Completion Date: Version 1, 12 September 2024

REFERRAL RESPONSE URBAN DESIGN

FILE NO:	Development Application: 240/2024/1
ADDRESS:	80 – 84 Drumalbyn Road, Bellevue Hill
PROPOSAL:	Demolition of three existing residential flat buildings and associated structures and vegetation, and construction of a new part three and eight storey residential flat building with 26 apartments, underground car parking for 40 cars and associated landscaping and communal open space.
ASSESSMENT:	Complex, SEPP (Housing) & ADG
FROM:	Stephen McMahon, Director Inspire Planning
TO:	Anne White

Information

Architectural drawings:	MHNDUnion Architects Project No. 23-048, DA 1002 – 9103 Rev 1 1 July 2024 and Rev 2, 15.08.2024
Landscape Plan:	Dangar Barin Smith, Drawings DA01 to D08-D3624, Rev C, 21.06.24.
Statement of Environmental Effects	GSA Planning, Job 23266, June 2024
Survey:	Pinnacle Land Surveyors, Job 1814. 22.12.2023

Part 1: Site and Context

1.1 The Site and Existing Development

The site comprises three lots (No. 80, SP11198; No. 82, SP16386; and No. 84, SP11198) that have a combined site area of 2,696.9 sqm. The combined site is generally trapezoid in shape and oriented in an east-west direction. The site has a frontage of 54.72 metres to Drumalbyn Road. The site boundaries are:

- Western frontage 54.72 metres (to Drumalbyn Road);
- Southern rear boundary 65.27 metres to No. 86 Drumalbyn Road;
- Eastern side boundary 53.37 metres to No.s 65 - 71 Latimer Road; and
- Northern side boundary of 57.06 metres to No. 78 Drumalbyn Road.

Numerical setback detail and level observations below have been estimated from the information provided. An aerial photograph and views are presented below

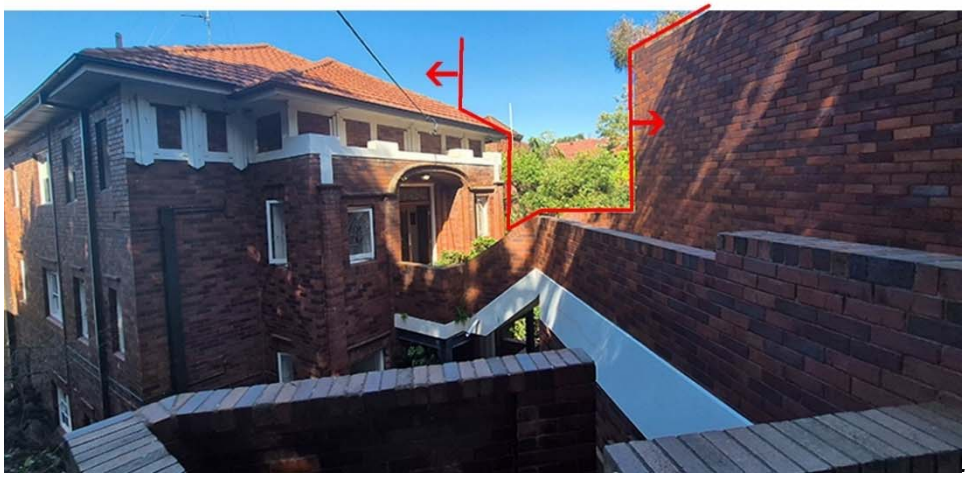

Figure 1: Aerial Photograph *(source www.six.nsw.gov.au)* ***and Place Views of Site and Neighbours:***

- *(Top): north east of side boundary No. 78 Drumalbyn Rd.*
- *(Middle): South of the site frontage to Drumalbyn Rd.*
- *(Bottom): South east of side boundary with No. 86 Drumalbyn Rd.*

The site accommodates three part 3 and 4 storey residential apartment buildings each with eight apartments with the following characteristics:

1. Buildings address the Drumalbyn Road frontage on and above level 2.
2. Pedestrian access to each building is available via a stepped pathway to the ground floor or a bridge connecting the level 3 foyer with the footpath.
3. There is no onsite parking with the exception of No. 84, which includes a garage built to the front boundary with 4 car parking spaces (and a fifth space that is too small for a car and appears to be used as a bin store).
4. The existing buildings were built in the inter war period of dark red brick and red tiled roof construction and each has a walk up configuration common for this era.
5. The demolition report that has been provided with the development application (Architectural Projects, August 2024) does not assign any heritage significance to the existing buildings. However, it qualifies this conclusion by noting that due to the limited study timeframe the internal rooms and spaces were not inspected.
6. The buildings are located generally at the front of the site in a sequential fashion within the streetscape with setbacks as follows:
    - 2.3 metres (approx.) from the northern wall of No. 80 to the northern side boundary (to No. 78);
    - Between 4.6 and 12 metres (approx.) to the western boundary (frontage to Drumalbyn Road);
    - 1.7 metres (approx.) from the southern wall of No. 84 to the southern side boundary (No. 86 Drumalbyn Road); and
    - Between 25 and 33 metres (approx.) to the eastern, rear boundary.
7. Windows to habitable rooms are located in the buildings' elevations addressing the northern and southern side boundaries and look into the neighbouring properties.
8. The buildings are located on comparatively steep sites that have been subject to significant modification with the construction of retaining walls at the frontage and mid lot, and steps to accommodate the slope of the land. Landform falls approximately 17 metres from Drumalbyn Road to the rear gardens where there is a minor gully. Land modification establishes a flat and level building pad at the western end of each site for each building and a natural, partially vegetated slope extending down the lot to the rear boundary. This establishes a marked different character between the eastern and western ends of each lot The combined site has a south to north crossfall of approximately 3 metres. However this varies along the side boundaries.
9. The ground floor level of the existing buildings are thus located below street level.
10. There is a notable tree canopy within the site and the verges in Drumalbyn Road in front of and directly adjoining the site. According to the arborist report (Botanics PL April 2024) there are 31 trees within or directly adjoining the site. The majority of the trees are assessed as having moderate or low retention value. There are three trees with high retention value (No. 1, 6 and 24). These are fig trees located in the Drumalbyn Road road verge adjoining the site. Twenty two trees within the site are recommended for removal due to their assessed low value to accommodate the development.
11. The vegetation provides some measure of privacy protection between windows in the building in the site, the street footpath and opposing windows in the adjoining buildings on the side boundaries.
12. The arrangement results in the buildings not being visually prominent when viewed from the street frontage.

1.2 The Locality

The site is located in a part of Bellevue Hill subdivided and developed during the turn of the century and interwar periods as a mixed density residential area. Most of the buildings in the surrounding properties that were developed during these periods have remained generally intact, while some properties have been redeveloped, particularly in the post second world war and more recent eras.

As a result the locality is, today, distinguished by a mix of detached cottages and residential flat buildings exhibiting a variety of styles, colours and materials, but with generally common site planning characteristics. Generally, the prevailing residential development comprises large, detached dwellings on original lots or scattered low scale inter war apartment buildings generally constructed when the suburb was established.

1.3 Adjoining Road

Drumalbyn Road is a comparatively narrow quiet local street with parking on both sides of the street. It exhibits an attractive and memorable treed streetscape in the vicinity of the site.

The site does not enjoy any conveniently close access to higher order public transport or retail / commercial / employment/ community services. However it is within 350 metres walking distance of the No. 326 bus route on Balfore Road that provides convenient bus access to Bondi Junction Railway Station and Shopping Centre.

