², 40%(On Roof)

General Notes

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C	Draft Issue For Coordination	30.07.18
D	Issue For DA Submission	22.08.18

NOT For Construction



TITLE

Gross Floor Area Plans

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JOB No. QLL00317

DATE December 2017

SCALE A1 @ As indicated

DWG No.

DA.060 D





Perspective View from Corner of Cliff Road & Blacket Street



Perspective View from Cliff Road looking south

Development Application

Rev	Description	Date
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NOT For Construction

2 Blacket Street, North Wollongong.

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JOB No. QLL00317

DATE December 2017

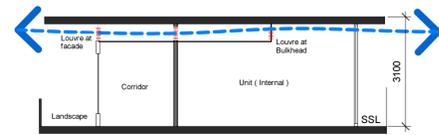
SCALE A1 @

DWG No.

DA.900 E

TITLE

Perspective

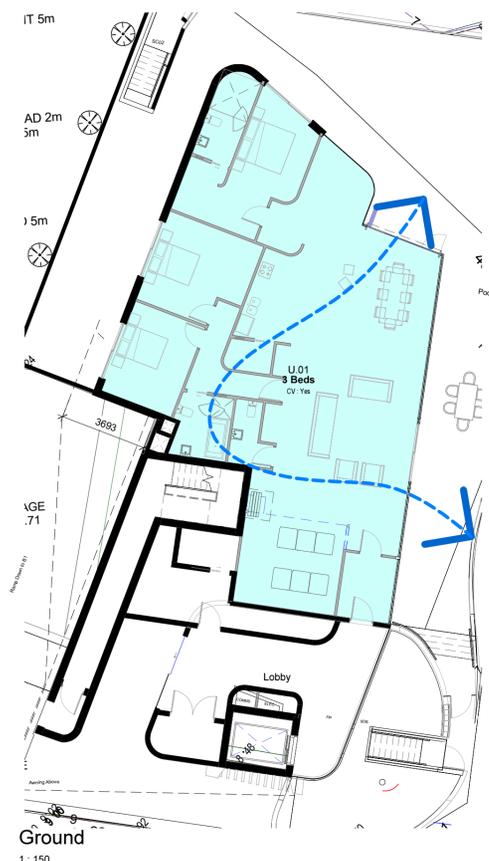


Natural Ventilation Diagram
NTS

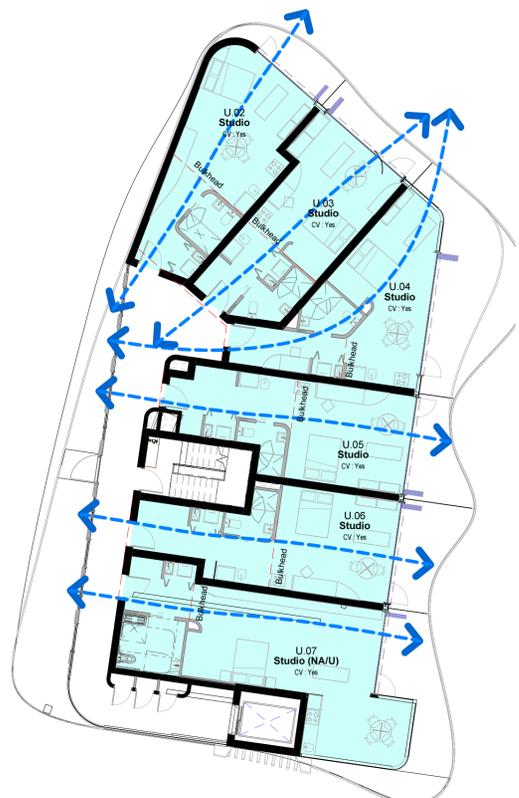
SEPP65 - Cross Ventilation		
Number	Unit Type	Cross Ventilation
U 01	3 Beds	Yes
U 02	Studio	Yes
U 03	Studio	Yes
U 04	Studio	Yes
U 05	Studio	Yes
U 06	Studio	Yes
U 07	Studio (NAU)	Yes
U 08	Studio	Yes
U 09	Studio	Yes
U 10	Studio	Yes
U 11	Studio	Yes
U 12	Studio (NAU)	Yes
U 13	2 Bed (LH)	Yes
U 14	Studio	Yes
U 15	Studio	Yes
U 16	Studio (LH)	Yes

SEPP 65 Legend - Cross Ventilation	
	Cross Ventilated Unit
	Non - Cross Ventilated Unit
↔	Cross Ventilation Type

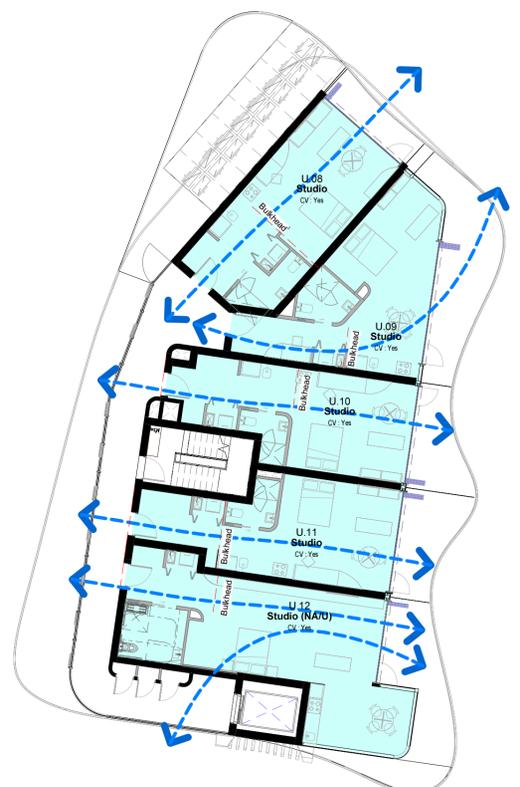
SEPP65 ANALYSIS - Cross Ventilation			
CROSS VENTILATION (REQUIRE 60% BY SEPP 65)			
LEVEL	UNIT NUMBERS PER LEVEL	COMPLIED UNIT NUMBERS	%
GROUND	1	1	100%
LEVEL 1	6	6	100%
LEVEL 2	5	5	100%
LEVEL 3	4	4	100%
TOTAL	16 UNITS	16 UNITS	100%



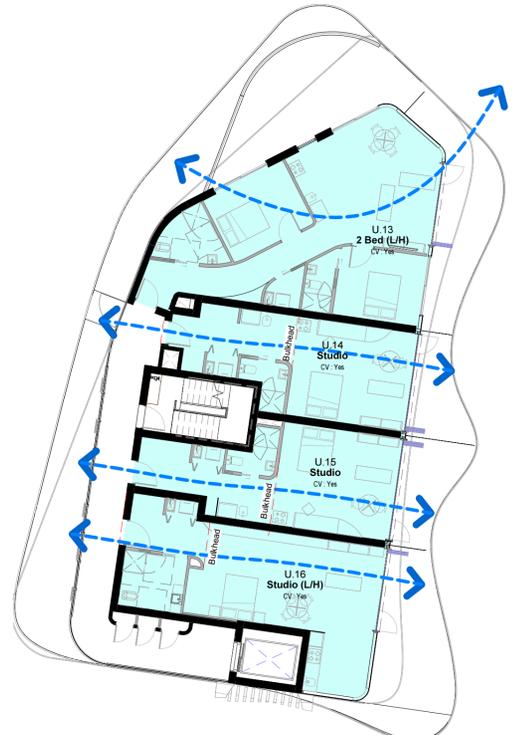
Ground
1:150



Level 1
1:150



Level 2
1:150



Level 3
1:150

General Notes

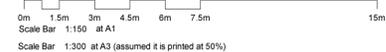
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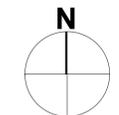
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C	Draft Issue For Coordination	30.07.18
D	Issue For DA Submission	22.08.18



NOT For Construction



TITLE
SEPP65 - Cross Ventilation Summary

2 Blacket Street, North Wollongong.

JOB No.	QLL00317
DATE	December 2017
SCALE	A1 @ As indicated
DWG No.	DA.020 D



LEVEL 4, 111-117 DEVONSHIRE STREET, SURRY HILLS, NSW 2010 T 02 9318 8400 F 02 9318 8480
STEPHEN J. NORDON REGISTRATION No. NSW - 4704 GRAHAM P. JAGO REGISTRATION No. NSW - 4926

CONCEPT GROUND LEVEL

NOTES:

- The landscape area has been kept to soft (deep soil) area i.e. Lawn and planting.
- The line styles are in keeping with the flavour of the architecture.
- Good amount of planting is proposed to really nestle the architecture into the landscape with the inclusions of high level palms to provide a filtered view in and out, creating some dappled privacy.
- The POS floor finish has been selected for seamless integration of the interior to the outdoor landscaped area.
- Large scale pots/bowls dress the paving as required.
- Large troughs are shown on the western side with high level 'trees' to provide protection from the western sun and view out from high level windows.

INCLUSIONS:

- Rear lower level garden
- Pots to dress dining area.
- Large troughs on western side.
- Street frontage garden.
- Front entrance garden.



Adam Robinson Design

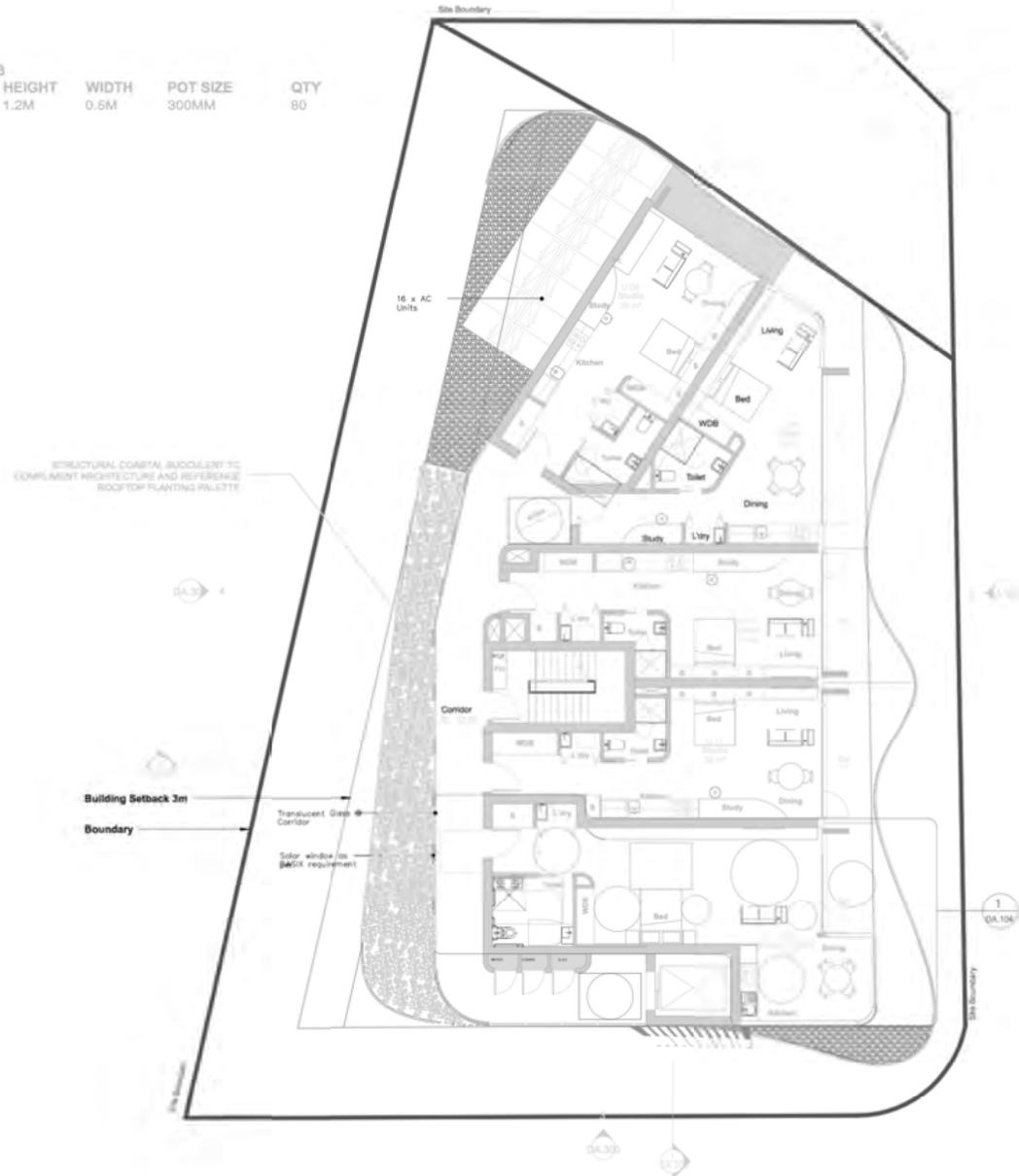
2 BLACKET STREET, NORTH WOLLONGONG
LANDSCAPE CONCEPT / DATE: OCTOBER 18

PLANTING PLAN LEVEL 2-3

ADAM ROBINSON DESIGN

PLANT SCHEDULE - 2 BLACKET STREET, NORTH WOLLONGONG / LEVEL 2-3

BOTANICAL NAME	COMMON NAME	HEIGHT	WIDTH	POT SIZE	QTY
KALANCHOE SILVERSPOONS	SILVERSPOONS	1.2M	0.6M	300MM	80



Adam Robinson Design

CONCEPT ROOFTOP

NOTES:

- All pots against balustrade pool fencing to be 800mm or taller to avoid climbing zone.
- All other pots are positioned 900mm away from balustrade and pool fencing to avoid climbing zone.
- All proposed pots are matt white to enhance clean coastal contemporary feel of the rooftop space.
- Clusters of hardwearing water wise mixed species to take the harsh exposed environment softening the space.
- Low bowls with cascading succulent species.
- Trees chosen can handle the extreme winds due to their natural form.



Adam Robinson Design

CONCEPT PLAN ROOFTOP



1. Concept image of Kalanchoe Silver spoons planted in boundary troughs. To provide privacy and tolerate tough conditions.



2. Concept image to show Mass planting of Crassula bluebird planted in white tall pots.



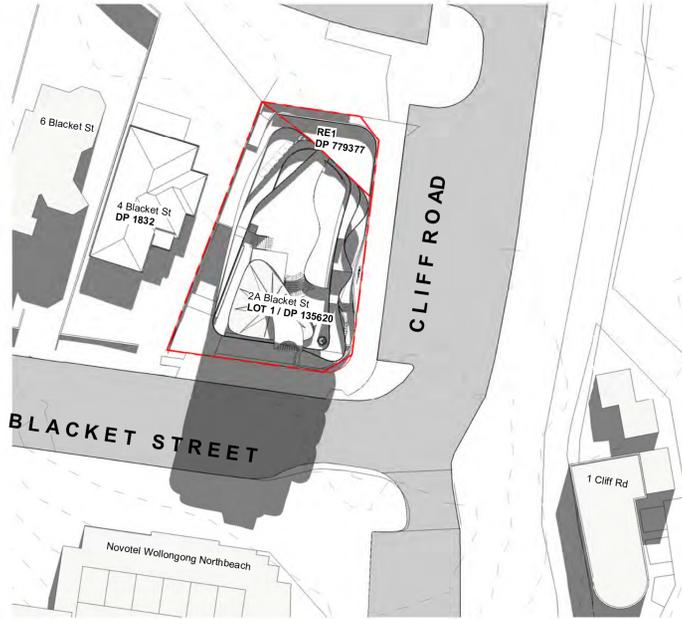
4. Concept image of Senecio serpens which will be planted in low white bowls.



5. Concept image of Dracaena Draco to be planted in all oversized pots.



Adam Robinson Design

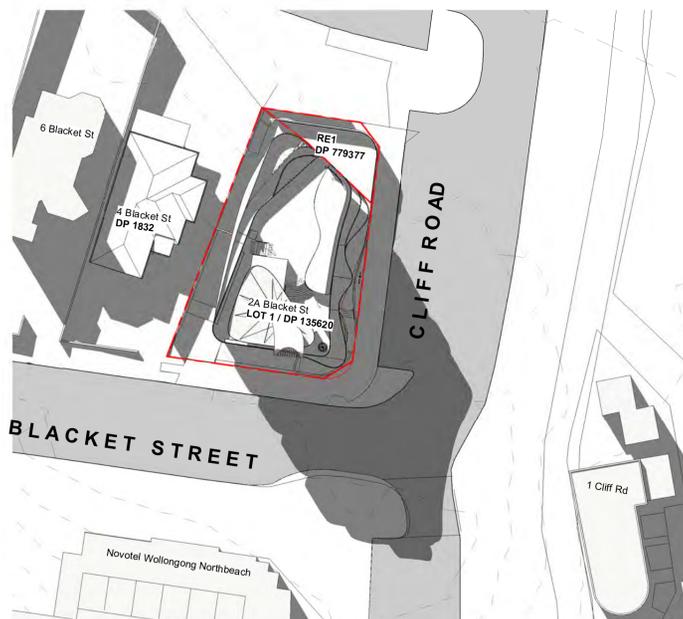


1 Winter Shadow Study 9AM
1:500

2 Winter Shadow Study 10AM
1:500

3 Winter Shadow Study 11AM
1:500

4 Winter Shadow Study 12PM
1:500



5 Winter Shadow Study 1PM
1:500

6 Winter Shadow Study 2PM
1:500

7 Winter Shadow Study 3PM
1:500

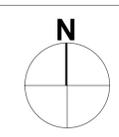
Conclusion:
No major impact on any neighbouring properties as a result of proposed development.

