

Wollongong Local Planning Panel Assessment Report | 1 June 2021

WLPP No.	Item No. 3
DA No.	DA-2020/614
Proposal	Residential - demolition of existing dwellings and outbuildings and the construction of a five (5) storey residential flat building with basement parking
Property	16 Market Place Wollongong - Lot 4 DP 997089 18 Market Place Wollongong – Lot 1 DP 153262
Applicant	Borst & Co Architecture Pty Ltd
Responsible Team	Development Assessment and Certification - City Centre Major Development Team (AS)
Development cost	\$5,174,817.00
Lodgement date	24 June 2020
Prior WLPP meeting	None

Assessment Report and Recommendation

Executive Summary

Reason for consideration by Local Planning Panel - Determination

The proposal has been referred to Local Planning Panel for determination pursuant to clause 2.19(1)(a) of the Environmental Planning and Assessment Act 1979. Under Schedule 2, (2 & 4) of the Local Planning Panels Direction of 30 June 2020, the proposal is contentious development (33 total submission) as well as being development to which State Environmental Planning Policy No. 65 – Design Quality of Residential Apartment Development applies.

Proposal

The proposal is for demolition of existing structures and construction of a five-storey residential flat building containing 16 dwellings with basement parking.

Permissibility

The site is zoned R1 General Residential pursuant to Wollongong Local Environmental Plan 2009. The proposal is categorised as a residential flat building and is permissible in the zone with development consent.

Consultation

The proposal was notified twice in accordance with Council's Notification Policy. Council received 21 submissions following the first notification period and 12 following the second.

Submissions are discussed at section 2.8 of the assessment report.

Main Issues

The main issues are:

- Heritage context Market Square
- Building height
- Clause 4.6 development standard departure site width
- Sun plane access control WLEP 2009

- Architectural design excellence

RECOMMENDATION

It is recommended that the application is refused for the reasons detailed in Attachment 8.

1 APPLICATION OVERVIEW

1.1 PLANNING CONTROLS

The following planning controls apply to the development

State Environmental Planning Policies

- SEPP No. 55 – Remediation of Land
- SEPP – Koala habitat protection 2021
- SEPP No. 65 – Design Quality of Residential Apartment Development
- SEPP (Building Sustainability Index: BASIX) 2004
- SEPP (Coastal management) 2018

Local Environmental Plans

- Wollongong Local Environmental Plan (WLEP) 2009

Development Control Plans

- Wollongong Development Control Plan (WDGP) 2009

Other policies

- Wollongong City-Wide Development Contributions Plan 2019

1.2 DETAILED DESCRIPTION OF PROPOSAL

Council requested further information and amended plans on 20 July 2020, 27 July 2020 and 10 September 2020.

Amended plans were provided 13 April 2021 and are the subject of this assessment report.

The proposal comprises the following:

- Demolition of all structures
- Construction of a five storey residential flat building
 - 16 units
 - 3 x 1 bedroom
 - 8 x 2 bedroom
 - 5 x 3 bedroom
 - Inc. 3 x adaptable units (all 1 bedroom)
 - All parking in 1 basement level
 - 20 car parking spaces (17 resident and 3 visitor)
 - 2 motorcycle parking spaces
 - 5 bicycle parking spaces
 - Waste storage room in basement
- Maximum building height 16.0m
- Gross floor area 1495m²
- Floor space ratio 1.29:1
- Waste collection on kerb
- Tree removal
- Compensatory planting

1.3 BACKGROUND

Design Review Panel meeting DE-2018/55

A Design Review Panel (DRP) meeting was held on 29 May 2018, where the proponent was the current owners. The Panel did not support the application, citing a lack of site analysis as a starting point for the design. Other matters of concern were sun plane intrusion, ADG non-compliance, creation of isolated lots, lack of environmental initiatives and unsatisfactory internal amenity.

Pre-lodgement meeting PL-2018/141

Pre-lodgement meeting PL-2018/141 for *'Demolition of dwellings and construction of a 5 storey residential flat building'* was held on 22 August 2018. The proposal was for 16 dwellings and 19 cars in 1 basement level. The development was proposed to occur in two stages. Council's meeting indicated the project was not supported for the following reasons:

- building intruding into sun plane set by WLEP 2009
- setbacks not complying with the Apartment Design Guide
- building height exceeding the maximum permitted under WLEP 2009
- visual impact on heritage values of Market Square
- car parking not complying with Apartment Design Guide

Development application DA-2019/1431

On 23 December 2019, Council rejected DA-2019/1431 *'Residential - demolition of existing dwelling and outbuildings and construction of five (5) storey residential flat building with basement carpark'* at lodgement. Reasons for the rejection were principally lack of information.

Older applications 16 Market Place

- BA-1977/229 Garage & Alterations To Dwelling
- BC-1994/1323 Brick And Galvanised Iron Cottage Brick Garage Covered Area And A Brick Outhouse
- BA-1995/355 Garage
- DA-1995/196 Additions To Dwelling
- BA-1995/725 Additions To Dwelling - Da 196/95

Older applications 18 Market Place

- BA1967/1518 Verandah
- BA-1968/822 Additions to Dwelling
- BA-1969/2143 Additions to Dwelling
- DA-1983/725 Additions to Dwelling to be Used as an Office
- DA-1984/98 2 Units
- DA-1987/820 Enclose Front and Back to 1st Floor Patio
- BA-1984/2022 Carport

Customer service actions

There are no outstanding customer service requests relevant to the development.

1.4 SITE DESCRIPTION

The site is located at 16-18 Market Place Wollongong and the title references are Lot 4 DP 997089 and Lot 1 DP 153262.

The site comprises two rectangular allotments and has a total area of 1156m². The site is relatively flat, with dimensions 30.095m to Market Place, 44.705m on the northern side boundary and 30.55m on southern side boundary. The rear boundary is stepped due to each lot having different depths; no. 16 having a rear boundary of 16.58m and no. 18 being 13.625. All dimensions are from the survey plan submitted with the application.

The site has frontage to Market Place, which is a one way street with on-street parking that wraps around heritage-listed Market Square. Council's planning policies identify a specific low-scale desired character for Market Place and Market Square, which is distinct from surrounding streets.

Adjoining development is as follows:

- North: 3 storey residential flat building (no. 14)
- East: Market Place and Market Square
- South: 2 storey residential flat building with detached garages (no. 20 Market Place) and 2 storey general practitioner medical practice (no. 20 Market Street)
- West: 10 storey residential flat building (111-113 Corrimal Street and 22 Market Street)

Development surrounding Market Square is predominantly residential, together with some current and former school sites.

Property constraints

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

- Acid sulfate soils class 5:

There are no restrictions on the title.

The site is located opposite two local heritage items in Market Square (items 6386 and 6271) and in the vicinity of several other heritage items.

1.5 SUBMISSIONS

The application was notified in accordance with Council's Community Participation Plan 2020 on two occasions. Twenty-one submissions were received following the first notification period 30 June 2020-14 July 2020. The second notification period (21 April-5 May 2021) followed lodgement of amended plans and 12 submissions were received.

Matters raised in submissions are discussed in Table 1.

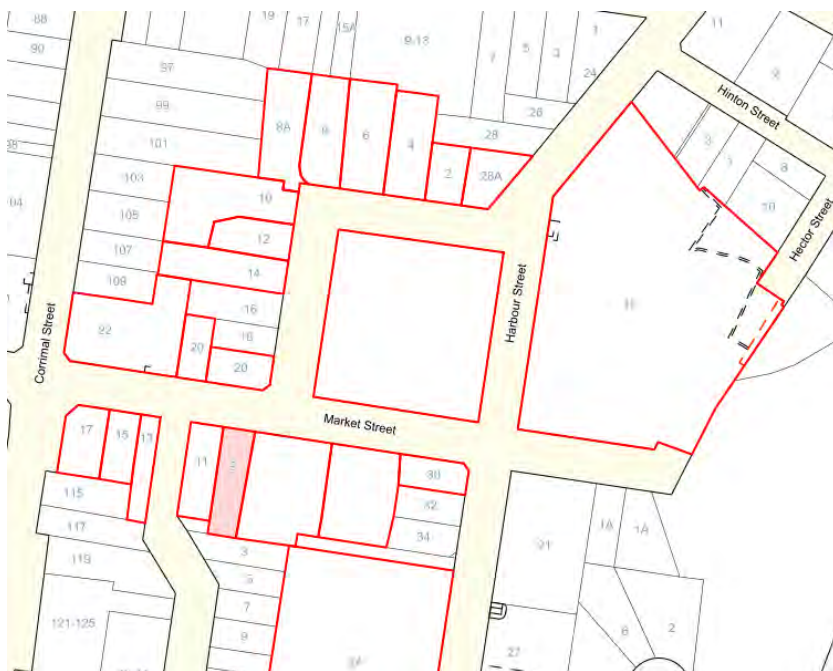


Figure 1: Notification map - notified properties in red outline

Table 1: Submissions

Concern	Comment
Revised plans <ul style="list-style-type: none"> - Not much difference between original and revised plans 	<p>The building height has been reduced by removing the lift overrun. Some setbacks have increased. No change to number of units. Council's design expert details the changes in Attachment 7.</p>
Heritage <ul style="list-style-type: none"> - Very few areas left - Market Square is a place for picnics and to enjoy the rotunda and take photographs - Market Square is the historic heart of Wollongong and needs protecting - Developer says all surrounding buildings will one day be amalgamated is offensive - Building type out of scale and in contrast with heritage context of Market Square - Biosis report doesn't adequately assess the proposal or analyse planning controls - Biosis report addresses only archaeology 	<p>Heritage impacts are discussed in relation to WLEP 2009 and WDCP 2009.</p>

Concern	Comment
<ul style="list-style-type: none"> - Biosis report doesn't address possibility that archaeological remains may be of state rather than local significance - Biosis report doesn't include heritage values of existing structures - Market Square is the heritage – the three heartbeats of Wollongong were the Courthouse, Harbour and the Square. - Management of preservation of archaeological material needs to be considered prior to disturbing the site 	
Privacy Impacts <ul style="list-style-type: none"> - Development would overlook my open terrace area, not a rooftop - Disagree with clause 4.6 justification that says reduced site width does not result in undue privacy or overlooking - Development says window treatments would manage overlooking, but doesn't help where balconies overlook other dwellings - A security camera is angled at my terrace, which is invasion of privacy - Building is set forward on the block, which is inconsistent with the streetscape and will allow looking into my apartment. 	<p>Privacy impacts have been noted by the Design Review Panel and Council's design expert.</p>
Traffic Impacts <ul style="list-style-type: none"> - 19 extra cars in and out of the development would have an impact on traffic - Lots of car traffic now, with on-street parking being used by students and workers - Especially busy at school pick up and drop off times - During Market Square events, traffic can be at standstill - During WIN stadium and WEC events parking happens in Market Square - 1 space per unit is not enough - Council's parking rates are not enough - Bus stops mentioned in the application are St Mary's school bus stops, only 	<p>On-site car parking complies with Council's requirements, which are set out in WDCP 2009 and the Apartment Design Guide.</p> <p>A traffic impact assessment has been provided.</p> <p>Council's traffic engineer has no objection to the proposed development.</p>
Building form <ul style="list-style-type: none"> - Should be townhouses only in Market Place - Car park driveway is not integrated in to the building design and is too close to the southern boundary to allow a mature planting zone. - Driveway gates are shown at top of ramp but are not visible on street elevations or perspectives. - Alternative treatment of Level 4 recommended - Out of character with other buildings in this small and charming street 	<p>Building form has been assessed by the Design Review Panel and Council's design expert.</p>

Concern	Comment
<ul style="list-style-type: none"> - It is an overdevelopment - There is very little open space around the building 	
Overshadowing and solar access <ul style="list-style-type: none"> - The development will take away sun - Shadow diagrams don't appear to accurately portray overshadowing on Market Square. - Sunny afternoons in the park must be protected - Will overshadow apartments 2/20 and 4/20 Market Place and solar access to living rooms will be less than 2hrs required in mid-winter - View from sun diagram and solar access plan diagrams required, as the shadow study suggests only 31% will achieve solar access, where minimum 70% is required - Apartments 2, 6, 10 and 14 do not appear to receive any sunlight 9am-3pm in midwinter. This equates to 25% of total dwellings where maximum 15% is permitted - My flat enjoys winter sun all along the northern side. The development will take away substantial hours of sunlight and light - 22 Corrimal Street (Latitude building) has been angled to take advantage of views and sunlight, which this project will remove - 27 properties will be totally blocked from outlook and sunshine 	<p>The development does not achieve solar access as required by the Apartment Design Guide.</p> <p>Amended plans lodged 13 April include sun's eye and solar access plans.</p>
Building height <ul style="list-style-type: none"> - 5 storey height is inappropriate - 3 storeys should be limit - Is proposed 16m line accurate? 	<p>The building complies with the 16m height limit in WLEP 2009, however it is noted the surrounding development is of a lower scale.</p>
Site width <ul style="list-style-type: none"> - Does not comply with LEP 2009 - Does not give evidence that community will be better off by non-compliance - 3m side setback will limit potential future development of neighbouring sites 	<p>A clause 4.6 variation statement is provided and forms Attachment 5. Lot width is discussed in relation to WLEP 2009 and WDCP 2009.</p>
Communal open space <ul style="list-style-type: none"> - COS is poorly located, with majority under the building. - Will not achieve required solar access - Appears COS may not achieve any direct sunlight for a few months of the year - COS under an apartment will create noise source to apartments and restrict use of COS by residents 	<p>The Design Review Panel and Council's design expert have commented on the proposed COS.</p>
Setbacks <ul style="list-style-type: none"> - Do not comply 	<p>The development proposes non-complying</p>

Concern	Comment
<ul style="list-style-type: none"> ○ 3m on northern boundary where 6m is required ○ 3m on southern boundary where 6m is required ○ 4.5m on western boundary where 6m is required ○ Fifth floor 6m north and 7.2m south where 9m is required <ul style="list-style-type: none"> - Non-compliances significantly impact amenity, outlook, solar access visual and acoustic privacy to 14 and 20 Market Place and 20 Market Street. - Non-compliances to west and south will impact future development of 20 Market Place and 20 Market Street, isolating them. 	setbacks, as detailed in Attachment 6.
Isolated sites <ul style="list-style-type: none"> - 20 Market Place and 20 Market Street will be isolated and undevelopable - Applicant should show how a SEPP 65 compliant building can be designed on these sites - Amalgamation with 20 Market Street and 20 Market Place would provide greater flexibility 	Council's design expert and the Design Review Panel have commented on lot isolation and redevelopment options regarding 20 Market Place and 20 Market Street.
Views <ul style="list-style-type: none"> - The development will take my views of the park and lighthouse and the horizon. 	The view analysis demonstrates some short distance views would be lost, but longer views retained. This is discussed by Council's design expert and the Design Review Panel.
Asbestos <ul style="list-style-type: none"> - Likely to be in structures to be demolished but DA says no asbestos 	Safe asbestos removal is typically managed by conditions of consent.
Combined lot width <ul style="list-style-type: none"> - Lot width following consolidation would be atypical in Market Place 	The development proposes consolidation of 16 and 18 Market Place,
Dilapidation Report <ul style="list-style-type: none"> - Necessary before work commenced and paid by developer 	Dilapidation reports are required for residential flat buildings.
Impacts during construction <ul style="list-style-type: none"> - Traffic flow affected - Will free bus need to be re-routed? - Market Place is one way street - Dust - Noise - Damage to neighbouring buildings 	A construction environmental plan has not been provided, although is typically required prior to Construction Certificate.

Concern	Comment
Other	Noted.
- Decision should happen after council election	
- Over development of the CBD with empty shops in all the high rises	
- Drivers disobey the no entry sign at Market Street and turn left into Market Square	
- These proposals cause considerable distress to neighbours	
- Overdevelopment of precincts surrounding Market Square, Harbour Street and the Belmore Basin area	
- Impacts of Covid 19 – people working from home because of work or health reasons. If development approved and community in lockdown, the experience for residents during construction will be worse. No decision should be made until Covid lockdown risk has gone.	

1.6 CONSULTATION

1.6.1 INTERNAL CONSULTATION

Design Expert

Council's design expert has reviewed the Design Review Panel notes and the amended plans submitted in response. They have indicated the proposal does not adequately address the concerns of the Panel. This is discussed in section 1.4.2 below.

Strategic Planning Officer

Council's Strategic Planning Officer has reviewed the application specifically in relation to the sun access plane requirement in clause 8.3(9) of WLEP 2009. They have advised that compliance cannot be conclusively discerned, as there appear errors in the applicant's documentation. This is further discussed at clause 8.3(9) in this report.

Heritage Officer

Council's Heritage Officer has reviewed the application and requires further documentation to determine whether compliance with WLEP 2009 sun access plane controls is achieved.

Other

Council Geotechnical, stormwater, landscape, traffic and environment officers have reviewed the application and advised they have no objection, subject to recommended conditions of consent

1.6.2 EXTERNAL CONSULTATION

Design Review Panel

The Design Review Panel (DRP) previously considered a similar development by the proponent in pre-lodgement DRP meeting DE-2018/55.

The current application was reviewed by the DRP on 27 July 2020 as required by State Environmental Planning Policy No. 65 (Design Quality of Residential Development). The Panel advised that they are not satisfied the proposal exhibits design excellence and further amendment is required. The Panel's notes form Attachment 4.

The applicant submitted amended plans on 13 April 2021, which were referred to Council's Design Expert for an initial assessment. Their advice was that several significant aspects of the DRP's recommendation had not been adequately addressed. As a result, it was not considered reasonable

to convene a further DRP meeting with the current plans, as meetings occur at considerable expense for the applicant.

Council's Design Expert's analysis forms Attachment 7. In summary:

- ADG compliance is not achieved for solar access or setbacks
- The land to the south will be an isolated lot which will not be able to achieve ADG compliance in a number of matters
- Several DRP comments have not been adequately adopted in the revised design.

2 ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979

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

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

NSW BIODIVERSITY CONSERVATION ACT 2016

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

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

Clause 7.2 of the Biodiversity Conservation Regulation 2017 provides the minimum lot size and area threshold criteria for when the clearing of native vegetation triggers entry of a proposed development into the NSW Biodiversity offsets scheme.

The proposal does not trigger the requirement for a biodiversity offset scheme. The site is not identified as being of high biodiversity value on the Biodiversity Values Map.

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

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

Matters for consideration under clause 7 are satisfactory. The land is not identified as being contaminated or potentially contaminated. The development does not involve a change of use for the purpose of the SEPP.

2.1.2 STATE ENVIRONMENTAL PLANNING POLICY (KOALA HABITAT PROTECTION) 2021

The State Environmental Planning Policy (Koala Habitat Protection) 2021 applies to the Wollongong Local Government Area, identified as being in the South Coast koala management area.

12 Development assessment process—other land

Consent can be issued for development on the subject land if Council is satisfied that the land is not core koala habitat.

The land has not been assessed by a suitably qualified and experienced person as being highly suitable koala habitat, and Council has no record of the presence of koalas on the site currently or within the previous 18 years. The proposal does not include the removal of native vegetation. As such, the land is not considered to be core koala habitat and consent can be granted for the proposed development in this regard.

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

Schedule 1 of SEPP 65 sets out the design quality principles for residential apartment development. These must be considered in the assessment of the proposal pursuant to clause 30(2)(a) of the Policy and are discussed below.

Principle 1: Context and neighbourhood character

The revised context analysis is not of sufficient detail to demonstrate that the proposed massing, setbacks, height and materials are appropriate.

The DRP and Council's Design Expert have expressed concern regarding potential lot isolation of the two lots to the south (20 Market Place and 20 Market Street). A potential development scheme has been provided, however offers poor amenity and does not comply with the ADG. The solar access 3D study suggests 20 Market Place would be overshadowed from 9am. The view analysis is comprehensive and shows that neighbouring properties would lose some views to Market Square, but retain longer views. If the site was to be amalgamated with the southern adjoining lots, a better outcome which maintains Market Square views may be able to be achieved. Adverse privacy impacts on adjoining land are expected, particularly 14 Market Place. The proposed building has non-complying side setbacks on this boundary at the top floor, where 6m rather than the required 9m is proposed. The existing building at 14 Market Place is setback only 4m from this boundary. Public submissions express concern about lack of privacy on this level.

Principle 2: Built form and scale

The proposal is exactly at the 16m height limit set by WLEP 2009. Whilst floor space ratio (FSR) is less than that permitted by the LEP, the proposal involves non-complying side setbacks which directly result in a bulkier building with associated privacy and overshadowing impacts on adjoining land. A heritage streetscape analysis has been provided, however a more fine-grained evaluation of existing pattern of development (materials, setbacks, height, width, access, deep soil and landscaping areas) is required. The revised plans have addressed some concerns of the DRP, however some matters remain unresolved.

The proposed setbacks in particular are considered to have adverse impacts on internal amenity as openings are treated with screens or opaque glazing to compensate for non-complying distances. The DRP recommended the path on the northern boundary be removed and this area used as private open space for units 1 and 3, however the path has been retained.

Principle 3: Density

The density of the development complies with the maximum FSR permitted for the land. The rear of the site narrows to 16.46m wide, and struggles to accommodate the building in the available lot width. The proposal addresses this by having non-complying ADG side setbacks. This response suggests that this part of the site is not suitable for a building of this scale, and therefore the proposed density is questionable.

Principle 4: Sustainability

ADG solar access does not comply. Units 1, 2, 6, 10 and 14 do not achieve 2 hours of solar access between 9am and 3pm. This equates to 69% of dwellings, where minimum 70% is required. Also, 19% of the dwellings (Units 2, 6, 10 and 4) receive no solar access where 15% is the maximum permitted.

Solar panels are shown on the roof plan. Battery storage has not been indicated.

Water collection and reuse is proposed in the form of 3 slimline water tanks, providing water reuse for private open space. A more beneficial outcome would be centralised water collection which can be reused for watering of communal open spaces.

Principle 5: Landscape

The proposed landscape concept requires improvement. Artificial grass is used in the front setback, where natural grass could be established and be more consistent with other development in the street and provide a logical extension to the grassed Market Square opposite.

The northern boundary side path would result in a communal access path adjacent to private open space, which requires additional fencing and may have privacy and amenity impacts on residents of Units 1 and 3. The DRP recommended the path be removed and the private open space of Units 1 and 3 be continued to the side boundary. This has not been adopted in the final design.

Planting of street trees is not consistent with the established footpath treatment in Market Place.

The two large trees proposed in the south western corner will likely contribute to overshadowing of 20 Market Place.

Principle 6: Amenity

The undercroft communal open space has not been adequately detailed and it is unclear how this space will be constructed and furnished to be an appealing location.

Operable skylights to the top floor lobby would improve solar access and amenity.

Non-habitable windows of Units 7, 11 and 15 are still less 4.5m of the southern boundary.

The layout of adaptable 1-bedroom units 6, 10 and 14 does not facilitate good furniture and storage layouts.

Units 2, 6, 10 and 4 do not receive any solar access.

Unit 16 has been redesigned however the square living space makes furniture layout awkward. The northern side setback does not comply with ADG and Unit 16 would need to be significantly reduced to provide the required 9m setback.

Principle 7: Safety

Safety and security aspects of the building entry and approach from Market Place is satisfactory.

The stairs from the basement do not appear to be enclosed and may be susceptible to water pooling at the bottom during periods of rain.

The undercroft offers limited passive surveillance.

Principle 8: Housing diversity and social interaction

The proposal provides a mix of unit sizes and layouts appropriate to the locality.

Three adaptable units are provided, however all are 1 bedroom dwellings. This does not accommodate needs of larger households.

Principle 9: Aesthetics

The proposed material palette retains large areas of painted surfaces, despite the DRP's recommendation that it be minimised to assist in long term maintenance. The specified brick colour has a greyer tone, whereas the predominant brick finishes in Market Place are warm colours of brown, red and gold.

The DRP recommended services be shown on the plans, including service risers, car park exhausts, AC condensers, down pipes and fire hydrant boosters. These have not fully been detailed on the plans and some features do not align with those on the floor above or appear on the prominent front façade. The applicant has not confirmed whether a substation is required.

An assessment of the application against the Apartment Design Guide is contained in Attachment 6.

2.1.4 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. BASIX commitments are shown on the BASIX Notes plan (DA02).

2.1.5 STATE ENVIRONMENTAL PLANNING POLICY (COASTAL MANAGEMENT) 2018

Part 2 Development controls for coastal management areas

Division 4 Coastal use area

14 Development on land within the coastal use area

The land is identified on the SEPP map as being located within the coastal use area. The proposal is not considered satisfactory having regard to the built environment heritage of Market Place and Market Square. The ADG non-compliant side setbacks contribute to building bulk which has streetscape and view impacts and is at odds with the prevailing scale of buildings in Market Place. The impacts on Market Square are avoidable subject to redesign.

Division 5 General

15 Development in coastal zone generally—development not to increase risk of coastal hazards

Satisfactory

16 Development in coastal zone generally—coastal management programs to be considered

Satisfactory.

2.1.6 WOLLONGONG LOCAL ENVIRONMENTAL PLAN 2009

Clause 1.4 Definitions

The development is defined ‘residential flat building’ in accordance with the Dictionary.

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

Note. Residential flat buildings are a type of **residential accommodation**— see the definition of that term in this Dictionary.

Clause 1.8A Savings provision relating to pending development approvals

Not applicable.

Part 2 Permitted or prohibited development

Clause 2.2 – zoning of land to which Plan applies

The zoning map identifies the land as being zoned R1 General Residential.

Clause 2.3 – Zone objectives and land use table

The objectives of the zone are as follows:

1 Objectives of zone

- 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.

2 Permitted without consent

Home occupations

The proposal is satisfactory with regard to the above objectives.

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

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; Home businesses; Home industries; Hostels; Multi dwelling housing; Neighbourhood shops; Oyster aquaculture; Places of public worship; Pond-based aquaculture; Recreation areas; Residential flat buildings; Respite day care centres; Roads; Semi-detached dwellings; Seniors housing; Serviced apartments; Shop top housing; Signage; Tank-based aquaculture

4 Prohibited

Any development not specified in item 2 or 3

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

Clause 2.7 Demolition requires development consent

Demolition of all existing structures is proposed. A demolition plan has been provided.

Part 4 Principal development standards

Clause 4.3 Height of buildings

The maximum permitted building height is 16m.

The proposed building height is 16.0m.

Clause 4.4 Floor space ratio

The maximum permitted floor space ratio is 1.5:1.

The proposed floor space ratio is 1.29:1 (1495m² on a 1156m² site)

Clause 4.6 Exceptions to development standards

The development does not comply with minimum lot width requirements of clause 7.14.

The applicant has provided a development departure request, which forms Attachment 5.

The development departure is discussed below:

WLEP 2009 clause 4.6 proposed development departure assessment	
Development departure	<p>Clause 7.14 Minimum site width</p> <p>This clause states:</p> <p><i>(2) 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</i></p> <p>This has the effect of requiring the site to have a minimum 24m width at the location of the building footprint. The site has a width of 16.46m at the rear of the building, where 24m is required. If the development was redesigned to confine the</p>

	<p>building to that part of the site exceeding 24m, no development departure would result.</p> <p>The applicant discusses the percentage variation in terms of site area (resulting in 1.7% or 8.3%), whereas the variation could be expressed as the difference between 24m and 16.46m. In that case, the variation would be 31%.</p>
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	Part 3.1 of the applicant's request describes reasons why compliance is unreasonable.
that there are sufficient environmental planning grounds to justify contravening the development standard.	Part 3.2 of the applicant's request details the environmental planning grounds relied upon.
4.6 (4) (a) Consent authority is satisfied that:	
the applicant's written request has adequately addressed the matters required to be demonstrated by subclause (3), and	<p>The applicant's written request has addresses the matters required to be demonstrated by subclause (3).</p> <p>However, the justification is not supported. Matters cited by the applicant as evidence of compliance being unreasonable are disputed. It is considered that placement of a building within the reduced site width creates privacy and overlooking impacts. The applicant's view that the allotment shape limits building potential ignores other options for use of the 16.46m portion of the site</p> <p>It is agreed that the majority of the development complies with the site width control.</p> <p>Having regard to the above, it is not considered that there are sufficient environmental planning grounds to justify contravening the development standard.</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 proposed to be carried out, and	<p>There is a public benefit in maintaining the standard in this instance. Whilst departures to site width have been supported by Council on occasion, typically this is only in circumstances where ADG compliance is achieved. In the current application, ADG non-compliance is proposed.</p> <p>The development extends the building footprint into the narrow part of the site, on four out of the five floors, where the building could instead have been replaced by communal open space in this location.</p> <p>There are no objectives in the clause, however WDCP 2009 Chapter B1 clause 6.2 sets controls for site width. The objectives in that clause are:</p>

	<p><i>(a) To allow for development of sites, which are of sufficient width to accommodate the required building envelope, car parking and landscaping requirements.</i></p> <p><i>(b) To promote the efficient utilisation of land.</i></p> <p><i>(c) To encourage amalgamation of allotments to provide for improved design outcomes including greater solar access and amenity.</i></p> <p>The applicant has attempted to resolve the width constraint by proposing non-complying side setbacks, which in turn adversely create overshadowing and privacy impacts on neighbours and limit circulation and outdoor opportunities for proposed residents.</p> <p>As noted in this report, the two properties to the south would have limited redevelopment potential if the proposed development was to occur. The development departure contributes to poor outcomes for these two properties.</p> <p>If strict compliance was achieved, the building would be placed only within the part of the site that was minimum 24m , which is the majority of the site. The communal open space could be a proper outdoor area and not an undercroft as proposed, no part of the building would be directly north of 20 Market Street and therefore privacy impacts on north and south neighbours would be reduced. Overshadowing to 20 Market Street and 20 Market Place would be reduced. These outcomes are all considered beneficial.</p>
the concurrence of the Secretary has been obtained.	Yes, the LPP can exercise assumed concurrence in this instance.

Part 5 Miscellaneous provisions

Clause 5.10 Heritage conservation

The land is located directly opposite two items of local heritage identified in WLEP 2009:

- Item 6271 – Bandstand and Marble Plaque Commemorating Bass and Flinders' Landing
- Item 6386 – Market Square

The site is located within the WDCP 2009 Special Character Area as well as being in the vicinity of a number of other heritage items including St Mary's (6248), Houses (6272, 6593) and the State Heritage Listed Former Wollongong Post and Telegraph Office (Illawarra Museum) (5910). The area is a key historic precinct that demonstrates the early phases of the development of Wollongong and is located at the heart of the earliest settlement in the Township.



Figure 2 Heritage items 6271 and 6386 WLEP 2009

The proposal is supported by a Historic Heritage Assessment and Heritage Impact Statement prepared by Biosis dated June 2019 and letter of Heritage Impact by Austral Archaeology dated 31 March 2021. A materials and analysis colour schedule was provided on 13 April 2021.

It is noted that the National Trust has lodged a submission to the proposal.

Austral Archaeology have addressed Council's concerns regarding the building height. Austral concludes that removal of the top floor would be unlikely to positively affect views from Market Square, due to the backdrop of higher buildings on Corrimal Street. Whilst a view analysis of the proposed 5 storey building has been provided, the proponent has not submitted a view analysis based on a 4 storey building to allow a comparison.

Austral also state that a 4 storey building would be unlikely to increase solar access to Market Square compared to the proposed 5 storey building. Council has not been provided with comparative solar access diagrams to test this position.

The scale of the proposal in relation to the existing character of Market Square has been raised in a number of submissions including those from Neighbourhood Forum 5 and the National Trust.

Council's heritage officer has reservations about the appropriateness of the five storey building form, although acknowledges the development does not exceed the height limit in WLEP 2009. Council's strategic planner has recommended the applicant provide further details which address the sun plane access controls in WLEP 2009.

Part 7 Local provisions – general

Clause 7.1 Public utility infrastructure

The land is currently serviced by electricity, water and sewage services. It is expected that the development would continue to be serviced, subject to connection requirements of the utility provider.

Clause 7.5 Acid Sulfate Soils

The land is identified as containing acid sulfate soils class 5. An acid sulfate soils plan is not required.

Clause 7.14 Minimum site width

This clause states:

(2) 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

This has the effect of requiring the site to have a minimum 24m width at the location of the building footprint. The site has a width of 16.46m at the rear of the building, where 24m is required.

A development standard departure statement has been provided as required by clause 4.6, and forms Attachment 5.

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

(4) 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 proposal is inconsistent with the provisions for design excellence as detailed in the Design Review Panel notes (Attachment 4), which address this clause.

Part 8 Local provisions—Wollongong city centre

Clause 8.1 Objectives for development in Wollongong city centre

The objectives are:

- (a) to promote the economic revitalisation of the Wollongong city centre,*
- (b) to strengthen the regional position of the Wollongong city centre as a multifunctional and innovative centre that encourages employment and economic growth,*

- (c) to protect and enhance the vitality, identity and diversity of the Wollongong city centre,*
- (d) to promote employment, residential, recreational and tourism opportunities within the Wollongong city centre,*
- (e) to facilitate the development of building design excellence appropriate to a regional city,*
- (f) to promote housing choice and housing affordability,*
- (g) to encourage responsible management, development and conservation of natural and man-made resources and to ensure that the Wollongong city centre achieves sustainable social, economic and environmental outcomes,*
- (h) to protect and enhance the environmentally sensitive areas and natural and cultural heritage of the Wollongong city centre for the benefit of present and future generations.*

In its current form, the proposal is not considered consistent with objectives (e) and (h).

Clause 8.2 Wollongong city centre – land to which this Part applies

The land is located within the Wollongong City Centre.

Clause 8.3 Sun plane protection

- (1) The objective of this clause is to protect specified public open space from excessive overshadowing by restricting the height of buildings.*
- (2) This clause applies to land coloured yellow on the [Sun Plane Protection Map](#).*
- (3) Development on land to which this clause applies is prohibited if the development results in any part of a building projecting above a sun access control set out in this clause.*

Subclause 9 relates to the site. This is further explained in DCP Chapter D13 2.10.4 Sun Access Planes.

Council's Strategic Planning Officer has reviewed the application specifically in relation to clause 8.3(9) of WLEP 2009. They have advised that compliance cannot be conclusively determined, as there appear errors in the applicant's documentation.

Chapter D13 WDCP 2009 'Figure 2.21 illustrates the height plane created by the sun access control. It is noted that the 12m and 16m distances noted on the diagram refer to the maximum height limits above ground level.

A right-angled triangle with 4m and 5.4m adjacent and opposite sides generates an angle of 36.5dg in the smaller of the remaining complementary angles. This aligns with the geometry generated by the formula in the LEP clause 8.3 (9).

The proponent has included the Figure 22.1 diagram on drawing DA16. However, it appears that when applied to the proposed development (in the section) the sun access plane has been drawn incorrectly using a 40dg angle to generate the plane at the 12m setback point.

It also appears that the setback point occurs above the maximum 12m height

These errors mean that the proposed section cannot be assessed confidently. At this stage it appears that the proposed street-wall will penetrate the sun access plane. The shadow diagram for 21st June 2pm (Drawing DA36) appears to confirm this.

The proponent is required to provide a dimensioned sectional drawing showing the accurate sun access plane as illustrated in DCP D13 Figure 22.1 and explained above. The 12 and 16m height limits are to be taken from ground level. Overshadowing diagrams are to be updated to illustrate the overshadowing created by the proposed development in a colour or shade that allows it to be discerned as distinct from the existing overshadowing from adjacent buildings.

The applicant was not requested to provide this additional information due to other concerns regarding the proposed design. If a future application was to be submitted, it should include this information.

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

An assessment of the proposal against planning controls in WDCP 2009 is contained in Attachment 6. Areas of unsatisfactory design response or involving non-compliance include:

Chapter D13: Wollongong City Centre

- 2.5 Side and rear building setbacks and building separation
- 2.8 Landscape design
- 3.4 Safety and security
- 4.5 Site facilities and services
- 5.3 Water conservation
- 6.1 SEPP 65
- 6.7 Communal open space
- 6.9 Overshadowing
- 6.10 Solar access
- 6.13 Acoustic Privacy

Chapter B1: Residential Development

- 6.2 Minimum Site Width
- 6.5 Built Form
- 7.1 Special areas with heritage items
- 7.2 Special areas and Development Standards
- 7.5 Design excellence

Chapter E2: Crime Prevention through Environmental Design

- 3.2 Natural surveillance and sightlines

Chapter E11: Heritage Conservation

2.3.2 WOLLONGONG CITY WIDE DEVELOPMENT CONTRIBUTIONS PLAN 2020

Contributions are payable for development with a capital investment value exceeding \$100,000.

The estimated cost of works is \$5,174,817.00 (exc. GST) and a levy is applicable.

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?

Demolition is proposed.

93 Fire safety and other considerations

Not applicable.

94 Consent authority may require buildings to be upgraded

Not applicable.

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

The proposal is considered unacceptable with regard to the likely impacts.

Context and Setting:

The development site is located in a unique precinct identified as a special character area in Council's planning controls. Market Place wraps around heritage-listed Market Square and has a lower scale and density compared to surrounding streets. Several heritage items are in the vicinity and the grassed Square has high pedestrian usage as a passive recreation space. The maximum permitted building height is 16m with FSR of 1.5:1. The dominant building type is walk up flats, of brick finish and with open front yards addressing Market Square.

The proposed building is exactly 16m and extends over two allotments, thereby creating a wider building than most in Market Place. Materials include brick but also extensive use of painted surfaces and glazing. The DRP and Council's design expert have identified areas of concern with the design, which would adversely impact upon the streetscape and adjoining land.

Access, Transport and Traffic:

The development provides one surplus car parking space, however this should be converted to a shared space for the third adaptable dwelling.

Public Domain:

The landscape plan shows proposed works in the public domain. Planting street trees is questionable given the existing character of Market Place.

Utilities:

The proposal is not envisaged to place an unreasonable demand on utilities supply. Existing utilities are adequate to service the proposal.

Heritage:

Two heritage items are located opposite the site in Market Square.

It is unclear from the documentation provided whether the development will overshadow Market Square. Development which does not comply with 8.3 of WLEP 2009 is prohibited.

The Design Review Panel and Council's design expert have commented on the architectural detailing, scale and massing of the proposed development. Council's heritage officer has questioned the suitability of the fifth floor in the context of the site. A comparison between a 4 storey and 5 storey building has not been provided, but the fifth storey been described by Austral Archaeology as not significant in terms of impacts.

Other land resources:

The proposal is not envisaged to impact upon any valuable land resources.

Water:

The site is presently serviced by Sydney Water, which can be readily extended to meet the requirements of the proposed development.

The development incorporates 3 domestic-sized slimline water tanks. A more desirable outcome in a residential flat building is a centralised water collection, which can then allow facilitate reuse of water for communal open spaces.

Soils:

The land contains Class 5 acid sulfate soils.

Air and Microclimate:

The proposal is not expected to have any negative impact on air or microclimate.

Flora and Fauna:

One tree on adjoining land will be adversely affected and would require removal, which is supported by owners of that land. A landscape plan has been provided which shows artificial turf in the front setback, which is not supported.

Waste:

Waste storage room is located in the basement. Bins would be moved to the street for kerbside collection.

Energy:

The proposal is not envisaged to have unreasonable energy consumption.

Noise and vibration:

Construction-related noise impacts are typically managed via conditions of consent. A construction environmental management plan has not been provided.

Natural hazards:

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

Technological hazards:

Council records list the site as acid sulfate soil affected.

Safety, Security and Crime Prevention:

Passive surveillance of the undercroft communal open space is not ideal.

Social Impact:

General principles of inter-generational equity in terms of cultural heritage protection are not adequately upheld by the application. It is unclear whether the development complies with sun access plane controls for Market Square.

The likely impacts on 20 Market Place, 20 Market Street and 14 Market Place are inconsistent with principles of intra-generational equity.

The development was notified to the local community and relevant stakeholders. There are not considered to be any specific affected people that would have required more targeted consultation. Public submissions have been considered in this assessment.

Economic Impact:

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

Site Design and Internal Design:

The application comprises departures from WLEP 2009, WDCP 2009 and SEPP 65 design controls.

These departures are considered to adversely impact the internal amenity of the development's own future residents and also impact residents on adjoining land.

Impacts on the character of Market Square will be experienced by the general public and are not supported.

Construction:

Public submissions include concerns regarding construction hours, truck movement, worker parking, construction duration and noise. These matters are typically regulated by conditions of consent.

Cumulative Impacts:

The proposal would result in overshadowing and privacy impacts on adjoining land, particularly 20 Market Place, 20 Market Street and 14 Market Place.

Lot isolation is considered relevant, with redevelopment opportunities at 20 Market Place and 20 Market Square potentially constrained.

The impact upon the character and setting of heritage item Market Square is not considered acceptable. The proposed building is higher and wider than other immediately adjoining buildings and is contrary to the Market Square character area controls in WDCP 2009. Compliance with sun access plane controls in WLEP 2009 has not been demonstrated.

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

Does the proposal fit in the locality?

The special character of Market Square requires a specific design response not required in other residential parts of the CBD. The proposal has not sufficiently accommodated the design constraints of the unique setting.

Are the site attributes conducive to development?

The site is located opposite Market Square, which is a heritage item and offers a unique residential setting. The current design is not sufficiently sensitive to the character of the area, and proposes a 5 storey development in a streetscape of lower heights and narrower buildings. It is acknowledged that the building complies with the maximum height for the site, however height controls in the LEP are a maximum and a lower height may be required depending on site-specific factors.

The building footprint does not readily accept the limitations of the site shape, dimensions and orientation. The site dimensions present a design constraint that is not sensitively resolved. The design forces the building into the rear narrow part of the site. These setbacks in turn constrain the creation of quality communal open spaces and private open spaces and potentially overshadow the adjoining neighbour to the south.

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

Twenty-one submissions (objections) have been received and are discussed in section 1.5.

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

In its current form, the application is considered to result in adverse impacts on the historic and valued setting of Market Square and particular impacts on adjoining neighbours. The site width at the rear is less than the minimum required by WLEP 2009, and the justification offered by the applicant is not sufficient to support the departure.

The development has been the subject of several pre-lodgement meetings and Design Review Panels, and the final form presented to Council has not fully adopted recommendations of these independent experts. The site context has a particular character and requires a sensitive design response. Whilst the applicant has amended the design since lodgement, there are several fundamental deficiencies that impact heavily upon this sensitive location. Concerns raised in public submissions reflect the special character of Market Square.

The extent of non-compliances do not suggest that minor changes could be made under the current application to achieve an acceptable outcome and allow Council to support the development. In that regard, the application is not considered appropriate with consideration to the zoning and character of the area. Refusal of the application is considered to be in the public interest.

3 CONCLUSION

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

Internal referrals indicate the application has deficiencies sufficient to warrant refusal. Matters raised in submissions have been considered in Council's assessment of the application.

The proposal is considered unsupportable in its current form.

4 RECOMMENDATION

It is recommended that the development application is refused for the reasons set out in Attachment 8:

5 ATTACHMENTS

- 1 Aerial photograph
- 2 WLEP zoning map
- 3 Plans
- 4 Design Review Panel Notes 27 July 2020
- 5 Clause 4.6 Development Standard Departure request (MMJ)
- 6 Compliance tables SEPP 65, WDCP 2009
- 7 Council's Design Expert comments
- 8 Draft reasons for refusal

Attachment 1: Aerial photograph



Figure 1: Aerial photograph (source WCC 2018)

Attachment 2: WLEP 2009 Zoning map



Figure 2: WLEP 2009 Zoning Map – Zone R1 General Residential (source WCC)

Development Application

for
Residential Flat Building
at
16-18 Market Place, Wollongong
for
The Clergy
LOT 1- , DP - 153262
LOT 4- , DP - 997089
STAGE: Development Application
DRAWING LIST

ARCHITECTURAL

dwg	rev	description
DA01		Cover Sheet
DA02		BASIX notes
DA03		Existing Site Plan
DA04		Demolition Plan
DA05		Site Analysis
DA06		Site Study
DA07		Site Study 2
DA08		Site Plan
DA09		Basement Plan
DA10		Ground Floor Plan
DA11		Typical Plan Level 1/2/3
DA12		Level 4 - Penthouse
DA13		East & West Elevation
DA14		North & South Elevation
DA15		Long Section A-A
DA16		Long Section B-B
DA17		Long Section C-C
DA18		Cross Section D-D
DA19		Driveway Plan/Section E-E
DA20		Existing Streetscape 1
DA21		Existing Streetscape 2
DA22		Proposed Streetscape 1
DA23		Proposed Streetscape 2
DA24		Streetscape Future Proposal
DA25		Perspectives
DA26		Perspectives
DA27		Perspectives
DA28		Existing Material Analysis
DA29		Material and Colour Board
DA30		Existing Shadow Diagrams
DA31		Existing Shadow Diagrams 2
DA32		Existing Perspectives North East Shadow Studies
DA33		Existing Perspectives North East Shadow Studies 2
DA34		Existing Perspectives North East Shadow Studies 3
DA35		Proposed Shadow Diagrams
DA36		Proposed Shadow Diagrams 2
DA37		Proposed Perspectives North East Shadow Studies
DA38		Proposed Perspectives North East Shadow Studies 2
DA39		Proposed Perspectives North East Shadow Studies 3
DA40		Perspectives North West Shadow Studies
DA41		Perspectives South West Shadow Studies
DA42		Solar Access - South Elevation
DA43		Solar Access - Ground Floor
DA44		Solar Access - Typical Floors
DA45		Solar Access - Penthouse
DA46		Ground Floor Ventilation Plan
DA47		Typical Unit Ventilation Plan
DA48		Unit 16 Ventilation Plan
DA49		Context Study
DA50		Context Study 2
DA51		Heritage Form Study
DA52		Heritage Form Study 2
DA53		Adaptable WC layouts
DA54		Site Waste Minimisation and Management Plan
DA55 to DA65		View Analysis
DA66 to DA70		Future Proposal Analysis

Data

Acid Sulfate class - 5

Building classification - class 2

LEP Zone - R1 General Residential

Total site area - 1156m²

Allowable Unit area - 1734m²

Gross Floor Area - 1495m²
(Unit area 1395m² + common areas 100m²)

Allowable FSR - 1.5:1

Proposed FSR - 1.29:1

Covered outdoor space - 85m² (min. 80m²)

Landscaped area - 382m² / 33% of total site area (min. 30%)

Deep soil Zone - 98m² (6m from rear boundary)

Basement area - 565m² (excludes stairs, lift, storage, bin area, visitor area and driveway)

Storage allocated in basement and within units- approx.150m³ (136m³ req)

Parking provided

Standard Car parking - 14
Accessible Parking - 3
Motorbike - 2
Bicycle - 5

Visitor Car Parking - 3
Visitor Bicycle - 2

DCG Data - AMENDED DA (2021)

Location	m²	Bdrms	POS/Bal (Complies)	c/park	store m³
GF - U1	76.5	2	3m min/15m²	1	6
GF - U2	108.5	3	3m min/15m²	1	10
GF - U3	75.5	2	3m min/15m²	1	8
U4-8-12 (typical)	95	3	2.4m min/12m²	1 each	10 ea
U5-9-13 (typical)	96	2	2.4m min/12m²	1 each	10 ea
Adaptive U6-10-14 (typ)	57	1	2m min/8m²	1 each	6 ea
U7-11-15 (typical)	86	2	2m min/10m²	1 each	8 ea
U16 (typical)	132.5	3	4.1m min/22m²	1	10

1395m² total

Construction Types:

External Walls
-90mm timber frame walls
-cavity brick

Internal Walls
-cavity brick between units
-150mm concrete between units and lift
-cavity brick between units and stairs
-140mm brick between units and foyer
-all other internal walls to be 90mm
timber frame walls



Location map - Google maps

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-Refer discrepancies to Architect before proceeding.
-To be read in conjunction with other drawings in the set,
consultants drawings and project specifications.