1.4 Adjoining Development

To the West:
To the west of the site on the opposite side of Drumalbyn Road are two development sites comprising a dual occupancy and detached dwelling in advanced stages of construction. Views into the properties are partially obscured by street trees. The separation offered by the road and the presence of street trees results in negligible views across the site.

To the north:
To the north of the site is a red brick three to four storey interwar residential flat building (No. 78 Drumalbyn Road). It is setback approximately 2.0 metres from the common side boundary and exhibits similar characteristics to the buildings within the site. Windows to habitable rooms exist at all levels addressing the site. Beyond No. 78 is No. 76 Drumalbyn Road. It is currently a development site comprising a six storey residential flat building under construction.

To the east:
To the east of the site are a number of low scale detached dwellings on large lots addressing Latimer Road. The lots are deep and exhibit similar characteristics to the site (i.e. accommodating the eastern side of a shared vegetated depression (minor gully) in the land form).

While no detail is provided in the survey plan, analysis of aerial photography suggests that the dwellings are setback from the common rear boundary between approximately 18 and 24 metres. The rear area of No. 71 accommodates a tennis court.

To the south:
Directly to the south of the site is a further red brick four storey interwar residential flat building (No. 86 Drumalbyn Road). It forms part of the distinctive sequence of similar scaled and styled red brick inter war apartment buildings in this part of the road. It is setback a minimum of 2.0 metres from the common side boundary and exhibits similar characteristics to the buildings within the site. Windows and rear balcony additions to habitable rooms exist at all levels addressing the site.

Part 2: The Proposal

The proposed development comprises the demolition of the existing buildings on the site, removal of most vegetation and construction of a new three to eight storey residential flat building with basement car parking accessed via a driveway from Drumalbyn Road.

Of relevance to this assessment:

- Demolition includes removal of all of the existing buildings and vegetation within the site with the exception of one or two trees proposed to be retained in situ (Tree no. T 18 at the western end of the southern side boundary and tree no. T12. However, the retention of T12 is only shown in the architectural plans and not the demolition plan).
- The proposed building footprint essentially commences at a similar setback to Drumalbyn Road as that of the three existing buildings. However, the proposed footprint extends further east, deeper, into the lots than existing, while setbacks to the northern and southern side boundaries are increased.
- Due to the fall of the land, there are two elements to the proposed development:
    - > an eastern 'external' component (i.e. above existing ground level) comprising apartments; and
    - > a western recessed / hidden 'internal' component (i.e. basements to the rear of apartments). There are excavated into the side of the gully and also above existing ground level. They accommodate car parking.
- Building siting proposes:
    - > a uniform 3.5 metre setback to the northern and southern side boundaries in both the external exposed part of the building at each level and the internal hidden part of the building at each level. Externally it is punctuated by window projections;
    - > at the rear, the above ground part of the building at the balconies has a 13.1 metre (approx.) setback while the ground floor as a 9.93 metre (approx.) setback to the eastern boundary; and
    - > the minimum front setback is 7.8 (approx.) metres at the car lift garage door.
- Excluding the recessed 'internal basements' at each level, there is no basement below level 1.
- Car parking is provided within the western recessed basement area of three of the lower levels. with 11 or 16 parking spaces at each level. Each level is connected by two car lifts. This configuration results in a total of 40 car parking spaces.
- Accommodation comprises a total of 26 apartments; being 4 x four-bedroom apartments, 13 x three-bedroom apartments and 9 x two bedroom apartments. Apartment sizes range from a minimum 85 sqm (2 bedroom) to 264 sqm (4 bedroom). A maximum of 6 apartments occupy each floor within a building footprint oriented west to east generally addressing the rear of the site.

- The living areas in each apartment on each level have access to useable balconies. The apartment on the ground level has access to a private swimming pool on the lower ground floor accessed via a spiral stair case.
- Pedestrian access is proposed from Drumalbyn Road to the communal lobby on the penultimate top floor (Level 5) via a separate bridge extending from the road verge through the building setback to the road.
- Building placement capitalises on the fall of the site and involves significant excavation into the western side of the gully in the site. The deepest excavation point is 11 metres at the western end of the site and excavation depth tapers to zero metres in the eastern part of the site. The lower ground floor has an RL of 35.5 metres, which generally corresponds with the existing ground level in the gully at that location. While Level 5, which is the entry level off Drumalbyn Road, has an RL of 54.4 which generally aligns with the footpath RL in the verge of 54.33.
- Above the lower ground floor the next five levels maintain the same setback from the rear boundary to establish a six storey building wall. The top two floors (storeys 7 and 8) are consecutively set back.
- The roof is inaccessible and non-trafficable. It is proposed to accommodate solar panels, AC plant and lift overruns.
- Privacy is proposed to windows and certain balconies along the side boundaries above level 1 by way of offsetting of windows to the side boundaries and adoption of a light well (3.3 x 7.6 metre dims estimated) in the centre of the building open to the east into which windows from some secondary bedrooms look. The lightwell extends from Level 1 to level 6 and the roof, and thus extends to a height of 15.7 metres approx. for the purpose of solar access into the windows.
- Windows and balconies have aspect to Drumalbyn Road and the building entry.
- The maximum proposed height of the building is nominated in the Statement of Environmental Effects as 19.29 metres. Thus the proposed building is located above the maximum LEP height limit of 16.5 metres.
- Nominated floor to floor heights are not shown in the architectural plans and are calculated to be 3.15 metres. Not all bathrooms and other plumbed rooms are aligned on each floor.
- The proposed GFA is nominated as 3,772 sqm in the development application. With a site area of 2,696.9 sqm according to the survey plan, the development has a proposed FSR of 1.399:1. This is below the maximum FSR standard of 1.4:1. However, a review of the GFA calculations in Drawing DA 9100 appears to exclude the lobby areas on levels 4, 5 and 6. This should be clarified as inclusion of these floor areas may result in an exceedance of the permissible GFA and FSR.
- A ground floor external communal area is proposed at the rear of the development. It is accessible via the internal lifts and stairs.
- Generally, the deep soil areas are proposed in the rear, side and south west front setback areas.
- The Stormwater drainage plan (ADP15 August 2024) does not indicate the presence of any stormwater pipes to service the downpipes and external areas of the site. This is surprising. It requires clarification to ensure that stormwater pipes and associated pits do not clash with and impact on deep soil area.
- The landscape plan predominantly focusses on the side and rear setback areas. Taller trees extend to 15 metres and Cabbage Tree Palms to 20 metres including a transplanted Phoenix Palm. They are identified as canopy trees. No landscaping is proposed to the building roof. However a green roof is proposed to the upper level rear setback areas to levels 5 and 6.

- A potential location for an electrical substation is indicated on the front boundary in the north east corner of the site. A location for the fire hydrant booster assembly cabinet is indicated at the frontage of the site in the south west corner addressing the street.
- Building design exhibits a subdued modern architectural style to both the street frontage the rear boundary that seeks to compliment, and not compete, with predominant inter war styles of buildings within the streetscape and in the vicinity of the site.
- Details on materials and colours are provided. The dominant visual elements of the nominated building materials comprise mid tone sandy coloured face brick to all external walls with matching pigmented concrete and bronze cladding and window frames.
- Building massing and articulation is well considered. Recesses in the building elevations to both Drumalbyn Road and the rear of the site break up the building mass into a series of distinct parts in the walls that mimic a series of terrace or townhouse forms to the road and a series of visually separate vertical forms to the rear.

