

WLPP No.	Item No.1
DA No.	RD-2018/1620/A
Proposal	Review of Determination – Affordable Housing - demolition of existing dwelling house and construction of boarding house with associated car parking and consolidation of two (2) allotments into one (1) allotment
Property	47 Staff Street, Wollongong Lot 1 DP 1109060 and Lot 2 DP 1109060
Applicant	St Jude Property Investments Pty Ltd
Responsible Team	Development Assessment and Certification - City Centre Team (TW)

ASSESSMENT REPORT AND RECOMMENDATION

Executive Summary

Reason for consideration by Local Planning Panel - Advice

The proposal has been referred to Local Planning Panel for advice under Clause 2.19(1)(a) of the Environmental Planning & Assessment Act 1979. The application is captured by Clause 1(c) of Council's draft submissions policy.

Background

The request for a review was lodged on 13 September 2019 following the refusal of DA-2018/1620 on 25 June 2019. The original DA sought consent for the same proposal as that illustrated on the plans submitted with this review request – i.e. the plans have not been further revised.

Proposal

The proposal is for the demolition of an existing dwelling house and construction of a three-storey boarding house development with associated car parking. Consolidation of the two subject allotments is also proposed.

Permissibility

The site is zoned R2 Low Density Residential pursuant to Wollongong Local Environmental Plan 2009. The proposal is categorised as a 'boarding house' and is permissible in the zone with development consent.

Consultation

The review of determination application was notified on one occasion, following which there were three (3) submissions received, the last of which included a petition. The concerns raised in submissions are discussed in detail at Section 1.3 of this report.

Main Issues

The main issues identified during the assessment process include:

- non-compliances with the requirements of the Affordable Rental Housing (ARH) SEPP;
- non-compliance with Draft Amendment to the ARH SEPP which provides a 12 room limit for the R2 zone;
- exceedance of FSR;
- inadequate arrangements for stormwater management from the site;

- non-compliance with setbacks and number of storey controls contained with Chapter B1 of Wollongong DCP 2009;
- constrained car parking layout/ non-compliant vehicular manoeuvring;
- inadequate site facilities to support the likely number of occupants of the boarding house and consequent impacts on the internal amenity of the development;
- inadequate waste management arrangements.

RECOMMENDATION

It is recommended that the Review of Determination confirm the original determination of DA-2018/1620 and that additional reasons for refusal be added to the determination notice.

1 APPLICATION OVERVIEW

1.1 PLANNING CONTROLS

The following planning controls apply to the development:

State Environmental Planning Policies:

- State Environmental Planning Policy (SEPP) No. 55 – Remediation of Land
- SEPP (Affordable Rental Housing) 2009

Local Environmental Planning Policies:

- Wollongong Local Environmental Plan (WLEP) 2009

Development Control Plans:

- Wollongong Development Control Plan (DCP) 2009

Other policies

- Wollongong City Development Contributions Plan 2018

1.2 DETAILED DESCRIPTION OF PROPOSAL

Site preparation

- Demolition of the existing two storey dwelling, awning and a shed.
Removal of 3 trees to facilitate the proposed development. These trees are identified as Trees 1, 8 and 11 in the Arboricultural Impact Assessment Report by Allied Tree Consultancy, dated April 2019. Tree 1 is a *Eucalyptus maidenii* Maidens Gum, while Tree 8 is a *Tibouchina lepidota* Tibouchina and Tree 11 is a *Liquidambar styraciflua* Liquidambar.
- There are a number of existing trees to be retained within the site and if development were to proceed, tree protection measures would need to be employed to ensure the long-term health of the trees.

Works / Construction / Building Details

- Construction of two to three storey boarding house proposed over 3 linked blocks (identified as Blocks A, B and C on the plans) in a 'U' shape around the car parking area positioned on the northern side of the building.
- Block A is located in the front portion of the site with a north-south orientation; Block B will be sited adjacent to the southern boundary running in an east-west direction, while Block C is located in the western/ rear portion of the site. The 'U' shape will surround the central concrete car parking area which will house 6 car spaces inclusive of a nominated disabled persons' car space.

- 26 boarding rooms are proposed inclusive of a manager's residence and two adaptable rooms on ground level. Rooms will be accessed via external open walkways/ stairs. No lifts are proposed.
- Each of the rooms has been identified as housing a single bed only however the Plan of Management indicates that the rooms can be occupied by up to 2 people. A bathroom and kitchenette (microwave only) will be provided within each of the rooms. It is not clear whether the plans make provision for private laundry facilities within each of the rooms as there is no common laundry proposed. A clothes drying area is to be provided at the rear of the building with access from the ground floor of the building.
- The manager's room will be sited adjacent to the primary entrance. The plans make provision for a small private open space servicing this room in the front setback.
- Pedestrian access to the building will be available via a pathway adjacent to the driveway from Staff Street. Stair access will facilitate access to the lower ground floor boarding rooms (4 in total along with a bicycle store room) and to the upper floor via an open corridor.
- Landscaping is proposed at the front and rear of the site. Screen planting in the form of hedge planting is proposed inside the southern boundary of the site and an existing hedge is to be retained along the northern boundary between the boundary and the driveway/ car parking area. One tree is proposed to be retained and one removed. This is supported by Council's Landscape Officer.
- Landscaped common open spaces are proposed at the rear of the building.
- A common room is proposed on the ground floor of Block A adjacent to the manager's room. It will have a floor area of 24.5sqm.

Traffic, Parking and Servicing

- Vehicular access will be obtained via a single driveway from Staff Street. The driveway will run parallel to the northern boundary of the site. A passing bay has been provided to enable vehicles to pass while entering and exiting the site.
- Parking spaces – a total of 6 parking spaces are provided including one (1) accessible car space. There is a storage room proposed within the lower ground floor with capacity to store 26 bicycles.
- Waste management - it is not clear how garbage will be removed from the site. A bin storage room is proposed on ground level with access from the common lobby. Bins will be moved to the street frontage for collection by the on-site manager for weekly collection. Plans submitted with the original development application made provision for a platform on the road reserve on which bins could be stood pending collection.

Management

- A plan of management (POM) has been submitted which indicates that the boarding house will be operated by a private operator. The POM forms part of Attachment 1.
- The boarding house is to be managed by an on-site resident manager.
- There will be limitations put in place to restrict use of the communal room from 10pm – 7am.
- Occupants will need to utilise the kitchen within the common room as kitchenettes will only be fitted with a microwave.
- Tenant use of the communal room will be rostered by the manager.

1.3 BACKGROUND

The applicant has sought a review of the determination of the development application which was refused primarily on the basis of inconsistency with the R2 zone objectives; the number of boarding rooms proposed being inconsistent with the recent amendments to SEPP (ARH) 2009; inconsistency

with the provisions of Wollongong Development Control Plan (DCP) 2009 with regard to building setbacks, building height measured in terms of number of storeys, the location of the boarding house being near to others; concerns around car parking layout and vehicular manoeuvring; insufficient details regarding waste servicing; and lack of a drainage easement from which to drain stormwater from the development site. The site was deemed unsuitable for the proposed development and contrary to the public interest.

Pre-Lodgement Meeting

A pre-lodgement meeting was held in respect of this proposal on 13 August 2018 (PL-2018/135). At that meeting, Council provided advice to the proponent in regard to a number of matters including in relation to SEPP (ARH) 2009, WLEP 2009 FSR and building height requirements, applicable building setbacks, tree protection, private open space and outdoor drying area requirements, and location of the common room.

Development Application DA-2018/1620

DA-2018/1620 was lodged on 19 December 2018. Following assessment including a review of the scheme by the Design Review Panel at its meeting held on 19 February 2019, the DA was refused on 25 June 2019 for the following reasons:

- 1 In accordance with Section 4.15(1)(a)(i) of the Environmental Planning & Assessment Act 1979, the proposed development is inconsistent with the objectives for the R2 Low Density Residential Zone under Wollongong Local Environment Plan 2009 due to the number of boarding rooms proposed. This is inconsistent with maintaining a low-density residential environment.
- 2 In accordance with Section 4.15(1)(a)(i) of the Environmental Planning & Assessment Act 1979, the proposed development does not comply with Clause 4.4 Floor Space Ratio of Wollongong Local Environmental Plan 2009. The applicant has not provided a written request adequately addressing the matters required to be demonstrated by Clause 4.6(3), and consent cannot be granted. In any event, Council is not satisfied that compliance with the standard is unreasonable or unnecessary in the circumstances of the case, and that there are sufficient environmental planning grounds to justify contravening the development standard.
- 3 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 provisions of the Draft Amendment to Affordable Rental Housing State Environmental Planning Policy, with regard to the limit on the number of boarding rooms allowed in a boarding house development in R2 low density residential zones to a maximum of 12 per site.
- 4 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 chapters:
 - a. Chapter B1 Residential Development: Clause 5.2 Number of Storeys and Clause 5.4 Side and Rear Setbacks.
 - b. Chapter C3 Boarding Houses: Clause 3.1 in relation to the location of boarding houses.
 - c. Chapter E3 Car Parking, Access, Servicing/Loading Facilities and Traffic Management in relation to car parking layout and vehicular manoeuvring and insufficient details regarding waste servicing.
 - d. Chapter E14 Stormwater Management: A drainage easement has not been obtained and is required to drain stormwater from the development site.

- 5 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, and provide reasonable certainty that an easement would be granted.
- 6 Pursuant to the provisions of Section 4.15 (1)(c) of the Environmental Planning and Assessment Act 1979, it is considered that the proposal fails to demonstrate the site is suitable for the development.
- 7 Pursuant to the provisions of Section 4.15C (1)(e) of the Environmental Planning and Assessment Act, 1979, it is considered 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.

A request for a review of determination was submitted with Council on 13 September 2019. In the absence of a pending appeal before the Land and Environment Court, the request for review, and the review by Council, must all be completed within six (6) months of the date of determination of the original development application, being 25 December 2019.

Design Review Panel

DRP reviewed the original development application and provided several recommendations in regard to numerous aspects of the proposal. A copy of the DRP notes forms Attachment 3.

Customer service actions

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

1.4 SITE DESCRIPTION

The site is located at 47 Staff Street Wollongong and comprises 2 parcels of land with the title references of Lots 1 & 2 DP 1109060. The site has a combined area of 1153sqm.

The site is irregular in shape with a gradual fall generally to the south.

The site is located within an established R2 Low Density Residential zone positioned near to the western end of the Wollongong City Centre. The site is close to Crown Street. As illustrated on the zoning extract at Attachment 2 to this report, land to the north, south and west of the site is also zoned R2 while land on the other side of Staff Street and to the north-east is zoned SP1 Hospitals Medical Research & Development while land further eastward on the southern side of Staff Street is zoned R1 General Residential.

The two sites to the immediate north are both occupied by buildings which are registered boarding houses operated by St Marks University Accommodation (St Marks Anglican Church). Land further north is occupied by a petrol station and ancillary uses.

Land to the west of the site is owned by St Marks Anglican Church and comprises the church and another boarding house operated by St Marks University Accommodation.

Positioned immediately adjacent to the site to its south is the IRT Diment Towers, an aged care facility operated by the Illawarra Retirement Trust (IRT). Organised within an octagonal 12 storey tower to its east and a limb of two storey townhouses running east-west, the built form of the Diment Towers currently frames an open car parking court, which directly faces the subject site. There is also an outbuilding area located to the south which is probably used for the recreational needs of residents.

The broader locality is characterised by a mix of land uses including single detached dwellings and higher density developments. The site is within walking distance to Wollongong Private and Public Hospitals.

Property constraints

There are no restrictions on the title which would preclude this development.

1.5 SUBMISSIONS

The review request was notified in accordance with WDCP 2009 Appendix 1: Public Notification and Advertising Procedures. There were three (3) submissions received in objection to the proposal. These included a submission/ petition made by the residents and associates of IRT Diment Towers. The submissions raised concerns regarding the following summarised matters:-

	Concern	Comment
1	Clustering of boarding houses should be avoided as stated under clause 3.1(2) of Chapter C3 of WDCP. The applicant has misrepresented the fact that there are 3 registered boarding houses within close proximity of the site	As noted above, there are 3 registered boarding houses within close proximity to the site – in the 2 sites to the immediate north and within the site to the west; all are operated by St Marks University Accommodation (St Marks Anglican Church) and were approved under DA-2013/1533. All are within 150m of the subject site and accordingly a departure from the clustering controls contained within Chapter C3 is proposed.
2	<p>Inadequate provision for parking within the site which may result in additional parking demands on nearby sites and on-street carparking which is heavily taken up.</p> <p>Concerns around narrow vehicle access; increased traffic which will exacerbate the existing traffic and parking and driving problems in the street. Staff Street is narrow and there are existing problems with manoeuvring. concern was expressed by the residents of IRT Diment Towers that additional traffic and parking problems in the street may see the end to or alternation of the route of the bus which currently stops in Staff Street</p>	<p>It is acknowledged that there is an existing heavy utilisation of on-street car parking in Staff Street due largely to the proximity of the site to the private and public hospitals. Parking of vehicles on both sides of Staff Street makes passing within the street difficult.</p> <p>Irrespective of this, the quantum of car parking complies with Council's current DCP car parking rates for boarding houses. Vehicular manoeuvring is however very constrained within the site and is non-compliant with AS2890 which will make on-site car parking less desirable to users, increasing the likelihood of vehicles associated with the site taking up on-street car parking.</p> <p>It is noted that SEPP (ARH) has been amended to require more parking spaces (0.5 rather than 0.2 spaces per boarding room) for boarding house developments. The provisions for car parking in the SEPP do not apply to all boarding house developments in R2 zones across NSW. Additional parking for the development would be beneficial due to the lack of on-street parking available in the vicinity of the site.</p>
3	Requirement of a detailed traffic impact assessment, as the proposal may generate more traffic and potentially competing with local car parking provision	Council's Traffic Engineer did not require a detailed traffic impact assessment in support of the proposal.
4	The one communal room is very small for the expected number of residents and this will result in an unworkable living environment. This is particularly so given that kitchenettes will be fitted with a microwave only the residents	<p>Council's DCP specifies minimum requirements for communal kitchen/ dining areas in Class 3 boarding houses:</p> <ul style="list-style-type: none"> • A minimum of 15m² plus 1m² per additional person above 12 persons; <u>or</u> • All bedrooms shall contain kitchenette facilities a fridge, adequate cupboards and shelves and a

Concern	Comment
need to make use of cooking facilities that are only available within the one communal room.	<p>microwave. (For fire safety reasons no other cooking appliances are permitted)</p> <ul style="list-style-type: none"> • All boarding houses must provide at least one communal living room of sufficient size to accommodate proposed number of residents <p>The proposed common room is 24.5sqm in area which is small given it will service 25 rooms. The plans indicate a single bed however the POM indicates that up to 2 adult lodgers may occupy each room; the expectant population of the boarding house is therefore a maximum of 52. While the common room is not expected to contain all the residents at the same time, it is noted that each boarding room will be fitted only with a microwave meaning residents will need to utilise the common room for cooking, communal dining and any internal recreational pursuits. The lack of space will either roster social isolation or lead to tension between lodgers. From a merit perspective, the communal room appears inadequate.</p>
5 Small room size; lack of detail on the plans with regard to internal kitchens/ laundries; inadequate clothes drying facilities;	Room sizes are compliant with the requirements of Chapter C3 of WDCP 2009. The plans indicate the provision of a small kitchenette which will be fitted with a microwave. It is not clear whether a laundry will be provided within each boarding room; there is no communal laundry proposed. A single clothes drying area is proposed in the south-western corner of the site to serve all lodgers. This space will receive little sunlight.
6 Privacy impact via direct overlooking from the units and balconies; insufficient planting adjacent to the southern boundary	The application proposes reduced setbacks to the southern boundary of the site as discussed below with regard to the provisions of Chapter B1 of Wollongong DCP 2009. This, along with the three-storey height of the building along most of the southern elevation, may give rise to acoustic and visual privacy impacts.
7 The development is out of character with other developments in staff Street.	There is a mixture of development types and building typologies along Staff Street. The scale of the development when measured in terms of number of storeys and FSR is excessive and does not comply with applicable controls relevant to the R2 zone. Further, the side setbacks proposed are insufficient for the scale of building proposed.
8 Concerns that residents will be transient.	The POM indicates that the minimum length of tenure will be 3 months.
9 Concerns around antisocial behaviour	There is the potential for antisocial behaviour in any development. Some of the characteristics of the proposal may increase the potential for anti-social behaviour –single small communal room, single clothes line; deficient on-site car parking and non-complaint vehicular manoeuvring; and the overall density of the

Concern	Comment
	<p>development which is now sought to be limited in the R2 zone via the introduction of Clause 30AA to the ARH SEPP as discussed elsewhere within this report.</p> <p>The POM provides for an onsite resident manager and includes measures to impose curfews on the use of communal facilities and to roster the use of the communal room which may in part reduce the potential for antisocial behaviour within the development.</p>
10 Potential drainage impacts on adjacent properties	Council's Stormwater Engineer has raised concerns regarding the proposed arrangements for stormwater management from the site. The arrangements proposed are unsatisfactory and may give rise to off-site impacts.

