

Wollongong Local Planning Panel Assessment Report | 13 October 2020

WLPP No.	Item 3
DA No.	DA-2019/980
Proposal	Residential – demolition of existing building and construction of a dual occupancy and Subdivision - Strata title - two (2) lots
Property	82A Cliff Road, Wollongong
Applicant	Samuel Jones – c/- Architects Edmiston Jones
Responsible Team	Development Assessment and Certification - City Centre Major Development Team (RW)

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 of the Local Planning Panels Direction of 30 June 2020, the proposal is categorised as contentious development under 2(b) of the Schedule as over 10 unique submissions were received in response to notifying the proposal.

Proposal

The proposal is for the demolition of the existing residential flat building and construction of an attached dual occupancy and strata title subdivision.

Permissibility

The site is zoned R1 General Residential pursuant to Wollongong Local Environmental Plan 2009. The proposal is categorised as a dual occupancy (attached) and is permissible in the zone with development consent.

Consultation

The proposal was notified in accordance with Council's Notification Policy and received eleven (11) submissions which are discussed at section 2.9 of the assessment report.

Main Issues

The main issues are:

- Design excellence
- Heritage impacts
- Overshadowing impacts to Osborne Park
- Variations to Wollongong Development Control Plan 2009 (WDCP 2009)
- Submissions

RECOMMENDATION

It is recommended that the application be refused for the reasons outlined in attachment 6.

1 APPLICATION OVERVIEW

1.1 PLANNING CONTROLS

The following planning controls apply to the development:

State Environmental Planning Policies

- SEPP 55 – Remediation of Land
- SEPP (Building Sustainability Index: BASIX) 2004
- State Environmental Planning Policy (Affordable Rental Housing) 2009
- SEPP (Coastal Management) 2018

Local Environmental Plans

- Wollongong Local Environmental Plan (WLEP) 2009

Development Control Plans

- Wollongong Development Control Plan (WDCP) 2009

Other policies

- Wollongong City-Wide Development Contributions Plan 2019

1.2 DETAILED DESCRIPTION OF PROPOSAL

The proposal comprises the following:

Site preparation

- Demolition of existing building
- Removal of one (1) tree
- Earthworks involved for excavation of the two basement levels

Works / Construction / building details

A four storey building is proposed comprising two dwellings to form an attached dual occupancy with two basement levels of carparking. One dwelling is located on Level 1 and part of Level 2. The other dwelling is on Levels 2,3 and 4 of the building.

A breakdown of the components for each level is outlined below:

Level	
Basement 2 (RL 2.6)	3 car spaces for Unit 2 Storage areas, including boat parking for Unit 2
Basement 1 (RL 5.6)	3 car spaces for Unit 1 + storage Foyer entry for both units Rear entrance to Unit 1 Bin storage
Level 1 (ground level)	<i>Unit 1</i> Living areas and east facing terrace Master bed & family room at rear Access to rear deep soil zone Internal stairs leading to rear portion of level 2
Level 2	<i>Unit 1 (part)</i> 3 bedrooms and 2 bathrooms on upper level of Unit 1 (rear portion of building)

	<i>Unit 2 (part)</i> Living/dining/kitchen in front portion, with terrace and BBQ area facing the street
Level 3	<i>Unit 2</i> 4 bedrooms, including master bed w/ ensuite & guest room/study Bathroom/powder room/laundry South facing terrace with double height concrete roof feature
Level 4	<i>Unit 2</i> Office and storerooms at rear Alfresco banquet area outdoor kitchen with bifold doors Terrace/BBQ/plunge pool

The entrance to the car park is proposed as stone cladding, with the upper levels comprising a mix of rendered finish and fibre-cement cladding (refer perspectives and external materials in Attachment 3).

Landscaping of the site includes a deep soil zone area at the rear of the site, landscape planters and vertical gardens

Traffic, parking and servicing

- A total of 6 car spaces are proposed, 3 spaces per dwelling at each basement level
- Separate (adjoining) ramp access to each basement level is proposed from Cliff Road
- Waste storage is proposed within each basement level for street collection

Subdivision

The proposal includes strata subdivision however a concept strata subdivision plan has not been provided.

1.1 SITE DESCRIPTION

The site is located at 82A Cliff Road, Wollongong and the title reference is Lot 3, DP 17709. The existing two storey brick building known as the 'Belmore' dates back to the 1940s and is subdivided into 4 strata lots under SP 1615. There is a garage in front of the building accessed from Cliff Road. At the rear of the site is a detached brick laundry building, a paved courtyard area and an existing tree in the south-western corner. There is a brick wall along the southern boundary that is shown on the survey plan to traverse the boundary with Osborne Park (refer attachment 3).

The site has an area of 547.3m² is generally rectangular in shape with an angled southern boundary and a skewed frontage of 14.44m to Cliff Road. The site has a fall from the rear to the front of the site of between 2-3 metres and a cross fall of up to 1m from north to south.

The site is adjacent to Osborne Park and the Boat Harbour Hotel to the south and south-west, Wollongong Harbour Foreshore is to the east and south-east. There is an older style two storey dwelling directly to the north known as 82 Cliff Rd (originally constructed as flats however has been used as a single dwelling for many years). Further north is a mix of housing stock (single dwelling at 80 Cliff Rd and public housing and more contemporary residential flat buildings further north). The Boat Harbour Hotel car park directly adjoins the site to the rear/west.

Existing development surrounding Osborne Park comprises the following:

- Boat Harbour Hotel / Anchorage Restaurant to the west known as 3-9 Wilson St (4 storeys)
- Residential flat building to the south west known as 11-15 Wilson St (8 Storeys)
- Residential flat building to the south known as 2-8 Harbour St (4 storeys)

Property conditions

Council records list the site as being affected by the following constraints:

- acid sulphate soils (Class 5)

There are no restrictions on the title.

Aerial photos of the site and the Wollongong LEP 2009 zoning map forms attachments 1 and 2.

1.2 BACKGROUND

The site has had two previous development applications seeking approval for a residential flat building on the site (both by the same architect). These applications were ultimately withdrawn due to unresolved issues, including the creation of an isolated lot to the north.

The development history is outlined below:

- DA-2012/918 - Residential - Demolition of existing apartment and associated structures and the construction of a five (5) storey residential flat building – Withdrawn
- DA-2013/1061 - Residential - demolition of existing structures and the construction of a four storey residential flat building consisting of three units – Withdrawn

In addition to the above applications, a proposal for a residential flat building by a different architect was considered by the Design Review Panel (DE-2017/60 and DE-2017/112) which was also subject to a pre-lodgement meeting (PL-2017/158). No development applications resulted from these pre-lodgements discussions.

Current application DA-2019/980

The current application was lodged on 6 September 2019. The application sought approval for a five storey dual occupancy development as shown below:



Figure 1: Original design at lodgement

Numerous concerns were identified with the proposal, notably bulk and scale and the interface with Osborne Park and the applicant was invited to withdraw the application in December 2019. The applicant requested time to address both Council's concerns and the matters raised by the Design

Review Panel, which was agreed to. Following a lengthy design review process (outlined below), detailed revised plans were submitted on 2 September 2020 which form the basis of this report.

Design Review Panel process

The application was reviewed by the Design Review Panel (DRP) on a voluntary basis to consider design excellence given the prominence of the site.

Design Review Panel meeting no.1 – December 2019

The original proposal was considered by the Design Review Panel on 3 December 2019.

Concerns were raised with the bulk and scale of the proposal and the relationship to the surrounding area. The following recommendations were made:

- *Consider the potential development on the next-door site and the contribution of the proposed built form on the rest of the streetscape as a whole.*
- *Reconsider the relationship with the ground plane to achieve an improved response to the adjacent park levels and street levels by the approach to and reconfiguration of the basement carpark.*
- *Consider the overall bulk and scale and the extent of site coverage to achieve greater landscape areas and separation distances.*
- *Consider an architectural response that is more reflective of the coastal environment with a resilient and perhaps warmer palette of materials.*
- *Improve the proposal's response to the sloping topography of the park by aligning floor levels of the units.*
- *Prepare a comprehensive landscape plan for the site with a selection of coastal species to reduce ongoing maintenance and landscape costs with a special focus on the shared boundary with the park.*

Where design excellence is required the design needs to demonstrate it has evolved through a process of thorough consideration of all contextual issues, particularly in relation to the public domain. In this instance, on this narrow sensitive site, design excellence should take priority over development yield.

Design Review Panel meeting no. 2 – May 2020

Following extensions of time granted to the applicant to submit revised plans, revised plans were submitted in March 2020 and were reconsidered by the DRP on 4 May 2020. Perspective drawings of the revised design is shown below:



Figure 2: Revised design considered by the Design Review Panel in May 2020

The Panel remained concerned with the proposed building bulk, scale, façade treatment, materiality and colour choice and were not satisfied that the revised proposal exhibited design excellence. Lowering the basement levels to address the levels of Osborne Park was recognised as a positive design outcome. A full copy of the Panel’s commentary can be found at attachment 4a.

Design Review Panel feedback on massing – July 2020

To address the Panel’s primary concerns over bulk and scale, the applicant was advised to submit further contextual analysis and massing diagrams to refer to the DRP prior to preparing more detailed plans. Information was submitted to Council in June, referred to the DRP (electronically) and the DRP feedback is included in attachment 4b. This feedback is limited to comments on building massing, not architectural detail. The commentary indicates the proposed massing of the building has an acceptable contextual fit with the desired future character, but notes that the building may appear out of scale while the surrounding sites remain undeveloped.

Of relevance to the current plans, the following comment was provided regarding the side setbacks:

Setback areas:

South: The basement extends to the boundary at the western end of the site. The remainder appears capable of deep soil planting. Adding a recess in the building and allowing a more substantial landscape zone here would help tie the development to the park visually and would reduce the bulk of the building addressing the park. Detailed information on the proposed treatment of all setback areas is necessary.

The Panel commentary also concluded that this design had negative impacts on the visual catchment and public domain.

Following on from this feedback, detailed plans were submitted on 2 September 2020 which are the subject of this assessment.

Current design

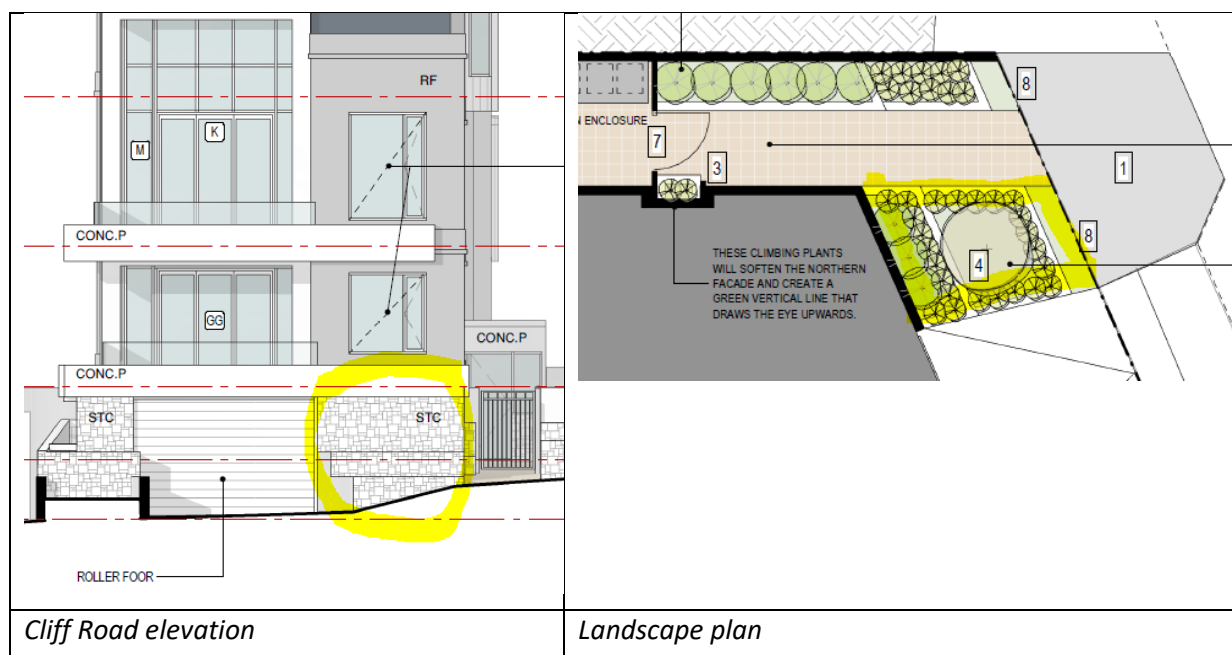
The current design was not referred back to the DRP given the design guidance received throughout the assessment of the current application. Feedback on the appropriate massing of a building was

given by the DRP that indicated the bulk and scale of the building was an appropriate contextual fit for the site. The current plans reflect the massing diagrams that were last considered by the DRP.

Given the bulk and scale issues were considered appropriate, DRP comments that warranted further changes are discussed below:

- *Interface with the public domain*

The Panel raised concern with the front elevation's relationship with the street. This concern related to the blank wall on the northern side of the garage door. The current design shows this area will have sandstone cladding. The landscape plan shows the area in front of this wall as being landscaped and having a feature tree in this location, as shown below:



The proposed treatment and landscape adequately addresses the Panel's concerns.

- *Façade expression*

The previous design incorporated the use of arched windows and a defensive north elevation. The latest Panel comments noted that this expression may look out of place. The proposal has since been revised as shown below, including the removal of the arched windows and a more varied northern elevation, albeit retaining a defensive façade. The revised design is an acceptable design response to the Panel's concerns on these specific issues.



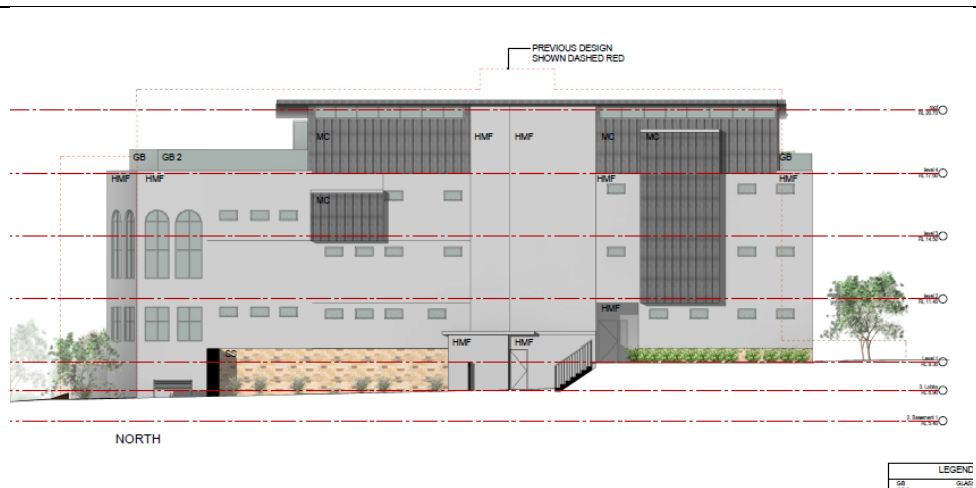
STREET VIEW 3

Previous design with arched windows

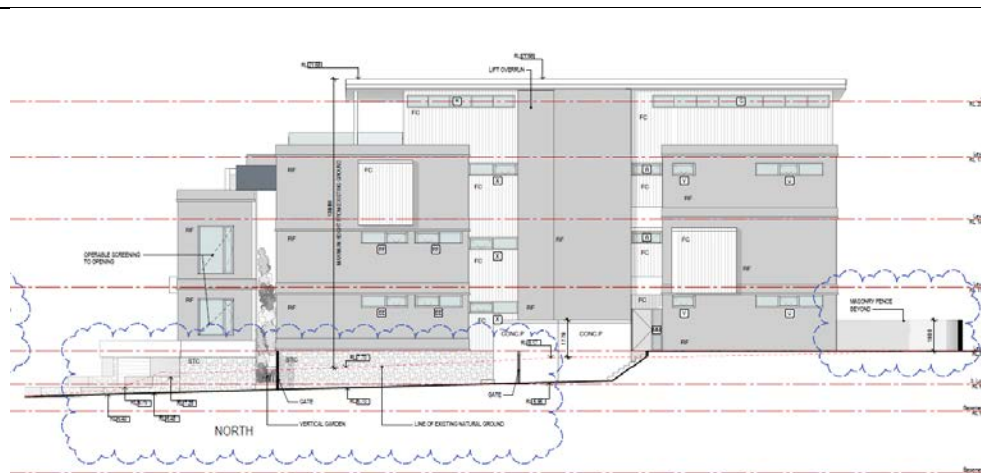


VIEW 3 - CLIFF ROAD NORTH EAST

Current design showing removal of arched windows



Previous northern elevation



Current northern elevation

- *Key issues, further comments and recommendations*

A revised contextual analysis to include the scenario showing the possible future building envelopes to the north of the site where they are not amalgamated.

The contextual analysis now includes the possible future building envelopes of the two sites to the north of the site (82 Cliff Rd and 80A Cliff Road) should they be redeveloped individually (refer drawing DA/05 in Attachment 3).

The overshadowing analysis should not exclude the north-western corner of Osborne Park from the area identified as “active area”.

The updated Site Context Assessment (Dwg SA/02 in Attachment 3) identifies the “active area” now as “the most frequently used grassed area” which extends further towards the north-western corner of Osborne Park. Despite the hatched area identified by the applicant, consideration of the overshadowing impacts of the development under the heritage and design excellence provisions of WLEP 2009 considers Osborne Park in its entirety.

Further design issues relating to the building’s façade expression and interface issues with the public domain as discussed above.

Addressed as outlined above.

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

The application was notified in accordance with Council's Community Participation Plan 2019 twice – the design as originally lodged between 18 September 2019 – 2 October 2019 and the revised proposal between 4-18 September 2020.

Figure 3: Notification map

Table 1: Submissions

Concern	Comment
<p>1. Heritage impacts</p> <ul style="list-style-type: none"> - Development impacts on the significance of Osborne Park - The massing and height of the proposed dual occupancy will detract from the lower, horizontal nature of the heritage conservation area. - The strong lines of Norfolk Island pines along Cliff Rd should continue to be the dominant vertical architectural elements in the area - The proposed development will impact on views from the heritage conservation area, as will views west from Belmore Basin and Flagstaff Hill 	<p>Heritage impacts have been assessed and are discussed under Part 1.4 and 2.1.6 of this report. In its current form, the proposal is not supported from a heritage perspective.</p>

Concern	Comment
<ul style="list-style-type: none"> - Osborne Park is a significant part of the heritage conservation area, and the investment into this significant open space site, including the conservation work carried out to the tramway bridge, site signage and interpretive landscaping should be protected in perpetuity 	
<p>2. Visual impacts</p> <ul style="list-style-type: none"> - bulky - overbearing on heritage area/Belmore Basin - would destroy the look and feel of Osborne Park 	<p>The proposed development will have a visual impact as the building is of a larger scale than the existing two storey flat building. Although the permissible height and floor space ratio allows for a larger scale of building, the narrowness of the site and minimal setbacks to Osborne Park are considered to have an adverse impact on the visual catchment and public domain.</p>
<p>3. Overshadowing impacts on Osborne Park</p>	<p>The proposal will lead to additional overshadowing of Osborne Park. These impacts are discussed under Part 2.1.6 of this report.</p>
<p>4. Demolition of existing building</p> <p>The existing building should be heritage listed as it is iconic and unique architecture in the Wollongong area. An interim heritage order should be put in place so that a proper assessment can be done to determine whether the site qualifies for heritage status.</p>	<p>A Heritage Impact Statement (HIS) has been submitted which suggests the existing building has local historical significance. The HIS has been considered by Council's Heritage Division who are of the opinion that the building demonstrates historic and architectural values worthy of listing on the Wollongong LEP 2009 as a Local Heritage Item.</p> <p>The site is not currently listed as a heritage item under Wollongong LEP 2009. In the event that demolition of the building is approved, any consent would require appropriate photographic archival recording and heritage interpretation to be carried out.</p>
<p>5. DA should have been advertised more widely, including in the newspaper</p>	<p>The application was notified in accordance with Council's Community Participation Plan 2019 (both the original and revised design), which did not require it to be advertised in the newspaper.</p>
<p>6. There should be a gradation of building height from public parks</p>	<p>Some parks in the city centre are subject to the Sun Plane Protection provisions under Clause 8.3 of Wollongong Local Environmental Plan 2009. This clause establishes building heights to protect specific areas of public open space from excessive overshadowing. Osborne Park and the subject site are not identified in this clause.</p>
<p>7. Non-complaint Site width</p> <ul style="list-style-type: none"> - detrimentally impacts privacy, solar access, visual amenity, built form, landscaping & state listed Osborne Park 	<p>The subject site does not achieve the minimum 15m site width required for dual occupancy development under Chapter B1 of WDCP 2009. The proposed variation to this control and the impacts of the reduced site width are discussed in part 2.3.1 of this report.</p>

Concern	Comment
8. Non-complaint setbacks	The subject site does not achieve the minimum side setbacks required for dual occupancy development under Chapter B1 of WDCP 2009 or the setbacks specified under Chapter D13 for the city centre. The proposed variation to this control and the impacts of the proposed setbacks are discussed in part 2.3.1 of this report.
9. Lot isolation <ul style="list-style-type: none"> - The adjoining northern site is rendered undevelopable & ought to be amalgamated - Any failed negotiations to amalgamate should not negate the need to comply with the minimum 15m site width 	<p>Lot isolation and amalgamation with the adjoining northern site is discussed in part 2.3.1 of this report.</p> <p>The adjoining two sites to the north are under the same ownership and capable of being redeveloped together, therefore the proposed development is not considered to create an isolated lot at 82 Cliff Road.</p>
10. The proposal has the form and bulk of a residential flat building on a lot half the necessary width and so comprehensively fails to provide adequate setbacks	<p>The application seeks approval for a dual occupancy development, however the building is of a scale comparable to a 3 unit residential flat building,</p> <p>Setback controls specific to dual occupancy developments are outlined in Chapter B1 Residential Development Wollongong Development Control Plan 2009 (WDCP2009). Although no specific setbacks apply to dual occupancies under Chapter D13 Wollongong City Centre, the setback requirements take precedence in the event of any inconsistency.</p> <p>Although the controls vary between these chapters, the common side setback control that applies is for a 3m side setback (i.e. applies where the wall height is over 7m in Chapter B1 and is also the minimum non-habitable setback under Chapter D13).</p>
11. The design does not appear to have been reviewed by the Design Review Panel despite the extreme sensitivity of the location and is massive in comparison to existing buildings	<p>Review by the Design Review Panel (DRP) is not mandatory for this type of development. The DRP has considered the proposal on a voluntary basis on three occasions – 3 December 2019, 4 May 2020 and also on 24 July 2020 (latest DRP limited to bulk and scale/massing of the development).</p> <p>The current detailed design has not been considered by the DRP, noting that adequate feedback has been given to inform the detailed design response. The DRP commentary from the 4 May 2020 (previous design incorporating the arched windows) and comments on massing form attachments 4a and 4b.</p>
12. The Statement of Environmental Effects seems unchanged since the original design	An updated SEE that reflected the current design was not submitted with the revised plans that were re-notified. An updated SEE was received on 29/9/2020 for Council's consideration.

Concern	Comment
13. No pre-lodgement meeting (2017 meeting for residential flat building)	Pre-lodgement meetings are not mandatory. A pre-lodgement meeting was not held for the proposed dual occupancy however the pre-lodgement notes from a 2017 meeting for a residential flat building were used to inform the proposed development.
14. Not in the public interest to contravene development standards and have significant adverse impacts on nearby state-listed heritage conservation areas, particularly in such a prominent location.	The proposal does not contravene any development standards under WLEP2009 (e.g building height and floor space ratio), however involves variations to WDCP2009 as discussed in Part 2.3.1 of this report.
15. Overdevelopment on a small site	The development is below the maximum 16m building height or 1.5:1 floor space ratio permitted under WLEP2009, however does involve variations to the minimum site width and side setbacks under WDCP2009. A reduced building envelope is likely to be necessary to more sensitively respond to the size of the site, the surrounding heritage context and the adjoining public park.
16. The arches are overbearing and out of context with the surrounding heritage area	The arches proposed as part of the original design have been removed.

1.4 CONSULTATION

1.4.1 INTERNAL CONSULTATION

Geotechnical Engineer

Council's Geotechnical Officer has reviewed the application and has provided a satisfactory referral. The referral noted the potential difficulties in excavating to the boundaries and the need for more detailed investigations following the demolition of the existing building. Conditions of consent were recommended.

Subdivision Engineer

Council's Subdivision Officer reviewed the original proposal and requested a concept strata plan which has not been provided.

Stormwater Engineer

Council's Stormwater Officer has reviewed the application and requested a revised stormwater plan that reflects the updated design and that accepts and caters for overland flow from the adjoining property. Information indicating the overland flows has been shown on an updated landscape plan received on 29/9/2020, however this has not been assessed and does not appear to address the concerns raised. This matter would need to be addressed as part of any future application.

Landscape Architect

Council's Landscape Officer has reviewed the application and given a satisfactory referral. No objection was raised to the tree removal and conditions of consent were recommended.

Traffic Engineer

Council's Traffic Officer has reviewed the application and given a satisfactory referral. Conditions of consent were recommended.

Property Officer

Council's Property Officer reviewed the original proposal and given a satisfactory referral subject to no works (e.g retaining walls) encroaching into Osborne Park. This is capable of being conditioned should consent be granted.

Heritage Officer

Council's Heritage Officer has considered the proposal, including additional information and updated plans and documents, as well as with consideration to submissions received, and comments received from Heritage NSW on 28 September 2020. The proposal was also considered with regard to Clause 5.10 of the Wollongong LEP and Chapter E11 of the Wollongong DCP 2009.

Three key heritage issues were considered in the assessment of this application:

1. Potential Aboriginal Heritage Impacts
2. Impact on surrounding Heritage listings, Precincts and Conservation Areas
3. Heritage Values attached to the existing "Belmore Flats" building.

The current proposal is not supported from a heritage perspective on the basis that:

1. The applicant has failed to provide sufficient information to enable consideration of the potential Aboriginal Heritage Impacts of the development, given the site context being in close vicinity to known Aboriginal Sites and in an environmental context likely to contain Aboriginal archaeology and/or Aboriginal Cultural Heritage values. It is noted that the Aboriginal Cultural Heritage Values of the site are celebrated in an artwork contained within Osborne Park immediately to the south. The applicant has failed to provide an Aboriginal Heritage Due Diligence Assessment despite previous requests.
2. The development fails to appropriately respond to the setting and historic context of the development site. In particular the non-compliant setback of the proposal to the southern boundary are not considered appropriate for the subject site and will have unacceptable impacts on the setting of the surrounding heritage items and precincts, including the adjacent North Beach Precinct and Wollongong Harbour Heritage Conservation Area and the various heritage items that are within and contribute to this heritage precinct.
3. The proposed development would result in significant overshadowing of the adjacent Osborne Park public reserve, which forms part of the North Beach Precinct and Wollongong Harbour Heritage Conservation Area. The park includes a range of significant plantings which contribute to the setting of the heritage precinct, contains the remains of the former route of the Mount Keira Mine Tramway, is known to contain and have Aboriginal Cultural Heritage Values and significance and includes an artwork celebrating the Aboriginal Cultural Heritage values of the site.
4. The development site contains an existing building "Belmore Flats" which has been assessed by Council's Heritage staff as having heritage significance at a level sufficient to warrant consideration for listing on the Wollongong Local Environmental Plan. Whilst the building is currently unlisted, information received through the submitted heritage report, submissions received during the assessment of the application, and in correspondence received from Heritage NSW indicates that the site warrants further consideration for listing on the Wollongong LEP 2009.

Comment on overshadowing impacts (Shadow diagrams are included in attachment 3).

1.4.2 EXTERNAL CONSULTATION

Heritage NSW

The application was referred to Heritage NSW for comment due to the subject site's proximity to the State listed Heritage conservation area – 'North Beach Precinct and Belmore Basin – Wollongong'. It is relevant to note that the State Heritage Register (SHR) identifies the curtilage of this area as slightly different to the conservation area as listed in Part 2, Schedule 5 of WLEP 2009. A southern portion of Osborne Park that contains the tramway bridge is incorporated into the SHR, but not the entirety of Osborne Park as is included in the LEP conservation area shown in Figure 6 later in this report. The SHR is indicated below:

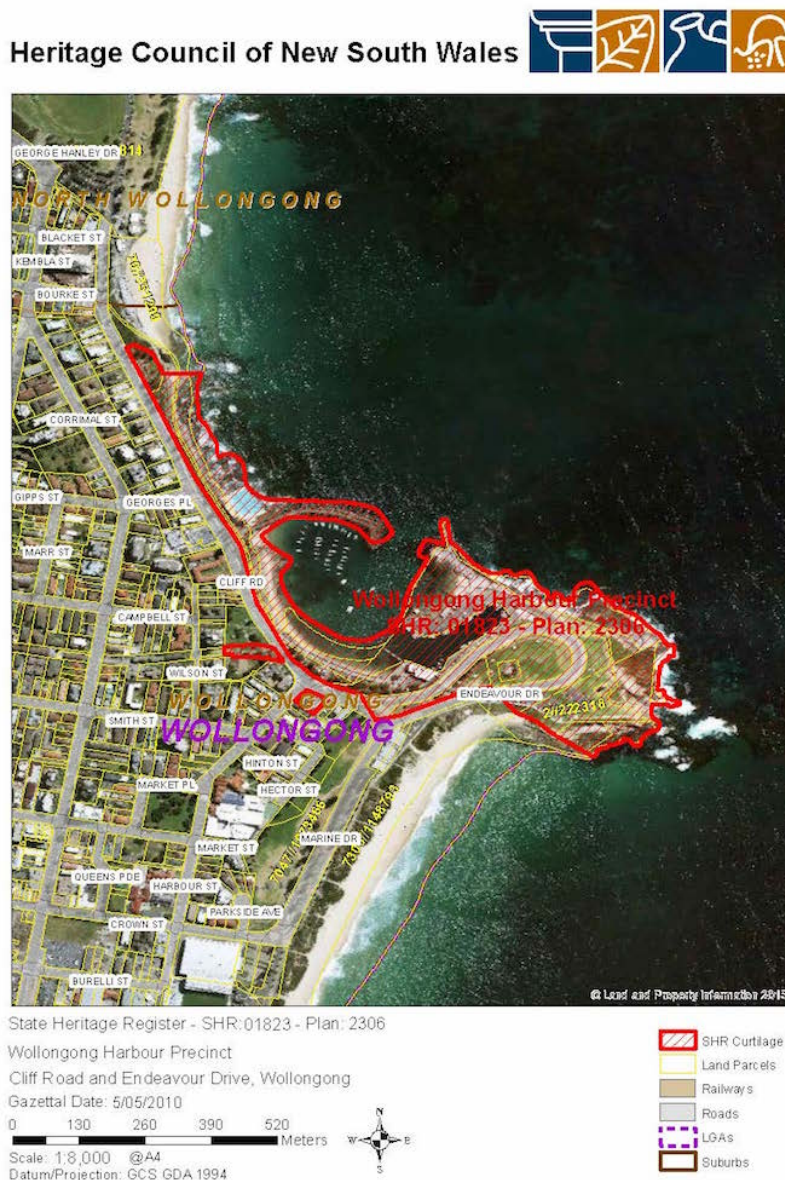


Figure 5: Extent of State Heritage Register (SHR) – Wollongong Harbour Precinct

The following comments were received on 28 September 2020:

Heritage significance of Belmore Flats

Appendix B of the HIS notes that the 1938 Belmore Flats were built for Mrs. Julie Dorothea Bodychan Sparrow, the granddaughter of Robert Owen, M.L.A. for Illawarra and later a District Court Judge who secured the construction of the Belmore Basin. The report (p7) also states that the flats were designed by architect John Percival Tate, who had a multidisciplinary career, including as an architect, town planner and later as NSW senator. Tate was recognised as a pioneer of Australian town planning and by 1922 had designed what was reputed to be the first skyscraper in Australia. The report notes that while the flats were designed in an architectural style that alluded to Spanish Mission, the building is modest and lacks the ornate detail typical of this style.

