

Wollongong Local Planning Panel Assessment Report | 11 December 2019

WLPP No.	Item No. 1
DA No.	DA-2019/774
Proposal	Demolition of all structures and construction of a residential flat building
Property	16 Smith Street Wollongong Lot 2 DP 151454
Applicant	Saads Property Group Pty Ltd
Responsible Team	Development Assessment and Certification - City Centre Team (AS)

ASSESSMENT REPORT AND RECOMMENDATION

Executive Summary

Reason for consideration by Local Planning Panel - Determination

The proposal has been referred to Local Planning Panel for determination pursuant to clause 2.19(1)(a) of the Environmental Planning and Assessment Act 1979. The proposal is captured by Clause 3 and 4(b) of Schedule 2 of the Local Planning Panels Direction of 1 March 2018, as the proposal is:

- Development that contravenes a development standard imposed by an environmental planning instrument by more than 10% or non-numerical development standards; and
- Development to which State Environmental Planning Policy No. 65 – Design Quality of Residential Apartment Development applies and is 4 or more storeys in height

Proposal

The proposal is for demolition of all existing structures and construction of a six-storey residential flat building containing five apartments over one basement parking level.

Permissibility

The site is zoned R1 General Residential pursuant to Wollongong Local Environmental Plan 2009. The proposal is categorised as a residential flat building and is permissible in the zone with development consent.

Consultation

The proposal was notified in accordance with Council's Notification Policy and received three submissions which are discussed at section 1.5 of the assessment report.

Main Issues

The main issues are:

- Site width
- Lot amalgamation
- Tree protection adjoining property (18 Smith Street)

RECOMMENDATION

It is recommended that the application is approved, subject to conditions of consent detailed in Attachment 5.

1 APPLICATION OVERVIEW

1.1 PLANNING CONTROLS

The following planning controls apply to the development

State Environmental Planning Policies

- SEPP 65 Design Quality of Residential Apartment Development
- SEPP 55 – Remediation of Land
- SEPP (Building Sustainability Index: BASIX) 2004
- SEPP (Coastal Management) 2018

Local Environmental Plans

- Wollongong Local Environmental Plan (WLEP) 2009

Development Control Plans

- Wollongong Development Control Plan (WDGP) 2009

Other policies

- Wollongong City-Wide Development Contributions Plan 2019

1.2 DETAILED DESCRIPTION OF PROPOSAL

The proposal comprises the following:

- Demolition of existing dwelling and outbuilding
- Construction of a six-storey apartment building
 - o 5 x 3-bedroom apartments
 - o Car parking in the basement
 - 12 car parking spaces (10 in 2-car mechanical stackers, plus 1 accessible space and 1 visitor space).
 - 3 bicycle parking spaces
 - 1 motorbike parking space
 - o Basement storage 5m³ per unit
 - o Basement garbage room
 - o Communal open space on lower ground floor (on rear of building and western side sunroom and in rear yard)
 - o Deep soil zone on western boundary and part rear boundary
- No subdivision is proposed.

1.3 BACKGROUND

Development application

DA-2017/1608, demolition of existing structures and construction of multi-storey residential flat building (withdrawn 9 May 2018)

Pre-lodgement meeting

- Pre-lodgement meeting PL-2016/139 held 12 October 2016
- Pre-lodgement meeting PL-2019/26 held 6 March 2019

Design Review Panel meeting

- Design Review Panel meeting (DRP) DE-2018/183 held 14 November 2018 (pre-lodgement)
- Design Review Panel meeting held 20 August 2019 (DA-2019/774)
- Design Review Panel meeting held 4 November 2019 (DA-2019/774)

Customer service actions

There are no outstanding customer service requests relevant to the development.

1.4 SITE DESCRIPTION

The site has an area of 835m² and is located at 16 Smith Street Wollongong, the title reference is Lot 2 DP 151454. The land is generally rectangular narrowing and falling to the rear with levels at the front being RL7.2 and RL4.15 at the lowest point at the rear. The front boundary width is 20.11m, and the rear boundary is 16.78m.

Adjoining development is as follows:

- North: dwelling house 2 storey (14 Wilson Street)
- East: apartment building 2-3 storeys (14 Smith Street)
- South: apartment buildings other side of Smith Street
- West: apartment building 2-3 storeys (18 Smith Street)

The locality is predominantly characterised by residential apartment buildings.

Property constraints

Council records identify the land as being impacted by the following constraints:

- Acid sulfate soils class 5
- Coastal Environment - State Environmental Planning Policy(Coastal Management) coastal use area
- Flood affected - uncategorised
- Easement for drainage into 14 Wilson Street (benefits)

1.5 SUBMISSIONS

The application as initially lodged was notified 9 and 28 August 2019 in accordance with WDCP 2009 Appendix 1: Public Notification and Advertising. This included a notice in The Advertiser.

Three submissions were received, and the issues identified are discussed below. Amended plans were submitted November 2019 in response to the DRP and were not required to be exhibited.

Table 1: Submissions

Concern	Comment
1. Setbacks	
• Apartments 4 and 5 do not meet setback requirements of SEPP 65	Compliance with ADG setbacks is discussed in section 1.6 and attachment 6 .
• Unfairly constrains future development on 14 Smith Street	Council's Design Review Panel have endorsed the proposed setbacks, including the eastern side.
• Upper levels lack of setbacks creates solid block. Providing correct setbacks would break up building form, resulting improved amenity from street views.	The building form has been positively redesigned since public exhibition, and recommendations of the DRP have been adopted in the final design.
• Developer should conform to required setbacks, at least on eastern side	

Concern	Comment
2. Shadow impacts • No shadow diagram showing overshadowing of Smith Street public domain or shadowing of building 9-13 Smith Street. • Shadowing might be avoided if setbacks conform to requirements. • Concerns overshadowing of 14 Smith Street, particularly internal living areas and clotheslines	Shadow diagrams are provided (drawings CD – 03 and CD-04). Whilst these drawings do not show the buildings on the southern side of Smith Street, scaling demonstrates that the shadows would not extend to the front property boundary of the buildings opposite. Shadowing of Smith Street (the road and northern footpath only) would occur up until approximately 1pm in mid-winter. The shadow diagrams show minimum 2-3 hours of sunlight in midwinter on the western elevation of 14 Smith Street, which complies with the ADG.
3. Lot width Lot is less than required width. No developments of this height and narrow shape on a single lot. This building not in line with other buildings in surrounding area.	The applicant's contextual analysis has demonstrated that a narrow building would be compatible in the streetscape and is supported by Council's Design Review Panel.
4. Lot isolation Unsatisfactory timing of offers to purchase 14 Smith Street.	No. 14 Smith Street is not considered to be an isolated lot. It has frontage to both Smith and Wilson Street and has width in excess of 24m. The applicant has provided documents seeking to purchase 14 Smith Street, including a valuation, and the owner's formal rejection of the offer. These documents are considered to satisfactorily address matters raised in the Land and Environment Court planning principle and <i>Melissa Grech v Auburn Council</i> [2004] NSW LEC 40.
5. Traffic and parking • One way vehicle access requires entering vehicles to queue/wait on driveway if vehicles exiting the basement. • Congestion if more than one unit does this at same time. • Mechanical stackers used	Councils' traffic engineer has reviewed the proposed basement layout and has no objection to the proposed mechanical stackers (5 x 2-car stackers) or basement layout.
6. Future development Drawings not realistic.	The applicant has modelled potential future development on 14 Smith Street, which indicates the manner in which a residential flat building might be developed.

1.6 CONSULTATION

1.6.1 INTERNAL CONSULTATION

Council's stormwater, landscape, traffic and environment officers have reviewed the application and provided satisfactory referral comments subject to conditions.

1.6.2 EXTERNAL CONSULTATION

Design Review Panel

The subject application has been referred to the DRP on three occasions, one pre-lodgement and two post-lodgement. At its final meeting of 4 November 2019, the DRP required minor amendments to simplify the COS on the podium along with refinements to the landscaping. The applicant submitted amended plans addressing the DRP matters which are now considered to be satisfied. These plans did not require re-notification

2 ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979 – 4.15 EVALUATION

2.1 SECTION 4.15(1)(A)(1) ANY ENVIRONMENTAL PLANNING INSTRUMENT

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

Council records do not indicate any historic use that would contribute to the contamination of the site and the land is not identified as being contaminated on Council mapping. The proposal does not comprise a change of use. No concerns are raised in regard to contamination as relates to the intended use of the land and the requirements of clause 7.

2.1.2 STATE ENVIRONMENTAL PLANNING POLICY NO 65—DESIGN QUALITY OF RESIDENTIAL APARTMENT DEVELOPMENT

The development is subject to the provisions of SEPP 65 and the Apartment Design Guide (ADG).

The application was accompanied by a statement by a qualified designer in accordance with Clauses 50(1A) & 50(1AB) of the Environmental Planning and Environment Regulation 2000. Clause 28 provides that the application must be referred to the relevant design review panel (if any) for advice concerning the design quality of the development while Clause 28(2) provides that a consent authority is to take into consideration (in addition to any other matters that are required to be, or may be, taken into consideration):-

- (1) the advice (if any) obtained from the design review panel, and (b) the design quality of the development when evaluated in accordance with the design quality principles, and
- (2) the design quality of the development when evaluated in accordance with the design quality principles, and
- (3) the Apartment Design Guide

Design review panel

The proposal has been reviewed by a Design Review Panel in accordance with clause 28.

Design quality principles

Schedule 1 of SEPP 65 sets out the design quality principles for residential apartment development. These must be considered in the assessment of the proposal pursuant to clause 30(2)(a) of the Policy and are discussed below

Principle 1: Context and neighbourhood character

The proposal is considered to be consistent with the desired future character of the area as identified through the development standards and controls applicable to the land. A contextual analysis has been provided which demonstrates that the building would be compatible in the existing streetscape.

Principle 2: Built form and scale

The bulk and scale of the development is consistent with the applicable planning controls for the area. The development is not considered to be out of context with regard to the desired future character of the area. The design of the development is considered to positively contribute to the public domain and provide a high level of amenity for the occupants by way of landscaped areas, private open space and the like.

Principle 3: Density

The proposed residential density is consistent with the floor space ratio control and zoning objectives applicable to the site. The site is well situated with regard to existing public open space and services.

Principle 4: Sustainability

The proposal is considered acceptable with regard to sustainable design as follows:

- BASIX Certificates provided indicating minimum requirements are met.
- A Site Waste Management and Minimisation Plan has been provided indicating recycling of materials from the demolished dwellings.
- The proposal does not impact on any heritage items or environmentally sensitive areas
- The proposal is an efficient use of land in a location that is close to services and public open space.
- The DRP have advised that the development is satisfactory with regard to ADG solar access and natural ventilation compliance, louvres have been provided to the western elevation to shield from the units from harsh western sun. There is sufficient deep soil planting, and planting on structure including roof terraces will offer some urban greening.

Principle 5: Landscape

The proposal provides suitable landscaped areas and communal open space that will improve the amenity of the occupants and soften the appearance of the development from adjoining properties and the public domain. Landscaping including deep soil areas are located on the western boundary, as well as on the building.

Principle 6: Amenity

The proposal meets the minimum requirements for solar access, private and communal open space, storage, visual and acoustic privacy, and access.

Principle 7: Safety

The proposal is satisfactory with regard to safety and security. The site is located in an established high-density residential zone, and there is frequent pedestrian activity in Smith and Wilson Streets.

Principle 8: Housing diversity and social interaction

All apartments are 3 or more bedrooms, and therefore no mix of sizes and layout is proposed.

The proposal does provide only one unit typology being 5 x 3 bedroom units. Given the size of the lot and building this is considered to be acceptable. The development is not required to provide for adaptable units, however Unit 3 is capable of adaptation.

Principle 9: Aesthetics

The proposal is considered to be of a high quality with regard to its appearance. A mixture of materials and finishes enhances the design and the bulk of the development is suitably articulated.

Apartment Design Guide (ADG)

The development has been assessed against the provisions of the ADG and was found to be compliant with the exception of some levels of the building which do not comply with the minimum setback

requirements of part 3F of the ADG. The DRP stated that given the constraints of the narrow site it is unlikely that a functional building could be developed and remain fully compliant with the numerical controls of the ADG. The amended plans demonstrate that, whilst not numerically compliant, the proposal still meets the objectives of the ADG.

The site's western elevation has now been developed in a defensive manner with articulation that allows windows to be orientated north, away from side boundaries and high-level windows with high (1.6m) sills that prevent direct sight lines between buildings.

A full assessment of the application against the ADG is contained at attachment 6.

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

The proposal is BASIX affected development to which this policy applies. In accordance with Schedule 1, Part 1, 2A of the Environmental Planning and Assessment Regulation 2000, a BASIX Certificate has been submitted in support of the application demonstrating that the proposed scheme achieves the BASIX targets.

2.1.4 STATE ENVIRONMENTAL PLANNING POLICY (COASTAL MANAGEMENT) 2018

5 Land to which Policy applies

This Policy applies to land within the coastal zone.

Part 2 Development controls for coastal management areas

Division 4 Coastal use area

The land is identified as being within the 'Coastal Use Area' in the SEPP.

14 Development on land within the coastal use area

(1) Development consent must not be granted to development on land that is within the coastal use area unless the consent authority:

(a) has considered whether the proposed development is likely to cause an adverse impact on the following:

- (i) existing, safe access to and along the foreshore, beach, headland or rock platform for members of the public, including persons with a disability,*
- (ii) overshadowing, wind funnelling and the loss of views from public places to foreshores,*
- (iii) the visual amenity and scenic qualities of the coast, including coastal headlands,*
- (iv) Aboriginal cultural heritage, practices and places,*
- (v) cultural and built environment heritage, and*

Comment: The site is not located in the coastal foreshore or other public place. No aboriginal or cultural heritage has been identified on the site.

(b) is satisfied that:

- (i) the development is designed, sited and will be managed to avoid an adverse impact referred to in paragraph (a), or*
 - (ii) if that impact cannot be reasonably avoided—the development is designed, sited and will be managed to minimise that impact, or*
 - (iii) if that impact cannot be minimised—the development will be managed to mitigate that impact, and*
- (c) has taken into account the surrounding coastal and built environment, and the bulk, scale and size of the proposed development.*

Comment: No adverse impacts are expected. Matters in (c) have been addressed in this report.

(2) This clause does not apply to land within the Foreshores and Waterways Area within the meaning of Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005.

Division 5 General

15 Development in coastal zone generally—development not to increase risk of coastal hazards

Development consent must not be granted to development on land within the coastal zone unless the consent authority is satisfied that the proposed development is not likely to cause increased risk of coastal hazards on that land or other land.

Comment: No increased risk is expected.

16 Development in coastal zone generally—coastal management programs to be considered

Development consent must not be granted to development on land within the coastal zone unless the consent authority has taken into consideration the relevant provisions of any certified coastal management program that applies to the land.

Comment: The development is consistent with provisions of Council's Wollongong Coastal Zone Management Plan.

2.1.5 WOLLONGONG LOCAL ENVIRONMENTAL PLAN 2009

Clause 1.4 Definitions

The development is defined 'residential flat building' in accordance with the Dictionary.

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

***Note.** Residential flat buildings are a type of **residential accommodation**— see the definition of that term in this Dictionary.*

Clause 1.8A Savings provision relating to pending development approvals

Not applicable.

Part 2 Permitted or prohibited development

Clause 2.2 – zoning of land to which Plan applies

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

Clause 2.3 – Zone objectives and land use table

The objectives of the zone are as follows:

Zone R1 General Residential

1 Objectives of zone

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

The proposal is satisfactory with regard to the above objectives.

The land use table permits the following uses in the zone.

2 Permitted without consent

Home occupations

3 Permitted with consent

Attached dwellings; Bed and breakfast accommodation; Boarding houses; Centre-based child care facilities; Community facilities; Dual occupancies; Dwelling houses; Environmental

*facilities; Exhibition homes; Group homes; Hostels; Multi dwelling housing; Neighbourhood shops; Oyster aquaculture; Places of public worship; Pond-based aquaculture; Recreation areas; **Residential flat buildings**; Respite day care centres; Roads; Semi-detached dwellings; Seniors housing; Serviced apartments; Shop top housing; Signage; Tank-based aquaculture*

4 Prohibited

Any development not specified in item 2 or 3

The proposal is categorised as a 'residential flat building' as defined above and is permissible in the zone with development consent.

Part 4 Principal development standards

Clause 4.3 Height of buildings

The maximum permitted building height is 24 metres.

The proposed building height is 22.72 metres.

Clause 4.4 Floor space ratio

The maximum permitted floor space ratio is 1.5:1.

The proposed gross floor area is 1063m², which results in an FSR of 1.27:1. This includes actual building floor area of 1008m² plus surplus parking (4 spaces @13.75m² each).

Clause 4.6 Exceptions to development standards

Clause 4.6 of the Wollongong LEP 'Exceptions to development standards' provides that development consent may, subject to this clause, be granted for development even though the development would contravene a development standard imposed by this or any other environmental planning instrument, where certain matters are met. In this instance, a departure is sought in respect of Clause 7.14 minimum site width which is detailed below. A statement (attachment 3) in accordance with clause 4.6 has been provided and is addressed below:

WLEP 2009 clause 4.6 proposed development departure assessment	
Development departure	Clause 7.14 Minimum site width
Is the planning control in question a development standard	Yes
4.6 (3) Written request submitted by applicant contains a justification:	
that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, and	Yes. The applicant's request contains this justification. In summary the justification states that compliance with Clause 7.14 would restrict development to multi dwelling housing, a building typology which is inconsistent with current typologies and is less likely to be unable to integrate with future developments that respond to the FSR and height standards. Despite the 3.885m shortfall in site width, a residential flat development has been able to be designed for the site which satisfies privacy, solar access and natural ventilation objectives.
that there are sufficient environmental planning grounds to justify contravening the development standard.	Yes, the applicant's request contains this justification.

4.6 (4) (a) Consent authority is satisfied that:	
the applicant's written request has adequately addressed the matters required to be demonstrated by subclause (3), and	The applicant's request has adequately addressed the matters required to be addressed by subclause (3). The applicant's request is based on the rationale that a better outcome will be achieved for the site by allowing flexibility to the standard which will permit the site to be developed in a nature consistent with the zone objectives, a number of existing developments in the locality and is reflective of the likely future character of the area given the FSR and height controls mapped for this locality under the WLEP.
the proposed development will be in the public interest because it is consistent with the objectives of the particular standard and the objectives for development within the zone in which the development is proposed to be carried out, and	There is a public benefit in allowing flexibility in application of the minimum lot width in dense urban areas such as Wollongong City Centre, where the proposed building form sits comfortably within the streetscape. The R1 zone objectives encourage higher densities, and height and FSR controls facilitate those densities. Compliance with the development standard i.e. strictly prohibiting residential apartment buildings on lots less than 24m, would be at odds with the desired height, FSR and other DCP controls established for the zone. For example, a townhouse development would typically be two storeys with multiple garages and limited deep soil zone. The desired building typology is more aligned with existing taller apartment buildings located in the immediate vicinity. The proposed development has demonstrated that a functional building can be provided on the site, including appropriate carparking and access, landscaping and private open space areas, without detrimentally impacting the surrounding properties. There is no objective for clause 7.14 minimum site width control in LEP 2009. The provisions of clause 6.2.2, chapter B1 Residential development of WDCP 2009 also requires for a minimum site width of 24m and notes that variation may be considered where in the opinion of Council, the proposed development will not cause any significant adverse overshadowing, privacy or amenity impact upon any adjoining development. The objectives of DCP 2009 clause 6.2.2 include: <i>(a) allow for development of sites, which are of sufficient width to accommodate the required building envelope, car parking and landscaping requirements</i> <i>(b) To promote the efficient utilisation of land.</i> <i>(c) To encourage amalgamation of allotments to provide for improved design outcomes including greater solar access and amenity.</i> The proposed variation to the standard is considered to be consistent with these objectives. The objectives of the R1 General Residential zone are: • <i>To provide for the housing needs of the community.</i> • <i>To provide for a variety of housing types and densities.</i>

	• <i>To enable other land uses that provide facilities or services to meet the day to day needs of residents.</i> The proposed development has appropriately achieved the objectives of the R1 zone, and despite the constraints on the site, the proposed development meets Council's FSR and Height controls. The proposed development would provide for housing needs of the community and would contribute to achieving a variety of housing types in the area and the existing high-density environment. With regard to unreasonableness of requiring 24m, the applicant would need to acquire part of either 18 or 14 Smith Street to widen the lot. No. 18 Smith Street is a strata subdivided residential flat building site. The application provides documentation attempting to purchase 14 Smith Street, including a valuation, formal letters of offer, and formal letter in response from the owner of 14 Smith Street in which they rejected the offer. It is considered that the applicant has followed the process required by the land and environment court planning principle and <i>Melissa Grech v Auburn Council</i> [2004] NSW LEC. The principle asks whether amalgamation is feasible and also whether orderly and economic use of the separate sites can be achieved if amalgamation is not feasible. The documentation demonstrates that amalgamation is not feasible and also that viable residential flat buildings can be achieved on both sites independent of each other. No. 14 Smith Street contains a residential flat building which is not strata subdivided, and is a corner lot with width exceeding 24m. There is not considered to be a public benefit served in this instance by insisting on strict compliance with the standard. The proposal has adequately addressed SEPP 65, ADG and the DRP now support the proposal. The development will remain consistent with the objectives of the R1 zone despite the non-compliance with Clause 7.14. It is considered that in this instance there are sufficient environmental planning grounds specific to the site to justify contravening the development standard.
the concurrence of the Secretary has been obtained.	Yes; Council can exercise its assumed concurrence in this instance

Part 7 Local provisions – general

Clause 7.1 Public utility infrastructure

The land is currently serviced by electricity, water and sewage services. Conditions of consent are recommended regarding connection approvals from utility authorities.

Clause 7.3 Flood planning area

The land is identified as flood affected (uncategorised). The land is located within a catchment that drains to Belmore Basin/Osborne Park in the east. The site benefits from a drainage easement over the rear lot (14 Wilson Street).

Council's stormwater engineers have considered the 'Flood Assessment' prepared by Jones Nicholson Consulting Engineers and have indicated they have no objection, subject to conditions. These recommended conditions are contained in Attachment 5.

Clause 7.5 Acid Sulfate Soils

The land contains acid sulfate soils (Class 5). Council's environment officer has recommended a condition of consent regarding excavation into acid sulfate soils. This condition is contained in Attachment 5.

Clause 7.6 Earthworks

The proposal comprises basement excavation. Standard conditions of consent are recommended regarding dilapidation reports, ground anchors, engineering certification, demolition and sediment and erosion control.

Clause 7.14 Minimum site width

The minimum dimension required is 24m. The site has a front boundary dimension of 20.11m and a rear boundary dimension of 16.78m. A development standard departure statement has been provided as required by clause 4.6.

The Land and Environment Court has established a Planning Principle for redevelopment involving issues of site isolation. The Planning Principle refers to *Karavellas v Sutherland Shire Council [2004] NSW LEC 251*.

The Principle states that:-

The general questions to be answered when dealing with amalgamation of sites or when a site is to be isolated through redevelopment are:

- *Firstly, is amalgamation of the sites feasible?*
- *Secondly, can orderly and economic use and development of the separate sites be achieved if amalgamation is not feasible?*

To address the first question "is amalgamation of the sites feasible", the Planning Principle goes on to *Melissa Grech v Auburn Council [2004] NSWLEC 40* where the Commissioner said:-

"Firstly, where a property will be isolated by a proposed development and that property cannot satisfy the minimum lot requirements then negotiations between the owners of the properties should commence at an early stage and prior to the lodgement of the development application.

Secondly, and where no satisfactory result is achieved from the negotiations, the development application should include details of the negotiations between the owners of the properties. These details should include offers to the owner of the isolated property. A reasonable offer, for the purposes of determining the development application and addressing the planning implications of an isolated lot, is to be based on at least one recent independent valuation and may include other reasonable expenses likely to be incurred by the owner of the isolated property in the sale of the property.

Thirdly, the level of negotiation and any offers made for the isolated site are matters that can be given weight in the consideration of the development application. The amount of weight will depend on the level of negotiation, whether any offers are deemed reasonable or unreasonable, any relevant planning requirements and the provisions of s 79C of the Environmental Planning and Assessment Act 1979.

Response to first question:

The residential flat development on the western adjoining property (18 Smith Street) is strata subdivided into eight (8) residential apartments and as such amalgamation with this site is not considered feasible. The eastern adjoining property (14 Smith Street) has also been developed with a residential flat development containing several residential apartments. This property is in one ownership and has not been strata subdivided. This site is a corner site with frontage to both Smith

Street and Wilson Street. The Wilson Street frontage of this adjoining property satisfies the minimum site width standard and as such it is not considered that the proposed development would create this site as an isolated lot. As a result, the proposed development does not create any isolated lots. The applicant provided an independent property evaluation of 14 Smith Street. Written offers were made to the owners of 14 Smith Street and rejected in writing. As such amalgamation is not considered feasible in this instance.

Response to second question:

To address the Second question “can orderly and economic use and development of the separate sites be achieved if amalgamation is not feasible”, the Planning Principle refers to *Cornerstone Property Group Pty Ltd v Warringah Council [2004] NSWLEC 189* where Brown C stated that:-

The key principle is whether both sites can achieve a development that is consistent with the planning controls. If variations to the planning controls would be required, such as non-compliance with a minimum allotment size, will both sites be able to achieve a development of appropriate urban form and with acceptable level of amenity.

To assist in this assessment, an envelope for the isolated site may be prepared which indicates height, setbacks, resultant site coverage (both building and basement). This should be schematic but of sufficient detail to understand the relationship between the subject application and the isolated site and the likely impacts the developments will have on each other, particularly solar access and privacy impacts for residential development and the traffic impacts of separate driveways if the development is on a main road.

The subject application may need to be amended, such as by a further setback than the minimum in the planning controls, or the development potential of both sites reduced to enable reasonable development of the isolated site to occur while maintaining the amenity of both developments.

Due to the above reasons, the proposed development does not create isolated sites. Given the inability to amalgamate, the subject site is itself the isolated lot. No. 14 Smith Street is still in one ownership and it is reasonable to consider that this site may be redeveloped in the future. Being a corner site with a compliant site width to Wilson Street, any redevelopment of this property can orientate to the two street frontages and to the northern rear boundary ensuring that any design is not constrained. In summary the proposed development represents orderly economic development of an isolated lot without unreasonable impact on the development potential of adjoining sites

Clause 7.18 Design excellence in Wollongong city centre and at key sites

The proposal is considered to be consistent with the provisions for design excellence as follows:

- The proposal has been referred to the Design Review Panel on two occasions
- The site is suitable for the development
- The use is compatible with the existing and likely future uses in the locality
- There are no heritage restrictions or impacts
- The proposal is not expected to result in any adverse environmental impacts.
- The proposal is satisfactory with regard to access, servicing and parking
- No impacts are expected on the public domain.

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

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

Comment: Council's Design Review Panel recommendations have been incorporated in to the final design.

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

Comment: The proposed building form is compatible with the existing streetscape

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

Comment: The development is located within broad Flagstaff Hill to the Escarpment views. No specific views through the site are identified.

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

Comment: The development would not overshadow any sun plane protection areas.

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

(i) the suitability of the land for development,

Comment: There are no environmental or technical constraints that render a residential flat building unsuitable.

(ii) existing and proposed uses and use mix,

Comment: The existing use is a dwelling house, in a higher density residential zone. The proposed mix of 3+ bedroom apartments is not common in larger buildings, however is reasonable in a block this size.

(iii) heritage issues and streetscape constraints,

Comment: The proposal is not expected to adversely affect heritage items.

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

Comment: The tower provides ADG front and rear setbacks, and reduced side setbacks. The affected areas have been designed to limit privacy conflict with adjoining properties through use of reduced size or offset openings. The two immediate neighbouring buildings are 2-3 storeys and therefore the interface between these building occurs only on the lower levels of the proposed building.

(v) bulk, massing and modulation of buildings,

Comment: The tower steps down the site, and the revised plans have increased the rear setback at roof level to 9m. Side elevations use variable setbacks, winter gardens, fixed louvres, and landscaping to modulate the building.

(vi) street frontage heights,

Comment: Not applicable.

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

Comment: These are satisfactory; overshadowing meets minimum requirements of the ADG and the proposed materials are not highly reflective.

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

Comment: A BASIX certificate has been provided.

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

Comment: One level of basement parking is proposed.

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

Comment: Street tree planting is recommended.

Part 8 Local provisions—Wollongong city centre

Clause 8.1 Objectives for development in Wollongong city centre

The development is consistent with the objectives for the city centre.

Clause 8.2 Wollongong city centre – land to which this Part applies

The land is located within the Wollongong City Centre.

2.2 SECTION 4.15(1)(A)(II) ANY PROPOSED INSTRUMENT

None applicable.

2.3 SECTION 4.15(1)(A)(III) ANY DEVELOPMENT CONTROL PLAN

Attachment 6 contains detailed analysis of the provisions of DCP 2009 as they relate to the development.

2.3.1 WOLLONGONG CITY WIDE DEVELOPMENT CONTRIBUTIONS PLAN 2019

Contributions are payable for development exceeding \$100,000. The estimated cost of works is \$2,596,000 and a contribution is therefore required. A condition of consent regarding the levy is contained in Attachment 5.

2.4 SECTION 4.15(1)(A)(IIIA) ANY PLANNING AGREEMENT THAT HAS BEEN ENTERED INTO UNDER SECTION 7.4, OR ANY DRAFT PLANNING AGREEMENT THAT A DEVELOPER HAS OFFERED TO ENTER INTO UNDER SECTION 7.4

There are no planning agreements entered into or any draft agreement offered to enter into under S7.4 which affect the development.

2.5 SECTION 4.15(A)(IV) THE REGULATIONS (TO THE EXTENT THAT THEY PRESCRIBE MATTERS FOR THE PURPOSES OF THIS PARAGRAPH)

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

Conditions of consent are recommended with regard to demolition.

93 Fire safety and other considerations

Not applicable.

94 Consent authority may require buildings to be upgraded

Not applicable.

2.6 SECTION 4.15(1)(B) THE LIKELY IMPACTS OF DEVELOPMENT

There are not expected to be adverse environmental impacts on either the natural or built environments or any adverse social or economic impacts in the locality.

Context and Setting:

Extensive context analysis has been undertaken in response to earlier (pre-lodgement) requirements of the Design Review Panel. The analysis demonstrates the proposed building is compatible with the existing surrounding development, notwithstanding the lot width. Potential lot isolation has been addressed in indicative plans showing possible development scenarios on the adjoining lot. Correspondence has been provided showing valuation, attempts to purchase and the adjoining landowner's response.

The Design Review Panel final recommendations have been incorporated into the revised plans.

The development will result in some overshadowing of the adjoining buildings to the east and west, however meets the requirements of the ADG. The development is within the allowable height and FSR for the site.

In regard to the visual impact, the development is considered to be less intrusive than a bulky, more monolithic development which may be proposed on larger allotments. The building steps down the site and follows the contours of the land.

It is likely that more high-density developments will occur on remaining dwelling house sites in future.

In summary, the proposal has been assessed with regard to the amenity impacts from the development, the zoning, permissible height and FSR for the land, and existing and future character of the area, and is considered to be compatible with the local area.

Access, Transport and Traffic:

The basement level contains all off-street parking. Council's traffic engineer has no objection to the proposed basement access or layout.

Public Domain:

No works are proposed in the public domain. Street tree planting is required.

Utilities:

The proposal is not envisaged to place an unreasonable demand on utilities supply. Existing utilities are adequate to service the proposal.

Heritage:

No heritage items will be impacted by the proposal.

Other land resources:

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

Water:

The site is presently serviced by Sydney Water, which can be readily extended to meet the requirements of the proposed development.

Soils:

The land contains acid sulfate soils (class 5).

Air and Microclimate:

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

Flora and Fauna:

Removal of one existing tree is proposed. Council's landscape officer has reviewed the arborist report and advised they have no objection to the tree removal.

Waste:

Attachment 5 contains a condition requiring an appropriate receptacle to be in place for any waste generated during the construction.

Energy:

The proposal is not envisaged to have unreasonable energy consumption.

Noise and vibration:

Attachment 5 contains a condition of consent requiring nuisance to be minimised during any construction, demolition, or works.

Natural hazards:

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

Technological hazards:

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

Council records list the site as acid sulfate soil affected.

Safety, Security and Crime Prevention:

This application does not result in any opportunities for criminal or antisocial behaviour.

Social Impact:

No adverse social impact is expected. The dwelling is not an existing low-cost rental building.

Economic Impact:

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

Site Design and Internal Design:

The application involves a departure to lot width development standard and has been adequately justified. Recommendations of the Design Review Panel have been resolved in the final plans.

A condition of consent is included in Attachment 5 requiring that all works are to follow the Building Code of Australia.

Construction:

Conditions of consent are recommended in relation to construction impacts such as hours of work, erosion and sedimentation controls, works in the road reserve, excavation, demolition and use of any crane, hoist, plant or scaffolding.

Cumulative Impacts:

The proposal is not expected to result in adverse cumulative impacts. Future development potential of 14 Smith Street has been adequately demonstrated.

2.7 SECTION 4.15(1)(C) THE SUITABILITY OF THE SITE FOR THE DEVELOPMENT

Does the proposal fit in the locality?

The proposal is considered appropriate with regard to the zoning of the site and is not expected to have any negative impacts on the amenity of the locality or adjoining developments. Lot amalgamation has been adequately addressed and the minimum site width has been justified.

Comprehensive context analysis plans have been provided. The application has been reviewed by Council's Design Review Panel on two occasions, and recommendations of the Panel have been incorporated into the revised plans.

Are the site attributes conducive to development?

There are no site constraints that would prevent the proposal. Flooding impacts have been adequately assessed and habitable floors are above the flood planning level.

2.8 SECTION 4.15(1)(D) ANY SUBMISSIONS MADE IN ACCORDANCE WITH THIS ACT OR THE REGULATIONS

Three submissions have been received and are discussed in section 1.5 of this report.

2.9 SECTION 4.15(1)(E) THE PUBLIC INTEREST

The application is not expected to have any unreasonable impacts on the environment or the amenity of the locality. The lot width development standard departure has been justified in accordance with the requirements of clause 4.6 of WLEP 2009.

Public submissions have been reviewed.

The proposal is considered appropriate with regard to the zoning, height limits, floor space ratio and the character of the area and approval is therefore consistent with the public interest.

3 CONCLUSION

This application has been assessed as satisfactory having regard to Section 4.15(1) of the Environmental Planning and Assessment Act 1979, the provisions of Wollongong Local Environmental Plan 2009 and all relevant Council DCPs, Codes and Policies.

Potential lot isolation has been adequately addressed through correspondence offering to purchase the adjoining site and a property valuation. The applicant has submitted plans showing potential future development options on the adjoining site. The considerations under established legal precedent have been explored and are satisfactory.

The lot width is less than that specified in WLEP 2009 for residential flat buildings. The applicant has followed the process set out in clause 4.6 of WLEP 2009 and adequately justified the development standard departure.

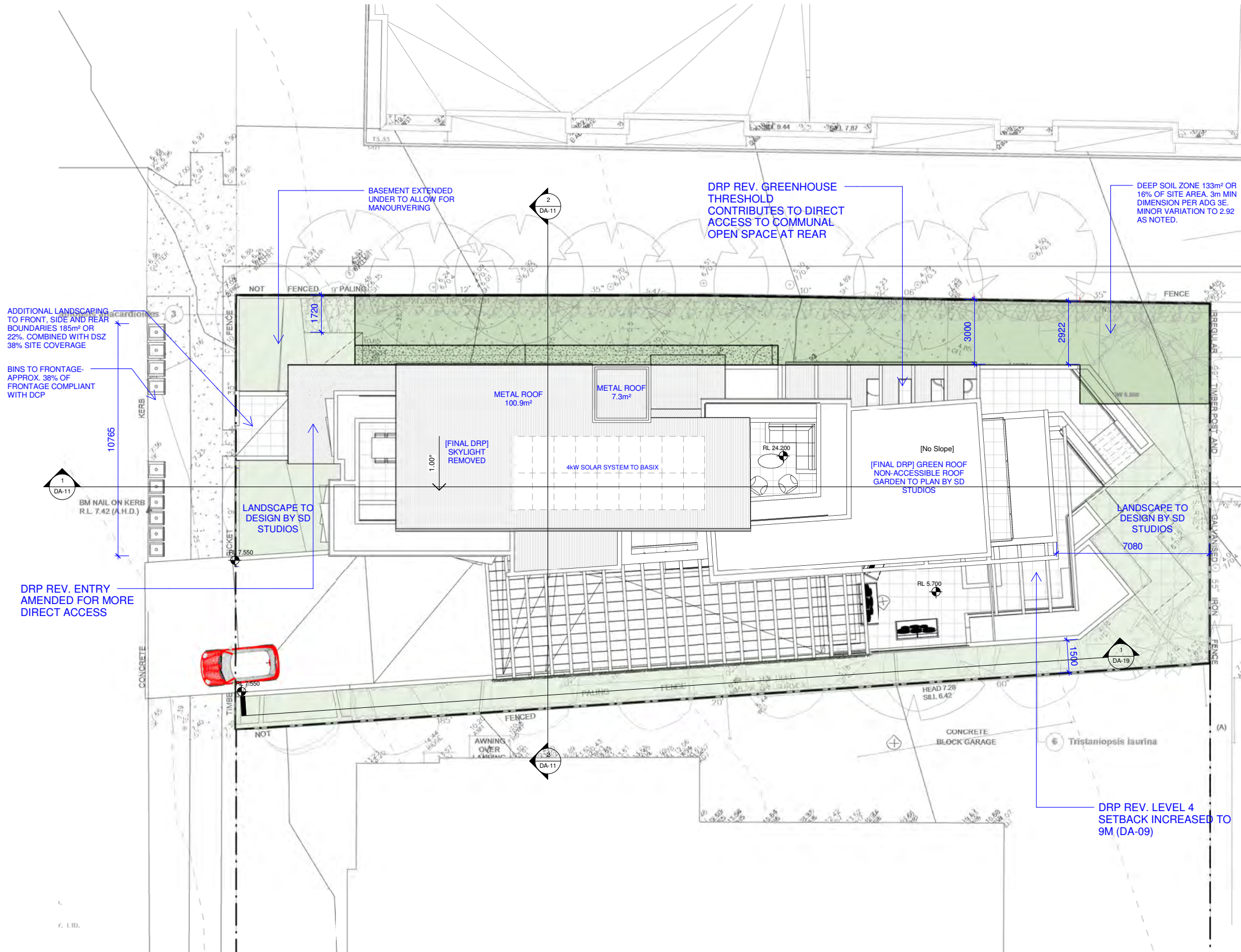
Public submissions have been considered and form part of Council's assessment. The recommendations of the Design Review Panel have been adopted in the revised plans and matters raised by the Panel are satisfactorily resolved.

4 RECOMMENDATION

It is recommended that DA-2019/774 be approved subject to appropriate conditions of consent at attachment 5.