Part 3: Controls and Compliance

The proposal is assessed against the urban design components of the following pieces of legislation:

1. Chapter 4 of State Environmental Planning Policy (housing) 2021 *(formerly No. 65 — Design Quality of Residential Apartment Development (SEPP 65)* & Apartment Design Guide (ADG)
2. Woollahra Local Environment Plan 2014 (Woollahra LEP 2014)
3. Woollahra Development Control Plan 2015 (Woollahra DCP 2015)

The following is an assessment of the proposal against the relevant controls above.

3.1 SEPP (Housing) 2021 Chapter 4

Environmental Planning and Assessment Regulation 2021

Part 3 Clause 29 Design Verification Statement,	**Comment**	**Complies**
(1) A development application that relates to residential apartment development must be accompanied by a statement by a qualified designer. *(2) The statement must—* *(a) verify that the qualified designer designed, or directed the design of, the development, and* *(b) explain how the development addresses—* *(i) the design principles for residential apartment development, and* *(ii) the objectives in Parts 3 and 4 of the Apartment Design Guide.*	The Design Verification Statement provided in the development application is dated 1st July 2024, and addresses the submitted plans dated also dated 1st July 2024. The Statement and accompanying ADG Compliance Table address the objectives in Parts 3 and 4 of the Apartment Design Guide.	Yes.

Assessment Against Schedule 9 Design Principles

Schedule 9 Principle & Statement	Comment	Complies
Principle 1: Context and Neighbourhood Character *(1) Good design responds and contributes to its context, which is the key natural and built features of an area, their relationship and the character they create when combined and also includes social, economic, health and environmental conditions.* *(2) Responding to context involves identifying the desirable elements of an area's existing or future character.* *(3) Well designed buildings respond to and enhance the qualities and identity of the area including the adjacent sites, streetscape and neighbourhood.* *(4) Consideration of local context is important for all sites, including sites in the following areas—* *(a) established areas,* *(b) areas undergoing change,* *(c) areas identified for change.*	The proposed development is located in a precinct zoned for medium density residential development. It enjoys convenient access to a range of facilities at Bondi Junction. Neighbourhood character is defined by essentially three eras: when the suburb was established post 1900, the 1930s inter war period; and the current era of contemporary infill development where opportunities exist. The site, being located on a sloping lot, presents opportunities for site planning that are capitalised upon. The close proximity of the neighbouring apartment buildings to the side boundaries have been considered in site planning and architectural design.	Yes.
Principle 2: Built Form and Scale *(1) Good design achieves a scale, bulk and height appropriate to the existing or desired future character of the street and surrounding buildings.* *(2) Good design also achieves an appropriate built form for a site and the building's purpose in terms of the following—* *(a) building alignments and proportions,* *(b) building type,* *(c) building articulation,* *(d) the manipulation of building elements.* *(3) Appropriate built form—* *(a) defines the public domain, and* *(b) contributes to the character of streetscapes and parks, including their views and vistas, and* *(c) provides internal amenity and outlook*	The proposed development sits slightly higher in the site than the existing development and its building envelope scale, bulk and height are greater than the existing buildings. While the building envelope height is generally consistent with those of surrounding buildings, I have a concern with the bulk and scale established by the proposed height when viewed from the rear (east). The building provides an appropriate address and contribution to the public domain within the confines of its infill siting. The approach to the architectural design is an appropriate response to the historic streetscape character of the road. Configuration of living areas provides good internal amenity and outlook.	No.
Principle 3: Density *(1) Good design achieves a high level of amenity for residents and each*	The site is accessible to services and facilities.	Yes.

Schedule 9 Principle & Statement	Comment	Complies
apartment, resulting in a density appropriate to the site and its context. *(2) Appropriate densities are consistent with the area's existing or projected population.* *(3) Appropriate densities are sustained by the following—* *(a) existing or proposed infrastructure,* *(b) public transport,* *(c) access to jobs,* *(d) community facilities,* *(e) the environment*	The proposed density is consistent with that in the locality. The level of amenity for the proposed apartments is good. Most apartments are dual aspect, enjoy good solar access and ventilation and have generous balcony sizes. The proposed FSR may exceed the maximum standards in the WLEP. This is discussed in Part 3.3 below.	
Principle 4: Sustainability *(1) Good design combines positive environmental, social and economic outcomes.* *(2) Good sustainable design includes—* *(a) use of natural cross ventilation and sunlight for the amenity and liveability of residents, and* *(b) passive thermal design for ventilation, heating and cooling, which reduces reliance on technology and operation costs.* *(3) Good sustainable design also includes the following—* *(a) recycling and reuse of materials and waste,* *(b) use of sustainable materials,* *(c) deep soil zones for groundwater recharge and vegetation.*	The proposal adopts a number of measures that facilitate a good response to the need for sustainability. Apartments enjoy good solar access and cross ventilation. Facilities for rainwater reuse and provision for roof top solar are proposed. Potential conflicts may exist between the deep soil zone and stormwater infrastructure. This requires clarification.	Yes.
Principle 5: Landscape *(1) Good design recognises that landscape and buildings operate together as an integrated and sustainable system, resulting in development with good amenity.* *(2) A positive image and contextual fit of well-designed development is achieved by contributing to the landscape character of the streetscape and neighbourhood.* *(3) Good landscape design enhances the development's environmental performance by retaining positive natural features that contribute to the following—* *(a) the local context,* *(b) co-ordinating water and soil management,* *(c) solar access,* *(d) micro-climate,* *(e) tree canopy,* *(f) habitat values,* *(g) preserving green networks.* *(4) Good landscape design optimises the following—* *(a) usability,* *(b) privacy and opportunities for social interaction,*	The Landscape Plan proposes an appropriate approach to site landscaping. There is a sufficient provision of landscaping, with sufficient dimensions. However, the proposed species of trees offer little by way of the establishment of a green canopy within the site, particularly as it is proposed to remove a number of canopy trees.	No.

Schedule 9 Principle & Statement	Comment	Complies
(c) equitable access, *(d) respect for neighbours' amenity.* *(5) Good landscape design provides for practical establishment and long term management.*		
Principle 6: Amenity *(1) Good design positively influences internal and external amenity for residents and neighbours.* *(2) Good amenity contributes to positive living environments and resident well-being.* *(3) Good amenity combines the following—* *(a) appropriate room dimensions and shapes,* *(b) access to sunlight,* *(c) natural ventilation,* *(d) outlook,* *(e) visual and acoustic privacy,* *(f) storage,* *(g) indoor and outdoor space,* *(h) efficient layouts and service areas,* *(i) ease of access for all age groups and degrees of mobility.*	The design of each floor plan and building siting contributes to a development that offers a good standard of amenity. A majority of apartments are dual (corner) aspect and all enjoy direct access to an easterly or westerly aspect. There is provision of communal open space. Offsetting of windows addressing the northern and southern side boundaries ensure that appropriate levels of internal visual privacy will be achieved. Pedestrian access to the development is convenient and accessible.	Yes.
Principle 7: Safety *(1) Good design optimises safety and security within the development and the public domain.* *(2) Good design provides for quality public and private spaces that are clearly defined and fit for the intended purpose.* *(3) Opportunities to maximise passive surveillance of public and communal areas promote safety.* *(4) A positive relationship between public and private spaces is achieved through clearly defined secure access points and well-lit and visible areas that are easily maintained and appropriate to the location and purpose.*	The proposed development effectively addresses the public domain. Pedestrian and vehicle entrances enjoy good exposure, are legible and will be comfortable to use.	Yes.
Principle 8: Housing Diversity and Social Interaction *(1) Good design achieves a mix of apartment sizes, providing housing choice for different demographics, living needs and household budgets.* *(2) Well designed residential apartment development responds to social context by providing housing and facilities to suit the existing and future social mix.* *(3) Good design involves practical and flexible features, including—* *(a) different types of communal spaces for a broad range of people, and* *(b) opportunities for social interaction among residents.*	The proposed development offers a good variety of apartment sizes.	Yes.
Principle 9: Aesthetics	The subdued modern architectural style displays a suitable aesthetic.	Yes.

