

## Wollongong Local Planning Panel Assessment Report – Electronic Meeting

<b>WLPP No.</b>	Addendum Report
<b>DA No.</b>	DA-2021/1117
<b>Proposal</b>	Residential - demolition of existing structures and construction of a residential flat building
<b>Property</b>	1-3 Church Street, WOLLONGONG
<b>Applicant</b>	PRD Architects
<b>Responsible Team</b>	Development Assessment and Certification – City Centre Planning Team (NL)

### 1. BACKGROUND AND EXECUTIVE SUMMARY

#### Reason for consideration by Local Planning Panel – Determination

The proposal was referred to the WLPP for determination on 7 June 2022 pursuant to clause 2.19(a) of the Environmental Planning and Assessment Act 1979. Under clause 2(b) and 4(b) of Schedule 2 of the Local Planning Panels Direction, the proposal received over 10 unique objections and is development to which State Environmental Planning Policy 65 Design Quality of Residential Apartment Development applies. This report should be read in conjunction with the Officer’s report to the WLPP of the 7 June at Attachment 1.

The WLPP deferred the application for the reasons outlined below.

#### Proposal

The proposal is for a 9 storey residential flat building located above basement car parking.

#### 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 original proposal was notified in accordance with Council’s Notification Policy received 34 objections and 6 letters of support which are discussed at section 2.8 of the original assessment report at **Attachment 1**. The Panel was addressed by two submitters on 7 June 2022.

The amended documentation did not require renotification as the amendments do not substantially change the development or the likely impacts.

#### RECOMMENDATION

The applicant has submitted amended plans and documentation that are considered to suitably address the concerns raised by the WLPP at the 7 June meeting and the application is recommended for approval subject to the draft conditions at Attachment 7.

## **2. PANEL CONSIDERATION AND DECISION:**

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The Panel deferred the application at the 7 June 2022 meeting for the following reasons:

- *The Panel is not satisfied that the negotiations in relation to the valuation in respect of 5 Church Street and the offers made address the relevant Planning Principle for “Redevelopment -isolation of site by redevelopment of adjacent site(s)”. The Panel requires detailed documented and evidence as to the level of negotiation and the reasonableness of offers as well as any relevant planning requirements and the provisions of S79C of the EP&A Act 1979.*
- *The Panel requests the Council to enquire of the neighbour and or representative at 5 Church Street of any documentation they may have relating to the matters discussed in the above dot point. In the absence of documentation, statutory declarations may be provided.*
- *Notwithstanding the above, further consideration should be given to providing more detail to demonstration of the highest and best development that could occur on 5 Church Street in the absence of its consolidation.*
- *In relation to the setbacks at levels 7 and 8 it is considered that greater compliance can be achieved without sacrificing amenity of future residents and neighbours.*

*The matter shall be re-referred to the Panel for determination upon submission of the above information.*

## **3. ACTIONS FOLLOWING MEETING**

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The applicant provided a cover letter in response to the Panel recommendations which is contained at Attachment 2. Revised architectural plans for the site and a revised concept plan for no. 5 Church Street have also been prepared and are contained at Attachment 3 and Attachment 4. Additional documentation has been provided by 5 Church Street and the applicant as to the negotiations between the parties towards purchasing no.5 Church Street and are contained at Attachment 5 and Attachment 6.

An assessment of how the applicant has responded to the Panel recommendations is contained below.

### Panel recommendation

*The Panel is not satisfied that the negotiations in relation to the valuation in respect of 5 Church Street and the offers made address the relevant Planning Principle for “Redevelopment -isolation of site by redevelopment of adjacent site(s)”. The Panel requires detailed documented and evidence as to the level of negotiation and the reasonableness of offers as well as any relevant planning requirements and the provisions of S79C of the EP&A Act 1979.*

*The Panel requests the Council to enquire of the neighbour and or representative at 5 Church Street of any documentation they may have relating to the matters discussed in the above dot point. In the absence of documentation, statutory declarations may be provided.*

### Response

The agent acting for the owners of 5 Church Street has submitted documentation detailing the negotiations as to an offer to purchase no. 5 Church Street. The applicant has also submitted additional documentation in this regard. This is contained at Attachment 5 and Attachment 6 respectively.

The relevant NSW Planning Principle is that of *Karavellas v Sutherland Shire* (Council[2004] NSWLEC 251). The key considerations under that planning principle are outlined below.

*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?*

*The principles to be applied in determining the answer to the first question are set out by Brown C in Melissa Grech v Auburn Council [2004] NSWLEC 40. 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.*

The negotiations between the developer/applicant and the owners of 5 Church Street were undertaken prior to the lodgement of the development application. Negotiations commenced around 10 September 2020 and were abandoned in January 2021 with the development application being lodged on 30 September 2021.

*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.*

A valuation by Cityside Valuers dated December 2020 signed by Peter Craig the Certified Practicing Valuer for a value of \$1,100,000 is contained at Attachment 5. An initial written offer of \$2.3 million was made but later revised down to \$2.1 million on the 9 December 2020. A signed letter from the owners declining the offer of \$2.1 million and indicating no desire to sell the property dated 30 January is contained at Attachment 5. It is noted that at the meeting of 7 June 2022, concern was raised by 5 Church Street as to the nature of the proposed legal arrangements and terms of the offer however these are considered to be matters outside the scope of this assessment and subject to separate legal advice. It is noted that a call option would not appear to be an unusual approach by the developer in this instance.

*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 offer to purchase no.5 Church Street was made by the developer that was in excess of the valuation and is therefore considered reasonable.

The decision Cornerstone Property Group Pty Ltd v Warringah Council [2004] NSWLEC 189, extended the principles of Brown C to deal with the second question and 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.*

Concept plans for 5 Church Street have been prepared by the applicant. This comprises a 4 storey residential flat building with three units (1 x three bedroom and 2 x two bedroom) over a single level of basement parking containing 4 residential spaces and one visitor. This is contained at Attachment 4.

The following are noted with regard to developing 5 Church St in isolation:

- A clause 4.6 variation request would have to be made for the 24m minimum site width requirement under clause 7.14 of Wollongong Local Environmental Plan 2009 and determined by the Local Planning Panel.
- The building would be well below the maximum permitted height of 32m under the LEP (reaching approximately 14.4m).
- The maximum permitted FSR of 1.5:1 permitted under the LEP would not be achieved (~0.7:1).

Notwithstanding the above, the concept design is considered to demonstrate that a small residential flat development could be achieved on 5 Church Street that would achieve suitable amenity for occupants whilst not resulting in unreasonable impacts to adjoining development. It should also be noted that less intensive land uses including dwelling houses and dual occupancies are permitted in the zone.

#### Panel recommendation

*Notwithstanding the above, further consideration should be given to providing more detail to demonstration of the highest and best development that could occur on 5 Church Street in the absence of its consolidation.*

#### Response

See discussion above.

#### Panel recommendation

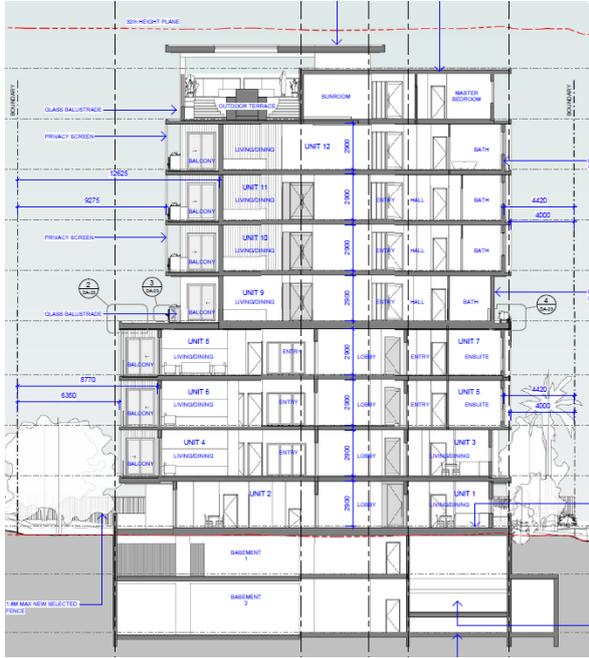
*In relation to the setbacks at levels 7 and 8 it is considered that greater compliance can be achieved without sacrificing amenity of future residents and neighbours.*

#### Response

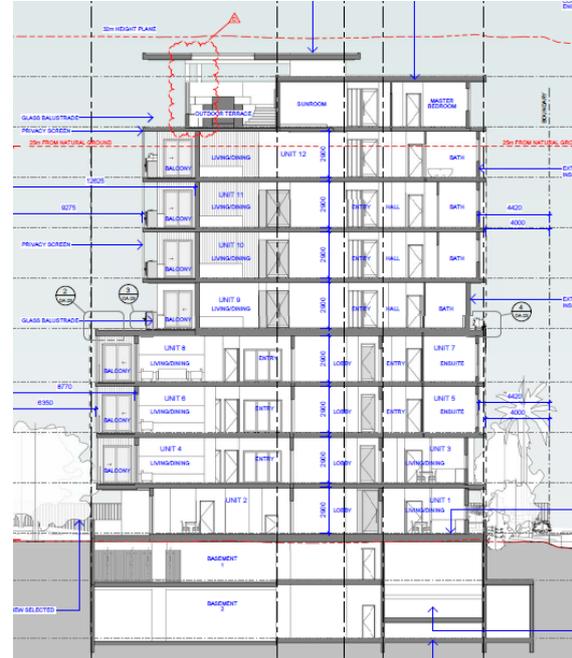
In response to the above, the applicant has increased the eastern/rear setback of level 8 from 9.3m to 12m as illustrated below. On level 7, additional screening has been added to the balcony edge along with raising of the window sill level of the kitchen on the eastern/rear elevation. This is illustrated below.

**Previously proposed**

**Section A-A**



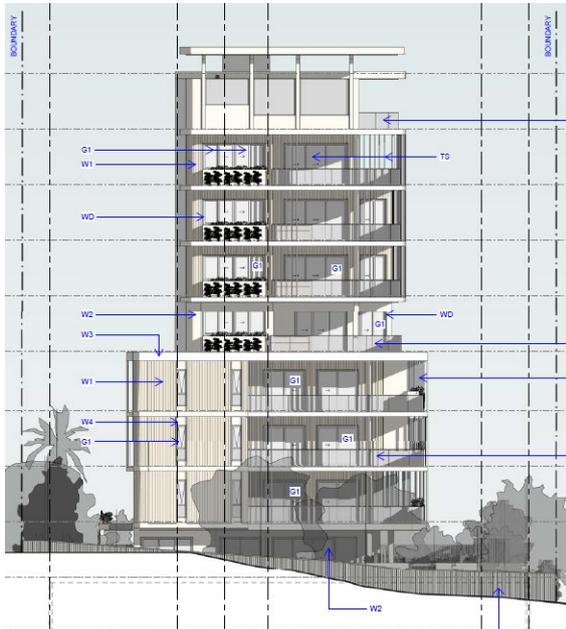
**Amended**



**North elevation**



### East elevation



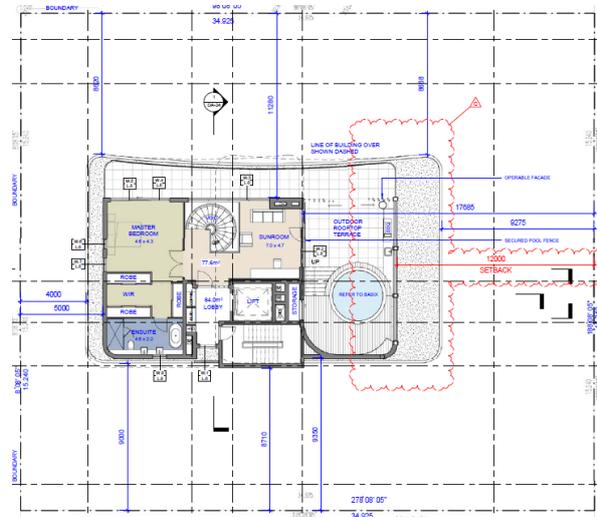
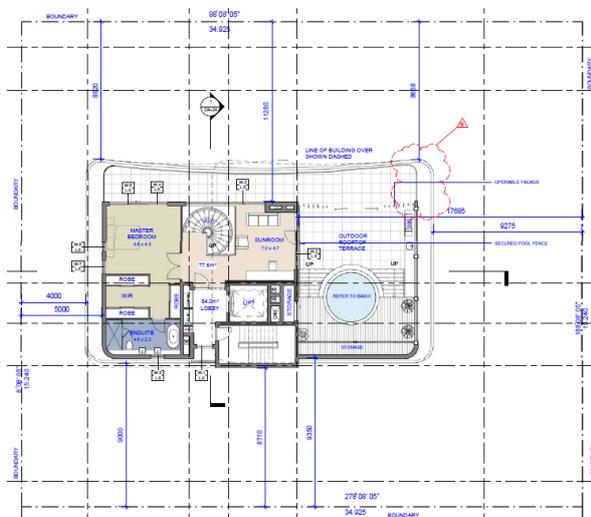
### South elevation



West elevation



Level 8 floor plan



4. CONCLUSION:

On 7 June 2022, the WLPP determined to defer the application. In responding to the recommendations of the WLPP the applicant and objector submitted additional information. Council is of the view that the information and amended proposal has satisfactorily addressed the concerns previously raised by the WLPP and objectors.

This application has been assessed as having regard to the Heads of Consideration under Section 4.15 (1) of the Environmental Planning and Assessment Act 1979 including the provisions of Wollongong LEP 2009 and relevant SEPPs, DCPs, Codes and Policies The proposed development is permissible with consent and has regard to the objectives of the zone. Variation requests regarding lot isolation,

setbacks and basement protrusion have been made under WDCP2009 and have been assessed as satisfactory. The design suitably responds to comments of the DRP and Councils Architect and the design is considered to demonstrate design excellence. Referrals are satisfactory and submissions have been addressed. The proposed development is considered to appropriately respond to the characteristics of the site and locality. Impacts to the character and amenity of the surrounding area are not unreasonable in the context of the applicable planning controls.

## **RECOMMENDATION**

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It is recommended DA-2021/1117 be approved subject to the conditions provided at Attachment 7 of this report.

### **Attachments**

1. Assessment report of 7 June
2. WLPP commentary and decision of 7 June 2022
3. Revised architectural plans
4. Revised concept plan for no. 5 Church Street
5. Documentation from no.5 Church Street
6. Documentation from application re valuation and offers
7. Draft conditions of consent

**Wollongong Local Planning Panel Assessment Report | 7 June 2022**

<b>WPP No.</b>	Item No. 4
<b>DA No.</b>	DA-2021/1117
<b>Proposal</b>	Residential - demolition of existing structures and construction of a residential flat building
<b>Property</b>	1-3 Church Street, WOLLONGONG
<b>Applicant</b>	PRD Architects
<b>Responsible Team</b>	Development Assessment and Certification – City Centre Planning Team (NL)
<b>Prior WLPP meeting</b>	NA

**ASSESSMENT REPORT AND RECOMMENDATION****Executive Summary**

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**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. Under Clauses Clause 2(b) and 4(b) of Schedule 2 of the Local Planning Panels Direction of 30 June 2020, the proposal received over 10 unique submissions by way of objection and is development to which State Environmental Planning Policy No. 65 – Design Quality of Residential Apartment Development applies.

**Proposal**

The proposal is for a 9 storey residential flat building located above basement car parking.

**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 received 34 objections and 6 letters of support which are discussed at section 2.8 of the assessment report.

**Main issues**

- Isolated lot (5 Church Street)
- Non-compliant setbacks at the upper levels of the tower
- Surplus accessible car spaces (2 required and 5 proposed, do not contribute to GFA)

**RECOMMENDATION**

It is recommended that the proposal be approved subject to the draft conditions at **Attachment 9**.

## 1.1 PLANNING CONTROLS

The following planning controls apply to the development:

### State Environmental Planning Policies:

- SEPP Resilience and Hazards 2021
- SEPP BASIX
- SEPP 65 Design Quality of Residential Development.

### Local Environmental Planning Policies:

- Wollongong Local Environmental Plan (WLEP) 2009

### Development Control Plans:

- Wollongong Development Control Plan (WDCP) 2009

### Other policies

- Wollongong City Wide Development Contributions Plan 2020
- Wollongong Community Participation Plan

## 1.2 DETAILED DESCRIPTION OF PROPOSAL

The proposal comprises the following:

- Demolition of two dwelling houses
- Removal of 10 trees
- Construction of a 9 storey residential flat building comprising 12 units (2 x 1 bed, 1 x 2 bed, and 9 x 3 bed), a communal open space and deep soil landscaped area, two basement levels accommodating 14 residential car spaces and three visitor spaces, 1 motorbike space and 4 bicycle spaces.
- Vehicle access from Church Street via a new 5.5m wide driveway
- Waste servicing is proposed from the kerb

## 1.3 BACKGROUND

A voluntary pre-lodgement Design Review Panel (DRP) meeting was held on 24 May 2021 (DE-2021/64).

A further DRP meeting was held following lodgement of the application on 15 November 2021. The notes from this meeting are at **Attachment 4**.

No pre-lodgement meeting was held for the proposal.

### Customer service actions

There are no outstanding customer service requests of relevance to the development.

## 1.4 SITE DESCRIPTION

The site is located at 1-3 Church Street, Wollongong and the title references are Lot 33 DP 6920 and Lot 34 DP 6920.

The site is regular in shape with a cross-fall of approximately 2m cross fall from south to north.

Adjoining the site to the south is a single storey dwelling house. Beyond that is a 4-6 storey residential flat building at 7-9 Church Street approved under DA-2002/1697/C.

Adjoining the site to the east are 6 storey residential flat building at 4-6 Ocean Street approved under DA-1997/753/A and a two storey dwelling house at 2 Ocean Street.

To the north of the site is a 5 storey residential flat building at 29 Burke Street approved under DA-1989/833 and a single storey residential dwelling at 27 Burke Street. Of note is that 23 (single storey residential dwelling), 25 (single storey residential dwelling) and 27 are in the same ownership.

The locality is characterised by mixture of low and high density residential development.

#### Property constraints

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

- Acid Sulfate Soils (class 5): Conditions of consent are recommended with respect to acid sulfate soils.
- Flooding (Flood Affected-Uncategorised Flood Risk Precinct): Council's Stormwater Officer has reviewed the proposal with regard to flooding and has recommended conditions of consent.

A sewer line has been identified as running parallel to and approximately 2m off the rear boundary roughly 2m below ground. The sewer line is not impacted by the built form however is located within the rear deep soil zone. Conditions of consent are recommended with regard to root barriers being installed to protect this piece of infrastructure.

### **1.5 SUBMISSIONS**

The application was notified in accordance with Council's Community Participation Plan 2019 between 12-27 October 2021. 34 objections and 6 letters of support were received. The concerns raised are discussed below.



**Figure 1: Notification map**

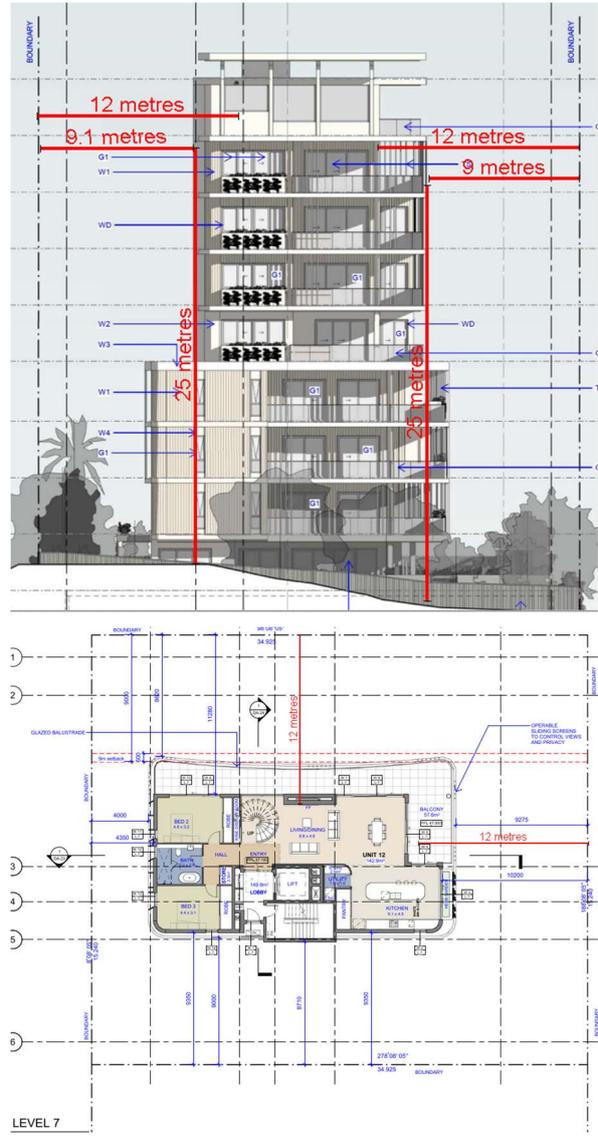
**Table 1: Submissions**

Concern	Comment
The proposed height is out of context.	<p>The proposal complies with the maximum 32m height limit applicable to the land.</p> <p>It is noted that the proposal will be of a larger scale than other buildings nearby however the area will see gradual transition towards higher density development in line with the permitted density and heights.</p> <p>Maintaining equitable balance between existing development and development anticipated by the planning controls is discussed in this report.</p>
Impact to on-street parking and increased traffic safety issues.	<p>The proposal meets Council requirements for car parking including for visitor spaces.</p> <p>The development is not of a scale that requires a traffic impact assessment to be prepared.</p> <p>In developing the planning controls these impacts have been accounted for.</p>
A more terraced approach should be considered with the height of the building being lower.	<p>The controls for building setbacks do recommend increasing of setbacks as the height increases. It is noted that the proposal seeks a variation to side setbacks at the upper levels of the tower. This is discussed at Chapter A1 and is supported in this instance.</p>
Adverse impacts to views from adjoining properties and requirement for a view impact analysis from affected properties.	<p>The proposal will impact on the outlook from adjoining properties, given the subject sites only contain single dwellings houses currently. These impacts are however not considered unreasonable in the context of the heights and density anticipated by the planning controls. Non-compliant setbacks at the upper two levels whilst resulting in a bulkier top to the building than might otherwise be achieved, are not considered to significantly add to view impacts.</p>
Kerbside garbage collection will adversely impact the street with regard to street parking	<p>Council controls permit kerbside collection where bins do not occupy greater than 50% of the street frontage and the development satisfies this requirement.</p>

Overshadowing impacts to adjoining residences

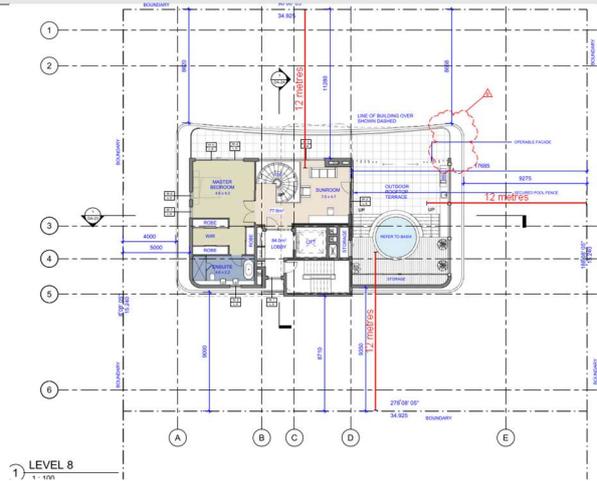
Whilst there is overshadowing from the proposal, it is not unreasonable with regard to the height and density envisaged by the planning controls.

A non-compliant setback occurs at level 7 and 8, being 9m where 12m is recommended as illustrated below.



Concern

Comment



The non-compliant element is not considered to result in overshadowing impacts significantly different from a compliant form.

Impacts to housing affordability / lack of affordable housing.

The application does not propose affordable housing nor are there controls that require this. Housing affordability is beyond the scope of this application.

The development is purely profit driven.

The height and density is reflective of that anticipated under the planning controls. Being profit driven is not a matter for consideration.

Privacy impacts

The non-compliant setback occurs at Level 7 and 8 as shown above.

In the building’s existing context, the DRP were of the view that this non-compliance does not appear to be creating privacy issues with neighbours.

In higher density areas, some degree of overlooking is unavoidable with this kind of redevelopment. The primary controls in place that seek to mitigate privacy concerns are building separation requirements. The proposal otherwise generally complies with the building separation requirements as discussed in the body of this report.

Impacts to property values

This is not a matter for consideration.

Potential heritage significance of dwelling at 1 Church St

The dwelling on 1 Church Street is not identified as a heritage item under WLEP2009.

Concern	Comment
Removal of several well-established trees and on council property including a Coastal Banksia that is over 9 metres in height at 1 Church Street.	<p>An arborist report has been provided with the application and the proposed tree removal and landscaping has been reviewed by Council's Landscape Officer and found to be generally satisfactory subject to conditions.</p> <p>It is noted that removal of the trees on the site and the street tree is challenging given the zoning, and densities anticipated under the planning controls. The garage entry is proposed at the low point in the site which facilitates a better built form outcome. Retention of the street tree would compromise that. Compensatory street tree planting is proposed.</p>
Council should host a development planning meeting, including residents' opinions, before the development is fully considered.	<p>This is not a legislative requirement.</p> <p>The application has been placed on public exhibition in accordance with Council policy in order to allow public comment.</p> <p>The application is also to be determined by the Wollongong Local Planning Panel at a public meeting at which objectors can make their representations directly to the Panel.</p>
The top level unit is composed of two levels and the upper roof of the complex is extremely bulky and impacts solar access and escarpment views.	<p>There is a non-compliant setback which occurs at level 7 and 8 as shown above. In the building's existing context, the DRP were of the view that this non-compliance does not appear to be creating privacy issues with neighbours.</p> <p>The building complies with the maximum height permitted for the land however the upper two levels are bulkier than would be permitted with full compliance with the setback controls.</p>
Wind tunnelling impacts	The DCP requires preparation of a wind impacts report for buildings exceeding 32m in height.
Impacts to adjoining properties from basement excavation. A detailed geotechnical report should be provided.	The proposal was reviewed by Council's Geotechnical Officer who has advised that specialist geotechnical supervision would be required for the excavation works however that this could be managed via conditions of consent.

## 1.6 CONSULTATION

### 1.6.1 INTERNAL CONSULTATION

Council's Geotechnical, Stormwater, Traffic, Environment and Landscape have reviewed the proposal and conditions of consent have been recommended. Council's In-House Architect also reviewed the proposal and considered all matters to have been addressed in amended plans.

## 1.6.2 EXTERNAL CONSULTATION

### Design Review Panel

The application was reviewed by the Design Review Panel both via a voluntary DRP prior to lodgement and a second meeting following lodgement on the 15 November, the notes of which are contained at **Attachment 4**. The Panel advised that they were satisfied the proposal exhibits design excellence subject to minor amendments which have been incorporated into the final design.

A summary of the DRP comments and response from the applicant is provided below.

DRP comment	Comment
<p>A single residential dwelling is located on the neighbouring site to the south (5 Church Street). This site will be isolated if the subject site is developed as currently proposed. A study has been provided (as requested by the Panel) to demonstrate the proposal's impact upon the neighbouring site and ascertain the sites development potential. The study consists of floor plans documenting a three-storey dual occupancy on the neighbouring site (5 Church Street). The applicant advised that the site is too constrained to accommodate an RFB. No information was provided to accurately determine the extent to which the dual occupancy would be overshadowed by the proposed development and no information was provided to confirm the potential FSR of the dual occupancy.</p>	<p>The conceptual plan of redevelopment of 5 Church Street for a two unit development with basement parking is provided at <b>Attachment 6</b>.</p> <p>There are a number of shortcomings with that design which include:</p> <ul style="list-style-type: none"> <li>• Non-compliant side setbacks</li> <li>• Greater than required front setback</li> <li>• Units over multiple levels</li> <li>• The concept would seem to be well under the allowable height and FSR which is contrary to the efficient use of the land.</li> </ul> <p>Notwithstanding the above, whilst the development potential of no. 5 is compromised by being developed in isolation, it is considered no. 5 could be redeveloped to realise a higher yield with careful consideration to the site opportunities.</p> <p>Single units per floor could capture morning and afternoon sun mid-winter and reduced separation from the subject site could be achieved knowing the layout of the development on this site.</p> <p>Further, the lot isolation test does not require that the impacted land must be able to achieve development to the full potential of the controls, rather that a reasonable offer to incorporate the land has been made and declined.</p>
<p>From the information provided by the applicant it appears that 5 Church Street will not be capable of realising its full development potential if developed in isolation. Shadow diagrams provided by the applicant also demonstrate that solar access to the existing single dwelling to the south (5 Church Street) will be severely impacted.</p>	<p>An offer to purchase number 5 Church Street based on a valuation of the property was declined by the owner (as at <b>Attachment 5</b>). Lot isolation is further discussed under the Chapter B1 at section 2.3.1 of this report. Overshadowing of the single dwelling at 5 Church Street is unavoidable.</p>

DRP comment

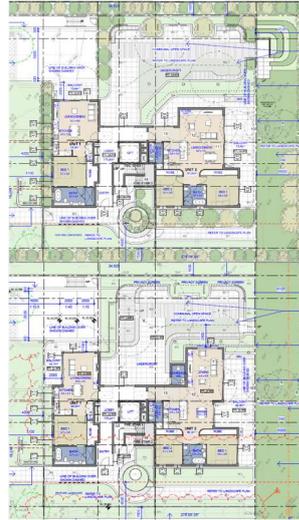
Comment

The deletion of the sub-station is noted; confirmation from the relevant authority that it is no longer a requirement should be provided with the DA.

The applicant has noted that a substation is not required and supporting documentation from Endeavour Energy has been provided.

The depth of the northern portion of the undercroft is now a little excessive, restricting direct sunlight into the communal open space. Consideration should be given to refining the layout of unit 2 to reduce the extent of the northern undercroft. The introduction of an accessible wc to service the communal open space may also assist in reducing the depth of the undercroft. A maximum undercroft depth of 3m is recommended.

Unit 2 has been amended to extend the floor plan further to the north and an accessible toilet has been added to the communal open space. The scallop in the building has been increased to reduce the extent of undercroft to the communal open space.



Unit 1 has been developed with a north facing balcony and living room. However, the balcony directly abuts the vehicular ramp to the basement and the living room window is setback in excess of 4m from the edge of the balcony above. Given these constraints the Panel questions the level of amenity the unit's northern orientation will provide, both outlook and solar access appear to be compromised. It is suggested that the unit plan be developed to better address the street. The balcony could wrap around the western face of the unit and more generously proportioned windows doors provided to address the street. Given that the unit is approximately 1m above street level in this location, careful detailing of the interface between the balcony and street could maintain privacy within the unit. The applicant's suggested modification of the Level 1 slab over (less overhang, deeper curved recess) should be pursued to assist resolution of these concerns.

The POS area for unit 1 has been relocated to the front façade as shown above.

DRP comment

Comment

The applicant is requested to provide a clear perspective of the entrance to demonstrate that the pedestrian entry is clear and legible from the street and presents as a neighbourly address in the streetscape.

See below.



The northern edge of the ground floor communal open space is elevated approximately 2m above natural ground level, creating potential privacy issues with the adjoining neighbour and a deep narrow setback between the boundary fence and the building base. Detail resolution should seek to minimise potential privacy issues and ensure a serviceable landscaped interface is provided adjacent to the northern boundary.

The edge to the COS area is provided with a setback landscape bed and privacy screen as illustrated below.



The podium is set back 1.5m from the boundary and is readily accessible.

The setback will be planted with a hedge (suggested species are *Acmena smithii* & *Camellia japonica*)

The requirement for an adequate overland flow path to the street for stormwater from the south and east needs to be addressed. The physical dimensions, and allowable obstructions, will likely impact on setbacks, planting plans and layout of communal open space.

The compatibility of the landscaping and stormwater plans has been reviewed by Council's Landscape and Stormwater Officers as being satisfactory.

Level 1 balconies appear to be excessively deep in places (up to 6m from the face of the balcony above) limiting solar access to the private open space. Further development should seek to improve / demonstrate the quality of level 1 balconies and the amenity of ground floor uses below.

The scallop in the northern elevation has been increased to provide better light penetration to the floor area within the dwellings as shown below.