REVISION		
No.	Date	Description
-	Nov/2019	Original DA Submission
-	Mar/2020	New DA Submission
A	Mar/2021	Responses to RFI matters

CONSULTANT DOCUMENTATION

SURVEY
New Way Surveying
Ref No. 17552

PLANNER
MMJ Planning

TRAFFIC REPORT
Bitzios Consulting
Ref No. P3808

ACCESS
Cheung Access
Ref No. J000281

CIVIL
Abel & Brown pty ltd
Ref No. 2942

GEOTECH
Terra Insight
Ref No. TERRA170157.Rep1.Rev0

CONTAMINATION
Terra Insight
Ref No. TERRA19091.Rep1.Rev 1

HISTORICAL HERITAGE ASSESSMENT &
STATEMENT OF HERITAGE IMPACT
Biosis
Ref No. 25609

BASIX
JS Solutions
Ref No. JSSS18-B-16

ARBORIST REPORT
Allied Tree Consultancy
Ref No. D3534

project:
Residential Flat Building

at:
16-18 Market Place, Wollongong

for:
The Trustees for the Roman Catholic
Church Diocese of Wollongong

stage: Development Application
job no: 17-28
sheet: Cover sheet

drawn by: JS
approved: GB

lbc

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architecture

ABN: 39 130 701 076
(02) 42 263 794
Nominated Architect: G.Borst NSW Board of Architects Registration No. 4898

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scale: dwg: DA01



No. 109 Corrimal St.
existing multi-storey

three storey brick units
No: 14

Notes:

- Refer to site survey by New Way Surveying
Ref - 17552 - A, Dated 29-11-2017
- Refer to arborist assessment by Allied Tree Consultancy
Ref - D3534

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REVISION No.	Date	Description
	Nov/2019	Original DA Submission
	Mar/2020	New DA Submission
	Mar/2021	Responses to RFI matters

MARKET PLACE

Existing Site Plan
Scale 1 : 200

project:
Residential Flat Building
at:
16-18 Market Place, Wollongong

for:
**The Trustees for the Roman Catholic
Church Diocese of Wollongong**

stage: Development Application
job no: 17-28
sheet: Existing Site Plan

drawn by: JS
approved: GB

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Nominated Architect: G.Borst NSW Board of Architects Registration No. 4998

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scale: As indicated
dwg: DA03



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REVISION		
No.	Date	Description
1	Nov/2019	Original DA Submission
2	Mar/2020	New DA Submission
3	Mar/2021	Responses to RFI matters



LEGEND

Development sites with DA approval or under construction

Existing buildings

Built within last 10 years

Built within last 20 years

1

Denotes number of floors

Proposed building

project:
Residential Flat Building
at:
16-18 Market Place, Wollongong

for:
The Trustees for the Roman Catholic Church Diocese of Wollongong

stage: Development Application
job no: 17-28
sheet: Site Analysis

drawn by: JS
approved: GB

bce

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architecture

ABN: 39 130 701 076
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Nominated Architect: G.Borst NSW Board of Architects Registration No. 4898

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scale: 1 : 2000
dwg: DA05



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REVISION		
No.	Date	Description
-	Nov/2019	Original DA Submission
-	Mar/2020	New DA Submission
A	Mar/2021	Responses to RFI matters



Site Study
Scale 1 : 1000

project:
Residential Flat Building
at:
16-18 Market Place, Wollongong

for:
**The Trustees for the Roman Catholic
Church Diocese of Wollongong**

stage: Development Application
job no: 17-28
sheet: Site Study

drawn by: JS
approved: GB



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architecture

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scale: 1 : 1000
dwg: DA06

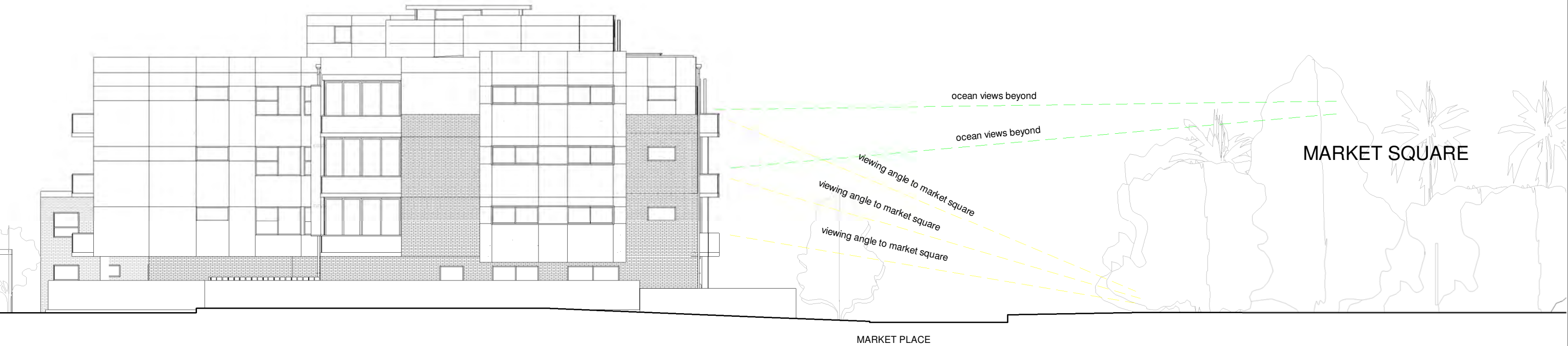




Pedestrian movement



Car movement



Site Section - Views to Market Square
Scale 1 : 200

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REVISION		
No.	Date	Description
-	Nov/2019	Original DA Submission
-	Mar/2020	New DA Submission
A	Mar/2021	Responses to RFI matters

project:
Residential Flat Building
at:
16-18 Market Place, Wollongong

for:
**The Trustees for the Roman Catholic
Church Diocese of Wollongong**

stage: Development Application
job no: 17-28
sheet: Site Study 2

drawn by: JS
approved: GB



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scale: 1 : 200
dwg: DA07

No. 109 Corrimal st
Multi-storey units

three storey brick units
No: 14

boundary 44.705

landscape strip

pit

cos below

pos below

balcony below

photovoltaic panels

lower flat roof
15.55m

upper flat roof
16m max

balcony

balcony below

deep soil zone below

boundary 16.58

tree to be removed

boundary 14.185

basement access

JP

skylights

pos below

balcony below

pit

lower flat roof
15.55m

lower metal roof

entry below

balcony

balcony below

driveway

pit

boundary 30.55

Two story brick (20 Market St)
professional suite ground level
residential uni upper level

Two storey brick units No: 20
"Nelgowrie Flats"

DA18

DA15

boundary 30.095

street letterb

boundary 11.1

8th floor terraces

7th floor terraces

6th floor terraces

No.22 Market st
Adjoining multi storey units
10 storeys overall

LEGEND


- deep soil zone combined with communal open space
- landscaped space
- bicycle

Notes:

- Refer to site survey by New Way Surveying Ref - 17552 - A, Dated 29-11-2017
- Refer to arborist assessment by Allied Tree Consultancy Ref - D3534
- Refer to landscape architects plan
- Refer to civil engineers stormwater concept plan

Site Plan
Scale 1 : 200

REVISION		
No.	Date	Description
-	Nov/2019	Original DA Submission
-	Mar/2020	New DA Submission
A	Mar/2021	Responses to RFI matters



MARKET PLACE

Scale 1 : 200

for:
The Trustees for the Roman Catholic
Church Diocese of Wollongong

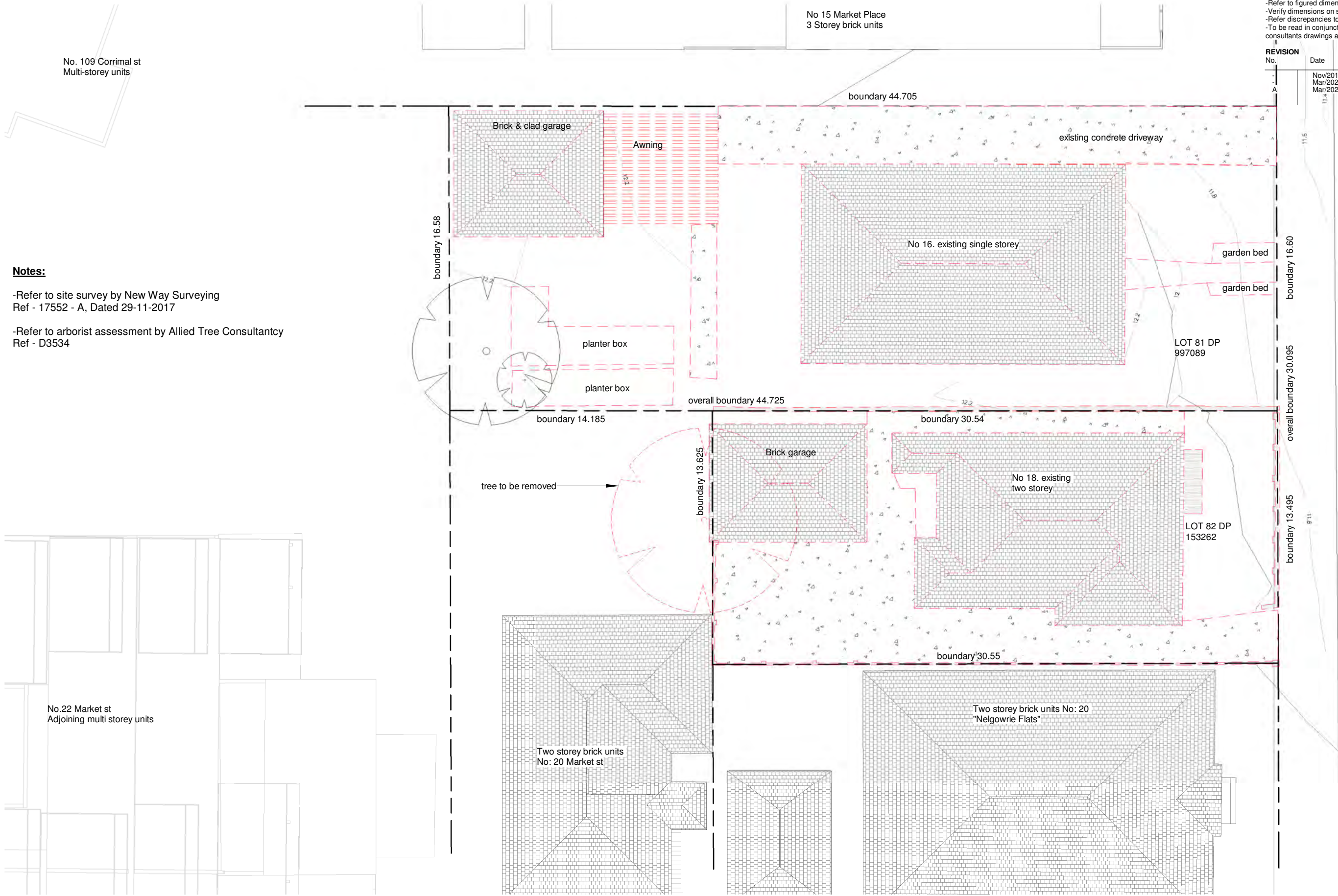
approved: GB

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scale: As indicated dwg: DA08





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REVISION No.	Date	Description
-	Nov/2019	Original DA Submission
A	Mar/2020	New DA Submission
	Mar/2021	Responses to RFI matters

Notes:
-Refer to site survey by New Way Surveying
Ref - 17552 - A, Dated 29-11-2017

-Refer to arborist assessment by Allied Tree Consultancy
Ref - D3534

MARKET PLACE

Demolition Plan
Scale 1 : 200

project:
Residential Flat Building
at:
16-18 Market Place, Wollongong

for:
**The Trustees for the Roman Catholic
Church Diocese of Wollongong**

stage: Development Application
job no: 17-28
sheet: Demolition Plan

drawn by: JS
approved: GB

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scale: As indicated
dwg: DA04



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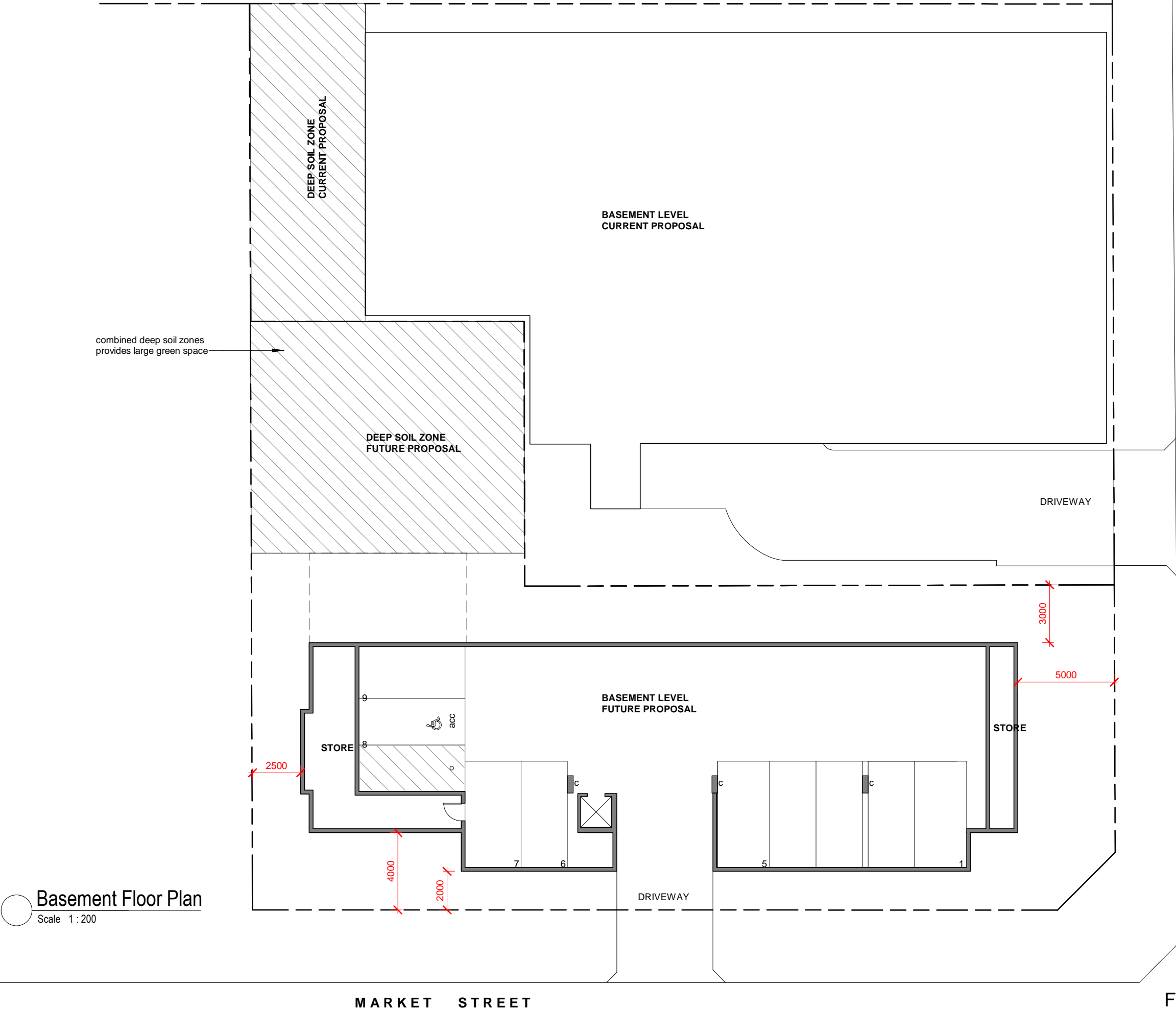
REVISION		
No.	Date	Description
-	Nov/2019	Original DA Submission
-	Mar/2020	New DA Submission
-	Mar/2021	Additional Information

The future proposed building has been documented in a longitudinal shape by avoiding construction towards the narrow portion of the site, and by consolidating 20 Market Place and 20 Market Street.

The northern portion of the site will be well vegetated with a deep soil zone and communal open space. Landscaping strips and basement parking will be provided.

The future proposal is a concept which allows for a shop top housing building type. The commercial portion will be on the Market Street end relating to the existing Market Street ground floor precinct that continues on Market Street and Corrimal Street.

The residential component to the east looking towards Market Place relates to the residential component of Market Place.



Basement Floor Plan
Scale 1:200

MARKET STREET

FUTURE PROPOSED BUILDING ANALYSIS

project:
Residential Flat Building
at:
16-18 Market Place, Wollongong

for:
**The Trustees for the Roman Catholic
Church Diocese of Wollongong**

stage: Development Application
job no: 17-28
sheet: Future Proposal-Basement

drawn by: JS
approved: GB

bce

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architecture

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scale: 1 : 200
dwg: DA66

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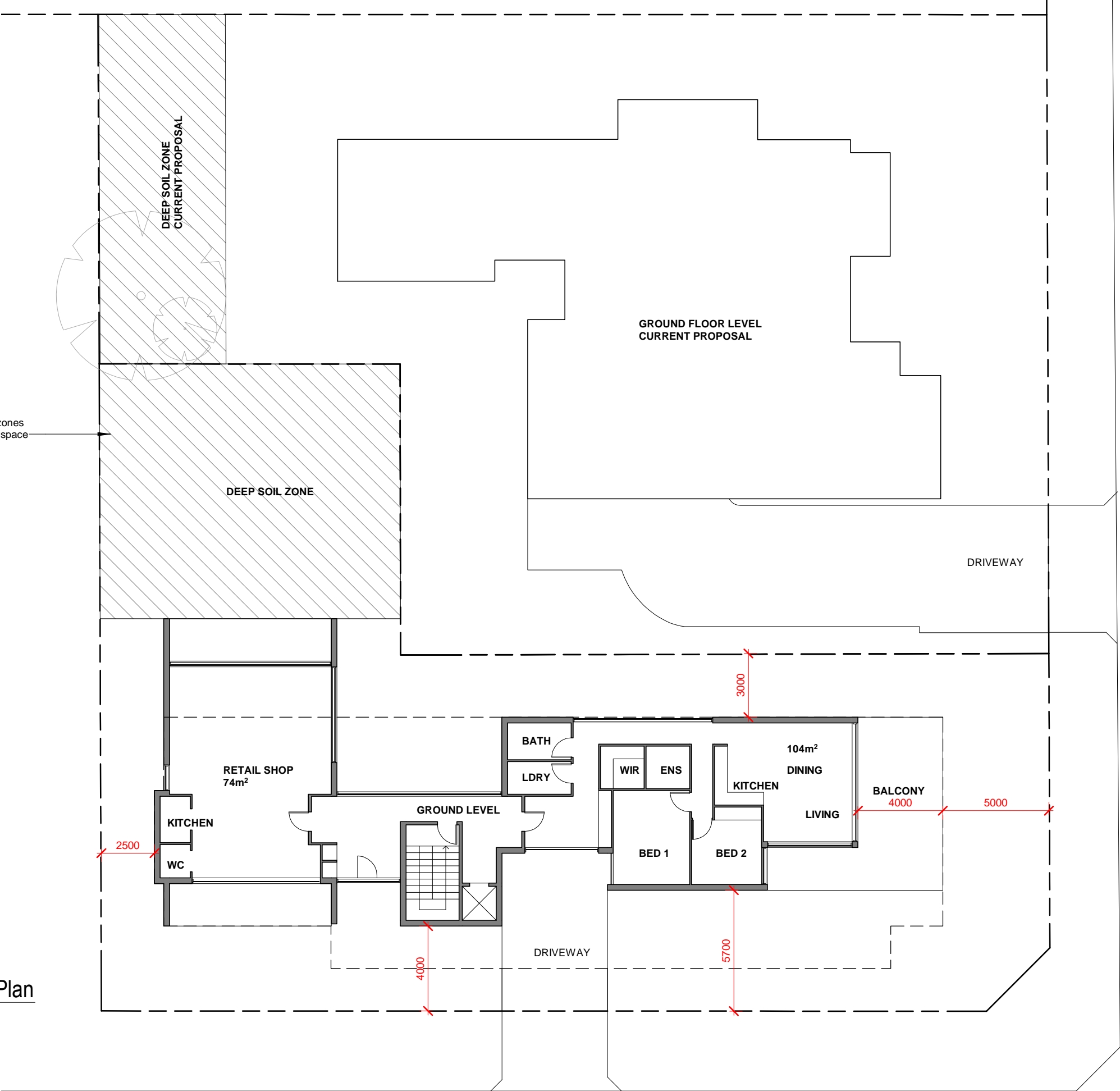
REVISION		
No.	Date	Description
-	Nov/2019	Original DA Submission
-	Mar/2020	New DA Submission
-	Mar/2021	Additional Information

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The residential component to the east looking towards Market Place relates to the residential component of Market Place.



Ground Floor Plan
Scale 1 : 200

MARKET STREET

FUTURE PROPOSED BUILDING ANALYSIS

project:
Residential Flat Building
at:
16-18 Market Place, Wollongong

for:
**The Trustees for the Roman Catholic
Church Diocese of Wollongong**

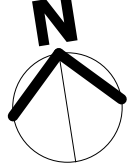
stage: Development Application
job no: 17-28
sheet: Future Proposal-Ground Floor Plan

drawn by: JS
approved: GB

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scale: 1 : 200 dwg: DA67



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REVISION		
No.	Date	Description
-	Nov/2019	Original DA Submission
-	Mar/2020	New DA Submission
-	Mar/2021	Additional Information

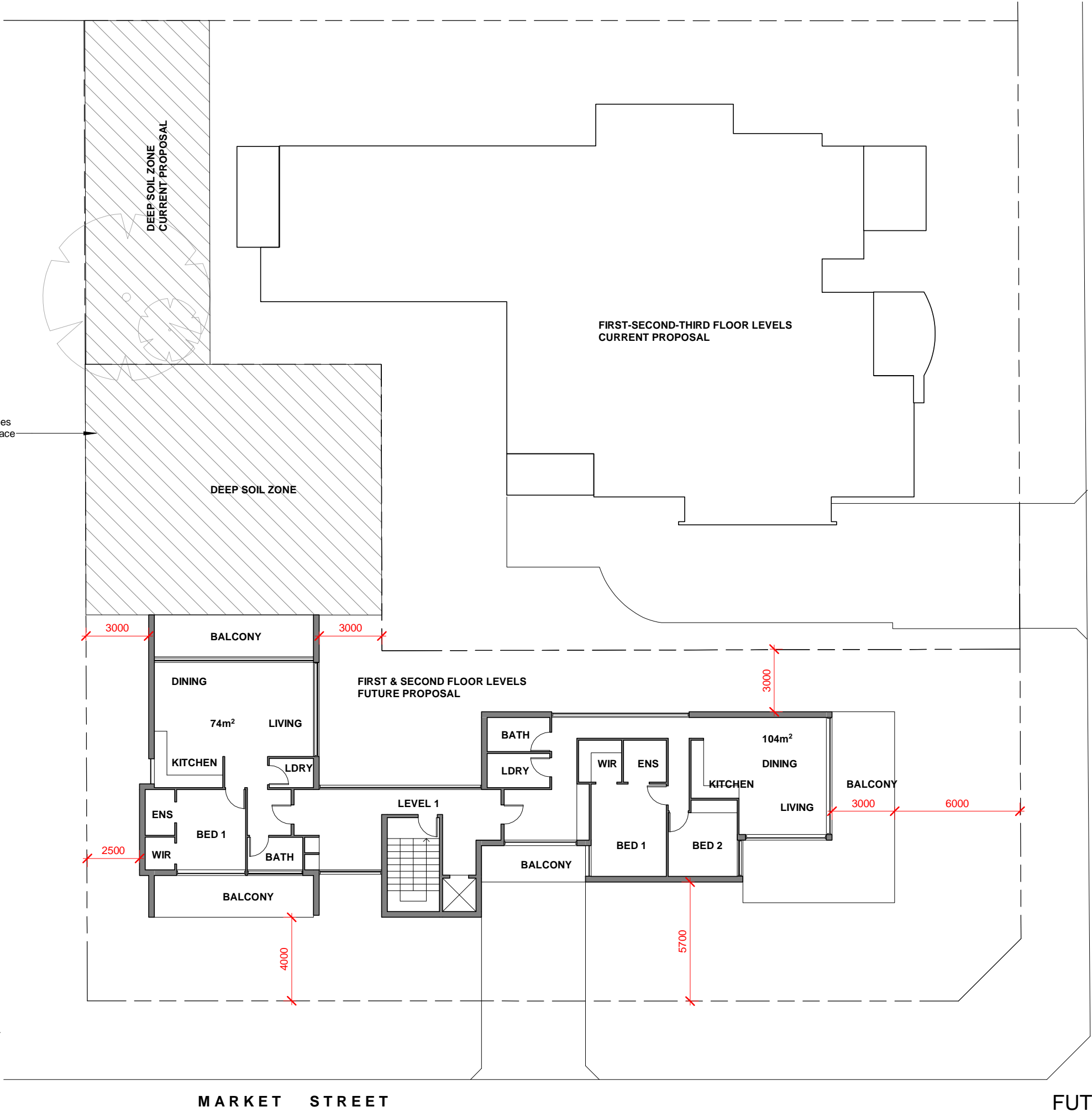
The future proposed building has been documented in a longitudinal shape by avoiding construction towards the narrow portion of the site, and by consolidating 20 Market Place and 20 Market Street.

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The residential component to the east looking towards Market Place relates to the residential component of Market Place.

Level 1 & Level 2
Scale 1 : 200



FUTURE PROPOSED BUILDING ANALYSIS

project:
Residential Flat Building
at:
16-18 Market Place, Wollongong

for:
**The Trustees for the Roman Catholic
Church Diocese of Wollongong**

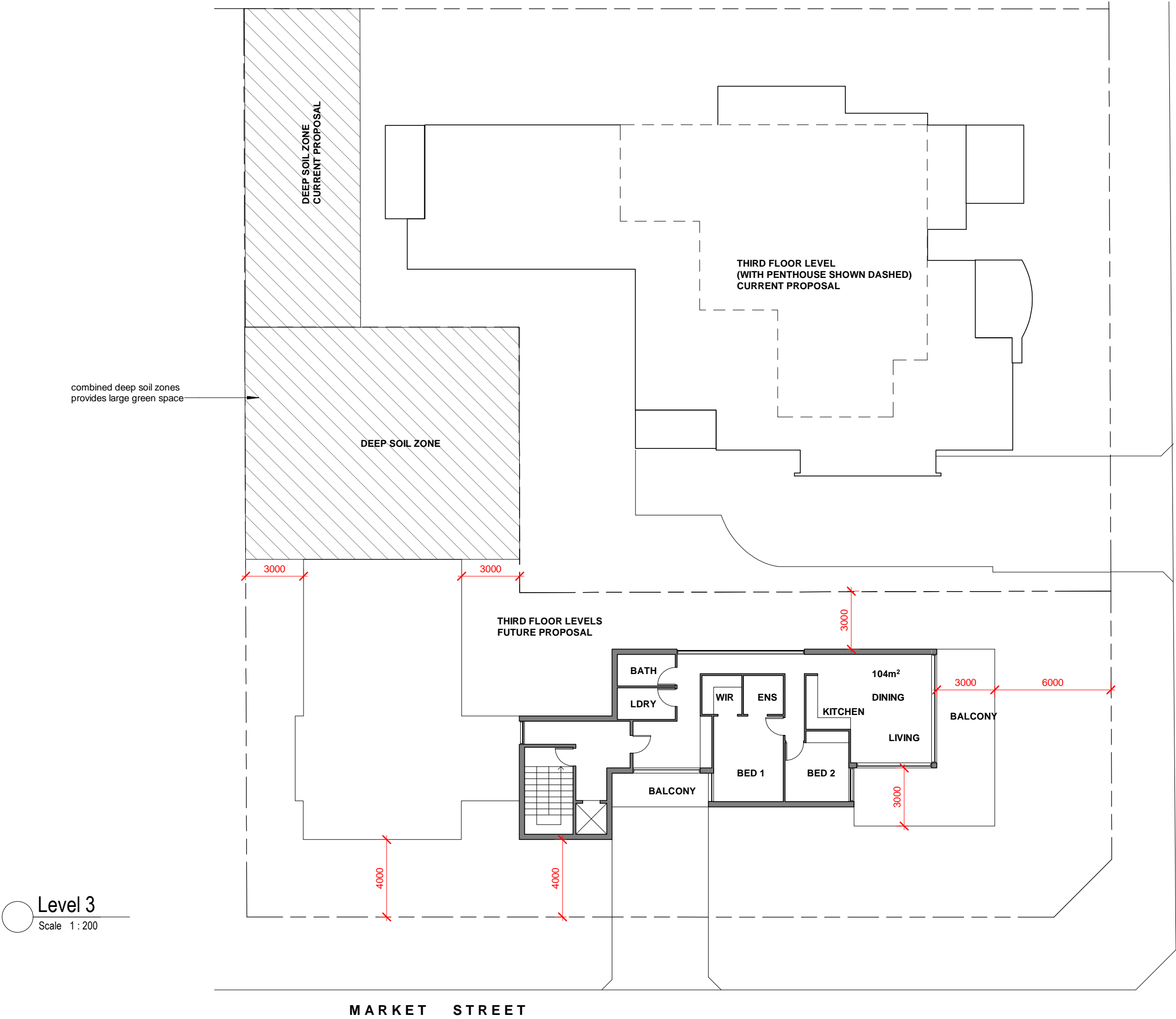
stage: Development Application
job no: 17-28
sheet: Future Proposal-Level 1&2 Plan

drawn by: Author
approved: Checker

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scale: 1 : 200 dwg: DA68



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REVISION		
No.	Date	Description
-	Nov/2019	Original DA Submission
-	Mar/2020	New DA Submission
-	Mar/2021	Additional Information

The future proposed building has been documented in a longitudinal shape by avoiding construction towards the narrow portion of the site, and by consolidating 20 Market Place and 20 Market Street.

The northern portion of the site will be well vegetated with a deep soil zone and communal open space. Landscaping strips and basement parking will be provided.

The future proposal is a concept which allows for a shop top housing building type. The commercial portion will be on the Market Street end relating to the existing Market Street ground floor precinct that continues on Market Street and Corrimal Street.

The residential component to the east looking towards Market Place relates to the residential component of Market Place.

Level 3
Scale 1 : 200

MARKET PLACE

MARKET STREET

FUTURE PROPOSED BUILDING ANALYSIS

project:
Residential Flat Building
at:
16-18 Market Place, Wollongong

for:
The Trustees for the Roman Catholic Church Diocese of Wollongong

stage: Development Application
job no: 17-28
sheet: Future Proposal-Level 3 Plan

drawn by: Author
approved: Checker



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REVISION	No.	Date	Description
-	-	Nov/2019	Original DA Submission
-	-	Mar/2020	New DA Submission
A	-	Mar/2021	Responses to RFI matters

LEGEND

b bicycle
c column
ch ceiling height

BINS:

8xY(240L)
16xR(120L)

areas hatched for lawn bed above

stormwater pit

Notes:

-Refer to site survey by New Way Surveying
Ref - 17552 - A, Dated 29-11-2017

-Refer to arborist assessment by Allied Tree Consultancy
Ref - D3534

-Refer to landscape architects plan

-Refer to civil engineers stormwater concept plan

Basement Floor Plan
Scale 1:150

project:
Residential Flat Building
at:
16-18 Market Place, Wollongong

for:
The Trustees for the Roman Catholic Church Diocese of Wollongong

stage: Development Application
job no: 17-28
sheet: Basement Plan

drawn by: JS
approved: GB

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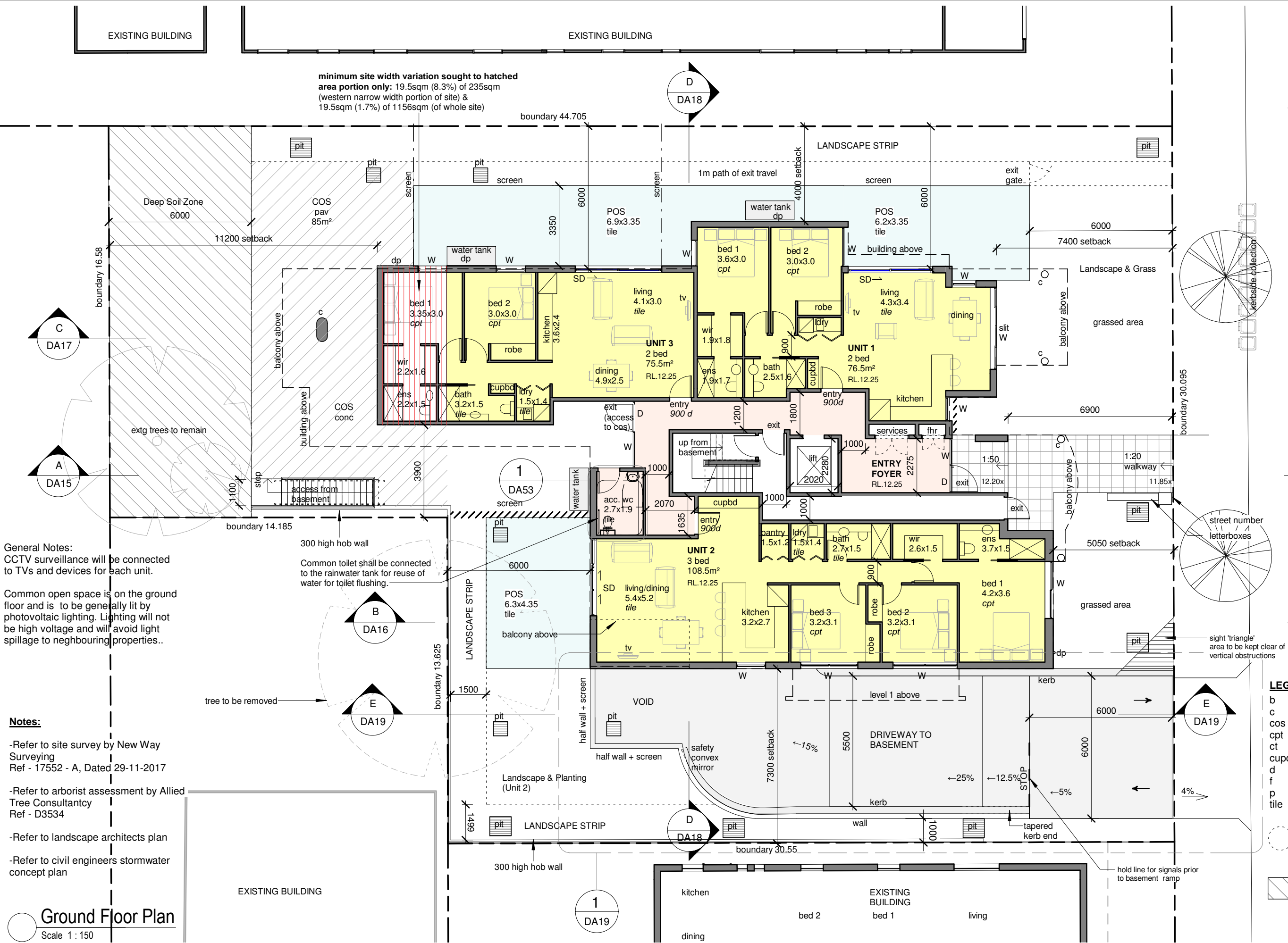
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dwg: DA09



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REVISION		
No.	Date	Description
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-	Mar/2020	New DA Submission
A	Mar/2021	Responses to RFI matters



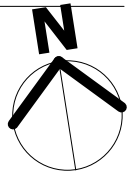
project:
Residential Flat Building
at:
16-18 Market Place, Wollongong

for:
The Trustees for the Roman Catholic Church Diocese of Wollongong

stage: Development Application
job no: 17-28
sheet: Ground Floor Plan
drawn by: JS
approved: GB

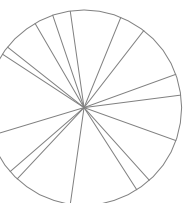
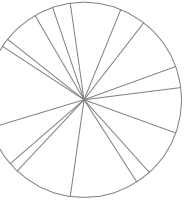
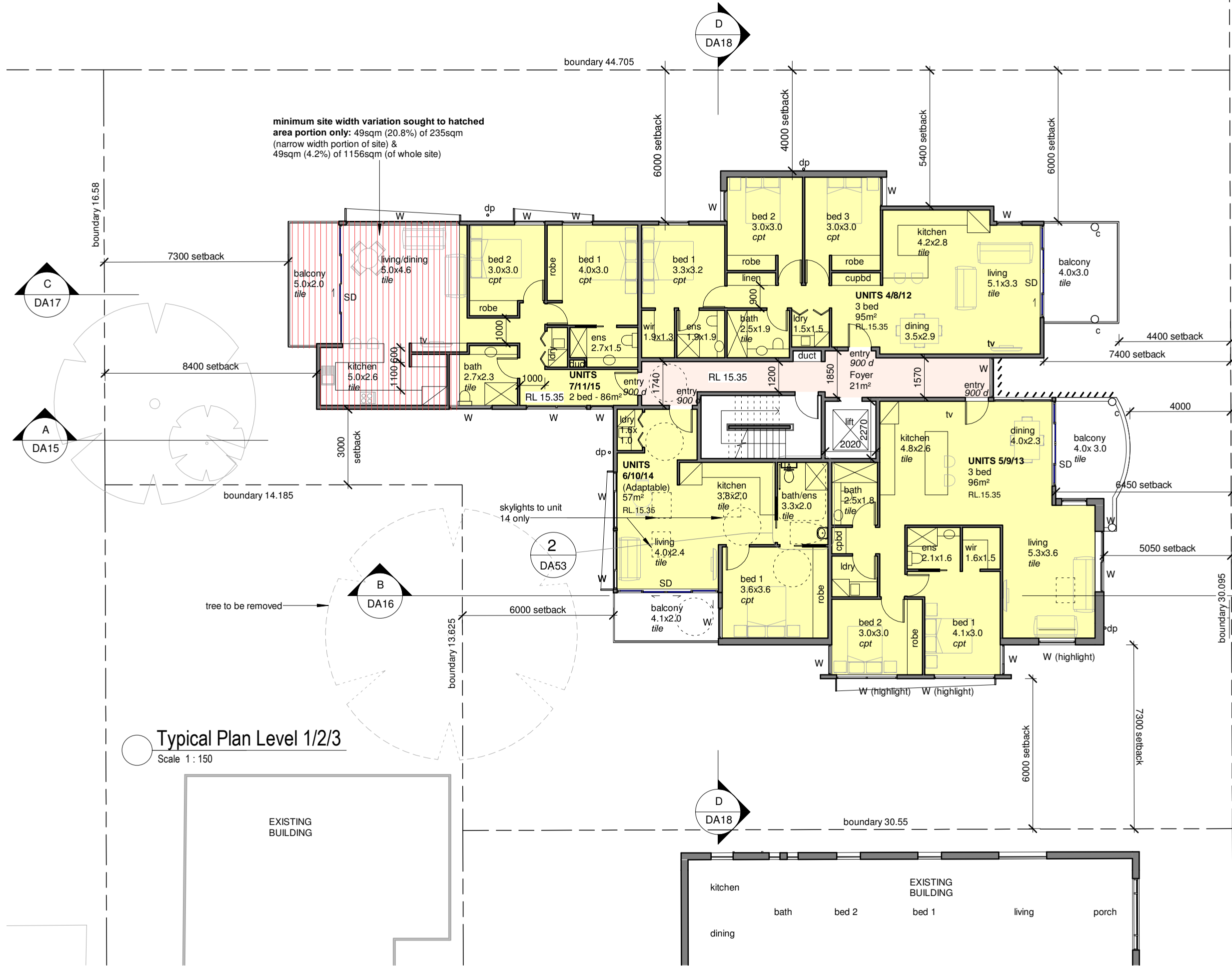
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dwg: DA10



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REVISION		
No.	Date	Description
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A	Mar/2020	New DA Submission
	Mar/2021	Responses to RFI matters



Notes:
-Refer to site survey by New Way Surveying
Ref - 17552 - A, Dated 29-11-2017

-Refer to arborist assessment by Allied Tree Consultancy
Ref - D3534

-Refer to landscape architects plan

-Refer to civil engineers stormwater concept plan

project:
Residential Flat Building
at:
16-18 Market Place, Wollongong

for:
The Trustees for the Roman Catholic Church Diocese of Wollongong

stage: Development Application
job no: 17-28
sheet: Typical Plan Level 1/2/3

drawn by: JS
approved: GB

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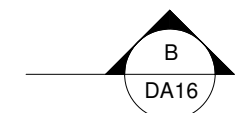
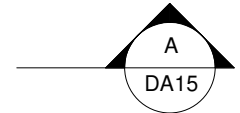
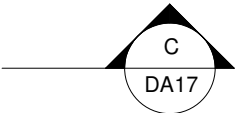
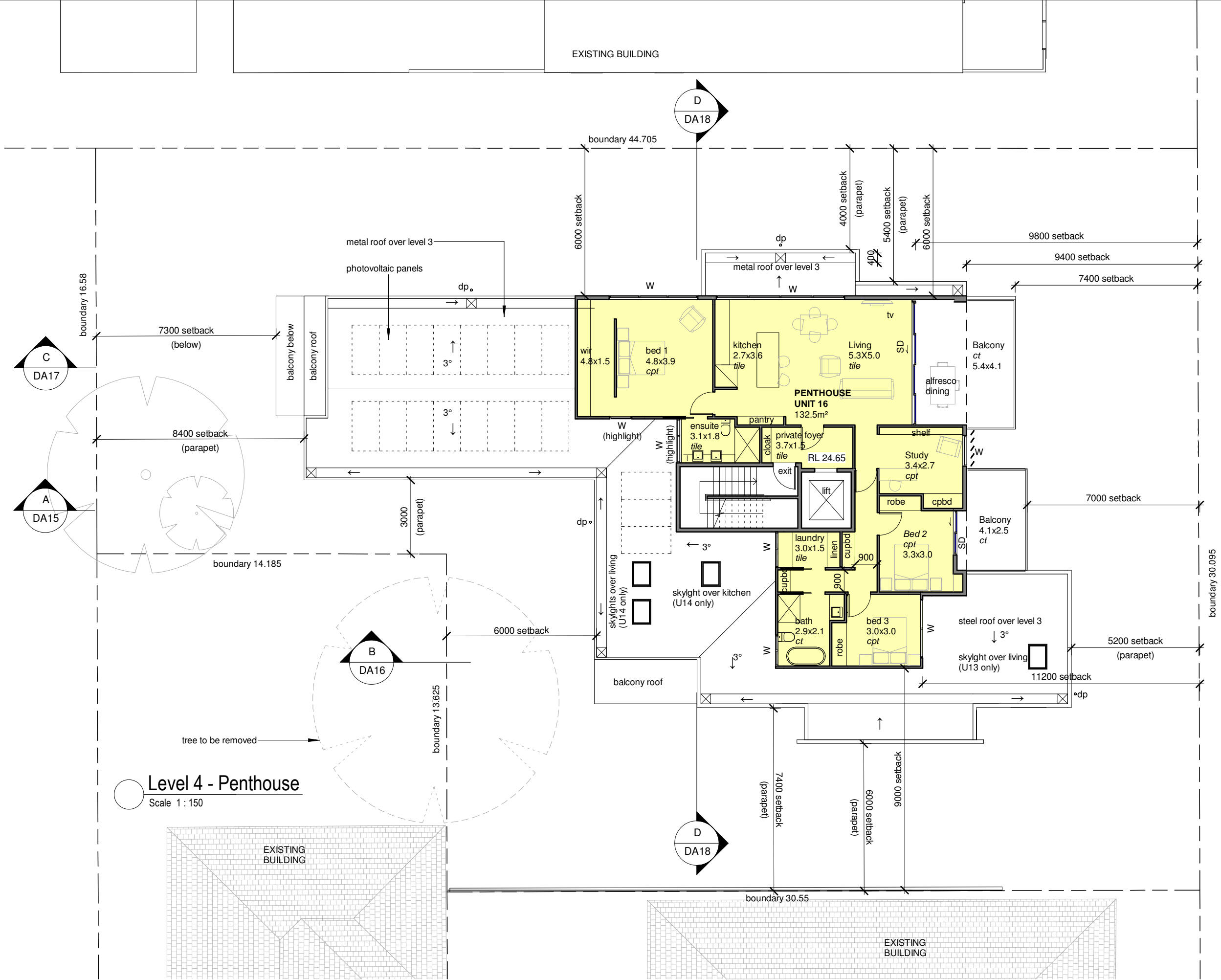
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scale: As indicated
dwg: DA11



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REVISION		
No.	Date	Description
-	Nov/2019	Original DA Submission
-	Mar/2020	New DA Submission
A	Mar/2021	Responses to RFI matters