1.6 CONSULTATION

1.6.1 INTERNAL CONSULTATION

Stormwater Engineer

Council's Engineer is not satisfied that the proposal complies with Chapter E14. The following specific comments are summarised :-

- An easement has not been obtained through downstream or adjacent properties, to enable stormwater from the development site to drain in the same direction as it would in the pre-developed state (i.e. to the watercourse via the IRT site). This proposal is contrary to Section 11.3.6(1).
- The discharge rates from the site to the street drainage system exceed the pre-development flow rates draining from the site to the street (i.e. zero in this instance). This proposal is contrary to Section 11.3.6(5).
- The discharge of stormwater from the site to Council's stormwater drainage system (where water from the site currently does not drain), will result in an increase in stormwater flow rates and flow concentrations from the development site when compared with pre-development conditions. This proposal is contrary to Section 11.3.6(6).
- The proposal to divert additional flows to Council's drainage system (where those flows currently don't drain) will result in an increase in potential surcharge/overflows down Staff Street and/or into private property in the event of a blockage/overload of the downstream drainage system. In this regard, the owner of the adjoining property has previously reported issues with the pipeline conveying water from Council's road reserve surcharging into the IRT site (from the concrete lids) due to blockage/overload of the pipeline. The development proposal would increase the contributing catchment and flows to this drainage line and therefore exacerbate any impacts as a result of such surcharges, should they occur again in future.
- The proposal would create a situation where there is potential for stormwater surcharges to occur from Council's public drainage system into the private development site (via the proposed pit at RL 35.20m AHD, which is lower than the surface level of the road drainage pit at RL 35.83m AHD). Council is not supportive of creating such a situation due to a new connection to Council's drainage system.
- It is proposed to intercept runoff from the adjoining upslope property (which currently drains into the IRT site car park drainage system via the development site) and divert this runoff to Council's street drainage system. This proposal is contrary to Section 11.3.17 with respect to

management of overland flow from adjoining land. In particular, the requirement that the diversion of this overland flow to the street, the rear of the subject property or in any other direction other than that in which it would naturally flow will not be permitted.

- The proposed stormwater design is also considered contrary to the following objectives in Chapter E14 of the Wollongong DCP2009:
 - Objective 2(1)(a), since it does not achieve the uniform standard of drainage design set by Chapter E14, which requires a stormwater easement in the event that sites fall away from the road reserve with no water discharging to the street in the pre-development condition.
 - Objective 2(1)(b), since it will increase peak flows from the site into Council's stormwater drainage system. Currently, no runoff from the site drains into Council's stormwater drainage system however it is proposed to discharge all stormwater from the site (and contributing catchment) into Council's stormwater drainage system.
 - Objective 2(1)(d), since it will increase peak stormwater flows to Council's drainage system, and therefore increase the potential peak stormwater surcharge/overflow rates and concentrations down Staff Street and/or into private land in the event of a blockage/overload of the downstream drainage system.
 - Objective 2(1)(h), since it will not increase public convenience and public safety as well as protection of property. Rather, the proposal will result in an increase in potential stormwater surcharge/overflows down Staff Street and/or into private land in the event of a blockage/overload of the downstream drainage system.

In order to resolve the above issues, an easement to drain water is required over the adjoining IRT site, to enable stormwater from the development to continue to drain in the same direction as it does in the pre-development condition (i.e. to the watercourse via the IRT site) and not into Council's drainage system."

Landscape Architect

Council's Landscape Officer has reviewed the application and has provided a satisfactory referral including recommended conditions for imposition if consent is granted to the proposal.

Traffic Engineer

Council's Traffic Officer considered the plans and new supporting documentation submitted with the review request and raised the following issues:

- "It is unclear how bin collection will be carried out. If street collection is to be proposed, it is unclear where these bins will be placed without obstructing pedestrians given that railings are hard up against the footpath on the corner of the road.
- The Traffic Report shows swept paths of vehicles undertaking 5-point turning manoeuvres. This is contrary to Clause 7.7(2)(a) of Chapter E3 of the DCP and indicates a constrained internal layout."

Safer Community Action Team (SCAT) Officer

Council's SCAT Officer has reviewed the application and has provided the following comments:-

- Private open space for each tenant is not included in the plans. As well as this, some tenants are required to walk along a corridor past doors to other units. This could present opportunities for anti-social or criminal behaviour
- Planner's note:* the SEPP and DCP do not require private open space for each boarding room.
- It is unclear if each unit has a laundry or if one is shared among the tenants, and if so where it is located.

Planner's note: the plans do not indicate the provision of a communal laundry. It appears that each room will contain laundry facilities.

- The common room is small and removed from many of the units, making it unlikely to be used by most

Planner's note: the communal room is small and this may be a source of tension and lead to social isolation.

- The garbage room is a potential entrapment area and should be reconfigured to reduce this opportunity.
- The design of this boarding house will not promote social interaction among tenants, but rather is likely to foster isolation. Isolation is a factor in creating dysfunctional and marginalised community members who are more likely to engage in anti-social behaviours.

Environment Officer

Council's Environment Officer reviewed the original DA and provided a satisfactory referral subject to conditions of consent.

Geotechnical Officer

Council's Geotechnical Officer reviewed the original DA and provided a satisfactory referral subject to conditions of consent.

1.6.2 EXTERNAL CONSULTATION

None required. It is noted that the DRP reviewed the original development application and provided a number of recommendations in regard to numerous aspects of the proposal. A copy of the DRP notes forms Attachment 3.

As the plans have not been revised following refusal of the original DA, it was considered unnecessary to involve the DRP in the assessment of this review request.

2 ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979 – SECTION 8.2 REVIEW OF DETERMINATION

DIVISION 8.2 REVIEWS

Section 8.2 provides that an applicant may request a review of an application that has been refused by a Council. As a consequence of the review, the Council may confirm or change the original determination.

8.2 Determinations and decisions subject to review

A review of determination is able to be conducted as outlined above.

8.3 Application for and conduct of review

(1) An applicant for development consent may request a consent authority to review a determination or decision made by the consent authority. The consent authority is to review the determination or decision if duly requested to do so under this Division.

Comment: The applicant has requested a review of determination in accordance with Section 8.2 of the Environmental Planning & Assessment Act 1979.

(2) A determination or decision cannot be reviewed under this Division:

- (a) after the period within which any appeal may be made to the Court has expired if no appeal was made, or*
- (b) after the Court has disposed of an appeal against the determination or decision.*

Comment: The application was refused on 25 June 2019, and the review must be conducted by 25 December 2019.

- (3) *In requesting a review, the applicant may amend the proposed development the subject of the original application for development consent or for modification of development consent. The consent authority may review the matter having regard to the amended development, but only if it is satisfied that it is substantially the same development.*

Comment: The review request was accompanied by some new documentation including a covering report prepared by TCW Consulting; a letter prepared by Rienco Consulting Water Engineering Specialists with regard to stormwater management; and a letter from McLaren Traffic Engineering in regard to vehicle passing, vehicle swept paths and vehicular access. The architectural plans remain unchanged and the review application was not accompanied by any other updated documentation, so it is assumed that the applicant is seeking to rely on the Plan of Management, Social Impact Statement, Landscape concept plan, Arborist report and other documentation that was submitted with the original DA.

- (4) *The review of a determination or decision made by a delegate of a council is to be conducted:*
- (a) *by the council (unless the determination or decision may be made only by a local planning panel or delegate of the council), or*
 - (b) *by another delegate of the council who is not subordinate to the delegate who made the determination or decision.*

Comment: the review must be conducted by another delegate of the Council.

- (5) *The review of a determination or decision made by a local planning panel is also to be conducted by the panel.*
- (6) *The review of a determination or decision made by a council is to be conducted by the council and not by a delegate of the council.*

Comment: N/A; original determination was made under delegated authority.

- (7) *The review of a determination or decision made by a Sydney district or regional planning panel is also to be conducted by the panel.*

Comment: N/A; original determination was made under delegated authority.

- (8) *The review of a determination or decision made by the Independent Planning Commission is also to be conducted by the Commission.*

Comment: N/A; original determination was made under delegated authority.

- (9) *The review of a determination or decision made by a delegate of the Minister (other than the Independent Planning Commission) is to be conducted by the Independent Planning Commission or by another delegate of the Minister who is not subordinate to the delegate who made the determination or decision.*

Comment: N/A; the original determination was made under delegated authority.

Section 8.4 provides that, after conducting its review of a determination or decision, the consent authority may confirm or change the determination or decision.

3 ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979 – 4.15 EVALUATION

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

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

A desktop audit of previous land uses does not indicate any historic use that would contribute to the contamination of the site. There are no earthworks proposed and 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.

3.1.2 STATE ENVIRONMENTAL PLANNING POLICY (AFFORDABLE RENTAL HOUSING) 2009

Part 1 Clause 7 indicates that the Policy applies to the State and Clause 8 that the Policy prevails where there is an inconsistency between it and another EPI.

Division 3 of the SEPP provides specific provisions pertaining to boarding houses. Clause 26 provides that Division 3 applies to land within numerous listed zones including specifically Zone R2 Low Density Residential, while Clause 27 provides as follows:-

- (1) *This Division applies to development, on land to which this Division applies, for the purposes of boarding houses.*
- (2) *Not applicable.*
- (3) *Despite subclause (1), clauses 29, 30 and 30A do not apply to development on land within Zone R2 Low Density Residential or within a land use zone that is equivalent to that zone that is not in the Sydney region unless all or part of the development is within 400 metres walking distance of land within Zone B2 Local Centre or Zone B4 Mixed Use or within a land use zone that is equivalent to any of those zones.*

The site is located outside of 400 metres walking distance of land zoned B2 Local Centre or B4 Mixed Use or an equivalent land use zone.

29 Standards that cannot be used to refuse consent

Does not apply by virtue of Clause 27(3).

30 Standards for boarding houses

Does not apply by virtue of Clause 27(3).

Clause 30A Boarding houses in Zone R2 Low Density Residential

Does not apply by virtue of Clause 27(3).

30AA Boarding houses in Zone R2 Low Density Residential

Clause 30AA was inserted into the SEPP on 28 February 2019, which occurred after the lodgement of the original development application.

Clause 30AA provides that, "A consent authority must not grant development consent to a boarding house on land within Zone R2 Low Density Residential or within a land use zone that is equivalent to that zone unless it is satisfied that the boarding house has no more than 12 boarding rooms."

The proposal features 26 rooms which is contrary to Clause 30AA of the SEPP.

The original DA was lodged on 19 December 2018. At that time, the amendments which included the introduction of Clause 30AA to the SEPP had been publicly exhibited (28 November to 19 December 2018). As per Section 4.15(1)(a)(ii) of the Environmental Planning & Assessment Act 1979, the draft amendment is a matter for consideration in the assessment of this application. This is dealt with below in Section 3.2 of this report.

The aim of the amendment to the ARH SEPP is to retain the objectives of R2 zoning by limiting the number of boarding rooms to 12. The application proposes a total of 26 rooms (including the manager's residence) which is considered to be excessive for a low-density zone and more than double that currently permitted under the SEPP as a result of the amendment. The site is not large at 1153sqm in area with a width (measured perpendicular to the side boundaries) of approx. 20m. The FSR is excessive and side setbacks are less than that expected of a residential building of a similar scale. Internal facilities and car parking are constrained. Accordingly, the scale of the building and associated

site coverage is large in comparison to the scale of development typically expected to occur on a low density residential zoned site.

On the basis of the above, it is considered that the proposed boarding house is inconsistent with the provisions and intent of the Draft Amendment to the SEPP.

30A Character of local area

Does not apply by virtue of Clause 27(3).

3.1.3 WOLLONGONG LOCAL ENVIRONMENTAL PLAN 2009

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 **R2 Low Density Residential**.

Clause 2.3 – Zone objectives and land use table

The objectives of the zone are as follows:

- *To provide for the housing needs of the community within a low density residential environment.*
- *To enable other land uses that provide facilities or services to meet the day to day needs of residents.*

The proposal will provide for the housing needs of the community however the scale of the proposal is not considered to be a low density residential form in alignment with the first zone objective. The second objective is irrelevant. The proposal is unsatisfactory with regard to the first objective due to the number of boarding rooms proposed and the subsequent scale of the proposed development (inclusive of the built form and associated site coverage resulting from the number of car spaces required and associated vehicular access and manoeuvring area). A total of 25 boarding rooms plus a manager's room are proposed; this scale and the built form within which the rooms are contained appears to be more aligned with the building scale found in the higher density zones.

The recent amendments to the Affordable Rental Housing (ARH) SEPP is the State's response to an overdevelopment of boarding houses in R2 zones. This has led to the introduction of controls to limit the number of boarding rooms in the R2 zone to 12 per site. As the proposed boarding house contains 25 boarding rooms and one manager's unit, the scale of the development measured in terms of room numbers and subsequent residential population, is not consistent with the objectives of maintaining a low density environment. Further, the FSR exceeds that permitted by Clause 4.4. A smaller scale boarding house would be more appropriate with regard to the zone objectives.

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

*Attached dwellings; Bed and breakfast accommodation; **Boarding houses**; Boat launching ramps; Centre-based child care facilities; Community facilities; Dual occupancies; Dwelling houses; Environmental facilities; Exhibition homes; Exhibition villages; Group homes; Health consulting rooms; Home-based child care; Hospitals; Hostels; Information and education facilities; Jetties; Multi dwelling housing; Neighbourhood shops; Places of public worship; Recreation areas; Recreation facilities (indoor); Recreation facilities (outdoor); Residential flat buildings; Respite day care centres; Roads; Semi-detached dwellings; Seniors housing; Shop top housing; Signage; Veterinary hospitals*

The proposal is categorised as a **boarding house** as defined below, which is permissible in the zone with development consent.

Clause 1.4 Definitions

Boarding house means a building that:

- (a) is wholly or partly let in lodgings, and
- (b) provides lodgers with a principal place of residence for 3 months or more, and
- (c) may have shared facilities, such as a communal living room, bathroom, kitchen or laundry, and
- (d) has rooms, some or all of which may have private kitchen and bathroom facilities, that accommodate one or more lodgers,

but does not include backpackers' accommodation, a group home, hotel or motel accommodation, seniors housing or a serviced apartment.

Note: Boarding houses are a type of residential accommodation—see the definition of that term in this Dictionary.

Clause 2.7 Demolition requires development consent

Consent is sought for the demolition of the existing dwelling house and outbuildings in accordance with this clause.