The heritage significance assessment is very limited and concludes that the building does not satisfy the criteria for heritage listing. However, limited documentation provided in the HIS and Appendix B suggest that the site may be of local heritage significance. It is recommended that Council considers local significance in its determination of the proposed development.

The proposal

The proposal has been somewhat reduced since 2012, by reductions in height and front setback. While larger buildings (up to 5 storeys) are located several properties to the north of the subject site and to the south of the subject site (south and west of Osborne Park), the buildings adjoining the site immediately to the north are of a similar scale to the subject two-storey building. The Norfolk Island Pines located to the north and south of the subject site provide strong vertical elements in the streetscape, while the Harbour Precinct / Belmore Basin and Osborne Park create open space which ensures view lines between significant precincts and elements.

It is considered that, while the proposed four storey dual occupancy building would have some impact upon view lines to and from the SHR items, this would not constitute unacceptable adverse visual impact upon the heritage significance of the SHR items.

In relation to the adjoining local heritage conservation area including Osborne Park, Council should consider the suitability of the amended proposal in relation to overshadowing, visual impacts and the introduction of new landscaping.

Archaeology

It is noted that the submission did not include information relating to possible archaeological relics. Any works located outside SHR listed curtilage with the potential to disturb archaeological relics will require approval under s.139 of the *Heritage Act 1977*.

Comments from Heritage NSW have been considered by Council's Heritage division with regard to the potential significance of the existing building, the overshadowing and visual impacts as discussed in Part 1.4.1 above.

It is noted that the curtilage of the conservation area differs between the LEP nominated area and the Wollongong Harbour Precinct State Heritage Register (SHR) as shown in Figure 5. Of relevance, only a small portion of Osborne Park is included in the SHR (remains of tramway bridge).

Water NSW

The submitted geotechnical report indicated the basement excavation may require dewatering, for which separate approval is required under s90 of the Water Management Act 2000. At the time of DA lodgement, it was unclear as to whether the applicant sought approval as Integrated Development, noting this wasn't nominated on the development application form. As no fees were paid, General Terms of Approval from Water NSW were not sought as part of the revised submission. Any future application could be lodged as Integrated Development.

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

The site is not identified as being of high biodiversity value on the Biodiversity Values Map. No clearing of native vegetation is proposed. The development would therefore not be considered to result in adverse impacts on biodiversity and is consistent with the provisions of the Biodiversity Conservation Act 2016.

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

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

Council records do not indicate any historic use that would contribute to the contamination of the site and the land is not identified as being contaminated on Council mapping. The site has a history of residential use, with the existing building being constructed in the 1940s. There are earthworks proposed in conjunction with the 2 level basement however the proposal does not comprise a change of use. No concerns are raised in regard to contamination as relates to the intended use of the land and the requirements of clause 7.

2.1.2 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 was submitted in support of the original application demonstrating that the proposed scheme achieves the BASIX targets.

An updated BASIX report being submitted on 29/9/2020 for the revised design.

2.1.3 STATE ENVIRONMENTAL PLANNING POLICY (AFFORDABLE RENTAL HOUSING) 2009

Part 3 of the SEPP relates to retention of existing affordable rental housing. As the proposed development includes the demolition of a residential flat building, consideration of Part 3 is relevant. The existing building on the site is a two storey 1940s building containing 4 units. This building was strata subdivided in 1965 under SP 1615. Clause 49 states:

49 Buildings to which Part applies

(1) This Part applies only to those buildings that were low-rental residential buildings as at 28 January 2000, and does not apply to any building that becomes a low-rental residential building after that date.

(2) This Part does not apply to a building—

(a) that has been approved for subdivision under the [Strata Schemes \(Freehold Development\) Act 1973](#), or

(b) to which [State Environmental Planning Policy \(Housing for Seniors or People with a Disability\) 2004](#) applies, or

(c) owned by, or under the care, control and management of, a social housing provider.

As the existing building is strata subdivided (SP 1615), under Clause 49(2)(a), the existing building is not a building to which Part 3 applies and no further assessment is required.

2.1.4 STATE ENVIRONMENTAL PLANNING POLICY (COASTAL MANAGEMENT) 2018

The site is identified as being within the coastal use area under this policy.

13 Development on land within the coastal environment area

(1) Development consent must not be granted to development on land that is within the coastal environment area unless the consent authority has considered whether the proposed development is likely to cause an adverse impact on the following:

- (a) the integrity and resilience of the biophysical, hydrological (surface and groundwater) and ecological environment,*
- (b) coastal environmental values and natural coastal processes,*
- (c) the water quality of the marine estate (within the meaning of the Marine Estate Management Act 2014), in particular, the cumulative impacts of the proposed development on any of the sensitive coastal lakes identified in Schedule 1,*
- (d) marine vegetation, native vegetation and fauna and their habitats, undeveloped headlands and rock platforms,*
- (e) existing public open space and safe access to and along the foreshore, beach, headland or rock platform for members of the public, including persons with a disability,*
- (f) Aboriginal cultural heritage, practices and places,*
- (g) the use of the surf zone.*

Comment:

The site has Aboriginal heritage significance for which a Due Diligence Assessment is required prior to determination to allow proper consideration of the impacts under subclause (f).

- (2) Development consent must not be granted to development on land to which this clause applies unless the consent authority is satisfied that:*
 - (a) the development is designed, sited and will be managed to avoid an adverse impact referred to in subclause (1), or*
 - (b) if that impact cannot be reasonably avoided—the development is designed, sited and will be managed to minimise that impact, or*
 - (c) if that impact cannot be minimised—the development will be managed to mitigate that impact.*

Without the Due Diligence Assessment, management of any potential adverse impacts cannot be properly considered.

Division 4 Coastal use area

14 Development on land within the coastal use area

- (1) Development consent must not be granted to development on land that is within the coastal use area unless the consent authority:*
 - (a) has considered whether the proposed development is likely to cause an adverse impact on the following:*
 - (i) existing, safe access to and along the foreshore, beach, headland or rock platform for members of the public, including persons with a disability,*
 - (ii) overshadowing, wind funnelling and the loss of views from public places to foreshores,*
 - (iii) the visual amenity and scenic qualities of the coast, including coastal headlands,*
 - (iv) Aboriginal cultural heritage, practices and places,*
 - (v) cultural and built environment heritage, and*

Without the Due Diligence Assessment, management of any potential adverse impacts on Aboriginal heritage cannot be properly considered. The site is adjacent to a State listed heritage conservation area. Design changes, particularly increasing the southern side setback, are required to minimise adverse visual impacts on Osborne Park.

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

(c) has taken into account the surrounding coastal and built environment, and the bulk, scale and size of the proposed development.

Additional information is required to address the requirements of subclause (b) regarding Aboriginal heritage. With regard to (b)(i), the development is not designed or sited to minimise impacts on the surrounding heritage conservation area. With regard to (c), the bulk, scale and size of the proposed development in the context of the surrounding coastal and built environment has been considered. The minimal side setbacks to the southern boundary will result in the building appearing visually prominent when viewed from Osborne Park which forms part of a state heritage conservation area.

Division 5 General

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

Development consent must not be granted to development on land within the coastal zone unless the consent authority is satisfied that the proposed development is not likely to cause increased risk of coastal hazards on that land or other land.

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

Development consent must not be granted to development on land within the coastal zone unless the consent authority has taken into consideration the relevant provisions of any certified coastal management program that applies to the land.

NSW Coastal Management Act 2016 and Wollongong Coastal Zone Management Plan

A review of Council's associated CZMP coastal hazard mapping extents identifies that the subject site is not impacted by coastal inundation/ coastal geotechnical risk/ reduced foundation capacity at the 2010/ 2015/2100 timeline.

No adverse impacts with regards to coastal hazards are anticipated from the proposed development. However further information and design changes are required to adequately respond to the matters for consideration as discussed above.

2.1.5 WOLLONGONG LOCAL ENVIRONMENTAL PLAN 2009

Clause 1.4 Definitions

dual occupancy means a dual occupancy (attached) or a dual occupancy (detached).

Note. Dual occupancies are a type of **residential accommodation**—see the definition of that term in this Dictionary.

dual occupancy (attached) means 2 dwellings on one lot of land that are attached to each other, but does not include a secondary dwelling.

Note. Dual occupancies (attached) are a type of **dual occupancy**—see the definition of that term in this Dictionary.

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:

- *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 proposal is satisfactory with regard to the above objectives.

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

2 Permitted without consent

Home occupations

3 Permitted with consent

Attached dwellings; Bed and breakfast accommodation; Boarding houses; Centre-based child care facilities; Community facilities; Dual occupancies; Dwelling houses; Environmental facilities; Exhibition homes; Group homes; Hostels; Multi dwelling housing; Neighbourhood shops; 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 dual occupancy (attached) as defined above and is permissible in the zone with development consent.

Clause 2.7 Demolition requires development consent

Approval for the demolition of the existing building is sought under the current application, thereby satisfying the provisions of this clause.

Part 4 Principal development standards

Clause 4.1 Minimum subdivision lot size

Strata subdivision is proposed. The minimum lot size does not apply to strata lots.

Clause 4.3 Height of buildings

The proposed building has a maximum height of 13.39m which is below the maximum of 16m height permitted for the site.

Clause 4.4 Floor space ratio

Maximum FSR permitted for the zone: 1.5:1 (820.5m²)

Site area: 547m²

GFA: 636m²

FSR: $636/547\text{m}^2 = 1.16:1$ - complies

Calculations

Basement 1 – 18m²

Basement 2 – 13m²

Level 1 – 182m²

Level 2 – 190m²

Level 3 – 139m²

Level 4 – 94m²

Total - 636m²

Notes:

- a. the above calculations were based on Trapeze software and include the BBQ areas in the north-eastern corner of the building at Levels 1 and 2 given they contribute to the bulk of the building.
- b. Surplus car parking is included in the gross floor area calculations (2 x car spaces = 26m²)

Clause 4.5 Calculation of floor space ratio and site area

The floor space ratio has been calculated in accordance with this clause.

Part 5 Miscellaneous provisions

Clause 5.10 Heritage conservation

1) **Objectives** *The objectives of this clause are as follows—*

- (a) to conserve the environmental heritage of Wollongong,*
- (b) to conserve the heritage significance of heritage items and heritage conservation areas, including associated fabric, settings and views,*
- (c) to conserve archaeological sites,*
- (d) to conserve Aboriginal objects and Aboriginal places of heritage significance.*

Under subclause (4) the consent authority must consider the effect of the proposed development on the heritage significance of the item or area concerned.

The site adjoins Osborne Park, which forms part of the state heritage listed heritage conservation area identified in Schedule 5 of the LEP as 'North Beach Precinct and Belmore Basin – Wollongong' which is shown in part below as it relates to the subject site (shown highlighted):

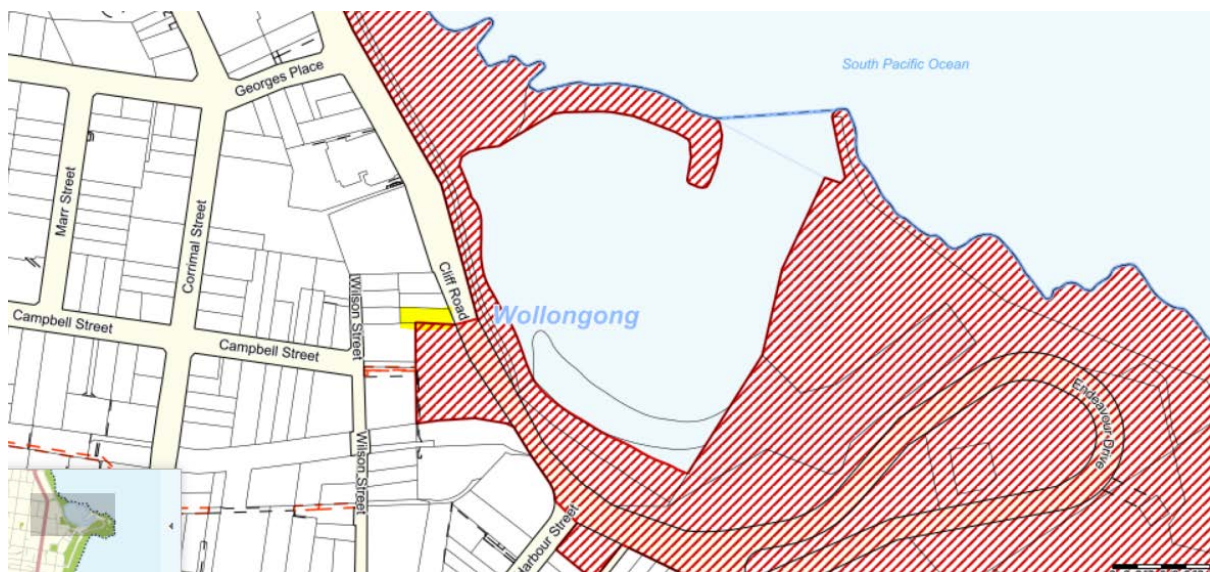
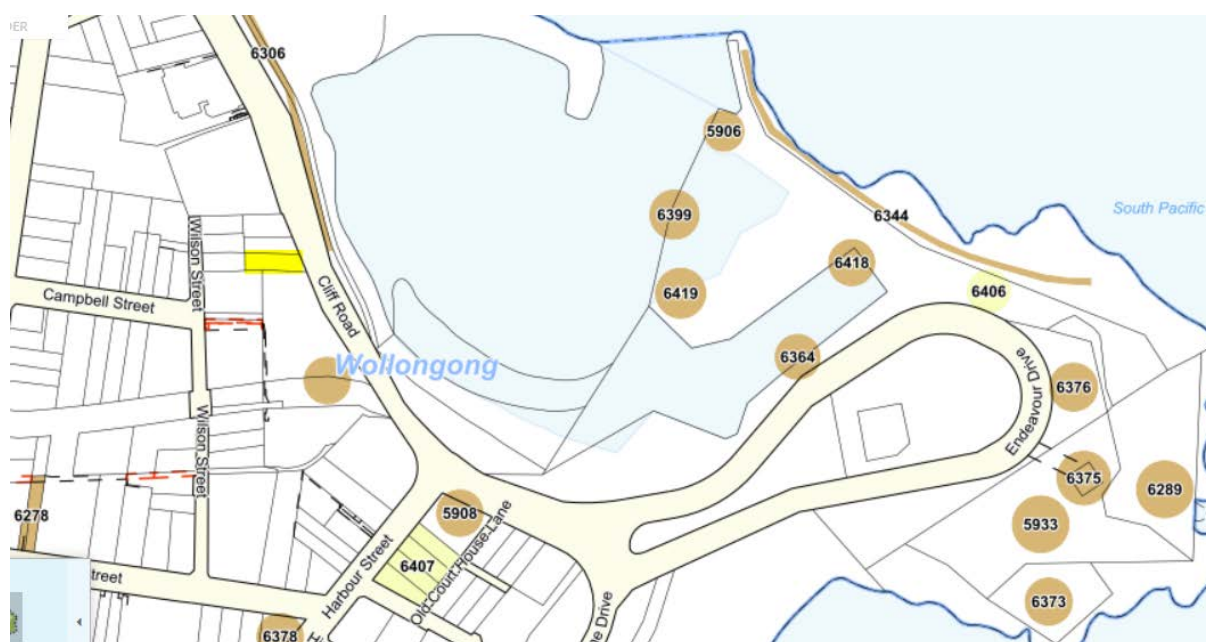


Figure 6: Site's relationship to surrounding state listed conservation area as identified in LEP.

The site is also in proximity to the numerous local heritage items, as shown in Figure 7 below and listed from Schedule 5 of the LEP:



Wollongong	Remains of Mt Keira Osborne Wallsend tramway bridge	Cliff Road—Osborne Park	Lot 1, DP 62257	Local	6367
Wollongong	Railway cuttings and embankments	Cliff Road—Wollongong Foreshore from North Beach to Belmore Basin	Lot 70, DP 751299	Local	6306
Wollongong	Old court house	1 Harbour Street (Corner of Cliff Road)	Lot 1, DP 47921	Local	5908
Wollongong	Site of cokeworks, including remains of coke oven*	Endeavour Drive—Belmore Basin	Part Lot 1, DP 633814	Local	6406
Wollongong	Stone steps	Endeavour Drive—Belmore Basin—connecting Endeavour Drive to Wharf Area	Lot 1, DP 739591 and Part Lot 1, DP 633814	Local	6364
Wollongong	Harbour steps	Endeavour Drive—Belmore Basin—north-eastern side	Lot 1, DP 739591 and Part Lot 1, DP 633814	Local	6418
Wollongong	Breakwater Light House	Endeavour Drive—End of Breakwater, Wollongong Harbour	Part Lot 1, DP 633814	Local	5906
Wollongong	Fort	Endeavour Drive—Flagstaff Hill	Lot 2, DP 222318	Local	5933
Wollongong	Lighthouse	Endeavour Drive—Flagstaff Hill	Lot 1, DP 222318	Local	6375
Wollongong	Three guns	Endeavour Drive—Flagstaff Hill	Lot 7024, DP 1072640; Lots 7039–7042, DP 1066112 and Lot 7046, DP 1066112, MSP 2623	Local	6376
Wollongong	Seawall*	Endeavour Drive, Flagstaff Point	Lot 7024, DP 1072640; Lots 7039–7042, DP 1066112 and Lot 7046, DP 1066113 MSP 2623	Local	6344
Wollongong	Ladies' baths	Endeavour Drive, south of Flagstaff Point	Lot 7024, DP 1072640; Lots 7039–7042, DP 1066112 and Lot 7046, DP 1066113, MSP 2623	Local	6373

Figure 7: Map showing location of surrounding local heritage items with list below

The heritage issues associated with the proposed development relate to Aboriginal heritage impacts, impacts on the surrounding heritage conservation area (setting, views, visual and overshadowing impacts) and the potential local significance of the existing building known as 'Belmore Flats'.

Under subclause (5) a Heritage Impact Assessment report was submitted, prepared by Mark Jones of Edmiston Jones (revised report dated 31 August 2020).

The site is identified as having Aboriginal heritage significance however insufficient information has been submitted to enable an assessment under subclause (8). Council's Heritage division has requested a Due Diligence Assessment prior to determination which has not been provided. Following submission of this information, notification to local Aboriginal communities would be required under subclause (8)(b).

Council's Heritage division have considered the proposal with regard to the provisions of this clause and do not support the proposed development as discussed in Part 1.4 of this report. The objectives and provisions of this clause are not satisfied.

Part 7 Local provisions – general

Clause 7.1 Public utility infrastructure

The development is already serviced by electricity, water and sewage services. Approval from the relevant authorities for the connection of electricity, water and sewage to service the site is capable of being conditioned where approval is granted.

Clause 7.5 Acid Sulfate Soils

The proposal is identified as being affected by class 5 acid sulphate soils. A supporting geotechnical report by Douglas Partners identifies that there is negligible (if any) risk of acid sulfate soils being encountered on this site and therefore an Acid Sulphate Soil Management Plan is not necessary.

Clause 7.6 Earthworks

The proposal comprises earthworks to provide 2 levels of basement parking. Impacts on environmental functions and processes, neighbouring uses or heritage items and features surrounding land could be conditioned should consent be granted.

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

- (1) The objective of this clause is to deliver the highest standard of architectural and urban design.*
- (2) This clause applies to development on any of the following land involving the construction of a new building or external alterations to an existing building—*

(a) land within the Wollongong city centre,

*(b) land shown edged heavy black and distinctively coloured on the [Key Sites Map](#) (a **key site**).*

This clause applies as the site is within the Wollongong city centre.

- (3) Development consent must not be granted to development to which this clause applies unless, in the opinion of the consent authority, the proposed development exhibits design excellence*

In its current form, the proposal is not considered to exhibit design excellence, as outlined below.

- (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,

The architectural design, materials and detailing are considered reasonable, with opportunities for extending the use of the sandstone cladding along the southern boundary interface with Osborne Park.

(b) whether the form and external appearance of the proposed development will improve the quality and amenity of the public domain,

The non-compliant southern setbacks in combination with the building height compromise the quality and amenity of Osborne Park and therefore the public domain.

(c) whether the proposed development detrimentally impacts on view corridors,

The non-compliant southern side setback leads to reduced view corridors than if a compliant setback were provided.

(d) whether the proposed development detrimentally overshadows an area shown distinctively coloured and numbered on the Sun Plane Protection Map,

Osborne Park is not identified as an area on the Sun Plane Protection Map.

(e) how the proposed development addresses the following matters:

(i) the suitability of the land for development,

The site is narrow, however despite this it may be suitable for some form of development, including a dual occupancy however design changes are required to provide a more sensitive interface with the adjoining Osborne Park.

(ii) existing and proposed uses and use mix,

The residential land use is appropriate

(iii) heritage issues and streetscape constraints,

The current design results in heritage and streetscape impacts, particularly regarding the visual impacts on Osborne Park

(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,

The 3-4 storey building adopts a defensive façade to the north which is an acceptable design response given the likely future redevelopment of the site/sites to the north.

(v) bulk, massing and modulation of buildings,

The bulk, massing and modulation of the building will sit within the future context of the site but requires design changes which may incorporate increased setbacks to Osborne Park and/or a reduction in height.

(vi) street frontage heights,

N/A

(vii) environmental impacts such as sustainable design, overshadowing, wind and reflectivity,

Environmental impacts are limited to overshadowing which are discussed elsewhere in this report.

(viii) the achievement of the principles of ecologically sustainable development,

Satisfactory

(ix) pedestrian, cycle, vehicular and service access, circulation and requirements,

Capable of being conditioned with regard to vehicle manoeuvring.

(x) impact on, and any proposed improvements to, the public domain.

Impacts on the public domain include visual and overshadowing impacts on Osborne Park and the surrounding heritage conservation area.

Part 8 Local provisions—Wollongong city centre

Clause 8.1 Objectives for development in Wollongong city centre

The objectives of this Part and (in so far as it relates to the Wollongong city centre) clause 7.18 are as follows—

(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.*

The proposal is not consistent with the objectives of this clause relating to facilitating design excellence (e) or protecting and enhancing the cultural heritage of the city centre for the benefit of present and future generations (h).

Clause 8.3 Sun Plane Protection

The site is not affected by or adjacent to a site identified on the Sun Plane protection map.

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

None applicable.

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

2.3.1 WOLLONGONG DEVELOPMENT CONTROL PLAN 2009

CHAPTER A1 – INTRODUCTION

8 Variations to development controls in the DCP

The proposal is for a dual occupancy development. The provisions specific to this type of development are outlined in Chapter B1 Residential Development. The site is within the city centre therefore the provisions of Chapter D13 apply and take precedence where there are inconsistencies between the chapters. Chapter D13 does not include specific provisions for dual occupancy developments, with the controls anticipating larger scale developments such as residential flat buildings, commercial and mixed-use developments.

Given the above, the development involves several variations to both Chapter B1 and Chapter D13, as discussed below. A full compliance table can be found at attachment 5.

Chapter B1 – Residential Development

Part 4.21 Minimum site width

(a) The control being varied;

Part 4.21 requires a minimum 15m site width for dual occupancy development.

1. *A minimum site width of 15 metres is required for a dual occupancy development. Site width shall be measured for the full width of the site, perpendicular to the side property boundaries. Variations may be granted for irregular shaped blocks or where development can demonstrate compliance with privacy, solar access, private open space, visual amenity, built form, car parking and landscaping requirements.*
2. *For corner allotments, a minimum 15 metre site width must be achieved for at least one (1) of the street frontages and a minimum 12 metre site width must be achieved for the other street frontage.*

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

The site is 13m wide as measured perpendicular to the site boundaries (14.4m frontage due to skewed front boundary).

The applicant's rationale for varying the minimum site width is that the proposal demonstrates compliance with key requirements for landscaping, parking, deep soil, overshadowing, visual amenity, view sharing and design such that amenity is preserved to surrounding developments.

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

The objectives of this part are:

- (a) To permit dual occupancy developments upon sites which are of sufficient size to accommodate the required building envelope, car parking, private open space, landscaping and other requirements, whilst maintaining the amenity of surrounding residential development and the streetscape character of the locality.*
- (b) To allow for development of sites only where the land is not significantly constrained by flood, geotechnical or other environmental hazards.*

The development achieves the required car parking, landscaped area, deep soil zone, and private open space areas for both dwellings. The building adopts a defensive façade to its northern elevation, anticipating future redevelopment of the neighbouring site/s to the north. This approach focuses the outlook from both units east to the foreshore and minimises overlooking to the north. The building will not lead to overshadowing of adjoining residential properties however will lead to additional overshadowing of Osborne Park which adjoins the site to the south.

The proposed building envelope provides a 4m front setback (which meets the requirements under Chapter D13) and a rear 6m setback which satisfies requirements under both this chapter and D13 for the city centre.

The streetscape character of the locality includes residential flat buildings along Cliff Road, that sit within the visual catchment of Belmore Basin and the foreshore area. The site adjoins Osborne Park, which forms part of the heritage conservation area in the LEP identified as the 'North Beach Precinct and Belmore Basin - Wollongong. Although large for a dual occupancy development, the building is likely to sit reasonably comfortably in the context of future redevelopment of surrounding sites to the north and west (likely to be redeveloped as residential flat buildings). Despite this, the proposed development will remain visually dominant in perpetuity when viewed from Osborne Park given the non-compliant 1.5m setback to the southern boundary and the 3-4 storey building height.

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

The non-compliant site width has not compromised internal amenity for future occupants, is unlikely to lead to unacceptable amenity impacts on adjoining residential properties and meets the requirements for landscaping, car parking and site facilities. Presentation to Cliff Rd is acceptable with a mix of building materials and landscaping within the front setback.

However, the proposed building envelope encroaches into the side setbacks, with adverse visual and overshadowing impacts on Osborne Park and the streetscape character of the locality. The visual amenity in the vicinity of Osborne Park is compromised by the scale of the building in the context of the reduced site width.

Despite not achieving the minimum 15m site width, some form of dual occupancy development is considered achievable on the site, however, requires a more sensitive design approach to the adjoining public park and conservation area.

Part 4.3 Side and rear setbacks

It is noted that the setback requirements under Chapter D13 take precedence in the event of any inconsistencies, however the setbacks under this part specifically relate to dual occupancy developments.

(a) The control being varied;

2. Walls (including gable ends and parapets) that exceed 7 metres overall height must be setback at least 3 metres from the side and rear boundaries.

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

The building has walls that exceed 7m overall height and the northern side setbacks vary between 2.25m-3m. The minimum southern side setback is 1.5m which is maintained along the majority of the southern façade, with the front portion of the facade having a setback of 1.8m.

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

The objectives are:

(a) To create a consistent pattern of building separation along streets.

(b) To provide adequate setbacks from boundaries to retain privacy levels and minimise overlooking/overshadowing.

(c) To ensure that buildings are appropriately sited having regard to site constraints.

(d) To control overshadowing of adjacent properties and private or shared open space.

(e) To ensure improved visual amenity outcomes for adjoining residences.

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

The variations to the northern boundary adequately respond to the above objectives and do not lead to unacceptable amenity impacts on future occupants or adjacent properties (existing or future) given the defensive façade proposed.

The minimal setbacks to the southern boundary do not provide enough separation between the four storey building and Osborne Park, resulting in a visually dominant built form. Given the park has heritage significance, the variation to the southern side setbacks is not supported. An increased setback allows an opportunity for greater separation, a more landscaped interface with the park which is considered a desirable outcome for the public domain.

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

Adverse impacts on Osborne Park and the heritage precinct will result from the variation to the southern side setback as discussed in point (c) above.

Chapter D13 Wollongong City Centre

2.5 Side and rear building setbacks and building separation

(a) The control being varied;

Zone	Building condition	Minimum	Minimum
		side setback	rear setback

Figure 9: Northern elevation

Encroachments into the 3m non-habitable setback are proposed, comprising:

- 1.2m to ground floor foyer & void above foyer at Level 1
- 2.25m to bedroom and 2.4m to stairwell at Level 2 (blank walls)
- 2.25m to bed 3 bay seat and 2.4m to stairwell at Level 3 (blank walls)

Southern side (Osborne Park)

A 1.5m setback is proposed to the southern boundary which includes habitable rooms at all levels. A 1.8m setback from the southern boundary to the Level 2 terrace is proposed.

Western side (rear setback)

A 6m rear setback is achieved at all levels which complies with the minimum requirement for buildings up to 12m in height.

Level 4 maintains 6m rear setback to the office with a blank western façade which meets the 4.5m minimum setback. However, 'Terrace 5' maintains the 6m rear setback where a 9m setback is required for balconies for buildings over 12m in height. As this portion is marginally over the 12m height limit at 12.1m, this degree of non-compliance is negligible.

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

The objectives of this part are:

- a) To ensure an appropriate level of amenity for building occupants in terms of daylight, outlook, view sharing, ventilation, wind mitigation, and privacy.*
- b) To achieve usable and pleasant streets and public domain areas in terms of wind mitigation and daylight access.*

In relation to objective (a), despite adopting a defensive northern façade, the building takes advantage of the easterly coastal and harbour views by orienting the living areas east. Good internal amenity will be achieved for occupants, with high level north facing windows allowing access to sunlight for the habitable rooms. This is a reasonable design response given the site's location and access to views.

In relation to objective (b), the building has large open areas facing Cliff Road and Osborne Park. The building will create additional overshadowing of Osborne Park given the east-west lot orientation, particularly in midwinter however unlikely to lead to unacceptable loss of daylight access given the surrounding open space.

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

The reduced southern side setbacks will not lead to adverse wind or daylight issues, however will result in visual and overshadowing impacts as discussed elsewhere in this report. The variation to the northern boundary is acceptable however the minimal setbacks to the southern boundary lead to adverse visual impacts on Osborne Park and are not supported.

CHAPTER B1 RESIDENTIAL DEVELOPMENT

Lot isolation – assessment against LEC Planning principle

Although not specifically referenced in part 4 of the DCP that relates to dual occupancy development, the issue of creation of an isolated lot is relevant to the proposal.

The Land and Environment Court principle in relation to the creation of an isolated lot is based on *Karavellas v Sutherland Shire Council* [2004] NSWLEC 251. The Karavellas case states:

17 The general questions to be answered when dealing with amalgamation of sites or when a site is to be isolated through redevelopment are:

Firstly, is amalgamation of the sites feasible?

Secondly, can orderly and economic use and development of the separate sites be achieved if amalgamation is not feasible?

The subject site and the adjoining northern site are both approximately 13m in width. 82 Cliff Road adjoining the subject site to the north comprises a two storey dwelling. The lot adjoining 82 Cliff Rd to its north (80 Cliff Road) currently comprises a single dwelling with approval for a residential flat building under DA-2004/1911/A. The subject site in relation to the two adjoining northern sites is shown below:



Figure 10: Subject site (shown highlighted) and two adjoining northern lots

Information has previously been submitted to Council stating that physical commencement for 80 Cliff Rd under DA-2004/1911/A has occurred, although no progress on the construction of this development has been made since. Amalgamation of 82A and 82 Cliff Rd would provide a site width of over 24m, which would meet the minimum lot width for a residential flat building under Wollongong LEP 2009 and facilitate the efficient and redevelopment of these sites anticipated by the controls.

Previous development applications seeking approval for a residential flat building on the subject site in 2012 and 2013 were ultimately withdrawn partly due to the unresolved issue that the development would create an isolated lot at 82 Cliff Road. Since assessment of the 2012/2013 development applications, 82 Cliff Road has been the subject of a Call Option Deed between the owners of 82 & 80 Cliff Rd which prevented further negotiations between the (then) owner of 82 Cliff Rd and the owners of the subject site. 82 Cliff Rd has subsequently been sold and the two lots to the north of the site are currently under the same ownership.