The tower steps from two units per level, to a single unit at level 4. To maintain compliance with ADG setback objectives, the north facing balconies have been setback approximately 2m from the edge of the slab, creating an awkward transition between balcony and roof slab. An image has been provided outlining the intent to provide planting that is level with the slab in the zone between the balcony and roof edge. However, it is unclear how the depth of the slab as depicted in sections and perspectives can accommodate the proposed planting. Further detail resolution of this interface is required. Perhaps the north face of the slab could be contoured / curved to limit the extent of ADG noncompliance, allowing the balcony to extend to the northern edge of the slab. Areas of the balcony that sit within the 9m setback zone could be treated with screens or planters to limit potential privacy issues and maintain consistency with ADG objectives. This strategy should be considered as part of a wholistic response to the northern façade that builds upon the curved recess proposed at level 2 to provide a more organic, curved façade that alters slightly at each level.

Planters are shown in numerous locations on the façade. They will potentially provide a positive contribution to the building aesthetic. However, further detail development is required to integrate the planters into the building form. In particular, it should be clarified how the planters

This continuous floor slab occurs at level 4 only, it is dedicated to follow the form of Levels 2-3 below. This creates emphasis to Levels Ground - 3 and creates a podium for the tower above.

The planter systems have been detailed in the documentation for the applications on various levels. The depth of slab profiling to accommodate this is also shown on the documents which have been submitted to council.

It is important to maintain levels 2 – 3 balcony areas and profiles to maintain compliance. Expanding further into the northern setback is not considered desirable as it create more over shadowing to the lower apartments, currently the building complies with solar access. As typified floor plates the emphasis of ground floor and Level 1 relate together. The curved form profile at level 1 has been increased with the DRP's advice to make this a more dynamic space and has brought more light into the Communal space below.

The information for planters have been provided on the documents and are in harmony with the requirements of the Landscape Architect.

DRP comment

Comment

are irrigated, drained, maintained and integrated with the balcony balustrades.

The proposal is largely compliant with ADG (part 3F) setback objectives. However, the level 8 terrace intrudes into the required 12m setback zone on its northern and eastern edges. In the building’s existing context, this non-compliance does not appear to be creating privacy issues with neighbours. However, neighbouring sites to the east and north may be impacted when / if developed in the future.

The potential redevelopment sites are indicated with a cross below.

It is reasonable to expect that a building that reached the maximum 32m height might eventuate to either the north or east (or both) of the site.



The reduced separation at the upper levels is not considered to compromise future development or to result in potential adverse impacts to the proposal from future development.

The positioning of the tower and rear setbacks are considered to be sufficient such that development to the north east could be readily designed to avoid direct conflict.

Primary aspect is towards the north, east and west and units would likely be oriented in that direction away from the proposed building.

Basement (and all) wall setbacks should be modified to indicate clear dimensions to the outside face of walls, to ensure measurable compliance on completion.

The plans are appropriately dimensioned.

Opportunities to harvest rainwater for use in maintaining any plantings established on the building or the site should be explored. Other water minimization measures (reuse of rainwater for toilet flushing and washing machines) should also be considered.

Whilst use of water in toilet flushing and washing machines would present a more sustainable outcome, there are no particular controls that require this.

DRP comment	Comment
The use of solar power and water heating is strongly encouraged, particularly to service communal circulation and parking areas.	Whilst this would provide obvious sustainability benefits, there is no Council or other legislative control that currently requires this.
Low embodied energy should be a consideration in material and finish selections.	As above.
Landscape plantings should address aims for biodiversity protection, weed minimisation and low water use.	Suitable landscape treatments are proposed and have been reviewed by Council's Landscape Officer as satisfactory subject to conditions.
The Panel does not support the use of pebbles for mulch or 'decoration' of roofs due to impacts of their extraction on natural systems and the extremely high level of maintenance required to maintain them free of weeds, litter and pollutants.	Loose pebbles will not be used, it will be a Terra-bond adhesive which is nontoxic / non-flammable acrylic resin / pebble finish mix.
The landscape plan will need to be included in the amended documentation required to address issues raised above in this report. The following concerns should be addressed in the redesign:	Suitable amended landscaping documentation has been provided.
The architectural and landscape plans should be coordinated to ensure all proposed built works, key finished hardstand and soil levels are shown on the architectural and landscape plans. This includes all works from the street kerb to the street boundary.	Suitable amended landscaping documentation has been provided or can be readily conditioned.
The constraints imposed by the sewer line must be addressed in a manner that is both acceptable to council's engineer and that achieves the high level of amenity (such as privacy, shade, screening and functional space) envisaged for deep soil zones on developments of this nature.	This matter has been satisfactorily addressed through species selection and provision of root barriers.
The overland stormwater flow path must satisfy the requirements of council's engineers (eg in terms of dimensions and plantings relation). This has implications for the siting of the driveway ramp, fire stair egress points, retaining walls etc. but it also raises further questions about the proposed privacy plantings in the setback to the northern neighbour. The Panel is not convinced that the proposed narrow setback lying below the retaining wall to the driveway ramp is suitable in terms of plant establishment or access for maintenance. The redesign needs to ensure that high quality plantings can be established to achieve a desirable level of screening for privacy and amenity.	Stormwater and landscape plans are now compatible.

DRP comment	Comment
<p>A more considered approach to planting locations (and mounding) needs to be taken in relation to the ground floor units whose windows are expected to provide cross ventilation: dense shrub/tree plantings will limit airflow, access to daylight and outlook.</p>	<p>It is not considered that landscaping will compromise cross ventilation targets being met for the development.</p>
<p>- The extensive area of compacted gravel in the southeastern corner of the communal open space defeats the purpose of the deep soil zone; the option to have a curved path for access via the southern setback should be explored.</p>	<p>This aspect has been removed.</p>
<p>- The interface between the ground floor units and the communal open space needs better resolution. While privacy is a concern, it should not be at the expense of amenity. The landscape designer needs to work closely with the architect to better resolve the problems that remain once the building overhang has been realigned to reduce the depth of the undercroft. The building columns need to be considered as part of this.</p>	<p>The interface between the ground floor units is considered to be acceptable. Unit 2 has a high sill window where it adjoins the COS area. The POS for unit 2 has a landscape bed and privacy screen. Whilst this does impact somewhat on the degree of solar access to that unit, the development as a whole exceeds the solar access requirements of the ADG.</p> <p>Unit 1 has minimal interface with the COS area and screening is provided where there is any.</p>
<p>- The residential address is too weak; the high gate set among dense, large shrubs is a poor approach.</p>	<p>A secure, readily identifiable and accessible entry to the building is provided.</p>
<p>- The current scheme includes extensive retaining walls. Options should be explored to reduce them where possible. The planting plan should ensure that they are largely screened and that the development presents as a building set among trees and greenery. Hedges planted between fences/buildings and trees that will overshadow them are not recommended.</p> <p>- There appears to be an opportunity to establish several – rather than just one – street trees at the front of this site. Council should be consulted in this regard.</p> <p>- The Panel strongly encourages the planting of locally indigenous canopy trees for all plantings (including street trees) in the development’s landscape.</p> <p>- The Panel recommends that the level 4 roof terrace be reconfigured to reduce the expanse of non-trafficable area.</p>	<p>The basement of the proposal extends above ground at the lower side of the site. This is set back from the boundary and screened with landscaping. The front setback is suitably landscaped also.</p> <p>Two street trees are proposed.</p> <p>Council’s Landscape Officer has reviewed the proposal and provided conditions regarding species selection.</p> <p>The non-trafficable area is aligned with the walls of the level below and provides separation from adjoining neighbours. There are no considered to be any notable adverse impacts arising from the non-trafficable space.</p>

DRP comment	Comment
The solar access study should be extended to tabulate the full extent of the impact upon the neighbour to the south for both the existing dwelling and potential built form on 5 Church Street.	Whilst the concept built form provided for 5 Church Street has shortcomings as identified above, units within a redevelopment of land to the south could be oriented generally east and/or west, with less reliance on direct northern aspect to achieve solar compliance.
The Panel suggested relocating the living areas of units 5 and 7 to the north-west corner of the building to provide more natural light and outlook to living areas.	This change has not been incorporated however does not appear necessary in order to achieve suitable amenity to those units.
The extension of Unit 2 private open space around to the north under croft as proposed results in functional problems and poor amenity for both the unit and the adjacent communal open space. As discussed at the meeting, pulling back the overhang to reduce the depth of the under croft and taking into account the locations of supporting columns should inform the layout of the spaces and how privacy issues, access to natural light and viability of plantings can be resolved. It may be that the northern portion of unit 2's terrace should be deleted and/or translucent glass used at the entry to the unit.	A suitable resolution of the interface between unit 2 and the communal open space that addresses privacy and acoustic impacts is provided.
It is strongly recommended that a NCC BCA report accompany any DA, confirming compliance with core access, egress, separation and fire-fighting equipment requirements. The proposed extensive use of aluminium facade cladding warrants particular attention.	As Registered Design practitioners, the applicant believes they comply. An Access report has also been provided. A BCA report is not required at this stage.
External AC condenser positions should be indicated on all floors demonstrating that safety and private open space area compliance is not jeopardised	The units have balconies that exceed the minimums required under the ADG and can readily accommodate AC condensers without compromising the aesthetic of the building or the functionality of the balconies.
Further development of the ground floor communal open space is recommended to encourage social interaction between residents.	The communal open space provides a variety of seating, a barbeque area with opportunities for shade and sun within a landscaped surround. This is considered to provide a space that offers suitable amenity and opportunity for interaction.
Further detail information is required to ensure that the design intent is realized. A larger scale detail section would assist in providing a better understanding of the quality of finish being proposed and also help to ensure that the architect's design intent is realised.	The elevations include a finishes schedule and there is considered to be sufficient detail to be confident the presentation of the scheme in the DA documents can be realised in the constructed product.

DRP comment	Comment
<p>Care should be taken to ensure that clearly identified functions are addressed, and screens are not simply superficial decorative elements. For example:</p> <ul style="list-style-type: none"> <li>- Are the screens shown on the north-eastern corner of the building restricting outlook?</li> <li>- What is the purpose of the vertical screens on the northern façade, directly in front of the dining rooms of units 5 and 7?</li> <li>- Are screens fixed or operable?</li> </ul> <p>Further detail information / clarification is required.</p>	<p>Screens are interspersed with open areas which ensures generous outlook for occupants whilst providing some shade from western sun.</p> <p>Screens on the northern façade are primarily aesthetic. They do not comprise a large extent of the elevation and do not compromise solar access or outlook.</p> <p>Screens are identified as being operable where applicable.</p>
<p>Consideration should also be given to incorporating high quality finishes, eg white brick, into the lower levels of the building. All materials and finishes must be clearly documented, including type of brick selected, type of glazing (material, finish and colour) type of cladding, type of balustrade (frameless / semi frameless / handrail / material finish) treatment of soffit, detail of louvres etc. Information should include built landscape elements, garden walls, edgings, fences, paving.</p>	<p>See refence above to materials schedule.</p>
<p>The colorbond fencing proposed to side and rear boundaries is not supported. The panel favours a discreet open mesh type fence form in a recessive colour for security with reliance on shrub and climber planting for screening.</p>	<p>There is no reference to colorbond fencing. This matter can readily be addressed via a condition of consent.</p>
<p>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 and fire hydrant boosters should be accommodated. It must also be determined if a sub-station is required.</p>	<p>All building consultants and services have been considered and are noted on the documents.</p>

### **Endeavour Energy**

The application was referred to Endeavour Energy who has an advisory role and provided comment as to future servicing requirements. This advice was referred to the applicant

## **2 ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979**

### **1.7 Application of Part 7 of Biodiversity Conservation Act 2016 and Part 7A of Fisheries Management Act 1994**

N/A

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

### **2.1.1 STATE ENVIRONMENTAL PLANNING POLICY (RESILIENCE AND HAZARDS) 2021**

#### **Chapter 2 Coastal management**

The site is located on land within the Coastal Environment and Coastal Use areas under the maps to this policy.

##### Division 3 Coastal environment area

#### 2.10 Development on land within the coastal environment area

No concerns are raised with regard to this clause.

##### Division 4 Coastal use area

#### 2.11 Development on land within the coastal use area

No concerns are raised with regard to this clause.

##### Division 5 General

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

The proposed development will not cause increased risk of coastal hazards on that land or other land.

#### 2.13 Development in coastal zone generally—coastal management programs to be considered

The land is not identified in Council's Coastal Zone Management Plan as being impacted by coastal hazards.

#### **Chapter 4 Remediation of land**

#### 4.6 Contamination and remediation to be considered in determining development application

The site is not identified as potentially contaminated in the land constraints in Intramaps. The development history on Council records does not indicate any prior contaminating land uses. The land is not registered under the Contaminated Land Management Act 1997. A preliminary site investigation is not required.

Council's Environment Officer has reviewed the site history and documentation and has recommended conditions of consent with respect to unexpected finds.

The proposal is satisfactory with regard to clause 4.6 and considered suitable for the proposed land use without remediation.

### **2.1.2 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.

The BASIX certificate was issued no earlier than 3 months before the date on which the development application was lodged.

### **2.1.3 STATE ENVIRONMENTAL PLANNING POLICY 65 – DESIGN QUALITY OF RESIDENTIAL APARTMENT DEVELOPMENT**

The development meets the definition of a 'residential flat building' as it is more than 3 storeys and comprises more than 4 dwellings. As such, the provisions of SEPP 65 apply. The proposal has been considered by Council's DRP in accordance with Clause 28 and Schedule 1, as reflected above.

A statement has been prepared by a Registered Architect addressing the requirements of SEPP 65 and was submitted with the application at lodgement accordance with Clauses 50(1A) & 50(1AB) of the Environmental Planning and Environment Regulation 2000 (in force at time of lodgement).

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 consistent with the bulk and scale of development identified under the LEP and is generally consistent with the applicable controls of the DCP. Whilst the building will be substantially taller than buildings immediately adjoining the site, the area is undergoing some transition towards higher density development which will likely continue into the future. The disparity between the proposed building and adjoining ones in terms of scale is not uncommon in the locality and this is not considered to result in unreasonable impacts.

**Principle 2: Built form and scale**

Whilst the development is significantly larger than adjoining developments and some others in the locality, 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 and the likely impacts of the development on the locality and adjoining development. Remaining dwelling houses and older residential flat buildings are expected to transition over time and be redeveloped into higher density residential development. The development would not create an isolated allotment

The design of the development is considered to positively contribute to the public domain and provide high level of amenity for the occupants by way of landscaped areas, private open space and the like.

**Principle 3: Density**

The density of the development complies with the maximum FSR permitted for the land. The development is not of a scale that is expected to place unreasonable strain on local infrastructure. Contributions applicable to the development will go towards local infrastructure and facilities. The site is well situated with regard to existing public open space and services.

**Principle 4: Sustainability**

Measures to address sustainable design include:

- 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.
- Louvres have been provided to the western elevation to shield from the units from harsh western sun.
- 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.
- Compensatory planting of trees to address vegetation removal.

**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. The developer will be required to plant street trees and replace the footpath for the frontage to the site.

## **Principle 6: Amenity**

Internal amenity has been addressed in response to concerns raised by the DRP and staff. 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.

## **Principle 8: Housing diversity and social interaction**

The proposal provides a mix of unit sizes and layouts appropriate to the locality.

## **Principle 9: Aesthetics**

Improvements have been made in response to DRP meetings and the revised design is satisfactory. The proposal is considered to be of a high quality with regard to its appearance. A mixture of materials and finishes is provided and the bulk of the development is suitably articulated.

## **Apartment Design Guide (ADG)**

An assessment of the application against the ADG is contained at Attachment 7

### **2.1.4 WOLLONGONG LOCAL ENVIRONMENTAL PLAN 2009**

#### **Clause 1.4 Definitions**

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

## **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:

- *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.

*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; Home businesses; Home industries; 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*

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 proposed building height of 32m does not exceed the maximum of 32m permitted for the site.

#### Clause 4.4A Floor space ratio – Wollongong city centre

Maximum permitted FSR: 1.5:1

Site area: 1,064m<sup>2</sup>

Maximum GFA: 1,596m<sup>2</sup> (it is noted there are additional accessible spaces above what is required by Council. The overall number of parking spaces however complies and therefore there is no resultant additional FSR).

Maximum GFA proposed: 1,596m<sup>2</sup>

#### **Part 5 Miscellaneous provisions**

##### Clause 5.21 Flood planning

The land is identified as being within an Uncategorised Flood Risk Precinct. Council's Stormwater Officer has reviewed the proposal in regard to this clause and has recommended conditions of consent.

#### **Part 7 Local provisions – general**

##### Clause 7.1 Public utility infrastructure

The land is located in an established urban area. It is recommended that a condition of consent is applied requiring approval from the relevant authorities for the connection of electricity, water and sewage to service the site.

##### Clause 7.5 Acid Sulfate Soils

The site is identified as being potentially affected by class 5 acid sulphate soils. An acid sulphate soils management plan is not required as the proposal is not considered to involve works within 500 metres of adjacent Class 1, 2, 3 or 4 land that is below 5 metres Australian Height Datum and by which the watertable is likely to be lowered below 1 metre Australian Height Datum on adjacent Class 1, 2, 3 or 4 land.

##### Clause 7.14 Minimum site width

A 24m minimum site width is required for residential flat developments and the site has a width of 30m.

##### 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 site is suitable for the development;
- The use is compatible with the existing and likely future uses in the locality;
- There are no heritage 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 adverse impacts are expected on the public domain.

The proposal has been reviewed by both the Design Review Panel and Council's in house architect and found to be generally satisfactory. Matters of concern have been addressed in the revised plans and documentation.

## **Part 8 Local provisions—Wollongong city centre**

### Clause 8.1 Objectives for development in Wollongong city centre

The proposal would contribute to a residential apartment mix through the provision of additional housing and employment opportunities during construction. It is considered that the development provides for a standard of design, materials and detailing appropriate for the building type and its location and zoning. The proposal provides a mixture of apartments including adaptable.

The proposed residential flat building is an efficient use of space in an accessible location that is serviced by existing public transport.

The proposal is not expected to adversely impact on natural or cultural heritage values.

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

None applicable to the proposal.

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

#### **2.3.1 WOLLONGONG DEVELOPMENT CONTROL PLAN 2009**

Variations to controls contained in the DCP are addressed below. Full compliance tables for the DCP are contained in Attachment 8.

## **CHAPTER A1 – INTRODUCTION**

### **8 Variations to development controls in the DCP**

#### Lot isolation

##### *(a) The control being varied;*

*2. Chapter B1, Section 6.2 Minimum Site Width Requirement: Within the R1 General Residential, R3 Medium Density Residential and R4 High Density Residential zones, development for the purpose of a residential flat building must not result in the creation of an “isolated lot”. An “isolated lot” is a lot which is bounded on both sides by properties (or a property and a second street frontage) which comprise existing development other than a single dwelling house and redevelopment of such adjoining properties is unlikely. This includes cases where there is high separation of ownership of dwelling ownership in the adjoining developments. Amalgamation of allotments will be required in the circumstance where an isolated allotment would otherwise be created.*

*3. Council will only allow development which would result in the creation of an “isolated lot”, where it is demonstrated that:*

*(a) The “isolated lot” achieves a site width of 24 metres or more and is capable of accommodating the proposed residential flat building, taking into account other relevant development controls..*

*(b) The following planning principles as outlined in the NSW Land and Environment Court judgment in Melissa Grech v Auburn Council[2004] NSWLEC 40 are met:*

*(i) Where a property will be “isolated” by a proposed development and that property cannot satisfy the minimum lot width requirements then negotiations between the owners of the properties should commence at an early stage and prior to the lodgement of the Development Application.*

*(ii) 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 lot. A reasonable offer for the purposes of determining the Development Application and addressing the planning implications of an “isolated lot”, is to be based at least on one recent independent valuation report and may*

*include other reasonable expenses likely to be incurred by the owner of the “isolated lot” in the sale of that property.*

*(iii) The level of negotiation and any offers made for the “isolated lot” are matters that will 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 “matters for consideration” under Section 79C of the Environmental Planning & Assessment Act 1979.*

*(b) The extent of the proposed variation and the unique circumstances as to why the variation is requested;*

Number 5 Church Street immediately to the south of the site would become an isolated lot as a result of the proposal. The isolated lot has a width of 15.5m.

An offer to purchase number 5 Church Street for \$2,100,000 was declined by the owner (as at **Attachment 5**) on 30 January 2021.

It is noted that in *Grech v Auburn Council*, the applicable LEP (Auburn LEP 2000) contained a clause requiring that “*The consent authority must not consent to development in Zone No 2 (a), 2 (b), 2 (c), 3 (a), 3 (b), 4 (a), 4 (b), 4 (c) or 4 (d) if it considers that the development will prevent the surrounding lots from being developed in accordance with this plan*”. The merit of the isolated lot in that instance was assessed against whether this clause could be satisfied. In WLEP 2009, there is no such clause however it should be noted that single residential dwellings are permissible in the R1 zone. The merit of an isolated lot case in this instance then would rely on assessment against the objectives of this clause of the DCP which are detailed below.

*(c) Demonstrate how the objectives are met with the proposed variations; and*

The objectives of the control are:

- (a) To allow for development of sites, which are of sufficient width to accommodate the required building envelope, car parking and landscaping requirements.*
- (b) To promote the efficient utilisation of land.*
- (c) To encourage amalgamation of allotments to provide for improved design outcomes including greater solar access and amenity.*

A concept design has been prepared by the applicant for 5 Church Street. Whilst that design is rudimentary, it would seem likely that a building envelope with basement car parking and landscaping could be achieved on that site.

With respect to the efficient utilisation of land, the development potential of 5 Church Street would be constrained such that the maximum 32m height and 1.5:1 FSR would not be achievable. 5 Church Street further has a width of 15.5m and would not meet the site width requirements under clause 7.14 of the LEP (18m for multi-dwelling and 24m for residential flat buildings). If that form of development was sought, a clause 4.6 variation request would be required.

As to whether the proposal results in an acceptable design outcome, the concept plan prepared by the applicant is of dual occupancy form with two units split over three levels with basement parking beneath. It is not clear that this would be an optimum design. A potential alternate layout that might afford better amenity for occupants would be one unit per floor with both eastern and western outlook/orientation to capture greater solar access. As mentioned above the zoning permits single residential dwellings which could also be developed.

The proposed tower is considered to have been designed to mitigate amenity impacts to that site through compliant front (west) and rear (east) setbacks (with the exception of the upper level, which

would not impact on overshadowing to this property) along with orientation of units towards the north away from number 5 Church Street.

Developing number 5 in isolation will result in a streetscape with a lack of uniformity of building scale however the locality is currently already characterised by this to some degree.

*(d) Demonstrate that the development will not have additional adverse impacts as a result of the variation.*

See discussion above.

Setbacks

*(a) The control being varied;*

Chapter D13, 2.5 Side and rear building setbacks and building separation.

*(b) The extent of the proposed variation and the unique circumstances as to why the variation is requested;*

between 12m & 24m (levels 3-6)	Required	
- side and rear setback to habitable rooms with openings and balconies	9m	7.35m (side) 6.35m (rear)
- side and rear setbacks to non-habitable rooms and habitable rooms without openings	4.5m	
above 24m (levels 7-8)		
habitable rooms with openings and balconies	12m	9m



Figure 2: East elevation identifying non-compliant setback

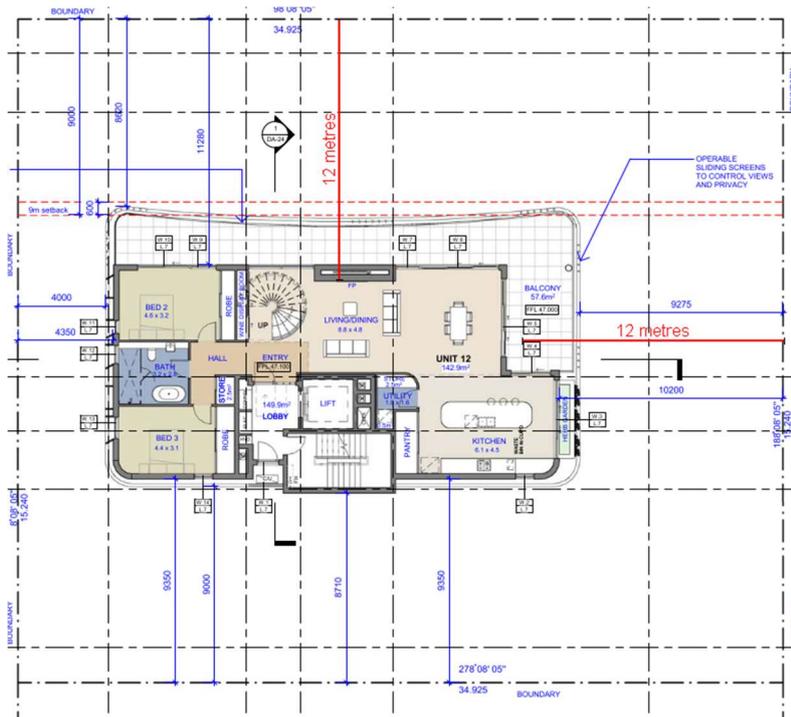
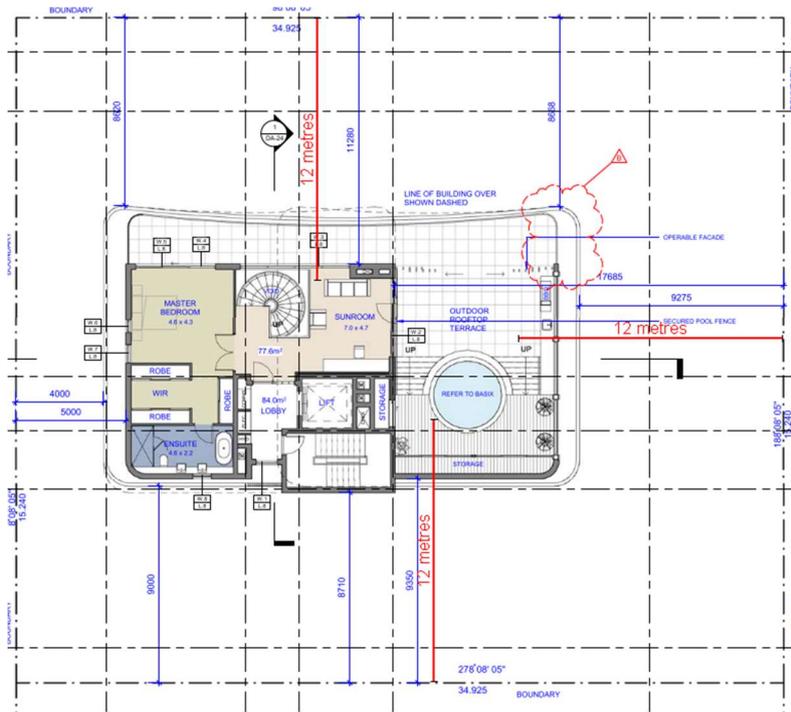


Figure 3: Level 7 non-compliant setbacks



**Figure 4: Level 8 non-compliant setbacks**

*(c) Demonstrate how the objectives are met with the proposed variations; and*

The objectives of the control are as follows:

- a) *To ensure an appropriate level of amenity for building occupants in terms of daylight, outlook, view sharing, ventilation, wind mitigation, and privacy.*
- b) *To achieve usable and pleasant streets and public domain areas in terms of wind mitigation and daylight access.*

The amenity for the occupants of the building is considered to be suitable in terms of daylight, outlook, views, ventilation, wind mitigation and privacy. Whilst there will be impacts to residents on adjoining properties with regard to the same, those impacts are not considered unacceptable given the height and density permitted for the locality under the planning controls.

The architectural form is considered to positively contribute to the streetscape. The public domain will be improved through upgrade to the footpath and provision of street trees and a suitable landscaped surround to the building. Separation between the building and adjacent buildings preserves a suitable level of daylight access to the street.

*(d) Demonstrate that the development will not have additional adverse impacts as a result of the variation.*

Impacts are discussed above. In addition, on the floors at which the side setbacks do not comply, there are no corresponding buildings in the same height plane, being existing, lower residential flat buildings to the north and east. To site to the south contains a single dwelling house and is not of a sufficient size to accommodate a building of the same height as the proposal. In this regard, impacts on visual privacy in the areas of non-compliance is minimal.

Above ground extent of basement

- a) *The control being varied;*

Chapter D13, 6.6 Basement Carparks: The roof of any basement podium, measured to the top of any solid wall located on the podium, must not be greater than 1.2m above natural or finished ground level, when measured at any point on the outside walls of the building. On sloping sites, a change in level in the basement must be provided to achieve this maximum 1.2m height.

*(b) The extent of the proposed variation and the unique circumstances as to why the variation is requested;*

Due to the sloping nature of the site, the basement is fully underground at the southern end however at the northern low side of the site it extends above ground by approximately 1.5m.

*(c) Demonstrate how the objectives are met with the proposed variations; and*

The objective of this control is to integrate the siting, scale and design of basement parking into the site and building design.

The design does not compromise the development or have adverse impacts. Landscaped setbacks and planting on structure should ensure the exposed part of the basement wall is generally screened from view.

*(d) Demonstrate that the development will not have additional adverse impacts as a result of the variation.*

See above.

### 2.3.2 WOLLONGONG CITY WIDE DEVELOPMENT CONTRIBUTIONS PLAN

Contributions are applied for development exceeding \$100,000. A 1% levy is payable.

### **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.

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

The proposal is considered acceptable with regard to the likely impacts.

### **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 relevant planning controls. Impacts are not unacceptable. The proposal is considered to be a suitable fit.

Are the site attributes conducive to development?

There are no site constraints that would prevent the proposal.

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

See discussion at section 1.5.

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

The application is not expected to result in significant adverse impacts on the environment or the amenity of the locality. It is considered appropriate with consideration to the zoning and the character of the area is satisfactory with regard to the applicable planning controls. Submissions raised following notification do not warrant any redesign and internal and external referrals are satisfactory subject to appropriate conditions of consent. Approval of the proposal is consistent with the public interest.

## **3 CONCLUSION**

---

This application has been assessed as having regard to the Heads of Consideration under Section 4.15 (1) of the Environmental Planning and Assessment Act 1979 including the provisions of Wollongong LEP 2009 and relevant SEPPs, DCPs, Codes and Policies

The proposed development is permissible with consent and has regard to the objectives of the zone. Variation requests in regard to lot isolation, side and rear setbacks, and basement protrusion have been made under WDCP2009. These variations have been assessed in this report as satisfactory.

Comments of the DRP and Councils Architect have been considered in the revised proposal. The design is considered to demonstrate design excellence and is supportable in its current form. Internal referrals are satisfactory, and submissions have been considered.

It is considered that the proposed development has been designed appropriately given the nature and characteristics of the site.

## **4 RECOMMENDATION**

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It is recommended that the development application be approved subject to the draft conditions at **Attachment 9**.

## **5 ATTACHMENTS**

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- 1 Aerial photograph
- 5 WLEP zoning map
- 3 Plans
- 4 DRP commentary
- 5 Letter of offer
- 6 Concept Plans 5 Church Street
- 7 ADG compliance table
- 8 WDCP2009 compliance table
- 9 Draft conditions of consent



## ATTACHMENT 2

MMJ Town Planning  
6-8 Regent Street,  
PO Box 1167, Wollongong NSW 2500  
02 4229 5555

Friday, July 15, 2022

General Manager  
Wollongong City Council  
Locked Bag 8821  
WOLLONGONG DC NSW 2500

**RE: Request for Information – Local Planning Panel  
DA-2021/1117 - Lot 33 and 34 DP6920, Lot 1 DP 314618  
1-3 Church Street, Wollongong**

Dear Nigel,

I refer to the Local Planning Panel's (LPP) determination on 7 June 2022 to defer the development application DA-2021/1117 for a proposed residential flat building at 1-3 Church Street, Wollongong. Our clients and the project team have reviewed the matters in detail and provide the following amended plans and Supplementary information to support this development application.

### Amended plans lodged

- Architectural Plans
- Hypothetical Concept – 5 Church St, Wollongong

### Supplementary information lodged

- Mind Property Group – 5 Church St Wollongong Correspondence.