- LEGEND**
- b bicycle
 - c column
 - cos covered outdoor space
 - cpt carpet
 - ct ceramic tile
 - cupd cupboard
 - d draws
 - f fridge
 - p pantry
 - tile tile
- 1.54m diameter wheelchair turning circle where applicable to adaptable units 4/8/12

project:
Residential Flat Building
at:
16-18 Market Place, Wollongong

for:
The Trustees for the Roman Catholic Church Diocese of Wollongong

stage: Development Application
job no: 17-28
sheet: Level 4 - Penthouse

drawn by: JS
approved: GB

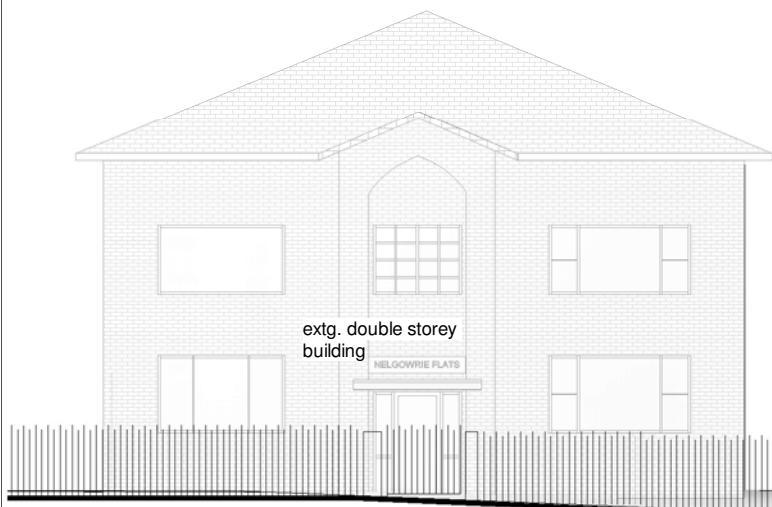
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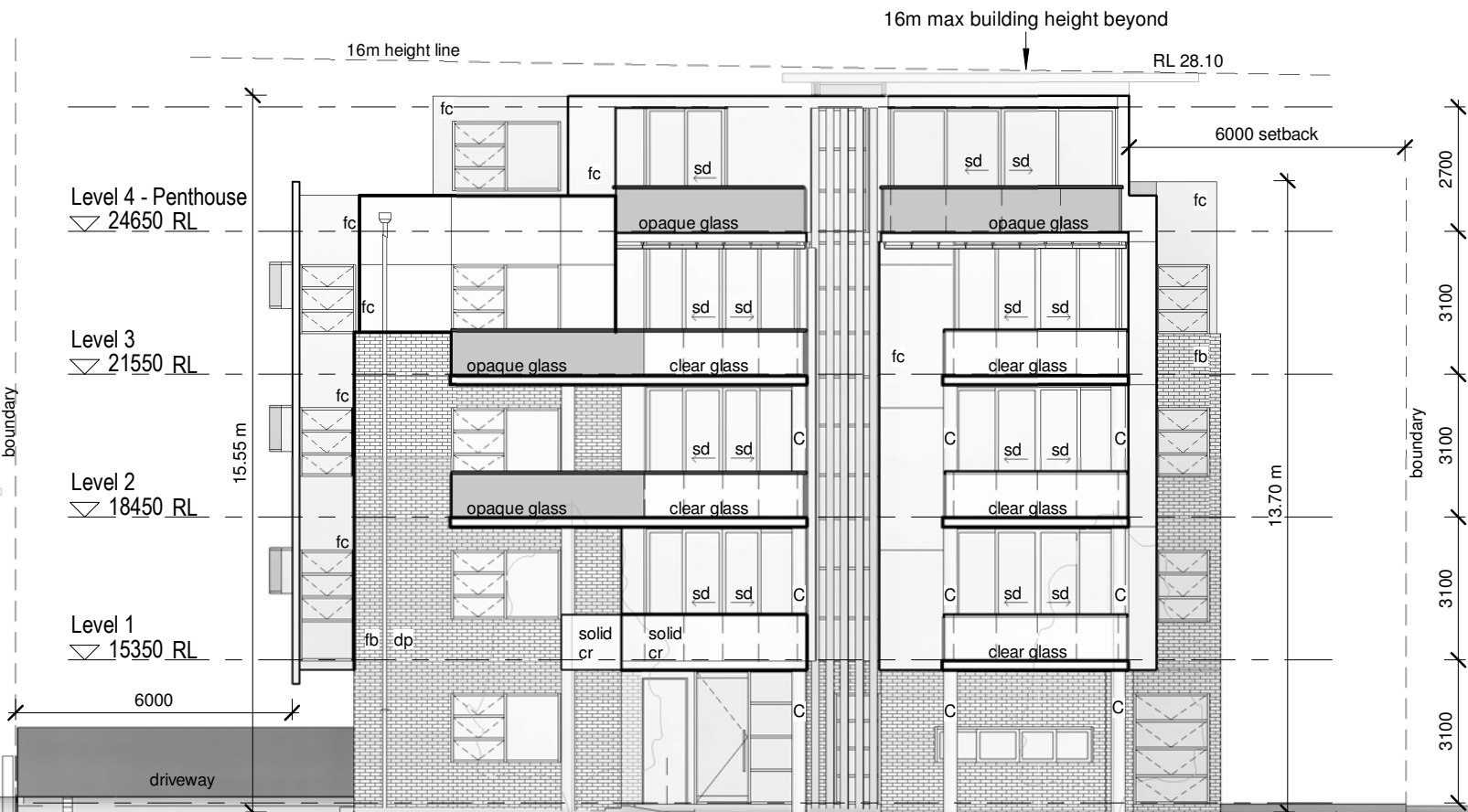
scale: 1 : 150
dwg: DA12



Heritage note:
Proposed 3 storey brick panel element to street facade to match brick panel elements of existing buildings in the Market Place precinct

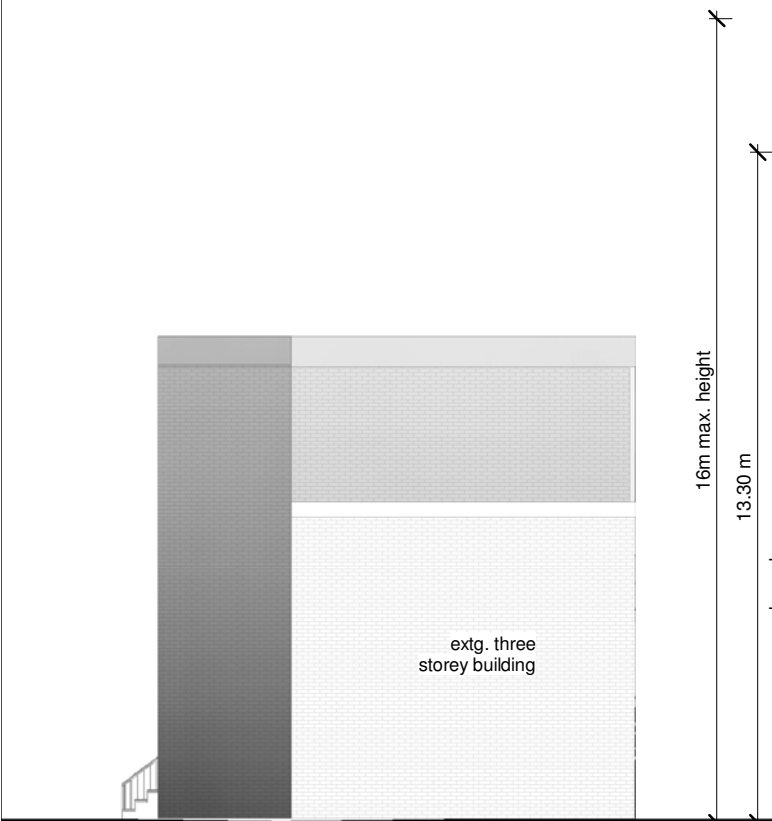
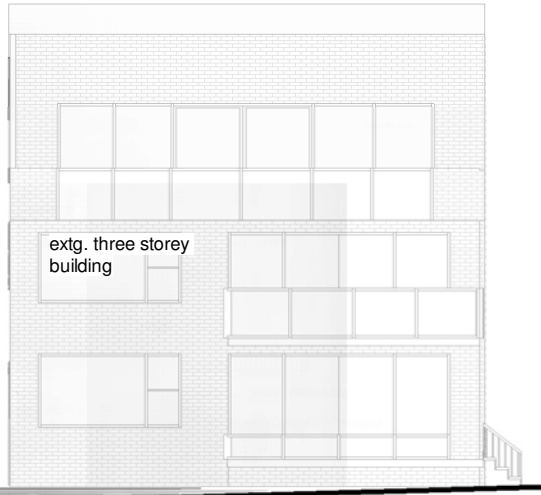


East Elevation
Scale 1 : 150

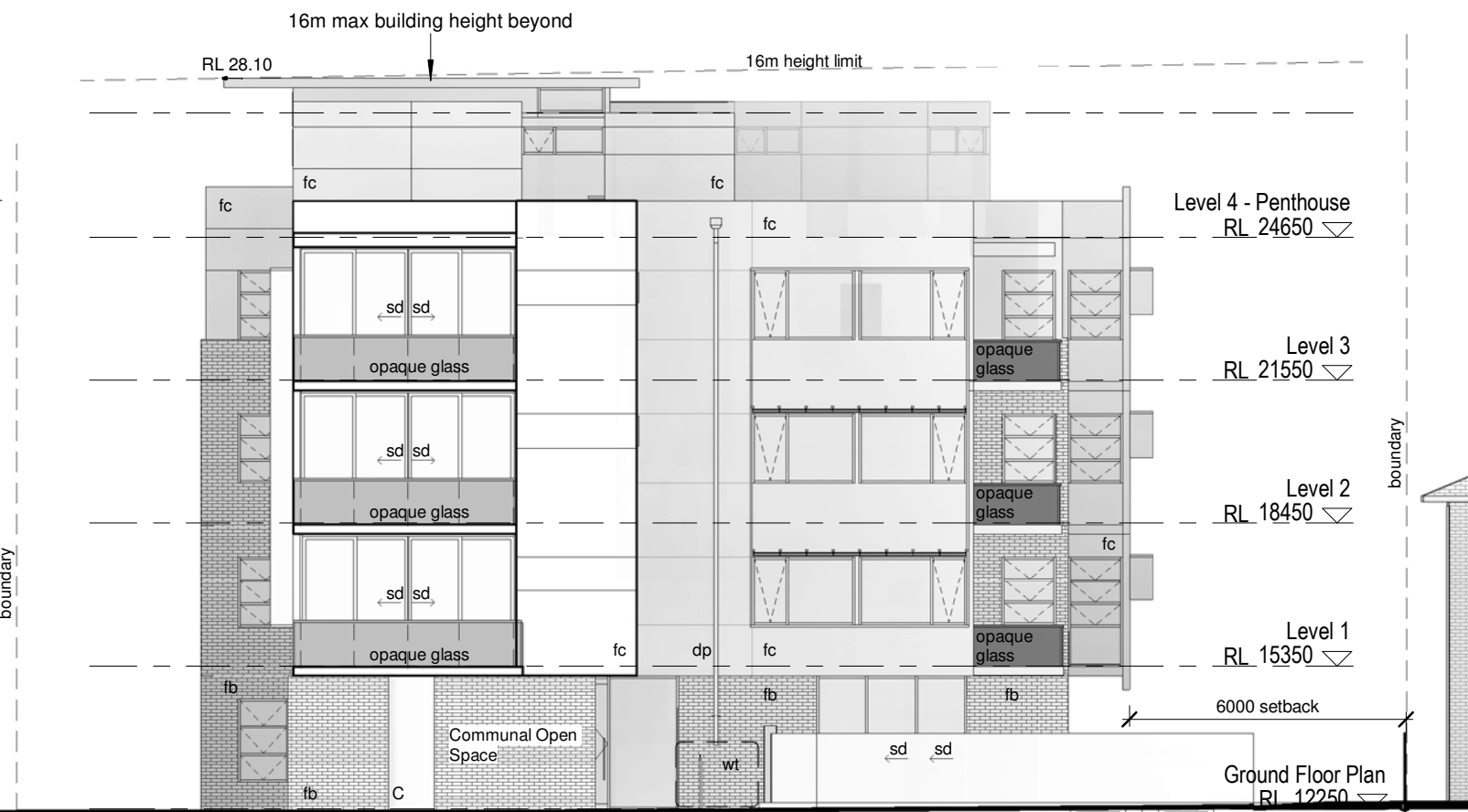


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REVISION		
No.	Date	Description
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A	Mar/2020	New DA Submission
	Mar/2021	Responses to RFI matters

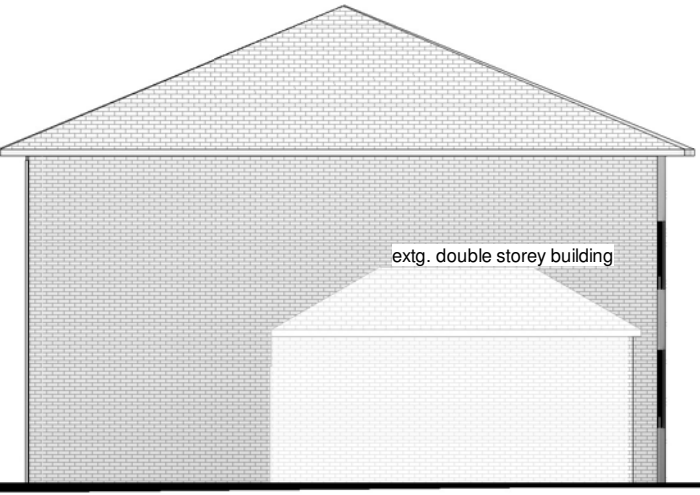


West Elevation
Scale 1 : 150



Notation Legend:

c	column
dp	downpipe
fb	facebrick
fc	fibre cement
cr	cement render
op	opaque
sd	sliding door
wt	water tank



project:
Residential Flat Building
at:
16-18 Market Place, Wollongong

for:
The Trustees for the Roman Catholic Church Diocese of Wollongong

stage: Development Application
job no: 17-28
sheet: East & West Elevation

drawn by: AU
approved: GB



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scale: 1 : 150 dwg: DA13

REVISION		
No.	Date	Description
-	Nov/2019	Original DA Submission
-	Mar/2020	New DA Submission
A	Mar/2021	Responses to RFI matters

c	column
dp	downpipe
fb	facebrick
fc	fibre cement
cr	cement render
op	opaque
sd	sliding door
wt	water tank



for:
The Trustees for the Roman Catholic
Church Diocese of Wollongong

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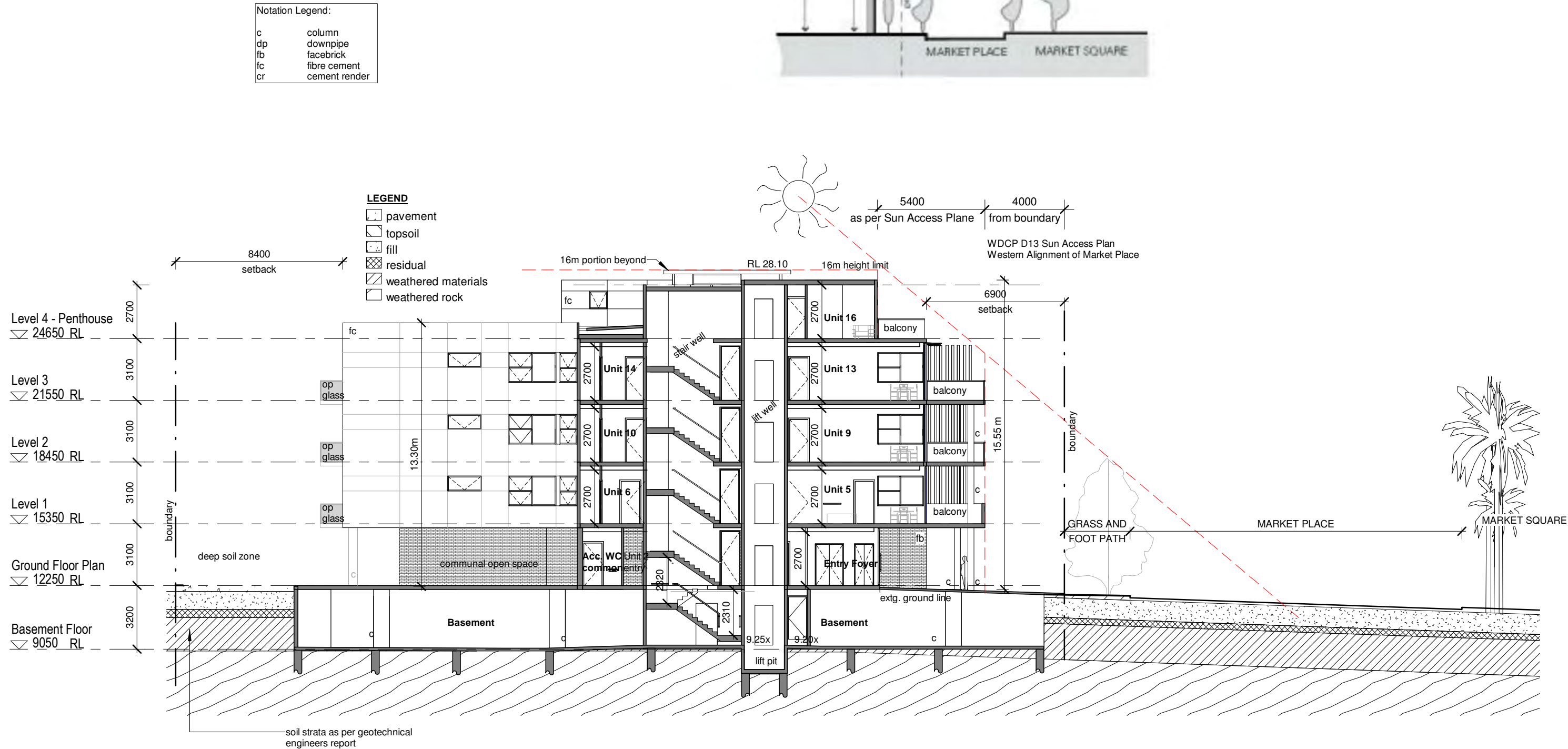
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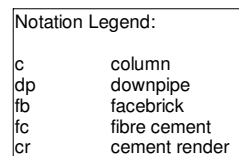
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REVISION		
No.	Date	Description
-	Nov/2019	Original DA Submission
-	Mar/2020	New DA Submission
A	Mar/2021	Responses to RFI matters



REVISION		
No.	Date	Description
-	Nov/2019	Original DA Submission
-	Mar/2020	New DA Submission
A	Mar/2021	Responses to RFI matters



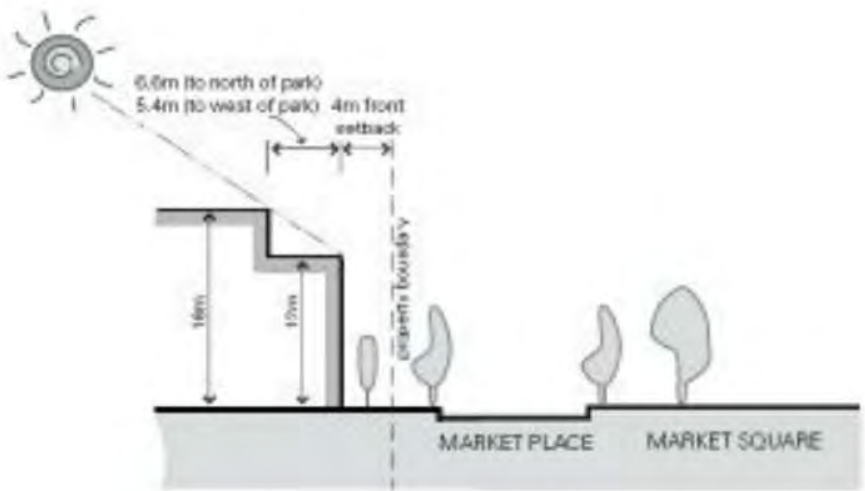
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REVISION		
No.	Date	Description
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-	Mar/2020	New DA Submission
A	Mar/2021	Responses to RFI matters

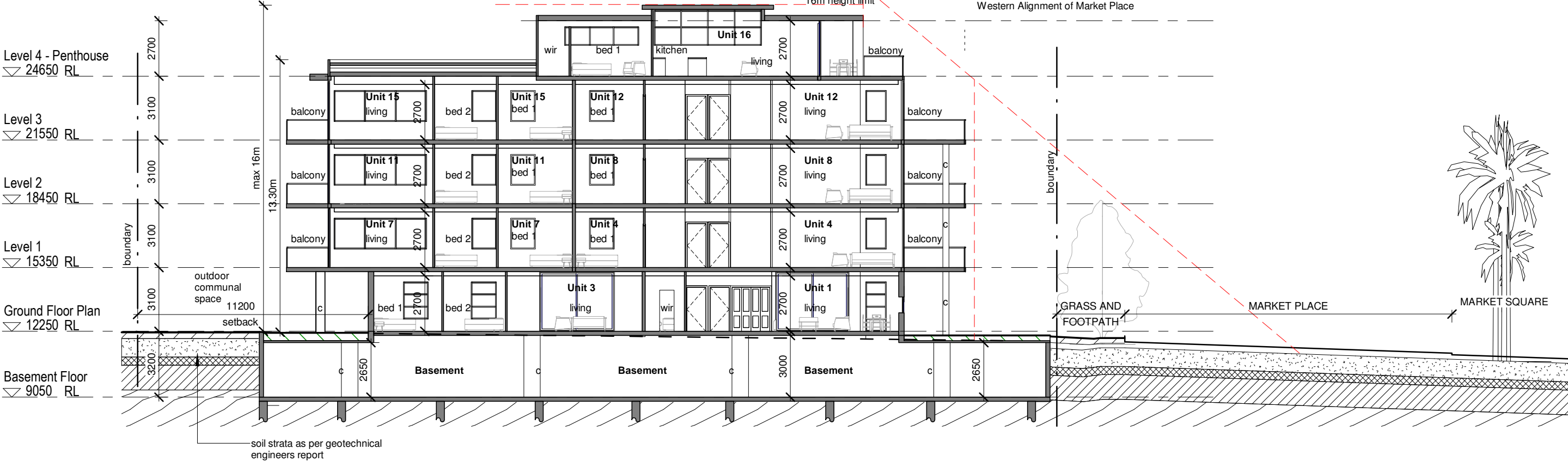
Notation Legend:

c	column
dp	downpipe
fb	facebrick
fc	fibre cement
cr	cement render



LEGEND-Soil Strata

- pavement
- topsoil
- fill
- residual
- weathered materials
- weathered rock



Long Section CC
Scale 1 : 200

project:
Residential Flat Building
at:
16-18 Market Place, Wollongong

for:
**The Trustees for the Roman Catholic
Church Diocese of Wollongong**

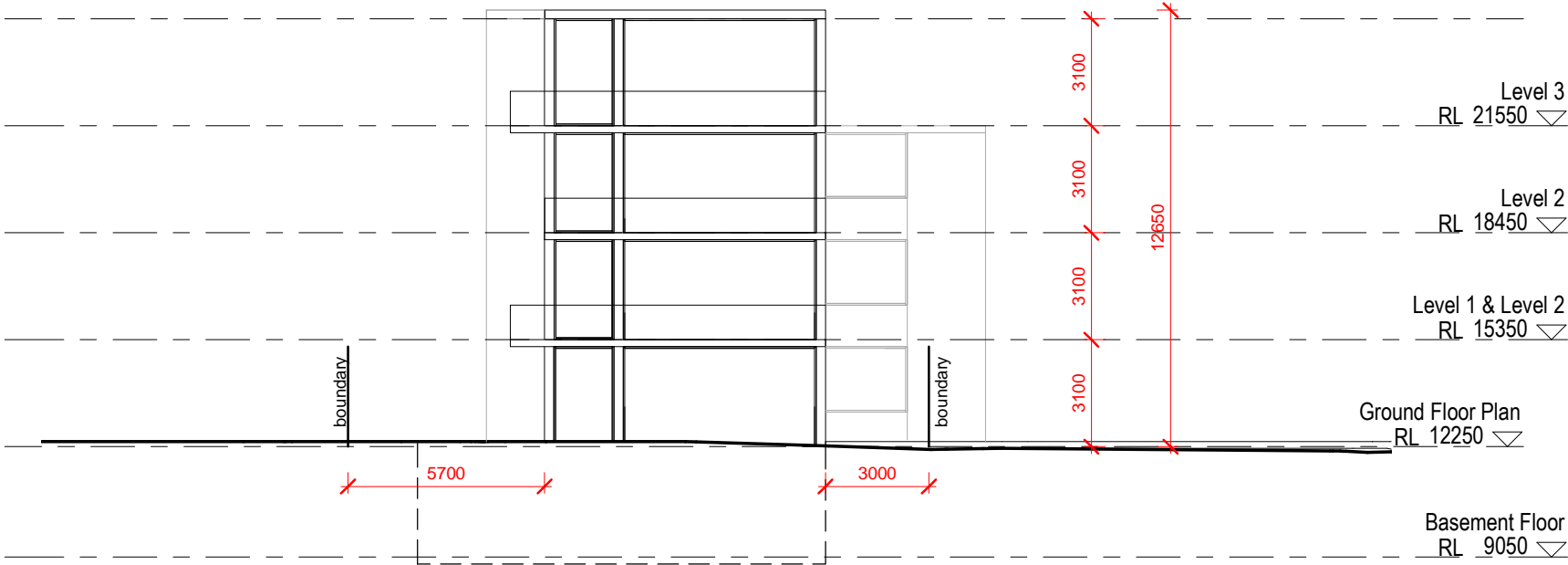
stage: Development Application
job no: 17-28
sheet: Long Section C-C
drawn by: Author
approved: Checker

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architecture
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(02) 42 263 794 info@bcarchitecture.com.au www.bccarchitecture.com.au
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scale: 1 : 200
dwg: DA17

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-	Nov/2019	Original DA Submission
-	Mar/2020	New DA Submission
-	Mar/2021	Additional Information



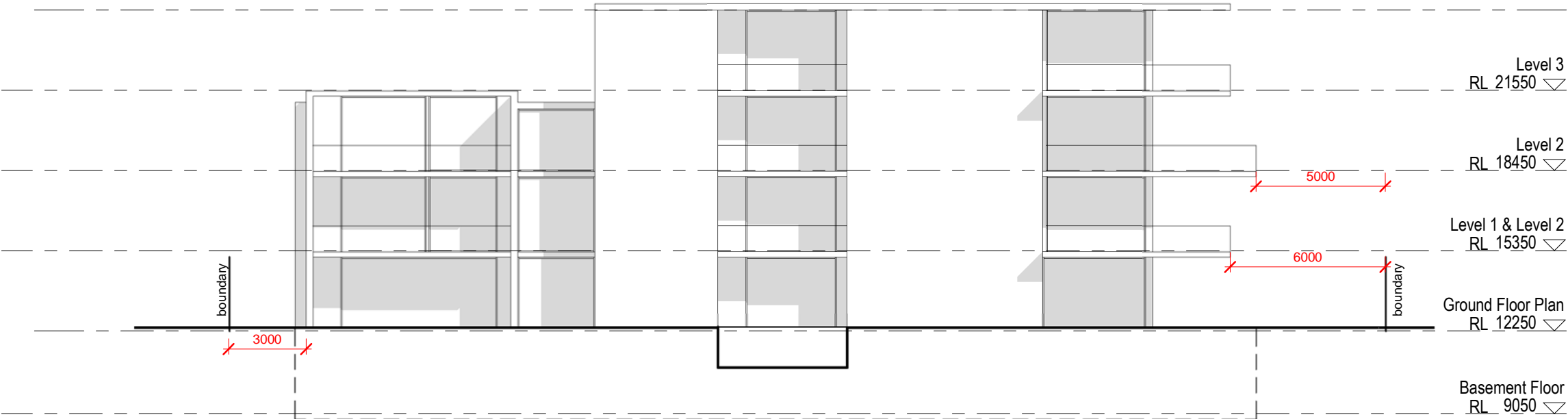
Future Proposal East Elevation
Scale 1 : 200

The future proposed building has been documented in a longitudinal shape by avoiding construction towards the narrow portion of the site, and by consolidating 20 Market Place and 20 Market Street.

The northern portion of the site will be well vegetated with a deep soil zone and communal open space. Landscaping strips and basement parking will be provided.

The future proposal is a concept which allows for a shop top housing building type. The commercial portion will be on the Market Street end relating to the existing Market Street ground floor precinct that continues on Market Street and Corrimal Street.

The residential component to the east looking towards Market Place relates to the residential component of Market Place.



Future Proposal South Elevation
Scale 1 : 200

FUTURE PROPOSED BUILDING ANALYSIS

project:
Residential Flat Building
at:
16-18 Market Place, Wollongong

for:
The Trustees for the Roman Catholic Church Diocese of Wollongong

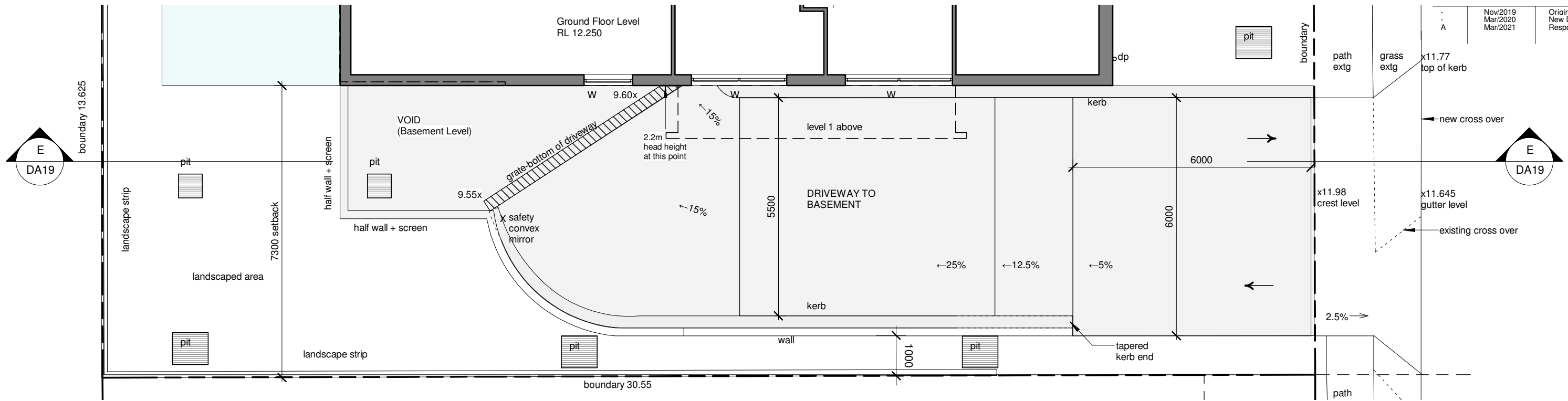
stage: Development Application
job no: 17-28
sheet: Future Proposal-East Elevation
drawn by: Author
approved: Checker

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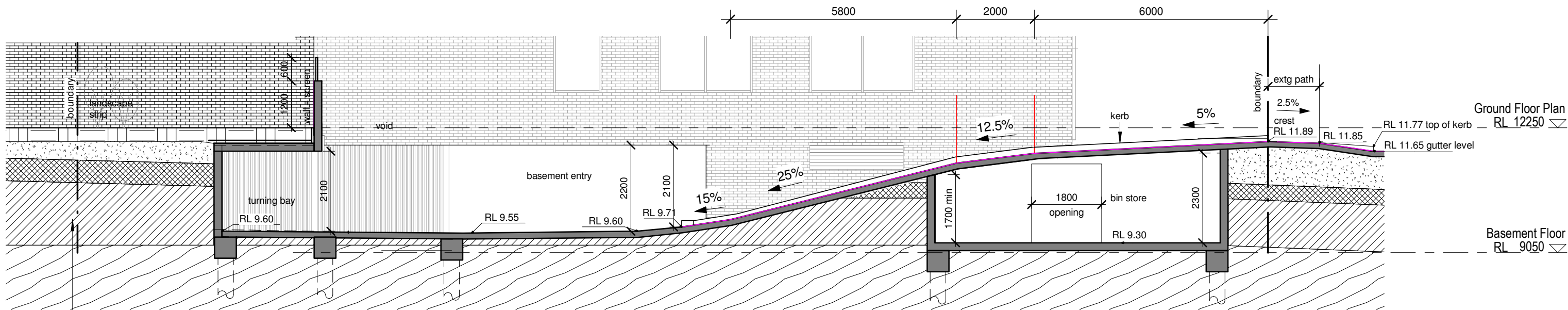
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REVISION		
No.	Date	Description
-	Nov/2019	Original DA Submission
-	Mar/2020	New DA Submission
A	Mar/2021	Responses to RFI matters



Driveway Plan
Scale 1 : 100



Driveway Section EE
Scale 1 : 100

project:
Residential Flat Building
at:
16-18 Market Place, Wollongong

for:
**The Trustees for the Roman Catholic
Church Diocese of Wollongong**

stage: Development Application
job no: 17-28
sheet: Driveway Plan/Section E-E

drawn by: Author
approved: Checker

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scale: 1 : 100
dwg: DA19

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No.	Date	Description
-	Nov/2019	Original DA Submission
-	Mar/2020	New DA Submission
A	Mar/2021	Responses to RFI matters



Existing Streetscape 1
Scale 1 : 200

project:
Residential Flat Building
at:
16-18 Market Place, Wollongong

for:
**The Trustees for the Roman Catholic
Church Diocese of Wollongong**

stage: Development Application
job no: 17-28
sheet: Existing Streetscape 1

drawn by: JS
approved: GB

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scale: 1 : 200 dwg: DA20

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REVISION		
No.	Date	Description
-	Nov/2019	Original DA Submission
-	Mar/2020	New DA Submission
A	Mar/2021	Responses to RFI matters



Existing Streetscape 2
Scale 1 : 200

project:
Residential Flat Building
at:
16-18 Market Place, Wollongong

for:
**The Trustees for the Roman Catholic
Church Diocese of Wollongong**

stage: Development Application
job no: 17-28
sheet: Existing Streetscape 2

drawn by: JS
approved: GB

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scale: 1 : 200 dwg: DA21

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REVISION		
No.	Date	Description
-	Nov/2019	Original DA Submission
-	Mar/2020	New DA Submission
A	Mar/2021	Responses to RFI matters



○ Proposed Streetscape-Market Place
Scale 1 : 250

Heritage note:
Proposed 3 storey brick panel element to street facade to match brick panel elements of existing buildings in the Market Place precinct

project:
Residential Flat Building
at:
16-18 Market Place, Wollongong

for:
The Trustees for the Roman Catholic Church Diocese of Wollongong

stage: Development Application
job no: 17-28
sheet: Proposed Streetscape 1

drawn by: JS
approved: GB

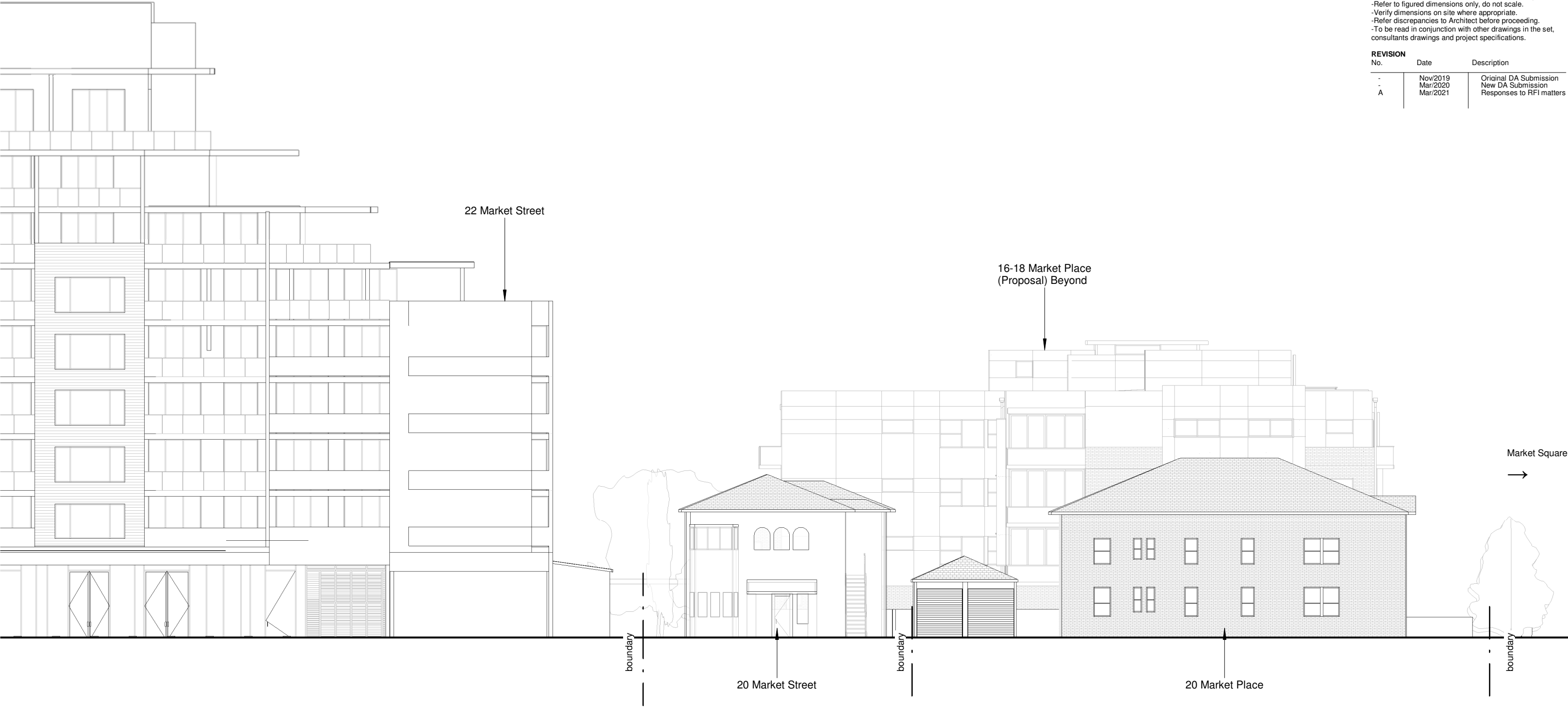
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scale: 1 : 250 dwg: DA22

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REVISION No.	Date	Description
-	Nov/2019	Original DA Submission
-	Mar/2020	New DA Submission
A	Mar/2021	Responses to RFI matters



Proposed Streetscape-Market Street
Scale 1 : 200

Heritage note:
Proposed 3 storey brick panel element to street facade to match brick panel elements of existing buildings in the Market Place precinct

project:
Residential Flat Building
at:
16-18 Market Place, Wollongong

for:
The Trustees for the Roman Catholic Church Diocese of Wollongong

stage: Development Application
job no: 17-28
sheet: Proposed Streetscape 2

drawn by: JS
approved: GB

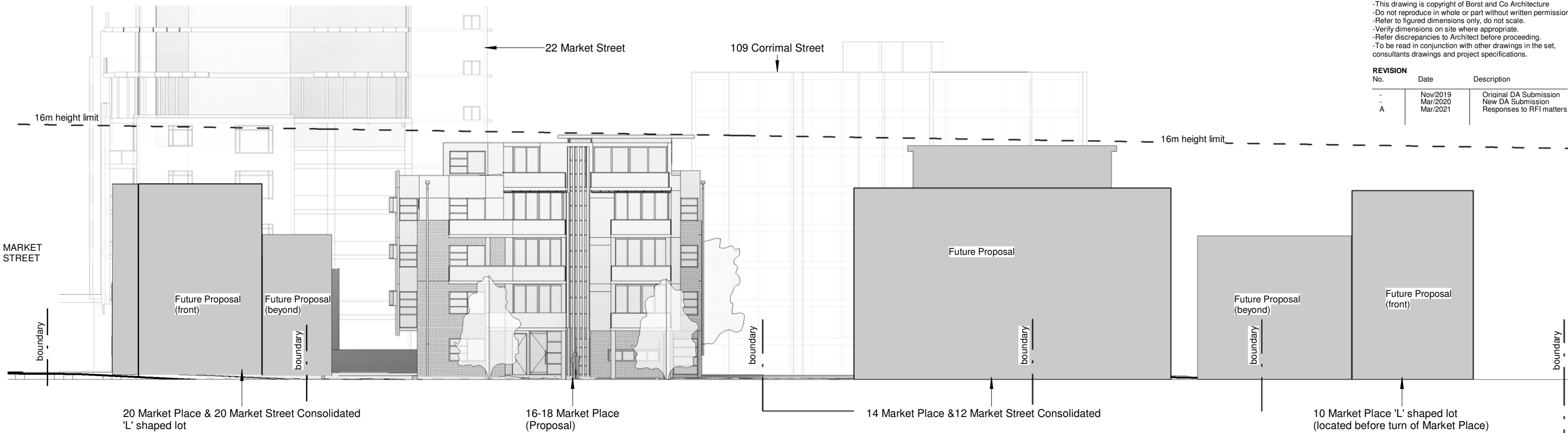
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scale: 1 : 200 dwg: **DA23**

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REVISION	No.	Date	Description
-	-	Nov/2019	Original DA Submission
-	-	Mar/2020	New DA Submission
A	-	Mar/2021	Responses to RFI matters



○ **Future Proposal Streetscape-Market Place**
Scale 1 : 250



○ **Future Proposal Streetscape-Market Street**
Scale 1 : 250

project:
Residential Flat Building
at:
16-18 Market Place, Wollongong

for:
**The Trustees for the Roman Catholic
Church Diocese of Wollongong**

stage: Development Application
job no: 17-28
sheet: Streetscape Future Proposal

drawn by: JS
approved: GB

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scale: 1 : 250 dwg: **DA24**



North East Streetview
Scale



South East Streetview
Scale

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REVISION		
No.	Date	Description
-	Nov/2019	Original DA Submission
-	Mar/2020	New DA Submission
A	Mar/2021	Responses to RFI matters

Heritage note:
Proposed 3 storey brick panel element to street facade to match brick panel elements of existing buildings in the Market Place precinct

project:
Residential Flat Building
 at:
16-18 Market Place, Wollongong

for:
The Trustees for the Roman Catholic Church Diocese of Wollongong

stage: Development Application
 job no: 17-28
 sheet: Perspectives
 drawn by: JS
 approved: GB



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 scale: dwg: **DA25**

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-	-	Nov/2019	Original DA Submission
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A	-	Mar/2021	Responses to RFI matters



○ Front Streeview
 Scale



Heritage note:
 Proposed 3 storey brick panel element to street facade to match brick panel elements of existing buildings in the Market Place precinct

○ Front Streetview 2
 Scale

project:
Residential Flat Building
 at:
16-18 Market Place, Wollongong

for:
The Trustees for the Roman Catholic Church Diocese of Wollongong

stage: Development Application
 job no: 17-28
 sheet: Perspectives
 drawn by: JS
 approved: GB



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 scale: dwg: DA26

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A	Mar/2021	Responses to RFI matters



 North West Perspective
Scale



 South West Perspective
Scale

project:
Residential Flat Building
at:
16-18 Market Place, Wollongong

for:
**The Trustees for the Roman Catholic
Church Diocese of Wollongong**

stage: Development Application
job no: 17-28
sheet: Perspectives

drawn by: AU
approved: GB

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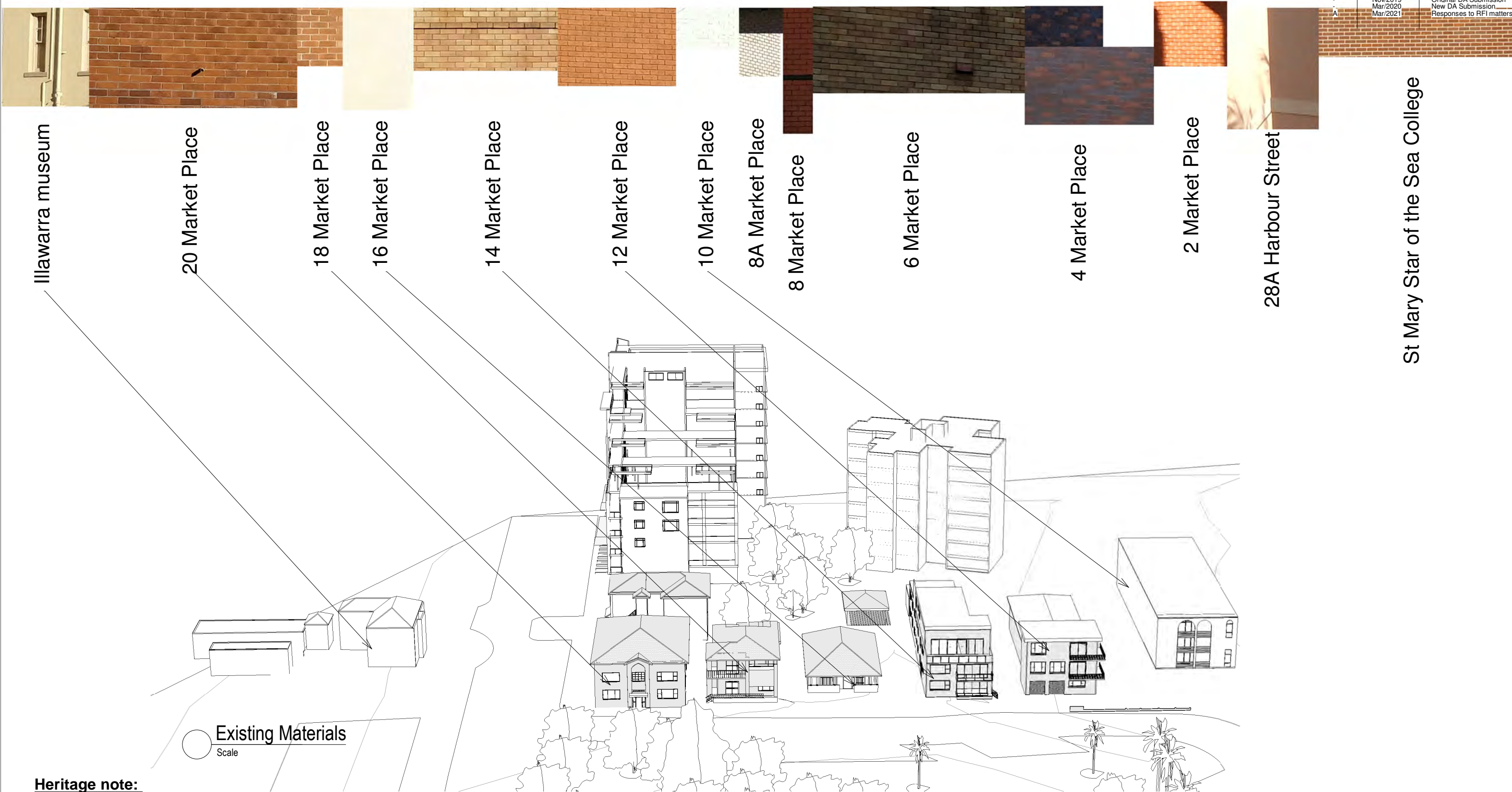
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Material Analysis