Part 4 Principal development standards

Clause 4.3 Height of buildings

A 9m height limit applies to the site and the proposal complies in this regard.

Clause 4.4 Floor space ratio

An FSR of 0.5:1 applies to the site.

The plans indicate a gross floor area (GFA) of 576.5sqm however this does not include the bike storage room nor internal access to that room which should rightly be included in the building's GFA. The applicant is proposing 'hit and miss' blockwork to address the issue of GFA. However, the definition of GFA under Council LEP does not exclude this type of wall from the calculation of GFA. This area is not fully located within a basement level and should be included in the building's GFA.

The overall FSR of the building has been calculated at more than 0.5:1. This was identified in the determination notice however the plans have not been revised to resolve this issue nor has the applicant identified a development departure or sought an exception from the development standard using Clause 4.6 of the LEP. Having regard to the other areas of non-compliance and concerns identified within this assessment, it would be difficult to substantiate a development departure.

Clause 4.6 Exceptions to development standards

Development consent must not be granted for development that contravenes a development standard unless the consent authority has considered a written request from the applicant that seeks to justify the contravention of the development standard. The required request has not been provided so consent cannot be granted.

Part 7 Local provisions – general

Clause 7.1 Public utility infrastructure

The site is currently serviced by electricity, water and sewerage services. It is expected that some augmentation of existing utility services will be required to facilitate the proposed development. The developer would be required to obtain the necessary connection approval from utility providers.

Clause 7.6 Earthworks

Earthworks are proposed to facilitate construction of the proposed boarding house. This would need to be carried out in accordance with relevant Australian Standards and any conditions recommended by Council's Geotechnical Engineer. The site is not identified as being unstable land therefore no site

investigations are required. The proposal is considered to be acceptable with regard to the matters for consideration in Clause 7.6.

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

Exhibited Draft Amendment to SEPP (Affordable Rental Housing) 2009

The NSW Government has introduced a limit on the number of boarding rooms allowed in a boarding house development in R2 Low Density Residential zones to a maximum of 12 per site. The amendment inserting Clause 30AA to the SEPP came into effect on 28 February 2019 which was after the lodgement of the original development application.

The amending instrument contained savings provisions which state that it only applies to development applications made after its commencement and that applications made before that date should be determined under the old SEPP (ARH).

Section 4.15(1)(a)(ii) of the Environmental Planning and Assessment Act 1979 provides that the provisions of any proposed instrument that is or has been the subject of public consultation under the Act, is a relevant matter for consideration when determining any development application. The amendments to the SEPP were exhibited from 28 November to 19 December 2018; the DA was lodged on 19 December 2019. Therefore, the Draft Amendment (as an exhibited instrument), is a relevant matter for consideration in the assessment of this application as per s4.15(1)(a)(ii) of the Act.

The objectives in drafting out the amended SEPP are included in the Explanation of Intended Effect (November 2018): "To facilitate the development of boarding houses in the R2 zone that are compatible with the character of residential density that is typically expected in that zone, it is proposed to amend the boarding house provisions in the Affordable Rental Housing SEPP so that a boarding house in the R2 zone can consist of no more than 12 boarding rooms."

The aim of the amendment to the ARH SEPP is to retain the objectives of R2 zoning by limiting the number of boarding rooms to 12. The application proposes a total of 26 rooms (including the manager's residence) which is considered to be excessive for a low density zone and more than double that currently permitted under the SEPP as a result of the Amendment. As such, the proposed boarding house is not consistent with the provisions of the Draft Amendment to the SEPP.

The applicant contends in the review request that Council placed too much weight on the amending SEPP and its prescriptive control given that the DA was lodged prior to commencement of the amending instrument. The applicant asked that Council consider the judgement delivered by the NSW Court of Appeal in the matter of Terrace Tower Holdings P/L v Sutherland Shire Council (2003). Spigelman CJ noted in this case, "Where a draft instrument seeks to preserve the character of a particular neighbourhood, that purpose will be entitled to considerable weight in deciding whether or not to reject a development under the pre-existing instrument which would in a substantial way undermine 'that objective'". The applicant contends that development within the precinct could not be considered typical of low-density residential development, and as such it is considered that the proposed development is compatible with the built form of other development in the local area and thereby does not 'in a substantial way undermine the objective' of the Amending SEPP.

The applicant further noted a decision of the NSW LEC in June 2019 (ACN v Northern Beaches Council [2019] NSWLEC 1261) which involved a boarding house containing 32 boarding rooms. The Court was required to consider how much weight should be given to the Amending SEPP in the context of determining the application. The Court reasoned that, although some weight should be given to the provisions of the amending SEPP, the proposed development was compatible with the character of the local area.

The intent of the amending instrument is to facilitate the development of boarding houses in the R2 zone that are compatible with the character of residential density that is typically expected in that zone (emphasis added). The area around the site (i.e. 'the neighbourhood', 'the local area') does broadly include a range of land uses and building types and scales which are for the most part

reflective of the different zones applying to land within the area. It is relevant to note that the subject site is at the upper boundary of the R2 zone which extends some direction westward and to the south. Adjacent land is zoned SP1 zone which provides for a different range of land uses and much higher and larger buildings via the applicable planning controls. Far more generous building height and FSR limits apply to land further eastward of the site in the Wollongong City Centre, the perimeter of which aligns with the edge of the Staff Street road reserve immediately adjacent to the site.

In considering the nature of development in the R2 zone specifically, for the most part the character of development reflects the planning controls, with the one exception to that being the adjacent Diment Towers which at 10 storeys tall is a significant departure from the planning controls for the R2 zone. This in itself does not set the general tone of development in the R2 zone which extends some way to the south and west of the site, nor does it reflect the desired future character of the R2 zoned area which is reflected in the current planning controls.

Irrespective of the 12-room limit, the scale of the development when measured in terms of building height measured in number of storeys, FSR and boundary setbacks is excessive. The site is relatively narrow for the scale of building proposed, which is in part derived from the number of rooms for which consent is sought. The car parking area is constrained, the communal facilities are small and are likely to create issues for the amenity of future lodgers. The site is suitable for a boarding house however the scale of the development is inappropriate. A reduction in room numbers and overall scale would assist in resolving some of these concerns.

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

3.3.1 WOLLONGONG DEVELOPMENT CONTROL PLAN 2009

CHAPTER A2 – ECOLOGICALLY SUSTAINABLE DEVELOPMENT

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

Generally speaking, the proposal is broadly consistent with the principles of Ecologically Sustainable Development in that the development will provide for higher density residential occupation within reasonable proximity of the city centre, public transport and nearby employment opportunities and retail/ service areas.

CHAPTER A1 – INTRODUCTION

8 Variations to development controls in the DCP

Chapter B1- Residential Development

The reasons for refusal of the original DA made reference to the inconsistency of the development with Clause 5.2 Number of Storeys and Clause 5.4 Side and Rear Setbacks.

1. Clause 5.2 Number of storeys

A 2 storey height limit applies to the R2 Low Density Residential zone. The proposed number of storeys exceeds the required 2 storeys under Clause 4.1 of Chapter B1. The proposed building is three storeys in height when viewed from the south however has the appearance of a mainly two storey building from the street (east), the west and north, with the lower ground floor being partly below ground.

The applicant contends that the 2 storeys control is unreasonable and unnecessary as the architectural design of the building will not pose any adverse impacts to its streetscape and surroundings therefore satisfying all objectives of the clause. The applicant further argues that objectives of Clause 4.3 of WLEP2009 are to ensure that the development does not exceed the maximum height.

The applicant states that DCPs are planning instruments that allow flexibility, with quotation on Land & Environment Court's approach to the application of DCPs, and with EP&A Act Section 4.15 (3A) to argue that Council should be flexible to allow reasonable alternative solutions when an application does not meet DCP standards.

Planning Comment:

The building is 3 storeys in height within the 9m height limit which is achieved via slightly reduced floor to ceilings heights. This may compromise internal amenity, particularly for the rooms on the upper floor of Block A which has a 2.4m floor to ceiling height.

The intent of the storey control is to maintain a low-density residential environment. Due to other non-compliances such as reduced setbacks and the number of boarding houses proposed for an R2 zone, the third storey is not supported as overall the proposal appears to be an overdevelopment of the site.

This reason for refusal has not been addressed through revised plans.

2. Clause 5.4 Side and Rear Setbacks

Chapter C3 Boarding House (Clause 3.2) requires the application of the relevant side and rear setbacks controls of Chapter B1 Residential Development. Council considered it appropriate that the development be subject to the setback controls for multi-unit development as this is a comparable building form to that type of development. These setbacks are contained in Section 5 of Chapter B1 and provide for a setback requirements of 0.8 x the ceiling height minimum and 1 x ceiling height where living room windows or balconies face the boundary.

Furthermore, the DCP also states under Clause 5.4.2(3), for attached dwelling developments containing three storeys and 4 or more dwellings, the additional separation/side setback requirements for residential flat buildings will apply. The required setbacks for residential flat buildings are larger again.

(a) Southern boundary

Given the varying ceiling heights of the buildings and the site slope along the southern boundary, a varying setback applies to the southern boundary:

- Block A requires a setback of 7.2m. 1.5m is proposed. The windows on the southern elevation of this Block are non-openable glass bricks which will obscure views and noise transmission to the south.
- Block B requires a setback of up to 8.75m. The setback to the LG level is 2.785m; to the Ground Floor and upper floor is approx. 2m. on the southern elevation there are window openings directed to the south-west to prevent direct line of sight to the southern boundary.
- Block C requires a setback of up to 4.96m. A setback of 1.5m is proposed. South-facing windows are glass blocks which will obscure views and noise transmission to the south.

While direct overlooking may not be problematic given the defensive design approach adopted to the southern elevation, in terms of built form, the 3 storey wall of the building will sit as close as 1.5m from the southern boundary of the site which is uncharacteristic of development in the R2 zone. The land slopes to the south and as such the building will be at a higher elevation than the adjacent site. The building will be visually dominating when viewed from the south.

(b) Northern boundary:

Given the varying ceiling heights of the buildings and the site slope along the northern boundary, a varying setback applies:

- Block A: requires a setback of 5.7m. A setback of approx. 4.5m is proposed. Clear glazing is proposed to windows and the open access and stair landing will be within 3m of the boundary on both levels.
- Block B setbacks are compliant.
- Block C requires a setback of 5.4m. A 2m setback is proposed to the northern wall and top of stairs/landing and open walkway.

(c) Rear/ western boundary:

- Block C requires a setback of 5.2m. A min 3.475m setback is proposed to the western wall/ 2.5m approx. setback to the rear balconies of the west-facing rooms.

Applicant's Justification

The applicant claims that there will be no overlooking to the adjacent IRT development while the separation is also sufficient and will not pose any negative impacts in terms of overshadowing, surveillance and the desired urban form. The applicant further stated that the proposal will not pose any adverse impacts to the locality and the proposed boarding house will meet a significant demand in the locality.

The applicant argues that the proposal follows the minimum distance of 2m for the southern boundary as suggested during Design Review Panel meeting, and contends that the DCP is a planning tool which should allow flexibility.

Planning Comment

It is noted that the plans submitted with the review request were not revised and as such the setbacks have not been increased.

The setbacks to each boundary are non-compliant with the requirements of the DCP. In terms of the setbacks to the south, should the adjoining IRT Diment Towers be redeveloped or altered in the future, the reduced setbacks may impose unreasonable restrictions on the redevelopment potential for the adjoining site. This was raised as an issue at the DRP meeting and has not been resolved through amendments to the plans. Further, it is considered that the proposal will be visually dominant in views from the south.

The variations to the setback controls are not supported in this instance. Whilst the site is constrained to the front of the site due the location of trees, there are no constraints to the middle and rear of the site which would warrant variations.

Non-compliance with the setback controls further indicate that the size of the development is inappropriate with regard to the R2 low density controls. There are opportunities for privacy impacts to existing and possible future redevelopment of adjoining sites in all directions.

CHAPTER C3: BOARDING HOUSES

<i>Controls/objectives</i>	<i>Comment</i>	<i>Complies</i>
3 Development controls for boarding houses		
<u>3.1 Location of Boarding Houses</u>		
Generally, access to public transport within 400m walking distance of railway station or bus stop (regular bus service) that has at least one bus per hour 6am-9pm Monday to Friday and 8am-6pm weekends.	The location of the subject site is compliant with the controls. Wollongong railway station is located approximately 660m east of the site. Bus stop location and frequency of service complies. A bus stop is located right next to the site on Staff Street.	Yes
Access to employment and or services, to parks and education facilities.	Wollongong Central Shopping Centre is located east of the site and offers a range of employment opportunities and services. Wollongong Public Hospital is located approximately 220m north-east of the site and the Private Hospital and day	Yes

<i>Controls/objectives</i>	<i>Comment</i>	<i>Complies</i>
<p>Clustering of boarding houses should be avoided so as to reduce the amenity impacts on residential areas. A separation distance of 150m should be considered from existing boarding houses in areas not covered by the SEPP.</p>	<p>surgery are closer again.</p> <p>Wollongong West TAFE is located approximately 400m south-east of the site.</p> <p>Wollongong University and Wollongong Central are accessed by buses from Crown Street approximately 110m from the site.</p> <p>The submission from St Marks Anglican Church identifies that it operates 3 registered boarding houses immediately adjacent to the site. These occur on the 2 sites to the immediate north and west and provide university accommodation. These were approved under DA-2013/1533 and represent a variation to the DCP clustering controls in themselves. It is not known whether there are any issues arising between or around the 3 boarding houses as a result of their close proximity however given the site layout, it appears that the 3 boarding houses operate together. The room numbers are low with the total potential occupancy across the 3 boarding houses being 16.</p>	No
<p><u>3.2 Front Building Line Setbacks</u></p> <p>Setbacks as required by Chapter B1 for the building form OR minimum 6m required (whichever is the greater)</p>	<p>8m proposed setback.</p>	Yes
<p><u>3.3 Side & Rear Setbacks</u></p> <p>Setbacks as required by Chapter B1 for the building form: similar built form is multi-unit housing which is subject to the requirements of Clause 5.4.2 Side and rear setbacks:</p> <p>R2 Low Density Residential: 0.8 x ceiling height or 1 x building height where there are habitable room windows or balconies.</p>	<p>Refer to discussion above.</p>	No, variation requested .
<p><u>4 Minimum facilities for boarding houses</u></p> <p>Class 3 boarding house BCA requirements.</p> <p>Demonstrate balance between shared and private areas.</p>	<p>Building is Class 3.</p> <p>Ground floor rooms will have access to outside areas while some upper floor rooms will have access to a balcony. There is communal landscaped area at the rear/south-western corner of the site and a single common room which is not large and will be the sole place for cooking other</p>	Yes

<i>Controls/objectives</i>	<i>Comment</i>	<i>Complies</i>
Boarding rooms minimum 12m ² (single room) and minimum 16m ² (double room).	than microwaves in individual rooms. The plans indicate single bed rooms however the POM indicates that up to 2 adults can occupy each room. Room sizes are 16m ² excluding the kitchenette/laundry and bathroom facilities.	
Maximum no. of lodgers per room is two.	Plan of management specifies maximum occupancy of two adults per room.	
If ensuite provided, minimum additional 3 m ² .	All rooms have minimum dimension of 1.5 x 1.5m ensuite.	
Minor kitchenettes provided in bedrooms shall contain fridge, adequate cupboards and shelves, with a microwave.	Kitchenettes are proposed in each room (sink, bench, cupboards, fridge and microwave).	
Communal kitchen supply cupboards, sink, food preparation benches and cooking facilities plus tables and chairs in a central location.	Communal kitchen is to be integrated into common room.	Yes
Laundry and clothes drying facilities at following rate: <ul style="list-style-type: none"> • 1 machine and tub/10 boarding rooms • 1 clothes dryer or 30m clothesline/10 boarding rooms 	Required number of washing tub and drying area: 3 per each Each room will have its own tub and washing machine. Applicant only proposed one 30m drying area which may not be enough for 25 rooms. This could be conditioned to be increased in size. The clothes drying area will receive little sun due to its position in the south-western corner of the site.	Yes
Minimum 1 communal living room of sufficient size to accommodate proposed number of residents.	24.5sqm ground floor communal room proposed. There are concerns that this room will be of insufficient size to service a possible population of 52 lodgers given that it will provide communal cooking facilities. This may not be workable and may compromise resident amenity. The size of the room may foster tension between lodgers leading to conflict or social isolation through lack of desire to use the space.	No
Communal living room 3 hours direct sunlight 9am-3pm on 22 June.	Communal room will receive more than 3 hours sunlight.	
Communal living rooms appropriately located to minimise impacts on adjoining properties	Communal room situated between two rooms facing the street frontage; minimal impacts on adjoining properties expected.	Yes
Where the boarding house is not within walking distance to public open space it	Front and rear common open spaces are	Yes

