

# Wollongong Local Planning Panel Assessment Report | 7 April 2020

<b>WLPP No.</b>	Item No. 2
<b>DA No.</b>	DA-2019/1008
<b>Proposal</b>	Residential - demolition of existing structures and the construction of and eight (8) storey residential flat building
<b>Property</b>	1 Smith Street, WOLLONGONG
<b>Applicant</b>	ADM Architects
<b>Responsible Team</b>	Development Assessment and Certification - City Centre Team (NL)

## ASSESSMENT REPORT AND RECOMMENDATION

### Executive Summary

#### Reason for consideration by Local Planning Panel - Determination

The proposal has been referred to Local Planning Panel for determination pursuant to clause 2.19(1)(a) of the Environmental Planning and Assessment Act 1979. The proposal is captured by Schedule 2, 3 & 4(b) of the Local Planning Panels Direction of 1 March 2018. The proposal is the subject of 10 or more unique submissions by way of objection and is development to which State Environmental Planning Policy No 65—Design Quality of Residential Apartment Development applies and is more than 4 storeys in height.

#### Proposal

The proposal seeks consent to demolish all structures on site with the exception of the heritage listed Monument at the north eastern corner of the site. An 8 storey residential flat building with two levels of basement car parking is then proposed to be constructed.

#### Permissibility

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

#### Consultation

The proposal was notified in accordance with Council policy on two occasions. Once on 27 September 2019 following lodgement and a second time on 12 February 2020 following receipt of amended plans and documents in response to an additional information request by Council. Cumulatively across the two notification periods there were at least 100 not all of which were unique submissions, with a significant proportion of concerns being consistent between both notification periods. Concerns raised are discussed at section 2.8 of this report.

Council's Traffic, Geotechnical, Stormwater and Landscape Officers have provided satisfactory referrals. Council's Heritage Officer has raised concerns regarding the proposal as outlined at section 1.4.1 of this report.

External comments were received from the National Trust of Australia, Illawarra Shoalhaven Branch.

#### Main Issues

- Scale of the building and impacts to the locality.
- Submissions which suggest retention of existing on the site for heritage reasons.
- Non-compliant site width
- Lot isolation to the property immediately to the west of the site.

## **RECOMMENDATION**

It is considered that the proposal in its current form does not adequately respond to the unique character of the site and its surrounds in respect of scale. It is recommended that the Panel consider the submission and merits of the application prior to determination. Should the panel decide to refuse the application reasons are at **Attachment 8**.

## **1 APPLICATION OVERVIEW**

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### **1.1 PLANNING CONTROLS**

The following planning controls apply to the development:

#### State Environmental Planning Policies

- SEPP 55 – Remediation of Land
- SEPP (Affordable Rental Housing) 2008
- SEPP 65 Design Quality of Residential Apartment Development
- SEPP (Building Sustainability Index: BASIX) 2004
- SEPP (Coastal Management) 2018

#### Local Environmental Plans

- Wollongong Local Environmental Plan (WLEP) 2009

#### Development Control Plans

- Wollongong Development Control Plan (WDGP) 2009

#### Other policies

- Wollongong City-Wide Development Contributions Plan 2019

### **1.2 DETAILED DESCRIPTION OF PROPOSAL**

The proposal comprises the following:

#### Site preparation

- Demolition of 2 two-storey brick residential buildings containing 6 units
- Excavation for two levels of basement car parking.

#### Building details

Construction of an 8 level residential flat building comprised of the following:

- Lower level basement: 6 residential car spaces
- Upper basement level: 5 residential car spaces and 2 visitor spaces
- Ground floor: One 3 bedroom dwelling and communal open space area
- First floor: One 3 bedroom dwelling
- Second floor: One 3 bedroom dwelling
- Third floor: One 3 bedroom dwelling
- Fourth floor: One 3 bedroom dwelling
- Levels 5-7 dedicated to one 367m<sup>2</sup> unit incorporating the following:
  - 3 bedrooms, 3 walk in robes, 4 bathrooms, 2 powder rooms, Kitchen, 3 living spaces, 2 dining spaces, two balcony areas, laundry, double height void

### **1.3 BACKGROUND**

A previous proposal for demolition of all structures and construction of an 8 storey residential flat building was considered by Council on 26 October 2016 at pre-lodgement meeting PL-2016/120. That proposal did not proceed beyond the pre-lodgement stage.

The current proposal was considered by the Design Review Panel meeting prior to lodgement of the development application on 14 May 2019.

The proposal was reviewed by the Design Review Panel again following lodgement of the development application on 10 October 2019, the notes of which are contained at **Attachment 4**.

#### 1.4 SITE DESCRIPTION

The site address is 1 Smith Street, Wollongong and the title reference is Lot 1 DP 8441.

The site is a relatively level triangular shaped corner lot with frontage to both Smith Street to the east and Harbour Street to the north.

Located on the site are a three storey brick residential flat building and a separate two storey residential flat building containing a combined total of 6 units. The buildings are strata subdivided.

Adjoining development is as follows:

- Opposite the site to the north are a single storey dwelling, a two storey block of units and an 8 storey residential flat building.
- Adjacent to the site to the west are a three storey residential flat building and a two storey residential flat building.
- Opposite the site to the east are a two storey residential flat building and a three storey residential flat building.
- Land immediately to the south of the site is current vacant.
- Land two lots to the south is vacant with approval for construction of a three storey dwelling (DA-2013/365)

St Mary's college is located opposite the site to the south east which includes St Mary's Convent and secondary girls' school and chapel which are listed as being of local heritage significance in schedule 5 of WLEP 2009.

The site is also adjacent to Market Square/Courthouse special area as identified under Chapter D13 of Wollongong Development Control Plan 2009 as illustrated at Figure 1 below.



**Figure 1: Market Square / Courthouse special**



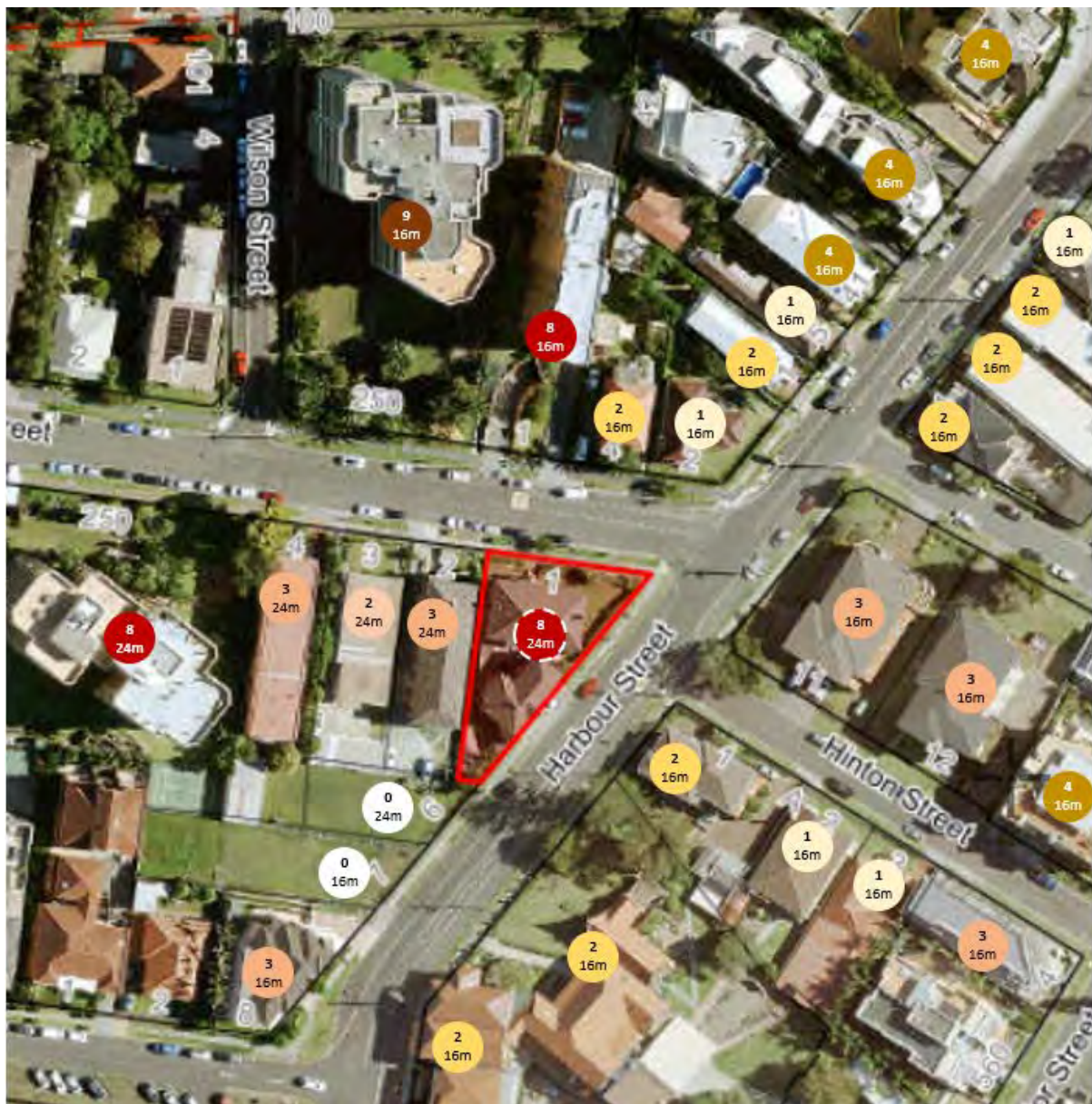


Figure 2: Heights of buildings in storeys and maximum permissible height

Views to site from nearby locations (current vs proposed)



Figure 3: 3D image looking west from Lang Park





Figure 4: View looking south west from Cliff Rd/Harbour St intersection



**Figure 5: View looking north east towards harbour from Market Square**





**Figure 6: View looking east along Smith Street**

Property constraints

The corner of the site contains a Monument listed as being of local heritage significance in schedule 5 of WLEP 2009.

## 1.5 SUBMISSIONS

The application was notified in accordance with Council policy initially following lodgement and then again on receipt of amended plans and documents following a Council request for additional information. A total of at least 100 submissions were received and the issues identified are summarised below.



**Figure 7: Notification map**

**Table 1: Submissions**

Concern	Comment
<b>Heritage (existing building on site)</b>	
The existing buildings are of heritage significance and should be retained.	The two flat buildings located on the site are not heritage listed, nor are they located within the Market Square/Courthouse special area. Heritage considerations are discussed in detail at Council's Heritage Officer referral at section 1.6.1
Does not comply with Council controls relating to heritage.	The proposal is not located in a heritage precinct.
In view of the Council's new heritage strategy, would it now be wise to temporarily suspend all DAs in the Harbour, Hector and Hinton St vicinity until a more thorough undertaking has been completed	This is not a consideration under the Act.

Concern	Comment
Adverse impact to the Market Square/Courthouse special area and heritage buildings/areas	See discussion elsewhere in this report.
<b>Archaeological heritage concerns</b>	
Excavation will raise archaeological concerns due to the site is on land of archaeological significance with reference to Charles Throsby Smith who was associated with the earliest days of European settlement (highlighted by the monument to him on the corner of the streets)	Council's Heritage Officer has reviewed the supporting documentation with the proposal and has advised that matters relating to archaeological heritage could be managed through the excavation process via conditions of consent.
<b>Aboriginal heritage concerns</b>	
Potential for Aboriginal heritage impact is not addressed.	<p>An Aboriginal Cultural Heritage Due Diligence Assessment was provided with the application which concluded that Aboriginal objects are unlikely to occur within the study area and further assessment is therefore not warranted at this stage. It further recommended that should any Aboriginal objects be encountered during works outlined in this document, works must cease in the vicinity and the find should not be moved until assessed by a qualified archaeologist. If the find is determined to be an Aboriginal object the archaeologist will provide further recommendations. These may include notifying the DPIE and Aboriginal stakeholders.</p> <p>This recommendation has been reviewed by Council's Heritage Officer who is satisfied that this could be addressed through conditions of consent.</p>
<b>Height, bulk and scale, character</b>	
The building is too high and out of character with the locality.	The height remains of concern and is discussed below.
<b>Overshadowing</b>	
Unacceptable overshadowing of adjoining properties.	<p>The proposal has been accompanied by shadow diagrams illustrating the impact of the proposal. The shadow diagrams indicate that solar access to adjoining properties will not be compromised below set minimums. It is noted the building has a small footprint due to the constrained nature of the site. This results in a narrower shadow, lessening the extent of overshadowing by the proposal.</p> <p>Overshadowing is not considered to be a determinative factor in the proposal.</p>



Concern	Comment
<b>Impact to views</b>	
Impacts to views from private development (e.g. views towards Flagstaff Hill from Sorrento building)	Views loss from existing buildings across the subject site are considered more difficult to defend given the adopted height and density controls. Further, as noted above, the building does not have a large footprint.
Impacts on view corridors	The proposal will be prominent addition to the views from the public domain. Most notably, the building will dominate the view along Harbour Street, Hinton Place looking west and to a lesser extent, Smith Street looking east.
<b>Traffic matters</b>	
Contribution of the proposal to traffic congestion	The proposal comprises only 6 units which would replace the existing 6 units. Any contribution to traffic congestion arising from the proposal is considered to be negligible.
Insufficient visitor car parking	The proposal provides the visitor parking required by Council controls.
The driveway will be a traffic hazard.	The driveway is set back as far as possible from the intersection of Smith and Harbour Streets and complies with minimum requirements. Site lines are not considered to be compromised and the small number of units will not generate many traffic movements into and out of the site.
Inadequate traffic assessment (traffic counts,	
Traffic noise	The proposal is not of a scale that would contribute to any significant traffic noise.
The building should be set back further from the corner to provide view corridor for pedestrians and vehicles.	The building is setback approximately 8m from the corner and provides acceptable sight lines for pedestrians and motorists.
<b>Process issues</b>	
Inadequate notification	The application has been notified in accordance with Council policy. It is noted that during the second round of public exhibition, the notification was extended to include several additional properties including the Sorrento building (9 Smith Street) which was not included in the original notification period.
Notice of proposed development not displayed at the address	This is not a requirement under Council policy.
<b>LEP matters</b>	
The LEP height limits should be revisited.	The maximum permitted height for the site under the LEP is 24m and has been for some time.



Concern	Comment
	The DA is not the avenue for reviewing applicable height standards. This should occur during any proposed LEP change or amendment.
Inconsistent with zone objectives	The proposal is considered acceptable regarding the zone objectives.
Exceeds height limit	Complies with maximum 24m height limit for the site.
Does not comply with clause 7.14 site width	A satisfactory variation request has been provided in this regard as discussed at clause 4.6 of WLEP 2009 below.
<b>DCP issues</b>	
Insufficient setbacks	With the exception of the Smith Street frontage, the building is satisfactory with regard to the applicable setback controls. The variation to the Smith Street setback is in minor in nature and not considered to result in adverse impacts as discussed at Chapter A1 of this report.
Does not provide a mix of dwelling sizes	The mix is considered acceptable given the small scale and location of the proposal and the like for like replacement.
Deep soil zone doesn't comply	The deep soil zone is considered to be satisfactory with regard to the DCP.
<b>Construction related impacts</b>	
Construction noise and dust	These matters could be managed through standard conditions of consent.
Construction impacting on structure of adjoining building	Council's Geotechnical Officer has reviewed the proposal and supporting Geotechnical report and has provided a satisfactory referral.
Management of excavation and conflicts with pedestrians and other traffic	A Construction Management Plan could be requested were the application to progress.
<b>Sustainability</b>	
The proposal does not suitably address sustainability.	<p>The BASIX Certificate identifies the minimum targets for water and energy efficiency are met and details required to be shown on the DA plans are included.</p> <p>It is considered that solar panels could also be incorporated onto the rooftop to better address energy efficiency.</p>
<b>Other issues</b>	
Potential impacts to adjoining properties resulting from basement excavation.	Council's Geotechnical Officer has reviewed the proposal and advised that a detailed geotechnical investigation would be required to compile an earthworks plan to ensure adjoining property is

Concern	Comment
	not adversely impacted by this development. This could be addressed via standard conditions of consent.
Impacts to wind tunnelling	The proposal is not of a scale that is expected to result in significant wind tunnelling impacts.
SEE insufficiently addresses SEPP 65	The submission adequately addresses SEPP 65 which is also addressed in this report.
The proposal does not provide for housing diversity	The development is small in scale and the composition of the building is acceptable.
Concerns the photomontages provided do not accurately represent the proposal.	The scheme has been inserted into Council's 3D modelling software and comparison made between that and the photomontages supplied. The photomontages are generally consistent.
No street view provided looking northeast along Harbour St from Market Square	This has since been provided.
Photomontages include buildings that aren't there.	Potential future built form has been removed from the updated photomontages.
The proposal does not address housing supply as it replaces six flats with six flats.	There is no requirement for a development to result in a net increase in dwellings.
The proposal is overdevelopment of the land.	The proposal does not exceed the maximum heights and FSR and is satisfactory with regard to the setbacks and meets Council car parking requirements. In this sense, the proposal is not an overdevelopment.

## 1.6 CONSULTATION

### 1.6.1 INTERNAL CONSULTATION

Council's Geotechnical, Stormwater, Landscape and Traffic Officers have provided satisfactory referrals.

#### **Heritage Officer**

Council's Heritage Officer has raised a range issues.

#### Existing buildings on site

With respect to the existing buildings on the site known as Marlene Court the building is not of sufficient heritage significance to warrant listing within the Wollongong LEP and conservation as a Heritage item.

#### General comments

The site has a Heritage Listed plaque located at its front boundary and is partially affected by this heritage listing, the development site itself does not contain a listed heritage building. However there is for archaeology of significance directly linked to the significance of the memorial plaque.

The development is also located within close proximity to a range of other surrounding heritage items and within important historic and visual connections. These items include the Wollongong Harbour Precinct and old Wollongong Court House located to the north east along Harbour Street, as well as Market Square to the south west. The site is located along the visual access of these two historic

locations. In addition, the site is located in close vicinity to St Mary's College and Chapel. The proposal as currently proposed would have significant impacts on the setting of these items. Reducing this impact will mitigate the potential impacts of the development:

The height results in a building that is taller than the immediate surroundings. This is exacerbated due to the large void area to the level 6 floor plate and that levels 5-7 of the building make up a single unit. Consolidation of the floor plates in this unit through more efficient design should be considered to remove the need for the upper floors. It is noted that all other units occupy a single floor within the development.

The proposed material palette should be revised to consider the use of a heavier brick building base which better relates to the surrounding built character (using recycled or similar brick tones to the existing building) of 3-4 storeys. This element should seek to draw inspiration from the existing character of surrounding development typologies including the building's within the St Mary's site directly across the road. Additional setback above the 3-4 storey to Harbour Street is recommended. in lighter weight and lighter coloured materials that will soften and mitigate the impact of any additional height above the more relatable and sympathetic building base.

The Significance Assessment Report recommends the proposed salvage and re-use of building materials from the existing development on the site and should be further considered including a revised building material palette. The re-use of other building materials from the existing building as recommended within the report could also be further considered.

The proposed development will impact on the view corridor from Lang Park and City Beach, west through Hinton Street and across the development site to the peak of Mount Keira. This should be further explored through a visual render of the proposed development from the higher areas of Lang Park (near the shared pathway east of the site).

The façade treatment has been amended since receiving the above commentary to incorporate more brick, particularly in the northern and eastern elevation. This results in the building being broken up into a 5 storey element at its base. Whilst this is a positive step aesthetically, it does not address the overriding concern about the height and scale of the proposal.

#### 1.6.2 EXTERNAL CONSULTATION

##### **Design Review Panel**

The application was reviewed by the Design Review Panel on 14 May 2019 and 10 October 2019. The notes from the 10 October meeting are contained at Attachment 4.

The Panel recommendations are considered to have been suitably addressed or could be via conditions of consent.

##### **National Trust of Australia**

The National Trust of Australia, Illawarra Shoalhaven Branch provided comment on the proposal and expressed concern regarding the height limit for the site, calling upon Council to "review the height limits within the heritage precinct and adjacent areas representing 'old Wollongong', with an aim to maintaining the current low-rise character of the area". Reference was made to the application of Chapter D13, section 7.1 of Wollongong Development Control Plan with respect to heritage objectives. "Council's guidelines for Infill Development should also be consistently applied and adhered to, in order to obtain a better outcome for the character of these precincts". The provisions of Chapter D13 are addressed in the body of this report.

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

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

Council records do not indicate any historic use that would contribute to the contamination of the site and the land is not identified as being contaminated on Council mapping. Use of the land for residential purposes dates back to approximately 1938. It is considered the will be suitable for residential use without need for remediation and the proposal is satisfactory with regard to clause 7 of this policy.

#### 2.1.2 SEPP AFFORDABLE RENTAL HOUSING 2008

This policy does not apply as the buildings on the site are strata subdivided pursuant to clause 49.

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

The development is subject to the provisions of SEPP 65 and the Apartment Design Guide (ADG).

The application was accompanied by a statement by a qualified designer in accordance with Clauses 50(1A) & 50(1AB) of the Environmental Planning and Environment Regulation 2000. Clause 28 provides that the application must be referred to the relevant design review panel (if any) for advice concerning the design quality of the development while Clause 28(2) provides that a consent authority is to take into consideration (in addition to any other matters that are required to be, or may be, taken into consideration):-

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

#### Design review panel

The proposal has been reviewed by a Design Review Panel in accordance with clause 28. The scheme has been amended in response to the recommendations from the Panel.

#### Design quality principles

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

#### **Schedule 1 Design quality principles**

##### Principle 1: Context and neighbourhood character

It is noted that the area is one undergoing transition and that the height and density of the proposal is permitted under the applicable planning controls. The design of the proposal steps in the upper two floors in an attempt to lessen the visual bulk.

When compared to the existing building and the adjoining Market Square/Courthouse special area, the proposal will be substantially larger.

Amendments have been made to the building in response to concerns about the relationship of the building to the locality, including additional brickwork and increased setbacks of the upper levels. However, these changes do not address the overriding concern regarding the height of the building and its relationship to surrounds.

This is further discussed elsewhere in this report including the commentary from Council's Heritage Officer contained at section 1.4.1.

### **Principle 2: Built form and scale**

The proposed height and FSR do not exceed the maximum permitted under the LEP.

The building design in isolation is of architectural merit and has been reviewed as satisfactory by the Design Review Panel. Setbacks are satisfactory and there is a high level of amenity for occupants.

However, the height contrasts with the existing scale of buildings along Harbour Street in the Market Square / Courthouse special area in which height limits are currently limited to 16m. `

The building will dominate views from the public domain towards the Harbour from Market Square, from the Harbour looking towards Market Square, and looking west along Hinton Street. The building will also impact on views from within private dwellings. Were the application to be progressed, a view impact analysis would be considered beneficial from those properties most impacted.

### **Principle 3: Density**

The density of the development complies with the maximum FSR permitted for the land.

The number of units is small, and the development is not of a scale that is expected to place unreasonable strain on local infrastructure.

The proposal does not provide an increase to the number of units given there are 6 existing dwellings on the land. Notwithstanding, there is nothing to require a developer to increase the number of dwellings with redevelopment.

Contributions applicable to the development will go towards local infrastructure and facilities.

The site is well situated with regard to existing public open space and services.

### **Principle 4: Sustainability**

The proposal achieves BASIX targets however does not go beyond those minimum requirements.

### **Principle 5: Landscape**

The proposal provides suitable landscaped areas and communal open space that will provide a high degree of amenity to the occupants and soften the appearance of the development from adjoining properties and the public domain.

### **Principle 6: Amenity**

The proposal achieves a high degree of amenity for occupants with respect to solar access, private open space, storage, visual and acoustic privacy, ventilation, outlook access and the like.

### **Principle 7: Safety**

The proposal is satisfactory regarding safety and security.

### **Principle 8: Housing diversity and social interaction**

All 6 units within the development have three bedrooms. The mix is considered acceptable given the small scale of the development.

### **Principle 9: Aesthetics**

The building has been reviewed by the Design Review Panel who were satisfied of the materials and finishes and general presentation of the building.

There have been some amendments with respect to the materials and finishes subsequent to concerns raised by Council as to the compatibility of the proposal with the adjoining Market Square/Courthouse special area and heritage items. These changes are considered to better relate the

building to the surrounds and not to significantly alter the scheme from what the DRP considered or to be contrary to their recommendations.

There are outstanding concerns however with the height and scale of the proposal and dark materials on the upper portion of the building which are considered to require further attention.

#### Apartment Design Guide

An assessment of the application against the Apartment Design Guide (ADG) is contained at **Attachment 7**.

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

The proposal is BASIX affected development to which this policy applies. In accordance with Schedule 1, Part 1, 2A of the Environmental Planning and Assessment Regulation 2000, a BASIX Certificate has been submitted in support of the application demonstrating that the proposed scheme achieves the BASIX targets.

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

#### 2.1.5 STATE ENVIRONMENTAL PLANNING POLICY (COASTAL MANAGEMENT) 2018

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

#### ***Division 4 Coastal use area***

##### ***14 Development on land within the coastal use area***

*(1) Development consent must not be granted to development on land that is within the coastal use area unless the consent authority:*

*(a) has considered whether the proposed development is likely to cause an adverse impact on the following:*

*(i) existing, safe access to and along the foreshore, beach, headland or rock platform for members of the public, including persons with a disability,*

N/A

*(ii) overshadowing, wind funnelling and the loss of views from public places to foreshores,*

The proposal does not overshadow the foreshore. No significant wind funnelling impacts are expected. Views from public places to the foreshore are not considered to be significantly impacted.

*(iii) the visual amenity and scenic qualities of the coast, including coastal headlands,*

The proposal is not considered to have adverse impacts in this regard.

*(iv) Aboriginal cultural heritage, practices and places,*

Aboriginal and cultural heritage matters have been considered in the assessment and the application has been supported by an Aboriginal Due Diligence report and Heritage Impact Assessment. The proposal has been reviewed by Council's Heritage Officer who has raised issues. This is further discussed above and at clause 5.10 of WLEP 2009 and WDCP discussion at attachment 6.

*(v) cultural and built environment heritage, and*

The proposal has been reviewed by Council's Heritage Officer who has raised issues.

*(b) is satisfied that:*

*(i) the development is designed, sited and will be managed to avoid an adverse impact referred to in paragraph (a), or*

Discussed above.

- (ii) *if that impact cannot be reasonably avoided—the development is designed, sited and will be managed to minimise that impact, or*

Discussed above

- (iii) *if that impact cannot be minimised—the development will be managed to mitigate that impact, and*

Discussed above

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

These matters are addressed elsewhere in this report.

- (2) *This clause does not apply to land within the Foreshores and Waterways Area within the meaning of Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005.*

#### Division 5 General

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

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

Satisfactory.

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

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

The site is not impacted by coastal hazards nor is the site located on the foreshore.

##### *17 Other development controls not affected*

*Subject to clause 7, for the avoidance of doubt, nothing in this Part:*

- (a) *permits the carrying out of development that is prohibited development under another environmental planning instrument, or*  
(b) *permits the carrying out of development without development consent where another environmental planning instrument provides that the development may be carried out only with development consent.*

N/A

##### *18 Hierarchy of development controls if overlapping*

*If a single parcel of land is identified by this Policy as being within more than one coastal management area and the development controls of those coastal management areas are inconsistent, the development controls of the highest of the following coastal management areas (set out highest to lowest) prevail to the extent of the inconsistency:*

- (a) *the coastal wetlands and littoral rainforests area,*  
(b) *the coastal vulnerability area,*  
(c) *the coastal environment area,*  
(d) *the coastal use area.*

## 2.1.6 WOLLONGONG LOCAL ENVIRONMENTAL PLAN 2009

### Clause 1.4 Definitions

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

### **Part 2 Permitted or prohibited development**

#### Clause 2.2 – zoning of land to which Plan applies

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

#### Clause 2.3 – Zone objectives and land use table

The objectives of the zone are as follows:

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

The proposal is satisfactory with regard to the above objectives.

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

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

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

### **Part 4 Principal development standards**

#### Clause 4.3 Height of buildings

The proposed building height of 24m does not exceed the maximum of 24m permitted for the site.