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A	Mar/2020	New DA Submission
	Mar/2021	Responses to RFI matters



Heritage note:
Proposed 3 storey brick panel element to street facade to match brick panel elements of existing buildings in the Market Place precinct

project:
Residential Flat Building
at:
16-18 Market Place, Wollongong

for:
The Trustees for the Roman Catholic Church Diocese of Wollongong

stage: Development Application
job no: 17-28
sheet: Existing Material Analysis

drawn by: JS
approved: GB

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scale: dwg: DA28



"Bowral Blue" brick facade with light mortar (traditional brick type for heritage precinct)



window shading elements (architectural feature)



light grey fibre cement cladding (similar to "Cemintel barestone" external pre-finished flat sheet wall cladding)



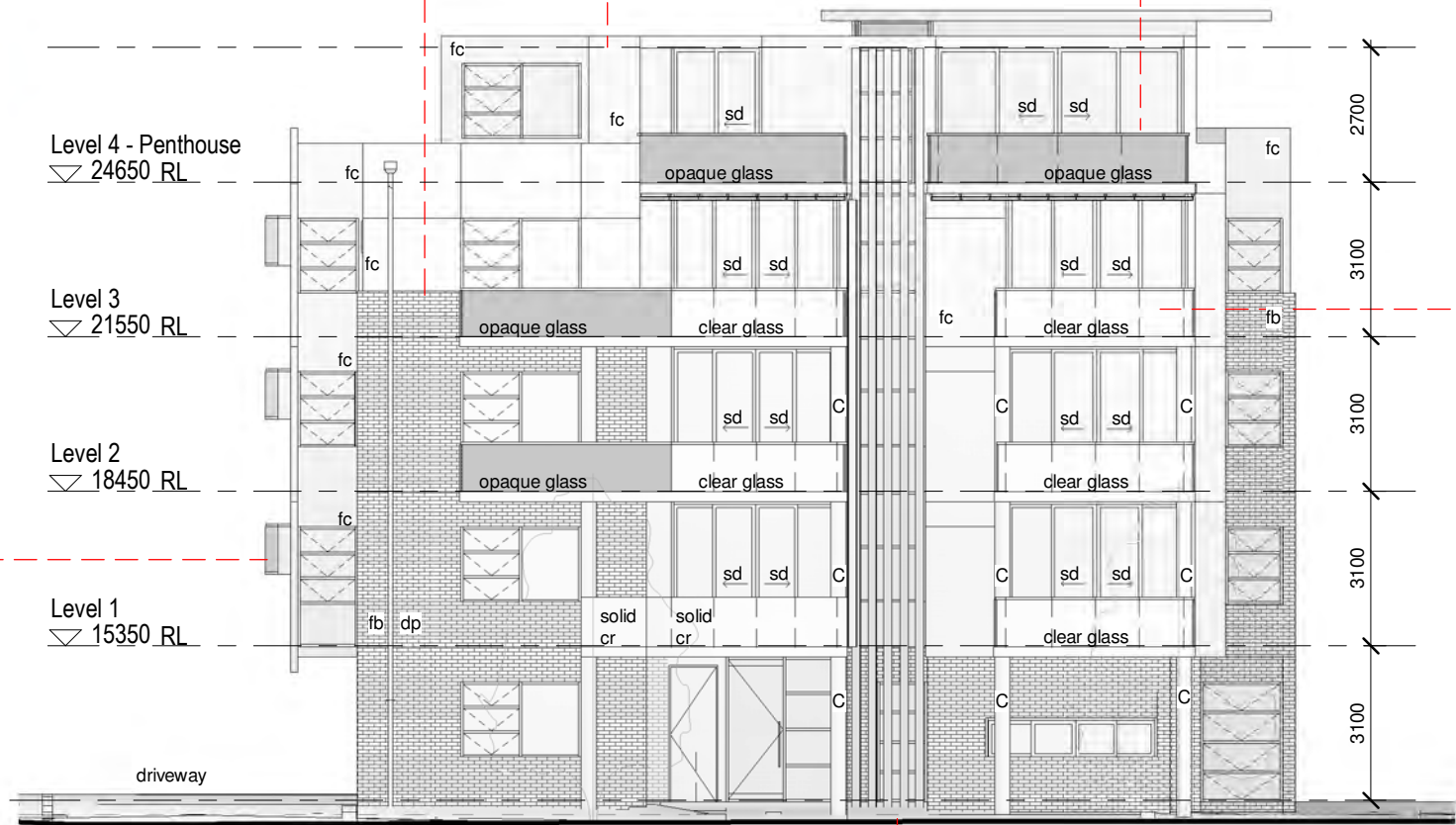
Colorbond roof sheeting over 3rd floor enclosed within parapet 'Windspray' Ultra Steel Medium



opaque glass balustrade



clear glass balustrade



East Elevation-Material Schedule
Scale 1 : 150



louvred facade/shading element



powdercoat "Monument" aluminium slatted privacy screen to ground floor private open spaces

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REVISION No.	Date	Description
-	Nov/2019	Original DA Submission
-	Mar/2020	New DA Submission
A	Mar/2021	Responses to RFI matters

project:
Residential Flat Building
at:
16-18 Market Place, Wollongong

for:
The Trustees for the Roman Catholic Church Diocese of Wollongong

stage: Development Application
job no: 17-28
sheet: Material and Colour Board

drawn by: JS
approved: GB

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scale: 1 : 150
dwg: DA29



Existing Shadow Diagram 21st June 7am
Scale 1 : 500



Existing Shadow Diagram 21st June 8am
Scale 1 : 500



Existing Shadow Diagram 21st June 7.30am
Scale 1 : 500



Existing Shadow Diagram 21st June 8.30am
Scale 1 : 500



Existing Shadow Diagram 21st June 9am
Scale 1 : 500



Existing Shadow Diagram 21st June 9.30am
Scale 1 : 500

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REVISION No.	Date	Description
-	Nov/2019	Original DA Submission
A	Mar/2020	New DA Submission
	Mar/2021	Responses to RFI matters

MARKET PLACE

MARKET STREET

MARKET STREET

MARKET STREET

MARKET PLACE

MARKET PLACE

MARKET PLACE

MARKET STREET

MARKET STREET

MARKET STREET

project:
Residential Flat Building
at:
16-18 Market Place, Wollongong

for:
**The Trustees for the Roman Catholic
Church Diocese of Wollongong**

stage: Development Application
job no: 17-28
sheet: Existing Shadow Diagrams

drawn by: JS, AB
approved: GB

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architecture
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dwg: DA30



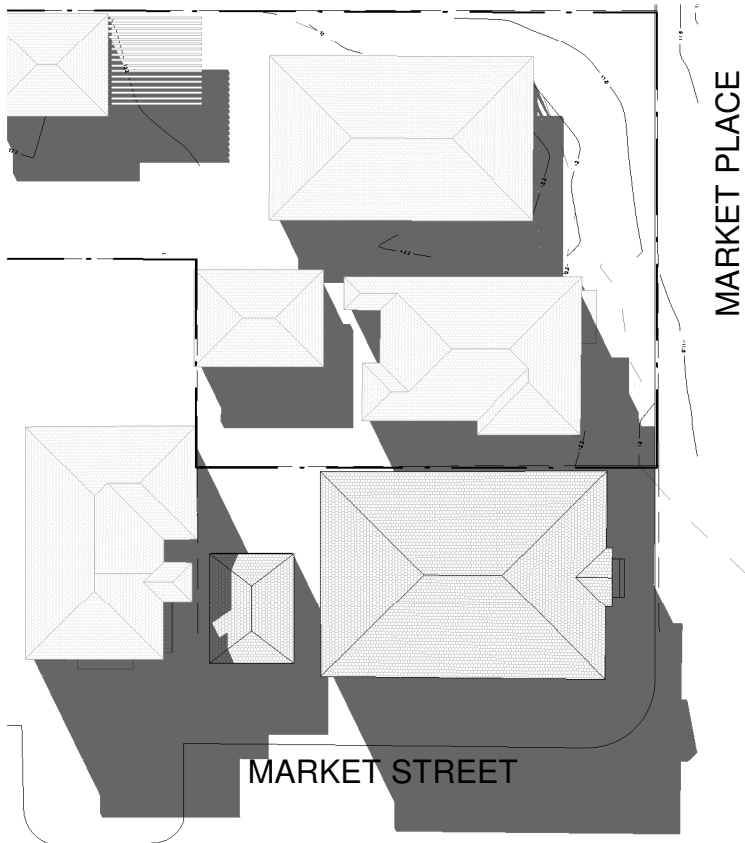
Existing Shadow Diagram 21st June 10am
Scale 1 : 500



Existing Shadow Diagram 21st June 11am
Scale 1 : 500



Existing Shadow Diagram 21st June 12pm
Scale 1 : 500



Existing Shadow Diagram 21st June 1pm
Scale 1 : 500



Existing Shadow Diagram 21st June 2pm
Scale 1 : 500



Existing Shadow Diagram 21st June 3pm
Scale 1 : 500

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REVISION No.	Date	Description
-	Nov/2019	Original DA Submission
A	Mar/2020	New DA Submission
	Mar/2021	Responses to RFI matters

project:
Residential Flat Building
at:
16-18 Market Place, Wollongong

for:
**The Trustees for the Roman Catholic
Church Diocese of Wollongong**

stage: Development Application
job no: 17-28
sheet: Existing Shadow Diagrams 2

drawn by: JS, AB
approved: AU

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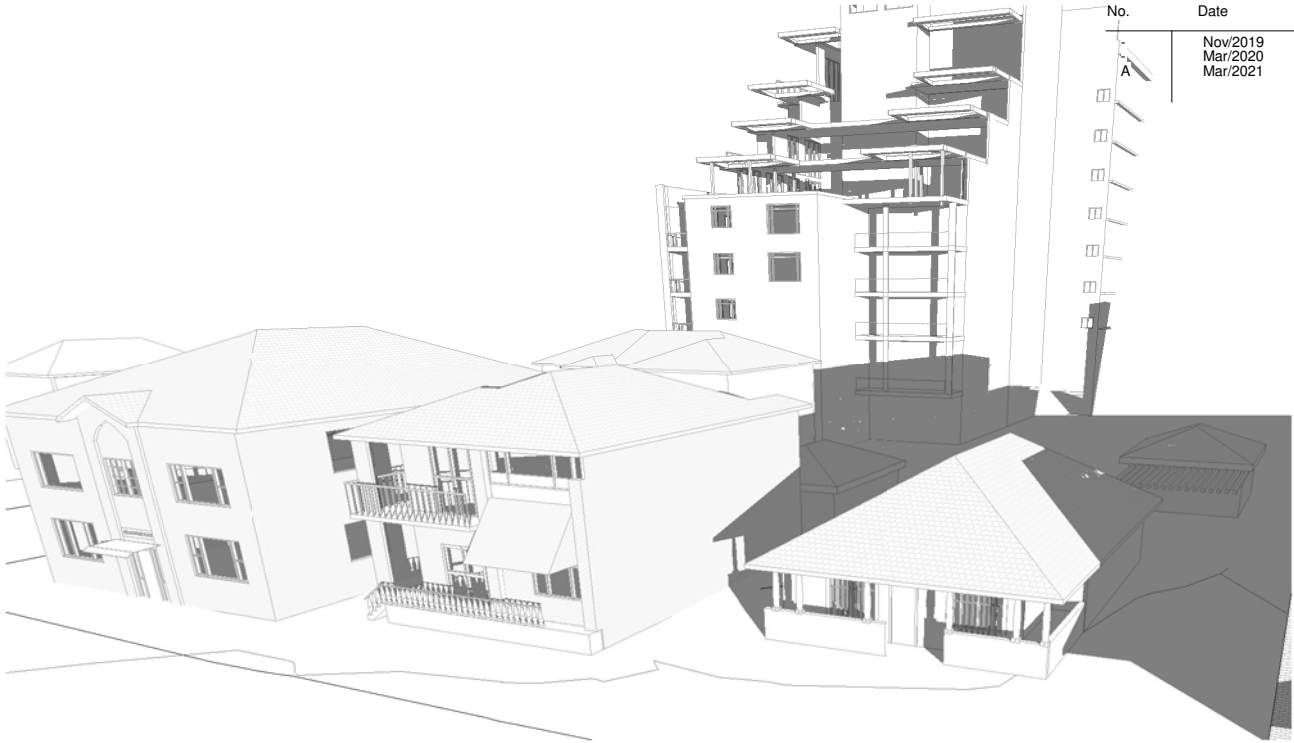
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REVISION		
No.	Date	Description
A	Nov/2019 Mar/2020 Mar/2021	Original DA Submission New DA Submission Responses to RFI matters



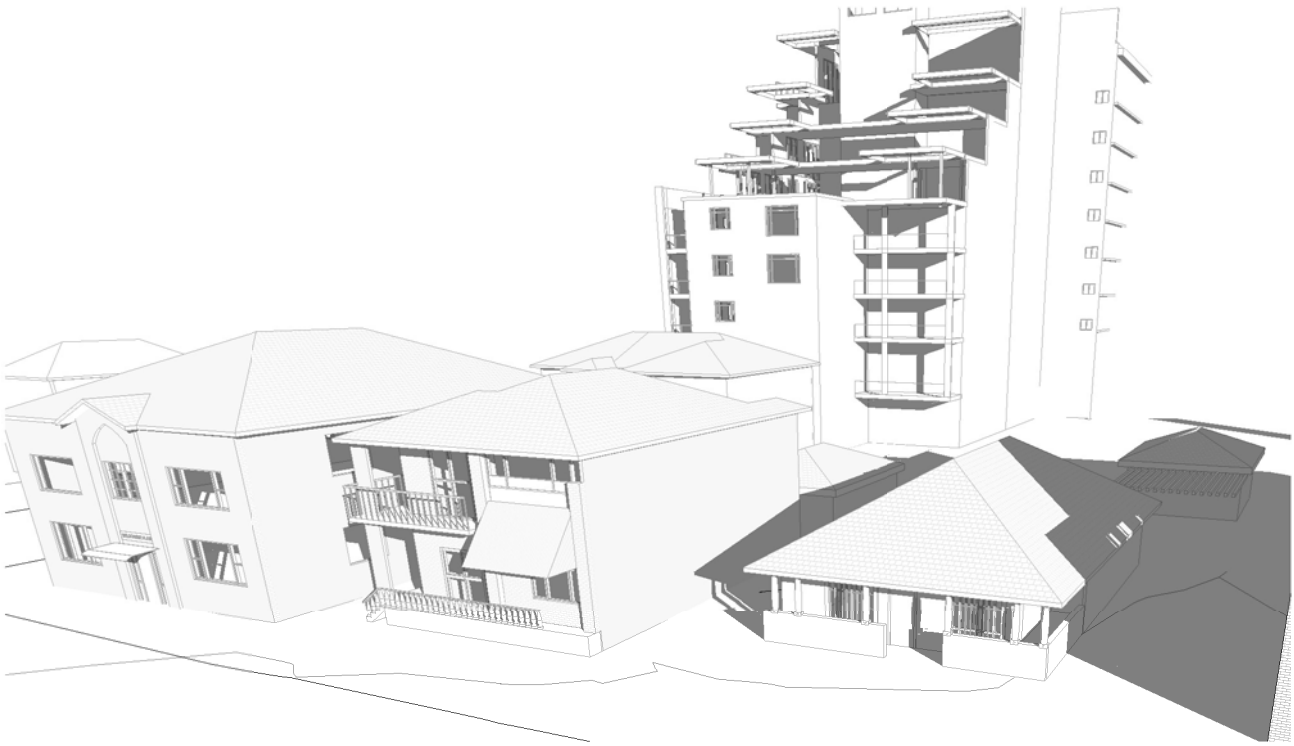
Existing North East Shadow study 21st June 7am
Scale



Existing North East Shadow study 21st June 7.30am
Scale



Existing North East Shadow study 21st June 8am
Scale



Existing North East Shadow study 21st June 8.30am
Scale

project:
Residential Flat Building
at:
16-18 Market Place, Wollongong

for:
**The Trustees for the Roman Catholic
Church Diocese of Wollongong**

stage: Development Application
job no: 17-28
sheet: Existing Perspectives North East
Shadow Studies
drawn by: JS, AB
approved: AU

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architecture

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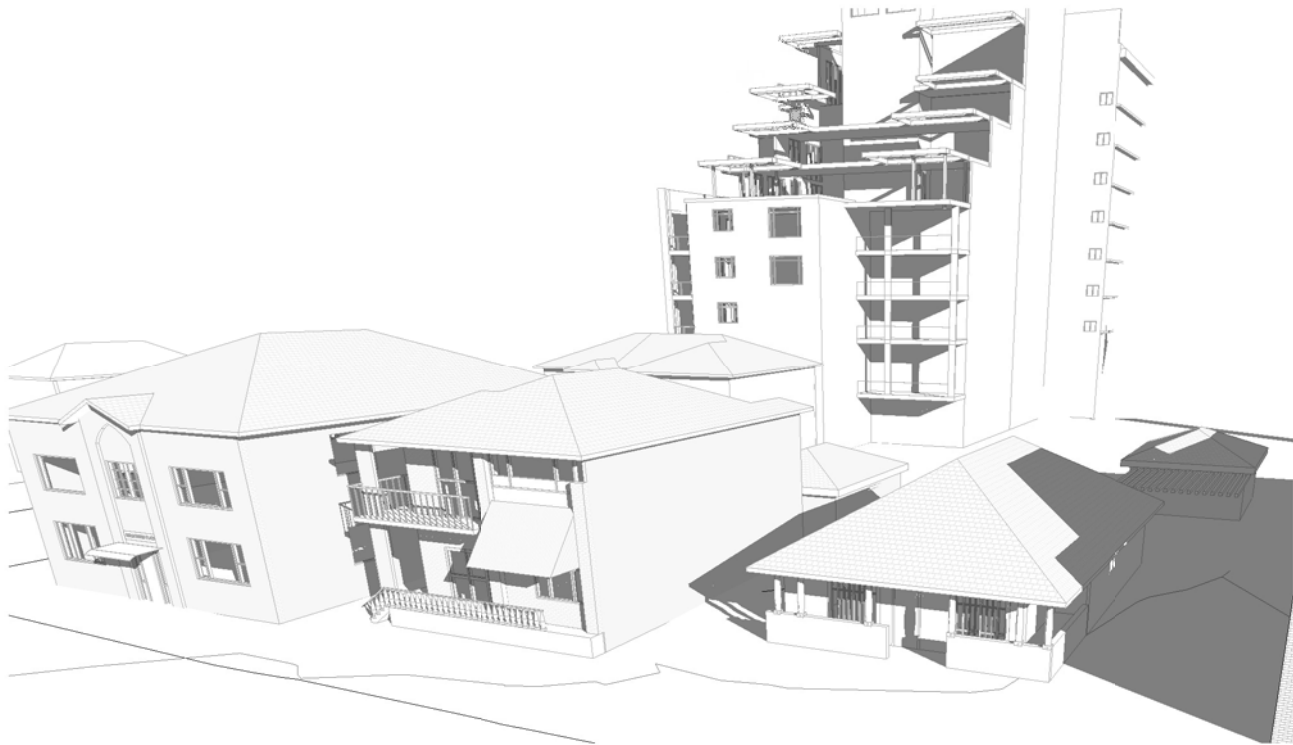
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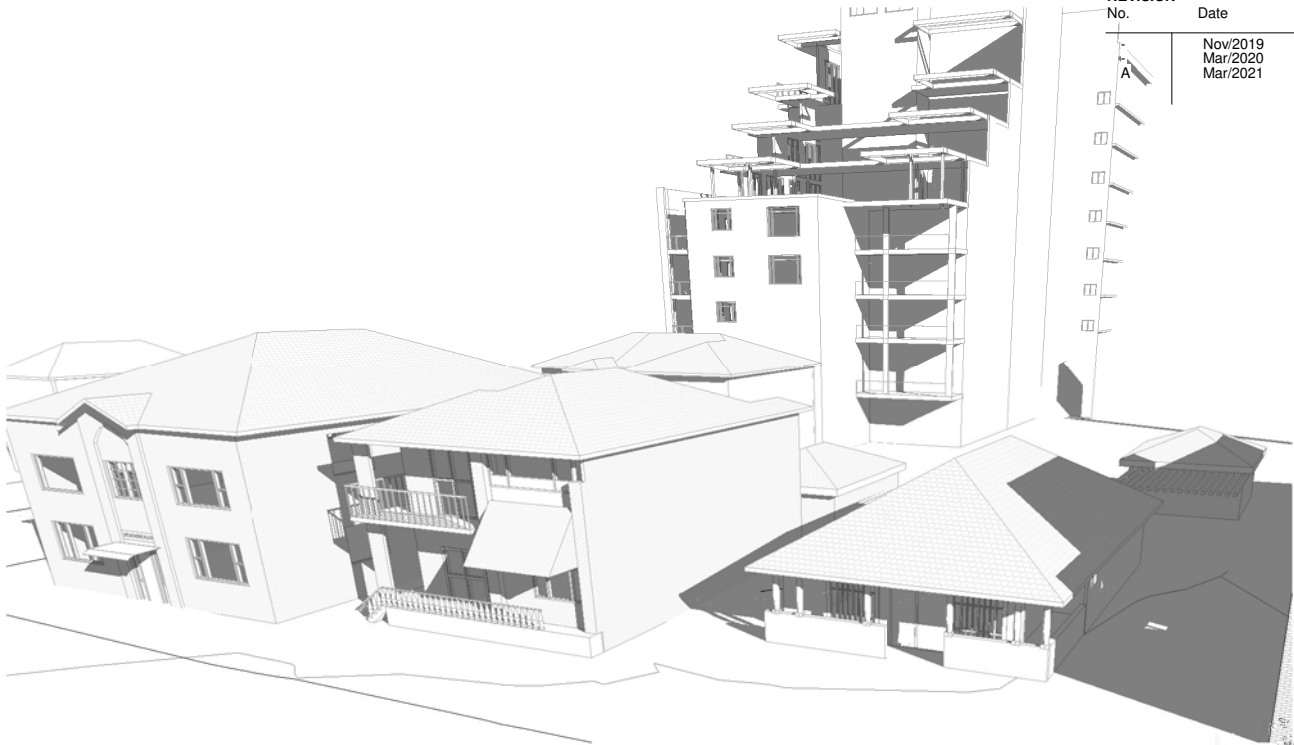
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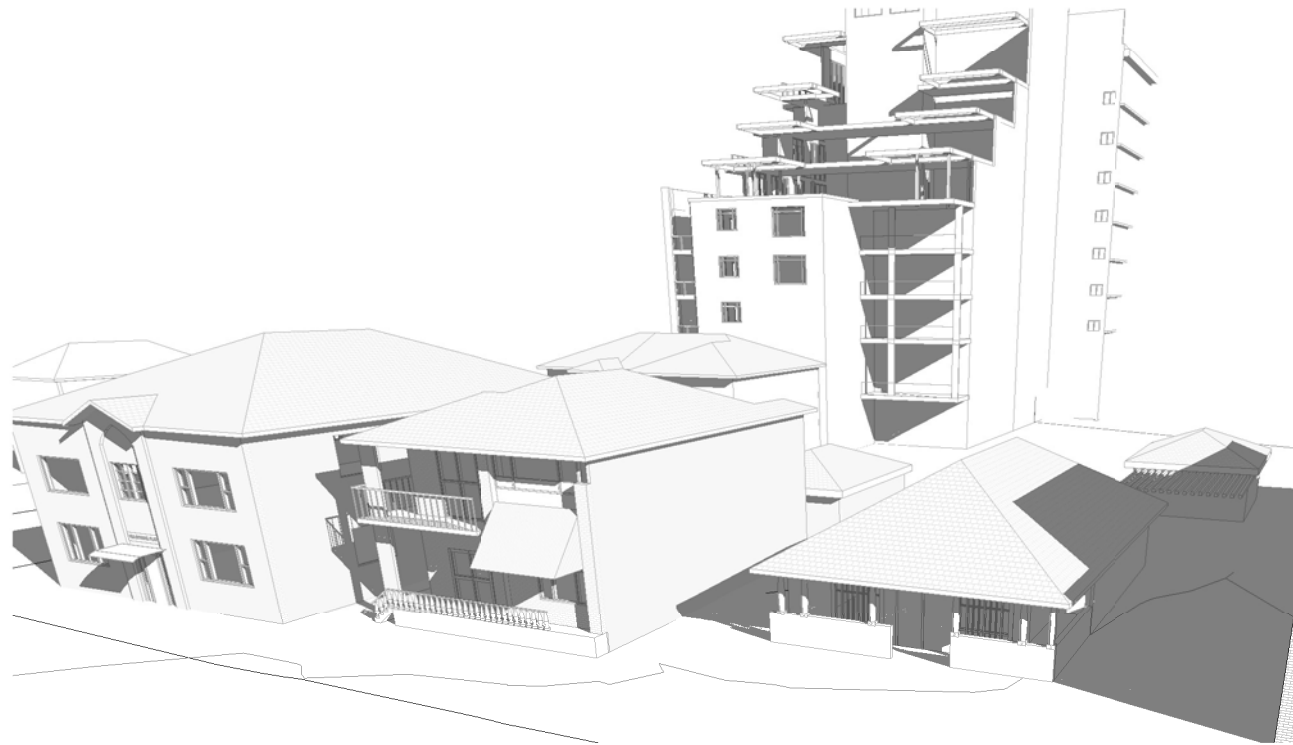
REVISION		
No.	Date	Description
A	Nov/2019 Mar/2020 Mar/2021	Original DA Submission New DA Submission Responses to RFI matters



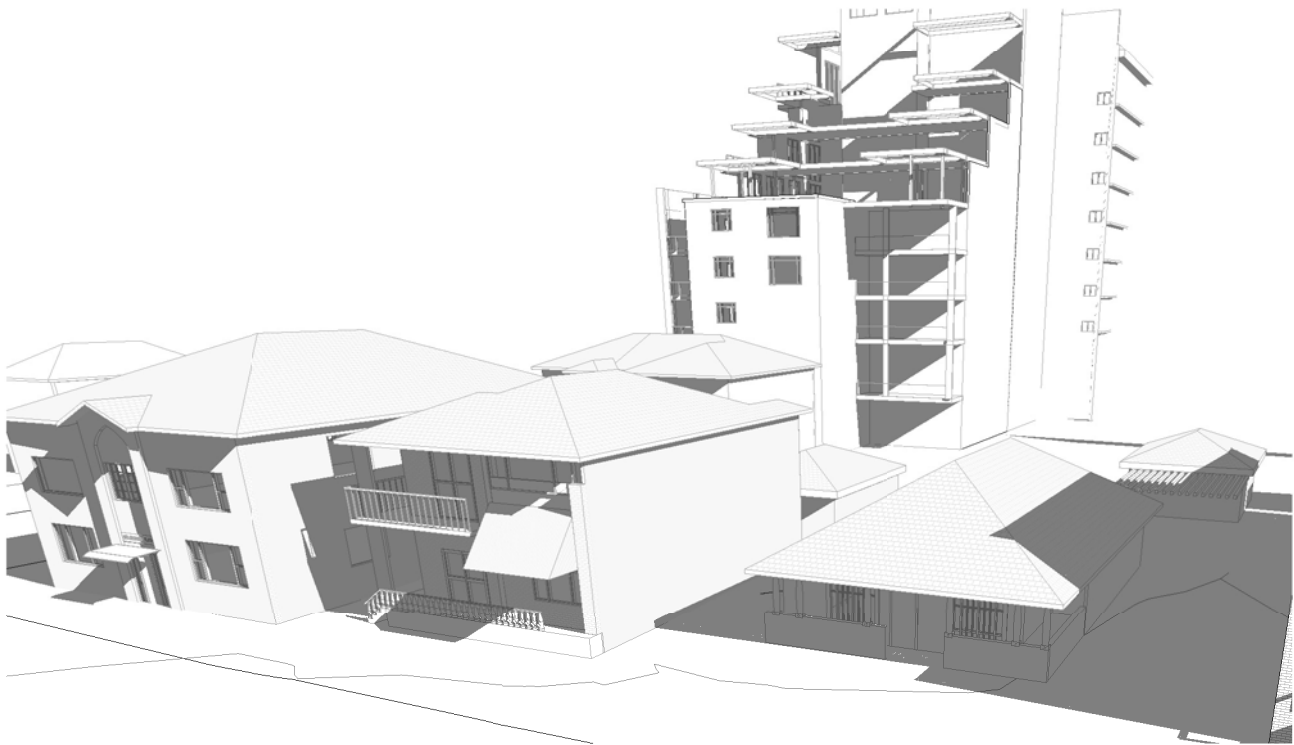
Existing North East Shadow study 21st June 9am
Scale



Existing North East Shadow study 21st June 9.30am
Scale



Existing North East Shadow study 21st June 10am
Scale



Existing North East Shadow study 21st June 11am
Scale

project:
Residential Flat Building
at:
16-18 Market Place, Wollongong

for:
**The Trustees for the Roman Catholic
Church Diocese of Wollongong**

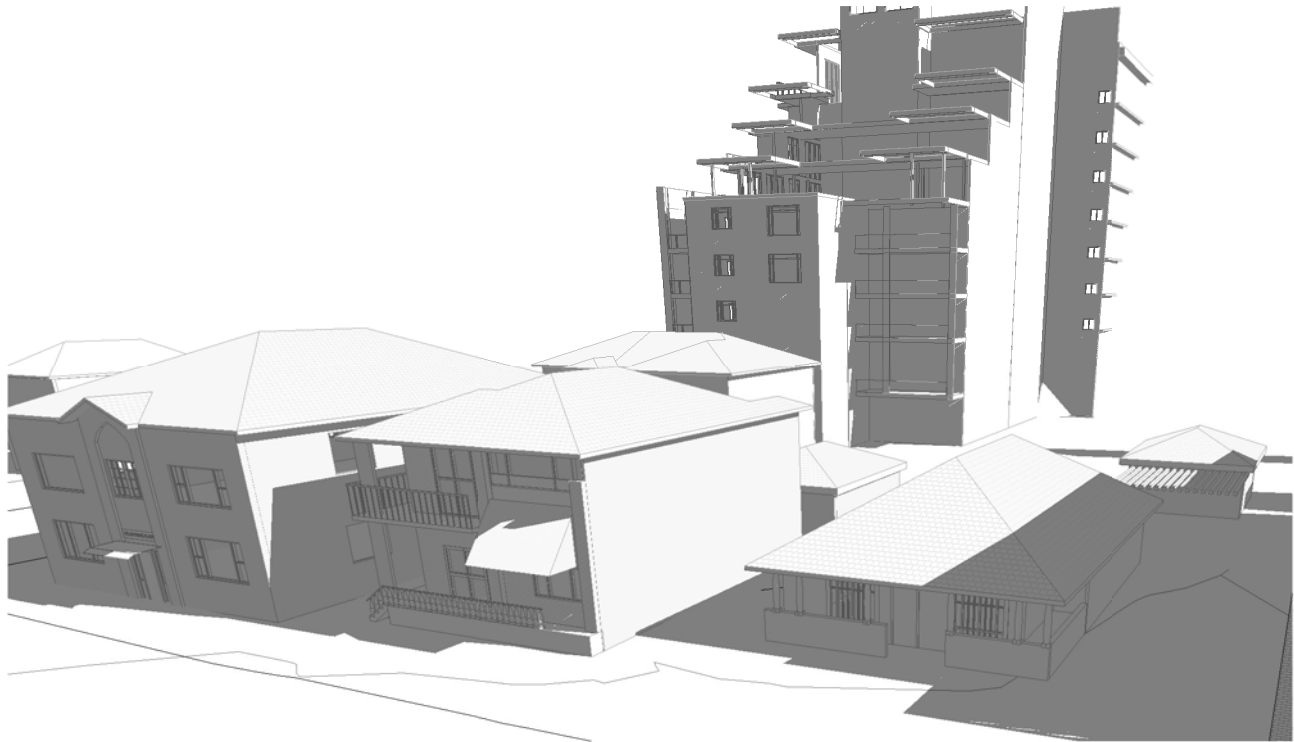
stage: Development Application
job no: 17-28
sheet: Existing Perspectives North East
Shadow Studies 2
drawn by: JS, AB
approved: AU


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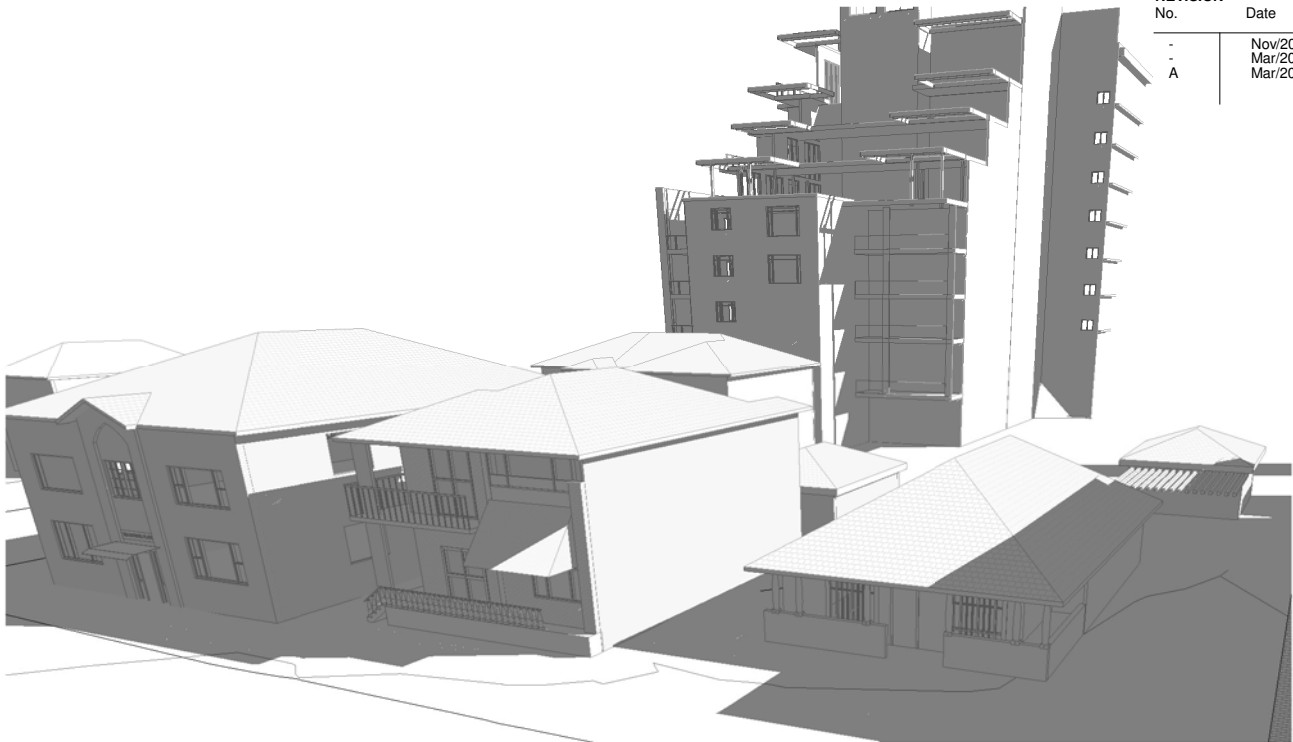
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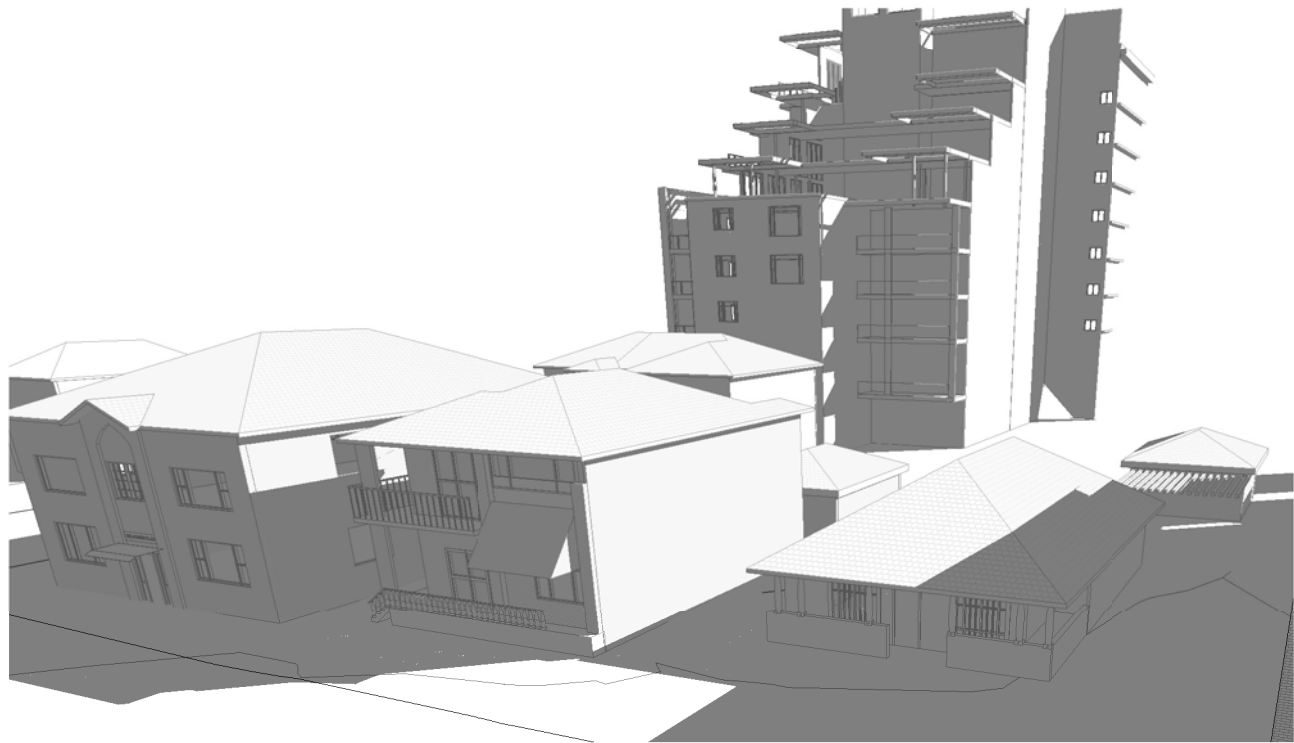
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No.	Date	Description
-	Nov/2019	Original DA Submission
-	Mar/2020	New DA Submission
A	Mar/2021	Responses to RFI matters



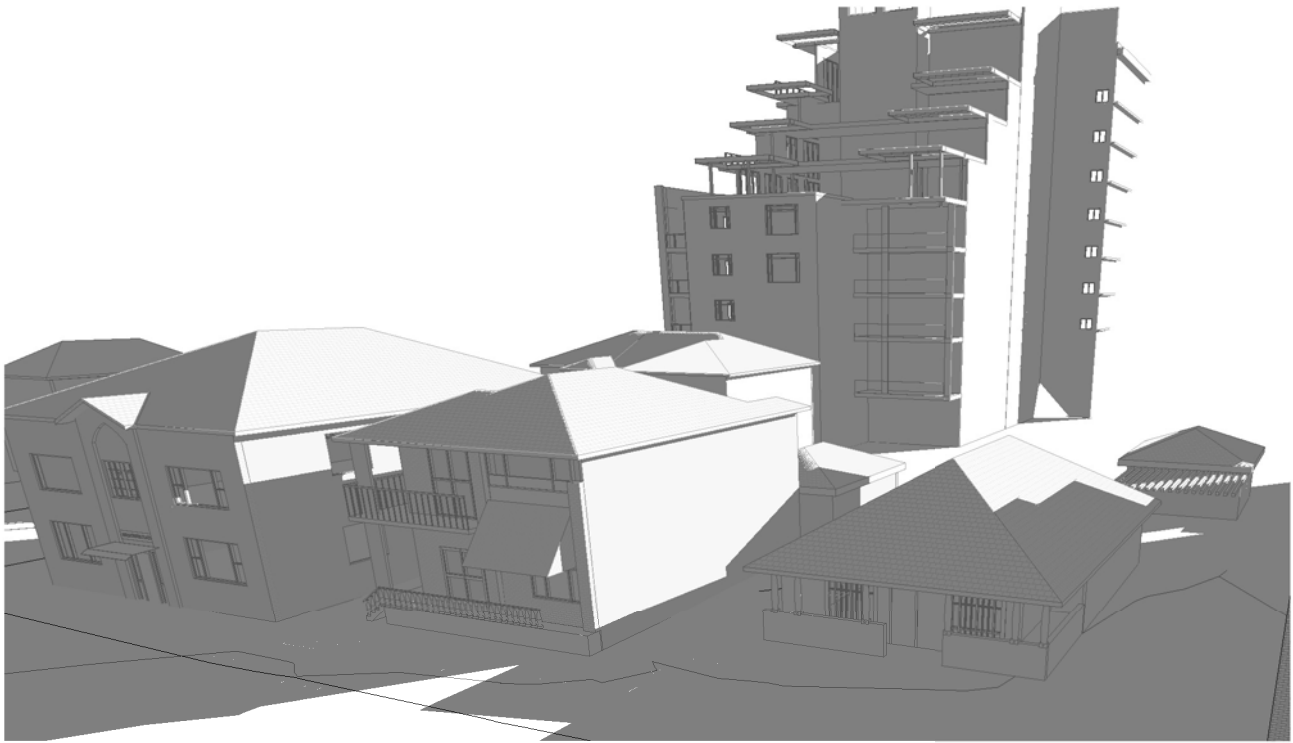
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Scale



 Existing North East Shadow study 21st June 1pm
Scale



 Existing North East Shadow study 21st June 2pm
Scale



 Existing North East Shadow study 21st June 3pm
Scale

project:
Residential Flat Building
at:
16-18 Market Place, Wollongong

for:
**The Trustees for the Roman Catholic
Church Diocese of Wollongong**

stage: Development Application
job no: 17-28
sheet: Existing Perspectives North East
Shadow Studies 3
drawn by: JS, AB
approved: AU



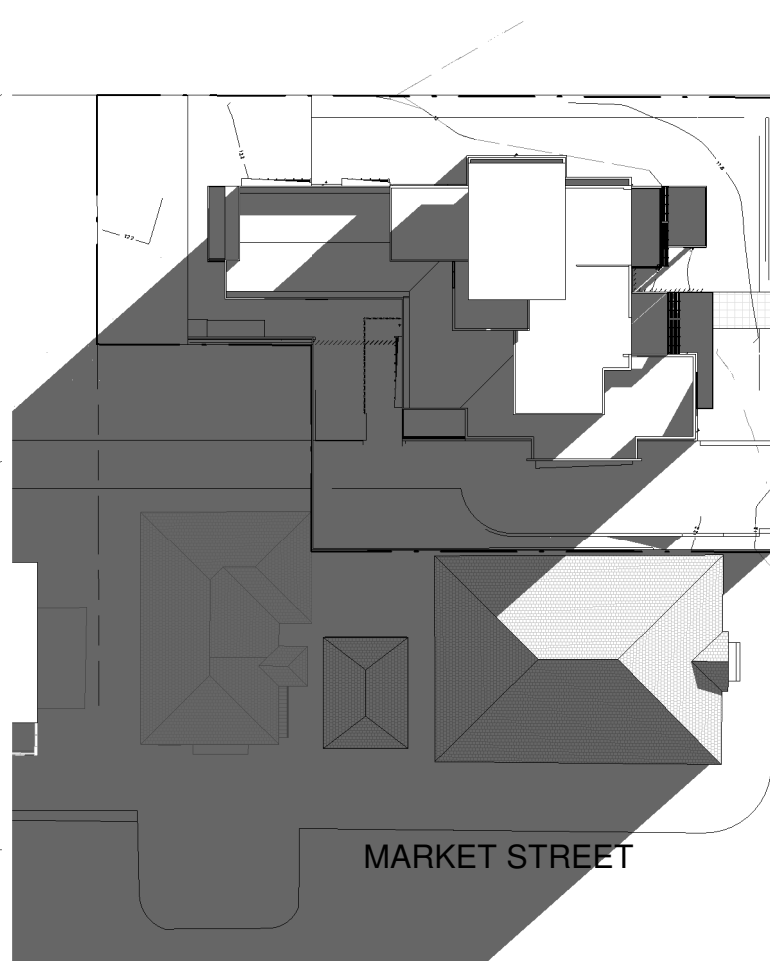
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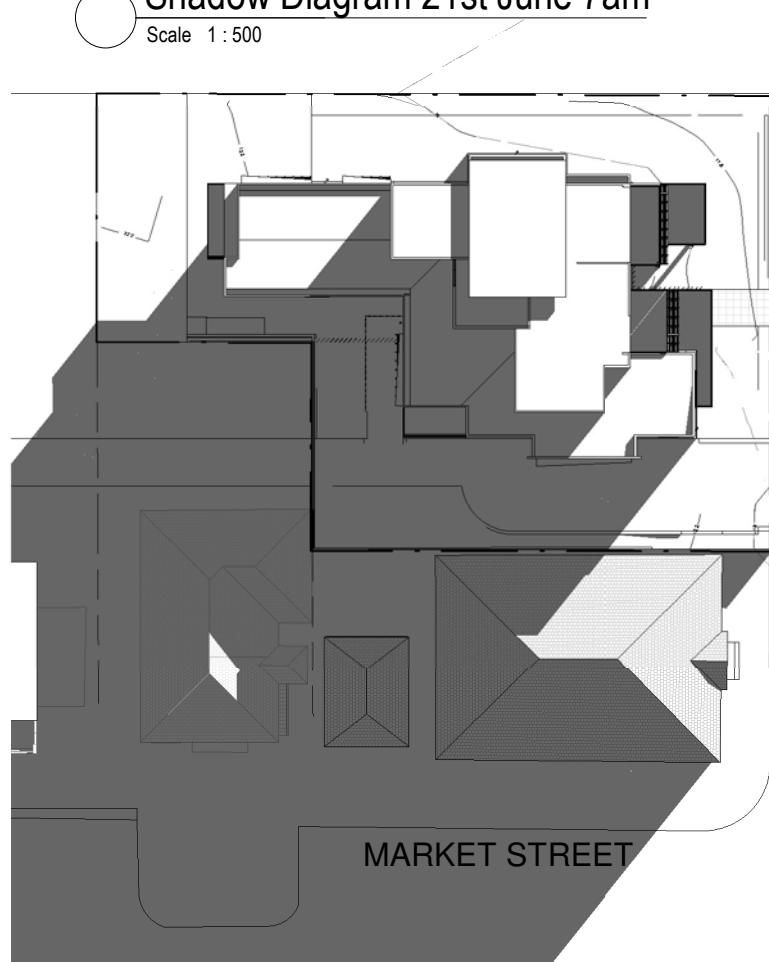
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Scale 1 : 500