<i>Controls/objectives</i>	<i>Comment</i>	<i>Complies</i>
should provide 30 square metres of private open space.	accessible to all lodgers.	
Private open space in the rear setback	A common open space is proposed at the rear/ west of the building. The rear setback is less than that required and communal use of this rear setback space may compromise the amenity of the ground floor rooms in Block C which feature large sliding doors.	Yes and no
Minimum 1 private open space area of 20m ² with minimum dimension 3m for use of lodgers	A 3 x 3m space specific to the manager's room is proposed in the front setback adjacent to the entrance. No privacy measures are proposed so this space will not be private.	Yes & no
If accommodation is provided on site for a boarding house manager, then one area of at least 8 metres square with a minimum dimension of 2.5 metres is to be provided adjacent to the accommodation for the purpose of private open space.	Vegetation and retention of trees within the front setback will offer some privacy and visual screening to the street.	Yes
Landscaping in front setback should soften built form of the boarding house and maintain visual amenity of surrounding locality.	Nearest public reserve approximately 883m. Open space within the site exceeds 100m ² .	
Landscape plan required.	Landscape plan show combination of boundary and bed planting and grass. Landscaping in front and rear setback areas. Landscaping concept plan provided with original DA.	
Satisfactory provision for on-site car parking for residents, manager and visitors.	Refer to discussion with regard to Chapter E3 below. Note vehicular manoeuvring does not comply with Chapter E3 and indicates a constrained internal site layout.	Yes & no
Car parking in accordance with Chapter E3.	Quantum of car parking spaces as per Chapter E3.	Yes & no
Suitable disabled access arrangement in accordance with Australian Standards.	Two disabled persons' / accessible rooms are proposed on the ground floor which are accessible from the single nominated disabled persons' car space.	Yes
Subdivision or community title subdivision is prohibited.	Subdivision not permissible nor proposed.	Yes
Application shall address what the key objectives of the development are, local area characteristics, physical and social characteristics of the boarding house, key social impacts.	Social Impact Assessment Report submitted with the application.	Yes

Controls/objectives	Comment	Complies	
<u>5 Management Plan</u>			
Plan of Management required	Plan of Management provided.	Yes	
Staffing measures	POM indicates on-site manager though it is not explicit as to whether manager will be present 24/7.		
Measures to ameliorate potential noise or amenity impacts within the building and surrounding locality	Information to lodgers upon signing agreement includes expectation that neighbouring residential amenity will be maintained, and noise emission will be regulated. Outdoor communal areas not to be used between 10pm and 7am. Visitors must not stay overnight. Minimum tenure of three months for each boarding room.		
Safety and security measures to be employed	Evacuation process will be displayed in each boarding room, hallway and common area. Each sign outlines the emergency contact details and evacuation process.		
House rules to be displayed.	Each lodger would be required to sign a copy of the house rules statement and an occupancy agreement. Minimum stay 3 months.		
Emergency evacuation plan	To be approved by the Principal Certifying Authority. Caretaker to be trained in operation of the evacuation plan.		
Parking statement	All parking on a first come first served basis.		
24hr contact details of the manager/caretaker.	To be displayed in common room and externally at the front entrance. Manager to reside on-site.	Noted	
<u>6 Fire safety</u>			
Fire safety statement to be displayed in building	As required by legislation and referred to in Plan of Management. Can be conditioned.		
Floor layout plan to be affixed to each room door	As required by legislation and referred to in Plan of Management. Can be conditioned.		
Annual certification for essential fire safety measures	As required by legislation and referred to in Plan of Management. Can be conditioned.		

<i>Controls/objectives</i>	<i>Comment</i>	<i>Complies</i>
<u>Schedule 1 Boarding House Management Template</u>		
Various matters	Plan of Management provided	Yes

CHAPTER D1 – CHARACTER STATEMENTS

West Wollongong

The Desired Future Character statement for West Wollongong is as follows:-

West Wollongong is likely to experience some change given its close proximity to Wollongong City Centre. West Wollongong will remain a low to medium density residential area with potential for some additional medium density housing in the form of townhouses in short walking distance to existing bus stops, situated on Crown Street and Mount Keira Road.

Any new development should preferably be of a face brick work and pitched roof tile construction. Any new development must also be sympathetic with the prevailing streetscape character of the surrounding locality.

West Wollongong will continue to be a base for educational excellence through the existing private and public schools. The suburb is likely to experience the establishment of some new health consulting rooms (e.g specialist and general medical health care practices etc), in close proximity to the Wollongong Hospital medical precinct. Any such new health consulting room will only be permitted where, in the opinion of Council, it is compatible with the surrounding residential neighbourhood.

CHAPTER E1: ACCESS FOR PEOPLE WITH A DISABILITY

The plans make provision for 2 accessible rooms for disabled people and one nominated disabled persons' car space and associated shared zone. Compliance with the BCA, Access to Premises Standard, AS 1428 and AS 2890 will be required if consent is granted to the development.

CHAPTER E2: CRIME PREVENTION THROUGH ENVIRONMENTAL DESIGN

<i>Control/objective</i>	<i>Comment</i>	<i>Compliance</i>
<u>3.1 Lighting</u>	The plans do not indicate any external lighting of the main entrance, car parking area or shared outdoor spaces. If lighting were to be proposed, it should provide for sufficient illumination of such spaces without resulting in nuisance light spill or glare to neighbouring properties.	Not known
<u>3.2 Natural surveillance and sightlines</u>	The building layout will provide for surveillance of the entrance and car parking area.	Yes
<u>3.3 Signage</u>	Details not provided	Not known

<u>3.4 Building design</u>	Potential concealment/ entrapment opportunity near the bin room and within the rear clothes drying area – natural surveillance of these spaces is not available	No
<u>3.5 Landscaping</u>	Existing vegetation within the front setback will offer screening of the building which is positive from a streetscape perspective but not from a natural surveillance perspective.	
<u>3.6 Public open space and parks.</u>	N/A	N/A
<u>3.7 Community facilities and public amenities</u>	N/A	N/A
<u>3.8 Bus stops and taxi ranks</u>	Near to the site	

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

6 Traffic impact assessment and public transport studies

Clause 6.1 Car Parking and Traffic Impact Assessment Study

Council's Traffic Engineer indicated that a traffic impact assessment was not required for this proposal.

7 Parking demand and servicing requirements

Boarding houses require:

- Car spaces - 0.5 car parking spaces per staff member plus 1 car parking space per 5 beds – i.e. total of 6 spaces required; proposed 6 car spaces including 1 accessible car space/
- No motorbike parking is required
- Bicycle parking – 1 bicycle per bed = 26 required; proposed 26 bicycle spaces in the bike store room.

Clause 7.2 Disabled persons' access and parking – the proposal makes provision for 1 disabled persons' car space and access to the nominated accessible rooms.

Clause 7.7 Car parking layout and design – must comply with AS2890 and the following requirements:

- (a) parking areas must be designed so any vehicle which uses the area will be able to enter and leave the site in a forward direction without the need to make more than a 3 point turn.

Comment: the vehicle swept path analysis provided indicates that vehicles will need to make up to 5 turns in order to leave the site in a forward direction; this indicates a constrained internal layout.

8 Vehicular access

Driveway grades and sight distances appear to comply with relevant controls.

9 Loading / unloading facilities and service vehicle manoeuvring

Waste servicing will occur from the kerb which is not acceptable in this location. it is not clear how bins can be collected from the street frontage given the curved narrow nature of the public footpath

and the presence of an existing handrail adjacent to the footpath. Council's Traffic Engineer has advised that on-site collection should be provided in this instance.

10 Pedestrian access

The proposal is satisfactory with regard to pedestrian access into the site and along the frontage. A separate pathway is provided parallel to the driveway.

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

Issues have been raised at section 1.6.1 with regard to the principles of CPTED. The building layout will provide for good surveillance of the vehicle and pedestrian entrance and the car park.

12 Landscaping requirements for at-grade car parking areas

An existing hedge adjacent to the northern boundary will be retained which will offer some screening of the car parking area from the property to the immediate north and this will assist in reducing headlight glare impacts of turning and exiting vehicles.

CHAPTER E6: LANDSCAPING

The original DA was accompanied by a landscape plan which was deemed acceptable by Council's Landscape Architect.

CHAPTER E7: WASTE MANAGEMENT

A Site Waste Minimisation and Management Plan (SWMMP) was provided with the DA which dealt with demolition and construction waste management. The SWMMP also outlines the operational waste generation rates and requirements for bin storage and weekly bin collection. The plan indicates that bins will be moved by the manager to the street frontage for collection. Given the shape of the site frontage and constrained footpath, it is not clear where bins can be reasonably placed for collection on the frontage. Council's Traffic Engineer has indicated that on-site collection should be accommodated.

CHAPTER E12: GEOTECHNICAL ASSESSMENT

The original DA was reviewed by Council's Geotechnical Engineer and was considered to be suitable with regard to site stability subject to recommended consent conditions being applied.

CHAPTER E13: FLOODPLAIN MANAGEMENT

N/A; the site is not flood affected.

CHAPTER E14: STORMWATER MANAGEMENT

Refer to discussion at section 1.6.1.

CHAPTER E17: PRESERVATION AND MANAGEMENT OF TREES AND VEGETATION

An arborist report was supplied with the application. Three (3) trees are to be removed and tree protection measures are recommended for the remainder of the trees on the site to ensure their long-term health and longevity. The application is satisfactory to Council's Landscape Architect in this regard. If consent were granted, conditions should be imposed in relation to tree protection measures.

CHAPTER E20: CONTAMINATED LAND MANAGEMENT

N/A; refer to discussion regarding SEPP 55 above.

CHAPTER E21: DEMOLITION AND HAZARDOUS BUILDING MATERIALS MANAGEMENT

Conditions relating to demolition and waste management including handling and disposal of any hazardous building materials could be imposed.

CHAPTER E22: SOIL EROSION AND SEDIMENT CONTROL

Conditions requiring the employment of appropriate soil erosion and sedimentation controls prior to and during construction could be imposed.

3.3.2 WOLLONGONG CITY WIDE DEVELOPMENT CONTRIBUTIONS PLAN 2018

The estimated cost of works is \$1,568,261 and a levy is applicable under this Plan if the development is approved.

3.4 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.

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

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

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

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

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

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

the provisions of that Policy,

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

The proposal involves demolition and as such consideration must be given to AS 2601-1991. If approved, conditions should be imposed requiring compliance with AS2601-1991 and in regard to demolition management generally.

The site is located outside of the NSW Coastal Zone, so the Government Coastal Policy does not apply to the proposal.

93 Fire safety and other considerations

N/A.

N/A.

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

Context and Setting:

The DRP (when it reviewed the original DA) acknowledged that while the site is suitable for boarding house development, consideration must be given to the zoning of the land being R2 Low Density Residential. The site is located outside the Wollongong City Centre.

The DRP were of the view that, given the scale of the development, there had been insufficient consideration to the zone objectives and the setback controls contained within Chapter B1. It is also noted that the FSR of the development exceeds that permitted in the zone. These aspects of the proposal, coupled with the shortcomings in on-site facilities and lack of available vehicular manoeuvring and waste management arrangements, suggest that the proposal is an over development of the site. A smaller scale boarding house may be more suitable for this site if all other aspects are resolved including drainage arrangements.

Access, Transport and Traffic:

Vehicular access appears to be acceptable however the site layout is constrained with vehicles needing to undertake a 5 point turn in order to turn on site which is unacceptable with regard to the requirements of Chapter E3 of WDCP 2009.

Waste servicing details have not been clarified in the review application. Provision is not made for on-site collection of waste, so bins will need to be collected from the street frontage. The POM indicates that the manager will be responsible for moving bins to the frontage for collection. Given the curved and narrow frontage of the site and the presence of a handrail hard against the edge of the pedestrian footpath (see Figure 3 in Attachment 2), it is not known how bins can be stood on the frontage for collection without compromising pedestrian and vehicle accessibility or on-street car parking. Council's Traffic Engineer has stated that on-site collection should be provided for in this instance.

Public Domain:

As noted above, waste collection details are unclear. The earlier plans indicated that a bin collection platform would be constructed on the verge adjacent to the public footpath which is unacceptable to Council. If bins are to be collected from the site frontage, this will have an adverse impact on the public domain. Council's Traffic Engineer raised concerns in this regard.

Provision should be made for on-site collection; the site layout would not make this possible.

Utilities:

The proposal is not expected to place an unreasonable demand on utilities supply. Existing utilities are likely to be capable of augmentation to service the proposal.

Heritage:

The site is not heritage listed nor are there are nearby heritage items that will be affected by the proposed development.

Water:

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

Consumption - The proposal is not expected to involve excessive water consumption.

Water quality – with appropriate controls the development should not have adverse impacts on water quality.

Stormwater disposal – as discussed above, the proposal does not make provision for the appropriate disposal of stormwater from the site. This will result in direct off-site impacts.

Soils:

It is expected that, with the use of appropriate erosion and sedimentation controls during construction, soil impacts will not be unreasonably adverse. Conditions should be imposed in this regard if the proposal is approved.

Air and Microclimate:

The proposal is not expected to give rise to any negative impacts on air quality or microclimate.

Flora and Fauna:

Three trees are proposed to be removed to facilitate construction of the proposed development. This has been reviewed by Council's Landscape Architect who raised no concerns with regard to vegetation removal. Conditions were recommended for imposition in regards to the employment of tree protection measures for those trees to be retained within the site.

Waste:

Waste management during construction could be managed through proper arrangements and conditions. On-going waste management arrangements are unsatisfactory.

Energy:

The proposal is not expected to require excessive energy consumption.

Noise and vibration:

Some noise impacts are expected given the scale of the development and the number of potential lodgers. It is expected that the provision of an on-site manager will assist in reducing the likelihood of unacceptable tenant behaviour. The POM makes provision for some measures to reduce noise arising from communal areas including curfews.

Natural hazards:

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

Technological hazards:

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

Safety, Security and Crime Prevention:

Some concerns have been raised by Council's Community Safety Officer with regard to crime prevention through environmental design principles and in regard to social isolation, creation of opportunities for anti-social behaviour and the like. The small room size and limited communal facilities are likely to exacerbate tension between lodgers.

Social Impact:

The applicant has submitted a Social Impact Assessment and has addressed the assessment criteria properly. There is a need for additional affordable housing opportunities within the region and the provision of additional affordable housing within proximity to the Wollongong city centre, essential services, employment is commendable. However, there are concerns around the scale of the development and inappropriate site layout. A smaller boarding house may be more appropriate.