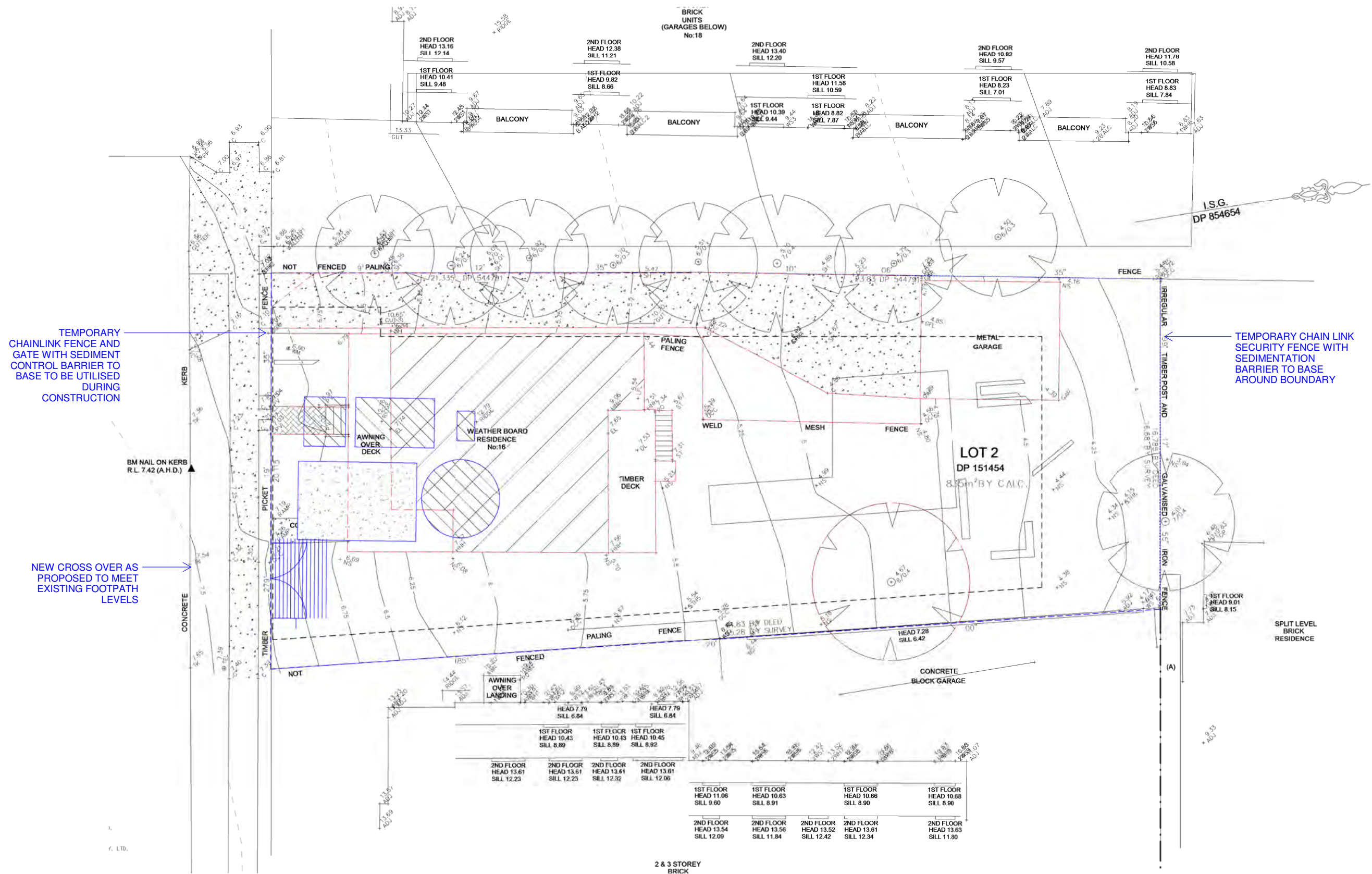
5 ATTACHMENTS

- 1 Plans
- 2 Aerial photograph and zoning map
- 3 Applicant's WLEP 2009 clause 4.6 request
- 4 Design Review Panel meeting notes
- 5 Draft conditions of consent
- 6 WDCP 2009 and ADG compliance tables

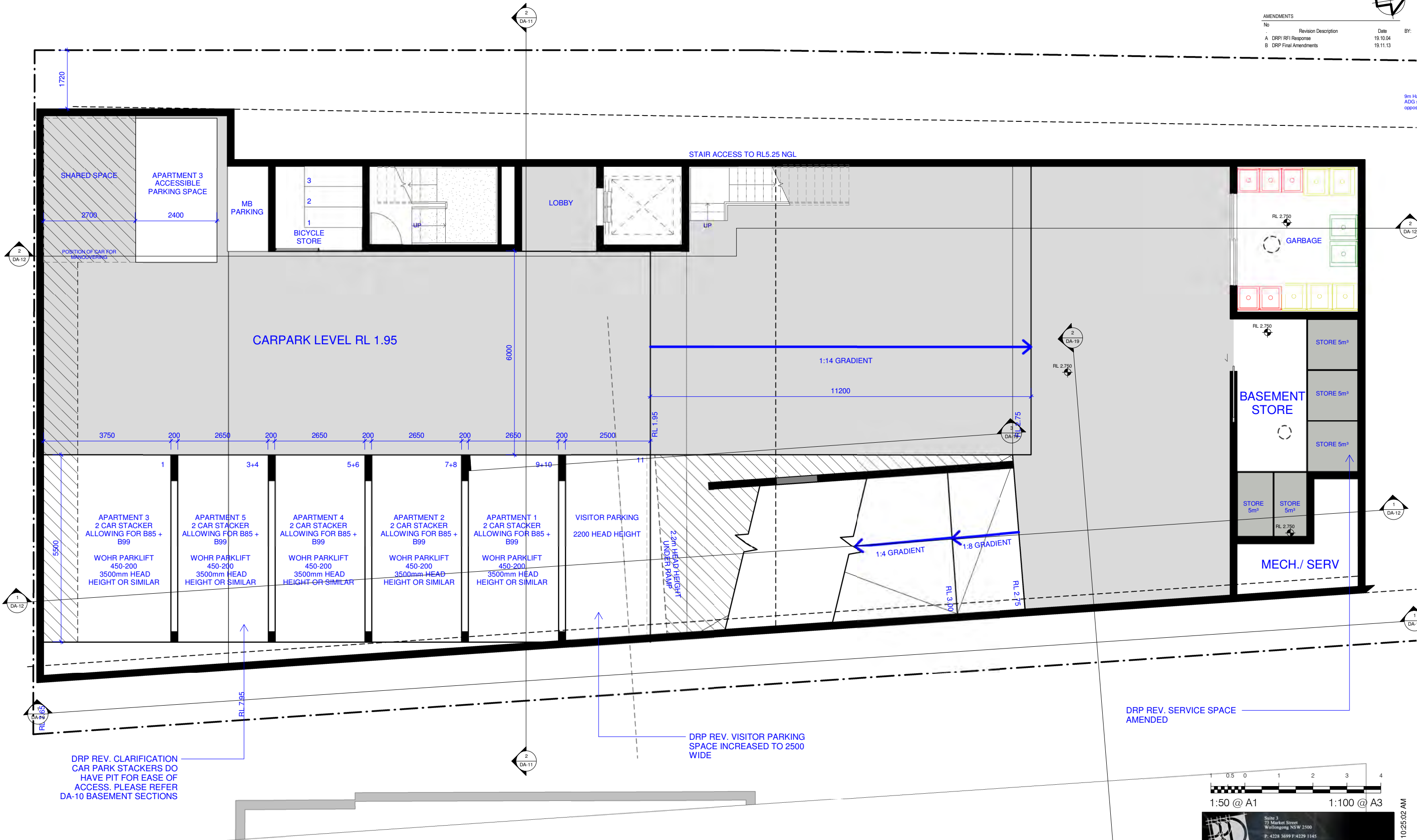


Thermal Comfort Specifications		
Podocarpus macrophyllum	Glazing Doors/windows/terrace	Aluminium framed clear performance glazing or similar performing system: U-Value: 4.50 (equal to or lower than) SHGC: 0.50 (±10%) Aluminium framed double clear glazing or similar performing system to kitchen/living unit 1 : U-Value: 3.40 (equal to or lower than) SHGC: 0.53 (±10%)
Livistonia australis	Roof	Metal roof with a foil backed blanket (Minimum R13 up and R13 down) Concrete Roof no insulation Default colour modelled
	Ceiling	Plasterboard ceiling with a minimum R2.5 insulation (insulation only value where roof or balcony is over) Plasterboard ceiling, no insulation where neighbouring units are above
	External Walls	Concrete block filled with a minimum R2.5 insulation (insulation only value) as per plans External Colour Default colour modelled
	Internal walls	Plasterboard on studs – no insulation
	Inter tenancy walls	Hebel to neighbours, no insulation required as per plans Hebel to hallways and corridors as per plans with R 2.2 insulation, insulation only value
	Floors	Concrete with a minimum R1.9 insulation (insulation only value) required to unit 1 with garage below. Concrete with a minimum R1.2 insulation (insulation only value) required to where open sub floor is below. Concrete between levels no insulation required.
	Eaves and shading	Eaves and shading as per stamped plans
BASIX Water Commitments		
	Fixtures	Showerheads: 4.0 star Mid flow (>6L but <=7.5 L/min) Toilets: 4.0 star Kitchen taps: 5.0 star Bathroom vanity taps: 5.0 star
	Appliances	Dishwasher 4.5 star water rating
	Alternative Water	Install rainwater tank, minimum 5,000L capacity harvested from minimum 101m² roof area Tank connected to outdoor tap for common and private and individual laundry connections
BASIX Energy Commitments		
	Hot water system	Individual 6 star gas instantaneous system
	Heating and Cooling systems	Cooling System Air conditioning only Heating System: Air conditioning only
	Ventilation in units	Kitchen – Individual fan, externally ducted to roof or façade, manual on/off switch Bathrooms – Individual fan, ducted to roof or façade, manual on/off switch Laundry – Individual fan, ducted to roof or façade, manual on/off switch
	Ventilation to common areas	Car park area – supply & exhaust air with a carbon monoxide monitor & VSD fan Garage rooms – Exhaust air, running continuously Plant/storage – Supply only, interlocked to light Ground floor lobbies and hallways – Supply only, time clock controlled
	Lighting to common areas	Car park area – Fluorescent lights with zoned switching and motion sensors Lifts – LED lights connected to lift call button Garage rooms – Fluorescent lights with motion sensor Plant/storage – Fluorescent lights with manual on / manual off switch Hallways/ Lobbies – Light emitting diodes (LEDs) with zoned switching and motion sensors
	Other	Gas cooktop & electric oven Dishwashers: 3 star energy rating Clothes Dryer: 2 star
	Alternative Energy	4kW Solar PV System





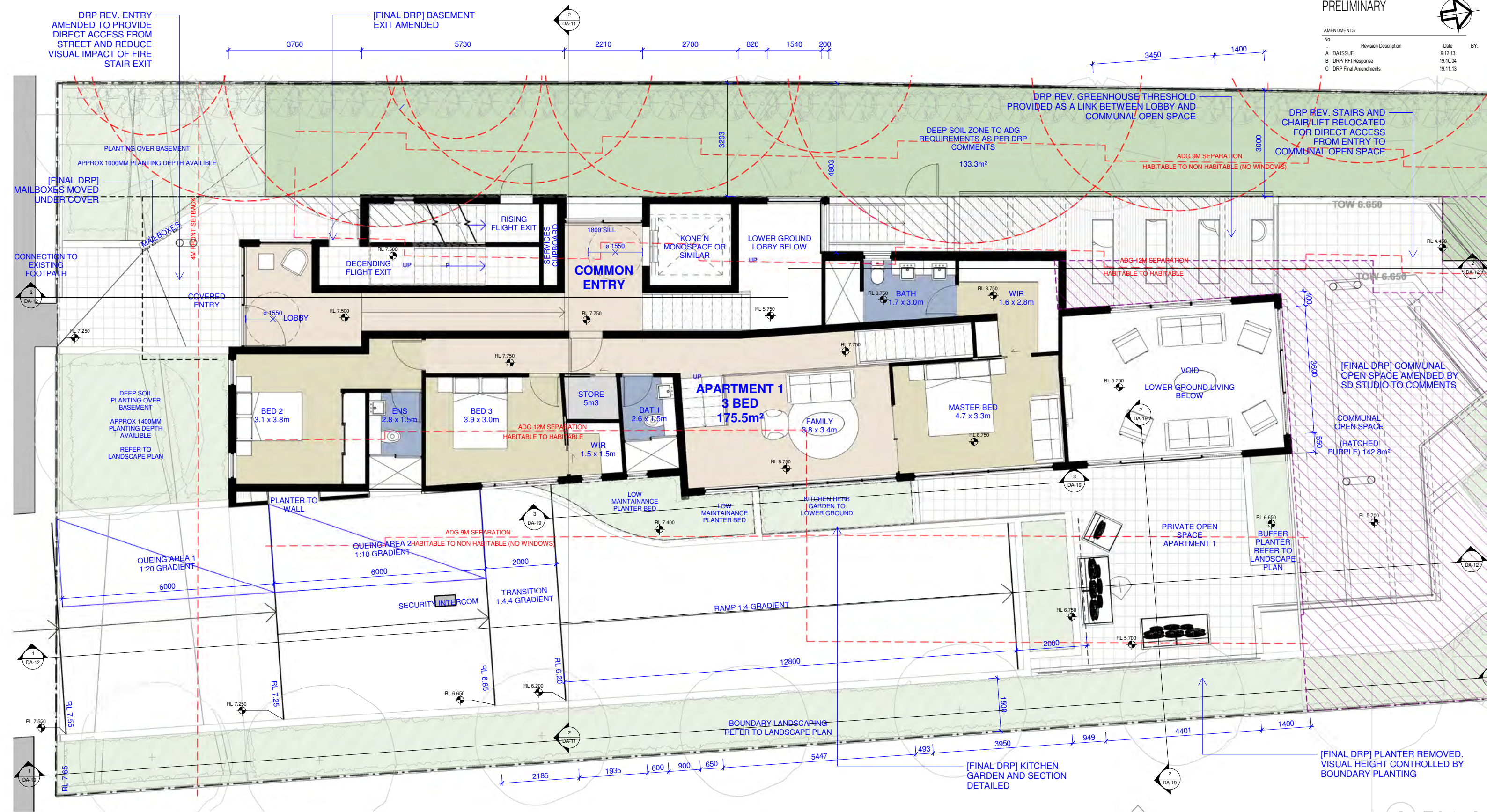
9m Habitat
ADG setba
opposite



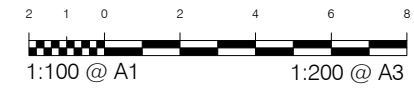


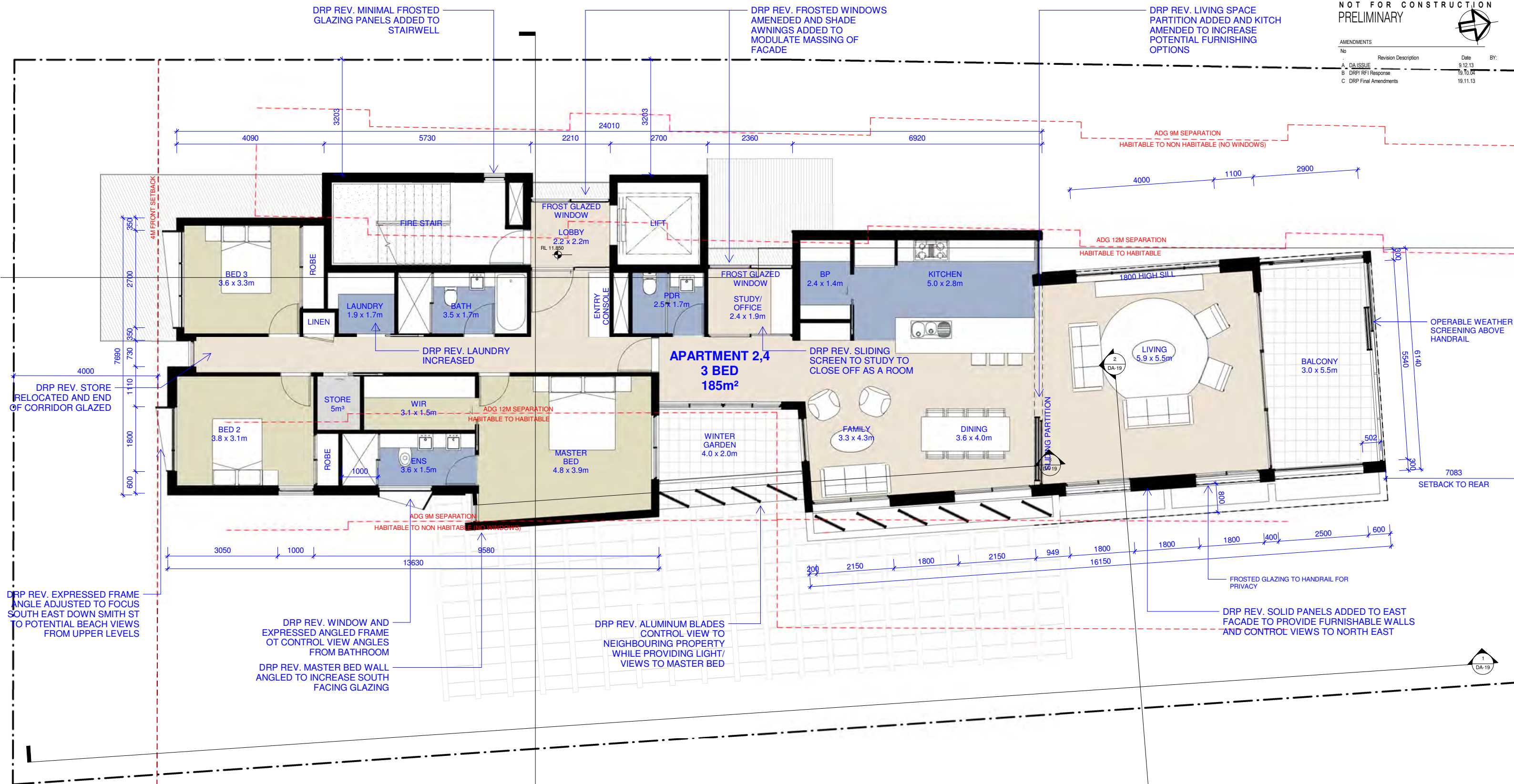
DA-04 -B





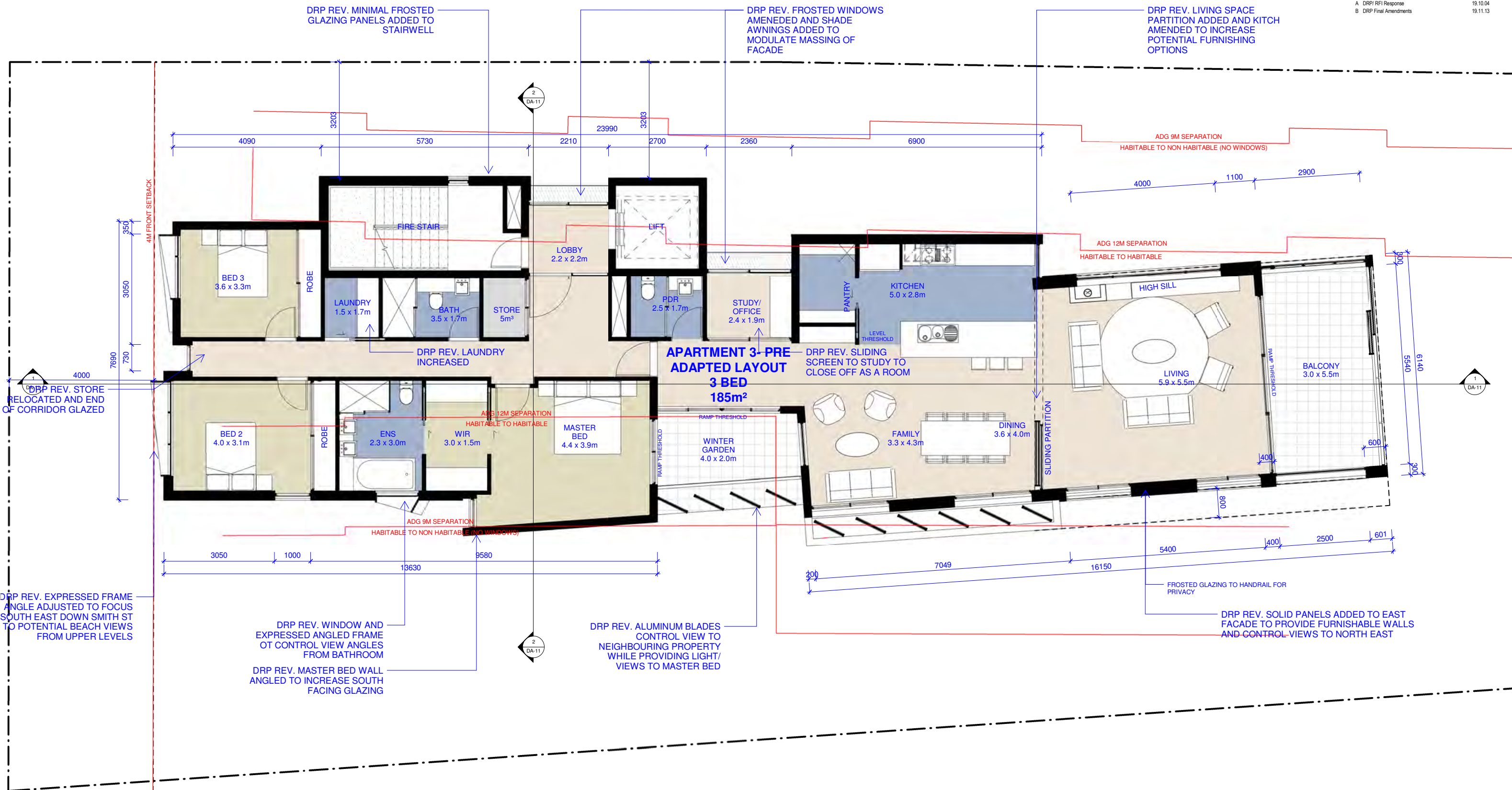
2 02- GROUND FLOOR PLAN
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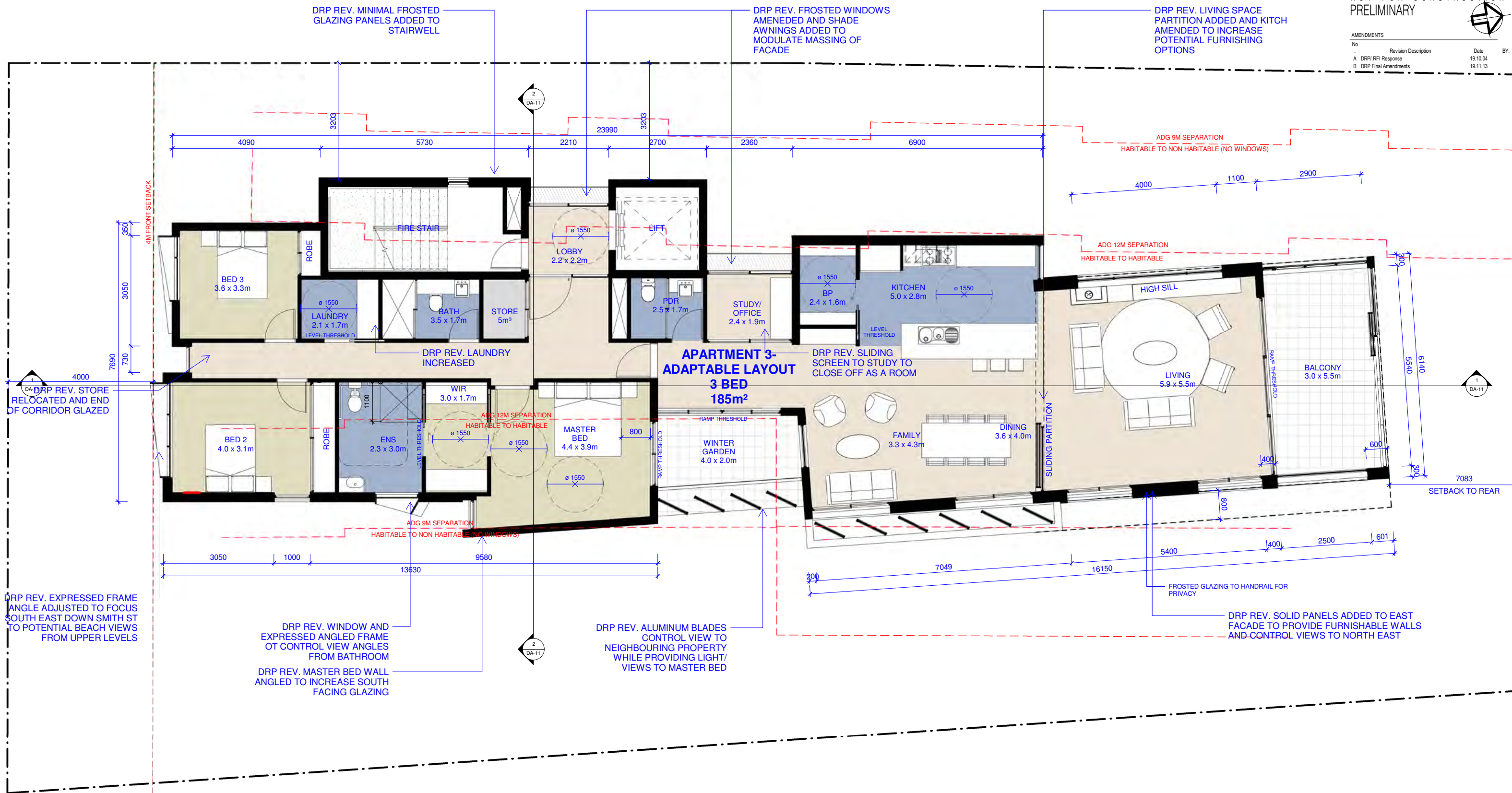


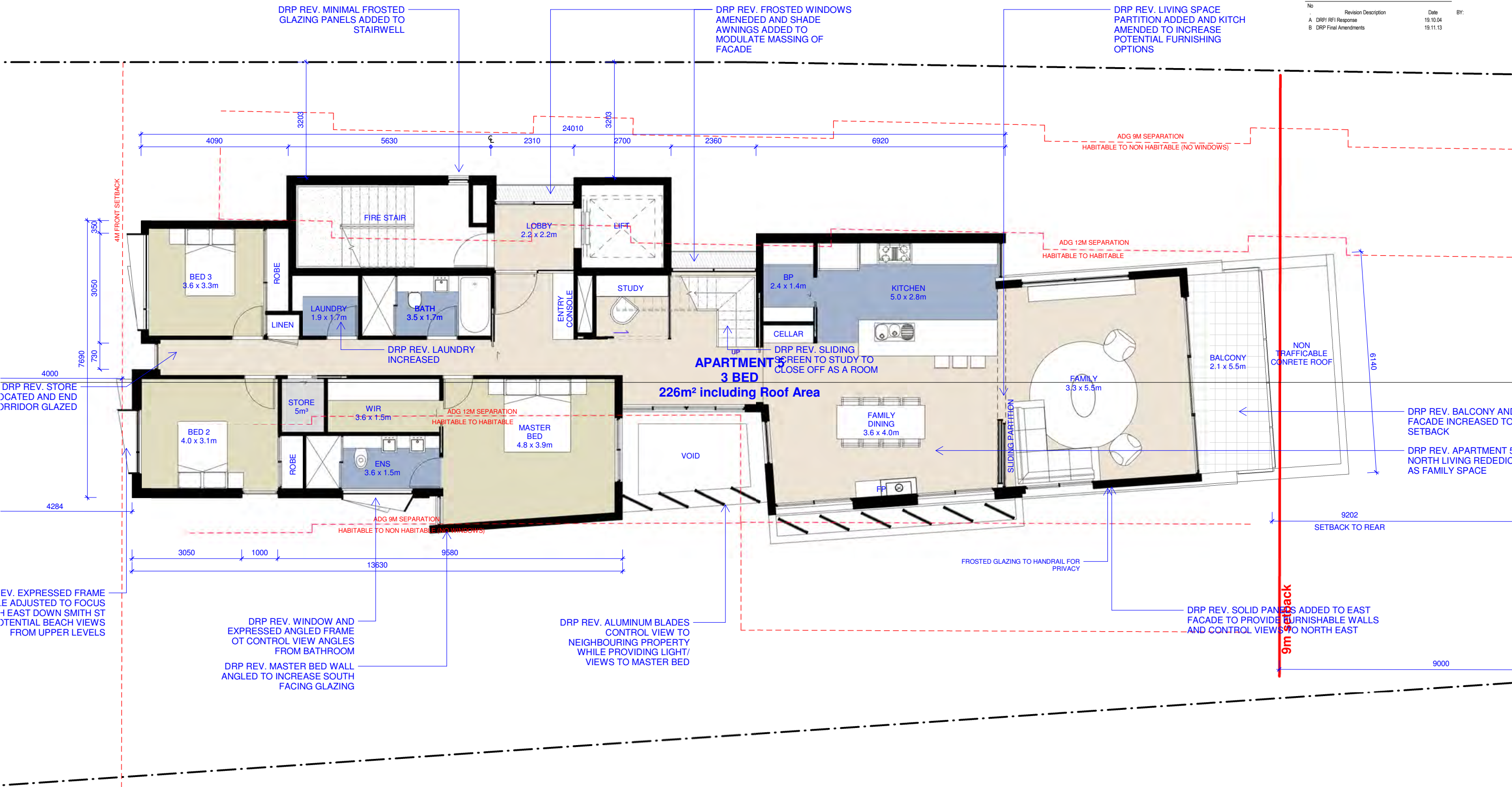


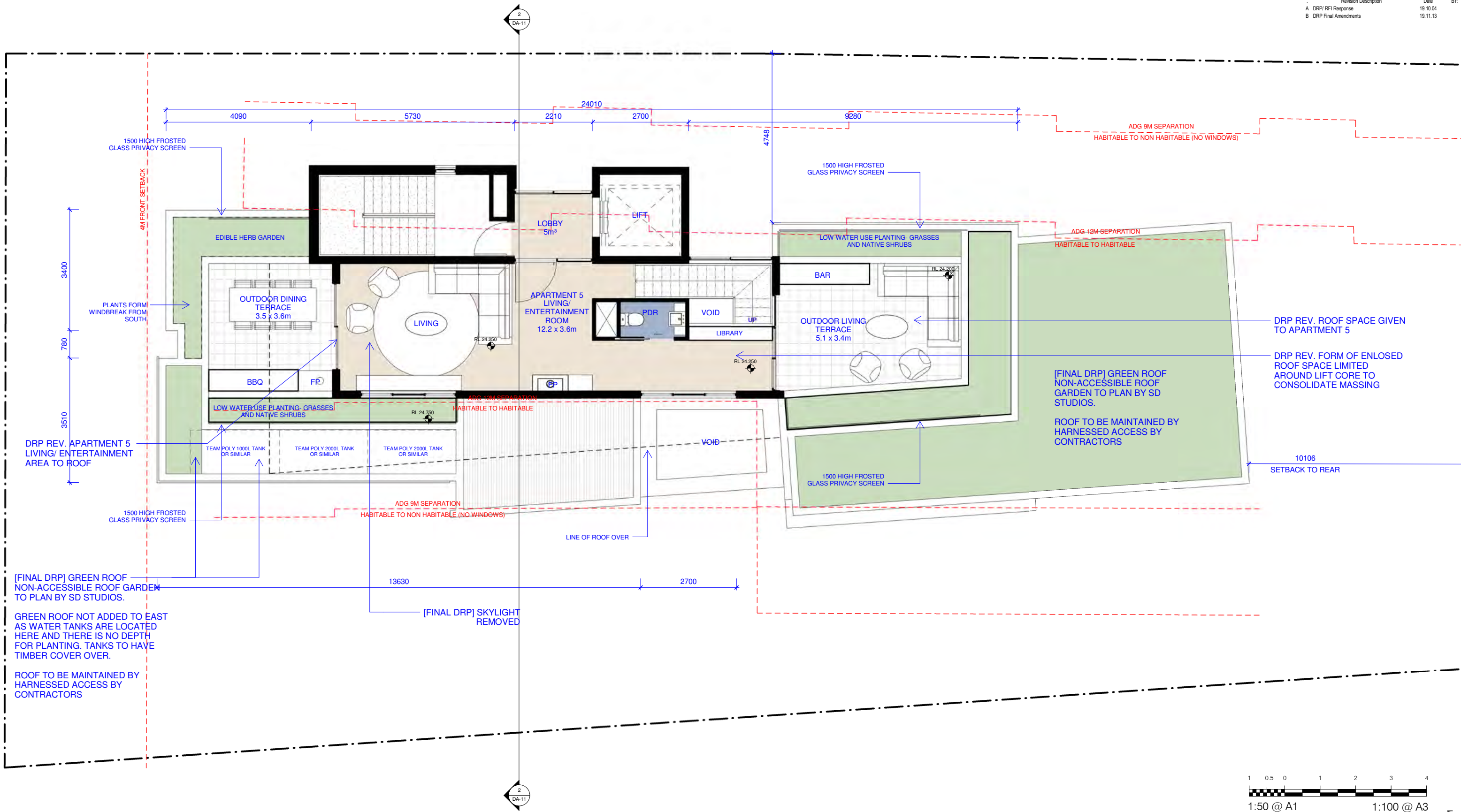
03- FIRST FLOOR PLAN
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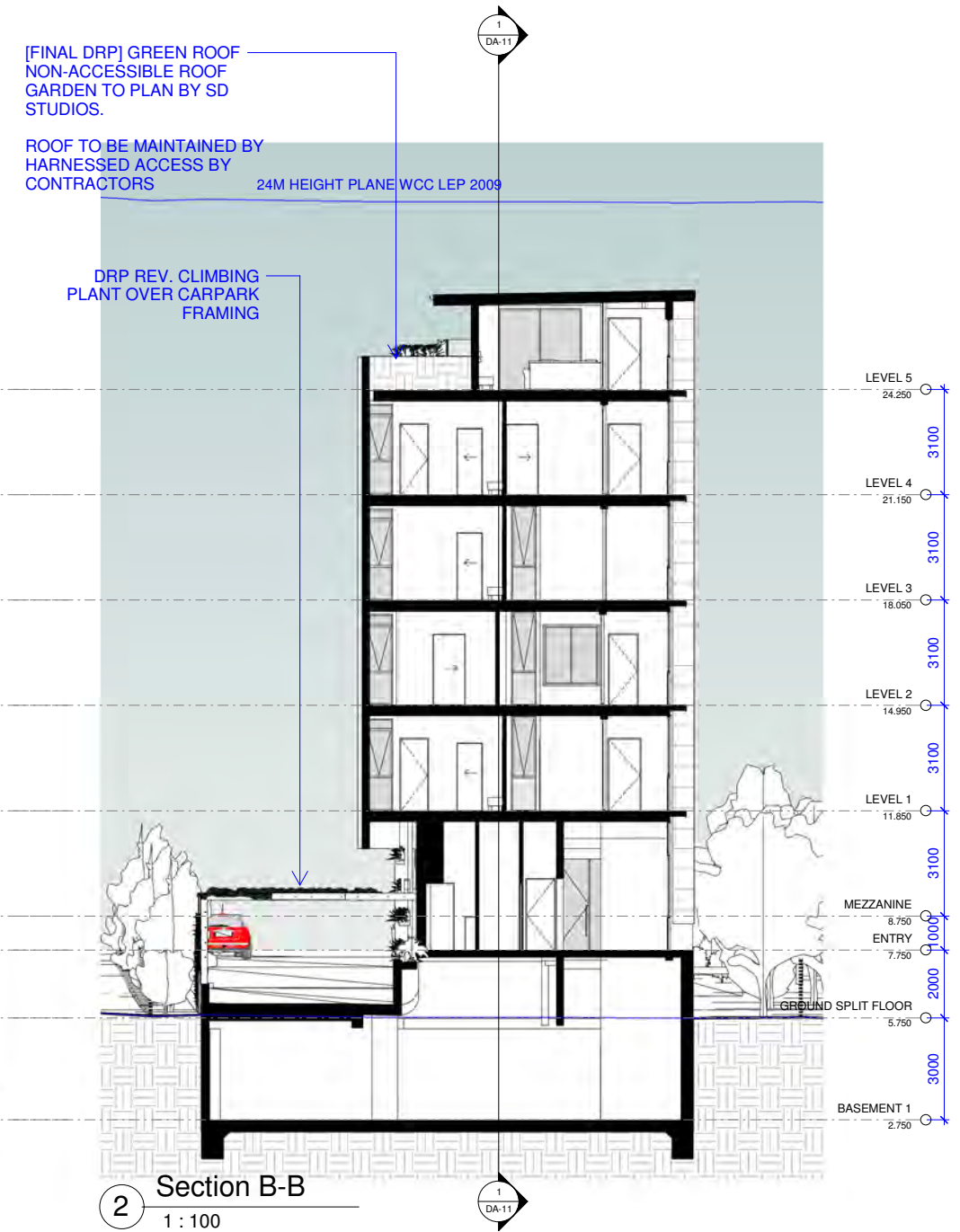
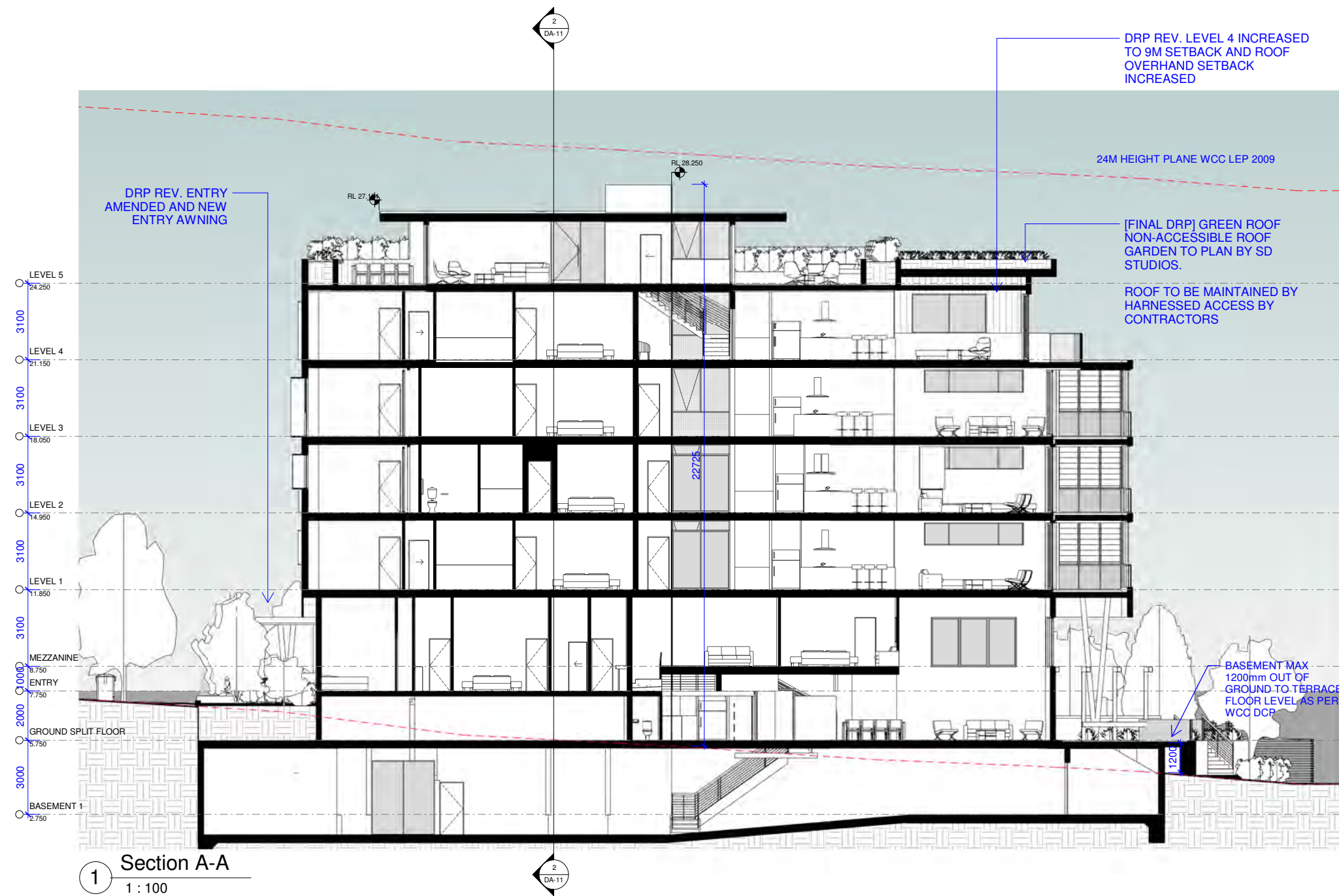
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B	DRP Final Amendments	19.11.13	

