

JRPP No.	2011STH016
DA No.	DA-2011/718
Proposal	Demolition of existing structures and proposed residential apartment building above basement parking and storage
Property	Lots A & B DP 415263 and Lot 2 DP 331687; 32-34 Church Street, Wollongong
Applicant	ADM Architects
Responsible Team	City Planning City Centre Team

ASSESSMENT REPORT AND RECOMMENDATION

Executive Summary

Reason for consideration by Joint Regional Planning Panel

The JRPP is the determining authority pursuant to State Environmental Planning Policy (Major Development) 2005 as the proposed development has a capital investment value of more than \$10 million.

Proposal

This development application seeks consent for the demolition of existing buildings on the site and the construction of a nine (9) storey residential flat building housing 34 units over two (2) levels of basement car parking accommodating a total of 56 car spaces. A further 7 visitor car spaces are provided at ground level at the rear of the building. The site is to be accessed from a single point located at the southern end of the Church Street frontage.

The site comprises 3 allotments with a combined site area of 2872.43m². The site has a frontage length of 51.89m to Church Street. The allotments are occupied by two existing dwellings and other ancillary structures which are proposed to be demolished.

Permissibility

The site is zoned R1 General Residential pursuant to Wollongong Local Environmental Plan 2009. The proposed development is defined as a 'residential flat building' which is permissible with consent.

Consultation

Neighbour notification and advertising has been carried out in accordance with the requirements of the Council's Public Notification & Advertising Procedures. The proposal has been referred to the NSW Heritage Branch for comment and consultation with a number of internal divisions of Council has occurred.

The proposal has been exhibited and notified to neighbours on 2 occasions, the second following the submission of amended plans. Following the first notification period, there were 28 submissions received from nearby residents. The primary areas of concern raised in the submissions were:

- Heritage issues relating to archaeological remains of Bustle Hall;
- Scale of the development is at odds with the character of the area;
- Wind effects

- Traffic generation, traffic safety impacts and car parking impacts
- Overshadowing impacts
- Noise impacts
- Insufficient garbage bin storage
- Impacts on the gardens surrounding the existing cottages including significant trees
- View impacts
- Discolouration (by dust) of neighbouring residential flat building which has been recently re-painted and other construction impacts
- Privacy impacts

Following the second notification period, there were a total of twenty three (23) submissions received which mainly advised that prior concerns raised in relation to the proposal remained unresolved.

Main Issues

- The concerns raised in neighbour submissions in relation to heritage and streetscape matters, neighbourhood character, building bulk and height, overshadowing, construction and amenity impacts;
- Overshadowing impacts – a variation to Wollongong Development Control Plan 2009 is sought in relation to solar access to some of the neighbouring units located to the south of the subject site;
- Residential Flat Design Code and Development Control Plan variations sought in relation to street setbacks to the planter retaining walls, side setback to the northern boundary and overshadowing; and
- Protection of the archaeological remains within the site.

RECOMMENDATION

It is recommended that DA-2011/718 be approved pursuant to Section 80(1) of the Environmental Planning & Assessment Act 1979 subject to the conditions outlined in Attachment 4.

1. APPLICATION OVERVIEW

1.1 PLANNING CONTROLS

The following planning controls apply to the development:

- State Environmental Planning Policies:
 - SEPP (Major Development) 2005
 - SEPP No. 55 – Remediation of Land
 - SEPP No. 65 – Design Quality of Residential Flat Development
 - SEPP (Building Sustainability Index: BASIX) 2004
- Local Environmental Planning Policies:
 - Wollongong Local Environmental Plan (WLEP) 2009
- Development Control Plans:
 - Wollongong Section 94A Development Contributions Plan 2010
 - Wollongong Development Control Plan 2009

1.2 PROPOSAL

This development application seeks consent for the demolition of existing buildings on the site and the construction of a nine (9) storey residential flat building housing 34 units over two (2) levels of basement car parking accommodating a total of 56 car spaces. A further 7 visitor car spaces are provided at ground level at the rear of the building. The site is to be accessed from a single entry point located at the southern end of the Church Street frontage.

The proposal provides for 4 x 1 bedroom units, 11 x 2 bedroom units (with areas ranging from 92sqm – 98.2sqm) and 19 x 3 bedroom units (areas ranging from 110sqm – 168.7sqm). A total of 4 adaptable apartments are proposed. The designated adaptable units are Units 5, 6, 11 and 12.

The building is to be constructed of rendered block work, featuring a flat concrete roof. Windows and sliding doors will be finished in anodised aluminium. Clear glass will be provided to sliding doors, windows and balustrades. Sliding powder coated aluminium louvers will be affixed to some of the front windows of the building. The retaining walls located at the front of the site will be rendered block work and the front fence will be constructed of slatted timber.

The proposed building is in a U-shape around a central courtyard/communal open space area. Paved and landscaped terraces are proposed to be provided to the front of the building and along its northern side, while grassed and landscaped areas are to be provided to the rear of the building.

It is noted that the configuration and placement of the building has been influenced by the existence of the remaining foundations of 'Bustle Hall', an important archaeological site. This is discussed further below.

1.3 BACKGROUND

Development history of Lot A DP 415263, 32 Church Street, Wollongong	
BA-1959/2340	Additions to garage
DA-2007/1949	Demolition of dwelling houses, fences and carports and construction of eight (8) storey residential flat building comprising of 8 x 2 bedroom, 25 x 3 bedroom and 2 x 4 bedroom apartments with basement parking for 73 vehicles

Development History of Lot B DP 415263, 34 Church Street, Wollongong	
BA-1959/2607	Additions
DA-2007/1949	Demolition of dwelling houses, fences and carports and construction of eight (8) storey residential flat building comprising of 8 x 2 bedroom, 25 x 3 bedroom and 2 x 4 bedroom apartments with basement parking for 73 vehicles
Development History of Lot 2 DP 331687, 34 Church Street, Wollongong	
BA-1959/2607	Additions
DA-2007/1949	Demolition of dwelling houses, fences and carports and construction of eight (8) storey residential flat building comprising of 8 x 2 bedroom, 25 x 3 bedroom and 2 x 4 bedroom apartments with basement parking for 73 vehicles

It is noted that DA-2007/1949 was withdrawn prior to being determined.

Customer service actions

The property does not have any outstanding customer service actions of relevance to the proposed development.

1.4 SITE DESCRIPTION

The site comprises 3 allotments located on the western side of Church Street, Wollongong at Nos. 32-34 Church Street, Wollongong. The subject allotments are legally described as Lots A and B, DP 415263 and Lot 2, DP 331687.

The site is regular in shape, with a combined area of 2872.43sqm and a frontage length of 51.89 metres to Church Street. The site slopes from the western (rear boundary) toward the east by approximately 3.5 – 4m. The lots are currently occupied by two single storey detached dwellings and ancillary structures which are proposed to be demolished as part of this proposal. The site also features a significant amount of vegetation including a large Moreton Bay Fig tree.

Also found within the site is the foundations of 'Bustle Hall', an important archaeological site. 'Bustle Hall' was a house built between 1826 and 1828 by Charles Throsby Smith, who was a nephew of the well known settler, Charles Throsby. Bustle Hall was demolished in the 1930s but has survived within the property as an archaeological site.

The site is located within the northern part of the Wollongong City Centre and is surrounded by land similarly zoned R1 General Residential, with housing stock in the area comprising a mixture of residential flat buildings, detached dwellings, walk up flat buildings and the like. To the immediate south of the site (fronting both Gipps and Church Streets) is an eight storey elliptical shaped residential flat building. To the immediate north of the site is a freestanding detached dwelling.

Site constraints

Council records indicate that the site is classified as containing Class 5 acid sulphate soils.

1.5 CONSULTATION

1.5.1 INTERNAL CONSULTATION

Geotechnical Engineer

Council's Geotechnical Engineer noted there is no known history of slope instability in this area and as such there is no need for any geotechnical information to be submitted to demonstrate feasibility of the project from a geotechnical perspective. The depth of excavation is likely to encroach into the zone of influence of structures on other property; therefore the site preparation earthworks need to be undertaken with geotechnical supervision to ensure that adequate support is provided during and after construction to protect the adjoining development. It is likely that some hard bedrock will need to be removed and geotechnical guidance is recommended for the selection of excavation techniques to minimise noise and vibration nuisance. Conditions of consent have been recommended for imposition in relation to these issues, if consent is granted to the development.

Stormwater

Initial concerns raised have been resolved through the submission of amended plans and additional information. The proposal is now considered to be satisfactory subject to the imposition of recommended conditions.

Landscaping

An amended landscape plan was provided by the applicant which resolved some initial concerns raised in relation to plan inconsistencies. The proposal is now considered to be satisfactory subject to the imposition of conditions.

It was noted that the site holds many tree specimens worthy of retention and the proposed development supports the retention of these trees. There will be 27 trees removed and as such compensatory planting will be required, as well as adequate tree protection measures and on site supervision during the process of demolition and construction. If approved, conditions of consent have been recommended for imposition in relation to these matters.

Traffic

Initial concerns have been largely resolved through the submission of amended plans and additional information. The remaining issues can be dealt with by consent conditions, to be imposed if consent is granted to the development.

Works and Services

The proposal was considered to be satisfactory subject to conditions

Heritage

Council's Heritage Officer advised that the site contains archaeological material with a State level of significance, revealed during test excavation works conducted during assessment of DA-2007/1949 (a previous development application lodged in relation to the site which was later withdrawn). As a result, the proposal requires that an excavation permit under Section 140 of the Heritage Act 1977 be obtained.

The proposal was referred to the NSW Heritage Office for comment as recommended. Following the receipt of the Heritage Office's comments in relation to the proposal, the matter was referred again to Council's Heritage Officer who recommended that the six (6) conditions recommended by the Heritage Office be included in any development consent granted.

A number of additional conditions were recommended by the Heritage Officer for imposition in the event that the proposed development is approved. These include conditions relating to the heritage excavation permit; heritage archival recording (photographic archival recording of the existing buildings to be demolished, the site and existing landscaping) prior to the commencement of works; and the preparation and implementation of an interpretation plan.

Safer Community Action Team

Some initial concerns raised in relation to security measures and sight lines into the front entry have been resolved through the submission of amended plans and additional information. The proposal is now considered to be satisfactory subject to the imposition of conditions.

1.5.2 EXTERNAL CONSULTATION

NSW Heritage Council

The following comments were provided by the NSW Heritage Council in relation to the proposal:-

“It is noted that the development will be occurring on a known historical archaeological site, that of “Bustle Hall”, a house built between 1826 and 1828 by Charles Throsby Smith, who was a nephew of the well known settler, Charles Throsby. Bustle Hall was demolished in the 1930s but has survived within the development site as an archaeological site.

In 2008 the Heritage Council issued a permit under Section 40 of the Heritage Act 1977 to allow archaeological testing to occur (Permit number 2008/S140/08). The testing was undertaken to allow the developer to redesign a proposed development to avoid disturbance of the archaeological remains of the house. Results of that testing were supplied in reports prepared by Edward Higginbotham & Associates dated December 2008 and April 2010. The testing allowed the establishment of a curtilage around the archaeological remains of the house to protect them from impact of the new development.

Permit number 2008/S140/08 was also issued with a specific condition (No.2) to allow for a future application under Section 144 of the Heritage Act 1977, to be made for archaeological monitoring of new development works on the ‘Bustle Hall’ site.

The documentation forward by Council with DA 2008/718 includes a Statement of Environmental Effects (SEE) prepared by Urbis (June 2011) and a copy of the Report on Archaeological Testing (April 2010). The SEE appears to have adequately addressed relevant heritage matters. As described in the SEE the proposal would provide 34 apartments in a 9 storey residential flat building with basement parking for 56 cars. The SEE notes that following the archaeological test excavation a protective curtilage was established and the development was designed to avoid the significant archaeological remains of the house.

The contemporary design and materials proposed would be consistent with the existing architectural context set by the recent development of nearby areas. Furthermore, the proposal is in accordance with the requirements of relevant planning instruments and the Wollongong City Centre planning policy.

Given the issue of appropriate Conditions of Approval by Council there is no objection on heritage grounds to the proposal as described in the documents accompanying Development Application number DA 2011/718.

In view of the above-mentioned matters, the intention within the proposal to protect and conserve the archaeological remains of “Bustle Hall” should be supported through appropriate approval conditions issued by Council.”

A number of conditions were recommended for imposition if consent is granted to the development.

2. ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979

SECTION 79C ASSESSMENT

(1) Matters for consideration—general

In determining a development application, a consent authority is to take into consideration such of the following matters as are of relevance to the development the subject of the development application:

(a) the provisions of:	
(i) any environmental planning instrument, and	See section 2.1
(ii) any proposed instrument that is or has been the subject of public consultation under this Act and that has been notified to the consent authority (unless the Director-General has	See section 2.2

<i>notified the consent authority that the making of the proposed instrument has been deferred indefinitely or has not been approved), and</i>	
<i>(iii) any development control plan, and</i>	See section 2.3
<i>(iiia) any planning agreement that has been entered into under section 93F, or any draft planning agreement that a developer has offered to enter into under section 93F, and</i>	See section 2.4
<i>(iv) the regulations (to the extent that they prescribe matters for the purposes of this paragraph), that apply to the land to which the development application relates,</i>	See section 2.5
<i>(v) any coastal zone management plan (within the meaning of the Coastal Protection Act 1979),</i>	See section 2.6
<i>that apply to the land to which the development application relates,</i>	
<i>(b) the likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality,</i>	See section 2.7
<i>(c) the suitability of the site for the development,</i>	See section 2.8
<i>(d) any submissions made in accordance with this Act or the regulations,</i>	See section 2.9
<i>(e) the public interest.</i>	See section 2.10

2.1 SECTION 79C 1(A)(I) ANY ENVIRONMENTAL PLANNING INSTRUMENT

2.1.1 STATE ENVIRONMENTAL PLANNING POLICY (MAJOR DEVELOPMENT) 2005

The Joint Regional Planning Panel is the determining authority for this proposal as it has a capital investment value of more than \$10 million [Clause 13B(1)(a)].

2.1.2 STATE ENVIRONMENTAL PLANNING POLICY (STATE AND REGIONAL DEVELOPMENT) 2011

It is noted that the Environmental Planning & Assessment (Part 3A Repeal) Act 2011 commenced on 1 October 2011. This introduced new classes of regional development identified under Schedule 4A of the Act which replaces the former classes of regional development set out in Part 3 of State Environmental planning Policy (Major Development) 2005. The proposed development would no longer be regional development for the purposes of the SEPP however there are savings provisions which provide that undetermined development applications lodged prior to 1 October 2011 will continue to be determined by a regional panel.