Economic Impact:

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

Site Design and Internal Design:

The site / internal design is unacceptable in numerous ways. Firstly, the proposal does not make provision for appropriate stormwater disposal. There are concerns around non-compliant vehicular manoeuvring within the site and lack of appropriate waste collection arrangements. These aspects of the design will result in direct off-site impacts. Further, the built form exceeds the planning controls to guide appropriate scale in the locality inclusive of the number of boarding rooms, building height measured in terms of number of storeys, side setbacks and FSR. The communal facilities are limited and may be inadequate for the expected number of lodgers.

Construction:

Construction impacts have the potential to impact on the amenity of the neighbourhood including existing businesses and the public domain inclusive of traffic and pedestrian impacts.

Cumulative Impacts:

Due to the non-compliances with Clause 30AA of SEPP (ARH), approval of this development may result in other inappropriate boarding house development in the R2 zone. There are numerous other concerns with the proposal that, if approved, could lead to adverse cumulative impacts which would not be in the public interest (including inappropriate design response to stormwater management, vehicular manoeuvring and waste collection).

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

Does the proposal fit in the locality?

The site is located in an established residential zone, though it is noted that there is a range of development types in the vicinity, reflecting the proximity of the site to land with a different zoning to that of the site. It is acknowledged that there is a range of development types and scales including the adjacent IRT Diment Towers (the height and characteristics of which clearly do not reflect the desired future character for the precinct nor the current planning controls) and St Marks Anglican Church to the west. The proposed building is 3 storeys in height through the southern part of the site and this height is uncharacteristic of the R2 zone. The FSR exceeds applicable controls.

The changes made to SEPP (ARH) earlier this year to reduce boarding room numbers were in response to a State wide concern around the inappropriateness of larger boarding houses in the R2 Low Density zone. The scale of boarding houses with rooms numbers over 12 was considered to be inappropriate with regard to the objectives of the R2 zone. The scale of the development measured in terms of room numbers, resultant population, traffic generation and built form is considered to be inappropriate for the R2 zone.

Are the site attributes conducive to development?

The stormwater management concept is unsatisfactory, with there being unsuitable arrangements made for off-site stormwater disposal. In this regard the site attributes are not conducive to the development proposal.

Further, the vehicular manoeuvring and waste management arrangements are unsatisfactory. The impacts arising from these aspects of the proposal will be exacerbated by the available frontage width, available site width and the current volumes of traffic and on-street car parking utilisation in Staff Street.

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

Refer to discussion at Section 1.5 of this report.

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

The application may result in unreasonable impacts on the amenity of the locality, particularly having regard to likely resident numbers, traffic impacts and lack of on-site waste management. If the scale of the development were reduced, each of these impacts would consequently reduce.

This, coupled with the numerous departures from applicable planning controls, indicates that the proposal is not appropriate with regard to the site zoning and the objectives of that zone and therefore is contrary to the public interest.

4 CONCLUSION

The determination of DA-2018/1620 has been reviewed in accordance with the relevant provisions of the Environmental Planning & Assessment Act 1979.

None of the reasons for the refusal of the application have been resolved. It is acknowledged that there is a need for additional affordable housing opportunities within the region and the provision of additional affordable housing within proximity to the Wollongong city centre, essential services, employment is commendable. However, there are concerns around the scale of the development, inappropriate site layout and amenity for future lodgers. A smaller boarding house with a reduced number of rooms would be more appropriate having regard to the characteristics of the site and its R2 zoning subject to an appropriate resolution of stormwater drainage/ management from the site. The application should not be supported in its current form.

5 RECOMMENDATION

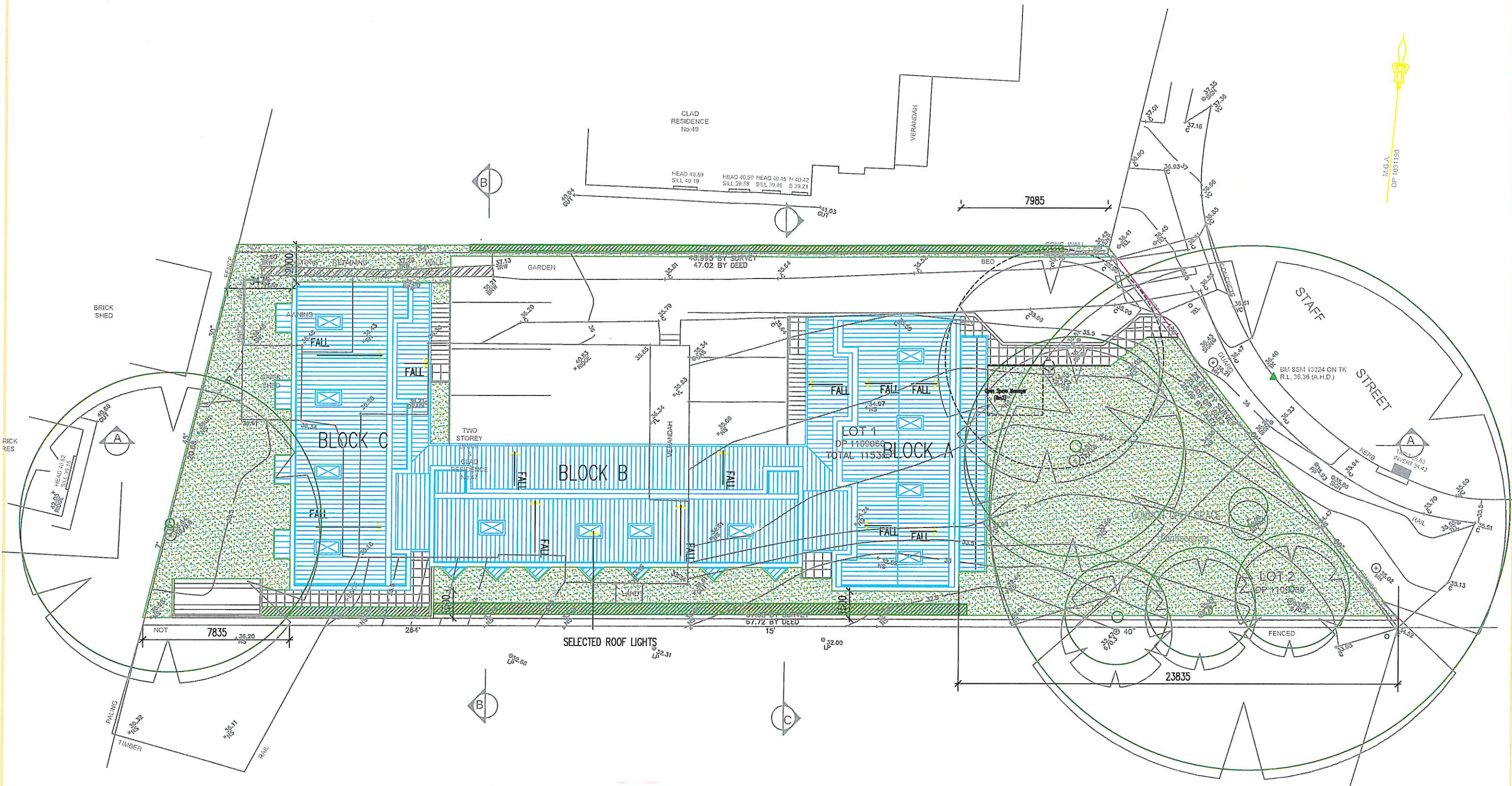
Based on this assessment, it is recommended that the original determination of refusal be confirmed. The reasons for refusal should be altered slightly as outlined below:-

- 1 In accordance with Section 4.15(1)(a)(i) of the Environmental Planning & Assessment Act 1979, the proposed development is inconsistent with the objectives for the R2 Low Density Residential Zone under Wollongong Local Environment Plan 2009 due to the number of boarding rooms proposed and the excessive height and scale of the building. This is inconsistent with maintaining a low-density residential environment.
- 2 In accordance with Section 4.15(1)(a)(i) of the Environmental Planning & Assessment Act 1979, the proposed development does not comply with Clause 4.4 Floor Space Ratio of Wollongong Local Environmental Plan 2009. The applicant has not provided a written request adequately addressing the matters required to be demonstrated by Clause 4.6(3), and consent cannot be granted. In any event, Council is not satisfied that compliance with the standard is unreasonable or unnecessary in the circumstances of the case, and that there are sufficient environmental planning grounds to justify contravening the development standard.
- 3 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 provisions of the Draft Amendment to Affordable Rental Housing State Environmental Planning Policy, with regard to the limit on the number of boarding rooms allowed in a boarding house development in R2 Low Density Residential zones to a maximum of 12 per site.

- 4 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 Development Control Plan 2009 with respect to the following chapters:
- a. Chapter B1 Residential Development: Clause 5.2 Number of Storeys and Clause 5.4 Side and Rear Setbacks.
 - b. Chapter C3 Boarding Houses: Clause 3.1 in relation to the location of boarding houses.
 - c. Chapter E3 Car Parking, Access, Servicing/Loading Facilities and Traffic Management in relation to car parking layout and vehicular manoeuvring and insufficient details regarding waste servicing.
 - d. Chapter E14 Stormwater Management: the development does not make provision for appropriate stormwater management arrangements.
- 5 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.
- 6 Pursuant to the provisions of Section 4.15 (1)(b) of the Environmental Planning and Assessment Act 1979, concerns are raised in relation to the amenity of future lodgers of the boarding house.
- 7 Pursuant to the provisions of Section 4.15 (1)(c) of the Environmental Planning and Assessment Act 1979, it is considered that the proposal fails to demonstrate the site is suitable for the development.
- 8 Pursuant to the provisions of Section 4.15 (1)(e) of the Environmental Planning and Assessment Act, 1979, it is considered 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.

6 ATTACHMENTS

- 1 Plans and the submitted Plan of Management
- 2 Aerial photograph of the site and locality, zoning extract and site photographs
- 3 DRP notes from the meeting held on 19 February 2019



ROOF/SITE PLAN

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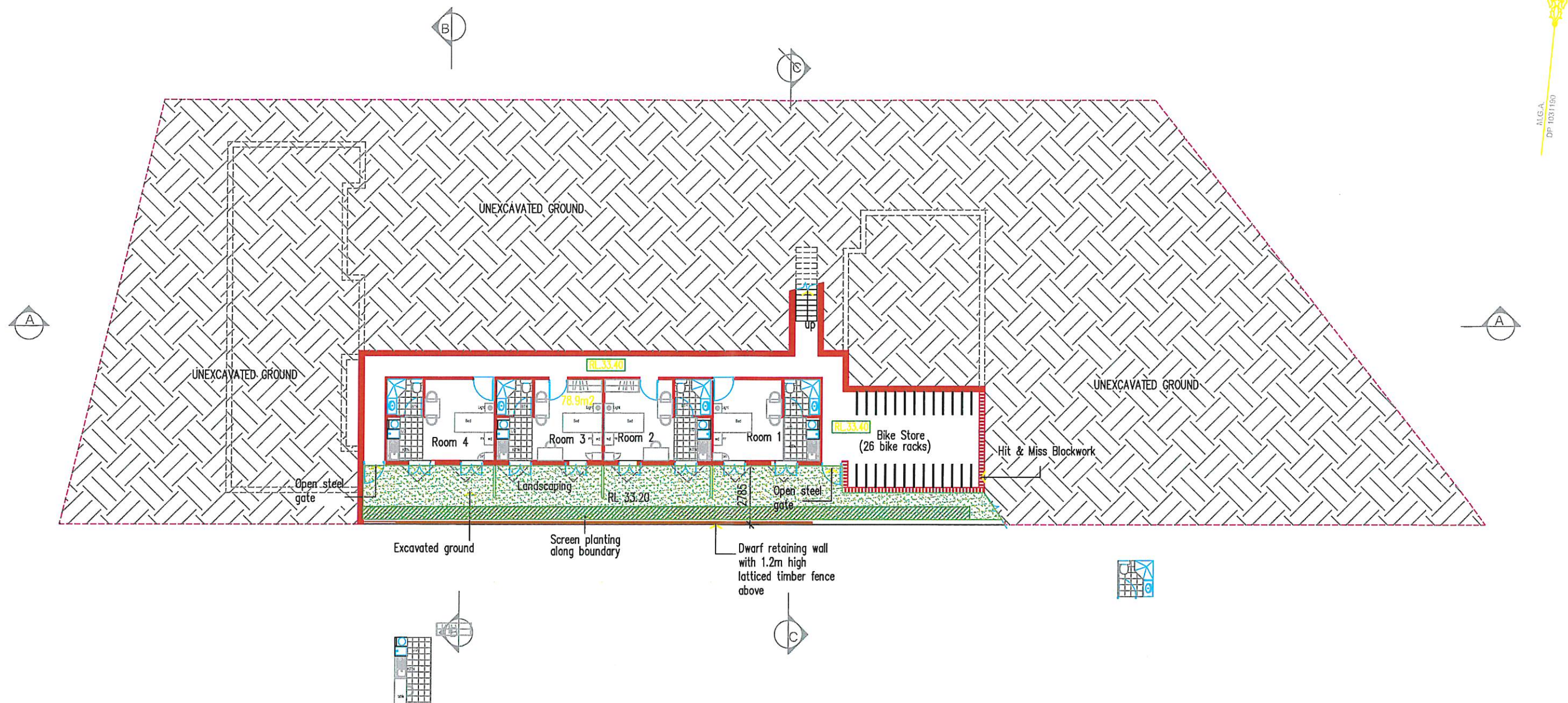
No.	DATE	AMENDMENT	BY
		REVISED DESIGN	

Nicholas Horiatopoulos
Architect/Planner /Urban Designer
Bach. Arch. NSW. Uni.
DIP. Urban & Regional Planning
2D ALFRED STREET LILYFIELD
Ph: (02) 9518 0490 or 0416 076 910 (Mob)
Email nhory@internode.on.net
CLIENT:

PROPOSED BOARDING HOUSE
47 STAFF STREET
WOLLONGONG

ROOF/SITE PLAN

SCALE: 1:200 @ A3	DWG. No.	REV.
DATE: June 2019	DA-02	
DRAWN: N.H.	JOB. No.	
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LOWER GROUND FLOOR PLAN

LEGEND

LANDSCAPING
(Refer to Landscape Architect's plans for details)