Recent correspondence from the owners of 82 and 80 Cliff Road has been provided to Council stating that the intention is to redevelop these two sites together in the foreseeable future and that they have no interest in amalgamating their properties with 82A Cliff Road. In answering the first question under the Karavellas case, with consideration of the principles of *Melissa Grech v Auburn Council* [2004] NSWLEC, amalgamation of the subject site with the adjoining northern lot does not appear feasible.

The second question under Karavellas is whether the orderly and economic use of the separate sites be achieved? With respect to the subject site, some modifications to the design of the proposed

development is required to lead to an orderly and economic use of the land. Modelling of a possible future building envelope where the two northern sites are developed individually has been carried out (refer SA/05 in attachment 3). For a residential flat building, adopting a 3m (non-habitable) side setback and gaining solar access from the east and the west is shown for 82 Cliff Rd, which could potentially meet the ADG requirements. More generous side setbacks are indicated for 80 Cliff Road due to the wider (>16m) site width. If these sites are redeveloped individually for the purpose of a residential flat building, they would require a Clause 4.6 variation with regard to Clause 7.14 Minimum Site Width.

2.3.2 WOLLONGONG CITY WIDE DEVELOPMENT CONTRIBUTIONS PLAN 2019

Where approval is granted a levy of 1% is applicable under this plan as the estimated cost of works is \$5,500,000 and as the threshold value is \$200,000.

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?

Conditions of consent could be imposed with regard to demolition and the provisions of AS2601 where approval is granted.

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

The development in its current form will lead to visual and overshadowing impacts on Osborne Park. In the context of non-compliant side setbacks these impacts are not reasonable as they lead to the impacts on the public domain.

The proposed 3-4 storey building is likely to appear out of context with the surrounding streetscape in the short term. In the longer term, redevelopment of adjoining properties to the north and west will mean a building of this scale will be more harmonious when read against a backdrop of potentially larger scale buildings.

The demolition of the existing building may have heritage impacts due to the loss of a potentially local significant building. Given the building is not currently an identified heritage item, archival recording of the building and its history may reasonably mitigate this impact.

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

Does the proposal fit in the locality?

The proposal is considered appropriate with regard to the zoning of the site however the current design is likely to have negative impacts on the amenity of the locality or adjoining developments.

Are the site attributes conducive to development?

The site has a narrow width that does not meet the minimum 15m site width required for dual occupancy developments under Wollongong DCP 2009. Despite the narrow site width, the proposed development meets the requirements for this form of development with regard to carparking, landscaping, and private open space and setbacks. Variations to the side setbacks are sought.

The development is under the maximum allowable floor space ratio and building height and the bulk and scale respond to the planning controls under Wollongong LEP 2009. However, the site is in a prominent location, adjacent to a public park and heritage conservation area and in the vicinity of local and state heritage items. Given these unique site attributes, any building proposed requires a more sensitive interface with Osborne Park.

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

Refer Part 1.3.

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

In its current form, the proposal is not considered to be in the public interest due to the impacts on Osborne Park. In addition, inadequate information has been submitted to enable a full and proper assessment of the proposal.

3 CONCLUSION

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

The site is constrained by its narrow width, with amalgamation with the adjoining northern lot being unfeasible. Although the proposal is less than the maximum permitted building height and floor space ratio under Wollongong Local Environmental Plan 2009, the proposed development involves variations to Wollongong Development Control Plan 2009 for minimum site width and side setbacks.

The site is in a prominent and sensitive location, being adjacent to a state listed heritage conservation area, in the vicinity of numerous heritage items and has potential Aboriginal heritage significance. These site constraints warrant a sensitive design response, with particular regard to the interface with Osborne Park. Further information is required to enable a proper assessment of the heritage impacts as outlined in the report.

The proposal has been considered by the Design Review Panel on three occasions which has led to a reduction in the building's scale as compared to the original design.

Submissions received in response to notifying the development have been considered in the assessment, with concerns raised about the visual and heritage impacts of the development.

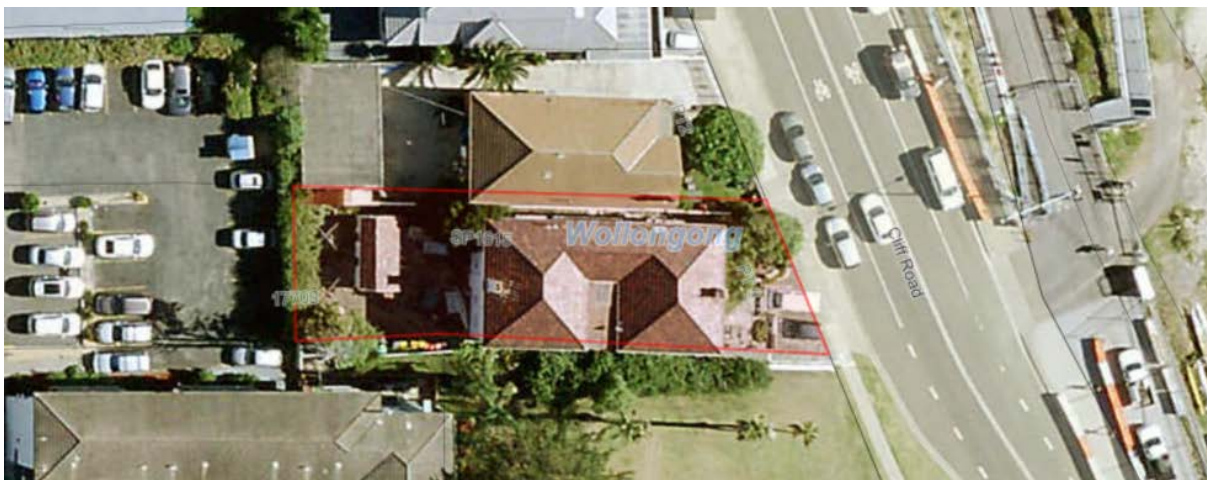
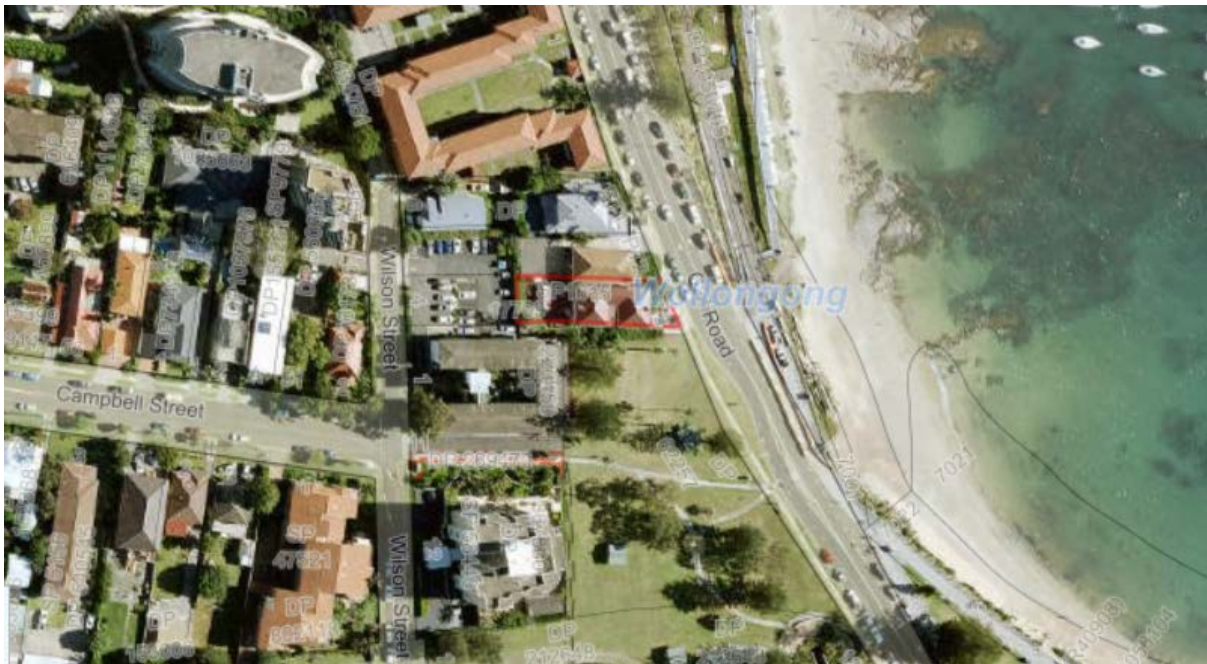
4 RECOMMENDATION

It is recommended that the development application be refused for the reasons outlined in attachment 6.

Attachments

- 1 Aerial photograph
- 2 WLEP zoning and heritage map
- 3 Plans
- 4a Design Review Panel commentary May 2020
- 4b Design Review Panel commentary on massing - July 2020
- 5 WDCP 2009 assessment
- 6 Reasons for refusal

Attachment 1 – Aerial photos



The map shows the coastal area of Wollongong, New South Wales. The coastline is marked with a blue line, and the area to the right is labeled 'South Pacific Ocean'. The city name 'Wollongong' is written in blue. A large area to the right of the coastline is shaded with red diagonal lines. A yellow rectangle highlights a specific area on the coast, near the intersection of Campbell Street and Wilson Street. The map includes labels for several streets: 'Georges Place', 'Marr Street', 'Corrimal Street', 'Campbell Street', 'Wilson Street', 'Labour Street', and 'Endeavour Drive'. A small inset map in the bottom left corner shows the location of the study area within the broader context of the Wollongong region.

Figure b: WLEP 2009 State listed heritage conservation area under Schedule 5



Figure c: WLEP 2009 heritage items under Schedule 5

SA/01	SITE CONTEXT ASSESSMENT
SA/02	SITE CONTEXT ASSESSMENT - 1:200
SA/03	SITE SECTION - FORM RELATIONSHIPS
SA/04	ELEVATIONS
SA/05	SITE SECTION 2 - INDIVIDUAL NEIGHBOURING DEVELOPMENTS
DA/01	SITE ANALYSIS AND SITE PLAN
DA/02	SHADOW DIAGRAMS
DA/03	LOWER GROUND FLOOR PLANS
DA/04	LEVELS 1 - 3 FLOOR PLANS
DA/05	LEVEL 4 AND ROOF PLANS
DA/06	ELEVATIONS
DA/07	SECTIONS
DA/08	STREET VIEWS
DA/09	PERSPECTIVES AND EXTERNAL MATERIALS
DA/10	LANDSCAPE CONCEPT PLAN 1
DA/11	LANDSCAPE CONCEPT PLAN 2
DA/12	PLANTING SCHEDULE & PLANTING PALETTE



SITE CONTEXT PLAN



PROPOSED BUILDING

Proposed Dual Occupancy Development

For Michael and Nadine Kollaras

At 82A Cliff Road, North Wollongong, 2500



BELMORE BASIN 1910



AERIAL VIEW TO SITE



EXISTING VIEW TO SITE



EXISTING VIEW TO SITE



VIEW FROM SITE



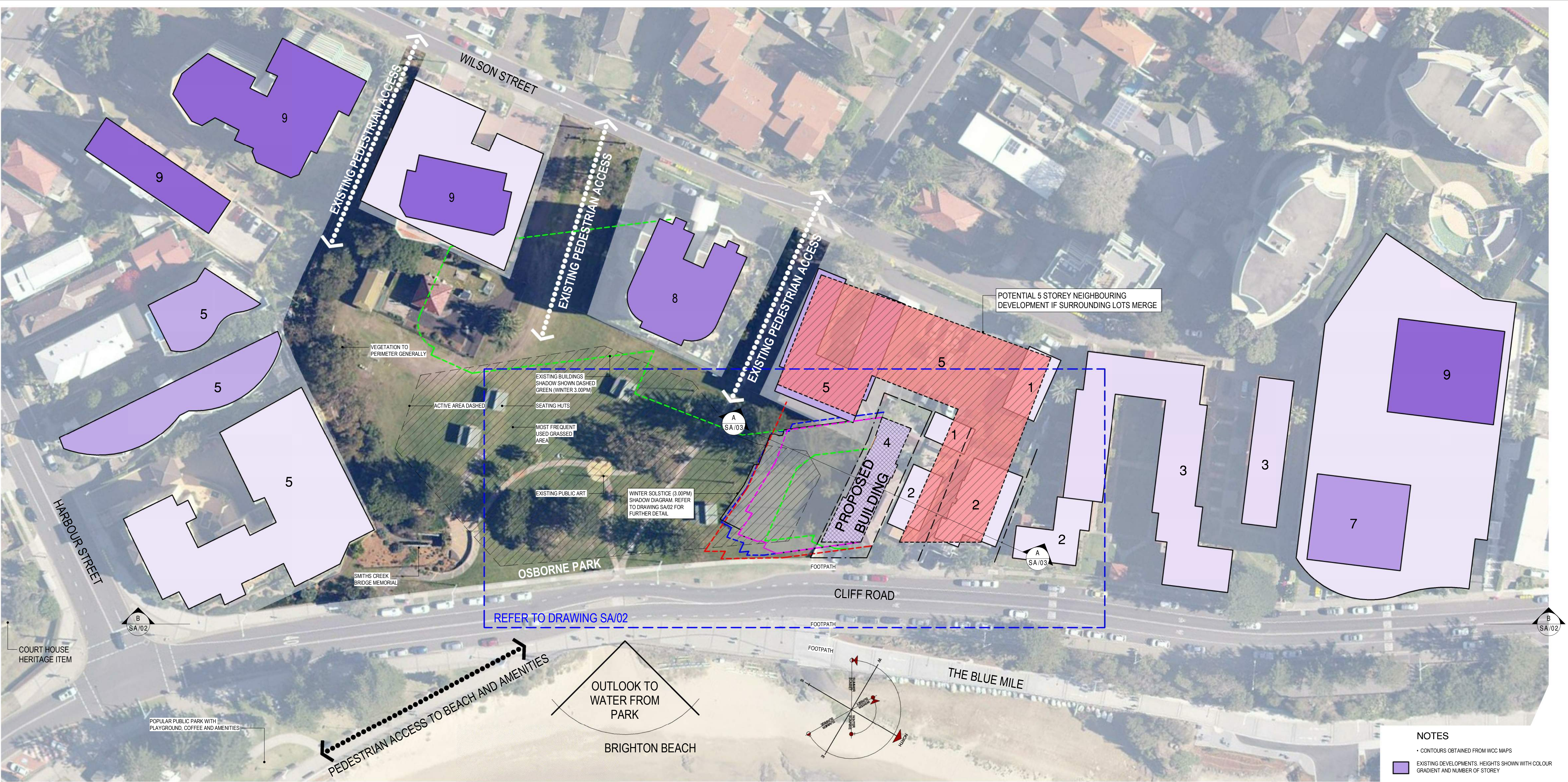
VIEW FROM SITE



VIEW FROM SITE

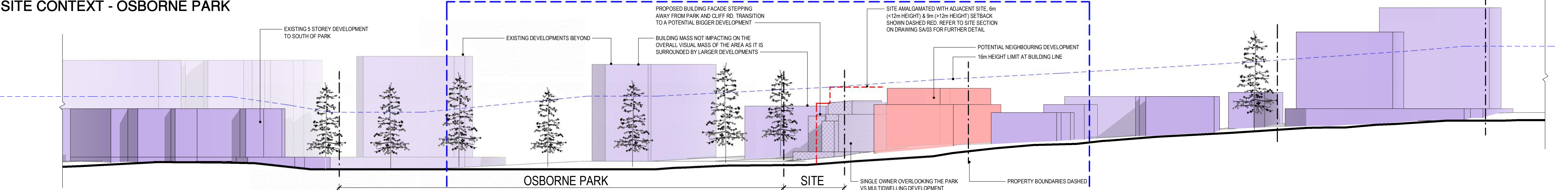


Wollongong	Nowra	Batemans Bay
Level 1, 147 Crown Street, Wollongong NSW 2500 T: 02 4226 1387	92 North Street Nowra, NSW 2541 T: 02 4421 6822	1 North Street Batemans Bay NSW 2536 T: 02 4472 7388
W: www.aej.com.au E: aej@aej.com.au		



- NOTES
- CONTOURS OBTAINED FROM WCC MAPS
 - EXISTING DEVELOPMENTS, HEIGHTS SHOWN WITH COLOUR GRADIENT AND NUMBER OF STOREY

SITE CONTEXT - OSBORNE PARK



STREET ELEVATION - CLIFF ROAD

Proposed Dual Occupancy Development For Michael and Nadine Kollaras At 82A Cliff Road, North Wollongong, 2500

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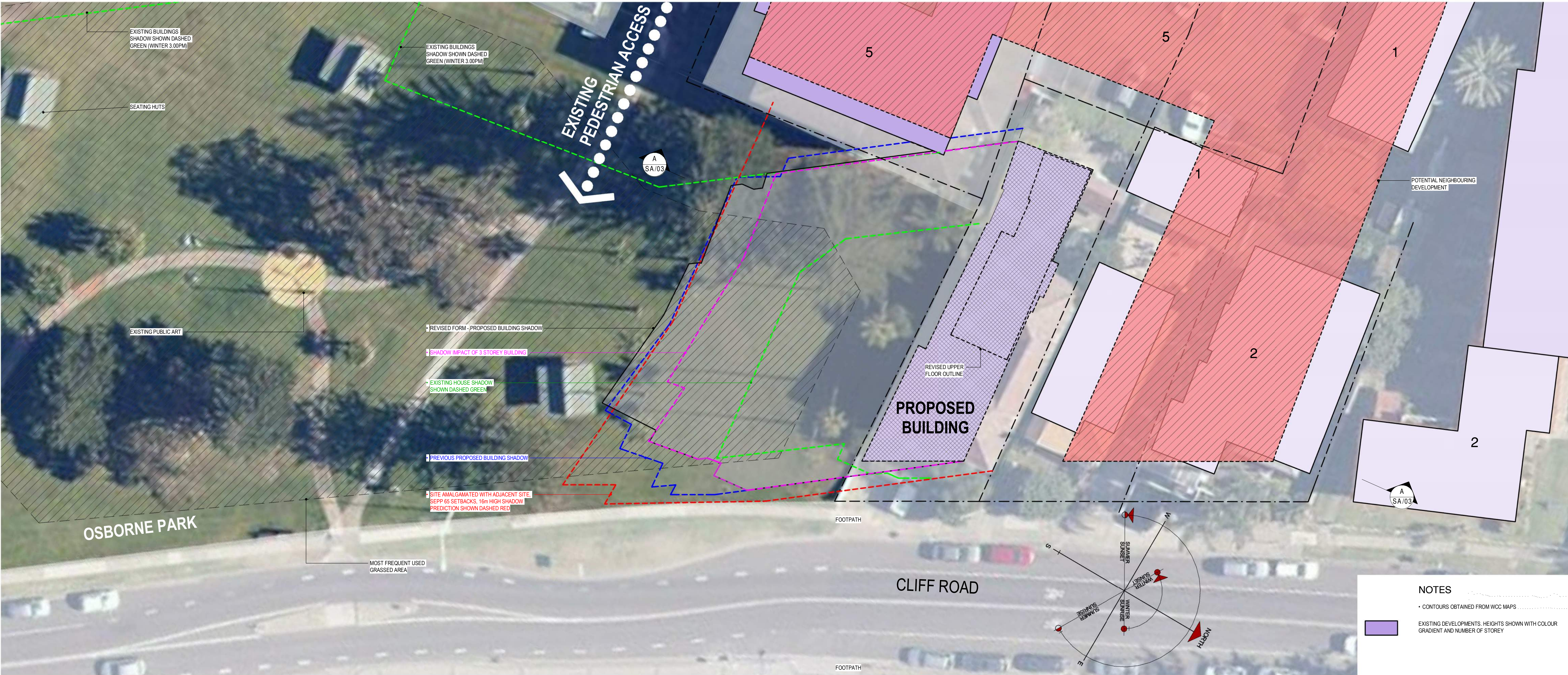


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B	COUNCIL COMMENTS ADDED	06.08.20
C	REVISED DA ISSUE	31.08.20

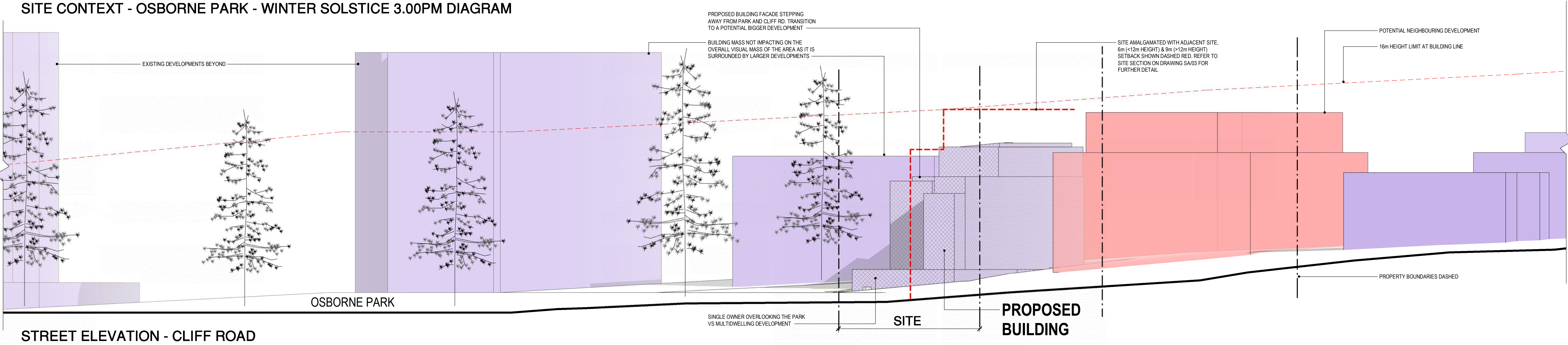
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SITE CONTEXT - OSBORNE PARK - WINTER SOLSTICE 3.00PM DIAGRAM



STREET ELEVATION - CLIFF ROAD

Proposed Dual Occupancy Development For Michael and Nadine Kollaras At 82A Cliff Road, North Wollongong, 2500

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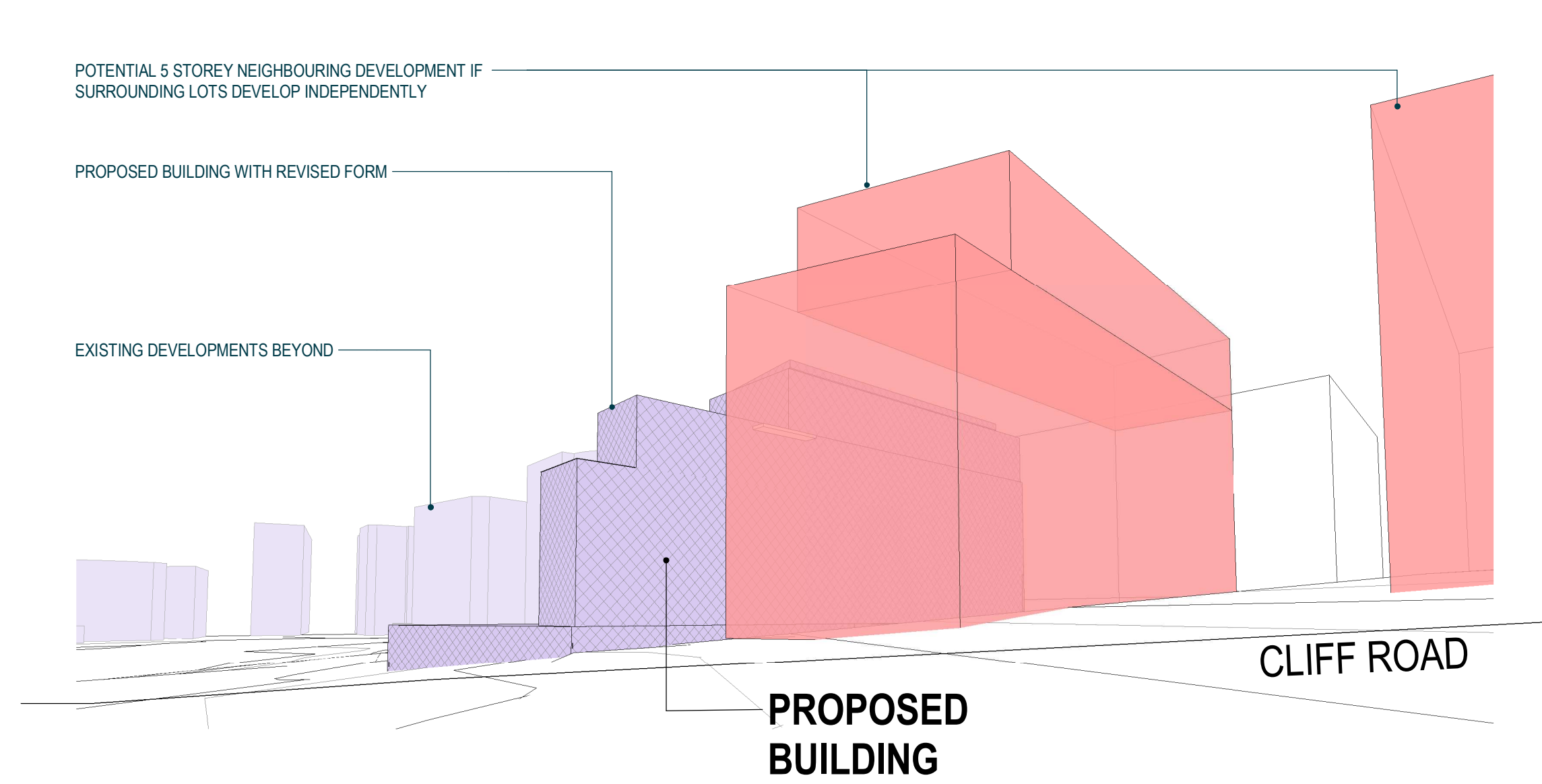


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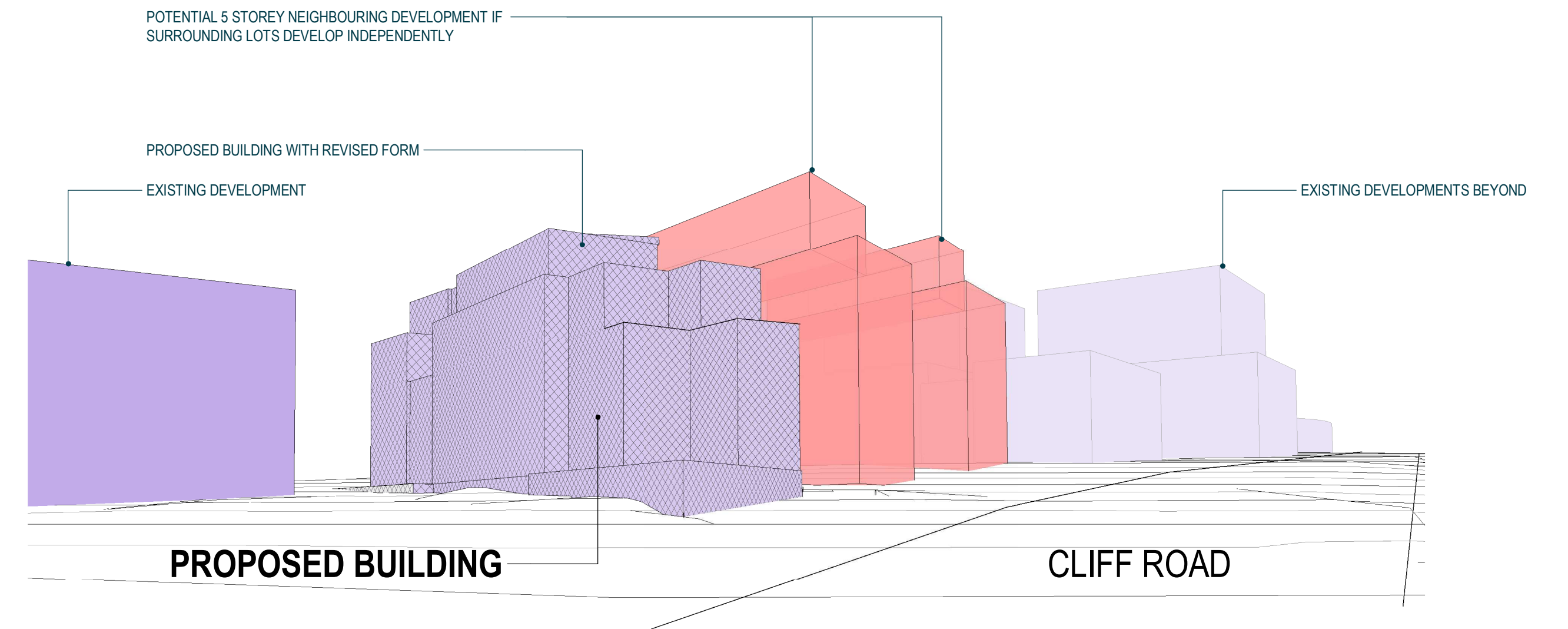
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REVISION	c

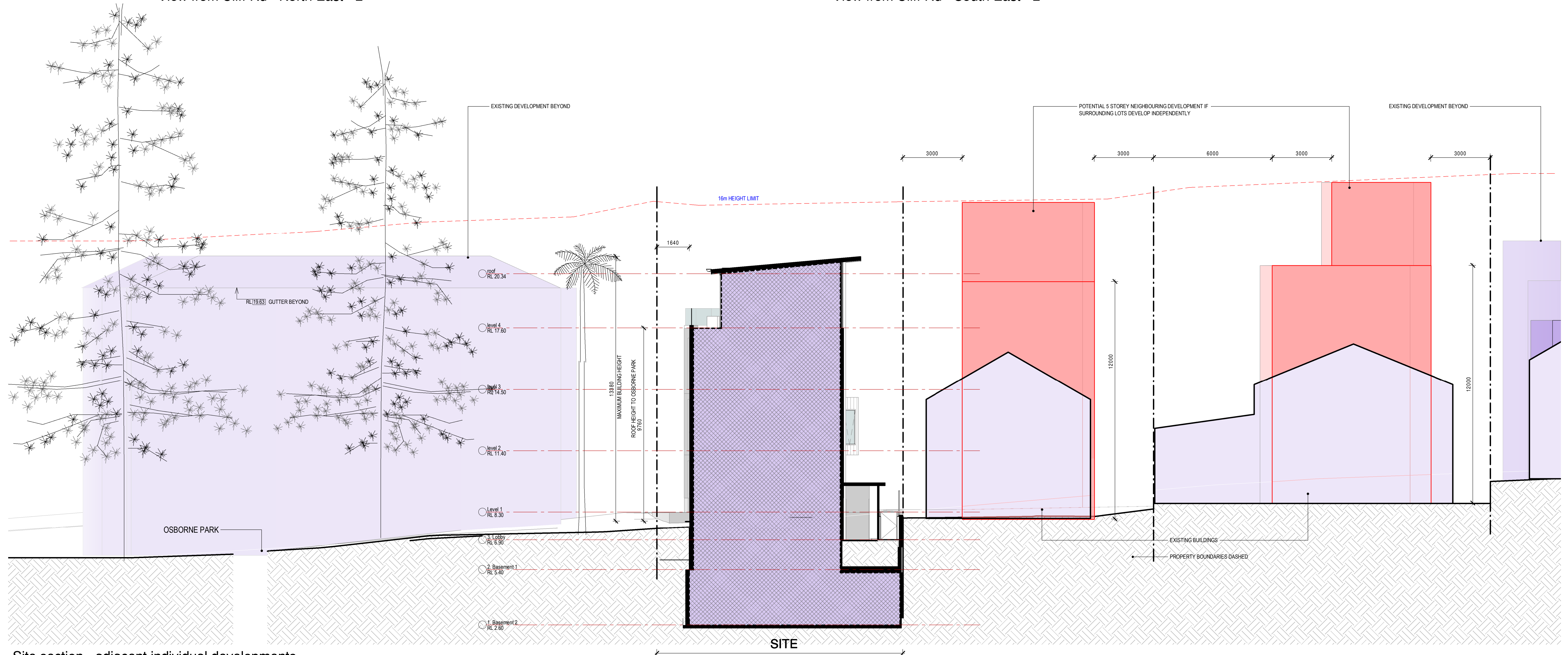
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View from Cliff Rd - North East - 2



