

Port Stephens Council Urban Design Review Panel of 12 December 2024

Attendees: (via Zoom)

Panel – Philip Pollard (Chair)
Kristy Cianci
David Moir

Council: Courtney Sargeant
Emily Allen
Jeren Myers

Applicant Brooke Holdsworth - Architect
Jared Buncombe - Client
Erin Daniel - Planner

Background Summary

5 August 2024

The proposal was presented for pre-lodgement advice. The proposed development comprises:

- An eleven (11)- story mixed-use building containing a single ground-floor commercial premises with access from Tomaree Street and 51 residential apartments. Three apartments are located on the ground floor.*
- Two basement-level car parks and a single ground floor carpark comprising 42 parking spaces, including 4 stacked spaces. The lower ground level car parks comprise 31 car spaces, and the ground level car park comprises 24 car parking spaces, including 2 accessible spaces. The location of visitor spaces is not specified. Waste services are located within the ground floor carpark. Two entries to the carpark are proposed, one from Stockton Street and one from Tomaree Street.*
- Communal open space is provided on the first floor.*
- Deep soil landscape zone is proposed on the northern and western sides of the building.*

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The application has been lodged as a Development Application DA16-2024-587-1.

Site

The development site is known as 38 Stockton Street and 8A Tomaree Street, Nelson Bay (Lots 781 & 782 DP 802108). It is currently vacant and being used informally as a car park. The site contains several mature trees. It falls approximately 5.5m from the south-west corner to the north-east corner. The site has a street frontage of 50.45m along Tomaree Street and 44.055m along Stockton Street, with a total area of approximately 2,262m².

The site is surrounded by a mixture of development typologies, with multi-dwelling housing developments to the north and west, a residential flat building to the south, and

commercial premises to the east. The wider locality reflects this mixed development typology in all directions.

1. Context and Neighbourhood Character

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The subject site is situated at the corner of Stockton Street and Tomaree Street in Nelson Bay, within the E1 - Local Centre zoning. It is surrounded by E1 Local Centre zoned properties to the north, west, and across the road. Stockton Street serves as a main street with both physical and visual connections to the marina and waterfront.

The site is identified as being within the Town Living and Commercial precinct of the Nelson Bay Centre in DCP 2014.

Height Context

As a corner lot, the site must actively engage with both Stockton and Tomaree Streets, necessitating careful planning due to the topography of Stockton Street. The site is subject to height controls of 28 metres, which represents a significant departure from the existing character of the precinct, currently characterised by single, two, and three-storey buildings. As one of the first buildings of scale in this part of the town centre, sensitivity to existing uses is necessary. For example, to the north and west are two-storey units that are likely to remain for some time due to strata ownership. Additionally, Stockton Road delineates a boundary for height control changes, with lots to the east limited to 17.5 metres. New higher-density developments underway to the northeast on Donald Street are beginning to define the future character of the town centre. It is crucial to note that there is limited tolerance for exceeding height controls in the Nelson Bay Town Centre, as evidenced by recent application refusals.

The Panel acknowledges the height and roof form analysis included in the pre-DA package and its recognition of the ridgeline. However, further consideration and justification are needed to support any proposed height variation, particularly in light of the comments in the sections below.

Site Analysis

Any future application should be accompanied by a detailed site analysis addressing natural and manmade features and constraints as well as context analysis as per Appendix 1 of the Apartment Design Guide.

Connecting with Country

Connecting with Country analysis and process is absent from the design approach, and it is strongly recommended that it be included in the next submission.

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The Panel appreciated the analysis prepared and presented by the Applicant and how the proposed design is intended to respond to the site and its context. Of note is the proposed building's relationship to the hill behind and the existing built form. However, it must be recognised that the building is viewed in the round and will not always be set against these aspects. For example, the relationship between the building's roof form and the hill to the south will only be viewed from limited specific aspects. The roof-form

makes sense when viewed with the hill behind; however, it appears unnecessarily bulky and top-heavy when viewed from the south and east.

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2. Built Form and Scale

Activation of the street

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Both streetscapes lack activation due to the duplication of carpark entries on both Stockton and Tomaree Streets and waste management dominance. The commercial space is small, which limits activation opportunities.

Despite the apartments at ground level fronting Stockton Street, their relationship with the street will be limited. When apartments are close to a boundary, there will be a desire to keep curtains closed or temporary screens placed on balconies to provide privacy.