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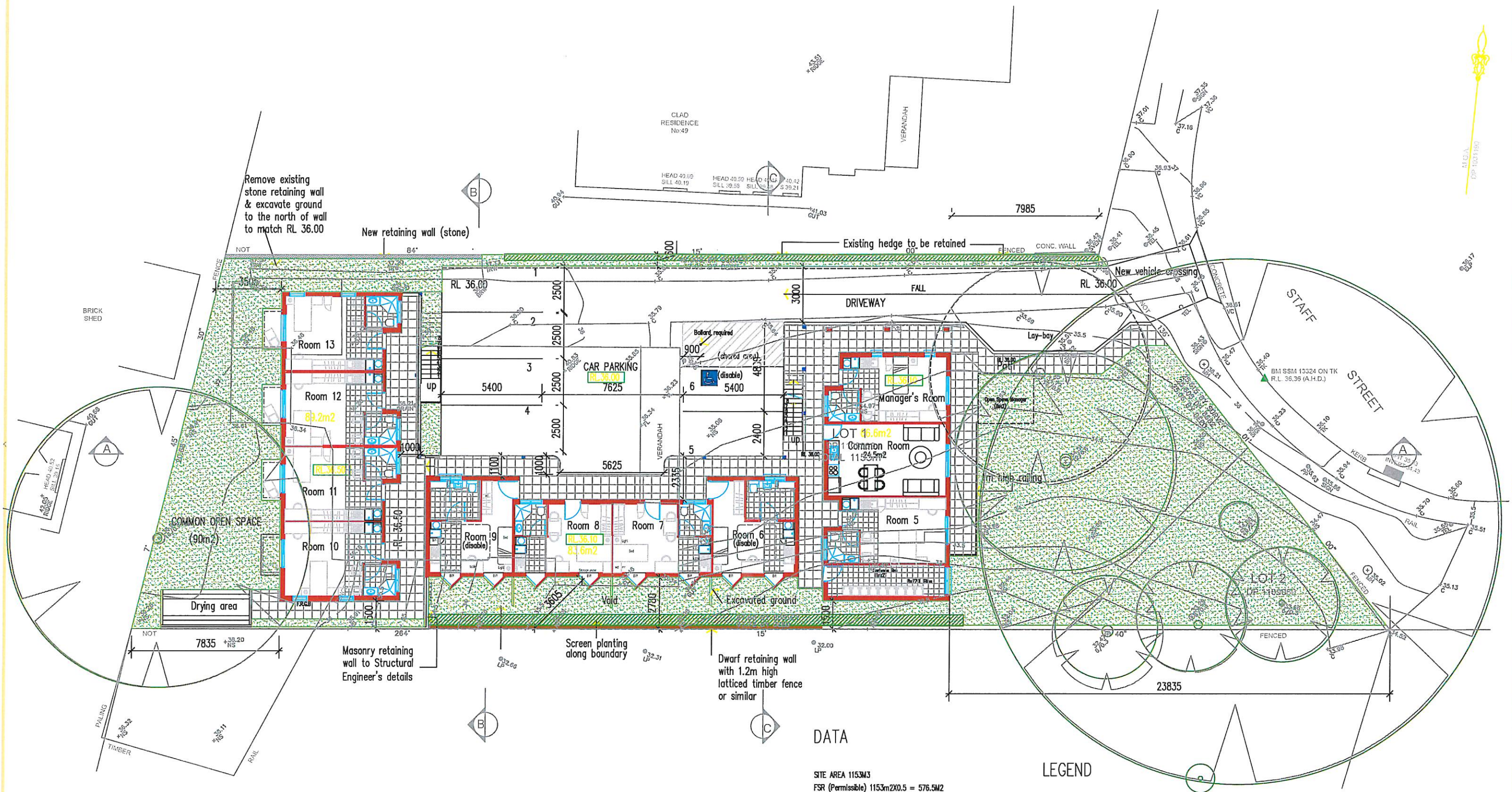
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		REVISD DESIGN		

Nicholas Horiatopoulos
Architect Planner / Urban Designer
Bach. A (ch. NSW) Uni.
DIP. Urban & Regional Planning
2D ALFRED STREET LILYFIELD
Ph: (02) 9518 0490 or 0416 076 910 (Mob)
Email nhory@internode.on.net

PROPOSED BOARDING HOUSE
47 STAFF STREET
WOLLONGONG

BASEMENT FLOOR PLAN

SCALE:	DWG. No.	REV.
1:100 A1	DA-03	
DATE:	June 2019	
DRAWN:	N.H	
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JOB. No.		
PRJ. NO.:		



GROUND FLOOR PLAN

DATA

SITE AREA 1153M²
 FSR (Permissible) 1153m² X 0.5 = 576.5M²
 FSR (Provided)
 BASEMENT FLOOR PLAN = 79.6M²
 GROUND FLOOR = 239.8M²
 FIRST FLOOR = 250.2M²
 TOTAL = 569.6M² (0.494:1)
 CAR PARKING (Required) = 5 + 1 Manager
 CAR PARKING (Provided) = 6
 LANDSCAPING (Required) = 20m² (total)
 LANDSCAPING (Provided) = 350m² +

LEGEND

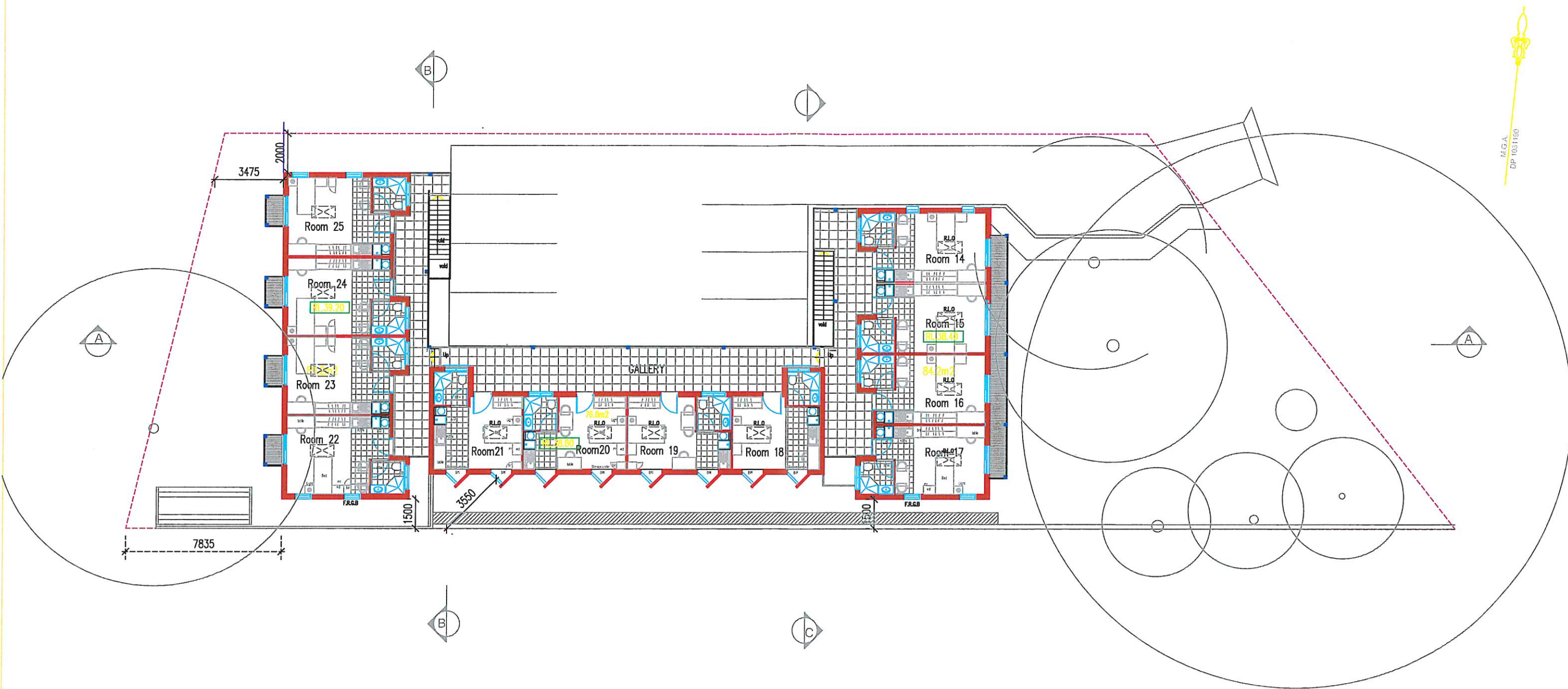
EXISTING TREES REFER TO ARBORIST REPORT

EXISTING TREES TO BE REMOVED

LANDSCAPING
 (Refer to Landscape Architect's
 plans for details)

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			Nicholas Horiapopoulos Architect/Planner/Urban Designer Bach. Arch. NSW. Uni. DIP. Urban & Regional Planning 2D ALFRED STREET LILYFIELD Ph: (02) 9518 0490 or 0416 076 910 (Mob) Email nhory@internode.on.net		SCALE: 1:100 @ A1 DATE: June 2019 DRAWN: N.H. PRINT: CHECKED:	DWG. No. DA-04 JOB. No. PRJ. NO.:	REV.
No.	DATE	AMENDMENT	BY	CLIENT:	PROPOSED BOARDING HOUSE 47 STAFF STREET WOLLONGONG GROUND FLOOR PLAN		
		REVISED DESIGN					



FIRST FLOOR PLAN

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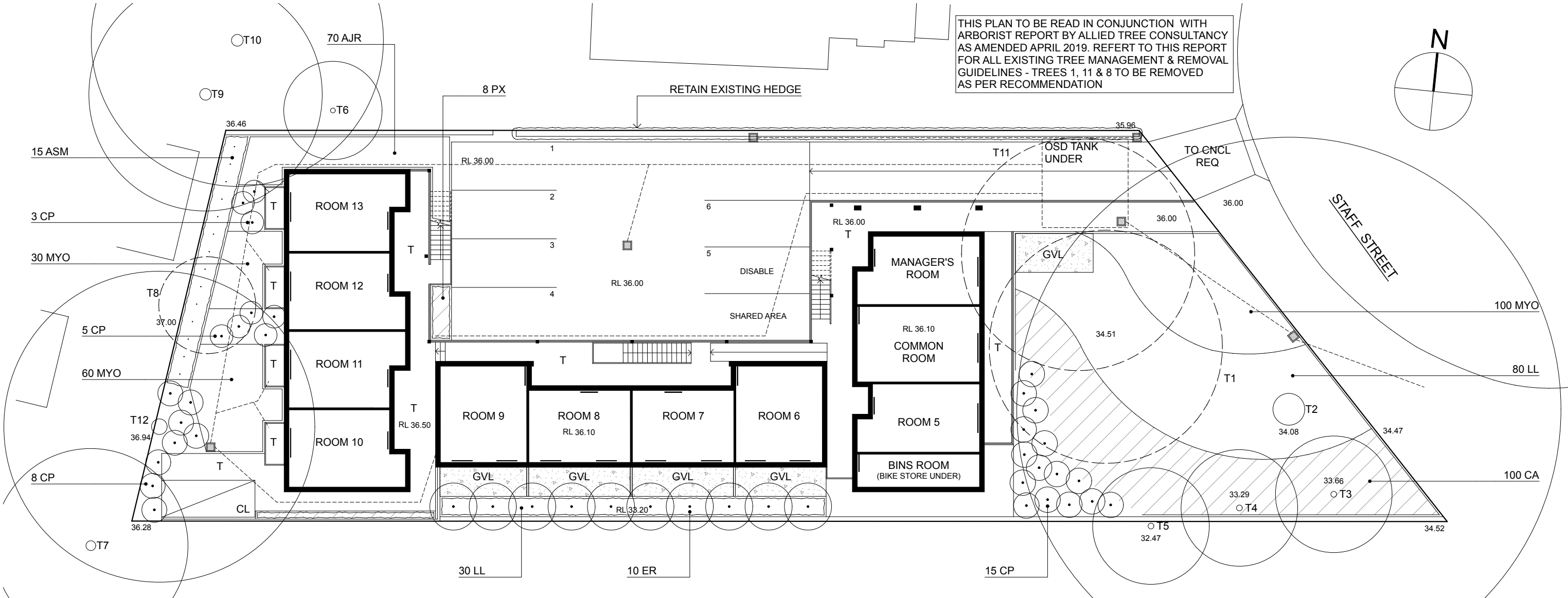
Nicholas Horiatopoulos
Architect/Planner /Urban Designer
Bach. Arch. NSW. Uni.
DIP. Urban & Regional Planning
20 ALFRED STREET LILYFIELD
Ph: (02) 9518 0490 or 0416 076 910 (Mob)
Email nhory@internode.on.net

PROPOSED BOARDING HOUSE
47 STAFF STREET
WOLLONGONG
FIRST FLOOR PLAN

SCALE: 1:200 A3	DWG. No.	REV.
DATE: June 2019	DA-05	
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DATE: June 2019		
DRAWN: N.H	DA-06	
PRINT:	JOB. No.	
CHECKED:	PRJ. No.:	



NOTES AND SPECIFICATIONS

EXCAVATIONS
Prior to carrying out any excavations, the contractor is to confirm locations of all services. Services pits and lids are not to be covered by any material. Trim and grade area to form a smooth even finish to required falls.

GARDEN BED / MULCH
The topsoil to all deep soil garden bed areas shall be four (4)parts site topsoil to one (1) part organic compost thoroughly blended together prior to placing into position. Where the site topsoil is considered not suitable, an imported topsoil blend meeting the requirements of AS4419-1998 shall be used. Garden bed subgrades are to be cultivated to a depth of 150mm. Topsoil depths to all garden bed areas to be 300mm (min). At the completion of all planting operations apply a 75mm layer of mulch over entire garden bed taking care not to smother plants. Reduce depth of mulch around base of plants to form “watering dish”. Mulch used shall be Pine Bark Nuggets as supplied by ANL or similar. All proposed planting is subject to suitable topsoil depths on site. Where there is insufficient depth due to presence of bedrock or other structures, the proposed planting is to be modified to suit in accordance with instructions from landscape architect.

TURF / GARDEN EDGING
Turf used for this site shall be Sir Walter Buffalo or similar soft leaf variety. Unless specified otherwise, turf shall be laid over 150mm topsoil and finished flush with adjacent surfaces. Water turfed areas immediately after turfing operations. Topdress any excessively undulating areas to form a smooth level surface with a coarse grade washed river sand. All garden edging as denoted by ‘GE’ on the plan is to be constructed as per detail.

PLANT MATERIAL
All plant material are to be healthy nursery stock, free from disease, injury, insects all weed or roots of weeds. No plant is to be installed which has not been hardened off or is otherwise inferior in quality. All plants are to be thoroughly soaked 1hour prior to planting.

EXISTING TREES TO BE RETAINED
The existing trees indicated for retention shall be protected for the duration of the construction period. Install a 1.8m high temporary protective fence (TPF) to the locations as indicated on the plan. Do not store or otherwise place bulk or harmful materials under or near a tree which is to be retained. Do not attach stays, guys and the like to a tree which is to be retained. Where it is absolutely necessary to prune tree roots / limbs contractor to ensure all Council approvals have been obtained. All tree work is to be carried out by a qualified and insured arborist. Where an arborist report has been prepared for the existing tree on site; The landscape plan shall be read in conjunction with this report. All trees identified for retention shall be protected and managed in accordance recommendations of this report. These recommendations will take precedence over any measures outline in the landscape plan.

MAINTENANCE / ON GOING CARE
Maintain all landscape areas to ensure plant health and occupant safety for period of 12 months beginning from date of practical completion to the satisfaction of Council. Maintenance will include but is not limited to the following activities: Mowing and edging lawn areas, fertilizing all plant material, pruning, watering, replacing failed planting, treating for pests and diseases, topping up of mulch areas and weeding garden beds as required. On completion of the initial 12 month period, all maintenance responsibilities shall be handed over to building management / property owner for on-going care. Note: All trees will require ongoing annual observation and maintenance by qualified arborist to ensure occupant safety, tree health and to avoid damage to surrounding structures and property.

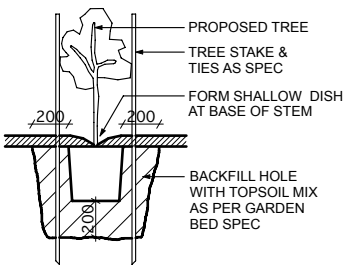
DISCREPANCIES
Should there be any discrepancies on the drawings with existing site conditions; contractor is to notify the landscape architect prior to proceeding with the works

PLANTING SCHEDULE

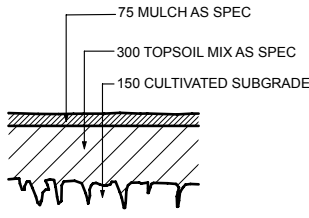
Code	Name	Pot Size	Mt Size	Qty
AJR	Ajugar reptans	100mm	Ground Cover	70No.
ASM	Acmena smithii ‘minor’	300mm	Trim to 2.0m	15No.
CA	Cissus antartica	150mm	GCover	100No.
CP	Crinum pedunculatum	300mm	1.5m	31No.
ER	Eleoacarpus reticulatis	75Litre	6.0m	10No.
LL	Lomandra longifolia	100mm	1.2m	110No.
MYO	Myoporum parvifolium	100mm	GCover	190No.
PX	Philodrendon “Xanadu”	200mm	0.5m	8No.