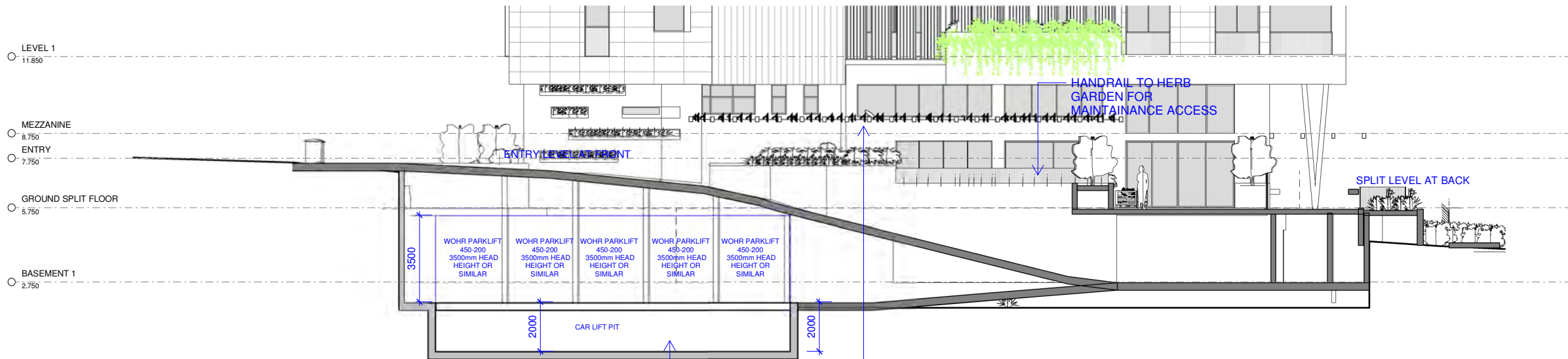




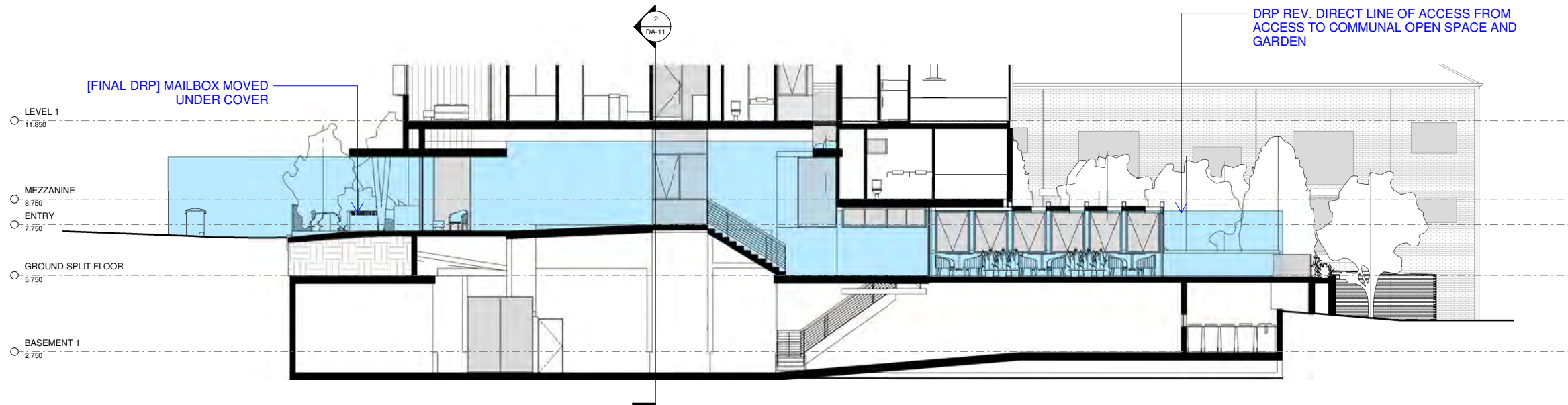






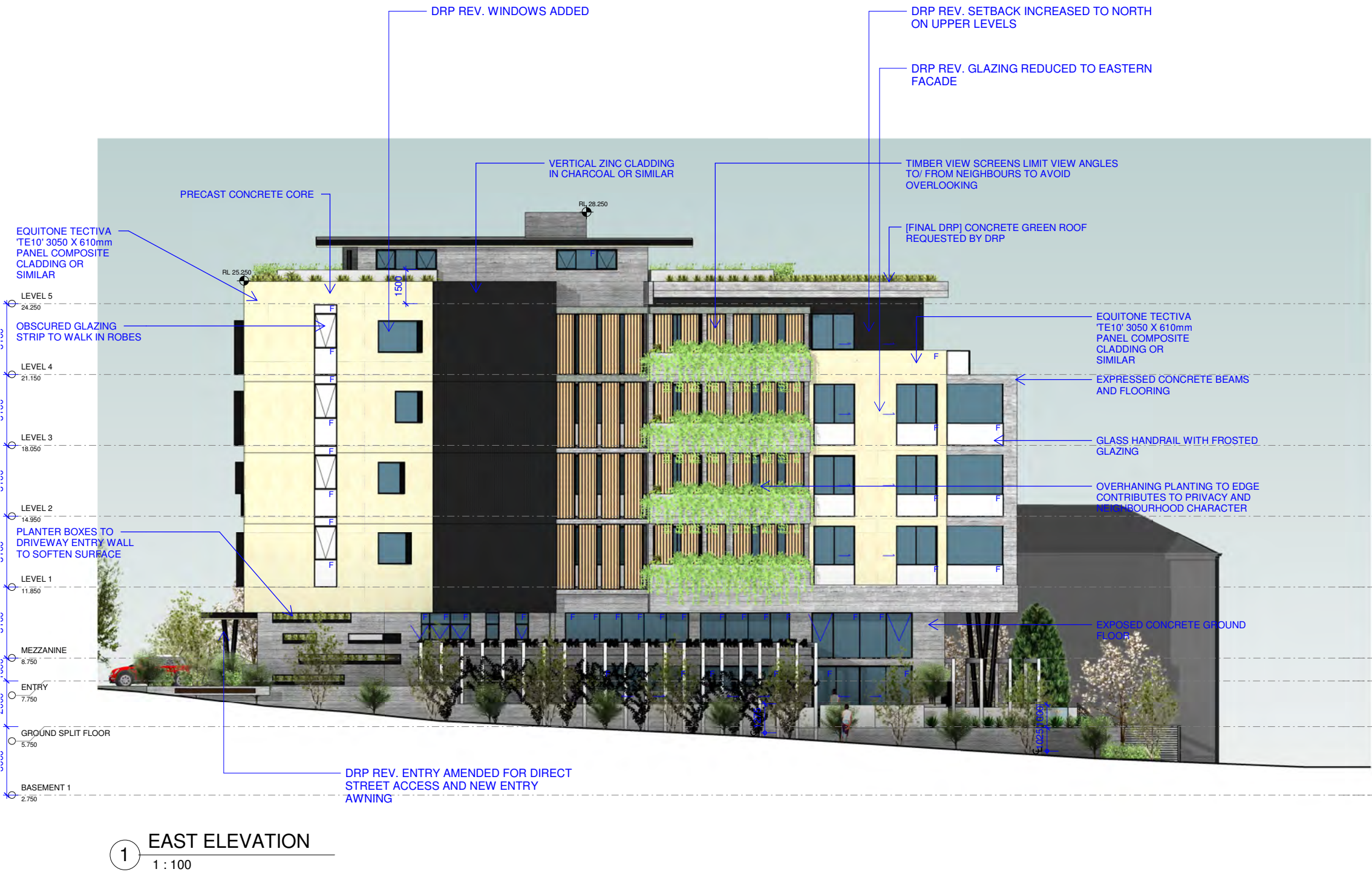


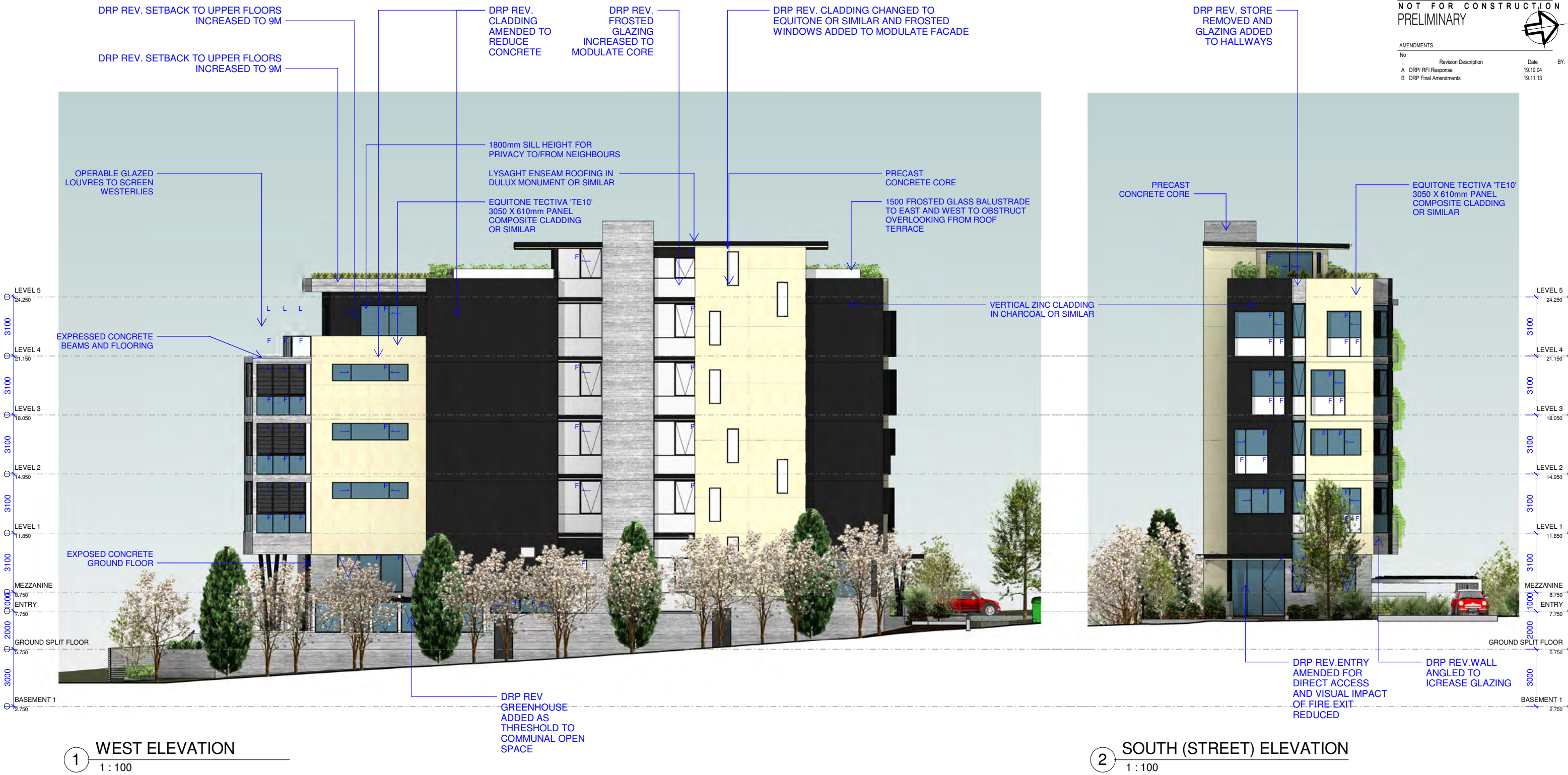
1 DRIVEWAY SECTION
1 : 100



2 THOROUGHFARE SECTION
1 : 100

2 1 0 2 4 6 8
1:100 @ A1 1:200 @ A3







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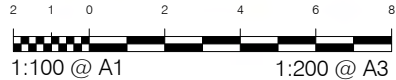
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B	DRP/ RFI Response	19.10.04
C	DRP Final Amendments	19.11.13

BY:

MULTI DWELLING DEVELOPMENT
16 SMITH STREET WOLLONGONG

3D

SAAD PROPERTY GROUP
018-030
DA-17 -C





Suite 3
73 Market Street
Wollongong NSW 2500
P: 4228 3699 F: 4229 1145
E: office@prdarchitects.com



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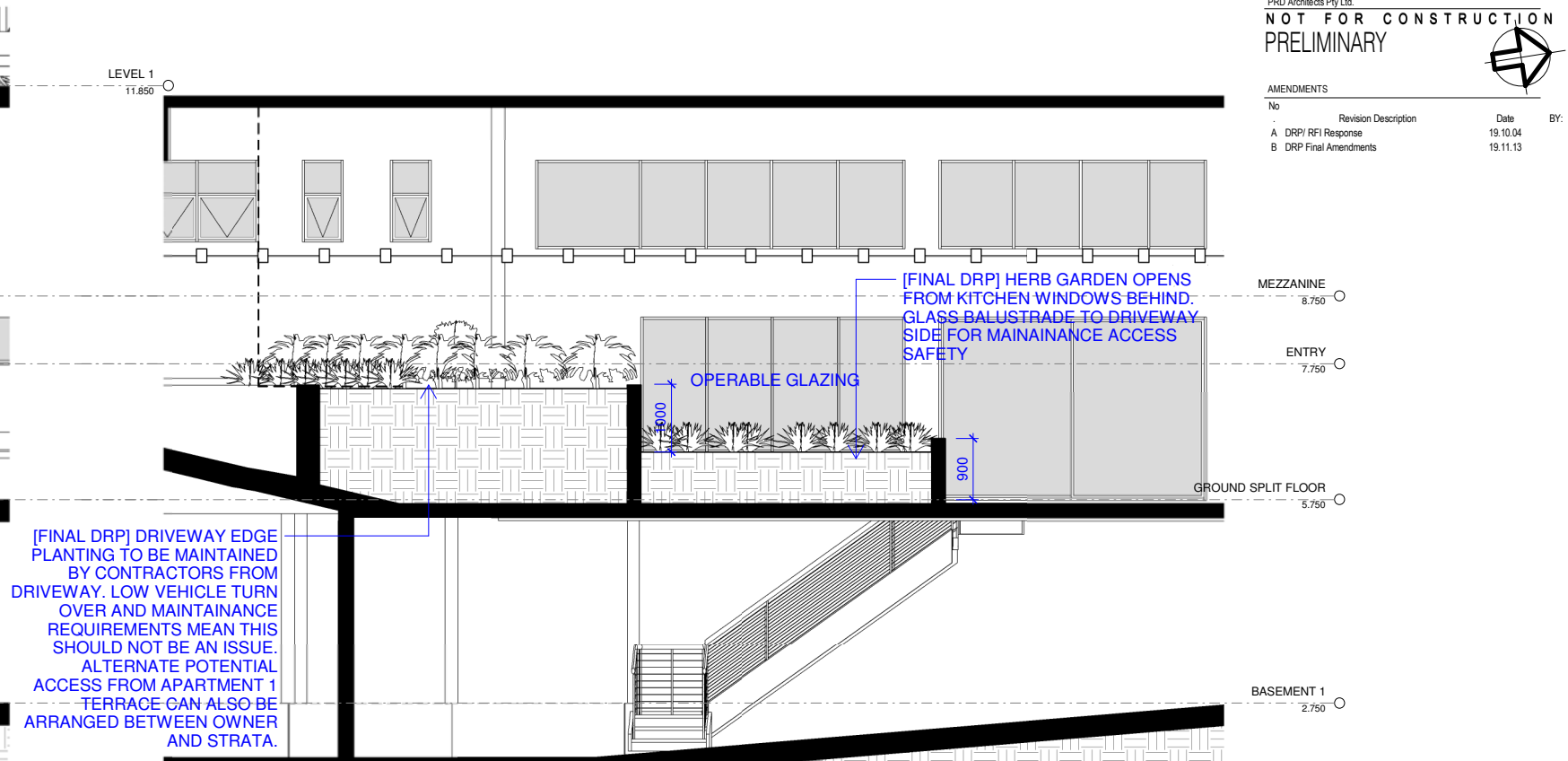
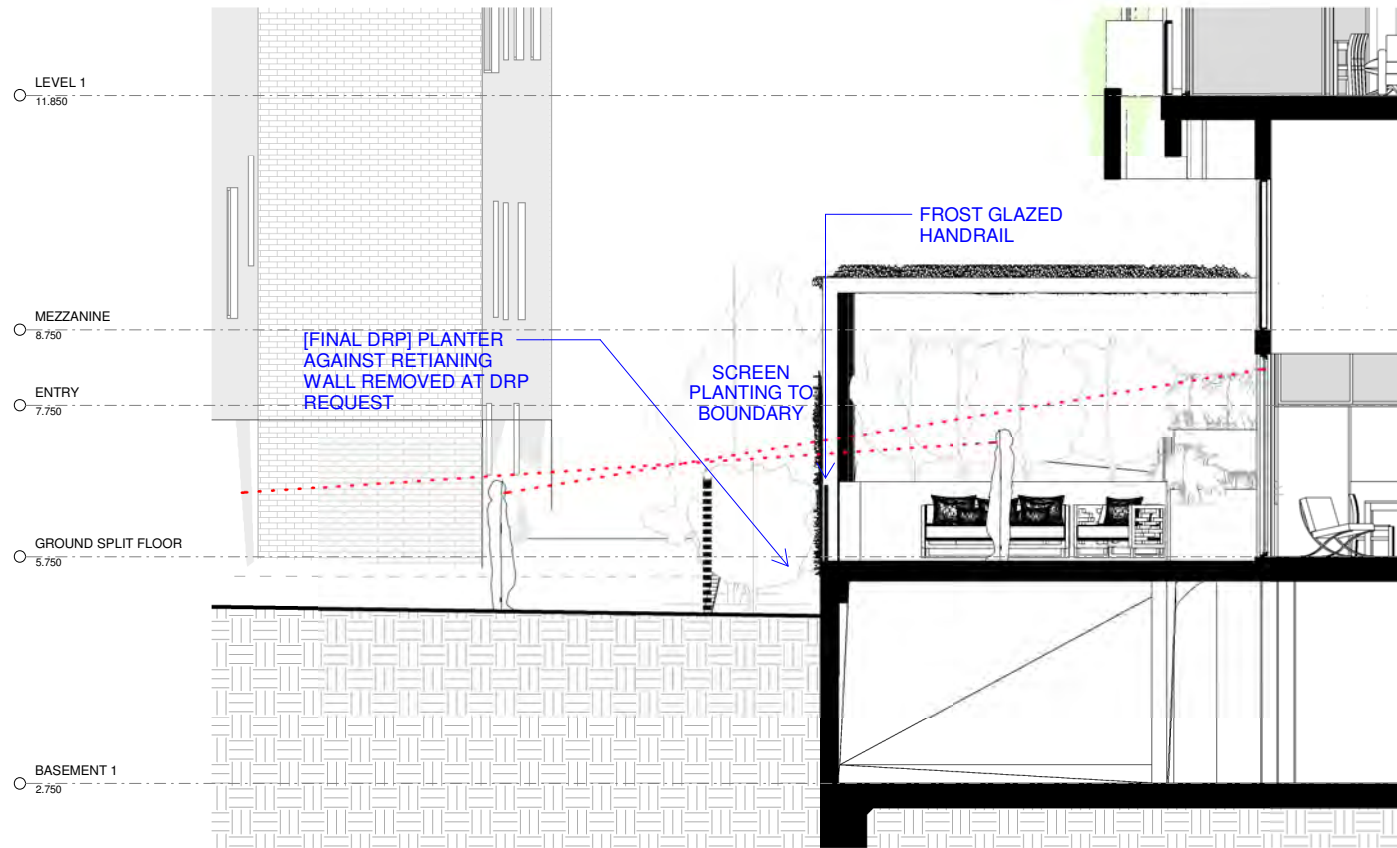


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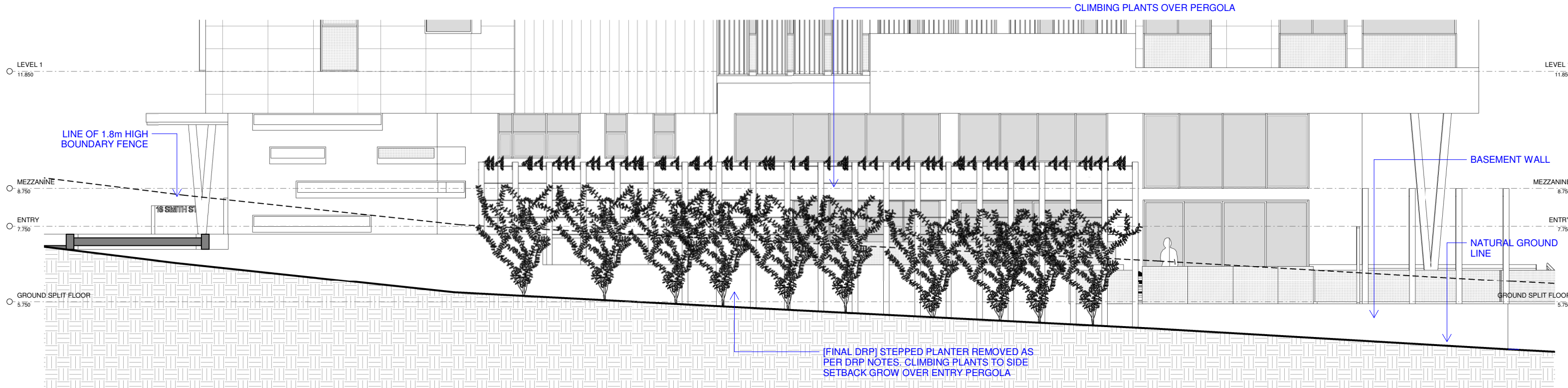
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A	DRP/ RFI Response	19.10.04	
B	DRP Final Amendments	19.11.13	





2 EASTERN BOUNDARY SETBACK SHORT SECTION
1 : 50

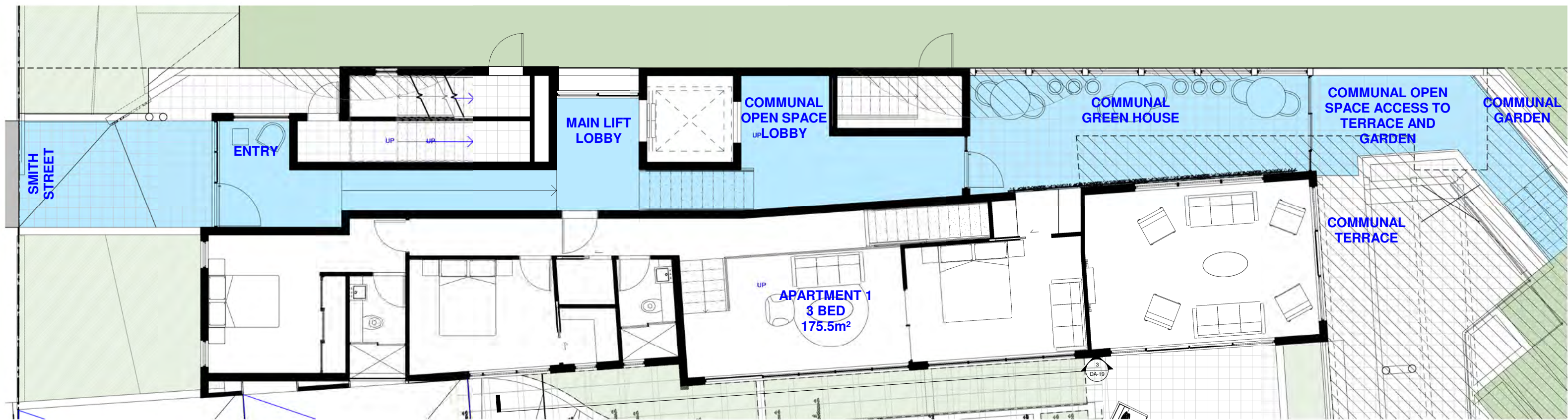
3 FINAL DRP- PLANTER SECTION
1 : 50



1 EASTERN BOUNDARY SETBACK LONG SECTION
1 : 50

1:100 @ A1 1:200 @ A3

2 VIEW DOWN TO COMMUNAL GREENHOUSE



1 THOROUGHFARE FROM ENTRY TO COMMUNAL
OPEN SPACE
1:50

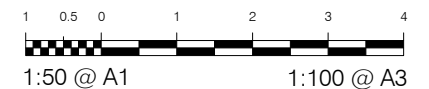
MULTI DWELLING DEVELOPMENT
16 SMITH STREET WOLLONGONG

ENTRY TO COMMUNAL OPEN SPACE

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018-030

DA-20 -B



WALKING DISTANCE TO
WOLLONGONG CBD

WALKING DISTANCE TO
BEACH

PREVAILING
WINTER WINDS

ESCAPMENT
VIEWS

I.S.G.
DP 854654

NORTH-EAST
BREEZES

NORTH
WOLLONGONG
BEACH
VIEWS

WILSON STREET

18 SMITH STREET,
2 STOREY BRICK UNITS
WITH GARAGES BELOW

2 STOREY
BRICK
UNITS
(GARAGES BELOW)
No.18

2ND FLOOR
HEAD 13.16
SILL 12.14

2ND FLOOR
HEAD 12.38
SILL 11.21

2ND FLOOR
HEAD 12.46
SILL 12.26

2ND FLOOR
HEAD 10.82
SILL 9.57

2ND FLOOR
HEAD 11.78
SILL 10.58

1ST FLOOR
HEAD 10.41
SILL 9.48

1ST FLOOR
HEAD 9.82
SILL 8.66

1ST FLOOR
HEAD 11.58
SILL 10.59

1ST FLOOR
HEAD 10.23
SILL 9.01

1ST FLOOR
HEAD 8.83
SILL 7.84



SUMMER SUN
PATH



WINTER SUN
PATH



WINTER SUN
PATH



SUMMER SUN
PATH

GRANNY
FLAT

16 SMITH STREET,
LOT 2 DP 151454
PROPOSED 5 STOREY
RESIDENTIAL DEVELOPMENT

LOT 2
DP 151454
8.5m² RTY CAR

12 WILSON STREET,
2 STOREY BRICK UNITS

14 SMITH STREET,
2 & 3 STOREY BRICK UNITS

HEAD 7.79
SILL 6.64

HEAD 7.28
SILL 6.04

1ST FLOOR
HEAD 10.43
SILL 8.89

1ST FLOOR
HEAD 10.43
SILL 8.89

1ST FLOOR
HEAD 10.45
SILL 8.92

2ND FLOOR
HEAD 13.61
SILL 12.23

2ND FLOOR
HEAD 13.61
SILL 12.23

2ND FLOOR
HEAD 13.61
SILL 12.32

2ND FLOOR
HEAD 13.61
SILL 12.06

1ST FLOOR
HEAD 11.06
SILL 9.60

1ST FLOOR
HEAD 10.63
SILL 9.21

1ST FLOOR
HEAD 10.68
SILL 9.90

1ST FLOOR
HEAD 10.88
SILL 9.90

2ND FLOOR
HEAD 13.54
SILL 12.09

2ND FLOOR
HEAD 13.56
SILL 11.84

2ND FLOOR
HEAD 13.57
SILL 12.42

2ND FLOOR
HEAD 13.61
SILL 12.34

2ND FLOOR
HEAD 13.63
SILL 11.80

2 & 3 STOREY
BRICK

MULTI DWELLING DEVELOPMENT

16 SMITH STREET WOLLONGONG

SITE ANALYSIS

SAAD PROPERTY GROUP

018-030

CD-01 - A

1:100 @ A1 1:200 @ A3



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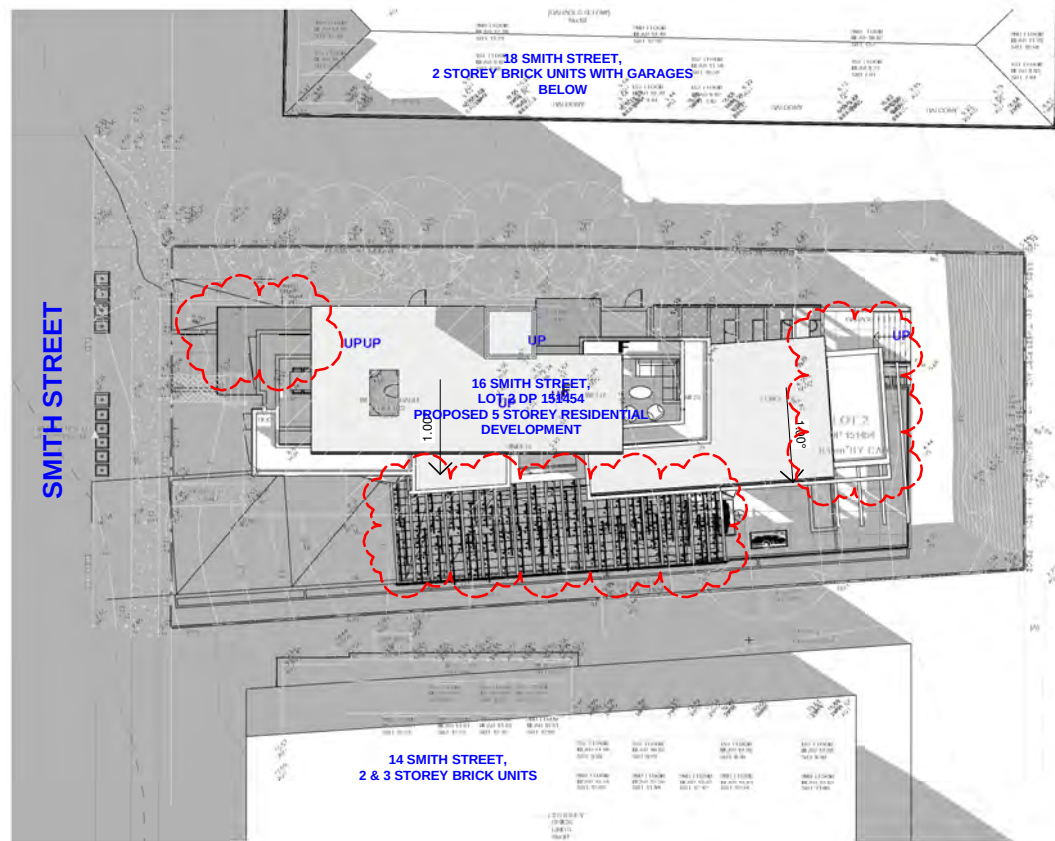


MULTI DWELLING DEVELOPMENT
16 SMITH STREET WOLLONGONG

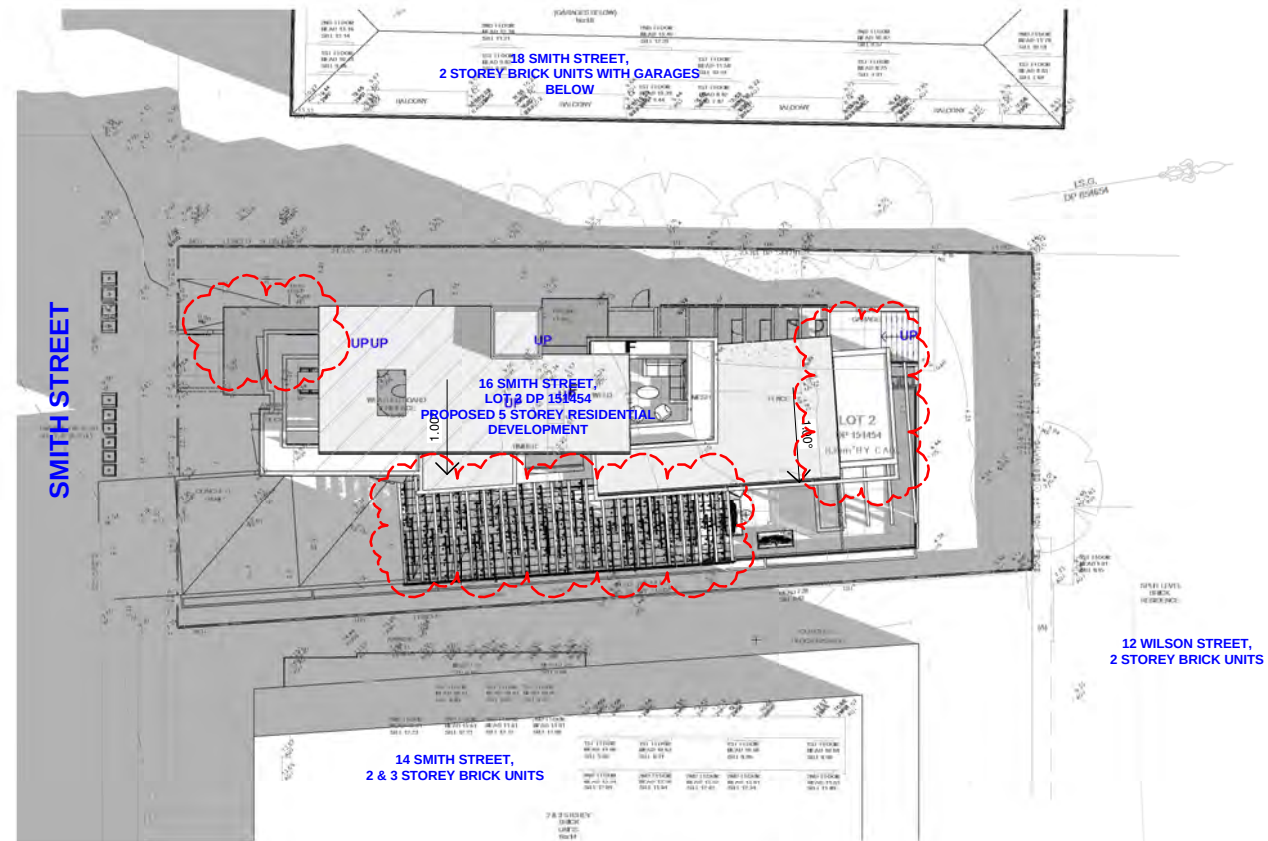
EXTENDED CONTEXT

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CD-02 -

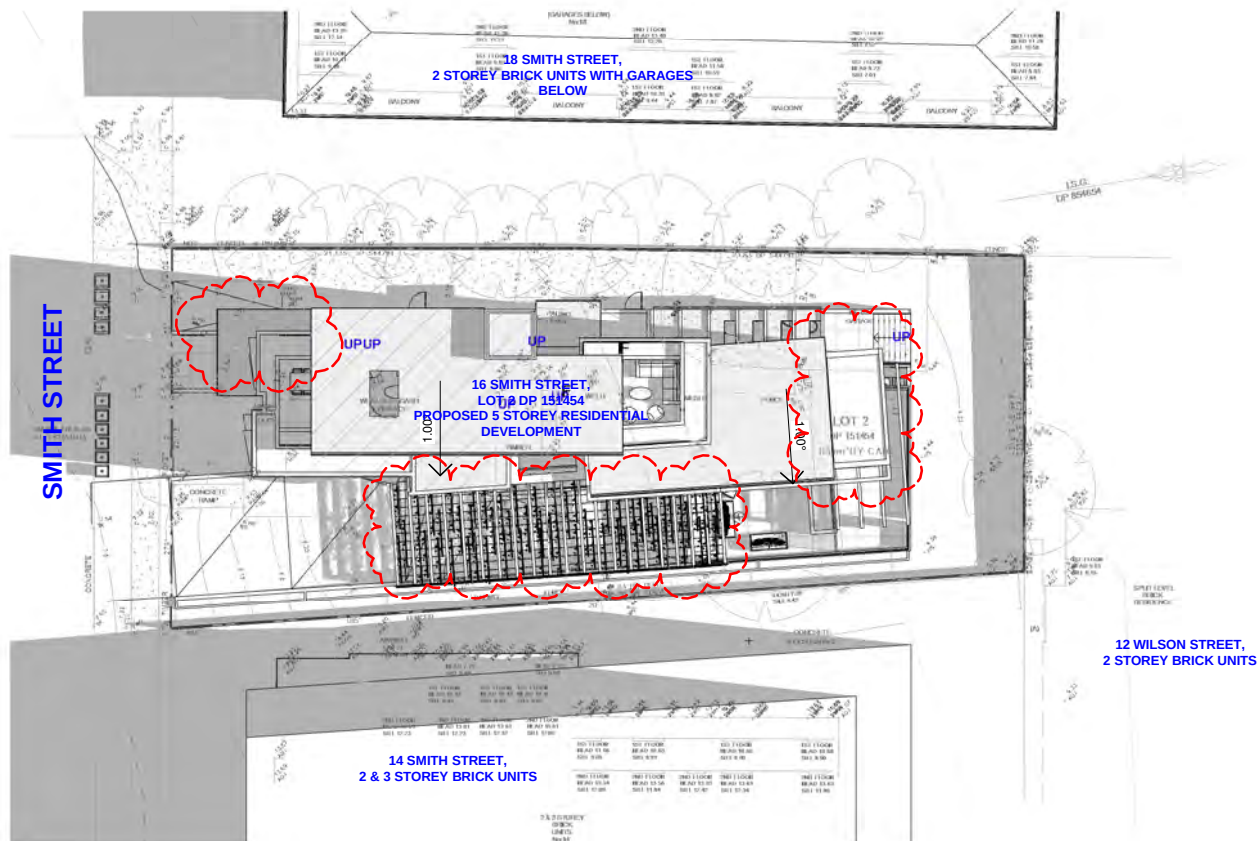




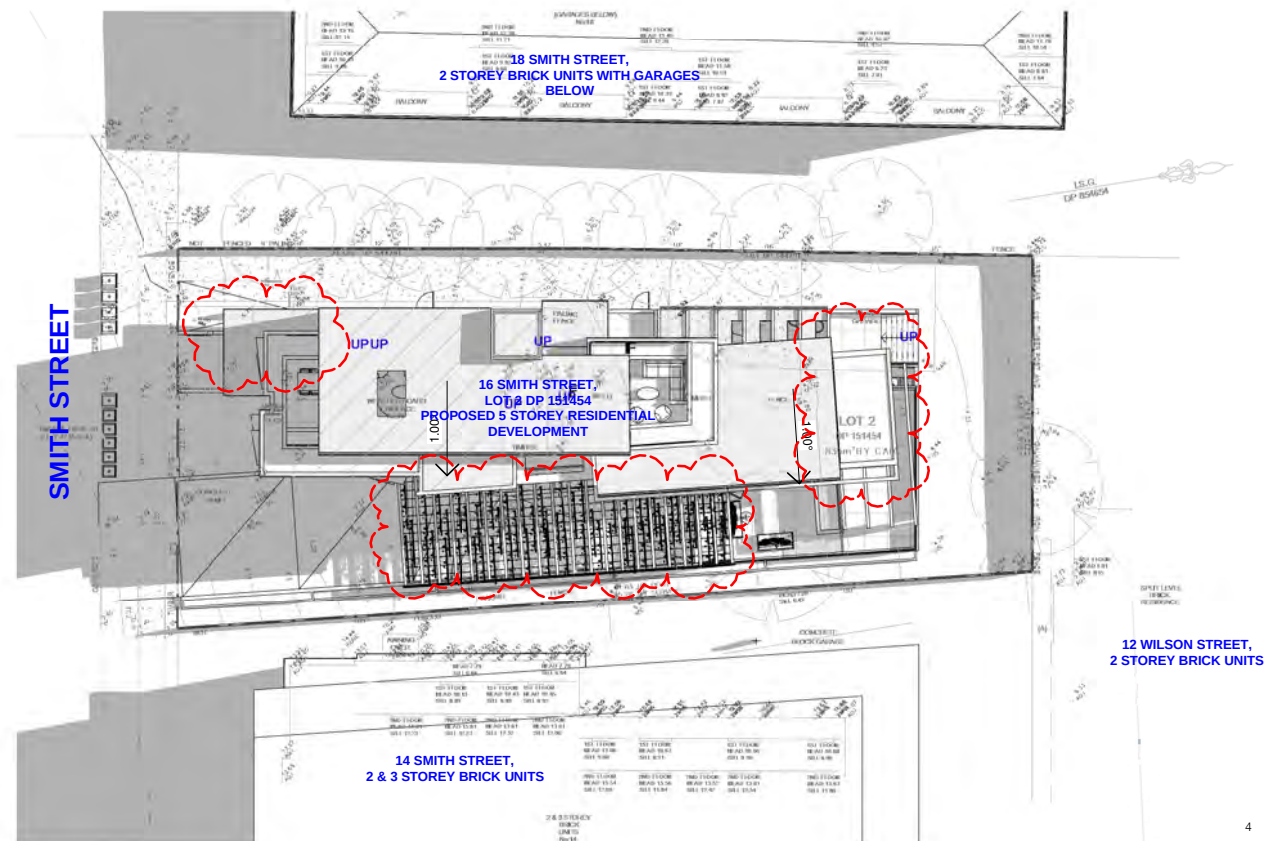
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1 : 200



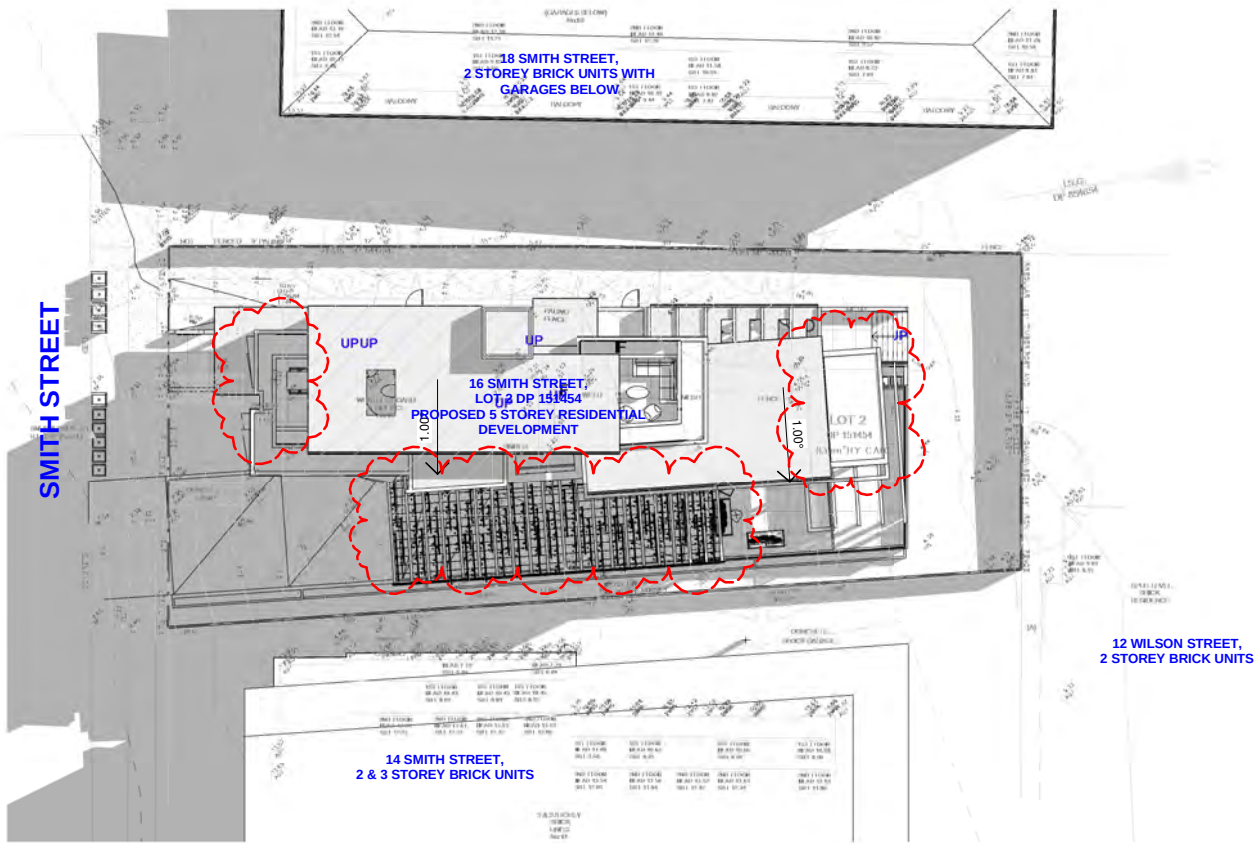
2 WINTER SHADOWS 10am
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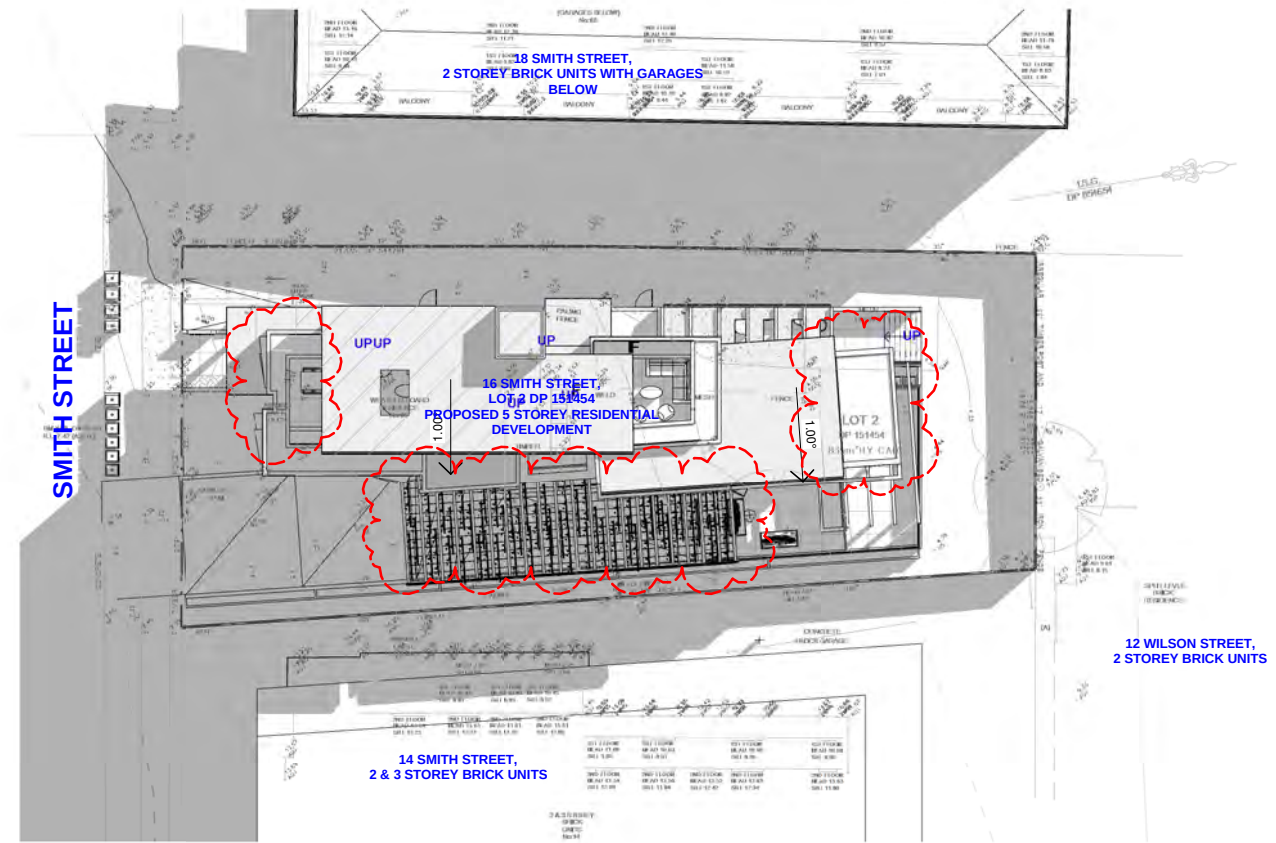
3 WINTER SHADOWS 11am
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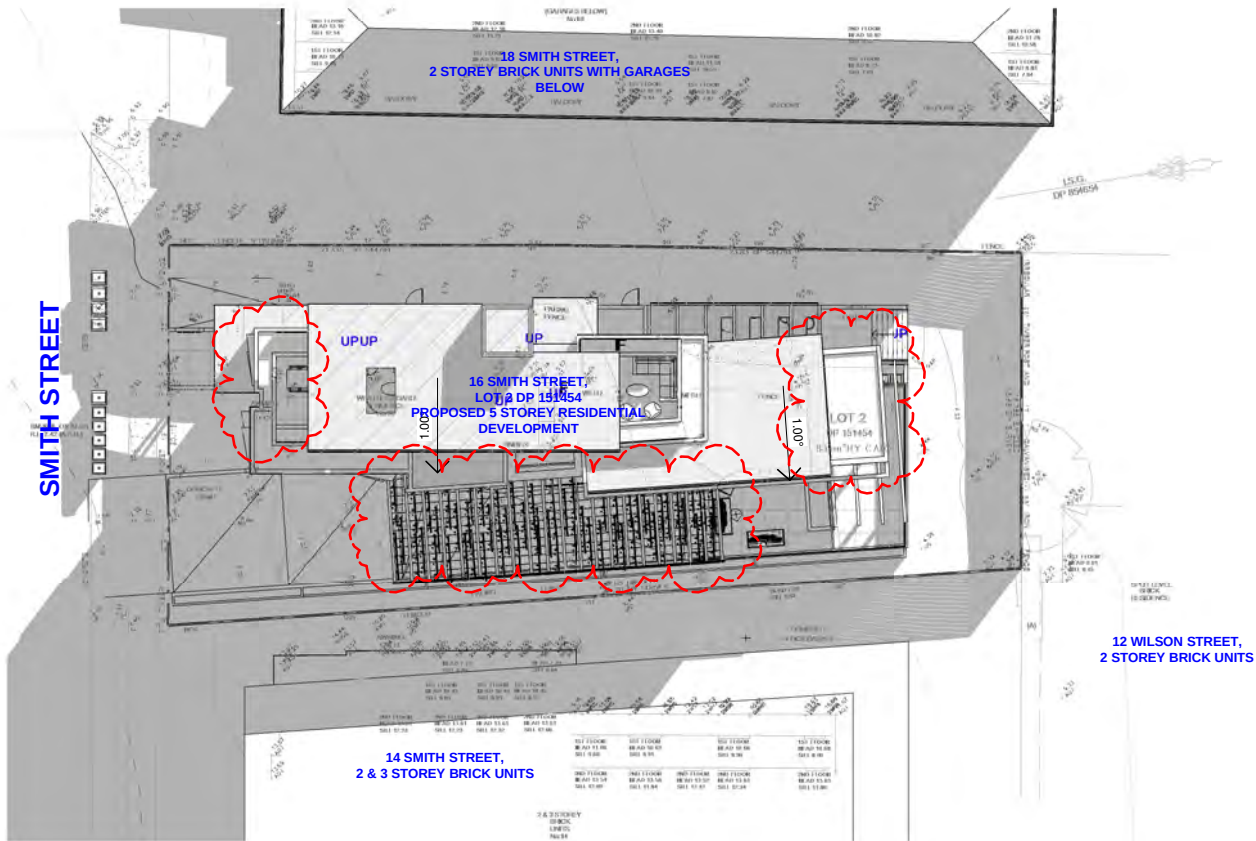
4 WINTER SHADOWS 12pm
1 : 200