Notwithstanding the above, it is noted that Schedule 4A of the Act provides for a new class of general development with a CIV of more than \$10 million but less than \$20 million which remains undetermined 120 days after lodgement. Planning system circular PS 11-020 asks Council to register DAs in this class with the JRPP Secretariat as if they were DAs to be determined by the JRPP and update the Regional Panel Development Register at the JRPP Secretariat when the DA is determined by Council.

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

SEPP (Building Sustainability Index: BASIX) 2004 commenced on 1 July 2004 and applies to all land in the State. Part 3 sets out the aims of the Policy and states that Regulations under the Act have established a scheme to encourage sustainable residential development under which applications for certain types of development must be accompanied by a list of commitments by the applicant as to the manner in which the development will be carried out.

Clause 50 of the *Environmental Planning and Assessment (EP&A) Regulation 2000* contains provisions relating to how a development application must be made and refers to the documents specified in Part 1 of Schedule 1. Part 2A(2) of Schedule 1 states:

“(2) In addition to the documents required by clause 2, a development application for any development:

(a) that involves the erection (but not the alteration, enlargement, extension or relocation) of a BASIX affected building or

(b) that involves a change of building use by which a building becomes a BASIX affected building must also be accompanied by a BASIX certificate, issued no earlier than 3 months before the date on which the application is made, for each dwelling comprised in the development.”

In accordance with these requirements, a “BASIX Certificate” was submitted in relation to the proposal.

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

7 Contamination and remediation to be considered in determining development application

(1) A consent authority must not consent to the carrying out of any development on land 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 made 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.

(2) Before determining an application for consent to carry out development that would involve a change of use on any of the land specified in subclause (4), the consent authority must consider a report specifying the findings of a preliminary investigation of the land concerned carried out in accordance with the contaminated land planning guidelines.

(3) The applicant for development consent must carry out the investigation required by subclause (2) and must provide a report on it to the consent authority. The consent authority may require the applicant to carry out, and provide a report on, a detailed investigation (as referred to in the contaminated land planning guidelines) if it considers that the findings of the preliminary investigation warrant such an investigation.

(4) The land concerned is:

(a) land that is within an investigation area,

(b) land on which development for a purpose referred to in Table 1 to the contaminated land planning guidelines is being or is known to have been, carried out,

(c) to the extent to which it is proposed to carry out development on it for residential, educational, recreational or child care purposes, or for the purposes of a hospital—land:

(i) in relation to which there is no knowledge (or incomplete knowledge) as to whether development for a purpose referred to in Table 1 to the contaminated land planning guidelines has been carried out, and

(ii) on which it would have been lawful to carry out such development during any period in respect of which there is no knowledge (or incomplete knowledge).

A desktop audit of previous land uses does not indicate any historic use that was likely to result in contamination of the site. The land is considered to be satisfactory for the proposed development having regard to the relevant provisions of SEPP 55.

2.1.5 STATE ENVIRONMENTAL PLANNING POLICY NO. 65 – DESIGN QUALITY OF RESIDENTIAL FLAT DEVELOPMENT

The application is subject to the provisions of State Environmental Planning Policy No. 65 – Design Quality of Residential Flat Development (SEPP 65) as the proposal is a residential flat building as defined by the SEPP.

In accordance with the requirements of Clause 50(1A) of the Environmental Planning and Assessment Regulation 2000, a Design Verification Statement has been submitted with the DA.

In accordance with the provisions of the SEPP, the proposal has been evaluated in accordance with the design quality principles, and the Residential Flat Design Code. The proposal is considered to be consistent with the design quality principles, which are – context; scale; built form; density; resource, energy and water efficiency; landscape; amenity; safety and security; social dimensions; and aesthetics.

The table below provides a summary of the assessment of the proposal in relation to the relevant provisions of the Residential Flat Design Code.

Residential Flat Design Code

SEPP 65 – Residential Flat Design Code		
	Required	Comment
PART 1.0 LOCAL CONTEXT		
Residential Flat Building Type	Suitable for site context	Residential Flat Building (courtyard apartment building). Configuration enables solar access and natural cross-ventilation to units and provides opportunity for central communal open space.
Amalgamation and Subdivision	Encouraged	Amalgamation required; currently 3 allotments. If this development is approved, a condition should be imposed requiring consolidation of the allotments.
Building Envelopes Height	Test height against FSR to ensure good fit.	The maximum overall height measuring using the levels provided on the survey plan is approx 28m which is consistent with height limit in WLEP 2009.
Building Envelopes – Building Depth	In general, an apartment building depth of 10-18 metres is appropriate. Developments that propose wider than 18 metres must demonstrate how satisfactory daylighting and natural ventilation are to be achieved.	The building depth is less than 18m measured through sections of the building. Satisfactory daylight access and cross ventilation is available to most units.
Building Envelopes – Building Separation	<p>Up to four storeys/12 metres</p> <ul style="list-style-type: none"> - 12 metres between habitable rooms/balconies - 9 metres between habitable/balconies and non-habitable rooms - 6 metres between non-habitable rooms <p>Five to eight storeys:</p> <ul style="list-style-type: none"> - 18m between habitable rooms/balconies - 13m between habitable rooms/balconies and non-habitable rooms - 9m between non-habitable rooms <p>Nine storeys and above / over 25m</p> <ul style="list-style-type: none"> - 24m between habitable rooms and balconies - 18m between habitable 	<p>Nine storey building.</p> <p>One building only on site.</p> <p>Separation to buildings on adjoining properties:</p> <p>36-38 Church Street (south) - minimum building separation distance of 19.4m available to the edge of the balconies and habitable rooms (HR). For that part of the building above 25m high (L9 only), the proposed building is setback 11.4m to non-habitable rooms (NHR), 11.8m to HR and 12m to the east-facing balcony. This results in a minimum separation distance of 21.4m from NHR to HR and 21.8m HR to HR and 25.7m from the edge of the east-facing balcony on Level 9 to the habitable rooms and balconies of the neighbouring building. The separation distances are compliant.</p> <p>30 Church Street (north) - min</p>

SEPP 65 – Residential Flat Design Code		
	Required	Comment
	rooms/balconies and non-habitable rooms - 12m between non-habitable rooms	separation of 10m to that part of the building less than 12m high. Separation distances from the northern wall of the building above 12m high are compliant 15, 17, 19, 21 View Street (west) – minimum separation distance of 18.8m available to the buildings to the rear
Street Setbacks	Identify the desired streetscape character, the common setback of buildings in the street, the accommodation of street tree planting and the height of buildings and daylight access controls. Relate setbacks to the area's street hierarchy. Identify the quality, type and use of gardens and landscaped areas facing the street.	Western side of Church Street has varying setbacks. The proposed front setback is considered to be generally acceptable. It is noted that planter bed walls are sited closer to the street; these have been reduced in height where possible and will be screened by landscaping. Landscape planter beds adjacent to the street frontage provide opportunities for reasonable landscaping inside the front setback area
Side + Rear Setbacks	Test side and rear setback with building separation, open space and deep soil zone requirements. Test side and rear setbacks for overshadowing of other parts of the development and/or adjoining properties, and of private open space	<u>Side setbacks:-</u> North – vary from 3.72m - 12.070m (refer to WDCP 2009 discussion below) South – vary from 8.695m – 12m <u>Rear setback: -</u> West - vary; minimum 15.85m. Setbacks are generally reasonable. Setbacks comply with the specified setbacks identified in Chapters B1 and D13 of WDCP 2009.
Floor Space Ratio	Test the desired built form outcome against FSR to ensure consistency with other building envelope controls	Maximum permitted WLEP 2009 is 1.5:1. Proposed FSR is compliant
PART 2.0 SITE DESIGN		
Deep Soil Zones	A minimum of 25% of the open space area of the site should be a deep soil zone; more is desirable.	Proposed deep soil zone (DSZ) is approx 575.8m ² (20% of site area) provided to the rear of the building. Total proposed open space area for the site is compliant.
Fences and Walls	Compatible with existing street character. Delineate public and private domain.	The planter box walls sited inside the property boundaries are terraced. Their overall impact has been reduced through additional terracing, particularly adjacent to the southern boundary of the site (due

SEPP 65 – Residential Flat Design Code		
	Required	Comment
	<p>Select durable materials.</p> <p>Enhance open spaces by incorporating planter boxes, seats, BBQs etc.</p>	<p>to the slope across the site)</p> <p>Adjoining residential flat building to the south (36-38 Church Street) also features terraced planter beds with walls inside the front boundary, some of which are quite high also.</p> <p>Durable materials proposed.</p>
Landscape Design	<p>Improve amenity of open space.</p> <p>Contribute to streetscape character and public domain.</p> <p>Improve energy efficiency & solar efficiency of dwellings and private open spaces.</p> <p>Landscape to contribute to site's characteristics.</p> <p>Contribute to water and stormwater efficiency.</p> <p>Provide sufficient depth of soil above slabs to enable growth of mature trees.</p> <p>Minimise maintenance.</p>	<p>Landscape plan provided. The landscape design is considered to be acceptable - it provides for a range of site landscaping and retention of some existing trees. Council's Landscape Officer has reviewed the plan and considers it to be satisfactory.</p>
Open Space	<p>The area of communal open space (includes landscaping) should generally be at least between 25 and 30 percent of the site area. Larger sites and brownfield sites may have potential for more than 30 percent.</p> <p>Where developments are unable to achieve the recommended communal open space, such as those in dense urban areas, they must demonstrate that residential amenity is provided in the form of increased private open space and/or in a contribution to public open space.</p> <p>The minimum recommended area of private open space for each apartment at ground level or similar space on a structure, such as a podium or car park, is 25m²; the minimum preferred dimension in one direction is 4 metres</p>	<p>Site area = 2872.43m² 25% of site = 718.12m²</p> <p>Communal open space to be provided in the form of a central courtyard and rear yard area. The courtyard has an area of approximately 170sqm, while the rear yard area is approximately 825sqm. The deep soil zone in isolation has an area of 575.8sqm. The overall landscaped area within the site is therefore more than the minimum required.</p> <p>Landscaped area to be provided around the site and within the communal open space area to be provided to the rear of the building. Combined area is more than the minimum open space area required and will contribute to the amenity of the development and that of neighbouring residential developments through the provision of site landscaping</p> <p>Each unit within the development has been provided with compliant private</p>

SEPP 65 – Residential Flat Design Code		
	Required	Comment
		open space area. Ground floor units have access to terrace areas; all other units have been provided private open space in the form of balconies. The applicant indicates that more than 70% of the balconies will receive sufficient sunlight. This is consistent with the RFDC.
Orientation	<p>Plan the site to optimise solar access by:</p> <ul style="list-style-type: none"> § positioning and orienting buildings to maximise north facing walls where possible § providing adequate separation within the development and to adjacent buildings <p>Select building types or layouts which respond to the streetscape while optimising solar access. Where streets are to be edged and defined by buildings, design solutions include:</p> <ul style="list-style-type: none"> § align buildings to the street on east-west streets § use courtyards, L-shaped configurations and increased setbacks to northern (side) boundaries on north-south streets. § Optimise solar access to living spaces and associated private open spaces by orienting them to the north. § Detail building elements to modify environmental conditions, as required, to maximise sun access in winter and sun shading in summer. 	<p>The land faces east. The 'u-shaped' building has been designed around a central communal courtyard area, allowing sunlight entry to the units located within the southern portion of the building orientated generally towards the south.</p> <p>Building separation to the unit development to the south of the site is compliant as is separation to the dwelling to the north and the unit developments located to the rear (west).</p> <p>Courtyard/ u-shaped configuration is proposed – most units will be cross-ventilating and will receive solar access. Most balconies will receive sufficient solar access.</p>
Planting on Structures	Recommended plant sizes are provided for varying situations.	Planter beds are proposed above the podium adjacent to the boundaries and the communal open space area. The landscape plan has been reviewed and is acceptable in relation to this aspect of the landscaping works.
Stormwater Management	Reduce impact of stormwater disposal on infrastructure by retaining it on the site.	<p>Satisfactory stormwater plan provided.</p> <p>Stormwater design provides for rainwater collection and reuse.</p>
Safety	Carry out a formal crime risk assessment for all residential developments of more than 20 new dwellings	Crime prevention report submitted with DA. Some initial concerns raised by the Safer Community Action Team have been resolved.

SEPP 65 – Residential Flat Design Code		
	Required	Comment
Visual Privacy	Refer to Building Separation standards	The proposal is satisfactory with regard to visual privacy impacts.
Building Entry	Provide as direct a physical and visual connection as possible between street and building entry.	Proposed building entry is centrally located. Design features clearly identify the building entrance. Pedestrian access to the car parking level is available via central lifts/fire stairs.
Parking	Refer to Chapter E3 of WDCP 2009	Proposal provides for compliant resident and visitor car parking.
Pedestrian Access	Identify the access requirements from the street or car parking area to the apartment entrance. Follow the accessibility standard set out in AS1428 (part 1 and 2), as a minimum Provide barrier free access to at least 20 percent of dwellings in the development	Pedestrian access from Church Street is via either a ramp or stairs to the main entry foyer. Pedestrian access between car parking levels and the rest of the building is via fire stairs/lifts. Barrier free access appears to be available to most units.
Vehicle Access	Generally limit the width of driveways to a maximum of 6 metres Locate vehicle entries away from main pedestrian entries and on secondary street frontages	Proposed driveway width is 6.1 metres. Vehicular access separate from pedestrian access points.
PART 3.0 BUILDING DESIGN		
Apartment Layout	Single aspect apartments should be limited in depth to 8 metres from a window The back of a kitchen should be no more than 8 metres from a window The width of cross-over or cross-through apartments over 15 metres deep should be 4 metres or greater to avoid deep narrow apartment layouts Buildings not meeting the minimum standards listed above, must demonstrate how satisfactory daylighting and natural ventilation should be achieved, particularly in relation to habitable rooms (see Daylight Access and Natural Ventilation)	6 apartments are single aspect units. The maximum depth of these is up to 9.9m, though distance from windows is no more than 8.0m which is compliant. Kitchens comply All units have appropriate dimensions More than 70% of all units and their appurtenant private open space areas will receive sufficient sunlight access. 82% of units will be cross ventilated; this number is compliant

SEPP 65 – Residential Flat Design Code		
	Required	Comment
Apartment Mix	<p>Provide a variety of apartment types between studio-, one-two-, three- and three plus-bedroom apartments, particularly in large apartment buildings. Variety may not be possible in small apartment buildings, for example, up to six units.</p> <p>Refine the appropriate apartment mix for a location by:</p> <ul style="list-style-type: none"> § Considering population trends in the future as well as present market demands § Noting the apartments' location in relation to public transport, public facilities, employment areas, schools and universities § Locate a mix of one- and three bedroom apartments on the ground level where accessibility is more easily achieved for disabled, elderly people or families with children. § Optimise the number of accessible and adaptable apartments and cater for a wide range of occupants. Australian Standards are only a minimum. § Investigate the possibility of flexible apartment configurations, which support change in the future (see Flexibility). 	<p>The proposed apartment mix:</p> <p>Total 34 units:-</p> <ul style="list-style-type: none"> • 4 x 1 bedroom • 11 x 2 bedroom • 19 x 3 bedroom <p>All apartments accessible via lift.</p> <p>4 units are identified as adaptable; applicant has provided a statement verifying that these units achieve the spatial requirements of AS4299.</p> <p>No units specifically identified as affordable.</p>
Balconies	<p>Provide primary balconies for all apartments with a minimum depth of 2 metres. Developments which seek to vary from the minimum standards must demonstrate that negative impacts from the context - noise, wind - cannot be satisfactorily mitigated with design solutions.</p> <p>Require scale plans of balcony with furniture layout to confirm adequate, usable space when an alternate balcony depth is proposed.</p>	All units comply.
Ceiling Heights	<p>The following recommended dimensions are measured from finished floor level (FFL) to finished ceiling level (FCL). These are minimums only and do not preclude higher ceilings, if desired.</p> <p>-in mixed use buildings: 3.3m minimum</p>	Ceiling heights min 2.7m to habitable rooms; ceilings are min 2.4m to non-habitable rooms.