View from Cliff Rd - South East - 2



Site section - adjacent individual developments

Proposed Dual Occupancy Development For Michael and Nadine Kollaras At 82A Cliff Road, North Wollongong, 2500

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REV	DESCRIPTION	DATE
A	COUNCIL COMMENTS ADDED	06.08.20

DRAWING TITLE	PROJECT #	SCALE	DATE	DRAWN	CHECKED
SITE SECTION 2 - INDIVIDUAL DEVELOPMENTS	18-0010	1:100 @ A1 1:200 @ A3	06.08.20	LA	MJ
DRAWING NO.	REVISION				
SA/05	A				

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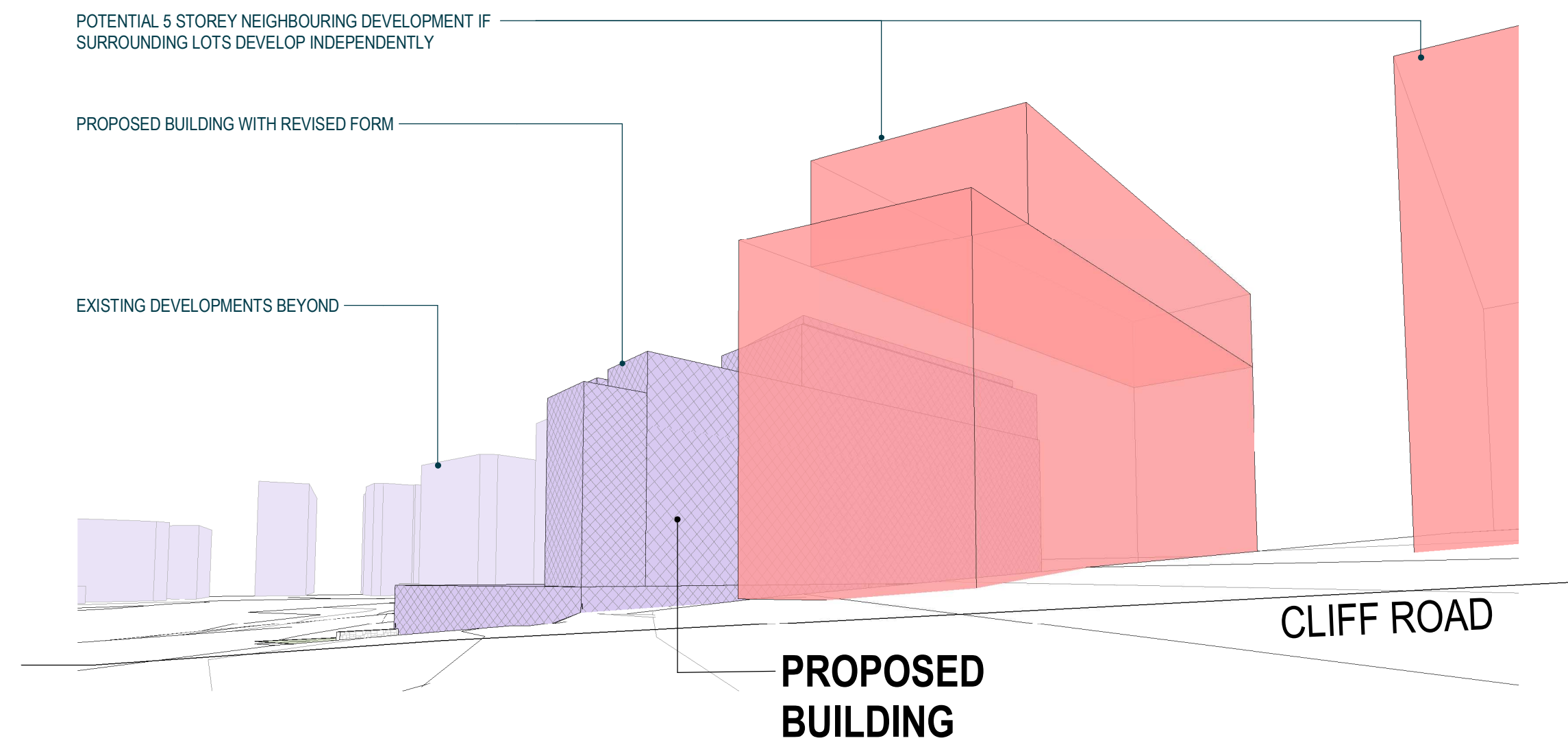
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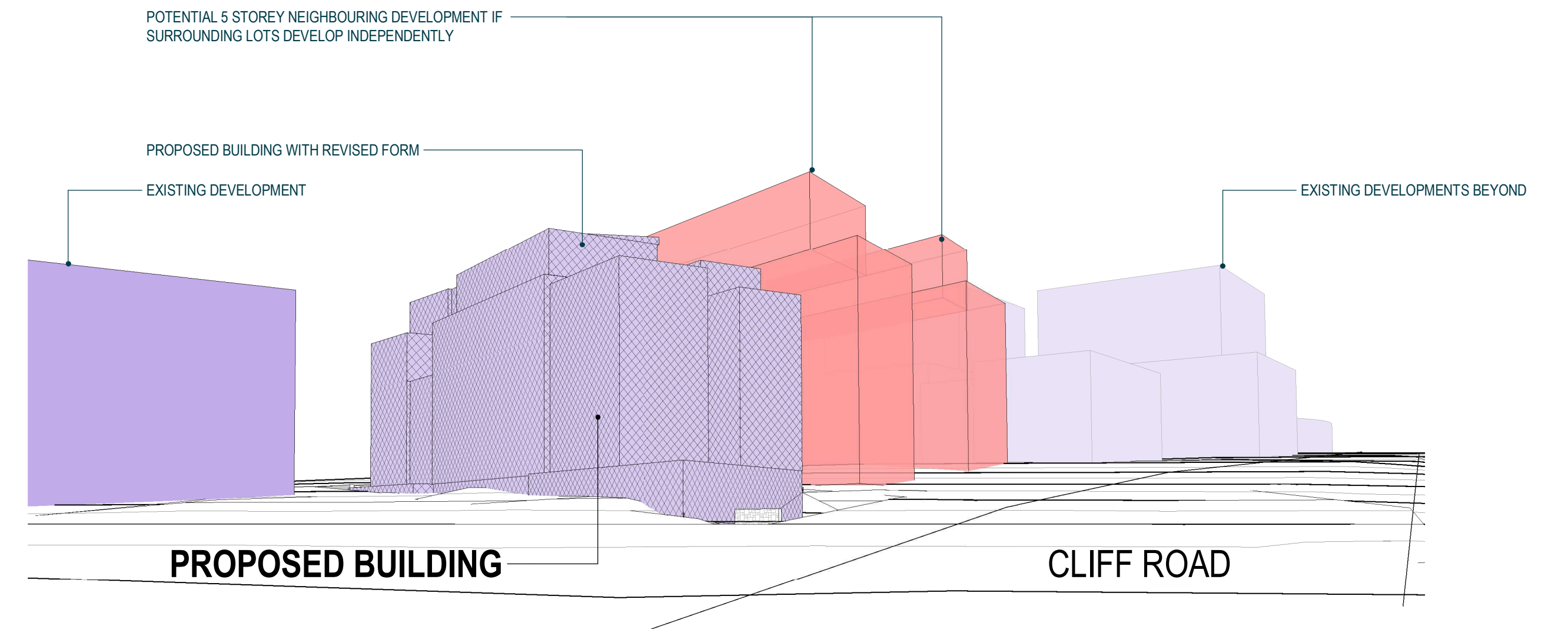
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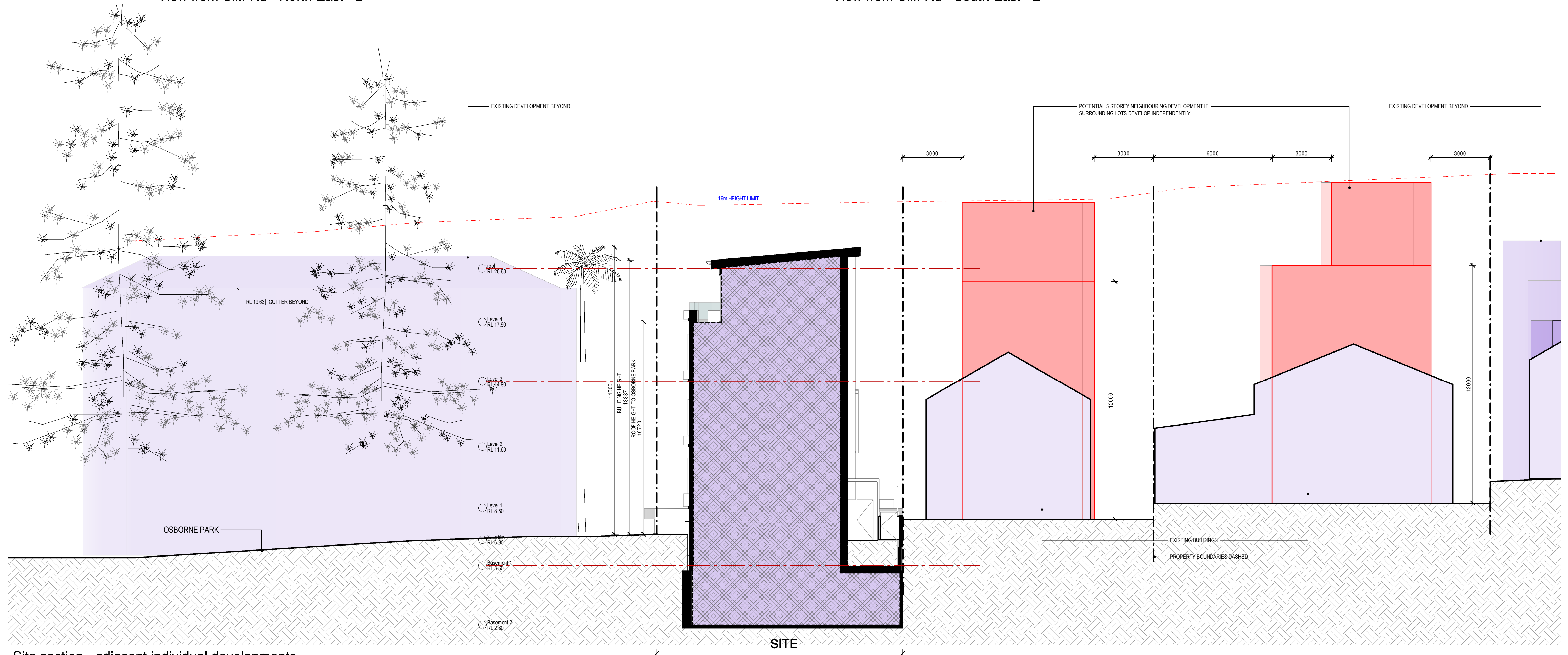
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View from Cliff Rd - North East - 2



View from Cliff Rd - South East - 2



Site section - adjacent individual developments

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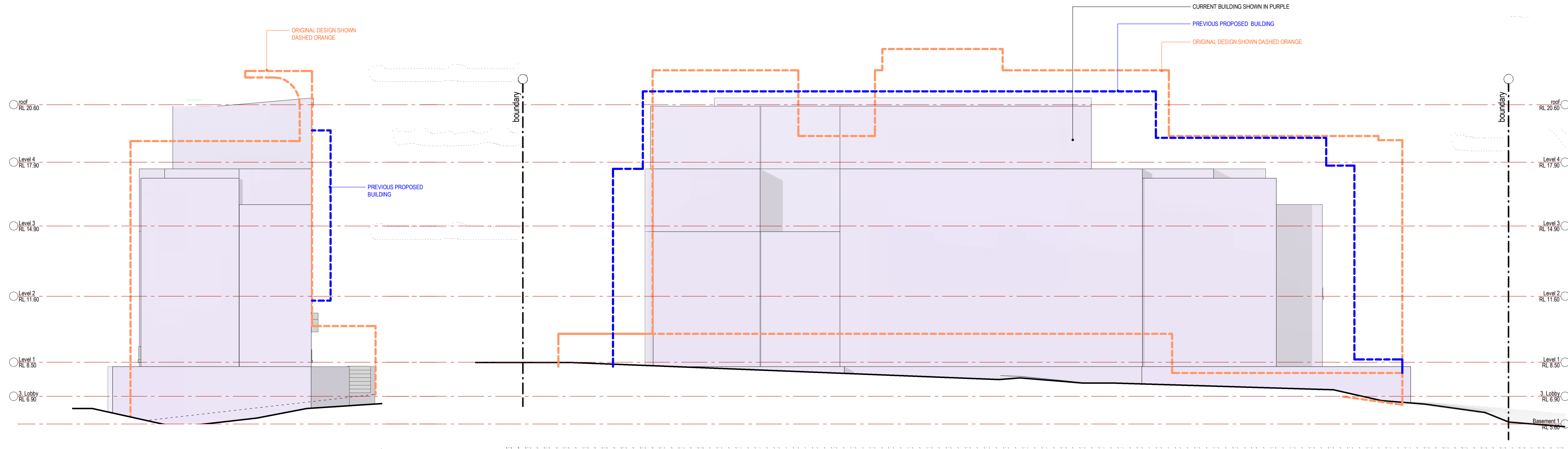
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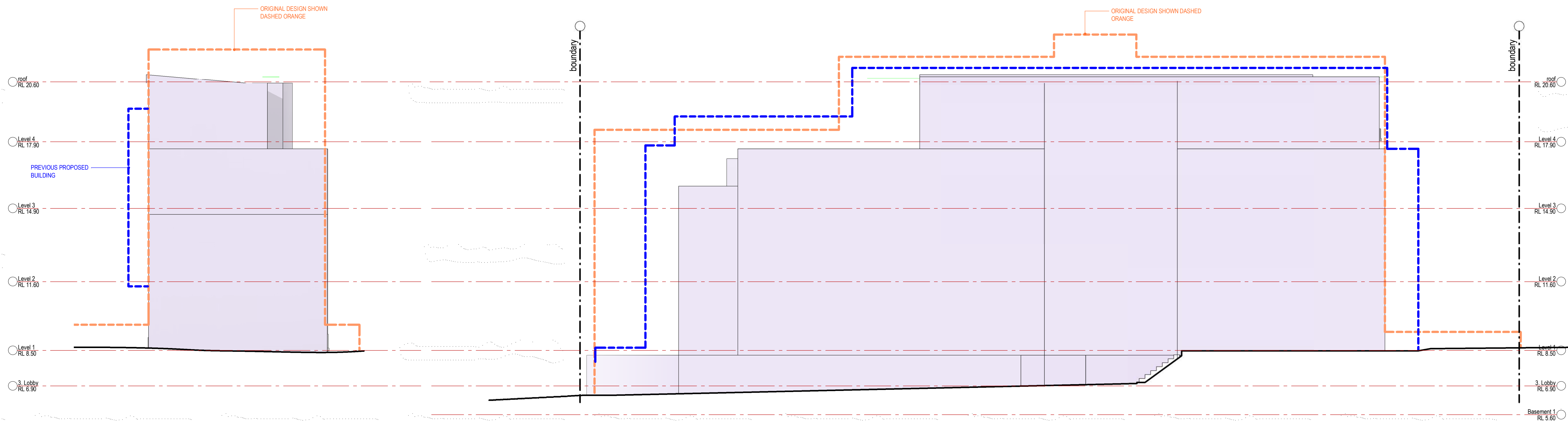
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USE WRITTEN DIMENSIONS ONLY - DO NOT SCALE OFF DRAWINGS



EAST

SOUTH



WEST

NORTH

NOTES

- ORIGINAL DESIGN - REFER TO DA SET SUBMITTED ON THE 28.08.19 AND DA06-ELEVATIONS FOR FURTHER INFORMATION
- PREVIOUS PROPOSED BUILDING - REFER TO PRELIMINARY DRP SET SUBMITTED ON THE 20.03.20 AND DRAWING DA06-C-ELEVATIONS FOR FURTHER INFORMATION

Proposed Dual Occupancy Development For Michael and Nadine Kollaras At 82A Cliff Road, North Wollongong, 2500

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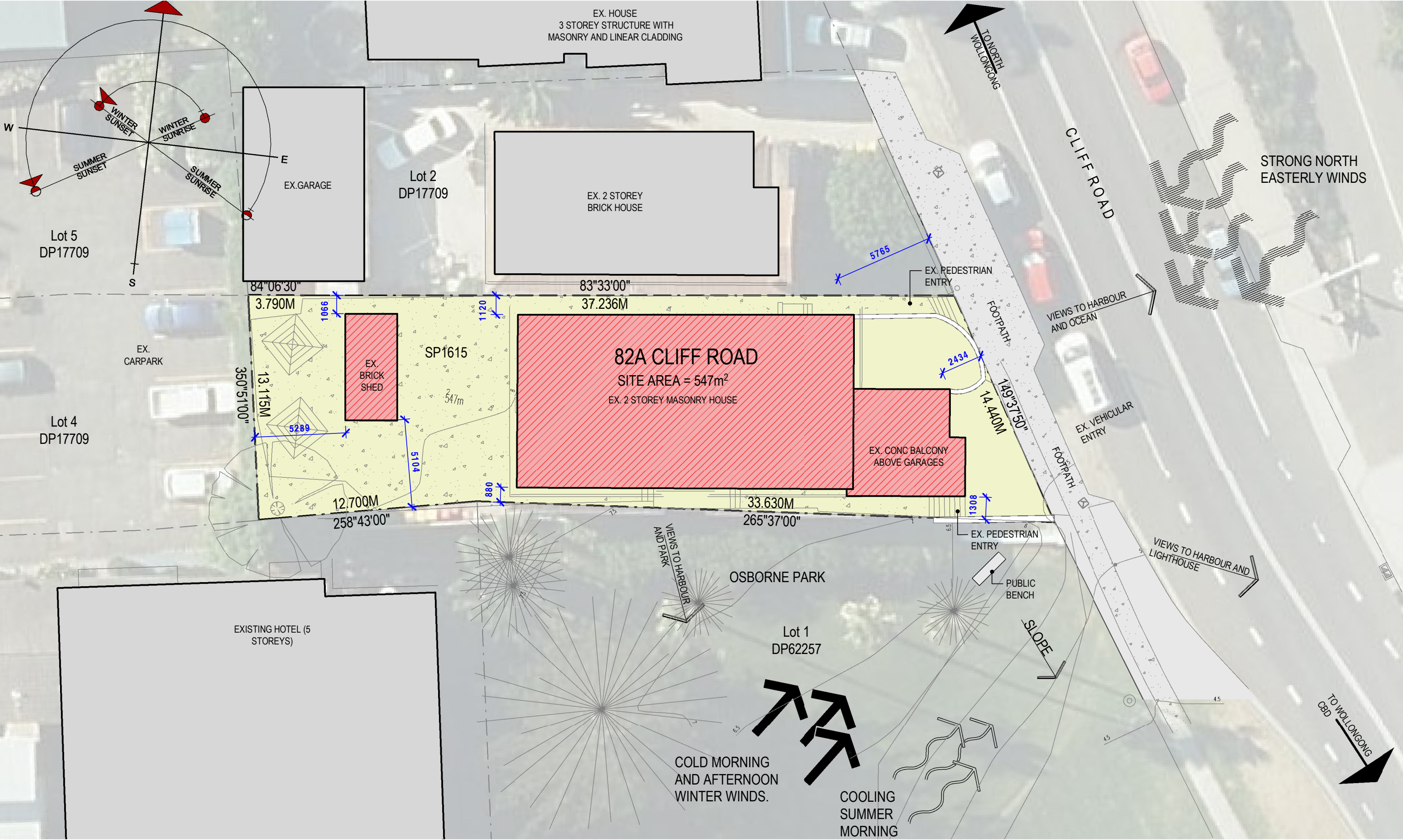
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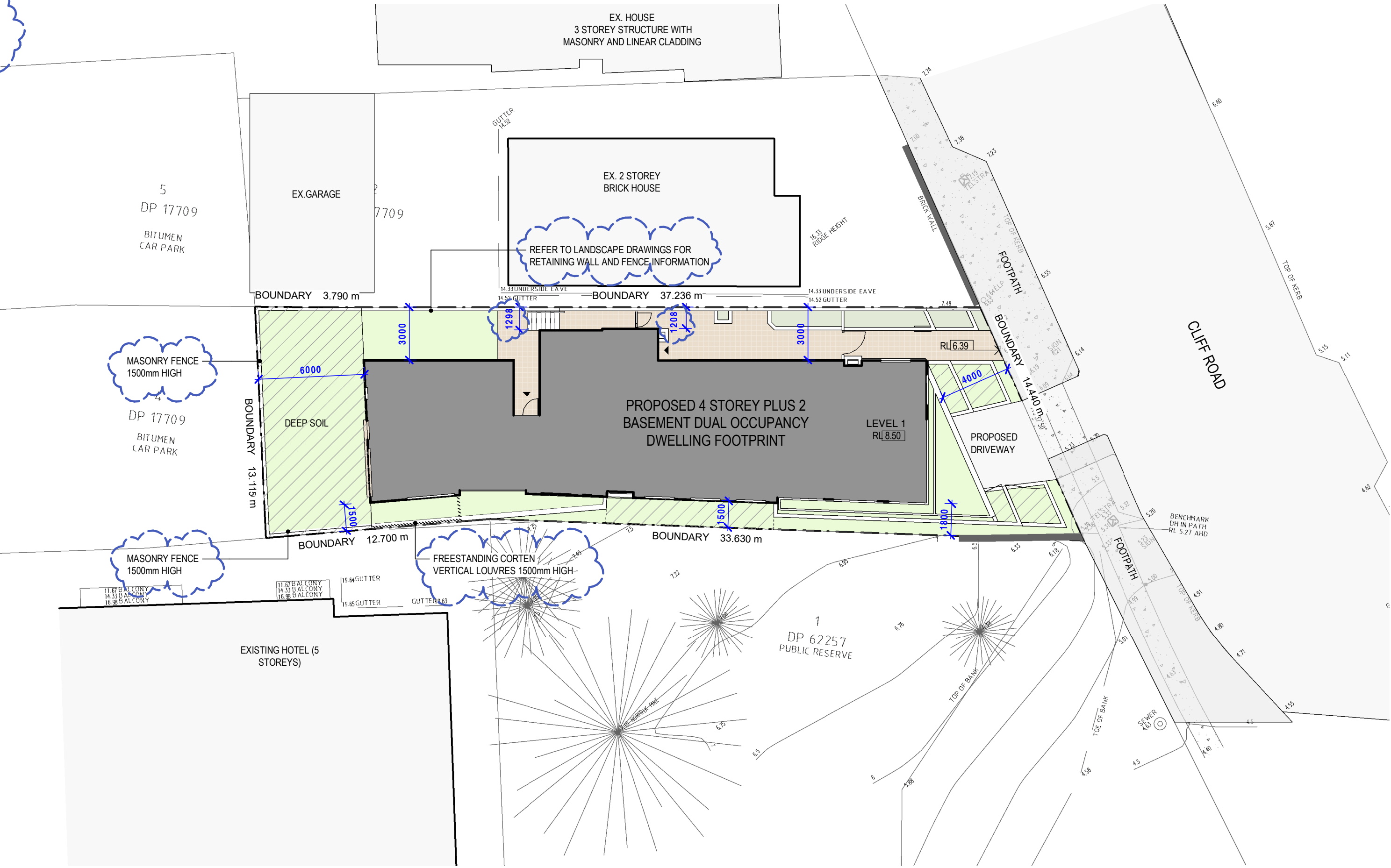
USE WRITTEN DIMENSIONS ONLY - DO NOT SCALE OFF DRAWINGS



site analysis PLAN

DEMOLITION PLAN

NOTE: EXISTING BUILDING, SHED AND GARAGE TO BE DEMOLISHED SHOWN IN RED

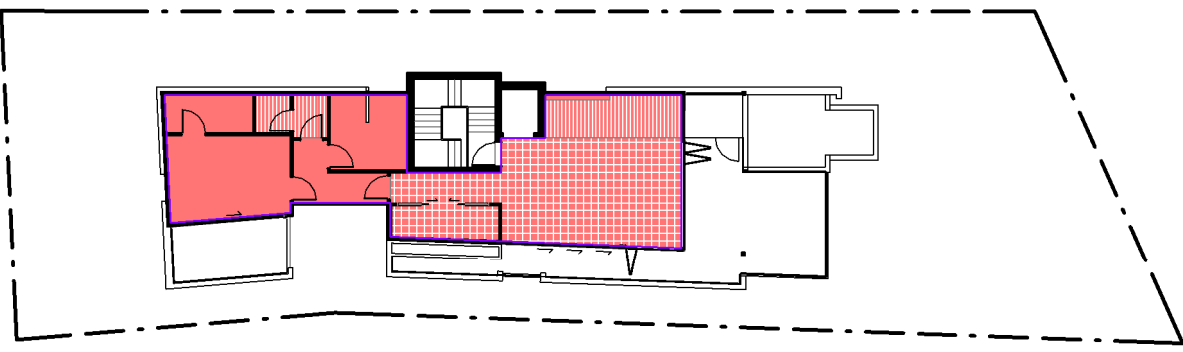


NOTES

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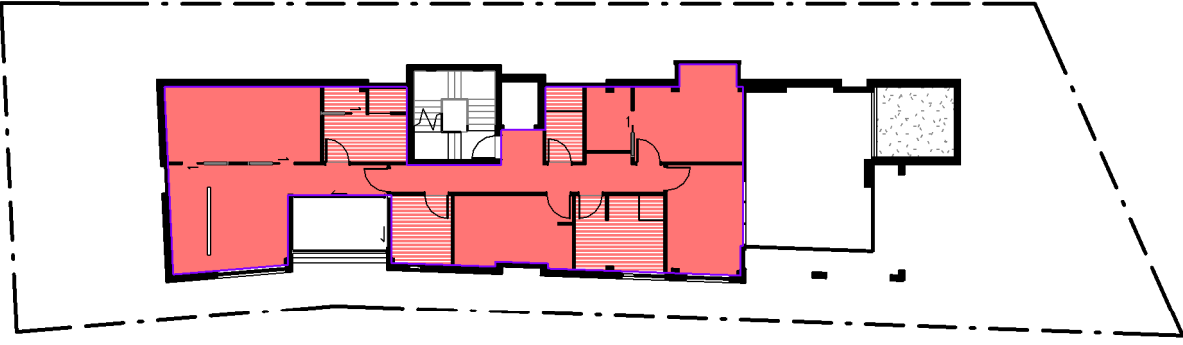
site PLAN

PROPOSED BUILDING



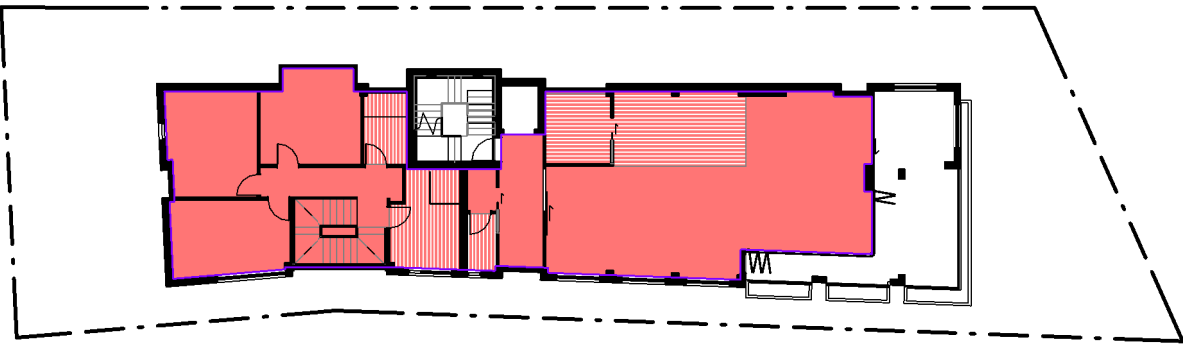
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NTS



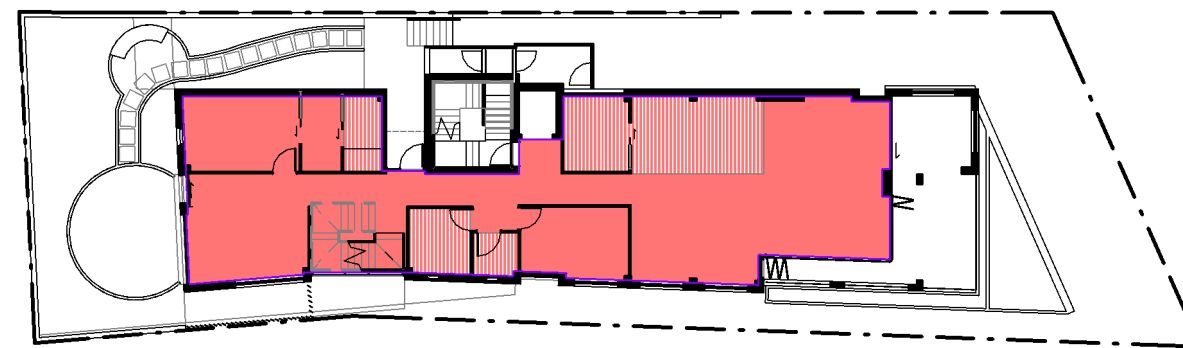
Level 3

NTS



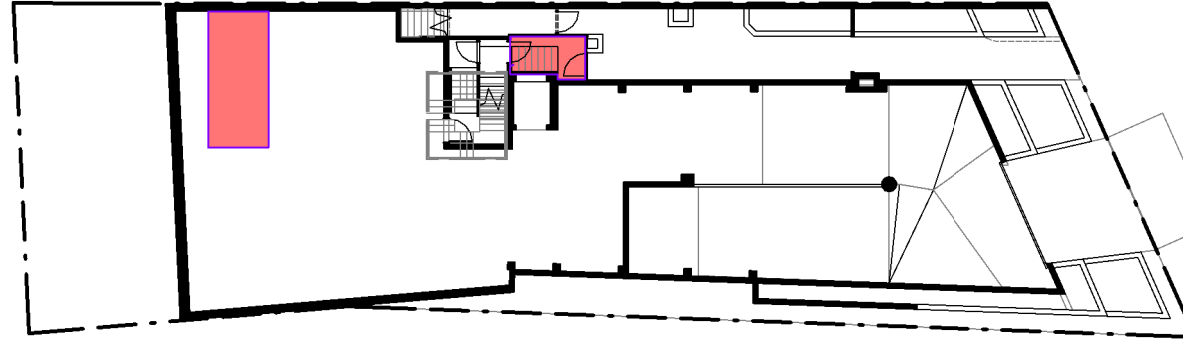
Level 2

NTS



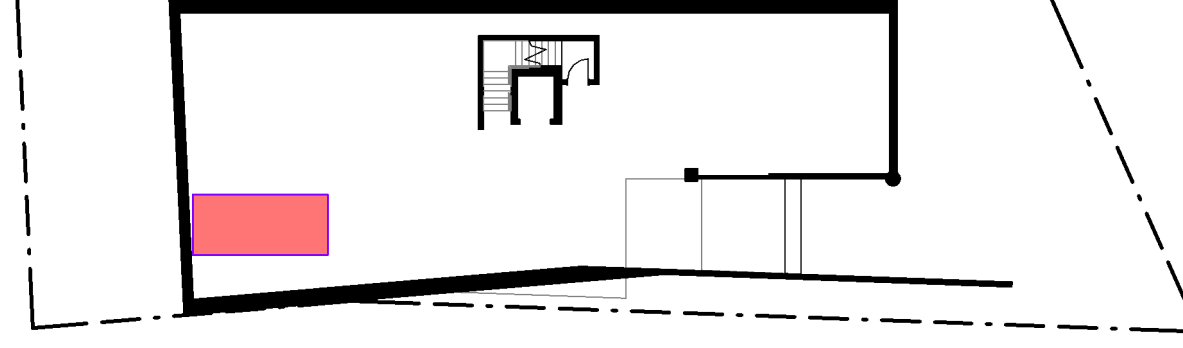
Level 1

NTS



Basement 1

NTS



basement 2

NTS

NOTE: AREAS INCLUDED IN GROSS FLOOR AREA CALCULATION SHOWN IN RED

NOTES

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- GENERAL DIMENSIONS SHOWN IN BLACK

GFA AREAS

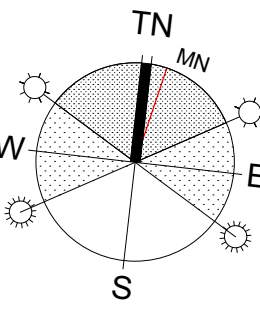
SITE AREA	547 m ²
FSR PERMITTED	1.5:1
ALLOWED GFA	820 m ²
Basement 1	18 m ²
Basement 2	13 m ²
Level 1	175 m ²
Level 2	182 m ²
Level 3	139 m ²
Level 4	94 m ²
TOTAL GFA:	621 m ²
FSR PROVIDED	1.13:1
DEEP SOIL REQUIRED (15%)	82m ²
DEEP SOIL PROVIDED (SHOWN HATCHED)	105m ² (19%)
CAR SPACES REQUIRED	2 PER UNIT
CAR SPACES PROVIDED	3 PER UNIT

BASIX

- The applicant must not install a private swimming pool or spa for the dwelling, with a volume exceeding 16,000L's
- The applicant must install, for the dwelling, each alternative water supply system, with a size of at least 2000L. It must collect run-off, divert overflow and be connected as specified in the "central energy systems" table in the appended BASIX report.
- The hot water system is to be installed as specified in the appended BASIX report.
- The applicant must ensure that each room or area stated under the heading "natural lighting" in the BASIX report is fitted with a window and or skylight
- The applicant must show on the plans accompanying the development application for the proposed development, all matters which the Thermal Comfort Protocol requires to be shown on those plans. These plans must bear a stamp of endorsement from the Accredited Assessor, to certify that this is the case.
- Where there is an in-slab heating or cooling system the applicant must ensure the insulation is as specified in the appended BASIX report.
- The applicant must construct the floors and walls of the development in accordance with the specification outlined in the appended BASIX report.
- The fixtures and systems are required to be as per the "central energy systems" column found in the appended BASIX report.