Schedule 9 Principle & Statement	Comment	Complies
(1) Good design achieves a built form that has good proportions and a balanced composition of elements, reflecting the internal layout and structure. *(2) Good design uses a variety of materials, colours and textures.* *(3) The visual appearance of well-designed residential apartment development responds to the existing or future local context, particularly desirable elements and repetitions of the streetscape.*		

3.2 Apartment Design Guide Assessment

Part 3: Siting the Development

This part provides guidance on the design and configuration of apartment development at a site scale. It is to be used during the design process and in the preparation and assessment of development applications.

Requirement Objective or Guidance	Comment	Complies
3A – Site analysis *Responsive to opportunities and constraints of site conditions and streetscape*	The proposal responds well to the topography of the site, its east facing nature and surrounding development. However its proposed scale to the east needs attention.	Partly.
3B – Orientation *Responsive to streetscape character while optimising solar access within the development.* *Overshadowing of neighbouring properties in minimised during mid-winter.* *Where an adjoining property does not currently receive the required hours of solar access, the proposed building ensures solar access to neighbouring properties is not reduced by more than 20%.* *If the proposal will significantly reduce the solar access of neighbours, building separation should be increased beyond minimums.* *A minimum of 4 hours of solar access should be retained to solar collectors on neighbouring buildings.*	The building design prioritises solar access to, and outlook for, apartments to the east, essentially turning its back on the neighbouring properties to the north and south, which is an appropriate approach. Additional shadow is cast on No. 86 and to the properties to the rear. However, as no detail on the properties to the rear is provide in this survey this shortcoming extends to the shadow diagrams that rely on the survey information. I am unable to determine whether the impact on neighbours to the rear is acceptable or not. Furthermore, the shadow assessments suggest that the proposed height exceedance may induce further shadow impact to the properties to the east.	Unknown. Requires further information.
3C – Public domain interface *Transition between private and public domain is achieved without compromising safety and security.* *Upper level balconies and windows should overlook the public domain.*	The proposed building design and siting present an appropriate relationship to Drumalbyn Road. The transition in height from existing ground level to the ground level RL is accommodated sensitively in the landscaped setback.	Yes.

<table>
<tr><th>Requirement Objective or Guidance</th><th>Comment</th><th>Complies</th></tr>
<tr><td>Amenity of the public domain is retained and enhanced.
Length of solid walls should be limited along street frontages.
Terraces, balconies and courtyard apartments should have direct street entry, where appropriate.
Opportunities for people to be concealed should be minimised.
Substations, pump rooms, garbage storage areas and other service requirements should be located in basement car parks or out of view.
Where development adjoins public parks, open space or bushland, the design positively addresses this interface.</td><td>The necessary presence of fire equipment at the front boundary has been thoughtfully sited.</td><td></td></tr>
<tr><td>3D - Communal and public open space
Minimum communal space area 25% of site area.
Minimum 50% direct sunlight to the principal usable part of the communal open space for a minimum of 2 hours between 9am and 3pm on 21 June (mid-winter).
Communal open space should have a minimum dimension of 3m, and larger developments should consider greater dimensions.
Communal open space should be consolidated into a well-designed, easily identified and usable area.
Where communal open space cannot be provided at ground level, it should be provided on a podium or roof.</td><td>The communal open space area is located at the lower ground level at the rear.

Appropriate solar access is provided.</td><td>Yes.</td></tr>
<tr><td>3E – Deep soil zones

Deep soil zones that allow for and support healthy plant and tree growth.

<table><tr><th>Site area</th><th>Min Dim.</th><th>Deep soil zone (% of site area)</th></tr><tr><td>< 650m²</td><td>-</td><td rowspan="4">7%</td></tr><tr><td>650 m² – 1,500m²</td><td>3m</td></tr><tr><td>> 1,500m²</td><td>6m</td></tr><tr><td>> 1,500m² with significant existing tree cover</td><td>6m</td></tr></table></td><td>The site has an area of 2,696.9 sqm. There is a minimum width requirement of 6 metres for a site of this size.

The total areas of deep soil nominated in the development application is 951 sqm (architecture plans), being circa 35%.

However, much of the area nominated in the front setback is less than 6 metres in dimension and generally the provision of deep soil zone in the front setback to Drumalbyn Road is minimal given the transition in landform and basement car park.

It is also possible that the calculations provided include areas that are impacted by below ground stormwater infrastructure and may be lower.

Thua the extent of deep soil is unknown and revised calculations are required to be submitted.</td><td>Unknown. Requires clarification.</td></tr>
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<tr><th>Requirement Objective or Guidance</th><th>Comment</th><th>Complies</th></tr>
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3F – Visual privacy

Minimum separation distances from buildings to side and rear boundaries:

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

New development adjacent to existing buildings should provide adequate separation distances to the boundary in accordance with the design criteria.

Gallery access circulation should be treated as habitable space when measuring privacy separation distances between neighbouring properties.

For residential buildings next to commercial buildings, separation distances should be measured as follows: for retail, office spaces and commercial balconies use the habitable room distances.

Apartment buildings should have an increased separation distance of 3m (in addition to the requirements set out in design criteria 1) when adjacent to a different zone that permits lower density residential development to provide for a transition in scale and increased landscaping.

Communal open space, common areas and access paths should be separated from private open space and windows to apartments, particularly habitable room windows.

Windows should be offset from the windows of adjacent buildings.

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The building has a height of 8 storeys for this assessment.

Generally windows and balconies to habitable rooms address the east and west boundaries.

The locations of the north and south facing windows where they overlook the side boundaries do not achieve the minimum setback and separation distances. However the offsetting of windows is appropriate.

The sides of balconies at levels 5 and 6 require screening where not provided.

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<td>Yes, subject to condition requiring screening to balconies.</td>
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3G – Pedestrian access and entries

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

Access areas clearly visible from public domain.

Multiple entries (including communal building entries and individual ground floor entries) should be provided to activate the street edge.

The design of ground floor and underground car parks minimise level changes along pathways and entries.

Pedestrian links should be direct, have clear sight lines, be overlooked by habitable rooms or private open spaces of dwellings, be well lit and contain active uses, where appropriate.

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<td>The proposed development offers a good level of connectivity, entry, access and visibility with Drumalbyn Road.</td>
<td>Yes.</td>
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Requirement Objective or Guidance	Comment	Complies
3H – Vehicle access *Vehicle access points designed and located to achieve safety.* *Car park access should be integrated with the building's overall facade.* *The width and number of vehicle access points should be limited to the minimum.* *Car park entry and access should be located on secondary streets or lanes where available.* *Garbage collection, loading and servicing areas are screened.* *Designed to minimise conflict with pedestrians and vehicles.* *Create high quality streetscapes.*	The proposed development adopts a thoughtful approach to vehicle access. Streetscape and pedestrian impact from access is minimised.	Yes.
3J – Bicycle and car parking *Car parking needs of the development provided off-street.* *Protrusion of car parks should not exceed 1m above ground level. Design solutions may include stepping car park levels or using split levels on sloping sites.*	The proposed development provides undercover bicycle and bike storage. It is hidden from view.	Yes.