#### Clause 4.4A Floor space ratio – Wollongong city centre

Maximum FSR permitted for the zone: 1.5:1

Site area: 841m<sup>2</sup>

GFA: Ground – 151m<sup>2</sup>

1 – 176.9

2 – 172

3 – 176.9

4 – 172

5 – 170.3

6 – 138.4 (143 by my calculations – including the stair and lift as it is not common)

7 – 64.9 (54)

Additional car spaces 3 x (5.4m x 2.4m) – 38.9m<sup>2</sup>



Total GFA 1,261m<sup>2</sup>

FSR: 1,261 / 841 m<sup>2</sup> = 1.5:1

Clause 4.6 – Exceptions to development standards

A variation to the minimum site width under clause 7.14 of the LEP is requested and an assessment against the provisions of this clause is therefore contained below.

WLEP 2009 clause 4.6 proposed development departure assessment	
Development departure	Clause 7.14, minimum site width. Requires that development consent must not be granted for development for the purposes of a residential flat building unless the site area on which the development is to be carried out has a dimension of at least 24 metres.
Is the planning control in question a development standard?	Yes
4.6 (3) Written request submitted by applicant contains a justification:	
(a) that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, and	A satisfactory clause 4.6 variation has been submitted
(b) that there are sufficient environmental planning grounds to justify contravening the development standard.	Yes
(a) the consent authority is satisfied that—	
(i) the applicant's written request has adequately addressed the matters required to be demonstrated by subclause (3), and	<p>The applicant's written request seeks to justify that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case based on the following rationale:</p> <ul style="list-style-type: none"><li>• In order to comply with the site width, the site would have to be consolidated with the adjoining lot immediately to the west. Notwithstanding the unsuccessful attempt by the proponents to enter into negotiations with the owner of that property, it is not considered that there is a clear benefit in doing so in this instance.</li><li>• The building achieves a high degree of amenity for occupants and complies with setbacks.</li><li>• A consolidated site may lead to a bulkier building than currently proposed that would present greater challenges with respect to the fit in the locality. The unusual shape of the site results in a slim tower.</li><li>• The proposal is further not considered to detrimentally impact on development potential of adjoining land, given that lot could</li></ul>

	<p>reasonably amalgamate with other adjoining lots in future. (Lot isolation is further discussed at chapter B1 below).</p> <ul style="list-style-type: none"> <li>• That compliance with the building separation standard is unnecessary in the circumstances of the case as the objectives of the standard and zone objectives are met and strict compliance with the minimum site width would result in a bulkier building with a poorer design outcome.</li> </ul> <p>The variation further goes to explaining the lack of obvious impacts arising from the variation given the satisfactory setbacks and that the amenity for occupants of the building is not compromised</p> <p>The applicant's Clause 4.6 Statement forms attachment 5. The written request has adequately addressed the matters required to be addressed under subclause (3)</p>
--	---

(ii) the proposed development will be in the public interest because it is consistent with the objectives of the particular standard and the objectives for development within the zone in which the development is proposed to be carried out, and

There is a public benefit in allowing flexibility in application of the minimum lot width in dense urban areas, where the proposed building form sits comfortably within the streetscape. The R1 zone objectives encourage higher densities, and height and FSR controls facilitate those densities. Compliance with the development standard i.e. strictly prohibiting residential apartment buildings on lots less than 24m, would be at odds with the desired height, FSR and other DCP controls established for the zone. For example, a townhouse development would typically be two storeys with multiple garages and limited deep soil zone. The desired building typology is more aligned with existing apartment buildings located in the vicinity. The proposed development has demonstrated that a functional building can be provided on the site, including appropriate carparking and access, landscaping and private open space areas, without detrimentally impacting the surrounding properties.

There is no objective for clause 7.14 minimum site width control in WLEP 2009. However, WDCP 2009 does provide some guidance. Clause 6.2.2 of chapter B1 also requires for a minimum site width of 24m and states that variations may be considered where in the opinion of Council, the proposed development will not cause any significant adverse overshadowing, privacy or amenity impact upon any adjoining development.

The objectives of DCP 2009 clause 6.2.2 include:

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

The proposed variation to the standard is considered to be consistent with these objectives.

The objectives of the R1 General Residential zone are:

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

The proposed development has regard to the objectives of the R1 zone, and despite the constraints on the site, the proposed development meets the FSR and Height controls. The proposed development would provide for

	<p>housing needs of the community and would contribute to achieving a variety of housing types in the area and the existing high-density environment. With regard to unreasonableness of requiring 24m, the applicant would need to acquire the adjoining site to the west at n3 Smith Street which is in single ownership and not strata titled.</p> <p>The applicant has provided documentation that demonstrates an attempt to purchase the adjoining property in order to amalgamate and achieve a larger, compliant site width.</p> <p>It is considered that the applicant has followed the process required by the land and environment court planning principle and <i>Melissa Grech v Auburn Council</i> [2004] NSW LEC. The principle asks whether amalgamation is feasible and also whether orderly and economic use of the separate sites can be achieved if amalgamation is not feasible. The documentation demonstrates that amalgamation is not feasible and also that viable residential flat buildings can be achieved on both sites independent of each other. There is not considered to be a public benefit served in this instance by insisting on strict compliance with the standard. The proposal has adequately addressed SEPP 65, ADG and the DRP support the proposal. The development will remain consistent with the objectives of the R1 zone despite the non-compliance with Clause 7.14.</p> <p>It is considered that in this instance there are sufficient environmental planning grounds specific to the site to justify contravening the development standard</p>
(b) the concurrence of the Secretary has been obtained.	Concurrence is not required as the LPP is the determining authority.

#### Clause 5.10 Heritage conservation

The site adjoins a heritage item, being a monument at the north eastern corner of the site. The proposal does not raise significant concerns with respect to this item.

The site is not located within or immediately adjacent to a heritage conservation area. Whilst there are a range of heritage related concerns with the proposal, these concerns are not considered to relate specifically to conservation.

### **Part 7 Local provisions – general**

#### Clause 7.1 Public utility infrastructure

Conditions are recommended regarding specific requirements of utility providers.

#### Clause 7.5 Acid Sulfate Soils

The site is identified as potentially containing class 5 acid sulphate soils. The site is also within 500m of adjacent class 3 land that is below 5m AHD. The water table is not however likely to be lowered below 1m AHD on adjacent land.

An acid sulphate soils management plan is therefore not required by this clause.

(2) *Development consent must not be granted for development for the purposes of a residential flat building unless the site area on which the development is to be carried out has a dimension of at least 24 metres.*

The site plan shows a proposed development on a triangular lot bounded by Harbour Street to the north and east, and Smith Street to the west. The lot is divided into several levels (LEVEL 1 to LEVEL 7) and a podium. The building footprint is shown in grey. The plan includes a north arrow, a scale bar (0 to 100 feet), and various elevation points. The surrounding area includes existing buildings, parking, and a deep soil zone. The plan is titled 'PROPOSED DEVELOPMENT' and includes a list of levels and their corresponding elevations.

LEVEL	ELEVATION
LEVEL 7	10.100
LEVEL 6	10.090
LEVEL 5	10.080
LEVEL 4	10.070
LEVEL 3	10.060
LEVEL 2	10.050
LEVEL 1	10.040
PODIUM	10.030

A variation request has been submitted in accordance with clause 4.6 as discussed above.

(4) *In considering whether development to which this clause applies exhibits design excellence, the consent authority must have regard to the following matters:*

- The façade incorporates durable finishes, a mixed palette and articulation. The materials include brickwork to provide some reference to the heritage buildings in the locality and fabric of Marlene Court.

- The proposal occupies a prominent corner site and will dominate the streetscape, particularly when viewed along Harbour Street and looking west along Hinton Place. The materials palette has been amended throughout the assessment to provide a better link to the history of the site and other buildings located within the Market Square/Courthouse special area.

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

View corridors identified under Chapter D13 Wollongong Development Control Plan 2009 include of relevance to the proposal include the corridor along Harbour Street between Market Square and Belmore Basin and the view towards the escarpment over the city from Flagstaff Hill. The applicant has prepared photo montages for both of those viewsheds. Primary concerns relate to the impact of the proposal on the view corridor along Harbour Street.

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

The building does not overshadow any area identified on the sun plane protection map.

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

*(i) the suitability of the land for development,*

The proposal is of a character, form and scale that is not inconsistent with the applicable planning controls. However, the height will dominate the streetscape.

*(ii) existing and proposed uses and use mix,*

The type of use is compatible with the existing and likely future uses in the locality.

*(iii) heritage issues and streetscape constraints,*

See discussion at clause 5.10 of WLEP 2009 above.

*(iv) the location of any tower proposed, having regard to the need to achieve an acceptable relationship with other towers (existing or proposed) on the same site or on neighbouring sites in terms of separation, setbacks, amenity and urban form,*

The setbacks of the proposal are consistent with the requirements of the DCP and ADG.

*(v) bulk, massing and modulation of buildings,*

As discussed elsewhere in this report, the height of the building remains of concern.

*(vi) street frontage heights,*

N/A

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

The triangular shape of the site has resulted in a building with a reasonably small footprint which lends itself to minimal overshadowing. Solar access to existing and future development on adjoining land is not considered to be compromised in so far as residential requirements go. The building will overshadow the landscaped forecourt area of St Mary's to the east. A building of a lesser height would obviously have less of an impact in this regard. Notwithstanding, the forecourt area of St Mary's is not identified in the sun access plane and the impact is primarily on the northern corner where there are already some significant trees.

There are no concerns regard to reflectivity.

The proposal meets BASIX requirements.

It is considered that solar panels should be incorporated onto the rooftop to better address sustainability and energy consumption.

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

The building design provides good amenity for occupants and satisfies solar access and natural ventilation requirements. However, the proposal uses a high volume of concrete and it is considered incorporation of solar panels on the roof should be investigated to offset this.

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

The proposal is acceptable regarding vehicle and pedestrian access and circulation as further discussed at Chapter E3.

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

The proposal incorporates suitable landscaping, mixture of materials and articulation as well as new footpath and street trees for the frontage.

## **Part 8 Local provisions—Wollongong city centre**

### **Clause 8.1 Objectives for development in Wollongong city centre**

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

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

The proposal is broadly acceptable regarding this clause.

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

None applicable.

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

### **2.3.1 WOLLONGONG DEVELOPMENT CONTROL PLAN 2009**

Variations to the DCP are discussed at Chapter A1 below. The remainder of the DCP compliance tables are contained at **Attachment 6**.

## **CHAPTER A1 – INTRODUCTION**

### **8 Variations to development controls in the DCP**

The proposal seeks a variation to the front setback to Smith Street and the percentage of deep soil planting. These matters are discussed in respect of the requirements of this chapter below.

## Front setback

### (a) The control being varied;

Chapter D13, 2.2 Building to street alignment and street setbacks: A 4m setback is required to Smith Street.

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

The building comes to within 3.85m for approximately 8.5m along the Smith Street boundary. There are no unique circumstances for the variation.

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

The objectives of the control are as follows:

- a) To provide a hierarchy of street edges from commercial core with no street setbacks to residential locations with landscaped setbacks.*
- b) To establish the desired spatial proportions of the street and define the street edge.*
- c) To increase a clear transition between public and private space.*
- d) To locate active uses, such as shopfronts, closer to pedestrian activity areas.*
- e) To assist in achieving visual privacy to apartments from the street.*
- f) To create good quality entry spaces to lobbies, foyers or individual dwelling entrances.*
- g) To allow an outlook to, and surveillance of, the street.*
- h) To allow for street landscape character, where appropriate.*
- i) To maintain shared views to the ocean.*
- j) To maintain sun access to the public domain.*

The variation is considered to be a minor breach of the recommended setback and unlikely to be perceived compared to a fully compliant form.

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

Impacts associated with the setback relate to views along Smith Street and the impact to the streetscape. As noted above, the non-compliance is not of a scale that would readily be identifiable and is not considered to contribute to any notable additional impacts. The building is curved at the corner resulting in an approximately 8m setback to the corner. The encroachment is further to balcony areas which have less visual bulk. The variation is considered supportable.

## Deep soil area

### (a) The control being varied;

Chapter D13, 2.7 Deep soil zone: 15% of the site area is recommended to be deep soil planting.

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

The proposal provides approximately 13%. The irregular shape of the land presents unique circumstances for the variation.

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

The objectives of the control are as follows:

- a) To provide an area on sites that enables soft landscaping and deep soil planting, permitting the retention and/or planting of trees that will grow to a large or medium size.*
- b) To limit building bulk on a site and improve the amenity of developments, allowing for good daylight access, ventilation, and improved visual privacy.*
- c) To provide passive and active recreational opportunities*



Additional deep soil area is available in the north eastern corner of the site that would bring the total area into compliance. The objectives are considered to be satisfied.

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

No adverse impacts are expected as a result of the variation.

## CHAPTER B1 – RESIDENTIAL DEVELOPMENT

### 6 Residential flat buildings

Controls/objectives	Comment
<p><u>6.2 Minimum Site Width Requirement</u></p> <p>Within the R1 General Residential, R3 Medium Density Residential and R4 High Density Residential zones, development for the purpose of a residential flat building must not result in the creation of an “isolated lot”. An “isolated lot” is a lot which is bounded on both sides by properties (or a property and a second street frontage) which comprise existing development other than a single dwelling house and redevelopment of such adjoining properties is unlikely. This includes cases where there is high separation of ownership of dwelling ownership in the adjoining developments. Amalgamation of allotments will be required in the circumstance where an isolated allotment would otherwise be created.</p>	<p>The site is zoned R1 and the lot adjacent to the site at 3 Smith Street is bounded on the other side by a 2 storey strata subdivided flat building containing 5 units at 5 Smith Street.</p> <p>The matter of creation of an isolated lot was raised with the proponent and they have previously made representations to the owner of that land expressing their interest in buying. The owner refused that offer and evidence has been provided to verify that.</p> <p>It is noted that the three lots immediately to the west of the site (3, 5 and 7 Smith Street) are all small in size and contain low scale residential flats that are well below the maximum 24m height permitted. It is considered feasible that these three lots could combine along with 26 Harbour Street to create a viable larger scale flat building in the longer term.</p> <p>With respect to creation of an isolated lot, it is not considered unlikely that redevelopment could still occur, despite this proposal. The adjoining lot to the west and south are both owned by the same person and have a 24m height limit. The adjoining lot to the west of those is small in scale and it is not unrealistic that this could also be incorporated into a larger development lot (see Figure 9). The applicant provided modelling to demonstrate the feasibility for re-development. However this was not assessed against the controls.</p>



**Figure 9: Potential lot amalgamation**

### 2.3.2 WOLLONGONG CITY WIDE DEVELOPMENT CONTRIBUTIONS PLAN 2019

The estimated cost of works is ~\$6 million and a levy of 1% is applicable under this plan.

### **2.4 SECTION 4.15(1)(A)(IIIA) ANY PLANNING AGREEMENT THAT HAS BEEN ENTERED INTO UNDER SECTION 7.4, OR ANY DRAFT PLANNING AGREEMENT THAT A DEVELOPER HAS OFFERED TO ENTER INTO UNDER SECTION 7.4**

There are no planning agreements entered into or any draft agreement offered to enter into under S7.4 which affect the development.

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

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

Conditions of consent would apply with regard to demolition.

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

The primary concern with respect to impacts arising from the development is to views and height as detailed in this report.

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

Does the proposal fit in the locality?

The proposal in its current form could be designed to fit in the locality as outlined elsewhere in this report.

Are the site attributes conducive to development?

The site is in a prominent location and is of an unusual shape, presenting unique challenges to the design process. The proposal could better respond to the site attributes.

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

Submissions received following notification are discussed at section 1.5 of this report.

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

The application is consistent with the zoning and general built form controls. However, for the reasons outlined in this report the proposal would need to be amended to be considered to be in the public interest.

## **3 CONCLUSION**

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This application has been assessed having regard to the Heads of Consideration under Section S4.15(1) of the Environmental Planning and Assessment Act 1979, including the provisions of Wollongong LEP 2009 and relevant SEPPs, DCPs, Codes and Policies.

Potential lot isolation has been adequately addressed through correspondence offering to purchase the adjoining site and a property valuation. The applicant has submitted plans showing potential future development options on the adjoining site which were not assessed. The considerations under established legal precedent have been explored and are satisfactory. The lot width is less than that specified in WLEP 2009 for residential flat buildings. The applicant has followed the process set out in clause 4.6 of WLEP 2009 and adequately justified the development standard departure.

Public submissions have been considered and form part of Council's assessment. The recommendations of the Design Review Panel have been adopted in the revised plans and matters raised by the Panel are now resolved.

Whilst complying with the height, floor space ratio and setback controls, the design could better respond to the unique character of the locality and prominent location in respect of the height. It is noted that the design has maximised the maximum permitted height and floor space ratio allowable and could better integrate with the lower scale development along the Harbour Street special area.

Incorporation of brickwork into the elevations and increased setbacks to the upper roof top level are considered positive steps. However, there are further opportunities for the building to be amended to sit more comfortably within its surrounds such as a more modest design for the top floor unit which could allow for a reduction of the upper part of the building.

Other measures that could be incorporated include incorporation of brickwork into planter beds and potentially using lighter tones/materials at the upper levels to lessen the prominence of that part of the building.

#### **4 RECOMMENDATION**

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It is recommended that the Panel consider the submission and merits of the application prior to determination. Should the panel decide to refuse the application reasons are at **Attachment 8**.

#### **5 ATTACHMENTS**

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1. Aerial photograph
2. WLEP 2009 zoning map
3. Plans
4. Design Review Panel notes
5. Clause 4.6
6. Wollongong Development Control Plan 2009 compliance table
7. Apartment Design Guide compliance table
8. Draft refusal



## Attachment 1 – Aerial photograph





The map displays a residential neighborhood with the following features:

- Streets:** Wilson Street, Smith Street, Harbour Street, Hinton Street, and Hector Street.
- Lot Numbers:** Various lots are numbered, including 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100.
- Dimensions:** Various dimensions are shown, including 100, 150, 200, 250, 300, 350, 400, 450, 500, 550, 600, 650, 700, 750, 800, 850, 900, 950, 1000.
- Zoning:** A large green area is labeled RE1, and a smaller green area is labeled R1.
- Other Features:** A red triangle highlights a specific lot on Harbour Street. A dashed line indicates a boundary or easement. A small area is labeled "Old Court House Lane".



PROPOSED BOUTIQUE RESIDENTIAL APARTMENT  
BUILDING OVER BASEMENT CARPARK  
AT  
1 SMITH STREET, WOLLONGONG



ARTIST IMPRESSION  
CORNER OF SMITH AND HARBOUR STREET ASPECT  
IMAGE NOT TO BE REPRODUCED WITHOUT ADM ARCHITECTS APPROVAL

ARCHITECTURAL DRAWING SCHEDULE

No.	DESCRIPTION	SCALE@A3
A-000	TITLE SHEET	NTS
A-001	DEVELOPMENT SUMMARY	NTS
A-002	SITE ANALYSIS	NTS
A-003	CONTEXTUAL STREET SECTIONS	NTS
A-004	PHOTOMONTAGE 01	NTS
A-005	PHOTOMONTAGE 02	NTS
A-006	PHOTOMONTAGE 03	NTS
A-007	VIEW ANALYSIS PERSPECTIVE	NTS
A-008	PHOTOMONTAGE 04	NTS
A-009	PHOTOMONTAGE 05	NTS
A-010	ISOMETRICS COMPARISON	NTS
A-011	ISOMETRICS COMPARISON	NTS
A-101	SITE PLAN	1:200
A-102	LOWER BASEMENT FLOOR PLAN	1:200
A-103	UPPER BASEMENT FLOOR PLAN	1:200
A-104	GROUND FLOOR PLAN	1:200
A-105	LEVEL 1 & 3 FLOOR PLAN	1:200
A-106	LEVEL 2 & 4 FLOOR PLAN	1:200
A-107	LEVEL 5 FLOOR PLAN	1:200
A-108	LEVEL 6 FLOOR PLAN	1:200
A-109	LEVEL 7 FLOOR PLAN	1:200
A-110	ROOF PLAN	1:200
A-201	NORTH ELEVATION	1:200
A-202	EAST ELEVATION	1:200
A-203	SOUTH ELEVATION	1:200
A-204	WEST ELEVATION	1:200
A-205	SECTION A-A	1:200
A-301	POST ADAPTATION PLAN	1:100
A-401	SHADOW ANALYSIS 1 OF 2	NTS
A-402	SHADOW ANALYSIS 2 OF 2	NTS
A-403	SOLAR ACCESS STUDY 1 OF 2	NTS
A-404	SOLAR ACCESS STUDY 2 OF 2	NTS
A-501	COLOUR & MATERIALS SCHEDULE	NTS
A-601	DEMOLITION & SITE MANAGEMENT PLAN	NTS
A-701	HEIGHT PLANE DIAGRAM	NTS
A-801	3 SMITH STREET POTENTIAL DEVELOPMENT	1:500

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a FIGURED DIMENSIONS- These drawings are not to be scaled. Figured dimensions shall be used in all cases.  
a NOMINATED ARCHITECT- The nominated Architect for ADM Projects (Australia) Pty Ltd T/AS ADM Architects is Angelo Di Martino ARB No.7608

ISSUE	DATE	DESCRIPTION
A	09.09.2019	ISSUED FOR DA
B	10.12.2019	AMENDED FOR DA
C	11.03.2020	AMENDED FOR DA

NOT FOR CONSTRUCTION

July 2019		BSA Reference: 13802	
Building Sustainability Assessments		Ph: (02) 4962 3439	
enquiries@buildingsustainability.net.au		www. buildingsustainability.net.au	
Important Note			
The following specification was used to achieve the thermal performance values indicated on the Assessor Certificate and takes precedence over any other specification.			
If different construction elements are applied then the Assessor Certificate is no longer valid.			
Thermal Performance Specifications (does not apply to garage)			
External Wall Construction		Added Insulation	
Brick Veneer & Lightweight & 75mm AAC Veneer		R2.0	
200mm Concrete + furring channel + plasterboard		R1.0	
Internal Wall Construction		Added Insulation	
Plasterboard on studs		none	
75mm AAC + studs + Plasterboard (party walls)		none	
Ceiling Construction		Added Insulation	
Plasterboard		R1.0 to ceilings adjacent to roof space and decks above	
Roof Construction	Colour	Added Insulation	
Concrete	Any	none	
Floor Construction	Covering	Added Insulation	
Concrete	As drawn	none	
Windows	Glass and frame type	U Value	SHGC Range Area sq m
Performance glazing Type A		4.10	0.42 - 0.52 Unit 8
Performance glazing Type B		4.10	0.47 - 0.57 Unit 8
Performance glazing Type A		5.40	0.44 - 0.54 All other glazing
Performance glazing Type B		5.40	0.52 - 0.64 All other glazing
Type A windows are awning windows, bifolds, casements, tilt 'n 'turn' windows, entry doors, french doors			
Type B windows are double hung windows, sliding windows & doors, fixed windows, stacker doors, louvres			
Skylights	Glass and frame type	U Value	SHGC Area sq m
U and SHGC values are according to AFRC. Alternate products may be used if the U value is lower and the SHGC is within the range specified			
External Window Shading		(eaves, verandahs, pergolas, awnings etc)	
All shade elements modelled as drawn			
Ceiling Penetrations		(downlights, exhaust fans, flues etc)	
No adjustment has been made for losses to insulation arising from ceiling penetrations.			



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Project  
PROPOSED BOUTIQUE RESIDENTIAL APARTMENT  
BUILDING OVER BASEMENT CARPARK  
At  
1 SMITH STREET  
WOLLONGONG  
For  
HARBOUR SMITH MANAGEMENT PTY. LTD.

Title  
DEVELOPMENT APPLICATION  
TITLE SHEET

Scale NTS	Date MARCH 2020	
Drawn SJ	Checked ADM	
Project No. 2016-05	Drawing No. A-000	Issue C

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Project:	I Smith Street, WOLLONGONG	
Project No:	2016-05	
Site Area:	841m <sup>2</sup>	
<b>Wollongong LEP 2009 Controls</b>		
	<b>Control</b>	<b>Proposed</b>
Land use	Residential	Residential
FSR	1.5:1	1.5:1
Height (m)	24m	23.950m

Level	Residential GFA	3bdrm	Unit Totals
Basements (surpus parking)	38.9m <sup>2</sup>		
Ground	158.5m <sup>2</sup>	1	1
Level 1	175.3m <sup>2</sup>	1	1
Level 2	170.4m <sup>2</sup>	1	1
Level 3	175.3m <sup>2</sup>	1	1
Level 4	170.4m <sup>2</sup>	1	1
Level 5	169.0m <sup>2</sup>	1	1
Level 6	134.0m <sup>2</sup>	-	-
Level 7	47.5m <sup>2</sup>	-	-
TOTAL	1239.3m <sup>2</sup>	6	6
Unit Mix		100%	100%
Permissible GFA	1261.5m <sup>2</sup>		

C

Car Parking Requirements (WCC)	Min Rate	Required	Provided
>110m <sup>2</sup>	1.25/unit	7.5	11
TOTAL		7.5	11

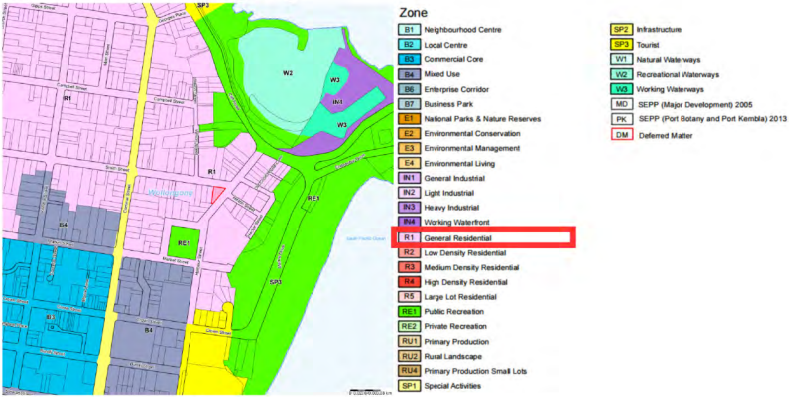
Visitor Parking Requirements	Min Rate	Required	Provided
	1/5 units	1.2	2
TOTAL		1.2	2

Bicycle Parking Requirements	Min Rate	Required	Provided
Residents	1/3 units	2	2
Visitors	1/12 units	0.5	1
TOTAL		2.5	3

Motorcycle Parking Requirements	Min Rate	Required	Provided
Residents	1/15 units	0.4	1
TOTAL		0.4	1

Waste Management	General	Recycling	Green
Rate:	80L/unit/week	80L/unit/fortnight	
Weekly Total:	480L/week	480L/fortnight	
Bins Required:	2 @ 240L	2 @ 240L	1 @ 240L
Bins Provided:	2 @ 240L	2 @ 240L	1 @ 240L
TOTAL		5 bins @ 240L	

Figure A: Land Zoning Map



R1 General Residential

Figure B: Floor Space Ratio Map

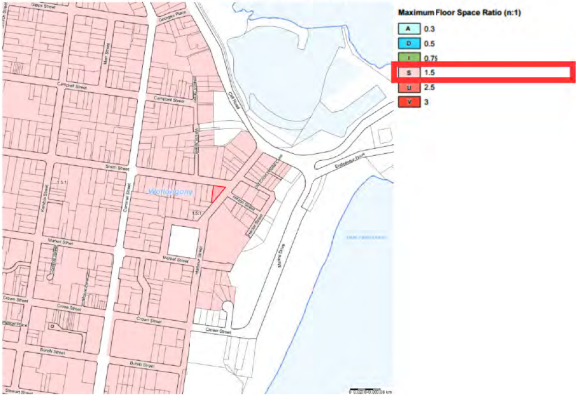


Figure C: Height of Building Map

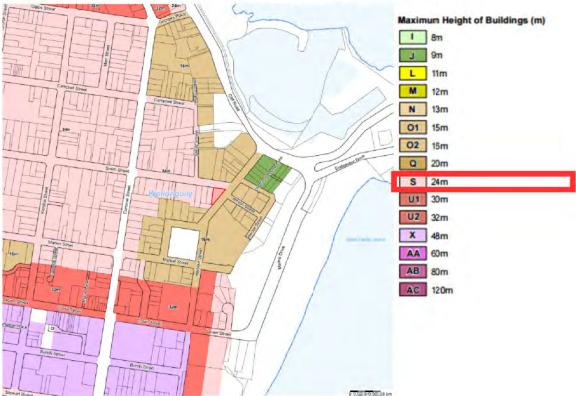
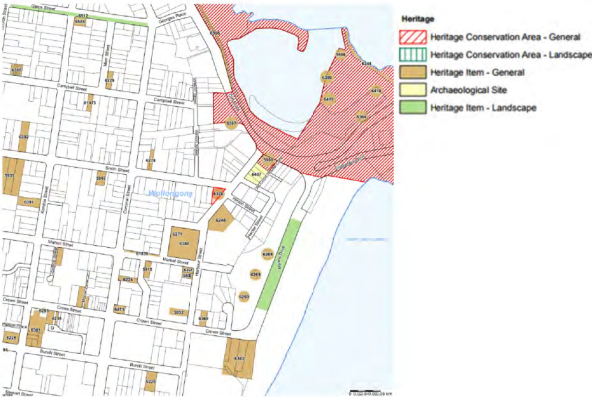


Figure D: Heritage Map



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Project:  
PROPOSED BOUTIQUE RESIDENTIAL APARTMENT  
BUILDING OVER BASEMENT CARPARK  
At:  
1 SMITH STREET  
WOLLONGONG  
For:  
HARBOUR SMITH MANAGEMENT PTY. LTD.