Proposed Dual Occupancy Development For Michael and Nadine Kollaras At 82A Cliff Road, North Wollongong, 2500

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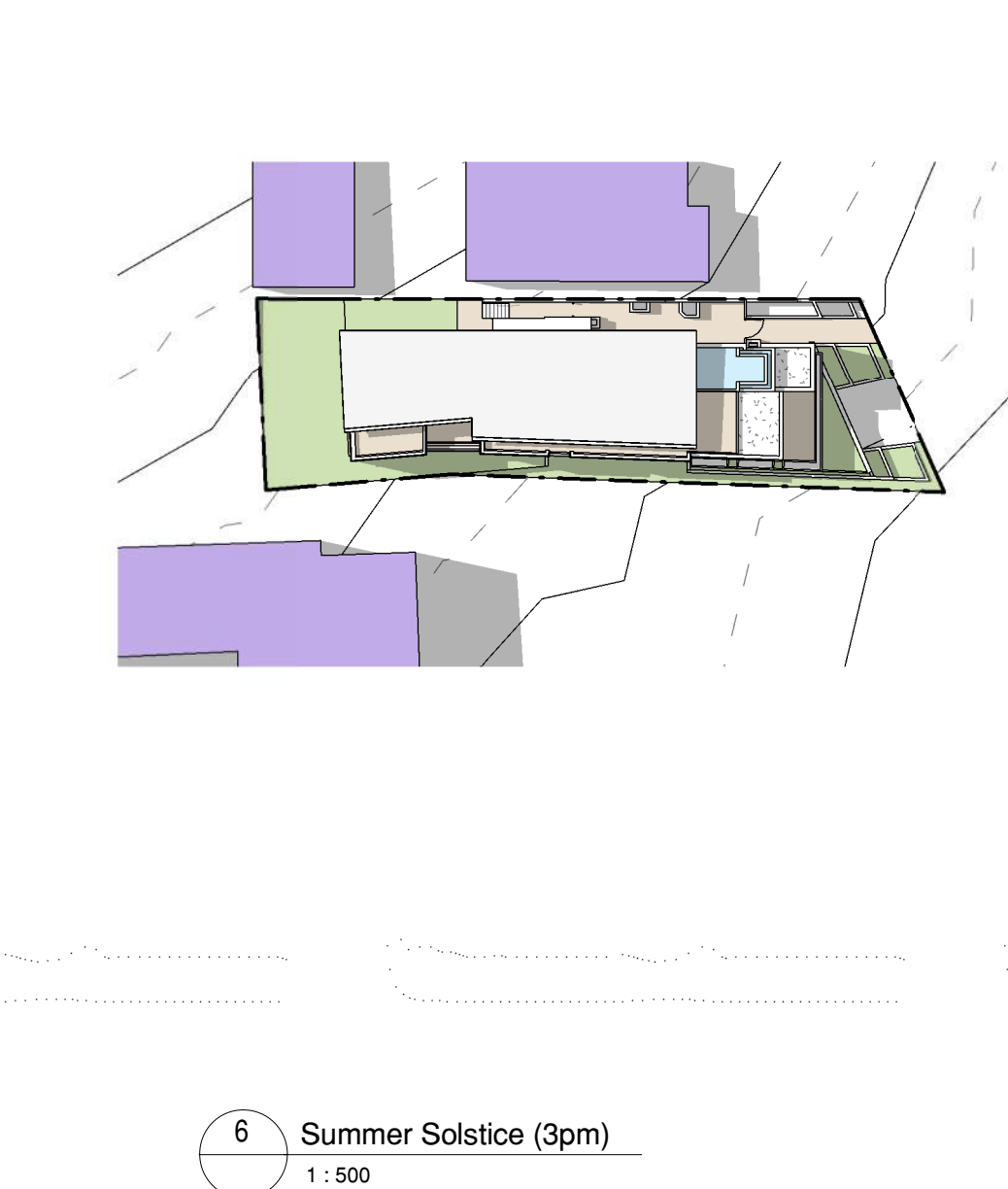
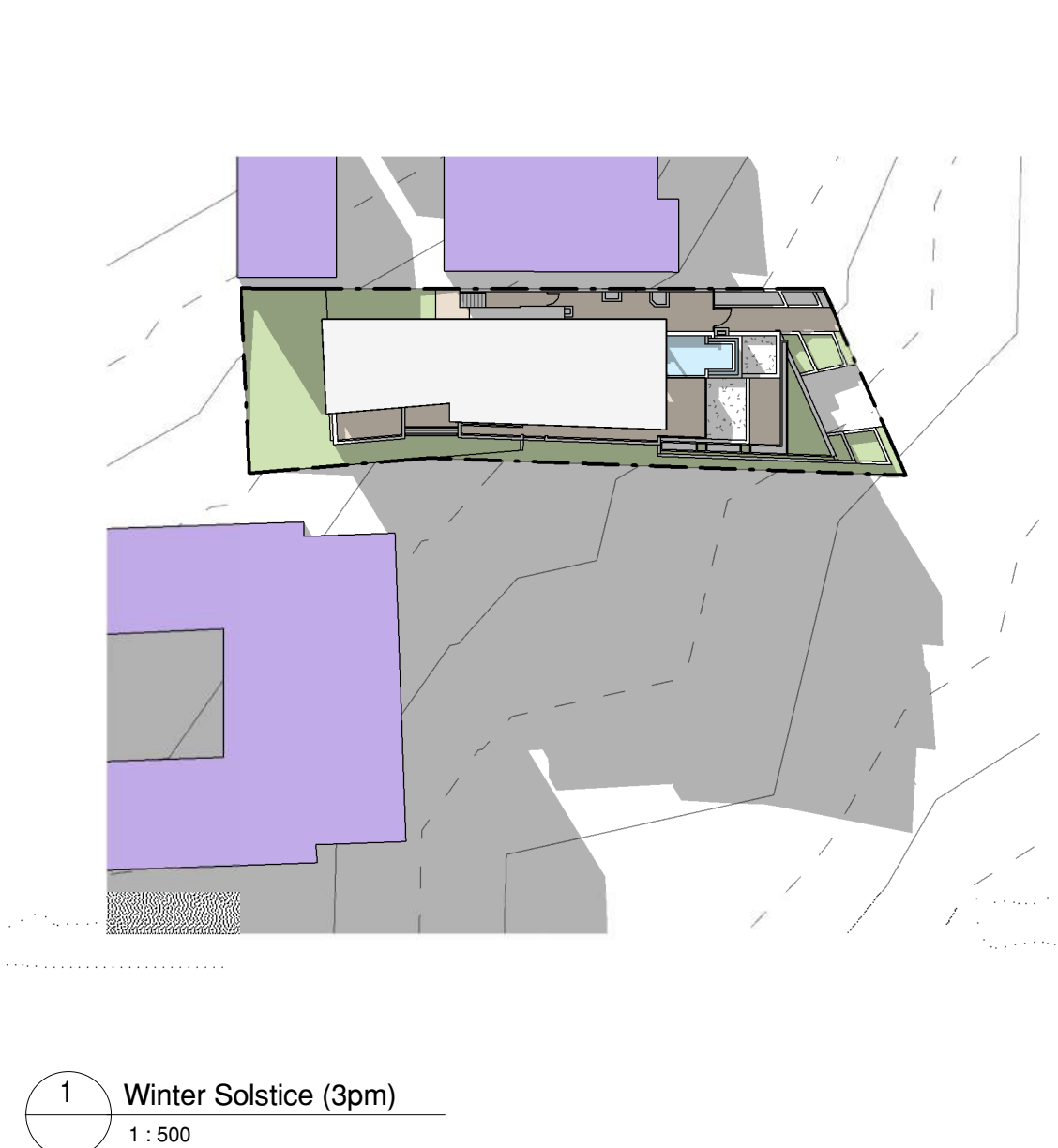
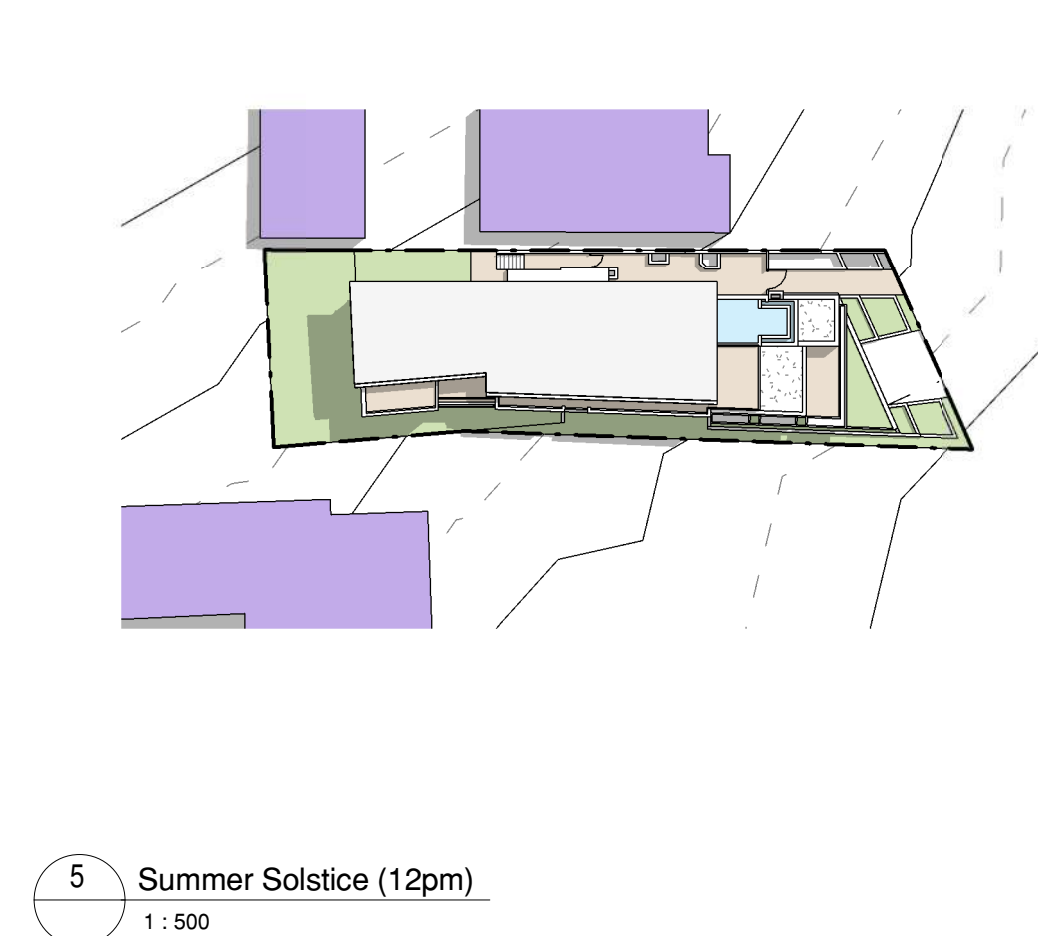
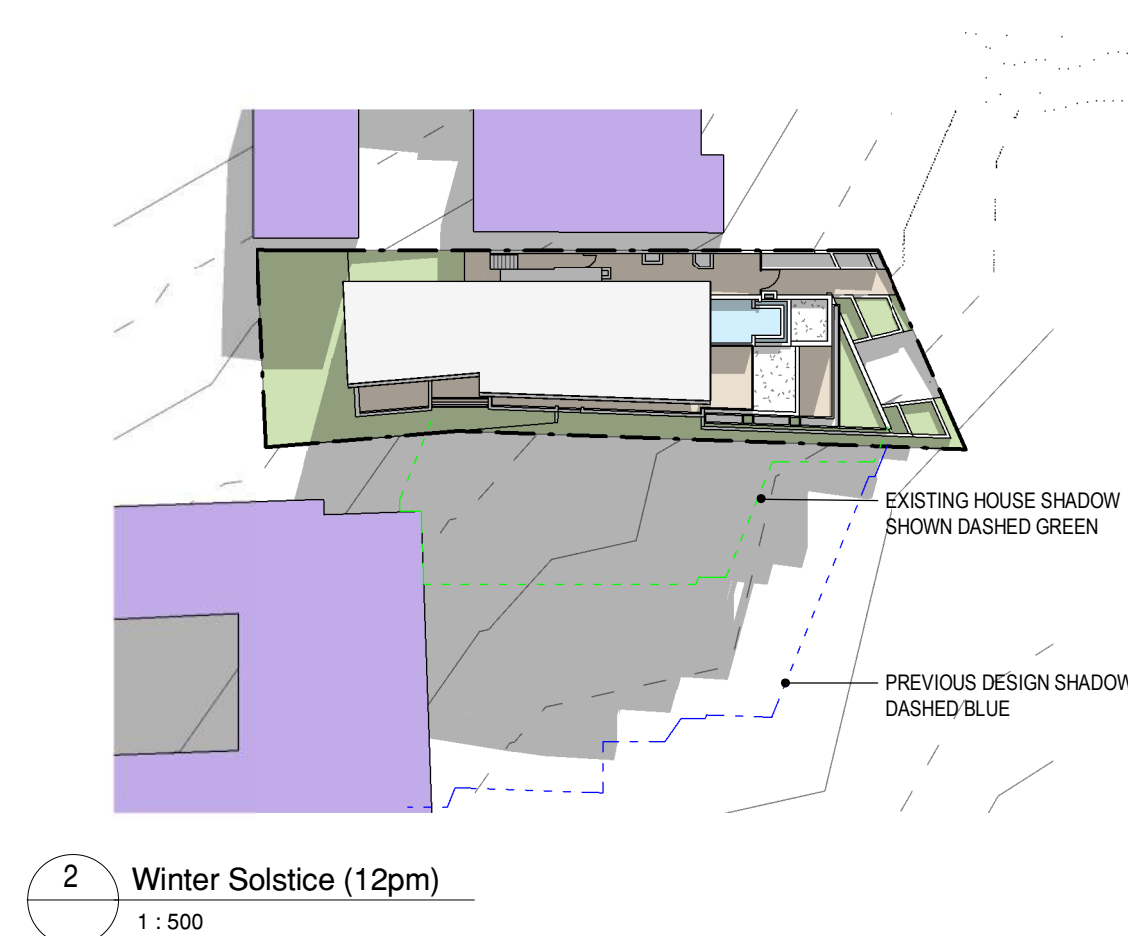
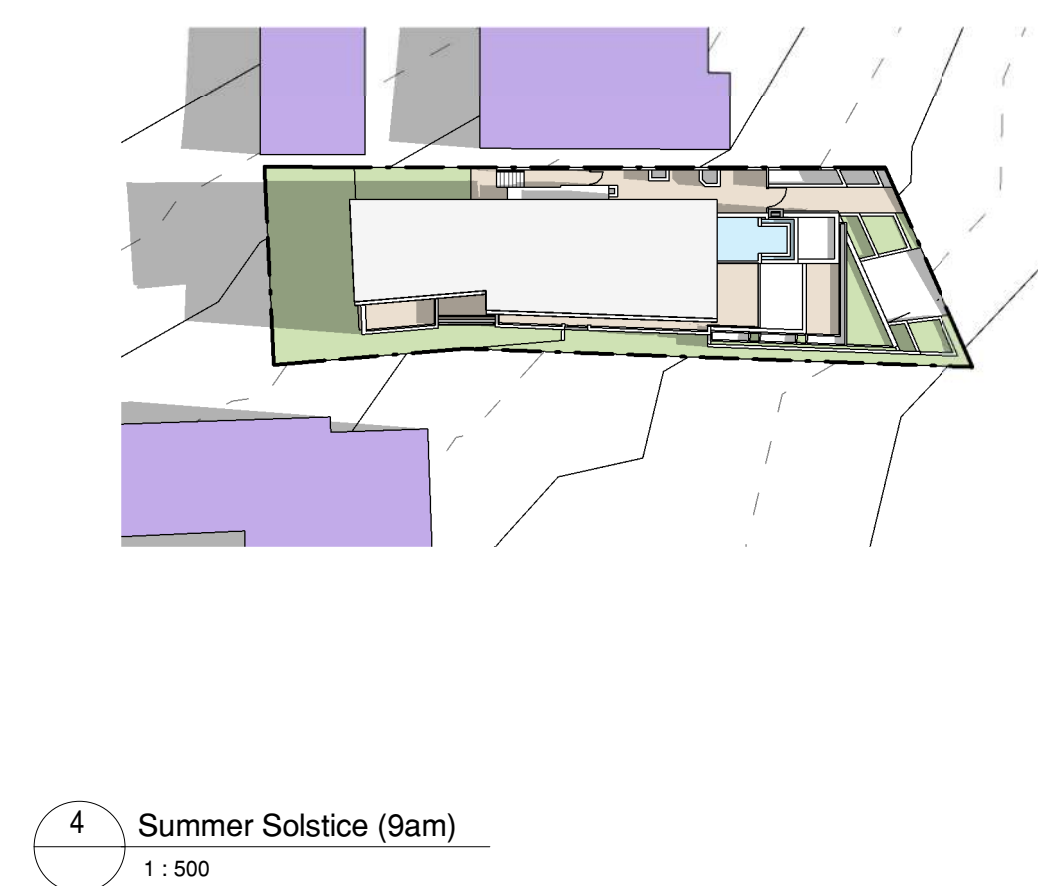
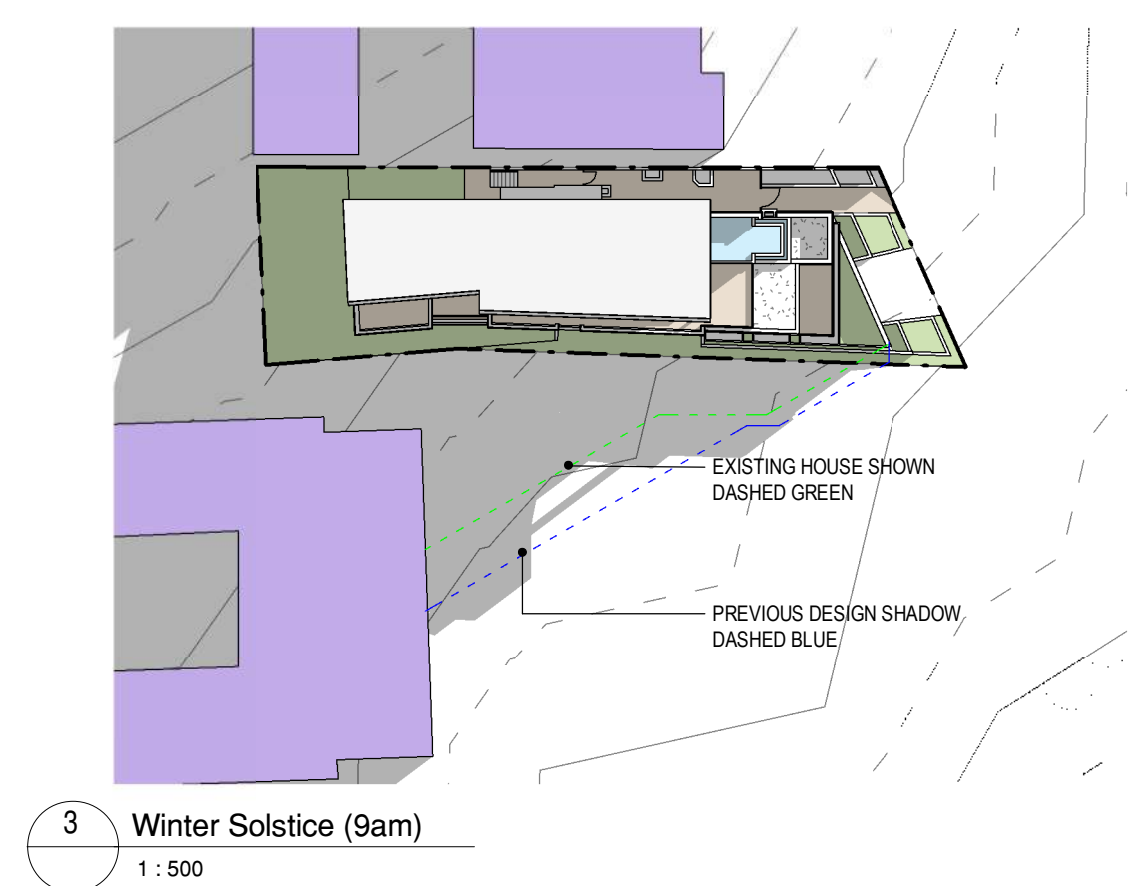


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B	REVISED DA ISSUE	31.08.20
C	COUNCIL COMMENTS ADDED	23.09.20

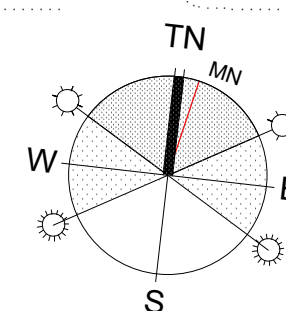
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SITE ANALYSIS, DEMOLITION PLAN AND SITE PLAN

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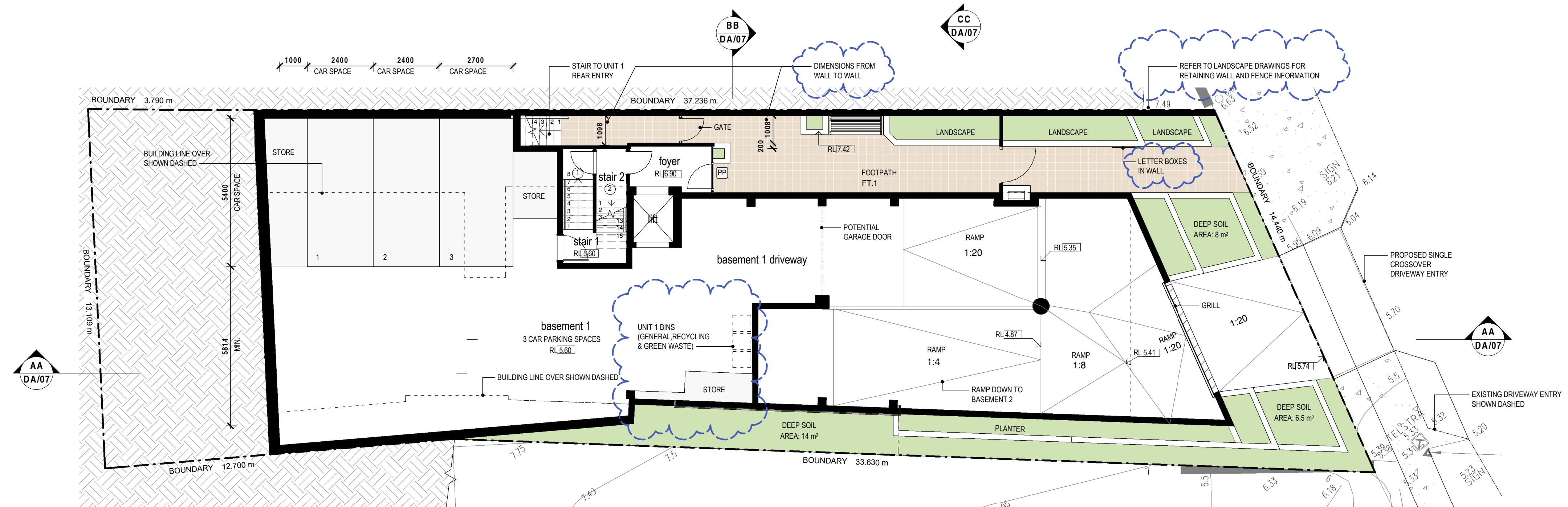


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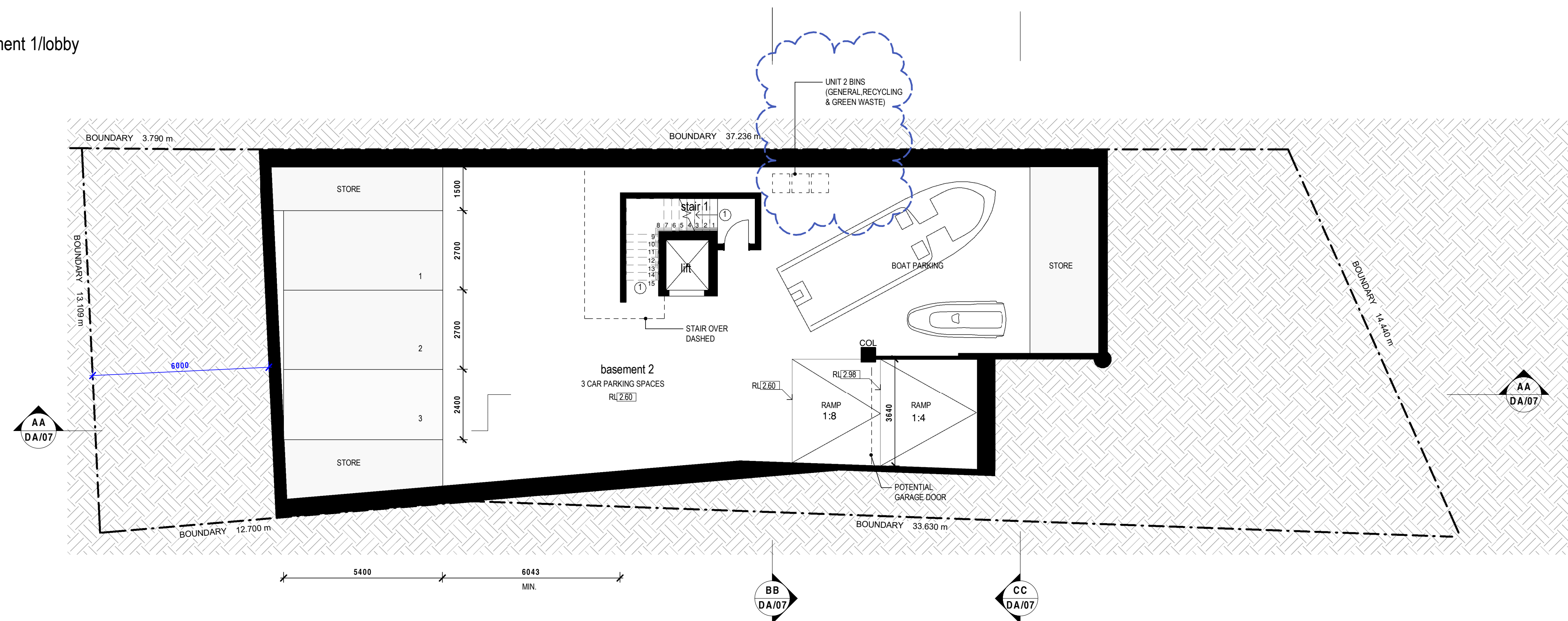
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<p>DRAWING NO.</p>	<p>REVISION</p>
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basement 1/lobby
PLAN



basement 2
PLAN

NOTES

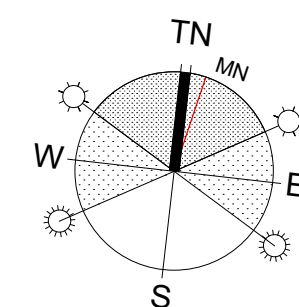
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- GENERAL DIMENSIONS SHOWN IN BLACK

LEGEND

(A)	WINDOW REFERENCE
COL	COLUMN (TBA)
FT.1	FLOOR TILE TYPE 1

Proposed Dual Occupancy Development For Michael and Nadine Kollaras At 82A Cliff Road, North Wollongong, 2500

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REV	DESCRIPTION	DATE
A	ISSUE TO CLIENT FOR REVIEW	10.01.2020
B	ISSUE FOR COUNCIL MEETING	28.01.20
C	ISSUE FOR COUNCIL MEETING	19.02.20
D	ISSUE FOR CLIENT REVIEW	20.02.28
E	PRELIMINARY DRP SET	20.03.20
F	ISSUE TO CLIENT	11.08.20
G	PRELIMINARY REVISED DA ISSUE	28.08.20
H	REVISED DA ISSUE	31.08.20
I	COUNCIL COMMENTS ADDED	23.09.20

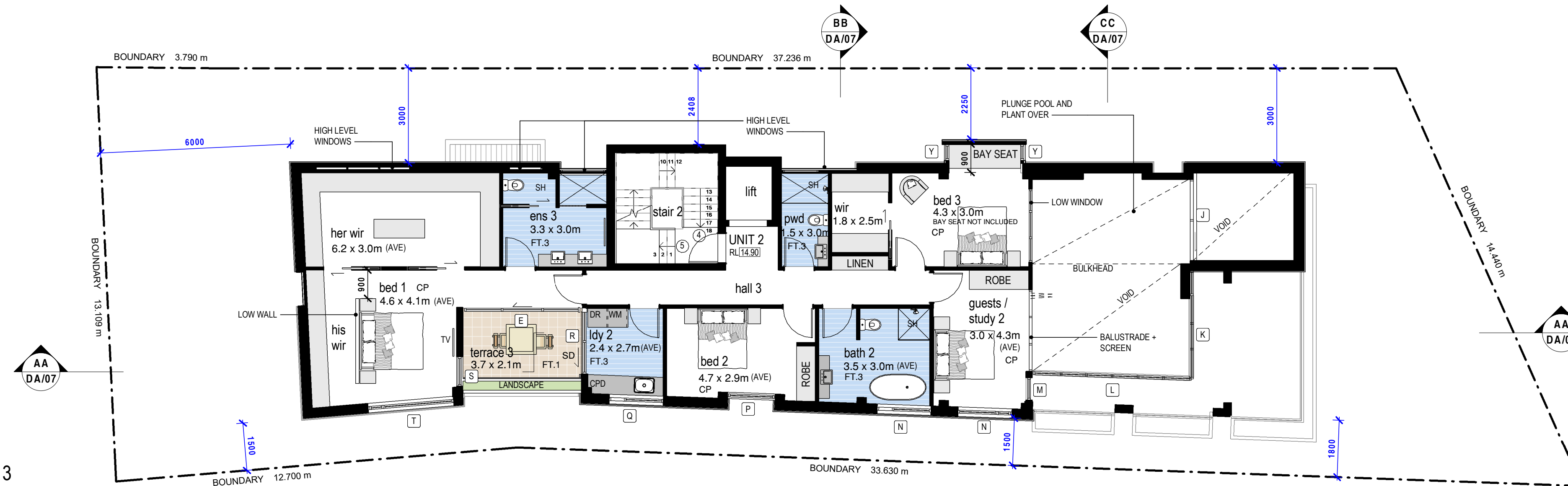
**LOWER GROUND FLOOR
PLANS**

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CHECKED: MJ	REVISION
DRAWING NO.	DA/03