1 WINTER SHADOWS 1pm
1 : 200



2 WINTER SHADOWS 2pm
1 : 200



3 WINTER SHADOWS 3pm
1 : 200

MULTI DWELLING DEVELOPMENT
16 SMITH STREET WOLLONGONG

WINTER SOLSTICE SHADOWS

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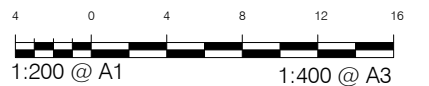
CD-04 -A

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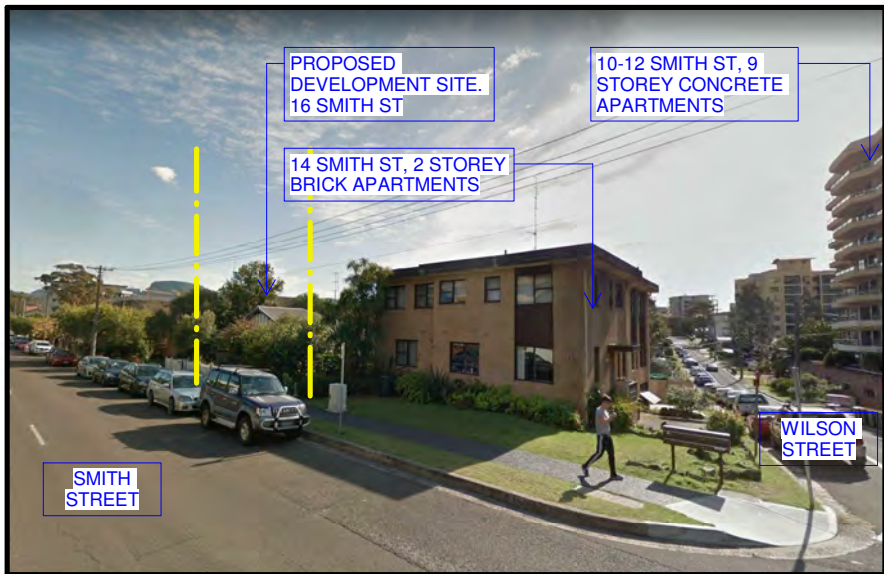
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PRELIMINARY



AMENDMENTS		
No	Revision Description	Date
A	DRP/ RFI Response	19.10.04



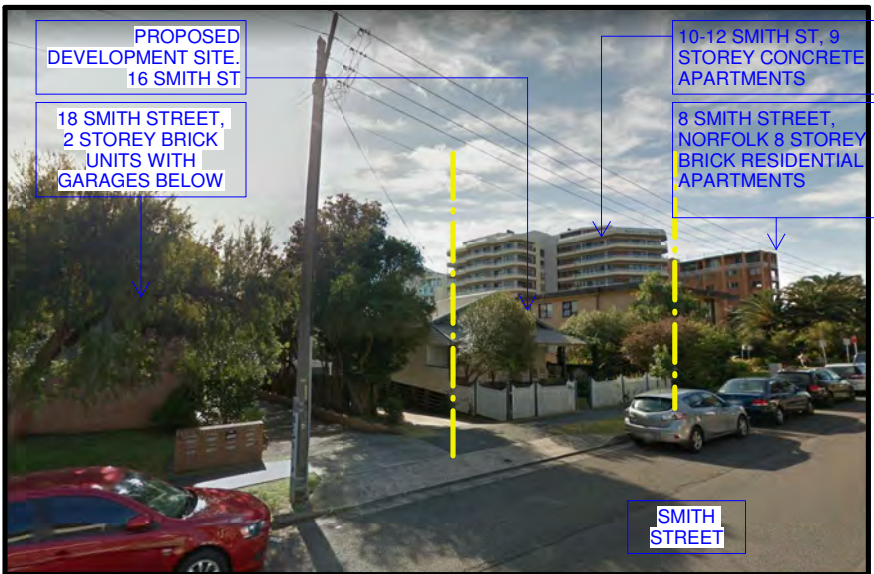
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CNR SMITH & WILSON ST



VIEW TO SITE FROM WILSON ST



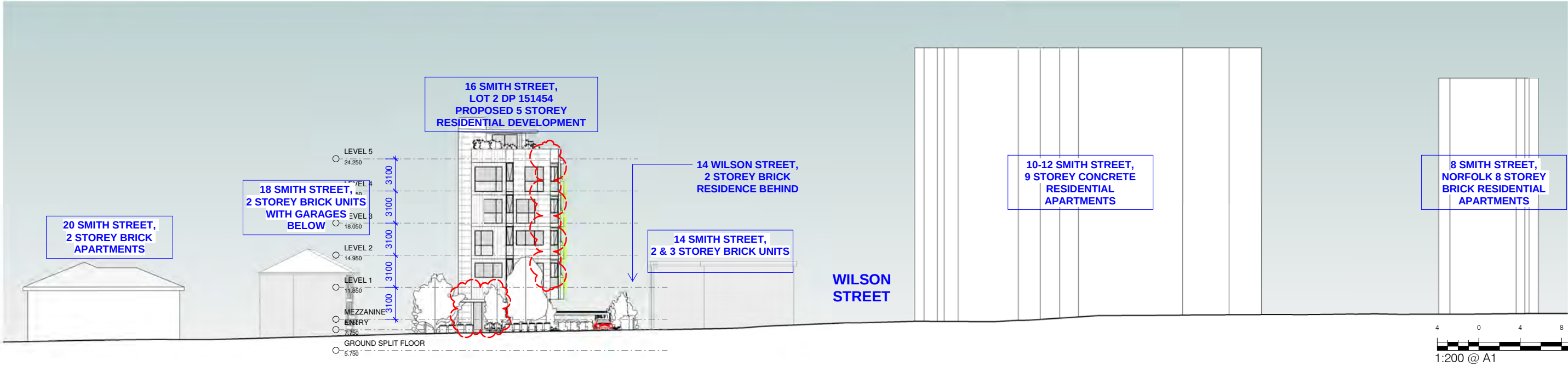
SMITH ST WEST OF SITE

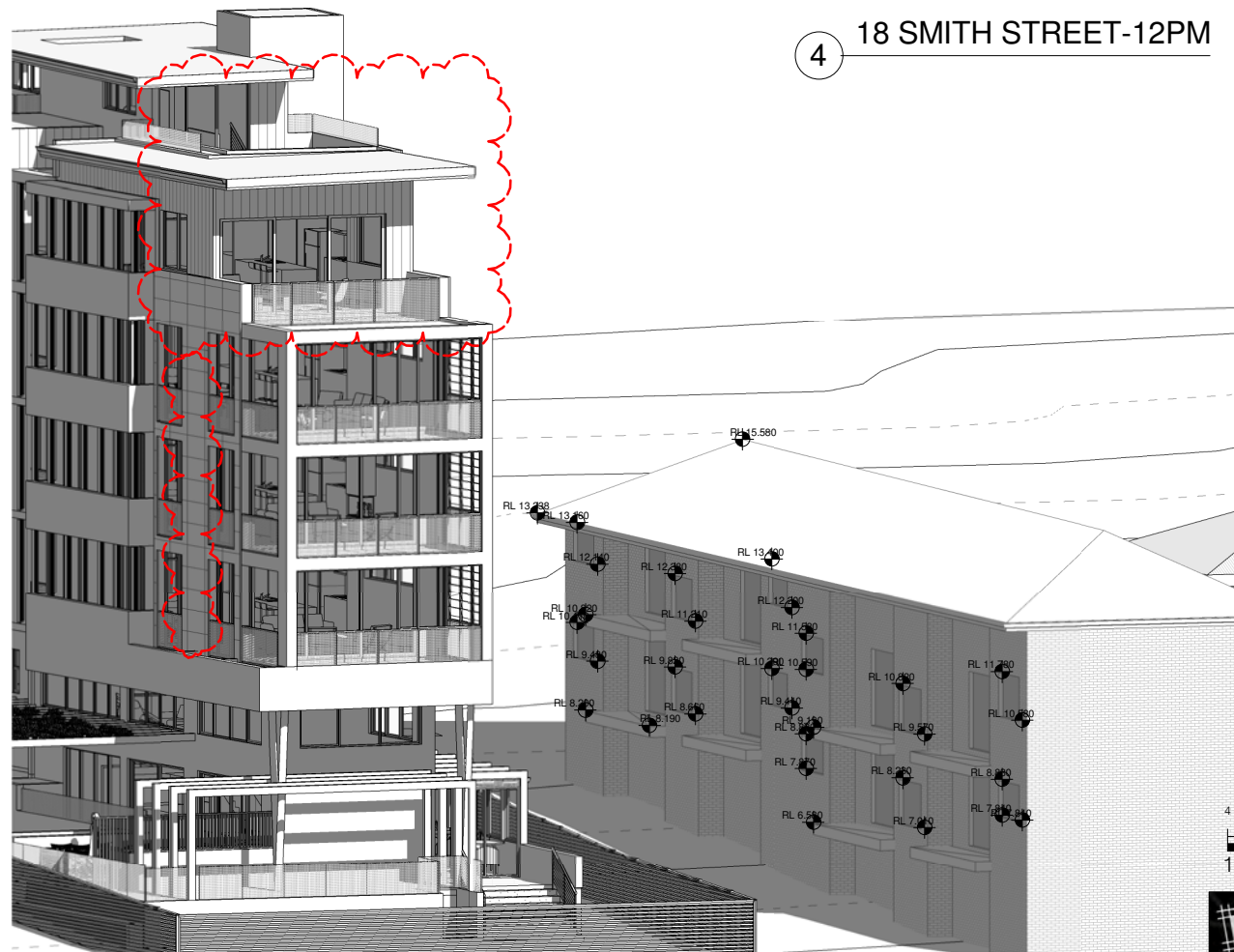
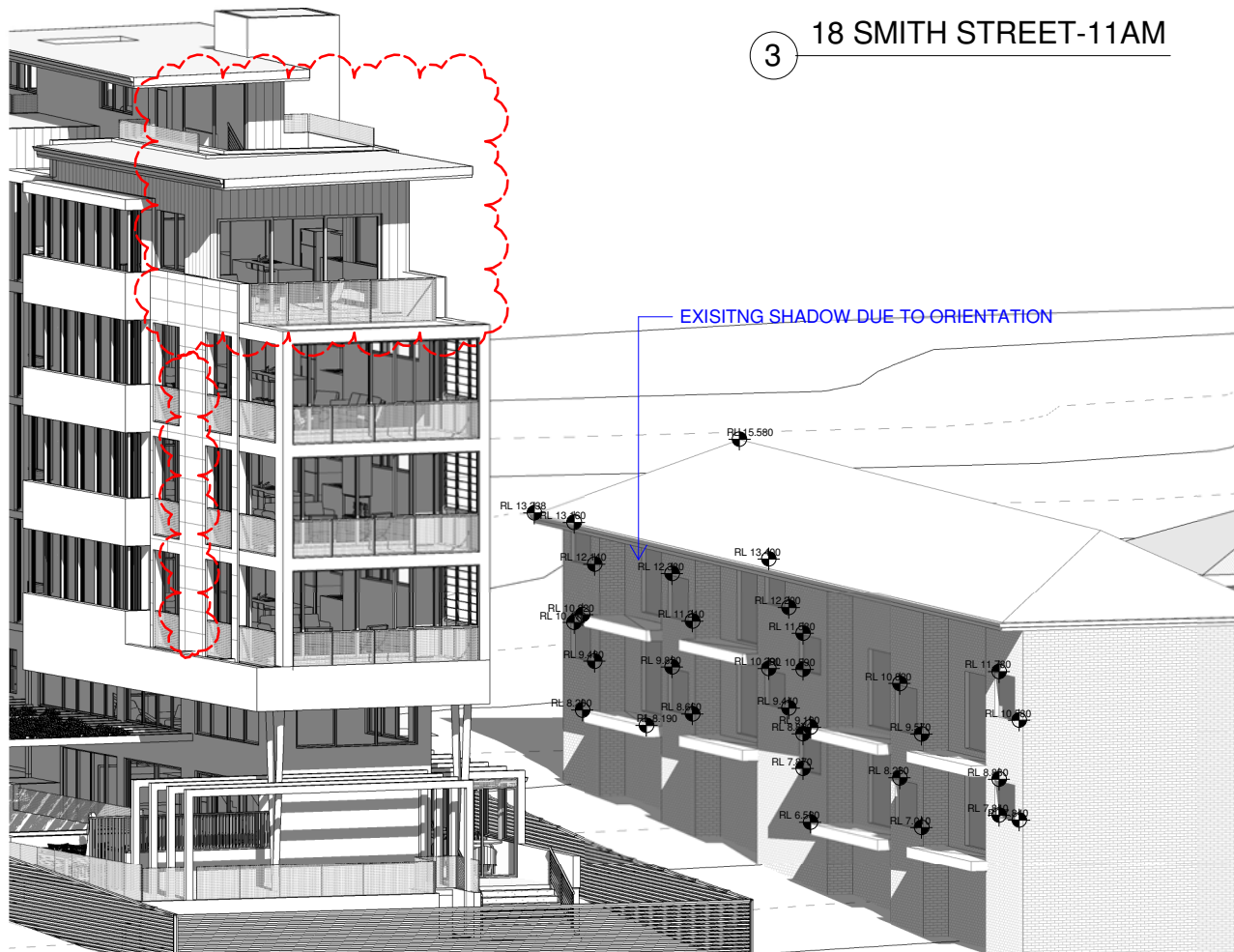
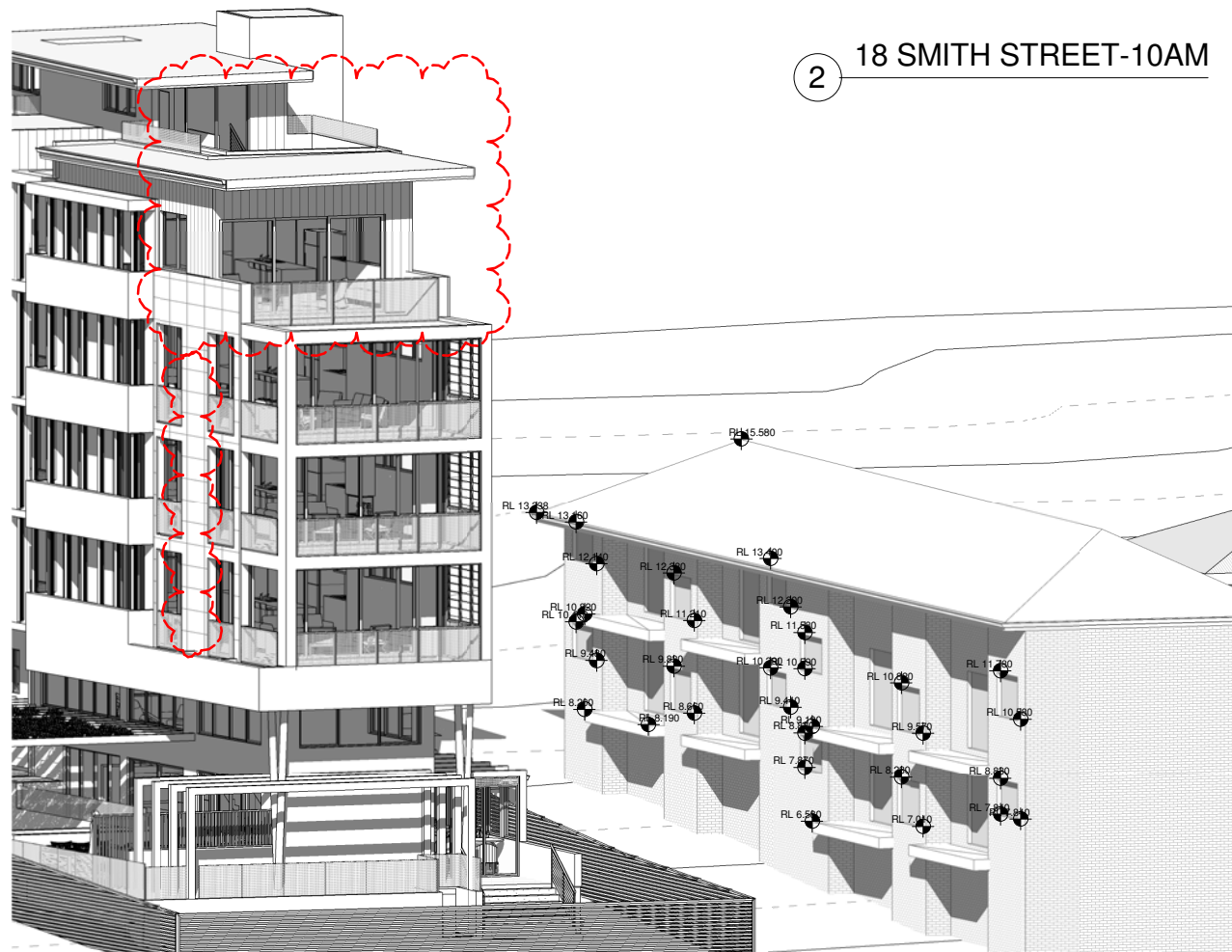
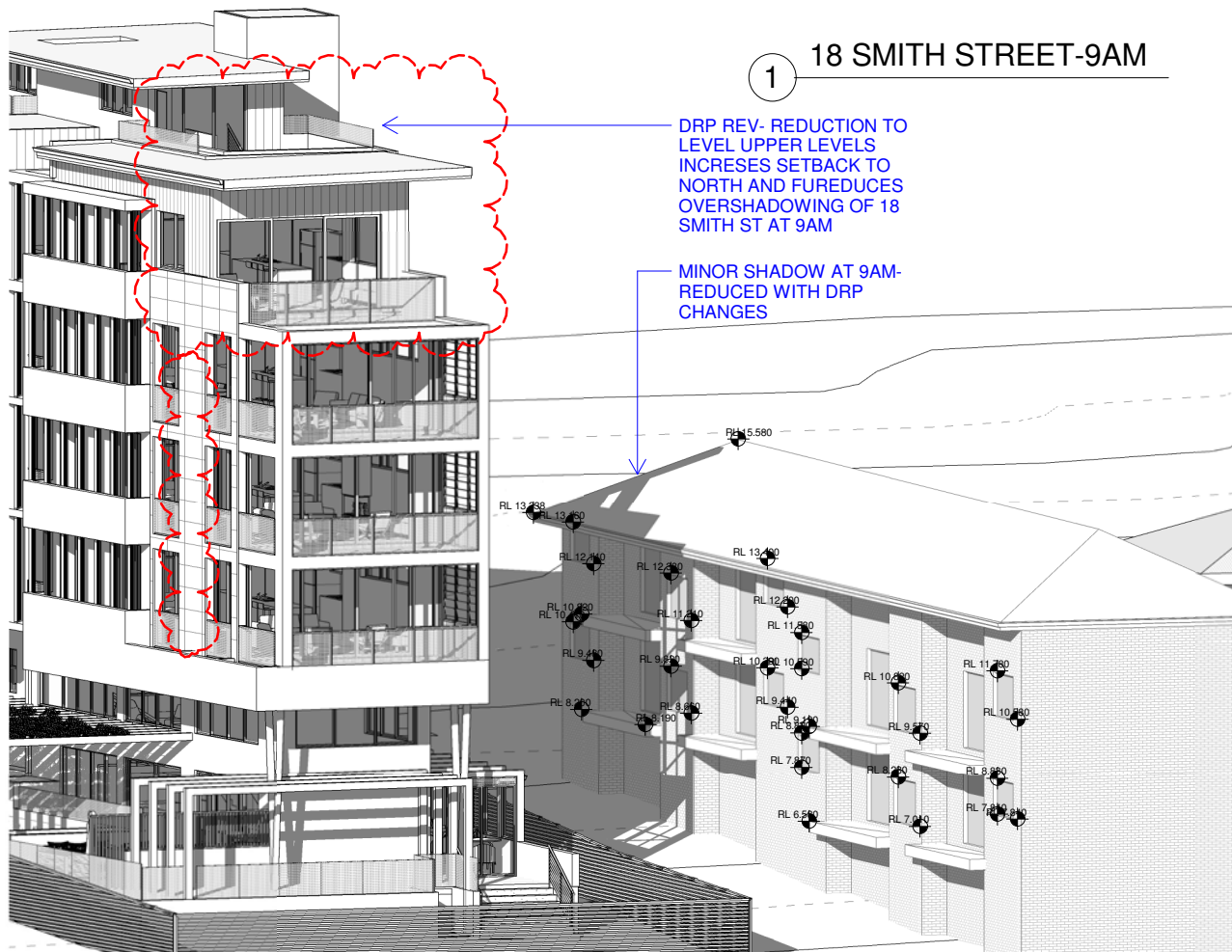


BUILDINGS OPPOSITE ON SMITH ST



LARGE SCALE ADJACENT BUILDINGS





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AMENDMENTS			
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A	DRP/ RFI Response	19.10.04	

MULTI DWELLING DEVELOPMENT
16 SMITH STREET WOLLONGONG

WINTER SOLSTICE SHADOW DIAGRAMS TO 18 SMITH STREET WOLLONGONG

SAAD PROPERTY GROUP 018-030
CD-06 -A



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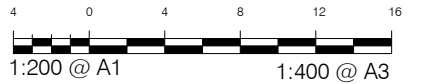
AMENDMENTS			
No	Revision Description	Date	BY:
-	DRP/ RFI Response	19.10.04	

① 18 SMITH STREET-1PM

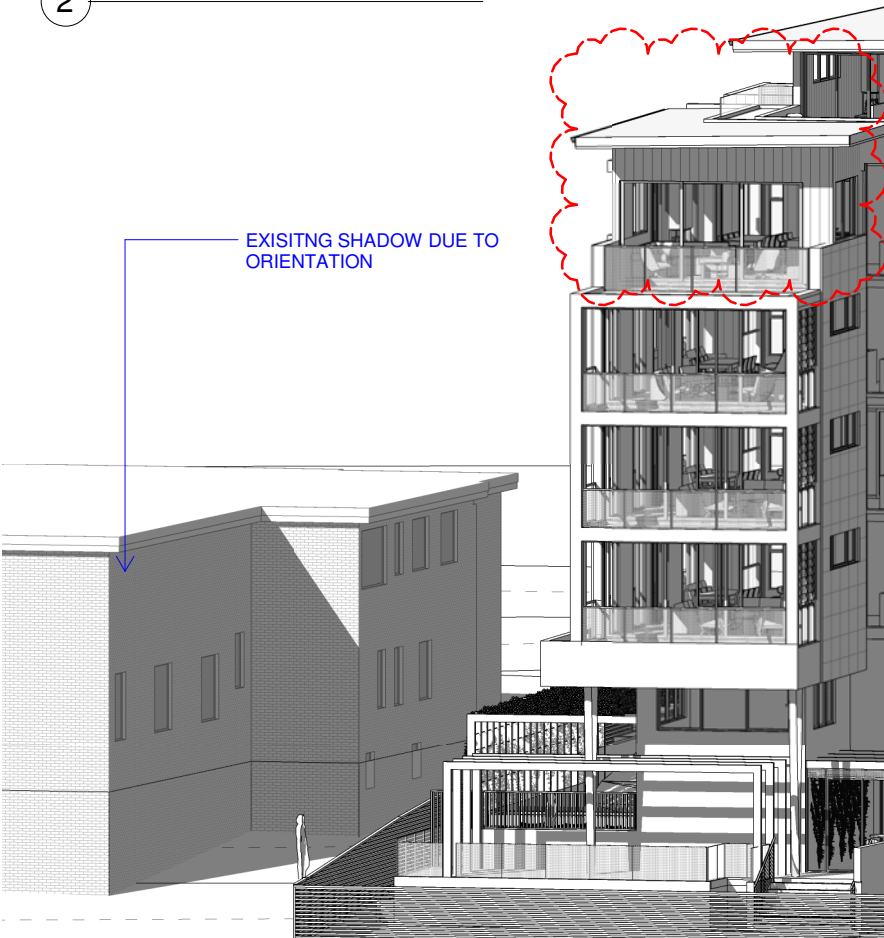
② 18 SMITH STREET-2PM

③ 18 SMITH STREET-3PM

EXITING SHADOW DUE TO ORIENTATION



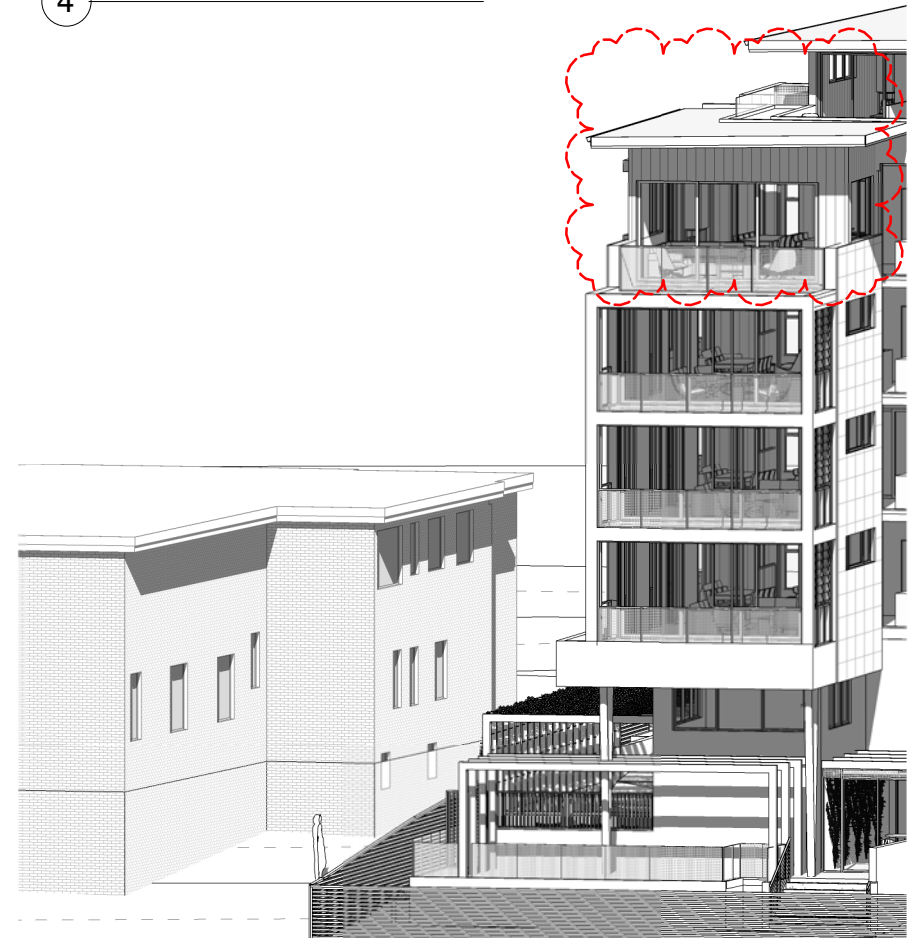
2 14 SMITH STREET-10AM



3 14 SMITH STREET-11AM



4 14 SMITH STREET-12PM



Do not scale drawing, figured dimensions only to be used.
Dimensions to be verified on site before the fabrication of any building component.
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NOT FOR CONSTRUCTION PRELIMINARY

AMENDMENTS			
No	Revision Description	Date	BY:
A	DRP/ RFI Response	19.10.04	

5 14 SMITH STREET-1PM



6 14 SMITH STREET-2PM



1 14 SMITH STREET-3PM

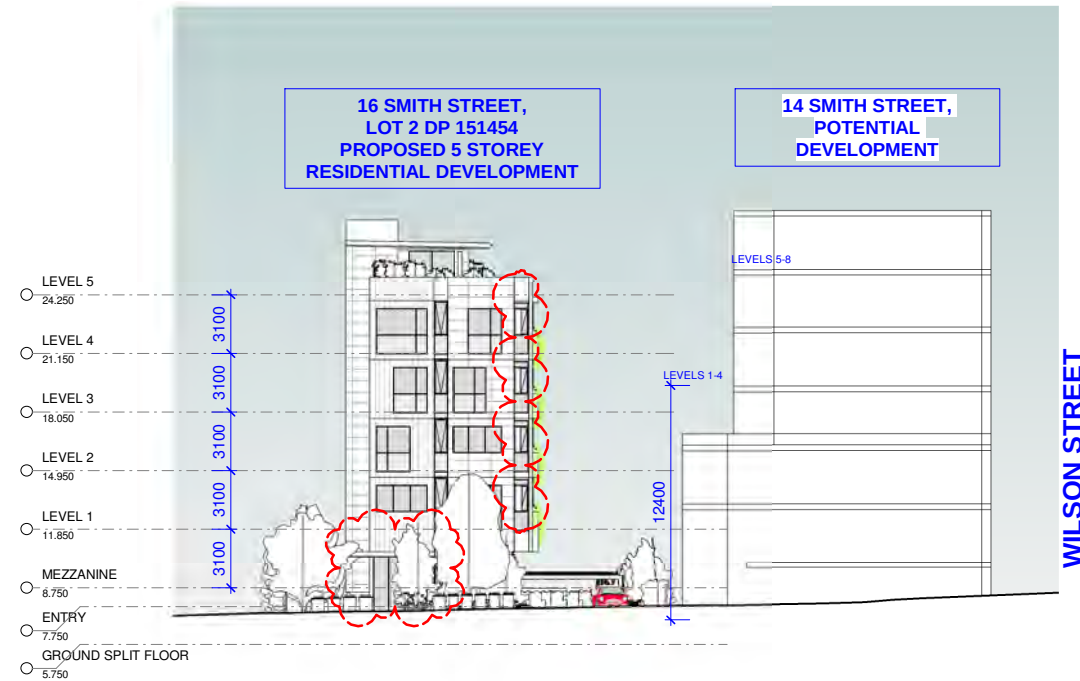
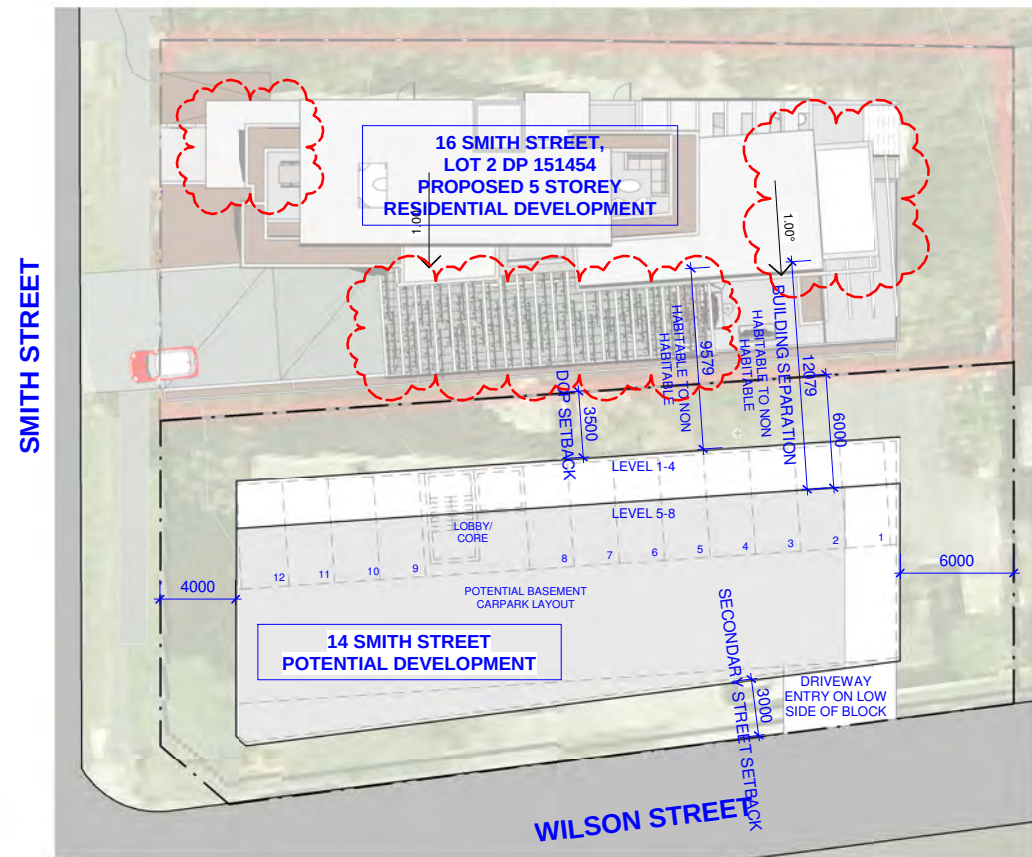


MULTI DWELLING DEVELOPMENT
16 SMITH STREET WOLLONGONG

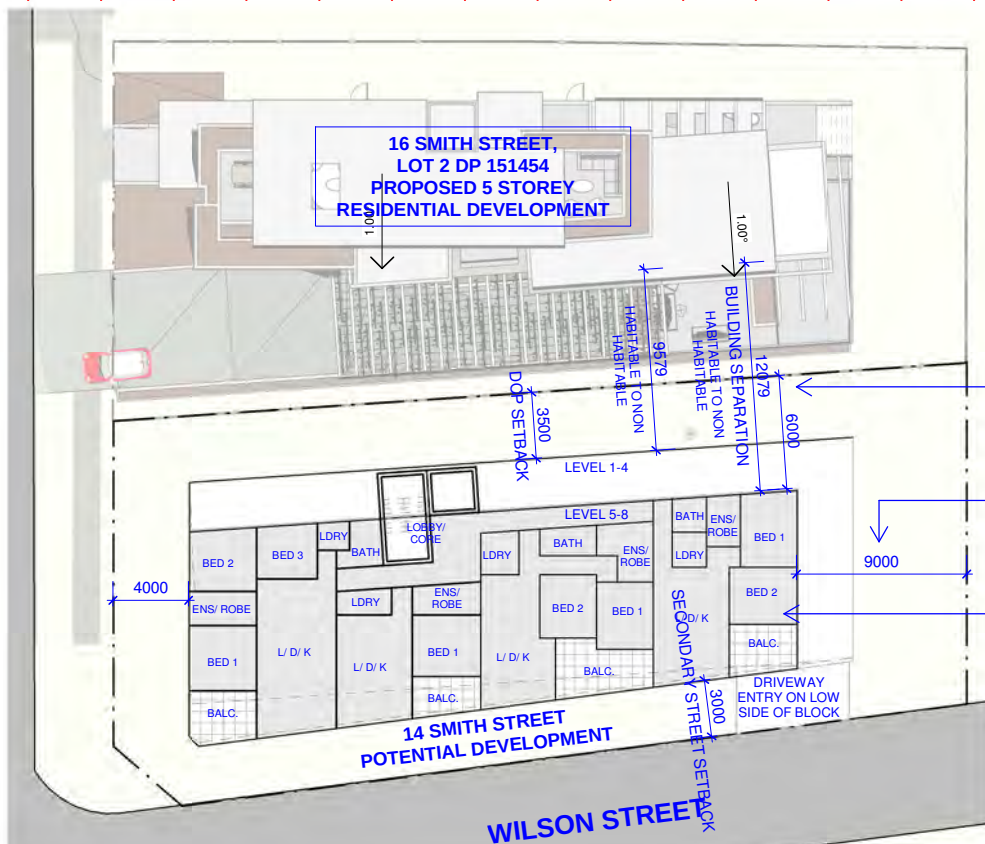
WINTER SOLSTICE SHADOW DIAGRAMS TO 14 SMITH STREET WOLLONGONG

SAAD PROPERTY GROUP 018-030
CD-08 -A





1 14 SMITH ST POTENTIAL DEVELOPMENT
1 : 200



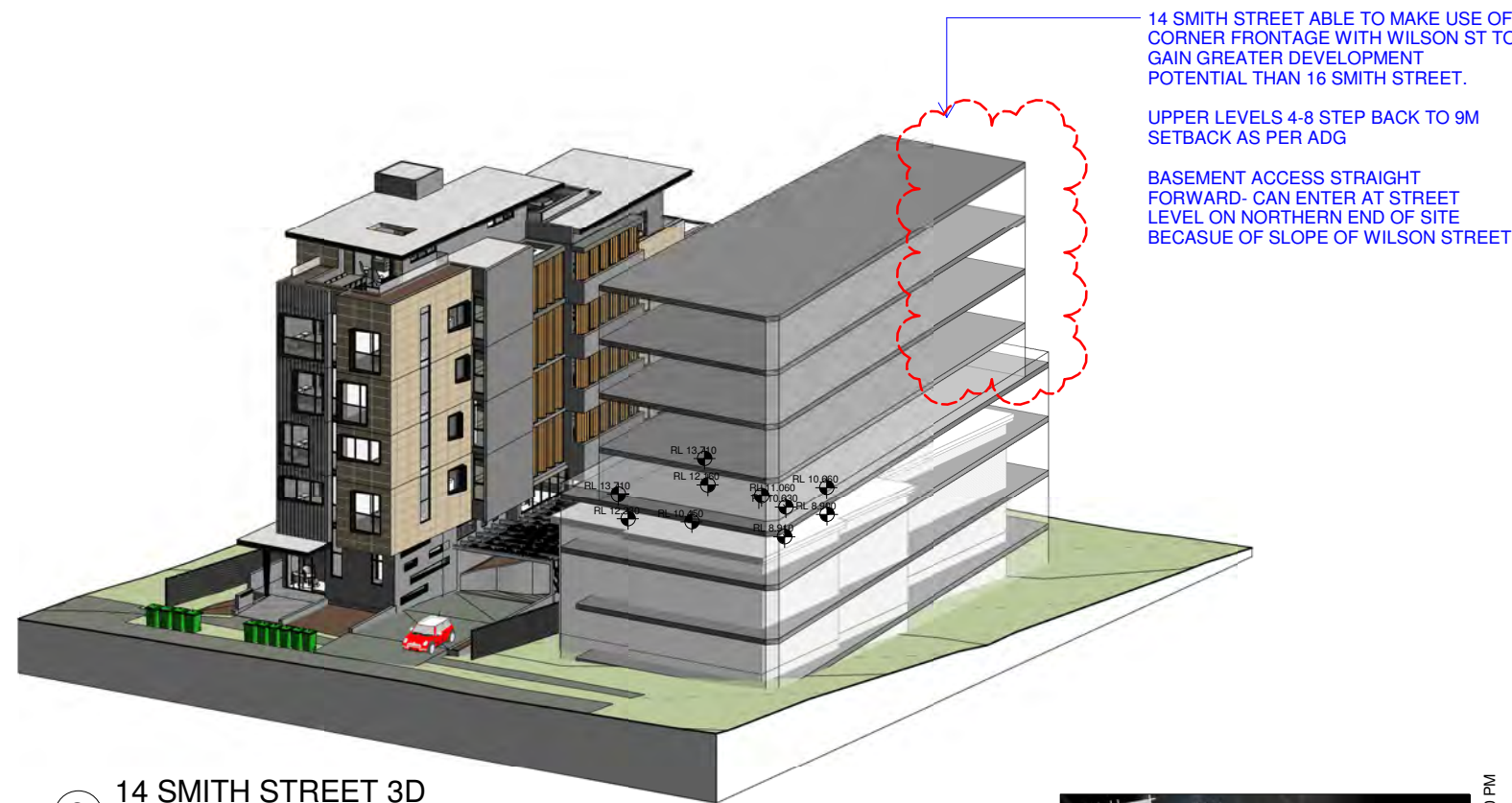
4 14 SMITH ST POTENTIAL TYPICAL FLOOR OUTCOME
1 : 200

DRP REV. 12m HABITABLE TO NON HABITABLE SETBACK WITH POTENTIAL 14 SMITH ST DEVELOPMENT

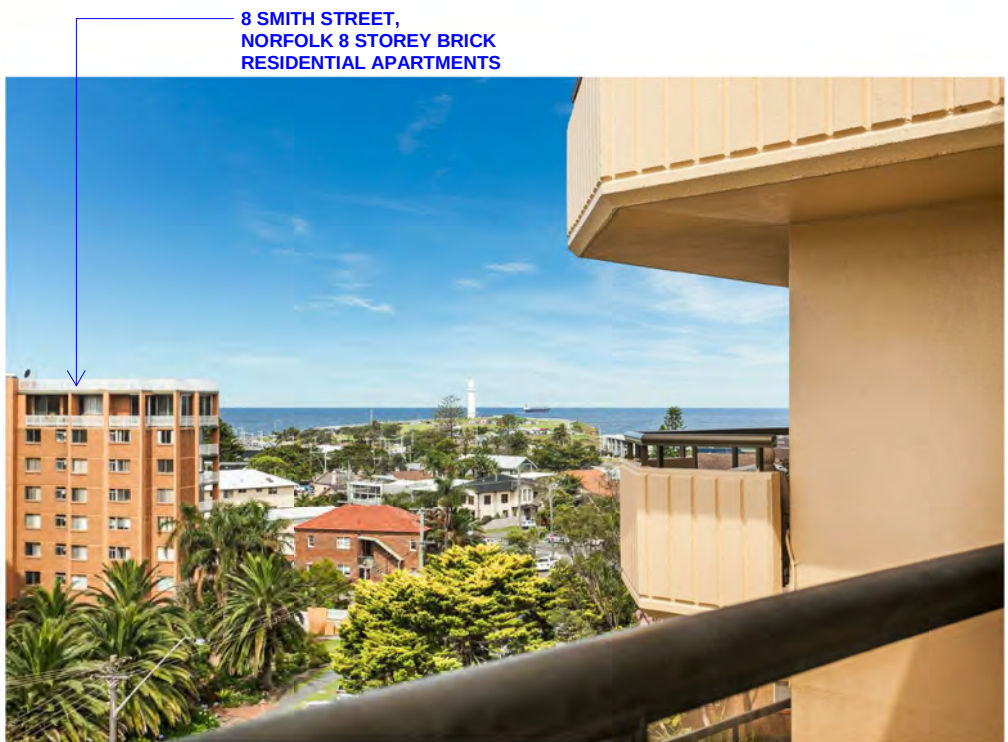
DRP REV. INCREASED 9M SETBACK TO NORTH BOUNDARY AS PER DRP COMMENTS

DRP REV. POTENTIAL TYPICAL FLOOR LAYOUT INDICATING THE ABILITY OF 14 SMITH ST TO BE DEVELOPED AND PRIMARILY ORIENTED TO WILSON ST (EAST) AND NORTH TAKING ADVANTAGE OF CORNER SITE. POSSIBLE MIX OF 1, 2 AND 3 BED UNITS.