The LPP's determination is extracted below:

*The Panel is not satisfied that the negotiations in relation to the valuation in respect of 5 Church Street and the offers made address the relevant Planning Principle for "Redevelopment - isolation of site by redevelopment of adjacent site(s)". The Panel requires detailed documented and evidence as to the level of negotiation and the reasonableness of offers as well as any relevant planning requirements and the provisions of S79C of the EP&A Act 1979. The Panel requests the Council to enquire of the neighbour and or representative at 5 Church Street of any documentation they may have relating to the matters discussed in the above dot point. In the absence of documentation, statutory declarations may be provided. Notwithstanding the above, further consideration should be given to providing more detail to demonstration of the highest and best development that could occur on 5 Church Street in the absence of its consolidation. In relation to the setbacks at levels 7 and 8 it is considered that greater compliance can be achieved without sacrificing amenity of future residents and neighbours. The matter shall be re-referred to the Panel for determination upon submission of the above information*



Responses to the matters raised by Council are outlined below:

- 1. The Panel is not satisfied that the negotiations in relation to the valuation in respect of 5 Church Street and the offers made address the relevant planning principle for “redevelopment-isolation of site by redevelopment of adjacent site(s)”. The panel requires detailed documented evidence as to the level of negotiation and the reasonableness of offers as well as any relevant planning requirements and the provisions of S79C of the EP&A Act 1979.**

**The panel requests the council to enquire of the neighbour and or representative at 5 Church Street of any documentation they may have relating to the matters discussed in the above dot point, in the absence of documentation, statutory declarations may be provided.**

A copy of a Valuation undertaken by Cityside Valuers was submitted with the Development Application. The date of valuation was 4 December 2020, and the kerbside valuation was \$1, 100, 000. The valuation was signed by Peter Craig as the Certified Practising Valuer for Cityside Valuers Pty Ltd.

Mind Property Group Pty Ltd have provided a timeline of events and negotiations outlining the dealings with the owners of 5 Church Street, Wollongong in relation to their attempts to purchase this site from August 2020 through to April 2022. As detailed in this letter, Mind Property Group Pty have made all reasonable attempts to acquire 5 Church Street, Wollongong.

In response to the panel’s commentary, the hypothetical design concept for 5 Church Street, Wollongong has been further developed to propose a compliant 3-storey residential flat building with basement parking. Refer to the Plans prepared by PRD Architects and further discussion in item 2.

#### **Melissa Grech v Auburn Council [2004] NSWLEC 40**

This case is referred to in the context of isolated lots and can be summarised as follows:

- The subject site was occupied by a single storey dwelling house and the proposed development sought the demolition of all existing structures and the erection of a four-storey residential flat building.
- The property to the north at 1 Clarence Street (the adjoining site) was a single storey weatherboard dwelling
- The general area contained other single dwellings however the predominant form of development consists of residential flat buildings, up to four stories in height.
- The LEP required that consent must not be granted if the Court *"considers that the development will prevent the surrounding lots from being developed in accordance with this plan"*.
- One of the primary issues was whether the proposed development should be approved because of the non-compliance with the minimum site area requirements and the ability of the adjoining property at 1 Clarence Street to be developed in accordance with the LEP.
- It was stated that in some circumstances the development of undersized lots may be unavoidable however in this instance the opportunity existed for amalgamation with the adjoining property at 1 Clarence Street.
- Council contended that the amalgamation of the subject site and the adjoining site would result in a far superior development parcel and be consistent with the intentions of the LEP. The form of development most likely to occupy the adjoining



site (and putting aside the site area requirements) would be a residential flat development.

- The LEP places an obligation on the Court to consider the impact of the development on the adjoining site. Thus, it is incumbent on the Court to ensure that all reasonable attempts have been made to ensure that the two sites cannot be developed together. This has increased importance when the proposed development seeks approval on a lot below the minimum size and any approval will isolate another lot below the minimum size.
- It was stated *"the applicant has provided direct evidence of attempts of purchasing the site including telephone calls to the owners, letters and the statutory declaration. The owners of No. 1 Clarence Street have no intention of selling their land"*. It was noted there is no written response to confirm that the offer made by the applicant to purchase the adjoining site has been rejected. Further, the adjoining site has not been the subject of an independent valuation and as such the adequacy of the offer is uncertain.
- In light of the LEP requirements, the Court identified 3 main principles apply to any assessment:
  - 1) negotiations between the owners of the properties should commence at an early stage and prior to the lodgement of the development application.
  - 2) 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 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.
  - 3) The amount of weight will depend on the level of negotiation, and whether any offers are deemed reasonable or unreasonable.
- The court was unable to determine whether a reasonable offer has been made to the owner of the isolated lot. The negotiations, at best, were inconclusive. The absence of a fixed position by the owners is inconsistent with the requirements of the LEP and the more general planning approach.

Another LEC case that makes reference to the planning principles of Grech is *Karavellas v Sutherland Shire Council [2004] NSWLEC 251*, which was a determination a few months after Grech. This case is now referred to as containing the Planning Principles relating to lot isolation and is summarised as follows:

- Existing development on the site was four houses with associated structures. The proposal was to demolish four existing dwellings and to construct two residential flat buildings comprising 39 units.
- Adjoining the site to the west is a single storey house (504 President Avenue).
- Contentions were that the proposal will result in the inefficient and uncoordinated development of the area as 504 President Avenue is left in isolation.
- The LEP identified specific requirements for minimum allotment size as – For residential flat building development, except where a development control plan specifies a minimum amalgamation of parcels or minimum allotment size for residential flat development, the minimum allotment size is 1800 square metres. The consent authority must consider any minimum amalgamation of parcels or minimum allotment size specified in any development control plan applying to the land.
- In determining whether this non-compliance was reasonable, the two questions considered were whether reasonable efforts have been undertaken to facilitate amalgamation of 504 into the development site and what are the consequences if amalgamation of 504 is not feasible. Thus, the general questions to be answered when



dealing with amalgamation of sites or when a site is to be isolated through redevelopment work was amalgamation of the sites feasible?

- Could orderly and economic use and development of the separate sites be achieved if amalgamation was not feasible?
- Inherent in the concept of whether amalgamation is feasible is whether it is also reasonable. It is not the role of the Court to enter into negotiations on a final purchase price but rather to be satisfied that a reasonable offer has been made.
- Mr Khoury's expectations at that time (of around a million dollars) were considerably greater than the applicant's valuation for this property. Recent valuations indicated that the latest offer to Mr Khoury of an option for \$800, 000, while not at the maximum end of the valuation, is a reasonable offer.
- Amalgamation of the sites to achieve a desirable outcome must be balanced against one property owner frustrating the overall development and the property interests of other owners.
- While a development envelope for 504 was not prepared both experts examined the development yield and likely impacts of and on development at 504.
- Council stated that under normal circumstances an adjoining owner will pay a premium in excess of market value which is generally accepted to be up to 10% which would support the purchase price therefore under the subject circumstances of \$825,000. Obviously, it is more desirable for number 504 President Avenue to be included within the amalgamated development site, hopefully the respective registered proprietors can reach formal agreement on the purchase price somewhere between \$750,000 and \$825,000.
- In response to this valuation and Council suggestion the applicant undertook a further valuation dated 29 January 2004 which reiterated the opinion that \$750,000 is above market value and a reasonable expectation. Council's valuer agreed that \$750,000 reflects market value and in the opinion of the opposing valuer, it does include a premium for inducement to sell. He further stated that the owner of number 504 was seeking considerably in excess of the above-mentioned figure and therefore, could be considered as being unreasonable in his negotiations
- The Commissioner considered there was sufficient evidence to exercise responsibilities under the LEP in that an offer to Mr Khoury which reflects council's opinion re access and the independent valuation has not been made and therefore neither accepted or refused by Mr Khoury. It could not then be concluded that amalgamation of the sites is not reasonable or that Mr Khoury is acting unreasonably. In the event that such an offer was to be made and Mr Khoury was to refuse that offer in light of the facts before the Court, it could then be concluded that he was acting unreasonably.
- The Commissioner therefore considered it reasonable that a further attempt to amalgamate the sites should be made. Council should advise the owner of 504 that access for cars and services is not required from the easement and of the findings of its independent valuation and the applicant should have the opportunity to again seek to purchase 504 consistent with its previous offer and the valuations.

In applying these cases and considerations against the current proposal, the following is noted:-

- Negotiations between parties commenced early and prior to the lodgement of the development application.
- The DA included details of the valuations to date but did not include details of the negotiation. To comply with this intent, we now submit the details of the negotiation to Council and the Local Planning Panel.



- An initial offer of \$2.3 million was made in writing on 14 September 2020. During October 2020, Mr & Mrs McNamara decided not to proceed with the real estate agent and also refused the offer of \$2.3 million. The response at the time was they the landowners did not want to sell. Details of further discussions with the landowners and their family members are included in the Mind Property Group Pty Ltd summary of correspondence relating to 5 Church St, Wollongong.

Planning principles are a chain of reasoning aimed at reaching a planning decision. They are stated in general terms and may be applied to particular cases to promote consistency where referenced in local planning controls for redevelopment consideration. However, planning principles are not legally binding and they do not prevail over Councils' plans and policies.

The law under these planning principle decisions set out what is required when dealing with any site isolation issue for an assessment of whether the purchase and amalgamation of a site is feasible. Each of these matters in respect of the steps established in the Planning Principles have been clearly addressed by the developer as dictated in the Mind Property Group Pty Ltd documentation provided.

It is considered that sufficient documentation and details of the negotiation have been provided to conclude that all reasonable attempts were made by Mind Property Group Pty Ltd to purchase 5 Church Street, Wollongong before DA lodgement.

**2. Notwithstanding the above, further consideration should be given to providing more detail to demonstration of the highest and best development that could occur on 5 Church Street in the absence of its consolidation.**

Please see attached the amended plans on (DA-40 - DA-43) - demonstrating the concept of a residential building, which consists of one (1) unit per floor and basement carpark and amenities.

The concept demonstrates a narrow linear building, which has its orientation facing north, north-east and north -west with service windows on the south. The ground level unit has living spaces which are open plan living, with the living and dining facing north – northwest aspect which will receive afternoon light.

The ground level unit receives a large terrace which would consist of planters and selective screening creating privacy barriers on the ground level. Level 1 and 2 units have two (2) balconies on the north-east and north-west which provide access to natural light and breaks the linear form, allowing the possibility of a well-articulated street elevation. The level 2 penthouse unit will have a covered cabana area and roof top terrace accessed via a lift and stairs. The ground floor unit will provide three (3) bedrooms including a master bedroom with ensuite and plenty of robe and storage space. Levels 1 and 2 units will be two (2) bedrooms including a master bedroom with plenty of stores and amenities.

The proposed concept can be well articulated with a linear form and featured roof, providing well-articulated spaces and aesthetics to create a visual benefit to the streetscape. With the proposal being a thin linear form, the built form and scale incorporates itself within the context and neighbourhood character as shown on DA-41 streetscape elevation.

The proposed development concept has considered ADG compliance and provides a considered design response to the isolated lot at 5 Church St, Wollongong in the context of the proposed development at 1-3 Church Street and 7-9 Church Street, Wollongong.



**3. In relation to the setbacks at levels 7 and 8 it is considered that greater compliance can be achieved without sacrificing amenity of future residents and neighbours.**

Please see attached the amended plans responding to levels 7 and 8 setbacks. Level 7 plans have been amended to show the separation between existing buildings and concept of a potential proposed building to the north which will have living and habitable spaces facing the north – north-east and north-west aspect with only the service windows to the south. The east contains large areas of dense planting providing visual privacy (see DA-18), level 7 windowsill within the kitchen has been raised to block any potential overlooking into the east development backyards and any potential overlooking onto balconies and windows of 4-6 Ocean Street, shown in the sections which have been provided (see DA-45 and 46).

These sections have been provided to show the visual eyeline and prevention of any potential overlooking without breaking the form and articulation of the proposed development which we believe to be significant to the overall design and intent of the floating forms. The level 8 plan has been amended, where the roof top terrace has been setback the compliant 12m (see DA-19) whilst still maintaining the overall form and design intent. These changes have been amended to prevent any visual overlooking from level 7 and level 8 rooftop terrace whilst maintaining the integrity and architectural design intent, as negotiated with the design review panel.

The amended plans provide a considered design response to the commentary made by the Local Planning Panel. Clarification and changes have been demonstrated on the plans to provide sufficient private and amenity for future residents and neighbours.

We trust this advice is suitable for the Panel's consideration. Should you require any additional information and/or discussion, please feel free to contact the undersigned at your convenience.

Yours faithfully

A handwritten signature in black ink, appearing to read 'Lauren Turner', written in a cursive style.

**LAUREN TURNER** BUrbRegPlan MPIA  
MANAGER, TOWN PLANNING & ADVISORY



# RESIDENTIAL APARTMENT BUILDING

FOR

MIND PROPERTY GROUP  
1 & 3 CHURCH STREET, WOLLONGONG  
LOTS 33 & 34 IN DP 6920

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NOT FOR CONSTRUCTION

DEVELOPMENT APPLICATION

AMENDMENTS	No.	Revision Description	Date	BY
A	ISSUED FOR DEVELOPMENT APPLICATION	17.09.2021	DG	
B	ISSUED FOR ADDITIONAL INFORMATION	13.12.2021	DG	
C	ISSUED FOR ADDITIONAL INFORMATION FOR WLPP	15.07.2022	DG	



Drawing List			
Sheet Number	Current Revision	Sheet Name	Sheet Issue Date
DA-01	C	COVER PAGE	15/07/2022
DA-02	C	TITLE SHEET/LOCATION PLAN	15/07/2022
DA-03	A	CONTEXT PLAN	17/09/2021
DA-04	C	STREET ELEVATION	15/07/2022
DA-05	A	EXISTING AND DEMOLITION PLAN	17/09/2021
DA-06	B	SITE ANALYSIS PLAN	13/12/2021
DA-07	C	FSR CALCULATIONS	15/07/2022
DA-08	B	COS AND DSZ DIAGRAMS	13/12/2021
DA-09	C	CROSS VENTILATION DIAGRAM	15/07/2022
DA-10	B	SITE/ROOF PLAN	13/12/2021
DA-11	C	BASEMENT 1	14/02/2022
DA-12	C	BASEMENT 2	14/02/2022
DA-13	B	GROUND FLOOR PLAN	13/12/2021
DA-14	B	LEVEL 1 PLAN	13/12/2021
DA-15	B	LEVELS 2-3 PLAN	13/12/2021
DA-16	B	LEVEL 4 PLAN	13/12/2021
DA-17	B	LEVELS 5 & 6 PLANS	13/12/2021
DA-18	C	LEVEL 7 PLAN	15/07/2022
DA-19	C	LEVEL 8 PLAN	15/07/2022
DA-20	B	PRE AND POST - ADAPTABLE PLANS	13/12/2021
DA-21	A	PRE AND POST - ADAPTABLE PLANS	17/09/2021
DA-22	A	PRE AND POST - ADAPTABLE PLANS	17/09/2021
DA-23	D	SECTION A-A	15/07/2022
DA-24	D	SECTION B-B	04/05/2022
DA-25	C	NORTH ELEVATION	15/07/2022
DA-26	C	EAST ELEVATION	15/07/2022
DA-27	C	SOUTH ELEVATION	15/07/2022
DA-28	C	WEST ELEVATION	15/07/2022
DA-29	B	SHADOW DIAGRAMS	13/12/2021
DA-30	B	SHADOW DIAGRAMS	13/12/2021
DA-31	C	SHADOW DIAGRAMS	15/07/2022
DA-32	C	SHADOW DIAGRAMS	15/07/2022
DA-33	C	SHADOW DIAGRAMS	15/07/2022
DA-34	C	SHADOW DIAGRAMS	15/07/2022
DA-35	B	3D PERSPECTIVES	13/12/2021
DA-36	C	3D VIEWS	15/07/2022
DA-37	C	3D PERSPECTIVES	15/07/2022
DA-38	C	3D STUDY	15/07/2022
DA-39	C	3D STUDY	15/07/2022
DA-40	C	NO. 5 CHURCH STREET - CONTEXTUAL STUDY	15/07/2022
DA-41	C	NO. 5 CHURCH STREET - CONTEXTUAL STUDY	15/07/2022
DA-42	B	NO. 5 CHURCH STREET - PROPOSED (HYPOTHETICAL) SHADOW DIAGRAMS	15/07/2022
DA-43	B	NO. 5 CHURCH STREET - PROPOSED (HYPOTHETICAL) SHADOW DIAGRAMS	15/07/2022
DA-44	A	FRONT ENTRY PERSPECTIVE	13/12/2021
DA-45	A	EAST SETBACK SECTION	15/07/2022
DA-46	A	EAST SETBACK SECTION	15/07/2022

## PROJECT INFORMATION

SITE AREA 1064m<sup>2</sup>  
 ZONING R1  
 HEIGHT LIMIT 32m  
 NUMBER OF STOREYS 8 Storeys  
 FSR 1.5:1

PERMISSIBLE FSR 1.5:1  
 PERMISSIBLE GROSS FLOOR AREA 1596m<sup>2</sup>

GROUND FLOOR 179.1m<sup>2</sup>  
 LEVEL 1 201.9m<sup>2</sup>  
 LEVEL 2 256.5m<sup>2</sup>  
 LEVEL 3 256.5m<sup>2</sup>  
 LEVEL 4 153.0m<sup>2</sup>  
 LEVEL 5 158.9m<sup>2</sup>  
 LEVEL 6 158.9m<sup>2</sup>  
 LEVEL 7 148.0m<sup>2</sup>  
 LEVEL 8 83.3m<sup>2</sup>

TOTAL 1595.7m<sup>2</sup>

PROPOSED FSR 1.5:1

### UNITS (UNIT MIX)

GROUND FLOOR  
 LEVEL 1  
 LEVEL 2  
 LEVEL 3  
 LEVEL 4  
 LEVEL 5  
 LEVEL 6  
 LEVEL 7

- UNIT 1 (1 BED), UNIT 2 (2 BED)  
 - UNIT 3 (1 BED) & UNIT 4 (3 BED)  
 - UNIT 5 (3 BED) & UNIT 6 (3 BED)  
 - UNIT 7 (3 BED) & UNIT 8 (3 BED)  
 - UNIT 9 (3 BED)  
 - UNIT 10 (3 BED)  
 - UNIT 11 (3 BED)  
 - UNIT 12 (3 BED) 2 STOREY PENTHOUSE

TOTAL  
 - 2 X 1 BED  
 - 1 X 2 BED  
 - 9 X 3 BED

12 UNITS

## BASIX INFORMATION

### SUMMARY OF BASIX COMMITMENTS

REFER TO BASIX CERTIFICATE FOR FULL LIST OF COMMITMENTS FOR RESIDENTIAL FLAT BUILDING

#### Notes for Plans

##### Glazing Doors/Windows

Glazed windows and doors:  
 Group A - opening + bifold + casement windows + hinged glazed doors  
 U-value: 4.80 (equal to or lower than) SHGC: 0.51 (±10%)

Group B - sliding doors/windows + fixed glazing + louvre windows  
 U-value: 4.80 (equal to or lower than) SHGC: 0.59 (±10%)

Given values are AFRC total window system values (glass and frame)

Note: BASIX Thermal Comfort Protocol Table 3 SHCC value of the unit should be within +/- 10% of the value specified for the default window selection on the certificate.

Roof and ceiling  
 Concrete roof, no insulation  
 Plasterboard ceiling with R2.5 insulation (insulation only value) where balconies are above  
 Plasterboard ceiling with R2.5 insulation (insulation only value) to soffit of concrete where roof is over  
 Plasterboard ceiling, no insulation where neighbouring units are above

External Colour  
 Medium (0.475 < SA < 0.7)

Ceiling Penetrations  
 Sealed LED downlights at a maximum of one every 2.5m<sup>2</sup>. Once lighting plan has been developed NatHERS certificate can be updated to improve specification.

External Wall  
 75mm Hebel Power Panel with a minimum R2.0 insulation (insulation only value)

External Colour  
 Medium (0.475 < SA < 0.7)

Inter-tenancy walls  
 75mm Hebel Power Panel to walls adjacent to neighbours, no insulation required

Minimum 250mm concrete with furring channel and plasterboard lining to all walls adjacent to lift shafts and fire stairs. No insulation required

Walls within dwellings  
 Plasterboard on studs - no insulation

Floors  
 Concrete with a minimum R2.5 insulation (insulation only value) required to units with basement carpark below  
 Concrete with a minimum R2.5 insulation (insulation only value) required where part open subfloor is below  
 Concrete between levels, no insulation required

Floor coverings  
 Carpet to bedrooms, tiles to bathrooms and laundry, timber elsewhere

Fixtures within units  
 Showerheads: Mid flow (6L but <=7.5L/min)

Toilets: 4.0 star  
 Kitchen taps: 5.0 star  
 Bathroom vanity taps: 5.0 star

Appliances within units  
 Dishwashers: 4.0 stars

Central rainwater storage  
 Tank size: 5,000L  
 Collecting from 2.00m<sup>2</sup> roof area (50%)  
 Connected to outdoor tap for irrigation of common landscaping

Fire sprinkler test water  
 Fire sprinkler test water must be contained in a closed loop system

Hot water system  
 Central electric heat pump - air - sourced

Lift motors  
 All lifts to have gearless traction with VVVF motor

Appliances and other efficiency measures within units  
 Gas cooktop & electric oven  
 Dishwashers: 4.0 star

Heating and cooling within units  
 All units to have individual, single phase, reverse cycle air conditioning to living areas, and at least 1 bedroom  
 A minimum efficiency EER 3.5 - 4.0 is required for cooling, and  
 A minimum efficiency EER 3.5 - 4.0 is required for heating

Artificial lighting within units  
 All light fittings within each room are to have sealed LED fixtures installed

Ventilation within units  
 Bathrooms: individual fan, ducted to roof or façade - manual on/off switch  
 Laundry: individual fan, ducted to roof or façade - manual on/off switch  
 Kitchen: range hood, individual fan, ducted to roof or façade - manual on/off switch

Ventilation to common areas  
 Car park area - supply and exhaust air with a carbon monoxide monitor & VSD fan  
 Garbage rooms - Exhaust air, running continuously  
 Plant/Storage/Switch room - Supply only, interlocked to light  
 Ground floor Lobbies and Hallways - Naturally ventilated

Artificial lighting to common areas

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DEVELOPMENT APPLICATION

### AMENDMENTS

NO.	Revision Description	Date	BY
A	ISSUED FOR DEVELOPMENT APPLICATION	17.09.2021	DD
B	ISSUED FOR ADDITIONAL INFORMATION FOR WPPP	12.12.2021	DD
C	ISSUED FOR ADDITIONAL INFORMATION FOR WPPP	15.07.2022	DD

Car park area - Fluorescent lights with zoned switching and motion sensors

Lifts - Light emitting diodes (LEDs) connected to lift call button

Garbage rooms - Light emitting diodes (LEDs) with motion sensor

Plant/Storage - Light emitting diodes (LEDs) with manual on / manual off switch

Ground floor lobby - Light emitting diodes (LEDs) with motion sensors

Hallways - Light emitting diodes (LEDs) with zoned switching and motion sensors

### Alternative Energy

SKW PV system

### Swimming pool within unit 12

Electric heat pump controlled by a timer



## KEY PLAN

NTS



## LOCATION PLAN

NTS

Project:

RESIDENTIAL APARTMENT BUILDING  
 1 & 3 CHURCH STREET, WOLLONGONG  
 LOTS 33 & 34 IN DP 16520

Client:  
 MIND PROPERTY GROUP



Title:  
 TITLE SHEET/LOCATION PLAN

Date:	Job No.:	Dwg.:	Rev.:
15/07/2022	20-59	DA-02	
As indicated			



AERIAL SITE PLAN



STREET ELEVATION



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NOT FOR CONSTRUCTION  
DEVELOPMENT APPLICATION

AMENDMENTS	No.	Revision Description	Date	BY
A	1	ISSUED FOR DEVELOPMENT APPLICATION	17.09.2021	DQ
B	2	ISSUED FOR ADDITIONAL INFORMATION	13.12.2021	DQ
C	3	ISSUED FOR ADDITIONAL INFORMATION FOR W.L.P.P.	15.07.2022	DQ

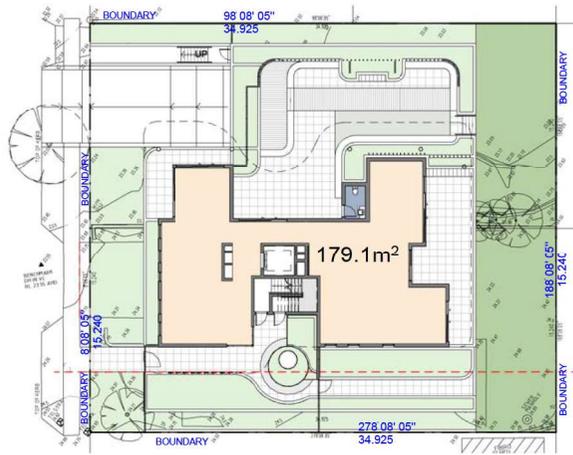
NOTE: 7-9 CHURCH AND 11-15 CHURCH STREET HEIGHT INFORMATION, TAKEN FROM IMAGERY ONLY.

Project:  
RESIDENTIAL APARTMENT BUILDING  
1 & 3 CHURCH STREET, WOLLONGONG  
LOTS 33 & 34 IN DP 6620  
Client:  
MIND PROPERTY GROUP

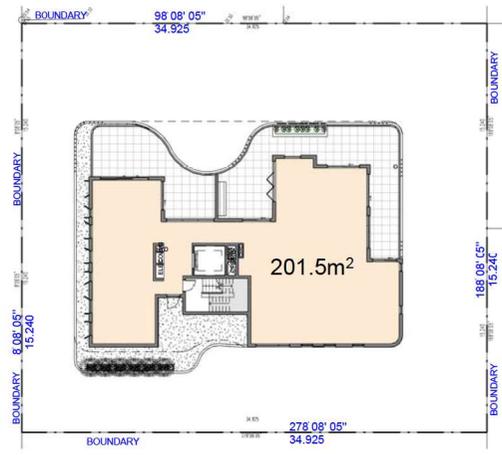


Title:  
STREET ELEVATION

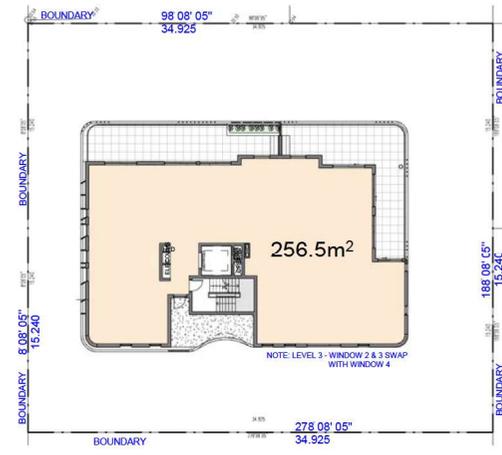
Date:	Job No.:	Dwg.:	Rev:
15.07.2022	20-59	DA-04	
Scale:	1:200		



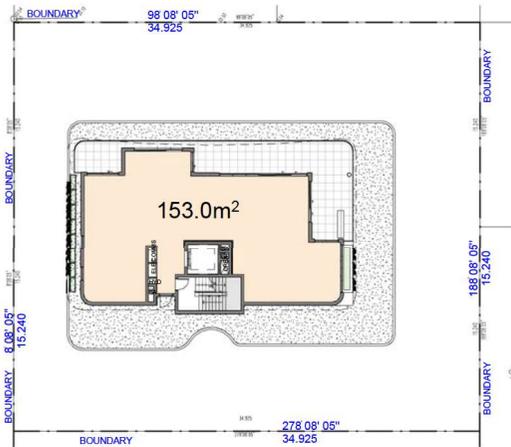
① FSR - GROUND FLOOR  
1:200@A1 1:400@A3



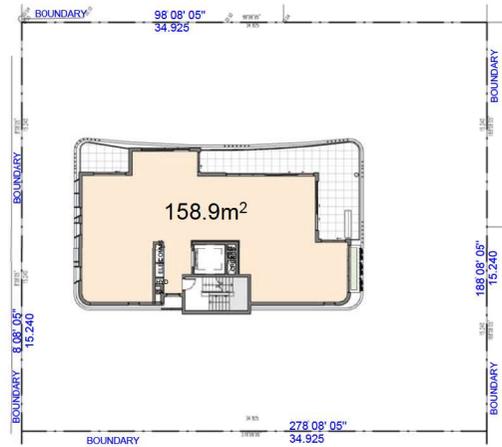
② FSR - LEVEL 1  
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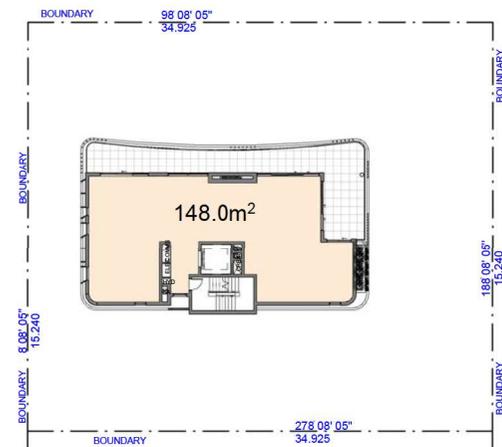
③ FSR - LEVEL 2 & 3  
1:200@A1 1:400@A3



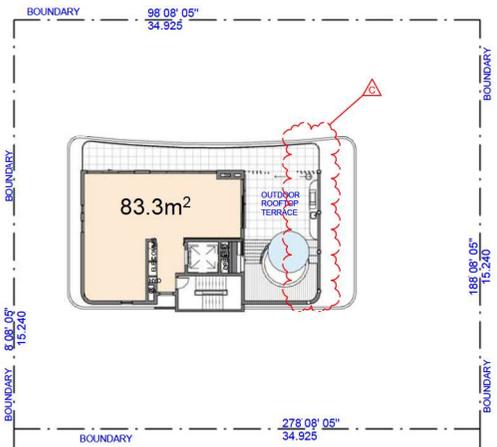
④ FSR - LEVEL 4  
1:200@A1 1:400@A3



⑤ FSR - LEVELS 5-6  
1:200@A1 1:400@A3



⑥ FSR - LEVEL 7  
1:200@A1 1:400@A3



⑦ FSR - LEVEL 8  
1:200@A1 1:400@A3

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DEVELOPMENT APPLICATION

AMENDMENTS	No.	Revision Description	Date	BY:
A	ISSUED FOR DEVELOPMENT APPLICATION	17.09.2021	DQ	
B	ISSUED FOR ADDITIONAL INFORMATION	13.12.2021	DQ	
C	ISSUED FOR ADDITIONAL INFORMATION FOR W.F.P.P	15.07.2022	DQ	

**PROJECT INFORMATION**

SITE AREA	1064m <sup>2</sup>
PERMISSIBLE FSR	1.5:1
PERMISSIBLE GROSS FLOOR AREA	1596m <sup>2</sup>
GROUND FLOOR	179.1m <sup>2</sup>
LEVEL 1	201.5m <sup>2</sup>
LEVEL 2	256.5m <sup>2</sup>
LEVEL 3	256.5m <sup>2</sup>
LEVEL 4	153.0m <sup>2</sup>
LEVEL 5	158.9m <sup>2</sup>
LEVEL 6	158.9m <sup>2</sup>
LEVEL 7	148.0m <sup>2</sup>
LEVEL 8	83.3m <sup>2</sup>
<b>TOTAL</b>	<b>1595.7m<sup>2</sup></b>
PROPOSED FSR	1.5:1

Project:  
**RESIDENTIAL APARTMENT BUILDING**  
1 & 3 CHURCH STREET, WOLLONGONG  
LOTS 53 & 54 IN DP 6520

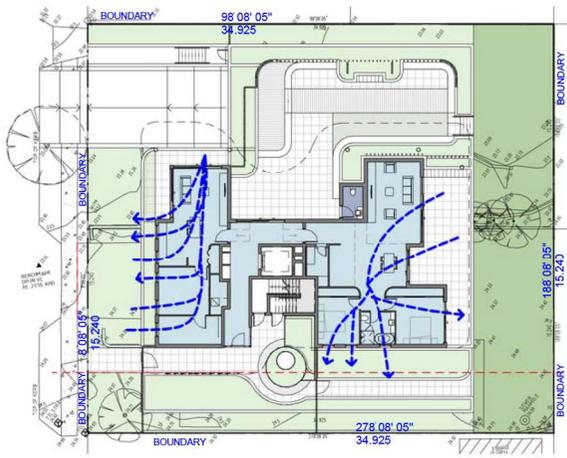
Client:  
**MIND PROPERTY GROUP**

PRD ARCHITECTS  
Level 3  
77 Market Street  
Wollongong NSW 2500  
P: 432 3899 F: 432 1145  
e: info@prdarchitects.com.au

