

REFERRAL RESPONSE URBAN DESIGN

FILE NO: Development Application: 413/2024/1

ADDRESS: 488-492 Old South Head Road Rose Bay (30 Albermarle Avenue)

PROPOSAL: Demolition of former service station (now supermarket), and construction of a new part two to four storey mixed use (shop top housing) building comprising a supermarket at ground floor and Level 1 and 13 residential apartments above, three levels of basement car parking and associated site remediation, excavation; landscaping; signage and siteworks.

ASSESSMENT: Complex, SEPP (Housing) & ADG

FROM: Stephen McMahon, Director Inspire Planning

TO: Anne White

Information

Architectural drawings: PBD Architects Project No. 2401, DA 100 – 801 Issue 3, 26 September 2024

Landscape Plan: Site Image, Job: DD24-5382 Drawings 000 to 502, Issue D

Statement of Environmental Effects: Ethos Urban, Job 2240289, 4 October 2024

Survey: LTS Surveyors, Job 51101 001DT. 26/08/2020

Part 1: Site and Context

1.1 The Site and Existing Development

The site comprises two lots (Lot 30 Sec B in DP 4567 (No. 30 Albermarle Avenue) and Lot 1 in DP 1009799 (No. 488 -492 Old South Head Road)) that have a combined site area of 2,257sqm as noted in the Statement of Environmental Effects. The combined site is generally rectangular in shape and oriented in a southeast to northwest direction at the corner of the signalised intersection of Old South Head Road and Albermarle Avenue. The site boundaries are:

- Southeastern frontage of 39.61 metres (primary frontage to Old South Head Road);
- Southwestern secondary frontage of 67.87 metres to Albermarle Avenue;
- Northeastern side boundary 42.67 metres to No.s 494-496 Old South Head Road; and
- Northwestern side boundary of 50.13 metres (including small part extending to north eastern boundary) to No. 28A Albermarle Avenue.

The site is generally flat with a variation in landform of approximately half a metre falling in a south to north direction.

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): Southeast of side boundary No. 30 Albermarle Ave.
- (Middle): Northeast of the site frontage to Old South Head Rd.
- (Bottom): Northwest of corner boundary at Old South Head Rd.

The site accommodates a former service station now used as a small Woolworths 'click and collect' supermarket with the following characteristics:

1. Existing development comprises a small single storey building and detached canopy above the former bowser apron;
2. No. 30 comprises a single storey detached cottage dwelling. It includes a car port adjoining the dwelling to the south east and a large, roofed patio area at the rear. The dwelling is setback approximately 3.7 metres from its neighbour to the north (No. 28A);
3. The former service station building and apron forecourt are setback from and address both the Old South Head Road and Albermarle Avenue frontages. It has a zero side setback to No. 494 – 496 Old South Head Road that adjoins the site;
4. The buildings, and specifically its current supermarket use, display a number of wall and pylon advertising signs that are visually prominent in the streetscape;
5. There is a notable tree canopy within the verges in Old South Head Road and Albermarle Avenue in front of and directly adjoining the site. According to the arborist report (Naturally Trees 02 October 2024) there are 4 trees within No.30. The trees are assessed as being unimportant. There are four trees with high retention value located in the Old South Head Road and Albermarle Avenue road verges adjoining the site.

1.2 The Locality

The site is located in a part of the Rose Bay South local centre that addresses Old South Head Road. Most of the area was developed in the inter war period. However there has been significant redevelopment such that there are few commercial buildings remaining (primarily single or two storey shop terraces). Many commercial buildings have been redeveloped, particularly since the 1960s into 3 or 4 storey shop housing. Notwithstanding this, the centre displays an intact strip retail form. A number of three storey inter war residential flat buildings remain and are prominent in the streetscape.

As a result, the locality is, today, distinguished by a mix of residential flat buildings, low scale commercial (terrace shop) buildings and post 1950s three storey shop top housing exhibiting a variety of styles, colours and materials.

1.3 Adjoining Road

Old South Head Road is a busy sub arterial road with parking on both sides of the street beyond the site. It exhibits an attractive and partly treed local retail streetscape in the vicinity of the site.

Parking restrictions apply to both frontages of the site due to its corner location at the intersection of Old South head Road and Albermarle Avenue. There is a loading zone at the Old South Head Road frontage.

The site enjoys access to conveniently close bus based public transport. Bus routes No.s 386, 387 and 323 pass the site, or are within walking distance of the site and provide access to Bondi Junction Railway Station and Shopping Centre.