SEPP 65 – Residential Flat Design Code		
	Required	Comment
	<p>for ground floor retail or commercial and for first floor residential, retail or commercial to promote future flexibility of use</p> <p>-in residential flat buildings in mixed use areas: 3.3m minimum for ground floor to promote future flexibility of use</p> <p>-in residential flat buildings or other residential floors in mixed use buildings:</p> <p>in general, 2.7m minimum for all habitable rooms on all floors, 2.4 metres is the preferred minimum for all non-habitable rooms, however 2.25m is permitted.</p> <p>-for two storey units 2.4m minimum for second storey if 50 percent or more of the apartment has 2.7m minimum ceiling heights</p> <p>-for two-storey units with a two-storey void space, 2.4 metre minimum ceiling heights</p> <p>-attic spaces, 1.5 metre minimum wall height at edge of room with a 30 degree minimum ceiling slope.</p> <p>Developments which seek to vary the recommended ceiling heights must demonstrate that apartments will receive satisfactory daylight (eg. shallow apartments with large amount of window area).</p>	
Flexibility	<p>Provide robust configurations which use multiple entries and circulation cores, especially in buildings with 15m+ length</p> <p>Provide apartment layouts which accommodate changing use of rooms</p> <p>Use structural systems which support a degree of future change in building use</p> <p>Promote accessibility and adaptability.</p>	<p>1 lift core proposed; due to unit configuration, individual unit entries not too distant from lift.</p> <p>All units are physically accessed via lifts.</p> <p>Change of building use unlikely in the future given the residential zoning of the site</p>
Ground Floor Apartments	Optimise the number of ground floor apartments with separate entries and consider requiring an appropriate	2 ground floor apartments proposed; separate entry however not available. Private open space areas provided in the

SEPP 65 – Residential Flat Design Code		
	Required	Comment
	<p>percentage of accessible units. This relates to the desired streetscape and topography of the site.</p> <p>Provide ground floor apartments with access to private open space, preferably as a terrace or garden.</p>	form of terraces with adjoining garden beds
Internal Circulation	<p>In general, where units are arranged off a double loaded corridor, the number of units accessible from a single core/corridor should be limited to eight. Exceptions may be allowed:-</p> <ul style="list-style-type: none"> • For adaptive re-use buildings • Where developments can demonstrate the achievement of the desired streetscape character and entry response • Where developments can demonstrate a high level of amenity for common lobbies, corridors and units (cross over, dual aspect apartments) 	Lift services maximum 6 units on each floor.
Mixed Use	<p>Complementary uses</p> <p>Consider building depth and form in relation to each uses requirements for servicing and amenity</p> <p>Design legible circulation systems which ensure safety</p> <p>Ensure building positively contributes to public domain</p> <p>Address acoustic requirements</p> <p>Recognise ownership/lease patterns and separate requirements for BCA assessment</p>	N/A
Storage	<p>In addition to kitchen cupboards and bedroom wardrobes, provide accessible storage facilities at the following rates:</p> <p>§ studio & one bedroom apartments 6m³ (x 4) (24m³)</p> <p>§ two-bedroom apartments 8m³ (x 11) (88m³)</p> <p>§ three-plus bedroom apartments 10m³ (x 19)(190m³)</p> <p>Total storage required: 302m³</p>	Large storage areas are proposed within the car parking areas and beneath the vehicle ramp.

SEPP 65 – Residential Flat Design Code		
	Required	Comment
Acoustic Privacy	<p>Use site and building layout to maximise potential for acoustic privacy by providing adequate building separation within the development and from neighbouring buildings.</p> <p>Arrange apartments within a development to minimise noise transition between flats.</p> <p>Design internal apartment layout to separate noisier spaces from quieter spaces.</p> <p>Resolve conflicts between noise, outlook and views.</p> <p>Reduce noise transmission from common corridors or outside the building by providing seals at entry doors.</p>	<p>Sufficient separation distances are provided to neighbouring buildings.</p> <p>Vehicle ramp will not adversely impact on acoustic amenity of neighbouring development to the south.</p> <p>Insulation and acoustic treatment between units will be required to ensure appropriate mitigation of noise transmission between units</p> <p>Details of entry seals are not provided – this could be conditioned if consent was granted to the development.</p>
Daylight Access	<p>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 9.00am and 3.00pm in mid winter. In dense urban areas a minimum of two hours may be acceptable</p> <p>Limit the number of single aspect apartments with a southerly aspect (SW-SE) to a maximum of 10 percent of the total units proposed. Developments which seek to vary from the minimum standards must demonstrate how site constraints and orientation prohibit the achievement of these standards and how energy efficiency is addressed (see Orientation and Energy Efficiency).</p> <p>See Apartment Layout for additional rules of thumb.</p>	<p>Applicant indicates that 70.6% of the units and their appurtenant private open space areas will achieve receive more than 3 hours sunlight as required</p> <p>No single aspect units have a southerly aspect – all are orientated towards the east and will receive sufficient solar access.</p>
Natural Ventilation	<p>Building depths, which support natural ventilation typically range from 10 to 18 metres.</p> <p>60% of residential units should be naturally cross-ventilated.</p> <p>25% percent of kitchens within a development should have access to natural ventilation.</p>	<p>Building depth is variable – up to 17.3m. The required proportion of units will be cross ventilated and will receive sufficient solar access</p> <p>82% of units are cross-ventilated</p> <p>All kitchens are naturally ventilated</p>

SEPP 65 – Residential Flat Design Code		
	Required	Comment
	Developments, which seek to vary from the minimum standards, must demonstrate how natural ventilation can be satisfactorily be achieved, particularly in relation to habitable rooms.	
Awnings and Signage	<p><i>Objectives:</i></p> <p>Provide shelter for public streets</p> <p>Ensure signage is in keeping with desired streetscape character and with scale, detail and design of the development.</p>	<p>No signage proposed.</p> <p>No awnings are proposed over the footpath.</p>
Facades	<p>Consider the relationship between the whole building form and the façade and/or building elements.</p> <p>Compose facades with appropriate scale, rhythm and proportion, which respond to the building's use and the desired contextual character.</p>	<p>Design is generally reasonable having regard to the range of building types and evident in the locality.</p> <p>External finishes appear to be of a high standard. Colour schedule proposed is reasonable.</p>
Roof Design	<p>Relate roof design to the desired built form.</p> <p>Design the roof to relate to the size and scale of the building, the building elevations and three dimensional building form.</p> <p>Design roofs to respond to the orientation of the site, eg. by using eaves and skillion roofs to respond to sun access.</p> <p>Minimise visual intrusiveness of service elements by integrating them into the design of the roof.</p> <p>Support use of roofs for quality open space in denser urban areas.</p>	<p>Flat roof proposed with lift overrun. The lift overrun will not be visible from the street.</p>
Energy Efficiency	<p>Incorporate passive solar design techniques to optimise heat storage in winter and heat transfer in summer.</p> <p>Improve the control of mechanical space heating and cooling.</p> <p>Provide or plan for future installation of photovoltaic panels.</p>	<p>BASIX certificates have been submitted in relation to the units.</p> <p>Most units have been designed to achieve appropriate cross ventilation and daylight access. This will assist in reducing energy usage.</p>

SEPP 65 – Residential Flat Design Code		
	Required	Comment
	<p>Improve efficiency of hot water systems.</p> <p>Reduce reliance on artificial lighting.</p> <p>Maximise efficiency of household appliances.</p>	
Maintenance	<p>Design windows to enable cleaning from inside the building, where possible.</p> <p>Select manually operated systems, such as blinds, sunshades, pergolas and curtains in preference to mechanical systems.</p> <p>Incorporate and integrate building maintenance systems into the design of the building form, roof, and façade.</p> <p>Select appropriate landscape elements and vegetation and provide appropriate irrigation systems.</p> <p>For developments with communal open space, provide a garden maintenance and storage area, which is efficient and convenient to use and is connected to water and drainage.</p>	<p>Some external windows will not be accessible from inside the building and will therefore require professional cleaning.</p> <p>Plans indicate that some operable louvre screens to the eastern facing windows on the northern portion of the building.</p> <p>Landscape plan provided – Council's Landscape Officer is satisfied with the planting proposed.</p> <p>Storage areas for garden equipment and the like are not detailed on the plans, however there are large storage areas proposed within the car park which could be used in part for this purpose.</p>
Waste Management	Supply waste management plans as part of the development application submission as per the NSW Waste Board	Operational waste management plan has been provided.
Water Conservation	Rainwater is not to be collected from roofs coated with lead or bitumen based paints, or from asbestos-cement roofs. Normal guttering is sufficient for water collections provided that it is kept clear of leaves and debris.	<p>Concrete roof proposed.</p> <p>BASIX certificate makes provision for rainwater collection and reuse on site.</p>

2.1.6 WOLLONGONG LOCAL ENVIRONMENTAL PLAN 2009

Part 2 Permitted or prohibited development

Clause 2.2 – zoning of land to which Plan applies

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

Clause 2.3 – Zone objectives and land use table

The objectives of the R1 zone are as follows:

- *To provide for the housing needs of the community.*

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

The proposal is considered to be satisfactory with regard to the above objectives. The proposal provides for the housing needs of the community and will add to the stock of mixed housing types and densities within the locality.

The proposed development is categorised as a residential flat building as defined by the LEP. This is permissible in the zone with development consent.

Clause 1.4 Definitions

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

Clause 2.7 Demolition requires consent

Pursuant to Clause 2.7, the demolition of a building or work may be carried out only with development consent.

Part 4 Principal development standards

Clause 4.3 Height of buildings

The height of building map identifies a maximum building height of 32m as applicable to the subject site. The applicant has indicated that the proposed building has a maximum overall height of 31.015m. The maximum overall height measuring using the levels provided on the survey plan is approx 28m which is consistent with height limit in WLEP 2009.

The proposal complies with Clause 4.3.

Clause 4.4 Floor space ratio

The maximum FSR allowable for the site (based on the combined area of the subject allotments) is 1.5:1.

The proposed FSR is 1.5:1. The proposal therefore complies with Clause 4.4.

Miscellaneous provisions

Clause 5.5 Development within the coastal zone

The matters identified within Clause 5.5(2) have been considered and no concerns are raised. The development is not located directly on or near to the coastal foreshore. The proposal will not restrict public access to recreation areas or the coast. The proposal is not expected to have adverse impacts on flora or fauna and no overshadowing or loss of views in regard to the coastal environment is expected. Coastal processes are unlikely to adversely impact the proposal in the future given the distance of the site from the foreshore.

Clause 5.5(c) of the LEP requires the consent authority to be satisfied that:-

- (a) the proposed development will not impede or diminish, where practicable, the physical, landbased right of access of the public to or along the coastal foreshore, and
- (b) if effluent from the development is disposed of by a non-reticulated system, it will not have a negative effect on the water quality of the sea, or any beach, estuary, coastal lake, coastal creek or other similar body of water, or a rock platform, and
- (c) the proposed development will not discharge untreated stormwater into the sea, or any beach, estuary, coastal lake, coastal creek or other similar body of water, or a rock platform.

The consent authority can be satisfied of these matters.

Clause 5.10 Heritage conservation

The site is not heritage listed nor is it located within a heritage conservation area.

It is noted however that the site contains a state significant archaeological site, and as such Clause 5.10(7) is of relevance to the proposed development. Clause 5.10(7) of the LEP states:-

The consent authority must, before granting consent under this clause to the carrying out of development on an archaeological site (other than land listed on the State Heritage Register or to which an interim heritage order under the Heritage Act 1977 applies):

- (a) notify the Heritage Council of its intention to grant consent, and
- (b) take into consideration any response received from the Heritage Council within 28 days after the notice is sent.

As outlined in Section 1.5.2 of this report, the proposal was referred to the NSW Heritage Council who raised no objection to the proposed development subject to the imposition of some recommended conditions.

Local provisions – general

Clause 7.1 Public utility infrastructure

Existing infrastructure is in place for the supply of water, electricity, and the disposal and management of sewerage. These utilities can be extended to service the proposed development. If the consent authority was of a mind to approve the application, conditions should be imposed requiring the developer to make the required arrangements with the relevant servicing authorities.

Clause 7.5 Acid Sulphate Soils

The subject site is classified as Class 5 acid sulphate soils. The development will not require the preparation or submission of an acid sulphate soils management plan

Clause 7.6 Earthworks

The proposal incorporates earthworks to accommodate the basement car park. The matters for consideration in Clause 7.6(3) have been considered and no significant concerns are raised.

Clause 7.14 Minimum site width

Clause 7.14(2) states:-

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

The subject site comprises three allotments, with a combined frontage length to Church Street of 51.89m.

The site thus satisfies the minimum site dimension required by Clause 7.14.

Part 8 Local provisions—Wollongong city centre

The site is located within the area identified as the Wollongong City Centre. Accordingly Part 8 of the LEP applies.

Clause 8.1 Objectives for development in Wollongong city centre

The proposed development is considered to be generally consistent with the LEP objectives for the Wollongong City Centre

Clause 8.5 Design excellence

Clause 8.5 requires the consent authority to be satisfied that the proposal exhibits design excellence prior to granting development consent. The objective of this clause is to deliver the highest standard of architectural and urban design.

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

- (a) *whether a high standard of architectural design, materials and detailing appropriate to the building type and location will be achieved,*

The proposed building design, materials and detailing are appropriate to the building type and location.

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

The proposed building appropriately addresses the street. Suitable building setbacks have been provided to the frontage and appropriate fencing and landscaping treatment is proposed. Street tree planting is proposed within the public footpath adjacent to the site. The form of the building is bulky, however it is articulated and features some variation in materials which generally reduce the perception of building bulk. The shadow diagrams indicate that the development will overshadow the footpath and the street from approximately 12.30pm onwards on the winter solstice. This is not unreasonable given the densities and building bulk permitted in the precinct.

