

**PLANNING REPORT FOR  
DEVELOPMENT APPLICATION:  
Proposed Residential Development  
(Apartment Complex)  
Lots 7-10 in DP 17377 No's 31-33 Ocean  
Parade and No 11-13 Bayview Avenue,  
The Entrance**

Prepared For:  
Kylmill Pty Ltd

Prepared By:



June 2010

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# **1 Introduction**

## **1.1 GENERAL**

This Planning Report has been prepared to accompany a Development Application which seeks approval to construct a residential apartment complex on the subject property, which is located in Ocean Parade and Bayview Avenue, The Entrance. Kylmill Pty Ltd is the landowner of four allotments of land. The subject land enjoys views towards the coastline and Tuggerah Lake and is in easy walking distance to the Central Business District of The Entrance.

De angelis Taylor & Associates has been engaged by Kylmill Pty Ltd to prepare a development proposal for the site, which essentially provides for a range of residential accommodation. The development scheme, which is proposed in two stages, incorporates two residential tower buildings, which can be developed in a staged manner. The building fronting Ocean Parade is six storeys high and contains 17 apartments. The building fronting Bayview Avenue is eight storeys high and contains 24 apartments.

## **1.2 SCOPE OF REPORT**

This Statement of Environmental Effects and Assessment under State Environmental Planning Policy No 65 – Design Quality of Residential Flat Development accompanies the application.

The Statement describes the nature of the site and its immediate context. It proceeds to document the proposal and concludes with an assessment against the prevailing planning regulations under the relevant local, regional and state planning legislation and a request for approval.

## **1.3 BACKGROUND AND PRE-DEVELOPMENT CONSULTATION**

A similar development application was approved by Council in 2005 (DA/2857/2004) for a residential apartment complex, subject to a number of conditions. The consent was issued with a two-year time limit (i.e. expiry date 7 October 2007). An extension of time for a further one year period was approved. The development was not commenced due to the financial situation at the time and concerns by the owners with vacancy rates/sales in the apartment market in the area.

The owners have re-evaluated the current market and have looked at the apartment mix compared to the previous approval. As a result of this market research, the proposal proposes more three bedroom apartments, as this is seen to be more acceptable, particularly as the socio demographics of the area have changed over the past few years.

A pre-development application meeting was held with a Council assessing officer regarding an amended application to develop the site for the proposed development. There were concept plans submitted and comments in relation to those plans provided. A meeting was also held with the Central Coast Design Review Panel on 10 March 2010 to gauge comments in relation to the new design.

The comments of the Panel were conveyed by letter dated 17 March 2010. Generally the Panel supported the proposal with some suggested changes. The letter also provided comments from Council on a number of matters that needed to be addressed in the application.

The matters raised by Council will be addressed below. In respect of the matter of consolidating the subject property with the adjoining property to the northeast, attached as **Annexure D** is a letter from First National Real Estate – The Entrance, which provides details of the results of discussions with adjoining owners of the unit complex. The letter is self-explanatory in that the agent was unsuccessful in negotiating a reasonable purchase price, which would make the project affordable.

## 2 The Property Description

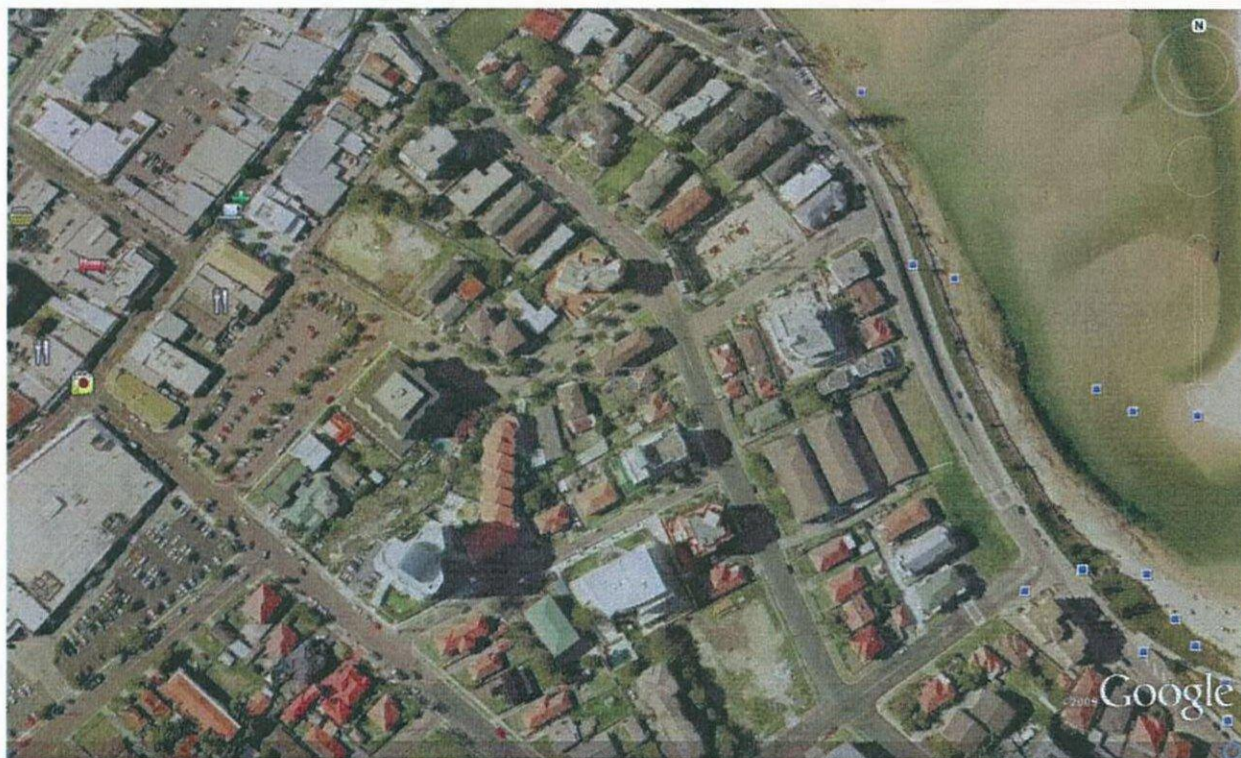
The property is known as Lots 7, 8, 9 & 10 in DP 17377 Nos 31-33 Ocean Parade and Nos 11-13 Bayview Avenue, The Entrance.

### 2.1 SITE CONTEXT

The proposed development is to be constructed on four allotments of land described above. The subject property is “L” shaped with two street frontages. The property has an area of 3304m<sup>2</sup>.

The land has a frontage to Bayview Avenue of approximately 31m and a depth of 47m to 51m. The Ocean Parade frontage of the development site has a width of approximately 36m. The site has an approximate depth of 46m to 49m. An aerial photo of the subject site is provided in **Figure 1** below.

FIGURE 1 – LOCATION OF SUBJECT SITE



Nos 31 and 33 Ocean Parade contain single storey weatherboard/brick dwellings. No 11 Bayview Avenue contains an aged weatherboard single storey residential flat development, containing five (5) dwellings. No 13 contains a two storey residential flat development, which contains seven dwellings.



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All sites have a slight slope towards their respective street frontages. Within the Bayview Avenue road reserve, two cabbage island palms are located adjacent to the site frontage.

## 2.2 SURROUNDING DEVELOPMENT

The development site is located in an area which contains both detached dwellings, intermixed with multi storey residential apartment complexes. These developments are of various eras and heights. A number of development sites have commenced, but have not been completed, with what can be described as 'holes in the ground' sites. One such site is located to the northwest in Bayview Avenue towards The Entrance Road. A number of other completed development sites have what appear to be vacant tenancies. **Figure 1** provides an aerial of the immediate context.

This landuse mix has occurred as older detached dwellings are replaced with multi storey residential development, which has sought to locate in this area with its natural attributes and proximity to facilities and services, including the main retail centre. The redevelopment of The Entrance with multi-storey residential development is a result of Council's planning policies to promote this form of development close to all amenities and services and to revitalise the Centre.

The western frontage of Ocean Parade is characterised by residential apartment development; whilst the eastern frontage is dominated by lower residential development. To the immediate south is a six storey residential apartment building; whilst to the north is an older four storey walk-up flat building.

To the east of Ocean Parade, Beach Street provides access to a number of single dwellings, with some apartment complexes currently under construction on the northern side of such street.

Within Bayview Avenue the site is also bounded by a four storey townhouse style development to the west, which runs along the length of the allotment. In the immediate vicinity a range of building typologies and heights are evident, including a multi storey residential apartment building to the southwest of the site, which is approximately 14 storeys in height.

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### 3 Site Analysis

#### 3.1 NATURAL ENVIRONMENT

The subject site and surrounding areas are highly disturbed as a result of residential development, civil works associated with road construction and infrastructure provision in the locality generally.

##### 3.1.1 TOPOGRAPHY AND LANDFORM

The subject land is generally level, with a slight fall towards the abovementioned streets. As such there are no topographical features that would impact on the development of the land.

##### 3.1.2 VISUAL AND LANDSCAPE CHARACTER AND VIEWS

Prior to preparing the development concept, a site analysis was undertaken to identify site opportunities and constraints. The site analysis shows the following opportunities:

- Views from the site towards the foreshore area approximately 150m to the east.
- The existence of cooling summer breezes from the east.
- The proximity of the site to the retail centre, which is located approximately 300m to the north. The Centre contains a range of convenience and speciality shops, together with restaurants, cafes, hotels, cinema and other entertainment facilities.
- The existence of a variety of building forms, heights and scale within the immediate area. This includes single storey detached housing through to multi storey residential development of up to 14 storeys in height.
- The availability of two street frontages for both access and orientation purposes.
- The two street frontages enable the development to be staged, thereby allowing market forces to dictate construction. The two buildings also provide for smaller body corporates to manage the development.
- The orientation of the Bayview Avenue allotment towards the north and the Ocean Parade allotments to the east, which provide opportunities for desirable orientation for energy efficiency purposes.
- The relatively minimal slope of the subject site towards the road frontages.

##### 3.1.3 HYDROLOGY AND CATCHMENT FEATURES

###### 3.1.3.1 HYDROLOGY

A concept drainage plan has been prepared by and accompanies this application. Basically, the site can be drained to Council's street drainage system, as shown on the plans prepared by Whipps-Wood Consulting at Annexure B.



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## **3.2 HUMAN ENVIRONMENT**

Human activity associated principally with the urbanisation of the locality has established a human environmental context mainly in the form of apartment style development in close proximity to the CBD. It is within this context interwoven with the natural environment, as previously described, that the development proposal is advanced.

The existing human environment is briefly detailed below.

### **3.2.1 TRAFFIC, TRANSPORT AND ACCESSIBILITY**

#### **3.2.1.1 ROAD NETWORK**

The site is serviced by a local collector road system in the form of The Entrance Road. This collector road system connects the Wyong Shire Council area from generally south to north, with suburbs such as Bateau Bay and Budgewoi located along this road. In most parts The Entrance Road is a two-lane road carrying substantial traffic in peak periods, particularly during peak holiday times. The Entrance Road connects to other areas in a regional context such as Newcastle. Part of The Entrance Road is a one-way system (north bound), with Oakland Road acting as a collector road south bound. Other streets in the immediate area are local streets carrying local residential traffic.

Further details on traffic and parking issues associated with the development are addressed in Section 6.3.4 of this Statement.

### **3.2.2 BUILT FORM AND CHARACTER**

The site is currently occupied by a number of dwellings and flats and associated structures. As such existing development does not exhibit a particular built form or character. It is, however, within a residential precinct and interfaces with similar development of a residential scale.

The proposal complies with the aims and objectives of the DCP by delivering built forms that ensure a high standard of visual amenity, appearance and character. Energy efficiency measures have been integrated into the design of the built form, ensuring sustainable housing/development solutions. Furthermore, through the provision of a variety of unit types, the proposal provides flexibility and choice for the local market.

### **3.2.3 AVAILABILITY OF SERVICES**

The site is within a largely developed and serviced urban area. Thus all utility services are available and are reticulated through the area. All services are capable of any required augmentation and/or reticulation.

## 4 The Development Proposal

The development proposal is as generally shown on the plans prepared by De angelis Taylor & Associates. Reduced architectural plans are provided at **Annexure A**. The proposal involves the following:

- 1 Demolition of all existing buildings and ancillary structures;
- 2 Construction of two multi storey residential apartment buildings to be completed in two stages. Stage 1 will comprise the construction of Block A located adjacent to Ocean Parade, whilst stage 2 will comprise the construction of Block B located adjacent to Bayview Avenue;
- 3 Block A is to be six storeys in height. Block B is to be eight storeys in height;
- 4 Block A will consist of 11 x 2 bedroom units and 6 x 3 bedroom units;
- 5 Block B will consist of a community room, gymnasium, an affordable unit, 18 x 2 bedroom units and 6 x 3 bedroom units;
- 6 Private balconies will be provided to units;
- 7 Communal open space is provided at ground level;
- 8 Basement car parking is provided to each Block, with vehicular access provided from Bayview Avenue. The previous proposal had two access points;
- 9 Provision of on-site landscaping;
- 10 Provision of stormwater drainage.