1.4 Adjoining Development

To the North West:

To the north west of the site development in Albermarle Avenue predominantly comprises single and two storey detached dwellings. The Rose Bay Public School is located 140 metres from the site to the north. Directly adjoining the site there is a single storey duplex cottage (no. 28 & 28A). The side of the dwelling extends along the length of the shared side boundary with an estimated side setback of approximately 1.8 metres. Views along the road 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 from dwellings opposite the site.

To the north east:

To the north east of the site is a projection of the rear garden of No. 39-41 Wilberforce Avenue. The property comprises a comparatively modern 'three storey residential flat building called Pemberley'.

While no detail is provided in the survey plan, analysis of aerial photography suggests that the building is setback some distance from the shared boundary. Windows to habitable rooms exist at all levels. However, they are oriented away from and do not directly address the site and oblique views of the site are obscured by a large tree.

Adjoining the site is No. 494-496 Old South Head Road. It comprises a four storey shop top housing development. The fourth level is setback from the road and not visually evident in the streetscape. The building is constructed to the side boundary adjoining the site up to the third storey with no windows. However, it includes a small setback in the wall which forms a recessed light well providing access to windows and possibly inward facing balconies at the second and third storey. The windows overlook the site. (The survey lacks detail on this). Windows on the fourth storey also overlook the site but are setback from the boundary. At Old South Head Road, the ground floor comprises a retail frontage and car park driveway. An awning extends along the ground floor to provide pedestrian protection.

To the east and south east:

To the east of the site are two three x storey inter war red brick residential flat buildings addressing Old South Head Road. The separation offered by the road and the presence of street trees results in negligible views across the site from habitable rooms of dwellings in the buildings.

Further south, on the opposite side of Liverpool Street at its intersection with Old South Head Road and Albemarle Avenue, is a traditional narrow two storey corner terrace shop.

To the south and south west:

Directly to the south of the site is a single storey commercial building currently occupied by a chemist. Beyond the shop, extending along Old South Head Road is the continuation of the Rose Bay South local centre. It comprises two and three storey shop top housing and residential uses addressing the road.

Part 2: The Proposal

The proposed development comprises the demolition of the existing buildings on the site, removal of vegetation and construction of a new two to four storey mixed use building with basement car parking accessed via a driveway from Albermarle Avenue.

Of relevance to this assessment:

- Demolition includes removal of all of the existing buildings and vegetation within the site. The significant verge trees are proposed to be retained.
- The building comprises a supermarket and ancillary / associated spaces at ground and first floor levels (2028.8 sqm GFA. NLA not provided). Levels 2 and 3 above comprise residential use accommodating 13 large apartments ranging in size from 100 sqm (2 x bed) to 196 sqm (4 x bed).
- Apartments are configured along a central corridor addressing all elevations comprising 1 x 2 bed and 1 x 3 bed on level 1; 1 x 2 bed and 6 x 3 bed on level 2; and 1 x 4 bed and 3 x 3 bed on level 3.
- The proposed building footprint addresses both Old South Head Road and Albermarle Avenue frontages and extends the active street front evident in the centre.
- An awning is proposed along both frontages above ground level with suitable openings / gaps to accommodate the canopies / trunks of the existing verge trees that will be retained.
- Building siting proposes:
 - > a uniform zero metre setback to the northeastern, southeastern and southwestern boundaries at ground and first floor levels. This extends to the basement levels;
 - > at the northwest side boundary, which can be described as the rear of the development the building is setback 9.0 metres from the boundary with No. 28A Albermarle Avenue. The basement levels extend partly into the setback area at the Albermarle frontage;
 - > At level 2, being the lower level of the two residential levels, the north eastern elevation is partly setback 10 metres to the balcony edge from the side boundary with No. 494 – 496 Old South Head Road. The setback does not appear to extend fully to the lightwell, such that the lightwell is partly obscured by the balcony edge and screen of Unit 205. An outdoor terrace also extends along the Albermarle and Old South Head frontages with a setback of 3.0 metres to the building wall. The three metre setback extends to the rear (northwest) building elevation addressing No.28A to establish a separation distance of 12 metres to the common boundary with No. 28A; and
 - > At level 3, being the upper level of the two residential levels, the north eastern elevation maintains the 10 metre setback to the balcony edge and establishes a 13 metre separation with the adjoining wall of No. 494-496 Old South Head Road. At the Old South Head Road frontage, the building is setback from the proposed balcony edge to the boundary of 494 – 496 by an estimated seven metres to establish 10 metre separation to the wall of 494-496. The setback area is a non trafficable roof and landscaping. The outdoor terrace is repeated. It has an additional setback of 2.6 metres to Albermarle and 2.3 metres to Old South Head. The three metre setback at the rear (northwest) building elevation addressing No.28A increases by a further 1.5 metres to 13.5 metres.
- The basement car park levels are accessed via a double driveway to Albermarle adjoining the loading supermarket loading dock to establish a vehicle zone in the footpath of 20 metres (being approximately 40% of the frontage).
- The living areas in each apartment on each level have access to useable balconies. Apartment 101 on level 1 is located above the car park and loading dock driveways. The Acoustic Study (E-Lab Consulting, 02 October 2024) does not recognise this apartment as a potential noise receiver. The level 1 apartments are not identified in Appendix C. It is unclear whether the report recommendations will be appropriate for Apartment 101.