Overall it is considered that the form and external appearance of the proposed development will improve the quality and amenity of the public domain.

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

It is noted that the site is located within a nominated distant panoramic view corridor identified in Figure 3.12 of Chapter D13 of Wollongong DCP 2009. The view corridor extends from Flagstaff Hill in an arc towards the escarpment.

The proposal will have some impacts on views available from this vantage point given that it is located on the crest of the hill. However the building has a height and scale (when measured in terms of floor space ratio, bulk and building setbacks) that is consistent with that permitted by the LEP and DCP and is not dissimilar to the neighbouring residential flat buildings to the immediate south and east of the site (both of which are 8 storeys in height).

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

The subject site is not identified in WLEP 2009 as a site affected by sun plane protection controls.

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

(i) the suitability of the land for development,

The site is zoned R1 General Residential and the objectives and land use table permit the proposed development. The consolidated allotments do not appear to be subject to any site constraints that would prevent the proposal and the consolidated allotments have sufficient area in which to undertake the proposal with the required side setbacks and building separation to neighbours.

(ii) existing and proposed uses and use mix,

The proposal is consistent with the R1 zone table and has regard to the zone objectives and is compatible with uses occurring on neighbouring sites.

(iii) heritage issues and streetscape constraints,

The building has been designed to avoid/ minimise impact on the archaeological remains of 'Bustle Hall'. There are no other heritage items within the immediately vicinity of the site which will constrain the site re-development and no significant streetscape constraints. The design of the proposed development is considered to be suitable having regard to the character of the streetscape which features a mix of development types.

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

Consideration has been given to whether the proposed development will have a satisfactory relationship with the neighbouring residential flat buildings. In terms of building setbacks and separation, the development provides the required setbacks to side and rear boundaries and building separation distances to the residential flat buildings to the south and west of the site are generally compliant (refer to discussion above). In terms of amenity, the proposed development is considered to generally provide a satisfactory level of residential amenity to the neighbouring residential flat development to the south. The setbacks provided to the proposed balconies and living areas situated on the southern side of the proposed building will assist in reducing potential overlooking and noise transmission impacts. The proposal will not have an unreasonable impact

on the amenity of the neighbouring dwelling to the north of the site nor the residential flat buildings to the rear.

The applicant (who also the applicant and designer for the building to the south) has provided shadow diagrams and shadow elevations which seek to illustrate the overshadowing impact of the proposed building on the neighbouring residential flat building to the south of the site. Given that the site is located to the north of the site and is upslope, it will undoubtedly have an overshadowing impact on the neighbouring development. A close examination of the shadow diagrams and the approved plans of the neighbouring residential flat development indicate that the development will overshadow parts of the western half of the neighbouring building generally in the morning between 9am – 11am. For the remainder of the day, the units positioned within this part of the building will not be shadowed by the proposed residential flat building. The front /eastern part of the neighbouring building will be shadowed in part from 11am until approximately 2pm. The units in this portion of the building will not be shadowed by the proposed building at other times of the day. The extent of overshadowing impact that will result from the proposed development is therefore not unreasonable. The open space area of the neighbouring development to the south (located on the podium) will not be unreasonably overshadowed by the proposed development. This space will receive at least 3hrs sunlight to 50% of its area between 9m and 3pm on the winter solstice.

The applicant has provided the following comments in this regard:-

“The open space and principle living areas for the western orientated units will achieve the required 3 hours of direct sunlight.

The eastern orientated units will achieve the required 3 hours of direct sunlight to their private open space. In the case of the principle living area of the eastern orientated units, 3 hours of direct sunlight will be achieved for the units on levels 4 to 8. For the eastern facing units below level 4, approximately 2 and half hours of direct sunlight will still be achieved for the principle living areas, as well as the full 3 hours to their private open space, as such, all but three of the units within the “Nautica” residential flat building achieve the required 3 hours.”

An additional submission was provided by the application in relation to overshadowing impacts which is outlined in Section 2.3.1 below in relation to Clause 6.9 of Chapter D13 of WDCP 2009. On balance the overshadowing impacts of the development are not considered to be unreasonable.

The development will have no overshadowing impacts on the neighbouring property to the north.

Landscaping to the side boundaries will assist in mitigating potential overlooking from the ground level terrace areas.

The building is satisfactory with regard to urban form.

(v) bulk, massing and modulation of buildings,

The bulk and massing of the building is considered to be generally reasonable having regard to the height and density permissible within the zone. The required number of units will receive sufficient solar access and natural ventilation in compliance with the Residential Flat Design Code.

The building is articulated and modulated. The varied setbacks provided to the building assist in reducing its bulk.

(vi) street frontage heights,

There are no street frontage height provisions of relevance to the proposal.

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

The proposal will not have unreasonable environmental impacts. In relation to sustainable design, BASIX certificates have been provided with the development application which indicate the commitments to be made in relation to energy and water efficiency and thermal comfort.

The units satisfy the requirements of SEPP (BASIX). Rainwater harvesting and reuse is proposed. The development satisfies the Residential Flat Design Code in relation to the required number of units which will receive satisfactory solar access and cross ventilation. This will reduce energy and water usage.

Overshadowing impacts will not be unreasonable as mentioned above and discussed in greater detail below.

A wind effects report was not required to be submitted with the development application. The development is not expected to create uncomfortable wind conditions for pedestrians on the Church Street footpath or within the site.

The applicant has provided a schedule of finishing materials and colours which indicates that materials to be used will not be reflective. If approved, it is recommended that a condition be imposed limiting material reflectivity to a maximum of 20%.

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

The proposal is sited within the Wollongong city centre area within close proximity to employment, services and amenities including the beach and recreation areas and facilities. Public transport is within a walkable distance of the site.

In terms of design, as noted, BASIX certificates have been provided in relation to the proposal which demonstrate that the development can achieve the targets set by SEPP (BASIX).

The development incorporates some sustainable design elements including rainwater harvesting and provision of solar access and cross ventilation to most units. The implementation of water and energy efficient fixtures and fittings can be conditioned if consent is granted to the development.

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

The proposal is satisfactory with regard to pedestrian access, bike storage, car parking provision, manoeuvring and servicing.

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

The form and external appearance of the proposed residential flat building will not have an adverse impact on the public domain.

Having regard to the above matters, the proposed development is considered to exhibit design excellence as required by Clause 8.5 of WLEP 2009.

2.2 SECTION 79C 1(A)(II) ANY PROPOSED INSTRUMENT

None applicable.

2.3 SECTION 79C 1(A)(III) ANY DEVELOPMENT CONTROL PLAN

2.3.1 WOLLONGONG DEVELOPMENT CONTROL PLAN 2009

It is noted that Chapter B1 of the DCP was amended on 3 August 2011. As this development application was lodged prior to the commencement of the amendments, it has been assessed with regard to the provisions of the DCP in effect at the time of lodgement.

CHAPTER B1 – RESIDENTIAL DEVELOPMENT

Part 9 - Residential Flat Buildings

<i>Controls/objectives</i>	<i>Comment</i>	<i>Compliance</i>
<u>9.1 General</u>		
<u>9.2 Minimum Site Width Requirement</u>	Width of combined site 51.89m	Yes
<ul style="list-style-type: none"> A minimum site width of 24 metres is required for residential apartment buildings. Development for the purpose of a residential flat building must not result in the creation of an “isolated lot”. An “isolated lot” is a lot which is bounded on both sides by properties (or a property and a second street frontage) which comprise existing development other than a single dwelling house and redevelopment of such adjoining properties is unlikely. Amalgamation of allotments will be required in the circumstance where an isolated allotment would otherwise be created. In cases where the subject site is an existing “isolated lot”, Council may consider a variation to the minimum site width requirement provided, in the opinion of Council, the proposed development will not cause any significant adverse overshadowing, privacy or amenity impact upon any adjoining development. 	Development will not create an isolated allotment	
<u>9.3 Maximum Floor Space Ratio (FSR) /Density</u>		
<ul style="list-style-type: none"> Max FSR 1.5:1 permitted by WLEP 2009 	Proposed FSR 1.5:1	Yes
<u>9.4 Building Height</u>		
<ul style="list-style-type: none"> Maximum 32m building height permitted by WLEP 2009 	Proposed maximum height 28m	Yes
<u>9.5 Front Setbacks</u>		
Clause 2.2 of Part D13 of the DCP sets a minimum setback of 4m.	The controls of this section are addressed in Chapter D13 Wollongong City Centre - <i>2.2 Building to Street alignment and street setbacks</i>	N/A
<u>9.6 Side and Rear Setbacks / Building Separation</u>		
	The controls of this section are addressed in Chapter D13 Wollongong City Centre - <i>2.5 Side and rear building setbacks and building separation.</i>	
<u>9.7 Built Form</u>		
<ul style="list-style-type: none"> All residential flat buildings must be designed by a qualified designer in accordance with SEPP 65. A design verification statement must be submitted. The design, height and siting of the development must respond to its context, 	The proposal has been designed by a qualified designer who has submitted a design verification statement. The design, height and siting of the development is considered to be appropriate having regard to the context of the site. The appearance of the development is appropriate.	Yes

<i>Controls/objectives</i>	<i>Comment</i>	<i>Compliance</i>
being both the natural and built features of an area.	The additional controls of this section are addressed in Chapter D13 Wollongong City Centre – <i>Part (2) Building form</i>	
<ul style="list-style-type: none"> The appearance of new development must be in harmony with the buildings around it and the character of the street. 		
<u>9.8 Visual privacy</u>	The controls of this section are addressed in Chapter D13 Wollongong City Centre – 6.12 <i>Visual Privacy</i>	
<u>9.9 Acoustic privacy</u>	The controls of this section are addressed in Chapter D13 Wollongong City Centre – 6.13 <i>Acoustic Privacy</i>	
<u>9.10 Car parking requirements</u>	The controls of this section are addressed in Chapter D13 Wollongong City Centre – 4.4 <i>On-site parking</i>	
<u>9.11 Basement Car Parking</u>	The controls of this section are addressed in Chapter D13 Wollongong City Centre – 6.6 <i>Basement Carparks</i>	
<u>9.12 Access Requirements</u>		
<ul style="list-style-type: none"> Driveways must be located a minimum of 6m from the perpendicular of any intersection. 	The site is located some distance from the nearest intersection.	Yes
<ul style="list-style-type: none"> Driveways must be a minimum of 1.5m from any side property boundary. 	The proposed driveway is setback 1.795m from the side boundary, and is 5.5m wide inside the site, with a crossing width of 6.110m. This is acceptable.	Yes
<ul style="list-style-type: none"> Driveways maximum width of 6m. 		
<ul style="list-style-type: none"> Manoeuvring areas to all parking spaces so vehicles do not need to make more than a single point turn to leave the site in a forward direction. 	Vehicles can manoeuvre on site and leave in a forward direction in compliance with relevant standards. Driveway grades are compliant.	Yes
<ul style="list-style-type: none"> Driveway grades, vehicular ramp width/grades and passing bays must be in accordance with the relevant standard. 		
<u>9.13 Landscaping Requirements</u>		
<ul style="list-style-type: none"> Minimum 30% of the total site area must be provided as landscaped area; min bed widths 1.5 metres. 	The proposal incorporates a total of 1404sqm landscaped area = 49% of site area.	Yes
<ul style="list-style-type: none"> Street trees are required to be planted. 	The proposed landscape plan has been assessed by Council's Landscaping Section and was considered to be consistent with the DCP controls.	Yes
<u>9.14 Deep Soil Zone</u>		
<ul style="list-style-type: none"> 15% of the site area must be provided as a deep soil zone (DSZ); minimum dimension of 6m. 	DSZ totals 575.8sqm in area; equates to 20% of the site area	Yes
<ul style="list-style-type: none"> Alternatively, DSZ may extend along the full length of the rear of the site, with a minimum width of 6m. 	6m deep, provided inside the rear boundary of the site; contains a large existing Fig tree and will be densely planted with other trees and shrubs.	Yes
<ul style="list-style-type: none"> No structures are permitted within the DSZ. 	No structures to be placed within DSZ	Yes
<ul style="list-style-type: none"> DSZ must be densely planted with trees and shrubs. 		

<i>Controls/objectives</i>	<i>Comment</i>	<i>Compliance</i>
<u>9.15 Communal Open Space</u> <ul style="list-style-type: none"> • Developments with more than 10 dwellings must incorporate communal open space. • The minimum size of COS 5sqm per dwelling. Any area to be included in the COS calculations must have a minimum dimension of 5m. • COS must be easily accessible and within a reasonable distance from apartments; integrated with site landscaping, allow for casual social interaction and be capable of accommodating recreational activities. • Areas of the communal open space which are to be paved or which will contain shade structures, swimming pools or the like cannot be located within the deep soil zone. • COS must receive at least 3 hours of direct sunlight between 9.00am and 3.00pm on June 21. 	<p>More than the minimum area of COS has been provided within the site. COS satisfies applicable requirements.</p> <p>The COS will receive sufficient solar access.</p>	Yes
<u>9.16 Private Open Space</u>	The controls of this section are addressed in Chapter D13 Wollongong City Centre – 6.8 <i>Private Open Space</i>	
<u>9.17 Adaptable Housing</u> <ul style="list-style-type: none"> • 10% of dwellings or at least 1 dwelling must be designed to be capable of adaptation for disabled or elderly residents. • Dwellings must be designed in accordance with AS 4299-1995. 	<p>4 units are proposed to be adaptable. All are accessible via the lift. Required car parking has been provided within the basement near the lift.</p> <p>An Accredited Access Consultant has prepared a report which has been submitted with the DA which indicates that the units can comply with the spatial requirements of AS4299 for Adaptable Housing.</p>	<p>Yes</p> <p>Yes</p>
<u>9.18 Access for People with a Disability</u>	No issues regarding disabled access are anticipated.	Yes
<u>9.19 Apartment Size and Layout Mix for Larger Residential Flat Building Developments</u> <ul style="list-style-type: none"> • A mix of apartment sizes and layouts is required for residential flat buildings involving 10 or more dwellings. • In RFBs containing more than 10 dwellings, a minimum of 10% of the apartments must be one bedroom and/or studio apartments 	<p>The proposal provides for 4 x 1 bedroom units (12%), 11 x 2 bedroom units (with areas ranging from 92sqm – 98.2sqm) and 19 x 3 bedroom units (areas ranging from 110sqm – 168.7sqm) – 56%. 4 adaptable apartments are proposed.</p>	Yes
<u>9.20 Solar Access</u>	The controls of this section are addressed in Chapter D13 Wollongong City Centre – 6.10 <i>Solar Access</i>	
<u>9.21 Natural Ventilation</u>	The controls of this section are addressed	