Setbacks to front and side boundaries for Blocks A & B are shown on the plans. The plans also show the setbacks and building footprint that were approved for the previous development proposal. The proposal also seeks bonus floor area based on Council policy for providing an affordable unit under the SEPP for Affordable Housing. This aspect is addressed below.

A breakdown of unit types, main development proposal and a summary of development levels is provided in **Tables 4.1, 4.2 and 4.3**.

**TABLE 4.1 – MAIN DEVELOPMENT DATA**

| <b>Main Development Data</b>                     |                      |
|--|----------------------|
| SITE AREA  | 3304.1m <sup>2</sup> |
| RESIDENTIAL                                      | 41 units             |
| FLOOR SPACE RATIO (1.5:1 + BONUS)                | 5573m <sup>2</sup>   |
| LANDSCAPING – 25% (50% to be deep soil planting) | 827m <sup>2</sup>    |
| AFFORDABLE UNITS                                 | 1                    |
| RECREATION FACILITIES (GYM and COMMUNITY ROOM)   | 136.6m <sup>2</sup>  |
| CAR PARKING                                      | car spaces           |
| VISITOR SPACES                                   |                      |

**TABLE 4.2 – SUMMARY OF UNIT TYPES AND SIZES – BLOCK A**

| <b>Unit No.</b> | <b>No. Bedrooms</b> | <b>Nett Floor Area m<sup>2</sup></b> |
|-----------------|---------------------|--------------------------------------|
| 1               | 3                   | 131                                  |
| 2               | 2                   | 105.1                                |
| 3               | 2                   | 110.2                                |

| Unit No. | No. Bedrooms | Nett Floor Area m² |
|----------|--------------|--------------------|
| 4        | 3            | 131                |
| 5        | 2            | 105.1              |
| 6        | 2            | 110.2              |
| 7        | 3            | 131                |
| 8        | 2            | 105.1              |
| 9        | 2            | 110.2              |
| 10       | 3            | 131                |
| 11       | 2            | 105.1              |
| 12       | 2            | 110.2              |
| 13       | 3            | 131                |
| 14       | 2            | 105.4              |
| 15       | 2            | 110.2              |
| 16       | 3            | 180.7              |
| 17       | 2            | 110.2              |

TABLE 4.3 - SUMMARY OF UNIT TYPES AND SIZES - BLOCK B

| Unit No. | No. Bedrooms | Nett Floor Area m² |
|----------|--------------|--------------------|
| 1        | 2            | 129.9              |
| 2        | 2            | 127.5              |
| 3        | 2            | 105.4              |
| 4        | 2            | 129                |
| 5        | 2            | 127.5              |
| 6        | 2            | 105.4              |
| 7        | 2            | 105.4              |
| 8        | 2            | 129                |
| 9        | 2            | 127.5              |
| 10       | 2            | 105.4              |
| 11       | 2            | 105.4              |
| 12       | 2            | 126.7              |
| 13       | 2            | 127.5              |
| 14       | 2            | 105.4              |
| 15       | 2            | 105.4              |
| 16       | 3            | 178                |
| 17       | 2            | 105.4              |
| 18       | 2            | 105.4              |
| 19       | 3            | 178                |
| 20       | 2            | 105.4              |
| 21       | 3            | 154.6              |
| 22       | 3            | 178                |
| 23       | 3            | 154.6              |
| 24       | 3            | 178                |

#### 4.1.1 DEMOLITION

Development consent has been sought to the demolition of the buildings. The demolition will be in accordance with the requirements as set out under the Australia Standard AS260 - 2001: The Demolition of Structures - which is incorporated into the Occupational Health and Safety

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Act 2000 administered by WorkCover NSW. Demolition will include:

- The removal of all demolished material and where appropriate materials will be recycled;
- All brickwork, concrete and other hard surfaces will be recycled where possible; and
- Breaking up and removing hard surface areas.

Where appropriate, waste material will be removed by recyclers for reuse. Barriers will be erected around the work areas to protect the public.

The demolition process will be controlled by specific guidelines including the Occupational Health and Safety Regulation 2001 and all WorkCover requirements. An erosion and sediment control plan will be prepared for each stage of construction to control run off during these processes. The following is provided in relation to these issues:

#### Dust

During the site works, the following methods should be employed to control any dust:

- hessian should be located along any section of the site fence located in the vicinity of demolition areas;
- cleaning of hardstand areas if necessary; and
- undertaking the loading or unloading of materials as close as possible to the skip bins to prevent the spread of loose material around the site.

Dust is also produced during the transfer of materials to and from the site, thus all material will be required to be covered while being transported and will be properly disposed of on delivery. No material is to be left in an exposed, unmonitored condition. All plant, including trucks transporting material, should be brushed before leaving the site to prevent dust and sediment movement offsite.

#### Noise control

Noise producing machinery and equipment should only be operated between the hours of 7.00 am and 6.00 pm Monday to Friday and 7.00am to 4.00pm Saturdays, unless requested otherwise by Council. Various Australian standards outline guidelines for the minimisation of noise on construction and demolition sites. These include:

- Australian Standard AS2460 AS 2012.1-1990: *Acoustics - Measurement of airborne noise emitted by earth-moving machinery and agricultural tractors - Stationary test condition - Determination of compliance with limits for exterior noise;*
- AS/NZS 1269.1:2005 *Occupational noise management-Measurement and assessment of noise emission and exposure;*
- AS/NZS 1269.2:2005 *Occupational noise management-Noise control management;* and
- AS/NZS 1269.3:2005 *Occupational noise management-Hearing protector program.*

#### Occupational Health and Safety

Prior to the commencement of works the principal contractor should prepare and maintain a site specific Occupational Health and Safety, and Protection of the Environment Plan (OHS&E plan) which complies with the requirements of clause 226 of the Regulations.

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## 5 Assessment of Relevant Controls and Policies

### 5.1 RELEVANT PLANNING INSTRUMENTS, CONTROLS AND POLICIES

The following documents are relevant to the proposed development:

- Wyong Local Environmental Plan 1991 (WLEP 1991);
- Wyong Development Control Plan No 60 – The Entrance (DCP 60);
- Wyong Development Control Plan No 64 – Wyong Multi Dwelling Residential Development (DCP 60);
- The Entrance Peninsula Planning Strategy 2009;
- State Environmental Planning Policy No 65 – Design Quality of Residential Flat Buildings (SEPP 65);
- State Environmental Planning Policy (Infrastructure) 2007;
- State Environmental Planning Policy (Building Sustainability Index: Basix) 2004;
- State Environmental Planning Policy No 71 – Coastal Protection (SEPP 71);
- State Environmental Planning Policy 55 – Remediation of Land (SEPP 55); and
- Coastal Design Guidelines for NSW.

### 5.2 WYONG LOCAL ENVIRONMENTAL PLAN 1991

#### 5.2.1 ZONAL PROVISIONS

The subject property is zoned 2 (d) Residential under the provisions of WLEP 1991. Clause 10(3) of WLEP 1991 states that except as elsewhere provided within the Plan, *consent must not be granted for development on land within this zone unless the consent authority is of the opinion that carrying out the proposed development would be consistent with one or more of the objectives of this zone.*

The objectives of the zone are as follows:

- (a) to allow for high density residential development in suitable locations, and
- (b) to provide for other uses which:
  - (i) are compatible with the residential environment and afford services to residents at a local level, and
  - (ii) are unlikely to adversely affect residential amenity or place demands on services beyond the level reasonably required for residential use, and
- (c) to provide home-based employment where such will not:
  - (i) involve exposure to view from any public place of any unsightly matter, or any raw material, equipment, machinery, product or stored finished goods, or
  - (ii) have a material adverse impact on residents.

#### Comment

The objectives clearly promote residential development and a range of other developments that are of a residential nature. The proposal is consistent with the objectives as follows.

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Objective (a) The subject land is zoned for residential purposes and as such the proposed development is permissible with Council consent. The zoning of the land permits higher-density development, as proposed by the subject application. The siting of this development accords with the principles contained within Council's Planning Strategy for The Entrance and is situated within easy walking distance to the main commercial centre. The proposed development provides for housing choice and increases densities close to such facilities and services.

Objective (b) The proposed development is located in an area that has undergone change over the past decade in terms of residential development. The Council through its policies and strategies has promoted higher forms of residential development to support the commercial centre of The Entrance. Residential development located this close to the Centre will assist in re-invigorating the area generally, such that it does not become just a 'tourist town', with little or no pedestrian activity outside peak season. Local businesses will be supported by increased densities on the land.

Objective (c) The proposal does not involve any home based activity.

The development proposal has been designed to provide a high quality sustainable development outcome. This is clearly reflected in the layout and architectural treatment, the application of passive solar design principles and the application of "CPTED" principles. All these aspects of the development are addressed in this Statement.

Clause 10 lists those uses that are permissible in the zone; namely:

'Advertisements; boarding houses; bushfire hazard reduction; child care centres; communications facilities; community facilities; detached dual occupancies; drainage; dual occupancy buildings; dwelling-houses; education establishments; exhibition homes; flood mitigation works; general stores; group homes; home businesses; hospitals; housing for older persons or people with a disability; motels; nutrient control facilities; palliative day care centres; places of worship; recreation areas; residential flat buildings; tourist accommodation; transitional group homes; utility installations.'

The proposal is a residential flat building, which is defined as:

*residential flat building* means a building containing 3 or more dwellings.

The proposed development is not listed as a landuse that is prohibited in the zone and is therefore permissible with Council consent. The proposed development also meets the objectives of the zone, as detailed above.

## 5.2.2 SPECIFIC CLAUSES OF THE LEP

Division 3 of Wyong LEP 1991 contains provisions relating to development within the Residential and Business zones. There are no specific provisions within this Division which apply to development on land zoned 2(d) within The Entrance. Division 6 of the LEP contains additional Miscellaneous Provisions. Whilst there are a number of provisions relating to development on land at The Entrance, there are no specific controls applying to the development site.

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### 5.3 WYONG DEVELOPMENT CONTROL PLAN NO 60 – THE ENTRANCE

The subject Development Control Plan provides aims to encourage development which enhances the area's residential and tourism character. The following provides an assessment of the proposal against the DCP requirements that are of relevance. Where there is any non-compliance, justification will be provided for variation to the relevant control.

#### 5.3.1 OBJECTIVES

This section of the DCP provides the overarching objective of the DCP, as follows:

"The aim of this plan is to encourage and facilitate the development of The Entrance as a major tourist destination and residential neighbourhood by providing development criteria which focus on achieving complementary built forms, quality urban design solutions and the maintenance of the character of the area."

#### Comment

In respect of these objectives, the following is provided.

The proposed development provides residential development close to services and facilities located in the immediate area. The built forms of the development are such that are reflective and complementary of the coastal setting. The design solution sought is a development within two buildings to reduce the height, bulk and scale of the development such that it is not out of character with development immediately adjoining the site.

Having regard to the above, we are of the opinion that the overarching objective of this part of the DCP has been met.

#### 5.3.2 SECTION 2.4 – DENSITY OF DEVELOPMENT

Section 2.4 of the DCP sets Floor Space Ratios (FSR) for development within the various zones. Under the 2(d), the FSR of development is 1.5:1. As noted in Section 4 above, this application seeks to obtain a bonus FSR for the site based on the provision within DCP 64. This aspect of the proposal is addressed under Section 5.5 of this Statement.

#### 5.3.3 SECTION 4.2 – LANDUSE PRECINCTS

The areas within The Entrance are divided into separate precincts each having an individual character and objectives. The area in which the site is located is identified as Precinct Three – The Entrance Channel (High Density Residential). The DCP confirms that this area is essentially a high density residential area, which takes advantage of the local services. The intent for this Precinct is stated as follows:

"This Precinct has traditionally been and will remain the focus of higher density residential development, as it enjoys a northerly sloping aspect with extensive views across the channel to the ocean and lake. Consistent with the philosophy of view sharing, development along the foreshore is to remain of a lower scale with increasing building heights as development progresses up the slope.



The foreshore promenade extending from Memorial Park to the Surf Club is an important feature of this Precinct. Marine Parade will continue to be an active arterial route for vehicular and pedestrian traffic and as such quality development is to be encouraged along the foreshore.

Critical to this location is the impact of higher development in terms of maintenance of a human scale at the street frontage (particularly at the Marine Parade/Memorial Park frontages), overshadowing, retention of view corridors, overlooking (privacy) and traffic impacts."

The DCP also contains a number of development principles for this Precinct. The following Table 5.1 provides an assessment of the proposed development based upon the development principles outlined in the DCP.