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The remaining unit on the ground floor is still not a suitable use for the location for the following reasons:

- Lobby 01 becomes a shared residential and commercial lobby. This creates a conflict between user groups and can make it more challenging to manage the building, secure it, and ensure the safety of residents.
- The subject residential unit must share the lobby, and access to the unit is via a long corridor, which is also the back-of-house for the commercial premises. This includes the toilets for the commercial premises which customers and patrons of the commercial premises could use.
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The Panel believes the residential unit space would be better suited as a communal work-from-home space. This use will assist with activating the street as it is likely to provide greater hours of activation than retail and commercial could have, particularly in this location. It is understood that the LEP requires the activation of the **ground floor** and must be either retail or commercial. Therefore, a communal work-from-home space may not be permitted. However, the location of the residential unit is a storey above the street and would not activate the street to the same extent that commercial/retail use at street level with direct access would achieve. For this reason, the Panel supports using the space as a communal room with a work-from-home function.

An alternate arrangement for this level might potentially involve a colonnade along the Stockton Street frontage from a level access at the street corner. Ensuring good visual access to the footpath from this point would be an important consideration.

The activation of Tomaree Street could be improved, as it is currently dominated by the co-location of two lobbies, driveway entry, and services. It is agreed that the lobbies have potential to provide some level of activation; however, they need to be wider and more visually accessible to the street. The angled blades beyond the ground floor façade break up the space significantly and block sightlines, which reduces the activation. Opportunities to remove the angles may assist in improving activation. Further opportunities should be explored for improving the scale of the lobbies, increasing extent of glazing and providing some seating in the lobbies, while maintaining good use of the deep soil frontage for tree planting.

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Apartment lobbies

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Two apartment lobbies are proposed on Tomaree Street. The western lobby is solely for the western unit, limiting each apartment to a single lift. This does not provide redundancies in the event of a lift breakdown. Apartment lobbies are discussed further in the sections below.

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The Panel reiterates its previous comments about the challenges of a single lift.

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While the documentation is in its early stages, it has been estimated, as there are no heights on the drawings, that the building is over 25 metres in Effective Height. The Panel suggests that the Applicant obtain early BCA advice to ensure that the proposed single fire stair configuration per lobby is capable of compliance and that all egress travel distances comply.

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The Applicant states that the building is now compliant. However, the Panel noted the following concerns:

- The floor-to-floor height remains 3.1m, and 3.2m is strongly recommended. The Panel and all panels in NSW are consistent with their recommendations, which align with the ability to meet the requirements of the Design and Practitioners Act, specifically requirements for waterproofing. Balconies must have level access between inside and outside. The Panel strongly recommends addressing height now rather than attempting resolution as a future modification which is unlikely to be supported.
- The building's top-heavy appearance described above is exacerbated as it appears compressed, as though too much building is proposed vertically.

Setbacks

5 August 2024

Levels Ground to Level 3 propose a reduced setback. It is assumed that it will have no windows in its northern wall to provide privacy for adjoining residents; however, this is not a suitable presentation for a façade that will be visible from the street and is within key view corridors. Note that exposed or partially exposed parking podium walls count as a floor in respect to ADG setbacks.

12 December 2024

The Panel acknowledges the improvements in the northern setback.

Building Footprint

5 August 2024

The building is an L shape on levels Ground to Level 3. The building reads as being very bulky as seen from the streets, and would benefit from the introduction of openings at the "hinge" point or other treatments that can assist in reducing its apparent scale.

The northern unit blocks northern light and imposes on the communal open space, and it is recommended to be eliminated. The Panel's recommendations to reduce the number of units per floor to improve amenity, functionality, and possible BCA compliance further encourage this.

12 December 2024

The "chamfers" proposed at the corners of the building may help to some extent reduce the appearance of bulk and scale, but the angled corners are resulting in some unusable balconies and a built form that lacks visual coherence. Reducing bulk should not be at the expense of unit amenity and an ordered, calm visual form.

Carparks

5 August 2024

Three carpark are proposed for the site: a ground floor carpark and two basement levels. The basement levels have separate entries—one from Stockton Street and another from Tomaree Street. These entry points do not solely service the levels they access, as an internal ramp connects them. Consequently, the rationale for having two entries is unclear, especially considering their negative impact on street activation and the building's aesthetics. If the goal is to separate access for commercial and residential purposes, this can still be achieved with a single entry from Tomaree Street, with the internal ramp being secured to residential levels.