<i>Controls/objectives</i>	<i>Comment</i>	<i>Compliance</i>
<p><u>9.22 Crime Prevention Through Environmental Design (Safety And Security)</u></p> <ul style="list-style-type: none"> • Ensure that the building design allows for casual surveillance of accessways, entries and driveways. • Avoid creating blind corners • Provide entrances which are in prominent positions and which are easily identifiable, with visible numbering. • Where private open space is located within the front building alignment any front fencing must be of a design and/or height, which allows for passive surveillance of the street. • Limit number of dwellings accessible from a single lift or corridor to a maximum of 8 per floor. • Provide adequate lighting of all pedestrian access ways, parking areas and building entries. • Avoid creation of obscure or dark alcoves which might conceal intruders. Provide clear lines of sight and well-lit routes throughout the development. • Allow for casual surveillance of the pathway. Ensure that pathways do not provide concealment opportunities. 	<p>in Chapter D13 Wollongong City Centre – 6.11 <i>Natural Ventilation</i>.</p> <ul style="list-style-type: none"> • Council's Community Safety Officer initially raised some concerns which have been resolved through plan amendments. • No safety or security issues are anticipated as a result of this development. • Casual surveillance of entrances is available. Minimal concealment opportunities are available. Entrances will be readily identifiable due to design elements and prominent street address. • Maximum of 6 units on each level. • No lighting indicated on plans but could be conditioned if consent is granted. • Casual surveillance of pathways, entrances and COS available • No publicly accessible pathways are proposed. 	Yes

11 General Requirements For All Residential Development

<i>Controls/objectives</i>	<i>Comment</i>	<i>Compliance</i>
<p><u>11.1 Waste Management</u></p> <p>Chapter E7 Waste Management provides that:-</p> <ul style="list-style-type: none"> • Where the number of bins proposed can be accommodated within 50% of the developments frontage on collection day, bins may be collected from a kerbside location. 	<p>It is proposed that bins be collected from the street by Council waste collection. This is considered to be acceptable. Provision has been made for garbage bin storage within an area to the rear of the building, accessible to the street by a ramp. The waste storage room has sufficient dimensions/area to accommodate the required number of bins. The combined width of the bins is 14m; the frontage width is 51.89m and as such on-street collection is acceptable.</p>	Yes

<i>Controls/objectives</i>	<i>Comment</i>	<i>Compliance</i>
<u>11.2 Stormwater Drainage</u>	The proposal has been assessed by Council Stormwater Division and the proposed stormwater drainage arrangement is considered to be satisfactory.	Yes
<u>11.3 Floodplain Management</u>	N/A – Site is not flood affected	N/A
<u>11.4 Land Re-Shaping Works (Cut and Fill Earthworks)</u>	The proposed cut & fill required for the development is considered to be acceptable.	Yes
<u>11.5 Soil Erosion and Sediment Control</u>	If approved, conditions can be imposed in relation to this matter.	Yes, with conditions
<u>11.6 Development near the Coastline</u>	The site is located within the coastal zone however is not close to the coastal foreshore or coastline. The design is considered to be generally appropriate with regard to the applicable controls provided within Chapter D13.	Yes
<u>11.7 Sunlight Access</u>	The controls of this section are addressed in Chapter D13 Wollongong City Centre – 6.10 <i>Solar Access</i> .	Yes
<u>11.8 View Sharing</u>	The site is located within a nominated distant view corridor identified within Chapter D13 of the DCP. This view corridor is for distant panoramic views available from Lighthouse Point and reserve across the city back towards the escarpment. The proposal will not have an unreasonable impact on views as it complies with the applicable height control and does not have an unacceptable bulk. Side setbacks are compliant.	Yes
<u>11.9 Services</u>	Reticulated services are available to the site. These could be extended to cater for the development	Yes
<u>11.10 Fire Brigade Servicing</u>	The site and proposed development is able to be adequately serviced by the fire brigade.	Yes

<i>Controls/objectives</i>	<i>Comment</i>	<i>Compliance</i>
<u>11.11 Site Facilities</u>	The controls of this section are addressed in Chapter D13 Wollongong City Centre – 4.5 <i>Site Facilities and services</i> .	Yes
<u>11.12 Storage Facilities</u>	The controls of this section are addressed in Chapter D13 Wollongong City Centre – 6.14 <i>Storage</i> .	Yes

PART C – SPECIFIC LANDUSE CONTROLS

None Applicable.

PART D – LOCALITY BASED DCPS/PRECINCT PLANS

Chapter D1 – Character Statements

Wollongong City Centre

The proposed residential flat building is generally consistent with the higher density residential land uses permitted in the RI zone and within the city centre area, in keeping with the desired future character outlined in Chapter D1 of the DCP.

CHAPTER D13 – WOLLONGONG CITY CENTRE

The site is located within the Wollongong City Centre, as defined in WLEP 2009 and WDCP 2009. Chapter D13 applies to the development and prevails over other parts of the DCP where there is any inconsistency.

2 Building form

<i>Objectives/controls</i>	<i>Comment</i>	<i>Compliance</i>
<u>2.1 General</u>		
<u>2.2 Building to street alignment and street setbacks</u>		
<ul style="list-style-type: none"> 4m setback required within the R1 zone. These street building lines and setbacks also apply to basement portions of buildings. Minor projections into front building lines and setbacks for sun shading devices, entry awnings and cornices are permissible 	4.79m setback provided to supporting posts. Planter walls are sited closer to the boundary – closest is situated 1.3m from boundary. The height of the planter walls has been reduced since the original application was lodged. The planter bed wall is now 1.465m high at its maximum (adjacent to the driveway). The landscaping proposed in front of the planter walls will offer some screening of this structure.	No but variation is reasonable
<u>2.3 Street frontage heights in commercial core</u>	N/A - site is not located in the commercial core.	N/A
<u>2.4 Building depth and bulk</u>		
<ul style="list-style-type: none"> Maximum floor plate size 900sqm above 12m in height; Maximum depth 18m excluding balconies 	Maximum floor plate and depth complies.	Yes

<i>Objectives/controls</i>	<i>Comment</i>	<i>Compliance</i>
<p><u>2.5 Side and rear building setbacks and building separation</u></p> <p><i>Note 'Habitable rooms' are defined in the DCP glossary as 'Any room or area used for normal domestic activities, including living dining family, lounge, bedrooms, study, kitchen, sun room and play room'.</i></p> <p>In certain circumstances, Council may consider a variation to the side and rear setback requirements through appropriate architectural features (eg splayed windows which achieve oblique outlooks) provided that:</p> <p>i) A minimum separation between the main walls of 6 metres is maintained,</p> <p>ii) Separation is between sections of building walls that include only service room windows,</p> <p>iii) Views are available obliquely to site boundaries; and</p> <p>iv) Privacy screens are provided to all balconies and windows for all units / suites along the building façade</p>	<p><u>Side Setbacks (northern and southern boundaries)</u></p> <p><u>Residential Uses up to 12m</u></p> <p><u>Required</u></p> <ul style="list-style-type: none"> - Habitable rooms (H/R) with openings and balconies – 6m - Non – habitable (N/H) rooms and habitable rooms (H/R) without openings – 3m <p><u>Proposed</u></p> <ul style="list-style-type: none"> • Level 1 (up to 12m) <ul style="list-style-type: none"> – 8.7m to wall; 7.8m to edge of balcony to S boundary – 3.72m to edge of terrace (this area is not however considered to be a balcony as it is situated below existing ground level and will be enclosed by retaining walls in part); 7.8m to wall of U1 to N boundary • Proposed Level 2 (up to 12m) <ul style="list-style-type: none"> – 7.6m setback to balcony; 9.7m to wall to S boundary – 3.72m to terrace areas (this area is not however considered to be a balcony as it is situated at ground level); 6.015m to N boundary • Proposed Levels 3 & 4 (up to 12m) <ul style="list-style-type: none"> – 7.6m setback to S boundary – 6.015m to N boundary <p><u>Residential Uses 12m - 24m</u></p> <p><u>Required</u></p> <ul style="list-style-type: none"> - Habitable rooms (H/R) with openings and balconies – 9m - Non – habitable (N/H) rooms and habitable rooms (H/R) without openings – 4.5m <p><u>Proposed</u></p> <ul style="list-style-type: none"> • Proposed Level 5 <ul style="list-style-type: none"> - 9m to H/R and 9.705m to balconies to S boundary - 9.050m to H/R and 9.745m to 	<p>Non-compliant setbacks are identified in bold in the column to the left</p>

<i>Objectives/controls</i>	<i>Comment</i>	<i>Compliance</i>
	<p>balconies to N boundary</p> <ul style="list-style-type: none"> Proposed Level 6, 7, 8 <p>- 9m to H/R and 9.7m to balconies to S boundary</p> <p>- 9.065m to HR and 9.75m to balconies to N boundary</p> <p><u>Residential Uses above 24m</u></p> <p><u>Required</u></p> <p>- 12m to HR with openings and balconies and</p> <p>- 6m to NHR and HR without openings</p> <p><u>Proposed</u></p> <ul style="list-style-type: none"> Proposed Level 9 <p>- 11.4m to NHR, 12m to HR and 12m to balcony to S boundary</p> <p>- 12.070m to HR and 9.74m to balcony to N boundary.</p> <p>It is noted that no justification has been provided for this departure and it is considered that the setback could be increased to 12m without compromising the functionality and amenity of the balcony. A condition can be imposed to this effect, requiring this amendment to the plans, if consent is granted.</p> <p>Rear Setbacks – western boundary</p> <p><u>Required</u></p> <p>- 6m setback for that portion of the building up to 12m high</p> <p>- 9m setback for that portion of the building above 12m high</p> <p><u>Proposed</u></p> <p>Up to 12m high:</p> <p>- 15.850m to Levels 1, 2, 3, 4</p> <p>Over 12m high:</p> <p>- 17.525m to balcony L5; 22.68m to balcony Levels 6-9.</p>	Yes
<u>2.6 Mixed used buildings</u>	N/A	N/A
<u>2.7 Deep soil zone</u>		
<ul style="list-style-type: none"> All residential developments must include a deep soil zone (DSZ) 	Proposed 575.8sqm deep soil zone located at rear of the development -	Yes

<i>Objectives/controls</i>	<i>Comment</i>	<i>Compliance</i>
<ul style="list-style-type: none"> The DSZ shall comprise no less than 15% of total site area; provided in one continuous block; minimum dimension (width or length) of 6m. DSZ must accommodate existing mature trees as well as allowing for the planting of trees/shrubs that will grow to be mature trees. No structures, works or excavations that may restrict vegetation growth are permitted in the DSZ (including but not limited to basements, car parking, hard paving, patios, decks and drying areas) 	20% of site area. Deep soil zone has a minimum dimension of 6m. The landscape plan provides for dense landscaping within the deep soil zone and the retention of some existing vegetation including a large Fig Tree.	
<u>2.8 Landscape design</u>	The landscape plan has been assessed by Council's Landscape Section and was considered to be consistent with the DCP controls.	Yes
<u>2.9 Planting on structures</u>	N/A – only applies to the Commercial Core, Mixed Use (city edge) and Enterprise zones	N/A
<u>2.10 Sun access planes</u>	No impact on sun access to parks or community spaces is anticipated.	N/A
<u>2.11 Development on classified roads</u>	N/A	N/A
3 Pedestrian amenity		
<i>Objectives/controls</i>	<i>Comment</i>	<i>Compliance</i>
<u>3.1 General</u>		
<u>3.2 Permeability</u>	No pedestrian ways or laneways will be affected by the proposal.	N/A
<u>3.3 Active street frontages</u>		
<ul style="list-style-type: none"> Residential developments are to provide a clear street address and direct pedestrian access off the primary street front, and allow for residents to overlook all surrounding streets. 	Street address is prominent. Direct pedestrian access is available from the street frontages. Casual surveillance of adjoining streets is available.	Yes
<u>3.4 Safety and security</u>	The proposal adequately responds to the objectives and controls of this clause.	Yes
<u>3.5 Awnings</u>	N/A – No awnings are required.	N/A
<u>3.6 Vehicular footpath crossings</u>		
<ul style="list-style-type: none"> One vehicle access point only will generally be permitted. double lane crossing with a maximum width of 5.4 metres may be permitted for safety reasons Doors to vehicle access points are to be roller 	<p>The proposed vehicular footpath crossing is satisfactory. The width of the crossing is wider than usual, however Council's Traffic Engineer has indicated that this width is necessary.</p> <p>Entry to car parking is situated behind the building and will therefore not be</p>	Yes

<p>shutters or tilting doors fitted behind the building façade.</p> <ul style="list-style-type: none"> vehicle entries are to have high quality finishes to walls and ceilings as well as high standard detailing. No service ducts or pipes are to be visible from the street. 	<p>visible from the street</p>	
<p><u>3.7 Pedestrian overpasses, underpasses and encroachments</u></p>	<p>No overpasses, underpasses, or encroachments are proposed.</p>	<p>N/A</p>
<p><u>3.8 Building exteriors</u></p> <p>a) Contribute positively to the streetscape and public domain by means of high quality architecture and robust selection of materials and finishes.</p> <p>b) Provide richness of detail and architectural interest especially at visually prominent parts of buildings such as lower levels and roof tops.</p> <p>c) Present appropriate design responses to nearby development that complement the streetscape.</p> <p>d) Clearly define the adjoining streets, street corners and public spaces and avoid ambiguous external spaces with poor pedestrian amenity and security.</p> <p>e) Maintain a pedestrian scale in the articulation and detailing of the lower levels of the building.</p> <p>f) Contribute to a visually interesting skyline.</p>	<p>The exterior of the building is considered to be satisfactory having regard to the controls and the design of neighbouring development. The proposal achieves the objectives of this clause.</p>	<p>Yes</p>
<p><u>3.9 Advertising and signage</u></p>	<p>N/A</p>	<p>N/A</p>
<p><u>3.10 Views and view corridors</u></p>	<p>It is noted that the site is located within the nominated distant view corridor identified in Fig 3.12 in the DCP (from the lighthouse to the escarpment). The proposed development is within the relevant allowable height limit and FSR and as such is considered to be satisfactory with regard to impact on views available from this vantage point.</p> <p>The neighbouring buildings to the west and north of the site are unlikely to experience any loss of views as a result of the proposed development.</p> <p>It is noted that the neighbouring residential flat building to the direct south of the site may experience some view loss towards the north. Each floor of this building contains 2 units, one orientated towards the east, the other to the west. Most of the units have access to views to the north and south.</p> <p>The applicant has provided a site analysis which considers view impacts on the neighbouring unit development</p>	<p>Yes</p>

to the south. It is expected that there will be a minor loss of northern views for the adjoining property to the immediate south. The majority of the existing panoramic view from the balconies to these units will not be impacted by the proposed development.