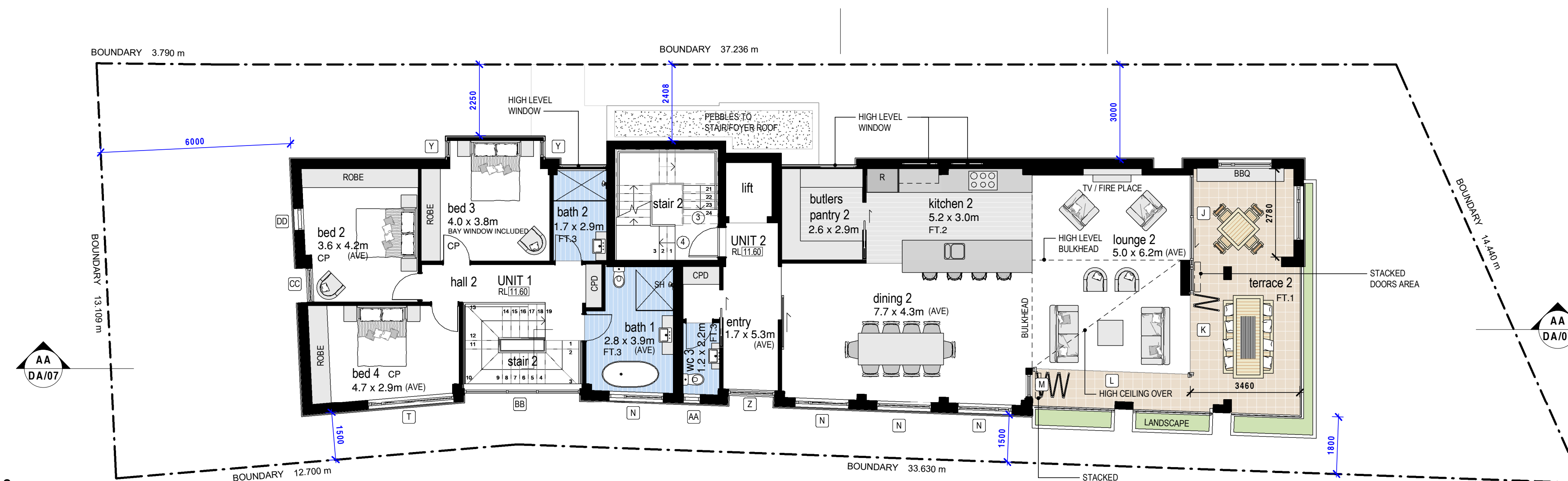
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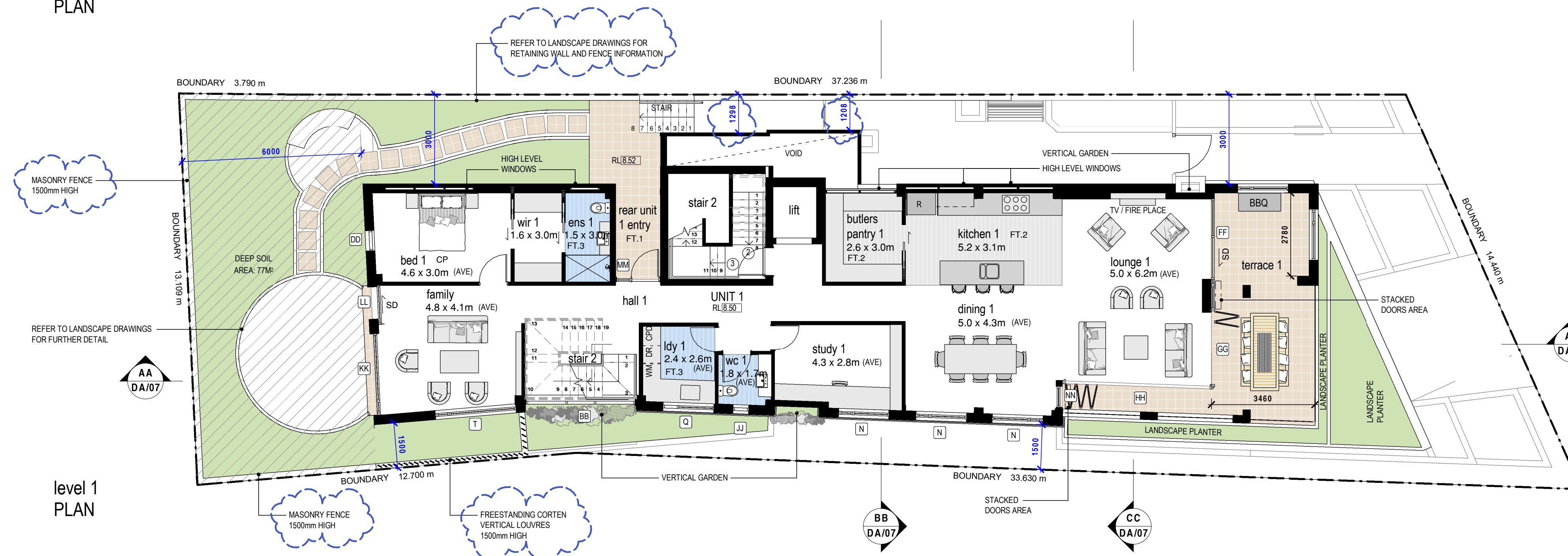
level 3
PLAN



level 2
PLAN



level 1
PLAN



NOTES

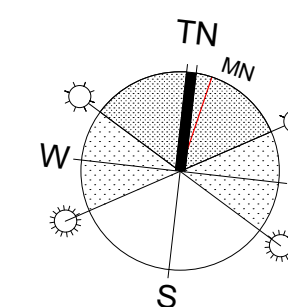
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- GENERAL DIMENSIONS SHOWN IN BLACK

LEGEND

- (A) WINDOW REFERENCE
- (AVE) AVERAGE
- CP CARPET
- FT.1 FLOOR TILE TYPE 1
- FT.2 FLOOR TILE TYPE 2
- FT.3 FLOOR TILE TYPE 3
- SD SLIDING DOOR

Proposed Dual Occupancy Development For Michael and Nadine Kollaras At 82A Cliff Road, North Wollongong, 2500

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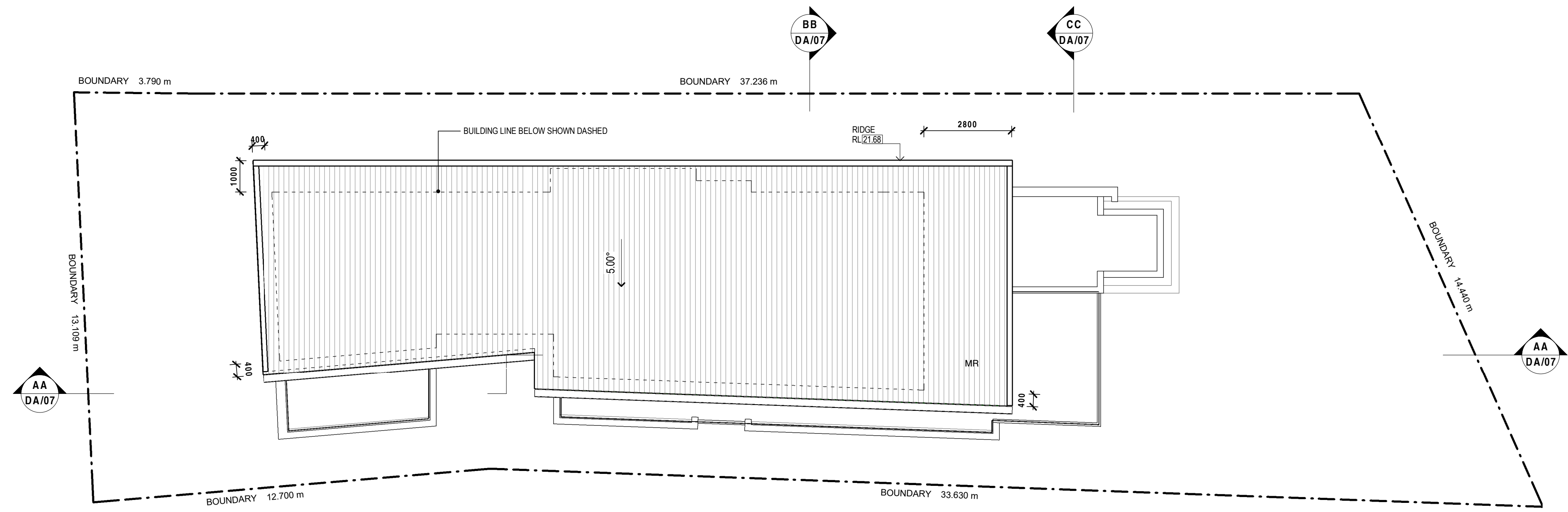


REV	DESCRIPTION	DATE
A	ISSUE FOR COUNCIL MEETING	19.02.20
B	ISSUE FOR CLIENT REVIEW	20.02.20
C	PRELIMINARY DRP SET	20.03.20
D	ISSUE TO CLIENT	11.08.20
E	PRELIMINARY REVISED DA ISSUE	28.08.20
F	REVISED DA ISSUE	31.08.20
G	ROOM DIMENSIONS ADDED	03.09.20
H	COUNCIL COMMENTS ADDED	23.09.20

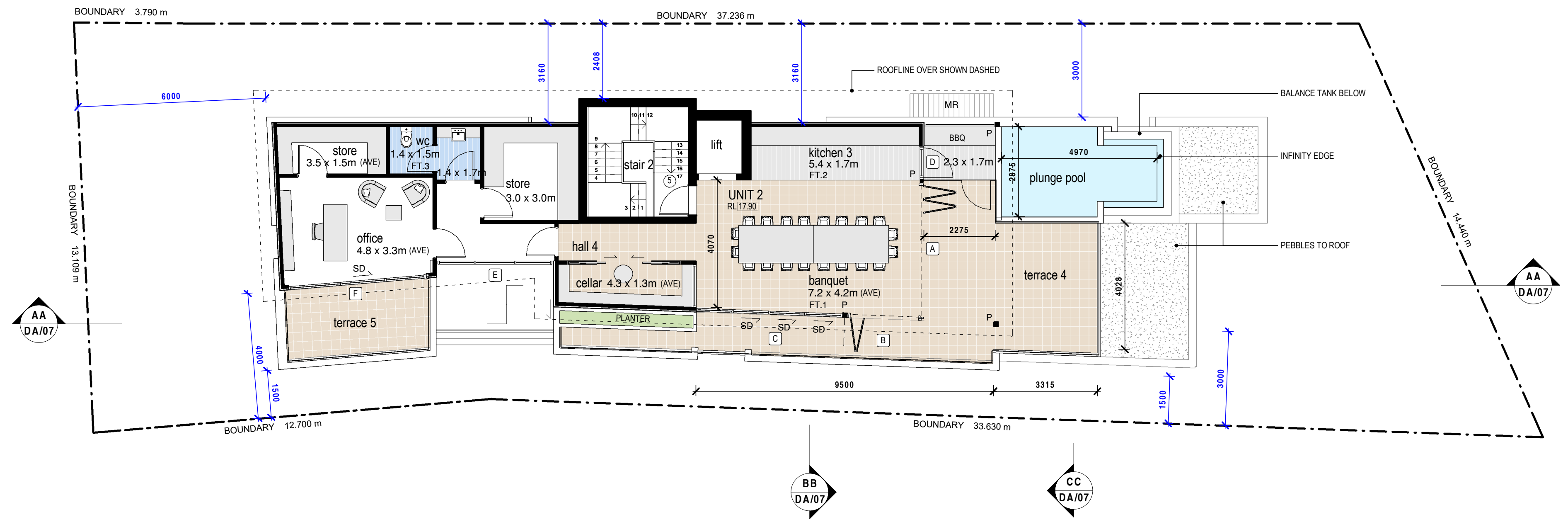
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LEVELS 1 - 3 FLOOR PLANS

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roof
PLAN



level 4
PLAN

NOTES

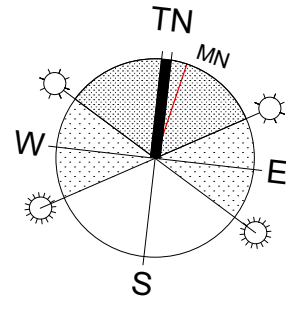
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- GENERAL DIMENSIONS SHOWN IN BLACK

LEGEND

(A)	WINDOW REFERENCE
(AVE)	AVERAGE
FT.1	FLOOR TILE TYPE 1
FT.2	FLOOR TILE TYPE 2
FT.3	FLOOR TILE TYPE 3
MR	METAL ROOF 1
P	POST
SD	SLIDING DOOR

Proposed Dual Occupancy Development
For Michael and Nadine Kollaras
At 82A Cliff Road, North Wollongong, 2500

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REV	DESCRIPTION	DATE
A	ISSUE FOR COUNCIL MEETING	19.02.20
B	ISSUE FOR CLIENT REVIEW	20.02.28
C	PRELIMINARY DRP SET	20.03.20
D	ISSUE TO CLIENT	11.08.20
E	ISSUE FOR COMMENT	26.08.20
F	PRELIMINARY REVISED DA ISSUE	28.08.20
G	REVISED DA ISSUE	31.08.20
H	ROOM DIMENSIONS ADDED	03.09.20
I	COUNCIL COMMENTS ADDED	23.09.20

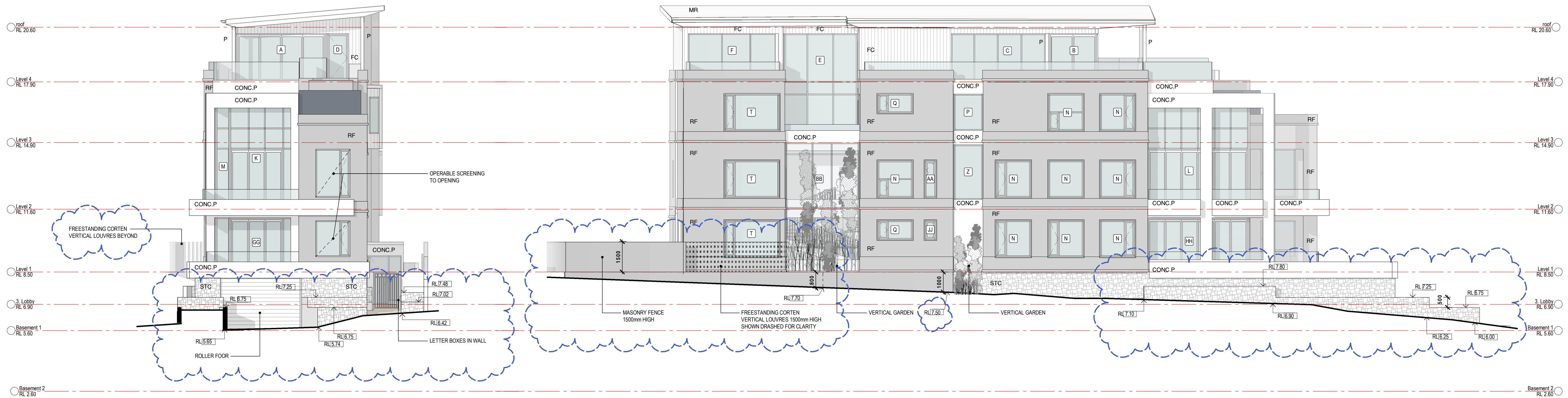
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LEVEL 4 AND ROOF PLANS

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EAST

SOUTH

WEST

NORTH

WINDOW SCHEDULE

Comments	Length	Unconnected Height	Count
A	4361	2400	1
AA	525	1800	1
B	2377	2400	1
BB	3650	2400	1
C	4679	2400	1
CC	1950	2200	1
D	1952	2400	1
DD	680	1800	2
E	3650	5400	1
EE	2260	600	4
F	4400	2400	1
FF	2870	2900	1
G	8600	600	1
GG	3426	2700	1
H	5200	600	1
HH	5045	2700	1
J	2870	4000	1
JJ	525	925	1
K	3400	5300	1
KK	2740	2550	1
L	5000	5300	1
LL	1300	2700	1
M	700	5300	1
MM	475	2040	1
N	1700	1800	9
NN	701	2700	1
P	1450	1800	1
PP	1810	2400	1
Q	1700	925	2
R	2020	2400	1
S	925	1800	1
T	2700	1800	3
U	3300	600	2
V	1100	600	2
W	1500	600	2
X	2400	600	3
Y	500	1800	4
Z	1450	2700	1

LEGEND

CONC.P	CONCRETE, PAINT FINISH
FC	FIBRECEMENT CLADDING
MR	METAL ROOF 1
P	POST
RF	RENDER FINISH
STC	STONE CLADDING

Proposed Dual Occupancy Development For Michael and Nadine Kollaras At 82A Cliff Road, North Wollongong, 2500

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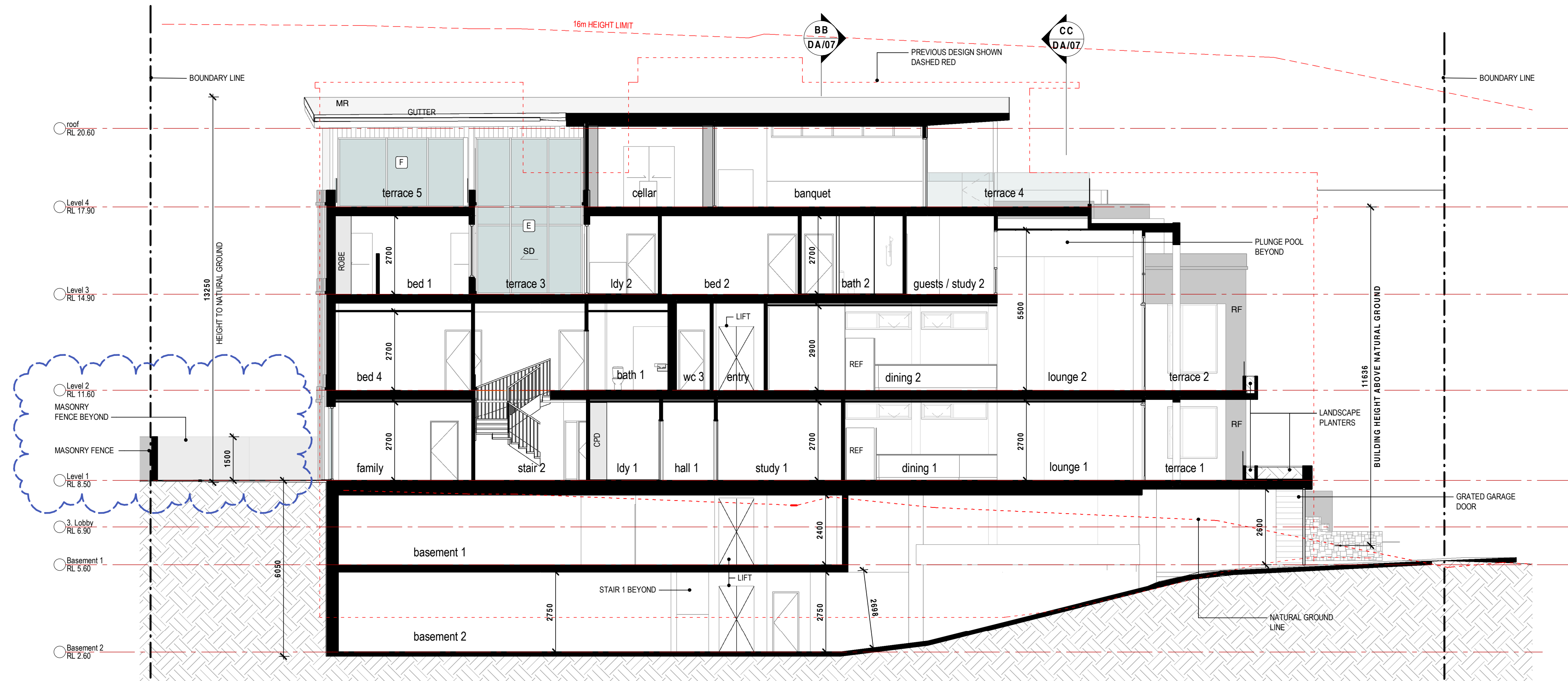
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B	REVISED DA ISSUE	31.08.20
C	COUNCIL COMMENTS ADDED	23.09.20

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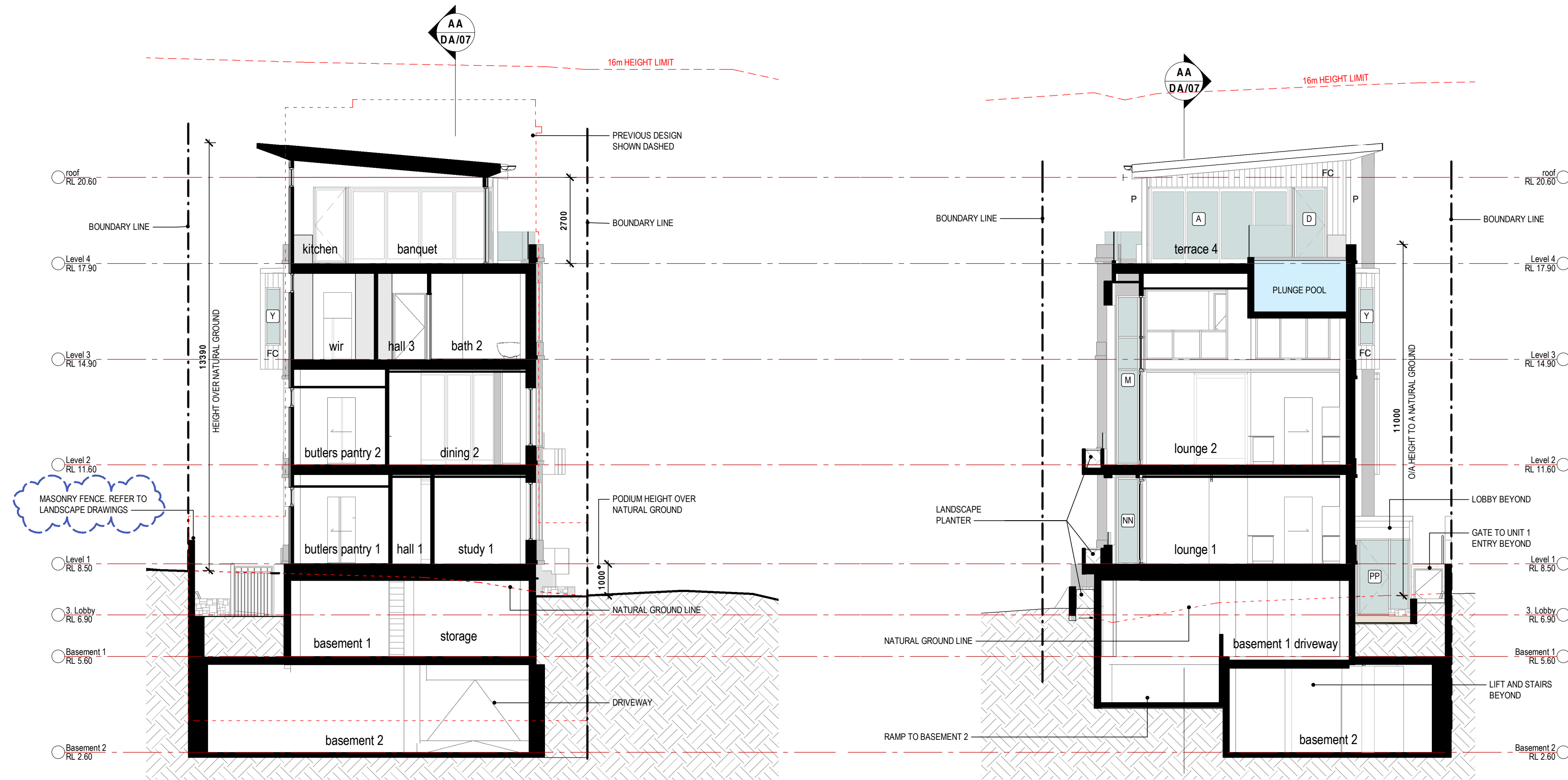
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SECTION AA



SECTION BB

SECTION CC

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REV	DESCRIPTION	DATE
A	ISSUE FOR COUNCIL MEETING	28.01.20
B	ISSUE FOR COUNCIL MEETING	19.02.20
C	ISSUE FOR CLIENT REVIEW	20.02.28
D	PRELIMINARY DRP SET	20.03.20
E	OVERALL HEIGHT DIMENSIONS ADJUSTED	25.03.20
F	PRELIMINARY REVISED DA ISSUE	28.08.20
G	REVISED DA ISSUE	31.08.20
H	COUNCIL COMMENTS ADDED	23.09.20

DRAWING TITLE
SECTIONS

1 0 1 2 3 4 5 6 7 8 9

LEGEND	
CPD	CUPBOARD
LDY	LAUNDRY
RL	REDUCED LEVEL
WC	WATER CLOSET
WIR	WALK IN ROBE

PROJECT #: 18-0010
SCALE: 1:100 @ A1
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VIEW 2 - CLIFF ROAD SOUTH EAST



VIEW 1 - FROM OSBORNE PARK



VIEW 3 - CLIFF ROAD NORTH EAST

Proposed Dual Occupancy Development
For Michael and Nadine Kollaras
At 82A Cliff Road, North Wollongong, 2500

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REV	DESCRIPTION	DATE
A	ISSUE FOR COUNCIL MEETING	19.02.20
B	ISSUE FOR CLIENT REVIEW	20.02.28
C	PRELIMINARY DRP SET	20.03.20
D	PRELIMINARY REVISED DA ISSUE	28.08.20
E	REVISED DA ISSUE	31.08.20

DRAWING TITLE		PROJECT # 18-0010	
STREET VIEWS		SCALE: @ A1	
		DATE: 31.08.20	
		DRAWN: SJ CHECKED: --	
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PERSPECTIVE 1 - SOUTH EAST VIEW FROM CLIFF ROAD



PERSPECTIVE 2 - NORTH EAST VIEW FROM CLIFF ROAD

EXTERNAL MATERIALS SCHEDULE

1. SANDSTONE BASE

A STRONG BASE TO THE BUILDING AT THE INTERFACE OF THE PUBLIC AND PRIVATE. A VISUAL LINK IS ESTABLISHED TO THE SANDSTONE OLD COURTHOUSE THROUGH THE COMMON USE OF SANDSTONE.



2. RENDERED MASONRY

CLASSIC STYLE RENDERED WALLS TO EMBRACE THE BUILDING, WITH SHADOWLINES FRAMING LEVELS AND WINDOWS PROVIDING STRUCTURED RHYTHM TO THE FACADE.



3. FIBRECEMENT CLADDING

A LIGHT VERTICAL FIBRECEMENT LINEAL CLADDING IN CHARCORAL COLOUR TO FILL THE GAPS IN BETWEEN THE RENDERED WALLS.



4. FINISHED CONCRETE

A MATERIAL BOTH STRUCTURAL AND AESTHETIC FOR THE EXPOSED STRUCTURAL FRAMES.



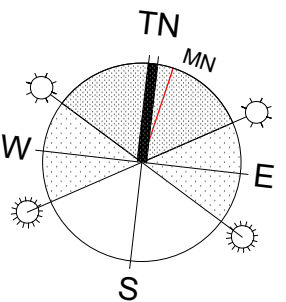
4. VERTICAL GARDEN

AS CONTINUATION OF THE PARK TO THE SOUTH AND TO SOFTEN THE TRANSITION, A LANDSCAPE DESIGN THAT INCLUDES THE PRESENCE OF CLIMBING PLANTS. THESE GREEN WALLS WILL BREAK UP THE PERCEPTION OF THE BUILDING.