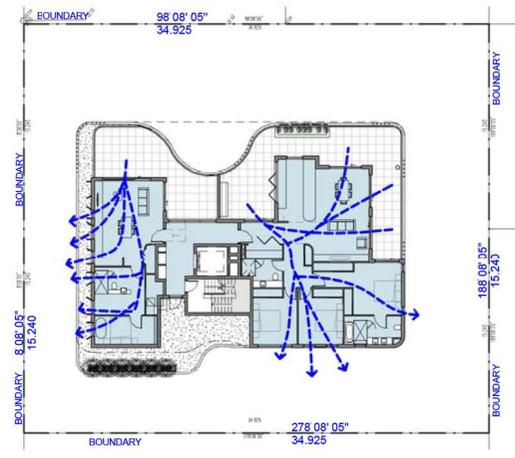
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**FSR CALCULATIONS**

Date: 15.07.2022	Job No: 20-59	Dwg: DA-07	Rev:
Scale: As indicated			

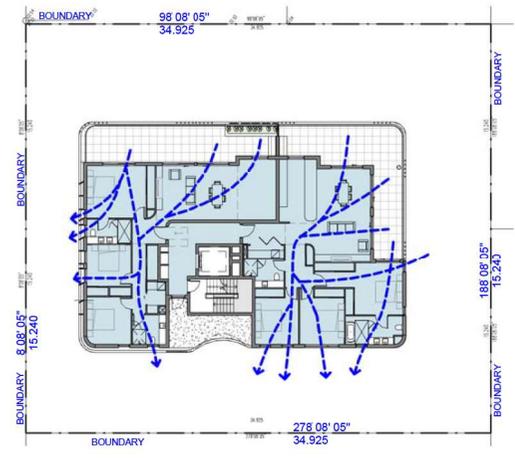
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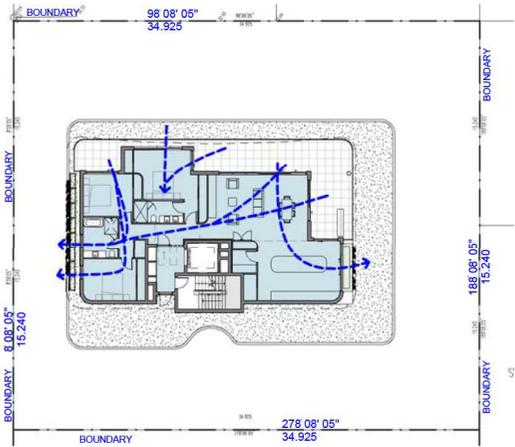
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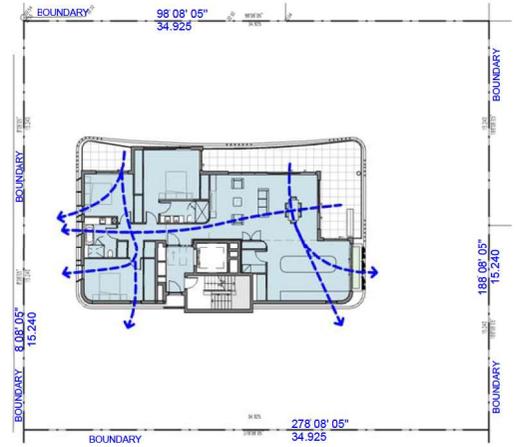
2 NATURAL VENTILATION - LEVEL 1  
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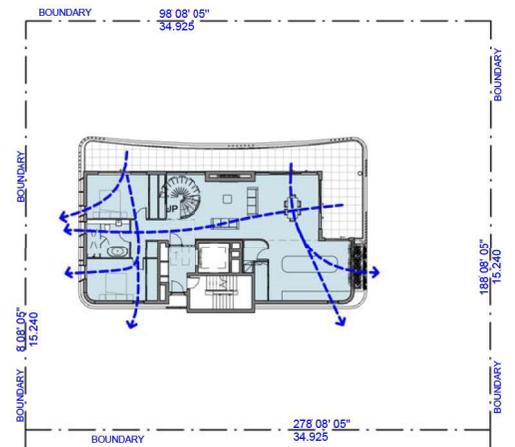
3 NATURAL VENTILATION - LEVEL 2 & 3  
1:200@A1 1:400@A3



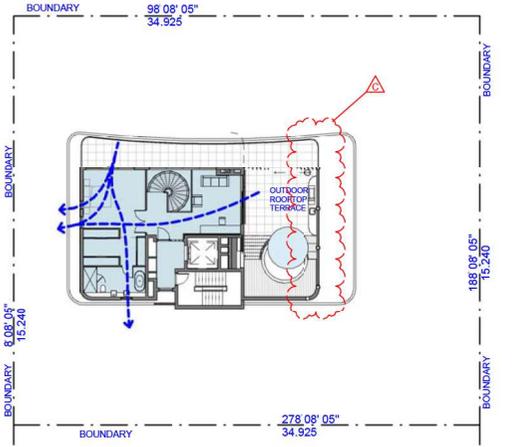
4 NATURAL VENTILATION - LEVEL 4  
1:200@A1 1:400@A3



5 NATURAL VENTILATION - LEVELS 5-6  
1:200@A1 1:400@A3



6 NATURAL VENTILATION - LEVEL 7  
1:200@A1 1:400@A3



7 NATURAL VENTILATION - LEVEL 8  
1:200@A1 1:400@A3

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DEVELOPMENT APPLICATION



AMENDMENTS	No.	Revision Description	Date	BY
A	ISSUED FOR DEVELOPMENT APPLICATION		17.09.2021	DQ
B	ISSUED FOR ADDITIONAL INFORMATION		13.12.2021	DQ
C	ISSUED FOR ADDITIONAL INFORMATION FOR W.P.P		15.07.2022	DQ

Project:  
**RESIDENTIAL APARTMENT BUILDING**  
1 & 3 CHURCH STREET, WOLLONGONG  
LOTS 33 & 34 IN DP 6620  
Client:  
**MIND PROPERTY GROUP**



Title:  
**CROSS VENTILATION DIAGRAM**

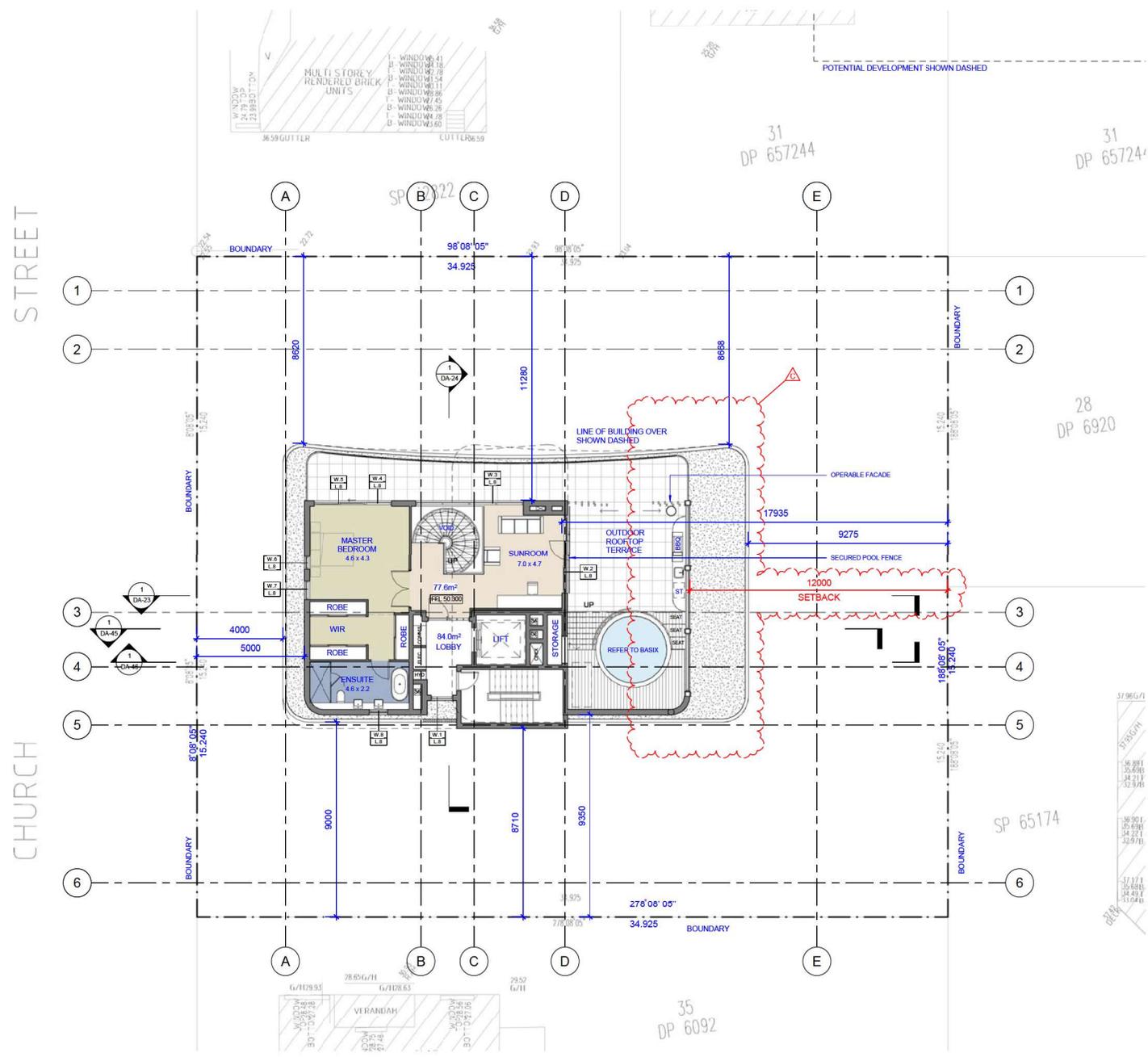
Date:	Job No.:	Dwg.:	Rev:
15.07.2022	20-59	DA-09	
Scale:	1:200@A1 1:400@A3		



15/07/2022 1:02:41 PM



AMENDMENTS	No.	Revision Description	Date	BY:
A	ISSUED FOR DEVELOPMENT APPLICATION	17.09.2021	DQ	
B	ISSUED FOR ADDITIONAL INFORMATION	13.12.2021	DQ	
C	ISSUED FOR ADDITIONAL INFORMATION FOR W.L.P.P.	15.07.2022	DQ	



**1 LEVEL 8**  
 1: 100

**STORMWATER**  
 REFER TO DRAWINGS PREPARED BY ATB CONSULTING ENGINEERS FOR ALL STORMWATER DETAILS & SPECIFICATIONS

**LANDSCAPING**  
 REFER TO DRAWINGS PREPARED BY DSB LANDSCAPE ARCHITECTS FOR ALL LANDSCAPING DETAILS & SPECIFICATIONS

**BASIN#ERS**  
 THIS DRAWING TO BE READ IN CONJUNCTION WITH BASIN#ERS REPORT PREPARED BY EFFICIENT LIVING

Project:  
**RESIDENTIAL APARTMENT BUILDING**  
 1 & 3 CHURCH STREET, WOLLONGONG  
 LOTS 33 & 34 IN DP 6520

Client:  
**MIND PROPERTY GROUP**



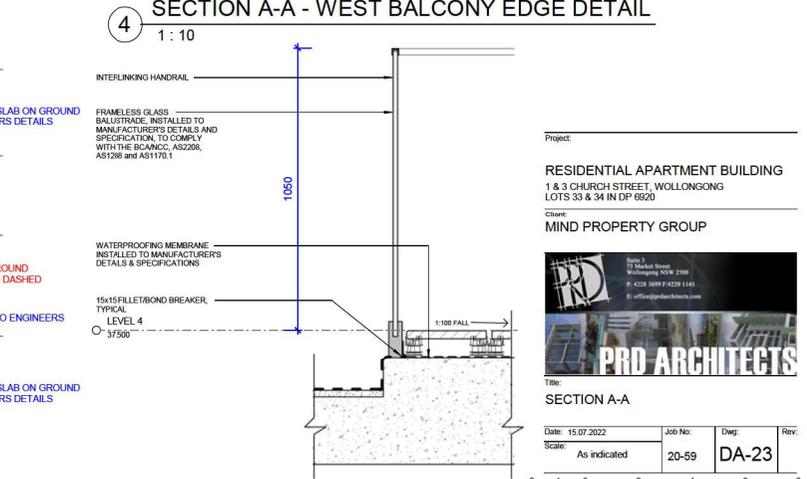
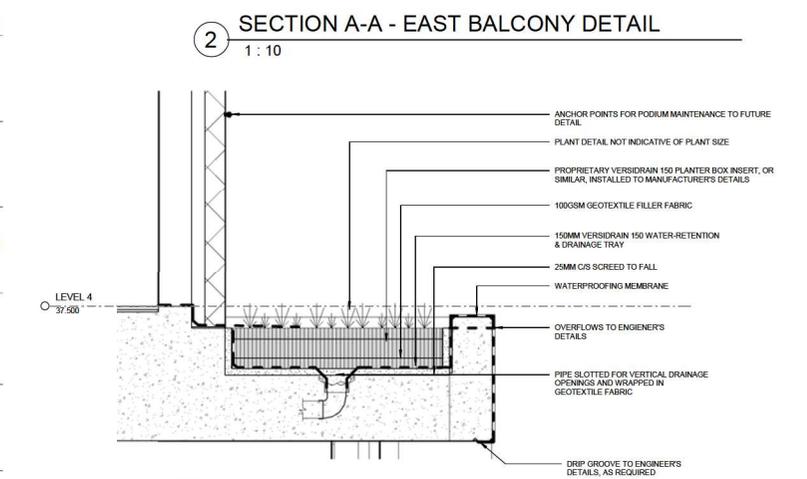
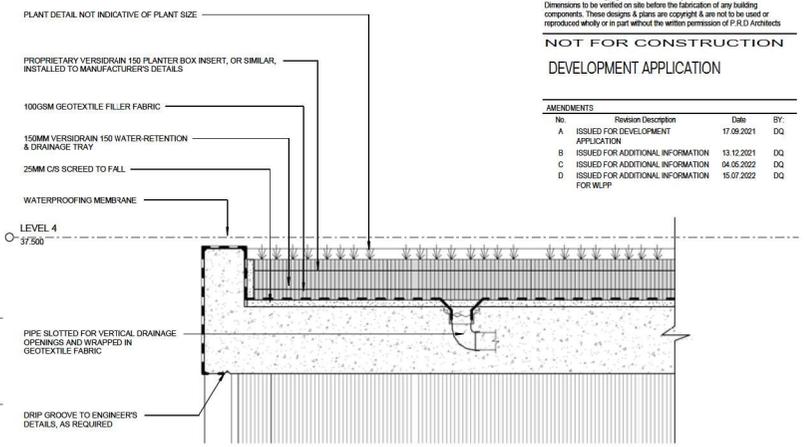
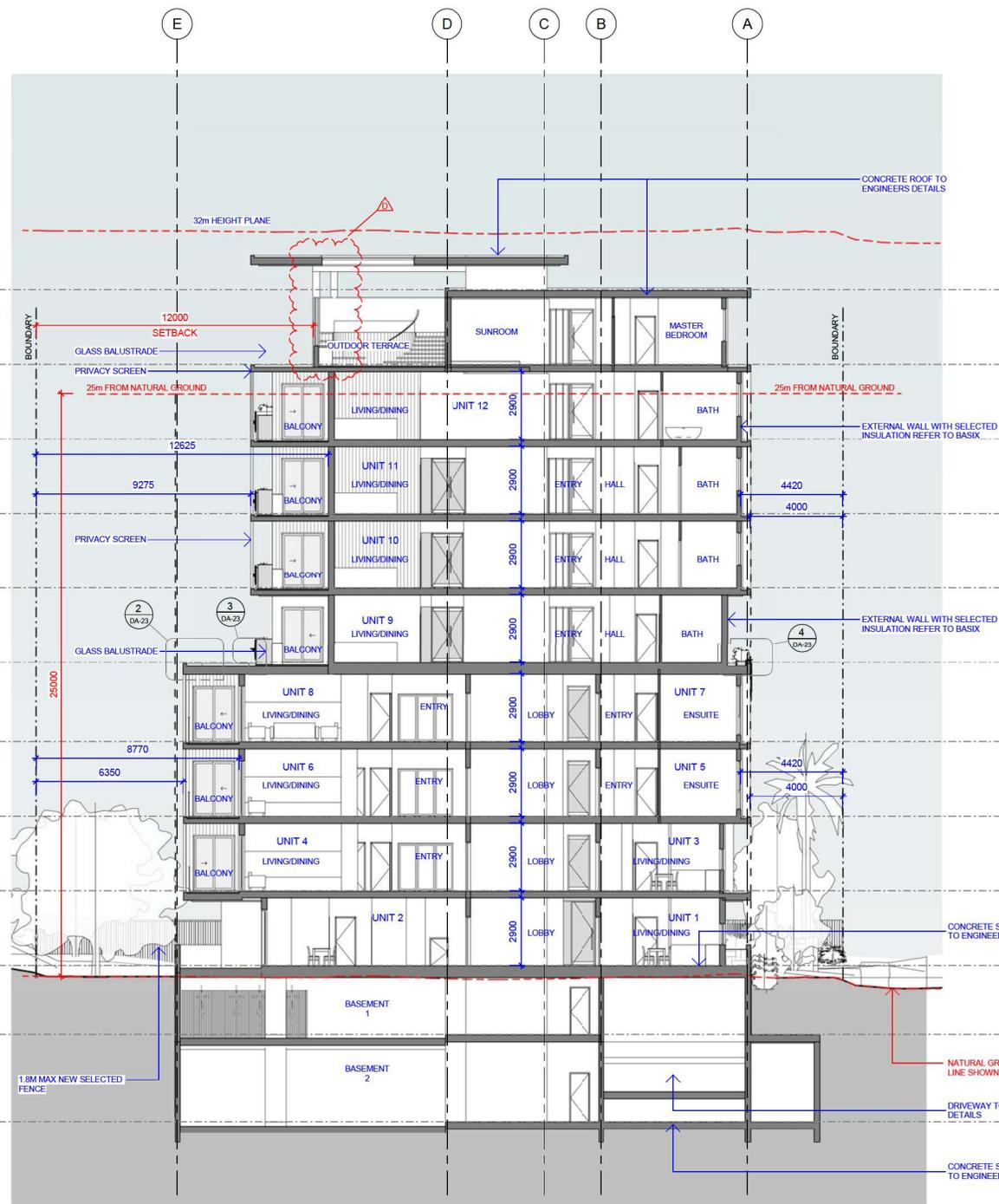
Title:  
**LEVEL 8 PLAN**

Date:	Job No.:	Dwg. No.:	Rev.:
15.07.2022	20-59	DA-19	

Scale: 1: 100



AMENDMENTS	Revision Description	Date	BY
A	ISSUED FOR DEVELOPMENT APPLICATION	17.09.2021	DQ
B	ISSUED FOR ADDITIONAL INFORMATION	13.12.2021	DQ
C	ISSUED FOR ADDITIONAL INFORMATION	04.05.2022	DQ
D	ISSUED FOR ADDITIONAL INFORMATION FOR WLPF	15.07.2022	DQ



**1 SECTION A-A**  
1:100

STORMWATER  
REFER TO DRAWINGS PREPARED BY ATB  
CONSULTING ENGINEERS FOR ALL  
STORMWATER DETAILS AND SPECIFICATIONS

LANDSCAPING  
REFER TO DRAWINGS PREPARED BY DSB  
LANDSCAPE ARCHITECTS FOR ALL LANDSCAPING  
DETAILS AND SPECIFICATIONS

BASIS/ENGINEERS  
THIS DRAWINGS TO BE READ IN CONJUNCTION WITH  
BASIS/ENGINEERS REPORT PREPARED BY EFFICIENT LIVING

**3 SECTION A-A - BALCONY DETAIL**  
1:10

Project:  
**RESIDENTIAL APARTMENT BUILDING**  
1 & 3 CHURCH STREET, WOLLONGONG  
LOTS 53 & 54 IN DP 6520

Client:  
**MIND PROPERTY GROUP**

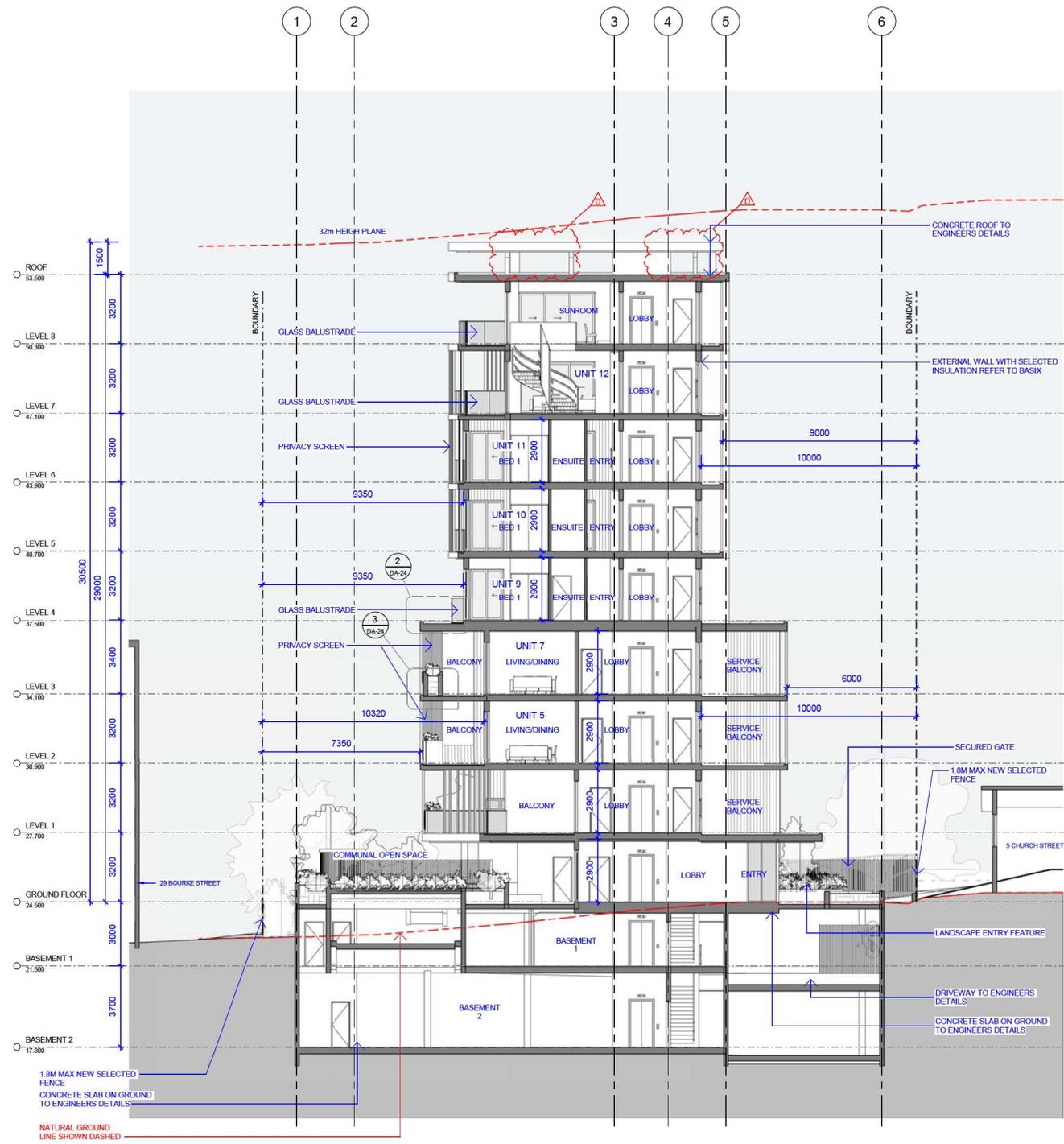


Title:  
**SECTION A-A**

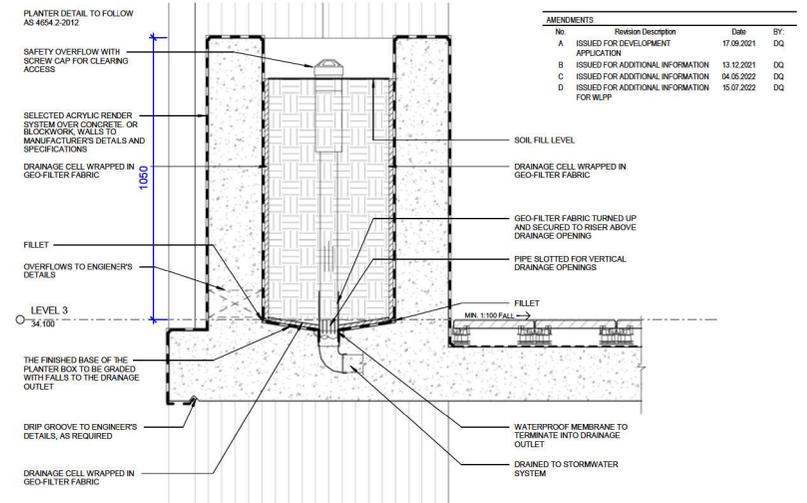
Date: 15.07.2022	Job No: 20-59	Dwg: Rev
Scale: As indicated	20-59	DA-23

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1:100 @ A1 1:200 @ A3

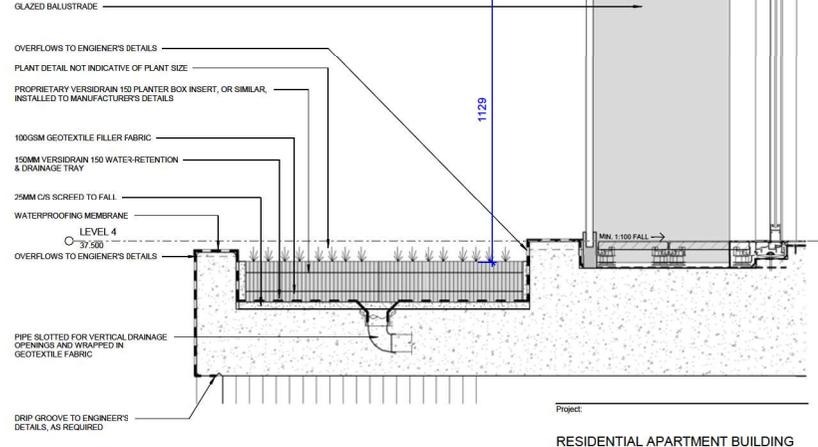
AMENDMENTS	No.	Revision Description	Date	BY:
A	ISSUED FOR DEVELOPMENT APPLICATION	17.09.2021	DG	
B	ISSUED FOR ADDITIONAL INFORMATION	13.12.2021	DQ	
C	ISSUED FOR ADDITIONAL INFORMATION	04.05.2022	DQ	
D	ISSUED FOR ADDITIONAL INFORMATION FOR WLPF	15.07.2022	DQ	



**1 SECTION B-B**  
1:100



**3 SECTION B-B - PLANTER DETAIL**  
1:10



**2 SECTION B-B - NORTH BALCONY DETAIL**  
1:10

**STORMWATER**  
REFER TO DRAWINGS PREPARED BY ATB CONSULTING ENGINEERS FOR ALL STORMWATER DETAILS AND SPECIFICATIONS

**LANDSCAPING**  
REFER TO DRAWINGS PREPARED BY DSB LANDSCAPE ARCHITECTS FOR ALL LANDSCAPING DETAILS AND SPECIFICATIONS

**BASIX#BERS**  
THIS DRAWING IS TO BE READ IN CONJUNCTION WITH BASIX#BERS REPORT PREPARED BY EFFICIENT LIVING

Project:  
**RESIDENTIAL APARTMENT BUILDING**  
 1 & 3 CHURCH STREET, WOLLONGONG  
 LOTS 53 & 54 IN DP 6520

Client:  
**MIND PROPERTY GROUP**



Title:  
**SECTION B-B**

Date: 15.07.2022	Job No: 20-59	Dwg: DA-24	Rev:
Scale: As indicated			

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

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**DEVELOPMENT APPLICATION**

AMENDMENTS	No.	Revision Description	Date	BY:
A	ISSUED FOR DEVELOPMENT APPLICATION	17.09.2021	DQ	
B	ISSUED FOR ADDITIONAL INFORMATION	13.12.2021	DQ	
C	ISSUED FOR ADDITIONAL INFORMATION FOR W/PPP	15.07.2022	DQ	



**FINISHES SCHEDULE:**

**EXTERNAL**

<b>W1</b> SCULPTIFORM ALUMINIUM CLADDING "WHITEWASH OAK" OR SIMILAR	<b>W2</b> DULUX "VIVID WHITE" OR SIMILAR
<b>W3</b> DULUX "VIVID WHITE" OR SIMILAR	<b>W4</b> DULUX "VIVID WHITE" OR SIMILAR
<b>TS</b> POWDERCOATED ALUMINIUM BATTEN FACADE (TS) OR SIMILAR COLOUR: ZEUS "M7" LAMINE WHITE SATIN OR SIMILAR GLAZING: CLEAR	<b>WD</b> WINDOWS & DOORS POWDERCOATED ALUMINIUM (PC) - ZEUS APPLIANCE WHITE SATIN OR SIMILAR GLAZING: CLEAR
<b>S</b> CORTEN / BRONZE FEATURE PANEL OR SIMILAR	<b>G1</b> CLEAR GLASS

**PROPOSED STEEL FENCING**  
 COLOUR: SHALE GREY OR SIMILAR

**1 NORTH ELEVATION**  
 1 : 100

**STORMWATER**  
 REFER TO DRAWINGS PREPARED BY ATB CONSULTING ENGINEERS FOR ALL STORMWATER DETAILS AND SPECIFICATIONS

**LANDSCAPING**  
 REFER TO DRAWINGS PREPARED BY DSB LANDSCAPE ARCHITECTS FOR ALL LANDSCAPING DETAILS AND SPECIFICATIONS

**BASIX#BERS**  
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Project:  
**RESIDENTIAL APARTMENT BUILDING**  
 1 & 3 CHURCH STREET, WOLLONGONG  
 LOTS 53 & 54 IN DP 6620

Client:  
**MIND PROPERTY GROUP**



Title:  
**NORTH ELEVATION**

Date: 15.07.2022	Job No: 20-59	Dwg: DA-25	Rev:
Scale: As indicated			

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15/07/2022 1:03:57 PM

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**DEVELOPMENT APPLICATION**

AMENDMENTS	No.	Revision Description	Date	BY:
A	ISSUED FOR DEVELOPMENT APPLICATION	17.09.2021	DQ	
B	ISSUED FOR ADDITIONAL INFORMATION	13.12.2021	DQ	
C	ISSUED FOR ADDITIONAL INFORMATION FOR W.L.P.P.	15.07.2022	DQ	



**FINISHES SCHEDULE:**

**EXTERNAL**

<b>W1</b> SCULPTIFORM ALUMINIUM CLADDING OR SIMILAR	<b>W2</b> DULUX "VIVID WHITE" OR SIMILAR
<b>W3</b> DULUX "VIVID WHITE" OR SIMILAR	<b>W4</b> DULUX "VIVID WHITE" OR SIMILAR
<b>TS</b> POWDERCOATED ALUMINIUM BATTEN FACADE (TS) COLOUR: ZEUS MATTE LANCE WHITE SATIN OR SIMILAR	<b>WD</b> WINDOWS & DOORS POWDERCOATED (PC) - ZEUS APPLIANCE WHITE OR SIMILAR GLAZING: CLEAR
<b>S</b> CORTEN / BRONZE FEATURE PANEL OR SIMILAR	<b>G1</b> CLEAR GLASS

**PROPOSED STEEL FENCING**  
 COLOUR: SHALE GREY OR SIMILAR

**1 EAST ELEVATION**  
 1 : 100

**STORMWATER**  
 REFER TO DRAWINGS PREPARED BY ATB CONSULTING ENGINEERS FOR ALL STORMWATER DETAILS AND SPECIFICATIONS

**LANDSCAPING**  
 REFER TO DRAWINGS PREPARED BY DSB LANDSCAPE ARCHITECTS FOR ALL LANDSCAPING DETAILS AND SPECIFICATIONS

**BASIX/HERS**  
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Project:  
**RESIDENTIAL APARTMENT BUILDING**  
 1 & 3 CHURCH STREET, WOLLONGONG  
 LOTS 53 & 54 IN DP 6620  
 Client:  
**MIND PROPERTY GROUP**