4 Access, parking and servicing

<i>Objectives/controls</i>	<i>Comment</i>	<i>Compliance</i>
<u>4.1 General</u>		
<u>4.2 Pedestrian access and mobility</u>	Pedestrian access and mobility is considered to be adequate.	Yes
<u>4.3 Vehicular driveways and manoeuvring areas</u>	Vehicular driveways and manoeuvring areas are considered to be adequate.	Yes
<u>4.4 On-site parking</u> <ul style="list-style-type: none"> • Compliance with relevant standards. • Council may require a geotechnical report. • Above ground level car parking is to have a min floor to ceiling height of 2.8m so it can be adapted to another use in the future. • On-site vehicle, motorcycle and bicycle parking is to be provided in accordance with Part E of the DCP. Residential flat buildings:- <ul style="list-style-type: none"> • On-site parking is to be accommodated underground, or otherwise integrated into the design of the building. 	<p>Car spaces generally comply with relevant standards in terms of dimensions, manoeuvring. Conditions are recommended for imposition in relation to this matter.</p> <p>Proposal provides for 56 resident car parking spaces and 7 visitor spaces. 4 are allocated to the adaptable units and have been designed in accordance with the applicable standard.</p> <p>Bike racks for resident and visitor bikes are proposed adjacent to the visitor car parking area at the rear of L1. 15 bike spaces are proposed plus 3 motorbike spaces. This is adequate.</p> <p>The proposed adaptable parking spaces are designed to comply with Australian Standards - AS2890.6 (2009) Disabled Parking.</p> <p>The car parking is provided below ground.</p>	Yes
<u>4.5 Site facilities and services</u> <ul style="list-style-type: none"> • Mail boxes • Communication structures, air conditioners and service vents • Waste (garbage) storage and collection • Fire service and emergency vehicles • Utility Services 	<p>The proposal complies with applicable controls.</p> <p>Mailboxes are not identified on the plans though can be provided in compliance with the controls.</p> <p>A waste storage area has been provided to the rear of the building</p> <p>Existing utility services can be augmented to service the development.</p> <p>The proposed kerb-side collection of rubbish is considered to be satisfactory</p>	Yes

having regard to the provisions contained within Chapter E7 Waste Management.

5 Environmental management

<i>Objectives/controls</i>	<i>Comment</i>	<i>Compliance</i>
<u>5.1 General</u>		
<u>5.2 Energy efficiency and conservation</u>		
<ul style="list-style-type: none"> New dwellings are to demonstrate compliance with SEPP (BASIX). 	BASIX certificates have been provided in respect of all units.	Yes
<u>5.3 Water conservation</u>		
<ul style="list-style-type: none"> New dwellings are to demonstrate compliance with SEPP (BASIX). 	BASIX certificates have been provided in respect of all units.	Yes
<u>5.4 Reflectivity</u>		
<ul style="list-style-type: none"> Visible light reflectivity from building materials used on facades of new buildings should not exceed 20%. 	No reflectivity concerns are raised in relation to the proposal. Most windows are shaded. If approved, a condition should be imposed limiting reflectivity from finishing materials to a maximum of 20%	Yes
<u>5.5 Wind mitigation</u>		
	The development is not expected to have a significant impact on wind conditions in the area. The applicant has noted that the setback of the building to the footpath and landscaping within the front setback area will minimise and dissipate any down draught created by the building.	Yes
<u>5.6 Waste and recycling</u>		
<ul style="list-style-type: none"> All development is to adequately accommodate waste handling and storage onsite. A common collection, storage and handling area, this is to be located: enclosed within a basement or enclosed carpark 	<p>A waste storage room is proposed to the rear of Level 1. Waste handling is not proposed to occur within the site; rather bins will be collected from the kerb-side.</p> <p>An assessment of the required bin numbers contained within Chapter E7 of the DCP has been undertaken. The waste storage room has sufficient capacity to store the required number of bins and the frontage of the site is wide enough to permit on-street waste collection as per the provisions of Chapter E7.</p>	Yes, refer to Chapter E7

6 Residential development standards

<i>Objectives/controls</i>	<i>Comment</i>	<i>Compliance</i>
<u>6.1 SEPP 65 and residential flat design code</u> SEPP 65 and the RFDC also apply	Refer to assessment above	
<u>6.2 Housing choice and mix</u>		
<ul style="list-style-type: none"> For residential apartment buildings 10% of all dwellings (or at least 1 unit) must be designed to be capable of adaptation for disabled or elderly residents. Dwellings must be designed in accordance with the Australian Adaptable Housing Standard (AS 4299-1995), which includes “pre-adaptation” design details to ensure visitability is achieved. 	4 adaptable dwellings are proposed. These units are accessible via the lift.	Yes
<ul style="list-style-type: none"> Studio and one bedroom units must not be less than 10% of the total mix of units within each development; 3 or more bedroom units must not be less than 10% of the total mix of units within each development 	There are 4 x 1 bedroom units which represent 12% of housing mix. There are 19 x 3 bedroom units which represents 56% of the housing mix.	Yes
<ul style="list-style-type: none"> Minimum floor to ceiling heights of 2.7m minimum for all habitable rooms on all floors 	Floor to ceiling heights are 2.7m within habitable rooms; 2.4m min to non-habitable rooms.	Yes
<u>6.6 Basement Carports</u>		
<ul style="list-style-type: none"> Basement car park must not impact on landscaped area or DSZ. 	Adequate landscaped area and DSZ proposed.	Yes
<ul style="list-style-type: none"> The roof of any basement podium, measured to the top of any solid wall located on the podium, must not be greater than 1.2m above natural or finished ground level, when measured at any point on the outside walls of the building. On sloping sites, a change in level in the basement must be provided to achieve this maximum 1.2m height. 	<p>The height of the basement roof appears to be higher than 1.2m above ground level.</p> <p>The main pedestrian entry to the building is readily identifiable from the street frontage.</p>	
<ul style="list-style-type: none"> The following setbacks from front, side and rear boundaries apply to basement podiums: <ul style="list-style-type: none"> Where height of basement podium is less than 1.2m above natural or finished ground level, basement podium may extend to the property boundary. A minimum 1.5m wide landscaped planter must be provided on the perimeter of any section of the basement podium which is located on a side or rear property boundary. Any portion of the basement which exceeds 1.2m above natural or finished ground level must be setback from the property boundaries by a ratio 1:1 (height: setback). A minimum setback of 1.5m applies, the 	<p>Landscaping is proposed in front of the basement and front building line to offer screening and improve the streetscape treatment of the development. The landscape plan also makes provision for landscaping to the side and rear boundaries of the site on top of the podium adjacent to the ground level courtyards.</p> <p>The basement is sited within close proximity of the property boundaries.</p> <p>There are portions of the basement which are higher than 1.2m above ground level. The setbacks to the basement podium (from the southern boundary) are more than required. A landscape bed is proposed inside the southern boundary of the site to provide screening of the walls, as</p>	

<i>Objectives/controls</i>	<i>Comment</i>	<i>Compliance</i>
<p>area of which is to be landscaped.</p> <ul style="list-style-type: none"> Ventilation grills must be integrated into the design of the façade of the building to minimise their visual impact. 	<p>required</p> <p>An exhaust riser is located to the rear of the building within the communal open space area. This will not be visible from the street frontage. Some horizontal air intake grilles will be located within the planter beds and will be screened by landscaping.</p>	
<u>6.7 Communal open space</u>	Communal open space has been provided in accordance with the relevant requirements of the DCP.	Yes
<u>6.8 Private open space</u>		
<ul style="list-style-type: none"> The primary POS area of at least 70% of the units must receive a minimum of 3 hours of direct sunlight between 9.00am and 3.00pm on June 21. 	<p>Proposed private open space (POS) areas are compliant in terms of area and dimensions. Some POS areas may not satisfy the solar access requirements. The applicant has provided plans and diagrams which demonstrate that, with the exception of Units 1, 5, 6, 7, 11, 12, 13, 17, 18 and 19, all remaining units will receive the required 3 hours of direct sunlight to their primary private open area between 9.00am and 3.00pm in mid winter. This satisfies the requirement for at least 70% of the dwellings to meet the control. The east facing apartments that do not meet the required 3 hours will still have access to 2 ½ hours of direct sunlight to the primary private open area between 9.00am and 3.00pm on June 21.</p>	Yes
<ul style="list-style-type: none"> POS areas (courtyards) must not extend forward to the front building setback by greater than 900mm. 	The front terrace areas are setback more than 4m which is the required front building setback.	
<ul style="list-style-type: none"> Private open space (POS) should be sited in a location which provides privacy, solar access, and pleasing outlook and has a limited impact on neighbours. 	POS areas are appropriately sited with regard to amenity	
<ul style="list-style-type: none"> Design private open spaces so that they act as direct extensions of the living areas of the dwellings. 	All private open space areas are located off main living areas.	
<ul style="list-style-type: none"> Clearly define private open space through planting, fencing or landscaping features. 	POS areas are defined and will have sufficient privacy.	
<ul style="list-style-type: none"> Screen private open space to ensure privacy. <p>Where POS is provided in the form of a balcony, the following requirements must also be met:</p>		
<ul style="list-style-type: none"> Avoid facing side setbacks; min area of 12sqm and minimum depth of 2.4 metres. 	Some balconies face side boundaries. Side setbacks to most balconies are compliant and sufficient separation	
<ul style="list-style-type: none"> Primary balcony of at least 70% of the 		

<i>Objectives/controls</i>	<i>Comment</i>	<i>Compliance</i>
<p>dwellings must receive a min 3 hours of direct sunlight between 9.00am and 3.00pm on June 21.</p> <ul style="list-style-type: none"> Balconies must be designed and positioned to ensure sufficient light can penetrate into the building at lower levels. <p><u>6.9 Overshadowing</u></p> <ul style="list-style-type: none"> Adjacent residential buildings and their public spaces must receive at least 3 hours of direct sunlight between 9.00am and 3.00pm on 21 June. <p><u>6.10 Solar access</u></p> <ul style="list-style-type: none"> Maximise the number of apartments with a dual orientation Living rooms and POS of at least 70% of apartments should receive a minimum of 3 hours of direct sunlight between 9.00am and 3.00pm The number of single aspect apartments with a southerly aspect (south-westerly to south-easterly) is limited to a maximum of 10% of the total number of apartments proposed. <p><u>6.11 Natural ventilation</u></p> <ul style="list-style-type: none"> Building depth of between 10 and 18m Minimum of 60% of all units shall be naturally cross ventilated 25% of kitchens within a development must have access to natural ventilation <p><u>6.12 Visual privacy</u></p> <ul style="list-style-type: none"> New buildings should be sited and oriented to maximise visual privacy between buildings through compliance with minimum front, side and rear setback / building separation requirements Internal layout of buildings should be designed to minimise any direct overlooking impacts occurring upon habitable rooms and private balcony / open space courtyards <p><u>6.13 Acoustic Privacy</u></p>	<p>exists to neighbouring buildings.</p> <p>More than 70% of all balconies will receive sufficient solar access</p> <p>Some of the units within the neighbouring 'Nautica' building to the south will not receive 3 full hours of sunlight during mid winter. This is outlined in detail below.</p> <p>Applicant has demonstrated satisfactorily that more than 70% of units and POS areas will achieve adequate solar access.</p> <p>No south facing single aspect units are proposed</p> <p>The maximum depth of the proposed building is less than 18m. 82.47% of the units are able to be cross-ventilated. 32% of kitchens will receive natural ventilation which is compliant.</p> <p>Siting of the proposed building generally reduces potential overlooking. Compliant side boundary setbacks and building separation reduce overlooking impacts on the neighbouring properties. Landscaping assists in mitigating overlooking in part. The internal layout of the units prevents internal overlooking.</p> <p>Units within the development will generally have an acceptable level of acoustic privacy.</p> <p>Acoustic treatment between floors will be in accordance with the requirements of the BCA.</p> <p>The development is unlikely to have any</p>	<p></p> <p>No*</p> <p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p>

<i>Objectives/controls</i>	<i>Comment</i>	<i>Compliance</i>
6.14 Storage	impact on the acoustic privacy of the neighbouring properties.	
<ul style="list-style-type: none"> One bedroom apartments require 3sqm in area; volume 3 cubic metres; 2 bedroom units require 4sqm and 8 cubic metres volume; 3 or more bedroom apartments require 5sqm area/ 10 cubic metres volume of storage 	Storage areas are proposed to be provided within the car parking areas. Large storage areas are proposed.	Yes

Variations:

1. Overshadowing

As identified in the table above, the development will have some overshadowing impacts on the neighbouring residential flat building ('Nautica') situated to the immediate south of the site. A close examination of the shadow diagrams and elevations provided by the applicant indicate that all but 3 of the units within the adjoining 'Nautica' building will receive compliant solar access in mid winter (being 3 hours of direct sunlight between 9am and 3pm on 22 June). These 3 units will receive 2 ½ hours of direct sunlight to their living areas and private open space between 9.00am and 3.00pm in mid winter; thus the variation sought is considered to be reasonably minor.

The applicant has provided the following justification for the variation sought:-

"The objective of Clause 6.9.2 of Chapter D13 of the DCP is to minimise the extent of loss of sunlight to living areas and private open space area of adjacent dwellings, in the case of the proposed development the only adjoining dwelling that is subject to overshadowing impacts is the "Nautica" development to the immediate south of the subject site at 36-38 Church Street.

Clause 6.9.2 specifies the following controls to minimise the extent of loss of sunlight:

(a) The design of the development must have regard to the existing and proposed level of sunlight which is received by living areas and private open space areas of adjacent dwellings. Sensitive design must aim to retain the maximum amount of sunlight for adjacent residents.

(b) Adjacent residential buildings and their public spaces must receive at least 3 hours of direct sunlight between 9.00am and 3.00pm on 21 June

The shadow analysis prepared by ADM Architects demonstrates that all but 3 of the units within the adjoining development will receive at least 3 hours of direct sunlight between 9.00am and 3.00pm on 21 June. The 3 units in question are the east facing units, 1, 3 and 5 of the "Nautica" development. These 3 units will receive 2 ½ hours of direct sunlight to both the living areas and private open space between 9.00am and 3.00pm in mid winter.

The removal of the awning of the upper level has improved the situation however, even if the proposal was amended to entirely remove Level 9, the 3 units that will receive 2 ½ hours of direct sunlight will still not achieve the required 3 hours.

To achieve the full 3 hours for all units, the complying setback of Level 8 down would need to be significantly increased, probably at the expense of floor area and unit numbers. Where the 3 units in question would otherwise achieve 2.5 hours and this complies with the guideline for "dense urban areas", the proposal is considered reasonable in the circumstances.