- Pedestrian access to the residential use is proposed from Albermarle Avenue to a dedicated lobby with lift on the ground floor. Access to the supermarket is achieved via a ground floor opening in the Old South Head Road frontage.
- Basement excavation capitalises on the local centre context. it extends to three of the four boundaries consistent with the building ground floor. The deepest excavation point is 9.6 metres plus basement level 3 slab and lift pit to establish an RL of 1.65 metres.
- 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 from adjoining properties along the side boundaries above ground floor and the Level Two communal open space by way of large setbacks (separation), raised planter boxes and palisade fencing at the edge of the planter boxes.
- Windows and balconies have aspect to Old South Head Road, Albermarle Avenue and the building entries.
- The maximum proposed height of the building is nominated as 15.1 metres. Thus, the proposed building is located above the maximum proposed LEP height limit of 14.5 metres by 0.6 metres (4.1%).
- Nominated floor to floor heights shown in the architectural plans are 3.2 metres minimum (residential) and 4.0 metres commercial. Not all bathrooms and other plumbed rooms are aligned vertically on each floor.
- The proposed GFA is nominated as 4,055sqm. With a site area of 2,257 sqm according to the survey plan, the development has a proposed FSR of 1.79:1. This is below the proposed maximum GFA of 3,720 sqm.
- Two communal areas with a total area of 612.7 sqm are proposed: a ground floor external communal area is proposed at the rear of the development, of which 228.4 sqm is deep soil; and a Level Two communal area. Each area offers similar functions. The ground floor provides a green buffer to protect amenity to the adjoining dwelling at No. 28A with passive recreation facilities for residents of the proposed development. The level two area also provides separation and amenity for adjoining apartments in No. 494-496 and passive recreation facilities for residents. No facilities are proposed to be provided that would encourage congregation by large numbers of people (for example swimming pool / sheltered barbeque etc). The ground floor area is only accessible via a locked gate from Albermarle Avenue, while the level 2 area is accessible via the internal corridor, lift and stairs.
- The Stormwater drainage plan (Northrop 02 December 2024) does not indicate the presence of any stormwater pipes and associated pits that may clash with and impact on deep soil area.
- The landscape plan predominantly focusses on the communal areas and terrace balconies. No landscaping is proposed to the building roof.
- A potential location for an electrical substation is indicated on the front boundary to Albermarle Avenue in the north west corner of the site. It is setback from the boundary with No. 28A. A location for the fire hydrant booster assembly cabinet is also indicated at the Albemarle frontage of the site addressing the street.
- Commercial signage is proposed to be located in the ground and first floor elevations addressing both frontages. The signage is unobtrusive, low scale and is primarily proposed at ground level. No pylon, rooftop or other large projecting wall signs are proposed.

- Residential and commercial waste facilities are separated, and both have access to the loading dock.
- The ground floor supermarket frontage to Albemarle Avenue accommodates the travelator between car park and retail levels.
- Building design exhibits a high quality modern architectural style to both the street frontages the rear boundaries distinguished by prominent brick arches in the walls at ground and first floor levels that distinguish the commercial component of the building and recessive glazed walls serving the residential use behind the terraces for level 2 and 3. The adoption of distinctive curved elements in the roof and commercial podium level, together with the use of dark red/brown face brick seek 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 dark coloured face brick to podium walls with complementary grey and dark grey rendered concrete, screens and other architectural details.
- Building massing and articulation is well considered. The building addresses its prominent corner location. Recesses in the building elevations to both Old South Head Road and Albermarle Avenue break up the building mass into a series of distinct parts in the walls that mimic a series of terrace shop forms to the road separated by a series of vertical forms.