Part 4: Designing the Building

This part addresses the design of apartment buildings in more detail. It focuses on building form, layout, functionality, landscape design, environmental performance and residential amenity. It is to be used during the design process and in the preparation and assessment of development applications.

Requirement	Comment	Complies
4A – Solar and daylight access *Living rooms and private open spaces of at least 70% of apartments in a building receive a minimum of 2 hours direct sunlight between 9am and 3pm at mid-winter in the Sydney Metropolitan Area.* *A maximum of 15% of apartments in a building receive no direct sunlight between 9am and 3pm at mid-winter.*	The proposed location of apartments in the south east corner of the site results in 58% of living rooms and principal private open spaces of all apartments meeting the solar and daylight criteria. 70% is achieved if the hours are extended to 8.30 am. The orientation of the site precludes design solutions that achieve solar access to south east sited apartments. However, the amenity offered by the rear setback suggests that appropriate levels of amenity are achieved, notwithstanding the lack of solar access. Given this context, the small number of apartments affected and suggestions below for increased rear setbacks, I consider that the proposal is acceptable.	No, but considered acceptable in the circumstances.

Requirement	Comment	Complies
4B – Natural ventilation *At least 60% of apartments are naturally cross ventilated in the first 9 storeys.* *Overall depth of a cross-over or cross-through apartment does not exceed 18m, measured glass line to glass line.*	The majority of apartments are corner or dual aspect and offer good opportunities for cross ventilation.	Yes.
4C – Ceiling heights *Measured from finished floor level to finished ceiling level, minimum ceiling heights are:* *Apartment — Minimum ceiling height* *Habitable rooms — 2.7m* *Non-habitable — 2.4m* *Attic spaces — 1.8m with 30° minimum ceiling slope* *Minimum floor to floor height 3.1m (4C.5).*	The nominated floor to floor height is 3.15 metres which may not achieve the 2.7 metre floor to ceiling height once floor materials and possible plumbing or ceiling AC ducting is installed. This can be dealt with by condition.	Yes, subject to condition.
4D – Apartment size and layout *Apartments are required to have the following minimum internal areas:* *Apartment type — Minimum internal area* *Studio — 35m²* *1 bedroom — 50m²* *2 bedrooms — 70m²* *3 bedrooms — 90m²* *Every habitable room must have a window in an external wall with a total minimum glass area of at least 10% of the floor area of the room.* *Habitable room depths are limited to a maximum of 2.5 x the ceiling height.* *In open plan layouts (where the living, dining and kitchen are combined) the maximum habitable room depth is 8m from a window.* *Master bedrooms have a minimum area of 10m2 and other bedrooms 9m2 (excluding wardrobe space).* *A window should be visible from any point in a habitable room.* *Bedrooms have a minimum dimension of 3m (excluding wardrobe space).* *Living rooms or combined living/dining rooms have a minimum width of:* *Apartment type — Minimum width* *1 bedroom — 3.6m* *2 bedrooms — 4m* *3 bedroom — 4m* *The width of cross-over or cross-through apartments are at least 4m internally to avoid deep narrow apartment layouts.*	All apartments achieve and generously exceed the minimum area.	Yes.
4E – Private open space and balconies *All apartments are required to have primary balconies as follows:*	All balconies meet the minimum area and depth requirements.	Yes.

Requirement	Comment	Complies
Apartment type / *Min. width* / *Min. depth* *1 bedroom* 8m² 2m *2 bedroom* 10m² 2m *3+ bedroom* 12m² 2.4m *For apartments at ground level, a private open space area shall be provided instead of a balcony with minimum area of 15m² and minimum depth of 3m.*		
4F – Common circulation and spaces *Maximum number of apartments off a circulation core on a single level is eight (8).* *Daylight and natural ventilation should be provided to all common circulation spaces that are above ground.* *Longer corridors greater than 12m in length from the lift core should be articulated. Design solutions may include:* *a series of foyer areas with windows and spaces for seating;* *wider areas at apartment entry doors and varied ceiling heights.*	The circulation core (essentially the lift lobby area) on each floor provides access to less than eight apartments.	Yes.
4G – Storage *In addition to storage in kitchens, bathrooms and bedrooms, the following storage is provided:* *Dwelling type* / *Storage size volume* *Studio* 4m³ *1 bedroom* 6m³ *2 bedroom* 8m³ *3+ bedrooms* 10m³ *Note: At least 50% of the required storage is to be located within the apartment.*	Storage for apartments is proposed internally within units. However, no locations are shown beyond suggestions that lounge room and kitchen cupboards and laundries will suffice. This is inconsistent with the objective. This can be dealt with by condition as the current basement design appears to offer some opportunities to address such a condition.	No, but subject to condition.
4H – Acoustic Privacy *Noise transfer is minimised through the siting of buildings and building layout.* *Noise impacts are mitigated within apartments through layout and acoustic treatments.* *Adequate building separation is provided within the development and from neighbouring buildings/adjacent uses (see also section 2F Building separation and section 3F Visual privacy).*	A noise assessment is provided. The potential source of any external noise issues would most likely be from the traffic using Drumalbyn Road. Given the observed use of the road, together with the setback of the proposed building from the road, no concerns are apparent. The proposal, being a residential use, is not expected to generate any unreasonable or unexpected noise. The activities that often cause noise concerns (roof top communal areas, swimming pool, carparking and driveways/ roller doors) are generally undercover, obscured by screening/ built form, have adequate separation or are absent. This limits any potential acoustic concerns for	Yes, as per conditions proposed in noise report.

Requirement	Comment	Complies
	residents in both the site and the neighbouring sites. That said, the basement car park door will require application of conditions as suggested in the noise report to ensure that noise impacts are minimised given the location of bedrooms in close proximity. Apartment sizes are large and separation between apartments is high.	
4J – Noise and Pollution *The impacts of external noise and pollution are minimised through careful siting and layout of buildings.* *Appropriate noise shielding or attenuation techniques for the building design, construction and choice of materials are used to mitigate noise transmission.*	No air quality assessment is provided. The potential source of any air quality and external noise issues would most likely be from the traffic using Drumalbyn Road. Given the observed use of the road, together with the setback of the proposed building from the road, no air quality concerns are apparent.	Yes.
4K – Apartment mix *A range of apartment types and sizes is provided.*	The proposal offers a mix of housing sizes and variety.	Yes.
4L – Ground floor apartments *Street frontage activity is maximised where ground floor apartments are located.* *Apartments deliver amenity and safety for residents.* *Direct street access should be provided to ground floor apartments*	The lower level apartments address appropriately address the street given the confines of the site's landform.	Yes.
4M – Facades *Building facades provide visual interest along the street while respecting the character of the local area.* *Entries are clearly defined.* *Building services should be integrated within the overall façade.*	The approach to the design of the building façade respects the character of the area. Building services are generally not visible from the public domain.	Yes.
4N – Roof design *Roof treatments are integrated into the building design and positively respond to the street*	The roof is not trafficable and rooftop plant is proposed to be integrated into the building design.	Yes.
4O – Landscape design *Landscape design is viable and sustainable.* *Landscape design contributes to the streetscape and amenity.*	The approach to landscape design can be improved. This is discussed elsewhere.	Yes, subject to conditions
4P – Planting on structure *Appropriate soil profiles are provided.* *Plant growth is optimised with appropriate selection and maintenance.* *Planting on structures contributes to the quality and amenity of communal and public open spaces*	Some planting is proposed on the roof top. However no soil profiles and depth are provided for these locations.	Unknown. Requires further information.
4Q – Universal design	The private open space areas, vertical access, apartment sizes and	Yes.