Further clarification is needed regarding the stacked parking and its designated users. It is assumed that the stacked parking is not intended for the commercial premises, as double-stacked spaces are not suitable for commercial or visitor use.

12 December 2024

The second vehicular access has been removed from Stockton Street, with only the Tomaree access relied upon - which improves the opportunity for street activation, simplifies the carpark and allows for more parking spaces.

While stacked parking is not supported at such a high proportion, it is noted that these parks are designated to larger units that have more than one car. This is potentially acceptable from the Panel's point of view – but will be assessed in detail by Council's engineers.

Precedents

5 August 2024

Several precedent images are provided in the package. These buildings include Verve (King Street Newcastle) and Horizon Honeysuckle. What makes these buildings successful is not just their simple, elegant façade treatments. These buildings have slender footprints with a limited number of apartments per floor. Their designs are not a response to building controls but a response to site and context, aligned with the liveability of apartments and the opportunity for community building.

12 December 2024

The Panel reiterated the importance of buildings that are designed in response to site and context.

3. Density

5 August 2024

The ultimate density for the site will be determined by establishing appropriate boundary setbacks, the number of units that provide suitable amenity, and the height. The proposed building footprint is greater than desirable resulting in the symptoms of overdevelopment outlined in this report.

12 December 2024

The Applicant advised that the building is currently below the FSR (2.8:1 whereas 3:1 is permitted) however, the Panel still believes that there are still symptoms of overdevelopment as summarised:

- Large numbers of stacked parking and the mixing of residential and commercial parking at the same level while visitor parking is located at levels below.
- Communal open space is only 15% and not 25%.
- The “top heavy” appearance of the building.

4. Sustainability

5 August 2024

The proposal was presented at concept stage, and details of sustainability provisions have not yet been presented.

The Panel strongly advises that the Applicant provides EV charging. In addition to charging availability at completion, capacity should be provided to permit all residents in the future to conveniently access fast EV charging - without the need for upgrading power supply to the premises or major re-cabling.

PV generation should be provided on site, with opportunities for on-site batteries strongly encouraged.

All apartments should be powered for heating and cooling via heat pumps, with induction cook tops provided.

12 December 2024

The Applicant is proposing PV generation on the roof, which is supported.

All other previous comments are reiterated.

5. Landscape

5 August 2024

While including deep soil is positive to see, its current placement does not significantly enhance the building's amenity or the streetscape. The deep soil area adjacent to the ground floor carpark mainly benefits the podium's communal open space and acts as a buffer to neighbouring residential properties.

Designated 'green' areas on the ground and first floors facing the street have unclear roles and functionalities. All landscaping should be located in areas managed by the body corporate and should not require access through private apartments. Landscaping along public interfaces must adhere to CPTED principles to prevent entrapment and concealment pockets, especially those created by shadows from street and building lighting.

Additionally, the 'green' section on the Stockton Street elevation, which could be interpreted as a retaining wall with landscaping, should be designed to prevent public access, particularly by children, to avoid potential hazards such as falls or creating spaces where individuals could sleep or jump from.

12 December 2024

Deep Soil

The main deep soil area is along the western boundary. This is working well.

Communal Open Space

The Applicant acknowledged that the quantity of space is below the required area. In their opinion, they thought there was enough space in the surrounding area to act as communal space. However, the Panel explained that communal space is to provide a space where residents can entertain groups larger than can be accommodated in their apartments, such as holding a children's birthday party. The communal space should also be able to accommodate social events for residents to promote interaction and community building. Generally, the space should allow for larger group gatherings of 10-20 people whilst also accommodating smaller intimate gatherings, particularly when amenity like the proposed pool is provided. In Nelson Bay there is also strong competition for space with tourists during peak holiday times. Communal open space needs to accommodate at least 10-15 people.

Pool

The proposed lap pool presents challenges for residents. A single-lane pool will only allow one person to use it at a time. The pool is encouraged to be increased in size, at least at one end, to provide a space for people to sit in the water without disturbing someone doing laps.

Contributory landscaping

The Panel reiterates that all contributory planting is maintained by the Owners Corporation and located in communal spaces.