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—	The Design Verification Statement provided in the development application is dated 18 September 2024 It was prepared prior to the date of the submitted plans. The accompanying ADG Compliance Table is incomplete	No. Design statement and ADG compliance statement need to be updated to address

Part 3 Clause 29 Design Verification Statement	Comment	Complies
(i) the design principles for residential apartment development, and (ii) the objectives in Parts 3 and 4 of the Apartment Design Guide.	and has been prepared by the author of the Statement of Environmental Effects. It must be prepared by the qualified designer.	plans and prepared by designer.

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 site of the proposed development is located in a precinct zoned and proposed to be zoned for mixed use shop housing development. It enjoys convenient access to, and supports, complementary commercial activities to serve its residential locality. 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 presents opportunities for site planning that are capitalised upon. The close proximity of the neighbouring apartment buildings to the side boundary has 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 building envelope scale, bulk and height are greater than the existing buildings. However, the building envelope height is generally consistent with those of surrounding buildings and while the bulk and scale are also greater it 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 fragmented historic streetscape character of the road.	Yes.

Schedule 9 Principle & Statement	Comment	Complies
	The design of ground floor commercial frontages, upper level elevations, signage and siting of setbacks appropriately define the public domain and contribute to the centre's character. The building design prioritises its frontages and streetscape character. While the proposed driveways in Albermarle are extensive, they are an improvement on the existing driveways of the former service station. Configuration of living areas provides good internal amenity and outlook.	
Principle 3: Density (1) Good design achieves a high level of amenity for residents and each 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 site is accessible to services and facilities. The proposed density is consistent with that in the centre. 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 is consistent with the proposed maximum standard in the WLEP. This is discussed in Part 3.3 below.	Yes.
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 roof top solar are proposed. No apparent conflicts exist between the deep soil zone and stormwater infrastructure.	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.	The Landscape Plan proposes an appropriate approach to site landscaping.	Yes.

Schedule 9 Principle & Statement	Comment	Complies
(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, (c) equitable access, (d) respect for neighbours' amenity. (5) Good landscape design provides for practical establishment and long term management.	There is a sufficient provision of landscaping, with sufficient dimensions.	
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. Separation of windows addressing the northern eastern and south eastern 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	The proposed development effectively addresses the public domain. Pedestrian and vehicle entrances enjoy good exposure, are legible and will be comfortable to use.	Yes.

Schedule 9 Principle & Statement	Comment	Complies
defined secure access points and well-lit and visible areas that are easily maintained and appropriate to the location and purpose.		
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 (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.	The modern architectural style displays a suitable aesthetic.	Yes.

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 local centre context of the site and surrounding development.	Yes.
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%.	Building orientation prioritises solar access to, and outlook for, apartments and preserves solar access to adjoining developments (achieved primarily by the terraced stepping back of upper levels, proposed separation and existing separation offered by adjoining roads).	Yes.

Requirement Objective or Guidance	Comment	Complies												
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.	While the recessed lightwell in No 494-496 is partly obscured solar access appears to be preserved.													
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. 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.	The proposed building design, articulation, setbacks and siting present an appropriate relationship to Old South Head Road and Albermarle Avenue. No Crime Prevention Through Environmental Design (CPTED) concerns are evident. Building services are hidden and the necessary presence of fire equipment at the front boundary has been thoughtfully sited.	Yes.												
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.	The communal open space area exceeds 25%. Appropriate solar access is provided.	Yes.												
3E – Deep soil zones Deep soil zones that allow for and support healthy plant and tree growth. <table border="1"> <thead> <tr> <th>Site area</th><th>Min Dim.</th><th>Deep soil zone (% of site area)</th></tr> </thead> <tbody> <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> </tbody> </table>	Site area	Min Dim.	Deep soil zone (% of site area)	< 650m ²	-	7%	650 m ² – 1,500m ²	3m	> 1,500m ²	6m	> 1,500m ² with significant existing tree cover	6m	The site has an area of 2,257sqm. 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 228.36 sqm (architecture plans), being circa 10%.	Yes.
Site area	Min Dim.	Deep soil zone (% of site area)												
< 650m ²	-	7%												
650 m ² – 1,500m ²	3m													
> 1,500m ²	6m													
> 1,500m ² with significant existing tree cover	6m													
3F – Visual privacy Minimum separation distances from buildings to side and rear boundaries:	The building has a height of 4 storeys for this assessment.	Yes.												

