

**RE:           Application 252/0203/11           (Bayspring Pty Ltd)**

**4. Issues we would like to raise:**

**The City of Charles Sturt Development Assessment Panel should oppose this application as it fails to meet the conditions of the City of Charles Sturt Development Plan in the following sections.**

**DESIGN AND APPEARANCE**

**PRINCIPLES OF DEVELOPMENT CONTROL**

1.     The overall form is not sympathetic to the scale of development in the locality and with the context of its setting with regard to shape, size, materials etc.
  
3.     (b) height exceeds 10.2 metres  
       (c) bulk is excessive
  
4.     This development creates extensive areas of uninterrupted walling facing areas exposed to public view.
  
5.     The building plan is not designed to reduce the visual bulk and provide visual interest through design elements.
  
8.     The external walls of this plan incorporate highly reflective materials which will result in glare.
  
16.    It is anticipated that outdoor lighting will result in significant spillage of light on adjacent land. [See 'Interface between Land Uses, Item 46, Principles of Development Control].

**Building Setbacks and Road Boundaries**

19.    (a) the setback of the building from Public Roads is not compatible with setbacks on adjoining land and other buildings in the locality  
  
       (b) it fails to contribute positively to the streetscape character of the locality  
  
       (c) It contributes to a detrimental impact upon the function, appearance and character of the locality. [See Item 21 (a) (b)].

# HISTORIC CONSERVATION AREA

## OBJECTIVES

2. This development fails to promote, conserve and enhance the cultural significance and historic character of identified places and areas.
3. This development fails to complement the historic significance of the area.
5. This development fails to contribute to the desired character.

## PRINCIPLES OF DEVELOPMENT CONTROL

1. This development should not be approved in its present form as it is not consistent with the desired character for the area.
2. This development fails to meet the guidelines contained in Table ChSt/4.
5. This development:
  - (a) fails to restore and rehabilitate historic value.
  - (b) fails to incorporate extensions to existing buildings of a scale, bulk and external appearance that are sympathetic and compatible with the historic character of the places.
  - (c) fails to conserve and reinforce the historic significance of buildings and streetscapes.
6.
  - (a) this development will compromise the value to the historic significance of the area.
  - (c) this development will fail to maintain or enhance the prominence of the original street facade.
9. This development fails to take design cues from existing historic built forms and is not compatible with the building streetscape character in the following form.
  - (a) scale and bulk
  - (b) width of frontage
  - (c) boundary setback patterns
  - (d) proportion and composition elements such as the roof line (texture of external materials)
  - (f) visual interest
16. This development fails to respect the existing topography and the relationship of sites to street levels and to adjoining land.

In addition, the development application fails to consider Contributory Items identified within the Development Plan, specifically Main Street and Military Road properties.

## INTERFACE BETWEEN LAND USES

### OBJECTIVES

1. This development fails to prevent adverse impact and conflict between land uses.
2. This development fails to protect community health and amenity and support the operation of all desired land uses.

### PRINCIPLES OF DEVELOPMENT CONTROL

1. This development will have detrimental effects on amenity in the locality and will cause unreasonable interference through:
  - (a) emissions of odour, fumes, dust and other airborne pollutants
  - (b) noise
  - (c) vibration
  - (e) light spillage
  - (f) glare
  - (g) hours of operation
  - (h) traffic impacts
3. This development fails to eliminate substantial overlooking and over shadowing of nearby residents properties.
4. This development fails to protect residents from potential adverse impacts from non-residential activities.
6. The loading and unloading areas will have detrimental impact and amenity to residents.

### Noise

8. This development has failed to minimise negative impacts of noise and avoid unreasonable interference.

## SITING AND VISIBILITY

### PRINCIPLES OF DEVELOPMENT CONTROL

1. This development fails to minimise the visual impact on the area:
  - (a) the heritage character of the area
  - (b) the scenic value of the area, particularly being a coastal area
  - (c) views from the coast, near-shore waters, public reserves, tourist routes and walking trails.

## TRANSPORTATION AND ACCESS

46. Parking areas are likely to be used in non daylight hours and will be flood lit. Residents living adjacent to the entrance and egress will be affected.
50. Residents will be severely affected by on street parking.

### **Traffic Generator Scale**

It is believed this site will be HIGH scale and therefore detrimental to nearby residents. The traffic impacts have been grossly understated.

## CENTRES AND RETAIL DEVELOPMENT

### **PRINCIPLES OF DEVELOPMENT CONTROL**

2. This development design is not compatible with adjoining areas.
4. A single architectural theme has not been established.
  - (a) This development is not in a style complementary to the existing shopping complex.

## HENLEY SQUARE POLICY AREA 12

### **OBJECTIVES**

3. This development fails to enhance the identification of historic buildings.
5. This development fails to contribute to the desired character of the policy area and precincts.

### **DESIRED CHARACTER**

This development fails to prevent late night entertainment activities.

This development is not sympathetic to the character of the policy area.

This development fails to meet the contemporary architectural character that is sympathetic and reflective of the existing heritage buildings in terms of scale, form and style.

This development fails to enhance the seaside village atmosphere and seaside village character.

This development fails to use materials and finishes that respect State Heritage places and Local Heritage places and contribute to the character of the policy area.

### **Precinct 57 Henley Square**

This development fails to respect and enhance the existing pattern of the development and the nineteenth and early twentieth century streetscapes of the policy area.

This development fails to provide a continuous edge of one and two-storey scale buildings around the Square and fails to ensure buildings do not overshadow the square.

This development fails to consider the importance of maintaining the traditional character and design buildings of the precinct including bulk, scale and building materials and further fails to have roof design and pitch consistent with heritage buildings.

## **PRINCIPLES OF DEVELOPMENT CONTROL**

### **Form and Character**

1. This development fails to be consistent with desired character for the Policy Area.
3. This development well exceeds the height of 10.2 metres from the natural ground level at all points.

### **5. These issues could possibly be overcome by:**

- A reduction in the height to a maximum of three stories (equivalent 10.2m) on Main Street and Military Road corner, and stepped back to four stories on Seaview Road to fit the aesthetics of the existing development.
- Improve design to fit into the Heritage Zone and complement older heritage-listed buildings.
- Improve design and materials to prevent glare from east and west facing windows and doors.
- Improve the environmental performance by design features.
- Reduce the misalignment with the existing development.
- Reduce the 'bulk' footprint to prevent the over powering aspects.
- Improve all impacts for emissions and traffic management.
- Redesign to prevent overlooking and shading.
- Close all licensed premises by no later than 1.00am to reduce anti-social behavior.