47 Staff Street Wollongong

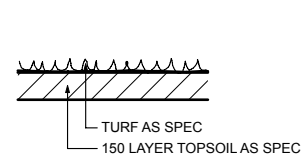
2 May 2019



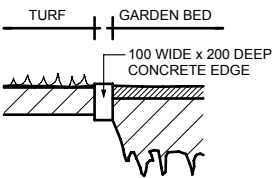
A TREE PLANTING DETAIL NTS



B GARDEN BED NTS

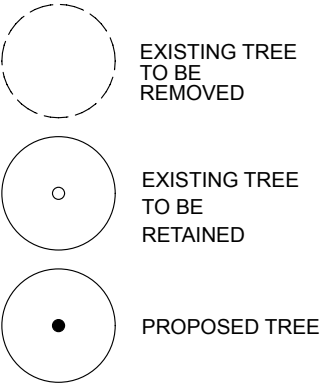


C TURFING DETAIL NTS



D GARDEN EDGE NTS

EXISTING TREE LEGEND



SURFACE TREATMENT LEGEND

STF	Synthetic Turf
TF	Turf
SGE	Steel Garden Edge (to detail)
GE	Garden Edge (to detail)
CL	Clothes Lines (to client requirements)
CB/TP	Colorbond / Timber Paling (1.8 high)
T	Tile (to client requirements)
RWT	Rainwater Tank (to Engineers Specifications)
PV	Pavers
PP	Water Permeable Unit Paver
SC	Stenciled Concrete (Charcoal/gunmetal)
DGR	Decomposed Granite finish
TPF	Temporary Protection Fence (1.8m chainmesh)
GVL	Gravel Surface / Path (Nepean River Pebble)
TD	Timber Deck
CP	Concrete Path
B	Bench Seat
BT	Table / Seating

Rev A Modified Arch Concept

15 April 2019

Michael Siu
Landscape Architects
PO Box 550 Hurstville NSW 1481
michael@msla.com.au
02 9557 9833 | 0417 280 249

Landscape Planting Plan

Proposed Residential Development
47 Staff St Wollongong

1:100@A1 , 1:200@A3 Dwg: L01/1- K23309 9 Nov 18

ABN 15 086 982 158

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MANAGEMENT PLAN

FOR A PROPOSED BOARDING HOUSE

LOCATED

AT

47 STAFF STREET, WOLLONGONG.

Prepared on behalf of

St Jude Property Investments Pty Ltd

BOARDING HOUSE MANAGEMENT PLAN (Council Template)

1 INTRODUCTION

This boarding house management plan sets out the various requirements and responsibilities of management and lodgers. The management plan must be provided to the relevant managing agent and residents of the boarding house

1.1 General details

Address: 47 Staff Street, Wollongong

Plan prepared: October 2018

The boarding house was approved: Date not available

1.2 Management arrangements

(a) The boarding house is to be managed by a manager who is to reside on the premises. The manager will be familiar with the content of this management plan and enforce the requirements outlined within.

The manager is not known at this stage. He will be appointed when the Boarding House is in operation.

(b) The manager will ensure their contact details are made available and displayed externally at the front entrance of the boarding house and internally within the common room.

A clearly visible sign with the name and telephone numbers of the Manager will be displayed at the front of the manager's room and within the Common Room

(c) The manager will conduct inspections/visitations on a monthly basis and keep record of these in a log book.

(d) The boarding house will be staffed by the manager. Other staff may be appointed to assist the manager for example for the cleaning of the premises and maintenance of the landscaping on the site if required. These matters will be considered once the boarding house is in operation.

(e) The manager will maintain an incident register and make it available if requested during inspection.

(f) The manager is responsible for organising any maintenance required, waste collection and other facility needs.

The manager will monitor and supervise all aspects of the Boarding House operation including;

- Enforcing boarding houses rules;

- Check occupancy rate for each room
- Minimise unreasonable impact on adjacent residents;
- Up-keeping the compliant and maintenance and repair registers;
- Disposal of waste and recycling;
- Monitor safety and ensure security is maintained; and
- Manage tenant selection

(g) The manager must notify Council in writing if there is any change to management arrangements or contact details within 1 month of the change

Residential Tenancy Agreements (under the Residential Tenancies Act 2010) will not be used without prior consent of the Council.

1.3 Lease agreements

(a) Process for selecting residents.

All tenants must submit a tenancy application, together with appropriate identification and verification checks prior to entering into a Lease Agreement. (As allowed by the New South Wales Boarding Houses Act 2012)

(b) Each tenant will be required to sign a Tenancy Agreement which complies with the New South Wales Boarding Houses Act 2012. The agreement will be explained in detail to each tenant prior to signing to ensure that each tenant fully understands their rights and responsibilities under the agreement. This will include information on ending tenancies in line with the Boarding Houses Act 2012. Following this the tenant will be asked to sign the lease to show that they agree to the terms and conditions contained within the lease. The Manager will also sign the lease and a copy will be given to the tenant. The Tenancy Agreement once signed by both parties becomes a legally binding document. A typical Lease document is attached.

(c) The minimum length of stay is 3 months.

(d) Policy for dealing with difficult residents

Unruly behaviour that is likely to offend or cause nuisance to other boarders or neighbours will not be tolerated. Management reserves the right to terminate a tenant's lease agreement should the boarder not comply with the house rules.

2 FIRE SAFETY

(a) All fire safety features within the building are to be regularly inspected and maintained

- The Boarding House will comply with essential fire safety measures outlined in the Environmental Planning and Assessment Regulation 2000, including but not limited to the following:

- A copy of the annual fire safety statement and current fire safety schedule for the premises will be prominently displayed in the Boarding House entry area.
- The Manager will be trained in relation to the operation of the Emergency Management and Evacuation Plan.
- The Boarding House will provide annual certification for the essential fire safety measures to comply with the Environmental Planning and Assessment Regulation 2000 and compliance with the Emergency Management and Evacuation Plan as required by the BCA.

(b) A floor plan will be provided and displayed inside of the door in each bedroom indicating emergency exit routes.

(c) The building will be constructed to comply with all fire requirements applying to Class 3 Building under the provisions of the BCA. This includes the installation of smoke alarms with evacuation lighting, fire exit signs self-closing doors and fire rated walls as required. The kitchenettes will only be fitted microwave ovens to prevent any fires.

Internal signage will be prominently displayed to provide the Manager's afterhours contact details, as well as emergency contact numbers for essential services such as fire, ambulance, police and utilities such as gas, electricity, plumbing, locksmith, security and cleaning services

Safety equipment will be inspected and maintained by the manager to ensure they are in good working order including the smoke alarms, evacuation lighting, fire exist signs and fire extinguishers.

A fire safety schedule is to be displayed in a highly visible location at the main entrance of the building.

Fire safety items are to be checked and maintained by a Fire safety Company engaged by the manager who will be trained in relation to operation of the approved Emergency Management and Evacuation Plan. The nearest fire brigade will have a key to the premises for access.

Annual certification will be provided for essential fire safety measures to comply with the Environmental Planning and Assessment Regulation 2000 and compliance with Emergency Management and Evacuation Plan as required by the BCA.

3 HOUSE RULES

House rules are to be clearly displayed throughout the boarding house. The rules are to address the following:

(a) Visitor/guests policy

No visitors will be permitted on the premises after 10pm or before 7am. No keys are to be provided to visitors without the express permission of management

(b) Activities and noise control

At all times tenants are to consider the amenity of other tenants and neighbours. Management will monitor all activities in accordance with the house rules and government regulations regarding noise emission. Excessive noise and unruly behaviour will not be tolerated and may lead to the termination of tenant's lease agreement.

(c) Operating hours for communal areas and outdoor spaces

To minimise noise disturbance to neighbours and residents the doors to the Common Room will be locked between the hours 10pm and 7am seven days.

(d) Use of communal areas

The use of the Communal Room will base on a roaster system organised by the manager. A schedule will be made available to each lodger and will be displayed in the Common Room.

(e) Maximum room occupation

A maximum of 2 persons will occupy each room. Any change in occupancy is to be notified to the manager

(f) Resident and guest behaviour standards

Unruly behaviour that is likely to offend or cause nuisance to other boarders or neighbours will not be tolerated.

(g) Accessing rooms for inspection

The manager will have the right to access any room and rooms are to be made available to access for inspection upon notice from management.

(h) Cooking and dining

Cooking facilities will be made available in the Common Room only. Each individual lodger room will only be provided with microwave ovens to avoid the possibility of fire.

(i) Waste disposal

Each tenant will be responsible of delivery their waste and recycling to the garbage rooms where the garbage bins are store. The manager will be responsible ensuring garbage is transfer to the garbage collection area for Council disposal at allocated garbage collection dates

(j) damage/breakages/loss of keys/emergency contacts

Management will not be responsible for the theft of any belongings from the premises. Tenants will be advised to keep room doors locked at times. Any damage/breakage/loss of keys should be reported in the incident register and the police notified. Tenants caught stealing will have their lease arrangements terminated.

(k) Fire safety

In case of fire follow the safety procedures as indicated on the fire safety evacuation plan.

Generally this procedure is as follows:

- Alert the manager if you see smoke or flame
- If possible evacuate the building via exit path and stairs
- Remain at the assembly area until directed otherwise
- If unable to evacuate the building stay in your room and signal your presence from a window.

(l) Smoking, alcohol and zero tolerance policy on illegal drugs

No smoking is permitted in rooms. Tenants must consume alcohol in a responsible manner. There is to be no consumption of alcohol in the common room without the express permission of management. Management reserves the right to terminate any lease agreement if there is alcohol on the premises.

Illegal substances will not be permitted on the premises. Any Tenant found to be supplying of illegal substances will their lease agreement terminated and the matter referred to the police.

(m) Keeping of pet

No pets of any kind will be permitted on the premises without the permission of management.

4 FURNITURE AND FACILITIES

The boarding house is equipped with the following furniture in each bed room;

- Bed (including base and mattress).
- Wardrobe.
- Mirror.
- Table and chair.
- A night light or other approved illumination device for each bed.
- Waste container.
- An approved latching device on the door.
- Curtains, blinds or similar privacy device

Kitchenettes in rooms will include;

- Sink with running hot and cold water
- Microwave
- Lockable storage cupboard for dry goods
- Bar fridge
- Bench top space

Bathrooms in each room will include:

- Shower with hot and cold running water
- Washbasin with hot and cold running water
- Mirror cabinet
- toilet

5 CLEANING AND MAINTENANCE

For the health and safety of residents and any staff, all communal areas of the boarding house are to be cleaned to a professional standard at least once a week.

The Manager will be responsible for general cleaning arrangement and maintenance of the Boarding House.

(a) Name and contact details of cleaner and maintenance person, gardeners etc.

A private cleaning contractor or a gardener or any other persons may be appointed once the boarding house is in operation. The details at this stage are not known.

(b) Outline of responsibilities, to whom –

Details not available at this stage

(c) Frequency of cleaning to be conducted and standards for individual rooms, bathrooms,

Individual rooms, all facilities and common areas including external paths and stairs will be cleaned (possible by a professional contractor) at least once a month.

(d) Cleaning/maintenance programme of individual rooms and furniture

It will be the responsibility of the tenant to keep their rooms in a clean and hygienic state at all times including placing their waste in the respective waste and recycling bins based on their lease agreement.

The upkeep of the rooms and furnishings will be monitored on a regular basis by the manager

(e) Frequency of maintenance and repairs

Depending on need maintenance and repairs will be carried out at least every six months.

(f) Pest control arrangements, frequency and areas affected etc.

The development is for a new building. Pest control is not likely to be an issue for consideration in the immediate life of the building.

(g) Frequency and type of gardening (lawns, hedge trimming, watering etc.)

Every three months if necessary

(h) Frequency of linen changes

Depending on lease arrangements, each room will have its own laundry accordingly it would be the responsibility of each tenant to carry out his/her linen changes.

(i) Record and management of breakages and repairs

The manager will maintain a "Maintenance Record Book" recording details of any breakages and repairs that need to be undertaken and take the necessary action to rectify any damages as soon as is possible.

6 WASTE AND RECYCLING

Residents of the facility are to be encouraged to participate in recycling with the provision of general waste, recycling waste and green waste bins from Wollongong City Council.

Based on garbage and recycling rates outlined in Appendix 2 of Council's Waste Management DCP, 6x270L and 2x270L litter bins are required to service the development that is a total of 8x270L litter bins.

These are to be stored in a garbage room provided at ground level at the southern end in Building.

Each lodger room will be provided with its own garbage bin to be stored in each unit and each lodger is to collect his/her rubbish and organise to be transferred to the garbage room.

Garbage including all recycling material will be disposed to the garbage collection area which has been provided along the street frontage of the site near the entrance to the building.

The Manager will be responsible for organising weekly rubbish collection by Council or private contractor.

7 PARKING STATEMENT

In accordance with the DCP requirements, there is provision for parking of six (6) cars and twenty six (26) bicycles on the site. Tenants must only park their cars and bicycles in the place allocated to them.

Access to on-site parking will form part of an agreement at registration of individual tenants to avoid conflict and ad hoc use of spaces allocated. It would be the responsibility of bicycle owners to secure their bike to the racks provided.

It is not anticipated that there will be any overflow demand for parking given the site is well located close to public transport and future tenants are most likely to be primarily students and nurses are most likely to use vehicles on a daily basis.

Notwithstanding the above any overflow of parking it is considered that Staff Street being a local effectively no through road will spare capacity to accommodate additional car parking that may be generated as a result of the development without affecting the availability of on-street car parking for other residents.

8 EMERGENCY EVACUATION PLAN

The evacuation procedures for the boarding house in case of emergency include:

Follow instructions by the manager who is trained and responsible to follow evacuation procedure in accordance with the Emergency Management and Evacuation Plan.

Tenants will be required to follow fire evacuation procedures and exit the premises through the available emergency egress routes that is outlined in the floor plan which will be permanently fixed to the inside of the door of each room.

Residents will be required to assemble in the resident assembly point which will be clearly delineated in the evacuation plan.

The manager will check and record in a log book of the resident's presence during any evacuation procedures,

Emergency contact details will be in display in every room, the common room and managers rooms and near the main entrance to the premises.

Training and preparation for emergency evacuations

The tenants will receive training in regard to fire procedures through a broader Induction Programme which will be introduced to ensure tenants are aware of the fire safety rules and evacuation procedures.

9 COMPLAINTS HANDLING

The boarding house manager is responsible for establishing a forum for adjoining neighbours to discuss any concerns. Residents and adjoining residents will be provided with access to the management plan and relevant contact details

The manager will maintain a "Complaints Register" recording details of any incident or complaint that is reported including any actions taken by the management in response to the incident or complaint.

All complaints must include the details of the person reporting the incident including contact phone number so that management can follow up any complaint. Such matters may be dealt with confidentially if the occasion requires.

The Complaints Register is to be made available to Council officers of the NSW Police for inspection upon request.

If an incident relates to noise, the manager shall take action to ensure noise is stopped and to prevent future occurrences and rectify the situation as soon as is possible contact the affected parties including the persons who reported the incident to confirm that the problem has been dealt with.

The Complaints Register is to be reviewed on a regular basis and if necessary alter the procedures or any house rules to minimise incidents occurring on the premises.

Refer to Appendix 1- A sample of a basic Operation Management Plan for Boarding Houses.

SAMPLE: LODGING HOUSE AGREEMENT

I _____ (Name of lodger)

agree to pay the sum of \$ _____

for two weeks lodgings in advance and a deposit on the key of \$ _____

A further payment of \$ _____ is to be paid weekly. This payment entitles the lodger to occupancy of accommodation for a week and use of all facilities located in the private hotel.

The tariff is to be computed from _____

It is hereby further agreed by the lodger that the proprietor or the proprietor's representative will retain a key of whatever room is designated to the lodger from time to time and that the proprietor or proprietor's representative reserves the right to enter such room at all times for the purposes of service, maintenance, security, emergency and the general management of the private hotel.