Planting

The planters shown on the communal area are not of sufficient volume to support the proposed planting. The Landscape plans should demonstrate with sections and calculations that the appropriate soil volume is provided to support the proposed tree and shrub planting. Turf is not recommended in this area as it is difficult to maintain and provides minimal benefit in managing heat and adds no biodiversity.

The Panel recommends that the applicant work with their Landscape Architect to consider the principles of Designing with Country in the selection of plant species and the provision of a healthy and supportive landscape within the development.

6. Amenity

5 August 2024

Issues concerning the amenity of the building, its apartments, communal spaces, and the street have been discussed in previous sections. In summary, the following recommendations are strongly advised:

1. **Lobby Design:** *Reevaluate the location, size, and uses within the lobbies. A single, well-designed lobby might be preferable. The lobby should be spacious enough to encourage social interaction, offering seating areas and visibility from the street to promote activation and natural community oversight. Ideally, lifts should be positioned within the lobby rather than off a corridor, not within view of the lobby.*
2. **Ground Floor Apartments:** *Ground floor apartments facing the urban street front are contrary to the LEP and are not supported by the Panel. This should be a commercial space that interacts with the street.*
3. **Northern façade:** *The northern unit partially blocks the northern sun as it is larger than its adjoining units. It is also too close to the boundary for windows to habitable rooms that could benefit from the view.*
4. **Unit proportions and arrangement:** *While the Panel appreciates that the apartment layout is indicative, their proportions result in internalised areas, such as the kitchens a long way from light and ventilation. There also appear to be wasted spaces. Longer, narrower through apartments have more potential to adequately overcome these issues than plans that are more square in shape.*
5. **Day in the life of a resident or visitor.** *It is strongly encouraged that the 'day in the life of a resident or visitor' be considered as the design is developed. The goal is to consider the variety of tasks that would be undertaken throughout the day. For example, how furniture is delivered will be quite challenging in this building due to the small lobbies.*
6. **Study as bedrooms:** *Several units propose two bedrooms +. The study proposed is large enough to be converted into a bedroom and would have no access to natural light. This arrangement is not acceptable under the ADG and should be reconsidered.*

12 December 2024

The arrangement of some units remains problematic. For example, Unit A2.08 has the main part of its bedroom far from the window, with a robe between the bed and the window. This room is considered to have poor amenity.

The Panel reiterates the following:

- Units on the ground level (at the same level as commercial) are not supported from an LEP perspective and from an amenity and safety perspective.
- Further work is needed to the lobbies to improve street activation and ensure better opportunities for social interaction.
- Kitchens are distant from windows or tucked around corners such as A7.02 - This needs further consideration.
- Some units, such as A3.04, have studies large enough to be bedrooms but do not have any natural light. This is an unsatisfactory arrangement and is not supported.

7. Safety

5 August 2024

Refer to Landscape for comments about the role of landscaping in safety.

Activating the street will assist in natural surveillance, particularly if apartments are setback, so residents feel comfortable interacting with the street.

For comments about the lobby's role and its relationship to apartment numbers, refer to Amenity and Housing Density and Social Interaction.

12 December 2024

The Panel reiterates its earlier comments about the safety risk to the ground-floor unit, which shares the back-of-house corridor with the commercial premises and the commercial premises bathroom as its main entry. The alternative use as a communal work-from-home space is recommended.

The arrangement of carparking needs further consideration. Residential parking requires a higher level of security than commercial parking. Visitor parking is preferably accessed outside of residential parking. The commercial and resident parking are both currently located on the ground floor, while visitor parking is on the level below. It is preferable that commercial and visitor parking be co-located with all resident parking on the lower levels which can be secured with an internal garage door to secure the lower carpark levels.

8. Housing Diversity and Social Interaction

5 August 2024

There is some diversity in apartment size, and the building provides a mix of one, two and three bedrooms.

The communal open space on the podium provides an opportunity for social interaction. However, it is a narrow space, and it will be important that this space does not impact adjoining units. Designing buffer spaces will maintain useability will be important.

As previously discussed, the Panel has raised concerns regarding the small size of lobbies and potential Building Code of Australia (BCA) non-compliance. While the idea of a single, larger lobby is supported, it comes with the condition that the number of apartments be limited. Residents in high-density housing tend to take better care of common areas, such as hallways and lobbies, when these areas serve a smaller number of apartments. This increased sense of ownership can lead to improved maintenance and a stronger connection to these spaces. Thus, if a single lobby with seating and amenities is implemented, it is advisable to limit the number of apartments accordingly. Alternatively, if multiple lobbies are used, each should be generously sized and well-equipped to meet both amenity and BCA compliance requirements.