Shadow Diagram 21st June 7.30am
Scale 1 : 500



Shadow Diagram 21st June 8am
Scale 1 : 500



Shadow Diagram 21st June 8.30am
Scale 1 : 500



Shadow Diagram 21st June 9am
Scale 1 : 500



Shadow Diagram 21st June 9.30am
Scale 1 : 500

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project:
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at:
16-18 Market Place, Wollongong

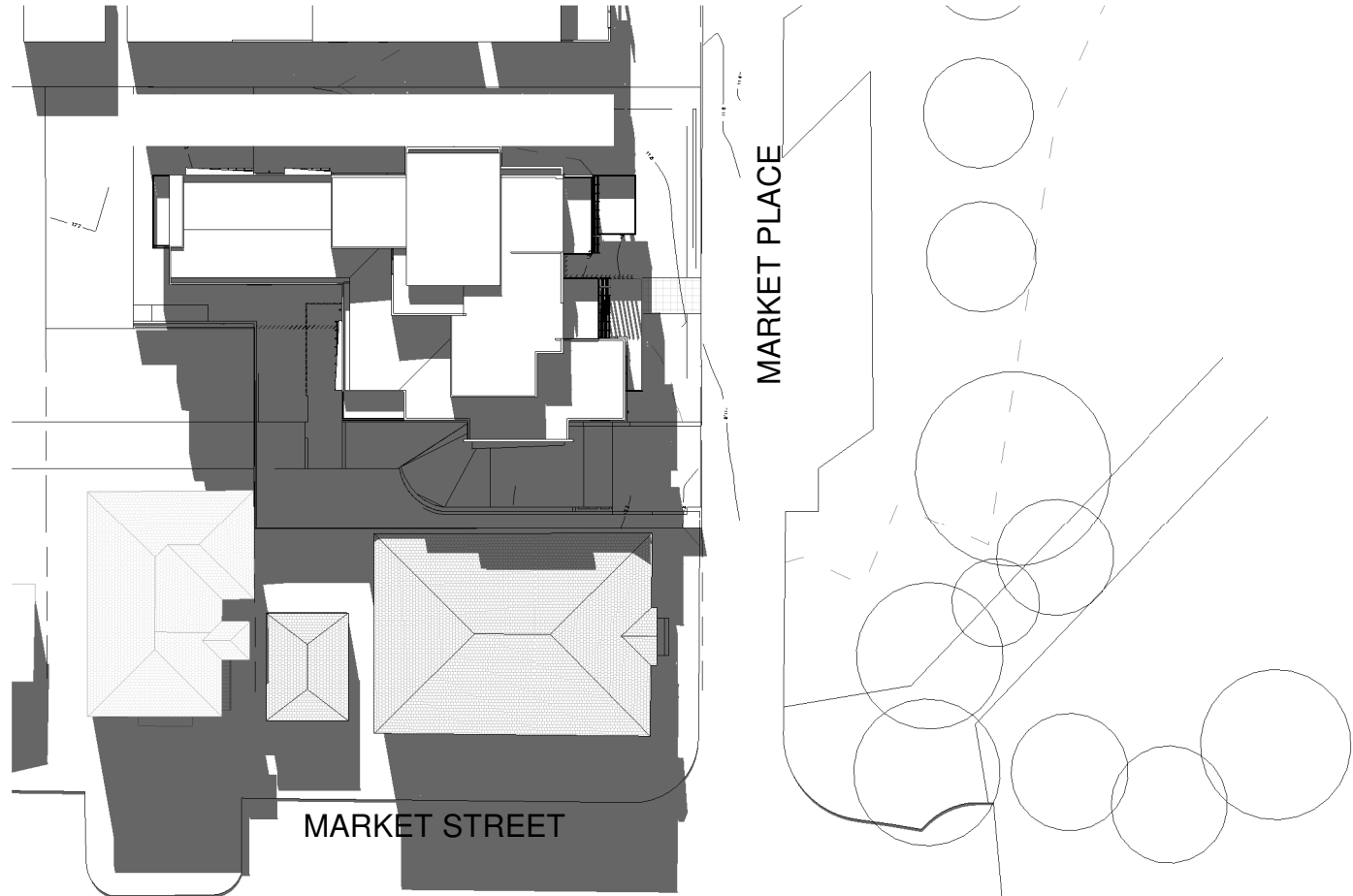
for:
**The Trustees for the Roman Catholic
Church Diocese of Wollongong**

stage: Development Application
job no: 17-28
sheet: Proposed Shadow Diagrams

drawn by: JS
approved: GB

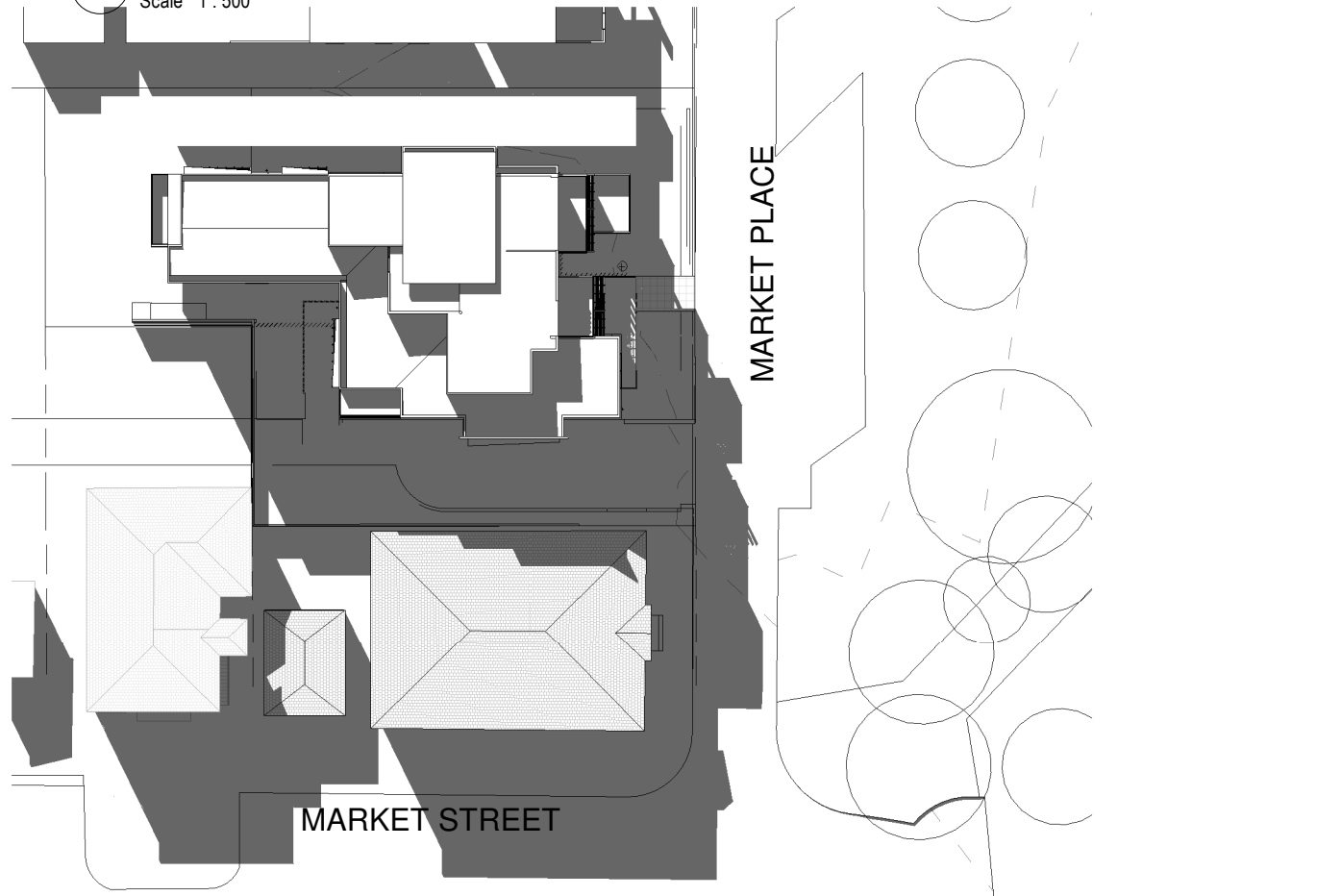
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dwg: DA35



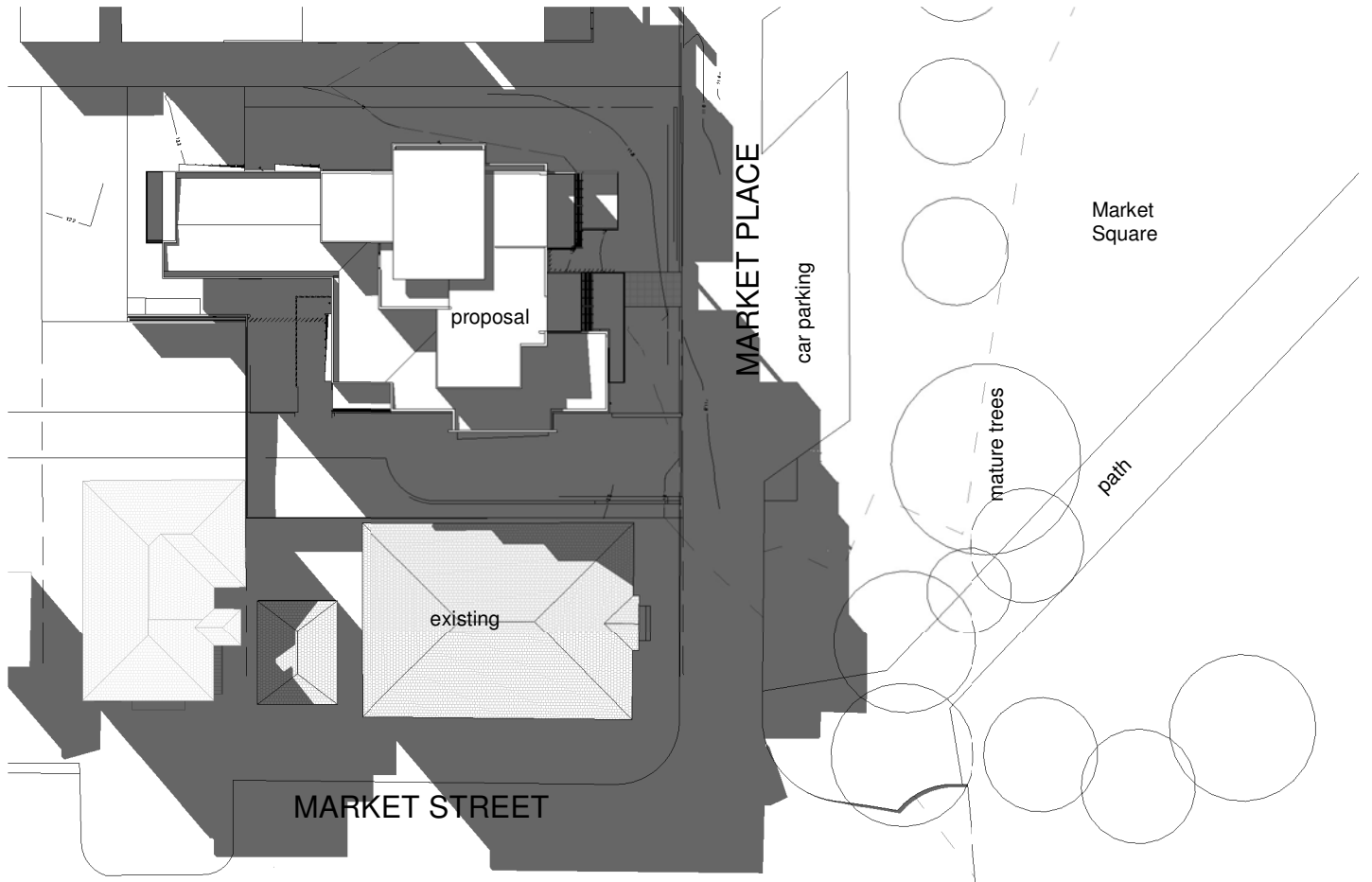
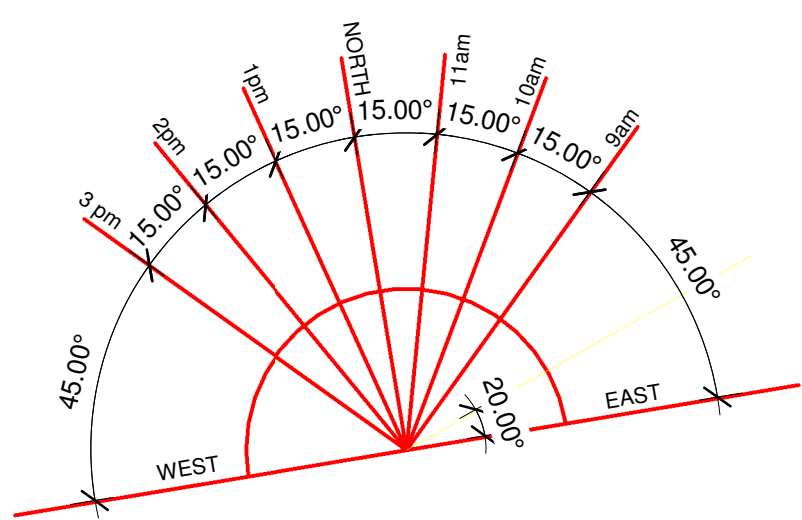
Shadow Diagram 21st June 12pm

Scale 1 : 500



Shadow Diagram 21st June 1pm

Scale 1 : 500



Shadow Diagram 21st June 2pm

Scale 1 : 500

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-	Nov/2019	Original DA Submission
-	Mar/2020	New DA Submission
A	Mar/2021	Responses to RFI matters
A	Jan/2020	Response to rejection

project:
Residential Flat Building
at:
16-18 Market Place, Wollongong

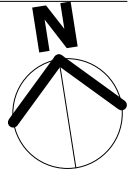
for:
**The Trustees for the Roman Catholic
Church Diocese of Wollongong**

stage: Development Application
job no: 17-28
sheet: Proposed Shadow Diagrams 2

drawn by: AU
approved: GB

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scale: 1 : 500
dwg: DA36



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No.	Date	Description
-	Nov/2019	Original DA Submission
-	Mar/2020	New DA Submission
A	Mar/2021	Responses to RFI matters



○ North East Shadow study 21st June 7am
Scale



○ North East Shadow study 21st June 7.30am
Scale



○ North East Shadow study 21st June 8am
Scale



○ North East Shadow study 21st June 8.30am
Scale

project:
Residential Flat Building
at:
16-18 Market Place, Wollongong

for:
**The Trustees for the Roman Catholic
Church Diocese of Wollongong**

stage: Development Application
job no: 17-28
sheet: Proposed Perspectives North East
Shadow Studies
drawn by: JS
approved: GB

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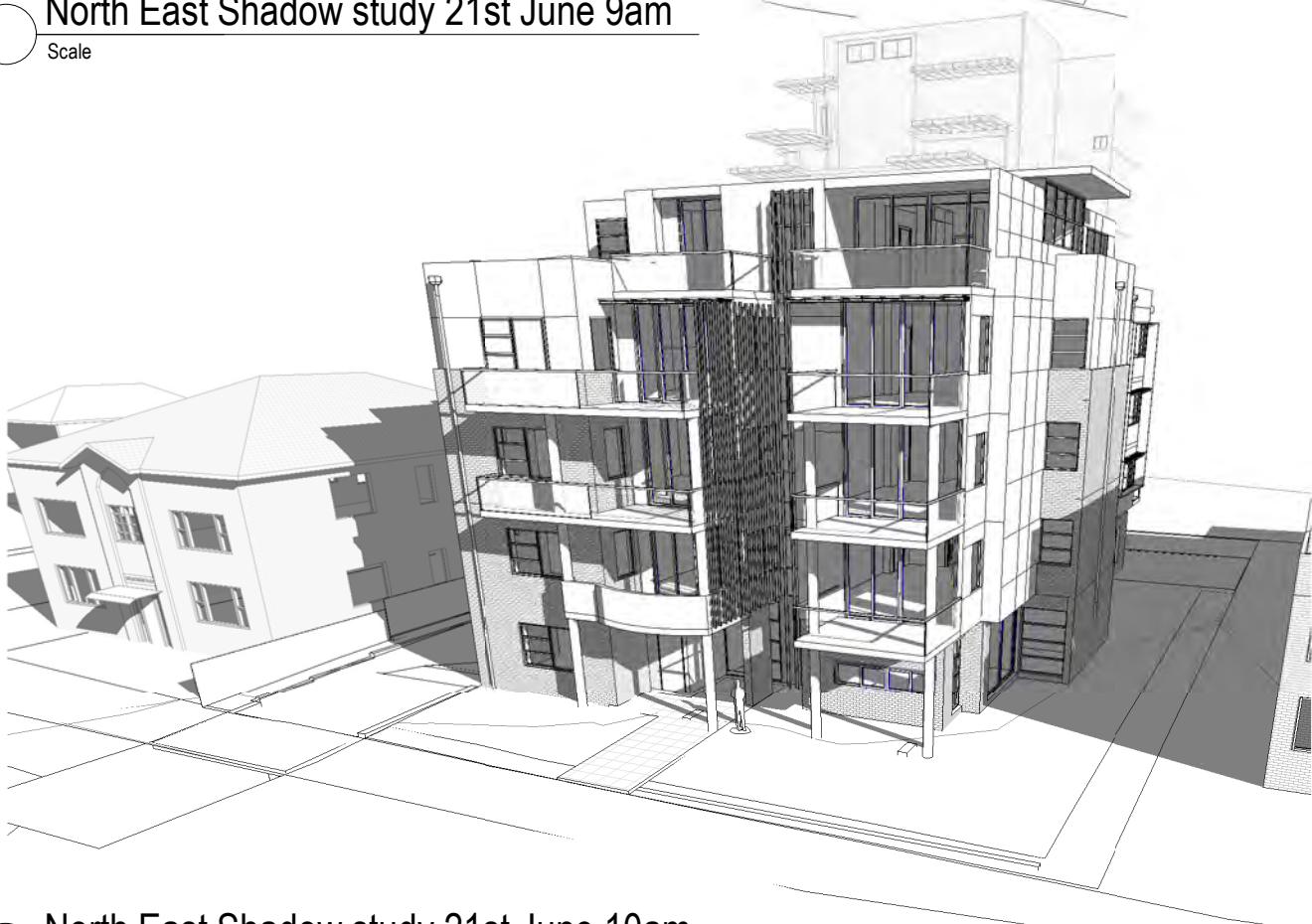
REVISION		
No.	Date	Description
-	Nov/2019	Original DA Submission
-	Mar/2020	New DA Submission
A	Mar/2021	Responses to RFI matters



○ North East Shadow study 21st June 9am
Scale



○ North East Shadow study 21st June 9.30am
Scale



○ North East Shadow study 21st June 10am
Scale



○ North East Shadow study 21st June 11am
Scale

project:
Residential Flat Building
at:
16-18 Market Place, Wollongong

for:
**The Trustees for the Roman Catholic
Church Diocese of Wollongong**

stage: Development Application
job no: 17-28
sheet: Proposed Perspectives North East
Shadow Studies 2
drawn by: JS, AB
approved: AU

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scale: dwg: **DA38**



○ North East Shadow study 21st June 12pm
Scale



○ North East Shadow study 21st June 1pm
Scale



○ North East Shadow study 21st June 2pm
Scale



○ North East Shadow study 21st June 3pm
Scale

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-	Mar/2020	New DA Submission
A	Mar/2021	Responses to RFI matters

project:
Residential Flat Building
at:
16-18 Market Place, Wollongong

for:
**The Trustees for the Roman Catholic
Church Diocese of Wollongong**

stage: Development Application
job no: 17-28
sheet: Proposed Perspectives North East
Shadow Studies 3
drawn by: JS, AB
approved: AU



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REVISION		
No.	Date	Description
-	Nov/2019	Original DA Submission
-	Mar/2020	New DA Submission
A	Mar/2021	Responses to RFI matters



North West Shadow study 21st June 9am
Scale



North West Shadow study 21st June 12pm
Scale



North West Shadow study 21st June 3pm
Scale

project:
Residential Flat Building
at:
16-18 Market Place, Wollongong

for:
**The Trustees for the Roman Catholic
Church Diocese of Wollongong**

stage: Development Application
job no: 17-28
sheet: Perspective North West Shadow
Studies
drawn by: JS
approved: GB

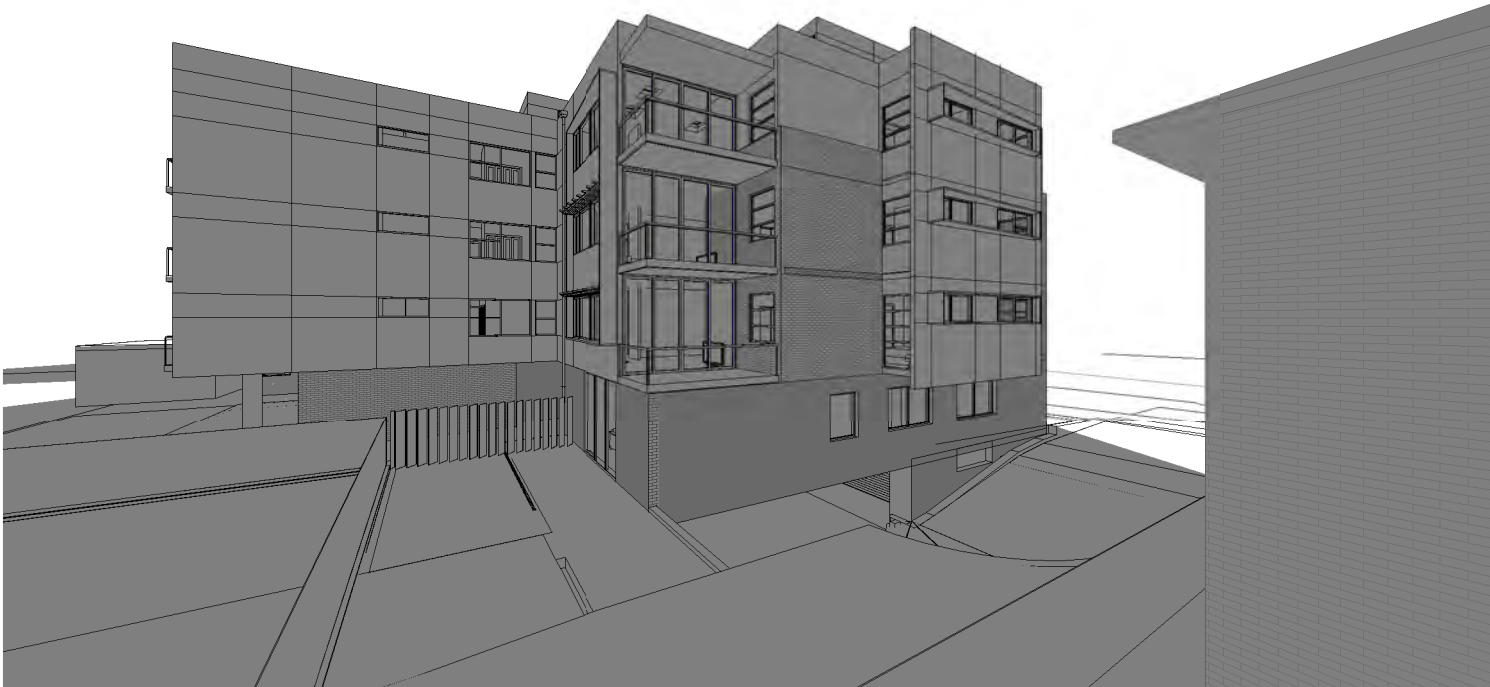



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 South West Shadow Study 21st June 9am
Scale



 South West Shadow Study 21st June 12pm
Scale



 South West Shadow Study 21st June 3pm
Scale

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REVISION		
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-	Mar/2020	New DA Submission
A	Mar/2021	Responses to RFI matters

project:
Residential Flat Building
at:
16-18 Market Place, Wollongong

for:
**The Trustees for the Roman Catholic
Church Diocese of Wollongong**

stage: Development Application
job no: 17-28
sheet: Perspective South West Shadow
Studies
drawn by: JS
approved: GB



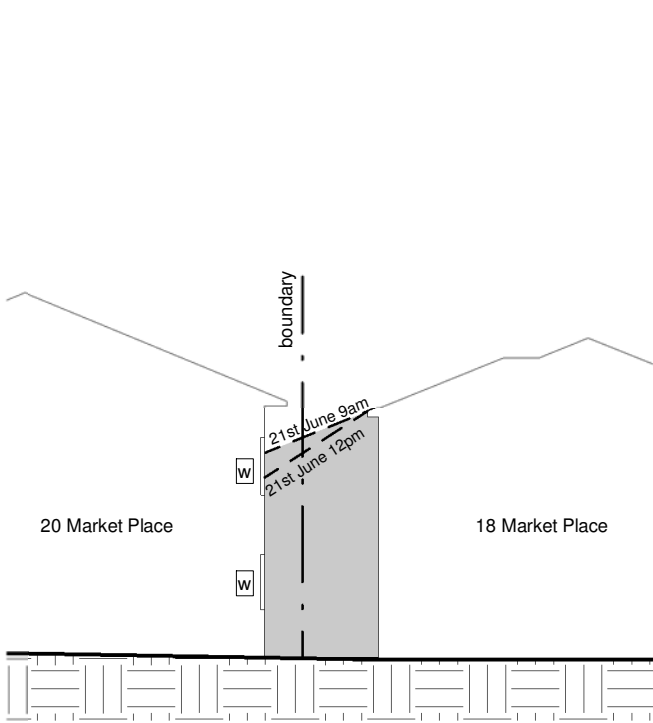
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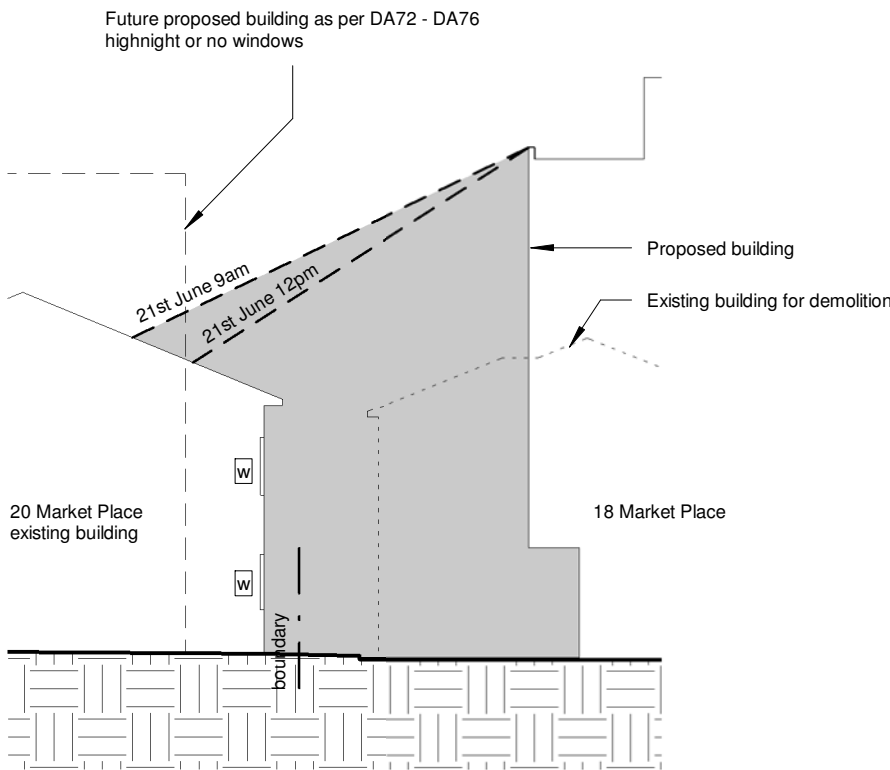
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No.	Date	Description
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A	Mar/2021	Responses to RFI matters



Existing Southern Sun study
Scale 1 : 200



Proposed Southern Sun Study
Scale 1 : 200

project:
Residential Flat Building
at:
16-18 Market Place, Wollongong

for:
**The Trustees for the Roman Catholic
Church Diocese of Wollongong**

stage: Development Application
job no: 17-28
sheet: Solar Access - South Elevation

drawn by: JS, AB
approved: AU



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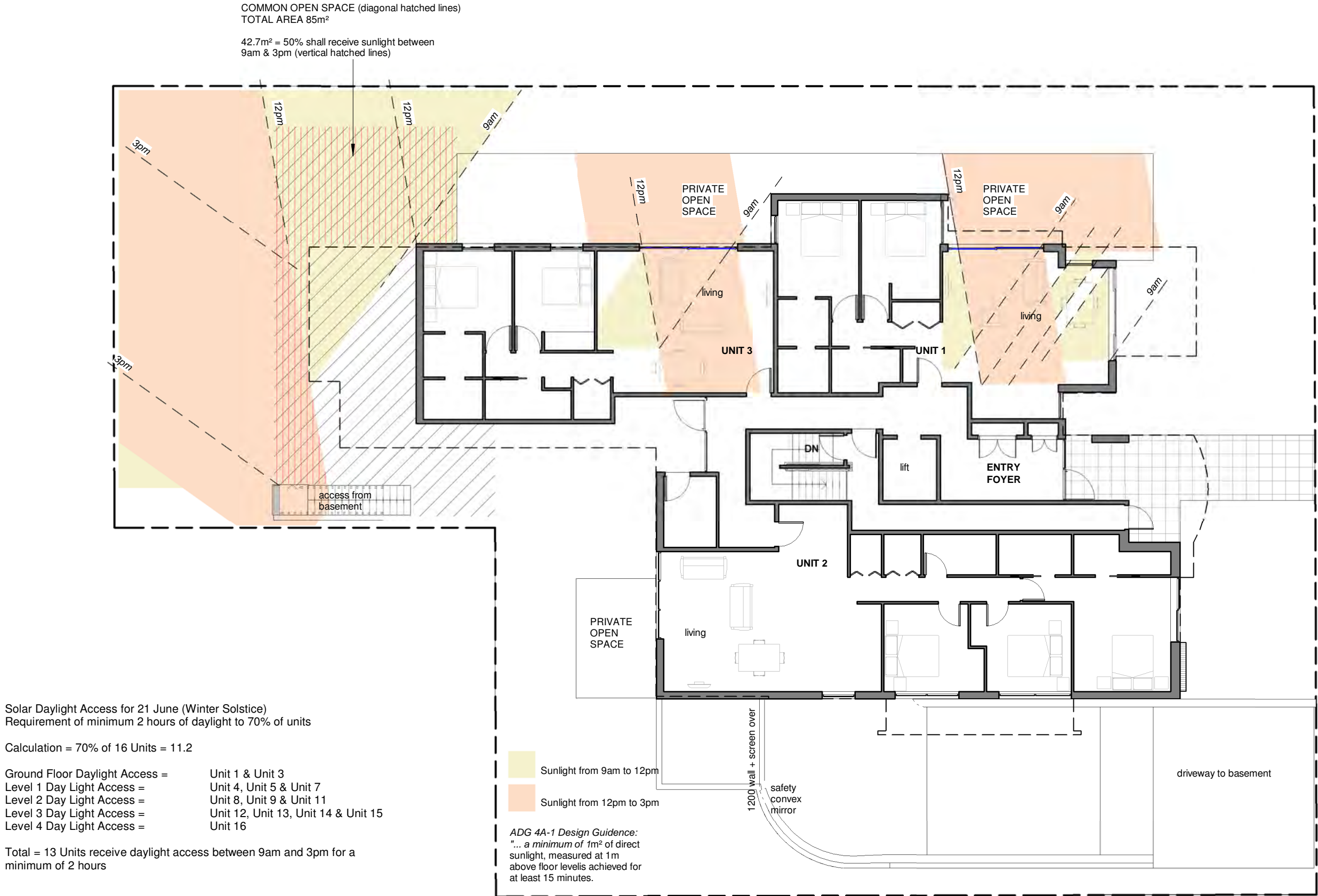
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Ground Floor Plan SOLAR ACCESS
Scale 1 : 150

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Residential Flat Building
at:
16-18 Market Place, Wollongong

for:
**The Trustees for the Roman Catholic
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stage: Development Application
job no: 17-28
sheet: Solar Access - Ground Floor

drawn by: JS
approved: GB

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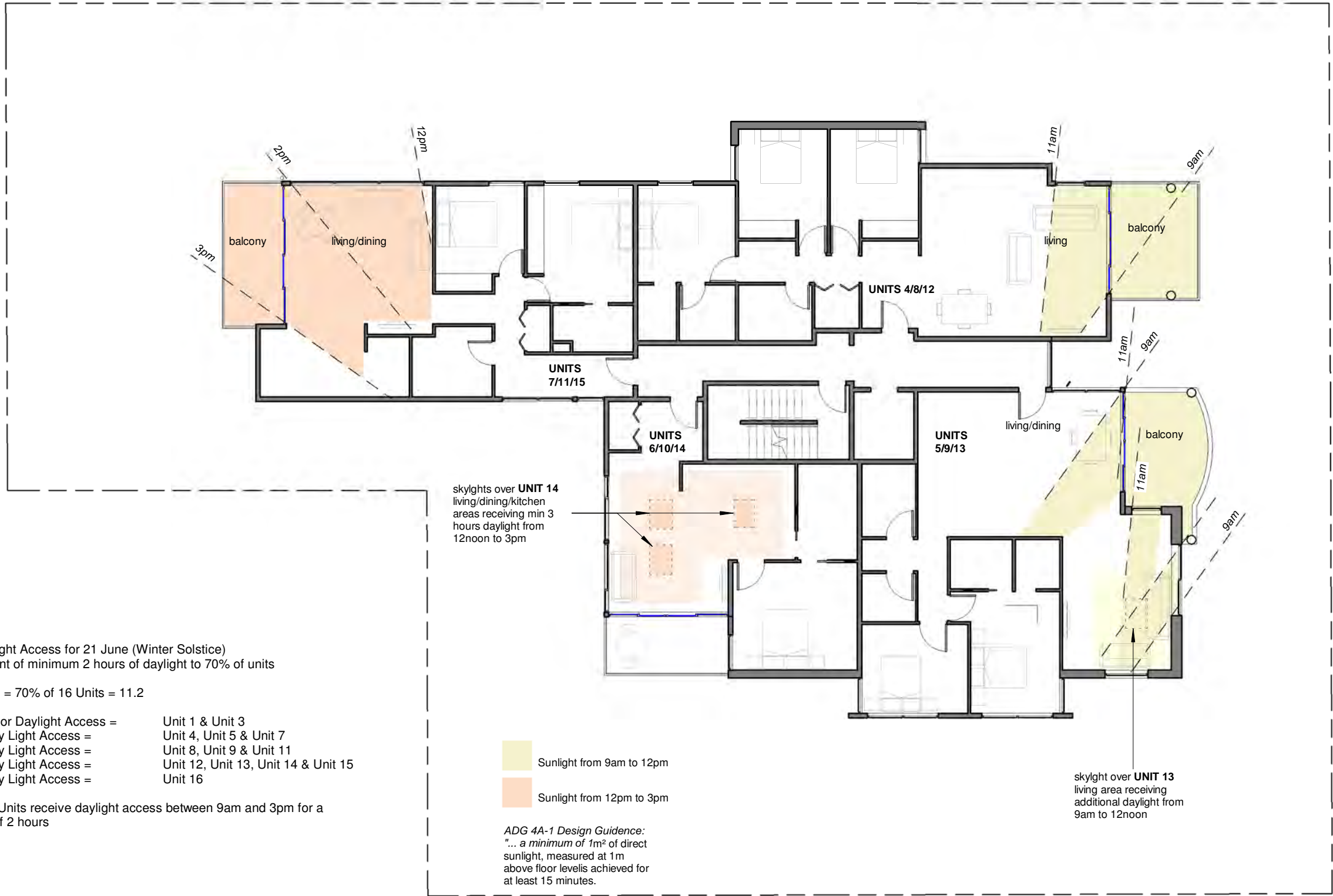
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scale: As indicated
dwg: DA43



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REVISION		
No.	Date	Description
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A	Mar/2021	Responses to RFI matters



Typical Plan Level 1/2/3 SOLAR ACCESS
Scale 1 : 150

project:
Residential Flat Building
at:
16-18 Market Place, Wollongong

for:
The Trustees for the Roman Catholic Church Diocese of Wollongong

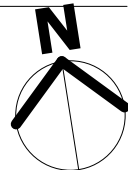
stage: Development Application
job no: 17-28
sheet: Solar Access - Typical Floors

drawn by: JS
approved: GB

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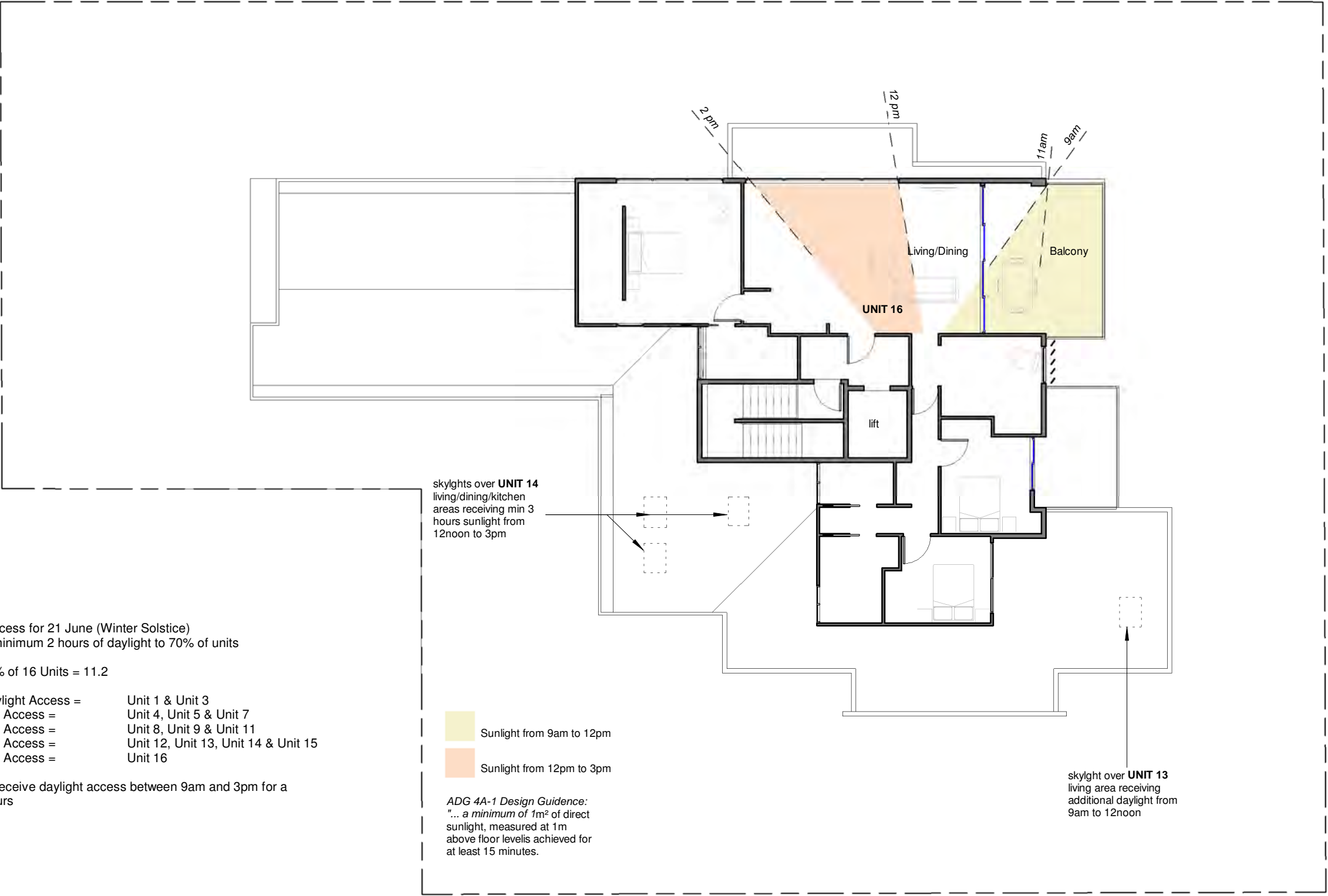
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scale: As indicated
dwg: DA44



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A	Mar/2021	Responses to RFI matters



Level 4 - Penthouse SOLAR ACCESS
Scale 1 : 150

project:
Residential Flat Building
at:
16-18 Market Place, Wollongong

for:
**The Trustees for the Roman Catholic
Church Diocese of Wollongong**

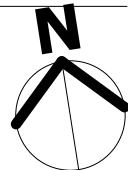
stage: Development Application
job no: 17-28
sheet: Solar Access - Penthouse

drawn by: JS
approved: GB

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scale: As indicated
dwg: DA45





31 March 2021

Geoff Borst
Director
Borst & Co. Architecture Pty Ltd
Suite 1, Level 1, 8 Regent Street
Wollongong, New South Wales

Dear Geoff,

**RE: HERITAGE ADVICE FOR
16 – 18 MARKET PLACE, WOLLONGONG, NEW SOUTH WALES**

Austral Archaeology Pty Ltd (Austral) has been engaged to provide heritage advice to assist with the proposed redevelopment at 16 – 18 Market Place, Wollongong New South Wales (NSW) [study area]. This advice is intended to address the request correspondence from Wollongong City Council dated 10 September 2020, specifically the comment that:

“Consideration should be given to reducing the scale of the proposal by 1 storey to reduce the pressure on the height limit of the site and allow for full height ceilings. Any exceedance of the heritage limit is unlikely to be supported on heritage grounds”

This advice is provided based on my role as the technical lead for the *Historical Heritage Assessment & Statement of Heritage Impact* (Biosis Pty Ltd 2020).

A review of the information supplied with the Development Application concerning this comment indicates that the reduction of the proposed building by one storey is not considered to have any demonstrable effect on the assessed impact of the proposed development. This is based on the following:

- A reduction of the proposed development by a single storey is unlikely to affect views from Market Square towards the item from the proposed five-storey residential flat building, due to the height of properties that form a backdrop to the rear of the study area, namely 22 Market Street, Wollongong and 105 – 109 Corrimal Street, Wollongong (see architects drawing DA22: Proposed Streetscape 1, dated 31/03/2021).
- Over-shadowing of Market Square (Item No. #6386) by the proposed development is unlikely to be significantly reduced. This is based on a review of architects drawing DA36 - Proposed Shadow Diagrams 2 (dated 31/03/2021).
- It is now observed that the revised architectural drawings achieve compliant full height ceilings without exceeding the building height limit.

Please do not hesitate to contact me on 0490 190 290 if you wish to discuss any aspect of this submission.

Yours sincerely,

Alexander Beben
Director
Austral Archaeology Pty Ltd

REFERENCES

Biosis Pty Ltd 2020, '16 - 18 Market Place, Wollongong NSW: Historical Heritage Assessment & Statement of Heritage Impact'.

SEPP 65

DESIGN STATEMENT AND RESPONSE TO DESIGN QUALITY PRINCIPALS



Proposed Residential Flat Development

at

16-18 Market Place WOLLONGONG NSW 2500

Issue: 31st March 2021

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1.0 INTRODUCTION

1.1 Introduction

This report accompanies a development application for a residential flat development at 16-18 Market Place, Wollongong NSW. The proposed development will incorporate the demolition of all existing dwellings/structures within the site to enable the construction of a new five (5) storey residential building, incorporating sixteen (16) apartments, including basement car parking facilities and associated site landscaping.

The development application has been assessed as a pre-lodgement submission and by the Design Review Panellists whose comments have been incorporated into the revised building design.

The following documents shall be referred to in conjunction with this report:

Architectural drawings	Borst & Co Architecture Pty Ltd
Statement of Environmental Effects	MMJ Wollongong
Landscape drawings	Create Landscape

1.2 Design Statement

I, Geoffrey R Borst, of Borst & Co Architecture, verify that I contributed to the design of this residential development, and that the nine design quality principals set out in SEPP 65 are achieved for the proposed five-storey development at 16-18 Market Street Wollongong NSW 2500.



Signature of Geoffrey R Borst

NSW Board of Architects Registration No.4898

Limitations:

- This report is based on an assessment of SEPP 65 issues only. It is assumed that compliance with SEPP 65 aspects of Council's planning instruments, the National Construction Code (NCC) and any issues related to services, heritage, contamination, structural integrity, legal matters or any matters is assessed by others.
- Borst & Co Architecture (BCA) holds copyright for this report. Any reference to or copying of the report or information contained in it must be referenced and acknowledged, stating the report's name and date and Borst & Co Architecture's authorship.

1.3 Purpose

SEPP 65 and the Apartment Design Guide – version June 2015 apply to residential flat buildings, shop top housing and the residential component of mixed use development. They apply to buildings that are three or more storeys and that have four or more dwellings where the development consists of the:

- *Erection of a new building*
- *Substantial redevelopment or refurbishment of an existing building*
- *Conversion of an existing building to a residential flat building.*

SEPP 65 refers to some parts of the Apartment Design Guide that must be applied when assessing development applications. Objectives, design criteria and design guidance in Parts 3 and 4 of this Apartment Design Guide that are referred to in SEPP 65 will prevail over any inconsistent DCP control. Parts 3 and 4 set out objectives, design criteria and design guidance for the siting, design and amenity of residential apartment development.

*Certain design criteria referred to in SEPP 65 cannot be used as a reason to refuse a development application, if complied with. This submission is intended as a **guide** to indicate general compliance.*

-(Apartment Design Guide)

The proposal is for the erection of a new building which is a 5 storey residential flat building with basement car parking. The proposal has been designed and documented using the Apartment Design Guide along with other legislative documents such as the Local Environmental Policy and Development Control Plan (Wollongong).

This report outlines compliance and responses to Parts 3 and 4 of the Apartment Design Guide.