Title:  
DEVELOPMENT APPLICATION  
DEVELOPMENT SUMMARY

Scale:	Date:
NTS	MARCH 2020

Drawn:	Checked:
SJ	ADM

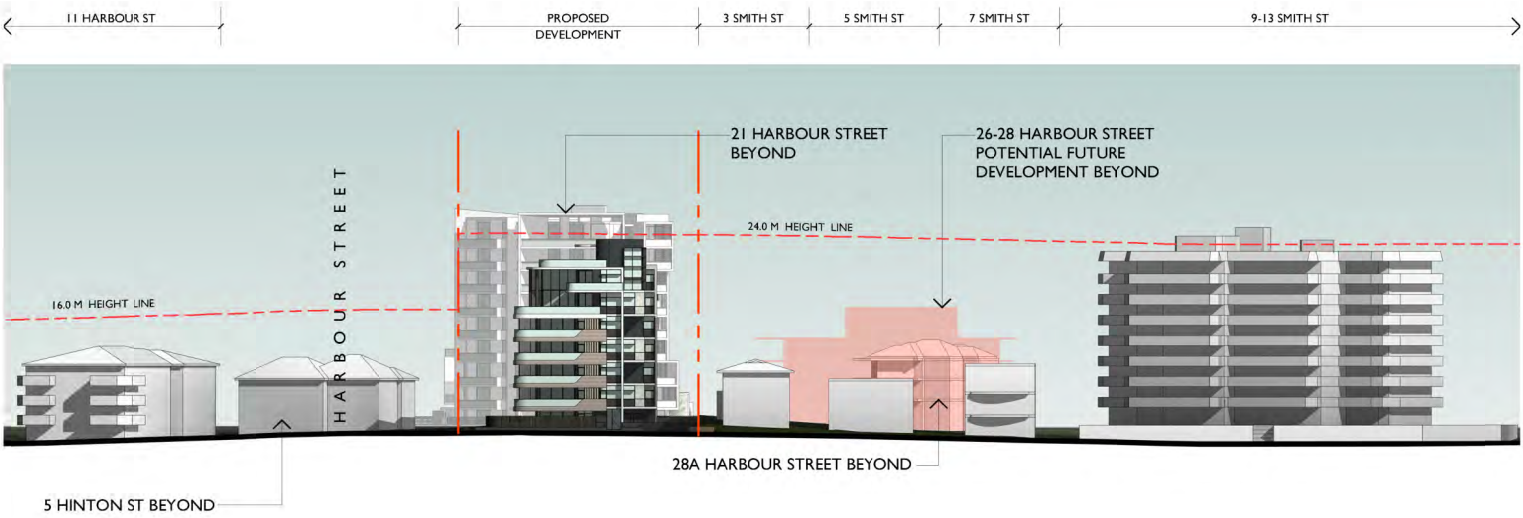
Project No.	Drawing No.	Issue
2016-05	A-001	C

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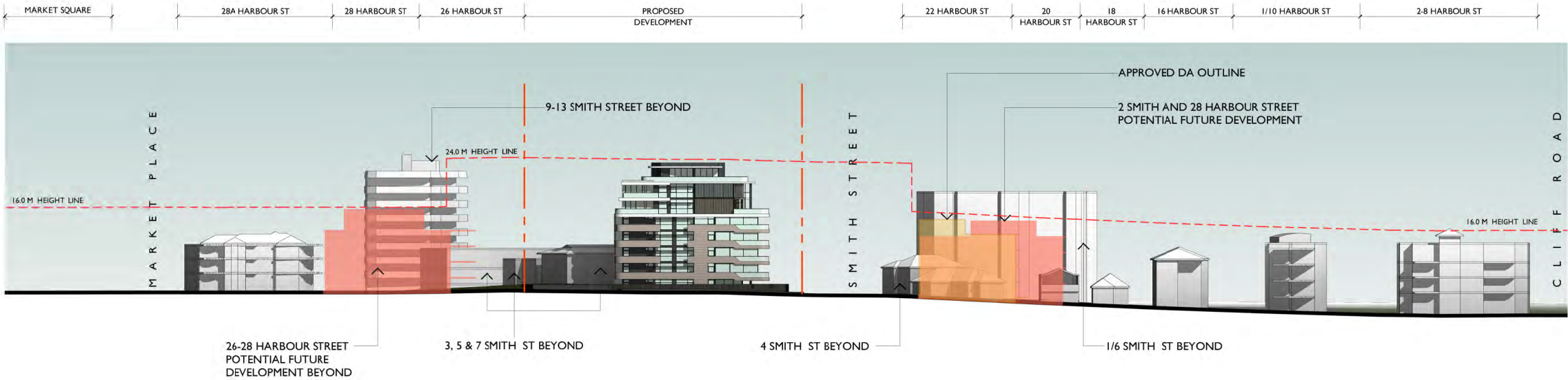
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SMITH STREET SECTION  
BETWEEN 11 HARBOUR STREET AND 13 SMITH STREET (LOOKING SOUTH)



HARBOUR STREET SECTION  
BETWEEN MARKET SQUARE AND CLIFF ROAD (LOOKING WEST)



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Title  
DEVELOPMENT APPLICATION  
CONTEXTUAL STREET SECTIONS

Scale NTS		Date MARCH 2020	
Drawn SJ		Checked ADM	
Project No. 2016-05	Drawing No. A-003	Issue C	

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PHOTOMONTAGE 01  
LOOKING EAST TOWARDS SITE ALONG SMITH STREET

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Title  
DEVELOPMENT APPLICATION  
PHOTOMONTAGE 01

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PHOTOMONTAGE 02  
LOOKING NORTH TOWARDS SITE FROM MARKET STREET INTERSECTION



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Title  
DEVELOPMENT APPLICATION  
PHOTOMONTAGE 02

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PHOTOMONTAGE 03  
LOOKING SOUTH TOWARDS SITE FROM CLIFF ROAD INTERSECTION



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Title  
DEVELOPMENT APPLICATION  
PHOTOMONTAGE 03

Scale	Date
NTS	MARCH 2020

Drawn	Checked
SJ	ADM

Project No.	Drawing No.	Issue
2016-05	A-006	C

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LINE OF SIGHT DIAGRAM



VIEW FROM FLAGSTAFF HILL PARK

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For  
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Title  
DEVELOPMENT APPLICATION  
VIEW ANALYSIS PERSPECTIVE

Scale	Date	
NTS	SEPTEMBER 2019	
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Project No.	Drawing No.	Issue
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PHOTOMONTAGE 04  
LOOKING EAST TOWARDS SITE FROM PARK

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Title  
DEVELOPMENT APPLICATION  
PHOTOMONTAGE 04

Scale	Date
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2016-05	A-008	B

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PHOTOMONTAGE 05  
FLAGSTAFF HILL PANORAMIC



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Title  
DEVELOPMENT APPLICATION  
PHOTOMONTAGE 05

Scale	Date	
NTS	MARCH 2020	
Drawn	Checked	
SJ	ADM	
Project No.	Drawing No.	Issue
2016-05	A-009	B

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NORTH EAST ISOMETRIC - CURRENT



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HARBOUR SMITH MANAGEMENT PTY. LTD.

Title  
DEVELOPMENT APPLICATION  
ISOMETRICS COMPARISON

Scale	Date
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Drawn	Checked
SJ	ADM

Project No.	Drawing No.	Issue
2016-05	A-010	A

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NORTH EAST ISOMETRIC



SOUTH WEST ISOMETRIC



NORTH WEST ISOMETRIC



SOUTH EAST ISOMETRIC

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At  
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WOLLONGONG  
For  
HARBOUR SMITH MANAGEMENT PTY. LTD.

Title  
DEVELOPMENT APPLICATION  
ISOMETRICS

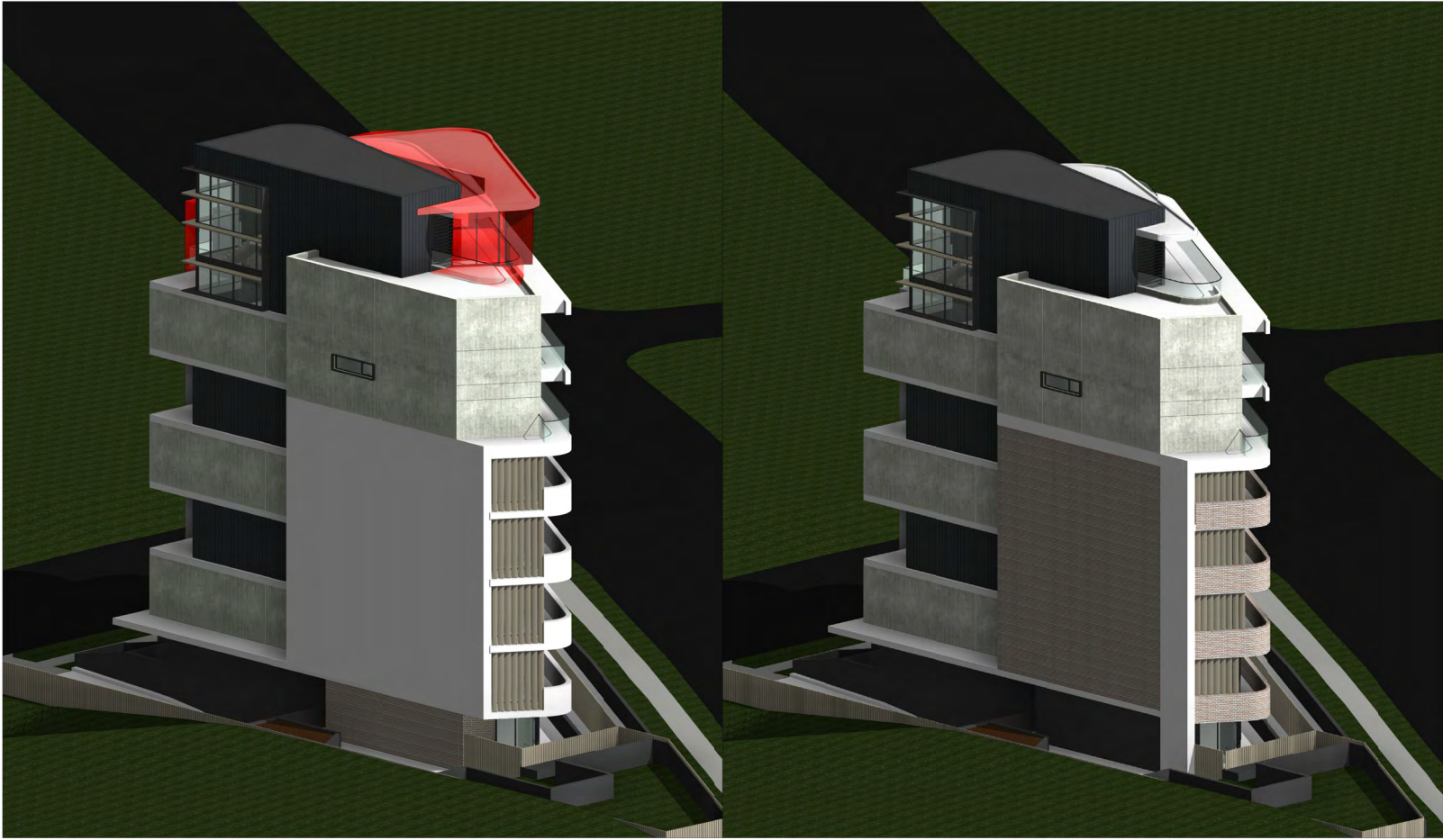
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NTS	FEBRUARY 2020

Drawn	Checked
SJ	ADM

Project No.	Drawing No.	Issue
2016-05	A-010	B

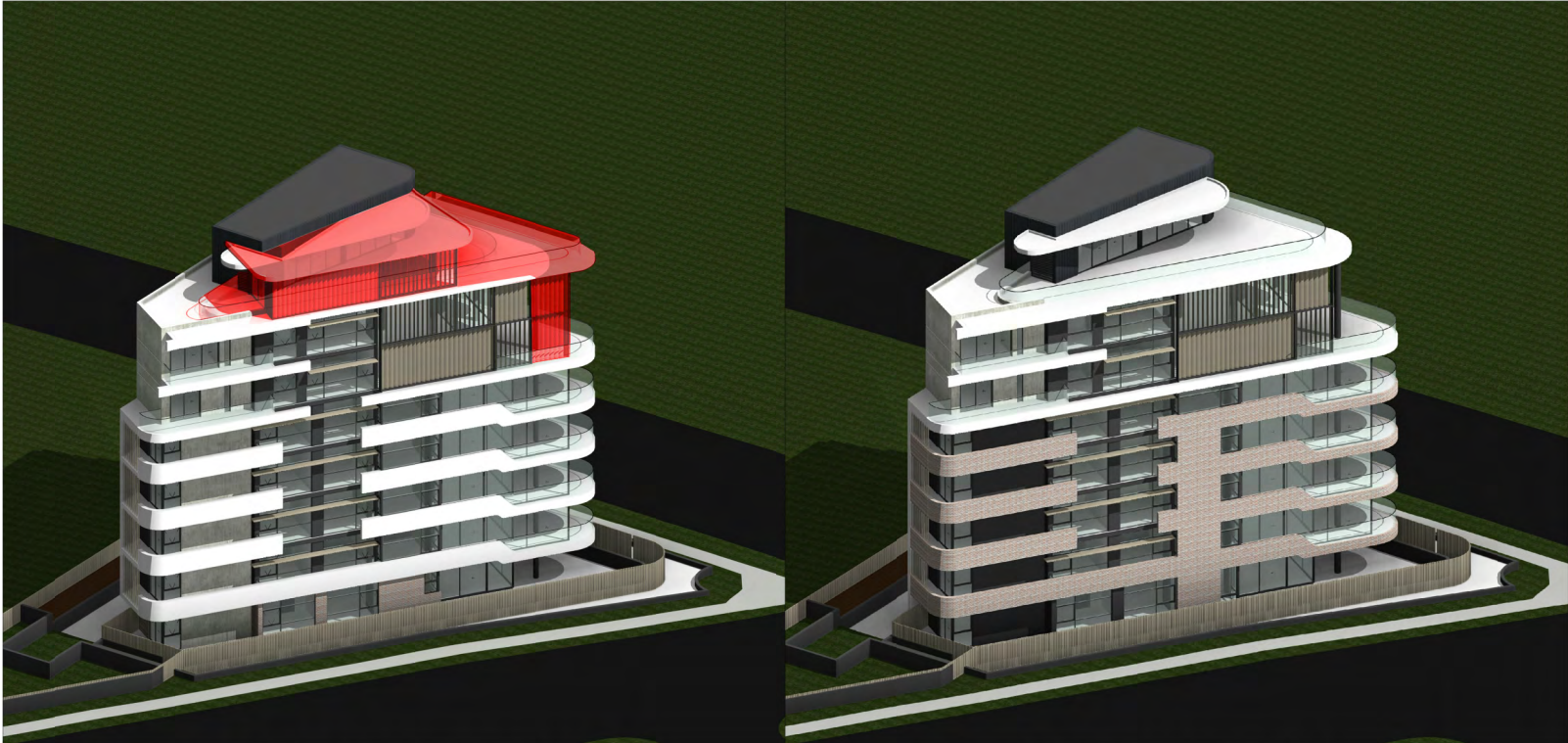
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SOUTH WEST ISOMETRIC - COMPARISON

SOUTH WEST ISOMETRIC - CURRENT



SOUTH EAST ISOMETRIC - COMPARISON

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WOLLONGONG  
For  
HARBOUR SMITH MANAGEMENT PTY. LTD.

Title  
DEVELOPMENT APPLICATION  
ISOMETRICS COMPARISON

Scale NTS	Date	
Drawn SJ	Checked ADM	
Project No. 2016-05	Drawing No. A-011	Issue A

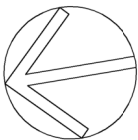
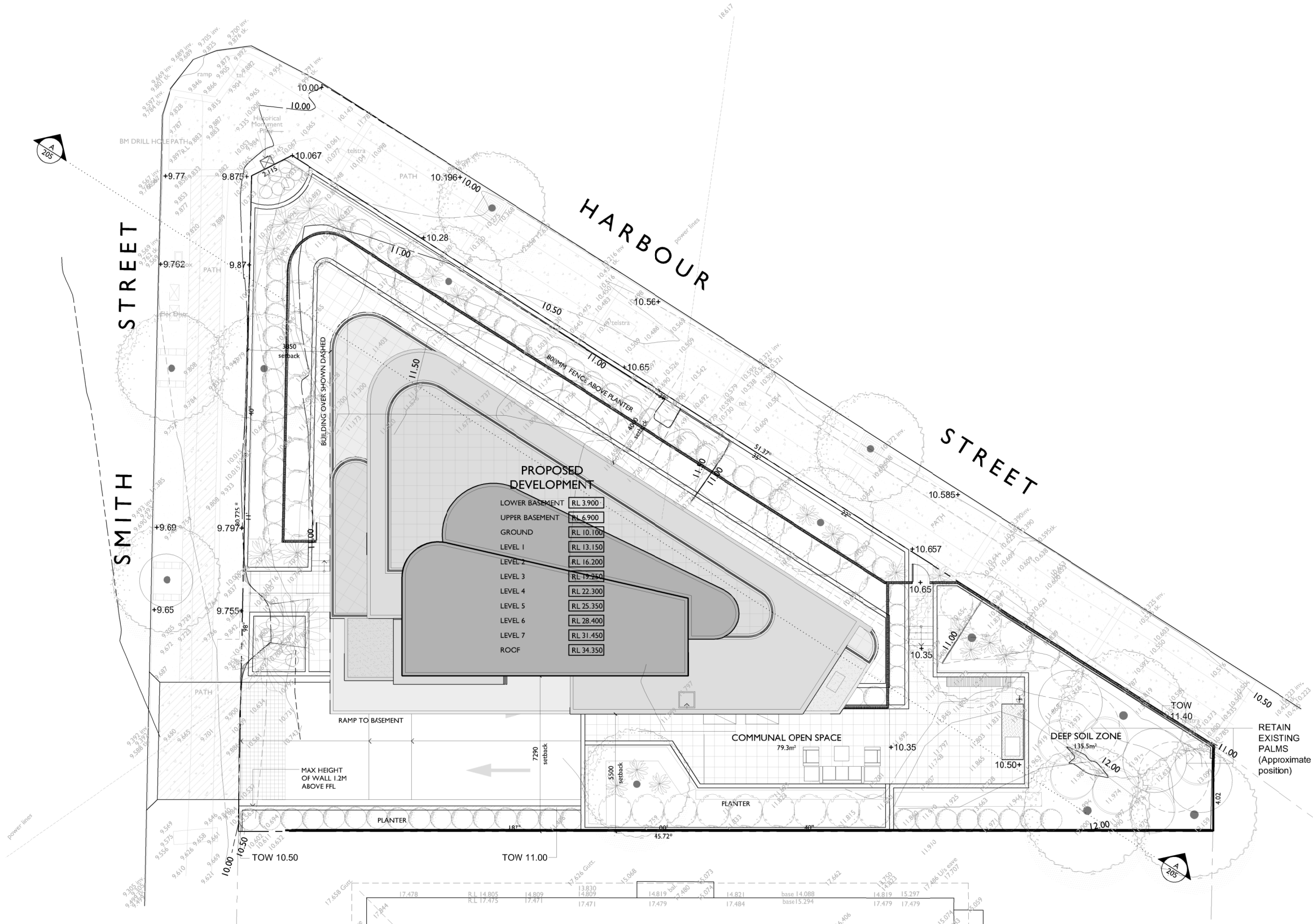
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## SITE PLAN

NOTE: REFER TO CIVIL ENGINEER'S DOCUMENTATION FOR STORMWATER COLLECTION & ALL EXTERNAL SURFACE LEVELS.  
REFER TO LANDSCAPE ARCHITECTS DOCUMENTATION FOR ALL PAVING & PLANTING DETAILS.



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Project:  
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BUILDING OVER BASEMENT CARPARK

At:  
1 SMITH STREET  
WOLLONGONG

For:  
HARBOUR SMITH MANAGEMENT PTY. LTD.

Title:  
DEVELOPMENT APPLICATION  
SITE PLAN

Scale:  
1:100 @ A1  
1:200 @ A3

Date:  
MARCH 2020

Drawn:  
DP SJ

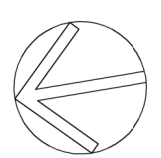
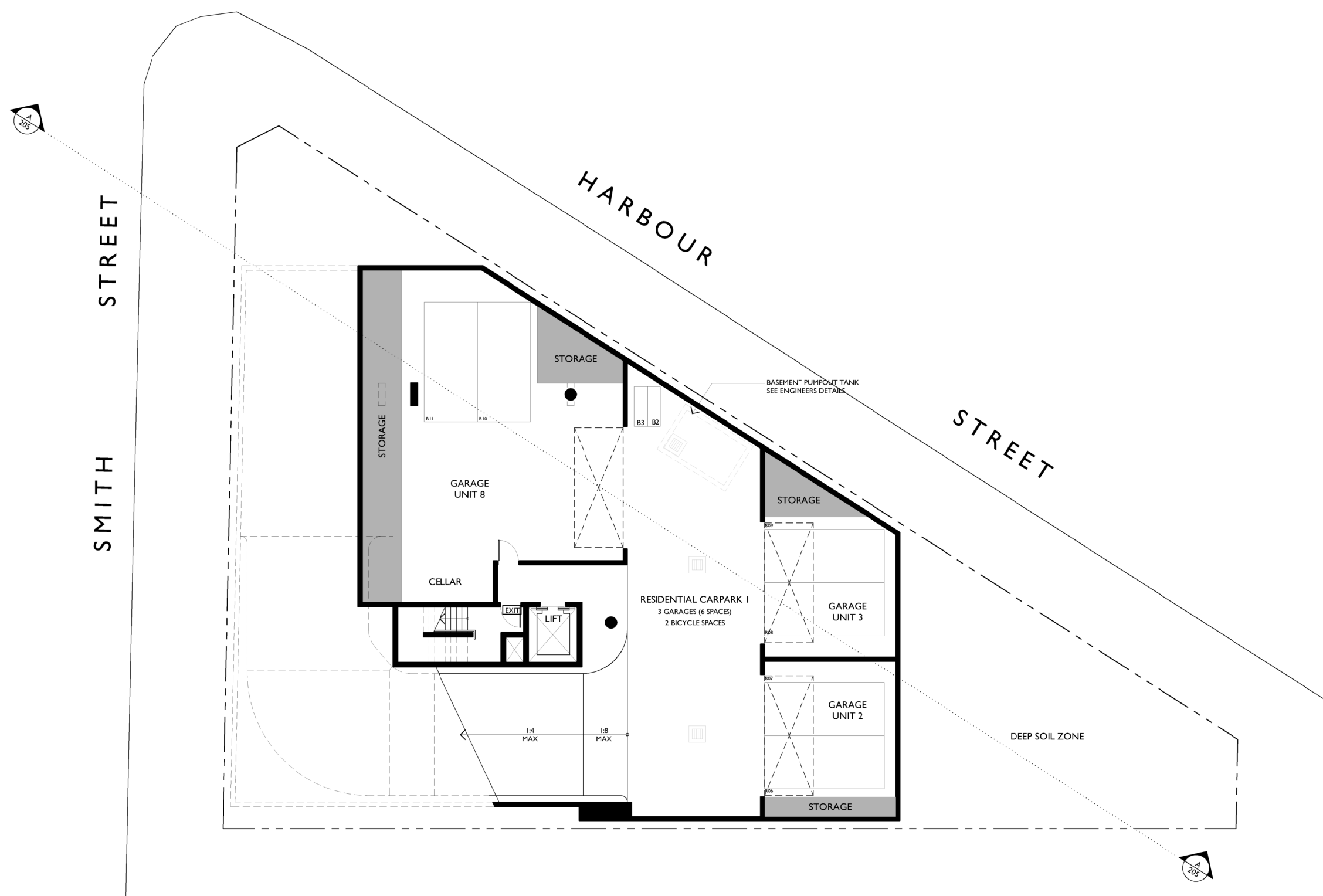
Checked:  
ADM

Project No.:  
2016-05

Drawing No.:  
A-101

Issue:  
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# LOWER BASEMENT FLOOR PLAN

LOWER BASEMENT [RL 3.900]

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Project  
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BUILDING OVER BASEMENT CARPARK  
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HARBOUR SMITH MANAGEMENT PTY. LTD.