Whilst the proposal does not have a strict adherence to the DCP control, the height of the proposed development is permissible under the Wollongong LEP for the subject site. As a new residential development within an identified high density zone it is appropriate to apply Clause 6.9.2 of the DCP with a level of flexibility. The proposal has been designed to remain in keeping with the key built form controls of height, scale and FSR. As the subject site sits to the north of an existing residential site there will inevitably be a loss of direct sunlight comparable to the existing level of direct sunlight for the "Nautica". However, the proposal has been designed to minimise sunlight loss and will meet the 3 hour control for all but 3 of the units of the adjoining dwelling.

These remaining 3 units achieve 2 ½ hours of direct sunlight access and this is considered to be a reasonable outcome as the proposal will satisfy the direct sunlight requirements for “dense urban areas” contained within the Residential Flat Design Code: being 2 hours. Where the locality accommodates high density residential development, the site is considered to be a “dense urban area”

The proposal is considered to be satisfactory in terms of the provision of direct sunlight to the adjoining dwelling in mid winter.”

Planning Comment:-

The Land & Environment Court has established a planning principle to assist in the assessment of overshadowing and acceptable solar access impacts (the Benevolent Society v Waverley Council [2010] NSWLEC 1082). The principle reads as follows:-

“Where guidelines dealing with the hours of sunlight on a window or open space leave open the question what proportion of the window or open space should be in sunlight, and whether the sunlight should be measured at floor, table or a standing person’s eye level, assessment of the adequacy of solar access should be undertaken with the following principles in mind, where relevant:

- § The ease with which sunlight access can be protected is inversely proportional to the density of development. At low densities, there is a reasonable expectation that a dwelling and some of its open space will retain its existing sunlight. (However, even at low densities there are sites and buildings that are highly vulnerable to being overshadowed.) At higher densities sunlight is harder to protect and the claim to retain it is not as strong.
- The amount of sunlight lost should be taken into account, as well as the amount of sunlight retained.
- Overshadowing arising out of poor design is not acceptable, even if it satisfies numerical guidelines. The poor quality of a proposal’s design may be demonstrated by a more sensitive design that achieves the same amenity without substantial additional cost, while reducing the impact on neighbours.
- For a window, door or glass wall to be assessed as being in sunlight, regard should be had not only to the proportion of the glazed area in sunlight but also to the size of the glazed area itself. Strict mathematical formulae are not always an appropriate measure of solar amenity. For larger glazed areas, adequate solar amenity in the built space behind may be achieved by the sun falling on comparatively modest portions of the glazed area.
- For private open space to be assessed as receiving adequate sunlight, regard should be had of the size of the open space and the amount of it receiving sunlight. Self-evidently, the smaller the open space, the greater the proportion of it requiring sunlight for it to have adequate solar amenity. A useable strip adjoining the living area in sunlight usually provides better solar amenity, depending on the size of the space. The amount of sunlight on private open space should ordinarily be measured at ground level but regard should be had to the size of the space as, in a smaller private open space, sunlight falling on seated residents may be adequate.
- Overshadowing by fences, roof overhangs and changes in level should be taken into consideration. Overshadowing by vegetation should be ignored, except that vegetation may be taken into account in a qualitative way, in particular dense hedges that appear like a solid fence.
- In areas undergoing change, the impact on what is likely to be built on adjoining sites should be considered as well as the existing development.

The overshadowing impacts arising from the development have been assessed having regard to the above principle. The neighbouring sites to the south are susceptible to shadowing given the subdivision pattern (comprising allotments running in a west-east direction) and the south-facing slope, which has the effect of lengthening shadows, exacerbating the overshadowing impact of any development. Despite this, the LEP permits a height limit of 32m and a floor space ratio of 1.5:1 within this area, which will achieve a medium-high density development outcome. It is noted that the proposed development complies with the applicable height and floor space controls provided by the LEP and also complies with the required building setbacks and bulk controls contained within the DCP and Residential Flat Design Code.

As noted by the applicant, even with significant amendments to the design and form of the proposed building, overshadowing impacts would continue to occur. Given that the 3 units whose solar access will be compromised will continue to receive 2 ½ hours sunlight between 9am and 3pm at mid winter (and accordingly will receive greater solar access at all other times of the year), this impact on balance is not considered to be unreasonable. If the 'Nautica' development is measured against the Residential Flat Design Code with regard to its daylight access provisions (being 70% minimum), having regard to the solar access impacts of the subject proposal, 81% compliance would be achieved.

Notwithstanding that the 'Nautica' development is affected by overshadowing at the Winter solstice, at other times of the year the impact would be considerably less. The scale and bulk of the proposal is considered to be generally consistent with the nearby developments in the locality and in accordance with what can reasonably be expected under the planning controls. In view of this long held policy position, the overshadowing impact is outweighed by the overall planning considerations and is considered to be acceptable.

7 Planning controls for special areas

N/A

8 Works in the public domain

<i>Control/objective</i>	<i>Comment</i>	<i>Compliance</i>
All works within the public domain will be subject to compliance with the requirements of the Wollongong City Centre Public Domain Technical Manual	Street tree planting and other public domain works are proposed. If approved, the development will be subject to conditions requiring compliance with the Public Domain Technical Manual	Yes, with conditions

CHAPTER E1: ACCESS FOR PEOPLE WITH A DISABILITY

4 of the 34 (12%) residential units are adaptable. There are 4 car parking spaces allocated to the adaptable units which have been designed in accordance with applicable standards. An Accredited Access Consultant has provided an Adaptable Housing Statement of Compliance which confirms that the units can comply with the spatial requirements of AS4299 for Adaptable Housing.

CHAPTER E2: CRIME PREVENTION THROUGH ENVIRONMENTAL DESIGN

The principles of CPTED, being natural surveillance, Access control and ownership (territorial reinforcement) have been considered. Some initial concerns raised by Council's Community Safety officer have been resolved through amendments to the plans.

<i>Control/objective</i>	<i>Comment</i>	<i>Compliance</i>
<u>5.1 Lighting</u>	Lighting of the carparking areas, pedestrian entrances and other public areas such as the communal open space area is likely. Conditions can be imposed requiring lighting of these areas.	Yes, with conditions
<u>5.2 Natural surveillance and sightlines</u>	The landscape plan provides low level shrubs in combination with larger trees for screening and shading. Low level planting is to be provided adjacent to the entrance to ensure appropriate sight lines. There are no sudden footpath grade changes. Windows and balconies will overlook the main Church Street entry and the communal open space area for surveillance. Lighting can encourage day and night uses of communal open space. The residential uses provide day and night usage of the building the residential entrances will be utilised frequently.	Yes
<u>5.3 Signage</u>	N/A no signage proposed	N/A
<u>5.4 Building design</u> 1. Building Entrances 2. Building Design 3. Material and Fixtures 4. Storage Areas 5. Sightlines 6. Lighting 7. Car Parking	<p>The applicant indicates that appropriate lighting will be utilised. If approved, it is recommended that a condition be imposed requiring details to be provided with the construction certificate.</p> <p>Public access to the building will be secured; readily visible from the street.</p> <p>Surveillance of the front pedestrian entrances will be provided from the courtyards and balconies.</p> <p>Access to the internal lift and foyer will be secured. Landscaping design and building design will minimise opportunities for graffiti and vandalism.</p> <p>Main entrance is oriented towards the street; casual surveillance available from courtyards and terraces.</p> <p>Access to the resident carpark will be restricted through the use of a security shutter.</p> <p>Adaptable car spaces are located near the lifts.</p>	Yes
<u>5.5 Land use mix</u>	Land use is appropriate for the zone	Yes
<u>5.6 Landscaping</u>	Landscape plan submitted with the DA provides 3 street trees which will soften the footpath area without providing concealment opportunities. There will be no tree planting directly adjacent to the	Yes

<i>Control/objective</i>	<i>Comment</i>	<i>Compliance</i>
<u>5.7 Spaces safe from entrapment</u>	building entrances. The pedestrian access to the building is setback from the façade however given the number of units proposed in the building, it is anticipated that the pedestrian entrance will be frequently utilised, thus minimising opportunities for crime to occur.	Yes
<u>5.8 Management and maintenance</u>	The development consent can be conditioned requiring the details required to be provided by the DCP to be included in the construction certificate application. There are limited expanses of unbroken walls that would encourage graffiti.	Yes, with conditions
<u>5.9 Public open space and parks.</u>	N/A	N/A
<u>5.10 Community facilities</u>	N/A	N/A
<u>5.11 Bus stops and taxi ranks</u>	N/A	N/A
<u>5.12 Public toilets</u>	N/A	N/A

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

<i>Control/objective</i>	<i>Comment</i>	<i>Compliance</i>
<u>7.1 Car Parking, Motor Cycle, Bicycle Requirements and Delivery /Servicing Vehicle Requirements</u> Schedule 1 parking rates; all car parking, motorcycle and bicycle requirements must be fully provided on-site.	<ul style="list-style-type: none"> Car parking has been addressed above. Motor cycle, bicycle and car parking provision is compliant. On-site access is not provided for a large rigid truck as required. Garbage bins will be wheeled kerbside for collection which is acceptable, refer to Chapter E7. 	Yes
<u>7.2 Disabled Access and Parking</u>	An accessible parking space is available to each of the adaptable units, within close proximity to the lift.	Yes
<u>7.3 Bicycle Parking</u> <ul style="list-style-type: none"> Provision of bicycle parking for a particular use shall be in accordance with Schedule 1 (see section 7.1 above). 	15 bicycle spaces have been provided.	Yes

<i>Control/objective</i>	<i>Comment</i>	<i>Compliance</i>
<u>7.6 Car Parking Layout and Design</u> <ul style="list-style-type: none"> The parking dimensions, internal circulation, aisle widths, kerb splay corners, head clearance heights, ramp widths and grades of the car parking areas are to be in conformity with the current relevant Australian Standard. Vehicles must be able to enter and leave the site in a forward direction. Pedestrian and vehicular entrances are to be separated 	<p>Car parking dimensions, manoeuvring arrangements etc have been designed in compliance with AS2890.</p> <p>All vehicles are able to enter and exit the site in a forward direction.</p> <p>Separate pedestrian access available.</p>	Yes
<u>7.7 Basement Car Parking</u> <ul style="list-style-type: none"> A min 2.4m headroom height shall be provided. If waste collection vehicles will be entering the basement, the basement needs to be designed with the appropriate height and manoeuvring space to allow vehicles to exit in a forward direction 	<p>Proposed vertical clearance of 2.9m has been provided within the basement.</p> <p>Waste collection will be from the street frontage.</p>	Yes
<u>Section 9: Loading/Unloading Facilities and Service Vehicle Manoeuvring</u>	<p>No loading dock proposed. Waste collection will be from the street frontage rather than from inside the site. This is satisfactory with regard to Clause 5.5 of Chapter E7 of the DCP.</p>	Yes
<u>9.1 General</u> <p>The minimum loading dock requirements are:</p> <p>Residential flat building: 1 designated loading/unloading area</p> <ul style="list-style-type: none"> Schedule 1 identifies the requirement of a large rigid vehicle for the servicing of the proposed development. The dimensions of the loading area for a large rigid vehicle are: Min length: 12.5m, Min height: 4.5m 		

CHAPTER E5: BASIX (BUILDING SUSTAINABILITY INDEX)

BASIX certificates have been provided in respect of each unit as required by the SEPP.

CHAPTER E6: LANDSCAPING

A landscape plan has been submitted with the development application, prepared by a qualified landscape architect. The landscaping plan is generally consistent with the requirements of the DCP.

CHAPTER E7: WASTE MANAGEMENT

<i>Control/objective</i>	<i>Comment</i>	<i>Compliance</i>
4.1 General		
<ul style="list-style-type: none"> Site Waste Minimisation and Management Plan (SWMMP) required to be submitted 	A SWMMP accompanies the DA as required by the DCP.	Yes
5.5 Residential Flat Buildings		
<ul style="list-style-type: none"> A complete Site Waste Minimisation and Management Plan shall accompany the development application. The plans submitted to show: <ul style="list-style-type: none"> Location of waste storage areas; Location of temporary waste areas; Identified collection point; Where the number of bins proposed can be accommodated within 50% of the developments frontage on collection day, bins may be collected from a kerbside location. Appendix 2 of this chapter outlines the waste requirements for development. Under Appendix 2 Multi Unit Dwellings Buildings require: 80L per week per unit for garbage, 40L per week per unit for recycling 	<p>A SWMMP accompanies the DA as required by the DCP.</p> <p>An internal waste storage area is to be provided which will contain a total of 28 waste bins. A total of 12 bins are provided for garbage, 12 bins are provided for recycling and 4 for green waste.</p> <p>With a bin width of 580mm, the 24 bins will have a combined width of 13.92m. The site has a frontage of 51.89m to Church Street. The number of bins can be accommodated within 50% of the length of the frontage and can therefore be collected from the kerb.</p> <p>Required: 34 units x 80L = 2,720L per week = 12 x 240L bins for garbage. Proposed = 12</p> <p>Required: 34 units x 40L = 1,360L per week = 6 x 240L bins for recycling. Proposed = 12</p>	<p>Yes</p> <p>Yes</p>

CHAPTER E11 HERITAGE CONSERVATION

This Chapter of the DCP applies to land within Wollongong Local Government Area where:

- (i) An item of environmental heritage as listed under Schedule 5 of the Wollongong Local Environmental Plan 2009 is contained; or
- (ii) The land is located within one of the Heritage Conservation Areas as contained in Schedule 5 of Wollongong Local Environmental Plan 2009; or
- (iii) The land is located adjacent to or within the vicinity of a heritage item or heritage conservation area (or within the visual catchment of a heritage site).

This chapter of the DCP does not apply to the development as neither the site nor any nearby properties are identified as either an item of environmental heritage or within a heritage conservation area.

CHAPTER E12 GEOTECHNICAL ASSESSMENT

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

CHAPTER E14 STORMWATER MANAGEMENT

A Stormwater drainage plan has been submitted with the DA. The subject site is not within the on-site detention concession zone, therefore on-site detention is required. The stormwater drainage plan incorporates on-site detention as required by the DCP. The stormwater plan has been considered by Council's Stormwater Division and is considered to be acceptable subject to conditions.

CHAPTER E19 EARTHWORKS (LAND RESHAPING WORKS)

The earthworks proposed to facilitate construction of the basement car park have been considered with regard to the objectives and provisions of Chapter E19 and are considered to be acceptable.

CHAPTER E21 DEMOLITION AND ASBESTOS MANAGEMENT

A demolition plan was provided with the DA. A site waste minimisation and management plan has been provided as required.

It is recommended that conditions be imposed, if consent is granted to the development, requiring a hazardous materials survey prior to demolition of the existing structures and requiring appropriate handling and disposal of any hazardous building materials such as asbestos.

CHAPTER E22 SOIL EROSION AND SEDIMENT CONTROL

If approved, conditions should be imposed in relation to the employment of erosion and sedimentation controls during construction.