1.4 Local Character and Context

Good design responds and contributes to its context. Context is everything that has a bearing on an area and comprises its key natural and built features. Context also includes social, economic and environmental factors.

Understanding the context means understanding how the inter-relationships between all these factors, including between the local area and the region, will impact on the area over time.

The process of defining the context's setting and scale has direct implications for design quality of apartments. It establishes the parameters for individual development and how new buildings should respond to and enhance the quality and identity of an area.

Desired future character

The desired future character can vary from preserving the existing look and feel of an area to establishing a completely new character based on different uses, street patterns, subdivisions, densities and typologies.

Establishing the desired future character is determined through the strategic planning process in consultation with the community, industry and other key stakeholders. Understanding the context during this process is crucial to support change and determine appropriate building types and planning controls.

-(Apartment Design Guide)

The proposal is situated on Market Place which is within the Wollongong City Centre. The immediate area comprises of Market Square situated to the east of the proposal. Market Square is an identified heritage green space surrounded by mature trees. The proposal does not have adverse effect on Market Square. The proposal meets planning controls such as compliant building heights and setbacks for solar impact onto the space.

The surrounding area (to Market Street) is a developing area with residential flat buildings and ground floor commercial premises.

The immediate surrounding area (Market Place) is a fully residential area with flat buildings and a newly approved residential flat building (no. 2). The proposal is appropriate to the existing residential character of the street as commercial components are not proposed. The proposal is in accordance with guidelines and controls and will not adversely impact the neighbouring environment.

Desired future character

The proposal is preserving the residential character of Market Place. Facebrick will be used generally on the building to match the traditional building materials evident with existing streetscape. Low to no maintenance prefinished fibre cement will be used to the remaining areas of the façade matching the existing more recent contemporary residential buildings seen beyond the streetscape. These materials will be low maintenance and also tie into the existing character of the area. This is the desired future character as opposed to the exact matching of the 1970 -1980 buildings currently seen in the streetscape. The consolidation of properties as opposed to the subdivision of properties are desired for the future character of this area,

1.5 Apartment Building Types

Apartment development occurs in a variety of arrangements, configurations and types. Apartments can occupy different sized lots from large redevelopment areas to small infill sites, can consist of a mix of building types or uses and be situated in suburban, transitional or inner city locations.

The generic apartment building type includes three dimensional and organisational characteristics and provide a high level overview of apartment development. They can be used during the strategic planning phase to:

- *Determine the appropriate scale of future built form*
- *Communicate the desired character of an area*
- *Assist when testing envelope and development controls to achieve high amenity and environmental performance of future buildings.*

-(Apartment Design Guide)

2.0 OTHER ITEMS

(a) Internal Circulation

Each foyer serves a maximum of four units per floor (recommended maximum of units = 8). Corridor lengths are minimised with access to natural light and ventilation

(b) Storage

- i. Secure storage areas are provided in the Basement level to meet minimum size requirements.
- ii. Wardrobes are included in all bedrooms. Walk-in-robos to master bedrooms
- iii. Laundry and linen cupboards are also included

(c) Acoustic Privacy

Construction of separation walls between units and public corridors as a minimum is cement rendered 140mm thick brickwork which meets NCC requirements for this class of building. Units are also separated by the main connecting public corridors.

(d) Daylight Access

- i. 13 Units receive minimum 2 hours solar access and daylight.
- ii. Units 2, 6 & 10 are south west oriented units and fall under the maximum 15% of the overall unit calculation for no direct sunlight access within the winter solstice of 9am to 3pm. The site has an east to west orientation.

- iii. Unit 14 is a southwest oriented unit with skylights proposed for direct solar access to be achieved.
- iv. Note: As per the 4A-1 design guidance, these units receive a minimum of 1.0m² for at least 15min.

(e) Natural Ventilation

- i. All apartments are “corner” orientated
- ii. Where possible bathrooms and ensuites are naturally ventilated
- iii. Most kitchens are located on outer walls with windows. Generally the apartment layouts are open plan and are within the maximum 8m depth as outlined in the Apartment Design Guide clause 4D.

(f) Energy Ratings

- i. All units are BASIX compliant

3.0 DESIGN QUALITY PRINCIPLES (SEPP 65)

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.

Aims

The proposed development is located in an area primarily dominated by 2 and 3 storey and up to 5 storey residential flat buildings. Some of these existing buildings have high pitched tiled roofs which add to their bulk and height. As the precinct is now zoned for higher density developments, the streetscape, as a result, is expected to change. It is noted that taller residential developments are adjacent to the site in the locality.

Urban Fabric

This locality is in the historic Wollongong "Market Square" precinct originally developed in the early 19th century. Existing dwellings date between 1930's to early 1970's. Since the 1970's and improved public transport, this area has been subject to increased density in the form of "walk up" flats and more recently, high rise apartments. It is expected that accelerated development of medium to high density residential developments will occur.

Context

Market Place, between Market and Harbour Streets at present is predominately original housing stock. It is noted that the majority of Market Place, in contrast, is primarily developed with "walk-up" flats. The proposed development is located on the west side of Market Place.

Response

After analysis and synthesis of all planning information, the site and its context, the proposed development will respond to the site and surrounds as follows:

- Comply generally to all planning controls associated with the zoning
- Respect the amenity of adjoining properties even though the area and streetscape will undergo change in the near future
- Provide durable external walls surfaces to minimise maintenance
- Designed to respect the topography of the site and existing natural features (ie slope away from Market Place and existing mature trees in the green space).
- A building with visual diversity that responds to and respects the street context.

Summary

Generally, the Apartment Design Guide (ADG) aims to improve the design of residential apartments, which have been applied in this project. Consideration of WLEP 2009 Clause 7.18 "Design Excellence" in Wollongong City Centre and at key sites is also included. The SEPP and associated ADG are generally focussed on the insertion of new buildings into an already developed **urban** environment. In this case, the character of the surrounding precinct consists of buildings ranging from single to low rise (3 storeys) residential and high rise residential flat buildings. There is limited common appearance or character e.g. style, form, use of materials in the surrounding precinct for newer development. The present context is less relevant than the proposed future context because this area is subject to development pressure. This precinct is undergoing rapid change, being conveniently located near Wollongong CBD and the Wollongong Harbour tourist precinct, it is apparent that while this development will be "out of context" physically in the short term, it will be the forerunner for future similar permissible developments.

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.

Aims:

The morphology of the built forms described in this principle is to:

- Provide reasonable levels of solar access and natural ventilation to residential units
- Provide a reasonable sense of space and privacy
- Provide reasonable views to Market Square green space, harbour and the ocean views beyond, while reducing view loss for adjacent properties.

Response

- (a) Height: the proposed building height at the street elevation complies and is less than Council's requirement of 16 metres. Clearly, this is higher than existing building stock, however, is in accord with the desired future character of the area and adjacent surrounding newer developments.
- (b) Width: the overall width of the proposed building is also significantly greater than adjacent housing stock (which are located on single lots). In this case, the proposed building width is constrained by the combined lot widths and required side setbacks, so that the building "footprint" is relatively narrow and elongated, this assisting in reducing apparent bulk.
- (c) Scale and Detail: the building's street elevation is composed of a variety of forms, materials, finishes and colours ie rather than a simplistic monochromatic "slab" type approach. The intention is to break down the overall form of the building into a more sympathetically scaled composition while providing good separation with existing neighbouring buildings.

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.

Aims

- To ensure the development complies with Council planning requirements
- To ensure density is within the optimum capacity for the site and precinct

Response

The proposed development complies with the permissible density for the zoning and precinct. During the design process, an effort has been to consider the overall built form and envelope. The proposed development is within the maximum F.S.R. allowed for this site. A range of residential types and sizes offer the community opportunity and diversity. The floor area of each unit is generally spacious and retains amenity through careful design and room dimensioning.

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.

Aims

- To minimise demand on energy resources
- To maximise natural light and ventilation for the improvement of indoor air quality and user wellbeing.

Response

The following passive solar design principles have been applied during the design process:

- Orientation and aspect. The building has been designed to maximise solar penetration in winter and minimise solar penetrations in summer, natural ventilation and endeavour to provide a balance between privacy and amenity.
- Units have been given an east to north orientation (for minimum required hours of solar penetration), and southern and western orientation (for natural ventilation)
- The majority of units will have views except for some ground level units (which will have views into the private garden and landscape spaces located on site).
- Waste disposal and recycling will be carried out as per Wollongong City Council requirements. Garbage storage areas are located in the basement.
- Associated lockable storage areas are located on the Basement level. This will allow good access by residents' while being located away from private areas.
- Water Management: Refer to BASIX commitments for specified inclusions and commitments; i.e. water tanks are provided above ground to meet basix requirements. Will be used for private gardens and landscape irrigation as well as for toilet flushing for the outdoor communal toilet.
- Energy: Refer to BASIX commitments for all energy commitments, ie lighting, appliances rating and thermal insulation.

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 usability, privacy and opportunities for social interaction, equitable access, respect for neighbours' amenity, provides for practical establishment and long term management.

Aims

- To improve quality of life for residents by providing improved outlook, increased privacy, and access to outdoor space for all units.

Response

This issue can be subdivided into 2 parts:

Part 1: "soft landscaping" due to the nature of the development, "soft landscaping" in the public domain is modest in extent, this results from:

- "safer by design" and vandalism issues
- solar access at street level (south and east orientation)

Part 2: "hard landscaping" this includes paving treatments to common areas, walkways, driveway and public domain.

Careful consideration has been given to materiality concerning maintenance, slip resistance and integration with the design aspects of the built form.

- Podium/Ground Level has been landscaped with:
 - Private open space for units; each area has its own planter garden to add/control privacy and views
 - Fully landscape areas will offer climate control, visual relief and enhance the air quality and living experience.
- A communal covered outdoor space with access to amenities has been provided for recreational use.
- Private open spaces are provided for each unit on the ground level.
- Good landscape design integrates the building and open space to provide aesthetic quality for the residents. The design optimise usability, providing privacy for the residents with reasonable access and respect for neighbour's amenity and provide for long term establishment.
- The streetscape will provide new street trees to Council requirements and paving to the footpath zone will comply with Council's paving policy.
- The Market Place green space shall become a valued breakout area for the residence.

Principle 6: Amenity

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

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

Aims

- To ensure the unit layouts are functional and well organised
- Provide a range of accommodation styles providing for different household requirements and accessibility needs

“Desirable”, “Useful”, “Pleasant”, “Attractive” are common definitions of this term, however the sense of being both useful and pleasant are thereby contributing to the experience of residents and visitors in its intended focus.

Response

- A range of differing floor plans have been offered with a mix of 1, 2 and 3 bedroom units.
- It is expected that a range of family types will be attracted to live in this building.
- Generally:
 - Master bedrooms are supplied with an Ensuite (most with external access to natural light and ventilation)
 - Most bathrooms have access to natural light and ventilation
 - Back of most kitchens are less than 8m from windows, are adjacent to windows or have the majority of their floor space within the 8m limitation
 - Most balconies have northern orientation and are directly connected to bed 1 and/or living areas
 - Units are generally open plan with minimum use of circulation corridors to living areas and bedrooms have direct access to natural ventilation and light
 - Unit layouts offer flexibility in layout for functional use and furnishings
 - Habitable areas are generally located on external walls
 - Ceiling heights are 2.7m throughout with 2.4m ceiling heights in bathroom, ensuites and halls

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.

Aims

Residential unit developments should be safe and secure for residents and assist in public domain security and enhance the wellbeing of the residents.

“Safer by Design” principles are as follows:

i. Surveillance

Surveillance is about creating environments to keep users under observation. It aims to provide opportunities for people engaged in their normal daily business to observe the space around them. Natural surveillance means creating clear sightlines by designing the placement of physical features, such a way so that maximum visibility and positive interaction occurs among all users of the space. In this case quality surveillance has been achieved by implementing the following:

- Public spaces can be observed from nearby buildings
- Clear sightlines exist between public and private places
- Effective lighting of public places is provided
- “Hidden corners” that facilitate entrapment are eliminated
- Appropriate landscaping is used to prevent offenders finding a place to hide or entrap victims
- Security fencing and gates are provided at the street frontage

ii. Access Control

Access control is about decreasing opportunities for crime, by controlling access and by creating a perception of risk to a potential offender. Physical and symbolic barriers can be used to arrange the movement of people. In this case effective access control has been achieved by creating:

- Footpaths that direct pedestrians into safe areas
- Public spaces which attract people into the area and discourage intruders
- Restricted access to internal areas or high-risk areas like car parks (by doors, shrubs, fences and gates)

iii. Territorial Reinforcement

Territorial reinforcement is about clearly defining private space from semi-public and public space in order to create a sense of ownership. The created ownership shows that the owner has a vested interest in the location, which in turn, challenges intruders. Pavement treatment, signs, lighting and landscaping have been used to define public, semi-public and private space. Territorial reinforcement has been achieved through:

- Design with a clear distinction public and private spaces by using physical barriers (eg fences) and symbolic barriers (eg vegetation)
- A common area design which encourages people to gather in a public space has been provided to the rear of the site.

iv. Space Management/Maintenance

Space management involves the formal supervision, control and care of urban space. A well-maintained public urban environment assists in sustaining confidence and helping to control

vandalism, crime or fear of crime. Space management strategies including the following will be implemented:

- Site cleanliness
- Vandal resistant materials and fixtures
- Rapid repair of vandalism and graffiti
- Well maintained landscaping
- Well maintained pedestrian and car park lighting
- Well maintained public infrastructure (e.g. seats, signs, bollards etc)

Steps and walkways achieve compliance with NCC 2019 and AS 1428.1-2009

Response

- Passive surveillance: the proposed street frontage is extensive with opportunities of overlooking the street from all residential levels. The frontage is primarily turfed.
- Control of access: access points to the building are reinforced by lighting and selection materials.
- Legible circulation systems, are provided, will ensure the safety of users by:
 - Locating clearly demarcated residential entries directly from the street
 - Clearly distinguishing residential entries and vertical access points
- There is good visibility and clear sight lines within public spaces e.g. foyers, lobbies, car parking, with no “hidden corners”, to allow good surveillance by users.

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, providing opportunities for social interaction amongst residents.

Aims

To provide a range of housing types which cater for different household requirements both at present and to anticipate future trends.

Response

- Range of unit types
- A variety of floor plans and sizes are offered
- Increased opportunities for housing will assist urban consolidation by providing new housing close to existing services and transport and offer the opportunity to create a sustainable community
- Units vary from 1, 2 and 3 bedrooms

Number of bedrooms / Unit types	
Unit No.	Number of Bedrooms
6, 10, 14	1 (units 10 and 14 to be adaptable)
1, 3, 5, 9, 13, 7, 11, 15	2
2, 4, 8, 12, 16	3

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

Aims

- To promote high quality of design in high density residential accommodation
- To ensure that new developments help define the future high rise residential domain
- To provide a development with minimal maintenance to external surfaces (ie primary use of facebrick, prefinished fibrecement and glass)

Response

Generally:

- The proposed development has been designed with differing facade elements (facebrick, painted or prefinished fibrecement and obscure glass) and articulated facade surfaces to reduce and bring texture and play of light and shade on the elevations.
- Entry to the building is clearly defined and has a different character.
- Amenity:
 - Views to Market Square green space are available from the majority of the units (9 in total)
 - Large balconies allow for outdoor living and indoor/outdoor connection
 - Materials and colours are designed to accentuate the face surfaces

Specifically:

- Windows/doors: laminated clear glass in powdercoat frames (refer BASIX requirements)
- External walls are facebrick and prefinished fibrecement cladding panels
- The elevations are modelled due to:
 - The plan form for the building
 - Covered balconies
 - Projecting balconies are used to further breakdown massing
 - Respecting the masonry massing of the existing 2 and 3 storey surrounding older style apartments
 - The upper penthouse level is recessed to comply with the sun plane study and visually reinforces a building of lesser height

SEPP 65

APARTMENT DESIGN COMPLIANCE ANALYSIS – PARTS 3 & 4 (Objectives)



Proposed Residential Flat Building

at

16-18 Market Place WOLLONGONG NSW 2500

Issue: 31st March 2021

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PART 3 Siting the development

3A Site Analysis		
Item	Proposal / Response	Note
3A-1: Site location plan <i>A plan showing the wider context that identifies the site in relation to retail and commercial areas, community facilities and transport.</i>	Noted	
3A-2: Aerial photograph <i>A colour aerial photograph of the development site and surrounding context.</i>	Noted	
3A-3: Local context plan <i>Plan drawing(s) of the existing features of the local context including relevant sections and elevations should also be provided, especially for sloping sites.</i>	Noted	
3A-4: Site context and survey plan <i>Plan and section drawings of existing site features including properties that are adjoining and on the other side of the street, together with appropriate written material.</i>	Architectural drawings are in reference to the detailed site survey.	
3A-5: Streetscape elevations and sections <i>Photographs and drawings of nearby existing buildings help explain the existing scale of the area, the spacing of development and the local architectural character.</i>	Noted	
3A-6: Analysis <i>These plans and sections synthesise and interpret the context, streetscape and site documentation into opportunities and constraints that generate design parameters.</i>	Noted	
Objective 3A-1 <i>Site analysis illustrates that design decisions have been based on opportunities and constraints of the site conditions and their relationship to the surrounding context</i>	Noted	

3B Orientation		
Item	Proposal / Response	Note
Objective 3B-1 <i>Building types and layouts respond to the streetscape and site while optimising solar access within the development</i>	Achieved. Refer to Architectural Plans	
Objective 3B-1 Design guidance <i>Buildings along the street frontage define the street, by facing it and incorporating direct access from the street.</i>	Direct street access into the building is achieved.	
Objective 3B-2 <i>Overshadowing of neighbouring properties is minimised during mid winter</i>	Setbacks are building height is compliant.	
Objective 3B-2 Design guidance <i>Living areas, private open space and communal open space should receive solar access in accordance with sections 3D Communal and public open space and 4A Solar and daylight access</i>	Achieved. Refer to Architectural Plans	
Objective 3B-2 Design guidance <i>Solar access to living rooms, balconies and private open spaces of neighbours should be considered</i>	Noted	
Objective 3B-2 Design guidance <i>Where an adjoining property does not currently receive the required hours of solar access, the proposed building ensures solar access to neighbouring properties is not reduced by more than 20%</i>	Noted	
Objective 3B-2 Design guidance <i>If the proposal will significantly reduce the solar access of neighbours, building separation should be increased beyond minimums contained in section 3F Visual privacy</i>	Noted	
Objective 3B-2 Design guidance <i>Overshadowing should be minimised to the south or down hill by increased upper level setbacks</i>	Noted	
Objective 3B-2 Design guidance <i>It is optimal to orientate buildings at 90 degrees to the boundary with neighbouring properties to minimise overshadowing and privacy impacts, particularly where minimum setbacks are used and where buildings are higher than the adjoining development</i>	Noted	
Objective 3B-2 Design guidance <i>A minimum of 4 hours of solar access should be retained to solar collectors on neighbouring buildings</i>	Noted	

3C Public domain interface

Item	Proposal / Response	Note
Objective 3C-1 <i>Transition between private and public domain is achieved without compromising safety and security</i>	Noted	
Objective 3C-1 Design guidance <i>Terraces, balconies and courtyard apartments should have direct street entry, where appropriate</i>	N/A	
Objective 3C-1 Design guidance <i>Changes in level between private terraces, front gardens and dwelling entries above the street level provide surveillance and improve visual privacy for ground level dwellings</i>	N/A	
Objective 3C-1 Design guidance <i>Upper level balconies and windows should overlook the public domain</i>	Noted	
Objective 3C-1 Design guidance <i>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</i>	N/A	
Objective 3C-1 Design guidance <i>Length of solid walls should be limited along street frontages</i>	N/A	
Objective 3C-1 Design guidance <i>Opportunities should be provided for casual interaction between residents and the public domain. Design solutions may include seating at building entries, near letter boxes and in private courtyards adjacent to streets</i>	N/A	
Objective 3C-1 Design guidance <i>In developments with multiple buildings and/or entries, pedestrian entries and spaces associated with individual buildings/entries should be differentiated to improve legibility for residents, using a number of the following design solutions:</i> <ul style="list-style-type: none"> • Architectural detailing • Changes in materials • Plant species • colours 	N/A	
Objective 3C-1 Design guidance <i>Opportunities for people to be concealed should be minimised.</i>	Noted	
Objective 3C-2 <i>Amenity of the public domain is retained and enhanced</i>	Noted	
Objective 3C-2 Design guidance <i>Planting softens the edges of any raised terraces to the street, for example above sub-basement car parking</i>	N/A	
Objective 3C-2 Design guidance <i>Mail boxes should be located in lobbies, perpendicular to the street alignment or integrated into front fences where individual street entries are provided</i>	Noted	
Objective 3C-2 Design guidance	Noted	

<i>The visual prominence of underground car park vents should be minimised and located at a low level where possible</i>		
Objective 3C-2 Design guidance <i>Substations, pump rooms, garbage storage areas and other service requirements should be located in basement car parks or out of view</i>	Noted	
Objective 3C-2 Design guidance <i>Ramping for accessibility should be minimised by building entry location and setting ground floor levels in relation to footpath levels</i>	Noted	
Objective 3C-2 Design guidance <i>Durable, graffiti resistant and easily cleanable materials should be used</i>	Noted	
Objective 3C-2 Design guidance <i>Where development adjoins public parks, open space or bushland, the design positively addresses this interface and uses a number of the following design solutions:</i> <ul style="list-style-type: none"> <i>street access, pedestrian paths and building entries which are clearly defined</i> <i>paths, low fences and planting that clearly delineate between communal/private open space and the adjoining public open space</i> <i>minimal use of blank walls, fences and ground level parking</i> 	Noted	
Objective 3C-2 Design guidance <i>On sloping sites protrusion of car parking above ground level should be minimised by using split levels to step underground car parking</i>	N/A	

3D Communal and public open space

Item	Proposal / Response	Note
Objective 3D-1 <i>An adequate area of communal open space is provided to enhance residential amenity and to provide opportunities for landscaping</i>	Noted	
Design criteria 3D-1 <i>1. Communal open space has a minimum area equal to 25% of the site.</i>	Common Open Space (85sqm) is calculated as per Development Control Plan and is adjacent to the Deep Soil Zone, which is separately calculated. Refer to Architectural Plans	
Design criteria 3D-2 <i>2. Developments achieve a minimum of 50% direct sunlight to the principal usable part of the communal open space for a minimum of 2 hours between 9am and 3pm on 21 June (mid winter)</i>	Noted. Refer to architectural plan DA43	
Objective 3D-1 Design guidance <i>Communal open space should be consolidated into a well designed, easily identified and usable area</i>	Noted	
Objective 3D-1 Design guidance <i>Communal open space should have a minimum dimension of 3m, and larger developments should consider greater dimensions</i>	Achieved	

Objective 3D-1 Design guidance Communal open space should be co-located with deep soil areas	Noted- Adjacent to deep soil zone	
Objective 3D-1 Design guidance Direct, equitable access should be provided to communal open space areas from common circulation areas, entries and lobbies	Achieved	
Objective 3D-1 Design guidance Where communal open space cannot be provided at ground level, it should be provided on a podium or roof	N/A	
Objective 3D-1 Design guidance Where developments are unable to achieve the design criteria, such as on small lots, sites within business zones, or in a dense urban area, they should: <ul style="list-style-type: none"> • provide communal spaces elsewhere such as a landscaped roof top terrace or a common room • provide larger balconies or increased private open space for apartments • demonstrate good proximity to public open space and facilities and/or provide contributions to public open space 	N/A	
Objective 3D-2 Design criteria Communal open space is designed to allow for a range of activities, respond to site conditions and be attractive and inviting	Noted	
Objective 3D-2 Design guidance Facilities are provided within communal open spaces and common spaces for a range of age groups (see also 4F Common circulation and spaces), incorporating some of the following elements: <ul style="list-style-type: none"> • seating for individuals or groups • barbecue areas • play equipment or play areas • swimming pools, gyms, tennis courts or common rooms 	Noted	
Objective 3D-2 Design guidance The location of facilities responds to microclimate and site conditions with access to sun in winter, shade in summer and shelter from strong winds and down drafts	Noted	
Objective 3D-2 Design guidance Visual impacts of services should be minimised, including location of ventilation duct outlets from basement car parks, electrical substations and detention tanks	Noted	
Objective 3D-3 Design guidance Communal open space is designed to maximise safety	Noted	
Objective 3D-3 Design guidance Communal open space and the public domain should be readily visible from habitable rooms	Noted	

<p>and private open space areas while maintaining visual privacy. Design solutions may include:</p> <ul style="list-style-type: none"> • bay windows • corner windows • balconies 		
<p>Objective 3D-3 Design guidance Communal open space should be well lit</p>	Noted	
<p>Objective 3D-3 Design guidance Where communal open space/facilities are provided for children and young people they are safe and contained</p>	Noted	
<p>Objective 3D-4 Public open space, where provided, is responsive to the existing pattern and uses of the neighbourhood</p>	Noted	
<p>Objective 3D-4 Design guidance The public open space should be well connected with public streets along at least one edge</p>	Noted	
<p>Objective 3D-4 Design guidance The public open space should be connected with nearby parks and other landscape elements</p>	Noted	
<p>Objective 3D-4 Design guidance Public open space should be linked through view lines, pedestrian desire paths, termination points and the wider street grid</p>	Noted	
<p>Objective 3D-4 Design guidance Solar access should be provided year round along with protection from strong winds</p>	Noted	
<p>Objective 3D-4 Design guidance Opportunities for a range of recreational activities should be provided for people of all ages</p>	Noted	
<p>Objective 3D-4 Design guidance A positive address and active frontages should be provided adjacent to public open space</p>	Noted	
<p>Objective 3D-4 Design guidance Boundaries should be clearly defined between public open space and private areas</p>	Noted	

3E Deep soil zones

Item	Proposal / Response	Note
Objective 3E-1 <i>Deep soil zones provide areas on the site that allow for and support healthy plant and tree growth. They improve residential amenity and promote management of water and air quality</i>	Achieved	
Design criteria 3E-1 <i>Deep soil zones are to meet the following minimum requirements: Site area : 1156m² Minimum dimensions : 3m Deep soil zone (7% of site area)</i>	Achieved – 8.4% of site	
Objective 3E-1 Design guidance <i>On some sites it may be possible to provide larger deep soil zones, depending on the site area and context:</i> <ul style="list-style-type: none"> • 10% of the site as deep soil on sites with an area of 650m² - 1,500m² • 15% of the site as deep soil on sites greater than 1,500M² 	Minimum achieved as per criteria 3E-1	
Objective 3E-1 Design guidance <i>Deep soil zones should be located to retain existing significant trees and to allow for the development of healthy root systems, providing anchorage and stability for mature trees. Design solutions may include:</i> <ul style="list-style-type: none"> • basement and sub basement car park design that is consolidated beneath building footprints • use of increased front and side setbacks • adequate clearance around trees to ensure long term health • co-location with other deep soil areas on adjacent sites to create larger contiguous areas of deep soil 	Noted	
Objective 3E-1 Design guidance <i>Achieving the design criteria may not be possible on some sites including where:</i> <ul style="list-style-type: none"> • the location and building typology have limited or no space for deep soil at ground level (e.g. central business district, constrained sites, high density areas, or in centres) • there is 100% site coverage or non-residential uses at ground floor level <i>Where a proposal does not achieve deep soil requirements, acceptable stormwater management should be achieved and alternative forms of planting provided such as on structure</i>	Noted	

3F Visual privacy

Item	Proposal / Response	Note
Objective 3F-1 <i>Adequate building separation distances are shared equitably between neighbouring sites, to achieve reasonable levels of external and internal visual privacy</i>	Achieved. Habitable rooms setback minimum 6m from side boundaries. (highlight windows to 5 th floor) Non-habitable rooms setback minimum 3m from side boundaries.	
Design criteria 3F-1 <i>Separation between windows and balconies is provided to ensure visual privacy is achieved. Minimum required separation distances from buildings to the side and rear boundaries are as follows:</i> <i>Building height:</i> <i>up to 25m (5-8 storeys)</i> <i>Habitable rooms and balconies: 9m</i> <i>Non-habitable rooms: 4.5m</i>	Noted	
Objective 3F-2 <i>Site and building design elements increase privacy without compromising access to light and air and balance outlook and views from habitable rooms and private open space</i>	Noted	
3G Pedestrian access and entries		
Objective 3G-1 <i>Building entries and pedestrian access connects to and addresses the public domain</i>	Noted	
Objective 3G-2 <i>Access, entries and pathways are accessible and easy to identify</i>	Noted	
Objective 3G-3 <i>Large sites provide pedestrian links for access to streets and connection to destinations</i>	N/A	
3H Vehicle access		
Objective 3H-1 <i>Vehicle access points are designed and located to achieve safety, minimise conflicts between pedestrians and vehicles and create high quality streetscapes</i>	Noted	

3J Bicycle and car parking

Item	Proposal / Response	Note
Objective 3J-1 <i>Car parking is provided based on proximity to public transport in metropolitan Sydney and centres in regional areas</i>	Noted	
Design criteria 3J-1 <i>For development in the following locations:</i> <ul style="list-style-type: none"> • on sites that are within 800 metres of a railway station or light rail stop in the Sydney Metropolitan Area; or • on land zoned, and sites within 400 metres of land zoned, B3 Commercial Core, B4 Mixed Use or equivalent in a nominated regional centre <i>the minimum car parking requirement for residents and visitors is set out in the Guide to Traffic Generating Developments, or the car parking requirement prescribed by the relevant council, whichever is less</i> <i>The car parking needs for a development must be provided off street</i>	Noted	
Objective 3J-2 <i>Parking and facilities are provided for other modes of transport</i>	Noted	
Objective 3J-3 <i>Car park design and access is safe and secure</i>	Noted	
Objective 3J-4 <i>Visual and environmental impacts of underground car parking are minimised</i>	Noted	
Objective 3J-5 <i>Visual and environmental impacts of on-grade car parking are minimised</i>	Noted	
Objective 3J-6 <i>Visual and environmental impacts of above ground enclosed car parking are minimised</i>	N/A	

PART 4 Designing the building

4A Solar and daylight access		
Item	Proposal / Response	Note
Objective 4A-1 <i>To optimise the number of apartments receiving sunlight to habitable rooms, primary windows and private open space.</i>	Noted	
Design criteria 4A-1 <i>1. Living rooms and private open spaces of at least 70% of apartments in a building receive a minimum of 2 hours direct sunlight between 9 am and 3 pm at mid winter in the Sydney Metropolitan Area and in the Newcastle and Wollongong local government areas.</i>	<p>Achieved.</p> <p>Calculation = 70% of 16 Units = 11.2</p> <p>Ground Floor Daylight Access = Unit 1 & Unit 3</p> <p>Level 1 Day Light Access = Unit 4, Unit 5 & Unit 7</p> <p>Level 2 Day Light Access = Unit 8, Unit 9 & Unit 11</p> <p>Level 3 Day Light Access = Unit 12, Unit 13, Unit 14 & Unit 15</p> <p>Level 4 Day Light Access = Unit 16</p> <p>Total = 13 Units receive daylight access between 9am and 3pm for a minimum of 2 hours</p>	
Design criteria 4A-1 <i>2. In all other areas, living rooms and private open spaces of at least 70% of apartments in a building receive a minimum of 3 hours direct sunlight between 9 am and 3 pm at mid winter</i>	N/A	
Design criteria 4A-1 <i>3. A maximum of 15% of apartments in a building receive no direct sunlight between 9 am and 3 pm at mid winter.</i>	Units 2, 6 & 10 receive no direct sunlight in mid winter between 9am and 3pm.	
Objective 4A-2 <i>Daylight access is maximised where sunlight is limited</i>	Achieved with the use of glazing.	
Objective 4A-3 <i>Design incorporates shading and glare control, particularly for warmer months.</i>	Noted.	

4B Natural Ventilation		
Objective 4B-1 <i>All habitable rooms are naturally ventilated</i>	Achieved.	
Objective 4B-2 <i>The layout and design of single aspect apartments maximises natural ventilation</i>	N/A	
Objective 4B-3 <i>The number of apartments with natural cross ventilation is maximised to create a comfortable indoor environment for residents.</i>	Noted	
Design criteria 4B-3 <i>1. At least 60% of apartments are naturally cross ventilated in the first nine storeys of the building. Apartments at ten storeys or greater are deemed to be cross ventilated only if any enclosure of the balconies at these levels allows adequate natural ventilation and cannot be fully enclosed</i>	Achieved	
Design criteria 4B-3 <i>2. Overall depth of a cross-over or cross-through apartment does not exceed 18m, measured glass line to glass line</i>	Noted	
4C Ceiling heights		
Objective 4C-1 <i>Ceiling height achieves sufficient natural ventilation and daylight access</i>	Achieved	
Design criteria 4C-1 <i>1. Measured from finished floor level to finished ceiling level, minimum ceiling heights are:</i>	Achieved	
Minimum ceiling height for apartment and mixed use buildings		
Habitable rooms 2.7m	Proposal has allowed for a minimum 2.7m ceiling height for all units. (habitable)	Complies
Non-habitable 2.4m	Proposal has allowed for a minimum 2.4m ceiling height for all units. (non-habitable)	Complies
For 2 storey apartments: 2.7m for main living area floor. 2.4m for second floor, where its area does not exceed 50% of the apartment area. Attic Spaces: 1.8m at edge of room with a 30 degree minimum ceiling slope. If located in mixed used areas: 3.3m for ground and first floor to promote future flexibility of use.		
Objective 4C-2 <i>Ceiling height increases the sense of space in apartments & provides for well-proportioned rooms</i>	Noted	
Objective 4C-3 <i>Ceiling heights contribute to the flexibility of building use over the life of the building</i>	Noted	

4D Apartment size and layout

Objective 4D-1 <i>The layout of rooms within an apartment is functional, well organised and provides a high standard of amenity</i>	Noted	
Design criteria 4D-1 1. Apartments are required to have the following minimum internal areas:		
Apartment Type : Minimum internal area		
Studio : 35m ²		
1 bedroom : 50m ²	57m ² : Unit 6/10/14	Complies
2 bedroom : 70m ² (units including one bathroom) 2 bedroom : 75m ² (units including one additional bathroom)	76.5m ² Unit 1 (inc. additional bathroom) 75.5m ² Unit 3 (inc. additional bathroom) 96m ² Unit 5/9/13 (inc. additional bathroom) 86m ² Unit 7/11/15 (inc. additional bathroom)	Complies
3 bedroom 90m ² <i>The minimum internal areas include only one bathroom. Additional bathrooms increase the minimum internal area by 5m² each. A fourth bedroom and further additional bedrooms increase the minimum internal area by 12m² each.</i>	108.5m ² Unit 2 (inc. additional bathroom) 95m ² Unit 4/8/12 (inc. additional bathroom) 132.5m ² Unit 16 (inc. additional bathroom)	Complies
Design criteria 4D-1 2. Every habitable room must have a window in an external wall with a total minimum glass area of not less than 10% of the floor area of the room. Daylight and air may not be borrowed from other rooms	Every habitable room has a window which is no less than 10% of the floor area of the room.	Complies
Objective 4D-2 <i>Environmental performance of the apartment is maximised</i>	Noted	
Design criteria 4D-2 1. Habitable room depths (bedrooms) are limited to a maximum of 2.5 x the ceiling height Calculation: 2.5 x 2.7m (ceiling height) = 6.75m (Maximum Depth)	Unit 1: <7m Unit 2: <7m Unit 3: <7m Unit 4/8/12: <7m Unit 5/9/13: <7m Unit 6/10/14: <7m Unit 7/11/15: <7m Unit 16: <7m	Complies
2. In open plan layouts (where the living, dining and kitchen are combined) the maximum habitable room depth is 8m from a window	Unit 1: 6.2m Unit 2: 8m Unit 3: 5.3m Unit 4/8/12: 6.25 Unit 5/9/13: 6.8m Unit 6/10/14: 5.0m Unit 7/11/15: 7.1m Unit 16: 8m	Complies

Objective 4D-3 <i>Apartment layouts are designed to accommodate a variety of household activities and needs</i>	Noted	
Design criteria 4D-3 1. Master bedrooms have a minimum area of 10m ² and other bedrooms 9m ² (excluding wardrobe space)	U1: B1 (10.8m ²) B2 (9m ²) U2: B1 (15.2m ²) B2 (9.92m ²) B3 (9.92) U3: B1 (10m ²) B2 (9m ²) U4/8/12: B1 (10.5m ²) B2 (9m ²) B3 (9m ²) U5/9/13: B1 (12.3m ²) B2 (9m ²) U6/10/14: B1 (13m ²) U7/11/15: B1 (12m ²) B2 (9.0m ²) U16: B1 (18.7m ²) B2 (9.9m ²) B3 (9m ²)	<i>Complies</i>
Design criteria 4D-3 2. Bedrooms have a minimum dimension of 3m (excluding wardrobe space)	Unit 1: ≥3m Unit 2: ≥3m Unit 3: ≥3m Unit 4/8/12: ≥3m Unit 5/9/13: ≥3m Unit 6/10/14: ≥3m Unit 7/11/15: ≥3m Unit 16: ≥3m	<i>Complies</i>
Design criteria 4D-3 3. Living rooms or combined living/dining rooms have a minimum width of: • 3.6m for studio and 1 bedroom apartments (Unit 6/10/14) • 4m for 2 and 3 bedroom apartments (Remaining Units)	Unit 1: 4.3m Unit 2: 5.4m Unit 3: 4.1m Unit 4/8/12: 5.1m Unit 5/9/13: 4.5m Unit 6/10/14: 4m Unit 7/11/15: 5.0m Unit 16: 5.1m	<i>Complies</i>
Design criteria 4D-3 4. The width of cross-over or cross-through apartments are at least 4m internally to avoid deep narrow apartment layouts	N/A	

4E Private open space and balconies		
Objective 4E-1 <i>Apartments provide appropriately sized private open space and balconies to enhance residential amenity</i>	Noted	
Design criteria 4E-1 <i>1. All apartments are required to have primary balconies as follows:</i>	Achieved	
<i>Dwelling type : Minimum area : Minimum depth</i>		
<i>Studio : 4m² : -</i>		
<i>1 bedroom apartments : 8m² : 2m</i>	Unit 6/10/14: 8.2m ² : 4.1m x 2m	<i>Complies</i>
<i>2 bedroom apartments : 10m² : 2m</i>	Unit 7/11/15: 10m ² : 5.0m x 2m	<i>Complies</i>
<i>3+ bedroom apartments : 12m² : 2.4m</i>	Unit 4/8/12: 12.1m ² : 4.0m x 3.0m Unit 5/9/13: 12.0m ² : 4.0m x 3.0m Unit 16: 13.0m ² : 5.4m x 4.1m	<i>Complies</i>
Design criteria 4E-1 <i>2. For apartments at ground level or on a podium or similar structure, a private open space is provided instead of a balcony. It must have a minimum area of 15m² and a minimum depth of 3m</i>	Unit 1: 20m ² : 3.35m deep Unit 2: 27m ² : 4.5m deep Unit 3: 23m ² : 3.35m deep	<i>Complies</i>
Objective 4E-2 <i>Primary private open space and balconies are appropriately located to enhance liveability for residents</i>	Achieved	
Objective 4E-3 <i>Private open space and balcony design is integrated into and contributes to the overall architectural form and detail of the building</i>	Achieved	
Objective 4E-4 <i>Private open space and balcony design maximises safety</i>	Achieved <i>No changes in levels. Avoids any opportunities for climbing.</i>	
4F Common circulation and spaces		
Objective 4F-1 <i>Common circulation spaces achieve good amenity and properly service the number of apartments</i>	Noted	
Design criteria 4F-1 <i>1. The maximum number of apartments off a circulation core on a single level is eight</i>	Ground Floor: Three (3) Level 1: Four (4) Level 2: Four (4) Level 3: Four (4) Level 4: One (1)	<i>Complies</i>
Design criteria 4F-1 <i>2. For buildings of 10 storeys and over, the maximum number of apartments sharing a single lift is 40</i>	N/A	
Objective 4F-2 <i>Common circulation spaces promote safety and provide for social interaction between residents</i>	Noted	
4G Storage		
Objective 4G-1	Achieved	

Adequate, well designed storage is provided in each apartment		
Design criteria 4G-1 1. In addition to storage in kitchens, bathrooms and bedrooms, the following storage is provided:		
Dwelling type : Storage size volume		
Studio apartments : 4m ³		
1 bedroom apartments : 6m ³	Unit 6: 6m ³ min. Unit 10: 6m ³ min. Unit 14: 6m ³ min.	Complies
2 bedroom apartments : 8m ³	Unit 1: 8m ³ min. Unit 3: 8m ³ min. Unit 7: 8m ³ min. Unit 11: 8m ³ min. Unit 15: 8m ³ min.	Complies
3+ bedroom apartments : 10m ³	Unit 2: 18m ³ min. Unit 4: 10m ³ min. Unit 5: 10m ³ min. Unit 8: 10m ³ min. Unit 9: 10m ³ min. Unit 12: 10m ³ min. Unit 13: 10m ³ min. Unit 16: 10m ³ min.	Complies
At least 50% of the required storage is to be located within the apartment	Unit 1: 11m ³ min. Unit 2: 13m ³ min. Unit 3: 11m ³ min. Unit 4/8/12: 15m ³ min. Unit 6/10/14: 5m ³ min. Unit 5/9/13: 16m ³ min. Unit 7/11/15: 7m ³ min. Unit 16: 20m ³ min.	Complies
Objective 4G-2 Additional storage is conveniently located, accessible and nominated for individual apartments	Achieved with cupboards accessed from corridors or living spaces. Walk in and built in robes also implemented into floor plans.	
4H Acoustic privacy		
Objective 4H-1 Noise transfer is minimised through the siting of buildings and building layout	Noted	
Objective 4H-2 Noise impacts are mitigated within apartments through layout and acoustic treatments	Noted	
4J Noise and pollution		
Objective 4J-1 In noisy or hostile environments the impacts of external noise and pollution are minimised through the careful siting and layout of buildings	Noted	
Objective 4J-2 Appropriate noise shielding or attenuation techniques for used to mitigate noise transmission	Noted	

4K Apartment mix		
Objective 4K-1 <i>A range of apartment types and sizes is provided to cater for different household types now and into the future</i>	Noted	
Objective 4K-2 <i>The apartment mix is distributed to suitable locations within the building</i>	Noted	
4L Ground floor apartments		
Objective 4L-1 <i>Street frontage activity is maximised where ground floor apartments are located</i>	Noted	
Objective 4L-2 <i>Design of ground floor apartments delivers amenity and safety for residents</i>	Noted	
4M Facades		
Objective 4M-1 <i>Building facades provide visual interest along the street while respecting the character of the local area</i>	Noted	
Objective 4M-2 <i>Building functions are expressed by the facade</i>	Noted	
4N Roof design		
Objective 4N-1 <i>Roof treatments are integrated into the building design and positively respond to the street</i>	Noted	
Objective 4N-2 <i>Opportunities to use roof space for residential accommodation and open space are maximised</i>	N/A	
Objective 4N-3 <i>Roof design incorporates sustainability features</i>	Noted	
4O Landscape design		
Objective 4O-1 <i>Landscape design is viable and sustainable</i>	Noted	
Objective 4O-2 <i>Landscape design contributes to the streetscape and amenity</i>	Noted	
4P Landscape design		
Objective 4P-1 <i>Appropriate soil profiles are provided</i>	Noted	
Objective 4P-2	Noted	

<i>Plant growth is optimised with appropriate selection and maintenance</i>		
Objective 4P-3 <i>Planting on structures contributes to the quality and amenity of communal and public open spaces</i>	Noted	
4Q Universal design		
Objective 4Q-1 <i>Universal design features are included in apartment design to promote flexible housing for all community members</i>	Noted	
Objective 4Q-2 <i>A variety of apartments with adaptable designs are provided</i>	Noted	
Objective 4Q-3 <i>Apartment layouts are flexible and accommodate a range of lifestyle needs</i>	Noted	
4R Adaptive reuse		
Objective 4R-1 <i>New additions to existing buildings are contemporary and complementary and enhance an area's identity and sense of place</i>	N/A	
Objective 4R-2 <i>Adapted buildings provide residential amenity while not precluding future adaptive reuse</i>	Noted	
4S Mixed use		
Objective 4S-1 <i>Mixed use developments are provided in appropriate locations and provide active street frontages that encourage pedestrian movement</i>	Noted	
Objective 4S-2 <i>Residential levels of the building are integrated within the development, and safety and amenity is maximised for residents</i>	Noted	
4T Awnings and signage		
Objective 4T-1 <i>Awnings are well located and complement and integrate with the building design</i>	Noted	
Objective 4T-2 <i>Signage responds to the context and desired streetscape character</i>	Noted	
4U Energy efficiency		
Objective 4U-1 <i>Development incorporates passive environmental design</i>	Noted	
Objective 4U-2	Noted	

<i>Development incorporates passive solar design to optimise heat storage in winter and reduce heat transfer in summer</i>		
Objective 4U-3 <i>Adequate natural ventilation minimises the need for mechanical ventilation</i>	Noted	
4V Water management and conservation		
Objective 4V-1 <i>Potable water use is minimised</i>	Noted	
Objective 4V-2 <i>Urban stormwater is treated on site before being discharged to receiving waters</i>	Noted	
Objective 4V-3 <i>Flood management systems are integrated into site design</i>	Noted	
4W Waste management		
Objective 4W-1 <i>Waste storage facilities are designed to minimise impacts on the streetscape, building entry and amenity of residents</i>	Noted	
Objective 4W-2 <i>Domestic waste is minimised by providing safe and convenient source separation and recycling</i>	Noted	
4X Building maintenance		
Objective 4X-1 <i>Building design detail provides protection from weathering</i>	Noted	
Objective 4X-2 <i>Systems and access enable ease of maintenance</i>	Noted	
Objective 4X-3 <i>Material selection reduces ongoing maintenance costs</i>	Noted	

Wollongong Design Review Panel (Via MS Teams)
Meeting minutes and recommendations

Date	27 July 2020
Meeting location	Wollongong City Council Administration Offices
Panel members	David Jarvis Tony Quinn Sue Hobley
Apologies	Nil
Council staff	Pier Panozzo – Manager City Centre & Major Development Anne Starr – Senior Development Project Officer
Guests/ representatives of the applicant	Geoffrey Borst – Borst & Co Architecture Aziza Ceylan – Borst & Co Architecture Luke Rollinson – MMJ Planning Ben McNamara – MMJ Planning Justin Noacco - Landscape Architect Alexander Beben – Heritage Consultant Rev. Michael Williams – catholic Diocese of Wollongong
Declarations of Interest	Nil
Item number	1
DA number	DA-2020/614
Reason for consideration by DRP	SEPP 65, WLEP 2009 – Clause 7.18 Design Excellence
Determination pathway	Wollongong Local Planning Panel
Property address	16-18 Market Place, Wollongong
Proposal	Demolition of existing dwellings and outbuildings and the construction of a five (5) storey residential flat building with basement parking
Applicant or applicant's representative address to the design review panel	This meeting was conducted by video link between the panel (Council's offices) and the applicant's team (remote). The applicant summarised the proposal.
Background	The site was previously inspected by the Panel 29 May 2018 under DE-2018/55 prior to lodgement of DA-2019/1431 (rejected).
Design quality principals SEPP 65	
Context and Neighbourhood Character	<p>In response to the Panel's previous comments. Additional analysis of the site and its immediate context has been undertaken. However, the level of information provided remains inadequate to inform an appropriate built form response to the site. Major components that require further detailed analysis include:</p> <ul style="list-style-type: none"> Isolation of sites to the south. It must be demonstrated that the adjoining sites to the south are not isolated and that orderly and economic development remains possible. It must be demonstrated that these sites can realise their potential permissible FSR whilst complying with the requirements of WLEP2009, the ADG and accommodating vehicular parking. A built form study of these sites should be provided to demonstrate if future development of the neighbouring sites remains viable and assist in developing an appropriate built form response to the subject site. Detailed solar analysis Solar analysis drawings have been provided. However, none of the diagrams provided clearly show (or quantify) the level of impact upon the neighbouring sites to the south. This is an essential component in developing an appropriate building form that minimises impact on its existing neighbours and maintains the development potential of these neighbouring sites. The applicant must also liaise with council to ensure specific sun plane requirements are met.