Requirement	Comment	Complies
Universal design features are included in apartment design to promote flexible housing for all community members. *A variety of apartments with adaptable designs are provided.* *Apartment layouts are flexible and accommodate a range of lifestyle needs.* *Developments achieve a benchmark of 20% of the total apartments incorporating the Liveable Housing Guideline's silver level universal design features.*	layout and amenity of each unit generally provide a high level of flexibility to evolve as households evolve.	
4R – Adaptive reuse *New additions to existing buildings are contemporary and complementary and enhance an area's identity and sense of place.* *Adapted buildings provide residential amenity while not precluding future adaptive reuse.*	The application is for a new development.	N/A
4S – Mixed use *Mixed use developments are provided in appropriate locations and provide active street frontages that encourage pedestrian movement.* *Residential levels of the building are integrated within the development, and safety and amenity are maximised for residents.*	The application is for a residential use.	N/A
4T – Awnings and signage *Awnings are well located and complement and integrate with the building design.* *Signage responds to the context and desired streetscape character.*	No awnings at street level are proposed.	NA
4U – Energy efficiency *Development incorporates passive environmental design.* *Development incorporates passive solar design to optimise heat storage in winter and reduce heat transfer in summer.* *Adequate natural ventilation minimises the need for mechanical ventilation.*	The proposed development offers high levels of natural ventilation and there are opportunities for rooftop solar provision. The proposal satisfies the relevant objectives or design criteria prescribed by this Part.	Yes.
4V – Water management and conservation *Potable water use is minimised.* *Urban stormwater is treated on site before being discharged to receiving waters.* *Flood management systems are integrated into site design.*	The Stormwater Plan provides information to demonstrate appropriate rainwater collection and reuse.	Yes.
4W – Waste management *Waste storage facilities are designed to minimise impacts on the streetscape, building entry and amenity of residents.* *Domestic waste is minimised by providing safe and convenient source separation and recycling.*	Arrangements for waste management are proposed.	Yes
4X – Building maintenance *Building design detail provides protection from weathering.* *Systems and access enable ease of maintenance.* *Material selection reduces ongoing maintenance costs.*	While no information has been provided with regards to the building maintenance, I consider the proposed materials selected, will not require excessive maintenance. No roof hatch access to the roof is shown. However it can be provided.	Yes, subject to condition.

3.3 Woollahra Local Environment Plan 2014 (WLEP2014)

The proposed development is assessed against the relevant provisions of WLEP 2014 in the table below.

	Clause Objective / Control	Assessment	Complies
Zoning	*R3 Medium Density Residential* *Objectives:* • *To provide for the housing needs of the community within a medium density residential environment.* • *To provide a variety of housing types within a medium density residential environment.* • *To enable other land uses that provide facilities or services to meet the day to day needs of residents.* • *To ensure that development is of a height and scale that achieves the desired future character of the neighbourhood.* • *To ensure development conserves and enhances tree canopy cover*	The proposal can meet the objectives of the zone with the exception of the following: • To ensure that development is of a height and scale that achieves the desired future character of the neighbourhood. • To ensure development conserves and enhances tree canopy cover. I have concerns that the proposed exceedance of the height limit is unnecessary and will result in an increased bulk and scale of development that may impact on the properties to the east. I discuss this further below.	No.
Clause 4.3 Height of Buildings	*Objectives:* *(i) to establish building heights that are consistent with the desired future character of the neighbourhood,* *(ii) to establish a transition in scale between zones to protect local amenity,* *(iii) to minimise the loss of solar access to existing buildings and open space,* *(iv) to minimise the impacts of new development on adjoining or nearby properties from disruption of views, loss of privacy, overshadowing or visual intrusion,* *(v) to protect the amenity of the public domain by providing public views of the harbour and surrounding areas.*	Maximum height limit is 16.5 metres. The maximum proposed height of the building is nominated in the Statement of Environmental Effects as 19.29 metres. The exceedance primarily occurs at the eastern edges of levels 4 and 5 and a large part of the eastern side of the top floor (level 6) of the building. The application includes a Clause 4.6 written request to vary the standard. I discuss the request in Part 3.3.1 below. I do not support the request.	No.
Clause 4.4E Floor Space Ratio	*Objectives:* *(a) for development in Zone R3 Medium Density Residential—* *(i) to ensure the bulk and scale of new development is compatible with the desired future character of the area, and*	The maximum FSR is 1.4:1 The development has a proposed FSR of 1.399:1. This is below the maximum FSR standard.	Unknown.

	Clause Objective / Control	Assessment	Complies
	(ii) to minimise adverse environmental effects on the use or enjoyment of adjoining properties and the public domain, and *(iii) to ensure that development allows adequate provision on the land for deep soil planting and areas of private open space*	However, a review of the GFA calculations in Drawing DA 9100 appears to exclude the lobby areas on levels 4, 5 and 6. This should be clarified as inclusion of these floor areas may result in an exceedance of the permissible FSR.	
Clause 5.10 Heritage	*Clauses 5.10 (4) and (5) require Council to consider the effect of a proposed development on the heritage significance of a heritage item or conservation area.*	N/A	N/A
Clause 6.4 Limited development on foreshore area	*The Foreshore Building Line (FBL) provisions contained in Clause 6.4 require a setback of 30m from the MHWM.*	N/A	N/A
Clause 6.9 Tree Canopy Cover in Zones R2 and R3	*Clause 6.9 requires development in R2 and R3 zones to plant trees, and retain and minimise; disturbance and adverse impacts on existing canopy trees which are to be retained. (The Clause does not apply to certain HCAs)*	All vegetation within the site is proposed to be removed with the exception of proposed tree No.s 18 and 12 and no replacement canopy trees of significance are proposed.	No.

The proposal includes a request for a variation to the height standard in WLEP 2014. I will discuss this below.

3.3.1 Height Variation

The maximum proposed variation is 2.79 metres, being 16.9%. The application includes a request for a variation to the height standard in the LEP. It nominates 'Test 1' established in Wehbe v Pittwater Council as the basis upon which the request is founded.

Wehbe's Test 1 seeks to establish that compliance with the development standard is unreasonable or unnecessary because the objectives of the development standard are achieved notwithstanding non-compliance with the standard.