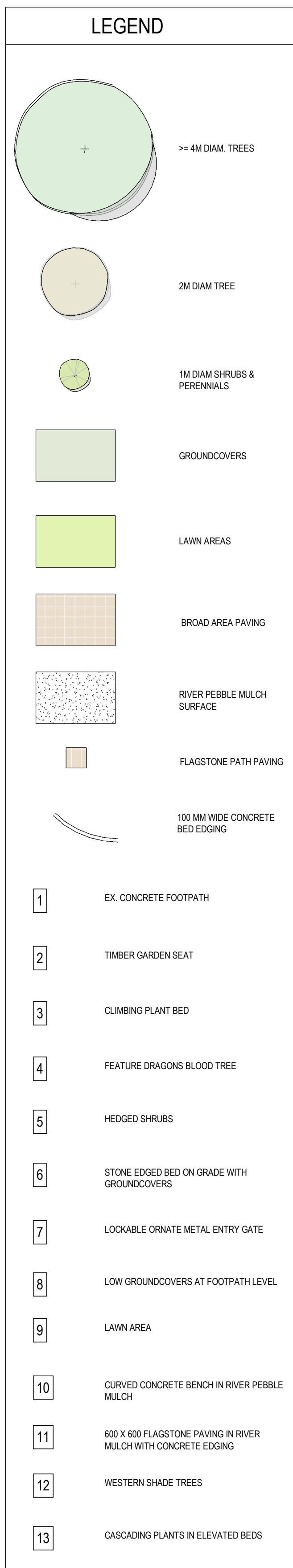
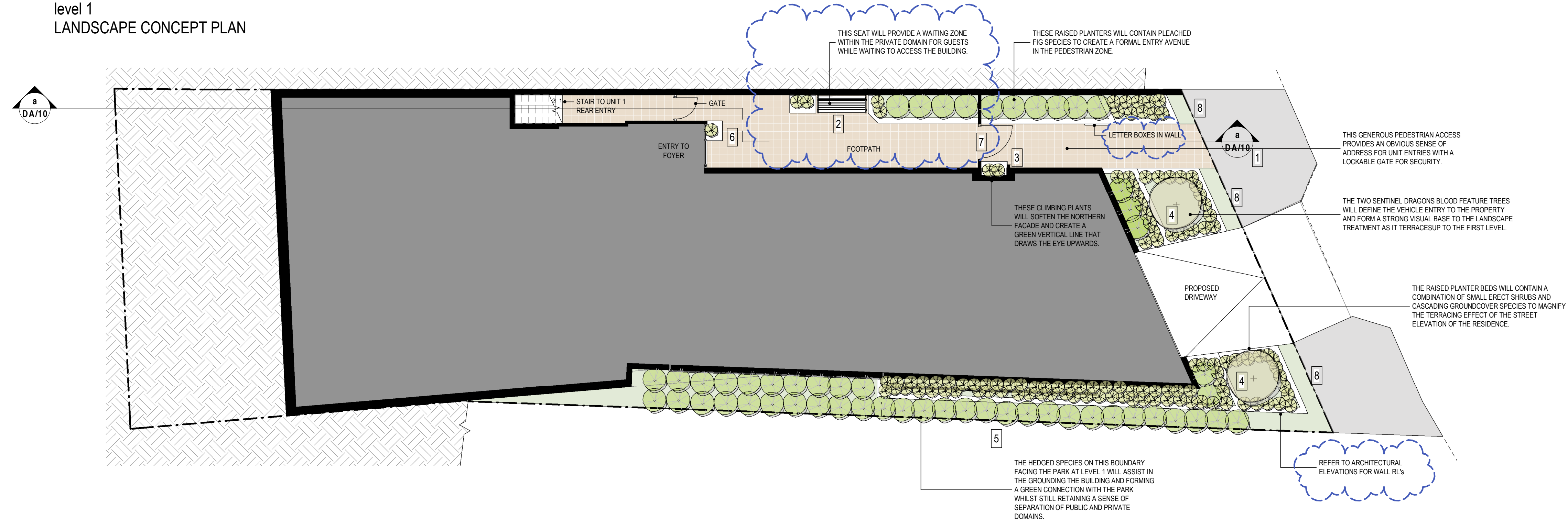
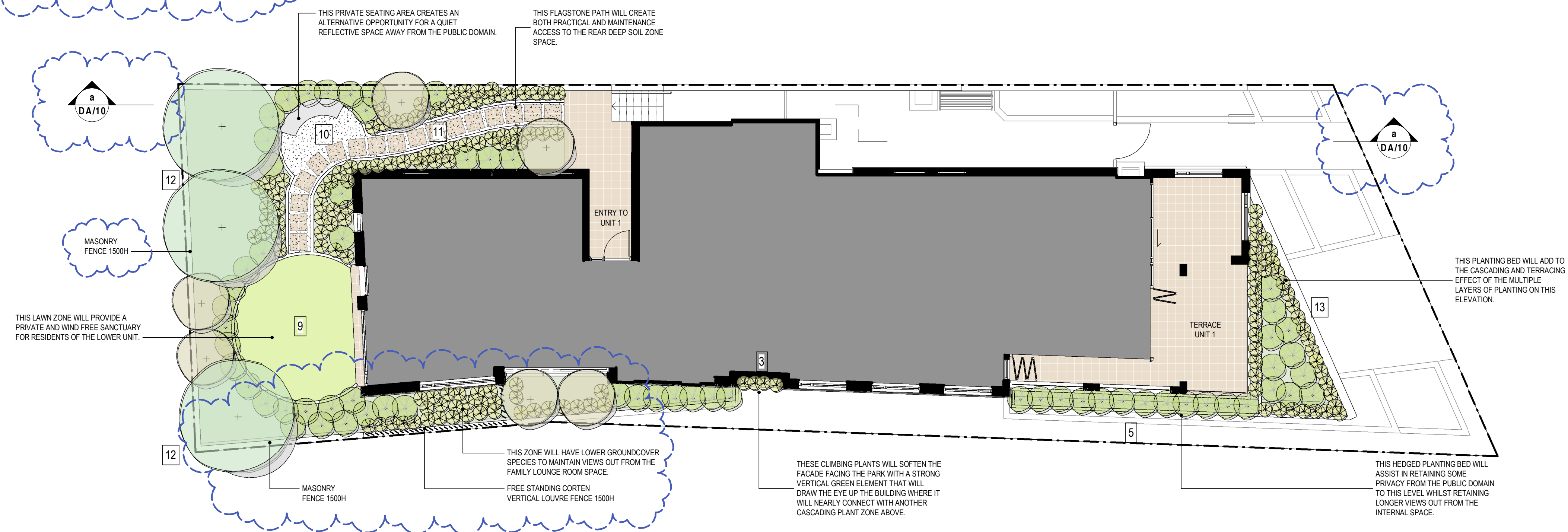
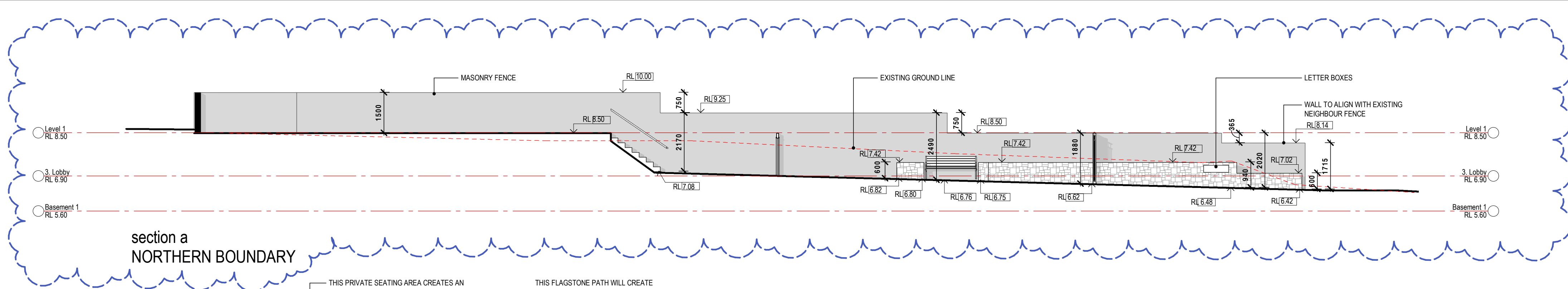
Proposed Dual Occupancy Development
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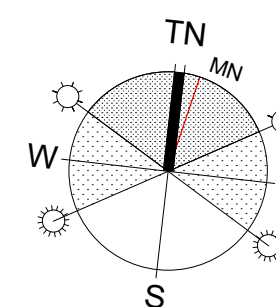
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A	REVISED DA ISSUE	31.08.20	PERSPECTIVES AND EXTERNAL MATERIALS	18-0010
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				DATE: 31.08.20
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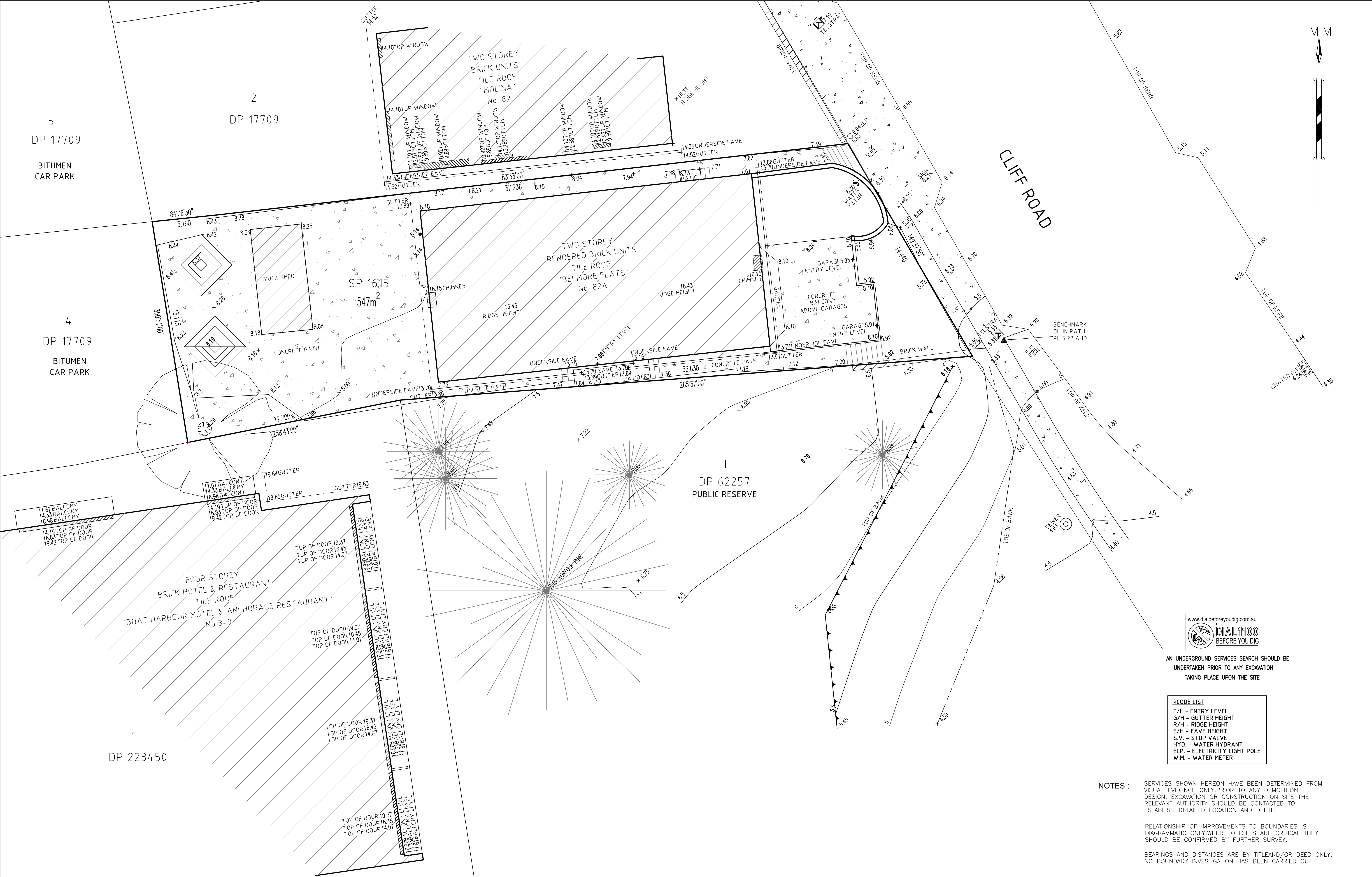
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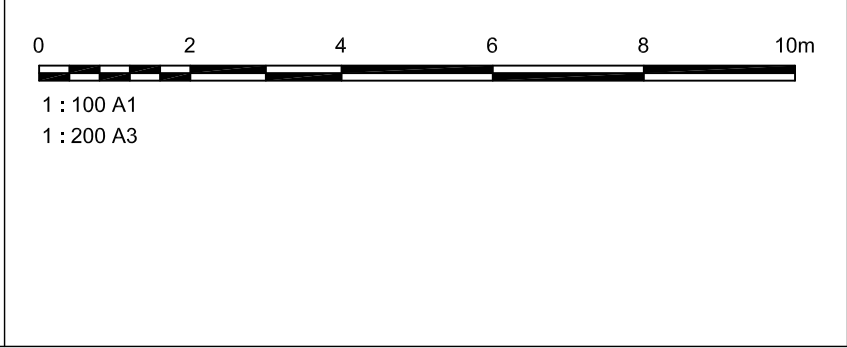


REV.	DESCRIPTION	DATE	DRAWING TITLE	PROJECT # 18-0010	
A	PRELIMINARY REVISED DA ISSUE	28.08.20	LANDSCAPE CONCEPT PLAN 1	SCALE: 1 : 100 @ A1	DRAWN: SS/LA CHECKED: SS
B	REVISED DA ISSUE	31.08.20		DATE: 23.09.20	
C	COUNCIL COMMENTS ADDED	23.09.20			
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No	DATE	REVISION DETAILS	BY	CONSULTING REGISTERED SURVEYORS
A	23.11.16	ISSUE FOR INFORMATION	RE.	C. ROBSON & ASSOCIATES PTY. LTD. LAND & ENGINEERING SURVEYORS UNIT 1, LEVEL 6, 85-87 SMITH STREET WOLLONGONG 2500 Phone: 02 4243 1645 Fax: 02 4243 1658 Mobile 0402 641 693 Email: c.robson@optusnet.com.au A.B.N. 63 105 569 837



CLIENT:	DESIGN WORKSHOP
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SCALES:	AS SHOWN
DATUM:	AHD
GRID:	LOCAL
JOB REF:	16551
APPROVED:	CR

PROJECT:	82A CLIFF ROAD - WOLLONGONG
	SP 1615
DRAWING	DETAIL SURVEY PLAN

DRAWING No	REVISION
16551/0	A
SHEET 1 OF 1 SHEETS	A1
ISSUED FOR:	INFORMATION

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

Date	4 May 2020
Meeting location	Wollongong City Council Administration Offices
Panel members	Karla Castellanos Tony Tribe Marc Deuschle
Apologies	Nil
Council staff	Pier Panozzo – City Centre & Major Development Manager Rebecca Welsh – Senior Development Project Officer
Guests/ representatives of the applicant – via Teams Meeting	Mark Jones - Edmiston Jones Gabe Reed - Edmiston Jones Stephen Gouge – Knight Frank Town Planning Michael Kollaras – Project Owner
Declarations of Interest	Nil
Item number	1
DA number	DA-2019/980
Reason for consideration by DRP	Clause 7.18 Design Excellence
Determination pathway	Wollongong Local Planning Panel
Property address	82A Cliff Road, Wollongong
Proposal	Residential - dual occupancy and Subdivision - Strata title - two (2) lots
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 architectural modifications proposed in response to the panel's previous concerns.
Background	Similar proposals for the site have been the subject of two previous development applications (DA-2012/918, DA-2013/1061, both by the first architects), these applications were not reviewed by the DRP and were both withdrawn. The DRP has previously reviewed the site prior to lodgment under DE-2017/60 (28 April 2017) and DE-2017/60 (24 August 2017) with both applications being prepared by the second architects. No DA was lodged following these meetings. The subject application was lodged by the third architects and previously inspected by the Panel on 3 December 2019.
Design quality principals SEPP 65	
Context and Neighbourhood Character	<p>The documents before the panel comprised architectural plans of all levels, sections, elevations, perspectives and shadow diagrams. Though small, the site is highly significant in the public domain. To meet the 'Design Excellence' requirement, design decision-making is expected to demonstrate thorough consideration of all opportunities and constraints.</p> <p>The panel re-affirms issues relating to the public interest are a primary concern and demand particular additional attention. i.e.:</p> <ul style="list-style-type: none"> • What impacts on Osborne Park and the Heritage Conservation area are reasonable in the public interest? • What is the appropriate scale and character of development on this site within the Harbour visual catchment, in the streetscape and as an edge to the park and Heritage Conservation area? • What is the role of the site as part of the foreground of the streetscape and when seen with the backdrop of taller development behind?

	<ul style="list-style-type: none"> What would be an adequate height for its development as it is in between a large amalgamated site and a public reserve?. <p>Further comments are included under appropriate headings.</p>
Built Form and Scale	<p>The panel acknowledges amendments proposed lowering the development some 1.5 metres, undergrounding basement parking, cutting back the dominant SE corner. However, the amendments are considered incremental, and do not materially address concerns raised.</p> <p>The site is a narrow residual site, potentially incapable of amalgamation. Relief is sought from side and rear setback standards.</p> <p>Height:</p> <p>On this site, the achievable height should be determined by reasonable (if any) additional impacts on the park and Conservation area. Examination of appropriate precedents should be part of the consideration of what is 'reasonable'. The panel is of the view that this exercise, with the setback proposed, may limit height to a maximum of three storeys.</p> <p>Bulk and Scale:</p> <p>An appropriate bulk and scale proposal should demonstrate a design response to further analysis and synthesis of site characteristics and context including the development's:</p> <ul style="list-style-type: none"> relationship and 'face' to Osborne Park. appropriate character in the visual catchment of the Harbour precinct. role as the southern terminal or 'book-end' to a potential row of RFBs extending along Cliff Road. streetscape transition in scale and height from Residential Flat Development (RFD) to public open space. relationship with other park defining edges e.g. Boat Harbor Motel. <p>The panel is of the view that such further consideration may confirm that a two-dwelling development on this site should be visually recessive and have a less significant presence in bulk and scale.</p> <p>It is noted that the inclusion of walled outdoor living spaces, two storey voids, elevated plunge pool and the associated structure in the current proposal exaggerates the apparent bulk and scale to the street and park presentations.</p>
Density	<p>The panel is of the view that the density achievable on this site should be contained to a built form derived from proper consideration to its site and context as discussed above.</p> <p>The inclusion of non-GFA elements which increase apparent bulk but perhaps not FSR are strongly discouraged.</p> <p>It is the panel's opinion that the area of each of the dwellings is reflective of high-end accommodation limited to an exclusive high-end market rather than making a contribution to housing affordability or choice in the area.</p>
Sustainability	<p>It is recommended that any proposal for this site include sustainable provisions including energy management, rainwater re-cycling, solar power and hot water systems and use low contained-energy materials appropriate to the marine environment. Spatial requirements</p>

	proposed should be indicated.
Landscape	<p>No landscape plans were available to the panel. Comments relate to the architectural plan amendments.</p> <p>Deep Soil Zone:</p> <p>The amendment proposes reducing the rear DSZ width from 6m to 4.5m. With a minimum requirement of 6m, this reduces the effectiveness of any deep soil provided. This also jeopardizes building separation from potential development of the carpark to the west. A slight reduction in the basement storage would allow a full 6m width to be achieved.</p> <p>The reduction of the setback is also symptomatic of the retention of the overall bulk and scale as the building has moved towards the rear instead of effectively reducing the overall mass and bulk at the front.</p> <p>The DSZs at the eastern end of the site also fail to meet the minimum requirements and, being split by the driveway into two minimal areas, do not add valuable deep soil to the development and should not be counted towards the total. The driveway would be better located south to create one larger DSZ to accommodate worthwhile planting and be considered for inclusion in DSZ calcs. The 6m minimum width should be achieved in all areas to be included in calculations.</p> <p>Nature Strip:</p> <p>It is recommended the detailed application includes all works and landscaping between the kerb and street boundary.</p> <p>Setback areas:</p> <p>South: The basement extends to the boundary at the western end of the site. The remainder appears capable of deep soil planting. Adding a recess in the building and allowing a more substantial landscape zone here would help tie the development to the park visually and would reduce the bulk of the building addressing the park.</p> <p>Detailed information on the proposed treatment of all setback areas is necessary.</p> <p>Private Open Space:</p> <p>Moving forward the private open space should be developed to show its use and relationship with the park, and adjacent developments.</p> <p>As the POS is co-located with the DSZ it raises concerns that the DSZ will be impacted (such as by areas of hardstand and pathways). As the small landscape zone to the north of bed 1 may not be a desirable space, due to its adjacency to bedrooms and bathrooms, the POS / DSZ relationship must be carefully considered.</p> <p>The terraced sandstone planters to the east appear fiddly in detail and as an address to the site / corner may appear better as a solid, single wall with planting below and/or above.</p>
Amenity	<p>Osborne Park overshadowing:</p> <p>The proposed difference in shadow impact mid-winter proposed vs existing is the critical public domain issue. This needs to be quantified regardless of the size of the park, and its relative utilization. If shading is increased to the detriment of public amenity, mitigation measures to ameliorate the impacts to the public benefits should be evident in the proposal.</p> <p>Alternatively, the proposal should avoid any additional overshadowing beyond that which would have been generated by an amalgamated site that could provide adequate setbacks to the park or it can stay within the potential overshadowing of the sites to the north. The panel</p>

	<p>does not accept that there is a lesser utilized portion of the park. It is a public asset that needs to be protected in its entirety.</p> <p>It is recommended consideration be given to alternative fenestration to the north façade, aimed at improving potential solar access with integral screening mechanisms rather than applied to facilitate inter-lot privacy.</p>
Safety	<p>It is recommended a BCA report accompany the proposal, particularly addressing egress and protection of opening requirements. It appears the lower basement will require an alternative means of egress, potentially influencing overall design.</p> <p>Consideration of street and park facades should include options for passive surveillance balanced with privacy considerations.</p> <p>Parts of the front facade to the north of the vehicular ramp (as seen on Street View 3 on DA/08 Revision C) present as largely elevated solid walls making no contribution to the activation of the public domain.</p>
Housing Diversity and Social Interaction	<p>Any additional overshadowing or other impact on the public open space is a key social consideration in any design for this site. Especially, when taking into consideration that the overshadowing produced by the proposed bulk and scale is the result of two overly scaled individual units.</p>
Aesthetics	<p>Whilst small, the site is within the Harbour visual catchment. It is central to views from prominent vantage points around the precinct, which has local & regional tourism significance. It is also a significant edge to the park and a significant southern 'book-end' to Cliff Road residential flat development to the north and is a transitional site between these and the park. The proposal's southern face to the park will be highly visible from southern approaches along Cliff Road and the park itself.</p> <p>The proposal provides no opportunity for softening planting on the south. The dominating character of the proposal in terms of its bulk and architectural presentation to the street and park is considered inappropriate in this context.</p> <p>The panel recommends that the development should visually present a more recessive character, and transition from anticipated taller RFD to the north down to the park.</p> <p>The initial design cues, the arches apparently inspired by the heritage civic landmarks, Courthouse and lighthouse are considered inappropriate 'features' potentially drawing undue visual attention and significance to the two-dwelling development in the Harbour's visual catchment.</p> <p>The incorporation disparate stylistic elements achieve an inharmonious effect, which is compounded by the choice of materials and colour palette.</p> <p>The park-facing façade warrants careful consideration in terms of articulation and fenestration. The monolithic masonry character proposed, understood to avoid what was described as typical 'wedding-cake approach with expressed control joints', is questionable. In this instance, ways should be explored to finesse and reduce the apparent massing to the park.</p>

	<p>Materials:</p> <p>The predominant façade material, above the sandstone base is inadequately described as ‘homogenous masonry finish’.</p> <p>More comprehensive material specifications should be provided demonstrating selections appropriate to the visual setting and hostile marine environment.</p> <p>Particularly in perennially shaded façades (i.e. Park front), it is strongly recommended that warm, light-reflective colours be incorporated.</p>
Design Excellence WLEP2009	
Whether a high standard of architectural design, materials and detailing appropriate to the building type and location will be achieved	<p>The panel acknowledges the applicant's efforts to address concerns raised previously. However, the panel remains of the view that, in its current form, the proposal is not an excellent design response to the site and particularly its response to its significant harbour and park front context.</p> <p>As discussed above, building bulk, scale, façade treatment, materiality and colour choice all demand further attention.</p>
Whether the form and external appearance of the proposed development will improve the quality and amenity of the public domain,	In its current form, panel is of the opinion that the proposal will negatively impact on the streetscape quality, the harbour-front visual catchment and the amenity of the public domain.
Whether the proposed development detrimentally impacts on view corridors,	<p>Immediate view loss from existing development appears minimal.</p> <p>The panel is of the view that this two-dwelling development should be of a generally recessive character within the Harbour's visual catchment.</p>
Whether the proposed development detrimentally overshadows an area shown distinctively coloured and numbered on the Sun Plane Protection Map,	NA
How the development addresses the following:	
the suitability of the land for development,	The land is suitable for this form of development.
existing and proposed uses and use mix	The existing and proposed uses are permitted.
heritage issues and streetscape constraints,	The site is in the Wollongong Harbour's visual catchment and fronts a Heritage Conservation Zone (Park). Any development of the site will impact on heritage and streetscape values. The panel is of the view that a two-dwelling development in this urban context should be visually ‘recessive’ vs ‘expressive’ in character.
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	<p>No tower is proposed, however sites to the north and west are also zoned to permit residential flats. Both sites are likely to have habitable rooms facing the subject site. Setbacks to meet SEPP 65 (ADG) separation guidelines for lower habitable floors are 6 metres (i.e. 12-metre separation between buildings)</p> <p>A 6 metre setback to the rear of the subject proposal is considered essential for orderly development.</p> <p>A setback any less than 3m to the north will preclude effective</p>

form,	openings. If a 3m setback is to be supported fenestration needs to be finessed to optimise solar access, cross ventilation and light access with control devices for inter-lot privacy.
bulk, massing and modulation of buildings	The bulk, height and massing of the development should be determined by consideration of their impacts on the public domain. Refer previous comments.
street frontage heights	NA
environmental impacts such as sustainable design, overshadowing, wind and reflectivity	Refer to comments in the Sustainability, Amenity, and Aesthetic headings above.
the achievement of the principles of ecologically sustainable development	The information provided is insufficient for meaningful comment.
pedestrian, cycle, vehicular and service access, circulation and requirements	The side entry lacks legibility from the street and the entry dimensions and experience is spatially constrained and contorted given the size and apparent opulence of the dwellings. The proposed lowering of the large basement carparking/storage areas and the narrowing of the vehicle entry are acknowledged improvements. The crossover and driveway would be better located at the lowest point in the frontage to ease access and consolidate street frontage deep soil landscape.
impact on, and any proposed improvements to, the public domain	The negative impacts on the visual catchment and amenity of the public domain are addressed above.
Key issues, further Comments & Recommendations	The amended proposal addresses some issues raised previously, but it falls short on background consideration and synthesis of public domain contextual issues driving a design response which meets the required standard of excellence. The capacity of this site, and the design and character of its development needs to be re-assessed in terms of the public interest issues raised.

Wollongong Design Review Panel
Feedback on contextual analysis

Date	24 July 2020
Meeting location	No meeting held – comments on massing sought via e-mail
Panel member	Karla Castellanos
Council staff	Pier Panozzo – City Centre & Major Development Manager Rebecca Welsh – Senior Development Project Officer
Applicant	Mark Jones - Edmiston Jones
Declarations of Interest	Nil
DA number	DA-2019/980
Reason for consideration by DRP	Clause 7.18 Design Excellence
Determination pathway	Local Planning Panel
Property address	82A Cliff Road, Wollongong
Proposal	Residential - dual occupancy and Subdivision - Strata title - two (2) lots
Applicant or applicant's representative address to the design review panel	The applicant submitted further contextual information to Council by e-mail on 7 July.
Background	<p>Under DA-2019/980, the site was inspected and reviewed by the Panel on 4 May 2020 and previously on 3 December 2019.</p> <p>Following on from the May DRP, it was considered appropriate for the applicant to provide further contextual analysis to inform the massing of any building on the site, prior to submitting detailed revised plans.</p>
Comments	
Contextual analysis	<p>The following drawings were considered:</p> <p>SA – 01, 02 Site Context Assessment</p> <p>SA - 03 Site Sections</p> <p>SA - 04 Site Elevations</p> <p>The contextual analysis allows a proper and accurate understanding of the role of the site in context and not in isolation. The analysis is comprehensive and well-illustrated.</p>
Massing in context of surrounding development	<p>The inclusion of the projected and future heights on the amalgamated site to the north, which can potentially wrap around the west, suggests that the proposed envelope would act as a transition down to the park because it will be topographically lower and the reductions of the upper most level have assisted in making the upper level more recessive.</p> <p>Now that the projected and existing surrounding building envelopes have been provided, one can see that the site is likely to be seen in front of a taller backdrop.</p> <p>This level of analysis is able to convey with clarity that a proposed built form of this scale, bulk and height would be absorbed into the streetscape once other developments are completed, especially when seen from a distance from scenic locations such as the light house.</p> <p>Having said this, the proposed bulk and scale will be very prominent and even look out of scale in the interim until the sites to the north redevelop. If the site to the north fails to amalgamate, then this would be another consideration for Council.</p>

	The applicant should provide a version of the analysis assuming that the site to the north may redevelop on its own to evaluate both outcomes.
Overshadowing	<p>The analysis compares the projected overshadowing by the proposal, a potential amalgamated site and the previous scheme. While the amended scheme's overshadowing is only marginally better from the previous scheme, it is not worse than the overshadowing that would be cast by an amalgamated site, so in this regard, it can be said that the overshadowing is similar to that of the anticipated form by the controls assuming that the plan of the amalgamated site does present setbacks to the boundary with the park. This is not evident on the information received.</p> <p>One aspect of the analysis that is questionable is the hatched area labelled as the Park's "active area". This area has been carved out away from the north-western part of the park, which should be included.</p>
Bulk	<p>The elevation and sections show key reductions in the overall bulk on the upper level, side elevation and rear elevation. Although, I am not able to confirm that the rear 6m setback has been reinstated, it does appear as if the overall bulk has been reduced at the rear.</p> <p>Based on the streetscape and massing analysis provided, the overall bulk appears to have an acceptable contextual fit with the desired future character.</p>
Interface with public domain	The attached Mark-up 1 of DA/08 issue C highlights a concern with the front elevation's relationship with the street, where it presents a tall inactive section of the façade right at the interface with the front footpath. The Street Elevation – Cliff Road vignette in SA/02 revision A still shows this condition, so the applicant needs to study this carefully.
Façade expression	<i>The Street Elevation – Cliff Road</i> vignette in <i>SA/02 Revision A</i> also shows the persistent use of arched windows and a very defensive north elevation. The concern is that while the form might achieve a reasonable outcome when seen as part of the future desired character of the street in terms of bulk, scale and overall height, it may still look out of place due to its ground level interface and its architectural expression.
Key issues, further Comments & Recommendations	<ul style="list-style-type: none"> - A revised contextual analysis of the proposal should include the scenario showing the possible future building envelopes of the lots to the north of the site where they are not amalgamated. - The overshadowing analysis should not exclude the north-western corner of Osborne Park from the area identified as "active area". - Further design issues relating to the building's façade expression and interface issues with the public domain as discussed above.



STREET VIEW 3

INTERFACE
ISSUE

DESCRIPTION	DATE	DRAWING TITLE	
COUNCIL MEETING	19.02.20		PE
CLIENT REVIEW	20.02.20		SC
DRP SET	20.03.20	STREET VIEWS	CA
			DR
			DRAW
			D

Attachment 5: Wollongong DCP 2009 assessment

CHAPTER A2 – ECOLOGICALLY SUSTAINABLE DEVELOPMENT

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

Generally speaking, the proposal is considered to be consistent with the principles of Ecologically Sustainable Development.

CHAPTER B1 – RESIDENTIAL DEVELOPMENT

The following sections of this chapter are also addressed in controls contained in Chapter D13 which override or duplicate those in Chapter B1:

- 4.1, 4.2, 4.3, 4.4, 4.5, 4.6, 4.9, 4.10, 4.11, 4.12 , 4.13

4.0 General Residential controls

<i>Controls/objectives</i>	<i>Comment</i>	<i>Compliance</i>
4.1 Maximum Number of Storeys	NA- only relates to R2 and R3 zones whereas the site is zoned R1 General Residential	NA
•		
4.2 Front Setbacks	Refer Chapter D13	
• 6m minimum setback for infill development	4m front setback proposed	No
4.3 Side and Rear Setbacks		
• 3m minimum side setback required from the side and rear boundaries where walls exceed 7m in height.	The walls exceed 7m in height Northern setback Basement 1 – 1.1m -complies Level 1 – 1.2m to lobby void and 3m to habitable areas – complies Levels 2& 3 -2.25m – 3m – DNC Level 4 – 2.4m (stairs) – 3.16m - DNC Southern setback(Osborne park) Min. 1.5m Rear setback 6m - complies Refer D13	Variation sought

4.4 Site coverage

50% site coverage is required for lots with an area 450m ² -900m ²	Site area 547m ² Site coverage is 255m ² = 47% - complies	Yes
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4.5 Landscaped Area

<ul style="list-style-type: none"> 20% landscaped area required for lots <600m² 	109m ² required 160m ² landscaped area proposed over 50% is behind building line	Yes
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4.6 Private Open Space

<ul style="list-style-type: none"> 24m² 	Both units have multiple private open space areas, and although Unit 1 does not have one area with 4m x 6m, the dimensions provide adequate functionality (eg 3.2m x 7.7m). It is noted that Unit 1 also has access to the deep soil zone.	Yes
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4.7 Solar Access

<p><i>The objectives of this part are:</i></p> <p><i>(a) To minimise the extent of loss of sunlight to living areas of adjacent dwellings and private open space areas of adjoining properties.</i></p> <p><i>(b) To maximise solar access into living rooms and private open space of dwellings in the subject development.</i></p>	No shadowing impacts on adjoining dwellings due to east-west orientation of block and adjoining property to the south is Osborne Park and the Anchorage Hotel to the south-west	Yes
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4.8 Building Character and Form

<p><i>The objectives of this part are:</i></p> <p><i>(a) To ensure that development responds to both its natural and built context.</i></p> <p><i>(b) To design residential development that responds to the existing character and the future character of the area.</i></p> <p><i>(c) To ensure building design contributes in to the locality through a design that considers building scale, form, articulation and landscaping.</i></p> <p><i>(d) To encourage colour schemes that are of similar hues and tones to that within the streetscape.</i></p> <p><i>(e) To ensure buildings address the primary street frontage via entry doors and windows.</i></p> <p><i>(f) To ensure that dwellings provide appropriate passive surveillance of public spaces and street frontage.</i></p>	<p>The application has been considered by the Design Review Panel given the site's prominence.</p> <p>The bulk and scale of the development responds to the likely future character of the area in relation to the redevelopment of sites to the north and west. The building is likely to appear visually prominent in the short term while the surrounding sites to the north and west remain undeveloped to the current planning controls.</p> <p>Given the site's location adjacent to Osborne Park, the building in its current form will appear visually prominent in perpetuity and design changes are required to respond more sensitively to the surrounding</p>	Not in relation to Osborne Park
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(g) To ensure that ancillary structures are not the dominate feature of built form.

heritage setting and public domain.