Requirement Objective or Guidance				Comment	Complies
Building height	Habitable rooms and balconies	Non-habitable rooms	New development adjacent to existing buildings should provide adequate separation distances to the boundary in accordance with the design criteria.	Generally, windows and balconies to habitable rooms address all boundaries. The locations of the northeast and southeast facing windows where they overlook the side boundaries achieve the minimum setback and separation distances. A potential overlooking corner from the balcony of Unit 205 on level 2 into the recessed light well of No. 494-496 is addressed by the presence of a nib wall, planter box and palisade screen fencing.	
Up to 12m (4 storeys)	6m	3m			
Up to 25m (5-8 storeys)	9m	4.5m			
Over 25 m (+9 storeys)	12m	6m			
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.					
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.				The proposed development offers a good level of connectivity, entry, access and visibility with Albermarle Avenue and Old South Head Road.	Yes.
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.				The proposed development adopts a thoughtful approach to vehicle access. Streetscape and pedestrian impact /amenity from driveway access is minimised compared to the existing situation presented by the former service station use.	Yes.

Requirement Objective or Guidance	Comment	Complies
Designed to minimise conflict with pedestrians and vehicles. Create high quality streetscapes.		
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 meets the solar and daylight criteria. The orientation of the site precludes design solutions that achieve solar access to south east sited apartments. However, the amenity offered suggests that appropriate levels of amenity are achieved, notwithstanding the lack of solar access. Given this context I consider that the proposal is acceptable.	No, but considered acceptable in the circumstances.								
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: <table><tr><th>Apartment</th><th>Minimum ceiling height</th></tr><tr><td>Habitable rooms</td><td>2.7m</td></tr><tr><td>Non-habitable</td><td>2.4m</td></tr><tr><td>Attic spaces</td><td>1.8m with 30° minimum ceiling slope</td></tr></table> Minimum floor to floor height 3.1m (4C.5).	Apartment	Minimum ceiling height	Habitable rooms	2.7m	Non-habitable	2.4m	Attic spaces	1.8m with 30° minimum ceiling slope	The nominated floor to floor height is 3.2 metres which may achieve the 2.7 metre floor to ceiling height once floor materials and possible plumbing or ceiling AC ducting is installed.	Yes.
Apartment	Minimum ceiling height									
Habitable rooms	2.7m									
Non-habitable	2.4m									
Attic spaces	1.8m with 30° minimum ceiling slope									
4D – Apartment size and layout Apartments are required to have the following minimum internal areas:	All apartments achieve and generously exceed the minimum area.	Yes.								

Requirement	Comment	Complies
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.		
4E – Private open space and balconies All apartments are required to have primary balconies as follows: Apartment Min. Min. <u>type</u> <u>width</u> <u>depth</u> 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.	All balconies meet the minimum area and depth requirements.	Yes.
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.

Requirement	Comment	Complies										
4G – Storage In addition to storage in kitchens, bathrooms and bedrooms, the following storage is provided: <table><tr><th colspan="2"><u>Dwelling type Storage size volume</u></th></tr><tr><td>Studio</td><td>4m³</td></tr><tr><td>1 bedroom</td><td>6m³</td></tr><tr><td>2 bedroom</td><td>8m³</td></tr><tr><td>3+ bedrooms</td><td>10m³</td></tr></table> Note: At least 50% of the required storage is to be located within the apartment.	<u>Dwelling type Storage size volume</u>		Studio	4m ³	1 bedroom	6m ³	2 bedroom	8m ³	3+ bedrooms	10m ³	Storage for apartments is proposed internally within units and basement.	Yes.
<u>Dwelling type Storage size volume</u>												
Studio	4m ³											
1 bedroom	6m ³											
2 bedroom	8m ³											
3+ bedrooms	10m ³											
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 Old South Head Road. The proposal 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 residents in both the site and the neighbouring sites. That said, the basement car park door and loading dock are directly below Apartment 101 on level 1. Potential acoustic impact on this apartment is not addressed in the Acoustic study. It will require consideration by 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.	No.										
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 Old South Head Road. Given the observed use of the road, together with the upper setbacks of the proposed building from the	Yes.										

Requirement	Comment	Complies
	road, no air quality concerns are apparent.	
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	N/A	N/A.
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 is acceptable.	Yes.
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. Soil profiles and depth details are provided for these locations.	Yes.
4Q – Universal design 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.	The private open space areas, vertical access, apartment sizes and layout and amenity of each unit generally provide a high level of flexibility to evolve as households evolve.	Yes.
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.	This is achieved as discussed elsewhere.	Yes

Requirement	Comment	Complies
Residential levels of the building are integrated within the development, and safety and amenity are maximised for residents.		
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.	Awnings at street level are proposed and signage is of the appropriate scale and form.	Yes.
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 no information to demonstrate appropriate rainwater collection and reuse.	No. subject to condition.
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.	Yes.