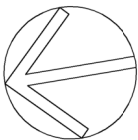
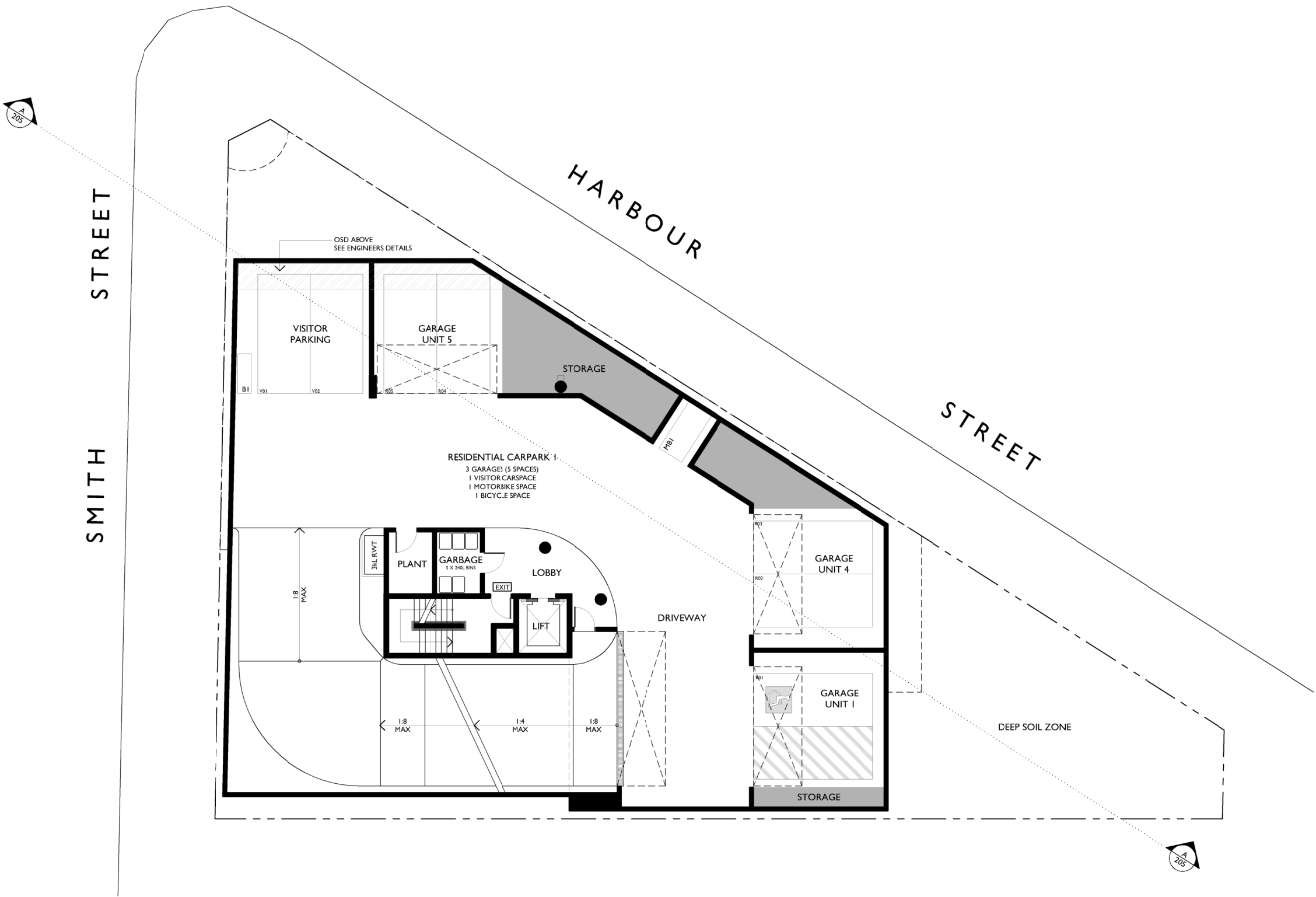
Title DEVELOPMENT APPLICATION LOWER BASEMENT FLOOR PLAN		
Scale 1:100 @ A1 1:200 @ A3	Date SEPTEMBER 2019	
Drawn DP SP	Checked ADM	
Project No. 2016-05	Drawing No. A-102	Issue A

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## UPPER BASEMENT FLOOR PLAN

UPPER BASEMENT RL 6.900



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Title DEVELOPMENT APPLICATION UPPER BASEMENT FLOOR PLAN		
Scale 1:100 @ A1 1:200 @ A3	Date DECEMBER 2019	
Drawn DP SP	Checked ADM	
Project No. 2016-05	Drawing No. A-103	Issue B

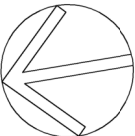
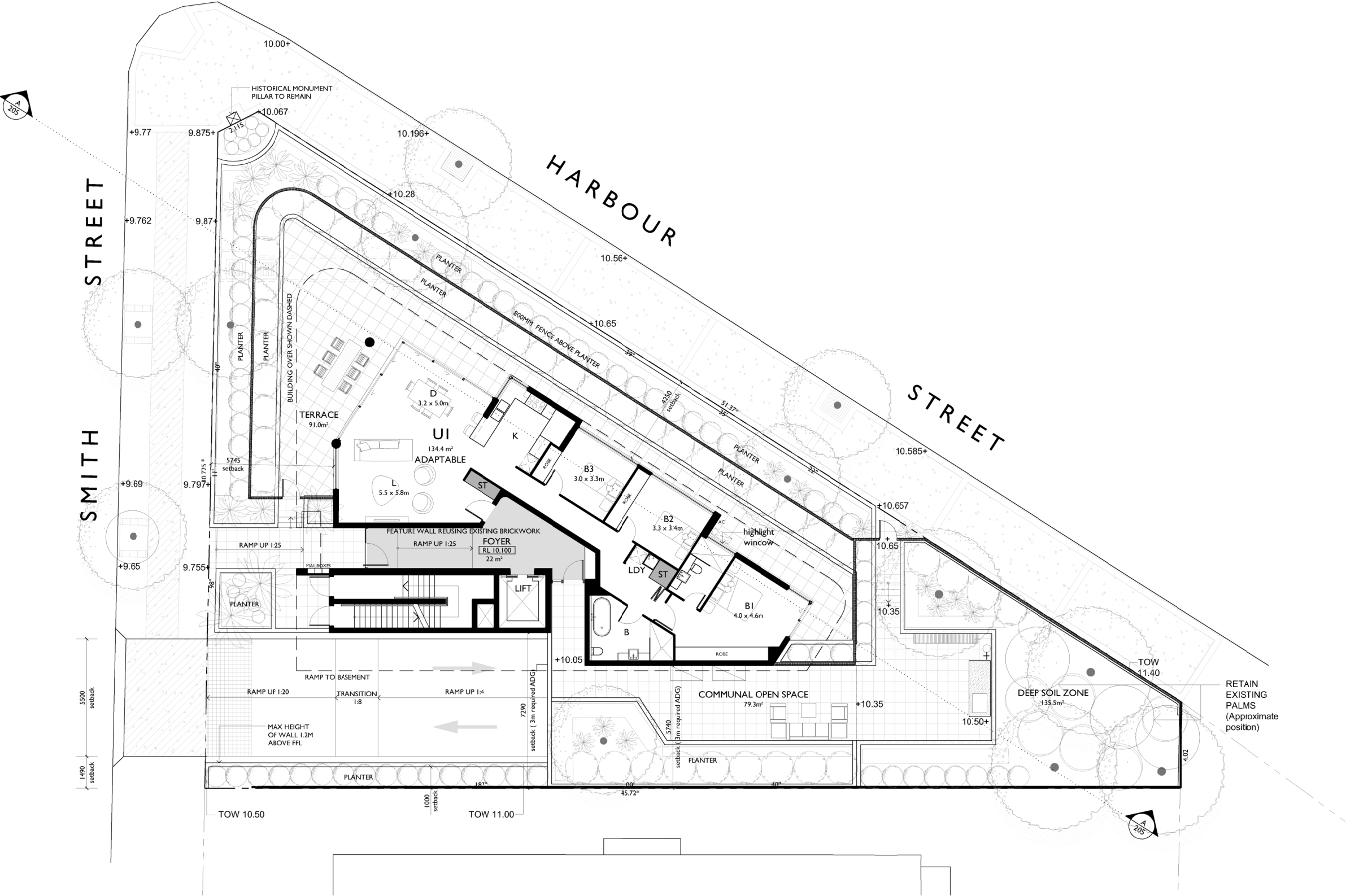
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## GROUND FLOOR PLAN

GROUND RL 10.100



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For

HARBOUR SMITH MANAGEMENT PTY. LTD.

Title  
DEVELOPMENT APPLICATION  
GROUND FLOOR PLAN

Scale  
1:100 @ A1  
1:200 @ A3  
Date  
MARCH 2020

Drawn  
DP SJ  
Checked  
ADM

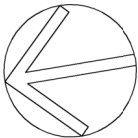
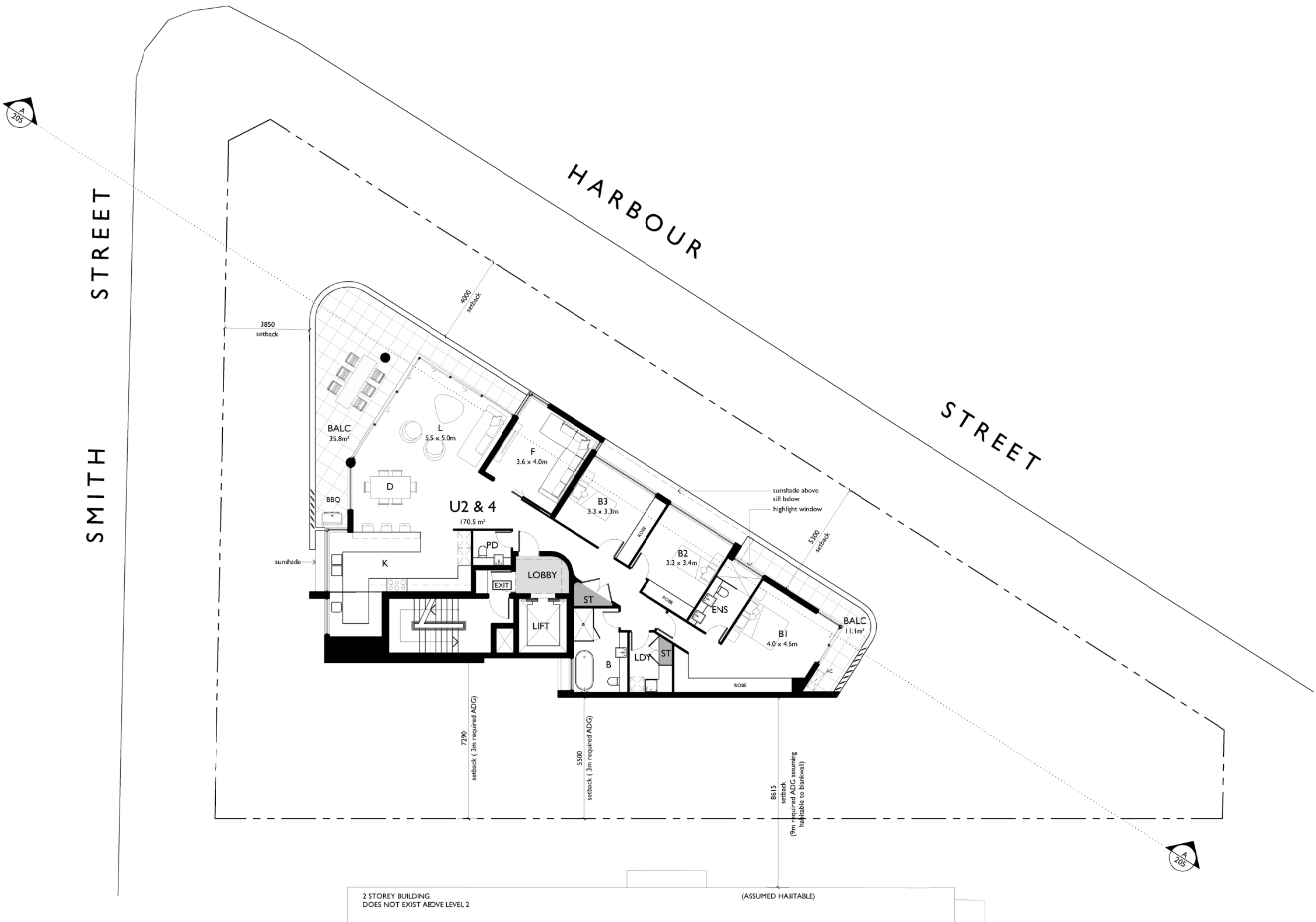
Project No.  
2016-05  
Drawing No.  
A-104  
Issue  
C

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## LEVEL 1 & 3 FLOOR PLAN

LEVEL 1 RL 13.150  
LEVEL 3 RL 19.250



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Project  
PROPOSED BOUTIQUE RESIDENTIAL APARTMENT  
BUILDING OVER BASEMENT CARPARK

At  
1 SMITH STREET  
WOLLONGONG

For  
HARBOUR SMITH MANAGEMENT PTY. LTD.

Title  
DEVELOPMENT APPLICATION  
LEVEL 1 & 3 FLOOR PLAN

Scale  
1:100 @ A1  
1:200 @ A3

Date  
MARCH 2020

Drawn  
DP SJ

Checked  
ADM

Project No.  
2016-05

Drawing No.  
A-105

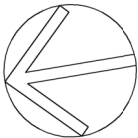
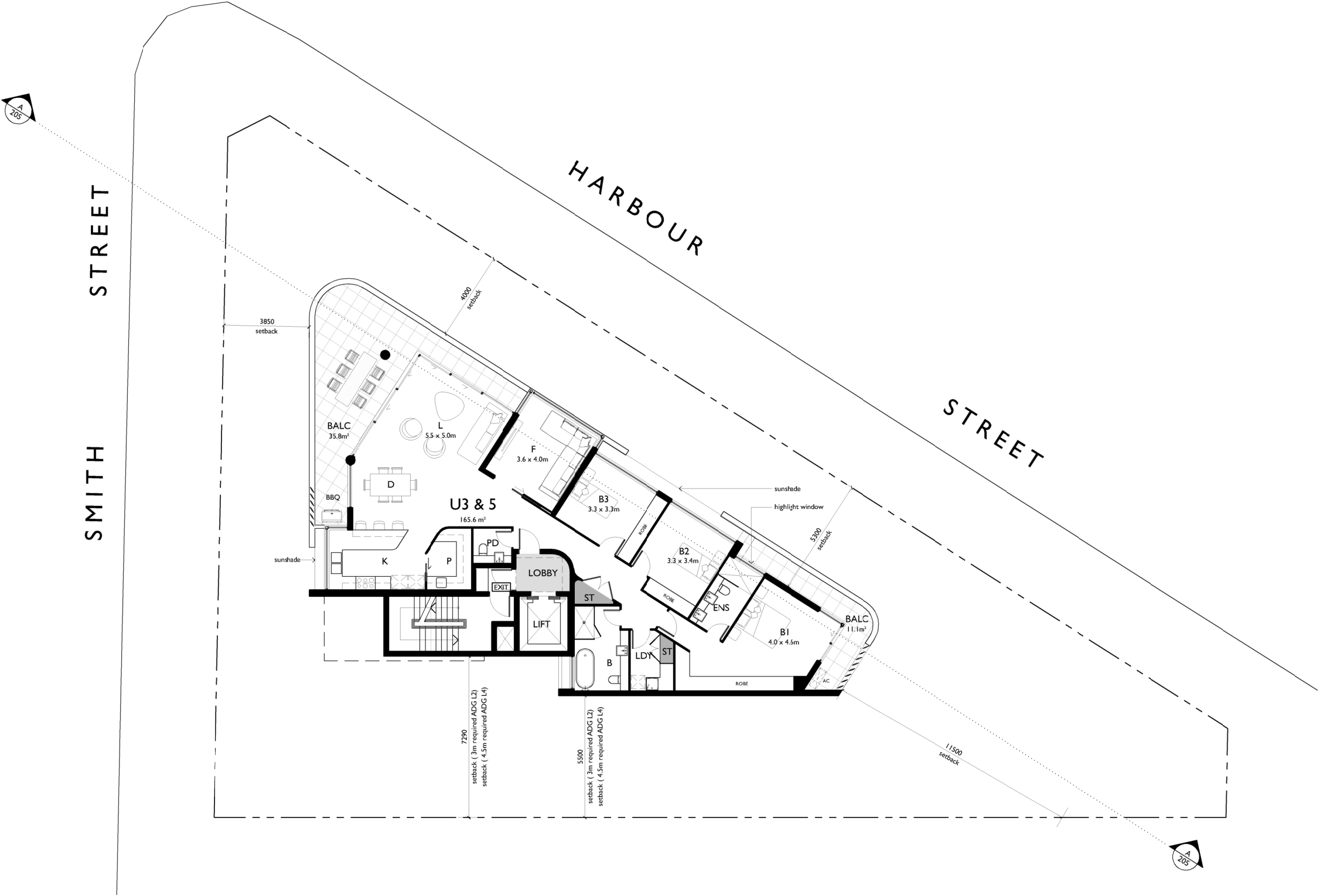
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## LEVEL 2 & 4 FLOOR PLAN

LEVEL 2 RL 16.200  
LEVEL 4 RL 22.300



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For  
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Title  
DEVELOPMENT APPLICATION  
LEVEL 2 & 4 FLOOR PLAN

Scale  
1:100 @ A1  
1:200 @ A3

Date  
MARCH 2020

Drawn  
DP SJ

Checked  
ADM

Project No.  
2016-05

Drawing No.  
A-107

Issue  
C

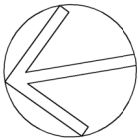
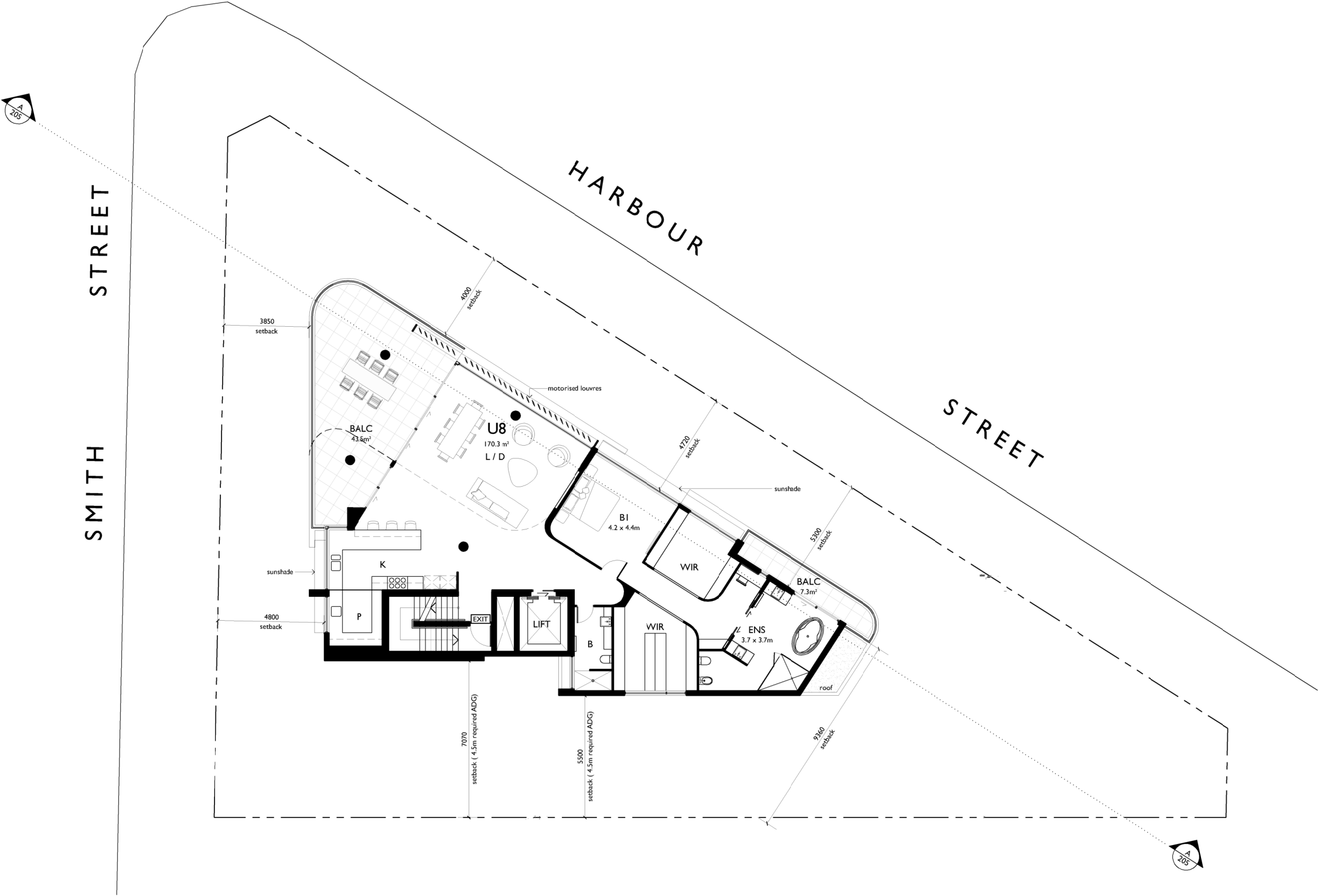
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LEVEL 5 FLOOR PLAN

LEVEL 5 RL 25.350 (PENTHOUSE)



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Title DEVELOPMENT APPLICATION LEVEL 5 FLOOR PLAN		
Scale 1:100 @ A1 1:200 @ A3	Date MARCH 2020	
Drawn DP SJ	Checked ADM	
Project No. 2016-05	Drawing No. A-107	Issue C

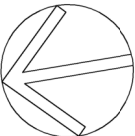
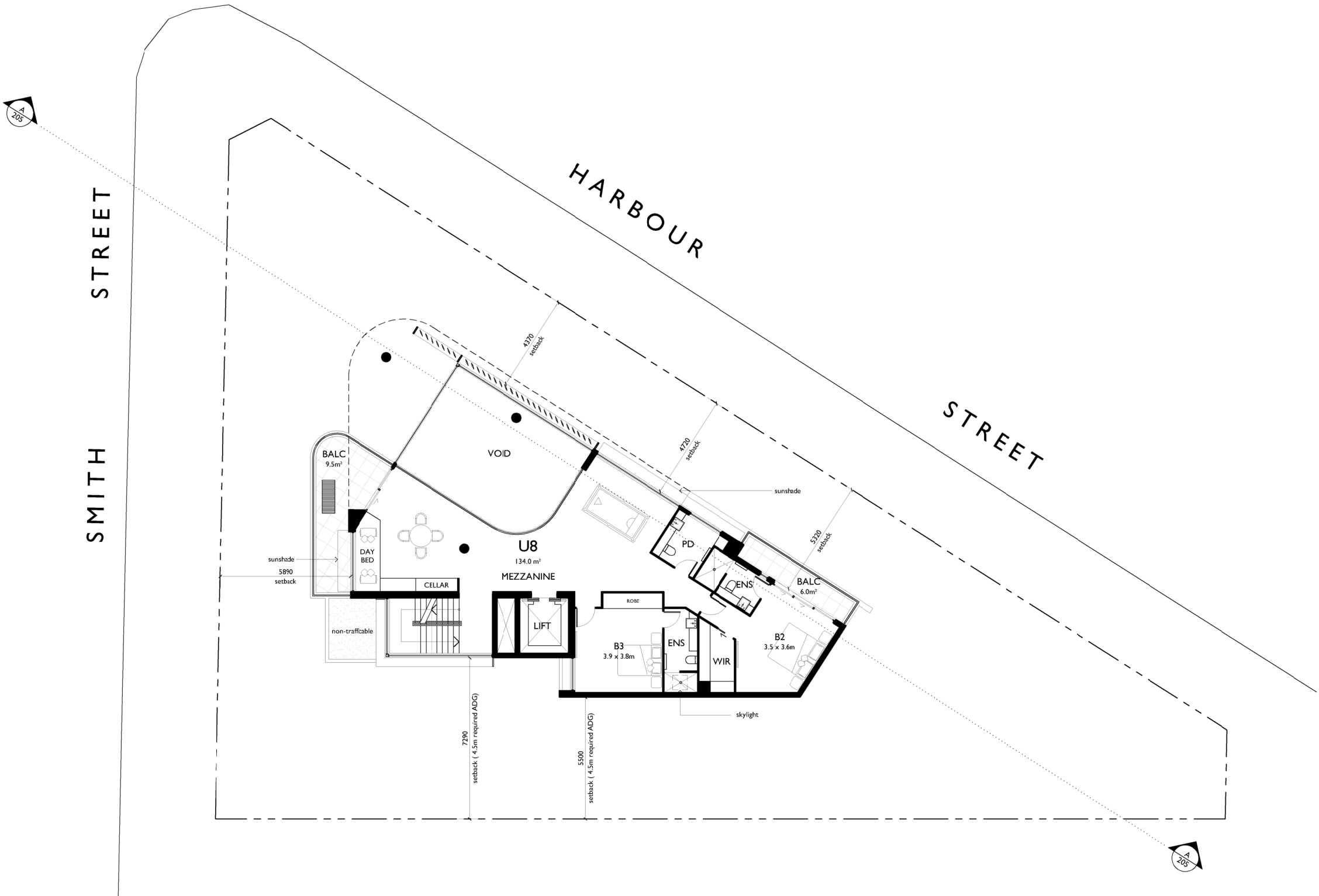
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## LEVEL 6 FLOOR PLAN

LEVEL 6 RL 28.400 (PENTHOUSE)

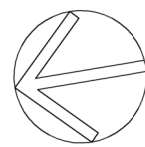
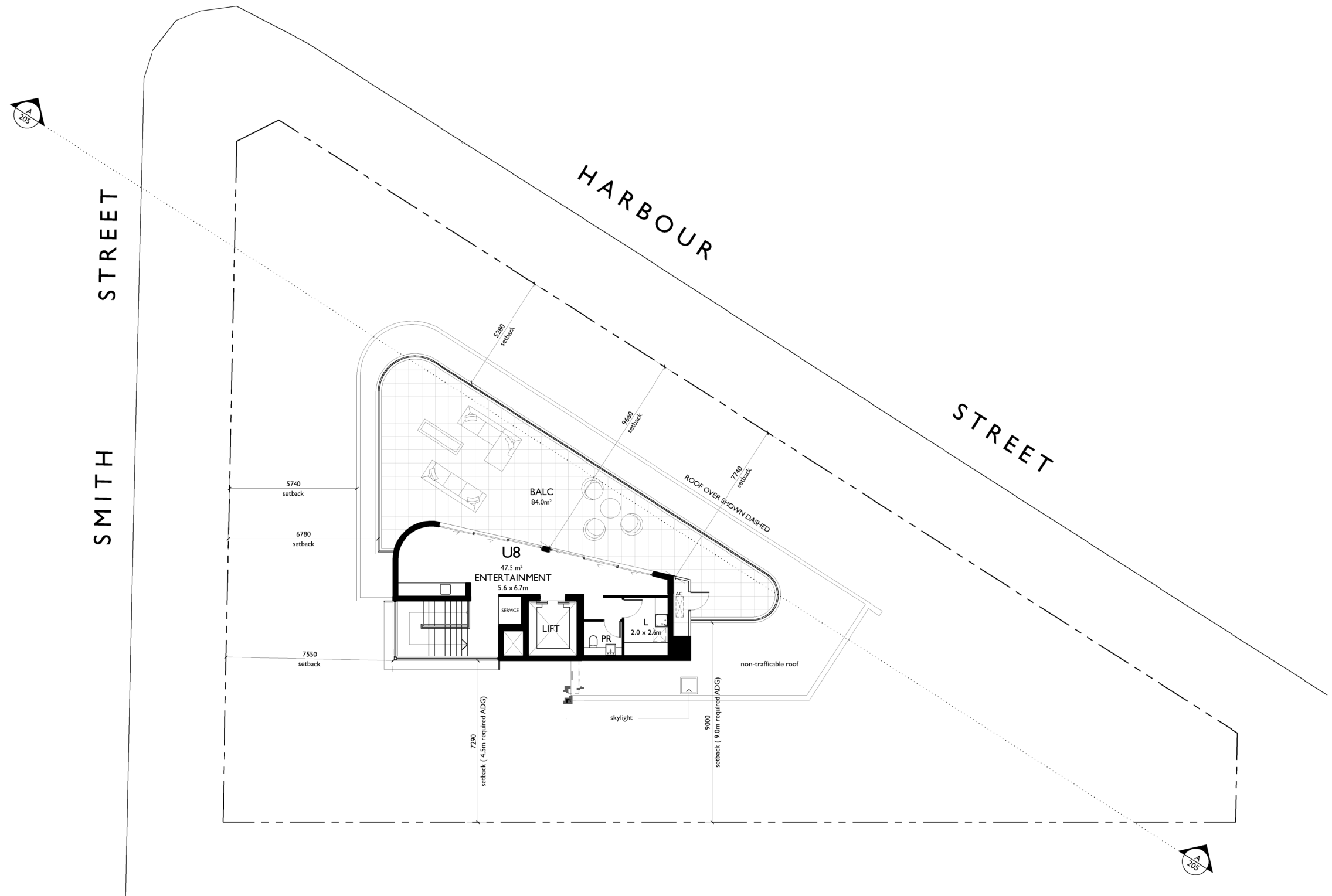


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BUILDING OVER BASEMENT CARPARK  
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WOLLONGONG  
For  
HARBOUR SMITH MANAGEMENT PTY. LTD.