Title:  
**EAST ELEVATION**

Date: 15.07.2022	Job No: 20-59	Dwg: DA-26	Rev:
Scale: As indicated			

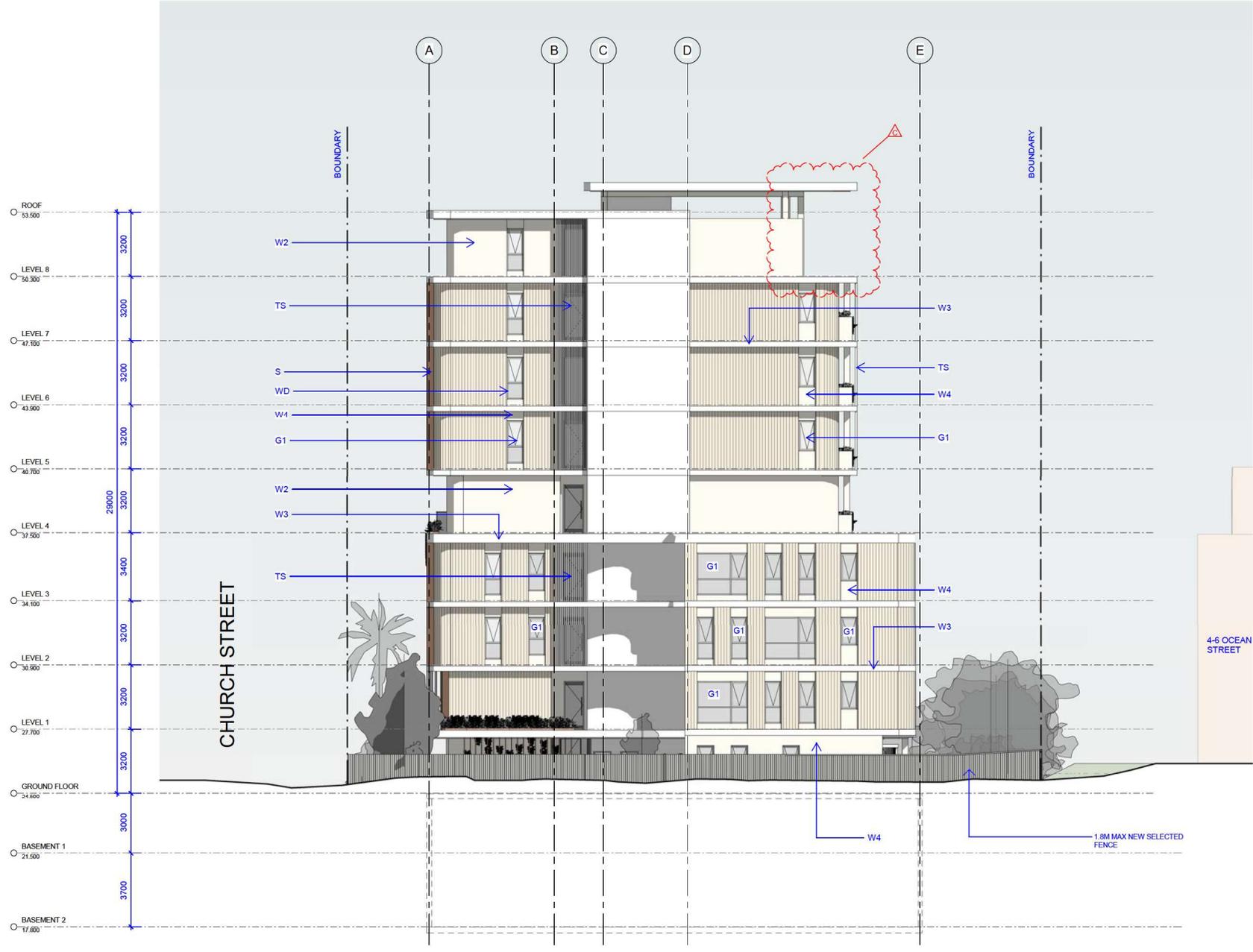
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 1:100 @ A1 1:200 @ A3

15/07/2022 1:05:00 PM

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**DEVELOPMENT APPLICATION**

AMENDMENTS	No.	Revision Description	Date	BY:
A	ISSUED FOR DEVELOPMENT APPLICATION	17.09.2021	DQ	
B	ISSUED FOR ADDITIONAL INFORMATION	13.12.2021	DQ	
C	ISSUED FOR ADDITIONAL INFORMATION FOR W.F.P.P.	15.07.2022	DQ	



**FINISHES SCHEDULE:**

**EXTERNAL**

<b>W1</b>	<b>W2</b>
SCULPTIFORM ALUMINIUM CLADDING "WHITESHASH OAK" OR SIMILAR	DULUX "VIVID WHITE" OR SIMILAR
<b>W3</b>	<b>W4</b>
DULUX "VIVID WHITE" OR SIMILAR	DULUX "VIVID WHITE" OR SIMILAR
<b>TS</b>	<b>WD</b>
POWDERCOATED ALUMINIUM BATTEN FACADE (TS) OR SIMILAR	WINDOWS & DOORS POWDERCOATED (PC) - ZEUS APPLIANCE WHITE OR SIMILAR
<b>S</b>	<b>G1</b>
CORTEN / BRONZE FEATURE PANEL OR SIMILAR	CLEAR GLASS
	PROPOSED STEEL FENCING COLOUR: SHALE GREY OR SIMILAR

Project:  
**RESIDENTIAL APARTMENT BUILDING**  
 1 & 3 CHURCH STREET, WOLLONGONG  
 LOTS 33 & 34 IN DP 6520  
 Client:  
**MIND PROPERTY GROUP**



Title:  
**SOUTH ELEVATION**

Date: 15.07.2022	Job No: 20-59	Dwg: DA-27	Rev:
Scale: As indicated			

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

**1 SOUTH ELEVATION**  
 1 : 100

**STORMWATER**  
 REFER TO DRAWINGS PREPARED BY ATB CONSULTING ENGINEERS FOR ALL STORMWATER DETAILS AND SPECIFICATIONS

**LANDSCAPING**  
 REFER TO DRAWINGS PREPARED BY DSB LANDSCAPE ARCHITECTS FOR ALL LANDSCAPING DETAILS AND SPECIFICATIONS

**BASIX#BERS**  
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A	ISSUED FOR DEVELOPMENT APPLICATION	17.09.2021	DQ	
B	ISSUED FOR ADDITIONAL INFORMATION	13.12.2021	DQ	
C	ISSUED FOR ADDITIONAL INFORMATION FOR W.F.P.P.	15.07.2022	DQ	



**FINISHES SCHEDULE:**

EXTERNAL	
<b>W1</b> SCULPTIFORM ALUMINIUM CLADDING "WHITEWASH OAK" OR SIMILAR	<b>W2</b> DULUX "VIVID WHITE" OR SIMILAR
<b>W3</b> DULUX "VIVID WHITE" OR SIMILAR	<b>W4</b> DULUX "VIVID WHITE" OR SIMILAR
<b>TS</b> POWDERCOATED ALUMINIUM BATTEN FACADE (TS) COLOUR: ZEUS APPLIANCE WHITE OR SIMILAR	<b>WD</b> WINDOWS & DOORS POWDERCOATED (PC) - ZEUS APPLIANCE WHITE OR SIMILAR
<b>S</b> CORTEN / BRONZE FEATURE PANEL OR SIMILAR	<b>G1</b> CLEAR GLASS
	<b>PROPOSED STEEL FENCING</b> COLOUR: SHALE GREY OR SIMILAR

Project:  
**RESIDENTIAL APARTMENT BUILDING**  
 1 & 3 CHURCH STREET, WOLLONGONG  
 LOTS 53 & 54 IN DP 6520  
 Client:  
**MIND PROPERTY GROUP**



Title:  
**WEST ELEVATION**

Date: 15.07.2022	Job No: 20-59	Dwg: DA-28	Rev:
Scale: As indicated			

1:100 @ A1 1:200 @ A3

**1 WEST ELEVATION**  
 1 : 100

**STORMWATER**  
 REFER TO DRAWINGS PREPARED BY ATB CONSULTING ENGINEERS FOR ALL STORMWATER DETAILS AND SPECIFICATIONS

**LANDSCAPING**  
 REFER TO DRAWINGS PREPARED BY DSB LANDSCAPE ARCHITECTS FOR ALL LANDSCAPING DETAILS AND SPECIFICATIONS

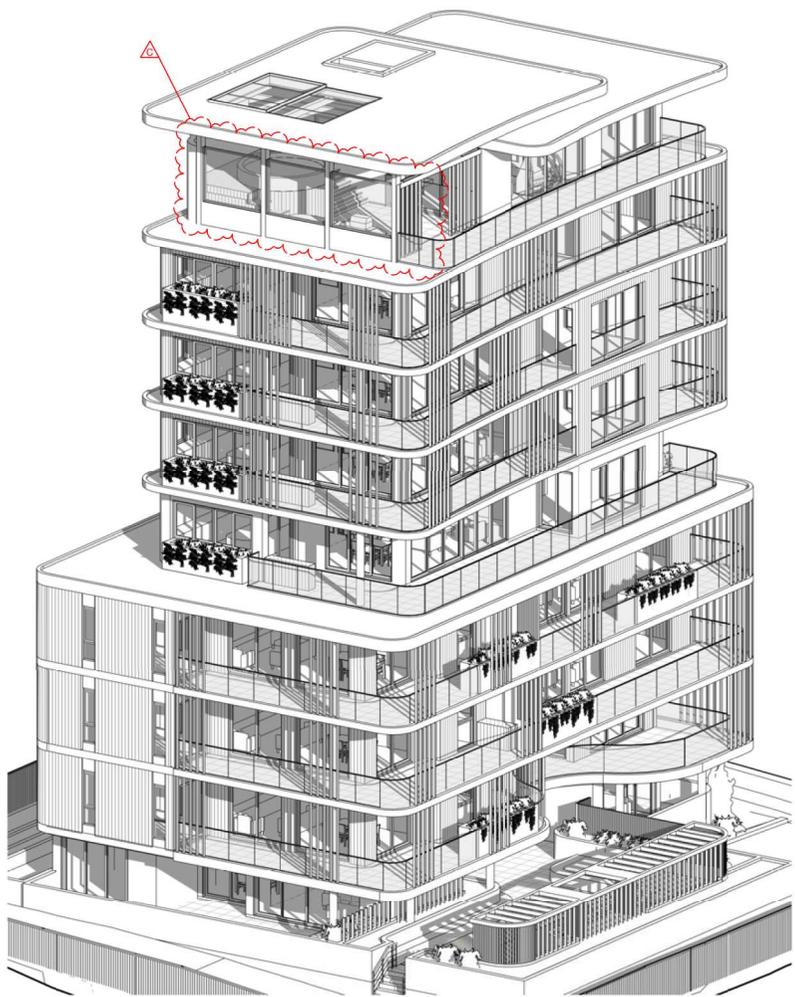
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15/07/2022 1:07:14 PM

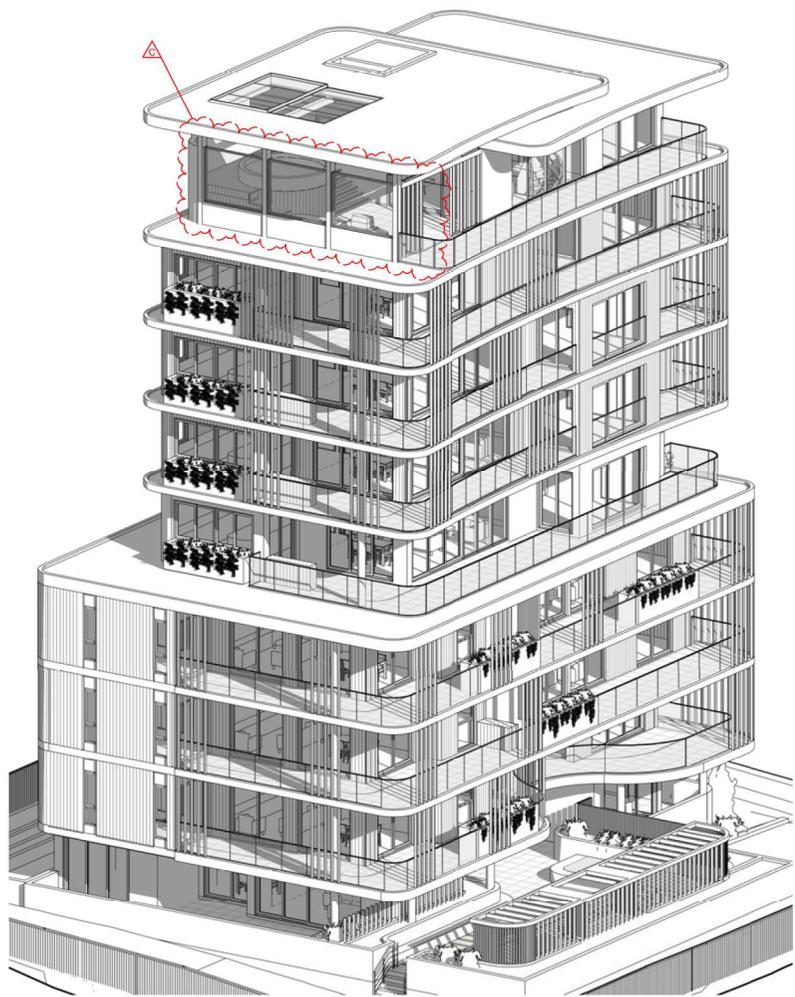
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**DEVELOPMENT APPLICATION**

AMENDMENTS	No.	Revision Description	Date	BY:
A	ISSUED FOR DEVELOPMENT APPLICATION	17.09.2021	DQ	
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C	ISSUED FOR ADDITIONAL INFORMATION FOR W.P.P.	15.07.2022	DQ	



1 SHADOWS - 21st June - 9am



2 SHADOWS - 21st June - 10am

Project:  
**RESIDENTIAL APARTMENT BUILDING**  
 1 & 3 CHURCH STREET, WOLLONGONG  
 LOTS 53 & 54 IN DP 6620  
 Client:  
**MIND PROPERTY GROUP**



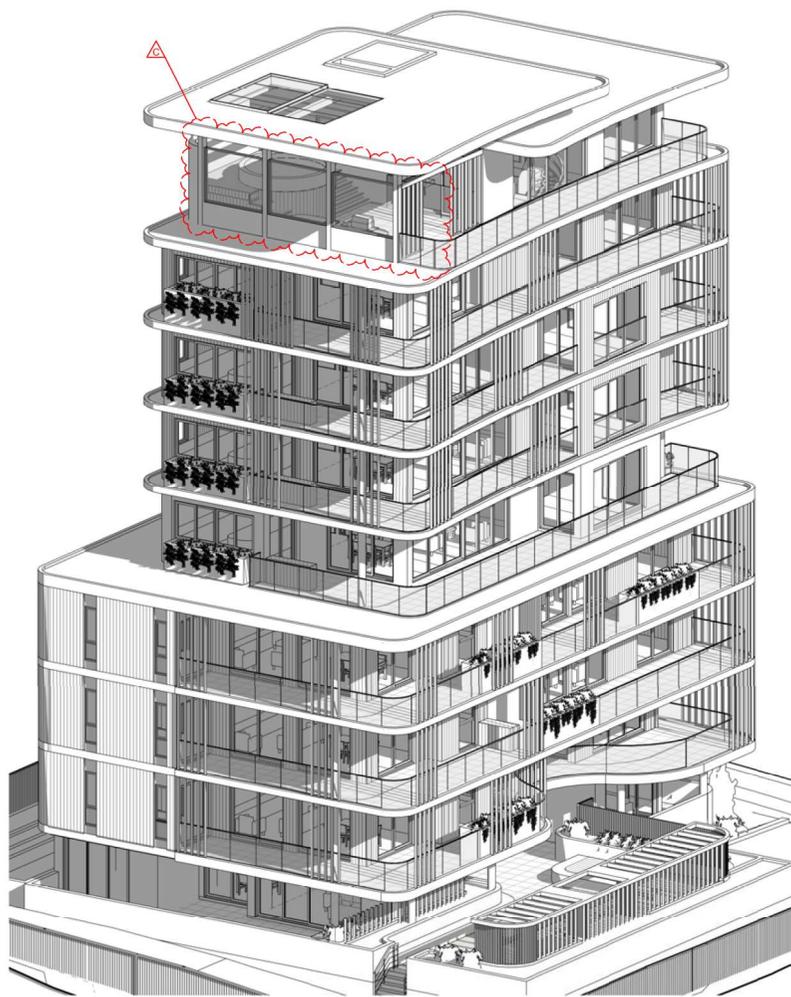
Title:  
**SHADOW DIAGRAMS**

Date: 15.07.2022	Job No:	Dwg:	Rev:
Scale:	20-59	DA-31	

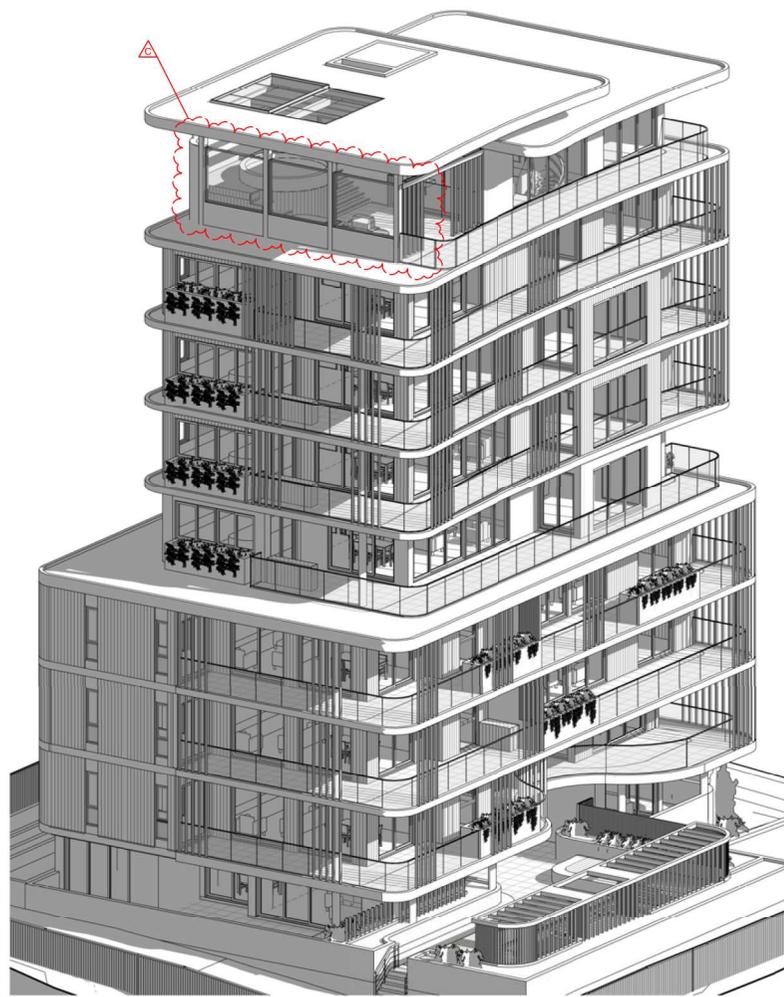
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C	ISSUED FOR ADDITIONAL INFORMATION FOR W.P.P.	15.07.2022	DQ	



1 SHADOWS - 21st June - 11am



2 SHADOWS - 21st June - 12pm

Project:  
**RESIDENTIAL APARTMENT BUILDING**  
 1 & 3 CHURCH STREET, WOLLONGONG  
 LOTS 53 & 54 IN DP 6620  
 Client:  
**MIND PROPERTY GROUP**



Level 3  
 71 Market Street  
 Wollongong NSW 2500  
 P: 432 3499 F: 4321 1145  
 E: info@prdarchitects.com

**PRD ARCHITECTS**

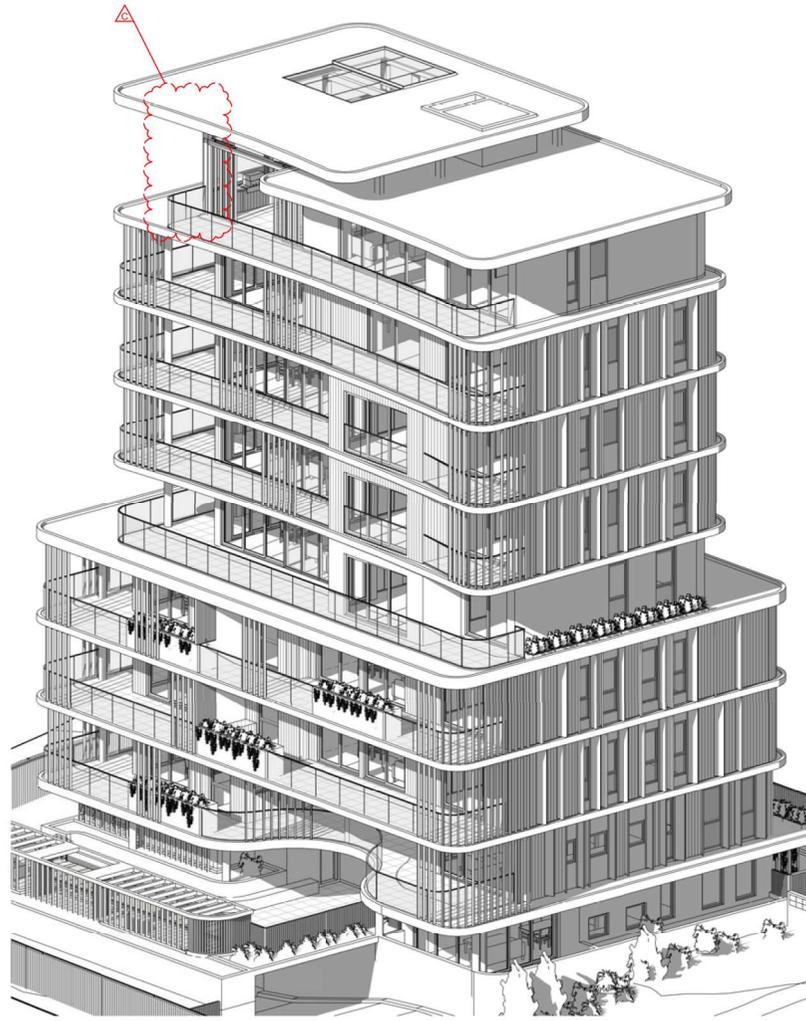
Title:  
**SHADOW DIAGRAMS**

Date: 15.07.2022	Job No:	Dwg:	Rev:
Scale:	20-59	DA-32	

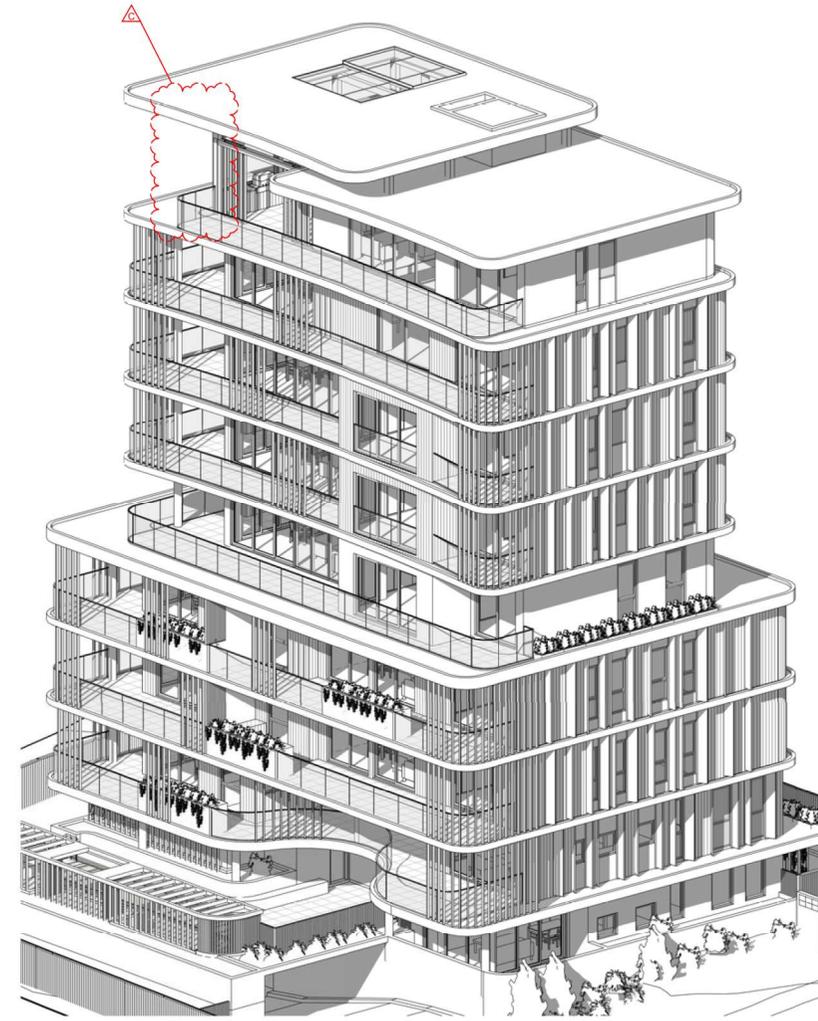
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**NOT FOR CONSTRUCTION**  
**DEVELOPMENT APPLICATION**

AMENDMENTS	No.	Revision Description	Date	BY:
A	ISSUED FOR DEVELOPMENT APPLICATION	17.09.2021	DQ	
B	ISSUED FOR ADDITIONAL INFORMATION	13.12.2021	DQ	
C	ISSUED FOR ADDITIONAL INFORMATION FOR W.P.P.	15.07.2022	DQ	



① SHADOWS - 21st June - 12 pm



② SHADOWS - 21st June - 1pm

Project:  
**RESIDENTIAL APARTMENT BUILDING**  
 1 & 3 CHURCH STREET, WOLLONGONG  
 LOTS 53 & 54 IN DP 6620  
 Client:  
**MIND PROPERTY GROUP**



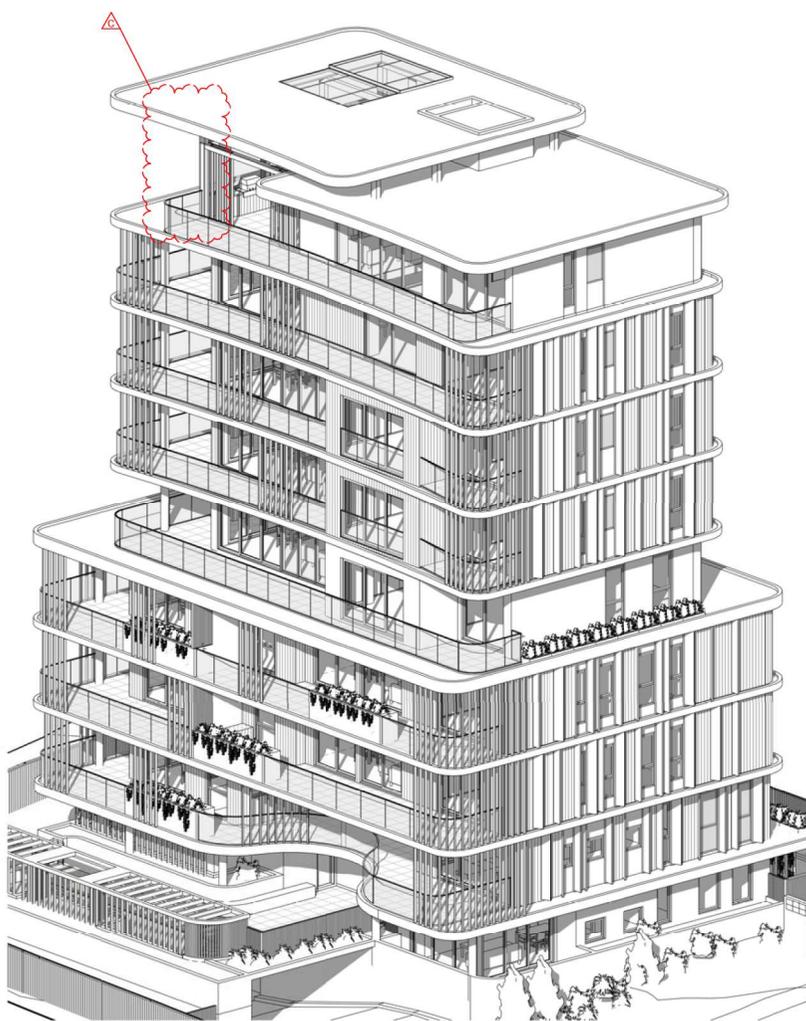
Title:  
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Date: 15.07.2022	Job No:	Dwg:	Rev:
Scale:	20-59	DA-33	

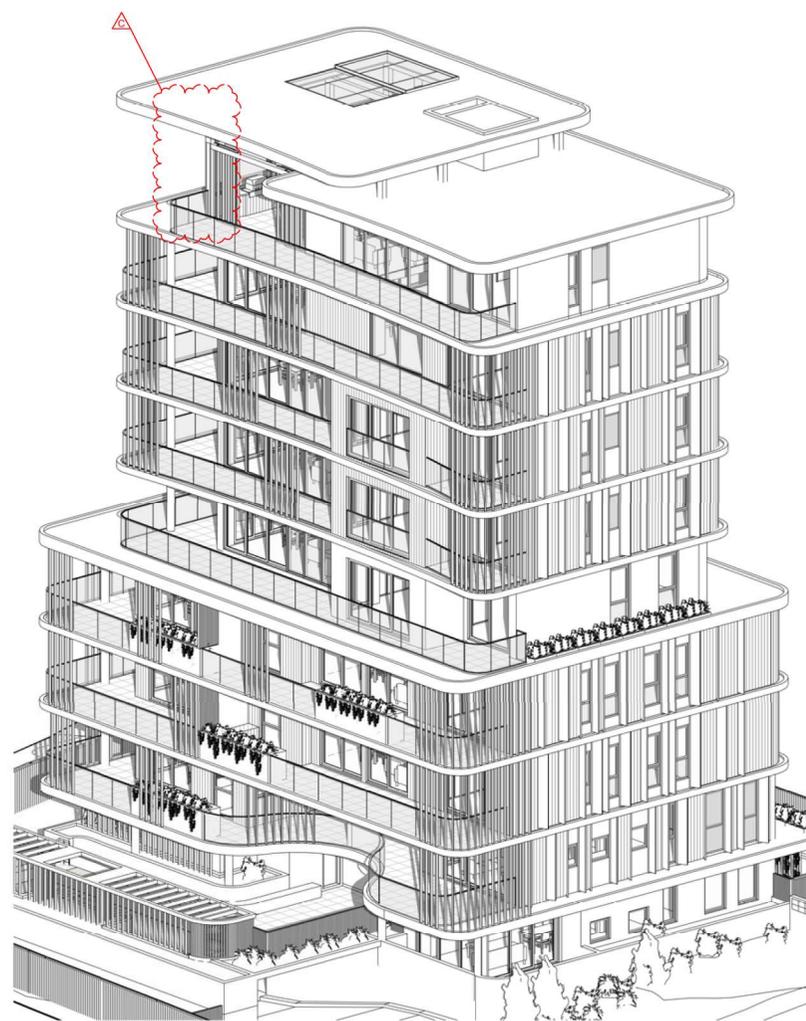
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A	ISSUED FOR DEVELOPMENT APPLICATION	17.09.2021	DQ	
B	ISSUED FOR ADDITIONAL INFORMATION	13.12.2021	DQ	
C	ISSUED FOR ADDITIONAL INFORMATION FOR W.P.P.	15.07.2022	DQ	



① SHADOWS - 21st June - 2pm



② SHADOWS - 21st June - 3pm

Project:  
**RESIDENTIAL APARTMENT BUILDING**  
 1 & 3 CHURCH STREET, WOLLONGONG  
 LOTS 53 & 54 IN DP 6629

Client:  
**MIND PROPERTY GROUP**



Level 3  
 71 Market Street  
 Wollongong NSW 2500  
 P: 432 3499 F: 432 1145  
 E: info@prdarchitects.com

**PRD ARCHITECTS**

Title:  
**SHADOW DIAGRAMS**

Date: 15.07.2022	Job No:	Dwg:	Rev:
Scale:	20-59	DA-34	

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Project:  
**RESIDENTIAL APARTMENT BUILDING**  
 1 & 3 CHURCH STREET, WOLLONGONG  
 LOTS 53 & 54 IN DP 6520  
 Client:  
**MIND PROPERTY GROUP**