The plans are at concept stage and it is unclear how many Adaptable or Liveable Housing Design units are currently proposed.

12 December 2024

The communal space on the podium provides a space for social interaction. However, it is limited in the size of its uses, as a lap pool is limited to a single person, and the communal room is very small. The communal space needs to accommodate 10-15 people at a time.

The Panel reiterates its previous comments about the lobbies and recommend they be increased in size to provide for social interaction.

The addition of the communal work-from-home space, as recommended in this report, will assist in improving the development. Consideration should also be given to how residents will access the ground-floor communal space from within the development so that they don't have to leave the building from lobby 2 to access it via lobby 1. This will make the space more integrated into the development and make it feel less isolated.

9 Aesthetics

5 August 2024

The Panel does not support the notion that the site is a "gateway" location that warrants a building that exceeds height and imposes on the corner. However, the Panel does acknowledge it is an important site, as the corner building upon entry into the main street and the E1 zone.

The building's aesthetics are in its early days, as the document presented a block model. However, significant work is required to address the general building form, bulk, and scale.

To assist in the design development of the building aesthetics the following is provided:

- All-glass balustrades are not supported as this limits privacy.*
- Avoid faux-woodgrain finishes as they have limited capacity to endure the harsh Australian summer sun.*
- The coastal colour selection and warm timber tones are considered appropriate.*
- In addition to a tower setback, podium façade treatments provide an opportunity to define and continue the lower main street scale and character of Stockton Street.*
- The building form currently reads as a bulky insertion on a prominent street corner. The form will benefit from simplification, and would appear less bulky if there were an opportunity for creating a sense of separation between the two wings.*

The Panel also strongly encourage analysis of the precedents included in the package, (as well as acknowledgment of authorship) to understand why these buildings are successful and how inspiration and not replication can inform the design outcome.

12 December 2024

As discussed earlier in this report, the Panel feels the building form is visually top-heavy. This is likely due to the near half-and-half proportions, the darker upper portions of the building and the dominating corner roof element. The 'podium'/lower white four storeys are more successful than the upper levels.

The chamfers on the corners of the building and the large angled blades coming down the street level also do not help the building's form, making it bulkier.

As the commercial premises step down along Stockton Street, this transition is awkward. The transition between commercial units is thin and would benefit from being widened, helping to differentiate the stepped levels.

The Panel reiterates its comments above regarding avoiding all glass balustrades, and faux wood finishes – particularly where exposed to UV from direct sun.

Recommendation

5 August 2024

The Panel finds that the current proposal does not adequately address the site's challenges and opportunities, particularly regarding height, street activation, built form, sustainability, landscape, amenity, safety, and aesthetics. The proposal needs substantial revisions to align with the Panel's recommendations and the character of the Nelson Bay town centre.

12 December 2024

The Panel recognises the improvement in the design; however, it remains of the opinion that the proposal requires further redevelopment, particularly the bulk and scale of the building, the design of the ground floor and its interface with the street, communal spaces, landscape design and unit design as outlined under the headings above.

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The Applicant states that the building is now compliant. However, the Panel noted the following concerns:

- The floor-to-floor height remains 3.1m, and 3.2m is strongly recommended. The Panel and all panels in NSW are consistent with their recommendations, which align with the ability to meet the requirements of the Design and Practitioners Act, specifically requirements for waterproofing. Balconies must have level access between inside and outside. The Panel strongly recommends addressing height now rather than attempting resolution as a future modification which is unlikely to be supported.
- The building's top-heavy appearance described above is exacerbated as it appears compressed, as though too much building is proposed vertically.

Setbacks

5 August 2024

Levels Ground to Level 3 propose a reduced setback. It is assumed that it will have no windows in its northern wall to provide privacy for adjoining residents; however, this is not a suitable presentation for a façade that will be visible from the street and is within key view corridors. Note that exposed or partially exposed parking podium walls count as a floor in respect to ADG setbacks.

12 December 2024

The Panel acknowledges the improvements in the northern setback.