	<ul style="list-style-type: none"> View analysis It is understood that council has received a number of objections from neighbour to the west in relation to view loss. A view analysis should be provided to allow the level of impact to be assessed and potentially inform further refinement to the building form. <p>The proposal still seeks to provide reduced setbacks from its southern and western boundaries. These setbacks will potentially impact the privacy and level of solar access to the neighbouring properties to the south. For the panel to accept that this is an appropriate response to the site, the applicant must provide a more detailed contextual analysis (as outlined above) to demonstrate that potential privacy issues have been minimised and a reasonable level of solar access has been maintained to neighbouring properties.</p> <p>The basic form of the building must be established and justified by a far more detailed analysis of the immediate context of the site.</p>
Built Form and Scale	<p>As outlined above, the form of the building cannot be determined until the site and its immediate context is appropriately analysed. The nominal setbacks (3m to the south and 4.5m to the west) proposed to the adjoining site to the south will present as an imposing form when viewed from the rear yard of the neighbouring medical practice (20 Market Street). The proposed setbacks will have a significant impact the potential for future building on the neighbouring site. In response to the Panel's previous comments the proposal will now be developed in a single stage (as opposed to the two stages previously proposed) and the driveway has been relocated on the southern side of the building. These are positive developments.</p> <p><u>Northern interface</u> A path has been provided adjacent to the northern boundary, providing access from the street to the communal open space at the rear of the building. The path is located in close proximity to all the bedroom windows of unit 3, compromising the privacy and outlook of these rooms. It is recommended that the landscaped area adjacent to the northern boundary be dedicated to private open space. The ground floor unit (unit 3) should be developed to better address the northern area of private open space.</p> <p>ADG part 3F requires windows to habitable rooms up to 4 storeys in height to be set back a minimum of 6m from side / rear boundaries, a 9m setback is required when above 4 storeys. The current proposal provides a 3.5m setback for the first 4 storeys of the building and a 6m setback to the upper level. ADG compliance is not achieved. However, it is acknowledged that to address potential privacy issues bedroom windows (units 4, 8 and 12) have been treated with opaque glass screens. Though this may be sufficient to address potential visual privacy issues, it provides limited outlook from the rooms and poor-quality natural lighting. It is recommended that the northern façade be articulated to allow bedroom windows to be orientated in an eastern and western direction and each room be provided with a north facing high-light window.</p> <p>A 2.7m high ceiling height will be difficult to achieve with the currently proposed 3m floor to floor heights. A minimum floor to floor height of 3.1m is recommended.</p>
Density	<p>Though the proposal appears to comply with Council's maximum permissible FSR, the site is under Council's minimum lot width</p>

	<p>requirement. This may be an indication that it may not be possible to accommodate the full extent of the permissible FSR on the site. The proposed built form must be more convincingly tested in its context to demonstrate that it is not an over-development of the site.</p>
Sustainability	<p>Solar access diagrams provided demonstrate that the current proposal fails to meet minimum ADG solar access requirements.</p> <p>Units 2, 6, 10, 14, 1, 5, 9 and 13 receive less than 2 hours of solar access between 9am and 3pm in mid-winter. Thus, only 8 of a total of 16 units (50%) comply with ADG requirements. A minimum of 70% of units must meet this minimum requirement. Four of the proposed 16 units (25%) receive no direct sunlight between 9am and 3pm, mid-winter. The ADG allows a maximum of 15% of units to receive nil solar access.</p> <p>Further development is required to achieve ADG compliance. It is recommended that a sun's eye view be generated at hourly intervals between 9am and 3pm mid-winter to demonstrate compliance with the minimum requirements of the ADG, determine the proposal's impact on neighbours and to ultimately develop an appropriate built form response to the site.</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 (reuse of rainwater for toilet flushing and washing machines) should also be considered.</p> <p>The use of photovoltaic cells and solar panels is also encouraged.</p> <p>Selection of plant material should address the need to protect local biodiversity and avoid generating weed problems.</p>
Landscape	<p>The Panel raised a number of concerns in relation to the proposed landscape plan, some of which had been raised in the previous DRP report.</p> <p><u>General</u></p> <p>The Panel supports the re-siting of the driveway to the southern side of the building. The entrance path to the building should be accessible.</p> <p>The Landscape Plan should show levels, not only of garden and terraced areas but also of walls, paths and other relevant features. It should also clearly label or include in the legend all elements (such as the paved area between the turf and the front wall of unit 3).</p> <p>The Panel does not support the use of artificial grass where living plant material could be safely used. The front gardens and communal open space should contain on-slab plantings in place of the proposed artificial turf.</p> <p>The planting plan should take into account factors such as stormwater infra-structure and access for maintenance of plantings.</p> <p><u>Streetscape</u></p> <p>The panel is not persuaded that the low walling and fencing in of the front gardens to create private courtyards for the ground floor units is in keeping with the character of Market Place which is generally unfenced and open, as is the park. The Panel recommends that the applicant consult with Council to resolve this matter but that, in the event that the spaces are to be enclosed,</p>

	<p>the plantings should not be used to create a barrier (hedge or dense planting) between the site and the public domain.</p> <p>The screen to the northern edge of unit 3's open space should be deleted. The boundary plantings to the north of this should not act as a barrier that reduces the openness of the streetscape.</p> <p>The garden strip along the southern edge of the driveway apron should be a minimum 1 m deep and the plantings should be of species that are low and do not spread broadly. They should not act as a barrier enclosing the property.</p> <p>The proposed screen to the southern perimeter of the private open space of unit 1 should be set flush with the edge of the driveway to avoid maintenance issues.</p> <p>The narrow garden beds on the northern edge of the driveway are problematic; they will require constant maintenance and are liable to damage from vehicles (and the gate that swings into them).</p> <p><u>Southern boundary</u></p> <p>The rainwater tank should be relocated and not occupy an area of deep soil. This area will be heavily over-shadowed for significant periods and its contribution as functional communal open space is unclear. Access for maintenance appears to be highly problematic. The treatment of the edge to the driveway is not shown.</p> <p>Tree plantings will over-shadow the outdoor space of the property to the south. Consideration should be given to allocating some or all of this space to unit 2 to improve its very poor amenity and obviate the need to fully screen its rear terrace for privacy.</p> <p><u>Northern boundary adjacent to unit 3.</u></p> <p>The Panel acknowledges that the proposed access path from the street to the rear is in keeping with the previous report. However, it is of the opinion that the area would function better as outdoor space for unit 3. The path should be deleted.</p> <p><u>Communal private open space (COS)</u></p> <p>The Panel is highly concerned about the poor amenity and functionality of the very large undercroft space. It will require a very high-quality fit-out to deal with issues such as lighting, temperature, ventilation, noise, fire safety around cooking facilities and aesthetics. This will be costly to construct and, importantly to operate and maintain. Even then, the attraction of the space will be questionable, given that it is not enclosable. The Panel does not support this approach to providing a communal room linked to COS.</p> <p>The waste storage room should not be located adjacent to the communal room or main areas of COS. The Panel is of the opinion that it should be located in the basement.</p> <p>The stairs from the basement exit into tree plantings in a garden.</p> <p>The relationship between the COS and unit 2 is such that unit 2's terrace needs to be entirely enclosed to a significant height to provide for privacy. This is not supported by the Panel.</p> <p>The idea of including a chess board in the paving is fun but it should be located where seating can be provided for players opposite each other and where concerns about privacy to units are not an issue.</p>
Amenity	<p>Proposed lobbies are internalised spaces that will be solely dependent upon artificial lighting. This is contrary to objective 4F-1 of the ADG, which requires a window providing natural ventilation and daylight to all lobbies. It is recommended that the lobby be</p>

	<p>extended through to the eastern façade to provide outlook over the park. In doing this the area of units 4, 8 and 12 will be reduced. It is suggested that these units are developed into two-bedroom units to allow functional living / dining space to be accommodated.</p> <p>It is noted that many unit sizes are significantly in excess of the minimum requirements of the ADG. There remain opportunities to further refine and develop each unit, to better relate to its context and provide a better level of amenity to its occupants. The following suggestions should be investigated:</p> <ul style="list-style-type: none"> • South east corner unit (units 5, 9 and 13) These units currently receive less than 2 hours of solar access each day (between 9am and 3pm, mid-winter). To provide better solar access and improve the quality of the living room space, it is suggested that the living room be relocated to the south eastern corner of the unit. • North east corner unit (units 4, 8 and 12) In response the panel's previous comments, the balcony of this unit has been reorientated to face the park. This is a positive development that improves the quality of the unit. Given the reduced setback now proposed to the northern elevation and the requirement to incorporate windows to lobbies, further development of these units is required. Consideration should be given to reducing these units to two bedroom and developing the northern façade to allow bedroom windows to be orientated in an eastern and western direction and providing each room with a north facing high light window (refer to comments above, Built Form). • North west corner unit (units 7, 11 and 15) The living rooms / balconies of these units are currently orientated towards the northern neighbours. Relocating the living room and balcony to the western edge of the unit will better relate to the rear landscaped garden area whilst still benefitting from northern solar access via the northern edge of the living room. Consideration must also be given to reducing the footprint of these units. These units are 93sqm (23sqm in excess of ADG unit sizes) and set back only 3m from the site's southern boundary. They will have a significant over-shadowing impact upon the existing neighbour and potentially limit development of the neighbouring site. It should also be noted that by reducing the footprint of this unit more solar access will be provided to the communal open space. • South west corner unit (units 6, 10 and 14) Further analysis of the immediate context of the site will better inform the setback requirements of this unit. The proportions of the living room should be developed to be more rectangular, rather than square, to accommodate more functional furniture layouts. Furniture layouts currently provided show the dining table preventing access to the unit from the entry. These units currently receive no solar access throughout the day (in mid-winter). Consideration should be given to providing a sky light to unit 14 to allow some direct solar access to the living room. • Ground floor south west corner unit (unit 2) This unit will receive no solar access. Consider relocating this unit to sit directly below unit 7, to create a one-bedroom unit
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	<p>with a north facing garden. The garbage room could be relocated in the basement and accessible WC could be relocated adjacent to the stairs.</p> <ul style="list-style-type: none"> Penthouse The location of the study on the north-eastern corner of the unit detracts from the quality and flow of the living space. Consider relocating the study behind the kitchen to create a clearly define living / dining space with views of the adjacent park. Rationalising the size of this living space, to provide a combined living / dining space of 7.5m by 4.5m would reduce the overall width of the unit, allowing bedrooms 2 and 3 to be moved approximately 1.5m further north, increasing the setback from the southern boundary. Consider flipping the entry to bedroom 1 to the southern side of the room, this will consolidate the circulation space in the centre of the unit and allow a window to be provided to the kitchen.
Safety	The under croft to the rear is poorly located in terms of surveillance.
Housing Diversity and Social Interaction	Pending further detail development, the proposal will provide an appropriate contribution to this developing residential neighbourhood.
Aesthetics	<p>It is anticipated that in addressing the issues raised in this report the form and expression of the building will alter. In doing this the applicant is encouraged to utilise a more refined pallet.</p> <p>The use of brick is encouraged while the heavy reliance on large areas of painted surfaces is discouraged, as this is likely to create long-term maintenance issues. All materials and finishes must be clearly documented, including type of brick selected, type of glazing (material, finish and colour) type of cladding, type of balustrade (frameless / semi frameless / handrail / material finish) treatment of soffit, detail of louvres etc.</p> <p>A larger scale detail section would assist in providing a better understanding of the quality of finish being proposed and also help to ensure that the architect's design intent is realised.</p> <p>Servicing of the building must be considered at this stage of the design process. The location of service risers, car park exhausts, AC condensers, down pipes and fire hydrant boosters should be accommodated. It must also be determined if a sub-station is required.</p> <p>The roof will be visible from the surrounding high-rise buildings, so it should be treated as the 5th elevation of the building.</p> <p>Consideration must be given to both materials and the integration of services.</p>
Design Excellence WLEP2009	
Whether a high standard of architectural design, materials and detailing appropriate to the building type and location will be achieved	Further development is required. Detail sections should be provided with the development application (as required by the ADG) to ensure the detail intent of the architect is clear and can be realised.
Whether the form and external appearance of the proposed development will	Further contextual analysis and development of the built form is required.

improve the quality and amenity of the public domain,	
Whether the proposed development detrimentally impacts on view corridors,	This needs to be addressed in further detailed context analysis.
Whether the proposed development detrimentally overshadows an area shown distinctively coloured and numbered on the Sun Plane Protection Map,	This needs to be addressed in further detailed context analysis.
How the development addresses the following:	
the suitability of the land for development,	Further detail analysis is required
existing and proposed uses and use mix	The proposed mix of units is appropriate for this developing residential neighbourhood.
heritage issues and streetscape constraints,	Further development is required to demonstrate that the proposal provides a positive contribution to the public square.
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,	Further detail analysis is required
bulk, massing and modulation of buildings	Further contextual analysis and development required.
street frontage heights	Council's sun plane setbacks must be complied with.
environmental impacts such as sustainable design, overshadowing, wind and reflectivity	Further developments required.
the achievement of the principles of ecologically sustainable development	Further developments required.
pedestrian, cycle, vehicular and service access, circulation and requirements	Vehicular access is now appropriately located.
impact on, and any proposed improvements to, the public domain	The landscape treatment to the front of the building impacts adversely on the local character and creates a sense of 'walling off' of the development rather than participating in the local community.
Key issues, further Comments & Recommendations	<p>Further development is required to provide a building that responds appropriately to its context, provides a positive contribution to Market Square and meets Council's design excellence criteria. Further consideration of the following issues is required:</p> <ul style="list-style-type: none"> • Further analysis is required to inform an appropriate built form outcome for this site.

	<ul style="list-style-type: none">• It must be demonstrated that the adjoining sites to the south are not isolated and that orderly and economic development of these site remains possible.• A detailed solar analysis, documenting impact upon the southern neighbour must be provided.• Compliance with ADG solar access requirements must be achieved.• Further refinement to unit layouts is required.• The use of the northern landscaped area for private open space is encouraged.• Further refinement of the building aesthetics is required.
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EXCEPTION TO DEVELOPMENT STANDARD VARIATION STATEMENT

Minimum Site Width

Address: 16 - 18 Market Place, Wollongong
Proposal: Residential Flat Building Development
Date: March 2021 (REV A)

1 Introduction

The purpose of this variation statement is to outline the justification for seeking an exception to the minimum site width for residential flat buildings (being a development standard) contained within the *Wollongong Local Environmental Plan 2009 (WLEP 2009)*.

The advice herein relates to an application for the proposed demolition, consolidation and construction of a new development, comprising of a new five (5) storey Residential Flat Building at 16 – 18 Market Place, Wollongong (the site), legally referred to as Lot 4 DP 997089 and Lot 1 DP 153262. The proposed development will incorporate the construction of a new five (5) storey RFB containing sixteen (16) residential apartments with a unit mix consisting of four (4) x one (1) bedroom, three (3) x two (2) bedroom (accessible), and nine (9) x three (3) bedroom apartments, basement parking, landscaping and stormwater drainage.

The proposed development application seeks to provide an appropriate and balanced development/environmental outcome for the subject site, and the Wollongong area as a whole. In doing so, an exception to a development standard contained within *Wollongong Local Environmental Plan (LEP) 2009* has been adopted. In this regard, the proposed development generally accords with all *LEP* controls, apart from a numerical variation being requested to the minimum site width development standards contained within *Clause 7.14 Minimum site width*.

This statement addresses relevant provisions to demonstrate that strict compliance with the development standard is unreasonable in the circumstances of the case and that there are sufficient environmental planning grounds to justify the proposed variation sought.

The details of this proposal are shown within the development drawings prepared by Borst & Co. Architecture (attached to the application), which identifies the proposed site width in question.

The commentary provided herein outlines the development standard variation being proposed, which should be read in conjunction with the Statement of Environmental Effects and other documentation submitted to Council in support of the application.

1.1 Overview

The land is zoned R1 General Residential under the *WLEP 2009*. The zone objectives 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 proposed development is permissible within the R1 zone as Residential Flat Building providing for the housing needs of the community with a variety of housing types.

Such a proposal is in high demand for the immediate area (from a land use perspective) and the site itself is very accessible from a patronage and public transport viewpoint. Thus, the proposed development directly accords with the objectives of this zone.

2 Details of the environmental planning instrument, the applicable development standard and proposed variation.

2.1 What is the applicable environmental planning instrument (EPI)?

Wollongong Local Environmental Plan 2009 (WLEP 2009).

2.2 What is the development standard being varied?

The minimum site width for residential flat buildings contained in *Part 7 - Clause 7.14(2)* of the *WLEP 2009* which states:

"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."

In this regard, the site is an amalgamation of two separate lots with differing depths. When combined, the site has a street frontage over 24m (30.09m) but only continues this width to 30.55m being the depth of Lot 1 DP 153262. Lot 4 DP 997089 extends a further 14.19m with a width of 16.45m to make up the rear open and landscaped area of the proposed development.

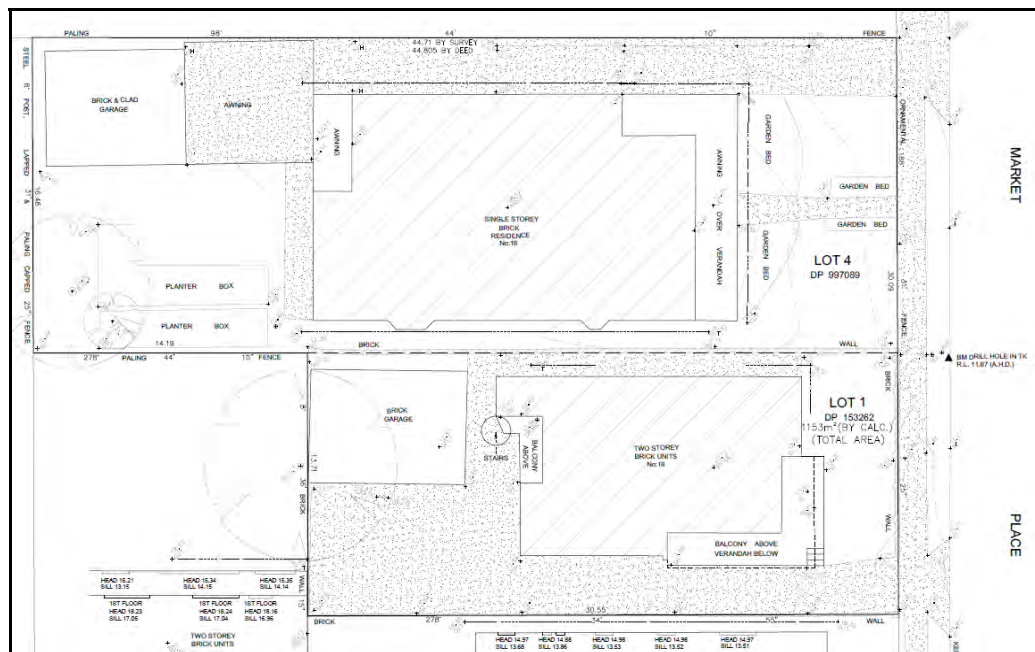


Figure 1: Site Survey - Existing (source New Ways Surveying)

2.3 What are the objectives of the standard?

There are no stated objectives for Clause 7.14 under the *LEP*, however, the objectives stated in *Section 6.2* of the *Wollongong Development Control Plan 2009 (WDCP 2009) - Chapter B1* concerning minimum site width are considered most relevant in this instance, and provide for the following:

- a) To allow for development of sites, which are of sufficient width to accommodate the required building envelope, car parking and landscaping requirements.*
- b) To promote the efficient utilisation of land.*
- c) To encourage amalgamation of allotments to provide for improved design outcomes including greater solar access and amenity.*

2.2 What is the numeric value of the development standard in the environmental planning instrument?

Clause 7.14(2) requires a minimum site width of 24 metres.

2.3 What is the percentage variation (between the proposal and the EPI)?

The minimum site width permitted is 24 metres. The application proposes a site width of 30.09m to the front of the site for 30.55m to which it reduces to 16.58m at the rear.

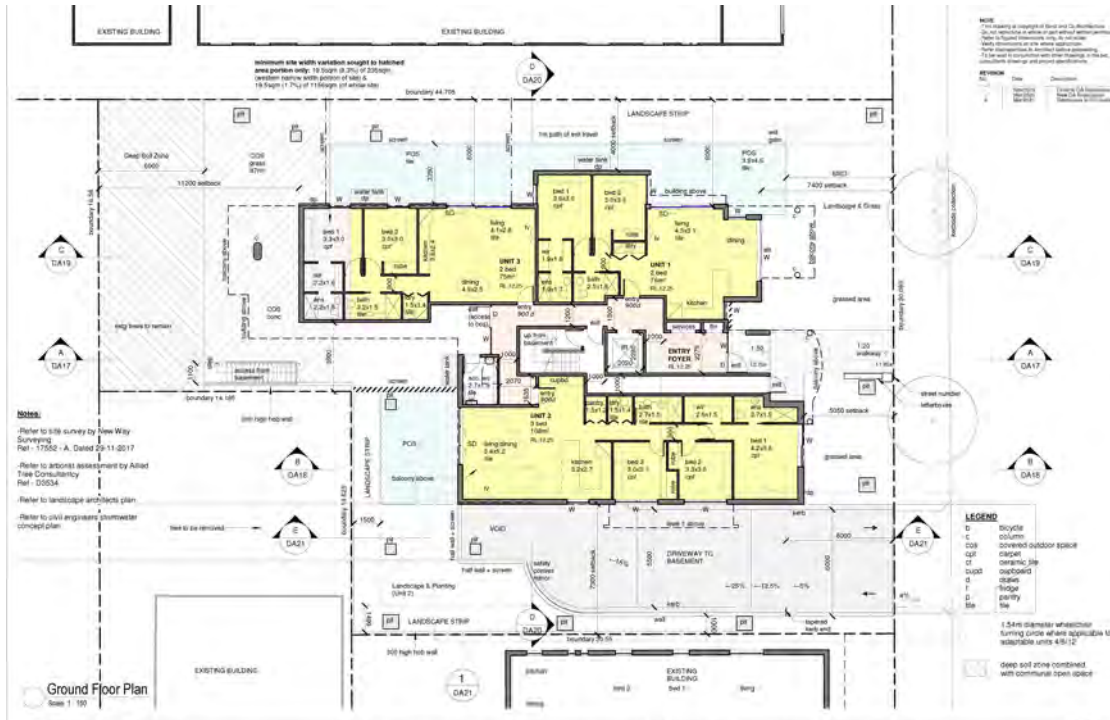


Figure 1: Site Plan - Proposed (Source: Borst & Co Architecture)

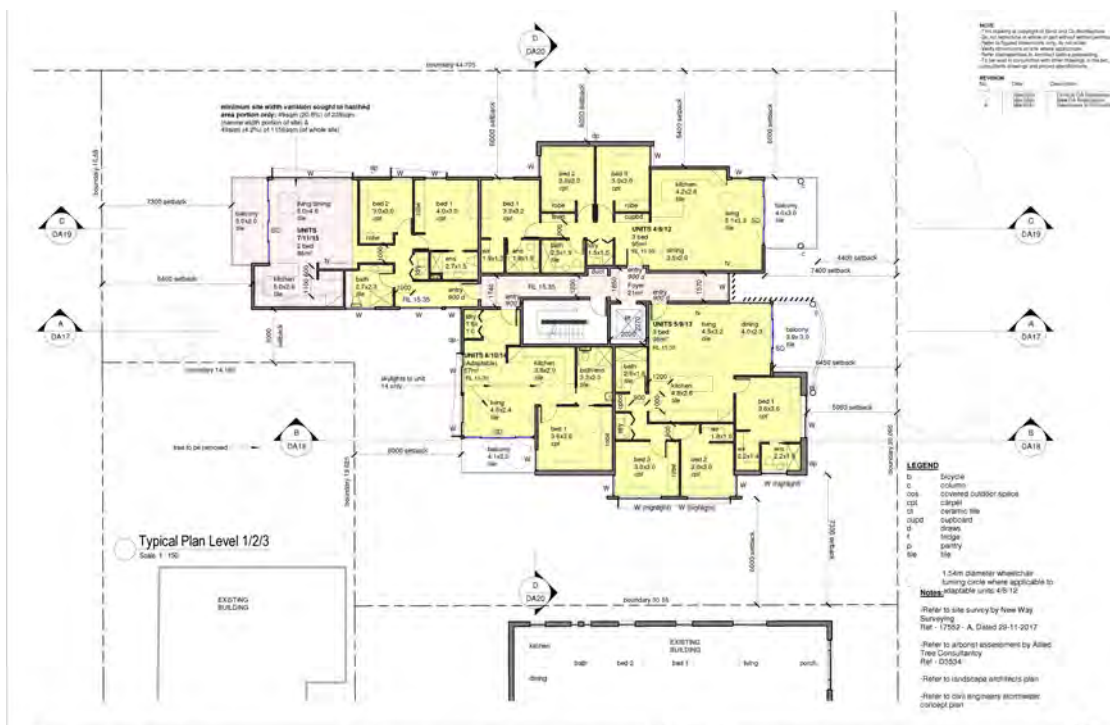


Figure 2: Typical Plans Levels 2/3/4 - Proposed (Source: Borst & Co Architecture)

Table 1: Proposed variation to the minimum site width

Minimum Site Width			
Smith Street Frontage (primary)			
Minimum Site Width required under WLEP2009	Proposed Minimum Site Width	Area of site/building envelope below 24m site width	Percentage variation
Ground Floor			
24m	Variable - 16.58m (western building extent) and 30.095m (eastern building extent)	19.5m ² of the total site area of 235m ² (western narrow width portion of the site and 19.5m ² (1156m ² (of the whole site).	8.3% of the western narrow width portion of site and 1.7% of the whole site.
Typical Levels – Floors 1/2/3			
24m	Variable - 16.58m (western building extent) and 30.095m (eastern building extent)	49m ² of the total site area of 235m ² (western narrow width portion of the site and 49m ² (1156m ² (of the whole site).	20.8% of the western narrow width portion of the site and 4.2% of the whole site.
<i>*N.B WLEP2009 does not define Minimum Site Width, however, the DCP advises that the site width should be measured at the location of the building extent perpendicular to the boundary.</i>			

3 Assessment of Proposed Variation

3.1 Is compliance with the development standard unreasonable or unnecessary in the circumstances of the case?

Yes, compliance with the development standard is unreasonable in the circumstances, due to:

- The building potential is already limited by the shape of the allotment. Adopting the site width for the depth of the allotment would mean the subject site would be excluded from any built form.
- The reduced site width does not result in any undue privacy or overlooking impacts to adjoining properties, by virtue of the proposed architectural interface treatment to these edges (restricted window treatments and dwelling orientations to these boundaries, etc.).
- The proposed variation is only deemed minor in the context of the overall development as essentially the control has in effect been met at the site frontage.

- The proposed development will not result in any adverse environmental or planning implications.

Thus, deeming strict compliance with the minimum site width is unwarranted in the circumstances of this particular case.

3.2 Are there sufficient environmental planning grounds to justify contravening the development standard?

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

- The proposed development resulting from this variation will result in no unacceptable adverse environmental impacts.
- The proposed development is a direct design response to the site with the intent to allow the site to respond to the demand for housing in the area.
- The proposed density of the site is considered appropriate for the location, and will not detrimentally affect the visual appearance of the area. The overall height and form of the development is consistent with expected future desired character strategies for the area.
- The proposed development complies with the maximum building height and FSR requirements for this R1 zoned location.
- The layout and built form of the proposed development are contemporary in character and has been designed to reflect the amenity of the area.
- The development has been specifically designed to provide a suitable environment for all future inhabitants of the dwellings, whilst respecting the considerations of adjoining land uses.
- Acoustic privacy for future visitors and neighbouring land uses has been taken into account, with the proposed development being designed to limit noise intrusion into adjoining properties through the use of appropriate building materials and associated landscaping noise control treatments.

- Council has approved numerous variations to reduce the minimum site width in nearby locations for similar developments including:
 - 16 Smith Street, Wollongong (DA-2019/774) approved a variation to the site width of 20.11m where a site width of 24m was required.
 - 2 Market Place, Wollongong (DA-2019/1375) approved a variation to the site width of 17.6m where a site width of 24m was required.
 - 10 Pleasant Ave, North Wollongong (DA-2015/639) – approved a variation to the site width of 13.716m-30.175m where a site width of 24m was required.
 - 18 Kembla Street, Wollongong (DA-2012/1471) approved a variation to the site width of 15m where a site width of 24m was required.
 - 82A Cliff Road, Wollongong (DA-2013/1061) approved a variation to the site width of 10m where a site width of 24m was required.
- Council has abandoned strict compliance with this development on numerous occasions, the most relevant variations are provided above with 2 Market Place and 16 Smith Street being close to the subject site. Compliance with the 24m site width required is unnecessary and unreasonable in this instance.

Overall, it is evident from the above commentary provided that there are sufficient planning grounds to justify contravening the site width development standard identified. To this end, strict compliance with the numerical development standards is both unwarranted and unnecessary in this instance.

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

Yes, the proposed development is in the public interest because it is consistent with the underlying intent of *Wollongong LEP 2009* to encourage a range of housing choices consistent with the capacity of the land. The development is permissible within the R1 zone as part of a residential flat building development and meets the objectives of the zone by providing for the housing needs of the community. The capacity of the site enables the proposed development through its architectural design response and will provide an improved residential amenity outcome for the site.

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

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

3.5 How would strict compliance hinder the attainment of the objectives specified in Section 1.3 (a) and (c) of the Act?

The objectives set down in *Section 1.3 (a)* and *(c)* are as follows:

- (a) to promote the social and economic welfare of the community and a better environment by the proper management, development and conservation of the State's natural and other resources; and*
- (c) to promote the orderly and economic use and development of land.*

Compliance with the standard would not hinder the attainment of the above-mentioned objectives, which aim to encourage development that promotes the social and economic welfare of the community and a better environment and co-ordinate the orderly and economic use of land.

3.6 Is there a public benefit in maintaining the development standard?

Broadly speaking, there is public benefit in maintaining the development standard across the LGA as it encourages consistency in development outcomes. However, fundamentally the development standard does not allow for circumstances where a reduced site width is required due to irregularly shaped sites and other site constraints.

4 Is the objection well founded?

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

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

5 Conclusion

The proposed variation is based on the reasons contained within this request for an exception to the *Minimum Site Width* requirement being a development standard contained within the *WLEP 2009*. The proposal will not result in any adverse impacts with regards to the amenity of the adjoining properties.

The proposed non-compliance is unlikely to result in any future precedents given the surrounding pattern of development and the combination of zoning and other associated controls currently in place.

In conclusion, the objection is considered to be well founded and compliance with the standard is unreasonable in the circumstances of the case.

Yours faithfully,

MARTIN MORRIS & JONES PTY LTD



LAUREN TURNER B UrbRegPlan MPIA
SENIOR TOWN PLANNER

Attachment 6 SEPP 65 ADG and WDCP 2009 Compliance Tables

SEPP 55 APARTMENT DESIGN GUIDE

An assessment of the application against the Apartment Design Guide (ADG) is contained below.

<i>Standards/controls</i>	<i>Comment</i>	<i>Complies</i>
<p><i>Part 3 Siting the development</i></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><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><u>Objective 3B-1:</u></p> <p><i>Building types and layouts respond to the streetscape and site while optimising solar access within the development</i></p> <p><u>Design Guidance</u></p> <ul style="list-style-type: none"> - Buildings should define the street by facing it and providing direct access. <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 downhill 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>A site analysis has been provided although is not considered to be adequately comprehensive. This is discussed by the Design Review Panel and Council's design expert.</p> <p>The northern elevation contains non-complying setbacks which have been resolved by window screens and obscure glazing.</p> <p>No significant trees will be lost.</p> <p>The building form is taller and wider than existing streetscape pattern.</p> <p>Shadow diagrams have been provided, which show unsatisfactory solar access to adjoining properties and units within the development</p>	<p>Insufficient detail provided</p> <p>No</p>

Standards/controls	Comment	Complies
<p><u>3C Public domain interface</u></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 e.g. seating at building entries, near letterboxes etc <p><u>Objective 3C-2:</u></p> <p><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 (e.g. 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><u>3D Communal and public open space</u></p> <p><u>Objective 3D-1</u></p>	<p>The revised plans have removed courtyard walls originally proposed. The front setbacks contains areas of turf, which should be replaced by natural grass. Retention of the northern boundary requires additional fencing and prevents the extension of private open space to the boundary. There may also be privacy, noise and security conflict between units 1 and 3 and users of the shared path. The DRP has recommended this path is removed.</p> <p>It is unclear whether a substation is required.</p> <p>Street trees are proposed which are inconsistent with the prevailing streetscape in Market Place.</p> <p>The waste room has been relocated to the basement.</p> <p>The DRP has questioned the extensive use of painted surfaces in this location, which will require maintenance. The majority of buildings in Market Place are of brick construction.</p> <p>The relationship with Market Square has improved, with removal of the ground floor courtyards and lift lobbies now having glazing overlooking the Square.</p> <p>It is unclear whether the proposed front setbacks comply with the sun access plane clause in WLEP 2009.</p>	No*

Standards/controls	Comment	Complies
<p><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> <ol style="list-style-type: none"> 1. Communal open space has a minimum area of 25% of the site area 2. 50% direct sunlight provided to principal usable part of communal open space for a minimum of 2 hours between 9am and 3pm on 21 June <p><u>Design Guidance</u></p> <ul style="list-style-type: none"> - Communal open space should be consolidated into a well-designed, usable area. - 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. - Where developments are unable to achieve the design criteria, such as on small lots, sites within business zones, or in a dense urban area, they should: <ul style="list-style-type: none"> • provide communal spaces elsewhere such as a landscaped roof top terrace or a common room • provide larger balconies or increased private open space for apartments • demonstrate good proximity to public open space and facilities and/or provide contributions to public open space <p><u>Objective 3D-2</u></p> <p><i>Communal open space is designed to allow for a range of activities, respond to site conditions and be attractive and inviting</i></p> <p><u>Design guidance</u></p> <ul style="list-style-type: none"> - Facilities to be provided in communal open spaces for a range of age groups, and may incorporate seating, barbeque areas, play equipment, swimming pools <p><u>Objective 3D-3</u></p> <p><i>Communal open space is designed to maximise safety</i></p> <p><u>Design guidance</u></p> <ul style="list-style-type: none"> - Communal open space should be visible from habitable rooms and POS areas and should be well lit. 	<p>Minimum 25% (289m²) is required.</p> <p>The site plan DA10 shows 85m² of paved undercroft area at the rear of the site. The Architect's SEPP 65 compliance statement dated 31 March 2021 does not note other areas of COS.*</p> <p>It is unlikely that the COS will receive minimum 2 hours solar access.</p> <p>The COS directly adjoins the deep soil zone.</p> <p>Surveillance of the undercroft area will be limited as no habitable openings face this area.</p>	<p>No*</p>
<p><u>3E Deep soil zones</u></p> <p><u>Objective 3E-1</u></p>	<p>Minimum dimension of 6.0m required, with minimum area of 80.92m² (7%).</p>	<p>Yes</p>

Standards/controls	Comment	Complies																								
<p><i>3E-1 Deep soil zones provide areas on the site that allow for and support healthy plant and tree growth. They improve residential amenity and promote management of water and air quality.</i></p> <p><u>Design Criteria:</u></p> <p>1. Deep soil zones are to meet the following minimum requirements:</p> <table border="1"> <thead> <tr> <th>Site area</th><th>Minimum dimensions</th><th>Deep soil zone (% of site area)</th></tr> </thead> <tbody> <tr> <td>less than 650m²</td><td>-</td><td rowspan="4">7%</td></tr> <tr> <td>650m² - 1,500m²</td><td>3m</td></tr> <tr> <td>greater than 1,500m²</td><td>6m</td></tr> <tr> <td>greater than 1,500m² with significant existing tree cover</td><td>6m</td></tr> </tbody> </table> <p>trees.</p> <p>3F Visual privacy</p> <p><u>Objective 3F-1</u></p> <p><i>Adequate building separation distances are shared equitably between neighbouring sites, to achieve reasonable levels of external and internal visual amenity.</i></p> <p><u>Design Criteria:</u></p> <p>1. Minimum required separation distances from buildings to the side and rear boundaries are as follows:</p> <table border="1"> <thead> <tr> <th>Building height</th><th>Habitable rooms and balconies</th><th>Non-habitable rooms</th></tr> </thead> <tbody> <tr> <td>up to 12m (4 storeys)</td><td>6m</td><td>3m</td></tr> <tr> <td>up to 25m (5-8 storeys)</td><td>9m</td><td>4.5m</td></tr> <tr> <td>over 25m (9+ storeys)</td><td>12m</td><td>6m</td></tr> </tbody> </table> <p><u>Design Guidance</u></p> <ul style="list-style-type: none"> - Apartment buildings should have an increased separation distance of 3m (in addition to the above requirements) when adjacent to a different zone that permits lower density residential development to provide for a transition in scale. - Direct lines of sight should be avoided - No separation is required between blank walls <p><u>Objective 3F-2:</u></p> <p><i>Site and building design elements increase privacy without compromising access to light and air and balance outlook and views from habitable rooms and private open space</i></p> <p><u>Design Guidance</u></p>	Site area	Minimum dimensions	Deep soil zone (% of site area)	less than 650m ²	-	7%	650m ² - 1,500m ²	3m	greater than 1,500m ²	6m	greater than 1,500m ² with significant existing tree cover	6m	Building height	Habitable rooms and balconies	Non-habitable rooms	up to 12m (4 storeys)	6m	3m	up to 25m (5-8 storeys)	9m	4.5m	over 25m (9+ storeys)	12m	6m	<p>The nominated deep soil zone has a 6m depth along the rear boundary (16.46m portion), totalling 98.76m².*</p> <p><u>Design guidance:</u></p> <ul style="list-style-type: none"> - Deep soil zones should be located to retain existing significant <p><u>Up to 12m/4 storeys (applies to levels ground-3)</u></p> <p>Ground: northern and southern elevation complies;</p> <p>Levels 1-3: northern southern and western elevations comply;</p> <p><u>Up to 25m/5-8 storeys (applies to Level 4)</u></p> <p>Level 4: northern elevation does not comply (6m provided where 9m required)*</p> <p><u>Objective 3F-2</u></p> <p>The northern boundary shared access path directly adjoins the POS of units 1 and 3.*</p>	<p>No*</p>
Site area	Minimum dimensions	Deep soil zone (% of site area)																								
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Standards/controls	Comment	Complies
<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>3G Pedestrian access and entries</p> <p><u>Objective 3G-1</u></p> <p><i>Building entries and pedestrian access connects to and addresses the public domain</i></p> <p><u>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><u>Objective 3G-2</u></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><u>Objective 3G-3</u></p> <p><i>Large sites provide pedestrian links for access to streets and connection to destinations</i></p> <p>3H Vehicle access</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>A single pedestrian access is provided, which is satisfactory having regard to the number of apartments in the building.</p> <p>The vehicle entry/roller shutter is behind the building line.</p> <p>Waste room is located in the basement - bins will be</p>	<p>Yes</p> <p>Yes</p>

<i>Standards/controls</i>	<i>Comment</i>	<i>Complies</i>
<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>brought to the footpath for collection.</p> <p>Council's traffic engineer has no objection to the proposed basement entry or internal layout.</p>	Yes
<p><u>3J Bicycle and car parking</u></p> <p><u>Objective 3J-1</u></p> <p><i>Car parking is provided based on proximity to public transport in metropolitan Sydney and centres in regional areas</i></p> <p><u>Design Criteria</u></p> <p>1. On land zoned B3 or B4 and located within 400m of land zoned B3 and B4, the minimum car parking requirement for residents and visitors is set out in the Guide for Traffic Generating Development, or Council's car parking requirement, <u>whichever is less</u>.</p> <p>The carparking needs for a development must be provided off street.</p>	<p>As discussed in relation to DCP 2009, the RMS and WDCP 2009 rates produce the same required number of parking spaces (19), where 20 are proposed. However, there is a shortfall of one adaptable space and to achieve compliance, the surplus space can be replaced by a shared zone.</p> <p>Insufficient bicycle parking is provided.</p>	Yes
<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>Council's traffic engineer has no objection to the basement layout.</p>	
<p><u>Objective 3J-3</u></p> <p><i>Car park design and access is safe and secure</i></p> <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>Council's traffic engineer has no objection to the basement layout.</p> <p>The area immediately outside the lift is 1m wide, which may make carrying large items such as prams or furniture difficult. If car space 19 becomes the shared zone for adaptable unit 6, this space could be enlarged.</p> <p><u>Objective 3J-4</u></p>	Yes

Standards/controls	Comment	Complies
<p><u>Objective 3J-4</u></p> <p><i>Visual and environmental impact of underground car parking are minimised</i></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><u>Objective 3J-5</u></p> <p><i>Visual and environmental impacts of on-grade car parking are minimised</i></p> <ul style="list-style-type: none"> - On grade car parking should be avoided - Design guidelines provided where it's unavoidable <p><u>Objective 3J-6</u></p> <p><i>Visual and environmental impacts of above ground enclosed car parking are minimised</i></p> <ul style="list-style-type: none"> - Exposed parking should not be located along primary street frontages - Positive street address and active street frontages should be provided at ground level. <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. 2. 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: Dual aspect, Shallow apartment layouts 	<p>The half wall at the back of the driveway appears a plain concrete finish. This wall is visible from Market Place and a more sympathetic treatment e.g. brick or landscaping would lessen the visual impact.</p> <p>It is unclear whether natural ventilation is provided to the basement</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. 2. 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: Dual aspect, Shallow apartment layouts 	<p>Council's design expert has noted that units 1, 2, 6, 10 and 14 do not receive the minimum required 2 hours of solar access between 9am and 3pm. This equates to 69% receiving 2 hours, where minimum 70% is required.*</p> <p>Units 2, 6, 10 and 4 receive no solar access, which represents 19% of the total number of dwellings. This does not comply as a maximum 15% is permitted.</p>	No**

Standards/controls	Comment	Complies
<p>Bay windows</p> <ul style="list-style-type: none"> - 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 1500mm 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 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><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><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 	Complies	Yes

Standards/controls	Comment	Complies
<p><i>Environmental performance of the apartment is maximised</i></p> <p><u>Design Criteria:</u></p> <ol style="list-style-type: none"> 1. Habitable room depths are limited to a maximum of 2.5 x ceiling height 2. In open plan layouts (where the living, dining and kitchen are combined) the maximum habitable room depth is 8m from a window. <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><u>4E Private open space and balconies</u></p> <p><u>Objective 4E-1</u></p> <p><i>Apartments provide appropriately sized private open space and balconies to enhance residential amenity</i></p> <ol style="list-style-type: none"> 1. Minimum balcony depths are: 	<p>All balconies exceed size requirements.</p> <p>All balconies positioned in a suitable location</p>	<p>Yes</p>

Standards/controls			Comment	Complies														
<table><tr><th>Dwelling type</th><th>Minimum area</th><th>Minimum depth</th></tr><tr><td>Studio apartments</td><td>4m²</td><td>-</td></tr><tr><td>1 bedroom apartments</td><td>8m²</td><td>2m</td></tr><tr><td>2 bedroom apartments</td><td>10m²</td><td>2m</td></tr><tr><td>3+ bedroom apartments</td><td>12m²</td><td>2.4m</td></tr></table>	Dwelling type	Minimum area	Minimum depth	Studio apartments	4m ²	-	1 bedroom apartments	8m ²	2m	2 bedroom apartments	10m ²	2m	3+ bedroom apartments	12m ²	2.4m	<p>The minimum balcony depth to be counted as contributing to the balcony area is 1m.</p> <p>2. Ground level apartment POS must have minimum area of 15m² and min. depth of 3m</p> <p><u>Objective 4E-2</u></p> <p><i>Primary private open space and balconies are appropriately located to enhance liveability for residents</i></p> <p><u>Design Guidance</u></p> <ul style="list-style-type: none">- 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. <p><u>Objective 4E-3</u></p> <p><i>Primary private open space and balcony design is integrated into and contributes to the overall architectural form and detail of the building</i></p> <p><u>Design Guidance</u></p> <ul style="list-style-type: none">- 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. <p><u>Objective 4E-4</u></p> <p><i>Private open space and balcony design maximises safety</i></p> <p><u>Design Guidance</u></p> <ul style="list-style-type: none">- Changes in ground levels or landscaping are minimised. <p><u>4F Common circulation and spaces</u></p> <p><u>Objective 4F-1</u></p> <p><i>Common circulation spaces achieve good amenity and properly service the number of apartments.</i></p> <p><u>Design Criteria</u></p> <ol style="list-style-type: none">1. The maximum number of apartments off a circulation core on a single level is eight2. For buildings of 10 storeys and over, the maximum number of apartments sharing a single lift is 40.		
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																
			Maximum 4 apartments per floor	Yes														

Standards/controls	Comment	Complies										
<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>4G Storage</p> <p><u>Objective 4G-1</u></p> <p><i>Adequate, well designed storage is provided in each apartment</i></p> <p>1. In addition to storage in kitchens, bathrooms and bedrooms, the following storage is provided</p> <table><tr><th>Dwelling type</th><th>Storage size volume</th></tr><tr><td>Studio apartments</td><td>4m³</td></tr><tr><td>1 bedroom apartments</td><td>6m³</td></tr><tr><td>2 bedroom apartments</td><td>8m³</td></tr><tr><td>3+ bedroom apartments</td><td>10m³</td></tr></table> <p>At least 50% of the required storage is to be located within the apartment</p> <p><u>Objective 4G-2</u></p> <p><i>Additional storage is conveniently located, accessible and nominated for individual apartments</i></p> <p><u>Design Guidance:</u></p> <ul style="list-style-type: none">- Storage not located within apartments should be allocated to specific apartments. <p>4H Acoustic privacy</p> <p><u>Objective 4H-1</u></p> <p><i>Noise transfer is minimised through the siting of buildings and building layout</i></p> <p><u>Design Guidance</u></p> <ul style="list-style-type: none">- Adequate building separation is required (see section 2F above).- Noisy areas within buildings should be located next to or above each other and quieter areas next to or above quieter areas.	Dwelling type	Storage size volume	Studio apartments	4m ³	1 bedroom apartments	6m ³	2 bedroom apartments	8m ³	3+ bedroom apartments	10m ³	<p>Apartments have basement storage and additional storage within apartments</p> <p>The top floor side setback on the northern boundary does not comply with section 2F.</p> <p>The undercroft communal open space may naturally amplify sound and affect neighbours or internal residents.</p> <p>The northern shared access path could be noisy for occupants of</p>	<p>Yes</p> <p>No*</p>
Dwelling type	Storage size volume											
Studio apartments	4m ³											
1 bedroom apartments	6m ³											
2 bedroom apartments	8m ³											
3+ bedroom apartments	10m ³											

Standards/controls	Comment	Complies
<ul style="list-style-type: none"> - 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. <p><u>Objective 4H-2</u></p> <p><i>Noise impacts are mitigated within apartments through layout and acoustic treatments</i></p> <p><u>Design Guidance</u></p> <ul style="list-style-type: none"> - In addition to mindful siting and orientation of the building, acoustic seals and double or triple glazing are effective methods to further reduce noise transmission. 	units 1 and 3 and also 14 Market Place.	
<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. 	Not applicable	N/a
<p><u>Part 4 – Designing the building - Configuration</u></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><i>The apartment mix is distributed to suitable locations within the building</i></p>	<p>A mix of 1, 2 and bedroom apartments is proposed.</p> <p>3 adaptable apartments are proposed, however are all 1 bedroom apartments. This does not provide sufficient for residents.</p>	No*

Standards/controls	Comment	Complies
<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><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 	<p>No direct street access is provided to Units 1 and 2.</p> <p>The architectural and heritage character of Market Square would discourage enclosure of the front grassed area. This was designed as POS in the version initially lodged, demarcated by low courtyard walls to Market Square. The Design Review Panel recommended the front setback remain open to Market Square.</p> <p>POS to ground floor units 1 and 3 could be expanded if the northern access path was removed.</p> <p>Council's design expert has recommended alternative brick colour, better reflecting the existing warm tones of buildings in Market Place. The Design Review Panel has recommended that painted surfaces be</p>	<p>Yes</p> <p>No*</p>

[illegible]

<i>Standards/controls</i>	<i>Comment</i>	<i>Complies</i>
<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><u>4P Planting on Structures</u></p> <p><u>Objective 4P-1</u></p> <p><i>Appropriate soil profiles are provided</i></p> <p><u>Design guidance</u></p> <ul style="list-style-type: none"> - Structures are reinforced for additional saturated soil weight - Minimum soil standards for plant sizes should be provided in accordance with Table 5 <p><u>Objective 4P-2</u></p> <p><i>Plant growth is optimised with appropriate selection and maintenance</i></p> <p><u>Design guidance</u></p> <ul style="list-style-type: none"> - Plants are suited to site conditions <p><u>Objective 4P-3</u></p> <p><i>Planting on structures contributes to the quality and amenity of communal and public open spaces</i></p> <p><u>Design guidance</u></p> <ul style="list-style-type: none"> - Building design incorporates opportunities for planting on structures. 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><u>4Q Universal design</u></p> <p><u>Objective 4Q-1</u></p>	<p>overshadowing of southern properties.</p> <p>Not applicable.</p> <p>Apartments 6, 10 and 14 are designated adaptable.</p>	<p>of</p> <p>N/a</p> <p>Yes</p>

Standards/controls	Comment	Complies
<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 	Pre and post adaptation plans are provided.	
<p>Part 4 – Designing the building - Configuration</p> <p><u>4U Energy efficiency</u></p> <p><u>Objective 4U-1</u></p> <p><i>Development incorporates passive environmental design</i></p> <p><u>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>	A BASIX certificate has been provided.	Yes
<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>	<p>A centralised water tank for watering communal open space has not been provided.</p>	No*

Standards/controls	Comment	Complies
<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><u>4W Waste management</u></p> <p><u>Objective 4W-1</u></p> <p><i>Waste storage facilities are designed to minimise impacts on the streetscape, building entry and amenity of residents</i></p> <p><u>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>Waste bin storage is located in the basement. Bins will be moved to the footpath on collection day.</p> <p>The Design Review Panel has recommended proposed painted surfaces are substituted for more durable materials requiring less maintenance.</p>	<p>Yes</p> <p>No*</p>

WOLLONGONG DEVELOPMENT CONTROL PLAN 2009

CHAPTER A2 – ECOLOGICALLY SUSTAINABLE DEVELOPMENT

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

CHAPTER D13 – WOLLONGONG CITY CENTRE

Relevant provisions are addressed below.