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	The site is partially zoned MU1 Mixed Use (488-492 Old South Head Road) and R2 Low Density Residential (30 Albemarle Avenue). The Statement of Environmental Effects nominates that the Planning Proposal seeks to allow retail premises as an additional permitted use at 30 Albemarle Avenue only if it is part of a shop top housing development.	I consider that the proposed use can meet the objectives of both the zone and the planning proposal. The proposed exceedance of the height limit is reasonable and satisfies the zone objective. I discuss this further below.	Yes.

	Clause Objective / Control	Assessment	Complies
	The amendment has been advertised and endorsed by Council and is progressing. As such it represents the desired future character for the site and is a matter for Consideration.		
Clause 4.3 Height of Buildings	The height control at 488-492 Old South Head Road is subject to a 14.5m height limit. 30 Albemarle Avenue is subject to a 9.5m height limit. The Statement of Environmental Effects nominates that the Planning Proposal seeks to introduce a maximum building height of 14.5m to 30 Albemarle Avenue. The amendment has been advertised and endorsed by Council and is progressing. As such it represents the desired future character for the site and is a matter for Consideration.	The maximum proposed height of the building is nominated in the Statement of Environmental Effects as 15.1 metres. The exceedance primarily occurs at the rooftop of level 4, the solar panels, the AC screen and the lift over run. The application includes a Clause 4.6 written request to vary the standard. I discuss the request in Part 3.3.1 below. I support the request and consider it to be well founded.	Yes.
Clause 4.4E Floor Space Ratio	30 Albemarle Avenue currently has an 0.5:1 FSR, whereas 488-492 Old South Head Road has an FSR of 1.5:1 FSR with the controls allowing for the FSR to increase to 2:1. The Statement of Environmental Effects nominates that the Planning Proposal seeks to introduce a site-specific maximum gross floor area of 4,200m² (equating to maximum FSR of 1.86:1) for the site. The amendment has been advertised and endorsed by Council and is progressing. As such it represents the desired future character for the site and is a matter for Consideration.	The development has a proposed FSR below the maximum FSR standard being sought in the Planning Proposal.	Yes.
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	The Foreshore Building Line (FBL) provisions contained in Clause 6.4 require a setback of 30m from the MHWL.	N/A	N/A

	Clause Objective / Control	Assessment	Complies
foreshore area			
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)	N/A	N/A

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

3.3.1 Height Variation

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:

- The proposed development comprises four storeys and the height in storeys is consistent with the heights in storeys of existing buildings within the immediate vicinity of the site.
- The proposed height variation of 0.6 metres will not be visually apparent and will not appear out of context with the existing neighbouring built form character;
- Loss of solar access is minimised, and the proposed variation does not, in itself, incur any additional unreasonable shadow impact to neighbours or the public domain;
- Similarly, the proposed variation does not cause any additional, unreasonable view loss, privacy impact or visual intrusion on neighbouring properties; and
- The proposed height variation is minor and does not seek any additional floor space.

I consider that the written request has 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)

A Draft Amendment (No 27) to the WDCP) has been prepared for the site and was approved by Council at its meeting on 8th July 2024. The Draft amendment would introduce a new chapter, titled Chapter G9: 488-492 Old South Head Road and 30 Albemarle Avenue, Rose Bay. The site-specific chapter introduces controls relating to the building design, street activation, setbacks, landscaping, privacy, and the maximum non-residential gross floor area that may be achieved on the site.

This is in addition to the relevant provisions of WDCP 2015. The development is assessed against all the relevant urban design controls in the table below.