Building Footprint

5 August 2024

The building is an L shape on levels Ground to Level 3. The building reads as being very bulky as seen from the streets, and would benefit from the introduction of openings at the "hinge" point or other treatments that can assist in reducing its apparent scale.

The northern unit blocks northern light and imposes on the communal open space, and it is recommended to be eliminated. The Panel's recommendations to reduce the number of units per floor to improve amenity, functionality, and possible BCA compliance further encourage this.

12 December 2024

The "chamfers" proposed at the corners of the building may help to some extent reduce the appearance of bulk and scale, but the angled corners are resulting in some unusable balconies and a built form that lacks visual coherence. Reducing bulk should not be at the expense of unit amenity and an ordered, calm visual form.

Carparks

5 August 2024

Three carpark are proposed for the site: a ground floor carpark and two basement levels. The basement levels have separate entries—one from Stockton Street and another from Tomaree Street. These entry points do not solely service the levels they access, as an internal ramp connects them. Consequently, the rationale for having two entries is unclear, especially considering their negative impact on street activation and the building's aesthetics. If the goal is to separate access for commercial and residential purposes, this can still be achieved with a single entry from Tomaree Street, with the internal ramp being secured to residential levels.

Further clarification is needed regarding the stacked parking and its designated users. It is assumed that the stacked parking is not intended for the commercial premises, as double-stacked spaces are not suitable for commercial or visitor use.

12 December 2024

The second vehicular access has been removed from Stockton Street, with only the Tomaree access relied upon - which improves the opportunity for street activation, simplifies the carpark and allows for more parking spaces.

While stacked parking is not supported at such a high proportion, it is noted that these parks are designated to larger units that have more than one car. This is potentially acceptable from the Panel's point of view – but will be assessed in detail by Council's engineers.

Precedents

5 August 2024

Several precedent images are provided in the package. These buildings include Verve (King Street Newcastle) and Horizon Honeysuckle. What makes these buildings successful is not just their simple, elegant façade treatments. These buildings have slender footprints with a limited number of apartments per floor. Their designs are not a response to building controls but a response to site and context, aligned with the liveability of apartments and the opportunity for community building.

12 December 2024

The Panel reiterated the importance of buildings that are designed in response to site and context.

3. Density

5 August 2024

The ultimate density for the site will be determined by establishing appropriate boundary setbacks, the number of units that provide suitable amenity, and the height. The proposed building footprint is greater than desirable resulting in the symptoms of overdevelopment outlined in this report.

12 December 2024

The Applicant advised that the building is currently below the FSR (2.8:1 whereas 3:1 is permitted) however, the Panel still believes that there are still symptoms of overdevelopment as summarised:

- Large numbers of stacked parking and the mixing of residential and commercial parking at the same level while visitor parking is located at levels below.
- Communal open space is only 15% and not 25%.
- The “top heavy” appearance of the building.

4. Sustainability

5 August 2024

The proposal was presented at concept stage, and details of sustainability provisions have not yet been presented.

The Panel strongly advises that the Applicant provides EV charging. In addition to charging availability at completion, capacity should be provided to permit all residents in the future to conveniently access fast EV charging - without the need for upgrading power supply to the premises or major re-cabling.

PV generation should be provided on site, with opportunities for on-site batteries strongly encouraged.

All apartments should be powered for heating and cooling via heat pumps, with induction cook tops provided.

12 December 2024

The Applicant is proposing PV generation on the roof, which is supported.

All other previous comments are reiterated.

5. Landscape

5 August 2024

While including deep soil is positive to see, its current placement does not significantly enhance the building's amenity or the streetscape. The deep soil area adjacent to the ground floor carpark mainly benefits the podium's communal open space and acts as a buffer to neighbouring residential properties.

Designated 'green' areas on the ground and first floors facing the street have unclear roles and functionalities. All landscaping should be located in areas managed by the body corporate and should not require access through private apartments. Landscaping along public interfaces must adhere to CPTED principles to prevent entrapment and concealment pockets, especially those created by shadows from street and building lighting.

Additionally, the 'green' section on the Stockton Street elevation, which could be interpreted as a retaining wall with landscaping, should be designed to prevent public access, particularly by children, to avoid potential hazards such as falls or creating spaces where individuals could sleep or jump from.

12 December 2024

Deep Soil

The main deep soil area is along the western boundary. This is working well.