Next door residential neighbour at no 4 Blacket street does not get any shadow of proposed development on their window. Only their front yard receives shadow between 9am & 10am. After 10am no impact on no 4 neighbour.

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B	Draft Issue For Review	13.07.18
C	Draft Issue For Coordination	30.07.18
D	Issue For DA Submission	22.08.18

NOT For Construction



TITLE	Winter Shadow Study	
JOB No.	QLL00317	
DATE	December 2017	
SCALE	A1 @ As indicated	
DWG No.	DA.050 D	

2 Blacket Street, North Wollongong.



Figure 3 – Looking eastward along Blacket Street towards the site and the North Beach Surf Club and Kiosk



Figure 4 – Looking to the south-west from near the North Wollongong Surf Club to the subject site, Cliff Road in the foreground and Novotel hotel in the background (source: Google streetview, July 2018)



Figure 5 – Looking north/ north-west to the subject site (source: Google streetview, July 2018)



Figure 6 – Looking west/ south-north-west to the subject site (source: Google street view, August 2015)



Figure 7 – Looking north along Cliff Road towards the site (source: Google street view, July 2018)

Attachment 3 - Design Review

Wollongong Design Review Panel 20 November 2018 Meeting minutes and recommendations DA-2018/1316

Date	20 November 2018
Meeting location	Wollongong City Council Administration Offices
Panel members	David Jarvis Karla Castellanos Marc Deuschle
Apologies	Nil
Council staff	Pier Panozzo - City Centre & Major Development Manager Theresa Whittaker – Senior Development Project Manager Ellen Rowles- Planning Intern
Guests/ representatives of the applicant	Sachin Wachim – Nordon Jago Kristen Magnanino – Quill Holdings Arthur Zougliis – Artro Management Sophie Perry – Cardno Deb Sutherland - Cardno
Declarations of Interest	Nil
Item number	1
DA number	DA-2018/1316
Reason for consideration by WDRP	Clause 28 of SEPP65, Clause 7.18 of WLEP 2009
Determining Authority	Wollongong Local Planning panel (WLPP) Section 4(b) of Schedule 2 of the Local Planning Panels Direction of 1 March 2018, as the Development is sensitive development
Property address	2 Blacket Street North Wollongong
Proposal	Residential Flat Building
Applicant or applicant's representative address to the design review panel	The Panel meeting commenced with a summary of the design. Mr Zougliis commented that the design is the result of 18 months or coordination by the applicant's experts.
Background	The site was Inspected by the Panel on 20 November 2018
Design quality principals SEPP65	
Context and Neighbourhood Character	<p>The neighbourhood is made up of a lively mixture of beach side facilities include cafes, restaurants, a hotel and residential buildings. There are some apartment buildings of significant scale in close proximity. However, the existing residential properties immediately to the west are of a more modest scale (1 and 2 storeys).</p> <p>The proposal is located on a prominent site in Wollongong's North Beach neighbourhood. Areas and buildings of Heritage significance surround the site to the north and east. Including a landscaped heritage park, north Wollongong surf club, north beach pavilion and north beach kiosk. The proposal will be highly visible from the adjacent park and foreshore.</p> <p>Further development of the site analysis should explore how the building is viewed in context when approached from the park to the north and the foot path to the south. The proposal will benefit from the formulation of a comprehensive set of principles and a design concept to guide the response to the site and its surroundings. The Panel felt that proposal was guided by a response to the operational requirements i.e. access and the need to achieve a certain number of units rather than a thorough site and context analysis and a set of design principles derived from the opportunities and constraints of the site.</p> <p>A thorough design analysis will provide guidance with regards to the appropriate or predominant streetscape response with regards to setbacks and fencing as well as building alignments, bulk and scale. The Panel felt that the treatment of the ground plane following the ground level treatment of the Novotel Hotel (to the</p>

	<p>south), which is a commercial facility was at odds with the character of the subject block, which is clearly residential in character with a marked presence of landscaped lawns and vegetated front setbacks.</p> <p>The response to the northern public open space also lacked a contextual approach in the use of a very high and visible fence, which is estimated to be between 2m and 3m in height. The Applicant is encouraged to go back to first principles and to revise the proposal based on a closer review of the surrounding context and its main characteristics; a thorough site analysis should lead to a comprehensive revision of the current proposal not merely to a post-rationalisation of the current design. For a full list of issues that should be addressed in a site analysis, refer to part 3A of the ADG.</p>
<p>Built Form and Scale</p>	<p>The formulation of the built form also appeared to be guided by the operational requirements of the site. The proposed form consists of a series of undulating stacked levels and a very prominent vertical spine on the southern elevation. These elements however, have not been guided by a clear design concept rather this form and specially the location of the vertical circulation lift core is the result of the operational and vehicular access requirements such as the required number of car park spaces and the need to allocate the lift core out of the way of the circulation of cars. Though it is acknowledged that operational requirements are an important driving factor in the design of any building, it must not be at the expense of an inappropriate response to the context of the site.</p> <p>This results in a very dominant design element along the southern façade that is not a deliberate response to a view or a vista or the continuation of the predominant character of the streetscape. Instead, this feature has become very dominant and visible in the elevation in an effort to integrate the stark nature of an expose lift core into the façade when this is not an archetypal feature in the area or derived out of an effort to integrate the expression of the building to its surroundings.</p> <p>It is the opinion of the panel that the overall form is bulkier than that predicated by the controls. The effort of maximizing balcony space outside the building line has deliberately pushed the balconies into the required setbacks and the resultant massing is significantly larger than a compliant building envelope with the applicable setbacks. It is the Panel's concern that the proposal would appear overly dominant as part of the streetscape due to the site's open and highly exposed nature. The balcony extent, expression and continuous character should be reconsidered.</p> <p>Other aspects of the design that appear to be the result of the operational requirements include the basement. The basement fills the entire foot print of the site (with the exception of the portion of land zoned RE1) from boundary to boundary is currently proposed. The topography of the site (falls down to the north) results in the northern end of the basement roof sitting 2m above the adjacent street level. These factors combine to result in an unacceptable interface with the street and adjoining neighbour:</p> <ul style="list-style-type: none"> · The basement entry ramp is located hard up against the western boundary, providing no opportunity for landscaping or scope to terrace the exposed retaining wall to mitigate its visual impact from the street. The proximity of the retaining wall is also likely to kill the existing vegetation on the neighbouring site. A better solution would be to encapsulate the ramp within the building footprint and the

provision of a security grille to avoid the 'black hole' effect to dominate the streetscape and to mitigate acoustic and environmental impacts to the neighbouring property.

- Almost the entire Blacket Street frontage is hard paved.
- A wall concealing the parking wraps around the east and north perimeter of the site allowing no deep soil landscaping to the majority of the perimeter of the site.
- A single isolated area of deep soil has been provided on the norther edge of the site which is currently zoned RE1, Public recreation. This area has been elevated approximately 2m above the street level and enclosed by a wall (partly masonry, partly glass) effectively isolating the only area of deep soil landscaping proposed for the site so that it does not contribute to the quality of the public spaces it adjoins.
- The elevated ground level private terrace in the North West corner creates potential privacy issues with the existing neighbour.

Council controls require a 4m set back from the street; the current proposal provides a waved form that varies from 3m to approximately 200mm. Though some consideration may be given to relaxing the street set back control due to the isolated nature of the site's eastern street frontage, the current proposal is too close to the street creating a far more urban relationship with the street and adjacent foot path than is desirable in this neighbourhood. A minimum street set back of 3m is recommended for the purpose of landscape softening and mature planting.

By wrapping the building with a balcony on the north and east and a walkway on the west the perceived bulk of the building is increased.

By changing the mix / number of units the amount of cars spaces required could be reduced and in turn the size of the basement car park could be reduced. This would create the potential to address many of the street interface issues outlined above. With less cars required in the basement consideration could be given to the following strategies:

- Relocating the service risers on the eastern side of the access ramp can assist to reducing the isle by 800mm in width.
- Reconfiguring the storage lockers in the south west corner of the basement can assist in providing a landscaped strip next to the entry ramp.
- Relocating plant rooms adjacent to the eastern boundary will create the potential for deep soil landscaping to the street.

The proposed corridor on the western face of the building does not comply with ADG building separation requirements (part 3F); to address potential visual privacy issues the corridor is enclosed in opaque glass. Providing an enclosed fully glazed west facing corridor that wraps around a significant portion of the building is a questionable strategy, as it:

- Contributes to the perceived bulk of the building,
- Creates an unnecessarily long route between lift and units,
- Provides a potentially uncomfortable environment (over

	<p>heating)</p> <ul style="list-style-type: none"> Creates complexities in cross ventilating units. <p>Alternative circulation strategies should be considered.</p>
Density	<p>The non-compliant site width (24m minimum) indicates that this site may not be capable of accommodating the full potential of the FSR permissible on this site.</p> <p>The poor street interface proposed, non-compliant street set-backs and poor relationship with the adjoining neighbour all present as an over development of the site. Further design development is required to accommodate an appropriately scaled building for this very prominent location.</p> <p>The proposed unit mix does not address the housing needs of a wide cross section of the community nor does it promote housing affordability for young or starting families in this area. The proposal has an overprovision of studios, which in the view of the panel, creates an increased number of parking spaces. This in turn leads to a number of adverse built form outcomes. It is strongly recommended for the Applicant to provide a more balanced unit mix.</p>
Sustainability	<p>The proposal relies on a plenum to provide cross ventilation to the majority of apartments. More detail is required to demonstrate if the proposal meets the minimum requirements of the ADG:</p> <p>The area of clear unobstructed window openings should be equal to at least 5% of the apartment area. On a typical 40sqm unit this will equate to 2sqm of unobstructed opening. It is unclear how such an area can be accommodated by the plenum. To present a more convincing case for the proposed cross ventilation:</p> <ul style="list-style-type: none"> Show the servicing strategy for each unit, including hydraulic services from the units below and positions and type / size of FCUs for each unit. Clearly show the dimensions of the plenum, clear of all services, demonstrate compliance with ADG area requirements. Show the type of cover to each end of the plenum, state the area of openness of each cover. Provide a report by a suitably qualified expert to confirm that the size and efficiency of the system is equal to the requirements of the ADG. <p>The proposal appears capable of meeting the minimum ADG requirements for solar access.</p> <p>Opportunities to harvest rainwater for use in maintaining any plantings established on the building or the site should be explored. Other water minimization measures should be considered including the reuse of rainwater for toilet flushing and use in washing machines.</p> <p>Species selection for any plantings should aim to support council's commitment to maintaining local biodiversity and natural landscapes, and preventing future weed problems.</p> <p>The selection of building materials should keep in mind the harsh coastal environment to avoid long term maintenance costs.</p>
Landscape	<p>As raised in 'Built Form and Scale' above, and 'Amenity' below, the opportunity to re-arrange the carpark and lift/lobby would allow more substantial landscaped areas (mostly deep soil) to be realised</p>

along the eastern and southern boundaries. These would contribute positively to both the public/private interface along the streetscape, and help bed the development into the park / residential nature of the neighbouring sites.

The current planter beds on the SE corner and along the eastern façade feel like attempts to soften the built form rather than meaningful additions to the streetscape or the function of the building. The planter on the eastern façade particularly will not facilitate successful plant growth as it tapers to points at either end that are too narrow to sustain plant growth.

The deep soil on the northern end of the site is not retained at its natural level but rather is to be raised by several metres over existing levels. The new soil is retained by a wall along the boundary. There is a significant tree on this boundary that is impacted by this noted as tree2 in the arborist's report. The arborist makes mention of this tree and advises that although 30% of the TPZ is within the subject site no adverse effects will result due to the building works. Given that retaining 2m of soil will require a substantial retaining wall and footing, and this wall is on the boundary essentially truncating the TPZ, significant impact will be felt by this tree and the design must reflect this. It should be confirmed that the arborist understood the design with regards to levels and walls in this area.

The northern DSZ is conceived as POS and while this is not of itself an issue, there is a concern that a future owner could pave this area removing the benefits of the DSZ. It should be demonstrated how this area will be retained as DSZ.

As shown in DA.101F, fire egress stairs surface directly onto the setback to the east and to the north. This is a poor outcome as these items reduce the provision for landscape and vegetation, especially the one along the northern boundary. Fire egress stairs should be encapsulated within the building footprint.

L1-L3

The species chosen to provide a screen to along the western boundary for levels 1, 2 and 3 are all a single species which is neither endemic nor native. Given the potential harshness of this location with hot western sun and coastal conditions the use of a single, exotic species is questionable.

Roof garden

The roof garden is very exposed visually and climatically. Plants in pots are proposed to achieve a 'light open approach' however given the proposed mix of apartments (predominantly studios) and the coastal location, more should be achieved through the planning of this space.

Given that the pool deck is raised 1.1m above the lower roof deck, opportunity exists to provide significant planters on the upper deck providing tenants with shelter from the coastal elements, screening to/from the western neighbours, and a series of small-medium spaces – rather than the single large space proposed – that are more suitable to the tenant make-up.

On the lower pool deck, especially if the advice to open the lift only to the west is taken, the circulation should be rationalised to provide a series of clearly defined spaces, with clear thresholds between. Potentially a space overlooking the beach in the SE corner, and the BBQ area to the SW with access to the pool deck between and to the western edge.

	<p>The pool security gate should be positioned at the transition from the lower deck to the upper deck allowing people to utilise the lower roof without needing to enter the secure area.</p> <p>A glass pool wall may not be appropriate in this location in line with other comments about privacy and visibility of this development from adjoining public areas.</p>
Amenity	<p>There is a large extent of services and storage cupboard in the ground floor lobby. These areas should be consolidated and rationalised.</p> <p>The extent of the ground floor entry lobby could be rationalised if the lift were re-orientated to face west. With this configuration you can see the lift door as soon as you walk in the lobby. Further to this it would allow the expanse of hard paving to be reduced by removing the current dogleg in the lobby entry. By entering immediately adjacent to the west of the lift, the carpark ramp could be re-orientated away from the western neighbour and more substantial landscaping could be introduced at the entry. A better separation between vehicular and pedestrian entries would also result.</p> <p>Further development is required to minimize potential privacy issues with future neighbours along the western edge of the roof terrace.</p> <p>Balcony depth to be compliant with minimum ADG requirements (2m minimum depth), U03 appears too narrow.</p> <p>The location of a row of Ac condensing units on Level 2 is strongly discouraged as this will potentially create acoustic impacts to the adjacent properties to the west, especially as this site has redevelopment potential and future habitable uses would be likely to be located adjacent to this location in an effort to capture park and water views. It is imperative that these are relocated to a concealed area away from view.</p> <p>The proposed common corridor is enclosed and fully glazed with a western aspect. No clear indication has been provided as to how climate control can be achieved in order to avoid the “green house effect”. Having this common space mechanically ventilated is not a sustainable option in the long term.</p> <p>Some of the kitchens for a number of units have a marked absence of counter space area i.e. U7, U12, U16, etc.</p>
Safety	<p>The egress stair discharges directly into the path of oncoming traffic exiting the carpark; this should be reconfigured.</p>
Housing Diversity and Social Interaction	<p>The proposal would benefit from a clearer ground floor entry and a more compact circulation strategy.</p> <p>Fewer studio apartments and more two bed room units would also create a more diverse range of housing options within the building.</p>
Aesthetics	<p>The aesthetic expression of the building needs to be guided by a proper set of principles and a strong design concept to anchor the design to the site and its surroundings. The idea that an undulating set of balconies responding to the waves visible along the coast might seem like a logical response to a site next to the ocean, but it is not necessarily ground-breaking or a unique response to this site. This idea could be applied to every site along the coast. What is required is a solution that would not fit anywhere else as the solution for this site has to emerge as a response to its unique surrounding context, heritage buildings, public recreational spaces</p>

	<p>and predominant views and vistas.</p> <p>The overly expressed lift core is not the result of a strong design concept, but the need to mask an otherwise utilitarian shaft. This then results in an overly expressed element that dominates the façade as the only vertical element in the entire building. This is then also highlighted by the monochromatic choice of materials and textures. The proposal lacks a robust choice of natural and organic materials. The expression of the elevations relies heavily on white painted render, glass and metal frames.</p> <p>This is hardly a set of recessive materials meant to blend with the surrounding heritage buildings; they would probably blend better with the non-contributory Novotel Hotel, which is hardly the best reference point. In essence, the proposal is meant to stand out from its setting and in doing so, it runs the risk to be out of place if the form has not been derived or guided by an effort to achieve a good contextual fit.</p> <p>Also, the important question to ask with regard to the selection of materials is whether they would be able to perform well against the harsh coastal environment overtime. Metal, glass and painted render do not have the intrinsic qualities of integral materials required to sustain the effects of long-term salt attack, wind and heat gain.</p> <p>The perspectives tabled at the meeting show bed rooms and living areas that will be extremely exposed to the surrounding areas of public open space when viewed from the public domain opposite and nearby. This will not be the most comfortable environment to inhabit. A greater balance should be developed between capturing the desirable outlook and providing comfortable environment to live in.</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, substation and fire hydrant boosters should be accommodated in a way that does not clutter the expression of the building.</p>
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Design Excellence WLEP2009	
<p>Whether a high standard of architectural design, materials and detailing appropriate to the building type and location will be achieved</p>	<p>Please refer to the section on Aesthetics above.</p>
<p>Whether the form and external appearance of the proposed development will improve the quality and amenity of the public domain,</p>	<p>As noted above, the proposal should review the following issues to improve its relationship with the surrounding public domain:</p> <ul style="list-style-type: none"> · Utilisation of the ground level setback as hardscape · The provision of high perimeter walls · The choice of a monochromatic palette that would make the building stand out in its setting · The encroachment into the setback areas, which will increase the appearance of bulk and scale as viewed from the public domain · The overemphasis of elements such as the lift core without any meaningful reason · The lack of meaningful deep soil areas outside of Lot DP 779377.