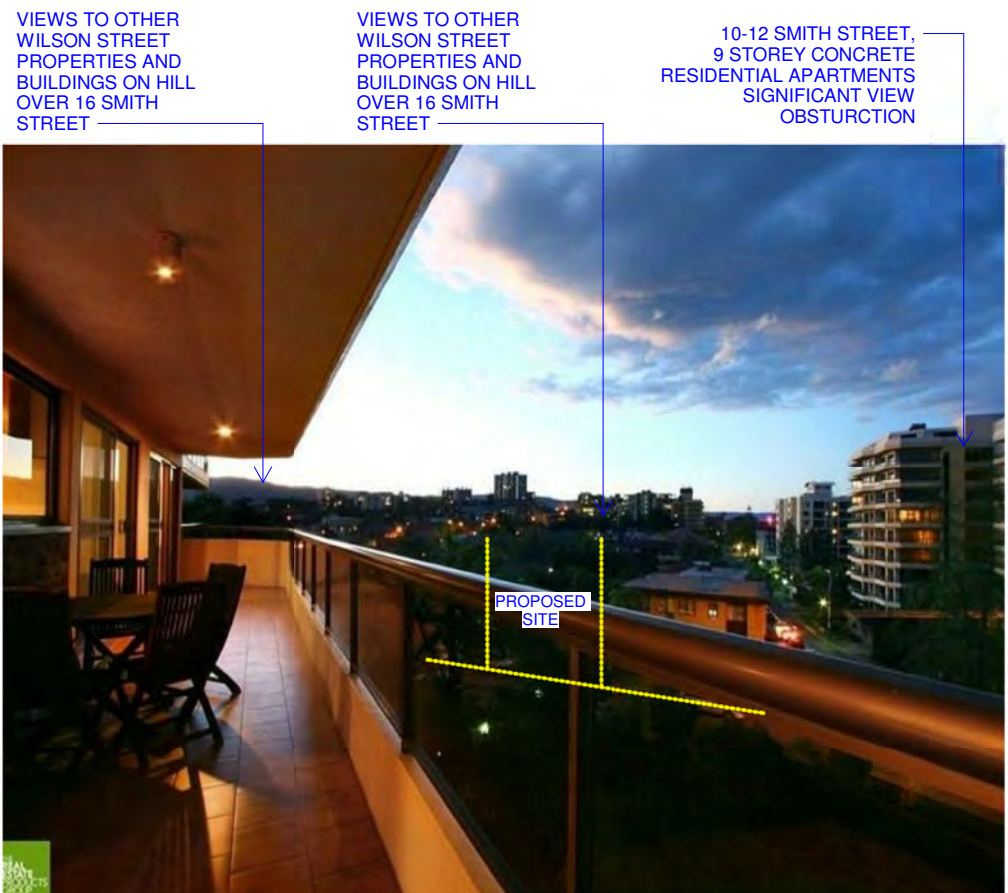
2 14 SMITH STREET
1 : 200



3 14 SMITH STREET 3D



PRIMARY VIEW CORRIDOR FROM 9-13 SMITH STREET



PRIMARY VIEW CORRIDOR FROM 9-13 SMITH STREET

VIEWS TO ESCARPMENT
 PAST FRONT OF SITE
 FROM UPPER LEVELS

VIEWS
 CORRISDORS FROM
 19-13 SMITH ST
 APARTMENTS DO
 NOT CROSS
 PROPOSED SITE

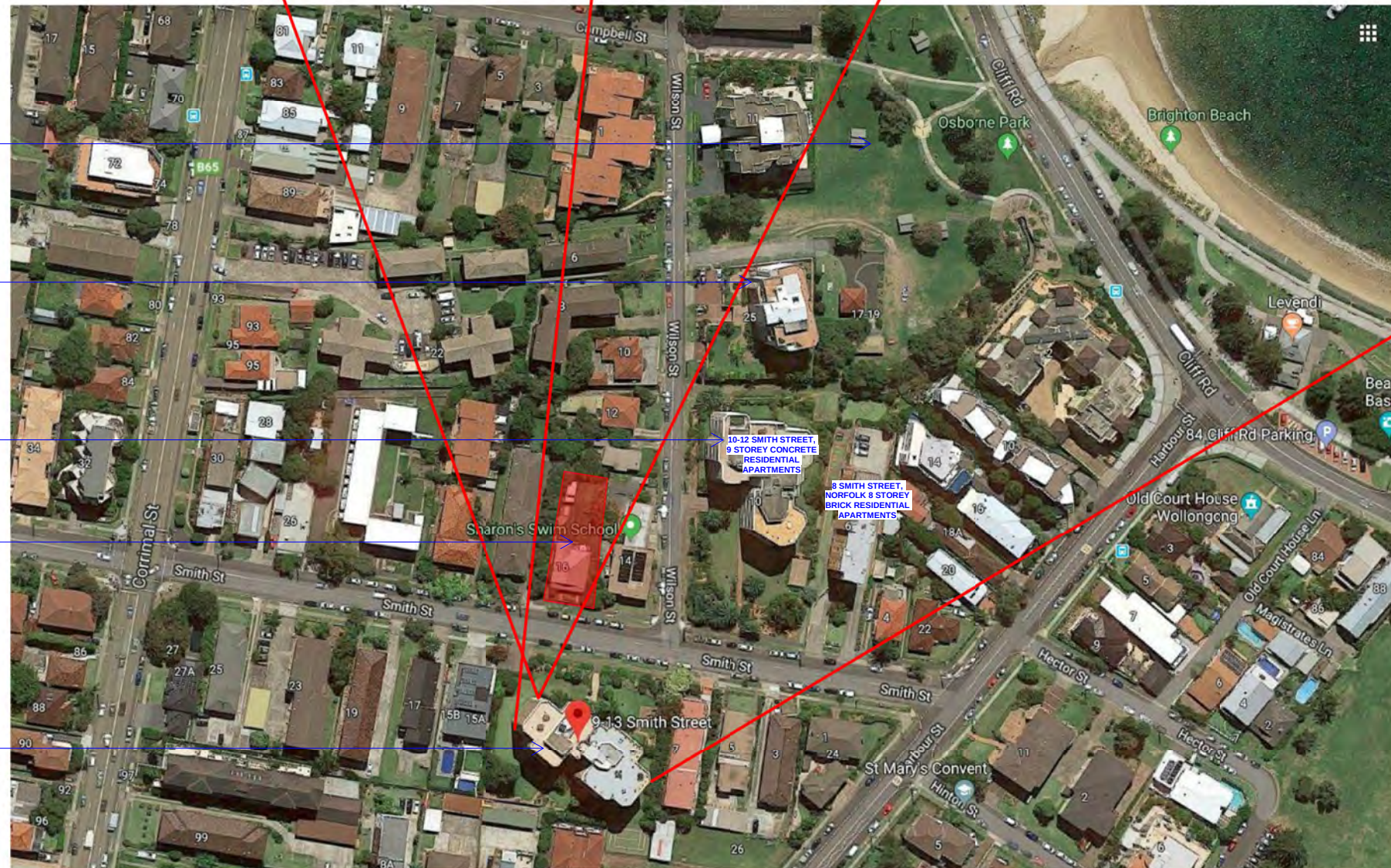
25 WILSON STREET-
 SIGNIFICANT
 INTERUPPTION OF
 VIEWS TO BEACH

10-12 SMITH
 STREET-
 SIGNIFICANT
 INTERUPPTION OF
 VIEWS TO BEACH

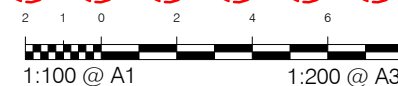
16 SMITH STREET
 PROPOSED MULTI
 DWELLING
 DEVELOPMENT

9-13 SMITH STREET
 ROTATED ON SITE
 TO FACE TOWARD
 HARBOUR STREET
 AND GAIN OCEAN
 VIEWS AWAY FROM
 PROPOSED SITE

VIEWS OVER SITE ARE
 INSIGNIFICANT AND ONLY
 OVER OTHER WILSON
 STREET RESIDENCES



NOTE- DRP REV- VIEWS FROM SORRENTO,
 9-13 SMITH STREET, SHOWN TO NOT BE
 INTERRUPTED BY PROPOSED 16 SMITH
 STREET DEVELOPMENT



LANDSCAPE DA



16 SMITH STREET WOLLONGONG

Drawing List

Sheet No.	Sheet Name	Sheet Size	Rev. No.	Rev. Date	Project No.
L-01	SITE PLAN	A1	C	14/11/19	
L-02	GROUND FLOOR LANDSCAPE PLAN	A1	C	14/11/19	
L-03	LEVELS 1-4 + ROOFTOP LANDSCAPE PLAN	A1	C	14/11/19	



LANDSCAPE WORK SPECIFICATION

PRELIMINARIES

1.01 GENERAL

The following general conditions should be considered prior to the commencement of landscape works:

The landscape plans should be read in conjunction with the architectural plans, hydraulic plans, service plans and survey prepared for the proposed development.

All services including existing drainage should be accurately located prior to the commencement of landscape installation. Any proposed tree planting which falls close to services will be relocated on site under the instruction of the landscape architect.

Installation of conduit for required irrigation, electrical and other services shall be completed prior to the commencement of landscape works and handover point.

All outdoor lighting specified by architect or client to be installed by qualified electrician

Any works that occur in these plans should be to the satisfaction of the landscape architect.

Where an Australian Standard applies for any landscape material testing or installation technique, that standard should be followed.

1.02 PROTECTION OF ADJACENT FINISHES

The Contractor shall take all precautions to prevent damage to all or any adjacent finishes by providing adequate protection to these areas / surfaces prior to the commencement of the Works.

1.03 PROTECTION OF EXISTING TREES

Existing trees identified to be retained shall be done so in accordance with NATSPEX Guide 2 "A Guide to Assessing Tree Quality". Where general works are occurring around such trees, or pruning is required, a qualified Arborist shall be engaged to oversee such works and manage tree health.

Existing trees designated on the drawing for retention shall be protected at all times during the construction period. Any soil within the drip-line of existing trees shall be excavated and removed by hand only. No stockpiling shall occur within the root zone of existing trees to be retained.

Any roots larger in diameter than 50mm shall only be severed under instruction by a qualified arborist. Roots smaller than 50mm diameter shall be cut out clearly with a saw.

Temporary fencing shall be installed around the base of all trees to be retained prior to the commencement of landscape works. Where possible this fencing will be located around the drip line of these trees, or a minimum of 3m from the trunk. The fencing shall be maintained for the full construction period.

1.04 EROSION & POLLUTION CONTROL

The Contractor shall take all proper precautions to prevent the erosion of soil from the subject site. The Contractor shall install erosion & sediment control barriers and as required by council, and maintain these barriers throughout the construction period. Note that the sediment control measures adopted should reflect the soil type and erosion characteristics of the site.

Erosion & pollution control measures shall incorporate the following:

- Construction of a sediment trap at the vehicle access point to the subject site

- Sediment fencing using a geotextile filter fabric in the location indicated on the erosion control plan or as instructed on site by the landscape architect.

- Earth banks to prevent scour of stockpiles

- Siltbank kerb sediment traps

- Stone bank & geotextile sediment filter

- Exported banks shall be pegged with an approved. Use matting in preparation for mass planting

Refer to "Landscape Reference Kit" as prepared by DLWC & WSRDC (1987) for construction techniques

SOIL WORKS

1.01 MATERIALS

Specified Soil Conditioner (Generally to improve site soil)

The specified soil conditioner for site topsoil improvement shall be an organic mix, equal to "Botany Humus", as supplied by ANL. Note that for sites where soil testing indicates bauxite or extremely in pH, or soils that are extremely poor, allow to excavate and supply 300mm of imported soil mix.

New gardens & proposed planting

New garden and planting areas shall consist of a 50/50 mix of clean site soil (refer to drawing) and imported "Organic Garden Mix" as supplied by ANL, or approved equal. All mixes are to comply with AS 4419 Soils for landscaping & garden use, & AS 4458 Composts, Soil conditioners & mulches.

Specified Soil Mix - Turf

The specified soil mix for all turf areas shall be a mix 75mm layer of imported soil mix consisting of 80% washed river sand (reasonably coarse), and 20% composted organic material equivalent to mushroom compost or soil conditioner, or other approved clean topsoil.

Site Topsoil

Site topsoil is to be clean and free of unwanted matter such as gravel, cloddy lumps, grass, weeds, tree roots, rubbish and plastics, and any deleterious materials and materials toxic to plants. The topsoil must have a pH of between 5.5 and 7. Use 100% imported soil mix where site topsoil runs out.

2.02 INSTALLATION

a) Establishing Subgrade Levels

Subgrade levels are defined as the finished base levels prior to the placement of the specified material (i.e. soil conditioner). The following subgrade levels shall apply:

Mass Planting Beds - 300mm below existing levels with specified imported soil mix.

Turf areas - 100mm below finished surface level.

Note that all subgrade shall consist of a relatively free draining natural material, consisting of site topsoil placed previously by the Civil Contractor. No bulky waste material shall be acceptable.

b) Subgrade Cultivation

Cultivate all subgrade to a minimum depth of 100mm in all planting beds and all turf areas, ensuring a thorough breakup of the subgrade into a reasonably coarse 10th.

c) Drainage Works

Install surface and subsurface drainage where required and as detailed on the drawing. Drain subsurface drains to outlets provided, with a minimum fall of 1:100 to outlets and / or service pits.

d) Placement and Preparation of Specified Soil Conditioner & Mixes.

Trees in turf & beds - Holes shall be made as wide as root ball and minimum 100mm deeper - backfill hole with 50/50 mix of clean site soil and imported "Organic Garden Mix" as supplied by ANL or approved equal.

Mass Planting Beds - Install specified soil conditioner to a compacted depth of 100mm.

Place the specified soil conditioner to the required compacted depth and use a rotary hoe to thoroughly mix the conditioner into the top 300mm of garden bed soil. Ensure thorough mixing and the preparation of a reasonably fine 10th and good growing medium in preparation for planting.

Turf Areas - Install specified soil mix to a minimum compacted depth of 75mm.

Place the specified soil mix to the required compacted depth and grade to required finished soil levels, in preparation for planting and turfing.

PLANTING

1.01 MATERIALS

a) Quality and Size of Plant Material

All trees supplied above a 25L container size must be grown and planted in accordance with Clarke, R 1996 Purchasing Landscape Trees: A guide to assessing tree quality. Natsexp Guide No. 2. Certification that trees have been grown to Natsexp guidelines is to be provided upon request of Council's Tree Management Officer.

Above - Ground Assessment:

The following plant quality assessment criteria should be followed:

Plant true to type, Good vigour and health, free from pest & disease, free from injury, self-supporting, good stem taper, has been pruned correctly, is equally dominant, has even crown symmetry, free from included bark & stem junctions, even trunk position in past, good stem structure

Below - Ground Assessment:

Good root division & direction, rootball occupancy, rootball depth, height of crown, non-suckering for further explanation and description of these assessment criteria, refer to Ross Clark's book.

All Plant material shall be to the type and size specified. No substitutions of plant material shall be permitted without written prior approval by the Landscape Architect. No plant shall be accepted which does not conform to the standards listed above.

b) Stakes and Ties

Provide min. 2 No. Stakes and ties to all plants identified as trees in the plant schedule. Stakes shall be sound, unpainted, straight hardwood, free of knots and pointed at one end. Ties shall be 200mm x 50mm x 50mm hardwood, or approved alternative. Ties shall be 50mm wide hessian webbing material.

c) Fertilisers

Fertilisers shall be approved slow release fertilisers suitable for the proposed planting types. Note that for native plants, specifically Proteaceae family plants including Grevillea species, low phosphorus fertilisers shall be used.

d) Mulch

Mulch shall be an approved equal to "Forest Blend" as supplied by ANL. Mulch shall be completely free from any soil, weeds, rubbish or other debris.

e) Turf

Turf shall be "Sir Walter" Buffalo or equivalent (unless stated otherwise), free from any weeds and other grasses, and be in a healthy growing condition.

3.02 INSTALLATION

a) Setting Out

All planting set out shall be in strict accordance with the drawings, or as directed. Note that proposed tree planting located near services should be adjusted at this stage. Notify Landscape Architect for inspection for approval prior to planting.

b) Planting

All plant material shall be planted as soon after delivery as possible. Planting holes for trees shall be excavated as detailed and specified. Plant containers shall be removed and discarded, and the outer roots gently teased from the soil mass.

Immediately set plant in hole and planted with specified soil mix, incorporating the approved quantity of fertiliser for each plant type. Ensure that plants are set plumb vertically and root balls set to the consolidated finished grades detailed on the drawings. Compact the backfilled soil and saturate by hand watering to ensure any remaining air pockets immediately after planting.

c) Staking and Tying

Staking and tying shall be in strict accordance with the drawings and shall occur immediately following plant placement and soil backfilling. All plants identified as "Trees" on the planting schedule shall be staked with a min. 3 stakes.

d) Mulching

Mulch should be spread so that a compacted thickness of 75mm is achieved after settlement in all planting beds and around each individual plant. Apply immediately following planting and watering in, ensuring that a 50mm radius is maintained around the trunk of each plant. There shall be no mixing of soil and mulch material.

e) Turfing

Moisten soil prior to the turf being laid. Turf shall be neatly but jointed and true to grade to finish flush with adjacent surfaces. Incorporate a lawn fertiliser and thoroughly water in. Keep turf moist until roots have taken and sods/rolls cannot be lifted.

Keep all traffic off turf until this has occurred. Allow for top dressing of all turf areas. All turf shall be rolled immediately following installation.

f) Steel Garden Edging

The Contractor shall install stone edging as shown on the drawings, to all mass planting beds adjoining turf or gravel mulched areas, and where required. The resultant edge shall be true to line and flush with adjacent surfaces.

PLAN NOTES

This plan should be read in conjunction with the architectural and hydraulic plans. Plant species to these plans should be prepared in accordance to these plans, indicating specification and details prior to the installation of landscaping, and should not be altered or compromised during landscape construction.

Retaining wall details to engineers design.

Elements such as drainage swales may be incorporated in garden bed areas (using non-floating mulch) without compromising the capacity or form.

The Design & location of new letter boxes shall be in accordance with Australia Post's "Requirements for Delivery of Mail to Residential Premises" published Feb '97. All noxious weeds listed in Councils weed lists & located on the site shall be continually removed & suppressed. Reinstall all boundary fencing in poor condition with Council approved 1.8m fencing to rear of boundary line, rake to 1m forward of L. Pollution, sediment & erosion control devices as specified shall be in place, and maintained for the duration of the construction period. Proposed excavation near existing established trees to be supervised by arborist.

This plan has been prepared for DA approval only, not for construction.

Planting proposed using commercially available plant species selected from local planting lists and the BAXIS local plant list

DA approved landscape plan is required to be constructed as approved to obtain occupancy certificate

IRRIGATION NOTE

NOTE
ALL GARDENS TO HAVE INSTALLED A DRIP IRRIGATION SYSTEM CONTROLLED FROM WITHIN THE STORE AND RUN OF TANK WATER (POSSIBLE TOWN WATER TAP ONLY). IRRIGATION SYSTEM CAN BE DESIGNED AND INSTALLED BY SITEDESIGN + IRRIGATION. CALL DAVID JAMES - 61 488 358 180

LANDSCAPE MAINTENANCE NOTES

MONTH	MOWING (MOWING)	FERTILISING (FERTILISING)	CHECK (CHECK)	HAND WEED (HAND WEED)	PRUNING (PRUNING)	WEED (WEED)	WATERING (WATERING)	PLANT REPLACEMENT (PLANT REPLACEMENT)	IF REQUIRED (IF REQUIRED)
DEC	W	M	M	W	F	M	D	W	
JAN	W	M	M	W	F	M	D	W	
FEB	W	M	M	W	F	M	D	W	
MAR	F	M	M	F	M	M	D	W	
APR	F	N/A	M	F	M	M	D	W	
MAY	F	N/A	M	M	M	M	D	W	
JUNE	M	N/A	M	M	N/A	N/A	2ND D	W	
JULY	M	N/A	M	M	N/A	N/A	2ND D	W	
AUG	M	N/A	M	M	N/A	N/A	2ND D	W	
SEP	M	M	M	M	N/A	N/A	2ND D	W	
OCT	F	F	M	F	M	M	D	W	
NOV	F	F	M	F	M	M	D	W	

PLANTING ESTABLISHMENT PERIOD - 12 MONTHS
LANDSCAPE MATERIAL ESTABLISHMENT - 12 MONTHS
KEY: DAILY, WEEKLY, MONTHLY, YEARLY, AND DAILY

EXTERNAL LIGHTING - (AMENITY)

To ensure that any lighting on the site does not cause a nuisance to neighbours or motorists on nearby roads:

Design

All lighting must be designed in accordance with Australian Standard AS4282- Control of the Obtrusive Effects of Outdoor Lighting.

Ongoing

All lighting must be operated and maintained in accordance with the Standard above.

MAINTENANCE GENERAL NOTES

SECTION C: LANDSCAPE MAINTENANCE SPECIFICATION 1.0 SCOPE

1.1 PERIOD

The 52 week Planting Establishment Period commences at the date of registration of the respective plan. The contractor is to also allow for maintenance from the date of Practical Completion to the start date of the 52 week Planting Establishment Period. The allowance shall be for a weekly cycle which will be required until the final maintenance period commences.

1.2 PROGRAM

Furnish a proposed planting maintenance program with the tender.

1.3 MAINTENANCE LOGBOOK

Contractor to keep a maintenance record of works carried out on a monthly basis. Log should include but not limited to:

- Activities carried out during each attendance

- Incidents encountered and actions taken.

- Maintenance payments will be included on submission of monthly logbooks.

1.4 RECURRENT WORKS

Throughout the Planting Establishment Period, continue to carry out recurrent works of a maintenance nature including, but not limited to, watering, mowing, weeding, rubbish removal, fertilising, seed and disease control, staking and tying, pruning, cultivating, pruning and keeping the site neat and tidy. All labour related to landscape works shall be removed by the landscape contractor before it is allowed to accumulate.

1.5 PLANTING

Commence recurrent planting maintenance works at the completion of planting. Ensure the stock arriving on site is protected and maintained for healthy growth.

1.6 REPLACEMENTS

Continue to replace failed, damaged or stolen plants for the extent of the Planting Establishment Period.

1.7 MULCHED SURFACES

Maintain the surface in a clean and tidy condition and restate the mulch as necessary.

1.8 GRASSED AREAS

Commence grass maintenance works at the completion of planting, and continue to carry out grass maintenance throughout the correct and Planting Establishment Period, maintaining healthy weed free growth.

1.9 STAKES AND TIES

Adjust or replace as required. Remove those not required at the end of the Planting Establishment Period.

1.10 WATERING/IRRIGATION

An irrigation system is to be installed to all mass planted beds and new tree planting, connected to a pump and the rainwater tank (250L tank). Install one tap near the front boundary (Woolcock Circuit) and one tap on the rear (western boundary). The system shall be installed and maintained for the duration of the maintenance period (52 weeks) and in perpetuity of the development. All irrigation works shall be performed by a licensed irrigation contractor. Materials to be used are to be submitted to the site superintendent for approval. The contractor shall provide design drawings and material specifications/samples prior to commencing work. All works are to be conducted in a current and relevant Australian Standards.

The contractor is to be completely responsible for the coordination of the installation of the irrigation system with other services throughout the site. Recommended flow rates: The system shall be set up on a trial basis and then adjusted to suit the local requirements and conditions. Once the system is satisfactorily adjusted the contractor shall make fortnightly visits within the establishment period to ensure satisfactory performance of the system and to adjust the watering periods as required. A minimum even coverage of 25mm of water per week is recommended.

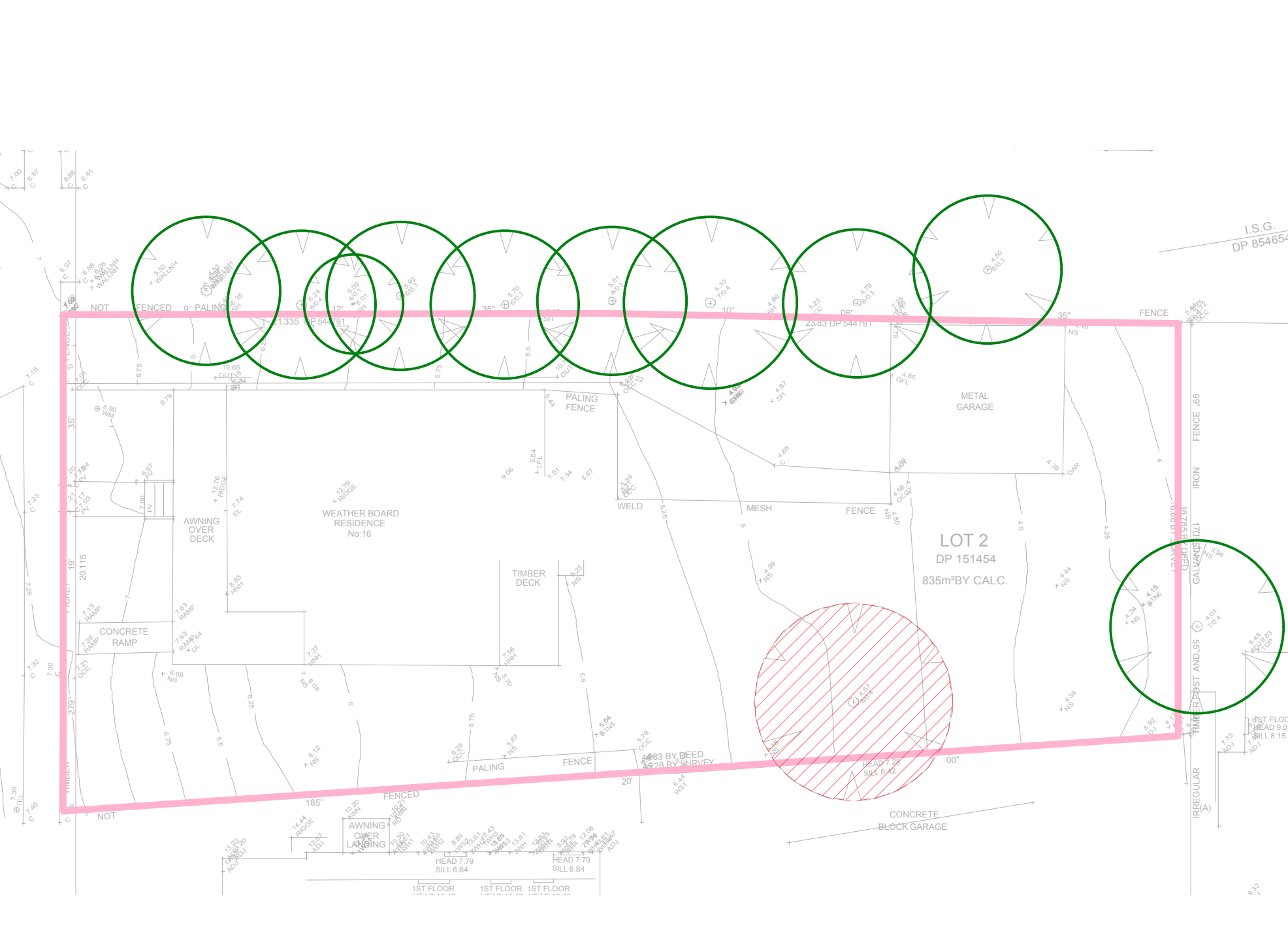
2.1 LANDSCAPE MAINTENANCE REPORT

"Landscape Maintenance Report" shall be submitted to the Principal Certifying Authority by the contractor verifying that satisfactory maintenance of the landscape works has been undertaken and that any necessary rectification measures have been carried out to a high professional standard. This documentation is to be submitted through the plant establishment period.

2.2 REPORTS

SITE PLAN

SCALE 1:200



EXISTING TREE PLAN

SCALE 1:200



GENERAL NOTES

All work to be carried out in accordance with the Building Code of Australia, all Local and State Government Ordinances, relevant Australian Standards, Local Authorities Regulations and all other relevant Authorities concerned.

All structural work and site drainage to be subject to Engineer's details or certification where required by Council. This shall include r.c. slabs and footings, r.c. and steel beams & columns, wind bracing to AS 1170 and AS4055, anchor rods or bolts, tie downs, fixings etc., driveway slabs and drainage to Council's satisfaction. All timbers to be in accordance with SAA Timber Structure Code AS1720 and SAA Timber Framing Code AS 1884. All work to be carried out in a professional and workman- shiplike manner according to the plans and specification.

NOTE

Do not scale off the drawings unless otherwise stated and use figured dimensions in preference.

All dimensions are to be checked and verified on site before the commencement of any work, all dimensions and levels are subject to final survey and set-out.

No responsibility will be accepted by Sitedesign for any variations in design, builder's method of construction or materials used, deviation from specification without permission or accepted work practices resulting in inferior construction. Locate and protect all services prior to construction.

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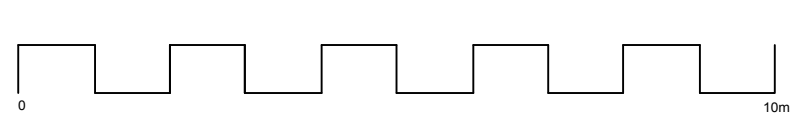
Project **MULTI DWELLING DEVELOPMENT**
Address **16 SMITH STREET WOLLONGONG**
Drawing Title **SITE PLAN**
Client **Saads Property Group Pty Ltd**

C **14/11/19** **FOR DA**
ISSUE DATE COMMENT
AMENDMENTS

Scale **1:200@A1**

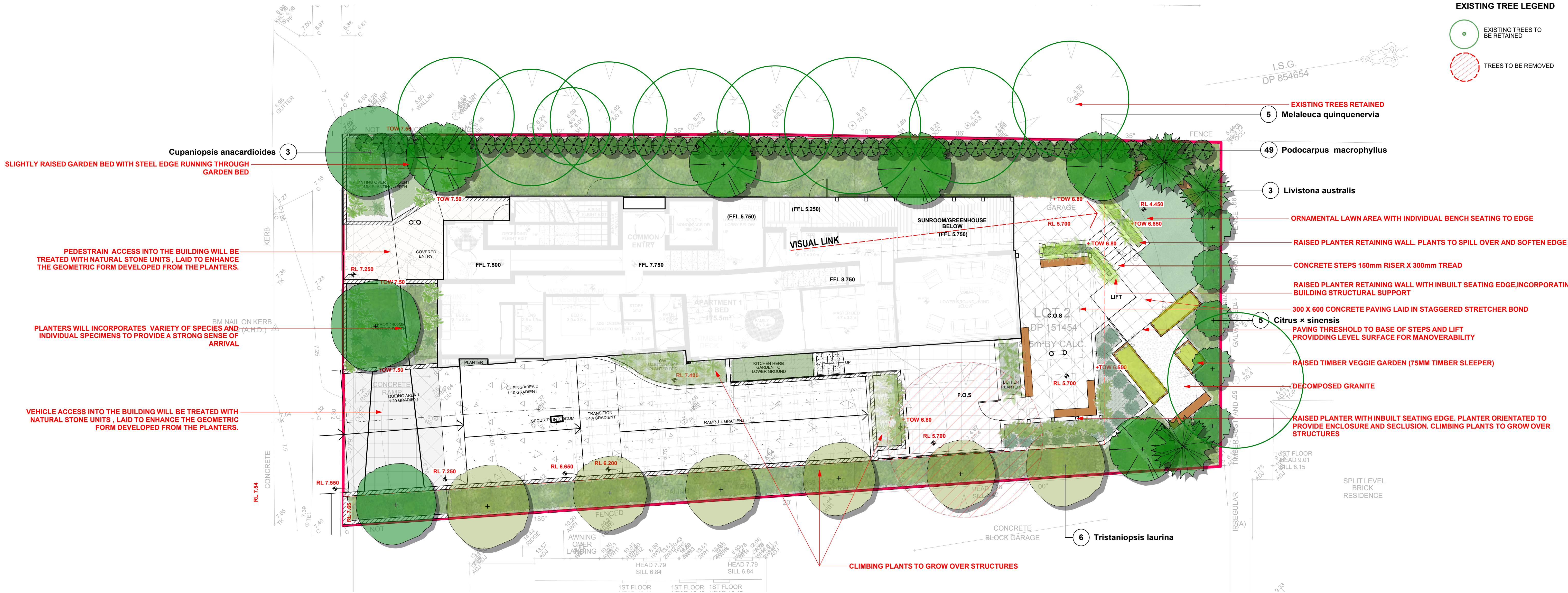
Drawing No.

Page
L-01 C



LEGEND	
DRIVEWAY	
TURF AREAS	
PODIUM GARDENS	
DEEP SOIL GARDENS	
PROPOSED RESIDENCE	
PAVED TIPEL	
DECKED AREAS	

EXISTING TREE LEGEND	
	EXISTING TREES TO BE RETAINED
	TREES TO BE REMOVED



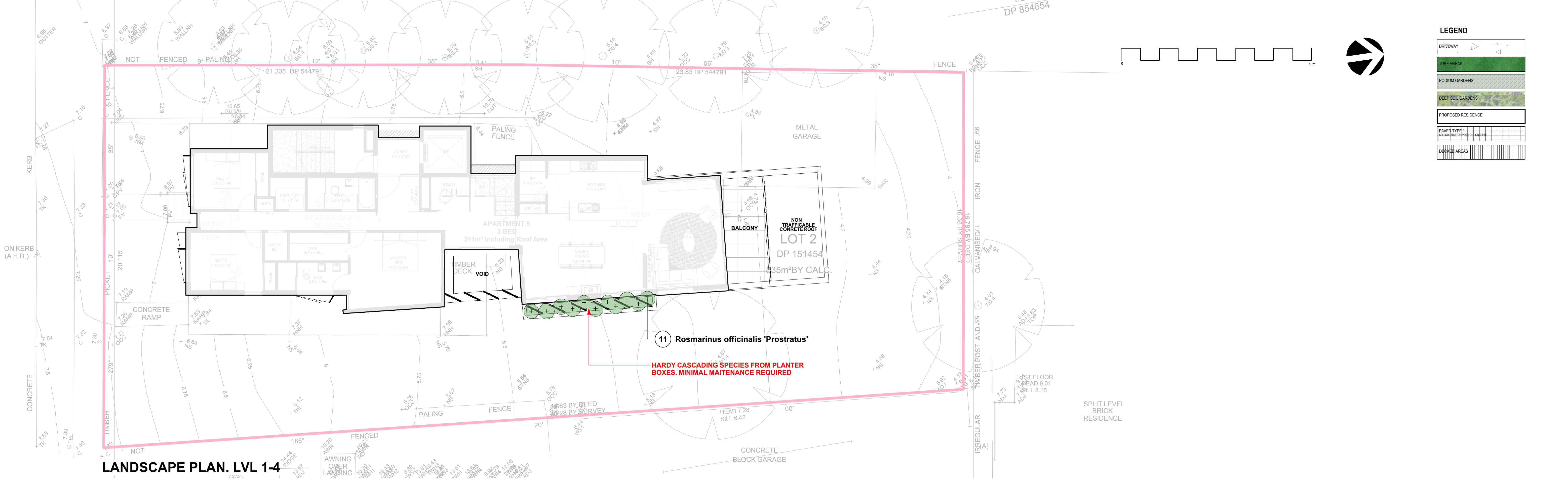
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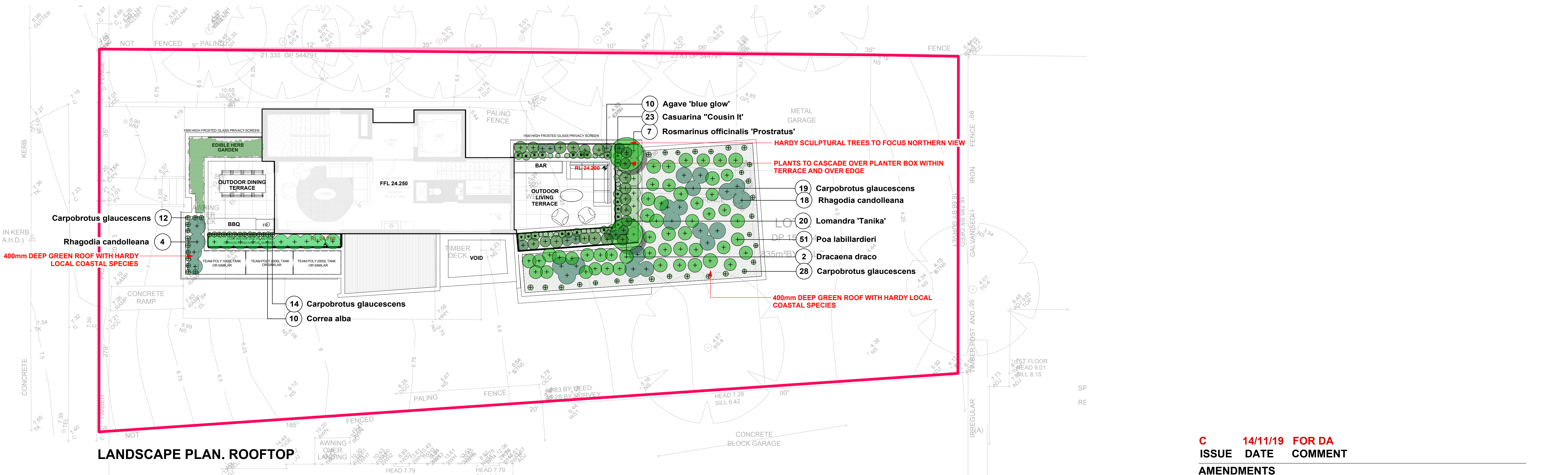
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Project	MULTI DWELLING DEVELOPMENT	
Address	16 SMITH STREET WOLLONGONG	
Drawing Title	GROUND FLOOR LANDSCAPE PLAN	Scale 1:100@A1
Client	Saads Property Group Pty Ltd	
		Drawing No.