I have reviewed the key aspects of the request and note that:

1. The non-compliance is claimed to be a result from a "function of topography" and the request calls up the 'Bettar' principle. However I find no evidence to support this justification. No evidence is provided to confirm that a building with a complying height could not generally fit within the building envelope established by the existing ground level. Furthermore, the height limit may potentially be established from fill, rather than excavation, when the site was benched during the construction of the original building, given the landform character of the slope. This would give little use to the application of the 'Bettar' principle;

2. To support my opinion on this, I consider that the east facing building wall at levels 4, 5 and 6 could be easily setback further by 1 to 1.5 metres from the rear eastern boundary and the floor plan reconfigured within the maximum height limit. Given the generous depth of the east facing apartments this increased setback may be absorbed without any significant impact on the proposed development. This would significantly reduce the extent of non-compliance. It would also address the claim in the request that the non-compliance is required as "an economic reason" to accommodate the additional floor space in order to make the project viable as well as provide "further residential space than is currently available on the site;"
3. The proposed height variation will not be visually apparent and will not appear out of context with the existing neighbouring streetscape character within Drumalbyn Road. I support this conclusion;
4. The height of the east facing building wall comprises 6 storeys (18.9 metre height), the bulk and scale of this building form, notwithstanding the proposed separation from the rear property boundary and it being an outcome of landform is inconsistant with the desired future character sought for the R3 zone in this location, particularly as it also adjoins an R2 zone (and is not "in the vicinity of an R2 zone" as incorrectly claimed in the request). Thus it is inconsistent with Objective 1 of Clause 4.3 of WLEP 2014;
5. Correspondingly, the proposed development does not establish a transition in scale between zones to protect local amenity, and is thus inconsistent with Objective 2 of Clause 4.3 of WLEP 2014;
6. The proposed variation appears to incur additional shadow impact on neighbours to the east. However the reasonableness of that impact is unknown given the lack of survey detail on properties to the rear. I am not able to agree with the request's statement that 'there are no unreasonable overshadowing impacts created by the area of height non-compliance" as no evidence is provided to support this claim. Thus the proposal may be inconsistent with Objective 3 of Clause 4.3 of WLEP 2014; and
7. No visual impact analysis has been provided and I am not able to determine, what, if any, impacts are there by way of the presence of an 8 storey building form at the rear of the properties in Latimer Road. In other words I cannot conclude that the proposed variation does not cause any unreasonable visual impact or visual intrusion on neighbouring properties to the east; and is thus may be inconsistent with Objective 4 of Clause 4.3 of WLEP 2014.

I consider that the written request is not well founded. It has not satisfactorily demonstrated that:

1. compliance with the development standard is unreasonable and unnecessary; and
2. there are sufficient environmental planning grounds to support the request.

3.4 Woollahra Development Control Plan 2015 (WDCP 2015)

The proposed development is assessed against the relevant provisions of WDCP 2015 in the table below.

Control	Objective / Control Summary	Assessment	Complies
Chapter B1 Desired Future Character	*The site is located in the Bellevue Hill North Precinct.*	The proposal offers a well-designed contemporary building which is consistent with the	No.

Control	Objective / Control Summary	Assessment	Complies
	Part B1.8.2 presents the Precinct Character Statement and the Desired Future Character and objectives sought for development in the site. *Extracts of the statement of Desired Future Character are as follows.* *"The Bellevue Hill North precinct is an established residential area with a rich mixture of architectural styles and forms. Development is to be compatible with the existing built fabric, subdivision pattern and other prevailing characteristics in the street, such as setbacks and roof forms.* *On sloping sites, development should step down the site to maintain views, protect the privacy and solar access of adjoining and adjacent properties, and minimise cut and fill. The design of roofs and fences should also facilitate view sharing opportunities, and carports and other parking structures must not to dominate the streetscape. ...* *There are pockets of Inter-War flat buildings along Drumalbyn Road that contribute to the precinct character, and the retention of these buildings is encouraged. ...* *The relevant Desired Future Character objectives are:* *O1 To respect and enhance the streetscape character and key elements of the precinct.* *O2 To maintain the evolution of residential building styles through the introduction of well-designed contemporary buildings incorporating modulation and a varied palette of materials.* *O3 ...* *O4 To reinforce a consistent building scale with streets.*	approach sought for redevelopment in the Precinct. While it involves the removal of three inter war residential flat buildings I note that there is no suggestion that there is any heritage impact. I consider that the proposed architectural style of the proposal and its street presentation is sympathetic to its neighbours (that may one day be subject to a redevelopment proposal). Furthermore, by incorporating three buildings, the internal amenity offered by a contemporary development of this degree is significantly higher than if the buildings were redeveloped individually. However the proposed tree replacement, building height and failure to step building's upper levels consistent with the landform (and resulting scale of the development) would be inconsistent with the following objectives: *O1 To respect and enhance the ... key elements of the precinct.* *O6 To design and site buildings to respond to the topography and minimise cut and fill.* *O7 To reinforce the landscape setting and maintain the existing tree canopy which forms a green backdrop when viewed from the harbour and the surrounding districts.* *O8 To retain and reinforce the green setting of mature street trees, private trees and garden plantings and minimise hard stand areas.*	

Control	Objective / Control Summary	Assessment	Complies
	O5 To ensure that development responds in form and siting to the street and subdivision pattern. *O6 To design and site buildings to respond to the topography and minimise cut and fill.* *O7 To reinforce the landscape setting and maintain the existing tree canopy which forms a green backdrop when viewed from the harbour and the surrounding districts.* *O8 To retain and reinforce the green setting of mature street trees, private trees and garden plantings and minimise hard stand areas.* *O9 ...* *O10 To ensure that development facilitates view sharing to adjoining and adjacent private properties.* *O11 To ensure on-site parking does not dominate the streetscape.* *O12 To retain Inter-War flat buildings, particularly significant and traditional building elements visible from the street.*		
B3.2 Building Envelope Setbacks	*Part B 3.2.1 presents building envelope controls for residential apartment buildings in the R3 zone.*	**Front Setback** Figure 17 in the SEE provides the analysis of the average typical front setbacks of the closest residential buildings to arrive at the required 10.35 metre frontage setback. However, many of the lesser setbacks established by the siting of some buildings to the south can be considered "least typical" as directed by Figure 3 in Part 3.2.2 of the DCP and should be excluded from the analysis. I consider that the character of the Precinct warrants the front setback proposed. It permits sufficient area for the protection of existing street canopy trees consistent with the desired future character for the Precinct.	Unknown. Requires further information.

Control	Objective / Control Summary	Assessment	Complies
		Side Setbacks The site frontage is greater than 35 metres. The proposed minimum 3.5 metre side setbacks (excluding the minor window projections) achieve Figure 5B. **Rear Setback** The SEE provides the analysis of the average to arrive at the required 15.29 metre rear setback. As I note above, no visual impact analysis has been provided and I am not able to determine, what, if any, impacts are there by way of the presence of an 8 storey building form with reduced rear setbacks at the rear of the properties in Latimer Road. In other words I cannot conclude that the proposed setback variation does not cause any unreasonable visual impact or visual intrusion on neighbouring properties to the east; and thus may be inconsistent with the objectives of the WDCP control.	
Part 3.3 Floor Plate	*Applies to development on land in the R2 Low Density Residential Zone.*	N/A	
Part 3.5.1 Streetscape Character	*A quality streetscape provides good public amenity and contributes to the character and identity of the locality. As character can vary from street to street, it is important that development recognises predominant streetscape qualities, such as building form to ensure a cohesive streetscape character.*	This is discussed in Parts 3.1, 3.2 and 3.3 above.	Yes.
Part B.3.5.2 Overshadowing	*Sunlight is provided to at least 50% (or 35 sqm min dim 2.5m) of the main ground level POS for a min. 3 hours between 9 am and 3.00pm on 21 June.* *North facing windows to upper level habitable rooms of adjacent dwellings receive min. 3 hours between 9 am and 3.00pm on 21 June on portion of surface.*	The proposed variation to the height appears to incur additional shadow impact on neighbours to the east. However the reasonableness of that impact is unknown given the lack of survey detail on properties to the rear.	Unknown. Requires further information.
Part B.3.5.3 Public and	*To protect and enhance existing views to and from*	I have not been able to observe views from inside neighbouring	Unknown.