	In addition, no information has been provided to show the intended treatment of the public domain around the boundary of the site.
Whether the proposed development detrimentally impacts on view corridors,	<p>The proposal is located in an extremely visible location readily open to a popular and well-used public open space and water front promenade. No indication of the existing views and vistas from the surrounding vantage points has been provided. The panel strongly recommends for this to be done following Land and Environment Court Planning Principles to ascertain the proposal's potential visual impacts from the foreshore and surrounding pedestrian links.</p> <p>Any view impacts to surrounding neighbours generated from the elements that pierce above the height plane need to be documented and evaluated ahead of any consideration for approval.</p>
Whether the proposed development detrimentally overshadows an area shown distinctively coloured and numbered on the Sun Plane Protection Map,	Not applicable.
How the development addresses the following:	
the suitability of the land for development,	The land is capable of being developed for residential uses.
existing and proposed uses and use mix	Please refer to Housing Diversity and Social Interaction above.
heritage issues and streetscape constraints,	A greater consideration should be given to the surrounding heritage items and setting.
the location of any tower proposed, having regard to the need to achieve an acceptable relationship with other towers (existing or proposed) on the same site or on neighbouring sites in terms of separation, setbacks, amenity and urban form,	There is a question with regards to the separation distances to the neighbour to the west and whether the non-habitable condition has been met by the utilisation of a fully glazed and opaque glass corridor.
bulk, massing and modulation of buildings	Please, refer to the Built Form section above.
street frontage heights	There is a question as to whether the proposed massing would be successful in promoting a 'fine grain' and human scale to the street due to the single height proposed up to the uppermost level and due to the consistent encroachment into the setback areas, which are bound to increase the perceived bulk and scale along the footpath.
environmental impacts such as sustainable design, overshadowing, wind and reflectivity	The material & colour of all structures up to ground floor level should consider light reflectivity, particularly in relation to the direct northern exposure and western adjacent properties.
the achievement of the principles of ecologically sustainable development	The proposal has not provided any documentation to suggest sustainability was considered in its design.
pedestrian, cycle, vehicular and service access, circulation and requirements	The proposal appears to be dominated by the function and operational requirements of vehicular access. Fire egress stairs and POS areas occupy valuable areas for landscape in the ground level setbacks and the overexpression of the vertical lift core is the

	<p>result of having to post-rationalise the unfortunate default location of the lift. The orientation of the lift doors at the ground level seems counter-intuitive considering where the pedestrian entry point is located.</p>
<p>impact on, and any proposed improvements to, the public domain</p>	<p>No information has been provided to show the intended treatment of the public domain around the boundary of the site.</p>
<p>Key issues, Comments & Recommendations</p>	<p>It is unfortunate that a pre-DA meeting was not undertaken by the applicant or that Council was not involved at some point in the 18 months or coordination by the applicant's experts. In any pre-DA meeting, fundamental strategies that inform the design approach could have been established which would have set up the frame work for a more appropriate response to this very prominent site.</p> <p>The currently poor street interface, non-compliant street set-backs and poor relationship with the adjoining neighbour all present as an over development of the site. Further development is required to accommodate an appropriately scaled building for this very prominent location:</p> <ul style="list-style-type: none"> · Expand site analysis, particularly view analysis to inform the design · Arrive at a set of design principles and concept to guide the evolution of the form and architectural expression of the building · Reduce the intrusions into the setbacks to reduce the perception of bulk and scale · Explore alternative circulation strategies · Consider alternative unit mixes / numbers · Explore alternative balcony configuration strategies · Reduced the extent of basement · Develop building interface with street and neighbours at ground level · Develop and document a ventilation strategy compliant with the minimum requirements of the ADG · Address potential privacy issues with neighbours · Further development of building aesthetic · Develop a responsive landscape strategy · Consider a more robust selection of materials · Consider the long term performance of the building against the harsh coastal environment

Attachment 4 - Apartment Design Guide Assessment

Standards/controls	Comment	Compliance
<p>Part 1 – Identifying the context</p> <p><u>1A Apartment building types</u></p>	<p>The proposal is an RFB that does not specifically reflect any of the apartment building type examples provided in the ADG.</p>	
<p><u>1B Local character and context</u></p> <p>This guideline outlines how to define the setting and scale of a development, and involves consideration of the desired future character, common settings and the range of scales.</p>	<p>The strategic local character and future desired character of the site is set by Wollongong LEP 2009 (R1 general residential and Clause 8.1 Objectives for development in Wollongong City Centre), Wollongong DCP 2009 (Chapter D13 Wollongong City Centre)</p> <p>Both LEP and DCP clauses are assessed in detail at Sections 2.1.5 and 2.3.1 of the assessment report.</p>	
<p><u>1C Precincts and individual sites</u></p> <p>Individual sites:</p> <p>New development on individual sites within an established area should carefully respond to neighbouring development, and also address the desired future character at the neighbourhood and street scales. Planning and design considerations for managing this include:</p> <ul style="list-style-type: none"> - Site amalgamation where appropriate - Corner site and sites with multiple frontages can be more efficient than sites with single frontages - Ensure the development potential for adjacent sites is retained - Avoid isolated sites that are unable to realise the development potential. 	<p>The site comprises 2 allotments which are to be consolidated.</p> <p>The site is a corner allotment with frontages to Cliff Road and Blacket Street.</p> <p>The development is expected to have an impact on the development potential of the adjacent site to the west. This adjoining allotment may become isolated as a result of the proposed development, refer to discussion within the body of the report.</p> <p>The site is located with the City Centre precinct and well located with regard to the public transport and areas of high amenity.</p>	<p>No</p>
<p>Part 2 – Developing the controls</p> <p>These guidelines include tools to support the strategic planning process when preparing planning controls, and aren't relevant to the development assessment of</p>	<p>Strategic planning tool intent noted.</p>	<p>N/A</p>

Standards/controls	Comment	Compliance
<p>individual proposals.</p> <p>Part 3 Siting the development</p> <p><u>3A Site analysis</u></p> <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>Site analysis plans provided with the DA material. DRP have advised that insufficient consideration appears to have been given to the context of the site in arriving at the design response proposed</p>	<p>No</p>
<p><u>3B Orientation</u></p> <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><i>Objective 3B-1:</i> <i>Building types and layouts respond to the streetscape and site while optimising solar access within the development</i></p> <p><u>Design Guidance</u></p> <ul style="list-style-type: none"> - Buildings should define the street by facing it and providing direct access. 	<p>Building faces the street and units are oriented towards the east and north to take maximum advantage of available ocean and coastal views. Development offers opportunities for casual surveillance of the street and public domain/ reserve and adjacent car park.</p> <p>Most units and the COS appear to enjoy good solar access.</p> <p>Development will impact on vegetation as noted within the body of the report.</p> <p>The entrance is not particularly legible and does not provide for good activation of the frontage. Ground floor unit and units above will directly overlook the street</p> <p>The scale of the building does not respond to the desired future character sought to be achieved in the precinct as defined by the planning controls (floor space ratio, height, and building setbacks).</p> <p>The strategic local character and future desired character of the site is set by Wollongong LEP 2009 (R1 zone, Clause 8.1 Objectives for development in Wollongong City Centre) and Chapter D13 of Wollongong DCP 2009</p>	<p>Yes</p>

Standards/controls	Comment	Compliance
<p><u>Objective 3B-2</u></p> <p><i>Overshadowing of neighbouring properties is minimised during mid- winter</i></p> <p><u>Design Guidance</u></p> <ul style="list-style-type: none"> - Overshadowing should be minimised to the south or down hill by increased upper level setbacks - Refer sections 3D & 4A below for solar access requirements - A minimum of 4 hours of solar access should be retained to solar collectors on neighbouring buildings <p>3C Public domain interface</p> <p>Key components to consider when designing the interface include entries, private terraces or balconies, fences and walls, changes in level, services locations and planting.</p> <p>The design of these elements can influence the real or perceived safety and security of residents, opportunities for social interaction and the identity of the development when viewed from the public domain</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><u>Design Guidance</u></p> <ul style="list-style-type: none"> - Terraces, balconies and courtyards should have direct street entry, where appropriate - Changes in level between private terraces etc above street level provide surveillance and improved visual privacy for ground level dwellings. - Front fences and walls along street frontages should use visually permeable materials and treatments. The height of solid fences or walls should be limited to 1m. - Opportunities should be provided casual interaction between residents and the public domain eg seating at building 	<p>(Wollongong City Centre). Both LEP and DCP clauses are assessed in detail in the assessment report.</p> <p>Council's Landscape Architect has assessed the application and has raised concerns in regard to lack of landscaping and impact on vegetation.</p> <p>The shadow diagrams indicate minimal overshadowing of the neighbouring residential buildings to the west however there will be overshadowing of the public domain.</p> <p>Street entry available to ground floor unit from Cliff Road.</p> <p>Poor street frontage treatment provided as discussed at length throughout the body of the report; key concerns raised by DRP in regards to street interface treatment including excessively high wall abutting the Cliff Road boundary of the site</p> <p>Residential balconies and ground level courtyards face the street frontage, providing some opportunities for natural surveillance. High fencing proposed to ensure the privacy of the ground floor unit which will give rise to a poor streetscape</p>	<p>No</p>

Standards/controls	Comment	Compliance
<p>entries, near letterboxes etc</p> <p><u>Objective 3C-2:</u> <i>Amenity of the public domain is retained and enhanced</i></p> <p><u>Design Guidance</u></p> <ul style="list-style-type: none"> - Planting softens the edges of any raised terraces to the street (eg basement podium) - Mailboxes should be located in lobbies perpendicular to street alignment or integrated into front fences. - Garbage storage areas, substations, pump rooms and other service requirements should be located in basement car parks. - Durable, graffiti resistant materials should be used - Where development adjoins public parks or open space the design should address this interface. 	<p>outcome</p> <p>The amenity of the public domain will not be improved by the development of the site in the manner proposed.</p> <p>Garbage storage areas, mail boxes, fire services and the like are to be generally accommodated within the building in a manner which will not detract from its design quality.</p> <p>Mailboxes located adjacent to the primary entry to ground floor unit only.</p> <p>DRP has questioned the durability and longevity of the materials proposed.</p> <p>Design does not appropriately address the public domain interface – high fencing, reduced setbacks, excessive hardstand areas, insufficient landscaping</p>	
<p><u>3D Communal and public open space</u></p> <p><u>Objective 3D-1</u> <i>An adequate area of communal open space is provided to enhance residential amenity and to provide opportunities for landscaping</i></p> <p><u>Design Criteria</u></p> <p>1. Communal open space has a minimum area of 25% of the site area</p> <p>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> <p><u>Design Guidance</u></p> <ul style="list-style-type: none"> - Communal open space should be consolidated into a well designed, usable area. 	<p>The communal open space is located on the building rooftop; area approx. 313m² which is compliant. COS features pool, outdoor kitchen/s, dining area, toilet and shower.</p> <p>Communal open space accessible for residents via the lift only.</p> <p>The communal open space areas will receive sufficient sunlight between 9am and 3pm as required. Some shade will be offered to sections of the COS via structures.</p> <p>The communal open space area achieves the minimum area required for the site and satisfies the required dimension requirements. The design</p>	<p>Yes</p>

Standards/controls

Comment

Compliance

- Minimum dimension of 3m
- Should be co-located with deep soil areas
- Direct & equitable access required
- Where not possible at ground floor it should be located at podium or roof level.

Objective 3D-2

Communal open space is designed to allow for a range of activities, respond to site conditions and be attractive and inviting

Design guidance

- Facilities to be provided in communal open spaces for a range of age groups, and may incorporate seating, barbeque areas, play equipment, swimming pools

Objective 3D-3

Communal open space is designed to maximise safety

Design guidance

- Communal open space should be visible from habitable rooms and POS areas and should be well lit.

3E Deep soil zones

Objective 3E-1

3E-1 Deep soil zones provide areas on the site that allow for and support healthy plant and tree growth. They improve residential amenity and promote management of water and air quality.

Design Criteria:

1. Deep soil zones are to meet the following minimum requirements:

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	

Design guidance:

- Deep soil zones should be located to

provides for usable areas; exposure to wind may affect amenity.

The COS will have equitable access via lift

Provision made for a casual seating, kitchen, outdoor dining, pool within the COS area.

The COS will only be available to the building occupants - secure.

No DSZ proposed within the R1 zoned portion of the site. Area of potential DSZ planting only offered within the RE1 portion of the site which is prohibited if it is to form part of the residential flat building. Landscape plan makes provision for lawns and ornamental planting only, not larger tree planting etc as envisaged by the controls

No

Standards/controls

Comment

Compliance

retain existing significant trees.

3F Visual privacy

Objective 3F-1

Adequate building separation distances are shared equitably between neighbouring sites, to achieve reasonable levels of external and internal visual amenity.

Design Criteria:

1. Minimum required separation distances from buildings to the side and rear boundaries are as follows:

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

No separation is required between blank walls

Objective 3F-2:

Site and building design elements increase privacy without compromising access to light and air and balance outlook and views from habitable rooms and private open space

Levels ground- L3

West (side)

- Ground min 3.7m to western bedroom windows; 0-0.6m to northern POS (6m required)
- L1: 3m to blank wall, 3m to planter box, 3m-6m to gallery access (considered to be habitable for the purposes of the controls; 6m required).
- L2: 3m to roof terrace on which bank of AC units are to be placed; 3m to planter boxes, 4.5m to gallery access (6m required).
- L3: 3m to planter boxes, 6m to balcony; 4.5m to blank wall; 4.5m to gallery access (6m required).
- L4 COS: min 4.5m setback proposed to edge of terrace, increasing to more than 6m (9m required).

North (rear)

L1: 3m to balcony, 4m to studio apartment window

L2: 4.8m to edge of closest balcony from northern boundary, 6.3m to studio window (6m required).

L3: 6m to balcony, <6m to planter boxes; 8-12.5m to living/bed windows

L4 COS: min 4.5m setback proposed to edge of terrace, increasing to more than 6m (6m required).

No, multiple variations as identified to the left. The departures are not supported.

Neighbouring setbacks do not provide for amenity and compliance for potential future development

Vegetation screening on neighbouring property does not provide privacy for higher levels.

Standards/controls	Comment	Compliance
<p><u>Design Guidance</u></p> <ul style="list-style-type: none"> - Communal open space, common areas and access paths should be separated from private open space and windows to apartments. Design solutions include: <ul style="list-style-type: none"> • Setbacks, • Solid or partly solid balustrades to balconies • Fencing or vegetation to separate spaces • Screening devices • Raising apartments/private open space above the public domain • Planter boxes incorporated into walls and balustrades to increase visual separation • Pergolas or shading devices to limit overlooking • Only on constrained sites where it's demonstrated that building layout opportunities are limited – fixed louvres or screen panels - Windows should be offset from the windows of adjoining buildings 	<p>Landscape planter beds proposed to the edge of the COS will reduce some overlooking from a seated height (ie people sitting to dine/ relax on the terrace) but potential for direct overlooking will remain available. This may have a bearing on future development of the neighbouring site to the west</p>	<p>Yes and no</p>
<p><u>3G Pedestrian access and entries</u></p> <p><i>Objective 3G-1</i></p> <p><i>Building entries and pedestrian access connects to and addresses the public domain</i></p> <p><u>Design Guidance</u></p> <ul style="list-style-type: none"> - Multiple entries should be provided to activate the street edge. - Buildings entries should be clearly identifiable and communal entries should be clearly distinguishable from private entries. 	<p>Single entry only proposed to each frontage.</p> <p>Common entry is not readily identifiable on the Blacket St frontage.</p>	
<p><i>Objective 3G-2</i></p> <p><i>Access, entries and pathways are accessible and easy to identify</i></p> <p><u>Design Guidance</u></p> <ul style="list-style-type: none"> - Building access areas should be clearly visible from the public domain and communal spaces - Steps and ramps should be integrated into the overall building and landscape design. 	<p>Ground floor level is accessible from the Blacket Street frontage via paths. Lift and stair access is provided to all dwellings from the basement and ground floor level. Access points are visible.</p>	

Standards/controls	Comment	Compliance
<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><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><u>Design Guidance</u></p> <ul style="list-style-type: none"> - Car park entries should be located behind the building line - Access point locations should avoid headlight glare to habitable rooms - Garbage collection, loading and service areas should be screened - Vehicle and pedestrian access should be clearly separated to improve safety. - Where possible, vehicle access points should not dominate the streetscape and be limited to the minimum width possible. 	<p>No through-site link required.</p> <p>Proposed car park entry is behind the building line. Headlight glare is not expected to be an issue.</p> <p>Proposed driveway location removed from the nearest intersection though abuts the western boundary so there is no opportunity for landscaping to this boundary. Some concerns around driveway alignment and sightlines creating potential safety hazards.</p> <p>Garbage storage within the basement with bins to be collected from the street.</p> <p>Vehicle and pedestrian access not separated which may create conflicts.</p> <p>Roller shutters proposed within the building.</p> <p>Driveway and vehicular entry width is unacceptable and the hardstand area within the Blacket St frontage will dominate the streetscape and is excessive.</p>	<p>No</p>
<p><u>3J Bicycle and car parking</u></p> <p><u>Objective 3J-2</u></p> <p><i>Parking and facilities are provided for other modes of transport</i></p> <p><u>Design Guidance</u></p> <ul style="list-style-type: none"> - Conveniently located and sufficient numbers of parking spaces should be provided for motorbikes and scooters - Secure undercover bicycle parking should be provided that is easily accessible from both the public domain and common areas. <p><u>Objective 3J-3</u></p> <p><i>Car park design and access is safe and secure</i></p>	<p>Site is not within 800m of railway station, or near B3/ B4 zones, therefore DCP car parking rates apply.</p> <p>Surplus vehicle parking provided; adequate motor bike and bicycle parking provided as per DCP rates. Parking to be provided within the basement car park.</p> <p>Insufficient resident bicycle security arrangements are proposed.</p>	<p>No</p>