LANDSCAPE PLAN. LVL 1-4



LANDSCAPE PLAN. ROOFTOP

C	14/11/19	FOR DA
ISSUE	DATE	COMMENT
AMENDMENTS		

GENERAL NOTES

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Project **MULTI DWELLING DEVELOPMENT**

Address **16 SMITH STREET WOLLONGONG**

Drawing Title **LEVELS 1 -4 + ROOFTOP**

Client **LANDSCAPE PLAN**
Saads Property Group Pty Ltd

Scale **1:100@A1**

Drawing No.

Page
L-03 C

DA-2019/774 16 Smith Street Wollongong

Attachment 2 Aerial photograph and WLEP 2009 zoning map

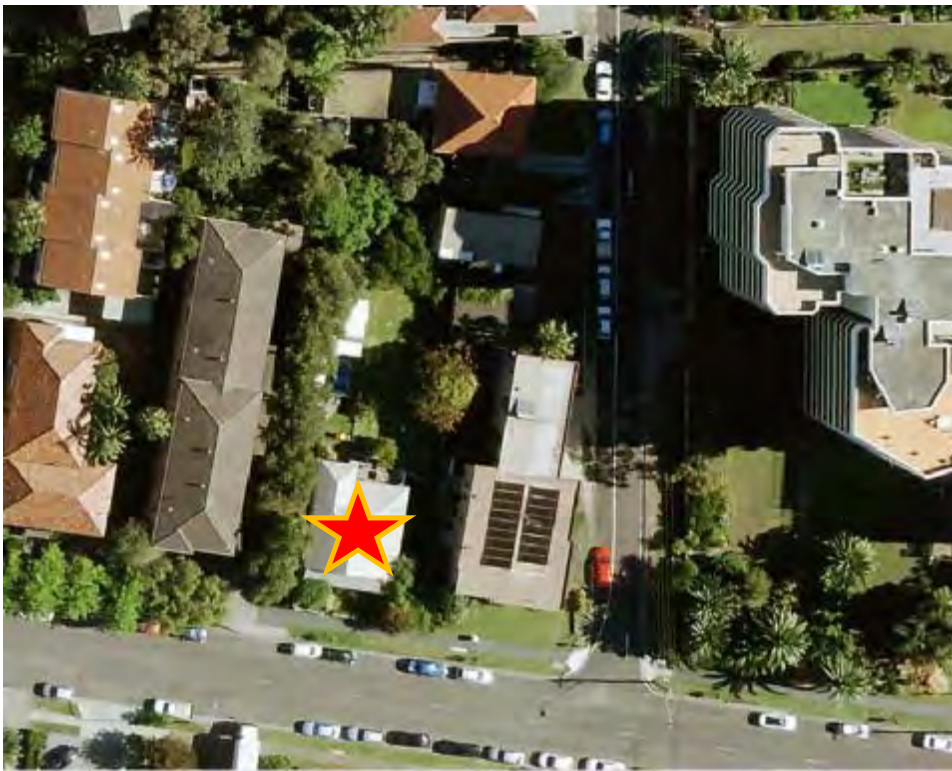


Figure 1 – 2018 Aerial Photo (Source: Wollongong City Council)



Figure 2 – WLEP 2009 zoning map R1 General Residential



ATTACHMENT 1

Clause 4.6 Variation Statement –
Lot Width

Clause 4.6 Variation Statement

Clause 7.14 Wollongong Local Environmental Plan 2009

Site - Lot 2 DP 151454 No. 16 Smith Street, Wollongong

This submission is prepared on behalf of *Saad Property Group* to support the Statement of Environmental Effects (SEE) for the demolition of existing dwelling and associated out buildings/structures and construction of a residential apartment building development containing five (5) apartments at Lot 2 DP 151454, No. 16 Smith Street, Wollongong.

This request seeks to provide justification to the departure from the provisions of Clause 7.14 of the Wollongong LEP 2009 (WLEP) which stipulates that;

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

The site has a dimension of 20.115m at the street frontage which is 3.885m less than the required dimension.

This request seeks to provide justification to the departure from the provisions of Clause 7.14 of the Wollongong LEP 2009.

Clause 4.6 Exceptions to development standards

The objectives and provisions of clause 4.6 are as follows:

- (1) *The objectives of this clause are as follows:*
 - (a) *to provide an appropriate degree of flexibility in applying certain development standards to particular development,*
 - (b) *to achieve better outcomes for and from development by allowing flexibility in particular circumstances.*
- (2) *Development consent may, subject to this clause, be granted for development even though the development would contravene a development standard imposed by this or any other environmental planning instrument. However, this clause does not apply to a development standard that is expressly excluded from the operation of this clause.*
- (3) *Development consent must not be granted for development that contravenes a development standard unless the consent authority has considered a written request from the applicant that seeks to justify the contravention of the development standard by demonstrating:*
 - (a) *that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, and*
 - (b) *that there are sufficient environmental planning grounds to justify contravening the development standard.*
- (4) *Development consent must not be granted for development that contravenes a development standard unless:*

- (a) *the consent authority is satisfied that:*
 - (i) *the applicant's written request has adequately addressed the matters required to be demonstrated by subclause (3), and*
 - (ii) *the proposed development will be in the public interest because it is consistent with the objectives of the particular standard and the objectives for development within the zone in which the development is proposed to be carried out, and*
- (b) *the concurrence of the Secretary has been obtained.*
- (5) *In deciding whether to grant concurrence, the Secretary must consider:*
 - (a) *whether contravention of the development standard raises any matter of significance for State or regional environmental planning, and*
 - (b) *the public benefit of maintaining the development standard, and*
 - (c) *any other matters required to be taken into consideration by the Secretary before granting concurrence.*
- (6) *Development consent must not be granted under this clause for a subdivision of land in Zone RU1 Primary Production, Zone RU2 Rural Landscape, Zone RU3 Forestry, Zone RU4 Primary Production Small Lots, Zone RU6 Transition, Zone R5 Large Lot Residential, Zone E2 Environmental Conservation, Zone E3 Environmental Management or Zone E4 Environmental Living if:*
 - (a) *the subdivision will result in 2 or more lots of less than the minimum area specified for such lots by a development standard, or*
 - (b) *the subdivision will result in at least one lot that is less than 90% of the minimum area specified for such a lot by a development standard.*
- (7) *After determining a development application made pursuant to this clause, the consent authority must keep a record of its assessment of the factors required to be addressed in the applicant's written request referred to in subclause (3).*
- (8) *This clause does not allow development consent to be granted for development that would contravene any of the following:*
 - (a) *a development standard for complying development,*
 - (b) *a development standard that arises, under the regulations under the Act, in connection with a commitment set out in a BASIX certificate for a building to which State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004 applies or for the land on which such a building is situated,*
 - (c) *clause 5.4,*
 - (ca) *clause 4.2A, 6.1 or 8.3.*

Site width is a "development standard" to which exceptions can be granted pursuant to Clause 4.6 of the WLEP.

This submission will address the requirements of Sub-clauses 4.6(3) & (4) to demonstrate that compliance with Clause 7.14 of WLEP 2009 with respect to site width is both unreasonable and unnecessary in the circumstances of this case and there are sufficient environmental planning grounds to justify the non-compliance. This submission thereby implores Council to exercise "an appropriate degree of flexibility" in applying the development standard, and is therefore consistent with objective 1(a) of Clause 4.6 of WLEP 2009.

Justification for non-compliance

A better outcome will be achieved for the site by allowing flexibility to the site width development standard which will permit the site to be developed in a nature consistent with the zone objectives, a number of existing developments in the locality and is reflective of the likely future character of the area given the FSR and height controls mapped for this locality under the WLEP.

Objectives of Development Standard

No objectives are provided for the Site Width Development Standard. As such, there are no specific objectives for the Standard to be addressed as requirement by sub-clause 4.6(4)(a)(ii).

Objectives of the Zone

As required by Clause 4.6(4) the objectives of the zone are required to be considered. The site is zoned R1 General Residential. The objectives of the R1 zone are as follows:

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

The proposed development seeks to provide additional housing within a well serviced locality which is in close to proximity to the commercial centre of Wollongong and close proximity to the recreational areas along the foreshore. There is a mix of housing types and densities in this locality reflective of different planning controls, development styles and the subdivision pattern. The proposal involves nine apartments with dual / tri aspects separated into two wings all with northern orientations. These apartments will add to the housing options in the locality.

Unreasonable and Unnecessary

Clause 4.6(3)(a) requires that the variation request demonstrate that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case.

In *Wehbe v Pittwater Council (2007) NSW LEC 827 Preston CJ* sets out ways of establishing that compliance with a development standard is unreasonable or unnecessary. It states, inter alia:

"An objection under SEPP 1 may be well founded and be consistent with the aims set out in clause 3 of the Policy in a variety of ways. The most commonly invoked way is 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."

The judgement goes on to state that:

"The rationale is that development standards are not ends in themselves but means of achieving ends. The ends are environmental or planning objectives. Compliance with a development standard is fixed as the usual means by which the relevant environmental or planning objective is able to be achieved. However, if the proposed development proffers an alternative means of achieving the objective strict compliance with the standard would be unnecessary (it is achieved anyway) and unreasonable (no purpose would be served)."

Further, the Land and Environment Court in *Four2Five v Ashfield Council* [2015] NSWLEC 90 has now found that whether something was 'unreasonable or unnecessary' is now addressed specifically in Clause 4.6(4)(a)(ii). Specifically requiring separate attention to the question of whether compliance is unreasonable or unnecessary. As such the following points are provided in addition to the above where it was detailed that there are no objectives of the development standard and that the standard is unreasonable in this instance given the zone objectives are satisfied.

Specifically, it is considered that compliance with the minimum site width standard is unreasonable or unnecessary in the circumstances of this case for the reasons set out below:

- Strict compliance with Clause 7.14 would restrict development to multi dwelling housing. This portion of Smith Street is characterised by residential flat buildings of varying scales. There are no multi dwelling housing developments within the visual catchment of the street frontage of the proposed development site. Furthermore, other development standards for this portion of Smith Street include Floor Space Ratio 1.5:1 and height of buildings of 24m. Restricting the land use to a building typology which is inconsistent with current typologies and is less likely to be unable to integrate with future developments that respond to the FSR and height standards contained within the WLEP is unreasonable given that a residential flat development has been designed which is both suitable for the site and responsive to the locality.
- Despite the 3.885m shortfall in site width, a residential flat development has been able to be designed for the site which satisfies privacy, solar access and natural ventilation objectives. In this regard the site falls to the rear northern boundary. Each floor is occupied by a single apartment. This has enabled each unit to have a northern orientation and primarily have a north/south aspect which minimises any privacy concerns which may otherwise result from a development which cannot achieve side setback requirements as a result of site width (see Figure 1). As a result the strict compliance with the site width standard is considered unnecessary.



Figure 1 Site Plan showing the breakup of the building into two wings and the setbacks achieved to buildings on adjoining sites

Overall, strict compliance with the site width control is considered to be unreasonable and unnecessary in the circumstances and is consistent with the requirements of Clause 4.6(3)(a) of the LEP.

Environmental planning grounds for non-compliance

Having regard to Clause 4.6(3)(b), this submission is also required to demonstrate that there are sufficient environmental planning grounds to justify non-compliance with the site width development standard.

The site is effectively an isolated site. To achieve the required 24m site width, consolidation with either the eastern or western adjoining properties would be required. Both of these adjoining properties are already developed with residential flat developments.

The Land and Environment Court has established a Planning Principle for redevelopment involving issues of site isolation. The Planning Principle refers to *Karavellas v Sutherland Shire Council* [2004] NSW LEC 251. The Principle states that:-

The general questions to be answered when dealing with amalgamation of sites or when a site is to be isolated through redevelopment are:

- *Firstly, is amalgamation of the sites feasible?*
- *Secondly, can orderly and economic use and development of the separate sites be achieved if amalgamation is not feasible?*

To address the first question "is amalgamation of the sites feasible", the Planning Principle goes on to refer to *Melissa Grech v Auburn Council* [2004] NSWLEC 40 where the Commissioner said:-

"Firstly, where a property will be isolated by a proposed development and that property cannot satisfy the minimum lot requirements then negotiations between the owners of the properties should commence at an early stage and prior to the lodgement of the development application.

Secondly, and where no satisfactory result is achieved from the negotiations, the development application should include details of the negotiations between the owners of the properties. These details should include offers to the owner of the isolated property. A reasonable offer, for the purposes of determining the development application and addressing the planning implications of an isolated lot, is to be based on at least one recent independent valuation and may include other reasonable expenses likely to be incurred by the owner of the isolated property in the sale of the property.

Thirdly, the level of negotiation and any offers made for the isolated site are matters that can be given weight in the consideration of the development application. The amount of weight will depend on the level of negotiation, whether any offers are deemed reasonable or unreasonable, any relevant planning requirements and the provisions of s 79C of the Environmental Planning and Assessment Act 1979."

The residential flat development on the western adjoining property (No. 18 Smith Street) has been strata subdivided and as such amalgamation with this site is not considered feasible. It is also not considered that

the proposed development would result in 18 Smith Street becoming an isolated lot given that it has already been developed into eight (8) residential apartments. The eastern adjoining property (No. 14 Smith Street) has also been developed with a residential flat development believed to contain seven (7) residential apartments. This adjoining property has not been strata subdivided. This site is a corner site with frontage to both Smith Street and Wilson Street. The Wilson Street frontage of this adjoining property satisfies the minimum site width standard and as such it is not considered that the proposed development would create this site as an isolated lot. In summary the proposed development does not create any isolated lots.

Despite No. 14 Smith Street containing a residential flat development the site is still within one ownership and attempts were made to amalgamate the subject site with this adjoining property. An independent property evaluation dated 14 November 2017 has also been submitted which determines the Market Value range at \$1,850,000 to \$2,495,000. Both verbal and written offers were made to the owners of No. 14 Smith Street. The first written offer was made on 27th May 2017 for \$2,500,000 (6 month settlement). This was declined on 7 June 2017, with the owner acknowledging that this offer was in line with current value of the property but implied that a higher offer would need to be made to entice them to sell at this time. A second offer was made on 21 July 2017 for \$2,650,000 (12 month settlement). The owners also declined this offer. A third attempt was made by the owner to no. 14 Smith Street by letter dated the 20 March 2019. The written offer was for \$2,700,000. Again, this was rejected by the owner of No. 14 Smith Street in writing on the 29 March 2019.

The written responses also acknowledge other verbal offers and discussions had been held between the two parties. No offers were accepted. Documents of the written offers and responses are provided as supporting documents which form part of this development application. Offers have been continually made above this range and have been declined. As such amalgamation is not considered feasible in this instance and the answer to the first question posed by the Planning Principle is 'No'.

To address the Second question "can orderly and economic use and development of the separate sites be achieved if amalgamation is not feasible", the Planning Principle refers to *Cornerstone Property Group Pty Ltd v Warringah Council* [2004] NSWLEC 189 where Brown C stated that:-

The key principle is whether both sites can achieve a development that is consistent with the planning controls. If variations to the planning controls would be required, such as non compliance with a minimum allotment size, will both sites be able to achieve a development of appropriate urban form and with acceptable level of amenity.

To assist in this assessment, an envelope for the isolated site may be prepared which indicates height, setbacks, resultant site coverage (both building and basement). This should be schematic but of sufficient detail to understand the relationship between the subject application and the isolated site and the likely impacts the developments will have on each other, particularly solar access and privacy impacts for residential development and the traffic impacts of separate driveways if the development is on a main road.

The subject application may need to be amended, such as by a further setback than the minimum in the planning controls, or the development potential of both sites reduced to enable reasonable development of the isolated site to occur while maintaining the amenity of both developments.

The proposed development does not create an isolated site. In this regard both the western and eastern adjoining properties are already developed with residential flat developments. Given the inability to amalgamate sites (see response to question one above), the subject site is itself the isolated lot.

Notwithstanding the above, the eastern adjoining property (No. 14 Smith Street) is still in one ownership and given the age of the existing development it is reasonable to consider that this site may be redeveloped in the future. In this regard No. 14 Smith Street is a corner site with a compliant site width to Wilson Street. Any redevelopment of this property can utilise opportunities to orientate openings to the two street frontages and to the northern rear boundary such that privacy between the subject site and No. 14 Smith Street would not hinder good design in any such redevelopment. PRD Architects have development potential design for 14 Smith Street reference in plan no. CD-09. An extract of the development potential as viewed from Smith Street for no. 14 Smith Street can be seen below.

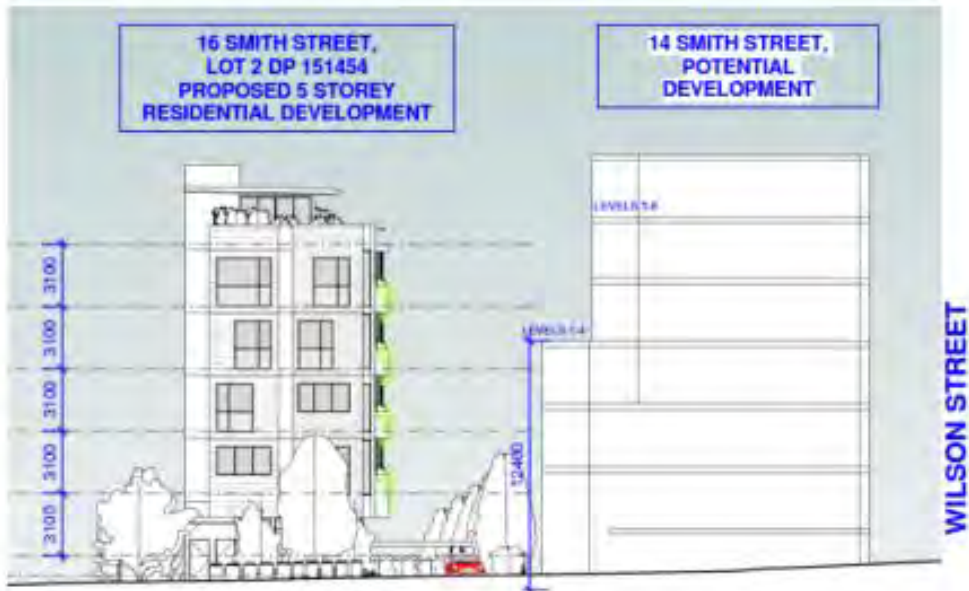


Figure 2 Development potential of no. 14 Smith Street as viewed from Smith Street.

An extract of the 3D image prepared by PRD Architects has also been produced showing a potential development envelope s viewed form the corner of Smith and Wilson Street.



Figure 3 Extract of 3D Image of potential building envelope

The proposed development for 16 Smith Street demonstrates that the subject site can be developed and remain consistent with the objectives of the relevant planning controls despite the non-compliant site width. The proposed five (5) apartments have been orientated to the north with no openings creating privacy concerns on the western elevation and privacy measures incorporated into the design for openings along the eastern elevation. The GFA of the proposed apartments and the height of the proposed development are below the FSR and Building Height Controls applicable to the site. This reduced development outcome is accepted in response to the smaller site width and infeasibility of site amalgamation. However, the design is responsive to the residential flat building character of the area and responds orderly economic use of this well located site.

In summary the proposed development represents orderly economic development of an isolated lot without unreasonable impact on the development potential of adjoining sites.

Considering the above justification we are of the opinion that the proposal demonstrates that it is in the public interest to grant exception to the development standard as it is consistent with the zone objectives and results in a development consistent with the building typologies in this locality.

Wollongong Design Review Panel 4 November 2019
Meeting minutes and recommendations DA-2019/774

Date	4 November 2019
Meeting location	Wollongong City Council Administration Offices
Panel members	Sue Hobley Tony Quinn
Apologies	Anne Starr-Senior Development Project Officer
Council staff	Pier Panozzo-City Centre & Major Development Manager Jerard Tungcab – Planning Intern
Guests/ representatives of the applicant	Fady Saad – Owner Scott Milligan – PRD Architects Rachel Harrison-SET Consultants
Declarations of Interest	Nil
Item number	1
DA number	DA-2019/774
Determination Pathway	Wollongong Local Planning Panel (WLPP) Section 4(b) of Schedule 2 of the Local Planning Panels Direction of 1 March 2018, as the development is sensitive development
Reasons for consideration by DRP	Clause 28 SEPP65, Clause 7.18 WLEP 2009
Property address	16 Smith Street, Wollongong
Proposal	Demolition of existing structures and construction of multi dwelling housing
Applicant or applicant's representative address to the design review panel	
Background	The site was previously inspected by the Panel on 14 November 2018, a meeting was held with the applicant on the same date and a report issued outlining recommendations for further development of the proposal. In response to the Panel's previous comments additional information has been provided and the proposal developed.
Design quality principals SEPP 65	
Context and Neighbourhood Character	The proposal is located in a neighbourhood zoned to accommodate residential flat buildings within a landscaped setting. Within the immediate vicinity there are examples of various typologies of residential flat buildings. Ranging from 2 – 3 storey brick walk up units on single lots to large 8 storey apartment buildings on larger sites which appear to have been consolidated from several lots. The subject site is a little over 20m wide at its street frontage, which is less than the minimum site width permissible by Council's controls. If this non-compliance is to be accepted, it must be demonstrated that the proposal can relate appropriately to both its existing and future built form context. In response to the Panel's previous comments, neighbouring buildings on adjoining sites have been modelled and the extent of over shadowing documented. The proposal appears to have minimal impact upon the solar access of both neighbouring buildings.

	- The Panel also previously requested that a built form study be provided to demonstrate that the adjoining site to the east (14 Smith Street) is still capable of accommodating a viable building form if developed in isolation. As requested, a study has been provided.
Built Form and Scale	The upper levels of the building do not comply with the minimum setback requirements of part 3F of the ADG. Given the constraints of the narrow site it is unlikely that a functional building could be developed and remain fully compliant with the numerical controls of the ADG. Any non-compliances must be tested in their context to demonstrate that, whilst not numerically compliant, the proposal still meets the objectives of the ADG. - The site's western elevation has now been developed in a defensive manner with articulation that allows windows to be orientated north, away from side boundaries and high-level windows (sills to be a minimum of 1600mm above finished floor level) that prevent direct sight lines between buildings. The elevated basement's proximity to the eastern boundary has created an awkward narrow space between the eastern boundary and the podium. It is recommended that the planter box along this edge be removed and the strip be heavily landscaped.
Density	Developments made in response to the Panel's previous comments have assisted in relating the proposal to its context.
Sustainability	The proposal will comfortably comply with the minimum ADG requirements for both solar access and cross ventilation. Water minimisation measures should be considered and reuse of rainwater for toilet flushing and washing machines should also be considered. Species selection for any plantings should aim to support Council's commitment to maintaining local biodiversity / natural landscapes, and preventing future weed problems.
Landscape	The Panel raised the following concerns about the proposed landscape plan: • The landscaped areas are constrained by the smallness of the site and require simple, uncluttered treatment rather than the complicated use of retaining walls and planter boxes that break up spaces and diminish the soil areas available for plantings. • The front gardens contain numerous terraces that should be deleted to improve growing conditions. Layering of plantings (canopy, mid storey and ground covers offers a better option for achieving the stated aims). • The tree adjacent to the entry path (any all other plantings) should be located where it will not obstruct circulation or require regular pruning for clearance and sightlines.

	• If possible, the letterboxes should be located under the roof overhang to provide cover. The terraced beds along the western border of the driveway should be deleted if feasible to provide better soil conditions for plants. • The pergola over the driveway is desirable but the plantings of climbers should be included in other beds than the northern planter box. • The pergola will impact on the growing conditions and maintenance access to plantings in the planter boxes to its north and east so species of plantings and the design should be reconsidered to account for this. • The design of the communal open space (COS) requires significant reconsideration. ◦ Breaking the terrace up into small, high maintenance and low functionality spaces is not desirable. The planter within the COS could be removed partially or entirely, or the shape of the terrace simplified to allow for a generous, functional space. ◦ The universal access lift takes a person in a wheelchair down to the apron but further access will be limited by the proposed stepping stones and turf. This needs to be checked with an access consultant. ◦ The intent behind the proposed turf area is unclear but it will be a maintenance and management problem, as will the turf between the stepping stones. ◦ The proposed tree plantings in the north-eastern area will reduce solar access to the community garden beds and the sunroom. They may also be problematic for horticultural management of the fruit and vegetable plantings. It would be acceptable to plant fruit trees that provide screening and visual amenity and are more in keeping with the nature of the COS garden. ◦ The treatment of non-trafficable roof areas is not optimal – see below under Amenity for concerns and suggestions. • The proposed species in the planting plan are poor in terms of biodiversity impacts and horticultural management. It is recommended that, aside from the community garden, the species be selected from the many indigenous species of the Wollongong region, with attention paid to the environmental conditions they will encounter in the various spaces of this development. The sunroom on the eastern side of the building is considered to be an excellent option but the proposed green wall may lead to maintenance problems and costly management; it may be deleted if desired.
Amenity	Issues raised in the previous meeting notes have now been addressed. The Panel recommended that the letterboxes be situated under cover if feasible.

	The concrete roof overlooked from the penthouse will be environmentally and visually undesirable for the penthouse occupants. A better option would be to provide a green roof planted with locally indigenous coastal species that are adapted to such difficult growing conditions. The use of pebbles to deal with the amenity of non-trafficable roof areas is problematic as it supports long-term weed invasion. A better option would be to include these in the green roof and provide restricted access for the limited maintenance needs of these spaces. The skylight above the penthouse living space appears unnecessary and could lead to heat problems in summer. Its deletion is acceptable.
Safety	Issues highlighted in relation to entry process and connection to the rear garden (Communal Open Space) have now been resolved in the built form. The amended landscape plan and planting plan should address this issue.
Housing Diversity and Social Interaction	The proposal will provide a small number of luxury apartments. This is considered reasonable given the constraints of this narrow site.
Aesthetics	Issues highlighted from previous meeting notes have now been addressed.
Design Excellence WLEP2009	
Whether a high standard of architectural design, materials and detailing appropriate to the building type and location will be achieved	No further development is required.
Whether the form and external appearance of the proposed development will improve the quality and amenity of the public domain.	No further development is required.
Whether the proposed development detrimentally impacts on view corridors.	No apparent impact has been identified.
Whether the proposed development detrimentally overshadows an area shown distinctively coloured and numbered on the Sun Plane Protection Map.	N/A
How the development addresses the following:	
the suitability of the land for development.	This is potentially a reasonable typology and building usage for this site pending further development.

existing and proposed uses and use mix	The proposed residential use is appropriate for this location.
heritage issues and streetscape constraints,	No further development is required.
the location of any tower proposed, having regard to the need to achieve an acceptable relationship with other towers (existing or proposed) on the same site or on neighbouring sites in terms of separation, setbacks, amenity and urban form,	No further development is required.
bulk, massing and modulation of buildings	No further development of the building form is required.
street frontage heights	The proposed scale is appropriate.
environmental impacts such as sustainable design, overshadowing, wind and reflectivity	No further development is required.
the achievement of the principles of ecologically sustainable development	No further development is required.
pedestrian, cycle, vehicular and service access, circulation and requirements	No further development is required to both pedestrian and vehicular entrances, but the landscape plantings need to be reconsidered to ensure good access and clearance for sightlines.
impact on, and any proposed improvements to, the public domain	Further development is required.
Key issues, further Comments & Recommendations	- The proposal is located on a site that is less than council's minimum site width requirement. It also has upper level side and rear boundary setbacks that do not comply with the minimum requirements of the ADG. Some positive developments have now been made better relating the building to its context and to address issues previously raised by the Panel. - The numerous concerns about the landscape plan should be addressed to improve functionality and amenity of the outdoor spaces.

Wollongong Design Review Panel 20 August 2019
Meeting minutes and recommendations DA-2019/774

Date	20 August 2019
Meeting location	Wollongong City Council Administration Offices
Panel members	David Jarvis Sue Hobley Tony Quinn
Apologies	Pier Panozzo
Council staff	Anne Starr – City Centre & Major Development Manager (Acting) Jerard Tungcab – Planning Intern
Guests/ representatives of the applicant	Fady Saad – Owner Scott Millican – PRD Architects
Declarations of Interest	Nil
Item number	1
DA number	DA-2019/774
Reasons for consideration by DRP	Clause 28 SEPP65, Clause 7.1/8 WLEP 2009
Determination Pathway	Wollongong Local Planning Panel (WLPP) Section 4(b) of Schedule 2 of the Local Planning Panels Direction of 1 March 2018, as the development is sensitive development
Property address	16 Smith Street, Wollongong
Proposal	Demolition of existing structures and construction of multi dwelling housing
Applicant or applicant's representative address to the design review panel	The Panel meeting commenced with a summary of the design.
Background	The site was previously inspected by the Panel on 14 November 2018, a meeting was held with the applicant on the same date and a report issued outlining recommendations for further development of the proposal. In response to the Panel's previous comments additional information has been provided and the proposal developed.

Design quality principals SEPP 65

Context and Neighbourhood Character	The proposal is located in a neighbourhood zoned to accommodate residential flat buildings within a landscaped setting. Within the immediate vicinity there are examples of various typologies of residential flat buildings. Ranging from 2 – 3 storey brick walk up units on single lots to large 8 storey apartment buildings on larger sites which appear to have been consolidated from several lots. The subject site is a little over 20m wide at its street frontage, which is less than the minimum site width permissible by council's controls. If this non-compliance is to be accepted, it must be demonstrated that the proposal can relate appropriately to both its existing and future built form context. In response to the Panel's previous comments, neighbouring buildings on adjoining sites have been modelled and the extent of over shadowing documented. The proposal appears to have minimal impact upon the solar access of both neighbouring buildings. The Panel also previously requested that a built form study be provided to demonstrate that the adjoining site to the east (14 Smith Street) is still capable of accommodating a viable building form if developed in isolation. As requested, a study has been
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	provided. However, further detail information is required to confirm that the development potential remains viable on this site. - Rear boundary setbacks should be increased at upper levels to comply with part 3F of the ADG. - The potential FSR of the site should be tested and documented. - Indicative unit layout should show opportunities for aspect and solar access.
Built Form and Scale	The upper levels of the building do not comply with the minimum set back requirements of part 3F of the ADG. Given the constraints of the narrow site it is unlikely that a functional building could be developed and remain fully compliant with the numerical controls of the ADG. Any non-compliances must be tested in their context to demonstrate that, whilst not numerically compliant, the proposal still meets the objectives of the ADG. The site's western elevation has now been developed in a defensive manner with articulation that allows windows to be orientated north, away from side boundaries and high-level windows (sills to be a minimum of 1600mm above finished floor level) that prevent direct sight lines between buildings. However, the north eastern corner of the building has been developed in a far more open manner. Providing large areas of east facing glazing (6m from side boundary) and a balcony (7m from rear boundary). The ADG. Part 3F requires a minimum set back of 9m for windows to habitable rooms and balconies of buildings above four storeys in height. To address this issue consideration should be given to the following: - The upper level balcony should be set back 9m from the rear boundary. This development will also further reduce the over-shadowing of 18 Smith Street in the morning. - Reduce the extent of glazing on the eastern façade living room. This will also reduce potential heat load, providing environmental benefits to the development. - Further development of the built form study on the neighboring site (14 Smith Street) should demonstrate that alternative opportunities for orientation (North and towards the street) exist on the neighbouring site. The elevated basement proximity to the eastern boundary has created an awkward narrow space between the eastern boundary and the podium; this is particularly apparent in the northern end of the site. Sections through the site should be developed to examine the relationship between the elevated terrace of apartment 1 and the eastern neighbour. The proposal should seek to protect the privacy of the eastern neighbour with screening and a landscaped buffer.
Density	Developments made in response to the Panel's previous comments have assisted in relating the proposal to its context. However, further refinement of the built form and development of the future context (as outlined above) is required to demonstrate that the proposal is not an over-development of this site.
Sustainability	The proposal will comfortably comply with the minimum ADG requirements for both solar access and cross ventilation. Opportunities to harvest rainwater for use in maintaining any

	plantings established on the building or the site should be explored. Other water minimisation measures should be considered and reuse of rainwater for toilet flushing and washing machines should also be considered. Species selection for any plantings should aim to support council's commitment to maintaining local biodiversity / natural landscapes, and preventing future weed problems.
Landscape	The proposal has now been developed to provide only five large apartments with generous areas of private open space. Given the modest scale of this development the Panel would now accept that the communal open space be limited to the rear garden area. However, for this solution to be acceptable further development of this space is necessary. Most importantly a strong and direct connection should be provided between the ground floor lobby and the open space. Ideally, a direct line of sight should be created between the lobby and the rear garden area by relocating the ensuite and walk-in robe of the ground floor unit. A ramp could also be introduced to connect the lobby to the communal terrace. This will push the terrace down closer to the natural ground level of rear garden and provide increased vertical separation between the communal open space and the private terrace of apartment 1. Access, circulation and way-finding needs to be simplified in terms of both the front entry and the internal link to the communal open space. Access to the deep soil plantings should be provided to enable maintenance. Many of the proposed plantings on the landscape plan are not considered suitable for the functional and environmental conditions of the spaces. In particular, the following are issues: • The pergola should be vine covered. This requires plantings of suitable vines in the planters adjoining it. • The proposed trees adjacent to the driveway exit will require on-going pruning to maintain clearance for vehicles and sightlines. They should be substituted with more suitable species. • The screen planting to the rear fence line is inappropriate for this area. It is proposed as a communal food garden area. Minimal overshadowing should be the aim and tree plantings should be supportive of the utilitarian function of the garden. In the event that the communal open space to the rear is suitably accessible, functional and of high amenity, it is considered acceptable to allow the roof landscape to be developed as private open space for the top-level apartment.
Amenity	The following issues were identified with the ground floor entry: - Two sets of 1 in 14 ramps, which require handrails and toe boards will create an institutional feel to the building entry and prevent access to the letter boxes, as currently configured. - The two sets of egress doors positioned at the top of the first access ramp add clutter and confusion the entry process, the egress doors should be more discretely located, or the entry path relocated.

- The lift is not visible from the entry lobby. Wayfinding should be improved through design rather than signage.
- An allowance has not been made for service requirements (electrical cupboards, comms cupboard, Fire indicator panel etc).
- Stair flights do not appear to align between levels.

Further development of the ground floor entry / building circulation is required. A revised circulation strategy should seek to eliminate 1:14 ramps within the main entry, ensure the lift is visible upon entering the lobby, accommodate post boxes / essential service and ideally provide a direct line of sight between the entry lobby and the rear garden area.

Residential units are generously proportioned and are generally configured to provide good amenity. However, the given the scale of these units (188sqm) the space could be better distributed to improve amenity. Consideration should be given to the following issues:

- The open plan living, dining, family and kitchen space is immense. Current furniture layouts appear to be lost in the sheer size of the space. Consider the space in terms of zones for different activities. The western side of the living room works well as a seating area where a family could watch TV together. Consider designing the edges of the western wall with return walls that can contain a built-in entertainment console. When sofas and coffee tables are set out to accommodate this activity, a generous space will then be created on the eastern side of the living room. Perhaps this wall could accommodate a fireplace and some low-level bookshelves / storage.

The family room should be able to act as an alternative space where members of the family can go to play games or music whilst not disturbing activities being undertaken elsewhere in the living space. Ideally this space should be relocated or capable of being separated to provide a more usable and flexible space. In doing this a better proportioned, more defined space can be established for the dining area.

- Although a reasonably functional kitchen can be developed in the space currently provided, the current proposal falls short of providing the level of quality that will be expected in an apartment of this size. The applicant is encouraged to look at the planning of the kitchen in more detail at this stage of the design process to ensure adequate space is allocated.
- A larger laundry that contains generous storage areas should also be provided.
- The deep storage area provided at the southern end of the apartment corridor should also be relocated, to allow natural light into the circulation space.
- The provision of a dedicated study as opposed to an open nook would also be desirable.

If the Panel's suggestion to locate all communal open space at ground level is adopted, the opportunity to develop the two-level penthouse apartment into a larger unit with better amenity will be created.

	The penthouse apartment can be serviced by a generous roof terrace. However, consideration must still be given to ensuring the roof terraces is positioned and detailed in a manner to minimise potential privacy issues.
Safety	Issues highlighted in relation to entry process and connection to the rear garden (Communal Open Space) must be resolved.
Housing Diversity and Social Interaction	The proposal will provide a small number of luxury apartments. This is considered reasonable given the constraints of this narrow site.
Aesthetics	A large portion of the street frontage is dedicated to the carpark entry ramp. Detail consideration is required to mitigate the ramp's potentially negative visual impact upon the street. The introduction of a pergola over the ramp is a positive development that will help to integrate the ramp. However, consideration should also be given to: - Breaking up the height of the wall adjacent to the eastern boundary with a stepped retaining wall that accommodates planting. - The quality of materials selected for the ramp will also play an important role in the building's presentation to the street. Elevations and perspectives show a random configuration of windows on the building's street façade. From the level of information present to date, it is unclear how these windows contribute to the amenity of the rooms they service, further information / development is required to clarify this issue. It is anticipated that in response to the Panel's comments the building aesthetic / form will be further developed, particularly to address the potential privacy issues / presentation of building bulk in the north eastern corner. Further development should seek to achieve a balanced aesthetic with its selection of materials. The perspective of the rear of the building (DA-17) shows a predominantly concrete building. Whilst exposed concrete can contribute to a beautiful contemporary aesthetic it can be quite harsh if over-used and not mixed with other materials. Contrasting the concrete with warmer materials such as timber and visually lighter colours such as white brick or paint finish could be considered. Servicing of the building must be considered at this stage of the design process. The location of service risers, car park exhausts, AC condensers, down pipes, substation and fire hydrant boosters should be accommodated.
Design Excellence WLEP2009	
Whether a high standard of architectural design, materials and detailing appropriate to the building type and location will be achieved	Further development is required.
Whether the form and external appearance of the	Further development is required.

proposed development will improve the quality and amenity of the public domain,	
Whether the proposed development detrimentally impacts on view corridors,	No apparent impact has been identified.
Whether the proposed development detrimentally overshadows an area shown distinctively coloured and numbered on the Sun Plane Protection Map,	N/A
How the development addresses the following:	
the suitability of the land for development,	This is potentially a reasonable typology and building usage for this site pending further development.
existing and proposed uses and use mix	The proposed residential use is appropriate for this location.
heritage issues and streetscape constraints,	Further development is recommended, to provide an appropriate contribution to the street.
the location of any tower proposed, having regard to the need to achieve an acceptable relationship with other towers (existing or proposed) on the same site or on neighbouring sites in terms of separation, setbacks, amenity and urban form,	No tower proposed. However, further development of the building form should seek to increase the upper level set back from the rear boundary.
bulk, massing and modulation of buildings	Further development of the building form should seek to increase the upper level set back from the rear boundary.
street frontage heights	The proposed scale is appropriate
environmental impacts such as sustainable design, overshadowing, wind and reflectivity	Further development is required.
the achievement of the principles of ecologically sustainable development	Further development is required.
pedestrian, cycle, vehicular and service access, circulation and requirements	Further development is required to both pedestrian and vehicular entrances.
impact on, and any proposed improvements to, the public domain	Further development is required to both pedestrian and vehicular entrances.
Key issues, further Comments & Recommendations	The proposal is located on a site that is less than council's minimum site width requirement. It also has upper level side and rear boundary setbacks that do not comply with the minimum requirements of the ADG. Some positive developments have been made better relate the building to its context and to address issues previously raised by the Panel. However, further consideration of the following issues is recommended:

	- Further development of potential built form study on the neighbouring site to the east. - Increased set back of upper level from the rear boundary. - Reduce extent of glazing on eastern façade (living areas). - Detail sections, documenting landscape interface with eastern boundary and demonstrating potential privacy issues between elevated ground floor terraces and neighbours have been minimised. - Implementation of sustainability initiatives. - Further development of rear garden communal open space. - Further development of building entry / circulation strategy. - Further refinements to units to improve amenity. - Further refinement of building aesthetics
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ATTACHMENT 5 – Draft Conditions for : DA-2019/774

Approved Plans and Documents

- 1 The development shall be implemented substantially in accordance with the details and specifications set out on:

Site Plan 018-030 DA-01-B dated 13 November 2019 prepared by PRD Architects
Survey/Demolition Plan 018-030 DA-02-A dated 13 November 2019 prepared by PRD Architects
Basement Plan 018-030 DA-03-B dated 13 November 2019 prepared by PRD Architects
Lower Ground Floor Plan 018-030 DA-04-B dated 13 November 2019 prepared by PRD Architects
Ground Floor/Site Plan 018-030 DA-05-C dated 13 November 2019 prepared by PRD Architects
Typical Floor Plan 018-030 DA-06-C dated 13 November 2019 prepared by PRD Architects
Level 2 Pre-Adapted Plan 018-030 DA-07-B dated 13 November 2019 prepared by PRD Architects
Level 2 Adaptable Plan 018-030 DA-08-B dated 13 November 2019 prepared by PRD Architects
Level 4 Plan 018-030 DA-09-B dated 13 November 2019 prepared by PRD Architects
Roof Terrace Plan 018-030 DA-10-B dated 13 November 2019 prepared by PRD Architects
Section Plan 018-030 DA-11-B dated 13 November 2019 prepared by PRD Architects
Basement Sections Plan 018-030 DA-12-B dated 13 November 2019 prepared by PRD Architects
Elevations Plan 018-030 DA-13-B dated 13 November 2019 prepared by PRD Architects
Elevations Plan 018-030 DA-14-B dated 13 November 2019 prepared by PRD Architects
Eastern Boundary Sections Plan 018-030 DA-19-B dated 13 November 2019 prepared by PRD Architects
Entry to Communal Open Space 018-030 DA-20-B dated 13 November 2019 prepared by PRD Architects
Site Plan L-01-C dated 14 November 2019 prepared by SITEDESIGN + STUDIOS
Ground Floor Landscape Plan L-02-C dated 14 November 2019 prepared by SITEDESIGN + STUDIOS
Levels 1-4 + Rooftop Landscape Plan L-03-C dated 14 November 2019 prepared by SITEDESIGN + STUDIOS

and any details on the application form, and with any supporting information received, except as amended by the conditions specified and imposed hereunder.