Control	Objective / Control Summary	Assessment	Complies
Private Views	*public domain areas and encourage view sharing.* *Significant views and vistas identified in the precinct maps are maintained / enhanced.* *Vistas along streets are preserved or enhanced.* *Development and roof forms to low side of street preserves district, iconic and harbour views.* *Development enables view sharing.*	properties and no visual impact assessment has been provided with the development application. However, within this constraint I note that: • principal views from adjoining buildings (with the exception of the rear) and the public domain do not look into or across the site: and • there are no obvious existing iconic views from adjoining buildings that may be potentially obstructed by the proposed development.	
Part B3.5.4 Acoustic and Visual Privacy	*To ensure adequate acoustic privacy for occupants and neighbours.*	Acoustic and visual privacy is addressed in Part 3.2 above.	Yes.
B.3.5.5 Internal Amenity	*To encourage high levels of internal amenity through the provision of direct natural light and direct natural ventilation.*	The design of the proposed development delivers good internal amenity.	Yes.
B.3.5.6 On-site Parking	*To minimise the visual impact of garages, car parking structures and driveways on the streetscape.*	The design of the car park integrates well into the development and the site at the site frontage.	Yes.
B3.7.1 Deep Soil	*To ensure that the areas outside the floorplate contribute to the desired future character of the location.* *Tree canopy area is at least 30% of the site area for residential development other than dwelling houses, dual occupancies, semi-detached development and attached dwellings.* *At least half of the total tree canopy area on the site (i.e. 50%) is contributed by canopy tree/s.* *35% of the site area is deep soil landscaped area* *At least 40% of the front setback comprises deep soil landscaped area.* *Tree canopy area is the part of the site covered by the combined lateral spread of tree crowns of all trees above 3 metres in height and spread.*	A tree canopy area of 31.3% is nominated in the development application landscape plan. While the canopy of proposed trees is included not all the nominated tree species are canopy trees and much of the tree canopy is borrowed from trees in neighbouring properties and verge. As discussed above, the extent of dep soil zone is unknown and requires clarification.	No.

Control	Objective / Control Summary	Assessment	Complies
	A canopy tree is a tree that attains a minimum height of 8 metres and minimum crown diameter of 8 metres at maturity, and is planted in a deep soil landscaped area with a minimum dimension of 4 metres.		
B3.7.1 Principal POS	*To ensure that dwellings in residential flat buildings ... are provided with adequate private open space that enhances the amenity of the dwellings.*	The proposed development offers sufficient private open space areas.	Yes.
B.3.7.2 Fences	*To ensure fences and walls improve amenity for existing and new residents, are not visually intrusive, do not unreadably restrict views and contribute positively to streetscape and adjacent buildings.* *The height of front fences does not exceed:* *1.2m if solid; or* *1.5m if 50% transparent or open;* *The rear and side fences:* *are located behind the building front setback; and* *do not exceed 1.8m on level sites, or 1.8m as measured from the low side where there is a difference in level either side of the boundary.* *Where there is a difference in ground level in excess of 1.2m either side of the boundary—the height of fences and walls may increase to 1.2m from the level of the high side (refer to Figure 26).* *For sloping streets—the height of fences and walls may be averaged and fences and walls may be regularly stepped.*	No details are provided on wall / fence heights to the side and rear boundaries. A low height wall is proposed at the front boundary. Notwithstanding the existing sloping character of the site's landform, boundary wall heights at the side and rear boundaries of the site should achieve the DCP requirements for sloping sites.	Yes, subject to condition.
B.3.7.3 Site Facilities	*To ensure that mechanical plant equipment including lift overruns, air-conditioning units and external condensers, do not have adverse streetscape or amenity impacts.* *To ensure that development incorporates adequate garbage and recycling collection areas.*	Waste facilities have been identified in the plans of proposed development.	No.

Control	Objective / Control Summary	Assessment	Complies
B.3.7.4 Ancillary Development	*To provide recreation facilities and opportunities that do not compromise the amenity of adjoining properties and retain deep soil zones, trees and vegetation of landscape value.*	No ancillary development is proposed.	N/A
B.3.8 Residential Flat Buildings	*To ensure that dwellings within the development provide good amenity.* *Single aspect dwellings are limited in depth to 8m from a window.* *The back of the kitchen is no more than 8m from a window.* *The width of a cross-over or cross-through dwelling over 15m deep is 4m or greater. Deep and narrow dwelling layouts are avoided.*	Deep and narrow dwelling layouts are avoided and the objective is achieved by the dual frontage character of many of the apartments.	Yes.

Part 4: Urban Design Review

4.1 Summary

The proposed development comprises an infill three to eight storey (26 apartment) medium density residential building that seeks to capitalise on the redevelopment opportunity offered by the demolition of the three existing apartment buildings within the combined site.

While the proposed internal amenity will be high, the proposal seeks to achieve this by requesting variations to the height control of WLEP 2024 and rear setback control of WDCP 2015. Furthermore, a number of numerical characteristics of the proposed development are unclear. This includes deep soil planting area, tree canopy area and floor space ratio. Minor non-compliances also occur with the Apartment Design Guidelines' building separation and storage guidelines.

I am not supportive of the proposed height for seven reasons noted in the discussion in Part 3.3.1. I also do not support the rear setback variation. In all respects the rear (east facing part) of the proposed development does not achieve a contextual fit in terms of achieving the desired future character for the Precinct. I consider that height and rear setback compliance can potentially be achieved with minimal adverse impact to the proposed development. This should be tested by the applicant.

I come to these conclusions cautiously as I have been unable to determine potential issues of privacy, overshadowing, view impacts and visual intrusion impacts as no visual impact assessment has been provided within the development application and the survey provides no detail on the properties to the rear (east) of the site for shadow impact assessment.

The primary concern is the proposed exceedance in the height control. While it may appear minor, it may result in a building envelope and development outcome that is inconsistent with the desired future character of the Bellevue Hill North Precinct.

4.2 Recommendation

The proposal is not supported. The following observations raised in the review could be considered (in no particular order of priority and not purporting to be complete) that may assist in any redesign:

1. The building envelope could be reconfigured with the aim of reducing the height at the rear and increasing the rear setbacks of the proposed development to better achieve compliance with the height control and desired future character sought for the precinct. Increasing the rear setbacks at levels 4 and 5 and 6 by a minimum of 1 to 1.5 metres and setting back all east facing balconies behind the rear setback line is suggested;
2. A sufficient width of deep soil should be provided to site boundaries with a minimum dimension of 6.0 metres, unencumbered by stormwater infrastructure, to facilitate the planting of canopy trees;
3. Building design should seek to achieve the guidance in the Apartment Design Guidelines in the following areas:
    (i) Demonstrate that a minimum 2.7 metre floor to ceiling height can be achieved;
    (ii) Provision of appropriately located and configured apartment storage to achieve the objectives of Part 4G of the ADG;
    (iii) Provision of a roof hatch access to the roof;
    (iv) Achieve sufficient balcony separation distances at levels 5 and 6 by the provision of screening to side boundaries consistent with Part 3F of the ADG.

Other matters to consider include:

4. Provide complete stormwater infrastructure plans that ensure that sufficient dimensions and functionality of the deep soil area in the setback areas are not compromised;
5. Provide a more comprehensive survey plan that includes details of properties to the rear;
6. Side and rear boundary walls /fences should have a maximum height of 1.8 metres (or 1.2 metres) consistent with the requirements of Part B3.7.2 of WDCP;
7. Clarification of the areas of the gross floor area and FSR should be provided;
8. The retention of Tree No. 12 should be clarified;
9. The landscape plan should include tree species that will exhibit the characteristics of canopy trees when established in the rear setback; and
10. The landscape plan should provide details on soil profiles and depth for planting on structures.

Stephen McMahon
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