The lodger acknowledges having received a copy of the "House Rules" of this private hotel and accepts them as a condition of continuing occupancy.

The minimum stay is 12 weeks. If the lodger vacates prior to the 12 week period, then the deposit of two weeks is regarded as part of the weekly tariff and is not refundable.

The agreement is terminated immediately if there is a serious and/or repeated breach of the House Rules. However where there is no breach, the agreement may be terminated by either party by giving two weeks notice in writing after the twelve week period of occupancy.

Lodger
Signed & Dated

Proprietor's Representative
Signed and Dated

I _____ (name) understand and accept that I am a resident in a Private Hotel and am entering into a boarding house agreement.

Sample: HOUSE RULES

A Boarding House is NOT a Residential Tenancy

Residents must:-

- ☐ Abide by HOUSE RULES
- ☐ Consider other residents' right to peace and quiet
- ☐ Pay tariff on time

If Tariff is NOT paid or HOUSE RULES not followed then, like other managed accommodation services, the resident will be asked to leave. If there is a breach of HOUSE RULES which seriously disturbs the peace and quiet of other residents then the offender will have to leave immediately.

Non-payment of tariff will lead to immediate termination of accommodation.

1. All fees must be paid in advance
2. Fees are on a _____ basis
3. Vacation of the premises on departure must be by noon
4. Your room must be kept tidy
5. The inventory must be signed and all furniture and fittings left in good condition other than normal wear and tear.
6. Any repairs and maintenance must be reported immediately
7. The occupants and visitors must ensure orderly conduct with no disturbances to neighbours
8. No guests after 10 p.m.
9. Rubbish must be wrapped and put in bins
10. Tidy and wipe down common kitchens and bathroom after usage

AND LISTINGS OF RELEVANT CONDITIONS as suits the premises and management

Signed

Lodger

Witness

Manager

Dated

<u>SAMPLE Condition Report and Inventory</u>		
<u>Condition of room</u>	<u>Tick if clean and good order</u>	<u>Comments</u>
Walls/ceiling		
Doors/windows		
Lights/power points		
Floor coverings		
Blinds/curtains		
Other		
<u>Condition of bathroom</u>		
Walls/ceiling		
Doors/windows		
Light/power points		
Tiling		
Mirror/cabinet/basin		
Toilet		
Other		
<u>Condition of Cooking Area</u>		
Walls/ceilings		
Doors/windows		
Lights/power points		
Floor covering		
Cupboards/drawers		
Benchtop		
Sink/taps		
Other		
Signed & dated by resident _____		Witness _____

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INVENTORY OF FURNISHING & FURNITURE

<u>Furnishing</u>	<u>Details of furnishing</u>
<u>Condition</u>	
Bed	Double/single - one/two
Bed spread/ Bed linen and other	
Side light	
Bedside table/drawers	
Chest of drawers	
Cupboard(s)	
Bookshelf	
Kitchen Table	
Kitchen chairs	
Coffee table	
Lounge	
Fridge	
Microwave	
Oven	
Crockery/cutlery/jug/etc	
Rug	
Heater	
Others	

Signed and dated by resident _____ Witness _____

Print name _____ Witness _____

ANY CHANGES MUST BE SIGNED & NOTED BY MANAGER/OWNER

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Attachment 2 – Site & Locality Aerial Photograph and Zoning Extract



Figure 1: Aerial photograph, 2018

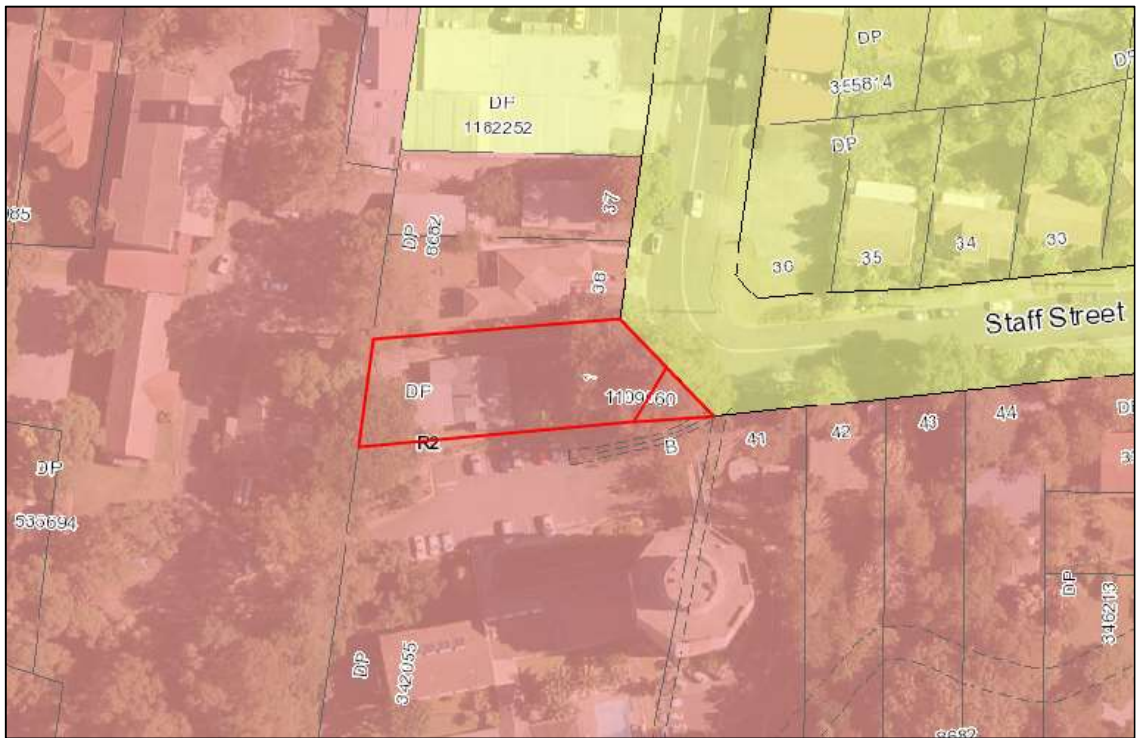


Figure 2: Zoning Extract, Wollongong Local Environmental Plan 2009



Figure 3: Site photograph taken from Staff Street 2019

Wollongong Design Review Panel – 19 February 2019
Meeting minutes and recommendations DA-2018/1620

Date	19 February 2019
Meeting location	Wollongong City Council Administration Offices
Panel members	Brendan Randles
	Tony Quinn
	David Jarvis
Apologies	Nil
Council staff	Pier Panozzo – City Centre & Major Development Manager
	Vanessa Davis – Senior Development Project Officer
	Michael Cheung – Planning Intern
Guests/ representatives of the applicant	Marie Saklaoui – St Jude Property Investments Pty Ltd Nicholas Horiatopoulos – Architect/Planner
Declarations of Interest	Nil
Item number	1
DA number	DA-2018/1620
Determination pathway	Council referral - advice
Property address	47 Staff Street Wollongong
Proposal	Consolidation of Lots 1 and 2, demolition of existing dwelling house and construction of double storey boarding house with associated car parking
Applicant or applicant's representative address to the design review panel	Nicholas Horiatopoulos – Architect and Planner for this project provided the Panel with an overview of the proposed development and the rationale behind the design concept. He advised the Panel that this development has been subject to a pre-lodgement meeting with Council Officers.
Background	PL-2018/135 held on 13 August 2018 The site was Inspected by the Panel on 19 February 2019.
Design quality principals SEPP65	
Context and Neighbourhood Character	<p>The site is within an R1 General Residential Zone, a few properties south of Crown Street in the vicinity of the Wollongong Hospital. The site falls to its south and has a potentially beautiful leafy outlook to its south-west. The site is dominated by large trees, which fill its front garden and create a good buffer to its rear. Located adjacent to a ninety degree bend in the road, the trees and arrangement of the site determine that vehicular access must be along the site's northern boundary. Although the site is unable to meet SEPP Affordable Housing requirements, its proximity to the hospital, Crown Street and its nearby bus routes, make it an ideal location for boarding house accommodation. There are single detached houses to its north and east and a seniors living development to its south.</p> <p>The immediate context (and planning and design implications) are very complex for this site. Not only must the proposal be assessed under the DCP – with its own setback requirements for 'multiple dwellings' – the narrowness of the subject site means that proposed built form will impact directly on the site to its south, which is occupied by retirement living units. Organized within an octagonal tower to its east and a limb of two storey townhouses running east west, the southern site's built form currently "frames" an open car parking court, which directly faces the subject site. Although this could suggest that new built form on the subject site</p>

	<p>could face into this space too, it is not at all clear whether or not a car parking court will remain in this location into the future without further investigation (by the applicant) and evidence supporting a view on the matter, the Panel cannot make a judgement on this.</p> <p>While it could be argued that multiple ownership prevents the retirement complexes from changing, it is clear that many of these forms of development are upgraded, either to meet current standards or increase yield and service provision. Moreover, when they are upgraded, it is typical to build new accommodation in unbuilt spaces so as to decant residents from outmoded accommodation. Typically, surface parking is removed and replaced with built form. In referring to this part of the site as merely 'car parking', the applicant's architect has not engaged with the likely future conditions around the site and the many complex issues that this southern site raises. Much deeper research and analysis of the existing and likely future built form of the site is therefore required before the project can be properly assessed.</p> <p>The site analysis prepared for the site is inadequate. Apart from not addressing the southern property referred to above, it has not addressed the site's positive outlook to the south and other aspects of the site and context's physical conditions through broad sections and clear plans. Nor have the site's detail boundary conditions been described, all of which require special attention.</p>
Built Form and Scale	<p>The Panel agrees with the Applicant's architect that minimizing site disturbance and the retention of its street facing trees is of paramount importance to the context. Therefore, the proposed built form, with minimized parking spaces, is preferred over a scheme requiring a basement level. However, the built form needs substantial modification to address the following issues :</p> <ul style="list-style-type: none"> - to address the DCP's landscape planting requirement alongside boundaries (1.5m), the built form needs to be setback a minimum of 2m from the southern boundary. This will most probably require reducing the number of south facing units at each level from five to two or three. - while blind walls at the east and west wings may have the capacity to be within this setback, it is crucial that the proposal is mindful of DCP and BCA requirements, the visual and physical impacts on the adjacent property to the south and the need for a well designed south facing address (including well considered landscaping and integrated retaining walls). - to address the same issue on the northern boundary, the Panel suggests keeping the northern retaining wall and its landscape, and adding a minimal 600mm wide garden bed along the driveway's northern edge. This requires keeping existing levels, rather than excavating as proposed. - to address height requirements for the site, the hipped roof could be replaced with a well designed flat or low pitched skillion roof types - to address the apparent conflict between site width and proposed built form, all garden/retaining walls must be shown; fully compliant and amenable walkways must be provided; compliant car spaces and driveway widths must be demonstrated; and sufficient landscape must be demonstrated as meeting the requirements of the DCP.

	<ul style="list-style-type: none"> - Circulation through the building should be clear, direct and amenable - to clarify and address potential planning issues along the southern boundary especially, a revised built form proposal is required, with clear explanation of how it addresses its adjacent site and DCP requirements. - to address privacy impacts along the southern property, balconies should be removed and the built form redesigned to prevent overlooking - to address BCA and ADG separation requirements along the southern boundary especially, the revised built form must demonstrate how safety and amenity for future residents on both properties can be assured.
Density	Given the site's tight dimensions and constrained nature, the Panel does not support any breach of the DCP's density requirements.
Sustainability	<p>The Panel supports the use of open circulation in the scheme generally. Water collection from the three roofs needs to be undertaken and used on gardens.</p> <p>Solar panels should be considered.</p> <p>While bicycle storage is strongly supported by the Panel, the current location will have a negative impact on the streetscape and is likely to lead to security issues.</p>
Landscape	<p>The Panel supports the retention of the site's street facing trees.</p> <p>The location of the common room and its address to the main common open space is commended. This common open space should be designed to maintain its existing soft shady character.</p> <p>Therefore, the current bin and bicycle storage should be relocated to within the built form or rear garden.</p> <p>While common open space for a boarding house within a street set back is generally discouraged, maintaining the existing trees is deemed an appropriate response to this site, especially as it produces an open space of such character. However, detail resolution of this space is required. This area should be a space that facilitates quiet contemplation rather than a lively gathering of large groups of people.</p> <p>The northern side setback and its plantings should be maintained and enhanced with an additional narrow bed at driveway level along the northern edge of the driveway.</p> <p>The southern side setback planters need to be designed in accordance with the DCP and integrated with required retaining walls, appropriately designed and finished to reflect high architectural standards.</p> <p>Water collection from the three roofs needs to be undertaken and used on gardens.</p>
Amenity	<p>See notes above regarding:</p> <ul style="list-style-type: none"> - apparently insufficient site width to house units, compliant parking and driveway, covered walkway, retaining walls and landscaping - revised built form to address height, setback and landscape requirements, including likely unit reduction.

	<ul style="list-style-type: none"> - current bin and bicycle storage - to be relocated to within the built form or rear garden - removal of south facing balconies
Safety	See notes above regarding an apparent conflict between site width and built form proposed, leading to non compliant car spaces and driveway widths – these must comply with the requirements of Australian Standards, the DCP and be demonstrably safe.
Housing Diversity and Social Interaction	<p>This is a great location for a boarding house and the panel commends the retention of large trees and general approach. However, there are many DCP non-compliances that need to be addressed through a well considered argument and design. Although the ADG does not technically apply to this typology of building, it is being considered under the DCP as multi dwelling proposal and therefore must respond to its principles, especially in regards key issues such as building separation.</p> <p>The complex issues relating to the southern site – referred to above - must be addressed if the project is to proceed.</p>
Aesthetics	<p>Currently the proposal is quite uninspired with an unnecessarily bulky roof and very limited description of character, materiality and boundary definition. In keeping with the drama of the front garden landscape, the north and side boundaries need review, to enhance existing and proposed landscape character and develop an appropriate relationship with the neighbouring site.</p> <p>Once the built form is reviewed, the three building components should be refined as lightweight modernist structures with flat or lightly pitched skillion forms, extolling elegant proportions, well considered materials and an overt response to climate and its landscape setting.</p>
Design Excellence WLEP2009	
Whether a high standard of architectural design, materials and detailing appropriate to the building type and location will be achieved	N – see context, setback, dimensional and aesthetic issues
Whether the form and external appearance of the proposed development will improve the quality and amenity of the public domain,	N – see aesthetic and language issues
Whether the proposed development detrimentally impacts on view corridors,	N/A
Whether the proposed development detrimentally overshadows an area shown distinctively coloured and numbered on the Sun Plane Protection Map,	N – see setback issues
How the development addresses the following:	

the suitability of the land for development,	Y
existing and proposed uses and use mix	Y
heritage issues and streetscape constraints,	N – see issues about building expression and relationship with southern property
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,	N/A
bulk, massing and modulation of buildings	N – see context and setback issues
street frontage heights	Y
environmental impacts such as sustainable design, overshadowing, wind and reflectivity	Y
the achievement of the principles of ecologically sustainable development	Y
pedestrian, cycle, vehicular and service access, circulation and requirements	N- see bicycle storage issue
impact on, and any proposed improvements to, the public domain	N – see streetscape issues
Recommendations	<p>A thorough and critical context and site analysis is required to inform a well-informed and feasible project direction (Appendix 1, of the ADG provides detailed guidance of the requirements of a meaningful site analysis).</p> <p>In particular, the analysis must include clearly prepared plans and long sections describing all its adjacent properties, streetscape and existing boundary conditions. More information about its adjacent sites – with existing and future built form – must be provided.</p> <p>The proposal should be substantially redesigned to address the many issues noted above. It should then be returned to the Panel for discussion.</p>