TABLE 5.1 – COMPLIANCE DEVELOPMENT PRINCIPLES

| Development Principles   | Proposed   | Compliance |
|--|--|------------|
| Precinct to remain the focus of high density residential as it has northerly aspect with extensive ocean views. Development along the foreshore is to remain a lower scale with increasing building heights as development progresses up the slope to ensure view sharing. | <p>The development has been designed to take advantage of the views that are available from the site in a north-easterly direction.</p> <p>This has been achieved through the provision of a scaled development that incorporates both a six storey building fronting Ocean Parade and an eight storey building fronting Bayview Avenue. The DCP require a gradual stepping of buildings and this has been achieved by the proposal, including view sharing opportunities. This is reinforced with the next principle.</p> | Yes        |
| A height limit as demonstrated in the Precinct map is for 18m high buildings within the Ocean Parade frontage and 24m for buildings in Bayview Avenue.   | Both residential developments comply with the heights specified with the DCP.  | Yes        |
| Development within this Precinct is to incorporate architectural features as well as cosmetic elements that adopt a maritime theme.  | <p>Whilst the development does not strictly adhere with this requirement, the development has been designed having regard to its setting within the coastal context and that surrounding the site.</p> <p>The previous application proposed some maritime 'expressions' in the form of windows and other built forms. These elements were deleted on the approved plan, based on concerns expressed by the Review Panel.</p>   | Yes        |

| <b>Development Principles</b>  | <b>Proposed</b>   | <b>Compliance</b> |
|--|---|-------------------|
| Residential buildings are to be of high quality design set back to designated alignments.  | The issue of setbacks is address in Section of this Statement.  | No                |
| Buildings should address the street frontages incorporating high quality landscaping and fencing treatments to create a desirable urban residential streetscape. | <p>Each stage of the development described in Section 4 above addresses the street frontage. The pedestrian entrance to the developments is also highlighted to comply with CPTED principles.</p> <p>The landscape plan places particular emphasis on the landscape treatment for these stages of the development, including communal open space area.</p> <p>A range of complementary materials have been selected with particular regard to the development site's location. The selection of materials provides light and shade to the development such that it 'reads' as a well articulated development.</p> | Yes               |
| Carparking requirements are to be provided on-site with carpark areas positioned so as not to dominate the streetscape.  | Car parking is provided within basement level car parks for each stage, which can operate separately. Sufficient parking numbers will be provided to satisfy Council's requirements. As such there is minimal impact on the streetscape of garage doors.  | Yes               |
| Overshadowing, overlooking and wind tunnelling effects are to be minimised. Passive solar protection and natural ventilation are encouraged.                     | The proposal provides for two buildings on the site, rather than one larger elongated building. The two buildings will assist in reducing the potential for wind tunneling and overshadowing. Overshadowing plans have been prepared for this development and accompany the application.  | Yes               |
| Building envelopes should encourage useable active open space areas between buildings.   | Useable open space provision has been provided by this development. In addition, it is proposed to provide a community room and gymnasium for future residents to increase social interaction by future residents. The provision of indoor active spaces is seen as a positive outcome of the development.  | Yes               |

| Development Principles   | Proposed   | Compliance |
|--|--|------------|
| Facilities for the storage of waste are to be designed so that their contents are not visually intrusive.  | Waste bins will be located within the basement level of each Block. Bins will be wheeled for kerbside collection on a weekly basis and then placed back in the bin storage areas.  | Yes        |
| Native plant species are used in preference to exotic species.   | Plant species have been selected having regard to the site's context and coastal setting.  | Yes        |
| <p>Design shall have regard to:</p> <p>1 The relationship with surrounding development;</p> <p>2 Energy efficiency levels within the buildings; and</p> <p>3 Compliance with the requirements of the Building Code of Australia including Fire Risk.</p> | <p>The proposed development has been designed with regard to the surrounding development. The bulk and scale of the development is in proportion to other surrounding multi storey residential development.</p> <p>The bulk has been reduced to be compatible with the adjoining development. Further the development will enhance the streetscape by providing for a contemporary and high quality residential development.</p> <p>Other sections of this Statement address the manner in which the buildings comply with the energy efficiency requirements of the DCP, SEPP 65 and BASIX.</p> | Yes        |

The following provides other matters for consideration in terms of the development proposal.

#### 5.3.4 WATER CYCLE MANAGEMENT

It is proposed to convey water to Council's stormwater system. The provision of rainwater tanks will reduce the amount of stormwater runoff from roof areas and comply with BASIX requirements.

#### 5.3.5 FENCING

It is proposed to provide boundary fencing to Council's requirements. Retaining walls will be minimised, as the land is generally level, with a slight fall to the abovementioned streets. Any retaining wall will be to engineering standards.

#### 5.3.6 SECTION 2.13 – SECURITY

The proposed development should provide personal property security for residents and visitors and encourage crime prevention.

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In April 2001, CPTED was introduced into legislative guidelines relevant to consent authorities' *matters for consideration* pursuant to s79C of the *Environmental Planning and Assessment Act 1979*. The CPTED guidelines outline a consent authority's responsibilities to identify crime risk and to minimise opportunities for crime through the appropriate assessment of development proposals.

The proposed development has been designed having regard to the 4 principles of safety by environmental design; namely,

- Surveillance.
- Access Control.
- Territorial Reinforcement.
- Space Management.

The manner in which buildings have been designed provides for good casual surveillance of the street and communal open space areas.

The manner in which the design has responded to these principles is summarised below:

#### 5.3.6.1 SURVEILLANCE

- All areas used at night, including car parking and common open space areas, would be provided with a level of lighting to allow appropriate levels of visibility and remove 'dark spots'.
- Pedestrian pathways to be provided with bollard style lighting.
- Foyers, carparking levels and stairways in the buildings to be serviced by lights. All would be operated by automatic timers to eliminate any dark spots and to provide a clear view of the area.
- Void areas underneath stairways within foyers to be enclosed to prevent concealment.
- The garbage storage area to be serviced by bare batten light fitting.
- All lighting in other public areas be fitted with sensor light fittings and installed to Australian Standards.
- All lighting shall be directed towards access/egress routes.
- All external lighting to be designed and positioned to reduce light spillage onto adjoining properties.
- Secured carparking entrances and foyers to apartments.

- 
- All areas used at night, including car parking and common open space areas, are proposed to be provided with a level of lighting to allow appropriate levels of visibility and remove “dark spots”.
  - Pedestrian pathways within development precinct are to be lit.
  - All entrances will include automatic timers to eliminate any dark spots and to provide a clear view of the area.
  - Any voids will be enclosed.
  - The garbage storage area to be appropriately screened.
  - All lighting in other public areas to be fitted with sensor light fittings and installed to Australian Standards.
  - All lighting shall be directed towards access / egress routes.
  - All external lighting to be designed and positioned to reduce light spillage onto adjoining properties.
  - The landscape treatment will balance screening with surveillance.
  - The carpark configuration provides for good casual driver/pedestrian surveillance.

#### 5.3.6.2 ACCESS CONTROL

Controlling access will be limited by virtue of the nature of the site and the desire not to create a compound like environment and to integrate the site with surrounding development. Vehicle access will, however, be limited to one point.

#### 5.3.6.3 TERRITORIAL REINFORCEMENT AND SPACE MANAGEMENT

The level of maintenance of the premises and in particular the carpark and landscaping proposed will reinforce that anti-social behaviour is foreign to the immediate precinct and clearly not acceptable.

This would be a deterrent to persons wishing to commit a crime, as these areas have good surveillance. Further details are provided under the SEPP 65 assessment.

### 5.4 DEVELOPMENT CONTROL PLAN 64 – RESIDENTIAL DEVELOPMENT

Development Control Plan 64 – Residential Development applies to all residential land in Wyong Shire Council comprising three or more dwellings on one allotment, including residential flat buildings. The Plan aims to protect and enhance the amenity of new and existing residential areas by:

- Encouraging the provision of a variety of dwelling types and allowing for innovation in individual design.
- Promoting standards of design which achieve functional and aesthetic quality in development.

- Encouraging designs of high architectural quality.
- Encouraging residential development appropriate to the local area context.
- Promoting sustainable development which is energy and water efficient.

#### Comment

The development is one that provides two and three bedroom units in two separate blocks. The size of the units is also variable to meet different socio-economic demographics. The design of the blocks are complementary, but at the same time providing individuality. The design of the buildings is contemporary and one that will not date over time. We are of the opinion that such a design meets the objectives of the DCP.

This DCP provides a controls applying to residential flat buildings within the Residential 2 (d) zone. Some of the controls are also contained within DCP 60 and have been addressed in Section 5.4 above and therefore Table 5.2 below will address the relevant matters for assessment under this DCP.

TABLE 5.2 - COMPLIANCE TABLE - DCP 64

|                            | Criteria   | Proposed   | Complies                |
|----------------------------|--|--|-------------------------|
| <b>Floor space ratio</b>   | 1.5:1 FSR  | 1.75:1 FSR   | No. See comments below. |
| <b>Development bonuses</b> | <p>Apply to 2 (d) zoned lands north of Shelly Beach Road up to and including North Entrance.</p> <p>Any proposal on a lot larger than 1500m<sup>2</sup>, which represents a high quality design.</p> <p>Site area: 3304m<sup>2</sup></p> <p>1500m<sup>2</sup> 7.5%<br/> 2000m<sup>2</sup> 10%<br/> 2500m<sup>2</sup> 12.5%<br/> 3000m<sup>2</sup> 15%<br/> 4000m<sup>2</sup> + 20%</p> | <p>Development bonuses to be applied to the site:</p> <p>16.5%</p> <p>Bonus: permits 5773m<sup>2</sup> of FSR or 1.75:1.</p> | Yes.                    |
| <b>Height</b>              | <p>DCP 60 requires:</p> <p>Building A to be 18m</p> <p>Building B to be 24m</p>  | <p><b>Building A</b> - 18m or six storeys high.</p> <p><b>Building B</b> - 24m or eight storeys high.</p>                    | <p>Yes.</p> <p>Yes.</p> |
| <b>Front setback</b>       | High rise developments 3 or more storeys 7.5m.   | <p><b>Building A</b></p> <p>The walls of the building comply with the 7.5 setback to Ocean Parade.</p>                       | Yes.                    |

| Criteria               |   | Proposed  | Complies |
|------------------------|---|---|----------|
|                        |   | <b>Building B</b><br><br>This building is setback further than the requirement.   | Yes.     |
| Side and rear setbacks | Level 1 - 6m  | There are minor areas of encroachment within the building setback area, but these are at upper levels, as shown detailed on the submitted plans. There was general support from Council for an encroachment into this setback area. | No       |
|                        | Level 2 - 6m  |   |          |
|                        | Level 3 - 6m  |   |          |
|                        | Level 4 - 6m  |   |          |
|                        | Level 5 - 9m  |   |          |
|                        | Level 6 - 9m  |   |          |
|                        | Level 7 - 9m  |   |          |
|                        | Level 8 - 9m  |   |          |
| Private open space     | Each dwelling in a high rise unit that has no associated private ground level courtyard requires a balcony or terrace comprising at least 10m <sup>2</sup> in area, with minimum dimension 2m   | Balconies are provided for each unit. The private open spaces vary in size and comprise at least 10m <sup>2</sup> with minimum dimensions of 2m.  | Yes.     |
| Communal open space    | Incorporate communal open space in up to two locations at a rate of 10m <sup>2</sup> per dwelling with a minimum width of 5m, i.e. total of 410m <sup>2</sup> .   | Communal open space is provided on the ground floor between Blocks A & B and at the rear of Block B and has an area of 827m <sup>2</sup> .<br><br>A community room and gym are provided in Block B for use by residents.            | Yes.     |
| Carparking             | Resident parking is to be provided in accordance with the following rates:<br><br>1 bedroom - 1 space<br>2 bedroom - 1.2 spaces<br>3 bedroom or greater - 1.5 spaces<br><br><b>Parking required</b><br><br><b>Building A</b><br><br>23 spaces | <b>Parking provided</b><br><br><b>Building A</b><br><br>23 spaces   | Yes.     |



| Criteria                    |   | Proposed   | Complies |
|-----------------------------|---|--|----------|
|                             | <b>Building B</b><br>31 spaces  | <b>Building B</b><br>31 spaces   |          |
| <b>Visitor parking</b>      | Over 15 units 1 space per 5 units<br><b>Block A</b><br>4 spaces<br><b>Block B</b><br>5 spaces | <b>Block A</b><br>4 spaces<br><b>Block B</b><br>5 spaces   | Yes.     |
| <b>Bicycle facilities</b>   | A rate of 1 per 3 dwellings.<br><b>Block A</b><br>6 spaces<br><b>Block B</b><br>8 spaces      | <b>Block A</b><br>6 spaces<br><b>Block B</b><br>8 spaces<br><br>Spaces have also been provided external to the buildings for visitors. | Yes      |
| <b>Basement car parking</b> | Access to be designed to comply with AS/NZS 2890.1  | Refer to details in Section 6.3.4 of this Statement  | Yes.     |

#### 5.4.1 HEIGHT AND STREETSCAPE INTEGRATION

The subject site is located in an accessible location within walking distance to a range of services and facilities. Specifically the site is approximately 150m to recreation and beach facilities and is 300m to the retail centre. For this reason the precinct has been identified as a multi storey residential development area in which the provision of high density development is encouraged.