Standards/controls	Comment	Compliance
<p><u>Design Guidance</u></p> <ul style="list-style-type: none"> - Supporting facilities within car parks (garbage rooms, storage areas, car wash bays) can be accessed without crossing parking spaces - A clearly defined and visible lobby or waiting area should be provided to lifts and stairs. - Permeable roller doors allow for natural ventilation and improve the safety of car parking areas by enabling passive surveillance. 	<p>Supporting facilities generally adequately located.</p> <p>Basement layout is generally appropriate with regard to safety and security however further information is required in regards to access arrangements and manoeuvring for visitors is required.</p> <p>Roller shutter proposed within the basement. If approved, it is recommended that proposed any roller shutters be permeable to improve ventilation.</p>	
<p><u>Objective 3J-4</u></p> <p><i>Visual and environmental impact of underground car parking are minimised</i></p>	<p>Insufficient information in regards to mechanical ventilation of basement.</p>	
<p><u>Design Guidance</u></p> <ul style="list-style-type: none"> - Excavation should be minimised through efficient carpark layouts and ramp design. - Protrusion of carparks should not exceed 1.0m above ground level. - Natural ventilation should be provided to basement and sub-basement car parking areas. - Ventilation grills or screening devices should be integrated into the façade and landscape design. 	<p>As discussed within the body of the report, the basement/ car park protrudes well out of the ground; walls are not setback from boundaries and no landscaping proposed to screen walls to reduce impact. Potential impact on existing vegetation resulting from lack of setbacks to basement. There has been no attempt to mitigate the visual impacts of the structures.</p> <p>Car park layout is inefficient and surplus car parking spaces increase the scale of the basement.</p>	
<p><u>Objective 3J-5</u></p> <p><i>Visual and environmental impact of on-grade car parking are minimised</i></p>	<p>On-grade parking not proposed.</p>	
<p><u>Design Guidance</u></p> <ul style="list-style-type: none"> - On-grade car parking should be avoided; - Where unavoidable, the following design solutions should be used – parking is located on the side or rear of the lot away from the primary street frontage - Cars are screened from view of streets, buildings, communal and private open space areas - Safe and direct access to building entry points is provided - Parking is incorporated into the landscaping design of the site - Stormwater run-off is appropriately 		

Standards/controls	Comment	Compliance
<p>managed</p> <ul style="list-style-type: none"> - Light coloured paving materials or permeable paving systems are used and shade trees are planted to reduce increased surface temperatures from large areas of paving <p>Part 4 – Designing the building - Amenity</p> <p><u>4A Solar and daylight access</u></p> <p><u>Objective 4A-1</u></p> <p><i>To optimise the number of apartments receiving sunlight to habitable rooms, primary windows and private open space</i></p> <p><u>Design Criteria</u></p> <ol style="list-style-type: none"> 1. Living rooms and private open spaces of at least 70% of apartments in a building receive a minimum of two (2) hours direct sunlight between 9am and 3pm in mid-winter in Wollongong LGA. 1. A maximum of 15% of apartments in a building receive no direct sunlight between 9am and 3pm at mid winter <p><u>Design Guidance</u></p> <ul style="list-style-type: none"> - The design maximises north aspect and the number of single aspect south facing apartments is minimised - To optimise the direct sunlight to habitable rooms and balconies, the following design features are used: <ul style="list-style-type: none"> Dual aspect, Shallow apartment layouts Bay windows - To maximise the benefit to residents, a minimum of 1m² of direct sunlight measured at 1m above floor level, is achieved for at least 15 minutes. <p><u>Objective 4A-2</u></p> <p><i>Daylight access is maximised where sunlight is limited</i></p> <p><u>Design Guidance</u></p> <ul style="list-style-type: none"> - Courtyards, skylights and high level windows (sill heights of 1500m or greater) are used only as secondary light sources in habitable rooms <p><u>Objective 4A-3</u></p> <p><i>Design incorporates shading and glare</i></p>	<p>It appears based on the plans that at least 80% of the units can achieve appropriate solar access (living rooms and private open spaces receive a minimum of 2 hours sunlight between 9am-3pm mid-Winter.)</p> <p>There are no single aspect south-facing units; floor plates are designed with most units positioned with single aspect to the east and in part north to maximise access to views. Apartments are not shallow however.</p> <p>Sunlight is not limited in this instance.</p>	<p>Yes</p>

Standards/controls	Comment	Compliance
<p><i>control, particularly for warmer months</i></p> <p><u>Design Guidance</u></p> <p>Design features can include:</p> <ul style="list-style-type: none"> - Balconies - Shading devices or planting - Operable shading - High performance glass that minimises external glare 	<p>Concerns are raised around thermal comfort, heat gain, lack of glare control on the western elevation.</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>Design Guidance</u></p> <ul style="list-style-type: none"> - A building's orientation should maximise the prevailing winds for natural ventilation in habitable rooms - The area of unobstructed window openings should be equal to at least 5% of the floor area served. - Doors and openable windows should have large openable areas to maximise ventilation. <p><u>Objective 4B-2</u></p> <p><i>The layout and design of single aspect apartments maximises natural ventilation</i></p> <p><u>Design Guidance</u></p> <ul style="list-style-type: none"> - Single aspect apartments should use design solutions to maximise natural ventilation. 	<p>Only 2 of 16 units have been designed to achieve cross ventilation. Other units rely on a plenum cross ventilation system, the effectiveness of which has not been demonstrated by the applicant. Serious concerns were raised around this issue by the DRP.</p>	No
<p><u>Objective 4B-3</u></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>There are 14 single-aspect units which rely on a plenum cross ventilation system.</p> <p>2 units only will achieve natural cross ventilation (ie 12.5%)</p> <p>2 cross through apartments proposed</p>	
<p><u>4C Ceiling heights</u></p>		Yes

Standards/controls	Comment	Compliance
<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> <p>1. Minimum 2.7m for habitable rooms and 2.4m for non-habitable rooms</p> <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><u>Design Guidance</u></p> <p>- Ceiling heights of lower level apartments in centres should be greater than the minimum required by the design criteria allowing flexibility and conversion to non-residential uses.</p>	<p>Minimum ceiling height of 2.7m proposed to habitable (all) rooms.</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> <p>1. Minimum internal areas:</p> <p>2 bed – 70m²</p> <p>3 bed – 90m²</p> <p>The minimum internal areas include only 1 bathroom. Additional bathrooms increase the minimum internal areas by 5m² each.</p> <p>A fourth bedroom and further additional bedrooms increase the minimum internal by 12m².</p> <p>2. Every habitable room must have a window in an external wall with a total minimum glass area of at least 10% of the floor area of the room</p>	<p>Apartment size and layout is generally functional. Some concerns around the internal layout of the studios, some have little kitchen counter bench space which may compromise functionality for long term residential occupation. Some concerns around lack of privacy to units due to exposure to public domain.</p> <p>All units achieve compliance with the minimum internal areas specified.</p> <p>All habitable rooms have adequate windows.</p>	
<p><u>Objective 4D-2</u></p> <p><i>Environmental performance of the apartment is maximised</i></p> <p><u>Design Criteria:</u></p> <p>1. Habitable room depths are limited to a maximum of 2.5 x ceiling height</p>	<p>Habitable room depths comply.</p>	

Standards/controls	Comment	Compliance
<p>2. In open plan layouts (where the living, dining and kitchen are combined) the maximum habitable room depth is 8m from a window.</p> <p><u>Design Guidance:</u></p> <ul style="list-style-type: none"> - Greater than the minimum ceiling heights can allow proportionate increases in room depths. - Where possible, bathrooms and laundries should have an external openable window. - Main living spaces should be oriented towards the primary outlook. <p><u>Objective 4D-3</u></p> <p><i>Apartment layouts are designed to accommodate a variety of household activities and needs</i></p> <p><u>Design Criteria:</u></p> <ol style="list-style-type: none"> 1. Master bedrooms have a minimum area of 10m² and other bedrooms 9m² (excl wardrobe space) 2. Bedrooms have minimum dimension of 3m (excl wardrobe) 3. Living rooms have minimum width of: <ul style="list-style-type: none"> - 3.6m for studio and 1 bed apartments and - 4m for 2+ beds. 4. The width of the crossover or cross through apartments are at least 4m internally to avoid deep narrow apartment layouts. <p><u>Design Guidance:</u></p> <ul style="list-style-type: none"> - Access to bedrooms, bathrooms and laundries is separated from living areas - Minimum 1.5m length for bedroom wardrobes - Main bedroom apartment: minimum 1.8m long x 0.6m deep x 2.1m high wardrobe - Apartment layouts allow for flexibility over time, including furniture removal, spaces for a range of activities and privacy levels within the apartments. 	<p>2.7m ceiling heights proposed. Most units within the proposal are designed with bathrooms and laundries without external opening windows to allow habitable rooms to achieve access to external windows.</p> <p>Living spaces are oriented towards the east and north to take advantage of outlook.</p> <p>No, 14 of the 16 units proposed are studios and do not provide accommodation for a range of household types</p> <p>Bedroom and living room dimensions are adequate.</p>	
<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</i></p>	<p>Unit 3 balcony area does not appear to achieve the minimum requirements</p>	<p>No</p>

Standards/controls

Comment

Compliance

enhance residential amenity

1. Minimum balcony depths are:

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

The minimum balcony depth to be counted as contributing to the balcony area is 1m.

2. Ground level apartment POS must have minimum area of 15m² and min. depth of 3mObjective 4E-2

Primary private open space and balconies are appropriately located to enhance liveability for residents

Design Guidance

- Primary private open space and balconies should be located adjacent to the living room, dining room or kitchen to extend the living space.
- POS & Balconies should be oriented with the longer side facing outwards to optimise daylight access into adjacent rooms.

Objective 4E-3

Primary private open space and balcony design is integrated into and contributes to the overall architectural form and detail of the building

Design Guidance

- A combination of solid and transparent materials balances the need for privacy with surveillance of the public domain
- Full width glass balustrades alone are not desirable
- Operable screens etc are used to control sunlight and wind, and provide increased privacy for occupancy while allowing for storage and external clothes drying.

Objective 4E-4

Private open space and balcony design maximises safety

Design Guidance

The ground floor level apartment has a generous POS area, achieving compliance with the required area and dimensions specified. It is exposed to view however due to its elevated nature and position adjacent to the Cliff Rd frontage of the site

POS of all units are located adjoining and accessible from living/dining areas.

Adequate solar access appears to be available to the private open space areas.

Balconies designed to articulate the façade. A variety of materials are proposed, including short solid upturns and glass balustrades; mainly glass to retain access to views from within the units.

No concerns are raised in regards to

Standards/controls	Comment	Compliance
<p>- Changes in ground levels or landscaping are minimised.</p> <p>4F Common circulation and spaces</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> <ol style="list-style-type: none"> 1. The maximum number of apartments off a circulation core on a single level is eight 2. For buildings of 10 storeys and over, the maximum number of apartments sharing a single lift is 40. <p><u>Design Guidance</u></p> <ul style="list-style-type: none"> - Long corridors greater than 12m in length should be articulated through the use of windows or seating. - Primary living rooms or bedroom windows should not open directly onto common circulation spaces, whether open or enclosed. Visual and acoustic privacy from common circulation spaces should be controlled. <p><u>Objective 4F-2</u></p> <p><i>Common circulation spaces promote safety and provide for social interaction between residents</i></p> <p><u>Design Guidance:</u></p> <ul style="list-style-type: none"> - Incidental spaces can be used to provide seating opportunities for residents, and promotes opportunities for social interaction. 	<p>safety of the balcony areas</p> <p>Concerns are raised around the circulation strategy proposed – long paths of travel from units, poor amenity of west facing corridor (heat gain)</p> <p>Up to 6 apartments on each level; serviced by 1 lift.</p> <p>16 units share 1 lift</p> <p>There will be access to natural light available and partly openable windows.</p> <p>Unit entries are appropriately located with regard to circulation spaces.</p> <p>Concerns around acoustic privacy impacts of plenum arrangement relying on openings to the common circulation space.</p> <p>Minimal space for seating opportunities available given width of foyers. Some opportunities for social interaction on the ground floor within the lobby and outdoor spaces.</p> <p>Common circulation areas are proposed to be well lit with natural light.</p>	<p>Yes and no</p>
<p>4G Storage</p> <p><u>Objective 4G-1</u></p> <p><i>Adequate, well designed storage is provided in each apartment</i></p> <ol style="list-style-type: none"> 1. In addition to storage in kitchens, bathrooms and bedrooms, the following storage is provided 	<p>Total = 74m³ storage required to service the development.</p> <p>Sufficient storage proposed to be provided in the basement and within cupboards internal to the units – total storage provision 152.8m³</p>	<p>Yes</p>

Standards/controls

Comment

Compliance

Dwelling type	Storage size volume
Studio apartments	4m ³
1 bedroom apartments	6m ³
2 bedroom apartments	8m ³
3+ bedroom apartments	10m ³

At least 50% of the required storage is to be located within the apartment

Objective 4G-2

Additional storage is conveniently located, accessible and nominated for individual apartments

Design Guidance:

- Storage not located within apartments should be allocated to specific apartments.

4H Acoustic privacy

Objective 4H-1

Noise transfer is minimised through the siting of buildings and building layout

Design Guidance

- Adequate building separation is required (see also section 3F above).
- Noisy areas within buildings should be located next to or above each other and quieter areas next to or above quieter areas.
- Storage, circulation areas and non-habitable rooms should be located to buffer noise from external sources.
- Noise sources such as garage doors, plant rooms, active communal open spaces and circulation areas should be located at least 3m away from bedrooms.

Objective 4H-2

Noise impacts are mitigated within apartments through layout and acoustic treatments

Design Guidance

- In addition to mindful siting and orientation of the building, acoustic seals and double or triple glazing are effective methods to further reduce

Individual storage lockers are proposed within the basement level. Additional storage also provided for internal to units. Overall quantum of storage provision is compliant. It is recommended that a condition be imposed to ensure apartment dedication occurs to the residential storage lockers.

Insufficient building separation proposed to western boundary.

Noise from air conditioning units on western side of Level 2 is possible and may be adverse. The main source of external noise intrusion is from the bar ('Pepes') to the immediate south of the site on the opposite side of Blacket Street which has large deck areas that are heavily used. The car park to the north of the site is also a noise generator along with the heavily used recreation and public domain areas within Stuart Park and North Beach.

There will be noise transfer from the corridors to the units via the plenum ventilation system and potential loss of acoustic privacy.

Acoustic seals will be required along with noise attenuation within units.