Title DEVELOPMENT APPLICATION LEVEL 6 FLOOR PLAN		
Scale 1:100 @ A1 1:200 @ A3	Date DECEMBER 2019	
Drawn DP SJ	Checked ADM	
Project No. 2016-05	Drawing No. A-108	Issue C

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# LEVEL 7 FLOOR PLAN

LEVEL 7 RL 31.450 (PENTHOUSE)

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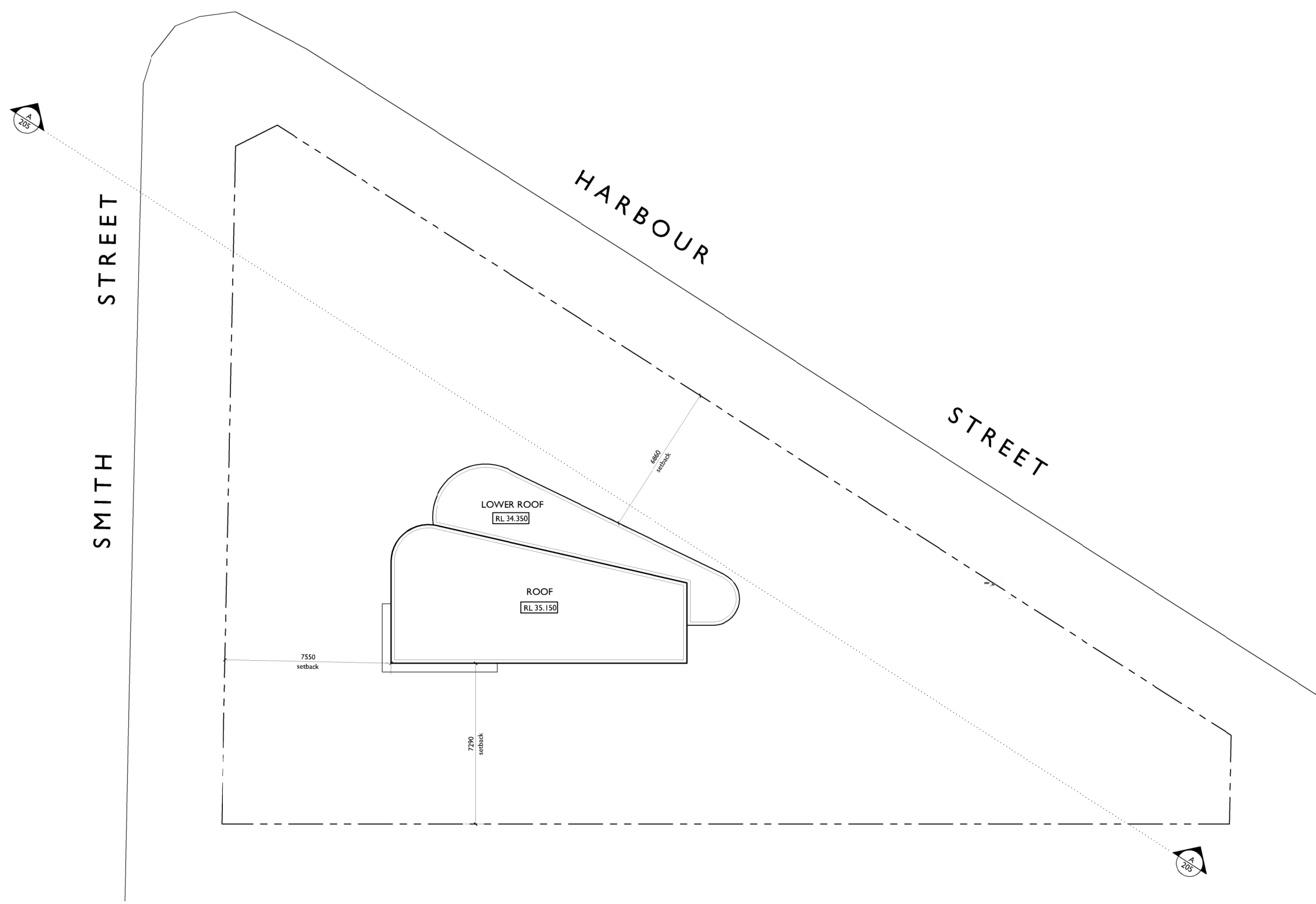
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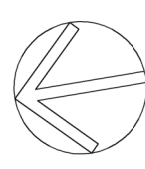


Project  
PROPOSED BOUTIQUE RESIDENTIAL APARTMENT  
BUILDING OVER BASEMENT CARPARK  
At  
1 SMITH STREET  
WOLLONGONG  
For  
HARBOUR SMITH MANAGEMENT PTY. LTD.

Title DEVELOPMENT APPLICATION LEVEL 7 FLOOR PLAN		
Scale 1:100 @ A1 1:200 @ A3		Date MARCH 2020
Drawn DP SP		Checked ADM
Project No. 2016-05	Drawing No. A-109	Issue C

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 **ROOF PLAN**  
ROOF RL varies

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BUILDING OVER BASEMENT CARPARK**  
At  
**1 SMITH STREET  
WOLLONGONG**  
For  
**HARBOUR SMITH MANAGEMENT PTY. LTD.**

Title <b>DEVELOPMENT APPLICATION ROOF PLAN</b>		
Scale 1:100 @ A1 1:200 @ A3		Date <b>MARCH 2020</b>
Drawn DP SJ		Checked <b>ADM</b>
Project No. <b>2016-05</b>	Drawing No. <b>A-110</b>	Issue <b>B</b>



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NORTH ELEVATION  
SMITH STREET ASPECT



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Title  
DEVELOPMENT APPLICATION  
NORTH ELEVATION

Scale 1:100 @ A1 1:200 @ A3	Date MARCH 2020
Drawn SJ	Checked ADM

Project No. 2016-05	Drawing No. A-201	Issue C
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EAST ELEVATION  
HARBOUR STREET ASPECT

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Title  
DEVELOPMENT APPLICATION  
EAST ELEVATION

Scale 1:100 @ A1 1:200 @ A3	Date MARCH 2020
Drawn SJ	Checked ADM

Project No. 2016-05	Drawing No. A-202	Issue C
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SOUTH ELEVATION



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For  
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Title DEVELOPMENT APPLICATION SOUTH ELEVATION		
Scale 1:100 @ A1 1:200 @ A3		Date DECEMBER 2019
Drawn SP SJ		Checked ADM
Project No. 2016-05	Drawing No. A-203	Issue B

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SOUTH ELEVATION

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BUILDING OVER BASEMENT CARPARK  
At  
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WOLLONGONG  
For  
HARBOR SMITH MANAGEMENT PTY. LTD.

Title DEVELOPMENT APPLICATION SOUTH ELEVATION		
Scale 1:100 @ A1 1:200 @ A3		Date MARCH 2020
Drawn SJ		Checked ADM
Project No. 2016-05	Drawing No. A-203	Issue C

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WEST ELEVATION



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BUILDING OVER BASEMENT CARPARK  
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WOLLONGONG  
For  
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Title  
DEVELOPMENT APPLICATION  
WEST ELEVATION

Scale	Date
1:100 @ A1 1:200 @ A3	MARCH 2020

Drawn	Checked
SJ	ADM

Project No.	Drawing No.	Issue
2016-05	A-204	C

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SECTION AA

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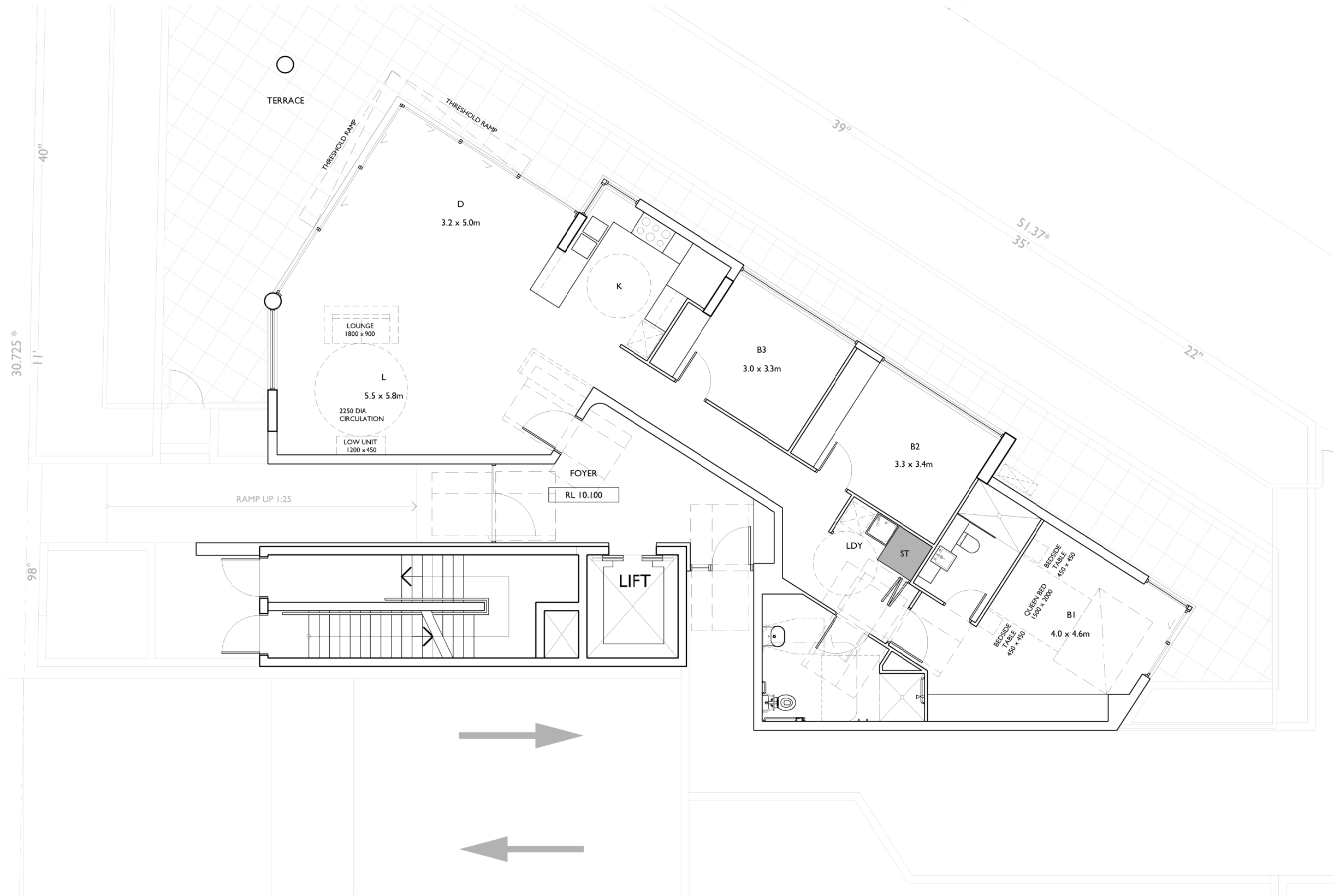


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Title DEVELOPMENT APPLICATION SECTION AA		
Scale 1:100 @ A1 1:200 @ A3	Date MARCH 2020	
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Project No. 2016-05	Drawing No. A-205	Issue C

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POST-ADAPTATION PLAN  
UNIT 1  
REFER TO ACCESS CONSULTANT'S REPORT  
FOR PRE-ADAPTATION REFER SHEET A-104

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For  
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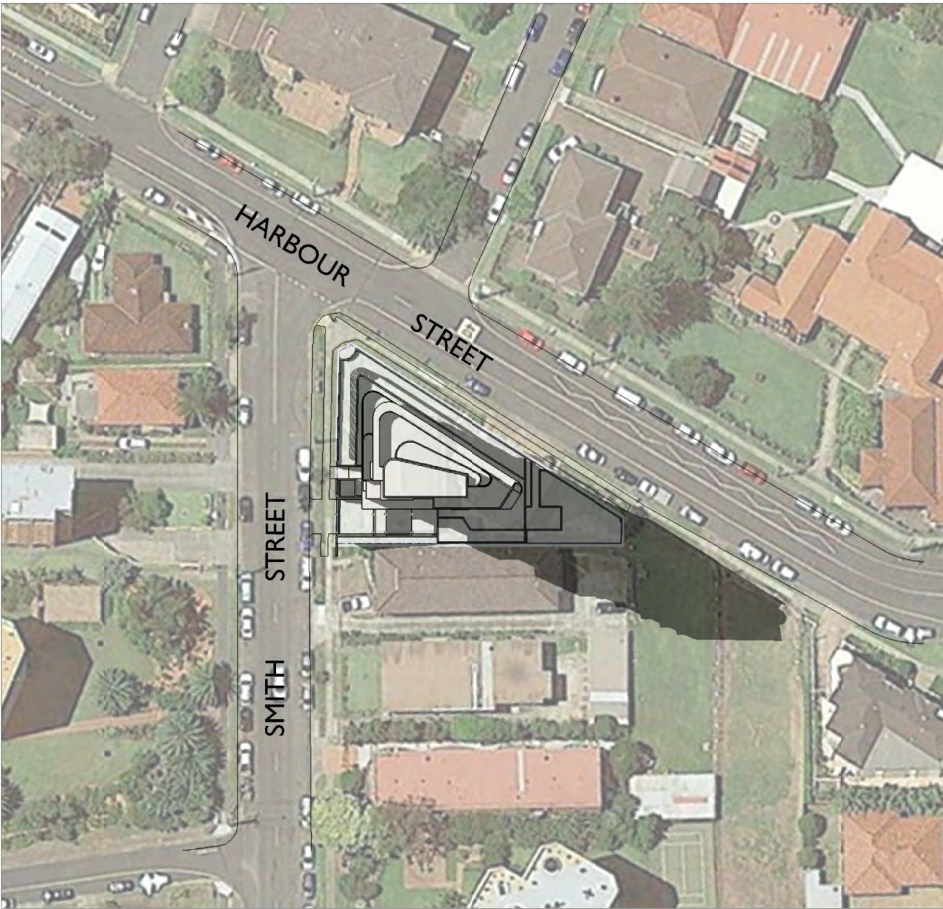
Title DEVELOPMENT APPLICATION POST ADAPTATION PLAN		
Scale 1:50 @ A1 1:100 @ A3	Date SEPTEMBER 2019	
Drawn SP	Checked ADM	
Project No. 2016-05	Drawing No. A-301	Issue A

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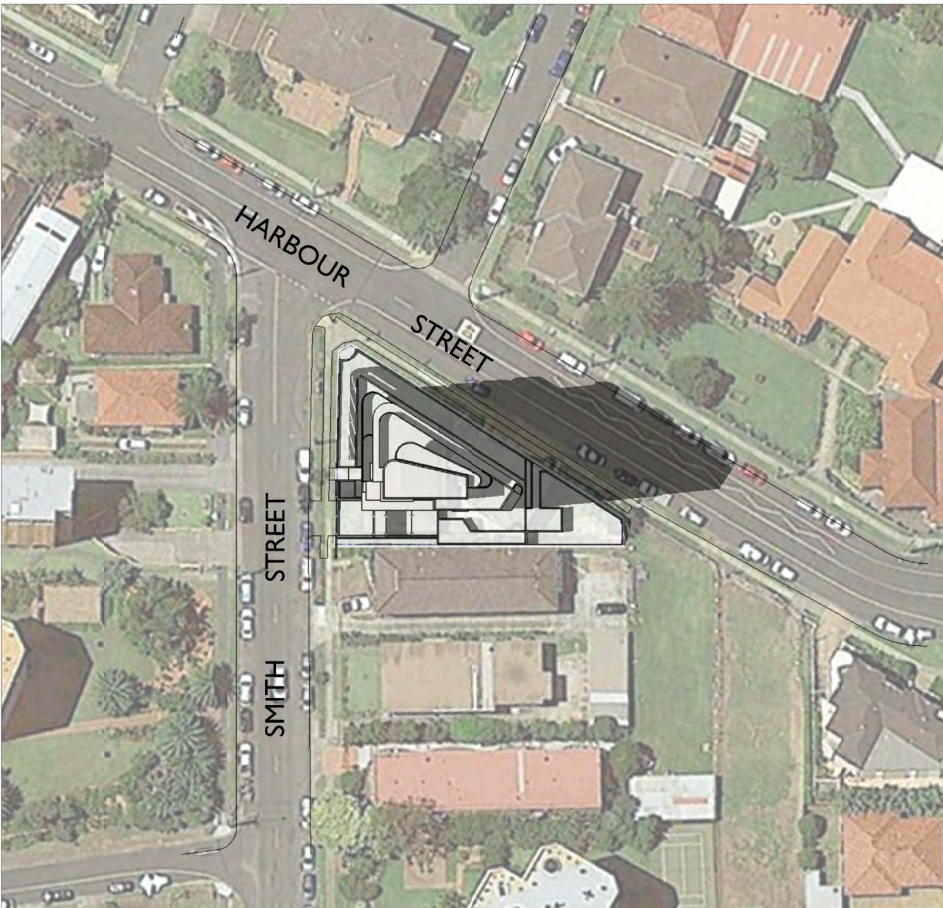
9am



10am



11am

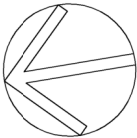


12pm

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SHADOW ANALYSIS - 21ST OF JUNE



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For  
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Title  
DEVELOPMENT APPLICATION  
SHADOW ANALYSIS 1 OF 2

Scale	Date
NTS	MARCH 2020

Drawn	Checked
SJ	ADM

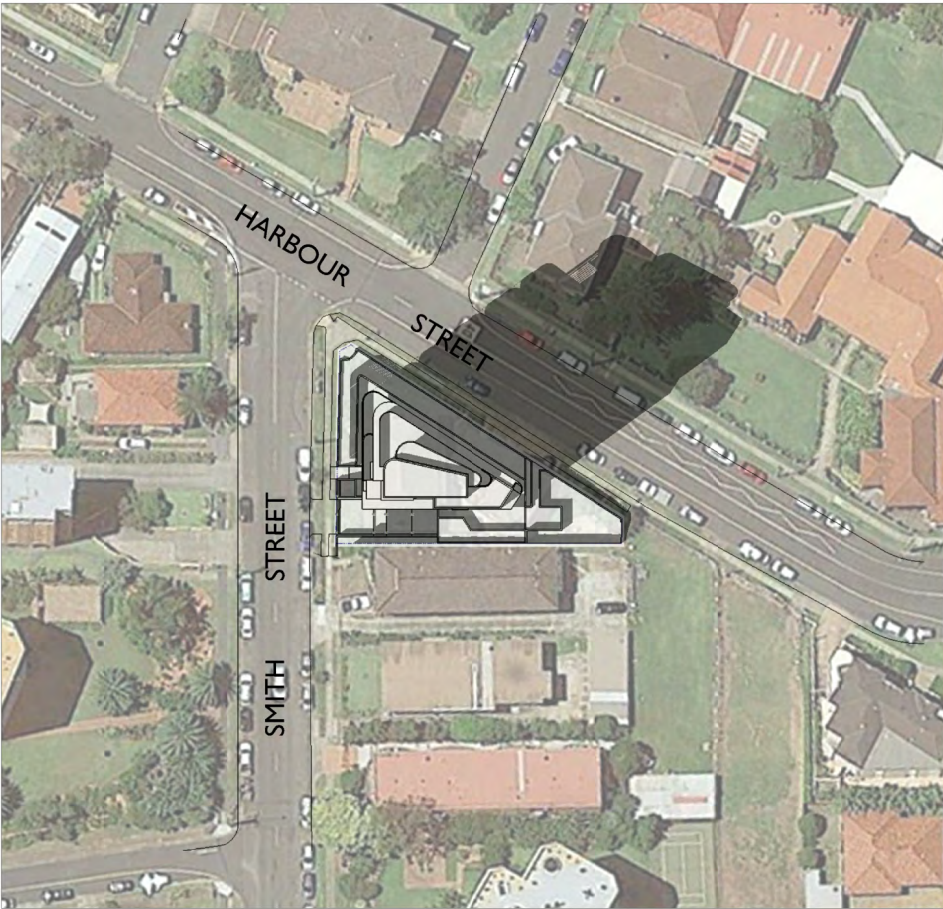
Project No.	Drawing No.	Issue
2016-05	A-401	B

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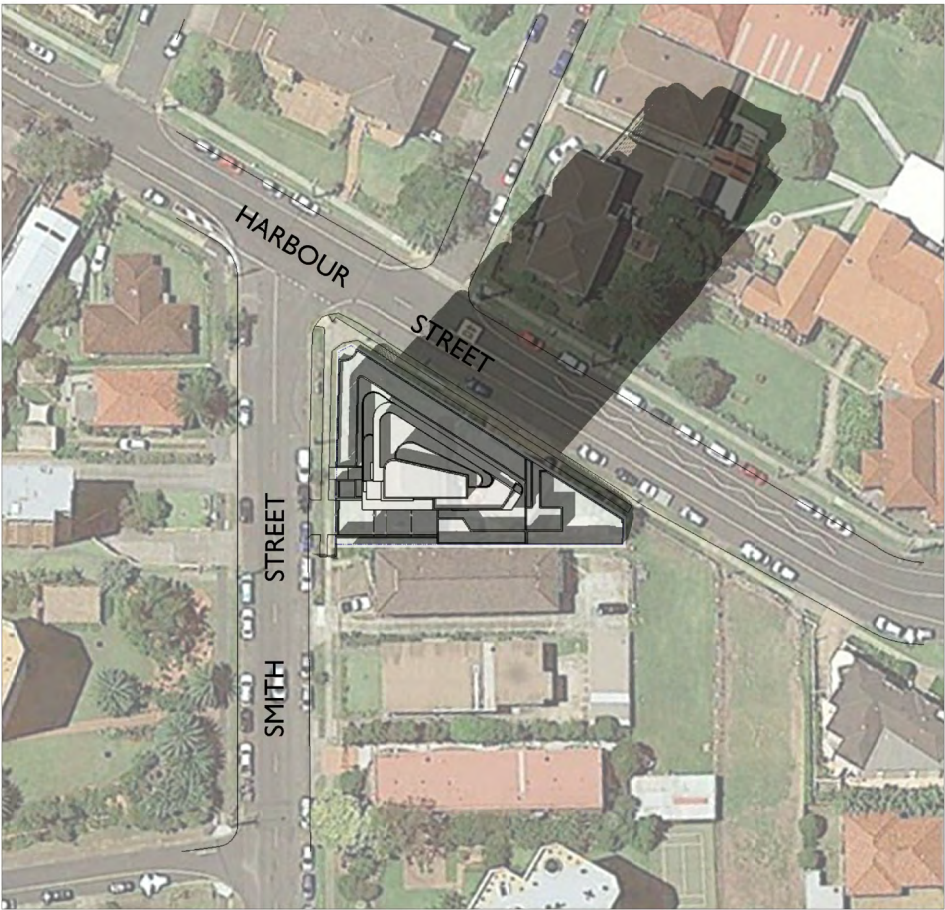




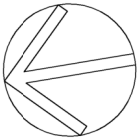
1pm



2pm



3pm



SHADOW ANALYSIS - 21ST OF JUNE

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For  
HARBOUR SMITH MANAGEMENT PTY. LTD.

Title  
DEVELOPMENT APPLICATION  
SHADOW ANALYSIS 2 OF 2

Scale N.T.S		Date MARCH 2020	
Drawn SJ		Checked ADM	
Project No. 2016-05	Drawing No. A-402	Issue B	

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COLOUR & MATERIALS SCHEDULE

1

DULUX  
VIVID WHITE  
CONCRETE UPTURNS AND  
SLAB EDGES

2

COLORBOND  
MONUMENT  
WALLING, COLUMNS

3

COLORBOND  
MONUMENT  
STANDING SEAM  
MATT FINISH  
CLADDED WALLING

4

AUSTRAL  
GERTRUDIS BROWN  
FACE BRICK WALLING

5

NATURAL  
CONCRETE FINISH  
CONCRETE WALLING

6

POWDERCOAT  
GUNMETAL KINETIC  
PEARL  
DOOR AND WINDOW  
FRAMES, HANDRAILS

7

POWDERCOAT  
ETERNITY  
NICKEL PEARL  
LOUVRES, SUNSHADES AND  
FENCING

8

CLEAR GLAZING  
GLAZING ELEMENTS AND  
GLAZED BALUSTRADES

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a NOMINATED ARCHITECT- The nominated Architect for ADM Projects (Australia) Pty Ltd T/AS ADM Architects is Angelo Di Martino ARB No.7608

ISSUE	DATE	DESCRIPTION
A	09.09.2019	ISSUED FOR DA
B	10.12.2019	AMENDED FOR DA
C	11.03.2020	AMENDED FOR DA

NOT FOR CONSTRUCTION

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ARCHITECTS

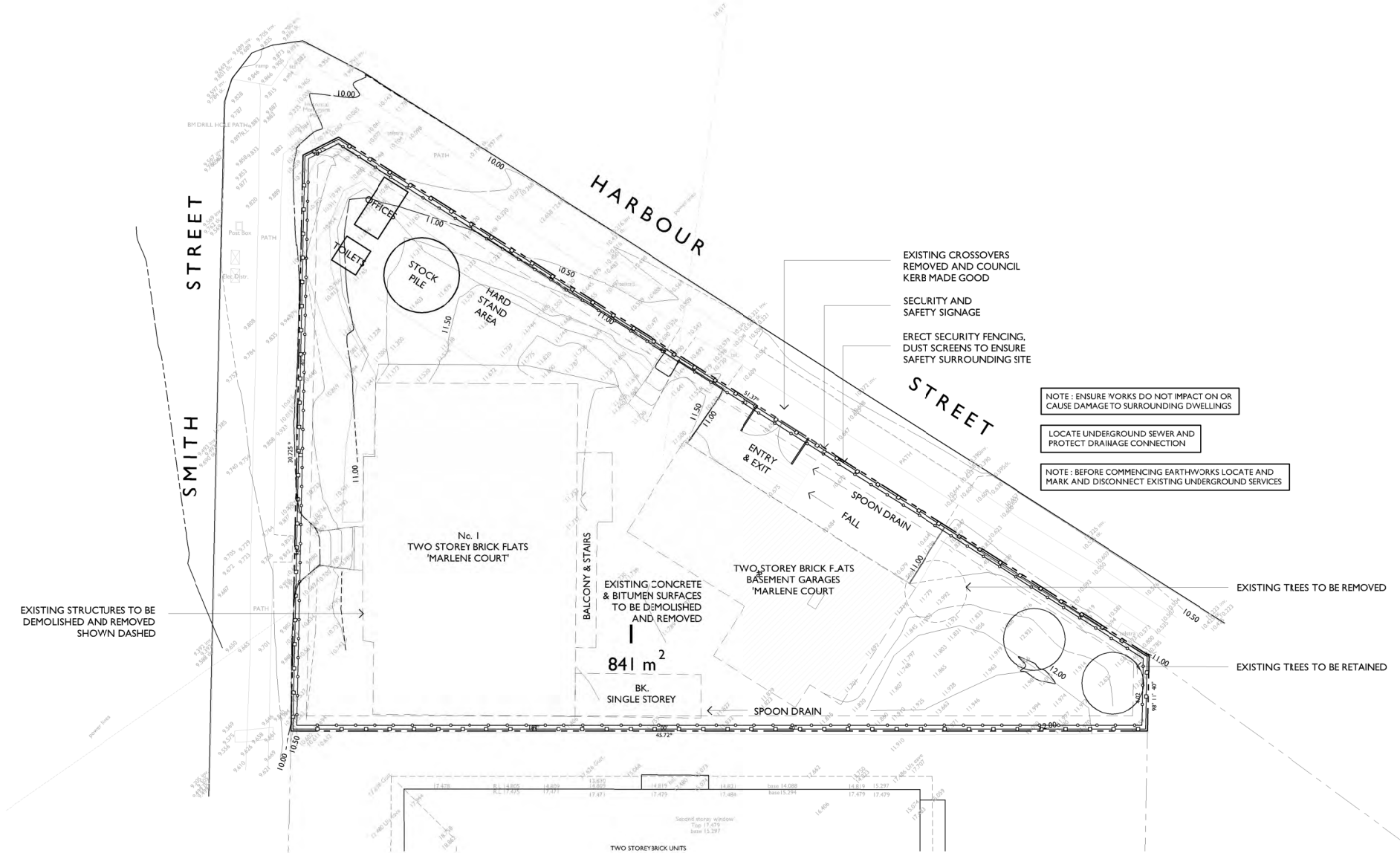
94 Kembla St, Wollongong NSW 2500 PO Box 3061 Wollongong  
ph: 02 +228 6400 fax: 02 4221 6455 www.admarchitects.com.au

Project  
PROPOSED BOUTIQUE RESIDENTIAL APARTMENT  
BUILDING OVER BASEMENT CARPARK  
At  
1 SMITH STREET  
WOLLONGONG  
For  
HARBOUR SMITH MANAGEMENT PTY. LTD.

Title		
DEVELOPMENT APPLICATION COLOUR & MATERIALS SCHEDULE		
Scale	Date	
NTS	MARCH 2020	
Drawn	Checked	
SJ	ADM	
Project No.	Drawing No.	Issue
2016-05	A-501	C

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### DEMOLITION AND CONTAMINATION

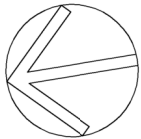
The builder is to carry out necessary demolition and on-site clearance and preparation of the site for the specified construction works. This is applicable to demolition of existing buildings, structures and services including planning and execution of the work, protection and support of adjacent structures and removal of demolished material. Demolished materials, hazardous materials (flammable, explosive, radiation, noxious) and asbestos shall be removed from site prior to any new construction work taking place on the site. If hazardous materials are encountered, appropriate and qualified personnel shall be employed to remove from site and dispose of such materials in approved manner in accordance with the provisions of all applicable legislation and with any relevant recommendations published by the National Occupational Health and Safety Commission (Worksafe Australia). The builder shall be responsible for maintaining security fencing around the perimeter of the demolition site and any additional precautionary measures taken as may be necessary to prevent unauthorised entry to the site at all times during the demolition period. Safe access to and egress from adjoining properties shall be maintained at all times for the duration of the demolition work. The builder is to carry out the work in accordance with AS 2601 (Demolition of Structures) In the event that the site is found to be contaminated, the builder is to follow the directions and recommendation of the site contamination consultant to ensure that the site is un-contaminated prior to any building works taking place on the site.