The proposed development comprises two buildings having heights ranging from 6 storeys to 8 storeys. These heights are compatible with surrounding development, which comprises a number of residential flat buildings and a range of heights. Increased building heights of up to 14 storeys (approx) are also evident to the southwest. The provision of buildings of up to 6 and 8 storeys will still allow for view sharing from properties to the rear.

The number of storeys proposed will also allow for graduation of heights towards the foreshore area. Whilst development to the east of Ocean Parade and in Beach Street is a mixture of heights, particularly in respect of the recent development in this street. The proposed building heights will enable provision of a high density development which will be compatible with the objectives of DCP 64.

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## 5.4.2 BUILT FORM

Clause 5.1.1 of the DCP has the following requirements:

- a Residential flat development shall be compatible with the objectives of the zone in its scale, function and visual appearance.
- b Developments proposed within Wyong Shire will need to respond sensitively to their context in term of their scale, functionality and sustainability. The development needs to relate well to the public domain and contribute to the local community. Ways of measuring appropriate design quality include:
  - Integration of the built form and public domain, for example in relation to ground floor activity, address, building materials, detail or scale.
  - Environmental efficiency in relation to materials, energy, and water. This requires appropriate response to the local context and environmental conditions and may relate to solar access, building materials etc.
  - Amenity for adjoining development, and for residents or workers in the locality. This may include for example preserving sunlight access to public open space.
- c The appearance and functionality of residential development shall be of a high architectural quality.
- d Council requires facades to be articulated in length and height. Monotonous and unbroken lengths of wall exceeding 10 metres in length and 3 metres in height shall not be permitted for town house developments and low rise residential flat buildings. In development of two or more storeys, physical design elements shall be used to provide visual interest to the building. These elements may include roof, wall and eave projections and indentations (min. 0.45m x 1.5m run), roofed decks, pergolas, awnings and other permanent shading structures, etc. A mixture of building materials including masonry, timber and glass is encouraged.

### Comment

The proposed development is in accordance with the DCP objectives as it will facilitate multi storey residential development in the area specifically designated for higher density of development. The height, scale and bulk of the buildings are also compatible with adjoining development and in particular Blocks A & B comply with the height requirements of the DCP.

We are of the opinion that the design provides for a well-designed and contemporary development that is not inconsistent with the form of development that has occurred in the immediate locality. The development also provides for articulated and modulated buildings to suit the needs of future residents of the development. These residents require good accessibility to services and facilities within the immediate area.

The buildings are stepped and provide for landscaped areas and strong horizontal and vertical articulation, which combines with the block design approach described above to break down their scale and mass as well as providing visual interest.

The proposed development features a highly articulated and modulated form that is expressed in appropriate low-key materials and colours. The carefully prepared response to the site locality, as articulated in the design, provides for buildings on the site respecting the context of the site. The proposed buildings are compatible with the scale of buildings erected within the immediate area in terms of height and will provide higher densities close to facilities.

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The location of the site, in easy walking distance from the town centre, has the dual advantage of convenience for the residents, with reduced dependence on cars, and the increased street activity it creates.

At the most basic level bulk, scale and setbacks were kept consistent to form understandable pleasing and harmonious streetscapes. The blocks have been positioned at strategic locations to punctuate the streets, add emphasis to intersection with Beach Street and to breakdown the scale of the development adjoining. Variety was introduced to the building facades using materials, and roof forms.

These will avoid the streetscape becoming too monotonous in appearance and also serve to visually reduce the scale of the buildings by using a play of light, shade and colour on the façades. These elements have been arranged in aesthetically pleasing patterns to enhance the appearance of the buildings. The overall density of the site has also not been maximised to allow additional emphasis to be placed on the overall built form and architectural design of the development, ensuring the maintenance of visual amenity and the retention of open space.

#### **5.4.3 ROOF DESIGN**

The roof has been designed to be consistent with the form and design of the buildings. The roof is of similar proportion and design with that of the immediate locality and consistent with the DCP.

#### **5.4.4 SETBACKS**

Development Control Plan 64 requires setbacks throughout the development to respond to the site context and adjoining development. In designing the development, the architects have endeavoured to adhere to such requirements, whilst providing for articulation and visual interest in the built form. As a result of this there are some minor variations to setbacks. The following provides a detailed analysis of compliance with the setback requirements.

#### **5.4.5 PEDESTRIAN ACCESS AND DESIGN**

The development has been designed such that the front entry of each building is clearly visible from the particular streets that they front.

#### **5.4.6 WASTE MANAGEMENT**

The requirements of this part of the DCP are Council's initiatives to ensure that the waste generated by development activities is minimised. The DCP aims to facilitate sustainable waste management with principles of ecologically sustainable development. The requirements consider waste generated at demolition, construction stages as well as the ongoing waste generated by future residents.

#### **Demolition Phase**

Currently on site there are two single storey brick dwellings and two residential flat buildings of timber construction. The demolition will be in accordance with the requirements as set out under the Australia Standard AS260 - 2001: The Demolition of Structures - which is incorporated into the Occupational Health and Safety Act 2000 administered by WorkCover NSW. Demolition will include:

- The removal of all improvements. Where appropriate materials will be recycled;
- Breaking down and removing all foundations and footings. All brickwork, concrete and other hard surfaces will be recycled.

Any dust and noise will be controlled by the site management plan to be submitted to Council at the Construction Certificate stage;

- Breaking up and removing hard surface areas; and removal of debris.

Where appropriate, waste material will be removed by recyclers for reuse. Barriers will be erected around the work areas to protect the public.

The demolition process will be controlled by specific guidelines including the Occupational Health and Safety Regulation 2001 and all WorkCover requirements. An erosion and sediment control plan will be prepared for each stage of demolition, including construction to control run off during these processes. A Waste Management Plan will be prepared for each stage.

If Asbestos is identified as a problem, then appropriate advice on monitoring systems based on the National Occupational Health and Safety Commission (2005) *Code Of Practice For The Safe Removal Of Asbestos 2nd Edition* (Reference 13) can be provided.

Table 5.3 below provides details of waste management during the demolition stage.

TABLE 5.3 - DEMOLITION STAGE - SITE PREPARATION

| Materials On-site |                                | Destination        |  |          |
|-------------------|--------------------------------|--------------------|--|----------|
| Type of Material  | Estimated Volume               | Re-use & Recycling |  | Disposal |
|                   |                                | On-site            | Off-site   |          |
| Bricks            | To be estimated by contractor. |                    | Concrete mortar and bricks to crushing/recycling company | Nil      |
| Concrete          | 3 tonne                        |                    | To crushing or recycling company                         | Nil      |
| Timber            | 5 tonne                        |                    | To recycling company                                     |          |
| Plasterboard      | 2 tonne                        |                    |  | Landfill |
| Roof tiles        | 3 tonne                        |                    | To recycling company                                     | Nil      |
| Metals            | 0.5 tonne                      |                    | Metal recyclers  | Landfill |
| Green waste       | 3.5 tonne                      |                    | Landscape supplies                                       | Landfill |

## Construction Phase

Waste is also generated during the construction phase of the development. In terms of construction waste the following Table 5.4 provides details.

TABLE 5.4 – CONSTRUCTION OF BUILDING

| Materials On-site   |   | Destination  |   |          |
|---------------------|---|--|---|----------|
| Type of Material    | Estimated Volume                                      | Re-use & Recycling   |   | Disposal |
|                     |   | On-site  | Off-site  |          |
| Excavation material | 15000m <sup>3</sup> . Any soil can be re-used on site | Keep & re-use topsoil for landscaping. Store onsite. Use some in garden beds or behind retaining walls |   | Nil      |
| Bricks              | .5 Tonne  |  | Concrete mortar and bricks to recycling company | Nil      |
| Concrete            | 0.5 tonne   |  |   | Landfill |
| Timber              | 0.2 tonne   |  | To recycling company                            | Nil      |
| Plasterboard        | 0.1 tonne   |  |   | Landfill |
| Metals              | 0.2 tonne   |  | Metal recyclers                                 |          |
| Plastic             |   |  |   | Landfill |

## Operational Phase

The document “Better Practice Guide for Waste Management in Multi-unit Dwellings” by Resource NSW indicates a “Rule of Thumb” allowance for waste storage requirements for multi-unit dwellings of 80 litres per unit per week for mixed waste and 40 litres per unit per week for recyclables. The NSW EPA volume/weight conversion rates which, when applied, give rates of less than 70% of the Guide’s “Rule of Thumb”.

Also it is apparent that for studio apartments and one-bedroom units, waste generation rates for mixed waste and recyclable are likely to be significantly lower than for a three-bedroom unit.

Obviously there is a need for Council to have available information on waste generation rates for apartment complexes. For the purposes of this report, the generation rates have slightly shown as increasing depending on the size of the unit.

It is however, considered that a lesser rate would be more applicable. In terms of on-going residential waste the following Table 5.5 provides details.

TABLE 5.5 - WASTE GENERATION

| Residential |        | General Waste Generation Rate | Total Waste Generation Rate |
|-------------|--------|-------------------------------|-----------------------------|
| Type        | Number | L/unit/week                   | L/week                      |
| 2 bedroom   | 29     | 90                            | 2610                        |
| 3 bedroom   | 12     | 100                           | 1200                        |
|             |        | <b>Total</b>                  | <b>3810</b>                 |

It is considered that the above figures are excessive and a more conservative approach of say an average of 80 litres for each unit would be more appropriate, but could still be said to be excessive. If the waste generation rate was calculated using 80 litres per unit, the waste generation would total 3280 litres. Adequate area has been provided for waste management on site in accordance with the DCP.

#### 5.4.7 SOLAR ACCESS

We note that the proposed level of solar access is consistent with several designs contained within the NSW Residential Flat Design Pattern Book. Energy efficiency has been addressed in a number of sections of this report.

#### 5.4.8 OVERSHADOWING

Accompanying this application is a detailed moving shadow diagram for each building. There will be some overshadowing impacts on adjoining developments to the south, but this is understandable given the orientation. The DCP allows for buildings of these heights and as such would be aware that there would be some impact. It is noted that the extent of overshadowing arising from the two buildings is less than that which could have occurred with one larger building. We are of the opinion that the impact would not be sufficient grounds for refusal.

#### 5.4.9 VISUAL AND ACOUSTIC PRIVACY

Clause 9.4.1 of the DCP sets criteria in terms of setbacks required for buildings. The setbacks are similar to that required by SEPP 65 and have been addressed above in section 5.4.4 of this Statement.

The proposed development would thus result in partly changing the character of the existing views of the site from neighbours. While an effect of the SEPP would be to set aside the quantitative control on setback which applies and the development could approach the boundary closely, the setback proposed is to maintain and complement the existing residential setting, maintain appropriate amenity and provide space for amenity landscape.

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#### 5.4.10 SOCIAL CHOICE

This aspect of the application is addressed in section 5.6.3 below.

#### 5.5 THE ENTRANCE PENINSULA PLANNING STRATEGY

This document sets the 'Vision' for the development of The Entrance. The vision is set out in the following elements:

- **Our vision** is that the Peninsula has a clear and unique **identity** based on:
- **Our vision** for the **People** of the Peninsula is that the area will be an attractive and highly desirable place to live work and play, where the quality of life is improved for everyone now, and for future generations to come.
- **Our vision** for **Development** of the Peninsula is that the community will have plans, infrastructure and utilities that proactively attract and support ongoing future sustainable development. Key themes to support this vision include:
- **Our vision** for the Peninsula's **Natural Environment** is for a healthy and sustainable natural environmental system. Key themes in support of this vision include:
- **Our vision** for **Transport** on the Peninsula is to:

The subject site is within Precinct 5 of this document, being high density residential. The objectives of this Precinct are:

- Provide an area of higher density, high quality, residential development to largely accommodate permanent residential living adjacent to The Entrance Town Centre, The Entrance Channel and the Pacific Ocean.
- Enhance a sense of place and community through streetscape and public domain improvements that reflect the coastal character of The Entrance Peninsula.
- To achieve and maintain sustainable development via social cohesion which recognises everyone's needs, effective protection, conservation and management of the 'natural' environment, biodiversity and cultural heritage, effective energy management, effective management of hazards, including those associated with groundwater resources, prudent use of The Entrance Peninsula's attributes and resources.

In respect of these objectives the following is provided.

- The proposal will provide higher density residential development than that provided on the fringes in the lower density areas. As stated above, the development is within easy walking distance to the CBD. The dwellings have been designed to encourage families to reside in the apartments rather than in a transient fashion.
- The proposal has been designed as much as possible to reflect the coastal character of the area, but not mimic elements that would be incongruous with the built form.
- The proposed development is designed to be sustainable from an environmental point of view and also from a social aspect. The mix of dwellings and sizes provides for a mix of socio-economic situations.