Yes

Standards/controls	Comment	Compliance
<p>noise transmission.</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>Design Guidance</u></p> <ul style="list-style-type: none"> - Minimise impacts through design solutions such as physical separation from the noise or pollution source, <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><u>Design guidance:</u></p> <ul style="list-style-type: none"> - Design solutions include limiting openings to noise sources & providing seals to prevent noise transfer. <p><i>Part 4 – Designing the building - Configuration</i></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 types now and into the future</i></p> <p><u>Design guidance</u></p> <ul style="list-style-type: none"> - A variety of apartment types is provided - The apartment mix is appropriate, taking into consideration the location of public transport, market demands, demand for affordable housing, different cultural/social groups - Flexible apartment configurations are provided to support diverse household types and stages of life <p><u>Objective 4K-2</u></p>	<p>Internal layout provides for appropriate internal acoustic amenity within individual units.</p> <p>The majority of each floor has matching room types to the rooms below / above and adjoining.</p> <p>There are multiple sources of external noise intrusion including the air conditioning units on western side of Level 2, the bar ('Pepes') to the immediate south of the site on the opposite side of Blacket Street which has large deck areas that are heavily used; Novotel hotel loading zone; public car park to the north of the site and the heavily used recreation and public domain areas within Stuart Park and North Beach.</p> <p>The acoustic report submitted with the DA does not deal in full with all of these external noise sources and further information should be provided in this regard to determine whether any additional acoustic treatment is required to ensure adequate internal acoustic amenity.</p> <p>14 of the 16 units proposed are small studios; the applicant has sought a variation in this respect. The variation is discussed within the body of the report and is not supported.</p> <p>A number of adaptable and livable units are proposed.</p>	<p>No</p> <p>No, variation sought</p>

Standards/controls	Comment	Compliance
<p><i>The apartment mix is distributed to suitable locations within the building</i></p> <p><u>Design guidance</u></p> <ul style="list-style-type: none"> - Larger apartment types are located on the ground or roof level where there is potential for more open space and on corners where more building frontage is available <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>Design guidance</u></p> <ul style="list-style-type: none"> - Direct street access should be provided to ground floor apartments - Activity is achieved through front gardens, terraces and the facade of the building. - Ground floor apartment layouts support small office home office (SOHO) use to provide future opportunities for conversion into commercial or retail areas. In these cases provide higher floor to ceiling heights and ground floor amenities for easy conversion <p><u>Objective 4L-2</u></p> <p><i>Design of ground floor apartments delivers amenity and safety for residents</i></p> <p><u>Design guidance</u></p> <ul style="list-style-type: none"> - The design of courtyards should balance the need for privacy of ground floor apartments with surveillance of public spaces. Design solutions include: <ul style="list-style-type: none"> • elevation of private gardens and terraces above the street level by 1-1.5m (see figure 4L.4) • landscaping and private courtyards • window sill heights that minimise sight lines into apartments • integrating balustrades, safety bars or screens with the exterior design - Solar access should be maximised through: <ul style="list-style-type: none"> • high ceilings and tall windows • trees and shrubs that allow solar access in winter and shade in summer 	<p>The unit size does not change from floor to floor.</p> <p>1 ground floor apartment; this will have separate access from the Cliff Rd frontage as well as access via the common entry/ lobby.</p> <p>Fencing delineates the private domain as separate from the busy public domain and provides some privacy to the ground floor unit which is elevated above ground level.</p> <p>Ground floor unit and associated terrace is elevated above street level in part. High fence proposed to boundary to provide some privacy.</p>	<p>Yes</p>

Standards/controls	Comment	Compliance
<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>Design guidance</u></p> <ul style="list-style-type: none"> - To ensure that building elements are integrated into the overall building form and façade design - The front building facades should include a composition of varied building elements, textures, materials, detail and colour and a defined base, middle and top of building. - Building services should be integrated within the overall facade - Building facades should be well resolved with an appropriate scale and proportion to the streetscape and human scale. - To ensure that new developments have facades which define and enhance the public domain and desired street character. <p><u>Objective 4M-2</u></p> <p><i>Building functions are expressed by the facade</i></p> <p><u>Design guidance</u></p> <ul style="list-style-type: none"> - Building entries should be clearly defined <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 street</i></p> <p><u>Design guidance</u></p> <ul style="list-style-type: none"> - Roof design should use materials and a pitched form complementary to the building and adjacent buildings. <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>Refer to lengthy discussion around this issue in the body of the report and the DRP notes</p> <p>.</p> <p>Building functions are expressed by façade.</p> <p>Building entry not readily defined and some confusion arising from placement of mail boxes adjacent to private access to ground floor unit.</p> <p>Roof is occupied by COS and roof feature awning to provide some shading of rooftop COS</p> <p>No roof top services are indicated on the plans though conditions are recommended in relation to this issue. Occupation of rooftop by COS means AC units need to be placed elsewhere; unclear where other services are to be</p>	No

Standards/controls	Comment	Compliance
<p><u>Design guidance</u></p> <ul style="list-style-type: none"> - Habitable roof space should be provided with good levels of amenity. - Open space is provided on roof tops subject to acceptable visual and acoustic privacy, comfort levels, safety and security considerations <p><u>Objective 4N-3</u></p> <p><i>Roof design incorporates sustainability features</i></p> <p><u>Design guidance</u></p> <ul style="list-style-type: none"> - Roof design maximises solar access to apartments during winter and provides shade during summer 	<p>provided – antennae, mechanical ventilation shafts/ducts and the like.</p>	
<p><u>40 Landscape design</u></p> <p><u>Objective 4O-1</u></p> <p><i>Landscape design is viable and sustainable</i></p> <p><u>Design guidance</u></p> <ul style="list-style-type: none"> - Landscape design should be environmentally sustainable and can enhance environmental performance - Ongoing maintenance plans should be prepared <p><u>Objective 4O-2</u></p> <p><i>Landscape design contributes to the streetscape and amenity</i></p> <p><u>Design guidance</u></p> <ul style="list-style-type: none"> - Landscape design responds to the existing site conditions including: <ul style="list-style-type: none"> • changes of levels • views • significant landscape features 	<p>Landscape design is unsatisfactory; does not satisfy relevant provisions and is unsatisfactory to Council's Landscape Section.</p>	No
<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</i></p>	<p>Council's Landscape Officer has reviewed the proposal and the submitted Landscape Plan and has provided an unsatisfactory referral. Some planting on structure proposed; concerns also raised by DRP in regards to landscaping matters.</p>	No

Standards/controls	Comment	Compliance
<p><i>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. Design solutions may include: <ul style="list-style-type: none"> • green walls with specialised lighting for indoor green walls • wall design that incorporates planting • green roofs, particularly where roofs are visible from the public domain • planter boxes 		
<p>4Q Universal design</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>Design guidance</u></p> <ul style="list-style-type: none"> - A universally designed apartment provides design features such as wider circulation spaces, reinforced bathroom walls and easy to reach and operate fixtures <p><u>Objective 4Q-2</u></p> <p><i>A variety of apartments with adaptable designs are provided</i></p> <p><u>Design guidance</u></p> <ul style="list-style-type: none"> - Adaptable housing should be provided in accordance with the relevant council policy <p><u>Objective 4Q-3</u></p> <p><i>Apartment layouts are flexible and accommodate a range of lifestyle needs</i></p> <p><u>Design guidance</u></p> <ul style="list-style-type: none"> - Apartment design incorporates flexible design solutions 	<p>2 universal apartment proposed.</p> <p>3 adaptable units. Only studio adaptable units are proposed.</p> <p>Applicant has provided an access consultant report verifying that the adaptable units can achieve compliance with the relevant standard.</p> <p>The applicant's access report indicates that in addition to the adaptable units provided, 2 units are capable of providing compliance with the features of Silver level of Livable Housing Guidelines.</p>	<p>Yes</p>
<p>4S Mixed use</p>	<p>N/A; residential only</p>	<p>N/A</p>

Standards/controls	Comment	Compliance
<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>Design guidance</u></p> <ul style="list-style-type: none"> - Mixed use development should be concentrated around public transport and centres - Mixed use developments positively contribute to the public domain. <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><u>Design guidance</u></p> <ul style="list-style-type: none"> - Residential circulation areas should be clearly defined. - Landscaped communal open space should be provided at podium or roof levels 		
<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>Design guidance</u></p> <ul style="list-style-type: none"> - Awnings should be located along streets with high pedestrian activity and active frontages <p><u>Objective 4T-2</u></p> <p><i>Signage responds to the context and desired streetscape character</i></p> <p><u>Design guidance</u></p> <ul style="list-style-type: none"> - Signage should be integrated into the building design and respond to the scale, proportion and detailing of the development 	N/A	N/A
<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>	The applicant has obtained a BASIX certificate which confirms that the proposed development will achieve the	Yes and no

Standards/controls	Comment	Compliance
<p><u>Design guidance</u></p> <ul style="list-style-type: none"> - Adequate natural light is provided to habitable rooms (see 4A Solar and daylight access) <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>Design Guidance</u></p> <ul style="list-style-type: none"> - Provision of consolidated heating and cooling infrastructure should be located in a centralised location <p><u>Objective 4U-3</u></p> <p><i>Adequate natural ventilation minimises the need for mechanical ventilation</i></p>	<p>required energy efficiency and thermal comfort targets of the SEPP.</p> <p>Adequate natural light will be provided to all habitable rooms. Further addressed above at 4A.</p> <p>Heat gain for west facing corridor has not been addressed and will lead to thermal comfort and reduced building efficiency. Lack of cross ventilation will result in increased reliance on mechanical ventilation</p> <p>Plant room located within the basement.</p> <p>AC units to be placed on Level 2 terrace in an inappropriate location</p> <p>Refer to discussion above at 4B in relation to natural ventilation.</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><u>Objective 4V-2</u></p> <p><i>Urban stormwater is treated on site before being discharged to receiving waters</i></p> <p><u>Design guidance</u></p> <ul style="list-style-type: none"> - Water sensitive urban design systems are designed by a suitably qualified professional <p><u>Objective 4V-3</u></p> <p><i>Flood management systems are integrated into site design</i></p> <p><u>Design guidance</u></p> <ul style="list-style-type: none"> - Detention tanks should be located under paved areas, driveways or in basement car parks 	<p>The applicant has obtained a BASIX certificate which confirms that the proposed development will meet the NSW Government requirements for sustainability if built in accordance with the commitments set out in the certificate. This relates to both energy and water efficiency (4U and 4V).</p> <p>The stormwater design is satisfactory; no flood mitigation required as the site is not flood affected.</p>	Yes
<p><u>4W Waste management</u></p> <p><u>Objective 4W-1</u></p> <p><i>Waste storage facilities are designed to</i></p>		No

Standards/controls	Comment	Compliance
<p><i>minimise impacts on the streetscape, building entry and amenity of residents</i></p> <p><u>Design guidance</u></p> <ul style="list-style-type: none"> - Common waste and recycling areas should be screened from view and well ventilated <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><u>Design guidance</u></p> <ul style="list-style-type: none"> - Communal waste and recycling rooms are in convenient and accessible locations related to each vertical core - For mixed use developments, residential waste and recycling storage areas and access should be separate and secure from other uses - Alternative waste disposal, such as composting, can be incorporated into the design of communal open space areas <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>Design guidance</u></p> <ul style="list-style-type: none"> - Design solutions such as roof overhangs to protect walls and hoods over windows and doors to protect openings can be used. <p><u>Objective 4X-2</u></p> <p><i>Systems and access enable ease of maintenance</i></p> <p><u>Design guidance</u></p> <ul style="list-style-type: none"> - Window design enables cleaning from the inside of the Building <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>The applicant proposes waste storage within the basement. On-street collection is proposed which may be problematic in this location; refer to discussion within the report.</p> <p>Waste will be transported to the garbage room manually. A single waste storage room is proposed with on street collection proposed</p> <p>Bulky waste room proposed within basement</p> <p>Some concerns raised by DRP in regards to the long term durability of finishes and materials.</p> <p>Most windows can be accessed from balconies or terraces for ease of cleaning.</p>	<p>Yes</p>

Clause 4.6 Variation Request

2 Blacket Street, North Wollongong

8201807701

Prepared for
Quill Holding Pty Ltd

1 November 2018



Contact Information

Cardno South Coast
Trading as Cardno (NSW/ACT) Pty Ltd
ABN 95 001 145 035

16 Burelli Street
PO Box 1285
Wollongong NSW 2500

Telephone: 02 4228 4133
Facsimile: 02 4228 6811
International: +61 2 4228 4133

cfr@cardno.com.au
www.cardno.com.au

Authors:



Grainne Miller
Town Planner

Deborah Sutherland
Principal Senior Planning Specialist

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1 Background

1.1 Overview

This Clause 4.6 Variation Request to enable a minor exceedance of the *Wollongong Local Environmental Plan 2009* (the LEP) maximum building height development standard has been prepared in support of a Development Application (DA) for a proposed residential flat building at 2 Blacket Street, North Wollongong (Lot 1 DP 135620 and Lot 1 DP 779377). This Variation Request relates to the accompanying DA plans for the proposed development which involves the demolition of existing structures on site and the construction of a residential flat building containing 16 apartments and two levels of basement parking, landscaping works and the provision of associated infrastructure.

The assessment of the proposal presented in the Statement of Environmental Effects includes development standards identified in the *Wollongong Local Environmental Plan 2009* (WLEP 2009). Clause 4.6 of WLEP 2009 provides for an appropriate degree of flexibility in the application of development standards where better development outcomes specific to the circumstances result from allowing flexibility.

The topmost portion of the rooftop lift overrun exceeds the height of buildings development standard defined in Clause 4.3 of the LEP by a maximum of 0.939m. The development standard for maximum height of buildings is not excluded by Clause 4.6(8). A written request to vary the development standard pursuant to Clause 4.6(3) is required as part of the development application. This report constitutes the applicant's written request to request and justify the non-compliance with the development standard for height of buildings on the grounds that the proposal meets the objectives of the development standard and numerical compliance would be unreasonable and unnecessary. Evidence is presented in this request to show the minor non-compliance facilitates a built form and function which will have overall positive environmental planning outcomes specific to this case. The variation will not set an undesirable precedent for local and state planning matters.

The report includes:

- > General overview of Clause 4.6
- > Detailed consideration of the maximum height development standard and objectives
- > Consideration of the objectives for development in Zone R1
- > Analysis of the environmental planning grounds for the variation
- > Summary justification in the scope of Clause 4.6.

1.2 Site and Surrounds

The subject site is located at 2 Blacket Street, Wollongong, and is legally described as Lot 1 DP 135620 and Lot 1 DP 779377.

The site includes an existing dwelling, garden cottage and garage. Access to the site is currently gained from a driveway located off Blacket Street. Adjacent to the Cliff Road frontage and the northern boundary are public car parking areas.

Potable water, reticulated sewer, electricity, gas and telecommunications are available to the site.

The site on which the residential flat building is to be constructed is within Zone R1 General Residential. The land uses permissible in the zone are as follows:

"2. Permitted without consent

Home occupations

3. Permitted with consent

*Attached dwellings; Bed and breakfast accommodation; Boarding houses; Centre-based child care facilities; Community facilities; Dual occupancies; Dwelling houses; Environmental facilities; Exhibition homes; Group homes; Hostels; Multi dwelling housing; Neighbourhood shops; Places of public worship; Recreation areas; **Residential flat buildings**; Respite day care centres; Roads; Semi-detached dwellings; Seniors housing; Serviced apartments; Shop top housing; Signage."*

The Wollongong City Centre has been identified in the *Illawarra Shoalhaven Regional Plan 2015* (ISRP) as a key growth area within the Region. The long term growth objective of the ISRP is to become a nationally significant City, with this growth fuelled by additional high density apartment living and mixed use development. A number of major development projects have occurred within the Wollongong City Centre in recent times including a number of residential flat building developments in the vicinity of the site.

The locality is undergoing transition in built form and character. The site is surrounded by a combination of residential dwellings, mixed use developments and recreational spaces. Specifically, the site is bound by the following:

- > To the north - by a large at grade public car park followed by Stuart Park and The Skydive Sydney Wollongong Facility in open parkland
- > To the east - by Cliff Road and beyond is the North Wollongong Surf Life Saving Club and North Beach Pavilion which fronts the North Wollongong Beach
- > To the south - by the Novotel Wollongong North Beach Hotel and Conference centre
- > To the west - by two single dwellings and beyond by a recently constructed residential flat development and a residential flat building under construction.

1.3 Consequences of Non-compliance

The entire building is under the 16m height plane including the fire stairs and the amenities essential to the function of the communal open space on the rooftop. The minor non-compliance of 0.939m applies to the topmost portion of the lift overrun.

A height blanket diagram is shown in Figure 1-1.

Figure 1-1 Height blanket diagram



The lift is required to provide universal access to the rooftop communal open space and pool area. The lift overrun will not be visible from the surrounding streets or residential properties as it is set well away from the adjacent dwellings, recessed from the edges of the rooftop and integrated with an architectural roof feature on the Blacket St façade.

The architectural roof feature is fully compliant with Clause 5.6 of the LEP as demonstrated in Section 4.4.3.3 to the Statement of Environmental Effects. The architectural roof feature is not shown in Figure 1-1 so that the extent of non-compliance with reference to the “building height” definition is clearly demonstrated in Figure 1-1. In practical terms, the architectural roof feature has been cleverly designed to incorporate and screen the top of the lift overrun to skilfully enhance the overall visual appearance of the southern façade which contains the main entry points and which will be overlooked from upper levels of the neighbouring Novotel building.

The rooftop terrace is an essential element in a high quality, architecturally-designed scheme most suited to the site and its context and setting. The minor non-compliance with the building height development standard is essential to the provision of rooftop communal open space. There are no detrimental consequences and there are overwhelming benefits from inclusion of rooftop communal open space for this proposal as explained below.

Under WLEP 2009, a range of different building height development standards have been applied within the vicinity of the site as illustrated in Figure 3-1. Importantly, the Novotel immediately to the south on Cliff Road is a substantially higher building than the proposed development and sits on higher natural ground as illustrated in the photomontage at Figure 3-3.

Importantly, the rooftop lift overrun that exceed the building height does not contribute to additional floorspace, building bulk and scale, overshadowing or overlooking.

The non-compliance with building height will be imperceptible and will not have any significant negative consequences for:

- the streetscape and desired future character of the North Wollongong foreshore area and heritage items nearby.
- the amenity of adjacent residential neighbours to the west in terms of overshadowing and privacy, visual scale and bulk
- the visual appearance of the building as viewed from the variety of public places and from the neighbouring Novotel.

2 Clause 4.6 Variation Statement

A variation to *Clause 4.3 – Height of Buildings* within WLEP 2009 is sought for the proposed development at 2 Blacket Street, North Wollongong.

The development is permissible under the *R1 – General Residential* zone that applies to the land. The building is compliant with the height of buildings development standard with the minor exception of part of the lift overrun. The maximum height of the lift overrun is 16.939m. This is equivalent to only a 5.8% variation to the standard. Consequently, the proposal is seeking a variation to the numeric standard pursuant to Clause 4.6 to WLEP 2009.

Clause 4.6 provides a mechanism to seek variations to the development standards included in the LEP to allow a degree of flexibility to development standards.

Specifically Clause 4.6(3) states as follows:

“(3) Development consent must not be granted for development that contravenes a development standard unless the consent authority has considered a written request from the applicant that seeks to justify the contravention of the development standard by demonstrating:

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

Clause 4.6(4) then states that the consent authority needs to be satisfied that:

“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.”

Supporting evidence and explanations are provided in this request to demonstrate that the proposed variation meets the objectives of the development standard, the objectives for development in Zone R1, are not contrary to the public interest and that strict compliance with the numeric standard is both unreasonable and unnecessary in this instance.