Title:  
**3D VIEWS**

Date: 15.07.2022	Job No:	Dwg:	Rev:
	20-59	DA-36	



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 DEVELOPMENT APPLICATION**

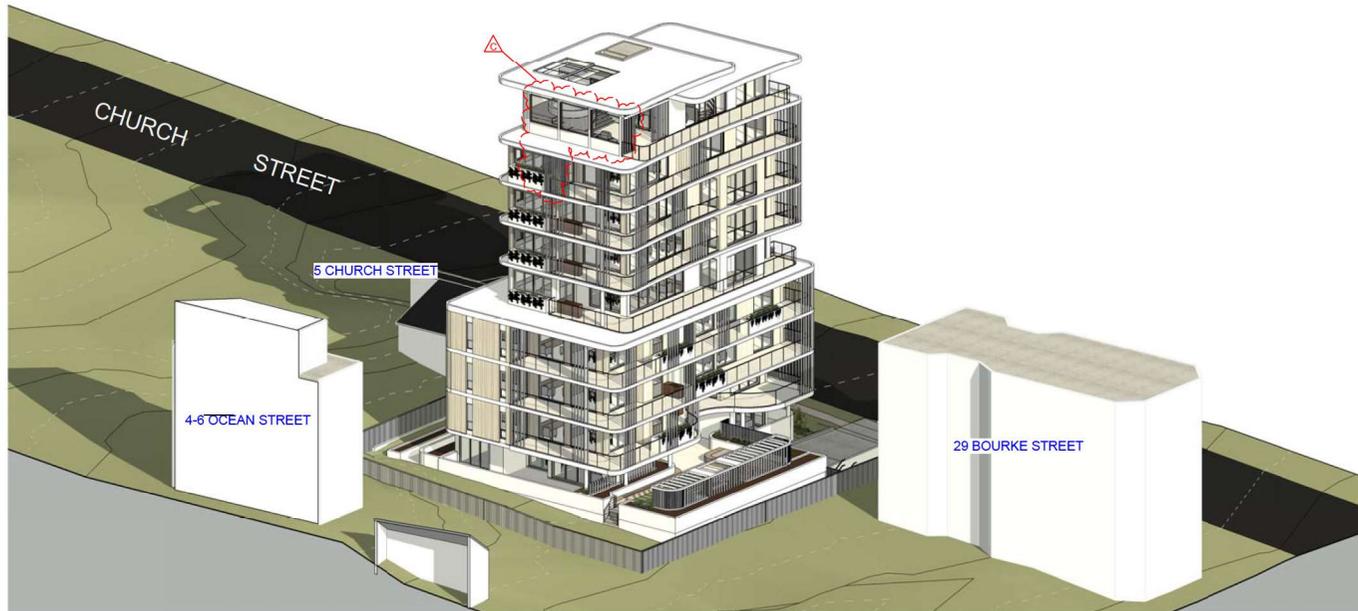
AMENDMENTS	No.	Revision Description	Date	BY:
A	ISSUED FOR DEVELOPMENT APPLICATION		17.09.2021	DQ
B	ISSUED FOR ADDITIONAL INFORMATION		13.12.2021	DQ
C	ISSUED FOR ADDITIONAL INFORMATION FOR W.P.P.		15.07.2022	DQ

Project:  
**RESIDENTIAL APARTMENT BUILDING**  
 1 & 3 CHURCH STREET, WOLLONGONG  
 LOTS 53 & 54 IN DP 6620  
 Client:  
**MIND PROPERTY GROUP**



Title:  
**3D PERSPECTIVES**

Date: 15.07.2022	Job No:	Dwg:	Rev:
	20-59	DA-37	



1 3D STUDY - NORTH EAST ASPECT



2 3D STUDY - NORTH WEST ASPECT

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 DEVELOPMENT APPLICATION

AMENDMENTS	No.	Revision Description	Date	BY:
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C	ISSUED FOR ADDITIONAL INFORMATION FOR W.P.P.	15.07.2022	DQ	

Project:  
**RESIDENTIAL APARTMENT BUILDING**  
 1 & 3 CHURCH STREET, WOLLONGONG  
 LOTS 33 & 34 IN DP 6520

Client:  
**MIND PROPERTY GROUP**



Title:  
**3D STUDY**

Date: 15.07.2022	Job No:	Dwg:	Rev:
Scale: 1 : 100	20-59	DA-38	

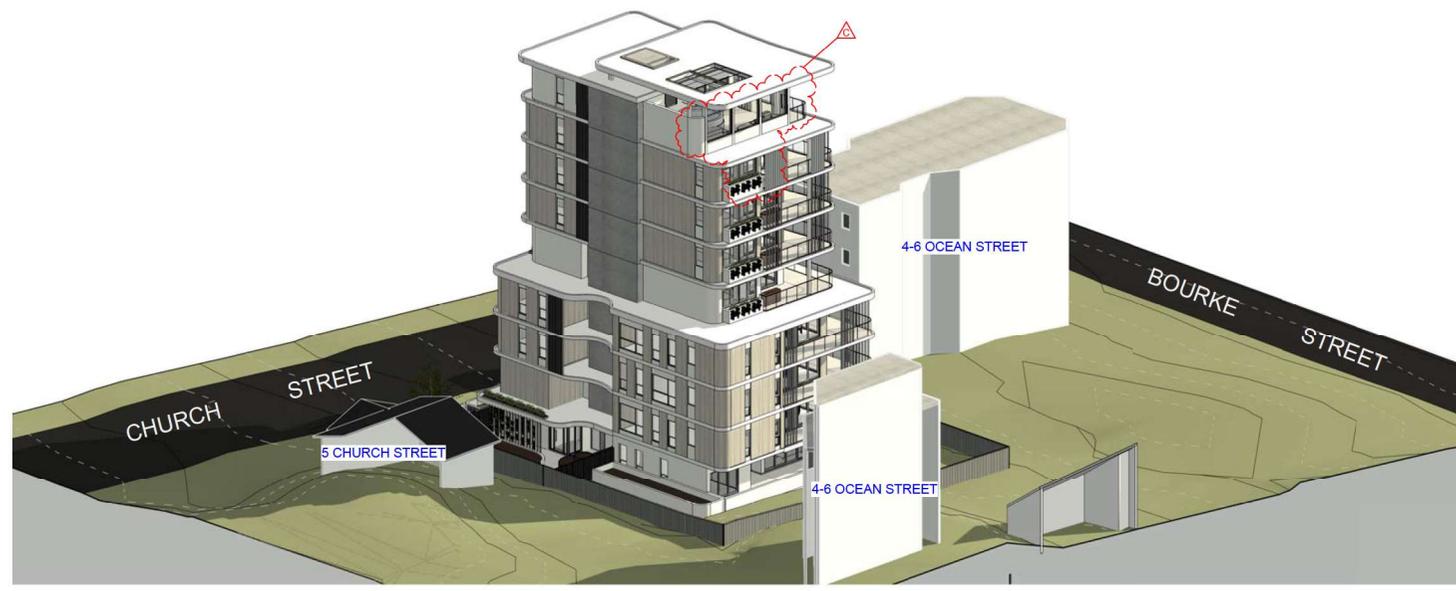
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**DEVELOPMENT APPLICATION**

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B	ISSUED FOR ADDITIONAL INFORMATION	13.12.2021	DQ	
C	ISSUED FOR ADDITIONAL INFORMATION FOR W.L.P.P.	15.07.2022	DQ	



① 3D STUDY - SOUTH WEST ASPECT



② 3D STUDY - SOUTH EAST ASPECT

Project:  
**RESIDENTIAL APARTMENT BUILDING**  
 1 & 3 CHURCH STREET, WOLLONGONG  
 LOTS 33 & 34 IN DP 6520  
 Client:  
**MIND PROPERTY GROUP**



Title:  
**3D STUDY**

Date: 15.07.2022	Job No:	Dwg:	Rev:
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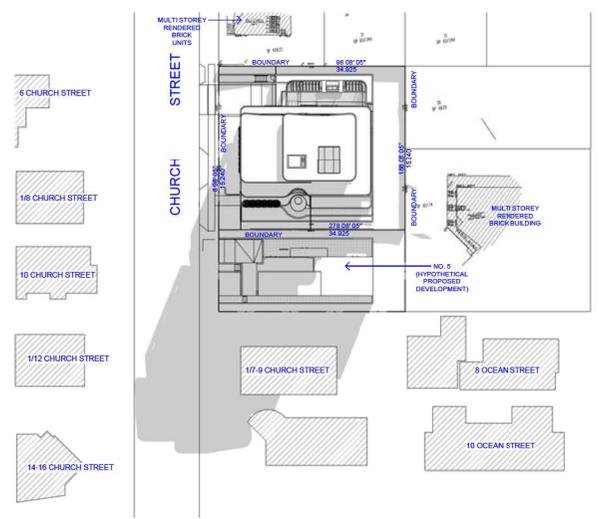
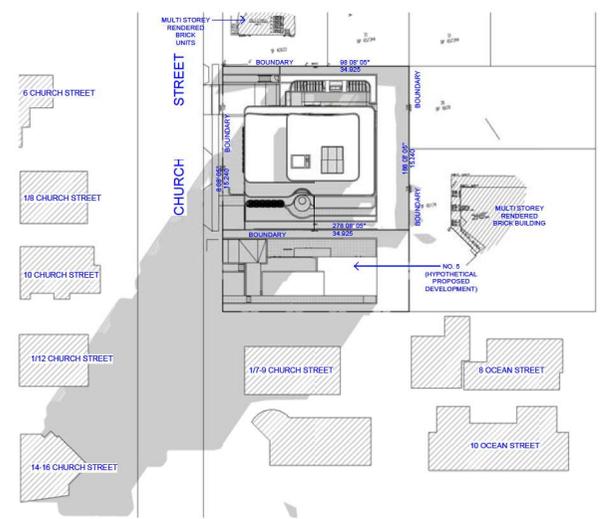
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**DEVELOPMENT APPLICATION**

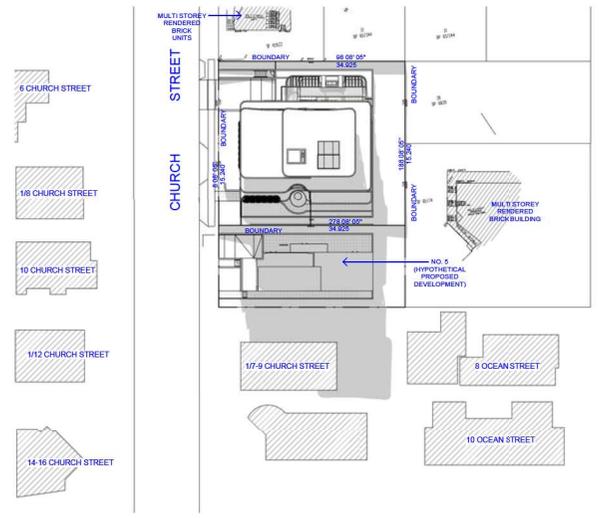
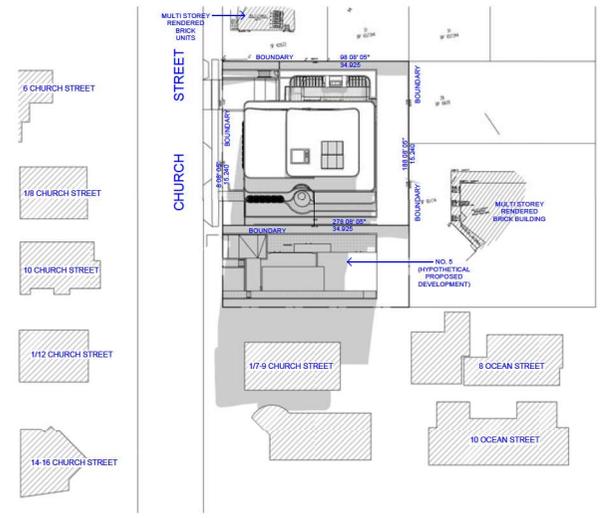


AMENDMENTS	No.	Revision Description	Date	BY:
A	ISSUED FOR ADDITIONAL INFORMATION	FOR WLP	13.12.2021	DD
B	ISSUED FOR ADDITIONAL INFORMATION	FOR WLP	15.07.2022	DD



1 NO.5 PROPOSED - SHADOWS - 21st June - 9am  
 1 : 500

2 NO.5 PROPOSED - SHADOWS - 21st June - 10am  
 1 : 500



3 NO.5 PROPOSED - SHADOWS - 21st June - 11am  
 1 : 500

4 NO.5 PROPOSED - SHADOWS - 21st June - 12pm  
 1 : 500

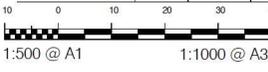
Project:  
**RESIDENTIAL APARTMENT BUILDING**  
 1 & 3 CHURCH STREET, WOLLONGONG  
 LOTS 33 & 34 IN DP 6520  
 Client:  
**MIND PROPERTY GROUP**



Title:  
**NO. 5 CHURCH STREET - PROPOSED (HYPOTHETICAL) SHADOW DIAGRAMS**

Date: 15.07.2022	Job No: 20-59	Dwg: DA-42	Rev:
Scale: 1:500			

15/07/2022 12:28:45 PM

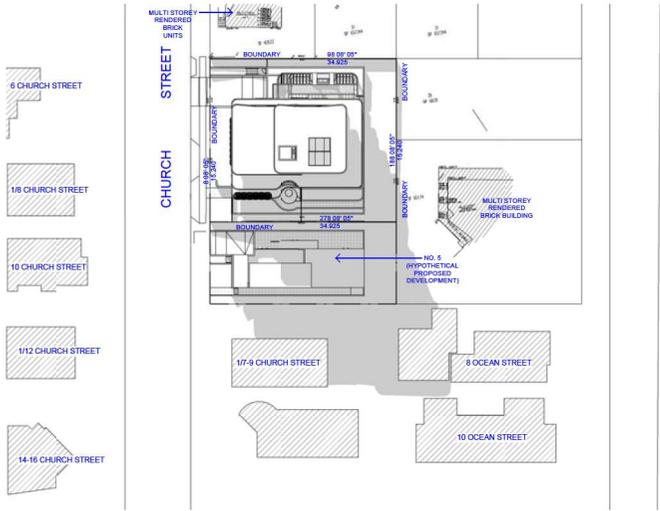


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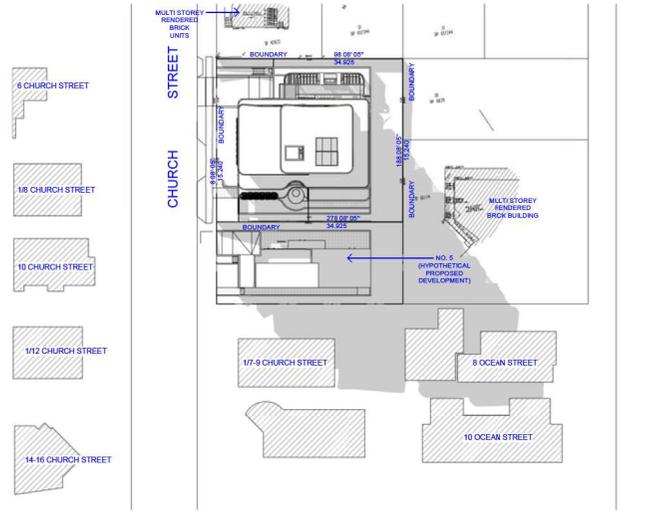
**NOT FOR CONSTRUCTION**  
 DEVELOPMENT APPLICATION



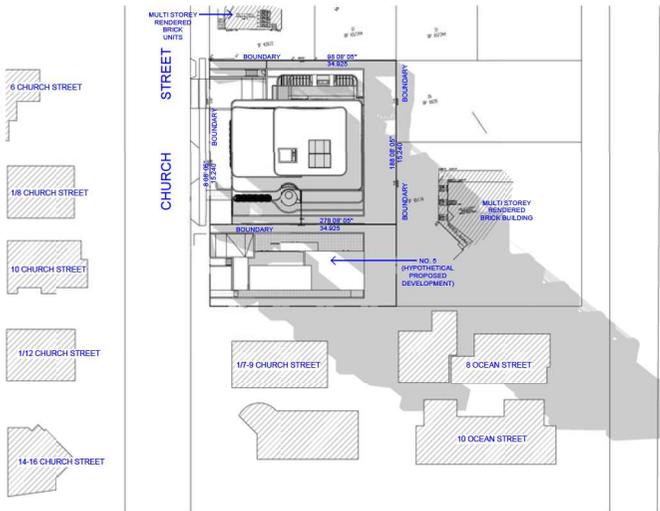
AMENDMENTS	No.	Revision Description	Date	BY:
	A	ISSUED FOR ADDITIONAL INFORMATION FOR WUPP	13.12.2021	DG
	B	ISSUED FOR ADDITIONAL INFORMATION FOR WUPP	15.07.2022	DG



1 NO.5 PROPOSED - SHADOWS - 21st June - 1pm  
 1 : 500



2 NO.5 PROPOSED - SHADOWS - 21st June - 2pm  
 1 : 500



3 NO.5 PROPOSED - SHADOWS - 21st June - 3pm  
 1 : 500

Project:  
**RESIDENTIAL APARTMENT BUILDING**  
 1 & 3 CHURCH STREET, WOLLONGONG  
 LOTS 53 & 54 IN DP 6520  
 Client:  
**MIND PROPERTY GROUP**



Title:  
**NO. 5 CHURCH STREET - PROPOSED (HYPOTHETICAL) SHADOW DIAGRAMS**

Date: 15.07.2022	Job No: 20-59	Dwg: DA-43	Rev:
Scale: 1:500			

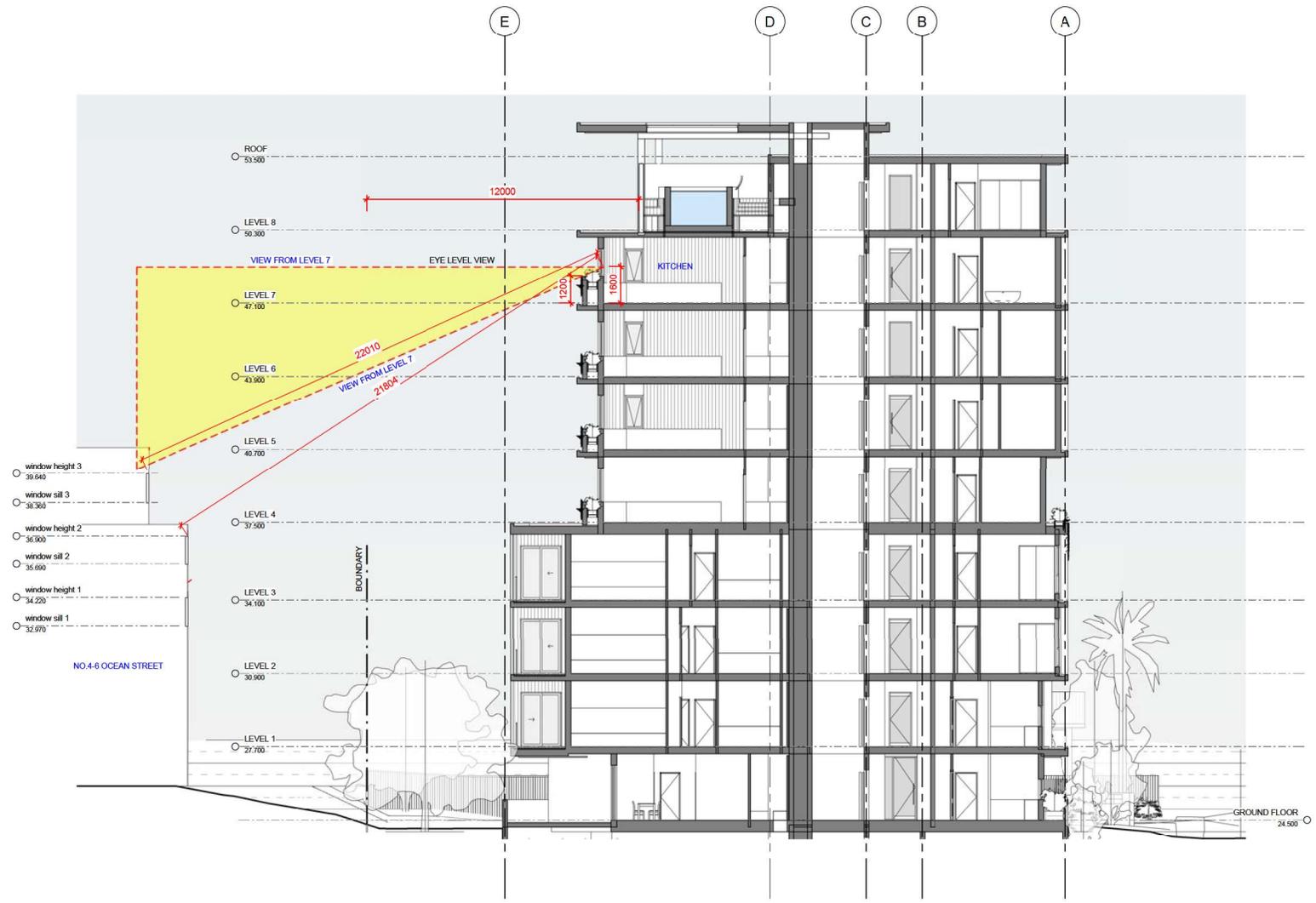
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 DEVELOPMENT APPLICATION

AMENDMENTS	Revision Description	Date	BY
No.			
A	ISSUED FOR ADDITIONAL INFORMATION FOR WLEPP	15.07.2022	DQ



1 SECTION EAST SETBACK - 4-6 OCEAN STREET - OVERLOOKING ANALYSIS  
 1 : 100

Project:  
**RESIDENTIAL APARTMENT BUILDING**  
 1 & 3 CHURCH STREET, WOLLONGONG  
 LOTS 53 & 54 IN DP 6620  
 Client:  
**MIND PROPERTY GROUP**



Title:  
**EAST SETBACK SECTION**

Date:	Job No.:	Dwg.:	Rev:
15.07.2022	20-59	DA-45	

Scale: 1 : 100

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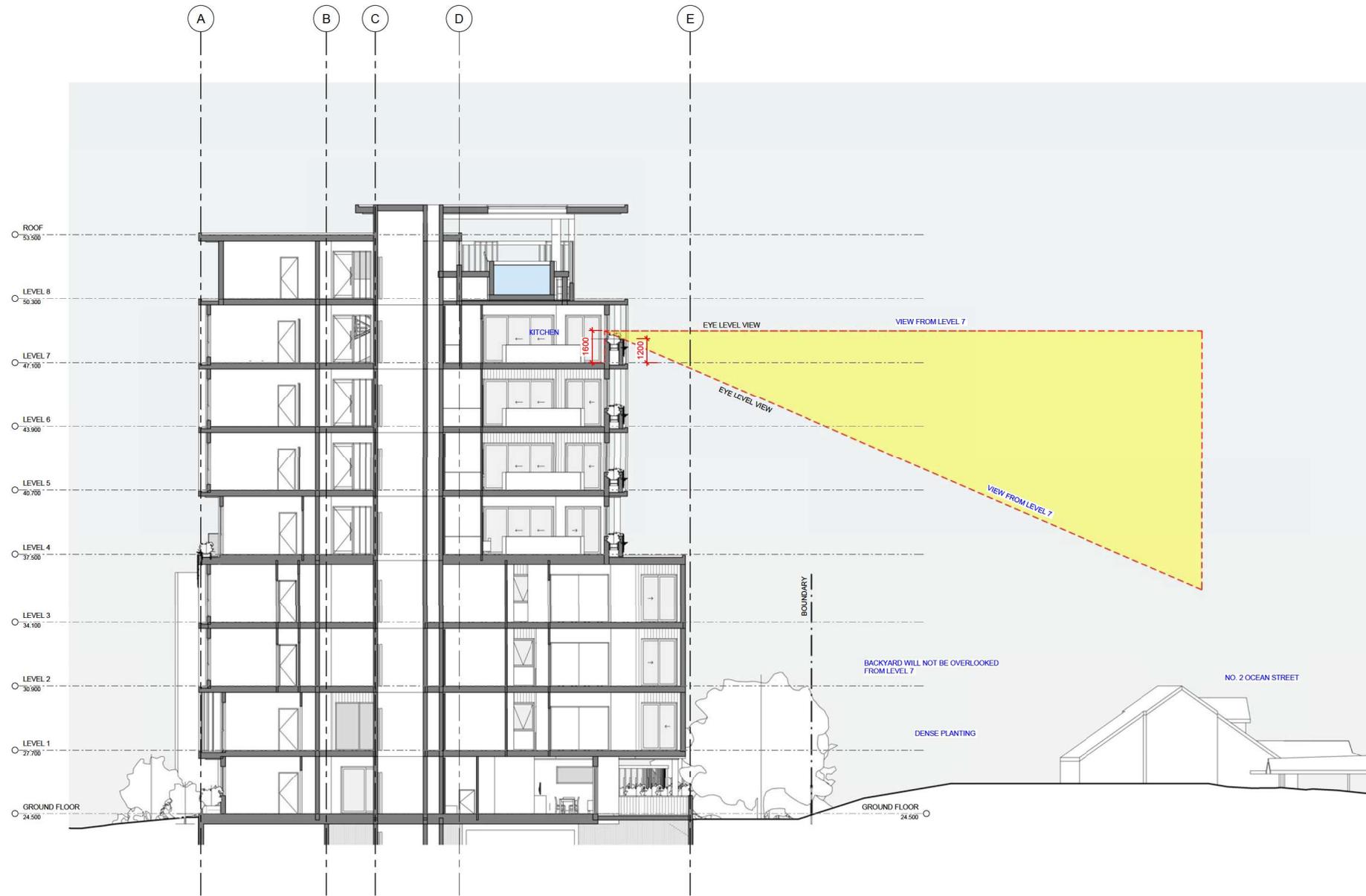
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**DEVELOPMENT APPLICATION**

AMENDMENTS	Revision Description	Date	BY
No.			
A	ISSUED FOR ADDITIONAL INFORMATION FOR WLEPP	15.07.2022	DQ



**1 SECTION EAST SETBACK - 2 OCEAN STREET - OVERLOOKING ANALYSIS**  
 1:100

Project:  
**RESIDENTIAL APARTMENT BUILDING**  
 1 & 3 CHURCH STREET, WOLLONGONG  
 LOTS 53 & 54 IN DP 6629  
 Client:  
**MIND PROPERTY GROUP**



Title:  
**EAST SETBACK SECTION**

Date:	Job No.:	Dwg.:	Rev:
15.07.2022	20-59	DA-46	



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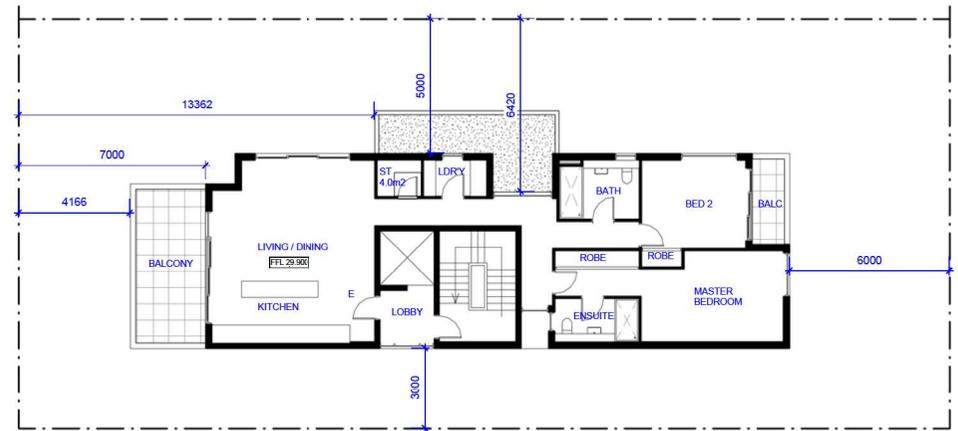
# ATTACHMENT 4

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DEVELOPMENT APPLICATION

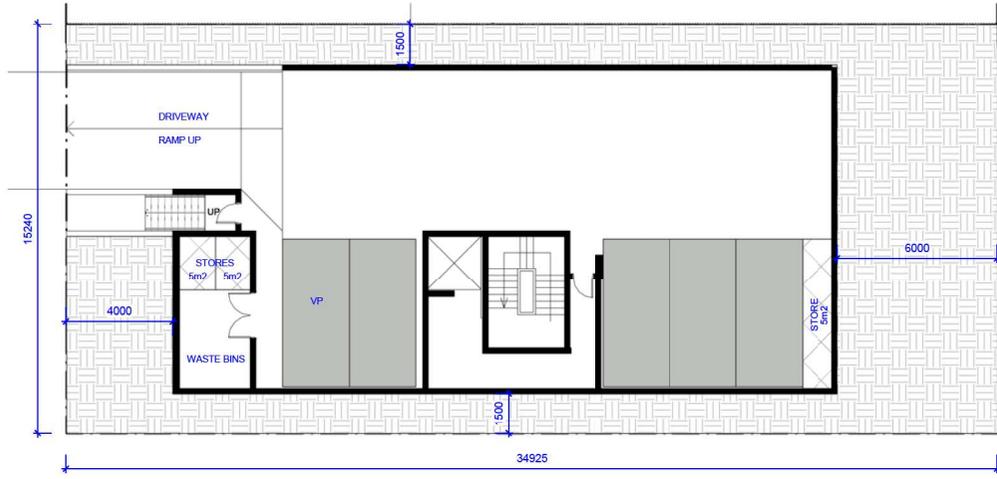


AMENDMENTS	Revision Description	Date	BY:
No.			
A	ISSUED FOR DEVELOPMENT APPLICATION	17.09.2021	DQ
B	ISSUED FOR ADDITIONAL INFORMATION	13.12.2021	DQ
C	ISSUED FOR ADDITIONAL INFORMATION FOR W.L.P.P	15.07.2022	DQ



② NO. 5 CHURCH STREET - GROUND FLOOR  
1: 100@A1 1:200@A3

③ NO. 5 CHURCH STREET - LEVEL 1  
1: 100@A1 1:200@A3



① NO. 5 CHURCH STREET - BASEMENT  
1: 100@A1 1:200@A3

Project:  
**RESIDENTIAL APARTMENT BUILDING**  
1 & 3 CHURCH STREET, WOLLONGONG  
LOTS 33 & 34 IN DP 6620  
Client:  
**MIND PROPERTY GROUP**



Title:  
**NO.5 CHURCH STREET - CONTEXTUAL STUDY**

Date: 15.07.2022	Job No: 20-59	Dwg: DA-40	Rev:
Scale: 1:100@A1 1:200@A3			

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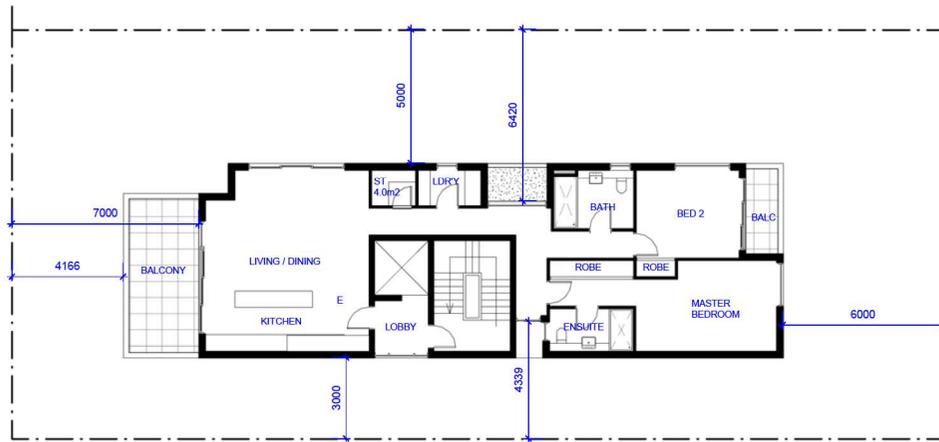
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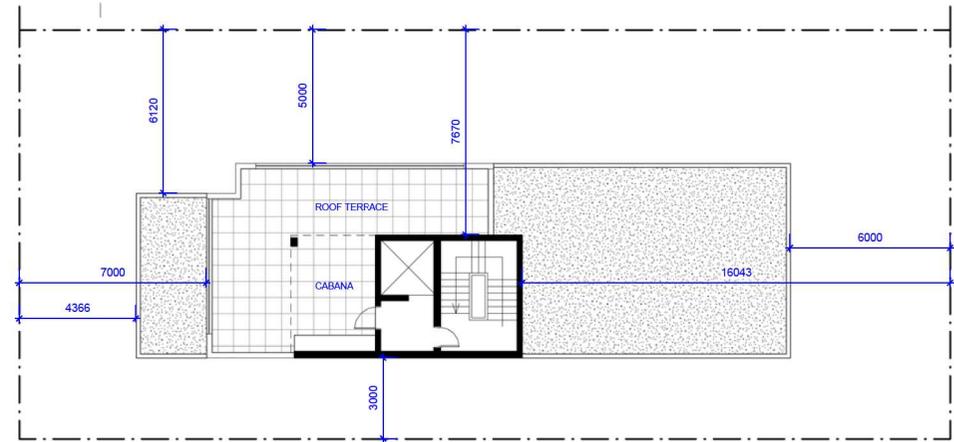
**NOT FOR CONSTRUCTION**  
DEVELOPMENT APPLICATION



AMENDMENTS	No.	Revision Description	Date	BY:
A	ISSUED FOR DEVELOPMENT APPLICATION	17.09.2021	DQ	
B	ISSUED FOR ADDITIONAL INFORMATION	13.12.2021	DQ	
C	ISSUED FOR ADDITIONAL INFORMATION FOR W.L.P.P.	15.07.2022	DQ	



1 NO. 5 CHURCH STREET - LEVEL 2  
1: 100@A1 1:200@A3



2 NO. 5 CHURCH STREET - ROOF TERRACE  
1: 100@A1 1:200@A3



3 STREET ELEVATION - (HYPOTHETICAL PROPOSED DEVELOPMENT)  
1: 200

Project:  
**RESIDENTIAL APARTMENT BUILDING**  
1 & 3 CHURCH STREET, WOLLONGONG  
LOTS 53 & 54 IN DP 6520  
Client:  
**MIND PROPERTY GROUP**



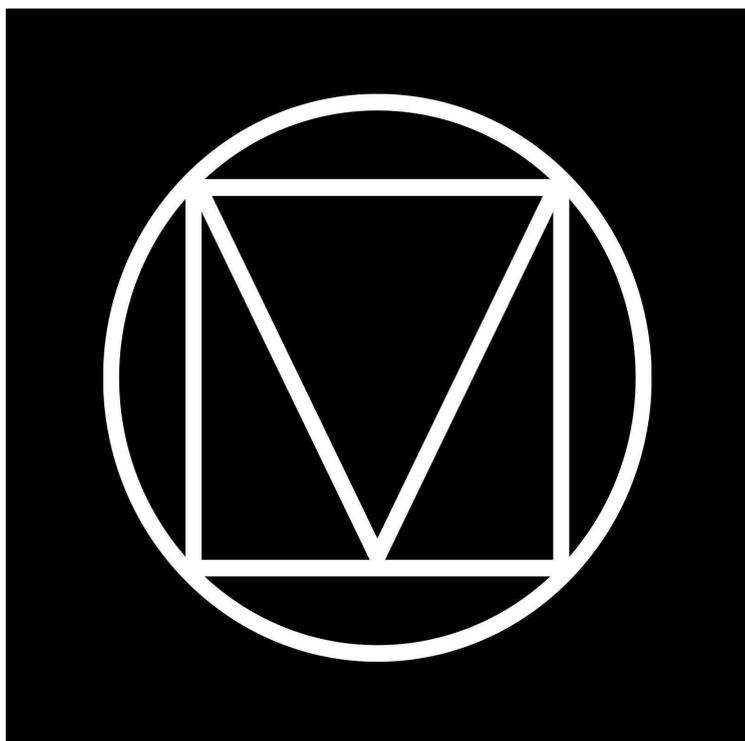
Title:  
**NO.5 CHURCH STREET - CONTEXTUAL STUDY**

Date: 15.07.2022	Job No: 20-59	Dwg: DA-41	Rev: 8
Scale: As indicated			



15/07/2022 12:46:36 PM

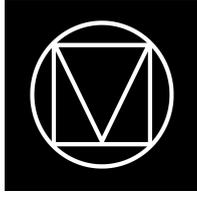
## ATTACHMENT 5



**Mind Property Group Pty Ltd**

**Subject: 5 Church St Wollongong Correspondence**  
**Document prepared for: Wollongong Local Planning Panel**

**Date:** Wednesday, 8th June 2020



## **Mind Property Group Pty Ltd**

Wednesday, 8th June 2020

Dear Wollongong Local Planning Panel,

Below is our sequences of timeline and events documented in detail what was said and done during the course of our dealings with the owners of 5 Church Street Wollongong.