Having regard to the above, we are of the opinion that the proposed development meets these objectives. The proposal is also consistent with the height requirements of this document, which is reflected in DCP 64.



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## 5.6 STATE ENVIRONMENTAL PLANNING POLICY 65 – DESIGN QUALITY OF RESIDENTIAL FLAT DEVELOPMENT

The Environmental Planning and Assessment Amendment (SEPP 65) Regulation 2002 and State Environmental Planning Policy No 65 – Design Quality of Residential Flat Development were gazetted on 26 July 2002. The Regulation and SEPP were introduced to improve the design quality of residential flat developments within NSW.

### 5.6.1 OBJECTIVES

The policy applies to residential flat building developments of three or more storeys comprising four or more self-contained dwellings. The Policy is a matter for consideration in assessment of development applications for residential flat buildings, which fit those criteria under Section 79C(1)(a)(i) of the Environmental Planning and Assessment Act 1979, as amended.

The Policy aims to improve the design quality of residential flat developments in New South Wales as:

- To contribute to the sustainable development of New South Wales;
- To achieve a better built form and aesthetic appearance of buildings, of the streetscape and public places they define;
- To better satisfy the needs of all members of the community including those with disabilities;
- To maximise amenity, safety and security of the occupants and the community;
- To conserve the environment and reduce greenhouse gas emissions.

The SEPP has the following aims and objectives:

- (1) This Policy aims to improve the design quality of residential development in New South Wales.
- (2) This Policy recognises that the design quality of residential flat development is of significance for environmental planning for the State due to the economic, environmental, cultural and social benefits of high quality design.
- (3) Improving the design quality of residential flat development aims:

To ensure that it contributes to the sustainable development of New South Wales:

- *By providing sustainable housing in social and environmental terms, and*
- *By being a long-term asset to its neighbourhood, and*
- *By achieving the urban planning policies for its regional and local contexts, and*
- *To achieve better built form and aesthetics of buildings and of the streetscapes and the public spaces they define, and*
- *To better satisfy the increasing demand, the changing social and demographic profile of the community, and the needs of the widest range of people from childhood to old age, including those with disabilities, and*
- *To maximise amenity, safety and security for the benefit of its occupants and the wider community, and*
- *To minimise the consumption of energy from non-renewable resources, to conserve the environment and to reduce greenhouse gas emissions.*

- (4) This Policy aims to provide:

- 
- a) *Consistency of policy and mechanisms across the State, and*
  - b) *A framework for local and regional planning to achieve identified outcomes for specific places."*

### 5.6.2 APPLICATION

Clause 30(2) of the Policy stipulates as follows:

- (2) *In determining a development application for consent to carry out residential flat development, a consent authority is to take into consideration (in addition to any other matters that area required to be, or may be, taken into consideration):*
  - a) *the advice (if any) obtained in accordance with subclause (1), and*
  - b) *the design quality of the residential flat development when evaluated in accordance with the design quality principles, and*
  - c) *the publication Residential Flat Design Code (a publication of the Department of Planning, September 2002).*

### 5.6.3 DESIGN QUALITY PRINCIPLES

The Policy identifies ten principles, which provide a basis for evaluation of the merit of proposed designs of residential flat buildings and for preparation of subsequent planning policies and design guidelines. These are commented on below.

#### **Principle 1 – Context**

*Good design responds and contributes to its context. Context can be defined as the key natural and built features of an area.*

*Responding to context involves identifying the desirable elements of a location's current character or, in the case of precincts undergoing a transition, the desired future character as stated in planning and design policies. New buildings will thereby contribute to the quality and identity of the area.*

#### **Context Objectives of the Code**

- Ensure that design of the development responds to its context, including key natural and built form objectives.
- Identify the desirable elements of current character or the key aspects of character that are important to its future.
- Identify whether the building type is appropriate for the particular situation.

It is clear from the LEP that Council has established its intentions for the development of medium-high density development to promote higher densities within close proximity to the town centre, which is located 300m to the north.

Changes which are occurring in built form, height and density are evident within the immediate area. Residential development ranges from detached dwellings of one and two storeys, through to multi storey residential apartment blocks. The range of built forms is evident in the following development, which is located adjacent to, or in close proximity to the site:

- Four storey 'walk-up' residential flat development to the north, at the intersection of Bayview Avenue and Ocean Parade. On the opposite side of this intersection a residential tower of approximately 8 storeys;
- Six storey residential flat development to the immediate south of the subject site;
- Single and two storey detached dwellings opposite the site to the east of Ocean Parade and also within Beach Street. Two storey development is also located to the rear of the Bayview Avenue allotments fronting Ozone Street; and
- A tower apartment of approximately fourteen storeys located to the southwest of the site adjacent to the Ozone Street and Denning Street intersection.

### Site Context

The range of residential development which is evident in this locality has sought to capitalise on the area's attributes and proximity to recreational and retail facilities. The transitional nature of the area is apparent with an increasing scale of residential development replacing older stock and is evident with the development on the northeast corner of Ocean Parade and Beach Street.

### Desired Future Character

Council has set the strategic framework for the development in the precinct as discussed sections 5.2, 5.3 and 5.5 above. The desire to encourage an increased density of residential accommodation in this area is evident within the 2(d) High Density Residential zoning of the site under LEP 1991. Through this zoning mechanism, Council has expressed its intention for the area to support an increased built form and scale, which is evident within recent constructions and approvals within the precinct.

Council has identified that the desired future character of the area and the 'Vision' be one of high density residential development, which takes advantage of the services and recreational facilities within the locality. Developments are encouraged to be of a height and scale which maximises the occupancy rate; whilst ensuring that the scale is within environmental capability of the land and consistent with the above planning documents.

### Subdivision Pattern

The area is characterised by a mix of standard residential allotments, through to amalgamated allotments, which generally accommodate the larger forms of multi storey developments.

The development which is proposed incorporates two residential blocks, each with a direct frontage and relationship to the adjacent development and in accordance with the height requirement of the above planning documents. The incorporation of two separate buildings on the site, with each building relating to its street frontage, reinforces the existing subdivision pattern when viewed from both Ocean Parade and Bayview Avenue.

### Principle 2 – Scale

*Good design provides an appropriate scale in terms of the bulk and height that suits the scale of the street and the surrounding buildings.*

Establishing an appropriate scale requires a considered response to the scale of existing development. In precincts undergoing a transition, proposed bulk and height needs to achieve the scale identified for the desired future character of the area.

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## Scale Objectives of the Code

- Ensure that the bulk of the development is in scale with the existing or desired future context; and
- Ensure an appropriate scale of development in terms of bulk and height in relation to the street layout and block and lot sizes in a particular location.

## Existing Context

Development along the Ocean Parade and Bayview Avenue frontages currently ranges from two storey residential developments to eight storey developments. Hence, within the area a range of building forms and masses is evident.

The site is located within an area which is undergoing transition and supported by the above planning documents. This area has been identified as having a character, which is defined by the presence of large scale residential developments, particularly to the west of Ocean Parade. Such developments are gradually replacing the older detached dwelling stock, which is still evident within the streetscape.

Council has reinforced this strategic position of encouraging multi storey residential apartment development in this location, by allowing for increased building heights graduating from the foreshore area (refer to DCP 60 and The Entrance Peninsula Planning Strategy). The proposed development is a high density multi unit residential development, which is of a height commensurate with these documents and with buildings in the immediate area.

A report in the Sydney Morning Herald outlined the views of the former Government Architect, Chris Johnson as follows:

*"He said urban consolidation – increasing population density to avoid sprawl – did not have to mean an end to the garden city and Sydneysiders need not fear it.*

*The debate's been artificially skewed around two diametrically opposed opposites, the suburban house on one hand and concrete 20-storey towers on the other, he said, the truth is in the middle.*

*He favours housing more people on redeveloped sites in what he calls four-storey garden apartment buildings, no taller than the mature height of native trees planted around them.*

*Within the canopy of the trees, we can get buildings that are shaded and protected and the feel will be back again of the garden city. You can keep it leafy and what that's good for, especially in western Sydney, is you can lower the temperature. The other thing it does is clear the air."*

Specifically, the proposed building height is comparable with existing development which is evident in the area surrounding the site. It is anticipated that this scale of development will continue to be replicated, with a number of new developments of similar height and scale recently being approved by Council or under construction.

DCP 60 and The Entrance Peninsula Planning Strategy specify both the maximum number of storeys which are permitted on the site. Such requirements are 6/8 storeys and 18m/24m respectively. The heights and number of storeys have been achieved within the recommendations of these documents.

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### **Principle 3 – Built Form**

*Good design achieves an appropriate built form for the site and the building's purpose, in terms of building alignments, proportions, building type and the manipulation of building elements. Appropriate built form defines the public domain, contributes to the character of streetscapes, including their views and vistas, and provides internal amenity and outlook.*

### **Objectives of the Residential Flat Design Code**

- Allow reasonable daylight access to all developments and the public domain;
- Provide adequate amenity for building occupants in terms of sun access and natural ventilation;
- Provide for appropriate massing and space between buildings; and
- Establish the desired spatial proportions of the street and define the street edge.

### **Form of Building**

The built form which is proposed exhibits characteristics of that described within the Residential Flat Design Code. This building form has resulted in response to 'a specific site configuration, combination of uses, and/or adjacent context'. The building defines both the Ocean Parade and Bayview Avenue frontages, with front setbacks typical of those existing within the streets. It is noted however, that existing buildings in Bayview Avenue are on a lesser building alignment to that permitted in the DCP.

This form of building is considered most appropriate having regard to the site's context. Surrounding multi storey residential developments exhibit characteristics of tower apartments, courtyard apartments or similar hybrid buildings. The provision and the form of building which is proposed for the site will ensure that the building integrates with the built form of surrounding development; whilst not being overly prominent in this location near the foreshore area. This could not have been achieved in a more significant tower style of apartment, such as that within the immediate area.

The development concept which evolved for the site utilises two buildings in an 'L' shaped configuration. As suggested by the Residential Flat Design Code, this has reduced the footprint of the building, to ensure that the development meets the setback requirements, although there are minor encroachments, which have been addressed above.

The incorporation of two buildings on the site has a number of substantial advantages, not the least of which is more appropriate building depth, orientation and ventilation. A greater number of apartments are also afforded views towards the eastern foreshore area.

### **Building Depth**

The Residential Flat Design Code aims to encourage buildings with a building depth of between 10-18m, to achieve satisfactory access to natural sunlight and ventilation. The apartments achieve such requirements as is demonstrated in the following table. This reduced building depth has partly been facilitated through the incorporation of two buildings on the site.

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## Building Separation

The building envelope which has been defined has been based on Council's setback provisions contained in DCP 64, together with general amenity and privacy considerations. Separation has been considered both in terms of the separation between the proposed buildings and adjacent buildings and also in relation to the separation between the two buildings on the site.

Building setbacks have been determined having regard to the positioning of adjacent buildings, the opportunity for views and solar access considerations. Whilst the setbacks do not strictly adhere to the separation distances contained within the Residential Flat Design Code, the setback provisions contained in DCP 64 have been applied as close as possible.

It should be noted that the buildings to the northeast and west are on reduced setbacks to that permitted by the DCP and these setbacks have had an impact in terms of compliance with these documents, particularly given that these developments were constructed under different requirements when constructed to that currently required by the DCP.

## Street Setback

The buildings directly relate to the Ocean Parade and Bayview Avenue frontages, with individual pedestrian and vehicular entries provided. This reinforces both the form and setbacks of development in both streets, although buildings in Bayview Avenue have setbacks that are between 3m and 4.5m from such street.

Setbacks to both streets are 7.5m, respectively. The side boundary setbacks are shown on the architectural plans for each floor. It would be noted that there are some minor encroachments on side boundary setbacks. These encroachments are minimal having regard to the general compliance with the DCP and the articulated nature of the development.

The visual dominance of the basements access has also been reduced, as the siting of the basement carparks below ground level will ensure that the access is predominantly below the line of sight.

## Numerical Standards

The following Table 5.6 confirms the manner in which the proposed development will comply with the numerical provisions of the Code with regard to building separation requirements.