#### LEGEND

- SEDIMENT FENCE
- SAFETY SECURITY FENCE CONTRACTORS COMPOUND
- HARD STAND AREA
- TO BE DEMOLISHED & REMOVED
- TREE TO BE REMOVED



NO. 1 'MARLENE COURT' TWO STOREY BRICK FLATS & BASEMENT GARAGES TO BE DEMOLISHED



## DEMOLITION & SITE MANAGEMENT PLAN

#### GENERAL NOTES

1. Trade waste to be separated to recycle products, timber, glass and paper.
2. Builder to relocate site shed, amenities, storage facilities, etc. as required during the construction process.
3. Additional carparking to be provided on site following construction of basement carparking area.
4. All vehicles to leave the site in a forward direction.
5. No vehicles to be parked on the footpath reserve.

#### DEMOLITION, SITE CLEARING & CONTAMINATION

The Contractor is to carry out necessary demolition and on-site clearance in accordance with AS 2601 (Demolition of Structures) on the subject site. This is applicable to demolition of existing buildings, structures and services including planning and execution of the work, protection and support of adjacent structures and removal of demolished material. Demolished materials, hazardous materials (particularly if found in the renovat ons to the existing structures) and asbestos shall be removed from site prior to any new construction work taking place on site.

Hazardous materials are encountered, appropriate and qualified personnel shall be employed to remove from site and dispose of such materials in approved manner in accordance with the provisions of all applicable legislation and with any relevant recommendations published by the National Occupational Health and Safety Commission (Worksafe Australia). If hazardous materials are encountered underground, appropriate and qualified personnel shall be employed to remove from site and dispose of such materials in approved manner in accordance with the provisions of all applicable legislation and with any relevant recommendations published by the National Occupational Health and Safety Commission (Worksafe Australia).

The Contractor shall be responsible for maintaining security fencing around the perimeter of the site and any additional precautionary measures taken as may be necessary to prevent unauthorised entry to the site at all times during the demolition period. Safe access to and egress from adjoining properties shall be maintained at all times for the duration of the demolition work. In the event that the site is found to be contaminated the Contractor is to follow the directions and recommendations of a site contamination consultant to ensure that the site is un-contaminated prior to any building works taking place on site.

#### CONSTRUCTION MANAGEMENT POINTS

1. Note that all proposed works will be undertaken whilst the building and site is vacant.
2. All site fencing and sediment control used during demolition phase shall be retained for the construction phase and shall be extended as detailed on drawings.
3. A new hard stand area and shaker grid shall be constructed on corkwood circuit frontage during all phases of the project. All to conform with the requirements of the local council and RTA.
4. During construction phase as area is set aside on site for use of mobile crane or concrete pump.
5. All construction materials are to be stored on site. A designated area has been allowed.
6. All site accommodation and amenities as required will be located within the site. Some site sheds may be relocated on the podium level in the final phase of construction; and
7. A classification survey will be carried out by the contractor before the commencement of any work on site.

#### Applicable Australian Standards

- AS2601 - Demolition of structures
- AS2436 - Guide to noise control...demolition sites
- AS3758 - Guide to earthworks...residential developments
- AS1289 - Methods of testing soils for engineering purposes
- AS1725 - Galvanised alloy steel chain wire security fencing

#### Entrance - Access Point

The entrance to the site will be constructed of a bed of 50-75mm aggregate, 200mm deep, for the vehicular entrance width and to a length of 5.0 metres from the street kerb, so as to ensure soil and excavated materials are not transported off-site.

#### Storage Areas

Storage areas will be front yard open space.

#### Rubbish Disposal

Trade waste will be contained on site until removal.

#### Silt Barrier

Sediment will be prevented from washing off-site by geotextile fabric with metal support and/or continuous straw bales, placed in 100mm deep trench and fixed with stakes. All silt barriers are to be wholly with the site area.

#### Existing Paving and Vegetation

Existing pavement and vegetation will be retained as much as possible to minimise the amount of exposed soil.

#### Material Stockpiles

Stockpiles of loose materials (gravel, sand, etc.) will be contained under cover and water courses and within a suitable barrier. Footpaths and road surfaces will not be used for material stockpiles.

#### Cleaning of Tools and Equipment

Tools and equipment will be cleaned away from drainage lines, road and pavement.

#### SOIL & WATER MANAGEMENT

This plan shall be read in conjunction with the engineering plans, and any other plans or written instructions that may be issued relating to the future development at the subject site. The contractor shall ensure that all soil and water management works are located as indicated on this drawing. All sub-contractors shall be made aware of their responsibilities in minimising the potential for soil erosion and pollution to down-slope lands and water ways. Where practical, the soil erosion hazard on the site shall be kept as low as possible to this end. Works should be undertaken in the following sequence:

- a) install any necessary security/boundary fences for this site;
- b) construct silt fencing as detailed along boundaries and contours.

During windy weather, large unprotected areas shall be kept moist (not wet) by sprinkling with water to keep the dust under control. Final site landscaping shall be undertaken as soon as possible, and within 20 working days from completion of construction activities. Any sand used in the concrete curing process (spread over the surface) shall be removed as soon as possible, and within 10 working days from placement. Water shall be prevented from entering the permanent drainage system, unless it is sediment free; i.e. the catchment area has been permanently landscaped and/or any likely sediment has been filtered through an approved structure.

Temporary soil and water management structures shall be removed on or after the lands they protected are rehabilitated. The contractors shall provide acceptable receptacles for concrete and mortar slurries, paints and washings, lightweight waste materials and litter. Receptacles for concrete and mortar slurries, paints, acid washings, lightweight waste materials and litter are to be emptied as necessary. Disposal of waste shall be in a manner approved by the site superintendent.

At least weekly the contractor shall inspect the site, providing particular attention to the following matters:

- a) ensure drains operate freely, and install repair or maintenance as required;
- b) remove spilled sand (or other materials) from hazard areas, including lands closer than 2 metres from likely areas of concentrated or high-velocity flows such as waterways, gutters, paved areas and driveways;
- c) construct additional erosion and/or sediment works as necessary to ensure the desired protection is given to down-slope lands and waterways i.e. make ongoing changes to the plan;
- d) fine maintain erosion and sediment control measures in a functioning conditioning condition until all earthwork activities are complete and the site rehabilitated; and
- e) Remove temporary soil conservation structures as a last activity in the rehabilitation programme.

The contractor shall keep a log book, making entries at least weekly, and after rainfall and/or site closure record:

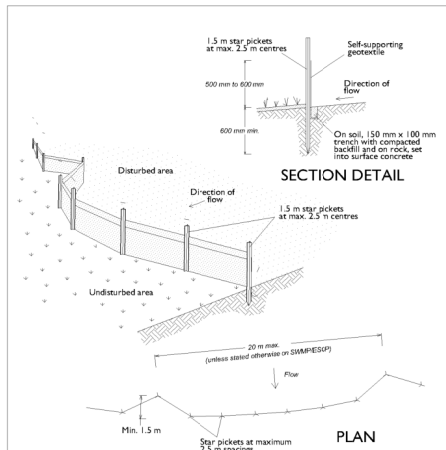
- a) the volume of any rainfall events (check water bureaus);
- b) the conditions of any soil and water management works;
- c) remedial work
- d) the book shall be kept on site and made available to any authorised person on request.

#### EROSION AND SEDIMENTATION CONTROL NOTES

The Contractor shall provide sediment fencing during construction to be installed inside site fencing on low sides of site to contain all site water run off and prevent erosion. The sediment fencing material to security fencing. Sediment control fabric shall be an approved material (e.g. humes proper all stop) standing 500mm above ground and extending 150 below ground. Silt barriers, silt traps, siltation screens and the like shall be constructed with geotextile sediment fabric attached to steel star pickets or security fencing, or withessian bags. All to conform with the requirements of the local council and RTA.

Existing drains located within the site shall be isolated by sediment control. No parking or stock piling of material is permitted in the public domain unless sealed. Grass verges shall be maintained as much as practical to provide a buffer zone to the construction site. Construction entry/exits shall be located as per dwg.

The Contractor shall ensure all droppable soil and sediment is removed prior to construction traffic exiting the site. Builder shall ensure all construction traffic entering and leaving the site do so in a forward direction as much as possible. Site security fencing to consist of 1800 mm high galvanneal chain mesh panels fixed to galvanneal pipe frame and supported on concrete 'feet'.



#### SEDIMENT FENCE NOTES

1. Construct sediment fences as close as possible to being parallel to the contours of the site, but with small returns as shown in the drawing to limit the catchment area of any one section. The catchment area should be small enough to limit water flow if concentrated at one point to 50 litres per second in the design storm event, usually the 10-year event.
2. Cut a 150-mm deep trench along the upslope line of the fence for the bottom of the fabric to be entrenched.
3. Drive 1.5 metre long star pickets into ground at 2.5 metre intervals (max) at the downslope edge of the trench. Ensure any star pickets are fitted with safety caps.
4. Fix the self-supporting geotextile to the upslope side of the posts ensuring it goes to the base of the trench. Fix the geotextile with wire ties or as recommended by the manufacturer. Only use geotextile specifically produced for sediment fencing. The use of shade cloth for this purpose is not satisfactory.
5. Join sections of fabric at a support post with a 150-mm overlap.
6. Backfill the trench over the base of the fabric and compact it thoroughly over the geotextile.

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NOMINATED ARCHITECT- The nominated Architect for ADM Projects (Australia) Pty Ltd T/AS ADM Architects is Angelo Di Martino ARB No.7608

ISSUE	DATE	DESCRIPTION
A	09.09.2019	ISSUED FOR DA

NOT FOR CONSTRUCTION

94 Kembla St, Wollongong NSW 2500 PO Box 3061 Wollongong  
ph: 02 +228 6400 fax: 02 4221 6455 www.admarchitects.com.au

Project  
PROPOSED BOUTIQUE RESIDENTIAL APARTMENT  
BUILDING OVER BASEMENT CARPARK  
At  
1 SMITH STREET  
WOLLONGONG  
For

HARBOUR SMITH MANAGEMENT PTY. LTD.

Title  
DEVELOPMENT APPLICATION  
DEMOLITION & SITE MANAGEMENT PLAN

Scale	Date	
NTS	SEPTEMBER 2019	
Drawn	Checked	
DP SP DQ	ADM	
Project No.	Drawing No.	Issue
2016-05	A-601	A

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**Wollongong Design Review Panel**  
**Meeting minutes and recommendations DA-2019/1008**

<b>Date</b>	10 October 2019
<b>Meeting location</b>	Wollongong City Council Administration Offices
<b>Panel members</b>	Brendan Randles
	Gabrielle Morrish
	Sue Hobley
<b>Apologies</b>	Nigel Lamb – Senior Development Project Officer
<b>Council staff</b>	Pier Panozzo – City Centre & Major Development Manager
<b>Guests/ representatives of the applicant</b>	Angelo Di Martino – ADM Architects
	Lauren Turner - Planner
	Kieran Biddle - Property owner/client
	Rick Jones -Property owner/client
<b>Declarations of Interest</b>	Nil
<b>Item number</b>	1
<b>DA number</b>	DA-2019/1008
<b>Reasons for consideration by DRP</b>	Clause 28 SEPP 65 Clause 7.18 WLEP 2009
<b>Determination pathway</b>	Wollongong Local Planning Panel
<b>Property address</b>	1 Smith Street Wollongong 2500
<b>Proposal</b>	Residential Flat Building
<b>Applicant or applicant's representative address to the design review panel</b>	
<b>Background</b>	The site was previously inspected by the Panel on 14 May 2019 (DE-2019/58) and a meeting held with the applicant team. The text in italics is the content of the report from that meeting, with any new comments forming the report from this latest meeting added in standard font.
<b>Design quality principals SEPP65</b>	
<b>Context and Neighbourhood Character</b>	<p><i>The site is located within an R1 residential zone north east of the City Centre and within a few hundred metres of Wollongong Beach. The context is dominated by medium scale brick residential flat buildings on tree lined orthogonal streets. However, Smith Street also contains a number of eight and ten storey buildings in the immediate vicinity. There are a number of large parks within walking distance, including Lang Park to its east and Market Square to its south.</i></p> <p><i>Located on the intersection of Harbour and Smith Streets, the subject site is triangular in shape and limited in size but does comprise complying widths on its two street frontages. There is a low scale heritage monument located on its north-east corner.</i></p> <p><i>The context has been well described in the documentation and the proponent demonstrates a deep understanding of the site's development potential, especially in terms of design strategy and coastal outlook. A number of images have been provided to demonstrate the physical and visual impacts of the proposal on the adjoining context and surrounding streets.</i></p>
<b>Built Form and Scale</b>	<p><i>The proposal comprises a triangular building located in the north east portion of the site over two levels of basement parking. A deep soil zone is located to the southern portion of the site and the basement driveway is aligned along its western boundary</i></p> <p><i>Each level contains a single large unit, with large balconies forming a distinctive curved north facing prow. The building form appears to</i></p>

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*sit within the 24m height plane.*

*While the proposed built form is intelligently organized and generally well planned, the Panel believe that the following amendments could significantly improve both its built form, internal amenity and relationship with its immediate context:*

- *the egress fire stair should be removed from the eastern setback; it may be possible to use the existing core to solve egress from basement as well as upper levels.*

Comment: The egress from the basement is now relocated and well resolved.

- *a single carpark ramp should be considered. This would improve streetscape amenity and, importantly, enable a landscape design that would greatly reduce adverse amenity impacts on the neighbouring property's pedestrian entry. It would also support a less intrusive egress route for the fire stair in the Harbour Street frontage.*

Comment: The basement has now been provided with 1m landscaped planter to its boundary – this is acceptable.

- *To address the historical monument, it may be better to provide additional public space, perhaps using a concave shaped garden wall and public seat as discussed at the DRP meeting*

Comment: A garden at footpath level with concave form is proposed adjacent to the historical monument – this is acceptable.

- *The Panel considers that the location of the site and its close proximity to existing parks and foreshore areas, combined with the small number of units justifies no provision of communal open space within the development.*

Comment: A reduced area of communal open space (COS) has been retained at ground floor level. While this is supported, the Panel considers that its layout and uses can be improved – see Landscape comments below.

- *The Panel also notes that each of the units has a generous balcony area in excess of the requirements of the ADG.*

Noted.

- *the ground level communal spaces would be better utilised as additional floor area and a private garden for Unit 1. Additional GFA at ground level could allow for a more prominent and amenable entry and greatly improved ground level unit.*

Comment: The ground floor unit (including its private open space) has been enlarged as recommended previously. See Landscape comments below.

- *The relocation of the fire stair will allow direct street entry to Unit 1 to be provided on the Harbour Street frontage.*

Comment: The fire stair has been relocated and is less visually intrusive. A direct entry to the communal open space has now been provided – this is acceptable.

- *Direct lift access to individual units requires further clarity. Given that privacy and security must be maintained for all residents at all times, it may be better to provide an internal front door at each level or alternatively, programme the lift to restrict access from ground to one tenancy only at a time*

Comment: Small lift lobbies and internal front doors have now been

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	<p>provided – this is acceptable.</p> <ul style="list-style-type: none"> <li>- <i>entry to unit 1 should be beyond the lift entry</i></li> </ul> <p>Comment: Entry to Unit 1 is now acceptable.</p> <ul style="list-style-type: none"> <li>- <i>the level 5 unit would benefit from an entry lobby as per typical lobbies</i></li> </ul> <p>Comment: It was explained to the Panel that Level 5 will not be accessible for other residents. Hence, no front door is acceptable although not optimal.</p> <ul style="list-style-type: none"> <li>- <i>additional massing to the north west corner at levels 5 and 6 is clumsy and should be removed</i></li> </ul> <p>Comment: Massing removed – built form is now acceptable.</p> <ul style="list-style-type: none"> <li>- <i>the south facing blank façade is unattractive and too dominant. If expressed as a shallow balcony, this would allow for planting to upper bedroom and fabulous outlook from bathrooms generally</i></li> </ul> <p>Comment: Balconies now provided – built form is now acceptable.</p> <ul style="list-style-type: none"> <li>- <i>level 7 open space would be better utilized as a private terrace</i></li> </ul> <p>Comment: Level 7 is now private open space for the penthouse apartment – this is acceptable.</p> <ul style="list-style-type: none"> <li>- <i>perspectives from the north illustrate that the top roof is top heavy and visually intrusive, it should be reduced in size and setback at least 3m from its northern frontage</i></li> </ul> <p>Comment: Roof has been cut back – built form is now acceptable.</p> <ul style="list-style-type: none"> <li>- <i>north and east elevations illustrate that an additional spandrel at fifth level would strengthen the building's expression by reinforcing its base and slightly reducing its penthouse glazing – which currently appears excessive</i></li> </ul> <p>Comment: Architect clarified his attitude regarding the building's expression including spandrels, scale and massing in light of the changes to the roof form– built form is now acceptable.</p> <p>The Panel noticed that the ground floor of the building appears to be below ground for a major portion of its footprint. It is recommended that the building be lifted as far as it can be without breaching controls for access, limit of ground floor out of the ground and/or the height plane. Alternatively, it may be beneficial formally (and for future use options of ground floor) to increase the ground floor to floor height to 3.6m.</p>
<b>Density</b>	<i>Acceptable</i>
<b>Sustainability</b>	<p><i>As a boutique development, this proposal benefits from 100% solar access and natural ventilation compliance as well as substantial deep soil. The proposal would be further enhanced by a well considered raft of sustainability measures including water collection and reuse, solar panels etc. and the provision of large native trees on its western boundary and within its southern garden.</i></p> <p>Comment: Water tanks were discussed at the meeting – including their location and capacity for watering garden landscapes. See Landscape comments below.</p>
<b>Landscape</b>	<i>The Panel is of the opinion that for such a small number of dwellings, it is not necessary to provide communal outdoor areas and that dedicating these areas to the related Unit would not only</i>

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*improve the amenity of those units but also help ensure landscape maintenance. The Built Form amendments recommended above will require a revised landscape plan. (The landscape architect should be included in the design development team for the landscape treatment adjoining the heritage item.)*

*The landscape designer should consult with Council about proposed street tree plantings, particularly in Harbour Street which has a significant view corridor.*

*The Panel recommends that all landscape plantings be predominantly locally indigenous. This will require the Species List to be substantially amended.*

Comment: The amended proposal provides for generous private open spaces (terraces) that will support plantings in pots or similar to increase amenity and functionality.

The public open space consists of amenity plantings to most of the streetscape with a small but well-proportioned area of COS in the western and southern side setbacks. The following concerns/issues were raised by the panel for further consideration:

1. Streetscape Plantings

- Given the site's vicinity to the ocean and the need to account for sustainability factors (water use, reducing fertilisers and pesticides, etc.), the species of the plantings should be locally indigenous (predominantly coastal).
- To address biodiversity issues, in addition to using local species, the plantings should be informal and diverse, with layers that include trees (where feasible) shrubs, ground covers and climbers.

2. Communal Open Space

The siting of the COS is good as it will have solar access and reasonable privacy, given the site's configuration. However, the landscape design does not make optimal use of these features. It is recommended that the following options to improve functionality and amenity be explored:

- Accessibility needs to be improved. It is not acceptable to locate steps within the central area of functional space. An option may be to eliminate steps and provide a ramped path (or with steps) to the Harbour Street gate.
  - Provide for generous community gardening beds (on-slab where necessary) with good solar access – a good position would be along the western boundary but could also be extended to other garden beds. Provide a workbench and a sink if feasible. Tree plantings in this area could include fruit trees if desired.
  - The small patch of lawn will be a maintenance problem that brings little, if any benefit to the space. It would be better to provide a more generous paved barbecue/seating/socialising space in the southern area adjacent to the tree plantings.
  - The clotheslines are poorly located in terms of environmental and functional considerations. Consider siting the clothes drying facilities against the western wall of the building where they will not be readily visible from the street but will receive excellent sunshine and ventilation and be less intrusive.
-



	<ul style="list-style-type: none"> <li>- Connect rainwater harvesting tanks to this area (locating them in the area may be an option if space is sufficient) to provide water for community gardening.</li> <li>- Species in this landscape may include culinary fruits and vegetables and/or locally indigenous species.</li> </ul>
<b>Amenity</b>	<p><i>See notes in Built Form and Scale regarding :</i></p> <ul style="list-style-type: none"> <li>- <i>new public seat adjacent to heritage monument</i></li> <li>- <i>landscaped setback to driveway</i></li> <li>- <i>more prominent and amenable entry</i></li> <li>- <i>improved ground level unit</i></li> <li>- <i>private garden at ground level</i></li> <li>- <i>privacy and security for direct lift access</i></li> <li>- <i>entry lobby within unit on level 5</i></li> <li>- <i>south facing balconies and increased internal amenity</i></li> </ul> <p>All of the above matters have been satisfactorily resolved.</p> <p>Additional amenity issues that need minor amendment include:</p> <ul style="list-style-type: none"> <li>- the letter boxes would be better located under cover</li> <li>- the main front doors should be moved closer to the street</li> <li>- Bedroom 3 and its Ensuite should be flipped to provide the bedroom with a north facing window</li> </ul>
<b>Safety</b>	<i>Acceptable</i>
<b>Housing Diversity and Social Interaction</b>	<p><i>Given the constrained size of the site and project nature, the Panel support the single floor units proposed.</i></p> <p><i>Given the small size of the development and its great access to large open spaces in the vicinity, the Panel support the non provision of communal open space.</i></p> <p>Comment: The Panel accepts that Council is reluctant to set a precedent regarding the provision of COS and that, provided the recommendations under Landscape are satisfactorily resolved, the proposal will benefit from the proposed location and size of the COS, and effectively support social interaction among the residents and their guests.</p>
<b>Aesthetics</b>	<p><i>While the building is robustly expressed with an interesting composition and material palette, the built form should be amended to address the following (see notes above) :</i></p> <ul style="list-style-type: none"> <li>- <i>improved amenity associated with vehicular and pedestrian access</i></li> <li>- <i>removal of protruding massing on level 5 and 6</i></li> <li>- <i>substantial reduction of level 7 roof</i></li> <li>- <i>spandrels to level 5</i></li> <li>- <i>review of entry</i></li> <li>- <i>introduction of large trees</i></li> </ul> <p>Apart from landscape, palette and character - which can be substantially improved (see Landscape above) – the building is very well composed and expressed.</p>

Design Excellence WLEP2009	
Whether a high standard of architectural design, materials and detailing appropriate to the building type and location will be achieved	Y
Whether the form and external appearance of the proposed development will improve the quality and amenity of the public domain,	Y
Whether the proposed development detrimentally impacts on view corridors,	N
Whether the proposed development detrimentally overshadows an area shown distinctively coloured and numbered on the Sun Plane Protection Map,	N/A
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,	Y
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	Y
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	Y
impact on, and any proposed improvements to, the public	Y



<b>domain</b>	
<b>Recommendations</b>	Incorporate recommendations into current DA and forward to Council for further consideration and assessment.



MMJ Wollongong  
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Wollongong NSW 2500  
Telephone: (02) 4229 5555  
Facsimile: (02) 4226 5741

# EXCEPTION TO DEVELOPMENT STANDARD VARIATION STATEMENT

## Site Width – Wollongong LEP 2009

**Address:** 1 Smith Street, Wollongong (SP 3294)  
**Proposal:** Proposed New Residential Flat Building (6 Units)  
**Date:** September 2019

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### 1 Introduction

The purpose of this variation statement is to outline the justification for seeking an exception to the site width (being a development standard) contained within the *Wollongong Local Environmental Plan (WLEP) 2009*. This variation statement has been prepared in consideration of Clause 4.6 and Clause 7.14 (Minimum Site Width) in *WLEP 2009* and the NSW Department of Planning, Infrastructure and Environment's (DPIE) *"Varying development standards: a guide"* (August 2011).

The advice herein relates to an application for the proposed demolition of existing buildings/structures and construction of a new eight (8) storey residential flat building (RFB) at 1 Smith Street, Wollongong (the site). The site is legally referred to as SP 3294. The property is a corner site with 2 x street frontages (to both Smith Street and Harbour Street), which is irregular in shape and composition.

The Development Application seeks consent to undertake the following works:

- Demolition of all existing buildings/structures (2 x blocks of units);
- Excavation to accommodate a two (2) level basement;
- Construction of a new eight (8) storey RFB containing six (6) residential apartments. The building is to be an exclusive boutique complex, offering one unit per level with a 3-level penthouse atop;



- Basement parking for thirteen (13) cars (11 x resident and 2 x visitor), with additional bike and motorbike parking; and
- Associated landscaping and stormwater drainage.

The details of this proposal are shown within the development drawings prepared by ADM Architects (attached to the application).

The proposed development application seeks to provide an appropriate and balanced development/environmental outcome for the subject site, and the Wollongong City Centre. In doing so, an exception to a development standard contained within *Wollongong Local Environmental Plan (LEP) 2009* is requested. In this regard, the proposed development generally accords with all *LEP* controls, apart from a numerical variation being requested to the minimum 24 metre site width development standard contained within *Clause 7.14 Minimum site width*. The subject site is a corner property, with both street frontages exceeding 24 metres in site width. However, given the irregular shape of the site, part of the development will occur on portions of the land that are technically below 24 metres in site width. Hence the purpose of this statement.

The request is in writing to address the relevant provisions within *Clause 4.6*, to demonstrate that strict compliance with the development standard is unreasonable in the circumstances of the case, and that there are sufficient environmental planning grounds to justify the proposed variation sought.

This statement has been prepared in accordance with the NSW Department of Planning Infrastructure (DPI) guideline “*Varying Development Standards: A Guide*” dated August 2011. Applications to vary development standards should also address the ‘five-part test’ established by the NSW Land and Environment Court (LEC) to determine whether the objection is well founded. An assessment of this applicant against the ‘five-part test’ is included in this statement.

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

Accordingly, the information below addresses the afore-mentioned requirements.

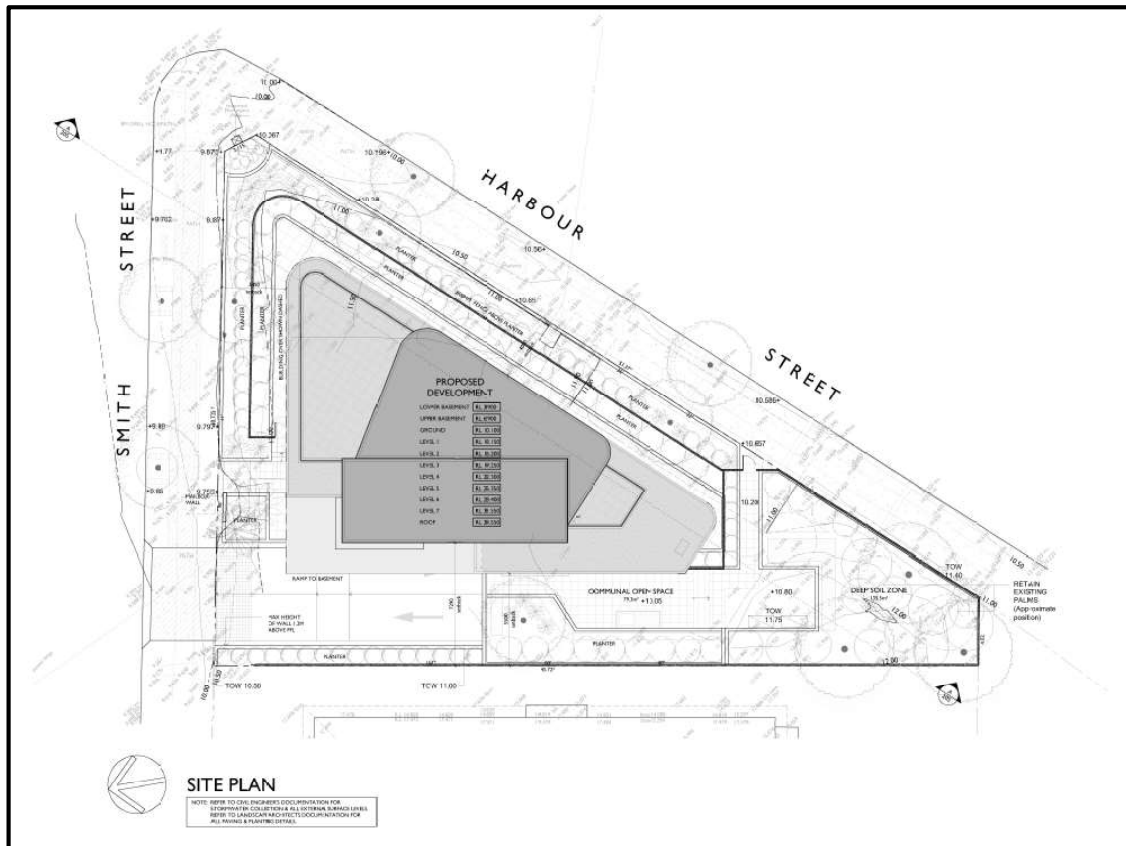


Figure 1: Proposed Site Plan (\*Source: ADM Architects)

## 2 Overview of Clause 4.6

Clause 4.6 provides a framework for varying the applicable development standards under a Local Environmental Plan (LEP).