### **August 2020 - First Contact**

- MIND PROPERTY GROUP PTY LTD initially approached Mrs. Collen McNamara of No. 5 Church St Wollongong in August 2022.
- We asked if they would be interested in selling their property.
- Mrs. Collen McNamara said they may potentially be interested in selling.
- Mrs. Collen McNamara recommended speaking to the owners of No. 3 Church St and told us that their property was a deceased estate.
- On Mrs. Collen McNamara's advice, we made contact with the owners of No. 3 Church St. They were also open to speaking to us about selling their property.
- Mrs. Collen McNamara said she didn't know anything about No. 1 Church St or who owned it.
- We also contacted the owner of No. 1 Church St and he was also interested to speak to us about selling his property.

### **10th September 2020 - The First Initial Meeting**

- We organised and invited Mr & Mrs. McNamara of 5 Church St Wollongong and Heather Pickering and Dave Ritchie of 3 Church St Wollongong to meet us on Thursday 10th September 2020 to discuss the deal in detail.
- We had an honest, open, and friendly conversation over afternoon tea with the owners.
- We proposed a call option and talked through how it works and advised the owners to also seek legal advice.
- Mr & Mrs. McNamara of 5 Church St were also given a choice of either an apartment to the value of the offer in the deal or the \$2,300,000. We also offered to pay for their relocation and rent during the time of the development if they were to choose the apartment deal however they were not interested in this. We were trying to look at a few options to accommodate and be empathetic to their age and time in life.

- We mentioned that we would get back to the owners with a formal offer in writing post our initial meeting.
- We have proof that the owners of number 3 Church street were also present at this meeting. **(See the below screenshot of correspondence between MIND PROPERTY GROUP and Heather Pickering on 8th September 2020)**



### **14th September 2020 - The First Formal Offer**

- We hand-delivered Mr & Mrs. McNamara of 5 Church St Wollongong our first formal offer on Monday 14th September 2020 in writing The offer was \$2,300,000.
- **See initial letter of offer on page 9 Appendix 1.**

## **September/October 2020**

- We were informed by Heather Pickering and Dave Ritchie of 3 Church St Wollongong that they were approached by Mrs. Collen McNamara of 5 Church St Wollongong after our offer was given and asked Heather Pickering and Dave Ritchie of 3 Church St Wollongong to not proceed with our offer and to sell jointly through a real estate agent.
- Heather Pickering and Dave Ritchie of 3 Church St Wollongong decided to jointly explore the idea of selling with a real estate agent together with 5 Church St Wollongong but with a strict clause to pull out of the real estate agreement at any time and still deal with MIND PROPERTY GROUP PTY LTD should they wish.
- **See the agency agreement signed by Heather Pickering and Dave Ritchie of 3 Church St Wollongong on pages 10-12 Appendix 2.**
- Heather Pickering and Dave Ritchie of 3 Church St Wollongong decided to pull out of the deal with 5 Church St Wollongong and the real estate agent as they knew the offer we gave them was a good offer well above market value at the time. They believed that the agents' offer was not realistic for that time pre the real estate market upswing.
- During the beginning of October 2020, Mr & Mrs. McNamara of 5 Church St Wollongong decided to not proceed with the real estate agent and also refused our offer of \$2,300,000 and were adamant they did not want to sell. This was based on, Mr & Mrs. McNamara of 5 Church St Wollongong saying to us that they didn't want to sell because they did not want to leave their house, they did not want to lose their pension if they sold, and their children did not need the money. This was a face-to-face meeting with MIND PROPERTY GROUP PTY LTD and Mr & Mrs. McNamara of 5 Church St Wollongong at their house which was a meeting pre-booked with a phone call. We did not go unannounced.

## **Early October 2020**

- Heather Pickering and Dave Ritchie of 3 Church St Wollongong verbally accepted our offer of \$2,300,000 in early October 2020.
- Mark O'Connor of 1 Church St Wollongong meet with us separately and verbally accepted our offer of \$2,300,000 in early October 2020.
- The Heads of Agreements were successfully signed early in November 2020 with 1 and 3 Church St Wollongong.

## **Early December 2020**

- According to Heather Pickering of 3 Church St Wollongong, Mrs. Collen McNamara approached Heather in early December and asked to pull out of our deal again and to approach a real estate and sell together.
- This was the second attempt to intervene in our deal
- Heather Pickering and Dave Ritchie of 3 Church St Wollongong rejected to move forward with Mrs. Collen McNamara of 5 Church Street's proposal and told them they were moving forward with MIND PROPERTY GROUP PTY LTD.

- MIND PROPERTY GROUP PTY LTD was about to sign contracts with the owners of 1 and 3 Church St Wollongong in early December and on Monday 7th of December 2020. Christine Humphrey, the daughter of the owners of 5 Church St, contacted MIND PROPERTY GROUP PTY LTD on behalf of her parents to speak to us about coming back in on the deal. Up until this time, we never had any dealing whatsoever with Christine Humphrey but were happy to meet her.
- The meeting with Christine Humphrey was scheduled for Wednesday 9th December at 2pm. **(See the below screenshot of correspondence between MIND PROPERTY GROUP and Christine Humphrey on 7th December 2020)**



- We explained to Christine Humphrey that we were very far into the proceedings with 1 and 3 Church Street and were going to be signing contracts with all the lawyers that week. We explained the deal would be a call option agreement and she said for her to get legal advice if she did not understand what this was.
- Please note, MIND PROPERTY GROUP PTY LTD had the valuation done for 5 Church St Wollongong on the 4th December 2020 which came in at \$1.1m. The reason we got this done was that at the time Mr & Mrs. McNamara of 5 Church St Wollongong did not want to move forward with the deal and the valuation was documentation that was going to be needed for our DA application with it being an isolated site and as evidence of our above market offer and attempt to include them.
- **See the valuation of 5 Church St Wollongong on pages 13-17 Appendix 3.**
- Our feasibility analysis saw that we could only offer Mr & Mrs. McNamara of 5 Church St Wollongong, a final \$2,100,000 which was a very reasonable offer still well above market value and the \$1.1m valuation.
- Due to the last-minute approach by Christine Humphrey on behalf of her parents and the meeting set, she was explained in detail that we were allowing 24 hours for her and her parents to answer if they were going to come in on the deal.
- Our lawyer advised us that he needed an answer as the contracts for 1 and 3 Church St were ready to be signed. If Mr & Mrs. McNamara of 5 Church St Wollongong were going to come in on the deal then all the contracts needed to be changed. With the lawyer's office closing on the 18th December 2022 for the Christmas break, we were in potential jeopardy of the contracts extending out till the end of January 2021 when the lawyers were back in the office. Also, we were at the potential risk of this deal falling through entirely with 1 and 3 Church Street because of possible delays, and at this point did not trust the intentions of 5 Church Street after they failed and rejected our offer previously as well as trying to pull our deal and hard work from under us by approaching 3 church street numerous times previously.
- Christine Humphrey explained our deal to her parents after our meeting and she contacted us via phone on the 10th December 2020 and said they still do not want to sell.
- **See the final offer to Mr & Mrs. McNamara of 5 Church St Wollongong at the end of this timeline sequence of events titled Appendix 4.**
- We then proceeded with signing contracts with the owners of 1-3 Church Street on the 18th December 2020 as we couldn't anything further with 5 Church St.

### 30th January 2021

- During the last week of January 2021, MIND PROPERTY GROUP PTY LTD contacted Mr & Mrs. McNamara of 5 Church St Wollongong and organised a meeting on the 30th January 2021. They invited us into their home and we explained to them that we will be proceeding with the development drawings and application for 1-3 Church St Wollongong and the letter attached was presented and explained to them also. They were more than happy to sign it and no objections on their behalf were made. It was explained that this letter was needed for the council to be submitted together with the DA. The meeting was friendly and cordial and we left it at that. At no stage did Christine Humphrey ask that all correspondence to go through her on

behalf of her parents. Contrary to what she said in the panel meeting, this was never communicated with us and we would have been more than happy to oblige.

- **See the agreed signed letter from Mr & Mrs. McNamara of 5 Church St Wollongong at the end of this timeline sequence of events titled Appendix 5.**

### January 2021 - October 2021

- We worked alongside our Architect Peter Rasa from PRD and Luke Rollinson the Town Planner from MMJ and all the other consultants on a very good quality design throughout the majority of 2021. PRD submitted our DA proposal to Wollongong City council in October 2021. DA is still pending as of June 2022.

### 21st April 2022

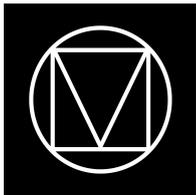
- Christine Humphrey on behalf of Mr & Mrs. McNamara of 5 Church St Wollongong reached out to Heather Pickering of 3 Church St Wollongong on 21st April 2022. Christine Humphrey said her parents were about to sign with a real estate agent. Christine Humphrey again and asked Heather Pickering if they would like to pull out of our agreement and sell as a combined lot. There were numerous attempts by Christine Humphrey and Mr & Mrs. McNamara of 5 Church St Wollongong to intervene in our project. **(Please see the below screenshot of correspondence between Christine Humphrey and Heather Pickering on 21st April 2020)**



## **Current - June 2022**

In conclusion, as you can see from the points outlined above, MIND PROPERTY GROUP PTY LTD has been courteous, transparent, and honest at every step of the way in our dealings with Mr & Mrs. McNamara of 5 Church St Wollongong and their daughter Christine Humphrey. For the number of times we have had interference from the owners of No. 5 Church St, it has caused us costs with lawyers, delays, and unnecessary stress. We are a small family-run business who have spent a lot of hard-earned time, energy, and money to bring this project to fruition. It would be a real shame for this project to not see the light of day after MIND PROPERTY GROUP PTY LTD has done absolutely everything in our power to include Mr & Mrs. McNamara of 5 Church St Wollongong in the project. In the process of waiting for DA to be approved, we purchased No. 1 and 3 Church Street Wollongong in May 2022 as we are committed to moving forward with this project without further delays.

Best regards,  
Deborah Petreski  
Director



### **Mind Property Group**

Australian Business No. 64640675734

**m.** +61 490 358 499

**e.** [info@mindproperty.com.au](mailto:info@mindproperty.com.au)

**w.** [mindproperty.com.au](http://mindproperty.com.au)

Appendix 1 - Initial Letter of Offer to 5 Church St Wollongong



14<sup>th</sup> September 2020

Subject Property  
5 CHURCH STREET WOLLONGONG NSW 2500

Dear Owners,

Thank you for the opportunity to present our revised offer to you in writing.

We would hereby like to formally put forward our offer to you in writing of the sum of **\$2,300,000** to acquire your property which we deem as an offer well above market value. Should you agree on this, we can commence in the details of the terms which will form the basis of our agreement.

Best Regards,

A handwritten signature in black ink, appearing to read 'Megan Trpeski'.

Megan Trpeski  
MANAGING PARTNER  
0407 957 657  
Mind Property Group Pty Ltd

Appendix 2 - Real Estate Agency Agreement

Sales Inspection Report and Exclusive Agency Agreement

THE AGENCY

SCHEDULE 1

PRINCIPAL NAME(S): Heather Joanne Pickering

PRINCIPAL ADDRESS: 364 Gladstone Avenue, Mount Saint Thomas

PRINCIPAL EMAIL: paulpic@xemail.com.au

PRINCIPAL PHONE: 0413 383878 - 0418671889

SOLICITOR NAME(S): TBA Jarrod Dawns

SOLICITOR ADDRESS: 11

SOLICITOR EMAIL: jdawns@kells.com.au

SOLICITOR PHONE: 4221 9311

1. AGENT

The Agency Sales NSW Pty Limited ABN 59 616 016 365  
Licence Number 10054263

S P O'HALLORAN PTY LTD  
(Agent 1) (Corporation/License Details)  
and

Exclusions:

Refer to contract

(Agent 2) (Corporation/License Details)

2. PROPERTY

ADDRESS: 3 Church Street, Wollongong

Property Type:

House  Apartment  Townhouse  Villa  
 Other: \_\_\_\_\_

Details of any covenants, easements, defects, local government notices or orders affecting the Property:

Refer to contract

No. of bedrooms: 5 No. of bathrooms: 2 No. of ensuites: 1

I am not aware of any easements, covenants, defects or notices that may affect the property other than those mentioned in the contract, if any.

Parking Type:

Garage: 2  Carport: -  Secure Car Space: -  
 Open Car Space: -  Other: -

The Property is offered with:

Vacant possession  Subject to the existing tenancy

Lounge Room: 1

Dining Room: 1

Study: 0

Other rooms: N/A

3. AGENTS ESTIMATED SELLING PRICE

Agents Estimated Selling Price \$ 2,500,000  
(as per elected method of sale) NOTE: If the above selling price is expressed as a price range, the highest price in the price range cannot exceed the lowest price range by more than 10%.

The Estimated Selling Price is an opinion of value only and is not a valuation. This Agreement incorporates the Sales Inspection Report dated the same date of this Agreement.

Construction:

Brick  Weatherboard  Cladded  Other: \_\_\_\_\_

4. METHOD OF SALE

The offering price for the property will be: \$ 2,500,000  
 Private Treaty  This price can be published

Auction Date being: \_\_\_\_\_

Expressions of Interest expiring: \_\_\_\_\_

Agents Recommended Method

Auction  Private Treaty  Expressions of Interest

Inclusions:

Blinds and blind fittings  Dishwasher  
 Curtains and curtain fittings  In ground plants  
 Fixed floor coverings  Clothes line/ hoist  
 Window screens  Pool Equipment  
 Light fittings  Fixed TV antenna  
 Built-in furniture  Satellite dish  
 Range Hood  Air Conditioning units  
 Stove / oven  
 Other: \_\_\_\_\_

5. MARKETING / INSPECTIONS

The Agent is authorised to allow a prospective purchaser to inspect the Property according to the following instructions (unless the Vendor instructs otherwise):

No Marketing for now - Off market listing - within agent.

As per contract of sale

6. ACT / REGULATION REQUIREMENTS

The Agent must, in accordance with Clauses 1 and 2 of Schedule 2 of the Regulations to the Act:  
(1) conduct an inspection of the Property prior to the Agent acting on behalf of the principal under this Agreement.  
(2) give the principal a completed copy of this Sales Inspection Report once the inspection is complete.

Name of Principal(s): Heather Pickering

Signature of Principal(s): H J Pickering

Date: 24/09/2020  I/we agree to be legally bound by the terms of this agreement even if I/we sign this agreement electronically.

Name of Agent(s): Sam O'Halloran

Signature of Agent(s): [Signature]

Date: 24/09/2020  I/we agree to be legally bound by the terms of this agreement even if I/we sign this agreement electronically.

Appendix 2 - Real Estate Agency Agreement (continued)

Sales Inspection Report and Exclusive Agency Agreement

THE AGENCY

SCHEDULE 2

I/We (as Principal(s)) warrant that I/we have the authority to enter into this Agreement and authorise The Agency Sales NSW Pty Limited ABN 59 616 016 365 to offer the property for sale. My/Our solicitor will prepare a Contract for the Sale and Purchase of Land (Contract) dealing with possession, fixtures and fittings.

1. I/we am/are the principal(s) and I/we give the agent the exclusive right to sell the property commencing today and expiring in 90 days (Exclusive Period) if selling by Private Treaty, or 90 days after the Auction Date or Expression of Interest Date (Exclusive Period) noted in clause 4 of Schedule 1. After the Exclusive Period has expired, the agent will have a non-exclusive right to sell the property until such time this Agreement is terminated by either party in writing (Non-Exclusive Period). The vendor may also terminate this Agreement by giving 30 days' notice in writing to the agent after the end of the first 90 days of the term of this Agreement.  
The Agreement cannot be terminated other than in accordance with this Agreement. I/We agree not to advertise the property myself/ourselves or allow any other person to advertise this property during the Exclusive Period, including on all property websites.

2. AGENT'S REMUNERATION If the property is sold  
a) during the Exclusive Period by the agent, any other agent or myself/ourselves; or  
b) within 90 days after the Exclusive Period to a purchaser who was effectively introduced during the Exclusive Period by the agent, any other real estate agent or myself/ourselves; or  
c) by the agent during the Non-Exclusive Period,  
then, I/we agree that the agent is entitled to the Selling Fee which is due and payable in accordance with clause 3. This clause 2 does not merge on termination of this Agreement.

3. I/We agree that the agent shall be entitled to a fee of (GST Inclusive) ('Selling Fee') of the selling price. If the property is sold at the Estimated Selling Price the Selling Fee will be:  
\$ 55,000.00  
The Selling Fee can only be varied if agreed by both parties to this Agreement in writing. The Selling Fee is due and payable by the principal to the agent on the earlier of:

- a) completion of the contract (settlement);
- b) rescission or termination of the contract, if the contract is rescinded or terminated due to the purchaser's default under the contract, and where I/we have a legal right to the deposit under the contract; and
- c) on rescission or termination of the contract, if the contract is rescinded or terminated due to the principal's default, or if I/we agree to a mutual rescission or termination of the contract for any reason.

Unless instructed otherwise the agent may allow other agents to act in conjunction with them in order to effect a sale but only one Selling Fee will be payable by me/us. This clause 3 does not merge on termination of this Agreement.

**WARNING:**  
A Commission is payable under this Agreement even if the sale of the property is not completed.  
**IMPORTANT: This is an Exclusive Agency Agreement. This means you may have to pay the agent commission even if another agent (or you) sells the property or introduces a buyer who later buys the property.**

**WARNING:**  
Have you signed an Agency Agreement for the sale of this property with another agent? If you have, you may have to pay two commissions (if this Agreement or the other Agreement you have signed is a Sole or Exclusive Agency Agreement.)

4. REIMBURSEMENT OF EXPENSES & CHARGES  
In this clause 4, "Marketing Schedule" means the Marketing Schedule which sets out the amount for expenses or charges incurred by the agent in connection with the services provided by the agent under this Agreement agreed to by the principal and for which the agent is entitled to be reimbursed. The Marketing Schedule forms part of this Agreement and is to be read in conjunction with this Agreement.

I/We agree that the agent is entitled to and I/we agree to pay the agent all expenses and charges owed to the agent in connection with the services provided by the agent under this Agreement, including but not limited to marketing and administrative expenses or charges as set out in the Marketing Schedule. All expenses and charges owed to the agent are due and payable by the principal to the agent on the earlier of:

- a) termination of this Agreement;
  - b) completion of the contract (settlement); and
  - c) rescission or termination of the contract.
- This clause 4 does not merge on termination of this Agreement.

5. STAKEHOLDER I/We agree that the agent will hold the deposit paid by the purchaser in their trust account until settlement. Even if the contract for the sale of the property provides for the release of the deposit or any part of it before settlement, I/we irrevocably agree that and authorise the agent to continue to hold an amount equal to the Selling Fee and any expenses (including but not limited to marketing and administration costs) incurred or money owed to the agent under this Agreement in trust pending settlement, unless I/we provide an irrevocable authority addressed to the purchaser directing the purchaser to pay

the Selling Fee and any other amounts owing to the agent from the balance of purchase monies to be paid by the purchaser on completion. The stakeholder Agreement cannot be altered except with our written agreement. The agent will be entitled to deduct all fees and expenses payable under this Agreement on receipt of authorisation from the purchaser or their solicitor/conveyancer to account. The deposit will be disbursed in accordance with the contract after bank and government charges have been deducted.

6. COMPLIANCE I/We agree that the agent is unable to offer the property for sale until all statutory requirements have been satisfied. I/We acknowledge that this may include the provision of certain reports in relation to the property and my/our solicitor or conveyancer having prepared a contract for the sale of the property that is available for inspection at the agent's office. I/We agree that the agent may show the property to prospective purchasers at scheduled viewings or by private appointment as arranged with the occupiers of the property.

7. I/We have approved an initial marketing investment \$ Nil, which is due and payable to the agent prior to the commencement of the first advertisement. I/We authorise the agent to prepare all marketing material in accordance with the approved marketing plan.

8. In the case of the property being auctioned, I/we agree to provide the agent with the reserve price in writing no less than 2 hours prior to the commencement of the auction.

9. MATERIAL FACTS I/We agree that in respect to the property I/we have supplied to the agent in writing all relevant facts and information which I/we consider to be material (Material Fact). I/We acknowledge that the Property Stock and Business Agents Act 2002 (The Act) requires the agent to disclose all Material Facts to prospective purchasers and I/we direct and authorise the agent to so disclose. In this clause 'Material Fact' has the same meaning as described in the Act. The agent has advised that I/we should obtain independent legal advice regarding the meaning of 'Material Fact.'

10. I/We indemnify the agent against all actions, suits, claims, demands, costs and expenses whatsoever which may be taken or made against the agent in the course of or arising out of the performance or exercise of any of the powers, duties or authorities of the agent under this Agreement, whatsoever.

11. All amounts payable by the principal to the agent pursuant to this Agreement for services are inclusive of GST.

12. I/We acknowledge that I/we was/were provided with a copy of the 'Agency Agreements for the sale of Residential Property' guide by the agent before entering into this Agreement.

No  Yes Date: 24/09/2020

13. The Principal acknowledges being served with a copy of this agreement.

No  Yes Date: 24/09/2020

14. I/We acknowledge that I/we have been given a fully signed copy of this Agreement and that I/we was/were advised to seek independent legal advice prior to the signing of this Agreement.

15. I/We acknowledge that I/we should seek independent financial/investment advice. **WARNING: Any financial or investment advice provided by the agent is general advice and does not take into account the individual circumstances of the vendor or the vendor's objectives, financial situation or needs.**

16. PRIVACY POLICY The agent complies with laws protecting the principal's privacy. The information provided to the agent will be collected and stored by the agent in order to perform its obligations in accordance to this Agreement and sales results are used to secure future business, but will not be sold to third parties. The Agent conducts direct marketing for their services from time to time and the principal may receive such information from the agent. If the principal wishes to access their personal information held by the agent or do not wish the agent to use the information for purposes other than in accordance with this Agreement, please contact the Privacy Officer on: law@theagency.com.au

The principal may also obtain a copy of the agent's privacy policy by requesting it from the Privacy Officer. The principal authorises the agent, its related bodies corporate and partners and each of their officers, employees, agents and contractors are permitted to collect, store, use and disclose their personal information in the manner set out above and in accordance with the Privacy Act 1988, Spam Act 2003 and Do Not Call Register Act 2006. This consent is for an indefinite period unless withdrawn by the principal.

**COOLING-OFF PERIOD: You (the principal) have a cooling-off period for the Agreement. If you do not wish to continue with the Agency Agreement you can cancel it until 5pm on the next business day or Saturday.**

I/We waive the cooling off period

Name of Principal(s): Heather Pickering  
Signature of Principal(s): [Signature]  
Date: 24/09/2020  I/we agree to be legally bound by the terms of this agreement even if I/we sign this agreement electronically.  
Name of Agent(s): Sam O'Halloran  
Signature of Agent(s): [Signature]  
Date: 24/09/2020  I/we agree to be legally bound by the terms of this agreement even if I/we sign this agreement electronically.

Appendix 2 - Real Estate Agency Agreement (continued)

Sales Inspection Report and Exclusive Agency Agreement

THE AGENCY

ADDRESS OF SALE PROPERTY: 3 Church Street, Wollongong

SECTION 47 DISCLOSURES

Disclose of Rebates, Discounts or Commissions in respect of Expenses.

The agent may receive discounts, rebates or commissions from the suppliers or services to the agent. We set out the nature of the relationship with each person / entity named below to whom we may refer you for professional services associated with the sale or purchase. We set out the amount or value of the monetary or other consideration which we may derive or expect to derive from each person/ entity.

The principal agrees to the relation by the agent of such rebates, discounts & commissions as listed here.

Name of Person/Entity	Nature of Relationship	Amount of value of consideration
The Agency Marketing NSW Pty Limited ABN 31 616 015 877	Fully Owned Subsidiary of The Agency	Volume rebate between 3% - 13%
Finsure Finance and Insurance Pty Limited ABN 72 068 153 926	Related Company	20% of the upfront commission on Settled Loans and 20% of the Loan Book Trail
Ausnet Financial Services Limited ABN 52 116 913 232	Related Company	Up to 20% of the service fee

SECTION 57 DISCLOSURES

We also set out below the amount, value or nature of any benefit of which we are aware that a person/entity to whom we have referred you has received, receives, or expects to receive in connection with the sale, or for providing a service in connection with the sale of the land.

Name of the Person/Entity	Capacity	Amount, value or nature of any benefit
NIL	NIL	NIL
NIL	NIL	NIL

IMPORTANT NOTICE TO SELLER

This form must be given to you at the time the agent refers you to a person for professional services associated with the sale before you enter into contract for the sale of the above property. If it is given to you afterwards you should not sign below.

[Signature] 24/09/2020  
Vendors Signatures Date

Heather Pickering  
Vendor's Name/s

[Signature] 24/09/2020  
Agent's Signatures Date

Sam O'Halloran  
Agent's Name/s

This agreement excludes Megan Trpeski & Izaak Trpeski of Mind Property Group. 24/09/2020  
Sam O'Halloran [Signature] 1:40pm  
v3.0

## Appendix 3 - Valuation of 5 Church St Wollongong

CITYSIDE VALUERS PTY LTD

1800 931 500

hello@citysidevaluers.com.au

PO BOX 270 Erskineville NSW 2043

CITYSIDE  
VALUERS  
citysidevaluers.com.au

### RESTRICTED KERBSIDE VALUATION

PURPOSE: MARKET VALUE

DATE OF VALUATION: 4 DECEMBER 2020

1. **Property Type:** Detached Dwelling
2. **Property Address:** 5 Church Street, Wollongong NSW 2500
3. **Title Details:** Lot 35 in DP 6920  
Encumbrances / Restrictions Considered: None apparent - we have not carried out a title search, nor sighted a section 10.7 planning certificate. We reserve the right to review our valuation should any additional information become available in relation to encumbrances or restrictions on the subject property.
4. **Zoning and Planning Instrument:** R1: General Residential under Wollongong LEP 2009  
**Current use:** Residential      **Effect:** Conforming use      **LGA:** Wollongong
5. **Location / Neighbourhood:** Wollongong is an established residential suburb of the Illawarra Region, located approximately 68 kilometres south of Sydney's Central Business District.  
The subject property is located on the eastern side of Church Street, between Bourke Street and Edward Street. Church Street is a busy road at this location. The surrounding development generally comprises detached residences of varying age and style and multi-storey unit complexes providing holiday rentals and residential accommodation.  
Most social and community services are readily available in this locality. Local shops and schools are available within 1 kilometre of the subject property. Wollongong train station is located within 2 kilometres of the property and public bus services are within close proximity, along Church Street. Wollongong North beach is 750 metres of the property.
6. **The Land:** The site is a regular rectangular shaped allotment, rising gently from street level towards the rear boundary, with a moderate right to left boundary crossfall.  
**Land Size:** 531.1 m<sup>2</sup>  
**Access:** Church Street is a sealed typical suburban street providing easy and direct access.  
**Services:** Electricity , Gas , Town water , Sewerage , Data/Telephone , Septic   
**Environmental Hazards:** Nil apparent during inspection
7. **Main Building:** Detached Dwelling – Single Storey  
**Built About:** 1960s      **Additions:** N/A - External valuation  
**Main Walls:** Weatherboard Clad      **Roof:** Tile  
**Flooring:** Timber      **Interior Linings:** Plasterboard  
**Street Appeal:** Satisfactory      **Style:** Detached, Single Storey  
**External Condition:** Satisfactory      **Internal Condition:** Assumed satisfactory  
**Accommodation:** Two/three bedrooms, entry, lounge, dining, kitchen, bathroom, laundry  
**Features:** NA – External valuation
8. **Defects / Repair requirements:** N/A - External valuation
9. **Car Accommodation:** Two-car tandem garage

Market Value Report  
5 CHURCH STREET, WOLLONGONG NSW 2500  
Reference 2217

1

## Appendix 3 - Valuation of 5 Church St Wollongong (continued)

**10. Ancillary Improvements:** Established lawns and garden areas, mixed boundary fencing, concrete paving, porch, concrete two-strip driveway, shed

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**11. Areas:** NA - External

**12. General Comments on The Property:** Wollongong is an established residential suburb of the Illawarra Region, located approximately 68 kilometres south of Sydney's Central Business District.