TABLE 5.6 - BUILDING SEPARATION REQUIREMENTS

| Building Separation  |   |
|--|---|
| Control  | Comment   |
| Suggested dimensions within a development for internal courtyards and between adjoining sites are: | Minimum setbacks of 7.5m are provided for Blocks A and B at ground level and are provided at subsequent levels with gradual increase in setbacks as buildings become taller.  |
| Five to eight storeys/up to 25m:   | There are some minor encroachments to side boundary setbacks to adjoining developments; however, it is considered that the proposal still adequately achieves the desired objectives with regard to building separation, noting that adjoining developments |

| Building Separation   |   |
|---|---|
| 18m between habitable rooms/balconies.                          | impact on compliance with the separation requirements. Such objectives relate to amenity, privacy, building massing and the opportunity for view corridors.   |
| 13m between habitable rooms, balconies and non habitable rooms. | The Residential Flat Design Code acknowledges that building separation controls should be coordinated with building separation controls and 'in suburban areas where a strong rhythm has been established between buildings smaller building setbacks may be appropriate'. This is considered to be the case within the area surrounding the development site, where separation distances are compatible with those which are now proposed. |
| 9m between non habitable rooms.                                 |   |

#### Principle 4 – Density

*Good design has a density appropriate for a site and its context, in terms of floor space yields (or number of units or residents).*

*Appropriate densities are sustainable and consistent with the existing density in an area or, in precincts undergoing a transition, are consistent with the stated desired future density. Sustainable densities respond to the regional context, availability of infrastructure, public transport, community facilities and environmental quality.*

#### Density Objectives of the Residential Flat Design Code

- Ensure that development is in keeping with the optimum capacity of the site and the local area;
- Provide opportunities for modulation and depth of external walls within the allowable FSR; and
- To allow generous habitable balconies.

#### Density of Development

The scale and context principles inform and largely determine the density of the development. It was important at the design stage to determine the capacity of the site recognising the importance of being able to achieve an outcome of the highest quality.

Council has established its density provisions through both zoning mechanisms and occupancy controls contained in DCP 64. Such controls limit the density on a site dependent upon lot sizes and established occupancy rates for the dwellings. Such provisions have resulted in a higher density of residential development in this location, due to the increased number of persons which are permissible per hectare within this zone.

This has created an area recognisable by its higher living, in an accessible and desirable location. The proposed development will best utilise the sites attributes by allowing for an increased occupancy rate consistent with the site's location and zoning. In designing the buildings, attention has been focussed on the overall built form and building envelope, rather than ensuring that the density reached its maximum limit.

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This has resulted in a development which is within the maximum allowable density for the site and which does not seek to utilise the density bonuses which are available.

The development therefore optimises the site's potential, whilst addressing building envelope considerations. The density for the site which has been achieved is appropriate therefore responds appropriately to the site's location in close proximity to recreational and retail facilities and a range of services.

### **Principle 5 – Resource, Energy and Water Efficiency**

*Good design makes efficient use of natural resources, energy and water throughout its full life cycle, including construction.*

*Sustainability is integral to the design process. Aspects include demolition of existing structures, recycling of materials, selection of appropriate and sustainable materials, adaptability and reuse of buildings, layouts and built form, passive solar design principles, efficient appliances and mechanical services, soil zones for vegetation and reuse of water.*

*An important method of achieving sustainability will be through the provisions of BASIX. It comprises a web-based planning tool designed to assess the potential performance of new homes against a range of sustainability indices:*

*Landscape, Stormwater, Water, Thermal Comfort and Energy. BASIX aims to reduce the environmental impact of these features of new development.*

#### **Resource Efficiency Objectives of the Code**

- To assist with management of the water table and water quality; and
- To optimise solar access to residential apartments within the development and adjacent development.

#### **Orientation**

The proposal has been carefully designed to optimise solar aspect to the majority of the units. Units have a north westerly or easterly aspect to their living areas and associated balcony or terrace. This greatly reduces the reliance on mechanical heating and cooling throughout the life of the building. It is important not just for the building and environment, but also the health of the occupants. The building configuration achieves a balance between privacy and amenity considerations and also solar access requirements. All units have as much as possible dual aspect, with the majority having a desirable northern aspect. Those apartments which have a southern orientation, are dual aspect apartments, which will receive adequate sunlight and cross flow ventilation from either the east or west. The majority of apartments have a dual aspect fulfilling the natural cross flow ventilation requirements specified in the Residential Flat Design Code.

#### **BASIX**

The proposed development has also been considered in respect of BASIX requirements. The required BASIX Certificate has been submitted with this proposal.



## Waste Provision

Recycling of waste will be achieved during the waste management process through the use of Council supplied bins, which will be collected once per week. Refer to Table 5.6 above for further details.

## Numerical Requirements

The following Table 5.7 demonstrates the manner in which the proposed development will adhere to the "Rules of Thumb" relating to resource management, which are contained within the Residential Flat Design Code.

TABLE 5.7 - NUMERICAL REQUIREMENTS

| Daylight Access   |  |
|---|--|
| Control   | Comment  |
| Living rooms and private open spaces for at least 70% of apartments in a development should receive a minimum of three hours direct sunlight between 9am and 3pm mid winter | <p>Given that the majority of the units have a direct northerly aspect and the rest either southeast or southwest aspect, it is expected that all units should receive at least the prescribed three hours of minimum sunlight.</p> <p>All apartments within the development have a dual aspect. There are no apartments within the development which are single aspect apartments with a southern aspect.</p> |
| Natural Ventilation   |  |
| Control   | Comment  |
| Building depths which support natural ventilation typically range from 10m to 18m.  | The building depths vary throughout the development but comply with the depth requirements. This has resulted in the majority of the units obtaining natural cross ventilation.  |
| 60% of residential units should be naturally cross ventilated.  | The majority of the units have cross ventilation to achieve this requirement.  |
| 25% of kitchens within a development should have access to natural ventilation.   | Some of the kitchens within the development do not have natural ventilation (directly adjoining a window or door). Some of the units have the kitchen situated to best serve the needs of the unit design and layout. However, ventilation is available to the living room/kitchen area to these units.  |
| Waste Management  |  |
| Control   | Comment  |
| Supply waste management plans as part of the development application submission.  | The waste management plan for the development includes the provision of 240L Council supplied bins. These bins will contain sections for both household waste and recyclables and will be collected once per week.   |

| Daylight Access |   |
|-----------------|---|
| Control         | Comment   |
|                 | Garbage storage areas are provided for storage of the bins. The storage areas will be located in the basement level for use by residents. The location of the bin storage area has been situated to provide easy access for residents and easy access of movement of the bins to the street level for collection. |

## Water Management

The buildings footprint has been limited to allow for the provision of landscaped areas and deep soil zones around the perimeter of the buildings (refer to landscape plans for details). The deep soil areas will also allow for water penetration and significant tree planting. Such areas will be effectively landscaped in accordance with Council specification.

## Principle 6 – Landscape

*Good design recognises that together landscape and buildings operate as an integrated and sustainable system, resulting in greater aesthetic quality and amenity for both occupants and the adjoining public domain.*

*Landscape design builds on the existing site's natural and cultural features in responsible and creative ways. It enhances the development's natural environmental performance by co-ordinating water and soil management, solar access, micro-climate, tree canopy and habitat values. It contributes to the positive image and contextual fit of development through respect for streetscape and neighbourhood character, or desired future character.*

*Landscape design should optimise usability, privacy and social opportunity, equitable access and respect for neighbour's amenity, and provide for practical establishment and long-term management.*

## Landscape Objectives of the Code

- To add value to the residents quality of life within the development in the form of privacy, outlook and views;
- To provide habitat for indigenous plants and animals; and
- Ensure that all apartments are provided with open space which is functional and responsive to promote the enjoyment of outdoor living for apartment residents.

## Landscaping

The landscape architect's plan has been designed to incorporate privacy planting, use of native trees and deciduous tree species for solar access in winter months and summer shade (refer to plans attached).

The dual street address has allowed for pedestrian access to each building from the respective streets. The treatment of the front entry areas will define the pedestrian access by incorporating visual elements, material and finishes which will complement the coastal location.

Planting around the perimeter of the buildings and also between the buildings will utilise lower storey planting to provide a pleasant outdoor space for occupants of the development.

The containment of the building area centrally within each site to provide for the required boundary setbacks has resulted in increased landscaped areas around the perimeter of the buildings. Such areas have reduced the amount of hardstand surface and will allow for additional water penetration.

### Existing Vegetation

Within Bayview Avenue a number of palms are located along the street frontage, within the road reserve. One of these palms is located in a position close to the proposed vehicular access to the basement carpark. It is proposed that this palm be relocated to allow for access to the site in this location.

### Private and Communal Open Space

The primary area of communal open space is located between the two buildings. This area has a northerly aspect and is not overshadowed by buildings to the north. Additional areas also contribute to the overall open space requirements and will provide additional areas for landscaping. It is also proposed to provide a community room for future residents, which can be used for a gymnasium or community meeting room. The subject site is also located approximately 150m from the foreshore area, where ample active and passive recreational opportunities exist, in the form of fishing, picnicking, swimming, etc.

Private open space for the apartments is located either at the ground level balconies or on individual balconies. The balconies are of a size that comply with AMCORD requirements for depth and width and can be provided with outdoor furniture. In many instances balconies have a dual orientation and accessible from the main living room. As such these balconies form an indoor/outdoor function and improve the amenity for residents of these apartments.

### Numerical Requirements

The following Table 5.8 demonstrates the manner in which the proposed development will adhere to the "Rules of Thumb" relating to resource management, which are contained within the Residential Flat Design Code.

TABLE 5.8 - OPEN SPACE REQUIREMENTS

| Communal Open Space Comment  |  |
|--|--|
| Control  | Comment  |
| Communal open space should be at least between 25 and 30 percent of the site area. | An area of 827m <sup>2</sup> is provided for communal open space at ground level. This area complies with the requirement of the Code. |
| Where apartments unable to achieve communal open space recommendations             | In addition, a communal room is provided for residents, which can be used for a gymnasium or meeting room.                             |

### Communal Open Space Comment

|  |  |
|--|--|
| <p>should demonstrate how amenity is provided in form of increased private open space. Balconies should be provided for all apartments with a minimum depth of 2m. Minimum area of private open space on ground floor is 25m<sup>2</sup> within minimum dimension of 4m.</p> | <p>Private open space in the form of balconies is provided on all levels for each unit.</p> <p>All private open space provided for residents are at least a minimum of 2m. The majority of apartments are provided with at least one balcony, which has an area more than prescribed, with many units having two balconies or dual orientated balconies.</p> |
|--|--|

### Principle 7 – Amenity

*Good design provides amenity through the physical, spatial and environmental quality of a development.*

*Optimising amenity requires appropriate room dimensions and shapes, access to sunlight, natural ventilation, visual and acoustic privacy, storage, indoor and outdoor space, efficient layouts and service areas, outlook and ease of access for all age groups and degrees of mobility. Lift access between all levels in the buildings provides a high standard of amenity for the residents and visitors.*

### Amenity Objectives of Code

- Ensure that the spatial arrangement of apartments is functional and well organised; and
- Provide a diversity of housing types, which cater for different household requirements now and in the future.

### Apartment Size and Layout

Amenity relates to a number of issues including visual and acoustic privacy, solar access, natural ventilation and light, efficient layout, open space and overshadowing. The development meets these requirements. The proposal has attempted to maximise amenity through design of the public domain and a variety of apartments sizes.

The size of the apartments has been selected having regard to the site's location and the anticipated occupants. It has also involved a revisit of the previously approved proposal and interviews with Council officers and real estate agents as to the appropriate mix of units, particularly having regard to the vacancy rate of existing unit complexes in the immediate area.

The layout of apartments focuses on an open plan arrangement, with the living/dining rooms and kitchens located central to the particular unit, thus allowing for a separation to bedrooms areas. All living areas and bedrooms have direct access to natural light and ventilation, through the direct provision of a window or sliding door to balcony areas. Where possible, bathrooms and utility rooms also have a window to provide light and ventilation.

## Outdoor Living Areas

All balconies have been designed with regard to amenity considerations, to ensure that balconies are of sufficient size to accommodate outdoor dining opportunities. Further, the balconies have been sited to allow opportunity for the maximum number of residents to benefit from views towards the foreshore areas.

## Numerical Requirements

The following Table 5.9 demonstrates the manner in which the proposed development will adhere to the "Rules of Thumb" relating to resource management, which are contained within the Residential Flat Design Code.

TABLE 5.9 - STANDARDS

| Apartment Layout   |   |
|--|---|
| Control  | Comment   |
| Single aspect apartments should be limited to 8m in depth.   | All units within the development are dual aspect units. The units therefore do not need to be limited to 8m in depth.                       |
| The back of the kitchen should be no more than 8m from a window.   | All kitchens within the units either have a window or are located less than 8m to a window or outdoor balcony area.                         |
| Apartment Sizes  |   |
| Minimum suggested apartment sizes.<br><br>1 bedroom 50m <sup>2</sup><br>2 bedroom 70m <sup>2</sup><br>3 bedroom 95m <sup>2</sup>   | All apartments meet these requirements, with the majority of units far exceeding these standards (refer to Tables 4.2 and 4.3 for details). |
| Ceiling Heights  |   |
| Finished floor levels to finished ceiling level heights of 2.7m for all habitable rooms, 2.4m for non habitable rooms.   | All apartments within both buildings have finished ceiling heights of 2.7m, in compliance with the requirements of the Code.                |
| Storage  |   |
| In addition to kitchen cupboards and bedroom wardrobes, provide accessible storage facilities at the following rates:<br><br>2 bedroom 8m <sup>3</sup><br>3 bedroom 10 <sup>3</sup><br><br>Suggested storage requirements for the units: | Storage space provided within garage allocated spaces or separate areas within the basement car parks.                                      |

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## Principle 8 – Safety and Security

*Good design optimises safety and security, both internal to the development and for the public domain.*

*This is achieved by maximising overlooking of public and communal spaces while maintaining internal privacy, avoiding dark and non-visible areas, maximising activity on streets, providing clear, safe access points, providing quality public spaces that cater for desired recreational uses, providing lighting appropriate to the location and desired activities, and clear definition between public and private spaces.*

### Safety and Security Objectives of the Code

- To ensure that residential flat developments are safe and secure for residents; and
- To contribute to the safety of the public domain.