2.3.2 WOLLONGONG SECTION 94A DEVELOPMENT CONTRIBUTIONS PLAN (2010)

The estimated cost of works is \$11,021,000 and a Section 94A levy of 1% is therefore applicable as the threshold figure is \$100,000. A condition of consent is included in the recommended conditions requiring payment of a Section 94A levy.

2.4 SECTION 79C 1(A)(IIIA) ANY PLANNING AGREEMENT THAT HAS BEEN ENTERED INTO UNDER SECTION 93F, OR ANY DRAFT PLANNING AGREEMENT THAT A DEVELOPER HAS OFFERED TO ENTER INTO UNDER SECTION 93F

There are no planning agreements entered into or any draft agreement offered to enter into under S93F which affect the development.

2.5 SECTION 79C 1(A)(IV) THE REGULATIONS (TO THE EXTENT THAT THEY PRESCRIBE MATTERS FOR THE PURPOSES OF THIS PARAGRAPH)

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

(1) For the purposes of section 79C (1) (a) (iv) of the Act, the following matters are prescribed as matters to be taken into consideration by a consent authority in determining a development application:

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

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

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

the provisions of that Policy,

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

The application involves demolition and as such the provisions of AS 2601-2001: The Demolition of Structures apply. If approved, a condition should be imposed on the consent requiring compliance with AS2601.

The site is located on land to which the Government Coastal Policy applies however the NSW Coastal Policy 1997 only applies to the seaward part of the LGA.

2.6 SECTION 79C 1(A)(V) ANY COASTAL ZONE MANAGEMENT PLAN (WITHIN THE MEANING OF THE COASTAL PROTECTION ACT

None applicable.

2.7 SECTION 79C 1(B) THE LIKELY IMPACTS OF DEVELOPMENT

Context and Setting:

The proposed development is considered to be generally appropriate in regards to its context and setting. The scale and design of the development is considered to be acceptable having regard to applicable planning controls and the nature of development in the neighbourhood.

Access, Parking, Transport and Traffic:

Access arrangements are acceptable. The driveway is appropriately located and designed in accordance with the applicable controls within DCP 2009. Sufficient car parking has been provided within the site and dimensions and manoeuvring is generally compliant with relevant standards. Conditions will be imposed if consent is granted requiring compliance with AS2890. Any redundant crossings will be required to be removed and restored if consent is granted to this development.

The site is well located with regard to public transport and is within close proximity of the city centre and the coastal foreshore areas.

The development will generate reasonably significant volumes of traffic given the number of units proposed. The traffic generated by the development can be readily absorbed into the local street network without significant impact.

All required car parking for residents and visitors is to be provided within the site which will assist in reducing additional demand for on-street parking.

Public Domain:

The proposal will not have an unreasonable impact on the public domain.

Utilities:

The proposal is not expected to place an unreasonable demand on utilities supply. Existing utilities are available and can be augmented to service the proposal.

Heritage:

There are no listed heritage items within immediate proximity of the subject site that will be impacted by the proposal. The archaeological remains on the site can be protected during construction – appropriate conditions should be imposed in this regard if consent is granted to the development.

Other land resources:

The proposal is considered to contribute to orderly development of the site and is not envisaged to impact upon any valuable land resources.

Water:

The proposal is not expected to involve unreasonable water consumption. If the consent authority was of a mind to approve the application, conditions could be imposed requiring the use of water efficient fittings and fixtures and the implementation of rainwater harvesting.

Impacts on water resources during construction can be minimised through the use of soil and erosion controls.

Soils:

No significant impact on soils would be anticipated due to this development subject to adequate erosion and sedimentation controls being implemented during construction.

Air and Microclimate:

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

Flora and Fauna:

Of the trees on site, 24 are proposed to be removed, 13 trees are to be retained. This tree removal and the proposed landscaping scheme are considered to be acceptable by Council's Landscape Section subject to a number of conditions, including the requirement for compensatory planting to be provided within the site and protection of existing significant trees which are earmarked for retention.

Waste

A waste management plan has been provided and waste management arrangements proposed are considered to be suitable.

Energy:

The proposal is not envisaged to have unreasonable energy consumption. BASIX certificates have been provided which indicate the commitments to be implemented to achieve the required energy and thermal comfort targets. If Council was of a mind to approve the application, conditions should be imposed requiring the use of energy efficient fittings, fixtures and appliances.

Noise and vibration:

A condition will be attached to any consent granted that nuisance be minimised during any construction, demolition, or works. Some noise and vibration impacts are expected during demolition and construction. These impacts will be of short term duration only and can be minimised through appropriate work hours and the like.

Natural hazards:

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

Technological hazards:

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

Safety, Security and Crime Prevention:

This proposed is not expected to result in any additional opportunities for criminal or antisocial behaviour.

Social Impact:

The proposal is not expected to create any negative social impacts. Amenity impacts arising from the development have been discussed above.

Economic Impact:

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

Site Design and Internal Design:

The site and internal design is considered to be generally appropriate. The application proposes some departures from the development controls contained within Council's development control plan which have been assessed above. The application does not result in any departures from LEP development standards.

A condition will be attached to any consent granted that all works are to be in compliance with the Building Code of Australia.

Construction:

Construction impacts could potentially be significant given the scale of development proposed. Construction impacts can be managed however and if the consent authority was of a mind to approve the application, it is recommended that conditions be imposed in relation to matters such as hours of work, implementation of erosion and sedimentation controls, impacts on the road reserve, protection of excavations, impacts on neighbouring buildings, and the like. If the consent authority was of a mind to approve the application, a condition could be attached to any consent granted that WorkCover be contacted for any demolition or use of any crane, hoist, plant or scaffolding.

Cumulative Impacts:

The proposal is not expected to have any negative cumulative impacts.

2.8 SECTION 79C 1(C) THE SUITABILITY OF THE SITE FOR DEVELOPMENT

Does the proposal fit in the locality?

The proposal is considered appropriate with regards to the zoning of the site and is not expected to have unreasonable impacts on the amenity of the locality or adjoining developments.

Are the site attributes conducive to development?

There are no site constraints that would prevent the proposal.

2.9 SECTION 79C 1(D) ANY SUBMISSIONS MADE IN ACCORDANCE WITH THIS ACT OR THE REGULATIONS

The application was notified on two (2) separate occasions in accordance with WDCP 2009 Appendix 1: Public Notification and Advertising. The first notification period took place following lodgement of the application, the second following the submission of amended plans and additional information in support of the proposed development.

At the conclusion of the first notification period, there were twenty eight (28) submissions received. Not all of the submissions were in objection to the proposal. It is noted that submissions were received from Neighbourhood Forum 5, the Access Reference Group, Illawarra Historical Society Inc and The National Trust in addition to submissions from members of the public.

The main issues identified in the submissions are summarised as follows:

Heritage Issues

- An archaeologist should be present on site during the demolition of existing structures on the site as per the recommendations of the archaeologist's report. This item should be included as a listed archaeological site in the LEP;
- A site interpretation plan should be prepared;
- Demolition of last of the stately homes within the neighbourhood and removal of significant existing site vegetation. Some of the objections state that the existing 'Milgrove' residence at 34 Church Street is unique and special and should be protected and put into public ownership. Some of the objectors believed the house and grounds to be heritage listed. The dwellings at 32 and 34 Church Street add interest to the character of the area and add to the diversity of housing types available within this part of the city;
- The site of 'Bustle Hall' is very significant. It has only been subject to test trench investigations and should be the subject of a full and total archaeological survey into the extent of the building's footprint. Public access should be available to the site;

Planning Comment

The following comments are provided in relation to the above issues:-

- The Heritage Council and Council's Heritage Officers have raised no opposition to the proposed development (inclusive of demolition of the existing dwellings on the site) and have recommended a number of conditions for imposition in relation to heritage related issues. Specifically, all of the recommendations of the Archaeologist's report should be implemented during demolition and construction; a heritage excavation permit will be required; a site interpretation plan should be prepared and implemented and photographic archival recording of the existing site should be undertaken.

Neither of the existing homes on the site are heritage listed. It is noted that prior Heritage Studies and Heritage DCP incorrectly referenced the listing applying to the dwelling which previously occupied No.36 Church Street (site of the 'Nautica' building) as No.32 Church Street. Neither this

property nor No.34 (the former residence of Mrs Milgrove) have been the subject of any heritage listing and were never recognised as having heritage significance.

Amenity issues and wind effects

- Wind effects – the site is within an area known to be affected by high winds. This development will exacerbate wind tunnel effects, resulting in damage to property;
- Significant overshadowing impact, particularly on balconies and living areas of some of the units within the neighbouring residential flat building to the south of the site. This will reduce thermal comfort, effectiveness of outdoor clothes drying, amenity and value of units;
- Proposal will cast lengthy shadows down Gipps Street;
- Noise impacts on residents – from the vehicle entry point;
- Proposal will result in significant view impacts from residences within the neighbouring Nautica building – both ocean and escarpment views currently enjoyed;
- Loss of privacy resulting from direct overlooking;

Planning Comment

The following comments are provided in relation to the above issues:-

- Amenity impacts arising from the proposed development (including view impacts, overshadowing, and privacy concerns) have been dealt with in detail in the above assessment tables. In regards to wind effects arising from the proposed development, it is noted that a wind effects report is not specifically required to be provided with a DA for a building of this scale and the applicant has advised that the design will minimise down draughts.

Waste disposal, traffic and car parking matters

- Traffic - additional traffic generation from the development in an already busy and congested street will cause traffic safety impacts. A barrier should be provided by the developer in Church Street to prevent a right hand turn out of the site and a left hand turn into the site. The entrance is located near the crest of the hill;
- Car parking - additional car parking should be provided within the development to reduce demand for on-street parking; car parking impacts during construction – workers etc;
- Inadequate garbage disposal method – insufficient number of bins; on-street waste collection will not be practical given extent of on-street parking in Church Street.

Planning Comment

The following comments are provided in relation to the above issues:-

- Council's Traffic Section is satisfied with the proposed waste disposal arrangements which are consistent with the relevant provisions of WDCP 2009.
- Car parking, bicycle storage and motorcycle parking provision within the site is sufficient and no concerns have been raised by Council's Traffic Section in relation to the proposed location of the vehicular driveway.

Construction impacts

- Management of asbestos during demolition;
- Dust control during construction – the adjoining Nautica building has been recently repainted white at significant cost. The building owners should be indemnified from any costs arising out of the need to remove/clean any dust from the building resulting from construction;
- Construction traffic.

Planning Comment

The following comments are provided in relation to the above issues:-

- It is acknowledged that construction impacts generally can have an impact on residential amenity for a period of time and for this reason, if approved, numerous conditions of consent should be imposed in relation to matters including waste management, implementation of erosion and sedimentation control, dust suppression, compliance with WorkCover requirements, management of hazardous building materials including asbestos and demolition practices, protection of excavations and geotechnical supervision of works, temporary occupation of the road reserve and implementation of traffic controls.

Removal of vegetation and significant gardens

- Existing trees and special gardens should be retained;
- Vegetation within the site provides habitat for a large variety of bird species

Planning Comment

The following comments are provided in relation to the above issues:-

- Council's Landscape Officer has reviewed the proposed development and has noted that the site holds many tree specimens worthy of retention and considers that the proposed development supports the retention of these trees. There will be 13 trees retained, and 24 trees are proposed for removal. Council's Landscape Officer has required, via recommended consent conditions, compensatory planting, the implementation of adequate tree protection measures and on-site supervision during the process of demolition and construction.

Design and scale of the proposed building

- The existing density of development in the area is high;
- Large scale of the proposed development – much larger and taller than nearby buildings, particularly given its position on the crest of the hill.

Planning Comment

The following comments are provided in relation to the above issues:-

- The design and scale of the proposed building is generally consistent with the provisions of SEPP 65, the Residential Flat Design Code and Wollongong LEP and DCP 2009, with the exception of some variations identified in the above assessment tables. The form of the building is otherwise consistent with the controls prescribed in relation to height, floor space ratio and building setbacks and whilst the building is large (resulting from the site amalgamation proposed), it is not contrary to the planning controls relating to the site.
- The height of the building is not significantly dissimilar to the height of nearby buildings including the 'Aria' building on the eastern side of Church Street and the 'Nautica' building to the south. These buildings are both 8 storeys in height whilst this proposed building is 9 storeys in height. Due to the site being more elevated than these other sites, the proposed development will appear higher. The building is however within the relevant height limit. The building proposed is certainly bulkier and wider than the residential flat buildings within the immediate vicinity though is not significantly bulkier than other larger residential flat buildings located within the northern part of the Wollongong city centre generally. Council's Heritage Officers and the NSW Heritage Council have raised no concerns in relation to the bulk and scale of the development in relation to the character of the streetscape and it is considered to be generally reasonable.

Accessibility

- Accessibility – level access to be provided between adaptable units and their balconies; sufficient circulation space required within laundries.

Planning Comment

The following comments are provided in relation to the above issues:-

- The adaptable units will be required to be constructed in accordance with the Building Code of Australia and applicable standards. There appears to be a 100mm difference in levels between the adaptable units and their appurtenant balcony areas. If this development is approved, a condition should be imposed requiring a level access to be provided between adaptable units and their balconies. An additional condition should be imposed requiring the adaptable units to be designed so as to provide sufficient circulation space generally.

Submissions from public authorities

These are outlined in Section 1.5.2 above.

2.10 SECTION 79C 1(E) THE PUBLIC INTEREST

The proposed development is considered to be appropriate with consideration to the zoning of the site and the character of the area and is therefore considered to be in the public interest.

3. RECOMMENDATION

The proposed development has been assessed having regard to the relevant matters for consideration prescribed by Section 79C of the Environmental Planning & Assessment Act 1979. The proposed development is permitted with consent and is consistent with the provisions of relevant Environmental Planning Instruments including SEPP 55, SEPP 65, SEPP (BASIX), and Wollongong LEP 2009. The proposal is also consistent with the relevant chapters of Wollongong DCP 2009 with the exception of some variations which have been outlined above. The variations sought in relation to building setbacks to the northern boundary (Level 9 balcony only) and overshadowing impacts have been considered in detail and are considered to be supportable.

Concerns initially raised by internal divisions of Council have been resolved through the submission of additional information and amended plans. The concerns raised in submissions have been considered in detail during the assessment of this proposal.

Consideration has been given to the social, economic and environmental impacts of the proposed development and on balance the proposal is considered worthy of support.

It is recommended that the Joint Regional Planning Panel approve Development Application 2011/718 pursuant to Section 80(1) of the Environmental Planning & Assessment Act 1979, subject to the recommended conditions detailed in Attachment 4.

4. ATTACHMENTS

1. Aerial Photograph
2. Zoning Map
3. Plans
4. Draft Conditions