This submission demonstrates the variation request is well founded by addressing the requirements of Clause 4.6 (3) and (4). It is also noted that the extent of variation afforded by Clause 4.6(2) is not numerically limited.

Accordingly, the following sections of this report detail the control and the extent of the departure and specifically address the following requirements of Clause 4.6:

- > That the proposal is not contrary to the public interest by demonstrating consistency with the development standard objectives and the zone objectives (Clause 4.6 (4) (a) (ii)).
- > Identification of sufficient environmental planning grounds to justify contravening the development standard (Clause 4.6 (3) (b)).
- > That compliance with the development standard is unreasonable and unnecessary in the specific circumstances of the case (Clause 4.6 (3) (a)).

3 Clause 4.3 – Height of Buildings and Planning Provisions

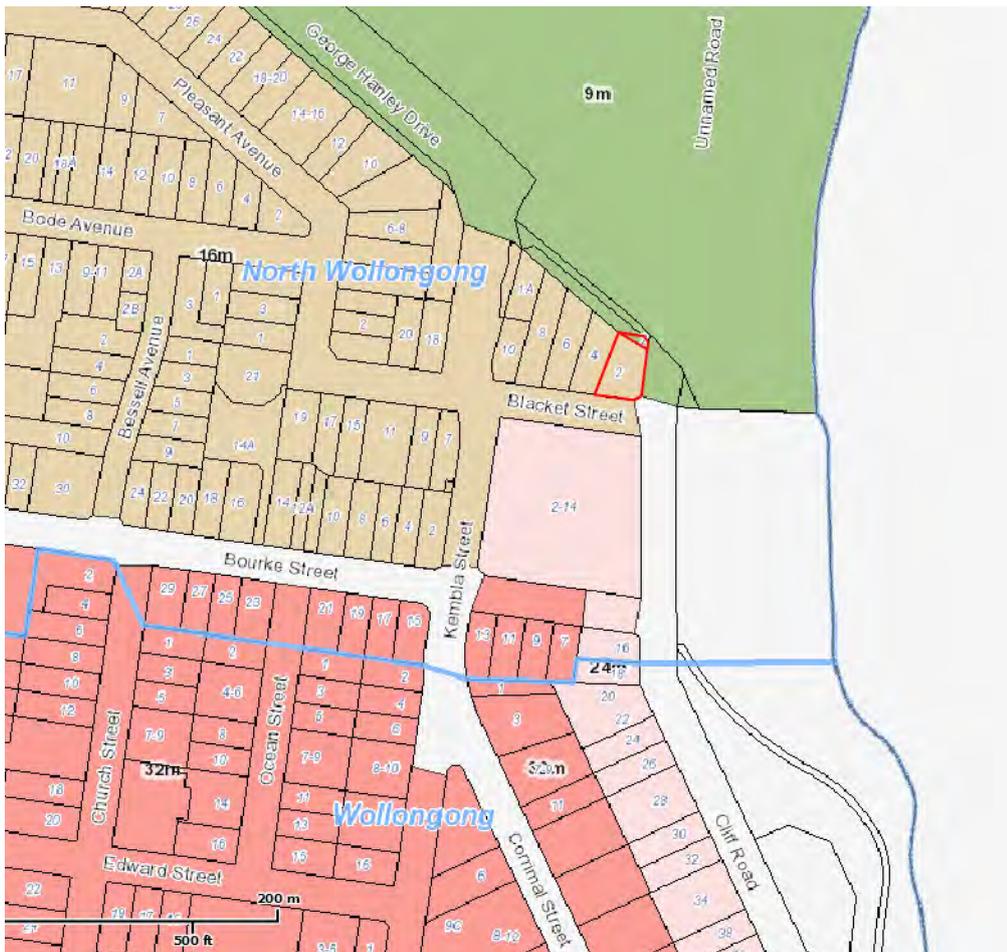
3.1 Overview

Clause 4.3 of LEP 2009 provides numerical building height development standards for buildings within the Wollongong LGA. This is achieved through the following control:

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

The building height that applies to the site is 16m as shown in **Figure 3-1** with the subject site outlined dashed red.

Figure 3-1 Extract from LEP 2009 Height of Building Dekho Map

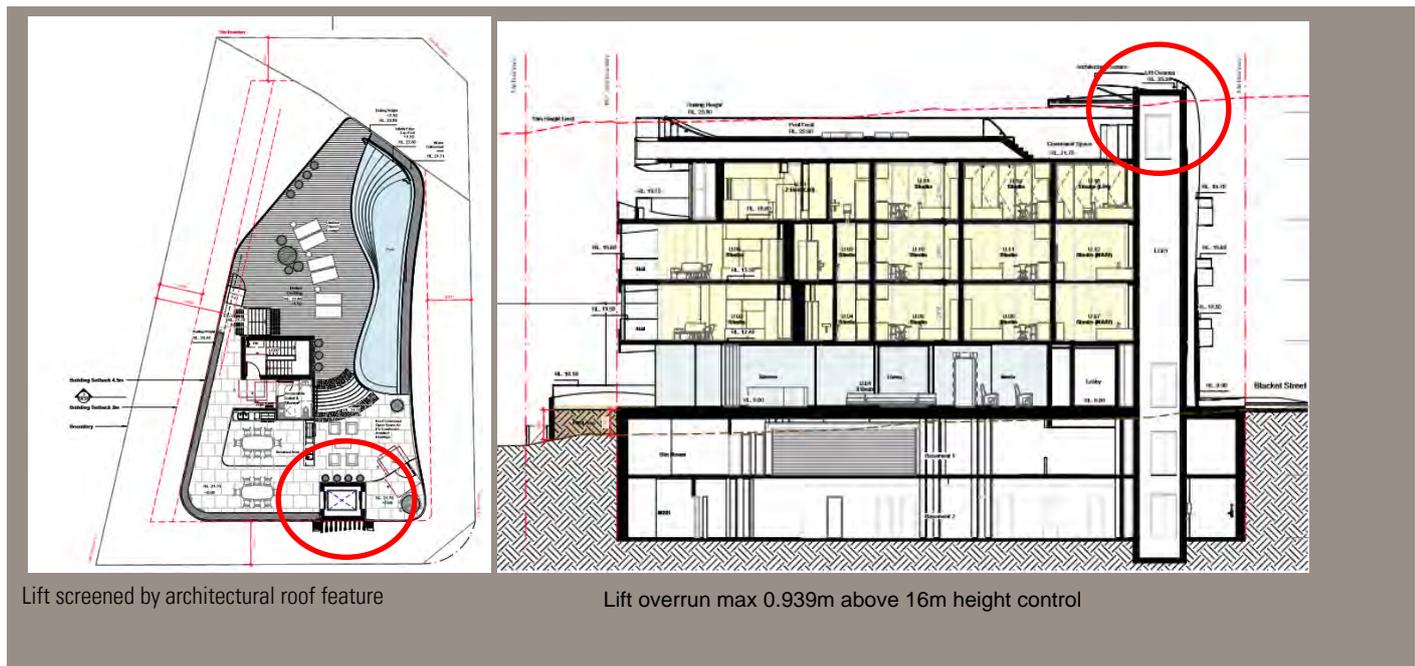


The site and land to the west is subject to a 16m height of buildings development standard. Height limits in the vicinity ranging from 16m to 24m apply to land fronting Cliff Road. Land on the opposite side of Blacket St, directly to the south of the subject site and in Zone SP3 is currently occupied by The Novotel Hotel. This neighbouring site is subject to a 24m height development standard. Lots south of The Novotel Hotel, zoned R1, are also subject to a 24m height limit.

The highest point of the proposed building is 16.939m being the south west corner of the lift overrun on the southern side of the building. The maximum proposed percentage variation to the 16m height development standard is 5.8%. The proposal is seeking to formally vary the 16m height development standard for part of the lift overrun. The remainder of the building is compliant with the height development standard. A section diagram is included in **Figure 3.2**.

The built form is fully within the 16m height control with the minor exception of the top of the lift overrun. The minor height exceedance is due to the provision of essential lift access to the compliant communal open space on the rooftop.

Figure 3-2 Section and roof plan showing minor exceedance of 16m height limit



Objectives of the Height of Buildings Development Standard

Clause 4.3 of LEP 2009 has the following objectives:

- 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.

The proposal is consistent with the objectives for controlling building height in the following ways:

> Objective A:

Objective A seeks to apply a height development standard which also enables floor space ratio (FSR) to be achieved. The LEP allows a maximum FSR of 1.5:1 on the Site. The proposed FSR is 1.5:1, compliant with the maximum permissible FSR. The proposal satisfies Objective A.

> Objective B:

Objective B aligns the height development standard to high quality urban form. The design elements and external appearance of the proposal has exceptional architectural merit.

Existing buildings throughout the neighbourhood exceed 16m. Buildings to the south have a 24m height development standard, with the Novotel the dominant building in the streetscape. Several buildings in the neighbourhood were constructed prior to the current height controls and therefore the character of built form is not a strict reflection of the current development standards.

The undulating topography results in high variability in building heights and skyline profiles such that variation in building heights is an established pattern of urban form in the locality.

Insisting on strict compliance with the 16m height development standard would be anomalous with the variety of building profiles that currently contribute to the mixed character of built form in the neighbourhood and within the area subject to a 16m height development standard as shown in **Figure 3.1**.

The proposed negligible exceedance of the 16m height development standard will not significantly contribute to the bulk or scale of the building. The lift overrun is of minimal dimensions and will be largely concealed by the architectural roof feature as discussed below.

For these reasons the proposal achieves high quality urban form in the context and setting of this medium to high density foreshore locality and is consistent with Objective B.

> Objective C:

Objective C seeks to ensure sky views from buildings and public spaces and to achieve solar access to buildings and public spaces. The proposed building will maintain sky views and solar access to the Blacket Street and Cliff Road footpath reserve and will enhance the pedestrian environment with new landscaping and external facades of aesthetic appeal and interest.

The site is bounded to the east and north by public space and foreshore reserve land which ensures expansive, uninterrupted outlooks towards the sky and over the ocean.

An examination of the architect's midwinter solar diagrams shows that the minor built element that exceeds the height limit would result in imperceptible additional shadows cast by the compliant portions of the proposed building. More importantly, the additional shadowing attributable to the topmost portion of the lift overrun falls generally within a blank wall and 'back of house' section of the Novotel facade and setback to Blacket Street. The temporarily overshadowed section of the Novotel building comprises blank walls and a loading dock.

The very minor additional shadow will be imperceptible and of no detrimental impact to the use and enjoyment of neighbouring private properties and the adjoining public spaces.

The lift overrun will be concealed by the architectural roof feature as explained below. Therefore the sky view of the rooftop from adjoining public space and overlooking from the Novotel upper levels will not directly perceive the lift overrun due to screening by the architectural features proposed.

For these reasons it is considered that the proposal is consistent with Objective C.

Local Planning Controls

Of relevance to this case are the comments by *Roseth SC in Veloshin v Randwick Council [2007] NSWLEC 428* as follows:

"30 The debate about height and bulk can be meaningful only against the background of local planning controls, such as maximum height, floor space ratio, site coverage and setbacks."

In this case, the proposal is in line with the maximum permitted GFA and the site coverage is compliant. As described elsewhere in this Clause 4.6 request, the building bulk, scale and massing will not be effected by the height exceedance compared to a strictly compliant scheme or result in development that is out of character with the desired future form in the locality. There is a wide range of building heights in the locality. This is demonstrated by the photomontages prepared by Nordon Jago Architects and submitted with the application.

4 Environmental Planning Grounds

Having regard to Clause 4.6(3)(b) and the need to demonstrate that there are sufficient environmental planning grounds to justify contravening the development standard, the assessment of the numeric non-compliance is guided by the decision of the NSW Land and Environment Court (LEC) in *Four2Five Pty Ltd v Ashfield Council [2015] NSWLEC 90* and further guidance is gained from the decision in *Moskovich v Waverley Council [2016] NSWLEC 1015*.

The minor non-compliance with the height development standard should be considered in accordance with the following environmental planning considerations:

> **Desired Future Character and Streetscape Appearance**

The existing streetscape along Cliff Road and Blacket Street is dominated by high density mixed-use and residential developments in a range of architectural styles. The site is separated from the foreshore heritage conservation areas by Cliff Road to the east and the public car parking area to the north. The site is not part of the curtilage or foreshore landscape elements that define the heritage conservation areas. The proposed residential flat building aligns with the existing eclectic character of the built form of the neighbourhood and will not impact on the heritage significance of the foreshore areas.

The Wollongong City Centre has been identified in the *Illawarra Shoalhaven Regional Plan 2015* (ISRP) as a key growth area within the Region. The long term growth objective of the ISRP is to become a nationally significant City, with this growth fuelled by additional high density apartment living and mixed uses. A number of major development projects have occurred within the Wollongong City Centre in recent times including a number of residential flat building developments in the vicinity of the site.

Comments by Roseth SC in *Project Venture Developments Pty Ltd v Pittwater Council [2005] NSWLEC 191* are of relevance in considering a Clause 4.6 variation for sites within localities undergoing transition and are as follows:

"32 Where the planning controls are aimed at creating a new character, the existing character is of less relevance. The controls then indicate the nature of the new character desired. The question to be asked is: 'Is the proposal consistent with the bulk and character intended by the planning controls?'"

As stated above, the building bulk is compliant with the applicable planning controls with compliant FSR and compliant setbacks with the minor exception of the ground floor at the north west corner). The proposal is therefore aligned with the consideration of bulk identified by Roseth SC.

The character of built form in the neighbourhood is mixed. Multi-storey residential and mixed use buildings are the predominant form and 3 to 6 storeys is typical. The proposal is therefore consistent with the consideration of character identified by Roseth SC.

The height of buildings development standard for the southern side of Cliff Road is 24m (see **Figure 3.1**). This is substantially greater than the development standard for the subject site. Three dimensional images of the proposed development are shown in **Figure 4.1**. The Novotel Hotel dominates the streetscape and neighbourhood, with other taller developments further south along Cliff Road.

The proposed minor non-compliance of the lift overrun will be imperceptible in the streetscape in comparison to the bulk and scale and character of built form in the neighbourhood as well as being visually concealed by the architectural roof feature. There will be no detrimental impact to the character and form of development.

Figure 4-1 Perspective looking south



> **Amenity**

Hourly mid-winter shadow diagrams for the proposal have been submitted with the development application. As stated above, the portion of the lift overrun that exceed the 16m height development standard has no overshadowing impact to the single residential neighbour to the west from 9am onwards in midwinter and no impact 9am to 3pm throughout the year. The non-compliance adds negligible additional shadow over the 'back of house' area to the Novotel between 9am and 11am midwinter and thereafter the overall shadow extends into the public domain of Cliff Road. As already stated, the Cliff Road public realm includes broad footpaths and shared pathways, car parking areas and the like. The areas affected by the building's shadow are mostly spaces catering for movement of people and vehicles. The shadow will not unreasonably detract from the amenity and utility of these spaces. For these reasons the height non-compliance will not be detrimental to the amenity of space as a result of shadow.

> **Intensity of Development**

The portion of the lift overrun that exceeds the 16m height development standard does not add to the intensity of use of the residential flat building. It facilitates access to the rooftop terrace. A rooftop terrace is an efficient and effective use of the roof space providing communal open space of very high amenity which is well separated from neighbouring open spaces to enhance private and compatibility with adjoining land and optimising soft landscaping opportunities at ground floor level.

> **Architectural Roof Feature**

Pursuant to Clause 5.9, an architecturally designed roof feature is proposed on the Blacket Street frontage. An architectural roof feature is highly appropriate in this visually significant foreshore location being the northern gateway to the city's urban foreshore. The architectural roof feature serves many practical and aesthetic functions consistent with the requirements of Clause 5.6. Refer **Figure 4.2** and architectural plans at Appendix B to the Statement of Environmental Effects.

Figure 4-2 South elevation and perspective showing proposed architectural roof feature on Blacket St facade of building. Source NortonJago



As detailed on the submitted architectural plans and elevations and in **Figure 4-2**, a rooftop architectural feature is proposed extending from the Blacket St façade. The architectural roof feature has been designed for consistency with the provisions of clause 5.6 to WLEP 2009 explained as follows:

- provides a decorative element which draws the eye between the rooftop terrace and the main pedestrian entry lobby in Blacket St
- provides a visually attractive feature which cannot be modified to create floor space nor form part of the bulk and scale of the built form
- enhances the microclimate of the rooftop terrace by buffering from southerly winds and creating controlled shade
- enhances privacy for the rooftop terrace by visually obscuring the potential lines of sight from the upper levels of the neighbouring Novotel Hotel
- visually screens the lift core and lift overrun
- adds interest in the skyline
- contrasts with the horizontal wave-like balconies that are eye-catching in the eastern façade facing the ocean
- adds a decorative architectural element which reflects the vertical lines of the distant escarpment, the vertical rock cuttings along the foreshore Blue Mile walk and the flowing wave-like curvature of the rooftop section is symbolic of the ocean waves.

The architectural roof feature is consistent with the requirements of Clause 5.6 of the LEP as follows:

- > will provide a built skyline edge that does not adversely impact on the natural landscape, view corridors or surrounding land and has been designed to reflect natural elements in this particular foreshore landscape (rock cuttings, escarpment exposed sandstone and ocean waves),
- > comprises a decorative element on the uppermost portion of a building which is also integrated with and balanced by other decorative elements throughout the building, and
- > is not an advertising structure, and
- > does not include floor space area and is not reasonably capable of modification to include floor space area
- > does not add bulk or scale to the built form, and
- > will cause minimal overshadowing as demonstrated by the shadow diagrams in the architectural plan package submitted with the development application.