The building bulk is minimised through articulated façades, a large setback to the upper level and landscaping.

The entrance is recessed however both units face the street to provide an active frontage.

The garage door is less than 50% of the building width and is differentiated by stone cladding

4.9 Fences

<p><i>Objectives:</i></p> <p><i>(a) To allow for the physical separation of properties for resident privacy.</i></p> <p><i>(b) To define the boundaries between public and private land.</i></p> <p><i>(c) To enhance the usability of private open space areas / courtyards.</i></p> <p><i>(d) To ensure that the design, heights and materials of fencing are appropriately selected.</i></p> <p><i>(e) To ensure that fencing design and location complements the building design, enhance the streetscape</i></p> <p><i>and complement the objectives of passive surveillance</i></p> <p><i>(f) To ensure that the design allows for casual surveillance of the lot.</i></p> <p><i>(g) To ensure that clear lines of sight are maintained for motorists and pedestrians to and from the lot.</i></p> <p><i>(h) To provide suitable fencing to improve the acoustic and visual privacy for residential properties fronting major (busy) roads, where appropriate slight line distances can be maintained.</i></p>	<p>1.5m high masonry boundary fence is proposed around DSZ at rear of site. A 1.5m high 'free standing Corten vertical louvre fence' is proposed along the southern boundary east of the DSZ (refer south elevation plan in attachment 3).</p> <p>Masonry fence (shown as sandstone cladding) between 1.5m and 2.17m is proposed along northern boundary (variation due to slope of land & along northern boundary fence</p> <p>Basement podium acts as a boundary fence on the southern boundary with maximum 1m height. The treatment of this wall is shown as sandstone cladding ('STC') extending from the front of the site to the eastern vertical garden. Rendered masonry treatment is proposed further west. STC for the length of the common boundary with Osborne Park is considered appropriate and could be conditioned if approved.</p>	Yes
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4.10 Car parking and Access

<ul style="list-style-type: none"> 2 spaces per dwelling with GFA over 125m² Garages to have minimum setback 5.5m from the front boundary 	<p>Refer Chapter E3</p> <p>Both dwellings exceed 125m²</p> <p>A minimum of 4 car spaces are required. Six (6) spaces provided within 2 levels of basement.</p> <p>The garage has a 4m front setback which meets the</p>	Yes
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setback requirements under Chapter D13

NB – the surplus car spaces have been included in the gross floor area calculations for the purpose of calculating FSR

4.11 Storage Facilities	Refer Chapter D13	
4.12 Site Facilities		
Objective: <i>(a) To ensure that site facilities (such as clothes drying, mail boxes, recycling and garbage disposal units/areas, screens, lighting, storage areas, air conditioning units, rainwater tanks and communication structures) are effectively integrated into the development and are unobtrusive.</i>	Adequate site facilities are provided, including letterboxes and waste storage within the basements	Yes
4.13 Fire Brigade Servicing	Site can be adequately serviced from the street	Yes
4.14 Services	Satisfactory subject to appropriate conditions	Yes
4.15 Development near the coastline	N/A – applies to land with direct frontage to coastal foreshore	N/A
4.16 View sharing		
Objectives: <i>(a) To encourage view sharing from adjoining or nearby properties, public places, and new development.</i> <i>(b) To protect and enhance significant view corridors from public places.</i> <i>(c) To encourage the siting and design of new buildings which open up significant views from public areas.</i>	The applicant has carried out a view impact analysis in accordance with the 'Tenacity' Land and Environment Court planning principle (appended to this attachment). The analysis adopts the four step process which is broadly agreed with, aside from the conclusion reached at the fourth step which assesses the reasonableness of the proposal that is causing the impact. Although the variations to the southern side setback are acknowledged, the conclusion is that '...the geometry and configuration of the lots and view, is such that the impact is not considered to be amplified'. A compliant 3m setback would improve view sharing for the proposed development. It is also relevant to note that if the site were amalgamated with the	Increasing side setback would improve view sharing opportunities

adjoining northern site for redevelopment of a residential flat building, a minimum 3m side setback would also be required.

Controls

- | | |
|---|--|
| <ul style="list-style-type: none"> - <i>Appropriate siting of the building on the land so as to provide a strip of land, unencumbered with structures, down one side of the dwelling. This strip of land must be a minimum width of 3m or 25% of the lot width whichever is the greater.</i> - <i>A reduced view corridor width may be accepted, where it is located adjacent to a view corridor on the adjacent site, subject to the combined width having a minimum of 4m.</i> - <i>Appropriate placement of the bulk of the building on a site.</i> - <i>Provision of greater separation between buildings, where necessary to retain view corridors.</i> - <i>Articulation within the buildings design.</i> - <i>Careful selection of roof forms and slope.</i> - <i>Placement of vents, air conditioning units, solar panels and similar structures in locations which will not restrict views.</i> | <p>With regard to the siting of the building, the following points are noted:</p> <p>The front setbacks and rear setbacks comply with Chapter D13 (which take precedence).</p> <p>The northern side setback varies between 1.2m and 3m.</p> <p>The southern side setbacks are 1.5m whereas a minimum 3m setback is required.</p> <p>The site adjoins Osborne Park which allows for a view corridor looking east to the foreshore from the west/rear of the site. The proposed side setbacks of 1.5m when combined with Osborne Park will allow for a minimum width of 4m to the south of the proposed building. However, it is noted that a compliant southern side setback would improve view sharing from the rear/west of the site.</p> <p>The roof form does not add unnecessary bulk and the upper level is set back.</p> <p>The building is reasonably articulated and the roof form is not unnecessarily bulky.</p> |
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4.17. Retaining walls

- | | | |
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| <ul style="list-style-type: none"> • <i>Maximum height of 600mm if within 900mm setback from side/rear boundary</i> • <i>Maximum 1m height if setbacks >900mm</i> | <p>Retaining walls are proposed along the site's northern boundary (incorporated into the dividing fence as shown on the landscape plan in attachment 3).</p> <p>Retaining walls are also proposed along the southern side of the building, indicating a setback from the boundary (900mm?), stepped to follow the slope of the site and minimise solid walls on the Osborne Park boundary. Terraced retaining walls, with landscaping are proposed within the front setback and landscape species</p> | <p>Yes</p> |
|--|--|------------|
-

	<p>directly adjacent to the Osborne Park boundary.</p> <p>The existing low retaining wall on the southern boundary of the site is indicated as being partly within Osborne Park. The scope of works and treatment of this wall needs further clarification in the event that approval is granted.</p>	
<p>4.18 Swimming pools and spas</p> <p><i>(a) To ensure that swimming pools meet relevant safety standards and meet user needs.</i></p> <p><i>(b) To ensure swimming pools and spas are sited and designed to maintain the amenity of the surrounding residential neighbourhood.</i></p> <p>14. A swimming pool must be surrounded by a child resistant barrier complying with the requirements of the Swimming Pools Act 1992 (and Regulations) and the appropriate Australian Standard as referenced by the Building Code of Australia.</p> <p>15. The wall of a residential building may form part of the child restraint barrier so long as the wall contains no openable door, window or other opening through which access may at any time be gained to the swimming pool.</p> <p>16. A minimum of 50% of the perimeter of a pool must be accessible for rescue purposes.</p>	<p>A plunge pool is proposed on Level 4 therefore many provisions relating to location of pool at ground level do not apply.</p> <p>Suitable conditions can be imposed to ensure the pool meets the requirements of this part.</p>	Yes subject to conditions
4.21 Additional controls for Dual Occupancies –minimum site width		
<ul style="list-style-type: none"> <i>Minimum 15m site width</i> 	<p>The site has a 13m width as measured perpendicular to the site boundaries, thereby not meeting this requirement.</p> <p>A variation is sought to this requirement as discussed in the body of the report.</p>	Variation sought
4.22 Additional controls for Dual Occupancies –building character and form		
<ul style="list-style-type: none"> <i>On corner allotments, the dual occupancy development must address the street on both frontages....</i> <i>Where garages are proposed on the front elevation they must be articulated from the front façade of the dual occupancy</i> 	<p>The site is similar to a corner allotment in that it adjoins Osborne Park to the south and therefore the southern elevation will remain highly visible from the public domain in perpetuity. The building addresses Cliff Rd through the use of terraces and habitable rooms facing the street.</p> <p>The southern elevation includes landscape planters, habitable</p>	No

room windows and terraces that face Osborne Park, which addresses this public space however the building is positioned between 1.5m-1.8m from the southern boundary and appears visually dominant.

4.23 Additional Controls for Dual Occupancy's – Deep Soil Zones

50% of required landscape area needed as DSZ	77m ² DSZ provided – complies however condition required for no hard structures including paving etc to be within the DSZ	Yes, subject to conditions
Minimum dimension of 3m		
Located outside POS	6m minimum dimension (for rear area of DSZ only)	
No structures/basement car parks	Basement car park does not encroach into DSZ	

CHAPTER D13 – WOLLONGONG CITY CENTRE

Objectives/controls	Comment	Compliance
<u>2.2 Building to street alignment and street setbacks</u>		
4m minimum setback	4m front setback proposed	Yes
<u>2.3 Street frontage heights in commercial core</u>	N/A – site is R1 zone	N/A
<u>2.4 Building depth and bulk</u>		
For Residential and serviced apartments outside commercial core, maximum floor plate size is 900m ² above 12m height	Level 4 is above 12m height with GFA 94m ² – complies	Yes
Maximum building depth is 18m	Depth on all levels is less than 9m	Yes
<u>2.5 Side and rear building setbacks and building separation</u>		
<i>Side</i>	<i>Northern side</i>	Variation sought
<i>Up to 12m (Gnd level to Level 3)</i>	Minimum 2m to blank walls - DNC	
6m habitable/3m non-habitable required	Minimum 3m to non-habitable - DNC	
	Adopted defensive façade on northern elevation	
	<i>Southern side</i>	
	Minimum 1.5m setback to habitable rooms – DNC	
	Adjoins Osborne Park to the south.	
<i>Between 12-24m (Level 4)</i>	<i>Northern side</i>	
9m habitable and 4.5m non-habitable required	Minimum 2.4m (blank wall)- DNC	
	3.16m (highlight windows) - DNC	

<i>Objectives/controls</i>	<i>Comment</i>	<i>Compliance</i>
	<i>Southern side</i> 1.5m minimum to terrace - DNC 4m to façade - DNC	
<i>Rear</i>		
<i>Up to 12m</i>	6m rear setback achieved (DSZ at rear) – complies	
6m hab / 4.5m non hab		
<i>12m-24m</i>	Level 4 maintains 6m rear setback where 9m rear setback required – minor variation	
9m habitable / 4.5m non-hab		
<u>2.6 Mixed used buildings</u>	N/A	N/A
<u>2.7 Deep soil zone</u>		
15% of site area required as DSZ	547m ² /0.15 = 82.05m ² required 77m ² provided at rear = 14% Condition would be required to remove all structures including hard paving areas from DSZ <i>NB – areas indicated as deep soil zone on plans do not meet the minimum 6m dimension to be included as DSZ</i>	Minor variation
<u>2.8 Landscape design</u>	Landscaping design is satisfactory	Yes
<u>2.9 Green roofs, green walls and planting on structures</u>	N/A as site is not in B3,B4 or E6 zones	N/A
<u>2.10 Sun access planes</u>		
	The site does not have any sun access planes applicable to it/or to Osborne Park	N/A
<u>2.11 Development on classified roads</u>	N/A	N/A

3 Pedestrian amenity

<i>Objectives/controls</i>	<i>Comment</i>	<i>Compliance</i>
<u>3.2 Permeability</u>	N/A	N/A
<u>3.3 Active street frontages</u>		
f) Residential developments are to provide a clear street address and direct pedestrian access off the primary street front, and allow for residents to overlook all surrounding streets.	Pedestrian access via northern side via gate which is readily identifiable as the entrance to the building	Yes
<u>3.4 Safety and security</u>		
	Secure access for pedestrians and vehicles is available.	Yes

<u>3.5 Awnings</u>	N/A	N/A
<u>3.6 Vehicular footpath crossings</u>	Satisfactory	N/A
<u>3.7 Pedestrian overpasses, underpasses and encroachments</u>	N/A	N/A
<u>3.8 Building exteriors</u>		
<p>b) Balconies and terraces should be provided, particularly where buildings overlook parks and on low rise parts of buildings. Gardens on the top of setback areas of buildings are encouraged.</p> <p>c) Articulate facades so that they address the street and add visual interest.</p> <p>d) External walls should be constructed of high quality and durable materials and finishes with 'self-cleaning' attributes, such as face brickwork, rendered brickwork, stone, concrete and glass.</p> <p>e) Maintain a pedestrian scale in the articulation and detailing of the lower levels of the building.</p> <p>f) To assist articulation and visual interest, avoid expanses of any single material.</p>	<p>Balconies and terraces provided to face the street and Osborne Park</p> <p>Terraces include landscape planters and vertical gardens to assist with minimising building bulk</p> <p>The façade is well articulated.</p> <p>Acceptable use of materials, including stone cladding at base</p> <p>Lower levels of building maintain a pedestrian scale</p> <p>Varied use of materials, including stone cladding, rendered masonry, fibrecement cladding, finished concrete and landscaped areas</p>	Yes
<u>3.9 Advertising and signage</u>	N/A	N/A
<u>3.10 Views and view corridors</u>	<p>The site is within the significant view corridor for distant panoramic views to escarpment. The building is lower than the maximum 16m height permitted and will be read in conjunction with future development to the west that has the potential to impact on escarpment views beyond that of the proposed development.</p>	Yes

4 Access, parking and servicing

<i>Objectives/controls</i>	<i>Comment</i>	<i>Compliance</i>
<u>4.1 General</u>	Parking to meet the development is integrated into the design of the building without compromising the streetscape	Yes
<u>4.2 Pedestrian access and mobility</u>	Given no public access is required, access is acceptable. Level access to the foyer from Cliff Rd for occupants appears to be provided.	Yes

<p><u>4.3 Vehicular driveways and manoeuvring areas</u></p> <p>j) For residential development in the General Residential zone, use semi-pervious materials for all uncovered parts of driveways/spaces to provide for some stormwater infiltration.</p>	<p>Single driveway access point for both levels of basement to minimise streetscape impacts of the garage.</p> <p>Conditions have been recommended by Council's Traffic Division to address potential conflict points for vehicles accessing/leaving the site.</p>	<p>Yes, subject to conditions</p>
<p><u>4.4 On-site parking</u></p>	<p>Refer Chapter E3 for parking rates. Noting proposal is compliant with required number of car spaces. 2 surplus car spaces are included in gross floor area calculations</p> <p>Satisfactory Traffic referral</p> <p>Visual impact of on-site parking is minimised through the design, varied materials.</p>	<p>Yes</p>
<p><u>4.5 Site facilities and services</u></p> <p>The building is serviced by the major utilities and the proposal is not expected to result in any need to augment these services.</p>	<p>Letterbox location acceptable</p> <p>Adequate space for waste bins</p> <p>Site frontage has adequate width for bins to be placed on street for collection (<50%)</p>	<p>Yes, subject to conditions</p>

5 Environmental management

<i>Objectives/controls</i>	<i>Comment</i>	<i>Compliance</i>
<p><u>5.2 Energy efficiency and conservation</u></p> <p>The proposal is not expected to result in significant energy consumption and there are no particular opportunities to require energy saving measures under this DA other than to require water saving devices, such as flow regulators, 3 stars rated shower heads, dual flush toilets and tap aerators. This is to be a condition of consent.</p>	<p>Updated BASIX Certificate submitted</p> <p>Defensive northern façade compromises passive solar design and energy efficiency but large openings facing east to compensate for minimal northern openings</p>	<p>Yes</p>
<p><u>5.3 Water conservation</u></p> <p>The proposal is not expected to result in significant water consumption and there are no particular opportunities to require water saving measures under this DA other than to require new water fixtures (shower heads, taps, toilets, urinals etc.) to be 3 stars or better rated. This is to be a condition of consent.</p>	<p>Updated BASIX Certificate submitted</p>	<p>Yes</p>

<u>5.4 Reflectivity</u>	Materials proposed do not raise concerns regarding reflectivity	Yes
<u>5.5 Wind mitigation</u>	No adverse wind impacts anticipated given height of building	Yes
<u>5.6 Waste and recycling</u>	Adequate storage space for bins. On-street collection proposed.	Yes

6 Residential development standards

<i>Objectives/controls</i>	<i>Comment</i>	<i>Compliance</i>
<u>6.1 SEPP 65</u>	SEPP 65 does not apply as the proposed development is a dual occupancy	N/A
<u>6.2 Housing choice and mix</u>	N/A	N/A
<u>6.3 Dwelling houses</u>	N/A	N/A
<u>6.4 Multi dwelling housing</u>	N/A	N/A
<u>6.5 Dual occupancy</u> Where there is an inconsistency between the provisions of this part of the DCP and other parts of the DCP, this part of the DCP will prevail to the extent of the inconsistency.	The requirements for dual occupancy development under this chapter and Chapter B1 vary and are discussed in the body of the report	Variations sought
<u>6.6 Basement Carparks</u> Roof of basement podiums not to exceed 1.2m above natural or finished ground level. Any portion of the basement exceeding 1.2m must be setback from the property boundaries by 1:1	Roof of basement podium does not exceed 1m above natural ground level as shown on Section BB, dwg DA/07 in attachment 3	Yes
<u>6.7 Communal open space</u>	N/A- only 2 dwellings	N/A
<u>6.8 Private open space</u>	POS provided for both units in various forms that maximise views. Enclosed from northern neighbour to minimise impacts but this limits solar access. Given site is opposite the foreshore, the POS areas have been designed/sites to capitalise on views which is considered acceptable.	Yes
<u>6.9 Overshadowing</u> Objective of this part is to: a) Minimise the extent of loss of sunlight to living areas and private open space areas of adjacent dwellings.	Given the site is to the south of an existing dwelling, and is adjoined by a public park and hotel to the south and south-west, no overshadowing	Yes

<i>Objectives/controls</i>	<i>Comment</i>	<i>Compliance</i>
<u>6.10 Solar access</u>	<p>of adjacent dwellings will occur from the proposed development</p> <p>Defensive façade limits northern sunlight access however both dwellings have their living areas and balconies with an easterly aspect.</p> <p>Adequate sunlight access to both dwellings will be available in the mornings, noting that the design of the building responds to the site location in that it seeks to capitalise on the unobstructed coastal views</p>	Yes
<u>6.11 Natural ventilation</u>		
a) Provide residential apartment buildings with a building depth of between 10 and 18m. The depth is measured across the shortest dimension of the building. Dwellings should be a maximum depth of 21m measured from the outside of the balcony.	9m building depth. Both dwellings will be naturally ventilated	Yes
<u>6.12 Visual privacy</u>		
1. New buildings should be sited and oriented to maximise visual privacy between buildings through compliance with minimum front, side and rear setback / building separation requirements.	The design adopts a defensive façade to its northern elevation, incorporating highlight windows to habitable rooms, blank walls with 'pop out' windows oriented east/west to maximise privacy between occupants of the site and the adjoining northern property (existing and potential future).	Yes
2. The internal layout of buildings should be designed to minimise any direct overlooking impacts occurring upon habitable rooms and private balcony / open space courtyards, wherever possible by separating communal open space and public domain areas from windows of rooms, particularly sleeping room and living room areas.	The design does not lead to privacy impacts between the two proposed dwellings.	
3. Buildings are to be designed to increase privacy without compromising access to sunlight and natural ventilation through the following measures:	Large openings facing east compensate for the minimal north facing windows and the small floor plate and dual aspect still allows for natural ventilation of the dwellings.	
(a) Off-setting of windows in new buildings from windows in existing adjoining building(s).		
(b) Recessed balconies and / or vertical fin elements between adjoining balconies to improve visual privacy.		
(c) Provision of solid, semi-solid or dark tinted glazed balustrading to balconies.		
(d) Provision of louvers or screen panels to windows and / or balconies.		
(e) Provision of perimeter landscaped screen / deep soil planting.		
(f) Incorporating planter boxes onto apartment balconies to improve visual separation between		

Objectives/controls	Comment	Compliance
apartments within the development and adjoining buildings. (g) Provision of pergolas or shading devices to limit overlooking of lower apartments or private open space courtyards / balconies. <u>6.13 Acoustic Privacy</u>	No concerns are raised with regard to acoustic privacy between the dwellings. The common internal wall between the dwellings on Level 2 separates non-habitable areas and will be required to meet the NCC requirements.	Yes
<u>6.14 Storage</u>	Ample storage is available for both units, both within the floor layout and in the basement areas	Yes

7 Planning controls for special areas

The subject site is not identified as a special area under Figure 7.1, however Part 7.1 outlines requirements for special areas with heritage items.

7.1 Special areas with heritage items

Although the site is not identified as a heritage item in Schedule 5 of WLEP 2009, it is within the vicinity of a heritage conservation area and numerous heritage items. Under Part 7.1.1:

Development within the curtilage of a listed item, or a Heritage Conservation Area, or which will impact upon the setting of a heritage item or Heritage Conservation Area is also subject to the following provisions. Where there is a discrepancy with general controls elsewhere in the DCP the following objectives and controls are to apply.

The objectives of this part are:

- a) To facilitate the conservation and protection of heritage items and Heritage Conservation Areas and their settings.*
- 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.*
- c) To conserve, maintain and enhance existing views and vistas to buildings and places of historic and aesthetic significance.*

The North Beach Precinct and Belmore Basin Heritage Conservation Area which is listed as a State significant item in the WLEP 2009 directly adjoins the site to the south and the site is within the visual curtilage of the North Beach Heritage Precinct which is listed on the State Heritage Register. The following general principles require consideration (NB many principles relate to proposed works to a heritage item which does not apply so only the relevant principles are discussed below):

- a) Scale. The scale and bulk of any new building or work must be in scale with the original building and new development must not obstruct important views or vistas of the item. In the case of infill work in a conservation area, the scale of the new building must be similar to those around it. Where this is not feasible, sufficient curtilage around the heritage item must be included to assist interpretation of its heritage significance. In some circumstances, where site depth would allow, a higher building could be erected behind a heritage shopfront.*

i) Curtilage

- iii) Expanded curtilage. This curtilage is greater than the property boundary. An expanded curtilage may be required to protect that landscape setting or visual catchment of an item. For*

example, the significance of some properties includes a visual link between the property itself and a harbour, river or topographical feature.

With regard to the above principles, where the proposed building height and scale is pursued, an increased setback to the site's southern boundary with Osborne Park will provide a more appropriate relationship with the park and better respond to the setting of the building within the visual catchment of the heritage conservation area. This is discussed more in the body of the report.

8 Works in the public domain

No works proposed.

CHAPTER E2: CRIME PREVENTION THROUGH ENVIRONMENTAL DESIGN

The provisions of this chapter have been considered. No safety or security issues arise from the proposed development.

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 was not required for the development.

7 Parking demand and servicing requirements

The proposal generates the need for 4 car spaces (2 per dwelling), whereas 6 spaces are proposed (the 2 surplus spaces are included in the floor area calculations).

8 Vehicular access

Council's Traffic engineer has considered the proposal and recommended conditions regarding vehicle access and manoeuvring, including requirements for convex mirrors to allow vehicles exiting the basement to see each other and give way.

9 Loading / unloading facilities and service vehicle manoeuvring

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 has been submitted in accordance with the requirements of this chapter and found satisfactory by Council's Landscape division (subject to conditions). Additional conditions would also be required requiring removal of any structures, including hard paving from the dep soil zone at the rear of the site.

CHAPTER E7: WASTE MANAGEMENT

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

The proposal involves demolition of the existing building and a waste management plan has accordingly been provided.

Suitable waste storage and servicing arrangements have been provided.

CHAPTER E10 ABORIGINAL HERITAGE

The site is identified as having Aboriginal heritage significance. Council's Heritage Division have considered the proposal and have requested a Due Diligence Assessment be carried out prior to determination of the application, noting there are known middens in close proximity of the site and the proposed building will significantly increase the current disturbance footprint. This requirement reflects the requirements of this chapter.

The Due Diligence Report will provide some clarity for the developer regarding the requirements under the NSW National Parks and Wildlife Act 1974. Depending on the recommendations of the Due Diligence Report, an Aboriginal Cultural Heritage Assessment Report (ACHAR) may be required to support an Aboriginal Heritage Impact Permit (AHIP) application under the NSW National Parks and Wildlife Act 1974.

CHAPTER E11 HERITAGE CONSERVATION

The proposal has been considered under the provisions of this chapter by Council's Heritage Division and is not supported from a heritage perspective due the visual and amenity impacts on Osborne Park and the wider heritage conservation area, as discussed in the body of the report.

CHAPTER E12 GEOTECHNICAL ASSESSMENT

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

CHAPTER E14 STORMWATER MANAGEMENT

Stormwater is proposed to be disposed of to the street. Council's stormwater engineer has reviewed the proposal with respect to the provisions of this chapter and has requested further information. It is noted that filling is proposed at a higher level than the upslope of the adjoining property at the rear of the site. An updated stormwater drainage plan was requested to reflect the current design, including demonstrating that the design accepts and caters for any surface runoff from the adjoining land, as required by Section 11.3.17 of this chapter.

CHAPTER E17 PRESERVATION AND MANAGEMENT OF TREES AND VEGETATION

Removal of a tree at the rear of the site is proposed. Council's Landscape officer has raised no objection to the removal of this tree.

CHAPTER E19 EARTHWORKS (LAND RESHAPING WORKS)

Earthworks are proposed for the two basement levels. A geotechnical report was submitted with the application. Suitable conditions of consent would be required to be imposed on any consent granted with regard to impacts on the earthworks. It is noted that the earthworks may require dewatering due to the proximity of the watertable which would require separate approval under the Water Management Act 2000.

CHAPTER E21 DEMOLITION AND HAZARDOUS BUILDING MATERIALS MANAGEMENT

Conditions of consent could be imposed to require appropriate measures for demolition and hazardous building materials during works.

CHAPTER E22 SOIL EROSION AND SEDIMENT CONTROL

Conditions of consent could be imposed to require appropriate sediment and erosion control measures to be in place during works.

Applicant's view analysis

5.9 View Impact

The preservation of existing views has been considered in the design of the proposal, particularly from properties to the rear of the site. As referenced in the pre-lodgement minutes and the Wollongong DCP 2009, an assessment has been provided against the adopted Land and Environment Court Planning Principles for sharing of views (Tenacity Consulting v Warringah [2004] NSWLEC 140) in **Table 7** below. **Figure 19** has also been included for reference.

Table 7- View Impact Considerations

Test (Tenacity)	Assessment of Proposal
The first step is the assessment of views to be affected. Water views are valued more highly than land views. Iconic views (eg of the Opera House the Harbour Bridge or North Head) are valued more highly than views without icons. Whole views are valued more highly than partial views eg a water view in which the interface between land and water is visible is more valuable than one in which it is obscured.	Key views in the area consisted of Wollongong Harbour, ocean, and land/water interface (including the break wall). With the exception of existing properties fronting Cliff Road, properties generally have very limited views through existing buildings and vegetation. The siting of the existing building on the site is also such that there is minimal setback from the southern boundary – this will be increased as part of the proposed development.
The second step is to consider from what part of the property the views are obtained. For example the protection of views across side boundaries is more difficult than the protection of views from front and rear boundaries. In addition whether the view is enjoyed from a standing or sitting position may also be relevant. Sitting views are more difficult to protect than standing views. The expectation to retain side views and sitting views is often unrealistic.	Views are generally provided from surrounding development across the rear boundaries (properties oriented generally east/west). Views are available from the Boat Harbour Motel diagonally north-east across the site. As noted above, where these views occur, they are obscured by existing buildings and vegetation.
The third step is to assess the extent of the impact. This should be done for the whole of the property not just for the view that is affected. The impact on views from living areas is more significant than from bedrooms or service areas (though views from kitchens are highly valued because people spend so much time in them). The impact may be assessed quantitatively but in many cases this can be meaningless. For example it is unhelpful to say that the view loss is 20% if it includes one of the sails of the Opera House. It is usually more useful to assess the view loss qualitatively as negligible, Minor moderate severe or devastating.	The extent of the impact is considered to be limited to the Boat Harbour Motel, and the potential redevelopment of the hard-stand car parking area (associated with the Hotel) in the future. The impact of view loss from this location is considered to be minor and not exacerbated by any non-conformity with the DCP.
The fourth step is to assess the reasonableness of the proposal that is causing the impact. A development that complies with all planning controls would be considered more reasonable than one that breaches them. Where an impact on views arises as a result of non-compliance with one or more planning controls even a moderate impact may be considered unreasonable. With a complying proposal the question should be asked whether a more skilful design could provide the applicant with the same development potential and amenity and reduce the impact on the views of neighbours. If the answer to that question is no then the view impact of a complying development would probably be considered acceptable and the view sharing reasonable.	The proposal complies with the maximum building height of 16m as shown on the Architectural Plans (Appendix A). Whilst the proposal involves a variation to the setback provisions at the southern boundary, the geometry and configuration of the lots and view, is such that the impact is not considered to be amplified.



Figure 19 – View from Wilson Street looking east towards the site.

Attachment 6 - Recommended reasons for refusal

1. Pursuant to the provisions of Section 4.15 (1)(a)(ii) of the Environmental Planning and Assessment Act 1979, it is considered that the proposed development is inconsistent with the State Environmental Planning Policy (Coastal Management) 2018. The inconsistencies are that insufficient information has been provided to properly consider the likely impacts on Aboriginal cultural heritage, and that the development is not designed or sited to minimise adverse impacts on the cultural and built environment heritage.
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 Wollongong Local Environmental Plan 2009 with respect to the following:
 - a. The development has not demonstrated that design excellence has been achieved under Clause 7.18; and
 - b. The development does not adequately respond to the objectives of Clause 8.1 for development in Wollongong city centre with regard to facilitating design excellence and protecting and enhancing the cultural heritage of the city centre
 - c. The objectives of Clause 5.10 Heritage Conservation are not satisfied with regard to the impacts on the heritage conservation area identified as North Beach Precinct and Belmore Basin, specifically the impacts on Osborne Park; and
 - d. The provisions of Clause 5.10(8) have not been adequately addressed to consider the effect of the proposed development on an Aboriginal place of heritage significance.
3. 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 with respect to the following:
 - a. Non-compliant site width under Part 4.21 of Chapter B1 Residential Development. Specifically, the site is less than the minimum 15m site width required for dual occupancy developments. Encroachments into the allowable building envelope result from a dual occupancy of the scale proposed being pursued in the context of the narrow site width; and
 - b. Non-compliant side setbacks under Part 4.3 of Chapter B1 Residential Development and Part 2.5 of Chapter D13 Wollongong City Centre. Specifically, the minimal side setbacks to the southern boundary create adverse visual and overshadowing impacts to Osborne Park and the public domain.
4. Pursuant to the provisions of Section 4.15 (1)(b) of the Environmental Planning and Assessment Act 1979, the proposed development fails to demonstrate the acceptable disposal of stormwater from the subject property.
5. Inadequate information has been provided to enable a full and proper assessment to be carried out. Specifically the following information has not been provided:
 - Due Diligence Assessment addressing Aboriginal heritage
 - Updated stormwater drainage plan
 - Strata subdivision plan
6. 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.