Draft Control	Objective / Control Summary	Assessment	Complies
G8.2.1 Desired Future Character	C1. Development on the site must align with the following: • A building of no more than four storeys; • Active street frontages along Old South Head Road and Albemarle Avenue; • Articulated facades that contribute to the visual interest of the building and the character of the local area; • Respect the landscape character and low scale residential character of Albemarle Avenue, by providing building setbacks, height transition and a landscape setting; • Planting and a deep soil zone to soften its interface with the adjoining residential uses on Albemarle Avenue; • A diverse range of apartment sizes comprising of Studio/1 Bedroom, 2 Bedroom, and 3 or more Bedroom dwellings	While the proposal offers no one bedroom apartments and the ground floor supermarket frontage to Albemarle Avenue accommodates the travelator between car park and retail levels, in all other respects I consider that the proposal achieves the Desired Future Character, and the non-compliances are minor and inconsequential.	Yes.
G8.2.2 Built Form	C2. The building design is to be a high quality contemporary structure, and may include defined horizontal and vertical elements, façade arches and curved edges to reduce perceived building bulk and contribute to the architectural quality and aesthetic of the building. C3. The minimum setbacks from Old South Head Road and Albemarle Avenue are: • At Ground Level and Level 1 – 0m from the street boundary. • At Level 2 – 0m from the street boundary with a minimum 3m articulation zone from the street boundary. • At Level 3 - 3m from the street boundary with a minimum 2m articulation zone from Old South Head Road and 2.5m articulation zone from Albemarle Avenue. C4. The minimum setbacks from the building at 494-496 Old South Head Road (SP 75026) are: • At Ground Level and Level 1 – 0m from the north-western boundary • At Level 2 – 0m from the north-western boundary where a blank wall adjoins MU1 mixed use zoned land. wall. - 10m between habitable rooms/balconies and non-habitable rooms. • At level 3 7m from non-habitable rooms between the proposed balconies and habitable rooms	Generally, complies as discussed elsewhere in this review.	Yes.

Draft Control	Objective / Control Summary	Assessment	Complies
	within the existing 494-496 Old South Head Road development - 10m from habitable rooms/balconies and non-habitable rooms. C5. The minimum setbacks from the north-western boundary that adjoins 28A Albemarle Avenue are: • At Ground Level and Level 1 – 9m to the building • At Level 2 – 9m to the building and 12.5m to habitable rooms/balconies • At Level 3 – 12m to the building and 13.5m to any habitable rooms/balconies		
	C7. Awnings are provided along Old South Head Road and Albemarle Avenue retail frontages. The awnings are to be designed and installed to retain and protect street trees. C8. Wet weather protection is to be provided at entrances.	Complies as discussed elsewhere in this review.	Yes.
G8.2.3 Uses	C1. No more than 2,400m² of the gross floor area of the development is used for non-residential uses. C2. The residential component of the development achieves a minimum dwelling yield of 10 apartments and comprises a mix of Studio/1 Bedroom, 2 Bedroom, and 3 or more Bedroom dwellings. C3 Residential uses are located on the upper levels and achieve a high degree of amenity in accordance with the Housing SEPP Chapter 4 and the Apartment Design Guide.	Generally, complies, notwithstanding no 1 bedroom apartments as discussed elsewhere in this review.	Yes.
G.8.2.4 Ground level active frontage	C1 At the ground floor, the building is designed for retail uses on the primary street frontage including key corner location of Old South Head Road and Albemarle Avenue. C2 Active frontages are provided to Old South Head Road and Albemarle Avenue, through uses such as shopfronts and building entries. C3 Separate entrances are provided to the residential and commercial uses. Access to the residential component is from Albemarle Avenue. C4 The building façade must be designed to contribute to the street and remains highly transparent and activated. It must not present blank walls onto streets.	Complies, as discussed elsewhere in this review.	Yes.
G8.2.5 Separation zone and landscaping	C1 A minimum 9m wide separation zone is provided from the north-western boundary. C2 The separation zone accommodates: • a deep soil landscaped area which is: - at least 10% of the total site area, and - designed to provide a consolidated area with a minimum width of 8m, measured from the north-western boundary;	Complies, as discussed elsewhere in this review.	Yes.

Draft Control	Objective / Control Summary	Assessment	Complies
	• at least two medium sized canopy trees to achieve a minimum combined tree canopy of 40m²; • screen planting along the full length of the boundary that directly adjoins 28A Albemarle Avenue; and • a mix of dense hedge and feature planting, shrubs and trees that help soften and screen the development interface with the adjacent residential dwelling. C3 Tree canopy area is at least 10% of the total site area. C4 Building design incorporates opportunities for planting on structures and within the facade. Design solutions may include green roofs, green walls and planter boxes. C5 Landscaping is provided within the communal open space. C6 Landscaping and other planting includes drought tolerant Australian native plants. C7 Street level landscaping is provided along Old South Head Road and Albemarle Avenue. C8 The separation zone provides opportunities for active and passive surveillance and incorporates the CPTED principles into design including provision of lighting and CCTV. C9 The area beyond the building line of 28A Albemarle Avenue is secured by fencing or other security measures to restrict public access. Fences and gates are the form of palisade style fencing. C10 The side and rear fences do not exceed 1.8m in height. C11 The design and materials of fences and gates are compatible with the building.		
G8.2.6 Vehicular access and servicing	C2 Access to on-site car parking and servicing facilities is provided off Albemarle Avenue. No vehicular access is permitted off Old South Head Road. C3 Vehicle access points and building entrances must be separate and clearly defined to avoid pedestrian and vehicular conflicts. C4 Car parking, loading and driveway areas are designed to minimise disruption to pedestrian movement, safety and amenity. C5 All bicycle parking is located within the building to avoid visual clutter within the streetscape. No such parking is permitted within the separation zone. C6 The loading dock must be fully enclosed with a door and is no larger than the dimensions required for functional operation. C7 Automated doors for car parking, loading areas and loading docks are designed to provide effective noise reduction. The use of these facilities must not give rise to noise which exceed 5dB(A) above the background	Acoustic assessment requires further investigation, as discussed elsewhere in this review.	No.