It is relevant to note that the architectural purpose of the feature is paramount over the functional built features of the rooftop and particular architectural skill has enabled the lift and stair core access to the rooftop to be concealed by the decorative structure. Notwithstanding the rooftop feature also has distinctive practical benefit in microclimate enhancement and visual privacy from the Novotel.

There are cases where the NSW Land and Environment Court has determined there is merit in architectural roof features that have multiple beneficial outcomes including concealment of roof top plant and equipment. These are *Modog Pty Ltd v North Sydney Council [2018] NSWLEC 1420*, *Karavelas v Hurstville City Council [2014] NSWLEC 1246* and *Wilkie v Canterbury Bankstown Council [2018] NSWLEC 1381*.

The minor non-compliance with the maximum height development standard is considered appropriate for this proposal on environmental planning grounds. In summary, the minor non-compliance is:

- consistent with the existing and desired future neighbourhood character for building height, bulk, scale and general form
- will be imperceptible in the streetscape in terms of visual impact and amenity impacts
- does not result in unreasonable overshadowing or shadow impacts affecting the use and amenity of surrounding public and private spaces
- will not result in overlooking or unreasonable obstruction of views
- will enhance privacy and microclimate for the rooftop terrace
- will not cause an increase in the intensity of use of the site; and
- will not detract from the architectural merit and aesthetic contribution of the building to the streetscape and neighbourhood.

4.2 Public Interest

The minor non-compliance proposed should be considered in concert with the following public benefits:

- > The site represents an important redevelopment opportunity in Wollongong City Centre
- > The proposal provides studio, two bedroom and 3 bedroom apartments with a variety of layouts, consistent with market analysis
- > The proposal will include significant streetscape upgrades in line with Council's Public Domain Plan.
- > The proposal includes the provision of additional residential opportunities within the Wollongong City Centre.
- > The construction will generate significant short term employment opportunities within the Illawarra
- > The proposal is not antipathetic to the objectives for building height development standard and for development in Zone R1
- > The non-compliance is specific to the site and the essential and desirable design elements of the building and will not set an undesirable precedent
- > The provision of rooftop lift access to communal open space adds a high degree of amenity and functionality to the overall project and has been designed to be consistent with Council's DCP and the ADG guidelines and objectives for roof top terraces.
- > The rooftop is an essential component of this high quality development
- > Considerable architectural and design effort has been applied to the external façade of the building in acknowledgement of its place at the northern gateway to the urban foreshore strip.

The minor non-compliance with the maximum height development standard is considered appropriate for this proposal when considered in the context of the public interest.

4.3 Unreasonable and Unnecessary

It is unreasonable and unnecessary for the proposal to comply with the maximum height standard as:

- > the proposal is consistent with the relevant objectives of the development standard for building height
- > the proposal demonstrates excellence in architecture and urban design and will be compatible with the desired future streetscape and character of development in the North Wollongong foreshore area
- > the proposal has been designed with consideration to the context and setting of existing and anticipated surrounding development

- > the portion of the lift overrun that is non-compliant will be visually imperceptible in the streetscape and the broader neighbourhood context and setting. Refer to Figures 3-3, 4-1 and 4-2.
- > insisting on strict compliance would result in the loss to the amenity of future residents and their visitors due to the deletion of the roof top terrace. The rooftop is purpose-designed to accommodate year-round use and a wide variety of active and passive functions accessible for all users
- > insisting on strict compliance would result in the deletion of all or part of the common rooftop terrace thereby removing a highly meritorious design element of the proposal

Compliance with the maximum height development standard is considered unreasonable and unnecessary for this proposal.

4.4 Matters of State and Regional Planning Significance

The proposed variation does not raise any matters of regional or state significance. The variation will not be contrary to the public interest. The variation will not undermine the application of the development standard as the circumstances constitute appropriate flexibility based on the specific circumstances of the case. The combination of site features and development form are unique to this site in the North Wollongong foreshore area downslope from the Novotel and positioned on a corner gateway site to the foreshore. The proposed non-compliant section of the lift overrun will be imperceptible in the future streetscape and the desired future built form in the locality.

4.5 Consistency in Application of Flexibility

The proposal seeks to vary the 16m height development standard by a maximum of 0.939m, a height exceedance of 5.8%. The variation represents an appropriate degree of flexibility with the maximum point of exceedance in the centre of the building footprint and the scale of variation imperceptible in the desired future streetscape and character of the North Wollongong foreshore area.

Council can take guidance on the proposed variation to the height standard from recent Land and Environment Court decisions. The following recent decisions demonstrate where the Court has dealt with a request involving similar circumstances to the current application.

- In *Micaul Holdings Pty Ltd v Randwick City Council* [2015] NSWLEC 1386 the land was subject to a maximum height of buildings of 9.5 metres. The proposed building height was 14.5 metres. The Court upheld the clause 4.6 variation request partly on the basis of the topography of the site, which included a difference in grade of up to 7.5 metres along one boundary. The Commissioner's decision was the subject of an appeal, which was dismissed by the Chief Judge of the Court (*Randwick City Council v Micaul Holdings Pty Ltd* [2016] NSWLEC 7).
- In *MGT 6 Pty Ltd v The Council of the City of Sydney* [2017] NSWLEC 1211 the Court upheld a request under clause 4.6 to vary the height standard applying from a maximum permitted under the LEP (27 m) to a maximum proposed height of 29.35 m (a variation of 2.35 metres), to accommodate a lift overrun intended to provide access to roof top communal open space. The Court accepted the site specific constraints and the provision of high amenity communal open space for the residents into the future consistent with the ADG and the provision of accessibility, justified the variation.
- In *Roselands Star Pty Ltd v Canterbury-Bankstown Council* [2018] NSWLEC 1010 the Court upheld a request to vary a maximum height limit by up to 700 mm. The Court noted that a fully compliant building built within the permitted building envelope would significantly overshadow properties to the south, and that the proposed building height and design was a better environmental planning outcome. It was argued that:
 - *"The design of the proposal in this manner will provide and protect significantly more solar access to the adjoining properties than would a development that maximised the available building envelope prescribed by CDCP 2012."*

5 Conclusion

The proposal seeks to formally vary the 16m height development standard to a maximum of 5.8% to the numeric LEP development standard. The non-compliance relates only to the top of the lift overrun which is essential for universal access to a rooftop communal open space and pool. The variations represent an appropriate degree of flexibility with the variation imperceptible in the desired future streetscape and character of the North Wollongong foreshore area.

The non-compliance results from concerted architectural effort to achieve a building envelope, bulk and scale that optimises compliance with all relevant development standards, controls, objectives and guidelines as well as considers the relationship with, and impacts on, existing and likely future neighbouring built forms and land uses and the adjoining public realm.

Flexibility in the application of the height development standard is considered reasonable in this case and has planning merit to achieve better outcomes suited to the circumstances of the site and surrounds. The proposed minor building height exceedance does not contribute to the bulk or scale of the development as compared to a compliant scheme. The non-compliant portion of the lift overrun will be integrated with a rooftop architectural feature that is permissible under Clause 5.6 of WLEP 2009. On this basis and for reasons stated throughout this request the proposed minor building height exceedance is considered reasonable and will not result in any detrimental environmental or social impacts on the surrounding locality and can be supported by Council.

Attachment 6 - Wollongong Development Control Plan (DCP) 2009 Assessment

CHAPTER B1 – RESIDENTIAL DEVELOPMENT

The development fails to achieve compliance with numerous provisions within Chapter B1 Residential Development, specifically in relation to:-

- Clause 6.2 - in relation to the minimum site width requirement for residential flat buildings; in that the site width when measured perpendicular to the side boundary for the full length of the building envelope is less than 24m which is the minimum required for the construction of a residential flat building.
- Clause 6.2.2(2) – in that development of the site in the manner proposed may result in the creation of an isolated parcel to the immediate west of the site, being Lot 2 DP 18332 (No. 4 Blacket Street). Whilst the two properties immediately west of the Site are occupied by single detached dwellings, No. 6 Blacket Street is occupied by a substantial 3-storey concrete dwelling with an outdoor entertaining area and pool. The dwelling itself contains over 100m² of garage space, two kitchens and three separate living areas. The development of this site has been significantly renovated and extended in recent times and on this basis, it can therefore be reasonably assumed that the site is unlikely to be redeveloped in the near future. The existing development at No.6 Blacket Street is of sufficient scale to be considered in the same manner as you would a residential use of higher intensity. No. 4 Blacket Street is a narrow allotment and could not be developed for anything other than a single detached dwelling in isolation. It is therefore considered that the development will create an isolated allotment at No.4 Blacket Street by making redevelopment of this property unlikely.
- Clause 6.3 front setbacks – neither the Blacket Street or Cliff Road setbacks of the building comply with the minimum setback distances specified in Clause 6.3.
- Clause 6.4 in relation to the side setbacks / building separation.
- Clause 6.5 Built Form - in that the design, bulk, scale and height of the development do not respond to the site context nor are appropriate with regard to the applicable development controls pertaining to building height, floor space ratio and setbacks.
- Clause 6.7 in relation to acoustic privacy – specifically in relation to loss of visual privacy from the common circulation corridor; noise transmission from the corridors into the units via the ventilating plenum, and noise transmission from the Level 2 air conditioning units.
- Clause 6.9 basement car parking – in that, (1) the scale and siting of the basement car park impacts upon the ability of the development to satisfy minimum landscaping and deep soil zone requirements and, (2) the height of the basement podium roof is more than 1.2m above natural or finished ground level and does not satisfy the controls with regards to setbacks and landscaping. Further, the plans do not detail how mechanical ventilation of the basement is to be accommodated.
- Clause 6.10 in relation to vehicular access requirements. Further detail is provided below in relation to the requirements of Chapter E3 of the DCP.
- Clause 6.11 in relation to landscaping requirements. Specifically, the development does not provide for sufficient landscaped area within the site nor provides sufficient deep soil zone planting as required by the ADG and other provisions of Wollongong DCP 2009.
- Clause 6.12 in relation to the lack of a deep soil zone with planting that achieves the objectives and requirements of this clause.
- Clause 6.17 - apartment size and layout mix – in relation to the lack of housing diversity provided within the development.

CHAPTER D13 – WOLLONGONG CITY CENTRE

The site is located within the Wollongong City Centre, as defined in WLEP 2009 and WDCP 2009. Chapter D13 applies to the development and prevails over other parts of the DCP where there is any inconsistency. A detailed assessment table of Chapter D13 is provided in the table below. It is also noted that where there is an inconsistency between the DCP and ADG, the ADG prevails.

There are a significant number of areas of non-compliance with the controls as identified in the tables and listed below. The applicant has identified some (but not all) of the departures which are discussed in detail within the body of the assessment report (see Section 2.3.1).

The development fails to achieve compliance with numerous provisions within Chapter D13 Wollongong City Centre, specifically in relation to:-

- Clause 2.2 - in relation to front setbacks.
- Clause 2.5 - in relation to side and rear building setbacks and building separation.
- Clause 2.7 – in relation to lack of deep soil zones and lack of landscape planting overall.
- Clause 2.8 – in relation to the landscape design not providing for sufficient landscaped areas within the site and lack of meaningful planting, and some concerns around the appropriateness of chosen landscaping species.
- Clause 3.6 – in relation to the width of the access driveway/ footpath crossing and the impact this will have on pedestrian safety, the amenity of the public domain, ability to provide for landscape planting within the Blacket Street frontage of the site and traffic safety and car parking availability.
- Clause 3.8 – in relation to the building exterior, with regard to its design response to its context; appropriateness of street setbacks; fencing height, quality and longevity of chosen building materials; material reflectivity; design of the lift shaft and its overrun.
- Clause 4.3 - vehicular driveways and manoeuvring areas - in regards to the location of the driveway immediately against the adjacent property boundary; driveway width and alignment; non-compliances with AS2890.1;
- Clause 4.4 in regards to oversupply of car parking within the site and non-compliances with AS2890.1 in regards to driveway grades, driveway alignments, vehicular manoeuvring within the site
- Clause 4.5 - site facilities and services - in relation to the air conditioning units on Level 2 being obtrusive and not being integrated into the building design; giving rise to unreasonable visual and acoustic impacts.
- Clause 5.4 in relation to reflectivity from the selected finishing materials and colours proposed.
- Clause 5.6 – waste and recycling - in relation to concerns around waste collection. The plans do not make provision for on-site collection. Kerbside collection is not possible on Cliff Road, and it is not certain that the number of bins proposed can be accommodated within 50% of the development's frontage on collection day given the width of the proposed driveway crossing and the existence of on-street infrastructure including a traffic calming device and pram ramp. On-street waste collection may have an unreasonable impact on the streetscape, will reduce the availability of on-street car parking on collection days and may impact pedestrian amenity and safety.
- Clause 6.2 - housing choice and mix – in relation to the lack of 2-3 bedroom units proposed and inadequate size of parking spaces provided to adaptable and livable dwellings
- Clause 6.6 - basement car parks - in relation to the scale/ expanse of the car park hindering the ability of the development to satisfy the landscaping and deep soil requirements and the height of the basement above ground level. The roof of the basement podium extends more than 1.2m above ground level for part of the length of the building and the setback to the basement do not comply with the controls. This impacts on the overall height of the building, lifting the ground level above finished street level (giving rise to concerns around the internal amenity of the ground floor apartment) and results in a high unsightly wall being provided adjacent to the property boundaries.

2 Building form

Objectives/controls

Comment

Compliance

2.1 General

2.2 Building to street alignment and street setbacks

- 4m front setback
- Balconies may project up to 600 mm into front building setbacks, provided the cumulative width of all balconies at that particular level totals no more than 50% of the horizontal width of the building façade, measured at that level. Balconies are not permitted to encroach above the public road reserve.
- Minor projections into front building lines and setbacks for sun shading devices, entry awnings and cornices are permissible

3m setback to Blacket St with some encroachments including vertical lift detailing; balconies extend to within 1.5m of the boundary Cliff Road (a variation of 2.5m or 62%) – high wall and terrace of ground floor unit abuts the boundary; 3m setback to walls of units above and balconies feature varying setback min approx 400mm.

No, variation discussed within the body of the report

The development provides for setbacks of 3m to the Blacket Street frontage of the site, with some encroachments including part of the detailing of the lift and upper floor balconies which extend close to the front property boundaries; and 3m to the Cliff Road frontage of the site. There are however significant encroachments into the Cliff Road setback, inclusive of balconies, retaining walls/ fencing, the elevated ground level terrace, and entry gates.

Cumulatively these represent significant encroachments into the required setbacks

2.3 Street frontage heights in commercial core

N/A

N/A

2.4 Building depth and bulk

- Max depth 18m above 12m high

Objectives/controls	Comment	Compliance
<p><u>2.5 Side and rear building setbacks and building separation</u></p> <p><i>Up to 12m in height:-</i></p> <ul style="list-style-type: none"> - habitable rooms with openings and balconies – 6m - non-habitable rooms and habitable rooms without openings – 3m <p><i>Residential uses between 12m & 24m</i></p> <ul style="list-style-type: none"> - habitable rooms with openings and balconies – 9m - non-habitable rooms and habitable rooms without openings – 4.5m 	<p><u>Levels ground- L3</u></p> <p><u>West (side)</u></p> <ul style="list-style-type: none"> • Ground min 3.7m to western bedroom windows; 0-0.6m to northern POS (6m required) • L1: 3m to blank wall, 3m to planter box, 3m-6m to gallery access (considered to be habitable for the purposes of the controls; 6m required). • L2: 3m to roof terrace on which bank of AC units are to be placed; 3m to planter boxes, 4.5m to gallery access (6m required). • L3: 3m to planter boxes, 6m to balcony; 4.5m to blank wall 4.5m to gallery access (6m required). • L4 COS: min 4.5m setback proposed to edge of terrace, increasing to more than 6m (9m required). <p><u>North (rear)</u></p> <p>L1: 3m to balcony, 4m to studio apartment window</p> <p>L2: 4.8m to edge of closest balcony from northern boundary, 6.3m to studio window.</p> <p>L3: 6m to balcony, <6m to planter boxes; 8-12.5m to living/bed windows</p> <p>L4 COS: min 4.5m setback proposed to edge of terrace, increasing to more than 6m.</p>	<p>No</p>
<p><u>2.6 Mixed used buildings</u></p>	<p>N/A</p>	<p>N/A</p>
<p><u>2.7 Deep soil zone (DSZ)</u></p> <ul style="list-style-type: none"> • deep soil zone shall comprise no less than 15% of the total site area preferably provided in one continuous block and shall have a minimum dimension (width or length) of 6 metres. 	<p>Total DSZ required: 15% = 117.45m² Provided: Area of planting within the northern portion of the site measures approx. 65.9sqm which is equivalent to 8.4% of the total combined site area. The landscape</p>	<p>No</p>

<i>Objectives/controls</i>	<i>Comment</i>	<i>Compliance</i>
<u>2.8 Landscape design</u>	plan does not make provision for dense planting in this area however – ornamental gardens and lawns only. This occurs however within the RE1 zoned portion of the site and is prohibited Additional planting on structure proposed	Yes
<u>2.9 Green roofs, green walls and planting on structures</u>	Landscape plan provides for scant landscaping Planting on structure proposed. Some details provided on the landscape plan. Most details can be conditioned if consent were granted.	Yes with conditions
<u>2.10 Sun access planes</u>	The proposal will not cast shadows on any areas subject to the sun access planes	Yes
<u>2.11 Development on classified roads</u>	N/A	N/A