The objectives of this clause are as follows:-

- (a) to provide an appropriate degree of flexibility in applying particular development standards to particular development;
- (b) to achieve better outcomes for and from development by allowing flexibility in particular circumstances.

Sub Clauses (3)(a) and (3)(b) state that development consent must not be granted unless the consent authority has considered a written request from the applicant that seeks to justify the contravention by demonstrating:



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

Furthermore sub *Clause 4(a)(i)* and *(ii)* provide that development consent must not be granted unless:-

- (a) the consent authority is satisfied that:*
  - (i) the applicant's written request has adequately addressed the matters required to be demonstrated by subclause (3), and*
  - (ii) the proposed development will be in the public interest because it is consistent with the objectives of the particular standard and the objectives for development within the zone in which the development is proposed to be carried out, and*
- (b) the concurrence of the secretary has been obtained.*

In deciding whether concurrence is to be granted or assumed, the following considerations are relevant:-

- (a) whether contravention of the development standard raises any matter of significance for State or regional environmental planning; and*
- (b) the public benefit of maintaining the development standard, and*
- (c) any other matters required to be taken into consideration by the Secretary before granting concurrence.*

### **3 Details of the environmental planning instrument, the applicable development standard and proposed variation.**

#### **3.1 What is the applicable environmental planning instrument (EPI)?**

*Wollongong Local Environmental Plan (WLEP) 2009.*

### 3.2 What is the zoning of the land?

The site is zoned R1 General Residential under the WLEP 2009, as shown in the extract from the Land Zoning Map in *Figure 2* below.



Figure 2: Extract of the WLEP 2009 Zoning Map (\*Source: IntraMaps)

### 3.3 What are the objectives of the zone?

*Residential flat buildings* are permitted with development consent and are consistent with the objectives of the zone, as detailed in the table below.

R1 Zone Objectives	Comment
<ul style="list-style-type: none"> <li>To provide for the housing needs of the community.</li> </ul>	The proposed development will provide additional housing supply (i.e. six (6) new residential apartments) to meet the needs of the community.
<ul style="list-style-type: none"> <li>To provide for a variety of housing types and densities.</li> </ul>	The proposed residential flat building provides an increased density and the single level apartments will provide an exclusive option in this sought-after location. The form and density of development is appropriate in the R1 General Residential zone.



<ul style="list-style-type: none"> <li>• To enable other land uses that provide facilities or services to meet the day-to-day needs of residents</li> </ul>	<p>This objective is not applicable to the proposal, however the development does not compromise the achievement of this objective on nearby and/or surrounding land.</p>
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### 3.4 What is the development standard being varied?

The minimum site width dimension of 24m for residential flat buildings contained in Clause 7.14 Minimum site width is stated as:

*(2) Development consent must not be granted for development for the purposes of a residential flat building unless the site area on which the development is to be carried out has a dimension of at least 24 metres.*

As aforementioned, the subject site is a corner property, with both street frontages exceeding 24 metres in site width. However, given the irregular shape of the site, part of the development will occur on portions of the land that are technically below 24 metres in site width.

### 3.5 What are the objectives of the standard?

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

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

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

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

**3.7 How do the existing and proposed numeric values relate to the development standard?  
What is the percentage variation (between the proposal and the environmental  
planning instrument)?**

Minimum Site Width				
Smith Street Frontage (primary)				
Current Site Width	Minimum Site Width required under WLEP2009	Proposed Minimum Site Width	Area of site/building envelope below 24m site width	Percentage variation
Variable - 31.56m (northern building extent 12.94m (southern building extent))	24m	Variable - 29.6m (northern building extent) and 13.7m (southern building extent)	305.7m <sup>2</sup> of the total site area of 708.7m <sup>2</sup>	43% (percentage against site width dimension and site area)
<p><i><b>*N.B</b> WLEP2009 does not provide a definition of Minimum Site Width, however the DCP advises that the site width should be measured at the location of the building extent perpendicular to the boundary. For the purpose of this assessment we have applied this interpretation to the primary street frontage, being Smith Street. Notwithstanding, it should be noted in due consideration of this site width clause and criteria that the subject site also presents a street frontage to Harbour Street in excess of 24 metres.</i></p>				

## 4 Assessment of Proposed Variation

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

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

- The building potential is already limited by the shape of the allotment. Adopting the site width would mean a large part of the subject site would be excluded from any built form. Logically, restricting the built form allowable on the site is completely impractical for a site of this size and in an area requiring additional housing and, therefore, totally unreasonable to consider in this instance.
- The proposed variation sought only relates to part of the site, with the other part exceeding the minimum 24 metres site width requirement.



- The proposed new 8 x storey RFB will replace two (2) existing unit blocks (that are already Strata titled), effectively continuing the multiple residential occupation of the land (replacing old units with new units). Effectively the land use relationship between the number of units pre and post construction will be similar.
- This unique site is not technically defined as an “isolated lot” as per Wollongong DCP 2009. Several approaches have been made to the adjoining landowner at 3 Smith Street with offers to purchase the land, however they have not been successful (refer to SEE Report Appendix 3). In addition to this, 3 Smith Street contains multiple dwellings in a single residential unit block. The redevelopment opportunities through amalgamation are limited at present given the existing development and unsuccessful purchase approaches.
- Strict application and compliance with the control would effectively prohibit a residential flat building development being undertaken on the subject site, despite it being a permitted form of development within the R1 General Residential zone and despite other development standards in place promoting higher density outcomes at this location.
- The reduced site width does not result in any undue privacy or overlooking impacts to adjoining properties, by virtue of the proposed architectural interface treatment to these edges (restricted window treatments and dwelling orientations to these boundaries, etc.).
- The proposed development provides a boutique high quality design that is compliant with State Environmental Planning Policy (SEPP) No 65 - Design Quality of Residential Apartment Development and the *Apartment Design Guide*. A Design Verification Statement and ADG Compliance Assessment prepared by ADM Architects is included with the Development Application.
- Whilst the proposed numerical and percentage variation not necessarily minor, the proposed development in the context of the overall development will not result in any adverse environmental or planning implications. Again, this variation only applies to a portion of the building as it sits upon the land. In considering this,

when viewed from Harbour Street, that portion of building on the land is technically within the 24 metres site width.

- The afore-mentioned development standard requires strict compliance across the whole of the site (generally making allowance for traditional land parcels) and does not make any allowances for irregular shapes lots such as this.

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

#### **4.2 Are there sufficient environmental planning grounds to justify contravening the development standard?**

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

- The building form is triangular in shape and is a direct response to the shape of the site.
- The development is a boutique residential flat building with a unique offering of single level 3-bedroom apartments and a three level 3 bedroom penthouse. The proposed development is generally compliant with SEPP 65 and ADG requirements as outlined in the SEPP Design Report prepared by ADM Architects.
- The proposed development resulting from this variation will result in no unacceptable adverse environmental impacts.
- The proposed development complies with the objectives of the R1 zone in this location.
- The layout and built form of the proposed development is contemporary in character and has been designed to reflect the amenity of the area. The redevelopment of the site will make a positive contribution to the locality through the replacement of aged/inefficient building structures with a new contemporary and sustainability designed product.



- The development has been specifically designed to provide a suitable environment for all future inhabitants of the dwellings, whilst respecting the considerations of adjoining land uses.
- Acoustic privacy for future visitors and neighbouring land uses has been taken into account, with the proposed development being designed to limit noise intrusion into adjoining properties through the use of appropriate building materials and associated landscaping noise control treatments. This is shown in the layout of the floor plans and orientation of both windows and private open space balconies throughout.
- The proposal satisfies the objectives and development controls in relation to minimum site width contained within Clause 6.2 Minimum Site Width Requirement of Chapter B1 of the DCP, as the site in itself is of sufficient size to accommodate the required building envelopes, parking and landscaping requirements. Section 6.2 of Chapter B1 of the DCP states that the 24 metre site width requirement can be varied for irregular shaped lots or where the development meets the intent of setbacks, private open space, visual amenity, solar access, built form and landscaping development controls. The proposed development satisfies the intent of all of the above-mentioned DCP development controls.
- Council are seeking to encourage higher density housing and living in the locality and this form of development is identified in the desired future character statement for Wollongong in Chapter D1, in particular, the design principle to “ensure high quality design of buildings and public areas”.
- The Illawarra Shoalhaven Regional Plan identifies the need for 14,600 additional new homes within the Wollongong LGA by 2036. The proposed development would directly contribute to this target and provide housing to meet the needs of the community.
- The development as proposed will allow for the orderly and economic use of the subject land.

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

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

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

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

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

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

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

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

*(c) to promote the orderly and economic use and development of land.*

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



#### **4.6 Is there public benefit in maintaining the development standard?**

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

#### **4.7 Is the objection well founded?**

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

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

### **5 Conclusion**

The proposed variation is based on the reasons contained within this request for an exception to the *Minimum Site Width* requirement being a development standard contained within *Clause 7.14* of *Wollongong LEP 2009*. The proposal will not result in any adverse impacts with regards to the amenity of the adjoining properties.

The proposed non-compliance is unlikely to result in any future precedents given the surrounding pattern of development and the combination of zoning and other associated controls currently in place. In conclusion, the objection is considered to be well founded and compliance with the standard is unreasonable in the circumstances of the case.

Yours faithfully,

MARTIN MORRIS & JONES PTY LTD



**LAUREN TURNER**

B UrbRegPlan MPIA

SENIOR TOWN PLANNER

## CHAPTER A2 – ECOLOGICALLY SUSTAINABLE DEVELOPMENT

## CHAPTER D13 – WOLLONGONG CITY CENTRE

<i>Objectives/controls</i>	<i>Comment</i>
<p><u>2.2 Building to street alignment and street setbacks</u></p> <p>4m minimum street setback.</p>	<p>4m to Harbour Street</p> <p>The building comes to within 3.85m of the Smith Street boundary. See variation discussion at Chapter A1 above.</p>
<p><u>2.3 Street frontage heights in commercial core</u></p> <p>N/A</p>	
<p><u>2.4 Building depth and bulk</u></p> <p>18m maximum building depth</p>	Complies
<p><u>2.5 Side and rear building setbacks and building separation</u></p> <p>Up to 12m in height</p> <ul style="list-style-type: none"> <li>habitable rooms with openings and balconies: 6m front / 6m rear</li> <li>non-habitable rooms and habitable rooms without openings 3m front / 4.5m rear</li> </ul> <p>Between 12m and 24m (lvl 4-7)</p> <ul style="list-style-type: none"> <li>habitable rooms with openings and balconies: 9m front / 9m rear</li> <li>non-habitable rooms and habitable rooms without openings 4.5m front / 4.5m rear</li> </ul>	<p>5.5m / 11.5m</p> <p>5.5m / 11.5m</p>
<p><u>2.6 Mixed used buildings</u></p> <p>N/A</p>	
<p><u>2.7 Deep soil zone</u></p> <p>15% of site area to be deep soil planting</p>	<p>The rear deep soil area is approximately 110m<sup>2</sup> which equates to approximately 13% of the site area. There is additional opportunity for deep soil planting in the north eastern corner of the site which would bring the development into compliance.</p>



<i>Objectives/controls</i>	<i>Comment</i>
<p><u>2.8 Landscape design</u></p> <p>a) The following documents must be considered for site planning and landscape design:</p> <p>i) Chapter E6 – Landscaping in the DCP.</p> <p>ii) Wollongong City Centre Public Domain Technical Manual. (Appendix 2 to this DCP).</p> <p>b) Remnant vegetation must be maintained throughout the site wherever practicable, particularly significant trees.</p> <p>c) A long-term landscape management plan must be provided for all landscaped areas, in particular the deep soil landscape zone.</p> <p>d) The plan must outline how landscaped areas are to be maintained for the life of the development.</p> <p>e) Chapter E17 Preservation and Management of Trees and Other Vegetation in this DCP provides for the protection of all trees with a girth greater than 200mm or a height over three metres, or a spread over three metres.</p> <p><u>2.9 Green roofs, green walls and planting on structures</u></p> <p>Various controls</p> <p><u>2.10 Sun access planes</u></p> <p>N/A</p> <p><u>2.11 Development on classified roads</u></p> <p>N/A</p>	<p>Satisfactory</p> <p>Council's Landscape Officer has reviewed the proposed landscaping on structure and has recommended conditions of consent.</p>
<b>3 Pedestrian amenity</b>	
<i>Objectives/controls</i>	<i>Comment</i>
<p><u>3.2 Permeability</u></p> <p>N/A</p> <p><u>3.3 Active street frontages</u></p> <p>N/A</p>	

3.4 Safety and security

- a) Ensure that the building design allows for casual surveillance of accessways, entries and driveways.
- b) Avoid creating blind corners and dark alcoves that provide concealment opportunities in pathways, stairwells, hallways and carparks.
- c) Provide entrances which are in visually prominent positions and which are easily identifiable, with visible numbering.
- d) Where private open space is located within the front building alignment any front fencing must be of a design and/or height which allows for passive surveillance of the street.
- e) Provide adequate lighting of all pedestrian access ways, parking areas and building entries. Such lighting should be on a timer or movement detector to reduce energy consumption and glare nuisance.
- f) Provide clear lines of sight and well-lit routes throughout the development.
- g) Where a pedestrian pathway is provided from the street, allow for casual surveillance of the pathway.
- h) For large scale retail and commercial development with a GFA of over 5,000m<sup>2</sup>, provide a 'safety by design' assessment in accordance with the CPTED principles.
- i) Provide security access controls where appropriate.
- j) Ensure building entrance(s) including pathways, lanes and arcades for larger scale retail and commercial developments are directed to signalised intersections rather than mid-block in the Commercial zone, Mixed Use (city edge) and Enterprise Corridor zones.

Casual surveillance of the street is provided.

The design does not result in blind corners or dark alcoves.

The entrance is visually prominent.

Secure access control provided to the basement.

3.5 Awnings

N/A

3.6 Vehicular footpath crossings

Location of Vehicle Access:

- one vehicle access point only
- Where practicable, vehicle access is to be from lanes and minor streets rather than primary street fronts or streets with major pedestrian and cyclist activity.
- Amalgamate vehicle access points where possible

Complies

Complies

N/A

3.7 Pedestrian overpasses, underpasses and encroachments

N/A

3.8 Building exteriors

- a) Adjoining buildings (particularly heritage buildings) are to be considered in the design of new buildings in terms of:
  - i) Appropriate alignment and street frontage heights.
  - ii) Setbacks above street frontage heights.
  - iii) Appropriate materials and finishes selection.

Setbacks are satisfactory

N/A

The materials and finishes are considered appropriate.



Objectives/controls	Comment
iv) Façade proportions including horizontal or vertical emphasis.	Satisfactory
v) The provision of enclosed corners at street intersections.	Satisfactory
b) Balconies and terraces should be provided, particularly where buildings overlook parks and on low rise parts of buildings. Gardens on the top of setback areas of buildings are encouraged.	Satisfactory
c) Articulate facades so that they address the street and add visual interest.	Satisfactory
d) External walls should be constructed of high quality and durable materials and finishes with 'self-cleaning' attributes, such as face brickwork, rendered brickwork, stone, concrete and glass.	Satisfactory
e) Finishes with high maintenance costs, those susceptible to degradation or corrosion from a coastal or industrial environment or finishes that result in unacceptable amenity impacts, such as reflective glass, are to be avoided.	Satisfactory
f) To assist articulation and visual interest, avoid expanses of any single material.	The facades are articulated and use an appropriate mix of materials.
g) Limit opaque or blank walls for ground floor uses to 30% of the street frontage.	Satisfactory
h) Maximise glazing for retail uses, but break glazing into sections to avoid large expanses of glass.	N/A
i) Highly reflective finishes and curtain wall glazing are not permitted above ground floor level (see Section 5.3).	Satisfactory
j) A materials sample board and schedule is required to be submitted with applications for development over \$1 million or for that part of any development built to the street edge.	Satisfactory
k) Minor projections up to 450mm from building walls in accordance with those permitted by the Building Code of Australia may extend into the public space providing it does not fall within the definition of gross floor area and there is a public benefit, such as: <ul style="list-style-type: none"> <li>i) Expressed cornice lines that assist in enhancing the streetscape,</li> <li>ii) Projections such as entry canopies that add visual interest and amenity, and</li> <li>iii) Provided that the projections do not detract from significant views and vistas (see Figure 3.12).</li> </ul> l) The design of roof plant rooms and lift overruns is to be integrated into the overall architecture of the building.	N/A
<u>3.9 Advertising and signage</u> N/A	

<i>Objectives/controls</i>	<i>Comment</i>
<b>3.10 Views and view corridors</b>	
<ul style="list-style-type: none"> <li>a) Existing views shown in Figure 3.12 are to be protected to the extent that is practical in the planning and design of development.</li> <li>b) The redevelopment of sites with potential to open a blocked view shown in Figure 3.12 must take into account the restoration of that view.</li> <li>c) Align buildings to maximise view corridors between buildings.</li> <li>d) Remove or avoid installation of built elements that obstruct significant views.</li> <li>e) Carefully consider tree selection to provide views along streets in Figure 3.12 and keep under storey planting low where possible.</li> <li>f) Site analysis must address views with the planning and design of building forms taking into account existing topography, vegetation and surrounding development.</li> </ul>	The bulk and scale of the proposal is considered unacceptable with regard to the impact to view corridors and the relationship to the Market Square / Courthouse special area.

#### **4 Access, parking and servicing**

<i>Objectives/controls</i>	<i>Comment</i>
<b>4.2 Pedestrian access and mobility</b>	
<ul style="list-style-type: none"> <li>a) Main building entry points should be clearly visible from primary street frontages and enhanced as appropriate with awnings, building signage or high quality architectural features that improve clarity of building address and contribute to visitor and occupant amenity.</li> <li>b) The design of facilities (including car parking requirements) for disabled persons must comply with the relevant Australian Standard (AS 1428 Pt 1 and 2, AS 2890 Pt 1, or as amended) and the Disability Discrimination Act 1992 (as amended).</li> <li>c) The development must provide at least one main pedestrian entrance with convenient barrier free access in all developments to at least the ground floor.</li> <li>d) The development must provide continuous access paths of travel from all public roads and spaces as well as unimpeded internal access.</li> <li>e) Pedestrian access ways, entry paths and lobbies must use durable materials commensurate with the standard of the adjoining public domain (street) with appropriate slip resistant materials, tactile surfaces and contrasting colours in accordance with Council's Public Domain Technical Manual.</li> <li>f) Building entrance levels and footpaths must comply with the longitudinal and cross grades specified in AS 1428.1:2001, AS/NZS 2890.1:2004 and the Disability Discrimination Act.</li> </ul>	<p>Yes</p> <p>The proposal is required to comply with the BCA.</p> <p>Provided.</p> <p>Provided.</p> <p>Satisfactory</p> <p>Complies.</p>
<b>4.3 Vehicular driveways and manoeuvring areas</b>	
<ul style="list-style-type: none"> <li>a) Driveways should be:</li> </ul>	Yes

i) Provided from lanes and secondary streets rather than the primary street, wherever practical.	
ii) Located taking into account any services within the road reserve, such as power poles, drainage pits and existing street trees.	Satisfactory
iii) Located a minimum of 6 metres from the perpendicular of any intersection of any two roads.	Complies
iv) If adjacent to a residential development setback a minimum of 1.5m from the relevant side property boundary.	Complies
b) Vehicle access is to be designed to:	
i) Minimise the impact on the street, site layout and the building façade design; and	Satisfactory
ii) If located off a primary street frontage, integrated into the building design.	Satisfactory
c) All vehicles must be able to enter and leave the site in a forward direction without the need to make more than a three point turn.	Complies
d) Design of driveway crossings must be in accordance with Council's standard Vehicle Entrance Designs, with any works within the footpath and road reserve subject to a s138 Roads Act approval.	Complies
e) Driveway widths must comply with the relevant Australian Standards.	Complies
f) Car space dimensions must comply with the relevant Australian Standards.	Complies
g) Driveway grades, vehicular ramp width/grades and passing bays must be in accordance with the relevant Australian Standard, (AS 2990.1).	Complies
h) Vehicular ramps less than 20m long within developments and parking stations must have a maximum grade of 1 in 5 (20%). Ramp widths and design must be in accordance with AS 2890.1.	Complies
i) Access ways to underground parking should not be located adjacent to doors or windows of the habitable rooms of any residential development.	Complies
j) For residential development in the General Residential zone, use semi-pervious materials for all uncovered parts of driveways/spaces to provide for some stormwater infiltration.	N/A
<b>4.4 On-site parking</b>	
a) On-site parking must meet the relevant Australian Standard (AS2890.1 2004 – Parking facilities, or as amended).	Complies
b) Council may require the provision of a supporting geotechnical report prepared by an appropriately qualified professional as information to accompany a development application to Council.	A Geotechnical report has been provided and reviewed by Council's Geotechnical Officer as satisfactory.
c) Car parking and associated internal manoeuvring areas which are surplus to Council's specified parking requirements will count towards the gross floor area, but not for the purpose of determining the necessary parking.	Three additional car spaces are provided which have been included in the GFA calculations.



d) Any car parking provided in a building above ground level is to have a minimum floor to ceiling height of 2.8m so it can be adapted to another use in the future.	N/A
e) On-site vehicle, motorcycle and bicycle parking is to be provided in accordance with Part E of this DCP.	Complies
On-site parking is to be accommodated underground, or otherwise integrated into the design of the building.	Complies
<u>4.5 Site facilities and services</u>	
Mail boxes	
a) Provide letterboxes for residential building and/or commercial tenancies in one accessible location adjacent to the main entrance to the development.	Complies
b) They should be integrated into a wall where possible and be constructed of materials consistent with the appearance of the building.	
c) Letterboxes shall be secure and large enough to accommodate articles such as newspapers.	
Communication structures, air conditioners and service vents	Satisfactory
a) Locate satellite dish and telecommunication antennae, air conditioning units, ventilation stacks and any ancillary structures	
i) Away from the street frontage,	
ii) Integrated into the roof scape design and in a position where such facilities will not become a skyline feature at the top of any building, and	
iii) Adequately setback from the perimeter wall or roof edge of buildings.	
b) A master antennae must be provided for residential apartment buildings. This antenna shall be sited to minimise its visibility from surrounding public areas.	
<i>Waste (garbage) storage and collection</i>	Waste storage areas are provided.
General (all development)	Waste collection will be from the kerb. This is considered acceptable given the small number of units, length of frontage and constrained nature of the site dimensions.
a) All development is to adequately accommodate waste handling and storage on-site. The size, location and handling procedures for all waste, including recyclables, is to be determined in accordance with Council waste policies and advice from relevant waste handling contractors.	
b) Access for waste collection and storage is preferred from rear lanes, side streets or rights of ways.	
c) Waste storage areas are to be designed to:	
i) Ensure adequate driveway access and manoeuvrability for any required service vehicles,	
ii) Located so as not to create any adverse noise impacts on the existing developments or sensitive noise receptors such as habitable rooms of residential developments, and	
iii) Screened from the public way and adjacent development that may overlook the area.	

- d) The storage facility must be well lit, easily accessible on grade for movement of bins, free of obstructions that may restrict movement and servicing of bins or containers and designed to minimise noise impacts.

Location requirements for Waste Storage Areas and Access

- a) Where waste volumes require a common collection, storage and handling area, this is to be located:
- i) For residential flat buildings, enclosed within a basement or enclosed carpark,
  - ii) For multi-housing, at ground behind the main building setback and façade, or within a basement or enclosed carpark,
  - iii) For commercial, retail and other development, on-site in basements or at ground within discrete service areas not visible from main street frontages.
- b) Where above ground garbage collection is prohibitive or impractical due to limited street frontage, or would create an unsafe environment, an on-site basement storage area must be provided.
- c) Where a mobile compaction vehicle is required to enter the site, the access and circulation area shall be designed to accommodate a vehicle with the following dimensions:

The waste storage area in the basement is considered suitable to accommodate the bins for the dwellings. The units have generous garages also where bins could be located if required.

Service docks and loading/unloading areas

N/A

Fire service and emergency vehicles

Site is accessible from the street frontages.

Utility Services

Conditions of consent would apply were the application to be supported.

## 5 Environmental management

### *Objectives/controls*

### *Comment*

#### 5.2 Energy efficiency and conservation

To comply with BASIX- Council encourages all applicants to go beyond minimum BASIX requirements incorporating passive solar design and energy efficiency measures for residential development.

Complies with BASIX however rooftop solar panels should be incorporated.

#### 5.3 Water conservation

To comply with BASIX- Council encourages all residential development to go beyond the minimum BASIX requirements and enhance the water efficiency of the development.

Complies with BASIX

#### 5.4 Reflectivity

a) New buildings and facades should not result in glare that causes discomfort or threatens safety of pedestrians or drivers.

Complies

b) Visible light reflectivity from building materials used on facades of new buildings should not exceed 20%.

c) Subject to the extent and nature of glazing and reflective materials used, a Reflectivity Report that analyses potential

<i>Objectives/controls</i>	<i>Comment</i>
<p>solar glare from the proposed development on pedestrians or motorists may be required.</p> <p><u>5.5 Wind mitigation</u></p> <p>A Wind Effects Report is to be submitted with the DA for all buildings greater than 32m in height.</p> <p><u>5.6 Waste and recycling</u></p> <p>All development must comply with Council's Technical Policy for the Management of all Wastes Associated with Building Sites.</p> <p>Provision must be made for the following waste generation:</p> <p>a) In developments not exceeding six dwellings, individual waste storage facilities may be permitted.</p> <p>b) In development of more than six units or dwellings, or where the topography or distance to the street collection point makes access difficult for individual occupants, a collection and storage area is required. The storage area must be located in a position which is;</p> <p>i) Not visible from the street,</p> <p>ii) Easily accessible to dwelling occupants,</p> <p>iii) Accessible by collection vehicles (or adequately managed by the body corporate to permit relocation of bins to the approved collection point),</p> <p>iv) Has water and drainage facilities for cleaning and maintenance, and</p> <p>v) Does not immediately adjoin private open space, windows or clothes drying areas.</p> <p>c) Subject to Council collection policy, common garbage storage areas must be sized to either accommodate the number of individual bins required or to accommodate sufficient larger bins with the following minimum dimensions:</p>	<p>The building is not of a height or bulk to necessitate a wind impacts assessment.</p> <p>Satisfactory</p> <p>A waste storage room is provided in the basement. Waste collection is proposed from the kerbside which is considered acceptable given the small number of units and large street frontage.</p>

## 6 Residential development standards

<i>Objectives/controls</i>	<i>Comment</i>
<p><u>6.1 SEPP 65</u></p> <p>See assessment above.</p> <p><u>6.2 Housing choice and mix</u></p> <p>i) Studio and one bedroom units must not be less than 10% of the total mix of units within each development,</p> <p>ii) Three or more bedroom units must not be less than 10% of the total mix of units within each development, and</p> <p>iii) For smaller developments (less than six dwellings) achieve a mix appropriate to locality.</p> <p>10% of all dwellings (or at least one dwelling) must be designed to be capable of adaptation for disabled or elderly residents</p>	<p>The proposal is only 6 dwellings and comprises all three bedroom units. In consideration of the small scale of the development, the mix is considered acceptable.</p> <p>Complies</p>



Objectives/controls	Comment
Where possible, adaptable dwellings shall be located on the ground floor, for ease of access.	Yes
The development application must be accompanied by certification from an accredited Access Consultant confirming that the adaptable dwellings are capable of being modified, when required by the occupant, to comply with the Australian Adaptable Housing Standard (AS 4299-1995).	Complies
Car parking and garages allocated to adaptable dwellings must comply with the requirements of the relevant Australian Standard for disabled parking spaces.	Complies
10% of all dwellings (or at least 1 dwelling) must be designed to achieve the Silver Standards of the Livable Housing Design Guideline (Livable Housing Australia 2015).	An access report was provided indicating two units can be made to comply with this standard.
Ceiling heights of apartments must be selected to encourage the penetration of natural sunlight into all areas of the building. Provide the following minimum floor to ceiling heights, for residential zones, as required by the Residential Flat Design Code: i) 2.7m minimum for all habitable rooms on all floors;	Complies
<u>6.3 Dwelling houses</u>	
N/A	
<u>6.4 Multi dwelling housing</u>	
N/A	
<u>6.5 Dual occupancy</u>	
N/A	
<u>6.6 Basement Carparks</u>	
Not to compromise deep soil requirements	Satisfactory
Not to extend greater than 1.2m out of the ground	Complies
To be screened with landscaping	Complies
Designed to minimise the bulk of the building	Complies
Pedestrian entry readily identifiable	Complies
Permitted to extend to property boundary where not >1.2m out of the ground	Complies
Ventilation structures to be located away from windows and integrated into the design.	Complies
<u>6.7 Communal open space</u>	
a) Developments with more than 10 dwellings must incorporate communal open space. The minimum size of this open space is to be calculated at 5m <sup>2</sup> per dwelling. Any area to be included in the communal open space calculations must have a minimum dimension of 5m.	The proposal has only 6 units. A communal open space area is nonetheless provided.
b) The communal open space must be easily accessible and within a reasonable distance from apartments, be integrated with site landscaping, allow for casual social interaction and be capable of accommodating recreational activities.	The communal open space is easily accessible and considered to be of suitably amenity.

c) Where a minimum of 15% of the site is provided as a deep soil zone, combined use of part of the deep soil zone as communal open space may occur. The combined communal open space/deep soil area may be grassed but must not contain significant shade trees. A maximum of 1/3 of the required communal open space area may be combined with the deep soil zone.

d) Areas of the communal open space which are to be paved or which will contain shade structures, swimming pools or the like cannot be located within the deep soil zone.

e) The communal open space area must receive at least 3 hours of direct sunlight between 9.00am and 3.00pm on June 21.