The subject property is located on the eastern side of Church Street, between Bourke Street and Edward Street. Church Street is a busy road at this location. The surrounding development generally comprises detached residences of varying age and style and multi-storey unit complexes providing holiday rentals and residential accommodation.

The subject property is a single storey, detached dwelling of weatherboard cladding and tile roof construction, built circa 1960s.

Accommodation is assumed to comprise two/three bedrooms, entry, lounge, dining, kitchen, bathroom, laundry.

The site is a regular rectangular shaped allotment, rising gently from street level towards the rear boundary, with a moderate right to left boundary crossfall.

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**13. Significant Market Uncertainty:** The outbreak of the novel coronavirus (COVID-19) was declared as a 'global pandemic' by the world health organisation on 11 March 2020. We have seen global financial markets and travel restrictions and recommendations being implemented by many countries, including Australia.

The market that the subject property is transacted and/or valued in is being impacted by the uncertainty that the COVID-19 outbreak has caused. Market conditions are changing daily at present. As at the date of valuation we consider that there is a market uncertainty resulting in significant valuation uncertainty.

This valuation is current at the date of valuation only. The value assessed herein may change significantly and unexpectedly over a relatively short period of time (including as a result of factors that the valuer could not reasonably have been aware of as at the date of valuation). We do not accept responsibility or liability for any losses arising from such subsequent changes in value.

Given the valuation uncertainty noted, we recommend that the user(s) of this report review this valuation periodically.

---

**14. Valuation Rationale:** The most appropriate method of valuing a residential property is via the direct comparison method whereby sales of similar properties are directly compared to the subject in determining a current market value.

We have researched from public records, extracted from the lands titles office, and in turn obtained from records such as RP data, the sale of similar properties that have recently sold in the immediate area leading up to the date of valuation. Only those properties comparable to the subject property have been considered in determining the market value of the subject property.

In considering an appropriate value for the subject property, with vacant possession the following factors have been considered in relation to the sales evidence. These factors include (but are not limited to) factors such as accommodation, size of improvements, elevation, aspect/views, age/condition of improvements, location, car parking and type of construction.

We note the subject property has development potential for residential apartment if amalgamated with adjacent sites. Our assessment is on an 'as is' basis as a single residential dwelling only.

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## Appendix 3 - Valuation of 5 Church St Wollongong (continued)

### 15. Market Evidence

#### SALE 1

Address	Land Area	Sale Date	Sale Price
111 Kembla Street, Wollongong	696 m <sup>2</sup>	Jun 2020	\$1,150,000

A circa 1940s built, single level, detached double brick dwelling comprising two bedrooms; plus, a large workshop/shed to the rear, with separate access. Regular shaped, level, corner allotment.

**Comparison:** Superior land size, comparable residential improvements, superior secondary improvements, superior location. Overall, considered superior.

#### SALE 2

Address	Land Area	Sale Date	Sale Price
18 McKenzie Avenue, Wollongong	696 m <sup>2</sup>	Sep 2020	\$1,100,000

A circa 1950s built, single level, detached, weatherboard clad dwelling comprising four bedrooms, tidy kitchen, lounge/dining, tidy bathroom, external laundry, single garage.

**Comparison:** Superior land size and topography, superior improvements, inferior location. Overall, considered similar value range.

#### SALE 3

Address	Land Area	Sale Date	Sale Price
16 Kiernan Street, Gwynneville	576 m <sup>2</sup>	Sep 2019	\$910,000

A circa 1950s built, single level, detached, weatherboard clad cottage comprising two bedrooms, third bedroom/sunroom, dated kitchen/meals, living/dining, dated bathroom, single garage/workshop. Level site.

**Comparison:** Marginally larger land, comparable improvements, inferior location. Overall, considered inferior.

#### SALE 4

Address	Land Area	Sale Date	Sale Price
191 Church Street, Wollongong	613 m <sup>2</sup>	Sep 2020	\$1,026,000

A circa 1930s built, single level, detached, weatherboard clad dwelling comprising two bedrooms plus a large industrial workshop to the rear with mezzanine level, high roof clearance, three roller doors and amenities.

**Comparison:** Slightly superior land size, inferior improvements, superior secondary improvements, inferior location. Overall, considered inferior.

## Appendix 3 - Valuation of 5 Church St Wollongong (continued)

### VALUATION SUMMARY

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<b>Interest Valued:</b>	Freehold - Vacant Possession
<b>Prepared For:</b>	Mind Property Group
<b>Purpose of Valuation:</b>	To Determine Current Market Value
<b>Date of Inspection:</b>	4 <sup>th</sup> December 2020
<b>Date of Valuation:</b>	4 <sup>th</sup> December 2020
<b>Kerbside Valuation:</b>	<b>One Million, One Hundred Thousand Dollars (\$1,100,000)</b>

---

Principal



Peter Craig AAPI  
Certified Practising Valuer  
API Member No 70122

Cityside Valuers Pty Ltd



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We hereby certify that we have externally inspected the above property on **4<sup>th</sup> December 2020**. We assess the Market Value of the property as at **the date of valuation above**. The valuation is for the use only of the party to which it is addressed and for no other party or person, nor is this valuation to be used for any purpose other than that stated within this valuation. No responsibility is accepted or undertaken to any third parties in relation to this valuation and report.

#### SPECIAL COMMENTS

This valuation is current as at the date of valuation only. The value assessed herein may change significantly and unexpectedly over a relatively short period (including as a result of general market movements or factors specific to the particular property). We do not accept liability for losses arising from such subsequent changes in value.

Without limiting the generality of the above comment, we do not assume any responsibility or accept any liability where this valuation is relied upon after the expiration of three months from the date of the valuation, or such earlier date if you become aware of any factors that have any effect on the valuation.

This valuation assessment is for the exclusive use of the instructing party, as nominated, for the purpose outlined herein.

#### SALES EVIDENCE

The attributes i.e. bedrooms/bathrooms of the sales evidence listed in our report are recorded in available sales databases. As we have not physically inspected the interior of the sales evidence, we cannot certify the accuracy of the information.

#### ENVIRONMENTAL

The client acknowledges and recognises that the Valuer is not an expert in identifying environmental hazards and compliance requirements that may or may not affect a property. The Valuer has endeavoured to identify all matters of environmental concern and the effect they might have on the value of the property. However, the Valuer will not be held liable nor responsible for their failure to identify such matters of concern.

## Appendix 3 - Valuation of 5 Church St Wollongong (continued)

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### **BUILDING AND CONSTRUCTION**

This valuation inspection and report does not constitute a structural survey and is not intended as such. We have carried out an inspection only of the exposed and readily accessible areas of the improvements. Note, the valuer is not a building construction or structural expert and is therefore unable to certify the structural soundness of the improvements. Readers of this report should make their own enquiries

### **LAND AREA**

Unless stated otherwise in this report we advise that we have not searched or been provided with a copy of the Title or Registered Plan/s. Any dimensions or land areas quoted in this report have been obtained from third party information sources and whilst every effort has been made to verify the information, we request you make your own enquiries as we do not accept responsibility for any inaccuracy of any information relied upon.

### **LAND ZONING AND PLANNING INFORMATION**

The zoning information contained in section 3. has been obtained from Planning Maps available on the NSW Planning Portal. Confirmation of the above zoning information should be obtained by written application to Council for a Certificate under Section 10.7 of the Environmental Planning and Assessment Act, 1979.

### **ASBESTOS**

The dwelling was constructed pre 1986 and may contain asbestos products. We recommend a report from a qualified professional is obtained in this regard.

### **EXTERNAL INSPECTION ONLY**

As instructed, our valuation has been carried out on an external basis because access to the property is no longer possible. We have relied on third party information sources to validate some property attributes and made reasonable assumptions where necessary. We reserve the right to review our valuation should our determination be contested, subject to access being granted at a later date.

## Appendix 4 - Final Offer to 5 Church St Wollongong



9<sup>th</sup> December 2020

Subject Property  
5 CHURCH STREET WOLLONGONG NSW 2500

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Dear Ted & Colleen,

Thank you for your interest to discuss potentially selling your property again to Mind Property Group.

Due to a recently revised feasibility analysis, we are only able to offer our first initial offer of the purchase price of **\$2,100,000** which is subject to council DA approval. This offer is non-negotiable and we cannot move further on this offer.

We have been strictly advised by our consultants and primary Architect that we are only able to get a certain amount of units on the three properties which now does not suit our feasibility to make the deal profitable at the initial higher offer we proposed.

This offer is strictly open for 24 hours only. Should you wish to proceed, we will need to have you and your lawyer look through the Heads of Agreement and Call Option Deed Contract we present in the coming days and be ready to sign with the other owners before the 18<sup>th</sup> of December.

Best Regards,

Megan Trpeski  
MANAGING PARTNER  
0407 957 657  
Mind Property Group Pty Ltd

Appendix 5 - Signed Letter of Agreement between MIND PROPERTY GROUP PTY LTD and Mr and Mrs. McNamara of 5 Church St Wollongong

Date: 30 January, 2021

Re: 5 Church Street, Wollongong 2500 NSW

To whom it may concern,

We write this letter to inform that we do not intend to sell our property to MIND Property Group after being presented with a final offer of \$2,100,000.

We understand that both number 1 and 3 Church St have committed to selling their houses and understand that apartments will be developed on the sites next to us.

Yours Sincerely,

*E. J. McNamara*

Name: *L. A. McNamara* *E. McNamara*

*E. J. McNamara*  
Signature: *L. A. McNamara*

Date: *30/1/20.21*

## ATTACHMENT 6

### Nigel Lamb

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**From:** [REDACTED]  
**Sent:** Thursday, 16 June 2022 9:31 AM  
**To:** Nigel Lamb  
**Subject:** Re: Ref DA 2021 1117  
**Attachments:** Transcript of Phone Call 10122020.pdf; Questions and Answers given from Mind 09122020.pdf; Offer from Mind dated 09122020.pdf

[EXTERNAL EMAIL] This email was sent from outside of Wollongong City Council – be cautious, particularly with links and attachments.

Hi Nigel

Please find attached paperwork I kept from my phone calls and meetings with Mind Property Group back in December 2020.

I have no paperwork showing the initial offer of \$2.5 million that they made my parents. I believe it was a verbal offer - and I am sure it would have also been a Call Option Deed - which at my parents age was not suitable and too risky.

I met with Mind Property Group on 9/12/2020 and was told that after a feasibility analysis they would only offer \$2.1 million (despite number 1 and Number 3 Church St being paid \$2.3). It would also be a Call Option Deed which I held grave concerns about. As their letter states - they were only making the offer for 24 hours only which isn't fair or reasonable. The solicitors had closed for the year by this time so I was unable to seek their advice.

Please also note that when my parents put 5 Church St up for sale in May this year - the developer has not approached us with any offer. In fact, they have been doing things to reduce the value of the house such as putting up a For Sale sign with an artist's impression of the 9 story development two days before the scheduled option – which I know for a fact scared potential buyers off.

If you need anything further please contact me  
Christine Humphrey  
[REDACTED]

---

**From:** Nigel Lamb <NLamb@wollongong.nsw.gov.au>  
**Sent:** Thursday, 16 June 2022 9:04 AM  
**To:** [REDACTED]  
**Subject:** RE: Ref DA 2021 1117

Hi Christine

If you have any supporting documentation that you wish to supply in response to the Panel recommendations, please email it through.

Happy to discuss.

Thanks

Transcript of phone call 2pm 10/12/2020

My parents are happy to proceed and since feeling unwell yesterday do agree that they can't stay in the home forever. With that in mind we need to seek legal advice in terms of if they do get very ill or pass away during the 14 month period what do we do in terms of accessing money for them to relocate.

This means we are unable to promise that we can give you a final answer within 24 hours nor can we promise to sign anything before the 18<sup>th</sup> of December.

Keeping in mind solicitors, lawyers also close down at this time of year and won't reopen to the middle of the year.

I am concerned that if my lawyer reads the HOA and Call Option Deed Contract and advises us not to sign - where does that leave us then?

In regards to the offer of 2.1 - The original offer was 2.5 for each house coming to a total of 7.5million

Now you will be paying 6.7 million

Saving yourselves \$800,000.

Despite the feasibility report - which I am sure hasn't changed that much -

I am happy to split the difference of that with you and accept \$2.5

Phoned 2pm 10/12/2020

Asked for 2.5

Was told no

2.1 was final offer

Was happy to negotiate down to \$2.3

which is what I was told #1 & 3

received but was flatly told NO

## My Questions + Answers Received

Q Sale Price

A Offer is \$2.1 million

Q Deposit amount – how much and when

A 10% once DA is approved – then balance within 42 days.

Q Is it subject to a DA

A Yes. If the DA doesn't proceed then payment is \$5000

Q Estimated Settlement Date

A Allowing 14 months for DA Approval

Conservative estimate is 9 months.

Note - has now been 17 months

Q Penalty payments if sale doesn't proceed (for either party) - None

Q Need to put in a clause that within the 14 months - if my parents health deteriorates and we need to move them from their home we can negotiate a 30 or 60 day notice to rescind and proceed with a private sale

- Told to seek legal advice. None available



MIND  
PROPERTY GROUP

Meeting 2pm 9/12/2020

9<sup>th</sup> December 2020

ISAAC, Megan + 1 other

Subject Property  
5 CHURCH STREET WOLLONGONG NSW 2500

Dear Ted & Colleen,

\$2.3 million paid to neighbours

Thank you for your interest to discuss potentially selling your property again to Mind Property Group.

Due to a recently revised feasibility analysis, we are only able to offer our first initial offer of the purchase price of **\$2,100,000** which is subject to council DA approval. This offer is non-negotiable and we cannot move further on this offer.

We have been strictly advised by our consultants and primary Architect that we are only able to get a certain amount of units on the three properties which now does not suit our feasibility to make the deal profitable at the initial higher offer we proposed.

This offer is strictly open for 24 hours only. Should you wish to proceed, we will need to have you and your lawyer look through the Heads of Agreement and Call Option Deed Contract we present in the coming days and be ready to sign with the other owners before the 18<sup>th</sup> of December.

Best Regards,

Megan Trpeski  
MANAGING PARTNER  
0407 957 657  
Mind Property Group Pty Ltd

If we say yes  
& then lawyer  
says No to HOA  
what happens  
before 18th

50  
15metres



MIND  
PROPERTY GROUP

State Reg Dev Board  
8-9 months  
minimum  
DA

### List of Heads of Agreement Points.

Subject Property  
5 Church Street WOLLONGONG NSW 2500

#### HOA Details:

- We would require your permission in access to your property during pre DA phase potentially with architects, town planners, engineers, council and the like for any due diligence matters.
- The deal is subject to DA approval.
- Our offer to purchase your property is \$2,100,000.
- Option fee is \$5,000 to be deducted from the purchase price. *if DA doesn't pass*
- ~~14~~ months options agreement for DA.
- We are confident that DA will be approved however in any case we are not obligated to commence with the purchase if DA is not approved.
- We will only cover our legal costs to draw up Heads of Agreement and Call Option Deed Contract.

Josh Bignell  
Fee Structure  
Kells

Parents health  
sell quicker  
clause of 14  
30 or 60 Notice to  
recede to  
private sale



MIND  
PROPERTY GROUP

## Structure of the Deal.

---

### Call Option

The deal we are looking to enter with you is a Call Option. *14 months*

### What is a Call Option?

- We have the exclusive right, but not the obligation to purchase your property.
- A Call Option comprises of an option fee.
- A Call Option is an amount of time to exercise our due diligence and obtain DA approval. This is to mitigate any risks.

### A Call Option Basically Comprises of

1. The purchase price
2. The option fee (up-front one-off fee)
3. The time period to exercise the option

## **Attachment 7 – Draft conditions of consent**

- 1 The development shall be implemented substantially in accordance with the details and specifications set out on the following plans  
Demolition Plan DA-05 A dated 17 September 2021 prepared by PRD Architects  
Site/Roof Plan DA-10 B dated 13 December 2021 prepared by PRD Architects  
Basement 1 DA-11 C dated 14 February 2022 prepared by PRD Architects  
Basement 2 DA-12 C dated 14 February 2022 prepared by PRD Architects  
Ground Floor DA-13 B dated 13 December 2021 prepared by PRD Architects  
Level 1 DA-14 B dated 13 December 2021 prepared by PRD Architects  
Level 2-3 DA-15 B dated 13 December 2021 prepared by PRD Architects  
Level 4 DA-16 B dated 13 December 2021 prepared by PRD Architects  
Level 5-6 DA-17 B dated 13 December 2021 prepared by PRD Architects  
Level 7 DA-18 C dated 15 July 2022 prepared by PRD Architects  
Level 8 DA-19 C dated 15 July 2022 prepared by PRD Architects  
Pre and Post Adaptable Plans DA-20 B dated 13 December 2021 prepared by PRD Architects  
Section A-A DA-23 D dated 15 July 2022 prepared by PRD Architects  
Section B-B DA-24 D dated 15 July 2022 prepared by PRD Architects  
North Elevation DA-25 C dated 15 July 2022 prepared by PRD Architects  
East Elevation DA-26 C dated 15 July 2022 prepared by PRD Architects  
South Elevation DA-27 C dated 15 July 2022 prepared by PRD Architects  
West Elevation DA-28 C dated 15 July 2022 prepared by PRD Architects  
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 **Geotechnical**
  - a A dilapidation report is required for all structures located within the zone of influence of the proposed earthworks as determined by a geotechnical consultant.
  - b All excavations need to be supported during and after construction particularly to protect adjoining property with nearby existing development.
  - c Retaining wall design is not to include anchors extending on to adjoining property without the written consent of the adjoining property owner.
  - d No disturbance of ground is to occur beyond site boundaries. A minimum buffer between site boundaries and the construction of retaining structures is to be recommended by a geotechnical consultant to ensure adjoining property is not adversely impacted upon by this development.
  - e An earthworks plan is to be developed by a geotechnical consultant prior to start of earthworks.
  - f Hard bedrock where encountered will be difficult to excavate. Alternative excavation methods should be considered to minimise noise and vibration.
  - g The earthworks plan may require modification considering any subsequent geotechnical reports commissioned to address unforeseen geotechnical conditions encountered during the site preparation works.
  - h Due to the sensitivity of the site to changing geotechnical conditions, all work must be undertaken with geotechnical supervision.
  - i At the completion of site preparation earthworks, the geotechnical consultant is to prepare a works-as-executed report detailing encountered geotechnical conditions and how the remedial works addressed these conditions so that the residual

geotechnical constraints can be accommodated within the structural designs for the development. These structural designs are to be confirmed or amended by the structural engineer based on the works-as-executed geotechnical report.

- j All excavations for foundations are to be inspected by the geotechnical consultant and certified that the ground has been suitably prepared for the placement of footings.

3 **Restricted Vegetation Removal**

This consent permits the removal of trees and other vegetation from the site within three (3) metres of the approved buildings. This consent also permits the pruning of trees within three (3) metres of approved buildings in accordance with AS 4373-2007 Pruning of Amenity Trees. No other trees or vegetation shall be removed or pruned, without the prior written approval of Council.

4 **Occupation Certificate**

An Occupation Certificate must be issued by the Principal Certifier prior to occupation or use of the development. In issuing an Occupation Certificate, the Principal Certifier 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 **Street Tree Removal**

The developer shall remove existing the street tree as indicated on the approved plans. Tree removal costs are to be borne by developer. The removal of trees, including stumps, is to be carried out by suitably qualified tree contractor. This contractor must be appropriately insured to indemnify Council against any loss or damage incurred during the above works. They must also have appropriate WH&S policies and procedures (including traffic control) to ensure that works are carried out in a safe manner and in accordance in Council's own WH&S policies.

The developer must apply for (and be granted) permission under section 138 of the roads act to work within the road reserve. Tree removal must be carried out to the satisfaction of WCC Manager of Works.

**Prior to the Issue of the Construction Certificate**

6 **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.

7 **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.

8 **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 other than from sub-soil drainage, vehicle wash water and runoff from the driveway that drains towards the basement. 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.

- 9 Car space labelled R3 on Basement 2 Plan DA-12 C is to be converted to an enclosed storage area as this space is surplus to that required by Council.

10 **Present Plans to Sydney Water**

Approved plans must be submitted online using Sydney Water Tap, available through [www.sydneywater.com.au](http://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 Principal Certifier must ensure that Sydney Water has issued an approval receipt prior to the issue of a Construction Certificate.

Visit [www.sydneywater.com.au](http://www.sydneywater.com.au) or telephone 13 20 92 for further information.

11 **Car Parking and Access**

The development shall make provision for a total of 14 residential car parking spaces (including 5 spaces capable for adaption for people with disabilities), 3 visitor car parking spaces, 4 secure (Security Class B) residential bicycle spaces, 1 visitor bicycle space (Security Class C) and 1 motorcycle parking space. 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.

12 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.

13 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.

14 **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 Certifier, prior to the release of the Construction Certificate.

15 The submission of a final Landscape Plan to the Principal Certifier, prior to the release of the Construction Certificate. The final Landscape Plan shall address the following requirements:

a planting of indigenous plant species native to the Illawarra Region such as : *Syzygium smithii* (syn *Acmena smithii*) Lilly pilly, *Archontophoenix cunninghamiana* Bangalow palm, *Backhousia myrtifolia* Grey myrtle, *Elaeocarpus reticulatus* Blueberry ash, *Glochidion ferdinandii* Cheese tree, *Livistona australis* Cabbage palm tree, *Syzygium paniculatum* Brush cherry.

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

b a schedule of proposed planting, including botanic name, common name, expected mature height and staking requirements as well as number of plants and pot sizes;

c the location of all proposed and existing overhead and underground service lines. The location of such service lines shall be clear of the dripline of existing and proposed trees; and

d any proposed hard surface under the canopy of existing trees shall be permeable and must be laid such that the finished surface levels match the existing level. Permeable paving is to be installed in accordance with the manufacturer's recommendations.

e installation of root control barrier to base of any tree pit in the deep soil zone to protect sewer line from root damage.

f The Landscape Plan is to be amended to remove all structures from the Deep Soil Zone, including but not limited to paths, steps and paving.

g In regard to the overland flow paths along the Eastern and Northern boundaries, raised vegetation with stems up to 1m should replace any hedges to enable stormwater flow to be conveyed as well as capture the flow from the upstream catchment and deep soil zone.

The completion of the landscaping works as per the final approved Landscape Plan is required, prior to the issue of Occupation Certificate.

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

17 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 Certifier prior to release of the Construction Certificate.

18 **Engineering Plans and Specifications - Retaining Wall Structures Greater than 1m**

The submission of engineering plans and supporting documentation of all proposed retaining walls greater than 1m to the Principal Certifier 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.

19 **Stormwater Connection to Kerb**

Connection across footways shall be by means of one or two (maximum), sewer grade UPVC pipe(s), 100mm diameter pipes with a continuous downslope gradient to the kerb. Connection to the kerb shall be made with a rectangular, hot dipped galvanised mild steel weephole(s) shaped to suit the kerb profile, with each weephole having the capacity equal to a 100mm diameter pipe. Alternatively, a maximum of two 150mm x 100mm hot dipped galvanised steel pipes may be used across footways, with the 150mm dimension being parallel to the road surface to suit the kerb profile.

20 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.

21 **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](mailto: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.

22 **Street Trees City Centre**

The developer must address the street frontage by installing street tree planting. The number and species for this development is two *Glochidion ferdinandi* 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 Works.

These requirements shall be reflected on the Construction Certificate plans and any supporting documentation.

23 **Sizing of Drainage**

All roof gutters, downpipes, pits, and pipelines draining roof areas and other impervious surfaces with no deliberate overflow path to the on-site stormwater detention (OSD) facility, 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.

24 **Stormwater Drainage Design**

A detailed drainage design for the development must be submitted to and approved by the Principal Certifier 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, prepared by ATB Consulting Engineers, Reference Nos.

21021 SW3 Revision B dated 03/09/21

21021 SW4 Revision D dated 31/03/22.

21021 SW8 Revision A dated 12/12/21.

21021 SW9 Revision A dated 31/03/22.

- b Include details of the method of stormwater disposal. Stormwater from the development must be piped to Council's existing stormwater drainage system.

- 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, as well as from any detention storage on 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.

25 **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 restored 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. Any redundant linemarking such as 'marked parking bays' are adjusted/removed at the developer's expense by a Council recognised contractor with the relevant insurances. Details and locations are to be shown on the Construction Certificate Plans.

26 **Dilapidation Survey**

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

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 Certifier prior to the issue of a Certificate of Practical Completion for Subdivision works.

27 **Development Contributions**

Pursuant to Section 4.17 of the Environmental Planning and Assessment Act 1979 and the Wollongong City-Wide Development Contributions Plan, a monetary contribution of \$70,484.30 (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:

**Contribution at time of payment = \$C x (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	<a href="http://www.wollongong.nsw.gov.au/applicationpayments">http://www.wollongong.nsw.gov.au/applicationpayments</a> Your Payment Reference: 1381777	• 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 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](http://www.wollongong.nsw.gov.au)

**Prior to the Commencement of Works**

28 **Unexpected Finding Protocol**

Unexpected contamination and "hotspots" Sometimes site contamination is not expected and is detected after work commences. Excavations may uncover buried asbestos, other materials. Unexpected contamination or hotspots on a site should be taken into account for any site health and safety plan. Precautions should be included in the plan, including:

- workers trained to recognise potential contamination and danger signs e.g. odours or soil discolouration

- precautions to be taken if signs of unexpected contamination or hot spots are found, such as:
  - stop work
  - report signs to the site supervisor immediately
  - isolate the area with a physical barrier
  - assume the area is contaminated until an assessment proves otherwise
  - assess the area to identify contaminants in the soil or spoil

29 **Construction Environmental Management Plan**

A Construction Environmental Management is to be prepared and submitted to the Principal Certifier prior to works commencing. The plan shall address but not necessarily be limited to the following:

- vehicle traffic,
- odour and vapour,
- dust,
- plant and machinery noise,
- water and sediment management,
- surface water,
- subsurface seepage and accumulated excavation water,
- sediment from equipment and cleaning operations,
- site security,
- working hours,
- contact information,
- incident response and contingency management

30 **Excavated Soil Material Disposal Plan**

An Excavated Soil Material Disposal Plan is to be prepared and submitted to the Principal Certifier identifying the batching, sampling and analysis procedures as per the DECCW (2009) Waste Classification Guidelines. The plan shall be prepared by a suitably qualified and experienced consultant. A copy of the plan shall be forwarded to Council.

31 **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 Certifier 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.

32 **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.

33 **Enclosure of the Site**

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

- 34 **Demolition Works**  
Demolition 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 Certifier. 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.
- 35 **Demolition Notification to Surrounding Residents**  
Demolition must not commence unless at least 2 days written notice has been given to adjoining residents of the date on which demolition works will commence.
- 36 **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.
- 37 **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 Certifier and Council (in the event that Council is not the Principal Certifier 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 Certifier and Council (in the event that Council is not the Principal Certifier), 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.
- 38 **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.
- 39 **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.
- 40 **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.

**41 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, 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.

**42 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**

**43 Implementation of all the recommendation (Façades Glazing, structural materials and construction noise prevention) of acoustic report.**

Building acoustic treatments recommended in Section 3.0 and 4.0 of the Acoustic Report prepared by PKA Acoustic Consulting dated 17 September 2021 are to be implemented.

**44 Mechanical Plants and Exhaust Ventilation system  
Outdoor Air Conditioning or refrigeration units**

The outdoor units for refrigeration system including air conditioners shall have suitable acoustic enclosure as recommended by acoustic report prepared by PKA Acoustic Consulting dated 17 September 2021 to comply with the noise guidelines.

**Duct system**

The ducting within the building must be mounted on vibration reducing pads to minimise vibration effect for residential apartments to comply with the vibration guidelines.

**45 Piping of Stormwater to Existing Stormwater Drainage System**

Stormwater for the land must be piped to street kerb and gutter..

**46 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.

- 47 **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.
- 48 **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 Certifier and Council. No work is permitted on public holidays or Sundays.
- Allowable construction activity noise levels must be within the limits identified in the NSW EPA Interim Construction Noise Guidelines (ICNG) July 2009. ICNG are also applied for blasting, rock hammer and drilling, external plant and equipment.
- <https://www.environment.nsw.gov.au/resources/noise/09265cng.pdf>
- 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.
- 49 **Site Management**  
Stockpiles of sand, gravel, soil and the like must be located to ensure that the material:
- a Does not spill onto the road pavement and
  - b is not placed in drainage lines or watercourses and cannot be washed into these areas.
- 50 Should during construction any waste material or construction material be accidentally shall be removed immediately. Evidence that any approval to place material on the road or road reserve shall be available for inspection by Council officers on site at any time.
- 51 **Dust Suppression Measures**  
Activities occurring during the construction phase of the development must be carried out in a manner that will minimise the generation of dust.
- 52 **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>).
- 53 **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 this type of waste. A receipt must be retained and submitted to the Principal Certifier, and a copy submitted to Council (in the event that Council is not the Principal Certifier), prior to commencement of the construction works.
- 54 **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.

55 **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.

56 **BASIX**

All the commitments listed in each relevant BASIX Certificate for the development must be fulfilled in accordance with Clause 97A(2) of the Environmental Planning & Assessment Regulation 2000.

A relevant BASIX Certificate means:

- A BASIX Certificate that was applicable to the development when this development consent was granted (or, if the development consent is modified under section 4.55 of the Environmental Planning & Assessment Act 1979, a BASIX Certificate that is applicable to the development when this development consent is modified); or
- if a replacement BASIX Certificate accompanies any subsequent application for a construction certificate, the replacement BASIX Certificate; and
- BASIX Certificate has the meaning given to that term in the Environmental Planning & Assessment Regulation 2000.”

57 **Excess Excavated Material – Disposal**

Excess excavated material shall be classified according to the NSW Environment Protection Authority’s Waste Classification Guidelines – Part 1: Classifying Waste (2014) prior to being transported from the site and shall be disposed of only at a location that may lawfully receive that waste.

58 **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.

59 **Screen planting**

To mitigate impact to adjoining dwelling a continuous hedge is to be established along Northern, Eastern and Southern boundaries boundary for the length of property boundary.

To ensure the landscaping does not conflict with the drainage overland flow path, species are to be selected and managed to achieve the following: Shrubs to be single stemmed, 70L pot size, and pruned such that the stem is clear of branches up to 1m above ground level. Suitable species include Lili pillies and Viburnums.

Minimum spacing 1500mm.

Minimum pot size 70 lt.

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

60 **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

#### **Prior to the Issue of the Occupation Certificate**

**61 Drainage**

The developer must obtain a certificate of Hydraulic Compliance (using Council's M19 form) from a suitably qualified civil engineer, to confirm that all stormwater drainage and on-site detention works have been constructed in accordance with the approved plans. In addition, full works-as-executed plans, prepared and signed by a Registered Surveyor must be submitted. These plans and certification must satisfy all the stormwater requirements stated in Chapter E14 of the Wollongong DCP2009. This information must be submitted to the Principal Certifier prior to the issue of the final Occupation Certificate

**62 BASIX**

An Occupation Certificate must not be issued unless accompanied by the BASIX Certificate applicable to the development. The Principal Certifier must not issue the final occupation certificate unless satisfied that selected commitments have been complied with as specified in the relevant BASIX Certificate. NOTE: Clause 154B of the Environmental Planning and Assessment Regulation 2000 provides for independent verification of compliance in relation to certain BASIX commitments.

**63 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.

**64 Drainage WAE**

The developer shall obtain written verification from a suitably qualified civil engineer, stating that all stormwater drainage and related work has been constructed in accordance with the approved Construction Certificate plans. In addition, full works-as-executed plans, prepared and signed by a Registered Surveyor shall be submitted. These plans shall include levels and location for all drainage structures and works, buildings (including floor levels), and finished ground and pavement surface levels. This information shall be submitted to the Principal Certifier prior to the issue of the Occupation Certificate.

#### **Operational Phases of the Development/Use of the Site**

**65 Loading/Unloading Operations/Activities**

All loading/unloading operations are to take place at all times wholly within the confines of the site or within the road reserve under an approved traffic control plan.