### Surveillance

The proposed development adopts the principles of “Safer by Design” to ensure that the development will create an environment, which feels safe and is safe for residents and visitors. This aspect has also been addressed in this report in section 5.3.6. A number of apartments are orientated towards their respective street frontage. This allows passive surveillance of each street.

The use of corner windows in the living areas of the apartments will provide greater opportunity for passive surveillance as recommended by the Code. Surveillance of the communal open space and landscaped areas on the site is also possible from apartments. The development will also use lighting to provide greater security and opportunity for night time surveillance of the common areas.

### Access Control

Access to the main foyer areas of the building will be restricted access, which utilises an intercom system for visitors. One lift will be located within the foyer area of each building providing access to a maximum of 4 apartments per level.

A direct line of sight is provided from Ocean Parade into the main entrance foyer of Block A and Bayview Avenue for Block B. The straight line of the pedestrian accessway and lobby minimises potential concealment opportunities.

### Territorial Reinforcement

Security within the carpark will be achieved through the provision of a roller shutter door located at the end of the access ramp. Visitor carparking will be intermixed with resident parking at the basement level.

### Numerical Requirements

The following **Table 5.10** demonstrates the manner in which the proposed development will adhere to the “Rules of Thumb” relating to resource management, which are contained within the Residential Flat Design Code.

TABLE 5.10 - SITE ACCESS

| Site Access  |  |
|--|--|
| Control  | Comment  |
| Limit the width of driveways to a maximum of 6m.   | Driveway access points are provided for the basement level car parking from Bayview Avenue and Ocean Parade. The driveways provided are a maximum of 6m wide.  |
| Locate vehicle entries away from the main pedestrian entries and on secondary frontages. | As only one frontage is provided for both buildings, the vehicular entries have been located on the primary street frontage. Where possible the pedestrian access ways have been located away from the vehicle entry points. |
| Provide barrier free access to at least 20% of the dwellings in the development.         | Access to each dwelling is provided through a lift which is located in the centre of the buildings. An unobstructed corridor is provided on each level for access to entry points of each unit.                              |

### Principle 9 - Social Dimensions

*Good design responds to the social context and needs of the local community in terms of lifestyles, affordability, and access to social facilities.*

### Social Objectives of the Code

- Provide a diversity of housing types, which cater for different household requirements now and in the future.

### Apartment Mix

The proposal provides for a mix of housing types, sizes and levels of affordability. The intention is to provide the full range of social mix one with the facilities and services that would allow for different socioeconomic groups.

The development will incorporate a mix of two and three bedroom apartments to cater for both single/couples and families seeking to locate close to the coast and services provided by The Entrance (refer to Tables 4.2 and 4.3 for details). Research suggests that one bedroom apartments are unlikely to be appropriate in this location due to the anticipated target market. In addition small units have a high vacancy rate and hence all apartments are larger than that suggested in the Code.

Increased housing in this area will fulfil the aims of urban consolidation by providing housing close to transport links and services along main transport routes described in section 3.2 above. The Central Coast has been a desirable location for many Sydneysiders moving to the area. Located less than an hour to Sydney, The Entrance is an area in high demand. Providing residential development in this area will fulfil the need for high quality apartments which take advantage of this desired location.

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The provision of penthouse apartments located at the upper levels of each building will provide high quality housing, which takes advantage of the views over The Entrance coast and caters for the upper end of the property market. The remaining mix of units will cater for singles, couples and families or retirees who want to locate close to amenities provided within easy walking distance of the site.

#### **Principle 10 – Aesthetics**

*Quality aesthetics require the appropriate composition of building elements, textures, materials and colours and reflect the use, internal design and structure of the development. Aesthetics should respond to the environment and context, particularly to desirable elements of the existing streetscape or, in precincts undergoing transition, contribute to the desired future character of the area.*

#### **Aesthetic Objectives of the Code**

- Promote high quality in residential flat buildings;
- Ensure that new developments have facades which define and enhance the public domain and desired future street character; and
- Ensure that building elements are integrated into the overall building form and façade treatment.

#### **Building Form and Context**

The proposal provides for building elements, textures, materials and colours responding to the environment and context. The buildings have been designed in response to the particular attributes of their respective street frontages, to maximise north facing living rooms and private open space and to optimise views to the surrounding coastal environs.

Both buildings incorporate different unit types. This provides a diversity of dwelling types and allows for dynamic expression of form based on the combined massing of the different unit types.

#### **Entries and Circulation**

The primary entries into each building from their respective street frontages are unambiguous, inviting and protected, resulting in a strong street address to each. Carpark entries are more discreet and separate from the pedestrian entries.

Common circulation areas within each building are located centrally to ensure efficiency in the plan layout. Other benefits of this include maximising cross ventilation of the majority of units.

#### **Amenity**

Particular attention has been made in the planning and design of the buildings to reflect the character of outdoor living enjoyed by the coastal community of The Entrance. To achieve this, large balconies accessed directly from wide openings to all living areas provide outdoor north facing living spaces.

The amenity of each individual unit has been considered in relation to their proximity to other units in the development as well as to neighbouring developments.



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### 5.6.3.1 CONCLUSION

The development scheme is one which evolved having regard to the previous approved design for the site and market research. The proposal will incorporate two buildings on a site which responds to their individual frontages, whilst still maximising north facing living areas and balconies. The scheme also enables residents to benefit from views towards the adjacent foreshore area.

The development proposal allows opportunity for high density residential accommodation, in a location which has access to a range of nearby services and facilities. The emphasis has been placed on the overall design and built form of the development. This has resulted in a building which responds well to its context and the amenity considerations of residents.

The proposed development principally complies with Council's requirements with regard to height, density, orientation, open space, carparking, communal open space and the like, with a minor variation to side boundary setbacks. These areas of non-compliance are at the upper levels of the development and do not impact on adjoining developments. Such variation allows for improved articulation in the building's form and more functional balcony spaces for residents.

The development will effectively integrate with its coastal setting and will provide for a range of accommodation, with a high level of residential amenity. On this basis, Council's support for the application is sought.

### 5.7 STATE ENVIRONMENTAL PLANNING POLICY (INFRASTRUCTURE) 2007

SEPP (Infrastructure) 2007 rationalises consultation required in relation to traffic generating developments. The proposal is not one that requires referral to the RTA for consideration, but will require consideration by the Local Development Committee, as the proposed development site is more than 90m from a classified road, but has more than 50 car parking spaces. Therefore referral to the RTA is not triggered under clause 104(3)(b). Clauses 104 and 119 of the SEPP are however, applicable to the proposal.

### 5.8 STATE ENVIRONMENTAL PLANNING POLICY (BUILDING SUSTAINABILITY INDEX) 2004

BASIX is the Building Sustainability Index, the State Government's web-based planning tool designed to assess the potential performance homes against a range of sustainability indices, being: Landscape, Stormwater, Water, Thermal Comfort and Energy.

BASIX aims to reduce the environmental impact of these features of new development and to produce homes that are more comfortable and cheaper to run than most existing homes.

The BASIX SEPP was gazetted on 25 June 2004, and operates in conjunction with the Environmental Planning and Assessment Amendment (Building Sustainability Index: BASIX) Regulation 2004 to ensure consistency in the implementation of BASIX in NSW. The SEPP ensures consistency in the implementation of BASIX throughout the State by overriding competing provisions in other environmental planning instruments and development control plans, and specifying that SEPP 1 does not apply in relation to any development standard arising under BASIX.

The BASIX assessment accompanies this application.

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## 5.9 STATE ENVIRONMENTAL PLANNING POLICY 71 – COASTAL PROTECTION

State Environmental Planning Policy 71 – Coastal Protection was gazetted on 1 November 2002. The Policy aims to:

*“Protect and manage the natural, cultural, recreational and economic attributes of the NSW Coastal zone for the benefit of NSW community and future generations. It aims to ensure that development within the coastal zone occurs in a strategic manner and that development is appropriate and suitably located in the context to the adjacent and surrounding coastal attributes.”*

The SEPP has requirements relating to State Significant development where the Minister of Planning is the consent authority and details other types of development where a referral is required. Further the SEPP contains provisions which must be considered during the assessment of specified development applications.

The Policy currently applies to land within the coastal zone as defined by section 4 of the Coastal Protection Act. At the time of preparing this Statement, the SEPP does not apply to the Wyong Shire.

## 5.10 STATE ENVIRONMENTAL PLANNING POLICY NO 55 – REMEDIATION OF LAND

Due to the nature of former land uses on the site, the proposed development is subject to the provisions of SEPP 55 – Remediation of Land. Specifically the Policy provides under Clause 7(1) that development consent must not be granted by Council unless:

- (a) It has considered whether the land is contaminated, and
- (b) If the land is contaminated, it is satisfied that the land is suitable in its contaminated state (or will be suitable, after remediation) for the purpose for which the development is proposed to be carried out, and
- (c) If the land requires remediation to be suitable for the purpose for which the development is proposed to be carried out, it is satisfied that the land will be remediated before the land is used for that purpose.

The property has been zoned for residential purposes for a number of years and there is no evidence of fill or other material being placed on the subject land. As such, we are of the opinion that the requirements of SEPP 55 have been met and a Phase 1 assessment is not required for this development proposal.

## 5.11 COASTAL DESIGN GUIDELINES FOR NSW

The Coastal Design Guidelines for NSW were released in March 2003. The Guidelines are designed to assist decision makers in development application consideration and to provide a framework for decision making involving coastal planning. The Guidelines contain five principles for coastal settlement structure being:

- Defining the footprint and the boundary of the settlement;
- Connecting open spaces;
- Protecting the natural edges of a settlement;
- Reinforcing the street pattern; and
- Providing for appropriate buildings in a coastal context.

The design guidelines for buildings in a coastal context have most relevance when considering a development such as that proposed. The document contains a number of guidelines relating to development 'in settlement centres adjacent to the coastal edge or the foreshore reserve'. The recommended design principles and the manner in which such principles have been considered in preparing the development scheme are discussed below in Table 5.11.

TABLE 5.11 – DESIGN PRINCIPLES

| Principle   | Consideration   |
|---|---|
| <i>Complement and coordinate the centres hierarchy of built form with lower buildings adjacent to the foreshore and higher buildings away from the foreshore</i>  | This built form principle is evident within Wyong Councils strategic planning, whereby DCP 60 and other documents encourage a graduation of building heights from the foreshore areas. The proposed development achieves this objective by providing for a graduation in heights for the ocean street frontage to the rear of the site. |
| <i>Mitigate overshadowing of public open space and the foreshore by applying the standard, no overshadowing before 3pm midwinter and 6.30pm summer daylight saving time.</i>  | The development site is separated from public open space by Ocean Parade. The submitted detailed overshadowing plan confirms the overshadowing impact of the proposed development.  |
| <i>Reinforce the visual amenity of public places and streets by ensuring development does not build into important vistas or view corridors.</i>  | Whilst the development will allow for increased building heights than that currently evident on the site, the subject buildings will not significantly impact upon key view corridors from the public domain.   |
| <p><i>Create a public interface to the street and ensure development creates an edge to adjacent public open spaces by:</i></p> <ul style="list-style-type: none"> <li>- reinforcing public and active uses especially on the ground floor of buildings adjacent to streets and public open spaces; either public or private on the ground floor;</li> <li>- ensuring the ground floor of the building is level with the street.</li> </ul> | Whilst the ground floor apartments are not directly accessible from the street, due to the setback provisions in the DCP, the common pedestrian entry to both buildings is clearly visible and accessible from each street frontage. Further, the ground level of the buildings is relative to street level of the street frontage.     |
| <i>Where there is no existing street between the site and the coastal edge, define this boundary with a publicly accessible edge, such as pedestrian pathways, public laneways or public streets, connecting to the street hierarchy.</i>   | Ocean Parade and dwellings to the east separate this site from the open space. Hence this guideline is not applicable.  |
| <i>Ensure buildings have well articulated and scaled elevations.</i>  | The design provides for well articulated elevations as shown on the submitted plans.  |
| <i>Support building types that locate carparking at the rear of sites accessible from laneways or secondary streets or locate carparking under and in line with the building's footprint so that the ground floor has active street front uses.</i>   | Carparking is located within the basement levels, which are predominantly below ground level. This has allowed for the siting of the ground floor close to the natural ground level, thereby facilitating more ready passive surveillance of the adjacent street.   |

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## 6 Assessment of Environmental Impacts

### 6.1 GENERAL

An overview assessment of the environmental effects of conducting the subject activity in the manner previously described in this report is provided below. This assessment has had regard to the provisions of Section 79C of the Environmental Planning and Assessment Act (as amended).