General Matters

- 2 **Building Work - Compliance with the Building Code of Australia**
All building work must be carried out in compliance with the provisions of the Building Code of Australia.
- 3 **Construction Certificate**
A Construction Certificate must be obtained from Council or an Accredited Certifier prior to work commencing.

A Construction Certificate certifies that the provisions of Clauses 139-148 of the Environmental Planning and Assessment Amendment Regulations, 2000 have been satisfied, including compliance with all relevant conditions of Development Consent and the Building Code of Australia.

Note: The certifying authority must cause notice of its determination to be given to the consent authority, and to the council, by forwarding to it, within two (2) days after the date of the

determination, the plans and documentation referred to in clause 142 (2) of the Environmental Planning and Assessment Regulation 2000.

4 **Occupation Certificate**

An Occupation Certificate must be issued by the Principal Certifying Authority prior to occupation or use of the development. In issuing an Occupation Certificate, the Principal Certifying Authority must be satisfied that the requirements of section 6.9 of the Environmental Planning and Assessment Act 1979, have been complied with as well as all of the conditions of the Development Consent.

5 **Tree Retention/Removal**

The Developer shall retain the existing trees indicated within the Aboricultural Impact Assessment by Allied Tree Consultancy, dated July 2019 consisting of trees numbered T1 – T11 and T13. The existing street tree shall be retained and protected during construction.

Any branch pruning, which has been given approval, must be carried out by a qualified arborist in accordance with Australian Standard AS4373-2007.

All tree protection measures are to be installed in accordance with Australian standard AS4970-2009 Protection of Trees on development Sites.

All recommendations in the Aboricultural Impact Assessment by Allied Tree Consultancy, dated July 2019 are to be implemented including and not restricted to: remedial tree pruning, dead wood removal, fencing and signage, sediment buffer, stem protection, establishing tree protection zones and watering and root hormone application if required.

This consent permits the removal of trees numbered T12 indicated within the Aboricultural Impact Assessment by Allied Tree Consultancy, dated July 2019. No other trees shall be removed without prior written approval of Council.

Prior to the Issue of the Construction Certificate

6 **Dilapidation Report Prior to Construction**

A Dilapidation Report detailing the current structural condition of adjoining buildings, infrastructure and roads shall be prepared and endorsed by a qualified structural engineer. The report shall be submitted to the satisfaction of the certifying authority prior to issue of the Construction Certificate. A copy of the report is to be forwarded to Council and the owners of adjoining properties prior to the issue of a Construction Certificate.

7 **Flows from Adjoining Properties**

Flows from adjoining properties shall be accepted and catered for within the site. Finished ground and top of retaining wall levels on the boundary shall be no higher than the existing upslope adjacent ground levels. The above requirements must be clearly shown on construction certificate plans prior to the release of the construction certificate.

8 **Protection of Buildings from Ingress of Stormwater Runoff**

Detailed design of the development shall ensure that there will be no ingress of surface stormwater runoff or overland flow into the proposed buildings. All building entrances shall be provided with a suitable freeboard above the adjacent local blocked pipe situation 100 year ARI water surface level. These requirements shall be reflected on the Construction Certificate plans and supporting documentation prior to the release of the Construction Certificate.

9 **No Net Loss of Flood Plain Storage**

The detailed design of the development must ensure that there is not net loss of floodplain storage in the 100 year or PMF Storm events. Calculations of the existing and proposed flood plain storage along with details (proposed levels, compensatory cut, detail cut fill calculations, etc) of the proposed works within the floodplain must be included in construction certificate documentation demonstrating compliance with the above. Evidence that these requirements have been satisfied must be submitted to the Principal Certifying Authority prior to the release of a Construction Certificate.

10 **Pump System**

A pump system shall be provided in association with the detailed drainage design for the site to cater for stormwater from a prolonged/extreme storm event entering the basement. The pump system shall be designed by a suitably qualified and experienced civil engineer and reflected on the Construction Certificate plans and supporting documentation.

11 **Basement Waterproofing**

Full engineering details of the proposed wall around the basement car park shall be submitted to the Principal Certifying Authority prior to the issue of the Construction Certificate. These shall include construction details indicating that no ingress of stormwater is possible into the basement levels. This applies to any proposed opening such as doors or ventilation louvres. The problem of backwater from the stormwater pipeline entering the basement car park level shall be addressed by a method such as a flap gate or one-way valve system.

12 **Excavation and Retaining Structures adjacent to Public Roads**

The design of all permanent and temporary retaining structures within the zone of influence of any Council assets including the road pavement, stormwater pipes and pits, must be provided to Wollongong City Council and the Principal Certifying Authority prior to the issue of the Construction Certificate. The design must be prepared in accordance with the RMS Technical direction GTD 2012/001, by a qualified Civil Engineer, NPER 3 accreditation with the Institute of Engineers Australia and experienced in structural design. The plan must clearly show that all components of the retaining structure and associated drainage is wholly located within the subject site. The design must be supported by:

- a A geotechnical report prepared in accordance with the requirements of the RMS Technical direction GTD 2012/001.
- b A dilapidation survey of the existing Council infrastructure
- c Details of the proposed monitoring program for the excavation and retaining structures, and relevant threshold actions prepared in accordance with RMS Technical direction GTD 2012/001.

13 **Ground Anchors**

Permanent ground anchors are not permitted within the road. Temporary ground anchors can only be used where the Road Authority has provided written confirmation to the applicant for their use. Temporary anchors must be designed in accordance with RMS Technical Direction GTD 2012/001.

14 **Car Parking and Traffic Management Report to include Design and Certification of Car Park Traffic Signals**

The applicant shall provide car park traffic signals within the basement car park to manage conflicts near the entrance to all basement ramps. The operation of the traffic signals shall be as follows:

- The default traffic signal arrangement will be a green light within the basement car park providing priority to vehicles exiting the site, allowing entering vehicles to queue at the top of the driveway.
- When a vehicle enters the site and arrives at the red traffic signal at the top of the ramp, a delay will occur before the basement light turns to amber and red. Similarly, a delay will occur when the basement light turns from red to the green light for entering vehicles.
- The basement traffic signal will be located on the northern end of the lift-well wall facing the car parking bays with an associated solid line marking. This will enable residents and visitors to clearly see the traffic signal colour before leaving the parking bay. In the event a vehicle manoeuvres out of the parking space, vehicles can still be held at the control line to allow entering vehicles to manoeuvre unobstructed.

The applicant must provide an accompanying Car Parking and Traffic Management Report which outlines how the proposed signals system and mechanical car stackers will be maintained and managed by the appropriate Body Corporate. The responsibilities of the Body Corporate in relation to the required upkeep and maintenance of the signals and the car stackers shall be detailed and referenced in the Car Parking and Traffic Management Report. The satisfactory operation of the

signals is to be certified by an experienced and qualified Traffic Engineer. These details shall be demonstrated prior to the issue of the Construction Certificate.

15 **Mechanical Parking System**

Details and specifications of the mechanical parking system shall be provided to Council for approval prior to the issue of a Construction Certificate. The double car stackers to be implemented at the site shall be the 'WOHR Parklift 450-200' and include a pit below each stacker to allow independent retrieval of vehicles.

The width and length of the car spaces available within the mechanical parking system/stacker shall accommodate a B85 vehicle (ie. 5.4m length x 2.4m width).

The double car stackers are to be certified by the company installing the stackers that they can be accommodated within the basement car park and achieve operational heights of at least 1.5m clear for both stacked vehicles.

16 **Present Plans to Sydney Water**

Approved plans must be submitted online using Sydney Water Tap, available through www.sydneywater.com.au to determine whether the development will affect Sydney Water's sewer and water mains, stormwater drains and/or easements, and if further requirements need to be met.

The Certifying Authority must ensure that Sydney Water has issued an approval receipt prior to the issue of a Construction Certificate.

Visit www.sydneywater.com.au or telephone 13 20 92 for further information.

17 **Car Parking and Access**

The development shall make provision for a total of 12 car parking spaces (including 5 two-car mechanical stackers each with a pit below to allow independent retrieval of vehicles), 1 motorcycle parking space and a bicycle store able to accommodate a minimum of 2 secure (Class B) residential bicycle spaces and 1 visitor bicycle space (Class C). This requirement shall be reflected on the Construction Certificate plans. Any change in above parking numbers shown on the approved DA plans shall be dealt with via a section 4.55 modification to the development. The approved car parking spaces shall be maintained to the satisfaction of Council, at all times.

18 The parking dimensions, internal circulation, aisle widths, kerb splay corners, head clearance heights, ramp widths and grades of the car parking areas are to be in conformity with the current relevant Australian Standard AS2890.1, except where amended by other conditions of this consent. Details of such compliance are to be reflected on the Construction Certificate plans.

19 Each disabled person's parking space must comply with the current relevant Australian Standard AS2890.6 – Off-street parking for people with disabilities. This requirement shall be reflected on the Construction Certificate plans.

20 The provision of suitable barriers, line-marking and painted signage delineating vehicular flow movements within the car parking areas. These details shall be reflected on the Construction Certificate plans.

21 **Gradients of Ramps and Driveways as per AS 2890.1**

All driveways shall be constructed with a maximum vertical alignment as shown in Council's standard drawings. This requirement shall be reflected on the Construction Certificate plans and any supporting documentation.

Gradients of ramps and access driveways within the site must be provided in accordance with the current relevant Australian Standard AS2890.1 - Off Street Car Parking. Details of the method of treatment of any fill/retaining wall which may be required in conjunction with the proposed driveway. This requirement must be reflected on the Construction Certificate plans.

22 **Security Roller Shutters for Basement Car Parking Areas**

The installation of any security roller shutter for the basement car parking area shall not restrict access to any designated visitor car parking space. In the event that the approved visitor car parking spaces are located behind any proposed security roller shutter, an intercom system is required to be installed to enable visitor access into the basement car parking area. This requirement is to be

reflected on the Construction Certificate plans and any supporting documentation for the endorsement of the Principal Certifying Authority prior to the release of the Construction Certificate.

- 23 A change in driveway paving is required at the entrance threshold within the property boundary to clearly show motorists they are crossing a pedestrian area. Between the property boundary and the kerb, the developer must construct the driveway pavement in accordance with the conditions, technical specifications and levels to be obtained from Council's Manager Works. This requirement shall be reflected on the Construction Certificate plans and any supporting documentation.

24 **Structures Adjacent to Driveway**

Any proposed structures adjacent to the driveway shall comply with the requirements of the current relevant Australian Standard AS2890.1 (figure 3.2 and 3.3) to provide for adequate pedestrian and vehicle sight distance. This includes, but is not limited to, structures such as signs, letterboxes, retaining walls, dense planting etc. This requirement shall be reflected on the Construction Certificate plans.

- 25 The depth and location of all services (ie gas, water, sewer, electricity, telephone, traffic lights, etc) must be ascertained and reflected on the Construction Certificate plans and supporting documentation.

26 **Landscaping**

The submission of a final Landscape Plan will be required in accordance with the requirements of Wollongong City Council DCP 2009 Chapter E6 and the approved Landscape Plan (ie as part of this consent) for the approval by the Principal Certifying Authority, prior to the release of the Construction Certificate.

- 27 The submission of certification from a suitably qualified and experienced landscape designer and drainage consultant to the Principal Certifying Authority prior to the release of the Construction Certificate, confirming that the landscape plan and the drainage plan are compatible.

- 28 The implementation of a landscape maintenance program in accordance with the approved Landscape Plan for a minimum period of 12 months to ensure that all landscape work becomes well established by regular maintenance. Details of the program must be submitted with the Landscape Plan to the Principal Certifying Authority prior to release of the Construction Certificate.

29 **Tree Protection and Management**

The existing trees are to be retained upon the subject property and any trees on adjoining properties shall not be impacted upon during the excavation or construction phases of the development. This will require the installation and maintenance of appropriate tree protection measures, including (but not necessarily limited to) the following:

- a Installation of Tree Protection Fencing - Protective fencing shall be 1.8 metre cyclone chainmesh fence, with posts and portable concrete footings. Details and location of protective fencing must be indicated on the architectural and engineering plans to be submitted to the Principal Certifying Authority prior to release of the Construction Certificate.

30 **Engineering Plans and Specifications - Retaining Wall Structures Greater than One (1) Metre**

The submission of engineering plans and supporting documentation of all proposed retaining walls greater than 1m to the Principal Certifying Authority for approval prior to the issue of the Construction Certificate. The retaining walls shall be designed by a suitably qualified and experienced civil and/or structural engineer. The required engineering plans and supporting documentation shall include the following:

- a A plan of the wall showing location and proximity to property boundaries;
- b An elevation of the wall showing ground levels, maximum height of the wall, materials to be used and details of the footing design and longitudinal steps that may be required along the length of the wall;
- c Details of fencing or handrails to be erected on top of the wall;

- d Sections of the wall showing wall and footing design, property boundaries, subsoil drainage and backfill material. Sections shall be provided at sufficient intervals to determine the impact of the wall on existing ground levels. The developer shall note that the retaining wall, subsoil drainage and footing structure must be contained wholly within the subject property;
 - e The proposed method of subsurface and surface drainage, including water disposal. This is to include subsoil drainage connections to an inter-allotment drainage line or junction pit that discharges to the appropriate receiving system;
 - f The assumed loading used by the engineer for the wall design.
 - g Flows from adjoining properties shall be accepted and catered for within the site. Finished ground and top of retaining wall levels on the boundary shall be no higher than the existing upslope adjacent ground levels.
- 31 Bicycle parking facilities must have adequate weather protection and provide the appropriate level of security as required by the current relevant Australian Standard AS2890.3 - Bicycle Parking Facilities. This requirement shall be reflected on the Construction Certificate plans.
- 32 **Property Addressing Policy Compliance**
 Prior to the issue of any construction certificate, the developer must ensure that any site addressing complies with Council's **Property Addressing Policy** (as amended). Where appropriate, the developer must also lodge a written request to Council's **Infrastructure Systems & Support – Property Addressing** (propertyaddressing@wollongong.nsw.gov.au), for the site addressing prior to the issue of the construction certificate. Please allow up to 3-5 business days for a reply. Enquiries regarding property addressing may be made by calling 4227 8660.
- 33 **Footpath Paving City Centre**
 The Developer is responsible for the construction of footpath paving for the entire frontage of the development for the full width of the verge. The type of paving for this development shall be in accordance with the Wollongong City Council Public Domain Technical Manual. The existing path shall be replaced to match the existing path if damaged.
- A nominal two percent (2%) minimum one percent (1%), maximum two and a half percent (2.5%) cross fall to be provided from property line to back of kerb. Any changes of level, ramps or stairs and associated tactile markers and handrails are to be contained within the property boundary.
- The driveway entry threshold from the property boundary line to the face of kerb is to match the footpath material and be designed to withstand predicted traffic loadings.
- The driveway threshold finish within property boundary line is to contrast with driveway entry.
- The footpath and driveway entry on the council property must be installed to the satisfaction of WCC Manager of Development Engineering.
- A Landscape Plan is to be submitted to Council for approval prior to the issue of the Construction Certificate showing proposed paving, footpath design levels, street tree details and location of all services.
- 34 **Street Trees City Centre**
 The Developer must address the street frontage by installing street tree planting. The number and species for this development is one *Tristanopsis laurina*, 200 litre container size in accordance with AS 2303:2018 Tree stock for landscape use. Tree pit detailing is to be in accordance with the Wollongong City Council Public Domain Technical Manual. Dial Before You Dig must be consulted prior to any excavation on site. Pot holing must be carried out to determine service location. Location of street tree plantings to be sited to ensure no conflict occurs with street light poles.
- Tree pits must be adequately mulched, plants installed and tree guard/staking/tree grille/edging installed to the satisfaction of WCC Manager of Development Engineering.
- These requirements shall be reflected on the Construction Certificate plans and any supporting documentation.
- 35 **Sizing of Drainage**

All roof gutters, downpipes, pits, and pipelines draining roof areas and other impervious surfaces, shall be designed to cater for a 1 in 100 year ARI storm event in accordance with AS 3500.3 – Plumbing and Drainage (Stormwater Drainage). Details of gutter/downpipe/pipeline sizes and locations shall be reflected on the Construction Certificate plans

36 **Stormwater Drainage Design**

A detailed drainage design for the development must be submitted to and approved by the Principal Certifying Authority prior to the release of the Construction Certificate. The detailed drainage design must satisfy the following requirements:

- a Be prepared by a suitably qualified civil engineer in accordance with Chapter E14 of Wollongong City Council's Development Control Plan 2009, Subdivision Policy, conditions listed under this consent, and generally in accordance with the concept plan/s lodged for development approval, being the Stormwater Drainage Plan, Job no. 16020039, drawing no. C010, Revision no. P1, by Jones Nicholson, dated 8 July 2019.
- b Include details of the method of stormwater disposal. Stormwater from the development must be piped to Councils stormwater drainage system via the existing easement
- c Engineering plans and supporting calculations for the stormwater drainage system are to be prepared by a suitably qualified engineer and be designed to ensure that stormwater runoff from upstream properties is conveyed through the site without adverse impact on the development or adjoining properties. The plan must indicate the method of disposal of all stormwater and must include rainwater tanks, existing ground levels, finished surface levels on all paved areas, estimated flow rates, invert levels and sizes of all pipelines.
- d Overflow paths shall be provided to allow for flows of water in excess of the capacity of the pipe/drainage system draining the land. Blocked pipe situations with 1 in 100 year ARI events shall be incorporated in the design. Overflow paths shall also be provided in low points and depressions. Each overflow path shall be designed to ensure no entry of surface water flows into any building and no concentration of surface water flows onto any adjoining property. Details of each overflow path shall be shown on the detailed drainage design.

37 **Flood Level Requirements**

The following requirements shall be reflected on the Construction Certificate plans, prior to the release of the Construction Certificate:

- a Habitable floor levels must be constructed at a minimum of RL 5 metres AHD.
- b Any portion of the building or structure below RL 5 metres AHD should be built from flood compatible materials. Where materials are proposed and not listed in Appendix B of Chapter E13 of the Wollongong DCP2009, relevant documentation from the manufacturer shall be provided demonstrating that the materials satisfy the definition of 'flood compatible materials' as stated in Chapter E13 of the Wollongong DCP2009.
- c The proposed development shall be designed to withstand the forces of floodwater, debris and buoyancy up to and including the 1 in 100 year flood level plus freeboard being RL 5 metres AHD.

38 **Council Footpath Reserve Works – Driveways and Crossings**

All redundant vehicular crossings and laybacks rendered unnecessary by this development must be reconstructed to normal kerb and gutter or existing edge of carriageway treatment to match the existing. The verge from the back of kerb to the boundary must be removed and the area appropriately graded, topsoiled and turfed in a manner that conforms with adjoining road reserve. The area forward of the front boundary must be kept smooth, even and free from any trip hazards. All alterations of public infrastructure where necessary are at the developer's expense.

All new driveway laybacks and driveway crossings must be designed in accordance with Wollongong City Council Standards. Details and locations are to be shown on the Construction Certificate Plans.

39 **Smith and Wilson Streets – Detailed Civil Engineering Design – Council Land**

A detailed civil engineering design shall be provided for the proposed footpath and drainage works within the road reserve. The details must be submitted to and approved by Councils Development Engineering Manager. The detailed civil engineering design shall be prepared by a suitably qualified

practicing civil engineer in accordance with the relevant Council engineering standards. The design plans shall include:

- a Levels and details of all existing and proposed infrastructure/services such as kerb and gutter, public utility, pits, poles, fencing, stormwater drainage, adjacent road carriageway crown, street signs (clearly identifying the type of sign) and footpath levels - and shall extend a minimum of 5 metres beyond the limit of works.
- b Footpath longitudinal sections, and cross-sections at 10 metre intervals as well as including building entrance points and transitions to existing at the property boundary demonstrating compliance with the latest versions of AS 1428.1, AS/NZS 2890.1, the Disability Discrimination Act and the AUSTROAD road design standards.
- c Engineering details of the proposed pit and pipe stormwater drainage system within Council's road reserve, including a hydraulic grade line analysis and longitudinal section of the proposed system showing calculated flows, velocity, pits, pipe size/class, grade, inverts and ground levels. Each proposed pit must be constructed generally in accordance with Wollongong City Council's Engineering Standard Drawings.
- d The proposed stormwater pit within Wilson St must be a kerb inlet pit.
- e Where any adjustments to public utilities are proposed the applicant shall submit documentary evidence that they have the consent of the owner of the public utility authority.
- f All construction must be in accordance with the requirements of Council's Subdivision Code. Evidence that this requirement has been met must be detailed on the engineering drawings.
- g Details are to be provided regarding the type of materials used for construction. They should conform to the adjacent road reserves. Pavement designs must be provided for road reconstruction works, the pavement must be designed by a suitably qualified engineer to the expected traffic loadings and type.

The detailed civil engineering design and supporting documentation shall be submitted to and approved by Wollongong City Council's Development Engineering Manager prior to the issue of a Construction Certificate.

40 **Dilapidation Survey**

A dilapidation survey and report shall be submitted to the Principal Certifying Authority.

The dilapidation survey and report shall accurately reflect the condition of existing public and private infrastructure in the adjacent street(s) fronting the lots.

The report shall outline measures for the protection of existing public and private infrastructure during the works.

Any damage to infrastructure items and relics which is caused by the developer shall be repaired to the satisfaction of the Principal Certifying Authority prior to the issue of a Certificate of Practical Completion for Subdivision works.

41 **No Adverse Run-off Impacts on Adjoining Properties**

The design of the development shall ensure there are no adverse effects to adjoining properties or upon the land as a result of flood or stormwater run-off.

42 **Development Contributions**

Pursuant to Section 4.17 of the Environmental Planning and Assessment Act 1979 and the Wollongong City-Wide Development Contributions Plan (2018), a monetary contribution of \$26,000.00 (subject to indexation) must be paid to Council towards the provision of public amenities and services, prior to the release of any associated Construction Certificate.

This amount has been calculated based on the estimated cost of development and the applicable percentage rate.

The contribution amount will be subject to indexation until the date of payment. The formula for indexing the contribution is:

$$\text{Contribution at time of payment} = \$C \times (CP2/CP1)$$

Where:

\$C is the original contribution as set out in the Consent

CP1 is the Consumer Price Index; All Groups CPI; Sydney at the time the consent was issued

CP2 is the Consumer Price Index; All Groups CPI; Sydney at the time of payment

Details of CP1 and CP2 can be found in the Australian Bureau of Statistics website – Catalogue No. 6401.0 - Consumer Price Index, Australia.

The following payment methods are available:

METHOD	HOW	PAYMENT TYPE
Online (Full payment only)	http://www.wollongong.nsw.gov.au/applicationpayments Your Payment Reference: 1138662	• Credit Card
In Person	Wollongong City Council Administration Building - Customer Service Centre Ground Floor 41 Burelli Street, WOLLONGONG	• Cash • Credit Card • Bank Cheque
PLEASE MAKE BANK CHEQUE PAYABLE TO: Wollongong City Council (Personal or company cheques are not accepted)		

A copy of the Wollongong City-Wide Development Contributions Plan (2018) and accompanying Fact Sheet may be inspected or obtained from the Wollongong City Council Administration Building, 41 Burelli Street, Wollongong during business hours or on Council's web site at www.wollongong.nsw.gov.au

Prior to the Commencement of Works

43 Sign – Supervisor Contact Details

Before commencement of any work, a sign must be erected in a prominent, visible position:

- a stating that unauthorised entry to the work site is not permitted;
- b showing the name, address and telephone number of the Principal Certifying Authority for the work; and
- c showing the name and address of the principal contractor in charge of the work site and a telephone number at which that person can be contacted at any time for business purposes.

This sign shall be maintained while the work is being carried out and removed upon the completion of the construction works.

44 Temporary Toilet/Closet Facilities

Toilet facilities are to be provided at or in the vicinity of the work site on which work involved in the erection or demolition of a building is being carried out at the rate of one toilet for every 20 persons or part of 20 persons employed at the site.

Each toilet provided must be:

- a a standard flushing toilet; and
- b connected to either:
 - i the Sydney Water Corporation Ltd sewerage system or
 - ii an accredited sewage management facility or
 - iii an approved chemical closet.

The toilet facilities shall be provided on-site, prior to the commencement of any works.

45 **Enclosure of the Site**

The site must be enclosed with a suitable security fence to prohibit unauthorised access, to be approved by the Principal Certifying Authority. No building work is to commence until the fence is erected.

46 **Demolition Works**

The demolition of the existing dwelling house and outbuilding shall be carried out in accordance with Australian Standard AS2601 (2001): The Demolition of Structures or any other subsequent relevant Australian Standard and the requirements of the SafeWork NSW.

No demolition materials shall be burnt or buried on-site. The person responsible for the demolition works shall ensure that all vehicles leaving the site carrying demolition materials have their loads covered and do not track soil or waste materials onto the road. Any unforeseen hazardous and/or intractable wastes shall be disposed of to the satisfaction of the Principal Certifying Authority. In the event that the demolition works may involve the obstruction of any road reserve/footpath or other Council owned land, a separate application shall be made to Council to enclose the public place with a hoarding or fence over the footpath or other Council owned land.

47 **Demolition Notification to Surrounding Residents**

Demolition must not commence unless at least two (2) days written notice has been given to adjoining residents of the date on which demolition works will commence.

48 **Hazardous Material Survey**

At least one week prior to demolition, the applicant must prepare a hazardous materials survey of the site and submit to Council a report of the results of the survey. **Hazardous materials** includes, but are not limited to, asbestos materials, synthetic mineral fibre, roof dust, PCB materials and lead based paint. The report must include at least the following information:

- a The location of hazardous materials throughout the site;
- b a description of the hazardous material;
- c the form in which the hazardous material is found, eg AC sheeting, transformers, contaminated soil, roof dust;
- d an estimation (where possible) of the quantity of each particular hazardous material by volume, number, surface area or weight;
- e a brief description of the method for removal, handling, on-site storage and transportation of the hazardous materials, and where appropriate, reference to relevant legislation, standards and guidelines;
- f identification of the disposal sites to which the hazardous materials will be taken.

49 **Asbestos Hazard Management Strategy**

An appropriate hazard management strategy shall be prepared by a suitably qualified and experienced licensed asbestos assessor pertaining to the removal of contaminated soil, encapsulation or enclosure of any asbestos material. This strategy shall ensure any such proposed demolition works involving asbestos are carried out in accordance with SafeWork NSW requirements (<http://www.safework.nsw.gov.au>). The strategy shall be submitted to the Principal Certifying Authority and Council (in the event that Council is not the Principal Certifying Authority), prior to the commencement of any works.

The approved strategy shall be implemented and a clearance report for the site shall be prepared by a licensed asbestos assessor and submitted to the Principal Certifying Authority and Council (in the event that Council is not the Principal Certifying Authority), prior to the issue of an Occupation Certificate or commencement of the development. The report shall confirm that the asbestos material has been removed or is appropriately encapsulated based on visual inspection plus sampling if required and/or air monitoring results and that the site is rendered suitable for the development.

50 **Consultation with SafeWork NSW – Prior to Asbestos Removal**

A licensed asbestos removalist must give written notice to SafeWork NSW at least five (5) days before licensed asbestos removal work is commenced.

51 **Contaminated Roof Dust**

Any existing accumulations of dust in ceiling voids and wall cavities must be removed prior to any demolition work commencing. Removal must take place by the use of an industrial vacuum fitted with a high efficiency particulate air (HEPA) filter.

52 **Waste Management**

The developer must provide an adequate receptacle to store all waste generated by the development pending disposal. The receptacle must be regularly emptied and waste must not be allowed to lie or accumulate on the property other than in the receptacle. Consideration should be given to the source separation of recyclable and reusable materials.

53 **Supervising Arborist – Tree Inspection and Installation of Tree Protection Measures**

Prior to the commencement of any demolition, excavation or construction works, the supervising arborist must certify in writing that tree protection measures have been inspected and installed in accordance with the arborist's recommendations and relevant conditions of this consent.

54 **Certification from Arborist - Adequate Protection of Trees to be Retained**

A qualified arborist is required to be engaged for the supervision of all on-site excavation or land clearing works. The submission of appropriate certification from the appointed arborist to the Principal Certifying Authority is required which confirms that all trees and other vegetation to be retained are protected by fencing and other measures, prior to the commencement of any such excavation or land clearing works.

55 **Works in Road Reserve - Minor Works**

Approval, under Section 138 of the Roads Act must be obtained from Wollongong City Council's Development Engineering Team prior to any works commencing or any proposed interruption to pedestrian and/or vehicular traffic within the road reserve caused by the construction of this development.

The application form for Works within the Road Reserve – Section 138 Roads Act can be found on Council's website. The form outlines the requirements to be submitted with the application, to give approval to commence works under the roads act. It is advised that all applications are submitted and fees paid, five (5) days prior to the works within the road reserve are intended to commence. The Applicant is responsible for the restoration of all Council assets within the road reserve which are impacted by the works/occupation. Restoration must be in accordance with the following requirements:

- a All restorations are at the cost of the Applicant and must be undertaken in accordance with Council's standard document, "Specification for work within Council's Road reserve".
- b Any existing damage within the immediate work area or caused as a result of the work/occupation, must also be restored with the final works.

56 **Works in Road Reserve – Major Works**

Any occupation, use, disturbance or work on the footpath or road reserve for construction purposes, which is likely to cause an interruption to existing pedestrian and/or vehicular traffic flows requires Council consent under Section 138 of the Roads Act 1993.

The application form for Works within the Road Reserve – Section 138 Roads Act can be found on Council's website. The form outlines the requirements to be submitted with the application, to give approval to commence works under the roads act. It is advised that all applications are submitted and fees paid, five (5) days prior to the works within the road reserve are intended to commence. An application must be submitted must be obtained from Wollongong City Council's Development Engineering Team prior to any works commencing where it is proposed to carry out activities such as, but not limited to, the following:

- a Digging or disruption to footpath/road reserve surface;
- b Loading or unloading machinery/equipment/deliveries;
- c Installation of a fence or hoarding;
- d Stand mobile crane/plant/concrete pump/materials/waste storage containers;
- e Pumping stormwater from the site to Council's stormwater drains;

- f Installation of services, including water, sewer, gas, stormwater, telecommunications and power;
- g Construction of new vehicular crossings or footpaths;
- h Removal of street trees;
- i Carrying out demolition works.

Restoration must be in accordance with the following requirements:

- a All restorations are at the cost of the Applicant and must be undertaken in accordance with Council's standard document, "Specification for work within Council's Road reserve".
- b Any existing damage within the immediate work area or caused as a result of the work/occupation, must also be restored with the final works.

57 **Tree Protection**

Prior to commencement of any work on the site, including any demolition, all trees not approved for removal as part of this consent that may be subjected to impacts of this approved development must be protected in accordance with Section 4 of the Australian Standard Protection of Trees on Development Sites (AS 4970-2009).

Tree protection zones must be established prior to the commencement of any work associated with this approved development.

No excavation, construction activity, grade changes, storage of materials stockpiling, siting of works sheds, preparation of mixes or cleaning of tools is permitted within Tree Protection Zones. **During Demolition, Excavation or Construction**

58 **Survey Report for Floor Levels**

A Survey Report must be submitted to the Principal Certifying Authority verifying that each floor level accords with the floor levels as per the approved plans under this consent. The survey shall be undertaken after the formwork has been completed and prior to the pouring of concrete for each respective level of the building (if the building involves more than one level). All levels shall relate to Australian Height Datum.

59 **No Adverse Run-off Impacts on Adjoining Properties**

The design and construction of the development shall ensure there are no adverse effects to adjoining properties, as a result of flood or stormwater run-off. Attention must be paid to ensure adequate protection for buildings against the ingress of surface run-off.

Allowance must be made for surface run-off from adjoining properties. Any redirection or treatment of that run-off must not adversely affect any other property.

60 **Copy of Consent to be in Possession of Person carrying out Tree Removal**

The Developer/Applicant must ensure that any person carrying out tree removal is in possession of this development consent and/or the approved landscape plan, in respect to the tree(s) which has/have been given approval to be removed in accordance with this consent.

61 **Restricted Hours of Construction Work**

The developer must not carry out any work, other than emergency procedures, to control dust or sediment laden runoff outside the normal working hours, namely, 7.00 am to 5.00 pm, Monday to Saturday, without the prior written consent of the Principal Certifying Authority and Council. No work is permitted on public holidays or Sundays.

Any request to vary these hours shall be submitted to the **Council** in writing detailing:

- a the variation in hours required (length of duration);
- b the reason for that variation (scope of works);
- c the type of work and machinery to be used;
- d method of neighbour notification;
- e supervisor contact number;
- f any proposed measures required to mitigate the impacts of the works.

Note: The developer is advised that other legislation may control the activities for which Council has granted consent, including but not limited to, the Protection of the Environment Operations Act 1997.

62 **Asbestos – Removal, Handling and Disposal Measures/Requirements Asbestos Removal by a Licensed Asbestos Removalist**

The removal of any asbestos material must be carried out by a licensed asbestos removalist if over 10 square metres in area of non-friable asbestos, or if any type of friable asbestos in strict accordance with SafeWork NSW requirements (<http://www.safework.nsw.gov.au>).

63 **Asbestos Waste Collection, Transportation and Disposal**

Asbestos waste must be prepared, contained, transported and disposed of in accordance with SafeWork NSW and NSW Environment Protection Authority requirements. Asbestos waste must only be disposed of at a landfill site that can lawfully receive this type of waste. A receipt must be retained and submitted to the Principal Certifying Authority, and a copy submitted to Council (in the event that Council is not the Principal Certifying Authority), prior to commencement of the construction works.

64 **Acid Sulfate Soils**

The Wollongong Local Environmental Plan 2009 Acid Sulfate Soils Map has identified that this property may be affected by classes 3, 4 or 5 Acid Sulfate Soils. Acid Sulfate Soils contain iron sulfides which, when exposed to air due to drainage or disturbance, may produce sulfuric acid and release toxic quantities of iron, aluminium and heavy metals. The Acid Sulfate Soils Map is an indication only and you are advised that you may encounter acid sulfate soils during the excavation for the proposed development.

Any spoil material extracted or excavated from the foundations must be neutralised with commercial lime (calcium bicarbonate) by the addition of 10 kilograms of lime per 1 cubic metre of spoil material before it is disposed of or re-used on-site. Lime is to be added by evenly distributing over all exposed surface areas, drilled piers and footing trenches on the site, prior to pouring concrete.

Council suggests the applicant refer to the Acid Sulfate Soils Assessment Guidelines contained in the Acid Sulfate Soils Manual, prepared by NSW Acid Sulfate Management Advisory Committee, August 1998 for further information.

65 **Provision of Waste Receptacle**

The developer must provide an adequate receptacle to store all waste generated by the development, pending disposal. The receptacle must be regularly emptied and waste must not be allowed to lie or accumulate on the property other than in the receptacle. Consideration should be given to the source separation of recyclable and re-usable materials.

66 **Provision of Taps/Irrigation System**

The provision of common taps and/or an irrigation system is required to guarantee that all landscape works are adequately watered. The location of common taps and/or irrigation system must be implemented in accordance with the approved Landscape Plan.

67 **Screen Planting**

To mitigate impact to adjoining dwelling a continuous hedge is to be established along eastern and northern boundary for the length of property boundary.

Recommended species:

- Syzygium ‘Resilience’ on the eastern boundary.
- Elaeocarpus reticulatis on the northern boundary.

Minimum spacing 900mm.

Minimum pot size 25 lt.

A further list of suitable suggested species may be found in Wollongong Development Control Plan 2009 – Chapter E6: Landscaping.

- 68 **Podium Planting**
All podium planting areas are to have a waterproofing membrane that can provide a minimum 10 year warranty on product. Protective boarding is to be installed to protect membrane from damage.
- All podium planting areas to be provided with an adequate drainage system connected to the stormwater drainage system. The planter box is to be backfilled with free draining planter box soil mix.
- If selected mulch is decorative pebbles/gravel, the maximum gravel pebble size is 10mm diameter.
- 69 **Flood Compatible Materials – Electrical**
All power service (metering) equipment, power outlets, switches etc. shall be located above RL 5 metres AHD. All electrical wiring installed below this level should be suitable for continuous underwater immersion and should contain no fibrous components. Earth leakage circuit breakers shall also be installed. Any equipment installed below or partially below RL 5 metres AHD should be capable of disconnection by a single plug and socket assembly.
- 70 **Fences**
Any new fences constructed on the site and located in the flood plain shall be of a type that will not obstruct the free flow of floodwaters and not cause damage to surrounding land in the event of a flood.

Prior to the Issue of the Occupation Certificate

- 71 **Completion Report for Excavation adjacent to a Public Road**
A report be provided to Wollongong City Council and Principal Certifying Authority, prepared by a qualified Civil Engineer, NPER 3 accreditation with the Institute of Engineers Australia and experienced in structural design that:
- a Certifies that all proposed retaining structures within the zone of influence of any Council assets including the road pavement, stormwater pipes and pits was constructed in accordance with the approved plans prepared in accordance to RMS Technical direction GTD 2012/001.
 - b Certifies that the monitoring of the site was carried out in accordance with the requirements of RMS Technical direction GTD 2012/001.
 - c Provides a post construction dilapidation survey.
- 72 **Dilapidation Report Following Construction**
A Dilapidation Report prepared by a qualified structural engineer must be submitted to the principal certifying authority, together with the initial Dilapidation Report prepared prior to construction of the approved development.
- The report must ascertain whether any structural damage has occurred to adjoining buildings, infrastructure or roads following construction of the development. The report shall be submitted to the satisfaction of the Principal Certifying Authority and a copy must be provided to Council within one month of submission to the Principal Certifying Authority. This must be provided prior to the release of the Occupation Certificate.
- 73 The proposed Car Park Signals must be installed as per the recommendations of the Car Parking and Traffic Management Report. Details of such compliance are to be demonstrated prior to issue of Occupation Certificate.
- 74 **Flood Affection Certification**
The submission of a report from a suitably qualified and experienced civil (hydrology) engineer to the Principal Certifying Authority is required, prior to the issue of the final Occupation Certificate or commencement of use. This report is required to certify that the 'as constructed' development will not have any adverse effects to adjoining properties or upon the land with respect to the loss of flood storage, changes in flood levels and alteration of flood conveyance, as a result of flooding or stormwater run-off.

- 75 **Works-as-Executed Plans – Works within Council Road Reserve**
The submission of a Works-As-Executed (WAE) plan for works within Council Road Reserve must be submitted to Councils Development Engineering Manager for assessment, prior to the release of the occupation Certificate. The Works-As-Executed plans shall be certified by a registered surveyor indicating that the survey is a true and accurate record of the works that have been constructed. The Works-As-Executed dimensions and levels must also be shown in red on a copy of the approved Construction Certificate plans. The Works-As-Executed (WAE) plans must include:
- Final locations and levels for all works associated with the development within Council road reserve.
- 76 **Completion of Engineering Works**
The completion of all engineering works within Council's road reserve or other Council owned or controlled land in accordance with the conditions of this consent and any necessary work to make the construction effective must be to the satisfaction of Council's Manager Development Engineering. The total cost of all engineering works shall be fully borne by the applicant/developer and any damage to Council's assets shall be restored in a satisfactory manner, prior to the issue of the Occupation Certificate.
- 77 **CCTV**
All stormwater pipes within road reserves intended to be dedicated to Council must be inspected by CCTV. A copy of the CCTV inspection must be submitted to Councils Development Engineering Manager for assessment and approval prior to the issue of the Occupation Certificate. Below standard work must either be replaced or repaired to Councils satisfaction prior to the issuing of the Occupation Certificate.
- 78 **Retaining Wall Certification**
The submission of a certificate from a suitably qualified and experienced structural engineer or civil engineer to the Principal Certifying Authority is required, prior to the issue of the Occupation Certificate or commencement of the use. This certification is required to verify the structural adequacy of the retaining walls and that the retaining walls have been constructed in accordance with plans approved by the Principal Certifying Authority.
- 79 **Completion of Landscape Works**
The completion of the landscaping works as per the final approved Landscape Plan is required prior to the issue of Occupation Certificate.
- 80 **Structural Soundness Certification**
The submission of a report from a suitably qualified and experienced structural engineer to the Principal Certifying Authority is required, prior to the issue of the Occupation Certificate and commencement of use. This report is required to verify that the development can withstand the forces of floodwater, debris and buoyancy up to and including the 1 in 100 year flood level plus freeboard RL 5 metres AHD or greater.
- 81 **Completion of Landscape Works on Council Owned or Controlled Land**
The Developer must complete all landscape works required within Council's road reserve, or other Council owned or controlled land, in accordance with the conditions of this consent. The total cost of all such landscape works shall be fully borne by the Developer and any damage to Council's assets shall be the subject of restoration works sufficient to restore the asset to its previous state and configuration previous to the commencement of works. Evidence that this requirement has been met must be satisfied prior to the issue of the Occupation Certificate.
- 82 **Arborist Verification – Street Tree Installation**
Prior to the issue of Occupation Certificate, the developer must supply certification in the form of a report, including photographic evidence, from an AQF Level 5 Arborist to the Principle Certifying Authority and Wollongong City Council to verify:
- The tree stock complies with AS 2203:2018 Tree Stock for Landscape Use.

- The tree pits have been constructed and the trees installed in accordance with the requirements of the Wollongong City Council City Centre Public Domain Technical Manual and arboricultural best practice.

Operational Phases of the Development/Use of the Site

83 Street Tree Establishment Period – City Centre/Commercial Village Centre

The Developer must comply with the terms of an approved landscape maintenance program for a minimum period of 12 months to ensure that all landscape works within Council's road reserve or Council owned or controlled land becomes well established by regular maintenance. The Street Tree Establishment Period shall commence from the issue of the Occupation Certificate.

The program must include the following elements: watering, weeding, litter removal, mulching, fertilising, tree guard and grate maintenance, and pest and disease control.

Details of the proposed program must be submitted with the Landscape Plan to the Principal Certifying Authority for approval prior to release of the Construction Certificate.

Attachment 6 SEPP 65 ADG and WDCP 2009 Compliance Tables**1. SEPP 55 APARTMENT DESIGN GUIDE**

An assessment of the application against the Apartment Design Guide (ADG) is contained below.