3 Pedestrian amenity

<i>Objectives/controls</i>	<i>Comment</i>	<i>Compliance</i>
<u>3.1 General</u>		
<u>3.2 Permeability</u>	No identified site links affect the site.	N/A
<u>3.3 Active street frontages</u>		
<ul style="list-style-type: none"> Active frontage uses are defined as one or a combination of the following at street level: Entrance to retail. Shop front. Glazed entries to commercial and residential lobbies occupying less than 50% of the street frontage, to a maximum of 12m frontage. Café or restaurant if accompanied by an entry from the street. 	<p>Development provides limited activation of the Blacket Street frontage and solid high walls along the length of the Cliff Rd frontage of the site.</p> <p>The primary entry is not well defined.</p> <p>Fencing provides a clear delineation</p>	Yes

<p>Active office uses, such as reception, if visible from the street.</p> <ul style="list-style-type: none"> • In commercial and mixed use development, active street fronts are encouraged in the form of non-residential uses on ground level. • Active street fronts are required along streets for all buildings in the Commercial Core • Active ground floor uses are to be at the same general level as the footpath and be accessible directly from the street. 	<p>between private and public space</p> <p>The primary balcony and habitable room windows overlook and address Cliff Road.</p>	
<p><u>3.4 Safety and security</u></p> <ul style="list-style-type: none"> • Ensure that the building design allows for casual surveillance of accessways, entries and driveways. • Avoid creating blind corners and dark alcoves that provide concealment opportunities in pathways, stairwells, hallways and carparks. • Provide entrances which are in visually prominent positions and which are easily identifiable, with visible numbering. • Provide adequate lighting of all pedestrian access ways, parking areas and building entries. Such lighting should be on a timer or movement detector to reduce energy consumption and glare nuisance. • Provide clear lines of sight and well-lit routes throughout the development. • Where a pedestrian pathway is provided from the street, allow for casual surveillance of the pathway. • For large scale retail and commercial development with a GFA of over 5,000m², provide a 'safety by design' assessment in accordance with the CPTED principles. • Provide security access controls where appropriate. • Ensure building entrance(s) including pathways, lanes and arcades for larger scale retail and commercial developments are directed to signalised intersections rather than mid-block in the Commercial zone. 	<p>Surveillance will be available from balconies and residential living areas to Cliff Rd frontage. Minimal opportunities for overlooking/ surveillance of the Blacket St frontage available with design.</p> <p>Design responds appropriately to CPTED principles; refer to Chapter E2 assessment below.</p>	<p>Yes</p>
<p><u>3.5 Awnings</u></p>	<p>N/A</p>	<p>N/A</p>
<p><u>3.6 Vehicular footpath crossings</u></p> <ul style="list-style-type: none"> • 1 vehicle access point only (including the access for service vehicles and parking for non-residential uses within mixed use developments) will be generally permitted • Double lane crossing with a maximum width of 5.4 metres may be permitted • Doors to vehicle access points are to be roller shutters or tilting doors fitted behind the building façade. 	<p>Refer to discussion below. Driveway width is excessive</p>	<p>No</p>

- Vehicle entries are to have high quality finishes to walls and ceilings as well as high standard detailing. No service ducts or pipes are to be visible from the street.

3.7 Pedestrian overpasses, underpasses and encroachments

N/A

N/A

3.8 Building exteriors

- Adjoining buildings (particularly heritage buildings) are to be considered in the design of new buildings in terms of appropriate alignment and street frontage heights; setbacks above street frontage heights; appropriate materials and finishes selection; façade proportions including horizontal or vertical emphasis;
- Balconies and terraces should be provided, particularly where buildings overlook parks and on low rise parts of buildings. Gardens on the top of setback areas of buildings are encouraged.
- Articulate facades so that they address the street and add visual interest.
- External walls should be constructed of high quality and durable materials and finishes with ‘selfcleaning’ attributes, such as face brickwork, rendered brickwork, stone, concrete and glass.
- Finishes with high maintenance costs, those susceptible to degradation or corrosion from a coastal or industrial environment or finishes that result in unacceptable amenity impacts, such as reflective glass, are to be avoided.
- To assist articulation and visual interest, avoid expanses of any single material.
- Limit opaque or blank walls for ground floor uses to 30% of the street frontage.
- Maximise glazing for retail uses, but break glazing into sections to avoid large expanses of glass.
- Highly reflective finishes and curtain wall glazing are not permitted above ground floor level
- A materials sample board and schedule is required to be submitted with applications for development over \$1 million or for that part of any development built to the street edge.
- Minor projections up to 450mm from building walls in accordance with those permitted by the BCA may extend into the public space providing it does not fall within the definition of GFA and there is a public benefit.
- The design of roof plant rooms and lift overruns is to be integrated into the overall architecture of the building.

The development does not reflect the existing or desired future character for the locality as outlined in the applicable planning controls.

No

The proposal is unsatisfactory to the DRP; refer to discussion within the body of the report and DRP notes attached.

Balconies are provided to all units; overlooking/ surveillance of the street will be available. Internal privacy of units may be limited due to exposure to public domain and reduced setbacks

A colour & material schedule has been provided. Queries around maintenance of materials and finishes.

Reflective finishes and bright colour proposed

Material reflectivity is a concern.

No detailed schedule of finishes provided.

There are no encroachments into/ across the footpath

The lift overrun will not be concealed within the roof – refer to discussion

<p><u>3.9 Advertising and signage</u></p>	<p>within report</p> <p>N/A</p>	<p>N/A</p>
<p><u>3.10 Views and view corridors</u></p> <ul style="list-style-type: none"> Existing views shown in Figure 3.12 are to be protected to an extent that is practical. Align buildings to maximise view corridors between buildings 	<p>The site is located outside of the nominated distant panoramic view corridor identified in Figure 3.12 of the DCP.</p> <p>The scale and bulk of the building measured in terms of height, FSR and building setbacks is inconsistent with applicable controls which may reduce views from nearby and distant sites.</p> <p>The development further west of the site in combination with existing large street trees within the Blacket St road reserve largely obscure escarpment views from the beach; it is not anticipated that this development will create any greater obstructions than are existing.</p> <p>Views to the public foreshore and Heritage conservation area may be affected.</p> <p>Further view assessment to be undertaken</p>	<p>Further view analysis required</p>

4 Access, parking and servicing

<i>Objectives/controls</i>	<i>Comment</i>	<i>Compliance</i>
<p><u>4.1 General</u></p>		
<p><u>4.2 Pedestrian access and mobility</u></p> <ul style="list-style-type: none"> Main building entry points should be clearly visible from primary street frontages and enhanced as appropriate with awnings, building signage or high quality architectural features that improve clarity of building address and contribute to visitor and occupant amenity. The design of facilities (including car parking requirements) for disabled persons must comply with the relevant Australian Standard and the Disability Discrimination Act 1992. The development must provide at least one main pedestrian entrance with convenient barrier free access in all developments to at least the ground floor. 	<p>Pedestrian access is available from the street frontage via 2 entry points.</p> <p>Car parking for the adaptable units is provided within the basement car parking levels, with access throughout the building available via the lifts.</p> <p>The finish of pedestrian pathways and the like can be dealt with by consent conditions if the development were to be approved.</p>	<p>Yes</p>

- The development must provide continuous access paths of travel from all public roads and spaces as well as unimpeded internal access.
- Pedestrian access ways, entry paths and lobbies must use durable materials commensurate with the standard of the adjoining public domain.
- Building entrance levels and footpaths must comply with the longitudinal and cross grades specified in AS 1428.1, AS/NZS 2890.1:2004 and the DDA.

4.3 Vehicular driveways and manoeuvring areas

- Driveways should be:
 - Provided from lanes and secondary streets rather than the primary street, wherever practical.
 - Located taking into account any services within the road reserve, such as power poles, drainage pits and existing street trees.
 - Located a minimum of 6m from the nearest intersection
 - If adjacent to a residential development setback a minimum of 1.5m from the relevant side property boundary.
- Vehicle access is to be designed to:
 - Minimise the impact on the street, site layout and the building façade design; and
 - If located off a primary street frontage, integrated into the building design.
- All vehicles must be able to enter and leave the site in a forward direction without the need to make more than a three point turn
- Driveway widths must comply with the relevant Australian Standards.
- Car space dimensions must comply with the relevant Australian Standards.
- Driveway grades, vehicular ramp width/grades and passing bays must be in accordance with the relevant Australian Standard
- Access ways to underground parking should not be located adjacent to doors or windows of the habitable rooms of any residential development.

4.4 On-site parking

- On-site parking must meet the relevant Australian Standard
- Council may require the provision of a supporting geotechnical report prepared by an appropriately qualified professional as information to accompany a development application to Council.

Council's Traffic Engineer has raised some concerns with regard to the driveway width, placement and alignment and other matters relating to access and manoeuvring:-

- There is an oversupply of car parking within the development; 17 car spaces are required and 20 car spaces are proposed;
- The development does not comply with AS2890.1 in numerous areas.
- The access driveway does not comply with regard to driveway location, grades and alignment.

There is no setback from the side boundary and no ability to provide for landscaping adjacent to the western boundary as required by the DCP.

No

Basement parking provided. Surplus car parking and sufficient motorcycle and bicycle parking is provided; refer to discussion in relation to Chapter E3.

The development does not provide a

No

- Car parking and associated internal manoeuvring areas which are surplus to Council's specified parking requirements will count towards the gross floor area, but not for the purpose of determining the necessary parking.
- Any car parking provided in a building above ground level is to have a minimum floor to ceiling height of 2.8m so it can be adapted to another use in the future.
- On-site vehicle, motorcycle and bicycle parking is to be provided in accordance with Part E of this DCP.
- To accommodate people with disabilities, minimum of 1% of the required parking spaces to be provided as disabled persons' car parking.

secure 'communal' bicycle enclosure for residential bicycle parking spaces which are available for use by all residents. These facilities need to be provided as 'Class B' bicycle facilities with a self-closing door and combination lock. This facility needs to provide adequate manoeuvring space for users to move their bicycles in and out of the enclosure and lock their bicycles to the bicycles racks provided.

Council's Traffic Engineer has identified various concerns with regard to non-compliances with applicable Australian Standards.

4.5 Site facilities and services

Utility Services

The building is serviced by the major utilities and some augmentation of existing services is expected to be required to facilitate the development. Electrician letter states sufficient infrastructure, substation is unlikely to be required to support the development.

Yes

Fire control room, pump room etc. located in basement; enclosed within building. Fire hydrant positioned on the Cliff Road frontage of the site

Mail boxes – provide in an accessible location adjacent to the main entrance; integrated into a wall where possible and be constructed of materials consistent with the appearance of the building. Letterboxes to be secure and of sufficient size

A bank of letter boxes is provided adjacent to the lobby on the Cliff Road frontage of the site. Conditions can be imposed to ensure these meet the requirements of the DCP.

Yes

Communication structures, air conditioners and service vents - locate satellite dish and telecommunication antennae, air conditioning units, ventilation stacks and any ancillary structures in an appropriate manner.

The air conditioning condensers are located on the western side of level 2 which is unsatisfactory from an acoustic and visual impact perspective.

No

Waste storage and collection

Provision has been made for waste storage rooms within the basement. On-street collection is proposed which may not be suitable in this instance; refer to detailed discussion within the body of the report.

No

Service docks and loading/unloading areas

No loading dock required

N/A

- Provide adequate space within any new development for the loading and unloading of service/delivery vehicles.

- Preferably locate service access off rear lanes, side streets or rights of way.
- Screen all service doors and loading docks from street frontages and from active overlooking from existing developments.
- Design circulation and access in accordance with AS2890.1.

5 Environmental management

<i>Objectives/controls</i>	<i>Comment</i>	<i>Compliance</i>
<u>5.2 Energy efficiency and conservation</u>	BASIX certificates submitted indicate the BASIX targets are satisfied by the residential units. Questionable cross-ventilation strategy may compromise energy efficiency of the building overall and internal thermal comfort	No
<u>5.3 Water conservation</u>	BASIX certificates submitted indicate the BASIX targets are satisfied by the residential units	Yes
<u>5.4 Reflectivity</u>	Concerns are raised in regards to material reflectivity and bright colour palette proposed	No
<u>5.5 Wind mitigation</u>	A wind impact statement was not required.	N/A
<u>5.6 Waste and recycling</u>	Waste management arrangements may not be satisfactory in this instance	No

6 Residential development standards

Refer to SEPP 65 and ADG assessment.

<i>Objectives/controls</i>	<i>Comment</i>	<i>Compliance</i>
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<p><u>6.2 Housing choice and mix</u></p> <ul style="list-style-type: none"> • Min 10% studio/ 1 BR units and 10% 3 BR units • Min 10% (2 dwellings) must be adaptable • Car parking and garages allocated to adaptable dwellings must comply with the requirements of the relevant Australian Standard for disabled parking spaces. 	<p>14 x Studio (87.5%) 1 x 2 bed 1 x 3 bed (6.25%) 3 adaptable and 2 livable dwellings provided and inappropriate carparking provided to support the adaptable units</p>	<p>No, Insufficient 3BR units proposed</p>
<p><u>6.6 Basement Car parks</u></p> <ul style="list-style-type: none"> • The scale and siting of the basement car park must not impact upon the ability of the development to satisfy minimum landscaping and deep soil zone requirements. • The roof any of basement podium, measured to the top of any solid wall located on the podium must not be greater than 1.2 metres above natural or finished ground level, when measured at any point on the outside walls of the building. <p>In addition, the following must be satisfied:</p> <ul style="list-style-type: none"> • Landscaped terraces are provided in front of the basement podium to reduce the overall visual impact; • The height of the basement does not result in the building having a bulk and scale which dominates the streetscape; and • The main pedestrian entry to the building is identifiable and readily accessible from the street frontage, including access by disabled persons • The following setbacks from side and rear boundaries apply to basement podiums: <ul style="list-style-type: none"> a) Where the height of the basement podium (measured to the top of any solid wall located on the podium) is less than 1.2m above natural or finished ground level (whichever distance is greater), the basement podium may extend to the property boundary. A minimum 1.5m wide landscaped planter must be provided on the perimeter of any section of the basement podium which is located on a side or rear property boundary. Such planter must prevent direct access to the outer edge of the podium, to minimise direct overlooking of adjacent dwellings and open space areas b) Any portion of the basement (measured to the top of any solid wall located on the podium) which exceeds 1.2m above natural or finished ground level (whichever distance is greater) must be setback from the property boundaries by a ratio of 1:1 (height setback). A minimum setback of 1.5m applies in this instance, with this area to be 	<p>Scale of basement precludes the ability to achieve minimum landscaping and deep soil zone requirements, occupying the whole of the R1 zoned portion of the site.</p> <p>Roof of the basement extends out of the ground through the northern portion of the R1 zoned portion of the site. There are no additional setbacks provided to this part of the basement/ car park structure nor is there sufficient landscaping proposed to screen the structure.</p> <p>Refer to detailed discussion within the body of the report</p>	<p>No</p>

landscaped.

- The visual impact of all basement walls must be minimised through the use of various design techniques including well-proportioned ground level articulation and relief, mixed finished and materials, terracing and/or dense landscaping.
- Where parking is provided in a basement, ventilation structures for the basement parking and air conditioning units must be orientated away from windows of habitable rooms and private open space areas. Ventilation grills must be integrated into the design of the façade of the building to minimise their visual impact.
- The visual impact of all basement walls must be minimised through the use of various design techniques including well proportioned ground level articulation and relief, mixed finishes and materials, terracing and/or dense landscaping.
- Basements must be protected from inundation from 100-year ARI flood levels (or greater).

No details on the means to ventilate the basement have been provided

8 Works in the public domain

Planting of street trees and provision of footpath paving is required in compliance with the requirements of the Public Domain Technical Manual.

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

Traffic impact assessment and public transport studies

A Car Parking / Traffic Impact Assessment Study is required to be submitted where, in the opinion of Council, a development may cause a potential significant adverse traffic generation or traffic management impact upon the surrounding road network. Council's Traffic Engineer has reviewed the application and has not identified the necessity for a traffic impact assessment.

Parking demand and servicing requirements

Based on the applicable car parking rates, the development requires the following car parking provision:-

	<i>Rate</i>	<i>Calculation</i>	<i>Required</i>	<i>Provided</i>	<i>Compliance</i>
<i>Car parking</i>					
Resident:	0.75 per dwelling <70m ²	0.75*14	10.5		
	1 per dwelling 70-110m ²	1*1	1		
	1.25 per dwelling >110m ²	1.25*1	1.25		
Visitor:		0.2*16	3.2		
TOTAL			17	20	Yes, however the area of the additional car parking spaces and access thereto needs to be included in GFA & FSR

<i>Bicycle parking</i>						
Resident:	1 bicycle space per 3 dwellings	$16/3*1$	5.3			
Visitors:	1 bicycle space per 12 dwellings	$16/12*1$	1.3			
TOTAL			8	10	Yes	
<i>Motorbike</i>	1 motorcycle space per 15 dwellings	$16/15*1$	2	3	Yes	

20 car spaces are provided - including 2 disabled persons' car parking spaces. 4 of these spaces are for small cars which is not accepted by the DCP unless the car parking compliment is otherwise compliant.

A number of concerns have been raised in relation to the development by Council's Traffic Engineer.

Pedestrian access

Concerns have been raised regarding driveway alignment, waste collection and fire egress.

Safety & security (Crime Prevention through Environmental Design) measures for car parking areas

The proposed car parking layout is generally satisfactory with regard to the principles of CPTED.