2 Building form

<i>Objectives/controls</i>	<i>Comment</i>	<i>Complies</i>
<u>2.2 Building to street alignment and street setbacks</u>	A minimum 4m setback is required.	Yes
<u>2.4 Building depth and bulk</u>	Building does not exceed 18m maximum permitted depth.	Yes
<u>2.5 Side and rear building setbacks and building separation</u>	ADG control prevails over WDCP 2009.	ADG prevails
<u>2.7 Deep soil zone</u>	ADG control (7%) prevails over DCP minimum 15%. A DSZ of 98.76m ² (8%) provided.	ADG prevails
<u>2.8 Landscape design</u>	A revised landscaping plan has been provided. Artificial turf is proposed in the front setback which is not supported.	No*
<u>2.9 Green roofs, green walls and planting on structures</u>	Not applicable	N/a

3 Pedestrian amenity

<i>Objectives/controls</i>	<i>Comment</i>	<i>Complies</i>
<u>3.3 Active street frontages</u>	Clear street address and building entrance lobby is provided.	Yes
<u>3.4 Safety and security</u>	The site layout does not offer good surveillance of the rear, including the undercroft COS.* Secure access would be provided to the lobby and basement.	No*
<u>3.6 Vehicular footpath crossings</u>	One crossing is proposed.	Yes
<u>3.8 Building exteriors</u>	Alternative building materials are recommended to reduce maintenance.	Yes
<u>3.10 Views and view corridors</u>	The land is located within the broader escarpment views from the lighthouse. View loss to Market Square, the horizon and ocean has been identified in submissions. The view analysis shows some near distance views would be lost however longer views remain.	Yes

4 Access, parking and servicing

<i>Objectives/controls</i>	<i>Comment</i>	<i>Complies</i>
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DA-2020/614 16-18 Market Place Wollongong

<u>4.2 Pedestrian access and mobility</u>	Safe and equitable access is provided to the building.	Yes
<u>4.3 Vehicular driveways and manoeuvring areas</u>	Council's traffic engineer has no objection to the nominated driveway.	Yes
<u>4.4 On-site parking</u> Parking is required in accordance with Chapter E3.	DCP 2009 rates are the same RMS rates. A surplus of one space is proposed, however this should be converted to a shared space for the third adaptable dwelling.	Yes
<u>4.5 Site facilities and services</u>	It is unclear whether a substation is required. Service features like AC units, risers and drainage pipes have not consistently been shown on the plans.	No*

5 Environmental management

<i>Objectives/controls</i>	<i>Comment</i>	<i>Complies</i>
<u>5.2 Energy efficiency and conservation</u>	A BASIX certificate has been provided and is satisfactory.	Yes
<u>5.3 Water conservation</u>	The proposal is not expected to result in significant water consumption and there are opportunities to incorporate water saving measures. A centralised water tank should be provided to allow water reuse in common areas.	No*
<u>5.4 Reflectivity</u>	The proposed external finishes do not contain highly reflective materials.	Yes
<u>5.5 Wind mitigation</u>	The proposed building has a height of 16m. A wind analysis is not required for buildings of this height.	N/a
<u>5.6 Waste and recycling</u>	The basement contains a waste storage room. Bins are proposed to be wheeled to the footpath on collection day. The number of bins would occupy less than 50% of the footpath.	Yes

6 Residential development standards

<i>Objectives/controls</i>	<i>Comment</i>	<i>Complies</i>
<u>6.1 SEPP 65</u>	ADG compliance is addressed in section 2.1.3 and the Table above.	No*
<u>6.2 Housing choice and mix</u>	1, 2 and 3 bedrooms are proposed. Three adaptable units are proposed, although are all 1 bedroom units, which doesn't provide flexibility for residents.	Yes
<u>6.6 Basement Carparks</u>	Council's traffic engineer has no objection to the proposed layout.	Yes
<u>6.7 Communal open space</u>	The communal open space is located at the rear of the building in an undercroft area. This location compromises solar access and passive surveillance. Insufficient details have been provided of materials and finishes to show how this area will be comfortable and appealing.	No*
<u>6.8 Private open space</u>	All apartments exceed minimum area requirements.	Yes
<u>6.9 Overshadowing</u>	Shadow diagrams have been provided, which show unsatisfactory solar access to adjoining properties, including for redevelopment scenarios. Tree planting in the south western corner is likely to further overshadow southern neighbours.	No*
• <u>6.10 Solar access</u>	Shadow diagrams have been provided, which show unsatisfactory solar access to units within the development. Council's design expert has noted that units 1, 2, 6, 10 and 14 do not receive the minimum required 2 hours of solar access between 9am and 3pm. This equates to 69% receiving 2 hours, where minimum 70% is required under the ADG. Units 2, 6, 10 and 4 receive no solar access, which represents 19% of the total number of dwellings. This does not comply as a maximum 15% is permitted under the ADG.	No*
• <u>6.11 Natural ventilation</u>	All apartments achieve cross ventilation.	Yes
• <u>6.12 Visual privacy</u>	The northern setback on the upper floor does not comply with ADG setbacks, and is likely to result in privacy impacts upon the neighbouring building.	Yes
• <u>6.13 Acoustic Privacy</u>	No significant transmission between apartments is anticipated. There is potential for noise impacts upon units situated near the undercroft open space and adjoining the northern shared path.	No*
• <u>6.14 Storage</u>	All apartments have basement and internal storage.	Yes

8 Works in the public domain

None proposed. Street tree planting is proposed but would not be consistent with the existing streetscape.

CHAPTER B1 – RESIDENTIAL DEVELOPMENT

Only those provisions not superseded by Chapter E13 are addressed below:

4.0 General Residential controls

<i>Controls/objectives</i>	<i>Comment</i>	<i>Complies</i>
<u>4.15 Development near the coastline</u>	The development is not identified as subject to coastal hazards.	Yes

6 Residential flat buildings

<i>Controls/objectives</i>	<i>Comment</i>	<i>Complies</i>
<u>6.2 Minimum Site Width</u>	The development proposes part of the building where the site width is 16.46m, where minimum 24m is required. The development creates isolated allotments of 20 Market Place and 20 Market Square. Potential future development scenarios prepared by the applicant do not show an ADG complying building on those lots.	No*
<u>6.5 Built Form</u>	The building is located in a sensitive precinct, where heritage items have informed built form controls. The DRP and Council's design expert have recommended changes to improve the building design having regard to the specific site context. Public submissions generally describe the building as too tall for the precinct.	No*
<u>6.10 Access Requirements</u>	Council's traffic engineer has no objection to the location of the driveway.	Yes
<u>6.15 Adaptable Housing</u>	Three apartments are adaptable, however one apartment does not have access to a suitable parking space. .	Yes
<u>6.16 Access for People with a Disability</u>	The building is accessible.	Yes

7 Planning controls for special areas

The site is located within Area 5: Market Square special area.

<i>Objectives/controls</i>	<i>Comment</i>	<i>Complies</i>
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<u>7.1 Special areas with heritage items</u>	<p>The Market Square area contains heritage items. The development does not adequately satisfy the objectives or general principles.</p> <p>Objectives:</p> <p><i>a) To facilitate the conservation and protection of heritage items and Heritage Conservation Areas and their settings.</i></p> <p><i>b) To reinforce the special attributes and qualities of heritage items by ensuring that development has regard to the fabric and prevailing character of the item or special area e.g., scale, proportions, materials and finishes.</i></p> <p><i>c) To conserve, maintain and enhance existing views and vistas to buildings and places of historic and aesthetic significance.</i></p>	No*
<u>7.2 Special areas and Development Standards</u>	<p>Development is required to satisfy 7.1 controls, not exceed LEP height and have minimum setback 4m.</p> <p>The proposed setback is 4m.</p>	No*
<u>7.5 Design excellence</u>	<p>The DRP and Council's design expert are not of the opinion that the development exhibits design excellence.</p>	No*

PRECINCT PLAN – Wollongong City Centre

Chapter D13 contains provisions for development in the city centre.

CHAPTER E2: CRIME PREVENTION THROUGH ENVIRONMENTAL DESIGN

Control/objective	Comment	Complies
<u>3.1 Lighting</u>	No details of lighting are provided.	N/a
<u>3.2 Natural surveillance and sightlines</u>	Limited surveillance is provided to the undercroft COS	No*
<u>3.3 Signage</u>	None proposed	N/a
<u>3.4 Building design</u>	The building would have secure access to each floor and basement level.	Yes
<u>3.5 Landscaping</u>	Landscaped areas retain views and avoid concealment areas.	Yes

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

6 Traffic impact assessment and public transport studies

6.1 Car Parking and Traffic Impact Assessment Study

A traffic impact assessment prepared by Bitzios Consulting has been submitted.

6.2 Preliminary Construction Traffic Management Plan

A construction traffic management plan has not been provided, although is not mandatory at development application stage.

The particular local traffic conditions are sensitive to impacts during construction. These traffic conditions include Market Place being a one-way street with established on-street parking, being in a location within a high pedestrian area and in proximity to a school.

In the circumstances, a preliminary plan would assist in assessment of potential traffic impacts and provide answer concerns raised in public submissions.

7 Parking demand and servicing requirements

7.1 Car Parking, Motor Cycle, Bicycle Requirements and Delivery / Servicing Vehicle Requirements

Car spaces

The SEPP 65 Apartment Design Guide sets the car parking rate for the development. As the site is within 400m of a B4 zone, the required car parking is the lesser of RMS and WDCP 2009 rates. With rounding, both RMS and WDCP 2009 require 19 car spaces (16 resident plus 3 visitor).

RMS requires total 19.2 spaces

- 0.6 spaces per 1 bedroom unit x 3 units = 1.8
- 0.9 spaces per 2 bedroom unit x 8 = 7.2
- 1.4 spaces per 3 bedroom unit x 5 = 7
- 0.2 visitor spaces per unit x 16 = 3.2

WDCP 2009 Schedule 1 requires 18.7 spaces

- 0.75 car parking space per dwelling <70m² x 3 = 2.25
- 1 space per dwelling 10-100m² x 12 = 12
- 1.25 spaces per dwelling >110m² x 1 = 1.25
- 0.2 visitor spaces per dwelling x 16 = 3.2

In its current form, the development proposes 20 parking spaces (17 resident plus 3 visitor). Of these, adaptable unit 6 has not been provided with an appropriately-sized-parking space, which is contrary to AS2890.6 and Council's policy. It is likely that one residential parking space will be lost to accommodate adaptable dimensions for unit 6. This can satisfactorily be taken from the surplus one space in the current design.

Motorcycle spaces

- 1 motorcycle space per 15 dwellings x 16 = 1.06 spaces required
- 2 spaces provided

Bicycle spaces

- 1 bicycle space per 3 dwellings (residents) x 16 = 5.3 spaces required
- 1 bicycle space per 12 dwellings (visitors) x 16 = 1.3 spaces required
- 5 spaces provided

Waste vehicle

Large rigid vehicle (waste contractor) – refer Chapter E7. Waste collection is proposed at kerbside.

7.2 Disabled Access and Parking

Three adaptable units are proposed (Units 6, 10 and 14), however only two disabled spaces are provided.

7.3 Bicycle Parking / Storage Facilities and Shower and Change Facilities

Insufficient bicycle parking is provided.

7.4 Waiver or Reduction of Parking Spaces

Not required.

8 Vehicular access

Driveway grades and sight distances comply.

9 Loading / unloading facilities and service vehicle manoeuvring

The development complies with AS 2890.2. Waste servicing will occur from the kerb.

10 Pedestrian access

The proposal is satisfactory with regard to pedestrian access into the site and along the frontage.

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

The proposal is satisfactory with regard to the principles of CPTED.

CHAPTER E6: LANDSCAPING

A landscape plan by Create Landscape Architects has been provided. Impacts on existing trees are acceptable. The two large plantings in the south-western part of the site are likely to contribute to overshadowing of properties to the south.

Planting of street trees is inconsistent with Market Place.

CHAPTER E7: WASTE MANAGEMENT

A Site Waste Minimisation and Management Plan has been provided in accordance with this chapter.

The proposal involves demolition of all structures and a demolition plan has been provided.

Suitable waste storage and servicing arrangements have been provided. Waste bins will be stored in the basement and moved to the kerb for collection.

CHAPTER E11 HERITAGE CONSERVATION

The land is located directly opposite two items of local heritage identified in WLEP 2009:

- Item 6271 – Bandstand and Marble Plaque Commemorating Bass and Flinders' Landing
- Item 6386 – Market Square

The site is located within the WDCP 2009 Special Character Area as well as being in the vicinity of a number of other heritage items including St Mary's (6248), Houses (6272, 6593) and the State Heritage Listed Former Wollongong Post and Telegraph Office (Illawarra Museum) (5910). The area is a key historic precinct that demonstrates the early phases of the development of Wollongong and is located at the heart of the earliest settlement in the Township.

The proposal is supported by a Historic Heritage Assessment and Heritage Impact Statement prepared by Biosis dated June 2019 and letter of Heritage Impact by Austral Archaeology dated 31 March 2021. A materials and analysis colour schedule was provided on 13 April 2021.

It is noted that the National Trust has lodged a submission to the proposal.

Austral Archaeology have addressed Council's concerns regarding the building height. Austral concludes that removal of the top floor would be unlikely to positively affect views from Market Square, due to the backdrop of higher buildings on Corrimal Street. The proponent has not submitted a view analysis based on a 4 storey building to allow a comparison.

Austral also state that a 4 storey building would be unlikely to increase solar access to Market Square compared to the proposed 5 storey building. Council has not been provided with comparative solar access diagrams to test this position.

The scale of the proposal in relation to the existing character of Market Square has been raised in a number of submissions including those from Neighbourhood Forum 5 and the National Trust.

Council's heritage officer has reservations about the appropriateness of the five storey building form, although acknowledges the development does not exceed the height limit in WLEP 2009. Council's strategic planner has recommended further details which address the sun plane access controls in WLEP 2009 be provided by the applicant. Council's heritage officer has requested the sun access plane information be provided.

CHAPTER E14 STORMWATER MANAGEMENT

Stormwater is proposed to be disposed of to Council's existing stormwater drainage system. No easement is required. Council's stormwater engineer has no objection to the proposed method of stormwater discharge.

CHAPTER E17 PRESERVATION AND MANAGEMENT OF TREES AND VEGETATION

An arboricultural impact assessment report prepared by Allied Tree Consultancy has been provided.

The demolition plan (DA04) indicates one tree on the site is to be removed, together with planter beds and shrubs. However, the arborist report notes that the tree shown on the demolition plan for removal does not fit the definition of a prescribed tree in WDCP 2009.

Tree 2 as identified in the arborist report is located on a neighbouring lot. This tree will not be impacted by the development and is capable of being retained.

Tree 3 is located on a neighbouring lot, and the owners of that land have no objection to its removal. Council's landscape architect has advised that Tree 3 is an exempt species not requiring consent to remove.

Tree 1 as identified in the arborist report would suffer a minor encroachment and is to be retained.

Council's landscape architect has no objection to the proposed removal of Tree 3.

CHAPTER E21 DEMOLITION AND HAZARDOUS BUILDING MATERIALS MANAGEMENT

A demolition plan has been provided (DA04) which indicates structures and vegetation for removal. Development consents typically contain conditions where demolition is proposed, including safe handling of asbestos material.

CHAPTER E22 SOIL EROSION AND SEDIMENT CONTROL

Sediment and erosion control is typically managed by conditions of consent. No objection to the proposed sediment and erosion control measures shown on the site waste minimisation and management plan (DA54).

DRP Review – DA-2020/614 16-18 Market Pl, Wollongong

Summary

- ADG compliance is not achieved for solar access or setbacks, which is likely to cause privacy issues with neighbouring developments,
- The lot to the south will be an isolated lot which will not be able to achieve ADG compliance in regard to a number of outcomes, most notably setbacks, as well as solar access.
- Many of the DRP comments have not been actioned, and as such the proposed design is not supported.

Previous DRP Comments

Comments	Response
Context and Neighbourhood Character	
<p>In response to the Panel's previous comments. Additional analysis of the site and its immediate context has been undertaken. However, the level of information provided remains inadequate to inform an appropriate built form response to the site. Major components that require further detailed analysis include:</p> <ul style="list-style-type: none"> • <u>Isolation of sites to the south.</u> It must be demonstrated that the adjoining sites to the south are not isolated and that orderly and economic development remains possible. It must be demonstrated that these sites can realise their potential permissible FSR whilst complying with the requirements of WLEP2009, the ADG and accommodating vehicular parking. A built form study of these sites should be provided to demonstrate if future development of the neighbouring sites remains viable and assist in developing an appropriate built form response to the subject site. • <u>Detailed solar analysis</u> Solar analysis drawings have been provided. However, none of the diagrams provided clearly show (or quantify) the level of impact upon the neighbouring sites to the south. This is an essential component in developing an appropriate building form that minimises impact on its existing neighbours and maintains the development potential of these neighbouring sites. The applicant must also liaise with council to ensure specific sun plane requirements are met. • <u>View analysis</u> It is understood that council has received a number of objections from neighbour to the west in relation to view loss. A view analysis should be provided to allow the level of impact to be assessed and potentially inform further refinement to the building form. <p>The proposal still seeks to provide reduced setbacks from its southern and western boundaries. These setbacks will potentially impact the privacy and level of solar access to the neighbouring properties to the south. For the panel to accept that this is an appropriate</p>	<ul style="list-style-type: none"> • While the applicants have provided updated plans which show how the site to the south may be redeveloped, the proposed design provides poor amenity and is non-compliant with the ADG. As such, it would appear that the site is unlikely to be able to be redeveloped in a compliant manner, and instead will remain an under-developed isolated lot. • The solar analysis provided is still not of sufficient detail. The 2D plans for ADG compliance are incorrect showing only angles of the sun, not the effect of altitude and overshadowing from neighbouring buildings. The neighbouring property at 20 Market Pl can also be seen to have the majority of windows overshadowed from 9am onwards from the 3D shadow study. The proposed future development at 20 Market Pl is also south facing with little ability to achieve solar access outcomes. • The provided view analysis is of a detailed level and provides significant information regarding the neighbouring buildings' view loss. From these drawings, it can be seen that from the majority of camera positions, neighbouring properties will lose some views to the park, but retain longer views. This is to be expected of any redevelopment of the site. However, if the site were to be amalgamated with the lots to the south, a better outcome which maintains park views may be able to be achieved (as well as addressing a number of other issues outlined below). <p>Additionally, no evidence shows that privacy will not be of a concern to neighbouring properties. The setback to Level 4 (the 5th storey) is non-compliant to the northern boundary, being setback only 6m rather than the required 9m. This is the main outlook for this building and is likely to cause privacy issues for the property at 14 Market Place which is setback only 4m from the boundary. In addition the southern facing windows to Units 7, 11 and 15 all fall within 6m of the boundary and are non-compliant.</p> <p>Finally, as previously mentioned by the DRP, it does not appear that the site analysis is of a detailed enough</p>

response to the site, the applicant must provide a more detailed contextual analysis (as outlined above) to demonstrate that potential privacy issues have been minimised and a reasonable level of solar access has been maintained to neighbouring properties.

The basic form of the building must be established and justified by a far more detailed analysis of the immediate context of the site.

standard to inform the best massing outcomes. Instead, the streetscape analysis is rudimentary showing the differing lighting throughout the day, rather than a meaningful analysis of the streetscape form, fenestration, materiality, bulk, height, grain, and access, and the site's relationship to these matters. The quality of the view analysis would imply that the applicant is capable of completing this work, but the heritage "bulk analysis" and "streetscape" do not support the design sufficiently. The applicant should also address the list of requirements for site analysis in the ADG.

Built Form and Scale	
<p>As outlined above, the form of the building cannot be determined until the site and its immediate context is appropriately analysed.</p> <p>The nominal setbacks (3m to the south and 4.5m to the west) proposed to the adjoining site to the south will present as an imposing form when viewed from the rear yard of the neighbouring medical practice (20 Market Street). The proposed setbacks will have a significant impact the potential for future building on the neighbouring site. In response to the Panel's previous comments the proposal will now be developed in a single stage (as opposed to the two stages previously proposed) and the driveway has been relocated on the southern side of the building. These are positive developments.</p> <p><u>Northern interface</u></p> <p>A path has been provided adjacent to the northern boundary, providing access from the street to the communal open space at the rear of the building. The path is located in close proximity to all the bedroom windows of unit 3, compromising the privacy and outlook of these rooms. It is recommended that the landscaped area adjacent to the northern boundary be dedicated to private open space. The ground floor unit (unit 3) should be developed to better address the northern area of private open space.</p> <p>ADG part 3F requires windows to habitable rooms up to 4 storeys in height to be set back a minimum of 6m from side / rear boundaries, a 9m setback is required when above 4 storeys. The current proposal provides a 3.5m setback for the first 4 storeys of the building and a 6m setback to the upper level. ADG compliance is not achieved. However, it is acknowledged that to address potential privacy issues bedroom windows (units 4, 8 and 12) have been treated with opaque glass screens. Though this may be sufficient to address potential visual privacy issues, it provides limited outlook from the rooms and poor-quality natural lighting. It is recommended that the northern façade be articulated to allow bedroom windows to be orientated in an eastern</p>	<p>Notes regarding site analysis above</p> <p><u>Northern interface</u></p> <p>The path to the northern boundary has been retained, which is not supported as noted in the DRP. This space should be POS for Units 1 and 3, as the proposed screens are also likely to impede their solar access.</p> <p>Setback notes above.</p> <p>Floor levels have been adjusted to 3.1m each.</p>

and western direction and each room be provided with a north facing high-light window.

A 2.7m high ceiling height will be difficult to achieve with the currently proposed 3m floor to floor heights. A minimum floor to floor height of 3.1m is recommended.

Density	
Though the proposal appears to comply with Council's maximum permissible FSR, the site is under Council's minimum lot width requirement. This may be an indication that it may not be possible to accommodate the full extent of the permissible FSR on the site. The proposed built form must be more convincingly tested in its context to demonstrate that it is not an over-development of the site.	As the ADG setbacks cannot be achieved within this zone, it appears as if the rear of the development cannot support residential development, despite the applicants request for variation on site widths. It is recommended any design sits wholly within the front portion of the site and the rear be dedicated to COS.
Sustainability	
<p>Solar access diagrams provided demonstrate that the current proposal fails to meet minimum ADG solar access requirements.</p> <p>Units 2, 6, 10, 14, 1, 5, 9 and 13 receive less than 2 hours of solar access between 9am and 3pm in mid-winter. Thus, only 8 of a total of 16 units (50%) comply with ADG requirements. A minimum of 70% of units must meet this minimum requirement. Four of the proposed 16 units (25%) receive no direct sunlight between 9am and 3pm, mid-winter. The ADG allows a maximum of 15% of units to receive nil solar access.</p> <p>Further development is required to achieve ADG compliance. It is recommended that a sun's eye view be generated at hourly intervals between 9am and 3pm mid-winter to demonstrate compliance with the minimum requirements of the ADG, determine the proposal's impact on neighbours and to ultimately develop an appropriate built form response to the site.</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 (reuse of rainwater for toilet flushing and washing machines) should also be considered.</p> <p>The use of photovoltaic cells and solar panels is also encouraged.</p> <p>Selection of plant material should address the need to protect local biodiversity and avoid generating weed problems.</p>	<p><u>Solar Access</u></p> <p>Still does not comply. Unit 1, Unit 2, Unit 6, Unit 10, and Unit 14 do not achieve 2 hours solar access between 9am and 3pm, meaning only 69% of units achieve the requirement. 70% is required.</p> <p>Additionally, Units 2, 6, 10, and 4 receive no solar access which is 19%, more than the maximum 15% within the ADG.</p> <p><u>Water Collection</u></p> <p>The introduction of three slimline water tanks seems an odd choice in a multi-residential development, providing only water reuse for POS rather than the communal open spaces, particularly when POS gardens proposed are so small. Instead, it would be beneficial for the development to have a centralised rainwater storage which can be used to water the numerous communal spaces.</p> <p><u>Solar Panels</u></p> <p>Included on roof plan.</p>
Landscape	
<p>The Panel raised a number of concerns in relation to the proposed landscape plan, some of which had been raised in the previous DRP report.</p> <p><u>General</u></p>	<p><u>General</u></p> <p>The pathway now appears to be accessible but will require signoff from an accessibility consultant.</p> <p>Artificial turf is still used to the front setback of the development, which is not supported, as real grass could</p>

The Panel supports the re-siting of the driveway to the southern side of the building. The entrance path to the building should be accessible.

The Landscape Plan should show levels, not only of garden and terraced areas but also of walls, paths and other relevant features. It should also clearly label or include in the legend all elements (such as the paved area between the turf and the front wall of unit 3).

The Panel does not support the use of artificial grass where living plant material could be safely used. The front gardens and communal open space should contain on-slab plantings in place of the proposed artificial turf.

The planting plan should take into account factors such as stormwater infra-structure and access for maintenance of plantings.

Streetscape

The panel is not persuaded that the low walling and fencing in of the front gardens to create private courtyards for the ground floor units is in keeping with the character of Market Place which is generally unfenced and open, as is the park. The Panel recommends that the applicant consult with Council to resolve this matter but that, in the event that the spaces are to be enclosed, the plantings should not be used to create a barrier (hedge or dense planting) between the site and the public domain.

The screen to the northern edge of unit 3's open space should be deleted. The boundary plantings to the north of this should not act as a barrier that reduces the openness of the streetscape.

The garden strip along the southern edge of the driveway apron should be a minimum 1 m deep and the plantings should be of species that are low and do not spread broadly. They should not act as a barrier enclosing the property.

The proposed screen to the southern perimeter of the private open space of unit 1 should be set flush with the edge of the driveway to avoid maintenance issues.

The narrow garden beds on the northern edge of the driveway are problematic; they will require constant maintenance and are liable to damage from vehicles (and the gate that swings into them).

Southern boundary

The rainwater tank should be relocated and not occupy an area of deep soil. This area will be heavily over-shadowed for significant periods and its contribution as functional communal open space is unclear. Access for maintenance appears to be highly problematic. The treatment of the edge to the driveway is not shown.

Tree plantings will over-shadow the outdoor space of the property to the south. Consideration should be given

easily be grown above the basement level with sufficient detailing.

The fencing around the POS of Units 1 and 3 seems to be in odd locations as well, and Unit 3 is likely to benefit from having landscaping within its POS.

Streetscape

The low walls appear to have been removed within the proposed design, with landscaping and artificial turf proposed instead. While this layout is more in line with the existing streetscape, the artificial turf is inconsistent with both heritage and council guidelines, and will not be supported.

The proposed planting appears to retain the enclosure of the site and does not support the openness of the streetscape as suggested by the DRP, however the perspectives and elevations do not clearly show these elements so it is difficult to tell whether these plantings will obscure view lines.

Southern Boundary

As outlined above the location and size of rainwater tanks seems inconsistent with a multi-residential development with limited access for COS.

The large tree plantings have also been retained which will further overshadow the property to the south.

Northern boundary adjacent to unit 3.

As outlined above, the path has still been retained despite the repeated request by the DRP for it to be removed.

Communal private open space (COS)

The undercroft has been reduced which addresses many issues listed here, but the 3D perspective still show the space as being imposing and no detail has been provided as to how this will be mitigated to provide more amenity for residents.

Waste storage has been relocated to the basement as requested.

The stairs from the basement do not appear to be enclosed, and despite the kerb to prevent overland flow, they are susceptible to water pooling at the bottom during periods of rain. Further detail is required to prevent this.

The POS to Unit 2 appears to be resolved so long as the planting is associated with this unit and does not require communal maintenance.

to allocating some or all of this space to unit 2 to improve its very poor amenity and obviate the need to fully screen its rear terrace for privacy.

Northern boundary adjacent to unit 3.

The Panel acknowledges that the proposed access path from the street to the rear is in keeping with the previous report. However, it is of the opinion that the area would function better as outdoor space for unit 3. The path should be deleted.

Communal private open space (COS)

The Panel is highly concerned about the poor amenity and functionality of the very large undercroft space. It will require a very high-quality fit-out to deal with issues such as lighting, temperature, ventilation, noise, fire safety around cooking facilities and aesthetics. This will be costly to construct and, importantly to operate and maintain. Even then, the attraction of the space will be questionable, given that it is not enclosable. The Panel does not support this approach to providing a communal room linked to COS.

The waste storage room should not be located adjacent to the communal room or main areas of COS. The Panel is of the opinion that it should be located in the basement.

The stairs from the basement exit into tree plantings in a garden.

The relationship between the COS and unit 2 is such that unit 2's terrace needs to be entirely enclosed to a significant height to provide for privacy. This is not supported by the Panel.

The idea of including a chess board in the paving is fun but it should be located where seating can be provided for players opposite each other and where concerns about privacy to units are not an issue.

Amenity

Proposed lobbies are internalised spaces that will be solely dependent upon artificial lighting. This is contrary to objective 4F-1 of the ADG, which requires a window providing natural ventilation and daylight to all lobbies. It is recommended that the lobby be extended through to the eastern façade to provide outlook over the park. In doing this the area of units 4, 8 and 12 will be reduced. It is suggested that these units are developed into two-bedroom units to allow functional living / dining space to be accommodated.

It is noted that many unit sizes are significantly in excess of the minimum requirements of the ADG. There remain opportunities to further refine and develop each unit, to better relate to its context and provide a better level of amenity to its occupants. The following suggestions should be investigated:

The addition of a large east facing window to the lobbies of levels 1, 2 and 3 achieves objective 4F-1 of the ADG. Operable skylights are recommended for the penthouse lobby, particularly as it is a small space.

In regard to specific units:

- Units 5, 9 and 13 have been redesigned as per DRP recommendations
- Units 4, 8 and 12 have been redeveloped to incorporate east and west facing bedroom units, but have remained as 3 bedroom apartments. This appears to be satisfactory.
- The reorientation and reduction in size of Units 7, 11 and 15 is appropriate and provides better outcomes for residents and neighbouring properties, however non-habitable windows are still within 4.5m of the southern boundary.

- South east corner unit (units 5, 9 and 13)
These units currently receive less than 2 hours of solar access each day (between 9m and 3pm, mid-winter). To provide better solar access and improve the quality of the living room space, it is suggested that the living room be relocated to the south eastern corner of the unit.
- North east corner unit (units 4, 8 and 12)
In response to the panel's previous comments, the balcony of this unit has been reorientated to face the park. This is a positive development that improves the quality of the unit.
Given the reduced setback now proposed to the northern elevation and the requirement to incorporate windows to lobbies, further development of these units is required.
Consideration should be given to reducing these units to two bedroom and developing the northern façade to allow bedroom windows to be orientated in an eastern and western direction and providing each room with a north facing high light window (refer to comments above, Built Form).
- North west corner unit (units 7, 11 and 15)
The living rooms / balconies of these units are currently orientated towards the northern neighbours. Relocating the living room and balcony to the western edge of the unit will better relate to the rear landscaped garden area whilst still benefitting from northern solar access via the northern edge of the living room.
Consideration must also be given to reducing the footprint of these units. These units are 93sqm (23sqm in excess of ADG unit sizes) and set back only 3m from the site's southern boundary. They will have a significant over-shadowing impact upon the existing neighbour and potentially limit development of the neighbouring site. It should also be noted that by reducing the footprint of this unit more solar access will be provided to the communal open space.
- South west corner unit (units 6, 10 and 14) Further analysis of the immediate context of the site will better inform the setback requirements of this unit. The proportions of the living room should be developed to be more rectangular, rather than square, to accommodate more functional furniture layouts. Furniture layouts currently provided show the dining table preventing access to the unit from the entry.
These units currently receive no solar access throughout the day (in mid-winter). Consideration should be given to providing a sky light to unit 14 to allow some direct solar access to the living room.
- Ground floor south west corner unit (unit 2)
This unit will receive no solar access. Consider relocating this unit to sit directly below unit 7, to
- The layouts of units 6, 10 and 14 are improved but still do not facilitate good furniture layouts and provide empty spaces as shown in the plans.
- Unit 2 still does not receive any solar access.
- While redesigned to address the issues raised by the DRP, the penthouse design has created a number of other issues. Namely the square living space provides poor amenity and layout for residents, which is evidenced by the need for the architect to show a small dining table awkwardly arranged around a single lounge and armchair, despite being a 4 bedroom apartment. Additionally, the setback to the northern boundary (as mentioned above) is required to be 9m which will significantly reduce the size of this apartment.

create a one-bedroom unit with a north facing garden. The garbage room could be relocated in the basement and accessible WC could be relocated adjacent to the stairs.

• Penthouse

The location of the study on the north-eastern corner of the unit detracts from the quality and flow of the living space. Consider relocating the study behind the kitchen to create a clearly define living / dining space with views of the adjacent park.

Rationalising the size of this living space, to provide a combined living / dining space of 7.5m by 4.5m would reduce the overall width of the unit, allowing bedrooms 2 and 3 to be moved approximately 1.5m further north, increasing the setback from the southern boundary.

Consider flipping the entry to bedroom 1 to the southern side of the room, this will consolidate the circulation space in the centre of the unit and allow a window to be provided to the kitchen.

Safety	
The undercroft to the rear is poorly located in terms of surveillance.	The undercroft has been minimised, but still does not provide for good passive surveillance outcomes.
Housing Diversity and Social Interaction	
Pending further detail development, the proposal will provide an appropriate contribution to this developing residential neighbourhood.	Appropriate.
Aesthetics	
<p>It is anticipated that in addressing the issues raised in this report the form and expression of the building will alter. In doing this the applicant is encouraged to utilise a more refined pallet.</p> <p>The use of brick is encouraged while the heavy reliance on large areas of painted surfaces is discouraged, as this is likely to create long-term maintenance issues. All materials and finishes must be clearly documented, including type of brick selected, type of glazing (material, finish and colour) type of cladding, type of balustrade (frameless / semi frameless / handrail / material finish) treatment of soffit, detail of louvres etc.</p> <p>A larger scale detail section would assist in providing a better understanding of the quality of finish being proposed and also help to ensure that the architect's design intent is realised.</p> <p>Servicing of the building must be considered at this stage of the design process. The location of service risers, car park exhausts, AC condensers, down pipes and fire hydrant boosters should be accommodated. It must also be determined if a sub-station is required.</p>	<p>The large areas of painted surfaces have been retained, and the colour specification of the brick seems to be in contrast with the dominant heritage type within Market Place streetscape, which appears to be more red in colour from the provided images. Instead, the Bowral brick has been more prevalent in modern developments.</p> <p>The other colours and materials specified are chosen to compliment this brick colour, ignoring the colour palette of the heritage items in the area, and there may have been an opportunity to draw from the more prevalent creams and earth colours, rather than greys.</p> <p>The provision and resolution of services, ductwork, risers, etc is still rudimentary with a duct being shown on the middle levels but not aligning with those above and below, services being shown on the ground floor only, no provision for waste or bin chutes, no provision for AC units or condensers, and downpipes on prominent front facades.</p> <p>Substation is also not shown on plans.</p> <p>A variety of roof forms provide interest, but without the location of hot water services and AC condenser units, it is unclear whether this will be an attractive feature for those overlooking the site.</p>

The roof will be visible from the surrounding high-rise buildings, so it should be treated as the 5th elevation of the building.

Consideration must be given to both materials and the integration of services.

Key Issues, Comments, and Recommendations	
<p>Further development is required to provide a building that responds appropriately to its context, provides a positive contribution to Market Square and meets Council's design excellence criteria. Further consideration of the following issues is required:</p> <ul style="list-style-type: none">• Further analysis is required to inform an appropriate built form outcome for this site.• It must be demonstrated that the adjoining sites to the south are not isolated and that orderly and economic development of these site remains possible.• A detailed solar analysis, documenting impact upon the southern neighbour must be provided.• Compliance with ADG solar access requirements must be achieved.• Further refinement to unit layouts is required.• The use of the northern landscaped area for private open space is encouraged.• Further refinement of the building aesthetics is required.	<ul style="list-style-type: none">• Further analysis provided is haphazard and does not fully address the issues outlined by the DRP.• It has not satisfactorily been proven that the sites to the south are not isolated.• Solar analysis has been provided, though the impact on the southern neighbour is not fully explored, particularly in relation to any new development.• Solar access remains non-compliant.• Unit layouts have been refined and mostly meet amenity requirements, though a few still remain difficult to furnish as shown in layouts.• The northern landscaped area is still not POS.• Building aesthetics still remain inconsistent with the sensitive nature of this site in close proximity to heritage sites and Market Place.

Attachment 8: Draft Reasons for Refusal

- 1 Pursuant to the provisions of Section 4.15 (1)(a)(i) of the Environmental Planning and Assessment Act 1979, it is considered that the proposed development is inconsistent with State Environmental Planning Policy No. 65 (Design Quality of Residential Development) with respect to the Design Quality Principles.
- 2 Pursuant to the provisions of Section 4.15 (1)(a)(i) of the Environmental Planning and Assessment Act 1979, it is considered that the proposed development is inconsistent with State Environmental Planning Policy No. 65 (Design Quality of Residential Development) with respect to the Apartment Design Guide requirements as set out in parts 3B, 3C, 4A, 4H, 4M, 4O, 4V and 4X.
- 3 Pursuant to the provisions of Section 4.15 (1)(a)(i) of the Environmental Planning and Assessment Act 1979, it is considered that the proposed development is inconsistent with State Environmental Planning Policy (Coastal Management) 2018 with respect to clause 14(1) Development on Land within the Coastal Use Area.
- 4 Pursuant to the provisions of Section 4.15 (1)(a)(i) of the Environmental Planning and Assessment Act 1979, it is considered that the proposed development is inconsistent with Wollongong Local Environmental Plan 2009 with respect to clause 7.14 Minimum Site Width and the development standard departure is not supported.
- 5 Pursuant to the provisions of Section 4.15 (1)(a)(i) of the Environmental Planning and Assessment Act 1979, it is considered that the proposed development fails to demonstrate compliance with the sun access plane for Market Square-West as required by clause 8.3(9) of Wollongong Local Environmental Plan 2009
- 6 Pursuant to the provisions of Section 4.15(1)(a)(iii) of the Environmental Planning and Assessment Act 1979, it is considered that the proposed development is inconsistent with the provisions of Wollongong City Council's Development Control Plan 2009 Chapter D13 with respect to clauses:
 - 2.5 Side and rear building setbacks and building separation
 - 3.4 Safety and security
 - 4.5 Site facilities and services
 - 5.3 Water conservation
 - 6.1 SEPP 65
 - 6.7 Communal open space
 - 6.9 Overshadowing
 - 6.10 Solar access
 - 6.13 Acoustic Privacy
- 7 Pursuant to the provisions of Section 4.15(1)(a)(iii) of the Environmental Planning and Assessment Act 1979, it is considered that the proposed development is inconsistent with the provisions of Wollongong City Council's Development Control Plan 2009 Chapter B1 with respect to clauses:
 - 6.2 Minimum site width
 - 6.5 Built form
 - 7.1 Special areas with heritage items
 - 7.2 Special areas and development standards
 - 7.5 Design excellence

- 8 Pursuant to the provisions of Section 4.15(1)(a)(iii) of the Environmental Planning and Assessment Act 1979, it is considered that the proposed development is inconsistent with the provisions of Wollongong City Council's Development Control Plan 2009 Chapter E2 with respect to clause 3.2 Natural surveillance and sightlines
- 9 Pursuant to the provisions of Section 4.15(1)(a)(iii) of the Environmental Planning and Assessment Act 1979, it is considered that the proposed development is inconsistent with the provisions of Wollongong City Council's Development Control Plan 2009 Chapter E11.
- 10 Pursuant to the provisions of Section 4.15 (1)(b) of the Environmental Planning and Assessment Act 1979, it is considered that the proposed development does not achieve a high quality design and would adversely impact upon the existing and future desired streetscape.
- 11 Pursuant to the provisions of Section 4.15 (1)(b) of the Environmental Planning and Assessment Act 1979, it is considered that the proposed development would have an adverse impact upon the adjoining land with respect to redevelopment potential due to creation of isolated allotments.
- 12 Pursuant to the provisions of Section 4.15 (1)(c) of the Environmental Planning and Assessment Act 1979, it is considered that the proposed development site is not suitable for the proposed development due to its lot dimensions.
- 13 Pursuant to the provisions of Section 4.15 (1)(d) of the Environmental Planning and Assessment Act 1979, it is considered that having regard for public submissions, the development is unsuitable with respect to overshadowing, building bulk and height, setbacks and privacy impacts.
- 14 Pursuant to the provisions of Section 4.15 (1)(e) of the Environmental Planning and Assessment Act 1979 it is considered that in the circumstances of the case, approval of the development would set an undesirable precedent for similar inappropriate development and is therefore not in the public interest.