#### 6.8 Private open space

i) The courtyard/terrace for the ground level dwellings must have a minimum area of 25m<sup>2</sup> and a width of 2 metres. This area must be separated from boundaries by at least 1.5m with a vegetated landscaping bed and must not encroach upon deep soil zone landscaping areas.

Complies

ii) The primary private open area of at least 70% of the dwellings within a residential apartment building must receive a minimum of three hours of direct sunlight between 9.00am and 3.00pm on June 21.

Complies

iii) Private open space areas (courtyards) must not extend forward to the front building setback by greater than 900mm.

Complies

iv) Private open space should be sited in a location which provides privacy, solar access, and pleasing outlook and has a limited impact on neighbours.

Complies

v) Design private open spaces so that they act as direct extensions of the living areas of the dwellings they serve.

Complies

vi) Clearly define private open space through use of planting, fencing or landscaping features.

Satisfactory

vii) Screen private open space where appropriate to ensure privacy.

Complies

viii) Provide balconies with operable screens or similar in locations where noise or high winds prohibit reasonable outdoor use (i.e. next to rail corridors, busy roads and tall towers).

N/A

c) Where private open space is provided in the form of a balcony, the following requirements must also be met:

i) Avoid locating the primary balconies where they address side setbacks.

Complies

ii) The balcony must have a minimum area of 12m<sup>2</sup> open space a minimum depth of 2.4 metres.

Complies

iii) The primary balcony of at least 70% of the dwellings within a multi dwelling housing development shall receive a minimum of three

Complies

<i>Objectives/controls</i>	<i>Comment</i>
hours of direct sunlight between 9.00am and 3.00pm on June 21.	
iv) Balconies must be designed and positioned to ensure sufficient light can penetrate into the building at lower levels.	Complies
v) Individual balcony enclosures are not supported. Balcony enclosures must form part of an overall building façade design treatment and should not compromise the functionality of a balcony as a private open space area.	N/A
<u>6.9 Overshadowing</u>	
a) The design of the development must have regard to the existing and proposed level of sunlight which is received by living areas and private open space areas of adjacent dwellings. Sensitive design must aim to retain the maximum amount of sunlight for adjacent residents. Council will place greatest emphasis on the retention of sunlight within the lower density residential areas.	Satisfactory
b) Adjacent residential buildings and their public spaces must receive at least 3 hours of direct sunlight between 9.00am and 3.00pm on 21 June.	Complies
c) In determining access to sunlight, overshadowing by fences, roof overhangs and changes in level must be taken into consideration. Overshadowing by vegetation should also be considered, where dense vegetation appears as a solid fence. Refer to Land and Environment Court Planning Principles – Parsonage vs Ku-Rin-Gai Council (2004).	Complies
d) In areas undergoing change, the impact of overshadowing on development likely to be built on adjoining sites must be considered, in addition to the impacts on existing development	Satisfactory
<u>6.10 Solar access</u>	
a) Residential apartment buildings must aim to maximise their level of northern exposure to optimise the number of dwellings having a northern aspect. Where a northern aspect is available, the living spaces and balconies of such apartments must typically be orientated towards the north.	Complies
b) The development must maximise the number of apartments with a dual orientation. Single aspect, single storey apartments should preferably have a northerly or easterly aspect and a reduced depth to allow for access of natural light to all habitable spaces.	Complies
c) Shading devices should be utilised where necessary, particularly where windows of habitable rooms are located on the western elevation.	Complies
d) The living rooms and private open space of at least 70% of apartments should receive a minimum of three hours of direct sunlight between 9.00am and 3.00pm.	Complies
e) The number of single aspect apartments with a southerly aspect (south-westerly to south-easterly) is	N/A



<i>Objectives/controls</i>	<i>Comment</i>
<p>limited to a maximum of 10% of the total number of apartments proposed.</p> <p>f) Provide vertical shading to eastern and western windows. Shading can take the form of eaves, awnings, colonnades, balconies, pergolas, external louvres and planting</p>	Satisfactory
<p><u>6.11 Natural ventilation</u></p> <p>Depth &lt;18m</p> <p>A minimum of sixty percent (60%) of all residential apartments shall be naturally cross ventilated.</p> <p>Twenty five percent (25%) of kitchens within a development must have access to natural ventilation.</p> <p>Single aspect apartments must be limited in depth to 8m from a window.</p>	<p>Complies</p> <p>All units are naturally cross ventilated.</p> <p>Complies</p> <p>N/A</p>
<p><u>6.12 Visual privacy</u></p> <p>1. New buildings should be sited and oriented to maximise visual privacy between buildings through compliance with minimum front, side and rear setback / building separation requirements.</p> <p>2. The internal layout of buildings should be designed to minimise any direct overlooking impacts occurring upon habitable rooms and private balcony / open space courtyards, wherever possible by separating communal open space and public domain areas from windows of rooms, particularly sleeping room and living room areas.</p> <p>3. Buildings are to be designed to increase privacy without compromising access to sunlight and natural ventilation through the following measures:</p> <p>(a) Off-setting of windows in new buildings from windows in existing adjoining building(s).</p> <p>(b) Recessed balconies and / or vertical fin elements between adjoining balconies to improve visual privacy.</p> <p>(c) Provision of solid, semi-solid or dark tinted glazed balustrading to balconies.</p> <p>(d) Provision of louvers or screen panels to windows and / or balconies.</p> <p>(e) Provision of perimeter landscaped screen / deep soil planting.</p> <p>(f) Incorporating planter boxes onto apartment balconies to improve visual separation between apartments within the development and adjoining buildings.</p> <p>(g) Provision of pergolas or shading devices to limit overlooking of lower apartments or private open space courtyards / balconies.</p>	<p>Complies</p> <p>Complies</p>
<p><u>6.13 Acoustic Privacy</u></p> <p>Locating busy, noisy areas next to each other and quieter areas, next to other quieter areas (eg living rooms with living rooms and bedrooms with bedrooms);</p>	Satisfactory

<i>Objectives/controls</i>	<i>Comment</i>
<p>(b) Using storage or circulation zones within an apartment to buffer noise from adjacent apartments, mechanical services or corridors and lobby areas; and</p> <p>(c) Minimising the amount of party (shared) walls with other apartments.</p> <p>To be designed and constructed with double-glazed windows and / or laminated windows, solid walls, sealing of air gaps around doors and windows as well as insulating building elements for doors, walls, roofs and ceilings etc; to provide satisfactory acoustic privacy and amenity levels for occupants within the residential and / or serviced apartment(s).</p> <p>Noise transmission from common corridors or outside the building is to be minimised by providing seals at entry doors.</p> <p><u>6.14 Storage</u></p> <p>5m<sup>2</sup> area / 10m<sup>3</sup> volume for 3 bedroom units</p>	<p>Complies or conditionable</p> <p>Complies or conditionable</p> <p>Complies</p>

## **7 Planning controls for special areas**

<i>Objectives/controls</i>	<i>Comment</i>
<p><u>7.1 Special areas with heritage items</u></p> <p>Development within the curtilage of a listed item, or a Heritage Conservation Area, or which will impact upon the setting of a heritage item or Heritage Conservation Area is also subject to the following provisions.</p> <p><i>Objectives</i></p> <p>a) To facilitate the conservation and protection of heritage items and Heritage Conservation Areas and their settings.</p> <p>b) To reinforce the special attributes and qualities of heritage items by ensuring that development has regard to the fabric and prevailing character of the item or special area e.g., scale, proportions, materials and finishes.</p> <p>c) To conserve, maintain and enhance existing views and vistas to buildings and places of historic and aesthetic significance.</p>	<p>The building is within the curtilage of a listed item, being the Monument to the corner.</p> <p>The proposal is considered potentially supportable with respect to the Monument.</p>

**Conservation Criteria**

As new development within the study area must ensure that the significance of heritage items and their setting are retained and enhanced. Development applications relating to heritage listed sites or sites within Heritage Conservation Areas must demonstrate how the proposed work will not adversely affect the heritage significance of the site and the area around it.

For sites in the vicinity of heritage items or Heritage Conservation Areas, an assessment of the impact of the proposal on the setting of nearby heritage items or Heritage Conservation Areas is to be undertaken.

Relevant criteria to be considered will vary for each proposal depending on the nature of development, the proximity of the development to surrounding heritage items and conservation areas as well as other factors. For this reason, each proposal will need to be considered on a case by case basis using the following general principles:

- a) Scale
- b) Siting.
- c) Architectural form
- d) Architectural detailing
- e) Materials and finishes
- f) Use
- g) Original fabric.
- h) The aging process.
- i) Curtilage.
- j) Infill development.

The applicant has provided a Historical Heritage Assessment and Statement of Heritage Impact which has been reviewed by Council's Heritage Officer.

The primary concerns with the proposal relate to the locality more broadly, rather than the Monument.

As noted above the proposal would be considered supportable with respect to these principles with some consolidation of the upper levels of the building to reduce the height.

**8 Works in the public domain**

Were the application to be supported, it would be a requirement that the footpath be upgraded for the frontage in accordance with Council policy.

**CHAPTER E2: CRIME PREVENTION THROUGH ENVIRONMENTAL DESIGN**

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

**CHAPTER E3: CAR PARKING, ACCESS, SERVICING/LOADING FACILITIES AND TRAFFIC MANAGEMENT****6 Traffic impact assessment and public transport studies****6.1 Car Parking and Traffic Impact Assessment Study**

A traffic impact assessment was not required for the development due to the small number of units and scale of the proposal.

**6.2 Preliminary Construction Traffic Management Plan**

Were the application to be supported, preparation of a Construction Traffic Management Plan could be addressed through a condition of consent.

**7 Parking demand and servicing requirements**

Beds

Sub regional



1	0.6	
2	0.9	
3	1.4	$6 \times 1.4 = 9$
visitor	0.2	$0.2 \times 6 = 2$
Total		11
Proposed		13*

*\*Additional spaces are to be included as gross floor area*

Bicycle and motorbike parking is also provided in accordance with Council requirements.

## **8 Vehicular access**

Driveway grades and sight distances comply.

## **9 Loading / unloading facilities and service vehicle manoeuvring**

The development complies with AS 2890.2.

Waste servicing will occur from the kerb.

## **10 Pedestrian access**

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

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

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

## **CHAPTER E6: LANDSCAPING**

Suitable landscaped areas have been provided in accordance with this chapter.

## **CHAPTER E7: WASTE MANAGEMENT**

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

The proposal involves demolition and a demolition plan has accordingly been provided.

Suitable waste storage and servicing arrangements have been provided.

## **CHAPTER E11 HERITAGE CONSERVATION**

See commentary at clause 5.10 and 7.18 of WLEP 2009 and Heritage Officer comments at section 1.4.1

## **CHAPTER E12 GEOTECHNICAL ASSESSMENT**

The application has been reviewed by Council's Geotechnical Engineer in relation to site stability and the suitability of the site for the development and no concerns were raised.

## **CHAPTER E14 STORMWATER MANAGEMENT**

The proposed stormwater management and disposal is satisfactory with regard to this chapter as advised by Council's Stormwater Officer.

## **CHAPTER E19 EARTHWORKS (LAND RESHAPING WORKS)**

The proposed earthworks are considered satisfactory with regard to this chapter.

## **CHAPTER E21 DEMOLITION AND HAZARDOUS BUILDING MATERIALS MANAGEMENT**

Conditions of consent would apply in regard to demolition.

## **CHAPTER E22 SOIL EROSION AND SEDIMENT CONTROL**

Conditions of consent would apply in regard to appropriate sediment and erosion control measures to be in place during works.

## Attachment 7 – Apartment Design Guide

Standards/controls	Comment
<b>Part 3 Siting the development</b>	
<b>3A Site analysis</b>	
Site analysis uses the following key elements to demonstrate that design decisions have been based on opportunities and constraints of the site conditions and their relationship to the surrounding context:	
• Site location plan	Y
• Aerial photograph	Y
• Local context plan including:	
– land use, height and typology of adjacent and opposite buildings in the street	Y
– views to and from the site	Y
– circulation patterns and access for pedestrians, vehicles and servicing	Y
– location of heritage items and areas of environmental significance	Y
– patterns of buildings, open spaces and vegetation	Y
– significant noise sources on and near the site, particularly roads, rail, aircraft and industrial noise	NA
– building envelopes and setbacks for future development	NA
– a written statement of key issues.	Y
• Site context and survey plan	
– Site dimensions and north point	Y
– Topography	Y
– Trees	Y
– Existing buildings	Y
– Windows, walls, balconies fences etc of adjoining	NA
– Access points	Y
– Utilities	Y
• Streetscape elevations and sections	Y
• Analysis	
A written statement explaining how the design of the proposed development has responded to the site analysis must accompany the development application.	Satisfactory
<b>3B Orientation</b>	
<b>Objective 3B-1</b>	
Building types and layouts respond to the streetscape and site while optimising solar access within the development	Development addresses the street
<b>Objective 3B-2</b>	

Standards/controls	Comment
Overshadowing of neighbouring properties is minimised during mid winter	Shadow diagrams have been provided indicating overshadowing of adjoining properties will not compromise their solar access.
<u>3C Public domain interface</u>	
<i>Objective 3C-1</i>	
Transition between private and public domain is achieved without compromising safety and security	Satisfactory
<i>Objective 3C-2</i>	
Amenity of the public domain is retained and enhanced	Perimeter planting provided Mailboxes integrated and unobtrusive Car parking and associated ventilation well integrated into the design.
<u>3D Communal and public open space</u>	
<i>Objective 3D-1</i>	
An adequate area of communal open space is provided to enhance residential amenity and to provide opportunities for landscaping	~70m <sup>2</sup> / 841m <sup>2</sup> = 8% The communal open space is considered acceptable given the small number of units within the development and generous living and outdoor spaces for each unit.
25% of site area recommended.	A minimum of 50% of the communal open space receives a minimum of 2 hours between 9 am and 3 pm on 21 June (mid winter)
<i>Objective 3D-27</i>	
Communal open space is designed to allow for a range of activities, respond to site conditions and be attractive and inviting	The development has only 6 units, each with generous private open space area. The communal open space provided is considered to be of a size and function that is acceptable with regard to the likely users.
<i>Objective 3D-3</i>	
Communal open space is designed to maximise safety	Satisfactory
<i>Objective 3D-4</i>	
Public open space, where provided, is responsive to the existing pattern and uses of the neighbourhood	Satisfactory
<u>3E Deep soil zones</u>	
<i>Objective 3E-1</i>	
Deep soil zones provide areas on the site that allow for and support healthy plant and tree growth. They improve residential amenity and promote management of water and air quality	~13% of the site is provided as deep soil area in accordance with this control.
7-10% of site area recommended.	



## Standards/controls

## Comment

### 3F Visual privacy

#### Objective 3F-1

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

Building height	Habitable rooms and balconies	Non-habitable rooms
up to 12m (4 storeys)	6m	3m
up to 25m (5-8 storeys)	9m	4.5m
over 25m (9+ storeys)	12m	6m

#### Objective 3F-2

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

### 3G Pedestrian access and entries

#### Objective 3G-1

Building entries and pedestrian access connects to and addresses the public domain

#### Objective 3G-2

Access, entries and pathways are accessible and easy to identify

### 3H Vehicle access

#### Objective 3H-1

Vehicle access points are designed and located to achieve safety, minimise conflicts between pedestrians and vehicles and create high quality streetscapes

### 3J Bicycle and car parking

#### Objective 3J-1

Car parking is provided based on proximity to public transport in metropolitan Sydney and centres in regional areas

#### Objective 3J-2

Parking and facilities are provided for other modes of transport

#### Objective 3J-3

Car park design and access is safe and secure

#### Objective 3J-4

Visual and environmental impacts of underground car parking are minimised

#### Objective 3J-5

Visual and environmental impacts of on-grade car parking are minimised

#### Objective 3J-6

Up to 12m the setback to the boundary is between 5.5m to 7.29m and complies.

Above 12m

The building proposes setbacks of between 5.5m and 7m to the western side elevation. These setbacks are considered acceptable given the internal space on that elevation are primarily service areas or bathrooms and robes.

Satisfactory

Clear entry provided.

As above.

Satisfactory

Compliant car parking and bicycle parking provided.

Motorbike/scooter space provided.

Satisfactory

Satisfactory

N/A

Standards/controls	Comment
Visual and environmental impacts of above ground enclosed car parking are minimised	N/A
<b>Part 4 – Designing the building - Amenity</b>	
<b><u>4A Solar and daylight access</u></b>	
<i>Objective 4A-1</i>	
To optimise the number of apartments receiving sunlight to habitable rooms, primary windows and private open space	Living rooms and private open spaces of all units receive a minimum of 2 hours direct sunlight between 9 am and 3 pm at mid-winter.
<i>Objective 4A-2</i>	
Daylight access is maximised where sunlight is limited	N/A
<i>Objective 4A-3</i>	
Design incorporates shading and glare control, particularly for warmer months	Satisfactory
<b><u>4B natural ventilation</u></b>	
<i>Objective 4B-1</i>	
All habitable rooms are naturally ventilated	Complies
<i>Objective 4B-2</i>	
The layout and design of single aspect apartments maximises natural ventilation	N/A
<i>Objective 4B-3</i>	
The number of apartments with natural cross ventilation is maximised to create a comfortable indoor environment for residents	All units are naturally cross ventilated.
<b><u>4C Ceiling heights</u></b>	
<i>Objective 4C-1</i>	
Ceiling height achieves sufficient natural ventilation and daylight access	Floor to ceiling heights are at least 2.7m.
<i>Objective 4C-2</i>	
Ceiling height increases the sense of space in apartments and provides for well proportioned rooms	Satisfactory
<i>Objective 4C-3</i>	
Ceiling heights contribute to the flexibility of building use over the life of the building	Satisfactory

Standards/controls	Comment
<p><u>4D Apartment size and layout</u></p> <p><b>Objective 4D-1</b></p> <p>The layout of rooms within an apartment is functional, well organised and provides a high standard of amenity</p> <p><i>Objective 4D-2</i></p> <p>Environmental performance of the apartment is maximised</p> <p><i>Objective 4D-3</i></p> <p>Apartment layouts are designed to accommodate a variety of household activities and needs</p>	<p>Apartment sizes exceed the recommended minimums.</p> <p>All habitable rooms have room must have a window in an external wall with a total minimum glass exceeding 10% of the floor area of the room.</p> <p>Kitchens do not form part of the main circulation space.</p> <p>Windows are visible from all points of habitable rooms.</p> <p>Room depths do not exceed 2.5m x ceiling height.</p> <p>Maximum habitable room depth does not exceed 8m from a window.</p> <p>Living areas and bedrooms are all located on the external face of the building.</p> <p>Bathrooms have external openable windows.</p> <p>Living areas oriented towards views and solar access.</p> <p>Master bedrooms have a minimum area of 10m<sup>2</sup> and other bedrooms 9m<sup>2</sup>.</p> <p>Bedrooms have a minimum dimension of 3m.</p> <p>Living rooms exceed 4m in width.</p> <p>Bedroom access separated from living spaces.</p> <p>Suitable robes provided in bedrooms.</p> <p>Layout are suitable to accommodate furniture.</p>
<p><u>4E Private open space and balconies</u></p> <p><i>Objective 4E-1</i></p> <p>Apartments provide appropriately sized private open space and balconies to enhance residential amenity</p> <p><i>Objective 4E-2</i></p> <p>Primary private open space and balconies are appropriately located to enhance liveability for residents</p>	<p>Primary balconies for all units are minimum of 12m<sup>2</sup> and minimum dimension of 2.4m.</p> <p>POS areas are north oriented and connected to the living spaces.</p>



<i>Standards/controls</i>	<i>Comment</i>
<u>Objective 4E-3</u> Private open space and balcony design is integrated into and contributes to the overall architectural form and detail of the building	Satisfactory
<u>Objective 4E-4</u> Private open space and balcony design maximises safety	Satisfactory
<u>4F Common circulation and spaces</u>	
<u>Objective 4F-1</u> Common circulation spaces achieve good amenity and properly service the number of apartments	Only 6 units share a lift and only one unit per floor.
<u>Objective 4F-2</u> Common circulation spaces promote safety and provide for social interaction between residents	Satisfactory
<u>4G Storage</u>	
<u>Objective 4G-1</u> Adequate, well designed storage is provided in each apartment	Satisfactory.
<u>Objective 4G-2</u> Additional storage is conveniently located, accessible and nominated for individual apartments	Complies.
<u>4H Acoustic privacy</u>	
<u>Objective 4H-1</u> Noise transfer is minimised through the siting of buildings and building layout	Satisfactory.
<u>Objective 4H-2</u> Noise impacts are mitigated within apartments through layout and acoustic treatments	Satisfactory.
<u>4J Noise and pollution</u>	
<u>Objective 4J-1</u> In noisy or hostile environments the impacts of external noise and pollution are minimised through the careful siting and layout of buildings	The proposal is no situated close to noise sources.
<u>Objective 4J-2</u> Appropriate noise shielding or attenuation techniques for the building design, construction and choice of materials are used to mitigate noise transmission	Detail of acoustic attenuation for the units has not been provided.
<u>4K Apartment mix</u>	
<u>Objective 4K-1</u> A range of apartment types and sizes is provided to cater for different household types now and into the future	Only three bedroom units are provided within the proposal however the proposal is only 6 units. The unit mix is not considered to be unreasonable in the circumstances.
<u>Objective 4K-2</u>	

Standards/controls	Comment
The apartment mix is distributed to suitable locations within the building	As above.
<u>4L Ground floor apartments</u>	
<i>Objective 4L-1</i>	
Street frontage activity is maximised where ground floor apartments are located	Satisfactory
<i>Objective 4L-2</i>	
Design of ground floor apartments delivers amenity and safety for residents	Y
<u>4M Facades</u>	
<i>Objective 4M-1</i>	
Building facades provide visual interest along the street while respecting the character of the local area	The proposal is considered to be of merit architecturally in respect of the materials palette and articulation however concerns remain over the scale.
<i>Objective 4M-2</i>	
Building functions are expressed by the façade	
<u>4N Roof design</u>	
<i>Objective 4N-1</i>	
Roof treatments are integrated into the building design and positively respond to the street	Y
<i>Objective 4N-2</i>	
Opportunities to use roof space for residential accommodation and open space are maximised	Y
<i>Objective 4N-3</i>	
Roof design incorporates sustainability features	It is considered that the rooftop should incorporate solar panels.
<u>4O Landscape design</u>	
<i>Objective 4O-1</i>	
Landscape design is viable and sustainable	Y
<i>Objective 4O-2</i>	
Landscape design contributes to the streetscape and amenity	Y
<u>4P Planting on structures</u>	
<i>Objective 4P-1</i>	
Appropriate soil profiles are provided	Satisfactory
<i>Objective 4P-2</i>	
Plant growth is optimised with appropriate selection and Maintenance	Satisfactory
<i>Objective 4P-3</i>	
Planting on structures contributes to the quality and amenity of communal and public open spaces	N/A

<i>Standards/controls</i>	<i>Comment</i>
<u>4Q Universal design</u>	
<i>Objective 4Q-1</i> Universal design features are included in apartment design to promote flexible housing for all community members 20% of the total apartments incorporating the Livable Housing Guideline's silver level universal design features	Complies
<i>Objective 4Q-2</i> A variety of apartments with adaptable designs are provided	Satisfactory
<i>Objective 4Q-3</i> Apartment layouts are flexible and accommodate a range of lifestyle needs	Satisfactory
<u>4R Adaptive reuse</u> N/A	
<u>4S Mixed use</u> N/A	
<u>4T Awnings and signage</u> N/A	
<u>4U Energy efficiency</u>	
<i>Objective 4U-1</i> Development incorporates passive environmental design	Satisfactory
<i>Objective 4U-2</i> Development incorporates passive solar design to optimise heat storage in winter and reduce heat transfer in summer	Satisfactory
<i>Objective 4U-3</i> Adequate natural ventilation minimises the need for mechanical ventilation	Satisfactory
<u>4V Water management and conservation</u>	
<i>Objective 4V-1</i> Potable water use is minimised	Satisfactory
<i>Objective 4V-2</i> Urban stormwater is treated on site before being discharged to receiving waters	Satisfactory
<i>Objective 4V-3</i> Flood management systems are integrated into site design	Satisfactory
<u>4W Waste management</u>	
<i>Objective 4W-1</i> Waste storage facilities are designed to minimise impacts on the streetscape, building entry and amenity of residents	Satisfactory
<i>Objective 4W-2</i> Domestic waste is minimised by providing safe and convenient source separation and recycling	Satisfactory



<i>Standards/controls</i>	<i>Comment</i>
<u>4X Building maintenance</u>	
<i>Objective 4X-1</i>	
Building design detail provides protection from weathering	Satisfactory
<i>Objective 4X-2</i>	
Systems and access enable ease of maintenance	Satisfactory
<i>Objective 4X-3</i>	
Material selection reduces ongoing maintenance costs	Satisfactory

## **Attachment 8 – Draft refusal reasons**

1. Pursuant to the provisions of Section 4.15 (1)(a)(ii) of the Environmental Planning and Assessment Act 1979, the proposed development is not considered to suitably address State Environmental Planning Policy No. 65 Design Quality of Residential Apartment Development with respect to the aims and objectives and Schedule 1 Design quality principles.
2. Pursuant to the provisions of Section 4.15 (1)(a)(i) of the Environmental Planning and Assessment Act 1979, the proposed development is not considered to achieve design excellence as required by Wollongong Local Environmental Plan 2009, clause 7.18 with respect to sustainability and visual impacts.
3. Pursuant to the provisions of Section 4.15 (1)(b) of the Environmental Planning and Assessment Act 1979, it is considered that the proposed height and bulk of the development would adversely impact upon streetscape and adjoining special area.
4. Pursuant to the provisions of Section 4.15 (1)(c) of the Environmental Planning and Assessment Act 1979, it is considered that the site is not suitable for a building of the proposed height and bulk.
5. Pursuant to the provisions of Section 4.15 (1)(e) of the Environmental Planning and Assessment Act 1979 it is considered that in the circumstances of the case, approval of the development would set an undesirable precedent for similar inappropriate development and is therefore not in the public interest.