### 6.2 SECTION 79C (1) (a) - (i) PROVISIONS OF ENVIRONMENTAL PLANNING INSTRUMENTS, (ii) EXHIBITED DRAFT ENVIRONMENTAL PLANNING INSTRUMENTS, (iii) DCP, (iv) THE REGULATIONS.

The relevant matters for consideration include the provisions of Wyong LEP 1991 and WDCP 60 and 64, including The Entrance Peninsula Strategy, all of which have been considered in Section 5 of this Report.

### 6.3 SECTION 79C (1) (b) - IMPACT OF THE DEVELOPMENT

#### 6.3.1 NATURAL AND BUILT ENVIRONMENT

The natural environment will be maintained by this proposed development. The subject property is not subject to flooding, bushfire or other risks.

#### 6.3.2 SOCIAL AND ECONOMIC IMPACT

No adverse social or economic impacts will be occasioned by the proposal. The proposal will provide housing choice to meet the demands of various socio-economic circumstances. The development will also meet the demands of affordable accommodation. Recent State and Federal Government Policy is focussed on providing such accommodation in an ever increasing housing shortage close to services and facilities.

Accordingly, the development is considered to achieve a positive social and economic outcome.

#### 6.3.3 ECOLOGICALLY SUSTAINABLE DEVELOPMENT

The most common and broadest definition of Ecologically Sustainable Development (ESD) is "using, conserving and enhancing the community's resources so that ecological processes, on which life depends, are maintained and the total quality of life, now and in the future, can be increased".

The four principles of ESD are outlined in section 6(2) of the Protection of the Environment Administration Act, 1991 and Schedule 2 of the Environmental Planning and Assessment Regulation 1994.

These principles include:

- The precautionary principle;
- Intergenerational and intragenerational equity;
- The conservation of biological diversity and ecological integrity; and
- Improved valuation and pricing of environmental resources.

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In respect of the above principles, the following justifications are provided:

- The proposal will not result in serious or irreversible environmental damage. There is scientific certainty that enables safeguards to be designed that prevent environmental degradation resulting from the proposal.
- The proposal will not affect the health, diversity or productivity of the environment. The main objective of the project is to economically develop the site on a residential basis. There will be no adverse affects to future generations. Increased housing choices will be provided to current and future generations.
- The site is currently occupied by a dwelling and outbuildings and can be developed for residential development without impacting on the diversity of the area.
- The monetary value of the environment will not be affected upon completion of the proposed development.

#### **6.3.4 STREETScape INTEGRATION/HEIGHT**

The subject site is located in an accessible location within walking distance to a range of services and facilities. Specifically, the site is approximately 150m to recreation and beach/foreshore facilities and is 300m to the retail centre. For this reason the precinct has been identified as a multi storey residential development area, in which the provision of high density development is encouraged.

The proposed development comprises two buildings, having heights ranging from 6 to 8 storeys. These heights are compatible with surrounding development, which comprises a number of residential flat buildings, which range in height from 4 to 6 storeys. Increased building heights of up to approximately 14 storeys are also evident in the immediate area. The provision of buildings of 6 and 8 storeys is consistent with DCP 64 and other planning documents for this site.

The number of storeys proposed will also allow for graduation of heights towards the foreshore area and this is evident in the building currently under construction to the northeast.

#### **6.3.5 DEVELOPMENT DENSITY**

The site has an area of 3304m<sup>2</sup>. Density bonuses apply to this area and hence the allowable site area for the purpose of calculating density is increased to 3850m<sup>2</sup>. Based upon the occupancy rates contained in DCP 60, the site area required to accommodate the number of units proposed is only 3082m<sup>2</sup>.

The site area which is available is therefore well above the minimum site area specified within DCP 60. Hence the site can, with consent, accommodate an increased density of development.

#### **6.3.6 SETBACKS**

DCP 64 requires a 7.5m front setback for the proposed development. This DCP also requires side boundary setbacks of between 3m and 10m, with setbacks increasing as the building increases in height. In designing the building, regard has been had to the previous approved development proposal and moreover adjoining development. The submitted plans provide such details. It would be noted that there are some encroachments on the building setback provisions, but these are at the upper levels and beyond the level of adjoining development.

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#### 6.3.6.1 FRONT SETBACKS

Both buildings comply with the front setback requirements. It should be noted that the buildings on either side of the subject site (east and west) do not comply with the front setback requirement, as a number of larger developments in Bayview Avenue.

#### 6.3.6.2 SIDE SETBACKS

Some minor variations are proposed for the side boundary setbacks, predominately to allow for a more desirable built form and more useable balcony areas. These encroachments are shown on the submitted plans.

With regard to Building A, encroachments occur on the fifth and sixth levels. At the fifth level, the encroachment is on the southern side of Unit A14 and the northern side of Unit A13. With respect to Unit A14, it will be setback some 14.3m from the façade of the adjoining development. This unit has blank walls, except for a window to an ensuite. This more than satisfies SEPP 65 requirements. For Unit A13, the balcony and bedrooms encroach. But at this level there is no floor level for the development to the north.

At level six, the balconies of Units A16 and 17 encroach. Again there is no adjoining floor level at this level. As such, it is our opinion that the adjoining development to the north is not impacted by the encroachment and would not be discernible in a physical sense.

Similarly, Building B contains variations to the setback requirement. At ground level, the balcony to Unit B3 slightly encroaches. This also occurs on levels 2, 3 and 4 for Unit B6. On level 5, there is an encroachment of the balcony for Unit B16; whilst there is an encroachment of balcony and bedroom for Unit B17 and Unit B15, a balcony and living room. These encroachments occur at upper levels where there are no adjoining levels. On level 6 there is an encroachment of living room and balcony for Units B18 and B20.

In support of these variations to the required setbacks, the following justification is provided:

- In preparing the development concept for the site attention was focused on the overall design outcomes to achieve the most desirable and functional building having regard to the previous approval for development of the site and adjoining development. It was noted from the design that there were no floor levels on adjoining sites above level 4, with the exception of the development on the corner of Ozone Street and Ocean Parade. This fact allowed for a more functional approach to the floor layouts at these levels to provide improved amenity. A 3D Model was also prepared to assess the impact of upper floors on adjoining development, particularly in respect of any overshadowing impacts. This model demonstrates that the impacts are minimal when considered in respect of that which can be achieved with a compliant development. The variations are at upper levels and would not be discernible from a public place;
- The design which is proposed allows for a building with a substantially reduced building footprint, principally achieved by separating the development into two buildings. Whilst the set back requirements have not been strictly adhered to in all locations, the design outcome is considered to be more preferable to that which would have been achieved by adhering solely to Council's setback controls;
- The building envelope is significantly reduced to that previously approved by Council for the site. Whilst minor variations are sought in a number of locations, it is considered that such can be achieved with no greater impact on adjoining properties; and

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- The variations which are sought to setbacks will principally allow for more functional balconies and internal living spaces to a number of units, which will provide for increased amenity for residents.

Council's attention is also drawn to the fact that the setbacks accord with the general principles of DCP 64, which seek to discourage "monotonous and unbroken lengths of wall facing an adjoining boundary" and to encourage suitable design elements which "provide visual relief to all elevations".

#### 6.3.6.3 OVERLOOKING AND OVERSHADOWING

The attached overshadowing diagrams detail the extent of overshadowing as a result of the proposed development. It is noted that the extent of overshadowing arising from the two proposed buildings would be less than one larger building. It is also noted that Council in setting heights limits for different sites within the various precincts would acknowledge that there would likely be some impact from such developments. The impacts of overshadowing are not such that would warrant refusal of the application.

#### 6.3.7 TRAFFIC AND CAR PARKING ASSESSMENT

##### 6.3.7.1 CAR PARKING REQUIREMENT

DCP 64 requires carparking of 1.2 for a two bedroom and 1.5 for three bedroom units. The proposal provides for 11 x 2 bedroom units and 6 x 3 bedroom units for Block A, which requires the provision of 22.2 spaces. The proposal provides for spaces. For Block B, 30.6 spaces are required to be provided. The proposal provides spaces. Therefore the number of spaces required for each building is compliant.

In respect of visitor spaces, 3.4 spaces are required for Block A and spaces are provided; whilst Block b requires 4.8 spaces and spaces are provided.

##### 6.3.7.2 ACCESS ARRANGMENT

Access to the basement level carpark for Building A will be provided via a 6m wide driveway from Ocean Parade. Access to the basement level carpark for Building B will be provided via a 6m wide driveway from Bayview Avenue. The driveway and ramps comply with Australian Standards AS 2870. Design of the proposed car parking areas complies with the provisions of AS/NZS 2890.1:2004 for off-street car parking.

##### 6.3.7.3 EXISTING KERBSIDE PARKING RESTRICTIONS

There is no kerbside parking restriction in either street. From site inspections, these streets have ample parking within the street system on both sides of the road, although parking is restrictive in Bayview Avenue due to the location of palm trees within the road, as described above. In Bayview Avenue, there is a public carpark, which serves the commercial centre. This carpark has

##### 6.3.7.4 TRAFFIC GENERATION

The Roads & Traffic Authority (RTA) *Guide to Traffic Generating Developments* is the best guide to traffic generation potential of developments and in this case provides the generation rates below for medium density developments.

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Traffic generation from the proposed development has been estimated based on the RTA (2002) Guide.

The proposed development contains 42 units and is therefore a high density residential flat building. Peak hour traffic generation rate is 0.29 vehicular trips per unit for high density residential flat building within a Metropolitan Sub-Regional Centres. Application of this rate results in 12 vehicle trips (in and out combined) during the peak hour.

However, the subject site is not considered to be within a Metropolitan Sub-Regional Centre. Therefore traffic generation rates for medium density residential flat buildings may be considered as a worst case scenario. The estimated traffic generation at a rate of 0.4 trips per dwelling would be 17 for the peak hour and this would be split between both streets.

The likely additional traffic generation from the proposed development site is thus between 12 and 17 trips per hour in the peak hour (in and out combined).

The above calculated traffic volumes, when distributed on the road network, will constitute negligible addition to the existing traffic. It may be concluded based on these results that the likely additional traffic generation will be low and can be easily accommodated within the capacity of the existing street network. The intersections nearest to the proposed development have substantial spare capacity and their operation is not going to be affected by the above estimated additional traffic.

#### **6.3.7.5 IMPACT ON ROAD NETWORK**

Adding the additional vehicle movements on local streets would have an insignificant impact on the operation of Ocean Parade or Bayview Avenue. This is especially so when the peak periods do not clash with other periods. In addition given the closeness of the site to the town centre, it likely that most residents in the development will walk to the centre for minor shopping trips, with major shopping trips being undertaken by vehicle. This however, is likely to occur outside peak time periods.

#### **6.3.7.6 SUMMARY**

Adequate parking has been provided on-site in accordance with Council's DCP for residents and visitors. It is our opinion that the proposed development will not have a significant impact on traffic operation on streets and intersections in the immediate vicinity of the site.

#### **6.4 SECTION 79C (1) (c) - THE SUITABILITY OF THE SITE FOR THE DEVELOPMENT**

The property is zoned for residential purposes. The site is currently occupied by two dwellings and two residential flat buildings and as such does not exhibit a particular built form or character, as discussed above. It is, however, within a high density residential precinct, with residential development of a similar scale adjoining.

#### **6.5 SECTION 79C (1) (d) - SUBMISSIONS**

Any submission received as part of this development cannot be dealt with as part of this Statement and this is a matter for Council consideration.



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#### 6.6 SECTION 79C (1) (e) - THE PUBLIC INTEREST

The public interest is an overarching concept. The proposal could be considered to be in the public interest if pursued in accordance with the approval as sought. Its impacts are negligible and capable of satisfactory management.

#### 7 Conclusion

There are no adverse environmental issues that arise from the proposal and no inconsistency with planning instruments. The proposal complies with the objectives of Local Environmental Plan 1991 and generally with Development Control Plans 60 and 64 applying to the land. Having regard to these matters, we are of the opinion that the location, bulk and character of the development is supportable.

Council is accordingly requested to grant a pragmatic approval in an expedient manner.

Director - Michael Brown Planning Strategies

A handwritten signature in black ink, appearing to read 'M. Brown', is written over the printed name of the Director.

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## Annexure “A” Architectural Plans

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# Annexure “B”

## Drainage Concept Plan

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# Annexure “C”

## Landscape Plan