Draft Control	Objective / Control Summary	Assessment	Complies
	sound level when measured at the façade of the nearest residential property. Note: Conditions of consent may restrict the operation of the loading dock to specified hours		
G8.2.7 Site Facilities	C1 Mechanical plant equipment is located and designed to maintain and protect the visual and acoustic amenity of the adjoining residential properties. C2 If an electricity substation is required, the substation is to be provided as a basement chamber substation. C3 All plant and equipment must be concealed from the exterior and not detract from the streetscape.	Generally, complies, as discussed elsewhere in this review notwithstanding the proposed location of the substation. I agree that a basement location is generally not supported by energy suppliers.	Yes.

Part 4: Urban Design Review

4.1 Summary

The proposed development comprises an infill four storey mixed use building that seeks to capitalise on the redevelopment opportunity offered by the existing redundant service station within the corner site and the ability to acquire the neighbouring property in Albemarle Avenue.

The proposal seeks to achieve the proposed development via a concurrent planning proposal that seeks amendments to the WLEP to give permissibility to the mixed use at No. 30 Albermarle Avenue and height and floor space ratio controls for the combined site. It is supported by a new proposed chapter in the WDCP that provides comprehensive guidelines on the desired form of development.

The proposal seeks to achieve this by requesting a variation to the proposed height control to be incorporated into the WLEP 2024. There are generally no other non-compliances with the proposed controls being sought for either the WLEP or WDCP.

I am supportive of the proposed height variation and in all other respects the proposal achieves a contextual fit in terms of achieving the desired future character for the site in the Rose Bay South Local Centre.

The only other variations of note and possible concerns comprise:

- The lack of provision of one bedroom apartments. I consider to be acceptable as the mix of two, three and four bedroom dwellings better suites the social and demographic character of Rose Bay. In particular it offers local downsizing opportunities for Rose Bay households that are currently in limited supply;

- The ground floor supermarket frontage to Albemarle Avenue that accommodates the travelator between car park and retail levels. While it is not an ideal location, I have reviewed the basement car park layout and appreciate that the travelator location is the only practical location without unreasonably impacting on the car park design, particularly driveway ramp location. The presence of glazing and the design approach to make it an architectural feature assists in addressing this concern; and
- Similarly, the extent of driveway in the public domain being proposed by the adjoining but separate car park and loading dock in Albermarle Avenue. This is supported given it is an improvement on the existing expanse of driveway as part of the former service station. Albemarle Avenue in this location is not an existing contributory part of the active frontage character of the Centre addressing Old South Head Road

My only concern is the possible acoustic impact on proposed Apartment 101 at level 1. The acoustic impact of its location directly above the driveway and loading dock has been ignored by the Acoustic Impact Assessment. This must be remedied.

4.2 Recommendation

The proposal is 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 the assessment:

1. Further detail could be provided in an amended survey on setbacks and window locations in No. 39-41 Wilberforce Avenue and the recessed light well providing access to windows and possibly inward facing balconies at the second and third storey of No. 494-497 Old South Head Road. I do not raise any concerns from the limited detail available, and assumptions I have made. However additional detail will give more certainty to my conclusions (which could change if adverse detail is provided).
2. Revised stormwater infrastructure plans should be provided to demonstrate how water may be reused to irrigate the communal open space areas.
3. The Acoustic Study (E-Lab Consulting, 02 October 2024) does not recognise the level 1 apartments as potential receivers. The report should be amended, particularly with regard to Apartment 101.
4. The Design Verification Statement provided in the development application is dated 18 September 2024 It was prepared prior to the date of the submitted plans. Furthermore, the accompanying ADG Compliance Table is incomplete and has been prepared by the author of the Statement of Environmental Effects. Both documents must be updated and prepared by the qualified designer.

Stephen McMahon
Director, Inspire Urban Design and Planning Pty Ltd