Communal Open Space

The Applicant acknowledged that the quantity of space is below the required area. In their opinion, they thought there was enough space in the surrounding area to act as communal space. However, the Panel explained that communal space is to provide a space where residents can entertain groups larger than can be accommodated in their apartments, such as holding a children's birthday party. The communal space should also be able to accommodate social events for residents to promote interaction and community building. Generally, the space should allow for larger group gatherings of 10-20 people whilst also accommodating smaller intimate gatherings, particularly when amenity like the proposed pool is provided. In Nelson Bay there is also strong competition for space with tourists during peak holiday times. Communal open space needs to accommodate at least 10-15 people.

Pool

The proposed lap pool presents challenges for residents. A single-lane pool will only allow one person to use it at a time. The pool is encouraged to be increased in size, at least at one end, to provide a space for people to sit in the water without disturbing someone doing laps.

Contributory landscaping

The Panel reiterates that all contributory planting is maintained by the Owners Corporation and located in communal spaces.

Planting

The planters shown on the communal area are not of sufficient volume to support the proposed planting. The Landscape plans should demonstrate with sections and calculations that the appropriate soil volume is provided to support the proposed tree and shrub planting. Turf is not recommended in this area as it is difficult to maintain and provides minimal benefit in managing heat and adds no biodiversity.

The Panel recommends that the applicant work with their Landscape Architect to consider the principles of Designing with Country in the selection of plant species and the provision of a healthy and supportive landscape within the development.

6. Amenity

5 August 2024

Issues concerning the amenity of the building, its apartments, communal spaces, and the street have been discussed in previous sections. In summary, the following recommendations are strongly advised:

1. **Lobby Design:** *Reevaluate the location, size, and uses within the lobbies. A single, well-designed lobby might be preferable. The lobby should be spacious enough to encourage social interaction, offering seating areas and visibility from the street to promote activation and natural community oversight. Ideally, lifts should be positioned within the lobby rather than off a corridor, not within view of the lobby.*
2. **Ground Floor Apartments:** *Ground floor apartments facing the urban street front are contrary to the LEP and are not supported by the Panel. This should be a commercial space that interacts with the street.*
3. **Northern façade:** *The northern unit partially blocks the northern sun as it is larger than its adjoining units. It is also too close to the boundary for windows to habitable rooms that could benefit from the view.*
4. **Unit proportions and arrangement:** *While the Panel appreciates that the apartment layout is indicative, their proportions result in internalised areas, such as the kitchens a long way from light and ventilation. There also appear to be wasted spaces. Longer, narrower through apartments have more potential to adequately overcome these issues than plans that are more square in shape.*
5. **Day in the life of a resident or visitor.** *It is strongly encouraged that the 'day in the life of a resident or visitor' be considered as the design is developed. The goal is to consider the variety of tasks that would be undertaken throughout the day. For example, how furniture is delivered will be quite challenging in this building due to the small lobbies.*
6. **Study as bedrooms:** *Several units propose two bedrooms +. The study proposed is large enough to be converted into a bedroom and would have no access to natural light. This arrangement is not acceptable under the ADG and should be reconsidered.*

12 December 2024

The arrangement of some units remains problematic. For example, Unit A2.08 has the main part of its bedroom far from the window, with a robe between the bed and the window. This room is considered to have poor amenity.

The Panel reiterates the following:

- Units on the ground level (at the same level as commercial) are not supported from an LEP perspective and from an amenity and safety perspective.
- Further work is needed to the lobbies to improve street activation and ensure better opportunities for social interaction.
- Kitchens are distant from windows or tucked around corners such as A7.02 - This needs further consideration.
- Some units, such as A3.04, have studies large enough to be bedrooms but do not have any natural light. This is an unsatisfactory arrangement and is not supported.

7. Safety

5 August 2024

Refer to Landscape for comments about the role of landscaping in safety.

Activating the street will assist in natural surveillance, particularly if apartments are setback, so residents feel comfortable interacting with the street.

For comments about the lobby's role and its relationship to apartment numbers, refer to Amenity and Housing Density and Social Interaction.

12 December 2024

The Panel reiterates its earlier comments about the safety risk to the ground-floor unit, which shares the back-of-house corridor with the commercial premises and the commercial premises bathroom as its main entry. The alternative use as a communal work-from-home space is recommended.