<i>Standards/controls</i>	<i>Comment</i>	<i>Complies</i>
<u>1.1.1 PART 1 – IDENTIFYING THE CONTEXT</u>		
<u>1A Apartment building types</u> Generic apartment building types can be used to: - Determine the appropriate scale of future built form - Communicate the desired character of an area - Assist when testing envelope and development controls to achieve high amenity and environmental performance. Building types include: - Narrow infill apartments - Row apartments - Shop top apartments - Courtyard apartments - Perimeter block apartments - Tower apartments - Hybrid developments	Tower form	N/a
<u>1C Precincts and individual sites</u> Individual sites: New development on individual sites within an established area should carefully respond to neighbouring development, and also address the desired future character at the neighbourhood and street scales. Planning and design considerations for managing this include: - Site amalgamation where appropriate - Corner site and sites with multiple frontages can be more efficient than sites with single frontages - Ensure the development potential for adjacent sites is retained - Avoid isolated sites that are unable to realise the development potential.	The application incorporates satisfactory contextual analysis development potential of adjoining property (14 Smith Street). Amalgamation has been attempted, however the terms of the purchase as requested by the adjoining owner are not considered reasonable.	Yes

Standards/controls	Comment	Complies
Part 3 Siting the development <u>3A Site analysis</u> Site analysis uses the following key elements to demonstrate that design decisions have been based on opportunities and constraints of the site conditions and their relationship to the surrounding context: - Site location plan - Aerial photograph - Local context plan - Site context and survey plan - Streetscape elevations and sections - Analysis A written statement explaining how the design of the proposed development has responded to the site analysis must accompany the development application. <u>3B Orientation</u> Buildings must be oriented to maximise norther orientation, response to desired character, promote amenity for the occupant and adjoining properties, retain trees and open spaces and respond to contextual constraints such as overshadowing and noise. <u>Objective 3B-1:</u> <i>Building types and layouts respond to the streetscape and site while optimising solar access within the development</i> <u>Design Guidance</u> - Buildings should define the street by facing it and providing direct access. <u>Objective 3B-2</u> <i>Overshadowing of neighbouring properties is minimised during mid- winter</i> <u>Design Guidance</u> - Overshadowing should be minimised to the south or downhill by increased upper level setbacks - Refer sections 3D & 4A below for solar access requirements - A minimum of 4 hours of solar access should be retained to solar collectors on neighbouring buildings <u>3C Public domain interface</u> Key components to consider when designing the interface include entries, private terraces or balconies, fences and walls, changes in level, services locations and planting. The design of these elements can influence the real or perceived safety and security of residents, opportunities for	A site analysis has been provided The rear of the building faces north. Each apartment is on a separate floor, which maximises access to sunlight and ventilation. Tree retention on 18 Smith Street is discussed in the arborist report. The deep soil zone has been located on the western side to increase building setbacks and ensure no impacts upon the existing trees. Shadow diagrams have been provided, which show satisfactory solar access to adjoining properties. The Design Review Panel recommended design changes to improve the front setback. These changes have been made.	Yes Yes Yes

Standards/controls	Comment	Complies
social interaction and the identity of the development when viewed from the public domain <u>Objective 3C-1:</u> <i>Transition between private and public domain is achieved without compromising safety and security</i> <u>Design Guidance</u> - Terraces, balconies and courtyards should have direct street entry, where appropriate - Changes in level between private terraces etc above street level provide surveillance and improved visual privacy for ground level dwellings. - Front fences and walls along street frontages should use visually permeable materials and treatments. The height of solid fences or walls should be limited to 1m. - Opportunities should be provided casual interaction between residents and the public domain e.g. seating at building entries, near letterboxes etc <u>Objective 3C-2:</u> <i>Amenity of the public domain is retained and enhanced</i> <u>Design Guidance</u> - Planting softens the edges of any raised terraces to the street (e.g. basement podium) - Mailboxes should be located in lobbies perpendicular to street alignment or integrated into front fences. - Garbage storage areas, substations, pump rooms and other service requirements should be located in basement car parks. - Durable, graffiti resistant materials should be used - Where development adjoins public parks or open space the design should address this interface. <u>3D Communal and public open space</u> <u>Objective 3D-1</u> <i>An adequate area of communal open space is provided to enhance residential amenity and to provide opportunities for landscaping</i> <u>Design Criteria</u> 1. Communal open space has a minimum area of 25% of the site area 2. 50% direct sunlight provided to principal usable part of communal open space for a minimum of 2 hours between 9am and 3pm on 21 June <u>Design Guidance</u>	Level access is provided from Smith Street to the lobby. No front fence is proposed. Planter boxes are located along driveway to soften interface between the adjoining property. The garbage store is located in the basement. Proposed materials are durable and include exposed concrete, composite cladding and glass. Minimum 25% (208.75m²) is required, where 170m² is provided on the ground floor. The COS includes a sunroom and partially covered terrace.	Yes Yes Yes

Standards/controls	Comment	Complies
- Communal open space should be consolidated into a well-designed, usable area. - Minimum dimension of 3m - Should be co-located with deep soil areas - Direct & equitable access required - Where not possible at ground floor it should be located at podium or roof level. - Where developments are unable to achieve the design criteria, such as on small lots, sites within business zones, or in a dense urban area, they should: • provide communal spaces elsewhere such as a landscaped roof top terrace or a common room • provide larger balconies or increased private open space for apartments • demonstrate good proximity to public open space and facilities and/or provide contributions to public open space <u>Objective 3D-2</u> <i>Communal open space is designed to allow for a range of activities, respond to site conditions and be attractive and inviting</i> <u>Design guidance</u> - Facilities to be provided in communal open spaces for a range of age groups, and may incorporate seating, barbeque areas, play equipment, swimming pools <u>Objective 3D-3</u> <i>Communal open space is designed to maximise safety</i> <u>Design guidance</u> - Communal open space should be visible from habitable rooms and POS areas and should be well lit. <u>3E Deep soil zones</u> <u>Objective 3E-1</u> <i>3E-1 Deep soil zones provide areas on the site that allow for and support healthy plant and tree growth. They improve residential amenity and promote management of water and air quality.</i> <u>Design Criteria:</u>	This is considered acceptable as all apartments contain private open space considerably in excess of ADG requirements, and additional COS is available in the rear yard. Minimum dimension of 6.0m required, with minimum area of 58.45m² (7%). The nominated deep soil area is 133m² and located for the majority of the western boundary, adjoining 18 Smith Street. It has a depth of 2.9-3m and extends around the north-west corner. Council's landscape architect has advised they have no objection, subject	Yes

Standards/controls	Comment	Complies																								
1. Deep soil zones are to meet the following minimum requirements: <table border="1"> <thead> <tr> <th>Site area</th><th>Minimum dimensions</th><th>Deep soil zone (% of site area)</th></tr> </thead> <tbody> <tr> <td>less than 650m²</td><td>-</td><td rowspan="4">7%</td></tr> <tr> <td>650m² - 1,500m²</td><td>3m</td></tr> <tr> <td>greater than 1,500m²</td><td>6m</td></tr> <tr> <td>greater than 1,500m² with significant existing tree cover</td><td>6m</td></tr> </tbody> </table> Design guidance: - Deep soil zones should be located to retain existing significant trees. 3F Visual privacy <u>Objective 3F-1</u> <i>Adequate building separation distances are shared equitably between neighbouring sites, to achieve reasonable levels of external and internal visual amenity.</i> <u>Design Criteria:</u> 1. Minimum required separation distances from buildings to the side and rear boundaries are as follows: <table border="1"> <thead> <tr> <th>Building height</th><th>Habitable rooms and balconies</th><th>Non-habitable rooms</th></tr> </thead> <tbody> <tr> <td>up to 12m (4 storeys)</td><td>6m</td><td>3m</td></tr> <tr> <td>up to 25m (5-8 storeys)</td><td>9m</td><td>4.5m</td></tr> <tr> <td>over 25m (9+ storeys)</td><td>12m</td><td>6m</td></tr> </tbody> </table> Design Guidance - Apartment buildings should have an increased separation distance of 3m (in addition to the above requirements) when adjacent to a different zone that permits lower density residential development to provide for a transition in scale. - Direct lines of sight should be avoided - No separation is required between blank walls <u>Objective 3F-2:</u> <i>Site and building design elements increase privacy without compromising access to light and air and balance outlook and views from habitable rooms and private open space</i> <u>Design Guidance</u> - Communal open space, common areas and access paths should be separated from private open space and windows to apartments. Design solutions include: • Setbacks, • Solid or partly solid balustrades to balconies • Fencing or vegetation to separate spaces	Site area	Minimum dimensions	Deep soil zone (% of site area)	less than 650m ²	-	7%	650m ² - 1,500m ²	3m	greater than 1,500m ²	6m	greater than 1,500m ² with significant existing tree cover	6m	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 25m (9+ storeys)	12m	6m	to conditions of consent. These have been included in Attachment 5. Building setbacks are detailed on the architectural plans, which show the required ADG setbacks in relation to existing adjoining development. The building is 22.72m high at the top of the lift shaft. The setbacks generally meet non-habitable requirements, with the exception of small windows in the stairwell and lift lobby. Some habitable areas have setbacks less than the ADG. In these locations, openings are offset, high sill or are obstructed with fixed louvres. The western elevation largely contains solid walls. Rear setbacks comply.	Objectives achieved
Site area	Minimum dimensions	Deep soil zone (% of site area)																								
less than 650m ²	-	7%																								
650m ² - 1,500m ²	3m																									
greater than 1,500m ²	6m																									
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up to 25m (5-8 storeys)	9m	4.5m																								
over 25m (9+ storeys)	12m	6m																								

Standards/controls	Comment	Complies
• Screening devices • Raising apartments/private open space above the public domain • Planter boxes incorporated into walls and balustrades to increase visual separation • Pergolas or shading devices to limit overlooking • Only on constrained sites where it's demonstrated that building layout opportunities are limited – fixed louvres or screen panels - Windows should be offset from the windows of adjoining buildings <u>3G Pedestrian access and entries</u> <u>Objective 3G-1</u> <i>Building entries and pedestrian access connects to and addresses the public domain</i> <u>Design Guidance</u> - Multiple entries should be provided to activate the street edge. - Buildings entries should be clearly identifiable and communal entries should be clearly distinguishable from private entries. <u>Objective 3G-2</u> <i>Access, entries and pathways are accessible and easy to identify</i> <u>Design Guidance</u> - Building access areas should be clearly visible from the public domain and communal spaces - Steps and ramps should be integrated into the overall building and landscape design. <u>Objective 3G-3</u> <i>Large sites provide pedestrian links for access to streets and connection to destinations</i> <u>3H Vehicle access</u> <u>Objective 3H-1</u> <i>Vehicle access points are designed and located to achieve safety, minimise conflicts between pedestrians and vehicles and create high quality streetscapes</i> <u>Design Guidance</u> - Car park entries should be located behind the building line - Access point locations should avoid headlight glare to habitable rooms	A single pedestrian access is provided, which is satisfactory having regard to the number of apartments in the building. The vehicle entry/roller shutter is behind the building line. Waste room is located in the basement - bins will be	Yes Yes

<i>Standards/controls</i>	<i>Comment</i>	<i>Complies</i>
- Garbage collection, loading and service areas should be screened - Vehicle and pedestrian access should be clearly separated to improve safety. - Where possible, vehicle access points should not dominate the streetscape and be limited to the minimum width possible. <u>3J Bicycle and car parking</u> <u>Objective 3J-1</u> <i>Car parking is provided based on proximity to public transport in metropolitan Sydney and centres in regional areas</i> <u>Design Criteria</u> 1. On land zoned B3 or B4 and located within 400m of land zoned B3 and B4, the minimum car parking requirement for residents and visitors is set out in the Guide for Traffic Generating Development, or Council's car parking requirement, <u>whichever is less</u>. The carparking needs for a development must be provided off street. <u>Objective 3J-2</u> <i>Parking and facilities are provided for other modes of transport</i> <u>Design Guidance</u> - Conveniently located and sufficient numbers of parking spaces should be provided for motorbikes and scooters - Secure undercover bicycle parking should be provided that is easily accessible from both the public domain and common areas. <u>Objective 3J-3</u> <i>Car park design and access is safe and secure</i> <u>Design Guidance</u> - Supporting facilities within car parks (garbage rooms, storage areas, car wash bays) can be accessed without crossing parking spaces - A clearly defined and visible lobby or waiting area should be provided to lifts and stairs. - Permeable roller doors allow for natural ventilation and improve the safety of car parking areas by enabling passive surveillance. <u>Objective 3J-4</u> <i>Visual and environmental impact of underground car parking are minimised</i> <u>Design Guidance</u>	brought to the footpath for collection. Council's traffic engineer has no objection to the proposed basement entry or internal layout. 12 car parking spaces are provided. The land is located within approximately 280m metres of land zoned B3 or B4 under WLEP 2009. RMS and DCP 2009 both require 8 spaces (7 occupant and 1 visitor). Twelve spaces are provided (11 resident plus 1 visitor space). Council's traffic engineer has no objection to the basement layout.	Yes

Standards/controls	Comment	Complies
- Excavation should be minimised through efficient carpark layouts and ramp design. - Protrusion of carparks should not exceed 1.0m above ground level. - Natural ventilation should be provided to basement and sub-basement car parking areas. - Ventilation grills or screening devices should be integrated into the façade and landscape design. <u>Objective 3J-5</u> <i>Visual and environmental impacts of on-grade car parking are minimised</i> - On grade car parking should be avoided - Design guidelines provided where it's unavoidable <u>Objective 3J-6</u> <i>Visual and environmental impacts of ground enclosed car parking are minimised</i> - Exposed parking should not be located along primary street frontages - Positive street address and active street frontages should be provided at ground level.		
<i>Part 4 – Designing the building - Amenity</i> <u>4A Solar and daylight access</u> <u>Objective 4A-1</u> <i>To optimise the number of apartments receiving sunlight to habitable rooms, primary windows and private open space</i> <u>Design Criteria</u> 1. Living rooms and private open spaces of at least 70% of apartments in a building receive a minimum of two (2) hours direct sunlight between 9am and 3pm in mid-winter in Wollongong LGA. 2. A maximum of 15% of apartments in a building receive no direct sunlight between 9am and 3pm at mid-winter <u>Design Guidance</u> - The design maximises north aspect and the number of single aspect south facing apartments is minimised - To optimise the direct sunlight to habitable rooms and balconies, the following design features are used: Dual aspect, Shallow apartment layouts Bay windows	The applicant's architect has advised that 100% of the apartments will achieve minimum 3 hours in midwinter	Yes

Standards/controls	Comment	Complies
- To maximise the benefit to residents, a minimum of 1m² of direct sunlight measured at 1m above floor level, is achieved for at least 15 minutes. <u>Objective 4A-2</u> <i>Daylight access is maximised where sunlight is limited</i> <u>Design Guidance</u> - Courtyards, skylights and high level windows (sill heights of 1500mm or greater) are used only as secondary light sources in habitable rooms <u>Objective 4A-3</u> <i>Design incorporates shading and glare control, particularly for warmer months</i> <u>Design Guidance</u> Design features can include: - Balconies - Shading devices or planting - Operable shading - High performance glass that minimises external glare <u>4B natural ventilation</u> <u>Objective 4B-1</u> <i>All habitable rooms are naturally ventilated.</i> <u>Design Guidance</u> - A building's orientation should maximise the prevailing winds for natural ventilation in habitable rooms - The area of unobstructed window openings should be equal to at least 5% of the floor area served. - Doors and openable windows should have large openable areas to maximise ventilation. <u>Objective 4B-2</u> <i>The layout and design of single aspect apartments maximises natural ventilation</i> <u>Design Guidance</u> - Single aspect apartments should use design solutions to maximise natural ventilation. <u>Objective 4B-3</u> <i>The number of apartments with natural cross ventilation is maximised to create a comfortable indoor environment for residents</i> <u>Design Criteria:</u> 1. 60% of apartments are naturally cross ventilated in the first nine storeys	The applicant's architect has advised that 100% of the apartments will achieve cross ventilation.	Yes

Standards/controls	Comment	Complies
2. Overall depth of a cross-over or cross-through apartment does not exceed 18m, measured glass line to glass line. <u>4C Ceiling heights</u> <u>Objective 4C-1</u> <i>Ceiling height achieves sufficient natural ventilation and daylight access</i> <u>Design Criteria</u> 1. Minimum 2.7m for habitable rooms and 2.4m for non-habitable rooms <u>Objective 4C-2</u> <i>Ceiling height increases the sense of space in apartments and provides for well-proportioned rooms</i> <u>Objective 4C-3</u> <i>Ceiling height contribute to the flexibility of building use over the life of the building</i> <u>Design Guidance</u> - Ceiling heights of lower level apartments in centres should be greater than the minimum required by the design criteria allowing flexibility and conversion to non-residential uses. <u>4D Apartment size and layout</u> <u>Objective 4D-1</u> <i>The layout of rooms within an apartment is functional, well organised and provides a high standard of amenity</i> <u>Design Criteria:</u> 1. Minimum internal areas: Studio – 35m² 1 bed – 50m² 2 bed – 70m² 3 bed – 90m² The minimum internal areas include only 1 bathroom. Additional bathrooms increase the minimum internal areas by 5m² each. 2. 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 <u>Design Guidance:</u> - Where minimum areas are not met, need to demonstrate the usability and functionality of the space with realistically scaled furniture layouts and circulation areas. <u>Objective 4D-2</u>	Ceiling height 2.7m to all habitable rooms All apartments have 3 or more bedrooms and exceed 90m²	Yes Yes

<i>Standards/controls</i>	<i>Comment</i>	<i>Complies</i>
<i>Environmental performance of the apartment is maximised</i> <u>Design Criteria:</u> - Habitable room depths are limited to a maximum of 2.5 x ceiling height - In open plan layouts (where the living, dining and kitchen are combined) the maximum habitable room depth is 8m from a window. <u>Design Guidance:</u> - Greater than the minimum ceiling heights can allow proportionate increases in room depths. - Where possible, bathrooms and laundries should have an external openable window. - Main living spaces should be oriented towards the primary outlook. <u>Objective 4D-3</u> <i>Apartment layouts are designed to accommodate a variety of household activities and needs</i> <u>Design Criteria:</u> - Master bedrooms have a minimum area of 10m² and other bedrooms 9m² (excl wardrobe space) - Bedrooms have minimum dimension of 3m (excl wardrobe) - Living rooms have minimum width of: - 3.6m for studio and 1 bed apartments and - 4m for 2+ beds. - The width of the crossover or cross through apartments are at least 4m internally to avoid deep narrow apartment layouts. <u>Design Guidance:</u> - Access to bedrooms, bathrooms and laundries is separated from living areas - Minimum 1.5m length for bedroom wardrobes - Main bedroom apartment: minimum 1.8m long x 0.6m deep x 2.1m high wardrobe - Apartment layouts allow for flexibility over time, including furniture removal, spaces for a range of activities and privacy levels within the apartments. <u>4E Private open space and balconies</u> <u>Objective 4E-1</u> <i>Apartments provide appropriately sized private open space and balconies to enhance residential amenity</i> - Minimum balcony depths are:	Habitable room depth complies. Storage provided for all apartments in the basement plus additional wardrobes and cupboards inside apartments	Yes Yes Yes

Standards/controls				Comment	Complies														
<table><tr><th>Dwelling type</th><th>Minimum area</th><th>Minimum depth</th></tr><tr><td>Studio apartments</td><td>4m²</td><td>-</td></tr><tr><td>1 bedroom apartments</td><td>8m²</td><td>2m</td></tr><tr><td>2 bedroom apartments</td><td>10m²</td><td>2m</td></tr><tr><td>3+ bedroom apartments</td><td>12m²</td><td>2.4m</td></tr></table>	Dwelling type	Minimum area	Minimum depth	Studio apartments	4m ²	-	1 bedroom apartments	8m ²	2m	2 bedroom apartments	10m ²	2m	3+ bedroom apartments	12m ²	2.4m	The minimum balcony depth to be counted as contributing to the balcony area is 1m.		All balconies exceed size requirements	Yes
Dwelling type	Minimum area	Minimum depth																	
Studio apartments	4m ²	-																	
1 bedroom apartments	8m ²	2m																	
2 bedroom apartments	10m ²	2m																	
3+ bedroom apartments	12m ²	2.4m																	
2. Ground level apartment POS must have minimum area of 15m ² and min. depth of 3m																			
<u>Objective 4E-2</u> <i>Primary private open space and balconies are appropriately located to enhance liveability for residents</i>																			
<u>Design Guidance</u> - Primary private open space and balconies should be located adjacent to the living room, dining room or kitchen to extend the living space. - POS & Balconies should be oriented with the longer side facing outwards to optimise daylight access into adjacent rooms.																			
<u>Objective 4E-3</u> <i>Primary private open space and balcony design is integrated into and contributes to the overall architectural form and detail of the building</i>																			
<u>Design Guidance</u> - A combination of solid and transparent materials balances the need for privacy with surveillance of the public domain - Full width glass balustrades alone are not desirable - Operable screens etc are used to control sunlight and wind and provide increased privacy for occupancy while allowing for storage and external clothes drying.		All balconies positioned in a suitable location	Yes																
<u>Objective 4E-4</u> <i>Private open space and balcony design maximises safety</i>																			
<u>Design Guidance</u> - Changes in ground levels or landscaping are minimised.																			
<u>4F Common circulation and spaces</u>																			
<u>Objective 4F-1</u> <i>Common circulation spaces achieve good amenity and properly service the number of apartments.</i>																			
<u>Design Criteria</u> 1. The maximum number of apartments off a circulation core on a single level is eight		Only one apartment per floor	Yes																

Standards/controls	Comment	Complies										
2. For buildings of 10 storeys and over, the maximum number of apartments sharing a single lift is 40. <u>Design Guidance</u> - Long corridors greater than 12m in length should be articulated through the use of windows or seating. - Primary living rooms or bedroom windows should not open directly onto common circulation spaces, whether open or enclosed. Visual and acoustic privacy from common circulation spaces should be controlled. <u>Objective 4F-2</u> <i>Common circulation spaces promote safety and provide for social interaction between residents</i> <u>Design Guidance:</u> - Incidental spaces can be used to provide seating opportunities for residents and promotes opportunities for social interaction. <u>4G Storage</u> <u>Objective 4G-1</u> <i>Adequate, well designed storage is provided in each apartment</i> 1. In addition to storage in kitchens, bathrooms and bedrooms, the following storage is provided <table><tr><th>Dwelling type</th><th>Storage size volume</th></tr><tr><td>Studio apartments</td><td>4m³</td></tr><tr><td>1 bedroom apartments</td><td>6m³</td></tr><tr><td>2 bedroom apartments</td><td>8m³</td></tr><tr><td>3+ bedroom apartments</td><td>10m³</td></tr></table> <u>Objective 4G-2</u> <i>Additional storage is conveniently located, accessible and nominated for individual apartments</i> <u>Design Guidance:</u> - Storage not located within apartments should be allocated to specific apartments. <u>4H Acoustic privacy</u> <u>Objective 4H-1</u> <i>Noise transfer is minimised through the siting of buildings and building layout</i> <u>Design Guidance</u> - Adequate building separation is required (see section 2F above).	Dwelling type	Storage size volume	Studio apartments	4m ³	1 bedroom apartments	6m ³	2 bedroom apartments	8m ³	3+ bedroom apartments	10m ³	Apartments have basement storage and additional storage within apartments Building separation has been considered by the Design Review Panel.	Yes Yes
Dwelling type	Storage size volume											
Studio apartments	4m ³											
1 bedroom apartments	6m ³											
2 bedroom apartments	8m ³											
3+ bedroom apartments	10m ³											

Standards/controls	Comment	Complies
- Noisy areas within buildings should be located next to or above each other and quieter areas next to or above quieter areas. - Storage, circulation areas and non-habitable rooms should be located to buffer noise from external sources. - Noise sources such as garage doors, plant rooms, active communal open spaces and circulation areas should be located at least 3m away from bedrooms. <u>Objective 4H-2</u> <i>Noise impacts are mitigated within apartments through layout and acoustic treatments</i> <u>Design Guidance</u> - In addition to mindful siting and orientation of the building, acoustic seals and double or triple glazing are effective methods to further reduce noise transmission.	Noise sources are located away from sensitive areas	
<u>4J Noise and pollution</u> <u>Objective 4J-1</u> <i>In noisy or hostile environments, the impacts of external noise and pollution are minimised through the careful siting and layout of buildings</i> <u>Design Guidance</u> - Minimise impacts through design solutions such as physical separation from the noise or pollution source, <u>Objective 4J-2</u> <i>Appropriate noise shielding or attenuation techniques for the building design, construction and choice of materials are used to mitigate noise transmission</i> <u>Design guidance:</u> - Design solutions include limiting openings to noise sources & providing seals to prevent noise transfer. Part 4 – Designing the building - Configuration <u>4K Apartment mix</u> <u>Objective 4K-1</u> <i>A range of apartment types and sizes is provided to cater for different household types now and into the future</i> <u>Design guidance</u> - A variety of apartment types is provided - The apartment mix is appropriate, taking into consideration the location of public transport, market demands, demand for affordable housing, different cultural/social groups - Flexible apartment configurations are provided to support diverse household types and stages of life	Not applicable All apartments exceed 110m² and have 3 or more bedrooms. This mix is considered acceptable in a building containing a small number of apartments (5).	N/a Yes

Standards/controls	Comment	Complies
<u>Objective 4K-2</u> <i>The apartment mix is distributed to suitable locations within the building</i> <u>Design guidance</u> - Larger apartment types are located on the ground or roof level where there is potential for more open space and on corners where more building frontage is available <u>4L Ground floor apartments</u> <u>Objective 4L-1</u> <i>Street frontage activity is maximised where ground floor apartments are located</i> <u>Design guidance</u> - Direct street access should be provided to ground floor apartments - Activity is achieved through front gardens, terraces and the facade of the building. - Ground floor apartment layouts support small office home office (SOHO) use to provide future opportunities for conversion into commercial or retail areas. In these cases, provide higher floor to ceiling heights and ground floor amenities for easy conversion <u>Objective 4L-2</u> <i>Design of ground floor apartments delivers amenity and safety for residents</i> <u>Design guidance</u> - The design of courtyards should balance the need for privacy of ground floor apartments with surveillance of public spaces. Design solutions include: • elevation of private gardens and terraces above the street level by 1-1.5m (see figure 4L.4) • landscaping and private courtyards • window sill heights that minimise sight lines into apartments • integrating balustrades, safety bars or screens with the exterior design - Solar access should be maximised through: • high ceilings and tall windows • trees and shrubs that allow solar access in winter and shade in summer <u>4M Facades</u> <u>Objective 4M-1</u> <i>Building facades provide visual interest along the street while respecting the character of the local area</i>	Apartment 1 is located on the ground floor, and benefits from front yard landscaping treatment. Access is provided via the central lobby.	Yes

<i>Standards/controls</i>	<i>Comment</i>	<i>Complies</i>
<u>Design guidance</u> - To ensure that building elements are integrated into the overall building form and façade design - The front building facades should include a composition of varied building elements, textures, materials, detail and colour and a defined base, middle and top of building. - Building services should be integrated within the overall facade - Building facades should be well resolved with an appropriate scale and proportion to the streetscape and human scale. - To ensure that new developments have facades which define and enhance the public domain and desired street character. <u>Objective 4M-2</u> <i>Building functions are expressed by the facade</i> <u>Design guidance</u> - Building entries should be clearly defined <u>4N Roof design</u> <u>Objective 4N-1</u> <i>Roof treatments are integrated into the building design and positively respond to other street</i> <u>Design guidance</u> - Roof design should use materials and a pitched form complementary to the building and adjacent buildings. <u>Objective 4N-2</u> <i>Opportunities to use roof space for residential accommodation and open space are maximised</i> <u>Design guidance</u> - Habitable roof space should be provided with good levels of amenity. - Open space is provided on roof tops subject to acceptable visual and acoustic privacy, comfort levels, safety and security considerations <u>Objective 4N-3</u> <i>Roof design incorporates sustainability features</i> <u>Design guidance</u> - Roof design maximises solar access to apartments during winter and provides shade during summer <u>4O Landscape design</u> <u>Objective 4O-1</u> <i>Landscape design is viable and sustainable</i>	An appropriate mix of materials is proposed. Recommendations of the Design Review Panel have been incorporated into the building exterior. The revised roof design responds to the recommendations of the Design Review Panel.	Yes Yes Yes

Standards/controls	Comment	Complies
<i>Universal design features are included in apartment design to promote flexible housing for all community members</i> <u>Design guidance</u> - A universally designed apartment provides design features such as wider circulation spaces, reinforced bathroom walls and easy to reach and operate fixtures <u>Objective 4Q-2</u> <i>A variety of apartments with adaptable designs are provided</i> <u>Design guidance</u> - Adaptable housing should be provided in accordance with the relevant council policy <u>Objective 4Q-3</u> <i>Apartment layouts are flexible and accommodate a range of lifestyle needs</i> <u>Design guidance</u> - Apartment design incorporates flexible design solutions Part 4 – Designing the building - Configuration <u>4U Energy efficiency</u> <u>Objective 4U-1</u> <i>Development incorporates passive environmental design</i> <u>Design guidance</u> - Adequate natural light is provided to habitable rooms (see 4A Solar and daylight access) <u>Objective 4U-2</u> <i>Development incorporates passive solar design to optimise heat storage in winter and reduce heat transfer in summer</i> <u>Design Guidance</u> - Provision of consolidated heating and cooling infrastructure should be located in a centralised location <u>Objective 4U-3</u> <i>Adequate natural ventilation minimises the need for mechanical ventilation</i> <u>4V Water management and conservation</u> <u>Objective 4V-1</u> <i>Potable water use is minimised</i> <u>Objective 4V-2</u>	adaptation plans are provided. A BASIX certificate has been provided. Water tank proposed	Yes Yes

Standards/controls	Comment	Complies
<i>Urban stormwater is treated on site before being discharged to receiving waters</i> <u>Design guidance</u> - Water sensitive urban design systems are designed by a suitably qualified professional <u>Objective 4V-3</u> <i>Flood management systems are integrated into site design</i> <u>Design guidance</u> - Detention tanks should be located under paved areas, driveways or in basement car parks <u>4W Waste management</u> <u>Objective 4W-1</u> <i>Waste storage facilities are designed to minimise impacts on the streetscape, building entry and amenity of residents</i> <u>Design guidance</u> - Common waste and recycling areas should be screened from view and well ventilated <u>Objective 4W-2</u> <i>Domestic waste is minimised by providing safe and convenient source separation and recycling</i> <u>Design guidance</u> - Communal waste and recycling rooms are in convenient and accessible locations related to each vertical core - For mixed use developments, residential waste and recycling storage areas and access should be separate and secure from other uses - Alternative waste disposal, such as composting, can be incorporated into the design of communal open space areas <u>4X Building maintenance</u> <u>Objective 4X-1</u> <i>Building design detail provides protection from weathering</i> <u>Design guidance</u> - Design solutions such as roof overhangs to protect walls and hoods over windows and doors to protect openings can be used.	Waste bin storage is located in the basement. Bins will be moved to the footpath on collection day. Durable external materials are proposed, and non-trafficable areas can be used for maintenance with safe tethering.	Yes Yes

<i>Standards/controls</i>	<i>Comment</i>	<i>Complies</i>
<u>Objective 4X-2</u> <i>Systems and access enable ease of maintenance</i> <u>Design guidance</u> - Window design enables cleaning from the inside of the building <u>Objective 4X-3</u> <i>Material selection reduces ongoing maintenance costs</i> <i>easily cleaned surfaces that are graffiti resistant</i>		

2. WOLLONGONG DEVELOPMENT CONTROL PLAN 2009

Chapter A1 Clause 8 Variations to development controls in the DCP

No variations to the DCP are proposed. The setback controls in DCP 2009 are superseded by the ADG.

CHAPTER A2 – ECOLOGICALLY SUSTAINABLE DEVELOPMENT

Development controls to improve the sustainability of development throughout Wollongong are integrated into the relevant chapters of this DCP.

CHAPTER D13 – WOLLONGONG CITY CENTRE

Relevant provisions are addressed below.

2 Building form

<i>Objectives/controls</i>	<i>Comment</i>	<i>Complies</i>
<u>2.2 Building to street alignment and street setbacks</u>	Front setback approximately 4.6m where 4m minimum applies.	Yes
<u>2.4 Building depth and bulk</u>	Building does not exceed 18m maximum permitted depth.	Yes
<u>2.5 Side and rear building setbacks and building separation</u>	ADG control prevails over WDCP 2009.	ADG prevails
<u>2.7 Deep soil zone</u>	ADG control (7%) prevails over DCP minimum 15%. A DSZ of 133m ² (16%) provided.	Yes
<u>2.8 Landscape design</u>	A revised landscaping plan has been provided and is satisfactory.	Yes
<u>2.9 Green roofs, green walls and planting on structures</u>	Green roof proposed (refer landscape rooftop plan).	Yes

3 Pedestrian amenity

<i>Objectives/controls</i>	<i>Comment</i>	<i>Complies</i>
<u>3.3 Active street frontages</u>	Clear street address and building entrance lobby is provided.	Yes

<u>3.4 Safety and security</u>	Natural surveillance opportunities are provided. Secure access would be provided to the lobby and basement.	Yes
<u>3.6 Vehicular footpath crossings</u>	One crossing is proposed.	Yes
<u>3.8 Building exteriors</u>	The proposed exterior is comprised of durable materials, which are accessible for maintenance.	Yes
<u>3.10 Views and view corridors</u>	The land is located within the broader escarpment views from the lighthouse. No specific views through the site have been identified in planning documents or submissions.	Yes

4 Access, parking and servicing

<i>Objectives/controls</i>	<i>Comment</i>	<i>Complies</i>
<u>4.2 Pedestrian access and mobility</u>	Safe and equitable access is provided to the building.	Yes
<u>4.3 Vehicular driveways and manoeuvring areas</u>	Council's traffic engineer has no objection to the nominated driveway.	Yes
<u>4.4 On-site parking</u> Parking is required in accordance with Chapter E3.	DCP 2009 rates are the same RMS rates (7 occupant plus 1 visitor space required). A surplus of parking is proposed.	Yes
<u>4.5 Site facilities and services</u>	The existing building is serviced by utilities. The proposed building would require new utility connections. Conditions of consent are included in Attachment 5.	Yes

5 Environmental management

<i>Objectives/controls</i>	<i>Comment</i>	<i>Complies</i>
<u>5.2 Energy efficiency and conservation</u>	A BASIX certificate has been provided and is satisfactory.	Yes
<u>5.3 Water conservation</u>	The proposal is not expected to result in significant water consumption and there are opportunities to incorporate water saving measures.	Yes
<u>5.4 Reflectivity</u>	The proposed external finishes do not contain highly reflective materials.	Yes
<u>5.5 Wind mitigation</u>	The proposed building is 22.72m. A wind analysis is not required for buildings of this height.	N/a
<u>5.6 Waste and recycling</u>	The basement contains a waste storage room. Bins are proposed to be wheeled to the footpath on collection day. The number of bins would occupy less than 50% of the footpath.	Yes

6 Residential development standards

<i>Objectives/controls</i>	<i>Comment</i>	<i>Complies</i>
<u>6.1 SEPP 65</u>	ADG compliance is addressed in section 2.1.2.	Yes
<u>6.2 Housing choice and mix</u>	100% of apartments are 3 or more bedrooms. Developments less than 6 apartments may achieve a mix appropriate to the locality.	Yes
<u>6.6 Basement Carparks</u>	The split-level basement does not impact upon compliance with deep soil zone or landscaping requirements. The basement uses mechanical stackers, which lower into a 2m deep pit (refer DA-12).	Yes
<u>6.7 Communal open space</u>	The communal open space is located at the rear of the building (ground level) and on the western side including covered sunroom/ greenhouse.	Yes
<u>6.8 Private open space</u>	All apartments exceed minimum area requirements.	Yes
<u>6.9 Overshadowing</u>	Shadow diagrams are provided, which show adjoining land would achieve at minimum 2-3 hours in midwinter. This complies with the ADG.	ADG prevails
• <u>6.10 Solar access</u> • <u>6.11 Natural ventilation</u> • <u>6.12 Visual privacy</u>	All apartments receive more than 70% of sunlight in midwinter. All apartments achieve cross ventilation. Direct overlooking is minimised through limited number of openings, or restricted size of openings. All circulation areas between floors are internal.	Yes Yes
• <u>6.13 Acoustic Privacy</u>	The building arrangement is one apartment per floor. No significant transmission between apartments is anticipated. Where private open space adjoins communal open space or circulation areas, noise impacts are ameliorated through use of landscaped areas or changes of level.	Yes
• <u>6.14 Storage</u>	All apartments have basement and internal storage.	Yes

8 Works in the public domain

None proposed. Council's landscape officer recommends street tree planting.

CHAPTER B1 – RESIDENTIAL DEVELOPMENT

Only those provisions not superseded by Chapter E13 are addressed below:

4.0 General Residential controls

<i>Controls/objectives</i>	<i>Comment</i>	<i>Complies</i>
<u>4.7 Solar Access</u>	Shadow diagrams are provided showing shadows potentially cast onto 14 and 18 Smith Street.	Yes
<u>4.8 Building Character and Form</u>	The building considers natural and built forms in the locality. The split-level design allows the building to have direct access from the street and also step down the site	Yes
<u>4.14 Services</u>	Utility connection would be a condition of consent.	Yes
<u>4.15 Development near the coastline</u>	The development is not identified as subject to coastal hazards.	Yes

6 Residential flat buildings

<i>Controls/objectives</i>	<i>Comment</i>	<i>Complies</i>
<u>6.5 Built Form</u>	The built form is compatible with surrounding future development.	Yes
<u>6.6 Visual privacy</u>	Elements of the exterior noted in (3) have been incorporated into the development.	Yes
<u>6.9 Basement Car Parking</u>	Landscaped terraces reduce the visual impact of the basement.	Yes
<u>6.10 Access Requirements</u>	Council's traffic engineer has no objection to the location of the driveway.	Yes
<u>6.15 Adaptable Housing</u>	One apartment is designated adaptable (apartment 3).	Yes
<u>6.16 Access for People with a Disability</u>	The building is accessible.	Yes

PRECINCT PLAN – Wollongong City Centre

Chapter D13 contains provisions for development in the city centre.

CHAPTER E2: CRIME PREVENTION THROUGH ENVIRONMENTAL DESIGN

<i>Control/objective</i>	<i>Comment</i>	<i>Complies</i>
<u>3.1 Lighting</u>	No details of lighting are provided.	N/a
<u>3.2 Natural surveillance and sightlines</u>	The lobby faces Smith Street and offers good sightlines of the building entrance. Communal open space is located at the rear and also provides oversight of the rear yard area.	Yes
<u>3.3 Signage</u>	None proposed	N/a
<u>3.4 Building design</u>	The building would have secure access to each floor and basement level.	Yes
<u>3.5 Landscaping</u>	Landscaped areas retain views and avoid concealment areas.	Yes

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

Council's traffic engineer has reviewed the proposed basement plan and has no objection to the use of mechanical car stackers or basement layout. Conditions of consent recommended by Council's engineer have been incorporated into Attachment 5.

The ADG specifies that development is to be the lower of RMS and Council's DCP 2009 rates. Both policies require 8 parking spaces (7 occupant plus 1 visitor).

The DCP requires:

- 1.25 spaces per apartment greater than 110m² = 6.25 [7] spaces
- Plus 0.2 spaces per apartment for visitors = 1

RMS requires:

- 1.4 spaces per 3-bedroom unit = 7 spaces
- Plus 0.2 spaces per visitor parking = 1 space

Twelve spaces are proposed (11 resident and 1 visitor). The four surplus spaces are considered gross floor area and contribute to floor space ratio.

8 Vehicular access

Driveway grades and sight distances comply.

9 Loading / unloading facilities and service vehicle manoeuvring

The development complies with AS 2890.2. Waste servicing will occur from the kerb.

10 Pedestrian access

The proposal is satisfactory regarding pedestrian access into the site and along the frontage.

11 Safety & security (Crime Prevention through Environmental Design) measures for car parking areas

The proposal is satisfactory having regard to the principles of CPTED.

CHAPTER E6: LANDSCAPING

Landscaping plans prepared by Site Designs Studios have been prepared in response to comments of the Design Review Panel.

Council's landscape officer has recommended conditions of consent regard street tree and on-site planting. These conditions are included in Attachment 5.

CHAPTER E7: WASTE MANAGEMENT

A satisfactory site waste minimisation and management plan has been provided.

The proposal involves demolition of the existing dwelling house and outbuilding, and a demolition plan has been provided nominating the disposal location of building materials.

Suitable waste storage and servicing arrangements are proposed. Bin storage would occur in the basement car park with bins manually moved to the footpath on collection day.

CHAPTER E13 FLOODPLAIN MANAGEMENT

The land is identified as being flood affected. Council's stormwater engineer has reviewed the flooding report submitted with the application and recommended conditions of consent, which are included in Attachment 5.

CHAPTER E14 STORMWATER MANAGEMENT

Concept drainage plans have been submitted and are satisfactory in principle. Council's stormwater engineer has recommended conditions of consent regarding drainage design and these conditions are included in Attachment 5.

CHAPTER E17 PRESERVATION AND MANAGEMENT OF TREES AND VEGETATION

Removal of one tree is proposed and is supported by Council's landscape officer.

Consideration has been given to protection of trees on 18 Smith Street. The proposed setback will facilitate protection.

CHAPTER E19 EARTHWORKS (LAND RESHAPING WORKS)

Basement excavation is proposed. Attachment 5 contains conditions of consent regarding excavation methods, including preparation of dilapidation reports before and after construction.

CHAPTER E21 DEMOLITION AND HAZARDOUS BUILDING MATERIALS MANAGEMENT

Demolition of the existing dwelling house and outbuilding is proposed. Attachment 5 contains conditions of consent regarding notice to neighbours and safe demolition practice, including asbestos handling.

CHAPTER E22 SOIL EROSION AND SEDIMENT CONTROL

Conditions of consent are recommended in regard to appropriate sediment and erosion control measures to be in place during works.