The arrangement of carparking needs further consideration. Residential parking requires a higher level of security than commercial parking. Visitor parking is preferably accessed outside of residential parking. The commercial and resident parking are both currently located on the ground floor, while visitor parking is on the level below. It is preferable that commercial and visitor parking be co-located with all resident parking on the lower levels which can be secured with an internal garage door to secure the lower carpark levels.

8. Housing Diversity and Social Interaction

5 August 2024

There is some diversity in apartment size, and the building provides a mix of one, two and three bedrooms.

The communal open space on the podium provides an opportunity for social interaction. However, it is a narrow space, and it will be important that this space does not impact adjoining units. Designing buffer spaces will maintain useability will be important.

As previously discussed, the Panel has raised concerns regarding the small size of lobbies and potential Building Code of Australia (BCA) non-compliance. While the idea of a single, larger lobby is supported, it comes with the condition that the number of apartments be limited. Residents in high-density housing tend to take better care of common areas, such as hallways and lobbies, when these areas serve a smaller number of apartments. This increased sense of ownership can lead to improved maintenance and a stronger connection to these spaces. Thus, if a single lobby with seating and amenities is implemented, it is advisable to limit the number of apartments accordingly. Alternatively, if multiple lobbies are used, each should be generously sized and well-equipped to meet both amenity and BCA compliance requirements.

The plans are at concept stage and it is unclear how many Adaptable or Liveable Housing Design units are currently proposed.

12 December 2024

The communal space on the podium provides a space for social interaction. However, it is limited in the size of its uses, as a lap pool is limited to a single person, and the communal room is very small. The communal space needs to accommodate 10-15 people at a time.

The Panel reiterates its previous comments about the lobbies and recommend they be increased in size to provide for social interaction.

The addition of the communal work-from-home space, as recommended in this report, will assist in improving the development. Consideration should also be given to how residents will access the ground-floor communal space from within the development so that they don't have to leave the building from lobby 2 to access it via lobby 1. This will make the space more integrated into the development and make it feel less isolated.

9 Aesthetics

5 August 2024

The Panel does not support the notion that the site is a "gateway" location that warrants a building that exceeds height and imposes on the corner. However, the Panel does acknowledge it is an important site, as the corner building upon entry into the main street and the E1 zone.

The building's aesthetics are in its early days, as the document presented a block model. However, significant work is required to address the general building form, bulk, and scale.

To assist in the design development of the building aesthetics the following is provided:

- All-glass balustrades are not supported as this limits privacy.*
- Avoid faux-woodgrain finishes as they have limited capacity to endure the harsh Australian summer sun.*
- The coastal colour selection and warm timber tones are considered appropriate.*
- In addition to a tower setback, podium façade treatments provide an opportunity to define and continue the lower main street scale and character of Stockton Street.*
- The building form currently reads as a bulky insertion on a prominent street corner. The form will benefit from simplification, and would appear less bulky if there were an opportunity for creating a sense of separation between the two wings.*

The Panel also strongly encourage analysis of the precedents included in the package, (as well as acknowledgment of authorship) to understand why these buildings are successful and how inspiration and not replication can inform the design outcome.

12 December 2024

As discussed earlier in this report, the Panel feels the building form is visually top-heavy. This is likely due to the near half-and-half proportions, the darker upper portions of the building and the dominating corner roof element. The 'podium'/lower white four storeys are more successful than the upper levels.

The chamfers on the corners of the building and the large angled blades coming down the street level also do not help the building's form, making it bulkier.

As the commercial premises step down along Stockton Street, this transition is awkward. The transition between commercial units is thin and would benefit from being widened, helping to differentiate the stepped levels.

The Panel reiterates its comments above regarding avoiding all glass balustrades, and faux wood finishes – particularly where exposed to UV from direct sun.

Recommendation

5 August 2024

The Panel finds that the current proposal does not adequately address the site's challenges and opportunities, particularly regarding height, street activation, built form, sustainability, landscape, amenity, safety, and aesthetics. The proposal needs substantial revisions to align with the Panel's recommendations and the character of the Nelson Bay town centre.

12 December 2024

The Panel recognises the improvement in the design; however, it remains of the opinion that the proposal requires further redevelopment, particularly the bulk and scale of the building, the design of the ground floor and its interface with the street, communal spaces, landscape design and unit design as outlined under the headings above.